

## Minutes 27<sup>th</sup> May 2008



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 27<sup>th</sup> May 2008, commencing at 5.30pm.

**PRESENT:**

Councillors R. Swan (Mayor); S. Dover (Deputy Mayor); 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; Acting Business and Support Group Manager.

105	Councillor Hodges Councillor Tucker	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 22 <sup>nd</sup> April, 6 <sup>th</sup> May & 13 <sup>th</sup> May 2008 be confirmed.
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# MAYORAL MINUTE

# MAYORAL MINUTE

ITEM NO. 1

FILE NO: 16-2006-246-1

## REVIEW OF DEVELOPMENT APPLICATION FOR HOME EMPLOYMENT (EARTH MOVING & ENGINEERING) PURSUANT TO SECTION 82A ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AT NO 774 MARSH ROAD BOBS FARM

### THAT COUNCIL:

1. Note the submission of the preliminary planning report from the proponent
2. Call for a detailed report to Committee and Council in July 2008 addressing the S82A review and preliminary planning report in accordance with the Council Resolution dated 22 April 2008.

106	Councillor Swan	There being no objections it was resolved that the Mayoral Minute be adopted.
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### BACKGROUND

Council, at its meeting on 22 April 2008, resolved to:

1. *Defer determination of Section 82A review for one (1) month to enable the applicant to investigate the feasibility of relocating the engineering fabrication and earthmoving business to adjoining land Lot 10 DP 1071458 and submit a report to Council addressing the following issues:*
  - *Confirmation of ownership or option to purchase Lot 10 DP 1071458;*
  - *Confirmation of ability to secure right of way (r.o.w) access over adjoining land;*
  - *Documentation from Roads and Traffic Authority (RTA) confirming in-principle support for proposed left in/left out access from Nelson Bay Road subject to detail engineering design*
  - *Documentation from a qualified engineer confirming practical access suitable for heavy vehicles can be achieved via the existing track; and*
  - *Submission of preliminary planning report addressing capability and suitability of Lot 10 DP 1071458 for the proposed use as the basis for rezoning the site subject to accepted land use and locational criteria for siting a depot*
2. *The applicant to submit the planning report by no later than 22 May 2008*
3. *Council requests a further report in July 2008 to enable consideration of the Section 82A review and the applicants planning report concurrently.*
4. *That Council not undertake legal action whilst the site investigation occurs subject to an undertaking from Hays Enterprises to restrict the number of heavy plant on site to two (2) at any one time and to relocate all other heavy plant to work sites where practical.*

In response to this Resolution, Council is in receipt of a preliminary planning report on Lot 10 DP 107458 prepared by Tattersall Surveyors, investigating the site's capability and suitability for a depot subject to rezoning the land. The report considers the following elements

- surrounding land uses
- proposed land zoning

## ORDINARY MEETING MINUTES – 27 MAY 2008

- environmental and ecological issues (preliminary only detailed - assessment to be submitted prior to July 2008 report to Council)
- provision of buffers to adjoining land to resolve noise, vibration and dust issues associated with the business (preliminary advice only - detailed assessment to be submitted prior to July 2008 report to Council)
- access to the land

The following dot points summarise the key issues identified in the preliminary planning report

- The proposal relies on access via Marsh Road following correspondence received from the NSW Roads and Traffic Authority advising that access via Nelson Bay Road is not suitable for heavy vehicles.
- The proponent advises that the subject land has been previously used as a temporary construction site for the recent reconstruction of adjoining Nelson Bay Road by the civil contractors.
- Hay Enterprises is currently leasing the land from the RTA and the land will be subject to the RTA's usual disposal process for land surplus to requirements.
- The proponent is of the view that the ecological, landuse, noise, vibration and dust issues can be dealt with in a satisfactory manner

Based on an initial review of the submitted documentation, the following points require clarification and/or further investigation prior to reporting the matter to Committee and Council in July 2008:

### *Bushfire management*

- Consideration of any asset protection zone requirements for the proposed use and consideration of any associated ecological impacts associated with bushfire management requirements
- Consideration of fuel tanks in terms of bushfire management including appropriate bunding and the like.

### *Internal access arrangements*

Right of way benefiting Lot 10 DP 107458 providing access across Lot 11 DP 107458.

### *Consolidated description of proposal and plan*

Consolidated plan depicting the proposed development over both lots confirming what elements will be retained, relocated or removed

### *Noise*

The proponent has been requested to provide details of any noise complaints associated with the temporary construction site situated on Lot 10 DP 107458 associated with the reconstruction of Nelson Bay Road

### *Consultation*

The preliminary planning report has been referred to the following Council Departments for advice:

- Environmental Services - ecological and acoustic/vibration issues
- Integrated Planning - landuse issues
- Development & Building - bushfire management

### *Adjoining Land*

The proponent has been encouraged to consult with all property owners adjoining Lot 10 DP 107458 and address any concerns raised in the detailed addendum reports to be submitted prior to the July 2008 report to Committee and Council.

# **OPERATIONS COMMITTEE RECOMMENDATIONS**

ITEM NO. 1

FILE NO: 16-2007-1066-1

**DEVELOPMENT APPLICATION FOR PROPOSED THREE STOREY ADDITION AT NO. 35 IRENE CRESCENT, SOLDIERS POINT**

REPORT OF: SCOTT ANSON- MANAGER, DEVELOPMENT & BUILDING

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Reaffirm the provisions of DCP 2007 Clause B6 C46 relating to development in Residential 2(a) zone must not exceed two (2) storeys.
- 2) Endorse the refusal of DA 16-2007-1066-1 and delegate determination to the General Manager consistent with the contents of this report.

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**OPERATIONS COMMITTEE MEETING – 13 May 2008**

That the recommendation be adopted.

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**ORDINARY MEETING – 27 May 2008**

**RESOLUTION:**

107	Councillor Nell Councillor Hodges	It was resolved that the Recommendation be adopted.
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**BACKGROUND**

The purpose of this report is to present a Development Application to Council for determination on a policy position in regard to a proposed three (3) storey single dwelling residential development in Residential 2(a) zoning.

Council is in receipt of a Development Application to construct a third storey addition to an existing two (2) storey dwelling. The applicant proposes a third storey, which is contrary to the provisions of Port Stephens Development Control Plan 2007 (DCP 2007) Clause B6.C46.

This Clause relates to the controls placed on the number of storeys a dwelling may have and reads:

*B6.C46 Development in the Residential 2(a) zone must not exceed 2 storeys. Council may only approve loft spaces and dormer windows if they do not significantly alter roof design, roof pitch or building bulk, and do not cause adverse impacts on the privacy or amenity of neighbouring dwellings.*

This development control requires development to integrate a habitable loft space into the roof capacity with the use of dormer windows and the like. The DCP is explicit in that Council may only approve (emphasis added) loft spaces subject to the provisions contained in Clause B6.C46. The subject development does not propose loft spaces or use dormer windows. The subject development significantly alters the roof design, roof pitch and building

bulk. Due to the third level balcony, habitable rooms and extensive glazing the development is considered to adversely impact on the privacy and amenity of neighbouring dwellings.

This DCP requirement underpins the intent and objectives of Port Stephens Council Local Environmental Plan 2000 for dwellings in Residential 2(a) zone which states:

***Development Control Table***

***(1) Description of the zone***

*Residential “A”: zone is characterised by one and two storey dwelling-houses and dual occupancy housing. Townhouses, flats and units up to two storeys may occur throughout the zone. Dwellings may also be erected on small lots in specially designed subdivisions. Small scale commercial activities compatible with a residential neighbourhood and a variety of community uses may also be present in this zone.*

***(2) Objectives of the Zone***

*The objectives of the Residential “A” Zone are:*

- (a) to encourage a range of residential development providing for a variety of housing types and designs, densities and associated land uses, with adequate levels of privacy, solar access, open space, visual amenity and services, and*
- (b) to ensure that infill development has regard to the character of the area in which it is proposed and does not have an unacceptable effect on adjoining land by way of shading, invasion of privacy, noise and the like, and*
- (c) to provide for non-residential uses that are compatible with the area and service local residents, and*
- (d) to facilitate an ecologically sustainable approach to residential development by minimising fossil fuel use, protecting environmental assets and providing for a more efficient use of existing infrastructure and services, and*
- (e) to ensure that the design of residential areas takes into account environmental constraints including soil erosion, flooding and bushfire risk.*

The adoption of the Port Stephens DCP 2007 provides clear direction for future development in limiting the number of storeys. This change was motivated by the growing concern that three (3) storey dwellings were being approved, which could be argued was resulting in over development of sites due to excessive building bulk and impacts associated with the third storey. Previous DCP's provided no clear guidance for Council or development assessment staff in relation to desired number of storeys and design requirements for multi storey, single dwellings. In the absence of an adopted policy, Council officers were requesting extensive additional information which gave consideration to the matters subsequently adopted within DCP 2007.

An example of typical information required to assess applications for three (3) storey dwellings have previously included:

- Streetscape analysis illustrating the existing character of the street (elevations and/or photo montage)
- Streetscape analysis illustrating the proposed development within the existing streetscape (elevations and/or photo montage)



- Any potential external visual impacts associated with the proposed three (3) storey building when viewed from surrounding properties and public vantage points
- Statement of Environmental Effects (SOEE) that assesses the impacts of the proposal arising from the streetscape analysis above and any measures to minimise or mitigate impacts.
- The streetscape analysis (elevations and/or photo montage) should identify existing natural ground level and ridge line reduced levels (RL's) for existing and proposed.

In the absence of a policy approach to managing this form of development, there was no certainty for the applicant on the outcome. This situation also proved problematic for development assessment officers attempting to provide advice and guidance to Council, applicants and stakeholders on a matter that holds significant public interest, that being the orderly and predictable form of development occurring within residential areas.

To assist in providing a strategic approach to land use management and property development, the placing of greater controls over three (3) storey dwellings is reflected in the following Principle which was adopted within the DCP 2007 to provide guidance for developers and land owners:

*B6.P25 Development should achieve a scale and height in keeping with the existing and desired future character of the street.*

This is specified in the associated development control limiting the number of storeys to two (2) with some concessions for habitable areas within the loft space.

### **Precedent**

Port Stephens Development Control Plan 2007 establishes clear and concise direction on design parameters for multi storey dwellings in Residential 2(a) zoned areas. Since the adoption of the DCP there have been no applications assessed and approved for a three (3) storey residential dwelling or third storey addition. Consent to a three (3) storey dwelling which is contrary to the Principles and Development Controls of the DCP will establish an undesirable planning precedent.

Ad hoc variation to the adopted provisions also has the potential to undermine Council's recently adopted DCP. Future application of development controls within the DCP relating to three (3) storey dwellings may be challenged by applicants demonstrating inconsistent application of these provisions. Unjustifiable variation to development controls will result in undermining of the integrity of the DCP.

Court proceedings routinely identify the need for the consent authority to maintain consistency in its application of adopted development control policies. Failure to do so will result in undermining the legality of such controls, making the control unenforceable.

A full assessment of Development Application 16-2007-1066 is provided in Attachment 2. To progress the determination of this application, it is necessary for Council to make a determination on policy in relation to strictly applying the provisions of the DCP 2007 in this instance.

### **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*

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

Nil

## **LEGAL AND POLICY IMPLICATIONS**

The proposed third storey addition is contrary to the relevant provisions of Port Stephens Local Environmental Plan (PSLEP) 2000 and Development Control Plan (DCP) 2007 with regard to bulk and scale in Residential 2(a) zoned areas.

The proposed development presents no matters which give rise to the objective and development controls in PSLEP 2000 and DCP 2007 as being unreasonable or unnecessary in the context of this application. Further, no specific site constraints have been identified which would limit potential for dwelling additions compliant with the provisions of the DCP.

Consent of a third storey dwelling in the configuration proposed would create a precedent which has the potential to be used in future Development Applications as reason for consent noting fairness, consistency and equity in the application of Council's planning provisions.

### **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 culture 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 development is contrary to the public interest and expectations of an orderly and predictable built environment.

### **ECONOMIC IMPLICATIONS**

There are no economic implications associated with this report.

### **ENVIRONMENTAL IMPLICATIONS**

The development, if approved by Council, will set a precedent for allowing three (3) storey single dwelling development in the Port Stephens Local Government Area (LGA).

## **CONSULTATION**

Council has received no submissions or objections during the notification and advertising period.

## **OPTIONS**

Council has three options to consider with the proposed development.

- 1) Council approve the development as submitted subject to conditions;
- 2) Council approve and condition the proposed development with modification, or
- 3) Council refuse the development for reasons as abovementioned. The design of the proposal does not comply with the design principles of the DCP 2007 and the intent of the aims of the Port Stephens Council LEP 2000.

## **ATTACHMENTS**

- 1) Locality Plan
- 2) Assessment

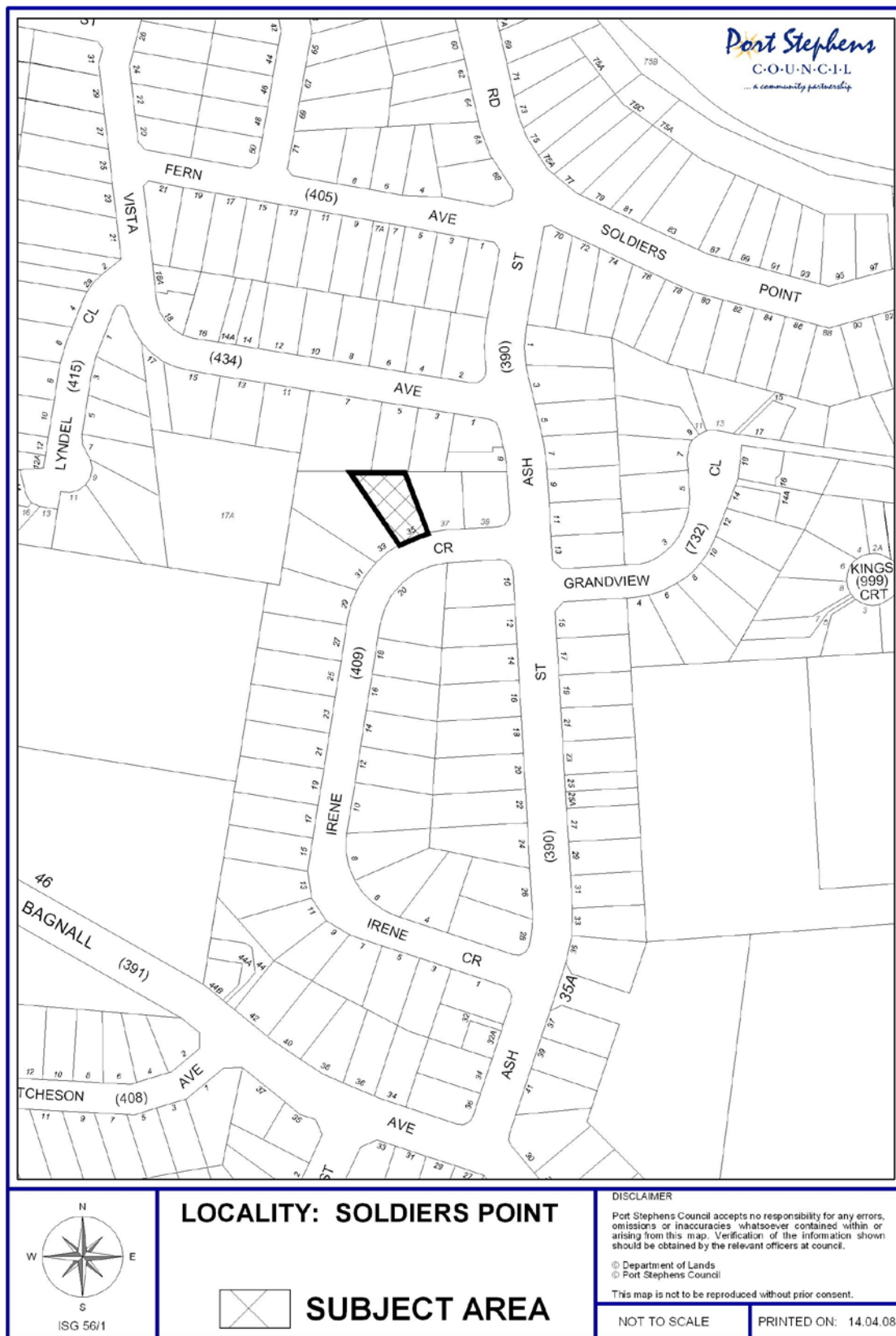
## **COUNCILLORS ROOM**

- 1) Plans 1-8 File Number 0700561 dated 29/11/2007

## **TABLED DOCUMENTS**

Nil

# 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**

The application seeks approval for additions to an existing two storey dwelling resulting in a three storey dwelling. The existing dwelling on site comprises of a two storey structure with a new third storey to be constructed on the existing development.

#### **THE APPLICATION**

Owner	Mr R & Mrs G H Genner
Applicant	Mr E C Genner
Detail Submitted	Statement of Environmental Effects Development Plans

#### **THE LAND**

Property Description	Lot 24 DP 24306
Address	35 Irene Crescent, Soldiers Point
Area	739.8m <sup>2</sup>
Dimensions	The development site is irregular shaped having a frontage to Soldiers Point of 15.49m and a rear width of 27.43m. The site's western boundary is 43.66m and the eastern boundary is 32.58m in depth.
Characteristics	The site currently contains a two (2) storey dwelling located approximately in the centre of the site. The site contains a lawn, and some scattered trees. The site is elevated at the rear and slopes toward the street.

#### **THE ASSESSMENT**

##### **1. Planning Provisions**

LEP 1987 – Zoning	2(a)
Relevant Clauses	16 & 19
Development Control Plan	Port Stephens DCP 2007
State Environmental Planning Policies	SEPP 71

ATTRIBUTE	PROPOSED	REQUIRED	COMPLIES
<b>LEP Requirements</b>			
Min. Area Per Dwelling	739.80m <sup>2</sup>	500m <sup>2</sup>	Yes
Floor Space Ratio	0.36:1	0.5:1	Yes
Height	8.6m	9m	Yes
<b>DCP Requirements</b>			
Number of storeys (except for loft spaces)	3	2	No

**ORDINARY MEETING MINUTES – 27 MAY 2008**

Building Line Setback	Carport 8.75m	6m	Yes
Side Setbacks	Western Boundary 1.8m	2m	No
	Eastern 1.4m	2m	See report
Rear Setbacks	Northern 4m	6m	No – see report
Privacy	Balconies proposed on the eastern side at first and second storey levels	No objections have been received	Yes
Resident parking	3	2	Yes
Retaining Walls	No boundary retaining walls	If development is set back greater than 1.3m, retaining walls may be 900mm	Yes
BASIX	Dwelling additions valued at \$250,000	Yes	Yes

**Port Stephens Local Environmental Plan 2000****Clause 16**

The proposed dwelling is considered inconsistent with the zone description and zone objectives in relation to Residential 2(a) zoned land which is characterised by one and two storey dwellings. In determining a Development Application, the consent authority must have regard to the need to encourage a range of residential development which provides for a variety of housing types and designs, densities and associated land uses with adequate levels of privacy, solar access, open space, visual amenity and services. Infill development must have regard to the character of the area.

Consent of a three (3) storey dwelling in the form proposed is considered inconsistent with the provisions of Port Stephens Council Local Environmental Plan 2000.

**Clause 19**

The proposed development is considered to be consistent with the development standards of minimum site area per dwelling, height and floor space ratio specified within Clause 19 of the Port Stephens LEP 2000.

**State Environmental Planning Policy No. 71 – Coastal Protection**

The development is not considered to be contrary to the provisions of SEPP 71.

**Port Stephens Development Control Plan 2007**

The application was lodged on 30 November 2007. The performance based design requirements of Port Stephens Development Control Plan 2007 are relevant to the assessment of this application. Assessment of the key design considerations are addressed below:

**Streetscape, Building Height, Bulk and Scale**

The proposed three (3) storey dwelling additions are considered to have a serious impact on the surrounding development and associated land uses that comprise residential

occupancies. Primary concerns relate to visual amenity and potential impact, height of habitable areas and bulky design.

Council's concerns have been expressed to the applicant in writing, however there has been no submission responding to these matters that presents a modification or variation to the proposal in relation to its compatibility with the surrounding residential development and streetscape.

The objectives and control principles of the DCP indicate that the bulk and scale of a dwelling in 2(a) Residential should be sympathetic to the local street content. The development is to take into consideration its design elements to minimise the impact on the amenity of the adjacent dwellings and land.

Although the proposal complies with the floor space ratio and site coverage objectives, the design presents an undesirable visual impact on the surrounding development in relation to its scale, height and bulk characteristics and does not comply with the design principles of the Council's Development Control Plan 2007 Clause B6.5.

### **Privacy**

As recorded in this report, no submissions have been received, however with consideration to the long-term residential amenity, the assessment of this proposed development notes the third storey dwelling additions have extensive balcony areas located to the north east of the dwelling.

The elevation of the third storey balcony in the context of the surrounding development being residential land uses will result in significant loss of privacy to the rear private open space of adjoining properties, primarily to the north and north east.

As discussed previously, the DCP requires loft spaces in lieu of a third storey in order to mitigate impacts on adjoining residential amenity. The extensive living areas proposed in the third storey combined with glazing and outdoor elevated balcony areas result in an unreasonable and unacceptable potential impact on privacy.

### **Boundary Setbacks**

The combination of setback encroachments and the balcony and extensive glazing on the third storey creates a significant impact on privacy and acoustic amenity for adjoining residential dwellings. The setback encroachments also exacerbate the overall bulk and scale of the development.

### **Site Coverage**

The development is compliant with the requirements of floor space ratio and site coverage specified in Clause 19 of the LEP.

The proposed development, including hardstand areas, covers 30% of the site. Under the requirements of DCP 2007, the development may have maximum site coverage of 60% and as such the development is considered to comply with Council's site coverage requirements.

### **Acoustic Privacy**

The development does pose a potential unreasonable acoustic privacy impact in relation to the addition of an elevated balcony structure.

Whilst external open space forms part of typical residential development, the resulting elevated open space associated with the third storey dwelling additions and external balcony areas has the potential to have significant impact on acoustic privacy. This is primarily due to the surrounding topography and the elevation of the third storey dwelling additions.

The extensive area on the balcony limits the option to place acoustic barriers adequate to remove the potential impact.

### **Solar Access**

With respect to overshadowing, given the orientation of the allotment and shadow diagrams provided, it is considered that the development is compliant with the provisions of DCP 2007 in respect to solar access. The shadow diagrams indicate the extent of impact comprises:

- No. 33 Irene Street will be overshadowed up to 12.00 noon;
- The cottage at No. 37 Irene Street will be affected after 3.00 p.m.

It is noted that the extent of overshadowing will increase as a result of the bulk and height of the proposed building. Despite the proposed addition being under the height limitation, the bulky form of the addition will have a greater impact than development which is compliant with the design requirement of DCP 2007 which requires loft style construction.

### **Views**

The development site and adjacent properties contain distant water glimpses of Port Stephens to the north. Given the siting of the building and the direction of view in the area, it is not considered that the development will not unreasonably impact on existing views.

### **Parking & Traffic**

The parking and traffic arrangements are in accordance with Council's Development Control Plan 2007.

The development provides garage parking for two (2) cars with one additional space provided in the proposed carport structure.

### **Usable Open Space**

The size of the allotment provides extensive ground level open space accessible from living areas.

### **Landscaping**

No changes are proposed to the existing landscaping.

### **Flora and Fauna**

Despite being vegetated, the development site is not identified as containing any threatened flora or fauna or endangered ecological communities. It is not considered that this development will result in adverse impacts to, or pose an unacceptable risk to, threatened flora and fauna.

## **2. Likely Impact of the Development**

The proposed development is inconsistent with the requirement of Port Stephens Local Environmental Plan 2000 and Development Control Plan 2007. The bulk and scale of a three



storey dwelling in the form proposed is assessed as inconsistent with the intent and objectives of the controls.

### **3. Suitability of the Site**

The site is fully serviced and there are no physical constraints on the site that would make the land unsuitable for this development.

### **4. Submissions**

The application was advertised and notified in accordance with Port Stephens Development Control Plan 2007. No submissions were received.

### **5. Public Interest**

The proposal is contrary to the public interest as the development fails to satisfy relevant planning considerations and establishes an unacceptable level of impact on residential amenity due to loss of privacy and acoustic impacts attributed to a balcony, habitable rooms and extensive glazing on the third level in addition to the overall visual impact upon the streetscape due to bulk and scale of the third storey.

The proposed building is also not in keeping with the design characteristics, suitability and appearance with the existing streetscape. The approval is inconsistent with public expectations of orderly residential development of a scale and design characterised predominantly by one (1) and two (2) storey dwellings in residential 2(a) zoned areas.

**ITEM NO. 2**

**FILE NO: PSC2005-5698**

**REVIEW OF COUNCILLOR NUMBERS**

**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGER**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Determine the number of Councillors for Port Stephens Council which is at least 5 and not more than 15.

**PLEASE NOTE: Council at its meeting of the 22 April 2008 deferred this report to the Operations Committee Meeting of the 13 May 2008 to consider in conjunction with the report on the proposed Referendum.**

**OPERATIONS COMMITTEE MEETING – 13 May 2008**

Recommendation:

That Council determine the number of Councillors for Port Stephens to be 12 Councillors for Port Stephens if there is no popularly elected Mayor or 10 Councillors (9 Councillors plus 1) if there is a popularly elected Mayor.

**Amendment:**

**That Council determine the number of Councillors for Port Stephens to nine (9) Councillors if there is no popularly elected Mayor or ten (10) Councillors if there is a popularly elected Mayor.**

**ORDINARY MEETING – 27 May 2008**

**RECOMMENDATION:**

	Councillor Hodges Councillor Dingle	That Council determine the number of Councillors for Port Stephens be nine (9) councillors and ten (10) councillors if there is a popularly elected Mayor.
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**AMENDMENT:**

108	Councillor Nell Councillor Swan	<b>That Council determine the number of Councillors for Port Stephens be twelve (12) councillors if there is no popularly elected Mayor or ten (10) councillors if there is a popularly elected Mayor</b>
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The amendment on being put became the Motion which was put and carried.

Note: Cr Robinson joined the meeting at 6.05pm during Item 2

**PLEASE NOTE: Council at its meeting of the 22 April 2008 deferred this report to the Operations Committee Meeting of the 13 May 2008 to consider in conjunction with the report on the proposed Referendum.**

## **BACKGROUND**

**The purpose of this report is for Councillors to determine the Councillor numbers before the next Local Government election.**

In accordance with Section 224 (2), *Local Government Act 1993*, Council must not, less than 12 months before the next ordinary election, determine the number of Councillors for the following term of office.

Council is required to determine the number of Councillors in accordance with Section 224 (1), *Local Government Act 1993*.

*Section 224 (1)*

*“A Council must have at least 5 and not more than 15 Councillors (one of whom is the Mayor).”*

Councillors are aware that this matter is also partly addressed in the report regarding the 2008 Council Referendum, which is contained in this business paper for Council's consideration.

## **LINKS TO CORPORATE PLANS**

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

**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**

The financial implications would depend upon Council's decision, whether that be to increase or decrease the Councillor numbers. Currently the annual allowance for a Councillor is \$14,540 per Councillor.

In addition to this there would be a saving or otherwise dependant upon the decision to increase or decrease Councillor numbers. This saving/cost would be associated with conferences and other reimbursements allowable under the Councillor Reimbursement policy, together with costs associated with conducting Council and Committee meetings.

## **LEGAL AND POLICY IMPLICATIONS**

The legal implications are that Council is required to have at least 5 and not more than 15 Councillors including the Mayor in accordance with Section 224(1), *Local Government Act 1993*.

Councillors need to be aware that an increase in Councillor numbers would require a constitutional referendum at the next election under Section 224 (3), *Local Government Act 1993*. However a decrease in Councillor numbers would only require a resolution of Council to apply to the Minister for consideration of the proposal, following 21 days of public notice under Section 224A, *Local Government Act 1993*. This would then come into effect at the next ordinary election in 2012.

Council cannot reduce the number of Councillors within each Ward fewer than 3 under Section 224A.

### **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.*
- 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**

Nil

#### **ENVIRONMENTAL IMPLICATIONS**

Nil

### **CONSULTATION**

General Manager  
Executive Manager – Corporate Management  
Executive Officer

### **OPTIONS**

- 1) Adopt the recommendation
- 2) Amendment the recommendation
- 3) Reject the recommendation

### **ATTACHMENTS**

- 1) Nil

### **COUNCILLORS ROOM**

- 1) Nil

### **TABLED DOCUMENTS**

- 1) Nil

**ITEM NO. 3****FILE NO: PSC2007-2662****2008 LOCAL GOVERNMENT ELECTION - REFERENDUM****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER – CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) Determine the questions to be asked of the Port Stephens Community through the referendum to be held in conjunction with the 2008 Local Government Election.

**OPERATIONS COMMITTEE MEETING – 13 May 2008**

That Council ask the following question at the referendum to be held in conjunction with the Local Government election in September 2008. ***“Do you want to elect your Mayor?”***

**ORDINARY MEETING – 27 May 2008****RECOMMENDATION:**

	Councillor Hodges Councillor Jordan	That Council determine the number of Councillors for Port Stephens be nine (9) councillors and ten (10) councillors if there is a popularly elected Mayor.
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**AMENDMENT:**

109	Councillor Nell Councillor Brown	<p>That Council resolve to ask the following questions</p> <ol style="list-style-type: none"><li>1. <i>Do you wish to change how we elect the Mayor of Port Stephens, from the current method (where the Councillors elect the mayor annually) to the alternative method (where the electorate directly votes for the Mayor at each ordinary local government election, which are generally held every 4 years)?</i></li><li>2. <i>If question 1 is carried at this referendum, do you wish to increase the number of Councillors from the current 12 to 13 (which would provide for 4 in each of the three Wards and for the Mayor to be elected directly by the electors from all three Wards)?</i></li></ol>
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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 provide Council with the outcomes from the Councillor's briefing held on Tuesday 1 April 2008, and also, to provide the legal advice sought on the questions for referendum at the 2008 Local Government election.**

Council considered a report on 28 August 2007 with the following resolution passed:

- 1. Resolve to conduct a Constitutional Referendum at the 2008 Local Government Election.*
- 2. Form a working party of interested Councillors to work with the Executive Manager to develop the questions for the Referendum."*

On 1 April 2008 a briefing was provided to Councillors on the legislative requirements surrounding the proposed referendum with respect to asking the community about moving towards a popularly elected Mayor.

Councillors were provided with a series of three (3) questions to be asked at the referendum (ATTACHMENT 1), with the yes/no propositions. The questions have been re-worded slightly prior to seeking legal advice to ensure completeness. Councillors were advised at the briefing that there are implications for the local government area should the referendum for a popularly elected Mayor be carried. The implications may be an increase or decrease in Councillor numbers, or a change in the current Ward system.

The questions in (ATTACHMENT 1) provide the community with a clear option as they provide their response and also would provide the incoming Council with a clear view from the community.

At the briefing Councillors were advised that legal advice would be sought on the questions and propositions discussed to limit the risk of the questions being contested following the result of the Referendum.

The legal advice indicates that Council's questions in (ATTACHMENT 1) would be suitable for the Referendum, however Council needs to understand that should question 1 be carried and the elector does not indicate a preference on questions 2 and 3, then a further Referendum maybe required or a reduction in Councillor numbers through an application to the Minister.

The legal advice also provides Council with alternative proposition/s (ATTACHMENT 2) where the questions have been generally combined to form one question providing Council with a combined view from the community. However, there are issues with this which are dependant upon the view of the elector at the time of voting. For example the elector may only support one part of the question and not the other or the elector maybe confused with the question/s and not vote at all. This option does however, if successfully understood remove the need for a further Referendum.

Council needs to consider the more appropriate questions for the Referendum given the different issues that maybe associated with the two alternatives.

Council also should be aware that the result of the Referendum is legally binding, therefore is no change on the result can be made without a further Referendum, unless associated with the decrease in councillor numbers. This would be subject to an application to the Minister.

Following questions by some Councillors on the issue of whether Council maybe able to make application to the Minister for Local Government to conduct the election of a Popularly

Elected Mayor at this election and remove the need for a Referendum, verbal contact has been made with the Minister's office. The Minister's office advised that there is a proposal to change the legislation to allow such a move, however the proposal is not before Cabinet, and the recommendation of the Minister's office is that Council proceed with the proposed Referendum as planned.

A comparison of Category 3 Councils is shown at (ATTACHMENT 3) along with all Hunter Councils. Port Stephens Council is a Category 3 Council. The table at (ATTACHMENT 3) provides Council with the number of Councillors, those with popularly elected Mayors, if wards are applicable and the population.

## **LINKS TO CORPORATE PLANS**

Goal 16 Leadership – *Planning is integrated to provide a clear direction that allows a focus on achievement of organisational and personal goals*

## **FINANCIAL/RESOURCE IMPLICATIONS**

Council is still waiting to receive a further indication from the Electoral Commission with respect to the costs of the Election. A review of costs has been indicated and a possible saving on the original costs provided to Council.

The Electoral Commission has indicated that estimates surrounding a referendum are not available at this time however they will be provided to those Councils conducting a referendum, following the review of the general election costs.

Dependent upon the decision of Council with respect to increasing or decreasing the Councillor numbers there would be a financial implication. It is anticipated if the Councillor numbers increased by one then the cost would increase by approximately \$30,000 per year (\$120,000 per Council term) or alternatively if the number decreased the savings would be in the vicinity of \$60,000 per year (\$240,000 per Council term).

## **LEGAL AND POLICY IMPLICATIONS**

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, Council is required to conduct a referendum to make changes to the election of Mayor and changes to the Ward system.

### **Australian Business Excellence Framework**

This aligns with the following ABEF Principles.

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

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

Dependent upon Council's decision this may allow the community to have direct input into the election of the Mayor.

**ECONOMIC IMPLICATIONS**

Nil

**ENVIRONMENTAL IMPLICATIONS**

Nil

**CONSULTATION**

Executive Officer

Executive Manager – Corporate Management

Councillors

Harris Wheeler Lawyers

**OPTIONS**

- 1) Adopt the recommendation
- 2) Reject the recommendation
- 3) Amend the recommendation

**ATTACHMENTS**

- 1) Questions and propositions for the referendum
- 2) Harris Wheeler Lawyer alternate questions
- 3) Listing of Category 3 Councils

**COUNCILLORS ROOM**

- 1) Nil

**TABLED DOCUMENTS**

- 1) Nil



ATTACHMENT 1

The electors would be requested to place a YES or NO in the box indicating their preference.

The proposed questions and YES/NO cases are:

POPULARLY ELECTED MAYOR

3. *Do you wish to change how we elect the Mayor of Port Stephens, from the current method (where the Councillors elect the mayor annually) to the alternative method (where the electorate directly votes for the Mayor at each ordinary local government election, which are generally held every 4 years)?*

☐

**YES – Propositions**

- The Mayor should be determined by the voters, not Councillors.
- Popularly elected Mayor for 4 years would give stability to the Office of the Mayor.
- The Mayor would have more direct accountability to the electorate.
- The distractions caused by the annual election would be avoided.
- There would be predictability about the style and direction for the 4 year period.
- Possible election of Mayor “out of the hat” is avoided.

**NO – Propositions**

- The elected Councillors should determine the leader of the Council.
- Councillors need to be able to express continuing satisfaction, or otherwise with the Mayor.
- The popularly elected Mayor may not have the support of the majority of Council.
- The 4 year Mayoral term may be too great a commitment for some to make and the choices may be limited. The Ministers 2 year option would eliminate annual distractions if enacted.
- The most “popular” candidate may not necessarily be the best leader of Council.

## CHANGE TO THE NUMBER OF COUNCILLORS

2. If question 1 is carried at this referendum, do you wish to increase the number of Councillors from the current 12 to 13 (which would provide for 4 in each of the three Wards and for the Mayor to be elected directly by the electors from all three Wards)?

☐

### **YES – Propositions**

**The total number of Councillors should be increased to 13.**

- Councillors' representation of the community would be increased.
- A smaller number of Councillors reduces the number available for engagement with the community.
- Provide the opportunity to have a popularly elected Mayor as this is not possible with 12 Councillors – as each Ward is required to have equal number of Councillors under the Local Government Act plus the Mayor.

### **NO – Propositions**

**The total number of Councillors should be retained at 12 or decreased to 10.**

- Councillors' representation of the community would be reduced.
- Business may be transacted more speedily.
- There will be some savings associated with the reduction of the number of Councillors.
- Provide the opportunity to have a popularly elected Mayor as this is not possible with 12 Councillors – as each Ward is required to have equal number of Councillors under the Local Government Act plus the Mayor.
- A smaller number of Councillors reduce the number available for engagement with the community.

## CHANGE TO THE WARD SYSTEM

1. If question 1 is carried at this referendum, do you wish to change from the current system (where local government area is divided in to 3 Wards) to the alternate (where there are no wards within the local government area)?

☐

### **YES – Propositions**

- Would remove the division within the Local Government Area (LGA).
- Provide a whole of LGA approach within Council, providing expenditure on a needs basis for the LGA not on a Wards basis.
- Remove the need to increase/decrease Councillor numbers if question 1 is successful.
- Allows the electorate to vote for any candidate.

### **NO – Propositions**

- Electorate is satisfied with the current structure.
- Lower costs should a by-election be required.
- May reduce workload of Councillors.
- Wards can be seen as making it more likely that Council funds are spent equitably over the LGA.
- Allows Councillors to be more familiar with local issues in their communities.

ATTACHMENT 2

The electors would be requested to place a YES or NO in the box indicating their preference.

The proposed questions and YES/NO cases are:

1. *Do you wish to increase the number of councillors from the current 12 to 13 AND change how the Mayor is elected from the current method (where the councillors elect the mayor annually) to the alternative method (where the electorate, from all three wards, directly votes for the Mayor at each ordinary local government election, which are generally held every 4 years)?*
2. *Do you wish to decrease the number of councillors from the current 12 to 10 AND change how the Mayor is elected from the current method (where the councillors elect the mayor annually) to the alternative method (where the electorate, from all three wards, directly votes for the Mayor at each ordinary local government election, which are generally held every 4 years)?*
3. *Do you wish to change from the current system (where the local government area is divided in to 3 wards) to the alternate (where there are no wards within the local government area) AND change how the Mayor is elected from the current method (where the councillors elect the mayor annually) to the alternative method (where the electorate, from all three wards, directly votes for the Mayor at each ordinary local government election, which are generally held every 4 years)?*

☐☐☐

## ATTACHMENT 3

CATEGORY 3 COUNCILS

No.	COUNCIL	POPULATION	NO. OF COUNCILLORS	POPULARLY ELECTED MAYOR YES/NO	WARDS
1	Albury City	47247	9	NO	0
2	Armidale Dumaresq	24611	10	NO	0
3	Ballina	39953	9	NO	3
4	Bathurst	37001	9	NO	0
5	Bega Valley	32431	9	NO	0
6	Blue Mountains	76511	12	NO	4
7	Broken Hill	20203	12	YES	0
8	Byron Bay	30827	10	YES	0
9	Cessnock	48502	13	YES	4
10	Clarence Valley	49538	9	NO	0
11	Coffs Harbour	67442	9	YES	0
12	Dubbo	39263	12	NO	0
13	Eurobodalla	36389	9	NO	0
14	Great Lakes	34695	12	NO	0
15	Goulburn Mulwaree	27112	9	NO	0
16	Greater Taree	46986	12	YES	0
17	Griffiths	25140	12	NO	0
18	Hawkesbury	63824	12	NO	0
19	Kempsey	28742	9	NO	0
20	Lismore	43628	12	YES	0
21	Maitland	61517	13	YES	4
22	Orange	37791	14	NO	0
23	Port Stephens	63579	12	NO	3
24	Port Macquarie – Hastings	70581	9	YES	0
25	Queanbeyan	37169	10	YES	0
26	Shellharbour	63124	13	YES	6
27	Shoalhaven	96315	13	YES	3
28	Tamworth Regional	54522	9	NO	0
29	Tweed Heads	80935	11	NO	0
30	Wagga Wagga	58055	15	NO	0
31	Wingecarribee	44670	12	NO	0
32	Wollondilly	41463	9	NO	3

**ATTACHMENT 3  
HUNTER COUNCILS**

No.	COUNCIL	POPULATION	NO. OF COUNCILLORS	POPULARLY ELECTED MAYOR YES/NO	WARDS	CATEGORY
1	Cessnock	48502	13	YES	4	3
2	Dungog	8440	9	NO	3	4
3	Gloucester	4917	9	NO	0	4
4	Great Lakes	34695	12	NO	0	3
5	Greater Taree	46986	12	YES	0	3
6	Lake Macquarie	190320	13	YES	3	1
7	Maitland	61517	13	YES	4	3
8	Muswellbrook	15149	12	NO	0	4
9	Newcastle	146967	13	YES	4	S2
10	Port Stephens	63579	12	NO	3	3
11	Singleton	22270	12	NO	3	4
12	Upper Hunter	13424	9	NO	0	4

**ITEM NO. 4****FILE NO: PSC2006-1228****GOODS AND SERVICES TAX CERTIFICATE****REPORT OF: JEFF SMITH, FINANCIAL SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve the submission to the Department of Local Government of the Goods and Services Tax Certificate at **ATTACHMENT 1**.

**OPERATIONS COMMITTEE MEETING – 13 May 2008**

That the recommendation be adopted.

**ORDINARY MEETING – 27 May 2008****RESOLUTION:**

<b>110</b>	<b>Councillor Robinson Councillor Tucker</b>	<b>It was resolved that the recommendation be adopted.</b>
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Note: Cr Jordan left the meeting at 6.30pm during Item 4.

**BACKGROUND**

To assist compliance with Section 114 of the Commonwealth Constitution, Council is required to provide a Goods and Services Tax Certificate certifying the following:

- Voluntary GST has been paid by Port Stephens Council for the period 1 May 2007 to 30 April 2008
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office

By 8 June each year, the Commonwealth seeks from members of the GST Administration Subcommittee (GSTAS) advice on voluntary GST payments by local government bodies. The timing of this request is to allow the Commonwealth Commissioner of Taxation to make a determination concerning the amount of GST collected in the financial year in question. Information sought by the Commonwealth is simply instances of where voluntary payments should have been, but were not, paid by local government bodies.

Accordingly, Councils are requested to provide the Department of Local Government with this Certificate before 1 June 2008 to enable the Department to provide the advice to NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

Regarding the use of the term "voluntary" in the certificate, Section 5 of *A New Tax System (Commonwealth-State Financial Arrangements) Act 1999*, subsection 3 (d) refers to "amounts of voluntary GST payments". It follows from this Act that Treasury has requested on behalf of the Taxation Office to include the term voluntary.

## **LINKS TO CORPORATE PLANS**

Council's compliance with GST reporting requirements links to Goal 18 of the 2007 – 2011 Council Plan, in particular the Key Performance indicators that "Port Stephens Council creates or collects information relevant to business decisions" and that "Councillors and staff insist that decisions are based on adequate and appropriate knowledge and data"

## **FINANCIAL/RESOURCE IMPLICATIONS**

Nil

## **LEGAL AND POLICY IMPLICATIONS**

Nil

### **Australian Business Excellence Framework**

This aligns with the following ABEF Principles.

- 8) Effective use of facts, data and knowledge leads to improved decisions

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

Nil

### **ECONOMIC IMPLICATIONS**

Nil

### **ENVIRONMENTAL IMPLICATIONS**

Nil

## **CONSULTATION**

Nil

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Port Stephens Council Goods and Services Tax Certificate

## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

Nil

ATTACHMENT 1

**PORT STEPHENS COUNCIL**

**GOODS AND SERVICES TAX CERTIFICATE**

**Payment of Voluntary GST 1 May 2007 to 30 April 2008**

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by Port Stephens Council for the period 1 May 2007 to 30 April 2008.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on 27 May 2008.

\_\_\_\_\_  
P Gesling  
General Manager/  
Responsible Accounting  
Officer

\_\_\_\_\_  
R Swan  
Mayor

\_\_\_\_\_  
S Dover  
Councillor



**ITEM NO. 5****FILE NO: A2004-0242****QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2008****REPORT OF: JEFF SMITH – FINANCIAL SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the estimated Statement of Cash Position to 30/6/2008 as detailed in **ATTACHMENT 1** to this report.
- 2) Notes the estimated Statement of Restricted Funds Movements to 30/06/2008 as detailed in **ATTACHMENT 2** to this report.
- 4) Approve the discretionary changes to the adopted recurrent budget, (totalling \$551,232, a negative effect on Revenue) as detailed under separate cover as **TABLE 1.1** of **DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
- 5) Approve the discretionary changes to the adopted capital budget, (Totalling \$649,364. A positive effect on Revenue) as detailed under separate cover as **TABLE 1.2** of **DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
- 6) Notes the identified issues, which may have a future budgetary impact, as identified under separate cover as **TABLE 2** of **DOCUMENT 1** to this report.
- 7) Notes the estimated surplus/(deficit) from ordinary activities before capital amounts of \$1,343,480.
- 8) Notes the Quarterly Budget Review comparing Budgets to Actuals as tabled under a separate cover as **DOCUMENT 2** to this report.

**OPERATIONS COMMITTEE MEETING – 13 May 2008**

That the recommendation be adopted.

**ORDINARY MEETING – 27 May 2008****RESOLUTION:**

<b>111</b>	<b>Councillor Robinson Councillor Nell</b>	<b>It was resolved that the recommendation be adopted.</b>
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Note: Cr Jordan returned to the meeting at 6.35pm during Item 5.

**BACKGROUND**

**The purpose of this report is to amend the Budget by bringing to Council's attention the proposals and issues that have an impact on the 2007/2008 Budget.**

Council adopted its Council Plan 2007/2010 (Council Minute 134) on the 22<sup>nd</sup> May, 2007, this included budget estimates for the 2007/2008 financial year.

The major changes to the Recurrent Budget in this Review are detailed in Table 1.1 of Document 1 and are summarised as follows:

- \$110,000 increased expenditure for salaries in Governance (item 1).

## ORDINARY MEETING MINUTES – 27 MAY 2008

- \$241,000 increased income for rate levies and extra charges (item 3).
- \$480,000 increased income for insurance payout for the Mallabula Sports Complex destroyed by fire (item 4).
- \$500,000 decreased income from Profit on Sale of Assets (item 8).
- \$108,000 decreased income from Development and Building – Development Fees (item 11).
- \$101,000 decreased income from Development and Building – Building Approval Fees (item 12).
- \$260,000 decreased income from Flood Study Grants (item 13).
- \$260,00 decreased expenditure for Flood Studies (item 13).
- \$107,947 increased income from Grants and Contributions for National Landcare program (item 21).
- \$107,947 increased expenditure for the Plant Rescue project (item 21).
- \$983,240 increased income from contract works (item 22).
- \$967,740 increased expenditure for Roads and Traffic Authority contract work (item 22).
- \$106,500 increased income from Rural Fire Services (item 27).
- \$116,000 increased expenditure for Rural Fire Services (item 27).
- \$133,150 increased expenditure for Rural Fire Services (item 31).
- \$242,200 increased income from tip fees for Domestic Waste Management (item 38).
- \$203,128 decreased expenditure for Domestic Waste Management (item 39).
- \$222,000 increased income for Recreation Area Maintenance (item 46).

The major changes to the Capital Budget in this Review are detailed in Table 1.2 of Document 1 and are summarised as follows:

- \$1,575,669 decreased expenditure for Fleet Management – Assets (item 1).
- \$706,524 decreased expenditure for Property Investments (item 3).
- \$637,067 decreased expenditure for Domestic Waste Management (item 13).
- \$255,000 increased expenditure for Domestic Waste Management (item 14).
- \$200,000 increased grant income for future mobile library (item 15).
- \$576,000 decreased expenditure for Community Services (item 16).
- \$490,000 increased expenditure to rebuild part of the Mallabula Sports Complex (item 22).
- \$250,000 decreased income for Soldiers Point Boat ramp (item 32).
- \$440,000 decreased expenditure for Soldiers Point Boat ramp (item 32).
- \$100,000 increased expenditure to landscape Shelley Beach (item 35).
- \$133,096 increased expenditure for Raymond Terrace Foreshore (item 37).

This report also foreshadows impacts on Council's future financial position.

### LINKS TO CORPORATE PLANS

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

## ORDINARY MEETING MINUTES – 27 MAY 2008

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

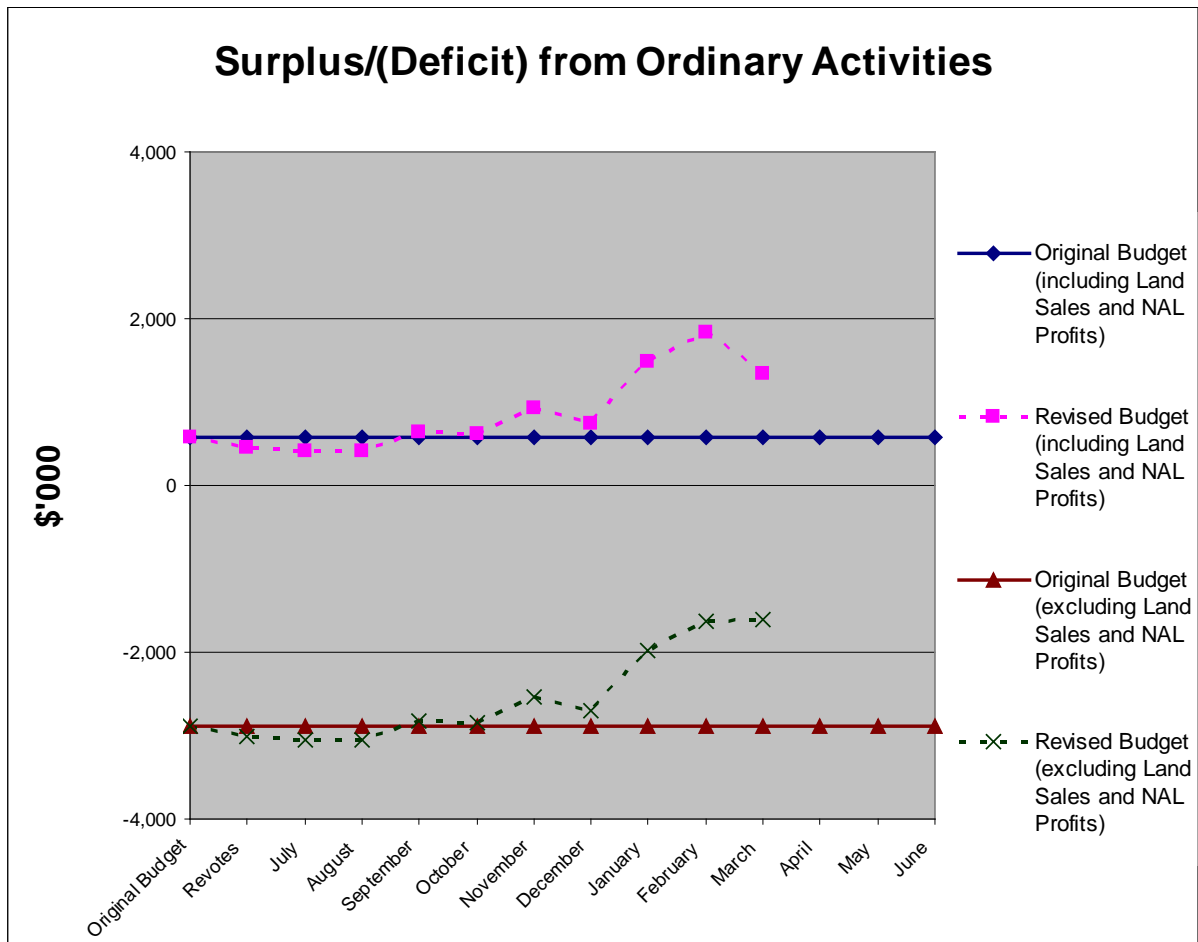
### FINANCIAL/RESOURCE IMPLICATIONS

Council's Original 2007/2008 Budget estimate is a \$108,561 cash deficit after internal transfers and before depreciation of \$12.256 million. TABLE'S 1.1 and 1.2 of Document 1 of this report detail the changes in this review. The net cash result of these changes, and the 2007 revotes and carry forwards, is a projected cash deficit of \$357,199 (Ref N of Attachment 1), before 2008 revotes and carry forwards are taken into account and are shown in the table below;

IMPACT OF QUARTERLY BUDGET REVIEW ON COUNCIL'S ADOPTED BUDGET				
	Recurrent	Capital	Total	Ref
Document 1 Table 1.1	\$551,232	\$0	\$551,232	
Document 1 Table 1.2	\$0	(\$649,364)	(\$649,364)	
Previous Quarterly Budget Reviews	\$336,904	(\$308,532)	\$28,372	
Original Budget after transfers and before Depreciation	\$1,265,439	(\$1,374,000)	(\$108,561)	
<b>Net Available Surplus Funds</b>	<b>\$2,153,575</b>	<b>(\$2,331,896)</b>	<b>(\$178,321)</b>	
Revotes and Carry Forwards from previous year	(\$56,837)	(\$122,041)	(\$178,878)	
<b>Revised 2007/2008 Cash Surplus (after transfers and before Depreciation)</b>	<b>\$2,096,738</b>	<b>(\$2,453,937)</b>	<b>(\$357,199)</b>	<b>N</b>

PROJECTED FINANCIAL RESULT FOR 2007/2008

	Ref	After March Review	Original Budget
Total Operating Revenue	A	\$76,047,064	\$72,658,858
Less Total Operating Expenditure	B	(\$62,447,584)	(\$59,823,606)
Less Total Depreciation and Provisions Transferred	C	(\$12,256,000)	(\$12,256,000)
	D=B+C	(\$74,703,584)	(\$72,079,606)
<b>Surplus/(Deficit) From Ordinary Activities Before Capital Amounts</b>	E=A+D	<b>\$1,343,480</b>	<b>\$579,252</b>
<b>Net Operating movement for March Review</b>		<b>(\$594,393)</b>	
<b>Total Budgeted Land Sales Profits</b>	F	<b>\$1,500,000</b>	<b>\$2,000,000</b>
<b>Total Budgeted Newcastle Airport (NAL) Profits</b>	G	<b>\$1,459,605</b>	<b>\$1,459,605</b>
<b>Surplus/(Deficit) From Ordinary Activities without Land Sale Profits, NAL Profits and Before Capital amounts</b>	H=E-F-G	<b>(\$1,616,125)</b>	<b>(\$2,880,353)</b>



## **LEGAL AND POLICY IMPLICATIONS**

The Local Government (Financial Management) Regulation Section 7 requires that a Budget Review Statement be submitted to Council no later than two months after the end of each quarter and that all expenditure must be authorised and voted by Council before it is incurred. This report is submitted so that Council can review the impact of all issues, which will affect the Budget.

The General Manager has the delegated authority to approve changes up to \$10,000 within a Group.

The March Quarterly Budget Review Statement indicates that Council's financial position (excluding land sale profits) has improved. However, the situation needs to be monitored closely with particular regard to those issues contained in TABLE 2 of Document 1. Long-term financial projections will also be reviewed.

### **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:-

- 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**

Council's Budget is fundamental for operational sustainability and to the provision of facilities and services to the community.

### **ECONOMIC IMPLICATIONS**

Nil

### **ENVIRONMENTAL IMPLICATIONS**

Nil

## **CONSULTATION**

Executive Group  
Section Managers

## **OPTIONS**

- 1) That Council accepts the discretionary changes to the adopted budget.
- 2) That Council rejects some or all of the discretionary changes to the adopted budget.

## **ATTACHMENTS**

- 1) Attachment 1 Estimated Statement of Cash Position to 30/06/2008.
- 2) Attachment 2 Estimated Statement of Restricted Funds Movements to 30/06/2008.

## **COUNCILLORS ROOM**

- 1)

## **TABLED DOCUMENTS**

Document 1 of 2007-2008 Quarterly Budget Review for June 2008.

Table 1.1 Discretionary Changes to adopted Recurrent Budget.

Table 1.2 Discretionary Changes to adopted Capital Budget.

Table 2 Identified issues, which may have a future budgetary impact.

Document 2 of 2007-2008 Quarterly Budget Review for March 2007, comparing Budgets to Actuals.

## ATTACHMENT 1

ESTIMATED STATEMENT OF CASH POSITION TO 30/06/2008 After March 2008 Quarterly Budget Review			
	Ref	After March 2008 Budget Review	Original Budget
Total Operating Revenue	A	\$76,047,064	\$72,658,858
Less Total Operating Expenditure	B	(\$62,447,584)	(\$59,823,606)
Less Total Depreciation and Provisions Transferred	C	(\$12,256,000)	(\$12,256,000)
	D=B+C	(\$74,703,584)	(\$72,079,606)
<b>Surplus/(Deficit) From Ordinary Activities Before Capital Amounts</b>	E=A+D	<b>\$1,343,480</b>	<b>\$579,252</b>
Add Back: Depreciation and Provisions Transferred	C	\$12,256,000	\$12,256,000
Less Councils Share of Newcastle Airport Profit	W	(\$1,459,605)	(\$1,459,605)
Cash Surplus From Operations	F=A+B	\$12,139,875	\$11,375,647
Transferred to Restricted Funds	G	\$10,043,137	\$10,110,208
<b>Cash Surplus / (Deficit) From Operations After Transfers</b>	H=F-G	<b>\$2,096,738</b>	<b>\$1,265,439</b>
Total Capital Income	I	\$11,176,550	\$13,861,000
Total Capital Expenditure	J	(\$26,908,430)	(\$28,909,841)
<b>Surplus/(Deficit) From Capital Works</b>	K=I+J	<b>(\$15,731,880)</b>	<b>(\$15,048,841)</b>
Transferred from Restricted Funds	L	(\$13,277,943)	(\$13,674,841)
<b>Cash Surplus / (Deficit) From Capital Works After Transfers</b>	M=K-L	<b>(\$2,453,937)</b>	<b>(\$1,374,000)</b>
<b>Total Cash Surplus / (Deficit) After Transfers</b>	N=H+M	<b>(\$357,199)</b>	<b>(\$108,561)</b>
RECONCILIATION OF CASH POSITION			
Opening Cash Position as at 01/07/2007	O	\$29,103,884	\$29,103,884
Estimated Cash Position as at 30/06/2008	P	\$27,303,409	\$27,978,251
Increase/(Decrease) in Cash Balance	Q=P-O	(\$1,800,475)	(\$1,125,633)
Represented By:			
<b>Estimated opening Restricted Funds Balance</b>	R	\$32,949,974	\$24,947,400
Closing Restricted Funds Balance	S	\$31,451,445	\$23,969,635
Increase/(Decrease) in Restricted Funds Balance	T=S-R	(\$1,498,529)	(\$977,765)
Repayment of Capital Lease and Newcastle Airport Loan	X	\$55,253	(\$39,307)
Total Cash Surplus/ (Deficit) from Operations & Capital	N=Q-T	<b>(\$357,199)</b>	<b>(\$108,561)</b>
Principal of Loan Funds Repaid and Finance leases	U	(\$2,200,591)	\$0
Loan Funds and Proceeds from Sales Received	V	<b>\$3,936,868</b>	<b>\$2,586,868</b>
Increase/(Decrease) in Cash Balance	Q=T+X+ N	<b>(\$1,800,475)</b>	<b>(\$1,125,633)</b>



## ATTACHMENT 2

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2008 After March 2008 Quarterly Budget Review					
RESTRICTED FUNDS	Balance as at 30/06/2007	Recurrent Budget	Capital Budget	Balance Sheet Movements	Estimated as at 30/06/2008
SECTION 94	\$13,422,000	\$522,560	(\$2,193,076)		\$11,751,484
DOMESTIC WASTE MANAGEMENT	\$4,421,378	\$1,420,348	(\$1,647,000)	(\$378,619)	\$3,816,107
<b>Sub Total. Externally Restricted</b>	<b>\$17,843,378</b>	<b>\$1,942,908</b>	<b>(\$3,840,076)</b>	<b>(\$378,619)</b>	<b>\$15,567,591</b>
BUSINESS DEVELOPMENT RESTRICTED FUND	\$1,278,056	\$1,051,815	(\$766,544)	\$304,498	\$1,867,825
INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND)	\$461,168	\$597,114	\$0		\$1,058,282
ASSET REHABILITATION RESERVE	\$617,803	\$29,910	(\$417,069)		\$230,644
FLEET MANAGEMENT (PLANT)	\$2,544,471	\$2,448,944	(\$1,977,059)	\$418,485	\$3,434,841
OTHER WASTE SERVICES	\$2,696,248	\$0	\$0		\$2,696,248
QUARRY DEVELOPMENT	\$757,444	\$7,579	(\$20,000)		\$745,023
BUSINESS OPERATIONS RESTRICTED FUND	(\$2,111,660)	\$1,219,952	(\$3,392,968)	\$41,913	(\$4,242,763)
EMPLOYEE LEAVE ENTITLEMENTS	\$4,408,597	\$0	\$0		\$4,408,597
BEACH VEHICLE PERMITS	(\$20,033)	\$12,214	(\$20,842)		(\$28,661)
DRAINAGE	(\$304,056)	\$859,750	(\$1,990,000)	\$1,350,000	(\$84,306)
INTERNAL LOAN	(\$1,521,858)	\$249,900	\$0		(\$1,271,958)
TRANSPORT LEVY	\$215,630	\$140,000	\$0		\$355,630
ENVIRONMENTAL LEVY	\$328,680	\$96,382	(\$95,000)		\$330,062
ADMINISTRATION BUILDING SINKING FUND	\$439,066	\$398,200	(\$188,000)		\$649,266
DEPOT SINKING FUND	\$522,154	\$401,535	(\$96,034)		\$827,655
RTA BYPASS ROADS M/TCE RESTRICTED FUND	\$1,854,514	\$104,520	(\$300,000)		\$1,659,034
RESTRICTED CASH	\$2,354,994	(\$270,040)	(\$138,061)		\$1,946,893
COUNCILLOR WARD FUNDS	\$54,837	\$450,000	(\$36,290)		\$468,547
INFORMATION TECHNOLOGY STRATEGY	\$178,071	\$11,294	\$0		\$189,365
PROVISION FOR LOCAL GOVT ELECTION	\$100,000	\$50,000	\$0		\$150,000
PARKING METER RESERVE	\$252,470	\$241,160	\$0	\$0	\$493,630
<b>Sub Total. Internally Restricted</b>	<b>\$15,106,596</b>	<b>\$8,100,229</b>	<b>(\$9,437,867)</b>	<b>\$2,114,896</b>	<b>\$15,883,854</b>
<b>RESTRICTED FUNDS TOTAL</b>	<b>\$32,949,974</b>	<b>\$10,043,137</b>	<b>(\$13,277,943)</b>	<b>\$1,736,277</b>	<b>\$31,451,445</b>
* Balance Sheet Movements are the repayments of the Principals on Loans and the funds from Loans received and the proceeds for land Sales					

**ITEM NO. 6****FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 1<sup>ST</sup> APRIL, 2008****AUTHOR: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING**  
-----**RECOMMENDATION IS THAT COUNCIL:**

Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 1<sup>st</sup> April, 2008.

  
-----**OPERATIONS COMMITTEE MEETING – 13 May 2008**

That the recommendation be adopted with the following item referred back to the Local Traffic Committee for consideration; - **Item E3.**

  
-----**ORDINARY MEETING – 27 May 2008****RESOLUTION:**

<b>112</b>	<b>Councillor Dingle Councillor Dover</b>	<b>It was resolved that the recommendation be adopted.</b>
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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.

**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 remainder from 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.4 KEEL STREET & BAGNALLS BEACH ROAD, SALAMANDER – SCHOOL ZONE SAFETY**

### **ITEMS OF INTEREST**

Council may take advantage of the knowledge and experience of the Local Traffic Committee members to help them resolve or clarify an issue. When wishing to utilise the expertise of the Local Traffic Committee members in this manner, these items will be included on the agenda under Items of Interest. Items of Interest will be dealt with following the completion of form Local Traffic Committee items.

### **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 1<sup>st</sup> April, 2008.

### **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 1<sup>st</sup> April, 2008 are contained in ATTACHMENT 1.

### **TABLED DOCUMENTS**

- 1) Nil

**ATTACHMENT 1**

**PORT STEPHENS LOCAL TRAFFIC COMMITTEE**

**INDEX OF LISTED MATTERS  
TUESDAY 1<sup>ST</sup> APRIL, 2008**

-----

**PRESENT:** PSC Road Safety Officer (Chair), PSC Infrastructure Planning Co-ordinator, PSC Traffic Engineering consultant, RTA Representative, Hunter Valley Buses Representative, Councillor Hodges.

**APOLOGIES:** NSW Police Representative

**A. ADOPTION OF THE MINUTES OF MARCH 2008**

**B. BUSINESS ARISING FROM PREVIOUS MEETING**

**FROST ROAD, ONE MILE – REQUEST FOR MEDIAN ISLAND AT THE  
INTERSECTION OF GAN GAN ROAD (ITEM C.9 NOVEMBER 2007)**

**C. LISTED MATTERS**

**C.1. KEEL STREET & BAGNALLS BEACH ROAD, SALAMANDER – SCHOOL  
ZONE SAFETY**

**C.2. GOVERNMENT ROAD, NELSON BAY – BUS STOP RELOCATION**

**C.3. GOVERNMENT ROAD, SHOAL BAY – TRAFFIC CALMING**

**D. GENERAL BUSINESS**

**D.1. BOURKE STREET, RAYMOND TERRACE – REQUEST FOR 1 HOUR  
PARKING**

**E. ITEMS OF INTEREST**

**E.1. OLD PUNT ROAD, HINTON – APPLICATION FOR TEMPORARY ROAD  
CLOSURE**

**E.2. GREAT ESCAPE ROUTE – VARIOUS ROADS**

**E.3. LEMON TREE PASSAGE ROAD, SALT ASH – REDUCTION IN SPEED  
LIMIT**

**LOCAL TRAFFIC COMMITTEE MEETING**

**HELD ON TUESDAY 1<sup>ST</sup> APRIL, 2008  
AT 9:30AM**

**A. ADOPTION OF MINUTES OF MEETING MARCH, 2008**

The minutes of the previous Local Traffic Committee Meeting dated 4<sup>th</sup> March, 2008 are yet to be adopted.

**B. BUSINESS ARISING FROM PREVIOUS MEETING**

**C.9 FROST ROAD, ONE MILE – REQUEST FOR MEDIAN ISLAND AT THE INTERSECTION OF GAN GAN ROAD (NOVEMBER, 2007)**

Councillor Dover has requested Traffic Committee re-investigate the resident's concern in this matter.

The previous recommendation was:

**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

A number of observations have been made at this site and Port Stephens Council's Traffic Engineering Consultant has completed a site inspection at this location and subsequently the following recommendations are made.

- **Remove the 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.**
- **Clear vegetation in the vicinity of the intersection warning sign to enhance visibility.**
- **Continue to monitor the remedial intersection works to assess improvement.**

These recommendations were an agreed solution by all present at the meeting, and now becomes the final recommendation of the Port Stephens Local Traffic Committee.

## C. LISTED MATTERS

### C.1 KEEL STREET & BAGNALLS BEACH ROAD, SALAMANDER – SCHOOL ZONE SAFETY

Requests have been received to extend the No Stopping zone in Keel Street for Pedestrian Safety and access for residents and medical centre visitors.

Tomaree PS have requested safety concerns be addressed on Bagnalls Beach Road for School Children crossing the road.

**REQUESTED BY:** Resident & Tomaree PS P & C

**CONSULTATION:** Tomaree PS P&C

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	Yes
<b>ADDITIONAL</b>	<b>ATTACHMENT</b>	No

**COMMENT** Pedestrian & Vehicle Counts undertaken  
Accident History at this site

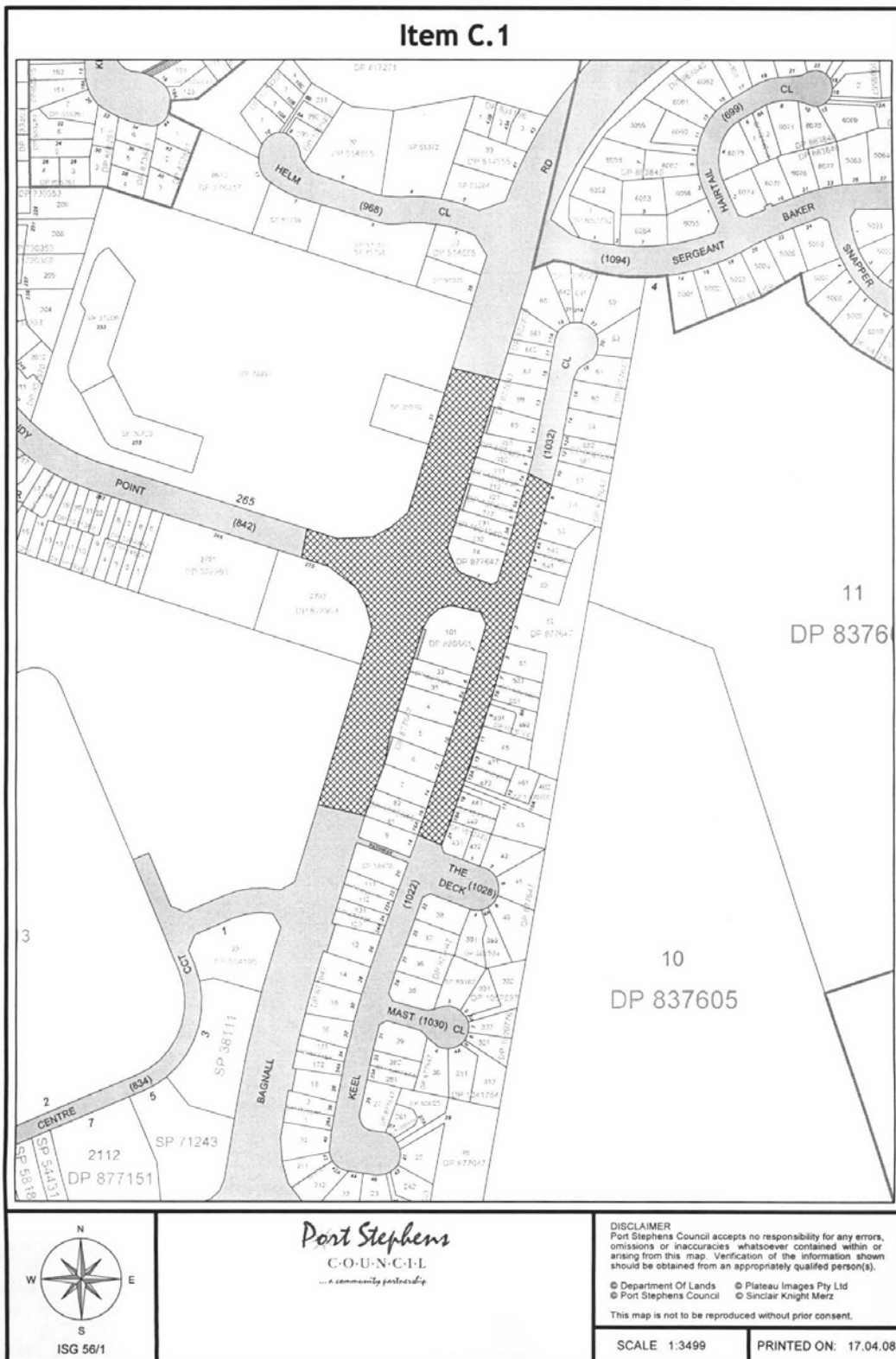
#### RECOMMENDATION

- No Stopping Zone in Keel Street be extended to House numbers 8 & 9
- No Stopping Zones be installed on Bagnalls Beach Road 20 metres prior to the pedestrian access points on all approaches to the roundabout on Keel Street
- No Stopping Zones be installed 10 metres after pedestrian access points on the departure side of the roundabout
- Median trees on Bagnalls Beach Road be trimmed to improve sight distance for vehicles and pedestrians
- Roundabout vegetation be strictly monitored to keep within safety standards
- High visibility fluorescent warning signs be installed on all approaches to the roundabout.

**ESTIMATED COST** \$1200  
**FUNDING SOURCE** Traffic Facilities Budget

**THIS ITEM HAS A SAFETY PRIORITY**

Item C.1





**C.2 GOVERNMENT ROAD, NELSON BAY – BUS STOP RELOCATION**

A resident has requested the relocation of the bus stop in the vicinity of 111 Government Road to further down the street on the flat section.

The current location is between Taree and Karuah Streets and there is a lot of traffic coming and going from these streets. When the school bus is there it is hard to see the children.

**REQUESTED BY:** Resident

**CONSULTATION:** Port Stephens Coaches

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	No
<b>ADDITIONAL</b>	<b>ATTACHMENT</b>	No

**COMMENT** Possible relocation to 101 – 103 Government Road would improve sight distance for West Bound traffic  
Port Stephens Coaches not in agreement with relocation due to location at 101 – 103 being opposite an intersection.

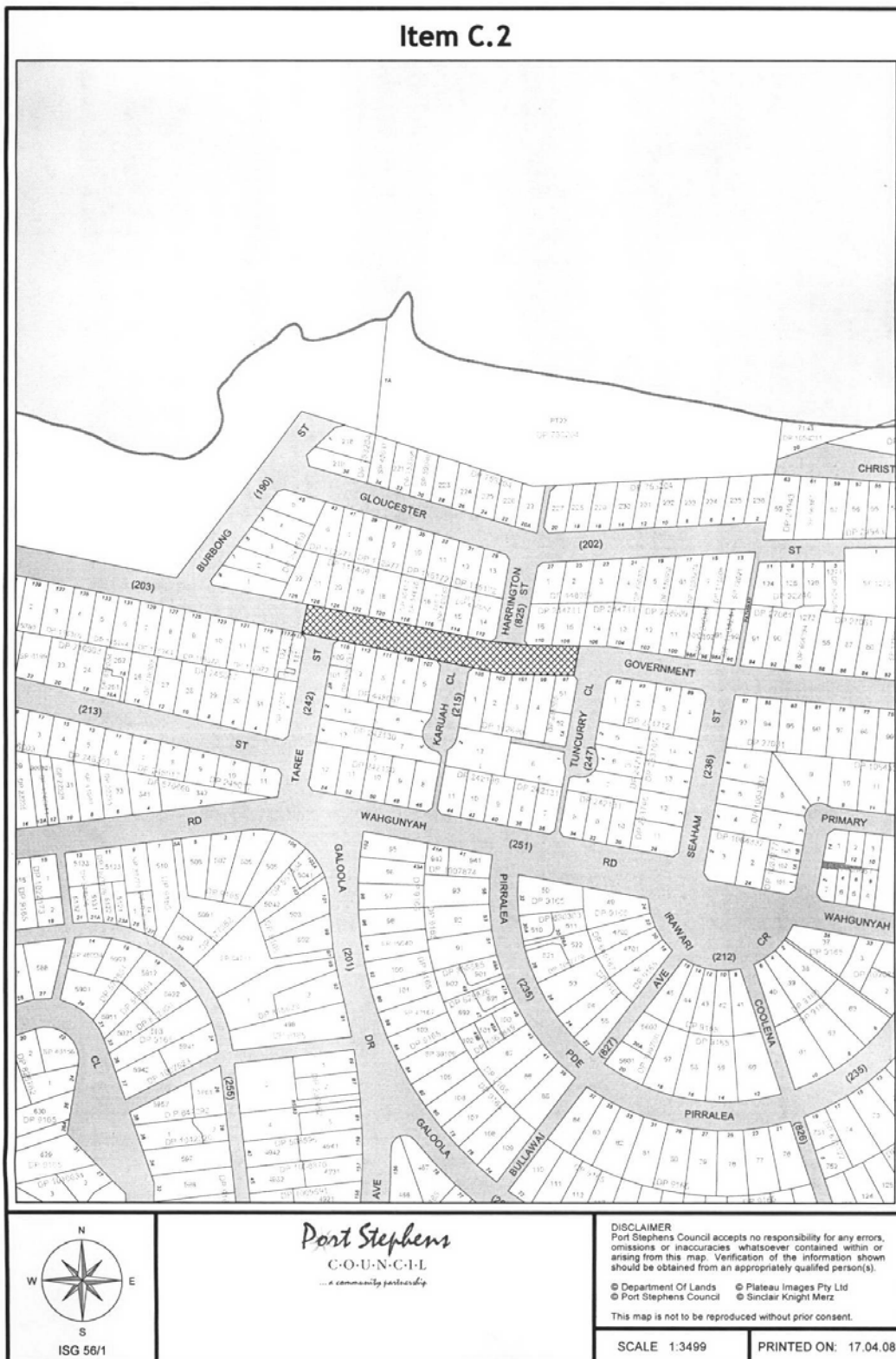
**CRM** 100061

**RECOMMENDATION**

- No further action be taken to relocate the bus stop.

**ESTIMATED COST** N/A  
**FUNDING SOURCE** N/A

Item C.2



**C.3 GOVERNMENT ROAD, SHOAL BAY – TRAFFIC CALMING**

A resident of Government Road has requested Traffic Committee investigate safety concerns at the bend at the end of Government Road. There have been numerous accidents on this bend (mostly unreported) and he is concerned for the safety of drivers and residents.

The resident has requested the reduction of advisory speed from 35 km/hr to 25 km/hr, installation of speed humps in both directions, installation of additional lighting and installation of Armco railing.

**REQUESTED BY:** Resident

**CONSULTATION:** Nil

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	Yes
<b>ADDITIONAL</b>	<b>ATTACHMENT</b>	No

**COMMENT** Nil

**RECOMMENDATION**

- Relocate Curve Warning sign 10 m east for westbound traffic
- Install Cams on the outside of the curve for both directions
- Install raised pavement markers on the outside of the curve and on the centrelines.
- Extend the edge line marking in both directions
- Request Energy Australia review the street lighting in this vicinity.

<b>ESTIMATED COST</b>	\$1200
<b>FUNDING SOURCE</b>	Traffic Facilities Budget



**D. GENERAL BUSINESS****D.1 BOURKE STREET, RAYMOND TERRACE – REQUEST FOR 1 HOUR PARKING**

Councillor Hodges has requested the change in parking in Bourke Street from all day parking to 1 hour parking, to prevent over flow parking from the new Defence Car Park impacting local business.

**REQUESTED BY:** Councillor Hodges

**CONSULTATION:** Nil

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	NA
	<b>AGREE WITH REQUEST</b>	NA
<b>ADDITIONAL</b>	<b>ATTACHMENT</b>	No

**COMMENT** Nil

**RECOMMENDATION**

- This item be listed for inspections and discussed at the next Traffic Committee Meeting.

**ESTIMATED COST** N/A  
**FUNDING SOURCE** N/A

**E. ITEMS OF INTEREST****E.1 OLD PUNT ROAD, HINTON – APPLICATION FOR TEMPORARY ROAD CLOSURE**

The Victoria Hotel has requested the temporary road closure of Old Punt Road from the intersection of Paterson Street through to the end of the No Through Road.

The closure is for the purpose of a Bull Ride on Saturday 3<sup>rd</sup> May, 2008 from 11.30 am until 11.30 pm.

<b>REQUESTED BY:</b>	Victoria Hotel	
<b>CONSULTATION:</b>	Nil	
<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	Yes
<b>ADDITIONAL</b>	<b>ATTACHMENT</b>	No
<b>COMMENT</b>	Nil	
<b>CRM</b>	100056	

<b>RECOMMENDATION</b>
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- Application approved, subject to standard conditions.

<b>ESTIMATED COST</b>	N/A
<b>FUNDING SOURCE</b>	N/A

**E.2 GREAT ESCAPE ROUTE – VARIOUS ROADS**

A mass cycle ride is proposed from Mudgee to Stockton Ferry Wharf. The cycle event will affect the following Port Stephens Roads:

- Raymond Terrace Road
- Seaham Road
- William Bailey Street
- Adelaide Street
- Richardson Road
- Grahamstown Road
- Medowie Road
- Nelson Bay Road

The event will travel through Port Stephens on Thursday 10<sup>th</sup> April between the hours of 0700 and 1700. The event will consist of 1200 cyclists of varying ability.

**REQUESTED BY:** RTA Traffic Operations Unit

**CONSULTATION:** Nil

**INSPECTION** **UNDERTAKEN** Yes

**AGREE WITH REQUEST** Yes

**ADDITIONAL ATTACHMENT** No

**COMMENT** Works on shoulder between roundabout for Bypass and Benjamin Lee Drive should be completed before this time.

**CRM** **100058**

**RECOMMENDATION**

- Noted.

**ESTIMATED COST** N/A

**FUNDING SOURCE** N/A

### **E.3 LEMON TREE PASSAGE ROAD, SALT ASH – REDUCTION IN SPEED LIMIT**

A resident of Lemon Tree Passage Road has requested the reduction in speed limit to 80 km/hr in line with other main roads in the area.

**REQUESTED BY:** Resident

**CONSULTATION:** Nil

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
<b>ADDITIONAL</b>	<b>AGREE WITH REQUEST</b>	N/A
	<b>ATTACHMENT</b>	No

**COMMENT** Nil

**CRM** 100059

#### **RECOMMENDATION**

- This request will be referred to the RTA, as the request is outside the delegations of the Local Traffic Committee

<b>ESTIMATED COST</b>	N/A
<b>FUNDING SOURCE</b>	N/A



**ITEM NO. 7**

**INFORMATION PAPERS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 13 May, 2008.

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No:	Report Title	Page:
1	Cash Investments 31 March 2008	
2	Undetermined Development Applications	

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**OPERATIONS COMMITTEE MEETING – 13 May 2008**

That the recommendation be adopted.

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**ORDINARY MEETING – 27 May 2008**

**RESOLUTION:**

113	Councillor Dingle Councillor Nell	It was resolved that the recommendation be adopted.
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**INFORMATION ITEM NO. 1**

**CASH AND INVESTMENTS HELD AT 31 MARCH 2008**

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**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 March 2008.

**ATTACHMENTS**

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

**ORDINARY MEETING MINUTES – 27 MAY 2008**

**ATTACHMENT 1**

CASH & INVESTMENTS HELD - AS AT 31 MARCH 2008								
INVESTED WITH	INV. TYPE	DATE INVESTED	COUPON DATE	MATURITY DATE	NO. OF DAYS	AMOUNT INVESTED	INTEREST RATE	% OF TOTAL FUNDS HELD
<b>GRANGE SECURITIES</b>								
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt	17-Mar-08	16-Jun-08	15-Dec-08	91	500,000.00	9.51%	1.50%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Mar-08	20-Jun-08	20-Mar-12	92	1,000,000.00	9.28%	2.99%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	22-Nov-07	23-May-08	23-Jun-15	183	412,500.00	9.90%	1.24%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Mar-08	20-Jun-08	20-Dec-10	92	450,000.00	9.28%	1.35%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	24-Mar-08	23-Jun-08	22-Jun-13	91	1,000,000.00	9.18%	2.99%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	20-Mar-08	20-Jun-08	20-Mar-13	92	1,000,000.00	9.48%	2.99%
HOME BUILDING SOCIETY	Floating Rate Sub Debt	25-Jan-08	25-Apr-08	25-Jul-11	91	500,000.00	8.28%	1.50%
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note	18-Jan-08	18-Apr-08	18-Oct-11	91	500,000.00	0.00%	1.50%
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	20-Mar-08	20-Jun-08	20-Mar-14	92	1,000,000.00	8.78%	2.99%
GRANGE SECURITIES "COOLANGATTA AA"	Floating Rate CDO	25-Mar-08	20-Jun-08	20-Sep-14	87	1,000,000.00	9.08%	2.99%
ANZ YIELD CURVE NOTE	Yield Curve Note	17-Jan-08	17-Apr-08	17-Jul-08	91	500,000.00	8.25%	1.50%
MACQUARIE CASH MANAGEMENT TRUST	Cash Management	20-Jul-07				138,612.48	5.58%	0.42%
BENDIGO BANK FLOATING RATE SUB DEBT	Floating Rate Sub Debt	24-Jan-08	24-Apr-08	24-Apr-08	91	500,000.00	8.42%	1.50%
<b>TOTAL GRANGE SECURITIES</b>						<b>\$8,501,112.48</b>		<b>25.46%</b>
<b>ABN AMRO MORGANS</b>								
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Mar-08	20-Jun-08	20-Sep-09	92	2,000,000.00	9.18%	5.99%
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	21-Mar-08	21-Mar-09	17-Sep-11	365	1,000,000.00	0.00%	2.99%
BANK OF QLD FLOATING RATE NOTE	Floating Rate Note	17-Mar-08	16-Jun-08	30-Jun-09	91	1,000,000.00	8.06%	2.99%
<b>TOTAL ABN AMRO MORGANS</b>						<b>\$4,000,000.00</b>		<b>11.98%</b>
<b>ANZ INVESTMENTS</b>								
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	7-Jan-08	7-Apr-08	6-Apr-10	91	500,000.00	8.32%	1.50%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Mar-08	20-Jun-08	30-Dec-11	92	1,000,000.00	9.28%	2.99%
MOTIF FINANCE (IRELAND) PLC	Floating Rate CDO	20-Mar-08	20-Jun-08	1-Jun-17	92	1,017,876.98	4.56%	3.05%
<b>TOTAL ANZ INVESTMENTS</b>						<b>\$2,517,876.98</b>		<b>7.54%</b>
<b>RIM SECURITIES</b>								
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	29-Jan-08	29-Apr-08	29-Jul-13	91	500,000.00	9.00%	1.50%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	11-Jan-08	11-Apr-08	8-Oct-11	91	2,000,000.00	9.14%	5.99%
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	7-Jan-08	7-Apr-08	15-Apr-11	91	1,000,000.00	7.81%	2.99%
<b>TOTAL RIM SECURITIES</b>						<b>\$3,500,000.00</b>		<b>10.48%</b>
<b>WESTPAC INVESTMENT BANK</b>								
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	29-Jan-08	29-Apr-08	27-Apr-15	91	500,000.00	8.45%	1.50%
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt	21-Feb-08	21-May-08	20-Nov-16	90	500,000.00	8.88%	1.50%
<b>TOTAL WESTPAC INV. BANK</b>						<b>\$1,000,000.00</b>		<b>2.99%</b>
<b>LONGREACH CAPITAL MARKETS</b>								
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	6-Mar-08	5-Sep-08	7-Mar-12	183	500,000.00	6.60%	1.50%
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	7-Mar-08	6-Sep-08	7-Sep-12	183	500,000.00	6.00%	1.50%
<b>TOTAL LONGREACH CAPITAL</b>						<b>\$1,000,000.00</b>		<b>2.99%</b>

# ORDINARY MEETING MINUTES – 27 MAY 2008

## ATTACHMENT 1

<b>FUND MANAGERS</b>							RATE OF RETURN - YTD	
MERRILL LYNCH INVESTMENT MANAGERS	Managed Funds					112,567.76	5.26%	0.34%
PERPETUAL INVESTMENTS	Managed Funds					145,416.22	5.70%	0.44%
ADELAIDE MANAGED FUNDS	Managed Funds					50,000.00	7.80%	0.15%
<b>TOTAL FUND MANAGERS</b>						<b>\$307,983.98</b>		<b>0.92%</b>
<b>COMMONWEALTH BANK</b>								
PRINCIPAL PROTECTED YIELD ACCRUAL NOTE	Yield Curve Note	06-Feb-08	06-May-08	06-Nov-11	90	500,000.00	9.25%	1.50%
CALLABLE CPI LINKED NOTE	Yield Curve Note	04-Jan-08	04-Apr-08	04-Apr-12	91	500,000.00	9.00%	1.50%
EQUITY LINKED DEPOSIT	Equity Linked Note	03-Aug-07	05-Aug-08	20-Sep-11	368	500,000.00	8.25%	1.50%
EQUITY LINKED DEPOSIT GI100	Equity Linked Note	25-Mar-08	23-Jun-08	03-Aug-10	90	500,000.00	3.00%	1.50%
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note	04-Feb-08	04-May-08	05-Nov-12	90	500,000.00	3.00%	1.50%
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt	11-Feb-08	09-May-08	09-Nov-12	88	500,000.00	9.21%	1.50%
<b>TOTAL COMMONWEALTH BANK</b>						<b>\$3,000,000.00</b>		<b>8.98%</b>
<b>FIIG SECURITIES</b>								
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	Principal Protected Note	21-Mar-08	20-Jun-08	21-Jun-10	91	1,000,000.00	7.00%	2.99%
STATE GOVERNMENT EMPLOYEES CREDIT UNION	Term Deposit	08-Feb-08	08-May-08	08-May-08	90	500,000.00	7.84%	1.50%
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note	29-Feb-08	31-May-08	30-Nov-14	92	500,000.00	8.99%	1.50%
STATE GOVERNMENT EMPLOYEES CREDIT UNION	Term Deposit	31-Mar-08	30-Apr-08	30-Apr-08	30	500,000.00	8.06%	1.50%
AUSTRALIAN CENTRAL CREDIT UNION	Term Deposit	11-Mar-08	10-Jun-08	10-Jun-08	91	500,000.00	8.44%	1.50%
COMMUNITY FIRST CREDIT UNION	Term Deposit	25-Mar-08	23-Jun-08	23-Jun-08	90	3,000,000.00	8.18%	8.98%
<b>TOTAL FIIG SECURITIES</b>						<b>\$6,000,000.00</b>		<b>17.97%</b>
<b>MAITLAND MUTUAL</b>								
	Floating Rate Sub Debt	16-Jan-08	16-Apr-08	30-Jun-08	91	500,000.00	8.17%	1.50%
	Term Deposit	27-Feb-08	27-May-08	27-May-08	90	1,403,020.08	8.18%	4.20%
	Floating Rate Sub Debt	11-Mar-08	10-Jun-08	31-Dec-08	91	500,000.00	9.11%	1.50%
<b>TOTAL M'LAND MUTUAL</b>						<b>\$2,403,020.08</b>		<b>7.20%</b>
<b>TOTAL INVESTMENTS</b>						<b>\$32,229,993.52</b>		<b>96.52%</b>
<b>AVERAGE RATE OF RETURN ON INVESTMENTS</b>							7.85%	
<b>CASH AT BANK</b>						<b>\$1,162,170.11</b>	7.20%	3.48%
<b>AVERAGE RATE OF RETURN ON INVESTMENTS + CASH</b>							7.83%	
<b>TOTAL CASH &amp; INVESTMENTS</b>						<b>\$33,392,163.63</b>		<b>100.00%</b>
<b>BBSW FOR PREVIOUS 3 MONTHS</b>							7.60%	

### 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.

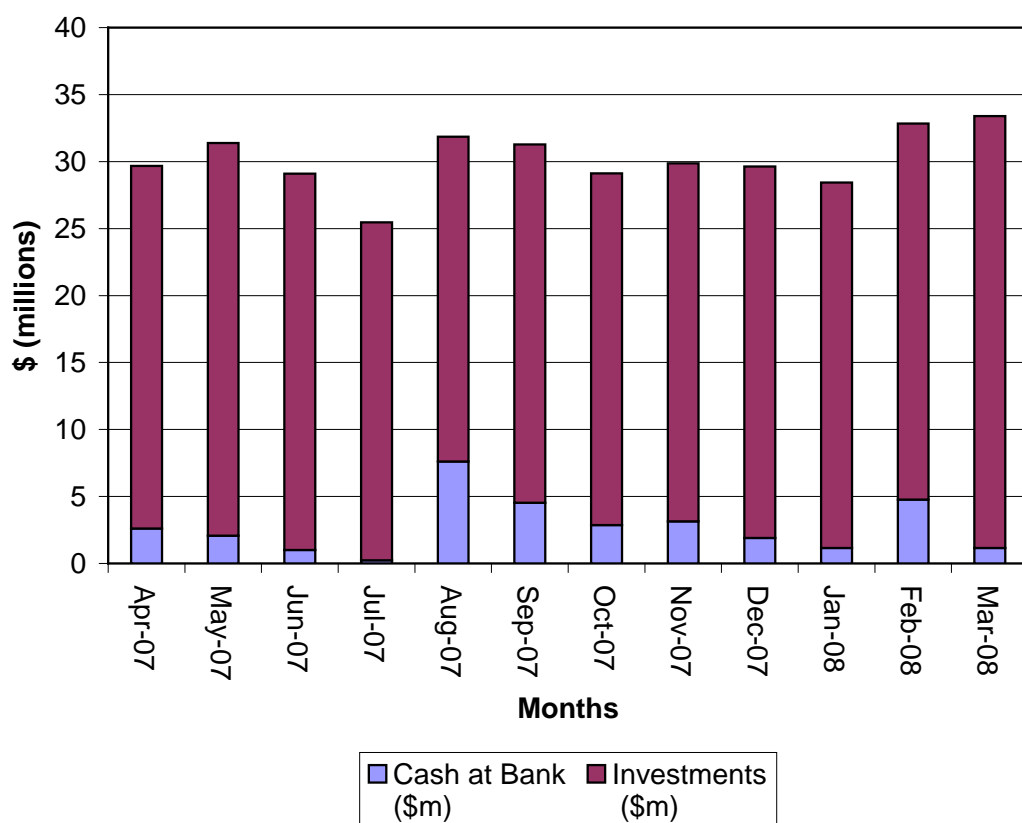
**P GESLING**

## ATTACHMENT 2

## Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
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
Feb-08	4.760	28.085	32.844
Mar-08	1.162	32.230	33.392

**Cash and Invested Funds for the Period ended  
31/3/2008**



INFORMATION ITEM NO. 2

**UNDETERMINED DEVELOPMENT APPLICATIONS**

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**REPORT OF: SCOTT ANSON – MANAGER, DEVELOPMENT & BUILDING**  
**FILE: PSC2007-3153**

**BACKGROUND**

**The purpose of this report is to provide Councillors with information on undetermined development applications currently with Council, at the request of Cr Tucker.**

Undetermined development applications greater than 365 days are not included in this report, given that generally there has been no action by the applicant in response to Council requests for additional information and/or these applications may be held in abeyance subject to strategic landuse processes. All these applications are now subject to Council's adopted Application Determination Policy that provides a clear framework to enable such determination.

Days in Council also do not include "Stop the Clock" days. "Stop the Clock" indicates that Council is waiting on further information from the applicant. Further summary information is also provided to Council quarterly through the Performance Measurement Report on "Cockpit Charts".

The report is accurate as of the date of generation, but not as of the date of publication of the Business Paper. If more up-to-date information is required, it is available on Council's DA Tracker.

**ATTACHMENTS**

- 1) Report on Undetermined Development Applications

## ATTACHMENT 1

AUTHORITY

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## Undetermined Development Applications as at 01-May-2008

Appln No		Proposal	Property Address	Date Lodged	Days in Council	Current Status	
16-2008-317-1	Friend	Garage	44 Waratah AVE SALAMANDER BAY	30/04/2008	1	1/05/2008	Building Assess
16-2008-316-1	Wilson	Shop Fitting (Hairdressing Salon with Beauty Room)	23 William ST RAYMOND TERRACE	30/04/2008	1	1/05/2008	Ref to Manager
16-2008-318-1	Mackay	Single Storey Dwelling	41 Paperbark CRT FERN BAY	30/04/2008	1	1/05/2008	Building Assess
16-2008-321-1	Steve Saunders Creative Building	Single Storey Dwelling and Swimming Pool	6 Shelby CL ANNA BAY	30/04/2008	1	1/05/2008	Building Assess
16-2008-319-1	Holland	Single Storey Dwelling	28 Ironbark DR FERN BAY	30/04/2008	1	1/05/2008	Building Assess
16-2008-320-1	Holloway	Single Storey Dwelling	14 Matilda AVE TANILBA BAY	30/04/2008	1	1/05/2008	Building Assess
16-2008-311-1	Sinclair	Swimming Pool	159 Sunningdale CCT MEDOWIE	29/04/2008	2	30/04/2008	Building Assess
16-2008-315-1	Davies	Garage & Awning	5 Northumberland AVE LEMON TREE PASSAGE	29/04/2008	2	30/04/2008	Building Assess
16-2008-312-1	Anderson	Carport	16 Anglers DR ANNA BAY	29/04/2008	2	8/05/2008	STC - lodgement
16-2008-313-1	Garven	Single Storey Dwelling	20A Fairlands RD MEDOWIE	29/04/2008	2	30/04/2008	Building Assess
16-2008-314-1	Lietz	Garage with Awning	46 Boyd BVD MEDOWIE	29/04/2008	2	30/04/2008	Building Assess
16-2008-303-1	Tattersall Surveyors Pty Ltd	Two Storey Dwelling and Shared Driveway	28 The Parkway MALLABULA	28/04/2008	3	8/05/2008	Engineer Assess
16-2008-304-1	Eagle Boys Pizza	Fence	69 Beatty BVD TANILBA BAY	28/04/2008	3		
16-2008-305-1	Strang Ncs Pty Limited	Industrial Building	15A School DR TOMAGO	28/04/2008	3	8/05/2008	Advertising ..
16-2008-302-1	Johnston	Machinery Shed	5 Loch Goyle DR WOODVILLE	28/04/2008	3	30/04/2008	Typing APPROVED
16-2008-306-1	Resitech	Urban Housing -9 Dwellings (demolish existing 4 Dwellings)	129 Watt ST RAYMOND TERRACE	28/04/2008	3	8/05/2008	Advertising ..
16-2008-310-1	Paul Le Mottee Project Management	Managers Residence Tourist Facility & Two Lot Subdivision - TT	91 Swan Bay RD KARUAH	28/04/2008	3	8/05/2008	Advertising ..
16-2008-307-1	Cox	Farm Building	1210 Newline RD EAST SEAHAM	28/04/2008	3	30/04/2008	Typing APPROVED
16-2008-308-1	Bennett	Addition to Dwelling	22 Cromarty RD SOLDIERS POINT	28/04/2008	3	8/05/2008	Advertising .....

# ORDINARY MEETING MINUTES – 27 MAY 2008

## AUTHORITY

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## Undetermined Development Applications as at 01-May-2008

Appln No		Proposal	Property Address	Date Lodged	Days in Council		Current Status	
16-2008-309-1	Hentzsch	Deck	1359 Clarence Town RD SEAHAM	28/04/2008	3	30/04/2008	Typing	APPROVED
16-2008-299-1	Acrocort Pty Ltd	Patio Cover	1/4 Helm CL SALAMANDER BAY	24/04/2008	7	1/05/2008	Refer DAP	
16-2007-1138-2	O'Loughlin	Addition to Dwelling, Deck & Swimming Pool	26 Wallawa RD NELSON BAY	24/04/2008	7	28/04/2008	Footing Inspect	Mary - 0402 086900
16-2008-300-1	Tri-Steel Industries Pty Ltd	Storage Shed	4 Yangoora CL MEDOWIE	24/04/2008	7	28/04/2008	Building Assess	
16-2008-301-1	Serret	Swimming Pool	11 Boots CL RAYMOND TERRACE	24/04/2008	7	28/04/2008	Building Assess	
16-2008-298-1	Paul Le Mottee Project Management	Three (3) Lot Subdivision - TT	18 Fairlands RD MEDOWIE	23/04/2008	8	1/05/2008	Refer DAP	
16-2008-293-1	Locke	Storage Shed (Shipping Container)	44 Francene AVE SALT ASH	23/04/2008	8	1/05/2008	Refer Applicant	
16-2007-1008-2	Noel Martin Constructions	Addition to Dwelling	5 Swordfish ST NELSON BAY	23/04/2008	8	28/04/2008	Refer Applicant	S.96 Construction Certificate fees outstanding
16-2008-294-1	Newton	Bed & Breakfast Establishment	114 Port Stephens ST RAYMOND TERRACE	23/04/2008	8	8/05/2008	Planning Assess	
16-2008-297-1	Spanline Port Stephens	Patio Cover	10 Explorers CL MEDOWIE	23/04/2008	8	24/04/2008	Building Assess	
16-2008-295-1	Freedom Homes	Single Storey Dwelling and Shed	64 Sassin CR MEDOWIE	23/04/2008	8	24/04/2008	Building Assess	
16-2008-296-1	Rawson Homes Pty Limited	Single Storey Dwelling	5 Braid RD FERN BAY	23/04/2008	8	24/04/2008	Building Assess	
16-2008-290-1	Newcastle Quality Constructions	Single Storey Dwelling	5 Paperbark CRT FERN BAY	21/04/2008	10	29/04/2008	Refer Applicant	
16-2008-291-1	Martin	Single Storey Dwelling	20 Nobles RD NELSONS PLAINS	21/04/2008	10	22/04/2008	Building Assess	
16-2008-288-1	Davies	Second Storey Addition to Dwelling	6 Hartford ST MALLABULA	21/04/2008	10	1/05/2008	Building Assess	
16-2008-292-1	Malone	Industrial Development	10 William Bailey ST RAYMOND TERRACE	21/04/2008	10	1/05/2008	Refer Applicant	
16-2008-289-1	Cannon	Garage	7 Carramar CL BRANDY HILL	21/04/2008	10	30/04/2008	Typing	APPROVED
16-2008-286-1	Baldwin	Single Storey Dwelling	38 Britannia DR TANILBA BAY	18/04/2008	13	21/04/2008	Building Assess	



# ORDINARY MEETING MINUTES – 27 MAY 2008

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## Undetermined Development Applications as at 01-May-2008

Appln No		Proposal	Property Address	Date Lodged	Days in Council	Current Status
16-2007-661-2	Asquith & Dewitt Pty Ltd	Tourist Facility - 30 site caravan park, 9 tourist cabins, & amenities	4434 Pacific HWY TWELVE MILE CREEK	18/04/2008	13	22/04/2008 Referral - Env
16-2008-287-1	Kozary	Home Industry (Road Side Stall) and Sign	41 Lisadell RD MEDOWIE	18/04/2008	13	22/04/2008 Registration
16-2008-285-1	Curtis	Garage with Awning	5 Abercrombie RD MEDOWIE	17/04/2008	14	18/04/2008 Building Assess
16-2008-283-1	Shein	Verandah	0/97 Galoola DR NELSON BAY	17/04/2008	14	1/05/2008 Refer Applicant
16-2008-284-1	Croker	Dual Occupancy - Detached & 2 Lot TT Subdivision (demolish existing)	28 Peace PDE TANILBA BAY	17/04/2008	14	24/04/2008 Refer Applicant
16-2008-282-1	Blunt	Addition to Existing Garage	9 Dunn PL RAYMOND TERRACE	17/04/2008	14	18/04/2008 Building Assess
16-2008-281-1	Gwh Construction (Nsw) Pty Ltd	Fitout of Existing Warehouse (Lot 6)	6/15 Shearwater DR TAYLORS BEACH	16/04/2008	15	23/04/2008 Planning Assess
16-2008-280-1	Moylan	Fence (Variation to Building Line)	2 Riverview PL RAYMOND TERRACE	16/04/2008	15	24/04/2008 Advertising
16-2008-277-1	Bayside Patios	Carport and Screened Enclosure	4 Kingsley DR BOAT HARBOUR	15/04/2008	16	18/04/2008 For Signing
16-2008-278-1	Bayside Patios	Patio Cover	5 Grevillea DR MEDOWIE	15/04/2008	16	16/04/2008 Building Assess
16-2008-279-1	Ash Supplies Pty Ltd	Temporary Shade Structure at Kiosk	3 Beach RD NELSON BAY	15/04/2008	16	18/04/2008 Planning Assess
16-2008-272-1	Hill Top Planners	Two Lot Subdivision - TT	56 William ST RAYMOND TERRACE	15/04/2008	16	18/04/2008 Refer Applicant
16-2008-276-1	Retirement Care Australia (Port Stephens Gardens)	Alteration & Addition to Nursing Home	45 Bagnall Beach RD CORLETTE	15/04/2008	16	24/04/2008 Planning Assess
16-2008-273-1	Jedniuk	Dual Occupancy (one existing) & Garage	69 Abundance RD MEDOWIE	15/04/2008	16	23/04/2008 Refer Applicant
16-2008-274-1	Taylor	Commercial Premises (Motor Vehicle Repairs)	340 Soldiers Point RD SALAMANDER BAY	15/04/2008	16	17/04/2008 Refer Applicant
16-2008-275-1	Sutton	Single Storey Dwelling	15 Paperbark CRT FERN BAY	15/04/2008	16	16/04/2008 Building Assess
16-2008-271-1	Lindsay	Single Storey Dwelling	35 Broughton CCT TANILBA BAY	14/04/2008	17	1/05/2008 Refer Applicant
16-2008-267-1	Burchell	Addition to Dwelling	9 Compass CL SALAMANDER BAY	11/04/2008	20	15/04/2008 For Signing
16-2008-269-1	Leth	Alteration & Addition to Garage	15 Hairtail CL CORLETTE	11/04/2008	20	24/04/2008 Advertising

# ORDINARY MEETING MINUTES – 27 MAY 2008

AUTHORITY

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## Undetermined Development Applications as at 01-May-2008

Appin No	Applicant	Proposal	Property Address	Date Lodged	Days in Council	Current Status	
16-2008-265-1	Mcgee	Carport	12 Still ST SEAHAM	11/04/2008	20	21/04/2008	Refer Applicant
16-2008-266-1	Pickles	Pergola	36 Lewis DR MEDOWIE	11/04/2008	20	30/04/2008	Typing APPROVED
16-2008-268-1	Leth	Swimming Pool	13 Hairtail CL CORLETTE	11/04/2008	20	1/05/2008	For Signing
16-2008-264-1	School Salt Ash Public School	Educational Establishment (Covered Walkway & Security Fencing)	4 Salt Ash AVE SALT ASH	10/04/2008	21	15/04/2008	Registration
16-2008-263-1	Atb Morton Pty Limited	Industrial Development - Warehouse Extension	13A Old Punt RD TOMAGO	10/04/2008	21	18/04/2008	Planning Assess
16-2008-262-1	Walker Douglas Nominees Pty Limited	Place of Public Entertainment	17 William ST RAYMOND TERRACE	10/04/2008	21	17/04/2008	Refer Applicant
16-2008-255-1	Jennings	Two Storey Dwelling & Swimming Pool (Demolish Existing)	173A Soldiers Point RD SALAMANDER BAY	9/04/2008	22	17/04/2008	For Signing
16-2008-256-1	Tattersall Surveyors Pty Ltd	Oyster Shed	25 Oyster Farm RD LEMON TREE PASSAGE	9/04/2008	22	11/04/2008	Planning Assess
16-2008-252-1	Sweeney	Change of Use - Bulky Goods Sales Room (Tender & Services Centre)	26A Ferodale RD MEDOWIE	9/04/2008	22	17/04/2008	Planning Assess
16-2008-257-1	Rawson Homes Pty Limited	Dual Occupancy - Detached	2 Midden RD FERN BAY	9/04/2008	22	17/04/2008	Planning Assess
16-2008-254-1	Spanline Port Stephens	Patio Cover	61 Blanch ST BOAT HARBOUR	9/04/2008	22	1/05/2008	For Signing
16-2008-258-1	Collins	Addition to Dwelling, Screened Enclosure & Shed	83 Salamander WAY SALAMANDER BAY	9/04/2008	22	28/04/2008	Typing APPROVED
16-2008-249-1	Kingstone Homes	Two Storey Dwelling	50 Beaton AVE RAYMOND TERRACE	8/04/2008	23	17/04/2008	Advertising ...
16-2008-251-1	Contour Building & Construction Pty Ltd	Two Lot Subdivision - TT	8 Ironbark DR FERN BAY	8/04/2008	23	17/04/2008	NSW RFS Referral to NSW Rural Fire Services -Ingt
16-2008-250-1	Contour Building & Construction Pty Ltd	Two Lot Subdivision - TT	10 Ironbark DR FERN BAY	8/04/2008	23	17/04/2008	NSW RFS Referral to NSW Rural Fire Services -Ingt
16-2008-244-1	Transition Resort Holdings Pty Limited	Section 68B	1117 Nelson Bay RD FERN BAY	8/04/2008	23	11/04/2008	Planning Assess

# ORDINARY MEETING MINUTES – 27 MAY 2008

## AUTHORITY



## Undetermined Development Applications as at 01-May-2008

Appln No		Proposal	Property Address	Date Lodged	Days in Council	Current Status		
16-2008-248-1	Av Jennings Limited	Two Storey Dwelling	19 Matilda AVE TANILBA BAY	8/04/2008	23	17/04/2008	Refer Applicant	requested applicant to address tanilba bay
16-2008-245-1	Transition Resort Holdings Pty Limited	256 Lot Community Title Subdivision (Manufactured Home Estate)	1117 Nelson Bay RD FERN BAY	8/04/2008	23	15/04/2008	Planning Assess	
16-2008-246-1	Nelson Focus Pty Ltd	Urban Housing (Three Dwellings) & 3 Lot Strata Subdivision	16 Johnson PDE LEMON TREE PASSAGE	8/04/2008	23	23/04/2008	Refer Applicant	
16-2008-247-1	Newcastle & Port Stephens Game Fish Club Ltd	Alteration to Club (Balcony Enclosure)	17/59 Shoal Bay RD SHOAL BAY	8/04/2008	23	17/04/2008	Minor Asses	APPROVED
16-2008-239-1	Laroche	Single Storey Dwelling	60 South ST MEDOWIE	7/04/2008	24	30/04/2008	Typing	
16-2007-1054-2	Bujna	Garage	42 Wychewood AVE MALLABULA	7/04/2008	24	1/05/2008	Determination	
16-2008-242-1	Swan	Retaining Wall	57 Federation DR MEDOWIE	7/04/2008	24	1/05/2008	For Signing	....
16-2008-237-1	Murphy	Addition to Dwelling and Swimming Pool	6 Ocean AVE ANNA BAY	7/04/2008	24	17/04/2008	For Signing	
16-2008-238-1	Lawson	Carport (Variation to Building Line)	5 Harris ST NELSON BAY	7/04/2008	24	24/04/2008	Advertising	
16-2008-240-1	Bonar	Single Storey Dwelling	7 Reflections DR ONE MILE	7/04/2008	24	28/04/2008	Typing	APPROVED
16-2005-614-2	Chiarelli	S.96 Amendment - Increase floor space ratio to 0.52:1	0/4 Pantowora ST CORLETTE	4/04/2008	27	1/05/2008	Notify Adjoin	
16-2008-234-1	Mcdonald'S Properties (Aust) Pty Limited	Extend trading hours - drive-thru only.	94 Adelaide ST RAYMOND TERRACE	4/04/2008	27	14/04/2008	Refer Applicant	
16-2008-236-1	Martin O'Toole Architects	Urban Housing-33 Units (21 x 3BR, 12 x 2BR)	56/61 Donald ST NELSON BAY	4/04/2008	27	26/04/2008	Planning Assess	
16-2008-235-1	Av Jennings Limited	Single Storey Dwelling	1352 Clarence Town RD SEAHAM	4/04/2008	27	9/04/2008	Refer Applicant	
16-2008-233-1	Kozlowski	Addition to Dwelling	90 Government RD NELSON BAY	4/04/2008	27	21/04/2008	Refer Applicant	
16-2008-231-1	Grugeon	Two Storey Dwelling (demolish existing)	70B Sandy Point RD CORLETTE	3/04/2008	28	17/04/2008	For Signing	
16-2008-232-1	Lismore Management Services Pty Ltd	Renovations to Existing Kiosk and Managers Residence (Holiday Park)	23 Hannah PDE ONE MILE	3/04/2008	28	17/04/2008	Refer Applicant	

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Appln No		Proposal	Property Address	Date Lodged	Days in Council	Current Status	
16-2008-229-1	Smith	Screened Enclosure	24 Saratoga AVE CORLETTE	3/04/2008	28	17/04/2008	Minor Asses
16-2004-466-2	Sutton	S.96 Amendment - Garage to Unit 1 floor level raised 500mm	0/10 Rocky Point RD FINGAL BAY	3/04/2008	28	17/04/2008	Planning Assess
16-2008-227-1	Cockbain	Addition to Dwelling, Cabana and Shed	9 Rosebank DR WALLALONG	2/04/2008	29	21/04/2008	Typing APPROVED
16-2008-228-1	Cooper	Awning to Existing Deck & Cabana	17 Morna Point RD ANNA BAY	2/04/2008	29	1/05/2008	Refer Applicant waiting on notification to finish
16-2006-829-2	Finn	Adds to Existing Dwelling, Triple Garage, Carport & Gazebo	21 Hunter ST RAYMOND TERRACE	2/04/2008	29	1/05/2008	For Signing
16-2008-225-1	Soper	Verandah	2 Boonara BEND KARUAH	2/04/2008	29	30/04/2008	Typing APPROVED
16-2008-226-1	Dms Survey Pty Ltd	Three (3) Lot Subdivision - Residential - CT	22 Ironbark DR FERN BAY	2/04/2008	29	10/04/2008	NSW RFS Referral to NSW Rural Fire Services -Ingt
16-2008-224-1	Jw Planning Pty Limited	Third Floor Addition to Existing Commercial Premises	8 Laman ST NELSON BAY	2/04/2008	29	17/04/2008	Planning Assess
16-2008-222-1	Cameron	Fitout of Existing Warehouse (Lot 1)	1/15 Shearwater DR TAYLORS BEACH	1/04/2008	30	8/04/2008	Planning Assess
16-2008-220-1	Cubis	Single Storey Dwelling	3 Earl Grey CR RAYMOND TERRACE	1/04/2008	30	21/04/2008	Typing DEFERRED
16-2008-219-1	Rennie Golledge & Partners	Four (4) Lot Subdivision - ST	6/12 Blanch ST LEMON TREE PASSAGE	1/04/2008	30	8/04/2008	Refer Applicant
16-2008-218-1	Casey	Addition to Dwelling	113 Francis AVE LEMON TREE PASSAGE	1/04/2008	30	17/04/2008	Refer Applicant
16-2008-223-1	Aimaway Holdings Pty Limited	Dual Occupancy - Detached (demolish existing) & 2 Lot Subdivision TT	173A Soldiers Point RD SALAMANDER BAY	1/04/2008	30	16/04/2008	Internal Ref
16-2008-217-1	Breen	Single Storey Dwelling & Shed	5 Reflections DR ONE MILE	31/03/2008	31	28/04/2008	Typing APPROVED
16-2008-213-1	Allcastle Homes Pty Ltd	Two Storey Dwelling	40 Beaton AVE RAYMOND TERRACE	28/03/2008	34	10/04/2008	Refer Applicant
16-2008-216-1	Hydromet Corporation Limited	Industrial Development - Warehouse, Lead Battery Recycling Facility	23 School DR TOMAGO	28/03/2008	34	16/04/2008	Referral Refer to DECC under POEO Act
16-2008-214-1	Australian Marina Operations Pty Ltd	Shop	26B Corlette Point RD CORLETTE	28/03/2008	34	8/04/2008	Planning Assess

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16-2008-206-1	Belova	Garage	12 Hudson CL MEDOWIE	27/03/2008	35	21/04/2008 Typing	APPROVED
16-2008-210-1	Unimin Australia Limited	Four (4) Additional Silos to Existing Sand Mining Facility	3006 Nelson Bay RD SALT ASH	27/03/2008	35	10/04/2008 Referral	
16-2008-211-1	Greg Paton Master Builder	Roof over existing Deck	40 Rocky Point RD FINGAL BAY	27/03/2008	35	21/04/2008 Refer Applicant	
16-2008-203-1	Ray	Deck and Fence INS 18-0002782-BWI-3	10 Ocean PDE BOAT HARBOUR	26/03/2008	36	24/04/2008 For Signing	
16-2007-997-2	Field	S.96 Amendment - Reduce fill height	38 Reflections DR ONE MILE	26/03/2008	36	3/04/2008 Minor Asses	
16-2008-204-1	Corocher	Single Storey Dwelling, Garage and Dam	15 Forest RD DUNS CREEK	26/03/2008	36	21/04/2008 Refer Applicant	
16-2007-387-2	Greg Paton Master Builder	Sales Office (Demolish Existing Building), and Advertising Sign	17 School DR TOMAGO	25/03/2008	37	30/04/2008 Typing	
16-2008-202-1	Rps Harper Somers O'Sullivan	Extension to Existing Commercial Premises & Two Storey Carpark	37F Ferodale RD MEDOWIE	25/03/2008	37	10/04/2008 Referral	SEPP Infrastructure - RTA and local traffic committee
16-2008-201-1	Botany Pty Ltd	Industrial Development	5 Kennington DR TOMAGO	25/03/2008	37	8/05/2008 Planning Assess	
16-2008-199-1	Eveleigh	Two Storey Dwelling, Swimming Pool & Fence	12 Morpeth VWS WALLALONG	19/03/2008	43	1/05/2008 Construction	
16-2008-198-1	Atkins	Two Storey Dwelling	24 Saratoga AVE CORLETTE	19/03/2008	43	28/04/2008 Typing	APPROVED
16-2008-194-1	Graham	Two (2) Lot Subdivision - Industrial - TT	8A Archibald PL HEATHERBRAE	19/03/2008	43	23/04/2008 Refer Applicant	
16-2008-187-1	Henderson	Deck and Pergola	47 John PDE LEMON TREE PASSAGE	18/03/2008	44	29/04/2008 Typing	APPROVED
16-2008-184-1	Moloney	Deck	18 Amaroo CR FINGAL BAY	17/03/2008	45	21/04/2008 Typing	APPROVED
16-2008-183-1	Sorensen Design	Dual Occupancy - Detached (one existing)	39 Compass CL SALAMANDER BAY	14/03/2008	48	14/04/2008 Refer Applicant	
16-2008-182-1	Rawson Homes Pty Limited	Dual Occupancy - Detached	57 Sergeant Baker DR CORLETTE	14/03/2008	48	4/04/2008 Refer Applicant	
16-2008-181-1	House N Home Improvements Pty Ltd	Patio Cover	57 Federation DR MEDOWIE	14/03/2008	48	1/05/2008 For Signing	
16-2008-175-1	Gosling	Two (2) Lot Subdivision - Residential - TT	10 Ash ST SOLDIERS POINT	12/03/2008	50	26/03/2008 NSW RFS	Referral to NSW Rural Fire Services -Ing

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16-2008-172-1	Steve Saunders Creative Building	Boatshed and Deck	7 Shelby CL ANNA BAY	11/03/2008	51	20/03/2008 Refer Applicant	Bushfire Assessment Report
16-2008-168-1	Harker	Retaining Wall & Landing	13B Navala AVE NELSON BAY	10/03/2008	52	28/04/2008 For Signing	
16-2008-164-1	Mathieson Constructions Pty Limited	Patio Deck	158A Salamander WAY SALAMANDER BAY	7/03/2008	55	2/04/2008 Refer Applicant	
16-2008-165-1	Commercial Fishermans Co-Op Ltd	Fence to existing Wharves	12 Teramby RD NELSON BAY	7/03/2008	55	26/03/2008 Refer Applicant	
16-2008-161-1	Rawson Homes Pty Limited	Single Storey Dwelling	37 Paperbark CRT FERN BAY	7/03/2008	55	26/03/2008 Refer Applicant	Bushfire Protection Report & Stat. of Environmental Effects.
16-2008-162-1	Kovac	Single Storey Dwelling	11 Earl Grey CR RAYMOND TERRACE	7/03/2008	55	1/05/2008 For Signing	
16-2008-159-1	Tremma Group Pty Limited	Dual Occupancy Attached (demolish existing) & Two Lot TT Subdivision	22 Sunset BVD SOLDIERS POINT	6/03/2008	56	1/05/2008 For Signing	
16-2008-155-1	Williams	Dual Occupancy (one dwelling existing) & Storage Shed	21 Coxs LN FULLERTON COVE	5/03/2008	57	28/04/2008 Refer Applicant	
16-2008-156-1	Fuller	Fence	7 Walker CR RAYMOND TERRACE	5/03/2008	57	17/04/2008 Refer Applicant	
16-2008-151-1	Rennie Golledge & Partners	Four (4) Lot Subdivision - ST	5/12 Blanch ST LEMON TREE PASSAGE	4/03/2008	58	14/03/2008 Refer Applicant	
16-2006-655-2	Edwards	S.96 Amendment -dwelling lifted 300mm & internal changes	56 Saratoga AVE CORLETTE	4/03/2008	58	13/03/2008 Refer Applicant	
16-2006-284-2	Keighley	S.96 Amendment - Extend rear house 1.2 metres	6 Victory VIEW TANILBA BAY	29/02/2008	62	7/03/2008 Planning Assess	
16-2008-147-1	Cruise	Home Industry - Hairdressing Salon	4 Highland CL MEDOWIE	29/02/2008	62	28/04/2008 Typing	APPROVED
16-2008-145-1	Hemmings	Two Storey Dwelling	40 Raiss CL LEMON TREE PASSAGE	29/02/2008	62	18/03/2008 Refer Applicant	
16-2008-144-1	Giudes	Addition to Dwelling & Garage (Variation to Building Line)	55B Kent GDNS SOLDIERS POINT	28/02/2008	63	20/03/2008 Refer Applicant	Provide amended plans
16-2008-143-1	Iuliano	Home Industry (Concreting Contractor)	4 Bowalla CL WALLALONG	28/02/2008	63	13/03/2008 Planning Assess	
16-2008-138-1	Newcastle Quality Constructions	Dual Occupancy (One Dwelling Existing)	30 Abundance RD MEDOWIE	27/02/2008	64	14/04/2008 Refer Applicant	

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16-2008-141-1	Spanline Port Stephens	Screened Enclosure	4 Jackson CL SALAMANDER BAY	27/02/2008	64	28/04/2008	Typing
16-2008-139-1	Gladden	Single Storey Dwelling	13 Broughton CCT TANILBA BAY	27/02/2008	64	1/05/2008	For Signing
16-2008-132-1	Terrace Tenants & Associates	Storage Shed	12 King ST RAYMOND TERRACE	25/02/2008	66	1/04/2008	Refer Applicant
16-2008-129-1	P R King & Sons Pty Limited	Install an inclined lift	21C Tareebin RD NELSON BAY	22/02/2008	69	8/05/2008	Planning Assess
16-2008-131-1	Beaumont Consultant & Unique Home Design	Addition to dwelling (Roof over deck, Pavillion, Landscaping)	47 John PDE LEMON TREE PASSAGE	22/02/2008	69	19/03/2008	Refer Applicant
16-2008-126-1	John Holland Construction & Engineering Pty Ltd	Extension of Hardstand Area (Newcastle Airport)	89 Medowie RD WILLIAMTOWN	21/02/2008	70	18/04/2008	Refer Applicant
16-2008-120-1	Invocare Australia Pty Ltd	Change of Use - Funeral Home	0/2 Tomaree ST NELSON BAY	20/02/2008	71	25/03/2008	Refer Applicant
16-2008-116-1	Burr	Additions to Existing Dwelling (Urban Housing)	0/111 Port Stephens DR SALAMANDER BAY	19/02/2008	72	3/04/2008	Refer Applicant
16-2008-111-1	Lonie	Staged Development - Dual Occupancy (Detached) & Demolish Existing	0/16 Soldiers Point RD SOLDIERS POINT	15/02/2008	76	25/03/2008	Refer Applicant
16-2008-112-1	Whiteley Corporation Pty Ltd	Industrial Development	24 Laverick AVE TOMAGO	15/02/2008	76	30/04/2008	Typing
16-2008-110-1	Williams River Steel Pty Ltd	Warehouse & Demolish Existing	470 Masonite RD HEATHERBRAE	15/02/2008	76	2/04/2008	Refer Applicant
16-2008-105-1	Geoff Craig & Associates Pty Ltd	Stockpiling of Landfill	1 Williamtown DR WILLIAMTOWN	14/02/2008	77	26/02/2008	Refer Applicant
16-2008-100-1	Greentree	Single Storey Dwelling & Retaining Wall	13 Edstein PL RAYMOND TERRACE	13/02/2008	78	11/04/2008	Refer Applicant
16-2008-94-1	Hill Top Planners	Five (5) Lot Subdivision - TT	4 Brown ST RAYMOND TERRACE	12/02/2008	79	20/02/2008	Refer Applicant
16-2008-97-1	Paul Le Mottee Project Management	Boundary Re-alignment (Six Lots)	152 McClymonts Swamp RD WALLALONG	12/02/2008	79	26/02/2008	Referral
16-2008-96-1	M J McDougall & Associates	Dual Occupancy - Detached & 2 Lot Subdivision- TT	49 Tallean RD NELSON BAY	12/02/2008	79	18/03/2008	Refer Applicant
16-2008-90-1	Tolcher	Storage Shed	4 Eskdale Park DR SEAHAM	11/02/2008	80	18/04/2008	Typing

Request Engineering

Request sent via email to kevin@gca.net.au

Request additional, send to surveyors@nelsonbay.com  
APPROVED

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16-1999-1135-6	Renjan	Commercial and 16 Residential Units	14 Soldiers Point RD SOLDIERS POINT	8/02/2008	83	28/04/2008	For Signing
16-2008-83-1	Simpson	Bridge	1 Mustons RD KARUAH	8/02/2008	83	26/02/2008	Refer Applicant Letter sent in mail
16-2002-345-2	Stanton (Snr)	S.96 Amendment to Jetty	11A Fenninghams Island RD BOBS FARM	8/02/2008	83	13/02/2008	Planning Assess
16-2008-79-1	Medowie Pastoral Pty Ltd	Dual Occupancy - Detached & Two (2) Lot Strata Subdivision	1A Heritage AVE MEDOWIE	6/02/2008	85	12/02/2008	Refer Applicant awaiting additional information
16-2008-57-1	Clark	Place of Public Entertainment	37 Ferodale RD MEDOWIE	30/01/2008	92	26/03/2008	Planning Assess
16-2008-54-1	Port Stephens Council	Additions and Alterations to RFS Building Tanilba Bay	3 Coweambah WAY TANILBA BAY	30/01/2008	92	11/03/2008	For Signing
16-2008-47-1	Malone	Urban Housing - Four Dwellings and Four (4) Lot Subdivision	10 Edstein PL RAYMOND TERRACE	24/01/2008	98	12/03/2008	Refer Applicant Eng request sent to malone.ent@hunterlink.net.au
16-2008-39-1	Beaumont Consultant & Unique Home Design	Deck	5 Coryule ST BOAT HARBOUR	22/01/2008	100	7/02/2008	Planning Assess
16-2008-34-1	Hunt	Awning	93 Hastings DR RAYMOND TERRACE	21/01/2008	101	1/05/2008	For Signing
16-2008-31-1	Atb Morton Pty Limited	Office Building	15 Old Punt RD TOMAGO	18/01/2008	104	14/02/2008	Refer Applicant
16-2008-29-1	Port Stephens Council	Extension to existing Equestrian Area	5 Green Wattle Creek RD BUTTERWICK	17/01/2008	105	30/04/2008	DAP Rev
16-2008-28-1	Green	Showroom Building	29 Jura ST HEATHERBRAE	17/01/2008	105	28/04/2008	For Signing
16-2008-26-1	Watson	Tourist Facility (Restaurant, Function Room & Car Parking)	1 Koala PL BOAT HARBOUR	16/01/2008	106	26/02/2008	Refer Applicant
16-2006-439-2	Jomal Developments Pty Limited	S.96 Amendment - Internal Changes	1A Ocean PDE BOAT HARBOUR	16/01/2008	106	21/04/2008	Refer Applicant
16-2008-23-1	Smith	Awning	2 Kangaroo ST RAYMOND TERRACE	15/01/2008	107	8/04/2008	Refer Applicant
16-2005-864-3	Hill Top Planners	S.96 Amendment - Conditions 15, 19 and 43	1143 Nelson Bay RD FERN BAY	9/01/2008	113	14/02/2008	Advertising —
16-2003-2105-5	Hill Top Planners	S.96 Amendment - Reduce no. of Units to 165, revised road Layout,	1141 Nelson Bay RD FERN BAY	9/01/2008	113	14/02/2008	Advertising **
16-2008-12-1	Don Blainey Superannuation Fund Pty Limited	Additions & Alterations to Dwelling	60 Randall DR SALAMANDER BAY	9/01/2008	113	2/04/2008	Refer Applicant



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16-2008-11-1	Outtrim	Dwelling and Machinery Shed and Boundary Re-alignment	3 Ferodale RD	9/01/2008	113	11/04/2008 Planning Assess
16-2008-8-1	Jones	Land Fill	3 Torrence ST SEAHAM	7/01/2008	115	28/04/2008 DAP Rev
7-1996-41299-8	Environmental Resources Management Australia Pty L	S.96 Amendment - Create Thirty (30) Additional Residential Lots	1 Seaside BVD FERN BAY	3/01/2008	119	16/01/2008 Planning Assess
16-2007-1145-1	Ballen Pty Limited	Industrial Building	3 Abbot LN TOMAGO	20/12/2007	133	30/04/2008 DAP Rev
16-2007-1149-1	Johnson	Patio Cover and Storage Shed	80 South ST MEDOWIE	20/12/2007	133	11/04/2008 For Signing
16-2007-1141-1	Farley	Four (4) Lot Subdivision (TT) & Boundary Re-alignment	195 Butterwick RD	20/12/2007	133	7/02/2008 Notify Adjoin
16-2007-1142-1	Holt	Single Storey Dwelling (Variation to Building Line)	29 Bennett PL	20/12/2007	133	23/04/2008 Building Assess
16-2004-687-3	Beaumont Consultant & Unique Home Design	S.96 Amendment - Altered Driveway & Internal & External Changes	53 Dowling ST NELSON BAY	20/12/2007	133	11/02/2008 Typing
16-2007-1135-1	Avocari Pty Limited	Urban Housing - Alterations & Additions to Existing Five (5) Dwellings	65 Government RD NELSON BAY	19/12/2007	134	7/03/2008 Refer Applicant
16-2007-1129-1	Tranquility Pools & Spas Pty Ltd	Swimming Pool	31 Raiss CL LEMON TREE PASSAGE	18/12/2007	135	18/03/2008 Refer Applicant
16-2007-1120-1	Lidgard	Addition to Dwelling & Carport	79 James Scott CR LEMON TREE PASSAGE	17/12/2007	136	14/03/2008 Refer Applicant
16-2007-1117-1	Port Stephens Veterans & Citizens Aged Care Ltd	Stage 6 - Eight (8) Dwellings & Relocation of Community Building	60 Diemars RD SALAMANDER BAY	14/12/2007	139	25/01/2008 DSAF
16-2007-1118-1	Lindsay	Two Lot Subdivision (TT) & Two Dual Occupancies	8 Walker CR RAYMOND TERRACE	14/12/2007	139	22/01/2008 Refer Applicant
16-2007-1119-1	Giggins	Urban Housing - 6 Dwellings (one dwelling existing)	4 Meredith CR RAYMOND TERRACE	14/12/2007	139	25/03/2008 Refer Applicant
16-2003-2105-4	Hill Top Planners	S.96 Amendment	1141 Nelson Bay RD FERN BAY	14/12/2007	139	16/01/2008 Planning Assess
16-2007-1114-1	Atb Morton Pty Limited	Industrial Development	4 Martin DR TOMAGO	12/12/2007	141	4/01/2008 Planning Assess

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16-2001-1700-3	Rps Harper Somers O'Sullivan	S.96 Amendment - Road Re-Alignment & Lot Layout Adjustment	14/15 Shearwater DR TAYLORS BEACH	11/12/2007	142	12/03/2008	Refer Applicant	
16-2007-1106-1	Refuse & Recycling Centre	Industrial Shed	3 Tarrant RD SALAMANDER BAY	10/12/2007	143	24/01/2008	Refer Applicant	Further Info Required
16-2007-1098-1	Williams River Steel Pty Ltd	Industrial Development	42 Camfield DR HEATHERBRAE	7/12/2007	146	1/05/2008	For Signing	
16-2007-1088-1	Atb Morton Pty Limited	Industrial Dev - Workshop, Warehouse, Ancillary Office & Amenities Blg	13 Motto LN HEATHERBRAE	6/12/2007	147	28/04/2008	Engineer Assess	new information submitted.
16-2006-1285-2	Noble	S.96 Amendment - Extension of Ground Level Deck	36 Soldiers Point RD SOLDIERS POINT	6/12/2007	147	19/12/2007	Refer Applicant	Payment of \$89.66 outstanding. Release on receipt
16-2007-1092-1	Jasprizza	Four (4) Lot Strata Subdivision	6 Magnus ST NELSON BAY	6/12/2007	147	12/12/2007	Planning Assess	
16-2007-1086-1	Mcelwee Stratasurv	Subdivision - Industrial (Four (4) Lots into Five (5) Lots) - TT	13 Old Punt RD TOMAGO	5/12/2007	148	7/03/2008	For Signing	
16-2007-1084-1	O'Donoghue	Dual Occupancy & Two (2) Lot TT Subdivision	10 Grafton ST NELSON BAY	5/12/2007	148	31/01/2008	For Signing	
16-2007-1082-1	Newcastle Quality Constructions	Single Storey Dwelling	35 Tanilba RD MALLABULA	5/12/2007	148	29/04/2008	Refer Applicant	
16-2007-1085-1	Laverick	Dual Occ (One Dwelling Existing) & Three (3) Lot TT Subdivision (VBL)	4 Smiths LN RAYMOND TERRACE	5/12/2007	148	6/03/2008	Planning Assess	
16-2007-1073-1	Thomas	Storage Shed	3 Highland CL MEDOWIE	3/12/2007	150	22/04/2008	Typing	DEFERRED
16-2007-1078-1	Hotel Victoria	Alterations & Additions to Existing Hotel	8 Old Punt RD HINTON	3/12/2007	150	4/04/2008	Refer Applicant	
16-2007-1072-1	Wyborn	Land Fill	32 Lemon Tree Passage RD SALT ASH	30/11/2007	153	1/05/2008	Typing	WITHDRAWAL
16-2007-1066-1	Genner	Alterations to Dwelling	0/7 Vista AVE SOLDIERS POINT	30/11/2007	153	12/03/2008	For Signing	
16-2007-1070-1	Soldiers Point Bowling Club	Advertising Sign	4/135 Soldiers Point RD SOLDIERS POINT	30/11/2007	153	20/12/2007	Planning Assess	
16-2007-1065-1	Buildev Development Nsw (Ra) Pty Ltd	39 Lot Subdivision - Industrial	60 Port Stephens DR TAYLORS BEACH	30/11/2007	153	8/04/2008	Internal Ref	

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16-2007-1059-1	M J Mcdougall & Associates	Two (2) Lot Subdivision - TT	121 Navala AVE NELSON BAY	28/11/2007	155	8/04/2008	NSW RFS
16-2007-1057-1	Everingham	Three Storey Dwelling	38A The Parkway MALLABULA	28/11/2007	155	7/03/2008	Refer Applicant
16-2007-1056-1	Anseline	Dual Occupancy - Detached (One dwelling existing)	68 Lisadell RD MEDOWIE	27/11/2007	156	28/04/2008	Typing
16-2007-1037-1	Paul Le Mottee Project Management	15 Lot Subdivision - TT	35 Hollydeen AVE RAYMOND TERRACE	20/11/2007	163	4/01/2008	Planning Assess
16-2007-1012-1	Fagan Mather Duggan Pty Ltd	Boundary Re-alignment	67 Gan Gan RD ANNA BAY	13/11/2007	170	10/03/2008	Refer Applicant
16-2007-989-1	Tattersall Surveyors Pty Ltd	Home Industry, Storage Shed & upgrade to Access Track	730 Seaham RD SEAHAM	6/11/2007	177	11/02/2008	Refer Applicant
16-2006-1104-2	Hucherko Investments Pty Limited	S.96 - L'scape design revised, adds (doors), resited carpark	36 Camfield DR HEATHERBRAE	5/11/2007	178	1/05/2008	Determination
16-2007-984-1	Mascaro	Dual Occupancy - Detached	10 Judith ST CORLETTE	2/11/2007	181	28/04/2008	For Signing
16-2006-214-2	Parson	S.96 Amendment - Tile to Colourbond Roof	30 The Breakwater CORLETTE	30/10/2007	184	2/04/2008	For Signing
16-2007-950-1	Padmos	Industrial Development	6 Hank ST HEATHERBRAE	24/10/2007	190	22/01/2008	Refer Applicant
16-2007-930-1	Torren Bell	Dual Occupancy - Detached	0/7 Vista AVE SOLDIERS POINT	19/10/2007	195	13/12/2007	Refer Applicant
16-2006-594-4	Atb Morton Pty Limited	S.96 Amendment - Delete Development Consent Conditions 62 & 65	21B School DR TOMAGO	17/10/2007	197	24/10/2007	Typing
16-2007-902-1	Hingston	Two Storey Dual Occupancy (demolish existing) & Two Lot Subdivision	14A Pacific RD FINGAL BAY	12/10/2007	202	5/02/2008	Refer Applicant
16-2007-889-1	Sinclair	Dwelling & Boundary Realignment	1A Pacific ST FISHERMANS BAY	11/10/2007	203	30/04/2008	Typing
16-1999-60666-5	Tattersall Surveyors Pty Ltd	S.96 Amend-Remove Dowardee Ln, Reconfigure Lots, Delete Cond 2,4,37,39	89 Diggers DR TANILBA BAY	2/10/2007	212	31/03/2008	Referral - Env
16-2007-846-1	Labrakis Hagios	Urban Housing (3 Dwellings), 3 Lot TT Subdivision & Demolish existing	0/13 Shoreline DR FINGAL BAY	26/09/2007	218	20/03/2008	Refer Applicant

# ORDINARY MEETING MINUTES – 27 MAY 2008

AUTHORITY

*Port Stephens*  
COUNCIL  
*... a community partnership*

## Undetermined Development Applications as at 01-May-2008

Appln No		Proposal	Property Address	Date Lodged	Days in Council		Current Status	
16-2007-821-1	Smith	Two Lot Subdivision - TT	43 Fairlands RD MALLABULA	18/09/2007	226	14/11/2007	Refer Applicant	Request additional info (section B1.8 of DCP) and additional drainage
16-2007-817-1	Dagg	Land Fill (Cattle Mound)	26 Hunter ST HINTON	14/09/2007	230	28/02/2008	Engineer Assess	
16-2007-813-1	Environmental Resources Management Australia Pty L	Subdivision of Four (4) Existing Lots into Six (6) Lots - C Title	7 Gymea Way PRIV NELSON BAY	13/09/2007	231	31/03/2008	For Signing	
16-2007-810-1	Baker	Single Storey Dwelling (Demolish existing dwelling)	1027 East Seaham RD EAST SEAHAM	12/09/2007	232	25/09/2007	For Signing	
16-2007-799-1	Uniting Church Karuah	Addition to Church	4 George ST KARUAH	11/09/2007	233	13/03/2008	Advertising	....
16-2007-785-1	Musumeci	Dual Occupancy (One existing dwelling) & Two (2) Lot Subdivision - TT	54A Austral ST NELSON BAY	6/09/2007	238	4/04/2008	For Signing	
16-2007-701-1	Williams	Extension to Existing Dwelling	20 Wattle ST KARUAH	9/08/2007	266	2/10/2007	Determination	
16-2007-650-1	Munro	Land Fill	347 Gan Gan RD BOAT HARBOUR	24/07/2007	282	15/01/2008	For Signing	
7-1991-5087-3	Unimin Australia Limited	S.96 Amendment for sand extraction limit	4080 Nelson Bay RD ANNA BAY	19/07/2007	287	30/07/2007	Planning Assess	
16-2007-565-1	Poulakas Poulakas	Urban Housing x Three (3) Dwellings - (4) Storey - Demolish existing	7/8 Intrepid CL NELSON BAY	28/06/2007	308	15/01/2008	Refer Applicant	
16-2007-562-1	M J Mcdougall & Associates	Two (2) Lot Subdivision - Rural - TT	13 Kula RD MEDOWIE	28/06/2007	308	15/04/2008	Refer Applicant	new applicant proposed.
16-2007-567-1	Bakker	Child Care Centre and Demolish Existing Dwelling	92 Tomaree RD SHOAL BAY	28/06/2007	308	11/04/2008	Engineer Assess	
16-2007-566-1	Zavone	Dual Occupancy & Two (2) Lot Subdivision - TT(Demolish Existing Bldg)	80 Austral ST NELSON BAY	28/06/2007	308	28/04/2008	For Signing	
16-2003-1665-2	Apps Apps	S.96 Amendment to Garage & Pergola	6 Brandy Hill DR BRANDY HILL	27/06/2007	309	3/07/2007	Typing	Approved
16-2007-541-1	Agcad Pty Ltd	Urban Housing - Twenty Four (24) Dwellings, detached/demolish existing	32 Garden AVE RAYMOND TERRACE	22/06/2007	314	20/09/2007	Refer Applicant	

# ORDINARY MEETING MINUTES – 27 MAY 2008

AUTHORITY

*Port Stephens*  
COUNCIL  
*...a community partnership*

## Undetermined Development Applications as at 01-May-2008

Appln No		Proposal	Property Address	Date Lodged	Days in Council	Current Status		
16-2007-530-1	Alchin	Additions to Dwelling	625 Marsh RD BOBS FARM	20/06/2007	316	12/03/2008	Refer Applicant	Emailed engineer and owner to provide requested info.
16-2007-520-1	Pulver Cooper & Blackley	Machinery Shed, Land Fill & Dam	916 Paterson RD WOODVILLE	14/06/2007	322	21/11/2007	Refer Applicant	
16-2007-519-1	Mandich	Alterations & Additions to Two Storey Units	33 Victoria PDE NELSON BAY	14/06/2007	322	6/12/2007	Refer Applicant	
16-2007-514-1	Mandich Tattersall Surveyors Pty Ltd	Home Industry (Crane Business)	393 Cabbage Tree RD WILLIAMTOWN	14/06/2007	322	19/12/2007	Advertising	
16-1998-1146-4	Tannous	S.96 Amendment - Sub Floor changes	155A Bagnall Beach RD CORLETTE	12/06/2007	324	24/08/2007	For Signing	
16-2007-444-1	Beaumont Consultant & Unique Home Design	Additions to Dwelling and Bed & Breakfast Establishment	134 Sandy Point RD CORLETTE	24/05/2007	343	31/03/2008	Refer Applicant	
16-2007-442-1	Proprietors Of Strata Plan 21147 & 38252	Carport & Driveway	7/13 Shoal Bay RD SHOAL BAY	23/05/2007	344	20/12/2007	Refer Applicant	
16-2007-421-1	Franco	Urban Housing-Three Town Houses & 3 Lot Subdivision TT	88 Achilles ST NELSON BAY	18/05/2007	349	17/12/2007	Refer Applicant	
16-2006-708-4	Ly	S.96 Amendment - Remove Condition 29	23 William ST RAYMOND TERRACE	18/05/2007	349	18/05/2007	Planning Assess	
16-2007-404-1	Brad Inwood Architects Bayside Building Services	Dual Occupancy (demolish existing) & Two Lot Subdivision TT	91B Shoal Bay RD NELSON BAY	14/05/2007	353	19/12/2007	Refer Applicant	
16-2007-405-1	Brad Inwood Architects Bayside Building Services	Dual Occupancy (demolish existing) & Two Lot Subdivision TT	0/45 Achilles ST NELSON BAY	14/05/2007	353	19/12/2007	Refer Applicant	
Total Applications		250						

# STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: PSC2008-2238

**PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2000  
TO REZONE LAND TO FACILITATE ADDITIONAL COMMERCIAL  
LAND IN THE MEDOWIE TOWN CENTRE**

**REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Pursuant to Section 54 of the Environmental Planning and Assessment Act, Council resolve to prepare a Draft Local Environmental Plan to amend the zoning of Lot 7 DP 19101, Lot 8 DP 19101, Lot 9 DP 19101, Lot 10 DP 19101, Lot 11 DP 19101 Ferodale Road, Medowie to 3(a) General Business (**Attachment 1**);
  - 2) Resolve to prepare a development control plan over the subject land and the surrounding town centre in the form of a site specific chapter of the Port Stephens Development Control Plan 2007 (DCP)
- 

**STRATEGIC COMMITTEE MEETING – 06 May 2008**

**RECOMMENDATION:** That the recommendation be adopted.

**MATTER ARISING:**

**RECOMMENDATION:** That Council request the Group Manager Sustainable Planning bring forward a report to the Ordinary Council Meeting on the potential rezoning of the existing hardware business in Medowie from Rural 1(a) to 3a business.

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**ORDINARY MEETING – 27 May 2008**

**RESOLUTION:**

114	Councillor Dingle Councillor Tucker	It was resolved that the Strategic Committee recommendation be adopted.
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Note: Matter Arising completed and included in report dated 27/5/08.

**BACKGROUND**

The purpose of this report is to recommend that Council support the rezoning request for land identified in the draft Medowie Strategy for commercial development under Section 54 of the Environmental Planning and Assessment Act 1979.

## PROPOSAL DETAILS

<b>Owner</b>	Lot 7 DP 19101 Ferodale Road Mr David Barton and Mrs Glenys Margaret Barton. Lot 8 and Lot 11 DP 19101 Ferodale Road Mr Ronald Arthur West and Mrs Joan Margaret West. Lot 9 and Lot 10 DP 19101 Ferodale Road Mr Kenneth Leslie Taaffe, Mrs Carol Anne Taaffe
<b>Proponent</b>	Builddev Development NSW CM Pty Ltd
<b>Date of Submission</b>	9 April 2008
<b>Subject Land</b>	Lot 7 DP 19101 Known as, 47 Ferodale Road, Medowie Lot 8 DP 19101 Known as, 45 Ferodale Road, Medowie Lot 9 DP 19101 Known as, 43 Ferodale Road, Medowie Lot 10 DP 19101 Known as, 41 Ferodale Road, Medowie Lot 11 DP 19101 Known as, 39 Ferodale Road, Medowie
<b>Current Land Use Zone</b>	2(a) Residential
<b>Proposed Land Use Zone</b>	3(a) General Business

## BACKGROUND

The request is consistent with the revised draft Medowie Strategy now on exhibition and therefore, it is appropriate to report this request to Council. The proponent has an interest in all the subject land and the landowners have given authorisation to the proponent.

The draft Medowie Strategy is consistent with the Port Stephens Community Settlement and Infrastructure Strategy 2007(CSIS) and hence is consistent with the Lower Hunter Regional Strategy 2006 (LHRS). Both strategies identify Medowie for future urban growth.

A development application (16-2008-202-1) has recently been lodged with Council on the adjoining commercial premises. This development application involves an extension of the existing supermarket and proposes a two storey car park. This development application and the subject draft LEP have been considered when forming the recommendations of this report in particular, the need for a site specific DCP chapter for the Medowie Town Centre.

## LINKS TO CORPORATE PLANS

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

<b>SOCIAL SUSTAINABILITY –</b>	<i>Council will preserve and strengthen the fabric of the community, building on community strengths.</i>
<b>CULTURAL SUSTAINABILITY –</b>	<i>Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.</i>
<b>ECONOMIC SUSTAINABILITY –</b>	<i>Council will support the economic sustainability of its communities while not compromising its environmental and social well being.</i>
<b>ENVIRONMENTAL</b>	<i>Council will protect and enhance the environment while</i>



<b>SUSTAINABILITY –</b>	<i>considering the social and economic ramifications of decisions.</i>
<b>BUSINESS EXCELLENCE –</b>	<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

The rezoning request attracts the prescribed rezoning fees in accordance with Council's Fees and Charges Schedule. Should Council adopt the recommendations of this report, Strategic Planning will invest staff time to prepare and submit the standard Section 54 information to the Department of Planning's LEP Review Panel.

## LEGAL AND POLICY IMPLICATIONS

**Legal** – There are no legal requirements should Council adopt or reject the recommendations of this report.

**Policy** – The recommendations are consistent with the Lower Hunter Regional Strategy 2006 (LHRS). The Port Stephens Community Settlement and Infrastructure Strategy (CSIS) provides the policy framework for managing urban growth and building communities in Port Stephens. The CSIS recognises Medowie as one of only two significant new release areas for development for the next 25 years based on the LHRS Map as noted above. The draft Medowie Strategy has been prepared in accordance with the principles and strategic directions of the CSIS.

The rezoning request is consistent with the Draft Medowie Strategy and will implement the strategic directions contained therein. Supporting the recommendations will facilitate a coordinated approach to development of the subject land within the town centre that will service existing and future residents.

The design and layout for developing the subject land, particularly relationships to public streets will be addressed through the completion of a Medowie Town Centre Development Control Plan to be prepared in conjunction with this draft LEP. A site specific DCP will cover the subject draft LEP and adjoining lands within the Medowie Town Centre.

### 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.*

- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a culture 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/ ECONOMIC/ENVIRONMENTAL IMPLICATIONS**

The sustainability implications of rezoning the subject land have been addressed in the preparation of the draft Medowie Strategy and the strategic directions for the subject land contained therein.

The proponent has indicated that it will be soon submitting a DA for a supermarket and specialty stores that would be permissible with consent on the subject land under the proposed rezoning.

The current Draft Strategy has identified a larger area of the town centre for future mixed use development including another supermarket and specialty stores. This is in recognition of the multiple land holdings in the town centre and the need to provide flexibility and opportunity for competition in revitalising and further developing the town centre.

The Draft Medowie Strategy proposes the future growth of the town centre to “consolidate into a main street based on a typical NSW coastal town” with Peppertree Road functioning as the main street. Locating competing supermarkets close together will facilitate social and economic exchange in the town centre and promote more efficient carparking and land use, walking and cycling.

The subject land is located on the corner of Ferodale and Peppertree Roads. Having land that fronts both streets creates opportunities and challenges for developing the subject land and hence the development of the town centre.

It should be noted that conventional retail development generally has a large box and supporting specialty stores surrounded by car parking. This model has shaped the current layout, operation and physical appearance of the town centre. There has been much comment by Medowie residents that future development should not repeat past practises and “repair” the current town centre. These are the key issues that the recommended DCP will address. The DCP will also address more specific design matters for the area including town centre character, active street frontages, safety issues, on and off street parking, public transport and pedestrian networks needs and the need and location for public amenities.

## **CONSULTATION**

There has been extensive community consultation through the preparation of the draft Medowie Strategy. Should Council support the proposed amendment and, subject to support from the LEP Review Panel, there would be further consultation with relevant state

government agencies under Section 62 of the Environmental Planning and Assessment Act and further community consultation through exhibition of the proposed amendment.

Through the investigation and creation stage of the site specific DCP it would be required to follow the regular policy framework.

### **OPTIONS**

- 1) Support the recommendations
- 2) Reject the recommendations
- 3) Make amendments to the recommendations

### **ATTACHMENTS**

- 1) Recommended draft LEP Boundaries.

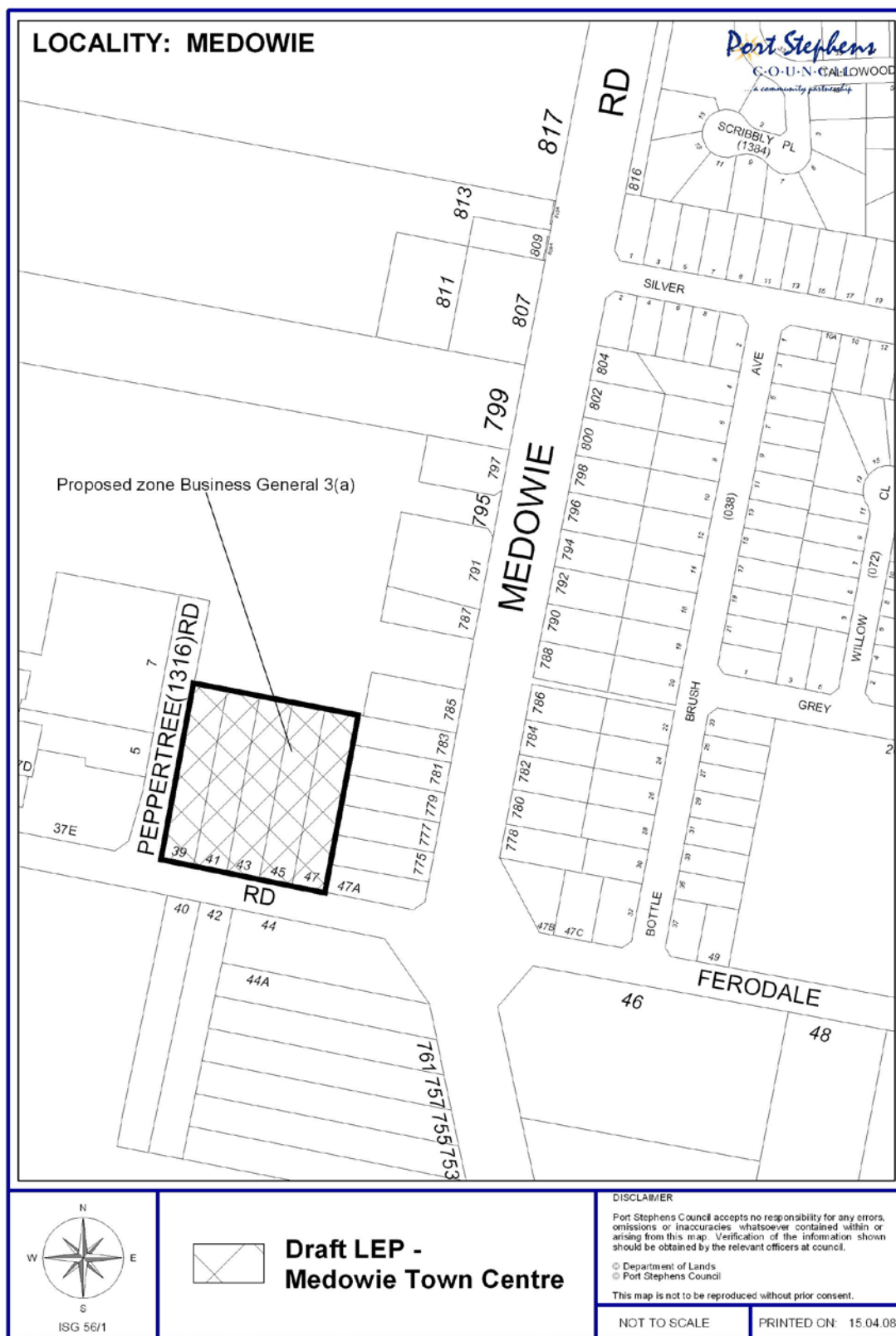
### **COUNCILLORS ROOM**

- 1) Rezoning boundaries and aerial photo.

### **TABLED DOCUMENTS**

- 1) Nil

**ATTACHMENT 1**  
**RECOMMENDED DRAFT LEP BOUNDARIES**



**ITEM NO. 2**

**FILE NO: PSC2007-2379**

**QUARTERLY REPORTS FOR 2008 MARCH QUARTER: COUNCIL  
PLAN 2007-2011 INCORPORATING PERFORMANCE  
MEASUREMENT (COCKPIT CHARTS)**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopts the Quarterly Report (March Quarter) against the Council Plan 2007-2011 incorporating Performance Measurement (Cockpit Charts).
- 

**STRATEGIC COMMITTEE MEETING – 06 May 2008**

**RECOMMENDATION: That the recommendation be adopted.**

Tabled Document: Quarterly Report (March Quarter) and Performance Measurement Charts.

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**ORDINARY MEETING – 27 May 2008**

**RESOLUTION:**

<b>115</b>	<b>Councillor Robinson Councillor Westbury</b>	<b>It was resolved that the Strategic Committee recommendation be adopted.</b>
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Tabled Document: Quarterly Report (March Quarter) and Performance Measurement Charts.

**BACKGROUND**

**The purpose of this report is to present to Council the Quarterly Report (March Quarter 2007) against the Council Plan 2007-2011 and the cockpit charts measuring Council's performance in key areas.**

The Quarterly Report with its accompanying cockpit charts will provide Councillors with accurate, meaningful data that address the key issues facing Port Stephens Council.

The Quarterly Report addresses the progress in relation to strategies and objectives across all functional areas of Council. The new format for quarterly reporting incorporates all four quarters over time so that Councillors can see the progress of every objective within the Council Plan. The December quarter is highlighted in yellow.

The cockpit charts are now aligned with the key areas identified in the Department of Local Government Report on Port Stephens Council – Promoting Better Practice. These are:

- Strategic
- Governance
- Regulatory Functions
- Asset and Financial Management
- Community, communications and consultation
- Workplace Relations.

## **LINKS TO CORPORATE PLANS**

The Quarterly Report March 2008 quarter reports against the Council Plan 2007-2011.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Nil

## **LEGAL AND POLICY IMPLICATIONS**

Nil

### **Australian Business Excellence Framework**

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 4) to improve the outcome, improve the system and its associated processes
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 9) All systems and processes exhibit variability, which impacts on predictability and performance

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

The Quarterly Report cockpit charts map progress in the implementation of the Social and Cultural Plans.

### **ECONOMIC IMPLICATIONS**

The Quarterly Report and its attendant cockpit charts provide details of the organisation's financial performance.

### **ENVIRONMENTAL IMPLICATIONS**

The Quarterly Report reports progress against the sustainability and environmental indicators in the Council Plan 2007-2011.

**OPTIONS**

- 1) Adopts the Quarterly Report (March 2008) and Performance Measurement cockpit charts for January to March 2008.
- 2) Amend the Quarterly Report (March 2008) and Performance Measurement cockpit charts for January to March 2008.

**ATTACHMENTS**

Nil

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

1. Quarterly Report (March 2008) against the Council Plan 2007-2011
2. Performance Measurement (Cockpit Charts) March Quarter 2008.

# GENERAL MANAGERS REPORTS



**ITEM NO. 1****FILE NO: 7-1995-394-3 & 16-2007-445-1****AUSTRALIAN SHARK AND RAY CENTRE – ROADWORKS UPDATE****REPORT OF: DAVID BROYD – GROUP MANAGER, SUSTAINABLE PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Reaffirm the current Condition of Consent that requires the provision of pavement widening in Marsh Road for an intersection turnout to the development – being a Type A intersection in accordance with Council's Subdivision Code.
- 2) Note that, given that works will not be completed by 31 May 2008, an Order will be issued requiring cessation of business operations pursuant to the provisions of the Environmental Planning & Assessment Act 1979.

**ORDINARY MEETING – 27 May 2008****RESOLUTION:**

116	Councillor Hodges Councillor Jordan	<ol style="list-style-type: none"><li>1) That Council reaffirm the current condition of consent that requires the provision of pavement widening in Marsh Rd for an intersection turnout to the development and provide an extension of time (12 months) for the proprietor to complete required road works in accordance with condition 10 of the development consent.</li><li>2) The General Manager provide regular update reports to Council quarterly.</li></ol>
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**AMENDMENT:**

	Councillor Dingle Councillor Nell	<ol style="list-style-type: none"><li>1) That Council reaffirm the current condition of consent that requires the provision of pavement widening in Marsh Rd for an intersection turnout to the development and provide an extension of time (12 months) for the proprietor to complete required road works in accordance with condition 10 of the development consent.</li><li>2) Issue a letter of intention that the business has 12 months to comply with the conditions of consent. There will be quarterly reports to the Council during this time.</li></ol>
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The amendment on being put was lost

Note: Cr Tucker left the meeting at 7.15pm during Item 1 and returned at 7.18pm during Item 1.

## BACKGROUND

The purpose of this report is to provide an update to Council on the matter of outstanding road works, required in accordance with Condition 10 (as modified) of development consent 7-1995-394-3.

Council's resolution at its Ordinary Meeting of 18 December 2007 was to essentially require the Centre to upgrade road access, inclusive of design and construction by 31 March 2008 (thereby granting a six month extension to complete the necessary road works).

On the basis of the Council resolution, an Interim Occupation Certificate was issued on 21 December 2007 with several outstanding matters to be completed, namely the road works as prescribed in Condition 10 (as modified) and Council's resolution.

During this time Council has become aware of a Brochure for the Centre which publicly advertises that the Centre is "*Open Every Day, Every Hour from 10am and No Bookings Required*". This is contrary to the Centre being operated by Bookings Only.

Council's Compliance Officer forwarded a letter to the Proprietor of the Centre dated 23 April 2008 requesting an explanation of how the potential high level traffic generated by the associated brochure was being managed, and how the commitment that the Proprietor needed to fulfil included in the resolution of Council was being undertaken.

A letter of response was received from the Proprietor dated 2 May 2008 and is provided in Attachment 1.

### Breakdown of Works

A breakdown of anticipated works required to be undertaken to fulfil Condition 10 (as modified) consists of, but not limited to, the following activities. Based on the response received, the only progress made by the Proprietor is highlighted in bold below.

1. **Clearing of sight lines**
2. **Topographical survey**
3. **Concept plan view of driveway / intersection**
4. Remove part of the gate to provide sufficient width for required access
5. Geotechnical investigation of pavement widening (shoulder)
6. Geometric road design
7. Consult contractors for advice, quote etc.
8. Lodge application to obtain a Roads Act approval
9. Contractor or sub-contractor to develop a Traffic Control Plan for required construction works
10. Approval to remove existing power pole from the driveway swept paths
11. Negotiate with NSW Department of Fisheries to construct shoulder widening
12. Obtain a Roads Act approval
13. Engage a contractor

Further it is confirmed that there has been interactions with Council, as outlined in the response provided by the Proprietor of the Centre in Attachment 1.

The applicant has suggested that he has done "everything humanly possible to expedite this situation", however in the timeframe that has passed it is not unreasonable to suggest that Items 4 to 9 should have also been completed, and Items 10 and 11 commenced.

Further, it is noted that a Note: was also included in Condition 10 (as modified) advising that “in order for this condition to be completed, a Roads Act application will need to be lodged with Council prior to 31 January 2008” and to date, no application has been lodged by the Proprietor.

### Risks

Safety risks as outlined within the Traffic Engineer's Report contained in the Council report of 18 December 2007 are summarised as follows:-

- a) The current access does not meet Council's design requirements for minimum access improvements in that:- there is no shoulder width to provide a typical basic left or right turn treatment for westbound vehicles turning left into the Property;
  - there is inadequate sight distance for egress vehicles from the Property to the left or right, a power pole and entrance structures;
  - there is inadequate access width to the Property, currently 4.5m and gravel (Council requirement is 6m);
  - there is inadequate return radii for the access, currently 5m left and right (Council requirement is 15m left and right).
- b) Given the 80km/hr speed limit which applies to this section of Marsh Road, the above design deficiencies pose serious safety risks in regard to left and right turning movements and egress/ingress movements from the existing access. Controlled access arrangements are critical in helping to reduce the number of crashes on the road network.

Council's Traffic Section has continually stated that these safety risks should be addressed prior to the business commencing operation. Council resolved to provide a six month timeframe for works to be undertaken, notwithstanding the safety risks identified. However, it is certainly arguable that the Proprietor has not demonstrated reasonable commitment to fulfil the works required based on the extent of activities outstanding, in order to achieve the required result (compliance with Condition 10 of development Consent).

Therefore, it is noted that the safety risks continue to be on-going and have potentially increased given the current extent of operations being undertaken at the Centre as shown in the Brochure.

### **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**

Nil

## **LEGAL AND POLICY IMPLICATIONS**

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

It should be noted that Council applies the Austroads Guide to Traffic Engineering Practice as its reference in respect of design, construction and user aspects of roads and bridges and is considered "Best Practice" for assessing intersection improvements. The type of intersection required in the development consent is based on the Austroads Standards.

Council needs to consider the potential for legal implications if in the event that a traffic incident were to occur at the site, and Council has continued to allow these operations to occur without the necessary access/road works being implemented.

### **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**

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 greenhouse 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 users safety distributes benefits to all road users including commercial and private motorists, cyclists and pedestrians. These benefits include improved accessibility, mobility and safe road environment.

#### **CONSULTATION**

Consultation has taken place with Council's Infrastructure Co-ordinator regarding traffic safety, Assets Co-ordinator regarding construction requirements and Compliance Officer regarding compliance with consent conditions.

#### **OPTIONS**

- 1) Adopt the Recommendation.
- 2) Not adopt the Recommendation and provide a further extension of time for the Proprietor to complete required roadworks in accordance with Condition 10 (as modified) of development consent 7-1995-394-3.

#### **ATTACHMENTS**

- 1) Letter of response dated 2 May 2008 from Andrew Tindale – Australian Shark & Ray Centre

#### **COUNCILLORS ROOM**

- 1) Nil

#### **TABLED DOCUMENTS**

- 1) Nil

ATTACHMENT 1  
LETTER OF RESPONSE DATED 2 MAY 2008

*→ MDP Note*  
*Received by hand from GM Peter on 6/5/08.*  
*This will need a report to Council on 27 May (given previous resolution) - presumably based on formal submission by*  
*Australian Shark & Ray Centre*  
*... the coolest Rays ... the friendliest Sharks*  
686 Marsh Road  
Bobs Farm NSW 2316  
Ph: 02 4982 2476  
Fax: 4982 2083  
ABN 22 125 895 383

Greg Rodwell  
Development Compliance officer

2<sup>nd</sup> May 2008

Greg,

In reference to your letter 23 April 2008.

1. In regards to the changes in our operation as to clients no longer requiring bookings.

This is because the booking system rapidly became unworkable. Without going into the internal logistical problems, from a traffic management standpoint the following was occurring during our busiest periods:

- a) Many people would book in but turn up an hour early, sometimes leading to a number of cars entering at once.
- b) Over half the people who entered our facility, came without a booking anyway. Despite all our advertising saying that bookings were essential.
- c) Many people would turn up, and because they couldn't get in at a particular time, they would return later after they had booked in at the centre, creating more traffic.

By changing to no bookings required, we were able to spread the traffic out over a whole days period. Now we rarely get more than one car coming in at once. In order to show this, we undertook a survey with a staff member who recorded all entries and exists on two of our busiest days ever last week, which shows that only once was there two cars exiting at the same time, and only once in the two days were there a car leaving and entering at the same time. We also recorded whether there was a car visible in either direction when a car was entering/exiting the property. At no time was there another car within site on the road.

These were our second and third busiest days we have ever had. This will be made available to you if you require it.

We also keep sight lines clear along the road so as to ensure there is no danger of an accident.

2. In reference to the conditions that you refer to in regards to the construction of the road widening.

We have been working closely with council staff in order to facilitate this as quickly as possible. I have provided a time line of all activities. Please note that some dates are an indication rather than a definite day as I have not kept an exact record of all correspondence, these are marked with an asterisk:

4<sup>th</sup> -7<sup>th</sup> January 2008\*: Phone call to General Manager and left message with secretary regarding guidance as to the next step in the process. Mike Tregarr then rang and made an appointment to view the site.

10<sup>th</sup> January 2008: On-site with Mike Tregarr. Site evaluated and then Mike advises that he will send out a specialist engineer to help expedite the design of the road. He felt that rather than get a consultant to go backwards and forwards with council on the correct way to design the road, that if I deal direct with the Council it will facilitate a faster design period.

23<sup>rd</sup> January 2008 : Sent an email to Mike and CC'd the General Manager clarifying all mentioned previously was correct.

8<sup>th</sup> February 2008: Met with John Maritech, Engineer from Port Stephens Council and Mark Morrison, Roads and Traffic Port Stephens Council. The following course of action was advised.

- a) Rather than get a full design done by a consultant, get a complete survey of the roads area and submit it to council for advisement on the best construction methods.
- b) That it is likely that both Fisheries and Integral Energy will need to be involved in the approval process. A power pole is likely to be moved but exact location won't be known until the survey has been assessed by council.

25<sup>th</sup> February 2008\*: A surveyor is found who can complete the works within a reasonable time span. Please note that at this stage each consultant was quoting two months to complete the works. I accepted the surveyor who did the job without a quote in order to expedite the works.

9<sup>th</sup> April 2008: Topographic Survey completed and forwarded onto Port Stephens Council.

24<sup>th</sup> April 2008: John Maratich confirms that the survey has been forwarded onto the development people for assessment.

In the conditions attached to the Interim Occupation Certificate it mentions that a Roads Act application would be required by 31<sup>st</sup> January. Its important to note that this was not a fair or reasonable condition, as the Interim Certificate was issued at the end of December. One month to do an application for roadworks is not feasible, yet alone in a sensitive and difficult area such as marshland. Also this was to be completed during the construction industries holiday period.

We will obviously be asking council to extend their deadline, as it was never going to be achievable. I think I have demonstrated that we have done everything

humanly possible to expedite this situation, and have not lagged on any aspect. We have worked closely with council staff, who have been excellent, and done everything required in a timely manner.

I look forward to any comments.

Please note that local media have requested my comments on this issue, as they have noted that the deadline looms imminent. I will forward this letter to them as an answer to their questions (which were surprisingly the same as the ones you raised).

Thanks for your help and please contact me if you have any questions.

Regards,

Andrew Tindale  
Director



ITEM NO. 2

FILE NO: A2004-0030

## DESIGNATED PERSONS – PECUNIARY INTERESTS

REPORT OF: PETER GESLING – GENERAL MANAGER

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### RECOMMENDATION IS THAT COUNCIL:

- 1) Identifies the following positions which require the occupants, for the purposes of Chapter 14 of the Local Government Act (S441), to be deemed “designated persons” because they are involved in the exercise of functions that could give rise to a conflict between the person’s duty and that person’s private interest.
- 

#### **Councillors**

Cr Ron Swan  
Cr Steve Tucker  
Cr Craig Baumann  
Cr Geoff Dingle  
Cr Bob Westbury  
Cr John Nell  
Cr Sally Dover  
Cr Geoff Robinson  
Cr Josh Hodges  
Cr Ken Jordan  
Cr Glenys Francis  
Cr Helen Brown

#### **General Manager’s office**

General Manager  
Executive Manager Corporate Management  
Legal Officer  
Corporate Planning & Community Engagement Coordinator  
Executive Officer  
Manager Communications & Marketing  
Publications Coordinator  
Organisation Development Manager  
Human Resources Manager

#### **Sustainable Planning**

Group Manager Sustainable Planning  
Development and Building Manager  
Building Coordinator  
Integrated Planning Manager  
Strategic Planning Coordinator  
Senior Land Use Planner  
Strategic Planner (2)  
Customer Support Coordinator  
Engineering Coordinator  
Development Coordinator  
Senior Development Planner (3)  
Senior Policy Planner

## MINUTES FOR ORDINARY MEETING – 27 MAY 2008

Development Planners (2)  
Senior Building Surveyors (2)  
Health and Building Surveyors (5)  
Subdivision Engineer  
Section 94 Engineer  
Social Planning Coordinator  
Development Engineer  
Infrastructure Planning Coordinator  
Traffic Engineer  
Environmental Services Manager  
Coordinator Environmental Compliance & Community Health  
Coordinator Natural Resources  
Compliance Officer  
Executive Planner  
Environmental Health Team Leader

### **Business & Support**

Group Manager Business & Support  
Resources Manager  
Principal Property Advisor  
Property Unit Coordinator  
Business Development Manager  
Business Operations Manager  
Tourism Manager  
Financial Services Manager  
Fleet Management Coordinator  
Finance & Assets Coordinator  
Financial Accountant  
Economic Development Manager  
IT Coordinator  
Procurement & Contracts Coordinator  
Mechanical Services Coordinator

### **Facilities & Services**

Group Manager Facilities & Services  
Community and Library Services Manager  
Engineering Services Manager  
Project Services Manager  
Operations Manager  
Recreation Services Manager  
Sports Facilities Coordinator  
Parks Facilities Coordinator  
Contracts & Halls Coordinator

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## ORDINARY MEETING – 27 May 2008

### RESOLUTION:

117	Councillor Robinson Councillor Brown	It was resolved that the recommendation be adopted.
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## **BACKGROUND**

**The purpose of this report is to identify Council staff required to complete Disclosures by Councillors and Designated Persons Returns.**

Council is required to identify Council staff who, in the exercise of their functions, have a reasonable likelihood or expectation of appreciable financial gain or loss for themselves or for another person they are associated with (i.e. their spouse or de facto partner). They are described as “designated persons” and are required to disclose their pecuniary interests.

Councillors are also designated persons.

The Act requires that Councillors and designated persons refrain from taking part in decisions on Council matters in which they have a pecuniary interest.

A public register is to be kept and available to the public for inspection upon request. Any person may make a complaint concerning failure to disclose a pecuniary interest and the Local Government Department and Pecuniary Interest Tribunal are empowered to investigate and conduct hearings.

## **LINKS TO CORPORATE PLANS**

This assists Council in achieving its charter to:

- Exercise its functions consistently without bias;
- Be a trustee of public assets;
- Demonstrate commitment to our community values of honesty, fairness and our commitment to transparency in public governance.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Not applicable.

## **LEGAL AND POLICY IMPLICATIONS**

Section 441 Local Government Act 1993 and Council’s Procedure for Lodgement of Pecuniary Interest forms

## **SUSTAINABILITY IMPLICATIONS**

Not applicable.

## **CONSULTATION**

Group Managers

## **OPTIONS**

To adopt the recommendation

## **ATTACHMENTS**

Nil

## **TABLED DOCUMENTS**

Nil

**ITEM NO. 3****FILE NO: PSC2005-5742****PROPOSED RELOCATION OF RAYMOND TERRACE OCCASIONAL CARE CENTRE****REPORT OF: JOHN FLANNERY- ACTING GROUP MANAGER – BUSINESS & SUPPORT**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Continue to work with Raymond Terrace Occasional Child Care Centre for the ongoing provision of child care services at a suitable location in Raymond Terrace.

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**ORDINARY MEETING – 27 May 2008****RESOLUTION:**

<b>118</b>	<b>Councillor Francis Councillor Brown</b>	<b>It was resolved that the recommendation be adopted.</b>
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Note: Cr Robinson left the meeting at 7.27pm during Item 3 and returned at 7.30pm during Item 3

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**BACKGROUND**

**The purpose of this report is to provide information to Councillors in relation to the possible relocation of the existing Raymond Terrace Occasional Child Care Centre (RTOCCC).**

Council is currently dealing with Challenger Developments for the redevelopment of the area known as the Raymond Terrace Sports Fields. In summary, the current proposal for the site includes the construction of commercial and retail space, together with the provision of parking facilities.

In accordance with the current development proposal, Council is required to “hand over” the site to Challenger, who will then develop the site under the terms of a detailed Lease Agreement. Whilst a Development Application has not yet been lodged by Challenger, all development will be in accordance with the terms of Development Consent, once determined.

The area that is the subject of the development proposal includes the building currently occupied by RTOCCC. The centre currently occupies the building under the terms of a two year lease, expiring on 31 October 2008. Accordingly RTOCCC are required to vacate the site at the expiry of the lease, facilitating development of the area.

RTOCCC is currently licensed to provide 20 child care spaces, consisting of 13 or 14 occasional care and 6 or 7 long day care. Whilst market rental for the premises has been assessed in the vicinity of \$50,000, the current lease agreement provides for annual rental payments of approximately \$5,400.00 subject to annual CPI increases.

The terms of the lease do not provide for relocation of RTOCCC on expiry of their lease, however the need to continue the service in the area has been acknowledged. In this respect, Council has endeavoured to accommodate RTOCCC in alternate premises, however to date no suitable premises have been identified. At this point, options are still being investigated and will continue until such time as a suitable solution can be provided.

Communication with representatives of the RTOCCC continues to play a major role in Councils strategy to re-establish the service in alternate premises. I met with the Director of RTOCCC on 15 May to introduce myself and obtain background information on the discussion in respect of the Centre lease and relocation considerations.

I informed the centre Director that Council was considering likely options for the Centre after the current lease expires and I would ensure that Centre management is kept informed and consulted. A number of proposals are being considered and it is my intention to report further on this matter next month.

### **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.*

**SUSTAINABILITY –** *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**

The financial impact of relocating the existing RTOCCC can only be determined once a suitable option has been identified and agreed between the parties. At present, Council in effect provides a subsidy of approximately \$45,000 per annum in foregone rental.

### **LEGAL AND POLICY IMPLICATIONS**

There is no legal requirement to accommodate RTOCCC beyond the term of their existing lease agreement. On identification of a suitable alternative for the operation of the RTOCCC, an appropriate tenancy agreement will be entered into.

### **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.*
- 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 existing RTOCCC has been identified as one of the key providers of Child Care in the Raymond Terrace area. The discontinuation of this service would see a reduction in the provision of child care in the area, with the subsequent impact on the users of the facility.

### **ECONOMIC IMPLICATIONS**

The continued provision of child care in the Raymond Terrace CBD enhances the range of services available to residents and employers in the area.

### **ENVIRONMENTAL IMPLICATIONS**

Nil.

## **CONSULTATION**

Raymond Terrace Occasional Care Centre  
Peter Quinlivan – Complimentary Solutions  
Group Manager, Sustainable Planning  
Group Manager, Business and Support  
General Manager  
Challenger Developments

## **OPTIONS**

Adopt the recommendation.

## **ATTACHMENTS**

Nil

## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

Nil

**ITEM NO. 4****FILE NO: PSC2005-5185****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
    - a) Lions Club of Raymond Terrace Inc - \$180 - Donation towards the fee for the inspection of the new catering van with costs from West Ward.
    - b) Medowie Girl Guides - \$500 - Donation towards carrying out necessary repairs to the Tanilba Bay Hall to re-establish a group in the area with costs from Central Ward.
    - c) Native Animal Trust Fund - \$500 - Donation towards the costs of building a rehabilitation facility for Koalas with costs from Central Ward.
    - d) Medowie RSL Sub Branch - \$500 - Donation towards the cost of renting a room to conduct Pensions and Welfare activities with costs from Central Ward.
    - e) Fern Bay Hall Committee - \$1000 - Donation towards purchase of a ride on mower for maintenance of the Fern Bay Community parks and grounds with costs from Central Ward.
    - f) RSL Lemon Tree Passage and Districts Sub Branch - \$200 - Donation towards operating costs associated with providing welfare and support for local veterans and their families with costs from Central Ward.
    - g) Nelson Bay Town Management Inc. - \$1000 - Donation towards the Busking Championship Award and Blue Dolphin Award for young Talent at the Blue Water Country Music Festival Port Stephens with costs from East Ward.
- 

**ORDINARY MEETING – 27 May 2008****RESOLUTION:**

<b>119</b>	<b>Councillor Jordan Councillor Tucker</b>	<b>It was resolved that the recommendation be adopted.</b>
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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.

## MINUTES FOR ORDINARY MEETING – 27 MAY 2008

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:-

### WEST WARD – Crs Brown, Francis, Hodges & Jordan

<b>Lions Club of Raymond Terrace Inc.</b>	Donation towards the fee for the inspection of the new catering van.	<b>\$180</b>
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### CENTRAL WARD – Crs Swan, Dingle & Tucker

<b>Medowie Girl Guides</b>	Donation towards carrying out necessary repairs to the Tanilba Bay Hall to re-establish a group in the area.	<b>\$500</b>
<b>Native Animal Trust Fund</b>	Donation towards the costs of building a rehabilitation facility for Koalas.	<b>\$500</b>
<b>Medowie RSL Sub Branch</b>	Donation towards the cost of renting a room to conduct Pensions and Welfare activities.	<b>\$500</b>
<b>Fern Bay Hall Committee.</b>	Donation towards purchase of a ride on mower for maintenance of the Fern Bay Community parks and grounds.	<b>\$1000</b>
<b>RSL Lemon Tree Passage and Districts Sub Branch</b>	Donation towards operating costs associated with providing welfare and support for local veterans and their families.	<b>\$200</b>

### EAST WARD – Crs Nell, Dover, Westbury & Robinson

<b>Nelson Bay Town Management Inc.</b>	Donation towards the Busking Championship Award and Blue Dolphin Award for young Talent at the Blue Water Country Music Festival Port Stephens.	<b>\$1000</b>
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## 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

**ITEM NO. 5****FILE NO: PSC 2008 - 2332****MEDOWIE HARDWARE STORE - MATTER ARISING 6 MAY 2008****REPORT OF: TREVOR ALLEN, MANAGER INTEGRATED PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Reaffirm the Rural 1(c)4 Rural Small Holdings zoning and Clause 62 under the Port Stephens Local Environmental Plan applying to Lot 1 DP 249781 Ferodale Road, Medowie and the content and strategic directions of the draft Medowie Strategy (currently on public exhibition) relating thereto.

**DETAILS**

Owner - John Robinson  
Proponent - Council via Matter Arising  
Date of Submission - N/A  
Subject Land - Lot 1 DP 249781, 35 Ferodale Road Medowie  
Current Zoning - Rural 1(c)4 Rural Small Holdings zoning and Clause 62 that permits, with consent, Timber yard and the fabrication, storage, sale, hire and exhibition of hardware and building materials, and associated products.  
Proposed Zoning - 3(a) Business.

**ORDINARY MEETING – 27 May 2008****RESOLUTION:**

<b>120</b>	<b>Councillor Tucker Councillor Swan</b>	<b>It was resolved to prepare a draft LEP to rezone Rural 1(c) 4 rural small holdings zoning and Clause 62 under the Port Stephens LEP applying to Lot 1 DP249781 Ferodale Road Medowie to Rural 3a business.</b>
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**AMENDMENT:**

	<b>Councillor Nell Councillor Dingle</b>	<b>That the matter be deferred to the Operations Committee in June 2008.</b>
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The amendment on being put was lost.

**BACKGROUND**

**The purpose of this report is to respond to a Matter Arising from Item 1 of the Strategic Committee on the 6<sup>th</sup> May 2008.**

The Matter Arising was as follows:

*That Council request the Group Manager Sustainable Planning bring forward a report to the Ordinary Council Meeting on the potential rezoning of the existing hardware business in Medowie from Rural 1(a) to 3a business.*

Medowie Thrifty-link Hardware and Timber Supplies currently operates from the site under the provision of an enabling clause 62 under the Port Stephens LEP 2000 that permits the following activity on the site with consent:

*Timber yard and the fabrication, storage, sale, hire and exhibition of hardware and building materials, and associated products.*

### **Enabling Clause LEP 2000**

The enabling clause was included in the 1987 LEP and carried forward into the current LEP with the extension of the clause to include "...and associated products." The initial development consent - issued for a timberyard and general store on 4 May 1981 – was followed by several minor applications, all in accordance with Clause 62.

The operation of the traditional timber and hardware store provides a range of ancillary products and services such as garden supplies and gardening advice. It was to meet these changes in the market that the original definition was expanded. As is evident, the expanded definition is very broad and does not constrain the property owner in responding to changing trends and customer expectations of product availability of a modern hardware business.

### **Draft Medowie Strategy**

The draft Strategy has been developed to guide the future urban growth of the area. The investigations into the development of the draft Strategy considered the current uses on the subject site. The subsequent strategic directions of the draft Strategy for this site relative to the current and future town centre expansion is to recognise the continued operation of the hardware store - that is legally established by Clause 62 - but not recommend the site be identified as part of the current and future town centre core area.

### **Standard Instrument LEP**

Council is required to prepare a new LEP in accordance with the Department of Planning's Standard LEP Template by March 2011. The development of the new LEP has identified the need to undertake a review of all commercial centres across the Local Government Area. This Commercial Centres Hierarchy Study will analyse the capacity of the existing centres and trends to ensure the size, location and planning controls of all centres are appropriate to the current and future needs of the community. Further, all enabling clauses in the current LEP will be reviewed to ensure compliance with the requirements of the Department of Planning who are, currently, desiring to limit the use of such clauses. This review will be informed by the Centres Study.

### **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**

<sup>3</sup> There are no financial implications in adopting the recommendations of this report.

## **LEGAL AND POLICY IMPLICATIONS**

There are no legal and policy implications in adopting the recommendations of this report.

### **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.*
- 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.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

## **SUSTAINABILITY IMPLICATIONS**

There are no economic, social and environmental sustainability implications in adopting the recommendations of this report. However, if Council were to consider preparing a draft LEP over the subject land, the sustainability implications would be as follows:

1. Land north of Ferodale Road, including the subject land plus the 3(a) Business zoned land adjacent and to the east, has been identified in a study by a flood consultant for Council to be flood affected. Prior to this study, it was formally recognised that flood affected land existed primarily on the southern side of Ferodale Road down stream of the subject land. The consultant's study further identified that any filling of the identified flood affected land on the northern side Ferodale Road has greater implications for the displacement of water for down stream properties than filling flood affected land on the southern side of Ferodale Road.

2. Locating town centre activities on the subject land and land adjacent and to the west along Ferodale Road, to allow shops including supermarkets would displace the existing and intended future focus of the growing town centre. The location and size of commercially zoned land is crucial to creating competitive, convenient, vibrant and efficient town centres. The dispersal of commercial zoned land in town centres is likely to lead to outcomes such as that currently being experienced in the Tanilba Bay town centre following the recent development of a new supermarket and specialty shops.
3. The 3(a) Business zone is the zone applied to all town centres under the Port Stephens LEP 2000. Relying on a single zone for all retail activity within and around town centres does not distinguish nor accommodate town centre core activities and town centre support activities. Therefore, the presence of a hardware store on the subject land, as recognised by Clause 62, is an effective method of accommodating a centre support activity whilst still retaining the current and future focus on the town centre core within the Peppertree Road area.
4. Consideration of changes to zoning should be based on long term needs and public benefit regardless of current activities and land owner intent. Therefore, Council as the local planning authority should consider the potential long term issues such as the hardware business cease trading, relocating or the land sold to another party that decides to redevelop the site for town centre core activities.
5. Extending town centre activities is likely to create an expectation that land adjacent and to the west (on the corner of Kirrang Drive and Ferodale Roads) should also be for town centre core activities. This land is subject to a rezoning request that was submitted to Council some 2 years ago with a proposal to construct a new supermarket and specialty shops. This request has not been reported to Council as the draft Medowie Strategy does not recommend that this land should form part of the future Medowie town centre. The proponent for this rezoning request has recently submitted another rezoning request on land on the corner of Peppertree and Ferodale Roads consistent with the draft Medowie Strategy. Subsequently Council Strategic Committee has recommended that Council resolve to support this request and prepare a draft LEP in May 2008.

## **CONSULTATION**

In April 2008 Council officers met with the land owners on site to discuss their desire to have their land recognised in the draft Medowie Strategy and the land use zone amended accordingly. The stated motivation to rezone their land was to ensure that future business operators in the growing town centre could not legally challenge the range of goods sold at the hardware business as being outside of that permitted under Clause 62.

## **CONCLUSION**

Clause 62 in the LEP 2000 is; suitably broad to accommodate a changing market in the hardware business; does not restrict the current operation of the site; and, is likely to be compatible with the range of goods being sold. The clause includes products associated with a timber yard and the fabrication, storage, sale, hire and exhibition of hardware and building materials, are permissible with consent. Therefore, there is no compelling need to amend the draft Medowie Strategy or consider changing Clause 62 or the land use zone over the subject land for the reasons stated under the section titled "Sustainability Implications".

Further, Council will be reviewing all commercial activities in preparation of the new LEP. The draft Strategy will be considered with the conclusions from the commercial analysis to determine the most appropriate zones for this area. It would be premature to pre-empt the

outcomes of this investigation by recommending changes to zones affected by enabling clauses.

### **OPTIONS**

- 1) That Council adopt the recommendation.
- 2) That Council amend the recommendation.

### **ATTACHMENTS**

- 1) Nil

### **COUNCILLORS ROOM**

- 1) Nil

### **TABLED DOCUMENTS**

Nil

# NOTICES OF MOTION

# NOTICE OF MOTION

ITEM NO. 1

FILE NO: 3150-029; A2004-0217/116

## YOUTH COMMUNICATIONS SYSTEM

COUNCILLOR: GLENYS FRANCIS, KEN JORDAN, JOHN NELL SALLY DOVER

### THAT COUNCIL:

- 1) Initiate an investigation into an opportunity to formalise a communications system with young people under 25 years. This system may include “Youth Council” or “facebook”, “my space” type of communication but should include opportunities for young people to access and attempt to understand Council procedures.

### BACKGROUND REPORT OF: PHILIP CROWE – COMMUNITY & LIBRARY SERVICES MANAGER

#### BACKGROUND

The Community Engagement Panel has been established within Council as a cross-functional team to advise and assist in the most effective methods of engaging the community in the various processes of Council. The Youth Services Coordinator, as a part of his role, is liaising with the Community Engagement Panel in helping identify a range of methodologies for engaging young people. The suggestion of Councillors to include on line engagement processes as a way of engaging young people will be taken on board as part of this process. We will identify how this can be achieved and the resources required and report back to Council at the completion of this investigation.

#### ORDINARY MEETING – 27 May 2008

#### RESOLUTION:

121	Councillor Francis Councillor Jordan	It was resolved that the recommendation be adopted.
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*Note: Cr Robinson “returning at 8.15pm during Item one and did not return.*



# NOTICE OF MOTION

ITEM NO. 2

FILE NO: 3150-029 A2004-0217/115

## TAREAN ROAD REDEVELOPMENT

COUNCILLORS: GLENYS FRANCIS, KEN JORDAN, HELEN BROWN.

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**THAT COUNCIL:**

- 1) Prior to commencement of the Second Stage of Tarean Road medians and associated works (old Pacific Highway, Karuah) undertake a comprehensive evaluation of Stage 1 of the Tarean Road redevelopment.
  - 2) This evaluation to be presented to Council prior to decisions on the Stage 2 time frame for commencement.
  - 3) This evaluation and time frame for commencement to include formal consultation with the Karuah community.
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**BACKGROUND REPORT OF: MIKE TRIGAR – GROUP MANAGER FACILITIES AND SERVICE**

### BACKGROUND

Karuah is currently undergoing transition from a “highway town” to potentially a “local and sub-regional destination” Council is supporting this transition in a manner of ways including the construction of medians and associated works in Tarean Road, the main street of Karuah and the former Pacific Highway.

At present, despite extensive community consultation to date, there is a divergent view in Karuah regarding Stage 1 of these works due to a variety of perceptions. It is therefore prudent to undertake a comprehensive evaluation and further community consultation prior to the commencement of Stage 2.

**ORDINARY MEETING – 27 May 2008**

### RESOLUTION:

122	Councillor Francis Councillor Jordan	It was resolved that the recommendation be adopted.
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There being no further business the meeting closed at 8.16pm.

*I certify that all pages of the Ordinary Minutes of Council dated 27 May 2008 were confirmed by Council at its meeting held on 24 June 2008.*

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**Cr Ron Swan**  
**MAYOR**

