

Minutes 24 March 2009



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 24 March 2009, commencing at 6.00pm.

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

	Councillor Councillor	Nil.
066	Councillor Ken Jordan Councillor Daniel Maher	It was resolved that the minutes of the Ordinary Meeting of Port Stephens Council held on 24 February 2009 and 10 March 2009 be confirmed.

Council observed a Minute Silence for Corporal Mathew Hopkins who was killed in Afghanistan recently.

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MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0840

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(c) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Mayoral Minute Item 1 on the Ordinary meeting agenda namely Land Sale - Heatherbrae.
- 2) That the reasons for closing the meeting to the public to consider this item be that it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business.
- 3) In particular, the information and discussion concerns Land Sale – Heatherbrae.
- 4) On balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the information and discussion need to be carried out confidentially to protect the interests of both parties. Any breach of such confidentiality could prejudice Council's position.
- 5) That the minutes relating to this item be made public on settlement if the proposed acquisition goes ahead or when negotiations are ended.

ORDINARY COUNCIL – 24 MARCH 2009

067	Councillor Bruce MacKenzie	There being no objection it was resolved that the Mayoral Minute be adopted.
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MOTION TO CLOSE

ITEM NO. 1**FILE NO: PSC2008-3934****MOTION TO CLOSE MEETING TO THE PUBLIC****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**
-----**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(b) and 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary Meeting agenda namely ***Development Compliance and Implementation of the Compliance Policy***.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the report and discussion will include matters and information of a personal nature of particular individuals.
 - 3) That the discussion will include information concerning legal advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
 - 4) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
 - 5) That the report of the closed part of the meeting remain confidential.
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068	Councillor Ken Jordan Councillor Daniel Maher	That the recommendation be adopted.
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STRATEGIC COMMITTEE RECOMMENDATIONS

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

It was moved by Cr Tucker and seconded by Cr MacKenzie that Item No. 2 Draft Medowie Strategy be brought forward and dealt with prior to Item No 1 of the Operations Committee Recommendations.

ITEM NO. 2

FILE NO: PSC2006-0029

DRAFT MEDOWIE STRATEGY

REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Draft Medowie Strategy (**Attachment 1** – provided under separate cover) incorporating amendments as outlined in this report to facilitate; existing and future rezoning requests; future development and redevelopment in Medowie; and, implementation of the Lower Hunter Regional Strategy;
- 2) Submit to the Director General of the Department of Planning seeking approval of the adopted Strategy;
- 3) Note that the draft Strategy requires the preparation of an Infrastructure Plan to identify public infrastructure and how this will be funded to enable infrastructure provision to be integrated into the planning process associated with current and future rezoning requests;
- 4) Note that the General Manager will consult with the Hunter Development Corporation regarding prospective involvement in infrastructure delivery;
- 5) Insert the strategic directions (Part A) from the draft Medowie Strategy into the Port Stephens Community Settlement and Infrastructure Strategy 2007; and
- 6) Note that background and research information for the draft Medowie Strategy (Parts B and C) will be retitled Medowie Strategy – Technical Report/s.

STRATEGIC COMMITTEE – 3 MARCH 2009

RECOMMENDATION:

Councillor Frank Ward Councillor Geoff Dingle	That the recommendation be adopted.
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AMENDMENT:

Councillor Daniel Maher Councillor Bob Westbury	That the recommendation be adopted with the additional inclusion of the land adjacent to Boundary Road as proposed rural residential.
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The amendment on being put became the Motion, which was put and carried.

Councillor Frank Ward called for a division.

Those for the motion: Councillors Daniel Maher, Steve Tucker, Bob Westbury, Sally Dover and Bob Westbury.

Those against the motion: Councillors Glenys Francis, Shirley O'Brien, Geoff Dingle, John Nell and Frank Ward.

The Mayor exercised his right to use the casting vote.

ORDINARY COUNCIL – 24 MARCH 2009

069	Councillor Steve Tucker Councillor Geoff Dingle	<p>It was resolved that Council :</p> <ol style="list-style-type: none">1) Adopt the Draft Medowie Strategy (Attachment 1 – provided under separate cover) incorporating amendments as outlined in this report to facilitate; existing and future rezoning requests; future development and redevelopment in Medowie; and, implementation of the Lower Hunter Regional Strategy;2) Submit to the Director General of the Department of Planning seeking approval of the adopted Strategy;3) Note that the draft Strategy requires the preparation of an Infrastructure Plan to identify public infrastructure and how this will be funded to enable infrastructure provision to be integrated into the planning process associated with current and future rezoning requests;4) Note that the General Manager will consult with the Hunter Development Corporation regarding prospective involvement in infrastructure delivery;5) Insert the strategic directions (Part A) from the draft Medowie Strategy into the Port Stephens Community Settlement and Infrastructure Strategy 2007; and6) Note that background and research information for the draft Medowie Strategy (Parts B and C) will be retitled Medowie Strategy – Technical Report/s.
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In accordance with the Local Government Act 1993, a division is required.

Those for the motion: Councillors Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.

Those against the motion: Nil.

BACKGROUND

The purpose of this report is to:

- 1) Report on the submissions received during the second exhibition of the Draft Medowie Strategy.
- 2) Explain proposed amendments to the Draft Medowie Strategy as a result of the public submissions and professional reviews; and
- 3) Explain the rationale for Infrastructure Plan and how this will be incorporated into the Strategy and managed through the statutory planning process.

Medowie is identified in the Lower Hunter Regional Strategy 2006 (LHRS) and the Port Stephens Community Settlement and Infrastructure Strategy 2007 (CSIS) as a future urban release area with boundaries to be defined through local planning. Council staff in consultation with the local community have been developing the Draft Medowie Strategy (the Draft Strategy) since 2006.

The Draft Strategy was publicly exhibited during 2007. It was subsequently considered by Council in February 2008 when it resolved to make amendments and re-exhibit for a period of eight weeks.

Council has received a number of rezoning requests for land to which the Draft Strategy applies prior to, and during, the preparation of the Draft Strategy. The current status and location of these rezoning requests are included in **Attachment 2**.

PROPOSED AMENDMENTS TO THE EXHIBITED STRATEGY

The format of the Draft Strategy has largely not changed, Part A provides the Strategic Directions for Medowie, Part B is the Research Report and Part C includes the Baseline Studies (Part B and C have not altered). To eliminate duplication, to improve readability and to clarify intent, minor formatting changes to graphics, text and maps have been done to Part A.

Proposed amendments to the draft Strategy resulting from the evaluations of submissions and professional review are tabled below:

Section	Amendment	Comment/Reason
Part A	Minor drafting amendments have been made to correct anomalies, maps and associated text and figures consistent and clarify intent.	To provide clarification.
A1.9 Aircraft Noise	Amendments to text relating to figures and reference to various	In response to issues raised by Department of Defence.

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	Department of Defence.	
A2 Structure Plan	Changes to the land use maps in relation to the Waropara neighbourhood in particular lands surrounding the school and church.	Existing land use conflicts highlighted and further consideration of the neighbourhood precinct (Refer to Attachment 3).
	Extended boundaries of the proposed commercial land to include the Medowie Hardware site.	In accordance with Council's resolution to rezone the subject land (July 2008).
	Removal of proposed Environmental Living zone behind Blueberry Estate.	In accordance with consideration of the Pacific Dunes draft LEP (February 2008).
	Consolidation of Land use types	To reduce confusion by identifying land uses with similar intent.
	Amendments to remaining land use types	To provide clarification of suitable land use activities.
	Provision indicating exact land use boundaries indentified in the Draft Strategy can vary subject to further investigation and would be determined through the rezoning process.	To provide clarification and address perception that the Draft Strategy is a "blue print" for development.
	Indication of how development yield is obtained.	To provide clarification.
A2 Structure Plan/Urban Capacity report/ whole document	Reduction in potential development yield by approximately 500 lots.	Further refinement of the draft Structure Plan has lead to a decrease in approximate yield. For a 25 year strategy, this decrease is not significant. Actual yield may be higher or may be lower and is dependent upon future economic and social trends and issues.
A2.6 Civic Realm	Amendment to text and graphics. Addition of detail to street design, footpaths and intersection outcomes.	To provide clarity.
A3 Urban Capacity	Urban capacity table amended.	To reflect the recalculated figures based on established occupancy rates.
A4 Implementation Strategy	Amendments made to improve readability, and to clarify intent.	More detail has been provided to illustrate that prior to Council rezoning land; consideration is required of Infrastructure needs, intersection requirements, flooding, drainage, developer contributions and funding for identified projects.
	Clarified wastewater options.	Hunter Water indicated that grey water was not environmentally and economically appropriate.

Expanded on staging requirements in particular Strategy Delivery and Infrastructure Criteria.

Requirements have been expanded to coordinate to rezoning and developing land. Infrastructure plans have been emphasised as a requirement to be considered and agreed through the rezoning process.

PROPOSED INFRASTRUCTURE PLAN

A major issue raised by the community during the exhibition concerned infrastructure – addressing existing shortfalls and issues, need to provide future infrastructure matched with population growth and its location and timing. It is difficult to address these factors until there is general agreement on the location and type of development proposed in the draft Strategy. It is for this reason and at this final stage of considering the draft Strategy, that it is now recommended that Council prepare an Infrastructure Plan.

The Infrastructure Plan will address water, sewer, emergency services, roads, public transport, community facilities, flooding and drainage infrastructure. It will identify sizing, location, staging and funding issues.

The Plan will be prepared predominantly in house in consultation with infrastructure service providers and proponents of development in Medowie. Its completion will be dependent upon completion of the Medowie Flood Study and Flood Risk Management Plan that Council endorsed to prepare in December 2008.

Parallel to this are the number of draft LEPs for urban development in Medowie that are currently being prepared. It is not intended that the Infrastructure Plan unnecessarily delay the processing of these draft LEPs. Through consultation with each proponent, it is intended that these draft LEPs continue to proceed through the statutory planning process provided that the onsite and offsite infrastructure requirements generated by each proposal have been identified, agreed and legally and financially committed to between Council and the proponent. An option is to await the finalization of the Infrastructure Plan and its incorporation into the draft Strategy.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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

Draft Medowie Strategy

There are no direct financial implications of Council adopting the draft Medowie Strategy. The resource implications would be staff required to implement the draft Strategy via rezoning requests and development applications. These requests when reported to Council and processed in accordance with legislative requirements will more fully detail the financial implications to Council of infrastructure asset provision and maintenance established under the proposed Infrastructure Plan.

Infrastructure Plan

The Infrastructure Plan will identify the financial implications to Council. This includes financial responsibilities for parks, playing fields, drainage reserves, road reserves, acquiring and building connecting roads across the floodplain and upgrades to existing roads and intersections.

Long term financial implications to Council will be the on-going cost of maintenance of Public Infrastructure and Recreational Facilities under Council's responsibility.

LEGAL AND POLICY IMPLICATIONS

The Draft Strategy is not a legal document required by legislation. However, it is a key Council policy document that will guide future development. An endorsed Draft Strategy will be a guiding tool for Council when considering assessing rezoning requests. It seeks to implement the relevant contents of the Lower Hunter Regional Strategy, the draft Regional Conservation Plan and Port Stephens Community Settlement and Infrastructure Strategy (CSIS).

The Draft Strategy, when adopted, will be the framework for Council considering rezoning requests. It enables Council, the community, land owners and the development industry to understand how Medowie will develop over time and to identify and coordinate the necessary infrastructure needed to grow the town into a well-planned and serviced community.

PORT STEPHENS COMPREHENSIVE KOALA PLAN OF MANAGEMENT (CKPOM)

The CKPoM applies to the Port Stephens Local Government Area. It stipulates that rezoning requests should not result in development or only allow low impact development in preferred koala habitat and supplementary koala habitat areas respectively. The Draft Strategy proposes the development of land that contains preferred and supplementary koala habitat under the CKPoM. To implement the Strategy via rezoning requests will require an amendment to the CKPoM involving public exhibition, consultation with the Department of Environment and Climate Change, Catchment Management Authority, the Department of Planning and the approval by the Minister for Planning.

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

THREATENED SPECIES AND CONSERVATION ACT (TSC ACT)

The proposed removal or modification of native vegetation including Endangered Ecological Communities may trigger the need for Species Impact Statements under the TSC Act. This raises investment, land owner and community uncertainty and may lead to development outcomes that are unintended or economically and socially inappropriate for the town.

The Biodiversity Offsets Scheme, agreed to in principle by the Department of Planning in consultation with the Department of Environment and Climate Change for the rezoning of land for urban development in the Draft Strategy is intended to allow Council and the Department of Environment and Conservation to “turn off the 7 part test” under the Environmental Planning and Assessment Act for future Development Applications. It should be noted that the implementation of the Draft Strategy via Draft LEP’s for urban development on land that is currently vegetated is dependent up the Draft LEP being endorsed by the DECC. Therefore, there is potential for some land having significant biodiversity values that is identified for urban development may not be negotiated despite the Draft Strategy’s Biodiversity Offset Scheme.

In addition, the Draft Strategy provides a balanced approach to the social, economic and environmental considerations of the area. As with the LHRS in some instances this has resulted in some areas with environmental value being identified for future urban development. The State Government has prepared the draft Regional Conservation Plan and endorsed the Lower Hunter Regional Strategy. Both documents indicate the Government’s policy approach to urban development and conservation issues for the region. However, there has been to date, no legislation reform that facilitates the implementation of the Government Policy through the statutory planning process.

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

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

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

ECONOMIC IMPLICATIONS

The Draft Strategy adopts the Sustainability Principles of the CSIS.

The Draft Strategy supports and builds on the existing retail and commercial hierarchy identified in the Port Stephens Council Economic Strategy 2007.

A submission indicated that the Draft Strategy provides an oversupply of commercial land that would have negative impacts on Raymond Terrace. This is unlikely as the location of Medowie within the movement network and the limited greenfield growth of the town means that retail development will occur to support the town only. In other words, Raymond Terrace will retain its regional primary trade area whilst Medowie will predominantly have a localised primary trade area. Overall, the market will determine how each centre performs.

FLOODING AND DRAINAGE

The soon to be formed Medowie Flood Plain Risk Management Committee will be consulted to assist in the preparation of the Flood Study and Flood Risk Management Plan. This consultation will enable local input into the project brief and provide outcomes that will address the flooding and drainage issues with Medowie.

INFRASTRUCTURE

Discussions have been held with the utility providers who have indicated awareness of the proposed growth within Medowie and this would be recognised within future work programs for each provider.

The proposed Infrastructure Plan combined with current and future rezoning requests and the inherent infrastructure requirements of each proposal will allow Council to provide a more detailed analysis of the required infrastructure, staging and funding arrangements.

ENVIRONMENTAL IMPLICATIONS

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

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

CONSULTATION

The Draft Strategy was re-exhibited from 17 April to 12 June 2008. A total of 90 submissions were received from local residents, local organisations, developers and Government Agencies. One submission included 84 signatures.

The key issues raised by the submissions are:

- Concern with the lack of detail, requests definite outcomes to be identified;
- Clarity of the document;
- Destruction of existing 'rural' character;
- Reduction in native vegetation/ koala habitat, biodiversity issues;
- Lack of detail with identified environmental zones;
- Concern with increased density and a perception that this will bring undesirable activities and behaviour;
- Concern over location of roads, open space, overland flow path, sporting fields;
- Perception the Draft Strategy will directly rezone properties;
- Existing Infrastructure issues and how will new infrastructure be provided;
- Potential conflicting uses between land uses proposed;

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- Concerns with existing drainage issues and the possibility these problems will increase;

A summary of the submissions and how they have been addressed is provided in Attachment 3. Submissions received through the re-exhibition period illustrated a greater understanding of the Draft Strategy, its strategic purpose and the scope of which the document guides future urban development.

Council Officers twice addressed the Medowie Progress Association monthly meeting. In addition, Council Officers have had numerous meetings with landowners and consultants.

As part of the exhibition period the relevant authorities were again consulted again. This lead to some changes, in particular to issues raised by Department of Defence and Hunter Water.

The Medowie Submissions Review Panel will be reconvened between Council's Strategic Committee and Ordinary Meeting to review the revised Draft Strategy. Advice will be put to Ordinary Council on the outcomes of this meeting.

Submissions have been made for the following sites tabled below to be included in the draft Strategy: The location of these sites is provided in Attachment 4.

Site and Proponent	Request	Comment
Site 1 - Medowie North/Boundary Road Buldev - Urbis JHD	<p>Rezone subject land from 1(a) Rural to a Rural Residential zone.</p> <p>Submission (email dated 11/02/09) states that due to the significant deterioration of the state and wider global economy, it is appropriate for the new council to consider either a rural/residential or residential zoning (for 1300 lots) outcome on the site</p>	<p>The Draft Strategy does not identify the site suitable for urban development for reasons identified in February 2008 report to Council (see Attachment 5 for extract from this report). It is unclear how state and global economic circumstances would over come the permanent issues and impacts developing the site for urban development would have upon the town of Medowie as identified in the previous council report.</p> <p>However in the report to Council for February 2007 it was stated "...for lands that have not been identified for urban development and do not have significant ecological values or other constraints (e.g. flooding, aircraft noise) may be considered for alternate forms of development such as the extension of existing rural residential areas. However, consideration of alternate forms of development needs to address social, economic and environmental impacts and relationships to those areas identified for urban development in the draft Strategy".</p> <p>This and Council's preparation of rezonings for development within the draft Strategy's proposed urban areas indicates that rural residential development for this site, subject to further investigations, may possibly be the most appropriate short term outcome.</p>

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Site and Proponent	Request	Comment
Site 2 – Corner of Ferodale and Kirrang Buldev/ private landowners – Urbis JHD	<p>Site be included as commercial land. An assessment of flood impact indicates development of the site would have negligible impact on the surrounding developments.</p> <p>Other lands identified in the Draft Strategy are not suitable for commercial development because of environmental reasons, in particular the Council owned site behind the Bi-Lo supermarket.</p>	<p>Site zoned 1(c4) Rural Small Holdings. Draft Strategy does not indicate the site is suitable for commercial development due to it being flood affected and that the location of commercial development on this land will fragment and undermine the existing town centre.</p> <p>Council has resolved to prepare a draft LEP over the adjoining Medowie Hardware for commercial development and this is reflected in the draft Structure Plan.</p> <p>The Draft Strategy identifies sufficient land for commercial use to support the projected population growth. Council is preparing a draft LEP for a supermarket on the corner of Peppertree Rd and Ferodale Rd as requested by the same proponent. This has been supported by the LEP Review Panel and is progressing.</p>
Site 3 – Waropara Road Lot 11 DP 1051742 and Lot 2 DP 869411 Private Landowners	<p>Include Lot 11 in Draft Strategy as Rural Landscape Lots.</p> <p>Include Lot 2 in an existing adjoining rezoning request.</p>	<p>Sites zoned 1(c3) Rural Small Holdings. Draft Strategy does not indicate Lot 2 as suitable for future development. Lot 11 is indicated as suitable for limited Rural Residential development.</p> <p>See note below.</p>
Site 4 – Coachwood Drive Private Landowner Carmen Surveyors	<p>Request site is included as urban development with the Draft Strategy.</p>	<p>Site zoned 7(a) Environmental Protection. Site was not included in the study area for the Draft Strategy. The developer has been advised that the Draft Strategy had undergone extensive public consultation over a number of years and the site would not be recommended for inclusion at this late stage.</p> <p>See note below.</p>
Site 5 – Ferodale Road Private Landowner Monteath and Powys	<p>Request to extend the proposed Environmental Living zone to include site within the same ownership.</p>	<p>Site zoned 1(c1) Rural Small Holdings. The site adjoins land identified in the Draft Strategy as suitable for rural residential living. The site may have limited development potential. However, further consideration would need to be given to Grahamstown Dam and other environmental and social matters.</p> <p>See note below.</p>
Included with Site 5 - Eastern portion	<p>Request the Environmental Living</p>	<p>Site zoned 1(c1) Rural Small Holdings. Under the Draft Strategy the site is identified as part</p>

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Site and Proponent	Request	Comment
of site 5 - Private Landowner HDB	zone be removed on the rear of their properties.	Environmental Living and part Rural Living. The Strategic direction is necessary and appropriate. Further more detailed work will be required when requests are made to rezone this land.
Site 6 – Environmental Corridor /number of properties around the Brocklesby Road area.	Request the subject land be included as future residential land	Site zoned 1(a) Rural Agriculture. The Draft Strategy identifies site as appropriate for part residential and part environmental living appropriate for an environmental corridor. Investigations by Council's Environmental Services Section has identified that the proposed environmental corridor is important and necessary.

Note: It is not recommended the Draft Strategy be altered in response to these submissions. If land-owners seek to develop their land different to that proposed by the draft Structure Plan and that a compelling case exists to do so (that is consistent with the principles and desired outcomes of the draft Strategy) then there is capacity to favourably consider such a request and report it to Council.

The decrease in submissions from 300 in the first exhibition to 90 in the re-exhibition is a significant decrease and indicates a positive response to the changes made from the first draft to the second draft and a greater understanding and acceptance of the strategic directions and purpose of the draft Strategy.

The consultation undertaken during the preparation and exhibition of the draft Strategy has been significant. The amount of Council staff time and resources spent on the draft Strategy has also been significant.

It is for these reasons that re-exhibition of the draft Strategy has not been recommended. However, should Council decide to significantly amend the draft Strategy, including the draft Structure Plan, this would warrant further exhibition.

The decrease in submissions from 300 in the first exhibition to 90 in the re-exhibition is a significant decrease and indicates a broader acceptance to the changes made from the first draft to the second draft and a greater understanding of the strategic directions and purpose of the draft Strategy.

The consultation undertaken during the preparation and exhibition of the draft Strategy has been significant. The amount of Council staff time and resources spent on the draft Strategy has also been significant.

It is for these reasons that re-exhibition of the draft Strategy has not been recommended. However, should Council decide to significantly amend the draft Strategy, including the draft Structure Plan, this would warrant further exhibition.

OPTIONS

- 1) Support the recommendation
- 2) Reject the recommendation

- 3) Amend the recommendation

ATTACHMENTS

- 1) Draft Medowie Strategy Part A (under separate cover)
- 2) Status of Existing Rezoning Requests/Draft LEPs in Medowie
- 3) Submission Summary
- 4) Areas identified in Council report requesting inclusion variation in the Draft Strategy
- 5) Extract from February 2008 Council Report – Infrastructure implications - Buldev site - Boundary Road

COUNCILLORS ROOM

- 1) Draft Medowie Strategy Submission Folder

TABLED DOCUMENTS

Nil

**ATTACHMENT 1
DRAFT MEDOWIE STRATEGY PART A**

Provided under separate cover

ATTACHMENT 2
STATUS OF EXISTING REZONING REQUESTS/DRAFT LEPs IN MEDOWIE

MAP REF.	SITE AND PROPONENT	PROPOSAL	STATUS
A	Lots 93,94,95,96 DP 753194 Medowie North/ Boundary Road Buildev/ Urbis JHD	To enable approximately 1300 residential lots, a neighbourhood centre and public recreation space and preservation of an Endangered Ecological Community riparian zone through the site.	The rezoning request has not yet been reported to Council. Additional internal investigations would be required to assess the impacts of the revised submission.
B	Lots 7,8,9,10,11 DP 19101 Medowie Town Centre Buildev/Urbis JHD	To provide approximately 10 000m ² of additional commercial land adjoining the Town Centre.	Received Council's support and subsequently forwarded to the Department of Planning's LEP Review Panel awaiting response.
C	Lot1 DP 249781 Medowie Hardware ERM	Site is already identified in Clause 62 of Port Stephens LEP 2000 consistent with current activities. To rezone the property to reflect a commercial zone.	The Draft Strategy amended consistent with Council resolution to prepare a draft LEP for site in accordance with request.
D	Lots 2, 3 DP249781 Corner Kirrang Drive and Ferodale Road Buildev/ Urbis JHD	Rezone land adjoining the Medowie Hardware Shop to commercial.	The rezoning request has not yet been reported to Council.
E	Lots 1,2,3 DP 788451 Corner of Abundance and Ferodale Rds Advocate Developments	To enable limited commercial development, medium and standard residential development. Proponent has indicated intention to investigate options of senior's development.	Received Council's support and subsequently forwarded to the Department of Planning's LEP Review Panel. No response obtained yet.
F	Lot 10 DP 1051742 Lot 22, 23 DP 1036306 Waropara Road Private Landowners/Carmen Surveyors	To rezone land to enable approximately 40 allotments adjoining Medowie Christian School in the Waropara neighbourhood.	Not yet reported to Council.

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

MAP REF.	SITE AND PROPONENT	PROPOSAL	STATUS
G	Lot 199 DP 17437 Lot 200 DP 19739 Lots 1, 2 DP 567481 Lot 7, 8, 9 DP 855814 Private Landowners/ Asquith & de Witt	To rezone land to enable urban development consistent with the Draft Strategy.	Support in principle obtained from the Department of Planning's LEP Review Panel. Council is currently undertaking Section 62 consultation with other Government agencies.
H	Lots 411, 412, 413 DP 1063902 Lot 3 DP 587953 Lot 22 DP 715103 Various Land Parcels within Pacific Dunes Golf Course Private Landowners/ Pacific Dunes/ Environmental Resource Management	To rezone land to enable additional development in association with and to compliment the existing golf course.	Support in principle from the Department of Planning's LEP Review Panel and delegations issued. Further more detailed investigations are required, landowners considering undertaking these works.

ATTACHMENT 2

STATUS OF EXISTING REZONING REQUESTS/DRAFT LEPS IN MEDOWIE - MAPPED



**ATTACHMENT 3
SUBMISSION SUMMARY**

Major Submission Issue:	Sub Issue	Draft Strategy/ Response
Draft Strategy and Structure Plan	<p>Request broader plan with reduced detail.</p> <p>Request plan with greater detail</p> <p>Elements of the Structure Plan would not allow for future development.</p>	<p>The Draft Strategy is a guide only and indicates Strategic intent. Land use/ Environmental zones overland flow paths etc identifies areas to landowners where existing constraints/opportunities are present on their property. Further detailed investigations are required to enable a broad understanding of appropriate outcomes for Medowie. Too little detail could lead to an uncoordinated approach.</p> <p>Specific details regarding exact block/lot shape and development controls are considered though the rezoning and development application process. For example Road locations would require further assessment.</p>
Provide clear and certain targets for community and developers	<p>Variations between Council and State Government Documents.</p> <p>Require detailed figures on population/ increase density/location.</p>	<p>Council's Community Settlement and Infrastructure Strategy (CSIS) is currently under review to provide greater consistency with the Lower Hunter Regional Strategy (LHRS) in regards to projected population figures. The Medowie Strategy has been aligned with the CSIS and LHRS.</p> <p>The Strategy includes growth projections, however these rely more detailed investigations through the planning process and so many external factors. The current economic climate and reduced investment is an example.</p>
Street network –	<p>Concerns with intersections, locations of identified roads and increased traffic.</p> <p>Concerns with diagonal roads could lead to reduced lot yield inefficient use of land.</p> <p>Types of traffic control measures, traffic lights give way signs etc.</p> <p>Concerns with roads identified near schools/ behind houses etc</p> <p>Consideration to road hierarchy and access to major roads.</p> <p>Access for Emergency Vehicles.</p>	<p>The Draft Strategy is a broad planning document. No roads identified in the Draft Strategy have been removed.</p> <p>The diagonal road identified on the western side of Medowie road aligns with an existing easement where development potential is already reduced. On the eastern side of Medowie the diagonal road is identified is to enable a connection to the town centre to minimising use of Medowie road. This may need further consideration through the rezoning and development application process.</p> <p>Further investigations are required through the rezoning and development application process. This will identify appropriate control methods or alternatives. As above</p> <p>Main routes including connecting roads, parallel routes and perimeter roads will be designed to accommodate buses and emergency vehicles. These will be considered through the rezoning and development application process.</p>
The Strategies control over development.	Require the strategy to great control over development.	<p>The Draft Strategy is a broad planning document, more specific controls are applied through Council Development Control Plan and are assessed at development application stage.</p>

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

Major Submission Issue:	Sub Issue	Draft Strategy/ Response
Look elsewhere for growth in Port Stephens	Should more consideration be given to Greenfield areas for example, Kings Hill.	<p>Council recently supported a Strategic Planning document for Anna Bay similar to that of the Draft Strategy.</p> <p>Kings Hill is the major Greenfield release area identified for Port Stephens in the LHRS. This rezoning and Draft LEP is currently the subject of a working party between Council, the Department of Planning and the Department of Defence to resolve matters of aircraft noise.</p>
Zoning to prescriptive	Changing the zones of properties.	The Draft Strategy does not change the zone of land. Rezoning Requests and subsequent Development Applications are the required to be lodged by landowners the Draft Strategy will be considered through this process.
Reduce overall projected capacity	<p>Include more rural residential areas. Reduce 'high density living'</p> <p>Population increase.</p> <p>Conflicting activities/land uses already exist.</p>	<p>The LHRS identifies Medowie as a future urban release area and identifies density projections. The Draft Strategy provides a balance between achieving the aims of the LHRS for growth and housing choice goals whilst keeping a rural character to the town</p> <p>The population figures are not definite they provide a guide of what could be achieved. Future development relies on individual landowners. The population figures have been reviewed and in some instances allowances for infrastructure have been made resulting in a reduction in expected population increase. For example reduced developable areas because of roads etc.</p> <p>Amendments made in the Waropara precinct. The existing land use activities associated with the Church and School sometimes conflict with the nature of the area. These impacts and there being limited commercial activity in the area has resulted in the Draft Strategy only identifying standard residential allotments in this location immediately surrounding the school.</p>

Infrastructure

Major Issue:	Sub Issue	Draft Strategy response
Provision of Infrastructure	<p>Exiting Infrastructure not adequate.</p> <p>Future Infrastructure who will provide.</p>	<p>Utility providers are aware of infrastructure matters in the area. Upgrade works are identified for the future to service proposed demand. Additional development in the LGA will bring pressure on existing facilities. Council's existing facilities and infrastructure will continue to be maintained as part of Council's work schedule..</p> <p>Upgrades to existing, or provision of additional infrastructure will be required for items such as neighbourhood and town parks, playing field, drainage reserves and structures, new connecting roads and community facilities. The adoption of this strategy will define the developable footprint and densities sufficient enough for detailed analysis and/or additional</p>

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

Major Issue:	Sub Issue	Draft Strategy response
Drainage	Lack of infrastructure to address drainage issues both existing and what might result as a result	<p>studies (i.e. Drainage and flood study) to occur that will provide the location and scale of required infrastructure. This list will then be assessed to identify the funding requirements and apportionments that inform the section 94 plan and council's Forward Works Plan. An assessment of each item will determine how it is funded and how and when it should be provide. Funding mechanisms include developer contributions (section 94), developer agreements, council revenue and government grants.</p> <p>It is recommended is to approach Hunter Water Corporation to undertake a joint flood and drainage investigation rather than developers do smaller site specific studies . Ultimately this study will identify methods and means of eliminating or minimising existing and future issues. This will also speed up the rezoning process and provide equitable sharing and co-ordination of the cost for the developers and thus ultimately the land prices.</p>
Campvale Drain	Flooding and Drainage issues	As above.
Lack of facilities	Public toilets parking in particular around the Town Centre	These provision have been noted however are essential controlled through Council's Development Plan.
Services	Require additional services in the area.	As previously discussed. The Draft Strategy can identify appropriate locations for such facilities. To some degree Council can encourage additional services to locate within the area, however, it is essential up to the individual service provider. For example Police, GP's, Dentists etc.

Character

Major Issue:	Sub Issue	Draft Strategy response
Retention of existing character	Residents feel Medowie is a rural town. Moved to the area for the rural character.	<p>Many areas up and down the coast of Australia are undergoing development pressure and change from residents relocating and population growth. The Draft Strategy identifies a range of lot sizes including large allotments to maintain some of the rural character. Regardless of lots size a rural character can be maintained in some locations with care design through the development stage.</p> <p>Many of the facilities and upgrades or encouraging investment in the town is only likely with increase population. As indicated the Draft Strategy attempts to maintain much of the existing character while providing opportunity for future development.</p>
Open space	Provision of open space should reflect local character. Should not be prescriptive in location. Possibly a quota per neighbourhood.	Open space and parks will be addressed through the rezoning and development application process. The strategy provides an indication of the location of parks to serve the local population, this may change through

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

Major Issue:	Sub Issue	Draft Strategy response
		further investigation as part of the rezoning and development application process. Council and the Department of Planning do not look favourably on spot rezoning. Rezoning requires a coordinated approach including multiple parcels of land to ensure adequate open space in the right location is provided equitably.

Commercial

Major Issue:	Sub Issues	Draft Strategy response
Commercial expansion	<p>To much commercial space identified.</p> <p>Identify additional locations</p> <p>Expansion into the areas identified as flood affected.</p>	<p>Intent of the strategy is not to undermine existing centres. Commercial areas identified in the draft Strategy existing commercial zoned land zoned commercial or enabling clauses under Port Stephens LEP 2000. Areas identified for possible future commercial development will require a rezoning request to change the zoning of that land. This will require a detailed assessment of the economic impacts of the additional development. Note: land that is identified under the draft Strategy for potential commercial development does not equate to net floor space increase, as allowances are needed for necessary infrastructure such as parking landscaping etc.</p> <p>The commercial areas identified under the Draft Strategy have regard for a number of factors including environmental, social and economic consideration. A rezoning process and more detailed investigation some areas may not be suitable for development. The Strategy is not a static document; it only needs to be monitored as the area grows. The draft Strategy tries to minimise additional development in areas indicated as flood affected. Additional investigation into flooding and drainage is recommended as part of this report.</p>
Current Town Centre facilities	Identified problems with existing facilities and indicates increased growth will increase problems.	As previously addressed, existing facilities are largely addressed through the rezoning and Development Application process. Council has recently approved additional car parking near the existing community centre and additional public facilities. Future development requires consideration of the Port Stephens Development Control Plan, this plan require development address many of the concerns that currently exist.
Location of Commercial areas	Why have these locations been identified.	As previously addressed. These locations have considered a number of factors including environmental, social and economic. The primary focus is around the exiting town centre with a number of smaller centres identified where existing commercial activities or locations to service future development.

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Major Issue:	Sub Issues	Draft Strategy response
		<p>In some instances attributes of the land were considered of greater overall importance resulting in that use reflected.</p> <p>Draft Strategy provides for 4 optional sites for a second supermarket or a Discount Department Store within the town centre.</p>
Accessible public toilet facilities must be provided within the commercial area	Accessible public toilet facilities Lack of facilities in the town centre.	Addressed previously.

Housing

Major Issue:	Sub Issue	Draft Strategy response
Large Lots to maintain existing rural character	Too many small lots indicated on the strategy.	Previously addressed. To meet housing demands a range of housing types are required. This includes areas of residential housing lots.
Location and type of seniors living housing	Seniors living needs to be close to town centre/seniors living areas are too far from town.	<p>The SEPP (Housing for Seniors or People with a Disability) 2004 permits seniors living accommodation of various types, to be situated on urban land or adjoining urban land. For this reason, the draft Strategy does not propose any specific location for seniors living housing. However, smaller lot housing is located around the town centre which will be attractive to seniors.</p> <p>Any of the large residential areas would be suitable for seniors living villages. The SEPP also requires services to be provided to such facilities.</p>
Housing density and effect on crime	Perception that increased density will result in increase crime rates.	<p>The 2006 Community Survey (Hunter Valley Research Foundation) found that there has been an actual improvement in resident's perceptions regarding crime in the Medowie area.</p> <p>The increased housing density of the draft Strategy brings with it the provision of more open space. There is a common perception that open space invites anti social behaviour, however this is not the case. Anti social problems are products of the community, not open spaces. Well patronised and maintained spaces have very few anti social behaviour problems.</p> <p>Crime does not relate to the type of housing provided and relates more to behaviour and discipline principles.</p> <p>No Housing Commission complexes are earmarked under the draft Strategy.</p>
Infrastructure connecting houses.	Style and location of road network.	Previously addressed.

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Major Issue:	Sub Issue	Draft Strategy response
	<p>Street width sufficient to cater for emergency vehicles.</p> <p>Neighbourhood road indicated at rear of properties in James Road.</p>	<p>New roads will be required to satisfy Council road standards.</p> <p>This road has been identified to provide a connection north-south. As part of any future development alternative options may be identified however the principles of a north south connection is required to provide connectivity should these lots be developed in the future.</p> <p>Should development occur on the Brocklesby Road land and the road is provided there would be opportunity for the James Road properties to utilise the road infrastructure if they choose to develop in the future. This may not occur in the short to mid term future however, landowner desires and expectations can change over time/ properties sell for example. The Draft Strategy is a broad plan for the next 20 years.</p>

Environment

Major Issue:	Sub Issue	Draft Strategy response
Koala Habitat	<p>Land uses identified</p> <p>Commercial and other uses have been identified where the land possess environmental qualities</p> <p>Habitat corridors identified</p> <p>Conflicting activities</p>	<p>The land uses identified will require further consideration and investigation as part of a rezoning process and development application.. These investigations may constrain development for that purpose. In order to achieve more sustainable outcomes overall, some compromises have been made with location of certain land use types.</p> <p>Additional investigations will be required at rezoning and development application stage. However, corridors were carefully considered, based on vegetation communities, koala rescues, and the following studies:</p> <p><i>Flora and Fauna Assessment for Medowie Strategy Plan – Umwelt Pty Ltd – June 2006</i></p> <p><i>Medowie S. P. – Ecology Review and Advice; Biolink Ecological Consultants – October 2006</i></p> <p>Further consideration is required through the rezoning and development process and suitable controls to mitigate potential impacts development might have. Council Officers discussed the Draft Strategy as exhibited with the CKPoM Steering Committee who indicated overall support in principle.</p> <p>Koalas and other fauna are currently in conflict with man-made infrastructure such as roads and traffic-generating land-uses. Koalas will continue to use current routes. The proposed crossings are based on recorded injuries and fatalities. Road design, signage, verge treatment and speed zones will be</p>

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

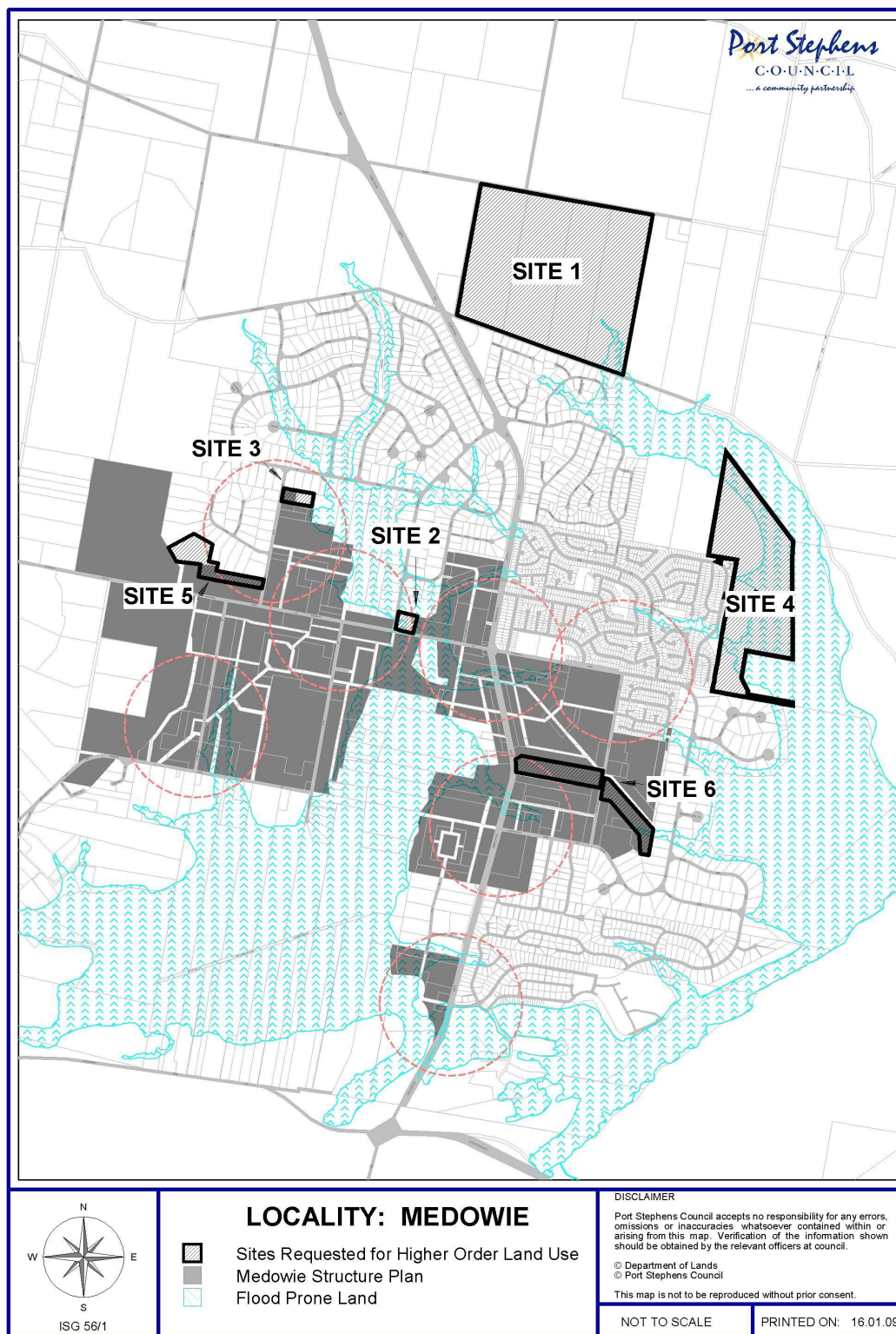
Major Issue:	Sub Issue	Draft Strategy response
		used to make these crossings as safe as possible as part of any rezoning or development application process.
Flora Species and Development	Land uses identified that will impact on existing vegetation	As above. Land use will require further investigation through the rezoning and development stage. These investigations might result in not all of the land identified being developed.

Open Space - Recreation

Major Issue:	Sub Issue	Draft Strategy response
Location of Parks	Too prescriptive	The identification of parks is to highlight the need for open space within an area. The exact location of these will be considered through the rezoning and development stage.
Responsibility of parks	Concerns about open space, how it will be obtained and maintenance	Ownership, care and maintenance of parks will be with Council. This may occur at a cost to Council, however may be funded through developer contributions and/or dedicated by developer.

ATTACHMENT 4

AREAS IDENTIFIED IN COUNCIL REPORT REQUESTING INCLUSION VARIATION IN THE DRAFT STRATEGY



ATTACHMENT 5**EXTRACT FROM FEBRUARY 2008 COUNCIL REPORT – INFRASTRUCTURE IMPLICATIONS - BUILDEV SITE - BOUNDARY ROAD**

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

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

The preparation of the draft Medowie Strategy did not include the subject land for the following reasons:

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

boundaries are determined by local planning consistent with the regional strategy map.

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

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

a) Single land ownership

Response - this is a short term issue. Draft Strategy is to be implemented over a 25 year time frame. There has been much property speculation in Medowie with land owners considering their options. There has also been activity by developers in amalgamating land parcels. This is typical market behaviour. Over time development will occur as land owner perceptions come in line with market expectations relative to their personal and financial circumstances.

b) Significant shortages in the provision of power and sewer and that serving authorities, Council and the State government have all indicated that they do not have budgeted funds to enable these infrastructure works to be provided.

Response - Hunter Water, Energy Australia and the State government have not advised Council that they do not have budgeted funds to address these issues for Medowie. Council does not have a role in the provision of power and sewer.

c) Buildev have funds to provide the infrastructure with mechanisms available to allow for part reimbursement of these costs when other developments in Medowie are constructed.

Response - other developers in Medowie have not stated any concerns to Council towards the provision and cost of infrastructure.

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

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

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

e) Development of the site would allow the end buyer to save between 33-75%

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

Development of the site is likely to dominate the Medowie land supply and may adversely affect the short to medium term housing market dynamics for those areas identified in the draft Strategy for future urban development (these areas have superior long term location costs for infrastructure and for the resident). The location of the site would result in the physical extension of infrastructure and an increase in maintenance and replacement costs to service providers, including council, over long term.

f) Sustainability outcomes achieved.

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

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

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

OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 3RD FEBRUARY 2009****REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER**
-----**RECOMMENDATION IS THAT COUNCIL:**

Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 3rd February 2009.

-----**OPERATIONS COMMITTEE – 10 MARCH 2009****RECOMMENDATION:**

Councillor Ken Jordan Councillor Frank Ward	That the recommendation be adopted with the exception of Item 12 which is to be referred back to the Traffic Committee for further investigation and a risk assessment.
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MATTER ARISING:

Councillor Geoff Dingle Councillor Peter Kafer	That the Traffic Committee be requested to investigate a reduction in the speed limit between The Leisure Way and Campvale to the existing 80km/hr zone.
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ORDINARY COUNCIL – 24 MARCH 2009

070	Councillor Ken Jordan Councillor Daniel Maher	It was resolved that the Operations recommendation be adopted.
071	Councillor Ken Jordan Councillor Daniel Maher	It was resolved that the Matter Arising be adopted.

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 2008 - 2012. In Parts 5 and 7 of the Plan, the Local Traffic Committee contributes to the following directions and goals:

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

FINANCIAL/RESOURCE IMPLICATIONS

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

The 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:

Nil

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, 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 3rd February 2009.

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 (date) are contained in ATTACHMENT 1.

TABLED DOCUMENTS

Nil

ATTACHMENT 1
PORT STEPHENS LOCAL TRAFFIC COMMITTEE

INDEX OF LISTED MATTERS
TUESDAY 3rd February, 2009

-
- A. ADOPTION OF THE MINUTES OF NOVEMBER 11TH 2008**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
- | | |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 01_02/09 | KING ALBERT AVENUE TANILBA BAY – REQUEST FOR PARKING RESTRICTIONS TO PREVENT PARKING ACROSS DRIVEWAY |
| 02_02/09 | MALLABULA ROAD MALLABULA – REQUEST FOR INSTALLATION OF GUARD RAIL AT THE INTERSECTION OF MALLABULA AND TANILBA ROADS |
| 03_02/09 | LEMON TREE PASSAGE ROAD LEMON TREE PASSAGE – REQUEST FOR ADDITIONAL SPEED SIGNAGE OR TRAFFIC CALMING DEVICES |
| 04_02/09 | COOK PARADE LEMON TREE PASSAGE – REQUEST TO REMOVE THE TAXI ZONE |
| 05_02/09 | PORT STEPHENS DRIVE SALAMDER BAY – REQUEST TO REDUCE VEHICLE SPEEDS ON PORT STEHENS DRIVE |
| 06_02/09 | BAGNALLS BEACH ROAD CORLETTE - VEHICLES PARKING IN THE U-TURN BAY ON BAGNALLS BEACH ROAD |
| 07_02/09 | VICTORIA PARADE NELSON BAY – REQUEST TO CHANGE PARKING RESTRICTIONS FOR TOURIST COACHES |
| 08_02/09 | SHOAL BAY ROAD SHOAL BAY - REQUEST FOR INSTALLATION OF A LOADING ZONE |
| 09_02/09 | SHOAL BAY ROAD SHOAL BAY - REQUEST INSTALLATION OF A DISABLED PARKING SPACE AT SHOAL BAY PHARMACY |
| 10_02/09 | SANDY POINT ROAD CORLETTE – REQUEST FOR REINVESTIGATION OF THE NEED FOR CRASH BARRIERS AT NO.44 SANDY POINT ROAD |
| 11_02/09 | ELKIN AVENUE HEATHERBRAE – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS AROUND THE CENTRE ISLAND NEAR HUNTER RIVER HIGH SCHOOL |

12_02/09 PORT STEPHENS STREET RAYMOND TERRACE – REQUEST FOR THE
INSTALLATION OF A RAISED PEDESTRIAN CROSSING NEAR THE
COMMUNITY CENTRE

13_02/09 PORT STEPHENS STREET RAYMOND TERRACE – REQUEST FOR THE
RELOCATION OF THE EXISTING BUS STOP FROM PORT STEPHENS
STREET NEAR THE SHOPPING CENTRE TO THE COMMUNITY CENTRE

D. INFORMAL MATTERS

501_02/09 STOCKTON STREET NELSON BAY - REQUEST TO REDUCE SPEED LIMIT
NEAR GALOOLA DRIVE

E. GENERAL BUSINESS

601_02/09 ADELAIDE STREET RAYMOND TERRACE – REQUEST TO CONSIDER
RE-OPENING THE MEDIAN TO ALLOW RIGHT TURNS FROM BOURKE
STREET

602_02/09 1516 RICHARDSON ROAD SALT ASH – RELOCATION OF PROPERTY
ACCESS ONTO NELSON BAY ROAD

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 3RD FEBRUARY 2009
AT 9:30AM**

Present:

Mayor Cr. Bruce MacKenzie, Sen. Const. John Simmons – NSW Police, Mr Bill Butler – RTA, Mr Brian Moseley – Hunter Valley Buses, Mr Mark Newling – Port Stephens Coaches, Mr Joe Gleeson – Port Stephens Council (Chairperson), Mr Graham Orr – Port Stephens Council

Apologies:

Mr Craig Baumann MP – Member for Port Stephens, Mr Frank Terenzini MP – Member for Maitland, Cr Peter Kafer

A. ADOPTION OF MINUTES OF MEETING HELD 11TH NOVEMBER, 2008

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

Item: 01_02/09**KING ALBERT AVENUE TANILBA BAY – REQUEST FOR PARKING RESTRICTIONS TO PREVENT PARKING ACROSS DRIVEWAY**

State MP: Member for Port Stephens
Requested by: Resident, Tanilba Bay NSW 2319
File:
Background:

A resident contacted Council to request installation of parking restrictions at his residence. He says that parents picking up school children park in King Albert Avenue and President Wilson Walk blocking access to his property. The parents angle park although the road is too narrow and often hit his fence which he has had to straighten on a number of occasions.

Legislation, Standards, Guidelines and Delegation:

ARR Part 12 Div.2 – Rule 167 – No stopping signs
AS 2890.5 – On street parking
RTA Regulatory Signs Manual – R5-400
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

1. Install 'No Stopping' around corners and ensure compliance with statutory requirements at the pedestrian crossings.
2. Install parallel parking signs along the fence of No.11 as shown on the attached sketch

Discussion:

Cr MacKenzie did not support the installation of parking restrictions, noting that congestion occurs only for a short time on school days.

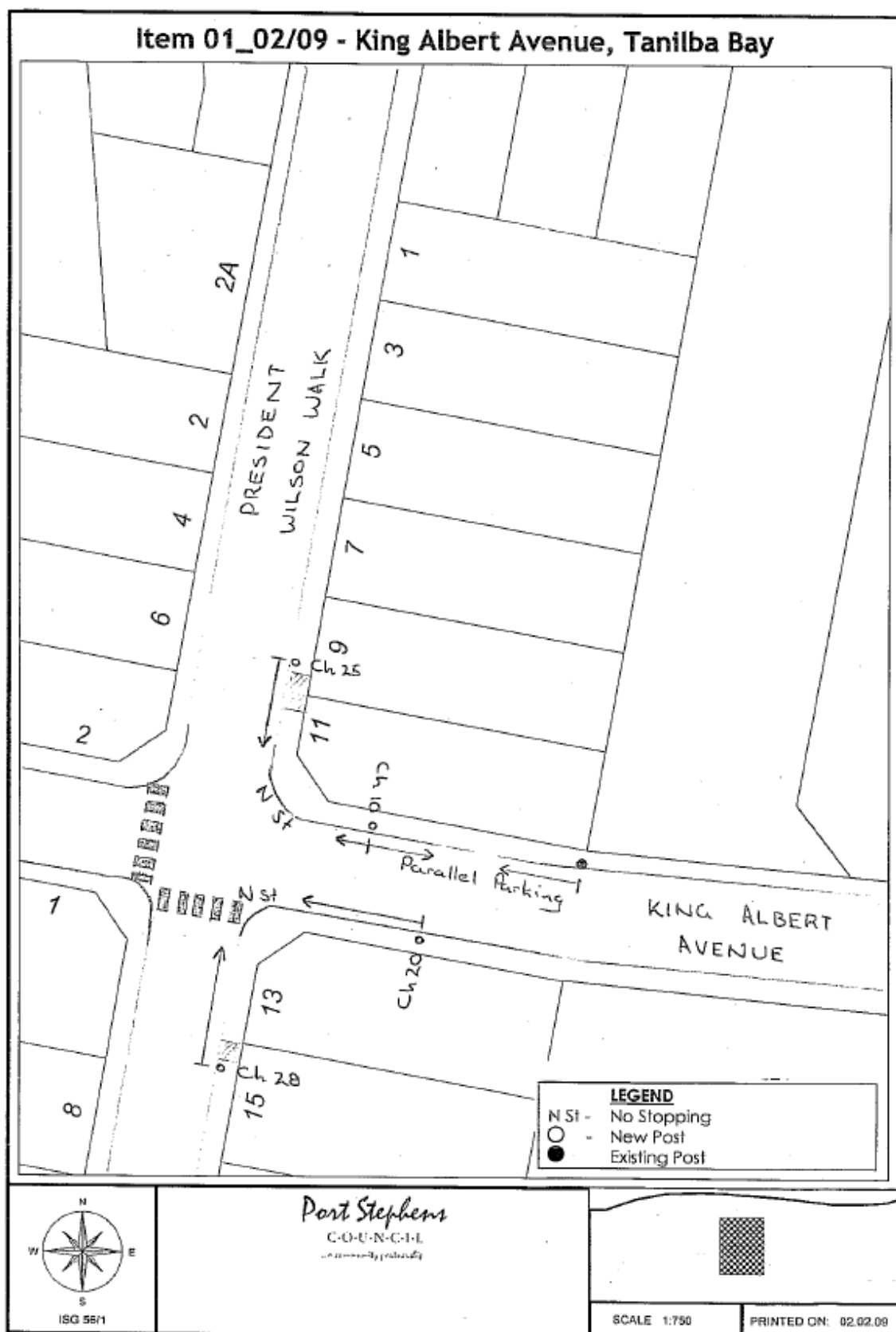
The RTA representative noted that the proposed restrictions were principally statutory restrictions that exist anyway and are aimed at improving safety for drivers and pedestrians.

The Committee agreed that the school should be notified of any new restrictions to ensure that parents are not booked for illegal parking without knowing of the restrictions.

The 'Parallel parking' signs are required to deter the angle parking along the boundary of No.11. This is a safety issue as when vehicles angle park, the road width is reduced and pedestrians are forced to walk along the roadway.

Support for the recommendation:

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



Item: 02_02/09

MALLABULA ROAD MALLABULA – REQUEST FOR INSTALLATION OF GUARD RAIL AT THE INTERSECTION OF MALLABULA AND TANILBA ROADS

State MP: Member for Port Stephens
Requested by: Resident, Mallabula NSW 2319
File:
Background:

A resident contacted Council regarding an accident her son had at the intersection of Mallabula and Tanilba Rds. She says he was forced off the road by another vehicle coming around the corner and feels that there should be guard rail at this location.

Comment:

A risk analysis completed for guard rail at this location shows a higher risk with guard rail than without.

Legislation, Standards, Guidelines and Delegation:

RTA Regulatory Signs Manual – T5-5

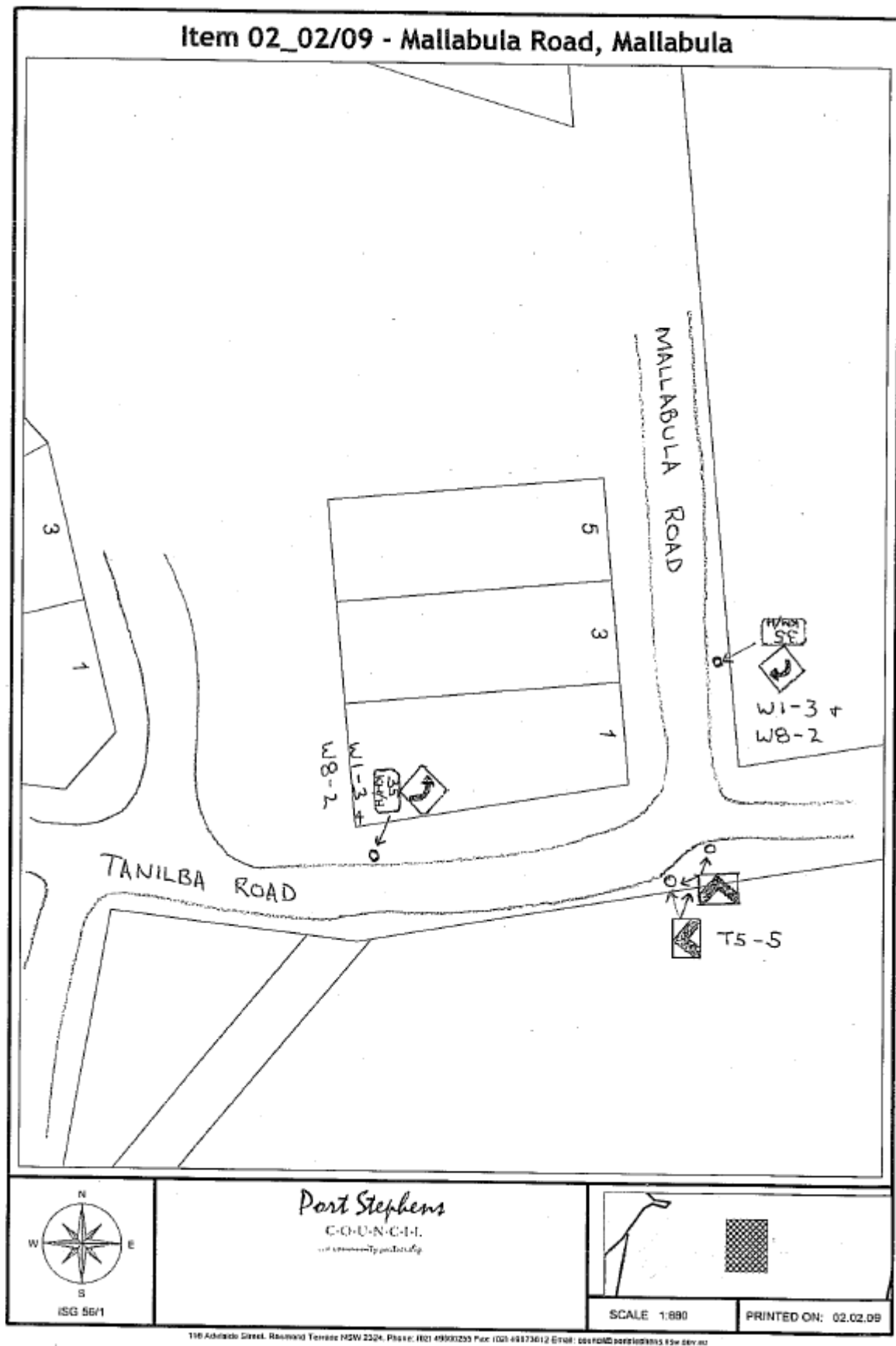
Recommendation to the Committee:

Install Curve Alignment Markers (CAM's) and warning signs on approach to the bend

Discussion:

Support for the recommendation:

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



Item: 03_02/09**LEMON TREE PASSAGE ROAD LEMON TREE PASSAGE – REQUEST FOR ADDITIONAL SPEED SIGNAGE OR TRAFFIC CALMING DEVICES**

State MP: Member for Port Stephens
Requested by: Resident, Lemon Tree Passage NSW 2319
File: PSC2005-2663/044
Background:

A resident contacted Council to request additional speed signage or traffic calming devices along Lemon Tree Passage Road to reduce vehicle speeds on entry to the town.

Comment:

Police commented that there are regular patrols of the area to enforce existing speed limits.

Legislation, Standards, Guidelines and Delegation:**Recommendation to the Committee:**

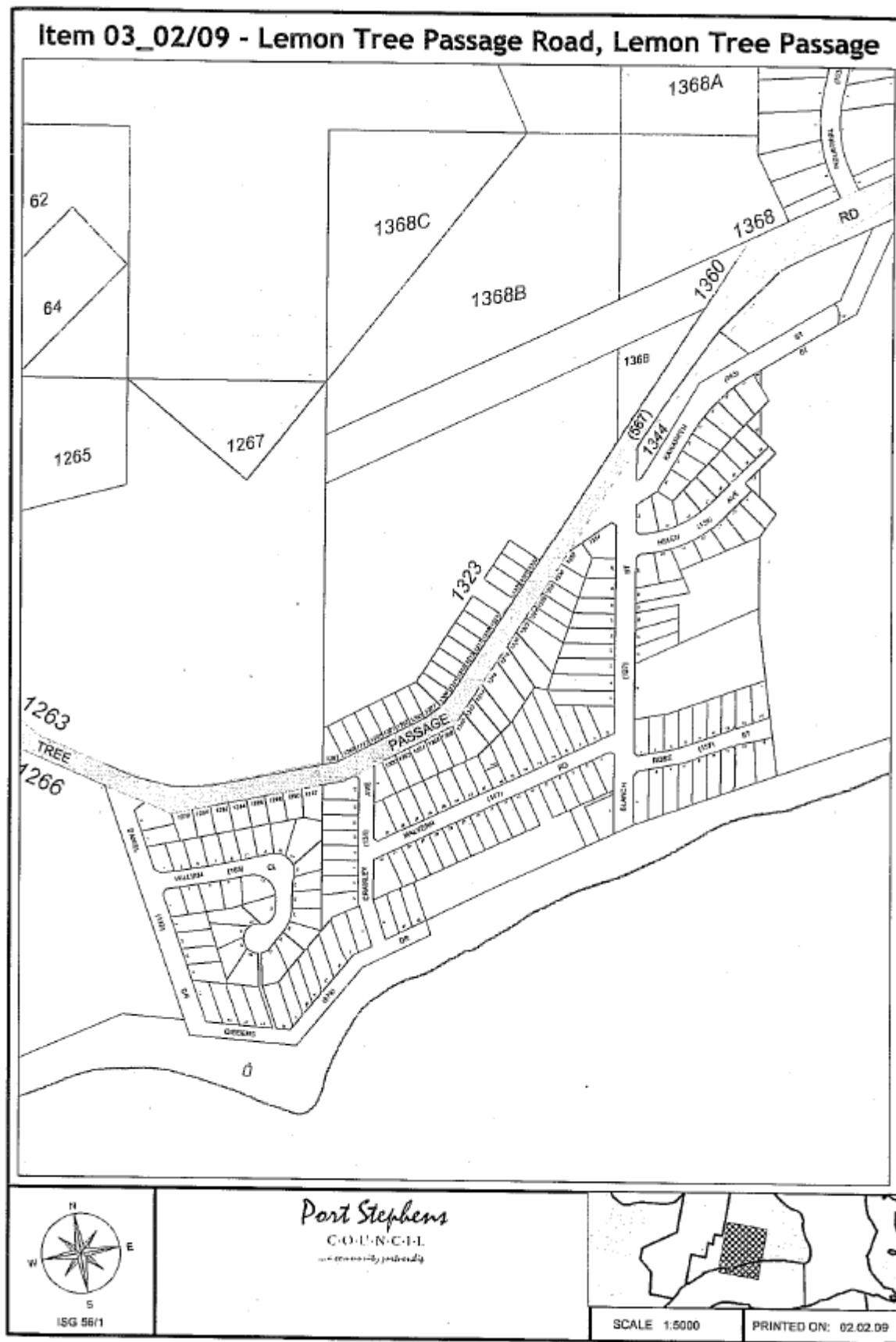
1. Install larger size '50' entry signs as well as reminder signs and pavement markings.
2. Council to consider construction of entry treatment with road narrowing.

Discussion:

Cr MacKenzie stated that in his view Council would not support installation of entry treatments that restricted road width and posed a traffic hazard.
The Committee discussed the absence of '50' repeater signs along Lemon Tree Passage Road and the lack of pavement markings.

Support for the recommendation:

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



Item: 04_02/09**COOK PARADE LEMON TREE PASSAGE – REQUEST TO REMOVE THE TAXI ZONE****State MP:** Member for Port Stephens**Requested by:** Port Stephens Council**File:** 105878/2008 - 21786**Background:**

A request was received by Council to remove the taxi zone in Lemon Tree Passage

Comment:

The area is not serviced by full time taxis - taxis only come to pick-up and drop-off on demand. A 'No Parking' zone may be of more benefit to the community

Legislation, Standards, Guidelines and Delegation:

ARR Part 12 Div.2 – Rule 167 – No stopping signs

ARR Part 12 Div.2 – Rule 168 – No parking signs

ARR Part 12 Div.2 – Rule 186 – Stopping in a mail zone

AS 2890.5 – On street parking

RTA Regulatory Signs Manual – R5-40, R5-400, R5-26

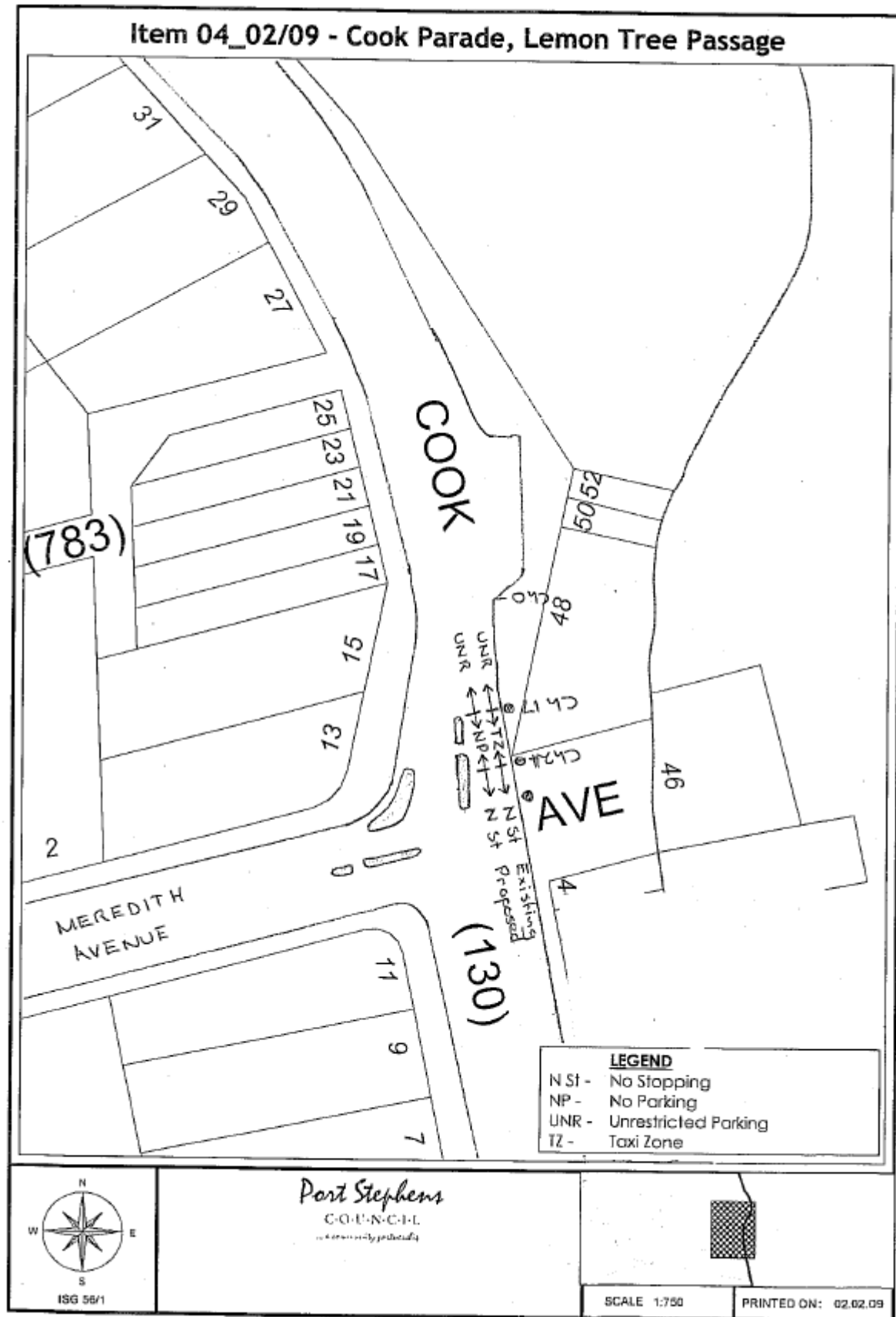
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

1. Remove existing Taxi Zone signs and replace with No Parking to allow a pick-up drop-off area.
2. Install Mail Zone and No Stopping signs around the corner on opposite side of Cook Parade

Discussion:**Support for the recommendation:**

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



Item: 05_02/09

PORT STEPHENS DRIVE SALAMANDER BAY – REQUEST TO REDUCE VEHICLE SPEEDS ON PORT STEPHENS DRIVE

State MP: Member for Port Stephens
Requested by: Resident, Salamander Bay NSW 2317
File:
Background:

A resident requested a meeting with the Traffic Inspection Committee on-site at his residence. He wanted to let the committee members experience the speeding traffic and hopefully come up with some suggestions. The request was forwarded by Councillor John Nell.

Comment:

Notes from the on-site meeting:

- Police advise that regular enforcement is carried out.
- Council to consider installation of enhanced entry treatment to reinforce '50' area.
- A fixed speed camera is not an option due to no accidents.
- Trees need to be trimmed to improve sight distance from Mr Davis driveway. Also consider relocation of the bus shelter.

Legislation, Standards, Guidelines and Delegation:

Recommendation to the Committee:

1. Arrange trimming of the trees on the western approach to the resident's driveway to improve sight distance.
2. Investigate relocation of the existing bus shelter to further improve sight distance.
3. Council's Traffic Engineer to prepare a concept plan for an entry treatment to further enhance '50' area and list for funding in Council's Forward Works Program.

Discussion:

The Committee noted that the '50' entry signs have been moved further from the residential area and increased in size.

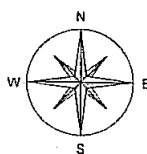
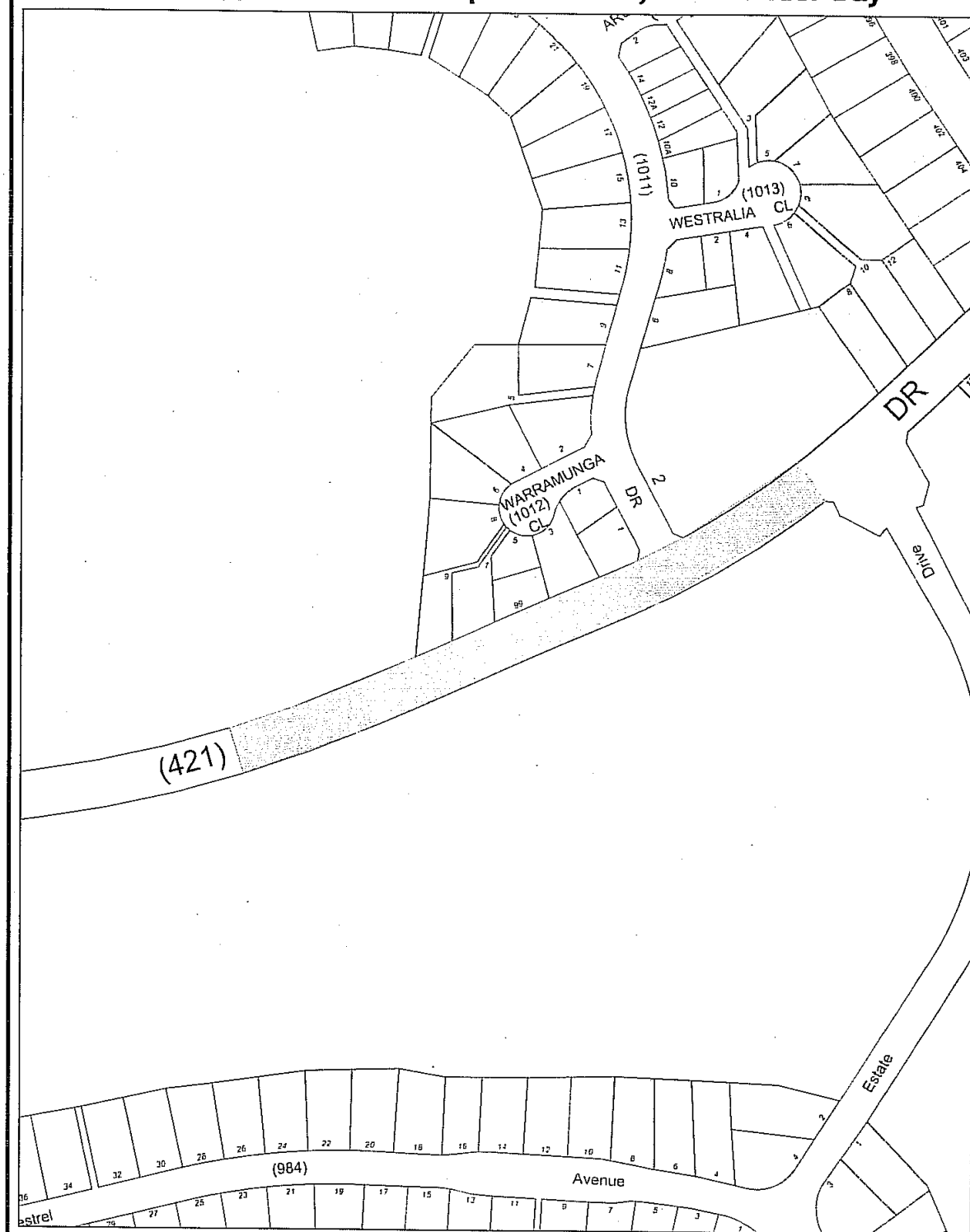
Cr MacKenzie noted that there is a limit to what can be practically done to change driver's attitude to speeding.

Snr Const. Simmons requested that a suitable area be installed on the road shoulder to allow police to park safely during enforcement operations.

Support for the recommendation:

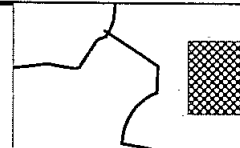
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

Item 05_02/09 - Port Stephens Drive, Salamander Bay



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Item: 06_02/09

BAGNALLS BEACH ROAD CORLETTE - VEHICLES PARKING IN THE U-TURN BAY ON BAGNALLS BEACH ROAD

State MP: Member for Port Stephens

Requested by: Port Stephens Council

File:

Background:

All-day parkers occupy the U-turn bays on Bagnalls Beach Road making it difficult for vehicles to safely make u-turns.

Comment:

The parking appears to be by workers from the Port Stephens Gardens retirement village nearby. There is limited on-street parking available in the immediate area however there is parking available on-street further to the east on Bagnalls Beach Road as well as parking within the site.

Legislation, Standards, Guidelines and Delegation:

ARR Part 12 Div.2 – Rule 167 – No stopping signs

AS 2890.5 – On street parking

RTA Regulatory Signs Manual – R5-400

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

Recommendation to the Committee:

Install No Stopping in U-turn area on Bagnalls Beach Road, as shown on the attached sketch.

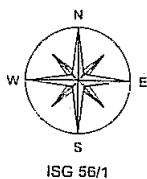
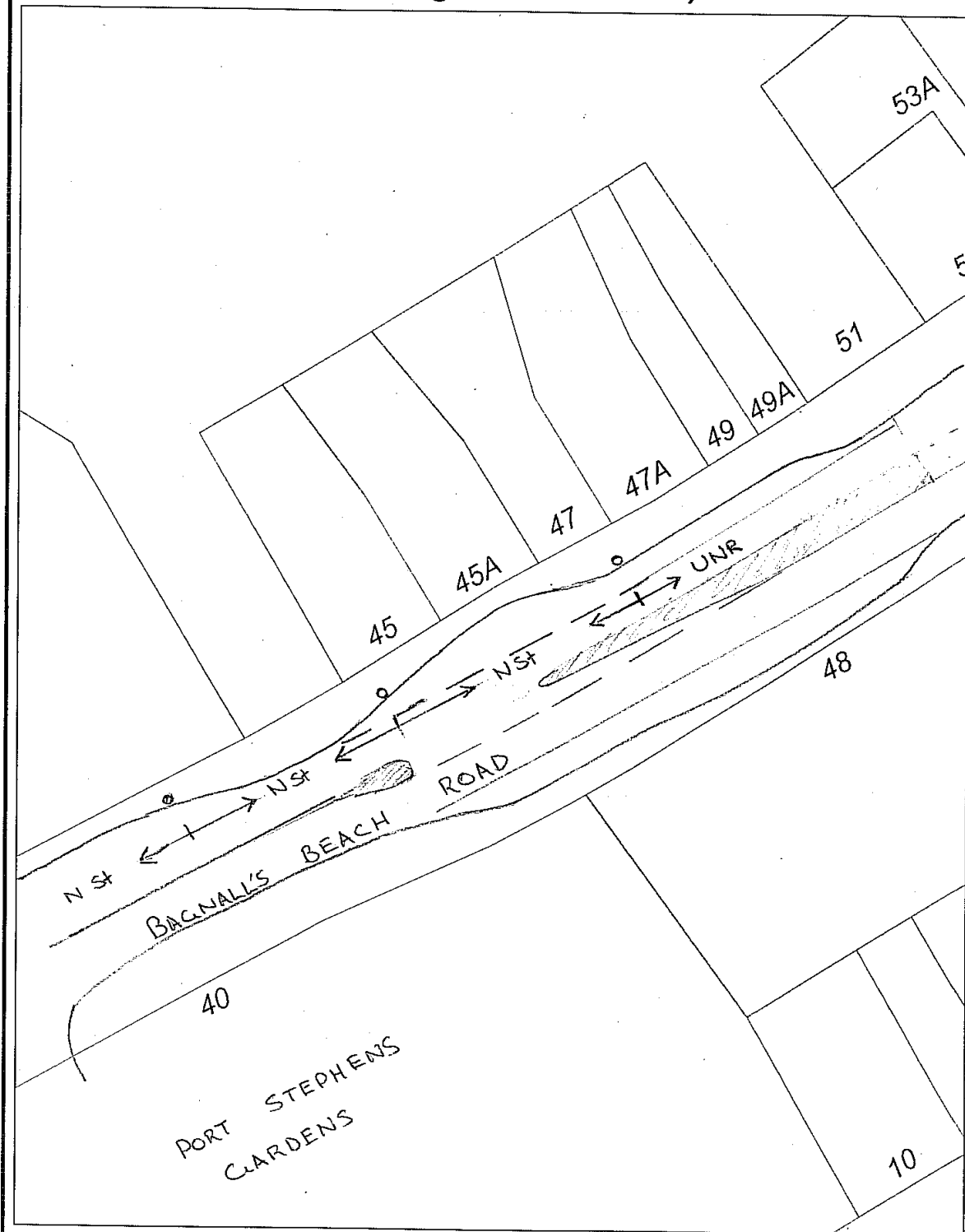
Discussion:

Mr Butler noted that the U-turn bays were intended for vehicle manoeuvring not for parking.

Support for the recommendation:

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

Item 06_02/09 - Bagnalls Beach Road, Corlette



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SCALE 1:750

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Item: 07_02/09

VICTORIA PARADE NELSON BAY – REQUEST TO CHANGE PARKING RESTRICTIONS FOR TOURIST COACHES

State MP: Member for Port Stephens

Requested by: Port Stephens Coaches

File:

Background:

Bus operators have raised issues regarding the difficulties experienced by tourist coach operators in finding parking at Nelson Bay Marina. There needs to be a sign installed that allows tourist buses to park legally while dropping-off or picking-up passengers. In addition, there needs to be some signage to direct drivers to places where they can legally park for extended periods while waiting for cruise passengers.

The existing signage is 'Bus Zone' which is for only public buses and does not technically allow tourist coaches to park at all. Council rangers have historically allowed tourist coaches to park while dropping-off or picking-up passengers however parking infringement notices have been issued when drivers leave their coaches to escort tour groups or for rest stops.

Comment:

A meeting was held recently with affected parties at the Council offices which discussed the requirements of tourist operators. It was agreed that a proposal to implement the suggested changes to parking restrictions be tabled at the next Traffic Committee meeting.

Legislation, Standards, Guidelines and Delegation:

ARR Part 12 Div.2 – Rule 168 – No Parking signs

ARR Part 12 Div.7 – Rule 205 - Parking for longer than indicated

AS 2890.5 – On street parking

RTA Regulatory Signs Manual – R5-40, R5-15

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

Recommendation to the Committee:

1. Install '1/4P - Tourist Coaches only' in Victoria Parade and Teramby Close, Nelson Bay.
2. Install 'No Parking – Buses and Coaches excepted' signage for buses/coaches to lay-over in Dowling Street Nelson Bay.
3. Council to produce a pamphlet for distribution to tour operators advising of parking restrictions and long-term bus parking locations.

Discussion:

Mr Newling informed the Committee of some of the issues including:

- Only buses with 'MO' number plates can legally stop in a Bus Zone – the existing signage needs to be changed to allow tourist coaches to park.
- A longer parking duration is required than the proposed 15 minutes to allow drivers to accompany groups to the dock.
- Ministry Of Transport regulations require drivers to take a regular break – sitting in the bus does not count.

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

- There are 2 main groups of tourist coaches – those without a tour guide and those with one. The groups without a tour guide require a longer time to enable the driver to escort groups to and from the cruise berths.
- Sign wording should be changed to include 'Tourist Coaches & Buses only'

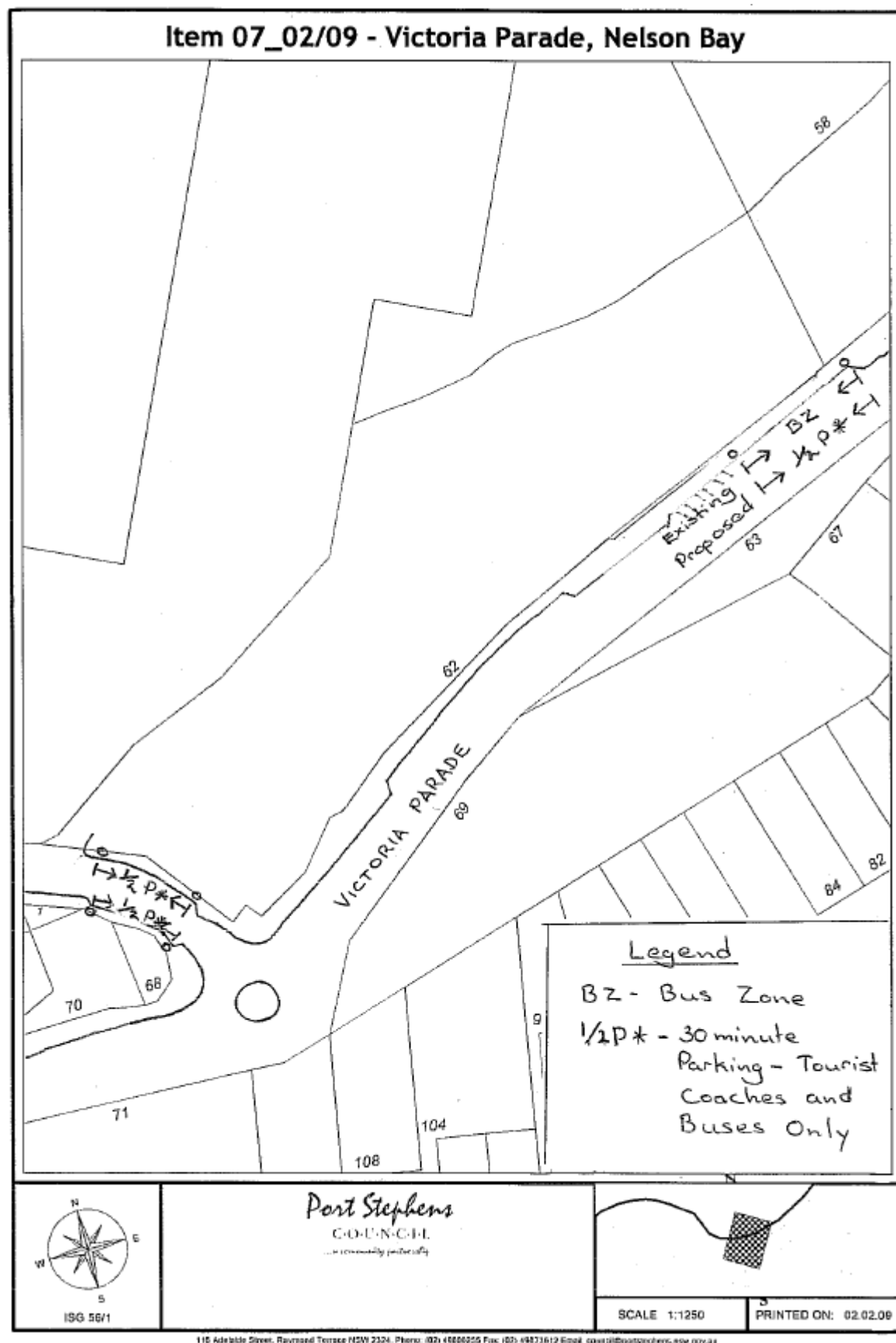
The meeting agreed that a 20 minute time restriction should be installed on a trial basis with a pamphlet produced explaining the new restrictions and indicating areas where coaches can be parked for longer periods.

The Australian Standard AS1742.11: Parking Controls – states that 'Only P2 Minute, P5 Minute or P10 Minute shall be used' and 'Only 1/4P, 1/2P or 1 1/2 P shall be used'. This means that Australian Standards do not support 20 minute parking. In light of this it is proposed to change the recommendation 1 to become:

1. Install '1/2P - Tourist Coaches and Buses only' in Victoria Parade and Teramby Close, Nelson Bay.

Support for the recommendation:

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



Item: 08_02/09**SHOAL BAY ROAD SHOAL BAY - REQUEST FOR INSTALLATION OF A LOADING ZONE**

State MP: Member for Port Stephens
Requested by: Business operator - Shoal Bay NSW 2315
File:
Background:

The business operator contacted Council to request the installation of a 12m loading zone on the western end of the existing Bus Zone.

Comment:

The site is currently 2 hour restricted parking between 8.30am and 6.00pm, Monday-Friday and 8.30am and 12.30pm Saturday. The existing bus stop is approximately 34m long. This could be shortened without impacting on bus operations so as to minimise the loss of parking in the area.

The request is for part-time loading zone only. The 2P restriction would apply at other times within the restricted hours.

Legislation, Standards, Guidelines and Delegation:

ARR Part 12 Div.7 – Rule 179 - Stopping in a loading zone
AS 2890.5 – On street parking
RTA Regulatory Signs Manual – R5-23
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

Install 'Loading zone - 8.00-10.30am, 3.30-6.00pm' and '2P 10.30am-3.30pm Mon-Fri, 10.30am-12.30pm Sat', on the western end of the existing bus zone in Shoal Bay Road, as shown on the attached sketch.

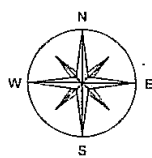
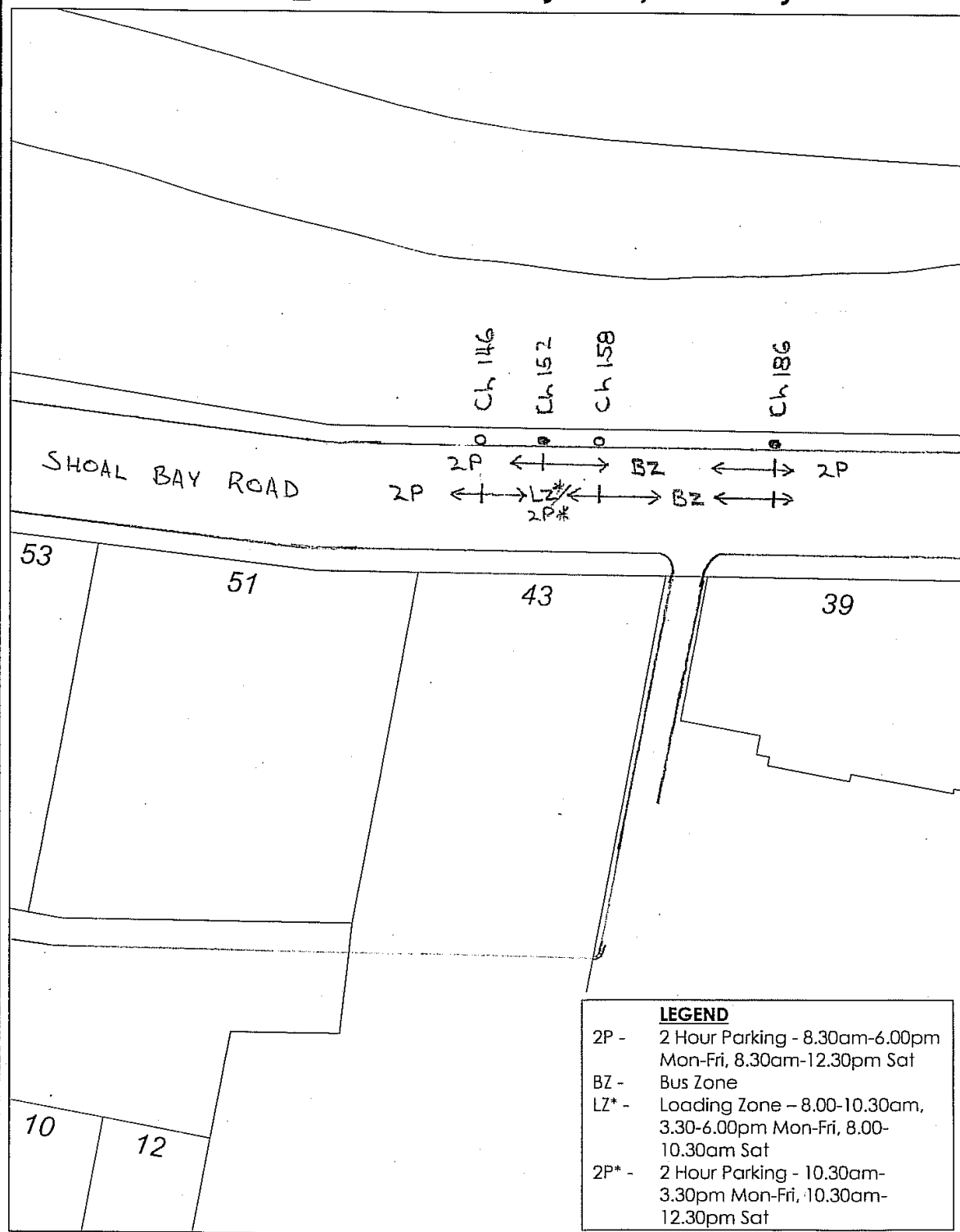
Discussion:

Mr Newling noted that if a loading zone is installed that enforcement needs to be consistent as currently there appears to be very little turnover of parking in the Shoal Bay area

Support for the recommendation:

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

Item 08_02/09 - Shoal Bay Road, Shoal Bay



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SCALE 1:749

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Item: 09_02/09

SHOAL BAY ROAD SHOAL BAY - REQUEST INSTALLATION OF A DISABLED PARKING SPACE AT SHOAL BAY PHARMACY

State MP: Member for Port Stephens
Requested by: Shoal Bay Pharmacy, Shoal Bay NSW 2315
File:
Background:

The footpath in this area is very narrow. Provision of disabled parking would require installation of a pedestrian ramp to meet DDA requirements and would not be possible at the pharmacy due to the narrow footpath.

Comment:

Options discussed include provision of a Disabled parking zone that would necessarily be remote from the pharmacy or a short-term parking space that would allow turnover of parking.

The Traffic Inspection Committee noted that under NSW Legislation the holder of a Mobility Parking Permit may: 'Where parking is limited by a sign to less than 30 minutes, the vehicle can park for a maximum of 30 minutes.'

Consultation with the pharmacy has resulted in a request for the installation of 2 X 15 minute parking spaces adjacent to the pharmacy and 1 accessible parking space at an existing unused driveway near No.55 Shoal Bay Road. The footpath here is wider and the existing driveway can possibly be modified to comply with DDA requirements.

Legislation, Standards, Guidelines and Delegation:

ARR Part 12 Div.7 – Rule 203 - Stopping in a parking area for people with disabilities

ARR Part 12 Div.7 – Rule 205 - Parking for longer than indicated

AS 2890.5 – On street parking

RTA Regulatory Signs Manual – R5-15, R5-1-3

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

Recommendation to the Committee:

Install 2 spaces of 15 minute parking at No.57 and 1 accessible parking space at No.55 Shoal Bay Road, as shown on the attached sketch.

Discussion:

The Traffic Committee discussed the need to consider requirements of other businesses in the area when considering changes to parking.

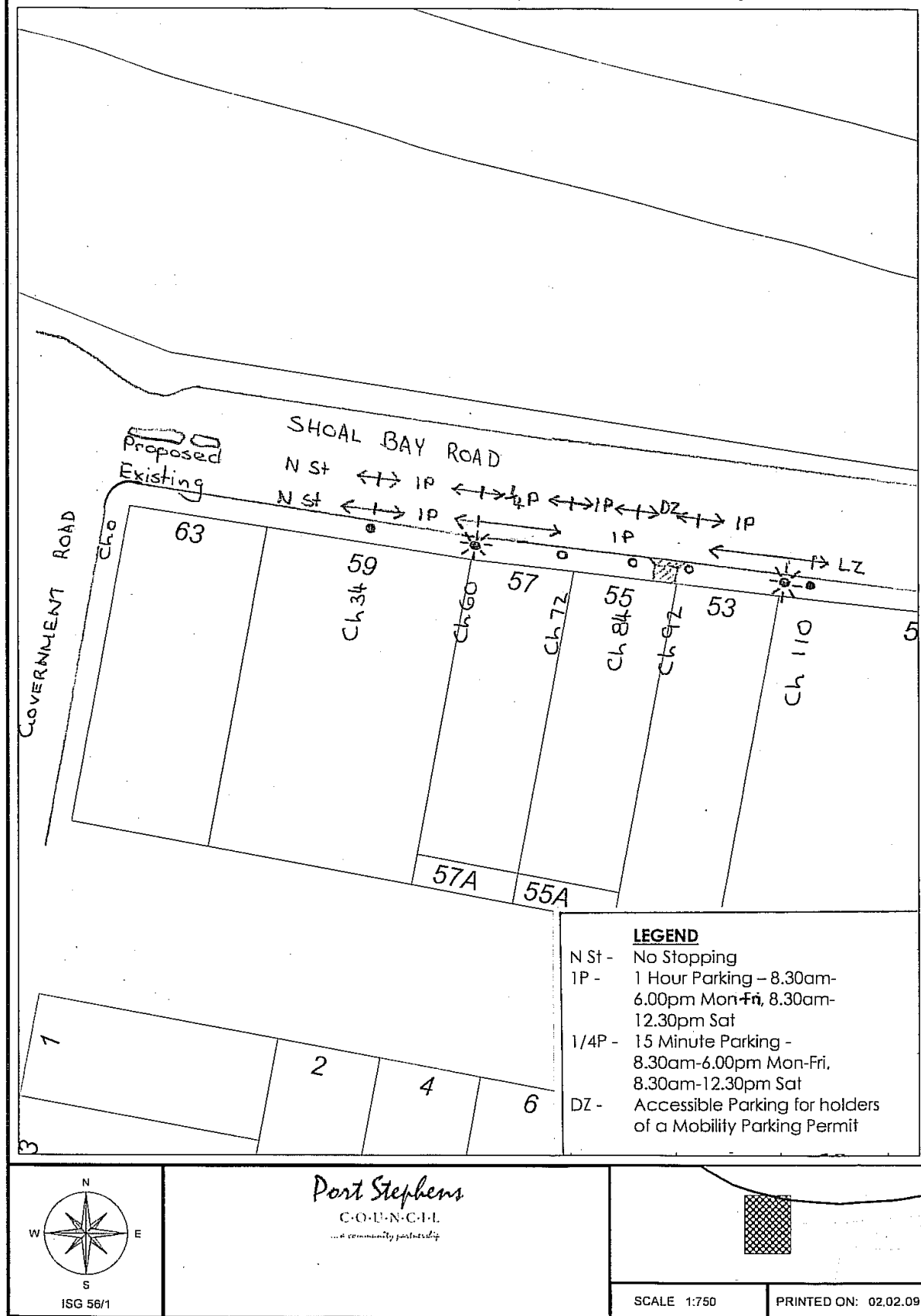
It was noted that there is currently no provision for disabled parking in Shoal Bay Road.

The Committee decided that this item should be deferred to allow further investigation and consultation with affected parties to determine the most appropriate location for a disabled parking zone and for a plan covering on-street parking and pedestrian access over the whole Shoal Bay area to be developed.

Support for the recommendation:

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

Item 09_02/09 - Shoal Bay Road, Shoal Bay



Item: 10_02/09**SANDY POINT ROAD CORLETTE – REQUEST FOR REINVESTIGATION OF THE NEED FOR CRASH BARRIERS AT NO.44 SANDY POINT ROAD****State MP:** Member for Port Stephens**Requested by:** East Ward Councillors**File:****Background:**

The property owner originally contacted Council to request investigation of measures to prevent vehicles running off the road and colliding with his property following a single vehicle accident that occurred at the location in August 2008. He said that the accident was the second time that his property had been damaged by vehicles running off the road at this location.

The Inspection Committee at that time noted that the centreline and edge lines were well marked and maintained. The location is on a slight bend with a street light above it. The Inspection Committee considered that there is no cost effective solution that would prevent all possibility of another accident at this location.

Comment:

The site was again inspected and the Inspection Committee noted that installation of curve alignment markers (CAM) may improve the perception of the corner by drivers.

Legislation, Standards, Guidelines and Delegation:

RTA Regulatory Signs Manual – T5-5

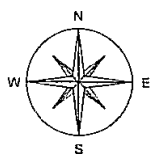
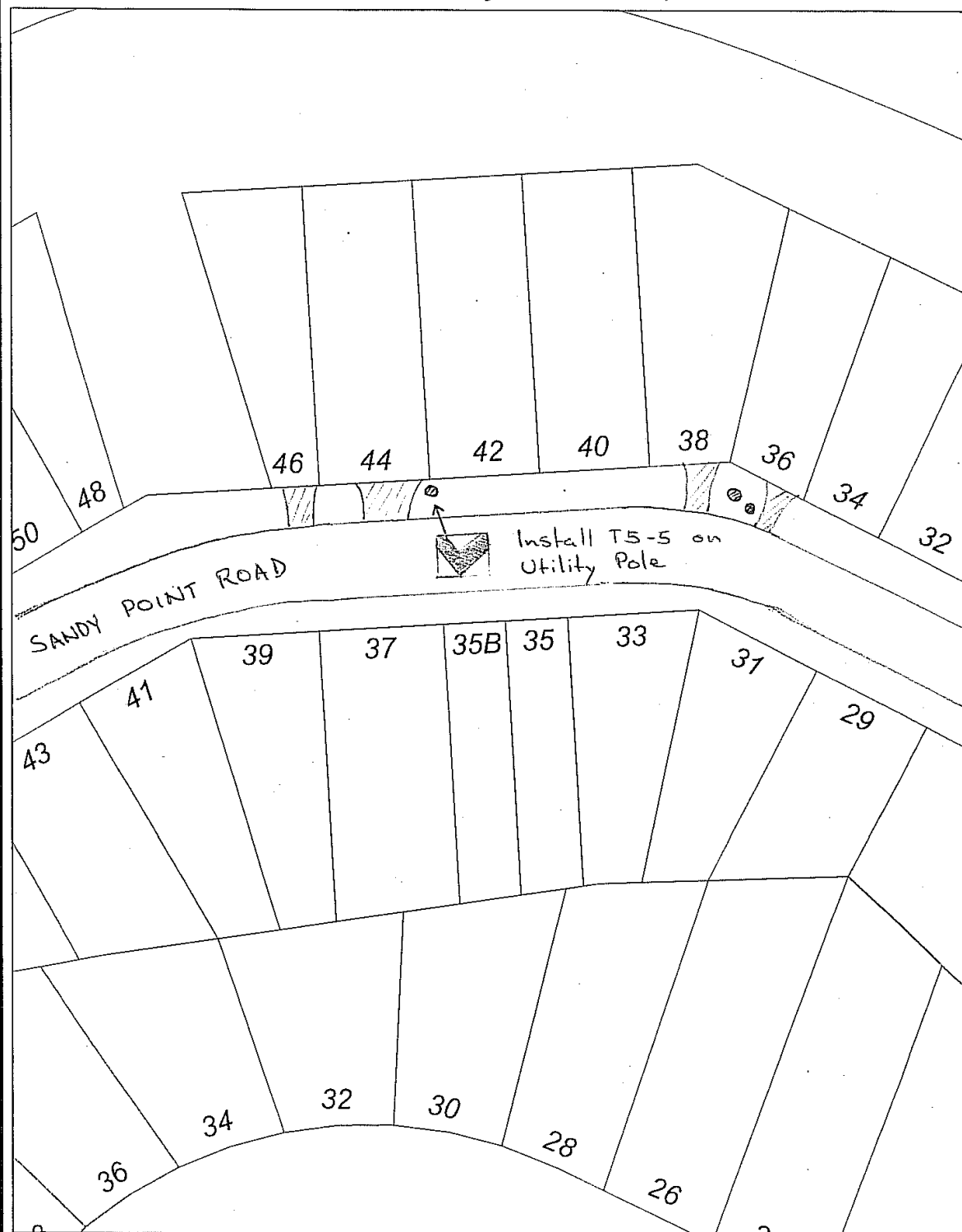
Recommendation to the Committee:

Install CAM's on utility poles on Sandy Point Road Corlette, as shown on the attached sketch.

Discussion:**Support for the recommendation:**

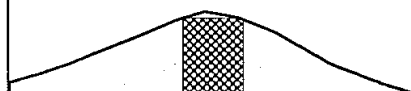
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

Item 10_02/09 - Sandy Point Road, Corlette



ISG 56/1

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SCALE 1:750

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Item: 11_02/09

ELKIN AVENUE HEATHERBRAE – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS AROUND THE CENTRE ISLAND NEAR HUNTER RIVER HIGH SCHOOL

State MP: Member for Port Stephens

Requested by: Hunter Valley Buses

File:

Background:

Bus drivers have complained to Council about the difficulty experienced negotiating Elkin Avenue when vehicles are parked around the centre island. This occurs especially during the afternoon pick-up period from school. The island acts as a large roundabout with one-way traffic flow around it. The road pavement is only approximately 6m wide around the island and there are wooden bollards positioned around the island to prevent vehicle access to the centre of the island. The bollards are approximately 1.8m from the kerb meaning that when vehicles park on both sides of the road there is very little room for traffic to flow with large vehicles such as buses finding it especially difficult.

Comment:

The Traffic Inspection committee suggested full time restrictions using yellow line to reduce maintenance costs to Council

Legislation, Standards, Guidelines and Delegation:

ARR Part 12 Div.2 – Rule 167 – No stopping signs

ARR Part 12 Div.2 – Rule 169 - No stopping on a road with a yellow edge line

AS 2890.5 – On street parking

RTA Regulatory Signs Manual – R5-400

RTA Delineation Guideline -

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

Recommendation to the Committee:

Install 'No Stopping' signs and line around centre island as shown on the attached sketch.

Discussion:

Cr MacKenzie noted that installation of 'No Stopping' would impact on visitors to the High School especially after-hours when buses would not be affected.

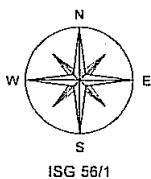
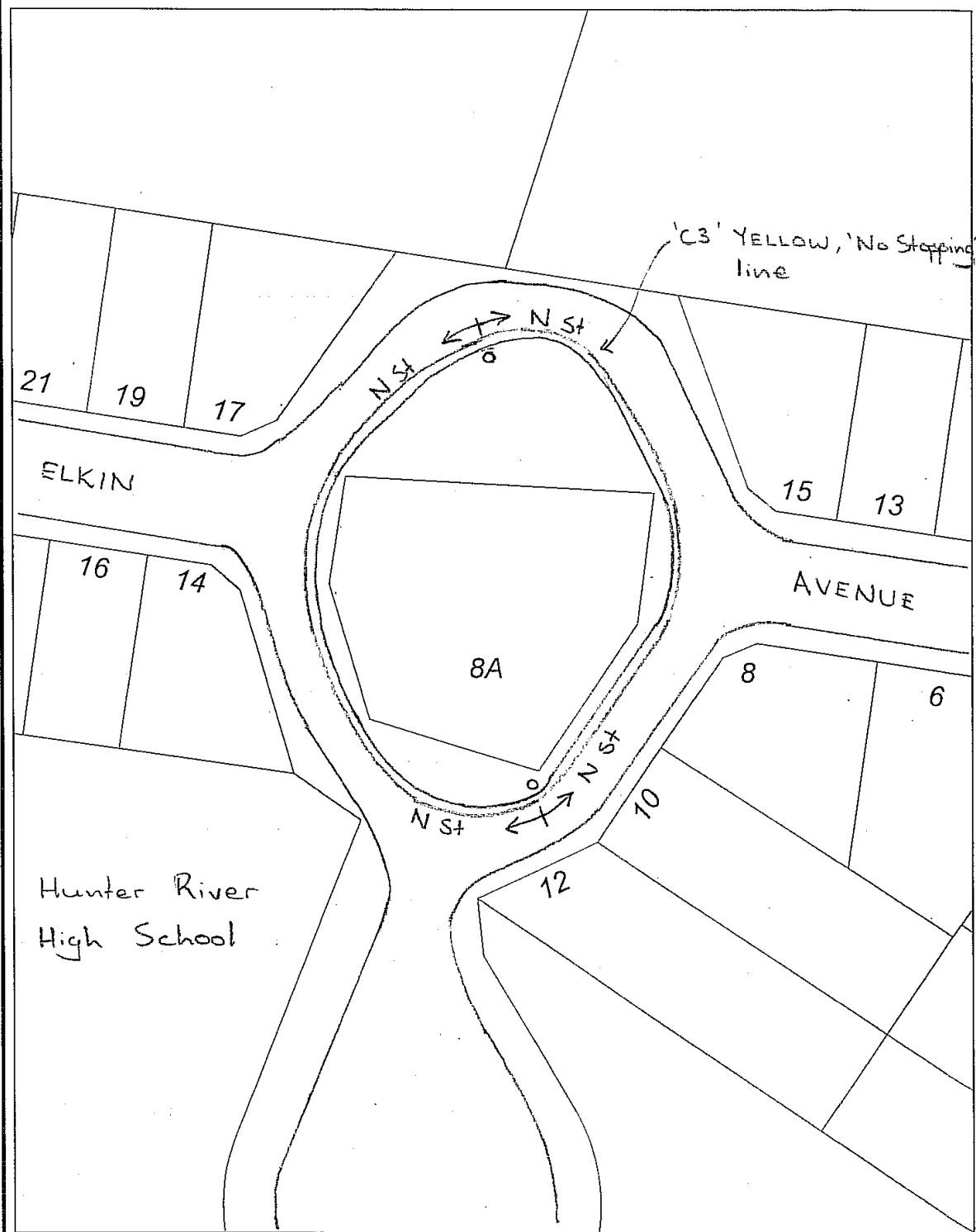
Mr Butler noted that the island acts as a large roundabout and that any vehicle parking around the island impacts on road efficiency and safety of pedestrians. The bus companies report many instances of vehicle damage and difficulties manoeuvring in the area caused by vehicles parking around the island.

It was suggested that part-time 'No Stopping' restrictions may be appropriate as the problem only arises at school pick-up times, however the installation of linemarking will reduce ongoing maintenance costs and will simplify compliance.

Support for the recommendation:

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

Item 11_02/09 - Elkin Avenue, Heatherbrae



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SCALE 1:750

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Item: 12_02/09

PORT STEPHENS STREET RAYMOND TERRACE – REQUEST FOR THE INSTALLATION OF A RAISED PEDESTRIAN CROSSING NEAR THE COMMUNITY CENTRE

State MP: Member for Port Stephens

Requested by: Port Stephens Council Community Planner – Ageing and Disability

File:

Background:

Council's Access Committee requests installation of a raised pedestrian crossing in Port Stephens Street near the Community Centre. Crossing near the roundabout is difficult as vehicles speed around the corner and across the roundabout.

Comment:

The Traffic Inspection Committee noted that existing footpath grades will make construction of a complying crossing difficult.

Legislation, Standards, Guidelines and Delegation:

Recommendation to the Committee:

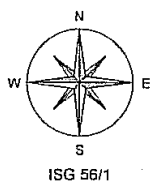
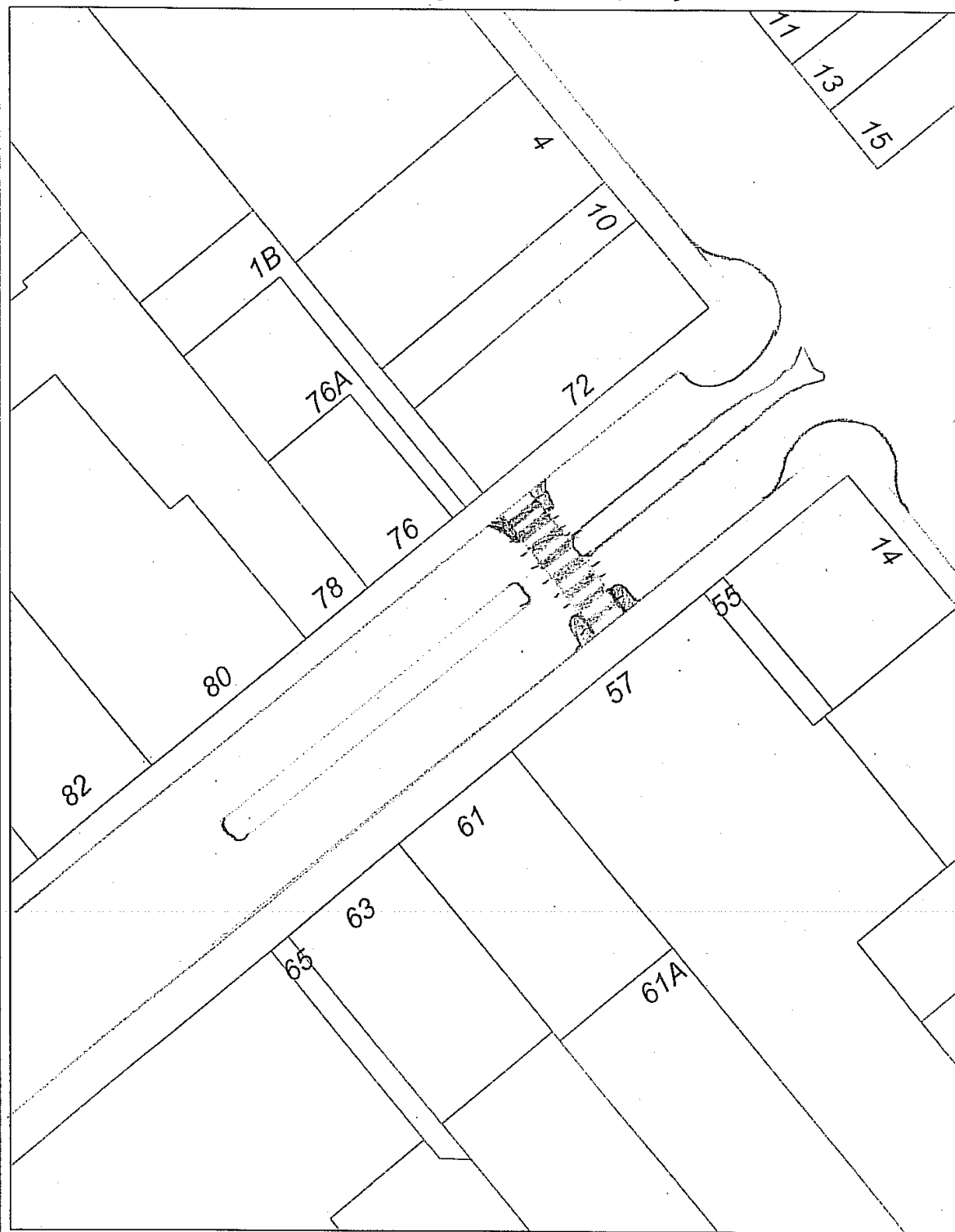
1. Council's Traffic Engineer to prepare a concept plan.
2. Organise pedestrian/vehicle survey to establish the warrant for a pedestrian crossing

Discussion:

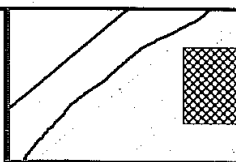
Support for the recommendation:

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

Item 12_02/09 - Port Stephens Street, Raymond Terrace



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SCALE 1:750

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Item: 13_02/09**PORT STEPHENS STREET RAYMOND TERRACE – REQUEST FOR THE RELOCATION OF THE EXISTING BUS STOP FROM PORT STEPHENS STREET NEAR THE SHOPPING CENTRE TO THE COMMUNITY CENTRE****State MP:** Member for Port Stephens**Requested by:** Port Stephens Council Community Planner – Ageing and Disability**File:****Background:**

The Community Transport buses currently operate from the car park at the rear of the Community Centre. This has become increasingly difficult as the size of the buses used has increased and the car park has become busier.

The request is for a bus zone in Port Stephens Street to improve access for the buses and patrons.

The intention of this request is to maintain existing on-street car parking by relocating the existing bus zone from the western end of Port Stephens Street to the Community Centre.

Comment:

The Traffic Inspection Committee noted the Hunter Valley bus using the existing bus stop for passenger set-down during the inspection.

Legislation, Standards, Guidelines and Delegation:**Recommendation to the Committee:**

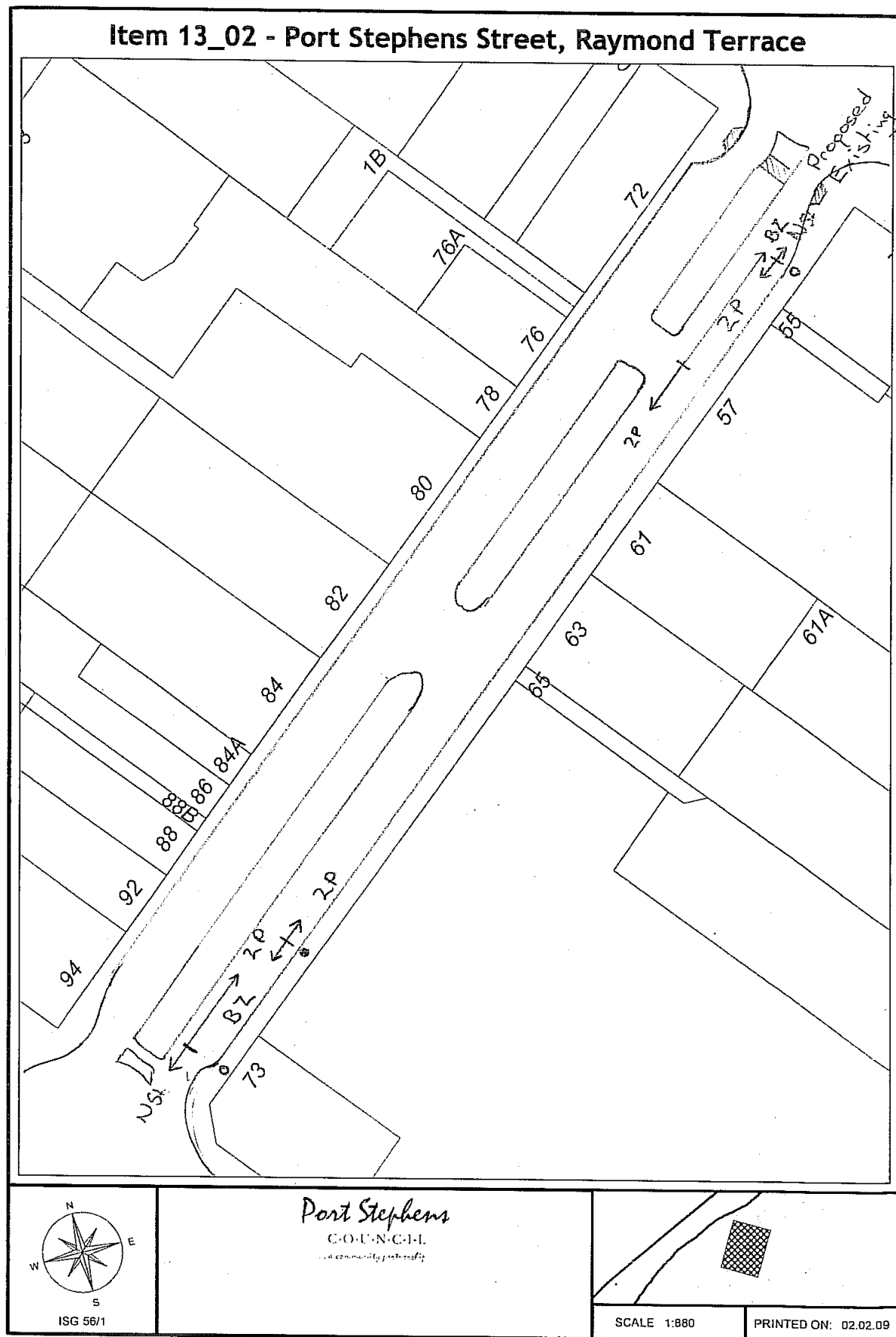
1. Council needs to consult with bus company regarding the relocation of the bus stop and
2. Council's Traffic Engineer to prepare a concept plan as part of the previous item.

Discussion:

Mr Mosely objected to the proposed relocation of the bus stop stating that the stop was moved from the proposed site to the existing site to allow patrons to have closer access to such places as the Doctors Surgery, Shopping Centre and the Bowling Club.

Support for the recommendation:

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



D. Informal Matters

Item: 501_02/09

STOCKTON STREET NELSON BAY - REQUEST TO REDUCE SPEED LIMIT NEAR GALOOLA DRIVE

State MP: Member for Port Stephens
Requested by: Resident, Nelson Bay NSW 2315
File: PSC2005-4019-204
Background:

A resident contacted Council to request a review of the existing speed limit on Stockton Street Nelson Bay near the Galoola Drive intersection. The resident complained about the dangers when turning into and out of Galoola Drive to Stockton Street and the number of rear-end accidents. Council's accident database shows 3 Injury accidents over last 5 years in the vicinity.

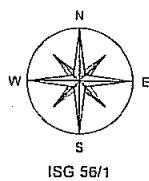
Comment:

Committees Advice:

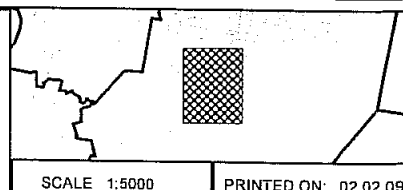
Stockton Street forms part of a State Road - RTA to consider the request

Discussion

Item 501_02/09 - Stockton Street, Nelson Bay



Port Stephens
COUNCIL
a community partnership



115 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49500255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

E: General Business

Item: 601_02/09

ADELAIDE STREET RAYMOND TERRACE – INSTALLATION OF A SEAGULL INTERSECTION AT BOURKE STREET EAST

State MP: Member for Port Stephens

Requested by: Port Stephens Council

File:

Background:

Council is currently undertaking drainage improvement works in Adelaide Street Raymond Terrace that has required the removal of a large part of the central median.

As a result of this work the opportunity has arisen to re-open the Bourke Street intersection to allow vehicles to turn right onto Adelaide Street. This would have a number of advantages:

- Currently vehicles from the area of Raymond Terrace between Adelaide Street and William Street wishing to travel to the north have had to either use William Street or Carpenter Street.
- Both of these locations require traffic to pass through school zones
- Re-opening Bourke Street would improve network efficiency.

Comment:

Recommendation to the Committee:

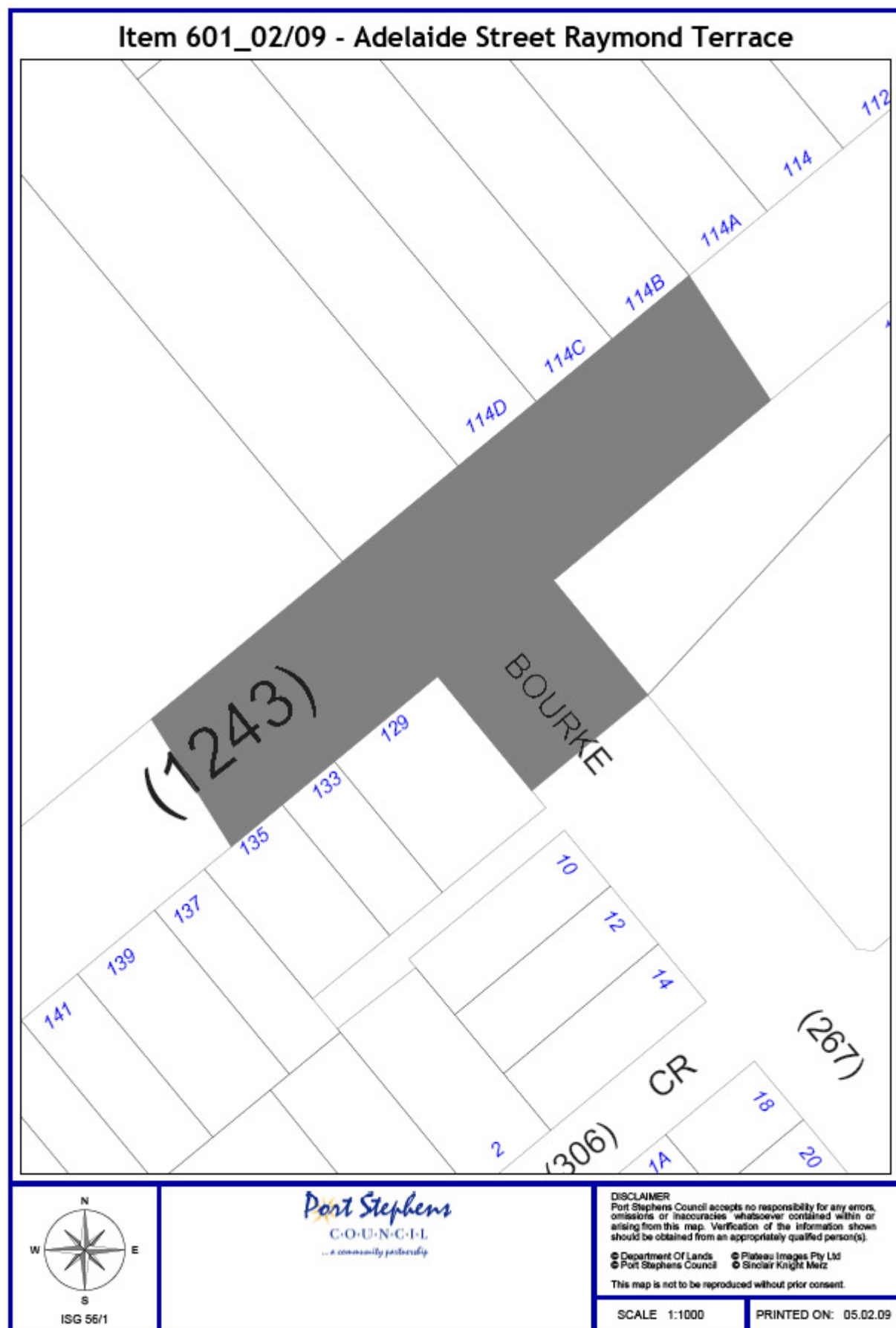
Support in principle the re-opening of Bourke Street for right-turning traffic. Council officers to prepare a detailed concept plan and conduct public consultation and refer the matter back to traffic committee and Council for final approval.

Discussion:

Cr MacKenzie stated that he did not support the proposal. He expressed concern with the safety of the right turn manoeuvre out of Bourke Street and felt that the additional traffic hazard was not justified.

Snr Const. Simmons expressed support for the idea with the potential reduction of traffic through school zones and reduced delays at the William Street Traffic Signals noted.

Mr Butler requested more time to consider the implications of the proposal.



Item: 602_02/09

1516 RICHARDSON ROAD SALT ASH – RELOCATION OF PROPERTY ACCESS ONTO NELSON BAY ROAD

State MP: Member for Port Stephens

Requested by: Cr MacKenzie

File:

Background:

Cr MacKenzie has received representations from the resident regarding access to his property at 1516 Richardson Road.

The resident has raised safety concerns with the current access arrangements to his property. Currently he has to turn from Richardson Road into his driveway which is directly opposite the service station entry.

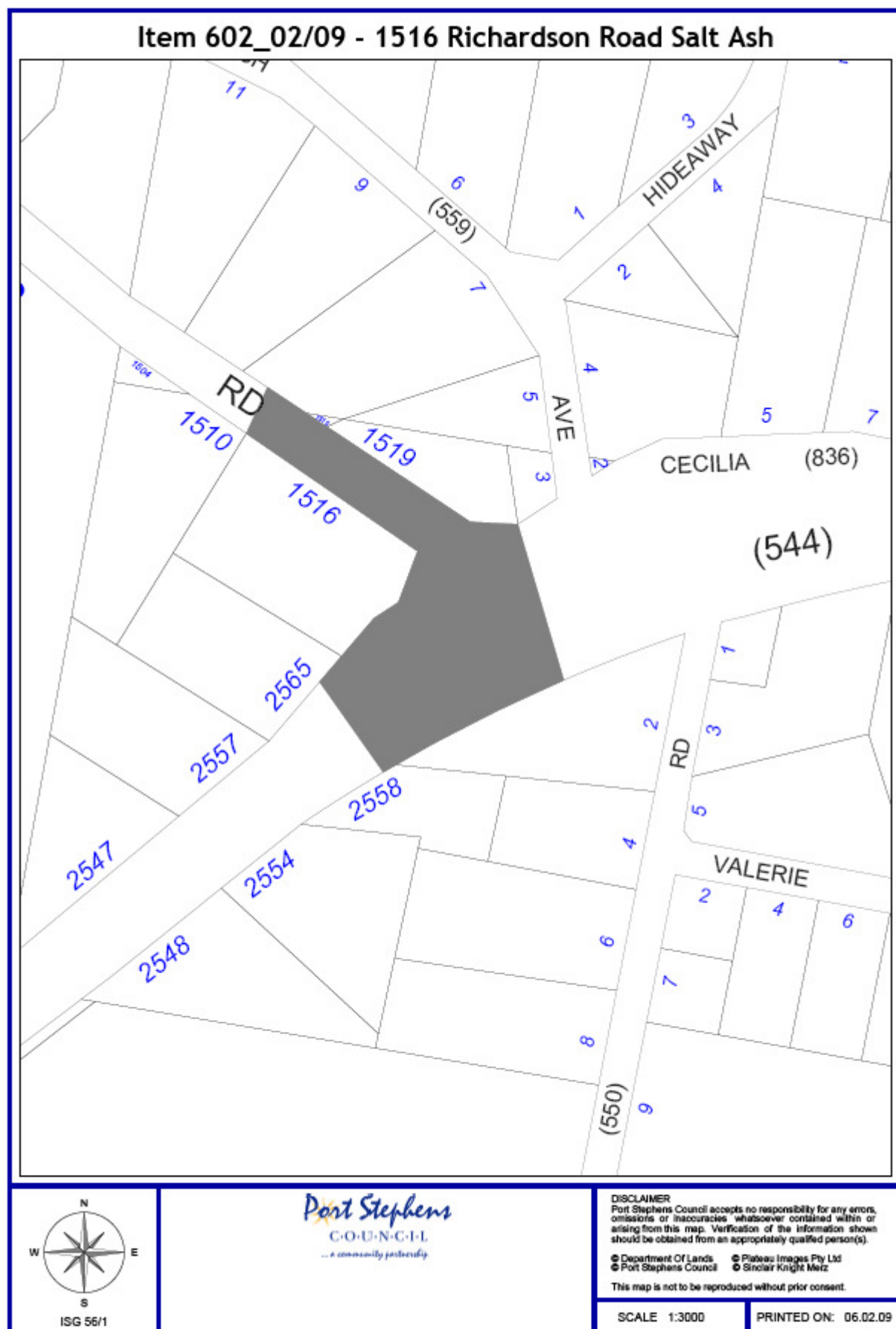
Comment:

Recommendation to the Committee:

Discussion:

Cr MacKenzie stated that he would like to see the property access reinstated to Nelson Bay Road.

Mr Butler added that he would arrange an on-site meeting with the resident to discuss the options.



ITEM NO. 2**FILE NO: PSC2005-1350****LEASE OF PART LOT 1 DP 837299, 57-59 PORT STEPHENS STREET,
RAYMOND TERRACE TO HUNTER NEW ENGLAND MENTAL HEALTH****REPORT OF: CARMEL FOSTER - COMMERCIAL PROPERTY MANAGER**

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the occupancy by Hunter New England Mental Health of Part Lot 1 DP 837299, Raymond Terrace Community Care Centre for a period of 3 years.
 - 2) Authorise the Mayor and General Manager to affix the seal of council to the lease documentation.
-

OPERATIONS COMMITTEE – 10 MARCH 2009**RECOMMENDATION:**

Councillor Bruce MacKenzie Councillor Ken Jordan	That the recommendation be adopted.
-------------------------------------------------------------	-------------------------------------

ORDINARY COUNCIL – 24 MARCH 2009

072	Councillor Ken Jordan Councillor Daniel Maher	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to formalise the occupancy of two rooms located on the upstairs floor of the Raymond Terrace Community Care Centre by Hunter New England Mental Health and to request the affixing of Council's seal to the lease documentation.

The space will be occupied by the Mental Health team of Hunter New England Area Health Services. The Mental Health team have occupied space in the Raymond Terrace Community Care Centre for the past four years and are shifting offices within the building to take up additional space which has been vacated by Homecare NSW.

The terms of the lease has been negotiated with Hunter New England Area Health Services and agreement has been reached to enter into a new lease for the occupancy of the additional space for a period of three (3) years with an option to renew for three (3) years commencing 1 April 2009 at a rental of \$9,000.00 per

annum (GST Exclusive) subject to annual review in accordance with CPI. The costs of outgoings are the responsibility of the Lessee.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

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

FINANCIAL/RESOURCE IMPLICATIONS

The formalisation of the occupancy will provide Council with an annual return of \$9,000.00, subject to annual review.

LEGAL AND POLICY IMPLICATIONS

A formal lease document clearly defines the roles and responsibilities of the parties to the agreement.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Commercial Property Manager
Community and Library Services Manager

OPTIONS

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

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 3**INFORMATION PAPERS****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**
-----**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 10 March, 2009.

-----**No: Report Title**

- | | |
|---|----------------------------------------------------------------------------------------------------------------|
| 1 | Australian Shark & Ray Centre – Road works update |
| 2 | Access Committee Minutes |
| 3 | Determined & undetermined Development Applications |
| 4 | Developer contributions update |
| 5 | Cash Investment held as at 31 January 2009 |
| 6 | Development Application for Proposed Police Station redevelopment
At No 55 & 59 William St, Raymond Terrace |
-
-

OPERATIONS COMMITTEE – 10 MARCH 2009**RECOMMENDATION:**

Councillor Bruce MacKenzie Councillor Ken Jordan	That the recommendation be adopted with the exception of Item No 1 – Australian Shark & Ray Centre to allow Council to have a site inspection in conjunction with the owners on this item.
-------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

ORDINARY COUNCIL – 24 MARCH 2009

Councillor Bob Westbury Councillor Sally Dover	That the Shark & Ray Centre be granted: 1. An extension to May 2009 to complete run off entry coming from Nelson Bay direction and slash all reeds on the approach for 300 meters. 2. To May 2010 to complete passing lane from Newcastle direction and trim trees and slash reeds again 300 metres on approach to centre entry.
-----------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

AMENDMENT

073	Councillor John Nell Councillor Glenys Francis	That Council defer Item 1 to the 28 April 2009 Ordinary Council meeting.
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The amendment on being put became the Motion , which was put and carried.

074	Councillor Glenys Francis Councillor Daniel Maher	It was resolved that Items 2 to 6 be adopted.
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OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

AUSTRALIAN SHARK AND RAY CENTRE – ROAD WORKS UPDATE

REPORT OF: SCOTT ANSON – MANAGER, DEVELOPMENT & BUILDING
FILE: 7-1995-394-3 AND 16-2007-445-1

BACKGROUND

The purpose of this report is to provide Council with a quarterly update of the progress of the road works required to be completed by the Australian Shark and Ray Centre.

At the Ordinary Meeting on 27 May 2008, Council resolved the following:

1. Council reaffirmed the current condition of consent that requires the provision of pavement widening in Marsh Road 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;
2. Issue a letter of intention that the business has 12 months to comply with the conditions of consent. There will be quarterly report to the Council during this time.

As per the above, below is a quarterly report as to the applicant's progress.

Breakdown of Works

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

1. **Clearing of sight lines**
2. **Topographical survey**
3. **Concept plan view of existing driveway/intersection (provided to Council 10 April 2008)**
4. Remove part of the gate to provide sufficient width for required access
5. Prepare Geotechnical investigation of pavement widening (shoulder)
6. **Prepare geometric road design and provide a concept plan for Council comment (design approved by Council on 22 December 2008)**
7. Consult contractors for advice, quote, construction methodology 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

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

13. Engage a contractor
14. Construct intersection including Council inspection and sign off of hold points specified by Roads Act approval.

Council resolved in December 2008:

“that Council express its expectation that item 4 be dealt with forthwith regarding the width of the access and removal of the gate.”

It is advised that a meeting was held between Council staff and the applicant on 8 December 2008 to progress the matter, and it was discussed that the removal of the gate may not be necessary to achieve a suitable design. Accordingly, it was considered that, prior to the physical removal of the gate, the design should be finalised.

Potential Legal Action

Given the limited time remaining until 27 May 2009 to complete the required works to satisfy conditions of consent, Council should note that Council officers intend to initiate legal action as at 28 May 2009 to ensure compliance.

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 2

ACCESS COMMITTEE MINUTES

REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING

FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee meeting held on 3 February 2009.

Key issues addressed at the meeting included: -

- 1) Appointment of Committee Office Bearer's
- 2) Planning Day Outcomes
- 3) 2009 Meeting Schedule

ATTACHMENTS

- 1) Minutes of the Access Committee meeting held on 3 February 2009.

ATTACHMENT 1

**PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 3 FEBRUARY 2008
AT PORT STEPHENS COUNCIL**

Present:

Michelle Page, Cathy Jennings, Kathy Delia, Joe Delia, Margaret O'Leary, Robert Harper, Grahme Rayner, Gavin Jones, Cr Bruce McKenzie, Cr Sally Dover, Karen Whiting, Ken Whiting,

Apologies:

Nil

Meeting Opened: 10.40am

1. WELCOME & INTRODUCTIONS

Council's Community Planner – Ageing & Disability welcomed everyone to this special meeting which is the Committee's annual Planning Day where Office Bearer's are appointed and the Committee's goals for the year are formulated.

2. ADOPTION OF PREVIOUS MINUTES

The minutes of the previous meeting on 4 November 2008 were adopted as an accurate record of that meeting. There were no minutes in December as the International Day of Disabilities Event was held in lieu of the December Access Committee Meeting.

3. MATTERS ARISING FROM PREVIOUS MINUTES

Nil

4. PLANNING DAY DISCUSSIONS

3.1 Election of Committee Office Bearer's:

Committee undertook election of committee positions for 2009 and the following members have been elected:

 Chairperson ~ Joe Delia

✚ Deputy Chairperson ~ Robert Harper

✚ Secretary ~ Gavin Jones

3.2 Promotion of Access Committee to the Community:

Committee had numerous ideas for promotion of the Access Committee. Committee decided to make promotion of the Access Committee a monthly agenda item to be discussed throughout 2009.

3.3 Committee Member Requirements & OH&S requirements:

Council's Community Planner – Ageing & Disability discussed the requirements of Council volunteers (committee members) to have a current OH&S card. OH&S awareness courses for volunteers are held by Council on a regular basis. She asked all current Committee members who attend Committee meetings to check their OH&S status and advise her if they require OH&S training.

3.4 Purpose of the Committee:

Council's Community Planner - Ageing & Disability discussed the purpose of the Committee and briefed new members of the endorsed changes to the Committee's constitution in mid 2008. She explained that the Committee's purpose is to assist all members of the community including people with disabilities, older persons, children, parents, grand parents with the aim of creating barrier free access for the whole community.

The Access Committee is responsible in advocating on behalf of the whole community on access issues covering a broad range of issues including infrastructure, public facilities, parking, signage, transport, services and communication.

3.5 Committee Meeting Calendar for 2009:

Council's Community Planner – Ageing & Disability advised (as previously circulated) the Committee dates for 2009 are as follows: -

3 March 2009	(Venue: Nelson Bay RSL)
7 April 2009	(Venue: Raymond Terrace Bowling Club)
5 May 2009	(Venue: Nelson Bay RSL)
2 June 2009	(Venue: Port Stephens Council)
7 July 2009	(Venue: Raymond Terrace Bowling Club)
4 Aug 2009	(Venue: Nelson Bay RSL)
15 Sept 2009	(Venue: Port Stephens Council)
6 Oct 2009	(Venue: Raymond Terrace Bowling Club)
3 Nov 2009	(Venue: Nelson Bay RSL)
2 Dec 2009	International Day of Disability Event (Details to be advised)

3.6 Transport for Committee Members:

A Committee member raised the issue of transport difficulties to attend Committee meetings at both venues for Access Committee meetings. The Committee discussed this issue and potential transport options. Council's Community Planner – Ageing & Disability advised the Committee that Port Stephens Community transport offered bus transport for Committee members if the Committee agreed to change the day and time of meetings. This issue was raised by the Committee last year and the Committee had agreed not to change the meeting day and time in 2008 due to other impacts this change would have upon carer arrangements etc.

Further discussions were held in regards to Council's Community Planner – Ageing & Disability further assisting to transport committee members to meetings beyond the one or two members they regularly transport. She stated that they could transport members to meetings (where possible), however she is dependant upon vehicles in Council's car pool to attend meetings, and vehicles in the fleet are not appropriate for transporting people with certain disabilities.

4. DETAILS OF NEXT MEETING

The next meeting of the Access Committee will be held on 3 March 2009 at the Nelson Bay RSL Club commencing at 10.30am.

Meeting closed at 12pm

INFORMATION ITEM NO. 3

DETERMINED AND UNDETERMINED DEVELOPMENT APPLICATIONS

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

BACKGROUND

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

As it is considered more convenient for Councillors if the reports are run on the last day of the month, and it is not possible to meet the necessary deadline for the Business Paper, the information will be provided under separate cover.

ATTACHMENTS

- 1) Nil.

INFORMATION ITEM NO. 4

DEVELOPER CONTRIBUTIONS UPDATE

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

FILE: PSC2006-0066

BACKGROUND

The purpose of this report is to advise Council of the updated status of the State Governments reforms to Developer Contributions.

The Planning Reform Bill was assented to on 25 June 2008. Since that date the Department of Planning has been phasing in various components of the Bill, some of which has been gazetted, some by circular and some by Ministerial direction.

The Department of Planning have indicated that the revised Developer Contributions legislation will be introduced at the same time as the release of a revised Developer Contributions manual. The manual is being prepared by consultants on behalf of the Department. The introduction of both the Contributions legislation and the Contributions manual have been delayed by other Planning reforms and by Treasury's concerns with the high levy imposed by some Councils on the affordability of land for developers and purchasers.

Subsequent to wider State government review, a Ministerial direction under Section 94E of the EPA Act was issued on 23 January 2009 establishing a \$20,000 contribution threshold on a single lot or dwelling *"to boost housing supply and affordability as well as support business and provide a stimulus to the construction industry"*. Any Council who wishes to levy above that amount was required to forward notice of a proposed submission to the Department by 2 February 2009. Port Stephens Council's current contribution levy of \$11,227 is far below this threshold.

The Government has also required Sydney Water and Hunter Water to cease infrastructure charges on development. These organisations have yet to indicate other options for recovering these costs. Where State infrastructure contributions are levied (Sydney north and south west sectors, and sections of Newcastle and Wyong), rail infrastructure and bus subsidies have been removed as well as allowing deferral of the payment till the lot is sold.

The major legislative changes which affect this Council and yet to be enacted include:-

- S94 now to be called *"Direct Contribution"*
S94A to be called *"Indirect Contribution"*
- A Council's Contributions Plan or Planning Agreement may only levy for Community Infrastructure which is:

*a) Key Community Infrastructure defined by regulation
or*

*b) Additional Community Infrastructure approved or as directed by the
Minister*

- The regulations define Key Community Infrastructure as:

a) Local Roads;

b) Local Bus Facilities;

c) Local Parks;

*d) Local sporting, recreational and cultural facilities and local social facilities
(being community and child care centres and volunteer rescue and
volunteer emergency services facilities); and*

e) Local car parking facilities;

f) Drainage and stormwater management works;

g) Land for any community infrastructure (except land for riparian corridors); and

*h) District infrastructure of the kind referred to in paragraphs (a) to (e) but only if
there is a direct connection with the development to which a contribution
relates.*

*Public infrastructure comprising land for riparian corridors cannot be
approved under section 116I or 116V of the Act as additional community
infrastructure or additional public infrastructure.*

Facilities means buildings and works, which excludes such items as
equipment, furnishings and fit outs and RFS and SES vehicles. "Direct
connection" has not been defined.

The Minister may, by direction in writing given in a particular case, authorise a council to require a community infrastructure contribution even though it is not of a kind allowed by, or is not determined in accordance with, a contributions plan approved by the council. However a condition of development consent that imposes a direct contribution may be disallowed or amended by the Court on appeal, or by a reviewing body on a review under section 96E, because it is unreasonable in the particular circumstances of that case, even if it was determined in accordance with a Contributions Plan or direction of the Minister.

INFORMATION ITEM NO. 5

CASH AND INVESTMENTS HELD AT 31 JANUARY 2009

**REPORT OF: CHRISTOPHER BRICE – ACTING FINANCIAL SERVICES MANAGER
FILE: PSC2006-6531**

BACKGROUND

The purpose of this report is to present Council's schedule of Cash and Investments Held at 31 January 2009.

ATTACHMENTS

- 1) Cash and Investments Held at 31 January 2009.
- 2) Monthly Cash and Investments Balance February 2008 – January 2009
- 3) Monthly Australian Term Deposit Index July 2008 – January 2009

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

ATTACHMENT 1

CASH & INVESTMENTS HELD AS AT 31 JANUARY 2009										
INVESTED WITH	INV. TYPE	CURRENT RATING	MATURITY DATE	AMOUNT INVESTED	% of Total Portfolio	Current Int Rate	Market Value November	Market Value December	Market Value January	Current Mark to Market Exposure
GRANGE SECURITIES										
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt			-	0.00%	0.00%	\$496,800.00	\$0.00	\$0.00	\$0.00
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	AA	20-Mar-12	1,000,000.00	3.24%	0.00%	\$750,000.00	\$750,000.00	\$420,000.00	-\$580,000.00
NEXUS BONDS LTD "TOPAZ AA"	Floating Rate CDO	AA-	23-Jun-15	412,500.00	1.34%	6.49%	\$315,562.50	\$315,562.50	\$198,000.00	-\$214,500.00
HERALD LTD "QUARTZ AA"	Floating Rate CDO	AA	20-Dec-10	450,000.00	1.46%	5.79%	\$317,925.00	\$317,925.00	\$116,595.00	-\$333,405.00
STARTS CAYMAN LTD "BLUE GUM AA"	Floating Rate CDO		22-Jun-13	1,000,000.00	3.24%	5.65%	\$507,400.00	\$507,400.00	\$10,000.00	-\$990,000.00
HELIUM CAPITAL LTD "ESPERANCE AA+ "	Floating Rate CDO	A-	20-Mar-13	1,000,000.00	3.24%	5.43%	\$536,000.00	\$536,000.00	\$0.00	-\$1,000,000.00
HOME BUILDING SOCIETY	Floating Rate Sub Debt		25-Jul-11	500,000.00	1.62%	4.46%	\$470,500.00	\$470,500.00	\$429,275.00	-\$70,725.00
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note		18-Oct-11	500,000.00	1.62%	5.71%	\$420,500.00	\$420,500.00	\$488,000.00	-\$12,000.00
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	AA-	20-Mar-14	1,000,000.00	3.24%	5.35%	\$418,600.00	\$418,600.00	\$182,200.00	-\$817,800.00
GRANGE SECURITIES "COOLANGATTA AA" *	Floating Rate CDO	AA	20-Sep-14	1,000,000.00	3.24%	0.00%	\$319,000.00	\$319,000.00	\$0.00	-\$1,000,000.00
TOTAL GRANGE SECURITIES				\$6,862,500.00	22.26%		\$4,552,287.50	\$4,055,487.50	\$1,844,070.00	(\$5,018,430.00)
ABN AMRO MORGANS										
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	AA	20-Sep-09	\$2,000,000.00	6.49%	0.00%	\$1,575,000.00	\$1,590,000.00	\$1,685,000.00	-\$315,000.00
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note		17-Sep-11	\$1,000,000.00	3.24%	0.00%	\$857,300.00	\$875,800.00	\$902,700.00	-\$97,300.00
BANK OF QLD FLOATING RATE NOTE	Floating Rate Note		30-Jun-09	\$1,000,000.00	3.24%	4.71%	\$994,700.00	\$991,110.00	\$991,110.00	-\$8,890.00
BANK OF QLD TERM DEPOSIT	Term Deposit		5-Sep-09	\$750,000.00	2.43%	7.10%		\$750,000.00	\$750,000.00	\$0.00
TOTAL ABN AMRO MORGANS				\$4,750,000.00	15.41%		\$3,427,000.00	\$4,206,910.00	\$4,328,810.00	(\$421,190.00)
ANZ INVESTMENTS										
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA"	Floating Rate CDO	AA-	6-Apr-10	\$500,000.00	1.62%	5.19%	\$217,500.00	\$151,600.00	\$147,000.00	-\$353,000.00
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	AA	30-Dec-11	\$1,000,000.00	3.24%	0.00%	\$160,000.00	\$230,300.00	\$266,100.00	-\$733,900.00
MOTIF FINANCE (IRELAND) PLC	Floating Rate CDO	A	1-Jun-17	\$517,876.98	1.68%	0.00%	\$812,800.58	\$569,858.42	\$620,904.95	\$103,027.97
ADELAIDE BANK SENIOR DEBT	Floating Rate Deposit		22-May-09	\$1,000,000.00	3.24%	4.68%	\$994,290.00	\$996,100.00	\$996,030.00	-\$3,970.00
TOTAL ANZ INVESTMENTS				\$3,017,876.98	9.79%		\$2,184,590.58	\$1,947,858.42	\$2,030,034.95	(\$987,842.03)
RIM SECURITIES										
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO		29-Jul-13	\$2,000,000.00	6.49%	0.00%	\$446,840.00	\$462,960.00	\$426,480.00	-\$1,573,520.00
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt		8-Oct-11	\$1,000,000.00	3.24%	4.61%	\$944,807.00	\$946,755.00	\$943,464.00	-\$56,536.00
QLD POLICE CREDIT UNION	Term Deposit		9-Feb-09	\$1,004,684.93	3.26%	5.40%	\$1,000,000.00	\$1,000,000.00	\$1,004,684.93	\$0.00
SAVINGS AND LOANS CREDIT UNION	Term Deposit			\$0.00	0.00%	0.00%	\$0.00	\$1,000,000.00	\$0.00	\$0.00
AUSTRALIAN CENTRAL CREDIT UNION	Term Deposit		2-Feb-09	\$1,000,000.00	3.24%	5.80%	\$0.00	\$1,000,000.00	\$1,000,000.00	\$0.00
COMMUNITY CPS CREDIT UNION	Term Deposit			\$0.00	0.00%	0.00%	\$0.00	\$1,000,000.00	\$0.00	\$0.00
TOTAL RIM SECURITIES				\$5,004,684.93	16.23%		\$2,391,647.00	\$5,409,715.00	\$3,374,628.93	(\$1,630,056.00)
WESTPAC INVESTMENT BANK										
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt		27-Apr-10	\$500,000.00	1.62%	4.61%	\$485,280.00	\$485,800.00	\$486,315.00	-\$13,685.00
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt		20-Nov-11	\$500,000.00	1.62%	5.53%	\$437,720.00	\$439,220.00	\$440,385.00	-\$59,615.00
TOTAL WESTPAC INV. BANK				\$1,000,000.00	3.24%		\$923,000.00	\$925,020.00	\$926,700.00	(\$73,300.00)

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

ATTACHMENT 1

LONGREACH CAPITAL MARKETS										
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	AA	7-Mar-12	\$500,000.00	1.62%	0.00%	\$397,150.00	\$390,700.00	\$417,950.00	-\$82,050.00
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note		7-Sep-12	\$500,000.00	1.62%	0.00%	\$381,800.00	\$392,550.00	\$406,650.00	-\$93,350.00
TOTAL LONGREACH CAPITAL				\$1,000,000.00	3.24%		\$778,950.00	\$783,250.00	\$824,600.00	(\$175,400.00)
COMMONWEALTH BANK										
CALLABLE CPI LINKED NOTE	Yield Curve Note			\$0.00	0.00%	0.00%	\$477,550.00	\$487,450.00	\$0.00	\$0.00
EQUITY LINKED DEPOSIT	Equity Linked Note		20-Sep-11	\$500,000.00	1.62%	3.00%	\$476,300.00	\$486,350.00	\$493,100.00	-\$6,900.00
EQUITY LINKED DEPOSIT GI100	Equity Linked Note		03-Aug-10	\$500,000.00	1.62%	3.00%	\$494,700.00	\$497,950.00	\$501,650.00	\$1,650.00
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note		05-Nov-12	\$500,000.00	1.62%	3.00%	\$466,650.00	\$473,400.00	\$483,150.00	-\$16,850.00
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt		09-Nov-12	\$500,000.00	1.62%	6.15%	\$453,970.00	\$400,000.00	\$432,215.00	-\$67,785.00
TOTAL COMMONWEALTH BANK				\$2,000,000.00	6.49%		\$2,369,170.00	\$2,345,150.00	\$1,910,115.00	(\$89,885.00)
FIGI SECURITIES										
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	Principal Protected Note		21-Jun-10	\$1,000,000.00	3.24%	0.00%	\$913,600.00	\$941,200.00	\$951,600.00	-\$48,400.00
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note		30-Nov-14	\$500,000.00	1.62%	5.65%	\$420,100.00	\$420,100.00	\$330,300.00	-\$169,700.00
STATE GOVERNMENT EMPLOYEES CREDIT UNION	Term Deposit			\$0.00	0.00%	0.00%	\$1,000,000.00	\$0.00	\$0.00	\$0.00
AUSTRALIAN DEFENCE CREDIT UNION	Term Deposit		26-Feb-09	\$1,000,000.00	3.24%	7.40%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00
AUSTRALIAN DEFENCE CREDIT UNION	Term Deposit			\$0.00	0.00%	0.00%	\$1,000,000.00	\$0.00	\$0.00	\$0.00
TOTAL FIGI SECURITIES				\$2,500,000.00	8.11%		\$4,333,700.00	\$2,361,300.00	\$2,281,900.00	(\$218,100.00)
MAITLAND MUTUAL										
	Floating Rate Sub Debt		30-Jun-09	500,000.00	1.62%	5.24%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
	Term Deposit		25-Feb-09	548,292.61	1.78%	6.00%	537,521.56	548,292.61	548,292.61	\$0.00
	Floating Rate Sub Debt		31-Dec-09	500,000.00	1.62%	5.66%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
TOTAL M'LAND MUTUAL				\$1,548,292.61	5.02%		\$1,537,521.56	\$1,548,292.61	\$1,548,292.61	\$0.00
TOTAL INVESTMENTS				\$27,683,354.52	89.79%		\$22,497,866.64	\$23,582,983.53	\$19,069,151.49	(\$8,614,203.03)
AVERAGE RATE OF RETURN ON INVESTMENTS										3.34%
CASH AT BANK				\$3,146,915.53	10.21%	3.20%	\$3,233,794.24	\$1,031,239.77	\$3,146,915.53	\$0.00
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH										3.32%
TOTAL CASH & INVESTMENTS				\$30,830,270.05	100.00%		\$25,731,660.88	\$24,614,223.30	\$22,216,067.02	(\$8,614,203.03)
BBSW FOR PREVIOUS 3 MONTHS										4.33%

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

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

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

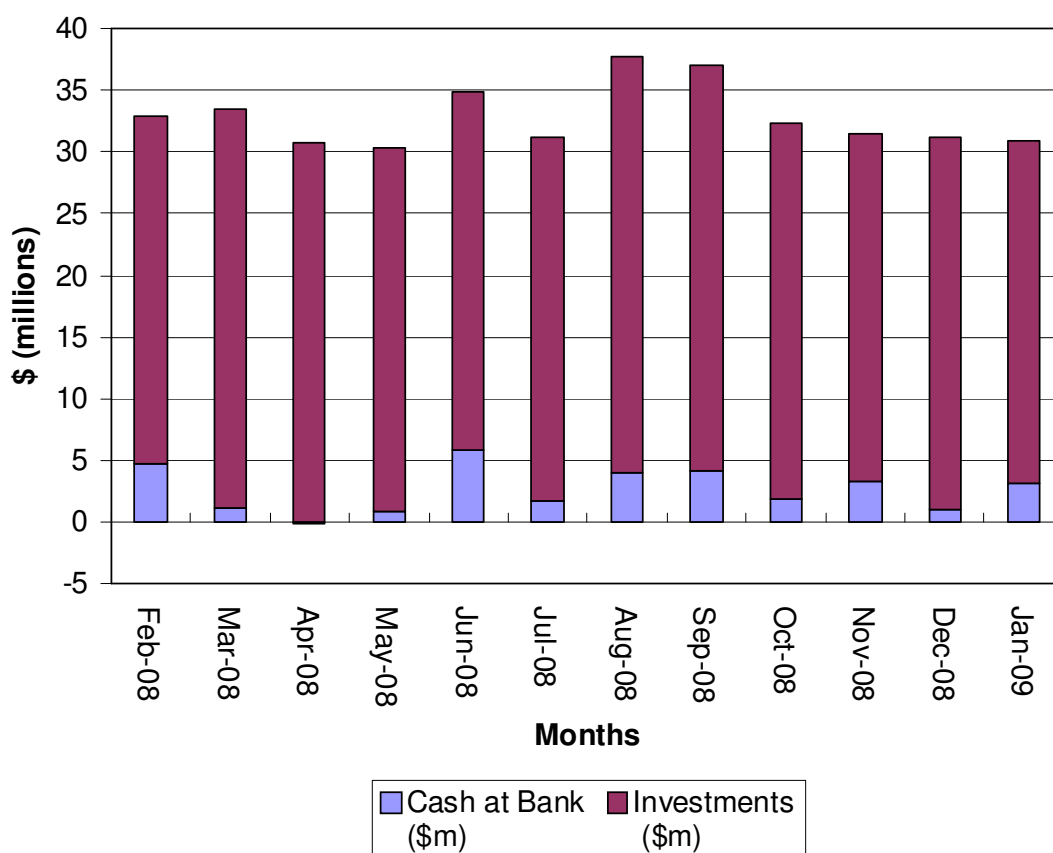
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Feb-08	4.760	28.085	32.844
Mar-08	1.162	32.230	33.392
Apr-08	0.146	30.783	30.637
May-08	0.889	29.407	30.296
Jun-08	5.899	28.907	34.806
Jul-08	1.780	29.407	31.187
Aug-08	3.939	33.846	37.785
Sep-08	4.141	32.918	37.059
Oct-08	1.934	30.418	32.352
Nov-08	3.234	28.179	31.412
Dec-08	1.031	30.179	31.210
Jan-09	3.147	27.683	30.830

Cash and Invested Funds for the Period ended 31/1/2009

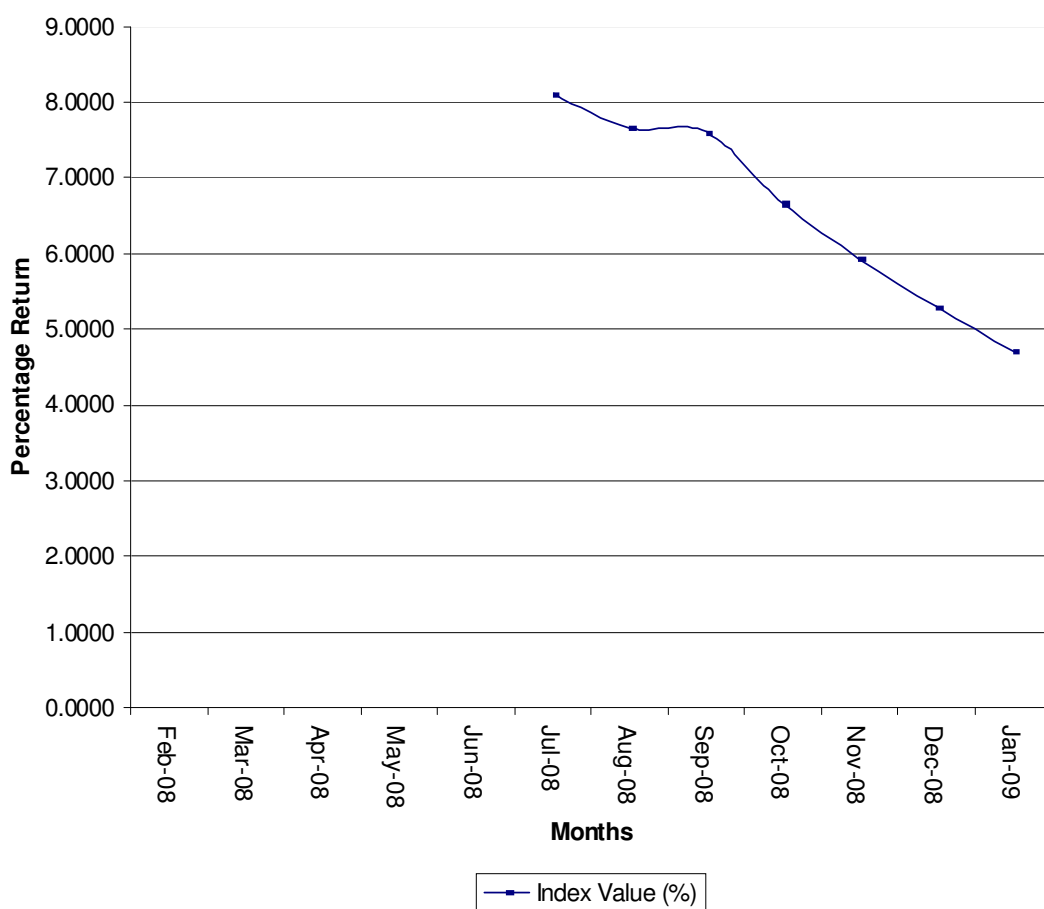


ATTACHMENT 2

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Feb-08	
Mar-08	
Apr-08	
May-08	
Jun-08	
Jul-08	8.1102
Aug-08	7.6563
Sep-08	7.6020
Oct-08	6.6626
Nov-08	5.9328
Dec-08	5.2972
Jan-09	4.7113

Australian Term Deposit Index as at 31/1/2009



INFORMATION ITEM NO. 6

DEVELOPMENT APPLICATION FOR PROPOSED POLICE STATION REDEVELOPMENT AT NO. 55 AND 59 WILLIAM STREET, RAYMOND TERRACE

**REPORT OF: SCOTT ANSON – MANAGER, DEVELOPMENT & BUILDING
FILE: 16-2008-949-1**

BACKGROUND

The purpose of this report is to inform Councillors that this development application will be reported to Council for determination at its March Ordinary Meeting on 24 March 2009.

The development application seeks consent for a two storey 'public administration building', comprising a two (2) storey building with underground basement and custodial area.

The proposed building replaces the current Raymond Terrace police station. The new police station is required to accommodate the recently formed Port Stephens Local Area Command. The site encompasses 2,933m² and includes two heritage items, being the court house (state heritage item) and former police residences (local heritage item) as listed in Port Stephens Local Environmental Plan 2000.

In summary the key issues associated with the proposal include:-

- SEPP (Infrastructure) 2007
- Heritage values of Court House and Police Station
- Height
- Bulk, Scale and Density
- Car parking
- Visual Impact on Streetscape
- Gateway location to Raymond Terrace CBD

A comprehensive assessment will be provided in the report to Council's Ordinary Meeting in March 2009.

ATTACHMENTS

Nil.

STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: PSC2006-6848****ENTERPRISE RISK MANAGEMENT POLICY****AUTHOR: WAYNE WALLIS - GROUP MANAGER, CORPORATE EXCELLENCE**
-----**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the current Risk Management Policy, adopted 31/1/2006 Minute NO: 399 (Attachment 1).
 - 2) Adopt the proposed Enterprise Risk Management Policy, 2009. (Attachment 2).
-
-

STRATEGIC COMMITTEE – 3 MARCH 2009**RECOMMENDATION:**

Councillor John Nell Councillor Bob Westbury	That the recommendation be adopted.
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ORDINARY COUNCIL – 24 MARCH 2009

075	Councillor John Nell Councillor Daniel Maher	It was resolved that the recommendation be adopted.
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-----**BACKGROUND**

Council has now embarked on a more contemporary and highly beneficial Enterprise Risk Management agenda of which the respective policy is one of the key reference documents. The current risk management policy was originally drafted in 2004 and does not reflect our new focus on achieving a whole of organisation risk culture.

The Enterprise Risk Management Policy aims to provide a framework for the management of risk and define the responsibilities of staff and management in the risk management process. It demonstrates Council's commitment to holistic risk management as an integral part of its operations.

The changes to the policy are many and as such the Council's usual practise of highlighting changes on the old policy is redundant. Both policies are attached to this report.

LINKS TO CORPORATE PLANS

This policy links to Council Plan 2008-2012 - Goal 15:

Council works to constantly improve its level of internal service to its team members. The re-classification of this policy will provide clearer direction on the application of this business tool.

Specifically, links to the 2008-2012 Council Plan include:-

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

Sound project and program planning and implementation based on risk management principles will reduce the exposure of the community to losses. A more structured approach to managing the risks associated with provision of services and facilities will reduce the cost of claims and optimise the economic benefit to Council.

LEGAL AND POLICY IMPLICATIONS

Council's Enterprise Risk Management framework is compliant with AS/NZS 4360:2004. Local Government Act 1993 (NSW).

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.*

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Part of Council's mission is to provide services and make decisions to enhance our quality of life, our economy and our natural environment. The identification, measurement and control of risks to protect the community, the Council and its assets against loss will help to ensure the viability of Council services and facilities.

ECONOMIC IMPLICATIONS

The principles of risk management require staff to make informed judgements concerning the level and cost of risk involved in achieving cost-effective outcomes.

ENVIRONMENTAL IMPLICATIONS

Council's focus on environmental sustainability and addressing the impacts of climate change are supported by the Enterprise Risk Management framework that includes consideration of environmental impacts as part of the risk assessment process.

CONSULTATION

Executive Team
Senior Management Team
Risk Management Co-ordinator
Procurement & Contracts Co-ordinator

ATTACHMENTS

- 1) Risk Management Policy
- 2) Enterprise Risk Management Policy

ATTACHMENT 1



POLICY

Adopted: 24/02/2004
Min No: 68
Amended: 31/01/2006
Min No: 399

FILE NO: A2004-0111

TITLE: RISK MANAGEMENT

BACKGROUND

AS/NZS 4360:2004 defines Risk Management as “the culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects”. Council is committed to Risk Management as an integral part of its operations, focussing on strategies to minimise risks to corporate goals and objectives.

OBJECTIVE

To develop and maintain a program of identification, measurement and control of risks to ensure that the community, the Council and its personnel, property and income are protected against loss and to achieve a corporate culture that recognises Risk Management as an integral part of its operations.

PRINCIPLES

- 1) The Council is committed to managing risk pursuant to the Australian/ New Zealand standard “Risk Management” (**AS/NZS 4360:2004**).
- 2) Promote and support risk management practices across the organisation through the development and implementation of strategies to guide and assist staff in their operational areas.
- 3) Identify, analyse, assess and prioritise all areas of risk
- 4) Reduce the exposure of the community to losses through sound project or program planning and implementation.
- 5) Reduce the cost of claims and optimise economic benefit to Council.
- 6) Make informed judgements concerning the level and costs of risk involved in achieving cost-effective outcomes.
- 7) Protect Council’s corporate image as a professional, responsible and ethical organisation.

POLICY STATEMENT

Council is committed to excellence in Risk Management in order to benefit the community and manage the cost to Council. To meet this commitment, risk is to be every employee's business. All employees are required to be competent and accountable for adequately managing risk within their area of responsibility.

Implementation of risk management strategy will be a Council priority and will be implemented through consultation with the General Manager, Executive Group and all employees.

The General Manager is responsible for risk management across Council.

The Executive Manager – Corporate Management is the senior staff member responsible for establishing the process for managing risk throughout the organisation.

Managers, at all levels, are required to create an environment where managing risk is accepted as the personal responsibility of each member of the Council. The managers are accountable for the implementation and maintenance of sound risk management within their area of responsibility in conformity with the Risk Management Policy. All staff are to be actively involved in the management of risk.

The Risk Management Co-ordinator is responsible for the provision of advice, training and service assistance to all areas on risk management matters.

Risk Management will be integrated into Council's existing planning and operational process and will be given full recognition in the funding and reporting process on the basis of the evaluation of the extent of the risk and Council's exposure.

RELATED POLICIES

Gathering Information
Footpaths & Cycleways
Road Assessment & Maintenance
OH&S Management Directive
Records Management Directive

REVIEW DATE

16 November 2008

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act, 1993
NSW Occupational Health & Safety Act, 2000

IMPLEMENTATION RESPONSIBILITY

Implementation of this policy is the responsibility of the Risk Management Co-ordinator.

ATTACHMENT 2



POLICY

Adopted: .././2009
Min No: 00

FILE NO: PSC2006-6848

TITLE: ENTERPRISE RISK MANAGEMENT

BACKGROUND

Enterprise Risk Management (ERM) is a structured, consistent and integrated approach that aligns strategy, processes, people, technology and knowledge to minimise risks to corporate goals and maximise the achievement of objectives. Its purpose is to evaluate and manage the uncertainties Council faces to maximise opportunities.

At present, Council's approach to risk management can be fragmented and capture of data can be infrequent and this lack of consistency inhibits Council's ability to manage its risks effectively. This policy sets out Council's intention regarding Enterprise Risk Management and how it will become embedded into our culture.

Port Stephens Council's enterprise risk management culture will become part of Council's practices and business processes, align with our Business Excellence Framework to anticipate opportunities for continuous improvement and become integral to the way Council does business.

DEFINITIONS

Risk is the chance of something happening that will have an impact upon objectives. It is measured in terms of consequence and likelihood. (AS/NZ 4360:2004)

Risk Management is the culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects. (AS/NZ 4360:2004).

Risk Portfolio is your risk identification captured in a risk register.

Risk Optimisation is risk mitigation. This embodies the concept of choice.

Risk Appetite is how we determine the level of risk acceptable to Council. This facilitates benchmarking in future reviews.

Risk Matrix is the central reference document used for determining the rating of a risk. Any risk must be rated in order to enact the appropriate measures to manage the nominated risk.

Risk Categories are the key areas of Council which all activities can be aligned to.

RAP is the risk advisory panel. This group is made of key members of staff who will monitor, review and report to the Executive Team.

Risk Framework can also be referred to as a risk structure or a risk model.

Strategic Risk is the capture of risks as defined by the senior management team. This data will be reviewed and reported on quarterly and aligns with the Council planning process.

Corporate Risk is the assessment of everyday situations encountered by any staff member and captured in the risk portfolio.

OBJECTIVE

The purpose of this policy is to promote a standard approach to enterprise risk management at Port Stephens Council and to ensure that all risks that could affect our people, reputation, business processes and systems, financial and environmental performance are identified, assessed and treated to an acceptable level.

Specifically, this includes the following areas:

- Business Processes & systems
- Financial
- Environmental
- People
- Reputation

PRINCIPLES

Australian Business Excellence Framework

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.*
- 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.*

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

POLICY STATEMENT

Council is committed to excellence in Enterprise Risk Management in order to benefit the community and manage the cost to Council. To meet this commitment, risk management is to be the responsibility of all employees, councillors, contractors and volunteers.

Implementation of Enterprise Risk Management will be a Council priority and will be implemented through consultation with the General Manager, Executive Team and all employees.

Managers, at all levels, will create an environment where managing risk is accepted as the personal responsibility of every employee and where every employee is encouraged to be actively involved in the management of risk within their area of responsibility.

The designated Enterprise Risk Management Co-ordinator will be responsible for the facilitation of advice, training and service assistance to all areas on risk management matters.

Enterprise Risk Management will be integrated into Council's existing planning and operational process including the Business Excellence Framework, internal audit program, self assessment process and integrated planning process. It will also become embedded into Council's culture through opportunities such as the planning panel (TP²), PDSA teams and special projects.

RELATED DOCUMENTS

Enterprise Risk Management Framework
[Enterprise Risk Assessment Matrix](#)
[Corporate Risk Register](#)

RELATED POLICIES

OH&S Management Directive
Records Management Directive

REVIEW DATE

February 2010

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act, 1993
NSW Occupational Health & Safety Act, 2000
Civil Liability Act, 2002

IMPLEMENTATION RESPONSIBILITY

GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1**FILE NO: PSC2005-5185****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****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) Nelson Bay West Parks Committee – BBQ for Western End of Dutchies Beach - \$5,000 – East Ward Funds
 - b) Port Stephens Surf Life Saving Support Services – Contribution towards cost of purchasing radios - \$1,800 – East Ward Funds
 - c) Port Stephens Community Care – Donation of funds towards seniors week 2009 - \$1,000 – Mayoral Funds
 - d) Real Futures Programme – To Promote Year 10 students opportunities to be ready for employment - \$2,000 – East Ward Funds
 - e) NSW Fire Brigade – Reimbursement of fees for charity event - \$95 – East Ward Funds
 - f) Riding for the Disabled Association – Reimbursement for DA Fees for New Shelter - \$1,200 – West Ward Funds
 - g) Irawang Ice Cheerleaders – Donation to squad fundraising - \$100 – West Ward Funds
 - h) Beacon Foundations – Real Futures Programme - \$2,000 – Central Ward Funds
 - i) Medowie Public School Canteen - \$1,000 – Central Ward Funds
 - j) Mallabula Panthers Rugby League Club - \$1,400.13 – Central Ward Funds
 - k) Nelson Bay RSL Sub Branch – Fees for use of the Apex Park - \$95 – East Ward Funds

ORDINARY COUNCIL – 24 MARCH 2009

076	Councillor Glenys Francis Councillor Bob Westbury	It was resolved that the recommendation be adopted .
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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

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

funding. The Council's policy gives Councillors a wide discretion to either grant or to refuse any requests.

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

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

The requests listed below were considered by the former Ward Councillors and approved however these were not reported to Council prior to the Local Government election. Due to the timing Items (a) and (b) have been approved by the General Manager and are before Council for ratification by Council.

The requests for financial assistance are shown below:-

MAYORAL DONATIONS

Port Stephens Community Care	Donations towards seniors week 2009	\$1,000.00
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WEST WARD – Councillors Jordan, Francis, Maher & Kafer

Riding for the Disabled Association	Reimbursement for DA Fees for New Shelter	\$1,200.00
Irrawang Ice Cheerleaders	Donation towards Squad Fundraising	\$100.00

EAST WARD – Councillors Nell, Westbury, Dover & Ward

Nelson Bay West Parks Committee	BBQ for the Western End of Dutchies Beach	\$5,000.00
Port Stephens Surf Life Saving Support Services	Contribution to wards costs of purchasing Radios	\$1,800.00
NSW Fire Brigade	Reimbursement of fees for holding charity event.	\$95.00
Real Futures Programme	Promote Year 10 Students opportunity to be ready for employment	\$2,000.00
Nelson Bay RSL Sub Branch	Fees for use of Apex Park	\$95.00

CENTRAL WARD – Councillors Dingle, MacKenzie, O'Brien, Tucker

Beacon Foundation – Real Futures Programme	Polish Programme Donation	\$2,000.00
Medowie Public School Canteen	Contribution towards Canteen Costs	\$1,000.00
Mallabula Panthers Rugby League Club	Loan Repayment Contribution	\$1,400.13

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.

- 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. 2**FILE NO: PSC2005-5569****PROPOSED BUNNINGS DEVELOPMENT AT TAYLORS BEACH INDUSTRIAL AREA****REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING**

RECOMMENDATION IS THAT COUNCIL:

- 1) Advise that any future development application for a Bunning's store at Taylors Beach must be accompanied by an enhanced submission that satisfies the requirements of the Port Stephens Local Environmental Plan 2000.
 - 2) Not support the Section 96 DA No. 16-2001-1700-3 that seeks to modify the condition of consent that currently requires the provision and construction of a bus lay-by, footpath and bus shelter in the subdivision in which the proposed Bunnings development is located.
-

077	Councillor Bob Westbury Councillor Steve Tucker	It was resolved that Council advise that any future development application for a Bunning's store at Taylors Beach must be accompanied by an enhanced submission that satisfies the requirements of the Port Stephens Local Environmental Plan 2000.
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In accordance with the Local Government Act 1993, a division is required.

Those for the motion: Councillors Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.

Those against the motion: Nil.

BACKGROUND

The purposes of this report are to:

enable Council to take a policy position in relation to bulky goods retailing in the 4(a) Industrial zone at Taylors Beach;
enable a decision regarding a condition, relating to the subdivision of the land upon which the Bunnings development will be proposed, requiring a bus lay-by

Resolving the policy issue at this stage will be productive to efficient assessment of the imminent Development Application.

Council has received a submission seeking the support of Council for a Bunning's store to be located on land zoned 4(a) Industrial at Taylors Beach Industrial Estate. The submission has been prepared by Insite Planning on behalf of the landowner Hunter Land Pty Ltd.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

The key policy issue is whether Council should support a bulky good retailing activity such as Bunnings to be located within the 4(a) Industrial zone at Taylors Beach.

Insite Planning submits that a Bunning's store is defined as a bulky goods premise under the Port Stephens Local Environmental Plan 2000 (the LEP).

Definition of bulky goods sales rooms or showrooms

Bulky goods sales rooms or showrooms are defined in the LEP as:

"...a building or place used for the retail sale or auction, or the hire or display of goods or materials which are of a size, shape or weight requiring:

A large area for handling, storage or display, or

Direct vehicular access to the site by the public, for loading items into their after purchase, but does not include a building or place used for the sale of foodstuffs or clothing."

Objectives of the 4(a) Industrial Zone

Bulky goods sales rooms or showrooms are permissible with consent in the 4(a) Industrial zone. However, guidance on permissibility is provided in the zone objectives, in particular the following:

- (e) to allow commercial, retail, residential, or other development only where it is associated with, ancillary to, or supportive of, industrial development, and
- (f) to limit development for the purpose of bulky goods salesrooms or showrooms,...

Clause 25 Bulky goods salesrooms and showrooms in industrial zones

Clause 25 of the Port Stephens LEP 2000 states:

"The consent authority shall not grant consent for development for the purpose of a bulky goods salesroom or showroom in an industrial zone unless it is satisfied that:

- (a) there is a need for development for that purpose in the zone,
- (b) having regard to the objectives of the zone and the number of retail outlets that exist within (or are proposed for) the zone, the carrying out of the proposed development is appropriate, and
- (c) the carrying out of the proposed development will not have a substantial adverse effect on existing business centres or on adjoining residential properties."

Although many of the types of products sold by Bunning's can readily fit the description of bulky goods (such as timber and other related building products) many items are also sold that are not subject to a) and b) above. This has the potential to undermine existing commercial centres, reduce the availability of industrial zoned land for industrial purposes and encourage greater car dependency and traffic. However, there are already a number of retail-type or bulky good premises operating within the 4(a) Industrial zone particularly in the Taylors Beach area. This has established a strong precedent for the consideration of bulky good premises in the 4(a) zone.

Strategic implications

Bulky goods premises are also permitted in the 3(a) Business zone and suitable sites may be available in existing commercial centres in the area. As a planning principle, retailing should occur in commercial centres to support their continued economic and social viability.

The issues raised by the operation of a bulky goods and retail type premises in the 4(a) industrial zone indicate that a broader review into bulky goods retailing and its suitability within the 4(a) Industrial zone should be considered. At present their suitability within the zone is reliant on interpretation of the zone objectives and clause 25 of the LEP. Council should consider this issue as part of the comprehensive Port Stephens LEP due to be completed by mid-late 2010.

As part of the comprehensive review of the LEP, Council will need to take into account Directions issued by the Minister for Planning under Section 117 of the Environmental Planning and Assessment Act 1979. *Direction 3.4 Integrating Land Use and Transport* is relevant here and requires Council to give effect to the following:

Improving Transport Choice – Guidelines for planning and development (2001) and The Right Place for Business and Services – Planning Policy (2001)

These policies are designed to encourage retailing in commercial centres and it is debatable whether or not the proposed development is consistent with these policies. Despite this, it should be noted that this policy is directed at the zoning of land not development applications. When preparing the new Port Stephens LEP, this policy has to be considered and addressed.

Submission by Insite Planning on behalf of the landowner Hunter Land Pty Ltd.

The submission has not adequately demonstrated that the proposed development; is consistent with the zone objectives, in particular objectives e and f; and, under Clause 25(c), will not have a substantial adverse effect on existing business centres such as Salamander Bay.

Application to Amend Section 96 Condition of Consent for DA No: 16-2001-1700-3 Requiring a Bus Layby

The proponent for the Bunnings proposal has raised objections to Condition 24 of the S96 conditions of consent for the subdivision of the subject land (DA No: 1700/2001) which requires the developer of the subdivision to construct a bus lay-by and associated footpath and bus shelter at roundabout at the intersection of Taylors Beach Rd and Port Stephens Dr. The proponent is arguing that this condition is unreasonable.

The existing bus stop near Trades Circuit to the north of the proposed roundabout is situated 400m away. This is an ideal spacing for location of bus stops and a new bus stop at the proposed roundabout will allow connection to Taylors Beach Road and will be ideally located at the entrance to the industrial subdivision.

Council should support, where feasible, the use of alternative transport to cars of which public transport forms a major component. Employees and customers of the businesses within the subdivision and surrounding areas should be encouraged to utilise buses as a means of transport provided appropriate and convenient facilities are available.

Therefore, the Section 96 condition is consistent with Development Control B3.C1 under the Port Stephens Development Control Plan 2007 as the conditioned bus stop will be located adjacent to the conditioned roundabout entry to the subdivision and in effect is the destination point for the development. The condition is also consistent with the strategic policy directions of the Port Stephens Community Settlement and Infrastructure Strategy 2007 and the State government's Integrating Land Use and Transport Policy package.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The potential social implications of the proposed development are the impact on the viability of existing commercial centres and good public accessibility. Bunnings is a large trip generating activity and its location at Taylors Beach industrial area will require residents and customers to split trips between Taylors Beach and the nearest commercial centre - Salamander Shopping Centre. Co-locating food and clothing retailing with bulky goods sales rooms or showrooms has strong social synergies. Hence, the proposed development would have the opposite effect upon Salamander Shopping Centre.

Positive social implications would include employment generation.

ECONOMIC IMPLICATIONS

The Industrial 4(a) zone and its general application across Port Stephens is established for wealth and employment generating activities that require isolation from other land uses due to the impacts of noise, odour, dust, smoke etc. Bulky goods sales rooms or showrooms by definition and operation do not require this separation. Hence, the applicant needs to demonstrate, and Council needs to be satisfied, that the objectives of the Industrial 4(a) zone (objectives e and f) have been addressed. Furthermore, Council must be satisfied that the proposed development does not unnecessarily take up the limited land on the Tomaree Peninsula available for development that is industrial in its activities and impacts to accommodate the employment needs of future population growth.

The economic impact of the proposed development on surrounding commercial centres is not adequately addressed in the submission. As required by clause 25(c) of the LEP, the proponent needs to demonstrate, and Council must be satisfied, that the proposed development does not adversely impact on surrounding commercial centres.

ENVIRONMENTAL IMPLICATIONS

The proposed development will generate significant vehicular traffic along Port Stephens Drive. If the proposed development were to be located within an existing town or commercial centre this impact would be less due to the benefits of co location, an increase in convenience, an increase in multi purpose trips, and a reduction in single purpose trips. The environmental impacts of increased vehicular traffic upon the existing street network needs to be addressed by the proponent.

The submission shows that the landowner intends to make application to substantially reduce the width of an environmental corridor that exists on the eastern boundary of the site. The merits of reducing the width of this corridor, and environmental impact, should be assessed in detail as part of any subsequent development application.

SUMMARY

A Bunnings store is most likely defined as a bulky goods premise under the LEP. Bulky goods premises are permissible in the 4(a) Industrial zone subject to satisfying the requirements of the LEP most importantly zone objectives e and f and clause 25. The appropriate zone to provide for bulky goods retailing is being investigated as part of a broader policy review on this issue in preparation of the Comprehensive LEP by 2011 to provide clarity for future applicants, the community and Council.

CONSULTATION

The proponent, their consultant and representatives of Bunnings met with the Mayor, Group Manager of Sustainable Planning and the General Manager and then the Development Assessment Panel on 3rd February 2009. Minutes of the two meetings are Attachments 2 and 3 respectively. The issues raised in this report were raised at this meeting that has lead to the submission by the proponent and the submission of this report to Council.

OPTIONS

Council can:

- 1) Support a Bunnings development at Taylors Beach industrial area.
- 2) Not support a Bunnings development at Taylors Beach industrial area.
- 3) Amend the recommendations in terms of deferring this policy issue until Council considers the Development Application.
- 4) Resolve to refuse of support the Section 96 Application from Hunter Land Pty Ltd that seeks to modify the condition of consent regarding the bus lay-by, footpath and shelter.

ATTACHMENTS

- 1) Map of Taylors Beach Industrial Area showing subject land and location of conditioned roundabout and bus lay by.
- 2) Minutes of Meeting dated 3 February 2009
- 3) Minutes of Development Assessment Panel meeting 3 February 2009

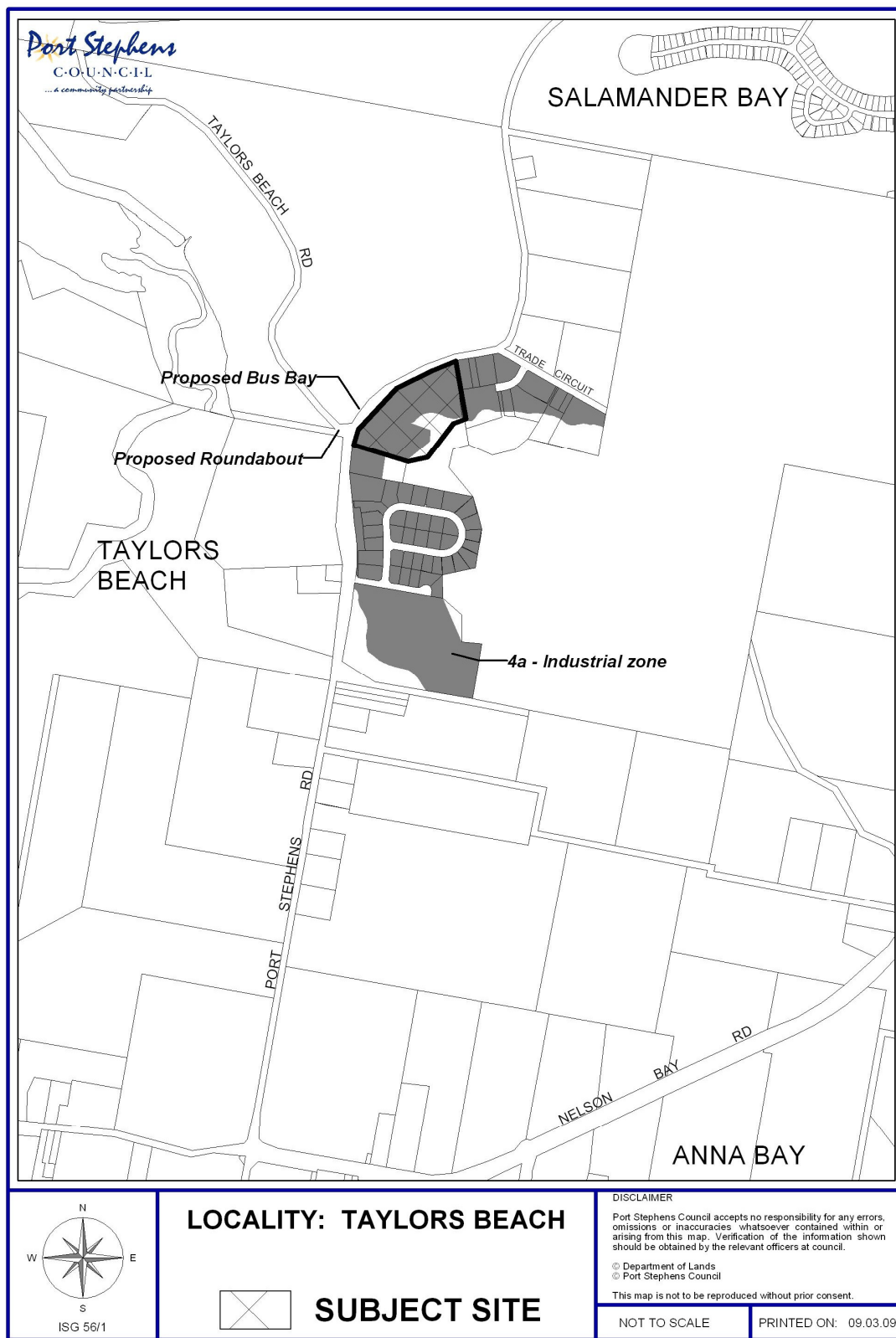
COUNCILLORS ROOM

- 1) Submission from Insite Planning on behalf of Hunter Land Pty Ltd and Bunning's.

TABLED DOCUMENTS

Nil

ATTACHMENT 1
MAP OF TAYLORS BEACH INDUSTRIAL AREA



**ATTACHMENT 2
MINUTES OF MEETING
SUMMARY NOTES OF MEETING 3 FEBRUARY 2009 – PROPOSED
BUNNINGS STORE – TAYLORS BEACH**

Present: Mayor; General Manager; Manager, Development & Building;
Group Manager, Sustainable Planning; Brad Everett (Hunter Land),
Andrew O'Neill (Bunnings)

Mr Everett explained the purpose of the meeting as being an opportunity for he and Andrew O'Neill to present the proposed development of a Bunnings store on land owned by Hunter Land which has been subject of recent development consent. It was explained that Bunnings had done extensive research on land potentially available in Port Stephens for the development, with the store serving the Tomaree Peninsula/wider catchment in Port Stephens, and it was asserted that no alternative land was available. Mr O'Neill explained that commercial terms could not be agreed with Council for the development to occur on Council owned land adjacent to the Salamander Shopping Centre.

It was made very clear by the General Manager and myself that advice given in response had no relationship with the failed negotiations between Bunnings and Council for the land at Salamander.

I advised that the proposal is difficult to support in planning policy terms because:

- a) the site is disconnected from the residential settlement patterns of the Tomaree Peninsula and the Port Stephens LGA
- b) the proposal represents a very stand alone major new retail development which should be consolidated with other existing and or proposed retail and commercial development and not be located within a 4(a) Industrial zone.
- c) That at this point Clause 25 of the Port Stephens LEP regarding bulk goods retailing had not been addressed/satisfied.

The General Manager explained that availability of industrial land was very limited in Port Stephens and that the development of retail and commercial operations in industrial areas was a major impediment for providing land for a variety of industrial uses. He cited the recent example of an earth moving company not being accepted for relocation at the Taylors Beach Industrial Estate by land owners because it was incompatible with existing uses there and such developments would be impeded by location of developments such as the Bunnings store. Hence, remaining industrial land should be safeguarded for industrial purposes.

The Mayor expressed support for the Bunnings proposal and suggested strongly that there were a number of existing retail and commercial premises in the existing

Taylor's Beach Industrial Area and there was no basis to resist such a proposal by Bunnings.

It was agreed that Hunter Land and Bunnings would submit documentation to address the planning policy issues that I raised, with a view to Council considering these policy issues at the Ordinary Meeting of Council on 24 February – thereby expediting resolution of the policy issues and providing a Council resolution that would be a clear direction for assessment and decision making on the development application.

DAVID BROYD
GROUP MANAGER
SUSTAINABLE PLANNING

5 February 2009

ATTACHMENT 3
MINUTES OF DAP MEETING

ADVICE

Development Advisory Panel

MEETING: 3 February 2009
Commenced: 2pm Finished: 3.00pm

<u>PRESENT:</u>	Planning:	Scott Anson Amanda Gale
	Building:	Ray Meredith
	Engineering:	Craig Maher
	Minutes:	Belinda Martin

1. Interview:

- i. Andrew O'Neill – Regional Property Development Manager, Bunnings Group Limited
- ii. Brad Everett – Land Use Director – Hunter Land
- iii. Stephen Leathley – Managing Director – Insite – Planning, Engineering, Environmental.

Property: 78 Port Stephens Drive, Nelson Bay
Lot 311, DP 1125008 & Lot 312, DP 1125008

Proposal: Bunnings “bulky goods sales room or showroom”

The intention is to lodge a Development Application for a proposed Bunnings “bulky goods sales room or showroom” on a portion of the land (with frontage to Port Stephens Drive) the subject of a Development Consent / Subdivision approval (DA 16-2001-1700-3). A Section 96 Modification to Development Consent DA 16-2001-1700-3 will also be lodged to modify the subdivision layout to create the lot suitable for proposed Bunnings “bulky goods sales room or showroom” (the subject of a separate development application).

Further, it is noted that a separate approval will also be required for sand relocation/extraction to the site needed to achieve construction levels for the Bunnings proposal and completion of the subdivision. The process involved, and relevant approvals are currently being explored in this regard.

A commercial agreement has been finalised between Bunnings and Hunter Land, the owner of the land in question. The development consists of a medium sized “bulky goods sales room or showroom” approximately 5,000m², including, but not limited to a timber trade sales area, bulk trade materials division, outdoor nursery, canopy area etc. The “bulky goods sales room or showroom” will consist of a concrete tilt panel structure with the incorporation of Bunnings traditional signage. The features of a regular style

Bunnings operation will included - car parking area along the site frontage (Port Stephens Drive), with access directly off Port Stephens Drive (left in/left out), trade access via the front of the store and separation of public parking from goods receivable area (loading docks) proposed to be located at the rear (ie. future new road frontage as part of subdivision). Suggest a Development Application will be lodged in early March 2009.

The area of the site to be developed is bounded by land owned by the Worimi in the south west and Hunter Land in the south east. Hunter Lands wish to advise Council that a signed and executed Agreement with the Worimi in relation to the removal of any sand has been obtained which will facilitate completion of the subdivision and lot created for the Bunnings development.

A meeting has been held with Council's General Manager, Mayor, Sustainable Planning Group Manager and Manager Development & Building prior to the pre-lodgement meeting to discuss the proposal.

At the conclusion of this meeting with the above, it is proposed to submit a submission to Council early week commencing 9/2/09, which will request that Council provide policy direction on a number of key issues, with the intent of resolving these to assist in facilitating the development assessment process for applications as outlined above.

The key issues relate to:-

- permissibility of the proposed use within the zone;
- ecological corridor and stormwater drainage;
- access / entry directly off Port Stephens Drive (left in / left out);
- Bus bay requirement (condition of development consent for subdivision).

ADVICE:

Note: Development Coordinator, Ms Amanda Gale, will be case managing the applications assisted by Senior Planner, Ms Melissa Thomas who will be the assessing officer for these applications. Manager Development and Building, Scott Anson will be the alternative contact if they are unavailable.

Background

The following information includes extracts from meeting notes for the proposed Bunnings Store at Taylors Beach held on 3 February 2009. The initial meeting was attended by the Mayor, Manager Development & Building, Group Manager Sustainable Planning, General Manager, Brad Everett (Hunter Land) and Andrew O'Neill (Bunnings). At the above meeting the Group Manager Sustainable Planning advised that the proposal is difficult to support in planning policy terms because:

- a) the site is disconnected from the residential settlement patterns of the Tomaree Peninsula and the Port Stephens LGA.
- b) the proposal represents a very stand alone major new retail development which should be consolidated with other existing and or proposed retail and commercial development and not be located within a 4(a) Industrial zone.

- c) that at this point Clause 25 of the Port Stephens LEP regarding bulky goods retailing had not been addressed/satisfied.

The General Manager explained that availability of industrial land was very limited in Port Stephens due to well documented environmental constraints and that the development of retail and commercial operations in industrial areas was a major impediment for providing land for a variety of industrial uses. The General Manager stated that remaining industrial land should be safeguarded for industrial purposes.

It was agreed at the above meeting that Hunter Land and Bunnings would submit documentation to address the planning policy issues raised, with a view to Council considering these policy issues at the Ordinary Meeting of Council on 24 February 2009. This approach would expedite the resolution of the policy issues and through a Council resolution provide clear direction for assessment and decision making on the development application. Please Note, that the internal deadline for the Ordinary meeting of Council is 9 February 2009. Given the tight timeframes there may be some small scope to extend this timeframe. Please submit your planning policy response to Council's Manager Integrated Planning, Mr Trevor Allen, who will prepare the policy report to Council.

The above information is attached to Development Advisory Panel Advice as background information.

- The Panel advises that the subject land is zoned 4(a) Industrial General "A" Zone and 1(a) Rural Agriculture "A" Zone pursuant to Local Environmental Plan 2000 (with the location of Bunnings to be within the 4(a) zone). As discussed above, consideration needs to be given to the permissibility and appropriateness of the proposal in the zone. Any application would need to demonstrate the proposal is defined as a 'bulky goods saleroom' pursuant to Clause 25 of LEP 2000 (permissible land use within the 4(a) zone) and that such a proposal is consistent with the objective of the zone.
- It is noted that a rezoning process is currently being undertaken over the subject land and surrounds. Council re-iterates that the assessment of the sand relocation/extraction would be problematic prior to this rezoning process being resolved for a number of reasons, including the requirements of the Native Vegetation Act 2003.
- Council draws your attention to the requirements of Port Stephens Local Environmental Plan 2000, Port Stephens Development Control Plan 2007 and the Application Lodgement Guide.

The relevant clauses of LEP 2000 include (but are not limited to) the following and detailed consideration shall be given to the relevant requirements of the LEP and documented in the Statement of Environmental Effects (SOEE) submitted with the development application:- Clause 11 Rural zonings, Clause 12 Subdivision within rural zones generally, Clause 23 Industrial zonings, Clause 24 Subdivision in industrial zones, Clause 25 Bulky goods salesrooms and showrooms in industrial zones, Clause 44 Appearance of land and buildings, Clause 47 Services, Clause 51A Development on land identified on Acid Sulphate Soils Planning Maps and Clause 59 Development of known or potential archaeological sites.

The specific areas inclusive of Part A1: Introduction of Council's DCP 2007 to address with a Development Application include B1 - Subdivision and Streets, B2 – Environmental and Construction Management, B3 – Parking, Traffic and Transport, B4 - Commercial and Mixed Use Development and B5 - Industrial Development.

The LEP 2000, DCP 2007 and Application Lodgement Guide documents can be downloaded from Council's website – www.portstephens.nsw.gov.au

- It is advised that depending on the timing and methodology of progressing the regrading of the site, State Environmental Planning Policy (Major Projects) 2005 or State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 may apply to the proposal.

Land Constraints

The following land constraints affect the property and must be addressed with the preparation of any development proposal and Statement of Environmental Effects (SOEE) to accompany an Application:-

- Bushfire Prone land – the site is identified as bushfire prone land. Any development application will need to be accompanied by a Bushfire Assessment demonstrating compliance with the provisions of Planning for Bushfire Protection.
- Acid Sulphate Soils – the site is identified as within Class 3 and 4 Acid Sulphate Soils (ASS) and this needs to be considered as part of any proposal in accordance with Clause 51A of LEP 2000. Depending on the level of earthworks a preliminary assessment will be required to be submitted with the Development Application. Depending on findings, an Acid Sulphate Soil Management Plan, prepared by a suitably qualified consultant, may be required.
- SEPP 71 (Coastal Protection Policy) – the site is within the gazetted area for SEPP 71 – Coastal Protection and accordingly the application needs to address the provisions of the SEPP 71 inclusive of Clause 8.
- Aboriginal and Archaeological – It is considered that the proposed sand relocation/extraction component of the proposal is likely to require an Aboriginal and Archaeological assessment together with any consultation that has been undertaken with the Aboriginal Land Council and/or Worimi.
- Flood Prone – It is noted that areas on the boundary are identified as flood prone.
- Comprehensive Koala Plan of Management (CKPoM) – the site is identified as containing 'preferred habitat' and the requirements of the Plan need to be addressed (ie. Appendix 4). See further comment under Key Issues below.
- Endangered Ecological Community (EEC) – the site is partially covered by an EEC and this needs to be addressed within the assessment in accordance with the Threatened Species Act 1995.

- SEPP14 Wetland – wetlands are adjoining the site (Lot 312 SP 1125008). Any likely impacts on these wetlands are required to be addressed.
- National Park – It is noted that the land adjoins National Park, and accordingly the proposal should be assessed in accordance with Clause 44 of the Local Environmental Plan 2000.

Key Issues identified and discussed include:-

Land constraints (as above).

- Flora & Fauna report – Noting the above constraints and the proposal to clear additional land than that originally approved, it is considered that a flora and fauna report is required, including eight part test identifying threatened species of flora & fauna and an assessment pursuant to the Port Stephens Comprehensive Koala Plan of Management. The Koala assessment must include a map showing building envelopes (including APZ's and detention basin) overlain across known koala habitat and individual preferred koala trees.
- Wildlife Corridor - It is noted that wildlife corridor/ road connection was a key issue of the recently approved subdivision concept, and was the subject of a policy report to Council. Variation of the approved concept is likely to be a significant assessment issue and be required to be reported back to Council for amendment. Council would encourage this corridor to remain unaltered, however if amended, then that it maintain an equivalent value for native flora.
- Geotechnical report is required as part of application.
- Stormwater detention – On site detention is required to limit post development flows to pre development flow rates for all storm events up to the 1% AEP storm. Conceptual plans and calculations will be required to be submitted with the proposal. The relocation of the detention structures can be supported in principle subject to satisfaction of environmental / habitat issues. The existing system has been designed for 80% impervious site area.
- Car parking is to be provided in accordance with Council's Development Control Plan 2007. It is noted that the parking areas are proposed to be located with the front setback. It is advised that under Council's DCP car parking is generally required to be outside building line and less than 60% of the site frontage. Any departure from DCP requirements needs to be clearly set out and justified.
- Disability Access – demonstration of adequate disability access is to be provided within and around buildings/amenities and within car parking areas on site.
- Traffic Study to be submitted with the application. The application will most likely be referred to the RTA Regional Development Committee. Full details of traffic circulation and traffic safety issues need to be addressed in the report together with a clear demonstration of the workings of the relevant access. The report should justify the additional access point to Port Stephens Drive and consider the main access location on the proposed road with respect to the

roundabout. The existing bus lane and/or bus stops must also be factored into any report.

- State Environmental Planning Policy (Infrastructure) 2007 – the proposal triggers Schedule 3 - Traffic generating development, and accordingly is required to be referred to the RTA for comment.
- Visual Impact and Streetscape Issues - Interaction with the streetscape for any future road needs to be addressed, including details of visual impacts and measures to be taken regarding hard stand and car parking areas. Details of any façade treatment to be included. Photo montages to be submitted with the Development Application – to evidence reduction of any visual impacts (due to size and scale).
- Native Vegetation Act 2003 – Council brings to your attention that separate approvals/requirements may be applicable under this Act for clearing native land. Approval from Council for works does not infer an approval from the Catchment Management Authority, and it is recommended that you contact them in this regard.
- Landscaping to be designed by a suitably qualified person and submitted with development application.
- Public Exhibition – the Development will require public exhibition – advertising in the Examiner and notification to all adjoining/adjacent property owners for a fourteen (14) day exhibition period. This exhibition period will run concurrently with the development assessment of the application, whereby avoiding any unnecessary time delays during the process.
- Utility Services – the application would need to demonstrate that the proposal can be adequately serviced.
- Statement of Environmental Effects – the Statement lodged with the application will need to address the issues and constraints contained in this advice.

Other Matters identified and/or discussed include:-

- Section 94 Contributions are applicable pursuant to Port Stephens Section 94 Contribution Plan. Further advice in this regard may be obtained from contacting Council's Strategic Engineer – Wal Mills on 02 49800299.
- A Construction Certificate is required for the building works associated with the proposed development and Council is able to offer a competitive service with assessment and determination of your Construction Certificate. If you require a quotation or wish to discuss any aspect of the Construction Certificate process please contact Council's Development & Building Section on 49800115.
- The applicant should be aware that the completeness and quality of the application could impact on the assessment time. Any incomplete or insufficient applications may not be accepted and returned to the applicant. Any advice given at this interview should not be considered as indicative of an approval or refusal of a future application.

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

I hereby certify that the above preliminary advice has been prepared based on both initial and follow up consideration after the meeting (where necessary) and through meeting discussions to ensure adequate information is provided to assist in the preparation and lodgement of a future development application.

Scott Anson
10 February, 2009

ITEM NO. 3

FILE NO: 16-2008-949-1

DEVELOPMENT APPLICATION FOR PROPOSED POLICE STATION REDEVELOPMENT AT NO. 55 AND 59 WILLIAM STREET (LOT 10 SEC 11 DP 758871), RAYMOND TERRACE

REPORT OF: SCOTT ANSON - MANAGER, DEVELOPMENT AND BUILDING

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2008-949-1, Proposed Police Station Redevelopment at No. 55 and 59 William Street, Raymond Terrace, subject to the conditions contained in Attachment 4.
- 2) Review the Raymond Terrace CBD Car Parking Strategy to address the significant car parking demand attributed to this Crown development.
- 3) Through a letter from the Mayor to the NSW Minister for Police, convey that:
 - a) Full support is provided to the establishment of a new police station for the Raymond Terrace Local Area Command at the earliest opportunity;
 - b) There are significant design disadvantages in the Development Application submitted, but Council has to accept the position of the Minister that, due to budgetary limitations, this design has to proceed;
 - c) Council is highly dissatisfied with the level of unmet parking demand consequent upon the police station development and also with the Minister's position that no developer contributions will be provided in lieu of car parking provision and given that developer contributions for an equivalent private sector development proposal with a shortfall of 43 car parking spaces would be \$681,851; and
 - d) The Minister is asked for reconsideration to be given to the excavation of an additional basement level to provide additional car parking supply.
- 4) Initiate a prompt review of the Port Stephens Section 94 Development Contributions Plan and explore alternative funding sources to address the \$732,345 contributions shortfall attributed to this Crown development.

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009**ORDINARY COUNCIL – 24 MARCH 2009**

	Councillor Glenys Francis Councillor John Nell	<p>It was resolved that the recommendation be adopted and also include:</p> <p>5) Acknowledging that the proposed additional conditions below require Ministerial approval, that the consent also include the following conditions:</p> <p>i) the applicant shall engage a suitably qualified heritage consultant to prepare an archaeological study and document and provide photographic record of the history of the police station building – consulting with the Raymond Terrace Historical Society and the local Heritage Committee, and</p> <p>ii) that the applicant notify Council at least one month prior to the commencement of demolition of the police station building.</p> <p>6) The General Manager, consulting with the Heritage Consultant referred to above, evaluate potential relocation of the building or the salvaging of fixtures and materials of heritage and/or rescue value – recognising that some of these materials could be transferred to the Sketchley Museum or recycled in other building works in Raymond Terrace.</p>
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	Councillor Steve Tucker Councillor	<p>It was resolved that the recommendation be adopted with the exception of Items 3c and 4.</p>
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AMENDMENT:

078	Councillor Ken Jordan Councillor Peter Kafer	<p>It was resolved that the original recommendation be adopted with the exception of Items 3d and 4.</p>
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The Amendment on being put became the Motion, which was put and carried.

In accordance with the Local Government Act 1993, a division is required.

Those for the motion: Councillors Peter Kafer, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Sally Dover, Bob Westbury and Bruce MacKenzie.

Those against the motion: Councillors Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

BACKGROUND

The purpose of this report is to present the development application for the proposed police station redevelopment at No. 55 and 59 William Street, Raymond Terrace to Council for determination.

The development application seeks consent for a two storey '*public administration building*', comprising a two (2) storey building with underground basement and custodial area. The proposed building will house both the Port Stephens Local Area Command and Raymond Terrace Police Station. The site encompasses 2,933m² and includes two heritage items, being the court house and police station. No works are proposed to the Courthouse other than maintaining secure access to the new police station.

The development is subject to the provisions of Section 116C of the *Environmental Planning and Assessment Regulations, 2000*.

Section 116C states:

A consent authority, in respect of a development application made by or on behalf of the Crown, must not:

- (a) refuse its consent to the application, except with the written approval of the Minister, or*
- (b) impose a condition of its consent, except with the written approval of the Minister or the applicant.*

The draft conditions have been accepted by NSWPF with comments as per United Group Services Limited letter to Council dated 13 March 2009 (Ref: 200903032)

The provisions of State Environmental Planning Policy (Infrastructure) 2007 (SEPP) apply. The development proposal is characterised as a '*public administration building*' and is a permissible form of development pursuant to the SEPP (Infrastructure) 2007.

The development site is zoned General Business 3(a) under the provisions of the Port Stephens Local Environmental Plan 2000 (LEP). In the context of LEP 2000, the development is characterised as 'commercial' for the purposes of assessment and is a permissible landuse subject to development consent from Council.

The subject land is situated within an established commercial area and has a frontage to William and Adelaide Streets. To the rear of the property stands the Council administration building. The subject development adjoins the civic forecourt at the entrance to the Council building.

The key issues associated with this proposal are as follows:-

- State Environmental Planning Policy (Infrastructure) 2007 – provisions of Clause 14 & 77

Clause 14 **Consultation with councils—development with impacts on local heritage**

Clause 77 **Development permitted without consent**

- Heritage values of Court House and Police Station
- Height
- Bulk, scale and density
- Car parking
- Building design and visual impact which is considered to be detrimental to the streetscape
- Gateway location to Raymond Terrace CBD.

A comprehensive assessment of these issues is provided within the attachments.

Given the importance of this development to the NSW Police Force and the Port Stephens Community, various options have been explored by Council's assessment team in order to alleviate concerns on the building dominating the adjacent Court House. Council examined the possible built form and construction options for the proposed Raymond Terrace Local Area Command to inform Council's merit assessment of the proposal. This analysis has also formed the basis for representations from Council to the Minister for Police.

Alternative Design

In this regard, Council engaged Registered Architect Mr Phillip Pollard to provide expert advice to assist Council in its assessment. Mr Pollard is a current member of Newcastle City and Lake Macquarie City Council's State Environmental Planning Policy 65 Design Review Panels and has been an expert witness on architectural merit issues for the NSW Land and Environment Court.

Mr Pollard was engaged to examine design options for the proposed police station generally consistent with the sites architectural and built form context, with key considerations given to the immediate streetscape, gateway location to the commercial precinct and adjoining civic buildings / spaces.

It has been acknowledged from the outset by Council's assessment team that this is a challenging site and careful consideration must be given to potential negative

impacts on state and local heritage items. Further, it is noted that while the Court House is listed as state significant in Council's Local Environmental Plan 2000, it is not listed on the State Heritage Register.

Three (3) options were prepared in response to the site analysis provided by the proponent. The options were guided by Council's planning and urban design controls and a general understanding of police operational requirements. A three (3) storey option with underground basement emerged as the preferred alternative design. This design was refined incorporating the same floor space, service core (lift), vehicle turning templates and ground floor reception and custodial areas.

A preliminary opinion was also sought from a quantity surveyor to inform Council of any significant impediments to project feasibility if an alternative option was pursued.

The general conclusion of this review is that the cost penalty will be minimal. The major areas that may incur a cost penalty are:

- Footings – There may be the need for additional strength to the footings in some areas (this will be determined by the soil conditions)
- External walls – The additional level will increase the external wall area – The exact cost impact will be determined by the cladding material selection and amount of glazing.
- Roof flashings – While the overall roof area will remain the same, there will potentially be additional flashings and gutters required.
- Lift service – There will be a cost involved in adding an additional stop to the lift and there may also be the need to upgrade the speed of the lift to service the additional floor. (Say \$10,000 /additional floor per lift)

Based on the above, the actual cost penalty incurred by including the additional level would be minimal and will be affected by the detailed design of the building.

In addition Council's analysis has identified the following opportunities or benefits associated with a basement plus three (3) storey building on the subject site:

- The larger building element has been set back substantially from both the Court House (State Heritage Item), and the Civic Plaza at the eastern side of the building.
- The single floor element of the new building which abuts the Court House is set back from the boundary a similar distance to the existing Court House annex, which would allow the continuation of a band of landscaping along the western side of the Civic Plaza.
- The first and second floors are set well back from the Civic Plaza, and the single storey element between the Court House.
- The three (3) storey building allows a view corridor from the upper floor of the Council building and glimpses of the Courthouse roofline would be discernable from the Civic Plaza/Civic Building Forecourt.

- Increases the open space in the south west corner of the new development, effectively extending the landscaped grounds (open space), that exists in front of the Court House partially across the front of the new building.
- Potential efficiencies could be achieved in the service core, vehicle turning templates and basement subject to further detail design.
- Potential boundary to boundary excavation of basement provides increased internal parking capacity and foundations for future expansion (potential air space above proposed vehicle entry/compound).
- The potential air space available for expansion will have negligible impact on Courthouse (being situated on the opposite side of the building).

Heritage Issues

The proposal is likely to adversely impact on the 'state heritage item' and will impact on the 'local heritage item' given the proposal, requires the demolition of the existing police station. The proposal is also considered to result in a significant demand for on-street car parking in the immediate locality and Raymond Terrace Business District, given the shortfall in car parking equating to forty three (43) spaces.

Comment was received from Council's Heritage Advisor stating, "The police station and site in William Street, Raymond Terrace is a locally listed heritage item and is located within the Port Stephens Council, Raymond Terrace Heritage Conservation Area as gazetted under LEP 2000.

This police station site and building is an important, historic and aesthetically pleasing element in the William Street streetscape and forms part of an historic precinct incorporating the Courthouse complex. The site is adjacent to the state listed Heritage Item, Raymond Terrace Courthouse.

It cannot be more highly stressed that the retention of the heritage item, Raymond Terrace police station, should be kept insitu and a new building designed to compliment and enhance the item. A building that encompasses the whole site and is designed to ignore the existing heritage item is not appropriate for this site and location.

Documents have been received that indicate the removal of the existing historic police station building and replacement with a modern 2-3 storey complex. This complex is considered not to be in keeping with the heritage streetscape or aesthetic of this area.

Demolition of the existing historic Police Station building is undesirable. The removal of this building will have a detrimental effect on the conservation area and the adjoining state heritage item - Raymond Terrace Courthouse. However, the social and economic benefits of the new police station outweigh the heritage conservation values of the current building.

The provided Statement of Heritage Impact for this project is very brief. There is a reference made in the document on page 6, which indicates that, *the assessment of heritage impact is only briefly outlined*. This Section does not adequately assess options for retention of the historic building”.

The applicant has advised that the operational needs of the police station requires the demolition of the existing police station and the retention of the local heritage item in this context is not considered feasible. The applicant states that the proposed design of the new police station has tried to sympathise with the surrounding heritage buildings as much as possible. Given the old police station is proposed to be demolished, NSW Police have offered the old Police Station building to Port Stephens Council at no cost to Council. If this offer is accepted removal and/or relocation costs would need to be covered by Council. It is noted that Council's alternate proposal for a three storey building also required demolition of the existing police station.

Meeting with the NSW Minister for Police

The Mayor and General Manager met with the Honourable Tony Kelly MP, Minister for Police on 4 March 2009 to outline Council's concerns and opportunities to enhance the design of the current proposal. These representations were respectfully received but the response from the Minister, given the current budgetary environment, was that the current design needed to be approved.

The applicant has satisfied the provisions of Clause 14 and Clause 77 of State Environmental Planning Policy (Infrastructure) 2007 in relation to demolition of a local heritage item. The SEPP prevails over Council's LEP in this instance. The public authority (NSW Police) must also consider this report pursuant to Clause 14 (2)(c) of the SEPP prior to undertaking the demolition of the existing police station.

Car Parking Issues

The proposed development will generate significant additional demand for car parking in the immediate vicinity. As identified in the alternative design proposal prepared by Council there is considerable scope to increase basement parking on this site by fully excavating the available site area.

Based on a shortfall of forty three (43) car spaces this equates to a Section 94 developer contribution of \$15,857 per space or \$681,851 based on current indexed rates. The applicant has advised that car parking is provided for operational police vehicles only and the Crown does not accept the inclusion of a condition of consent requiring the payment of Section 94 contributions in this instance. This arrangement has already been confirmed by Port Stephens Council's General Manager in an email to NSWPF dated 13 March 2009.

Conclusions

It is concluded that the positive social benefits of an increased police presence and law enforcement facilities in the local government area outweigh the demolition of

the existing local heritage item (existing police station), and evident negative impacts upon the heritage curtilage of the State Heritage item (Court House). The unmet demand for car parking in Raymond Terrace CBD attributed to this development is a very significant issue, particularly in 'cost shifting' terms to Council. However, it is clear from the Minister that no Section 94 contributions will be paid. This represents \$732,345 in contributions foregone, comprising:

Civic Administration	\$14,291
Roadworks	\$36,203
Carparking 43 Spaces	\$681,851.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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

Car parking shortfall will result in increased demand for public parking areas in close proximity to the proposed development which may result in a financial impact on Council. The foregone developer contributions for car parking are \$681,851. When combined with contributions for Civic Administration \$14,291 and Roadworks \$36,203 total developer contributions foregone totals \$732,345.

LEGAL AND POLICY IMPLICATIONS

The development application is inconsistent with Council's Policy in relation to heritage, car parking shortfall and the proposal's relationship with adjoining civic buildings/spaces. However, in this instance the applicant has advised that police

operational and safety requirements must prevail. Due to the significant shortfall in on site car parking associated with this Crown development Council may need to review the current public parking strategy for the immediate locality. Council cannot refuse the application or impose conditions on this Crown application without Ministerial agreement.

BUSINESS EXCELLENCE FRAMEWORK

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

These outcomes align with the following Business Excellence principles:-

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The development is considered to have positive social impacts through the provision of a Local Area Command Centre for Port Stephens and an upgraded police station for the Raymond Terrace Police.

ECONOMIC IMPLICATIONS

The proposed development will create a positive multiplier effect in the local economy, initially, through income to local contractors during the construction phase and in the longer term, through the increased demand for goods and services by staff. The Statement of Environmental Effects states that a total of 119 people will be employed on the site and the facility will be in operation 24 hours per day, seven (7) days per week.

ENVIRONMENTAL IMPLICATIONS

The site does not contain any threatened flora or fauna and as such the development should not pose an adverse effect on any known threatened species, populations or ecological communities.

It is considered that the positive implications of an increased police presence and custodial facilities in the LGA outweigh the heritage concerns over the loss of the existing police station.

CONSULTATION

The application was publicly exhibited in accordance with Council policy and one (1) submission was received. The key issues raised in the submission are:

- Treatment of the Footpath and Street Trees
- Treatment of Stormwater

The issues raised have been addressed in conditions of consent (Refer conditions 29,33 & 34) and Council's assessment of proposed stormwater management.

The Mayor and General Manager met with the Honourable Tony Kelly MP, Minister for Police on 4 March 2009 to outline Council's concerns and opportunities to enhance the design of the current proposal. These representations were respectfully received, but no undertaking was forthcoming from the Minister, given the current budgetary environment, to amend the design or for contributions to be made in relation to unmet car parking demand.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan
- 2) Site Plan
- 3) Assessment under Section 79(c) of the Environmental Planning & Assessment Act 1970 (as amended)
- 4) Conditions

COUNCILLORS ROOM

- 1) Plans
- 2) Statement of Environmental Effects (SOEE)
- 3) Submission

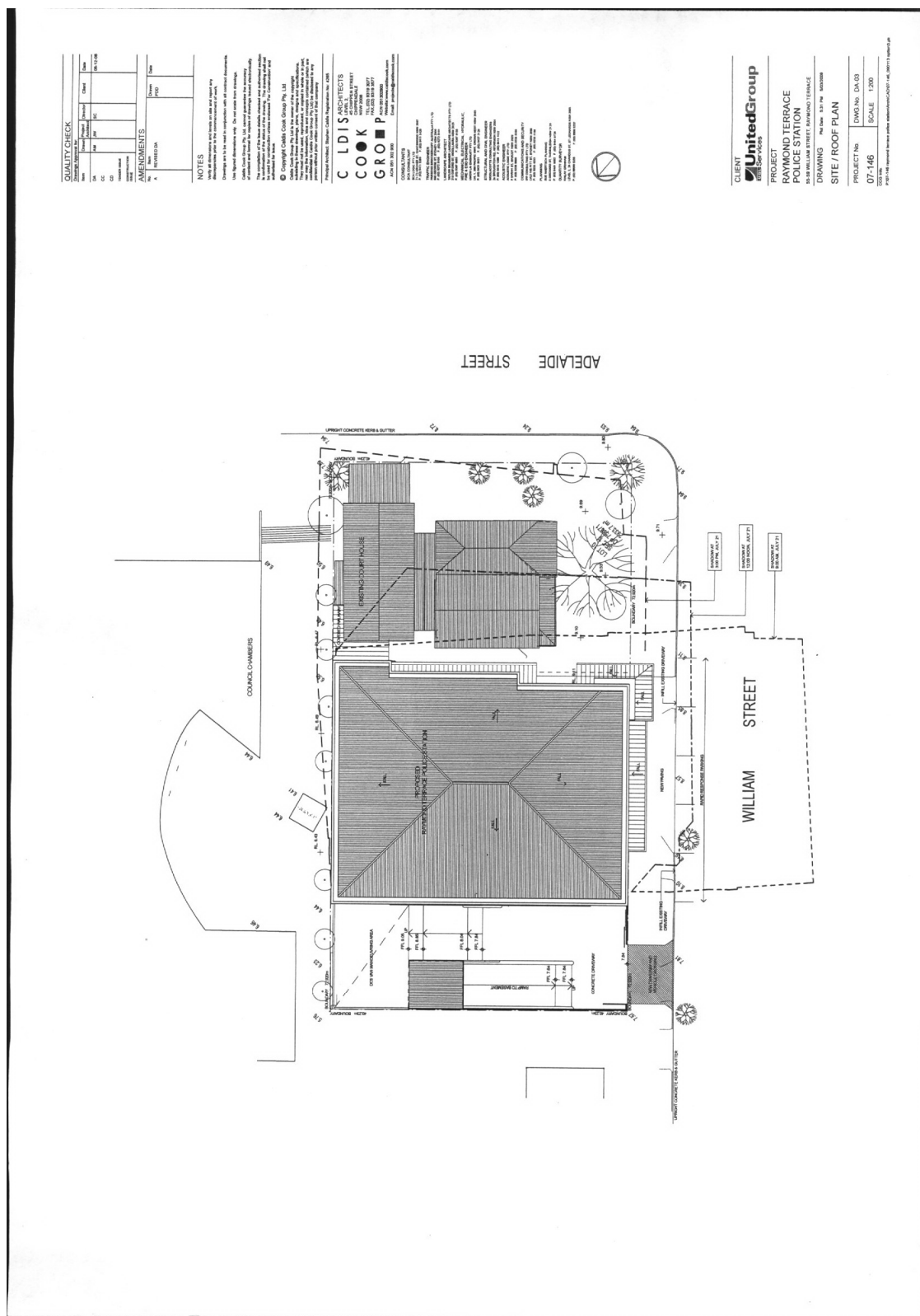
TABLED DOCUMENTS

Nil

116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

ATTACHMENT 2

SITE PLAN



**ATTACHMENT 3
ASSESSMENT**

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

THE PROPOSAL

The development application proposes the construction of a building designed for the use as the Lower Hunter Local Area Command and Raymond Terrace Police Station. The site encompasses 2,933m² and includes two heritage items, being the court house and former police residences.

The building has a total floor space of 3,510.2m² and will comprise 119 staff, with a maximum number of 73 people on site at any particular time.

THE APPLICATION

Owner	NSW Police
Applicant	Caldis Cook Group
Detail Submitted	Development Plans Statement of Environmental Effects Heritage Report

THE LAND

Property Description	Lot 10 Sec11 DP758871
Address	55-59 William Street Raymond Terrace
Area	2,933.7m ²
Dimensions	Rectangular shaped corner block. Frontage to William Street – 72.9m Frontage to Adelaide Street – 40.23m
Characteristics	Generally flat block with slight fall to rear. Clear of major vegetation Court house (heritage Item) on Corner.

THE ASSESSMENT**1. Planning Provisions**

State Environmental Planning Policies	SEPP (Infrastructure) 2007 Clause 14, 74, 76, 77 & 104 SEPP 71 – Coastal Protection
LEP 2000 – Zoning Relevant Clauses	General Business 3(a) Zone Clause 44, 47, 51A, 60

Development Control Plan

DCP 2007

C1 – Raymond Terrace Town Centre

B3 – Parking, Traffic and Transport

B4 – Commercial and Mixed Use

Development

Environmental Planning and Assessment Act, 1979

The development has been assessed under Section 79C of the Environmental Planning and Assessment Act, 1979.

Environmental Planning and Assessment Regulations, 2000

Section 116C states:

A consent authority, in respect of a development application made by or on behalf of the Crown, must not:

(a) refuse its consent to the application, except with the written approval of the Minister, or

(b) impose a condition on its consent, except with the written approval of the Minister or the applicant.

Section 226

The NSW Police is prescribed as a public authority under the provisions of this clause.

SEPP (Infrastructure) 2007

SEPP (Infrastructure) 2007 aims to facilitate the effective and efficient delivery of infrastructure across the state. The policy prevails over local plans where there is an inconsistency between provisions.

Division 14 of the SEPP applies to '*public administration buildings*' and buildings of the Crown. Under the definitions of the SEPP (Clause 74), the definition of '*public administration building*' is adopted from the standard definition in the Act, and:

means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

Clause 76 of the instrument permits '*public administration buildings*' with prescribed zones (or equivalent) defined in Clause 74. The prescribed zones include B3 Core Commercial Zone (or its equivalent), so the development proposal is a permissible form of development under the SEPP (Infrastructure) 2007.

Clause 104 of the SEPP (infrastructure) 2007, replaces the Traffic Generating SEPP (SEPP11). There are no specific requirements for a 'public administration building' within Clause 104 or Schedule 3.

Clause 14

Clause 14(1)(a) states:

(2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies unless the authority or the person has:

- (a) had an assessment of the impact prepared, and*
- (b) given written notice of the intention to carry out the development, with a copy of the assessment, to the council for the area in which the heritage item or heritage conservation area (or the relevant part of such an area) is located, and*
- (c) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.*

The provided Statement of Heritage Impact for this project is very brief. There is a reference made in the document on page 6, which indicates that, *the assessment of heritage impact is only briefly outlined*. This Section does not adequately assess options for retention of the historic building:

The applicant has stated with respect to heritage on site that the operational needs of the Police Station resulted in the retention of the current Police Station being not feasible. It was further stated that throughout the design of the new Police Station proposal the applicant has tried to sympathise with the surrounding heritage buildings as much as possible. However, the operational needs of the NSWPF were considered to take precedent in order to ensure that a fully functional Police Station is provided.

Clause 77

Clause 77 contains provisions for which development may be undertaken without development consent.

Sub Clause 1(c) states:

that demolition of a public administration building may be carried out for, or on behalf of a public authority without consent.

In this instance no consent would be required for the removal of the existing police station building and the SEPP would over ride all existing heritage provisions of the Port Stephens Local Environmental Plan 2000

Clause 104

Clause 104 supersedes the former Traffic Generating Development SEPP (SEPP11). The clause sets out triggers and requirements for referral of certain items to the RTA. Schedule 3 does not contain specific requirements for public administration buildings

SEPP 71 – Coastal Protection

SEPP 71 applies to land in the coastal zone, which includes the subject site. The policy aims to protect and manage the natural, cultural, recreational and economic attributes of the states coast line, including the preservation of visual amenity and public access.

Clause 8 of SEPP71 sets out the matters for consideration for development applications located within the coastal zone.

The development as proposed is considered to be consistent with provisions of Clause 8.

Port Stephens Local Environmental Plan 2000

The development site is zoned General Business 3(a) under the provisions of the Port Stephens Local Environmental Plan 2000 (LEP). Under the provisions of the 3(a) zone development for the purposes of a police station is not separately defined and therefore, not listed as a prohibited form of development. In the context of LEP 2000, the development is characterised or defined as 'commercial' and is listed as a permissible form of development subject to development consent from Council.

Notwithstanding, the permissibility of the development under the provisions of the LEP 2000, the provisions of the State Environmental Planning Policy (Infrastructure) 2007 (SEPP) take precedent over those contained within the LEP 2000. Therefore, the development proposal is characterised as an 'Administration Building' and is a permissible form of development pursuant to the SEPP (Infrastructure) 2007.

Clause 44

Clause 44 requires consideration to be given to the development in terms of visual appearance from a main road or waterway and in this case, the gateway location of Raymond Terrace Commercial Business District. The building as proposed is considered to be generally consistent in terms of bulk and scale, with the desired future character for Williams Street under the controls of DCP 2007.

The key issue involves the built form relationship between the proposed police station and the adjoining 'state heritage item – Raymond Terrace Court House' which is listed in the Port Stephens Local Environmental Plan 2000.

Alternative Options

In order to alleviate concerns regarding the building's unreasonable and unacceptable visual impact on the heritage curtilage of the adjacent Court House, Council examined the possible built form and construction options for the proposed Raymond Terrace Local Area Command as background for representations to the Minister for Police.

Given the importance of this development to the NSW Police Force and the Port Stephens community, Council engaged Registered Architect Mr Phillip Pollard to provide expert advice to assist Council in its assessment of the proposal comprising a two (2) storey building with underground basement. Mr Pollard is a current member of Newcastle City and Lake Macquarie City Council's SEPP 65 Design Review Panels and has been an expert witness on architectural merit issues for the NSW Land and Environment Court.

Mr Pollard was engaged to examine alternative massing options for the proposed police station generally consistent with the sites architectural and built form context. It has been acknowledged from the outset from Council's assessment team that this is a challenging site and careful consideration must be given to the State Heritage item, the immediate streetscape and gateway location to the commercial precinct, adjoining civic buildings and spaces.

Three (3) massing options were prepared in response to the site analysis provided by the proponent and was guided by Council's planning and urban design controls and a general understanding of police operational requirements.

A three (3) storey massing option with underground basement was selected and refined based on the same floor space and maintaining the service core (lift), vehicle turning templates and ground floor reception and custodial areas.

A preliminary opinion was also sought from a quantity surveyor to inform Council of any significant impediments to project feasibility if an alternative option was pursued.

The general conclusion of this review is that the cost penalty will be minimal.

The major areas that may incur a cost penalty are:

- *Footings – There may be the need for additional strength to the footings in some areas (this will be determined by the soil conditions)*
- *External walls – The additional level will increase the external wall area – The exact cost impact will be determined by the cladding material selection and amount of glazing.*
- *Roof flashings – While the overall roof area will remain the same, there will potentially be additional flashings and gutters required.*
- *Lift service – There will be a cost involved in adding an additional stop to the lift and there may also be the need to upgrade the speed of the lift to service the additional floor. (Say \$10,000 /additional floor per lift)*

Based on the above, the actual cost penalty incurred by including the additional level will be minimal and will be affected by the detailed design of the building.

In addition Council's analysis has identified the following opportunities or benefits associated with a basement plus three (3) storey building on the subject site:

- The larger building element has been set back substantially from both the Court House (State Heritage Item), and the Civic Plaza at the eastern side of the building.
- The single floor element of the new building which abuts the Court House is set back from the boundary a similar distance to the existing Court House annex, which would allow the continuation of a band of landscaping along the western side of the Civic Plaza.
- The first and second floors are set well back from the Civic Plaza, and the single storey element between the Court House.
- The three (3) storey building allows a view corridor from the upper floor of the Council building and glimpses of the Courthouse roofline would be discernable from the Civic Plaza/Civic Building Forecourt.
- Increases the open space in the south west corner of the new development, effectively extending the landscaped grounds (open space) that exists in front of the Court House partially across the front of the new building.
- Potential efficiencies could be achieved in the service core, vehicle turning templates and basement subject to further detail design.
- Potential boundary to boundary excavation of basement provides increased internal parking capacity and foundations for future expansion (potential air space above proposed vehicle entry/compound).
- The potential air space available for expansion will have negligible impact on Courthouse (being situated on the opposite side of the building).

Applicants Response:

Based on the minutes of a meeting between the applicant and senior Council staff the alternate proposal presented by Council is not supported on the grounds of:

- 1) Cost, and
- 2) Risk to building occupant safety.

Clause 47 - Services

The land is a fully serviced commercially zoned site which has both water and sewer services available, with existing connections given current operations on-site.

Clause 51A – Development on land identified as Acid Sulfate Soils Planning Maps

The development site is identified as being sited in Class 4 Acid Sulfate soils. Class 4 Acid Sulfate soils require that an Acid Sulfate Soils Management Plan be prepared for the development.

The proposal will require excavation to a depth of 3m in the basement area, and as such an Acid Sulfate Soils Management Plan has been required by condition of consent to be provided to Council prior to issue of the Construction Certificate.

Clause 60

As the site contains two heritage items and is located within the Raymond Terrace Conservation Area, clause 60 is of relevance to this application. Please refer to the Heritage assessment of this report for further assessment of the heritage impacts.

Heritage

The application was referred to Council's Heritage Advisor for comment on the proposal, given the proximity to the state heritage item (Court House) and local heritage item (Police Station). The Heritage Advisor's comments are reproduced below.

Heritage Advisors Comment

The Police Station and site in William Street, Raymond Terrace is a locally listed heritage item and is located within the Port Stephens Council, Raymond Terrace Heritage Conservation Area as gazetted under LEP 2000.

This Police Station site and building is an important, historic and aesthetically pleasing element in the William Street streetscape and forms part of an historic precinct incorporating the Courthouse complex. The site is adjacent to the State Listed Heritage Item, Raymond Terrace Courthouse.

It cannot be more highly stressed that the retention of the Heritage Item, Raymond Terrace Police Station, should be kept insitu and a new building designed to compliment and enhance the item. A building that encompasses the whole site and is designed to ignore the existing heritage item is not appropriate for this site and location.

- 1) *The heritage item is not to be moved! All heritage significance of the building and site will be lost in this circumstance.*

An ancillary building at the street front (between the Police Station and Courthouse) should be considered for removal as it detracts from both buildings. A second, but reluctant option to the above is to move the existing Police Station closer to the Courthouse (within the same site) – but it must maintain its existing position relative to the street (which is in the building line of the Courthouse). This is necessary to retain the curtilage, of both buildings!

- 2) *Relocation of the building to another site is paramount to demolition and is not an acceptable heritage practice. The entire context and formal setting of the item and its relationship with the Courthouse is compromised by this process. No matter how good tradesmen are in relocation of buildings,*

removal and relocation of the building entirely removes the heritage significance and sense of place of the item.

A number of schemes have been presented over past weeks, all out of context in both scale and bulk and all showing no regard for the Heritage Item. Retaining the item is imperative and designing a new building that showcases that building must be upper most in the minds of the designer. This is not impossible and a number of very successful projects have been undertaken where the Heritage Item is retained and enhanced by the new project.

It is recommended that the entire site, including the corner RTA be assessed for incorporation of a new command centre. The existing heritage item could then be retained, with sufficient curtilage and a forecourt opening up to the Port Stephens Council Administration Centre. This surely would achieve the outcomes of the Police requirements, whilst retaining the heritage item in context and surely be more cost effective than the offer of removing and relocating the item.

Documents have been received that indicate the removal of the existing historic police station building and replacement with a modern 2-3 storey complex. This complex is considered not to be in keeping with the heritage streetscape or aesthetic of this area.

It must be noted at the outset that demolition of the existing historic police station building is not considered appropriate. The removal of this building will have a detrimental effect on the conservation area and the adjoining state heritage item: Raymond Terrace Courthouse.

The provided Statement of Heritage Impact for this project is very brief. There is a reference made in the document on page 6, which indicates that, *the assessment of heritage impact is only briefly outlined*. This Section does not adequately assess options for retention of the historic building:

- a) *Retain and utilise the existing historic building and provide a design that enhances and highlights the building and its context. It must be noted that in past discussions with the Caldis Cook group during early 2008 this option was explored and a scheme developed that achieved this option. It is strongly recommended that that scheme be reinstated.*
- b) *Retain the existing building on the site but consider relocating to form a closer association with the Courthouse complex.*

Archaeological Context

It is noted that occupation on site has been since the early 1840's. It is noted that with this proposal substantial excavation for an underground carpark is proposed. Prior to any consideration for this work to be undertaken on this site a comprehensive Archaeological report and investigation would be required.

I would be more than pleased to discuss options with the designer/s and hope to come to some compromise where all parties can be satisfied with the outcome.

Applicants Response:

The applicant has stated with respect to heritage on site that the operational needs of the police station resulted in the retention of the current police station being not feasible. It was further stated that throughout the design of the new police station proposal the applicant has tried to sympathise with the surrounding heritage buildings as much as possible. Changes were made to the building design to allow further setback from the Courthouse and to add more texture to the building exterior as per Council's request. However, the operational needs of the NSWPF were considered to take precedent in order to ensure that a fully functional Police Station is provided.

In order to ensure the retention of the building within the local area, the NSW Police Force have offered the old police station building to Port Stephens's Council at no cost for Council's removal from site and relocation on Council determined land.

It is considered that the positive implications of an increased Police presence in the LGA outweigh the Heritage concerns over the loss of the existing police station.

Port Stephens Development Control Plan 2007

Section C1 – Raymond Terrace Town Centre

The development site is located within the Raymond Terrace Town Centre and as such the controls of Section C1 apply to the application. The subject land is located within the Town Centre Core precinct. The development is generally compliant with the provisions of the DCP with the relevant clauses discussed below.

C1.2 – Town Structure

This section of the DCP contains controls that seek to maintain and enhance the structure of Raymond Terrace, including its views, vistas, vegetation and pedestrian linkages.

Control C1.C1

This control requires that developments must protect and frame view corridors. It is considered that the development as proposed will not obstruct any view corridors.

Control C1.C2

This control requires that all pedestrian linkages be maintained and enhanced. Development of the public administration building as proposed will not result in any impediments to pedestrian linkages in the general locality.

Control C1.C3

This clause requires that developments must protect and enhance major entry plantings. No vegetation is proposed to be removed by this application and the

major entry vegetation, being the large gum at the front of the existing court house will not be impacted upon.

C1.3 – Streetscape

This section of the DCP references the variety of built form in the Raymond Terrace town centre and seeks to continue a pattern of building forms that support the definition of streets and public spaces in Raymond Terrace.

Control C1.C4

This control discusses the heritage requirements for development. For heritage considerations relating to this development, refer to the separate section on heritage impacts contained within this report.

Control C1.C5

This clause requires that development be sympathetic to scale, form and character of contributory buildings on adjacent sites. Refer to the separate section on heritage impacts contained within this report.

Control C1.C6

Buildings must comply with the build to lines specified in figure C1.21. For the subject allotment, Figure C1.21 allows for a discontinuous front setback. The development is consistent with the requirements of this clause.

Control C1.C9

This clause requires that all developments incorporate a continuous awning on the street frontage. The development complies having a continuous awning on the William Street frontage.

C1.4 – Building Height

Control C1.C12

It is required that the building height of a development be sympathetic to the scale and character of any heritage item. The proposed awning to William Street is at a height that is consistent with the ceiling level of the adjoining court house in order to create a visual connection between the buildings. The proposed ridge height of the proposal will stand at a similar height to the existing court house ridge height.

Control C1.C14

This clause states that development shall have a maximum height of 15m and 4 storeys. The maximum building height is 12.6 m and 2 storeys.

Control C1.C17

This control requires that development not exceed 8.0 metres and two (2) storeys at the property boundary, so as to reduce the dominance or imposition of adverse bulk and scale of buildings on the public streetscape. The proposal does not comply with

this requirement and a variation has been requested to allow a height of 8.56 metres at the property boundary.

The proposed development complies with the 15.0 metre overall building height control. The variation is considered minor and consists of a 0.56 metre or 7% variation to the 8.0 metre height control in the north western corner of the building fronting William Street at the site boundary.

Whilst numerically, the proposal does not comply, the variation is considered minor and the proposal is considered to have achieved the purpose and principles of the control and presents no adverse impact on the immediate or surrounding public streetscape.

C1.5 – Town Centre (Core Area)

The subject site is identified as within the Town Centre – Core Area precinct and Principle C1.P4 states *"The site at the corner of William and Adelaide Streets is at the main entry to the town centre. Development on this key site should provide a strong corner building and respond to built form, scale, bulk and character of surrounding heritage buildings"*.

Based on this above principle the following controls are relevant to this proposal and are considered as follows:-

Control C1.C21

This control requires that buildings must draw references from existing heritage buildings. For heritage considerations relating to this development, refer to the separate section on heritage impacts contained within this report.

Section B3 – Traffic and Parking

B3.8 – Schedule of Carparking Requirements, stipulates that car parking for a commercial premise should be provided at a rate of 1 space per 40m². This equates to a total of 88 parking spaces for the proposal. The design for the building allows for a total of 17 spaces on site. This equates to an on-site parking shortfall of seventy one (71) spaces. As identified in the alternative design proposal prepared by Council there is considerable scope to increase basement parking on this site.

The proposed development will generate significant additional demand for car parking in the immediate vicinity. Based on a shortfall of seventy one (71) car spaces this equates to a Section 94 developer contribution of \$15,857 per space or \$1,125,847 based on current indexed rates. The applicant has advised that car parking is provided for operational police vehicles only and the Crown does not accept the inclusion of a condition of consent requiring the payment of Section 94 contributions in this instance.

Section B4 – Commercial and Mixed Use Development

This section contains controls relating to the development of commercial buildings within Port Stephens. The controls have effect in commercial land within Raymond Terrace. Raymond Terrace town centre is also subject to the controls of Section C1 – Raymond Terrace Town Centre, where inconsistencies exist between the two sections, Section C1 will prevail.

The applicable controls of this section are discussed below.

B4.3 Uses

This section sets out the desired uses of commercial buildings, while the development does not meet the requirements of controls B4.C5, B4.C6, B4.C7 as the building does not include commercial or residential components, it is considered that the development of a public administration building is consistent with the adjoining civic space and Council administration building.

B4.8 – Building Design Elements

This section outlines the controls for building design elements including, façade articulation, window and door openings, shading elements, rooflines, materials and colours.

The built form of the building has been guided by the operation needs and requirements of the police as the end user of the building. Justification for the building appearance is contained within the heritage discussion of this report.

B4.10 – Energy Efficiency

The proposal is considered to be consistent with the principles of ESD in the design and use of materials. Strategically placed sun shading devices are employed to reduce the overall heat load on the building while still maintaining the outdoor sight lines for internal occupants of the building.

B4.11 - Landscape

A landscape plan has been submitted with the application that provides a low maintenance and low water demand selection of vegetation.

The landscape plan provided also incorporates and provides for the retention of significant vegetation on site such as the Scribbly Gum fronting the court house.

2. Likely Impact of the Development

The proposed development is considered inconsistent with the requirements of the *Port Stephens Local Environmental Plan 2000*, specifically Clause 44 and 60. The development is considered inconsistent with a number of requirements contained within Development Control Plan 2007. The applicant has provided justification for

variations based on constraints associated with cost of project construction and the health and safety of police staff intended to occupy the building.

The development will adversely impact upon the local heritage item (police residences) and is likely to pose an adverse impact on the state heritage item (court house). The development is also likely to result in a significant demand for on street parking in the immediate locality and Raymond Terrace Commercial Business District due to the shortfall in car parking of seventy-one (71) spaces required for this proposal.

Notwithstanding these issues, it is considered that the provisions of increased policing and law enforcement facilities and the associated social benefits outweigh the adverse impacts on parking, visual amenity and heritage. In addition Clauses 14 and 77 of SEPP (Infrastructure) 2007 enables demolition of a local heritage item.

3. Suitability of the Site

The development site is a fully serviced commercial site that currently contains an existing police station and existing Raymond Terrace court house. The same site contains the existing court house and is considered to be a challenging site for the redevelopment for the purposes of a new police station.

4. Submissions

The development was initially advertised and notified on the 14th January 2008. In response to this public exhibition process, one (1) submission was received to the proposal.

The key issues raised in the submission are:

- Treatment of the Footpath and Street Trees
- Treatment of Stormwater

Response to Submission

The issues raised have been addressed in conditions of consent (Refer conditions 29,33 & 34) and Council's assessment of proposed stormwater management.

5. Public Interest

Given the positive social impacts of increased police presence and purpose built law enforcement facilities in the area, it is considered that the approval of the proposal is in the public interest.

ATTACHMENT 4 CONDITIONS

CONDITIONS OF APPROVAL

1. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
2. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
3. Certification is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority at the following stages of construction:
 - a. On completion of ground floor construction, confirming that the floor levels are in accordance
with the Reduced Levels indicated on the approved plan.
 - b. When the roof has been completed, confirmation that the building does not exceed the Reduced
Levels, as indicated on the approved plan.
4. Landscaping shall be carried out in accordance **with the details submitted**. The landscaping must be completed prior to issue of Occupation Certificate.
5. The development shall be constructed in accordance with the approved colour scheme nominated on the approved plan numbered DA 05 and dated 09/03/09.
6. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
7. Waste management shall be undertaken in accordance with Port Stephens DCP 2007. The applicant shall recycle any material which is able to be salvaged from the demolition of the existing building/structure. Non salvageable material shall be disposed of at Council approved refuse/land fill sites.
8. The vehicle driveway from the roadway to the property boundary incorporating the gutter crossing shall have a width of 3.0m to 6.0m and shall be constructed as either:-
 - i) a granular pavement having a minimum compacted depth of 200mm and a concrete
layback as shown on Council's Standard Drawing **No. S122** or,
 - ii) in accordance with the options shown on **Council's Standard drawing No. S122**.

The construction of the footpath crossing and associated lipless layback must be constructed **prior to Occupation.**

9. All driveways and parking/manoeuvring areas shall have an offset of 300mm or greater from obstructions higher than 150mm.
10. All redundant lay-backs shall be reinstated to match the adjoining kerb and gutter profile.
11. The driveway shall be splayed-out (approx. 1.5m) each side, adjacent to the roadway.
12. Collected stormwater runoff shall be piped to Council's existing drainage system.
13. All civil engineering works associated with the Roads Act Approval shall be carried out to the satisfaction of Council (with a letter of practical completion issued) **prior to Occupation.**

All works associated with the Roads Act Approval shall be at no cost to Council.

14. Works-As-Executed plans prepared by a suitability qualified person detailing all road and drainage works in accordance with Councils Subdivision Specifications. This shall be submitted to, and accepted by the Certifying Authority, **prior to Occupation.**
15. Erosion control measures shall be put in place to prevent the movement of soil by wind, water or vehicles onto any adjoining property, drainage line, easement, natural watercourse, reserve or road surface, in accordance with "Managing Urban Stormwater", Volume 1:2004 (Landcom).
16. The stormwater detention system shall be built in accordance with the approved concept plan.
17. Works associated with the approved plans and specifications located within the existing Road Reserve shall not commence until:
 - i) a Roads Act Approval has been issued, and
 - ii) all conditions of the Roads Act Approval have been complied with to Council's satisfaction.
18. Works associated with the Roads Act Approval are subject to:
 - a. inspection by Council,
 - b. testing by a registered NATA Laboratory and
 - c. approval by Council at each construction stage as determined by Council.

19. The driveway (within the road reserve) shall have a minimum of 0.5 metres clearance from the edge of existing drainage structures, pits, power poles etc.
20. Driveways, parking and turning areas shall be paved or sealed with either reinforced concrete, pavers or asphalt over a suitably prepared, compacted sub-base. These areas shall be maintained in perpetuity by the existing or future owners and occupiers of the property(s)
21. Provide a drainage system on site to collect pavement runoff from vehicle parking areas into proprietary oil arrestor before discharge from the site (or to any stormwater detention or infiltration systems on-site). Pollutants shall be disposed of in an approved manner. Roof stormwater must be discharged separately.
22. The stormwater detention system is to be designed in accordance with Section 8.11 of AS 3500.3:2003.
23. Structural Certification is required for the below ground stormwater system/tank(s).
24. The tree(s) within the William Street parking lane shall be retained and protected during construction. Details are to be provided **prior to issue of the Roads Act approval** indicating the location of the trees and what protection measures are to be installed/implemented.
25. All works as listed as conditions of development consent, which are located in public roads are subject to approval under section 138 of the Roads Act 1993. Engineering details in accordance with Council's Subdivision and Development Code, of such works shall be submitted with a Roads Act application form and then approved by Council.

The following items are also required to be approved by Council prior to approval being granted to commence works:

- a) Traffic control plans in accordance with the Roads and Traffic Authority – Traffic Control at Worksites Manual;
 - b) Payment of fees and bonds (same Principle Certifying Authority fees, inspection fees and maintenance bonds as relevant to subdivisions);
 - c) Contractors public liability insurances to a minimum value of \$10 million dollars.
26. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.
 27. Submission of Works-As-Executed plans and report prepared and certified by a suitability qualified drainage engineer confirming all drainage works (volume, discharge, levels, location, etc) are built in accordance with conditions of consent and the approved plan. Minor variations in height can be certified providing they are clearly identified in the report and the

engineer certifies that the overland flow paths are not altered, discharge rates are not increased, and no additional negative effects are imparted on any dwellings or property. Minor variations can only be certified where it can be demonstrated that the ease of maintenance and monitoring of the system has not been negatively affected.

The documents shall be submitted to, and accepted by the Certifying Authority, **prior to occupation.**

28. The footway verge over the full William Street frontage of the development shall be constructed with segmental paving (identical to that existing in William Street between Port Stephens and Sturgeon Streets). Consideration should be given to the provision of landscaped/garden areas within the paving. Detailed drawings and specifications for the proposed paving shall be submitted to and approved by Council **prior to issue of Roads Act Approval.**
29. The existing sandstone block kerb and guttering across the full William Street frontage of the development site shall be relayed to a satisfactory line and level. The existing sandstone blocks shall be carefully protected during the removal and relaying process. Any damaged blocks shall be replaced with blocks like for like sourced elsewhere. Full details shall be submitted to Council **prior to issue of Roads Act Approval.**
30. The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia.
31. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
32. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
33. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

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

34. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.

ADVICES

- a) Consent for the removal of any trees should be obtained from Council under the provisions of the Tree Preservation Order applying to the land. **A copy of this Tree Preservation Order is attached.**
- b) Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work shall cease and the **National Parks and Wildlife Service** shall be consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the **National Parks and Wildlife Act 1974.**
- c) The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- d) The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. This applies particularly to new buildings or significant building alterations. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act. Further information can be obtained from Council or the Human Rights and Equal Opportunity Commission on 008 021 199.
- e) Consideration should be given to the following enhanced access and facilities provisions for the proposed development.
- (III) Australian Standard 1428.3 Design for access and mobility – Requirements for children and adolescents with physical disabilities.
- f) Further information about disabled access obligations can be found at the Human Rights and Equal Opportunities Commission website www.hreoc.gov.au.
- g) It is recommended that Pt lot: 9 SEC: 11 and Lot 10 SEC 11 of DP: 758871 be consolidated into one allotment.
- h) Pedestrian Access (Sturgeon Street) roundabout Fire Station. Pedestrian refuge between Best & Less and Fire Station to allow safe crossing for pedestrians of all ages. Increased traffic movement from new LAC as stated in DA Management Plan.
- i) New Paving – paving to be appropriately constructed. Paving to be laid over concrete binding course. Pavers to be slip resistant, honed and suitable for wheelchairs, walkers, scooters and pram users.

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- j) Accessible Parking – Accessible space for Police Station employee – consider accessible space in front of Police Station main entry with accessible kerb ramp.
- k) Privacy – Accessible WC – Police Foyer – Relocate accessible toilet door entry in Police Foyer to rear of WC due to privacy and aesthetics. Taking into consideration the circulation space as per AS 1428.
- l) Accessible WC layout envelope – Request accessible amenities layouts for comment and approval. All floors.
- m) Enquiry Counter height/seating – Suggest due to wheelchairs, elderly, employees and other community members that partial counter size be lowered to Australian Standard for accessibility and seat provided for elderly and other target groups. AS 1428 suite of standards. Recommend 850 mm counter and bench height in lieu of 900 mm.
- n) Counter height/tea room/meals room – recommendation of counter height for possible wheelchair employees and visitors all areas. AS 1428 suite of standards. Recommend 850 mm counter and bench height in lieu of 900 mm. Recommend a bench width of 600 mm.
- o) Internal door widths. As per AS 1428 all doorways to be minimum of 870 mm recommendation width.
- p) Internal corridor widths. As per Australian Standards corridor width to be at least 1 metre for continual pathway for accessibility.
- q) External fire exit door width. As per Australian Standards all doorways to be minimum 870 mm recommended width.
- r) Tactiles. To be provided either side of the station main driveway, front entrance and top of internal or external stairs and any dish ramps at kerb, as per Australian Standards. Contrasting on step edging as per Australian Standards.
- s) Non-glare and not slip flooring materials. As per Australian Standards.
- t) Installation of single level flick mixer in lieu of taps for easier access.
- u) Signage. Appropriate signage as per AS 1428 for visually impaired and public facilities for people in wheelchairs to be used.

ITEM NO. 4**FILE NO: PSC2009-01064****INTERIM PLANNING POLICY – KANGAROO STREET, RAYMOND TERRACE****REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Interim Planning Policy for part of the Precinct in Figure C1.1 Raymond Terrace Town Centre in *Port Stephens Development Control Plan 2007 – C1 Raymond Terrace Town Centre (Attachment 1)* to clarify policy directions for this sector of Raymond Terrace;
- 2) Resolve to prepare a draft amendment to *Port Stephens Development Control Plan 2007 – C1 Raymond Terrace Town Centre* to incorporate the contents of the Interim Planning Policy .

079	Councillor Ken Jordan Councillor Daniel Maher	It was resolved that the recommendation be adopted.
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In accordance with the Local Government Act 1993, a division is required.
Those for the motion: Councillors Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Sally Dover, Bob Westbury, Frank Ward and Bruce MacKenzie.

Those against the motion: Nil.

BACKGROUND

The purpose of this report is to:

present an Interim Planning Policy for Council's consideration, with due process, to allow Council to consider Development Applications on land zoned 5(g) on the south side of Kangaroo Street; and,
seek Council's support to prepare a draft amendment to Port Stephens Development Control Plan 2007 – C1 Raymond Terrace Town Centre to incorporate the contents of the Interim Planning Policy.

Proposal and Statutory Planning Framework

Council has received a Development Application for 10 and 12 Kangaroo Street, Raymond Terrace to demolish two existing dwellings and construct a 2 storey (13.4m)

commercial office building with undercroft carparking. To minimise impacts of the development upon the street and adjoining residences, 6.245 metre front, 3 metre side and 3.8m rear setbacks are proposed.

Council's assessment and consideration of the DA is problematic due to the permissibility, with Council consent, of the proposed land use under the 5(g) – Special Urban (Flood Affected) zone (see **Attachment 2**) and Chapter C1 of the Port Stephens Development Control Plan 2007 that identifies the subject land as a Residential Precinct (see **Attachment 3**). Chapter C1 does not provide guidance on how to design, consider and determine commercial development which is permissible within the residential precinct.

The description and objectives of the 5(g) zone require clarification and alignment of the DCP controls to ensure that future strategic directions for development in this area of Raymond Terrace are understood and that Council can adopt an Interim Planning Policy to allow the DA to be assessed and determined accordingly.

Underpinning the recommendation is a conclusion that managed transition of the "Kangaroo Street precinct" to "Centre Support/Commercial and Office Development" should be supported.

Limitations of Current Zones in Port Stephens LEP 2000

The rezoning of the playing fields to Business 3(a) in 2005 and its future development as "town centre extension" under Chapter C1 of the DCP means that land on the south side of Kangaroo Street now adjoins the town centre land zoned "Business". Council resolved in June 2008 to prepare a draft LEP to rezone large parts of the 5(g) zoned land to Business 3(a) (including the subject land) and Industrial 4(a). The Director-General of Planning has advised Council that this draft LEP be deferred until a town strategy has been prepared.

Zoning of land for retail, commercial and employment purposes is currently limited in the Port Stephens LEP to Business 3(a) and Industrial 4(a) zones and, in Raymond Terrace only, the 5(g) zone. This zoning framework does not differentiate between retail/commercial/employment land use activities within and across a town centre, on the edge of a town centre and out of centre locations. These differences include; hours of trading, car parking requirements, differing building typologies and floor areas, building heights, collocation and amenity issues such as shared parking and convenience shopping, and the diverse needs of business owners in providing diverse goods and services in the market. In summary the social and economic dynamics of town centres are complex and the current zones and planning controls are not accommodating of this complexity and attracting investment onto land that is well located and provides clear public benefits.

It is therefore intended that the new comprehensive LEP required by 2011 introduces a new "centre support zone/s". Such a zone/s would be consistent with the Land Use Transect in Figure 30 of the *Port Stephens Community Settlement and Infrastructure Strategy 2007*. The land on the south side of Kangaroo Street would fit the location criteria for a "centre support" zone and land use activities.

Strategic Issues

The DA on the subject land reflects a broader trend of commercial and retail development occurring outside of the Business 3(a) zone – the only land use zone that applies to the centres of all towns and villages across the local government area - and into the 5(g) Special Urban zone i.e. from the town centre to its periphery. This is despite an apparent adequate supply of Business 3(a) zoned land in the town centre to accommodate future retail and commercial office growth. The presence of a new Aldi supermarket, a proposed church within an area of the 5g zone that is characterised as an industrial area, a proposed liquor store and the subject DA within a residential precinct indicate that the town is becoming increasingly fragmented, dispersed over a large area, undermining the retail/commercial core of the town around William Street and generating development outcomes that are not economically, socially and environmentally integrated.

The possible drivers for this trend are; lower land prices in the 5(g) zoned land than the Business 3(a) zoned land; relative small lots and multiple land owners in the Business 3(a) zoned land balanced by a domination of the larger redevelopment or greenfield areas under one landowner; and, higher development costs to meet development control standards in the Business 3(a) area.

The long term effects of this could be the fragmentation of the town centre, reducing pedestrian and shopping activity along William Street and corresponding financial impacts upon small business owners and land owners. This leads to vacant shops and buildings and decreased maintenance that leads to less pedestrian activity that in turn leads to a decline in the perceptions of safety and potentially antisocial behaviour. A strategic priority for the town is the protection and redevelopment of William Street as the retail and commercial core of the town as it evolves from a sub regional centre into a regional centre in terms of retail floor space and economics for employment and the provision of goods and services.

However, the above strategic issues need to acknowledge the proposed development at Kings Hill – a new town of some 10-12000 people and the proposed growth of Medowie of some 6-8000 people over the next 25 years. Both towns are planned to accommodate as much services and employment within each local centre subordinate to the services and employment offered and accommodated within the higher order regional centre of Raymond Terrace. In effect the population growth of Kings Hill and Medowie will support the future services and employment growth of Raymond Terrace.

Interim Planning Policy

Attachment 1 *Interim Planning Policy for Land on Kangaroo Street, Raymond Terrace* establishes the interim policy directions for development permissible under the 5(g) zone, in lieu of the limitations of DCP 2007. It is an Interim Policy pending the Raymond Terrace Planning Strategy.

In adopting the Interim Planning Policy, it is accepted that some land use conflicts may occur e.g. overlooking or overshadowing of new development upon existing dwellings. These potential conflicts are considered short term and acceptable given the planned transition of the Kangaroo Street area. No submissions were received during the public exhibition of the DA for the commercial building at 10-12 Kangaroo Street. If the Interim Planning Policy leads to redesign of the proposal, then re-exhibition of the DA will ascertain public acceptance or otherwise of the Interim Planning Policy.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications concerning part one of the Recommendation of this report.

Integrated Planning has a significant work program both in response to the planning reforms and requirements of the Department of Planning and statutory and strategic projects currently underway. At this stage, the recommendation to amend DCP 2007 will be undertaken as part of the review of the DCP that has been identified to occur parallel with the preparation of a new Port Stephens LEP.

LEGAL AND POLICY IMPLICATIONS

Port Stephens Local Environmental Plan 2000 zones much of the Raymond Terrace town centre and surrounding supporting areas (bounded by Adelaide Street to the east, William Bailey Street to the north, Hunter River to the west and Swan Street to the south) predominantly Business 3(a) with those parts of the town affected by flooding zoned 5(g) – Special Urban (Flood Affected). Whilst the 5(g) zone permits, with consent, land uses similar to that permitted under the 3(a) zone, it specifically states in the Description of the Zone that the zone:

“provides for urban development compatible with the constraints of the land....in accordance with more detailed planning provisions contained within a development control plan”.

In the 5(g) zone objectives subclause (2) (g) states:

“to permit development which is compatible with the provisions of detailed planning objectives contained within development controls plans.

Figure C1.1 Raymond Terrace Town Centre in Chapter C1 Raymond Terrace Town Centre identifies the precincts for the town centre including the land zoned 5(g). Whilst the DA for commercial development on 10 and 12 Kangaroo Street is permissible in the 5(g) zone, such activity is clearly contrary to the residential precinct in the DCP. Council must give consideration to the zone objectives and DCP when considering development applications on land zoned 5(g). Failure to do so undermines the intent of the 5(g) zone and the integrity of the DCP.

The Land and Environment Court, through case law, has established planning principles governing the interpretation of DCPs when there is a real or perceived conflict between the LEP and DCP. They are

- The provisions of a DCP must be consistent with the provisions of any relevant local environmental plan. However, a development control plan may operate to confine the intensity of development otherwise permitted by a local environmental plan.
- A DCP adopted after consultation with interested persons, including the affected community, will be given significantly more weight than one adopted with little or no community consultation.
- A DCP which has been consistently applied by a council will be given significantly greater weight than one which has only been selectively applied.
- A DCP which can be demonstrated, either inherently or perhaps by the passing of time, to bring about an inappropriate planning solution, especially an outcome which conflicts with other policy outcomes adopted at a State, regional or local level, will be given less weight than a Development Control Plan which provides a sensible planning outcome consistent with other policies.
- Consistency of decision-making must be a fundamental objective of Council as a Planning Consent Authority make administrative decisions. That objective is assisted by the adoption of DCPs and the making of decisions in individual cases which are consistent with them. If this is done, those with an interest in the site under consideration or who may be affected by any development of it have an opportunity to make decisions in relation to their own property which is informed by an appreciation of the likely future development of nearby property.

Further, the Court, also through case law, has established the following planning principles when determining the weight to be given to a planning policy i.e. the proposed Interim Planning Policy, adopted by a council:

- the extent, if any, of research and public consultation undertaken when creating the policy;
- the time during which the policy has been in force and the extent of any review of its effectiveness;
- the extent to which the policy has been departed from in prior decisions;
- the compatibility of the policy with the objectives and provisions of relevant environmental planning instruments and development control plans;
- the compatibility of the policy with other policies adopted by a council or by any other relevant government agency;
- whether the policy contains any significant flaws when assessed against conventional planning outcomes accepted as appropriate for the site or area affected by it.

The Interim Planning Policy, if endorsed by Council, will be in place until such time that it is superseded by relevant amendments to the Port Stephens DCP 2007.

Council should note that a review of future zoning, land uses and planning controls for the town centre core (William Street) surrounding business zoned land and centre support lands should be considered in that order of priority in terms of establishing

incentives and disincentives to address the strategic issues facing the town identified in the Background – Strategic Issues section of this report.

Council should also note that whilst funding for a planning and development strategy for the town has been excluded from the draft Council budget, an application has been made to the Planning Reform Fund seeking funds to undertake the strategy.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The proposed Interim Planning Policy clarifies the required development controls for land south of Kangaroo Street to attract investment and create jobs within the centre support area of the town and hence increase pedestrians and patronage of the town centre and the future town centre extension.

ECONOMIC IMPLICATIONS

Although no data is available, anecdotally, it appears that "A" grade office space is limited in the town and that there is demand for such space. Land on the south side of Kangaroo Street is located adjacent to the town centre extension and is suitable for redevelopment given the general age of the building stock on this land. The proposed Interim Planning Policy clarifies the required development controls for land south of Kangaroo Street zoned 5(g) to attract investment and create jobs within the "centre support" area of the town and hence increase pedestrians and patronage of the town centre and the future town centre extension.

ENVIRONMENTAL IMPLICATIONS

The Interim Planning Policy does not override any environmental requirements as per the Port Stephens LEP 2000 and DCP 2007.

CONSULTATION

This report has been prepared in consultation with Council's Manager, Development and Building and Manager, Property and Development.

OPTIONS

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

ATTACHMENTS

- 1) Interim Planning Policy for Land on Kangaroo Street, Raymond Terrace
- 2) Zoning and Flooding Map of Kangaroo Street, Raymond Terrace
- 3) Precincts in Raymond Terrace Map

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1
INTERIM PLANNING POLICY FOR LAND ON KANGAROO STREET, RAYMOND TERRACE



POLICY

Adopted:XX/03/2009
Minute No: xxx

FILE NO: PSC2009- 01064

TITLE: INTERIM PLANNING POLICY FOR LAND ON KANGAROO STREET, RAYMOND TERRACE

BACKGROUND

This Interim Planning Policy applies to land identified in Figure 1. It clarifies the planning controls for this land when considering development in the Residential Precinct in Figure C1.1 Raymond Terrace Town Centre in *Port Stephens Development Control Plan 2007 – C1 Raymond Terrace Town Centre*.

This Policy aligns the planning controls with the land use activities permissible with consent in the 5(g) – Special Urban (Flood Affected) zone under the Port Stephens LEP 2000.

OBJECTIVE

To establish Policy directions and to enable Council as the consent authority to assess and determine Development Applications for land use activities on land, permissible with consent under the Port Stephens LEP 2000.

The objectives of the Interim Policy and draft amendment to Port Stephens Development Control Plan 2007 are as follows:

- To facilitate the transition of the residential area on the south side of Kangaroo St to a higher density commercial/mixed use “centre support” area that provides activities to support the Raymond Terrace town centre (William Street) and Town Centre Extension adjacent and to the south of the subject land and adjoining lands along Kangaroo Street.
- To encourage investment and redevelopment in Kangaroo Street.
- To require the extension of Sturgeon Street to connect to Kangaroo Street so that “centre support” activities have direct access to the town centre;

- To require building design to over look the public domain (Kangaroo Street to the front, Sturgeon Street extension to the east side and the public park to the rear)
- To require building design and the provision of public infrastructure, street furniture and tree planting to integrate to create a safe and attractive pedestrian street commensurate for a centre support urban environment.

APPLICATION

This Interim Policy must be considered when dealing with proposals for development on land south of Kangaroo Street, Raymond Terrace as indicated in Figure 1. This Policy should be read in conjunction with the requirements of the Port Stephens LEP 2000. If this policy is inconsistent with the requirements of the Port Stephens DCP 2007 then this policy shall prevail to the extent of the inconsistency.

POLICY STATEMENT

Private land

Land use activities: As per 5(g) zone permissible land use activities.
Shop front retailing ancillary and directly linked to the land use activity proposed or occurring within the building.

Setbacks: Front – 3 metres
Side – 0 metres for adjoining street, merit based for adjoining existing residential land use.
Rear first floor - 0 metres if no adverse overshadowing of public open space
Rear second floor – 3m

Building Height: 13.3metres AHD and 2 storeys from Kangaroo Street

Floor Space Ratio: 1:1 for lots created before the adoption of this policy.
10% bonus for lot amalgamation.

Building Site Coverage: 80%

Balconies: Lots fronting Kangaroo Street and backing onto identified park to the south have double frontage. Therefore, balconies shall be provided part or all of the front façade and part of the rear of the building facing onto the proposed park.

Pedestrian Access: Pedestrian access to the front entrance of buildings shall be provided by a path perpendicular to the footpath.
Ramped access in front of the building should be avoided and is to be internalized within the building where practicable

Landscaping: Ground cover and mid storey landscaping species to complement the large street tree planting.
Constructed fencing or hedging provided to delineate front private property and public street boundary.

Fencing shall be applied to screen the undercroft parking from the park to the south

Public land

Street: Sturgeon Street shall be extended north from William Street through the identified Town Centre Extension and connect to Kangaroo Street and incorporate the existing pedestrian lane.

Parking: Angled parking shall be provided on Kangaroo Street to accommodate visitors and convenience parking where practicable.

Footpaths: Shall be constructed for the width of the lot along street and lane frontages

Public Art: Public art should be incorporated into the façade of the proposed building e.g. balustrades, within the front setback or incorporated into the footpath.

RELATED POLICIES

Port Stephens Community Settlement and Infrastructure Strategy 2007

Port Stephens Development Control Plan 2007

Section 79C of the Environmental Planning and Assessment Act 1979.

REVIEW DATE

Three years from date of adoption or until superseded by amendments to the Port Stephens LEP 2000 and/or DCP 2007.

RELEVANT LEGISLATIVE PROVISIONS

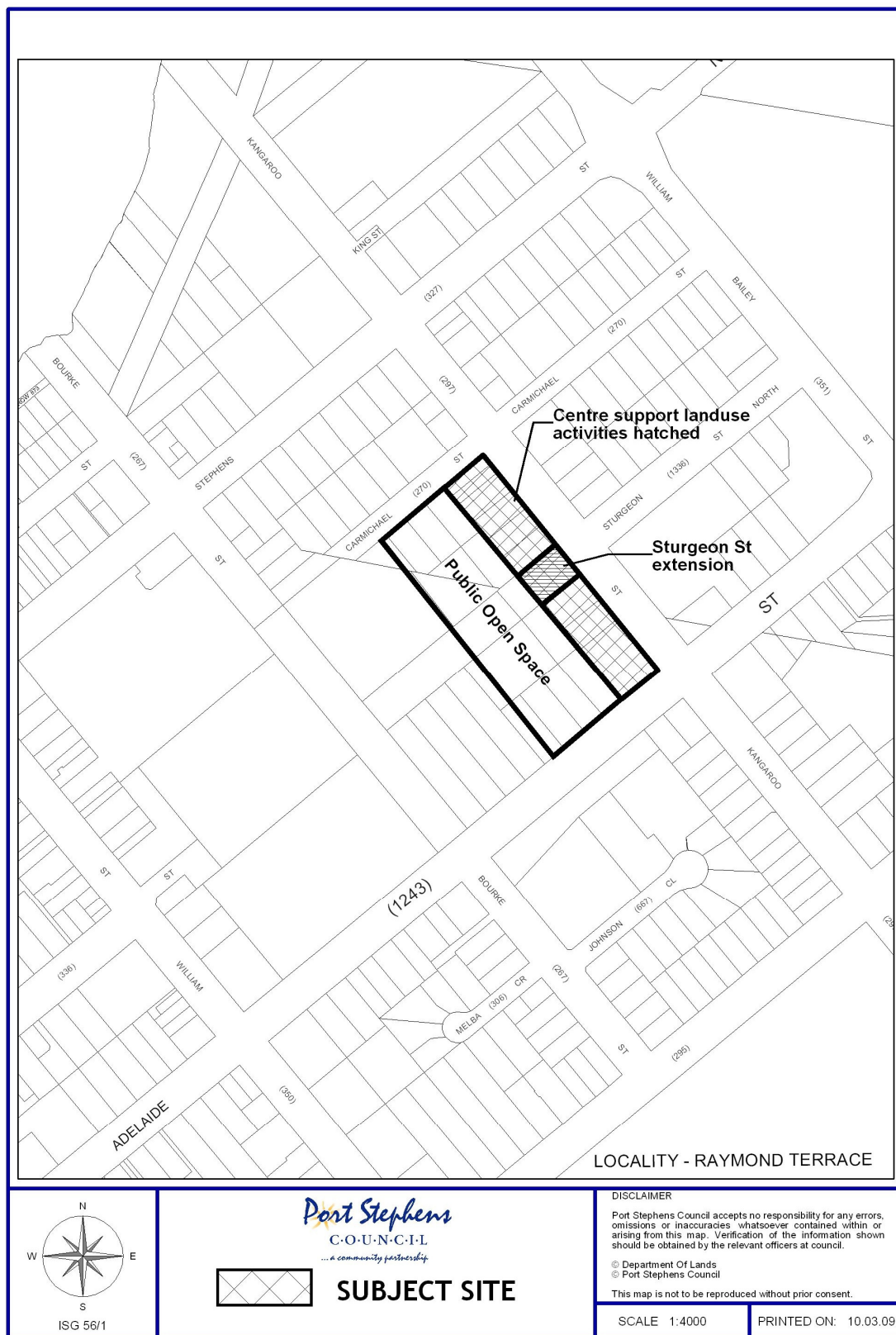
Environmental Planning and Assessment Act 1979

Port Stephens Local Environmental Plan 2000

IMPLEMENTATION RESPONSIBILITY

Sustainable Planning Group

FIGURE 1
LANDS SUBJECT TO INTERIM PLANNING POLICY



Attachment 2. Zoning & Flooding Map of Kangaroo St, Raymond Terrace

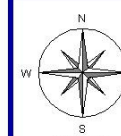


Port Stephens
C.O.U.N.C.I.L.
... a community partnership

Port Stephens Local Environmental Plan 2000

- 1a** 1a - RURAL AGRICULTURE
- 1c1** 1c1 - RURAL SMALL HOLDINGS
- 1c2** 1c2 - RURAL SMALL HOLDINGS
- 1c3** 1c3 - RURAL SMALL HOLDINGS
- 1c4** 1c4 - RURAL SMALL HOLDINGS
- 1c5** 1c5 - RURAL SMALL HOLDINGS
- 2a** 2a - RESIDENTIAL
- 2c** 2c - RESIDENTIAL
- 3a** 3a - BUSINESS GENERAL
- 4a** 4a - INDUSTRIAL GENERAL
- 5a** 5a - SPECIAL USES - DEFENCE PURPOSES
- 5c** 5c - SPECIAL USES - PROPOSED ROAD
- 5g** 5g - SPECIAL USES - FLOOD EFFECTED
- 6a** 6a - GENERAL RECREATION
- 6c** 6c - SPECIAL RECREATION
- 7a** 7a - ENV. PROTECTION
- 7c** 7c - ENV. PROT. - WATER CATCHMENT AREA
- 7f1** 7f1 - ENV. PROT. - COASTAL LANDS
- 7f3** 7f3 - ENV. PROT. - URBAN CONSERVATION
- 7w** 7w - ENV. PROT. - WATERWAYS
- SP1** SP1 - SPECIAL ACTIVITIES - DEFENCE & AIRPORT RELATED EMPLOYMENT DEVELOPMENT

- Flood Prone Land
- Subject Lands
- Sturgeon St Extension



ISG 56/1

DISCLAIMER

Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

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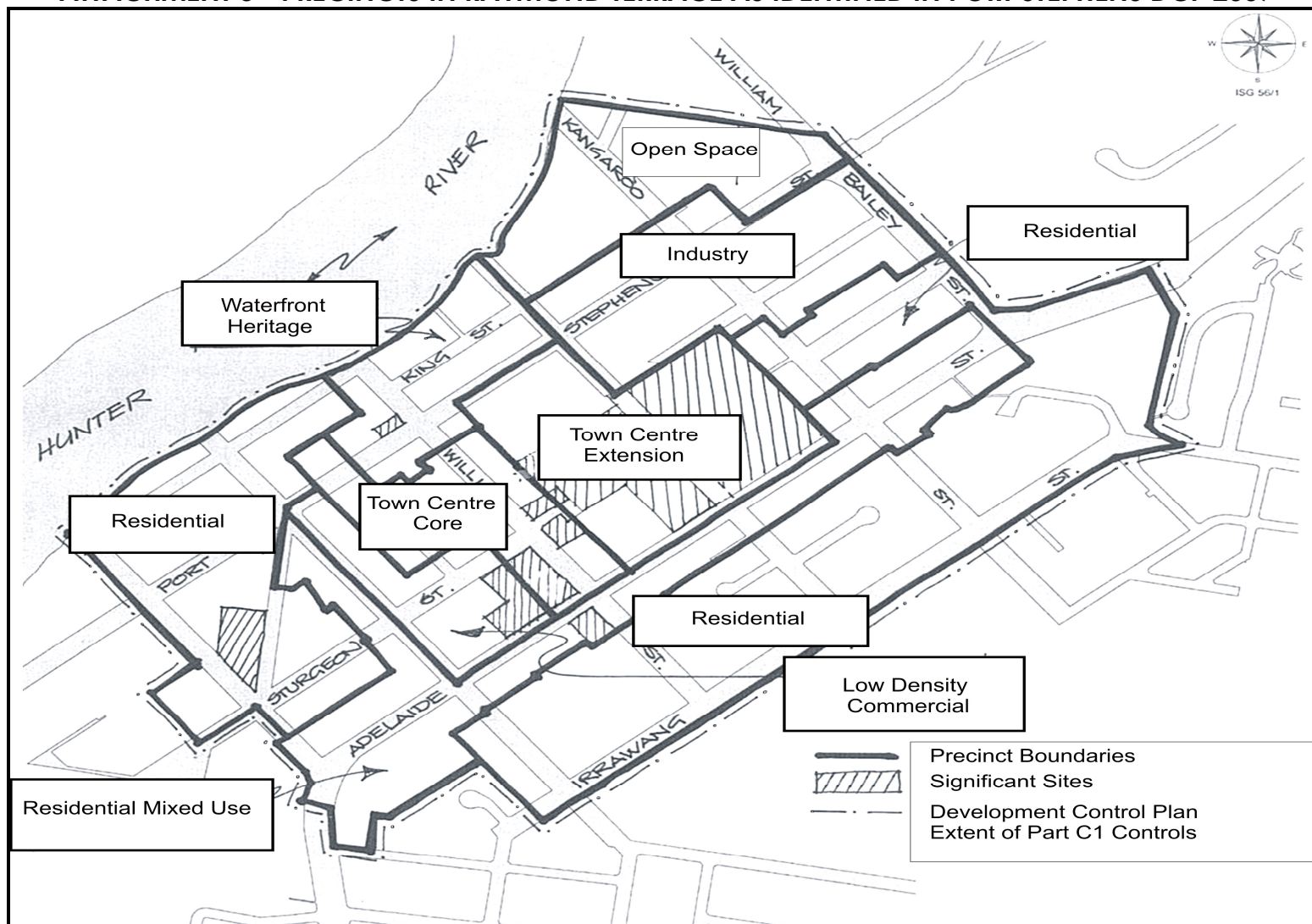
PORT STEPHENS COUNCIL CONTACT DETAILS

Address: 116 Adelaide Street, Raymond Terrace NSW 2324
Phone: (02) 49800255
Fax: (02) 49873612
Email: council@portstephens.nsw.gov.au
http: www.portstephens.nsw.gov.au

SCALE 1:5000

PRINTED ON: 13.03.09

ATTACHMENT 3 - PRECINCTS IN RAYMOND TERRACE AS IDENTIFIED IN PORT STEPHENS DCP 2007



ITEM NO. 5

FILE NO: A2004-0094

ASSIGNMENT OF RIGHTS TO RECEIVE DIVIDENDS – AIRCRAFT NOISE MATTER**REPORT OF: WAYNE WALLIS - GROUP MANAGER CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Authorise the Mayor and General Manager to affix the seal of Council to the *Authority to Liquidator to Pay Dividend to a Person Named* in relation to dividends payable to Council under the HIH Liquidation Scheme.

080	Councillor Ken Jordan Councillor John Nell	It was resolved that the recommendation be adopted.
------------	-------------------------------------------------------	-----------------------------------------------------

BACKGROUND

The purpose of this report is to recommend that Council authorise the Mayor and General Manager to affix the seal of Council to the *Authority to Liquidator to Pay Dividend to a Person Named* in relation to dividends payable to Council under the HIH Liquidation Scheme. The Authority allows Council to assign its rights to receive dividends in respect of the Swan Bay aircraft noise claim to its insurer, Statewide Mutual. The assignment of Council's rights forms part of the agreement with the Board of Statewide Mutual to reimburse Council the full amount of its liability in this matter.

In 1999 claims against Port Stephens Council in negligence were lodged in the District Court in relation to losses allegedly resulting from aircraft noise. Judgement on preliminary issues was handed down in 2002. The decisions in four (4) property owners' claims were handed down in 2004 with a finding in favour of the plaintiffs. Council's appeal to the Court of Appeal was heard in 2005, the Court finding in favour of the Respondents. In October 2005, Council sought special leave to appeal to the High Court. The High Court dismissed that application in March 2006. Mediation took place in October 2006 and the matters were settled at a total cost of \$4 million.

Port Stephens Council was insured with Statewide Mutual for these claims. Statewide Mutual retained the first \$2 million and took out a policy of reinsurance with FAI Ltd from \$2 million to \$20 million and then further reinsurance with HIH Ltd from \$20 million up. Due to the collapse of the HIH Group of companies, there was no insurance cover on the balance of these claims leaving Council responsible for payment of the settlement cheques amounting to \$4 million.

Statewide Mutual expended \$1,915,061.01 of the first \$2m of the claim. The balance of the self insured retention was forwarded to Council in May 2007, leaving Council to fund the remaining legal account and the balance of the settlement at a total cost of \$3,951,531.31

Council initially sought assistance under the Australian Government's Local Government Assistance Scheme for HIH claims. When the "Absorbed Loss" component of the Assistance Scheme's formula was applied to Council's application, it reduced the amount of assistance available to Council to \$1,013,681.31. To obtain this assistance, Council was required to assign its rights under the HIH Liquidation scheme to the Government. Council exhausted all avenues in its attempts to have the "Absorbed Loss" component waived and was ultimately unsuccessful.

In December 2008 the Board of Statewide Mutual resolved to reimburse Council the full amount of its liability in this matter by way of payment of four (4) equal instalments of \$600,000 over a four (4) year period and then to negotiate with Council on a final instalment once the amount recovered from the HIH Group Liquidators in respect of this matter is known. The first annual payment of \$600,000 was received by Council in January 2009.

By assigning its rights to Statewide Mutual, Council will ensure an initial payment of approximately \$1,185,459 (**NB** This amount is yet to be confirmed by the Scheme liquidators.) as well as the annual payments of \$600,000 until the full amount of Council's liability is reimbursed. Any future dividend payments will be on forwarded from Statewide Mutual as they are received from the liquidator.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

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

FINANCIAL/RESOURCE IMPLICATIONS

The agreement with Statewide Mutual, which includes the assignment of Council's rights, ensures that Council will recover the full amount of its liability of \$3,951,531.31 in this matter.

LEGAL AND POLICY IMPLICATIONS

To pursue any other course of action would have resulted in Council being able to recover only a fraction of the settlement monies paid.

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

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Extensive consultation has taken place including discussions with Statewide Mutual, Capita Insurance Services, NSW Treasury, Harris Wheeler and Council staff including the General Manager, Group Manager Commercial Services, Legal Manager and Risk Management Co-ordinator.

OPTIONS

- 1) That Council resolve to authorise the Mayor and General Manager to affix the seal of Council to the *Authority to Liquidator to Pay Dividend to a Person Named* in relation to dividends payable to Council under the HH Liquidation Scheme.

ATTACHMENTS

Letter from Capita Insurance Services to Statewide Mutual dated 9 February 2009

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

A2004-0094

CAPITA
INSURANCE SERVICES



Mr John Attenborough
Executive Officer
Statewide Mutual
PO Box H25
Australia Square NSW 1215

09 February 2009

Dear Mr Attenborough,

Claim by Moffat and others against Port Stephens Council
Your reference: PORPLI 97018 and PORPI 97028
Our reference: 97F0241

We refer to your letter 03 February 2009 and our recent discussions.

We have recommended to FAI's liquidators that Port Stephens Council be admitted as a creditor of the estate for \$3,951,531.31. If the liquidators need anything in addition to the material you have already provided to us, we will advise.

It is confirmed that Council wishes to assign its rights to receive dividends in respect of the claim to Statewide Mutual. To this end, we attach an authority to be completed by Council and would be obliged if you could arrange for this and return it to us as soon as practicable.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'G. Goodman'.

Grahame Goodman
Capita Insurance Services
For and on behalf of the HIH Group of Companies (in Liquidation and subject to Scheme of Arrangement)
Level 2, 117 Clarence Street
Sydney NSW 2000
Australia
Tel: +61 (0) 2 9650 5613
Fax: +61 (0) 2 9650 5710
Email: grahame.goodman@capitaaustralia.com
www.capitainsurance.com.au

Capita Commercial Insurance Services Limited
Level 2, 117 Clarence St, Sydney NSW 2000. GPO Box 4662, Sydney NSW 2001
T +61 (0) 2 9650 5700 F +61 (0) 2 9650 5710 E insurance@capitaaustralia.com W www.capitaaustralia.com

Registered Office: Level 2, 117 Clarence St, Sydney NSW 2000, Australia
ABN (56 093 720 257)

ATTACHMENT 1

FORM 550

Regulation
5.6.70

Corporations Act 2001

AUTHORITY TO LIQUIDATOR TO PAY DIVIDEND TO A PERSON NAMED

FAI General Insurance Company Ltd
(In Liquidation and subject to Schemes of Arrangement)

To the Liquidator

I am authorized by Port Stephens Council ("Council") to sign this authority.

I authorize and request you to pay to:

Name: Statewide Mutual - ABN 51 644 247 443

Address: Level 11, 66 Clarence Street, Sydney, NSW, 2001

all dividends as they are declared for the company, and that become due and payable to Council in respect of its claim for \$3,951,531.31 against the company.

I further request that cheques drawn for those dividends are made payable to the order of:

Name: Statewide Mutual

This authority remains in force until revoked by or on behalf of Council in writing.

Date:

Signature:

Name:

Title:

PLEASE ALSO
AFFIX SEAL
OF COUNCIL
HERE

ITEM NO. 6

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 24 March, 2009.

No:	Report Title
1	Nelson Bay Town Management - CCTV
2	Port Stephens Council ATS Tunwish Pty Ltd - Land & Environment Court Proceedings

081	Councillor John Nell Councillor Ken Jordan	It was resolved that the recommendation be adopted.
------------	-------------------------------------------------------	-----------------------------------------------------

GENERAL MANAGER'S INFORMATION PAPERS

INFORMATION ITEM NO. 1

NELSON BAY TOWN MANAGEMENT – CCTV

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
FILE: T15-2008

BACKGROUND

The purpose of this report is to provide Council with information on the Nelson Bay Town Management Security CCTV tender.

At the Council meeting of the 24th June 2008, Council resolved:-

"That Council prepare a report on why Council has called for tenders for the Security Services (CCTV) project at Nelson Bay."

Council conducted the tender process on behalf of the Nelson Bay Town Management (NBTM) to ensure an open, documented and transparent process applied to the selection of the final product.

NBTM engaged a consultant to develop a specification, conduct a review and analysis the submissions received as part of the tender process. This was executed in consultation with Council staff. All costs associated with the tender process were borne by NBTM.

ATTACHMENTS

Nil

INFORMATION ITEM NO. 2

**PORT STEPHENS COUNCIL ATS TUNWISH P/L - LAND & ENVIRONMENT
COURT PROCEEDINGS**

**REPORT OF: SCOTT ANSON – MANAGER, DEVELOPMENT & BUILDING
FILE: 16-2008-57-1**

BACKGROUND

The purpose of this report is to provide Councillors with information regarding the above Court proceedings.

Development Application No. 16-2008-57/1 for a Place of Public Entertainment (POPE) at the Bull and Bush Hotel at Medowie was lodged with Council on 30 January 2008.

Council approved the development subject to conditions of consent on 22 July 2008. The conditions imposed restricted the hours of operation of the Place of Public Entertainment as follows:

4. *The opening and closing times of the premises shall not vary from those currently applying, namely: Monday and Tuesday 10:00 am to 10:00 pm
Wednesday to Saturday 10:00 am to 12:00 midnight Sunday 10:00 am to 9:00 pm*

The applicant appealed to the Land and Environment Court in relation to the Council's decision, objecting to the restricted hours of operation imposed by Condition 4.

The proceedings were heard in the Land and Environment Court on 2 and 3 March 2009.

Upon consideration of testimony from local residents that attended the Hearing, and social planning and crime prevention evidence by experts, the Land and Environment Court decided to impose the following condition of consent in relation to the hours of operation:

4. *The trading hours of the Premises as a place of public entertainment shall be: Monday to Saturday: 5.00 am to 3.00 am; Sunday: 5.00 am to 12.00 midnight.*

However, the Court limited the operation of the POPE to a one (1) year trial period, and required that a new application be submitted to Council or the Court to modify the approval to extend beyond 1 year. The Court also required a range of other measures to minimise the impacts of the extended trading hours including that:

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

- A Responsible Service of Alcohol (RSA) Monitor be present in the premises after 8 pm when 150 patrons are inside the premises;
- A Complaints Register be kept at the premises;
- A Complaints Telephone Line be established including a sign on the outside of the Hotel indicating the details of the Complaints Telephone Line;
- Advertisements for entertainment to include the details of the Complaints Telephone Line;
- A Security Plan of Management be implemented;
- A Courtesy Bus be provided in accordance with the Security Plan of Management requirements;
- A Courtesy Bus register be kept detailing the numbers of patrons using the service;
- A free of charge taxi booking service be provided;
- Security guards be employed at the premises (at the rate of 1 guard per 100 patrons or part thereof);
- The hotel not exceed 450 patron capacity;
- The Place of Public Entertainment inside the hotel not exceed 240 patrons;
- No alcohol to be served to patrons within 30 minutes of closing time;
- No alcohol to be taken from the premises after the bottle shop closes;
- An independent audit of the abovementioned requirements be undertaken every six months and supplied to the Council;

ATTACHMENTS

Nil.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 & PSC2005-1950

SCHEDULING OF BULK WASTE COLLECTIONS AND MAJOR TOURIST EVENTS

COUNCILLOR: SALLY DOVER

THAT COUNCIL:

- 1) Coordinate Council's bulk waste collection so it does not coincide with any major tourist events eg. Fishing Competition, Easter, Blue Water Country Musical Festival

082	Councillor Sally Dover Councillor Steve Tucker	It was resolved that the recommendation be adopted.
-----	---------------------------------------------------	-----------------------------------------------------

Councillor Ken Jordan left the meeting at 7.27pm during this item.

Councillor Ken Jordan returned to the meeting at 7.30pm during this item.

BACKGROUND REPORT OF: MICK LOOMES – ENGINEERING SERVICES MANAGER

BACKGROUND

Council conducts one bulky waste clean up and one green waste clean up per year to domestic ratepayers. The timing of these campaigns is intended to:

- Occur once yearly over the shortest period of time possible – currently five weeks
- Occur at a time of year when rate paying rental property owners can best make use of the bulky waste service
- Occur at a time when most gardeners are preparing gardens for impending Spring growth and can make use of the green waste service
- Limit the time each zone is collected to a seven day period
- Limit the notification of each zones' clean ups to a maximum of fourteen days prior to the start of the clean up (via a flyer in the post)
- Not occur during school holiday periods when residents may be absent and more visitors are in the area
- Not occur to coincide with Easter weekend or ANZAC day

In addition to these constraints we are also limited by the availability of the contractors' trucks that service the east coast of Australia and are used at other times of the year at other Councils.

TOURISM AND HOLIDAYS

Advice from the Visitors Information Centre website shows that organised major tourist events occur in every month of the year. The summer months appear to focus on school holiday makers and water festivals, whilst the winter months play host to many organised festivals and tournaments designed to attract visitors during the traditionally quieter tourist times.

Refer to attachment 1 for a list of scheduled major tourism events for 2009.

RESIDENTS PANEL FEEDBACK

Detailed feedback from forty (40) members of the Port Stephens Residents Panel (a straw poll of 146 Panel members from Monday 2 March to Thursday 5 March 2009) shows that the majority of respondents (72%) believe that the current schedule for bulky waste and green waste clean ups is appropriate.

When asked what alternatives to a bulk waste clean should be considered the following responses from the Residents Panel sample were recorded:

- No charge drop off service or waste disposal vouchers – 13
- Combined bulky & green waste clean up – 8
- Extra bulky waste clean ups – 6
- Reschedule bulky waste to winter and green waste to summer – 5
- On call / pre booked bulky & green waste service – 3

A summary of other ideas that were suggested by the Residents Panel sample are:

- Ensure the collection is done in the five day period
- "E" (electronic goods) waste drop off service
- Green waste clean up in August
- Third bin for green waste
- Mobile mulcher for green waste processing at the house
- Subsidise waste disposal fees
- Clean up Tomaree area during the last weeks of the current schedule thereby reducing impact in early February
- Green waste clean up in summer to allow bush residents to dispose of tree waste during bush fire danger period.

Refer to attachment 2 for a copy of the email questions sent to 146 Residents Panel members on Monday 2 March 2009.

CHANGING THE CURRENT SCHEDULE

A change in the current scheduling may be possible if sufficient time is given to the contractor in order for them to re-arrange their own schedule.

However, feedback from the Residents Panel sample, results from the Customer Satisfaction Survey September 2008 and usage of the current bulky waste clean up itself suggests that the current timing is appropriate overall.

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

Given that there are major tourist events every month of the year and school holidays occurring at ten week intervals it is not possible to adjust the bulky waste clean up schedule to accommodate the Notice of Motion at this time.

Staff will continue to monitor the results of the current bulky and green waste clean ups and any resultant community feedback and report on any modifications to the service.

ATTACHMENT 1

SCHEDULED TOURIST EVENTS FOR PORT STEPHENS IN 2009

(REFERENCE: WWW.PORTSTEPHENS.ORG.AU/PORT-STEPHENS-EVENTS.PHP
DOWNLOADED MONDAY 2 MARCH 2009)

Date	Event	Location
February		
21/2/09 to 1/3/09	2009 Riviera NSW Interclub Game Fishing Competition	Nelson Bay Wharf
March		
1/03/2009	Clean Up Australia Day	Everywhere
4/03/2009	Project AWARE on the coast	Tomaree Library and Community Centre
6/03/2009	Rhythm at the Rotunda	Riverside Park Raymond Terrace
7 to 8/3/09	Relay For Life - Cancer Council	Tomaree Sports Complex - Nelson Bay
15/03/2009	Jazz at the Winery	Port Stephens Winery
21 & 22/3/09	Karuah Oyster & Timber Festival	Longworth Park, Karuah
27 to 29/3/09	Discovery Holiday Parks Family Fishing Carnival	Discovery Holiday Park (formally Koala Shores Holiday Park) Lemon Tree Passage
April		
3, 4 & 5/4/09	Club Marine Trailer Boat Sport Fishing Tournament	d'Albora Marina
12/04/2009	Bay FM's Great Easter Egg Hunt	Port Stephens Winery
20 to 26/4/09	Sail Port Stephens	d'Albora Marina - Nelson Bay
25/04/2009	Anzac Day	Everywhere
May		
10/5/09 - 15/5/09	Port Stephens Ultimate Golf Challenge	Horizons Golf Resort, Pacific Dunes, Newcastle Golf Club and Hawks Nest Golf Club
18 to 22/5/09	Port Stephens Cup	Nelson Bay Golf Club
June		
3 to 8/6/09	Port Stephens Blue Water Country Music Festival	Everywhere
July		
6 & 7/7/09	Water Wonderland Golf Classic	Nelson Bay Golf Club
16/07/2009	Tomaree Community Hospital Charity Day	Nelson Bay Golf Club
July TBA	Camellia Show	Port Stephens Community Arts Centre
August		
TBC	Port Stephens Art Prize	Nelson Bay Diggers Club
17-Aug	Port Stephens Golf Classic	TBA
September		
11 to 13/9/09	Jazz Wine & Food Festival	Shoal Bay Resort & Spa
TBC	Port Stephens Whale Festival	TBA
October		
TBC	Free Rock n Roll Weekend	Nelson Bay Diggers

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

November		
TBC	Tastes of the Bay Food, wine and Jazz Festival	Nelson Bay Foreshore
TBC	Fishing Tournament	Nelson Bay Diggers
TBC	Remembrance Day	Apex Park
TBC	Tilligerry Arts Festival	Various
TBC	Rip Curl Girls Go Surfing Day 09	One Mile Beach
TBC	12th Angel Billy Golf Class Fundraiser for the WESTPAC Rescue Helicopter Service	Nelson Bay Golf Club
December		
31/12/2009	New Years Eve Fireworks	TBA

ATTACHMENT 2

**COPY OF EMAIL FROM WASTE MANAGEMENT COORDINATOR TO 146 MEMBERS
OF RESIDENTS PANEL SENT MONDAY 2 MARCH 2009**

Hello Residents Panel members

Steven Bernasconi here. Council's Waste Management Coordinator.

Council has recently asked staff for information (through a Notice Of Motion) to:

"Coordinate Council's bulk waste collection so it does not coincide with any major tourist events e.g. Fishing Competition, Easter, Blue Water Country Musical Festival"

In preparing a response I am interested in the views of the Residents Panel on a number of questions.

Background

- Council currently schedules two clean up campaigns each year:
- One Bulky Waste Clean Up campaign during February to March (five week period), and
- One Green Waste Clean Up campaign generally in September (two week period)
- Every month has at least one major tourism event although the warmer months do have more than the cooler months

The reasons for scheduling these clean ups at these times are:

Bulky Waste Clean Up - generally February to March (over five weeks)

- Scheduled to occur at a time of the year when rate paying rental property owners can best make use of the service
- Scheduled over five weeks to reduce the length of time waste is on roadsides
- Scheduled not to occur during school holiday periods
- Scheduled not to occur during Easter weekend or Anzac Day
- Contractors trucks service the east coast of Australia and are used at other times of year at other Councils

Green Waste Clean Up - generally late August or early September (over two weeks)

- Scheduled to occur at a time of the year when most gardeners are preparing gardens for impending Spring season
- Scheduled not to occur during school holiday periods

MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

- Contractors trucks service the east coast of Australia and are used at other times of year at other Councils

I am seeking your views on the following issues:

1. What do you think of the appropriateness of the current scheduling of Bulky Waste (currently February to March over five weeks) and Green Waste (currently Sep over two weeks) Clean up campaigns?

1a. Are they at a good time of year?

1b. What would work better?

2. If the schedule was to change, two options to consider are set out below:

2a. Bulky Waste Clean Up - July to August (over five weeks) & Green Waste in February (over two weeks) - effectively a straight swap over of the current schedule

2b. A combined Bulky Waste & Green Waste Clean Up campaign in say July, August or September (over five/six weeks)

3. What other options could Council consider that meet the criteria above?

My deadline to report my findings is 5pm Friday 6 March 2009 so I would be very grateful to receive your responses by **5pm Thursday 5 March 2009** by return email. If you can't make that deadline I would still be happy to receive your response at another time.

Thank you for your time.

Yours sincerely
S. BERNASCONI

Steven Bernasconi | Waste Management Coordinator | Port Stephens Council | 116 Adelaide Street (PO Box 42) Raymond Terrace NSW Australia 2324 | T + 61 2 49800162 | M 0409460925 | F + 61 2 49873612 | E: steve.bernasconi@portstephens.nsw.gov.au

RESCISSION MOTIONS

RECISSION MOTION

ITEM NO. 1

FILE NO: PSC2008-3934

DEVELOPMENT COMPLIANCE AND IMPLEMENTATION OF THE COMPLIANCE POLICY

COUNCILLOR: STEVE TUCKER, BOB WESTBURY, SALLY DOVER

That Council rescind its decision of 24 February 2009 on Confidential Item 1, Minute No's. 50 and 51, namely Development Compliance and Implementation of the Compliance Policy, parts 4 & 5 of the resolution relating to Cabbage Tree Road, Williamtown and Lemon Tree Passage Road, Salt Ash

See Confidential section of the business paper for the report of the 24 February 2009.

083	Councillor Ken Jordan Councillor Daniel Maher	It was resolved that Council move into Confidential session.
------------	----------------------------------------------------------	--------------------------------------------------------------

084	Councillor Bob Westbury Councillor Sally Dover	It was resolved that the rescission motion be adopted.
------------	-----------------------------------------------------------	--------------------------------------------------------

CONFIDENTIAL ITEMS



In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

There being no further business the meeting was closed at 8.11pm.

CONFIDENTIAL**ITEM NO. 1****FILE NO: PSC2008-3934****DEVELOPMENT COMPLIANCE AND IMPLEMENTATION OF THE COMPLIANCE POLICY****REPORT OF: SCOTT ANSON – MANAGER, DEVELOPMENT & BUILDING**
-----**ORDINARY COUNCIL – 24 MARCH 2009****ITEM 4**

085	Councillor Bob Westbury Councillor Sally Dover	It was resolved that Council allow the operators to continue with the provision of upgrading the access.
------------	-----------------------------------------------------------	----------------------------------------------------------------------------------------------------------

ITEM 5

086	Councillor Bob Westbury Councillor Sally Dover	It was resolved that Council advise the owners to cease onsite industrial activity and allow continuation of transport business.
------------	-----------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------

AMENDMENT

	Councillor John Nell Councillor Geoff Dingle	That Council defer to the next meeting of Council items 4 & 5 to allow consultation with the Group Manager Sustainable Planning for assistance with wording.
--	---------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------

The amendment on being put was lost, the Motion (items 4 & 5) was put and carried. in accordance with the Local Government act 1993, a division is required.

Those for the motion: Councillors Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Sally Dover, Bob Westbury and Bruce MacKenzie.

Those against the Motion: Councillors Peter Kafer, Glenys Francis, Geoff Dingle, Frank Ward and John Nell.

MATTER ARISING

087	Councillor Glenys Francis Councillor Bruce MacKenzie	It was resolved that Council be provided with a report at the April meeting of Council on what is required to upgrade the access and the timeframes with relation to Item 4.
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088	Councillor Ken Jordan Councillor Steve Tucker	It was resolved that Council out of Confidential session.
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CONFIDENTIAL

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0840

SALE OF LAND - HEATHERBRAE

THAT COUNCIL:

- 1) Consider the attached report of the proposed sale of Lot 32 DP 1014864 being 431 Masonite Road, Heatherbrae, as a matter of urgency at its Ordinary Meeting of 24 March 2009.
 - 2) Authorise negotiations be finalised with the purchaser entering into an "Option to Purchase" Agreement.
 - 3) Authorise the Mayor and General Manager to affix the seal of Council to the option agreement and contract for sale.
 - 4) Approve the sale of the property that is classified "operational" under the local Government Act 1993.
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ORDINARY COUNCIL – 24 MARCH 2009

089	Councillor Bruce MacKenzie	There being no objection it was resolved that the Mayoral Minute be adopted.
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MINUTES FOR ORDINARY MEETING – 24 MARCH 2009

I certify that pages 1 to 201 of the Open Ordinary Minutes of Council 24 March 2009 and the pages 202 to 220 of the Confidential Ordinary Minutes of Council 24 March 2009 were confirmed by Council at its meeting held on 28 April 2009.

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Cr Bruce MacKenzie
MAYOR