

Minutes 27 JULY 2010



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 27 July 2010, commencing at 6.29pm.

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

216	Councillor Peter Kafer Councillor Steve Tucker	It was resolved that the apologies from Crs Ken Jordan and Glenys Francis be received and noted.
217	Councillor Bob Westbury Councillor Shirley O'Brien	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 13 July 2010 be confirmed.
		Councillor Caroline De Lyall declared a non-pecuniary conflict of interest of a personal nature in Item 1.

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2006-0038

SAFE EARS GROUP

THAT COUNCIL:

- 1) Invite two (2) representatives from the "SAFE EARS" Group to meet with Council in an open forum to enable them to present their views to Council representatives. To be arranged with Port Stephens Council's General Manager and representative from SAFE EARS.
 - 2) Arrange a two way conversation for councillors to discuss restrictions caused by the new ANEF Contours.
-

ORDINARY COUNCIL MEETING – 27 JULY 2010

218	Councillor Bruce MacKenzie Councillor Shirley O'Brien	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1. Invite two (2) representatives from the "SAFE EARS" Group, East and West Medowie groups to meet with Council in an open forum to enable them to present their views to Council representatives. To be arranged with Port Stephens Council's General Manager and representative from SAFE EARS, East & West Medowie groups.2. Arrange a two way conversation for councillors to discuss restrictions caused by the new ANEF Contours.
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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: A2004-0976

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS OFFICE

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- 1) That pursuant to section 10A(2)(c) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Minute Item 1 on the Ordinary meeting agenda namely ***Creation of Drainage easement over Lot 1 Deposited Plan 57148 at Tomago.***
 - 2) That the reasons for closing the meeting to the public to consider this item be that it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business.
 - 3) In particular, the information and discussion concerns ***Creation of Drainage easement over Lot 1 Deposited Plan 57148 at Tomago.***
 - 4) On balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the information and discussion need to be carried out confidentially to protect the interests of both parties. Any breach of such confidentiality could prejudice Council's position.
 - 5) That the minutes relating to this item be made public.
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ORDINARY COUNCIL MEETING – 27 JULY 2010

219	Councillor Peter Kafer Councillor Steve Tucker	It was resolved that the recommendation be adopted.
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COUNCIL COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: 16-2010-102-1

**DEVELOPMENT APPLICATION FOR SINGLE STOREY DWELLING AT NO.
2258 NELSON BAY ROAD WILLIAMTOWN**

**REPORT OF: KEN SOLMAN – ACTING MANAGER, DEVELOPMENT & BUILDING
GROUP: SUSTAINABLE PLANNING GROUP**

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine this matter.
-

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

	Councillor Bruce MacKenzie Councillor Steve Tucker	That Council resolve to give development consent to Development Application 16-2010-102-1 for the construction of a single storey brick veneer dwelling of DP 224476, 2258 Nelson Bay Road Williamtown subject to the conditions contained in Attachment 1.
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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, Geoff Dingle, John Nell and Frank Ward.

Cr Caroline De Lyall abstained from voting.

The Mayor exercised his casting Mayor.

ORDINARY COUNCIL MEETING – 27 JULY 2010

220	Councillor Bruce MacKenzie Councillor Steve Tucker	It was resolved that Council give development consent to Development Application 16-2010-102-1 for the construction of a single storey brick veneer dwelling of DP 224476, 2258 Nelson Bay Road Williamtown subject to the conditions contained in Attachment 1.
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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, Caroline De Lyall, Geoff Dingle, John Nell and Frank Ward.

BACKGROUND

The purpose of this report is to provide Councillors with the amended draft conditions of consent (Attachment 1) for Development Application 16-2010-102-1 for the construction of a single storey brick veneer dwelling at Lot 7, as per Council's resolution of 13 July 2010:

"That Council:

Approve Development Application 16-2010-102-1 for the construction of a single storey brick veneer dwelling of DP 224476, 2258 Nelson Bay Road Williamtown in principle; and

That staff provide draft conditions of consent for consideration by Council at the Council Committee meeting of 27 July 2010".

The recommendation in the report to the Council Committee Meeting and Ordinary Meeting of Council on 13 July 2010 was that Council:

"Refuse Development Application Development Application 16-2010-102-1 for the construction of a single storey brick veneer dwelling at Lot 7, DP 224476, 2258 Nelson Bay Road Williamtown for the reasons contained below:

The development represents an unacceptable level of exposure to aircraft noise and does not meet the acceptability criteria under the Australian Standard AS2021-2000 or DCP2007."

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL, POLICY AND RISK IMPLICATIONS

Conditions of Consent are appealable by the applicant to the Land & Environment Court. There is the risk of development consent being granted contrary to the Australian Standard on Aircraft Noise. Council's Development Control Plan 2007 provisions on aircraft noise and Council's draft amended policy on aircraft noise. Draft condition 9 in Attachment 1 is relevant to the aircraft noise issue and related proposed attenuation.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Nil.

OPTIONS

Council can:

- 1) Resolve to give development consent to Development Application 16-2010-102-1 for the construction of a single storey brick veneer dwelling of DP 224476, 2258 Nelson Bay Road Williamtown subject to the conditions contained in Attachment 1.
- 2) Resolve to give development consent to Development Application 16-2010-102-1 for the construction of a single storey brick veneer dwelling of DP 224476, 2258 Nelson Bay Road Williamtown subject to the conditions varied from those drafted in Attachment 1
- 3) Defer the matter for more discussion about the appropriate conditions.

ATTACHMENTS

- 1) Draft Conditions of Consent.
- 2) Council Report 13 July 2010.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

DRAFT CONDITIONS OF CONSENT

Development Application 16-2010-102-1 for the construction of a single storey brick veneer dwelling at Lot 7, DP 224476, 2258 Nelson Bay Road

SCHEDULE 2

STANDARD CONDITIONS

- a) The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
- b) Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
- c) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
- d) Where no sanitary facilities currently exist onsite for construction workers, toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
- e) Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
 - * Monday to Friday, 7am to 6pm;
 - * Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L₁₀ level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

- f) It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
- g) The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of

the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.

- h) Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
- i) No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.
- 1. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
- 2. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with AS2601-2001 and Workcover Authority requirements.

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

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

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

- 4. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.
- 5. All stockpiled materials shall be retained within the property boundaries. Stockpiles of topsoil, sand, aggregate, spoil or other materials shall be stored clear of the all weather vehicle access and drainage lines.
- 6. The principal certifying authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the principal certifying authority issues an occupation

certificate. Note: if an accredited certifier approves occupation, the accredited certifier is to immediately notify council in writing.

7. **Prior to occupying the approved dwelling(s)**, contact Council's Mapping Section on 49800304 to obtain the correct house numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.
8. The development shall be carried out in accordance with the Building Sustainability Index (BASIX) certificate number 288880S. Where minor changes to the development occur (eg colours and the like) these changes shall be referred to Council **prior to the changes being made**.

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

9. The development shall be constructed in accordance with the recommendations contained in the acoustic report prepared by Reverb Acoustics (Report Number 10-1476-R1) and dated April 2010. **Prior to the issue of any Occupation Certificate**, submit to the Principal Certifying Authority, certification confirming that the measures recommended in the acoustic report have been fully implemented. This certification should confirm specific details of measures and materials/methods of construction.
10. Collected stormwater runoff shall be piped to an infiltration trench located in the landscaped area(s), in accordance with **Council's Standard Drawing S 136** (without overflow pipe).
11. The floor level of any habitable room is to be located at a height not less than RL 3.00 metres AHD. A report from a Registered Surveyor is to be provided to Council or an accredited certifier as soon as practicable on completion of the habitable floor level.

CONDITIONS RELATING TO ISSUE OF CONSTRUCTION CERTIFICATE

Prior to final inspection and approval for use or occupation of the building the waste treatment device (septic tank) disposal/irrigation area is to be completed in accordance with approved plans, specifications and conditions of approval.

GENERAL ADVICES

Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.

SCHEDULE 3 – APPROVED PLANS AND DOCUMENTATION

Statement of Environmental Effects prepared by Brett Chorley (Newcastle Quality Constructions) /dated 16 February 2010.
Stamped plans numbered 201388 (Sheets 1-8) and dated 4 February 2010. Structural Engineers Details numbered 10-MJ2553 and dated 15 February 2010.
BASIX Certificate Number 288880S.
Stamped specifications prepared by Newcastle Quality Constructions.

ATTACHMENT 2

COUNCIL COMMITTEE – 13 JULY 2010

ITEM NO. 3

FILE NO: 16-2010-102-1

DEVELOPMENT APPLICATION FOR SINGLE STOREY DWELLING AT NO. 2258 NELSON BAY ROAD, WILLIAMTOWN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2010-102-1 for the construction of a single storey brick veneer dwelling at LOT: 7, DP 224476, 2258 Nelson Bay Road, Williamtown for the reasons contained below.

The development represents an unacceptable level of exposure to aircraft noise and does not meet the acceptability criteria under the Australian Standard AS2021-2000 or DCP2007.

BACKGROUND

The purpose of this report is to present a development application to Council for determination at the request of the Mayor. The proposed development consists of a single storey dwelling which is to be located in an area which is significantly affected by noise pollution from the nearby RAAF Base Williamtown. The area is identified as being located within the 25-30 contour of the Australian Noise Exposure Forecast (ANEF) 2025.

Consent is sought for the construction of a single storey brick veneer dwelling with a Colorbond roof at LOT: 7, DP 224476, 2258 Nelson Bay Road, Williamtown. The site is identified as being aircraft noise affected and is mapped within the 25-30 contour of the Australian Noise Exposure Forecast (ANEF) 2025. Section 82.13 (Aircraft Noise) of Port Stephens Development Control Plan (DCP) 2007 and Australian Standard 2021-2000-Acoustics-Aircraft Noise Intrusion-Building Siting and Construction, specify that development within these contours unacceptable.

Australian Standard 2021-2000 does however, make provision for the planning authority (Council) to determine any development that may be necessary within an existing built-up area (an area zoned residential) designated as unacceptable providing that such development can achieve the aircraft noise reduction (ANR) in accordance with this standard. In order to achieve this requirement, the applicant/owner has provided an acceptable acoustic report prepared by Reverb Acoustics dated April 2010 (Report No. 10-1476-R1). This report concludes that the proposed dwelling can comply "providing the recommendations and procedures outlined in this report are followed, internal noise levels will be consistent with the interior noise design levels of AS2021-2000".

Council concedes that the property is not zoned residential (it is zoned 1(a) RURAL AGRICULTURE "A"), however, although it is identified as Prime Agricultural Land, that

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does not preclude the construction of a residential dwelling. Adjacent properties and the area generally, consist of residential type dwellings.

The property owner, Mr Moxey, presently resides on the adjacent property located at 2234 Nelson Bay Road, Williamstown and has resided in this location for many years.

Council must assess this application under Section 79C of the Environmental Planning and Assessment Act 1979. Accordingly, Australian Noise Exposure Forecast 2025 and the associated impacts and effects upon the health and amenity of property owners must be considered.

The subject site is also burdened by being identified as flood prone land and is subject to a flood planning level of 3.0m AHD. 3.0m AHD is an increase of 500mm over the previous flood planning level due to a sea level rise increase in this vicinity.

This matter was deferred for consideration by Councillors at its meeting on 29 June 2010 to enable an inspection to take place. A Councillor inspection was held on 3 July 2010.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL AND POLICY IMPLICATIONS

Approval is sought for Council to approve a dwelling within the 25-30 contours of Australian Noise Exposure Forecast 2025. This is inconsistent with Section B2.13 of Port Stephens Development Control Plan 2007 which addresses aircraft noise and considers residential development within these contours as unacceptable.

Consent of this application may represent a precedent which has the potential to be referred to in future development applications as a reason for consent noting fairness, consistency and equity in the application of Council's planning provisions.

In March 2010, Council sought legal advice from its lawyers, Harris Wheeler, regarding the matter of aircraft noise and Council's role as a consent authority. The advice received was:

Council's role as consent authority is quite narrow – it is to consider and determine applications as provided for in the EP&A Act. This applies to Council, whether that role is exercised by the Elected Council or by a Council employee under delegation. Subsection 79C(1) of the EP&A Act sets out the matters that Council is required to consider when determining a development application. Those matters include but are not limited to DCP2007 and "the suitability of the site for the development". Council should exercise great caution when it takes into account matters that are not prescribed by 79C(1) of the EP&A Act. Consideration of irrelevant matters may invalidate any consent issued by Council.

1. The relevance of ANEF 2012 and ANEF 2025 to Council's consideration of a DA

COUNCIL COMMITTEE – 13 JULY 2010

- 1.1 ANEF maps, such as ANEF 2012 and ANEF 2025, are an essential part of the operation of AS2021-2000. AS2021-2000 can be summarised as follows:
- 1.1.1 The purpose of AS2021-2000 is expressed as follows:
This Standard is concerned with land use planning and building treatments in the vicinity of an airport. The objective is to provide guidance to regional and local authorities, organisations, communities and others associated with urban and regional planning and building development on the siting and construction of new buildings against aircraft noise intrusion and on the acoustical adequacy of existing buildings in areas near aerodromes.
- 1.1.2 AS2021-2000 provides guidance on land use planning to local authorities, such as Council, by providing a mechanism for predicting aircraft noise exposure to occupants of certain types of buildings on land in the vicinity of airports.
- 1.1.3 AS2021-2000 predicts aircraft noise exposure using ANEF maps which are described as follows:
This is a contour map showing the forecast of noise exposure levels that will exist in a future year. It may be for a particular year, generally about 10 years from the date of issue, or, in some busier civil airports, it may represent the airport operating at "ultimate capacity". It is based on a firm forecast of aircraft movement numbers and operating times, aircraft types, destinations, flight paths and a given use of runways at the airdrome.
- 1.1.4 ANEF maps are created using a complex formula. It is sufficient, for the purposes of this advice, to state that the ANEF formula takes into account survey evidence of the reaction of Australian communities to certain types and frequency of aircraft movements at different times of the day and night, and does so in a manner that is consistent with overseas practice.

The formula forecasts noise exposure in ANEF units, with higher unit numbers having increased projected aircraft noise exposure. The ANEF units are collated into ANEF zones or contours.
- 1.1.5 Clauses 2.32 and 2.33 of AS2021-2000 in conjunction with Table 2.1 determine the acceptability of types of buildings on certain sites by reference to the ANEF contours for the relevant development site.
- 1.1.6 Clause 2.33 and table 2.1 of AS2021-2000 determine that the subject site is unsuitable for the following reasons:
- 1.1.6.1 The development proposed in the development application is a "House" for the purposes of Table 2.1 of the Standard.
- 1.1.6.2 ANEF 2025 was developed in accordance with AS2021-2000, to predict aircraft noise exposure in locations about RAAF Base Williamtown and the Salt Ash Weapons Range up to 2025. It specifically accounts for the introduction of the Joint Strike Fighter. The site, the subject of this DA has an ANEF of between 25 and 30 under ANEF 2025.

COUNCIL COMMITTEE – 13 JULY 2010

- 1.1.6.3 ANEF 2025 was prepared in accordance with AS2021-2000, to predict aircraft noise exposure in locations surrounding RAAF Base Williamtown and the Salt Ash Weapons Range up to the year 2025. It specifically accounts for the proposed introduction of the Joint Strike Fighter towards the year 2017-2018. The site, subject of this DA is affected by an ANEF.

The subject site is "unacceptable" for the dwelling proposed by the DA, when the criteria in Table 2.1 of AS2021-2000 are applied. That is, AS2021-2000 considers the construction of new residential hyperdwellings within these contours as unacceptable.

It is considered that fringe areas of development such as applicable surrounding the subject site do not constitute a trigger of Note 4 of Table 2.1 of AS2021-2000 and as such is deemed as an unacceptable site for the proposed development.

This is further reinforced by clause B2.13 of DCP2007 that considers those areas defined as 'built-up' areas in the Australian Standard to be zoned residential. As this site is zoned rural agriculture the provisions of Note 4 in the Australian Standard (AS2021-2000) Table 2.1 or Note 1 of B2.C72 of DCP2007 do not apply.

- 1.1.7 Part B2.13 of Port Stephens Development Control Plan 2007 effectively adopts AS2021-2000 as it relates to the promulgated ANEF map. ANEF 2025 is the promulgated map that should be legally used as the reference template for all assessments referring to AS2021-2000 or DCP2007. The superseded ANEF2012 map must be considered pursuant to Section 79C (1)(a)(ii) of the EP&A Act due to the impacts of that map and the planes in use, remaining present until the introduction of the JSF aircraft.
- 1.1.8 Council is also required to consider the suitability of the development site for the development proposed by the DA (Section 79C (1)(d) of the EP&A Act). Aircraft noise is one element of determining the suitability of the development site for the proposed dwelling. AS2021-2000 is the appropriate method of assessing the suitability of the subject land for the proposed dwelling for the following reasons:
- 1.1.9 AS2021-2000 has been described by the NSW Court of Appeal as "a valuable tool for planning land use about airports".
- 1.1.10 AS2021-2000 has been applied in numerous merit appeals in the Land and Environment Court.
- 1.1.11 Directions were issued by the then Minister for Planning pursuant to s.117 of the EP&A Act that referred to ANEF contours and specifically included the following restraint on the content of local environmental plans:

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Draft Local Environmental Plans that rezone land:

- (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or*
- (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or*
- (c) for commercial or industrial purposes where the ANEF is above 30, shall include a provision to ensure that development meets AS2021 regarding interior noise levels.*

1.1.12 AS2021-2000 is the only comprehensive and widely accepted means of predicting aircraft noise exposure and site suitability. It is consistent with measures adopted in other jurisdictions.

2. Potential legal consequences of granting consent to the DA

- 2.1 For the following reasons, Council may expose itself to potential liability for damages to occupants or owners of the subject site if the Elected Council determines the DA by way of approval:
 - 2.1.1 Council owes a duty of care to the applicants and to subsequent owners/occupants of the development land, to exercise its functions as the consent authority with reasonable care, and may be liable for damages if it fails to exercise that care.

One aspect of that duty of care is to properly assess the suitability of the development site for the development proposed by the DA (s.79C(1)(d) of the EP&A Act).

AS2021-2000 and ANEF2025 provide a well established and scientific based means of assessing the suitability of the development site for the development proposed by the DA. AS2021-2000 has been applied by, or referred to with approval of, various Courts; been referenced in various local environmental plans; and referenced in directions issued by the Minister for Planning pursuant to s.117 of the EP&A Act.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The social implications directly attributable to the impacts of aircraft noise and increased land-use conflicts include reduced residential amenity and the potential restriction of the military operations of RAAF Base Williamtown and domestic/international operations of Newcastle Airport.

It is difficult to quantify the economic impacts of increased land-use conflict and/or changes to aircraft noise pollution due to encroaching development upon and within the operational flight corridors of RAAF Base Williamtown and Newcastle Airport. Cost may be significant on a local and national scale.

Aircraft noise has the potential to adversely impact upon residential amenity. To permit the erection of dwellings in areas identified as "unacceptable" on ANEF maps may unreasonably restrict the lawful ongoing military operations of RAAF Base Williamtown and domestic/international flights into and out of Newcastle Airport.

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The site is also subject to being intermittently flooded due to the low lying nature of the block. While a building area can be filled to promote flood free land under most circumstances the fact of the site having to be filled to an assumed depth of 1-1.5m should be considered in the context of site suitability.

CONSULTATION

Only certain types of development are required to be advertised or notified. The application was not required to be exhibited as there was no trigger of Clause A1.9 DCP2007 (Advertising and Notification) due to the type of development under consideration.

OPTIONS

Council has three options to consider regarding this application:

- 1) Refuse the application as recommended.
- 2) Conditionally approve the application.
- 3) Defer a decision until such time as Council has considered and adopted a revised planning framework which addresses aircraft noise impacts.

ATTACHMENTS

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

COUNCILLORS ROOM

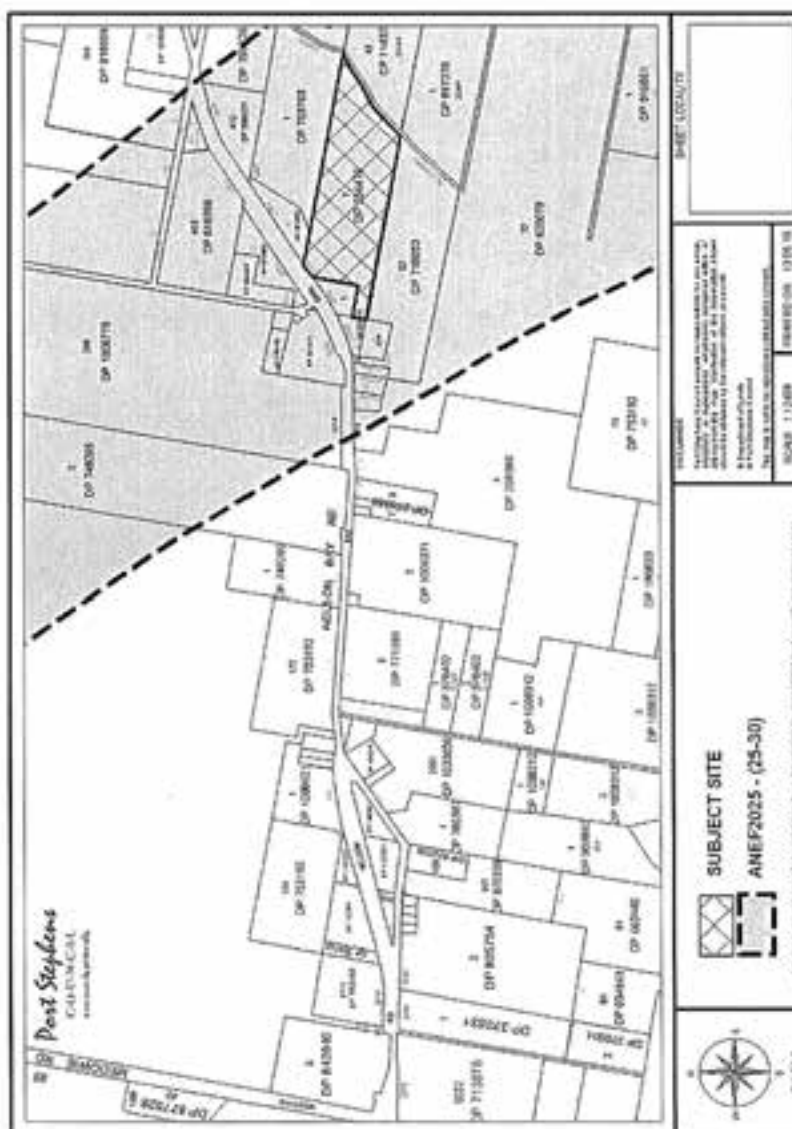
Development plans and elevations.
Statement of Environmental Effects.
Aircraft Noise Impact Statement prepared by Reverb Acoustics dated April 2010 (Report No. 10-1476-R1).

TABLED DOCUMENTS

NIL

COUNCIL COMMITTEE – 13 JULY 2010

ATTACHMENT 1
LOCALITY PLAN



COUNCIL COMMITTEE – 13 JULY 2010

ATTACHMENT 2
SITE PLAN



COUNCIL COMMITTEE – 13 JULY 2010

ATTACHMENT 3
PRELIMINARY 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 proposal is to erect a single storey brick and tile dwelling upon an earthen mound.

THE APPLICATION

Owner	Mr N W Moxey
Applicant	Newcastle Quality Constructions (McDonald Jones Homes)
Detail Submitted	Development Plans Statement of Environmental Effects Acoustic Report

THE LAND

Property Description	Lot 7, DP 224476
Address	2258 Nelson Bay Road, Williamtown
Area	11.50 Hectares
Dimensions	North Boundary 640 metres (Approx) South Boundary 560 metres (Approx) East Boundary 300 metres (Approx) West Boundary irregular in shape
Characteristics	The allotment is generally flat and floodprone. It is proposed to erect the dwelling upon an existing mound in order to achieve a suitable flood free finished habitable floor level of three (3) metres AHD. The property is identified as being within the 25-30 ANEF 2025 contours.

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	1(a) Rural Agriculture "A"
Development Control Plan	Port Stephens Development Control Plan 2007 – 82.13 Aircraft Noise

COUNCIL COMMITTEE – 13 JULY 2010			
ATTRIBUTE	PROPOSED	REQUIRED	COMPLIES
LEP Requirements			
Floor to Space Ratio	378m ²	N/A	Yes
Height	6.220m	9m	Yes
DCP Requirements			
Number of Storeys	1	Generally maximum of 2	Yes
Building Line Setback	85m	18m	Yes
Side Setback	60m to North Boundary	900mm	Yes
	80m to nearest adjacent property boundary	900mm	Yes
	120m to South Boundary	900mm	Yes
Rear Setback	400m	900mm	Yes
Resident Parking	2	2	Yes
BASIX	New dwelling valued at \$269,605	Yes	Yes
Privacy	N/A	N/A	Yes

1. Discussion

The proposed dwelling is permissible on this allotment and generally complies with Port Stephens Development Control Plan 2007 (DCP) with the exception of Section B2.13 Aircraft Noise.

Council's DCP advises that ANEF contour charts must be considered in conjunction with Australian Standard 2021-2000 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.

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

This property was not identified on the ANEF 2012 contour chart as being affected by aircraft noise, however, on the recently adopted ANEF 2025 contour chart, it falls within the 25-30 ANEF contour. Australian Standard 2021-2000 identifies the proposed construction of dwelling houses within these contours as unacceptable.

An acoustic report, prepared by an acoustic engineer, has been submitted by the applicant. The report demonstrates that Australian Standard 2021-2000 has been considered in the design of the building and identifies those measures which must be incorporated into the construction to provide a reasonable level of noise attenuation.

COUNCIL COMMITTEE – 13 JULY 2010

An appropriate driveway plan for submission to the RTA for concurrence in accordance with Cl.42 of LEP2000.

The applicant has not provided sufficient information to date in this regard. <-This is a note only.

The site is subject to a Flood Planning Level (FPL) of 3.0m AHD, this incorporates a 500mm increase due to sea level rise (SLR). This requires an anticipated 1-1.5m of fill for the building pad.

2. Likely Impact of the Development

The proposed development will not have an adverse impact on the neighbouring properties but will impact upon the occupants of the dwelling with regards to excessive aircraft noise intrusion.

3. Suitability of the Site

The proposed dwelling site is unsuitable in regard to its location within the 25-30 contours of ANEF 2025. Other aspects of the development are considered acceptable.

Intermittent flooding of the site is anticipated from time to time however the increase of the building pad to the FPL will safeguard occupants for anticipated flooding events up to the 1% AEP.

4. Submissions

The application was not required to advertised/notified under Port Stephens Development Control Plan 2007.

5. Public Interest

This proposal, if approved, will have major ramifications on how Council is perceived to assess development applications which are contrary to the principles and controls of its DCP. Section 82.13 of Port Stephens Development Control Plan 2007 and Australian Standard 2021-2000 consider the construction of dwellings within the 25-30 contour to be unacceptable. Approval of this application will set a precedent within the Port Stephens Local Government Area and compromise the effectiveness of the DCP.

ITEM NO. 2**FILE NO: PSC2006-0046****DRAFT PORT STEPHENS COMMUNITY SETTLEMENT STRATEGY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the *draft Port Stephens Community Settlement Strategy* on public exhibition for a period of four weeks with a report back to Council on the outcomes of the exhibition.
-

COUNCIL COMMITTEE MEETING – 27 JULY 2010
RECOMMENDATION:

	Councillor Frank Ward 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, Caroline De Lyall, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING – 27 JULY 2010

221	Councillor Peter Kafer Councillor John Nell	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 Peter Kafer, Caroline De Lyall, 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 explain the *draft Port Stephens Community Settlement Strategy 2010* (provided under separate cover) and seek Council's endorsement to place it on public exhibition.

The Strategy is consistent with, and sits within the context of, the Port Stephens Futures Strategy and Port Stephens 2022: Community Strategic Plan.

The revised draft Strategy reviews and updates the Port Stephens Community Settlement and Infrastructure Strategy 2007. The revised Strategy, now called the *Port Stephens Community Settlement Strategy* (CSS) provides planning directions for future green field urban development integrating social, economic and environmental issues and considerations as well as criteria and desired outcomes to guide the implementation of the strategy via the rezoning process. The Strategy also:

- guides the preparation of local strategies e.g. Nelson Bay;
- identifies population projections for the Local Government Area;
- identifies lot and housing projections established by Council's demographic consultant that are reflected in the Department of Planning's (DoP) Urban Development Program;
- assists in the preparation of the principal Local Environmental Plan; and
- Guides the preparation of amendments to the Development Control Plan 2007.

The Strategy is required to be approved by the Director General of Planning and be consistent with the Lower Hunter Regional Strategy (LHRS). Despite requests to do so, DoP has not advised the Director General to approve the 2007 Strategy because; the Strategy had higher population projections than the LHRS; the DoP perceiving a conflict between the Strategy and the Sustainability Threshold criteria that applies to proposed urban areas falling outside of those identified in the LHRS.

DoP has informally suggested areas requiring clarification/resolution. However, there are no guidelines to assist local government on the format and content of local strategies despite reference to local strategies in Section 117 Ministerial directions for draft LEPs under the Environmental Planning and Assessment Act. The review of the 2007 Strategy has included the following:

- population and urban development projections from Council's consultant;
- supply/demand analysis for residential, rural-residential, commercial and industrial land from 2008 to 2031 from Council's consultant;
- data from the draft Commercial and Industrial Lands Study by SGS for Council
- data from draft Rural Lands Study 2009
- Anna Bay and Medowie Strategies (including areas recently exhibited);
- Adoption by Council of the Port Stephens Futures Strategy;
- Community Strategic Plan as required by the Department of Local Government;
- Wallalong proposed as a new town (Council's resolution 25 August 2009); and
- Submissions to Council requesting amendments to the Strategy.

The *Draft Community Settlement Strategy* consists of 8 parts:

- Part A Introduction identifies the overall purpose and aims of the Strategy.
- Part B Policy Context identifies policies that form the basis for the Strategy including Port Stephens Futures Strategy, Integrated Land Use and Transport policy, Coastal Design Guidelines; LHRs and Regional Conservation Plan.
- Part C Local Context provides the historical, economic, social and ecological context to Port Stephens including population pressures (population projections to 2031), local topography, associated biophysical characteristics and other constraints to be considered in achieving sustainable communities.
- Part D LGA Strategic Directions identifies the strategic directions for communities across the LGA till 2031 based on the LHRs (with the exception of Wallalong), Council's proposed centres hierarchy and identified areas for urban infill and future release areas. Supply and demand trends and future scenarios are identified for residential, rural-residential, commercial and industrial lands.
- Part E Local Strategic Directions includes the adopted Anna Bay and Medowie strategies and details of other urban release areas including Kings Hill.
- Part F Implementation details the Sustainability Outcomes Criteria for planning proposals, for land identified in Parts D and E.
- Part G Appendix – Trends and Future Issues - outlines some issues to be considered in future development.
- Part H Sources.
- Part I Submissions

Main Changes to the Revised Strategy

Population projections - inclusion of the latest LGA population projections with an average growth rate of 1.6% per annum (including Wallalong). In 2006, the total population of the LGA was estimated 63,272 and to increase by 9,000 people to 72,500 by 2016 and to 94,500 by 2031.

The largest gains are projected in Fern Bay/Fullerton Cove, Raymond Terrace-Heatherbrae, Kings Hill (beginning in 2012), Medowie, Nelson Bay, Corlette, and Wallalong (2015 subject to planning processes). The population increases are based on household growth, which in turn relates to new residential opportunities in urban release areas and infill and medium density areas.

These projections differ to those by DoP that forecast a lower population of 85,400 by 2031. Council's forecast is more accurate as it is based on a consultant's detailed analysis of current and forecast LGA population trends, projected future land supply and level of housing activity. Council's projections are subject to regular review.

Residential development - estimated potential for 4,130 dwellings from existing residential zoned land. Based on the previous 7 year average for dwelling commencements of 560 dwellings, this is some 7 years supply of land. This means that infill will continue in existing urban areas through the development of vacant lots.

The majority of future infill potential is anticipated within the centres of Raymond Terrace, Tilligerry Peninsula, Anna Bay, Nelson Bay, Shoal Bay and Salamander.

The Strategy identifies a potential shortage of residential land and identifies a number of locations for future supply. Wallalong provides a land supply option on a relatively unconstrained site, in close proximity to Raymond Terrace and Maitland. Should Wallalong be supported as an urban release area, it must be considered complementary to existing towns and urban release areas.

Based on a desirable 10-15 years supply, there is a need therefore for additional residential zoned land. This supply benchmark is consistent with the *Maitland Urban Settlement Strategy 2001-2020* taking into account; increasing population growth; development trends; owners not releasing land to the market; and investment and investigation lead times for planning and approvals.

Combining urban infill, zoned and potentially zoned lands, the future urban land supply in the LGA is estimated for the period 2010-2031 as follows:

Total dwellings (infill potential)	2,483
Total future dwellings currently zoned	4,130
Future release areas not yet zoned	6,380 dwellings
Total potential dwellings	12,993 dwellings

Note: yield subject to fragmented ownership, access, flooding, aircraft noise, biodiversity offsets etc

Rural-residential development - an assumption made that rural-residential demand forms part of total residential lot demand and will continue at an average of 5% of total residential demand (i.e. 30 dwellings per annum) but will decline in the future (draft Rural Lands Study 2009).

Due to the significant existing stock of rural-residential lots and sustainability implications, this form of development is likely to have limited potential (i.e. small component of future release areas or minor additions to existing urban areas).

Council has received a request to include land at Seaham Road, Seaham as an extension of the Brandy Hill rural-residential area. The draft Strategy is recommending that minor extensions of this rural-residential area may be considered on their merits. Individual proposals such as at Seaham would therefore need to be considered as a future planning proposal.

Commercial land - a centres hierarchy has been developed based on consultant investigations and analysis identifying; a Regional Centre, Town centres, a Stand-alone shopping centre, Villages, Small villages and neighbourhoods. In some centres, shortages of commercial land can be met by intensifying development on occupied lots (eg Nelson Bay, Salamander Bay - Randall Avenue and Lemon Tree Passage). The gap analysis identifies an expansion of Medowie, as per the Medowie Strategy and Anna Bay, as per the Anna Bay Strategy and Town Plan.

In Shoal Bay, demand for floor space may be accommodated on land with a non-commercial zoning suitable for hotels or other short term accommodation.

In Lakeside, no expansion of the commercial zoning is recommended due to the proximity of the major regional centre of Raymond Terrace.

Industrial land - In most industrial areas data indicates sufficient zoned land to accommodate forecast demand.

Land owner requests have been received seeking to include land on Cabbage Tree Road Williamstown as additional land in the Strategy, in the vicinity of the existing Defence and Airport Related Employment Zone (DAREZ) at Williamstown. It is imperative that the DAREZ area be used for Defence and airport-related uses and not for retailing activities such as bulky goods. The draft Commercial and Industrial Lands Strategy is recommending that bulky goods be focussed at Heatherbrae. Council's consultant indicates that adequate land in the DAREZ Investigation Area exists at Williamstown and there is no economic imperative at this stage to consider additional areas.

Other changes in revised Strategy - Inclusion of the strategic directions of the adopted Medowie and Anna Bay Strategies as well as being less prescriptive on biodiversity offset matters as this is a matter primarily the responsibility of the Department of Environment, Climate Change and Water. Finally, an update of the major constraints maps including the ANEF 2025 is included.

FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications of the Strategy itself are very significant for Council, state government and the private sector for infrastructure and development costs – and ultimately, to purchasers of urban land for future development. However, financial and resource implications of public exhibition will not be significant.

LEGAL, POLICY AND RISK IMPLICATIONS

The draft Strategy is not a legal document required by legislation. Placing the draft Strategy on public exhibition does not have direct legal implications for Council. However, a Strategy endorsed by Council and the DoP provides greater certainty and administrative efficiency to rezoning requests consistent with the Strategy.

The draft Strategy is not consistent with the LHRS due to revised population projections and future development yields, including Wallalong as a proposed new town. However, DoP is reviewing the LHRS in 2011. The justification for the inclusion of Wallalong will form the basis of Council's submission to DoP to amend the LHRS.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft Strategy is based on integrating sustainability issues and, therefore, has significant sustainability implications. It addresses sustainability by:

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

- Stipulating that the Port Stephens is characterised by villages and towns surrounded by natural and rural environments;
- Identifying future areas for green field and infill development;
- Identifying locations across the LGA to form villages, neighbourhoods or towns to manage future population growth and building communities;
- Establishing a framework for planning, designing and considering planning proposals to achieve more sustainable forms of urban development that integrates transport, employment, services and infrastructure.

The draft Strategy incorporates and is consistent with Council's Futures Strategy.

CONSULTATION

Consultation will involve; advertising in the local paper; placing the draft Strategy in Council libraries, Woodville store, Council Administration building and on Council's website for 4 weeks; and forwarding a copy to DoP. A report will be submitted to Council advising of any submissions and proposed changes to the draft Strategy.

OPTIONS

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

ATTACHMENTS

- 1) Draft Port Stephens Community Settlement Strategy – provided under separate cover.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

DRAFT PORT STEPHENS COMMUNITY SETTLEMENT STRATEGY

PROVIDED UNDER SEPARATE COVER

ITEM NO. 3**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 6 JULY 2010****REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING
GROUP: SUSTAINABLE PLANNING**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee Meeting held on 6 July 2010.

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

	Councillor Bob Westbury Councillor Shirley O'Brien	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 27 JULY 2010

222	Councillor Sally Dover 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.

No additional consultation was undertaken for the items contained in this report

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 Minutes 6 July 2010

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE**

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

A. ADOPTION OF THE MINUTES OF 1ST JUNE, 2010

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

- C.1 14_07/10 KANGAROO STREET RAYMOND TERRACE – REQUEST FOR INVESTIGATION OF INTERSECTION SAFETY**
- C.2 15_07/10 ELKIN AVENUE HEATHERBRAE – REQUEST FOR INSTALLATION OF 'NO STOPPING' RESTRICTIONS**
- C.3 16_07/10 BRUSH BOX AVENUE MEDOWIE – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS AT THE MEDOWIE CHILDRENS CENTRE**
- C.4 17_07/10 TOWN CENTRE CIRCUIT SALAMANDER BAY – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS**
- C.5 18_07/10 SANDY POINT ROAD CORLETTE – REQUEST TO MAKE CONROY PARK ONE-WAY TRAFFIC FLOW**
- C.6 19_07/10 STOCKTON STREET NELSON BAY – REQUEST FOR DROP-OFF AND PICK-UP AREA AT THE MEDICAL CENTRE**
- C.7 20_07/10 YACAABA STREET NELSON BAY – REQUEST FOR DEDICATED PARKING FOR FIRE BRIGADE PERSONNEL AT THE NELSON BAY FIRE STATION**
- C.8 21_07/10 MARTIN DRIVE TOMAGO – INSTALLATION OF GIVE WAY SIGN AT ROAD NARROWING**

D. INFORMAL MATTERS

E. GENERAL BUSINESS

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

Present:

Cr Bruce MacKenzie – Mayor – Port Stephens Council, Senior Constable Shane Dawes – NSW Police, Mr Brian Moseley – Hunter Valley Buses, Mr Joe Gleeson (Chairperson), Ms Michelle Page – Port Stephens Council

Apologies:

Craig Baumann MP – Member for Port Stephens, Cr Peter Kafer, Mr Bill Butler – Roads and Traffic Authority, Mr Scott Page - Port Stephens Council, Mr Mark Newling – Port Stephens Coaches

A. ADOPTION OF MINUTES OF MEETING HELD 1ST JUNE 2010

B. BUSINESS ARISING FROM PREVIOUS MEETING

Nil

C. LISTED MATTERS

C.1 Item: 14_07/10**KANGAROO STREET RAYMOND TERRACE – REQUEST FOR INVESTIGATION OF INTERSECTION SAFETY**

Requested by: A resident
File: A2004-0390/004
Background:

A resident has requested barrier lines in Kangaroo Street on the northern side of the Adelaide Street intersection. Delivery trucks turning into the street currently cross to the wrong side of the road. The problem is worse when cars are parked in front of the Defence Housing building at No.20A Kangaroo Street.

Comment:

The Inspection Committee raised the possibility that trucks turning would ignore the lines and cross to the incorrect side of the road anyway however trucks do have the option to occupy both through lanes in Adelaide Street if required to enable them to make the turn correctly.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules Part 11 – Rule 132 – Keeping to the left of a dividing line
RTA Delineation Manual – Section 4 – Longitudinal Markings
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

Install 10m of 'BB' barrier lines in Kangaroo Street at the Adelaide Street intersection, as shown on the attached sketch, Annexure A.

Discussion:

The Traffic Committee noted that this intersection is left-in/left-out only so that vehicles exiting to Adelaide Street should be positioned well to the left of the centre line. The Committee does not support the recommendation noting that it would be a waste of resources as truck drivers will continue to ignore the barrier lines.

Support for the recommendation:

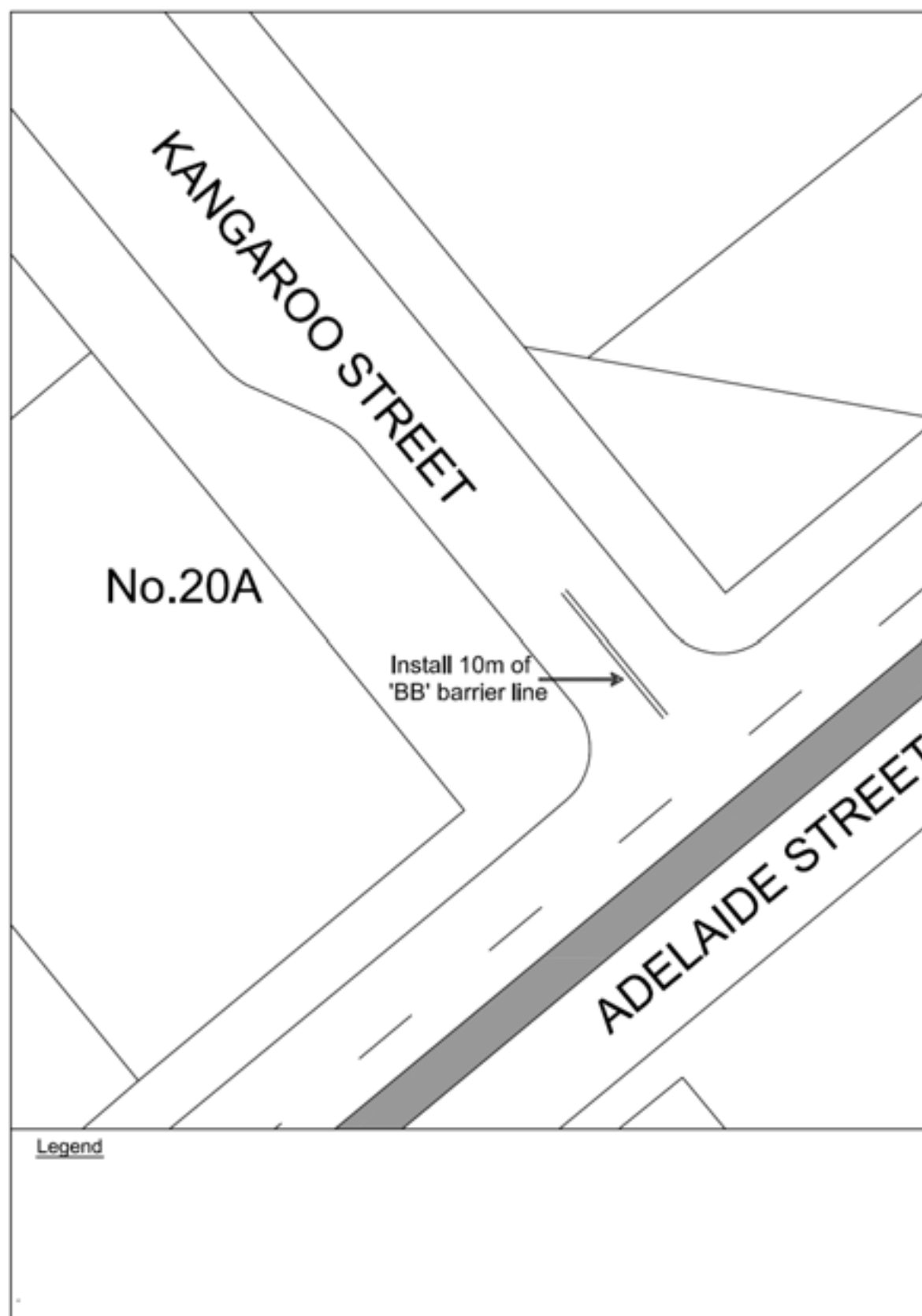
1	Unanimous	
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	✓

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 6 July 2010

ITEM NO. 14_07/10
Street: Kangaroo Street

ANNEXURE A
Page 1 of 1



C.2 Item: 15_07/10**ELKIN AVENUE HEATHERBRAE – REQUEST FOR INSTALLATION OF 'NO STOPPING' RESTRICTIONS**

Requested by: Council Rangers

File:

Background:

Council Rangers have requested installation of 'No Stopping' around the corner of Elkin Ave, adjacent to the central island. Cars are parked constantly at the corner, making it very difficult for buses to access the high school.

Comment:

The Traffic Inspection Committee noted that this is an ongoing problem and installation of 'No Stopping' is supported around the corner.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule167 – No Stopping signs

RTA signs database – R5-400

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

Recommendation to the Committee:

Install 'No Stopping' signs in Elkin Avenue at the corner adjacent to the roundabout, as shown on the attached sketch, Annexure A.

Discussion:

Hunter Valley Buses have raised this issue a number of times with Council. The Committee discussed the need to ensure that the residents affected are notified of the restrictions prior to enforcement.

Support for the recommendation:

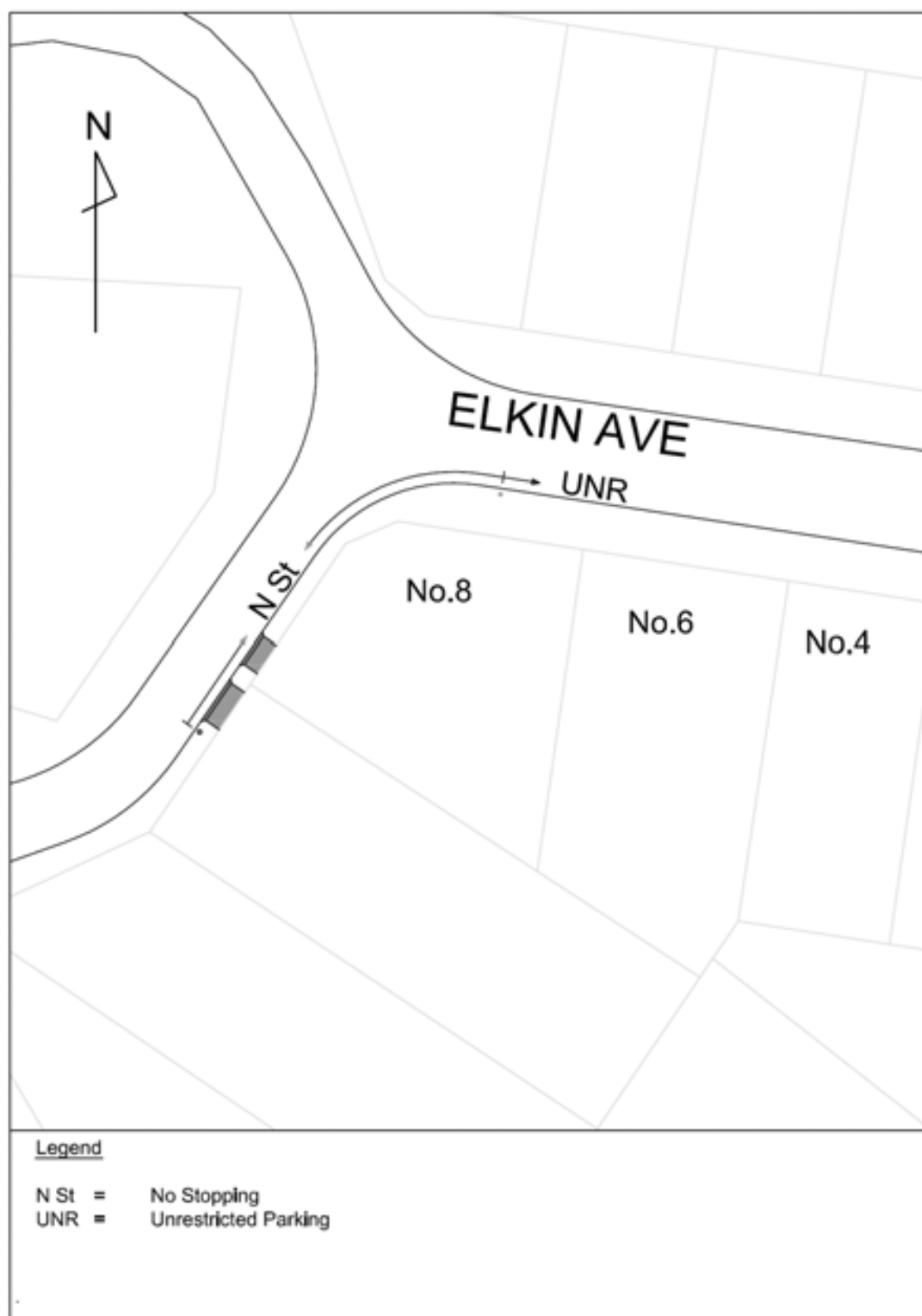
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 6 July 2010

ITEM NO. 15_07/10
Street: Elkin Avenue

ANNEXURE A
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C.3 Item: 16_07/10**BRUSH BOX AVENUE MEDOWIE – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS AT THE MEDOWIE CHILDRENS CENTRE**

Requested by: Medowie Children's Centre

File: PSC2005-4031/033

Background:

The Medowie Children's Centre contacted Council to request a drop off zone be established at the front of the centre at 40 Brush Box Avenue , Medowie. They would like a 15 minute drop off zone, operating from 7-9am and 4-6pm on weekdays, to cover an area equivalent to 3 car parking spaces directly at the front of the centre.

Comment:

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 205 – Parking for longer than indicated

RTA signs database – R5-15

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

Recommendation to the Committee:

Install 15 minute parking restrictions in Brush Box Avenue, Medowie at the front of the Medowie Children's Centre, as shown on the attached sketch, Annexure A.

Discussion:

The Committee members discussed the potential impact on residents however it was noted that all properties have access to off-street parking as well as ample on-street parking.

Support for the recommendation:

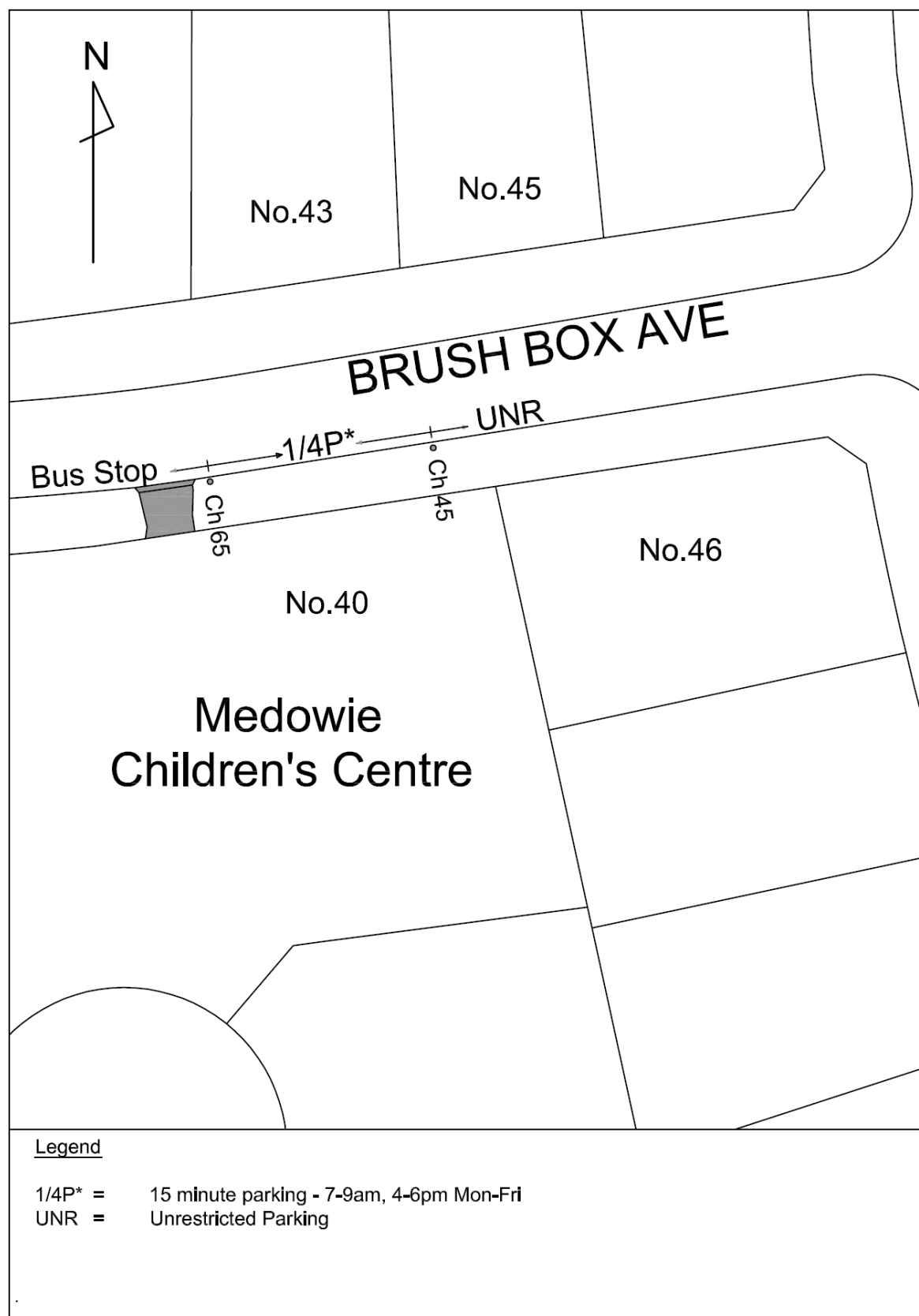
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 6 July 2010

ITEM NO. 16_07/10
Street: Brush Box Avenue

ANNEXURE A
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C.4 Item: 17_07/10**TOWN CENTRE CIRCUIT SALAMANDER BAY – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS**

Requested by: Salamander Centre Management

File:

Background:

The management of the Salamander Centre has requested 'No Stopping' on Town Centre Circuit. At peak times cars are often parked on both sides of the northern section of Town Centre Circuit, towards K Mart and delivery trucks are unable to safely access the loading areas.

Comment:

The Traffic Inspection Committee noted that semi-trailers are required to perform a 3-point turn to access the loading dock at K-Mart. This becomes very difficult when there are vehicles parked in the turnaround area.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule167 – No Stopping signs

RTA Delineation Manual – Section 13 – Kerbside parking

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

Recommendation to the Committee:

Install 'No Stopping' signs and lines along the sides of Town Centre Circuit adjacent to the loading area at K Mart, as shown on the attached sketch, Annexure A.

Discussion:

Cr McKenzie noted that changes are planned for the Salamander Centre. He urged consultation with Council's Property section before implementing any changes to parking. The Police representative noted that 'Loading Zone' restrictions may be more appropriate for delivery type vehicles.

Committee's recommendation:

Defer pending further consultation

Support for the recommendation:

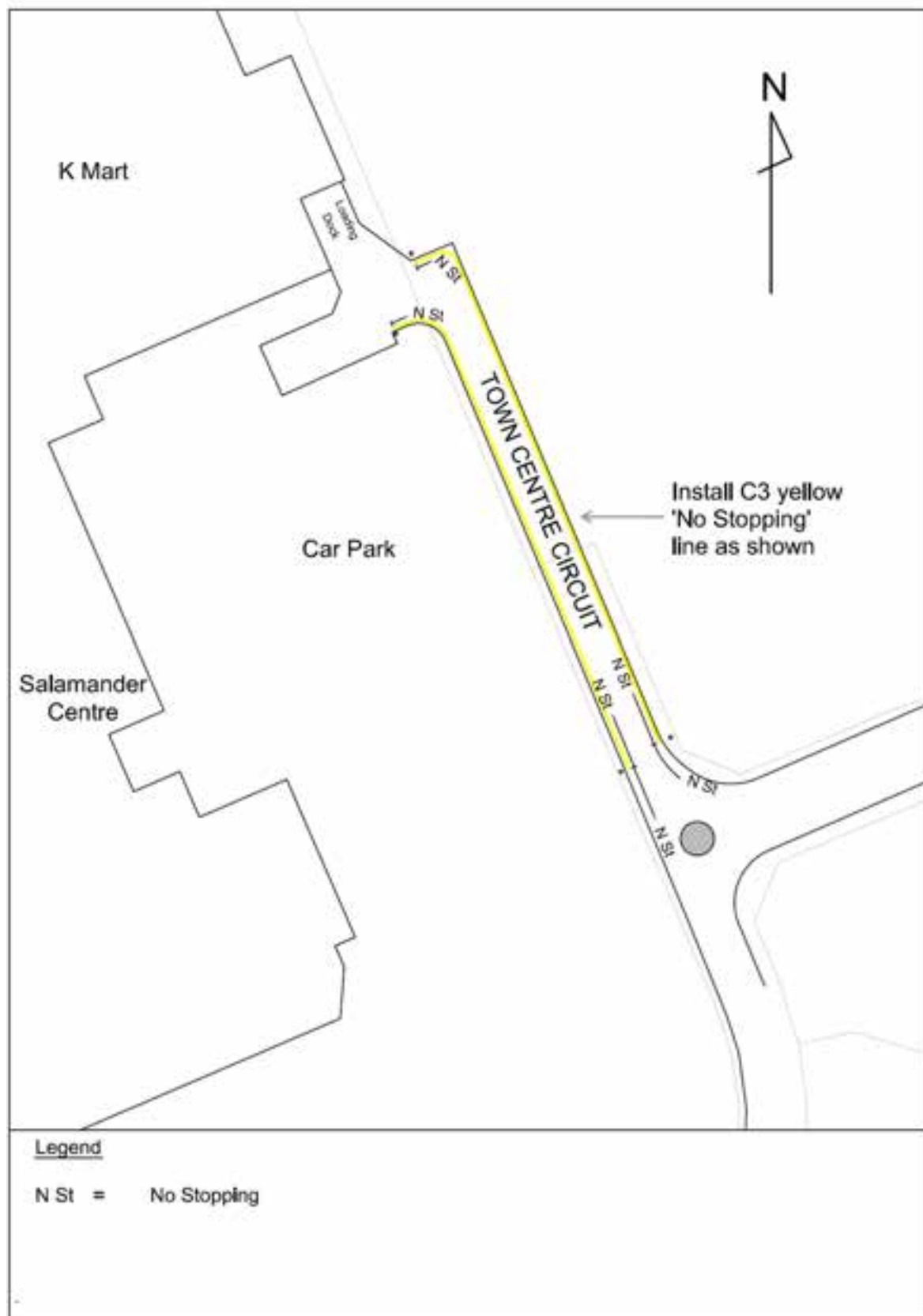
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 6 July 2010

ITEM NO. 17_07/10
Street: Town Centre Circuit

ANNEXURE A
Page 1 of 1



C.5 Item: 18_07/10**SANDY POINT ROAD CORLETTE – REQUEST TO MAKE CONROY PARK ONE-WAY TRAFFIC FLOW**

Requested by: Port Stephens Council

File:

Background:

Request to make the western driveway to Conroy Park entry only and have a one-way circulation within the car park. This will allow room for shared path connection to be made with a proposed path along the front

Council has plans to construct a cycleway along the northern side of Sandy Point Road and it is required that cyclists are able to safely travel to and from the park to continue their journey. If the western driveway was made into entry only it would be safer for cyclists and would make it easier for buses and caravans as well.

Comment:

The Traffic Inspection Committee noted that the one way proposal makes sense however the internal parking arrangements at the car park need to be revamped. The existing lines are very faded and there does not appear to be sufficient width to allow current practice of angle parking on both sides. Concerns were raised regarding cyclists especially young children riding behind reversing cars, through the car park area. This would be addressed by providing connection to the existing footpath through the park.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 98, Rule 100

AS 1742.2 (Devices) Clause 3.4.2

RTA signs database – R2-4, R2-17

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

Recommendation to the Committee:

Approve installation of 'One-Way' signs and directional arrow on the western driveway and for 'No Entry' and directional arrow on the eastern driveway of Conroy Park, Corlette, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

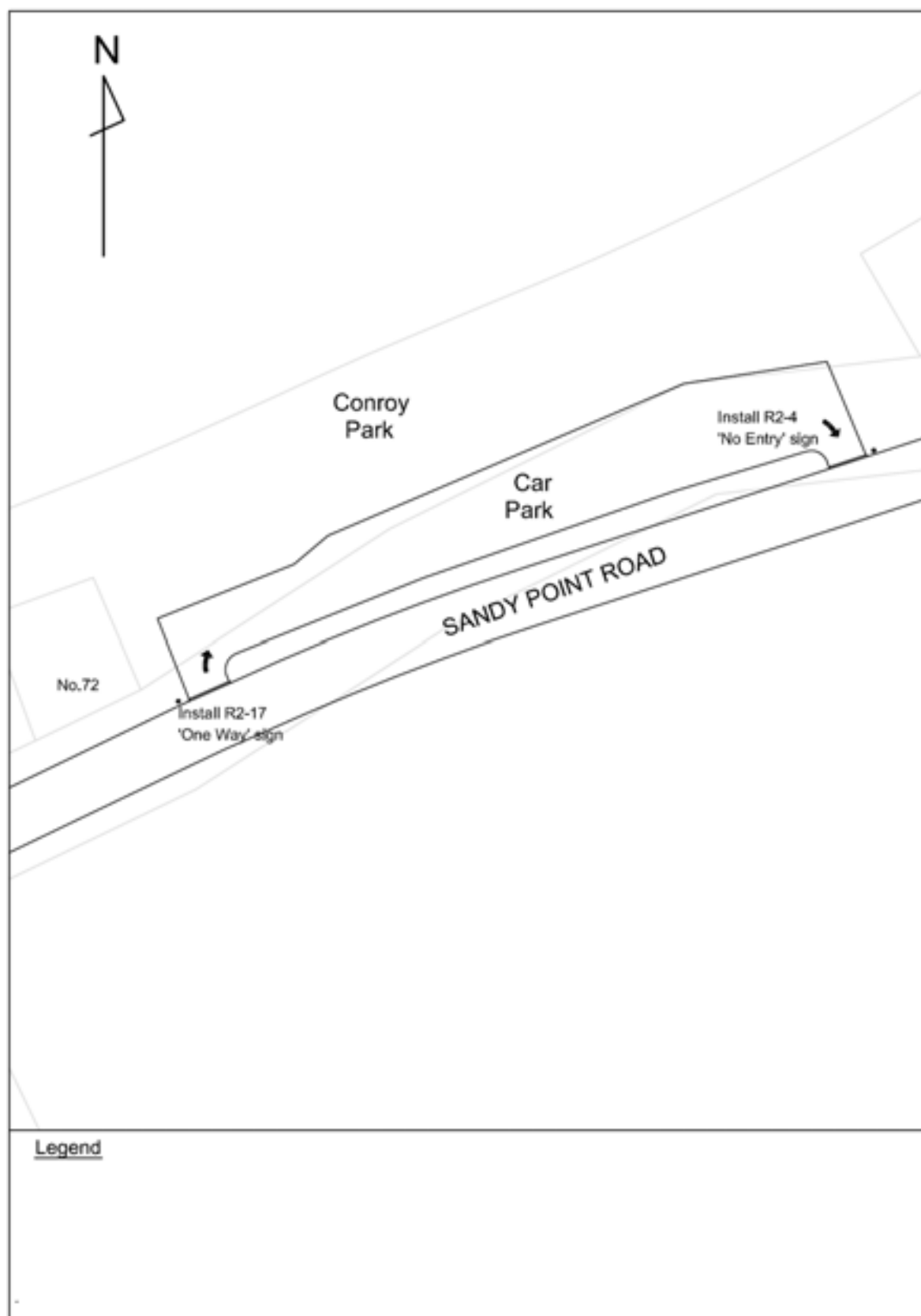
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 6 July 2010

ITEM NO. 18_07/10
Street: Sandy Point Road

ANNEXURE A
Page 1 of 1



C.6 Item: 19_07/10**STOCKTON STREET NELSON BAY – REQUEST FOR DROP-OFF AND PICK-UP AREA AT THE MEDICAL CENTRE**

Requested by: Cr Dover
File: PSC2005-4189/034
Background:

The new medical centre in Stockton Street has now opened and ambulances, community transport buses and cars dropping off mobility-impaired patients are severely hampered because there is no drop off area for them in the street. There are two X one-hour parking spaces outside the centre and the request is to establish a "medical drop off area" in those two parking spaces.

Comment:

The lack of parking and unsuitability for accessible parking was raised as one of the objections to this development proceeding at this location.

For discussion

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule 168 – No Parking signs
RTA signs database – R5-40
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Discussion:

The Committee noted that the current access for pick-up and drop-off and for ambulance vehicles is inadequate. Removal of the 1 hour parking would also improve sight distance for vehicles using the underground car park.

Committee's recommendation:

Approve installation of 'No Parking – Emergency Vehicles Excepted' between the driveways of No.29 Stockton Street Nelson Bay, as shown on the attached sketch, Annexure A.

Support for the recommendation:

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

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 6 July 2010

ITEM NO. 19_07/10
Street: Stockton Street

ANNEXURE A
Page 1 of 1



C.7 Item: 20_07/10**YACAABA STREET NELSON BAY – REQUEST FOR DEDICATED PARKING FOR FIRE BRIGADE PERSONNEL AT THE NELSON BAY FIRE STATION**

Requested by: NSW Fire Brigades

File: PSC2005-4019/273

Background:

The Zone Commander for the Port Stephens LGA has submitted to Council a request that the NSW Fire Brigade be given up to 5 dedicated on-street car parking spaces around the location of 13 Yacabba Street, Nelson Bay.

Comment:

The fire station has existing emergency services parking for 1-2 spaces along the property frontage. The removal of 5 parking spaces from Yacaaba Street would have a big impact on other local businesses and residents and may be hard to justify for the limited times that they would be used by firemen on call-out.

For discussion

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule 168 – No Parking signs

RTA signs database – R5-40

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

Discussion:

The Committee noted the great work that the fire brigade does in the community however the removal of 5 parking spaces in this location would impact adversely on other businesses in the area. In addition, there is no standard sign that would allow the firemen to park while preventing other vehicles from doing so.

Committee's recommendation:

That the request is not supported and the applicant be notified.

Support for the recommendation:

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

C.8 Item: 21_07/10**MARTIN DRIVE TOMAGO – INSTALLATION OF GIVE WAY SIGN AT ROAD NARROWING**

Requested by: Port Stephens Council

File:

Background:

Port Stephens Council has received representations regarding the safety of the narrow section of Martin Drive, Tomago. This section of road is restricted in width by the property boundary on the southern side. An anomaly exists whereby the boundary of Lot B, DP 396191 in Martin Drive extends beyond the line of the neighbouring properties right out to the edge of the travel lane. This only allows a single lane width for the road, with an open drain running beside the road.

Comment:

Port Stephens Council has been waiting for a development application on No.19 at which time conditions of consent could be imposed that would require dedication of land for road reserve and construction of a full width road up to an acceptable standard. To date there has not been such an application.

The Traffic Inspection Committee noted that the open drain and narrow road do pose a hazard for the travelling public. Martin Drive is a dead-end street with access being to 4 properties/businesses at the western end. There is a hazard marker and guide posts to delineate the hazard.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule 70 - Giving way at a give way sign at a length of narrow road
RTA signs database – R1-2

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

Recommendation to the Committee:

Approve installation of a 'Give Way' sign and line at the eastern approach to the road narrowing at 19 Martin Drive, Tomago, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

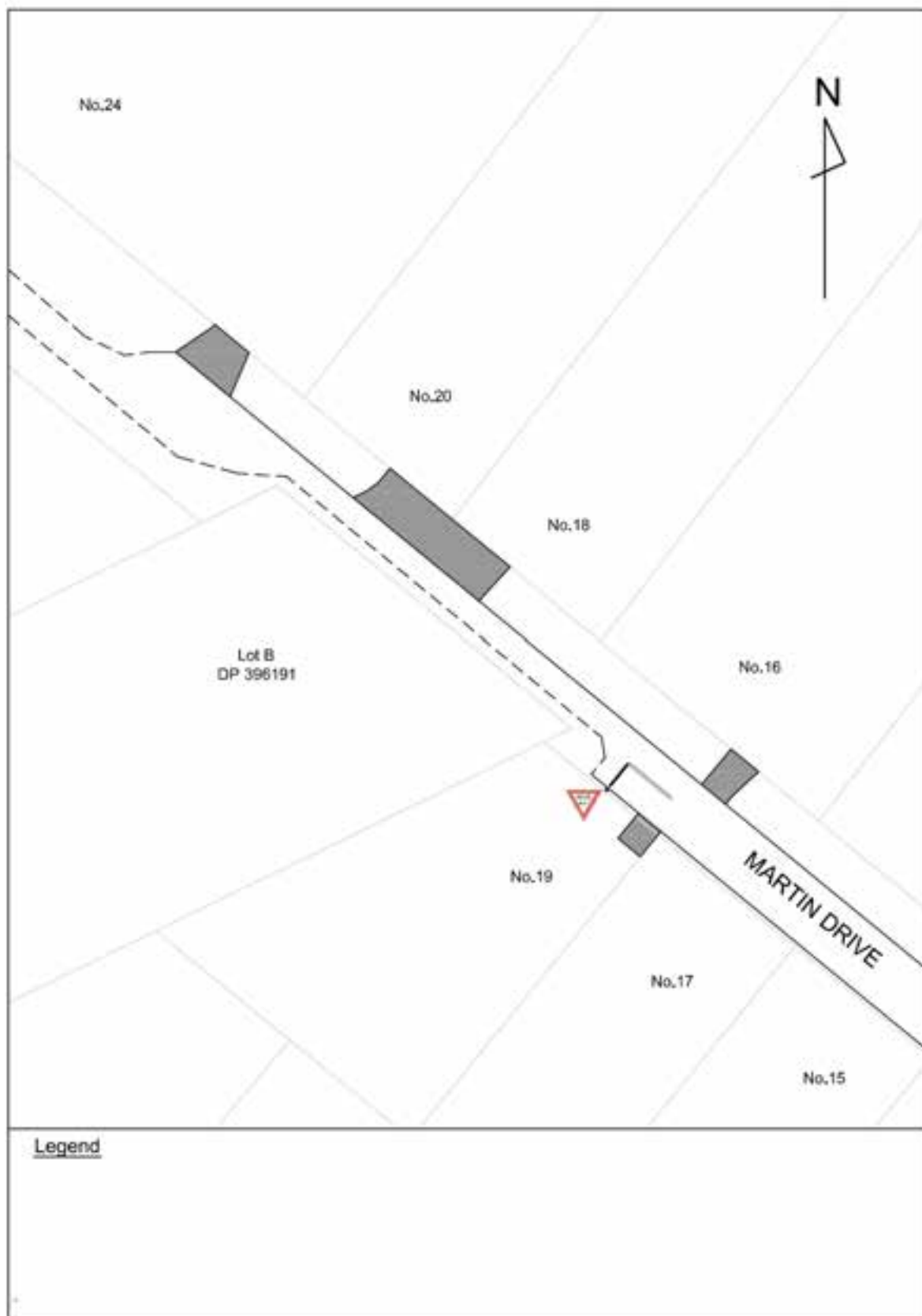
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 6 July 2010

ITEM NO. 21_07/10
Street: Martin Drive

ANNEXURE A
Page 1 of 1



ITEM NO. 4**FILE NO: PSC2010-03304****ROAD CLOSURES – PART FORMER NEWLINE ROAD AND UNUSED PART KANGAROO STREET, RAYMOND TERRACE****REPORT OF: CARMEL FOSTER – MANAGER, COMMERCIAL PROPERTY****GROUP: COMMERCIAL PROPERTY**

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the road closure of the part of Kangaroo Street currently unconstructed adjacent to the Hunter River.
- 2) Consents to the road closure of part of former Newline Road over which the trotting track is constructed.
- 3) Make application to the Land & Property Management Authority for the closures to proceed under Section 34 Roads Act 1993.
- 4) Authorises the creation of an easement in favour of Hunter Water Corporation over the existing water main in the former Newline Road area.
- 5) Lodges subdivision application with Council to identify the separate sections proposed to be closed as required by Land & Property Information office.
- 6) Upon closure reclassifies the parcels as Community Land to allow their current uses to continue.
- 7) Following receipt of the new title deed consolidates the former Newline Road with Lots 1 DP629570 & Pt 13 DP753161 to create the area known as Jack Johnson Trotting Park.
- 8) Officially names the consolidated area in 6 above as Jack Johnson Trotting Park, through the Geographical Names Board.
- 9) Grants authority to affix Council Seal to the plan of consolidation of the Jack Johnson Trotting Park.

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

	Councillor Bruce MacKenzie Councillor Steve Tucker	That the recommendation be adopted.
--	---	-------------------------------------

ORDINARY COUNCIL MEETING – 27 JULY 2010

223	Councillor Bob Westbury Councillor Steve Tucker	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend the permanent closure of the section of Kangaroo Street & former Newline Road to maintain its existing use as Community land (ATTACHMENT 1).

These sections of roads are no longer constructed or maintained as roads. In effect both parcels proposed to be closed are used in association with the adjoining Community land (ATTACHMENT 2). The proposed action will officially bring the land under Council's ownership for the benefit of the community.

The section of Kangaroo Street is physically included in the grassed foreshore area adjacent to the river bank. This foreshore goes from Fitzgerald Bridge to Bourke Street and is utilized by the public for access to the river.

The section of former Newline Road forms part of the Trotting Track and surrounding grassed area there is no evidence of a road previously being over the area. However it was part of the original road from Raymond Terrace to Seaham. Its current use is entirely related to the trotting facility.

FINANCIAL/RESOURCE IMPLICATIONS

Funds are available within the Road Acquisition and Closure budget to cover costs. As Council owns the land there will be no purchase costs. The processes will fall within Property Section's normal activities.

LEGAL, POLICY AND RISK IMPLICATIONS

The Roads Act 1993 controls all actions regarding the road closure, which need to be complied with. The Land & Property Management Authority is the final determining authority after all required advertising and notification have taken place. The Local Government Act controls the reclassification process and the Conveyancing and Real Property Acts administer the title and consolidation proposals. Closure will remove Council's responsibilities as the Roads Authority over the closed areas.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The current use of the closure areas will remain as existing, with Council's maintenance responsibilities continuing. There will be no real sustainability implications and the general public will not notice any visible change or uses of the areas.

CONSULTATION

- Land & Property Management Authority
- Council's Registered Surveyor
- Parks Facilities Coordinator
- Principal Officer
- Principal Property Advisor.

OPTIONS

Accept the recommendation.
Not close the sections of roads.
Not consolidate the parcels.

ATTACHMENTS

- 1) Location Map.
- 2) Road closure areas.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

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ITEM NO. 5**FILE NO: PSC2007-3250****ROAD CLOSURE – LANE OPPOSITE SWAN STREET, TANILBA BAY****REPORT OF: CARMEL FOSTER – MANAGER, COMMERCIAL PROPERTY****GROUP: COMMERCIAL PROPERTY**

RECOMMENDATION IS THAT COUNCIL:

- 1) Consent to the road closure of the lane running off Tanilba Avenue opposite Swan Street at Tanilba Bay.
 - 2) Make application to the Land & Property Management Authority for the closure to proceed under Section 34 Roads Act 1993.
 - 3) On closure declares the area a Drainage Reserve under Council's control.
 - 4) Lodges subdivision application with Council to identify the proposed area to be closed as required by Land & Property Information office.
 - 5) Grants authority to affix Council Seal to the plan of closure and dedication as a Drainage Reserve.
-

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

	Councillor Steve Tucker Councillor Bruce MacKenzie	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 27 JULY 2010

224	Councillor Steve Tucker Councillor Shirley O'Brien	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend closure of the unconstructed lane, used for drainage purposes and declare it a Drainage Reserve.

This lane has been subject to many claims, challenges and disputes since about 1996. Neighbours have disputed actions carried out on this lane by others without any consent from Council. No road works have ever been carried out or maintained

over the full length of the lane. There have been environmental issues raised as the land adjoins a SEPP 14 Wetland. Previously one or two adjoining owners had carried out illegal works on the edge of the Wetland within the road reserve which resulted in flooding of properties facing Tanilba Road. Those illegal works have been rehabilitated as required by Council.

To avoid further disagreements over the land, which has not been used for access and is unsuitable for construction of any form of access it is recommended the road be formerly closed. Since 1996 there has been a Temporary Road Closure in existence over it and this has not resulted in any issues for Council or adjoining owners. Changing this Temporary Closure to a permanent one is considered a reasonable resolution.

The adjoining properties all have alternative access from either Tanilba Avenue or Admiralty Avenue and there is no need for the lane to be used. The lane is predominately used for drainage and it is considered appropriate to declare it a Drainage Reserve rather than it remain a Road Reserve. The area of the lane drains water from Tanilba Avenue as well as some of the adjoining properties and without the ability to drain water flooding of properties and part of Tanilba Avenue is likely. The end of the lane close to Tanilba Avenue is mown and kept neat and tidy by adjoining owners.

FINANCIAL/RESOURCE IMPLICATIONS

The recommended actions will require the preparation of a plan for lodgement at Land & Property Information office, which will involve some costs. Maintenance of the existing drain is currently carried out by Council so this will not be an extra burden. Funds will be available under the existing budget.

LEGAL, POLICY AND RISK IMPLICATIONS

The Roads Act 1993 provides for the closure of the road which will result in Council remaining the owner. The declaration of Drainage Reserve falls under the Local Government Act 1993 and will continue to hold Council responsible for the area. There does not appear to be any implications of risk attached to the recommendation.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The recommendations will not result in any physical change to the land and will therefore not create any additional sustainability implications. Environmentally the result should be satisfactory by maintaining the existing situation and ensuring that the SEPP 14 Wetland is protected.

CONSULTATION

- Senior Planner
- Natural Resource Coordinator
- Adjoining owners

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

- Land & Property Management Authority
- Engineering Services Manager
- Principal Property Advisor
- Property Officer
- Civil Assets Engineer

OPTIONS

Adopt recommendation.

Not declare the lane as a Drainage Reserve.

Allow the existing situation to remain.

ATTACHMENTS

- 1) Locality Plan showing SEPP 14 boundary.
- 2) Plan of area to be closed.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

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ITEM NO. 6**FILE NO: PSC2005-3542****LEMON TREE PASSAGE PARKS AND RESERVES 355(B) COMMITTEE****REPORT OF: CLAYTON BARR – ACTING MANAGER, RECREATION SERVICES****GROUP: FACILITIES & SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Constitution Schedule for the Lemon Tree Passage Parks and Reserves 355(b) Committee(Attachment 1).
 - 2) Consider nomination for Councillor representation on the Lemon Tree Passage Parks and Reserves 355(b) Committee.
-

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

	Councillor Bruce MacKenzie Councillor Geoff Dingle	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 27 JULY 2010

225	Councillor Steve Tucker Councillor Bruce MacKenzie	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend to Council the adoption of the Lemon Tree Passage Parks and Reserves 355(b) Committee Constitution.

This links to Council's Community Strategic Plan (15.3. Community Involvement & Engagement). Involve the community in service delivery where appropriate through volunteer and community groups.

A group of volunteers have been working in the Lemon Tree Passage area under the umbrella of the Tanilba Bay Parks, Reserves & Hall Committee assisting Council manage and enhance parks in the Lemon Tree Passage area. These volunteers have requested that their group of volunteers be allowed to form a 355(b) reserves committee to facilitate working with Council. The group has held informal meetings

and has sufficient numbers to establish a committee. They have developed a list of future plans and works in consultation with Council staff.

There has previously been a committee at Lemon Tree Passage which had a long history of achievements but over recent years the committee was not able to function. The committee was closed by Council resolution on 25 September 2007 (Minute No 287). The proposed committee is entirely separate to the previous committee. The focus of the proposed committee is on achievable and sustainable projects as a member of the Parks and Tidy Towns Forum in line with Council's Volunteer Strategy.

These measures will provide the framework for a successful committee. By formally adopting the Lemon Tree Passage volunteers as a 355(b) committee of Council, Council clearly defines the committee's relationship with Council and provides a framework for the committee work within.

The Constitution Schedule of the Lemon Tree Passage Parks and Reserves 355(b) Committee has been developed in consultation with members of the proposed committee, in line with current 355(b) committee standards and relevant legal and insurance requirements (Attachment 1).

FINANCIAL/RESOURCE IMPLICATIONS

355(b) Committees are provided with a \$1,000 annual subsidy. There is no current budget allocation for this committee. This allocation can be covered in existing Recreation Services budget allocation.

There will be little impact on current resources in the provision of support for the proposed Lemon Tree Passage Parks and Reserves 355(b) Committee as Council staff are currently providing assistance and supervision to the existing volunteers.

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 355(b) of the Local Government Act, 1993, Council may exercise its functions itself or by delegation to another person or persons. Council must approve the constitution of such delegated committees.

The constitution of the Lemon Tree Passage Parks and Reserves 355(b) Committee consists of the Standard 355(b) Committee Constitution adopted by Council, 24 June 2003, Minute No 251, and a customised schedule of the committee's individual activities.

The committee will be managed and provided with support as outlined in the Volunteer Strategy Framework which includes involvement in the Parks & Tidy Towns Forum.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council establishes community committees to undertake projects and to provide a link between Council and the community. This is part of Council's commitment to community partnerships.

Council's support of the Lemon Tree Passage Parks and Reserves 355(b) Committee provides this link with the Lemon Tree Passage community.

The activities and projects undertaken by committees are often those not financially possible for Council without volunteer assistance.

The Lemon Tree Passage Parks and Reserves 355(b) Committee would operate under direction from Council staff to ensure their activities are performed in accordance with recognised practices that may provide long term benefits to the environment. The focus of the committee will be on achievable and sustainable projects.

CONSULTATION

Lemon Tree Passage Volunteer Group
Tanilba Bay Parks, Reserves & Hall Committee
Volunteer Strategy Co-ordinator
Parks Facilities Co-ordinator
Raymond Terrace Parks Co-ordinator
West Parks Team Leader
Environmental Services Community Support Officer

OPTIONS

- 1) As per recommendations.
- 2) Reject/amend constitution.

ATTACHMENTS

- 1) Lemon Tree Passage Parks and Reserves 355(b) Committee Constitution Schedule.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

LEMON TREE PASSAGE PARKS AND RESERVES 355(B) COMMITTEE
CONSTITUTION SCHEDULE

Item 1	Name of Committee	Lemon Tree Passage Parks & Reserves 355(b) Committee
Item 2	Name of Council Section	Recreation Services
Item 3	Functions delegated by Council to committee	<ul style="list-style-type: none"> • Co-ordinate and/or assist Council with the development of sustainable environmental projects in Lemon Tree Passage. • Co-ordinate working bees, liaise with Council staff re working bees in Lemon Tree Passage • Encourage and support the community and/or community groups, to participate in programs benefiting Lemon Tree Passage • Participate in Council's Parks & Tidy Towns Forum process. • Co-ordinate and/or assist in the preparation of entries for Tidy Towns Programs for the Lemon Tree Passage area. • Assist in the sourcing of alternate funding (eg grants) or voluntary labour for committee projects. • Provide a community link to assist Council staff in consulting with the community on management plans. • Promote and participate in environmental education programs with schools and the community.
Item 4	Restrictions on functions delegated	Any works undertaken will be with the knowledge and approval of the West Parks Team Leader
Item 5	Policies, legislation the committee is required to comply with	Principle policies & legislation including but not limited to: OH&S 2000 OH&S Regulation 2001 LGA & Regulations 1993 PPIPA 1988 Code of Conduct Code of Meeting Practice Accessing Information Policy Child Protection Policy Volunteer Strategy Framework
Item 6	Date on which constitution concludes	September of Council Election each four years. Council to re adopt constitution within three months following election
Item 7	Maximum number and make up of committee members	Up to ten interested community members
Item 8	Councillors	As resolved by Council.

MINUTES FOR ORDINARY MEETING – 27 JULY 2010
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Item 9	Council employees	Raymond Terrace Parks Co-ordinator West Parks Team Leader Parks Facilities Co-ordinator Environmental Services Customer Support Officer
Item 10	Name of financial institution and type of account	
Item 11	Name of any account operated by the committee	a S355(b) committee of Port Stephens Council
Item 12	Area assigned to committee	Council land in Lemon Tree Passage area
Item 13	Additional clauses or amendments to Standard Constitution or Schedule. To be listed in full - body of constitution not to be altered	
Item 14	Changes to constitution or Schedule – Adopted by Council: Meeting Date: Minute No: Resolution	

ITEM NO. 7**FILE NO: 1190-001****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
 - a) NSW Baseball League Inc. – Donation for fees for Don Waring Oval Charity Event - \$190.00 – Rapid Response Cr Sally Dover
 - b) Port Stephens Council – Donation for Traffic Signage - \$150.00 – Rapid Response Cr Geoff Dingle
 - c) Karuah Day Care Senior Citizens – Donation for service costs for Senior Citizens Centre - \$200.00 – Rapid Response Cr Peter Kafer

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

	Councillor Peter Kafer Councillor John Nell	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 27 JULY 2010

226	Councillor Peter Kafer Councillor Sally Dover	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Financial Assistance Policy gives Councillors a wide discretion to either grant or to refuse any requests.

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

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

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

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

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

WEST WARD – Councillors Francis, Kafer, Jordan

Karuah Day Care Senior Citizens	Donation for service costs for Senior Citizens Centre	\$200.00
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EAST WARD – Councillors Dover, Nell, Ward, Westbury

NSW Baseball League Inc.	Donation for fees for Don Waring Oval Charity Even	\$190.00
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CENTRAL WARD – Councillors Dingle, MacKenzie, O'Brien, Tucker

Port Stephens Council	Donation for Traffic Signage	\$150.00
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FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Mayor
Councillors
Port Stephens Community

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8**INFORMATION PAPERS****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGERS OFFICE****RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 27 July 2010.

No:	Report Title	Page:
1	ABORIGINAL STRATEGIC COMMITTEE	
2	CASH AND INVESTMENTS HELD AT 30 JUNE 2010	
3	PETITION – BAGNALL BEACH ROAD, CORLETTE – MAINTENANCE	
4	EXTRA-ORDINARY MEETING OF THE BOARD OF HUNTER COUNCILS 24 JUNE 2010	
5	CONFERENCE REPORT	
6	ACCESS TO INFORMATION–SECTION 12 LOCAL GOVERNMENT ACT 1993	

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

	Councillor John Nell Councillor Shirley O'Brien	That the recommendation be adopted.
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MATTER ARISING

	Councillor John Nell Councillor Sally Dover	That Council prepare a report on the road and other issues arising from Information Paper Item No. 3, Bagnalls Beach Road, Corlette.
--	--	--

MINUTES FOR ORDINARY MEETING – 27 JULY 2010**ORDINARY COUNCIL MEETING – 27 JULY 2010**

227	Councillor John Nell Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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MATTER ARISING

228	Councillor John Nell Councillor Peter Kafer	It was resolved that Council prepare a report on the road and other issues arising from Information Paper Item No. 3, Bagnalls Beach Road, Corlette.
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229	Councillor John Nell Councillor Sally Dover	It was resolved that Council prepare a report on the car parking and general maintenance of Angophora Reserve in connection with Information Paper Item No. 3.
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COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

ABORIGINAL STRATEGIC COMMITTEE

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

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting with Karuah Local Aboriginal Land Council on 1 June 2010.

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

SOCIAL RESPONSIBILITY - DIRECTIONAL STATEMENT

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

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

CULTURAL RESPONSIBILITY - DIRECTIONAL STATEMENT

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

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

ATTACHMENTS

1. Minutes of Aboriginal Strategic Committee meeting with Karuah LALC on 1 June 2010.

ATTACHMENT 1



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

DX 21406 | ABN 16 744 377 876



**ABORIGINAL STRATEGIC COMMITTEE MEETING
WITH KARUAH LOCAL ABORIGINAL LAND COUNCIL
HELD ON TUESDAY 1 JUNE 2010
AT KARUAH RESERVE**

Present:

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

Apologies:

Kevin Manton	Karuah LALC
Cr MacKenzie	PSC
Peter Gesling	PSC
Jason Linnane	PSC

1. WELCOME

KLALC CEO acknowledged elders past/present and welcomed everyone to the traditional lands of the Worimi Nation.

2. BUSINESS ARISING FROM PREVIOUS MINUTES

ITEM 1: Old Karuah School House

KLALC will develop an alternate proposal for funding the re-location of the building based on doing the job themselves. They will seek approval from Council to vary the expenditure of a grant they received of \$10,000 under the Aboriginal Project Fund to be redirected to this project.

Actions:	<ol style="list-style-type: none">1. KLALC CEO to prepare an alternate proposal for relocating building.2. Subject to (1) KLALC will seek a variation from Council on the expenditure of the \$10000 grant they received under the Aboriginal Project Fund.3. KLALC to prepare a development application in preparation for re-locating the building.
----------	---

ITEM 2: Replacement Bus Shelter

KLALC still seeking a replacement bus shelter.

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

Action:	1. Council's Social Planning Co-ordinator refer this request onto Council's Manager Engineering Services for consideration for inclusion in Council's forward works program.
---------	--

ITEM 3: NAIDOC Week 2010

KLALC are progressing plans for a local event comprising a flag raising ceremony at the school followed by a celebration march down Tarean and Mustons Rds, and bbq and activities at the Aboriginal Reserve.

Council's Social Planning Co-ordinator indicated that Council has \$2000 in its budget allocated for NAIDOC Week. At the last meeting of the Aboriginal Strategic Committee it was agreed that WLALC CEO and KLALC CEO formulate a proposal for consideration by Council's Social Planning Co-ordinator on the allocation of Council's NAIDOC Week budget with reference to planned local activities.

Council's Social Planning Co-ordinator also indicated that as part of NAIDOC Week Council will be hosting an exhibition in Mezzanine Gallery of local Aboriginal artworks and cultural objects.

Action:	1. KLALC CEO to forward a proposal to Council's Social Planning Co-ordinator for expenditure of a portion of the available NAIDOC Week budget.
---------	--

ITEM 4: Joint Meeting:

KLALC CEO indicated that their hall renovations will not be completed in time to host this year's joint meeting on 20 July 2010. Council's Social Planning Co-ordinator indicated that the meeting will now be held at Council's Administration Building, Raymond Terrace. He also indicated that Ray Kelly from Youlooe-ta will be this year's guest speaker which KLALC support.

ITEM 5: Old Wharf/Jetty:

KLALC CEO advised that they have sent information to Taree Lands Office seeking approval to reinstate the wharf. Lands Office now seeking additional information.

ITEM 6: Tarean Rd Speed Limit Reduction:

Cr Kafer indicated that Council's Traffic Committee have considered this request. As no RTA representative was at the Traffic Committee meeting, Council is awaiting for RTA comment on the proposal.

Action:	1. Council's Social Planning Co-ordinator will provide an update at next meeting.
---------	---

3. GENERAL BUSINESS

3.1 YMCA Lakeside

Cr Kafer indicated that YMCA will shortly have a bus available to transport children to the centre and is able to provide subsidised (conditions apply) learn to swim lessons. This may provide a great opportunity for KLALC to consider in terms of participation of Aboriginal children from Karuah who may benefit.

Action:	1. KLALC, Cr Kafer and Council's Social Planning Co-ordinator to meet with YMCA to discuss further.
---------	---

4. NEXT MEETING

Joint meeting on 20 July 2010 commencing at 6pm.

INFORMATION ITEM NO. 2

CASH AND INVESTMENTS HELD AT 30 JUNE 2010

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

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 June 2010.

ATTACHMENTS

- 1) Cash and investments held at 30 June 2010
- 2) Monthly cash and investments balance July 2009 – June 2010
- 3) Monthly Australian term deposit index July 2009 – June 2010

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

ATTACHMENT 1

CASH & INVESTMENTS HELD AS AT 30 JUNE 2010

INVESTED WITH	INV. TYPE	CURRENT RATING	MATURITY DATE	AMOUNT INVESTED	% of Total Portfolio	Current Int Rate	Market Value April	Market Value May	Market Value June	Current Mark to Market Exposure
GRANGE SECURITIES										
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	NR	20-Mar-12	1,000,000.00	4.40%	6.40%	\$888,100.00	\$888,100.00	\$897,100.00	-\$102,900.00
NEXUS BONDS LTD "TOPAZ AA"	Floating Rate CDO		23-Jun-15	412,500.00	1.81%	0.00%	\$249,768.75	\$254,306.25	\$257,812.50	-\$154,687.50
HERALD LTD "QUARTZ AA"	Floating Rate CDO	CCC-	20-Dec-10	450,000.00	1.98%	6.40%	\$388,395.00	\$388,395.00	\$412,875.00	-\$37,125.00
STARTS CAYMAN LTD "BLUE GUM AA"	Floating Rate CDO	NR	22-Jun-13	1,000,000.00	4.40%	3.03%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
HELIUM CAPITAL LTD "ESPERANCE AA+ "	Floating Rate CDO	NR	20-Mar-13	1,000,000.00	4.40%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
HOME BUILDING SOCIETY	Floating Rate Sub Debt	NR	25-Jul-11	500,000.00	2.20%	5.54%	\$452,345.00	\$452,345.00	\$458,365.00	-\$41,635.00
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note	NR	18-Oct-11	500,000.00	2.20%	6.47%	\$507,250.00	\$507,250.00	\$505,100.00	\$5,100.00
GRANGE SECURITIES "KAKA DU AA"	Floating Rate CDO	CCC	20-Mar-14	1,000,000.00	4.40%	6.30%	\$351,400.00	\$351,400.00	\$330,500.00	-\$669,500.00
GRANGE SECURITIES "COOLANGATTA AA" *	Floating Rate CDO	NR	20-Sep-14	1,000,000.00	4.40%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
TOTAL GRANGE SECURITIES				\$6,862,500.00	30.19%		\$2,837,258.75	\$2,841,796.25	\$2,861,752.50	(\$4,000,747.50)
ABN AMRO MORGANS										
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	A+	20-Sep-11	\$1,000,000.00	4.40%	0.00%	\$904,200.00	\$904,200.00	\$915,100.00	-\$84,900.00
TOTAL ABN AMRO MORGANS				\$1,000,000.00	4.40%		\$904,200.00	\$904,200.00	\$915,100.00	(\$84,900.00)
ANZ INVESTMENTS										
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	B	30-Dec-11	\$1,000,000.00	4.40%	0.00%	\$774,700.00	\$774,700.00	\$751,600.00	-\$248,400.00
ANZ ZERO COUPON BOND	Zero Coupon Bond	AA	1-Jun-17	\$1,017,876.98	4.48%	0.00%	\$600,150.40	\$600,150.40	\$625,638.08	-\$392,238.90
TOTAL ANZ INVESTMENTS				\$2,017,876.98	8.88%		\$1,374,850.40	\$1,374,850.40	\$1,377,238.08	(\$640,638.90)
RIM SECURITIES										
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO		8-Oct-11	\$2,000,000.00	8.80%	0.00%	\$1,381,002.00	\$1,381,002.00	\$1,490,000.00	-\$510,000.00
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt		5-Apr-11	\$1,000,000.00	4.40%	5.16%	\$952,149.00	\$952,775.00	\$951,360.00	-\$48,640.00
TOTAL RIM SECURITIES				\$3,000,000.00	13.20%		\$2,333,151.00	\$2,333,777.00	\$2,441,360.00	(\$558,640.00)
WESTPAC INVESTMENT BANK										
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt		21-Nov-11	\$500,000.00	2.20%	5.77%	\$482,760.00	\$483,610.00	\$484,330.00	-\$15,670.00
TOTAL WESTPAC INV. BANK				\$500,000.00	2.20%		\$482,760.00	\$483,610.00	\$484,330.00	(\$15,670.00)
LONGREACH CAPITAL MARKETS										
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	A+	7-Mar-12	\$500,000.00	2.20%	0.00%	\$443,950.00	\$449,600.00	\$453,380.00	-\$46,620.00
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	A+	7-Sep-12	\$500,000.00	2.20%	0.00%	\$427,200.00	\$429,850.00	\$431,200.00	-\$68,800.00
TOTAL LONGREACH CAPITAL				\$1,000,000.00	4.40%		\$871,150.00	\$879,450.00	\$884,580.00	(\$115,420.00)

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

ATTACHMENT 1

COMMONWEALTH BANK										
EQUITY LINKED DEPOSIT	Equity Linked Note	AA	20-Sep-11	\$500,000.00	2.20%	3.00%	\$482,500.00	\$482,500.00	\$484,600.00	-\$15,400.00
EQUITY LINKED DEPOSIT GH 00	Equity Linked Note	AA	03-Aug-10	\$500,000.00	2.20%	3.00%	\$496,100.00	\$496,100.00	\$491,150.00	-\$8,850.00
EQUITY LINKED DEPOSIT ELN SERIES2	Equity Linked Note	AA	05-Nov-12	\$500,000.00	2.20%	3.00%	\$470,900.00	\$470,900.00	\$472,850.00	-\$27,150.00
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt	BBB	09-Nov-12	\$500,000.00	2.20%	6.05%	\$491,085.00	\$491,085.00	\$483,470.00	-\$16,530.00
BANK OF QUEENSLAND BOND	Bond	BBB+	16-Mar-12	\$1,000,000.00	4.40%	5.35%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00
TOTAL COMMONWEALTH BANK				\$3,000,000.00	13.20%		\$2,940,585.00	\$2,940,585.00	\$2,932,070.00	(\$67,930.00)
FIG SECURITIES										
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT A A-	Principal Protected Note				0.00%	0.00%	\$981,100.00	\$986,000.00		\$0.00
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note		30-Nov-14	\$500,000.00	2.20%	5.87%	\$460,650.00	\$460,650.00	\$479,580.00	-\$20,420.00
TOTAL FIG SECURITIES				\$500,000.00	2.20%		\$1,441,750.00	\$1,446,650.00	\$479,580.00	(\$20,420.00)
MAITLAND MUTUAL										
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	30-Jun-13	500,000.00	2.20%	6.42%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	31-Dec-14	500,000.00	2.20%	6.42%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
TOTAL M'LAND MUTUAL				\$1,000,000.00	4.40%		\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00
TOTAL INVESTMENTS				\$18,880,376.98	83.07%		\$14,185,705.15	\$14,204,918.65	\$13,376,010.58	(\$5,504,366.40)
AVERAGE RATE OF RETURN ON INVESTMENTS							2.91%			
CASH AT BANK				\$3,847,429.41	16.93%	4.45%	(\$205,518.24)	\$3,424,828.31	\$3,847,429.41	\$0.00
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH							3.17%			
TOTAL CASH & INVESTMENTS				\$22,727,806.39	100.00%		\$13,980,186.91	\$17,629,746.96	\$17,223,439.99	(\$5,504,366.40)
BBSW FOR PREVIOUS 3 MONTHS							4.82%			

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

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

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

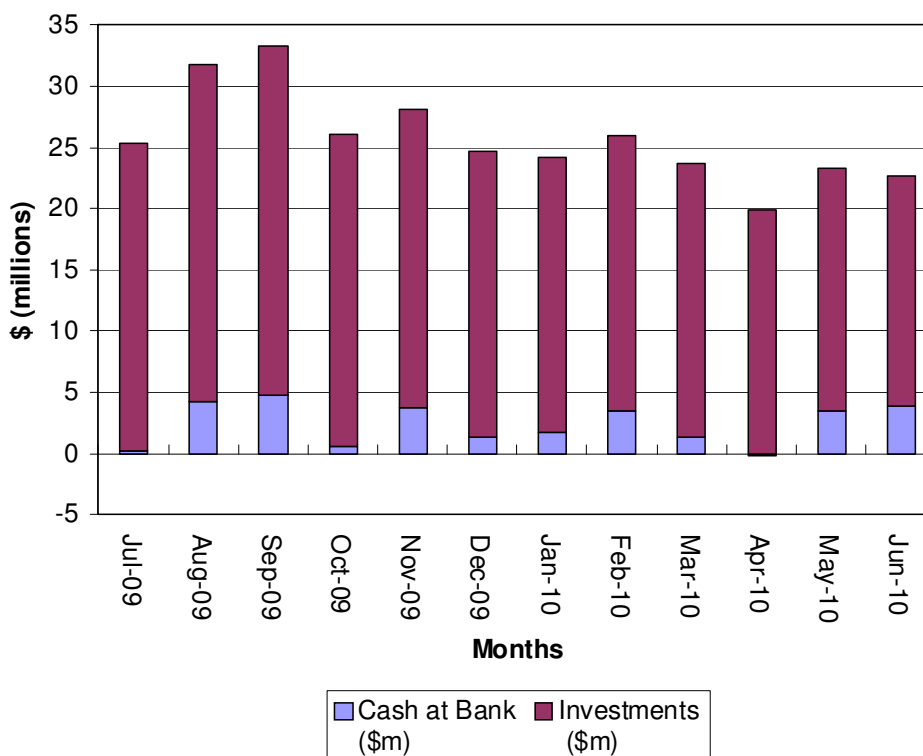
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Jul-09	0.127	25.193	25.320
Aug-09	4.298	27.448	31.747
Sep-09	4.801	28.448	33.250
Oct-09	0.579	25.448	26.028
Nov-09	3.691	24.448	28.140
Dec-09	1.277	23.448	24.726
Jan-10	1.670	22.455	24.125
Feb-10	3.489	22.455	25.944
Mar-10	1.311	22.380	23.691
Apr-10	0.206	19.880	19.675
May-10	3.425	19.880	23.305
Jun-10	3.847	18.880	22.728

Cash and Invested Funds for the Period ended 30/6/2010

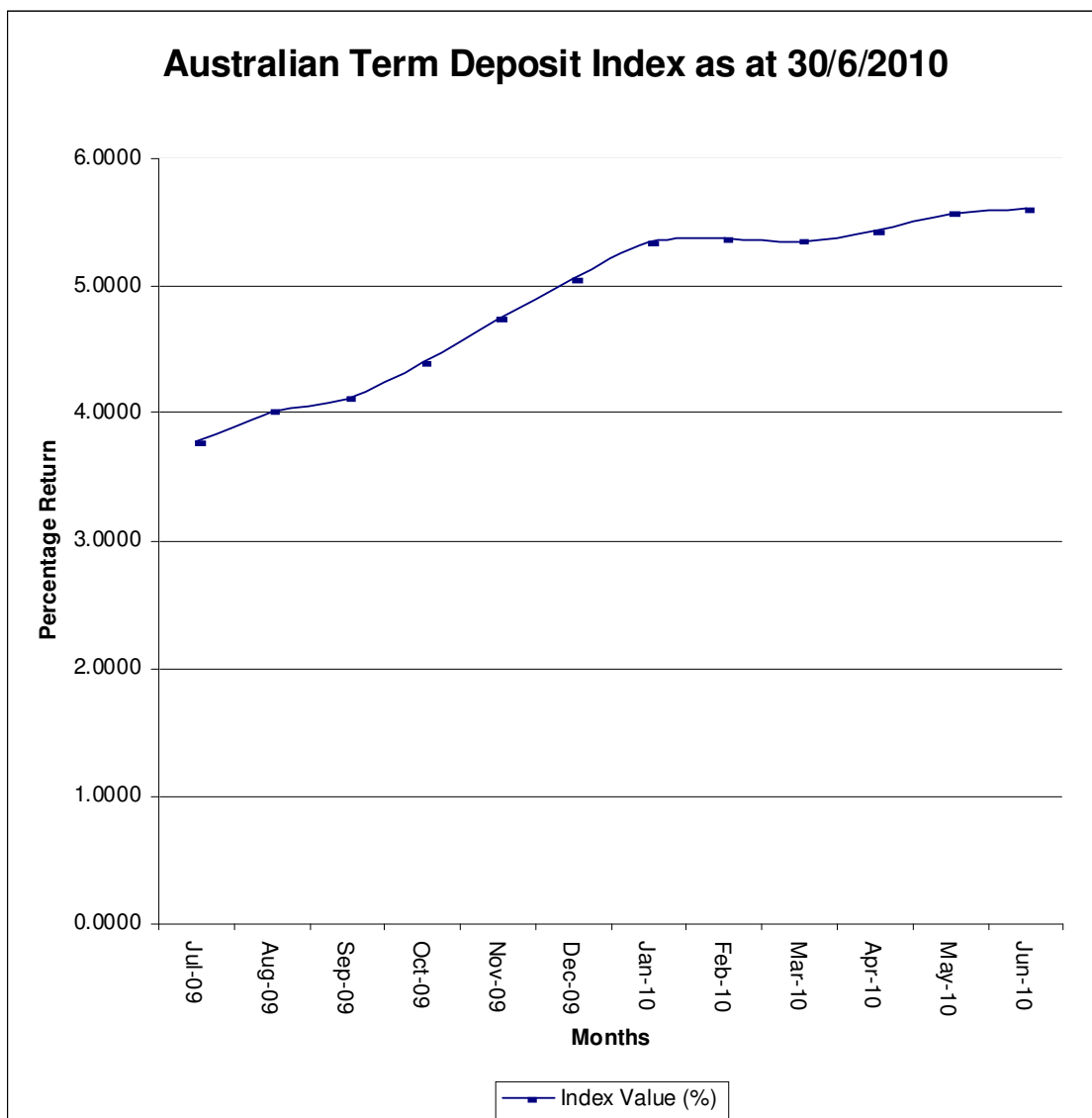


ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Jul-09	3.7701
Aug-09	4.0082
Sep-09	4.1080
Oct-09	4.3946
Nov-09	4.7356
Dec-09	5.0488
Jan-10	5.3373
Feb-10	5.3685
Mar-10	5.3452
Apr-10	5.4259
May-10	5.5615
Jun-10	5.5974

Australian Term Deposit Index as at 30/6/2010



INFORMATION ITEM NO. 3

PETITION - BAGNALL BEACH ROAD, CORLETTE – MAINTENANCE

REPORT OF: PETER GESLING – GENERAL MANAGER

GROUP: GENERAL MANAGERS OFFICE

FILE: PSC2005-3230

BACKGROUND

The purpose of this report is to advise Council that a petition with approximately 35 signatures has been received.

Sent: Sunday, 4 July 2010 6:02 PM

To: SwitchPC; CR John Nell Smtg

Subject: Fw: Bagnall Beach Road - Problems

To Port Stephens Council and Councillor Mr John Nell

In my original e-mail to the Port Stephens Council, dated the 10th of January 2010, a number of issues were raised in relation to the condition of the northern end of Bagnall beach Road in Corlette. The installation of a new 50 Km speed restriction and traffic island signs have assisted in addressing some of the issues raised and this is appreciated by the residents.

However many of the residents continue to have concerns over a number of issues and 35 of them have added their names to the attached petition calling for the following action:

Petition Summary and Background:

- a. *During road works carried out in Bagnall Beach Road during November/December 2009 between the round-about at the junction of Sandy Point Road, Government Road and Bagnall Beach Road and the round-about at the junction of Sgt Baker Drive and Bagnall Beach Road. The road surface was replaced with a larger type of gravel and small amount of hot-mix. This as significantly increased the traffic noise experienced by residents living adjacent to this section of the road.*
- b. *The Spotted Gum street trees are shedding large branches which are creating a hazard for pedestrians and may damage parked cars.*
- c. *The footpath at the northern end of Bagnall Beach Road suddenly ends 200 metre from the end of the road and turns into an uneven track with surface tree roots exposed. This is forcing residents and visitors to the area to walk on the road.*

- d. The round-about at the junction of Sandy Point Road, Government Road and Bagnall Beach Road is a focal point for the area, in particular for visitors. Currently the landscaping of the round-about is an eyesore consisting of a scruffy planting of the prickly grass 'Lomandra'

The residents who have signed the attached petition (exceptions as shown by residents' comments) urge the council to act now to:

- a. Add a new smoother hot mix to the road surface and/or instigate some form of traffic management system to reduce road noise and excessive speeding in the area.
- b. Remove the Spotted Gum road side trees
- c. Complete the last 200 metre of footpath at the northern end of Bagnall Beach Road
- d. Landscape the round-about at the junction of Sandy Point Road, Government Road and Bagnall

A number of other issues not addressed in the petition but were raised by Bagnall Beach Road residents in door step discussions during the signing processing of the petition. These other issues are as follows:

- a. There are a number of older residents and families with children living in the northern end of the road there is also a crest of a hill which constitutes a blind spot. Therefore consideration should be given to a providing a safe place for pedestrians to cross the northern end of the road such as a zebra crossing.
- b. Most residents claimed that one of the biggest problems was speeding motorists. It was suggested that a police presence and/or speed cameras may deter this activity
- c. The road noise, in particular from motor vehicles (including high volume music) disturbs the sleep and rest of small children and shift workers.
- d. It was pointed out by many residents that the Bagnall beach Estate including the area that is subject to the petition was developed by 'LANDCOM' as the signs leading in to the estate clearly indicate. Should it then be the responsibility of LANDCOM to address the problem with trees? The trees are of particular concern due to limbs and branches that break off and fall onto the footpath and/or road. As the trees get larger and older this problem will only get worse.

During the signing process a number of residents were not home so the petition does not include the name of every resident living in the northern end of Bagnall Beach Road. However the general feedback from their neighbours is that they have similar concerns. If necessary it is suggested that the council contact these residents to gather additional information.

MINUTES FOR ORDINARY MEETING – 27 JULY 2010

We trust you will give this petition and the issues raised by the residents of Port Stephens your immediate and serious attention and we look forward to some action to address the issues raised.

We will be more than happy to provide any additional information you may require to clarify the points raised in the petition.

Yours Sincerely

ATTACHMENTS

- 1) Petition without signatory pages.

ATTACHMENT 1

Petition to Port Stephens Council to Decrease Traffic Noise at the Northern End of Bagnall Beach Road and to Address Other Safety and Landscape Concerns

Petition Summary and Background:	<p>a. During road works carried out in Bagnall Beach Road during November/December 2009 between the round-about at the junction of Sandy Point Road, Government Road and Bagnall Beach Road and the round-about at the junction of Sgt Baker Drive and Bagnall Beach Road, the road surface was replaced with a larger type of gravel and small amount of hot-mix. This as significantly increased the traffic noise experienced by residents living adjacent to this section of the road.</p> <p>b. The Spotted Gum street trees are shedding large branches which are creating a hazard for pedestrians and may damage parked cars.</p> <p>c. The footpath at the northern end of Bagnall Beach Road suddenly ends 200 metre from the end of the road and turns into an uneven track with surface tree roots exposed. This is forcing residents and visitors to the area to walk on the road.</p> <p>d. The round-about at the junction of Sandy Point Road, Government Road and Bagnall Beach Road is a focal point for the area, in particular for visitors. Currently the landscaping of the round-about is an eyesore consisting of a scruffy planting of the prickly grass 'Lomandra'.</p>			
Action Petitioned For:	<p>We, the undersigned, are concerned residents living at the northern end of Bagnall Beach Road who urge our council to act now to:</p> <p>a. Add a new smoother hot mix to the road surface and/or instigate some form of traffic management system to reduce road noise and excessive speeding in the area.</p> <p>b. Remove the Spotted Gum road side trees.</p> <p>c. Complete the last 200 metre of footpath at the northern end of Bagnall Beach Road.</p> <p>d. Landscape the round-about at the junction of Sandy Point Road, Government Road and Bagnall Beach Road to make it a visually attractive focal point for that area.</p>			
Printed Name	Signature	Address	Comment	Date

INFORMATION ITEM NO. 4

**EXTRAORDINARY MEETING OF THE BOARD OF HUNTER COUNCILS 24
JUNE 2010**

REPORT OF: PETER GESLING – GENERAL MANAGERS
GROUP: GENERAL MANAGER'S OFFICE

FILE: A2004-0026

BACKGROUND

The purpose of this report is to advise Council that summary report has been received from Hunter Councils for Councillors' information.

ATTACHMENTS

- 1) Summary report.

ATTACHMENT 1

SUMMARY REPORT:

BUSINESS CONDUCTED AT THE 27 MAY 2010 MEETING AND THE 24 JUNE 2010 EXTRAORDINARY MEETING OF THE BOARD OF HUNTER COUNCILS

Responsible Officer: Roger Stephan, CEO

Report Author: Roger Stephan, CEO

EXECUTIVE SUMMARY:

The purpose of this report is to provide member Councils with an overview of the business conducted during the 27 May 2010 Meeting and the 24 June 2010 Extraordinary Meeting of the Board of Hunter Councils.

This overview should be read in conjunction with, and may be amended by, the Minutes of both meetings which will be formally considered by the Board at its 29 July 2010 Meeting at Lake Macquarie City Council.

RECOMMENDATION:

THAT the summary report be received and noted.

REPORT:

27 May 2010 Meeting:

The Board of Hunter Councils held its 27 May 2010 Meeting in the main Training Room at the Local Government Training Institute at Thornton.

The business of the meeting focused on three presentations and a number of reports by the CEO Hunter Councils.

Presentations:

Presentation on the National Broadband Network

The first presentation to the Board was provided by Mike Kaiser, Principal – Government Relations and External Affairs, for NBN Co. Mr Kaiser was accompanied by James Vidler, RDA – Hunter.

Mr Kaiser provided an overview of the purpose, scope and potential benefits of the rollout of the National Broadband Network. Key messages in his presentation

included the size of the initiative, its potential ability to take Australia to the forefront of national economies in terms of access to communications resources and the critical role that local government would play both in terms of decision-making in regard to the selection of regions to be targeted as well as in the rollout of the Network itself.

Meeting with the Presidents and senior staff of the Local Government and Shires Associations

The Board had requested a meeting with the Presidents in relation to communication processes and the progress of discussions in relation to constitutional and structural change within the Associations.

The Presidents were accompanied by Cr Paul Braybrooks, Chair of Local Government Procurement. Bill Gillooly, General Manager of the LGSA and Peter Coulton, Director Corporate Services. The Presidents provided an update on the progress of the LGSA's business units and the relationship of those units with other businesses including those operated by Hunter Councils.

Progress towards a major overhaul of the structure of Local Government advocacy in the State was also discussed, with an indication that a Constitutional Convention involving members of both the Local Government and Shires Associations will be held in August of this year.

Meeting with the Minister for the Hunter, the Hon. Jodi McKay MP

The Minister for the Hunter met with the Board as part of her ongoing commitment to facilitate communication between the State Government and Local Government in the Hunter. The Minister was accompanied by the Regional Coordinator of the State Department of Premier and Cabinet.

A range of topics was addressed including the progress of tourism strategy at a State level (in the Minister's capacity as Minister for Tourism) and the recent review of Hunter Tourism.

Reports:

Board Policy on access to Hunter Councils Board and GMAC Agendas, Minutes and related items

A draft policy was provided to the Board in response to a request received for clarification of procedures relating to attendance at Board Meetings and access to Business Papers and Agendas.

The draft Policy – attached – was adopted without change.

International Leading Practices Symposium

A report was provided on the International Leading Practices Symposium held in Rotorua, New Zealand on 22 and 23 April 2010.

The CEO Hunter Councils was invited to the Symposium to provide local government practitioners in New Zealand, Australia, Canada, the United States and Pacific Island nations with insights into opportunities available for resource sharing in local government. Both the Hunter Councils presentation and subsequent workshops were well received with considerable surprise being expressed at the scale of the operations of Hunter Councils, the obvious commitment of member Councils and the achievement of expanded service provision at a time of substantially reduced member cost.

Costs associated with attendance at the Conference were met by the Symposium organisers.

The report also provided an update on recent changes to local government structures in New Zealand including creation of the Auckland "Super Council".

Proposed Hunter – Central Rivers Catchment Management Authority Regulation 2010

A report was provided on the pending repeal of the Hunter-Central Rivers Catchment Management Authority Regulation 2005 and the request by the NSW Department of Environment, Climate Change and Water (DECCW) for written submissions on the Regulatory Impact Statement and proposed regulation.

It was noted in the discussion that the timeframe provided by DECCW for feedback on the documents (9 June 2010) made it difficult, if not impossible, to respond given that they had only been made available a few days earlier. It was therefore determined to investigate opportunities for an extension of time with individual Councils to determine their position on the matter.

Financial Report: Year to Date Performance

A financial report was provided on income and expenditure for the financial year to date (end April 2010).

The financial report indicated that the organisation is tracking to achieve a better than projected end of year surplus (budgeted at \$253,435).

24 June 2010 Extraordinary Meeting:

The Board of Hunter Councils held an Extraordinary Meeting on 24 June 2010 in the main Training Room at the Local Government Training Institute at Thornton. This meeting was called to consider a number of urgent items that could not be held over to the next scheduled meeting of the Board (29 July 2010).

Reports:

Changes to Section 94 Contribution Plan Provisions

The first matter considered by the Board related to changes recently introduced by the State Government to Section 94 contributions plans.

Great concern was expressed at a number of issues including, but not limited to:

1. The lack of consultation with local government prior to the changes being introduced and the apparent indifference of the State Government to the impact that they will have on local communities
2. The lack of detail as to what constitutes "essential infrastructure"
3. The apparent unawareness, on the part of the State Government, of the critical importance of social and community infrastructure such as libraries, child care centres and recreational facilities on community development and viability
4. The profound implications of the changes on future infrastructure provision and financial planning especially as it relates to Community Strategic Plans developed in the context of the former Contributions Plan guidelines
5. The lack of any guidance as to what should be done with funds currently held in relation to Contributions Plan and the likely impact on the future development of Voluntary Planning Agreements.

The Board resolved to undertake a series of measures to enhance awareness of the potential impact of the measure on the communities of the Hunter Region and to better position local government both within the Hunter and across the State to lobby for a change to the State Government's approach.

Hunter Tourism Strategic Proposal

The Board considered a report on the Strategic Proposal received from Hunter Tourism in relation to its future roles and funding.

As a result of consideration of the report, the Board endorsed Hunter Councils as the future conduit for local government funding to Hunter Tourism. It also asked the General Managers Advisory Committee (GMAC) to determine the level of funding to be supplied by each member Council. GMAC is also to review in twelve months' time the performance of the new regional tourism organisation. The outcomes of this review will be reported to the Board.

National Broadband Network Update

The final report to the Board related to the National Broadband Network rollout.

As a result of its consideration of this report, the Board resolved to propose a partnership between Hunter Councils and Regional Development Australia (RDA) Hunter to better position the Hunter as a priority regional for the rollout. The Board also resolved to investigate the potential benefits that might accrue to the Hunter's case for early targeting in the rollout that might arise from implementation of the Smart Grid Smart City initiative.

A contribution of \$50,000 to support the National Broadband Network bid has been requested of Hunter Councils. It was resolved to support this request subject to a formula applying to determine individual Council contributions. This formula will be reported to the June Meeting of the GMAC.

General Business

A presentation was made to the recent National General Assembly of Local Government by Kerry Jones, Executive Director of the Constitution Education Fund of Australia (CEFA).

CEFA is an independent, non-partisan and non-profit organisation committed to increasing public understanding and appreciation of the Australian Constitution, its history and contemporary relevance.

CEFA believes that all Australians, young and old, those born here and those who have come from other lands should have a broad understanding of the system of government that has made our country one of the most successful democracies in the world.

From July on, CEFA will be running the "AusCivics" Festival to educate Australians, and most especially young Australians, about their constitution.

The AusCivics project identifies local government as being an essential link between the people of Australia and their national system of democracy. A number of Councils have expressed interest in supporting the project both in regard to its overall aims and, more specifically, the ambition to obtain constitutional recognition of local government. The Board therefore resolved to seek a significant presence of the AusCivics project in the Hunter.

PREVIOUS REPORTS:

There have been no previous reports on this matter. A summary report will be produced for all future Board Meetings.

FINANCIAL IMPLICATIONS:

As detailed in the report.

POLICY IMPLICATIONS:

There are no policy implications arising from this matter.

STATUTORY IMPLICATIONS:

There are no statutory implications arising from this matter.

PUBLIC ACCESS TO MEETINGS, MEETING AGENDAS AND MINUTES OF THE HUNTER COUNCILS BOARD AND GENERAL MANAGERS ADVISORY COMMITTEE

Policy Name:	PUBLIC ACCESS TO MEETINGS, MEETING AGENDAS AND MINUTES OF THE HUNTER COUNCILS BOARD AND GENERAL MANAGERS ADVISORY COMMITTEE
File Number:	2 3 1 21
Committee	CEO
Date Approved:	27 May 2010
Policy Review Date:	2011
Purpose:	To provide guidelines in relation to public attendance at meetings of the Board of Hunter Councils and the Hunter Councils General Managers Advisory Committee (GMAC) and to access to the agendas and minutes of Board and GMAC Meetings.

POLICY AND OBJECTIVES STATEMENT

The purpose of the Policy is to provide guidance to Board Members, General Managers and Hunter Councils staff in relation to management of access to meetings of the Hunter Councils Board and GMAC Meetings and to documentation prepared for and arising from those meetings.

The policy seeks to achieve balance between appropriate regard for accountability with due reference to commercial and other considerations arising out of the operation of business units of Hunter Councils.

SCOPE

This policy applies to the Board of Hunter Councils Inc and the General Managers Advisory Committee.

Separate policy provisions apply to the Board of Hunter Councils Ltd.

LEGISLATIVE PROVISIONS

Hunter Councils Inc is an incorporated associations operating within the provisions of the Associations Incorporation Act 2009. That Act does not specifically address attendance at meetings or access by the general public to meeting agendas and minutes. These matters are left for determination by the particular body involved.

OTHER POLICY PROVISIONS

Nil.

GENERAL PROVISIONS

1. Attendance at Hunter Councils Board Meetings and access to Board Meeting Agendas

The role of the Board of Hunter Councils is to monitor the performance of the Hunter Councils organisation, to establish its business and policy frameworks and to adopt annual estimates of revenue and expenditure.

The Board's constitution also identifies its principal goals as including:

To be recognised as the 'Voice of the Hunter'

To be recognised locally and nationally as the peak Hunter body that:

- *focuses and fosters cooperation, information and resource sharing,*
- *improves the image of the Hunter Region and Local Government, and*
- *effectively advocates on agreed regional positions and priorities.*

In a substantial way, the Board utilises the mechanism of Hunter Councils the organisation to achieve dot points 1 and 2. It is therefore appropriate that the Board from time to time commit the Hunter Councils organisation to action in pursuit of those goals.

These actions will not normally relate to business activities of the organisation.

In regard to dot point 3, in particular, it is may also be appropriate for the Board to communicate agreed positions to outside agencies. Additionally the Board might on occasions resolve to recommend a particular position to local councils for those councils to consider and determine a response.

Members of the public will generally be excluded from Board Meetings. At the discretion of the meeting chairperson, however, members of the public may be invited to present on a nominated topic to a Board meeting. In these circumstances the general business of the meeting will be suspended to allow the presentation, and it will recommence at the presentation's conclusion.

At the discretion of Board Members, limited access to Meeting Agendas may also be provided to members of that Board Member's own Board (i.e. to the Councillors of the local government area of which the Board Member is Mayor).

2. Minutes of Board Meetings

Minutes of Board Meetings will be published on the Hunter Councils website.

The CEO will also prepare a summary of the business of each Board Meeting. This summary will be made available to Board Members for distribution to their own networks.

3. Attendance at GMAC Meetings and access to Meeting Agendas and Minutes

According to the Constitution of Hunter Councils Inc., the role of the General Managers Advisory Committee focuses heavily on provision of advice to both the Board and the organisation in relation to the operation, future direction and funding of the various units of Hunter Councils.

Given the competitive environment in which the majority of the units of Hunter Councils operate and the effective elimination of any subsidisation by members it is appropriate to treat meetings of the GMAC as being Commercial in Confidence. On this basis public access to the meetings of the GMAC and to meeting agendas and minutes will not be allowed.

At the discretion of the meeting chairperson, members of the public may be invited to present on a nominated topic to a GMAC meeting. In these circumstances the general business of the meeting will be suspended to allow the presentation, and it will recommence at the presentation's conclusion.

No public access will be allowed to the agendas or minutes of GMAC Meetings except in those instances detailed in Section (4) below.

4. Referral of recommendations

The GMAC is not a policy setting group. From time to time, however, the GMAC may pass a resolution relevant to or containing recommendations for consideration by the Board of Hunter Councils. In these circumstances the resolution will specifically reference the Board and the CEO will thus be authorised to include the matter in a future Board Meeting Agenda.

From time to time the GMAC may also pass a resolution relevant to or containing recommendations for local government management within the Hunter Region. In these circumstances the resolution will specify the nature of the relevance or recommendation and how it is to be communicated by the CEO.

In both circumstances the content of the resolutions will, of necessity, have been made public. The balance of the Minutes of the relevant Meetings will remain commercial in confidence.

INFORMATION ITEM NO. 5

CONFERENCE REPORT

REPORT OF: PETER GESLING – GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2010-04085

BACKGROUND

National Assembly of Local Government. Canberra, 14-17 June 2010.

Theme: Population, Participation and Productivity

Attended by the Mayor and General Manager this conference was an opportunity to engage with other local government authorities at a National level. Keynote speakers included Hon Anthony Albanese, Hon Bill Shorten, Hon Warren Truss, Senator Penny Wong, Hon Robert Ray, Senator Bob Brown and Kerry O'Brien (ABC).

Other presentations were provided on:

- National Climate Change Policy,
- National Broadband Network, and
- Constitutional Recognition of Local Government,

Panel sessions on:

'Women and Politics' involving Wendy Harmer, Pru Goward, Wendy Machin and Genia McCaffrey and Kaylene Maywald, and

'Media Panel' involving Melissa Clarke, Malcolm Farr and Chris Ulman.

Resolutions were debated around the conference themes.

Workshops were held concurrently titled:

- "Abandon or adapt" (climate change)
- "Not in my Backyard" (population impacts)
- "Fit for the future" (regional economies)

The Australian Local Government Association (ALGA) launched several publications:

- ALGA's election document – A document setting out local government's 10 policy priorities for the coming Federal election
- Stimulating Local Economies – a profile of some successful projects funded under the Regional and Local Community Infrastructure Program
- Women in Politics – a new publication released to mark this year as the Year of Women in Local Government
- The National Local Roads and Transport Policy Agenda – local government's roads and transport agenda for 2010 to 2020.
- 2010 State of Regions Report

A copy of these is in Councils records. Further information can be sources from the ALGA website. www.alga.asn.au

The Hunter Region was recognised in two ways:

1. An E-Waste Award from the telecommunications industry for the Lower Hunter Councils E-Waste Collection activity.
2. Hunter Councils was featured as a successful model of Regional Co-operation and resource usage. The CEO Roger Stephen presented to a workshop session.

The campaign for constitutional Recognition of Local Government has further developed with ALGA determining to pursue specific approvals for direct financial assistance to Local Government. The Australian Government has provided \$250,000 to facilitate a community education campaign to build the support case.

Further a partnership with the Australian Electoral Commission has been developed which will involve over 300 community festivals to raise awareness for our community and the need for Local Government recognition.

INFORMATION ITEM NO. 6

**ACCESS TO INFORMATION – SECTION 12 LOCAL GOVERNMENT ACT
1993**

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2008-3083

BACKGROUND

The purpose of this report is to advise Council and make public the reasons for not granting access to documents/information under Section 12A, *Local Government Act 1993*.

In accordance with Section 12A (1), *Local Government Act 1993*, the General Manager or any member of staff who decides that access should not be given to a document or other information to the public or a councillor, is required to provide Council with written reasons for the restriction. Sub-section 12A (2) requires that the reason must be publicly available.

The requests shown in **ATTACHMENT 1** to this report are those that are made in writing and determined by Council's Executive Officer for 2009/10 during the April to June 2010 period.

A total of 20 applications received, 10 with full access granted, 8 with restrictions, 1 request which Council did not hold, 1 request was withdrawn.

Total received for the year to March 2010 is 59 applications.

ATTACHMENT 1 provides Council with the details of the request and the reasons why access was not fully granted. The names of applicants have not been provided as this would be a breach of the *Privacy & Personal Information Protection Act 1998*. Further details may be available should Councillors require it.

In addition to these figures there was 1 application received under the Freedom of Information Act for the period of April to June 2010. Total received for the year was 6 applications.

From 1 July 2010, the new *Government Information (Public Access) Act 2009* replaces both Section 12 of the *Local Government Act 1993* & the *Freedom of Information Act 1989*.

ATTACHMENTS

- 1) Listing of requests under Section 12 of the *Local Government Act 1993*.

ATTACHMENT 1
LISTING OF REQUESTS UNDER SECTION 12 OF THE LOCAL GOVERNMENT ACT 1993

No.	File No.	Information requested	Determination
1	PSC2010-00240	Seeking commercial property information.	Part released due to Privacy & Personal Information Protection Act & Copyright, Commercially sensitive information
2	PSC2010-00124	Seeking development application information	Part released due to Privacy & Personal Information Protection Act & Copyright
3	PSC2010-03315	Seeking development application information	Part released due to Copyright
4	PSC2010-03413	Seeking dog owners name	Part released due to Privacy & Personal Information Protection Act & Companion Animals Act
5	PSC2010-03533	Seeking tree removal information	Part released due to Privacy & Personal Information Protection Act
6	PSC2010-03582	Seeking development application information	Part released due to copyright
7	PSC2010-03423	Seeking development application information	Part released due to Privacy & Personal Information Protection Act
8	PSC2010-03903	Seeking development application information	Part released due to Privacy & Personal Information Protection Act & Copyright

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217; PSC2007-3153

DEVELOPMENT APPLICATION (DA) PROCEDURE FOR CARAVAN PARK OR RELOCATABLE HOME

COUNCILLORS: FRANCIS, DE LYALL, KAFER

THAT COUNCIL:

- 1) Where a DA for Caravan Park or Relocatable Home is presented to Council that we request a social impact statement. This should be included with the DA in order for comprehensive assessment to occur.
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ORDINARY COUNCIL MEETING – 27 JULY 2010

230	Councillor Peter Kafer Councillor Caroline De Lyall	There being no objection the Notice of Motion was adopted.
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BACKGROUND REPORT OF: KEN SOLMAN – ACTING DEVELOPMENT AND BUILDING MANAGER

BACKGROUND

Council's DCP does not currently require submission of a Social Impact Statement with DAs for caravan parks. Nor is this an explicit requirement of SEPP 21 Caravan Parks or SEPP 36 Manufactured Home Estates.

This emphasises that assessment of social issues raised by the recent application for caravan parks on Nelson Bay Road was substantial and integral to the report submitted to Council.

This assessment covers a range of issues including the relationship with provision of senior living accommodation and proximity / availability to community facilities.

3

The most appropriate way to require a Social Impact Statement would be to amend Council's DCP. This may need to consider the size and nature of the proposed development as to when a Social Impact Statement is required. Further, staff would need to prepare a draft amendment to the DCP for Councillors to consider.

RECOMMENDED RESOLUTION

THAT COUNCIL:

- 1) Resolve to request an urgent report from the Group Manager Sustainable Planning.

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.

231	Councillor John Nell Councillor Sally Dover	It was resolved that Council move into Confidential session.
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CONFIDENTIAL

ITEM NO. 1

FILE NO: A2004-0976

CREATION OF DRAINAGE EASEMENT OVER LOT 1 DEPOSITED PLAN 57148 AT TOMAGO

REPORT OF: CARMEL FOSTER – MANAGER, COMMERCIAL PROPERTY
GROUP: COMMERCIAL PROPERTY

ORDINARY COUNCIL MEETING – 27 JULY 2010

232	Councillor Steve Tucker Councillor Shirley O'Brien	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1. Agrees to pay compensation agreed by the owners agents plus costs for the easement to drain water of variable width (generally 15 metres wide).2. Consents to the execution of an agreement to compensation and costs involved in this matter.3. Grants authority to affix the Council Seal to the Transfer Granting Easement document for registration at Land & Property Management Authority (LPMA).
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There being no further business the meeting closed at 6.57pm.

I certify that pages 1 to 106 of the Open Ordinary Minutes of Council 27 July 2010 and the pages 107 to 112 of the Confidential Ordinary Minutes of Council 27 July 2010 were confirmed by Council at its meeting held on 10 August 2010.

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Cr Bruce MacKenzie
MAYOR