

ITEM NO. 2 FILE NO: PSC2009-02472

**REALIGNMENT OF STURGEON STREET RAYMOND TERRACE NEAR THE
FORMER FIRE BRIGADE STATION**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Prepares a road widening plan under Section 22 of the Roads Act 1993 over the former section of Sturgeon Street known as Lot 1 D.P.874513.
- 2) The required notices of the proposed road widening be prepared and advertised under the Roads Act 1993.
- 3) Submit the proposed plan to the Minister for Local Government with advice Council proposes to issue a Road Widening Order over the plan.
- 4) Following advertising if any submissions are received they are reported to Council and forward to the Minister under Section 23 Roads Act, 1993.
- 5) The Road Widening Order be notified in the Government Gazette if no submissions are received or the Minister grants his approval if submissions are received.
- 6) On completion of 5 above, referral of the matter to Strategic Planning Section for inclusion in relevant LEP.

OPERATIONS COMMITTEE – 11 AUGUST 2009

	Councillor Ken Jordan	
	Councillor Glenys Francis	That the recommendation be adopted.

ORDINARY COUNCIL – 25 August 2009

265	Councillor Ken Jordan	Councillor Glenys Francis	It was resolved that the recommendation be adopted.
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ITEM NO. 2 FILE NO: PSC2009-02472

REALIGNMENT OF STURGEON STREET RAYMOND TERRACE NEAR THE FORMER FIRE BRIGADE STATION

REPORT OF: CARMEL FOSTER – MANAGER, COMMERCIAL PROPERTY

RECOMMENDATION IS THAT COUNCIL:

- 1) Prepares a road widening plan under Section 22 of the Roads Act 1993 over the former section of Sturgeon Street known as Lot 1 D.P.874513.
- 2) The required notices of the proposed road widening be prepared and advertised under the Roads Act 1993.
- 3) Submit the proposed plan to the Minister for Local Government with advice Council proposes to issue a Road Widening Order over the plan.
- 4) Following advertising if any submissions are received they are reported to Council and forward to the Minister under Section 23 Roads Act, 1993.
- 5) The Road Widening Order be notified in the Government Gazette if no submissions are received or the Minister grants his approval if submissions are received.
- 6) On completion of 5 above, referral of the matter to Strategic Planning Section for inclusion in relevant LEP.

BACKGROUND

The purpose of this report is to recommend the return to the status of public road, the entire site occupied by the former fire station in Sturgeon Street, Raymond Terrace, to re-establish the full original width of that street by utilising a Road Widening Plan and Order under the provisions of the Roads Act 1993. The site is currently owned by the Department of Lands and dedicated for Fire Brigade Station.

The original Fire Station site was dedicated for that purpose in June 1959 over part of Sturgeon Street which was closed. See (ATTACHMENT 1) for general location map. In the 1960's the fire station was constructed and become operational. The land was known as Lot 11 Section 11 Town of Raymond Terrace and later had a small amount of road widening taken from it and is now known as Lot 1 D.P.874513 (SEE ATTACHMENT 2), which measured 14.935 x 33.53 metres, this reduced the effective width of that part of Sturgeon Street to 15.2 metres.

The current round-about at the intersection of William Street is located to suit the full original width of both streets. Following the rezoning of the former sports ground area to Business General 3(a), which contains about 6.8 hectares it is now possible for this large area to be developed for commercial activities potentially creating significant traffic generation. If such a development is to take place and to link to the existing business area in William Street, it is imperative that Sturgeon Street be returned to its full original width. To do this the procedures contained within the

Roads Act 1993 by the preparation of a Road Widening Plan and Order can be followed. The Act caters for notifications, advertising and the obtaining of the Minister for Local Governments consent. If the procedures meet the Ministers approval a notification can be placed in the Government Gazette which formerly creates the official Road Widening Order.

LINKS TO CORPORATE PLANS

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

SOCIAL SUSTAINABILITY – Council will preserve and strengthen the fabric of the community, building on community strengths.

ECONOMIC SUSTAINABILITY – Council will support the economic sustainability of its communities while not compromising its environmental and social well being.

BUSINESS EXCELLENCE – Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey

FINANCIAL/RESOURCE IMPLICATIONS

By placing a road widening order the Council indicates that it is prepared to acquire the area sometime in the future. At the time of purchase the land acquisition (Just Term Compensation) Act 1991 will apply. Obviously there will be road works to be carried out in the future for which funds will have to be made available.

LEGAL AND POLICY IMPLICATIONS

Sections 22 to 26 of the Roads Act 1993 (**SEE ATTACHMENT 3**) will apply with the main implication being on the parcel of lands affected by the Road Widening Order. This places a restriction on the land owner that no constructions, replacement or repair of a building can take place. This would allow the site to be available for Council in the future when it acquires the land. Provided the proposal is acceptable the relevant LEP should reflect the changes to zoning.

BUSINESS EXCELLENCE FRAMEWORK

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

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.

- 2) **CUSTOMERS** – Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.
- 3) **CORPORATE AND SOCIAL RESPONSIBILITY** – Behave in an ethically, socially and environmentally responsible manner.
- 4) **SUSTAINABLE RESULTS** – Focus on sustainable results, value and outcomes.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The recommendation in itself will have no social implications as the fire station has closed down and a new one is in use in another location in Raymond Terrace. Social implications would arise when and if a commercial development takes place on the former sports ground site.

ECONOMIC IMPLICATIONS

Council will have to fund the acquisition of the site sometime in the future.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Commercial Property Manager, Strategic Planners, Engineering Services Manager and Principal Property Advisor.

OPTIONS

- 1) Agree with recommendations
- 2) Refuse recommendations
- 3) Modify recommendations

ATTACHMENTS

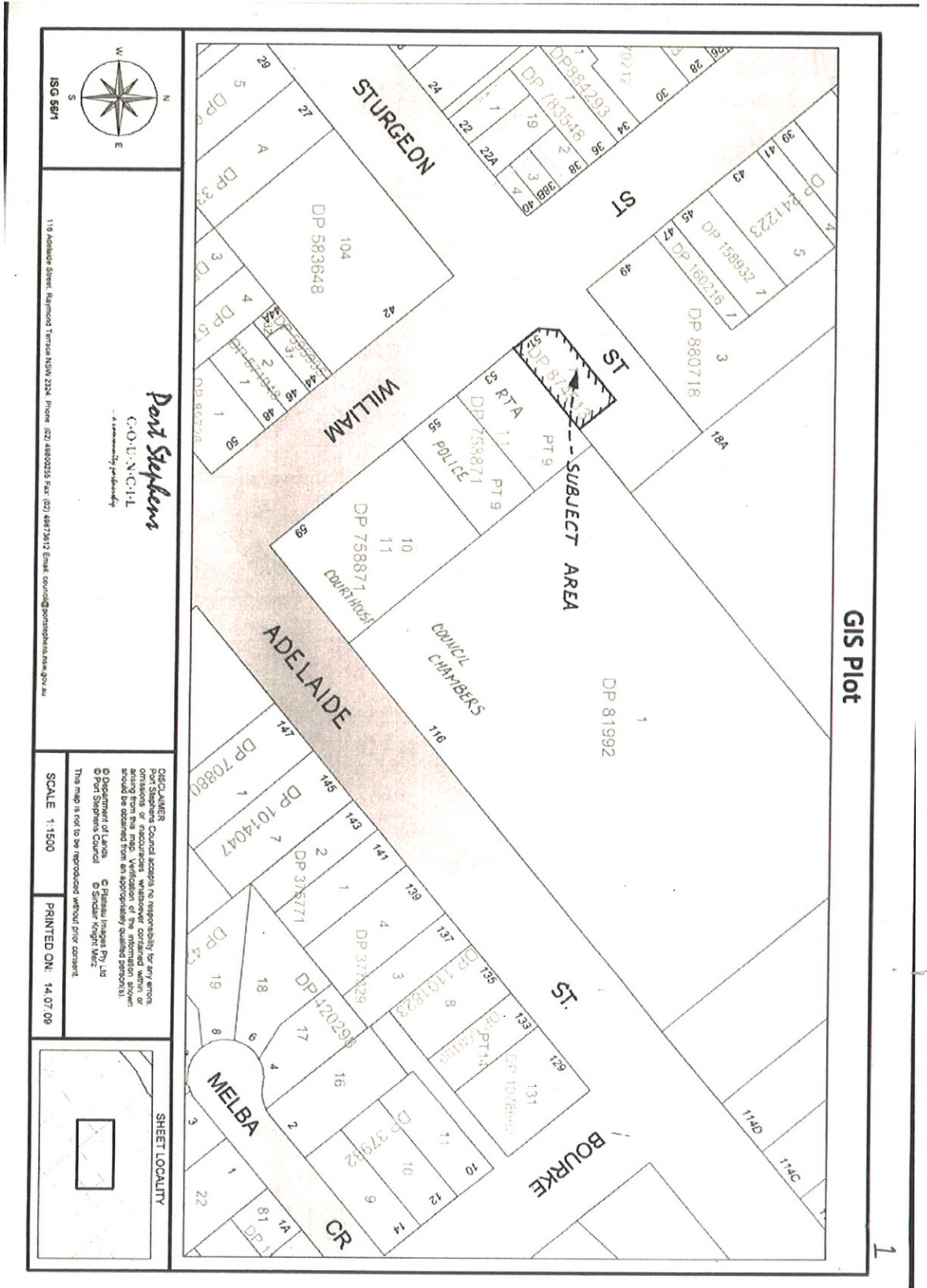
- 1) General locality plan
- 2) Plan of the property DP874513
- 3) Road Widening Order procedures

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil



[illegible]

ATTACHMENT 3

Road Widening Order

Council should officially resolve to prepare a "Road Widening Plan" and issue a "Road Widening Order" over the affected land(s).

ROADS ACT, 1993

Sec. 22 (1) Council as the road authority MAY submit the proposed widening plan to the Minister for Local Government – *This is recommended at initial stages if multiple properties are affected.*

(2) Council MUST place notice in –

- (a) Local Newspaper
- (b) Serve notice on affected property owner(s)

(3)

Notices to state –

- (a) Plan, identify
- (b) Place(s) and times plan may be inspected
- (c) Any person can make submission to Council or Minister
- (d) Time available (usually min. 28 days) to make and the manner of submission

Sec. 23

Any submission received to be forwarded to Minister – *This could be done together with Councils original notification of the proposal, if not done earlier.*

Sec. 24 (1)

Minister to consider submissions and can approve, alter or refuse plan.

Sec. 25

If submissions are received and Ministers approval is given Council can then notify the plan in the Government Gazette under "Road Widening Order".

(4)

- (a) Council must notify affected land owner(s). (Notice MUST state Council will acquire area affected some time in the future to satisfy Sec. 21 Land Acquisition (Just Terms Compensation) Act 1991 (J.T.C.Act).
- (b) Council must lodge survey plan for registration at LPI.
- (c) Forward a copy of the plan to Valuer General.

A Road Widening Order relates to Sec. 21 J.T.C.Act in that it creates affected lands as "designed for acquisition" for a public purpose – (Section 26(c) Environmental Planning and Assessment Act can be used to do a similar thing and reserve the affected land for the purpose referred to).

Jackie H

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14/07/2009

NOTE: THIS ITEM WAS BROUGHT FORWARD AND DEALT WITH PRIOR TO THE OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO. 2 FILE NO: PSC2005 4339

**PROPOSED RESIDENTIAL 8 LOT SUBDIVISION OF LOT 61 DP24364
JOHNSON AVENUE & ENGEL AVENUE, KARUAH**

REPORT OF: PHIL BUCHAN – ACTING BUSINESS & DEVELOPMENT MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Support the continuation of the Development Application to subdivide Lot 61 DP24364 and consider an allocation of the profits resulting from future sale subject to the Development Consent of the residential subdivision.

ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006

MOTION:		
	Councillor Baumann Councillor Tucker	That there be no further action regarding this matter.

Amendment:

RESOLUTION:		
715	Councillor Dingle Councillor Hodges	It was resolved that 1) There be no further action regarding this matter; and 2) That the subject land be reclassified from operational to community; and 3) That a draft LEP be initiated under the Environmental Planning and Assessment Act 1979 with the intent of rezoning from Residential 2(a) to Public Open Space 6(a) in the Port Stephens LEP 2000.

The amendment became the motion and on being put was carried.

RESOLUTION:		
716	Councillor Nell Councillor Francis	It was resolved that a division be called for

Those for the motion: Crs Brown, Francis, Hodges, Jordan, Tucker, Baumann, Dingle, Nell, Westbury, Dover & Swan

Those against the motion: Cr Robinson

Should Council adopt the report recommendation to proceed with the Development Application and as a consequence of the process the application is given consent, Council will need to determine how the profits from the future sale will be distributed. The decision to allocate funds from the sale of this land to projects or otherwise will be subject to the resolution of Council.

Alternatively, should Council decide to withdraw the Development Application a further decision will need to be made as to the future use of the 2a land which may possibly require a future rezoning.

To date the project costs in preparing the Development Application have totalled \$107,347. In addition to this an ecological assessment has been called for by the Development Planner assessing the application. As a consequence, it is expected that the project will attract additional costs of approximately \$10,000. Given the recent community opposition being expressed about converting 2a zoned land to recreation reserve, it is considered prudent at this juncture to seek further direction from Council whether to proceed with this Development Application.

Unit commenced the process to lodge a Development Application (DA) as landowner.

The purpose of this report is to seek direction from Council to either proceed with or withdraw, the Development Application to subdivide Lot 61 DP24364.

This parcel of land commonly referred to as Aliceon Reserve is currently zoned 6a (approx 3.4ha) over the majority of the parcel and 2a over a small area (approx 0.6ha) (SEE ATTACHMENT 1). Council's Property Unit engaged a planning consultant to lodge, on behalf of Council, a development application proposing a 7 lot residential subdivision over the 2a-zoned portion.

Council purchased the whole of Lot 61 on 7 November 1978 with the main intent to establish a community hall at Karuah. Since that time the 2a zoned portion of the land has remained available for residential development and without change to its operational classification and within Council's property development portfolio. On 22 March 2006 Councillor Francis, Stewart Murrell and Brad Sutton met with the Karuah Progress Association at the Karuah RSL Club to discuss a proposal to subdivide the 2a-zoned portion of Lot 61 for residential development. The meeting supported Council's proposal and as a result Council's Property Unit commenced the process to lodge a Development Application (DA) as landowner.

BACKGROUND

718	Councillor Jordan Councillor Hodges	It was resolved that Council call for a report seeking advice to rezone Council's land at Karuah.
MATTER ARISING:		
717	Councillor Francis Councillor Brown	It was resolved that Council initiates designs for the installation of playground equipment at Longworth Park.
MATTER ARISING:		

Comments from Council's Recreation Services staff suggested that Aliceon Reserve has the potential to become the town's most highly utilised park. As such it has been proposed that a Draft Concept Master Plan be developed in consultation with the Karuah Progress Association and interested members of the Karuah Community to help formalise and provide a working document for all future development within the reserve.

LINKS TO CORPORATE PLANS

This report relates to the Key Result Area of "Our Finances" within the Council Plan, it addresses the strategic direction statement "Continue growth of investment and business activities to decrease the burden on ratepayers".

FINANCIAL/RESOURCE IMPLICATIONS

Current expenditure incurred to progress the DA not including Business & Development Section staff costs exceeds \$107,000. The anticipated costs of development and returns from the sale are shown in the table below. This has been based on achieving a sale price of \$130,000 per lot.

Total Estimated Development Costs	\$385,000	Written Down Value from Land Development Inventory	\$137,000	Estimated Sale Price	\$910,000	Estimated return on investment	\$388,000
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It is intended that all proceeds will be distributed in accordance with correct policy.

LEGAL AND POLICY IMPLICATIONS

There are no legal or policy implications associated with this report

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Karuah community is passionate about the need for facilities that will advantage their town to make it more accessible and attractive. There is a perception that the proposed residential development adjacent to the reserve will provide a negative impact, as there are already a significant number of vacant residential lands around the town. Concerns expressed in correspondence refer to the loss of public open space parkland, potential over development to residential and need to improve infrastructure spending on facilities in the town. If the development proceeds there is opportunity for some or all of the sale proceeds to contribute to projects within Karuah that achieve positive social benefits.

ECONOMIC IMPLICATIONS

The establishment of 7 additional residential lots close to the town centre will provide a small economic benefit by stimulating employment during the construction phase and in the longer-term with new residents buying local products and services.

ENVIRONMENTAL IMPLICATIONS

Much of the comment received in recent correspondence concerns the loss of natural heritage and vegetation. The proposed subdivision would effectively remove vegetation from the 2a land. If the DA is not withdrawn an ecological assessment will be undertaken to address the environmental implications.

CONSULTATION

Various consultation has taken place to progress the subdivision proposal and for the preparation of this report. Consultation has occurred with West Ward Councillors, the Business & Support Group Manager, Recreation Services Manager, Recreation Planner, Property Unit Coordinator, Property Focus Group and members of the Karuah Progress Association.

OPTIONS

- 1) Adopt the report recommendation.
- 2) Resolve to withdraw the Development Application and consider the future use of the 2a Zoned parcel.
- 3) Amend the report recommendation.

ATTACHMENTS

- 1) Map of the site and its zoning boundaries

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

