

Minutes 15 December 2009



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 15 December 2009, commencing at 8.07pm.

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

419	Councillor Steve Tucker Councillor Ken Jordan	It was resolved that the apology from Cr Daniel Maher be received and noted.
420	Councillor Ken Jordan Councillor John Nell	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 8 December 2009 be confirmed.

Cr Bob Westbury presented Council with the Sister Cities presentations from the Tateyama visit recently for the signing of the Sister Cities Agreement.

Cr Bob Westbury presented Council with certificates of appreciation from Hunter Valley Research Foundation for the support in 2009-10.

Jeff Smith, Group Manager Commercial Services declared a non-pecuniary conflict of interest and left the meeting for Confidential Item 1.

INDEX

SUBJECT

PAGE NO

MAYORAL MINUTES 4

1. RAYMOND TERRACE SPORTSFIELD RETAIL DEVELOPMENT 5
2. ASSET PROTECTION ZONE - 8 FLEET STREET SALAMANDER BAY 8

MOTIONS TO CLOSE 10

1. MOTION TO CLOSE MEETING TO THE PUBLIC 11
2. MOTION TO CLOSE MEETING TO THE PUBLIC 12
3. MOTION TO CLOSE MEETING TO THE PUBLIC 13

COUNCIL COMMITTEE REPORTS..... 14

1. NELSON BAY TOWN CENTRE DRAFT DESIGN CODES AND DRAFT DEVELOPMENT CONTROL PLAN 15
2. PROPOSED PART TWO AND THREE STOREY DWELLING 25 GLOUCESTER STREET, NELSON BAY 21
3. 155 SALAMANDER WAY, SALAMANDER BAY COMMUNITY FACILITY PRECINCT 35
4. PROPOSED AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN 2007 IN RESPECT OF ANEF 2025 44
5. SABRE JET, BETTLES PARK, RAYMOND TERRACE 67
6. ACQUISITION OF PART OF LOT 529 AND LOT 530 DP 13134 FOR ROAD WIDENING AND EASEMENT TO DRAIN WATER 3 WIDE OVER LOT 529 DP 13134 84
7. FORWARD WORKS PLAN 2009 89
8. REQUEST FOR FINANCIAL ASSISTANCE 92
9. STRATEGIC PROJECT PROCUREMENT PROCESS – NEWCASTLE AIRPORT LIMITED (NAL) 95
10. INFORMATION PAPERS 108

COUNCIL COMMITTEE INFORMATION PAPERS 109

1. ABORIGINAL STRATEGIC COMMITTEE 110
2. PLACES FOR ENTERTAINMENT APPROVAL REFORMS 113
3. PORT STEPHENS – TILLIGERRY PENINSULA KOALA POPULATION DECLINING 114
4. PORT STEPHENS ECONOMIC DEVELOPMENT ADVISORY PANEL 117
5. COMMUNICATE PORT STEPHENS ADVISORY COMMITTEE 120

CONFIDENTIAL ITEMS 123

MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009
--

1. NEWCASTLE AIRPORT LIMITED - TENDER FOR PROVISION OF CLEANING SERVICES 124
2. TENDER FOR THE SUPPLY OF ONE (1) FOUR WHEEL DRIVE SIDESHIFT BACKHOE
LOADER (T27/2009) 125
3. INFORMATION PAPERS 126

MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2006-1939

RAYMOND TERRACE SPORTSFIELD RETAIL DEVELOPMENT

THAT COUNCIL:

- 1) Authorise the Mayor and the General Manager to initiate a procurement process to facilitate the development of the Raymond Terrace Sports Fields.
 - 2) Authorise the Councillors and General Manager to identify and inspect innovative and sustainable retail/commercial developments.
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ORDINARY MEETING – 15 DECEMBER 2009

421	Councillor Bruce MacKenzie Councillor Ken Jordan	It was resolved that there being no objection the Mayoral Minute be adopted.
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BACKGROUND

The purpose of this report is for Council to progress the redevelopment of the Raymond Terrace Sports Field.

Raymond Terrace Sports Field comprises various Council owned operational allotments zoned 3 (a) Business General and comprises approximately 6.7 hectares of land. The land is located in the northeast segment of Raymond Terrace to the north and west of the Port Stephens Administration Building (Attachment 1).

The land is suitable to provide a range of commercial, retail and community facilities.

In August 2006 a "Call for Detailed Proposal" to redevelop the site was advertised and some 13 proposals received. Council entered into detailed discussions and negotiations with three preferred respondents. An Agreement for Lease was prepared and entered into by Council and the preferred respondent.

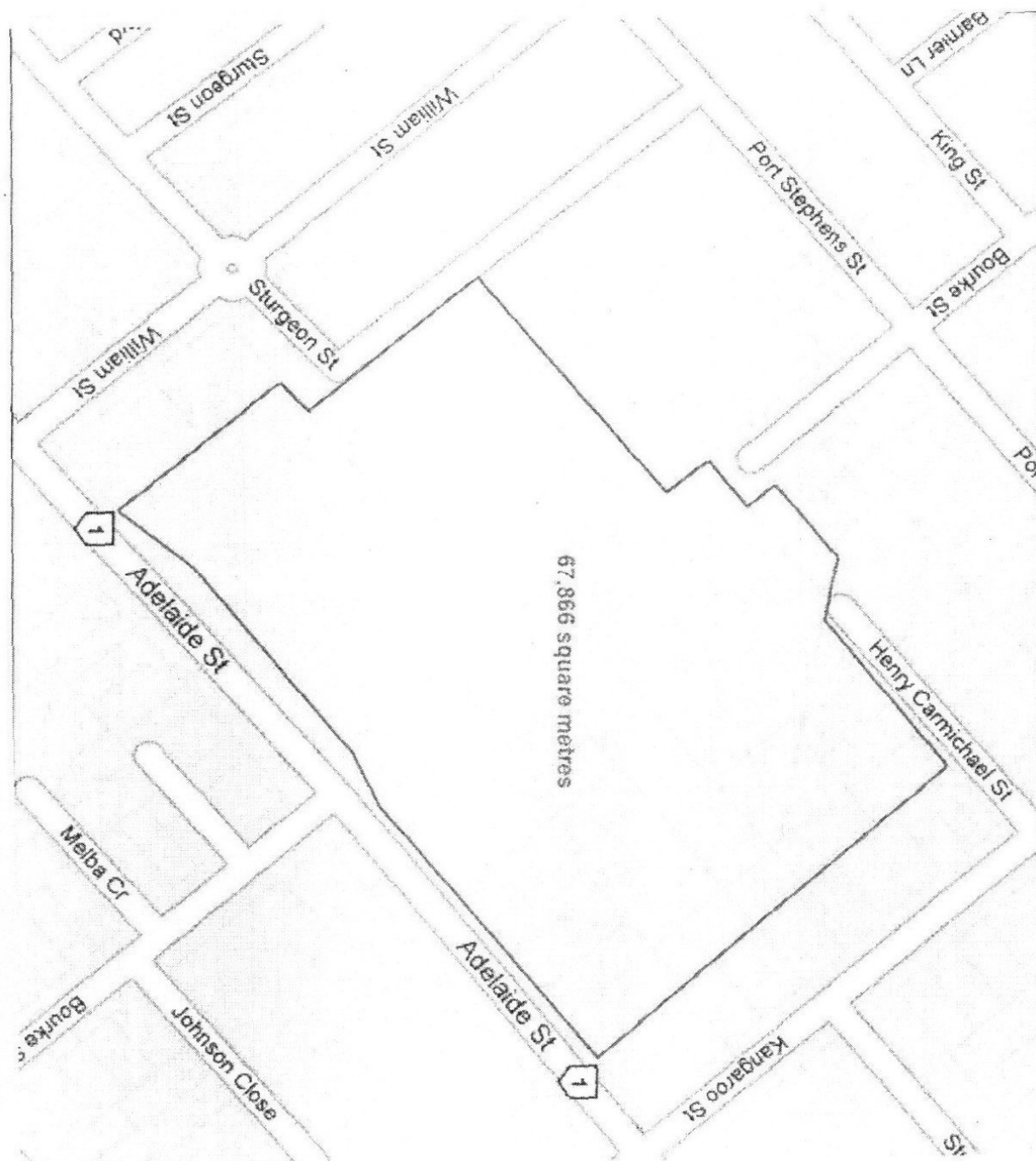
In early 2009, due to the Global Financial Crisis and subsequent funding difficulties, the preferred respondent was unable to fulfil their legal obligations under the terms of the Agreement for Lease. At Council's Ordinary Meeting held on the 24th February 2009, Council resolved to terminate the Agreement for Lease on the basis that condition precedent 2.1 (a1) had not been satisfied within the 6 month time frame.

MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009
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Currently, global and national economic indicators are showing signs of recovery and Council has been approached by a variety of companies wishing to progress the development of the site.

- 1) Attachment: Plan of Raymond Terrace Sports Field.

ATTACHMENT 1



MAYORAL MINUTE

ITEM NO. 2

FILE NO:A2004-0882

ASSET PROTECTION ZONE - 8 FLEET STREET SALAMANDER BAY

THAT COUNCIL:

- 1) Prepare a legal instrument to provide a 50m Asset Protection Zone over Part of Lot 2 DP791551 - 8 Fleet Street to the adjoining owner/s of 4 Fleet Street, Salamander Bay.
- 2) Enter into an MOU for the maintenance of the site.
- 3) Authorise the Mayor and General Manager to negotiate a fee for the use of the land.

ORDINARY MEETING – 15 DECEMBER 2009

422	Councillor Bruce MacKenzie Councillor Sally Dover	There being no objection the Mayoral Minute be adopted.
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BACKGROUND

Port Stephens Council owns a 3.3 hectare parcel of heavily vegetated operational land located at 8 Fleet Street, Salamander Bay. The adjoining owners, Colonial Ridge Resort situated at 4 Fleet Street have approached Council on numerous occasions concerned about the undergrowth/vegetation on Councils land and the associated bushfire risk.

On 30th September 2008 Council was contacted by McDonald Johnson Lawyers acting on behalf of Colonial Ridge Resort notifying that their client would hold Council responsible for any damage caused to improvements on its land arising out of Councils failure to properly manage bushfire loads on its property so as to reduce the potential of bushfire damage to their client's improvements. Council currently maintains a 10m wide APZ and has an established Rural Fire Service Maintenance Plan in place however the adjoining owners maintain the view that a bush fire threat still exists.

Colonial Ridge Resort has requested that 50m of the land adjoining their western boundary be available for use as an APZ. Council will need to prepare an

appropriate legal instrument to allow Colonial Ridge Resort to utilise the land for the purpose of an APZ.

The management of Colonial Ridge Resort will be required to prepare the necessary studies and submit those reports to the appropriate Authorities to enable the implementation and maintenance of the APZ.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 1779-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary Council agenda namely **Newcastle Airport Limited – Tender for Provision of Cleaning Services**.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the Newcastle Airport Limited – Tender for Provision of Cleaning Services.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitivetenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.

ORDINARY MEETING – 15 DECEMBER 2009

423	Councillor Ken Jordan Councillor John Nell	It was resolved that the recommendation be adopted.
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ITEM NO. 2

FILE NO: 3200-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION:

- a. 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Council Committee & Ordinary Council agenda namely **Tender for the Supply of one (1) Four Wheel Drive Sideshift**.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - b. ii) In particular, the report includes confidential pricing information in respect of the **Tender for the Supply of one (1) Four Wheel Drive Sideshift**
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.

ORDINARY MEETING – 15 DECEMBER 2009

424	Councillor Ken Jordan Councillor John Nell	It was resolved that the recommendation be adopted.
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ITEM NO. 3

FILE NO: 3200-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(e) & 10(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 (Information Paper) on the Council Committee & Ordinary Council agendas namely **Compliance Investigation into Tourist Boats**.
- 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include:
 - a) information that would, if disclosed, prejudice the maintenance of law.
 - b) advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- 4) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
- 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.

ORDINARY MEETING – 15 DECEMBER 2009

425	Councillor Ken Jordan Councillor John Nell	It was resolved that the recommendation be adopted.
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COUNCIL COMMITTEE REPORTS



ITEM NO. 1

FILE NO: PSC2007-1204

NELSON BAY TOWN CENTRE DRAFT DESIGN CODES AND DRAFT DEVELOPMENT CONTROL PLAN

REPORT OF: DAVID BROYD – GROUP MANAGER

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the approach to consultation on the draft Nelson Bay Background Report, Design Code and Development Control Plan prepared by Patrick Partners and Design Urban (Attachment 1):

- a) The documents are placed on Council's website and are provided to community interest groups upon request with the clear covering commentary that:

The Background Report, Design Code and Development Control Plan do not have any formal endorsement of Council and are put forward for community consultation to enable the General Manager to formulate final recommendations to Council in February or March 2010 and also to inform Councillors for their consideration of that report;

- b) Consultation workshops are conducted during January 2010 as enabled by availability of the consultants and representatives of interest groups.

COUNCIL COMMITTEE MEETING – 15 DECEMBER 2009

RECOMMENDATION:

	Councillor John Nell Councillor Sally Dover	That Council: 1) Endorse the approach to consultation on the draft Nelson Bay Background Report, Design Code and Development Control Plan prepared by Patrick Partners and Design Urban (Attachment 1): a) The documents are placed on Council's website and are provided to community interest groups upon request with the clear covering
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MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009

		<p>commentary that:</p> <p><i>The Background Report, Design Code and Development Control Plan do not have any formal endorsement of Council and are put forward for community consultation to enable the General Manager to formulate final recommendations to Council in February or March 2010 and also to inform Councillors for their consideration of that report;</i></p> <p>b) Consultation workshops are conducted during February 2010 as enabled by availability of the consultants and representatives of interest groups.</p>
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In accordance with the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

ORDINARY MEETING – 15 DECEMBER 2009

426	Councillor Ken Jordan Councillor Peter Kafer	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: Crs Bruce MacKenzie, Ken Jordan, Glenys Francis, Bob Westbury, John Nell, Sally Dover, Shirley O'Brien, Steve Tucker, Geoff Dingle, Frank Ward and Peter Kafer.

Those against the Motion: Nil.

BACKGROUND

The draft Nelson Bay 2030 Planning Strategy prepared by Rohan Dickson & Associates Pty Ltd (RDA) was placed on public exhibition from 19 June to 14 August 2008. Twenty seven (27) submissions were received in response. Sub-consultant to RDA, Patrick Partners, were engaged with Design Urban to evaluate those submissions and to progress to the next stage of drafting Development Control Plan provisions and a Design Code. Patrick Partners and Design Urban submitted the draft Development Control Plan, Design Code and Background Report to Council in October 2009.

With Council's agreement, Mr Mike Cullen presented the findings and recommendations of the Background Report, draft DCP and Design Code to the Nelson Bay Business Chamber Breakfast on 21 October 2009. This has led to significant media coverage and reaction from community interest groups and business representative groups in the Tomaree Peninsula and a workshop was conducted with the newly formed Nelson Bay & Foreshore Advisory Group on Monday 23 November 2009 (notes of this meeting are Attachment 3).

There is still the need to undertake traffic and parking analysis associated with the draft DCP and Design Code.

FINANCIAL/RESOURCE IMPLICATIONS

Council need to undertake the Traffic/Transport and Parking Study and it is also intended to undertake a Land Economics Study at a relevant time in the future, primarily to evaluate the feasibility and benefits of implementing the recommendations.

LEGAL, POLICY AND RISK IMPLICATIONS

Given the significant public exposure of the Background Report, draft DCP and draft Design Codes, it is concluded that there is a need to enable wider consultation before formal reporting to Council that is targeted to occur in February/March 2010. Due process needs to be followed and a fair and just process ensured for land owners and community interest groups as well as individuals in the community to understand and comment upon the relevant documents.

CONSULTATION

Workshops were conducted on 22 June with Technical, Business and community members to review the submissions. Ideas to address the issues raised and strengthen aspects not fully covered in the Draft Strategy were workshopped. A copy of the workshop outcomes is attached at Appendix B.

A presentation on the Design Guidelines was provided in a two-way conversation to Council on Tuesday 20 October 2009. This presentation was also given to the Bay Business Breakfast meeting on Wednesday 21 October 2009 and to the NSW Land

and Property Management Authority Foreshore Revitalisation Working Group on Thursday 12 October 2009.

Several articles regarding the proposed Nelson Bay Design Codes and DCP have appeared in the local media. These articles mainly represent opinions expressed by the Tomaree Residents and Ratepayers Association. Council received a detailed submission on the proposed Nelson Bay Design Codes and DCP from the "Magnus Eastenders Group". Council officers have subsequently met with the Nelson Bay Town and Foreshore Advisory Group, consisting of representatives of the Tomaree Residents & Ratepayers Association, Eco-network, Nelson Bay Business Chamber and Port Stephens Tourism. It was apparent from this meeting that differing viewpoints regarding the draft Nelson Bay Design Codes exist within the community and that although not formally exhibited by Council, the draft Design Codes and DCP has generated much discussion within the community.

The purpose of releasing a Discussion Draft is to capture that community opinion to feed into the finalisation of the draft Design Codes and DCP prior to formal exhibition.

OPTIONS

Council can:

- 1) Adopt the recommendations of the report – essentially enabling community engagement to occur on the basis that Council has not formally endorsed the Background Report, draft DCP and Draft Design Code – thereby enabling a more informed basis for the General Manager to formulate recommendations to Council in February/March 2010 and for Councillors to understand community needs as these recommendations are considered, or
- 2) Not endorse the recommendation and not undertake any further consultation until Council formally considers the report on the Nelson Bay Background Strategy, draft DCP and Design Code in February/March 2010.

ATTACHMENTS

- 1) "Background to Design Codes & Draft Development Control Plan, Nelson Bay Town Centre" October 2009 Patrick Partners & Design Urban;
- 2) Technical Reports to the Workshops Monday 22 June 2009;

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

**ATTACHMENT 1
BACKGROUND TO DESIGN CODES & DRAFT DEVELOPMENT CONTROL PLAN,
NELSON BAY TOWN CENTRE – OCTOBER 2009 – PATRICK PARTNERS AND DESIGN
URBAN**

PROVIDED UNDER SEPARATE COVER

ATTACHMENT 2
TECHNICAL REPORTS TO THE WORKSHOPS MONDAY 22 JUNE 2009

PROVIDED UNDER SEPARATE COVER

ITEM NO. 2

FILE NO: 16-2009-667-1

PROPOSED PART TWO AND THREE STOREY DWELLING 25 GLOUCESTER STREET, NELSON BAY

REPORT OF: KEN SOLMAN - ACTING MANAGER, DEVELOPMENT AND BUILDING
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine Development Application 16-2009-667-1 – Part Two and Three Storey Dwelling at 25 Gloucester Street, Nelson Bay –by granting consent subject to conditions in Attachment 3.

COUNCIL COMMITTEE MEETING – 15 DECEMBER 2009
RECOMMENDATION:

	Councillor Bruce MacKenzie Councillor Frank Ward	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: Crs Bruce MacKenzie, Ken Jordan, Glenys Francis, Bob Westbury, John Nell, Sally Dover, Shirley O'Brien, Steve Tucker, Geoff Dingle, Frank Ward and Peter Kafer.

Those against the Motion: Nil.

ORDINARY MEETING – 15 DECEMBER 2009

427	Councillor Bob Westbury Councillor Ken Jordan	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: Crs Bruce MacKenzie, Ken Jordan, Glenys Francis, Bob Westbury, John Nell, Sally Dover, Shirley O'Brien, Steve Tucker, Geoff Dingle, Frank Ward and Peter Kafer.

Those against the Motion: Nil.

BACKGROUND

An application was lodged on the 15th September for a Residence at LOT: 2 SEC: 1 DP 758370 Gloucester Street Nelson Bay

This application has been called to Council by Cr Nell for “Public Interest”

The proposal is for a part two and three storey dwelling.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL, POLICY AND RISK IMPLICATIONS

Development Control Plan (DCP 2007) provides a development principle in respect to considering building height which reads as follows:

“The development should achieve a scale and height in keeping with the existing and desired future character of the street”

DCP 2007 provides two (2) development controls relevant to this assessment of building height, namely controls B6.C45 which reads as follows:

Development must comply with the standards for maximum height as stated in LEP 2000.

Together with development control B6.C46 which reads as follows:

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

This DCP principle and control provide additional guidance to applicants and assessment officers considering the intent and provisions of Clause 16 of the Port Stephens Local Environment Plan 2000 which applies to single dwellings in the Residential 2(a) zone. Clause 16 of the LEP states:

Development control table

Description of the zone

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

Objectives of the zone

The objectives of the Residential "A" Zone are:

to encourage a range of residential development providing for a variety of housing types and designs, densities and associated land uses, with adequate levels of privacy, solar access, open space, visual amenity and services, and

to ensure that infill development has regard to the character of the area in which it is proposed and does not have an unacceptable effect on adjoining land by way of shading, invasion of privacy, noise and the like, and

The proposal is considered compatible with the immediate locality as the adjoining duplex is three storeys and there are numerous examples of three storey structures in the street.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications

CONSULTATION

The application was exhibited in accordance with Council policy and submissions closed on 7th October 2009.

Council has received two (2) submissions in relation to the application

The submission from the adjoining neighbour to the East is in support of the proposal.

The submission from the neighbour diagonally to the rear generally discusses the perceived loss of view and the three storey aspect of the building.

OPTIONS

Council has three options to consider with the proposed development.

- 1) Council approve the development as recommended;
- 2) Council approve the proposed development with modifications to conditions in Attachment 3, or
- 3) Council resolve to refuse the proposed development and determine the reasons for doing so.

ATTACHMENTS

- 1) Locality Plan
- 2) Assessment
- 3) Recommended Conditions of Consent

COUNCILLORS ROOM

- 1) Plans 1 to 13 job No 9/112 dated 17th August 2009
- 2) Statement of support dated 1st October 2009
- 3) Statement of objection dated 6th October 2009

TABLED DOCUMENTS

Nil

ATTACHMENT 1 LOCALITY PLAN



ATTACHMENT 2 ASSESSMENT

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

THE PROPOSAL

The application seeks approval for a three storey dwelling.

THE APPLICATION

Owner	Mr T P Hallett
Applicant	Mr T P Hallett
Detail Submitted	Statement of Environmental Effects Development Plans SEPP 1 objection

THE LAND

Property Description	Lot 2 Sec 1 DP 758370
Address	25 Irene Gloucester Street Nelson Bay
Area	562.8m ²
Dimensions	The development site is a regular shape having a frontage to Gloucester Street of 19.51m and a rear width of 19.38m. The site's western boundary is 29.46m and the eastern boundary is 30.12m.
Characteristics	The site currently contains a single storey dwelling located approximately in the centre of the site. The site contains a lawn, and is clear of vegetation. The site is elevated at the rear and slopes toward the street.

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	2(a)
Relevant Clauses	16 & 19
Development Control Plan	Port Stephens DCP 2007
State Environmental Planning Policies	SEPP 71

ATTRIBUTE	PROPOSED	REQUIRED	COMPLIES
LEP Requirements			
Min. Area Per Dwelling	562.80m ²	500m ²	Yes

MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009
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Floor Space Ratio	0.36:1	0.5:1	Yes
Height	9m	9m	Yes
DCP Requirements			
Number of storeys (except for loft spaces)	3	2	No
Building Line Setback	Garage	6m	Yes
Side Setbacks	Western Boundary 1.25m	2m	No
	Eastern 1.25m	2m	No
Rear Setbacks	Southern 5.5m	2m	Yes
Privacy	Balconies proposed on the North and Eastern side at first and second storey levels	No objections have been received	Yes
Resident parking	2	2	Yes
Retaining Walls	No boundary retaining walls	If development is set back greater than 1.3m, retaining walls may be 900mm	Yes
BASIX	Dwelling valued at \$530,000	Yes	Yes

Port Stephens Local Environmental Plan 2000

Clause 16

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

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

Clause 19

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

The proposed development is considered to be consistent with the development standard of height specified within Clause 19 of the Port Stephens LEP 2000

State Environmental Planning Policy No. 71 – Coastal Protection

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

Port Stephens Development Control Plan 2007

The application was lodged on 15th September 2009. The performance based design requirements of Port Stephens Development Control Plan 2007 are relevant to the assessment of this application. Assessment of the key design considerations are addressed below:

Streetscape, Building Height, Bulk and Scale

The proposed three (3) storey dwelling is not considered to have a serious impact on the surrounding development and associated land uses that comprise residential occupancies.

There has been one submission responding to these matters in relation to its compatibility with the surrounding residential development and streetscape.

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

The proposal complies with the floor space ratio and site coverage objectives, the design presents a compromise with the two neighbouring developments and complies with Council's Development Control Plan 2007 Clause B6.5.

Privacy

One submission has been received in relation to privacy and the two neighbours have agreed on a strategy to minimise this impact on each property. The submission is in support of the development in general.

Boundary Setbacks

The combination of setback encroachments and the balcony and extensive glazing on the third storey creates a minor impact on privacy and acoustic amenity for adjoining residential dwellings. The setback encroachments are articulated to lessen the overall bulk and scale of the development.

Site Coverage

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

The proposed development, including hardstand areas, covers 34% of the site. Under the requirements of DCP 2007, the development may have maximum site coverage of 60% and as such the development is considered to comply with Council's site coverage requirements.

Acoustic Privacy

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

Whilst external open space forms part of typical residential development, the resulting elevated open space associated with the third storey dwelling and external balcony areas has the potential to have a minor impact on acoustic privacy.

Solar Access

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

Views

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

Parking & Traffic

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

The development provides garage parking for two (2) cars.

Usable Open Space

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

Landscaping

No changes are proposed to the existing landscaping.

Flora and Fauna

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

2. Likely Impact of the Development

The proposed development is inconsistent with the requirement of Port Stephens Local Environmental Plan 2000 and Development Control Plan 2007. The bulk and scale of a three storey dwelling in the form proposed is assessed as inconsistent with the intent and objectives of the controls.

3. Suitability of the Site

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

4. Submissions

The application was advertised and notified in accordance with Port Stephens Development Control Plan 2007. Two submissions were received.

5. Public Interest

The proposal is contrary to the public interest as the development fails to satisfy relevant planning considerations.

The proposed building is in keeping with the design characteristics, suitability and appearance within the existing streetscape. The approval is inconsistent with public expectations of orderly residential development of a scale and design characterised predominantly by one (1) and two (2) storey dwellings in residential 2(a) zoned areas.

ATTACHMENT 3
RECOMMENDED CONDITIONS OF CONSENT

1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
3. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
4. The development application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
5. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
6. No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.
7. Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council.
8. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
9. Tree clearing shall be carried out in accordance with Council's Tree Preservation Order. The development consent and construction certificate must be issued before it is possible to remove any trees within 3m of any approved building, as measured horizontally from the building wall to the outside trunk of the tree. Tree clearing for the vehicle driveway or any other purpose requires separate approval under the Tree Preservation Order. A copy of the **Tree Preservation Order is attached.**
10. Retaining Walls, not clearly noted on the approved plans or outside the parameters set in Council's Exempt and Complying Development criteria, are to be subject to a separate development application.

Such application shall be lodged and approved prior to any works relating to the retaining wall taking place.

11. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with AS2601-2001 and Workcover Authority requirements.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

12. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment, the person undertaking the excavation must preserve and protect the building from damage, which may involve underpinning and supporting the building in an approved manner.

The adjoining property owner shall be given 7 days notice before excavating below the level of the base of the footings of a building on an adjoining allotment of land. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place.

13. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

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

14. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.
15. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
16. All stockpiled materials shall be retained within the property boundaries. Stockpiles of topsoil, sand, aggregate, spoil or other materials shall be stored clear of the all weather vehicle access and drainage lines.
17. The development shall take place in accordance with the stated values of the energy efficiency scorecard or NatHERS assessment and/or the BASIX certificate submitted

with the application. **Prior to the issue of any occupation certificate** an appropriately qualified person shall certify compliance with these requirements, as applicable.

18. The Principal Certifying Authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the Principal Certifying Authority issues an occupation certificate. NOTE: If an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.

19. **Prior to occupying the approved dwelling(s)**, contact Council's Mapping Section on 49800304 to obtain the correct house numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.

20. The development shall be carried out in accordance with the Building Sustainability Index (BASIX) certificate number 264697S. Where minor changes to the development occur (eg colours and the like) these changes shall be referred to Council **prior to the changes being made**.

Where approved, a copy of the amended/new BASIX Certificate shall be submitted to Council within fourteen days and will be considered sufficient to satisfy this condition.

21. **Prior to commencement of any works** within the road reserve for the provision of a driveway crossing, the applicant or their nominated contractor shall make application to Council and receive approval for the construction of the driveway.

Application shall be made on Council's Driveway Construction Application form, **a copy of which is attached** to this consent for your convenience. For further information on this condition please contact Council's Facilities and Services Group.

The construction of the footpath crossing must be completed **prior to issue of Final Occupation Certificate**.

22. Collected stormwater runoff shall be piped to an infiltration trench located in the front landscaped area(s), in accordance with **Council's Standard Drawing S 136** with an overflow pipe to the street.

23. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.

24. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.

25. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-

- * Monday to Friday, 7am to 6pm;
- * Saturday, 8am to 1pm;

- * No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L_{10} level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

26. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
27. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.
28. Provide a Survey Certificate from a Registered Surveyor showing compliance with the R.L.'s shown on the approved plans. Such certificate is to be provided **prior to the frame inspection**.

ITEM NO. 3

FILE NO: PSC2006-1976

**155 SALAMANDER WAY, SALAMANDER BAY COMMUNITY FACILITY
PRECINCT**

**REPORT OF: TREVOR ALLEN - MANAGER INTEGRATED PLANNING
GROUP: SUSTAINABLE PLANNING**

RECOMMENDATION IS THAT COUNCIL:

- 1) Rescind parts (i) and (ii) of Council resolution 137 (Item 5: Tomaree Facilities Study) dated 22 May 2007 requiring that Council : -
 - i. Appropriately define the boundary of the "community precinct" by undertaking a concept plan that allows for the expansion of community facilities, considers parking coordination and explores opportunities for expansion to the north of the existing precinct as per option 4 in the Background to the report; (see attachment 1)
 - ii. As a result of Recommendation 1, continue with negotiations for a non-binding Heads of Agreement over the rear of the existing community precinct site for retail and commercial development;
 - iii. Identify sites for the provision of multipurpose community space of high quality for the consolidated Nelson, Shoal and Fingal Bay.
- 2) Subject to recommendation (1), any future development of proposed Lot 3, optimise the site's potential and consider the community and financial benefit of the integration of community and commercial activities.
- 3) Consider the local and regional context of the Tomaree Peninsula when planning for future expansion and/or siting of community facilities which will optimise Council's social, cultural and economic objectives (eg; the revitalisation of the Nelson Bay Town Centre).

**COUNCIL COMMITTEE MEETING – 15 DECEMBER 2009
RECOMMENDATION:**

	Councillor John Nell Councillor Frank Ward	That Council: 1.Rescind parts (i) and (ii) of Council resolution 137 (Item 5: Tomaree Facilities Study) dated 22 May 2007 requiring that Council : -
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		<p>a. Appropriately define the boundary of the "community precinct" by undertaking a concept plan that allows for the expansion of community facilities, considers parking coordination and explores opportunities for expansion to the north of the existing precinct as per option 4 in the Background to the report; (see attachment 1)</p> <p>b. As a result of Recommendation 1, continue with negotiations for a non-binding Heads of Agreement over the rear of the existing community precinct site for retail and commercial development;</p> <p>ii) Identify sites for the provision of multipurpose community space of high quality for the consolidated Nelson, Shoal and Fingal Bay.</p> <p>2) Subject to recommendation (1), any future development of proposed Lot 3, optimise the site's potential and consider the community and financial benefit of the integration of community and commercial activities.</p> <p>3) Consider the local and regional context of the Tomaree Peninsula when planning for future expansion and/or siting of community facilities which will optimise Council's social, cultural and economic objectives (eg; the revitalisation of the Nelson Bay Town Centre).</p> <p>4) That the community be assured that Council is committed to providing</p>
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MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009

		Community Facilities for the Tomaree Peninsula (Salamander Bay area).
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ORDINARY MEETING – 15 DECEMBER 2009

428	Councillor John Nell Councillor Ken Jordan	It was resolved that the Council Committee recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend that Council not proceed with the preparation of a “concept plan” to provide a rationale and define the community precinct at 155 Salamander Way, Salamander Bay.

In 1990 the Salamander Childcare Centre was built on Council owned land at 155 Salamander Way (subject land) with funds from both Council and the Centre’s own funds. The Centre opened in 1992 with 39 children and 7 staff.

The project, then a 45 place long day care centre was managed by Council, and funded jointly by the Federal and State Government. After two years of operation the centre became independently incorporated and moved from a Council operated service to a community based incorporated identity. This not for profit community run service has grown to a 76 long day care places employing 25 staff. The Centre has funded a number of renovations and a building extension.

The Centre has indicated a desire to expand their existing building to enable additional child care places and additional services. To temporarily accommodate demand the Centre has been renting an additional room (Melaleuca Room) from the adjoining Community Centre. This ‘temporary’ arrangement has been in place for 10 years.

The Centre is one of the few services in the area that offers places for children under two and children are often placed on a waiting list many months before they are born, yet are still not able to secure a place. Demand for places for children under three has grown significantly in the last five years.

Establishment of Community Precinct

In 1992 Council continued the development of community services on the subject land by constructing the first stage of then Salamander Community Centre. In 1998 stage two was built (incorporating the Tomaree Library) creating the ‘Tomaree Library & Community Centre’. At this time, and in anticipation of long term population growth on the Tomaree Peninsula, Council resolved to set aside additional land at 155 Salamander Way as a “Community Precinct”.

Council's decision to develop a community precinct on the subject land provided clear strategic direction to the provision of community facilities in a centralised location that would allow good community access and cater to the needs of a growing community. The 1998 resolution maintains a community expectation that the land has been set aside for community purpose.

The central location of the Salamander Town Centre within the Tomaree Peninsula has contributed to the Tomaree Library & Community Centre servicing a large population catchment, beyond what would normally be associated with a locality based community facility. As such the Centre provides a broader range of community services and activities than one would expect from a neighbourhood based community facility.

Within the Tomaree Library and Community Centre there are several groups that currently occupy space such as Tomaree Neighbourhood Centre, Diabetes Australia, Port Stephens FM Radio Inc, Hunter New England Health Service. There are various other casual users of the Centre.

In 2007 Council undertook a study of community facilities on the Tomaree Peninsula. As a result of this Study Council resolved at its Ordinary Meeting on 22 May 2007 to:-

1. Appropriately define the boundary of the "community precinct" by undertaking a concept plan that allows for the expansion of community facilities, considers parking coordination and explores opportunities for expansion to the north of the existing precinct as per option 4 in the Background to the report;
2. As a result of Recommendation 1, continue with negotiations for a non-binding Heads of Agreement over the rear of the existing community precinct site for retail and commercial development;
3. Identify sites for the provision of multipurpose community space of high quality for the consolidated Nelson, Shoal and Fingal Bay

Preparation of the concept plan defining the boundary of the "community precinct" has been hindered due to other competing priorities and workload issues within the Integrated Planning Section. Also Council's Property Group has advised that a geographically defined community precinct would negate consideration of future integrated development opportunities which could maximise the potential of the site whilst being cognisant of the need to retain the existing community facilities either onsite and/or in locations which will maintain and/or strengthen their value to the community (eg; within 5 minutes walk or 400m of the town centre).

Assessment of Existing Council Community Facility Floor Space on the Tomaree Peninsula

The Tomaree Peninsula is currently serviced by the following multipurpose community facilities:

MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009

Facility	Size (m/2)
Corlette Community Hall	132
Soldiers Point Hall	453
Tomaree Community & Neighbourhood Centre	667
Birubi Point Multipurpose Centre	145
Nelson Bay Seniors Community Hall	872
Salamander Sports Complex Meeting Room	150
Elizabeth Waring Function Room	300
Tomaree High Multipurpose Centre	500
Tomaree Library	1233
Total:	4452 m/2

(Note: The above facilities will be complemented by the proposed first storey addition to the existing Birubi Point Surf Club).

Council's standards for the provision of multipurpose spaces recommends: a standard of 100 square metres of multipurpose community space for every 1,000 people is considered appropriate for the Port Stephens Council area. *(Source: Review of Standards Guiding the Provision of Council's Community & Recreational Facilities, Port Stephens Council, prepared by AEC Group, December 2006)*

Current & Future Demand for Multipurpose Community Facilities:

The current population of the Tomaree Peninsula is 22500 people (Source: 2006 ABS Census). It is anticipated that this population will grow to 31988 people by the year 2031 (Source: Port Stephens Council 2009 Population Forecasts). Based on Council's standards, a total of 2250 square metres of community facility floor space is required to meet the current population demand and a total of 3198 square metres will be required to meet the forecast population growth. Therefore (discounting the library) the Tomaree Peninsula is already serviced by 3219 square metres of multipurpose community facility floor space which is sufficient to meet current and future demand.

(Note: In addition to the community facilities provided by Council it should be noted that the community also has access to meeting spaces (rooms/halls) provided throughout the Tomaree Peninsula by Clubs, Schools and Churches)

In the future event that any of the existing community facilities are redeveloped and/or new facilities are proposed, it is recommended that the planning and delivery of these facilities give due consideration to:

- Exploration of joint opportunities to provide facilities via public/private partnerships to optimise community benefit and optimise the financial sustainability of these assets;
- Additional floor space within or in 5 minute walking distance (400m) to the Salamander Bay Town Centre;
- Incorporating community and cultural facility space within other town centres across the peninsula to promote residents accessibility to public facilities and to

MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009

contribute to the life, vibrancy and economic development of those centres (eg; Nelson Bay).

The following table shows the spatial location of existing community facilities and outlines future development opportunities.

Locality	Population Forecast (Yr 2031)	Council Owned Multipurpose Floor space	Future Development Opportunities
Salamander Bay / Soldiers Point / Taylors Beach / Corlette	13314 people	2,202 m/2	This report recommends that the community facilities located at 155 Salamander Bay be retained at their current location. In the event that they are re-located in the future, they are suitably located within 400m of the Salamander Town Centre as shown in Attachment 1 .
Shoal Bay / Fingal Bay / Nelson Bay	11488 people	872 m/2	There is scope to consider the incorporation of community facilities within the Nelson Bay 2030 Strategy and within the works required to reinstate the Fingal Bay Surf Club which suffered fire damage earlier this year.
Anna Bay / Boat Harbour / Fishermans Bay / One Mile / Bobs Farm	7186 people	145 m/2	Council is progressing plans for the construction of a first storey addition to the existing Birbui Point Surf Club which will provide the community with access to another community facility.
Total	31988 people	3,219 m/2	

Note:

- Any future unidentified need, such as specific youth, aged or cultural facilities has not been considered in the above calculations and will be considered in future development opportunities if and when they arise.
- In the event that the existing community facilities at from 155 Salamander Bay are required to re-locate to a more suitable location within 400m of the town centre, Council will work in collaboration with the service providers to ensure the planning and re-location is carried out in an effective, inclusive manner which is cognisant to their operational needs.

Commercial Development Opportunities of 155 Salamander Way

Council's Commercial Property Group proposes to subdivide 155 Salamander Bay into 7 lots. The current community facilities will be located on proposed Lot 3. Lot 3 has an area of 1.6ha and is not proposed to be further subdivided or developed at this stage.

During the last 6 months Council's Commercial Property Group have commissioned studies on the subject land. The studies include environmental, traffic, geotechnical, survey, engineering and drainage. Lot 284 is currently subject to a Development Application which has been lodged with Council and is being assessed by the Development and Building Section.

Policy / Planning Issues

In 2008 Council engaged GMU Urban Designers and Architects to undertake the Child Friendly Built Environment Project. Part of this project included undertaking a case study project to examine the application of Child Friendly principles 'on the ground'. The Salamander Bay Town Centre was selected as the case study area. As a result the final Child Friendly Built Environment Report contains recommended strategies, suggested design guidelines and potential design options. It should be noted that the recommendations arising from the case study are those of the Consultant's, and have not been adopted as Council policy.

However many of the child friendly principles relating to safety, traffic problems, pedestrian connectivity and open space/landscaping have been addressed within the reports provided by professional consultancy firms and the proposed Development Application. In addition, whilst Council's Development Control Plan does not make explicit reference to child friendly communities, many of the principles underpinning the DCP are inclusive of considerations and needs of people of all ages and abilities.

It is reasonable to conclude that preparation of the Development Application is commensurate with preparing a "precinct plan". The Development Application process and public exhibition will ascertain the need to address any gaps that may have been picked up by a "precinct plan".

FINANCIAL/RESOURCE IMPLICATIONS

There are no significant financial / resource implications if the recommendations of this report are adopted.

LEGAL, POLICY AND RISK IMPLICATIONS

The recommendations specified in this report align with the following policy statements which form part of Council's Social Policy (2003): -

- Council will plan for, and support the development and provision of a range of community services and facilities that will assist in meeting the community's needs and aspirations.
- Council will endeavour to ensure all residents have equitable access to Council services and facilities.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Integrated Planning recognise the importance and need for the existing community facilities in Salamander Bay. However their future operation in their current location is dependant upon lease arrangements with the landowner. Whatever the future outcome of such arrangements it is imperative that any new facilities be located within 5 minutes walk or 400m of the town centre.

The Development Application is commensurate with a "master plan" and therefore it has identified the retention of facilities as well as child friendly pedestrian principles.

CONSULTATION

The recommendations in this report have been formulated in consultation with Council's Manager Commercial Property, Library & Community Services Manager, and Social Planning Co-ordinator. Discussions have also been held with members of the Salamander Childcare Centre management committee. This committee have expressed an understanding of the need for flexibility under the circumstances yet require certainty to plan the future operation of their business. The committee is therefore receptive and is seeking to work more closely with the Council as landowner and planning authority in facilitating the ongoing operation of not for profit community facilities and services in and around Salamander town centre.

OPTIONS

- 1) To accept the recommendations
- 2) To reject the recommendations

ATTACHMENTS

- 1) Map showing study area of 400m radius of Salamander Town Centre which will be investigated for potential options for the siting of the existing community facilities at 155 Salamander Way, should consideration need to be given to their re-location in the future.

COUNCILLORS ROOM

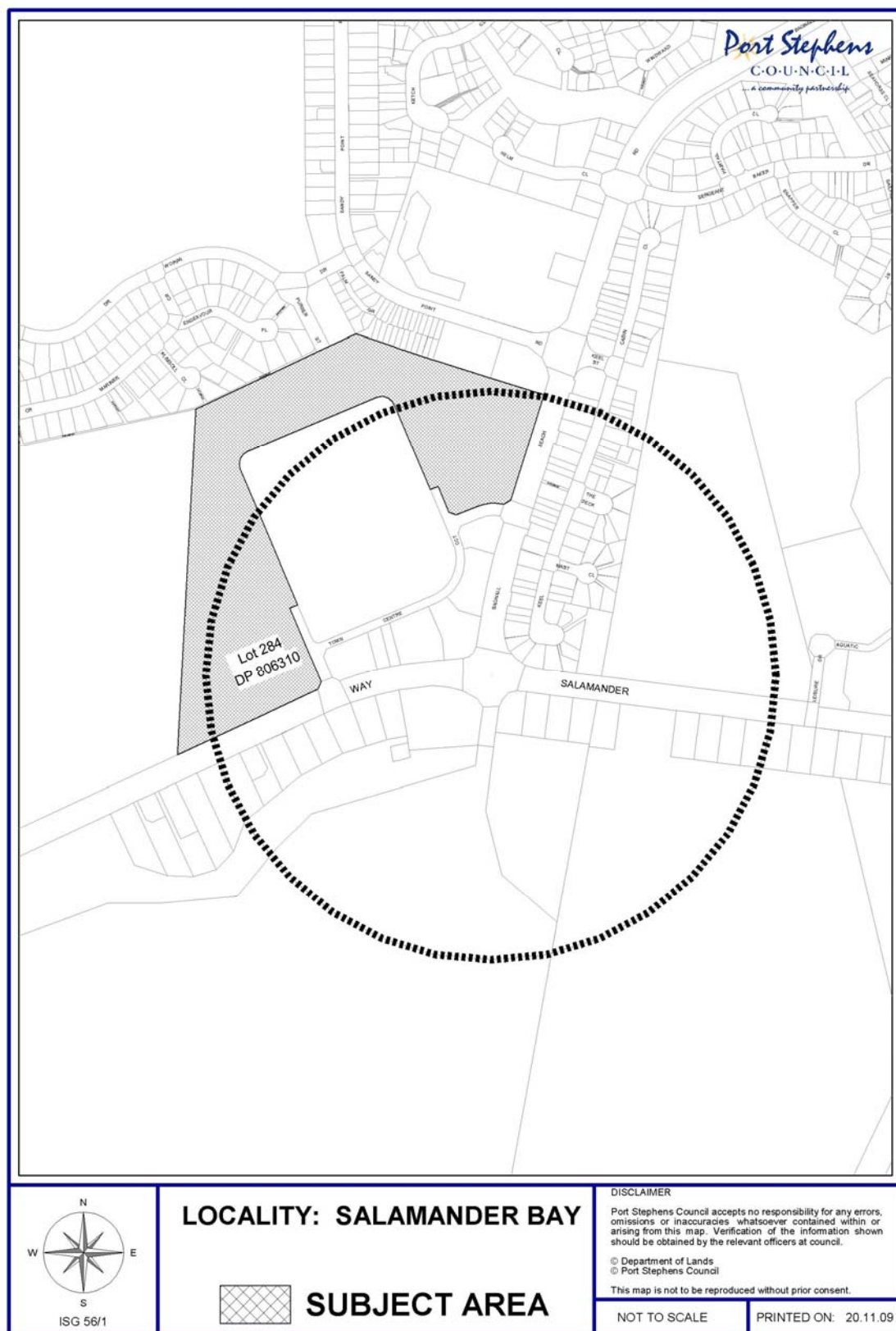
Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

MAP SHOWING STUDY AREA OF 400M RADIUS OF SALAMANDER TOWN CENTRE



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

ITEM NO. 4

FILE NO: PSC2006-0038

PROPOSED AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN 2007 IN RESPECT OF ANEF 2025

REPORT OF: DAVID BROYD - GROUP MANAGER

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the continued implementation of the direction of the Group Manager, Sustainable Planning that the ANEF 2012 and ANEF 2025 noise contour maps will, in combination, be used to assess development applications under Section 79(c) of the Environmental Planning & Assessment Act as amended 1979;
- 2) Note Council's submission in response to the draft Public Environment Report (**Attachment 5**), and
- 3) Continue, through the General Manager, to make representations to the Commonwealth Department of Defence to review the current situation of the ANEF 2025 maps and the continued noise impacts of the Hawk and Hornet aircraft and provide a composite ANEF noise contour map as requested in the response to the draft Public Environment Report.

COUNCIL COMMITTEE MEETING – 15 DECEMBER 2009

RECOMMENDATION:

	Councillor Bob Westbury Councillor Shirley O'Brien	That Council: <ol style="list-style-type: none">1) Note the continued implementation of the direction of the Group Manager, Sustainable Planning that the ANEF 2012 and ANEF 2025 noise contour maps will, in combination, be used to assess development applications under Section 79(c) of the Environmental Planning & Assessment Act as amended 1979;2) Note Council's submission in response to the draft Public Environment Report (Attachment 5), and3) Continue, through the General Manager, to make representations to the Commonwealth Department of Defence to review the current situation of the ANEF 2025 maps and the continued noise impacts of the Hawk and Hornet aircraft and provide a composite ANEF
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MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009
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		<p>noise contour map as requested in the response to the draft Public Environment Report.</p> <p>4) Write to the Department of Defence with copies to the Minister and Shadow Minister for Defence requesting compensation for residents and property owners previously unaffected by aircraft noise under ANEF 2012 but now inside the 2025 ANEF 20-25 noise effected zone to cover the costs of existing or new home attenuation.</p> <p>5) Prepare standardised measures for noise attenuation for dwelling affected by aircraft noise.</p> <p>6) Request a policy report to enable exceptions to noise attenuation requirements for property owners who have current development application that are now impacted by the ANEF 2025.</p>
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Bruce MacKenzie, Ken Jordan, Glenys Francis, Bob Westbury, John Nell, Shirley O'Brien, Sally Dover, Frank Ward, Geoff Dingle and Peter Kafer .

Those against the Motion: Crs Steve Tucker .

MATTER ARISING:

	<p>Councillor Glenys Francis Councillor Steve Tucker</p>	<p>That Council seek a meeting Minister of Defence, Department of Defence and RAAF regarding the proposed ANEF, EIS seeking reassurance that the current and future flight paths are adhered to.</p>
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ORDINARY MEETING – 15 DECEMBER 2009

429	Councillor Bob Westbury Councillor Peter Kafer	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: Crs Bruce MacKenzie, Ken Jordan, Glenys Francis, Bob Westbury, John Nell, Shirley O'Brien, Sally Dover, Frank Ward, Geoff Dingle and Peter Kafer .

Those against the Motion: Crs Steve Tucker .

MATTER ARISING

430	Councillor Bob Westbury Councillor Peter Kafer	It was resolved that the Matter Arising be adopted.
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BACKGROUND

The main purposes of this report are to advise Council of; the introduction of new Australian Noise Exposure Forecast (ANEF) maps for the introduction of the Joint Strike Fighter (JSF); the implications of the introduction of the new noise contour maps for planning and development in Port Stephens LGA; and. to recommend actions in response to the new ANEF map and the draft Public Environment Report.

ANEF 2025 Maps

Council has received notice of a new ANEF 2025 noise contour map from the Department of Defence to account for the introduction of the JSF at Williamstown RAAF Base and the Salt Ash Air Weapons Range from approximately 2017-2018. The new map, (ANEF 2025), was promulgated by the Department of Defence on 23rd October 2009. The ANEF 2025 map has very significant implications for land use planning and decision making and there is an immediate need to take it into consideration in the assessment of development applications and rezoning requests.

There are important transitional issues that also need to be addressed because the ANEF 2025 does not account for the continued operation and ongoing noise impacts of the Hawk and Hornet aircraft in the period prior to the JSF being introduced. Under the recognised planning framework for aircraft noise, only a single

ANEF map can be applied. The impacts of the Hawk and Hornet are embodied in the separate, and now superseded, ANEF 2012.

Draft Public Environment Report – Introduction of the JSF

The following table, modified from page 109 of the draft Public Environment Report (PER) prepared by Department of Defence, summarises the number of lots impacted by the ANEF 2025 map and the ANEF contour in which they are located:

Noise contour	Number of lots affected
20-25	1937
25-30	1224
30-35	229
35-40	42
40-45	24
45-50	5
50-55	10
55-60	2
Total	3473

The Department of Defence placed the draft PER on exhibition for the introduction of the JSF at RAAF Base Williamtown and Salt Ash Air Weapons Range from 6th October to 3rd November 2009. The draft PER examines the likely environmental impacts of introducing the JSF on the Port Stephens LGA. There were limited consultation opportunities organised by the Department of Defence during this period. The new ANEF 2025 map was promulgated by the Department of Defence during the exhibition of the draft PER.

A submission on the draft PER has been made to the Department of Defence and is at **Attachment 5**.

FINANCIAL/RESOURCE IMPLICATIONS

There are considerable financial implications for those landowners seeking to develop land in areas affected by aircraft noise under the new ANEF 2025. It should be noted that the financial impact of aircraft noise is not new in Port Stephens LGA and there has been impact under the ANEF 2012. The impact of ANEF 2025 is that the impact footprint and degree of impact has significantly increased.

Buildings in areas mapped as affected by aircraft noise are required to be insulated to meet the indoor sound design levels set down by Australian Standard 2021-2000 - the recognised framework for managing land use, development and aircraft noise. The cost of insulating dwellings against aircraft noise is expensive and indications are that it can cost up to approximately \$40,000. It is a recommendation of this report that the appropriateness of preparing standardised 'deemed to comply' measures for noise attenuation for dwellings affected by aircraft noise be investigated. This measure may save applicants the cost of undertaking acoustic reports whenever a development application is lodged.

Other financial implications of land affected by aircraft noise are that development of some land is now considered 'unacceptable' under AS2021- 2000. There are legal and financial risks to Council in making planning decisions related to aircraft noise. This is evidenced by past approval for a tourist development at Swan Bay that was inconsistent with the recognised planning framework for areas affected by aircraft noise. By making decisions that are consistent with the recognised planning framework for land affected by aircraft noise, the financial and legal risk to Council should be reduced.

LEGAL, POLICY AND RISK IMPLICATIONS

Development Applications (DAs)

The new ANEF 2025 means that it must now be considered by Council staff in the assessment of DAs. As stated, there is a transitional issue whereby the Hawk and Hornet will continue operating up until the introduction of the JSF and the current noise impact and footprint will continue during this interim period. There is a clear need to consider the ongoing noise impact from the Hawk and Hornet aircraft in the assessment of DAs. To address this issue the Group Manager of Sustainable Planning has issued a direction that staff must consider both the superseded ANEF 2012 and new ANEF 2025 when assessing development applications on land affected by aircraft noise.

Port Stephens Development Control Plan 2007 (DCP)

Chapter B2 of the DCP provides guidance to applicants and staff on how to assess DAs on land affected by aircraft noise. The approach undertaken in the DCP is based on AS 2021-2000 and an accompanying ANEF map. This is the nationally recognised framework for planning for areas affected by aircraft noise.

It is proposed to insert the ANEF 2025 map into the DCP to account for the introduction of the JSF. It is also proposed to retain the ANEF 2012 map in the DCP to account for the continued operation of the Hawk and Hornet aircraft in the assessment of DAs. The effect is that both ANEF 2012 and ANEF 2025 will need to be addressed in the consideration of DAs.

It is proposed to retain reference to both ANEF 2012 and ANEF 2025 in the DCP until the Department of Defence is able to provide a single ANEF map that addresses the combined operation of the Hawk, Hornet and JSF in a comprehensive manner.

Another proposed amendment to the DCP is to include a map that identifies the DAREZ and NAL development areas and include controls that deliberately allow consideration of development, regardless of its 'acceptability' due to aircraft noise. The intent for the DAREZ and NAL developments is that they are considered urban development areas and AS2021-2000 allows their consideration for development accordingly. Including controls in the DCP to reinforce the permissibility of development in these areas will provide improved certainty for and remove potential confusion about their acceptability with respect to aircraft noise.

It is also proposed to amend the DCP to include a more direct reference that exceptions can be made for development that is usually considered 'unacceptable' particularly for vacant land within an existing built-up area. This will remove the concerns of owners of vacant land surrounded by already built dwellings and the 'acceptability' of development.

It is not proposed to change provision concerning the 'acceptability' of subdivision on land that is not infill development. This concerns substantial areas of vacant residential zoned land that is subject to high levels of aircraft noise and includes areas such as north of Richardson Road Raymond Terrace.

Other proposed amendments include:

Making bed and breakfast establishments acceptable within the 25-30 ANEF contour, consistent with tourist facilities.

Making child care centres acceptable within the 25-30 ANEF contour, consistent with educational establishments.

Removing outdoor spaces as a consideration in the building site acceptability table, because they are addressed separately under principles and controls and are ancillary development.

Addressing the permissibility of home employment and home occupation as a written development control, rather than as a note to the table.

Other administrative changes to the DCP are proposed and highlighted accordingly.

A copy of the DCP chapter including proposed amendments is at Attachment 6 with changes highlighted in bold.

Draft Local Environmental Plans (LEP's)

The ANEF 2025 map has significant implications for preparing draft LEP's that propose to rezone land affected by aircraft noise. A draft LEP is required to comply with State Planning Direction 117: Direction 3.5 for development near licensed aerodromes. In essence the direction requires a draft LEP to include clauses that implement the ANEF and AS2021-2000 system and standards for planning for aircraft noise. In particular a draft LEP shall not rezone land for residential purposes where the ANEF contour is exceeded. Furthermore, a draft LEP must include a provision that development in areas affected by aircraft noise must comply with the provisions of AS 2021- 2000. In the near future, it is intended that Council prepare an amendment to the Port Stephens Local Environmental Plan 2000 to implement State planning direction 3.5. The effect will be to shift the emphasis for addressing aircraft noise from the DCP to the LEP and make the local approach for dealing with aircraft noise consistent with State direction.

A copy of State planning direction 3.5 Development near licensed aerodromes is at Attachment 4.

Planning Certificates

Planning certificates are generally issued upon the purchase of a property to advise of planning policies and constraints that apply to a parcel of land. Since the introduction of ANEF 2025 the notification placed on section 149(2) planning certificates has been changed to inform purchasers and vendors of property whether an allotment is affected by the 2025 ANEF map.

For affected properties now affected by ANEF 2025 the wording is as follows:

"Council's records indicate that the land subject of this certificate is affected by RAAF Base Williamtown and Salt Ash Weapons Range 2025 ANEF (2nd October 2009). Included within the ANEF map is a table advising building site acceptability based on ANEF contours in accordance with AS2021-2000. Copies of the ANEF map and table can be viewed on the Department of Defence website www.defence.gov.au/id/2025. Certain developments in high noise areas may be restrained in accordance AS 2021-2000".

Given the ongoing impact of the Hawk and Hornet a notice should be placed on 149 certificates that ANEF 2012 is still considered in the assessment of DAs.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The main social and economic implications of introducing the new maps are discussed previously under financial/resource implications and relate to cost.

The main environmental implications concern exposure to noise. A basic summary of the change in noise impacts is provided by comparing the ANEF 2012 and ANEF 2025 maps attached to this report.

CONSULTATION

Council staff met with the Department of Defence on 25th November to discuss the implications of the ANEF 2025 map and in particular the need to address the interim period of operation of the Hawk and Hornet prior to the introduction of the JSF. At the meeting it was requested that the Department of Defence produce a single ANEF map that accounts for the continued operation of the Hawk and Hornet and also the JSF.

It was agreed at the meeting that RAAF Base Williamtown is a licensed aerodrome for the purpose of State planning direction 3.5 Development near licensed aerodromes. As stated previously in this report a recommendation is to prepare a draft LEP to implement State planning direction 3.5 in the Port Stephens Local Environmental Plan 2000.

OPTIONS

- 1) Adopt the recommendations of this report;

- 2) Additionally, resolve to:

Prepare an amendment to the Port Stephens Local Environmental Plan 2000 to implement State Planning Direction 3.5 – “*Development near Licensed Aerodromes*” for the Port Stephens Local Government Area;

Amend the Port Stephens Development Control Plan 2007 to incorporate the RAAF Base Williamtown and Salt Ash Air Weapons Range ANEF 2025 map and other amendments

Investigate preparing standard ‘deemed to comply’ provisions for noise attenuation of dwellings to avoid the need for individual acoustic reports for buildings in the 20-25 ANEF contour, and

Repeal the superseded policy *Aircraft Noise Exposure in Port Stephens* adopted 16 December 2003.

- 3) To also make representations to the Department of Defence regarding issues of compensation and/or subsidisation associated with the cost implications of noise attenuation for affected property owners.

ATTACHMENTS

- 1) ANEF 2025 map
- 2) ANEF 2012 map
- 3) Comparison of the ANEF 2025 and ANEF 2012
- 4) State planning direction 3.5 Development near licensed aerodromes
- 5) Submission to the draft PER for introduction of the Joint Strike Fighter
- 6) B2 DCP Chapter

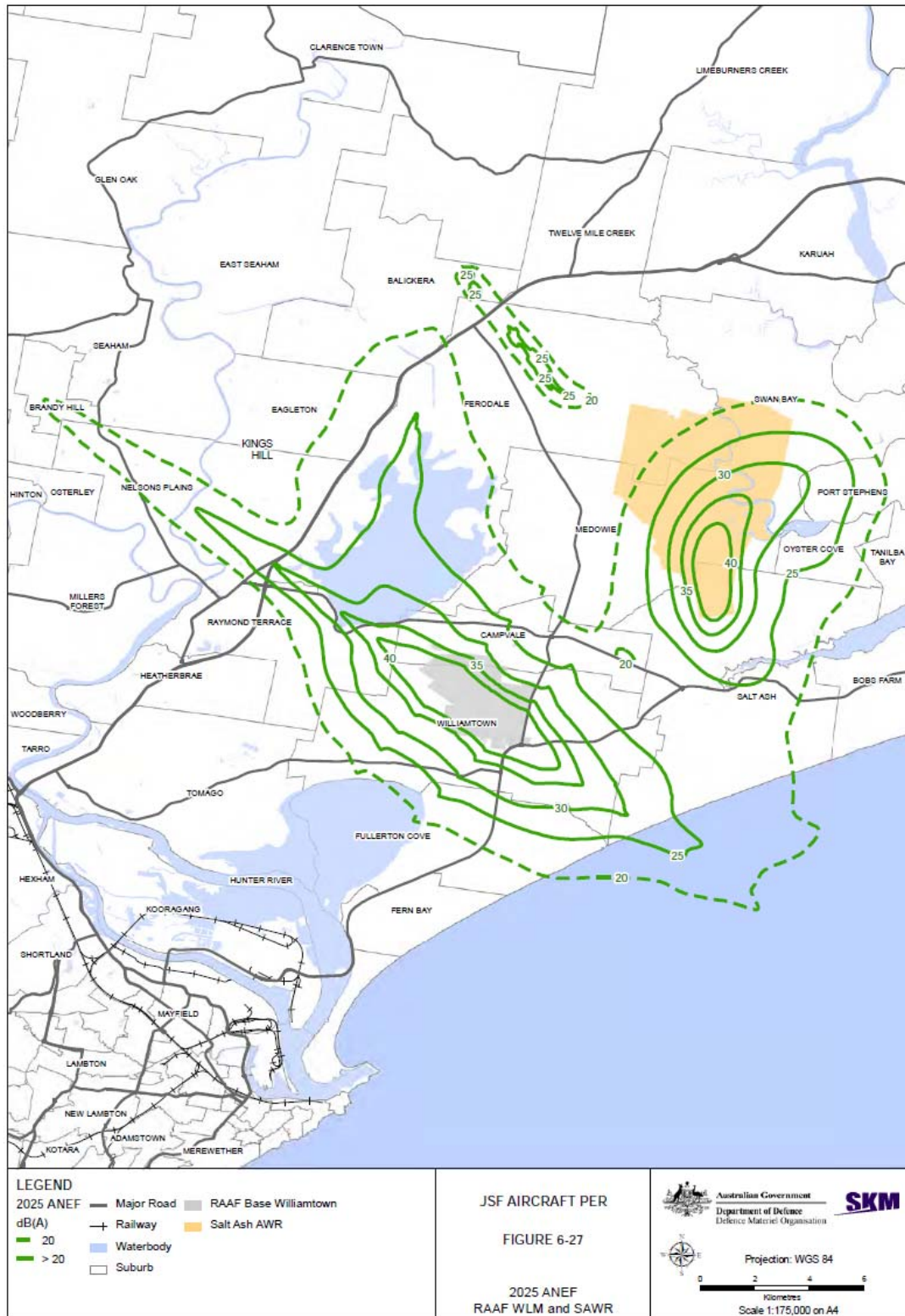
COUNCILLORS ROOM

- 1) Draft Public Environment Report – Operation of the JSF Aircraft at RAAF Base Williamtown (Sinclair Knight Merz, October 2009)

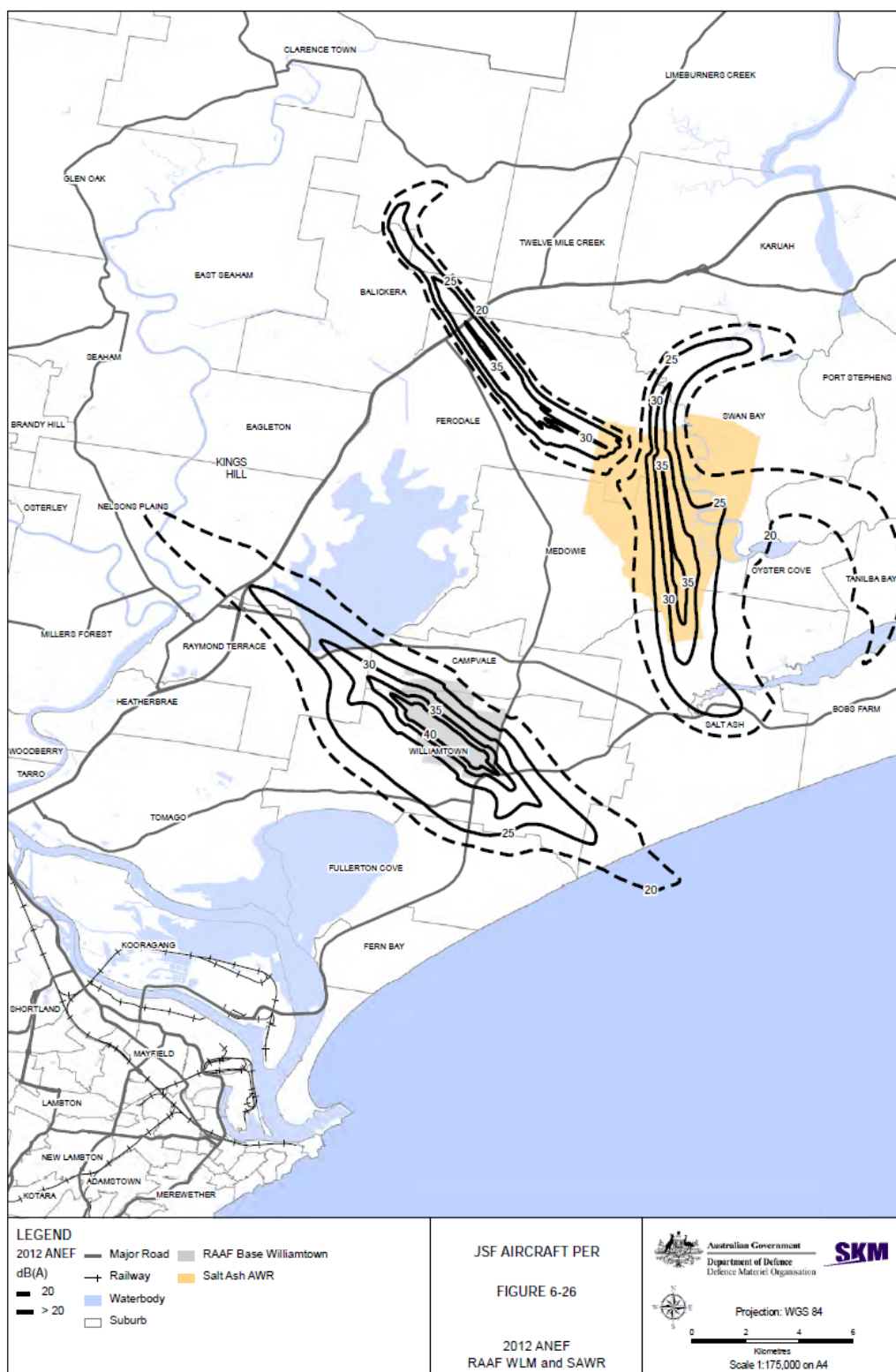
TABLED DOCUMENTS

Nil.

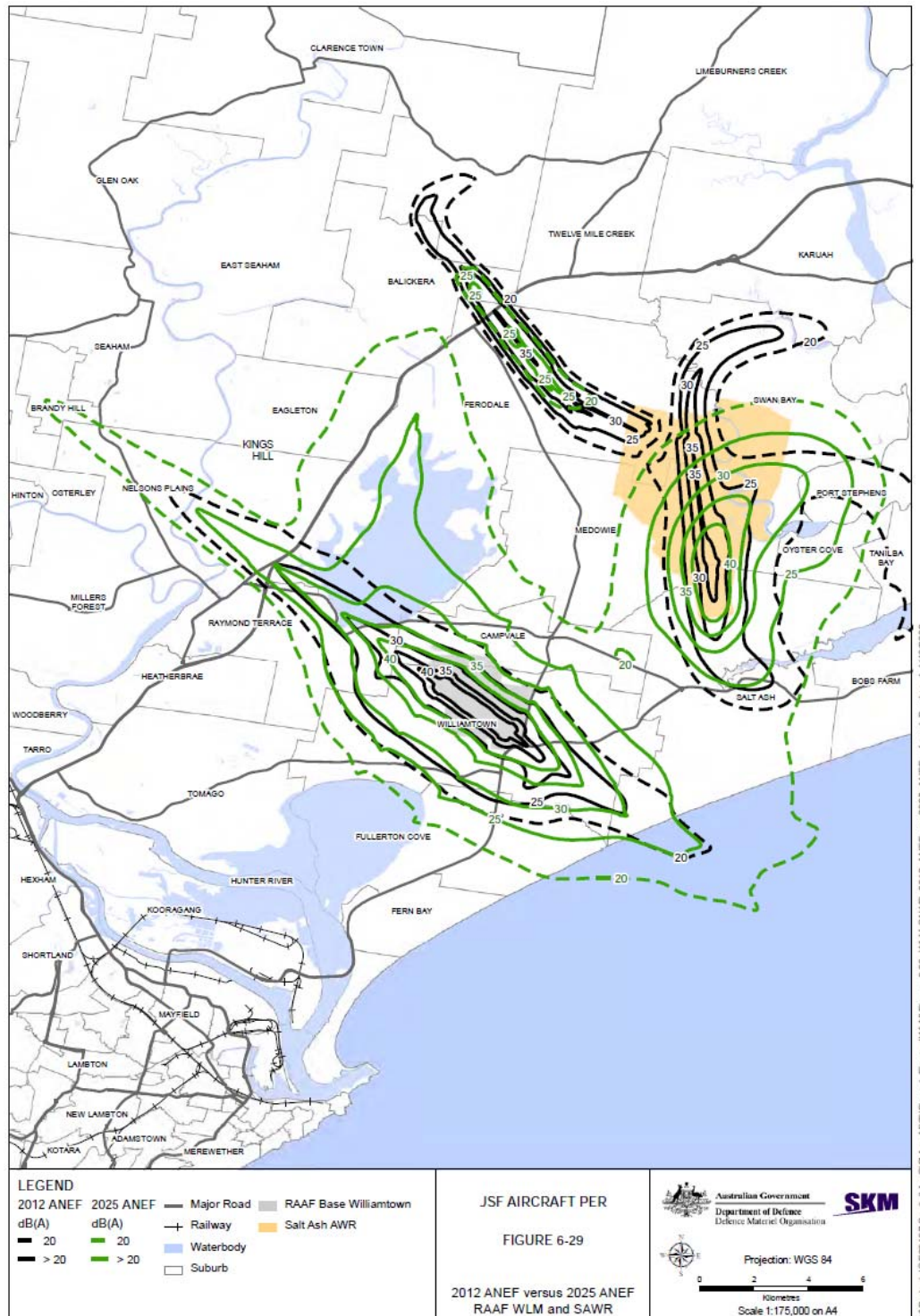
ATTACHMENT 1 ANEF 2025 MAP



ATTACHMENT 2
ANEF 2012 MAP



ATTACHMENT 3 COMPARISON OF ANEF 2025 AND ANEF 2012



ATTACHMENT 4

STATE PLANNING DIRECTION 3.5

LOCAL PLANNING DIRECTIONS

Section 117(2) of the Environmental Planning and Assessment Act 1979

3.5 Development Near Licensed Aerodromes

Objectives

- (1) The objectives of this direction are:
 - (a) to ensure the effective and safe operation of aerodromes, and
 - (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and
 - (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:
 - (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,
 - (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,
 - (c) for land affected by the OLS:
 - (i) prepare appropriate development standards, such as height, and
 - (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome
 - (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.
- (5) A planning proposal must not rezone land:
 - (a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or
 - (b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or
 - (c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.
- (6) A planning proposal that rezones land:
 - (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or
 - (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or
 - (c) for commercial or industrial purposes where the ANEF is above 30,
 must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

Consistency

- (7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or

LOCAL PLANNING DIRECTIONS

Section 117(2) of the *Environmental Planning and Assessment Act 1979*

- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) of minor significance.

Direction 3.5 – issued 1 July 2009

ATTACHMENT 5
SUBMISSION TO THE DRAFT PER FOR INTRODUCTION
OF JOINT STRIKE FIGHTER



Reply Paid 84098
SOUTH BRISBANE BC QLD 4101

Dear Sir/Madam

Re: Draft Public Environment Report – Operation of the JSF Aircraft at RAAF Base Williamtown (Draft PER)

Thank you for the opportunity to provide a submission on the above. Port Stephens Council is the local planning authority on land use planning and development matters. The operation of RAAF Base Williamtown and Newcastle Airport and the introduction of the JSF are significant issues in planning and decision-making for current and future noise affected areas and existing and future urban areas.

ANEF 2025 for RAAF Base Williamtown and Salt Ash Air Weapons Range

The ANEF 2025 was promulgated on 2nd October 2009 and forms the basis for planning for aircraft noise in Port Stephens. Council understands that the promulgation of ANEF 2025 replaces ANEF 2012, which maps the noise forecast of the Hornet and Hawk Aircraft, and that ANEF 2012 no longer applies.

The ANEF 2025 is based on the introduction of the JSF which is not predicted to be in service until approximately 2018. It is also understood that the Hornet and Hawk aircraft will continue operating until at least that time. In effect, the ANEF 2025 will not address the interim period of operation of the Hornet and Hawk and their effect on the community and land use decisions.

Council is concerned that, with the introduction of the ANEF 2025 for the JSF only, there is now an interim period of noise impacts from the Hornet and Hawk and no endorsed ANEF map that takes into account their continued operation. Under this scenario, Council has no proper legal basis for making planning decisions that consider the real impact of the interim operation of the Hornet and Hawk.

To address this situation, it is suggested that Defence consider the preparation of a composite ANEF map that takes into account the operation of the JSF, Hornet and Hawk combined. A composite map can then be revised when and if Defence retires the Hawk and Hornet aircraft (i.e delete ANEF 2012).



Telephone: 02 4980 0255 Fax: 02 4987 3612
Email: council@portstephens.nsw.gov.au Web: www.portstephens.nsw.gov.au

Cost of insulating dwellings

Council's experience in considering and determining consent for residential development on land subject to AS2021-2000 is that the cost of insulating dwellings to meet the requirements of AS2021-2000 for prospective land owners is expensive and a significant issue affecting housing affordability. The draft PER identifies the cost of insulating existing dwellings but does not address the typical cost of insulating new dwellings. Addressing this matter is important to landowners intending to build on vacant land that will be impacted by the operation of the JSF. The cost implications for constructing new dwellings should be made clear in the draft PER.

The cost of meeting the internal sound design levels established in AS 2021-2000 was raised by Council in a submission to the *Discussion Paper - Safeguards for airports and the communities around them* (Department of Infrastructure, Transport, Regional Development and Local Government, June 2009)

Kings Hill

ANEF 2025 impacts upon some 1/3 of the Kings Hill site. Approximately 2700 dwellings would be located within the 20-25 noise contours and require insulation in accordance with AS 2021-2000. This has very significant housing affordability implications for Port Stephens and the Lower Hunter, with Kings Hill being one of the largest release areas in the region.

It is requested that Defence further consider opportunities for alterations to proposed JSF flight paths that reduce the noise impact upon the Kings Hill site and hence reduce social and economic impacts on housing affordability for some 1/3 of the new town.

Aircraft noise and the Port Stephens Local Environmental Plan 2000

I refer to a meeting between Defence, NSW Department of Planning (DoP) and Council on 25th November to discuss ANEF 2025. Aircraft noise and its relationship to the NSW planning framework was also discussed.

It is agreed that RAAF Base Williamtown is a 'licensed aerodrome' for the purposes of Planning Direction 3.5 *Development Near Licensed Aerodromes* issued under section 117 of the *Environmental Planning and Assessment Act 1979* (the Act). In essence, the Direction requires a draft LEP to include clauses that implement the ANEF and AS 2021-2000 system.

Council officers notified Defence and the DoP of our intent to recommend to Council to prepare a draft amendment to the *Port Stephens Local Environmental Plan 2000* (the LEP) to implement Planning Direction 3.5. The effect will be to shift the emphasis of addressing aircraft noise from the *Port Stephens Development Control Plan 2007* (the DCP) to the LEP and make the local approach to planning for aircraft noise consistent with State direction.

In the interim, Council will continue to apply both ANEF 2012 and ANEF 2025 when determining development applications under Section 79C of the Act.

Yours faithfully



Trevor Allen

Manager - Integrated Planning
Sustainable Planning

Date: 30/11/2009

CC: John Kerwan, Department of Defence
Michael Leavey – Department of Planning - Newcastle

ATTACHMENT 6 B2 DCP CHAPTER

Port Stephens Development Control Plan 2007

B2 Environmental and Construction Management

B2.C67A Notice of Determination in respect to an application to install, granting consent must be obtained prior to commencement of works.

B2.C68 The operation of a system of sewage management (as defined) is a prescribed activity requiring an approval from Council (Approval to Operate) in accordance with the Local Government Act, 1993 (Section 68C(6)). Approvals are subject to annual renewal for which a prescribed fee (in accordance with Council's schedule of fees and charges) is payable. The continued operation of the system of sewage management must comply with the operating conditions attached to the annual approval to operate.

B2.C69 Greywater is defined as domestic wastewater excluding toilet waste. For premises connected to a reticulated sewer operated by the local water and sewer authority the treatment and disposal of greywater must comply with *NSW Guideline for Sewered Residential Premises (Single Households) Greywater Reuse* NSW Department of Energy, Utility and Sustainability. For premises not connected to a reticulated sewer operated by the local water and sewer authority (i.e. properties operating an on-site sewage management facility) the treatment and disposal of greywater must comply with *NSW Guideline for Sewered Residential Premises (Single Households) Greywater Reuse* (NSW Department of Energy, Utility and Sustainability) and Council specific requirements.

B2.C70 The discharge of un-treated greywater from any source to a waterway, watercourse (whether permanent or intermittent), stormwater drain, drainage channel or ground surface is not permitted.

B2.13 Aircraft Noise

WHERE THIS PART APPLIES

This Part applies to all land identified within the Australian Noise Exposure Forecast (ANEF) contours as identified in Figure B2.2 *ANEF Chart*.

It should be noted that all areas of the Port Stephens Local Government Area experience noise from civilian or military aircraft from time to time. Applicants who apply for development consent outside of the ANEF contours should make an independent decision and

assessment of whether noise attenuation measures are required.

IMPORTANT NOTE: In addition to land identified in Figure B2.2 ANEF chart, *RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF* came into effect on 2nd October 2009. Included within the ANEF map is a table advising building site acceptability based on ANEF contours in accordance with AS 2021-2000. Copies of the ANEF map and table can be viewed on the Department of Defence website http://www.defence.gov.au/id/2025_anef.htm.

BACKGROUND

The Port Stephens Local Government Area is subject to aircraft noise from military jets operating from the Royal Australian Air Force base at Williamtown and the associated use of the Salt Ash Air Weapons Range facility. Noise generated by military jets is an ongoing impact within the local government area.

ANEF contour charts assist in managing the impacts of noise from the operation of military jet aircraft by indicating ANEF contour charts indicate land area most affected by aircraft noise and the likely level of exposure within a given time. The ANEF charts are used in conjunction with *Australian Standard 2021-2000 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* to determine the acceptability of different types of development within the ANEF contours. This forms the basis of Council's approach to the management of exposure to aircraft noise.

PRINCIPLES

B2.P23 Applicants should acquaint themselves with the level of aircraft noise that may be experienced from time to time on property that is situated within the Port Stephens LGA;

B2.P24 Council needs to take into consideration the likely impact of aircraft noise when assessing and determining development applications;

B2.P25 *Australian Standard 2021-2000* is the recognised document for assessing the impact of aircraft noise on development and determining what measures might be employed to reduce the impacts and provide acceptable indoor sound levels;

B2.P26 Applying *Australian Standard 2021-2000* relies on the availability of ANEF contours as well as actual flight path and noise levels of operating aircraft;

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B2-10

Port Stephens Development Control Plan 2007

B2

Environmental and Construction Management

B2.P27 ANEF contour charts provide a broad-scale planning tool for identifying areas affected by aircraft noise and the degree to which areas are affected. Depending on the degree of impact development may be acceptable, conditionally acceptable or unacceptable;

B2.P28 ANEF contour charts must be considered in conjunction with *Australian Standard 2021-2000* and the *Defence Aircraft Indicative Noise Level Tables*.

B2.P29 The Department of Defence advises that noise level should always be confirmed on site.

B2.P30 Indoor design sound levels are based on Table 3.3 *Indoor Design Sound Levels for Determination of Aircraft Noise Reduction of Australian Standard 2021-2000*.

B2.P31 The effect of aircraft noise on outdoor spaces associated with any development type should be considered in a development application.

B2.P32 Nothing prevents a person from lodging a development application under the provisions of the *Environmental Planning and Assessment Act 1979*.

DEVELOPMENT CONTROLS

B2.C71 Figure B2.3 *Building Site Acceptability Based on ANEF Zones* shows the acceptability of different types of development and their acceptability based on *Australian Standard 2021-2000*. It specifies the detail required to be submitted with development applications for each type of development. When a development application is received for a type of development that is not listed Council will exercise its discretion as to whether an acoustic report is required.

Where Figure B2.3 specifies that a development application is 'Conditionally Acceptable', an acoustic report must be submitted that is signed and endorsed by an acoustic engineer. The report must demonstrate that *Australian Standard 2021-2000* has been considered in the design of the building and any proposed attenuation measures must be incorporated into the design and conditions of the consent.

B2.C72 Indoor sound design levels must be consistent with Table 3.3 *Indoor Sound Design Levels for Determination of Aircraft Noise Reduction of Australian Standard 2021-2000*.

How to apply this part

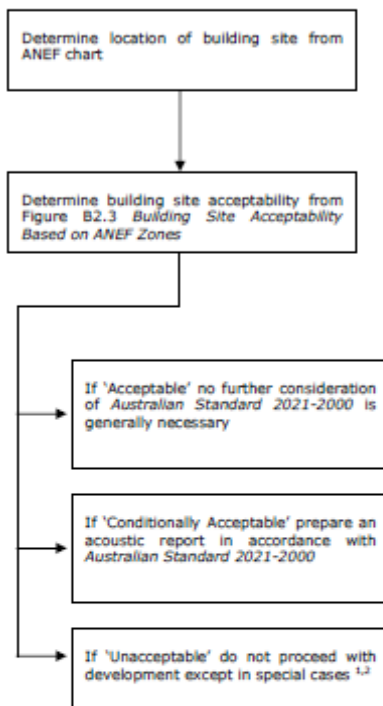


Figure B2.1 How to apply this part

Note:

¹*Australian Standard 2021-2000* does not recommend development in unacceptable areas. However, where the planning authority determines that any development may be necessary within existing built-up areas (areas zoned residential) designated as unacceptable, it is recommended that such development should achieve the aircraft noise reduction (ANR) in accordance with *Australian Standard 2021-2000*.

²No new development should take place in greenfield sites deemed unacceptable because such development may impact airport and weapon range operations.

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B2-11

Port Stephens Development Control Plan 2007

B2 Environmental and Construction Management

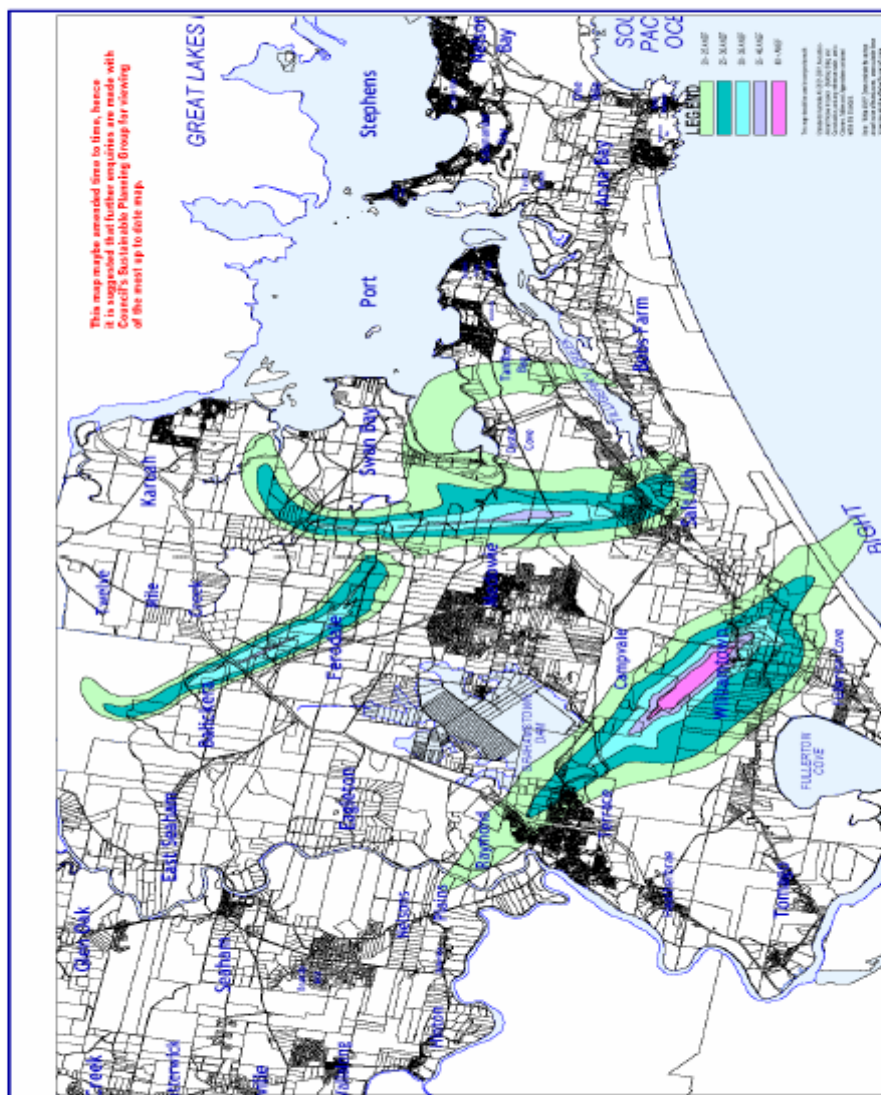


Figure B2.2 ANEF Chart

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*Port Stephens Development Control Plan 2007***B2****Environmental and Construction Management**

Type of development	20-25 ANEF	25-30 ANEF	30-35 ANEF	35-40 ANEF	40+ ANEF
Abattoir	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Addition to existing dwelling	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable
Airport and heliport (terminal buildings)	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable
Bed and breakfast establishment (forming part of an existing approved dwelling)	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Bed & breakfast establishment (forming part of a new dwelling)	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Boarding house	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Brothel	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Bulky goods sales room or showroom	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Camp or caravan site	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Child care centre	Unacceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Club	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Commercial premises	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Community facility	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Depot	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Dual occupancy	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Dwelling house	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Educational establishment	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Exhibition home	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Hazardous industry	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Health care professional	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable

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B2-13

Port Stephens Development Control Plan 2007

B2 Environmental and Construction Management

Type of development	20-25 ANEF	25-30 ANEF	30-35 ANEF	35-40 ANEF	40+ ANEF
Health consulting rooms	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Home employment	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Home occupation	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Hospital	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Hotel	Acceptable	Conditionally Acceptable	Unacceptable ²	Unacceptable ²	Unacceptable ²
Industry and industrial type development in the 4(a) zone (excluding those types of industrial development listed elsewhere in this table)	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable
Institution	Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Materials recycling facility	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable
Medical centre	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Motor showroom	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Offensive industry	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Offensive storage establishment	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Outdoor spaces associated with a development - verandahs, pergolas, outdoor enclosures, swimming pools and the like	Acceptable ²	Acceptable ²	Acceptable ²	Acceptable ²	Acceptable ²
Place of assembly	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Place of public worship	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Recreation facility (building)	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable
Replacement of dwelling	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable
Restaurant	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable

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B2-14

*Port Stephens Development Control Plan 2007***B2****Environmental and Construction Management**

Type of development	20-25 ANEF	25-30 ANEF	30-35 ANEF	35-40 ANEF	40+ ANEF
Restricted premises	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Retail plant nursery (building only)	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable
Road transport terminal	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Service station	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable
Shop	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Subdivision of residential land	Conditionally acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Tourist facility	Conditionally Acceptable	Conditionally Acceptable	Unacceptable ²	Unacceptable ²	Unacceptable ²
Urban housing	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Veterinary hospital	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Warehouse	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable

Figure B2.3 Building Site Acceptability Based on ANEF Zones

Note:

¹Home employment and home occupation are conditionally acceptable within existing premises only.

²Except if located within Newcastle Airport Area, as illustrated in Figure B2.4, where such a use may be conditionally acceptable. In such instances an acoustic report is required with noise levels to be confirmed on site.

³The effect of aircraft noise on outdoor spaces associated with any development type should be considered in a development application.

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B2-15

Port Stephens Development Control Plan 2007

B2 Environmental and Construction Management

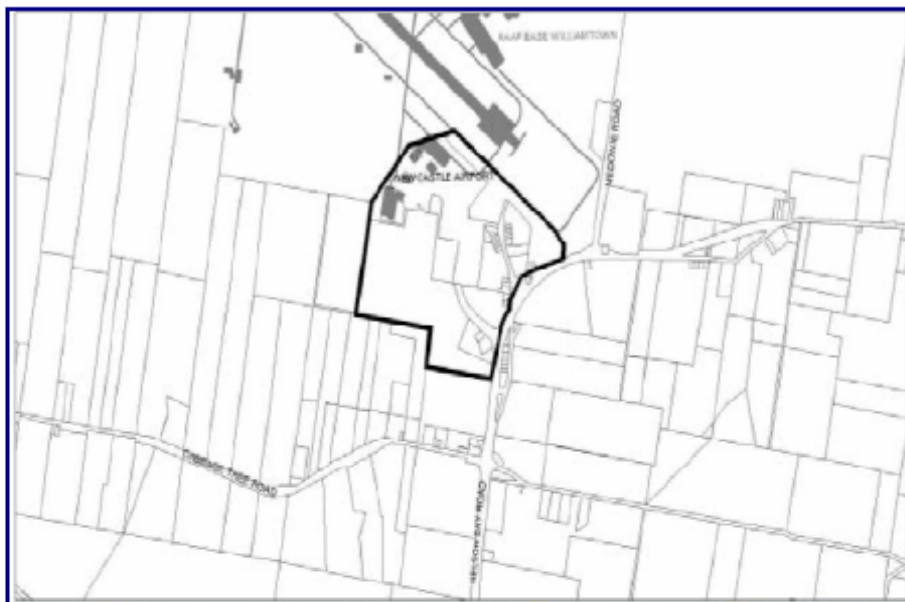


Figure B2.4 Newcastle Airport Area

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B2-16

ITEM NO. 5

FILE NO: PSC2005-3622

SABRE JET, BETTLES PARK, RAYMOND TERRACE

REPORT OF: JASON LINNANE - RECREATION SERVICES MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the concerted effort of the Sabre Jet Committee volunteers over the last six (6) months.
- 2) Continues to pursue grant monies to assist in covering the costs associated with the required works.
- 3) Undertakes further consultation with aircraft restoration specialists to assist in determining the most appropriate means to renew and extend the life of the Sabre Jet.
- 4) Considers a further report in 6 months time and make a decision on the long term future of the asset at this point in time.

COUNCIL COMMITTEE MEETING – 15 DECEMBER 2009

RECOMMENDATION:

	<p>Councillor Bruce MacKenzie Councillor</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1) Undertakes further consultation with aircraft restoration specialists to assist in determining the most appropriate means to renew and extend the life of the Sabre Jet. 2) Notes the concerted effort of the Sabre Jet Committee volunteers over the last six (6) months and this report be discussed further with consultation with the Sabre Jet Committee. 3) That a report be submitted back to Council in March 2010. 4) That Council approach the Historical Aircraft Restoration Society to meet with Council. 5) That the report be submitted to the Sabre Jet Committee.
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ORDINARY MEETING – 15 DECEMBER 2009

431	Councillor Glenys Francis Councillor John Nell	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Undertakes further consultation with aircraft restoration specialists to assist in determining the most appropriate means to renew and extend the life of the Sabre Jet.2) Notes the concerted effort of the Sabre Jet Committee volunteers over the last six (6) months and this report be discussed further with consultation with the Sabre Jet Committee.3) That a report be submitted back to Council in March 2010.4) That the Historical Aircraft Restoration Society be invited to meet with the Sabre Jet Committee and Council.5) That the report be submitted to the Sabre Jet Committee.
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BACKGROUND

The purpose of this report is to have Council:

- a) Review its prior resolution on this matter ([Attachment 1](#))
- b) Understand work completed by the Sabre Jet Sub-Committee
- c) Agree on a process to further this issue

The proposed committee was formed in 13th May 2009 and a protocol for its operation and membership ([Attachment 2](#)) was agreed to at its first meeting on the same day.

The committee has now held six (6) meetings and the minutes of such are available in the Councillor Room.

The committee has developed a scope of works and estimate to complete one (1) form of renewal. This scope of works was estimated to cost over at least \$120k. Research would suggest the cost will be up to 50% more than this once full details are available on what is required if the project is further scoped.

The scope of works are yet to be reviewed by an aircraft restoration specialist. It is believed this is essential prior to committing such a large amount of funds to this

project. Brief research has been undertaken and has identified that the works required are of a specialist nature and are very complex. It may be that specialists are required to undertake any works and sourcing of these is an issue that requires further research.

Council has received details on how to approach the works from one organisation. This organisation, Historic Aircraft Restoration Society (HARS), have indicated a willingness to provide advice and / or take the asset and renew and display at their site in the Illawarra Region. This option is something that needs serious consideration due to:

- a) The complex nature of the work required.
- b) The lack of specialised skills to do the work.
- c) The cost of the proposed works.
- d) The uncertainty about the longevity of any such works.

Replacement infrastructure to recognise the airforce history of Raymond Terrace could be provided if this option was furthered. This could include scale replicas, sculptures, signage and other interpretive material. All of those may cost substantially less than the cost to restore the current Sabre Jet as well as other life-cycle costs.

Despite efforts by staff and committee members, no external source of funds have been established to date.

Memorial status has been further researched and it has been found that such an approach will not provide any significant advantage. It is understood that a similar aircraft is currently housed at Fighter World.

FINANCIAL/RESOURCE IMPLICATIONS

Attachment 1 contains details on the Financial / Resource implications as per the previous Council report. These remain the same with the exception that it is now known that external funding is very unlikely should Council wish to keep the asset at its current location.

LEGAL, POLICY AND RISK IMPLICATIONS

The asset has local historical significance but there are no legal or policy implications as a result of this report.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Some Sections of the community have expectations that the aircraft will remain in situ and be maintained by Council for the foreseeable future. These have been voiced in many forums such as The Port Stephens Examiner, Heritage Committee, by some Councillors and letters to Council.

Consideration must be given to the means by which any restoration occurs so that there are no negative impacts on the environment

CONSULTATION

Port Stephens Council Heritage Committee
Historic Aircraft Restoration Society ("HARS")
Fighter World
Sabre Jet Committee and the organisation represented on the committee

OPTIONS

- 1) Adopt the recommendation
- 2) Reject the recommendation and develop an alternate process

Staff are of the opinion that it is now time for other options.

ATTACHMENTS

- 1) Previous Council report and Resolution, February 2009
- 2) Sabre Jet Committee Protocol

COUNCILLORS ROOM

- 1) Sabre Jet Committee Meeting Minutes

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
PREVIOUS COUNCIL REPORT AND RESOLUTION - FEB 2009

MINUTES FOR ORDINARY MEETING – 24 FEBRUARY 2009

ITEM NO. 4

FILE NO: PSC2005-3622

SABRE JET, BETTLES PARK, RAYMOND TERRACE

REPORT OF: JASON LINNANE, RECREATION SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Continues to pursue grant monies to assist in covering the costs associated with the required works
- 2) Considers a further report in 6 months time and makes a decision on the long term future of the asset at this point in time

OPERATIONS COMMITTEE MEETING – 10 February 2009

RECOMMENDATION:

Councillor Glenys Francis Councillor Ken Jordan	<ol style="list-style-type: none">1) Continues to pursue grant monies to assist in covering the costs associated with the required works2) A further report be submitted to Council determining the long term future of the asset and a restoration/management plan be submitted.3) Council apply to have the Sabre Jet listed as a memorial.4) A committee be formed comprising the Heritage Committee, Lions, Tidy Towns, Specialist Aircraft representative and a community representative and to have support from Planning and Community Recreation Staff and they are to facilitate a report to Council.5) This is to be a Sabre Jet Committee.
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ORDINARY COUNCIL - 24 FEBRUARY 2009

027	Councillor G Francis Councillor P Kafer	It was resolved that the Operations Committee recommendation be adopted.
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ITEM NO. 4**FILE NO: PSC2005-3622****SABRE JET, BETTLES PARK, RAYMOND TERRACE****REPORT OF: JASON LINNANE, RECREATION SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Continues to pursue grant monies to assist in covering the costs associated with the required works
- 2) Considers a further report in 6 months time and makes a decision on the long term future of the asset at this point in time

BACKGROUND

The purpose of this report is to have Council develop a formal position on the rehabilitation and desired outcome of any works undertaken on the Sabre Jet.

Information suggests that the aircraft was placed in Bettles Park, Raymond Terrace, in 1982 by the Lions Club of Raymond Terrace. This was done as a community project and to acknowledge the presence of the RAAF in Port Stephens.

Since the installation of the aircraft only minimal maintenance has been undertaken by either the Community or Council. From records available to staff the following is an outline of what has been undertaken;

- Repainting of the aircraft in 1992 by the community.
- Inspection of the aircraft by Hunter Aerospace July 1999.
- Installation of a fence for safety reasons around 2000.
- Cleaning out of debris and structural check (Lindsay & Dynan) in September 2008.

Due to the lack of maintenance the external appearance is becoming poor. A great amount of work is required to restore the appearance to display condition. Future work to maintain this appearance would need to be annual and ongoing.

The structural checks both in 1999 (Hunter Aerospace Corporation) and 2008 (Lindsay & Dynan) have inspected the plinth and internal members supporting the aircraft. These inspections have concluded that the structural condition is in good order. Due to the poor condition of the painted surfaces, corrosion of the external skin of the aircraft is increasing. While these are non structural panels, both the paint and corrosion should be addressed in the near future. The aircraft in its current state will not last nearly as long as compared to having basic maintenance carried out to prevent moisture and debris from coming into direct contact with the surfaces. Observations of the aircraft's condition include:

- The external surface finish is deteriorated and faded.
- The underside of the fuselage has visual evidence of advanced corrosion in some skin panels.
- Visual evidence of water collection in the underside of the fuselage.
- Vandalism of the windshield and panels is evident.

OPERATIONS COMMITTEE – 10 FEBRUARY 2009

The options which are being considered to address this are as follows and are detailed in attachment one:

- In situ Preventative Maintenance.
- In situ painting.
- Restoration of Aircraft off site.
- Removal and replacement with another suitable monument.
- Give the aircraft to a suitable benefactor to repair.

Any commitment to restore the aircraft must also consider and allow for ongoing maintenance or this will mean the eventual removal of the air frame.

LINKS TO CORPORATE PLANS

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

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

FINANCIAL / RESOURCE IMPLICATIONS

Attachment 1 has an outline of the options that are available and the capital and recurrent maintenance costs for each option.

These capital costs range from \$5000 to \$250,000. *(The estimates have been sourced through Fighter World and Hunter Aircraft Restoration Society)* Council Officers are presently investigating funding sources through the State and Federal Government.

There will be an ongoing maintenance commitment of \$50,000 every five years.

The skills required to maintain an airframe are not available within Council's present work force. Specialised skills would need to be outsourced so that the airframe could be maintained.

There is no allocation in existing budgets for either the capital or recurrent costs.

LEGAL AND POLICY IMPLICATIONS

The asset has local historical significance but there are no legal or policy implications as a result of this report.

Business Excellence Framework

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

These outcomes align with the following Business Excellence principles:-

OPERATIONS COMMITTEE – 10 FEBRUARY 2009

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Sections of the community have expectations that the aircraft will remain in situ and be maintained by Council for the foreseeable future. These have been voiced in many forums such as the Examiner, Heritage committee, local ward councillors and letters to Council.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Consideration must be given to the means by which any restoration occurs so that there are no negative impacts on the environment.

CONSULTATION

- PSC Heritage Advisory Committee
- Raymond Terrace Lions Club
- Raymond Terrace Parks Committee
- Historic Aircraft Restoration Society (HARS)
- Fighter World

OPTIONS

1. Adopt the recommendation.
2. Reject recommendation and approve funds for one of the four options

ATTACHMENTS

1. Project Options and Resource Implications.
2. Historical Aircraft Restoration Society proposal.
3. History and Significance of Sabre A94-959 by Trevor Boughton 2007.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009

OPERATIONS COMMITTEE – 10 FEBRUARY 2009

Nil

OPERATIONS COMMITTEE – 10 FEBRUARY 2009

ATTACHMENT 1

PROJECT OPTIONS AND APPROXIMATE COSTING

All options would have to be scoped very carefully to control costs.

1. **Insitu Preventative Maintenance and rehabilitation** – Approx Cost \$250,000

Proposed Maintenance	Advantages	Disadvantages
▪ Scaffolding and covering the air frame	Retention of aircraft	High cost
▪ Removal of all paint and corroded surfaces	No transport costs	
▪ Replacement of Cockpit and windscreen	Meet some community expectations	
▪ Removal and replacement of damaged and corroded aluminium panels	Long term solution	On-going maintenance required
▪ Replacing all rivets	Improved appearance – long term	Difficult work to undertake in external location
▪ Bird proofing the air frame		Limited types of paint could be used - not addressing corrosion issue
▪ Repainting		5 year maintenance costs of \$50,000
▪ Remove scaffolding and covering of the air frame		

2. **Insitu Repaint** – Approx Cost \$60,000

Proposed Maintenance	Advantages	Disadvantages
▪ Scaffold and cover the air frame	Retention of aircraft	Short term solution only. Major works still required within 5 years
▪ Remove existing paint and surface corrosion	No transport costs	
▪ Bird proof air frame	Meet some community Expectations	On-going maintenance required
▪ Repainting	Improved appearance – short term	Limited types of paint could be used - not addressing corrosion issue 5 year maintenance costs of \$50,000

ATTACHMENT 1

PROJECT OPTIONS AND APPROXIMATE COSTING

3. Rehabilitation of Aircraft off site - Approx Cost \$220,000

Proposed Maintenance	Advantages	Disadvantages
▪ Cutting Plynth, crane aircraft to ground	Aircraft returned to display condition	May not be possible to replace on existing plynth
▪ Transportation of airframe by road or air to identified repair site	Meet some community Expectations	Transport Costs
▪ Removal of all paint and corroded surfaces		
▪ Replacement of Cockpit and windscreen	Retention of Aircraft	High Cost
▪ Removal and replacement of damaged and corroded aluminium panels	Long term solution	On-going maintenance required
▪ Replacing all rivets	Improved appearance long term	Difficult work to undertake in external location
▪ Bird proofing the air frame		Limited types of paint could be used - not addressing corrosion issue
▪ Repainting		
▪ Transport back to site		5 year maintenance costs of \$50,000

4. Removal of asset – Approx cost \$20,000

Proposed Maintenance	Advantages	Disadvantages
▪ Cutting Plynth, crane aircraft to ground	Low cost	Loss of aircraft
▪ Disposal of Airframe	No on-going maintenance	Does not meet some community expectations
▪ Replacement with sculpture or monument in the same location	Recognition of aircraft association with town is maintained	5 year maintenance costs of \$50,000

ATTACHMENT 1

PROJECT OPTIONS AND APPROXIMATE COSTING

5. Give the airframe to a suitable benefactor to repair – Approx cost – \$5,000

Proposed Maintenance	Advantages	Disadvantages
<ul style="list-style-type: none">Removal and transport by others	<ul style="list-style-type: none">Low costNo maintenanceLong term survival of the aircraft	<ul style="list-style-type: none">Does not meet some community expectationsLoss of aircraft

OPERATIONS COMMITTEE – 10 FEBRUARY 2009

ATTACHMENT 2

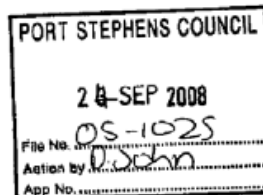
HISTORICAL AIRCRAFT RESTORATION SOCIETY PROPOSAL



HISTORICAL AIRCRAFT RESTORATION SOCIETY Inc.
ABN 13 294 026 24

16th September 2008

Mr. P. Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324



Dear Mr Gesling,

Re: Sabre Jet A94-959 erected on a column in Bettles Park at Raymond Terrace

The Historical Aircraft Restoration Society (commonly called HARS) is deeply concerned at the current condition of this historic aircraft. It is historic primarily as being one of only two surviving Sabres that were part of the Black Panthers Aerobatic team in the 1960's. The other remaining Sabre that participated in the Black Panther team, A94-901, is on display at our Albion Park museum.

HARS is dedicated to recovering, conserving, preserving (and where possible, flying) for future generations, aircraft, both military and civilian, that were significant in Australia's aviation history. This F86 C.A.C Avon Sabre is such an aircraft.

HARS has a membership of over 450 dedicated and skilled volunteers, 70 of whom are or were licensed aircraft maintenance engineers (LAME's), along with all of the workshop facilities and equipment needed to carry out such work.

The Sabre we currently have (A94-901) was recovered from the original C.A.C. complex at Fisherman's Bend in Victoria, in the late 1990's and was in a similar condition to 959. It was restored to display condition and publicly displayed at Bankstown (HARS original home) in November 2000 alongside the Super Constellation which HARS recovered from the aircraft graveyard in Arizona and restored to flying condition.

HARS has a three hanger museum complex at the Illawarra Regional Airport and attracts many tourists to its facilities. We have taken the opportunity to include a copy of our business profile document for your further information.

The external condition of the Bettles Park Sabre is extremely poor with damage to the fin, ailerons and fuselage. There are also corrosion holes in the nose and wingtips. There are extensive rust stains from the many steel fixing screws and all the paintwork on the northwestern side of the aircraft has faded. In addition the starboard windscreen glass panel is cracked. The recent initial report to the council on the condition of the aircraft stated that a panel they removed to facilitate the inspection was so badly corroded the engineering department had to fabricate and fit a replacement.

Mailing Address: cnr Airport Road and Boomerang Avenue, Illawarra Regional Airport, Albion Park Rail, NSW 2527

Telephone: (02) 4257 4333 Facsimile: (02) 4257 4388 Website: www.hars.org.au

ATTACHMENT 2
HISTORICAL AIRCRAFT RESTORATION SOCIETY PROPOSAL

This aircraft cannot be restored with an onsite paint job. It needs extensive treatment for corrosion, without which its deterioration will continue.

HARS wishes to place the following proposal before the council.

AT NO COST TO THE COUNCIL (except possibly to remove the existing fence) HARS will remove the aircraft from the column and remove the wings and any other parts necessary to facilitate transport.

We will provide the necessary equipment and personnel to demolish the concrete plinth to remove the column. We will dispose of the rubble and fill in the resulting hole to council satisfaction.

We propose that the aircraft and column be transported to our Albion Park complex (on HARS transport with necessary police permits) where we will restore the aircraft. We estimate it will take 12 to 18 months minimum to complete the restoration.

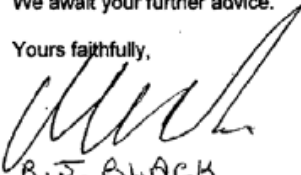
After the restoration of the aircraft and repainting in the "Black Panthers" aerobatic team graphics, it is our intention to re-erect the column and aircraft at the entrance to the HARS museum. HARS will provide appropriate acknowledgements of the history of the aircraft and the participants who put the effort into the original venture on a conspicuous plaque at the base of the column.

HARS have been active participants in displaying our aircraft (Connie and Neptune) at Williamstown in the past to assist Fighter World raise funds and will continue to do so in the future.

Myself and the project leader, Bob Black are available to attend a meeting of council at a mutually agreed time and place to elaborate where required and answer any questions that might arise.

We await your further advice.

Yours faithfully,



R.J. BLACK
ON BEHALF OF
Historical Aircraft Restoration Society
Robert J. De La Hunty (A.O.M.)
President and Chief Pilot

Mailing Address: cnr Airport Road and Boomerang Avenue, Illawarra Regional Airport, Albion Park Rail, NSW 2527

Telephone: (02) 4257 4333

Facsimile: (02) 4257 4388

Website: www.hars.org.au

ATTACHMENT 3

History and Significance

Michelle Mexon.

The Herald 28 Sep 2005 p. 13 "Logistics of restoring Sabre jet rattle council" by Jason Gordon " ... logistical plans expected to be completed by November it was achievable." [clean up for Lions' 50th anniversary next year].
NOTE REASONS GIVEN FOR GIFT.

The Herald 21 Mar. 2006 p. 10 "Poor image for the city" letter from Jim Eames on condition of Sabre.

Australian Aviation March 2007, p. 72 Warbirds column by Dave Prossor
IN BRIEF
"The Port Stephens Council has reconsidered a decision not to support the restoration of the CAC Sabre A94-959, currently on display in Bettles Park, at Raymond Terrace. On display since 1981 the aircraft is showing the effects of exposure to the elements with faded paint and corrosion showing. \$80,000 had been allocated for the restoration but then deferred. Following lobbying by various groups the council is looking at other sources of funding including grants."

Dave Prossor said on 10 June 2007 this was from a cutting supplied by Bill Hitchcock
Most likely *The Herald* BUT a check from Dec 2006 to early Feb 2007, NIL result

"Backflip on fighter" by Jacqui Jones

ATTACHMENT 2
SABRE JET COMMITTEE PROTOCOL



ESTABLISHMENT OF COMMITTEE
SABRE JET - BETTLES PARK, RAYMOND TERRACE

COMMITTEE PROTOCOL

Name of Committee:	Sabre Jet Committee
Council Section:	Recreation Services, Integrated Planning
Council Recommendation:	Minute No. 027, Council Meeting 24 February 2009
Duration of committee	Six months from the original report February 2009 - a further report to be facilitated by Recreation Services & Integrated Planning
Objectives: (as per above Council Minute)	<p>The committee is:</p> <ol style="list-style-type: none"> 1. To make recommendations to Recreation Services for a further report to be submitted to Council determining the long term future of the asset, including a restoration/management plan. 2. Pursue grant monies to assist in covering the costs associated with the required works. 3. Assist Council apply to have the Sabre Jet listed as a memorial
Membership & makeup of committee:	<p>Representatives to include:</p> <ul style="list-style-type: none"> • Port Stephens Heritage Committee • Lions Club • Raymond Terrace Parks, Reserves & Tidy Towns Committee • Specialist Aircraft representative • Community representative
Council employees:	<ul style="list-style-type: none"> • Parks Facilities Co-ordinator – Recreation Services • Strategic Planner – Integrated Planning (also representative of Port Stephens Heritage Committee & liaison for Heritage Adviser) • Heritage Adviser
Councillors:	Councillors Francis, Kafer, Jordan, Maher
Restrictions on committee function:	All activities undertaken will be with the knowledge and approval of the General Manager or his delegate
Policies, legislation the committee is required to comply with:	<p>Principle policies & legislation including but not limited to:</p> <p>OH&S Act 2000 OH&S Regulations 2001 LGA & Regulations 1993 PIIPA 1988 State Records Act, 1998 Code of Conduct Code of Meeting Practice Accessing Information Policy</p>
Ground Rules:	<ol style="list-style-type: none"> 1. We all participate and contribute with everyone given the opportunity to voice their opinions 2. We actively listen to what others have to say, seeking first to understand, then to be understood

MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009
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	<ol style="list-style-type: none">3. We give and receive open and honest feedback in a constructive manner4. We use data to make decisions (whenever possible)5. We will review, follow-up and complete on time the actions we are assigned responsibility for
Council:	<ol style="list-style-type: none">1. Will provide secretarial support, agendas, minutes, information as required.2. Will advise members of meetings two weeks prior to meeting3. Staff from Recreation Services will attend every meeting.4. As required relevant staff from other areas of Council will attend

**PROPOSED AGENDA
SABRE JET COMMITTEE**

DATE:

VENUE: Committee Rooms, Council Administration Building, Raymond Terrace

PRESENT:

APOLOGIES:

- Adoption of Committee Protocol –the role of the committee
- Discussion on determining a definition of ‘*Specialist Aircraft Representative*’
- Establishing Meeting frequency, time etc
- Development of Action Plan

NOTE: Attach a copy of Council Minute No 027 Council Meeting 24 February 2009

MINUTES FOR ORDINARY MEETING – 24 FEBRUARY 2009

ITEM NO. 4 FILE NO: PSC2005-3622
SABRE JET, BETTLES PARK, RAYMOND TERRACE
REPORT OF: JASON LINNANE, RECREATION SERVICES MANAGER

MINUTE NO 027

- 1) Continues to pursue grant monies to assist in covering the costs associated with the required works
- 2) A further report be submitted to Council determining the long term future of the asset and a restoration/management plan be submitted.
- 3) Council apply to have the Sabre Jet listed as a memorial.
- 4) A committee be formed comprising the Heritage Committee, Lions, Tidy Towns, Specialist Aircraft representative and a community representative and to have support from Planning and Community Recreation Staff and they are to facilitate report to Council.
- 5) This is to be a Sabre Jet Committee

ITEM NO. 6

FILE NO: PSC2008-0528

ACQUISITION OF PART OF LOT 529 AND LOT 530 DP 13134 FOR ROAD WIDENING AND EASEMENT TO DRAIN WATER 3 WIDE OVER LOT 529 DP 13134.

REPORT OF: MICK LOOMES - ENGINEERING SERVICES MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the creation and dedication of two parcels of land with an area of 38.1 square metres for road widening taken from Lot 529 and Lot 530 DP 13134 at Anna Bay.
- 2) Consents to, and Grants Authority to affix Council's Seal to the Section 88B Instrument attached to the plan which will create an Easement to Drain Water 3 wide within Lot 529 DP 13134 at Anna Bay.
- 3) That Council finalises and registers the plan of subdivision for dedication of road widening and the creation of an Easement to Drain Water over the properties in items 1 and 2 above.

COUNCIL COMMITTEE MEETING – 15 DECEMBER 2009**RECOMMENDATION:**

	Councillor Bruce MacKenzie Councillor John Nell	That the recommendation be adopted.
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ORDINARY MEETING – 15 DECEMBER 2009

432	Councillor Ken Jordan Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend Council consent to two parcels of land each 38.1 square metres being set aside and declared public road together with Council's consent to the creation of an easement to drain water 3 wide and authorise Council's Seal to be placed on the relevant documents to achieve this.

The Forward Works Plan includes construction of kerb and gutter and footpath in James Paterson Street Anna Bay. The design for construction requires road widening over affected properties. Also Council has constructed within one of the affected properties piped stormwater drainage without an easement.

The construction proposed will benefit the property owner and the property owner has agreed to the road widening and easement with no monetary compensation. The owner will be reimbursed for the relocation and construction of fencing affected by the road widening. Council will also be responsible for all reasonable costs associated with the road widening dedication and easement creation.

See attachment 1 for the location and attachment 2 for the site of the road widening and easement.

This relates to Infrastructure and Asset Management Objectives and good Council corporate governance.

FINANCIAL/RESOURCE IMPLICATIONS

Construction costs and administration costs are required and have been included in the Facilities and Services budget.

LEGAL, POLICY AND RISK IMPLICATIONS

Actions necessary for this matter fall under the Local Government, Roads and Conveyancing Acts with no Council Policies involved.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The provision of infrastructure for the benefit of ratepayers and the general community will impact positively to its sustainability provided environmental impacts are minimal as anticipated in this use.

CONSULTATION

Owners representative, Council Surveyor and Council's Design and Project Development Engineer.

OPTIONS

- 1) Adopt recommendations
- 2) Reject recommendations

ATTACHMENTS

- 1) Location map
- 2) Site plan

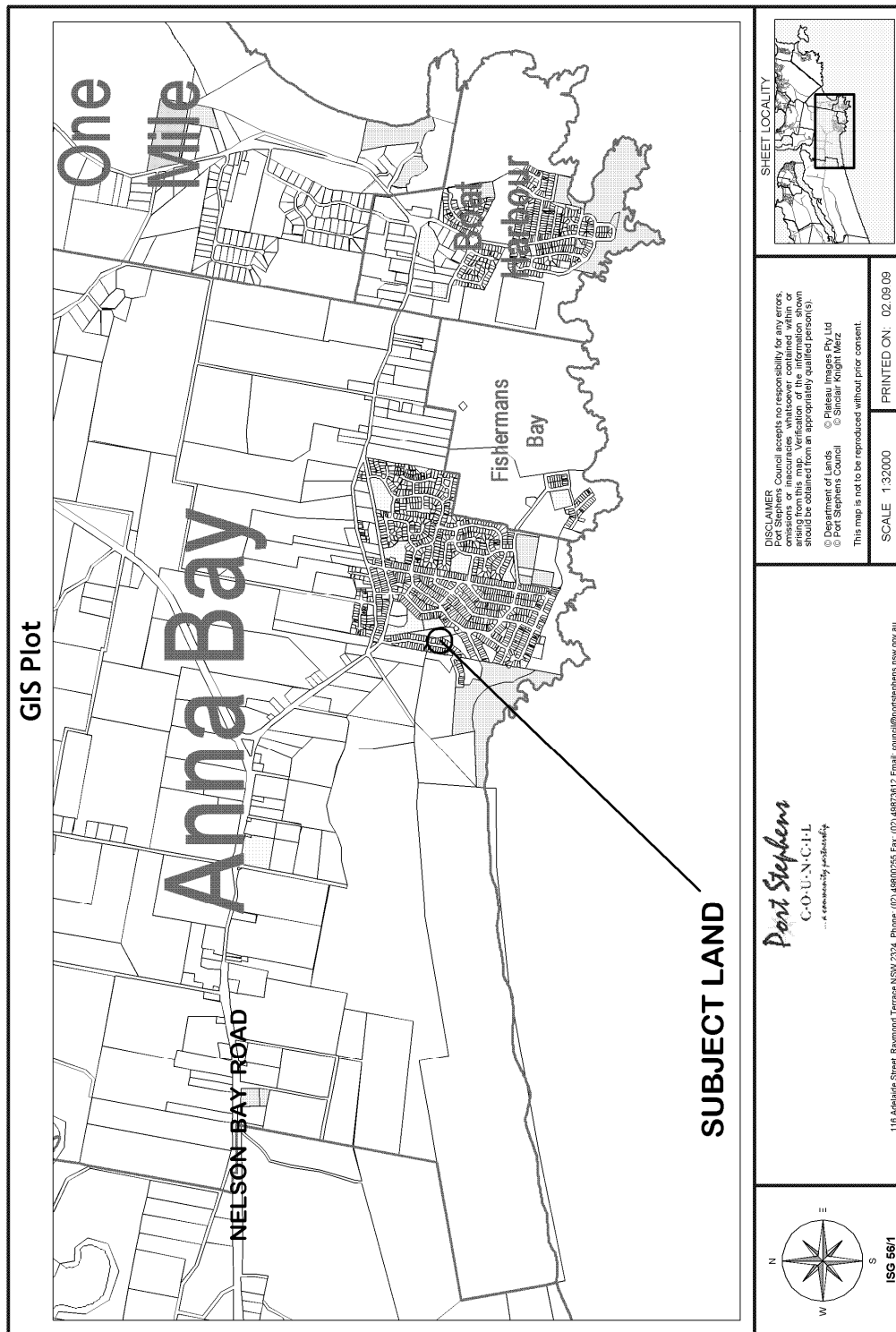
COUNCILLORS ROOM

Nil.

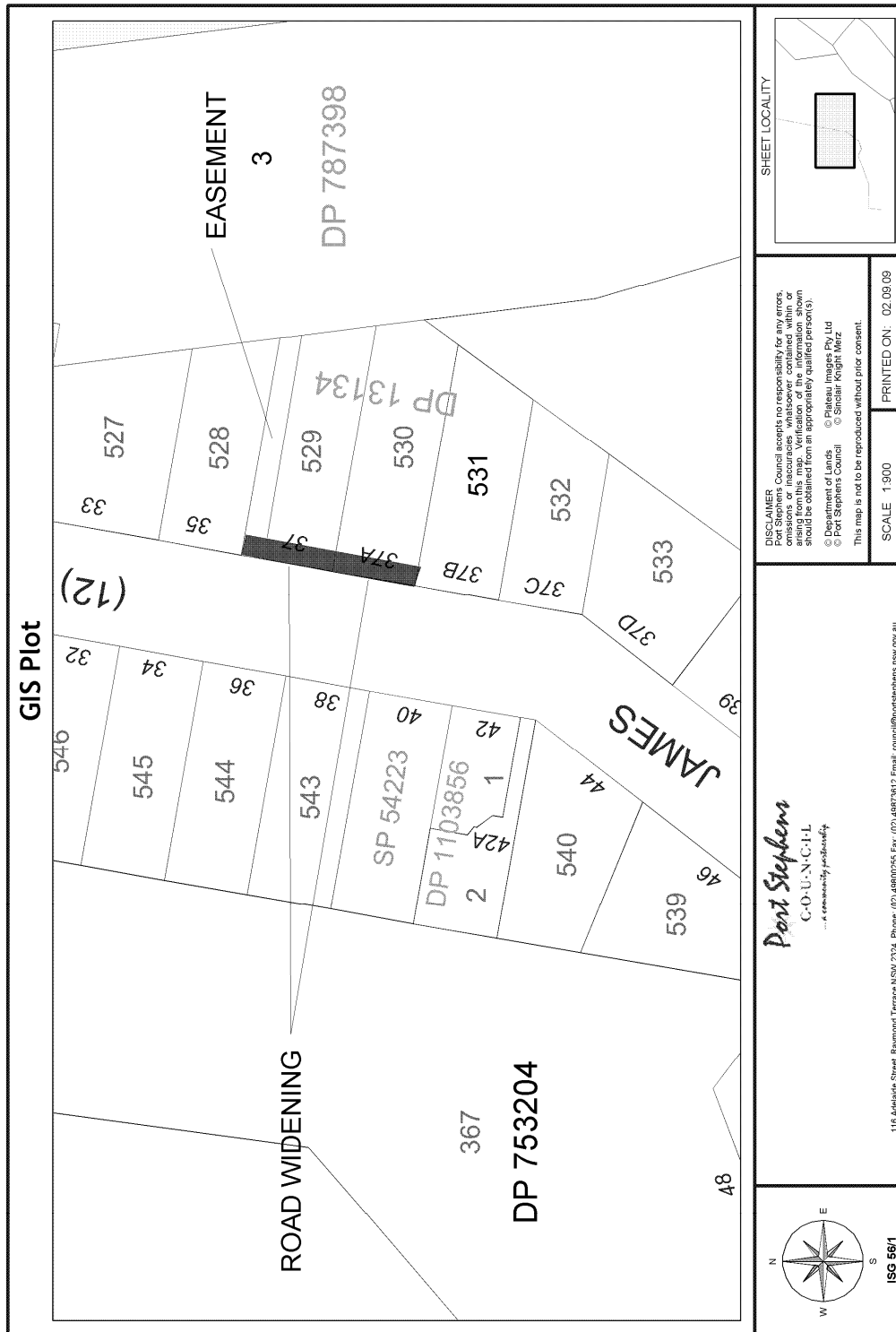
TABLED DOCUMENTS

Nil.

ATTACHMENT 1



ATTACHMENT 2



ITEM NO. 7

FILE NO: PSC 2005-0051

FORWARD WORKS PLAN 2009**REPORT OF: MICK LOOMES – ENGINEERING SERVICES MANAGER****GROUP: FACILITIES AND SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Forward Works Plan dated November 2009 as tabled at the meeting.
- 2) Uses the Forward Works Plan dated November 2009 in formulating Council's Draft Four Year Delivery Program for 2010-2014 and Draft Budget for 2010/11

COUNCIL COMMITTEE MEETING – 15 DECEMBER 2009**RECOMMENDATION:**

	Councillor John Nell Councillor Bob Westbury	That the recommendation be adopted.
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ORDINARY MEETING – 15 DECEMBER 2009

433	Councillor John Nell Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to present the revised Forward Works Plan to Council for adoption, so that it can be used as a basis for the Draft Four Year Delivery Program (Council Plan) and Council's Section 94 and Section 94A Contributions Plan.

The current Forward Works Plan was adopted by Council in November 2007. Since then many capital works projects have been completed, and these projects removed from the plan.

Over the past 2 years, a number of requests have been received from the public, to which suitable projects were evaluated, added to the plan and ranked accordingly.

From the 12th October to 23rd October the draft Forward Works Plan for 2009 was put on public exhibition. All submissions received have been considered and further adjustments have been made to the plan as a result.

There are now more than 1000 projects listed with a total estimated value exceeding \$254 million ranging from small projects worth approximately \$2,000 up to the largest project being the proposed Fingal Bay Link Road estimated to cost about \$12 million.

FINANCIAL/RESOURCE IMPLICATIONS

The Forward Works Plan has no immediate financial implications. It does not determine what resources may be required, or what the timeframe would be for completing any of the projects listed. However, without the plan Council would not be able to collect any Section 94 and Section 94A Contributions from developers. Further the Forward Works Plan forms a major basis for the Four Year Delivery Program Capital Works component (Council Plan).

LEGAL, POLICY AND RISK IMPLICATIONS

It is essential that Council maintains a reliable and stable Forward Works Plan which can be used for collecting appropriate contributions from developers for works under Section 94 and Section 94A of the EP&A Act. Council can only collect contributions from developers for those projects that are listed in the Forward Works Plan, and conversely can only use Section 94 and Section 94A Contributions to fund those projects listed.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The systematic approach of ranking proposed capital works on the merits of each project provides an equitable system across the whole of the local government area. The system is also transparent and open to scrutiny from any member of the community including Councillors.

The economic implications of each project will be assessed and considered at the planning and design stage of each project. Implementation of many of the projects listed will improve the amenity of the area and could increase property values in the area. The Forward Works Plan itself has no economic sustainability implications.

The environmental implications of each project will be assessed and considered at the planning and design stage of each project. The Forward Works Plan itself has no environmental sustainability implications.

CONSULTATION

The Forward Works Plan for 2009 was put on public exhibition from the 12th October to 23rd October 2009. Eleven submissions were received have been considered and further adjustments made where applicable.

OPTIONS

Accept the recommendation
Modify the Forward Works Plan before adopting it.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

- 1) Forward Works Plan November 2009

TABLED DOCUMENTS

- 1) Forward Works Plan November 2009

ITEM NO. 8

FILE NO: 1190-001

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
- a) Hunter Koala Preservation Society – Replacement of signs Lemon Tree Passage Road - Requisition for Funds – Central Ward \$584.00
 - b) Juvenile Diabetes Research Foundation – Donation to Hunter Region Walk – Rapid Response – Cr MacKenzie - \$200.00
 - c) Hunter River high School – Donation to assist with presentation ceremonies – Rapid Response – Cr MacKenzie - \$200.00
 - d) Port Stephens Community Arts Centre Inc. – Assistance to install Fire Hydrants – Requisition for Funds - \$10,000.00 – East Ward

COUNCIL COMMITTEE MEETING – 15 DECEMBER 2009**RECOMMENDATION:**

	Councillor Sally Dover Councillor Bruce MacKenzie	That the recommendation be adopted.
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ORDINARY MEETING – 15 DECEMBER 2009

434	Councillor Peter Kafer Councillor Bob Westbury	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The new Financial Assistance Policy adopted by Council 19 May 2009, to commence from 1 July 2009, gives Councillors a wide discretion to either grant or to refuse any requests.

MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009

The new Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

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

The requests for financial assistance are shown below is provide through Mayoral Funds, Rapid Response or Community Capacity Building:-

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

Hunter Koala Preservation Society	Replacement of signs Lemon Tree Passage Road	\$584.00
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EAST WARD – Councillors Ward, Nell, Westbury, Dover

Port Stephens Community Arts Centre	Assistant with installing Fire Hydrants	\$10,000.00
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MAYORAL FUNDS

Juvenile Diabetes Research	Donation to Hunter Region Walk	\$200.00
Hunter River High School	Donation to assist with presentation ceremonies	\$200.00

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward, Minor Works and Mayoral Funds are the funding source for all financial assistance.

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil

CONSULTATION

Mayor
Councillors
Port Stephens Community

OPTIONS

- 1) Adopt the recommendation.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund all the requests.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 9

FILE NO: A2004-0028

STRATEGIC PROJECT PROCUREMENT PROCESS – NEWCASTLE AIRPORT LIMITED (NAL)

REPORT OF: PETER GESLING - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the two stage ECI procurement process.

COUNCIL COMMITTEE MEETING – 15 DECEMBER 2009**RECOMMENDATION:**

	Councillor John Nell Councillor Bruce MacKenzie	That the recommendation be adopted.
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ORDINARY MEETING – 15 DECEMBER 2009

435	Councillor John Nell Councillor Steve Tucker	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek the Council's approval to undertake an Early Contractor Involvement (ECI) process which delivers a Guaranteed Maximum Price (GMP).

This process is a refined version of the traditional Design and Construct form of contract, the main differences are in the cost control aspects of the contract.

The main points associated with the ECI procurement method over the conventional Design and Construct method are:

- 1) The client appoints a project manager from day one to prepare a Project Feasibility Plan that helps to define the project in broad terms.
- 2) A contractor is appointed, as early as possible within the process to prepare the client's Functional Design Brief for the client's approval.
- 3) The creation of a relationship between the client and the contractor, allowing the client to appoint the contractor to carry out the contract based on a total

forecast cost as verified by a quantity surveyor. The total forecast becomes the GMP.

- 4) An important point to note is that the ECI process has been approved and used predominantly by both the Federal and NSW Governments as a preferred method of procurement for large infrastructure projects.
- 5) Adding the ECI process during the Tendering phase provides a much greater certainty that both parties understand exactly what is required, how the risks are allocated and commence the co-operative relationships required to best achieve outstanding project outcomes. In essence it enhances the intent of the traditional tendering methods as prescribed by the Local Government Tendering Regulations.

FINANCIAL/RESOURCE IMPLICATIONS

Cost associated with the ECI procurement model and the recruitment of a dedicated project manager would be funded from the Terminal Upgrade Capital Expenditure account.

LEGAL, POLICY AND RISK IMPLICATIONS

This report is in accordance with Section 55 (3), Local Government Act 1993.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil

CONSULTATION

Newcastle Airport Board

OPTIONS

- 1) Adopt the recommendation
- 2) Request additional information.

ATTACHMENTS

- 1) Procurement method research overview
- 2) Procurement options comparison
- 3) Early Contractor Involvement (ECI) process outline

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Research undertaken into various procurement methodologies

- > Site visit to the Gold Coast Airport (GCA) - met with GCA senior management team
- > Met with the ADCO Company (Head Contractor) and their project director.
- > Met with the senior management team from the ADCO Company onsite at NAL
- > Met Leighton's Contractors Pty Ltd – Chatswood, workshopped Early Contractor Involvement (ECI) strategies (single or multiple contractors).
- > Met with Sydney Airports Corporation Limited (SACL) - project managers
- > Engaged Newcastle University to provide a briefing document (Risk, reward and project procurement) – Dr Graham Brewer, Thayaparan Gajendran and Marcus Jefferies.
- > Met with APP Corporation Pty Ltd project managers, and reviewed their Procurement Methodology options paper.
- > Contacted Mr Angus Broad (Senior Investigations Officer) from the Department Local Government and discussed the strategy, Mr Broad was supportive of this strategy as he felt it met all probity and transparency issues with the Local Government Act and Selective Tendering Regulations.

Met with Mr Jim Walker – Regional Director NSW Department Commerce – Projects Management Group and discussed Early Contractor Involvement (ECI) strategies. A review of options considered is included at Attachment A for ease of reference and forms the basis of this papers recommendation

ATTACHMENT 2

OPTION 1 - TRADITIONAL LUMP SUM

Definition

Under the traditional contract strategy, the Principal engages professional consultants to prepare the concept design, the detailed design and contract documentation for the works and then enters into a contract with a general contractor to construct the whole of the works. Such a contract is usually on the basis of a lump sum (either fixed or with escalation provisions and with or without a bill of quantities). During the construction, the consultants are normally engaged to provide advice to the Principal and to act as a certifier.

Description

A traditional contract strategy may be the optimum strategy for projects where the following requirements are satisfied or substantially satisfied:

- > Where the optimum design for the project can be established without involving the prospective builder or specialist subcontractor;
- > Where the Principal prefers to manage the interface between the detailed design/documentation and construction, and to select and engage the consultants
- > And have them directly responsible to the Principal;
- > Where the Principal requires the consultants to provide advice and monitoring of the project through the design, documentation and construction phases;-
- > Where the time available for the project is such that the detailed design of the project is complete;
- > Few variations to the project design are anticipated to be required during construction.

The economic merit of this method lies in the pre-determined nature of the scope of work and the tools for financial control provided by the pre-contract unit prices the Bill of Quantities.

When a priced Bill of Quantities is submitted by the successful Tenderer it provides a schedule of unit prices on the basis of which variations to the Contract can be accurately measured and fairly valued. Without these unit prices, the cost of variations is usually settled by haphazard bargaining which sometimes results in excessive charges or serious disputes leading to prolonged and sometimes costly litigation.

If the design is incomplete or likely to undergo change, this strategy is likely to result in increased claims and disputes with consequential increase in project time and cost.

Traditional contract strategy may not be appropriate for some forms of “fast-track” projects because the traditional “arms length” relationship between the design team and the construction team is inappropriate when the design is carried out concurrently with the construction of the project.

It is essential that the design team has broad site experience covering buildability knowledge, material and manpower availability, industrial relations and safety aspects. If this is not available, it can be achieved by the appointment of a construction management consultant to the design team

OPTION 1 - TRADITIONAL LUMP SUM

Criteria	Advantages	Disadvantages	Comments
General	> Matches the right skills to the required product (ie design and building).		
Risk/Opportunity > Scope	> Minimises risks to owner. > The full scope of the work is known at the time of tender, resulting in a competitive price.	> The risk of minor design changes remains with the Owners.	
> Time > Tender > Design & Construct > O/A		> The delay caused by the need to prepare final work drawings, details, specifications and Bills of Quantities before construction can commence (ie increased overall time due to linear processes).	
> Cost – Capital > To Client > To Industry > Operating	> The Owner is provided with the tools for financial control in the form of the unit prices included in the Priced Bill of Quantities. > A firm financial commitment is known before construction work commences which is subject only to variations causing disturbance to the planned > Execution of the work and fluctuation in the cost of labour and material where applicable (unless a fixed price is obtained). > Tendering cost to industry minimised	> Cost escalation due to the extended design, tender and construction time frame. > The possible lack of Contractor involvement in the design process. > The expensive re-design fees involved should changes be required after tenders are received	
> Quality	> The Architect and Sub-Consultants are forced to totally pre-document the works before construction commences.		
Other Risks > Relationships > Constructability	> The project can be planned, scheduled and controlled definitively. > Each party carries their own expertise and risk.		

OPTION 2 - DESIGN AND CONSTRUCTION (COMPETITIVE BIDS)

Definition

The project delivery system in which the Principal contracts directly with an organisation which is responsible for providing the design, documentation, construction and commissioning of a project to satisfy the Owner's specified performance and quality requirements. The contract is usually for a Lump Sum or Guaranteed Maximum Price which may be subject to adjustment for changes initiated by the Principal and may be subject to adjustment for various neutral risk factors such as inclement weather, escalation, changed requirements of statutory authorities etc.

Description

Design and construction contract strategy may be the optimum strategy when the following requirements are satisfied:

- > The brief for the project can be properly identified and expressed in objective, performance terms (ie quantitative/qualitative terms); and
- > The Principal requires Tenderers or the contractor to develop concept design(s) to satisfy the performance brief for the project.

Construction can commence, at the contractor's risk, prior to the finalisation of the detailed design, thereby reducing project time to a minimum. Care must be taken to ensure that appropriate skills are available to prepare the project brief which must be documented in clear, objective, performance terms. Failure to do this may cause disputes as to whether the contractor's design satisfies the requirements of the concept design and performance specifications provided by the Principal. The Principal must be prepared to accept the detailed design and concept proposed by the contractor.

This strategy is not suitable where the brief and detailed requirements are likely to change during the design and construction phase of the project, as it will inevitably result in a high level of claims for extra time and cost

OPTION 2 - DESIGN AND CONSTRUCTION (COMPETITIVE BIDS)

Criteria	Advantages	Disadvantages	Comments
General			
Risk/Opportunity			
> Scope	> Contractor responsible for variations resultant from design	> Often difficult to ascertain if built product conforms to brief.	
> Time > Tender > Design & Construct > O/A	> The commencement of on-site construction activities prior to the completion of full documentation (at Contractor's risk). > Elimination of risk for design delay as these now rest with the Contractor. > Earlier completion and occupancy, resulting in earlier revenue in many instances. > Constructability issues can also save considerable construction time	> Client variations can be expensive > More time to tender	
> Cost – Capital > To Client > To Industry > Operating	> Reduced interest and holding charges > Reduced cost escalation > Contractor carries the risks associated with cost of design errors (major benefit).	> High cost to industry to tender particularly if design is part of selection criteria (ie design works done for each bidder with only one successful and no compensation for unsuccessful). > Can be more expensive than traditional methods	> This method is not liked by the Architectural Profession as Contractor can manipulate fees and cause conflict in professional responsibility.
> Quality	> Subject to good consultation with Client and users outcome in terms of quality of finishes can be more readily accepted	> Quality can be manipulated to maximise profit.	
Other Risks > Relationships > Constructability	> A single point of responsibility for all aspects of design and construction, including if required, the commissioning of the completed project > The benefit of the Contractor's advice during design and documentation (the design can reflect Contractor's preferred construction methods and equipment) > Contractor carries design risk	> Allows Contractor to carry out or influence certain duties best carried out by an independent consultant > The best design team may be spread amongst several Contractors resulting in the best team not being involved in the selected project	

OPTION 3 - DESIGN AND CONSTRUCTION BY GUARANTEED MAXIMUM PRICE CONTRACT

Definition

Similar to Design and Construct but with construction contracted on a “Guaranteed Maximum Price” basis that may be subject to adjustment for:

- > Changes initiated by the Principal.
- > Changes resultant from various neutral risk factors.

Description

There are two main ways in which this type of system operates:

- > The Builder makes an offer to execute the works for a Guaranteed Maximum Price based on preliminary drawings and an outline specification; or
- > The Owner invites offers from one or more Contractors on the understanding that the contract sum must not exceed a stated amount even though only preliminary drawings and an outline specification are available. In this case the Owner’s approximate estimate may be made available to the Contractor to assist him in ensuring that he can achieve the Guaranteed Maximum Price.

An alternative, and probably more satisfactory arrangement, is for Bills of Quantities to be prepared after the design is completed and the Bills priced whether by the Contractor in competition or by negotiation and a new offer made to the Owner. Usually, Contractors giving a Guaranteed Maximum Price amount will include a contingency to cover unforeseen circumstances. The quality and extent of the documentation will affect the quantum of these allowances.

The Guaranteed Maximum Price conception involves the Contractor in the estimating and budgeting control processes. Indeed the Contractor needs some flexibility in the control of the design and final detailing otherwise he cannot logically be responsible for a Price being exceeded. The Contract may or may not include a clause to the effect that any saving on the Guaranteed Maximum Price will be returned to the Owner or, alternatively, may be split in some proportion or other between the Owner and the Contractor.

In the former case, as it is being paid on the basis of cost plus a profit margin, the Contractor has no incentive whatsoever to save money; in fact, quite to the contrary, the closer the building costs equals to the Guaranteed Maximum Price, the more profit he makes. In the case of the split savings, if the Contractor does manage to keep the cost to a lesser figure than the Guaranteed Maximum Price, he retains a portion of the amount saved in addition to his original profit, and this method is obviously preferable.

If the building cost as audited by the Quantity Surveyor is exceeded, this is at the Contractor’s cost. Consequently, only Contractors with substantial financial backing favour this delivery system.

Usually there are conditions attached to a Guaranteed Maximum Price contract which allows it to be increased if the Owner requires variations amounting to a net addition or if building regulations change so that additional work is required.

OPTION 3 - DESIGN AND CONSTRUCTION BY GUARANTEED MAXIMUM PRICE CONTRACT

Criteria	Advantages	Disadvantages	Comments
General	<ul style="list-style-type: none"> > GMP can be incorporated in most standard forms of contract. 	<ul style="list-style-type: none"> > The Contractor has some control over the final design which can limit the time available to the Client. 	
Risk/Opportunity			
<ul style="list-style-type: none"> > Scope 			
<ul style="list-style-type: none"> > Time <ul style="list-style-type: none"> > Tender > Design & Construct > O/A 	<ul style="list-style-type: none"> > The Contractor can, if required, start work before the design is completed. This will entail deferred letting of the remaining undesigned components > In times of high inflation the problem of time affecting cost is more acute and therefore savings in time save considerable cost. 	<ul style="list-style-type: none"> > Client variations can be expensive > More time to tender 	
<ul style="list-style-type: none"> > Cost – Capital <ul style="list-style-type: none"> > To Client > To Industry > Operating 	<ul style="list-style-type: none"> > The Owner is assured within certain limits, that his budget will be met. > Normally a fixed price (ie no Rise & Fall). 	<ul style="list-style-type: none"> > A cost penalty can be incurred as the Contractor is taking a greater risk than in a more traditional type of contract. > The difficulty of structuring the contract in such a way that the Contractor has an incentive to build for less than the Guaranteed Maximum Price. 	
Other Risks <ul style="list-style-type: none"> > Relationships > Constructability 	<ul style="list-style-type: none"> > Most of the Sub-Contract work can be based on competitive prices utilising competent Sub-Contractors. > During short documentation programmes not all information can be conveyed at tender and hence the Contractor accepts responsibility for adequacy of the design. > The Contractor's expertise can be used effectively during the design finalisation. 	<ul style="list-style-type: none"> > If the design, shape, size or quality of the project is changed, other than in detail, from the scheme on which the Contractor gave a Guaranteed Maximum Price the main value is lost as a new price may need to be negotiated. > Risk of disputes if Contractor ability to control cost is limited. 	

OPTION 4 - PROJECT MANAGEMENT

Definition

A project delivery system in which the Principal engages an agent (a Project Manager) to provide a management service for all phases of a project from inception to completion and who in particular undertakes for a fee the management of the consultants and trade contractors for the project within the parameters defined by the Principal.

Description

The Project Manager's relationships with the Principal and consultants may be summarised as follows:

- > Under a project management contract strategy, the Project Manager enters into a project management contract with the Owner in which he is responsible for managing both the design and the construction of the project;
- > However, unlike the contractor under a design and construction strategy, the Project Manager is usually engaged on a fee-for-service basis and does not assume the time and cost risks associated with a design and construction contract. The risk allocation depends upon the particular requirements for the Principal and the project;
- > The Project Manager engages the design consultants and specialist consultants required for the project. Certain Project Managers may have in-house design and specialist resources and, with the Principal's approval, the Project Manager may elect to use its own resources rather than engage external consultants. Alternatively, the Owner may have in-house consultants that must be used; and
- > The design consultants and specialist consultants are engaged by the Project Manager either acting as disclosed agent of the Principal or, alternatively, as sub-consultants to the Project Manager, as may be agreed between the Principal and the Project Manager.

The Project Manager's relationship with the contractors is as agents for the Principal. The following contractor arrangements may be utilised:

- > If the design for the whole project is complete prior to tender, a head contract may be utilised with the head contractor engaging the subcontractors;
- > If the design for the whole project cannot be completed before construction must commence, the options are:
 - > Employ a construction management strategy where the various components of the project are let as separate contracts and the Project Manager
 - > Employs a construction manager to coordinate the construction of the works;
 - > Alternatively, if a head contractor strategy is preferred;
 - > Provisional sums must be allowed in the head contract with the Owner nominating subcontractors as they become available, or
 - > The project procured through a series of separate building packages staged to suit design progress.

The project management strategy may be the optimum strategy:

- > When the project has a budget which may necessitate additions or deletions that would not be economic or efficient in a lump sum tendered situation;
- > Where the project warrants continuing review and/or refinement because of its magnitude, complexity, prestige or constraints;
- > Where the Principal's requirements are not adequately defined or may be redefined during the design/construction process;
- > Where the Principal requires a continuing involvement with the day-to-day running of the project;
- > Where funding allocation for the project requires the Principals detailed involvement in the cost management of the project and/or the stage-by-stage

MINUTES FOR ORDINARY MEETING – 15 DECEMBER 2009

approval of the project;

- > Where unacceptable risk would be placed upon a single contractor; and
- > Where there are complex staging requirements such as the maintenance of user processes during construction.

OPTION 4 - PROJECT MANAGEMENT

Criteria	Advantages	Disadvantages	Comments
General	> Smaller package allows wider range of Contractors opportunity to participate in the project.		> Can be of benefit in tight economic circumstances - especially in country areas.
Risk/Opportunity > Scope	> Offers flexibility for later decision making by Client.	> Delays in one package can affect others that follow (needs to be managed).	
> Time > Tender > Design & Construct > O/A	> Early fast track start to construction possible on some elements or packages whilst design is completed on others.	> No direct incentive for the Project Manager to keep project costs and time to a minimum (other than reputation).	> Design team involved for longer time than normal.
> Cost – Capital > To Client > To Industry > Operating	> Can save cost by tendering smaller packages of work in a competitive market. > Greater cost control - ability to adjust later contracts for cost.		
Other Risks > Relationships > Constructability	> More equitable risk sharing.	> Greater “hands on” is required by Project Manager for coordination of multiple contracts. > Client carries coordination risk. > Coordination of Contract Defects Liability on multiple contracts needs to be managed. > Use of multiple contractors adds higher risk of coordination and/or industrial problems.	

ATTACHMENT 3

Two stage managing contractor / early contractor involvement (ECI)

Early Contractor Involvement (ECI) Contracts are a reaction to the need for clients to place a considerable number of resources in alliance teams as well as to better understand and equitably allocate risks during construction.

A two stage approach to project delivery offers substantial benefits when compared to other procurement options for the following reasons:

1. During the first stage, contractors are provided ample time and resources to design and document the project and identify project risks. This results in a more robust identification of risk and a realistic project schedule and price to be defined.
2. During the second stage, construction can commence with negotiated risks. This allows for the establishment of a Guaranteed Maximum Price (GMP) or guaranteed construction sum for the project. This also avoids the likely variations and excessive project 'contingency' fees that are normally associated with other procurement options.

These two stage contracts promotes and encourages the concept of relationship contracting principles and more equitable risk allocation than most other procurement options contracts.

The following is an example of the ECI process

1. Shortlisted prospective Tenderers are selected from an Expression of Interest (EOI) process using pre-determined selection criteria.
2. Shortlisted participants are invited to participate in a defined process.
 - > They are paid a nominal fee to participate
 - > They can accept or decline invitation
3. An initial workshop is held with all prospective Tenderers.
 - > Issued draft contract including any concept drawings
 - > Issued any draft Risk Allocation Register detailing risk as identified by the Principal and where they are allocated within the contract
 - > Provided an update on any project approvals and the anticipated date to commence the pricing phase

- > Discuss the philosophy of the contract and the importance of the collaborative contracting approach the Principal is seeking and how that will be addressed in the contract.
- > Arrange for the project designers, including any consultants who would be involved during design and or construction, to present their designs and outline how the key issues of the design and or construction have been addressed in their designs
- > Provide an overview of any environmental issues of the project, and
- > Discuss the allocation of risks between the Principal and the Contractor as written in the current draft contract documentation.

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 15 December 2009.

No:	Report Title	Page:
1	ABORIGINAL STRATEGIC COMMITTEE	
2	PLACES FOR ENTERTAINMENT APPROVAL REFORMS	
3	PORT STEPHENS–TILLIGERRY PENINSULA KOALA POPULATION DECLINING	
4	PORT STEPHENS ECONOMIC DEVELOPMENT ADVISORY PANEL	
5	COMMUNICATE PORT STEPHENS ADVISORY COMMITTEE	

**COUNCIL COMMITTEE MEETING – 15 DECEMBER 2009
RECOMMENDATION:**

	Councillor Bob Westbury Councillor John Nell	That the recommendation be adopted.
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ORDINARY MEETING – 15 DECEMBER 2009

436	Councillor Bob Westbury Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

ABORIGINAL STRATEGIC COMMITTEE

REPORT OF: TREVOR ALLEN - MANAGER INTEGRATED PLANNING

GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is present to Council the minutes of the Aboriginal Strategic Committee meeting with Karuah Local Aboriginal Land Council on 3 November 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 3 November 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 3 NOVEMBER 2009
AT KARUAH RESERVE**

Present:

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

Apologies:

Kevin Manton	Karuah LALC
Cr MacKenzie	PSC
Cr Kafer	PSC
Mike Triggar	PSC
Cliff Johnson	PSC

Meeting opened at 1:20PM

1. WELCOME

KLALC CEO welcomed everyone to the traditional lands of the Worimi Nation.

2. BUSINESS ARISING FROM PREVIOUS MINUTES

ITEM 1: Old Karuah School House

KLALC Board is considering options for the future use of the former school house and will advise Aboriginal Strategic Committee of outcome.

ITEM 2: Tennis Court

KLALC will seek a variation from Council concerning the expenditure of the grant they received under the Aboriginal Project Fund to upgrade the existing court.

ITEM 3: Replacement Bus Shelter

Council's Social Planning Co-ordinator indicated that investigations have found that there are no second hand bus shelters readily available. Council is able to assist KLALC in seeking external funding towards a new shelter if required.

ITEM 4: Aboriginal Project Fund

On 13 October 2009 Council endorsed the recommendations of the ASC for the allocation of available Aboriginal Project Funds. Council commended the ASC on the process. All applicants have been notified of the outcomes of their grant applications.

ITEM 5: NAIDOC Week 2010

Planning meeting for next year's event will be held in early 2010.

ITEM 6: Recycling Bins

KLALC require recycling bins for the boatshed.

Action	1. Council's Social Planning Co-ordinator will follow this request up with Council's Waste Services.
--------	--

ITEM 7: Kerb & Gutter Cleaning

Kerb and guttering is now swept regularly by Council.

ITEM 8: Maintenance of Road Reserve Cnr Tarean & Mustons Rds

Council's Facilities & Services Group will mow road side edges and (where possible) between the oval and Mustons Rd.

3. GENERAL BUSINESS**3.1 Football Game:**

KLALC CEO advised that they have organised a community football day at Karuah Oval on Sunday.

3.2 Clean Up:

KLALC is planning a clean up day.

4. NEXT MEETING

February 2010 (details to be advised)

Meeting closed at 2:35pm

INFORMATION ITEM NO. 2

PLACES FOR ENTERTAINMENT APPROVAL REFORMS

REPORT OF: DAVID BROYD – GROUP MANAGER

GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-1876

BACKGROUND

The purpose of this report is to inform Council that the State Government has introduced reforms pertaining to the regulation of public entertainment under the Environmental Planning and Assessment Act 1979 to provide a simpler and fairer approval system for live entertainment.

In October 2009, the Department of Planning introduced a new approval system for live entertainment. The new approval system replaces the previous places of public entertainment (POPE) licensing system. The reforms aim to facilitate a wider provision of live entertainment. It means that *“... pubs, restaurants, clubs and other venues no longer require development consent to provide live, or any other form of entertainment that is part of the venue’s main business”* (Source: NSW Planning Circular PS09-028, 26 Oct 2009).

Councils are still required to ensure that conditions of consent are adhered to and any breaches are appropriately dealt with.

A copy of the NSW Government’s new ‘Planning for Entertainment Guidelines, October 2009’ is available for viewing in the Councillors Room.

ATTACHMENTS

Nil

COUNCILLORS ROOM

- 1) Planning for Entertainment Guidelines, October 2009

INFORMATION ITEM NO. 3

**PORT STEPHENS – TILLIGERRY PENINSULA KOALA POPULATION
DECLINING**

REPORT OF: BRUCE PETERSEN – MANAGER, ENVIRONMENTAL SERVICES

GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-4384

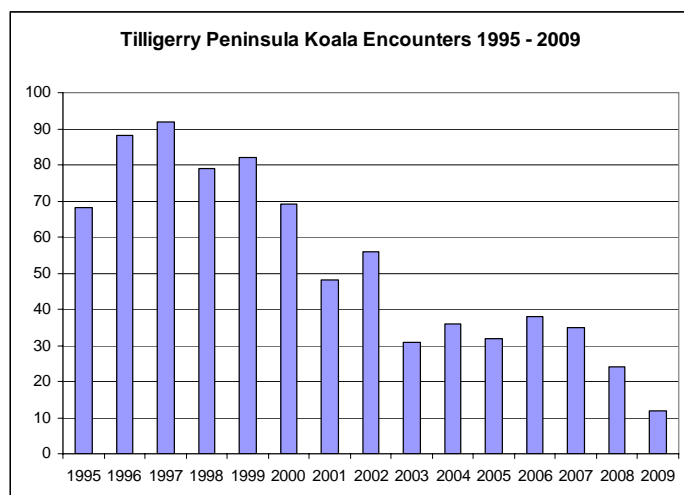
BACKGROUND

The purpose of this report is to inform Council about the evidence suggesting that the Port Stephens Koala population on the Tilligerry Peninsula is in decline. The koala is an icon of Port Stephens and on a broader spectrum Australia. International tourists visit Port Stephens daily just to experience seeing a wild koala. This is a privilege not found in many coastal areas of Australia. This has links to Goal 6 of the Council Plan – Protect the unique environmental heritage of Port Stephens.

Koala encounter (rescues) data from Hunter Koala Preservation Society provides a good historical record of the prevalence of koalas in the Tilligerry locality. Encounters happen for a variety of reasons, including motor vehicle collisions, dog attacks, habitat loss/clearing and disease.

Data collected by the Hunter Koala Preservation Society indicates that there has been a dramatic decline in Koala rescues over the past 14-15 years. While on face value this can be seen to be a good statistic, the numbers more likely suggests a decline in the Tilligerry koala population. This theory assumes that there are increasingly less koalas in the wild to encounter, a realistic assumption based upon increased development and transport networks of the Port Stephens LGA during this period.

When records began to be kept digitally in 1995 Koala encounters ranged between 68 – 82 encounters per calendar year up until 2000. From 2000 to 2005 encounters ranged from 31 – 69 and from 2005 to the present has ranged from 24 – 32 per calendar year. So far for 2009 only 12 koala encounters have occurred.



The Tilligerry Koala population can be compared to other koala populations in the Port Stephens LGA. These populations all have the same influencing factors such as fragmentation and loss of habitat, disease, dog attacks and motor vehicle collisions. It can be assumed that while it may not be as advanced, the same trend is likely to be occurring throughout other localities in Port Stephens.

Port Stephens Council – Environmental Services is currently preparing a “Koala Population Monitoring Program Pilot Study” which is focused in the Tilligerry koala population. It is envisaged that once completed this pilot study will then be expanded throughout the LGA’s remaining koala populations.

Recently Australia’s leading koala scientists met with the Government’s Threatened Species Scientific Committee head to review the plight of Australia’s Koala population and its possible listing as ‘vulnerable’ under the Australian Federal Governments’ Environmental Protection and Biodiversity Act.

Through the adoption of the PSC- Comprehensive Koala Plan of Management (CKPoM), Port Stephens Council is regarded a leader in Koala habitat protection in NSW, however regrettably this data suggests it is still in decline.

Fortunately Port Stephens Council is in a position to address koala population decline at a local level largely thanks to the CKPoM. The Port Stephens CKPoM has the required regulatory and incentive based ability to reverse this trend. Strong enforcement of the CKPoM through regulatory and incentive based approaches is encouraged in order to reverse this worrying trend of koala decline. In addition to this it is Councils responsibility to demonstrate best-practice management through its own developments and activities.

ATTACHMENTS

- 1) Hunter Koala Preservation Society – Koala Rescues Raw Data

ATTACHMENT 1
KOALA RESCUES RAW DATA

Hunter Koala Preservation Society - Koala Rescues

For Calendar Year

<i>Year</i>	<i>TOTAL</i>	<i>Disease</i>	<i>Dog</i>	<i>Fire</i>	<i>Vehicle</i>	<i>Unsuitable Environment</i>	<i>Other</i>
1995	68	11	11		28	9	9
1996	88	26	9		27	11	15
1997	92	23	9	4	33	5	18
1998	79	11	8	8	27	7	18
1999	82	12	14		29	18	9
2000	69	13	5	2	22	8	19
2001	48	12	5	1	23	4	3
2002	56	13	11		16	3	13
2003	31	9	8	3	7		4
2004	36	12	5		13	3	3
2005	32	6	1		14	4	7
2006	38	14	2	2	10	8	2
2007	35	12	2	4	4	6	7
2008	24	5	1		10	2	6
2009	10	5	1		1	2	1
<i>TOTAL</i>	788	184	92	24	264	134	90

INFORMATION ITEM NO. 4

PORT STEPHENS ECONOMIC DEVELOPMENT ADVISORY PANEL

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 10 November 2009.

ATTACHMENTS

- 1) Minutes of the Port Stephens Economic Development Advisory Panel meeting on 10 November 2009.

ATTACHMENT 1

**MINUTES OF THE PORT STEPHENS ECONOMIC DEVELOPMENT ADVISORY PANEL MEETING
HELD 9.30AM TUESDAY 10 NOVEMBER 2009
AT THE OFFICE OF BUSINESS PORT STEPHENS, RAYMOND TERRACE**

PRESENT: Cllr Bob Westbury (In the Chair), Robyn Bradbury, Peter Dann, Boris Novak, Gillian Summers, Ian Rennie, Paul Hughes, Cllr Steve Tucker, Angela Kincaid, Lesley Morris,

APOLOGIES: Peter Gesling, Scott Orpin, Susan Rowe, Brett Fatches

MINUTES OF THE LAST MEETING

Accepted as true and correct

Moved by R. Bradbury, seconded by G. Summers

BUSINESS ARISING

- B. Westbury congratulated Boris Novak on the recent innovative achievements of CE Solutions
- A definition of events and the role of BPS in events is currently being defined – Jody O'Brien to give a presentation at the next meeting.
- Mayoral Scholarships Program will be announced at the next Business Leaders Lunch
- Nelson Bay Town Management Board are undertaking a review of function and funding
- Outcomes are now being measured with additional statistics now included in quarterly reports
- 2009 Annual Report has been completed (attached)

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:

- L. Morris discussed a possible partnership with Cruise Hunter. G. Summers and P. Hughes encouraged this partnership as it has huge marketing potential.
- Williamstown Aerospace Centre was discussed. It was suggested that Lockheed Martin be approached at a local government level with the Mayor and EDAP to be involved.
- R. Bradbury advised that there were serious concerns about the skills shortage in the hospitality/tourism industry and what can be done to address this concern.
- P. Hughes advised that Phil Cox (TAFE NSW) has shown interest in wanting to establish a training centre close to Newcastle Airport.
- Statistics: Additional postcodes were requested for the new ABN lookup. A request for DA's to include values was also made.
- Information of the Air Combat Capability Hub to be prepared for next meeting.
- Update on timeframes for WAC development requested.

TOURISM REVIEW

Lesley Morris presented the recent findings of the Tourism Review on behalf of Jenny Rand.

ATTACHMENT 1

GENERAL BUSINESS

- The second Business Leader's Lunch is to be held on Thursday 12 November at Shoal Bay Resort and Spa.

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

NEXT MEETING - 9.30AM to 12 NOON ON TUESDAY 2 FEBRUARY 2010 AT NEWCASTLE AIRPORT BOARDROOM.

INFORMATION ITEM NO. 5

COMMUNICATE PORT STEPHENS ADVISORY COMMITTEE

REPORT OF LESLEY MORRIS – ECONOMIC DEVELOPMENT MANAGER
GROUP: COMMERCIAL SERVICES
FILE: 2005-0052

BACKGROUND

The purpose of this report is to present to Council the minutes of the Communicate Port Stephens Advisory Committee on Wednesday 11 November 2009.

ATTACHMENTS

- 1) Minutes of the Communicate Port Stephens Advisory Committee meeting on 11 November 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 11 November 2009

PRESENT: Cr Glenys Francis, Cr Frank Ward, Darrell Gibson, Adrian McConnell, Mary O'Brien, Lesley Morris

APOLOGIES: Andrew Arnott, Ange Williams, Neville Deuis, Eddie Bernard

Introduction - Cr Glenys Francis

Business Arising from Previous Meetings- Nil

Communicate Workshops - Mary

- Job Preparation Workshop – Empowering people, building up self esteem.
- Running first TAFE course at Communicate. Retail Certificate 2 course commenced, with funding provided by the Department of Education and Training.
- Promoting TAFE courses in Raymond Terrace.
- Providing adult literacy program – funding through Centrelink.
- Outreach to Tomaree.
- Mary and Andrew now enrolled in Cert IV TAA Training in preparation for next year.

Staffing - Lesley

- Proposal to develop a new position – Business Development Officer – to be funded by income received from courses, room hire etc.

Future Directions – Mary

- Address training and building partnerships with businesses.
- Aware of addressing community needs.
- Seniors Training.

ATTACHMENT 1

- Room hire opportunities.
- Outreach programs to Tomaree and Tilligerry

Councillor Ward

- Address needs of the long term unemployed. Breaking the cycle.
- Recognise areas of employee shortages eg. Tourism, chefs. Use statistics to market training courses.
- Compile book of graduates, with quotes. Promote well being.

Councillor Francis

- Meetings for 2010 in February, May and August
- Provide copies of Snapshot for volunteers.
- Very pleased with financial/activity report (copy attached)
- Great results, and thanked Andrew and Mary for their efforts.

General Business

- Check by-laws regarding new members for the advisory committee.
- Information leaflet about Communicate be made available at the Council.
- Form partnerships with local schools and principals.
- Seek new members for advisory committee. If possible have someone from Department of Education on the advisory committee.
- Next meeting - Wednesday 10th February 2010.

There being no further business, the meeting closed at 4.45pm.

CONFIDENTIAL ITEMS



In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY MEETING – 15 DECEMBER 2009

437	Councillor Peter Kafer Councillor John Nell	It was resolved that Council move into a Confidential Session.
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CONFIDENTIAL

ITEM NO. 1

FILE NO: A2004-0028

**NEWCASTLE AIRPORT LIMITED - TENDER FOR PROVISION OF
CLEANING SERVICES**

REPORT OF: PETER GESLING – GENERAL MANGER

GROUP: GENERAL MANAGERS OFFICE

ORDINARY COUNCIL – 15 DECEMBER 2009

438	Councillor John Nell Councillor Peter Kafer	It was resolved that Council award the tender for cleaning to ISS Facility Services (Australia).
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CONFIDENTIAL

ITEM NO. 2

FILE NO: T27-2009

**TENDER FOR THE SUPPLY OF ONE (1) FOUR WHEEL DRIVE SIDESHIFT
BACKHOE LOADER (T27/2009)**

REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER

GROUP: COMMERCIAL SERVICES

ORDINARY COUNCIL – 15 DECEMBER 2009

439	Councillor John Nell Councillor Peter Kafer	It was resolved that Council: 1) Accept the tender submitted by WesTrac for the supply of one (1) 432E sideshift backhoe loader at the tendered price of \$178,850.00 2) Accept the tendered trade-in value of \$30,000.00 from WesTrac for Council's Plant No.352.02
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CONFIDENTIAL

ITEM NO. 3

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 15 December, 2009.

No:	Report Title	Page:
1	Compliance Investigation into Tourist Boats	

ORDINARY COUNCIL – 15 DECEMBER 2009

440	Councillor John Nell Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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441	Councillor Peter Kafer Councillor John Nell	It was resolved that Council move out of Confidential Session.
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There being no further business the meeting closed at 8.34pm.

I certify that pages 1 to 127 of the Open Ordinary Minutes of Council 15 December 009 and the pages 128 to 165 of the Confidential Ordinary Minutes of Council 15 December 2009 were confirmed by Council at its meeting held on 9 February 2010.

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Cr Bruce MacKenzie
MAYOR