

## Minutes 13 October 2009



Minutes of Ordinary Council meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 13 October 2009, commencing at 6.29 pm.

**PRESENT :** Councillors MacKenzie (Mayor); R. Westbury, (Deputy Mayor); S. Dover, G. Francis; K. Jordan; J. Nell; S. O'Brien; S. Tucker; F. Ward.

General Manager; Corporate Services Group Manager, Acting Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager and the Executive Officer.

<b>336</b>	<b>Councillor John Nell Councillor Ken Jordan</b>	It was resolved that apologies from Councillors Maher, Dingle and Kafer be received and noted.
<b>337</b>	<b>Councillor Ken Jordan Councillor John Nell</b>	It was resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 22 September 2009 be confirmed.

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# MOTION TO CLOSE

ITEM NO. 1

FILE NO: PERS: GESLING

## MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

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### RECOMMENDATION:

- 1) That pursuant to section 10A(2)(a) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Mayoral Minute Confidential Item 1 on the Ordinary Meeting agenda namely **General Manager's Contract of Employment**.
- 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include matters and information relating to personnel matters concerning particular individuals
- 3) That the report of the closed part of the meeting remain confidential.

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### ORDINARY MEETING – 13 OCTOBER 2009

		The Mayor advised the meeting that the Confidential item had been withdrawn.
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# **COUNCIL COMMITTEE RECOMMENDATIONS**

**ITEM NO. 1**

**FILE NO: 16-2009-200-1**

**REQUEST TO REVIEW THE SECTION 94 CONTRIBUTIONS IMPOSED ON DEVELOPMENT APPLICATION 16-2009-200-1 FOR A BULKY GOODS SALES ROOM (BUNNINGS WAREHOUSE) AT 78 PORT STEPHENS DRIVE, TAYLORS BEACH**

**REPORT OF: DAVID BROYD – GROUP MANAGER**  
**GROUP: SUSTAINABLE PLANNING**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) That Condition 37 of development consent 16-2009-200-1 be amended to require that the amount of Section 94 contribution for roadworks be \$65,000, based on the acknowledgement of 'Material Public Benefit' created by the construction of the round-about proposed as part of the Subdivision application 16-2001-1700-1.1)

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**COUNCIL COMMITTEE MEETING – 13 OCTOBER 2009**

**RECOMMENDATION:**

	<b>Councillor Sally Dover</b> <b>Councillor Shirley O'Brien</b>	That the recommendation be adopted.
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Ken Jordan, Shirley O'Brien, Bob Westbury, Glenys Francis, Sally Dover, Bruce MacKenzie and Steve Tucker.

Those against the Motion: Councillors John Nell and Frank Ward.

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**ORDINARY MEETING – 13 OCTOBER 2009**

<b>338</b>	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>	It was resolved that the recommendation be adopted.
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Ken Jordan, Shirley O'Brien, Bob Westbury, Glenys Francis, Sally Dover, Bruce MacKenzie, John Nell and Steve Tucker.

Those against the Motion: Councillors Frank Ward.

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## **BACKGROUND**

The purpose of this report is to present to Council a request to review the Section 94 Contributions imposed as a condition on development application 16-2009-200-1, at the request of the applicant.

A development application for a Bulky Goods Sales Room (Bunnings Warehouse) at 78 Port Stephens Drive, Taylors Beach, was approved by Council under delegated authority on 18 August 2009. This consent was conditioned in accordance with Council's Section 94 Contributions Plan. The relevant condition, No. 37, is as follows:

*A monetary contribution is to be paid to Council, pursuant to section 80A(1) of the Environmental Planning and Assessment Act, 1979 and Section 94 of the Environmental Planning and Assessment Act, 1979 towards the provision of the following public facilities:-*

1.	<i>Per Lot</i>	<i>Total</i>
	<i>Roadworks</i>	<i>(\$309901)</i>

*Note:*

- a. The above contributions have been determined in accordance with Port Stephens Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Customer Service Counter, 116 Adelaide Street, Raymond Terrace.*
- b. Contributions are to be paid prior to issue of construction certificate*
- c. The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of original consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for twelve months.*

Section 94 contributions were imposed on the consent rather than Section 94A contributions, on the basis of a Ministerial direction from the Department of Planning dated November 2006 which outlined that Section 94A contributions could not be imposed on land where Section 94 contributions had been previously charged. In this instance Section 94 contributions were imposed on the original subdivision application (DA 16-2001-1700-4).

The development application for the Bunnings Warehouse was conditioned for additional Section 94 contributions on the basis that the subdivision had been levied accordingly to the traffic predictions for standard industrial development, as detailed in the Roads and Traffic Authority 'Guide to Traffic Generating Developments'. The Bunnings development however is a 'Bulky goods sales rooms', which has a higher predicted traffic creation than that of industrial development as detailed in these guidelines. This higher traffic creation as a result requires additional contributions with respect to roadworks.

In terms of this additional contribution, the applicant has requested that the amount be varied on the basis of the 'Material Public Benefit' created by the construction of the round-about proposed as part of the Subdivision application. The attached correspondence from the applicant outlines the justification provided in support of this request.

It is noted that as part of the subdivision application, Council supported the applicant entering into a Voluntary Planning Agreement (VPA). The proposed agreement will involve the allocation of funds already identified in the Forward Works Program (FWP) for an intersection at the location (\$156,000), as well as using the Section 94 contribution conditioned on the original development consent (\$80,018 in 2009 dollar terms) to be used for the construction of the roundabout.

The previous Council report relating to this issue in November 2008 noted that the anticipated net value to Council Infrastructure, that is the cost of roundabout minus FWP funding and CPI Section 94 contribution would be \$566 282, as the total cost of the roundabout was at this time estimated to be \$796,000. This report also noted that the roundabout would have infrastructure benefits, that is, that a roundabout will be constructed which would have improved road safety benefits rather than Council's original lower standard intersection (left turn lane and right turn slip lane). Since this original consideration, the applicant has submitted a revised, more detailed estimate of the roundabout works (see Attachment 1), which specifies that the cost of the works will be approximately \$936,000.

The calculations originally considered by Council in November 2008 are detailed in Table 1 below. The revised figures on the basis of the applicant's most recent costing of the roundabout are detailed in Table 2 below.

**Table 1: Summary of Costs considered in November 2008 report**

	Cost (\$)
Intersection works already identified in FWP	150,000
Rehabilitation works (as per FWP)	6, 000
Section 94 contributions to be imposed as condition of consent of original subdivision (16-2001-1700-1)	67,704
Section 94 PLUS CPI 2008	77,718
Anticipated cost of Roundabout	Approximately 800,000



## MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009

Construction	
Anticipated Net Value to Council Infrastructure - i.e. Cost of RAB minus FWP funding and CPI Section 94 contribution	566,282

**Table 2: Summary costs based on revised costing of Roundabout dated 31 March 2009, and variation of Section**

	Cost (\$)
Intersection works already identified in FWP	150,000
Rehabilitation works (as per FWP)	6,000
Section 94 contributions to be imposed as condition of consent of original subdivision (16-2001-1700-1)	67,704
Section 94 PLUS CPI 2009	80,018
Revised cost of Roundabout Construction	936,000
Anticipated Net Value to Council Infrastructure - i.e. Cost of RAB minus FWP funding and CPI Section 94 contribution	699,982

The above tables demonstrate that the revised costs result in an additional \$133,700 net value to Council infrastructure to that which was considered in the November 2008 report, and a total anticipated net value of \$699,982. In terms of the applicant's request to review the Section 94 contributions for the Bunnings Warehouse from \$309,901 to \$65,000, this would represent a difference of \$244,901. this proposed reduction is evaluated below in Table 3.

**Table 3 : Summary of costs based on revised costing of Roundabout, should request for revised Section 94 contributions for the Bunnings development application be supported.**

	Cost (\$)
Anticipated Net Value to Council Infrastructure (as calculated in Table 2).	699,982
Requested reduction by applicant	244,901
Resultant Net Value to Council Infrastructure	455,081

It is noted that the reduction of Section 94 Contributions for the Bunnings Warehouse would only therefore comprise 35% of the net value of the roundabout, leaving a \$455,081 'Material Public Benefit' to the Tomaree Peninsula.

As detailed in the attached justification provided by the applicant, the roundabout works will have a 'Material Public Benefit' in terms of road safety and efficiencies. Accordingly, it is concluded that the request by the applicant is fair and reasonable

given the increased cost of the roundabout from \$796,000 to \$936,000, and the total net value of \$455,081 to Council infrastructure. This is considered to be well founded to justify the reduction in the levy for the development on the site, being the Bunnings Warehouse to \$65,000.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Whilst the proposal involves a reduction in the Section 94 contributions to be collected, as detailed above, this is outweighed by the provision of physical construction works that will have benefits to the Tomaree Peninsula.

### **LEGAL, POLICY AND RISK IMPLICATIONS**

The recommendation is in accordance with State legislation and Council Policy - including the Port Stephens Section 94 Contributions Plan.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The construction of the roundabout is likely to have positive impacts to the Port Stephens Local Government Area.

### **OPTIONS**

- 1) Adopt the recommendation.
- 2) Adopt the recommendation with varied terms.
- 3) Reject the recommendation.

### **ATTACHMENTS**

- 1) Letter from Hunter Land dated 4 September 2008 and Costing Summary for roundabout works.

### **COUNCILLORS ROOM**

Nil

### **TABLED DOCUMENTS**

Nil

**ATTACHMENT 1**  
**LETTER FROM HUNTER LAND DATED 4 SEPTEMBER 2008 AND**  
**COSTING SUMMARY FOR ROUNDABOUT WORKS**

4 September 2009

General Manager  
Port Stephens Council  
PO Box 42  
RAYMOND TERRACE NSW

Attn: David Broyd



Hunter Land Pty Ltd  
1 Hartley Drive  
(PO Box 42)  
Thornton NSW 2322

T: 02 4966 4966  
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Dear David,

Re: DA 200/2009 – Bunnings Warehouse, Port Stephens Drive,  
Taylors Beach

Reference is made to the discussions with Mr Andrew O'Neill of Bunnings Properties and the writer in relation to the above development application.

Condition 37 of the DA granted by Council on 27 August 2009 requires payment of a \$309,901 contribution under Section 94 of the E, P & A Act 1979 "to be spent on local roads, on a prioritised basis" (section 4.5.2 of the Plan).

Bunnings Properties and Hunter Land advise that the project is not viable on the basis of this substantial contribution.

Following our discussions it was agreed that Hunter Land would present a submission to the Council requesting review of the Contribution as provided for under the Section 94 Plan (Correspondence attached).

Clause 2.1.3 of the adopted Section Plan states "where circumstances warrant, at the complete discretion of Council, the contribution may be varied to a lesser amount or waived"

Clause 2.3.6 of the Section 94 Plan also provides for review of the quantum of the contribution where it can be demonstrated that certain works undertaken provide a "Material Public Benefit" (MPB) to the Council and the broader local community.

We request Condition 37 of the DA consent is amended to comprise:

- (i) a cash payment of \$65,000 which is equivalent to 1% of the estimated cost of the proposed development, and therefore equivalent to the amount payable if Section 94A contributions were able to be applied.
- (ii) acceptance by Council of the construction of the major round-about at the intersection of Port Stephens Drive and Taylors Beach Road as a "Material Public Benefit", (as provided for by Clause 2.3.6 of the Plan) in lieu of payment of the remaining \$244,901 required by Condition 37 of the DA Consent.

Mr D Broyd  
4 September 2009

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The request is based on the following:

In November 2008, Council dealt with the issue of Section 94 Contributions relating to the subdivision of the subject land, and resolved to offset the payment of such contributions in view of the construction of the Round-About (RAB) at the intersection of Port Stephens Drive and Taylors Beach Road.

Hunter Land considers that it has met its obligations under S94 relating to this project and has marketed the development to attract employment and investment opportunities to the Tomaree Peninsula. The Bunnings Warehouse proposed within the estate is a significant outcome of this marketing.

Council has acknowledged the benefits which will accrue from the construction of a RAB at the intersection of Port Stephens Drive and Taylors Beach Road. In the November 2008 report it was noted that the RAB "provides an opportunity to bring forward intersection treatment works in this location and facilitate the provision of an intersection of a higher engineering standard with improved road safety".

- The preliminary estimated construction costs of the RAB at this time was \$800,000. The detailed construction estimate has now been confirmed to be \$936,000.
- Council Officers reported in November 2008 that the NET value to Council Infrastructure (i.e. Cost of the RAB minus Forward Work Program funding and the CPI Section 94 Contribution) was \$566,282. This NET value increases to \$702,282 in the context of the revised final construction estimate.
- Council's acceptance of the works as a Material Public Benefit (MBP) and the resultant offset of the \$244,901 contribution towards such MBP will result in an overall NET value to Council Infrastructure of over \$450,000.
- Clause 2.3.6 of the Section 94 Plan states "in deciding to accept the provision of a MBP, Council will take into consideration the following factors:
  - *The extent to which the MBP satisfies a community need*  
The intersection (i.e. RAB treatment) is recognised as being of a higher engineering standard with improved road safety which is a key community objective. The traffic circulation in the locality will also be greatly enhanced
  - *The extent to which the MBP satisfies the purpose for which the contribution was sought*  
The specific contribution relates to roadworks on local roads. The intersection of Port Stephens Drive and Taylors Beach Road is an identified local road and is specifically identified in the S94 Plan.
  - *A consideration of location and other factors which may affect the benefit to Council and the Community.*  
The MBP (round-about) is located on a key arterial road linking the Tomaree Peninsula to larger cities including Raymond Terrace, Maitland and Newcastle.  
Typical daily traffic flows would be in the order of 6,170 vehicles per day, therefore an enhanced intersection has significant long term benefits to both the Council and the Community.

Mr D Broyd  
4 September 2009

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*An assessment of the recurrent maintenance costs to Council*

The RAB will be constructed in accordance with Council adopted standards to meet design traffic levels. The long term maintenance of the RAB will be incorporated into the Council asset management system. As with any asset, routine maintenance over time will be required however this is more than compensated by the significant long term benefits accrued by the community.


Attached are relevant copies of correspondence. As discussed, it would be greatly appreciated if this submission is dealt with by Council at its September meeting.

Yours faithfully,  
Hunter Land Pty Ltd


A handwritten signature in black ink, appearing to read 'BRAD EVERETT', with a large circular flourish at the end.

**BRAD EVERETT**  
Land Use Director

# MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009

Keller Civil Engineers Pty Ltd Proposed Roundabout New England Highway / Anambah Rd Rutherford File: 2009/07-088 Rev - 2009/07-088 Rev also Roundabout 21st April 2009					
Item	Description	New Quantity	Unit	Rate	Costing
<b>Budget Construction Costing for Proposed Roundabout at Junction of Taylors Beach Rd and Port Stephens Road (based on Geoff Crnig &amp; Associates Drawing 08341C C01-C10 rev 3 dated 31/3/09, and)</b>					
<b>General</b>					
	Site establishment	1	Item	\$3,397.90	\$3,397.90
	Supervision, amenities, etc	14	Weeks	\$2,875.00	\$40,250.00
	Survey and setout of works by a registered surveyor (day)	16	Days	\$1,345.50	\$21,528.00
	Survey and setout of works by a registered surveyor (night)	2	Days	\$1,967.65	\$3,935.30
	Geotechnical testing and certification	45	Tests	\$156.00	\$7,020.00
	Bunkelman beam	3	each	\$960.00	\$2,880.00
	Concrete Testing	8	each	\$264.00	\$2,112.00
	Location of services	1	each	\$2,400.00	\$2,400.00
	Relocation and protection of existing services				not in scope
	Relocate existing overhead services				not in scope
<b>Traffic Control</b>					
	Allowance for barrier hire	12	weeks	\$850.00	\$10,200.00
	Deliver and remove barriers	2	each	\$1,400.00	\$2,800.00
	Install Barriers on site	3	each	\$2,000.00	\$6,000.00
	Purchase specific signs	1	Item	\$1,500.00	\$1,500.00
	Allowance for designated traffic control crews	1	weeks	\$6,000.00	\$6,000.00
	Allowance for Traffic lights ( three way set up)	12	weeks	\$2,000.00	\$24,000.00
	Allowance for Night Work	1	Item	\$20,000.00	\$20,000.00
	Allowance to supply and install redundant gravel to allow traffic flows & temporary linemarking	1	Item	\$10,000.00	\$10,000.00
<b>Construction of Subdivision Side of Roundabout</b>					
<b>Clearing</b>					
	Remove existing fencing from boundaries	1	Item	\$1,000.00	\$1,000.00
	Clearing of timber in road reserves	1	Item	\$3,500.00	\$3,500.00
	Strip Topsoil etc from edge of road	1500	sq.m	\$2.40	\$3,600.00
	Replace topsoil to batters	1000	sq.m	\$3.50	\$3,500.00
	Saveout Existing pavement to make smooth transition	200	m	\$9.50	\$1,900.00
<b>Earthworks and Subgrade</b>					
	Excavate existing natural material and stockpile or fill	400	cu.m	\$15.00	\$6,000.00
	Excavate pavement from existing Road & box out	400	cu.m	\$20.00	\$8,000.00
	Place fill from material won from adjacent lots	800	cu.m	\$3.60	\$2,880.00
	Trim and compact subgrade	1450	sq.m	\$4.50	\$6,525.00
	Trim and compact footpaths and batters	1000	sq.m	\$2.50	\$2,500.00
	excavate and shape swale for concrete lined drain	330	m	\$24.00	\$7,920.00
<b>Pavements</b>					
	Select subgrade	1450	sq.m	\$26.00	\$37,700.00
	Heavily bound	1450	sq.m	\$32.00	\$46,400.00
	Primer seal	1100	sq.m	\$8.40	\$9,240.00
	Hotmix ( 60mm )	1100	sq.m	\$43.20	\$47,520.00
<b>Construction of Taylors Beach Side of Roundabout</b>					
<b>Clearing</b>					
	Remove existing fencing from boundaries and general clearing	1	Item	\$1,000.00	\$1,000.00
	Strip Topsoil from edge of road	2035	sq.m	\$3.00	\$6,105.00
	Replace topsoil to batters	1000	sq.m	\$3.50	\$3,500.00
	Saveout Existing pavement to make smooth transition	40	m	\$9.50	\$380.00
<b>Earthworks and Subgrade</b>					
	Construct temporary pavement	1	Item	\$7,500.00	\$7,500.00
	Excavate existing natural material and stockpile or fill	450	cu.m	\$25.00	\$11,250.00
	Excavate pavement from existing Road & box out	400	cu.m	\$25.00	\$10,000.00
	Trim and compact subgrade	1490	sq.m	\$5.00	\$7,450.00
	Trim and compact footpaths and batters	1000	sq.m	\$2.50	\$2,500.00
<b>Pavements</b>					
	Select subgrade	1490	sq.m	\$30.00	\$44,700.00
	Heavily bound	1490	sq.m	\$60.00	\$89,400.00
	Primer seal	1370	sq.m	\$8.40	\$11,508.00
	Hotmix ( 60mm )	1370	sq.m	\$43.20	\$59,184.00
<b>Allowance for Stormwater</b>					
	excavate and prepare for box culvert	1	Item	\$2,160.00	\$2,160.00
	subbase under box culvert slab	40	sq.m	\$21.60	\$864.00
	base slab for box culvert	36	sq.m	\$156.00	\$5,616.00
	box culvert 1m wide x 300mm deep	24	m	\$540.00	\$12,960.00
	Headwalls to box culvert	2	each	\$3,000.00	\$6,000.00
	scour protection	24	sq.m	\$72.00	\$1,728.00
	kerb inlet pits over box culvert	2	each	\$2,400.00	\$4,800.00
	Stormwater to drain landscape area	1	Item	\$4,800.00	\$4,800.00
	Subsoil to central island	40	m	\$38.40	\$1,536.00

# MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009

<p>Keller Civil Engineers Pty Ltd  Proposed Roundabout  New England Highway / Annamiah Rd Rutherford  File: Z:\2007\Tenders 0707-08\07-08\wp - 2009\07-08\wp.xlsx\Roundabout  21st April 2009</p>					
					
Item	Description	New Quantity	Unit	Rate	Costing
<b>Budget Construction Costing for Proposed Roundabout at Junction of Taylors Beach Rd and Port Stephens Road</b> <b>(based on Geoff Craig &amp; Associates Drawing 08341C C01-C10 rev 3 dated 31/3/09, and)</b>					
<b>Concrete Works</b>					
	Kerb and Gutter	275	m	\$49.40	\$13,585.00
	Medians Kerbs	135	m	\$42.00	\$5,670.00
	Infill to Medians (reinforced & stamped)	120	sq.m	\$86.40	\$10,368.00
	Central Island median kerb	48	m	\$36.00	\$1,728.00
	Central Island SM Type Median Kerb	54	m	\$36.00	\$1,944.00
	Concrete infill to annulus of roundabout 20Mpa 150mm thick F72 (stamped)	113	sq.m	\$86.40	\$9,763.20
	Topsoil to roundabout central landscape area (on site topsoil)	114	sq.m	\$8.40	\$957.60
	V-locks for signage in concrete	8	each	\$120.00	\$960.00
	Form ramps	12	each	\$612.00	\$7,344.00
	Concrete lined swale	660	sq.m	\$66.00	\$43,560.00
	Trim and compact under cycleway	350	sq.m	\$6.00	\$2,100.00
	Supply and place subbase under cycleway	350	sq.m	\$16.80	\$5,880.00
	Concrete cycleway / footpaths	300	sq.m	\$71.50	\$21,450.00
<b>Signage and Linemarking</b>					
	Roundabout signs	8	each	\$240.00	\$1,920.00
	Keep Left	4	each	\$240.00	\$960.00
	Form 1 Lane	4	each	\$300.00	\$1,200.00
	Shared Cycleway	4	each	\$240.00	\$960.00
	Roundabout Ahead	2	each	\$240.00	\$480.00
	Guide posts	18	each	\$41.50	\$747.00
	Chevron signs	4	each	\$430.00	\$1,720.00
	Removal of linemarking from existing pavement by grinding or grit blasting	1	item	\$3,600.00	\$3,600.00
	Linemarking	1	item	\$8,000.00	\$8,000.00
	Guard rail				nil detailed
	Bicycle Holding Rails	8	each	\$620.00	\$4,960.00
<b>Ancillary Works</b>					
	Retaining wall	27	m	\$360.00	\$9,720.00
	1.2m high safety fence (aluminum pool type fence)	65	m	\$108.00	\$7,020.00
<b>Sediment and Erosion Control</b>					
	Sediment fence	250	m	\$7.80	\$1,950.00
	Pit inlet traps	2	each	\$36.00	\$72.00
	Hay bale sediment traps	4	each	\$144.00	\$576.00
	Silt Traps	4	each	\$500.00	\$2,000.00
	Maintenance (including dust control, cleaning down of roads etc)	1	item	\$2,400.00	\$2,400.00
<b>Revegetation</b>					
	Jute mesh drains				replaced by concrete swales
	Hydromulch batters and drains	6000	sq.m	\$8.84	\$53,040.00
	Turfing	2000	sq.m	\$3.50	\$7,000.00
					<b>\$861,900.00</b>
<b>Relocate Existing Services</b>					
<b>Telstra</b>					
	Relocate existing telstra pit	1	item	\$7,342.50	\$7,342.50
<b>Watermain</b>					
	Relocate 150mm watermain	120	m	\$115.50	\$13,860.00
	Cut in to existing main	2	each	\$3,850.00	\$7,700.00
	Dewatering	1	item	\$11,000.00	\$11,000.00
<b>Sewer Risingmain</b>					
	Relocate 150mm rising main	120	m	\$144.10	\$17,292.00
	Cut into existing risingmain	2	each	\$3,850.00	\$7,700.00
	Dewatering	1	item	concurrent with watermain relocation	
	Double Air Valve	1	each	\$5,355.50	\$5,355.50
<b>Light poles</b>					
	Relocate existing light pole	1	each	\$3,850.00	\$3,850.00
					<b>\$74,100.00</b>
<b>Total of All Works Detailed Above (excluding GST).....</b>					<b>\$936,000.00</b>

**ITEM NO. 2**

**FILE NO: 16-2007-1117-3**

**SECTION 96 APPLICATION TO MODIFY DEVELOPMENT CONSENT FOR URBAN HOUSING AT NO. 60 DIEMARS ROAD, SALAMANDER BAY.**

**REPORT OF: ANTHONY RANDALL - ACTING MANAGER, DEVELOPMENT AND BUILDING GROUP: SUSTAINABLE PLANNING**

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**RECOMMENDATION IS THAT COUNCIL:**

Refuse Development Application 16-2007-1117-3 for the reasons below:

1. Condition 11 was imposed to ensure that the remaining vegetated portion of the subject site remains undeveloped in perpetuity – reflecting the environmental values of that portion of the site
2. No adequate or substantive justification has been provided to warrant deletion of Condition 11
3. Condition 11 should remain to sustain the integrity of the original rationale for that condition
4. The portion of the subject site which would be adversely impacted upon by deletion of Condition 11 has well substantiated environmental values including the presence of endangered ecological communities.

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**COUNCIL COMMITTEE MEETING – 13 OCTOBER 2009**

**RECOMMENDATION:**

	<b>Councillor Sally Dover Councillor Bruce MacKenzie</b>	That Development Application 16-2007-1117-3 be approved.
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Glenys Francis, Ken Jordan, Steve Tucker, Shirley O'Brien, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.

Those against the Motion: Nil



## **ORDINARY MEETING – 13 OCTOBER 2009**

<b>339</b>	<b>Councillor Sally Dover Councillor Ken Jordan</b>	It was resolved that the Council Committee recommendation be adopted.
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Glenys Francis, Ken Jordan, Steve Tucker, Shirley O'Brien, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.

Those against the Motion: Nil

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### **BACKGROUND**

**The purpose of this report is to present a Section 96 development application to Council for determination.**

Development Application 16-2007-1117-1 related to the development of eight (8) dwellings and a community development to form a part of the existing Salamander Haven Retirement Village. This application involved the relocation of drainage basins to facilitate the siting of the eight units and to accommodate the community facility. This application was approved on 08/05/2008.

A subsequent application 16-2007-1117-2 was lodged in order to modify the proposed size of the underground detention structure. Consent for the modification was granted on 14/08/2008.

### **PROPOSAL**

The current Section 96 application for modification of consent, the subject of this report, seeks to remove development consent condition 11 which states:

*"The remaining vegetated western portion of the site shall not be the site of further development. The title of these properties shall be endorsed under Section 88B of the Conveyancing Act to give effect to this condition. Council shall be nominated as the sole authority permitted to alter/remove the endorsement prior to issue of the Occupation Certificate".*

In support of the application, the applicant states:

*"It is considered that Condition 11 is onerous and unjustified in that it is unnecessary to require the placement of an encumbrance on to the title of the land to achieve the aim of Condition 9 of the consent.*

*The Vegetation Management Plan which was required under Condition 9 and was subsequently submitted to and approved by Council adequately achieves the intent of the approval.*

*My client does not wish to seek any amendment to the vegetation management plan at this stage.*

*It is also considered that the use of the Conveyancing Act as a tool to prohibit any further development is unwarranted as the Environmental Planning and Assessment Act, which the application was made under, contains adequate and appropriate powers to consider any future application relating to the site and by-passing that act is not justified."*

In assessing the original application, a major issue was the assessment of the significant impacts upon Flora and Fauna, and in particular relevant to:

- Callistemon linearis;
- Squirrel Glider;
- Koala Habitat (Preferred and supporting area); and
- Endangered Ecological Communities for:
  - a) Swamp Sclerophyll; and
  - b) Nerong Smooth Barked Apple Forest.

The following is an excerpt from the development assessment of 16-2007-1117-1.

*"The development site also contains habitat for the Squirrel Glider. The DECC had previously raised concerns with respect to the impact of the development on the habitat available for the squirrel Glider. It is considered that the higher quality habitat is contained on the development site and the habitat on the adjoining reserve is not of as high a quality.*

*Under Section 79B of the Environmental Planning and Assessment Act, the guidelines for development requiring the concurrence of the DECC is set out.*

*Section 79B states:*

**(3) Consultation and concurrence—threatened species**

*Development consent cannot be granted for:*

- (a) development on land that is, or is a part of, critical habitat, or*
- (b) development that is likely to significantly affect a threatened species population, or ecological community, or its habitat,*

*without the concurrence of the Director-General of National Parks and Wildlife or, if a Minister is the consent authority, unless the Minister has*

consulted with the Minister administering the [Threatened Species Conservation Act 1995](#).

**Note.** If a biobanking statement has been issued in respect of the development under Part 7A of the [Threatened Species Conservation Act 1995](#), the development is taken not to significantly affect threatened species, populations or ecological communities, or their habitats.

*It is noted from previous applications that the DECC has had concerns over the continued developments impacts on the viability of the Squirrel Glider population.*

It is considered that this development will provide the vehicle to lock up the remaining vegetated spaces to prevent further development of the site. This will be done through a combination of 88B instruments and Vegetation Management Plan.

Given the additional clearing is limited and the opportunity exists to improve the existing habitat through the Vegetation Management Plan and 88B instruments, it is considered that long term there will be a net benefit to the local population so long as no further development occurs.

In light of this, it is not considered that the concurrence of the Director General is required in this instance".

The site was also found to contain areas of preferred Koala habitat and two Endangered Ecological Communities, *Swamp Mahogany* and *Paperbark Forest* and *Nerong Smooth Barked Apple Forest*. The development as proposed and its associated Asset Protection Zones' did not impact upon these communities.

The applicant is not disputing the need for a Vegetation Management Plan, but rather the mechanism for preventing further development of the site, and in particular the remaining vegetated western portion of the site.

It is accepted that in most cases, the comments of the applicant that the provisions of the Environmental Planning & Assessment Act (EP&A Act) contain adequate powers for Council to regulate development is correct. However, it is submitted that the subject site has a range of unusual, if not unique, characteristics, particularly in respect of protection of the viability of the Squirrel Glider population, and accordingly there is a need to reinforce the provisions of the EP&A Act so as to make it abundantly clear to the present owner and to successors in title that no further development of the vegetated area is possible. Council has the power to alter or remove the Section 88B Instrument, if there is a change in circumstance in the future. Accordingly, there is no creditability to the line of thought that the vegetated area will be sterilised from future development.

Further, the submitted information indicates that the site contains two Endangered Ecological Communities (*Sreong Smooth Barked Apple Forest* and *Swamp Sclerophyll Forest*), one Threatened Flora Species (*Callistemon linearis*) and preferred and supplementary koala habitat as defined within Port Stephens Council –

Comprehensive Koala Plan of Management. In addition, this area is important foraging and breeding habitat for the endangered fauna species the Squirrel Glider – *Petaurus norfolcensis*.

There are compelling reasons for the retention of a condition of consent that will ensure protection of the environmentally significant portion of the site. Condition 11 as previously imposed, was a reasonable response to the abovementioned flora and fauna situation. There has been no departure from the previously detailed situation and accordingly it is considered fair and reasonable that Condition 11 remains in its current form, which was accepted by the applicant at the time consent was granted in return for development of the site under Consent No. 16-2007-1117.

It is significant to note that the Vegetation Management Plan that applied to the original application was not sufficiently robust to withstand a reduction in the area of retained vegetation, and subsequently a reduction in the vegetation area occurred with a modification to the consent on 14 August 2008. Preservation of the now reduced area of vegetation, is considered to be essential to the well being of the:

- Callistemon linearis;
- Squirrel Glider;
- Koala Habitat (Preferred and supporting area); and
- Endangered Ecological Communities for:
  - c) Swamp Sclerophyll; and
  - d) Nerong Smooth Barked Apple Forest.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Nil

## **LEGAL AND POLICY IMPLICATIONS**

The application seeks to remove protections that were put in place as mitigation measures to offset the impacts of existing developments on the site. The land was also considered important as an ecological buffer to the Stony Ridge Reserve to the west.

The original DA 16-2004-1681- 1 (clearing approximately half the site) was to be mitigated by the protection of the remainder of the site vegetation through a Vegetation Management Plan determined by the Land and Environment Court in support of advice from the National Park and Wildlife Service in consideration of the requirements of the Threatened Species Conservation Act 1995..

Subsequently DA 1117/2007 was lodged which sought to develop eight dwellings and relocation of the community building. Additional clearing was proposed for the relocated community building within the land affected by the Vegetation Management Plan imposed by the Court. Development staff recommended approval of the Development Application only subject to the imposition of the 88B instrument as a condition to offset the impacts of the development through conservation of the remainder of the vegetation and to uphold the intentions of the

Land and Environment Court in mitigating the impact of the original development. This was accepted and has been acted upon by the applicant.

Throughout Council's assessment of the application Council's Environmental Services Section has consistently sought to respect and acknowledge the courts decision to protect this part of the site, as a mitigation measure of the development. Alternative offset sites should be provided by the developer to offset the impacts if it is intended to remove the remaining vegetation at the site for future development expansion.

This site history, and decision of the Land and Environment would service as a strong basis of defence of the recommendation for refusal if it were supported by council and then challenged by the applicant in the court.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed modification of the development consent by deletion of Condition 11 is considered to have no identifiable social or economic implications. However, significant adverse natural environment implications are relevant to the proposal. The degree of likely environmental impacts have previously been detailed and it is considered that deletion of Condition 11 would have significant adverse environmental impacts upon the flora and fauna population in the locality. It has been concluded that deletion of Condition 11 would not be in the public interest, and should only be considered after further development of the site area to which the 88B Instrument relates has been assessed and determined by Council, thereby demonstrating that there is no, or limited, work for the 88B instrument in protecting vegetation at the site.

### **CONSULTATION**

In accordance with Council policy, the amendment was not required to be exhibited.

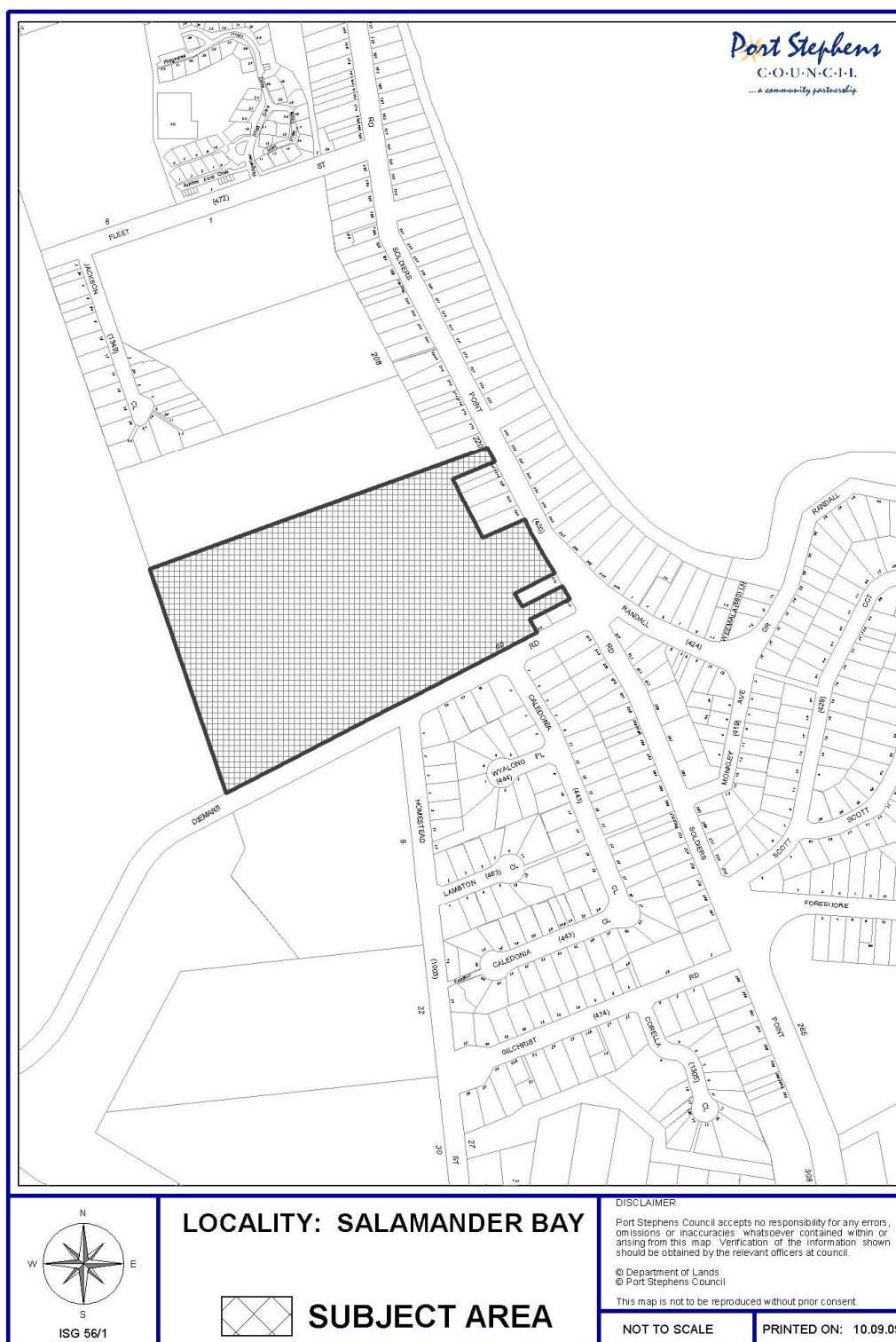
### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Locality Plan
- 2) Assessment

## ATTACHMENT 1 LOCALITY PLAN



**ATTACHMENT 2****ASSESSMENT**

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

**THE PROPOSAL**

Deletion of Condition 11 as contained in the Development Consent issued for the subject site on 8 May 2008.

Condition 11 states:

*"The remaining vegetated western portion of the site shall not be the site of further development. The title of these properties shall be endorsed under Section 88B of the Conveyancing Act to give effect to this condition. Council shall be nominated as the sole authority permitted to alter/remove the endorsement prior to issue of the Occupation Certificate".*

**THE APPLICATION**

Owner	Port Stephens Veterans and Citizens Aged Care Ltd
Applicant	Port Stephens Veterans and Citizens Aged Care Ltd
Detail Submitted	17 June 2009

**THE LAND**

Property Description	Lot 1, DP 10741566
Address	60 Diemars Road, Salamander Bay
Area	
Dimensions	Irregular with an area of 7.492ha and frontages to Diemars Road and Soldiers Point Road.
Characteristics	Two thirds developed and one third bushland.

**THE ASSESSMENT****1. Planning Provisions**

LEP 2000 – Zoning	2(a) Residential
Relevant Clauses	Nil in respect of proposal.
Development Control Plan 2007	No relevant provisions.

## **Discussion**

Condition 11 as contained in the original consent stated:

*"The remaining vegetated western portion of the site shall not be the site of further development. The title of these properties shall be endorsed under Section 88B of the Conveyancing Act to give effect to this condition. Council shall be nominated as the sole authority permitted to alter/remove the endorsement prior to issue of the Occupation Certificate".*

The remaining vegetation on the subject site abuts the Stoney Ridge Reserve which is a significant public reserve to the west of the subject site. From a natural environment point of view, the reserve and the remaining vegetation on the subject site function as one and play a significant role in local flora and fauna.

From a natural environment point of view it is vital that the existing vegetation be protected and remains unaltered. To this end Condition 11 was imposed.

The required creation of a Section 88B instrument as detailed in Condition 11 was not imposed lightly, and it is acknowledged that the condition creates an additional impost upon the applicant. Nevertheless, the circumstances of the site are unique in this locality and Condition 11 is a reasonable way of ensuring, in perpetuity, that the remaining vegetation is not removed.

The EP&A Act has provisions relevant to preserving bushland, but the provisions are mostly reactive and permits Council to take action against person(s) who may remove vegetation. In this case if the remaining vegetation was to be removed it would have significant natural environmental impacts. The Section 88B restriction is imposed upon the title of the land and as such becomes more effective and enforceable and reinforces the importance of this vegetation on the site.

In conclusion, as previously detailed, there are compelling reasons for the retention of a condition of consent that will ensure protection of the environmentally significant portion of the site. Condition 11 as previously imposed, was a reasonable response to the abovementioned flora and fauna situation. There has been no departure from the previously detailed situation and accordingly it is considered fair and reasonable that Condition 11 remains in its current form.

It is significant to note that the Vegetation Management Plan that applied to the original application was not sufficiently robust to withstand a reduction in the area of retained vegetation, and subsequently a reduction in the vegetation area occurred with a modification to the consent on 14 August 2008. Preservation of the now reduced area of vegetation, is considered to be essential to the well being of the:

- Callistemon linearis;
- Squirrel Glider;
- Koala Habitat (Preferred and supporting area); and
- Endangered Ecological Communities for:
  - e) Swamp Sclerophyll; and
  - f) Nerong Smooth Barked Apple Forest.



Retention of Condition 11 is not going to adversely affect development of the site in accordance with the current development consent. It will however protect as far as legally possible the existing substantial amount of vegetation. Accordingly, it is fair and reasonable for Condition 11 to remain in its present form. On this basis it is recommended that the application to delete Condition 11 be refused.

## **2. Submissions**

The proposed modification of consent has not been notified. No submissions were received during assessment of the original application or subsequent modifications to the consent.

**ITEM NO. 3****FILE NO: PSC2005-4386****ADOPTION OF HUNTER ESTUARY MANAGEMENT PLAN AND STUDY****REPORT OF: BRUCE PETERSEN – ENVIRONMENTAL SERVICES MANAGER****GROUP: SUSTAINABLE PLANNING**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Hunter Estuary Management Study and Hunter Estuary Management Plan.
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**COUNCIL COMMITTEE MEETING – 13 OCTOBER 2009****RECOMMENDATION:**

	<b>Councillor Bob Westbury Councillor John Nell</b>	That the recommendation be adopted.
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**ORDINARY MEETING – 13 OCTOBER 2009**

<b>340</b>	<b>Councillor John Nell Councillor Glenys Francis</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

**The purpose of this report is to recommend to Council to adopt the Hunter Estuary Management Study and Plan, and to update Council on the projects progression and changes in the Hunter Coast and Estuary Management Committee.**

The preparation of the Study and Plan has been an on going partnership between Port Stephens Council, Newcastle City Council, Maitland City Council and the Department of Environment, Climate Change, and Water (DECCW). Newcastle City Council has coordinated the plans preparation which has been in response to, and in accordance with, the NSW Estuary Management Manual.

The Hunter Coast and Estuary Management Committee has overseen the development of the coast and estuary program since 1997. This committee had representatives from community groups, industry, Councillors, council officers, public utilities and government agency representatives. In the current Council term there

have been no meetings of the Hunter Coast and Estuary Management Committee as Newcastle City Council has been undertaking a review of committees. This has led to the technical sub committee overseeing the final stages of the draft plans' preparation.

Newcastle Council has now completed the review which has resulted in the Hunter Estuary Technical Working Party replacing the estuary component of the former committee. The primary functions of the Working Party are to provide technical advice and assistance in the development and implementation of the Hunter Estuary (Coastal Zone) Management Plan and associated studies; assist councils in the implementation of the Estuary Management Program; and to provide advice on strategic estuarine issues and emerging policy.

In addition to representatives from the three Councils the working party includes representatives from relevant state government agencies and two community representatives. As the working party focuses on operational issues there are no longer any councillor representatives. Councillors will now be updated via information papers.

The Hunter Estuary is one of the largest estuaries in NSW, and arguably the most complex from a land use and administrative perspective. The study area for the project is defined by the tidal limits of the Hunter Estuary and its tributaries. This includes the bed and banks of the waterway from the Port of Newcastle to the tidal limits at Seaham Weir on the Williams River, Gostwyck on the Paterson River and Oakhampton on the Hunter River.

There are essentially three stages in the development of an estuary management plan. Stage 1 is the 'Processes Study' stage, which involves data collection and analysis to define causes and extent of issues of concern. This stage was completed in September 2003.

Stage 2 is the 'Estuary Management Study', which brings together the current scientific knowledge of how the estuary works and the aspirations for future management. This information is then used to recommend a shortlist of strategies for the future management of the Hunter Estuary. For completeness and consistency, the Hunter Estuary Management Study was finalised concurrently with the Hunter Estuary Management Plan.

Stage 3 is the 'Estuary Management Plan', which contains a list of recommended strategies that have been developed and prioritised according to the 'vision', 'guiding principles' and 'objectives' for the Hunter Estuary which was adopted by all three councils in late 2006.

The plan was on exhibition from the sixth of July until the third of August. Only four submissions were received and some relatively minor amendments were made. A synopsis of the submissions and the resulting changes is attached.

Adoption is being sought from the three councils involved. Implementation of the recommendations contained in the Hunter Estuary Management Plan will rely heavily

on an integrated approach by the relevant key stakeholder agencies, which have been, and will continue to be, involved in the project.

This plan links to strategy 6.1 of the Council Plan: Protect and Rehabilitate waterways.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Implementation of the management strategies contained within the Hunter Estuary Management Plan will rely heavily on an integrated approach by the relevant key stakeholder agencies. Some projects are the direct responsibility of local government however these projects will be prioritised alongside existing and future commitments. Many projects will be also be partially or fully funded by state and federal grants.

## **LEGAL, POLICY AND RISK IMPLICATIONS**

The Hunter Estuary Management Plan has been developed to ensure consistency with all relevant legislation and planning policies relevant to the study area.

Specifically the plan has been developed under the NSW Government's Estuary Management Program. It complies with the requirements of the NSW Estuary Policy 1992, the NSW Coastal Policy 1997, and the Hunter Central Rivers Catchment Action Plan. The plan is also considered to be a Coastal Zone Management Plan under the provisions of Part 4A of the Coastal Protection Act 1979.

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The plan's vision is as follows 'The community, industry and government working together towards a productive, economically viable and ecologically sustainable Hunter Estuary, recognising social, cultural and environmental values'.

## **CONSULTATION**

Broad community and stakeholder consultation has underpinned the development of the Study and Plan. A stakeholder workshop was facilitated in March 2009 with relevant agencies in order to gain in-principal support before the plan's public exhibition. Representatives attended from the following departments: Department of Planning; Department of Environment and Climate Change; Department of Lands; Department of Primary Industries; Newcastle Port Corporation; Hunter Central Rivers Catchment Management Authority; Newcastle City Council, Port Stephens Council; and Maitland City Council.

During the exhibition period a public information session was run at Hexham in order to update the community on the project and report back to residents that attended previous consultation sessions. Four submissions were received and some minor amendments were made. A synopsis of the submissions and the resulting changes is Attachment 2.

## **OPTIONS**

Adopt, reject or amend the recommendation.

## **ATTACHMENTS**

- 1) Hunter Estuary Management Plan Executive Summary
- 2) Synopsis of Submissions

## **COUNCILLORS ROOM**

- 1) Hunter Estuary Management Study

## **TABLED DOCUMENTS**

- 1) Hunter Estuary Management Plan

# ATTACHMENT 1

## HUNTER ESTUARY MANAGEMENT PLAN EXECUTIVE SUMMARY

<i>Purpose</i>	This Estuary Management Plan is to guide future decision making regarding short and long term management of the Hunter Estuary, its foreshores and its broader catchment area.
<i>Context</i>	<p>This Estuary Management Plan has been developed under the NSW Government's Estuary Management Program. It complies with the requirements of the NSW Estuary Policy 1992, the NSW Coastal Policy 1997, and the Hunter Central Rivers Catchment Action Plan. This Plan is also considered to be a Coastal Zone Management Plan under the provisions of Part 4A of the <i>Coastal Protection Act 1979</i>.</p> <p>The Plan is supported by an Estuary Processes Study (MHL, 2003), which describes the environmental processes of the estuary and their interactions, and an Estuary Management Study (BMT WBM, 2009), which outlines in detail and prioritised a range of potential management options for the estuary.</p>
<i>Status</i>	This is a draft document and therefore has not yet been adopted. It is open for comment and discussion.
<i>Relationship to other plans</i>	This Plan is to be read in conjunction with other relevant strategic environmental management plans, including the HCRCMA's Catchment Action Plan, the regional Biodiversity Strategy, and the Plan of Management for Hunter Wetlands National Park. This Plan should also be consulted when reviewing and amending Councils' Local Environmental Plans (LEPs), Development Control Plans (DCPs), and other Council Management Plans.
<i>Vision</i>	"The community, industry and government working together towards a productive, economically viable and ecologically sustainable Hunter Estuary, recognising social, cultural and environmental values"
<i>Principles</i>	<ul style="list-style-type: none"> <li>A. <u>Natural Environment and Processes</u> - To protect, enhance, maintain and restore the environment of the Hunter Estuary, its associated ecosystems, ecological processes and biological diversity, and its water quality</li> <li>B. <u>Heritage</u> - To protect and conserve the Aboriginal and European heritage of the Hunter Estuary</li> <li>C. <u>ESD and Integrated Planning</u> - To provide for integrated planning and management of the Hunter Estuary in accordance with the principles of ecologically sustainable development</li> <li>D. <u>Aesthetics and Access</u> - To ensure continuing public access and preservation of the amenity of the Hunter Estuary</li> <li>E. <u>Community involvement</u> - To recognise the role of the community, as a partner with the government, in resolving issues relating to the protection and effective management of the Hunter Estuary</li> </ul>

<p><i>Objective</i></p>	<ol style="list-style-type: none"> <li>1. To protect and enhance estuarine biodiversity, particularly Endangered Ecological Communities (as listed under the NSW Threatened Species Conservation Act 1995) and other key habitats</li> <li>2. To increase appropriate native riparian vegetation along the Hunter Estuary</li> <li>3. To prevent catchment and point source pollutants from compromising social, environmental and economic values of the Hunter Estuary</li> <li>4. To optimise management of flood mitigation works and other flow control structures to enhance environmental values without compromising intended function</li> <li>5. To minimise further bank erosion throughout the Hunter Estuary and remediate existing erosion sites, where appropriate</li> <li>6. To provide opportunity for effective and inclusive stakeholder involvement in the management of the Hunter Estuary environment.</li> <li>7. To acquire knowledge relevant to environmental management about the Hunter Estuary, on a priority basis</li> <li>8. To achieve consistency and integration between the Hunter Estuary Management Plan and other strategic environmental planning and natural resource management instruments and programs</li> <li>9. To adopt catchment wide development assessment practices that consider and address cumulative impacts on the Hunter Estuary</li> <li>10. To ascertain the impacts of past works and activities on the tidal hydraulics of the Hunter Estuary</li> <li>11. To encourage development that maintains and enhances landscape values, opportunities for recreation, and ecological functions of the Hunter Estuary</li> <li>12. To prevent mobilisation of contaminated sediment and groundwater contamination from impacting on environmental processes within the Hunter Estuary</li> <li>13. To reduce the catchment sediment load to the Hunter Estuary</li> <li>14. To fulfil all requirements of international environmental management treaties and relevant conservation legislation in regard to the Hunter Estuary</li> <li>15. To prevent environmental weeds and pests from compromising the social, ecological and economic values of the Hunter Estuary</li> <li>16. To facilitate the adaptation of estuarine communities to projected climate change</li> </ol>
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## MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009

<i><b>Objectives cont'd.</b></i>	<p>17. To adopt a consistent approach to foreshore land rehabilitation and conservation along the Hunter Estuary</p> <p>18. To minimise environmental consequences of changes to flow and salinity regimes from upstream activities</p> <p>19. To reduce the environmental impacts of the accumulation and migration of recent sediments within the Hunter Estuary</p> <p>20. To prevent further exposure of Potential Acid Sulfate Soils and to reduce the extent of actual acid sulfate soils around the Hunter Estuary</p> <p>21. To increase appropriate public access and amenity to the Hunter Estuary and wetlands, recognising sensitive habitats</p> <p>22. To enhance the scenic quality of the Hunter Estuary</p> <p>23. To facilitate appropriate reuse of sediment dredged from the Port of Newcastle</p> <p>24. To minimise the environmental impacts of commercial sand and gravel extraction on the Hunter Estuary</p> <p>25. To protect and conserve Aboriginal and European heritage objects, places and landscapes</p>
<i><b>Strategies</b></i>	<p>25 individual strategies have been developed to help to achieve stated objectives for the Hunter Estuary. A summary of the strategies is provided in Summary Table A.</p> <p>Strategies have been defined in terms of relative timeframe for implementation as: Immediate (start within 12 - 18 months); Short Term (start within 3 - 5 years); Medium Term (start within 5 - 10 years). These timeframes are indicative only and are subject to available funding and resources held by the responsible authorities.</p> <p>The proposed order of implementation for the different strategies takes into consideration the priority of the strategy as well as the relative timeframe in which it should be undertaken.</p>
<i><b>Meeting the Objectives</b></i>	<p>The 25 objectives are to be addressed through a combination of works in undertaking the strategies, along with compliance to the guiding principles for all future development, initiatives and planning instruments throughout the Hunter Estuary and surrounding lands. The manner in which the management objectives are to be addressed by the strategies and the manner in which the objectives meet the principles, is presented in Summary Table B.</p>
<i><b>Implementation responsibilities</b></i>	<p>Responsibilities for implementation have been defined. Primary responsibility for the majority of strategies rests with <b>Newcastle City Council, Port Stephens Council and Maitland City Council</b>.</p> <p>Assistance to Council, and implementation of some ancillary strategies and tasks, is to be provided by key stakeholders and relevant government agencies including: HCRCMA, DECC, DPI-Fisheries, NSW Maritime, and Dept. of Lands. Implementation is also to be facilitated through the assistance of landholders and local community groups / volunteer organisations.</p>



<b>MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009</b>
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<i>Program of actions</i>	Suggested actions for each strategy have been provided, and are detailed within individual implementation schedules (see Section 3).
<i>Costs and funding</i>	Indicative costs have been provided in the Implementation Tables. Costs to individual Councils and other stakeholders will depend on prioritised requirements for funding of individual strategies against significant existing stakeholder activities. Significant in-kind contributions are required by all responsible authorities. A range of external funding opportunities will also be available to support the implementation of this Plan. These are discussed in Section 3.7.
<i>Indicators for success</i>	The ultimate success of the HEMP is to be gauged by how well the Plan objectives have been met. Given that the objectives are broad and likely to be measurable over long timescales only, a series of Performance Measures have been incorporated into the Implementation Tables for each strategy to facilitate short term successes.
<i>Consultation</i>	Community and stakeholder consultation has underpinned the development of this Plan. The community will also review the Plan during a public exhibition period.
<i>Review and amendment provisions</i>	This Plan has an indicative 10 year timeframe. Progress with implementation should be formally reviewed annually, with a thorough audit of implementation after 5 years. Contingency measures should be activated if progress is slow. A complete review and amendment of the Plan should be considered after 5 years, and should redress outstanding issues, new environmental management practices, new scientific data, and changed governance and administrative arrangements.

**ATTACHMENT 2  
SYNOPSIS OF SUBMISSIONS  
HUNTER ESTUARY MANAGEMENT STUDY**

Author	Page No.	Section	Paragraph /Table	Issues	Response/ Comment	Changes Required to the HEMP
NCC	vi	Definitions and Acronyms		Consider including bathymetry, biobanking, water sharing plan and PVP. Cross check with Plan's Definition and acronym page for terms included.	The terms will be included in the definitions and acronyms section.	Bathymetry, biobanking, water sharing plan and PVP to be added to definitions and acronyms section.
	4	1.4.1	1	Consider addressing why there are so many NCC members and why there are no aboriginal representatives.	The HC&EMC has been dissolved and replaced by the Hunter Estuary Technical Working Party (HETWP), which only includes one representative from NCC. An EOI was advertised in July 2009 requesting community representatives for the newly formed HETWP, no EOIs were received from Aboriginal community representatives. However, Aboriginal representatives may be requested to attend HETWP meetings if issues arise that relate specifically to Aboriginal heritage.	No changes required.
	4	1.5	1	When was the catchment action plan written?	2007.	Insert 2007 after the first reference to the CAP.
	11	2.3	1	Include (she oaks) after Casuarinas	There are a number of common names for Casuarinas.	No changes required.

**MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009**

<b>Author</b>	<b>Page No.</b>	<b>Section</b>	<b>Paragraph /Table</b>	<b>Issues</b>	<b>Response/ Comment</b>	<b>Changes Required to the HEMP</b>
	30	3.2.2.10	Dot point 7	Re-word : There is sometimes a conflict?	Noted.	Amend dot point 7 to read 'There is sometimes conflict ...'
	30	3.2.2.10	Dot point 10	What does this point mean? Too much short hand. We need the background of this issue in plain English.	Noted.	Provide more information about the MOU, expand C&A.
	44	4.3.1.7	3	Consider including a map of the proposed SEPP.	Noted.	Update Section 4.3.1.7 and include a map of the three ports Newcastle site.
	73	6.15	2	Consider including changes to Mosquito breeding patterns and associated impacts.	Mosquito outbreaks may be one of many biodiversity impacts resulting from climate change. It was not the intention of the HEMS to list all impacts that could result from climate change, only to highlight some of the key impacts.	No changes required.
	109	9.12		Sea level rise and ecosystems covered but other impacts such as human health (mosquito breeding patterns and heat stroke) and fire not mentioned.	It was not the intention of the HEMS to list all impacts that could result from climate change, only to highlight some of the key impacts.	No changes required.
	119	9.19		Consider including more detail about water quality modelling. Define what could be modelled and	Intention was to leave the strategy quite broad, so that scenarios to be modelled could be identified and	No changes required.

<b>MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009</b>
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Author	Page No.	Section	Paragraph /Table	Issues	Response/ Comment	Changes Required to the HEMP
				what it would be used for.	undertaken as required.	
	122	9.22	Existing situation	Specify if the contaminants would impact fish communities and whether or not this would be addressed in the study. Because they are not mentioned, the audience will assume that they are not affected.	Ecological risks have been identified for inclusion in the risk assessment. An assessment of the impacts of remediation on fish communities would be undertaken by the proponent responsible for remediation.	No changes required.
	125	9.24	Strategy Description	Mention if toxicity of the sediments to be reused will be assessed in the report and whether or not this is expected to be an issue.	Chemical analysis of sediment will be included in the 'appropriate studies to determine the feasibility of material reuse'.	No changes required.
				Remove 'River' from the front page of the document.		Remove 'River' from the front page of the document.

HUNTER ESTUARY MANAGEMENT PLAN

Author	Page No.	Section	Paragraph / Table	Issues	Response/ Comment	Changes Required to the HEMP
NCC	ix			Consider a brief definition of acronyms eg DCP - a plan used to... A brief description of SEPP 74, 14, etc would also be handy. Include DG Include current name of RLMC	The acronyms (including DCP and SEPPs) are generally defined in the HEMS, which is a supporting document to the HEMP. DG will be added to list Current name of RLMC will be included	DG will be added to list of abbreviations. Include new name for RLMC (Hunter Development Corporation).
	22	3.4.2	Table 3.3	This table is great.	Noted.	No changes required.
	30	Strategy #4		Consider including more detail about water quality modelling. Consider defining what could be modelled (N, P, Turbidity and DO) and specify outcomes eg that it could be used to locate the sections of the river where the majority of a pollutant occurs and may be able to give some information about the most significant sources of the pollutant in the catchment.	Intention was to leave the strategy quite broad, so that scenarios to be modelled could be identified and undertaken as required.	No changes required.
	39	Strategy #13	3	Section Error Reference Source not found	Noted  Strategy 13 is broad	Check Section 1 reference is working.

**MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009**

Author	Page No.	Section	Paragraph / Table	Issues	Response/ Comment	Changes Required to the HEMP
				No mention of climate change adaptation education	enough to include educational programs around climate change adaptation as required.	
	46	Strategy #20		Does not address the impacts of climate change on council operations other than the planning process. Consider incorporating other aspects in future plans.	The planning framework will guide decisions about council operations.	No changes required.
	48	Strategy #22		Specify if the contaminants could impact fish communities and whether or not this would be addressed in the study. Because they are not mentioned, the audience will assume that they are not affected.	Ecological risks have been identified for inclusion in the risk assessment. An assessment of the impacts of remediation on fish communities would be undertaken by the proponent responsible for remediation.	No changes required.
	21		Table 3-2	Please add Strategy 1 to Objective 9.	Noted.	Please add Strategy 1 to Objective 9.
				Need a summary of key issues in the plan.	Noted.	Insert a summary of key issues into Section 2 of the plan.
	1	1.2		...of the NSW Estuary <b>Management</b> Policy 1992...	Noted.	Insert Management into the Estuary Management Policy 1992

<b>MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009</b>
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Author	Page No.	Section	Paragraph / Table	Issues	Response/ Comment	Changes Required to the HEMP
Hunter Bird Observers Club				A number of the objectives will be very difficult to achieve due to activities outside the council's control.	The plan contains actions for other agencies, including the Department of Planning and Department of Environment, Climate Change and Water.	No changes required.
				HBOC encourages the councils to incorporate all relevant objectives of the management plan in any submission to the Department of Planning on major project development proposals in the area covered by the plan.	Strategy 1 requires councils to identify key estuary management issues that need to be addressed by the DG's environmental assessment report which accompanies state significant listings, concept plans and project applications. This may include the relevant objectives of the plan.	No changes required.
				HBOC also encourages the council to engage other members of Hunter Region Councils to actively manage activities that have downstream impacts on the Hunter Estuary.	Noted.	No changes required.

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Author	Page No.	Section	Paragraph / Table	Issues	Response/ Comment	Changes Required to the HEMP
Port Waratah Coal Services				There are various references to the contaminated sediments in the Hunter River South Arm and the need for further assessment of these. The draft Management Plan and Study should be updated to reflect the status of the BHP Billiton Hunter River Rehabilitation Project which is currently underway in the South Arm and associated dredging which is being undertaken in accordance with the Port of Newcastle Extension of Shipping Channels development consent.	Noted.	Update Strategy 22 of the HEMP and Section 9.22 of the HEMS to provide a brief summary of the BHP Project and to identify that the remediation has commenced.
MCC	22		Table 3-3	The role of the Councils should also include preparing Local Environmental Plans under Part 3 of the EP&A Act, and preparing Development Control Plans and other Council	Noted.	Insert in the role of Councils 'To prepare Local Environmental Plans under Part 3 of the EP&A Act, Development Control Plans and other Council policies. To consult with



<b>MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009</b>
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				<p>policies. Another role is to consult with their communities regarding the development of LEPs, DCPs, other policies and initiatives.</p>		<p>the community during the preparation of LEPs, DCPs, other policies and initiatives.'</p>
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**ITEM NO. 4****FILE NO: PSC2005-0889****ABORIGINAL PROJECT FUND****REPORT OF: TREVOR ALLEN - INTEGRATED PLANNING MANAGER****GROUP: SUSTAINABLE PLANNING**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Supply funds from Council's Aboriginal Project Fund in accordance with the amounts and purposes prescribed below: -
  - i. 5,000 to Kup-Poon-Dee Community Services for the Indigenous 'Men's Business' Program
  - ii. 3,450 to Karuah Local Aboriginal Land Council for the Karuah Community Hall Project
  - iii. 6,286 to Karuah Local Aboriginal Land Council for the Karuah Winter Project
  - iv. 5,000 to the Gan Gan Family Centre for the Threading our Stories Together Project
  - v. 9,264 to the Worimi Local Aboriginal Land Council for the Worimi Wuung
  - vi. 6,000 to the Karuah Community Preschool for the Dhanbaan Burray (Strong Child) Project
- 2) All grants allocated as per recommendation (1) shall be subject to the funding conditions specified in Attachment 2 of this report.

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**COUNCIL COMMITTEE MEETING – 13 OCTOBER 2009****RECOMMENDATION:**

	<b>Councillor Bruce MacKenzie Councillor Steve Tucker</b>	That the recommendation be adopted.
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**ORDINARY MEETING – 13 OCTOBER 2009**

<b>341</b>	<b>Councillor John Nell Councillor Steve Tucker</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

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

Proposal	Amount \$
Indigenous 'Men's Business' Program	5,000
Karuah Community Hall Project (located on Mustons Rd)	3,450
Karuah Winter Project	6,286
Threading our Stories Together	5,000
Worimi Wuung	9,264
Dhanbaan Burray (Strong Child)	6,000
<b>Total:</b>	<b>35,000</b>

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

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

Council advertises annually seeking funding proposals in accordance with the guidelines of Council's Aboriginal Project Fund guidelines.

**FINANCIAL/RESOURCE IMPLICATIONS**

A total of \$35,000 is currently available for projects under Council's Aboriginal Project Fund. The projects recommended for funding in this report total \$35,000. All funded projects will be required to adhere to the conditions of funding as detailed in **Attachment 2** of this report.

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

## **SUSTAINABILITY IMPLICATIONS**

The projects recommended for funding will assist in building and strengthening the well-being of the Port Stephens Aboriginal community by:

- Supporting Aboriginal pre-school aged children and their families in the Karuah area through the critical transitional phase of going from home to starting kindergarten by maximising their opportunity to obtain a preschool education.
- Providing Aboriginal men with knowledge and skills required for fathering, and their emotional and physical well-being.
- Enhancing the community facilities owned by Karuah and Worimi Local Aboriginal Land Councils to act as quality venues for the delivery of community based training, support programs and camps.
- Enabling Aboriginal children and young people to capture and showcase their culture through a range of art based initiatives.

## **CONSULTATION**

In May 2009, Council advertised widely through the press, including the *Koori Mail* and local networks, seeking funding proposals under stage 1 of the Aboriginal Project Fund. All of the funding proposals submitted were formulated at the outset in consultation with the Worimi and Karuah Local Aboriginal Land. The Aboriginal Strategic Committee met on 3 July 2009 to assess and shortlist the Stage 1 funding proposals. Shortlisted applicants were invited to submit a detailed application in accordance with Stage 2. A further meeting of the Aboriginal Strategic Committee was held on 18 August 2009 and was attended by shortlisted applicants who made a presentation on their proposed project as per **Attachment 1** of this report. Following the presentations the Aboriginal Strategic Committee finalised their assessment and formulated their recommendations to Council that form the basis of this report.

## **OPTIONS**

- 1) To accept the recommendations
- 2) To reject the recommendations calling for more information to support the report.

## **ATTACHMENTS**

- 1) Minutes of Special Meeting of Aboriginal Strategic Committee on 18 August 2009
- 2) Conditions of funding

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

Nil

ATTACHMENT 1



Aboriginal Strategic Committee  
**MINUTES**



Minutes of special meeting held on 18 August 2009 at Port Stephens Council  
(Paterson Room)

Chair: Cr Kafer

Minute taker: Paul Procter

**1. Present**

Andrew Smith	Worimi LALC
Val Merrick	Worimi LALC
Grace Kinsella	Worimi LALC
Jamie Tarrant	Worimi LALC
David Feeney	Karuah LALC
Sharon Feeney	Karuah LALC
Cr Kafer	PSC
Cr Dover	PSC
Mike Triggar	PSC
Paul Procter	PSC
Cliff Johnson	PSC

**2. Apologies:**

Cr MacKenzie	PSC
Cr Shirley O'Brien	PSC
Peter Gesling	PSC
Elaine Larkins	Worimi LALC

**3. Purpose of meeting**

To assess Aboriginal Project Fund Stage 2 funding proposals and make recommendations to Council on the allocation of available Aboriginal Project Funds.

**4. Overview of Stage 2 proposals**

Ref No:	Proposal	Applicant	Amount Requested \$
1	Indigenous 'Men's Business' Program	Kup-Poon-Dee Community Services	8,320
2	Karuah Community Hall	KLALC	3,450
3	Karuah Winter Project	KLALC	6,286
4	Threading our Stories Together	Gan Gan Family Centre	10,000
5	Worimi Wuung	WLALC	10,000
6	Dhanbaan Burray (Strong Child)	Karuah Community Preschool	10,000

## MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009

7	Bularr Wangga	Youyoong (AECG Group)	10,000
	<b>Total:</b>		<b>58,056</b>

### 5. Balance of Available Funds

\$35,000 is available in 2009/2010 budget for Aboriginal Project Fund

### 6. Verbal Presentations by Applicants

Stage 2 applicants each made a brief presentation to the Aboriginal Strategic Committee (ASC) on their project and answered related questions with the exception of the Bularr Wangga proposal whose representative failed to attend.

### 7. Assessment of Stage 2 funding proposals

The 7 shortlisted stage 2 funding proposals were assessed as follows:

Proposal	Amount Requested \$	ASC Comments	Recommend to Council for funding?	Grant Recommended \$
Indigenous 'Men's Business' Program	8,320	Provide a contribution towards project and request review of hourly breakdown of financial and in-kind staffing costs	Yes	5,000
Karuah Community Hall	3,450	Nil	Yes	3,450
KARUAH WINTER PROJECT	6,286	Nil	Yes	6,286
Threading our Stories Together	10,000	Use local artists to save costs and capitalise upon local talent and skill base.	Yes	5,000
Worimi Wuung	10,000	Council's Group Manager Facilities & Services Group indicated that Council may be able to provide some in-kind support for aspects of this project.	Yes	9,264
Dhanbaan Burray (Strong Child)	10,000	Budget priorities are Aboriginal Worker salary and continuation of fee subsidy	Yes	6,000
Bularr Wangga	10,000	Invite applicant to submit a revised application under next year's funding round, with project being auspice by WLALC.	No	Nil
<b>Total:</b>	<b>58,056</b>			<b>35,000</b>

### 8. Recommendations to Council

- 5,000 to Kup-Poon-Dee Community Services for the Indigenous 'Men's Business' Program
- 3,450 to Karuah Local Aboriginal Land Council for the Karuah Community Hall Project
- 6,286 to Karuah Local Aboriginal Land Council for the Karuah Winter Project
- 5,000 to the Gan Gan Family Centre for the Threading our Stories Together Project
- 9,264 to the Worimi Local Aboriginal Land Council for the Worimi Wuung

## MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009

- 6,000 to the Karuah Community Preschool for the Dhanbaan Burray (Strong Child) Project

### **9. Where to from here?**

A report will be presented to Council in Sept/Oct 2009 with the recommendations of the Aboriginal Strategic Committee on the allocation of available Aboriginal Project Funds.



**ATTACHMENT 2**

**ABORIGINAL PROJECT FUND  
2009/2010 GRANT APPLICATIONS**

**CONDITIONS OF FUNDING**

- 1) Grant to be expended in accordance with the purpose specified in funding submission
- 2) Grants over \$5,000 shall be allocated in two instalments, 50% in advance of the project and the remaining 50% upon presentation of final receipts (excluding only capital projects).
- 3) Funds to be fully expended by 31st December 2010 unless specified otherwise.
- 4) A formal invitation be extended to Council's Aboriginal Strategic Committee and Port Stephens Councillors to attend any official launches, openings, events and/or activities associated with the project.
- 5) In accordance with the funding guidelines, a representative from each organisation funded under the 'Aboriginal Project Fund' shall attend a meeting of Council's Aboriginal Strategic Committee following the expenditure of the grant to present details of the project's outcomes
- 6) At the conclusion of the project, council is to be supplied with a financial statement of project expenditure and any unexpended monies are to be returned to Council
- 7) All grants are GST exempt
- 8) Recipients of funding shall accept full responsibility for the liability and ongoing costs associated with projects funded under the Aboriginal Project Fund
- 9) A member of Council's Social Planning Team shall monitor the establishment and implementation of each project
- 10) Comply with any further conditions prescribed by Council's Aboriginal Strategic Committee during the assessment process.

**ITEM NO. 5****FILE NO: PSC2009-05304****MOBILE FOOD VAN POLICY**

**REPORT OF: BRUCE PETERSEN – MANAGER ENVIRONMENTAL SERVICES**  
**GROUP: SUSTAINABLE PLANNING**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Resolve to place the attached Draft Mobile Food Van Policy on public exhibition for 30 days.
- 

**COUNCIL COMMITTEE MEETING – 13 OCTOBER 2009****RECOMMENDATION:**

	<b>Councillor Bob Westbury</b> <b>Councillor John Nell</b>	That the recommendation be adopted.
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**ORDINARY MEETING – 13 OCTOBER 2009**

<b>342</b>	<b>Councillor Bob Westbury</b> <b>Councillor Shirley O'Brien</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

Council at its meeting of 26 May 2009 established a working party to consider information relating to the operation of mobile food vans within the Port Stephens Local Government Area. The working party were requested to consider the following matters:

- Food vans operating in business areas;
- Food vans unfairly competing with existing Council approved commercial food outlets; that have gone through DA process and contributed to parking levies and DA fees etc.
- Food hygiene requirements;
- Construction standards;
- Licensing requirements;
- Road Safety matters;
- Identify the type of food vans / vessels permitted to sell food;
- Food vans that attend outdoor functions;

- Food vans that are operated by not for profit groups (ie. Rotary, Lions);

The working party discussed and reached consensus on the issues identified. From these discussions the attached Draft Mobile Food Vending Policy has been developed for consideration of Council.

### **FINANCIAL/RESOURCE IMPLICATIONS**

It is unknown exactly how many unregulated mobile food vans operate in the Local Government area. Council has not until now developed a policy to regulate operators. Council currently issues approvals to approximately 25 operators. It is likely that an increase in revenue may result from additional operators being licensed as they are identified.

Council's Environmental Health Officers will be required to inspect the mobile operators and possibly be required to conduct inspections outside normal hours.

### **LEGAL, POLICY AND RISK IMPLICATIONS**

There is a lawful requirement under the Food Act that requires Mobile Food Vendors meet standards relating to food preparation and sale. The Department of Local Government has produced guidelines for street vending. Council is required to report to the NSW Food Authority at 6 monthly intervals on all inspection results. This Policy assists in addressing those requirements.

The Policy also assists Environmental Health Officers in regulating the sale of food and the construction standards of mobile food vans in accordance with the Food Act and the applicable Australian Standards for Construction, further reducing liability to Council.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Mobile Food Vendors now form part of everyday modern society, resulting in freedom of choice for consumers, offering a variety of food choices. Advances in technology now enable food and beverages to be provided hygienically to the consumer from mobile operators.

There is a demand from consumers for services at isolated locations, parks, beaches, carpark, sporting events, social events where there are no other food services available. This Policy will enable those demands to be serviced whilst maintaining protection for land based operators that are currently being disadvantaged by the arrival of itinerant vendors (who in most cases do not contribute to infrastructure costs burdened on land based operators). Mobile Food Vans do contribute to the local economy with many operators being based in the Port Stephens Local Government Area.

## **CONSULTATION**

Consultation was undertaken with Councillors, Chamber of Commerce, Nelson Bay Town Management, service clubs, food outlet proprietors, and restaurant proprietors, Council Planners, Engineers and Rangers, RTA, NSW Police.

## **OPTIONS**

- 1) Council resolve to place the Mobile Food Van Policy on public exhibition as recommended
- 2) Council resolve to adopt the draft Policy with or without changes and without placing the draft Policy on public exhibition
- 3) Council resolve to reject the Policy.

## **ATTACHMENTS**

- 1) Draft Mobile Food Van Policy

## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

Nil

ATTACHMENT 1



DRAFT POLICY

Adopted:  
Minute No:  
Amended:  
Minute No:

**FILE NO: PSC2009-05304**

**TITLE: MOBILE FOOD VAN POLICY**

**REPORT OF BRUCE PETERSEN**

**BACKGROUND**

The purpose of this Policy is to provide a framework in which mobile food vans may operate within the Port Stephens Local Government Area.

Mobile food vans have become an integral part of modern society and often fill a niche in the market for convenience foods that are sometimes not met by traditional food outlets. In some cases, food vans are able to access remote locations not serviced by local food outlets or are able to deliver specialty foods directly to the customer.

Mobile Food Vans are not normally subject to Development Approval as they fall outside the Environmental Planning and Assessment Act. However, this type of business needs to be regulated as they are serving food to the public in competition with traditional food outlets. Many mobile food vans park on road reserves and in other locations that at times may create a hazard for pedestrians and traffic. Due to the nature of mobile food vans, there is the need for a strong policy that provides for food safety, pedestrian and traffic safety and the protection of food outlets from unfair competition.

This Policy does not relate to fixed food vans that are the subject of a development application under the Environmental Planning and Assessment Act.

**OBJECTIVES**

The overriding purpose of this Policy and associated Guidelines is to provide a framework in which mobile food vans may operate within the Port Stephens Local Government Area.

The Policy and Guidelines promote:

- Pedestrian and driver safety;
- Food safety;
- Protection of food outlets from unfair competition;
- Equitable approach to approvals for mobile food vans; and
- Consistency in Council's approach.

## **PRINCIPLES**

- 1) Council is the primary authority for regulating mobile food vans in Port Stephens Local Government Area.
- 2) Council has a duty of care to protect the public from unsafe food practices when food is served from commercial mobile food vans.
- 3) Council in approving mobile food vans must ensure that these vans are not unfairly competing with traditional food outlets that have development approval.
- 4) Food vans must conduct their business in locations, and in such a manner, that does not put pedestrian and road users at risk.

## **POLICY STATEMENT**

This Policy will regulate the use of mobile food vans within Port Stephens Local Government Area and provide an equitable approach to the approval and use of mobile food vans. This Policy will provide protection for traditional food outlets from unfair competition by mobile food vendors. It will however, allow food vans to operate legitimately in those locations where the Policy permits.

In enforcing this Policy, Council will place a high priority on food safety, the protection of traditional food outlets and pedestrian and driver safety.

## **RELATED POLICIES**

Compliance Policy  
Department of Local Government Street Vending Guidelines

## **SUSTAINABILITY IMPLICATIONS**

Mobile Food Vendors now form part of everyday modern society, resulting in freedom of choice for consumers and offer a variety of food choices. Advances in technology now enable food and beverages to be provided hygienically to the consumer from mobile operators.

## **SOCIAL IMPLICATIONS**

There is a demand from consumers for services at isolated locations, parks, beaches, carpark, sporting events, social events where there are no other food services available. This Policy will enable those demands to be serviced whilst maintaining

protection for land based operators that are currently being disadvantaged by the arrival of itinerant food vendors (who in most cases do not contribute to infrastructure costs burdened on land based operators).

### **ECONOMIC IMPLICATIONS**

Mobile food vans provide a service to tourists, visitors and some residents, which can enhance the appeal of the area and contribute to the economic success of this region. A number of mobile food vendors reside in the Port Stephens area therefore this has a positive economic on-flow effect.

### **ENVIRONMENTAL IMPLICATIONS**

There are minimal environmental implications associated with Mobile Food Vans. One issue may be littering adjacent to Mobile Food Vans, however experience has shown that this is not significant compared to other food outlets.

### **RELEVANT LEGISLATIVE PROVISIONS**

- Local Government Act
- Food Act
- Australian Road Rules

### **IMPLEMENTATION RESPONSIBILITY**

Environmental Services Section

### **DEFINITIONS**

#### **MOBILE FOOD VAN**

Mobile food vans include all food vending vehicles, vans, trailers, carts and vessels (whether registered or not) used for the purpose of selling any article of food on a public reserve or within public or private property.

#### **MOBILE FOOD VENDOR**

Mobile food vendor includes a company or individual that operates a mobile food van.

#### **DEVELOPMENT APPLICATION**

A development application is a formal request for permission to carry out a development under the Environmental Planning and Assessment Act.

### **REVIEW DATE**

Two years from the date of adoption.

GUIDELINES FOR THE  
CONSTRUCTION  
& USE OF MOBILE  
FOOD VANS AND VESSELS





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**Preface**

This Guideline provides Council and mobile food vendors with guidance to effectively and consistently control and operate street vending activities within public roads or within public and private places. The Policy identifies the responsibilities and requirements for food van operators. The Guideline also sets criteria for the construction of vehicles, vans, vessels so that appropriate standards associated with street vending and food sales are regulated to the same Construction Standard as land based food outlets. The Guideline is mandatory for all street vending carried out within the Port Stephens Local Government Area.

**DEFINITIONS**

**MOBILE FOOD VAN**

Mobile food vans include all food vending vehicles, vans, trailers, carts and vessels (whether registered or not) used for the purpose of selling any article of food on a public reserve or within public or private property.

**MOBILE FOOD VENDOR**

Mobile food vendor includes a company or individual that operates a mobile food van.

**Section 1: Administration of Standards**

- 1.1 This standard shall apply to mobile food vendors and all areas associated with those vehicles within Port Stephens Local Government area. Operators are also required to comply with the Local Government Act, 1993, the Food Act, 2003 and FSANZ Food Standards Code.
- 1.2 Councils Environmental Health Officers (EHO) are authorised to enforce these standards and to issue any necessary direction or approval with or without conditions. The Environmental Health Officer may also cancel any approval for a breach of the Mobile Food Vendors Policy.

**Section 2: General Powers**

Where the Environmental Health Officer is satisfied that any requirement of this standard is not reasonably practicable in any particular circumstances the officer may vary the provisions of any part of the Standard provided that there is a not significant reduction in construction or hygienic requirements and the general intent of the Policy and Guideline is satisfied.

**Special Requirements**

**Section 3: Application and Approvals**

- 3.1 Application is to be made to Council in writing to use any mobile food van for the vending of food within the Port Stephens Local Government Area to the General Manager for approval and registration.
- 3.2 All vehicles/vessels operating in the area shall be presented for inspection at a place, as directed by the Environmental Health Officer.
- 3.3 The use of any mobile food van/vessel (and any area adjacent thereto) for the purpose of selling any article of food is prohibited without the approval of Council.
- 3.4 When premises outside the Port Stephens Local Government Area are used for the preparation of food to be sold from a mobile food van in Port Stephens Local Government Area, those premises must be registered to manufacture food for sale.
- 3.5 The preparation of food at home will require an approval for "Home Based Business" to ensure the materials produced are protected from likely contamination and that the environmental conditions will not adversely affect the safety or suitability of the food.
- 3.6 The vehicle/vessel shall be maintained and capable of registration and comply with the appropriate Motor Traffic/Maritime Regulations.
- 3.7 The vehicle/vessel shall operate in accordance with the requirements of street vending vehicles under the Local Government Act.
- 3.9 Mobile food vendors shall only occupy a permitted selling location for such a period of time whilst engaged in the actual serving of a customer and shall after serving a customer move on and not return to the same location within one hour.

**Section 4: Trading Times**

- 4.1 The approved mobile food vendor shall not trade between sunset and sunrise except with the explicit approval of Council (Development Approval).

**Section 5: Signage**

- 5.1 Warning signs are to be displayed to alert motorists to the likelihood of pedestrians and children and the need for caution. One sign shall face motorists approaching the front of the vending vehicle and one sign shall face motorists approaching from behind.

- 2 -

- 5.2 The design of the signs is to contain the words "Caution Children". The lettering should be bold faced, sans serif styled to have a minimum height of 120mm. The lettering is to be white on a red background.
- 5.3 Positions of signs – should be secured to the vehicle so they are as high as practical on the vehicle. If possible, the front facing sign mounted above windscreen level and the rear facing sign at a similar elevation. No part of the sign is to impede the driver's visibility or the operation of mirrors, indicators and such like.

#### **Section 6: Trading Areas**

- 6.1 Mobile food vendors shall not trade within a zoned business area or within 350 metres of a land based food business or any street deemed by Council as being unsuitable by virtue of its location or traffic condition.
- 6.2 Approval is for the operation of a mobile food van/vessel within public reserves or on private land.

#### **Section 7: Food Storage**

One of the most common causes of food borne illness is the storage and display of potentially hazardous food. Inadequate temperatures for extended periods can lead to sustained growth of food poisoning bacteria.

- 7.1 All foods are to be stored so that they are protected from likely contamination:
- a separately located storage facilities for chemicals and personal belongings that may contaminate food or food surfaces;
  - b food is to be stored at least 150mm above the floor;
  - c food must be kept out of direct sunlight;
  - d Food must be received under temperature control and within date;
  - e potentially hazardous foods (ie poultry, meat, dairy, seafood) must be stored under temperature control if intended to be stored frozen then it must remain frozen; and
  - f refrigeration facilities are to be large enough to hold all stocked potentially hazardous foods.

**Construction**

**Section 8: General Requirements**

- 8.1 The design and construction of a mobile food vending vehicle must:
- a be appropriate for the types of foods stored, prepared and sold;
  - b have adequate space for all activities and for all equipment to be used or stored;
  - c allow easy cleaning and sanitisation procedures;
  - d prevent the entry of pests; and
  - e exclude harbourage for pests.
- 8.2 The design and layout of a mobile food vending vehicle should be well planned and take into consideration maximising space without compromising food safety, using effective and durable construction materials and having appropriate storage areas and hand washing facilities.
- 8.3 The design principles should accommodate food safety flow, minimising risks of food and equipment contamination. Separating particular processes including:
- a raw and cooked foods;
  - b handwashing facilities;
  - c wash areas;
  - d storage facilities; and
  - e waste disposal areas.

**Section 9: Finish of Surfaces**

- 9.1 The internal surfaces of walls, ceilings, doors, sliding partitions and those parts of the walls formed by built-in fittings, shall be of stainless steel, colour bonded metal, galvanised steel, laminated plastics (Formica, Laminex or Panelyte) or similar approved materials.
- 9.2 All surface materials shall be fixed so as to provide a smooth even surface free of buckles, fixing screws, open joints, spaces, cracks or crevices.

**Section 10: Floors**

- 10.1 Floors are to be constructed of materials which are impervious, non-slip and non abrasive, having an unbroken surface and capable of withstanding washing and heavy duty operation.
- 10.2 The intersections of walls with floors are to be coved (rounded) to radius of at least 25mm.

- 10.3 Heavy duty vinyl sheeting and welded (seamless) jointed flooring materials are to be laid over a solid base strictly in accordance with the manufacturers specifications.
- 10.4 Where vinyl sheeting is turned up to form a cove, a fillet or backing piece is to be fitted to provide support.
- 10.5 Floors are to be finished flush with the door sill or alternatively, a floor waste with a screwed removable plug is to be provided.

**Section 11: Door Openings and Serving Openings**

- 11.1 Doors and servicing hatches are to be finished internally with the same standard of material as the walls.
- 11.2 Adequate fly proofing shall be provided to all door, window and other openings, eg, flyscreens, air curtain.
- 11.3 Roof vents are to be proofed against the access of dust and vermin including flies.
- 11.4 The driving compartment of the vehicle shall be separated from the food preparation/serving/storage sections. The opening between the driving compartment and the preparation/serving/storage section shall be effectively screened to prevent contamination from dust, dirt and vermin.
- 11.5 The doors or shutters to all door openings and serving openings shall be close fitting and vermin proof.
- 11.6 Serving compartment in vehicles used for serving food (e.g. soft-serve ice cream) are to be fitted with a sliding window for serving customers, or such other type of window is capable of being closed.

**Section 12: Cupboard and Counter Construction**

- 12.1 Cupboard counter tops, benches and similar fittings are to be constructed of glass, metal, solid core timber or similar timber sheeting, glued or joined to approval.
- 12.2 The cupboard surfaces and counter tops are to be lined with a smooth impervious material (see Section 4.1).
- 12.3 Cupboard and counter tops and benches are to be supported on non-corrosive solid or tubular steel legs or brackets securely fixed to the walls or constructed on solid plinths installed such that they overhang the plinth.
- 12.4 Timber framing is not permitted.

- 12.5 A clear unenclosed space between the floor and the underside of cupboards and shelving of not less than 150mm is to be provided.
- 12.6 The flanges on all legs of fixed equipment are to be sealed onto the flooring material.
- 12.7 All cupboards and component shelving are to be lined internally with approved material (see Section 4.1).
- 12.8 Cupboards designed with cavity (false bottom) between the floor and the base are not permitted.
- 12.9 "Wells" formed in the bases of cupboards are not permitted.
- 12.10 Sliding doors of cupboards are to have the bottom guides of runners designed to permit food refuse to fall through to the floor or the bottom guides or runners may be terminated 25mm from each end of the door opening so as to permit easy cleaning.

### **Section 13:   *Installation of Fittings***

- 13.1 Hot water heaters, pump motors and refrigeration equipment are to be mounted on metal frames at least 150mm high and shall not be located in storage cupboards.
- 13.2 All service pipes including gas lines, electrical conduit and water and drainage pipes are to be concealed into walls and floors or fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces.
- 13.3 Refrigerators, freezers and cooking equipment must be secured to prevent movement, and positioned so as to provide a space of at least 150mm between the wall and the fitting (for easy cleaning) or alternatively secured to the wall and sealed to facilitate cleaning and prevent the harbourage of vermin.
- 13.4 All food displayed is to be protected from contamination by droplet infection from customers breath, handling, smoking or from vermin, dust, etc, by glass or Perspex screens.

**Section 14: Ventilation**

- 14.1 A mechanical ventilation exhaust system will be required to be installed with hoods serving such heating or cooking appliances as may be specified by the Environmental Health Officer.
- 14.2 Fittings are not to be placed directly above cooking or heating appliances where they might interfere with the flow of air into the mechanical exhaust ventilation system.
- 14.3 The exhaust vent of the mechanical ventilation is to discharge vertically in an approved position where no nuisance will be created.
- 14.4 Any mechanical supply ventilation installed in the vehicle shall have all fresh air filtered by approved means.
- 14.5 All intake and exhaust vents are to be fitted with a fly-proof screen when not in use.

**Section 15: Washing Facilities**

- 15.1 A single bowl sink of sufficient size to hold equipment and utensils is to be provided with an adequate and instantaneous supply of hot and cold water. Hot water temperature shall not be less than 44°C.
- 15.2 Where eating and drinking utensils and vessels are re-used a double bowl sink or an approved dish or glass washer shall be installed. Hot water at a temperature of 77°C is to be provided to one of the bowls.
- 15.3 A wash hand basin with a hot and cold water provided through a common mixing spout, together with a sufficient supply of liquid soap and paper hand towels, located in a convenient location to the basin, shall be provided.
- 15.4 The vehicle/vessel shall be equipped with a waste water tank external to the vehicle, of at least 25 litre capacity with an outlet of sufficient diameter to facilitate easy flushing and cleaning. Disposal of all liquid wastes generated within the food van shall be discharged to Councils sewer or as approved by the Environmental Health Officer. Under no circumstances is liquid waste to be discharged upon the ground or to a stormwater drainage system.
- 15.5 A separate sink may be required for the thawing of foodstuffs.



- 15.6 All sinks and wash hand basins shall be provided with sanitary traps.
- 15.7 All water used in the vehicle shall be potable water stored in approved containers and suitably protected against contamination.
- 15.8 All hot water for washing purposes shall be supplied from an approved hot water system and such hot water shall be piped so as to be able to be mixed through a single spout.

**Section 16: Hot and Cold Food Storage and Display Units**

- 16.1 All equipment used for either the display or storage of hot food is to be capable of maintaining such foods at a temperature not less than 60°C.
- 16.2 All refrigeration equipment is to be capable of maintaining those temperatures prescribed in the Food Act Regulations for specific foods.

**Section 17: Lockers and Receptacle**

- 17.1 Separate lockers and receptacle shall be provided for:
- a Employee's personal belongings
  - b Cleaning utensils and equipment
  - c Soiled cloths, towels and clothes
  - d Spare parts and equipment for the vehicle

**Section 18: Labelling**

- 18.1 Food sold from vehicles that raise money solely for charity and not for personal gain, do not need to be labelled.
- 18.2 Pre-packaged products for sale must be clearly labelled with:
- a a description of the food;
  - b the name and address of supplier;
  - c product identification;
  - d mandatory and advisory warnings (ie egg products; quinine; caffeine; nuts);
  - e a list of ingredients;
  - f date marking (ie best before, use by);
  - g storage conditions; and
  - h nutrition information.

**Section 19: Rubbish Disposal**

- 19.1 Suitable garbage receptacles with close fitting lids are to be provided in the vehicle.
- 19.2 When directed, a suitable receptacle shall be provided outside the vehicle for depositing of take away food containers and other litter.
- 19.3 Garbage shall be removed daily or more frequently when the need arises.

**Section 20: Use of Vehicles**

- 20.1 A mobile food van shall not be used for sleeping purposes.
- 20.2 Every person engaged in the preparation or delivery of food for sale shall keep, at all times, receptacles, utensils and vehicles used in connection with food for sale clean, free from dust, dirt, odours, and vermin.
- 20.3 Every person engaged in the preparation or delivery of food for sale shall, when so engaged, maintain his/her clothing and his/her body clean.
- 20.4 No person shall use any vehicle for the carriage or containing any matter or thing whereby the wholesomeness, cleanliness and freedom from contamination of any food for sale contained or usually carried in the vehicle might be endangered.
- 20.5 The vehicle shall be used for the vending and delivery of food only and shall, at all times, be maintained in a satisfactory standard of cleanliness.
- 20.6 The vehicles and equipment shall be thoroughly cleaned at the conclusion of the day's operations or before use each day.

**Section 21: Storage of Food, Utensils and Food Containers**

- 21.1 Storage shall be in accordance with 3.2.2 of the Food Regulation – Food Standards Code.
- 21.2 Storage includes the vehicle/vessel and any other premises used for the storage of food utensils and food containers.
- 21.3 The type of foods to be sold is to be approved by Councils Environmental Health Officer.

**Section 22: Fees and Charges**

- 22.1 The fees for a mobile food vendor are presented in Council's Fees and Charges. These are reviewed annually.
- 22.2 Applications for a refund of fees for food vans used for charitable events or food vans used for community service (ie. not for profit operators) are to be addressed to Council's Public Officer (or Ward Councillors for amounts under \$250)

**Section 23: Other Regulatory Requirements**

- 23.1 The use of liquid petroleum gas is to comply with the appropriate authority requirements. Gas fired appliances should not have a gas bottle greater than 9kg capacity.
- 23.2 A fire extinguisher and fire blanket should be supplied in every vehicle where cooking or heating processes are undertaken.
- 23.3 Fire safety equipment should be easily accessible in the event of a fire. The extinguisher should be suitable for dealing with the type of combustible materials present.
- 23.4 Noise from the operation of the vehicle/vessel shall be limited to comply with the requirements of the Noise Control Regulations.
- 23.5 The Government Authorities that have regulatory responsibility for street vending operations are:
- The Roads and Traffic Authority (RTA)
  - The Police service
  - Council

The Department of Local Government in conjunction with the Local Government and Shires Association, the Roads and Traffic Authority and the NSW Police Service have produced a guideline for street vending operations. The Guideline provides criteria for:

- operators associated with pedestrian traffic
- passing traffic
- lighting,
- safety issues and general motor traffic regulations.

All mobile food van vendors are to familiarise themselves with the guidelines. Port Stephens Council require all vendors to provide evidence of compliance with that Guideline.

NSW Maritime are an approval authority for water based vessels. Operators of vessels are to obtain prior consent of NSW Maritime prior to Council application.

**ITEM NO. 6****FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 1<sup>ST</sup> SEPTEMBER 2009****REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER****GROUP: SUSTAINABLE PLANNING**  
-----**RECOMMENDATION IS THAT COUNCIL:**

Adopt the recommendations contained in the minutes of the Port Stephens Local Traffic Committee meeting held on 1st September 2009.

  
-----**COUNCIL COMMITTEE MEETING – 13 OCTOBER 2009****RECOMMENDATION:**

	<b>Councillor Bob Westbury Councillor Steve Tucker</b>	That the recommendation be adopted.
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**ORDINARY MEETING – 13 OCTOBER 2009**

<b>343</b>	<b>Councillor John Nell Councillor Ken Jordan</b>	It was resolved that the recommendation be adopted.
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-----**BACKGROUND**

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

**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.

### **SUSTAINABILITY IMPLICATIONS**

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

### **SOCIAL AND ECONOMIC IMPLICATIONS**

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

### **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

## **MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009**

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 was required for the meeting of 1st September 2009.

### **OPTIONS**

- 1) Adopt all or part of the recommendations.
- 2) Reject all or part of the recommendations.
- 3) Council may choose to adopt a course of action for a particular item other than that recommended by the Traffic Committee. In which case Council must first notify both the RTA and NSW Police representatives in writing. The RTA or Police may then lodge an appeal to the Regional Traffic Committee.

### **ATTACHMENTS**

- 1) The minutes of the local Traffic Committee meeting held on 1st September 2009 are contained in ATTACHMENT 1.

**PORT STEPHENS  
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS  
TUESDAY 1<sup>st</sup> September, 2009**

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- A. ADOPTION OF THE MINUTES OF 4<sup>TH</sup> AUGUST 2009**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
- 35\_09/09 VICTORIA PARADE NELSON BAY – REQUEST TO REDUCE COACH  
PARKING TIME LIMIT FROM 30 TO 15 MINUTES
- 36\_09/09 STURGEON STREET RAYMOND TERRACE – REVIEW OF POLICE  
PARKING REQUIREMENTS AT THE PROPOSED TEMPORARY POLICE  
STATION IN THE FORMER LEISURE CENTRE
- D. INFORMAL MATTERS**
- 506\_09/09 RAYMOND TERRACE ROAD NELSONS PLAINS - REQUEST FOR A  
SAFETY REVIEW OF THE INTERSECTION WITH SEAHAM ROAD
- 507\_09/09 CLARENCETOWN ROAD SEAHAM - REQUEST FOR A REDUCTION OF  
SPEED LIMIT WHEN ENTERING SEAHAM FROM WOODVILLE
- 508\_09/09 SEASIDE BOULEVARD FERN BAY - REQUEST FOR INSTALLATION OF  
SPEED LIMIT ENTRY SIGNS
- E. GENERAL BUSINESS**

**LOCAL TRAFFIC COMMITTEE MEETING  
HELD ON TUESDAY 1<sup>ST</sup> SEPTEMBER, 2009  
AT 9:30AM**

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**Present:**

Cr Peter Kafer, Senior Constable John Simmons – NSW Police, Mr Bill Butler – Roads and Traffic Authority, Ms Michelle Mexon – representing Mr Craig Baumann MP, Mr Joe Gleeson ( Chairperson ), Mr Scott Page - Port Stephens Council

**Apologies:**

Mr Frank Terenzini MP, Mr Brian Moseley – Hunter Valley Buses, Mr Mark Newling – Port Stephens Coaches

**A. ADOPTION OF MINUTES OF MEETING HELD 4<sup>TH</sup> AUGUST, 2009**

**B. BUSINESS ARISING FROM PREVIOUS MEETING**



**C. Listed Matters****C1    Item: 35\_09/09****VICTORIA PARADE NELSON BAY – REQUEST TO REDUCE COACH PARKING TIME LIMIT FROM 30 TO 15 MINUTES**

**Requested by:**    Council Rangers

**File:**                PSTC 07\_02/09

**Background:**

Port Stephens Council approved installation of 30 minute parking restrictions on Victoria Parade, Nelson Bay in March 2009. Debate at the time centred on whether this was an appropriate length of time to allow for normal tourist coach operations and whether drivers would create congestion by overstaying. Council Rangers have now requested that the ½ hour restrictions be reduced to ¼ hour to encourage a more efficient use of the limited space available.

**Comment:**

Rangers report that coach drivers tend to stay in the drop-off areas along the waterfront for the maximum length of time possible. This creates congestion as there is insufficient room to allow long-term parking.

The original intent of the 30 minute restrictions was to ensure that coaches had sufficient time to allow drop-off and pick-up of passengers while ensuring that they didn't overstay.

**Discussion:**

Comments from Hunter Valley Buses and Port Stephens Coaches were tendered to the meeting opposing any change to the parking restrictions at this time (See Attachment 1). Cr Kafer agreed with the comments from PSC adding that there needs to be a cooperative approach between Council Rangers and bus operators to ensure that the limited parking available is used to best advantage. Police suggest that Council install a sign that advises drivers where there is long-term parking available and that buses that overstay the 30 minute time restrictions should be issued with infringement notices.

**Committee Recommendation:**

The Traffic Committee recommended that the 30 minute parking restrictions remain in place at this time. The Committee recommended that the situation be monitored over the peak summer period.

**Support for the recommendation:**

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

**Attachment 1**

Email comments from Mr Mark Newling – Port Stephens Coaches

I would like to suggest that the parking stay at 30 mins for another 6 months, then review. In the interim I would request the parking officers take note of the bus companies using the site and we formulate a letter (together Council and Port Stephens Coaches) and write to the operators explaining what we are trying to achieve on the waterfront. I would also like to discuss that matter with the officers to gain feedback from them as a way forward.

I would also like to suggest we do an article for the bus NSW magazine (rebadged bus and coach association) which is sent to all members. I feel our goal here is to manage this situation rather than just police it and create conflict for all concerned. I am the first to agree that we have a traffic management problem when there are many coaches onsite, but this is not the case at the moment. The waterfront has experienced the worst 6 months (reduction in numbers) in the past 15 years due to global financial crisis and swine flu. I suspect a decrease in time will only take us back to where we were, rather than forward.

It may be wishful thinking, but we do not want to book coaches visiting the area and we need to be proactive in coming up with some strategies, that are more than issuing infringement tickets. As an example when we visit the snow at Smiggen's car park there are Customer service officers that wander around and chat with the drivers etc.

In summary the bay depends on tourist groups. We need on this issue to work with the bus industry and adapt an approach which takes into account its characteristics and needs in the context of the Nelson Bay waterfront. Traditional strategies are not the answer in this set of circumstances.

Email comments from Mr Brian Mosely – Hunter Valley Buses

I would like to lodge my objection to the matter of reducing the time limit on the Bus Zone in Victoria Parade Nelson Bay on the grounds that I believe 15 minutes is not sufficient time to unload passengers (especially if passengers are elderly).

I believe it should stay at 30 minutes.

**C2    Item: 36\_09/09****STURGEON STREET RAYMOND TERRACE – REVIEW OF POLICE PARKING REQUIREMENTS AT THE PROPOSED TEMPORARY POLICE STATION IN THE FORMER LEISURE CENTRE**

**Requested by:**    Cr Kafer  
**File:**                606\_08/09  
**Background:**

Cr Kafer asked that the Traffic Committee list Police parking requirements for the temporary Police station on the agenda for the September Local Traffic Committee.

**Comment:**

Port Stephens Area Command advises that there will be a requirement for parking for 16 operational Police vehicles at the temporary Police station at the Leisure Centre. There are currently 20 parking spaces along the northern side of the Council car park adjacent to the temporary Police station. Some of these have been previously signposted as 3 hour parking although only 1 sign now remains.

The available space could be divided with 16 spaces signposted as 'No Parking – Police Vehicles Excepted'. This would meet the minimum Police requirements and would allow 4 time-restricted parking spaces to be retained for people visiting the Police station. The time limit would need be adjusted to suit with a 15 minute limit requested by Police.

Police have also advised that lighting in front of the Leisure Centre requires upgrading and some of the existing vegetation needs to be removed to improve safety and security in the area.

**Recommendation to the Committee:**

Install 'No Parking – Police Vehicles Excepted' signposting across 16 parking spaces at the Leisure Centre and '1/4P' on the remaining 4 spaces, as shown on the attached sketch.

**Discussion:**

Cr Kafer asked whether there would be any increase in Police numbers when operations are relocated to the temporary Police Station. The Police representative advised that Police numbers in Raymond Terrace will not increase until the new Police Station becomes operational.

**Support for the recommendation:**

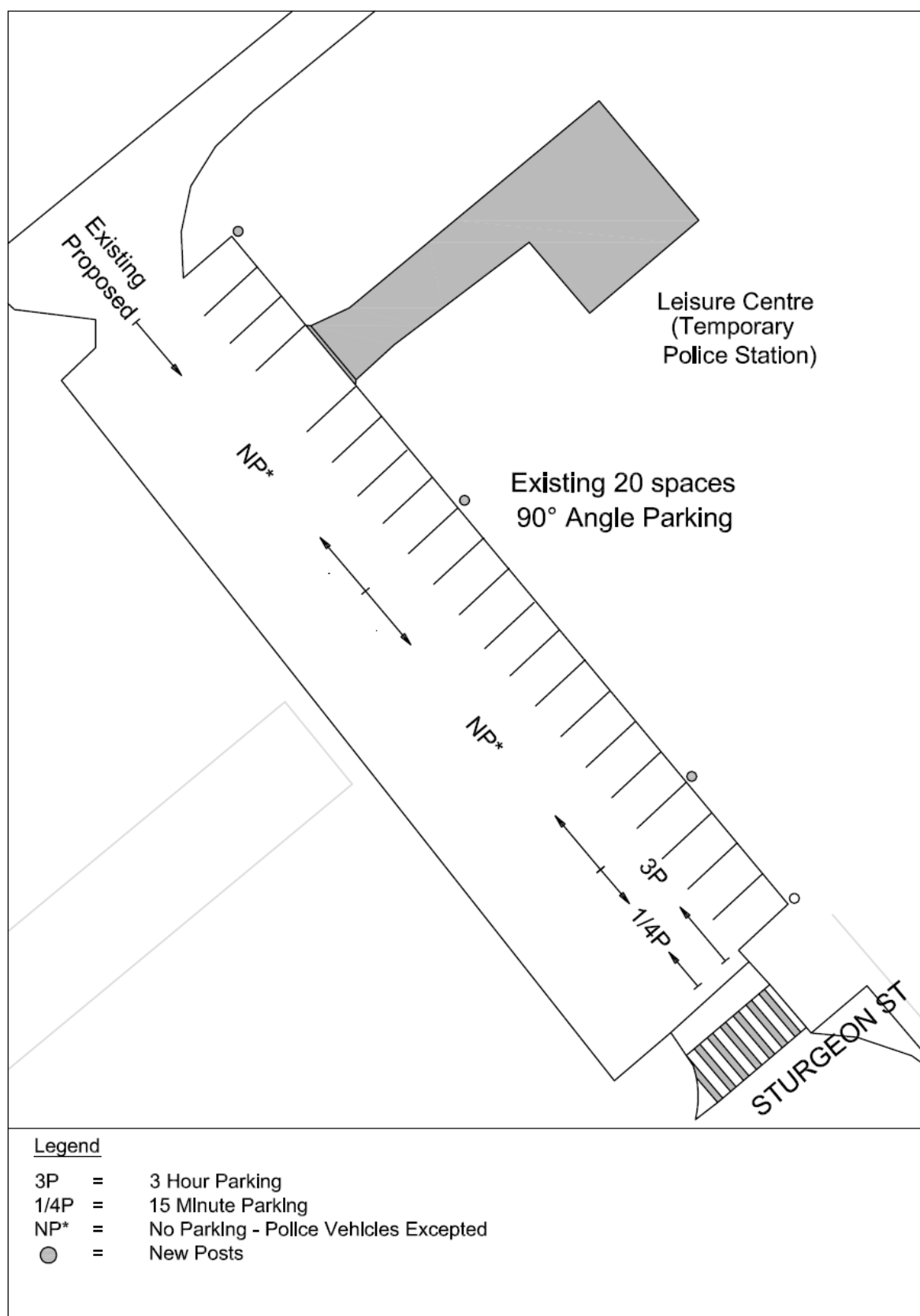
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009

PORT STEPHENS TRAFFIC COMMITTEE  
Tuesday 1 September 2009

ITEM NO. 36\_09/09  
Street: Sturgeon Street

ANNEXURE A  
Page 1 of 1



**D. Informal Matters**

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**D1     Item: 506\_09/09**

**RAYMOND TERRACE ROAD NELSONS PLAINS - REQUEST FOR A SAFETY REVIEW OF THE INTERSECTION WITH SEAHAM ROAD**

**Requested by:**        Mr F Terenzini MP  
**File:**                    PSC2005-2805/017

**Discussion:**

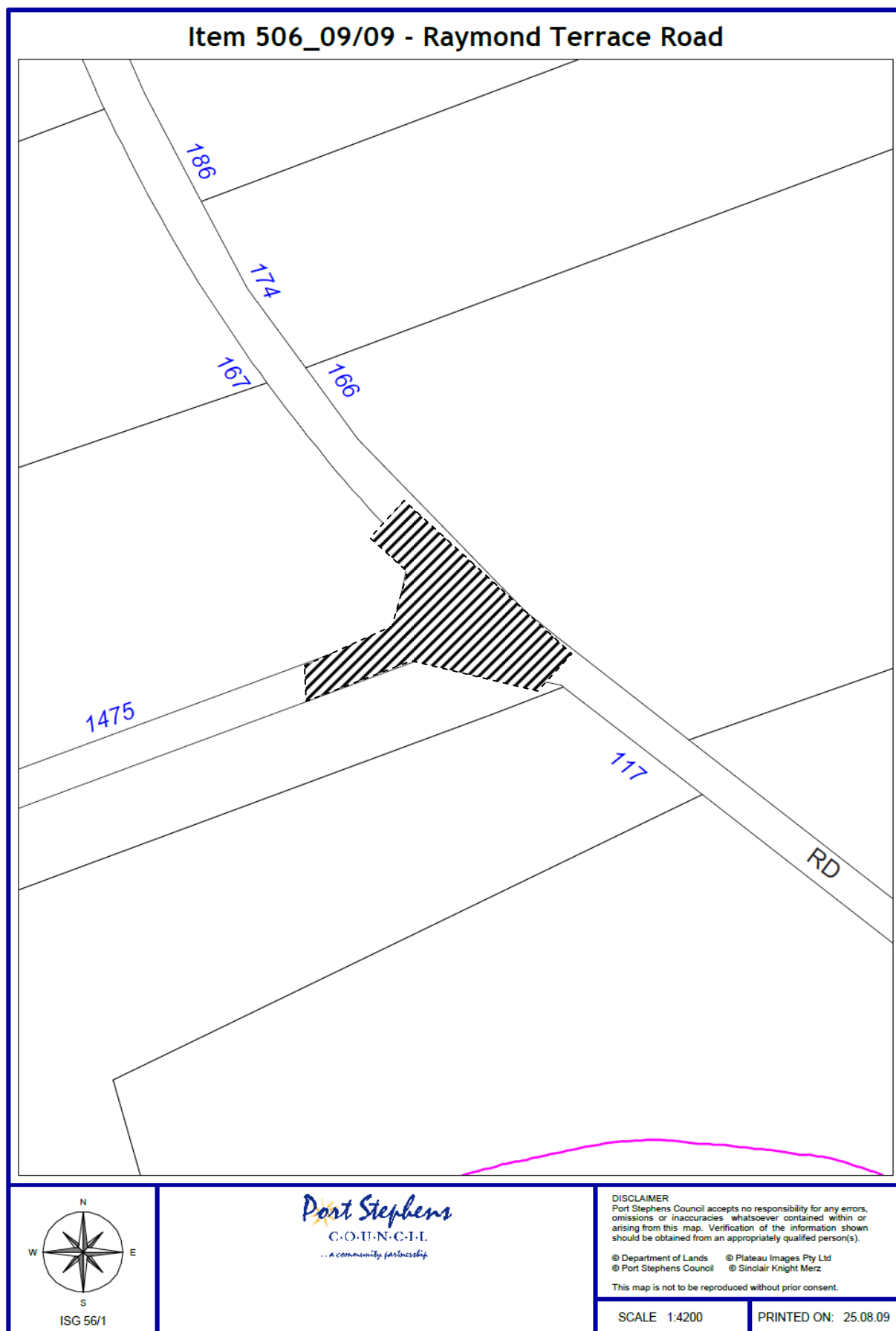
A constituent of Mr Terenzini MP contacted him to request a safety review of the intersection of Raymond Terrace Road and Seaham Road would like to see speed limit reduced heading into the intersection or roundabout, turning lanes etc. The Inspection Committee support a reduction of speed limit on approach to the roundabout.

**Committees Advice:**

Forward to the RTA for a speed limit review and direct response to Mr Terenzini

**Committee's discussion:**

The RTA advises that there is currently a review of the intersection being undertaken. The view of the Traffic Committee is that there are more issues involved than speed alone and that a roundabout, as was proposed a number of years ago, would provide a better solution to the ongoing accidents at this intersection.



**D2     Item: 507\_09/09**

**CLARENCETOWN ROAD SEAHAM - REQUEST FOR A REDUCTION OF SPEED LIMIT WHEN ENTERING SEAHAM FROM THE DIRECTION OF WOODVILLE**

**Requested by:**        A resident  
**File:**                    PSC2005-4031/034

**Discussion:**

A resident contacted Council to request a reduction of speed limit when entering Seaham from Woodville direction on Clarencetown Road. The resident would like to see a section of '80km/h' between the '100' and '60' zones or to have the urban area reduced to '50'

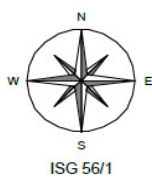
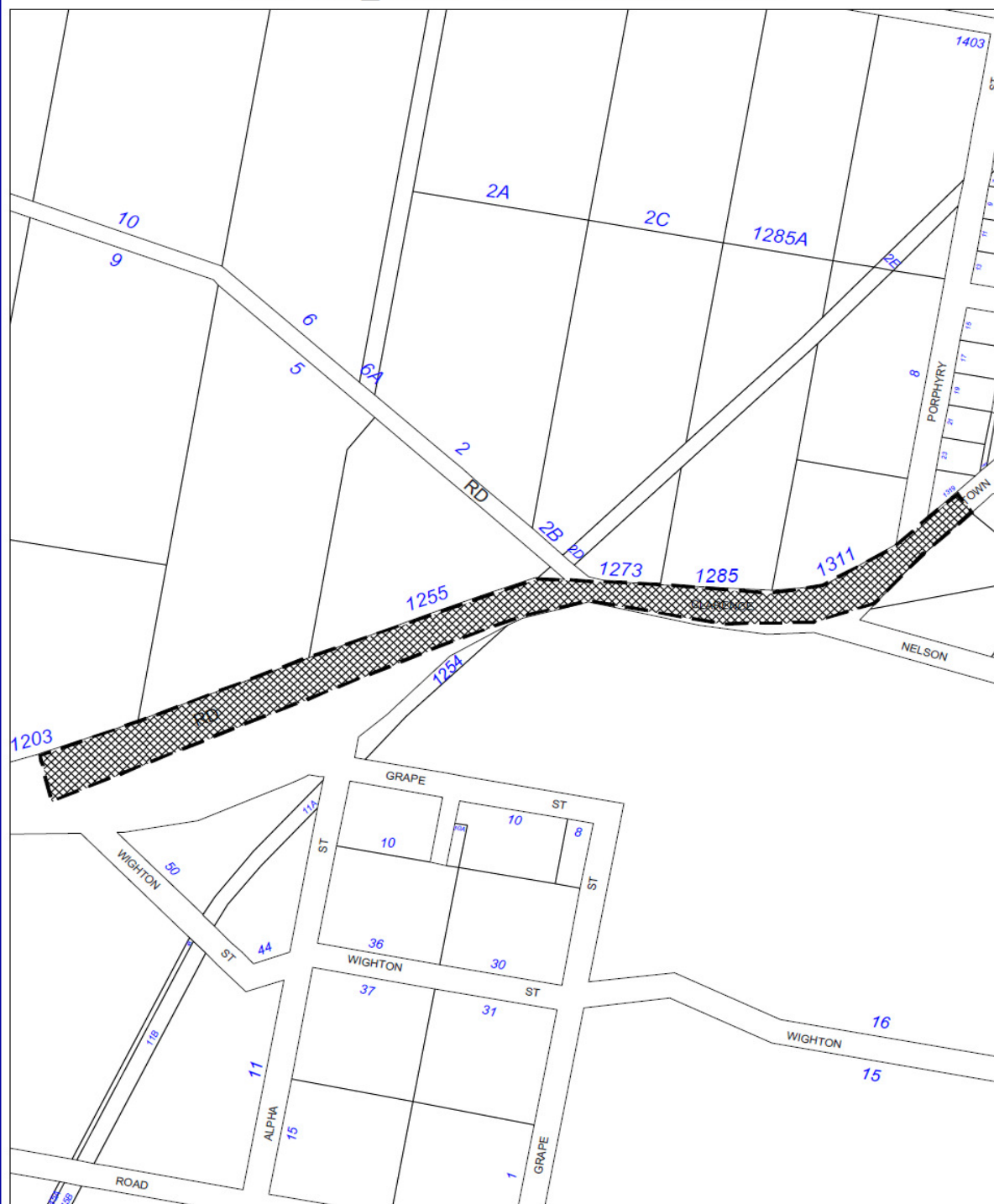
**Committees Advice:**

Forward to the RTA for a speed limit review and direct response to the applicant.

**Committee's discussion:**

The RTA advises that buffer speed zones are not favored under current guidelines and that the preferred approach would be for installation of '60 Ahead' signage to alert drivers that they are entering a built-up area.

# Item 507\_09/09 - Clarencetown Road



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**D3     Item: 508\_09/09**

**SEASIDE BOULEVARD FERN BAY - REQUEST FOR INSTALLATION OF SPEED LIMIT ENTRY SIGNS**

**Requested by:**     The Strata Property Manager  
**File:**                PSC2005-4031/035

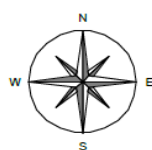
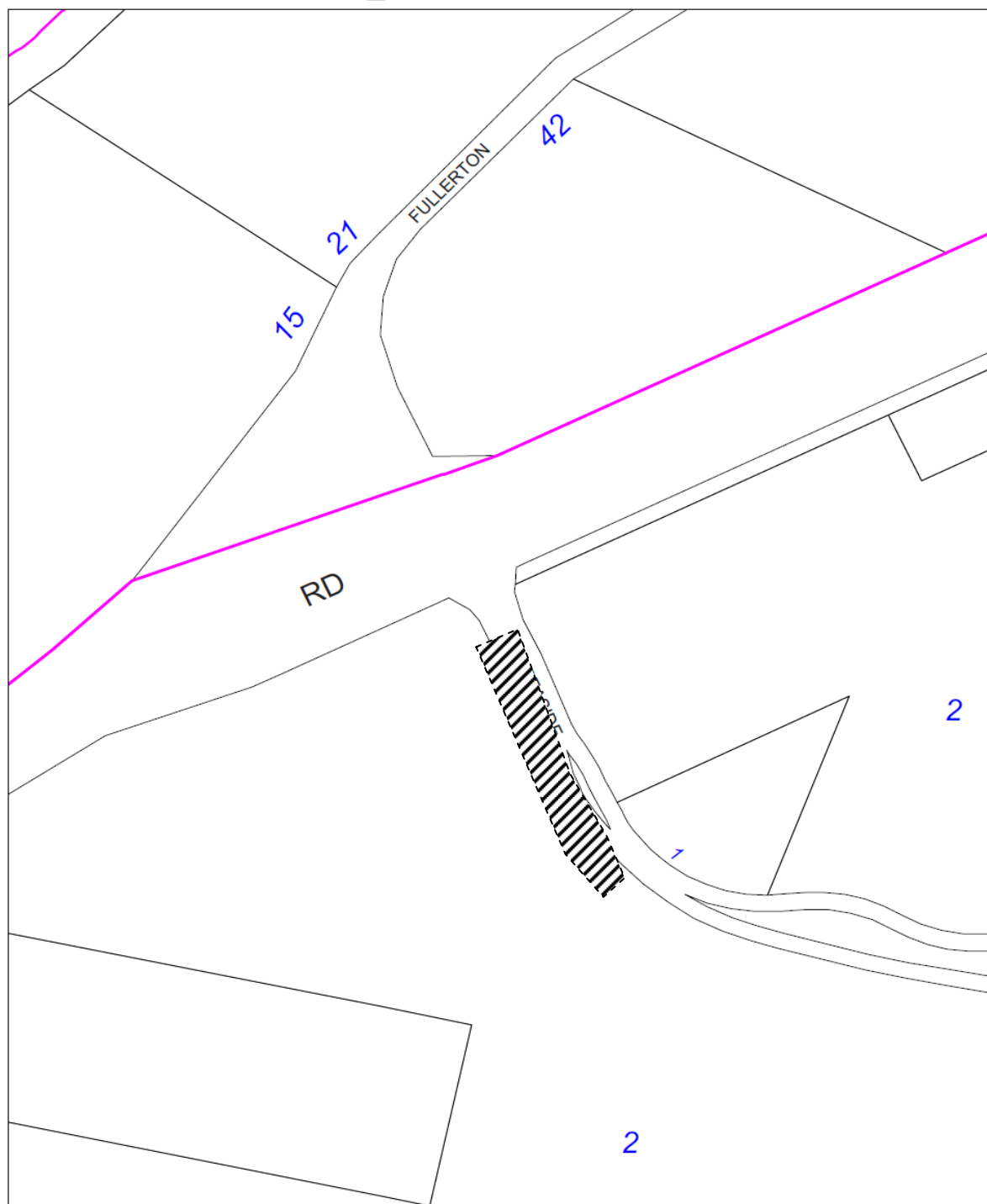
**Discussion:**

The Strata Property Manager for the Fern Bay development has contacted Council to request the installation of speed limit signs when entering Seaside Boulevard from Nelson Bay Road. Currently the speed limit is '70km/h' at the roundabout and there are no further speed limit signs to advise drivers that they are entering a residential area.

**Committees Advice:**

Forward to the RTA for a speed limit review and direct response to the applicant.

Item 508\_09/09 - Seaside Boulevard



ISG 56/1

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**E. General Business**

**Item: E1**

Police request that Traffic Committee investigate the installation of 'Stop' signs at the intersection of Beaton Avenue and Dawson Road and at the intersection of Bellevue Street and Dawson Road.

These items will be added to the next Inspection Committee agenda.

**Item: E2**

Craig Baumann MP requests that Rigney Street Shoal Bay be investigated with regard to bus movements. His office has received complaints regarding the difficulty experienced by other vehicles when buses use the street.

Council officers advise that road works in Rigney Street are proposed in the near future that will improve road safety especially at the school. Council officers to report further at next Traffic Committee meeting.

**Item: E3**

Cr Kafer raised concerns regarding the access to Bayway Village at Fern Bay. There is only 1 existing entrance/exit and with further expansion of the park proposed concerns were raised that the single entrance will be unable to safely cater for all traffic movements, especially if an emergency such as a bush fire were to occur. The Traffic Committee requested that Council investigate further including the possibility of 2 other existing gates into the village being able to be used in an emergency situation.

**Item: E4**

Wallawa Road – Cr Dover requested that Traffic Committee be made aware of the campaign by Wallawa Road residents to have Council take action to improve road safety in Wallawa Road. Council's Traffic Engineer advised Traffic Committee that suitable treatment options are being developed that will be put to affected stakeholders as part of a community consultation process. Under the Roads Act a public consultation period (minimum of 28 days) is required prior to any recommendations regarding installation of traffic calming devices on a public road. A consultation letter containing several options for treatments in Wallawa Road will be sent to affected stakeholders by mid-September. Results of this will then form the basis for a report containing recommendations to go to Traffic Committee and Council.

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**ITEM NO. 7****FILE NO: A2004-0284****REVIEW OF THE CODE OF MEETING PRACTICE****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) The revised Code of Meeting Practice as Tabled at the meeting, be placed on public exhibition for 28 days as required by Section 361 of the *Local Government Act 1993*.
- 

**COUNCIL COMMITTEE MEETING – 13 OCTOBER 2009****RECOMMENDATION:**

	<b>Councillor Bruce MacKenzie Councillor Bob Westbury</b>	That the recommendation be adopted.
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**ORDINARY MEETING – 13 OCTOBER 2009**

<b>344</b>	<b>Councillor Bob Westbury Councillor Ken Jordan</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

**The purpose of this report is to review the Code of Meeting Practice.**

The conduct of meeting of Councils and Committees of Councils' of which all members are councillors, is governed by the *Local Government (General) Regulations 2005*. The Code is required under Section 360 of the *Local Government Act 1993*.

The last review of the Code of Meeting Practice was in October 2008 following the election of the new Council. The Code has been reviewed as a result of the Council resolution concerning the Committee and Council meeting cycles adopted at the Ordinary Council meeting on 22 September 2009.

Several amendments have been made to comply with Council's resolution of 22 September 2009 and to further comply with the Regulations and other guidelines.

## MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009

The changes are indicated in the tabled document by highlighting insertions in BLUE and deletions in RED.

The changes include:

- Section 1.2 – Changes to the Council and Committee meeting cycles and times.
- Section 5.2 – Changes to the public access timing and process to be followed.
- Section 6.1 (9) – Deletion of sub-section 9 as it is no longer required with the introduction of the new Ordinary Council meeting cycle.
- Section 6.1 (12) – Insertion of item to identify Mayoral Minutes.
- Section 6.3 – Changes to the Order of Business
- Section 14 – Deletion of Recording Council/Committee meetings
- Attachment 1 – Declaration of Interest form – insertion of significant non-pecuniary.

The major of the changes are to comply with Council's resolution of 22 September 2009, concerning the Council and Committee meeting cycles.

The deletion of Section 14 "Recording Council/Committee Meetings" is in line with recommendations from Privacy NSW.

Council originally included this section in its Code in 1997, for the purposes of verifying the minutes of the Ordinary Council meetings. This was prior to the introduction of the *Privacy and Personal Information Protection Act 1998*. Privacy NSW strongly recommends to Councils not to record their meetings in this form given the legal implications that may arise through a breach of the legislation. The release of personal information without the consent of the individual concerned could be a potential breach of the legislation.

Council in September 2008 introduced the electronic recording of the minutes at the Ordinary Council meetings. This provides Council with the opportunity to ensure the minutes are accurately recorded and removes the need to continue to record the meetings by audio tapes. It is worth noting that the audio tapes have not been required to be used to verify the accuracy of the minutes for more than seven (7) years.

Council is required to give 28 days public notice of the Code prior to the final adoption of the amended Code and revoking the previous Code.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Council's 2009-10 budget allocation provides for the inclusions covered in the Policy.

### **LEGAL AND POLICY IMPLICATIONS**

Under Section 361 of the Local Government Act 1993, the draft Code must be placed on public exhibition for not less than 28 days. The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the Council. The Council must consider all submissions received before determining the Code.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Code allows Councillors to effectively carry out their responsibilities at meetings of the Council and Committees of which all the members are Councillors.

### **CONSULTATION**

General Manager

### **OPTIONS**

- 1) Adopt the recommendation
- 2) Amend the recommendation/Code

### **ATTACHMENTS**

Nil

### **TABLED DOCUMENTS**

- 1) Code of Meeting Practice

**ITEM NO. 8****FILE NO: PSC2005-3634****RAYMOND TERRACE RUGBY LEAGUE FOOTBALL CLUB COMMUNITY GROUP LOAN****REPORT OF: JASON LINNANE - RECREATION SERVICES MANAGER**  
**GROUP: FACILITIES AND SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Write off the outstanding debt owed from the Raymond Terrace Rugby League Football Club in the amount of \$32,987.79 not recoverable.
- 

**COUNCIL COMMITTEE MEETING – 13 OCTOBER 2009****RECOMMENDATION:**

	<b>Councillor Bruce MacKenzie</b> <b>Councillor Glenys Francis</b>	That the recommendation be adopted.
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**ORDINARY MEETING – 13 OCTOBER 2009**

<b>345</b>	<b>Councillor Glenys Francis</b> <b>Councillor Ken Jordan</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

The purpose of this report is to obtain Council approval to write off a debt that is not recoverable.

Raymond Terrace Rugby League Football Club (RTRLFC) received a community group loan from Port Stephens Council in 2004 to the value of \$40,000. The purpose of the loan was for contribution to works for the Lakeside Sports Complex covered seating (total value of project \$175,000).

RTRLFC underwent significant financial difficulties in recent years and at the end of 2008 the club folded and are no longer in existence. Although the junior rugby

league club (Raymond Terrace Junior Rugby League Club) now administers senior teams they have no affiliation to the now defunct RTRLFC.

RTRLFC approached council in early 2007 regarding their inability to make loan repayments due to sponsorship arrangements not being honoured. A decision was made in conjunction with West Ward Councillors at the time to allow them to defer payments for a 12 month period. The club was not able to recover their financial situation from that time.

It should be noted that the Community Group Loan Policy was reviewed in 2007 and now has more stringent requirements for loan applicants to prevent this situation re-occurring in the future. The requirements include the relevant sports council endorsing as well as being guarantor for any loan.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Council's Recreation Services Section has satisfied itself that Council cannot recover the outstanding balance of the community group loan. A provision has not been made for this bad debt which will result in a bad debt expense of \$32,987.79 in 2009/10.

### **LEGAL, POLICY AND RISK IMPLICATIONS**

A council resolution is required in order to write off this debt under Clause 213 of the Local Government (General) Regulation 2005.

### **SUSTAINABILITY IMPLICATIONS**

This is the first instance of a Community Group Loan from a sporting organisation being defaulted on. To ensure the Community Group Loan Policy is managed appropriately in the future to prevent any further occurrences of default, the policy has been reviewed to include the relevant Sports Council as Guarantor.

### **CONSULTATION**

Sport Facilities Coordinator and Financial Services Manager  
Raymond Terrace Junior Rugby League Football Club

### **OPTIONS**

1. Accept the recommendation
2. Modify the recommendation
3. Reject the recommendation



**ATTACHMENTS**

Nil

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

Nil

**ITEM NO. 9****FILE NO: PSC2007-2791****PORT STEPHENS FUTURES STRATEGY**

**REPORT OF: DAVID BROYD – GROUP MANAGER**  
**GROUP: SUSTAINABLE PLANNING**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Port Stephens Futures Draft Strategy (Attachment 1 – provided under separate cover) in principle and as a foundation for the preparation of the Community Strategic Plan, Delivery Program and Operational Plans;
  - 2) Delegate to the General Manager to finalise by way of corrections and upgrading for publication – without in any way detracting from the substance of the content of the document;
  - 3) Plan to exhibit the Port Stephens Futures Strategy with the Community Strategic Plan during March, April and/or May 2010, and
  - 4) Formally express its appreciation to the members of the Port Stephens Futures Reference Group (Attachment 2).
- 

**COUNCIL COMMITTEE MEETING – 13 OCTOBER 2009****RECOMMENDATION:**

	<b>Councillor Steve Tucker</b> <b>Councillor Shirley O'Brien</b>	That the recommendation be adopted and that the revised Port Stephens Futures Strategy be presented to back to Council.
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Ken Jordan, Shirley O'Brien , Bob Westbury, Glenys Francis, Sally Dover, Bruce MacKenzie, John Nell, Frank Ward and Steve Tucker.

Those against the Motion: Councillors Nil

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**ORDINARY MEETING – 13 OCTOBER 2009**

<b>346</b>	<b>Councillor Steve Tucker</b> <b>Councillor Shirley O'Brien</b>	It was resolved that the recommendation be adopted.
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Ken Jordan, Shirley O'Brien , Bob Westbury, Glenys Francis, Sally Dover, Bruce MacKenzie, John Nell, Frank Ward and Steve Tucker.

Those against the Motion: Councillors Nil

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## **BACKGROUND**

Preparation of the Port Stephens Futures Draft Strategy is based upon extensive community consultation since November 2008, culminating in a Community Forum that took place on 15 May and 21 May 2009.

Preparation of the draft Strategy has been a 'whole of Council' commitment and is now presented with recommended endorsement.

Port Stephens Futures Strategy is a major statement by this Council about the future of Port Stephens and is :

- a) a set of strategic directions recommended for endorsement by this Council to give expression to the outcomes being sought and the means of achieving them; and
- b) a statement of proposed actions to be given effect by inclusion in the Community Strategic Plan, delivery program and/or operational plans of Council
- c) a draft Strategy that is solidly based upon collective engagement and ownership across the broad community, State agencies and other stakeholders
- d) a foundation for the new Port Stephens Comprehensive Local Environmental Plan to be submitted to the State Government in late 2010/early 2011.

## **Principles**

The directions and actions in the document are based upon the SMART approach, i.e. to be **S**pecific, **M**easurable, **O**btainable, **R**ealistic and **T**imed.

The implementation responsibilities are divided into four streams:

- a) **Lead:** where Council has direct control and responsibility (budget allocation, staff allocation etc.);
- b) **Partner:** where Council will work collaboratively with other stakeholders (e.g. State agencies to achieve;
- c) **Advocate:** where Council takes an advocacy/lobbying role; and
- d) **Support:** where certain stakeholders or sectors of the community have an advocacy, lobbying or direct actioning role.

### **Timeframes**

The actions are divided into the following timeframes:

Immediate – 1 year  
Short term – 1-4 years  
Medium term- 4-12 years  
Long term – 12 years+

These timeframes align with budgeting and Section Plans; the delivery program and Community Strategic Plan that are to be legislated as part of the Integrated Planning Framework promoted by the NSW Department of Local Government.

### **FINANCIAL/RESOURCE IMPLICATIONS**

These implications are highly significant as consequences of recommended directions and actions.

Financial and resource feasibility have underpinned recommended directions and actions. Many of the actions will not be considered amongst other competing interests for inclusion in future budgets and delivery programs.

### **LEGAL, POLICY AND RISK IMPLICATIONS**

Port Stephens Futures Strategy is the foundation for:

- a) A major revision of the Council Plan for 2010-14 and the related delivery program and budgeting – preparation of which is about to commence within the organisation;
- b) The Community Strategic Plan for which Council is seeking to be a “Category 1 Council” and complete such a draft Plan by March 2010; and
- c) The new Comprehensive Port Stephens Local Environmental Plan and related development and environmental planning framework.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Sustainability is the foundation of the draft Strategy in that the draft Strategy:

- Enables a long-term statement of desired outcomes to guide short term decisions and their related consequences;
- Records our “customers” as being future generations who need housing, jobs and a maintained/improved natural environment etc. and
- Embodies plans and tradeoffs between various elements of the social, cultural, economic, environmental and governance pillars of sustainability.

## **CONSULTATION**

This is explained at some length within the draft Strategy (Attachment 1 - Chapter 3) and has been a highly extensive and successful process of community engagement. At the Association's request, two meetings have been held with representatives of the Tomaree Residents and Ratepayers Association during the finalisation of the draft Strategy.

Because of the extensive lead up, the community engagement to recommending this draft Strategy and the work that is about to commence on the Community Strategic Plan, exhibition of the Futures Strategy is recommended to occur in conjunction with the Community Strategic Plan and delivery program in March, April and/or May 2010.

Council has been strongly supported by Futures Strategy Reference Group throughout the process.

## **OPTIONS**

- 1) Adopt the draft Port Stephens Futures Strategy as recommended, with public exhibition coinciding with the Community Strategic Plan in March, April and/or May 2010;
- 2) Endorse the draft Strategy for public exhibition for say 28 or 42 days before Council considers its endorsement, or
- 3) Defer the adoption of the draft Strategy pending further consultation and/or "Two Way Conversations" with Councillors.

## **ATTACHMENTS**

- 1) Draft Port Stephens Futures Strategy (Attachment 1 – provided under separate cover)

## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

Nil

**ATTACHMENT 1  
PORT STEPHENS FUTURES STRATEGY**

**PROVIDED UNDER SEPARATE COVER**

**ATTACHMENT 2**  
**THE PORT STEPHENS FUTURES REFERENCE GROUP**

Cr Steve Tucker	Councillor, Port Stephens Council
Cr Daniel Maher	Councillor, Port Stephens Council
Cr John Nell	Councillor, Port Stephens Council
Cr Bruce MacKenzie	Mayor, Port Stephens Council
Peter Francis	Port Stephens Chamber of Commerce
Brett Fatches	Raymond Terrace Business Association
Robyn Bradbury	Nelson Bay Chamber of Commerce
Bob Hawes	Property Council of Australia
Eric Johnson	UDIA Hunter Branch
John Rodger	University of Newcastle
Boris Novak	C-E solutions
Peter Shinnick	Hunter Business Chamber,
Andrew Smith	Murrook Cultural Centre, representative of the Worimi
Roger Stephan	Hunter Councils
Robert Harper	Access Committee
Jennifer Collison	Department of Premier & Cabinet
Jill Taylor	Hunter Koala Preservation Society
Darrell Dawson	Port Stephens Econetwork
Janelle Tolley	Community Representative
Helen Brown	Councillor representative until September 2008 and then Community Representative
Ron Swan	Mayor until September 2008

**ITEM NO. 10****INFORMATION PAPERS****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**  
**GROUP: GENERAL MANAGERS OFFICE****RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 13 October, 2009.

<b>No:</b>	<b>Report Title</b>
1.	PORT STEPHENS ECONOMIC DEVELOPMENT PANEL
2.	ABORIGINAL STRATEGIC COMMITTEE
3.	CASH AND INVESTMENT HELD AT 31 AUGUSTS 2009
4.	CHILD FRIENDLY BUILT ENVIRONMENT REPORT
5.	COMMUNICATE PORT STEPHENS ADVISORY COMMITTEE

**COUNCIL COMMITTEE MEETING – 13 OCTOBER 2009****RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Shirley O'Brien</b>	That the recommendation be adopted.
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**ORDINARY MEETING – 13 OCTOBER 2009**

<b>347</b>	<b>Councillor Ken Jordan</b> <b>Councillor John Nell</b>	It was resolved that the recommendation be adopted.
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# COUNCIL COMMITTEE INFORMATION PAPERS



**INFORMATION ITEM NO. 1**

**PORT STEPHENS ECONOMIC DEVELOPMENT ADVISORY PANEL**

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**REPORT OF: LESLEY MORRIS – ECONOMIC DEVELOPMENT MANAGER**  
**GROUP: COMMERCIAL SERVICES**

**FILE: A2004-0645**

**BACKGROUND**

The purpose of this report is to present to Council the minutes of the Port Stephens Economic Development Advisory Panel on Tuesday 4 August 2009.

**ATTACHMENTS**

Minutes of the Port Stephens Economic Development Advisory Panel meeting on 4 August 2009.

**ATTACHMENT 1**

**MINUTES OF THE PORT STEPHENS ECONOMIC DEVELOPMENT ADVISORY PANEL MEETING  
HELD 9.30AM TUESDAY 4 AUGUST 2009  
AT THE OFFICE OF BUSINESS PORT STEPHENS, RAYMOND TERRACE**

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**PRESENT:** Cllr Bob Westbury (In the Chair), Robyn Bradbury, Peter Dann, Scott Orpin, , Boris Novak, Susan Rowe, Gillian Summers, Ian Rennie, Brett Fatches, Lesley Morris, Cr Bruce MacKenzie, Brendan Brooks

**APOLOGIES:** Paul Hughes, Peter Gesling, Cllr Steve Tucker

**MINUTES OF THE LAST MEETING**

Accepted as true and correct

Moved by R. Bradbury, seconded by B. Novak

**BUSINESS ARISING**

- A definition of events and the role of BPS in events is currently being defined
- Business Leaders Lunches have commenced
- Leadership awards have yet to be investigated.
- Clarification that Mid North Coast was omitted as a partner in the Port Stephens Business Prospectus in error.

**QUARTERLY REPORT, STATISTICS AND PROJECT UPDATES**

Lesley Morris presented the Business Port Stephens quarterly report and Marketing Plan with recent progress on KPIs highlighted.

**Business Arising:**

- G. Summers offered to talk with Lee Baines in regard to the Innovate Port Stephens project
- Marketing materials - L. Morris advised that the website is always being update as an organic resource. The Economic Profile was due to be updated as part of the annual revision process.
- The Port Stephens Lifestyle brochure developed for Country Week was presented
- B. Novak asked how long it takes to put together the Economic Profile, suggested an organization called Information Works as a cost effective resource to assist. L. Morris detailed the level of data requirements and our role and efficiencies in doing it in house.
- G. Summers congratulated BPS on bringing in the level of grant funding and creating the leverage it has over the last twelve months.
- Regarding the Nelson Bay Strategic Plan and workshop, B. Novak expressed concern over the low level of attendance at the workshop.
- Cr MacKenzie questioned the role of NBTM in regard to challenges brought about by Salamander Bay shopping centre. S Rowe suggested a separate approach regarding Salamander Bay, also tied to NBTM.
- L. Morris provided a brief update on the Tourism Strategic Review, Cr MacKenzie stressed the need for Cr Westbury's involvement from a Port Stephens Council point of view.
- The Marketing Plan was reviewed; I. Rennie suggested a mechanism to gauge the return on investment in this area. G. Summers suggested we can count leads, enquiries, investment, jobs. I. Rennie suggested we find new business start-ups and developments lodged with council.
- Cr MacKenzie advised of a new Bunnings signed for Taylors Beach, the goal of developing the Raymond Terrace sporting field retail development the best shopping centre it could possibly be, and support for continued growth of Raymond Terrace.

**ATTACHMENT 1**

- S. Orpin and B. Novak asked a question on the sponsorship required for the Mayoral Scholarships
- S. Orpin congratulated L. Morris on a successful Business Leaders Lunch
- B. Brooks gave an overview of the website traffic data

**BPS 2008/2009 ANNUAL REPORT**

- L. Morris presented the annual report, highlighting the outcome of projects totaling \$1.3 million from the \$600,000 investment from Council's allocation of business rates, among other highlights drawn from the report.
- B. Novak suggested that the presentation of the annual report be kept professional and not too design heavy.
- G. Summers asked about the state of stakeholders HEDC and HACC and whether their combination to form Regional Development Australia will affect local government.
- S. Rowe advised that HRTD are looking at moving from tier 2 to tier 1 and are looking at their revenue model. P. Dann explained the financial benefit to Port Stephens of belonging to Mid North Coast region. S. Rowe explained the current process of changing the boundaries of the regional tourism areas to align with the DSRD boundaries.
- G. Summers suggested the inclusion of a statement from the Chair under signature on the weight of achievements.
- S. Rowe asked that the status of Council's support of BPS be included.
- G. Summers also suggested tabling the Annual report with councillors.

**BPS 2009/2010 BUSINESS PLAN**

The BPS Business Plan for the 2009/2010 year was presented.

**GENERAL BUSINESS**

- B. Brooks is reviewing the CED program in terms of identification of outcomes, measurement and evaluation of those outcomes
- I. Rennie asked what DSRD require for BPS to show the value of its work with the grants received and does DSRD evaluate performing areas. S. Rowe identified outcome reports, investments and partnerships which are gained from evaluation reports on funded projects.
- B. Novak advised that his business C-E Solutions is a finalist in the Hunter Business Awards

There being no further business, the meeting closed at 11.30am

*NEXT MEETING – 9.30AM TUESDAY 3 NOVEMBER 2009*

**INFORMATION ITEM NO. 2**

**ABORIGINAL STRATEGIC COMMITTEE**

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

**FILE: PSC2005-0629**

**BACKGROUND**

**The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting with Karuah Local Aboriginal Land Council on 1 September 2009.**

The Aboriginal Strategic Committee is aligned with the following social and cultural directions stated in Council Plan 2009 – 2013: -

**SOCIAL RESPONSIBILITY - DIRECTIONAL STATEMENT**

Council will preserve and strengthen the fabric of the community, building on community strengths by:

- Supporting and providing opportunities to enhance individual and community well-being and welfare;
- Providing opportunities for people to participate in community decision-making.

**CULTURAL RESPONSIBILITY - DIRECTIONAL STATEMENT**

Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity by:

- Providing and supporting opportunities for the expression of community values;
- Promoting the celebration of natural heritage, national days of significance and local indigenous culture;
- Providing the catalyst for the realisation of values, spirit, vitality and expression through cultural activities;

**ATTACHMENTS**

- 1) Minutes of Aboriginal Strategic Committee meeting with Karuah LALC on 1 September 2009.

ATTACHMENT 1



116 Adelaide Street, Raymond Terrace NSW 2324  
PO Box 42, Raymond Terrace NSW 2324

DX 21406 | ABN 16 744 377 876



**ABORIGINAL STRATEGIC COMMITTEE MEETING  
WITH KARUAH LOCAL ABORIGINAL LAND COUNCIL  
HELD ON TUESDAY 1 SEPTEMBER 2009  
AT KARUAH RESERVE**

**Present:**

David Feeney	Karuah LALC
Sharon Feeney	Karuah LALC
Carl Simms	Karuah LALC
Cr O'Brien	PSC
Cr Dover	PSC
Cliff Johnson	PSC
Paul Procter	PSC

**Apologies:**

Kevin Manton	Karuah LALC
Cr MacKenzie	PSC
Cr Kafer	PSC
Peter Gesling	PSC
Mike Triggar	PSC

**1. WELCOME**

KLALC CEO welcomed everyone.

**2. BUSINESS ARISING FROM PREVIOUS MINUTES**

**ITEM 1: Old Karuah School House**

KLALC considering options for the future use of the former school house.

Actions	1. KLALC Board will determine their preferred option for this facility at their next meeting.
	2. Subject to (1), options and costs of relocating building will be investigated.

**MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009**

	3. Subject to (1), KLALC will prepare and lodge a Development Application.
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**ITEM 2: Tennis Court**

KLALC have not yet expended grant received under Aboriginal Project Fund to upgrade existing court.

Action	1. KLALC Board to consider requesting a variation to expenditure of grant with reference to priorities specified within their Community & Business Plan.
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**ITEM 3: Replacement Bus Shelter**

KLALC is seeking assistance to replace existing bus shelter.

Actions	<ol style="list-style-type: none"><li>1. Council's Social Planning Co-ordinator will investigate options for obtaining a replacement bus shelter (eg; purchase of new or redundant shelters) and potential funding sources.</li><li>2. KLALC CEO will ask RTA to consult with Council on the development of the RTA works program for Aboriginal Reserves.</li></ol>
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**ITEM 4: Aboriginal Project Fund Stage 2**

Stage 2 applications have been reviewed and assessed by ASC. ASC recommendations on the allocation of available Aboriginal Project Funds will be presented to Council in Oct 2009.

**ITEM 5: NAIDOC Week 2009**

This year's event went well. Suggested that next year's event: -

- include stalls
- planning commence in early 2010 with meetings alternating between Karuah Reserve and Murrook
- Main event remain at Riverside Park, Raymond Terrace with an alternate wet weather plan being developed

Action	1. Council's Social Planning Co-ordinator to advise Council's Community Planner – Cultural Development of ASC desired outcomes for NAIDOC Week 2010.
--------	--

**ITEM 6: 2009 Joint Meeting**

Joint meeting held at Murrook in July was a great success. KLALC would like to host the 2010 Joint Meeting in their renovated community hall.

Action	1. Council's Social Planning Co-ordinator to specify in 2010 ASC meeting schedule for joint meeting to be held at Karuah Aboriginal Reserve.
--------	--

**3. GENERAL BUSINESS****3.1 Recycling Bins**

KLALC require recycling bins for the boatshed.

Action	1. Council's Social Planning Co-ordinator to refer this request onto Council's Waste Services for consideration.
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**3.2 Kerb & Gutter Cleaning**

KLALC indicated that it has been sometime since the kerb and gutters on Mustons Rd, and cul-de-sac have been swept by Council.

Action	1. Council's Social Planning Co-ordinator to refer this request onto Council's Facilities & Services Group for consideration.
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**3.3 Maintenance of Road Reserve Cnr Tarean & Mustons Rds**

KLALC asked if Council could look at slashing the overgrown area at the rear of the oval and between Mustons Rd.

Action	1. Council's Social Planning Co-ordinator will refer this request onto Council's Facilities & Services Group for consideration.
--------	---

**3.4 Council's Residents Panel**

Council's Social Planning Co-ordinator gave KLALC an overview of Council's Residents Panel and encouraged community participation.

**3.5 UWS Karuah Visit**

Council's Social Planning Co-ordinator indicated that the University of Western Sydney (UWS) will be visiting Karuah on Friday to undertake a review of the town, 5 years on from the bypass opening. He encouraged KLALC participation in this review.

**4. NEXT MEETING**

3 November 2009 at Karuah Reserve commencing 1pm.

Meeting closed at 2:35pm



**INFORMATION ITEM NO. 3**

**CASH AND INVESTMENTS HELD AT 31 AUGUST 2009**

---

**REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER**  
**GROUP: COMMERCIAL SERVICES**

**FILE: PSC2006-6531**

**BACKGROUND**

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

**ATTACHMENTS**

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

# MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009

## ATTACHMENT 1

CASH & INVESTMENTS HELD - AS AT 31 AUGUST 2009										
INVESTED WITH	INV. TYPE	CURRENT RATING	MATURITY DATE	AMOUNT INVESTED	% of Total Portfolio	Current Int Rate	Market Value June	Market Value July	Market Value August	Current Mark to Market Exposure
<b>GRANGE SECURITIES</b>										
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	AA	20-Mar-12	1,000,000.00	3.15%	4.75%	\$699,000.00	\$699,000.00	\$710,000.00	-\$290,000.00
NEXUS BONDS LTD "TOPAZ AA"	Floating Rate CDO	AA-	23-Jun-15	412,500.00	1.30%	5.74%	\$231,000.00	\$231,000.00	\$231,000.00	-\$181,500.00
HERALD LTD "QUARTZ AA"	Floating Rate CDO	BB+	20-Dec-10	450,000.00	1.42%	4.75%	\$203,130.00	\$203,130.00	\$199,710.00	-\$250,290.00
STARTS CAYMAN LTD "BLUE GUM AA"	Floating Rate CDO		22-Jun-13	1,000,000.00	3.15%	4.65%	\$100.00	\$100.00	\$16,000.00	-\$984,000.00
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	A-	20-Mar-13	1,000,000.00	3.15%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
HOME BUILDING SOCIETY	Floating Rate Sub Debt		25-Jul-11	500,000.00	1.57%	4.11%	\$428,180.00	\$428,180.00	\$430,745.00	-\$69,255.00
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note		18-Oct-11	500,000.00	1.57%	5.36%	\$500,000.00	\$500,000.00	\$503,100.00	\$3,100.00
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	AA-	20-Mar-14	1,000,000.00	3.15%	4.25%	\$248,200.00	\$248,200.00	\$277,500.00	-\$722,500.00
GRANGE SECURITIES "COOLANGATTA AA"	Floating Rate CDO	AA	20-Sep-14	1,000,000.00	3.15%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
<b>TOTAL GRANGE SECURITIES</b>				<b>\$6,862,500.00</b>	<b>21.62%</b>		<b>\$2,309,610.00</b>	<b>\$2,309,610.00</b>	<b>\$2,368,055.00</b>	<b>(\$4,494,445.00)</b>
<b>ABN AMRO MORGANS</b>										
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	AA	20-Sep-09	\$2,000,000.00	6.30%	0.00%	\$1,950,000.00	\$1,971,000.00	\$1,969,000.00	-\$31,000.00
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note		17-Sep-11	\$1,000,000.00	3.15%	0.00%	\$865,400.00	\$863,600.00	\$866,300.00	-\$133,700.00
BANK OF QLD TERM DEPOSIT	Term Deposit				0.00%		\$750,000.00	\$750,000.00		
<b>TOTAL ABN AMRO MORGANS</b>				<b>\$3,000,000.00</b>	<b>9.45%</b>		<b>\$3,565,400.00</b>	<b>\$3,584,600.00</b>	<b>\$2,835,300.00</b>	<b>(\$164,700.00)</b>
<b>ANZ INVESTMENTS</b>										
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA"	Floating Rate CDO	B	6-Apr-10	\$500,000.00	1.57%	4.32%	\$319,000.00	\$319,000.00	\$345,000.00	-\$155,000.00
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	BB	30-Dec-11	\$1,000,000.00	3.15%	0.00%	\$370,300.00	\$370,300.00	\$503,000.00	-\$497,000.00
ANZ ZERO COUPON BOND	Zero Coupon Bond	AA	1-Jun-17	\$1,017,876.98	3.21%	0.00%	\$593,401.92	\$593,401.92	\$594,867.66	-\$423,009.32
<b>TOTAL ANZ INVESTMENTS</b>				<b>\$2,517,876.98</b>	<b>7.93%</b>		<b>\$1,282,701.92</b>	<b>\$1,282,701.92</b>	<b>\$1,442,867.66</b>	<b>(\$1,075,009.32)</b>
<b>RIM SECURITIES</b>										
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO		29-Jul-13	\$2,000,000.00	6.30%	0.00%	\$680,006.00	\$680,006.00	\$969,998.00	-\$1,030,002.00
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt		8-Oct-11	\$1,000,000.00	3.15%	3.94%	\$858,980.00	\$859,703.00	\$868,966.00	-\$131,034.00
SAVINGS AND LOANS CREDIT UNION	Term Deposit						\$1,000,000.00			\$0.00
SAVINGS AND LOANS CREDIT UNION	Term Deposit						\$1,000,000.00			\$0.00
<b>TOTAL RIM SECURITIES</b>				<b>\$3,000,000.00</b>	<b>9.45%</b>		<b>\$3,538,986.00</b>	<b>\$1,539,709.00</b>	<b>\$1,838,964.00</b>	<b>(\$1,161,036.00)</b>
<b>WESTPAC INVESTMENT BANK</b>										
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt		27-Apr-10	\$500,000.00	1.57%	4.26%	\$448,475.00	\$453,835.00	\$465,475.00	-\$34,525.00
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt		20-Nov-11	\$500,000.00	1.57%	4.42%	\$429,555.00	\$432,240.00	\$433,925.00	-\$66,075.00
<b>TOTAL WESTPAC INV. BANK</b>				<b>\$1,000,000.00</b>	<b>3.15%</b>		<b>\$878,030.00</b>	<b>\$886,075.00</b>	<b>\$899,400.00</b>	<b>(\$100,600.00)</b>
<b>CURVE SECURITIES</b>										
POLICE AND NURSES CREDIT UNION	Term Deposit						\$1,000,000.00			
SAVINGS AND LOANS CREDIT UNION	Term Deposit						\$1,000,000.00			
<b>TOTAL CURVE SECURITIES</b>				<b>\$0.00</b>	<b>0.00%</b>		<b>\$2,000,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>DEFENCE CREDIT UNION</b>										
DEFENCE CREDIT UNION TERM DEPOSIT	Term Deposit						\$1,000,000.00			
<b>TOTAL DEFENCE CREDIT UNION</b>				<b>\$0.00</b>	<b>0.00%</b>		<b>\$1,000,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>LONGREACH CAPITAL MARKETS</b>										
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	AA	7-Mar-12	\$500,000.00	1.57%	0.00%	\$409,900.00	\$408,245.00	\$419,470.00	-\$80,530.00
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note		7-Sep-12	\$500,000.00	1.57%	0.00%	\$389,950.00	\$395,950.00	\$402,200.00	-\$97,800.00
<b>TOTAL LONGREACH CAPITAL</b>				<b>\$1,000,000.00</b>	<b>3.15%</b>		<b>\$799,850.00</b>	<b>\$804,195.00</b>	<b>\$821,670.00</b>	<b>(\$178,330.00)</b>

# MINUTES FOR ORDINARY MEETING – 13 OCTOBER 2009

## ATTACHMENT 1

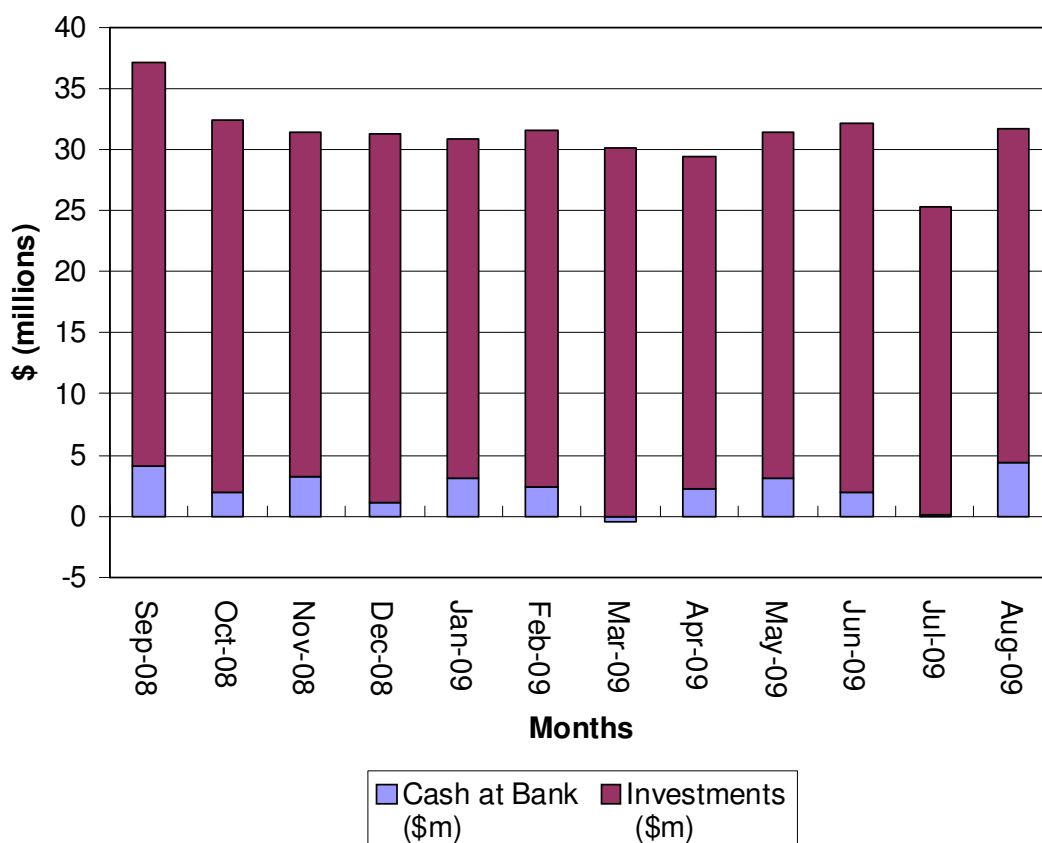
COMMONWEALTH BANK										
EQUITY LINKED DEPOSIT	Equity Linked Note	20-Sep-11	\$500,000.00	1.57%	3.00%	\$483,900.00	\$481,550.00	\$478,750.00	-\$21,250.00	
EQUITY LINKED DEPOSIT GI100	Equity Linked Note	03-Aug-10	\$500,000.00	1.57%	3.00%	\$508,200.00	\$500,100.00	\$500,100.00	\$100.00	
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note	05-Nov-12	\$500,000.00	1.57%	3.00%	\$466,300.00	\$464,350.00	\$462,200.00	-\$37,800.00	
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt	09-Nov-12	\$500,000.00	1.57%	4.52%	\$446,315.00	\$467,550.00	\$474,940.00	-\$25,060.00	
BANK OF QUEENSLAND	Term Deposit	12-Aug-10	\$1,000,000.00	3.15%	4.80%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00	
BANK OF QUEENSLAND BOND	Bond	16-Mar-12	\$1,000,000.00	3.15%	5.35%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00	
TOTAL COMMONWEALTH BANK			\$4,000,000.00	12.60%		\$3,904,715.00	\$3,913,550.00	\$3,915,990.00	(\$84,010.00)	
FIG SECURITIES										
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	Principal Protected Note	21-Jun-10	\$1,000,000.00	3.15%	0.00%	\$956,000.00	\$957,300.00	\$956,300.00	-\$43,700.00	
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note	30-Nov-14	\$500,000.00	1.57%	4.49%	\$412,570.00	\$478,370.00	\$494,765.00	-\$5,235.00	
TOTAL FIG SECURITIES			\$1,500,000.00	4.72%		\$1,368,570.00	\$1,435,670.00	\$1,451,065.00	(\$48,935.00)	
ALLIED IRISH BANKS										
AIB TERM DEPOSIT		18-Nov-09	1,000,000.00	3.15%	4.63%			\$1,000,000.00	\$0.00	
AIB TERM DEPOSIT		27-Oct-09	1,000,000.00	3.15%	4.30%			\$1,000,000.00	\$0.00	
AIB TERM DEPOSIT		26-Nov-09	1,000,000.00	3.15%	4.67%			\$1,000,000.00	\$0.00	
TOTAL ALLIED IRISH BANK			\$3,000,000.00	9.45%				\$3,000,000.00	\$0.00	
MAITLAND MUTUAL										
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	30-Jun-13	500,000.00	1.57%	4.19%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00	
MAITLAND MUTUAL TERM DEPOSIT	Term Deposit	23-Nov-09	568,076.60	1.79%	4.60%	562,420.35	562,420.35	568,076.60	\$0.00	
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	31-Dec-14	500,000.00	1.57%	4.19%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00	
TOTAL M/LAND MUTUAL			\$1,568,076.60	4.94%		\$1,562,420.35	\$1,562,420.35	\$1,568,076.60	\$0.00	
TOTAL INVESTMENTS			\$27,448,453.58	86.46%		\$22,210,283.27	\$17,318,531.27	\$20,141,388.26	(\$7,307,065.32)	
AVERAGE RATE OF RETURN ON INVESTMENTS			2.66%							
CASH AT BANK			\$4,298,414.79	13.54%	2.95%	\$1,947,443.30	\$126,821.10	\$4,298,414.79	\$0.00	
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH			2.77%							
TOTAL CASH & INVESTMENTS			\$31,746,868.37	100.00%		\$24,157,726.57	\$17,445,352.37	\$24,439,803.05	(\$7,307,065.32)	
BBSW FOR PREVIOUS 3 MONTHS			3.28%							

ATTACHMENT 2

**Cash and Investments Held**

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
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
Feb-09	2.364	29.187	31.551
Mar-09	0.531	30.187	29.656
Apr-09	2.234	27.187	29.421
May-09	3.160	28.193	31.353
Jun-09	1.947	30.193	32.140
Jul-09	0.127	25.193	25.320
Aug-09	4.298	27.448	31.747

**Cash and Invested Funds for the Period ended  
31/8/2009**

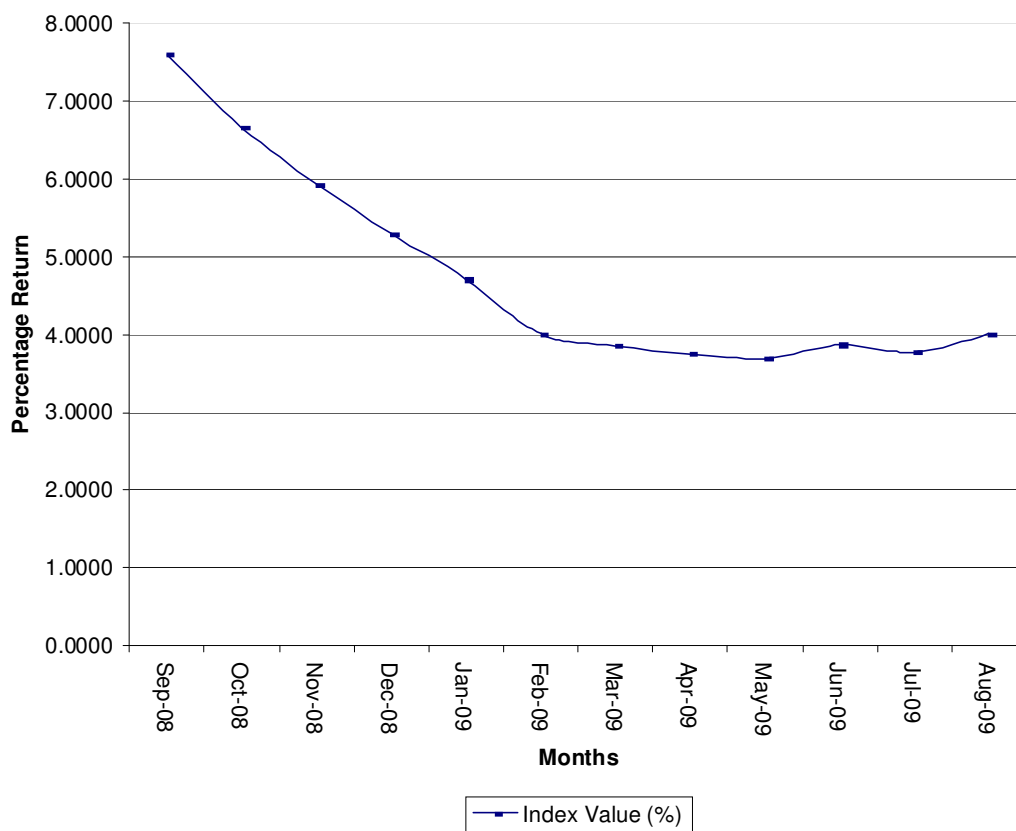


ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Sep-08	7.6020
Oct-08	6.6626
Nov-08	5.9328
Dec-08	5.2972
Jan-09	4.7113
Feb-09	4.0024
Mar-09	3.8542
Apr-09	3.7513
May-09	3.6960
Jun-09	3.8699
Jul-09	3.7701
Aug-09	4.0082

Australian Term Deposit Index as at 31/8/2009



**INFORMATION ITEM NO. 4**

**CHILD FRIENDLY BUILT ENVIRONMENT REPORT**

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

**FILE: PSC2007-2096**

**BACKGROUND**

The purpose of this report is inform Council that the 'Child Friendly Built Environment Report' undertaken by GMU Design & Architecture Pty Ltd has been completed, and work has commenced on incorporating the report's recommendations into Council's land use planning policies, procedures and planning framework.

In 2007 the NSW Commission of Children and Young People selected Port Stephens and Wollongong Councils to collaborate with them on the Child Friendly Built Environment Indicators Project.

In 2008 Council engaged GMU Urban Designers and Architects to undertake the Child Friendly Built Environment Project. The project included: -

- applying the draft indicators to Council's land use planning policies, procedures and planning framework to assess their level of child friendliness;
- undertake evidence based best practice research on Child Friendly Built & Physical Environments;
- test Council's policies and plans of management against this research and make recommendations on existing alignment and opportunities to strengthen alignment with the research;
- undertake a case study project to examine the application of Child Friendly principles 'on the ground';
- work closely with Council and the NSW Commission for Children and Young People to report and present recommendations for potential policy and practice reform at local and state levels.

The project findings were presented to Council at a 2-way conversation on 12 May 2009.

**The Built Environment Report consists of the following three sections: -**

**1. Urban Issues and Strategies (best practice research and draft Indicator testing);**

The findings conclude that 'Based on research and findings, conclusion can be made that the key issues of consideration within urban environment for children are –

- Distances to different facilities for children
- Design of streets
- Pathways/footpaths and their relation to the private domain
- Design of neighbourhoods and their relation with public domain
- Collocation and design of places and spaces for children

The key strategies considered to create a better urban environment for children are:

- Avoid social isolation that leads to higher crime rates among children. This can be achieved by locating facilities for children within 400m of the residential neighbourhood and grouping facilities together to create a destination node that is easily and independently accessible for children.
- Ensure connectivity and walkability throughout the neighbourhood. Carefully design the streets, road crossings, footpaths and public domain as children are most comfortable within safe, visible and attractive environment.
- Encourage traffic calming.
- Consider behavioural pattern of children during the design of places and spaces for children. Involving children in the design of spaces would help to make the spaces relevant and attractive to young people.'

**2. Draft Council Control and Review;**

**The findings include positive practice examples and suggested amendments to policy;**

**3. Urban Design Case Study testing the Research findings on Salamander Bay Town Centre Precinct:**

**The findings include Strategies, Suggested Design Guidelines and Potential Design Options that will better align the Precinct with Child Friendly indicators.**

**It is intended that the Built Environment Report will be utilised by Council as a best practice reference document. The findings will be considered in the review of Council's policies and practices, and provide evidence to support recommendations for changes that more closely align Council documents with Child-Friendly**

principles. This is in accordance with the following Council Plan 2009-2013 objective: -

- *Amend the Community Settlement Infrastructure Strategy and Development Control Plan, Economic Development Strategy, Port Stephens Futures Plan and Road Safety Plan as per the recommendations of the Child Friendly Built Environment Report by December 2009.*

The recommendations of the Child Friendly Built Environment Report are being considered in the review of the Community Settlement Infrastructure Strategy and Development Control Plan 2007.

For further information on Council's Child Friendly Communities Program please contact Council's Social Planning Team on 4980 0323.

## **ATTACHMENTS**

Nil

## **TABLED**

- 1) 2009 Child Friendly Built Environment Report



**INFORMATION ITEM NO. 5**

**COMMUNICATE PORT STEPHENS ADVISORY COMMITTEE**

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**REPORT OF: LESLEY MORRIS – ECONOMIC DEVELOPMENT MANAGER**  
**GROUP: COMMERCIAL SERVICES**

**FILE: PSC2005-0052**

**BACKGROUND**

The purpose of this report is to present to Council the minutes of the Communicate Port Stephens Advisory Committee on Wednesday 5 August 2009.

**ATTACHMENTS**

Minutes of the Communicate Port Stephens Advisory Committee meeting on 5 August 2009.

ATTACHMENT 1



**MINUTES OF THE MEETING OF THE  
COMMUNICATE PORT STEPHENS ADVISORY COMMITTEE**

Held at the office of Business Port Stephens, Raymond Terrace  
4pm on Wednesday 5 August 2009

**PRESENT:** Glenys Francis, Frank Ward, Lesley Morris, Ange Williams, Andrew Arnott,  
Mary O'Brien, Adrian McConnell.

**APOLOGIES:** Eddie Bernard, Neville Deuis, Darrell Gibson

Business Arising from Previous Meeting:

Nil.

Proposal for Quarterly Meetings

- A proposal to move from two-monthly to quarterly meetings was presented. This will enable quarterly reports against KPIs to be submitted to the Advisory Committee.
- Information Reports incorporating the minutes of the Advisory Committee are to be submitted to Port Stephens Council on a quarterly basis.
- Quarterly Meetings were approved, with next meetings to be held in November, February, May and August.

Communicate Port Stephens Report

- Monthly reporting format was presented by Andrew Arnott.
- Port Stephens Examiner will prepare articles on Amanda (volunteer), Job find and other items of interest.
- It was suggested that in order to enhance Tourism statistics that visitors be asked for their postcodes.
- Opportunities and initiatives were discussed for making visitors aware of the facilities at Communicate Port Stephens.
- A3 flyer information to be included in the Visitor information display to show the range of products.

Staffing / Volunteers


- Andrew Arnott has been appointed as Coordinator Communicate Port Stephens.
- Mary O'Brien has been assisting with some of the Business Development activities on a casual basis.

- Amanda has commenced employment with the PSC Library.
- Additional volunteers are currently being sourced.

Addition of Committee Members

- It was suggested that additional Advisory Committee members be sought.
- The Constitution and Bylaws will need to be checked regarding the composition of the Committee.
- If appropriate, there will be a call for expressions of interest seeking up to 4 members with roles from community and business.

General Business

- Cr Francis will request some additional signage leading to "Internet Café".
- Investigate adding an  on the Sturgeon Street side of building.
- Next meeting – Wednesday 4 November 2009

*There being no further business, the meeting closed at 5pm.*

There being no further business the meeting closed at 6.36pm.

*I certify that pages 1 to 116 of the Open Ordinary Minutes of Council 13 October 2009 were confirmed by Council at its meeting held on 20 October 2009.*

.....  
**Cr Bruce MacKenzie**  
**MAYOR**