

Minutes 25 March 2008



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 25 March 2008, commencing at 5.30pm.

PRESENT:

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

056	Councillor Jordan Councillor Hodges	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 18 December 2007, 12 February, 26 February and 11 March 2008 be confirmed.
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ORDINARY MEETING – 25 MARCH 2008

The Mayor advised the Meeting that if there was no objection he would bring the Rescission Motion forward to advise the Meeting that the Rescission Motion has been withdrawn with the consent of the Chair. There was no objection received.

The Mayor advised that the Rescission Motion now becomes null and void and that the Council resolution for the Draft Medowie Strategy of the 26 February 2008 will proceed.

ORDINARY MEETING OF COUNCIL – 25 MARCH 2008

MATTER ARISING:		
	Councillor Dingle Councillor Tucker	That Council discuss a way forward following this exercise in relation to the amended draft Medowie Strategy.

The Mayor advised that in light of the Rescission Motion being withdrawn there was no agenda item on the agenda. The Meeting was advised that to have a matter considered by Council it needed to be considered a matter of urgency by the Chair. The Mayor denied the request on the basis that the matter would be on public exhibition and would then be reported back to Council for further consideration and debate at that time.

The Mayor adjourned the meeting at 5.40pm for 10 minutes to allow the public gallery to empty given the large number of community members in attendance for the Medowie Strategy Rescission Motion.

The Meeting reconvened at 5.50pm with all present at the time of the adjournment.

Councillor Baumann made a request of the Chair to address Council. The Chair granted the request.

Councillor Baumann formally advised Council that he was resigning as a Councillor effective immediately. Councillor Baumann provided a brief statement at the meeting.

Councillors Nell, Westbury and Swan commended Councillor Baumann on his years of service to Port Stephens Council as both Councillor and Mayor.

Councillor Baumann left the Chamber at the conclusion of his statement to Council prior to Item 1.

RESCISSION MOTION

RECISSION MOTION

ITEM NO. 1

FILE NO: A2004-0523

AMENDED DRAFT MEDOWIE STRATEGY

COUNCILLORS: HODGES, ROBINSON & WESTBURY

That Council rescind its decision of 26 February 2008 on Item 4 of the Operations Committee Report, namely Amended Draft Medowie Strategy.

“It was resolved that Council place the revised Draft Medowie Strategy Part A (Attachment 1) on exhibition for a period of 8 weeks”

ORDINARY MEETING – 25 FEBRUARY 2008

ITEM NO. 4

FILE NO: PSC2006-0029

AMENDED DRAFT MEDOWIE STRATEGY

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised draft Medowie Strategy Part A (**Attachment 1**) on public exhibition for a period of 6 weeks.

OPERATIONS COMMITTEE MEETING – 12 FEBRUARY 2008

RECOMMENDATION:

That Council place the revised Draft Medowie Strategy Part A (Attachment 1) on exhibition for a period of 6 weeks with the inclusion of the Buldev Land on Boundary Road.

Tabled Document: Amended Draft Medowie Strategy

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008**MOTION**

	Councillor Hodges Councillor Westbury	That Council place the revised Draft Medowie Strategy Part A (Attachment 1) on exhibition for a period of 6 weeks with the inclusion of the Buldev Land on Boundary Road.
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AMENDMENT

024	Councillor Francis Councillor Dingle	It was resolved that Council place the revised Draft Medowie Strategy Part A (Attachment 1) on exhibition for a period of 8 weeks.
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The amendment on being put became the Motion, which was put and carried.

Cr Francis and Cr Nell called for a Division:

Those for the Motion: Crs Brown, Francis, Tucker, Dingle, Nell and Dover.

Thos against the Motion: Crs Hodges, Westbury and Robinson.

OPERATIONS COMMITTEE – 12 FEBRUARY 2008**ITEM NO. 4****FILE NO: PSC2006-0029****AMENDED DRAFT MEDOWIE STRATEGY****REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the revised draft Medowie Strategy Part A (**Attachment 1**) on public exhibition for a period of 6 weeks.

BACKGROUND

The purposes of this report are:

- to inform Councillors that the issues raised in submissions have been fully considered and have led to amendments to the draft Medowie Strategy;
- to provide future development certainty to the community and developers;
- to deliver on the principles and projections of the Community Settlement and Infrastructure Strategy (CSIS) 2007 and Lower Hunter Regional Strategy (LHRS).

The Draft Strategy was placed on exhibition for 8 weeks from March to May 2007. Council received 290 submissions from local residents, local organisations, developers and Government agencies. A summary of the submissions is provided in **Attachment 2**. Copies of all submissions and a detailed spreadsheet categorising all comments are available to Councillors in the Councillors Room.

The Medowie Submission Review Panel (formed to provide feedback to the Integrated Planning Manager on the submissions) guided amendments to the draft strategy.

Developers who made submissions or who had lodged formal rezoning requests were given an opportunity to address Councillors, Executive Team and the Panel at a Council briefing on 22nd November 2007. This forum provided an opportunity to understand the scope and nature of development proposals relating to draft Medowie Strategy.

The Panel ranked how Council had addressed the priority of issues through amendments to the draft Strategy. This feedback, in the form of a rating system, measured satisfaction with changes. On the whole, the amended Strategy scored well. The draft Strategy was amended through September to November and subsequently presented to the Panel. The revised plans were used to generate discussion and suggestions by panel members.

There was considerable comment in submissions asserting that the existing infrastructure and system does not adequately control flooding and drainage impacts. As well, that additional development will exacerbate existing adverse flooding and drainage impacts. At this stage it is intended that any rezoning proposals in accordance with the draft strategy address flooding and drainage issues including those downstream from area of proposed rezoning.

In early December 2007, the Panel reconvened to view the working draft and to finalise any outstanding issues. The Panel complimented Council on the open and inclusive process.

The draft Strategy contains a revision of *Part A. Strategic Directions for Medowie*. The main areas of Part A changed as a result of amendments are as follows:

- Reduction of development yield of the draft Strategy from 4,773 to 3,692 lots
- Increased number of larger lots from 442 to 631 including 293 rural landscape lots
- Reduction in number of smaller lots from 1,920 to 788 lots
- Removal of James Road, Hudson Close, Ford Avenue and Blueberry Estate rural residential areas from those recommended for rezoning/development in the draft Strategy
- Shift of main shopping street from Ferodale Road to Peppertree Road to alleviate traffic congestion, accessibility issues and an increased amount of proposed commercial/retail land in existing town centre (north) from 4.6 to 7.4ha
- Removal of local streets leaving only key streets connecting traffic generating focal points
- Realignment of western habitat corridor to connect with potential revegetated carbon offset along edge of Grahamstown Dam subject to HWC approval
- Integration of all churches into the structure plan including the incorporation of a new neighbourhood around Medowie Christian School - Baptist Church
- Reduction of number of parks from 43 to 8 (approximately 1 hectare each in size)
- Introduction of overland flow paths as vegetated reserves to assist management of flooding and drainage issues
- Modification of staging plan to a performance-based approach. The key elements are connection with existing neighbourhoods and facilities, demonstrated delivery of

- infrastructure, management of constraints and multiple land owner cooperation
- Revised biodiversity off-set scheme that enables greater scope and flexibility
 - Inclusion of intended built form examples into Medowie chapter of DCP 2007

Part B. Research Report and Part C. Baseline Studies remain unchanged and are not recommended to be included in the documentation for exhibition.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY –	<i>Council will preserve and strengthen the fabric of the community, building on community strengths.</i>
CULTURAL SUSTAINABILITY –	<i>Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.</i>
ECONOMIC SUSTAINABILITY –	<i>Council will support the economic sustainability of its communities while not compromising its environmental and social well being.</i>
ENVIRONMENTAL SUSTAINABILITY –	<i>Council will protect and enhance the environment while considering the social and economic ramifications of decisions.</i>
BUSINESS EXCELLENCE –	<i>Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey</i>

FINANCIAL/RESOURCE IMPLICATIONS

Financial and resource implications can be separated into immediate, mid-term and long term responsibilities over the next 25 years. Immediate costs to Council are for exhibition of the Draft Strategy and related community information including media engagement.

Mid-term financial responsibilities will be incurred as rezoning requests are lodged and processed. Land for parks, playing fields, drainage reserves and the town lake may be acquired by Council or dedicated by developers. Expansion of existing or additional community facilities will be provided in accordance with Review of Standards Guiding the Provision of Council's Community and Recreational Facilities.

Long term financial implications to Council will be the on-going cost of maintenance of Council facilities and infrastructures.

LEGAL AND POLICY IMPLICATIONS

The draft Strategy is not a legal document required by legislation. However, it is a key Council policy document that will guide future development. Placing it on public exhibition does not have direct legal implications for Council. It seeks to implement the relevant contents of the Lower Hunter Regional Strategy, the draft Regional Conservation Plan and Port Stephens Community Settlement and Infrastructure Strategy 2007(CSIS).

The draft Strategy, when adopted, will be the framework for Council considering rezoning requests. It enables Council, the community, land owners and the development industry to understand how Medowie will develop over time and to quantify and coordinate the

necessary infrastructure needed to grow the town to a well-planned and serviced community.

PORT STEPHENS COMPREHENSIVE KOALA PLAN OF MANAGEMENT (CKPOM)

The CKPoM applies to the Port Stephens Local Government Area. It stipulates that rezoning requests should not result in development or only allow low impact development in preferred koala habitat and supplementary koala habitat areas respectively. The draft Strategy proposes the development of land that contains preferred and supplementary koala habitat under the CKPoM. To implement the Strategy via rezoning requests will require an amendment to the CKPoM involving public exhibition, consultation with the Department of Environment and Climate Change, Catchment Management Authority, the Department of Planning and the approval by the Minister for Planning. Consultation with these state agencies on the draft Medowie Strategy will seek agreement in principle with the proposed Biodiversity Offset Scheme that in turn, will determine necessary measures to enable amendment to the CKPoM.

The proposed Biodiversity Offset Scheme is a combination of; revegetation of cleared private land that connects or adjoins lands of ecological significance; Voluntary Conservation Agreements or Property Vegetation Plans with the land owner under the National Parks and Wildlife Act or the Native Vegetation Management Act respectively; and the zoning to environmental protection revegetated lands and lands of ecological significance to strengthen state or regionally significant habitat or corridors.

THREATENED SPECIES CONSERVATION ACT (TSC ACT)

The proposed removal or modification of native vegetation including Endangered Ecological Communities may trigger the need for Species Impact Statements under the TSC Act. This raises investment, land owner and community uncertainty and may lead to development outcomes that are unintended or economically and socially inappropriate for the town. The proposed Biodiversity Offsets Scheme, agreed to by the Department of Planning in consultation with the Department of Environment and Conservation for the rezoning of land for urban development in the draft Strategy, is intended to allow Council and the Department of Environment and Conservation to “turn off the 7 part test” under the Environmental Planning and Assessment Act for future Development Applications. It should be noted that the implementation of the draft Strategy via draft LEPs for urban development on land that is currently vegetated is dependent upon the draft LEP being endorsed by the DECC. Therefore, there is potential for some land having significant biodiversity values that is identified for urban development may not be negotiated despite the proposed Biodiversity Offset Scheme.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles. These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*

- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

ECONOMIC IMPLICATIONS

The draft Strategy adopts the Sustainability Principles of the Community Settlement & Infrastructure Strategy 2007. Primarily, town growth is orientated along the Medowie transport corridor and towards Richardson Road. In doing so, it strengthens links between Medowie and Newcastle Airport and links to other centres.

The Draft Strategy supports and builds on the existing retail and commercial hierarchy identified in Port Stephens Council Economic Strategy 2007 and does not undermine Raymond Terrace as the higher order centre. Retail and commercial growth in Medowie is contained by the location of Medowie within the movement network.

The draft Strategy proposes to expand retail and commercial opportunities within walking distance of the existing centre. Creating a main street and town park and the supporting integrated street network not only provides direct and efficient walking, cycling and car access across the town but also promotes social interaction and hence, educational, recreational and economic opportunities for residents.

INFRASTRUCTURE IMPLICATIONS

Wastewater - augmentation of wastewater system and subsequent costs are to be determined by Hunter Water and funded by developers. Actual requirements and capital cost need further investigation and confirmation by developers through the rezoning process when stage one of the draft Strategy gets underway. The total increased capacity of wastewater mains from Medowie to Raymond Terrace Wastewater Treatment Works is to be calculated on full capacity of draft Strategy. That is an additional 3, 692 lots over 25 years.

Potable water - approximately \$3.1 million upgrade of the Medowie – Williamstown water distribution system is planned by Hunter Water Corporation over the next 20 years. These works are to be funded and constructed by Hunter Water and the cost recovered from development through the Medowie Water System Developer Charge.

Power - Energy Australia intends to increase the capacity of the Williamtown Zone Substation in 2009-10. This work is to be entirely funded by Energy Australia.

Developers are required to provide electricity services to development sites and to necessary distribution substations. Developers must also contribute to reticulation of power throughout sites and provide street lighting. Certain capital equipment associated with the distribution substations will be provided by Energy Australia.

INFRASTRUCTURE IMPLICATIONS - BUILDEV SITE, BOUNDARY ROAD

Buildev Developments Pty Ltd have submitted a rezoning request and made a number of submissions seeking this land to be included in the draft Strategy. The significance of this request and the offer by the developer to assist with the provision of infrastructure for the town is such that it requires a separate response additional to that provided in Attachments 2 and 3.

The rezoning request was lodged in November 2006 for 127 ha in area seeking 1,300 residential lots, a neighbourhood centre and public recreation space and preservation of an Endangered Ecological Community riparian zone running through the site. The south western corner of the site is cleared and the remainder of the site (70% or 90 hectares according to 2006-2007 aerial photography) is vegetated. Vegetation off-sets are proposed to compensate for the intended clearing of the site.

The recommended draft Medowie Strategy does not include the subject land for the following reasons:

- (a) Investigations of the Boundary Road site identified significant ecological values and that this land's location on the periphery of the town - further away from transport, infrastructure, services and employment – did not justify or support the proposition of losing these ecological values for urban development.
- (b) urban development should be directed southwards towards transport and employment opportunities (i.e Richardson Road and Williamtown Airport respectively) consistent with the state government's Integrating Land Use and Transport policy package, to reduce energy consumption and green house gas emissions and hence, subsequent household operating budgets;
- (c) The site is part of the State Government's green corridor under LHRS and is contiguous to Medowie State Conservation Area;
- (d) significant development yield could be achieved closer to the town centre which is more economically and socially sustainable than development to the north and on the fringes of the town. If the site were to be rezoned for urban development it would relocate the social and economic focus of the town to a fringe area.
- (e) Potential for existing rural residential areas to be redeveloped over time to achieve higher densities and therefore, allow the site to become a logical extension of the town are socially, cultural and economically unrealistic. This is evident by the strong response by existing rural residential home owners to the draft Strategy that has now been significantly amended;
- (f) Development of site would extend the footprint of town towards Salt Ash Air Weapons Range and Australian Noise Exposure Forecast contours. Department of Planning removed aircraft noise issues for Medowie in the Lower Hunter Regional Strategy on the basis that the urban release area boundaries are determined by local planning consistent with the regional strategy map.

Development of the site would also extend Medowie's footprint towards the declared Defence Practice Area under Commonwealth of Australia Gazette No. 27, 7 July 2004. The site is within 260 metres of the gazetted Defence Practice Area which is used for firing of air to surface weapons.

The proponent has made submissions to Council – the latest being on the 20th November 2007 - outlining the following benefits of the rezoning request:

- (a) **Single land ownership.** Response - this is a short term issue. Draft Strategy is to be implemented over a 25 year time frame. There has been much property speculation in Medowie with land owners considering their options. There has also been activity by developers in amalgamating land parcels. This is typical market behaviour. Over time development will occur as land owner perceptions come in line with market expectations relative to their personal and financial circumstances.
- (b) **Significant shortages in the provision of power and sewer and that serving authorities, Council and the State government have all indicated that they do not have budgeted funds to enable these infrastructure works to be provided.** Response - Hunter Water, Energy Australia and the State government have not advised Council that they do not have budgeted funds to address these issues for Medowie. Council does not have a funding role in the provision of power and sewer.
- (c) **Buildev have funds to provide the infrastructure with mechanisms available to allow for part reimbursement of these costs when other developments in Medowie are constructed.** Response - other developers in Medowie have not stated any concerns to Council towards the provision and cost of infrastructure.

Whatever private funding offer is made towards the provision of infrastructure that benefits other private parties, such an offer would be made based on financial return and unlikely to involve subsidies.

- (d) **Remainder of Medowie has definitive environmental constraints.** Response – the draft Strategy has considered these constraints and identified approximately 3700 lots.

It should be noted that in 2005 Buildev stated in their rezoning submission for a supermarket on the corner of Ferodale Road and Kirrang Drive, that lot yield from the development of the Local Area Plan for Medowie (now incorporated into the CSIS 2007) would total some 5,217 lots. This figure did not include the Boundary Road site. However, for the Boundary Road site, the proponent states, in a briefing paper for their rezoning submission, that the environmental constraints and fragmented land ownership across Medowie are such that a significant lot yield is unlikely. "If Medowie is to accommodate over 3000 new lots then the Boundary Road site must be rezoned."

- (e) **Development of the site would allow the end buyer to save between 33-75%** Response – regardless of what economies of scale or developer efficiencies are achieved, the sale price of subsequent lots to individual buyers would be determined in line with market expectations i.e a maximum sale price by the seller and a minimum sale price by the buyer. Furthermore, there is no way that any public authority could legally guarantee that a developer will sell housing lots below the market rate.

Development of the site is likely to dominate the Medowie land supply and may adversely affect the short to medium term housing market dynamics for those areas identified in the draft Strategy for future urban development (these areas have superior

long term location costs for infrastructure and for the resident). The location of the site would result in the physical extension of infrastructure and an increase in maintenance and replacement costs to service providers, including council, over long term.

- (f) **Sustainability outcomes achieved.** Response – the draft Medowie Strategy has been prepared through the integration of economic, social and environmental issues to achieve more sustainable outcomes. The structure plan identifies how land use and transport have been integrated, in particular how future residents can choose between walking, cycling, public transport or private car to access facilities, services, employment, and social and recreational activities across the town.

The proposal does not acknowledge social isolation or a spatial dislocation issues, affordability issues related to transport costs and makes no mention of access to employment. Furthermore the extension of the transport network extends travel times and decreases route-time efficiency.

The physical location of the Boundary Road site has been considered in reviewing the draft Strategy, and for reasons stated above, has not been included as a location for sustainable urban development.

SOCIAL IMPLICATIONS

Neighbourhoods are used in the draft Strategy as a structural element to make the town physically and socially connected in walkable catchments. Each neighbourhood is focused on a set of existing and proposed community facilities. All neighbourhood focal points are connected, in series, by the proposed street network.

The draft strategy contributes to the cultural profile of the town by providing a number of larger rural lot types to buffer existing rural neighbourhoods and maintain rural entryways to the town. A range of lot sizes is proposed to provide greater housing choice for families, young and elderly couples, single people and single parents. Accommodating people at various life-stages also requires creating opportunity for seniors living development in convenient locations through to catering for families and making child friendly places.

ENVIRONMENTAL IMPLICATIONS

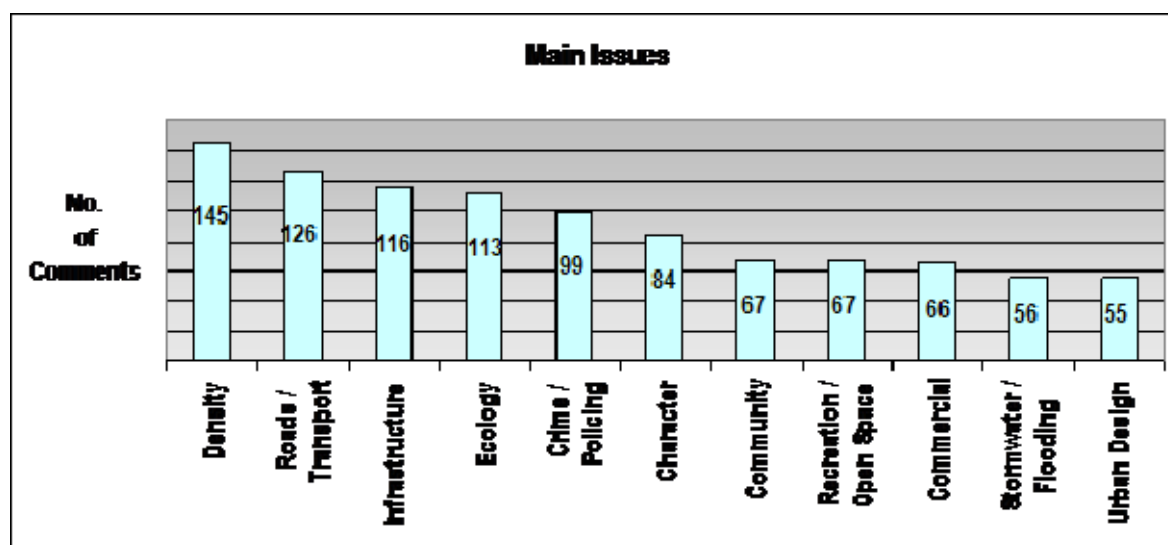
Conserving significant native vegetation, containing daily spending and connecting walkable neighbourhoods all contribute to making Medowie more energy efficient and environmentally sustainable. Conserving significant native vegetation provides ecological advantages and maintains the surrounding natural landscape of Medowie. The key elements in the draft Strategy that contribute to this are:

- Conservation of the “Green Corridor” under the Lower Hunter Regional Strategy;
- Retention and embellishment of native vegetation of public land surrounding Medowie;
- Conservation of vegetation within the central floodplain of Medowie;
- Conservation of large, significant patches of vegetation within the boundaries of the town;
- Implementation of connecting habitat corridors;
- Retention of mature growth tree-lined roads;
- Planting of large trees along future streets and in parks and other open spaces.

CONSULTATION

Council received 290 written submissions, representing approximately 9.3% of Medowie households. The number of submissions indicate the level of interest by members of the Medowie community in planning for the future of Medowie. A list of submissions and how the issues have been considered are in the **Attachment 3**.

The following table displays the main issues identified from the submissions.



Issues are listed in categories as is how each issue has been addressed through amendment to the draft Strategy or by further work to be under taken.

SUBMISSION REVIEW PANEL

Council resolved to approve the Review Panel membership at August 2007. The Panel included nominated representatives of the local community, nominations for which were accepted during community consultation. Five (5) nominated Panel members were randomly selected by Council. The Panel also included representatives from the following:

- Concerned Medowie Residents Group
- Medowie Progress Association
- Urban Development Institute of Australia
- Port Stephens Council CKPoM Steering Committee
- Department of Planning

Conflicts of interest prevented a representative from the Property Council of Australia becoming a member of the Panel. On the 14th November 2007, Council decided that a Medowie business representative should be included on the Panel and that a community representative who owned/ran a business in Medowie would be suitable to fill this role.

Central ward Councillors and nine (9) Council officers also formed part of the Panel.

Day 1 (20 September 2007 and facilitated by David Crofts of *Strategy Hunter Consultants* - an independent person appointed by Council's Integrated Planning Manager) involved summarising the submissions (Panel members were provided with submission summary

prior to familiarise themselves). Members were then divided into groups to prioritise the issues raised from the submissions.

10 panel members (i.e. the members that represent Medowie residents and community groups) were allocated 10 votes each. The results were as follows:

Issue	Votes
Strategy or no strategy	21
Infrastructure	16
Character	12
Commercial	12
Housing	12
Ecology	12
Open space	9
Community facilities and services	5
Total	99

Note 1: One vote was not cast.

Note 2 Some of the categories originally identified as main issues in the above graph were combined for the purpose of the review panel, for example roads/transport and infrastructure and flooding

On Day 2 (14 November 2007) the panel considered how submission issues were to be prioritised and how the issues should be reflected in the draft Strategy.

Panel members attended a Council briefing on 22 November 2007 where developers presented their proposals. The Panel met on 5 December 2007 to view the revised draft structure plan, to discuss the developers' briefing and raise any outstanding issues.

OPTIONS

- 1) Adopt the recommendations
- 2) Amend the recommendations
- 3) Do nothing

ATTACHMENTS

- 1) Draft Medowie Strategy Part A (under separate cover)
- 2) Submission summary (under separate cover)
- 3) Submission issues and subsequent amendments to draft Medowie Strategy
- 4) Town Centre DCP study area map

COUNCILLORS ROOM

- 1) Draft Medowie Strategy Submissions Folders (two folders)
- 2) Medowie Submissions – Categorised Comments Spreadsheet
- 3) Submissions from Developers

TABLED DOCUMENTS

- 1) Draft Medowie Strategy

**ATTACHMENT 1
DRAFT MEDOWIE STRATEGY PART A**

**Provided under separate cover
ATTACHMENT 2
SUBMISSION SUMMARY**

**Provided under separate cover
ATTACHMENT 3
SUBMISSION ISSUES AND SUBSEQUENT AMENDMENTS TO DRAFT
MEDOWIE STRATEGY**

Why a strategy?

Major Issue:	Sub Issue	Draft Strategy response
10 hectare minimum rezoning	<p>10 hectares for a rezoning is too much – a minimum size is required:</p> <p>Owners will be taken along unwillingly:</p>	<p>10 hectares is a guideline only. The benefit is that developers/landowners can share costs, and Council and Government departments find efficiencies in processing.</p> <p>The decision to remove a dwelling is the decision of the landowner – Council can not make this decision. Draft Medowie Strategy is required to accommodate, where possible, all landowners wishing to remain on their property in the configuration that best suits them.</p> <p>Most roads removed from draft Strategy that affect individual dwellings</p>
Provide clear and certain targets for developers	<p>A strategy is needed or future development will end up with poor result:</p> <p>Having a strategy provides clear direction for residents & developers (e.g. what community wants):</p> <p>Having a strategy gives certainty to developers</p>	<p>Agreed. Puts more power in the hands of the whole community rather than individual developments</p> <p>A strategy is essential because of fragmented ownership and it is the only way that this can be coordinated.</p> <p>An adopted strategy gives developers more certainty making investment more attractive and less risky</p>
Street network - grid or curvilinear/awkward street block shapes	<p>Too many intersections, therefore a safety issue/diagonal roads create dangerous intersections and awkward shaped blocks:</p> <p>Keep rural residential streetscape theme or medium density:</p>	<p>Draft Medowie Strategy has reduced the number of streets by ensuring all street blocks are $\geq 80 \times 120\text{m}$, therefore fewer intersections</p> <p>Streets meet diagonals avenues at right angles, reduced number of intersections to main roads, controlled intersections (left in, left out) and rear lane to lots off Medowie Road where necessary</p> <p>The number of smaller lot sizes has been greatly reduced, more in keeping with a rural town like Medowie</p>

ORDINARY MEETING – 25 MARCH 2008

		<p>Approaches to town and existing rural, leafy streets lined with rural character lots</p> <p>Medowie will retain the vast majority of its rural character through the retention of the existing rural residential neighbourhoods and the addition of more, larger lots on the edges of town</p> <p>Open space, conservation corridors, buffers and reserve contribute to rural landscape.</p>
Strategy or no strategy/ exclude certain areas from strategy	<p>Removal of existing rural residential from draft Strategy</p> <p>Need strategy but not as defined</p> <p>Overwhelmingly people want a strategy following amendments to the existing one:</p>	<p>Hudson Close, Ford Avenue, James Road and Blueberry Estate removed</p> <p>Essential streets included only, consolidation of parks</p> <p>Draft Strategy amended to accommodate issues raised in submissions.</p>
Look elsewhere for growth in Port Stephens	<p>Medowie under development pressure now</p> <p>Medowie must develop but other areas of Port Stephens are also being considered</p>	<p>Development pressure will affect Medowie if there is a strategy or not.</p> <p>Include a list of the other areas in Port Stephens to be developed such as, Kings Hill, Anna Bay, Karuah etc</p>
Staging	Essential for delivery of infrastructure & timing:	<p>Essential connecting roads will influence staging</p> <p>Town Centre has priority</p> <p>Each development will have its own staging.</p>
Reduce overall projected capacity	By increasing block size	The number of smaller lot sizes has been greatly reduced, more in keeping with a rural town like Medowie.

Infrastructure

Major Issue:	Sub Issue	Draft Strategy response
Lack of infrastructure should be addressed prior to new development	<p>Need to upgrade all infrastructures to meet current demands:</p> <p>Put infrastructure before more residential development:</p> <p>Sewer should be treated locally, don't move the problem:</p>	<p>Energy is an issue to be determined by providers. Council can identify and raise the issue with State Authorities but cannot fix the problem.</p> <p>Council to advocate that providers and Government authorities improve provision of existing services through consultation over draft Strategy,</p> <p>Not possible in most instances - See Infrastructure Implication in Council report regarding Williamstown Zone Substation.</p> <p>The rural lots in central Medowie are the remaining lots that are serviced by onsite effluent disposal. These remaining lots will be required to connect to the reticulated waste water system if development is permitted over these lots.</p> <p>There has been an undertaking to carry out a study with Hunter Water Corporation, the Department of Water and Energy and Council to investigate limitations of Draft Strategy against the protection of Grahamstown Special Area and the provision of</p>

	<p>User pays system – is it fair that new residents will pay for an upgrade of the existing infrastructure?</p> <p>Low water pressure (Hunter Water) Suspected that a lack of maintenance issues contribute to this problem.</p> <p>Blackouts (Energy Australia); Roads (Council).</p> <p>State funded infrastructure needs to be introduced in tandem with development:</p>	<p>economic waste water treatment services.</p> <p>Upgrade of sewer system is part of State Infrastructure Strategy. Council advocacy required</p> <p>There maybe an undertaking to prepare a flooding and drainage report to ascertain adequate drainage reserves, detention areas and WSUD measures for total catchments within Medowie.</p> <p>Both of these studies will inform and control individual development proposals.</p> <p>Hunter Water has indicated that they do not support a local waste water treatment system due to ground water quality and the Regional Water Supply.</p> <p>Outstanding infrastructure needs to be addressed separately to draft Strategy. Council to play advocacy role</p> <p>Road maintenance issue. Dependent on forward works program</p> <p>Better power over the last five years but a decrease in water pressure over the last year.</p> <p>Strategy to make specific recommendations concerning infrastructure provisions to the State Government.</p> <p>NSW State Infrastructure Strategy includes Medowie Sewerage to be upgraded.</p> <p>Developers pay for infrastructure. Consider Energy Australia Strategy.</p>
<p>Campvale Channel/ Campvale Pump Station</p>	<p>Council's 1995 Drainage Study showed a detention basin to be established north of Ferodale Road, this did not occur.</p> <p>The next Drainage Study will not be completed before the Medowie Strategy is completed</p> <p>Campvale Channel and Pump Station is a critical issue because it underlines the whole plan & needs to be resolved before the plan can proceed:</p>	<p>Council Staff advised that the 1995 Drainage Study is now out of date and requires review</p> <p>Further investigations will determine if a flooding and drainage study will be required.</p> <p>Pumping station is not used to capacity.</p> <p>A review of the Strategy to include from the pumping station to the headwall.</p> <p>Discussions with the Hunter Water Board to continue.</p> <p>Draft Strategy provides a context in which the flood study can be undertaken.</p> <p>A Flooding and Drainage Study may be required to address the cumulative flows from all sub-catchments and the detention, pipes, open channels, culverts and easements necessary to manage this runoff. The study will also address the effect of multiple storms on the Campvale Drain and Campvale Swamp</p> <p>The overall strategy will assist landowners and developers to size infrastructure on smaller sites</p>

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	<p>A canal upgrade should be stated as a goal of the plan:</p> <p>Maintain natural system in swamp:</p>	<p>taking into account the necessary accumulative runoff from adjoining and upstream sites</p> <p>Flood study will inform all future rezoning, Town Lake; WSUD; Overland flow paths; Restricted site coverage;</p> <p>No commitment from Hunter Water to increase capacity of pumps.</p> <p>An upgrade of the channel north of Ferodale Road is a possible outcome of the Flooding and drainage study</p> <p>Retention of vegetation will contribute to water quality to natural areas hence habitat</p> <p>Draft Strategy proposes minimal development in flood plain.</p>
Reliance on private motor vehicles	Lack of adequate transport:	Co-locate taxi stand, public transport hub, bus route and wider roads to provide route, provision for walking access to facilities and services.
Impact of future development on flooding and drainage regime	<p>Concern of run-off due to additional development:</p> <p>Concerns of run off expressed.</p>	<p>(See above)</p> <p>Hunter Water Corporation, the Department of Water and Energy and Port Stephens Council to prepare study:</p> <p>Both of these studies will inform and control individual development proposals</p> <p>Individual rezonings to carry out own flooding/drainage study to determine own requirements on site.</p> <p>Discussions with the Hunter Water Board to continue</p> <p>Catchment Study to address water quality in Campvale. Also duration of storage after storm event to be considered in study.</p>
New plan will cause additional problems	Access issues, too many roads and intersections; issues compounded by diagonal roads:	<p>Reduced number of streets through consistent street block size for standard lots</p> <p>Increased number of larger lots requiring longer, wider street blocks</p> <p>Restricted access onto Medowie Road</p> <p>Limited number of diagonal roads – connecting roads to meet at right angles.</p>

Character

<i>Major Issue:</i>	<i>Sub Issue</i>	<i>Draft Strategy response</i>
Retain rural character and 'peace and quiet' of current community	People want a rural village not a town (including ample space between houses):	<p>Medowie is already a town (i.e. >2000 people). Draft Strategy provides a wider range of lot types and a greater number of larger lots.</p> <p>Medowie is currently a town of 8,500 people and will have the potential to increase that population through draft Strategy. A town of this size should be well-served by a better functioning town centre to the scale of many coastal towns in NSW.</p>

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	<p>Keep areas “like for like” (e.g. James Road, Ford Ave, Blueberry Hills Estate):</p> <p>Lighting for rural roads – street lighting plan.</p>	<p>Medowie will also remain surrounded by Hunter Water land and Forestry land recently made part of the Regional Conservation Area.</p> <p>Draft Medowie Strategy proposes a range of housing types and is structured to buffer existing rural neighbourhoods and maintain the rural character of existing rural roads. The number of smaller lot sizes has been greatly reduced, more in keeping with a rural town like Medowie.</p> <p>James Rd, Ford Ave and Blueberry Hills Estate will remain rural small holdings</p> <p>Lighting for rural roads in accordance with Australian Standard</p>
Open space	Open space areas in the plan are too small; larger parks are easier to maintain and contribute to the feeling of “openness”:	<p>The number of parks has been reduced from 43 to 7</p> <p>All parks proposed with an average area of 1 hectare or greater.</p>
New development to be sympathetic with existing town	<p>Current proposal doesn't accommodate existing homes and lifestyles; keep and protect rural residential:</p> <p>Need to define site coverage of houses on lots:</p>	<p>A greater number of rural lots are proposed; Lower order streets removed to retain existing dwellings</p> <p>Draft Medowie Strategy provides a range of housing types and is structured to buffer existing rural neighbourhoods and to maintain the rural character of existing roads.</p> <p>Site coverage to be determined by rezonings and DCP. Currently standard is 60% across whole LGA</p> <p>Objectives for site coverage: vegetation retention, rural character, stormwater infiltration.</p>
Place of Tall Trees/Leafy streets	Urban plantings of koala trees:	See conservation buffer lots and conservation corridor lots.
Streets - general	Current proposal has too many intersections and too many narrow streets:	<p>Draft Strategy increased all street block sizes resulting in a reduced number of streets and less intersections</p> <p>Connecting roads, parallel roads, perimeter roads @ 20m to accommodate buses and emergency vehicles;</p> <p>Local streets – 16m;</p> <p>Lanes – 8m.</p>

Commercial

<i>Major Issue:</i>	<i>Sub Issues</i>	<i>Draft Strategy response</i>
Commercial expansion in flood way	<p>Flood water will be displaced into other areas causing flooding issues in other areas:</p> <p>Yes – develop in the flood way - use and maximise cleared areas:</p>	<p>Development in flood plain is not supported; Flood impacts north of Ferodale Rd are most critical to whole system.</p> <p>Cleared areas are not necessarily the most sustainable, i.e. remote areas have the greatest effect on climate change and socially isolate communities</p> <p>Commercial expansion must be contiguous to existing town centre or town centre will not survive.</p>

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Current shopping centre – congested traffic & parking disjointed – would be affected by a remote 2 nd centre	The current layout is not workable but site is suitable for consolidation in one area: Current layout not workable but site could be consolidated into one facility.	Draft Strategy proposes to resolve the traffic circulation and parking in the town centre. Shopping areas need to be more practical – easier to negotiate – more convenient. There are four optional sites adjacent to existing supermarket that are identified for commercial development.
Second supermarket	Provide sufficient land to allow market forces to dictate:	Draft Strategy provides for 4 optional sites for a second supermarket or a Discount Department Store within the town centre The current supply of retail/commercial floor space does not adequately serve small business or the consumer. The existing business owners have proposed a redevelopment of the site that involves increased floor space for Coles and more specialty shops. Draft Strategy proposes an additional 7.4 hectares of Business Zoned land.
Provide more commercial land	Competing supermarkets:	See above
Accessible public toilet facilities must be provided within the commercial area	Accessible public toilet facilities must be provided within the commercial area:	A public toilet facility is integral to the town centre. It must be within a walking distance of supermarkets and public transport hub. Issue of public toilets to be addressed by developers on the 22/11/07 Council Briefing
Town centre alignment to Medowie or Ferodale Rd – Ensure a cohesive shopping experience (town centre – a place to meet).	Town centre alignment to Medowie or Ferodale Rd – Ensure a cohesive shopping experience (town centre – a place to meet):	The arrangement of existing shops does not provide a pedestrian friendly environment. A future Medowie DCP will encourage coordination of commercial built form requiring all buildings to address the street through shop fronts and awnings on Peppertree Rd and all other shopping streets.

Housing

<i>Major Issue:</i>	<i>Sub Issue</i>	<i>Draft Strategy response</i>
Suburban and rural residential lot size	Significant issue; 350m ² too small, 650m ² minimum; what about duplexes?	It is proposed that standard residential land use will prohibit dual occupancies. There are restricted amounts of 300 – 400m ² villas/townhouses, close to shops, parks and churches.
	Outside commercial zone, land sites 800m ² to 2 hectares:	See development lot yield in Draft Strategy Generally complied with – standard residential 600m, some larger lots.
	Smaller lots are acceptable if the development is balanced with open space:	Urban areas are broken up with parks, overland flow path reserves, habitat corridors and buffer areas.
	Smaller lot sizes need to be within	The majority of the smaller lot housing is located

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	walking distance of the town centre:	<p>around the town centre.</p> <p>A smaller proportion of these lots are proposed around larger neighbourhood parks, churches, shops or schools.</p>
Location and type of seniors living housing	Seniors living needs to be close to town centre/seniors living areas are too far from town:	<p>The SEPP (Housing for Seniors or People with a Disability) 2004 permits seniors living accommodation of various types, to be situated on urban land or adjoining urban land. For this reason, the draft Strategy does not propose any specific location for seniors living housing. However, smaller lot housing is located around the town centre which will be attractive to seniors. Any of the large residential areas would be suitable for seniors living villages.</p>
Housing density and effect on crime	Housing density and effect on crime:	<p>The 2006 Community Survey (Hunter Valley Research Foundation) found that there has been an actual improvement in resident's perceptions regarding crime in the Medowie area.</p> <p>The increased housing density of the draft Strategy brings with it the provision of more open space. There is a common perception that open space invites anti social behaviour, however this is not the case. Anti social problems are products of the community, not open spaces. Well patronised and maintained spaces have very few anti social behaviour problems.</p> <p>Crime does not relate to the type of housing provided and relates more to behaviour and discipline principles.</p> <p>No public housing proposed. earmarked under the draft Strategy.</p>
Streetscape	Street width sufficient to cater for emergency vehicles:	<p>Main routes such as connecting roads, parallel routes and perimeter roads are designed at a 20m width to accommodate buses and emergency vehicles. Local streets – 16m; lanes – 8m.</p> <p>A larger parcel of land in the Medowie area to be identified for emergency services to be established for long term establishment including, fire, police and ambulance services. This needs to be considered due to Medowie's proximity to the Airport and main road networks.</p>
Need for housing choice – type of housing	<p>Housing choice</p> <p>Urban design issues critical in high density area:</p>	<p>Draft Strategy proposes a range of housing types: Habitat corridor lots; Conservation lots; Rural character lots; Lake view lots.</p> <p>Macro urban design integral through development of structure plan</p> <p>Micro urban design to be further investigated under the forthcoming DCP</p>

Ecology

Major Issue:	Sub Issue	Draft Strategy response
Planning for retention of koala habitat and corridors for movement	<p>Ecology on site when clearing occurs, including the rescuing of wildlife during this process.</p> <p>Planning for retention of koala habitat and corridors for movement:</p>	<p>Through clearing there will be some loss of wildlife and habitat. However, strict controls will be maintained in accordance with <i>draft Medowie Strategy Part C Ecology Review and Advice – Biolink Ecological Consultants 2006</i>. over the relocation and rescue of fauna.</p> <p>Retention of wildlife is sought through the retention of large areas of habitat across the central flood plain, other koala corridors and conservation lots.</p> <p>Koalas and other fauna are currently in conflict with man-made infrastructure such as roads and traffic-generating land-uses. Koalas will continue to use current routes. The proposed crossings are based on recorded injuries and fatalities. Road design, signage, verge treatment and speed zones will be used to make these crossings as safe as possible.</p>
Policy contradicting itself in regard to habitat conservation versus advocating clearing of land	<p>Contradiction of CKPoM verses draft Medowie Strategy</p> <p>900m² too small for conservation areas:</p> <p>Some loss of vegetation needs to occur for a sustainable outcome:</p> <p>offset ratios to be determined before plan is finalised:</p>	<p>See Council report</p> <p>Conservation lots increased to predominantly 1500m².</p> <p>The task of the draft Strategy is to balance all issues related to Medowie to achieve the most sustainable outcome. Clearing of vegetation for the purpose of development is proposed in locations where there are genuine economic and social benefits.</p> <p>Not possible – see DECC guidelines.</p>
Inclusion of habitat corridors outside of flood plan/location of habitat corridors	Habitat corridors need to be where the appropriate vegetation is, not just anywhere:	<p>Corridors were carefully considered, based on vegetation communities, koala rescues, anecdotal evidence and the following studies:</p> <p><i>Flora and Fauna Assessment for Medowie Strategy Plan – Umwelt Pty Ltd – June 2006</i></p> <p><i>Medowie S. P. – Ecology Review and Advice; Biolink Ecological Consultants – October 2006</i></p> <p>Site specific flora and fauna studies.</p>
Koala crossings/fauna – traffic conflict	Street trees – need to take into account koalas – gums should only be planted at crossing points – individual assessment required	<p>Agreed. Biolink report provides suggestions for crossings.</p> <p>These implemented through DCP – speed zones, street trees, road design</p>
Relationship of lot size to maintaining vegetation on site	Lot sizes need to be bigger to maintain vegetation on site:	<p>Conservation of vegetation through environmental living and habitat corridor is proposed where large patches of vegetative communities can be consolidated.</p> <p>Site coverage % is to be determined by rezoning.</p>
Domestic animals - conflict with native fauna	Dog control required by rangers and covenants	Controls to be enforced through DCP although ongoing monitoring problematic.

OPEN SPACE - RECREATION

<i>Major Issue:</i>	<i>Sub Issue</i>	<i>Draft Strategy response</i>
Too many small parks	Need to consolidate parks; smaller parks have accessibility and safety issues: Small parks should contain trees as well as grass:	The number of parks has been reduced from 43 to 8 Existing mature vegetation is proposed to contribute to overall use of parkland; Existing mature trees may set up structure of useable space of park and other landscape elements.
Walking paths, riding trails, cycleways	Footpaths should link residential to shopping centre: Make use of existing infrastructure, well-designed road network and use them for footpaths and trails if it's the best use:	Agreed and to be undertaken in draft Strategy
Responsibility of parks	Concerns about costs of community title open space:	Ownership, care and maintenance of Parks will be with Council.
Role of parks in anti-social behaviour	Role of parks in anti-social behaviour:	It is a common, but inaccurate, perception that open space commonly invites anti social behaviour. Anti social behaviour is a community problem, not an open space problem. Well maintained and patronised spaces usually have few problems.
Licensed club	Licensed club location	The Draft Strategy proposes two licensed clubs; one associated with Pacific Dunes Golf Course and the second in the town centre.

COMMUNITY FACILITIES & SERVICES

<i>Major Issue:</i>	<i>Sub Issue</i>	<i>Draft Strategy Response</i>
Public transport accessibility	Relationship to Williamstown Airport: Public transport key to linking communities and access to wider Hunter area and activities; decrease reliance on cars	Private bus providers indicate a public transport hub will encourage bus route to arrive and depart from Medowie. A route to NAL is likely and supported. Public transport hub would allow routes to start and meet there, linking Medowie (8,500 + people) to outlying areas.
Medical services – GP ratio and health services provided through DMS – localised ambulance service	All services need to match growth as it happens:	Although medical services are largely provided by private practice, Medowie Strategy 2 encourages better GP services to come to Medowie. Council is prepared to consider a partnership with Hunter Urban Division of General Practice and a group of doctors willing to set up practice in Medowie Town Centre. Ambulance Services have indicated a willingness to co-locate with NSW Fire Brigade at Grahamstown location.
Policing services commensurate to population	Inadequate as it is, would need to increase with growth as it happens:	NSW Police have announced completion of Raymond Terrace Police Station by 2009-10. NSW Police have also initiated a review of the Lower Hunter Local Area Command with the view of identifying future needs and resources.

OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: 16-2007-1070-1****DEVELOPMENT APPLICATION FOR ERECTION OF ILLUMINATED
INFORMATION SIGN AT SOLDIERS POINT BOWLING CLUB, 118
SOLDIERS POINT ROAD, SOLDIERS POINT****REPORT OF: SCOTT ANSON, MANAGER DEVELOPMENT AND BUILDING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2007-1070-1 subject to the conditions contained in Attachment 3.

OPERATIONS COMMITTEE MEETING – 11 MARCH 2008**RECOMMENDATION:****That Council:**

1. Refuse the development application 16-2007-1070-1 due to the reasons contained in the submission summary (attached).
2. Council call for a report to review the Council's advertising code and LED signage policy.

MATTER ARISING:

That Council defer the matter until the Ordinary Council meeting on the 25th March 2008 pending consideration of supplementary information provided at public access on the 11 March 2008 against the planning report.

ORDINARY MEETING OF COUNCIL – 25 MARCH 2008**RESOLUTION:**

057	Councillor Nell Councillor Hodges	It was resolved that the matter be deferred to the Operations Committee meeting to be held on the 8 April 2008.
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MATTER ARISING

058	Councillor Nell Councillor Jordan	It was resolved that Council review the Port Stephens Development Control Plan (DCP) 2007 and relating to signage in terms of new technology for illumination and other matters.
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BACKGROUND

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

This application seeks consent for the erection of a pylon sign within the grounds of the Soldiers Point Bowling Club and having dimensions of 2.15m wide x 0.82m high. The sign will have an overall height of 2.9m and will display wording on only one side of the sign. The sign will consist of Light Emitting Diodes (LED's) and will not be externally illuminated. The sign is not an animated sign and cannot be programmed to flash. The subject sign will be used solely for the purpose of providing information to members of the Soldiers Point Bowling Club and their guests. The sign will not be used for general advertising.

The applicant has indicated that the subject sign is replacing a slightly larger sign that was destroyed in the June 2007 storm.

The subject site is zoned 6(c) Special Recreation under the Port Stephens Local Environmental Plan 2000 (LEP), and the proposed development is permissible, subject to consent, within this zone. The proposal is considered to be consistent with the zone objectives.

Detailed below is a summary of assessment of the application pursuant to the heads of consideration detailed in Section 79C of the EP&A Act.

- a) The provisions of any environmental planning instrument and any development control plans.*

It has been taken into consideration that the proposal is permissible in accordance with the LEP and is consistent with the relevant provisions of Port Stephens Development Control Plan 2007 (DCP). Further, it has been concluded that the proposal does not conflict with the relevant provisions of State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64).

- b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.*

It is considered that the proposed development is unlikely to have any adverse impacts on the natural or built environments.

- c) the suitability of the site for the development*

It is considered that the site is suitable for the proposed development, particularly due to the size of the subject site and the location of the proposed sign.

- d) any submissions made in accordance with this Act or the regulations*

Council has received three (3) submissions, including two from the one household. These submissions raised a raft of concerns which are mostly captured by the categories of adverse visual impact, potential hazard for motor vehicles, design of the sign and precedent for future signs.

Consideration of the submissions received in respect of the proposed development is discussed in this report, however as is explained, the issues are not considered to warrant sufficient weight to justify refusal of the application.

e) *public interest*

It is not considered that the proposed illuminated sign is contrary to the public interest.

Based on the consideration of the proposal in accordance with Section 79C, it is considered that the development application should be supported. It is acknowledged that a range of concerns have been raised in the submissions, however assessment concludes that this proposal is consistent with statutory requirements and is not contrary to the public interest.

On the basis of the current planning provisions, it is considered that the proposal is consistent with Council policy and that there are no merit-based planning considerations that could warrant refusal of the application. Accordingly, the application is recommended for approval subject to attached conditions.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

Should Council reject the recommendation and refuse the development application, the applicant may appeal Council's determination in the Land and Environment Court. Defending Council's position would have financial implications to Council.

LEGAL AND POLICY IMPLICATIONS

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP –** *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*

- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The subject site is occupied by a Bowling Club. The club provides a service to the local as well as wider community in both passive and active recreational pursuits. The proposed sign will only be used for identification of the bowling club and the provision of information to its members and visiting guests. Accordingly, the proposed development is not considered to have any adverse social implications.

ECONOMIC IMPLICATIONS

The proposed development being for an information sign is not considered to have any adverse economic implications.

ENVIRONMENTAL IMPLICATIONS

No adverse environmental implications have been identified.

CONSULTATION

The application was exhibited in accordance with Council policy. During the exhibition period a total of three (3) submissions were received. Two of the submissions came from the same household. These submissions objected to the proposal. These are discussed in the Attachments.

OPTIONS

- 1) Adopt the recommendation
- 2) Adopt the recommendation with varied conditions of consent.
- 3) Reject the recommendation and refuse the application. In this instance reasons of refusal will need to be drafted by Councillors, including supporting justification as a basis for defence in any potential legal proceedings.

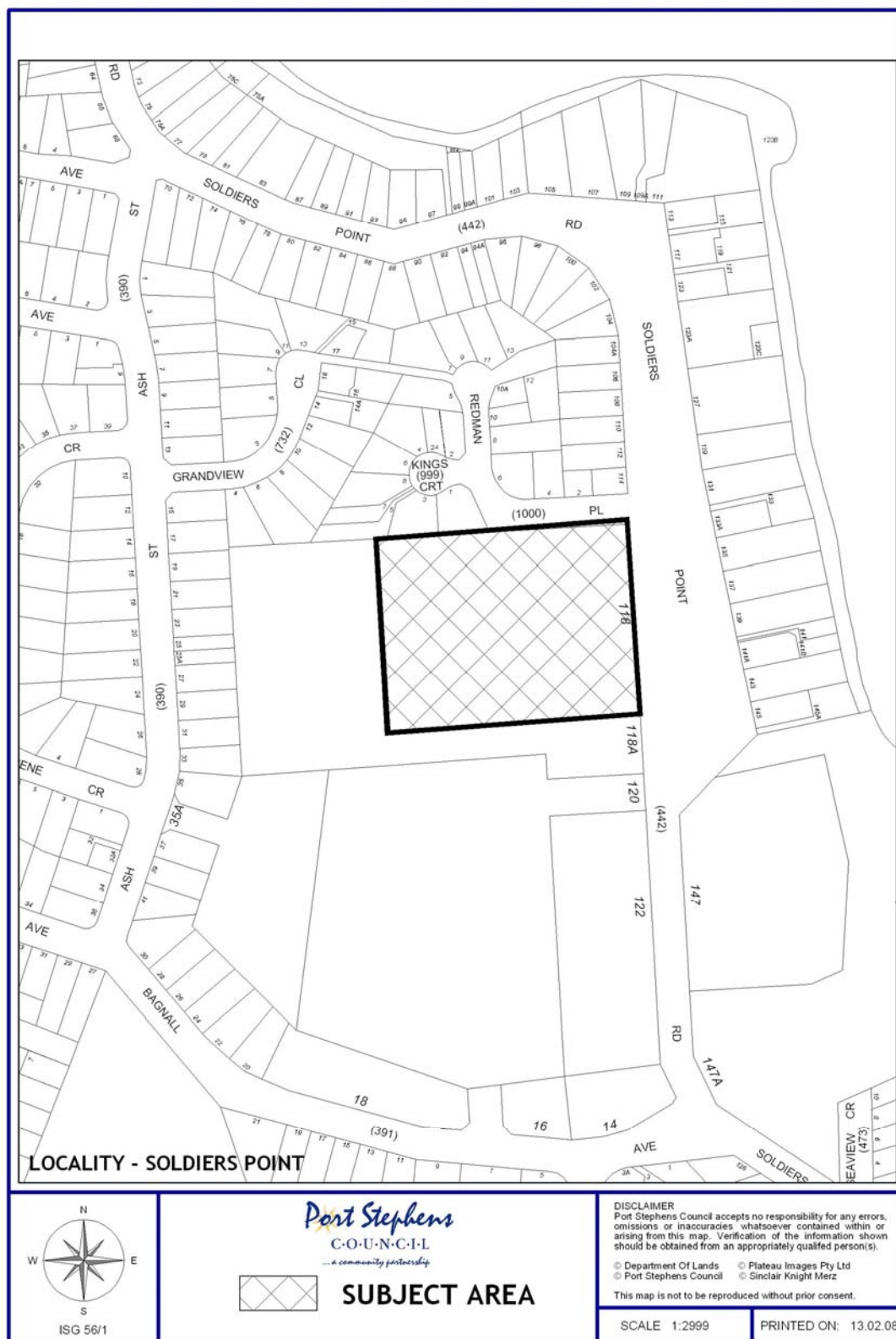
ATTACHMENTS

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

COUNCILLORS ROOM

- 1) Development Plans
- 2) Statement of Environmental Effects
- 3) Submission letters

ATTACHMENT 1 LOCALITY PLAN



ATTACHMENT 2

ASSESSMENT

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

THE PROPOSAL

This application seeks consent for the erection of a pylon sign within the grounds of the Soldiers Point Bowling Club and having dimensions of 2.15m wide x 0.82m high. The sign will have an overall height of 2.9m and will display wording on only one side of the sign. The sign will consist of Light Emitting Diodes (LED's) and will not be externally illuminated. The sign is not an animated sign and cannot be programmed to flash. The sign will contain an automatic dimmer so that the intensity of the illumination reduces as ambient light fades.

The subject sign will be used solely for the purpose of providing information to members of the Soldiers Point Bowling Club and their guests. The sign will not be used for general advertising.

The sign will be black, both in respect of the metal supporting box as well as the background to the LED displays.

The applicant has indicated that the subject sign is replacing a slightly larger sign that was destroyed in the June 2007 extreme weather event.

THE APPLICATION

Owner	Soldiers Point Bowling Club
Applicant	Soldiers Point Bowling Club
Detail Submitted	Plans of Proposed Development and Statement of Environmental Effects

THE LAND

Property Description	Lot 1 DP627638
Address	118 Soldiers Point Road, Soldiers Point
Area	1.766ha
Dimensions	The subject site is a large irregular shaped allotment with approximate measurements of 183.4m x 116.5m.
Characteristics	The proposal is located on the periphery of the township of Soldiers Point. Land in the immediate vicinity of the subject site is used for a variety of residential and commercial/retail uses. The site has historically been cleared as part of the site preparation for the existing bowling club. As such, the current vegetation on the site is limited to vegetative landscaping. This consists mainly of a mix of native grasses, scattered shade trees and small shrubs.

THE ASSESSMENT

1. Planning Provisions

SEPP 64 -	State Environmental Planning Policy 64 – Advertising and Signage
LEP 2000 – Zoning Relevant Clauses	6(c) Special Recreation “C” Zone 29
Development Control Plan	Port Stephens DCP 2007

Discussion

Local Environmental Plan 2000 (LEP)

Clause 29 – Recreation Zonings

The subject site is in the 6(a) Special Recreation “C” Zone, which permits a range of privately and publicly owned land uses for recreational purposes, such as clubs, subject to development consent. The proposal has been considered against the relevant objectives of the 6(c) zone and no areas of non-compliance have been identified.

Assessment comments are provided below:

Objectives of the 6(c) Special Recreation Zone are:

To enable privately and publicly operated recreational development in suitable and accessible localities and to ensure facilities do not reduce the amenity of the locality or its environmental quality.

The subject bowling club is located in an established privately operated recreational area and has operated from this site for many years.

The proposal is classified as “ancillary to recreation facilities” and is considered to be consistent with the zone objectives. There are no specific planning provisions in LEP 2000 relating to illuminated signs.

State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64)

The aims and objectives of this policy are:

(1) *This Policy aims:*

(a) *to ensure that signage (including advertising):*

(i) *is compatible with the desired amenity and visual character of an area, and*

(ii) *provides effective communication in suitable locations, and*

(iii) *is of high quality design and finish, and*

- (b) to regulate signage (but not content) under Part 4 of the Act, and*
 - (c) to provide time-limited consents for the display of certain advertisements, and*
 - (d) to regulate the display of advertisements in transport corridors, and*
 - (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*
- (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.*

The submitted Statement of Environmental Effects (SEE) makes the following comment in respect of the above objectives:

Existing advertising signage is located on the existing building site. In order to promote the service and events of Soldiers Point Bowling Club, an additional illuminated sign is proposed.

The proposal to include the above-mentioned signage is deemed compatible with the existing commercial and residential character of the area. That is, signage proposed is proportional to the form and design of the existing building structure (i.e.: signage does not alter the existing profile of the building and/or its facades). The sign will replace a sign that was previously erected at the site, which was ruined in the June 2007 storm. This previous sign incorporated larger dimensions than the proposed sign. That is, the proposed sign will be approximately 1.92m² smaller in area than the previous sign. The signage proposed is considered consistent with that applied by other businesses in the vicinity of the site.

Furthermore, the proposed signage is deemed appropriate in that:

- The sign only faces south;*
- The sign has been positioned / angled in such a way that residential occupants will not be impacted upon by the sign;*
- There is ample separation distance between the sign and the closest residential and commercial receivers;*
- Landscaping provides a visual buffer between the sign and residential development in the locality;*
- No important views will be obscured or compromised;*
- The viewing rights of other advertisers will not be adversely impacted;*
- The quality of vistas will not be impacted or reduced;*
- The safety of pedestrians and road users will not be compromised; and*
- The sign will begin operating at 8.00am in the morning and will cease operating after 9.30pm at night.*

The above comments are considered to be a reasonable response to the aims and objectives of SEPP 64.

Clause 8 of SEPP 64 states:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

As detailed above it is considered that the proposed development is consistent with the objectives of this policy. This clause also requires Council to consider the proposed development against the criteria contained in Schedule 1 of the policy. The heads of consideration contained in Schedule 1 include:

- 1 Character of the area*
- 2 Special areas*
- 3 Views and vistas*
- 4 Streetscape, setting or landscape*
- 5 Site and building*
- 6 Associated devices and logos with advertisements and advertising structures*
- 7 Illumination*
- 8 Safety*

After application of the assessment criteria contained in Schedule 1 of SEPP 64 it has been concluded that the proposed development is an acceptable form of development.

Development Control Plan 2007 (DCP)

The relevant provisions of the DCP are:

B.12.10 – Post, Pole or Pylon Signs

B12.C43 requires pylon signs not to project beyond the property boundary. Compliance has been achieved with this control.

B12.C44 requires where two or more signs are proposed certain controls apply. The proposed development involves the erection of only one pylon sign.

B12.C45 This control does not identify controls relevant to Recreational or Open Space zones. Nevertheless, as the site is surrounded by residential, the residential controls are applied. This control identifies a maximum area of 2.0m² and a height of 2.0m. The proposed development has an area of 1.76m² and a height of 0.82m.

B12.C46 requires the height of the pylon sign must not protrude above the dominant skyline (including buildings and trees) when viewed from ground level. The proposed sign is well below the dominant building skyline created by the club building. The sign is located under a large eucalypt tree and has a height of approximately 15% of the height of the tree. Accordingly, the proposed development does not protrude above the dominant skyline in the locality.

B12.16 prohibits a range of signs including:

- Flashing signs (illuminated at frequent intervals); and
- Moving signs.

The proposed development is not considered to be a flashing sign as it does not rapidly flash on and off. The sign will not be animated or have the ability to flash. The applicant has submitted that these functions require specific programming into the sign. The electronics that control the subject sign are not able to accept this type of program. Further, the sign is not a moving sign.

B12.18 states that Council will generally not favour high intensity illuminated signs.

In respect of this control the submitted SEE states:

The subject land is located along Soldiers Point Road, opposite a landscaped park. Due to the location of vegetation screening and associated buffers along Soldiers Point Road (i.e. separation distance between adjacent developments, road alignment, the positioning / angling of the sign etc), the subject sign is not a safety hazard to pedestrians or vehicles (i.e. potential customers) who travel along Soldiers Point Road. The sign is not considered a nuisance to residents, for the same reasons. The sign does not have the potential to impact upon aircraft, given: (i) the location of the site, (ii) the low height and strategic alignment of the sign, and (iii) the minimal emitted illumination from the sign. The sign is to operate between the hours of 8.00am and 9.30pm.

In view of the reasons submitted by the applicant and general consideration of the proposed development, it is considered that the sign cannot be classified as a high intensity illuminated sign. In summary, the proposed development has not been identified as being in conflict with any relevant provisions of the DCP.

2. Likely Impact of the Development

The likely impacts of the proposed development have previously been addressed in consideration of the LEP, SEPP 64 and the DCP. Outside of the matters flowing out of consideration of these statutory plans, no additional likely impacts have been identified.

3. Suitability of the Site

The subject site is considered to be suitable for the proposed development.

4. Submissions

During the public exhibition period a total of three submissions were received. It is noted that two of the submissions came from the same household.

The specific matters raised by the submissions are detailed below:

Out of character with the “sea side village atmosphere of the locality”

Comment:

The matter of streetscape has been addressed in consideration of the DCP. Given that the proposed development consists of a sign that is less than 2.0m² in area and is located in close proximity to the bowling club building, it is very much incorporated into the overall visual impact of the club building. The proposed sign is considered not to adversely impact upon the streetscape of the locality.

The sign will distract drivers

Comment:

Soldiers Point Road in vicinity of the proposed development is straight and there are no identifiable reasons to conclude that an average person driving a motor vehicle would be so distracted by the proposed sign that it could become a road safety hazard.

The sign would be a “severe visual impact upon the area and a safety hazard for pedestrians, bicycles and motor vehicles”

Comment:

This issue has drawn in the matter of pedestrians and bicycle riders. As with the previous comment relevant to motor vehicles, there is no identifiable evidence to support this point of view.

One submission refers to the provisions of Council’s vision for Port Stephens as well as the applicable statutory plans affecting the site and it’s relevance to the proposed development.

Comment:

The development is considered to be of an acceptable form and ancillary use to the existing bowling club and not considered to pose an unacceptable impact in the locality and is consistent with Council’s policy inclusive of LEP 2000, SEPP 64 and DCP 2007.

5. Public Interest

It is considered that the erection of the proposed illuminated pylon sign within the grounds of the Soldiers Point Bowling Club is not contrary to the public interest. Accordingly, the application is recommended for approval, subject to specific conditions.

**ATTACHMENT 3
CONDITIONS**

1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
3. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
4. The development application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
5. The sign shall not flash at frequent intervals.
6. The sign shall not provide any moving text or images.
7. The sign shall be operated between the hours of 8:00 am and 9:30 pm daily.
8. The sign shall be located so as to generally face south.
9. The sign shall not display any form of general advertising, and will be solely used for the promotion of services and events at the Soldiers Point Bowling Club.
10. The sign shall not be externally illuminated.
11. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
12. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
13. 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.
14. 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.
15. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.

Council should note that this Item was deferred at the Ordinary Meeting of Council on 25 February 2008 for further consideration at the Operations Committee on 11 March 2008.

ITEM NO. 2**FILE NO: PSC2007-1474****DEVELOPMENT CONTROLS FOR BROTHELS & RESTRICTED PREMISES****REPORT OF: TREVOR ALLEN – INTERGRATED PLANNING MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt Chapter B15 Brothels & Restricted Premises of Port Stephens Development Control Plan 2007, with the amendment of removing the control B14 C4 that restricted premises must not be located on the street or ground level of a building.

OPERATIONS COMMITTEE MEETING – 11 MARCH 2008

RECOMMENDATION: That the matter be deferred to the Ordinary Council Meeting in the 25th March 2008, with definitions to be provided of where children congregate.

ORDINARY MEETING OF COUNCIL – 25 MARCH 2008**RESOLUTION:**

	Councillor Francis Councillor Brown	That Council Adopt Chapter B15 Brothels & Restricted Premises of Port Stephens Development Control Plan 2007, with the amendment of removing the control B14 C4 that restricted premises must not be located on the street or ground level of a building.
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AMENDMENT

059	Councillor Hodges Councillor Dover	That Council reject the Chapters B15 Brothels and Restricted premises of Port Stephens DCP 2007 and resubmit them in separate Chapters:- a) Brothels b) Restricted Premises
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The Amendment on being put became the Motion, which was put and carried.

BACKGROUND

The purpose of this report is to present a revised version of draft Chapter B15 Brothels & Restricted Premises of Development Control Plan 2007 following public exhibition.

Council resolved on 28th August 2007 to place on public exhibition draft development controls for brothels and restricted premises. The public exhibition period has ended and only two submissions were received.

The draft chapter has been revised following consideration of those submissions.

At present there are no detailed development controls in place for restricted premises and brothels. The adoption of the draft chapter will provide Council with an improved planning framework to consider development applications for these land uses.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

Adoption of report recommendations will establish a clear policy framework regarding brothels and restricted premises that may reduce Council staff time and resources on future development applications for these activities.

LEGAL AND POLICY IMPLICATIONS

Council has recently been involved in legal action to defend its refusal of a development application for a restricted premise at Yacaaba St in Nelson Bay. The introduction of specific development controls for restricted premises and brothels may reduce the risk of legal action in the future by clarifying Council's policy position with respect to these land uses.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Applications for brothels and restricted premises create considerable community concern within the LGA which can be addressed, in part, by the introduction of specific development controls. Adopting Chapter B15 Brothels & Restricted Premises will set down design and location requirements to provide greater certainty for applicants and the community alike when these land uses are proposed. This should reduce the level of conflict that occurs.

Development controls will also reinforce community standards and expectations when development applications for restricted premises and brothels are being prepared and submitted to Council for development consent.

ECONOMIC IMPLICATIONS

Chapter B15 Brothels & Restricted Premises will provide greater economic certainty for applicants by providing up-front development and location requirements.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Chapter B15 Brothels & Restricted Premises was placed on public exhibition from 17th May to 12 July 2007. Two submissions were received. The issues and controls raised and how they have been responded to are set out below:

Issue/Control

Control B15 C4 Restricted premises must not be located on the street or ground level of a building.

The Access Committee of Port Stephens submit that this control discriminates against people with a disability, and that to impose such as condition would be a breach of the Building Code of Australia and the Disability Discrimination Act 1992. The submission also

notes that, for a proprietor of a brothel or restricted premises to comply with this control, they would need to occupy an existing accessible building or undergo expensive retrofitting to improve access.

Response

The Control B15 C4 has been removed in response to the submission. The effect is that restricted premises and brothels will be able to be located at ground level, allowing all adult members of the community equal access to restricted premises.

Issue/Control

The DCP does not clearly state what zones the DCP chapter covers.

Response

There is no need to state zoning controls in a DCP chapter. The LEP is the principal planning instrument that controls the permissibility of land uses. The standard approach is for an applicant to investigate whether a land use is permissible in a local environmental plan prior to investigating detailed development and location requirements.

Issue/Control

B15 C1 The entrance to a brothel or restricted premise must not be located within 150 metres from the entrance of a dwelling on residential zoned land – could the words “on residential zoned” land be removed and make it apply to all dwellings in all zones? Commercial zoned land should also be included.

Response

Restricted premises are a commercial use and in this sense are suited to the commercial zone. This is reinforced by the Port Stephens Local Environmental Plan 2000 which permits restricted premises within the commercial zone. Preventing restricted premises from being located within 150m from all dwellings in all zones will have the effect of preventing this land use from occurring in the LGA because it is common for residential dwellings to be located in commercial zones.

Dwellings located within commercial zones are inherently exposed to the range of retail uses that may occur, including restricted premises. Alternatively, dwellings located within residential zones are provided a higher level of certainty against land uses that may create negative impacts on amenity. For example, restricted premises and brothels are prohibited in residential zones.

Brothels are only permissible within industrial zones where residential dwellings are generally not permitted.

Issue/Control

B15 C2 “The entrance to a brothel or restricted premise must not be located within 200m from the entrance of any child care centre, community facility, educational establishment, hospital or place of public worship” – Could the following be added “or any place where children congregate”?

Response

It is difficult to define “any place where children congregate”. It is considered that excluding restricted premises and brothels within 200m from any child care centre, community facility, educational establishment, hospital or place of public worship provides a high level of separation between these land uses and any place where children congregate. This requirement, in addition to the other location and design controls for restricted premises and brothels, is considered reasonable.

Issue/Control

On page A1-3 Advertising and Notification could the following be added “written representation or objections will be taken into account in Council’s determination of an application”

Response

Submissions are already listed as a matter for consideration when assessing development applications under section 79C of the Environmental Planning and Assessment Act 1979.

Issue/Control

Include a provision that approval is given for a trial period of 12 months only then any objections received from surrounding business will be taken into account for extension of approval.

Response

Applying a time limited condition of consent creates uncertainty for applicants, who, in gaining development consent, would have demonstrated that they have already met the relevant planning requirements of Council.

The DCP and the Environmental Planning and Assessment Act 1979 provide extensive opportunity for community consultation on development applications for brothels and restricted premises at the time an application is being assessed. The DCP provides that development applications for brothels and restricted premises will be advertised and notified to a range of sensitive land uses within 400m of the subject land. The Act provides that any person may make a submission on a development application.

Council can also apply conditions of consent to a development application and take action should those conditions be breached.

For these reasons a provision stating that a 12 month trial period applies has not been included in the DCP.

Issue/Control

Principles and objectives – Maitland DCP contains useful principles and objectives and these could be included in PS DCP 2007.

Response

The principles contained in the draft Chapter B15 Brothels and Restricted Premises of Port Stephens Development Control Plan 2007 are very similar to those provided in Maitland’s DCP and no change is recommended.

OPTIONS

- 1) Adopt revised draft Chapter B15 Brothels and Restricted Premises of Port Stephens Development Control Plan 2007, with the amendment of removing the control B14 C14 that restricted premises must not be located on the street or ground level of a building.
- 2) Adopt revised draft Chapter B15 Brothels and Restricted Premises of Port Stephens Development Control Plan 2007, retaining the control B14 C14 that restricted premises must not be located on the street or ground level of a building.
- 3) Not adopt revised draft Chapter B15 Brothels and Restricted Premises of Port Development Control Plan 2007 and continue having no specific development controls for these land uses.

ATTACHMENTS

- 1) Revised Chapter B15 Brothels and Restricted Premises of Port Stephens Development Control Plan 2007
- 2) Revised Chapter A1 Introduction – A1.9 Advertising and Notification

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

REVISED CHAPTER B15 BROTHELS AND RESTRICTED PREMISES OF PORT STEPHENS DEVELOPMENT CONTROL PLAN 2007

B15.1 WHERE DOES THIS PART APPLY?

This part applies to all areas of the Port Stephens Local Government Area where brothels and restricted premises are permitted under the *Port Stephens Local Environmental Plan 2000*.

This part provides location and design requirements for brothels and restricted premises so that they do not cause disturbance or otherwise have a detrimental impact on the amenity of the host neighbourhood.

Brothels are not considered as home employment or home occupation for the purposes of the *Port Stephens Local Environmental Plan 2000*.

B15.2 LOCATION

PRINCIPLES

B14.P1 Brothels and restricted premises should be located at a reasonable distance from other sensitive land uses.

B14.P2 Brothels and restricted premises should not be located in proximity to each other to avoid a concentration of such land uses.

CONTROLS

B14.C1 The entrance to a brothel or restricted premise must not be located within 150 metres from the entrance of a dwelling on residential zoned land.

B14.C2 The entrance to a brothel or restricted premise must not be located within 200 metres from the entrance of any child care centre, community facility, educational establishment, hospital or place of public worship.

B14.C3 The entrance to a brothel or restricted premise must not be located within 200 metres from the entrance of another brothel or restricted premise.

B15.3 SCALE AND CHARACTER

PRINCIPLES

B14.P3 Brothels and restricted premises should be small in scale and respect the existing character of an area.

CONTROLS

B14.C4 Brothels must provide no more than 5 rooms (one sex worker per room) in which acts of prostitution are to take place.

B14.C5 Acts of prostitution must only occur in rooms or areas that are indicated on plans submitted to and approved by Council.

B14.C6 Any building erected or refurbished for use as a brothel must be designed so that it is sympathetic to the existing character of an area and in accordance with any area-specific development controls.

B14.C7 The entrance to a brothel or restricted premise must be discrete and unobtrusive, with signage limited to one business identification sign (maximum 1.2m length and 0.6m height) devoid of any sexually explicit images, language and objects.

B14.C8 No neon or flashing lighting is permitted.

B14.C9 Brothels must include an internal reception/waiting area of appropriate size to discourage loitering outside the premises.

B15.4 SAFETY AND ENVIRONMENTAL HEALTH

PRINCIPLES

B14.P4 Brothels should be designed and located so that the safety of all persons is maximised.

CONTROLS

B14.C10 All applications for brothels must include a statement describing how the proposed development addresses the principles of public and individual safety and surveillance.

B14.C11 Council will consider the health and hygiene of a brothel and its operation in terms of:

- Offensive noise – *Australian Standard 1055 Acoustics and Protection of the Environment Operations Act 1997*;
- Ventilation and Lighting;
- Bars and food preparation areas – *Australian Standard 4674-2004 Construction and fit-out of food premises*;
- Spa baths – Department of Health Guidelines;
- Sanitary Facilities – direct access must be provided to shower and hand wash basin facilities; and
- Contaminated waste – facilities must be provided for disposal of used condoms and contaminated waste.

ATTACHMENT 2

REVISED CHAPTER A1 INTRODUCTION – A1.9 ADVERTISING AND NOTIFICATION

Port Stephens Development Control Plan 2007

A1 Introduction

A1.1 Foreword

The Port Stephens Development Control Plan 2007 (DCP) is a suite of documents that provides practical information to support development that retains and enhances the natural and cultural heritage values of Port Stephens local government area.

The DCP provides principles and controls for development that is site responsive, innovative and that contributes to the character of each locality. The DCP seeks to promote safe, lively and pleasant streets, to provide equity of access to all members of the community, and promote more comfortable and sustainable living and working environments.

A1.2 Where this plan applies

The DCP applies to all land zoned under the Port Stephens Local Environmental Plan (LEP) 2000. The DCP applies to development applications, applications to modify development consents under s96 of the *Environmental Planning and Assessment (EPA) Act, 1979* and applications for review of determination under section 82A of the Act that are made on or after the commencement date of this DCP.

A1.3 Relationship to other plans

The DCP has been prepared in accordance with the provisions of the *Environmental Planning and Assessment (EPA) Act, 1979*.

State Environmental Planning Policies and Regional Environmental Plans may apply to the land to which the DCP applies.

Port Stephens Local Environmental Plan (LEP) 2000 applies to the land to which the DCP applies. It is a statutory instrument that sets out the land use zones and broad development controls for development within the government area, including controls for development within the local government area, including controls for height, floor space ratio, heritage conservation and minimum lots sizes for certain development or zones.

The DCP supplements the provisions of Port Stephens LEP 2000.

The provisions of Port Stephens LEP 2000 prevail over the DCP.

The DCP repeals the following development control plans, policies and codes:

- PS1 Urban Housing and Dual Occupancy
- PS2 Parking and Traffic Guidelines
- PS3 Subdivision Guidelines
- PS4 Commercial and Industrial Development Guidelines
- PS5 Home Employment Guidelines
- PS6 Bed and Breakfast Establishments
- PS7 Keeping of Dogs for Commercial Purposes
- PS8 Guidelines for Exempt and Complying Development
- PS9 Energy Smart Homes
- PS10 Building Standards and Notification Procedures for Development Applications
- PS11 Controls for Site Waste Management and Minimisation
- LD1 Development Guidelines for Raymond Terrace Town Centre
- LD4 Development Guidelines – Nelson Bay Commercial Area
- LD5 Development Guidelines – Heatherbrae Industrial Area
- LD6 Development Guidelines – Taylors Beach Industrial Area
- LD7 Development Guidelines – Richardson Road, Raymond Terrace Residential Subdivision
- LD8 Development Guidelines – Medowie Rural Residential Subdivision
- LD9 Development Guidelines – Medowie Central Residential Subdivision
- LD10 Development Guidelines – George Street, Karuah Residential Subdivision
- LD11 Development Guidelines – Wallalong Residential Subdivision
- LD12 Development Guidelines – Cross Street, Seaham Rural Residential Subdivision
- LD13 Development Guidelines – Water Quality - Kinross Industrial Estate, Heatherbrae
- LD14 Development Guidelines – Koala Bay Estate, Tanilba Bay
- LD15 Residential Development Controls – Nelson Bay (West)
- LD16 Development Guidelines – Rees James Road, Raymond Terrace Residential Subdivision
- LD17 Residential Development Controls – Pacific Dunes, Medowie

Effective: 31st May 2007

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A1-1

Port Stephens Development Control Plan 2007

A1

Introduction

A1.4 When this plan takes effect

The Port Stephens Development Control Plan 2007 (DCP) was adopted by Council on 22nd May 2007 and became effective on 31st May 2007.

A1.5 Savings & Transitional Provisions

The above development controls plans, policies and codes continue to apply to development applications, applications to modify development consent under s96 of the *Environmental Planning and Assessment (EPA) Act, 1979* and applications for review of determination under s82A of the *Environmental Planning and Assessment (EPA) Act, 1979* that were made prior to, but not determined, on the date of commencement of the DCP.

A1.6 How to use the DCP

The DCP uses the term *should* to denote a *highly desirable* outcome and the term *must* to denote a *mandatory* requirement for development.

This DCP structure is as follows:

PART A – INTRODUCTION

Details where and when the DCP applies, provisions for contributions, and procedures for applications, variations, notification and submissions.

PART B – STANDARDS FOR DEVELOPMENT

Specifies the principles and controls for each type of development (such as residential, commercial or industrial development) and for a range of development issues (such as parking and environmental management).

A development proposal **must comply** with the controls outlined in the relevant sections for the **type of development**, for **parking and traffic**, and for **environmental management**.

PART C – LOCAL CONTROLS

Part C provides additional principles and controls for development in local areas that have particular development objectives related to commercial, tourism or service roles, heritage conservation, infrastructure, land release, built form or local character.

A development proposal within an area identified in Part C must comply with the Part C controls for that area in **addition** to Part B controls. Where there is any inconsistency the **Part C control takes precedence**.

For example Dual Occupancy development in the Nelson Bay West area must comply with controls in B6 *Single and Dual Occupancy Dwellings* and C5 *Nelson Bay West*. Development in this area must comply with the side setback control provided in C5 (which overrides the side setback control in B6).

PART D – GLOSSARY AND REFERENCES

Provides a glossary of terms utilised in the DCP and a list of resource documents used in the compilation of the DCP.

A1.7 Making an Application

Prior to the commencement of any development covered by the DCP, formal consent is required. Consent can be sought through the submission of a Development Application (DA) or an application for a Complying Development Certificate.

Council's **Application Guide** sets out the information, documentation and plans that must be submitted for an application.

Failure to carefully research and verify the requirements in the Application Guide or this DCP could frustrate the assessment process and lead to costly delays for your proposal.

A1.8 Site Analysis

Thorough site analysis should ensure that design decisions are based on the site conditions (such as views, aspect, slope and drainage) and the relationship of the site to the street, to open space and to surrounding development.

Council's **Application Guide** sets out the details and documentation required for site analysis. Dependent on the scale and type of development site analysis documentation may include a **plan**, **street elevation**, and **photomontages** for the proposed development and the neighbouring buildings or sites.

Effective: 31st May 2007

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A1-2

Port Stephens Development Control Plan 2007

A1

Introduction

Sub-division proposals need to illustrate that street, block and lot layouts are based on careful analysis of the local topography, landscape character, aspect and surrounding development.

A development application must clearly state how the design of the proposed development has responded to the site analysis.

A1.9 Advertising and Notification

The kinds of development listed below will be advertised and notified to adjacent landowners in accordance with this plan, in addition to any development, which is required to be advertised and/or notified by the EPA Act and Regulations.

- Development involving a heritage item;
- Development visible from a heritage item;
- Development visible from the street in a Heritage Conservation Area;
- Non-residential uses in or adjacent to residential or rural-residential areas (not including home employment);
- Council projects (excluding adopted works that are consistent with POM);
- Hotels and Motels;
- Brothels;
- **Restricted premises;**
- Hospitals and institutions;
- Junkyards;
- Places of public assembly and places of public worship;
- Tourist developments;
- Residential dwellings with 2 or more storeys;
- Dual occupancy, villa and townhouse and residential flat developments;
- Residential and rural-residential subdivision of 5 or more allotments.
- Garages
- Variations to building setbacks

All development applications for brothels and restricted premises must be notified to dwellings, dual occupancies, urban housing, child-care centres, community facilities, education establishments, hospitals and places of public worship within 400m of the subject land.

Any other kind of development may be advertised and/or notified at the discretion of Council where it is considered appropriate given the nature of the proposal. The minimum advertising/notification period for development applications is 14 days. Where the notice is placed in a newspaper, the period commences on the day on which the notice is published. For the purposes of notification, the period commences from the date that written notice is given.

A1.10 Developer Contributions

Section 94 and 94A of the *Environmental Planning and Assessment (EPA) Act, 1979* allows Council to levy contributions from developers for the provision of public amenities and services required as a consequence of the development. Contributions are generally required prior to the commencement of works.

Further information on the application and calculation of contributions is contained in Council's Contribution Plans.

A1.11 Varying a Standard or Control

VARIATION OF AN LEP STANDARD

An LEP standard can only be varied under the provisions of State Environmental Planning Policy 1 (SEPP1). A variation should only be considered when that variation can ensure a performance-based solution for a particular site.

A planning report seeking a variation must clearly demonstrate that:

- The standard is unnecessary or unreasonable; and
- The objectives of the standard and the zone have been achieved.

A SEPP1 variation cannot be used to carry out development in a zone where that type of development is prohibited.

VARIATION OF A DCP CONTROL

The applicant must submit sufficient details and documentation to clearly demonstrate that the proposal to vary a DCP control:

- Is consistent with the relevant principle(s) of this DCP; and
- Provides identifiable benefits for the community or for future occupants that would not be achieved by compliance with the DCP control.

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A1-3

Port Stephens Development Control Plan 2007

A1 Introduction

A1.12 Modification of Consent

Council may only amend a development consent where the development is substantially the same as that originally approved and the development consent is still valid.

There are three (3) types of applications for modifications to a consent:

- Modification to correct a minor error, misdescription or miscalculation [s96(1)];
- Modifications involving minimal environmental impact [s96(1A)]; and
- Other modifications [s96(2)].

An application to modify a consent must be made in writing to Council and the relevant fees must be paid. The application may only be made with the written permission of the current owner(s).

Council **may** be required to advertise or to notify adjacent landowners in response to an application to modify a development consent, dependent on:

- The nature of the modification;
- The impact of the modification in general and in particular on adjoining properties; and
- Any submissions received during the initial advertisement/notification period.

The notification procedures vary for each type of modification as follows:

MODIFICATION TO CORRECT A MINOR ERROR, MISDESCRIPTION OR MISCALCULATION

Where a consent is modified under this section and Council is satisfied that the proposed changes reflect the original intentions of Council or the applicant, no notification or advertising of the modified proposal is required.

MODIFICATIONS INVOLVING MINIMAL ENVIRONMENTAL IMPACT

The proposed amendments should not impact upon any adjoining landowner, or any person who has previously made a submission to the original development consent or a subsequent modification. No advertising or notification of the application is required. In some circumstances, persons may be notified to clarify information previously provided, if considered necessary.

OTHER MODIFICATIONS

This section applies to all applications to modify consent, other than where the original development consent was for:

- Designated development;
- State significant advertised development;
- Nominated integrated development; or
- Advertised development where the Council was not the consent authority.

Clause 118 of the EP&A Regulations provides requirements for notifying the public of proposed modifications for the development listed above.

All applications to modify a consent under this section must be placed on public exhibition and notified to any person considered to be affected by the proposed changes, whether or not they were previously notified.

A1.13 Referral to a Council Meeting

Applications may be referred to Council by elected members of Council. Staff may also refer applications to Council where it is considered appropriate. Otherwise applications are determined under delegated authority.

A1.14 Submissions

Submissions in response to a development application must be made in writing. The submission should clearly identify the name and address of the writer, the address of the proposed development, Council's application number and the reasons for any objection to, or support of, the proposal.

Submissions are not regarded as confidential.

Effective: 31st May 2007

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

A1-4

ITEM NO. 3**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 13TH NOVEMBER, 2007****AUTHOR: TREVOR ALLEN, INTEGRATED PLANNING MANAGER**

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 13th November, 2007.

OPERATIONS COMMITTEE MEETING – 11 MARCH 2008**RECOMMENDATION:** That the recommendation be adopted.**ORDINARY MEETING OF COUNCIL – 25 MARCH 2008****RESOLUTION:**

060	Councillor Tucker Councillor Dingle	It was resolved that the recommendation be adopted.
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BACKGROUND

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

Inspections were conducted on 31st October, 2007. In attendance were Port Stephens Council's Technical representative, Port Stephens Council's elected representative, the Roads and Traffic Authority representative and NSW Police's representative.

The Local Traffic Committee met at 9.30am on 13th November, 2007 in Council's Administration Building. In attendance were Port Stephens Council's Technical representative, Port Stephens Council's Project Officer Traffic and Road Safety, Roads and Traffic Authority's representative, NSW Police's representative and Traffic Committee Secretary. Apologies were received from Brian Mosely and Rod Landers.

LINKS TO CORPORATE PLANS

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

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

SAFETY PRIORITIES

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

The items with a Safety Priority are listed as follows:

C.1 HASTINGS DRIVE, RAYMOND TERRACE – REQUEST FOR NO PARKING SIGNS

C.2 WARREN STREET, SEAHAM – REQUEST FOR PEDESTRIAN CROSSING FOR SEAHAM PUBLIC SCHOOL

LEGAL AND POLICY IMPLICATIONS

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

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

AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK

This aligns with the following ABEF Principles.

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

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

SUSTAINABILITY IMPLICATIONS

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

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, Integrated Planning Manager and Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Traffic Committee meeting.

No additional consultation took place as a part of the meeting of 13th November, 2007.

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 13th November, 2007 are contained in ATTACHMENT 1.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
PORT STEPHENS LOCAL TRAFFIC COMMITTEE
INSPECTIONS

INDEX OF LISTED MATTERS
FOR THE MEETING TO BE HELD ON TUESDAY 13TH NOVEMBER, 2007

- A. ADOPTION OF THE MINUTES OF 16TH OCTOBER, 2007**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
 - C.1. HASTINGS DRIVE, RAYMOND TERRACE – REQUEST FOR NO PARKING SIGNS**
 - C.2. WARREN STREET, SEAHAM – REQUEST FOR PEDESTRIAN CROSSING FOR SEAHAM PUBLIC SCHOOL**
 - C.3. WARREN STREET, SEAHAM – REVIEW OF SPEED LIMIT**
 - C.4. PACIFIC HIGHWAY, KARUAH – REQUEST FOR TEMPORARY ROAD CLOSURE FOR BRIDGE CELEBRATIONS**
 - C.5. SOLDIERS POINT ROAD, SOLDIERS POINT – REQUEST FOR SPEED HUMP**
 - C.6. TOWN CENTRE CIRCUIT, SALAMANDER – PEDESTRIAN CROSSING VISIBILITY NEAR MCDONALDS**
 - C.7. VICTORIA PARADE, NELSON BAY – REQUEST FOR 4 HOUR PARKING ON NEW YEARS EVE**
 - C.8. HARDY STREET, NELSON BAY – REQUEST FOR RELOCATION OF BUS ZONE**
 - C.9. FROST ROAD, ONE MILE – REQUEST FOR MEDIAN ISLAND AT THE INTERSECTION OF GAN GAN ROAD**
 - C.10. INTERSECTION OF PACIFIC AVENUE & FITZROY STREET, ANNA BAY – VEHICLES CUTTING CORNERS**
 - C.11. VICTORIA PARADE, NELSON BAY – TRAFFIC CALMING**
- D. GENERAL BUSINESS**
- E. ATTACHMENTS**

**LOCAL TRAFFIC COMMITTEE MEETING
TO BE HELD ON TUESDAY 13TH NOVEMBER, 2007
AT 9.30 AM**

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

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

B. BUSINESS ARISING FROM PREVIOUS MEETING

There was no business arising from the previous meeting.

C. LISTED MATTERS

C.1 HASTINGS DRIVE, RAYMOND TERRACE – REQUEST FOR NO PARKING SIGNS

Grahamstown Public School P & C Association have requested the installation of No Parking signs on the western side of Hastings Drive during school times from opposite Purcell Street on the northern and southern ends.

Due to the large volume of traffic at school drop off and pick up times, only one car can move along Hastings Drive and buses have difficulty negotiating the street.

REQUESTED BY: Grahamstown Public School P & C Association

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	ATTACHMENT	No

COMMENT Nil

RECOMMENDATION

- No Stopping signs be installed on the eastern side of Hastings Drive from the southern entrance of Purcell Street and including House number 24 School Days Only.

ESTIMATED COST \$500
FUNDING SOURCE Traffic Facilities Budget

THIS ITEM HAS A SAFETY PRIORITY



C.2 WARREN STREET, SEAHAM – REQUEST FOR PEDESTRIAN CROSSING FOR SEAHAM PUBLIC SCHOOL

The Federal Member for Paterson has requested Traffic Committee investigate the installation of a pedestrian crossing at Seaham Public School.

A resident reports that cars and trucks do not stop at the School Crossing when children are waiting to cross.

REQUESTED BY: Federal Member for Paterson on behalf of a Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	ATTACHMENT	No

COMMENT

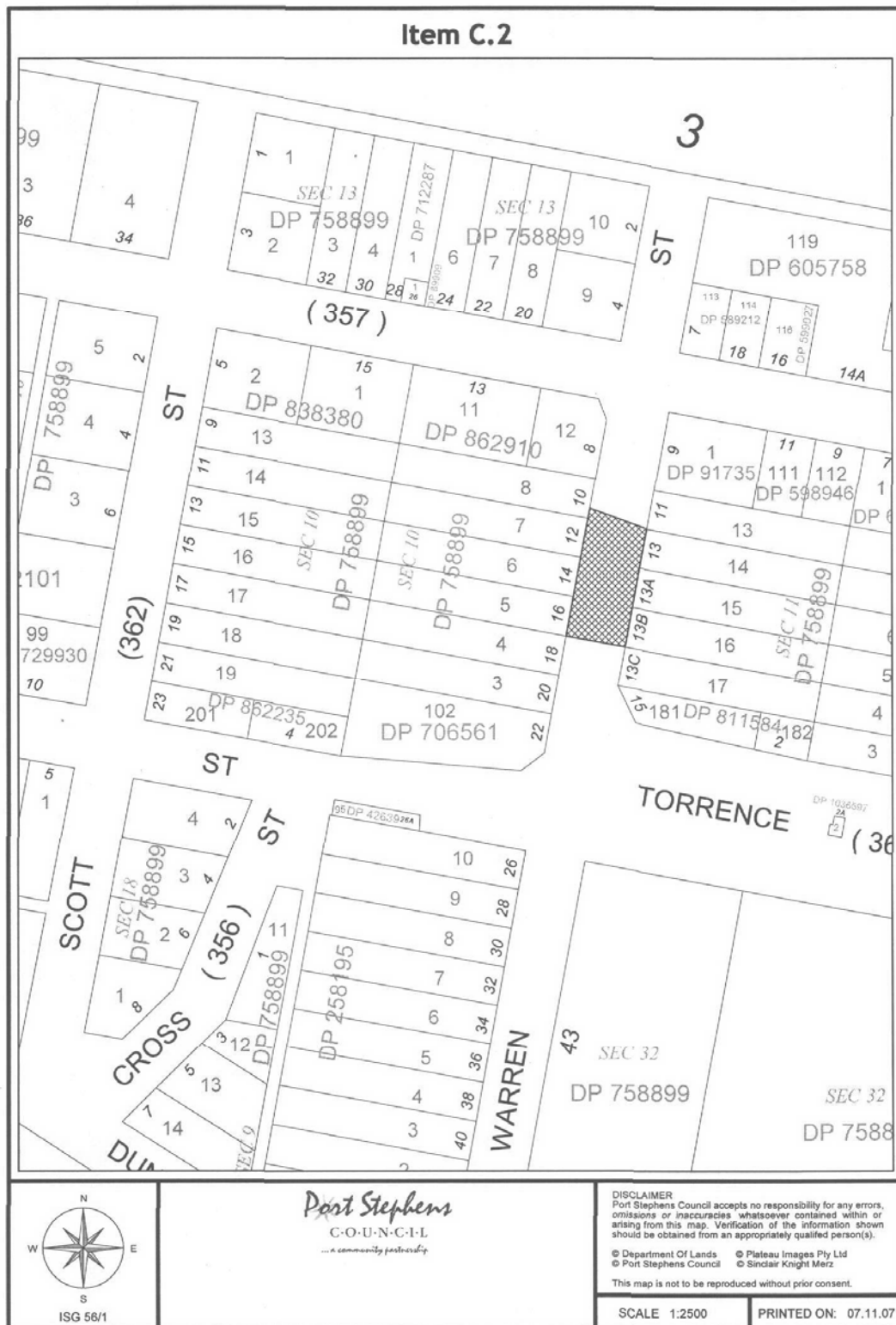
- Hold lines faded
- Edge lines missing on approach
- Plan needed for bus bay and signs
- No warrant for crossing

RECOMMENDATION

- The hold lines and crossing lines at the school crossing be remarked.
- The edge lines on the approach to the school crossing be painted.
- Pedestrian blisters be installed on the south bound approach to the crossing.

ESTIMATED COST \$600
FUNDING SOURCE Traffic Facilities Budget

THIS ITEM HAS A SAFETY PRIORITY



C.3 WARREN STREET, SEAHAM – REVIEW OF SPEED LIMIT

Raymond Terrace Police have requested a review of the speed limit entering Seaham from Raymond Terrace, after completion of road works.

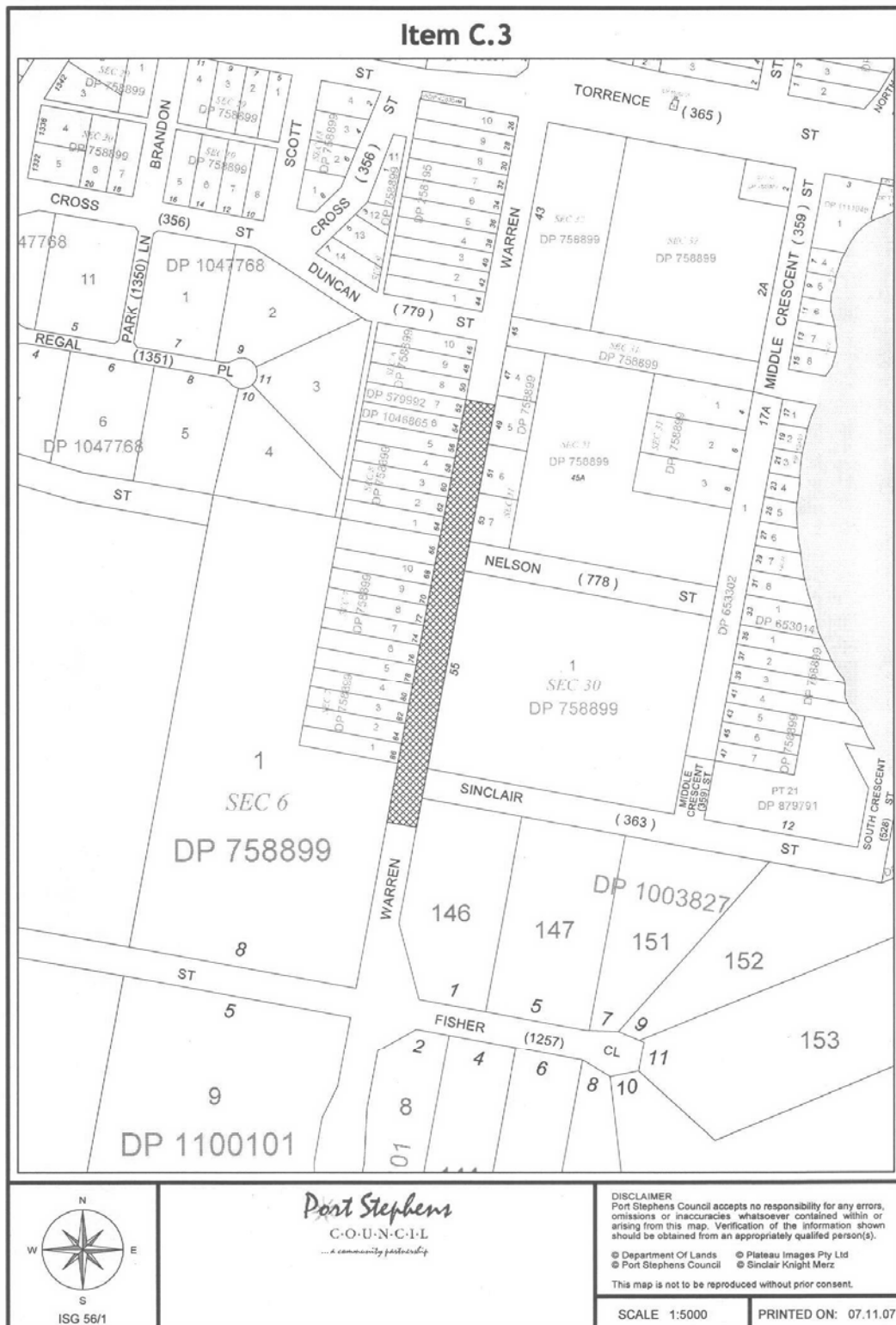
Police have asked the Committee to review the length of the 60 km buffer zone after the intersection of Wighton Street. Police have had complaints of speeding vehicles in relation to the children's playground area.

REQUESTED BY:	Raymond Terrace Police		
CONSULTATION:	Nil		
INSPECTION	UNDERTAKEN		Yes
	AGREE WITH REQUEST		N/A
ADDITIONAL	ATTACHMENT		No
COMMENT	Nil		

RECOMMENDATION

- Refer to the RTA for consideration

ESTIMATED COST	N/A
FUNDING SOURCE	N/A



C.4 PACIFIC HIGHWAY, KARUAH – REQUEST FOR TEMPORARY ROAD CLOSURE FOR BRIDGE CELEBRATIONS

Karuah Bridge Celebrations will be held on 2nd December. A street parade will be held on that day and the organisers have requested information on barricades and road blocks.

REQUESTED BY: Karuah Bridge Celebration Organisers

CONSULTATION: Nil

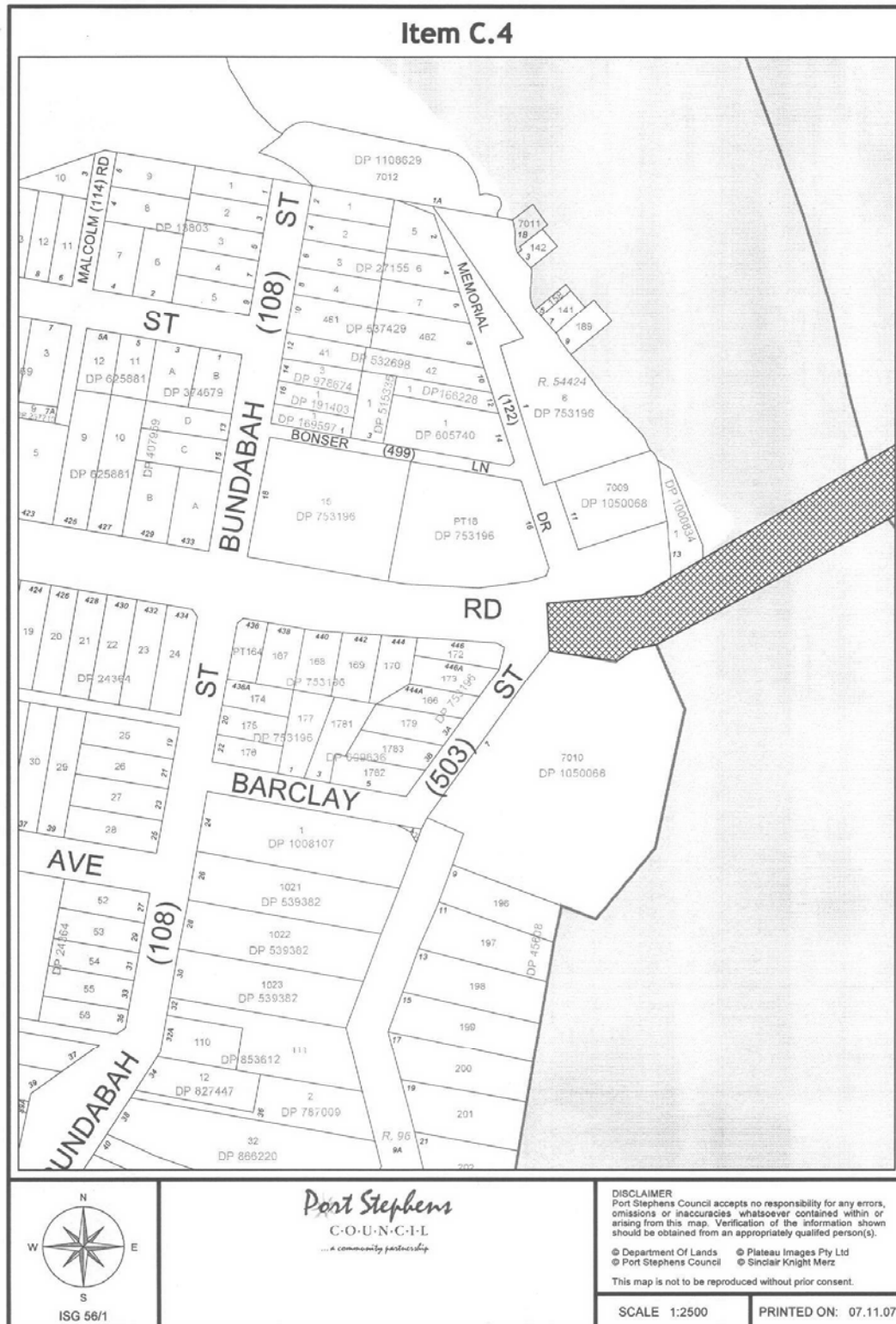
INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT Nil

RECOMMENDATION

- No objections subject standard conditions.

ESTIMATED COST	N/A
FUNDING SOURCE	N/A



C.5 SOLDIERS POINT ROAD, SOLDIERS POINT – REQUEST FOR SPEED HUMP

A resident of Soldiers Point has requested the installation of a speed hump half way along the straight stretch of road, just before the tennis courts because of speeding vehicles.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST N/A

ADDITIONAL ATTACHMENT No

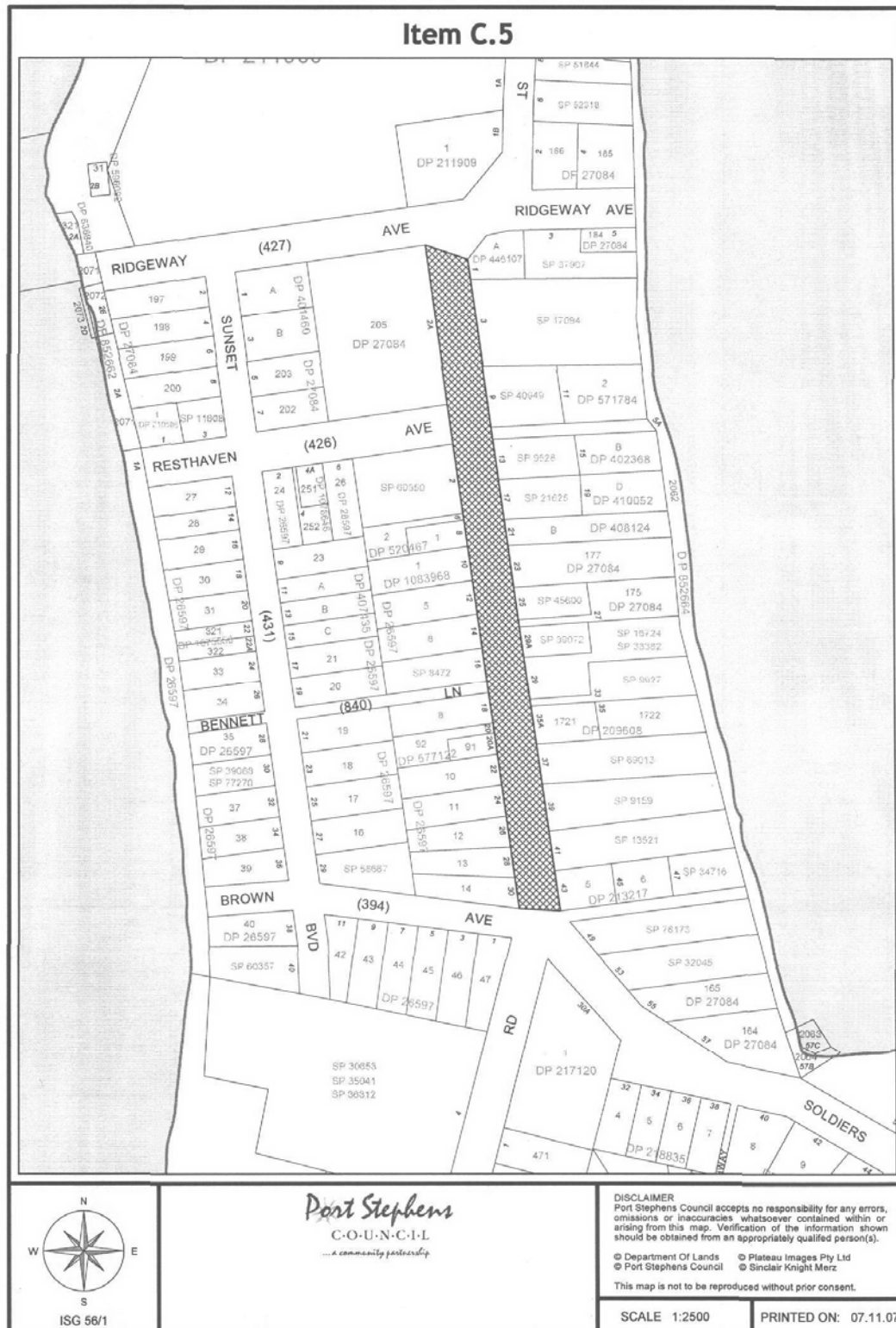
COMMENT Police monitoring will be undertaken on Soldiers Point Road

RECOMMENDATION

- Speed and volume counts be undertaken and brought back to the Committee for review.

ESTIMATED COST N/A

FUNDING SOURCE N/A



C.6 TOWN CENTRE CIRCUIT, SALAMANDER – PEDESTRIAN CROSSING VISIBILITY NEAR MCDONALDS

Councillor Westbury has raised concerns about pedestrian safety at the crossing on Town Centre Circuit near McDonalds.

The roundabout is located quite close to the roundabout and a driver's attention is initially directed at traffic on the roundabout and not towards the pedestrian crossing.

REQUESTED BY: Cr Westbury

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT

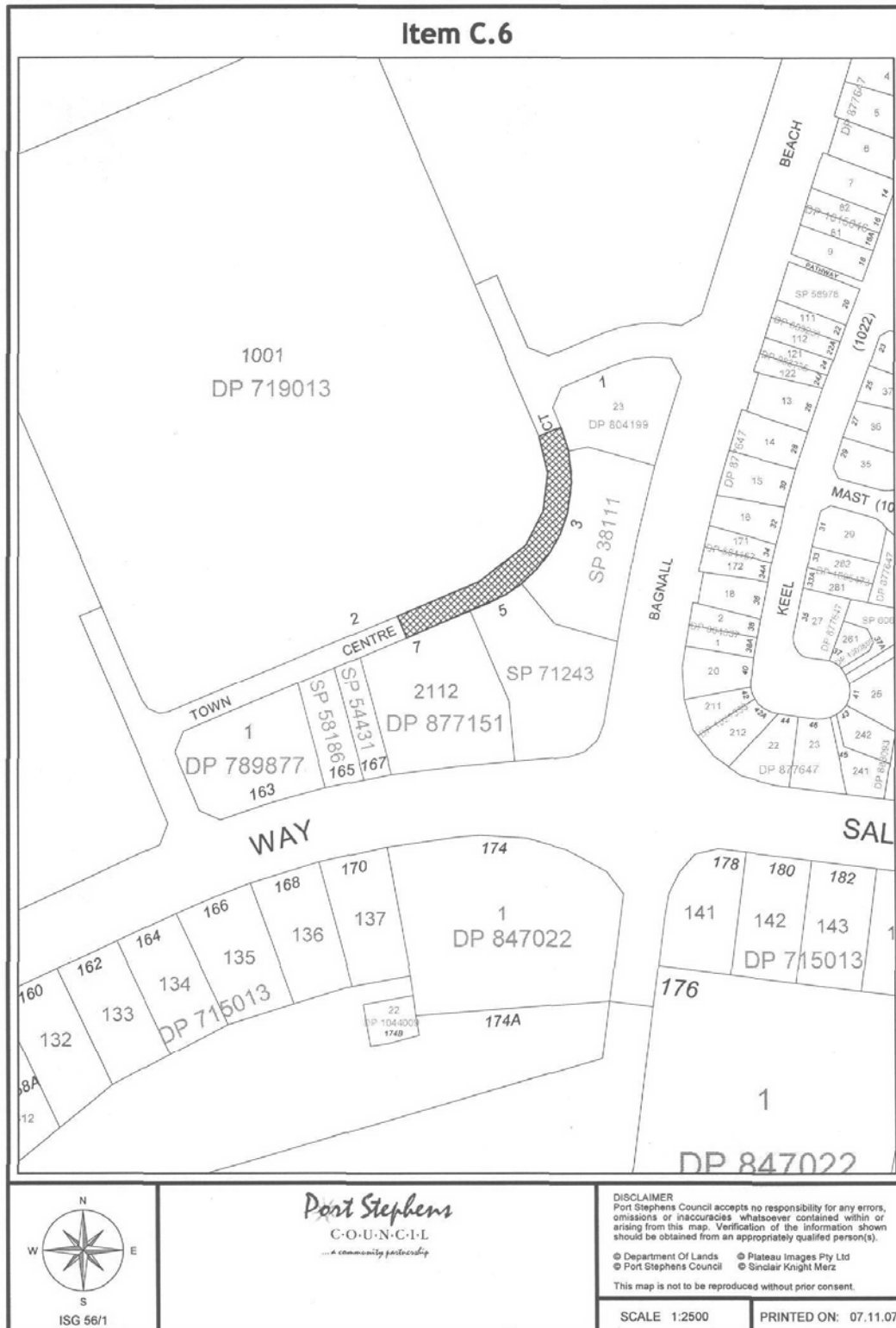
- Crossing sign missing on McDonalds side
- Crossing markings faded on both crossing sites

RECOMMENDATION

- Pedestrian Crossing signs be upgraded to larger size fluorescent signs
- Zig zag line marking be painted on approaches to the pedestrian crossings
- Pedestrian crossings be re marked

ESTIMATED COST \$800/\$300

FUNDING SOURCE Traffic Facilities Budget/Facilities and Services Maintenance Budget



C.7 VICTORIA PARADE, NELSON BAY – REQUEST FOR 4 HOUR PARKING ON NEW YEARS EVE

Council's Traffic Engineer has requested a temporary 4hr parking limit along the one way section of Victoria Parade to assist in the New Years Eve Celebrations at Fly Point. A temporary road closure has been approved for this section of Victoria Parade. The temporary time limit will reduce the incidents of all day parking of vehicle prior to the event. Vehicles are difficult to move after the road is closed.

REQUESTED BY: Council's Traffic Engineer

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	ATTACHMENT	No

COMMENT Difficulty enforcing temporary parking restriction

RECOMMENDATION

- The one way section of Victoria Parade be closed to all traffic at 7.00am on 31st December, 2007.
- The two way section be closed at 2.00pm on 31st December, 2007 as per temporary road closure approval.

ESTIMATED COST N/A
FUNDING SOURCE N/A



C.8 HARDY STREET, NELSON BAY – REQUEST FOR RELOCATION OF BUS ZONE

Strata Managers for Shoal Landing Estate have requested that the bus zone in Hardy Street be relocated to a more appropriate area. Concerns have been raised from property owners about disturbance from noise and thoroughfare.

REQUESTED BY: Monteath Strata Management

CONSULTATION: Nil

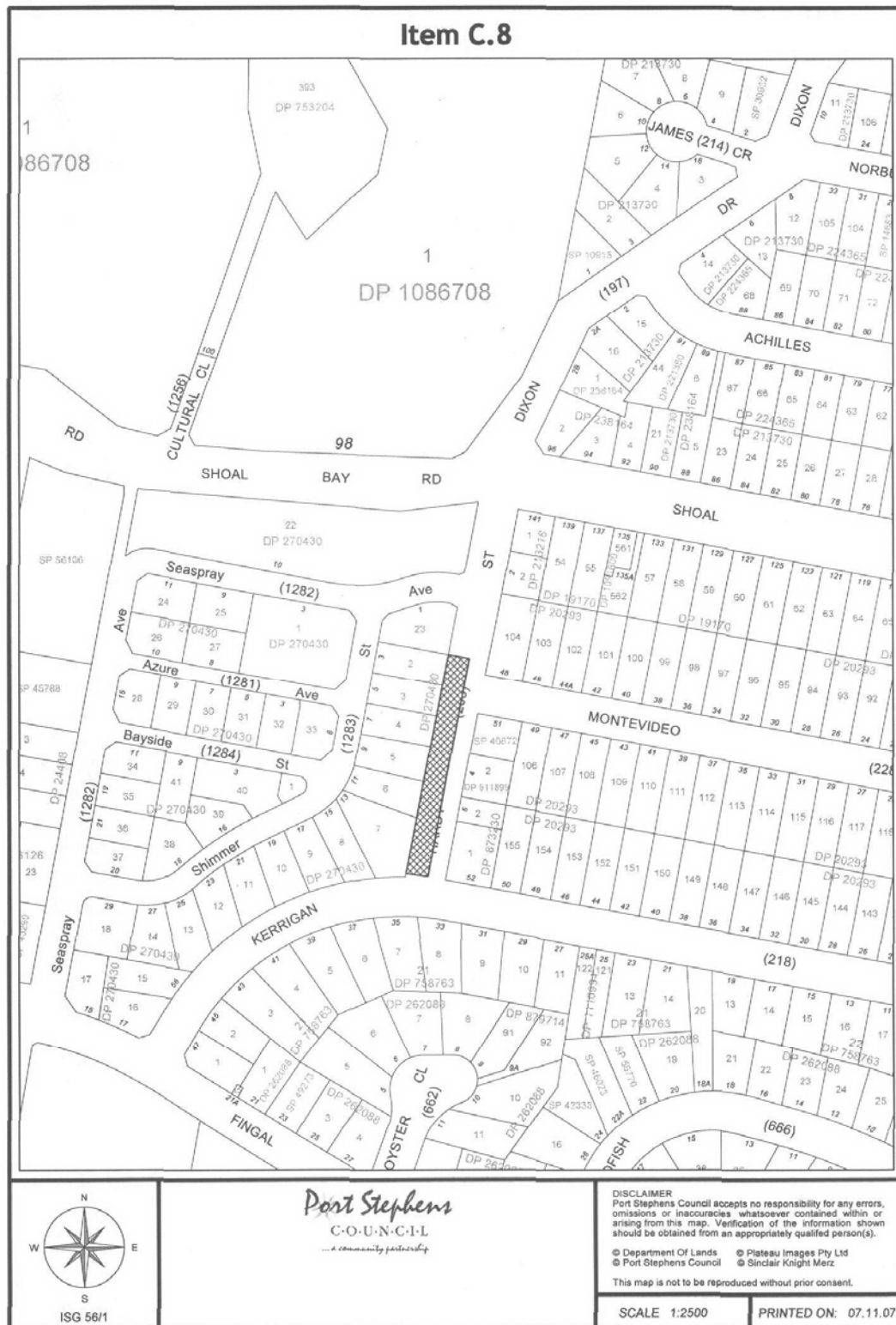
INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	ATTACHMENT	No

COMMENT Bus zones are not utilised
Minimal on street parking occurs

RECOMMENDATION

- Remove existing bus zone signposting.
- Remove bus parking area signage from Foreshore directing buses to Hardy Street.

ESTIMATED COST \$100
FUNDING SOURCE Traffic Facilities Budget



C.9 FROST ROAD, ONE MILE – REQUEST FOR MEDIAN ISLAND AT THE INTERSECTION OF GAN GAN ROAD

A resident of Frost Road has requested the installation of a concrete median at the intersection of Frost Road and Gan Gan Road, to prevent vehicles overtaking those turning left into Frost Road.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST No

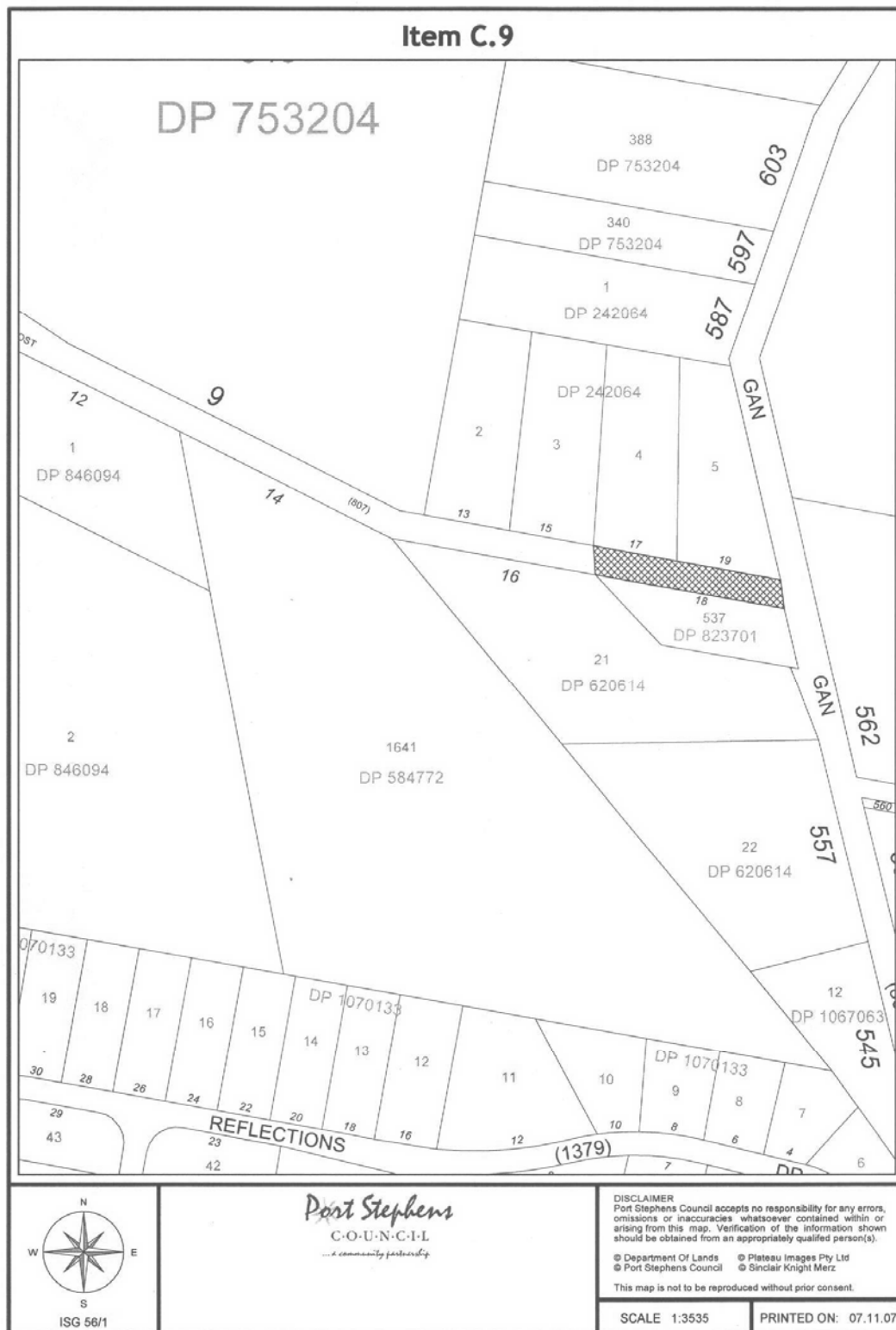
ADDITIONAL **ATTACHMENT** No

COMMENT Confusion with linemarking on Gan Gan Road for the left turn lane may contribute to vehicles turning left at intersection.

RECOMMENDATION

- Remove pavement arrows for the right turn lane at Samurai Beach Resort.
- Remove the lane lines for the right turn lane at Samurai Beach Resort.
- Provide a continuity line for the left turn lane at Frost Road.

ESTIMATED COST \$500
FUNDING SOURCE Traffic Facilities Budget



C.10 INTERSECTION OF PACIFIC AVENUE & FITZROY STREET, ANNA BAY – VEHICLES CUTTING CORNERS

A resident has requested traffic committee investigate improvements to this intersection to prevent cars from cutting corners and driving on the nature strip.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT Nil

RECOMMENDATION

- Provide double centreline linemarking and pavement markers on Fitzroy Street and
- Provide give way signs and hold lines on Fitzroy Street and
- Provide guide posts around the curve radius from Fitzroy Street into Pacific Avenue.

ESTIMATED COST	\$600
FUNDING SOURCE	Traffic Facilities Budget



C.11 VICTORIA PARADE, NELSON BAY – TRAFFIC CALMING

Councillor Dover has requested Traffic Committee investigate traffic calming improvements in Victoria Parade in the vicinity of Little Beach.

REQUESTED BY: Cr Dover

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST Yes

ADDITIONAL **ATTACHMENT** No

COMMENT

- Existing No Entry signs at the eastern end
- Light vehicle routes are on basis of damaging effects on the pavement or available width to negotiate roadway
- Traffic Calming devices and speed humps are listed on Council's Forward Works Program

RECOMMENDATION

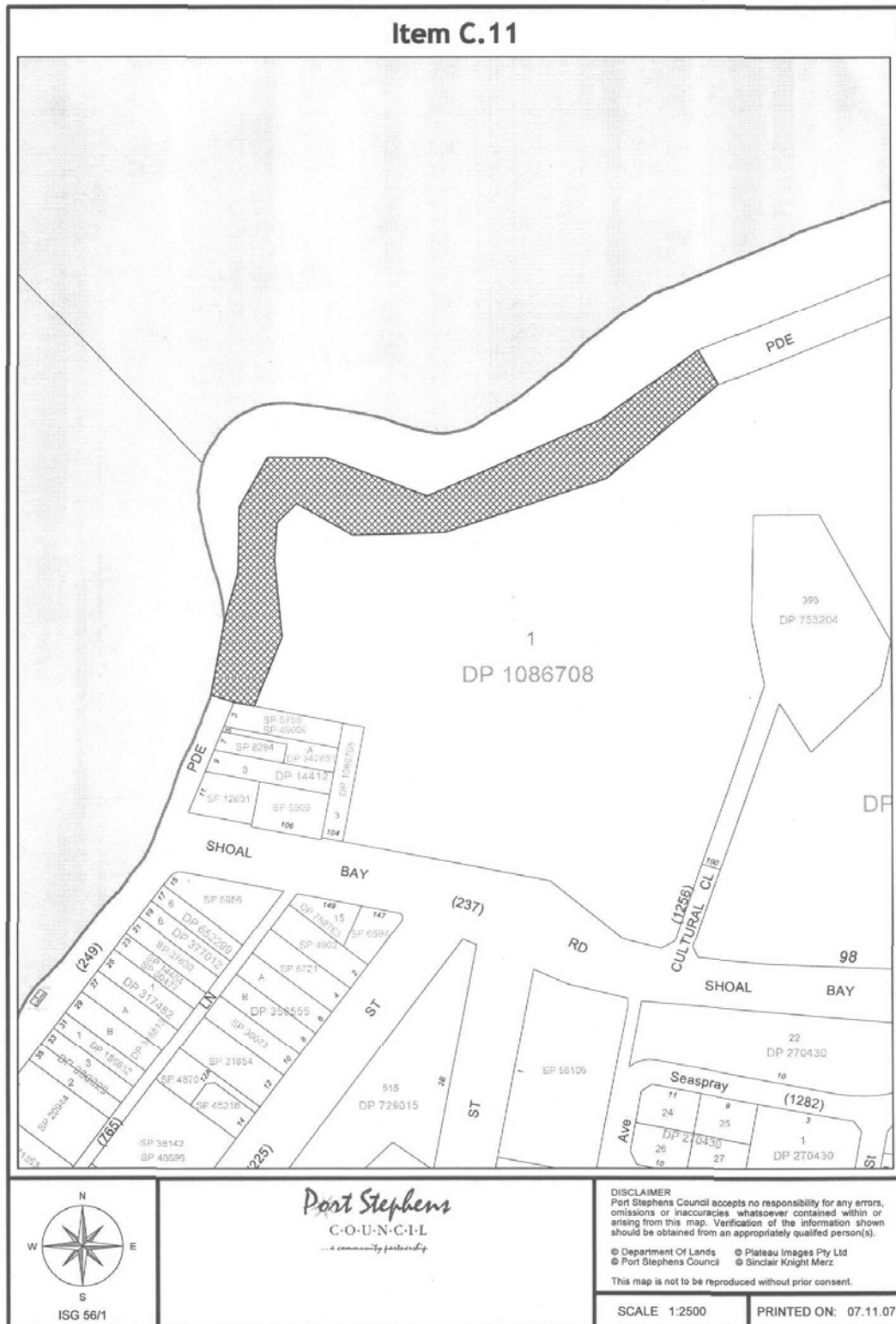
- Upgrade the existing No Entry signs at the eastern end.
- Install pedestrian and cyclist warning signs in the one way section of Victoria Parade.
- No action on light vehicle only signs.
- Refer to the Roads and Traffic Authority for consideration of the 40km/h speed limit.

ESTIMATED COST

\$400

FUNDING SOURCE

Traffic Facilities Budget



D. GENERAL BUSINESS**D.1 SALAMANDER WAY, SALAMANDER BAY – CONFUSING SPEED LIMITS**

The Police representative reported confusing speed limits in the vicinity of Salamander Way and Bagnalls Beach Road. Can the Committee investigate making a recommendation to make this area uniform?

REQUESTED BY: NSW Police

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes/No/NA

AGREE WITH REQUEST Yes/No

ADDITIONAL ATTACHMENT Yes/No

COMMENT RTA Inspectors have also made this request.

DRAFT RECOMMENDATION

- This matter will be listed for inspections and discussed at the next Traffic Committee meeting.

ESTIMATED COST N/A

FUNDING SOURCE N/A

ITEM NO. 4**FILE NO: PSC2005-0889****ABORIGINAL PROJECT FUND****REPORT OF: TREVOR ALLEN, INTEGRATED PLANNING MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Supply funds from Council's Aboriginal Project Fund in accordance with the amounts and purposes prescribed below: -
 - 1.1 A grant of \$7,550 to the Karuah Preschool for the '*Linking Attendance, Literacy, Numeracy and Culture Project*'.
 - 1.2 A grant of \$5,000 to the Gan Gan Family Centre for the '*Gan Gan Dreaming Project*'.
 - 1.3 A grant of \$7,908 to the Port Stephens Family Support Service for the '*Raymond Terrace Indigenous Resource Centre Project*'.
 - 1.4 A grant of \$8,855 to the Worimi Local Aboriginal Land Council for the '*Gabirr Gumba Project*'.
 - 1.5 A grant of \$10,000 to the Karuah Local Aboriginal Land Council for the '*Community Sports Court Project*'.
- 2) All grants allocated as per recommendation (1) shall be subject to the funding conditions specified in Attachment 1 of this report.

OPERATIONS COMMITTEE MEETING – 11 MARCH 2008**RECOMMENDATION:** That the recommendation be adopted.**ORDINARY MEETING OF COUNCIL – 25 MARCH 2008****RESOLUTION:**

061	Councillor Hodges Councillor Brown	It was resolved that the recommendation be adopted.
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BACKGROUND

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

Project Name	Description	Amount
Linking Attendance, Literacy, Numeracy and Culture Project	Enable the Karuah Pre-school to continue provide fee assistance to Aboriginal preschool aged children (as previously funded in 2006 the Aboriginal Project Fund). The funding will also assist in engaging an Indigenous Support Worker and the provision of cultural training to centre based staff and the purchase of child starter packs. This program is playing a key role in assisting and supporting local Aboriginal families in the critical transitional phase of going from home to starting school.	\$7,550
Gan Gan Dreaming Project	Fund local Aboriginal artists and the purchase of associated art materials to work with children and families at Anna Bay Public School (which oversees the Gan Gam Family Centre) to develop and create an art based project involving the creation of directional signage in the grounds of the school which showcases Indigenous art, storytelling and the local Indigenous language of Kattang (besides English).	\$5,000

ORDINARY MEETING – 25 MARCH 2008

Raymond Terrace Indigenous Resource Centre Project	Support the development of the recently opened Indigenous Resource Centre by contributing towards the employment of a part-time Co-ordinator for approximately 6 months to formulate and implement relevant and sustainable booking systems, policies, procedures and volunteer strategy. They will also be responsible for forging strong links with the Worimi and Karuah Local Aboriginal Land Councils, local community organisations and Council's library services.	\$7,908
Gabirr Gumba Project	Contribute to the cost of replacing the Worimi Local Aboriginal Land Council's existing antiquated Information Technology platform to provide much needed security and protection of Land Council information, with added reliability and functionality levels required to adequately service the IT demands of the Land Council. This in turn will enable the existing computers which are not conducive to the Land Council's IT platform network demands to be transferred to the Aboriginal Training & Development Centre which the Land Council is planning to establish at Murrook. This training facility will enable community members to participate in training courses, prepare resumes etc in response to their respective training and development needs.	\$8,855
Community Sports Court Project	Contribute to the cost of upgrading and expanding the flexibility of the existing tennis court facility at the Karuah Mission to multi-sports court status, where it can be used to facilitate a range of recreational activities for community members (young and old alike) such as tennis, basketball, mini soccer, skating and boarding activities.	\$10,000
Total:		\$39,313

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

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

In late 2007 Council advertised widely seeking funding proposals in accordance with Stage 1 of Council's Aboriginal Project Fund guidelines. A subsequent meeting of Council's Aboriginal Strategic Committee on 8 October 2007 was convened to assess and shortlist the Stage 1 funding proposals. The shortlisted applicants were invited to submit a detailed grant application in accordance with the program's Stage 2 requirements. A further meeting of the Aboriginal Strategic Committee on 7 February 2008 was attended by shortlisted applicants who made a presentation on their proposed project and to respond to any questions or issues raised by Committee members. Following the presentations the Aboriginal Strategic Committee finalised their assessment and formulated their recommendations to Council that form the basis of this report.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well-being.*

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$39,313 is currently available for community projects under Council's Aboriginal Project Fund. The projects recommended for funding in this report total \$39,313. All funded projects will be required to adhere to the conditions of funding as detailed in Attachment 1 of this report.

LEGAL AND POLICY IMPLICATIONS

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

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

- *Supporting Aboriginal pre-school aged children and their families in the Karuah area through the critical transitional phase of going from home to starting kindergarten by maximising their opportunity to obtain a preschool education.*
- *Providing the opportunity for Indigenous and non-Indigenous school children at Anna Bay Public School to gain an increased understanding and appreciation of Indigenous culture, stories and the Kattang language.*

- *Providing residents and visitors of Karuah Mission with access to a quality outdoor centrally located recreational space that can be used for a range of intergenerational sporting and recreational activities.*
- *Providing the community and community organisations with access to a range of quality Indigenous resources and aides that are centrally located at the Raymond Terrace Indigenous Resource Centre.*
- *Providing Worimi Local Aboriginal Land Council with the necessary platform to meet their existing and future Information Technology requirements which in turn will free up redundant IT resources to be re-allocated to the Land Council's Aboriginal Training and Development Centre which they plan to establish. This training facility will assist community members in accessing training and IT support to assist in maximising their employment opportunities.*

ECONOMIC IMPLICATIONS

There are no economic implications.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

CONSULTATION

All of the funding proposals submitted were formulated at the outset in consultation with the Worimi and Karuah Local Aboriginal Land Councils. The subsequent funding proposals submitted under Stage 1 of the Aboriginal Project Fund were reviewed and shortlisted by Council's Aboriginal Strategic Committee on 8 October 2007. The subsequent detailed funding submissions under Stage 2 of the Aboriginal Project Fund were assessed at a meeting of the Aboriginal Strategic Committee on 7 February 2007 resulting in the unanimous endorsement of the recommendations contained in this report.

OPTIONS

- 1) To accept the recommendations
- 2) To accept the recommendations and vary the conditions of funding
- 3) To reject the recommendations calling for more information to support the report.

ATTACHMENTS

- 1) Conditions of funding

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

**ATTACHMENT 1
ABORIGINAL PROJECT FUND
2007/2008 GRANT APPLICATIONS**

CONDITIONS OF FUNDING

- 1) Grant to be expended in accordance with the purpose specified in funding submission
- 2) Grants over \$5,000 shall be allocated in two instalments, 50% in advance of the project and the remaining 50% upon presentation of final receipts (excluding only capital projects).
- 3) Funds to be fully expended by 31st December 2008 unless specified otherwise.
- 4) A formal invitation be extended to Council's Aboriginal Strategic Committee and Port Stephens Councillors to attend any official launches, openings, events and/or activities associated with the project.
- 5) In accordance with the funding guidelines, a representative from each organisation funded under the 'Aboriginal Project Fund' shall attend a meeting of Council's Aboriginal Strategic Committee following the expenditure of the grant to present details of the project's outcomes
- 6) At the conclusion of the project, council is to be supplied with a financial statement of project expenditure and any unexpended monies are to be returned to Council
- 7) All grants are GST exempt
- 8) Recipients of funding shall accept full responsibility for the liability and ongoing costs associated with projects funded under the Aboriginal Project Fund
- 9) A member of Council's Social Planning Team shall monitor the establishment and implementation of each project
- 10) Comply with any further conditions prescribed by Council's Aboriginal Strategic Committee during the assessment process.

ITEM NO. 5**FILE NO: PSC2008-0208****COUNCIL PARTICIPATION IN HUNTER REGION ILLEGAL DUMPING (RID) SQUAD****REPORT OF: BRUCE PETERSEN – MANAGER, ENVIRONMENTAL SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Participate in a Hunter RID Squad and endorse the budget allocation of \$45,000.
- 2) Delegate authority to the General Manager to sign the agreement to become a RID Squad member.

OPERATIONS COMMITTEE MEETING – 11 MARCH 2008**RECOMMENDATION:****That Council:**

1. Participate in a Hunter RID Squad
2. Delegate authority to the General Manager to sign the agreement to become a RID Squad member.

MATTER ARISING:**That Council review its policy on the use of thrift bins.****MATTER ARISING:****That Council investigate the possibility of Council's Waste Transfer Stations providing credit card facilities.****ORDINARY MEETING OF COUNCIL – 25 MARCH 2008****RESOLUTION:**

062	Councillor Nell Councillor Dingle	It was resolved that the recommendation be adopted.
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MATTER ARISING:

063	Councillor Nell Councillor Dingle	It was resolved that Council develop its policy on the use of thrift bins.
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MATTER ARISING:

064	Councillor Nell Councillor Dingle	It was resolved that Council investigate the possibility of Council's Waste Transfer Stations providing credit card facilities.
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BACKGROUND

The purpose of this report is to provide information regarding the formation of a Regional Illegal Dumping (RID) Squad and seek Council's endorsement for participation.

Council has been conscious of the growing problem of illegal waste dumping and

considered the matter at a special workshop on 22nd August 2006, at which Councillors and staff specifically considered the issue and proposed strategies to address it. One of the outcomes of this workshop was Council's proactive role in the formation of the Hunter Regional Illegal Dumping Group (HRIDG). This group meets regularly to develop policies and strategies at a Regional level.

One of the strategies that the HRIDG has proposed is the formation of a Hunter RID squad.

The proposed Hunter RID Squad is a team of authorised officers (one officer per participating Council) that provides additional resources to each Council and compliments Council's existing regulatory staff in a cost effective manner to address the growing issue of illegally dumped waste.

Port Stephens has been approached to be a member of the Hunter RID squad and commitment in principle to participate has been given, pending endorsement by Council.

Three (3) other Hunter Councils have also indicated an interest in forming the squad and the matter has been considered by the Hunter Councils General Managers Advisory Committee and a draft service agreement has been prepared at officer level.

It is proposed that the RID Squad be administered by Hunter Councils Inc who would employ the authorised officers, manage the necessary equipment, administer accounts and co-ordinate operations on a daily basis.

Participating Councils would form a Management Committee, along with the Department of Environment and Climate Change (who are also contributing funding), to set the strategic direction and priorities of the Squad, make policy decisions, set budgets and monitor the operation of the Squad.

At an operational level, the Squad would provide Council with a fast incident response from a specialised force, well trained in all aspects of illegal dumping enforcement. With cross-Council delegations, the RID Squad would operate across each of the participating local government areas to provide a regional and consistent enforcement approach.

Participation in the RID Squad will compliment Council's scarce Ranger resources and enable Rangers to address other enforcement issues. This is considered more cost-effective to Council than employing and resourcing additional Rangers, whilst addressing Council's recent concerns over illegal dumping.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

ECONOMIC SUSTAINABILITY – Council will support the economic sustainability of its communities while not compromising its environmental and social well being.

ENVIRONMENTAL Council will protect and enhance the environment while considering the social and economic ramifications of decisions

BUSINESS EXCELLENCE – Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey

FINANCIAL/RESOURCE IMPLICATIONS

Funding for the operation of the RID squad comes from three sources-

- Contributions from member Councils – each Council to contribute \$45,000 per year.

- Contributions from DECC - \$45,000 per Council per year.
- Income from fine revenue, external income and contributions from other partner organisations.

Council's commitment to this program would require an annual budget allocation of \$45,000 for the next three years. An allocation for this amount has been made in the 2008/09 budget pending Councils endorsement of participation in the RID Squad.

Under the terms of the Operational Agreement, Council's contribution cannot exceed \$45,000, however where income from fine revenue exceeds expenditure, member Councils will receive dividends which will reduce their overall contribution. Rid Squads have operated successfully in Sydney for many years and report that their annual contributions are much lower than originally expected due to high fine revenue.

Council's existing Ranger resources are stretched and are incapable of dedicating the level of specialist attention to illegal dumping that would be provided by the RID squad. The RID Squad proposes to provide the equivalent of one enforcement officer per member Council but officers will be based at Hunter Councils (Thornton) and operate where required throughout the region. If Council was to employ and resource an additional Ranger to address illegal dumping issues in Port Stephens, the costs would be at least double to those applicable to participation in the RID Squad.

LEGAL AND POLICY IMPLICATIONS

The RID Squad is a joint venture between participating Councils, the Department of Environment and Climate Change and Hunter Councils Inc. It is evidenced by an agreement that sets out the terms and conditions between the parties.

RID Squads have operated successfully in Sydney for many years and the Hunter Squad is modelled on these. Issues such as management, cross boundary delegations and revenue sharing have been addressed and fine tuned by these other Squads and are clearly defined in the agreement document which Council would be required to sign prior to becoming a member agency.

The Draft Agreement has been checked by Council's lawyer.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Council's expenditure on clean-up of illegally dumped waste and litter is increasing on an annual basis. The high costs of waste disposal is potentially leading to increased illegal dumping activities on public lands and the costs of cleanups where offenders are unknown is borne by the land owners. One of the objectives of the RID Squad is to achieve greater levels of compliance through action and enforcement. Council's cleanup costs will be reduced.

ENVIRONMENTAL IMPLICATIONS

The key Environmental outcomes of the RID Squad are-

- Reduction of environmental degradation of sensitive bushland and urban amenity
- Reduction of potential vermin infestations and fire hazards.
- Improved community awareness and behaviour in the appropriate disposal of waste
- Increased recovery of resources

CONSULTATION

- DECC
- GMAC
- Officers from Newcastle Council, Lake Macquarie Council, Maitland Council, Cessnock Council.
- Waste Services Co-ordinator
- Harris Wheeler Lawyers

OPTIONS

- 1) Endorse participation in the RID Squad as a means to address the ever increasing problem of illegal dumping of waste in Port Stephens.
- 2) Explore other options to address illegal dumping options and choose not to participate in the Hunter RID Squad.

ATTACHMENTS

- 1) NIL

COUNCILLORS ROOM

- 1) Copies of the DRAFT Rid Squad agreement available in the Councillor's room.

TABLED DOCUMENTS

Nil

ITEM NO. 6**PSC2005-2576****RURAL FIRE SERVICE – CHANGE IN MEMBER COUNCILS****REPORT OF: PETER MURRAY, OPERATIONS MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Accepts the NSW Rural Fire Service's proposal to form a new Fire team comprised of Port Stephens, Dungog, Maitland and Cessnock Local Government areas as of 1 April 2008.
- 2) Authorises the affixing of Council's seal to the NSW Rural Fire Service Agreement – Lower Hunter document permitting this new arrangement to commence.

OPERATIONS COMMITTEE MEETING – 11 MARCH 2008**RECOMMENDATION:** That the recommendation be adopted.**ORDINARY MEETING OF COUNCIL – 25 MARCH 2008****RESOLUTION:**

065	Councillor Hodges Councillor Jordan	It was resolved that the recommendation be adopted.
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MATTER ARISING:

066	Councillor Hodges Councillor Jordan	It was resolved to acknowledge volunteer contributions by letter and note the work of Council staff in capital improvements.
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BACKGROUND

The purpose of this report is to seek Council's endorsement to proceed with the NSW Rural Fire Service's proposal to form a new Fire team with Dungog, Maitland and Cessnock Councils.

Council previously adopted the following recommendations at its meeting of 27 May 2003:

- "1) Accepts the NSW Rural Fire Service's proposal to form a Fire Zone comprised of Port Stephens, Dungog and Great Lakes Local Government Areas as of 1 June 2003.*
- 2) Authorises the affixing of Council's seal to the Zone Service Level Agreement document.*
- 3) Nominates a Councillor to represent Port Stephens on the Zone Liaison Committee."*

The implementation of Zoning to the Port Stephens Local Government Area has been beneficial for both Council and volunteers. The Zoning approach has led to greater resources being immediately available to combat emergencies, increased State resources being allocated to training, business support, fire mitigation, community education and increased collaboration between Councils.

However, in April 2006 an internal management issue within the NSW Rural Fire Service led to the intervention of the then Commissioner, Mr Phil Koperberg, that suspended Great Lakes Council Brigades from the Zone Agreement. Immediately after the suspension, a

great deal of consultation occurred between the Brigades themselves that resulted in the Group Captains of Port Stephens and Dungog proposing that a Zone be reformed with Cessnock and Maitland. The Service subsequently considered this proposal and has adopted the 4 Council area model for the Lower Hunter.

The creation of the new team with these member Councils also builds on the other emergency management relationships that have been successful in the Lower Hunter Emergency Management Coordinating Committee and recently, with the State, Federal and Local Government funded Emergency Risk Management Project due to these Councils being common members with a well established working relationship.

LINKS TO CORPORATE PLANS

Goal 4 Safety – Protect the people of our community by improving fire safety of the built environment of Port Stephens.

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

Resource sharing will provide indirect cost savings to those Council's participating.

LEGAL AND POLICY IMPLICATIONS

Council and the Rural Fire Service have a continuing responsibility under the Rural Fires Act 1997 to deliver rural fire services to the community. The adoption of Zoning demonstrates Council's commitment to best practice with regard to this service.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **SYSTEMS THINKING** – *Continuously improve the system.*
- 3) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*

- 4) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

One of the major outcomes of teaming with a number of Council areas has been increased support by the Service to the Brigade volunteers.

ECONOMIC IMPLICATIONS

Resource sharing through zone arranging should allow the potential negative economic implications of dealing with bushfires to be minimised.

ENVIRONMENTAL IMPLICATIONS

Any proposal that has the effect of improving the capabilities of the fire fighting aspect of the Service has a direct effect on the environment. Improved hazard management will equate to a reduction in uncontrolled fires and the consequent effect on flora and fauna.

CONSULTATION

Extensive consultation was undertaken by the Service in the period late 2001 to early 2003 when Zoning was first proposed. The adoption of new Zone partner Councils was initiated by the Brigade Group Captains themselves with broader consultation being facilitated by the Service in the period April 2006 and 2007.

OPTIONS

- 1) Adopt the recommendations.
- 2) Reject recommendations and commence negotiations with the NSW Rural Fire Service regarding alternative arrangements.

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOMS

NSW Rural Fire District Service Agreement – Lower Hunter

TABLED DOCUMENTS

NSW Rural Fire District Service Agreement – Lower Hunter.

ITEM NO. 7**INFORMATION PAPERS****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT**

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 11 March, 2008.

No:	Report Title	Page:
1	Section 82A Review of Development Application Home Employment (Earthmoving & Engineering)	
2	Access Committee Minutes	
3	Cash & Investments held at 31 January 2008	
4	Council Ward Funds	
5.	Minutes of Tourism Joint Venture 19 Feb 2008	

OPERATIONS COMMITTEE MEETING – 11 MARCH 2008**RECOMMENDATION:** That the recommendation be adopted.**ORDINARY MEETING OF COUNCIL – 25 MARCH 2008**

RESOLUTION:		
067	Councillor Westbury Councillor Francis	It was resolved that the recommendation be adopted.

Councillor Robinson left the Chamber at 6.42pm during Item 7.

INFORMATION ITEM NO. 1

**SECTION 82A REVIEW OF DEVELOPMENT APPLICATION HOME
EMPLOYMENT (EARTH MOVING AND ENGINEERING)**

REPORT OF: SCOTT ANSON - MANAGER, DEVELOPMENT AND BUILDING

FILE: 16-2006-246-1

BACKGROUND

The purpose of this report is to provide Councillors with a report regarding the status of this matter, in response to requests from the Mayor and Councillors. A detailed assessment report will be submitted by the General Manager to the March Ordinary Council Meeting. A site inspection will be organised prior to the Ordinary Meeting.

On 27 June 2006 Council refused DA 16-2006-246-1 for Home Employment (Earth Moving and Engineering) for the following reasons:

1. The development is inconsistent with the objectives of the 1 (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 associate 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.

A Rescission Motion in relation to this resolution was considered at the Council meeting on 25 July 2006 and was lost. Accordingly, a letter to this effect was sent to the landowner, Hay Enterprises, on 15 August 2006. In response Hay Enterprises submitted a letter on 30 August 2006 seeking Council's support for a rezoning of the property to enable the subject business activities to be legitimised.

Council consulted with Sparke Helmore solicitors who sent a letter on 12 September 2006 to Hays Enterprises Pty Ltd requiring cessation of business activities within 7 days and seeking a Letter of Undertaking from the land owner to this effect. A reply was received on 18 September 2006, requesting an additional 14 days to formally respond to Council. On 10

October 2006 Council resolved to defer legal proceedings and any further action for 28 days to enable the preparation of a submission regarding existing use rights and/or the scaling down of the business to seek to meet the definitional and policy statements link within Port Stephens LEP 2000 and DCP on Home Employment Guidelines. The applicant has subsequently lodged a Section 82A review relating to Council's refusal of the application. The assessment report will be tabled for Council's consideration at the March Ordinary Meeting once all submissions have been considered following the notification process.

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Management Plan provided by Hay Enterprises
- 2) Site Plan
- 3) Landscape Plans

INFORMATION ITEM NO. 2

ACCESS COMMITTEE MINUTES

REPORT OF: TREVOR ALLEN, INTEGRATED PLANNING MANAGER

FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee meeting held on 5 February 2008.

Key issues addressed at the meetings included: -

- 1) Proposed amendments to Access Committee Constitution
- 2) Review of International Day of People with A Disability Picnic
- 3) Review of Disability Action Plan

ATTACHMENTS

- 1) Minutes of the Access Committee meeting held on 5 February 2008.

**PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 6 FEBRUARY 2008
AT THE RAYMOND TERRACE BOWLING CLUB**

Present:

Michael Elliott, Michelle Page, Cr. Helen Brown, Cr. Sally Dover, Margaret O'Leary (& O.T students Megan & Ladean), Jenny De-ville, Ken Whiting, Karen Whiting, Graham Roberts, Alice De-Carle, Joe Delia, Cathy Delia, Liz Harper, Deborah Hall, Cathy Jennings, Tony Kean

Apologies:

Robert Harper, Erin Devlin

1. WELCOME & INTRODUCTIONS

Council's *Community Planner – Ageing & Disability* welcomed members and members introduced themselves and indicated that the primary purpose of today's meeting is to review the role and functions of the Committee and to formulate plans and activities for the next 12 months.

2. PLANNING SESSION

The Committee considered and discussed key aspects of the role and functions of the Committee. Outcomes were developed for the future role and growth of the Committee. Items covered during the planning session included:

2.1 Access Committee Constitution Review:

Proposed changes to Schedule to Constitution:

Item 3:

1. TO PROVIDE A COMMUNITY FORUM FOR THE DISCUSSION OF DISABILITY ISSUES

Proposed Amendment: To provide a community forum for the discussion of universal access issues (ie; access for people with disabilities, aged, parents with prams, general community etc)

2. TO RAISE AWARENESS OF AND PROVIDE ADVICE TO COUNCIL ON THE ACCESS REQUIREMENTS OF PEOPLE WITH DISABILITY.

PROPOSED AMENDMENT: TO RAISE AWARENESS AND PROVIDE ADVICE TO COUNCIL AND THE COMMUNITY ON UNIVERSAL ACCESS ISSUES.

3. TO PROMOTE THE INTEGRATION OF PEOPLE WITH DISABILITY INTO THE COMMUNITY

PROPOSED AMENDMENT: TO PROMOTE INTEGRATION OF THE ENTIRE COMMUNITY THROUGH UNIVERSAL ACCESS.

ITEM 5:

IT IS PROPOSED THAT A REVIEW OF LISTED PRINCIPAL POLICIES (EG; COUNCIL'S DISABILITY ACCESS POLICY) BE UNDERTAKEN TO ENSURE CURRENCY WITH RESPECT TO COUNCIL'S STATED OBJECTIVES FOR PEOPLE WITH DISABILITIES AND RELEVANT LEGISLATION (EG; ELDERLY ABUSE POLICY).

ITEM 9:

AMEND "DISABILITY ACCESS OFFICER" TO "COMMUNITY PLANNER – AGEING & DISABILITY" IN LINE WITH NEW POSITION TITLE.

2.2 Approvals for Expenditure of Access Committee funds

Council's *Community Planner – Ageing & Disability* advised the Committee that any expenditure by Committee members must be pre-approved by Council's *Community Planner – Ageing and Disability*. There is an expectation that existing Council resources be utilised wherever possible. Membership to the Committee and any associated contributions (eg; time, travel) is considered voluntary and therefore is not entitled to any form of reimbursement.

2.4 International Day of People with Disabilities Picnic Review & Discussion

Discussion was held around the 2007 International Day of People with Disabilities Picnic held at Little Beach Nelson Bay on the 3 December 2007. Members felt the picnic was a great success and a worthwhile event celebrating people with disabilities.

After consultation with the Committee it was decided that the annual International Day of People with a Disability Picnic would no longer be co-ordinated by the Access Committee. The Committee reported that the picnic had grown to become a large scale event that is resource intensive and had in recent years diverted the Committee's attention from access issues for the Local Government Area. Future picnic days will be co-ordinated by Port Stephens Council staff.

2.5 Consideration of Fundraising Options

Council's *Community Planner – Ageing & Disability* suggested that based on the Committee's successful track record in fundraising for the annual International Day for People with Disabilities Picnic, the Committee give consideration to the idea of facilitating fundraising activities to fund minor access improvements (eg; dish-ramps). This would not impact upon Council's existing capital works budget. The intention would be to have a small supplementary pool of funds that would enable a minor increase in the scope of minor access capital works to be completed each year. Following discussion the Committee concluded that as an alternative to fundraising, they would prefer to form partnerships with other volunteer organisations and government funded services to achieve these outcomes.

2.6 Review of Disability Action Plan

Council's *Community Planner – Ageing & Disability* informed the Committee that the Disability Action Plan was due for review by the end of this year. They asked Committee members to give consideration to the review of this plan in future community engagement opportunities.

3. DETAILS OF NEXT MEETING

The next meeting will be held on the 4 March 2008 at 10.30am at the Nelson Bay RSL Club.

INFORMATION ITEM NO. 3

CASH AND INVESTMENTS HELD AT 31 JANUARY 2008

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

BACKGROUND

The purpose of this report is to present Council's schedule of Cash and Investments Held at 31 January 2008.

ATTACHMENTS

- 1) **Cash and Investments Held at 31 January 2008.**
- 2) **Monthly Cash and Investments Balance February 2007 – January 2008**

CASH & INVESTMENTS HELD - AS AT 31 JANUARY 2008							
INVESTED WITH	INV. TYPE	DATE INVESTED	MATURITY OR COUPON DATE	NO. OF DAYS	AMOUNT INVESTED	INTEREST RATE	% OF TOTAL FUNDS HELD
GRANGE SECURITIES							
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt	17-Dec-07	17-Mar-08	91	500,000.00	8.99%	1.76%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Dec-07	20-Mar-08	91	1,000,000.00	8.80%	3.52%
NEXUS BONDS LTD "TOPAZ AA"	Floating Rate CDO	22-Nov-07	23-May-08	183	412,500.00	9.90%	1.45%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Dec-07	20-Mar-08	91	450,000.00	8.80%	1.58%
STARTS CAYMAN LTD "BLUE GUM AA"	Floating Rate CDO	24-Dec-07	25-Mar-08	92	1,000,000.00	8.62%	3.52%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	20-Dec-07	20-Mar-08	91	1,000,000.00	8.40%	3.52%
HOME BUILDING SOCIETY	Floating Rate Sub Debt	25-Jan-08	25-Apr-08	91	500,000.00	8.28%	1.76%
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note	18-Jan-08	18-Apr-08	91	500,000.00	0.00%	1.76%
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	20-Dec-07	21-Mar-08	92	1,000,000.00	8.30%	3.52%
GRANGE SECURITIES "COOLANGATTA AA"	Floating Rate CDO	20-Dec-07	20-Mar-08	91	1,000,000.00	8.60%	3.52%
ANZ YIELD CURVE NOTE	Yield Curve Note	17-Jan-08	17-Apr-08	91	500,000.00	8.25%	1.76%
MACQUARIE CASH MANAGEMENT TRUST	Cash Management	20-Jul-07			209,638.65	5.58%	0.74%
BENDIGO BANK FLOATING RATE SUB DEBT	Floating Rate Sub Debt	24-Jan-08	24-Apr-08	91	500,000.00	8.42%	1.76%
TOTAL GRANGE SECURITIES					\$8,572,138.65		30.16%
ABN AMRO MORGANS							
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Dec-07	20-Mar-08	91	2,000,000.00	8.70%	7.04%
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	21-Mar-07	21-Mar-08	366	1,000,000.00	7.00%	3.52%
TOTAL ABN AMRO MORGANS					\$3,000,000.00		10.55%
ANZ INVESTMENTS							
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA"	Floating Rate CDO	7-Jan-08	7-Apr-08	91	500,000.00	8.32%	1.76%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Dec-07	20-Mar-08	91	1,000,000.00	8.80%	3.52%
MOTIF FINANCE (IRELAND) PLC	Floating Rate CDO	20-Dec-07	20-Mar-08	91	500,000.00	8.80%	1.76%
TOTAL ANZ INVESTMENTS					\$2,000,000.00		7.04%
RIM SECURITIES							
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	29-Jan-08	29-Apr-08	91	500,000.00	9.00%	1.76%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	11-Jan-08	11-Apr-08	91	2,000,000.00	9.14%	7.04%
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	7-Jan-08	7-Apr-08	91	1,000,000.00	7.81%	3.52%
TOTAL RIM SECURITIES					\$3,500,000.00		12.31%
WESTPAC INVESTMENT BANK							
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	29-Jan-08	29-Apr-08	91	500,000.00	8.45%	1.76%
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt	21-Nov-07	21-Feb-08	92	500,000.00	8.28%	1.76%
TOTAL WESTPAC INV. BANK					\$1,000,000.00		3.52%

ATTACHMENT 1

LONGREACH CAPITAL MARKETS							
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	6-Sep-07	6-Mar-08	182	500,000.00	6.60%	1.76%
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	7-Sep-07	7-Mar-08	182	500,000.00	6.00%	1.76%
TOTAL LONGREACH CAPITAL					\$1,000,000.00		3.52%
FUND MANAGERS							
MERRILL LYNCH INVESTMENT MANAGERS	Managed Funds				115,002.71	RATE OF RETURN - MTH	0.40%
PERPETUAL INVESTMENTS	Managed Funds				147,000.18	5.14%	0.52%
ADELAIDE MANAGED FUNDS	Managed Funds				50,000.00	7.20%	0.18%
TOTAL FUND MANAGERS					\$312,002.89		1.10%
COMMONWEALTH BANK							
PRINCIPAL PROTECTED YIELD ACCRUAL NOTE	Yield Curve Note	05-Nov-07	04-Feb-08	91	500,000.00	9.25%	1.76%
CALLABLE CPI LINKED NOTE	Yield Curve Note	04-Jan-08	04-Apr-08	91	500,000.00	9.00%	1.76%
EQUITY LINKED DEPOSIT	Equity Linked Note	03-Aug-07	05-Aug-08	368	500,000.00	8.25%	1.76%
EQUITY LINKED DEPOSIT GI100	Equity Linked Note	20-Dec-07	20-Mar-08	91	500,000.00	3.75%	1.76%
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note	05-Nov-07	05-Feb-08	92	500,000.00	4.25%	1.76%
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt	13-Nov-07	12-Feb-08	91	500,000.00	8.81%	1.76%
TOTAL COMMONWEALTH BANK					\$3,000,000.00		10.55%
FIIG SECURITIES							
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	Principal Protected Note	24-Dec-07	24-Mar-08	91	1,000,000.00	7.00%	3.52%
STATE GOVERNMENT EMPLOYEES CREDIT UNION	Term Deposit	10-Dec-07	08-Feb-08	60	500,000.00	7.43%	1.76%
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note	30-Nov-07	28-Feb-08	90	500,000.00	8.25%	1.76%
AUSTRALIAN CENTRAL CREDIT UNION	Term Deposit	10-Dec-07	10-Mar-08	91	500,000.00	7.58%	1.76%
TOTAL FIIG SECURITIES					\$2,500,000.00		8.80%
MAITLAND MUTUAL							
	Floating Rate Sub Debt	30-Nov-07	28-Feb-08	90	500,000.00	7.53%	1.76%
	Term Deposit	29-Nov-07	27-Feb-08	90	1,377,511.58	7.51%	4.85%
	Floating Rate Sub Debt	10-Dec-07	10-Mar-08	91	500,000.00	8.08%	1.76%
TOTAL M'LAND MUTUAL					\$2,377,511.58		8.36%
TOTAL INVESTMENTS					\$27,261,653.12		95.91%
CASH AT BANK					\$1,162,731.48	6.95%	4.09%
TOTAL CASH & INVESTMENTS					\$28,424,384.60		100.00%

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

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

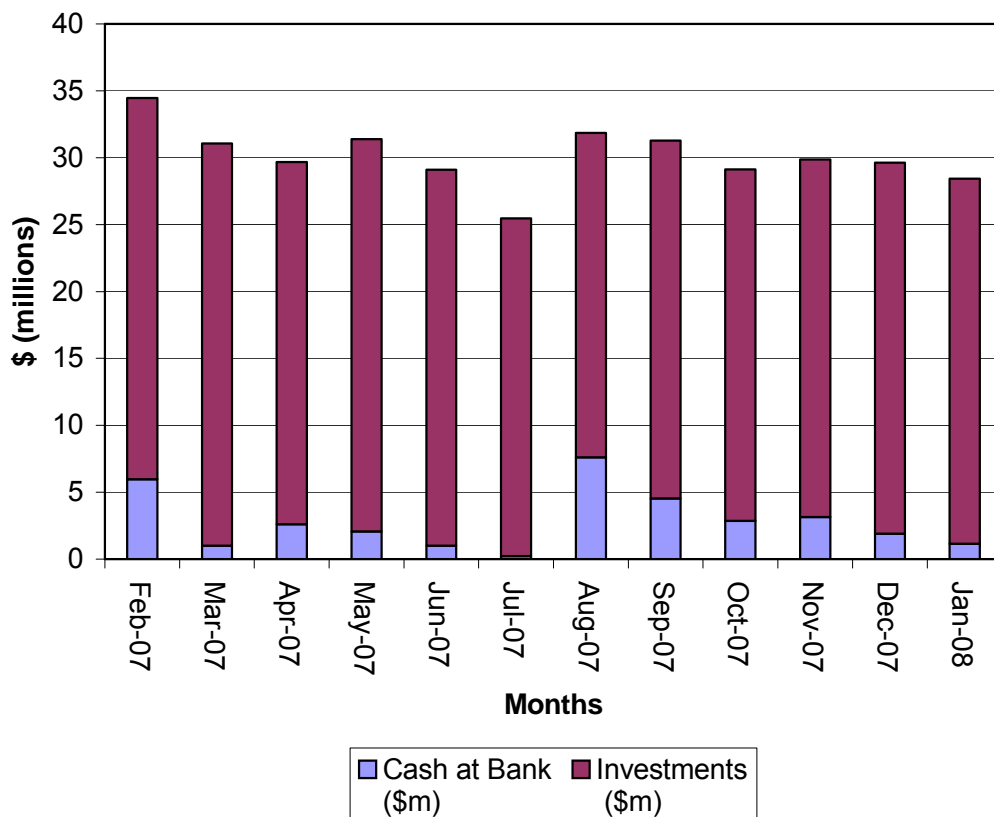
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Feb-07	5.956	28.502	34.458
Mar-07	1.012	30.045	31.058
Apr-07	2.607	27.057	29.664
May-07	2.081	29.308	31.389
Jun-07	1.001	28.103	29.104
Jul-07	0.230	25.237	25.467
Aug-07	7.612	24.236	31.848
Sep-07	4.531	26.737	31.268
Oct-07	2.855	26.268	29.123
Nov-07	3.148	26.713	29.860
Dec-07	1.911	27.731	29.641
Jan-08	1.163	27.262	28.424

**Cash and Invested Funds for the Period ended
31/1/2008**



INFORMATION ITEM NO. 4

COUNCIL WARD FUNDS

REPORT OF: JEFF SMITH, FINANCIAL SERVICES MANAGER
FILE: PSC2007-0183

BACKGROUND

The purpose of this report is to provide Ward Funds & Minor Works expenditure and available balances as at 14 February 2008.

ATTACHMENTS

1. 2007/08 Allocations of Councillor Ward Funds
2. 2007/08 Allocations of Minor Works

ATTACHMENT 1

2007/2008 ALLOCATIONS OF WARD FUNDS				
WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD FROM 30 JUNE 2007	44,908	-93,472	103,402	54,838
FUNDS REALISED IN 2007-2008	47,090	47,090	47,090	141,271
TOTAL AVAILABLE	91,998	-46,382	150,492	196,108
ALLOCATED TO:-				
From Original Budget				
From Revotes and Carry Forwards				
King Park Landscaping			7,000	7,000
Little Beach Disability Access ramp	29,290			29,290
From Budget Reviews				
TOTAL ALLOCATED	29,290	0	7,000	36,290
BALANCE	62,708	-46,382	143,492	159,818
Reconciled 14/02/08				

ATTACHMENT 2

2007/2008 ALLOCATIONS OF MINOR WORKS				
WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD FROM 30 JUNE 2007	6,458	16,568	4,298	27,323
2007/2008 BUDGET ALLOCATION FROM REVENUE	20,000	20,000	20,000	60,000
TOTAL AVAILABLE 1 JULY, 2007	26,458	36,568	24,298	87,323
ALLOCATED TO:-				
Allocated 2007/2008 Financial Year				
Tomaree Public School CM 201/07	1,000			1,000
Karuah Bridge Celebrations CM 243/07			1,000	1,000
Irrawang High School CM 243/07			100	100
LTP District Garden Club CM 243/07		250		250
Medowie Guides CM 243/07		500		500
Rotary Club of Nelson Bay CM 243/07	1,000			1,000
Nelson Bay Town Management CM133/07	1,924			1,924
Taylors Beach Reserves CM289/07	270			270
Port Stephens Family History Group LTP Community Centre CM289/07		960		960
Rotary Club of Nelson Bay Golf Day CM 289/07	200			200
Hunter River HighSchool CM347/07			300	300
Grahamstown Congregations CM347/07			1,000	1,000
Medowie Public School CM 399/07		300		300
TOTAL ALLOCATED	4,394	2,010	2,400	8,804
BALANCE	22,064	34,558	21,898	78,519
Reconciled 14/02/08				

INFORMATION ITEM NO. 5

**MINUTES OF TOURISM JOINT VENTURE COMMITTEE MEETING –
19 FEBRUARY 2008**

**REPORT OF: STEWART MURRELL
FILE: A2004-1127**

BACKGROUND

The purpose of this report is to advise Council of the minutes of the meeting of the Tourism Joint Venture Committee held at Council on 19 February 2008

ATTACHMENTS

- 1) Minutes of Tourism Joint Venture Committee Meeting 19 February 2008.

ATTACHMENT 1

MINUTES OF THE JOINT VENTURE COMMITTEE
held at Council Chambers Committee Rooms
Tuesday 19th February 2008 at 5:30 PM

Present	P.Dann (in the Chair), P.Gesling, Cr Tucker Cr Hodges, Cr Westbury, R Yeo, G Neilson, S Murtagh
In Attendance	Mayor R Swan, Cr Dover, Cr Brown, Cr Nell Cr.Francis, Cr Dingle, S Murrell, N Deuis & T Bylhouwer,
Apologies	C Pilley
Chair	P.Dann
Minutes of the last meeting	The minutes of the meeting held 20 th November 2007 were confirmed as an accurate record of the meeting. Moved: Cr Westbury R Yeo
Business Arising	Dolphin Watching: In response from a question from S Murrell, R Yeo reported that only an acknowledgement of receipt of the letter has been received at this time. Departure Tax: In response to a question from Cr Westbury, P Gesling reported that at this stage there was no capacity to implement a tax this year and that the practical difficulties of doing so in the future are being investigated.
Current Activities	Sydney Surrounds: Information Mid North Coast: Information Consumer Shows: Information. Visitor Guides: Information. ATE Application. Information. Consumer Shows: Information. Advertising/Media: Information. PSTL Strategic Plan: Information Activities: Information Area Performance: Information PSTL Strategic Planning: Information Port Stephens Web Site bookings: Information
General Business	Garbage. Cr Nell: inquired about garbage collection at Pacific Blue and similar places. P Gesling advised that the situation at Pacific Blue has already brought about a change and that the Waste Co-ordinator is in discussion with owners of a number of properties. Garbage. P.Dann: Further inquiry on garbage in relation to Council clean up days. P Gesling stated that collection vouchers were not feasible however notification of cleanups has been improved and that he will ask S Bernasconi to address the PSTL Board. Tourism Awards. Cr Westbury: In response to a question on Regional Awards, N Deuis advised that we aim to have information to members next week Events Port Stephens. Cr Hodges: Inquired about status and connection of Events Port Stephens and PSTL. S Murrell advised that initial discussions were that PSTL take up the marketing and that Council is still awaiting a reply from NBTM before further consideration of the options. Violence. P.Dann. There was spirited discussion on the current real and perceived problems associated with drink and violence. P.Gesling advised that both Police and Rangers have authority to police alcohol free zones. It was agreed that PSTL raise the matter with the

ATTACHMENT 1

	<p>Tomaree Liquor Accord Committee as PSC has done.</p> <p>DA Processes P.Dann. In response to a question on the current status of DA approvals, the process and status of car parking credits, P Gesling agreed to arrange a meeting with D Broyd.</p> <p>It was resolved that <i>“The current process of dealing with Development Applications for Water based businesses as well as related matters be dealt with as a matter of urgency.”</i></p> <p>Moved: Cr Westbury, Cr Hodges</p>
Meeting Closed	18:55

GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1**FILE NO: PSC2006-0043****APPOINTMENT OF A COUNCILLOR TO THE TILLIGERRY CREEK CATCHMENT COMMITTEE****REPORT OF: BRUCE PETERSEN - MANAGER ENVIRONMENTAL SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Appoint a Councillor representative to sit on the Tilligerry Creek Catchment Committee and an alternate representative to attend when the primary representative is unavailable.

ORDINARY MEETING OF COUNCIL – 25 MARCH 2008**RESOLUTION:**

068	Councillor Hodges Councillor Jordan	It was resolved that Councillor Tucker be Council's representative on the Tilligerry Creek Catchment Committee with Councillor Dingle as the alternate delegate.
------------	--	---

Councillor Robinson returned to the Chamber at 6.45pm during Item 1.

BACKGROUND

The purpose of this report is formally appoint a Councillor representative to the Tilligerry Creek Catchment Committee.

The Tilligerry Creek Catchment Plan has recently come off exhibition after three months of consultation. The overriding objective of the plan was to address the sustainable use of Tilligerry Creek as an important estuarine ecosystem that supports oyster harvesting, aquaculture research, tourism and recreational activities.

The study found that ongoing land use pressures have resulted in a decline of habitat quality within the catchment and this has resulted in impacts on water quality, biodiversity, and adversely affected recreational and commercial activities.

As the recommendations need the cooperation of the community and various state government departments a decision has been made to establish a catchment committee to drive the plans implementation.

The committee will have representatives from Port Stephens Council, Dept of Primary Industries (Fisheries), Dept of Primary Industries (Agriculture), Department of Lands, Hunter Central Rivers Catchment Management Authority, Oyster Quality Assurance Program and the community.

All government positions have been filled and an independent selection committee from state and local government is assessing the thirteen community applications to select the eight community representatives.

The committee also has place for one Port Stephens Councillor, there can not be more than one Councillor representative as the committee already has sixteen members and a balance

has been achieved between community and government representatives. There is the opportunity for a second councillor to participate when the primary councillor is unavailable.

Formal applications to be part of the committee have been received by both Cr Dingle and Cr Westbury.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

None

LEGAL AND POLICY IMPLICATIONS

None

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*

- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Given the position in the community held by Councillors appointing a representative to the Tilligerry Creek Catchment Committee will provide an additional link between the committee and the community and assist with information dissemination.

ECONOMIC IMPLICATIONS

Formally appointing a Councillor representative to the Tilligerry Creek Catchment Committee has no economic implications.

ENVIRONMENTAL IMPLICATIONS

Formally appointing a Councillor representative to the Tilligerry Creek Catchment Committee has no environmental implications.

CONSULTATION

The plan has been on exhibition for over three months and during this time community members have had the opportunity to send in submissions on the draft plan and submit an application to sit on the committee. The committee will be responsible for assessing the applications received and deciding on whether or not the plan should be amended as per the submissions. Once amended as per the Committee's recommendation the plan will come back to Council for its adoption. The committee will then shift its focus towards the plans implementation.

OPTIONS

- 1) Adopt the recommendation and appoint primary and secondary Councillor representatives
- 2) Decide not appoint any Councillors

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

MINUTES FOR ORDINARY MEETING – 25 MARCH 2008

Note: Council at its meeting of the 26 February 2008 deferred this matter to allow for further information to be provided to the 25 March Ordinary Council meeting. Supplementary Information will be provided on this item.

ITEM NO: 2

FILE NO: A2004-0284

COUNCILLOR REIMBURSEMENT POLICY REVIEW

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Councillor's Reimbursement policy at ATTACHMENT 1 with the amendments.

STRATEGIC COMMITTEE MEETING – 5 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:		
035	Councillor Hodges Councillor Nell	It was resolved to defer the matter to the Ordinary Council meeting to be held on 25 March 2008.

ORDINARY MEETING OF COUNCIL – 25 MARCH 2008

RESOLUTION:		
069	Councillor Hodges Councillor Jordan	It was resolved that the recommendation of the Strategic Committee of the 5 February 2008 be adopted.

ITEM NO. 3**FILE NO: PSC2008-1410****PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 – SAND EXTRACTION ON LOT 218 IN DP 1044608****REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Resolve to prepare an amendment to Clause 62 of the Port Stephens Local Environmental Plan 2000 to enable sand extraction on Lot 218 DP 1044608 subject to seeking clarification from the State government, via the LEP Review Panel,
 - (a) of the intended outcomes for the subject land following the execution of the lease signed 21st December 2006 between the Worimi Local Aboriginal Land Council and the Minister for the Environment for the Worimi National Park, Worimi Regional Park and the Worimi State Conservation Area; and
 - (b) that a Coastal Zone Management Plan including a Sand Extraction Strategy is not required by the Department of Natural Resources under the Coastal Protection Act;
 - (c) the need for and Council's intent to, prepare a Local Environmental Study to support the draft LEP. The LES is to address, but not be limited to, the following:
 - i. independently identify the constraints and opportunities on the subject land including; the ecological values of the site and the heritage values of the site in terms of accessing the site; the visual impacts of developing the site, the environmental impacts of developing the site within the North Stockton Special Area under the Hunter Water Special Areas Regulation 2003; and
 - ii. determine appropriate mitigation and offset measures, including development staging, if the subject land is to be developed for sand extraction activities;
- 2) Subject to the outcomes of Recommendation 1, seek funding from the proponent to prepare the Local Environmental Study in accordance with Section 57 of the Environmental Planning and Assessment Act, as well as provide funding to Council to appoint a consultant planner to project manage and expedite the preparation of the Study and draft LEP and avoid impacting on Council's existing strategic planning commitments.

ORDINARY MEETING OF COUNCIL – 25 MARCH 2008**RESOLUTION:**

070	Councillor Dover Councillor Jordan	It was resolved that the recommendation be adopted.
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MATTER ARISING:

071	Councillor Brown Councillor Jordan	<p>It was resolved that:-</p> <ol style="list-style-type: none"> 1. In view of other possible sand extraction development applications in the Janet Parade, Salt Ash area to be considered by the NSW State Government. 2. Council urges the NSW State Government to ensure no replication of the visual pollution and loss of amenity to Nelson Bay Road users and residents in the area which have occurred to date from existing sand extraction on vegetated sand dunes at the end of Janet Parade and 3. Council call on the NSW State Government to require for such purpose an outer sand dune buffer zone to be provided and maintained by the proponent.
-----	---------------------------------------	--

BACKGROUND

The purpose of this report is to advise on a request to amend the Port Stephens Local Environmental Plan 2000 to permit sand extraction on Lot 218 in DP 1044608 Salt Ash.

DETAILS

Owner -	Worimi Local Aboriginal Land Council (WLALC)
Proponent -	Umwelt Pty Ltd for Bruce Mackenzie
Date of Submission -	April 2005
Subject Land -	Lot 218 DP 1044608 – 119 hectares in area (Attachment 1)
Current Zoning -	7(c) Environmental Protection (Water Catchment)
Proposed Zoning -	7(c) Environmental Protection (Water Catchment) and the insertion of “sand extraction” as an additional use on <u>part</u> of the subject land via amendment of Clause 62 LEP 2000.

The request has not yet been reported to Council due to the relationship of policy issues raised by this rezoning request with those of draft LEP to permit sand extraction on Lot 220 DP 1049608 (to the north) that is subject of a separate report to Council. One of the principal reasons for the delay has been a requirement from the former Department of Infrastructure, Planning and Natural Resources (DIPNR) that a sand extraction management strategy for the Stockton Bight be prepared prior to considering rezoning requests for sand extraction. Such a strategy has not been completed.

In April 2005 Council advised the proponent of the requirements of DIPNR and that a Coastal Zone Management Plan would cost an estimated \$150,000 (see separate report to Council on Lot 220 DP 1046908). The proponent was also advised of the intention of reporting back

to Council on the requirements of DIPNR concerning the draft LEP for Lot 220 DP 1049608 as well as the rezoning request that is subject of this report.

Prior to submitting a report to Council on Lots 220 and 218, Council wrote to DIPNR on 30th January 2006 seeking advice on whether the requirement for a Coastal Zone Management Plan would be required for a rezoning for Lot 218 that involves the extraction of wind blown sand and only involves the removal of some vegetation to access the resource. No response to this letter has been received by Council. A draft report was prepared in June 2006 but was not submitted to Council. A combination of; awaiting DIPNR advice; the overtaking of other strategic planning work priorities has meant that this rezoning request has been abeyance until recently.

In November 2007 the Office of the Registrar Aboriginal Land Rights Act wrote to Council advising that:

- subject land was considered in negotiations between WLALC and the NSW Government that culminated in the reservation and lease of the Worimi Conservation Lands.
- Specifically, it was understood by the Minister for the Environment administering the National Parks and Wildlife Act that the subject land would be developed by the Worimi LALC for sand extraction subject to the relevant laws. For these reasons the land was excluded from the Worimi Conservation Lands agreement.

Due to this advice and; policy issues raised by the draft LEP for Lot 220 DP1049608; the endorsement by the State government of the Lower Hunter Regional Strategy; the State government's public exhibition of the draft Regional Conservation Plan; the State government's establishment of the LEP Review Panel; and, reform of the Environmental Planning and Assessment Act relating to the preparation of draft LEPs, it is considered appropriate that the rezoning request now be submitted to Council for consideration.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

FINANCIAL/RESOURCE IMPLICATIONS

The rezoning request incurred a fee of \$10,400. If Council resolves to prepare a draft LEP over the subject land then execution of Recommendation 2 would assist Council in preparing the draft LEP and LES and not adversely impact upon Council's existing strategic planning commitments.

If sand extraction were to occur on the site, Council would levy for contributions under the Port Stephens Council Section 94 Contributions Plan to compensate for the impact of heavy vehicle use on the road network.

LEGAL AND POLICY IMPLICATIONS

The LEP describes land in the 7(c) zone as follows:

“The Environment Protection “C” (Water Catchment) zone is comprised of lands which are environmentally sensitive and are also in the care and control of the Hunter Water Corporation. Development in this zone generally relates to the on going and long term management of the surface and groundwater catchment by the Hunter Water Corporation. There are also other sympathetic and compatible uses of the land in the zone”.

The description of the zone as it applies to the site at this time is not correct; it is owned by the Worimi Local Aboriginal Land Council (WLALC) and not the Hunter Water Corporation. This matter will be considered and reported to Council as part of the review of the LEP 2000 currently underway.

The rezoning request is inconsistent with the following Section 117 Directions established by the Minister for Planning on 19th July 2007 under the Environmental Planning and Assessment Act;

- 2.1 Environmental Protection Zones;
- 2.2 Coastal Protection;
- 2.3 Heritage Conservation;
- 5.1 Implementation of Regional Strategies; and,
- 6.3 Site Specific Provisions.

The Lower Hunter Regional Strategy has identified the subject land – and much of the Tomaree Peninsula - as “proposed conservation lands (dedications)” or areas of high conservation values outside green corridors that will be dedicated to the Government”. It will be a matter for the state government to reconcile this strategic direction – as well as the draft Regional Conservation Plan and the above Section 117 directions - with the advice from the Aboriginal Land Registrar that the subject land has been accepted by the Minister for the Environment as being subject to development for sand extraction as part of the negotiations for the Worimi Conservation Lands.

Council could address the inconsistencies with the above 117 Directions and the Regional Strategy through the preparation of a Local Environmental Study for the subject land.

Like Lot 220 DP 1046908, the subject land is within the North Stockton Special Area and is therefore, subject to the Hunter Water (Special Areas) Regulation 2003. This includes the requirement of an approval from the Director General of the Department of Planning for an extractive industry within this area.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*

- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The draft plan will facilitate sand extraction on the land and therefore create a source of revenue for the WLALC that would have positive social implications for the Worimi community.

ECONOMIC IMPLICATIONS

Department of Mineral Resources NSW advises that sand extraction on the Stockton Bight provides a vital resource to the region and State construction and manufacturing industries. It is unclear what the market implications would be if the continuity of sand supply were to be restricted for this particular site.

According to the rezoning submission, sand from the site is likely to be used to supply the construction industry and be suitable for use as industrial silica sand with uses including amber glass, window glass and fibreglass applications. The same as that stated in the rezoning submission for Lot 220 DP 1046908.

The rezoning submission states that the precise amount of sand proposed to be extracted at the site is not known at this stage. However, the intent is to match extraction rates to net dune migration rates estimated at 5 metres per year. On this basis it is estimated that 12 million tonnes of sand will be available and the operation will have a lifespan of approximately 60 years.

ENVIRONMENTAL IMPLICATIONS

The main environmental implication of the proposed rezoning is the proposed clearing of up to 1 hectare of native vegetation of an existing track as a road to gain access to the site. The rezoning submission records that the Powerful Owl, Eastern Freetail Bat, Koala, Eastern Pygmy Possum and Squirrel Glider (all threatened species) were recorded on site along the path of the proposed access road. The site vegetation -Coastal Sand Apple – Blackbutt Forest (with some Swamp Mahogany Paperbark Moist Forest) – is largely the same as that found on Lot 220 DP 1046908 to the north.

Other environmental implications are water quality impacts associated with the removal of sand and the potential impacts on surface and ground water within the North Stockton Special Area and therefore, subject to the Hunter Water (Special Areas) Regulation 2003.

The part of the land that would be subject to future sand extraction comprises 119 hectares (total site area is 407 hectares) of unvegetated mobile dune surface. The mobile dune, moving inland at an estimated rate of approximately 5 metres per year, will gradually intrude upon vegetation. It is proposed to extract sand from the mobile sand dune at the interface with existing vegetation, thus removing the threat of sand drift to existing vegetation.

Council's Environment Services section has reviewed the rezoning request and advises that as the proposal affects a largely unvegetated mobile dune there are few flora and fauna impacts. They advise that the south western boundary of the site represents the only break in an otherwise unbroken corridor along the Stockton Bight and has been identified as a key corridor by the then Department of Environment and Conservation. Remediation of this

section would offset the vegetation loss occurring within the proposed development and have a significant positive effect on fauna movement in the local area (**Attachment 2**).

Given the above environmental implications, it is unclear why the rezoning request is seeking to amend Clause 62 of the LEP 2000 to permit sand extraction activities only on the eastern part of the subject land. The sand “blow out” that creates the break in the Stockton Bight vegetation corridor appears to be created by mobile dunes. It may be prudent that this area undergo sand extraction to remove wind blown sand and rehabilitate and reconnect the Stockton Bight corridor. It is for this reason that the recommendations of this report refer the preparation of a draft LEP over the entire subject land to allow for this issue to be considered through the draft LEP process.

CONSULTATION

The draft plan has been referred to Council’s Environmental Services Section for comment (see Environmental Implications)

If Council supports the recommendations of this report, the draft LEP will be forwarded to the LEP Review Panel for their consideration. Subject to LEP Review Panel support, the draft LEP will be forwarded to the following agencies under Section 62 of the Environmental Planning and Assessment Act:

Department of Primary Industry;
Enerserve (Energy Australia);
Department of Mineral Resources;
Roads and Traffic Authority;
Department of Agriculture;
Department of Environment and Climate Change (including NPWS and EPA);
Department of Defence;
Hunter Water Corporation;
Coastal Council of NSW; and,
Department of Natural Resources.

OPTIONS

- 1) Adopt the recommendation of this report.
- 2) Amend the recommendations of this report.
- 3) Not adopt the recommendation of this report.

ATTACHMENTS

- 1) Map of subject land
- 2) Aerial Photograph of subject land and Stockton Bight Corridor

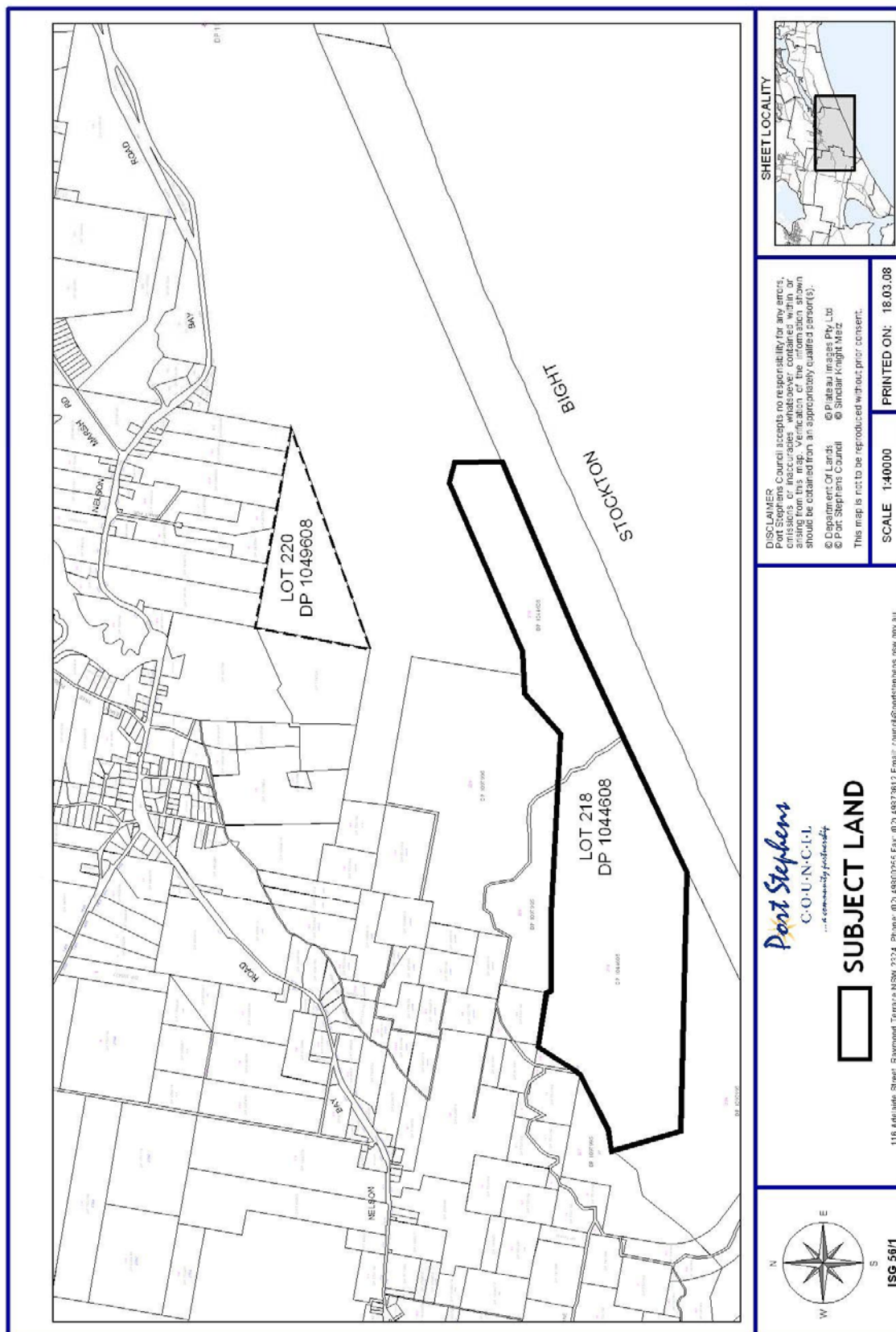
COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1
MAP OF SUBJECT LAND



SHEET LOCALITY



DISCLAIMER
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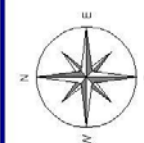
SCALE 1:40000
PRINTED ON: 18.03.08

Port Stephens
COUNCIL
...a community partnership

SUBJECT LAND



116 Adelaide Street, Raymond Terrace NSW 2224 Phone: (02) 4980255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au



ISG 56/1

ATTACHMENT 2
AERIAL PHOTOGRAPH OF SUBJECT LAND AND
STOCKTON BIGHT CORRIDOR



ITEM NO. 4**FILE NO: PSC 2008-1410****PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 – SAND EXTRACTION ON LOT 220 IN DP 1049608 SALT ASH****REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 2) Confirms its resolution dated 24th February 2004 to prepare a draft amendment of Clause 62 to the Port Stephens LEP 2000 to enable sand extraction on Lot 220 in DP 1049608, Salt Ash subject to seeking clarification from the State government, via the LEP Review Panel, of the following:
- (a) the intended outcomes for the subject land following the execution of the lease signed 21st December 2006 between the Worimi Local Aboriginal Land Council and the Minister for the Environment for the Worimi National Park, Worimi Regional Park and the Worimi State Conservation Area; and
 - (b) that a Coastal Zone Management Plan including a Sand Extraction Strategy is not required by the Department of Natural Resources under the Coastal Protection Act;
 - (c) the need or otherwise for and intention of Council to prepare a Local Environmental Study to support the draft LEP and address the concerns raised by State government agencies. The LES would address, but not be limited to, the following:
 - iii. independently identify the constraints and opportunities on the subject land including; verification on the quality, properties and significance of the sand resource; the ecological values of the site; the heritage values of the site; the visual impacts of developing the site, the environmental impacts of developing the site within the North Stockton Special Area under the Hunter Water Special Areas Regulation 2003; and
 - iv. determine appropriate mitigation and offset measures, including development staging, if the subject land is to be developed for sand extraction activities;
- 3) Subject to the outcomes of Recommendation 1, request the proponent to fund the preparation of the Local Environmental Study, in accordance with Section 57 of the Environmental Planning and Assessment Act, as well as provide funding to Council to appoint a consultant planner to project manage and expedite the preparation of the Study and draft LEP and avoid impacting on Council's existing strategic planning commitments.

ORDINARY MEETING OF COUNCIL – 25 MARCH 2008**RESOLUTION:**

072	Councillor Dover Councillor Jordan	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to advise Council on; an existing resolution to amend the Port Stephens Local Environmental Plan 2000 to permit sand extraction on Lot 220 DP 1049608; subsequent consultation with government agencies; and, the social, environmental and economic impacts of the rezoning request.

DETAILS

Owner -	Worimi Local Aboriginal Land Council (WLALC)
Proponent -	Umwelt Pty Ltd for Bruce Mackenzie
Date of Submission -	29 th April 2004
Subject Land -	Lot 220 DP 1049608 (Attachment 1)
Current Zone -	7(c) Environmental Protection (Water Catchment)
Proposed Zone -	7(c) Environmental Protection (Water Catchment) and the insertion of “sand extraction” as an additional use on the subject land via amendment of Clause 62 of the Port Stephens LEP 2000. Sand extraction is proposed on 68 ha of the site with 8 ha retained in the eastern corner for biodiversity reasons (hatched area in Attachment 2) and staged over 60 years.

Existing Resolution

Council resolved to prepare a draft amendment to allow sand extraction on the site on 24th February 2004 – the last Council meeting of the previous council (**see Attachment 3** for copy of Council report). The resolution is as follows:

- 1) Support the rezoning request subject to Worimi Local Aboriginal Land Council's compliance with the NSW Aboriginal Land Rights Act; and*
- 2) Request that the Minister for the Department of Infrastructure, Planning and Natural Resources (DIPNR) prepare a Sand Extraction Management Strategy for Stockton Bight immediately as per Council's previous request.*

The resolution was contrary to the recommendation to Council at that time that it defer consideration of the rezoning request until further information and advice is received on the broader issues of resource extraction in the region and a sand extraction management strategy for the Stockton Bight had been prepared.

In March 2004 the current council was elected. In June 2004 the Worimi LALC went into administration. This meant that processing the draft LEP could not continue until such time that the Administrator advised that the legal authority of the LALC to pursue the rezoning as a landowner in accordance with the Aboriginal Land Rights Act was clarified. Subsequent advice from the Administrator that this matter was resolved lead to Council's resolution being forwarded to the Department of Planning under Section 54 of the Environmental Planning and Assessment Act on the 29th October 2004.

In April 2005 Council advised the proponent of the requirements of DIPNR and that a Coastal Zone Management Plan would cost an estimated \$150,000 (see Consultation section). The proponent was also advised of the intention of reporting back to Council on the requirements of DIPNR concerning the draft LEP as well as another rezoning request for Lot 218 DP 1044608 submitted by the same proponent.

Prior to submitting a report to Council on Lot 220 and Lot 218, Council wrote to DIPNR on the 30th January 2006 seeking advice on whether the requirement for a Coastal Zone Management Plan would be required for a draft LEP for Lot 218 that involves the extraction of wind blown sand that does not involve the removal of vegetation. No response to this letter has been received by Council.

A draft report was prepared in June 2006 but was not submitted to Council. A combination of awaiting DIPNR advice, the overtaking of other strategic planning work priorities has meant that the draft LEP has been abeyance until recently.

In November 2007 the Office of the Registrar Aboriginal Land Rights Act wrote to Council advising that:

- the subject land was considered in the negotiations between the WLALC and the NSW Government that culminated in the reservation and lease of the Worimi Conservation Lands.
- Specifically, it was understood by the Minister for the Environment administering the National Parks and Wildlife Act that the subject land would be developed by the Worimi LALC for sand extraction subject to the relevant laws. For these reasons the land was excluded from the Worimi Conservation Lands agreement.

Due to the issues raised by the state agencies (see Consultation section), the duration since Council's resolution, the endorsement by the State government of the Lower Hunter Regional Strategy, the State government's public exhibition of the draft Regional Conservation Plan, the State government's establishment of the LEP Review Panel and reform of the Environmental Planning and Assessment Act relating to the preparation of draft LEPs, it is considered prudent that the draft LEP be submitted to Council for further consideration.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

FINANCIAL/RESOURCE IMPLICATIONS

The rezoning request incurred a fee of \$5540. This is just over half of the expected fee of \$10,400 under the prescribed fees and charges at the time. If the LEP Review Panel supports the draft LEP, then execution of Recommendation 2 would constitute payment of the outstanding rezoning fee.

If sand extraction were to occur on the site, Council will levy for contributions under the Port Stephens Council Section 94 Contributions Plan to compensate for the impact of heavy vehicle use on the road network.

LEGAL AND POLICY IMPLICATIONS

The LEP describes land in the 7(c) zone as follows:

“The Environment Protection “C” (Water Catchment) zone is comprised of lands which are environmentally sensitive and are also in the care and control of the Hunter Water Corporation. Development in this zone generally relates to the on going and long term management of the surface and groundwater catchment by the Hunter Water Corporation. There are also other sympathetic and compatible uses of the land in the zone”.

The description of the zone as it applies to the site is not correct as it is owned by the Worimi Local Aboriginal Land Council (WLALC). This matter will be considered and reported to Council as part of the review of the LEP 2000 currently underway.

The rezoning request/draft LEP is inconsistent with the following Section 117 Directions established by the Minister for Planning on 19th July 2007 under the Environmental Planning and Assessment Act:

- 2.1 Environmental Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

The Lower Hunter Regional Strategy has identified the subject land – and much of the Tomaree Peninsula - as “proposed conservation lands (dedications)” or areas of high conservation values outside green corridors that will be dedicated to the Government”. It will be a matter for the state government to reconcile this strategic direction – as well as the draft Regional Conservation Plan and the above Section 117 Directions - with the advice from the Aboriginal Land Registrar that the subject land has been accepted by the Minister for the Environment as being subject to development for sand extraction as part of the negotiations for the Worimi Conservation Lands.

The rezoning request/draft LEP is also inconsistent with the Port Stephens Comprehensive Koala Plan of Management.

Council could address the inconsistencies with the above 117 directions, Regional Strategy and Koala Plan of Management through the preparation of a Local Environmental Study for the subject land.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The draft plan will facilitate sand extraction on the land and therefore create a source of revenue for the WLALC that would have positive social implications for the Worimi community.

ECONOMIC IMPLICATIONS

Department of Mineral Resources NSW advises that sand extraction on the Stockton Bight provides a vital resource to the region and State construction and manufacturing industries. The qualities, and subsequent demand, of the sand from the site is derived from the assumption that it's qualities are the same as those reported with Lot 4 DP 774726 adjacent and to the southwest of the subject site, that is currently operated by Unimin Pty Ltd. However, it is unclear of what the market implications would be if the continuity of sand supply were to be restricted for this particular site.

According to the rezoning submission, sand from the site is likely to be used to supply the construction industry and be suitable for use as industrial silica sand with uses including amber glass, window glass and fibreglass applications. The extraction rate would be in the order of 200,000 tonnes per year. The total volume of resource on the subject land is estimated to total 12 million tonnes or 7,500,000 cubic metres. Sand extraction would occur in various stages over a 60 year time period.

ENVIRONMENTAL IMPLICATIONS

The site comprises approximately 76 hectares of mature Coastal Sand Apple Blackbutt Forest in good condition and displaying qualities that are likely to support a higher diversity of flora and fauna than that reported in the rezoning submission. This was confirmed by a Council site inspection undertaken on the 14th March 2008. The proponent is requesting a rezoning to allow with consent the extraction of sand from the majority of the site whilst retaining approximately 8 hectares of vegetation in the north-east corner. One of the proposed mitigation measures is to produce a Vegetation Rehabilitation Management Plan at any subsequent development application stage. (see Consultation section for further details of environmental implications)

CONSULTATION

Preliminary advice provided prior to Council's resolution and advice under Section 62 of the Act (requested by Council on 17th November 2004) were provided by the following agencies:

Department of Primary Industry/Department of Agriculture: – no response.

Enerserve (Energy Australia):

- Community Working Group (including Council representatives) established to investigate and recommend on the proposed route for transmission line from Tomago - Nelson Bay for which an easement registered by Energy Australia traverses the subject land.
- archaeological survey (by ERM Pty Ltd that found significant and extensive aboriginal sites on the subject land) and the ecological survey (by Ecotone Pty Ltd that found an additional threatened species – Powerful Owl on the subject land) conducted on behalf of Environment Australia strongly influenced Energy Australia and the Working Group to the point of avoiding a potential route for sub-transmission lines through Lot 220.
- Accordingly in comparison, the findings of the rezoning report by Umwelt could be considered inconsistent.

Department of Mineral Resources: – support the draft LEP to ensure the continuity of supply of materials to the State's glassmaking industry in the medium to long term.

Roads and Traffic Authority: – no objections subject to certain matters being addressed at Development Application stage.

Department of Environment and Climate Change (including NPWS and EPA):

- lack of adequate ecological survey effort, impact of recent fire, drought and inappropriate seasonal timing has compromised the ecological assessment. These factors combined are considered to have resulted in an underestimation of the biodiversity present.
- Incorrect emphasis placed on threatened species records from NPWS Atlas.
- It is recommended that a more comprehensive assessment and literature review be conducted after the area has recovered from fire and drought and during the winter months. The 7 point test of significance should then be reapplied to the broader suite of species identified.
- Council's Comprehensive Koala Plan of Management recognises the area as supplementary habitat and that only low-impact development is permitted.
- Three aboriginal object sites are registered with the NPWS on the subject land.
- The findings of the desktop study and the field work are ambiguous. It would appear that Aboriginal object sites are located on the subject land and that they are being discounted due to operative disturbance factors. The areas of disturbance have not been mapped, described or photographed. An evaluation of these object sites should be undertaken and management strategies that reflect that evaluation be recommended.
- The cultural heritage assessment report has been authored by the Worimi LALC yet the LALC is also the owner of the subject land. There would appear to be a conflict of interest. NPWS strongly recommends that a further cultural heritage assessment be conducted by a suitably qualified person consistent with NPWS guidelines.
- Subject land shares a common boundary with the proposed Stockton Bight National Park (now Worimi Conservation Lands) yet there is no discussion about the potential impact on the latter. Investigations should be undertaken in regard to the potential for sand extraction activities to further destabilise the dune system in the vicinity of conservation area boundary thereby cumulatively reducing the wildlife corridor value of the area.
- Proposed mitigation measures are inadequate. There is no justification for locating the proposed protection area at the eastern end of the site or limiting its areal extent.
- It is recommended that; any initial approval be restricted to Stage 1 with further stages conditional on demonstrated successful rehabilitation measures; no extraction be allowed in the vicinity of the park boundary and, if council support the rezoning that a detailed and comprehensive mining rehabilitation plan be prepared.
- Proposal at Development Application stage will require an Environmental Impact Statement and an environment protection licence. The EIS must provide sufficient information for the EPA to fully assess the development in so far as impacts related to the

EPA's statutory responsibilities are addressed. This includes water, noise, air quality, waste management and monitoring program issues.

Department of Defence (Cth): – no response.

Hunter Water Corporation:

- Environmental Protection zoning is the most appropriate for the subject land.
- Given the array of approvals likely to be required, it is suggested that all relevant stakeholders be invited to participate in detailed scoping discussions on the proposal.
- The subject land is within the North Stockton Special Area and is therefore subject to the Hunter Water (Special Areas) Regulation 2003. This includes the requirement of an approval from the Director General of the Department of Planning for an extractive industry within this area.
- The environmental impact assessment will require lengthy data collection prior to commencement of operations.
- With appropriate and thoroughly detailed mitigation measures, monitoring, intervention controls and reporting (endorsed by relevant agencies) Hunter Water's interest in and access to the groundwater of the North Stockton Special Area can be satisfactorily be preserved. These mitigation measures may be quite onerous.
- Inappropriate management of the site could impact on water quality within the Special Area and therefore water drawn from any future HWC asset.
- Various gazettal notices provide evidence of at least a 75 year interest in the groundwater resources of the area, and this predates the recognition given by the Department of mineral resources to the sand resource.
- It appears that site specific testing of the sand resource has not been undertaken. Merely its quality and properties are inferred from sand operations occurring adjacent. This supposition has been shown to be flawed for other sand extraction operations on Stockton Bight.
- It has not been Hunter Water's experience that "establishment of an extractive industry...will have a low to negligible impact on the scenic quality".
- Dune vegetation removal may give rise to unstable and mobile dunes and erosion - a matter confirmed by the rezoning submission.
- Site specific ground water monitoring is required.
- Comments in submission that consultation with Hunter Water has occurred in preparing the submission are misleading. Hunter Water is not aware of any such consultation.
- The rezoning submission states that there are no known European heritage items on the subject land but there are items on the subject land that may have heritage significance.

Coastal Council of NSW:

- concerned with the matters raised by NPWS with regards to the lack of scientific rigour in the assessment presented in the proponent's report. Coastal Council cannot support the proposal until is shown to be compatible with the principles of sustainable development.

Department of Infrastructure, Planning and Natural Resources (DIPNR):

- Endorse comments made by Hunter Water to Council
- The visual and coastal process issues are not well considered in the document.
- At least 68 threatened fauna and 27 threatened flora have been reported near the site.
- Clearing of subject land would fragment the north – south ecological corridor and would be inconsistent with the Lower North Coast Catchment Blueprint.
- significant concerns with the proposal. It is recommended that a Coastal Zone Management Plan is prepared which includes a Sand Extraction Plan that builds on the recommendations of the Stockton Bight Environmental Study and Management Plan.

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- Concern over rezoning submission's misinterpretation of the Stockton Bight Environmental Study and Management Plan 1995 and likely coastal processes, groundwater, visual amenity and vegetation impacts. These matters should be addressed and where appropriate amendments made to the draft Plan.
- If and when Council seeks certification of the draft Plan, it should be accompanied by the requested Coastal Zone Management Plan.

Council's Environment Services Section:

- undertook another review of the Environmental Study and Planning Report (Umwelt 2003) and concludes that:
 - The proposed rezoning does not satisfy the performance criteria for rezoning requests included in the Port Stephens Comprehensive Plan of Management, and therefore does not meet the requirements of State Environmental Planning Policy No. 44 Koala Habitat Protection;
 - The site contains a number of threatened species and if the survey had been conducted at a more appropriate time then it is highly likely that more species would have been identified; and
 - To resolve the inadequacies of the report a third party review by an appropriately qualified ecologist should be undertaken or a supplementary flora and fauna report submitted based on survey work undertaken at a more appropriate time.
- Without the additional flora and fauna work being undertaken to enable a full and proper assessment of the rezoning requests environmental impacts, Environment Services section does not support the draft amendment.

Worimi Conservation Land negotiations aside, if Council were to forward the draft LEP to the LEP Review Panel without the intent of addressing the issues raised by the state agencies through the preparation of an LES, there is a strong likelihood that the Panel would refuse Council's request.

OPTIONS

1. Adopt the recommendations of this report.
2. Amend the recommendations of this report.
3. Not adopt the recommendations of this report.

ATTACHMENTS

1. Aerial photograph of the site
2. Proposed extraction and conservation areas and development staging.
3. Report to Strategic Committee 3rd February 2004 and Council resolution dated 24/02/04.

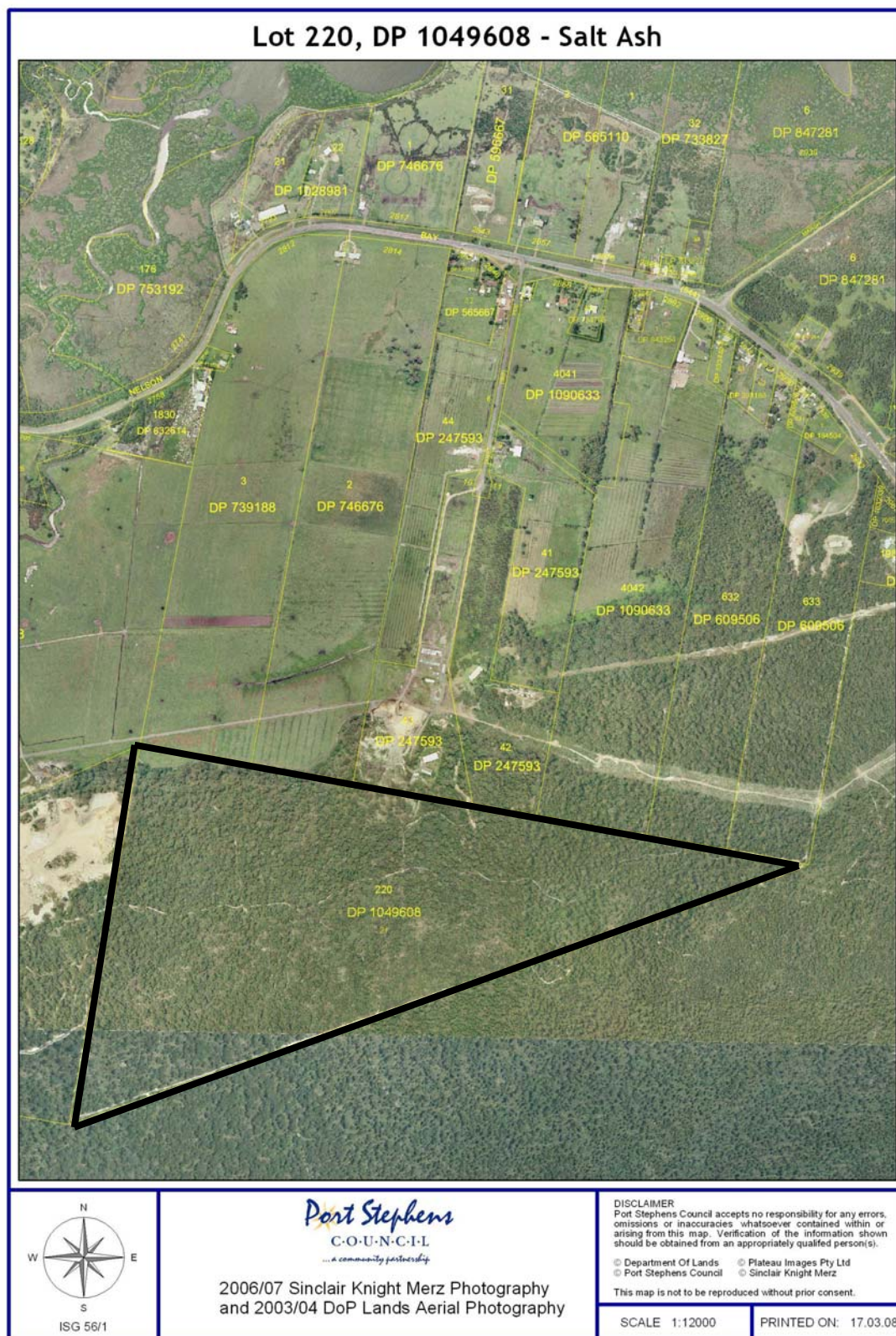
COUNCILLORS ROOM

Nil

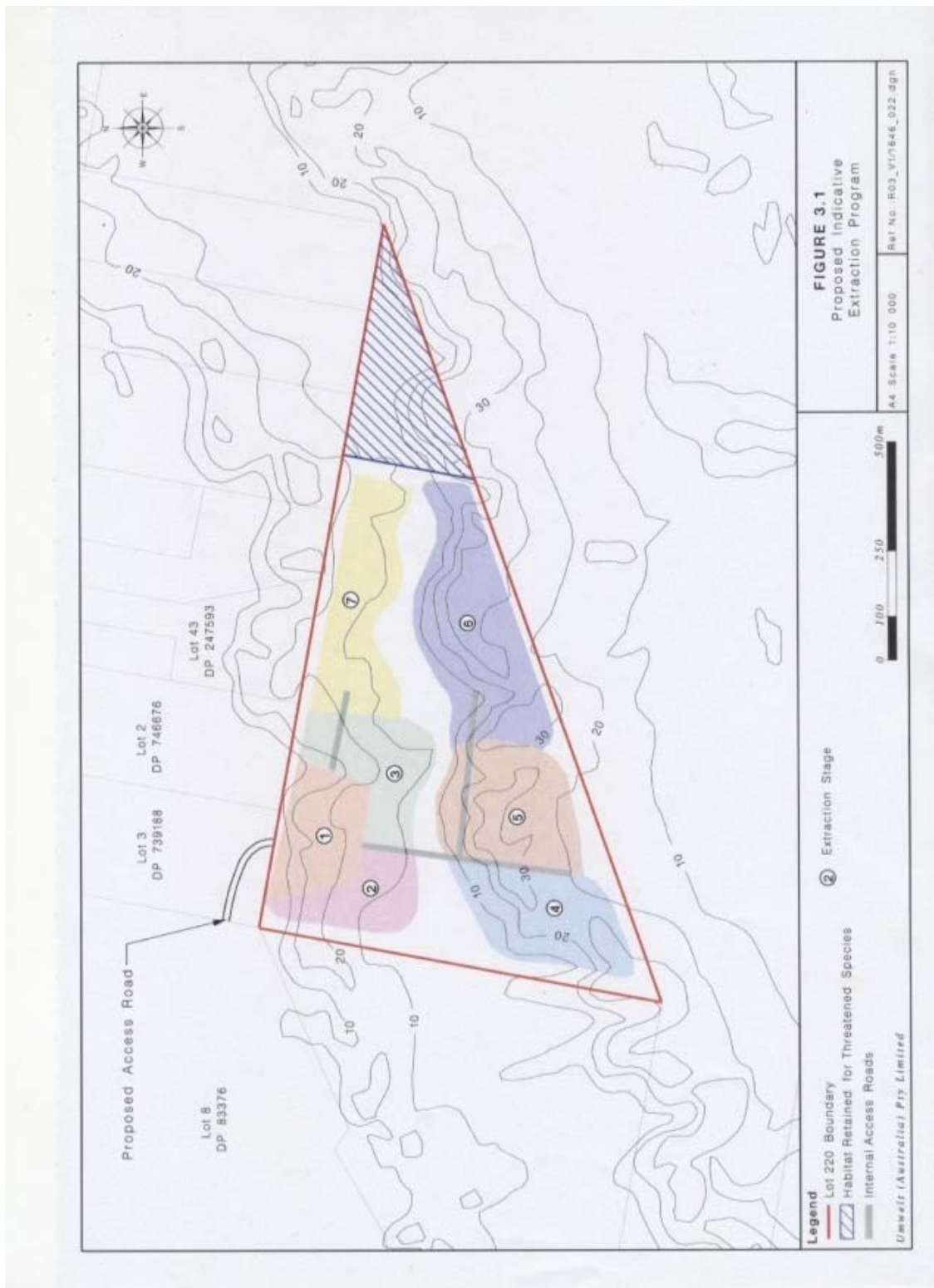
TABLED DOCUMENTS

Nil

ATTACHMENT 1
AERIAL PHOTOGRAPH OF SITE



ATTACHMENT 2
PROPOSED EXTRACTION AND CONSERVATION AREAS AND
DEVELOPMENT STAGING
INDICATING 7 EXTRACTION STAGES WITH HABITAT RETAINED FOR THREATENED
SPECIES INDICATED BY HATCH



**ATTACHMENT 3
REPORT TO STRATEGIC COMMITTEE 3 FEBRUARY 2004 AND
RESOLUTION DATED 24/2/04**

ITEM NO. 4

FILE NO: 9750-003

**PROPOSED AMENDMENT TO PORT STEPHENS LOCAL
ENVIRONMENTAL PLAN 2000 – POSSIBLE SAND EXTRACTION ON
LOT 220, DP 1049608, SALT ASH.**

AUTHOR: ROBERT DWYER – LAND USE PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Make representations to the Minister for the Department of Infrastructure, Planning and Natural Resources urging the speedy preparation of a Sand Extraction Management Strategy for Stockton Bight; and
- 2) Defer consideration on the rezoning request until further information and advice is received on the broader issues of resource extraction in the region and a Sand Extraction Management Strategy for Stockton Bight has been drafted.

Strategic Committee Recommendation:

- 1) That Council support the rezoning application
- 2) Request that the Minister for Department of Infrastructure, Planning and Natural Resources (DIPNR) prepare a Sand Extraction Management Strategy for Stockton Bight immediately as per Council's previous request.

Cr Swan returned to chambers at 6.30pm during Item 4

65	Councillor Yudaeff Councillor Baldwin	It was resolved that the Strategic Committee recommendation be adopted with the following additions 1) That Council support the rezoning application subject to Woromi Local Aboriginal Land Council's compliance with NSW Aboriginal Land Rights Act.
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Note: Cr Plowman left the meeting at 8.40pm during Item 4

Note: The Mayor notified Councillors that he had received a Recission Motion re Item 4 which will be dealt with at the end of the meeting.

BACKGROUND

The purpose of this report is to present a rezoning request to Council for consideration. This report recommends that Council defer a decision on the request until it receives further information and direction from the Department of Infrastructure, Planning, and Natural Resources regarding the broader issues of resource extraction in the region and the subsequent importance of resources in the Stockton Bight area.

On 29 April 2003 Council received a rezoning request that, if granted, would facilitate sand extraction on Lot 220 DP 1049608, Salt Ash. Preliminary comments from a number of state agencies were sought and received and raised a number of concerns, particularly in relation to conclusions reached in the proponents' planning report regarding flora and fauna habitat on the site and the lack of evidence demonstrating the activities' compatibility with the principles of ecologically sustainable development. The proponent has since responded to these concerns in a further report. A copy of each of the reports can be found in the Councillors' room. A more detailed assessment of the key issues is contained in the attachments.

In order to adequately assess rezoning requests of this nature Council requires some regional/state direction. Discussions with representatives from the Department of Infrastructure, Planning and Natural Resources (DIPNR) have revealed the likelihood of the establishment of a working group for the preparation and overseeing of a sand extraction strategy for the Sydney basin, including resources in Port Stephens. It is understood that a report on the matter has been presented to the Director-General of DIPNR for consideration. A sand extraction strategy is seen as an essential tool for Council when assessing rezoning requests.

Accordingly it is suggested that Council make formal representations to the Minister for the Department of Infrastructure, Planning and Natural Resources with regards to the speedy preparation of such a strategy. Until further information and advice is received on this matter it is suggested that consideration of the rezoning request be deferred.

LINKS TO CORPORATE PLANS

The following goal, objective and strategies, which are contained in Council's Management Plan, relate to the Community Planning program:

Goal: *Ecologically sustainable development and enhanced community lifestyle.*

Objective: *To plan for sustainable communities*

Strategies: *Develop integrated local plans of communities incorporating a clear vision for the future.*
Monitor and maintain Council's planning instruments.

The recommendations suggested by this report will enable a more complete consideration of the long term sustainability implications.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

There are no direct legal or policy implications should the reports recommendation be adopted.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

A sand extraction strategy for the bight will seek to provide a greater level of certainty for land owners and extractors with respect to what areas may be suitable and appropriate for extraction.

ECONOMIC IMPLICATIONS

There are no direct economic implications to Council should it resolve to defer consideration of the rezoning request. A sand extraction strategy for the bight will seek to provide for a sustainable extraction industry in the long-term with one of the resultant benefits of improved resource allocation.

ENVIRONMENTAL IMPLICATIONS

There are unlikely to be any environmental implications as a result of the reports' recommendations. Deferral on a decision to allow or not to allow the rezoning request will allow a more comprehensive analysis of the broader environmental issues (access to resource versus likely removal of vegetation).

CONSULTATION

Preliminary consultation with a number of state agencies has occurred. Further consultation with representatives from the Department of Infrastructure, Planning and Natural Resources will occur. Council representation on any future working party will also be necessary.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan
- 2) Planning Assessment

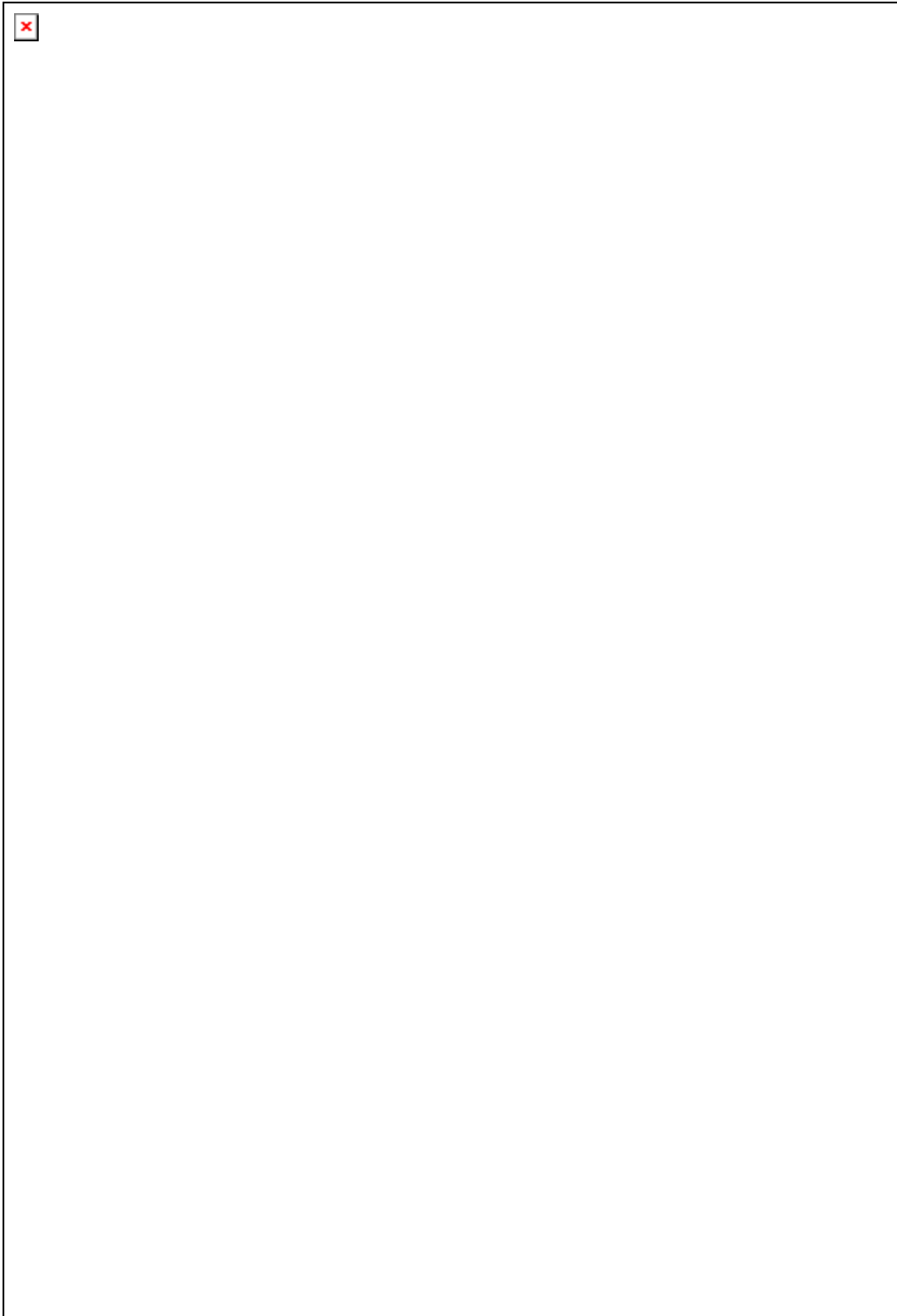
COUNCILLORS ROOM

- 1) Planning Report, Umwelt Environmental Consultants, April 2003
- 2) Addendum to Planning Report, Umwelt Environmental Consultants, June 2003.

TABLED DOCUMENTS

Nil

**ATTACHMENT 1
LOCALITY PLAN**



**ATTACHMENT 2
PLANNING ASSESSMENT**

THE REQUEST	
Owner	Worimi Local Aboriginal Land Council
Applicant	Worimi Local Aboriginal Land Council
Detail Submitted	1) Planning Report, Umwelt Environmental Consultants, April 2003 2) Addendum to Planning Report, Umwelt Environmental Consultants, June 2003.
THE LAND	
Property Description	Lot 220 DP 1049608, Salt Ash
Area	Approx 80 hectares
Existing Zoning	7 (c) Environment Protection (Water Catchment) Zone
Proposed Zoning	7 (c) Environment Protection (Water Catchment) Zone with an additional use clause that would allow sand extraction on the subject parcel.
Characteristics	The site comprises an area of approximately 80 hectares of dune forest. It is bound by rural land and sand dunes to the north, an existing industrial and sand extraction operation to the west and a proposed national park to the south and the east.

KEY ISSUES**The need for strategic direction regarding sand extraction on Stockton Bight**

In 1994/5 Newcastle and Port Stephens Councils and a number of state agencies contributed financially to the preparation of a Local Environmental Study (LES) and Management Plan for Newcastle (Stockton) Bight. The LES/Management Plan included both private and Crown lands and was placed on exhibition for comment in 1995.

Recommendations of the LES/Management Plan were essentially placed on hold in 1995 due to the pending state election where it was publicly announced by the subsequent Minister for the Environment that a National Park would be declared over the area (details of where were not produced at the time).

In February 2001 the announcement of an agreement between the State Government and the Worimi Local Aboriginal Land Council was made public. The plan included:
Lands to be granted to the Worimi Local Aboriginal Land Council – 804 ha.

- Proposed National Park – 1905 ha.
- Proposed Regional Park – 1475 ha. And
- Proposed State Recreation Area – 818 ha.

One of the future key processes identified by the Newcastle Bight LES/MP was the preparation of a sand extraction management plan incorporating both private and public lands. This plan would seek to provide for a sustainable sand extraction industry in the Bight over the long term with the resultant benefits returning to the Bight through improved resource allocation and on-site environmental management. Removal of sand from un-vegetated areas was suggested as being preferred.

The NSW Department of Mineral Resources has identified the parcel as a primary source of industrial sand. Correspondence from the Department to Council during the finalisation of Port Stephens Local Environmental Plan 2000, indicated that an agreement between a number of state agencies had been made regarding the exclusion of the site from a proposed National Park, in order to enable the possible future extraction.

Having regard for the length of time since the preparation of the Newcastle Bight LES/MP Council officers co-ordinated a state agency workshop to revisit the LES/MP and recap on the National Park proposal (agreements) in 2001. The CEO of the Worimi Local Aboriginal Land Council also attended the workshop.

In order to adequately assess rezoning requests of this nature Council requires some regional/state direction. The majority of the attendees from the above-mentioned workshop agreed that the recommendations of the Newcastle Bight LES/MP still appeared to be relevant with respect to mining and extraction and ecologically sustainable principles. The CEO of the Worimi Local Aboriginal Land Council explained that its' general philosophy regarding extraction on their land is that the northern half of the Bight could not substantiate further extraction. However, land on the southern half of the Bight was suitable (including the site subject) and royalties from sand extraction are the major source of income for the Worimi organisation.

Subsequent to the workshop, discussions with representatives from the Department of Infrastructure, Planning and Natural Resources (DIPNR) have revealed the likelihood of the establishment of a working group for the preparation and overseeing of a sand extraction strategy for the Sydney basin, including resources in Port Stephens. It is understood that a report on the matter has been presented to the Director-General of DIPNR for consideration. A sand extraction strategy is seen as an essential tool for Council when assessing rezoning requests, particularly at the strategic level. Accordingly it is suggested that Council formally make representations to the Minister for DIPNR with regards to the speedy preparation of such a strategy. Until further information and advice is received on this matter it is suggested that consideration of the rezoning request be deferred.

Environmental Considerations

In the long term the proposal will involve the staged clearing of up to 70 hectares of vegetation. Figure 1.2 of the Planning Report (Umwelt Environmental Consultants, April 2003) shows an aerial photograph of the subject site, whilst Figure 3.1 of the Addendum to Planning Report, (Umwelt Environmental Consultants, June 2003) shows the proposed extraction stages. Preliminary comments from state agencies were sought and received and raised a number of concerns, particularly in relation to conclusions reached in the planning report regarding flora and fauna habitat on the site and the lack of evidence demonstrating the activities' compatibility with the principles of ecologically sustainable development. A copy of each of the above-mentioned reports can be found in the Councillors' room.

It is considered that the environmental issues that have been identified and reported upon to date could be resolved via further investigation, however in the absence of a broader strategy which attempts to balance resource extraction with potential loss of vegetation further investigation into the site specific environmental issues is considered to be premature.

Conclusions

It is considered premature for Council to make a decision on the rezoning request until further information and advice is received on the broader issues of resource extraction in the region and the subsequent importance of resources in the Stockton Bight area.

ITEM NO. 5**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) Port Stephens Historical Society - Donation towards costs of Development Application - \$500 (East Ward).
 - b) Nelson Bay Rotary Club - Donation towards the operating costs for the Rotary Youth Driver Awareness program - \$2000.00 (East Ward).
 - c) Terrace Tenants & Associates Inc - Donation towards exhibition costs for the 65th Anniversary HMAS Assault & the arrival of the HMAS Westralia - \$521.20 (West Ward).
 - d) Raymond Terrace & District Historical Society Inc - Donation towards costs associated with vandalism at Sketchley Cottage & Museum in July 2007 - \$2000.00 (West Ward).

ORDINARY MEETING OF COUNCIL – 25 MARCH 2008**RESOLUTION:**

073	Councillor Francis Councillor Hodges	It was resolved that Council Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Ward Funds to the following:- <ul style="list-style-type: none">a) Port Stephens Historical Society - Donation towards exhibition costs for the 65th Anniversary HMAS Assault & the arrival of the HMAS Westralia - \$500 (East Ward).b) Nelson Bay Rotary Club - Donation towards the operating costs for the Rotary Youth Driver Awareness program - \$2000.00 (East Ward).c) Terrace Tenants & Associates Inc - Donation towards costs of Development - \$521.20 (West Ward).
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MINUTES FOR ORDINARY MEETING – 25 MARCH 2008

		d) Raymond Terrace & District Historical Society Inc - Donation towards costs associated with vandalism at Sketchley Cottage & Museum in July 2007 - \$2000.00 (West Ward).
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BACKGROUND

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

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

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

The requests for financial assistance are shown below:-

MAYORAL DONATIONS – Nil**WEST WARD – Crs Brown, Francis, Hodges & Jordan**

Terrace Tenants & Associates Inc	Donation towards costs of Development Application.	\$521.20
Raymond Terrace & District Historical Society Inc	Donation towards costs associated with vandalism at Sketchley Cottage & Museum in July 2007.	\$2000.00

CENTRAL WARD – Crs Swan, Dingle, Baumann & Tucker – Nil**EAST WARD – Crs Nell, Dover, Westbury & Robinson**

Port Stephens Historical Society	Donation towards exhibition costs for the 65 th Anniversary HMAS Assault & the arrival of the HMAS Westralia	\$500.00
Nelson Bay Rotary Club	Donation towards the operating costs for the Rotary Youth Driver Awareness program	\$2000.00

Councillor Jordan left the Chamber at 7.22pm and returned at 7.25pm

LINKS TO CORPORATE PLANS

The Council's Management Plan does not have any program or stated goal or objective for the granting of financial assistance.

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward Funds are the funding source for all financial assistance.

LEGAL AND POLICY IMPLICATIONS

To qualify for assistance under Section 356(1) of the Local Government Act, 1993, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function which it, the Council, would otherwise undertake;
- b) the funding will directly benefit the community of Port Stephens;
- c) applicants do not act for private gain.

The policy has other criteria, but these have no weight as they are not essential. These criteria are:

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

Australian Business Excellence Framework

This aligns with the following ABEF Principles. (Please delete what is not applicable)

- 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
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

NOTICE OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 3150-029 A2004-0217/103

SAFEGUARD THE LONG-TERM FUTURE OF PIPIES

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) requests that the Minister for Primary Industries to safeguard the long-term future of pipis along the whole length of the Stockton beach from Stockton to Anna Bay:
 - a. By commissioning a population survey of pipis, to assess the total population size and age/size distribution of the resource, and
 - b. The development of a management plan:
 - i. To safeguard the long term biological viability of the pipi population, and
 - ii. To retain a commercially viability pipi fishery.
 - c. That the data from the population survey be made public as soon as it becomes available.

ORDINARY MEETING OF COUNCIL – 25 MARCH 2008

RESOLUTION:

075	Councillor Nell Councillor Westbury	It was resolved that the Notice of Motion be adopted.
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Councillor Hodges left the Chamber at 7.25pm and returned at 7.27pm during Item 1.

Councillor Francis left the Chamber at 7.26pm during Item 1.

Councillor Swan vacated the Chair and left the Chamber at 7.29pm Item 1.

Councillor Dover assumed the Chair.

BACKGROUND REPORT OF: BRUCE PETERSEN – ENVIRONMENTAL SERVICES MANAGER

BACKGROUND

The taking of pipis is regulated by the Fisheries Management Act 1994 which is managed by the Department of Primary Industries. The Act prohibits the taking of pipis (of any species) from the whole of the ocean waters (below the mean high water mark) of any New South Wales beach at all times by any person and by any method for any purpose other than for use as fishing bait in the immediate vicinity of their take or by an appropriately authorised commercial fisher operating under an approved biotoxin management plan. Pipis taken for use as bait may be in possession within 50 metres of the mean high water mark.

Pipis are a popular form of bait and are routinely used by Fisherman along Stockton beach. There is currently a bag limit set by the Department of Primary Industries for recreational fisherman of 50 pipis per person. There have been concerns that if the extraction of pipis is not properly monitored and regulated, that the taking of pipis will not be sustainable.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 3150-029

PEARSON PARK DOG EXERCISE AREA

COUNCILLOR: SALLY DOVER

THAT COUNCIL:

- 1) That council alters the existing dog exercise area plan to allow Pearson Park to become an "on lead" area.
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ORDINARY MEETING OF COUNCIL – 25 MARCH 2008

RESOLUTION:		
076	Councillor Dover Councillor Westbury	It was resolved that the Notice of Motion be adopted.

BACKGROUND REPORT OF: JASON LINNANE - RECREATION SERVICES MANAGER
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BACKGROUND

Pearson Park is currently a "no dog" area under Council's dog exercise area plan. This plan is due for review but limitations on resources has precluded this from occurring. It is not expected that this review will be completed in the next 12 months.

The proposal will have minimal impact on the use and enjoyment of the area by the broader community. There would be little if any at all environmental or economic impact from the proposed change

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 3150-029 PSC2005-4161

RE-ESTABLISHMENT OF ALCOHOL-FREE ZONES

COUNCILLOR: CR RON SWAN

THAT COUNCIL:

1) Initiates consultation for the re-establishment on September 1st 2008 of the alcohol-free zones in Anna Bay, Raymond Terrace and Nelson Bay central business districts.

ORDINARY MEETING OF COUNCIL – 25 MARCH 2008

RESOLUTION:

077	Councillor Swan Councillor Hodges	It was resolved that the Notice of Motion be adopted.
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Councillor Swan returned to the Chamber at 7.31pm during Item 3 and resumed the Chair.

Councillor Francis returned to the Chamber at 7.33pm during Item 3.

MATTER ARISING:

078	Councillor Nell Councillor Dover	It was resolved that Council call for a report on the operation of bottle shops in alcohol free zones.
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BACKGROUND REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

BACKGROUND

Alcohol-free zones (AFZ) are effective tools for local police to deal with alcohol-related offences in an effort to eliminate anti-social behaviour and provide a safer street environment for the community. An AFZ can only be established for a maximum period of three years, after which it must be re-established following the procedure prescribed by the *Department of Local Government's Ministerial Guidelines on Alcohol-Free Zones*.

Currently the Anna Bay alcohol-free zone expires on 31st August 2008 and the Raymond Terrace and Nelson Bay alcohol-free zones expire on 19th December 2008. Due to the time and costs involved following the Ministerial Guidelines, it is proposed to bring the expiration dates of these three AFZ into line with each other. This will involve the cancellation of the Nelson Bay AFZ and Raymond Terrace AFZ from 1st September in lieu of current expiration date of 19th December and the re-establishment of all three AFZ for another three years, effective 1st September 2008.

MINUTES FOR ORDINARY MEETING – 25 MARCH 2008

MOTION TO CONSIDER BUSINESS FOR WHICH NOTICE HAS NOT BEEN GIVEN

ORDINARY MEETING OF COUNCIL – 25 MARCH 2008

	Councillor Westbury Councillor Dover	That Council review the application of the tree vandalism policy in light of the recent Boat Harbour tree vandalism matter.

The Chair ruled that the business was a matter of urgency and the motion was put and carried to allow the matter to be debated at Council.

AMENDMENT		
079	Councillor Nell Councillor Dingle	That Council call for a report by the end of April on the restoration of the area and removal of the containers by the end of April 2008 at Boat Harbour.

FORESHADOWED AMENDMENT		
	Councillor Dover	That the containers be removed as a matter of urgency at Boat Harbour and the trees be replaced.

The Amendment on being put became the Motion, which was put and carried.

There being no further business the meeting closed at 8.20pm.