

Minutes 12 OCTOBER 2010



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 12 October 2010, commencing at 6.00pm.

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

318	Councillor John Nell Councillor Peter Kafer	It was resolved that the apology from Cr G. Dingle be received and noted.
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319	Councillor Shirley O'Brien Councillor Glenys Francis	Resolved that the minutes of the Port Stephens Council Ordinary Meeting of 28 September 2010.
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		No declaration of interest were received.
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SUBJECT

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COUNCIL COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 7 SEPTEMBER 2010****REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING, MANAGER****GROUP: SUSTAINABLE PLANNING**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 3rd August 2010.
-

COUNCIL COMMITTEE MEETING – 12 OCTOBER 2010**RECOMMENDATION:**

	Councillor Sally Dover Councillor John Nell	That the recommendation be adopted with the exception of Item C.1 – Teramby Road, Nelson Bay to allow for this item to be deferred for further information on the parking.
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ORDINARY COUNCIL MEETING – 12 OCTOBER 2010

320	Councillor John Nell Councillor Bruce MacKenzie	It was resolved that the committee 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, Roads and Traffic Authority, and Council Officers; they investigate issues brought to the attention of the Committee and suggest draft recommendations for further discussion during the scheduled meeting. One week prior to the local Traffic Committee meeting copies of the agenda are forwarded to the Committee members, Councillors, Facilities and Services Group Manager, Integrated Planning Manager and Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Traffic Committee meeting.

Additional consultation was undertaken for item C2 contained in this report. The residents of No.34 Elkin Avenue were contacted by Council and fully support the proposed parking restrictions.

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.

COUNCILLORS ROOM

Copy of Port Stephens Council Blackspot funding applications for 2011-2012

TABLED DOCUMENTS

Nil.

ATTACHMENTS

- 1) Local Traffic Committee Minutes 7 September 2010.

ATTACHMENT 1

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS
TUESDAY 7TH SEPTEMBER, 2010**

- A. ADOPTION OF THE MINUTES OF 3RD AUGUST, 2010
- B. BUSINESS ARISING FROM PREVIOUS MEETING
- C. LISTED MATTERS
 - C.1 27_09/10 TERAMBY ROAD NELSON BAY – REQUEST FOR EMERGENCY VEHICLES ONLY PARKING AT THE FISHERMENS CO-OP CAR PARK
 - C.2 28_09/10 ELKIN AVENUE HEATHERBRAE – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS NEAR HUNTER RIVER HIGH SCHOOL ENTRANCE
- D. INFORMAL MATTERS
- E. GENERAL BUSINESS
 - E.1 604_09/10 ROADS PORT STEPHENS – SUBMISSION OF BLACKSPOT FUNDING APPLICATIONS FOR NEXT FINANCIAL YEAR

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 7TH SEPTEMBER, 2010
AT 9:30AM**

Present:

Snr Cnst John Simmons NSW Police, Ms Michelle Mexon – representing Craig Baumann MP, Mr Bill Butler and Mr Dean Simmonds – RTA, Mr Joe Gleeson (Chairperson), Mr Graham Orr, Ms Michelle Page - Port Stephens Council

Apologies:

The Hon. Mr Frank Terenzini MP, Cr Bruce MacKenzie – Mayor, Cr Peter Kafer – Port Stephens Council, Brian Moseley – Hunter Valley Buses, Mr Mark Newling – Port Stephens Coaches,

A. ADOPTION OF MINUTES OF MEETING HELD 3RD AUGUST, 2010

B. BUSINESS ARISING FROM PREVIOUS MEETING

Nil

C. LISTED MATTERS

C.1 Item: 27_09/10**TERAMBY ROAD NELSON BAY – REQUEST FOR EMERGENCY VEHICLES ONLY PARKING AT THE FISHERMENS CO-OP CAR PARK**

Requested by: Malcolm Milliken – Marine Rescue Nelson Bay

File:

Background:

Mr Milliken contacted Council to request installation of parking restrictions within the Commercial Fishermens Co-operative car park at Nelson Bay. The parking restrictions are required so that rescue boat crew are able to access the wharf when on duty. The car park area is leased by the Fishermen's Co-op from the Department of Lands and the co-op have recently installed parking meters to deter all-day parkers taking up all the spaces. The co-op has agreed to allow the use of an area within the car park for the marine rescue crew and parking restrictions are required to prevent members of the public occupying the spaces.

The Marine Rescue service are to meet the full cost of signage and installation. Marine Rescue personnel are to display a sticker within their vehicles to identify them as being authorised to park there. A copy of the letter from the Commercial Fishermen's Co-operative, granting permission for the parking, is attached.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule168 – No Parking signs

RTA signs database – R5-40

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

Recommendation to the Committee:

Approve installation of 'No Parking – Police & Marine Rescue vehicles excepted' restrictions in the fishermen's Co-op car park at Nelson Bay.

Discussion:

Support for the recommendation:

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

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 7 September 2010

ITEM NO. 27_09/10
Street: Teramby Road

ANNEXURE A
Page 1 of 1



Commercial Fishermen's Co-operative Limited
ABN 69 696 950 450
Fresh Local Seafoods

ALL CORRESPONDENCE
PO BOX 142
WICKHAM NSW 2293

WHOLESALE DEPOTS
NEWCASTLE
TEL: (02) 4965 4235
NELSON BAY
TEL: (02) 4981 4052
TEA GARDENS
TEL: (02) 4997 0606
SWANSEA
TEL: (02) 4971 4762
BUNGWAHL
TEL: (02) 4997 6117
TACOMA
TEL: (02) 4353 2344

RETAIL SHOPS
NEWCASTLE
TEL: (02) 4965 4221
SWANSEA
TEL: (02) 4971 4762
TACOMA
TEL: (02) 4353 2344
GOROKAN
TEL: (02) 4392 1603

HEAD OFFICE
97 HANNELL ST
WICKHAM 2293
TEL: (02) 4965 4221
TEL: (02) 4965 4229
TEL: (02) 4965 4230
FAX: (02) 4965 4252

19 April 2010

Mr M Milliken
Unit Commander
Volunteer Marine Rescue NSW
PO Box 20
NELSON BAY NSW 2315

Dear Malcolm

Re: Parking Issues

I refer to your letter of 1 April and would advise that it was tabled for discussion at the meeting of the Board of Directors held on Friday 16 April 2010.

The Directors resolved to approve your use of the area to the north of the metered parking spaces, adjacent to the heavy duty wharf. You should confirm the actual area with the Co-operative's Nelson Bay director Mark Phelps or manager Grahame Lewis who will advise you on how to restrict the parking to your members only with the appropriate signage.

Please note that the Police and Maritime have access to the area in Teramby Road but are not permitted to utilise the parking spaces which are restricted, under the Co-operative's licence conditions with the Department of Lands, for use by the occupiers of the mooring wharf.

Yours faithfully


W Pearce
Manager
wp.kk

RECEIVED

23 APR 2011

C.2 Item: 28_09/10

ELKIN AVENUE HEATHERBRAE – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS NEAR HUNTER RIVER HIGH SCHOOL ENTRANCE

Requested by: Port Stephens Council Rangers

File:

Background:

The main entrance to the Hunter River High School at the western end of Elkin Avenue has a lockable pedestrian gate on the footpath. The gate becomes difficult to access when vehicles are parked right up to the school fence. Council Rangers have asked for parking restrictions to be installed to prevent parking and to make the pedestrian gate more accessible.

The residents of No.34 Elkin Avenue have been contacted regarding the proposed changes to parking and are very supportive of the proposal.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule168 – No Parking signs

RTA signs database – R5-40

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

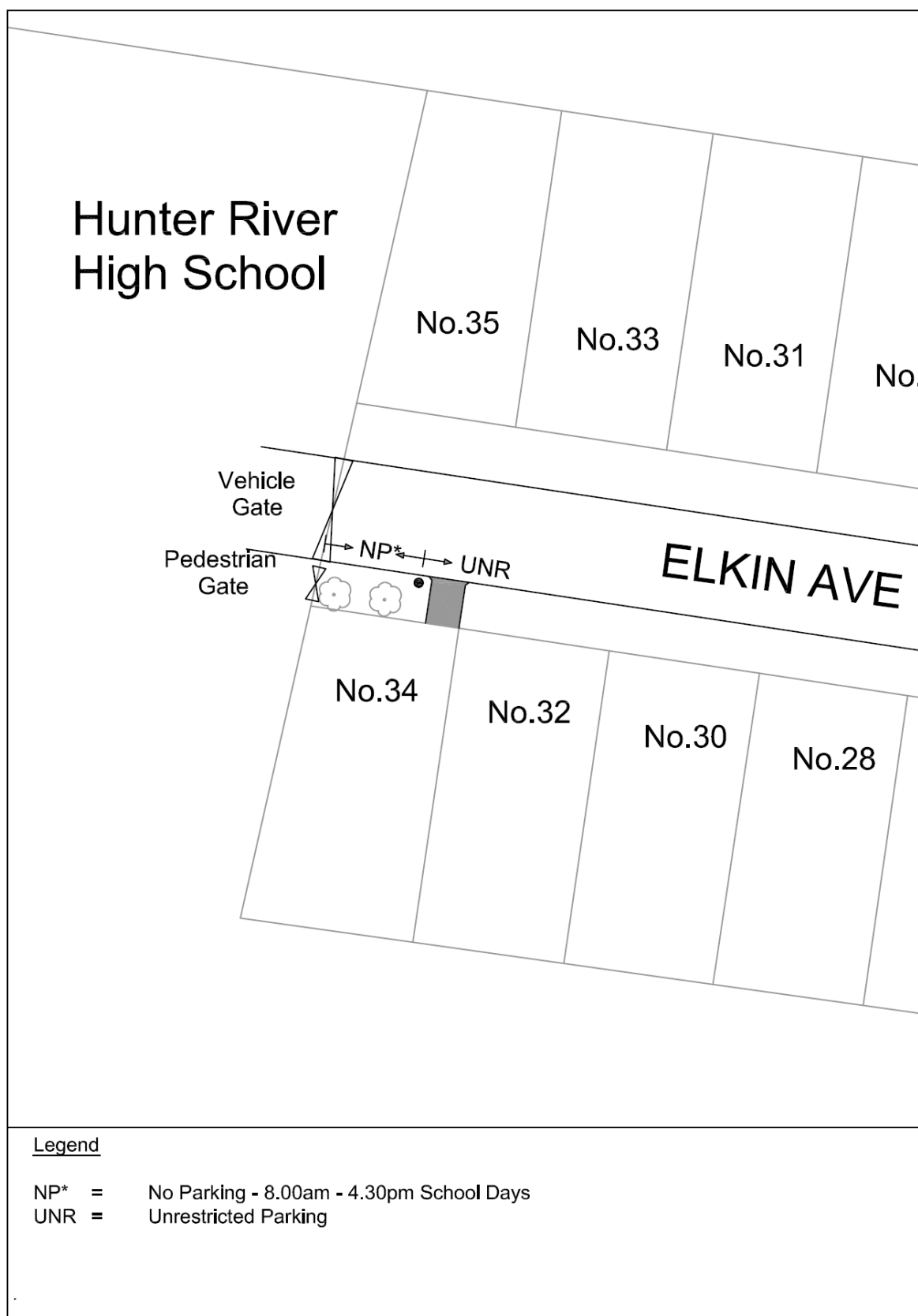
Recommendation to the Committee:

Approve installation of 'No Parking' restrictions at the western end of Elkin Avenue Heatherbrae, in front of house no.34

Discussion:

Support for the recommendation:

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



D. INFORMAL MATTERS

NIL

E. GENERAL BUSINESS

E.1 Item: 604_09/10

ROADS PORT STEPHENS – SUBMISSION OF BLACKSPOT FUNDING APPLICATIONS FOR FINANCIAL YEAR 2010/2011

Requested by: Port Stephens Council

File:

Background:

Road crashes are a major cost to the Australian community. Black Spot projects target those road locations where crashes are occurring. Each year, local governments across the state and nationally are invited to submit proposals for projects that address particular traffic accident locations. Programs of this sort are very effective, by targeting specific accident types and locations and saving the community many times the cost of the relatively minor road improvements that are implemented.

Port Stephens Council has submitted 7 proposals for the financial year 2011-2012. These proposals cover a range of road types and accident locations. The locations nominated are:

- The intersection of Bagnall Beach Road and Town Centre Circuit, Salamander Bay
- A 4km length of The Bucketts Way, Twelve Mile Creek
- A 400m length of Gan Gan Road, Nelson Bay
- A 1km length of Marsh Road, Salt Ash/Bob's Farm
- A 2.9km length of Masonite Road, Heatherbrae/Tomago
- A 6.5km length of Newline Road, Eagleton
- The intersection of Shoal Bay Road and Dixon/Hardy Streets, Nelson Bay

Details of each of the proposals will be tabled at the meeting.

ITEM NO. 2

FILE NO: R7200-02

UPDATED DISABILITY ACCESS & INCLUSION POLICY

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING, MANAGER

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the existing Disability Access Policy 2003 adopted by Council on 25 February 2003, minute no: 239 as shown in **Attachment 1**.
- 2) Adopt the new Disability Access & Inclusion Policy as shown in **Attachment 2**.

COUNCIL COMMITTEE MEETING – 12 OCTOBER 2010

RECOMMENDATION:

	Councillor John Nell Councillor Glenys Francis	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 12 OCTOBER 2010

321	Councillor Glenys Francis Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek endorsement of the updated Disability Access Policy now titled '*Disability Access & Inclusion Policy*' as per Attachment 1.

In 2003 Council adopted a Disability Access Policy which included services and facilities, communications, employment, training and advocacy for people with disabilities. This revised and updated policy has been renamed '*Disability Access & Inclusion Policy*' to clearly stipulate its intent of improving access for people with disabilities based on the principles of universal access and social inclusion.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications for Council

LEGAL, POLICY AND RISK IMPLICATIONS

The policy will assist in ensuring Council complies with its obligations under the Disability Discrimination Act (1992) and its responsibilities under the Human Rights Commission to consider the needs of people with disabilities in Council's policy, planning, decision making and delivery of services and facilities.

SUSTAINABILITY IMPLICATIONS

The 'Disability Access & Inclusion Policy' has and will continue to provide the policy framework for creating an accessible and inclusive community. This in turn is providing more opportunities for people with disabilities to participate more fully in all aspects of community life.

CONSULTATION

The *Disability Access & Inclusion Policy* has been developed in consultation with relevant Council Officers. This has included a briefing to Council's Infrastructure Co-ordination Committee which includes representation from Council's Facilities & Services and Sustainable Planning Groups. Council's Workplace Equity & Diversity Committee was also consulted.

OPTIONS

- 1) Adopt all or part of the recommendation.
- 2) Reject all or part of the recommendation.

ATTACHMENTS

- 1) Port Stephens Council Disability Access Policy 2003.
- 2) Port Stephens Council Disability Access & Inclusion Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



Adopted: 25/02/2003
Minute No. 066
Amended: 24/06/2003
Minute No. 239
Amended: 19/10/2004
Minute No. 375

FILE NO: R7200-002

TITLE: DISABILITY ACCESS POLICY

BACKGROUND:

In 1998 Council adopted a *Community Access Policy* that covered access to services and facilities, communications, employment, training and advocacy. This amendment affirms that responsibility and strengthens Council's commitment to the highest possible standard of physical access, particularly in all aspects of its own work.

Port Stephens' need for good access is greater than for most other LGA's. The recognised national trend to an ageing population will increase the demand for better access. The 2001 census suggests that for the ten years to 2006 the elderly population in Australia will increase by 27%. In Port Stephens the increase will be over 40%. Port Stephens already has one of the highest proportions of over 65's in Australia. Significantly higher levels of disability, especially mobility impairment, occur in older age groups.

In addition, at 25% of the population, disability rates in Port Stephens are significantly higher than the national average (18% - 20%) and mobility impairment is the highest recorded single disability. (*Disability, New South Wales ABS 1998*).

Population trends indicate that in 2010 there will be 17 650 people in Port Stephens with disability, most of whom will be mobility impaired. This projection is supported by the PSC Community Survey of 2002 in which participants were asked *Does any member of your household...have a physical condition that reduces their level of **mobility** or their access to facilities or services?* The overall Port Stephens response was 17.5% (7.7% in the Western area to 22.8% in Nelson Bay).

Port Stephens is also developing a niche market in the tourist industry as a destination for people with disability. Good access will consolidate this commercially significant growth.

The Disability Discrimination Act (1992) (DDA) makes it unlawful to discriminate against a person with a disability in education, in the provision of goods, services or facilities, in access to premises used by the public, in accommodation, in purchasing land or premises.

It also makes it unlawful to discriminate against a person on the basis that one of their associates (partner, friend, carer, family member, business associate) has, or may have a disability.

The Building Code of Australia (BCA) includes access requirements for the built environment but not for open spaces. The access standards, which are required, are based on the minimum requirements of the Australian Standards, many of which are subject to review and upgrade as they are found inadequate. Moves to incorporate the Australian Standards for Access into the BCA are currently underway.

OBJECTIVE

This policy will:

- provide a statement of Council's commitment to an accessible community.
- ensure the right of people with disability to participate fully in all aspects of life is recognised and accommodated
- make the provision of physical access to the highest possible standard an essential consideration in all planning processes. This provision has previously applied to works requiring a Development Application but will be extended to non DA work such as open spaces, repair and maintenance of Council assets etc.

PRINCIPLES

- Council values and respects the right of all people to conduct their daily life in a barrier free environment and to fully participate in the economic, social and cultural life of the Port Stephens community.
- Council values sustainability by contributing to an environment that meets the needs of all.
- Council understands and accepts its responsibility to make physical access an essential element in all planning and building work.
- Council acknowledges that implementation of the Disability Access Policy has resource implications and is committed to considering these as part of the normal budgetary process.
- Council shall provide leadership to non-Council bodies in ensuring accessibility of the local community.

POLICY STATEMENT

- No person who lives or works in or visits the LGA shall be denied access to any Council information, communications, facilities, services or employment on the grounds of disability.
- Council will endeavour to improve physical access in all areas for which it is responsible, including open space, recreation areas, roads and transport infrastructure, community

buildings, Council owned buildings and facilities. Council will develop and adopt planning procedures for all maintenance, repairs and developments to include the provision of physical access. Consultation with the Disability Access Officer to take place as required.

- All work undertaken by Council on its assets will meet the minimum standard of the Building Code of Australia AND the Australian Standards for access. Council will attempt to exceed the minimum standards where it believes the minimum standards are inadequate.
- Council shall actively enforce the relevant building regulations and Council requirements relating to the provision of access to new and existing premises and facilities.
- Council may require developers to optimise access in their projects and encourage all non-Council bodies to maximise access to their facilities, programs and services.
- Council will consider access, especially physical access, in all its policies.
- Development Control Plan PS4 (Commercial and Industrial) will be amended to require an access audit to be provided with certain development proposals.
- Council will develop an access checklist to assist Council Officers, architects, developers and builders meet access standards.
- Council shall consult the community regarding the needs of people with disability. Council's community, social, recreation, environmental and infrastructure planning shall incorporate those needs identified.
- Council will check for and ensure compliance with physical access requirements at all stages of building development where Council carries out inspections as the Principal Certifying Authority..

RELATED POLICIES

Port Stephens Council Community Services Policy
Equal Employment Opportunity Policy

REVIEW DATE

12 months from adoption

RELEVANT LEGISLATIVE PROVISIONS

- Disability Discrimination Act (1992)
- NSW Anti-Discrimination Act (1977)
- Local Government Act (1993)
- Local Government (General) Amendment (Community and Social Plans) Act (1998)

IMPLEMENTATION RESPONSIBILITY

- The policy will be implemented on an organisation wide basis.

ATTACHMENT 2



FILE NO: R7200-002

TITLE: DISABLED ACCESS & INCLUSION POLICY

BACKGROUND:

Port Stephens has a population of 66,754 people (Source: Australian Bureau of Statistics Estimated Resident Population, June 2009) which, according to Council's population forecasts, will grow to 92,404 people by the year 2031. The population age profile is characterised by an ageing population which is reflective of national trends with 16.4% of the population aged 65 years and over and is predicted to increase to 21.6% by 2031.

The Australian Bureau of Statistics estimate that approximately 18-20% of the national population have some form of disability. It is estimated that in areas such as Port Stephens that the proportion of residents with some form of disability may be as high as 25% as it is well known that significantly higher levels of disability, especially mobility impairment occur in older age groups. Based on these estimates the number of people currently residing in Port Stephens with some form of disability would be 16,688 people which will grow to 23,101 people by the year 2031. A community where people with disabilities account for 18 – 20% of the total population has significant implications for Council's planning and decision making and delivery of services and facilities.

Port Stephens is developing a niche market in the tourist industry as a destination for people with disability. Good access to public buildings and places will facilitate this commercially significant growth.

The Disability Discrimination Act (1992) makes it unlawful to discriminate against a person with a disability in education, in the provision of goods, services or facilities, in access to premises used by the public, in accommodation, in purchasing land or premises. It also makes it unlawful to discriminate against a person on the basis that

one of their associates (partner, friend, carer, family member, business associate) has, or may have a disability.

The Building Code of Australia (BCA) includes access requirements for the built environment but not for public open spaces. The access standards, which are required, are based on the minimum requirements of the Australian Standards, many of which are subject to regular review and upgrade by respective government bodies. The disability draft (Access to Premises - Buildings) was tabled in Parliament and signed in Nov 2009. This will bring the building code and disability standards into one. The incorporation of the Access to Premises Standards and the BCA will commence in May 2011.

Access is just one aspect of good design and access needs vary, for example:-

- People with a physical disability, should be able to enter a building and access all areas of a facility when assisted by a wheelchair, walking frame/stick or crutches;
- People with a vision impairment (including blindness and low vision) should have appropriate lighting, clear signage, a contrasted environment as well as auditory and tactile aids;
- People with a hearing impairment, should be provided with assisted listening systems, TV captioning and visual aids;
- People with an intellectual disability, should have clear, unambiguous signage in buildings and streets and appropriate support aids by building owners, occupiers, general public and;
- People with a disability including a psychiatric disability should expect acceptance and inclusion within the community

Access also involves opportunities to participate in decision-making, management of services, training, employment, cultural, social and political activities and the provision of information in an appropriate format. Under the DDA any person who owns, operates or uses premises has responsibilities under this legislation. This applies to existing places as well as those under construction.

OBJECTIVE

This policy will:

- Raise awareness of access issues within the community, Council and other spheres of government:
- Educate the development and building industry and service providers on access needs of people with a disability:

- Promote good access solutions for developments at the design stage.
- Continue to take a leadership role in the community by providing accessible facilities and services for people with a disability:

The Disability Access & Inclusion Policy aims to ensure social equity by eliminating barriers for people who have a disability or may have in the future. A barrier is created by others and can be physical, as in poor design, or social, by attitude or personal perception.

Access means more than physical access. It includes being able to participate equally in the community, and to be accepted.

This policy is based on 'values' which include: -

- The value of equity of access for all citizens.
- The value of respect for individuals and groups;
- The value of self determination;
- The value of democracy;
- The value of the "common good"
- The value of diversity;

PRINCIPLES

- No person who lives or works in, or visits the Port Stephens local government area, will be denied access to any Council facility or service on the grounds of personal disability or disadvantage.
- All new facilities owned or occupied by Council are to be designed to be accessible to the whole community.
- Council will ensure that the rights of people with a disability are taken into account in the design of all developments to be used by the public.
- Council will provide information for developers, architects and builders of public buildings and facilities on design for access and mobility.
- Council will ensure that all programs and events are organised to facilitate participation by the whole community.
- Council will encourage people with a disability to be actively involved in any community consultation process and promote their representation on Council Committees.
- Council staff will be given the opportunity to increase their understanding of access issues and common attitudinal barriers through participation in Disability Awareness Training.
- Council will ensure that access issues are addressed in all of its Planning

and Policy statements.

- Council will review the Disability Access & inclusion Policy and Disability Action Plan every four years or as required.
- Council will include in all facility management plan's procedures that allow for dignified access and participation by all members of the community.
- Council will (where topography permits) ensure that, within a public roadway/footway, any new facility or existing facility being renovated or repaired, complies with the current standards for design of access and mobility.

Principles relating to values:

Equity of access for all is based on the principles of the provision of equality of opportunity for all. Its implementation entails fairness in policy application especially for the less advantaged.

Self respect and self determination holds that within the constraints of law and cultural mores, people have the right to be treated with respect and as far as is compatible with the rights of others, to decide for themselves what they want.

Democracy is built on the principles of participation in decision making and community life.

The common good requires a balance of the interests of individuals or particular groups with the interests of the community.

Diversity is based on the principle of respect for the diversity of our community and an affirmation of diversity as a positive factor in enhancing the quality of life of all its citizens.

POLICY STATEMENT

- No person who lives, works or visits the LGA shall be denied access to any Council information, communications, facilities, services or employment on the grounds of disability or access.
- Council will endeavour to improve physical access in all areas for which it is responsible, including open space, recreation areas, roads and transport infrastructure, community buildings, Council owned buildings and facilities. Council will develop and adopt planning procedures for all maintenance, repairs and developments to include the provision of physical access. Consultation with the Community Planner ~ Ageing & Disability to take place as required.
- All work undertaken by Council on its assets will meet the minimum standard of the Building Code of Australia and the Australian Standards for access.

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010

- Council shall actively enforce the relevant building regulations and Council requirements relating to the provision of access to new and existing premises and facilities.
- Council will require developers to optimise access in their projects and encourage all non-Council bodies to maximise access to their facilities, programs and services.
- Council will consider access, especially physical access, in all its policies.
- The Port Stephens Development Control Plan 2007 will be amended to require an independent access audit to be provided for large scale development applications.
- Where necessary Council shall consult the community regarding the access needs of the whole community including people with disabilities. Council's community, social, recreation, environmental and infrastructure planning shall incorporate those needs identified.
- Council will check for and ensure compliance with physical access requirements at all stages of building development where Council carries out inspections as the Principal Certifying Authority.

RELATED POLICIES

Port Stephens Council Community Services Policy
Equal Employment Opportunity Policy
Port Stephens Council Social Policy

REVIEW DATE

December 2012

RELEVANT LEGISLATIVE PROVISIONS

- Disability Discrimination Act (1992)
- NSW Anti-Discrimination Act (1977)
- Local Government Act (1993)
- Australian Standards
- Building Code of Australia

IMPLEMENTATION RESPONSIBILITY

The policy will be implemented on an organisation wide basis.

ITEM NO. 3

FILE NO: PSC2005-1530

**DRAFT AMENDMENT TO COUNCIL'S DEVELOPMENT CONTROL PLAN
TO INCLUDE INDEPENDENT DISABLED ACCESS AUDITS FOR RELEVANT
DEVELOPMENT PROPOSALS**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place on public exhibition for 28 days the draft amendment to Port Stephens Development Control Plan 2007 requiring independent access audits for relevant development proposals in accordance with **Attachment 1** of this report.

COUNCIL COMMITTEE MEETING – 12 OCTOBER 2010
RECOMMENDATION:

	Councillor John Nell Councillor Frank Ward	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 12 OCTOBER 2010

322	Councillor Glenys Francis Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend that Council exhibit a proposed amendment to Port Stephens Development Control Plan 2007 to make it a requirement for development applications to include an independent access audit for relevant development proposals at the time of lodging their development application.

Seniors and people with disabilities are participating more actively in the community. Therefore, the design of buildings and public spaces needs to consider users with a diversity of abilities. In 1992, the Commonwealth Government passed the Disability

Discrimination Act making it unlawful to discriminate against a person on the grounds of disability in access to premises, public places & clubs, housing & accommodation, employment & education, provision of goods, services & facilities.

The Disability Discrimination Act, Building Code of Australia and the Access to Premises Standards (AS1428) provide the legislative and planning framework for disabled access. Despite these mandatory requirements, Council still receives development applications for large scale developments (eg; shopping centres) which fail to satisfactorily address disabled access. This adversely impacts on DA processing times and places additional costs on the applicants in cases where revisions to plans and designs are required. As part of good customer service clearly articulating requirements up front is less likely to cause difficulties later.

All other Lower Hunter Councils are specifying in their respective Development Control Plans requirements for developers to provide an independent access audit for large scale development proposals at the time of lodging their DA. This proposed amendment will bring Council in line with neighbouring Councils.

FINANCIAL/RESOURCE IMPLICATIONS

The financial implications for Council as a building constructor and owner will be the same as any other builder when building or upgrading its facilities as per the Australian Standards and the Building Code of Australia in relation to access.

LEGAL, POLICY AND RISK IMPLICATIONS

The Disability Discrimination Act, Building Code of Australia and the Access to Premises Standards (AS1428) provide the legislative and planning framework for disabled access. The proposed amendment to the Development Control Plan applies to large scale large scale development including shopping centres, tourist facilities, medical centres and hotels etc. The Development Control Plan gives Council officers the discretion based on merits of their circumstances to consider the case put forward by the applicant. It also addresses the need for the applicant to consider the impacts of not implementing these requirements. If Council ignores these disability access requirements in our assessment then Council may be considered contributory liable if there is a legal challenge under the Disability Discrimination Act against Councils decision under the Environmental Planning and Assessments Act.

An Access Audit demonstrates how the design of a development meets the Australian Standards AS1428 and the Building Code of Australia to ensure access for all people regardless of their abilities. The audit shall include but is not restricted to matters such as parking, paths of travel, doorways, change in levels, sanitary facilities & circulation spaces. The audit also needs to address specific considerations relevant to the type of development. The access audit ensures that consideration is given to the potential impact of each proposal as it relates to its site, its users and the community. The intent of the Audit is to provide a clear indication of the requirements for large scale development applications and not increase DA processing times.

When a person determines to do works/lodge a Development Application they need to define those works according to the definitions within the Local Environmental Plan. The categories in the table (**Attachment 1**) reflect those definitions so there are no ambiguities for Council's planners or applicants. The table is defined into categories based on minor/major works being those that will need to be more closely considered in the BCA. This flags the need for the applicant to consider disability access as part of their development application. The table also defines those applicants who do/ do not need to submit a report. Minor works do not require a report. Public spaces still require consideration of the Australian Standards in their design.

Under clause 18-2 of the Environmental Planning and Assessment Regulation 2000, Council must publicly exhibit the submission for 28 days.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The strengthening of Council's planning and assessment framework will contribute to the creation of an accessible community in accordance with the Disability Discrimination Act 1992 and Council's Disabled Access Policy 2003 which specifies the following objective:

This policy will:

- *provide a statement of Council's commitment to an accessible community.*
- *ensure the right of people with disability to participate fully in all aspects of life is recognised and accommodated*
- *make the provision of physical access to the highest possible standard an essential consideration in all planning processes. This provision has previously applied to works requiring a Development Application but will be extended to non DA work such as open spaces, repair and maintenance of Council assets etc.*

CONSULTATION

Council's Social Planning Team have formulated this proposed amendment to the Development Control Plan in consultation with Council's Infrastructure Co-ordination Committee, and relevant Council Officers from the Integrated Planning Section, Development & Building Section, and Facilities & Services Group.

Community comment will be sought by placing the proposed draft amendment on public exhibition for 28 days which will be advertised widely and will be available for viewing through various outlets including Council's website, administration building and branch libraries. Comments will also be sought from the Property Council of Australia, Master Builders Association, and the Housing Institute Association.

OPTIONS

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

ATTACHMENTS

- 1) Draft amendment “Disability access” Port Stephens Development Control Plan 2007.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

DISABILITY ACCESS

As seniors and people with disabilities are participating more actively in the community, the design of buildings and public spaces needs to consider users with a diversity of abilities. In 1992, the Commonwealth Government passed the Disability Discrimination Act. This Act makes it unlawful to discriminate against a person on the grounds of disability in the following areas of life; access to premises, public places & clubs, housing & accommodation, employment & education, provision of goods, services & facilities.

Recommended sources:

Disability Discrimination Act:

www.humanrights.gov.au

Adaptable Housing www.anuhd.org.au

PRINCIPLES

P1 To ensure non-discriminatory access is provided to and within the development from adjoining roads and pedestrian paths, to the extent possible without causing unreasonable economic hardship.

P2 To ensure that alterations, additions & new development is accessible and useable by all in accordance with AS1428.

P3 To provide a level of service for people with disabilities for those landuses & activities used by the public in accordance with AS1428.

P4 To ensure the adequate supply of public parking facilities for use by people with disabilities and seniors.

DEVELOPMENT CONTROLS

C1 Council requires that an Access Audit, prepared by an accredited access consultant, be lodged for development as categorised in the Access Table - Category 2.

Development proposals are categorised as:

Category 1 – An Access Audit prepared by an accredited consultant is not required. However AS1428 & the BCA applies to all development applications for new buildings, new parts of existing buildings undergoing renovation, change or upgrade of use. Contact Council's Community Planner – Ageing & Disability, to discuss matters such as continual path of travel, minimum door widths, sanitary

Access table		
Category		
Development Type	1	2
Home Based Child Care, Family Day Care Home		
Home Employment		
Bed & Breakfast Establishment, Boarding House		
Small Scale Rural Subdivision		
Exhibition Home		
Shop		
Airport, Animal Establishments		
Bulky Goods Sales Room or Showroom, Brothel, Bus station		
Camp or Caravan Site, Child Care Centre, Club, Commercial Premises, Community Facility		
Depot, Educational Establishment		
Hotel, Hospital, Health Care Professional, Health Consulting Rooms		
Industry, Institution		
Marina, Medical Centre, Mortuary, Motor Showroom, Market		
Place of Assembly, Place of Public Worship, Public Entertainment		
Recreation Facility, Restaurant, Road Transport Terminal		
Service Station, Tourist Facility		
Veterinary Hospital, Warehouse		
All urban land release subdivisions greater than 5 lots.		
Housing for older people or people with disabilities		

facilities & parking requirements for people with disabilities prior to lodgement of your application.

Category 2 – An Access Audit by an accredited consultant is required prior to lodgement of your application. This category applies to those large scale developments that have the potential for significant impact on the surrounding environment and its users.

To find a consultant, refer to: www.access.asn.au

NOTE - An Access Audit shall demonstrate how the design of a development meets the Australian Standards AS1428 & the Building Code of Australia to ensure access for all people regardless of their abilities. The audit shall include but is not be restricted to matters such as parking, paths of travel, doorways, changes in levels, sanitary facilities & circulation spaces. The audit also needs to address specific considerations relevant to the type of development. The provision of this section is not intended to hinder or prevent development. Rather, it aims to ensure that consideration is given to the potential impact of each proposal as it relates to its site, its users and the community. The intent of the Audit is to provide a clear indication of the requirements for large scale development applications and to help achieve timely processing.

ITEM NO. 4

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 12 October, 2010.

No:	Report Title	Page:
1	COMMUNITY BUILDERS REGIONAL FUNDING PROGRAM	
2	ABORIGINAL STRATEGIC COMMITTEE	

COUNCIL COMMITTEE MEETING – 12 OCTOBER 2010 RECOMMENDATION:

	Councillor John Nell Councillor Glenys Francis	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 12 OCTOBER 2010

323	Councillor Glenys Francis Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

COMMUNITY BUILDERS REGIONAL FUNDING PROGRAM

REPORT OF: TREVOR ALEN - INTEGRATED PLANNING, MANAGER
GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-3943

BACKGROUND

The purpose of this report is inform Council of the successful Port Stephens projects funded under the 2010/2011 funding round of the State Government's Community Builders regional funding program.

The Community Builders regional funding program (formerly Area Assistance Scheme) aims to strengthen communities in NSW including the Hunter region. The program has been developed in response to a growing body of evidence that suggests that community strengthening is an effective way of reducing inequality and disadvantage. The main objective of Community Builders is to enhance community social infrastructure in order to contribute to building stronger, more resilient communities. It does this by funding projects that are strategic and locally initiated that deliver community strengthening outcomes and address identified local, regional and State Government priorities.

Council's Social Planning Team is responsible for working with local community organisations, service providers and government agencies in formulating partnerships and assisting with the development of projects/programs for consideration for funding under the Community Builders program. As a result Port Stephens has received a total of \$124,800 for the two community projects shown in **Attachment 1** of this report.

For further information regarding the Community Builders Program contact Council's Social Planning Team on 4980 0323.

ATTACHMENTS

- 1) List of 2010/2011 Port Stephens community projects funded under the State Government's Community Builders funding program.

ATTACHMENT 1

2010/2011 PORT STEPHENS COMMUNITY BUILDERS FUNDED PROJECTS

Project Name	Applicant	Details	Duration of Funding	Amount \$
Tilligerry Peninsula Together	Tilligerry Community Association	The project will employ a part time co-ordinator to work on projects to increase youth involvement in event planning, community group interaction at the expo and providing a display. The focus will be to increase youth participation in the Festival, community events and foster involvement in the production and circulation of the organisation's newsletter, the Tilligerry News.	2 years	24,800
There's more to the hall	Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle	<p>The project will enable increased usage of a central hall via four key projects.</p> <ol style="list-style-type: none"> 1. Renovation including removal and installation of a new kitchen, repainting and floor resurfacing. 2. The establishment and running of a soup kitchen through volunteers who will be trained and supported. 3. A community art workshop where a notice board which features hall activities and promotions will be created through community art workshops. 4. Homework helpers is a volunteer program that will be established and run from the facility and training and support will be provided to the volunteers who participate. 	1 year	100,000

INFORMATION ITEM NO. 2

ABORIGINAL STRATEGIC COMMITTEE

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

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is present to Council the minutes of the Aboriginal Strategic Committee meeting with Karuah Local Aboriginal Land Council on 7 September 2010.

The role of Council's Aboriginal Strategic Committee is:

- 1) To advise Council in relation to issues of concern between Council and the Aboriginal community,
- 2) To promote a positive public image with respect to issues for Aboriginal people in Port Stephens,
- 3) To provide a consultative mechanism with respect to development issues,
- 4) To improve relations between the Aboriginal and non Aboriginal community of Port Stephens,
- 5) To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people,
- 6) To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities, and
- 7) To promote an increased awareness of the needs of Aboriginal communities and to assist with the development of programs to address those needs where possible and appropriate.

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting held on 67 September 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 7 SEPTEMBER 2010
AT KARUAH RESERVE**

Present:

David Feeney	Karuah LALC
Sharon Feeney	Karuah LALC
Fiona Manton	Karuah LALC
Cr O'Brien	PSC
Cliff Johnson	PSC
Paul Procter	PSC

Observers:

Alara Dunn	University Student Field Placement with PCS
Ainslie Cunliffe-Jones	University Student Field Placement with PCS

Apologies:

Kevin Manton	Karuah LALC
Carl Simms	Karuah LALC
Cr MacKenzie	PSC
Cr Dover	PSC
Cr Kafer	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: NAIDOC Week 2010

The Worimi Local Aboriginal Land Council facilitated a number of celebrations throughout Port Stephens during NAIDOC Week. The proposed Karuah celebrations were cancelled by the KLALC Board due to wet weather.

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010

ITEM 2: Joint Meeting:

Joint meeting held on 20 July 2010 was a great success with special mention made of the presentation by guest speaker Ray Kelly.

ITEM 3: YMCA Lakeside

KLALC CEO along with Cr Kafer, YMCA management and Council's Social Planning Co-ordinated met to formulate a learn to swim program for Aboriginal children from Karuah. The KLALC CEO indicated that this proposed program will no longer proceed due to lack of interest from families based on a perceived adequate level of swimming ability amongst their children.

3. GENERAL BUSINESS

3.1 Mustons Rd:

KLALC CEO enquired on status of planning for undertaking improvements to Mustons Rd (eg; footpath / cycleway).

Action:	1. Council's Social Planning Co-ordinator to invite Council's Design & Project Development Co-ordinator to present and give an update on current plans.
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3.2 Aboriginal Project Fund

Council's Social Planning Co-ordinator indicated that the next funding round will open shortly.

3.3 Port Stephens Draft Local Environmental Plan

Council's Senior Planner has had initial discussions with KLALC CEO concerning development of new LEP. KLALC seeking further discussions in relation to proposed zonings.

Action:	1. Council's Social Planning Co-ordinator to follow up with Council's Senior Planner to ensure KLALC issues are considered.
---------	---

3.4 Street Gutter Cleaning

KLALC reported that it has been sometime since Council's gutter sweeper has serviced their area.

Action:	1. Council's Social Planning Co-ordinator will follow up with Council's Facilities & Services Operations Manager.
---------	---

4. NEXT MEETING

9 November 2010 commencing at 1pm at KLALC Office.

ABORIGINAL STRATEGIC COMMITTEE – SUMMARY OF ONGOING ACTIONS/INITIATIVES WITH KARUAH LOCAL ABORIGINAL LAND COUNCIL

ISSUE	DETAILS	STATUS
Former Karuah School House	KLALC wish to re-locate the former mission school house from Franklin St back to the Aboriginal Reserve where it can be re-established as a cultural facility.	KLALC developing 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. This will be followed by lodgement of a DA with respect to re-locating the building.
Replacement Bus Shelter	KLALC wishes to replace their existing bus shelter on Mustons Rd, located adjacent their offices. Shelter is ageing and experiences problems with drainage during periods of rainfall. This is not a Council asset. It is ineligible for inclusion in Council's forward works program as it is not a declared public bus stop, it is for school use only.	Council's Social Planning Co-ordinator continuing to explore external grant funding options.
Old Wharf/Jetty	KLALC seeking to have old jetty rebuilt.	KLALC CEO have sent information to Taree Lands Office seeking approval to reinstate the wharf. Lands Office now seeking additional information.
Tarean Rd Speed Limit Reduction	KLALC have asked if current speed limit of 60km/h on Tarean Rd through the Town Centre can be lowered to 50km/h. This will ensure ongoing pedestrian safety taking into account the changes to driver sight lines as a result of tree planting along the median strip. KLALC also questioned the suitability of the species of trees planted in the median and associated impacts on visibility.	Council's Traffic Committee have conducted a site inspection and indicated that the main st area appears to meet the criteria for a 50km/h speed limit would make improve consistency with other similar urban areas. Traffic Committee have referred request onto the RTA for consideration.

GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1

FILE NO: A2004-0370

MEMBERSHIP OF COMMITTEES & GROUPS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominates membership of Standing Committees, if required;
- 2) Elects the Chair and Deputy Chair of each Standing Committee (if required);
- 3) Determines the quorum for Committee meetings;
- 4) Nominates membership of Council Committees, 355(b) Committees and Regional Committees and Groups, and amends the constitutions to include new membership where applicable.
- 5) Remove the following committee/group from the listing as the committees are either not operating or no longer require a councillor representative:
 - a) Port Stephens Access Committee

ORDINARY COUNCIL MEETING – 12 OCTOBER 2010

324	Councillor John Nell Councillor Ken Jordan	<p>It was resolved that:</p> <ol style="list-style-type: none">1. The membership of the new standing Committee be all 12 Councillors.2. Cr Ken Jordan be elected as Chair of the Standing Committee. Cr Glenys Francis was elected as Deputy Chair.3. The quorum be half plus 1 (one).4. The Council delegates be elected to various Committees and Groups as shown in below.5. The Port Stephens Access Committee be removed.
-----	---	--

BACKGROUND

In accordance with legislation Council is required to nominate delegates and adopt the list of 355(b) Committees.

As part of Council's commitment to community partnerships it provides opportunities for the community to be involved with the management of the facilities they use. Council has established over 50 community committees, which are involved in the care and management of Council's parks, reserves, services and facilities.

These committees are allowable under Section 355 and Section 377 of the Local Government Act, which allow Council to delegate certain functions.

For a 355(b) committee, the written record of delegations is contained in the **committee constitution** as prepared and adopted by Council. Functions that cannot be delegated (under Section 377) are listed in the constitution. Any change to delegations to a 355(b) committee must be effected by resolution of Council.

The key concept is that a 355(b) committee is a **Council** committee. Committees include Councillor Representation and a Council staff member responsible for liaison. A 355(b) committee operates as an entity of Port Stephens Council and not as a separate entity in a commercial sense. This means that these committees use Council's Australian Business Number (ABN) when trading goods and services and are also required to report on a monthly basis as is required of Council.

Council has 53, 355(b) committees with about 500 – 600 members in total.

A number of 355(b) Committees undertake work in areas such as dune stabilisation, weed eradication, litter removal, Tidy Towns program participation and providing environmental information and support to Council. These groups work under direction from Council staff to ensure these activities are performed in accordance with recognised practices.

The activities and projects undertaken by committees are often those not financially possible for Council without this volunteer assistance. *Examples include:*

FACILITY MANAGEMENT	MAINTENANCE & IMPROVEMENTS TO RESERVES	OTHER
Community Halls	Parks & Reserves	Band
Sporting Ovals	Foreshore Reserves	Choir
Cemeteries		Advisory Committees
		Sports Council

Council can delegate certain functions to a committee: these are listed in the committee's schedule, which forms part of their constitution. A 355(b) committee constitution consists of a standard constitution, which is applicable to all committees

and a schedule customised for each individual committee. This provides the framework of how a 355(b) committee operates and is supported by procedures, systems and reporting requirements.

Council has the same responsibilities for 355(b) committee members as they do for staff including Occupational Health & Safety (OH&S), Code of Conduct and responsibility for activities.

Regional Committees and Groups

In addition to the 355(b) Committees, Councillors and Council staff participate in, and are members of a number of regional committees and groups established to promote an integrated approach to delivering and managing services and addressing issues across the Local Government Area.

Note: The previous list of Committees and Groups are shown below with previous delegates shown in *italics*.

ELECTION OF REPRESENTATIVES ON COUNCIL'S STANDING COMMITTEES, (if required)

Membership:

COUNCIL COMMITTEE

- Committee of the Whole
Current Chair: *Cr Jordan*
Current Deputy Chair: *Vacant* – Chaired by the Mayor when required.

ELECTION OF CHAIR AND DEPUTY CHAIR OF COMMITTEES

Clause 10.7 of Council's Code of Meeting Practice provides as follows:

- a) The Chair of each Committee must be:-
 - i) The Mayor; or
 - ii) If he/she prefers, the Council may elect a Chair; or
 - iii) If the **Council** does not elect a Chair, the **Committee** may elect a Chair.
- b) A Council or Committee may elect a Deputy Chair.

QUORUM FOR COMMITTEE MEETINGS

Clause 10.2(c) of Council's Code of Meeting Practice provides as follows:-

The quorum for a meeting of a Committee of the Council is to be:-

- i) Such number of members as the Council decides; or
- ii) If the Council has not decided, then the majority of the members of the Committee.

ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

The previous 2009/10 membership is listed below
(previous delegates are denoted in italics)

	Committee Name	Purpose of Committee	Meeting Cycle	Group	NEW DELEGATES
1	Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	<i>Monthly Meetings held alternatively with Worimi Land Council & Karuah Land Council</i>	Sustainable Planning	<i>Cr O'Brien Cr Kafer Cr Dover Cr McKenzie Mayor (Cr Westbury)</i>
2	Anna Bay, Birubi Pt Reserves, Hall & Tidy Towns Committee	To assist Council in the management of Anna Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dover</i>
3	Audit Committee	The Audit Committee is an advisory committee of Council comprising of the Council representatives and two external representatives. The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.	<i>At least four times a year or when necessary</i>	Corporate Services	<i>Cr Kafer Cr Jordan</i> <i>New DLG guidelines preclude the Mayor from being a member of the Committee.</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010

Committee Name		Purpose of Committee	Meeting Cycle	Group	NEW DELEGATES
4	Boat Harbour Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Westbury</i>
5	Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr O'Brien</i>
6	Communicate Port Stephens	To assist Council in the management and promotion of the Telecentre.		Commercial Services	<i>Cr Francis Cr Ward</i>
7	Corlette Headland Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Ward</i>
8	Corlette Reserves & Hall 355(b) Committee	To assist Council in the management of Corlette Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Ward Cr Dover</i>
9	Fern Bay Public Hall, Reserves and Tidy Towns Committee	To assist Council in the management of Fern Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dingle Cr O'Brien</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010

Committee Name		Purpose of Committee	Meeting Cycle	Group	NEW DELEGATES
10	Fingal Bay Parks & Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Nell</i>
11	Hinton School of Arts Committee	To assist Council in the management of Hinton School of Arts.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Jordan</i>
12	Karuah Tidy Towns, Parks Reserves & Wetlands Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Kafer Cr Francis</i>
13	Lemon Tree Passage Parks and Reserves 355B Committee	To undertake maintenance and improvements to parks in Lemon Tree Passage	Committees are required to hold meetings at least quarterly at a time to be decided by the committee	Facilities & Services	<i>Cr Tucker Cr MacKenzie</i>
14	Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Tucker Cr MacKenzie</i>
15	Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Tucker Cr MacKenzie</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010

Committee Name		Purpose of Committee	Meeting Cycle	Group	NEW DELEGATES
16	Mambo Wanda Wetlands, Reserves & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Nell Cr De Lyall</i>
17	Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dingle</i>
18	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 1st Monday</i>	Facilities & Services	<i>Cr Tucker Cr Dingle</i>
19	Medowie Tidy Towns & Cycleway Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dingle</i>
20	Nelson Bay Senior Citizens Hall Committee	To assist Council in the management of Nelson Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dover Cr Ward</i>
21	Nelson Bay West Parkcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Nell</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010

	Committee Name	Purpose of Committee	Meeting Cycle	Group	NEW DELEGATES
22	Ngioka Centre Committee	To assist in the care and management of the Ngioka Centre (a facility to provide for education and therapy focusing on people with a disability and disadvantaged people)	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dover</i>
23	Port Stephens Adult Choir Committee	To promote, organise and train the Port Stephens Choir. To develop a sense of community identity and belonging by involving participants in community cultural projects.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Sustainable Planning	<i>Cr Tucker Cr O'Brien</i>
24	Port Stephens Australia Day Celebrations Coordinating Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council. To organise the Citizen of the Year and the Junior Citizen of the Year activity.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Corporate Services	<i>Cr Westbury Cr Francis Cr Tucker Cr Jordan</i>
25	Port Stephens Sister Cities Committee	To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	General Manager's Office	<i>All Councillors</i>
26	Port Stephens Community Band Committee	To promote, organise and train the Port Stephens Community Band. To develop a sense of community identity and belonging by involving youth and adults in community cultural projects.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	<i>Cr Tucker</i>
27	Port Stephens Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	<i>Cr Francis Cr Kafer</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010

	Committee Name	Purpose of Committee	Meeting Cycle	Group	NEW DELEGATES
28	Port Stephens Native Flora Garden Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Quarterly</i>	Facilities & Services	<i>Cr Nell</i>
29	Port Stephens Sports Council	To provide input and forward planning, from a Council wide basis, on facilities, sporting statistics, policies and recommendations on future needs. To administer the Sports person of the Year Award.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Facilities & Services	<i>Cr MacKenzie Cr Westbury</i>
30	Raymond Terrace Parks, Reserves & Tidy Towns Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Francis</i>
31	Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Francis</i>
32	Raymond Terrace Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 2nd Monday</i>	Facilities & Services	<i>Cr Jordan Cr Francis Cr Kafer Cr De Lyall</i>
33	Rural West Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are	<i>Every 4 months– February, June, October 2nd Wednesday</i>	Facilities & Services	<i>Cr Jordan Cr De Lyall Cr Kafer</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010
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Committee Name		Purpose of Committee	Meeting Cycle	Group	NEW DELEGATES
		accurately identified and brought to the attention of Council.			
34	Salamander Ecology Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Nell</i>
35	Salt Ash Community Hall, Committee	To assist Council in the management of Salt Ash Community Hall & Tennis Courts. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Tucker Cr MacKenzie</i>
36	Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Oval.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Tucker Cr MacKenzie</i>
37	Seaham School of Arts and Community Hall Committee	To assist Council in the management of: Seaham School of Arts Seaham Community Hall	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Jordan</i>
38	Seaham Hall Committee <i>Name change to Seaham Park</i>	To assist Council in the management, maintenance and improvements to the Park.		Facilities & Services	<i>Cr Jordan Cr Kafer</i>
39	Shoal Bay Beach Preservation Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Westbury</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010

	Committee Name	Purpose of Committee	Meeting Cycle	Group	NEW DELEGATES
40	Soldiers Point-Salamander Bay Parks, Reserves and Hall Committee	To assist Council in the management of Soldiers Point Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dover</i>
41	Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Dover</i>
42	Tanilba Bay Parks, Reserves & Hall Committee	To assist Council in the management of Tanilba Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Tucker Cr MacKenzie</i>
43	Tanilba Bay Senior Citizens Hall Management Committee	To assist Council in the management of Tanilba Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Tucker Cr MacKenzie</i>
44	Taylor's Beach Reserves, Tidy Towns & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Nell</i>
45	Tilligerry Aquatic Centre Advisory Committee	To promote the Tilligerry Aquatic Centre within the community. To establish and promote links with local primary, secondary schools and the community.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Tucker Cr MacKenzie Cr De Lyall</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010

	Committee Name	Purpose of Committee	Meeting Cycle	Group	NEW DELEGATES
46	Tilligerry Community Centre Committee	To assist Council in the management of Tilligerry Community Centre and surrounds.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Tucker Cr MacKenzie</i>
47	Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 3rd Monday</i>	Facilities & Services	<i>Cr Tucker Cr MacKenzie</i>
48	Tomaree Education Complex Multi Purpose Centre Committee	To assist Council with the care, management and promotion of the facility. To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi Purpose Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Westbury Cr Dover</i>
49	Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 3rd Wednesday</i>	Facilities & Services	<i>Cr Dover Cr Nell Cr Ward Cr Westbury</i>
50	Tilligerry Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Tucker</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010
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	Committee Name	Purpose of Committee	Meeting Cycle	Group	NEW DELEGATES
51	West Ward Cemeteries Committee	To undertake maintenance and improvements to cemeteries in West Ward.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Francis</i>
52	Williamstown Public Hall Committee	To assist Council in the management of Williamstown Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dingle Cr O'Brien</i>
53	Financial Assistance Community Grants Panel	To make recommendations to Council on applications received through the Grants process	<i>Twice a year</i>	General Manager's Office	<i>Mayor (Cr Westbury) Cr Jordan Cr Dover Cr Tucker (1 Councillor from each Ward).</i>

REGIONAL COMMITTEES AND GROUPS

Name of Organisation		Purpose of Committee	Group	<i>NEW DELEGATE</i>
54	Community Safety Precinct Committee	To provide a forum for local community members, service providers and the police to discuss issues and appropriate strategies relating to crime and community safety.	Sustainable Planning	<i>Cr Dover</i>
55	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Sustainable Planning	<i>Cr Dingle Cr De Lyall</i>
56	Country Public Libraries Association & Joint Library Advisory Committee	Country Public Libraries Association constitution requires a Councillor representative. This Association provides support for country public libraries. The Joint Library Advisory Committee's constitution also requires a Councillor representative in line with the Newcastle Regional Library agreement.	Facilities & Services	<i>To be left open for all Councillors to attend.</i>
57	Gloucester Coal Seam Gas Project – Community Consultative Committee	The purpose of the Committee is to provide a forum for representatives to discuss the Project with the Company (Lucas Energy)	Sustainable Planning	<i>To be left open for all Councillors to attend.</i>
58	Hunter Area Assistance Scheme – Port Stephens Local Ranking Committee	The purpose of the committee is to play a part in the Hunter Area Assistance Scheme for Port Stephens	Sustainable Planning	<i>The GM advised this committee does not meet and should be deleted.</i>
59	Hunter Councils	To discuss regional issues in the Hunter	General Manager's Office	<i>Mayor (Cr Westbury)</i>
60	Hunter Councils Board Advisory Groups. 1. Economic Development & Infrastructure 2. Community & Cultural. 3. Environment.	Each of the Advisory Group have input into the development and implementation of strategic and regional positions that will enhance the Hunter Region.	General Manager's Office	<i>1. Cr Ward Economic 2. Cr Tucker Community & Cultural. 3. Cr Nell Environment</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010
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	Name of Organisation	Purpose of Committee	Group	NEW DELEGATE
61	Hunter Community Reference Group of the Central Rivers Catchment Management Authority Note: New Group with the appointment for an 18 month period with extension options.	This Group allows Local Government have presentation on the sub-committee to operate in an advisory capacity providing information and recommendations to the Catchment Management Authority Board.	Sustainable Planning	<i>Cr Nell</i>
62	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.	General Manager's Office	<i>Cr Nell</i>
63	Joint Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area. The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member, commencing July 2009.	Sustainable Planning	<i>Cr MacKenzie</i> <i>Cr Westbury</i>
64	Karuah Working Together Inc.	The Committee is a peak group comprising representation of key organisations, businesses and industry representatives in Karuah. The Committee is responsible for ensuring community and economic development activities are co-ordinated in accordance with local needs, trends and opportunities in accordance with Council's Economic Development Strategy and as specified in the <i>Karuah Strategic Plan</i>	Sustainable Planning/Commercial Services	<i>Cr Francis</i>
65	Local Development Committee	Local Traffic Committee (see 83) providing advice to Council on development.	Sustainable Planning	<i>Cr Kafer</i>
66	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Sustainable Planning	<i>Cr Kafer</i> <i>Cr Dingle</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010
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	Name of Organisation	Purpose of Committee	Group	<i>NEW DELEGATE</i>
67	Lower Hunter Councils Transport Group	This is a working party that coordinates projects and transport issues across local government boundaries.	Sustainable Planning	<i>Group Manager of Sustainable Planning to confirm if this Group remains.</i>
68	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Sustainable Planning	<i>Cr MacKenzie</i>
69	Lower Hunter Zone Liaison Committee	To review the progress of the Service Level Agreement between Port Stephens Council and NSW Rural Fire Service in the Local Government Area.	Facilities & Services	<i>Cr MacKenzie</i>
70	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment	Sustainable Planning	<i>Cr MacKenzie Cr Tucker</i>
71	Marine Parks Advisory Panel <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens	Sustainable Planning	<i>Cr Nell</i>
72	Medowie Floodplain Management Committee	This Committee will provide advice and recommendations to Council	Sustainable Planning	<i>Cr Tucker Cr Dingle Cr O'Brien Cr MacKenzie Cr Kafer</i>
73	National Parks & Wildlife Service Regional Advisory Committee <i>Ministerial Appointment</i>	This is a community reference group run by National Parks & Wildlife Service. It is not a Council committee.	Sustainable Planning	<i>Cr Nell</i> <i>Mrs Helen Brown is the local government representative appointed by the Minister.</i> <i>Check what the term is remaining for Helen Brown.</i>
74	Nelson Bay Adult Education Committee <i>Change name to Nelson Bay Community College.</i>	This committee is an advisory committee for Adult Education.	General Manager's Office	<i>Cr Westbury</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010
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	Name of Organisation	Purpose of Committee	Group	<i>NEW DELEGATE</i>
75	Newcastle Airport Joint Sub-Committee	The purpose of this committee is to allow Port Stephens and Newcastle City Councils the opportunity to discuss the future direction of the Airport.	General Manager's Office	<i>Cr Ward Cr Westbury Cr MacKenzie Cr Jordan</i>
76	North Coast NSW Regional Tourism Board	To work with Tourism bodies and groups on a regional basis.	Commercial Services	<i>Cr Westbury</i>
77	Port Stephens Economic Development Advisory Panel	Act as a communication and advisory mechanism to Council on relevant Economic Development issues. Oversee the review and implementation of the Economic Development Strategy.	Commercial Services	<i>Cr Tucker Cr Westbury (1 Councillor from each Ward) After the review a further decision shall be made.</i>
78	Port Stephens Futures Strategy – Reference Group	Advise Council on the progressive preparation of the Futures Strategy which is a foundation for the new Comprehensive LEP for Port Stephens and expresses long term outcomes and directions for the Local Government Area.	Sustainable Planning	<i>Cr Tucker Cr Westbury</i>
79	Port Stephens Transport Forum	The Ministry for Transport convenes these forums which have been established in most LGAs throughout NSW. It provides the opportunity for local transport providers (eg; community transport, bus and taxi operators) and local residents to discuss local and regional transport related issues and to formulate appropriate strategies to more effectively improve the delivery of existing public transport services in meeting the community's transport needs.	Sustainable Planning	<i>Cr Dover All councillors to be notified of this meeting.</i>
80	Newcastle Road Freight Group	This group is coordinated by the RTA and provides Local Government the opportunity to meet with the heavy vehicle industry.	Sustainable Planning	<i>Group Manager of Sustainable Planning to confirm if this Group remains.</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010
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Name of Organisation		Purpose of Committee	Group	NEW DELEGATE
81	Port Stephens Domestic Violence Committee	To raise the awareness of the issues surrounding domestic violence and enhance service provision to victims by developing and maintaining effective interagency strategies.	Sustainable Planning	<i>Cr Francis Cr Kafer Cr De Lyall</i>
82	Port Stephens East Local Health Advisory Committee	To ensure that the population of the Tomaree Peninsula has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Sustainable Planning	<i>Cr Dover</i>
83	Port Stephens West Local Health Advisory Committee	To ensure that the population of the Western area of Port Stephens (ie; east of Tomaree Peninsula) has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Sustainable Planning	<i>Cr Francis Cr Dingle</i>
84	Port Stephens Tourism Joint Venture Committee	This Committee is the liaison between Port Stephens Council and Port Stephens Tourism for the promotion of tourism in the Port Stephens Shire. <i>Note: A Tourism Strategy is currently being developed which may influence the nature of Council's relationship with the tourism sector in the future.</i>	Commercial Services	<i>Cr Westbury Cr Tucker Cr Jordan</i>
85	Port Stephens Tourism Strategy Joint Working Party	The joint working party was established between Council and Port Stephens Tourism Ltd to develop an implementation plan for the Tourism Strategy.	Commercial Services	<i>Cr Westbury Cr Tucker Cr Nell</i>
86	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	Sustainable Planning	<i>Cr Nell</i>

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010
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Name of Organisation		Purpose of Committee	Group	NEW DELEGATE
87	Regional Mosquito Management Working Group	This is a regional committee initiated by the Premiers Department to develop strategies to manage our interaction with mosquitoes.	Sustainable Planning	<i>Group does not meet any further to be deleted from the list.</i>
88	Sabre Jet Committee	The purpose of the committee is to assist with planning for a response to the future of the Sabre Jet. This committee has a sunset clause	Facilities & Services	<i>Cr Francis Cr De Lyall Cr Jordan Cr Kafer</i>
89	Urban Animal Management Committee	This committee seeks to develop local strategies to better manage domestic dogs.	Sustainable Planning	<i>Cr Dingle</i>
90	Williams River Floodplain Risk Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire	Sustainable Planning	<i>Open to all Councillors Group Manager of Sustainable Planning to advise meeting schedule and times.</i>
91	Tilligerry Creek Catchment Committee	To develop and implement the Tilligerry Catchment management Plan which will result in improved water quality in Tilligerry Creek.	Sustainable Planning	<i>Cr Nell Cr MacKenzie</i>
92	Windeyers Creek Catchment Committee	To develop catchment plans that when implemented, result in catchment improvements.	Sustainable Planning	<i>Cr De Lyall</i>
93	Worimi Conservation Lands Board of Management <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	General Manager's Office	<i>Cr Dover</i>
94	Strategic Cultural Committee	<ul style="list-style-type: none"> Advise Council on cultural matters A community partnership in the delivery of cultural priorities identified in Council's integrated plans Serves as the Cultural Projects Fund selection panel, making recommendations to Council. Facilitate the 'Culture Port Stephens Network', to link those active in the arts, culture and lifestyle of Port Stephens. 	Sustainable Planning	<i>Cr Nell Cr Francis Cr O'Brien Cr Tucker</i>

Committees to be removed from listing by Council:-

- 1) Port Stephens Access Committee – This Committee has been disbanded in accordance with Council resolution in 2009.

FINANCIAL/RESOURCE IMPLICATIONS

Financial and Resource implications are provided for within the existing budget.

LEGAL AND POLICY IMPLICATIONS

Council has a legal obligation under the Local Government Act 1993.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

General Manager.

OPTIONS

- 1) Note the report and endorse existing appointments.
- 2) Review committee appointments.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

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 12 October, 2010.

No:	Report Title	Page:
1	DESIGNATED PERSONS - PECUNIARY INTERESTS	

ORDINARY COUNCIL MEETING – 12 OCTOBER 2010

325	Councillor John Nell Councillor Bruce MacKenzie	It was resolved that the recommendation be adopted.
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GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

DESIGNATED PERSONS – PECUNIARY INTERESTS

AUTHOR: PETER GESLING – GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE
FILE: A2004-0030

BACKGROUND

The purpose of this report is to advise Council of designated persons who have submitted returns.

Councillors (past and present)

Cr Bruce MacKenzie
Cr Shirley O'Brien
Cr Daniel Maher
Cr Peter Kafer
Cr Frank Ward
Cr Steve Tucker
Cr Geoff Dingle
Cr Bob Westbury
Cr John Nell
Cr Sally Dover
Cr Ken Jordan
Cr Glenys Francis
Cr Caroline De Lyall

General Manager's office

General Manager
Executive Officer

Corporate Services

Group Manager Corporate Services
Legal Services Manager
Communications & Customer Relations Manager
Information Management Manager
Organisation Development Manager

Sustainable Planning

Group Manager Sustainable Planning
Development and Building Manager
Building Coordinator
Integrated Planning Manager

Strategic Planning Coordinator
Senior Land Use Planner
Strategic Planner (3)
Customer Support Coordinator
Engineering Coordinator
Development Coordinator
Senior Development Planner (3)
Senior Policy Planner
Development Planners (2)
Assistant Development Planner
Senior Building Surveyors (2)
Senior Fire Safety Officer
Health and Building Surveyors (5)
Subdivision Engineer
Section 94 Engineer
Social Planning Coordinator
Senior Development Engineer
Student Development Engineer (2)
Infrastructure Planning Coordinator
Traffic Engineer
Environmental Services Manager
Coordinator Environmental Health and Regulation
Coordinator Natural Resources
Compliance Officer
Executive Planner
Environmental Health Team Leader
Rangers (5)
Vegetation Management Officer
Environmental Health Officer (3)

Commercial Services

Group Manager Commercial Services
Principal Property Advisor
Commercial Property Manager
Commercial Enterprises Manager
Tourism Manager
Financial Services Manager
Fleet Management Supervisor
Finance & Assets Coordinator
Financial Accountant
Economic Development Manager
Procurement & Contracts Coordinator
Property Development Coordinator
Property Investment Coordinator
Corporate Clean Business Manager
Fleet and Depot Services Coordinator

Facilities & Services

Group Manager Facilities & Services
Community and Library Services Manager
Engineering Services Manager
Project Services Manager
Operations Manager
Recreation Services Manager
Sports Facilities Coordinator
Parks Facilities Coordinator
Contracts & Halls Coordinator
Recreation Operations Coordinator

TABLED DOCUMENTS

Pecuniary Interest Returns

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 &
PSC2009-01614

WADE CLOSE, MEDOWIE

COUNCILLOR: MACKENZIE

THAT COUNCIL:

- 1) Commence action to compulsorily acquire an easement to drain water 30metres wide as shown on DP 648 438 through Lots 84 DP 259434 and 1433 DP 716004 Wade Close, Medowie.
 - 2) Seeks consent from the Minister for Local Government and the Governor's approval to proceed with the acquisition.
-

ORDINARY COUNCIL MEETING – 12 OCTOBER 2010

326	Councillor Bruce MacKenzie Councillor Ken Jordan	There being no objection the Notice of Motion was adopted.
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NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217

CAMPVALE DRAIN

COUNCILLOR: MACKENZIE

THAT COUNCIL:

- 1) That the General Manager be instructed to commence all necessary environmental studies and consents to enable the Campvale drain to be cleaned out and widened as a matter of urgency.

ORDINARY COUNCIL MEETING – 12 OCTOBER 2010

327	Councillor Bruce MacKenzie Councillor Sally Dover	There being no objection the Notice of Motion was adopted.
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BACKGROUND REPORT OF: MICK LOOMES – ENGINEERING SERVICE MANAGER

BACKGROUND

Maintenance of the Campvale Drain:

Over the last year Council's open drain maintenance activities have been assessed against legislative environmental requirements. This environmental assessment process has been tested through the Review of Environmental Effects (Part 5 Assessment and Seven Part Tests) which tests if the environment will have a significant detriment if the proposed works are undertaken.

The Campvale Drain is the main trunk open drain that carries much of Medowie's stormwater away and into the Grahamstown reservoir. The Review of Environmental Effects undertaken to permit ongoing maintenance of this open drain has found:

- Endangered Ecological Communities
- Acid Sulphate Soils
- Several species of flora and fauna that are protected under the Threatened Species Conservation Act (TSC Act)

The Review of Environmental Effects has shown that open drain maintenance activities can be managed to not cause significant environmental damage for the first 2 points above, but it has not yet proven there will not be an adverse affect on at least one of the flora species listed under the TSC Act.

Vegetation in open drains is known to reduce the flow of stormwater through the collection of silt and other vegetation. Hence the threatened flora species found in the Campvale Drain needs to be studied and managed to prevent the blockage of the Campvale Drain.

Widening of the Campvale Drain:

Council and the Department of Environment, Climate Change and Water are currently funding a first stage study to understand the flooding issues in the Campvale catchment at Medowie. This study will be presented by the consultants in draft form for later public comment in November 2010. A second study will then be required to determine how best to deal with the current drainage deficiencies as well as to plan for the stormwater improvements needed with the redevelopment and growth within Medowie. This second flood management study might be expected to present its recommendations by the end of 2011 and this study will determine whether it will be necessary to increase the size of the Campvale drain as well as many other drainage solutions within the area.

If the flood management study recommends widening the drain, Council will then need to consider how this could be funded and managed at that time.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: A2004-0217 & PSC2006-0046

PORT STEPHENS SETTLEMENT STRATEGY

COUNCILLOR: NELL, WARD, WESTBURY

THAT COUNCIL:

- 1) Recognises and classifies the Boat Harbour / One Mile area as a significant Village in the 2010-2030 Port Stephens Settlement Strategy and that Port Stephens Council meets the needs of the Boat Harbour / One Mile residents in the 2010-2030 Port Stephens Settlement Strategy.
-

ORDINARY COUNCIL MEETING – 12 OCTOBER 2010

328	Councillor John Nell Councillor Frank Ward	There being no objection the Notice of Motion was adopted.
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RESCISSION MOTIONS

RECISSION MOTION

ITEM NO. 1

FILE NO: 16-2009-257-1

DEVELOPMENT APPLICATION 16-2009-257-1 FOR A 229 SITE CARAVAN PARK, MANAGERS RESIDENCE, COMMUNITY HALL, & RECREATION FACILITIES AT 19 & 20 ROAD 580 OFF PORT STEPHENS DRIVE, ANNA BAY

COUNCILLORS: MACKENZIE, O'BRIEN, DOVER

That Council rescind its decision of 28 September 2010 on Item 2 of the Council Committee Report, namely Development Application 16-2009-257-1 for a 229 Site Caravan Park, Managers Residence, Community Hall & Recreation Facilities at 19 & 20 Road 580 Off Port Stephens Drive, Anna Bay.

ORDINARY COUNCIL MEETING – 12 OCTOBER 2010

329	Councillor Glenys Francis Councillor Peter Kafer	It was resolved that this item be deferred to include the committee and ordinary resolution from the report of 28 September 2010.
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ITEM NO. 2

FILE NO: 16-2009-257-1

DEVELOPMENT APPLICATION 16-2009-257-1 FOR A 229 SITE CARAVAN PARK, MANAGERS RESIDENCE, COMMUNITY HALL, & RECREATION FACILITIES AT 19 & 20 ROAD 580 OFF PORT STEPHENS DRIVE, ANNA BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider the draft conditions of consent for DA 16-2009-257-1 are at Attachment 4.

BACKGROUND

This report was considered by Council on 13 July 2010 with the following Resolution:

That Council:

1. *Approve DA 16-2009-257-1 for a 229 Site Caravan Park, Managers*

Residence, Community Hall and Recreation Facilities at 19 & 20 Road 580 off Port Stephens Drive, Anna Bay, in principle and;

2. *That staff provide draft conditions of consent for consideration by Council.*

The draft conditions of consent for DA 16-2009-257-1 are at Attachment 4.

Staff have sought legal advice regarding the validity or implications of issuing consent without necessary concurrences and integrated development approvals. Please note that the following conditions (drafted as deferred commencement consent) have taken this advice into consideration.

Councillors should also note that this matter was deferred for inspection at its meeting on 29 June 2010. A Councillor inspection was held on 3 July 2010.

The proposal is for 229 long term caravan sites, construction of a manager's residence, community hall and recreation facilities. Manufactured homes are to be installed on each caravan site.

The development was recommended for refusal because the location is considered unsuitable for 100% long term accommodation after assessing the proposal against the 1(a) zone objectives, SEPP 21 Caravan Parks and the Lower Hunter Regional Strategy. Further, RTA concurrence is required under SEPP infrastructure. The RTA advised Council in its letter of 23 June 2010 that concurrence would not be issued for development if access is from Nelson Bay Road.

Caravan parks are permissible in the 1(a) Rural Agriculture zone under LEP 2000 and SEPP 21 Caravan Parks, but most forms of development that provide long term accommodation are prohibited on the site.

Manufactured homes estates are strictly limited to sites within or adjoining urban zoned land under SEPP 36. Further, seniors living developments (SEPP Housing for Seniors), residential subdivision and urban housing are all prohibited on the site. The principal concern is that future residents will be disadvantaged by limited access to essential services and facilities. The applicant has sought to address this issue by proposing to provide some recreational facilities onsite and a private bus to provide access to local centres.

No information has been provided on the availability or cost to residents for these services. It should also be noted that continued provision of these services cannot be conditioned or guaranteed. Any loss or reduction of services would result in long term residents having unreasonably low levels of access to essential services and facilities. The risk of this would likely be reduced if the development was in closer proximity to existing urban areas.

The original staff recommendation was consistent with the determination of a recent court case (*Wygiren v Kiama Council*, 2008), which refused a caravan park providing 100% long term accommodation on the basis that it was isolated residential development. It was also considered that such developments should be part of the strategic planning process in order to avoid the long term impacts associated with isolated residential development.

Councillors should be aware that any favourable determination of the application is normally deferred until necessary approvals from the RTA, DECCW and NSW Office of Water are obtained. These referrals remain outstanding due to the need for additional information and amended plans.

FINANCIAL/RESOURCE IMPLICATIONS

The development is unlikely to have any immediate financial or resource implications for Council.

LEGAL AND POLICY IMPLICATIONS

The development is inconsistent with Council's Local Environmental Plan 2000, State Environmental Planning Policy 21 Caravan Parks and the Lower Hunter Regional Strategy (2006).

Approval of this application would set an undesirable precedent under current environmental planning legislation.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The development is not consistent with the principles of sustainable urban growth identified in the Lower Hunter Regional Strategy.

CONSULTATION

The application was exhibited in accordance with Council policy and seven (7) submissions were received. These are discussed in the attached assessment.

OPTIONS

- 1) Consider the draft conditions and resolve to approve the development application DA 16-2009-257-4 for a 229 site Caravan Park, Managers Residence, Community Hall & Recreation facilities at 19 & 20 Road 580 off Port Stephens Drive, Anna Bay subject to the recommended conditions.
- 2) Reject the recommendation and defer the application DA 16-2009-257-4 for a 229 site Caravan Park, Managers Residence, Community Hall & Recreation facilities at 19 & 20 Road 580 off Port Stephens Drive, Anna Bay pending submission of required information for completion of the Section 79C assessment, resolution of stormwater and environmental issues and obtaining the necessary approvals from the RTA, DECCW and NSW Office of Water.
- 3) Adopt the original staff recommendation and refuse the development application DA 16-2009-257-4 for a 229 site Caravan Park, Managers Residence, Community Hall & Recreation facilities at 19 & 20 Road 580 off Port Stephens Drive, Anna Bay.

ATTACHMENTS

- 1) Locality Plan
- 2) Assessment
- 3) RTA Letter 23 June
- 4) Conditions of Consent

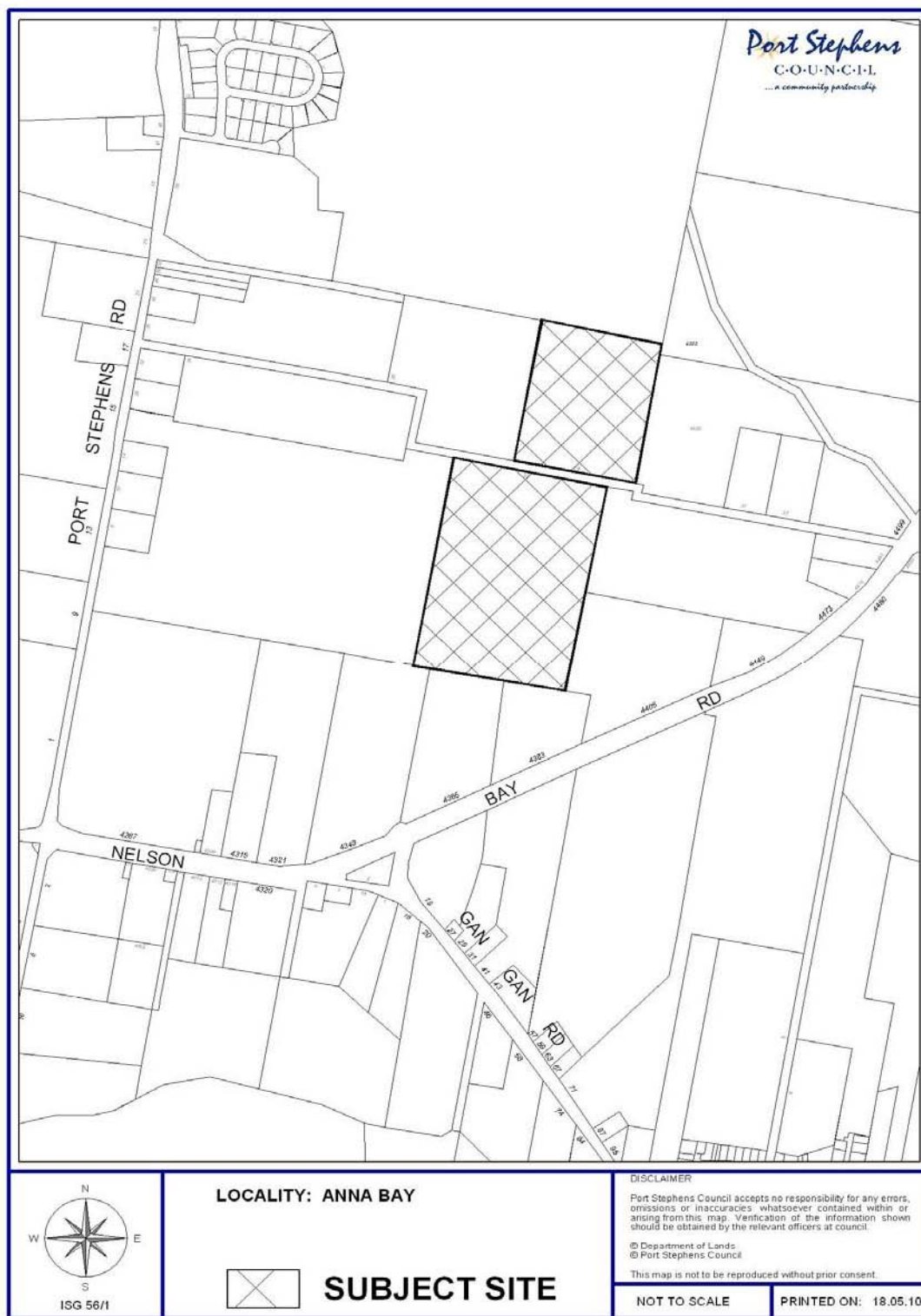
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY PLAN



**ATTACHMENT 2
ASSESSMENT**

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

THE PROPOSAL

The proposal is for 229 long term caravan sites, construction of a manager's residence, community hall and recreation facilities. Manufactured homes are to be installed on each caravan site.

THE APPLICATION

Owner	Bodiam Properties Pty Ltd
Applicant	Mr P Malloch

THE LAND

Property Description	Lots 2 & 4 DP 398888
Address	19 & 20 Road 580 off Port Stephens Drive, Anna Bay
Area	30.3 hectares

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	1(a) Rural Agriculture
Relevant Clauses	Clause 11 Rural Zonings Clause 12 Subdivision in rural zones Clause 37 Development on flood prone land Clause 44 Appearance of land and buildings Clause 47 Services Clause 51A Development on land identified on Acid Sulphate Soil Maps
Development Control Plan	Section B2 Environment & Construction Section B3 Parking & Traffic
State Environmental Planning Policies	SEPP 21 Caravan Parks SEPP Infrastructure 2007
Lower Hunter Regional Strategy (2006)	

Port Stephens Local Environmental Plan 2000

Clause 11 Rural Zonings

- Permissibility

The proposal is primarily for the creation of 229 long term caravan sites and erection of manufactured homes on each of the sites. LEP 2000 defines a “camp or caravan site” as:

“ a site used for the purpose of:

(a) placing moveable dwellings within the meaning of the Local Government Act 1993 for permanent accommodation, or for the accommodation of tourists, or

(b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.”

The proposal is consistent with the definition of “camp or caravan sites” in LEP 2000, as Manufactured homes are considered to be “moveable dwellings” under the Local Government Act.

The site is zoned 1(a) Rural Agriculture and camp or caravan sites are permissible with development consent. The proposed manager’s residence, community hall and recreation facilities are considered permissible as they are ancillary to the caravan park.

The erection of manufactured homes on caravan sites does not require consent under the provisions of SEPP 21 and the Local Government Regulations.

- Zone Objectives

The proposed development is not considered to be consistent with the general zone objective or objective (c), and is therefore recommended for refusal.

Consideration of the relevant zone objectives (general, (a), (c), (d) and (e)) are listed below:

The general objective of the 1(a) zone is to:

“maintain the rural character of the area and to promote the efficient and sustainable utilisation of rural land and resources”.

The area surrounding the site contains a variety of rural activities and is considered typical of 1(a) zoned land in the locality. Although the development is unlikely to be visible from Nelson Bay Rd or Port Stephens Dr, the caravan park will introduce a

significant suburban element which is contrary to the existing character, particularly when viewed from adjoining properties.

The proposal will also set a precedent for provision of long term accommodation in the 1(a) zone, which is likely to contribute to the loss of rural land in the locality and further erosion of its rural character.

(a) regulating the development of rural land for purposes other than agriculture by ensuring that development is compatible with rural land uses and does not adversely affect the environment or the amenity of the locality

The size and density of the caravan park is likely to impact the existing amenity, but should be reasonably compatible with the existing rural activities (predominantly grazing and single dwelling development) on nearby properties. However, it should be noted that there are a wide variety of land uses permissible in the 1(a) zone, the viability of which on any adjoining properties may be reduced as a result of the amenity impact from the development.

(c) preventing the fragmentation of grazing or prime agricultural lands, protecting the agricultural potential of rural land not identified for alternative land use, and minimising the cost to the community of:
(i) fragmented and isolated development of rural land, and
(ii) providing, extending and maintaining public amenities and services

The provision of 229 (100%) long term accommodation sites in the area is considered to be a fragmented and isolated development of rural land, as it is not located close to existing centres (Anna Bay, Salamander Bay and Nelson Bay) nor identified as an urban growth area in any strategic planning document.

An additional 480 residents will impose greater demand on existing infrastructure and services such as medical facilities, educational facilities, child care facilities, sporting facilities, libraries etc, in Anna Bay, Salamander Bay and Nelson Bay.

The cost to the community will be from maintenance of infrastructure and services to an isolated development, and a reduction in availability of local services and facilities, as it is unreasonable to expect that the necessary public funding will respond in time to meet the additional demand imposed by the development, particularly since it is not part of any strategic planning process.

(d) protecting or conserving (or both protecting and conserving):
(i) soil stability by controlling development in accordance with land capability
(ii) trees and other vegetation in environmentally sensitive localities where the conservation of the vegetation is likely to reduce land degradation or biodiversity
(iii) water resources, water quality and wetland areas, and their catchments and buffer areas

(iv) land affected by acid sulphate soils by controlling development of that land likely to affect drainage or lower the water table or cause soil disturbance

(v) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits

Potential impacts to the environment have not yet been determined. The applicant will need to submit additional information relating to traffic, stormwater and environmental issues (as indicated in Council's letter on 11 December 2009) prior to determining the extent of impacts from the development.

(e) reducing the incidence of loss of life and damage to property and the environment in localities subject to flooding and to enable uses and developments consistent with floodplain management practices.

The proposal is consistent with the requirements of Clause 37 Development on Flood Prone Land in LEP 2000. Further, the application was reviewed by Council's Strategic Engineer, who had no objections subject to conditions regarding compensation for loss of flood storage and construction requirements.

Clause 12 Subdivision within rural zones

The proposal includes subdivision of the caravan sites for lease purposes, which is permissible under SEPP 21 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The development, however, proposes subdivision far exceeding what is normally permissible under Clause 12(b) and is not consistent with the intent of LEP 2000.

Clause 37 Development on flood prone land

The site is mapped as being flood prone. The development is consistent with the requirements of Clause 37, and will not unreasonably increase the incidence or severity of flood on site or adjoining properties or the risk to life and property.

Clause 44 Appearance of land and buildings

The proposal is unlikely to be visible from Nelson Bay Rd or any significant waterway or land zoned as public reserve or open space.

Clause 47 Services

The applicant proposes to connect the development to Hunter Water Corporation water and sewer services. A letter from HWC has been submitted with their indicative requirements.

Clause 51A Development on land identified on Acid Sulphate Soils Planning Maps

The site is mapped as Class 3 Acid Sulphate Soils. The applicant has submitted an acid sulphate management plan which provides recommendations for managing potential acid sulphate soils disturbed during works.

State Environmental Planning Policy 21 Caravan Parks

SEPP 21 is applicable to the development for 229 caravan sites and associated facilities.

Clause 6 – Definitions

SEPP 21 defines “caravan parks” as:

“land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.”

The proposal is not consistent with this definition. Although the definition allows for the installation of an undefined percentage of moveable dwellings, there are no caravans proposed to be installed or placed on the site as part of the development.

However, *Wygiren v Kiama* (2008, NSWLEC 56, File No. 11026 of 2007) found that the caravan park definition in SEPP 21 only ensures that references to caravan parks in LEPs include those specified in the SEPP. Nothing prevents a definition in a Local Environmental Plan being more inclusive than the definition in the SEPP.

The remaining clauses in SEPP 21 are still considered applicable to the proposal.

Clause 8 Development consent required for caravan parks

Clause 8(2) requires Council to determine whether any sites are suitable for long term accommodation, as defined in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The site is not considered suitable for a caravan park providing 100% long term accommodation due to its location.

The site is 1.2km from Anna Bay (3km by road), 3.5km from Salamander Bay and 7.5km from Nelson Bay. Further, the site is not within any urban growth areas indentified in the Lower Hunter Regional Strategy (2006), Community Settlement and Infrastructure Strategy and Anna Bay Strategy.

The development is similar in nature to manufactured home estates and seniors living developments, both of which are prohibited unless within or adjoining existing urban areas.

A recent court case (Wygiren v Kiama Council 2008, NSWLEC 1233, File No. 11026 of 2007) noted that SEPP 36 Manufactured Home Estates and SEPP (Housing for Seniors or People with a Disability) 2004 provided a “sensible contemporary approach” and reflect the Department of Planning’s policy to locating developments for long term accommodation.

The application was referred to Council’s Strategic and Community Planning Sections, who both objected to the development based on the location.

Clause 10 Matters to be considered by Councils

(a) Whether the site is particularly suitable for a caravan park providing long term accommodation

The site is not considered to be particularly suitable for long term accommodation.

Residential development or subdivision is not permissible in the 1(a) zone. The site is not within any future urban growth area identified in the Lower Hunter Regional Strategy (2006), Community Settlement and Infrastructure Strategy and Anna Bay Strategy.

Similar style developments are prohibited under both SEPP 36 and SEPP Housing for Seniors, as these types of developments are restricted to land within or adjoining urban zoned areas.

It is considered that long term accommodation should be located in close proximity to existing urban areas, as it minimises costs associated with maintaining infrastructure and reduces the risk of future residents being unreasonably isolated from services and facilities.

The site also has value as rural land, and is identified in the applicant’s flora and fauna report as having significant environmental value, despite the site being previously sand mined.

(b) Whether there is adequate provision of tourist accommodation in the locality and whether any tourist accommodation will be displaced by the proposed long term accommodation

The Tomaree Peninsula contains a large quantity and variety of tourist accommodation. The proposed 229 long term caravan sites are unlikely to have any impact on the availability or viability of tourist accommodation on the Tomaree Peninsula.

(c) Whether there is adequate low cost housing in the locality

There is no information available on the amount of low cost housing on the Tomaree Peninsula, but Council’s Community Planning Section and State Environmental

Planning Policy Affordable Rental Housing acknowledge the need for expansion of existing low cost housing stock.

The proposal will provide a significant increase in the quantity and variety of housing stock in the locality.

However, the applicant has not provided any information regarding the likely cost of sites in the development, so it cannot be determined to what extent the development can be considered low cost housing (in comparison to existing housing available on the Tomaree Peninsula).

(d) Whether necessary community facilities and services are available within the park or locality and whether they are accessible to occupants

A key concern with the development is its isolated location and distance to essential services and facilities provided in Anna Bay, Nelson Bay and Salamander Bay.

The proposal will include a community/recreation hall containing a medical room, hairdresser, small library, computer room, theatre, games and craft room, gymnasium and swimming pool.

Long term residents will require a wide range of services and facilities (medical, educational, sporting, commercial and shopping facilities etc) that will not be available within the development.

To address this issue, the applicant proposes to run a bus service from the development to local centres. No information has been provided on the frequency or cost of the bus service.

It should be acknowledged that Council cannot condition or require the continued provision of the bus service or proposed facilities. Given the sites location, any resident unable to access these services (either as a result of reduced provision, cost, access issues, location) would be unreasonably impacted and would not have equitable access to essential services.

SEPP 36 and SEPP Seniors Housing require similar style development to be located within or adjacent to existing urban areas, primarily so that future long term residents have equitable access to essential services and facilities. This is supported by the Lower Hunter Regional Strategy, Council's strategic planning policies and LEP 2000, which require residential development to be located close to existing urban areas.

(e) Guidelines issued by the Director

The proposal is not known to be contrary to any guidelines.

(f) Provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993

An assessment of the relevant requirements in the Local Government regulations has been undertaken by Council's Environmental Services. The proposal was considered consistent with the requirements of the regulations, subject to recommended conditions.

State Environmental Planning Policy 36 Manufactured Home Estates

The proposed development, which involves erection of 229 manufactured homes, fits the definition of a "manufactured home estate", which means:

"land on which manufactured homes are, or are to be, erected."

Schedule 2 prohibits manufactured homes in Port Stephens unless it is on land that is either zoned residential or identified for urban growth within a Regional Strategy.

Manufactured home estates are prohibited on the site, as it is zoned 1(a) Rural Agriculture and is not within any urban growth area identified in the Lower Hunter Regional Strategy.

The applicant however, contends that the development is a caravan park and thus permissible under LEP 2000 and SEPP 21.

State Environmental Planning Policy (Infrastructure) 2007

The development will have capacity for more than 200 cars and is captured by Schedule 3 Traffic generating development to be referred to the RTA.

Concurrence from the RTA has not been obtained at this stage. Referral to the RTA is pending submission of amended traffic information requested on 1/7/09 and 11 December 2009.

Lower Hunter Regional Strategy

Although the proposal is not for a rezoning, it is appropriate to consider the Strategy in this instance as the development will constitute a significant urban expansion for the locality. The Strategy provides a mechanism, via the Urban Development Program, to properly consider and designate appropriate areas for urban expansion on a regional basis.

The site is mapped as an area known for rural land and environmental assets (p32) and is not within existing or proposed urban areas (p13). Further the Strategy states an intention of limiting further dwelling entitlements in rural areas (p37).

The Strategy states that land use proposals outside the designated growth areas should only be considered where consistent with the Sustainability Criteria in Appendix 1. The proposal is inconsistent with criteria 1, 2, 6 and 8. Consideration of the proposal against the relevant criteria is listed below:

1. Infrastructure Provision

The proposal includes provision of some services and facilities within the caravan park. No detail has been provided on operation of these services. Further, continued operation of these services cannot be guaranteed or conditioned. Any loss or reduction in services will have a significant impact on residents in the caravan park. There is also a wide range of essential services and facilities that will not be provided onsite.

The location of the site increases the potential for residents to be isolated from essential services and facilities, which is less likely to be the case if the development were to be located within or adjacent to existing urban areas (as required by SEPP 36 and SEPP Housing for Seniors).

2. Access

Residents of the development would have a reduced level of access to essential services and facilities provided in local centres, and would be reliant on cars or the proposed private bus service for access.

No information has been provided on frequency or cost of the bus service. Any resident unable to access the private bus service or car for transport would result in unreasonable isolation that would not be the case if the development was within or adjoining existing urban areas.

3. Housing Diversity

It is considered that additional low cost housing stock is required on the Tomaree Peninsula, and that the proposal will increase the housing diversity currently available. However, no information has been provided to determine whether the development will actually provide a low cost housing option in comparison to housing already available in Nelson Bay, Anna Bay and Salamander Bay.

6. Natural Resources

The site is not considered to be high quality agricultural land. Although the proposal will result in the loss of some rural land, it is not likely to significantly reduce the amount available in the locality. However, this proposal will create a precedent in the 1(a) zone, which may result in continued and unsustainable loss of rural land in the area.

7. Environmental Protection

Additional information, particularly with regard to water quality (ground water) and flora and fauna, is required to determine whether the development will

unreasonably impact the environment. This information, identified by Council on 11 December 2009, will need to be provided prior to these issues being resolved.

8. Quality and Equity in Services

Residents of the caravan park will not have the same level of access to essential services and facilities available to those residents located in existing urban areas. Residents in existing urban areas are likely to be impacted by the reduction in services and facilities as a result of the additional demand generated by residents of the caravan park. These impacts are likely to be exacerbated due to the caravan park not being part of Council strategic planning strategies.

Development Control Plan 2007

Section B2 Environment & Construction Management

- Section B2.4 Acid Sulphate Soils

The development has addressed the requirements of Clause 51A in LEP 2000. The applicant has submitted an Acid Sulphate management plan.

- Section B2.5 Landfill

The proposal includes some cut and fill, particularly around the southern end of the development, where lower areas are to be filled. The applicant has proposed to use soil excavated on site for earthworks, which would meet the VENM requirements.

- Section B2.9 Mosquito Control

The applicant has submitted a vector management strategy in accordance with DCP 2007.

Section B3 Parking & Traffic

Caravan parks are required to provide 1 space per site and 1 space per 10 sites for visitor parking. The proposal includes parking for each site and 33 additional spaces, which complies with the requirement of Council's DCP.

Section 94 Contributions

It is recommended that Section 94 contributions be required as per Council policy.

The applicant has applied for a reduction in Section 94 contributions, arguing that the services and facilities provided within the caravan park will reduce demand on local services and facilities.

Following discussions with Council's Strategic and Community Planning Sections, it is considered that services and facilities provided on site will be of limited size and variety and will not significantly reduce the demand on services and facilities in Anna Bay, Salamander Bay and Nelson Bay.

The applicant's request to reduce the requirement for Section 94 contributions is not supported.

2. Likely Impact of the Development

Flora & Fauna

The site has been previously disturbed by sand mining, but still contains remnant vegetation in wetland areas, particularly in the southern part of the site. The entire site is mapped as containing Swamp Sclerophyll Forest and Swamp Oak Floodplain Forest.

It should be noted that the proposed development site has been cleared without approval. Following Council's investigation of this matter, the applicant, in consultation with Council's Environmental Services, is in the process of preparing a Property Vegetation Plan.

The applicant submitted a flora and fauna report which determined that there would be a "moderate" impact on threatened local flora and fauna species. As such, the application needs approval from the Department of Environment, Climate Change and Water under the Threatened Species Act.

Referral of this application to DECCW pending amended plans requested on 11 December 2009, addressing issues of encroachments on wildlife corridors and limiting cleared areas to the minimum amount required for the Asset Protection Zones required by the NSW RFS.

Context, Setting & Public Domain

The development will introduce a significant urban element, due to its size and density, which will not be consistent with the existing rural character of the area. The most likely impact from the development is likely to be increased traffic along road 580 and additional demand for services and facilities in Anna Bay, Salamander Bay and Nelson Bay.

The viability of existing activities on adjoining properties, predominantly rural dwellings and grazing, is unlikely to be reduced due to the proposed setbacks, landscaping and wildlife corridors.

The development will not be visible from public areas and will not impact the public domain.

Water Management

Council's Development Engineer and NSW Office of Water requested additional information regarding stormwater and groundwater management, respectively.

This information is required prior to determining what impact the development will have on water management around the site.

Access, Transport & Traffic

- Traffic

The proposal will require construction of Road 580 from the site to Nelson Bay Rd, and a Type C intersection at the Nelson Bay Rd intersection.

The applicant has submitted a Traffic Impact Statement, which estimates an additional 69 trips during peak hours (8am to 9am and 4pm to 5pm) and states that a Type C intersection is "theoretically unacceptable", but will only impact the intersection for a relatively short period of time.

Council's Traffic Engineer has requested additional traffic information, in particular design details for the Type C intersection and clarification on internal traffic flow. The application also needs to be referred to the RTA under SEPP Infrastructure following receipt of this information.

- Transport

The site is not within reasonable walking distance (considered to be 400m in SEPP Housing for Seniors) of any public transport stops or stations.

The applicant proposed to run a private bus service for residents of the development. No information has been provided about the cost or frequency of this service. Any reduction or loss of this service would seriously disadvantage residents, due to the sites location.

3. Suitability of the Site

As previously discussed, the development provides 229 sites for long term accommodation, which is not considered suitable for the site given its isolation from existing urban areas.

Environmental Constraints

The site is mapped as being prone to bushfire and flooding, and containing endangered ecological communities (see previous flora and fauna comments).

- Bushfire

The application was referred to the NSW Rural Fire Service, who issued a Bushfire

Safety Authority on 11 December 2009, subject to recommended conditions.

- Flooding

The application was referred to Council's Strategic Engineer. No objection was raised subject to conditions regarding provision of additional flood storage and management of earthworks.

4. Submissions

The proposal was advertised and notified in accordance with Council policy. Seven (7) submissions were received. The concerns raised are listed below, along with the relevant assessment comments:

- Nature of development, and whether it should be considered as a "caravan park"
- Need for additional information
- Impact regarding additional traffic and what speed limits will be imposed
- Impact of development on existing drainage system
- Impact on amenity/safety of adjoining properties
- Development unsuitable for the area due to large number of existing caravan parks
- Access to development has not been done with consultation with neighbours


As discussed in this assessment, the proposal is considered permissible on the site as a caravan park under LEP 2000. However, further information is necessary prior to resolving the concerns raised in the public submissions.

5. Public Interest

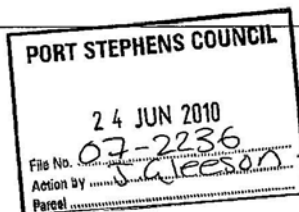
The development is not considered in the public interest. Although the development will provide additional low cost housing on the Tomaree Peninsula and associated social and economic benefits, it is not considered to be sustainable urban growth, due to its isolation.

Isolated residential development has the potential to generate a variety of detrimental impacts, such as disadvantaging future residents as a result of limited access to services and facilities, imposing an unplanned demand on infrastructure, services and facilities and a loss/fragmentation of rural land.

ATTACHMENT 3
RTA LETTER 23 JUNE

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General Manager
Port Stephens Council
DX 21406
RAYMOND TERRACE



Attention: Joe Gleeson

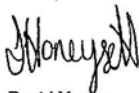
NELSON BAY ROAD (MR 108) - PROPOSED CARAVAN PARK, LOT 2 AND 4 DP 398888, PORT STEPHENS DRIVE, ANNA BAY

Dear Mr Gleeson

Attached is a copy of the RTA's letter to Mr Davey dated 23 June 2010, regarding the subject for your information.

Please contact me on 4924 0240 if you have any queries.

Yours sincerely



David Young
Manager, Land Use Development
Hunter Operations and Engineering Services

23 June 2010

Roads and Traffic Authority ABN 64 480 155 255

59 Darby Street Newcastle NSW 2300
Locked Bag 30 Newcastle NSW 2300 DX 7813
www.rta.nsw.gov.au | 13 17 82

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Mr Wayne Davey
PO Box 237
ANNA BAY NSW 2316

NELSON BAY ROAD (MR 108) ACCESS/DRIVEWAY ENTRANCE, 2985 NELSON BAY ROAD, SALT ASH (LOT 195 DP 753192).

Dear Mr Davey

I refer to your email dated 27 May 2010 regarding the subject proposed driveway/access for a proposed residence at the above site, forwarded to the Roads and Traffic Authority (RTA) for consideration.

The following preliminary advice is provided;

- 1 The RTA would support a direct vehicular access to/from Nelson Bay Road (MR108) to the site, generally as proposed in your site plan drawing number 29661, as a left in /left out access only. (It should be noted that this section of Nelson Bay road will ultimately be upgraded to dual carriageway, which will only provide for a left in /left out movements)
- 2 Adequate signage will need to be installed to reinforce the left in/left out restriction.
- 3 The driveway should be constructed with an adequate splay to facilitate the left turn in from Nelson Bay Road.
- 4 The driveway must be sealed from the edge of bitumen on Nelson Bay Road to the property boundary
- 5 The proposed access location off Nelson Bay Road shall have Safe Intersection Sight Distance (SISD) in compliance with the RTA's Road Design Guide for the prevailing speed limit.

Please note that this is preliminary advice only and is subject to a further assessment by the RTA. The RTA requirements may change when the development application is referred for comment. The RTA will provide further comments and respond to the development application when referred by Council.

Roads and Traffic Authority

2nd Floor, Sydney Newmarket NSW 1500
Postbox 969, Newcastle NSW 1600
www.rta.nsw.gov.au | 13 17 82

If you require further advice please contact me on (02) 4924 0240. .

Yours sincerely



Dave Young
Manager, Land Use Development
Hunter Operations & Engineering Services

23 June 2010

cc Joe Gleeson
Port Stephens Council

**ATTACHMENT 4
DRAFT CONDITIONS OF CONSENT**

Deferred Commencement Condition

1. Under Section 138 of the Roads Act 1993, the development requires concurrence from the NSW Roads & Traffic Authority prior to connecting to a classified road, being Nelson Bay Road. Concurrence from the RTA shall be provided to Council within the specified timeframe.

General Conditions

2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
3. Works shall not commence until such time as the necessary construction certificates and Roads Act approvals have been issued for the works approved by this application.
4. 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.
5. An amended site plan shall be submitted to and approved by Council **prior to the issue of any Construction Certificate**. The amended plan must be consistent with the recommendations of the Ecological Report submitted with the application, prepared by Peak Land Management dated February 2009, particularly regarding:
 - A wildlife corridor (minimum of 30m wide) must be provided along the western boundary. The corridor must not include any asset protection zones for bushfire protection, stormwater infrastructure or recreation areas.
 - A minimum 50m buffer area must be provided between the development and identified endangered ecological communities located north and south of the development area.
 - Asset protection zones for bushfire protection are to be reduced to the minimum amount required by the conditions imposed by the NSW Rural Fire Service. All other areas disturbed by clearing are to be rehabilitated.
6. An amended stormwater concept design shall be submitted to and approved by Council **prior to the issue of any Construction Certificate**. The

MINUTES FOR ORDINARY MEETING – 12 OCTOBER 2010

amended concept must indicate the outlet point of the proposed drainage system, include supporting calculations and consideration of how the proposed works (including cut and fill) will impact on flooding and groundwater on and around the site.

7. The civil engineering design plans are to be in accordance with Council's Design and Construction Specification, policies and standards including road widths, drainage, detention and works within the Crown Road and Nelson Bay Road. These plans shall be submitted to and approved by Council **prior to the issue of a Construction Certificate**. Note: The road will need to be a minimum 6m sealed width and include associated drainage. Pavement will need to be designed by a geotechnical engineer.
8. Comprehensive details regarding connection of water and sewer services shall be submitted to and approved by Council **prior to the issue of a Construction Certificate or Roads Act Approval**.
9. A bus shelter shall be provided on the eastern side of Port Stephens Drive. An all weather access is to be provided between the development and the bus shelter. Details are to be confirmed with Council's Integrated Planning Section **prior to the issue of a Construction Certificate**.
10. The construction of the general store shall comply with the requirements of Australia Standard AS4674. **Prior to the issue of the Construction Certificate**, full construction and fit-out details are to be provided to Council's Environmental Health Officer (Food Inspection) for approval.
11. An Acid Sulphate Soils Management Plan is to be submitted to Council for approval **prior to the issue of a Construction Certificate**.
12. A monetary contribution is to be paid to Council, pursuant to section 80A(1) of the Environmental Planning and Assessment Act, 1979 and Section 94 of the Environmental Planning and Assessment Act, 1979 towards the provision of the following public facilities:-

	Per Lot	Total
Civic Administration	(\$192)	(\$43,968)
Public Open Space, Parks and Reserves	(\$1,042)	(\$238,504)
Sports and Leisure Facilities	(\$2,454)	(\$561,966)
Cultural and Community Facilities	(\$1,234)	(\$282,586)
Fire & Emergency Services	(\$96)	(\$21,870)
Roadworks	(\$465)	(\$106,485)
Anna Bay/Boat Harbour S94 Drainage Catchment	(\$323)	(\$73,853)
Total	(\$5,805)	(\$1,329,231)

Note:

a) The above contributions have been determined in accordance with Port Stephens Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Customer Service Counter, 116 Adelaide Street, Raymond Terrace.

b) Contributions are to be paid **prior to issue of construction certificate**.

c) The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of original consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for twelve months from the date of original consent.

13. An approval to operate a caravan park under Section 68 of the Local Government Act shall be obtained from Council prior to occupation of any building and following completion of all construction works.
14. All building work (including the community hall, office buildings, visitor parking, amenities and provision of services) and civil engineering works (including internal and external roads, stormwater infrastructure) are to be completed prior to **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied**.
15. The community bus is to be available for use **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied**. The bus service shall be available for use whenever any caravan site is occupied.
16. Due to previous sand mining operations on the site and the potential for contamination, appropriate certification incorporating a preliminary investigation shall be submitted to Council demonstrating that the site is suitable for residential use in accordance with SEPP 55 Remediation of Land and Managing Contaminated Land Planning Guidelines **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied**.
17. The premises are to be designed, constructed and operated in accordance with the requirements of the Local Government (Caravan Parks, Camping grounds and Moveable Dwellings) Regulation 1995. Confirmation that all works comply with the regulations is to be provided to Council **prior to the issue of an approval to operate the caravan park**.

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18. Manufactured homes shall not be constructed on site in accordance with the Local Government (Caravan Parks, Camping grounds and Moveable Dwellings) Regulation 1995.
19. The development shall be serviced by the Hunter Water Corporation with water and sewerage facilities.
20. A Compliance Certificate under Section 50 of the Hunter Water Corporation Act, 1991 shall be submitted to Council **prior to the issue of an Occupation Certificate**. Applications for Section 50 Certificates are to be made direct to the Hunter Water Corporation.
21. A bushfire report certifying compliance with the Bushfire Safety Authority conditions imposed by the Rural Fire Service shall be submitted to Council **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied**.
22. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited. Council will insist on the removal of any prohibited material.
23. Under the Water Management Act 2000, the development will require a controlled activity approval from the NSW Office of Water, and shall be obtained **prior to the issue of any construction certificate**.
24. The pedestrian/emergency access to Port Stephens Drive shall not be used by regular vehicular traffic from the development. Measures (such as gates) are to be implemented to ensure proper use of the secondary access.
25. The development has been granted a conditional approval from the NSW Rural Fire Service dated 11/12/09 under their relevant legislation. The development shall comply with the following conditions imposed by the authority with their general terms of approval.
26. At the commencement of building works and in perpetuity the property around the proposed development shall be managed as follows as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - North for a distance of 15 metres as an Inner Protection Area (IPA);
 - North-east for a distance of 15 metres as an IPA;
 - East for a distance of 10 metres as an IPA;
 - South East for a distance of 15 metres as an IPA;
 - South for a distance of 15 metres as an IPA;

- West for a distance of 10 metres as an IPA.
- 27. Water electricity and gas are to comply with Section 4.1.3 and 4.2.7 of 'Planning for Bushfire Protection 2006'.
- 28. The proposed main access servicing the development from Nelson Bay Rd shall comply with Section 4.1.3(1) of 'Planning for Bushfire Protection 2006'.
- 29. Internal roads shall comply with Section 4.2.7 of 'Planning for Bushfire Protection 2006'.
- 30. The proposed emergency access to the west shall comply with the following requirements:
 - Road(s) shall be two wheel drive, all weather roads.
 - Traffic management devices are constructed to facilitate unobstructed and unhindered access by emergency services vehicles.
 - The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.
- 31. Arrangements for emergency and evacuation are to comply with Section 4.2.7 of 'Planning for Bushfire Protection 2006'.
- 32. New construction on the northern, south-eastern and southern elevations between 16 and 23 metres shall comply with Australian Standard AS3959-2009 BAL 29.

New construction on the northern, south-eastern and southern elevations between 23 and 32 metres shall comply with Australian Standard AS3959-2009 BAL 19.

New construction on the northern, south-eastern and southern elevations between 32 and 100 metres shall comply with Australian Standard AS3959-2009 BAL 12.5.
- 33. New construction on the north-eastern elevations between 13 and 19 metres shall comply with Australian Standard AS3959-2009 BAL 29.

New construction on the north-eastern elevations between 19 and 27 metres shall comply with Australian Standard AS3959-2009 BAL 19.

New construction on the north-eastern elevations between 27 and 100 metres shall comply with Australian Standard AS3959-2009 BAL 12.5.
- 34. New construction on the eastern elevations between 10 and 50 metres shall comply with Australian Standard AS3959-2009 BAL 12.5.

35. New construction on the western elevations between 9 and 13 metres shall comply with Australian Standard AS3959-2009 BAL 29.

New construction on the north-eastern elevations between 13 and 19 metres shall comply with Australian Standard AS3959-2009 BAL 19.

New construction on the north-eastern elevations between 19 and 50 metres shall comply with Australian Standard AS3959-2009 BAL 12.5.

Note: Distances from elevations are intended to be taken from the edge of the developed area.

36. Landscaping of the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

37. All works which are located in public roads are subject to approval under section 138 of the Roads Act 1993. Engineering details in accordance with Council's Subdivision and Development Code, of such works shall be submitted with a Roads Act application form and then approved by Council **prior to approval to commence these works and prior to issue of the Construction Certificates.**

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

- a) Traffic control plans in accordance with the Roads and Traffic Authority – Traffic Control at Worksites Manual;
 - b) Payment of fees and bonds (same Principle Certifying Authority fees, inspection fees and maintenance bonds as relevant to subdivisions);
 - c) Contractors public liability insurances to a minimum value of \$10 million dollars.
38. The following fees and/or bonds are to be paid as part of this consent:
- a) Subdivision construction certificate/plan approval fee, prior to approval of construction certificate or plans.
 - b) PCA/inspection fee, prior to approval of construction certificate or plans.
 - c) Long Service Levy, prior to issue of construction certificate (verification of payment is required if paid directly to Long Service Board)
 - d) Maintenance Bond, prior to release of subdivision certificate.

The rates are as listed in Council's fees and charges. Contact Council's Subdivision Engineer prior to payment.

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39. Works associated with the approved plans and specifications located within the existing Road Reserve shall not commence until:
- i) a Roads Act Approval has been issued, and
 - ii) all conditions of the Roads Act Approval have been complied with to Council's satisfaction.
40. All civil engineering works shall be carried out in accordance with the Construction Certificate and Council's Subdivision & Development Code, to the satisfaction of Council or the Certifying Authority **prior to issue of an approval to operate the caravan park and prior to the occupation of any caravan site.**
41. All civil engineering works within the development site are subject to:
- a. inspection by Council, or the Certifying Authority
 - b. testing by a registered NATA Laboratory and
 - c. approval by Council or the Certifying Authority at each construction stage
- as determined by Council's Subdivision & Development Code.
42. Works associated with the Roads Act Approval are subject to:
- a. inspection by Council,
 - b. testing by a registered NATA Laboratory and
 - c. approval by Council at each construction stage as determined by Council.
43. Civil construction of the crown road in accordance with Council's Subdivision & Development Code, including associated drainage shall be completed and dedicated to Port Stephens Council at no cost to Port Stephens Council **prior to issue of an approval to operate the caravan park and prior to the occupation of any caravan site.**
44. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
45. 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.
46. 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.

47. 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.
48. 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.
49. 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.
50. 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.
51. Retaining Walls, not clearly noted on the approved plans or not identified as "Exempt Development", are to be subject to a separate development consent.

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

52. 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.

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

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

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

54. 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.

55. 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.
56. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the road to the development site under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
57. 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.
58. 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.

59. **Prior to occupying the site**, contact Council's Mapping Section on 49800304 to obtain the correct address numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.
60. **Prior to commencement of any works** within the road reserve for the provision of a driveway crossing, the applicant or their nominated contractor shall make application to Council and receive approval for the construction of the access road.

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

61. To protect the occupants of the premises and to ensure that asset protection zones are maintained effectively, the following fire safety measures are considered to be essential fire safety measures and are to be installed throughout the property:
- Fire hoses installed in accordance with AS2441- so that any temporary sites are covered by at least one (1) hose reel.
 - Fire hydrants installed in accordance with AS2419-2005 so that no site is more than 70m from a hydrant standpipe.
 - Bushfire asset protection zones are to be created and maintained for the life of the development in accordance with NSW Rural Fire Service's document 'Standard for Asset Protection Zones' to protect structures within the development and provide safety for fire fighters and occupants.
 - That all moveable dwellings satisfy the construction standards under AS3959-2009 and specified in this consent and attached schedule to provide ongoing protect to residents from the threat of bushfire.
 - That landscaping of the site is to be in accordance the conditions of this consent and Planning for Bushfire Protection 2009, to ensure that the risk of bushfire attack is not increased by inappropriate plantings.

A final fire safety certificate is to be provided to Council **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied.**

62. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:

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- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
- b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

GENERAL ADVICES

- a) 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.
- b) This approval relates to Development Consent only and does not infer any approval to commence excavations or building works upon the land. A Construction Certificate should be obtained prior to works commencing.
- c) The subject site is located within the Anna Bay Drainage Union Catchment. Prior to commencement of work, consult the secretary of the Anna Bay Drainage Union, RMB 8aa Frost Road, Anna Bay NSW 2316 as required under the Water Management Act 2000.
- d) The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- e) Any tree clearance on the site will likely require approval from the local Catchment Management Authority under the Native Vegetation Act 2003. The CMA should be consulted prior to any works being undertaken.

There being no further business the meeting closed at 7.02pm.

I certify that pages 1 to 101 of the Open Ordinary Minutes of Council 12 October 2010 were confirmed by Council at its meeting held on 19 October 2010.

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Cr Bob Westbury
MAYOR