

Minutes 11 MAY 2010



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 11 May 2010, commencing at 7.15pm.

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

		Nil apologies were received.
122A	Councillor Ken Jordan Councillor Peter Kafer	It was resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 27 April 2010 be confirmed.

Cr Ken Jordan declared a significant non-pecuniary interest in Rescission Motion Item 1. The nature of the interest is a friend.

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0807

EXPRESSIONS OF INTEREST FOR SALE OF LAND

THAT COUNCIL:

- 1) Seek expressions of interest for the sale of approximately 268ha of land located at 195 Pacific Highway, Karuah and legally described as Lots 1 and 2 in Deposited Plan 552739, Lot 2 in Deposited Plan 573068 and Lot 55 in Deposited Plan 753196.
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ORDINARY COUNCIL MEETING – 11 MAY 2010

122	Councillor Bruce MacKenzie Councillor Ken Jordan	It was resolved that the Mayoral Minute be adopted.
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BACKGROUND

- 1) This land was purchased by Council in 2004 with the intention of being included in a land bank for future development. Detailed assessment of future use has not been undertaken at this time due to other priorities.
- 2) Seeking expressions of interest will allow the Council to more easily determine if global sale or future assessment is warranted.

ATTACHMENTS

- 1) Site Plan.

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MAYORAL MINUTE

ITEM NO. 2

FILE NO: PSC2005-3616

RE-ALLOCATION OF FUNDS

THAT COUNCIL:

- 1) Consider a report on allocating \$2M to the Shoal Bay foreshore from Section 94 and other funds.
-

ORDINARY COUNCIL MEETING – 11 MAY 2010

123	Councillor Bruce MacKenzie Councillor John Nell	It was resolved that Council be provided with a report and programme of works including costs on allocating \$2M to the Shoal Bay foreshore from Section 94 and other funds.
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BACKGROUND

- 1) An inspection was held at Shoal Bay on 6th May including Councillors, staff and some Government agencies and community representatives. Previous inspections have been held over time. The work proposed has been identified within the forward works programs with the wharf and boat ramp included in the 2010-2011 budget currently on exhibition. Government agencies are well aware of the need with the area included in the Tomaree Heads to Corlette Master Plan.

MAYORAL MINUTE

ITEM NO. 3

FILE NO: PSC2005-0496

EXPRESSIONS OF INTEREST FOR THE SALE OF SAMURAI BEACH RESORT

THAT COUNCIL:

- 1) Call for expressions of interest for the sale of the Samurai Beach Resort business.

ORDINARY COUNCIL MEETING – 11 MAY 2010

124	Councillor Bruce MacKenzie Councillor Sally Dover	It was resolved that the Mayoral minute be adopted.
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BACKGROUND

- 1) Council currently operates the Samurai Beach Resort business on lands leased from the Crown which are reserved for tourist activity.
- 2) It is well documented that the current business is unable to generate sufficient income to be profitable in its current form.
- 3) Council has been seeking to obtain a longer lease from the Crown as part of a longer term business plan.
- 4) The opportunity to determine if a buyer is available will assist Council in determining an approach to a business plan.
- 5) Any potential purchaser would require the consent of the Minister of Lands.
- 6) Council has forward bookings for events at Samurai Beach Resort and contact has been made with those customers and with staff to advise them of this proposal.

MOTIONS TO CLOSE

ITEM NO. 1

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)(d) (ii) 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 ***Lease of Shop 5, Terrace Shopping Village, 42 William Street, Raymond Terrace.***
- 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 Council; and
 - ii) In particular, the report includes confidential leasing information in respect of the ***Lease of Shop 5, Terrace Shopping Village, 42 William Street, Raymond Terrace.***
- 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 confer a commercial advantage on a competitor of Council.
- 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 COUNCIL MEETING – 11 MAY 2010

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

ITEM NO. 1

FILE NO: PSC2007-2685

**PLANNING PROPOSAL IN RESPECT TO COUNCIL OWNED LAND AT
SALAMANDER BAY – 22 HOMESTEAD STREET**

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

RECOMMENDATION IS THAT COUNCIL:

Resolve to prepare a planning proposal to:

Rezone Lot 598 DP 27382 from 6(a) General Recreation to Part 2(a) Residential and Part 7(a) Environmental Protection (Attachment 1);
Investigate for rezoning Part Lot 51 DP 803471, the triangular piece of land to the immediate north, which forms part of the south-eastern boundary of Stoney Ridge Reserve and
Reclassify Part Lot 51 DP 803471 from 'community' to 'operational' land subject to the above investigation.

COUNCIL COMMITTEE MEETING – 11 MAY 2010

RECOMMENDATION:

	Councillor Bruce MacKenzie Councillor Sally Dover	That the matter be deferred to allow for a report to be presented to Council on the "pros" and "cons" of the whole site being rezoned to residential.
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In accordance with the section 375A, Local Government Act 1993, a division is required for this item.

Those for the motion: Crs Ken Jordan, Steve Tucker, Frank Ward, Shirley O'Brien, Bob Westbury, Sally Dover and Bruce MacKenzie.

Those against the motion: Crs Peter Kafer, Glenys Francis, Geoff Dingle and John Nell.

ORDINARY COUNCIL MEETING – 11 MAY 2010

126	Councillor Ken Jordan Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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In accordance with the section 375A, Local Government Act 1993, a division is required for this item.

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

Those against the motion: Nil.

BACKGROUND

Council resolved on 27th April 2010 that:

The report be deferred to allow the Property Advisory Panel to undertake a site inspection of 22 Homestead Street, Salamander Bay.

The purpose of this report is to review a Council Resolution of 25 November 2008 and consider rezoning the subject site, shown in Attachment 1, from 6(a) General Recreation to Part 2(a) Residential and Part 7(a) Environment Protection.

Council resolved on 25th November 2008 that:

- 1) Council resolve to:
 - i. Site 3 – Soldiers Point Road, Soldiers Point (Lot 1 DP 263269): include the southern portion of Lot 600 DP 27382 in the investigations for rezoning from 6(a) General Recreation to 4(a) Industrial and reclassification to Operational Land.
 - ii. Site 4 – Stoney Ridge Reserve (Lot 51 DP 803471): rezone Part Lot 51 DP 803471, in accordance with the Notice of Motion issued at its meeting of 27 June 2006, from 6(a) General Recreation to 7(a) Environmental Protection.
 - iii. rezone the wildlife corridor on Lot 3 DP 791551 and Lot 164 DP 27047 from 6(a) General Recreation to 7(a) Environmental Protection.
 - iv. Site 7 – Diemars Quarry (Part Lot 51 DP 803471): rezone the Quarry site (Part Lot 51 DP 803471) for urban purposes and reclassify to operational. This rezoning is to include investigation of Lot 56 DP 618505 and Lot 54 DP 260211 (privately owned land) to a more appropriate open space/environmental zone.
 - v. Review the potential application of S94A to infill residential development in the Peninsula rather than s94.

MINUTES FOR ORDINARY – 11 MAY 2010

- vi. Monitor the development of the Biobanking framework closely in relation to the potential for biobanking credits to be earned from some of the subject land.
- 2) Council note:
 - i. Site 1 - 100 Salamander Way, Salamander Bay (Lot 1 DP 1044009) is currently being investigated for rezoning and reclassification.
 - ii. Site 2- 360 Soldiers Point Road, Soldiers Point (Lots 1-4 DP 111773): the possible redesign and future use of this land is currently being investigated.
 - iii. Site 3 – 314 Soldiers Point Road, Soldiers Point (Lot 1 DP 263269): Council note previous resolution to reclassify this land is being actioned.
 - iv. Site 5 – 8 Fleet Street (Lot 2 DP 791551): Council note previous resolution of 27 June 2006 to rezone Part Lot 2 DP 791551, not including the 2(a) zoned land) from 6(a) General Recreation to 7(a) Environmental Protection and reclassify this part of the land from Operational to Community.
 - v. Site 6 – 9BDiemars road, Soldiers Point (Lot 644 DP 658258): Council note further investigation of this land be held in abeyance pending adoption of the draft Foreshore Management Plan.
 - vi. Site 9 – 14 Taylors Road, Taylors Beach (Lot 636 DP 27628): Council note further investigation of this land be held in abeyance, pending the outcome of investigations into the land to the north of this site.

With the exception of Site 8.

The parcels were subject to a review by consultant Strategy Hunter and by Council's Internal Review Team to determine future options.

The subject site, shown in Attachment 1, was included in the draft LEP and sent to the NSW Department of Planning (the Department) for consideration. The Department advised Council it may proceed with the preparation of the draft LEP.

It has become apparent by clarification of the Resolution that Council may not have intended that the subject site be included with the draft LEP in its resolution on 25th November 2008. Having regard to the Department's advice that the subject site may proceed as part of the draft LEP as shown in Attachment 2, clarification is sought from Council whether to proceed with rezoning the site, or exclude it in accordance with the resolution of 25th November 2008.

The subject site was one of nine Council owned parcels identified for rezoning and/or reclassification.

Council as the local planning authority commissioned consultants Strategy Hunter to undertake an independent review of the economic, environmental and social values of each parcel of land and make recommendations to Council (Strategic Overview – Council Owned Lands at Salamander/Soldiers Point, Strategy Hunter January 2008).

The Strategy Hunter recommendations informed the report to Council on 25th November 2008.

The Strategy Hunter report recommended the subject site's "cleared area" be rezoned for urban (residential) development. It was recommended that the more heavily vegetated areas along the southern and western boundaries should not be developed because of their ecological significance and their contribution to a north-south wildlife corridor.

The recommendation of Council's Internal Review Team at the time for the subject site was that an opportunity exists to develop the cleared area and any rezoning should also include a triangular piece of land to the immediate north.

A map showing the location of the subject site is at Attachment 1.

A plan showing the zoning footprint endorsed by the NSW Department of Planning for investigation is at Attachment 2.

FINANCIAL/RESOURCE IMPLICATIONS

The draft LEP will involve staff time and resources to administer the rezoning and reclassification process, including any need for public hearings as required by legislation.

The commissioning of consultant Strategy Hunter to review the subject lands was jointly funded by Facilities and Services, Commercial Services Group and Sustainable Planning Groups.

Fees apply for reclassification and rezoning in accordance with Council's Fees and Charges Schedule.

LEGAL, POLICY AND RISK IMPLICATIONS

Council Resolution

This report is seeking Council resolution whether to include the subject site in the draft LEP recommended to Council on 25th November 2008 and referred to the NSW Department of Planning. Under that recommendation the subject site is identified for rezoning to part 2(a) Residential and part 7(a) Environment Protection.

Alternatively, the Council may resolve to confirm its resolution made on 25th November 2008 to exclude the land from the draft LEP and consider rezoning the land at a future date.

Reclassification

Should Council resolve to proceed with the rezoning the subject site, the small triangular piece of land to the north may need to be reclassified from 'community' to 'operational' land to enable its development and sale. This would be subject to further investigation of that area's suitability for development.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The recommendations of the Strategy Hunter report considered the range of planning matters for each site and made recommendations accordingly. Those recommendations informed the zoning footprint for the subject site recommended to Council on 25th November 2008 and shown in Attachment 2.

An ecological assessment was carried out to inform recommendations of the Strategy Hunter report (Ecological Assessment – Port Stephens Environmental Significance Review, Eco Logical December 2007). The assessment found the subject site offers high value interconnectivity between vegetation remnants to the southwest and southeast and linking to the north. It states that is essential that the integrity of the corridor is retained in perpetuity (Ecological Assessment, page 28).

The vegetation in the southern part of the site was also found to comprise of Swamp Sclerophyll Forest, an Endangered Ecological Community. This part of the subject site is also mapped as preferred koala habitat in the Port Stephens Comprehensive Koala Plan of Management (Ecological Assessment, page 27).

CONSULTATION

Consultation was undertaken internally, with a workshop held at Council on 22 July 2008 with Council's Internal Review Team consisting of representatives from the Facilities and Services, Commercial Services and Sustainable Planning Groups. Further consultation on the Strategy Hunter report recommendations was undertaken via a joint meeting of these representatives on the 3rd October 2008.

OPTIONS

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

ATTACHMENTS

- 1) Location Plan
- 2) Zoning Endorsed by the NSW Department of Planning for Investigation

COUNCILLORS ROOM

- 1) Strategic Overview – Council Owned Lands at Salamander/Soldiers Point, Strategy Hunter January 2008
- 2) Ecological Assessment – Port Stephens Environmental Significance Review, Eco Logical December 2007.

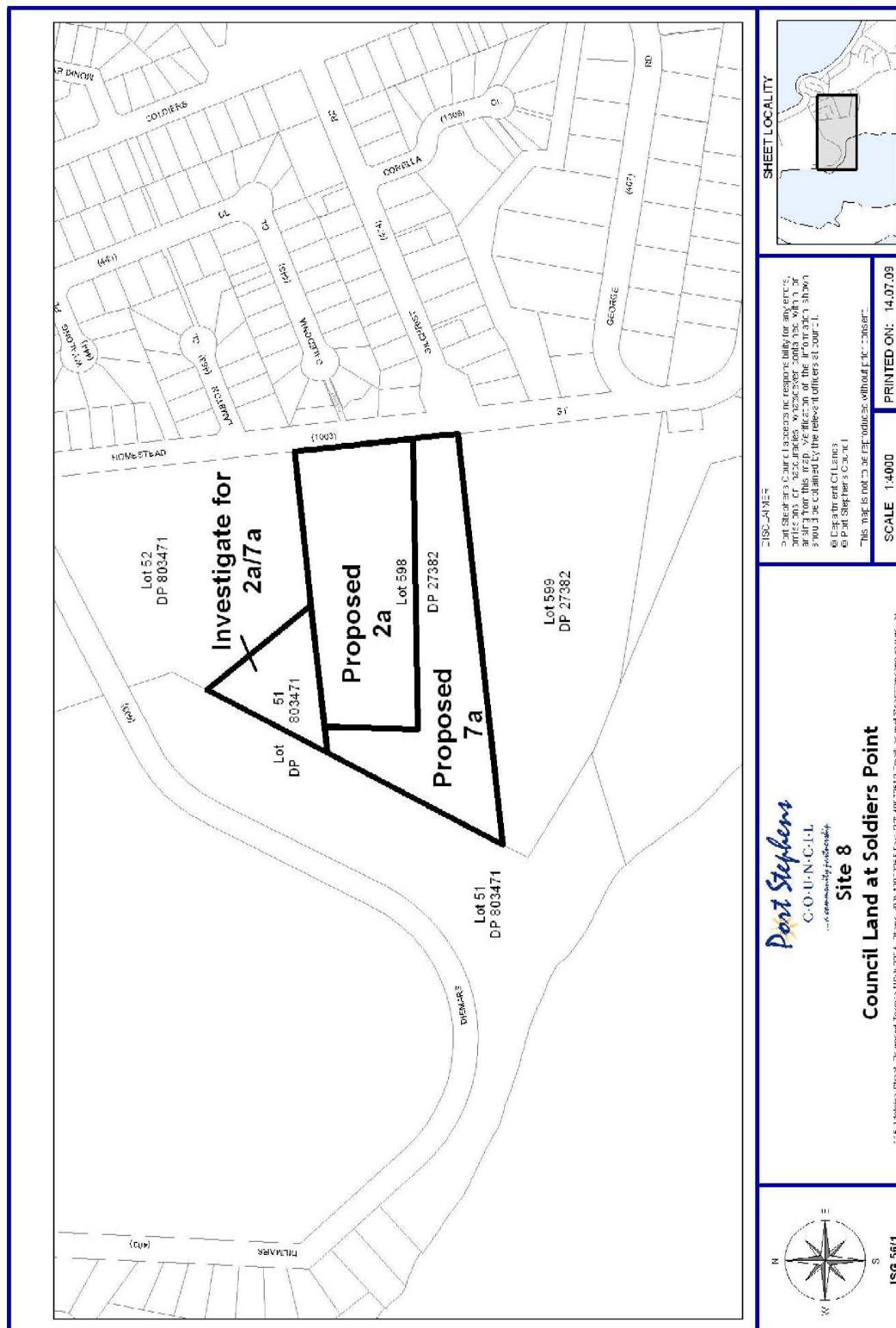
TABLED DOCUMENTS

Nil.

ATTACHMENT 1 LOCATION PLAN



ATTACHMENT 2
ZONING ENDORSED BY NSW DEPARTMENT OF PLANNING
FOR INVESTIGATION



ITEM NO. 2**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 6TH APRIL 2010****REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER****GROUP: SUSTAINABLE PLANNING**

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 6th April 2010.

COUNCIL COMMITTEE MEETING – 11 MAY 2010**RECOMMENDATION:**

	Councillor Ken Jordan Councillor Steve Tucker	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 11 MAY 2010

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

The Committee's technical representatives are the Police, RTA, and Council Officers; they investigate issues brought to the attention of the Committee and suggest draft recommendations for further discussion during the scheduled meeting. One week prior to the local Traffic Committee meeting copies of the agenda are forwarded to the Committee members, Councillors, Facilities and Services Group Manager, Integrated Planning Manager and Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Traffic Committee meeting.

Additional consultation was carried for item C.5– Wahgunyah Road Nelson Bay. This involved mailing out letters to all affected property owners as well as a letter box drop to affected properties.

OPTIONS

- 1) Adopt all or part of the recommendations.
- 2) Reject all or part of the recommendations.
- 3) Council may choose to adopt a course of action for a particular item other than that recommended by the Traffic Committee. In which case Council

must first notify both the RTA and NSW Police representatives in writing. The RTA or Police may then lodge an appeal to the Regional Traffic Committee.

ATTACHMENTS

- 1) Local Traffic Committee Meeting Minutes 6th April 2010

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 6TH APRIL, 2010
AT 9:30AM**

Present:

Cr Peter Kafer, Cr Bruce McKenzie, Mr David Vant – Roads and Traffic Authority, Mr Brian Mosely – Hunter Valley Buses, Mr Graham Orr (Chairperson), Mr Scott Page - Port Stephens Council

Apologies:

Senior Constable Simon Chappell – NSW Police , Mr Mark Newling – Port Stephens Coaches, Mr Joe Gleeson – Port Stephens Council, Mr Bill Butler - Roads and Traffic Authority

A. ADOPTION OF MINUTES OF MEETING HELD 2ND FEBRUARY 2010

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

D. INFORMAL MATTERS

E. GENERAL BUSINESS

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS
TUESDAY 6th April, 2010**

A. ADOPTION OF THE MINUTES OF 2ND FEBRUARY, 2010

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

**C.1 03_04/10 IRRAWANG STREET RAYMOND TERRACE - REQUEST FOR
INSTALLATION OF A PEDESTRIAN REFUGE AT THE NEW SENIOR
CITIZENS FACILITY**

**C.2 04_04/10 VICTORIA PARADE NELSON BAY - REQUEST TO REMOVE 3 CAR
PARKING SPACES AT THE HUNTER WATER CORPORATION PUMP
STATION AT VICTORIA PARADE NELSON BAY**

**C.3 05_04/10 KERRIGAN STREET NELSON BAY - REQUEST TO INSTALL 'NO
STOPPING' IN KERRIGAN ST BETWEEN GOWRIE AVENUE & TREVALLY
STREET**

**C.4 06_04/10 FROST ROAD ANNA BAY - REQUEST TO RELOCATE THE BUS STOP
ON FROST ROAD OPPOSITE ROBERT CONNELL CLOSE,
APPROXIMATELY 50M TO THE WEST TO OVERCOME SAFETY
CONCERNS**

**C.5 07_04/10 WAHGUNYAH ROAD NELSON BAY – INSTALLATION OF PARKING
RESTRICTIONS AT ST. MICHAELS PRIMARY SCHOOL**

**C.6 08_04/10 TAREAN ROAD KARUAH – REQUEST FOR INSTALLATION OF A
PEDESTRIAN CROSSING**

D. INFORMAL MATTERS

E. GENERAL BUSINESS

**E.1 601_04/10 WIGHTON STREET SEHAM - REQUEST FOR SPEED REDUCTION OR
IMPOSITION OF LOAD LIMITS**

C. Listed Matters**C.1 Item: 03_04/10****IRRAWANG STREET RAYMOND TERRACE - REQUEST FOR INSTALLATION OF A PEDESTRIAN REFUGE AT THE NEW SENIOR CITIZENS FACILITY**

Requested by: Engineering Services Manager - PSC

File:

Background:

A new senior citizens facility has recently been constructed in Irrawang Street Raymond Terrace, in Boomerang Park. The facility will be accessed by existing bus services as well as by car. There has been a concrete bus pad constructed out the front with a car park provided on-site. There are however no pedestrian linkages to the facility. It is expected that there will be some pedestrian demand created by the new facility and that there should be some connections provided to existing footpaths that will cater for pedestrians.

Comment:

A pedestrian refuge on Irrawang Street will assist pedestrians to be able to safely cross the road and will provide a link to existing footpaths.

Recommendation to the Committee:

Approve installation of a pedestrian refuge in Irrawang Street at a location indicated on the attached sketch (Annexure A). The refuge is to be funded by the project

Discussion:

Committee agrees with recommendation. The RTA representative noted that the refuge island needs to be constructed to comply with the RTA Technical Direction 2002/10

Support for the recommendation:

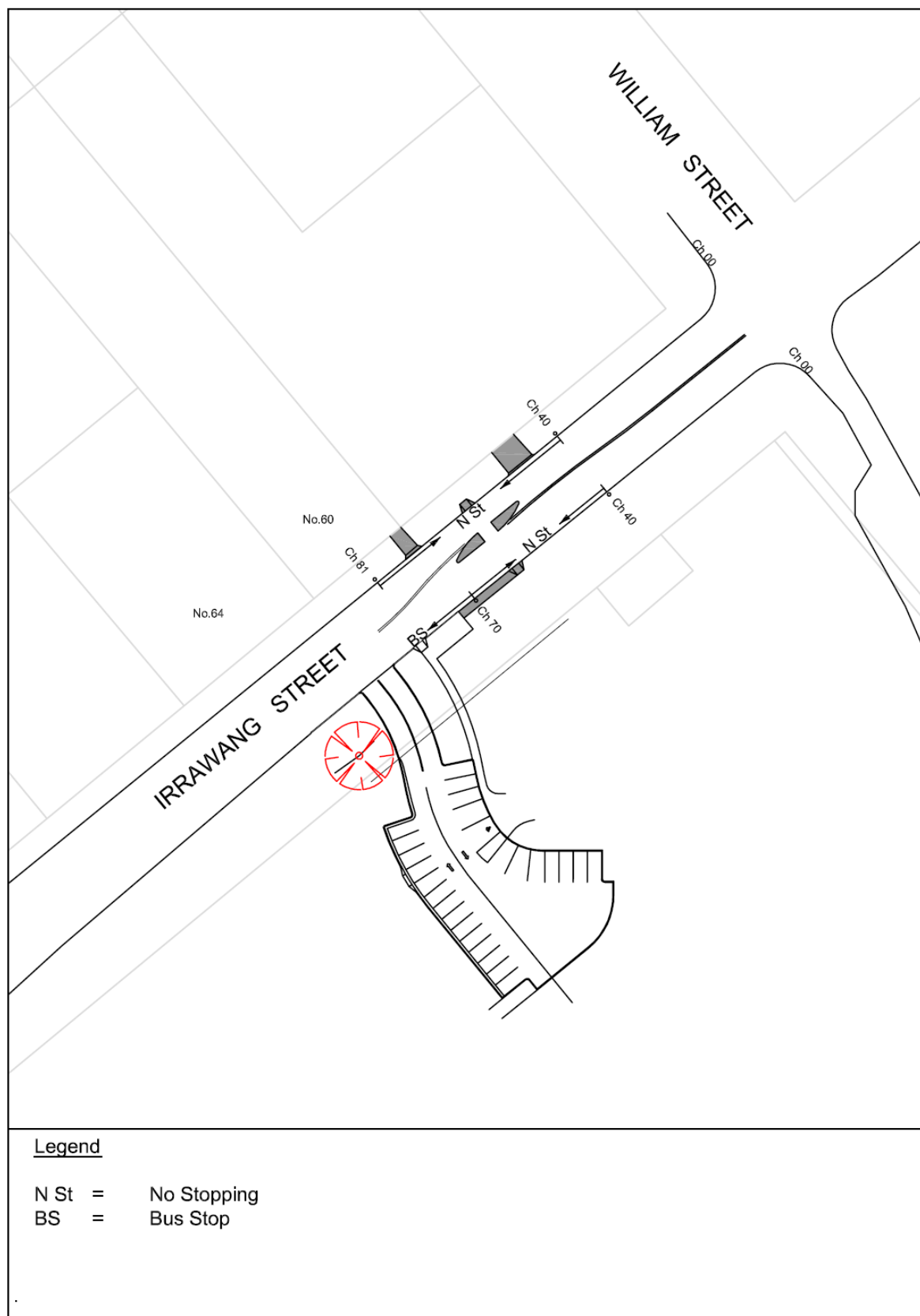
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY – 11 MAY 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 6 April 2010

ITEM NO. 03_04/10
Street: Irrawang Street

ANNEXURE A
Page 1 of 1



C.2 Item: 04_04/10**VICTORIA PARADE NELSON BAY - REQUEST TO REMOVE 3 CAR PARKING SPACES AT THE HUNTER WATER CORPORATION PUMP STATION AT VICTORIA PARADE NELSON BAY****Requested by:** Cr Dover**File:** PSC2005-4019/262**Background:**

Hunter Water Corporation (HWC) are upgrading the pump station on Victoria Parade Nelson Bay and recently met with Councillors and Council staff on-site. There are control valves located in the roadway that require access in the event of an emergency and HWC have requested that parking restrictions be installed to prevent members of the public from parking in 3 parking spaces to allow HWC personnel access to the valves.

Comment:

Comment from Council's Engineering Services Manager:

"Hunter Water Corporation have posed this question previously to Council and we have said no but have suggested that it might be possible if Council was reimbursed for the potential lost revenue involved. These parking spaces have been constructed and maintained with Council funds and there is a potential for approx \$4500 to be gained by each parking spot through parking meter fees each year. Of course there is the loss of parking spaces to the general community involved as well as the potential revenue loss by excluding three parking spaces from being available. Alternatively, Council allows developers to contribute an amount under section 94 whenever they can't physically provide enough parking spaces for a development. This money is then used to provide parking spaces on other land nearby.

I would suggest that a Council report would be required for this issue. Another alternative would be for Hunter Water to seal off the manhole covers so that there was no possibility of them leaking and to relocate the valves away from the road."

Another issue is that there are no standard signs that would allow HWC vehicles to park while preventing other vehicles from doing so. Any signs such as 'No Parking' or 'No Stopping' would also apply to HWC vehicles. A plan of the area concerned is shown on the attached sketch (Annexure A).

Committee's Recommendation:

The Traffic Committee recommended that this item be withdrawn pending an on-site meeting regarding the Hunter Water Corporation pump station. Any Traffic Committee related issues are to be returned to Traffic Committee for consideration following the on-site meeting.

Support for the recommendation:

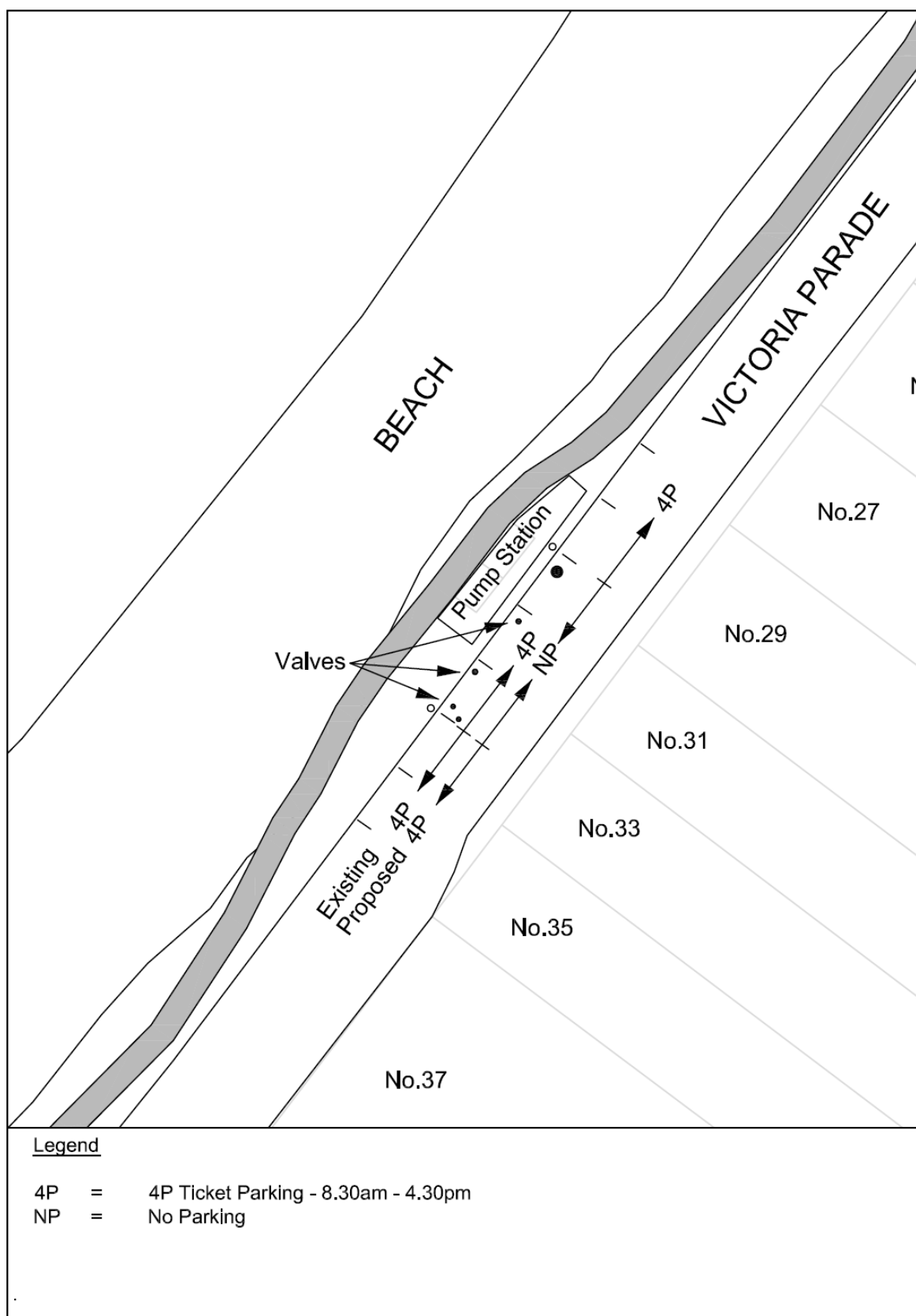
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY – 11 MAY 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 6 April 2010

ITEM NO.04_04/10
Street: Victoria Parade

ANNEXURE A
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C.3 Item: 05_04/10

KERRIGAN STREET NELSON BAY - REQUEST TO INSTALL 'NO STOPPING' IN KERRIGAN STREET BETWEEN GOWRIE AVENUE & TREVALLY STREET

Requested by: Cr Dover

File:

Background:

A local resident has requested that Council install 'No Stopping' on the southern side of Kerrigan Street Nelson Bay, between Gowrie Avenue and Trevally Street. The complaint is that vehicles parked in this area tend to force drivers to cut the corner when turning from Gowrie into Kerrigan, increasing the chances of colliding with on-coming traffic.

Comment:

Kerrigan Street is wide enough to allow parking on both sides with travel in both directions. Parking near the Tomaree Health Centre is in relatively high demand although there is ample parking around the corner in Trevally Street. The Traffic Inspection Committee recommended that rather than removing parking, installing barrier lines on approaches to the intersection would assist drivers to maintain lane discipline while negotiating the corner.

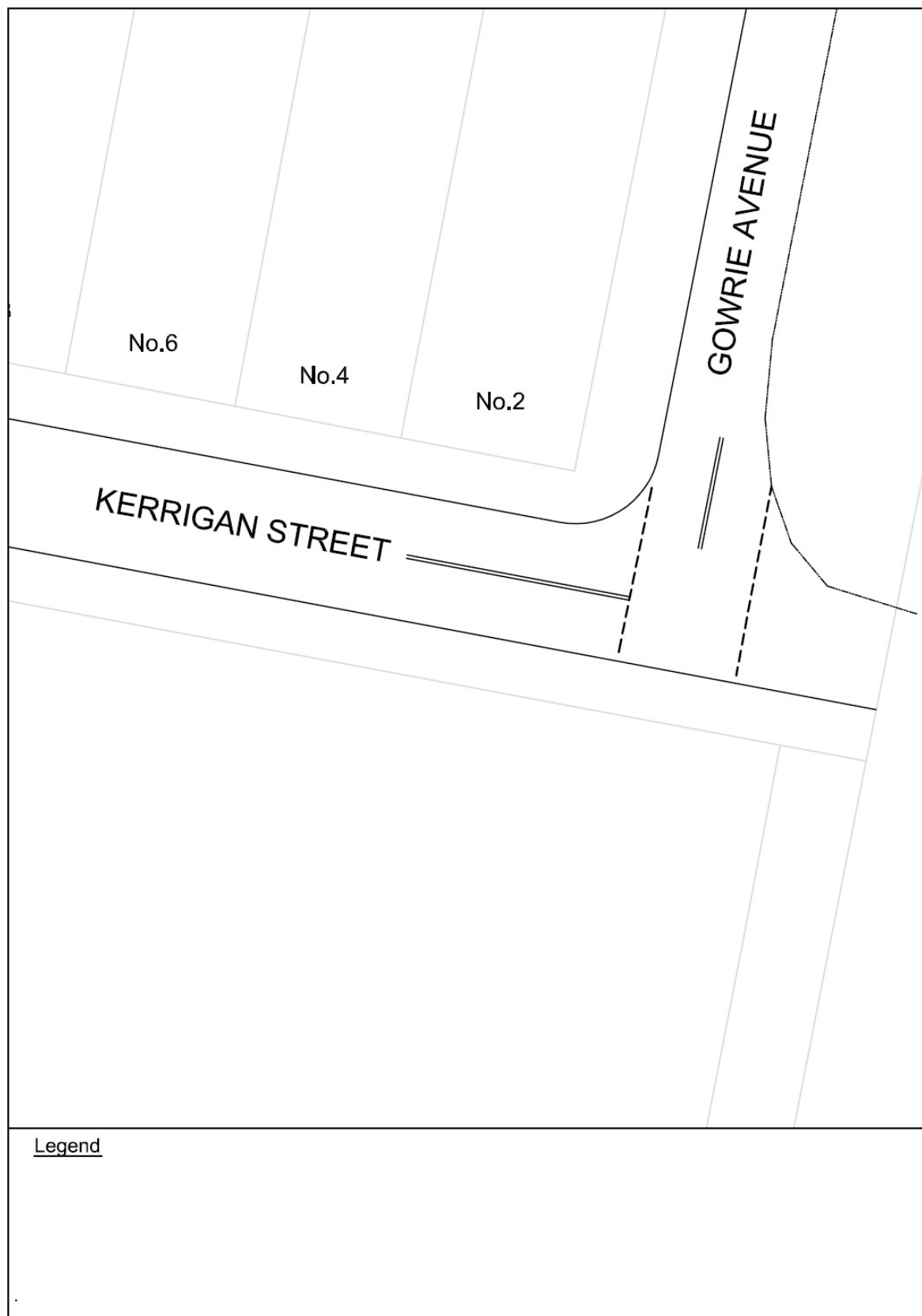
Recommendation to the Committee:

Approve the installation of barrier lines in Kerrigan Street and Gowrie Avenue Nelson Bay, as shown on the attached sketch (Annexure A).

Discussion:

Support for the recommendation:

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



C.4 Item: 06_04/10**FROST ROAD ANNA BAY - REQUEST TO RELOCATE THE BUS STOP ON FROST ROAD OPPOSITE ROBERT CONNELL CLOSE, APPROXIMATELY 50M TO THE WEST TO OVERCOME SAFETY CONCERNS**

Requested by: A resident
File: PSC2005-2580/013
Background:

The bus stop is situated on a left hand bend which restricts sight distance for buses and waiting bus passengers as well as other vehicles following the bus.

Traffic Committee considered this issue in March 2008 where it was recommended that rather than relocating the bus stop it would be more practical to remove vegetation to improve sight distance. This was done but vegetation has quickly grown back.

The current bus stop is one of the only areas where a shoulder is provided to allow buses to pull off the road safely. Relocating the bus stop to the north would involve a significant amount of construction with vegetation to be removed and shoulder widening required.

Comment:

An on-site meeting was held 24th March 2010 with Council Officers and local residents. The inspection showed that there would be significant issues involved in relocation of the bus stop as the property boundary is very close to the road on the eastern side and construction of a new bus stop would require compliance with the Disability Discrimination Act. It is doubtful that there would be significant benefit from relocation as the position of existing utility poles would require buses to slow even more than at present to manoeuvre between them. As well, moving the bus stop away from Robert Connell Close would mean that the majority of bus passengers would have further to walk. A photo of the existing bus stop is attached for information (Annexure A).

Recommendation to the Committee:

That Council arrange further clearing work to improve sight distance at the existing bus stop and to include the bus stop in a regular maintenance program.

Discussion:

The road reserve width and land ownership issues were discussed regarding altering the bus stop from the present location.

The outstanding review of 80km/h speed limit for Frost Road (March 2008) to be completed by RTA. Clearing works had been completed at the time of meeting.

Support for the recommendation:

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



C.5 Item: 07_04/10**WAHGUNYAH ROAD NELSON BAY – INSTALLATION OF PARKING RESTRICTIONS AT ST. MICHAELS PRIMARY SCHOOL****Requested by:** Nelson Bay Police**File:****Background:**

Nelson Bay Police contacted Council to request a review of parking restrictions in Wahgunyah Road, Nelson Bay. The request originated from traffic congestion that occurs at St. Michael's School, particularly during afternoon pick-up times. Wahgunyah Road is relatively narrow in places and when vehicles park along both sides of the street there is insufficient room to allow 2 vehicles to pass. There is a substantial bus zone at the school with up to 5 buses at the school at once during the afternoons.

Comment:

Consultation has been conducted with the school and with affected residents of Wahgunyah Road. Feedback has been positive with most respondents readily agreeing with the proposed changes. The proposal is for 'No Stopping' restrictions to apply on the southern side of Wahgunyah Road during the afternoon school zone times. This will have minimal impact on residents while improving safety for traffic on Wahgunyah Road and discouraging children from crossing the road to access parked vehicles.

Summary of consultation feedback:

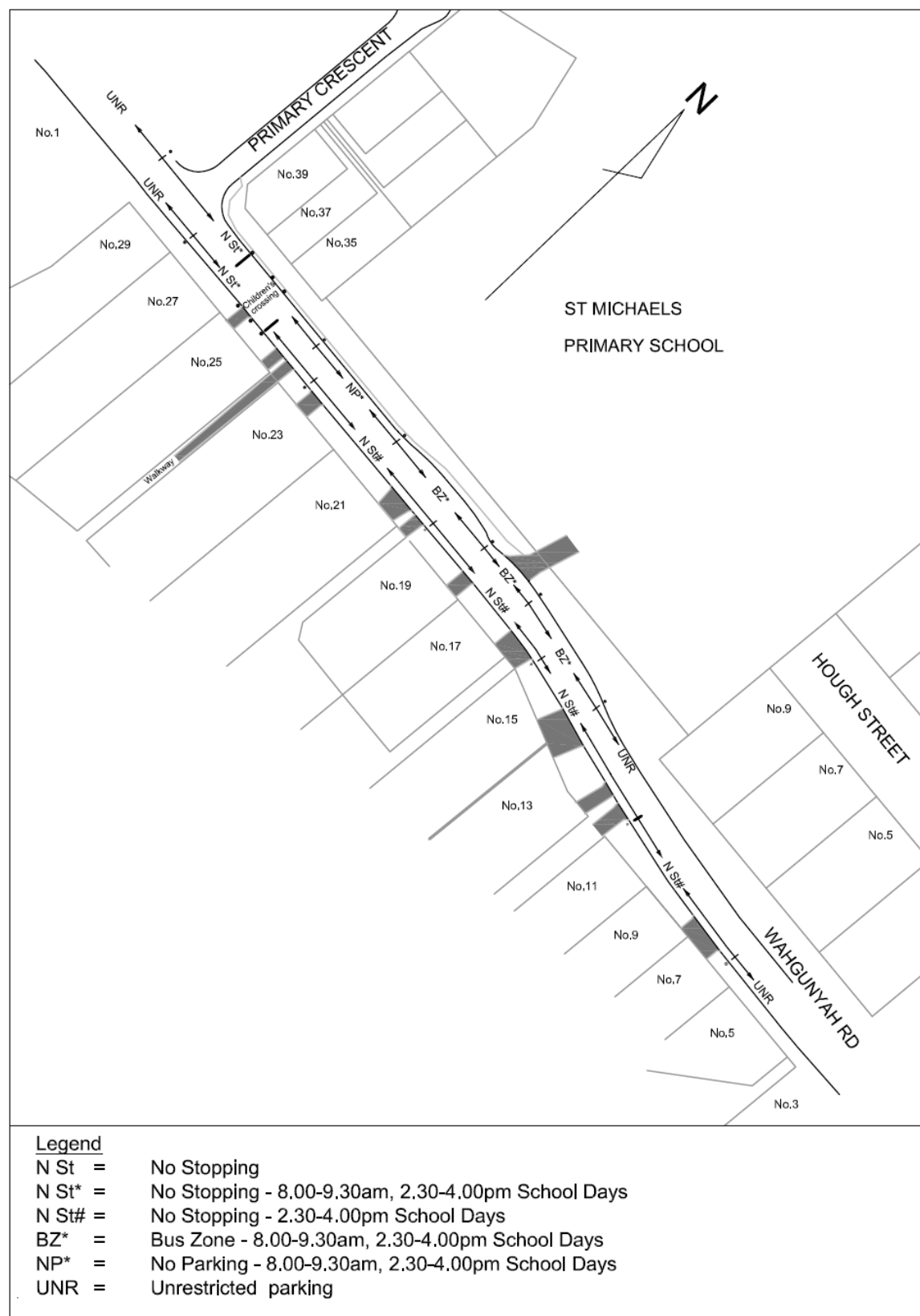
Property	Comment
Property owner – No.13	Does not support parking restrictions as they will impact on visitors and tradespeople. Feels that parking restrictions will devalue affected properties
Resident – No.11	Would prefer to see 'No Stopping' installed on the opposite side of the road or on both sides. Would also like to see the children's crossing made into a pedestrian crossing and raised.
Resident – No.7	Supports parking restrictions but would like to see the length extended further and for them to apply in the mornings as well
Resident – No.9	Good idea – Currently experiences issues getting in and out of the driveway

Recommendation to the Committee:

Approve the installation of part-time 'No Stopping' restrictions in Wahgunyah Road, as shown on the attached sketch (Annexure A). N.B. All timed restrictions to align with standard school zone times.

Support for the recommendation:

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



C.6 Item: 08_04/10**TAREAN ROAD KARUAH – REQUEST FOR INSTALLATION OF A PEDESTRIAN CROSSING**

Requested by: Port Stephens Council – Facilities and Services

File:

Background:

Council's Facilities and Services Group have been heavily involved in the re-development of Karuah main street following the by-pass of the town by the Pacific Highway. This has involved consultation between Council and local interest groups.

Part of this has been the development of improved pedestrian facilities within the town centre, including construction of a pedestrian refuge kerb ramps and landscaping on Tarean Road. Facilities and Services are now seeking to upgrade the pedestrian refuge to a pedestrian crossing.

Comment:

Roads and Traffic Authority guidelines require that a warrant for pedestrian and vehicle volumes is met before installation of a pedestrian crossing can be considered. It is widely accepted that pedestrian crossings that do not meet the minimum numbers of pedestrians and vehicles actually increase the danger for pedestrians using them.

The appropriate facility for the volumes of pedestrians and vehicles that use Tarean Road is the existing pedestrian refuge. Council has invested a lot of money to upgrade this facility to its current high standard.

Recommendation to the Committee:

That the pedestrian facility is to remain as a pedestrian refuge.

Discussion:

The RTA representative did not support construction of an illegal structure (Pedestrian Crossing). A pedestrian crossing facility does not meet the warrant at this location.

Councillor's McKenzie and Kafer do not support further costs imposed on Council at this location.

Support for the recommendation:

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



E: General Business

E.1 Item: 601_04/10**WIGHTON STREET SEAHAM – REQUEST FOR SPEED REDUCTION OR IMPOSITION OF LOAD LIMITS**

Requested by: Cr Francis

File:

Background:

Wighton Street is a gravel road on the outskirts of Seaham. It connects between Clarencetown Road and Warren Street and provides access to approximately 17 properties.

This issue has been to traffic committee at least 3 times over recent years and was inspected again by the Traffic Inspection Committee on the 17th March 2010. The Inspection Committee noted the following:

- Wighton Street is a rural road and meets the criteria required under the NSW speed zoning guidelines for an 80km/h speed limit. It does not meet the criteria for a lower speed limit.
- Speed limits are not normally reduced to control dust.
- There are no reported accidents over the most recent 5 year period.
- The road is gazetted as a B-double route from the Warren Street end to the entrance to property No.15.
- Police advise that low traffic volumes are generally observed and that while some through-traffic does use the road, most traffic uses Cross Street when short-cutting from Clarencetown Road to Seaham Road

The Traffic Inspection Committee recommends no further action.

Discussion:

Dust from vehicles including trucks is considered to be the predominant complaint issue.

The number of trucks and their destination was discussed.

RTA representative did not support speed limit reduction.

A speed and volume count to be taken and reported to Traffic Engineer.

Committees Advice:

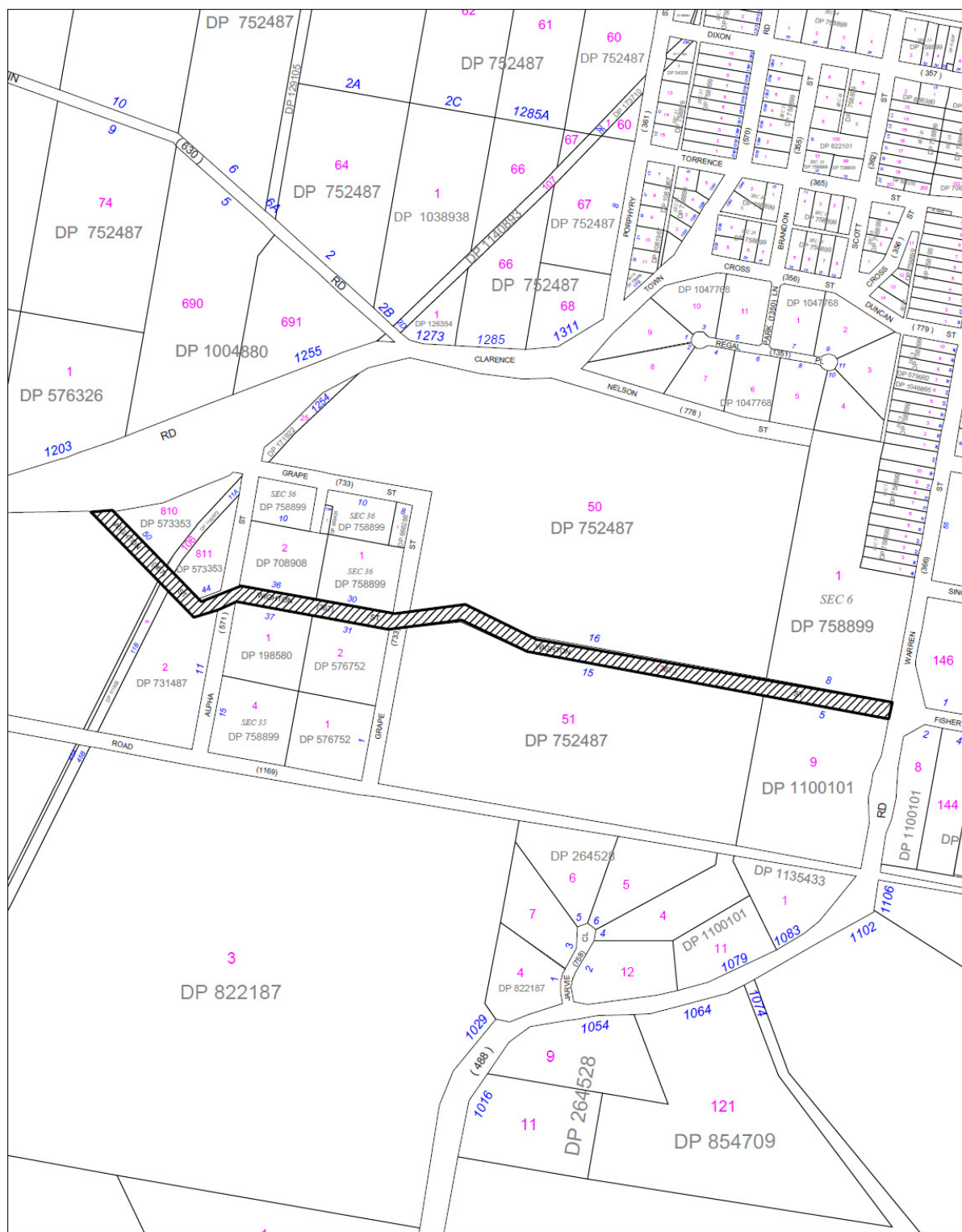
No further action

MINUTES FOR ORDINARY – 11 MAY 2010

PORT STEPHENS TRAFFIC COMMITTEE
TUESDAY 6 APRIL 2010

ITEM NO. 601_04/10
STREET: WIGHTON STREET

ANNEXURE A
PAGE 1 OF 1



ITEM NO. 3**FILE NOS: PSC2009-02591****SHOAL BAY HOLIDAY PARK - DRAFT PLAN OF MANAGEMENT**

REPORT OF: PHIL BUCHAN – MANAGER, COMMERCIAL ENTERPRISES
GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL (AS LAND OWNER & CROWN RESERVE TRUST MANAGER):

- 1) Endorse the proposed revisions to the draft Plan of Management for Shoal Bay Holiday Park
- 2) Amend the draft Plan of Management document and plans to reflect the revisions outlined in the attachments to this report.
- 3) Adopt the amended Plan of Management for the Council component of Shoal Bay Holiday Park
- 4) Request the Minister for Lands to approve and adopt the amended Plan of Management

COUNCIL COMMITTEE MEETING – 11 MAY 2010
RECOMMENDATION:

	Councillor Frank Ward Councillor Sally Dover	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 11 MAY 2010

128	Councillor Ken Jordan Councillor Bob Westbury	That the recommendation be adopted.
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AMENDMENT

	Councillor Geoff Dingle Councillor Steve Tucker	That Council : <ol style="list-style-type: none">1. Endorse the proposed revisions to the draft Plan of Management for Shoal Bay Holiday Park2. Amend the draft Plan of Management document and plans to reflect the revisions outlined in the attachments to this report.3. Adopt the amended Plan of
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MINUTES FOR ORDINARY – 11 MAY 2010

		<p>Management for the Council component of Shoal Bay Holiday Park</p> <ol style="list-style-type: none">4. Request the Minister for Lands to approve and adopt the amended Plan of Management5. That Council provide existing van owners the opportunity to provide increased returns by distributed income to retain their van sites.
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Cr Peter Kafer called for a division.

Those for the Motion: Crs Peter Kafer, Steve Tucker, Shirley O'Brien and Geoff Dingle.

Those against the Motion: Crs Ken Jordan, Glenys Francis, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.

The amendment on being put was lost.

BACKGROUND

Council resolved on 27th April 2010 that:

That the item be deferred to allow Councillors to view the financial model.

This report has been prepared for Council in its capacity as land owner and Corporate Manager of the reserve trust within the operation of Shoal Bay Holiday Park (Part Crown Reserve 77932). The majority of the land occupied by Shoal Bay Holiday Park is owned by Council with the balance on Crown land. The Reserve Trust Manager is required to operate in the interests of the trust and as such this report considers the interests of both Council and the trust.

The content and recommendations of this report link to the Council's Corporate Plan – Goal 14 “Success & Sustainability” and to the Crown Lands Caravan Parks Policy.

The purpose of this report is to seek the Council's endorsement and adoption of the proposed amendments to the draft Plan of Management for Shoal Bay Holiday Park and to request the Minister for Lands to approve and adopt the Plan of Management as amended.

The following is a summary of the actions undertaken to progress the draft Plan of Management for Shoal Bay Holiday Park:

Feb 09 - Councillors inspect the Crown Holiday Parks followed by a Council two way conversation to introduce the draft PoMs

Jun 09 - Council endorses a request for the Minister for Lands to place draft PoMs on public exhibition

Jul 09 - Public Exhibition commences (ending 30 Sep)

Oct 09 - Two way conversation with Regional Manager LPMA (providing a perspective from the Authority)

Oct to Dec 09 - Collation and recording of issues from submissions (19 submissions relating specifically to Shoal Bay and another 10 which included all three Parks)

Dec 09 to Feb 10 - Meetings with senior staff to provide comment and discuss options

Feb 10 - Stakeholder meetings - Park Managers, LPMA, PSSCA & Commercial Enterprises Advisory Panel

Feb 10 – The draft Plans of Management were revised and presented to Council at a two way conversation. The objective was to seek input to finalise the content of the Plan for the preparation of a business paper report.

The revised draft Plan of Management for Shoal Bay Holiday Park has been developed in consideration of the comments received and reviewed through the consultation process together with financial analysis to ensure there is a business case to justify the proposed changes.

The attachments following include:

A summary of the significant issues raised through the public exhibition process and the proposed actions and recommendations

A summary of the proposed amendments to the draft Plan of Management

A summary of the proposed development phases for over 5 years and

A revised map of the proposed site layout.

FINANCIAL/RESOURCE IMPLICATIONS

Council's endorsement and the Ministers consent to the implementation of the Plan of Management will provide a five year planning strategy to the development and operation of Shoal Bay Holiday Park. The annual operations of the Park are funded directly from the revenue generated by its operation while the capital development costs are funded from low interest Crown loans or directly from the trust's financial reserve.

The implementation of the Plan of Management represents capital development that will improve tourist occupancy, and access to improved the Park services which contribute to the long term financial sustainability, enhancement and maintenance of Crown land reserves within Port Stephens.

LEGAL, POLICY AND RISK IMPLICATIONS

Council as Corporate Manager for Reserve Trusts is required to operate in the interest of the trust under Part 5, Division 4 of the Crown Lands Act 1989.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Plan of Management acknowledges natural and conservation values, recreation and tourism values and social and economic values. These are also reflected in the management principles and strategies that promote ecological sustainable development.

CONSULTATION

Land & Property Management Authority
Port Stephens Caravan & Campers Association
Individual Holiday Van owners
Commercial Enterprises Advisory Panel (including the General Manager and Commercial Services Group Manager)
Civil Assets Engineer
Commercial Property Manager
Integrated Planning Manager
Traffic Engineer
Road Safety Project Officer
Holiday Park Managers
Marketing & Administration Manager

OPTIONS

- 1) Accept the recommendations
- 2) Defer the report pending further information

ATTACHMENTS

- 1) Summary of issues raised through public exhibition and proposed actions & recommendations
- 2) Summary of the proposed amendments to the draft Plan of Management
- 3) Summary of the proposed development phases for over 5 years
- 4) Revised map of the proposed site layout

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Summary of main issues, responses & recommendations

Issue: Opposition to the proposed rezoning and sale option for lot 3 as it will reduce the opportunities within the Park and potentially cause traffic & pedestrian access impacts in Shoal Bay Avenue.

Response: The options for this lot have been reviewed. The revised proposal would see this lot retained to accommodate cabin and meeting facilities. This option will address concerns arising from the submissions including the potential additional residential development introducing additional vehicular movements, access from Shoal Bay Avenue and the impact on public access.

Recommendation: That Lot 3 be retained and the site redeveloped to replace the safari tents with 3 bedroom villas and include a conference / meeting facility catering for approximately 60 to 80 delegates (Subject to a further business analysis) and the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Opposition to the loss of camping sites and the replacement with more cabins. The removal of camping sites will change the focus of a holiday park impacting on families wanting camping facilities in the Shoal Bay area.

Response: The proposed removal of camping has met with negative comments, the site profile has been reassessed and under the proposed revised draft PoM camping is retained mostly in its current location with some improvements proposed by moving the boundary fence by 2m. This proposal addresses the concerns arising from the submissions and provides a complete mix of accommodation types on the Park.

Recommendation: That camping sites are retained and the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Opposition to the removal of holiday vans from the western boundary and the replacement with cabins. Resulting in a reduce sense of community spirit amongst van owners and increase anti-social behaviour and security issues etc and no sites for relocation.

Response: The overall site profile has been examined and the number of cabin / villas proposed in the exhibited draft Plan of Management has been revised down by thirteen (13). Holiday Van sites are still proposed to be removed however not until the last phase of development (5th year) the proposal is that these sites will be replaced to create tourist sites with ensuite facilities. The reduction in holiday van sites is proposed within one precinct on Council owned land it is considered unlikely that this change will contribute to anti-social behaviour or create security issues. The revision of the Park profile has also identified opportunity for 3 sites to be added to the number of unaffected holiday van sites. It is expected that a ballot process would provide a mechanism for relocation of the affected Holiday van sites.

Recommendations: (1) That the holiday van sites on the western boundary be converted to tourist van sites with ensuite facilities as depicted in the revised draft Plan of Management as part of phase 5 of development. (2) Support a ballot process to redistribute vacant holiday van sites to existing van owners affected by redevelopment.

Issue: Opposition to the development of cabins on the western boundary as it will result in the loss of views and create fire safety risks to adjoining residents.

Response: The proposal in the exhibited draft Plan of Management has been revised the concept of cabins on the western boundary has been changed to support tourist van sites with ensuites. The proposed change will address adjoining resident's concerns about building placement, potential building heights causing loss of views and competition with nearby B&B accommodation.

Recommendation: That the HV sites located on the western boundary be converted to tourist van sites with ensuite facilities depicted in the revised draft Plan of Management

Issue: The PoM provides no compensation for the loss in Holiday Van sites as there are no alternate sites available for relocation.

Response: Three possible sites have been identified for Holiday Van relocation. A ballot process is considered to be the fairest means for reallocation of those Holiday Van owners wishing to remain on site. The annual occupancy agreement signed by both tenant and Park Manager clearly outlines the terms and conditions of occupancy and termination of Holiday Van agreements. Discussions with the LPMA have suggested that an 'implementation panel' be established to facilitate communication through the various phases of the Plan of Management implementation

Recommendations: (1) That an implementation panel is established for Shoal Bay Holiday Park consisting of Park Management and Holiday Van owners. (2) That the Holiday Van owners affected are provided with information about the proposed development timing and the ballot option.

Issue: Concern that bike track access and public access at the rear of the park is maintained, not incorporated into the park.

Response: The proposal contained in the revised draft will not restrict the shared pathway some modification to the boundary fence is proposed but will not restrict public access. The proposed fence replacement will provide an opportunity for some minor realignment which will assist in improving camping sites by increasing site depth (approximately 2m).

Recommendation: That the proposed site changes depicted in the revised draft Plan of Management (attachment 4) are supported including the minor fence realignment.

Issue: Concerned about the proposed changes to the park and the loss of the facility been offered as a reasonably priced accommodation alternative to travellers.

Response: The Park site profile has been reassessed and amended to ensure that all accommodation alternatives are retained. The holiday park will continue to offer a range of accommodation types that are affordable within the context of the Port Stephens tourism market.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Traffic congestion at the entrance to the park.

Response: The revised draft Plan of Management proposes changes to the park entry to improve access and parking, a second exit is proposed that will eliminate the cross traffic congestion that occurs on change over days. The reconfiguration of the roadway will also provide additional visitor parking.

Recommendation: That the draft Plan of Management be amended to reflect the proposed changes to the entry/exit depicted in attachment 4.

Issue: Concern that the draft plan does not provide an accurate assessment of the development potential within the 5 year term of the Plan of Management and no timeframes have been given.

Response: The development proposed in the revised draft Plan of Management has been assessed against occupancy trends and preliminary cost estimates to represent a 5 year planning horizon. The proposed development is dependent on financial and operational performance together with stakeholder funding support.

Recommendations: (1) That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4. (2) That the Plan of Management includes the addition of drawings that depict each development phase proposed.

ATTACHMENT 2

Summary of the proposed amendments to the draft Plan of Management

- Retain and improve camping facilities – upgrade the camping area in the island located between Perch Place and Groper Drive to accommodate larger camping sites extending the area by re-establishing the back boundary fence to provide additional camping sites where the tent parking zone is currently located.
- Establish additional tourist van ensuite sites – island located between Bonito Place and Emperor Place (loss of 2 tourist van sites establishes 16 ensuite sites) - island located between Emperor Place and the western boundary (loss of 14 holiday van sites establishes 10 ensuite sites) – island located between Nannigai Place and Marlin Way (loss of 3 tourist van sites establishes 12 ensuite sites.
- Convert 3 tourist van sites off Jewfish Place to holiday van sites.
- Upgrade entry/exit point and visitor parking space near reception. Create a two exit points by extending Kingfish Avenue onto Shoal Bay Road and realign the exit at the front gate so that it is separate from the entry.
- Re-fence the perimeter of the Park and undertake landscaping planting and management plan.
- Establish a twin carport and storage shed adjoining the service buildings near the waste collection area off Perch Place
- The revised Park profile provides 29 Holiday van sites 15% of total, 90 tourist van sites 47% (38 with ensuite), 29 camping sites 15% and 44 cabins 23% of total.
- Retain Lot 3 DP 716089 and replace the safari tents with cabins and establish a conference/meeting & training centre to accommodate up to 80 people.
- Establish a small amenities building to service the expanded camping area.
- Establish a park specific implementation panel consisting of Park Management members of the Port Stephens Caravan and Campers Association and other holiday van owners. The purpose of the panel to guide the implementation and communication strategy for the staged development phases within the Plan of Management.
- Include additional drawings that depict each phase of development and the areas affected

ATTACHMENT 3

Summary of the proposed development phases for over 5 years

PHASE 1

Construct two ensuite units on Tourist Van sites in the island bordered by Bonito Place and Imperador Place.

Construct ensuite units on Tourist Van sites in the island bordered by Nannigai Place and Marlin Way.

PHASE 2

Remove safari tents from Lot 3 and replace with six 3 bedroom cabins.

PHASE 3

Replace boundary fence and undertake perimeter landscaping.

Upgrade camping area including the construction of camping amenities block and relocation of the waste dump point.

Modify entry/exit driveway and upgrade visitor parking spaces, add second exit to Shoal Bay Road extending Kingfisher Avenue.

PHASE 4

Construct Water playground and upgrade recreation open space between the reception and Dolphin Road.

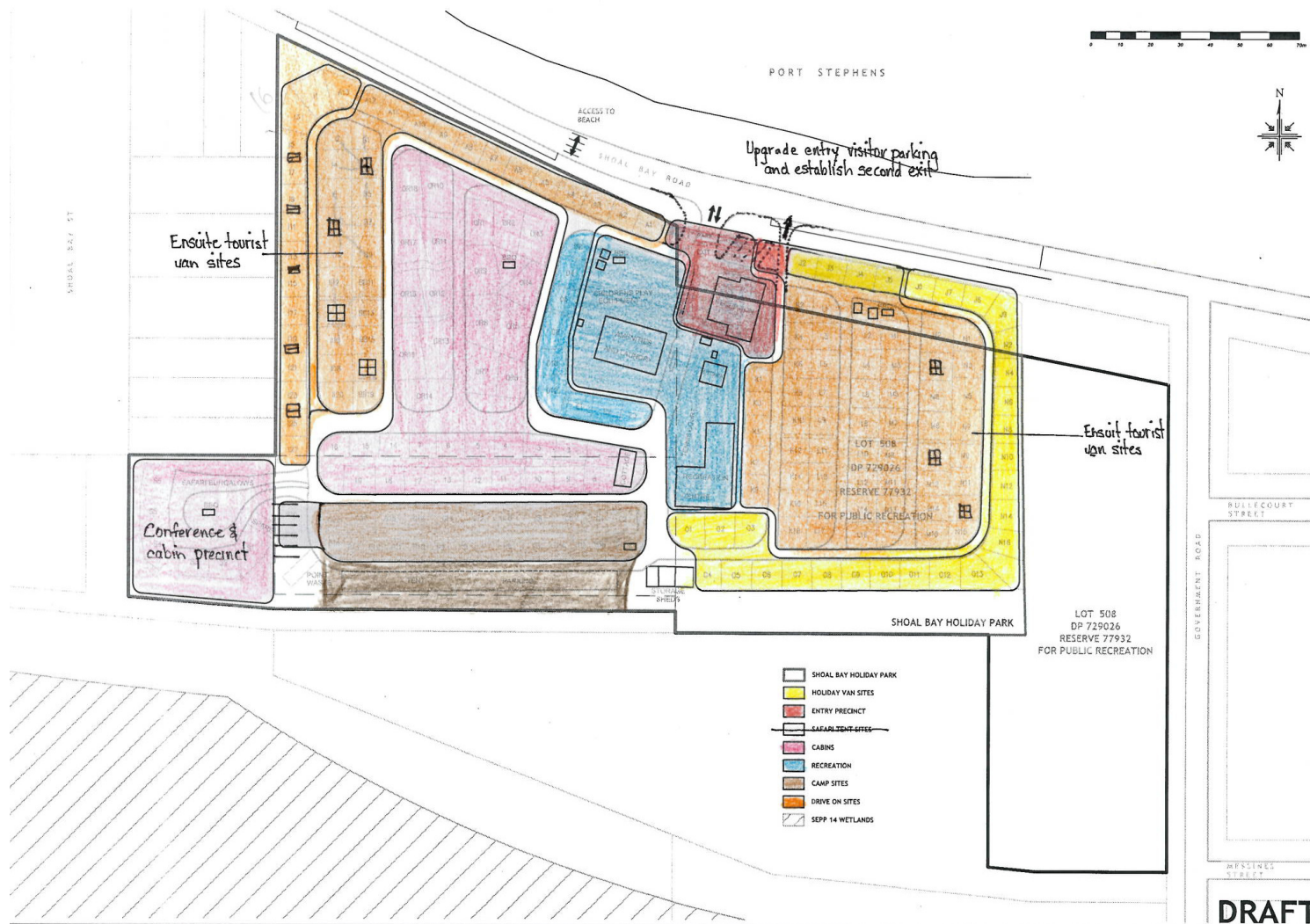
Construct conference/training centre in Lot 3.

PHASE 5

Convert Holiday van sites in Imperador Place along the western boundary to establish tourist van ensuite sites.

Construct two vehicle carport and storage facility adjoining the existing service buildings off Perch Place.

ATTACHMENT 4



DRAFT

ITEM NO. 4**FILE NOS: PSC2009-02593****FINGAL BAY CROWN LAND HOLIDAY PARK - DRAFT PLAN OF MANAGEMENT****REPORT OF: PHIL BUCHAN – MANAGER, COMMERCIAL ENTERPRISES****GROUP: COMMERCIAL SERVICES****RECOMMENDATION IS THAT COUNCIL (AS CROWN RESERVE TRUST MANAGER):**

- 1) Endorse the proposed revisions to the draft Plan of Management for Fingal Bay Holiday Park.
- 2) Amend the draft Plan of Management document and plans to reflect the revisions outlined in the attachments to this report.
- 3) Request the Minister for Lands to approve and adopt the amended Plan of Management for Fingal Bay Holiday Park.

COUNCIL COMMITTEE MEETING – 11 MAY 2010**RECOMMENDATION:**

	Councillor Ken Jordan Councillor Bob Westbury	That the recommendation be adopted.
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Those for the Motion: Crs Glenys Francis, Ken Jordan, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.

Those against the Motion: Crs Peter Kafer, Steve Tucker, Shirley O'Brien and Geoff Dingle.

The motion on being put was carried.

ORDINARY COUNCIL MEETING – 11 MAY 2010**MOTION**

129	Councillor Ken Jordan Councillor Bob Westbury	It was resolved that the recommendation be adopted.
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AMENDMENT

	Councillor Geoff Dingle Councillor Steve Tucker	<p>That Council :</p> <ol style="list-style-type: none">1. Endorse the proposed revisions to the draft Plan of Management for Fingal Bay Holiday Park.2. Amend the draft Plan of Management document and plans to reflect the revisions outlined in the attachments to this report.3. Request the Minister for Lands to approve and adopt the amended Plan of Management for Fingal Bay Holiday Park.4. That Council provide existing van owners the opportunity to provide increased returns by distributed income to retain their van sites.
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The amendment on being put was lost.

The motion on being put was carried

BACKGROUND

Council resolved on 27th April 2010 that:

That the item be deferred to allow Councillors to view the financial model.

This report has been prepared for Council as Corporate Manager of the reserve trust for the operation of Fingal Bay Holiday Park (Crown Reserve 86928). As Reserve Trust Manager Council is required to operate in the interests of the trust and as such this report is to be considered separate from Council as the elected body representing Port Stephens' local government area.

The content and recommendations of this report link to the Council's Corporate Plan – Goal 14 "Success & Sustainability" and to the Crown Lands Caravan Parks Policy.

The purpose of this report is to seek the Corporate Manager's endorsement of the proposed amendments to the draft Plan of Management for Fingal Bay Holiday Park and to request the Minister for Lands to approve and adopt the Plan of Management as amended.

The following is a summary of the actions undertaken to progress the draft Plan of Management for Fingal Bay Holiday Park:

Feb 09 - Councillors inspect the Crown Holiday Parks followed by a Council two way conversation to introduce the draft PoMs

Jun 09 - Council endorses a request for the Minister for Lands to place draft PoMs on public exhibition

Jul 09 - Public Exhibition commences (ending 30 Sep)

Oct 09 - Two way conversation with Regional Manager LPMA (providing a perspective from the Authority)

Oct to Dec 09 - Collation and recording of issues from submissions (27 submissions relating specifically to Fingal Bay and another 10 which included all three Parks)

Dec 09 to Feb 10 - Meetings with senior staff to provide comment and discuss options

Feb 10 - Stakeholder meetings - Park Managers, LPMA, PSSCA & Commercial Enterprises Advisory Panel

Feb 10 – The draft Plans of Management were revised and presented to Council at a two way conversation. The objective was to seek input to finalise the content of the Plan for the preparation of a business paper report.

The revised draft Plan of Management for Fingal Bay Holiday Park has been developed in consideration of the comments received and reviewed through the consultation process together with financial analysis to ensure there is a business case to justify the proposed changes.

The attachments following include:

A summary of the significant issues raised through the public exhibition process and the proposed actions and recommendations

A summary of the proposed amendments to the draft Plan of Management

A summary of the proposed development phases for over 5 years and

A revised map of the proposed site layout.

FINANCIAL/RESOURCE IMPLICATIONS

The Ministers consent to the implementation of the Plan of Management will provide a five year planning strategy to the development and operation of Fingal Bay Holiday Park. The annual operations of the Park are funded directly from the revenue generated by its operation while the capital development costs are funded from low interest Crown loans or directly from the trust's financial reserve.

The implementation of the Plan of Management represents capital development that will improve tourist occupancy, and access to improved the Park services which contribute to the long term financial sustainability, enhancement and maintenance of Crown land reserves within Port Stephens.

LEGAL, POLICY AND RISK IMPLICATIONS

Council as Corporate Manager for Reserve Trusts is required to operate in the interest of the trust under Part 5, Division 4 of the Crown Lands Act 1989.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Plan of Management acknowledges natural and conservation values, recreation and tourism values and social and economic values. These are also reflected in the management principles and strategies that promote ecological sustainable development.

CONSULTATION

Land & Property Management Authority
Port Stephens Caravan & Campers Association
Individual Holiday Van owners
Commercial Enterprises Advisory Panel (including the General Manger and Commercial Services Group Manager)
Recreation Services Manager
Holiday Park Managers
Marketing & Administration Manager

OPTIONS

- 1) Accept the recommendations
- 2) Defer the report pending further information

ATTACHMENTS

- 1) Summary of issues raised through public exhibition and proposed actions & recommendations
- 2) Summary of the proposed amendments to the draft Plan of Management
- 3) Summary of the proposed development phases for over 5 years
- 4) Revised map of the proposed site layout

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Summary of main issues, responses & recommendations

Issue: The PoM provides no compensation for the loss in HV sites as there are no alternate sites available for relocation.

Response: There are no sites currently available a strategy to provide some turnover that can create vacancies in the future is needed. The annual occupancy agreement does not provide compensation for the termination of HV agreements.

***Recommendations:* (1) That HV owners affected are provided with information about the proposed development timing and discussions continue with the LPMA to identify options to create turnover of sites. (2) That a park specific implementation panel is established consisting of representation from Park Management together with holiday van owners and members of the Port Stephens Caravan and Campers Association.**

Issue: Opposition to the proposed conversion of holiday van sites to other uses as this will reduce sense of community spirit amongst van owners and increase anti-social behaviour etc.

Response: The reduction in holiday van sites is proposed in discrete precincts the sense of community will remain in unaffected areas and there is no evidence to support the change in use will result in an increase in vandalism, stealing or anti-social behaviour.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Opposition to the proposed reduction in holiday van sites as this will impact on the local economy and community.

Response: It is expected that with the gradual change in site profile where holiday van sites will be taken up by tourist sites and the overall occupancy levels within the tourist market will represent minimal impact on the local economy. Genuine tourists tend to spend more per head than most holiday van owners.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern that if the draft plan is accepted without change, there will be a severe lack of variety in accommodation styles limiting access for average families to enjoy a vacation.

Response: The site profile has been reassessed to provide a balanced approach to provide access for tourists while maintaining HV sites. The holiday park will continue

to offer a range of accommodation types that are affordable within the context of the Port Stephens tourism market.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern that the PoM doesn't address the traffic congestion that occurs on change over day for tourist sites. A second entry option should be considered.

Response: A second entry to the park is only potentially possible from Farm Road this will require considerable reconfiguration of the existing park internal road network which is currently outside of the 5 year planning within the PoM.

Recommendation: That this option be investigated for the next PoM review.

Issue: Concern that the draft plan does not provide an accurate assessment of the development potential within the 5 year term of the PoM and no timeframes have been given.

Response: The draft PoM has been amended in consideration of the comments received. The site profile has been reassessed to provide a balanced approach. Preliminary cost estimates have been established representing the 5 year planning horizon. The proposed development is dependent on financial and operational performance together with stakeholder funding support.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern about the lack of parking and the additional traffic that will be generated by the proposed development.

Response: The draft PoM proposes that the current internal visitor's carpark be expanded. Consultation with Council's Recreational Services Manager also identified opportunity for the holiday park to contribute to carparking improvements on the adjacent foreshore reserve.

Recommendation: That negotiations continue with the LPMA and Recreation Services Section for the holiday park to contribute funds to improve car parking in the area outside the park along the foreshore reserve.

ATTACHMENT 2

Summary of the proposed amendments to the draft Plan of Management

- The proposed areas identified for redevelopment in the exhibited draft will largely remain unchanged from the exhibited draft with the exception of three (3) Holiday Van sites off Yatamah road which are no longer necessary for camping sites
- Overall increase in the number of tourist van sites is eleven (11) including additional open space for barbeque, picnic space and landscaping. Cabin accommodation has been scaled back to increase stock by thirteen (13) which also includes new barbeque and landscaping space.
- Holiday van sites are reduced by a total of forty-one (41) with the overall percentage of sites now available for Holiday Vans representing 64% or two hundred & seventy four (274)
- Holiday van sites located in the block between Impara and Euroka roads will not be redeveloped as cabin sites but will be changed to accommodate tourist van sites with ensuite facilities
- Replace the existing northern amenities & laundry facility off Gooyah and Amaroo roads with a new amenities block increasing capacity and efficiency capacity
- Contribute to the establishment of new car parking facilities off Marine Drive to improve parking capacity for the beach and visitors to the holiday park.
- Establish a park specific implementation panel consisting of Park Management members of the Port Stephens Caravan and Campers Association and other holiday van owners. The purpose of the panel to guide the implementation and communication strategy for the staged development phases within the Plan of Management.
- Include additional drawings that depict each phase of development and the areas affected.

ATTACHMENT 3

Summary of the proposed development phases for over 5 years

PHASE 1

Construct new northern amenities block and demolish existing located near Gooyah and Amaroo roads.

Convert Holiday Van sites in the island bordered by Rumaïy & Orana roads to Tourist Van sites.

PHASE 2

Complete stage 2 cabin replacement project in the island bordered by Jippi & Gooyah roads including landscaping and BBQ facilities.

Convert Holiday Van sites in the island bordered by Gooyah & Amaroo roads to Tourist Van sites.

Convert Holiday Van sites in the island bordered by Amaroo & Yatamah roads to Camping sites.

PHASE 3

Convert Holiday Van sites in the island bordered by Euroka & Impara roads to Tourist Van sites with ensuites.

PHASE 4

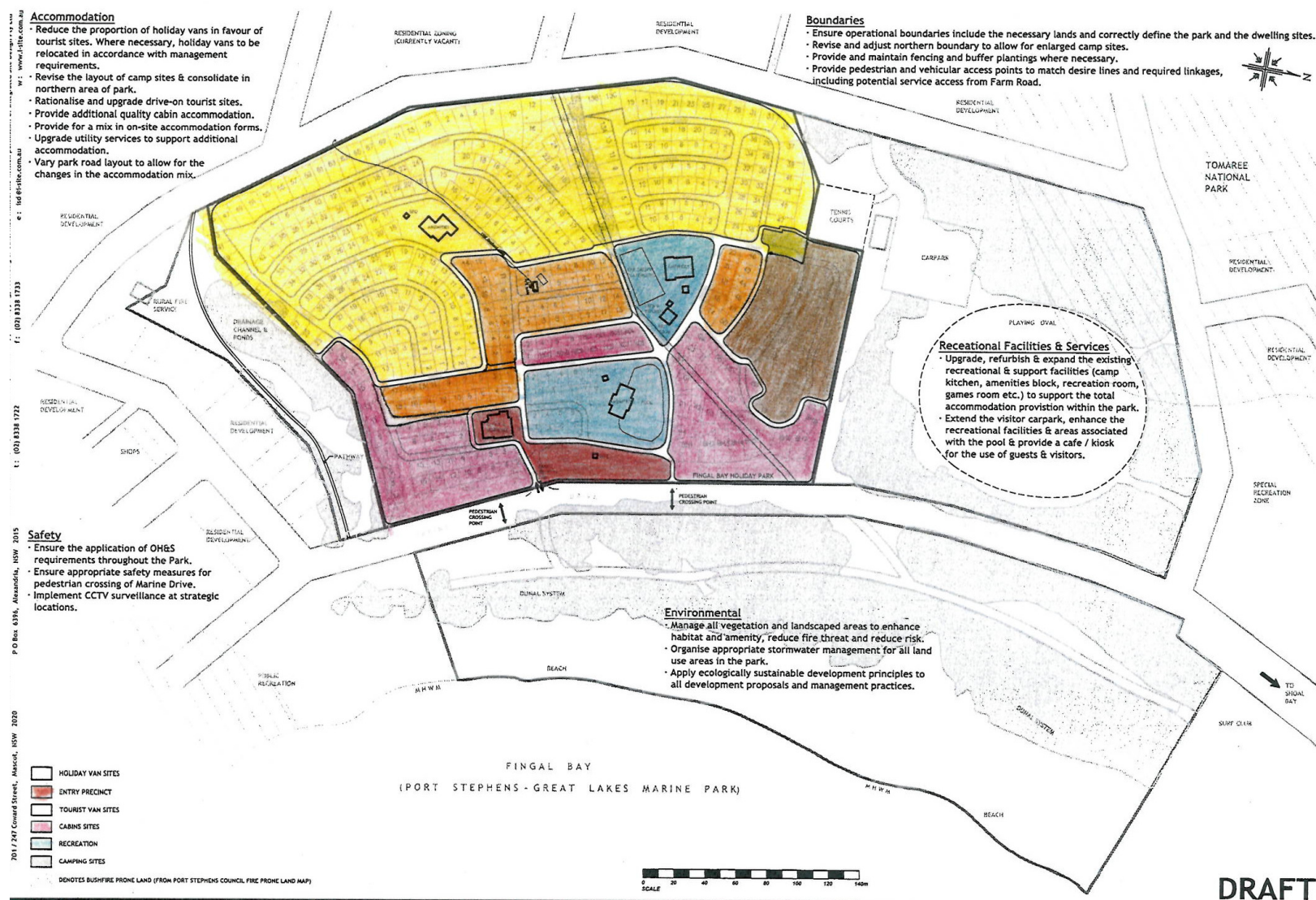
Convert Holiday Van sites bordering Pinaroo road between Condowie & Muraban roads to luxury cabins including landscaping and parking facilities.

Extend visitor carpark including landscaping.

PHASE 5

Convert Holiday Van sites in the island bordered by Condowie & Euroka roads to cabins including landscaping and BBQ facilities.

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ITEM NO. 5

FILE NOS: PSC2009-02594

HALIFAX CROWN LAND HOLIDAY PARK - DRAFT PLAN OF MANAGEMENT

REPORT OF: PHIL BUCHAN – MANAGER, COMMERCIAL ENTERPRISES

GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL (AS CROWN RESERVE TRUST MANAGER):

- 1) Endorse the proposed revisions to the draft Plan of Management for Halifax Holiday Park
- 2) Amend the draft Plan of Management document and plans to reflect the revisions outlined in the attachments to this report.
- 3) Request the Minister for Lands to approve and adopt the amended Plan of Management

COUNCIL COMMITTEE MEETING – 11 MAY 2010

RECOMMENDATION:

	Councillor John Nell Councillor Geoff Dingle	That Council : <ol style="list-style-type: none">1. Not endorse the proposed revisions to the draft Plan of Management for Halifax Holiday Park.2. Not amend the draft Plan of Management document and plans to reflect the revisions outlined in the attachments to this report.3. Not request the Minister for Lands to approve and adopt the amended Plan of Management.
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Councillor Peter Kafer called for a division.

Those for the Motion: Crs Peter Kafer, Glenys Francis, Steve Tucker, Shirley O'Brien, Geoff Dingle and John Nell.

Those against the Motion: Crs Ken Jordan, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.

ORDINARY COUNCIL MEETING – 11 MAY 2010

130	Councillor John Nell Councillor Steve Tucker	<p>It was resolved that Council :</p> <ol style="list-style-type: none">1. Endorse the proposed revisions to the draft Plan of Management for Halifax Holiday Park, excluding Lot 424.2. Amend the draft Plan of Management document and plans to reflect the revisions outlined in the attachments to this report, excluding Lot 424.3. Request the Minister for Lands to approve and adopt the amended Plan of Management, excluding Lot 424.
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BACKGROUND

Council resolved on 27th April 2010 that:

That the item be deferred to allow Councillors to view the financial model.

This report has been prepared for Council as Corporate Manager of the reserve trust for the operation of Halifax Holiday Park (Crown Reserve 91621). As Reserve Trust Manager Council is required to operate in the interests of the trust and as such this report is to be considered separate from Council as the elected body representing Port Stephens' local government area.

The content and recommendations of this report link to the Council's Corporate Plan – Goal 14 "Success & Sustainability" and to the Crown Lands Caravan Parks Policy.

The purpose of this report is to seek the Corporate Manager's endorsement of the proposed amendments to the draft Plan of Management for Halifax Holiday Park and to request the Minister for Lands to approve and adopt the Plan of Management as amended.

The following is a summary of the actions undertaken to progress the draft Plan of Management for Halifax Holiday Park:

Feb 09 - Councillors inspect the Crown Holiday Parks followed by a Council two way conversation to introduce the draft PoMs
Jun 09 - Council endorses a request for the Minister for Lands to place draft PoMs on public exhibition
Jul 09 - Public Exhibition commences (ending 30 Sep)
Oct 09 - Two way conversation with Regional Manager LPMA (providing a perspective from the Authority)

Oct to Dec 09 - Collation and recording of issues from submissions (137 submissions relating specifically to Halifax and another 10 which included all three Parks, the majority of submissions made reference to the inclusion of Lot 424)

Dec 09 to Feb 10 - Meetings with senior staff to provide comment and discuss options
Feb 10 - Stakeholder meetings - Park Managers, LPMA, PSSCA & Commercial Enterprises Advisory Panel

Feb 10 – The draft Plans of Management were revised and presented to Council at a two way conversation. The objective was to seek input to finalise the content of the Plan for the preparation of a business paper report.

The revised draft Plan of Management for Halifax Holiday Park has been developed in consideration of the comments received and reviewed through the consultation process together with financial analysis to ensure there is a business case to justify the proposed changes.

The attachments following include:

A summary of the significant issues raised through the public exhibition process and the proposed actions and recommendations, a summary of the proposed amendments to the draft Plan of Management, a summary of the proposed development phases for over 5 years and a revised map of the proposed site layout.

FINANCIAL/RESOURCE IMPLICATIONS

Council's endorsement and the Ministers consent to the implementation of the Plan of Management will provide a five year planning strategy to the development and operation of Halifax Holiday Park. The annual operations of the Park are funded directly from the revenue generated by its operation while the capital development costs are funded from low interest Crown loans or directly from the trust's financial reserve.

The implementation of the Plan of Management represents capital development that will improve tourist occupancy, and access to improved Park services which contribute to the long term financial sustainability, enhancement and maintenance of Crown land reserves within Port Stephens.

LEGAL, POLICY AND RISK IMPLICATIONS

Council as Corporate Manager for Reserve Trusts is required to operate in the interest of the trust under Part 5, Division 4 of the Crown Lands Act 1989.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Plan of Management acknowledges natural and conservation values, recreation and tourism values and social and economic values. These are also reflected in the management principles and strategies that promote ecological sustainable development.

CONSULTATION

Land & Property Management Authority
Port Stephens Caravan & Campers Association
Individual Holiday Van owners
Commercial Enterprises Advisory Panel (including the General Manager and Commercial Services Group Manager)
Integrated Planning Manager
Recreation Services Manager
Environmental Services Manager
Holiday Park Managers
Marketing & Administration Manager

OPTIONS

- 1) Accept the recommendations
- 2) Defer the report pending further information

ATTACHMENTS

- 1) Summary of issues raised through public exhibition and proposed actions & recommendations
- 2) Summary of the proposed amendments to the draft Plan of Management
- 3) Summary of the proposed development phases for over 5 years
- 4) Revised map of the proposed site layout

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Summary of main issues, responses & recommendations

Issue: Opposition to the loss of camping sites as this will change the focus of the holiday park impacting on families wanting camping facilities.

Response: The proposed removal of camping has met with negative comments, the site profile has been reassessed and under the proposed revised draft Plan of Management camping will be retained and enhanced by relocating it to Lot 424 the proposed extension of the Park. This proposal provides a complete mix of accommodation types on the Park and addresses the concerns arising from the submissions ensuring that the significant native vegetation is maintained.

Recommendation: That camping be retained by including camping sites in Lot 424 and the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: The PoM provides no compensation for the loss in Holiday Van sites as there are no alternate sites available for relocation.

Response: Three possible sites have been identified for Holiday Van relocation. A ballot process is considered to be the fairest means for reallocation of those Holiday Van owners wishing to remain on site. The annual occupancy agreement signed by both tenant and Park Manager clearly outlines the terms and conditions of occupancy and termination of Holiday Van agreements. Discussions with the LPMA have suggested that an 'implementation panel' be established to facilitate communication through the various phases of the Plan of Management implementation.

Recommendations: (1) That an implementation panel is established for Halifax Holiday Park consisting of Park Management and Holiday Van owners. (2) That the Holiday Van owners affected are provided with information about the proposed development timing and the ballot option.

Issue: Opposition to the proposed reduction in holiday van sites as this will impact on the local economy and community.

Response: The reduction in holiday van sites will be gradual over the five year development. The sites are being replaced with tourist sites and cabins research suggests that tourists will contribute more to the local economy as genuine tourists tend to spend more per head than most holiday van owners.

Recommendations: (1) That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4. (2) That the Plan of Management includes the addition of drawings that depict each development phase proposed.

Issue: Opposition to the proposed inclusion and development of Lot 424 as it will result in a loss of public open space, picnic and recreational facilities and restrict access to the beach.

Response: There is significant public open space in the area between Anzac Park and Little Beach. The inclusion of Lot 424 into the holiday park does not restrict access though the area as the old 20 metre road reservation is not reduced and the vegetated buffer is maintained. Information obtained from Integrated Planning and Recreation Services indicates that the proposed inclusion of Lot 424 into the Holiday Park is supported as there is sufficient open space in this area and public access is available to connect the foreshore reserve. Furthermore the picnic and recreational facilities can be enhanced and relocated to improve public usage. There is alternative beach access available which can be upgraded to improve access and maintenance.

Recommendations: (1) That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4. (2) That the Holiday Park fund the replacement of existing together with additional picnic and recreation facilities in nearby locations determined by Recreation Services Section.

Issue: Opposition to the proposed inclusion and development of Lot 424 as it will cause disturbance of the existing natural bushland with the removal of trees impacting on the wildlife corridor.

Response: The inclusion of Lot 424 provides opportunity to grow the Holiday Park's tourism component. A review of the development proposals contained in the exhibited draft Plan of Management has resulted in a proposal to create a camping area within Lot 424. This alternative to cabins provides opportunity to maintain the significant native vegetation with the staged removal of the Coral trees. A vegetation planting and management plan can be developed and implemented to enhance the vegetation corridor by planting native vegetation between the Holiday Park and Anzac Park. This proposal is supported by Recreation Services and Environmental Services Sections.

Recommendation: That the Holiday Park coordinate the development and contribute to the implementation of a vegetation planting and management plan for the foreshore reserve between Nelson Head and Anzac Park.

Issue: Opposition to the proposed inclusion and development of Lot 424 as it will increase the volume of people to the area further overcrowded in holiday periods, noise affecting local residents.

Response: The revised site profile replaces the proposed cabins in Lot 424 with camping sites while the overall site profile increases the total number of site by 6. This increase will have negligible impact on traffic and pedestrian movements or noise generation. Park rule apply to assist in managing noise after 10.00pm

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Opposition to the proposed inclusion and development of Lot 424 due to the perception that adjacent property values will be downgraded with cabin development adding to the eyesore the park presents and people staying in the units would lose the bushland outlook and a tree covered play area for their children.

Response: A review of the park profile has proposed changes to the development proposed for this lot the scale of development will be limited to camping this will enable the retention of significant native vegetation ensuring the outlook from adjoining units will not change significantly. The extension of the park includes improvements to fencing and screening through landscaping which is highly unlikely to have a negative impact on property values or holiday rental.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern that the vision in the draft plan changes the holiday accommodation direction from its original use, as affordable alternatives for camping and caravanning to offer mainly cabin and villa style accommodation.

Response: The site profile has been reassessed to provide a balanced approach to provide access for tourists while maintaining Holiday Van sites. The holiday park will continue to offer a range of accommodation types that are affordable within the context of the Port Stephens tourism market.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern that there is ample tourist accommodation available in Little Beach area. No need to remove parkland to provide further accommodation options.

Response: The Tourism Strategy supports the industry experience that holiday parks are the second most preferred form of accommodation in Port Stephens. The majority of accommodation being proposed supports the growing caravan, motor home and camping trends. The revised Plan of Management proposal supports a modest increase in cabin/villa accommodation will maintaining camping.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern that the draft plan does not provide an accurate assessment of the development potential within the 5 year term of the Plan of Management and no timeframes have been given.

Response: The development proposed in the revised draft Plan of Management has been assessed against occupancy trends and preliminary cost estimates to represent a 5 year planning horizon. The proposed development is dependent on financial and operational performance together with stakeholder funding support.

MINUTES FOR ORDINARY – 11 MAY 2010

Recommendations: (1) That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4. (2) That the Plan of Management includes the addition of drawings that depict each development phase proposed.

ATTACHMENT 2

Summary of the proposed amendments to the draft Plan of Management

- Retain and improve camping facilities by relocating and developing Lot 424 to accommodate camping sites while minimising the impact on the native vegetation.
- Establish a vegetation planting and management plan for the foreshore reserve between Nelson Head and Anzac Park. The Holiday Park will contribute to the establishment of the Plan and ongoing management and improvement of the vegetated reserve.
- The Holiday Park will financially contribute to the relocation and improvement of the picnic and recreational facilities from Lot 424.
- The Holiday Park will financially contribute to the improvement of the beach access next to Lot 424
- Establish a small amenities building in Hobart Highway to service the camping area within Lot 424.
- Establish an additional 19 tourist van sites by converting holiday van sites located in the islands between Hobart Highway and Sydney Street, Sydney Street and Adelaide Avenue.
- Establish an additional 10 Cabins by converting holiday van sites along the outside edge of Hobart Highway.
- Re-fence the perimeter of the Park to include Lot 424 and improve landscaping
- The revised Park profile provides 22 Holiday van sites 13% of total, 92 tourist van sites 53%, 12 camping sites 7% and 45 cabins 26% of total.
- Establish a park specific implementation panel consisting of Park Management members of the Port Stephens Caravan and Campers Association and other holiday van owners. The purpose of the panel to guide the implementation and communication strategy for the staged development phases within the Plan of Management.
- Include additional drawings that depict each phase of development and the areas affected.
- Delete the pool and replace with outdoor covered all weather recreational area located near main amenities Brisbane Boulevard & Melbourne Mall
- Remove the cleaning store in Perth Parade and replace with 2 bedroom cabin, re-establish cleaning store near workshop behind the reception building.
- Convert existing camping sites in Brisbane Boulevard to tourist van sites.
- Upgrade existing amenities block and laundry near Melbourne Mall

ATTACHMENT 3

Summary of the proposed development phases for over 5 years

PHASE 1

Replace perimeter fence and include fencing of Lot 424
Establish new picnic facilities and improve beach access
Relocate cleaning shed to behind Office and replace with one 2 bedroom cabin
Upgrade existing amenities

PHASE 2

Establish camping area in Lot 424 including road construction, services and lighting.
Construct new amenities block off Hobart Highway (sites 42 to 44)
Convert Camping sites to Tourist van sites (Brisbane Boulevard sites 94 to 108)

PHASE 3

Construct five new 2 bedroom villas between Hobart Highway and the dune (sites 28 to 33)
Converts HV sites to Tourist van sites (Darwin Drive sites 71 & 72, Sydney Street sites 146 to 151 & Adelaide Avenue sites 152 to 157)

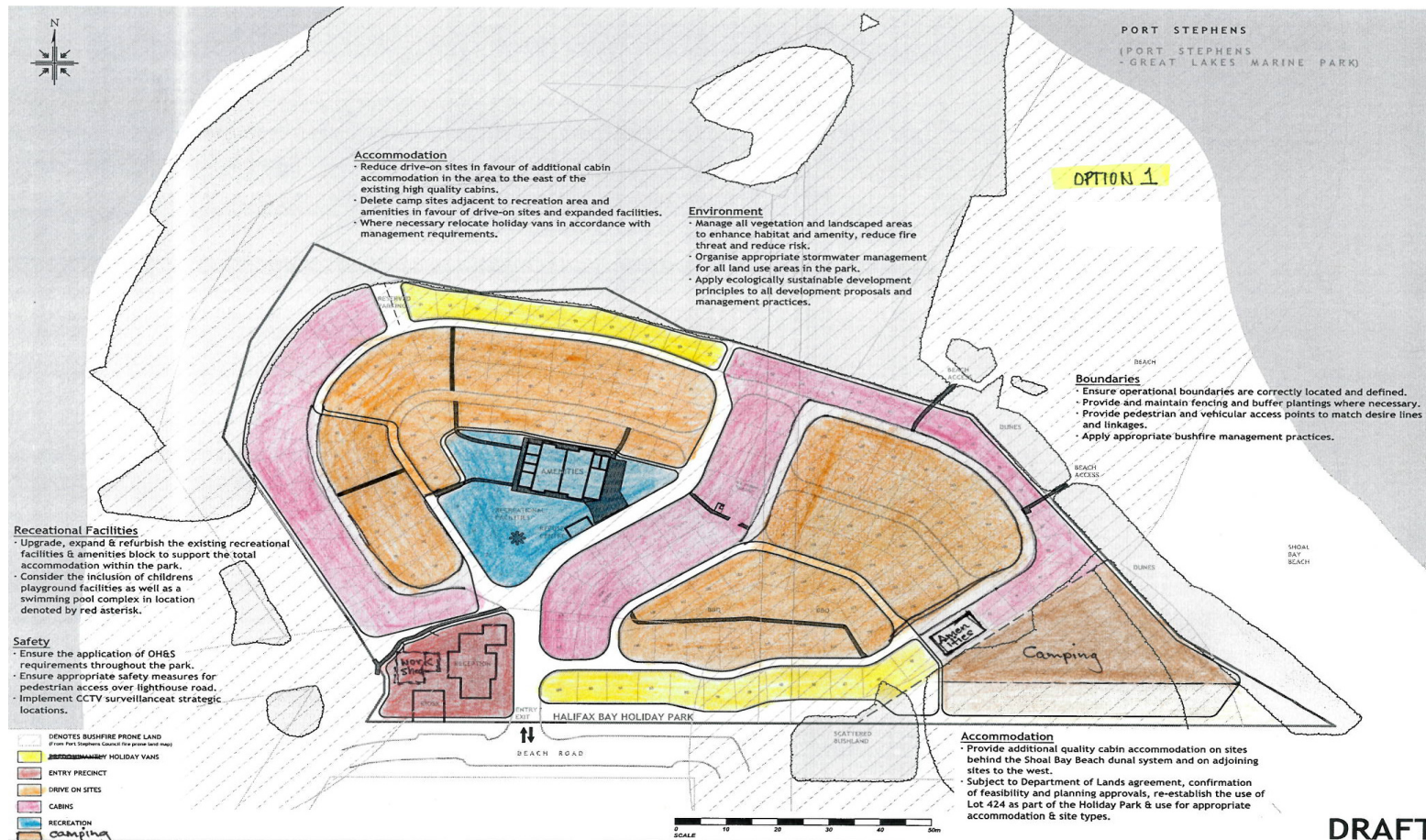
PHASE 4

Construct one new 3 bedroom and two new 2 bedroom villas off Hobart Highway (sites 38 to 43)

PHASE 5

Convert HV sites to Tourist Van sites (Hobart Highway & Sydney Street sites 158 to 172)
Outdoor covered all weather recreational area near main amenities Brisbane Boulevard & Melbourne Mall)

ATTACHMENT 4



GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1**FILE NO: 16-2009-227-1****DEVELOPMENT APPLICATION FOR TWENTY-SEVEN (27) LOT TORRENS
TITLE SUBDIVISION AT NO. 3 AND 11 WADE CLOSE MEDOWIE****REPORT OF: KEN SOLMAN - ACTING MANAGER, DEVELOPMENT AND BUILDING
GROUP: SUSTAINABLE PLANNING**

RECOMMENDATION IS THAT COUNCIL:

Refuse Development Application 16-2009-227-1 for the reasons listed below:

- 1) The development is inconsistent with the zone objectives for the Rural Small Holding Zones.
- 2) The development site unacceptable for the proposed subdivision as it is subject to excessive noise pollution from the Williamstown Airforce Base/Williamstown Airport as forecast in the ANEF2025 aircraft noise maps promulgated on the 23rd October 2009.
 - a. The development is inconsistent with Australian Standard 2021-2000 for development in the 25-30 ANEF Zone.
 - b. The development is inconsistent with the Port Stephens Development Control Plan 2007 for development in the 25-30 ANEF Zone.
- 3) Consistent and equitable adherence to the ANEF 2025 aircraft noise maps and Australian Standard 2021-2000 on any future application for residential development of the proposed allotments would result in dwellings not being able to be approved on the sites.

ORDINARY COUNCIL MEETING – 11 MAY 2010

131	Councillor Ken Jordan Councillor John Nell	That the recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Cr Bruce MacKenzie.

MATTER ARISING

132	Councillor Peter Kafer Councillor Frank Ward	That the General Manager write to the Director General of the Department of Planning to seek clarifications of the Departments policies for planning responses to the Aircraft Noise issues currently confronting this Council.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

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

The development application seeks consent for the subdivision of two (2) Rural Residential allotments into twenty-seven (27) allotments.

The site is zoned 1(c1), 1(c2) and 1(c3) – Rural Small Holdings within which subdivision is permissible subject to the requirements of clause 13 of the Port Stephens Local Environmental Plan 2000.

The subject land is situated within a rural residential area and has a frontage to Wade Close. Running across the site's eastern and southern boundaries is the Campvale Drain. The site is heavily vegetated to the east, however the proposed building envelopes are contained within areas of land that are currently cleared.

The key issues associated with this proposal are;

- Aircraft Noise Pollution and the sites relationship with the ANEF2025 noise charts,
- non compliance with Section B2.13 of Development Control Plan 2007,
- non compliance with Table 2.1 of Australian Standard 2021-2000.
- Inconsistency with the zone objectives for the Rural Small Holdings zones.

An assessment of these issues is provided within Attachment 3.

MINUTES FOR ORDINARY MEETING – 11 MAY 2010

The application was lodged with Council on the 9th April 2009. At this time the ANEF2012 Aircraft Noise Contours were in effect and the development site was not identified as being constrained by aircraft noise.

On the 23rd October 2009 the ANEF2025 maps were promulgated and Council was subsequently notified of the maps formally coming into effect.

Throughout the assessment of the application, there have been issues relating to the drainage of the proposed allotments, this issue was ultimately resolved by the applicant in February 2010.

The initial subdivision layout contained a number of allotments that were considered to be prohibited development by Clause 12 of the Port Stephens Local Environmental Plan 2000. In order to bring all allotments into compliance with the Port Stephens Local Environmental Plan 2000, amended plans were submitted to Council on the 20th April 2010.

Under the Noise Contours contained within the ANEF2025 charts, the development site is classified as being in the 25-30 ANEF Noise Contour. Both Development Control Plan 2007 and Australian Standard 2021-2000 define subdivisions and dwellings as “unacceptable” forms of development in the 25-30ANEF Noise Contour.

The development is considered to be inconsistent with the objectives contained within the zone objectives of the Rural Small Holdings Zone, in that the land contains a physical constraint due to aircraft noise pollution, in particular the ANEF 2025 Noise Contour Charts and the Australian Standard 2021-2000. The ANEF 2025 charts define subdivision and dwellings in these noise contours as “unacceptable” and as such increasing the intensity of rural residential development in this area is contrary to the zone objectives. Further it is considered that the noise pollution levels on the site are such that it would have significant adverse impacts on future occupants within any future dwellings and also in areas of private open space.

Further, approval of subdivision constrained by the 25-30ANEF noise contour would result in the creation of allotments of land upon which dwellings should not be constructed.

It is recommended to refuse this application, as the development is inconsistent with the provisions of the Australian Standards 2021-2000 and the zone objectives for the Rural Small Holding zones.

The applicant has filed for Class 1 proceedings for Deemed Refusal with the Land and Environment Court on the 19/02/2010 which was subsequently served on Council on the 23/02/2010.

FINANCIAL/RESOURCE IMPLICATIONS

The applicant has filed for Class 1 proceedings for Deemed Refusal with the Land and Environment Court on the 19/02/2010 which was subsequently served on Council on the 23/02/2010. The hearing has been adjourned to the registrars list on

Wednesday 19 May, 2010. Refusal of the application will likely result in an appeal in the Land and Environment Court.

If council enables the creation of several allotments for the purpose of a dwelling, by way of approving the application, it may incur a legal liability, costs of which are difficult to determine, but may be significant.

LEGAL AND POLICY IMPLICATIONS

The applicant has filed for Class 1 proceedings for Deemed Refusal with the Land and Environment Court on the 19/02/2010 which was subsequently served on Council on the 23/02/2010. The hearing has been adjourned to the registrars list on Wednesday 19 May, 2010.

The development application is inconsistent with Council's Aircraft Noise Policy contained within Section B2.13 of Development Control Plan 2007, Australian Standard 2021-2000 and the objectives of the Rural Small Holdings Zone.

Approval of the subdivision would undermine the future application of the policy and create allotments whereby the intended use is not permissible by either Development Control Plan 2007 or the Australian Standard 2021-2000.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Approval of the subdivision would result in the creation of twenty-seven (27) allotments intended for the future development of residential dwellings. Under the provisions of DCP2007 and Australian Standard 2021-2000 the allotments could not have a dwelling built upon them due to aircraft noise constraints relating to the ANEF 2025 charts.

It is considered that any approval would create an unreasonable expectation that the allotments could be built upon for residential purposes. Further it is considered that the noise pollution levels on the site are such that it would have significant adverse impacts on future occupants within any future dwellings and also in areas of private open space.

CONSULTATION

The application was exhibited in accordance with Council policy and one (1) submission was received raising concerns about the proposal. These are discussed in the Attachments.

OPTIONS

- 1) Adopt the recommendation.
- 2) Reject or amend the Recommendations.
- 3) Should Council resolve to support the application that the matter be dealt with at an extra ordinary meeting prior to the hearing date.

ATTACHMENTS

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

COUNCILLORS ROOM

- 1) Statement of Environmental Effects
- 2) Development Plans

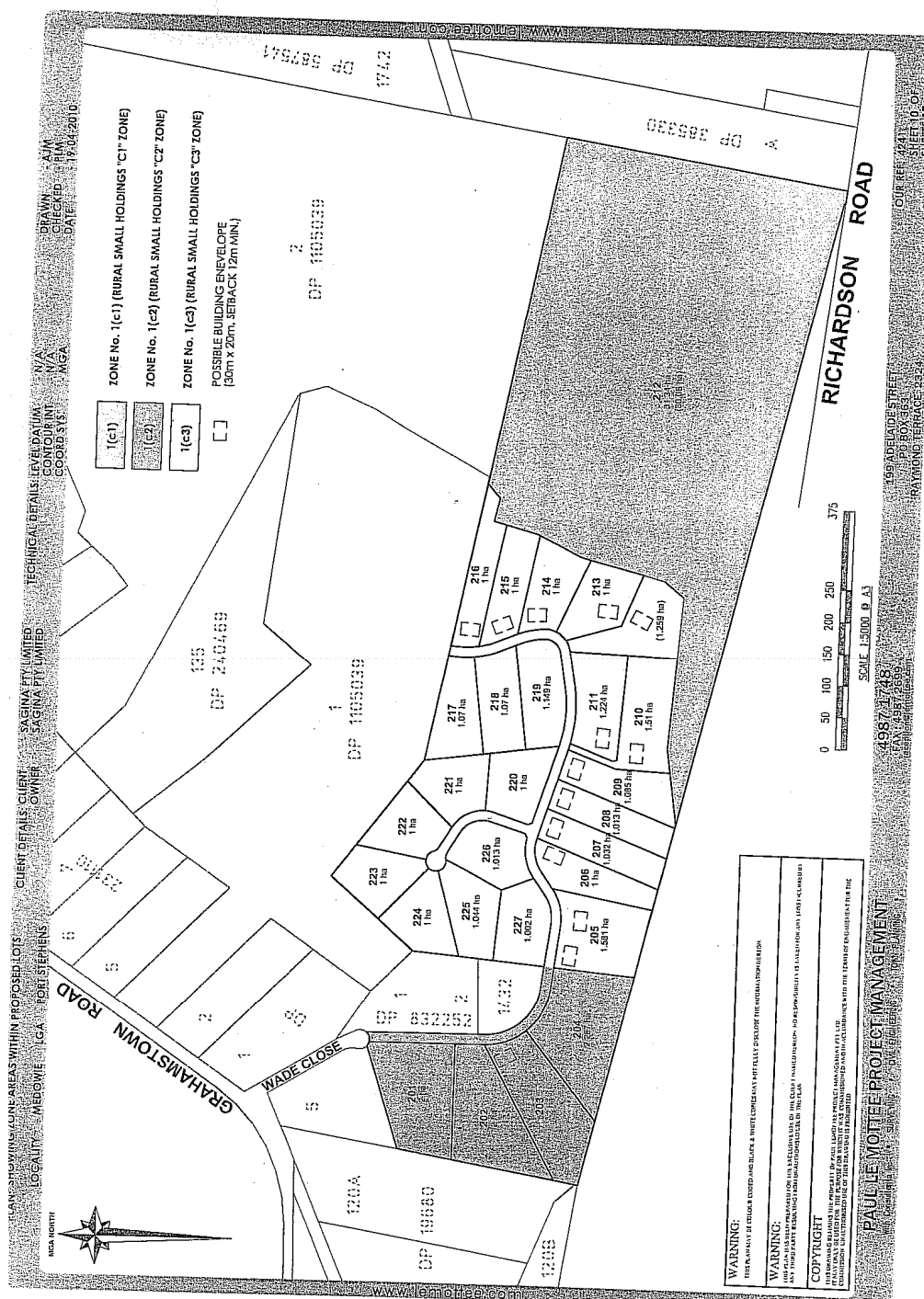
TABLED DOCUMENTS

Nil.

ATTACHMENT 1 LOCALITY PLAN



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ATTACHMENT 3**ASSESSMENT**

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

THE PROPOSAL

The development application proposes to subdivide two (2) parcels of land into twenty seven (27) lot torrens title subdivision at Wade Close Medowie.

The subject sites encompass approximately 65 hectares of land 2.5km's southwest of Medowie. Running through the site is the Campvale Drain which forms part of Council's drainage system. No easement currently occurs over this drainage channel. The application proposes to create this easement.

The development site is not located within the Draft Medowie Strategy area, however subdivision is permissible in the zones applicable to the site.

Within the proposed subdivision are lots of the following sizes,

Proposed Lot Number	Lot Size
201	2 ha
202	2 ha
203	2 ha
204	2.287 ha
205	1.581 ha
206	1 ha
207	1.032 ha
208	1.013 ha
209	1.085ha
210	1.51 ha
211	1.224 ha
212	31.34 ha
213	1 ha
214	1 ha
215	1 ha
216	1 ha
217	2.293 ha
218	1.07 ha
219	1.07 ha
220	1.149 ha
221	1 ha
222	1 ha
223	1 ha
224	1 ha
225	1.044 ha
226	1.013 ha
227	1.002 ha

Lots are constrained by noise pollution from Williamtown Airforce Base, bushfire, flooding and flora/fauna issue. Building envelopes have been indicated on the proposed subdivision layout to mitigate against the impacts of bushfire, flooding and flora/fauna constraints.

THE APPLICATION

Owner	Sagina Pty Ltd
Applicant	Paul LeMottee Project Management
Detail Submitted	Development Plans Statement of Environmental Effects Drainage Study Bushfire Protection Assessment

THE LAND

Property Description	Lot 1433 DP 716004, Lot 84 DP 259434
Address	3 & 11 Wade Close, Medowie
Area	65.435ha
Dimensions	Approximately 1.6km x 0.4km
Characteristics	The development site has a frontage to Wade Close. The site generally falls to the south and to the east towards the Campvale Drain. Areas of the subject site proposed for dwellings are generally cleared of vegetation, heavily vegetated areas exist on the sites eastern and southern boundaries.

THE ASSESSMENT**1. Planning Provisions**

LEP 2000 – Zoning	1(c1), 1(c2), 1(c3)
Relevant Clauses	11, 12, 13, 37, 38, 47, 51A,
Development Control Plan	Sections B1, B2, B3
State Environmental Planning Policies	SEPPS were considered in the assessment of the proposal. The following SEPPS were considered to warrant further discussion, SEPP44

State Environmental Planning Policy No 44

An environmental assessment of the site, having particular regards to the requirements of the Port Stephens Comprehensive Koala Plan of Management was undertaken by the applicant and reviewed by Council's Environmental Projects Officer.

It is considered that if the recommendations of the report prepared by Wildthing Environmental Consultants (Ref11858 July 2008) are implemented then the subdivision proposal will not pose any unreasonable adverse impacts to the local koala population, or any other threatened Flora and/or Flora species.

Council's Environmental Projects Officer has undertaken an assessment of the proposal and provided draft conditions of consent.

Port Stephens Local Environmental Plan 2000

Clause 11

The subject site encompasses land across three land zonings. Rural 1(c1), 1(c2), 1(c3). Development for the purposes of subdivision is permissible in these zones so long as it is consistent with the zone objectives, description and requirements of Clauses 12 and 13.

The objectives and description of these zones state;

(1) Description of the zones

The Rural Small Holdings Zones comprise land identified as being suitable for rural residential development and that is in proximity to a service centre.

The development is considered to be consistent with the zone description.

(2) Objectives of the zones

The objectives of the Rural Small Holdings Zones are:

- (a) to identify land suitable for low density residential development with a rural character, and*
- (b) to permit certain non-residential land uses which will not adversely affect residential amenity or rural character, and*
- (c) to control the intensity of rural residential development having regard to the physical limitations of the land and the costs and limitations of the provision of public amenities and services.*

The development is considered to be inconsistent with the objectives contained within subclause (c) in that the land contains a physical constraint due to Aircraft Noise, in particular the ANEF 2025 Noise Contour Charts and the Australian Standard 2021-2000. The ANEF 2025 charts define subdivision and dwellings in these noise contours as "unacceptable" and as such increasing the intensity of rural residential development in this area is contrary to the zone objectives.

Clause 12 – Subdivision within Rural Zones Generally

Under the provisions of Clause 12(1)(c), subdivision of Rural Small Lot housing zoned land is permissible in line with Clause 13 of the LEP.

The proposed development is consistent with the provisions of clause 13 and as such is considered to be a permissible development with consent.

Clause 13 – Minimum allotment sizes for rural small holding zones

Clause 13 stipulates the minimum allotment sizes permissible for the various Rural Small Lot Housing zones. Applicable to this DA are the following zones and Lot sizes.

- Land Zoned 1(c1) – 20 Hectares
- Land Zoned 1(c2) – 2 Hectares
- Land Zoned 1(c3) – 1 Hectare

The development is consistent with the requirements of this clause.

Clause 37 – Objectives for Development on Flood Prone Land

Clause 37 States;

The objectives for development on flood prone land are:

- (a) to minimise risk to human life and damage to property caused by flooding and inundation through controlling development, and*
- (b) to ensure that the nature and extent of the flooding and inundation hazard are considered prior to development taking place, and*
- (c) to provide flexibility in controlling development in flood prone localities so that the new information or approaches to hazard management can be employed where appropriate.*

The proposed subdivision does not propose works or building envelopes below the flood level. As such it is considered that the development is consistent with the requirements of this clause.

Clause 38 – Development on Flood Prone Land

Clause 38 States;

(1) A person shall not carry out development for any purpose on flood prone land except with the consent of the consent authority.

(2) Before granting consent to development on flood prone land the consent authority must consider the following:

- (a) the extent and nature of the flooding or inundation hazard affecting the land,*
- (b) whether or not the proposed development would increase the risk or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity,*
- (c) whether the risk of flooding or inundation affecting the proposed development could reasonably be mitigated and whether conditions should be imposed on any consent to further the objectives of this plan,*

- (d) the social impact of flooding on occupants, including the ability of emergency services to access, rescue and support residents of flood prone areas,*
- (e) the provisions of any floodplain management plan or development control plan adopted by the Council.*

The proposed subdivision does not propose works or building envelopes below the flood level. As such it is considered that the development is consistent with the requirements of this clause. The proposed building envelopes are all above the flood level, resulting in the risk of flooding or inundation to dwellings being minimised.

Clause 51A – Acid Sulfate Soils

The development site contains Class 3, 4 & 5 Acid Sulphate Soils. Development is proposed for the land classified as Class 5, with the Class 3 and 4 soils located within the flood prone areas of the site. As such no works are proposed in areas of Class 3 and 4 Acid Sulfate Soils.

A geotechnical report has been prepared by Coffey Geotechnics (Ref: N7558/1-AB, 8 June 2000) that concludes that the risk of acid sulphate soils being encountered on site is non-existent to very low.

Port Stephens Development Control Plan 2007

The development is generally compliant with the provisions of the Port Stephens Development Control Plan 2007. Any areas of non compliance are discussed below.

Section B2 – Environmental and Construction Management

B2.13 – Aircraft Noise.

At the time of lodgement of the application, the site was not identified within the aircraft noise contours of the ANEF 2012 charts.

During the course of the assessment, the ANEF 2025 charts were released resulting in the site being identified as 25-30ANEF. Within this noise zone, subdivision is classified as an “unacceptable” form of development under the Australian Standard 2012-2000.

The provisions of Australian Standard 2021-2000 do not expressly discuss development for the purposes of subdivision, however they do define dwellings in the 25-30 noise contour as “unacceptable”. Given that the development seeks approval for allotments to be used for residential purposes and the siting of a dwelling, it is considered to be unacceptable to approve a subdivision in this noise zone.

Given the ANEF 2025 noise contours it is recommended that the application be refused. Any approval of the subdivision would result in the creation of twenty-seven (27) allotments intended for residential dwellings that could not have a dwelling built upon them due to aircraft noise constraints relating to the ANEF 2025 charts.

Rural Fires Act 1997

The subject land is identified as bushfire prone land. The application includes subdivision and is an integrated development under the provisions of Section 100B of the *Rural Fires Act, 1997*.

To this end the application was referred to the NSW Rural Fire Service for assessment and a Bushfire Safety Authority was subsequently issued on 14th May 2009 subject to two (2) conditions of consent. By virtue of the Bushfire Safety Authority being issued it is considered that the application satisfies the integrated provisions of the *Rural Fires Act, 1997*.

Wastewater

The applicant has proposed that the allotments be connected to the Hunter Water Corporation's existing reticulated water and sewerage systems.

It is considered that the majority of the allotments will be able to gravity feed to the sewer system, however lots 15 and 16 will rely on a Low Pressure Pumped System.

In regards to this low pressure system, Council's Wastewater Officers have recommended that the design of the low pressure sewer system for the proposed subdivision is peer reviewed by an independent suitably qualified third party. Further, that installation of the low pressure sewer system components is monitored by an independent suitably qualified third party.

2. Likely Impact of the Development

The development as proposed is not considered to result in any adverse environmental impacts.

Of particular concern though is the impact on potential future lot owners of the aircraft noise contours should the development be approved. Approval of the subdivision would result in the creation of twenty-seven (27) allotments intended for the future development of residential dwellings. Under the provisions of DCP2007 and Australian Standard 2021-2000 the allotments could not have a dwelling built upon them due to aircraft noise constraints relating to the ANEF 2025 charts.

It is considered that any approval would create an unreasonable expectation that the allotments could be built upon for residential purposes.

3. Suitability of the Site

The development site is not considered to be suitable for the proposed subdivision given the constraints on the site in relation to Aircraft Noise. The site is identified as being within the 25-30ANEF noise contour under the ANEF 2025 maps. Within this noise zone, subdivision is classified as an "unacceptable" form of development under the Australian Standard 2012-2000.

The provisions of Australian Standard 2021-2000 do not expressly discuss development for the purposes of subdivision, however they do define dwellings in the 25-30 noise contour as “unacceptable”. Given that the development seeks approval for allotments to be used for residential purposes and the siting of a dwelling, it is considered to be unacceptable to approve a subdivision in this noise zone.

Given the ANEF 2025 noise contours it is recommended that the application be refused. Any approval of the subdivision would result in the creation of twenty-seven (27) allotments intended for residential dwellings that could not have a dwelling built upon them due to aircraft noise constraints relating to the ANEF 2025 charts and the Australian Standard 2021-2000.

4. Submissions

One submission was received in relation to the proposal. The submission neither objected to nor supported the proposal. It provided a few comments that the author considered to be pertinent to the assessment of the proposal.

5. Public Interest

It is considered to be contrary to the public interest to create additional allotments of Rural Residential land that will be constrained by the 25-30 ANEF Noise Contour. Under the provisions of the Port Stephens Development Control Plan 2007 and Australian Standard 2021-2000, dwellings are “unacceptable” on land constrained by the 25-30 ANEF noise contour.

Approval of the development would create an unreasonable expectation that dwellings could be constructed on the proposed allotments.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217, PSC2006-0038

ANEF PUBLIC FORUM

COUNCILLORS: DINGLE, KAHER, FRANCIS

THAT COUNCIL:

- 1) Engage the general public in a consultation Forum regarding the recent changes of the ANEF to Port Stephens in order to understand what the changes mean to them and their properties.
-

ORDINARY COUNCIL MEETING – 11 MAY 2010

133	Councillor Glenys Francis Councillor John Nell	<p>It was resolved that Council:</p> <ol style="list-style-type: none">3) Engage the general public in a consultation Forum regarding the recent changes of the ANEF to Port Stephens in order to understand what the changes mean to them and their properties subject to :- (Item 2)4) The acceptance of invitations to attend the public consultation forum by the Deputy Chief of the Air Force, senior management of the Department of Defence and the consultant to the Department of Defence Mr Stephen Cooper and representatives of NSW Planning Department.
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Mayor MacKenzie left the meeting at 8.53pm.

Cr Westbury, Deputy Mayor chaired the meeting at this point.

Mayor MacKenzie returned to the meeting at 8.55pm and resumed the Chair.

BACKGROUND REPORT OF: DAVID BROYD – GROUP MANAGER, SUSTAINABLE PLANNING

BACKGROUND

It is clearly important to engage with members of the community who are impacted by aircraft noise and particularly land owners whose properties have been affected by the recently promulgated ANEF 2025 maps that are based upon the predicted noise impacts of the Joint Strike Fighter that is due to commence operations in 2018 and become fully operational in 2025.

Giving precise advice to land owners about impacts on particular properties is difficult. It has been clarified significantly by the provision of data and analysis from the Department of Defence (received 30 April 2010). This data and analysis enables a well founded report and recommendations to be made to Council on 25 May 2010 regarding legal and policy responses to the aircraft noise issues. The presentation of most of this data was summarised at the Two Way Conversation involving Councillors, the Department of Defence and the Deputy Chief of the Air Force that took place on 4 May 2010. This includes data and analysis for 9 "hot spots" in the area – that is areas which are newly affected or much more adversely affected by projected aircraft noise compared to the ANEF 2012 maps which are based upon the predicted noise impacts of the Hawk and Hornet aircraft and which have formed the basis of Council's current policy that is contained in Port Stephens Development Control Plan 2007.

In dealing with this issue of aircraft noise as the responsible planning authority, it must be acknowledged that Council has very significant challenges to balance the impacts on residents and land owners with the operations at the Williamstown RAAF Base which are important locally and in economic terms and of course nationally in defence capability terms.

In considering this Notice of Motion, Council needs to be aware that approximately 3,500 property owners are predicted to be affected by aircraft noise to different extents – therefore any engagement with the local community needs to be cognisant of its scale and impact and ensuring that residents and land owners are advised in an equitable manner.

It is intended that the report on 25 May will recommend public exhibition of the recommended policy changes, and this will be the main basis for advising residents of impacts on individual properties.

If Council resolves to hold any public Forum, then it is essential in my view that that Forum includes invitations for presentations and answering of questions to the Deputy Chief of the Air Force, senior management of the Department of Defence and the consultant to the Department of Defence who was a co-author of the Australian Standard – Mr Stephen Cooper.

RESCISSION MOTIONS

Cr Ken Jordan declared a significant non pecuniary interest in Rescission Motion Item 1 and left the meeting at 9.03pm. The nature of the interest is a friend.

RECISSION MOTION

ITEM NO. 1

FILE NO: PSC2008-2238

DRAFT LOCAL ENVIRONMENTAL PLAN NO. 32 RELATING TO PROPOSED SUPERMARKET SITE – MEDOWIE TOWN CENTRE

COUNCILLORS: FRANCIS, KAER & DINGLE

That Council rescind its decision of 27 April 2010 on Item 1 of the Ordinary Council Meeting Report, namely Draft Local Environmental Plan No. 32 relating to proposed supermarket site – Medowie Town Centre.

ORDINARY COUNCIL MEETING – 11 MAY 2010

	Councillor Geoff Dingle Councillor Glenys Francis	That Council rescind its decision of 27 April 2010 on Item 1 of the Ordinary Council Meeting Report, namely Draft Local Environmental Plan No. 32 relating to proposed supermarket site – Medowie Town Centre.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

Those against the Motion: Steve Tucker, Shirley O'Brien, Bob Westbury, Sally Dover and Bruce MacKenzie.

The Recession Motion on being put was lost.

The Mayor exercised his casting vote.

ITEM NO. 1

FILE NO: PSC2008-2238

DRAFT LOCAL ENVIRONMENTAL PLAN NO. 32 RELATING TO PROPOSED SUPERMARKET SITE – MEDOWIE TOWN CENTRE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) That Council rescind Part 4 of the Resolution – Minute No. 124 – of 28 April 2009 that required the resolution of traffic issues in the Medowie Town Centre and a draft LEP being progressed for adjacent properties as a pre-requisite of the Department of Planning finalising the draft LEP for the proposed supermarket development on the corner of Ferodale and Peppertree Roads, Medowie.

**COUNCIL COMMITTEE MEETING – 27 APRIL 2010
RECOMMENDATION:**

	Councillor Geoff Dingle Councillor Frank Ward	That Council confirm the resolution to complete a traffic management plan for the location prior to finalising the LEP.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

Those against the Motion: Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Bob Westbury and Sally Dover.

The Chair exercised his casting vote.

The Motion was lost.

	Councillor Glenys Francis Councillor John Nell	That the matter be deferred to allow for a 2 way conversation on the outcome of discussion with Planning staff and information with respect to the traffic plan.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

MINUTES FOR ORDINARY MEETING – 11 MAY 2010

Those against the Motion: Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Bob Westbury.

The Chair exercised his casting vote.

The Motion was lost.

	Councillor Bruce MacKenzie Councillor Steve Tucker	That Council rescind Part 4 of the Resolution – Minute No. 124 – of 28 April 2009 that required the resolution of traffic issues in the Medowie Town Centre and a draft LEP being progressed for adjacent properties as a pre-requisite of the Department of Planning finalising the draft LEP for the proposed supermarket development on the corner of Ferodale and Peppertree Roads, Medowie.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Bob Westbury and Sally Dover.

Those against the Motion: Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

The Chair exercised his casting vote.
The Motion was carried.

ORDINARY COUNCIL MEETING – 27 APRIL 2010

	Councillor Geoff Dingle Councillor Glenys Francis	That the matter be deferred for a presentation on the Voluntary Planning Agreement, including the traffic management plan.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

Those against the Motion: Crs Steve Tucker, Shirley O'Brien, Bob Westbury, Bruce MacKenzie and Sally Dover.

The Chair exercised his casting vote and the Motion was lost.

109	Councillor Bruce MacKenzie Councillor Steve Tucker	It was resolved that Council rescind Part 4 of the Resolution – Minute No. 124 – of 28 April 2009 that required the resolution of traffic issues in the Medowie Town Centre and a draft LEP being progressed for adjacent properties as a pre-requisite of the Department of Planning finalising the draft LEP for the proposed supermarket development on the corner of Ferodale and Peppertree Roads, Medowie.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Steve Tucker, Shirley O'Brien, Bob Westbury, Bruce MacKenzie and Sally Dover.

Those against the Motion: Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

The Mayor exercised his casting vote and the matter was carried.

Cr Ken Jordan returned to the meeting at 8.41pm following Item 1.

BACKGROUND

On the 28th April 2009 Council resolved to prepare a draft Local Environmental Plan for land north of Peppertree Road, Medowie on the basis that this would assist resolving traffic and access issues raised by Draft LEP No 32. for the supermarket site on the corner of Peppertree and Ferodale Roads.

Part 4 of the Resolution of Council Minute No 124, (28 April 2009) states:-

- Pursuant to Section 54 of the Environmental Planning and Assessment Act (1979) resolve to prepare a draft LEP to rezone council owned land at Lot 4 DP 813A; Lot 5 DP 809A; Lot 240 DP 1027965; and privately owned land Lot 2 DP 632334; Lot 32 DP 1045148; Lot 31 DP 1045148; Lot 1 DP 553784; Lot A DP 404939; Lot 1 DP 260883; Lot 2 DP 260883; Lot 3 DP 260883; and Lot 195 DP 17437 in the Medowie town centre (Attachment 4) to facilitate development of this land, provide flexibility to resolving pedestrian and vehicular access design issues raised by the super market site and devise a traffic solution to the town centre as required by the Department of Planning prior to finalising the supermarket site*

draft LEP.

On 24th November 2009 Council endorsed Draft LEP No. 32 for the supermarket site to be forwarded to the NSW Department of Planning requesting that the Plan be made by the NSW Minister for Planning. Council's endorsement of this draft LEP therefore, supersedes its resolution concerning resolving traffic issues for the Medowie town centre prior to finalising draft LEP No. 32. Therefore, part Resolution 4 of Council Minute 124, 28th April 2009 is no longer relevant and should be rescinded.

This Resolution is no longer relevant because Council has resolved the location of the proposed Woolworths site and associated traffic issues by different means. A Voluntary Planning Agreement will be exhibited in draft form in the near future to cover infrastructure management and funding. It is important to clarify the situation by rescinding Part 4 of the Resolution because that draft LEP will not now proceed in the short term for properties owned by a range of other land owners. It is also needed to now proceed with the rezoning of the site on the corner of Ferodale Road and Peppertree Road in an expeditious manner and enable Council to advise the Department of Planning that the draft Plan can be approved.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL, POLICY AND RISK IMPLICATIONS

Council's endorsement of draft LEP 32 means that traffic issues raised by rezoning of the affected land in the Medowie town centre from a residential to a commercial zoning will be considered and determined under Section 79C of the Environmental Planning and Assessment Act 1979 should a Development Application for retail/commercial development be submitted to Council.

Assessment and determination of development of the subject land for retail/commercial purposes in accordance with a gazetted draft LEP No. 32 will be guided by Port Stephens Development Control Plan 2007, Port Stephens Section 94/A Development Contributions Plan and any voluntary planning agreements in force.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

This was considered when Council endorsed draft LEP No. 32 to be forwarded to the Department of Planning on the 24th November 2009.

CONSULTATION

Not applicable.

OPTIONS

Not applicable.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil.

Cr Ken Jordan did not return to the meeting.

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 COUNCIL MEETING – 11 MAY 2010

134	Councillor John Nell Councillor Peter Kafer	It was resolved that Council move into Confidential Session.
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ITEM NO. 1

FILE NO: PSC2007-0090

**LEASE OF SHOP 5, TERRACE SHOPPING VILLAGE, 42 WILLIAM STREET
RAYMOND TERRACE**

REPORT OF: CARMEL FOSTER – COMMERCIAL PROPERTY MANAGER
GROUP: COMMERCIAL SERVICES – PROPERTY SECTION

ORDINARY COUNCIL MEETING – 11 MAY 2010

135	Councillor Glenys Francis Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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136	Councillor John Nell Councillor Peter Kafer	It was resolved that Council move out of Confidential Session.
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There being no further business the meeting closed at 9.05pm.

I certify that pages 1 to 94 of the Open Ordinary Minutes of Council 11 May 2010 and the pages 95 to 97 of the Confidential Ordinary Minutes of Council 11 May 2010 were confirmed by Council at its meeting held on 25 May 2010.

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Cr Bruce MacKenzie
MAYOR