

DRAFT

MINUTES 25 FEBRUARY 2014



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 25 February 2014, commencing at 5.50pm.

PRESENT: Mayor B MacKenzie; Councillors G. Dingle; C. Doohan; K. Jordan; P. Kafer; P. Le Mottee; J. Morello; J. Nell; S. Tucker; General Manager; Corporate Services Group Manager; Facilities and Services Group Manager; Development Services Group Manager and Executive Officer.

028	Councillor John Morello Councillor Chris Doohan
	It was resolved that the apology from Cr Sally Dover be received and noted.
029	Councillor Paul Le Mottee Councillor John Morello
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 11 February 2014 be confirmed, subject to Item 10 being amended to include funding of \$2,000 in total, being provided to Birubi Point Surf Lifesaving Club.
	Cr Paul Le Mottee declared a pecuniary conflict of interest in item 2. The nature of the interest being that the Le Mottee Group prepared the Planning Proposal.

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MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2011-00710

HUNTER REGION BOTANIC GARDENS

THAT COUNCIL:

- 1) Note the negotiations being held with the Hunter Botanic Gardens and agree to underwrite the operational budget up to \$15,000.
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ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014 MOTION

030	Mayor Bruce MacKenzie
	It was resolved that Council note the negotiations being held with the Hunter Botanic Gardens and agree to underwrite the operational budget up to \$15,000.

BACKGROUND

The Hunter Region Botanic Gardens (HRBG) based in Port Stephens operates through the committed activities of volunteers from across the Hunter region.

For many years the NSW Government has provided \$50,000 towards operational costs. This funding was to cease in June 2013 but was extended a further twelve months to July 2014. This decision is based on the fact the HRBC is the only regional botanic site receiving State Government support.

The Hunter Region Botanic Gardens Trust has always raised funding and / or received works in kind from a range of donors including Councils, Hunter Water Corporation, Tomago Aluminium and many others on a less regular basis.

Hunter Councils have also been approached on the basis that this facility is truly regional. The Board of Hunter Councils has indicated support in seeking to establish long-term sustainability and potential project support. Given the pending loss of Government funding the Trust have reviewed their fiduciary responsibility, paid out all employee entitlements and negotiated short term agreements with the remaining staff. Their financial modelling shows they are unable to continue operations to 3 June 2014 without additional support.

A range of operations has been considered with limited success to date.

ORDINARY COUNCIL – 25 FEBRUARY 2014
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To permit negotiations to continue it is proposed to underwrite the current operations while medium and long term solutions are developed.

The HRBG has a range of environmental, social and cultural values including the botanic collect, the seed bank, the herbarium, the opportunity for volunteers maintenance of habitat, flora, fauna etc.

This proposal could reduce Council's operating surplus in the current year if other sources are not identified.

COUNCIL REPORTS

ITEM NO. 1**FILE NO: PSC2013-00455****PLANNING PROPOSAL FOR LOT 2 DP 810866 (509 GAN GAN ROAD, ONE MILE)**

REPORT OF: BRUCE PETERSEN - COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER
GROUP: DEVELOPMENT SERVICES]

RECOMMENDATION IS THAT COUNCIL:

- 1) [Adopt the revised Planning Proposal at **(ATTACHMENT 5)** for the purpose of Section 55 of the Environmental Planning and Assessment Act 1979 to:
 - a) Retain the existing E4 Environmental Living Zone and apply a minimum lot size of 2,000m² to the western part of the site and 4 hectares to the residual land as shown in **(ATTACHMENT 4)**;
 - b) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure for a Gateway Determination;
- 2) Consider a request from the Proponent for Council to reimburse the original fee paid in 2003 of \$10,500 adjusted to a 2013 dollar value of \$14,196.]

ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
MOTION

031	Councillor Steve Tucker Councillor Ken Jordan
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Ken Jordan
	That the recommendation be adopted.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Nil.

MOTION

033	Councillor John Nell Councillor John Morello It was resolved that Council: 1. Adopt the revised Planning Proposal at (ATTACHMENT 5) for the purpose of Section 55 of the Environmental Planning and Assessment Act 1979 to: a. Retain the existing E4 Environmental Living Zone and apply a minimum lot size of 2,000m² to the western part of the site and 4 hectares to the residual land as shown in (ATTACHMENT 4); b. Forward the Planning Proposal to the NSW Department of Planning and Infrastructure for a Gateway Determination; 2. Consider a request from the Proponent for Council to reimburse the original fee paid in 2003 of \$10,500 adjusted to a 2013 dollar value of \$14,196.]
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present a planning proposal to Council for its consideration.

Subject Land:	Lot 2 DP 810866 (509 Gan Gan Road One Mile) shown in (ATTACHMENT 1) .
Subject Land Area:	8 hectares (approximate)
Proponent:	Kleinfelder Australia Pty Ltd
Lodgement Date:	November 2012 (and as modified)
Existing Zoning and Minimum Lot Size:	E4 Environmental Living (10 hectares)
Zoning and Minimum Lot Size sought by Proponent:	E3 Environmental Management (10 hectares - with an additional use clause to permit a dwelling on that land) and R5 Large Lot Residential (2000m ²).
Recommended Zoning and Minimum Lot Size:	E4 Environmental Living (4 hectares and 2000m ²).

Council has received a Planning Proposal from the Proponent seeking to rezone the subject land to facilitate development on part of the site. The subject land is not

identified for rezoning in any planning strategy and is being considered on its own merits as a 'spot' rezoning. The principal reason for proceeding with a planning proposal under this circumstance is that the site is surrounded by existing development and could be considered to be 'infill' development. Initial investigation indicates the site is subject to significant environmental constraints including (but not limited to) flora and fauna and drainage. The recommended Planning Proposal highlights these constraints and provides opportunity for them to be investigated in greater detail as part of the rezoning process, and following a Gateway Determination.

The recommended planning proposal is similar to the planning proposal lodged by the proponent with respect to potential lot layout and yield, however maintains a consistent E4 Environmental Living zone regime in the area.

Planning Proposal submitted by the Proponent

The zone layout and minimum lot size of E3 Environmental Management (10 hectares) and R5 Large Lot Residential (2000m²) sought by the Proponent is shown in **(ATTACHMENT 2)**. The submitted Planning Proposal seeks to facilitate the creation of approximately 8 to 10 lots on the western part of the site and place the environmental management zone over higher value koala habitat on the central and eastern parts of the site and seek a dwelling entitlement within that area.

The land proposed for R5 Large Lot Residential Development and minimum lot size of 2000m² has potential to be connected to reticulated sewer and facilitate higher density development compared to on-site disposal however this will create an inconsistent lot size and zoning regime in the area.

A copy of the Proponent's Planning Proposal is at **(ATTACHMENT 3)**.

Recommended Planning Proposal

An alternative planning proposal is recommended should Council resolve to proceed with investigations into the subject land. It retains the existing E4 Environmental Living Zone across the entire site, and applies a minimum allotment size of 2,000m² to approximately 2 hectares of land in the western part of the site (only) and 4 hectares in the residual area. This maintains the existing zoning regime in the area and also facilitates further investigation into the development footprint and minimum lot size sought by the Proponent. A copy of the recommended zone and lot size maps are at **(ATTACHMENT 4)**.

A copy of the Planning Proposal recommended to Council is at **(ATTACHMENT 5)**.]

FINANCIAL/RESOURCE IMPLICATIONS

[There are no financial implications for Council if it proceeds with the recommendations of this report to prepare a Planning Proposal for the subject land.

A rezoning request was lodged previously in 2001 and a lodgement fee of \$10,500 paid in 2003 (equivalent to \$14,196 in 2013). Council records show that the proposal submitted by the relevant consultant at the time was inadequate and further information was requested however not submitted. The Proponent has advised that the delay in proceedings is based in part on the local environmental plan amendment and also Guardianship Tribunal proceedings from early 2007 to 2010. The Proponent is seeking reimbursement for the \$10,500 paid April 2003 in relation to this previous rezoning request (\$14,196 in 2013).

The Proponent has since lodged the current Planning Proposal which is the subject of this Report and paid the required fee of \$33,000 in March 2013.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes]		Section 94 Developer Contributions would be required at a future stage if the land is subdivided.]
External Grants	No		
Other	Yes]	33,000]	Rezoning Fee under Fees & Charges 2012 – 2013.]

LEGAL, POLICY AND RISK IMPLICATIONS

Lower Hunter Regional Strategy

The site is not identified as a proposed urban area in the Lower Hunter Regional Strategy. It is also not located within a Green Corridor. Under these circumstances the Planning Proposal needs to satisfy the Sustainability Criteria of the Lower Hunter Regional Strategy.

At this stage of the planning process the Planning Proposal does not demonstrate satisfaction of some of the criteria with particular respect to avoidance of risk (flooding and drainage) and environmental protection (flora and fauna). The Proponent may be provided with an opportunity to address this issue after a Gateway Determination.

The Planning Proposal is not required to meet dwelling capacity projections under the Lower Hunter Regional Strategy.

Port Stephens Planning Strategy 2011-2036

The Port Stephens Planning Strategy does not identify the site as a potential urban release area. It is not required to meet dwelling projections and is being considered as a 'spot' rezoning on its individual merits, particularly given the pattern of existing residential development in the area.

Port Stephens Local Environmental Plan 2013

The Planning Proposal will amend the Port Stephens Local Environmental Plan 2013 by amending the Lot Size Map in accordance with **(ATTACHMENT 4)**. The E4 Environmental Living Zone that currently applies to the site would be retained.]

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that the site is not suitable for rezoning and development because of site constraints particularly flooding and drainage, flora and fauna.]	[Medium]	[Provide the Proponent with the opportunity to demonstrate the suitability of part of the site for development through the planning process (including a Gateway Determination).]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[There are limited social and economic implications for Council if the Planning Proposal proceeds/does not proceed due to the small number of potential additional dwellings (approximately 8 to 10 lots). The subject land is not identified in any planning strategy as an urban release area and is not required to meet any social and economic objectives for the provision of housing.

Flooding and drainage implications are to be resolved. The western part of the site proposed for additional development is mapped as flood prone land and is within a floodplain. Further information is required from the Proponent to demonstrate that future development will not be subject to unacceptable risk of flooding; suitable drainage infrastructure and management mechanisms will be provided; and other existing properties will not be subject to increased flooding and drainage impacts as a result of development. Council is about to commence the Anna Bay/One Mile Flood Study which will assist in addressing these issues however it is not due for completion until 2016. If the Planning Proposal proceeds the Proponent will be required to demonstrate satisfactory resolution of these issues.

Notwithstanding the existing surrounding rural residential development, the land is subject to environmental constraints that may limit its suitability for rezoning to support residential development. The following vegetation communities are on the site: Blackbutt Red Gum Apple Forest (2.7 ha); Swamp Oak Forest (2.2 ha and endangered ecological community); Paperbark Forest (1.8 ha and endangered ecological community); Freshwater Wetland Complex (1.3 ha and endangered ecological community); and exotic grassland (0.4 ha). The current E4 Environmental

Living and 10 hectare minimum lot size that currently applies to the site could be considered appropriate given environmental constraints.

The western part of the site proposed for further investigation for development comprises Freshwater Wetland Complex, including smaller areas of Blackbutt Red Gum Forest, Swamp Oak Forest and exotic grassland. This area is likely to be cleared for development if the Planning Proposal proceeds and may require the Proponent to investigate the provision of suitable biodiversity offsets in consultation with the NSW Office of Environment and Heritage.

Significant areas of the site comprise koala habitat and are utilised by koalas particularly at the east and centre. The part of the site proposed for investigation for development is primarily within 'Marginal' and 'Other' koala habitat in the western areas of the site. A small area of 'Supplementary' habitat may be affected. Initial review indicates that changing the minimum lot size to facilitate subdivision in the western part of the site may satisfy the Port Stephens Comprehensive Koala Plan of Management performance criteria for rezoning, subject to further review and site planning. The Planning Proposal may facilitate a potential dwelling (subject to development consent) on the residual eastern and central part of the site that has higher value koala habitat and unique clearing.

The site is likely to be used by or comprise habitat for other threatened species. The potential impact on threatened species and their habitats has not been assessed under Section 5A of the Environmental Planning and Assessment Act 1979 at this stage of the planning process and is likely to be required in the event of a Gateway Determination allowing the Planning Proposal to proceed.

Due to the various constraints applying to the land, the Proponent should provide a lot layout which identifies building pads, bushfire asset protection zones and overall infrastructure location (including vehicle access and drainage) to confirm whether part of the site is suitable for further development. This may occur following a Gateway Determination.

Until this proposal goes to Gateway and additional studies are undertaken, it is difficult to determine the net community benefit of the planning proposal. It is expected that one outcome may be the ecological constrained land be protected onto perpetuity through some offsetting arrangement or covenant.]

CONSULTATION

[Subject to receiving a Gateway Determination allowing a planning proposal to proceed, it is proposed to place the Planning Proposal on public exhibition for a minimum period of 28 days. Adjoining landowners will be notified in writing and consultation with relevant authorities will be undertaken. Any further consultation requirements will be set by a Gateway Determination.]

OPTIONS

- 1) Forward the recommended revised Planning Proposal at **(ATTACHMENT 5)** to the NSW Department of Planning and Infrastructure for a Gateway Determination. The recommended Planning Proposal maintains the existing E4 Environmental Living Zone and amends the Lot Size Map to 2000m² in the western part of the site and 4 hectares in the residual area;
- 2) Forward a Planning Proposal as submitted by the Proponent at **(ATTACHMENT 3)** to the NSW Department of Planning and Infrastructure for a Gateway Determination. The submitted Planning Proposal requests the R5 Large Lot Residential Zone with a minimum lot size of 2000m² and E3 Environmental Management with an additional use clause for a dwelling on the residual land;
- 3) Maintain the existing E4 Environmental Zone and 10 hectare minimum lot size.]

ATTACHMENTS [- All listed below are provided under separate cover.

- 1) Location Map;
- 2) Proponent's Requested Land Use Zone and Lot Size Map;
- 3) Proponent's Planning Proposal;
- 4) Recommended Land Use Zone and Lot Size Map;
- 5) Recommended Planning Proposal.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.]

ITEM NO. 2**FILE NO: PSC2012-03912****PLANNING PROPOSAL FOR LOT 100 AND LOT 101 DP 583216 CORNER OF FERODALE AND FAIRLANDS ROADS MEDOWIE**

REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER
GROUP: DEVELOPMENT SERVICES]

RECOMMENDATION IS THAT COUNCIL:

- 1) [Adopt the revised Planning Proposal at **(ATTACHMENT 3)** in respect of Lot 100 and Lot 101 DP 583216 to rezone the subject land to R5 Large Lot Residential (with a minimum lot size of 1,000m²) for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 and seek a Gateway Determination, noting the requirement for the Proponent to provide an infrastructure strategy.]

ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Paul Le Mottee left the meeting at 6.08pm, prior to Item 2.

	Councillor Geoff Dingle Councillor Steve Tucker
	That the recommendation be adopted.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Nil.

MOTION

Cr Paul Le Mottee left the meeting at 6.37pm, prior to Item 2.

034	Councillor John Nell Councillor John Morello
	[It was resolved that Council adopt the revised Planning Proposal at

(ATTACHMENT 3) in respect of Lot 100 and Lot 101 DP 583216 to rezone the subject land to R5 Large Lot Residential (with a minimum lot size of 1,000m²) for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 and seek a Gateway Determination, noting the requirement for the Proponent to provide an infrastructure strategy.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present a Planning Proposal to Council for its consideration.

Council has received a request from the Le Mottee Group to prepare a planning proposal to amend the Port Stephens Local Environmental Plan 2013 from RU2 Rural Landscape (20 hectares) to R5 Large Lot Residential (1000m²) for Lot 100 DP 583216.

The purpose of this report is to present the Le Mottee Group's request and to seek Council's decision whether to submit a revised planning proposal as recommended for Gateway Determination to include Lot 101 DP 583216 in the planning proposal.

Title of Planning Proposal:	Lot 100 and Lot 101 DP 583216, Corner of Ferodale and Fairlands Roads Medowie
Proponent:	Le Mottee Group
Date Lodged:	November 2013
Subject Land:	Lot 100 DP 583216 Lot 101 DP 583216
Subject Land Area:	8 hectares (approximate)
Existing Zoning and Minimum Lot Size:	RU2 Rural Landscape (20 hectares)
Recommended Zoning and Minimum Lot Size:	R5 Large Lot Residential (1000m ²)

Proceeding with a planning proposal to rezone the site for urban development is consistent with strategic planning strategies for the area subject to the resolution of infrastructure issues.]

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial/resource implications if Council resolves to proceed with the recommendation of this report.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes		Future subdivision of the site will be subject to Section 94 Developer Contributions.
External Grants	No		
Other	Yes	10,500	Stage 1 Rezoning Fee.

LEGAL, POLICY AND RISK IMPLICATIONS

Lower Hunter Regional Strategy

Medowie is identified in the Lower Hunter Regional Strategy as a proposed urban area with boundaries to be defined through local planning. The Planning Proposal is consistent with the Lower Hunter Regional Strategy.

Port Stephens Planning Strategy 2011-2036

Medowie is identified in the Port Stephens Planning Strategy as a Priority 1 Infill and New Release Area to be developed over a 25 year period.

Medowie Strategy

The large lot residential land use sought in the Planning Proposal is consistent with the Medowie Strategy however site-specific and broader infrastructure issues require resolution, including adequate provision of and contribution towards flooding and drainage, traffic and general infrastructure.

A comprehensive infrastructure strategy is being undertaken for Medowie and includes the Medowie Flood Study (initial stages completed) and Medowie Traffic Study (completed). These studies are informing the review of the Medowie Strategy.

Planning Proposals that proceed prior to completion of necessary infrastructure planning are required to comprehensively resolve infrastructure issues. If the Planning Proposal is to proceed it needs to address the provision of infrastructure and it is a recommendation of this report that the Proponent provides an infrastructure strategy.

It is estimated an additional 40 residential lots will be created from the planning proposal.

Port Stephens Local Environmental Plan 2013

The Planning Proposal will amend the Port Stephens Local Environmental Plan 2013 by applying the R5 Large Lot Residential Zone and a minimum lot size of 1,000m².]

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that the land will not be developed in accordance with the Medowie Strategy because of inadequate and uncoordinated infrastructure provision.]	[Medium]	[Require the Proponent to undertake an infrastructure strategy as part of the planning proposal process; or Defer the Planning Proposal until the review of the Medowie Strategy is completed.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[There are minimal social, economic or environmental implications anticipated for Council if it proceeds with the recommendation of this report subject to the Proponent can adequately address the provision of infrastructure and resolve staging and drainage issues.

Deferring the Planning Proposal until the review of the Medowie Strategy is completed may provide more guidance on these issues however this will delay consideration of the Planning Proposal. The Proponent has an opportunity to address these issues through the Gateway Determination process.

The site is cleared of vegetation with the exception of a small number of trees in the south west corner. This issue can be addressed following a Gateway Determination.]

CONSULTATION

[Consultation requirements will be set by a Gateway Determination. It is proposed to exhibit the Planning Proposal for 14 days because the subject land is included in the Medowie Strategy.

The Planning Proposal lodged by the Proponent is for Lot 100 DP 583216 (17 Fairlands Road) only. This report recommends the inclusion of the adjoining Lot 101 DP 583216 (2 Ferodale Road) as a logical addition to the Planning Proposal. It is recommended that Council consult with the owner of Lot 101 DP 583216 Ferodale Road following a Gateway Determination.]

OPTIONS

- 1) [Proceed with a revised Planning Proposal at **(ATTACHMENT 3)** to rezone the subject lands subject to the provision of an infrastructure strategy. This will include establishing that appropriate infrastructure can be delivered to the site to achieve the development sought by the Medowie Strategy;
- 2) Proceed with a Planning Proposal as lodged by the Proponent. The Proponent's submitted Planning Proposal is consistent with the recommended Planning Proposal (including proposed land use) however it does not require a strategy to ensure infrastructure delivery if the land is rezoned;
- 3) Defer consideration of the Planning Proposal until the review of the Medowie Strategy is completed. This may delay the rezoning of the land but ensure an improved approach to coordination of overall development under the Medowie Strategy;
- 4) Refuse the Planning Proposal.]

ATTACHMENTS [- All listed below are provided under separate cover.

- 1) Location Map;
- 2) Recommended Draft Port Stephens Local Environmental Plan 2013 Maps;
- 3) Recommended Planning Proposal;
- 4) Proponent's Planning Proposal.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.]

ITEM NO. 3

FILE NO: PSC2008-9241

YACAABA STREET EXTENSION, NELSON BAY

**REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL
SERVICES SECTION MANAGER**

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse Concept 5 - one-way north bound (**ATTACHMENT 5**) as the preferred extension option for Yacaaba Street;
- 2) Place this Concept on public exhibition for a minimum period of 28 days;
- 3) Should no submissions objecting to the exhibited Concept be received then adopt and prepare a submission to Council's 2014/15 Integrated Works (Capital Works) Program;
- 4) Resolve to rezone 108 Magnus Street, Lot 71, DP 573006 from SP2 Infrastructure to B2 Local Centre in a future housekeeping amendment to the Port Stephens Local Environmental Plan 2013.

**ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Paul Le Mottee returned to the meeting at 6.16pm, during Item 3.

	Councillor John Nell Councillor John Morello
	That Council: 1) Endorse Concept 5 - one-way north bound (ATTACHMENT 5) as the preferred extension option for Yacaaba Street; 2) Place this Concept on public exhibition for a minimum period of 28 days; 3) Should no submissions objecting to the exhibited concept be received then adopt and allocate funds for detailed design in the 2014/2015 budget in preparation for a submission into Council's 2015/2016 Integrated Works (Capital Works) Program; 4) Resolve to rezone 108 Magnus Street, Lot 71, DP 573006 from SP2 Infrastructure to B2 Local Centre in a future housekeeping amendment to the Port Stephens Local Environmental Plan 2013.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Nil.

MOTION

Cr Paul Le Mottee returned to the meeting at 6.39pm, during Item 3.

035	Councillor John Nell Councillor John Morello
	It was resolved that Council: 1) [Endorse Concept 5 - one-way north bound (ATTACHMENT 5) as the preferred extension option for Yacaaba Street; 2) Place this Concept on public exhibition for a minimum period of 28 days; 3) Should no submissions objecting to the exhibited concept be received then adopt and allocate funds for detailed design in the 2014/2015 budget in preparation for a submission into Council's 2015/2016 Integrated Works (Capital Works) Program; 4) Resolve to rezone 108 Magnus Street, Lot 71, DP 573006 from SP2 Infrastructure to B2 Local Centre in a future housekeeping amendment to the Port Stephens Local Environmental Plan 2013.]

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Nil.

Cr Geoff Dingle left the meeting at 6.39pm after the block vote was carried for all items.

BACKGROUND

[The purpose of this report is to seek Council support for the one-way north bound extension of Yacaaba Street, Nelson Bay.

Yacaaba Street runs parallel with Stockton Street and is positioned between Tomaree and Magnus Streets. This project will see Yacabba Street extend to Victoria

Parade to connect the Foreshore to the Town Centre. This extension was identified by the 24 April 2012 Council adopted Nelson Bay Town Centre & Foreshore Strategy.

This Strategy was developed to guide Nelson Bay towards becoming more attractive to tourists, the business community and residents. This Strategy was informed by a Traffic and Parking Study that identified that the Yacaaba Street extension was not critical to improve the operation of the road network. The extension aims to:

- Improve pedestrian and vehicular access to the Nelson Bay Foreshore;
- Improve visual sightlines to the Nelson Bay Foreshore;
- Fill a missing link in the permeable Nelson Bay Centre grid-like road structure;
- Support business activity through improving the public domain.

Council resolved to purchase 108 Magnus Street on 23 October 2012. This purchase meant that Council now owned the land required to complete the extension. In late 2013, Council Officers engaged consultants to prepare conceptual road, landscape and built-form designs that resulted in the following road extension concepts:

- 1) One-way north bound with vehicular separation (**ATTACHMENT 1**);
- 2) One-way south bound with vehicular separation (**ATTACHMENT 2**);
- 3) Two-way with vehicular separation (**ATTACHMENT 3**);
- 4) One-way north bound as a shared pedestrian zone (**ATTACHMENT 4**);
- 5) One-way north bound, with a wider pedestrian footpath than Concept 4 to provide adequate space for pedestrians (**ATTACHMENT 5**).

The preferred fifth concept is based on the following underlying preferences:

- Preference for One-Way Vehicular Traffic;

The preference for one-way vehicular traffic is based on the GHD. 2013, 'Nelson Bay Traffic and Parking Study' that recognises that this extension as not being critical for the purposes of improving the operation of the Nelson Bay road network. The GHD Report stresses the need to reduce needless vehicle circulation in the Town Centre and to improve the pedestrian environment.

Two-way vehicular traffic would reduce the space required for pedestrians, on-site dining and accompanying building. This is provided that a minimum 2m pedestrian thoroughfare is generally required and in turn Concept 3 (**ATTACHMENT 3**) would leave less than 0.5 metre for on-street dining. It would also create complications in intersection design and increase the hazard to pedestrians at the intersection of Victoria Parade and Teramby Road.

Two-way vehicular traffic would give preference to vehicles in a town centre that should provide priority to pedestrians. The extent to which pedestrians feel safe within this environment encourages the patronage of businesses.

Two-way vehicular traffic would also decrease the safety of the Yacaaba and Magnus Street Intersection by increasing conflict points from eight to sixteen. Austroads 2013 – Part 6 lists that minimising the number of conflict points is a key safety principle for intersection performance. Safety concerns would be further compounded because of the alignment offset of the current Yacaaba Street with the subject site.

- Preference for North-Bound Vehicular Traffic;

The preference for north-bound vehicular traffic is based on maximising safety at the Yacaaba and Magnus Streets intersection, improving the access to the Foreshore and emphasising the visual sightline as identified within the Nelson Bay Town Centre and Foreshore Strategy.

Access to the Donald Street Car Park will continue from Magnus Street and the existing segment of Yacaaba Street.

- Preference for a Shared-Pedestrian Zone;

The preference for a shared-pedestrian zone is based on the desired amenity for the Nelson Bay Town Centre, being one of pedestrian comfort and safety. Separation between vehicular traffic and stationary pedestrians for such purposes as on-street dining will be provided by integrated bollards.

Pedestrian environments have direct correlations with increased business activity as evidenced by such studies as the Heart Foundation, 2011, 'Good for Business'. This correlation is reflective in current practice with shared zones present at Laman Street, Newcastle; Hunter Street, Newcastle; Magnus St, Nelson Bay; and Church St, Parramatta.

- Preference for Buildings on the Eastern Side;

The preference for the buildings to be placed on the eastern side of the subject site is based on improving the visual sightline to the Nelson Bay Foreshore and minimising the intersection misalignment with Yacaaba Street. This misalignment is best illustrated by the Photomontage provided for Concept 5 **(ATTACHMENT 6)**.

These concepts have been developed through extensive internal consultations between Council's relevant road, property and planning sections. The Nelson Bay and District Business Association have also been consulted through Council Officer presentations in December 2013 and most recently in January 2014.

A number of community submissions have been received following the purchase of 108 Magnus Street, Nelson Bay. The comments expressed in these submissions have included:

- Preference for commercial buildings to be on the eastern boundary;

- Wide footpath to provide for on-street dining;
- Support for a one-way street extension at Yacaaba Street extension;
- Support for a two-way street Yacabba Street extension;
- Provide connections to the wider pedestrian network, such as the Marina.

During this informal consultation a preference for the two-way with vehicular separation has been demonstrated by some members of the community. As previously mentioned a number of disadvantages exist with Concept 3 - Two-way with vehicular separation (**ATTACHMENT 3**):

- 1) The GHD Parking and Traffic Study does not identify a need for this extension in regard to traffic movement;
- 2) The offset alignment of the existing Yacaaba St to the subject site could potentially create an unsafe Magnus and Yacaaba St intersection;
- 3) Business activity is facilitated by the creation of a pedestrian environment. Concept 3 (**ATTACHMENT 3**) limits the pedestrian zone to 2m and in turn reduces the potential for streetscape activities, such as on-street dining.

Council is unlikely to develop buildings on the site in the short to medium-term due to the existing adequate supply of commercial properties within Nelson Bay.

In the interim, Council in consultation with the community would seek to activate this space with a range of temporary pop-up uses by preparing and adequately servicing the site with power outlets for example. If this was implemented it would introduce an exciting and constantly changing element to anchor increased activity in this part of the Town Centre.]

FINANCIAL/RESOURCE IMPLICATIONS

[ACOR Consultants were engaged to undertake conceptual road, landscape and built-form design for the site. Included within this scope of works was the need to provide preliminary costs for the road and built-form component.

It should be noted that these estimates are preliminary estimates only. More detailed design work would be required to produce the final estimates.

The budget estimate for the road component of Concept 5 – one-way north bound (**ATTACHMENT 5**) is upwards of \$700,000. While the budget estimates for Concept 3 – two-way vehicular separation (**ATTACHMENT 3**) is upwards of \$750,000.

Subject to the public exhibition period and Council's subsequent support of Concept 5 (**ATTACHMENT 5**) these budget estimates could be included as a submission to Council's 2014/15 Integrated Works (Capital Works) Program.

The proposed temporary uses and eventual permanent building will likely attract tenants that will provide a financial return to Council over the longer term.]

Source of Funds	Yes/No	Funding	Comment
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ORDINARY COUNCIL – 25 FEBRUARY 2014

		(\$)	
Existing budget	No	700,000	No existing budget is available to fund this road extension. The recommendation of this Report is to request the budget estimate of \$700,000 for Concept 5 to be included in a submission to Council's 2014/15 Integrated Works (Capital Works) Program. The temporary option would be low cost, but would also require a financial allocation, albeit substantially less than the above.
Reserve Funds	No		
Section 94	Yes	43,360	Detailed designs developed to enable the construction of the Yacaaba Street extension have been funded through the contributions framework.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Yacaaba Street road extension is a step towards implementing the Council adopted Port Stephens Nelson Bay Town Centre and Foreshore Strategy. This is a project that will increase and improve the public domain of the Nelson Bay Town Centre.

108 Magnus Street, Nelson Bay, being the site that fronts Victoria Parade is zoned SP2 Infrastructure under the Port Stephens Local Environmental Plan 2013. Under Clause 5.1 of this Plan the site can only be developed for the purpose of a Local Road, meaning that commercial premises are currently prohibited on this site.

The site was previously zoned 3(a) Commercial under the Port Stephens Local Environmental Plan 2000, but was changed to SP2 Infrastructure for the purpose of acquisition. Now that it has been acquired, it is appropriate the site again be zoned for commercial uses. This rezoning has merit based on its location within the Nelson Bay Town Centre, previous 3(a) Business General under the Port Stephens Local Environmental Plan 2000 and its consistency with the Nelson Bay Town Centre and Foreshore Strategy.

This site specific rezoning could be included in a future housekeeping amendment that could be expected to commence prior to the end of 2014.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that Council cannot allocate the necessary funds for the road construction in the short-medium term.]	[Low]	[Write a submission to Council's 2014/15 Integrated Works (Capital Works) Program. Also consider the temporary short-term use of the site.]	[Yes]
[There is a risk that the residual space allocated for built-form following the road construction will be not be provided with an interim use.]	[Low]	[Work with the community through groups such as the Nelson Bay and District Business Association. Also prepare and adequately service the site to allow for an activated space with temporary stalls, markets, markets, mobile food vans, stalls, etc.]	[Yes]
[Council cannot find tenants or a buyer for the proposed building.]	[Medium - High]	[Delay construction of the building until the commercial market improves and examine options other than Council to develop through out-right sale or a long-term lease.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[The Yacabba Street Extension seeks to implement a component of the Council adopted Port Stephens Town Centre and Infrastructure Strategy.

This extension will improve the public domain of the Nelson Bay Town Centre and as a result encourage business activity by providing an environment attractive to pedestrians.

The built-form and widened pedestrian space will encourage passive surveillance by occupants and in turn facilitate social interactions. This pedestrian zone will also reduce vehicle-use for those unnecessary short journeys.]

CONSULTATION

[Consultation has taken place internally, with Councillors and the Nelson Bay and District Business Association. A number of letters have also been received from Nelson Bay residents given previous Council Reports regarding the purchase of 108 Magnus Street, Nelson Bay.

The recommendation is to place the preferred concept design on public exhibition to allow the general community an opportunity to comment on Council's preferred extension option.]

OPTIONS

- 1) [Endorse Concept 5 - one-way north bound (**ATTACHMENT 5**) as the preferred extension concept for Yacaaba Street, place the matter on public exhibition for 28 days and report the matter back to Council;
- 2) Place all Five Concepts (**ATTACHMENTS 1-5**) for the extension of Yacaaba St on public exhibition for a period of 28 days and report the matter back to Council;
- 3) Endorse Concept 5 – one-way north bound (**ATTACHMENT 5**) as the preferred extension option and prepare a submission for the costs to be included within the 2014/15 Facilities and Services budget.]

ATTACHMENTS [- Copyright owners consent has been sought.

- 1) Option 1 – One-way north bound with vehicular separation;
- 2) Option 2 – One-way south bound with vehicular separation;
- 3) Option 3 – Two way with vehicular separation;
- 4) Option 4 – One-way north bound as a shared pedestrian zone;
- 5) Option 5 – One-way north bound as a shared pedestrian zone and widened 5-6m pedestrian zone;
- 6) Option 5 – Photomontage.]

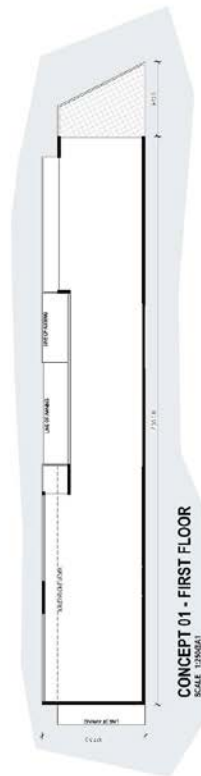
COUNCILLORS ROOM

- 1) [Port Stephens Local Environmental Plan 2013;
- 2) Nelson Bay Town Centre and Foreshore Strategy.]

TABLED DOCUMENTS

[Nil.

Option 1 – One-way north bound with vehicular separation



PRELIMINARY

REV	DATE	COMMENTS
A	15.11.13	ISSUED TO
B	28.11.13	ISSUED TO
C	27.01.14	ISSUED TO

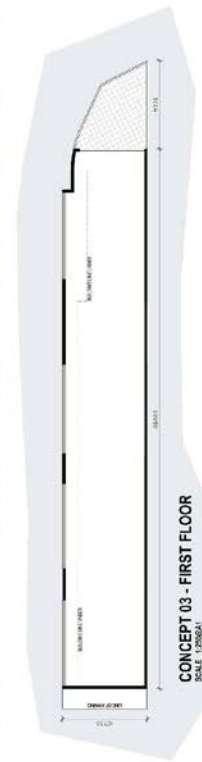
LONG-TERM REMOVAL

6A STREET EXTENSION
CEPT DESIGN

1/ACMBA STREET
NELSONS BAY, NSW

[illegible]

ATTACHMENT 3 Option 3 – Two way with vehicular separation



PRELIMINARY
EJE ARCHITECTURE
10050 SK A03 C
NOV 2013 1:2500/A1
NOT FOR CONSTRUCTION



PROJECT: YACAABA STREET EXTENSION
CONCEPT DESIGN
CLIENT: PORT STEPHENS COUNCIL
DESIGNER: EJE ARCHITECTURE
DATE: 2013.11.13
ISSUED TO COMPLETION
2013.11.13 ISSUED TO PORT STEPHENS COUNCIL
2013.11.14 ISSUED TO PORT STEPHENS COUNCIL
CONCEPT PLAN 03

NOT FOR CONSTRUCTION
EJE ARCHITECTURE
10050 SK A03 C
NOV 2013 1:2500/A1

30

PRELIMINARY





AIA
 American Institute of Architects
 1735 N. 17th St., Suite 200
 Arlington, VA 22209-1198
 Tel: 703/249-7700
 Fax: 703/249-7701
 Email: info@aia.org
 Website: www.aia.org

NOT FOR CONSTRUCTION

EVE
 architecture

DATE: NOV 2013
 1:250/A1

TYPE: SITE
 NO. 10050

EXPIRATION: JUN 2014
 PK: A04

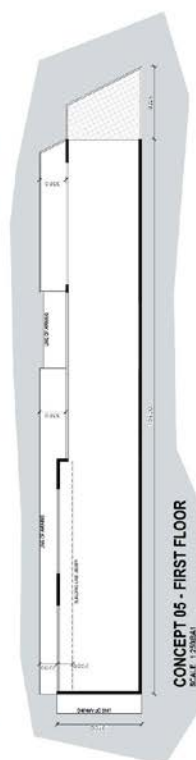
DRAWING: NOV 2013
 SHEET: D

31

PRELIMINARY

1000 EAST 17TH AVENUE, SUITE 1000, DENVER, CO 80202
 TEL: (303) 733-1111 FAX: (303) 733-1112
 WWW.DENVERARCHITECTS.COM

DENVER ARCHITECTS, P.C. IS AN EQUAL OPPORTUNITY FIRM.
 WE ARE COMMITTED TO DIVERSITY AND INCLUSION IN THE WORKPLACE.
 WE ENCOURAGE ALL INDIVIDUALS TO APPLY, REGARDLESS OF RACE, GENDER, AGE, SEXUAL ORIENTATION, RELIGION, OR DISABILITY.
 WE ARE AN A/E/C FIRM AND WE ARE CURRENTLY ACCEPTING APPLICATIONS FOR THE FOLLOWING POSITIONS: ARCHITECT, ENGINEER, ENVIRONMENTAL SCIENTIST, PLANNING, AND CONSTRUCTION MANAGEMENT.



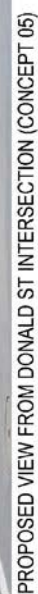
Ref	Date	Comments	By	Check (Yes/No)
A	17/12/13	ISSUED TO CONSULTANTS FOR REVIEW	JM	MM
B	17/01/14	ISSUED TO PSC & CONSULTANTS	JM	MM
C	18/01/14	ISSUED TO PSC & CONSULTANTS (INTERNAL BUILDING DETAILS REMOVED)	JM	MM


PORT STEPHENS COUNCIL
VACABIA STREET EXTENSION
CONCEPT DESIGN

YACAABA STREET
NELSONS BAY, NSW

[illegible]

32

[illegible]

ITEM NO. 4**FILE NO: 16-2009-889-6 &
PSC2013-04936****ASH STREET / OASIS CLOSE WALKWAY, SOLDIERS POINT****REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND COMPLIANCE
SECTION MANAGER****GROUP: DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to construct the proposed walkway in accordance with Option A - a diagonal walkway across the middle of 7 Oasis Close as outlined in **(ATTACHMENT 1)**;
 - Initiate construction of the preferred Option;
- 3) Construct the walkway ensuring materials and treatments adequately minimise noise and comply with relevant building standards relating to safety and accessibility;
- 4) Agree to extinguish easement benefiting Council over 3 Oasis Close.

**ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Peter Kafer Councillor Paul Le Mottee
	That Council: 1) Resolve to construct the proposed walkway in accordance with Option A - a diagonal walkway across the middle of 7 Oasis Close as outlined in (ATTACHMENT 1); • Initiate construction of the preferred Option; 3) Construct the walkway ensuring materials and treatments adequately minimise noise and comply with relevant building standards relating to safety and accessibility; 4) Agree to extinguish easement benefiting Council over 3 Oasis Close, pending full payment and completion of the walkway.

MOTION

036	Councillor John Nell Councillor John Morello
	It was resolved that Council:

	1) Resolve to construct the proposed walkway in accordance with Option A - a diagonal walkway across the middle of 7 Oasis Close as outlined in (ATTACHMENT 1); • Initiate construction of the preferred Option; 3) Construct the walkway ensuring materials and treatments adequately minimise noise and comply with relevant building standards relating to safety and accessibility; 4) Agree to extinguish easement benefiting Council over 3 Oasis Close, pending full payment and completion of the walkway.
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BACKGROUND

The purpose of this report is to forward the matter to Council for consideration of public submissions and seek Council support to proceed with construction of the proposed walkway through 7 Oasis Close, Soldiers Point.

On 26 November 2013, Council passed a resolution to agree to extinguish the Right of Footway easement over 3 Oasis Close and investigate construction of a walkway over 7 Oasis Close. The resolution was staged and involved:

"It was resolved that Council consent to the release/extinguishment of the easement over 3 Oasis Close, Soldiers Point, subject to the following conditions:

- a. Soldiers Point Bowling Club consenting to the release/extinguishment of the easement over 3 Oasis Close;*
- b. The expeditious construction of a new walkway located at 7 Oasis Close;*
- c. The owners of 3 Oasis Close agree to contribute 50% towards the design and construction of the new walkway;*
- d. Such agreement must be indicated within 7 days of receiving the cost estimate for the design and construction, and payment made in full prior to the commencement of construction;*
- e. Should the owners of 3 Oasis Close not agree to the terms above within the timeframe specified above, then Council immediately undertake actions, including but not limited to, Section 125 of the Local Government Act 1993, to have the fences removed and the right of footway open for use;*
- f. The Soldiers Point Bowling Club contribute 50% to the design and construction of the new walkway;*
- g. The walkway design is to be of an acoustic material that creates minimal pedestrian traffic noise;*
- h. The concept to be placed on public exhibition for a period of 28 days;*
- i. All of the above agreement is subject to the satisfaction of the relevant planning authority (Port Stephens Council)."*

Following that resolution, both the owners of 3 Oasis Close and the Soldiers Point Bowling Club have advised in writing to contribute 50% of the estimated construction costs for a new walkway, in accordance with the above resolution.

Two walkway options (**ATTACHMENT 1**) have been publicly exhibited for a period of twenty eight (28) days. Option A is for a diagonal walkway across the middle of 7 Oasis Close, while Option B is for a walkway along the boundary of 5 and 7 Oasis Close. The estimated construction cost is \$54,000.

Council received eleven (11) submissions regarding the walkway. Submissions indicated a clear preference for Option A, due to concerns for potential impacts on 5 Oasis Close as a result of Option B. Submissions also raised concern regarding compliance with accessibility standards, noise, safety, lighting and information provided being confusing.

The Soldiers Point Bowling Club have also indicated to Council staff that they prefer Option A as it better suits their proposed Seniors Living Development Application recently submitted to Council (DA 16-2013-757-1).

It is considered that the proposed design for Option A can incorporate amendments (such as materials, rails, tactile indicators etc) to adequately address the noise, safety and accessibility concerns raised by public submissions.

After consideration of public submissions and potential impacts, it is recommended that Option A be adopted.

If Council adopts the recommendation, the process going forward will involve:

- Organising payment of contributions from the Bowling Club and 3 Oasis Close;
- Council's Facilities & Services to finalise walkway design and initiate tender process for construction;
- Works to be included in Council's Forward Works Program and establish construction date and timeframe;
- Council to agree to extinguishment of easement (owner of 3 Oasis Close has already lodged application with Land Titles Office);
- Walkway to be constructed by contractor and PSC (footings only).

FINANCIAL/RESOURCE IMPLICATIONS

Construction of the proposed walkway does not present any significant finance or resource implications for Council, following agreement by the Soldiers Point Bowling Club and owners of 3 Oasis Close to each contribute 50% of the estimated cost of construction (\$54,000).

It is noted that the owner of 3 Oasis Close will be responsible for all costs associated with extinguishing the existing 1.22m wide Right of Footway easement, and as such does not have any financial implications for Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Construction of the walkway is not currently in Council's budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other (contributions from Bowling Club and owner of 3 Oasis Close).	Yes	54,000	Details regarding payment of contributions to be determined following identification of preferred walkway Option.

LEGAL, POLICY AND RISK IMPLICATIONS

Adopting the recommendation does not have any significant legal, policy or risk implications for Council, providing that the final design complies with the relevant standards and takes into consideration the concerns identified by the public submissions.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the final construction fails to meet the expectation of the local community	low	Construct the walkway in accordance with the feedback provided by the public submission process	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is considered that adopting the recommendation and constructing Option A will minimise the potential for adverse social and environmental impacts on residents of 5 and 9 Oasis Close, Soldiers Point, by maintaining as much setback as possible to either residence.

The walkway will provide social benefit by maintaining access between the Soldiers Point Bowling Club and Ash St, which is used both by members of the public and patrons of the Bowling Club.

CONSULTATION

- The proposed walkway options A and B (**ATTACHMENT 1**) were publicly exhibited (in the Port Stephens Examiner and to adjoining neighbours) for a

period of 28 days. Council received eleven (11) submissions during the exhibition period.

OPTIONS

- 1) Adopt the recommendation and initiate construction of Option A;
- 2) Reject the recommendation.

ATTACHMENTS

- 1) Proposed walkway options A and B.

COUNCILLORS ROOM

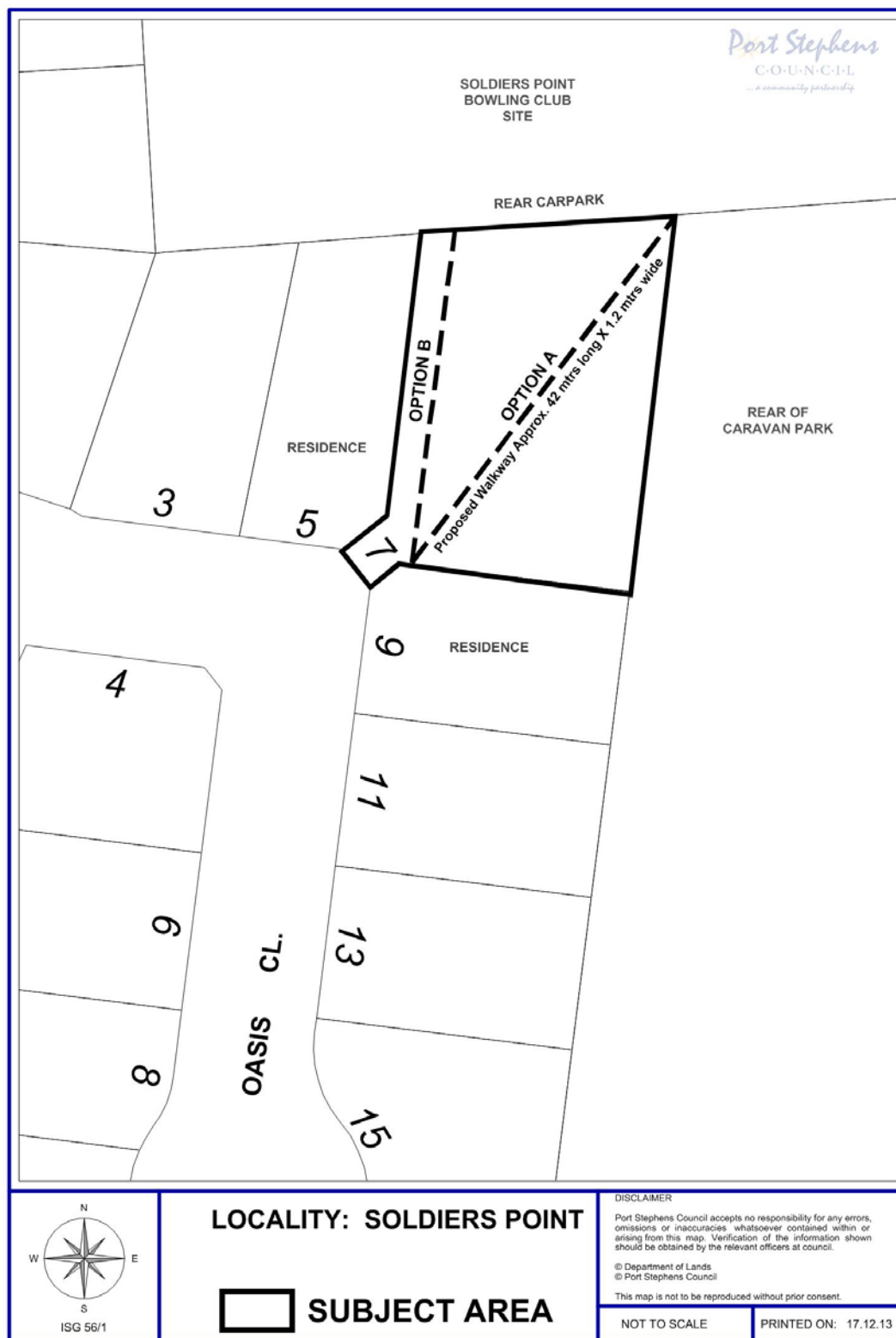
Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Proposed walkway options A and B



ITEM NO. 5**FILE NO: PSC2013-00406****OVERGROWTH OF VEGETATION PROGRAM****REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE
SECTION MANAGER****GROUP: DEVELOPMENT SERVICES GROUP**

RECOMMENDATION IS THAT COUNCIL:

- 1) Continue the Overgrowth of Vegetation program specifically targeting;
 - 1) properties zoned residential;
 - 2) properties considered as unhealthy and unsafe; and
 - 3) properties more likely to have an impact on neighbours and the wider community.

**ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Chris Doohan
	That the recommendation be adopted.

MOTION

037	Councillor John Nell Councillor John Morello
	It was resolved that Council continue the Overgrowth of Vegetation program specifically targeting; 1. properties zoned residential; 2. properties considered as unhealthy and unsafe; and 3. properties more likely to have an impact on neighbours and the wider community.

BACKGROUND

The purpose of this report is to provide information requested in a Notice of Motion (Minute 141, June 2012) on the limitations of Council to take action on overgrown properties and the types of vegetation complaints being received.

Between 1/11/2012 and 1/11/2013 Council received 226 overgrown property complaints. The majority of these (93%) were received during warmer seasons with

the majority of complaints relating to the condition of vegetation, appearance of the property, the presence of vermin (perceived or confirmed) and concerns about fire risk. Chart 1 shows the geographical break down of the 226 complaints.

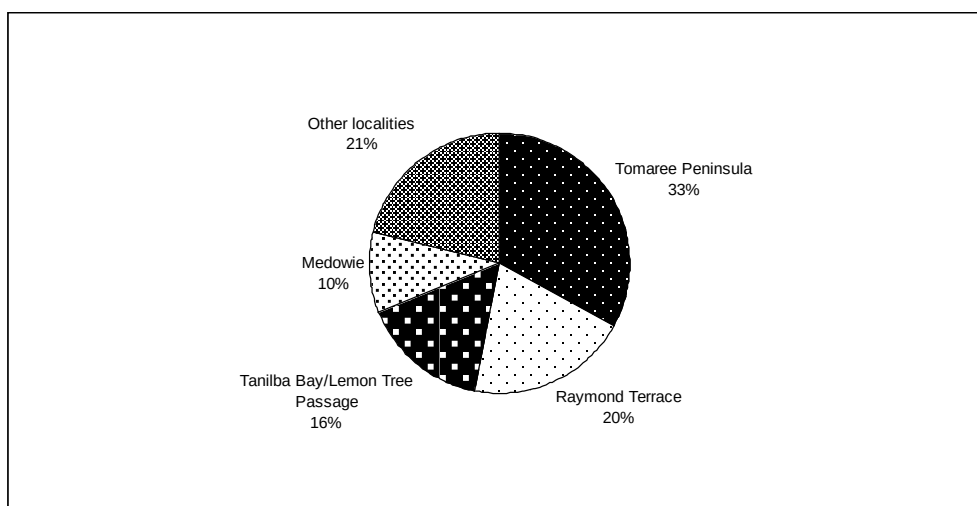


Chart 1 – Overgrowth Properties by Locality

During the sustainability review Councillors and management considered the overgrowth program an important function in addressing the concerns of the community. A new framework is proposed that provides a continued but more targeted service that will realise improved efficiencies and some small monetary savings. **(ATTACHMENT 1)** provides additional information on the limitations Council faces in taking action and also provides information about the current and proposed overgrowth programs.

FINANCIAL/RESOURCE IMPLICATIONS

It is anticipated that the proposed new framework will realise a small saving in expenditure as a result of a more targeted program. The program costs Council in the order of \$33,000 p.a. and is currently included within the existing operational budget for the Section.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	33,000	Sustainability review stated \$43,000 in-kind savings by not undertaking program. Small saving through modified program.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council's involvement in overgrowth of vegetation complaints is a discretionary role performed as a result of community expectations. Continuation in the role should not lead to increased risk if performed within legislative provisions.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that discontinuing the overgrowth of vegetation program will not meet Council's duty of care to the community	Low	Continue to deliver the program	Yes
There is a risk that enforcement action taken by Council will increase the risk of legal action by a property owner	Low	Ensure Council undertakes enforcement action in accordance with legislative provisions.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is anticipated that the continuation of the overgrowth of vegetation program will meet the expectations of the community.

CONSULTATION

- 1) The Service Strategy Environmental Health review in 2012;
- 2) A recent survey of 5 different Councils.

OPTIONS

- 1) Adopt the recommendations;
- 2) Amend the recommendations;
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Overview of Overgrowth of Vegetation Program.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Overview of Overgrowth of Vegetation Program

This section of the report includes;

- 1) A brief description of Councils existing framework;
- 2) The limitations to obtaining a resolution; and
- 3) A proposed new framework through a management directive.

Between 1/11/2012 and 1/11/2013 Council received 226 overgrown property complaints. The majority of these (93%) were received during the spring, summer and autumn seasons with only 7% received during the winter period. The majority of complaints received during this period identified the main areas of concern as relating to the condition of vegetation, appearance of the property, the presence of vermin (perceived or confirmed) and concerns about fire risk.

A review of the CRM's identified that the description of the problem recorded for each complaint included quite generic statements that lacked specific detail. Examples of the level of detail received includes that the property was overgrown, that vermin were present or that the vegetation posed a fire risk. Very few CRM's recorded quantitative descriptions of the height of vegetation, detailed observances of vermin or confirmed advice from local fire authorities that the property posed a fire risk. In a number of instances complaints have been received under the guise of being unsafe or unhealthy. However on investigation the main reason related to a perception by the owners that the properties appearance was detrimentally impacting on the saleability of their own property.

The proposed framework provides a continued but more targeted service that will realise improved efficiencies and some minor monetary savings.

Current Management Framework

Overgrowth complaints are managed depending on whether there is prior history associated with the property. New complaints are dealt with in the first instance by a standard letter requesting that the property is maintained within 30days. Subsequent complaints and complaints with a prior history are investigated by Council staff to determine an appropriate course of action. In all situations Council attempts to reach a facilitated outcome through negotiation with all parties.

For those situations where a negotiated outcome is not able to be achieved Council would assess the situation and could choose to take the following action;

Refer the parties to the Community Justice Centre;
Advise the complainant to seek their own legal advice;
Use legislative provisions of the Local Government Act, 1993.

Limitations to a Resolution

A significant proportion of complaints relate to vacant land where the property owner is generally unaware that their property is causing concern to a neighbour. Once notified of the issue, most owners are receptive to requests by either the neighbour or Council to maintain their properties. Whether the land is vacant or developed the single biggest limitation to reaching a speedy resolution is the willingness of the property owner to accept that a problem exists and to undertake the required works. In some situations a resolution to a complaint can take many months including negotiations and many phone calls and letters to both the property owner and complainant. For complaints where a negotiated outcome is not reached Council can utilise enforcement options such as serving an Order under the *Local Government Act*. This process is only initiated where Council staff has determined that the land or premises is not in a safe or healthy condition and has evidence to support this determination. Last calendar year (2013) Council has served 5 Orders that resulted in 2 penalty notices and Council having works undertaken on 1 property.

Where Council has assessed the property and determined there is no basis for continued involvement alternative measures are suggested to the complainant such as the Community Justice Centre or that they seek their own legal advice.

Proposed Management Framework

It is proposed to formalise the overgrowth process in a management directive. The main difference between the existing and proposed processes is the assessment of the complaint against very specific assessment criteria that will essentially filter complaints at the time they are received. It is envisaged that this will significantly reduce those complaints that don't have a legitimate health or safety basis. Council resources can then be used to target only those properties where a legitimate problem exists.

While there is a community expectation that property owners maintain their properties to a reasonable standard not all owners want to maintain their properties in a manicured and park like condition. This is an important consideration in the development of assessment criteria to distinguish unhealthy and unsafe properties from those that may be untidy. Linking importantly with this point is the zoning of the land. Rural and semi-rural properties can comprise a diverse range of fauna and flora both natural and introduced. Property sizes can be variable from smaller semi-rural allotments to vast rural acreages. Assessing these types of properties as unsafe or unhealthy is a complex and difficult exercise and prone to error. It is proposed to target Councils resources to only residential zoned properties where a confirmed unhealthy or unsafe property is more likely to have an impact on neighbours and the wider community. For owners of rural and semi-rural properties with bush fire related concerns referral to the Rural Fire Service is the appropriate mechanism rather than contacting Council.

It is proposed to assess overgrown complaints against four basic criteria.

Criteria 1, Land Zoning: The land must have a general residential zoning (R1, R2, R3, R4 or R5).

Criteria 2, Harbourage of Vermin: There must be evidence of sightings of vermin as a result of increased vegetation.

Criteria 3, Vegetation Characteristics: The height of the vegetation must be greater than 600mm in height and cover a significant portion of the property or the density/thickness of the vegetation must be likely to create unsafe and unhealthy conditions.

Criteria 4, Fire Risk: The Rural Fire Service has assessed the property and deemed it a bushfire risk.

A recent survey of 5 different Councils identified that they accept overgrown complaints with 4 Councils having a fact sheet on their webpage advising of their process for dealing with them. The 4 fact sheets included assessment criteria against which complaints will be accepted with some Councils criteria setting quantitative values for vegetation height. A fact sheet is proposed.

To reduce risk to Council commencement of enforcement action resulting from the refusal of a property owner to act will only be initiated with sufficient evidence and in accordance with the applicable legislative provisions.

Continuing the overgrowth of vegetation program will meet the expectations of the community. Residential properties maintained to an acceptable standard will realise an improved streetscape and a potential reduction in the harbourage of vermin.

ITEM NO. 6**FILE NO: PSC2013 - 02344****CULTURAL PROJECTS FUND****REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL
SERVICES SECTION MANAGER****GROUP: DEVELOPMENT SERVICES]**

RECOMMENDATION IS THAT COUNCIL:

- 2) [Endorse the allocation of Cultural Projects Funds in accordance with the amounts and purposes prescribed below:
- a) \$3000 to the Tilligerry Association for the 'Tilligerry Festival';
 - b) \$3000 to the Port Stephens Historical Society for History and Heritage Books;
 - c) \$3000 to Karuah Working Together Inc. for 'Karuah Interpretive Centre';
 - d) \$3000 to Karuah Working Together Inc. for 'Karuah Heritage Walk Trail';
 - e) \$3000 to Hunter Botanic Gardens for 'The Gardens Sculpture Prize';
 - f) \$3000 to Boat Harbour Recreation Club Inc. for ' Boat Harbour Fiesta on the Sand';
 - g) \$3000 to Tilligerry Chamber of Commerce for 'Lemon Jam';
 - h) \$2900 to Sea Side Singers Inc for 'Moving Forward' program;
 - i) \$3000 to Anna Bay Public School for 'Sensory Garden Mural Project';
 - j) \$2000 to Port Stephens Choral Ensemble for 'Haydn meets Christmas Jazz favourites';
 - k) \$3000 to Port Stephens Fellowship of Australian Writers Inc. for 'Ripples – a book of prose';
 - l) \$3000 to Karuah Public School for 'My Karuah – photographic project';
 - m) \$3000 to Real Futures Inc. for 'Future focus Art Festival';
 - n) \$1510 to Medowie Lions Club for 'Medowie Art and Craft Show';
 - o) \$3000 to Tomaree Photography Club for Electronic Display Equipment;
- 2) Allocate balance of Cultural Projects Funds (\$16,055) from 2013-2014 budget to resource the final stages of development of Council's new 2014-2017 Cultural Plan and development of associated culture web site.]

**ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Ken Jordan
	That the recommendation be adopted.

MOTION

038	Councillor John Nell Councillor John Morello It was resolved that Council: 1) Endorse the allocation of Cultural Projects Funds in accordance with the amounts and purposes prescribed below: a) \$3000 to the Tilligerry Association for the 'Tilligerry Festival'; b) \$3000 to the Port Stephens Historical Society for History and Heritage Books; c) \$3000 to Karuah Working Together Inc. for 'Karuah Interpretive Centre'; d) \$3000 to Karuah Working Together Inc. for 'Karuah Heritage Walk Trail'; e) \$3000 to Hunter Botanic Gardens for 'The Gardens Sculpture Prize'; f) \$3000 to Boat Harbour Recreation Club Inc. for ' Boat Harbour Fiesta on the Sand'; g) \$3000 to Tilligerry Chamber of Commerce for 'Lemon Jam'; h) \$2900 to Sea Side Singers Inc for 'Moving Forward' program; i) \$3000 to Anna Bay Public School for 'Sensory Garden Mural Project'; j) \$2000 to Port Stephens Choral Ensemble for 'Haydn meets Christmas Jazz favourites'; k) \$3000 to Port Stephens Fellowship of Australian Writers Inc. for 'Ripples – a book of prose'; l) \$3000 to Karuah Public School for 'My Karuah – photographic project'; m) \$3000 to Real Futures Inc. for 'Future focus Art Festival'; n) \$1510 to Medowie Lions Club for 'Medowie Art and Craft Show'; o) \$3000 to Tomaree Photography Club for Electronic Display Equipment; 2) Allocate balance of Cultural Projects Funds (\$16,055) from 2013-2014 budget to resource the final stages of development of Council's new 2014-2017 Cultural Plan and development of associated culture web site.]
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BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of available Cultural Project Funds for projects as recommended by Council's Cultural Projects Fund Assessment Panel, in consultation with Council's 355c Strategic Arts and Culture Committee and Heritage Committee.

The Cultural Projects Fund is a twice annual small grants program. Its purpose is to support projects that celebrate and promote our diverse culture in Port Stephens through cultural programs, events, and support activities which increase our sense of belonging and pride in our community.

Council completed a review of the Cultural Projects Fund in April 2013. This resulted in the implementation of improved procedures, processes and guidelines. Council has endorsed a 12 month trial of the revised Cultural Projects Fund grant program.

Funding applications for Round 2 of the Cultural Project Fund 2013 2014 opened on 1 November 2013 and closed on 10 January 2014.

A total of 18 applications were received. The applications were assessed by the Cultural Projects Fund Assessment Panel at a special meeting on 17 January 2014. The Panel has recommended that 15 of the 18 applications be funded. The 15 applications recommended are shown in **(ATTACHMENT 1)**.

The 3 applications the Panel did not support are shown in **(ATTACHMENT 2)**.

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$58,465 is currently available for projects under Council's Cultural Projects Fund in the 2013/2014 budget. The projects recommended in this report total \$42,410. It is proposed that the remaining balance of \$16,055 be used for the ongoing implementation of Council's cultural program as per Recommendation 2 of this report.

All funded projects will be required to adhere to the conditions of funding as detailed in this report and outlined in signed funding agreements.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	58,465	Revenue sourced from 2013/2014 allocation for Cultural Projects Fund.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

[Recipients of funding under the Cultural Projects Fund shall accept full responsibility for the liability of any programs or projects funded.]

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that some project managers may experience some challenges in implementing their projects.]	[Low]	[Support and advice will be provided by Council to ensure projects are appropriately implemented.]	[Yes]
[There is a risk of adverse public perception regarding those funding requests supported against those not supported.]	[Low]	[Ensure that the proper processes are followed in accordance with the conditions around the Cultural Projects Fund.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[The total value of in-kind support and income committed by applicants towards projects nominated for endorsement, totals \$70,500. Approximate income generated directly from nominated project activities totals \$20,000.

The funding directly supports significant ongoing investment by community organisations in arts based cultural activity that enhances local cultural opportunities and assist with the building of a stronger cultural identity in Port Stephens in a number of ways including:

- Create opportunity for local communities to come together and celebrate, sharing in the talents and cultural assets of their community;
- Provide a sense of place for people through development of local events and public art works;
- Provide local artists the opportunity to be employed in local cultural projects;
- Local groups get to generate income which is then used to further develop cultural resource within Port Stephens, such as galleries and year round workshop activities;
- Promote a diverse range of local cultural activity;
- Tourism opportunities are promoted through events and development of related cultural infrastructure;

The social return can be measured in terms of the greater networks that are spawned and available to individuals as a result of increased access to and participation in cultural based activity in local communities of Port Stephens. A

percentage of the income generated from project activity is also re invested in a range of social programs targeting specific audiences e.g. disengaged young people at schools; the elderly in community]

CONSULTATION

[As per recommendations of the Strategic Arts and Culture 355C Committee, workshops were conducted to launch the second round of funding for 2013-2014. The workshops, one in Raymond Terrace and one in Tomaree, were designed to raise awareness of the objectives of the Cultural Projects Fund and provide tips on developing a strong application. The workshops also gave prospective applicants the opportunity to discuss their ideas with Committee members, Council staff and other interested community members.

The workshops were advertised widely advertised through:

- Port Stephens Examiner;
- Port Stephens Council website;
- Port Stephens Interagency;
- Youth Interagency; and
- Cultural Interagency.

The community response was very encouraging with a total of 24 people attending with 19 local organisations represented. 9 of the organisations represented submitted applications, the remaining applicants responded to promotional material distributed through local cultural networks. The second funding round for 2013-2014 attracted 6 organisations who had not previously applied to Councils Cultural Projects Fund program.

Port Stephens Council 355c Strategic Arts and Culture Committee members all received copies of applications immediately following January 10 closing date and then met on Wednesday 15 July 2014 to discuss feedback. A short list of preferred applicants was prepared along with a recommendation that the balance of funding unallocated be used for the ongoing implementation of Councils cultural program as per Recommendation 2 of this report.

The short list of applicants, with comments, was given to the Cultural Projects Fund Assessment Panel. The Panel includes; a Councillor and the Chairperson of the Strategic Arts and Culture Committee, a Council Social Planning Team representative and a representative from Council's Economic Development Team.

The panel met on Friday 17 January 2014 to finalise the assessment and formulate their recommendations to Council that form the basis of this report.]

OPTIONS

- 4) [Adopt the recommendations which will release available funds to local projects that recognise value, showcase and build the cultural diversity of Port

Stephens. This will fulfil the intent of Council's Cultural Projects Fund. It also demonstrates Council's commitment to deliver on the actions pertaining to arts and culture as specified in Port Stephens Community Strategic Plan 2013-2023;

- 5) Reject the recommendations which will further withhold available funds from the community. This may be detrimental to relationships with the community;
- 6) Amend the recommendations which may see a variation in the allocation of available funds from the Cultural Project Funding program.]

ATTACHMENTS

- 4) [Table 1 – Summary of recommended applications;
- 5) Table 2 – Summary of unsupported applications.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.

ATTACHMENT 1

Table 1 – Summary of recommended applications

Project title; applicant name; amount of funding requested	Project Overview	Alignment with Cultural Projects Fund Objectives
Tilligerry Festival 2014 Tilligerry Association \$3,000	An annual gathering of local people and community groups that utilises local cultural assets (parks/stages etc), to celebrate local heritage, music, and 'life on the Tilligerry'. The event has a long tradition dating back 30 years.	This event aligns with the Cultural Projects Fund objectives. It is about celebrating and promoting the community of Tilligerry and contributes to a stronger sense of pride in place.
Port Stephens Historical Book Port Stephens Historical Society \$3,000	To design and produce new heritage booklets relating to Port Stephens. The booklet will display historical images of Port Stephens, many not seen before, in a hope to encourage an interest in local history and heritage and attract new membership for the Port Stephens Historical Society	The proposed publication recognises a heritage and a past that still today, shapes the cultural identity of Port Stephens. Publication will build awareness in wider public of significant sites / places in Port Stephens and contribute to a greater understanding of local cultural assets. Real potential to build a resource that supports a collective effort to service a growing cultural tourism market.
Karuah Interpretive Centre Karuah Working Together Inc (KWT) \$3,000	Make the Karuah Centre a more appealing and functional asset for locals and tourists by developing and incorporating an Oyster Interpretive Centre into the overall Centre. The intent longer term is to build an income stream that will enable greater sustainability.	The Interpretive Centre will add a significant dimension to the town's heritage focusing on two major aspects of its history -The Australian Agricultural Company and The Oyster Industry. The community will benefit by having an informative story of its past. School children will be able to use it as part of their cultural studies

ORDINARY COUNCIL – 25 FEBRUARY 2014

		More visitors will be encouraged to detour off the Highway and visit Karuah and its Interpretive Centre. Overall This project will add to the commercial, social and cultural attributes of the town.
Karuah Heritage Walking Trail Karuah Working Together Inc (KWT) \$3,000	The project is aimed at encouraging locals and visitors alike to be better informed about the Karuah community while preserving local heritage and culture. Through effective signage that is creative and consistent with those already established by the Karuah Tidy Towns Committee (6 of) the aim is to develop a 'heritage trail' that is historically accurate and informative. A second part of the project is to purchase a Data Projector & Screen to use in the course of ongoing promotional activity.	The Karuah Heritage Walking Trail will give a sense of place, values and identity to the community. It will also encourage people to participate in the cultural and creative process. The projector will support fundraising activities of the group, the money raised then used to support a primary goal – the development and maintenance of a Heritage Trail.
Hunter Botanic Gardens Sculpture Prize Hunter Botanic Gardens Inc. \$3,000	The Gardens Sculpture Prize delivers an accessible quality cultural opportunity to residents and visitors to Port Stephens Community. It is an annual event that celebrates and supports the local artistic community. Hunter Region Botanic Gardens invites sculptors to submit works in both indoor and outdoor categories. The event will include an official opening and a talk by a practitioner well known in the field.	The event is held at the Hunter Region Botanic Gardens–making use of an important environmental, heritage and cultural asset. It gives local and visiting artists an opportunity to exhibit and sell their works. It allows visitors to the gardens (30,000 annually) to view and appreciate the creativity of both indoor and outdoor sculptures and value creative talent. It gives visitors an opportunity to gain insight into the creative process involved. Volunteers

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		who maintain and manage HRBG promote Port Stephens cultural identity.
Boat Harbour Fiesta on the Sand Boat Harbour Recreation Club Inc. \$3,000	The event aims to celebrate the beach lifestyle and associated culture of the local community in a creative way, while promoting a healthy active, outdoor lifestyle. The key activity, creating public art through the creation of sand sculptures along with the participation of local musicians, will help foster stronger community connections and provide a 'place' for locals to meet.	The Boat Harbour 'Fiesta on the Sand' will; Encourage the participation of local residents in the running of local action. Engage the local arts community by working with arts organisations and groups including; Tomaree Youth Community Action (TYCA); Port Stephens Community Arts Centre; Local Sculptors; Local Musicians. Will make use of local outdoor community space to run the event. The beach is an integral part of the small Boat Harbour community, the social meeting place for most residents and families. Participants from the organising body will develop new skills and a capacity to successfully run events. Help build the reputation of Boat Harbour as a great place in Port Stephens to visit.
Lemon Jam Tilligerry Chamber of Commerce \$3,000	This project will offer local young musicians opportunities to further develop their art whilst also providing the broader community with a stronger sense of place in Lemon Tree Passage and surrounding towns through accessible, quality cultural events. Six (6) "Lemon Jam" community events will be coordinated and held on the Lemon Tree Passage	This project will promote and enhance the cultural identity of Port Stephens through performance based activity and by promoting local arts and culture through social media, print media and radio. Offers the local community an opportunity to showcase its authenticity, relaxed culture, natural assets and wonderful local artists. The outcomes

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	foreshore in Tilligerry Peninsula. The events will be marketed throughout Port Stephens, the Hunter Region and Mid North Coast through social media, print media and radio, offering residents and visitors the chance to visit the area and participate in the events.	would include a greater sense of belonging and sense of pride for the local community as well as new opportunities to attract visitors to the area, bringing positive economic outcomes for the area.
Moving Forward Sea Side Singers Inc. \$2,900	The project focuses on the development of a program that will assist the established Sea Side Singers group to move forward in 2014. A number of specific events/cultural opportunities will be open to participants including; a series of concerts in partnership with local events including Seniors Week and annual gala 'fundraising' performance; a choral festival, a bi annual event first staged in 2012 that attracted 6 choirs- over 200 voices- and was led by a Lecturer in Music from the University of Newcastle. Aim to attract an audience of over 2000 people to the concerts attached to the festival; research into the need for a children's singing group, outside of what is provided in the local schools- a new audience for the group.	Local residents are offered the chance to take part in a cultural activity which is both accessible and enjoyable and which helps to reduce social isolation. It offers access to cheap and affordable cultural entertainment and pride in a community choir that can respond to their requests for entertainment at local festivals. In reaching out to a new children's audience, the project offers the possibility of skills development in the arts in areas where nothing similar is available.
The children's sensory garden MURAL PROJECT Anna Bay Public School	Project is about the development of the sensory garden space and its community with a proposed large scale mural on the main feature wall of the garden, creating a backdrop to a vital community space. The development of the mural will be facilitated by professional	Project aims to develop and maintain a significant identity in the community and a community public space that encourages participation and involvement, hence building social capital and a sense of place Supports artistic processes and

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\$3,000	community arts workers who will conduct workshops that will culminate in the production of the mural. Organisations involved represent a diverse cross-section of the community, including youth, families and the aged. The project is conducted in partnership with Anna Bay Public School and the Gan Gan Family Centre.	outcomes while exploring the Gardens purpose, which is defined and owned by the project participants and community garden members. Strong partnerships with strategic community groups Through creative opportunities the project reaches a broad audience with an aim to ensure sustainability and continuity in the program. Employment of local art workers from our Region. Supports and nurtures skills development and participation of young people, families and the aged.
Haydn meets Christmas Jazz Favourites Port Stephens Choral Ensemble Inc. \$3,000	The project will be a classical concert featuring Haydn's Mass in G for St Nicholas, organised by the Port Stephens Choral Ensemble Inc, a choir that features 4 soloists accompanied by a small group of instrumentalists and 24 singers, male and female, who sing in 4 part harmonies. The Musical Director for the ensemble is a young professional musician who teaches at the Newcastle Conservatorium of Music as well as teaching private students in voice – a great asset within the community of Port Stephens.	Promote local musicians, featuring young talented performers. Showcases a local emerging choir (Port Stephens Choral Ensemble). Promotes music which is not readily available via 'live performance' locally, providing for a new audience of people the opportunity to enjoy a rich cultural experience in their own backyard. Strength of the program has capacity to attract people to Port Stephens from surrounding areas.
"RIPPLES" ; a book of prose, poetry and	The projects aim is to produce a resource, a book of prose, poetry and illustrations, that can be used by local volunteer writers/authors	Involves the community in the sharing of local stories. The finished product will be

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pencil drawings. Port Stephens Fellowship of Writers \$3,000	and others in school communities, to share the joy of literature with young people. One character in the book, which is in manuscript form, is a super-hero called MELANIE the Mermaid of Port Stephens. It is planned to have a puppet of MELANIE which will be introduced to children/school children during readings and workshops and public readings. Longer term, the concept of a 'mascot' could contribute to the general promotion of Port Stephens and stories associated with our natural environment.	circulated in local schools, libraries, art galleries etc to be used as a vibrant tool across the ages - there will be readings, and workshops open to a very diverse audience of people. The projects intention is to build further opportunity to build an interest in reading / writing in the local community with the collective effort of local writers. The project also demonstrates an intention to build capacity for future cultural development in partnership with other local cultural groups/arts workers.
My Karuah Karuah Public School \$3,000	Propose to provide disposable camera's for children who attend Karuah Public School to take photos of what is important and meaningful to them in their community, resulting in a display at the Karuah River of Music Festival, for families, community, and visitors to view. The capacity and interest generated will hopefully encourage locals in years to come to participate and engage in photography, local community events as well as build interest and a sense of pride in the local Bluegrass Music Festival, an annual feature event for Karuah that contributes to the local economy. Partnerships built under the program include; Karuah Community (primarily children aged 0-12, but with wider benefits for the families), Karuah Public School, Karuah Preschool, EarlyLinks, Port Stephens	Celebrates and promotes the community of Karuah through cultural activity including photography and music). Through the development of photography based community arts program, My Karuah will ultimately encourages and promote greater local community participation in a partner event, the Karuah Bluegrass Music Festival. Support an activity that will increase the community sense of belonging and pride through the ability to show, through photographic images, what is important and special to the children about their community. The proposal supports engagement of local residents in cultural activity, and aims to include local artists and possibly discover some hidden talent. Place based cultural

ORDINARY COUNCIL – 25 FEBRUARY 2014

	Community Transport, The Smith Family Trust, Karuah Strong, and the Karuah Interagency. The aim is to build on the current strengths of relationships within the community, with the additional potential to further expand the value and awareness of local networks.	development that supports and promotes the use of the community space, including local points of interest and the local park for display and community gathering. Encourages a sense of place through development and greater awareness of local sites and places of cultural significance. Skills development for children and families.
Futures Focus - Art Festival Real Futures Inc. (Tomaree) \$3,000	The Futures Focus - Art Festival will celebrate the arts in Port Stephens with participation in artistic performances by students from both Tomaree and St Phillips High Schools and community groups. The festival will be held in the grounds of Tomaree High School and St Phillips High School and utilise the undercover and outdoor areas. Performances will include music, vocalists, dance and drama. Workshops will be held in areas such as dance, and visual arts. The festival will include market stalls, and opportunities for local art groups to participate in including displaying and showcasing their organisations works and growing their memberships. A selection of professional performers will also be engaged for the event.	Employment and voluntary involvement of local artists and the local community at the event. The event will promote the cultural identity of Port Stephens and showcase the various groups involved in cultural activities. The event will be fully accessible and offer quality cultural opportunities to the residents of Port Stephens, creating a sense of belonging and pride in the community. The Real Futures Foundation partners with Tomaree High School and St Phillips High School to develop programs and activities which create a sense of pride, community and belonging for local students.
Medowie Arts and Craft	A 2-day exhibition of paintings and crafts by local people to be held in the Medowie Community	Promotes and enhances local artists that in turn, helps supports the cultural identity of Port

ORDINARY COUNCIL – 25 FEBRUARY 2014

Show Medowie Lions Club \$1,010	Hall on Friday May 16 & 17. Builds upon the first art show held in 2013 and run on a small scale. Anticipate that the event in 2014 will attract at least double the number of submissions as well as more visitors to the show through improved marketing and by commencing all work sooner in the year. Involves a team of local volunteers administrating and hosting the event. Funds raised from commissions (on sale of artworks) will be used to fund local Lions projects.	Stephens. Provides access to a local cultural event not otherwise available. Provides an opportunity for local residents to come together to celebrate not only artistic talents but community and a sense of belonging. Provides a forum for the development of specific skills related to organising and hosting an art exhibition.
Electronic Display Equipment Tomaree Peninsula Photography Club Inc. \$3,000	The project is about providing suitable electronic equipment for local photographers and digital media artists to display their works in a more effective, and diverse manner. Digital images lend themselves extremely well to display either on a large screen monitor, using PowerPoint Presentation software on a laptop computer as the image display device, or on a projector screen, using an overhead projector in conjunction with a laptop computer as the image display device. Acquiring suitable electronic equipment would allow TPPC to provide electronic photographic displays and presentations to such venues as public schools, libraries and civic organizations with a much smaller investment in preparation and management time than is currently involved in putting on any exhibition.	Provides greater access to a wider audience of viewers interested in photography and digital imagery. Provides a resource (the display equipment) for community groups to access (pending formal agreement with property owner) and greater capacity for building future partnerships. Dynamic visual displays and presentations can be used to enhance viewer awareness of community activities, cultural events, historical points of interest and environmental concerns and issues. Encourages skills development in the digital media field. Encourages participation in an activity that preserves culture and heritage on many levels.

ATTACHMENT 2

Table 2 – Summary of unsupported applications

Project	Applicant	Project Overview	Amount \$	Review Panel Comments
From Me to Youtube	Hook Line and Sinker Inc.	Multi-Media artists, community arts practitioners and beginners alike, drawn from Port Stephens, will attend a series of workshops whose immediate outcome will be the creation of a one-minute video monologue; thematically linked by place, local identity and community, by addressing the theme: “Port Stephens-How did I get here?” Participants will be using state of the art – POV Go Pro Cameras and be instructed in editing them on Adobe Premiere Pro and uploading them into the “Digital Space” via the creation of a public access YouTube Channel.	\$3,000	No clarification provided in terms of legal status of organisation applying for grant. Much uncertainty as to whether Hook Line and Sinker Inc is in fact a legal incorporation as the applicant can't provide an organisation bank account and we do not make payment into individual persons bank accounts. Also concerns about the applicant being the recognised 'committee' delegate and also being the proposed artist to be paid for services rendered. Appears more like a business transaction. Will have discussion with applicant

ORDINARY COUNCIL – 25 FEBRUARY 2014

Tanilba Bay People & History	Tanilba Bay Parks and Reserve Committee	Create a 'sign/ display' focused on Tanilba Bay history and people, similar to the one completed in 2013 on Lemon Tree Passage. The sign will be placed on the Tanilba Foreshore Hall wall and include early photos of Tanilba Bay Public School in 1982/3, Tanilba Bay Foreshore Hall being built in 1960s and some of the original oyster racks and boat shed along with an image of 'Kitty Brown's' house.	\$2000	There needs to be a planned approach to the development of signage on Tilligerry Peninsula relating to heritage and sense of place. Before funding 'individual' signs it is felt a 'master plan' is required, one that the key local stakeholders have contributed too.
My Land – My Country	Real Futures Inc. (Tomaree)	The development of an artwork of local indigenous significance with mentoring provided via The Worimi Nation Elders. The artwork will be designed by the indigenous students of Tomaree High School and St Phillips High School through a consultative mentoring process with the Elders of the Worimi nation. The production of the artwork will assist the indigenous youth to become better connected	\$3,000	This is a project that sits squarely with the primary objectives of the Aboriginal Projects Fund and a discussion will be had with applicant to consider lodging an application in April/May of this year when the new round of Aboriginal project Funding is announced.

		with their people and their land and the stories which make the Worimi Nation. The finished work, a large scale mural, will be installed in a prominent place on the fencing of Tomaree High School on Salamander Way with an interpretative sign. There is the potential for the duplication of the design and finished artwork as a smaller 'interpretive sign' to then be placed at a high traffic location for international tourists. A copy of the finished artwork will be submitted to a Hunter wide youth peak body, RYDON, to be 'auctioned' off as part of RYDON fundraising activities.		
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ITEM NO. 7**FILE NO: A2004-0242****QUARTERLEY BUDGET REVIEW AS AT 31 DECEMBER 2013**

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 3) [Approve the discretionary changes to the adopted budget as detailed under separate cover **(TABLED DOCUMENT 1)** presented as the 2013-2014 Quarterly Budget Review Statement – December 2013.]

ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor Chris Doohan
	That the recommendation be adopted.

MOTION

039	Councillor John Nell Councillor John Morello
	[It was resolved that Council approve the discretionary changes to the adopted budget as detailed under separate cover (TABLED DOCUMENT 1) presented as the 2013-2014 Quarterly Budget Review Statement – December 2013.]

BACKGROUND

[The purpose of this report is to amend the budget by bringing to Council's attention the proposals and issues that have an impact on the 2013-2014 budget that are detailed in the Quarterly Budget Review Statement – December 2013. This statement sets out the details of variations between Council's original budget and the proposed budget as part of the December Quarterly Budget Review.

Council adopted its Integrated Strategic Plans on 28 May 2013 (Council Minute 147) and these plans include the budget estimates for the 2013-2014 financial year.]

FINANCIAL/RESOURCE IMPLICATIONS

ORDINARY COUNCIL – 25 FEBRUARY 2014

[Council's underlying result is expected to be \$0.28 million (surplus) being a degradation of \$0.966 million with the adoption of the recommended changes. The original projected underlying surplus adopted by Council in May 2013 was \$1.585 million.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	Yes	1,000	Positive movement
Other	Yes	967,000	Negative Movement

LEGAL, POLICY AND RISK IMPLICATIONS

[Clause 203(1) of the Local Government (General) Regulation 2005 requires Council's Responsible Accounting Officer to prepare and submit a Quarterly Budget Review Statement (QBRs) to Council.]

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that the underlying operating result may return to deficit.]	[Medium]	[Long Term Financial Plan forecasts to maintain an underlying surplus from 2014 onwards]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[Council's budget is fundamental for operational sustainability and to the provision of facilities and services to the community.]

CONSULTATION

- 1) [Financial Analysis team;
- 2) Executive Leadership team;
- 3) Senior Leadership team.]

OPTIONS

- 4) [Accept the recommendation;
- 5) Amend the recommendation;
- 6) Reject the recommendation.]

ATTACHMENTS

[Nil.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

- 1) [2013-2014 Quarterly Budget Review Statement – December 2013.]

ITEM NO. 8**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE REPORT – 1 OCTOBER 2013**

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held 1 October 2013.

ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Peter Kafer Councillor Paul Le Mottee
	That the recommendation be adopted.

MOTION

040	Councillor John Nell Councillor John Morello
	It was resolved that Council adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held 1 October 2013.

BACKGROUND

The purpose of this report is to bring to Council's attention traffic issues raised and detailed in the minutes of the Local Traffic Committee meeting and to meet the legislative requirements for the installation of any regulatory traffic control devices associated with Traffic Committee recommendations. (Community Strategic Plan Section 5.4)

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget of \$44 000 (\$25 000 grant from RMS and the balance from General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The construction of capital works such as traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in

this funding and are to be listed within Council's "Forward Works Plan" for consideration in the annual budget process.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	44,000	Approximately 26% of annual budget spent so far
Reserve Funds			
Section 94			
External Grants			
Other			

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 of the Local Traffic Committee extended to the following stakeholder representatives; the Local Member of Parliament, NSW Police, Roads & Maritime Services and Port Stephens Council.

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that recommendations may not meet community expectations	Medium	Ensure proper consultation is carried out when required, prior to meetings	Yes
There is a risk that recommendations may not meet required standards and guidelines	Medium	Traffic Engineer to ensure that all relevant standards and guidelines are applied	Yes

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 Maritime Services, 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 and Council's Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Local Traffic Committee meeting.

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 other than recommended by the Traffic Committee for a particular item. In which case, Council must first notify the RMS and NSW Police representatives in writing. The RMS or Police may then lodge an appeal to the Regional Traffic Committee.

ATTACHMENTS

- 1) Local Traffic Committee minutes – 1/10/2013

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

MINUTES OF THE PORT STEPHENS

LOCAL TRAFFIC COMMITTEE MEETING

**HELD ON TUESDAY 1ST OCTOBER 2013
AT 9:30AM**

Present:

Ms Michelle Mexon representing Craig Baumann MP, Senior Constable John Simms – NSW Police, Mr Mark Morrison – Roads and Maritime Services, Mr Joe Gleeson (Chairperson), Ms Lisa Lovegrove - Port Stephens Council

Apologies:

Cr Peter Kafer, Cr Geoff Dingle, Mr John Meldrum – Hunter Valley Buses,

A. ADOPTION OF MINUTES OF MEETING HELD 3RD SEPTEMBER 2013

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

C.1 33_10/13 MARINE DRIVE FINGAL BAY - REQUEST FOR INSTALLATION OF 'NO STOPPING' RESTRICTIONS AT THE SHARED PATH CROSSING POINT

C.2 34_10/13 WILLIAMTOWN DRIVE WILLIAMTOWN - REQUEST FOR IMPROVED DELINEATION AT THE SERVICE ROAD INTERSECTION

D. INFORMAL MATTERS

E. GENERAL BUSINESS

E.1 619_09/18 JACARANDA AVENUE RAYMOND TERRACE – REQUEST FOR INSTALLATION OF 'NO STOPPING' RESTRICTIONS

C. Listed Matters

C.1 Item: 33_10/13**MARINE DRIVE FINGAL BAY - REQUEST FOR INSTALLATION OF 'NO STOPPING' RESTRICTIONS AT THE SHARED PATH CROSSING POINTS**

Requested by: A resident
File: PSC2005-4189/162
Background:

A Fingal Bay resident contacted Council to request parking restrictions to improve sight distance and safety for pedestrians crossing Marine Drive. At peak times people park over the crossing points making it very hazardous to cross the road

Comment:

The shared path that runs between the football fields and the Caravan Park and crosses Marine Drive, does not have a refuge or kerb extensions to improve pedestrian safety.

Legislation, Standards, Guidelines and Delegation:

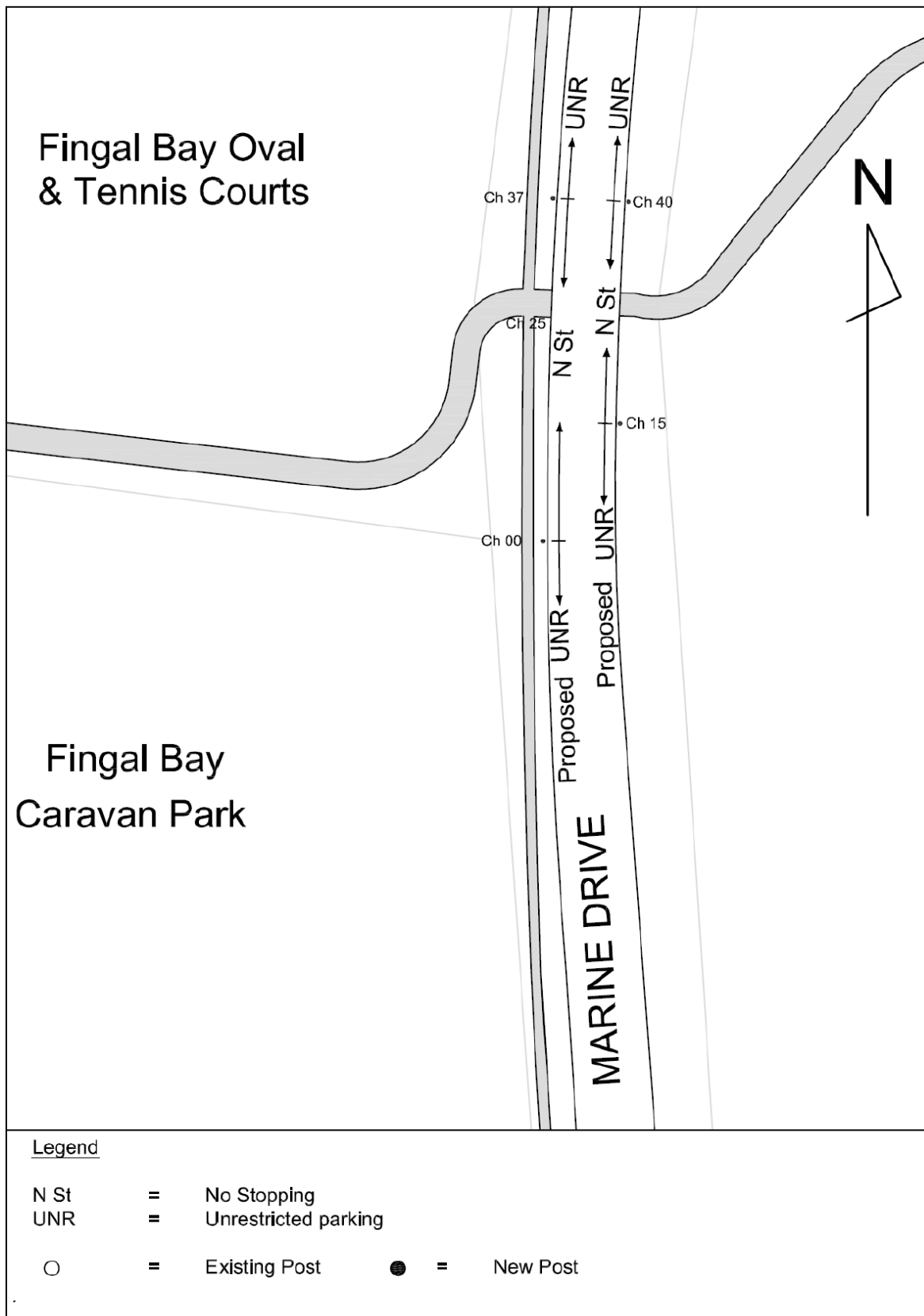
NSW Road Rules – Rule167 – No stopping signs,
RMS signs database – R5-400
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

Install 'No Stopping' restrictions on Marine Drive Fingal Bay at the shared path crossing, as shown on the attached sketch, Annexure A.

Discussion:**Support for the recommendation:**

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



C.2 Item: 34_10/13**WILLIAMTOWN DRIVE WILLIAMTOWN - REQUEST FOR IMPROVED DELINEATION AT THE SERVICE ROAD INTERSECTION**

Requested by: A resident
File: PSC2005-4019/473
Background:

Drivers often cut the corner when entering the service station area from Williamtown Drive or when exiting to head north. Some delineation may improve the situation.

Comment:

The Traffic Inspection Committee members noted that the road is quite narrow and only looks like a one-way section. Installation of a barrier line may reduce the chance of conflict.

Legislation, Standards, Guidelines and Delegation:

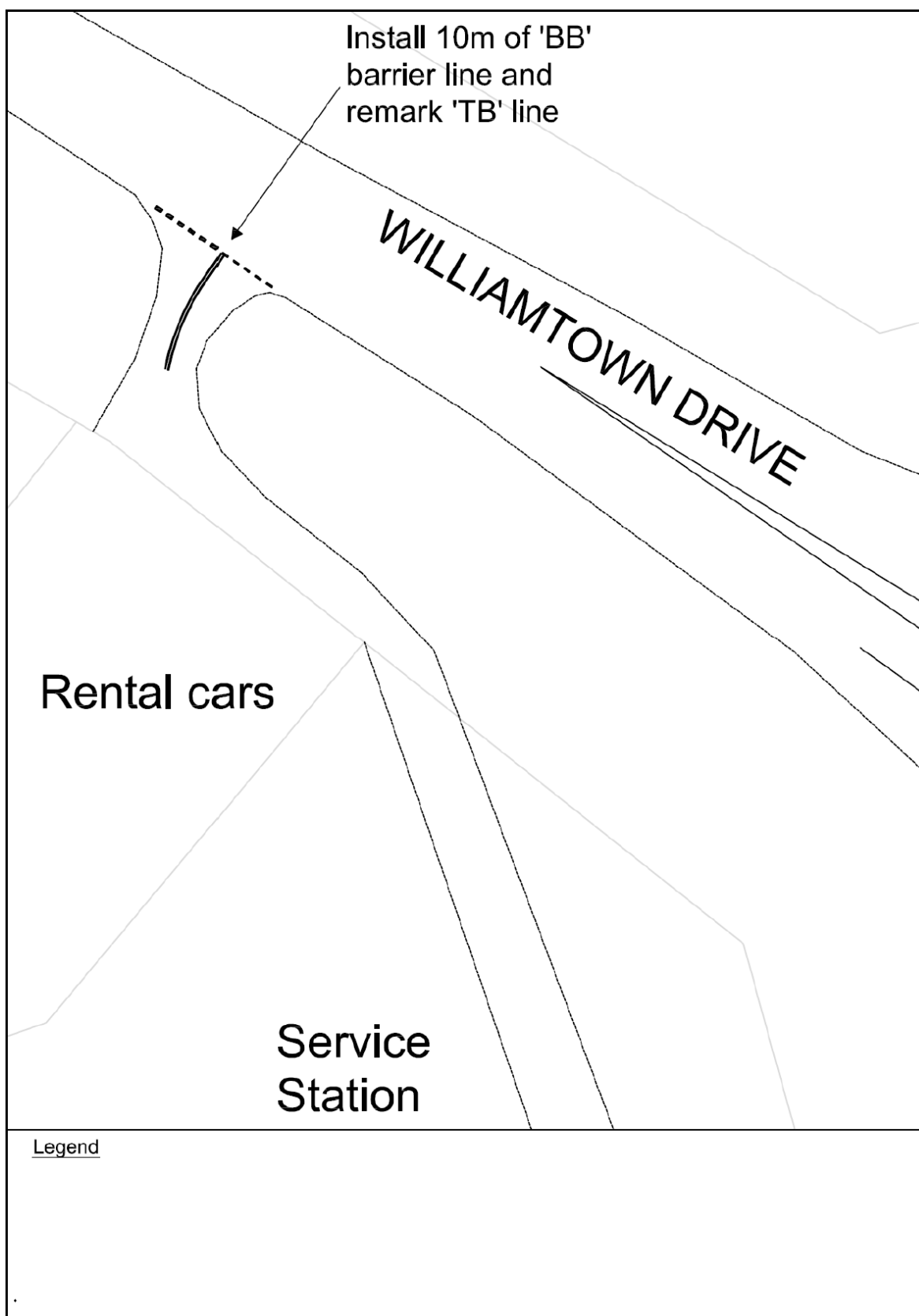
NSW Road Rules – Rule 132 – Keeping to the left of a dividing line
RMS Delineation Manual – Section 4 – Longitudinal Markings
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

Install 10m of barrier line in the service road off Williamtown Drive and remark the TB holding line at the intersection, as shown on the attached sketch, Annexure A.

Discussion:**Support for the recommendation:**

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



D. Informal Items

E. General Business

E.1 ITEM: 619_09/18

JACARANDA AVENUE RAYMOND TERRACE – REQUEST FOR INSTALLATION OF 'NO STOPPING' RESTRICTIONS

Requested by: Craig Baumann MP

File:

Background:

Vehicles are being parked in Jacaranda Avenue right up to the roundabout at Port Stephens Street. This creates a hazard to drivers as the road becomes quite narrow closer to the roundabout.

Discussion:

It was discussed that there are a lot of vehicles being parked on the areas around the base of the trees where timber edging was installed to deter parking. The concern is not just that parking vehicles in this area will impact on the survival of the trees but that the road is too narrow for angle parking.

It was recommended that Council investigate improved barriers around the trees to prevent parking and refer the installation of 'No Stopping' to the next Local Traffic Committee.

ITEM NO. 9**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE REPORT – 5 NOVEMBER 2013**

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held 5 November 2013.

ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Peter Kafer Councillor Paul Le Mottee
	That the recommendation be adopted.

MOTION

041	Councillor John Nell Councillor John Morello
	It was resolved that Council adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held 5 November 2013.

BACKGROUND

The purpose of this report is to bring to Council's attention traffic issues raised and detailed in the minutes of the Local Traffic Committee meeting and to meet the legislative requirements for the installation of any regulatory traffic control devices associated with Traffic Committee recommendations. (Community Strategic Plan Section 5.4)

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget of \$44 000 (\$25 000 grant from RMS and the balance from General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The construction of capital works such as traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in

this funding and are to be listed within Council's "Forward Works Plan" for consideration in the annual budget process.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	44,000	Approximately 36% of annual budget spent so far this year
Reserve Funds			
Section 94			
External Grants			
Other			

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 of the Local Traffic Committee extended to the following stakeholder representatives; the Local Member of Parliament, NSW Police, Roads & Maritime Services and Port Stephens Council.

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that recommendations may not meet community expectations	Medium	Ensure that proper consultation is carried out when required, prior to meetings	Yes
There is a risk that recommendations may not meet required standards and guidelines	Medium	Traffic Engineer to ensure that all relevant standards and guidelines are applied	Yes

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 Maritime Services, 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 and Council's Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Local Traffic Committee meeting.

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 other than recommended by the Traffic Committee for a particular item. In which case, Council must first notify the RMS and NSW Police representatives in writing. The RMS or Police may then lodge an appeal to the Regional Traffic Committee.

ATTACHMENTS

- 1) Local Traffic Committee minutes – 5/11/2013.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

MINUTES OF THE PORT STEPHENS

LOCAL TRAFFIC COMMITTEE MEETING

**HELD ON TUESDAY 5TH NOVEMBER 2013
AT 9.30AM**

Present:

Craig Baumann MP, Cr Peter Kafer, Cr Geoff Dingle, Senior Constable John Simmons – NSW Police , Mr Joe Gleeson (Chairperson), Mr Graham Orr, Ms Lisa Lovegrove - Port Stephens Council

Apologies:

Mr Mark Morrison – Roads and Maritime Services, Mr John Meldrum – Hunter Valley Buses,

A. ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MINUTES OF 1ST OCTOBER, 2013

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

- C.1 35_11/13 STOCKTON STREET NELSON BAY – INSTALLATION OF A RAISED THRESHOLD AT THE TOMAREE STREET INTERSECTION**
- C.2 36_11/13 JACARANDA AVENUE RAYMOND TERRACE - INSTALLATION OF NO STOPPING RESTRICTIONS**
- C.3 37_11/13 BENJAMIN LEE DRIVE RAYMOND TERRACE - REQUEST FOR INSTALLATION OF A PEDESTRIAN CROSSING**
- C.4 38_11/13 VICTORIA PARADE NELSON BAY - REQUEST FOR INSTALLATION OF MOTORBIKE PARKING**

D. INFORMAL MATTERS

- D.1 502_11/13 THE BUCKETTS WAY TWELVE MILE CREEK – APPLICATION FOR B-DOUBLE ACCESS**

E. GENERAL BUSINESS

- E.1 620_11/13 BRANDY HILL DRIVE BRANDY HILL – TRAFFIC SAFETY CONCERNS**

C. Listed Matters

C.1 Item: 35_11/13**STOCKTON STREET NELSON BAY - INSTALLATION OF A RAISED THRESHOLD AT THE TOMAREE STREET INTERSECTION**

Requested by: Port Stephens Council

File: PSC2005-4024/179

Background:

Port Stephens Council has obtained Blackspot funding for intersection upgrade works at the intersection of Tomaree Street and Stockton Street Nelson Bay. Part of the works is to include installation of a raised threshold to reduce the speed of vehicles heading down Stockton Street.

Comment:

The majority of reported crashes at this intersection involve vehicles heading south in Stockton Street colliding with vehicles either crossing from east to west or turning right into Stockton Street from Tomaree Street. Reducing the speed of vehicles in Stockton Street, combined with the other measures proposed, will reduce the number and severity of crashes at this location.

The raised threshold will also act as an entry treatment to the Nelson Bay Town Centre and could potentially become part of an expanded 40km/h high pedestrian activity area, as recommended in the recent Nelson Bay Traffic Study.

Legislation, Standards, Guidelines and Delegation:

Austroads – GTM Part 8 – Local area Traffic Management

Australian Standard -1742.13 Part 13: Local area traffic management

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

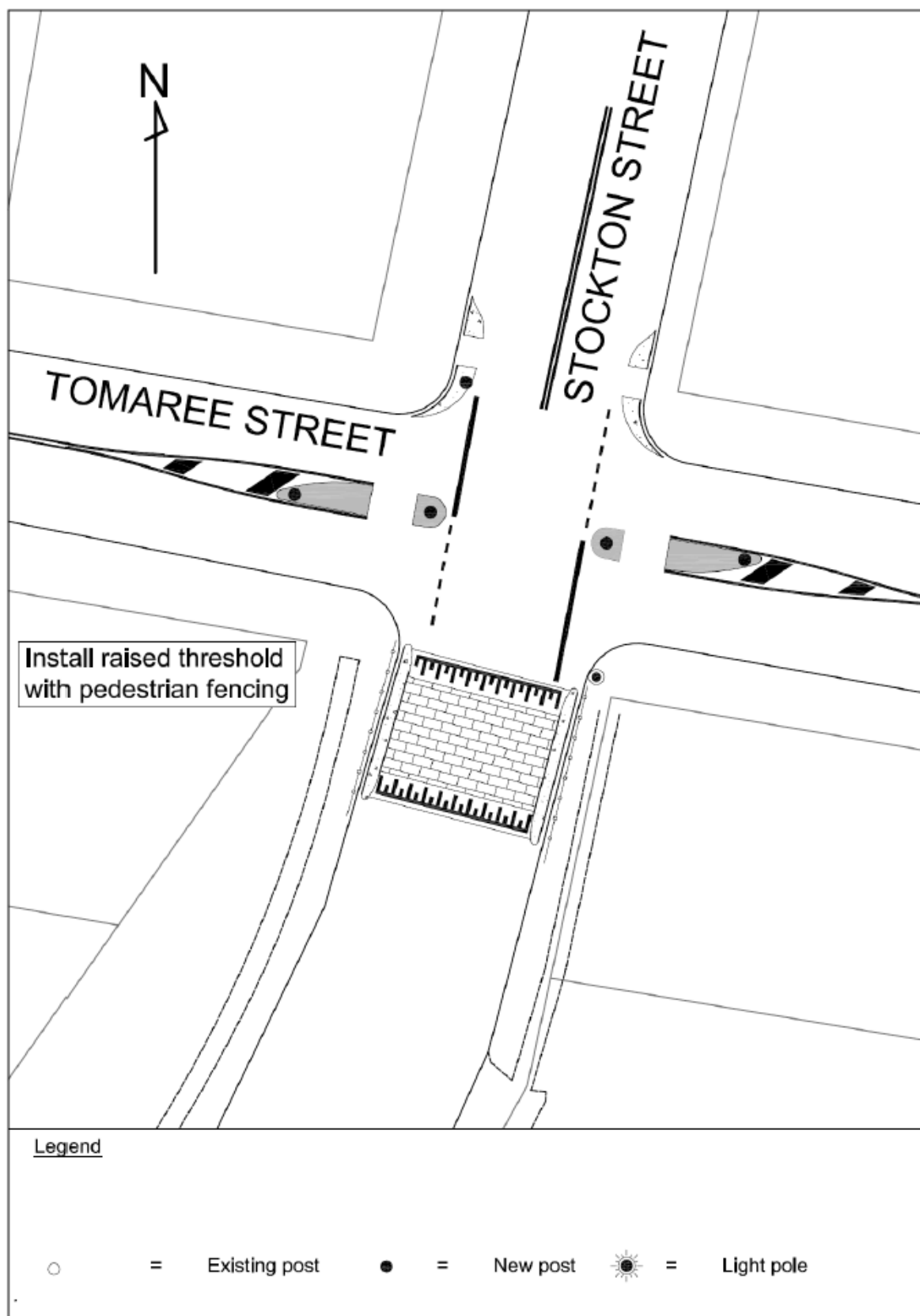
Recommendation to the Committee:

Install a raised threshold in Stockton Street Nelson Bay, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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



C.2 Item: 36_11/13**JACARANDA AVENUE RAYMOND TERRACE - INSTALLATION OF NO STOPPING RESTRICTIONS****Requested by:** Craig Baumann MP**File:** PSC2005-4024/179**Background:**

Concerns have been raised regarding vehicles being parked too close to the intersection of Jacaranda Avenue, Glenelg Street and Port Stephens Street.

Comment:

The road tapers on approach to the roundabout and 'No Stopping' restrictions will deter vehicles being parked where the road is too narrow.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 167 – No stopping signs,

RMS signs database – R5-400

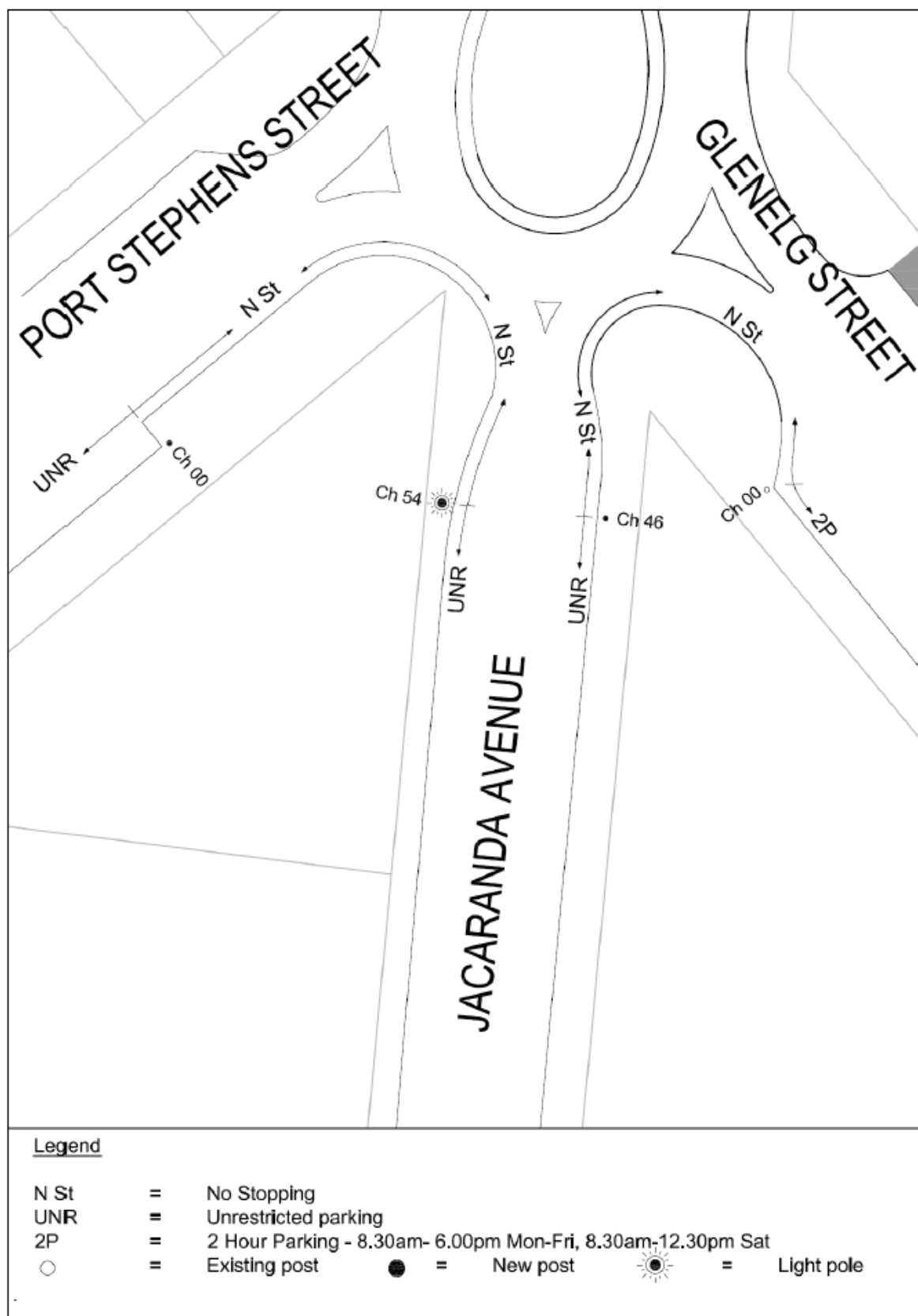
Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Recommendation to the Committee:

Install 'No Stopping' restrictions in Jacaranda Avenue Raymond Terrace, as shown on the attached sketch, Annexure A.

Discussion:**Support for the recommendation:**

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



C.3 Item: 37_11/13**BENJAMIN LEE DRIVE RAYMOND TERRACE - REQUEST FOR INSTALLATION OF A PEDESTRIAN CROSSING**

Requested by: A resident
File: PSC2005-4030/168
Background:

The area near the Lakeside shops is at the junction of 2 off-road, shared paths connecting between Grahamstown School and Irawang High School. Local residents have complained of difficulty crossing the road due to high traffic speeds and volumes.

Port Stephens Council conducted pedestrian and vehicle surveys at the existing pedestrian refuge and path crossings on the 10th October 2013. The survey results indicate that the special warrant for installation of a pedestrian crossing are met at this location. The survey counted 137 and 119 pedestrians in the morning and afternoon hours respectively, being predominantly children. Vehicle volumes were well in excess of 400 for both hours.

Comment:

Traffic Inspection Committee members supported installation of a pedestrian crossing with the western path crossing being the preferred option. Roads and Maritime Services also suggest investigation into whether a crossing supervisor is also required.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 81 – Giving way at a pedestrian crossing
AS1742.10 – Pedestrian control and protection
RMS signs database – R3-1
Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Recommendation to the Committee:

Install a raised pedestrian crossing in Benjamin Lee Drive Raymond Terrace, as shown on the attached sketch, Annexure A. These works are to be placed on Council's Forward Works Plan.

Discussion:

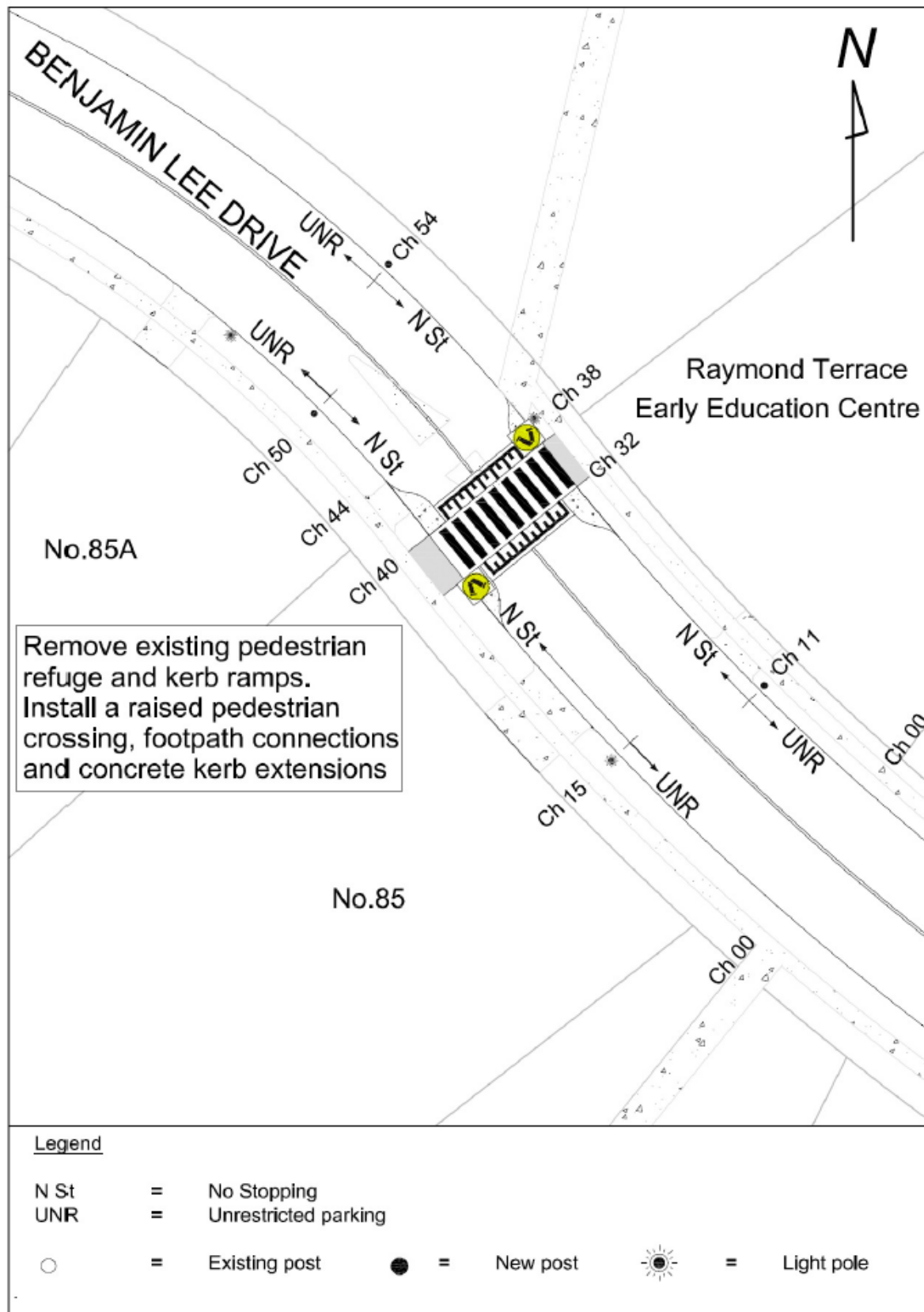
It was noted that there are a lot of elderly people crossing the road in this area as well. Installation of a raised pedestrian crossing would also assist in slowing traffic and would improve safety for vehicles exiting the Lakeside shopping area. Traffic Committee members enquired whether funding would be available for this project in the short term, due to the safety implications. It was discussed that there is a small amount of funding available each year for establishment of traffic facilities and that last year this money was used for a similar project at Morna Point Road at

ORDINARY COUNCIL – 25 FEBRUARY 2014

Anna Bay. Traffic Committee members agreed that this project would be a worthy use for the traffic facilities funding again this year.

Support for the recommendation:

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



C.4 Item: 38_11/13**VICTORIA PARADE NELSON BAY - REQUEST FOR INSTALLATION OF MOTORBIKE PARKING**

Requested by: A resident
File: PSC2005-5766/221
Background:

A local resident complained to Council about difficulties finding suitable parking for motorbikes at the Nelson Bay Foreshore. Ticket parking areas generally have no provision for motorbike parking as motorbikes cannot display the ticket. However some jurisdictions allow motorbikes to park for free which is not an efficient use of parking space as several motorbikes can fit into a single, marked, car space.

Comment:

Traffic Inspection Committee members noted that there are several locations within the ticket parking area that could be utilised for motorbike parking without reducing the number of ticket parking spaces.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 202 - Stopping on a road with motorbike parking sign
AS2890.5 – Parking Facilities – On-street parking
RMS signs database – R5-1-4
Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Recommendation to the Committee:

Install motorbike parking signs and linemarking in Victoria Parade Nelson Bay, as shown on the attached sketch, Annexure A.

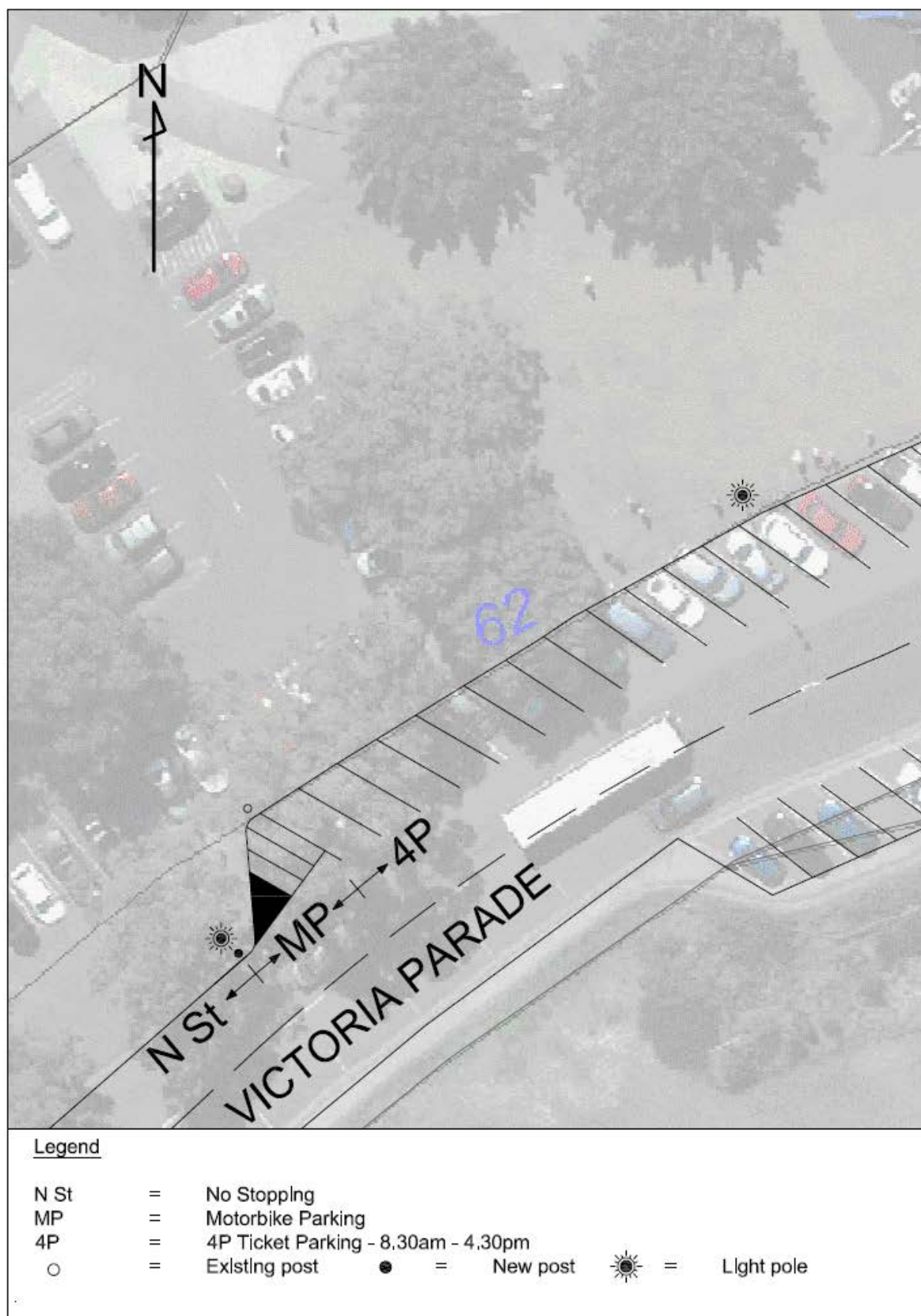
Discussion:

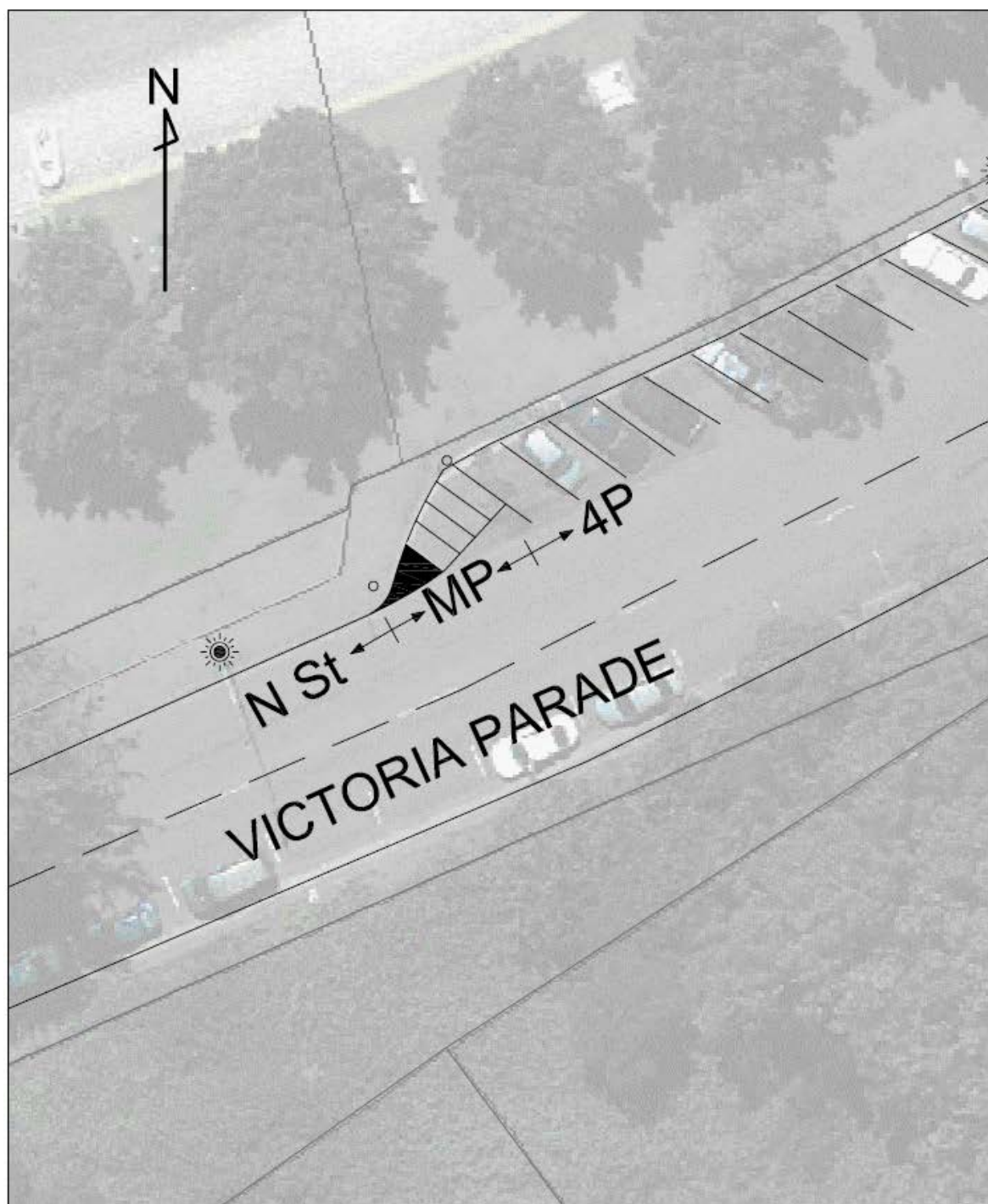
Traffic Committee members enquired how ticket parking requirements would be addressed for motorbikes. Council officers indicated that motorbikes should be allowed to park free of charge. This is supported by the proposed signage which does not include ticket parking requirements.

There is potential to include additional areas for motorbike parking as they are identified.

Support for the recommendation:

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





Legend

N St	=	No Stopping			
MP	=	Motorbike Parking			
4P	=	4P Ticket Parking - 8,30am - 4,30pm			
○	=	Existing post	●	=	New post
			☀	=	Light pole

D. Informal Items

D.1 Item: 502_11/13

THE BUCKETTS WAY TWELVE MILE CREEK – APPLICATION FOR B-DOUBLE ACCESS

Requested by: A transport operator

File: PSC2010-03994/040

Background:

Port Stephens Council has received application for B-Double access along The Bucketts Way, Twelve Mile Creek, between the Pacific Highway and the Council boundary at Limeburners Creek Road. The requested route continues on to service properties in the Great Lakes Local Government Area.

Comment:

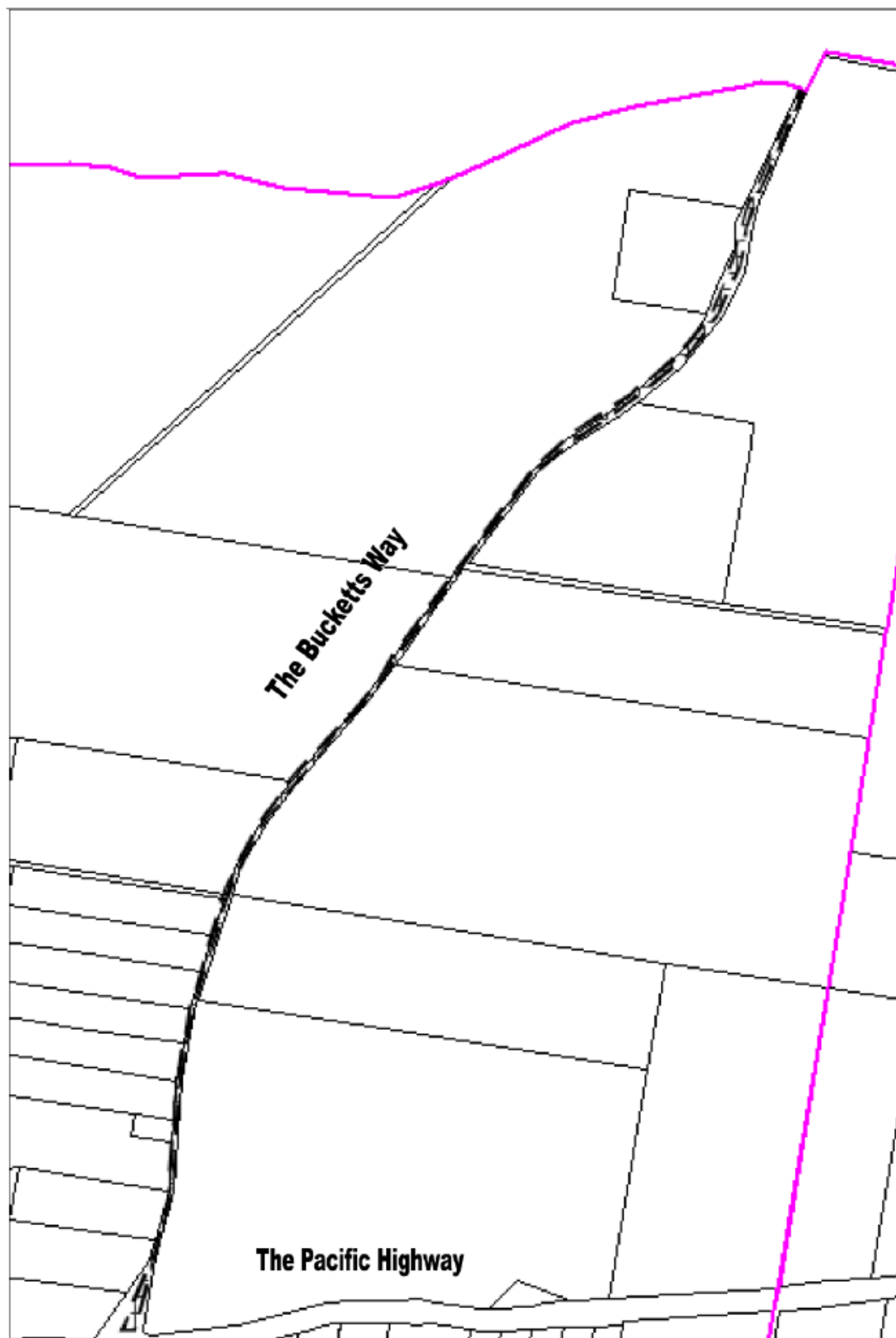
Council has conducted an assessment of the proposed route using the current route assessment guidelines supplied by Roads and Maritime Services. Consultation was also undertaken of property owners along the route. No objections were received by Council to the proposal.

A locality sketch of the route is included as Annexure A.

Discussion:

Police objected to a potential partial gazettal of the Bucketts Way, saying that this would lead to enforcement problems with B-Double operators accessing areas that have not been gazetted. Traffic Committee members requested a condition that the route only be gazetted when the entire length of the route is approved.

There are many examples however, of roads that are only partially gazetted, such as Clarencetown Road, Lemon Tree Passage Road and Italia Road. This has not lead to any enforcement problems as far as Council is aware.



E. General Business

E.1 Item: 620_11/13**BRANDY HILL DRIVE BRANDY HILL – TRAFFIC SAFETY CONCERNS**

Requested by: Cr Geoff Dingle
File: CRM 170054/2013
Background:

A Brandy Hill resident contacted Cr Dingle with concerns regarding the new concrete median at the Clarencetown Road intersection of Brandy Hill Drive. It was alleged that buses were driving over the median when turning the corner and that the road width has been reduced because of the median. The resident also raised concerns about the adequacy of lighting at the intersection of Brandy Hill Drive and Warrigal Close and about the lack of footpaths in the area.

Discussion:

Council officers advised that the median at the Brandy Hill Drive and Clarencetown Road intersection was installed as part of the Blackspot program to improve safety at the intersections along Clarencetown Road. The median is designed to current standards and is intended to reduce turning vehicle speeds at the intersection and to improve visibility of the intersection and the regulatory signage.

Council officers detailed the issues that have been experienced at the intersection since the installation of the new median. There has been an ongoing battle to keep the 'Stop' sign in place on the median with rogue truck drivers deliberately targeting the sign. The sign has been knocked over and replaced 6 times so far. Council officers have approached quarry operators in the area to discuss this issue and have been assured that they are supportive of Council efforts to improve road safety and that their trucks are not involved in the damage to the sign. Council has received no negative feedback from bus operators and it is doubtful that buses are experiencing any difficulties negotiating the intersection.

Council officers agreed to investigate the intersection of Warrigal Close and Brandy Hill Drive and provide current footpath plans for the Brandy Hill and Seaham area to Cr Dingle.

ITEM NO. 10**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE REPORT – 3 DECEMBER 2013****REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION MANAGER****GROUP: FACILITIES AND SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held 3rd December 2013

**ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Peter Kafer Councillor Paul Le Mottee
	That the recommendation be adopted.

MOTION

042	Councillor John Nell Councillor John Morello
	It was resolved that Council adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held 3 rd December 2013.

BACKGROUND

The purpose of this report is to bring to Council's attention traffic issues raised and detailed in the minutes of the Local Traffic Committee meeting and to meet the legislative requirements for the installation of any regulatory traffic control devices associated with Traffic Committee recommendations. (Community Strategic Plan Section 5.4)

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget of \$44 000 (\$25 000 grant from RMS and the balance from General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The construction of capital works such as traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in

this funding and are to be listed within Council's "Forward Works Plan" for consideration in the annual budget process.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	44,000	Approximately 45% of annual budget spent so far this year
Reserve Funds			
Section 94			
External Grants			
Other			

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 of the Local Traffic Committee extended to the following stakeholder representatives; the Local Member of Parliament, NSW Police, Roads & Maritime Services and Port Stephens Council.

The procedure followed by the Local Traffic Committee satisfies the legal requirements under the Transport Administration Act 1988 and the Road Transport Act 2013. Furthermore, there are no policy implications resulting from any of the Committee's recommendations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that recommendations may not meet community expectations	Medium	Ensure that proper consultation is carried out when required, prior to meetings	Yes
There is a risk that recommendations may not meet required standards and guidelines	Medium	Traffic Engineer to ensure that all relevant standards and guidelines are applied	Yes

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 Maritime Services, 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 and Council's Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Local Traffic Committee meeting.

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 other than recommended by the Port Stephens Local Traffic Committee for a particular item. In which case, Council must first notify the RMS and NSW Police representatives in writing. The RMS or Police may then lodge an appeal to the Regional Traffic Committee.

ATTACHMENTS

- 1) Local Traffic Committee minutes – 3/12/2013

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

MINUTES OF THE PORT STEPHENS

LOCAL TRAFFIC COMMITTEE MEETING

**HELD ON TUESDAY 3RD DECEMBER 2013
AT 9.30AM**

Present:

Ms Michelle Mexon representing Craig Baumann MP, Cr Peter Kafer, Cr Geoff Dingle, Senior Constable Cain Emslie – NSW Police , Mr Mark Morrison – Roads and Maritime Services, Mr Joe Gleeson (Chairperson), Ms Michelle Viola - Port Stephens Council

Apologies:

Mr John Meldrum – Hunter Valley Buses, Mr Graham Orr, Ms Lisa Lovegrove - Port Stephens Council

A. ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MINUTES OF 5TH NOVEMBER, 2013

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

C.1 39_12/13 WARRIGAL CLOSE BRANDY HILL – REQUEST FOR A REVIEW OF INTERSECTION SAFETY AT BRANDY HILL DRIVE

C.2 40_12/13 PACIFIC DRIVE FINGAL BAY - REQUEST FOR ROAD WIDENING AND DELINEATION

C.3 41_12/13 CARPENTER STREET RAYMOND TERRACE - REQUEST FOR INSTALLATION OF LINEMARKING AT THE GEER STREET INTERSECTION

C.4 42_12/13 CLOSEBOURNE WAY RAYMOND TERRACE - REQUEST FOR INSTALLATION OF A MEDIAN AT MARTENS AVENUE

D. INFORMAL MATTERS

D.1 503_12/13 ROADS TOMAGO – APPLICATION FOR 25M B-DOUBLE ACCESS

E. GENERAL BUSINESS

E.1 621_12/13 ROADS PORT STEPHENS - SCHEDULE OF MEETING DATES FOR PORT STEPHENS LOCAL TRAFFIC COMMITTEE FOR 2014

E.2 622_12/13 IRRAWANG STREET RAYMOND TERRACE – SAFETY CONCERNS AT THE CHILDRENS CROSSING AT ST BRIGIDS SCHOOL

E.3 623_12/13 FERODALE ROAD MEDOWIE – S96 APPLICATION FOR REMOVAL OF THE CONDITION OF CONSENT REGARDING CONSTRUCTION OF A ROUNDABOUT AT PEPPERTREE ROAD INTERSECTION

C. Listed Matters**C.1 Item: 39_12/13****WARRIGAL CLOSE BRANDY HILL – REQUEST FOR A REVIEW OF INTERSECTION SAFETY AT BRANDY HILL DRIVE**

Requested by: A resident

File:

Background:

A resident has raised a number of issues including concern over a lack of intersection warning signage and low lighting.

Comment:

Traffic Inspection Committee members noted that this is a local road and is the only access to properties along these roads. Locals would be well aware of the intersection however it does service approximately 60 properties so is busier than other intersections in the area.

Traffic Inspection Committee recommended that Council consider installation of a Give Way sign and lines to make drivers more aware of the intersection.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 69 - Giving way at a give way sign at an intersection

RTA signs database – R1-2

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Recommendation to the Committee:

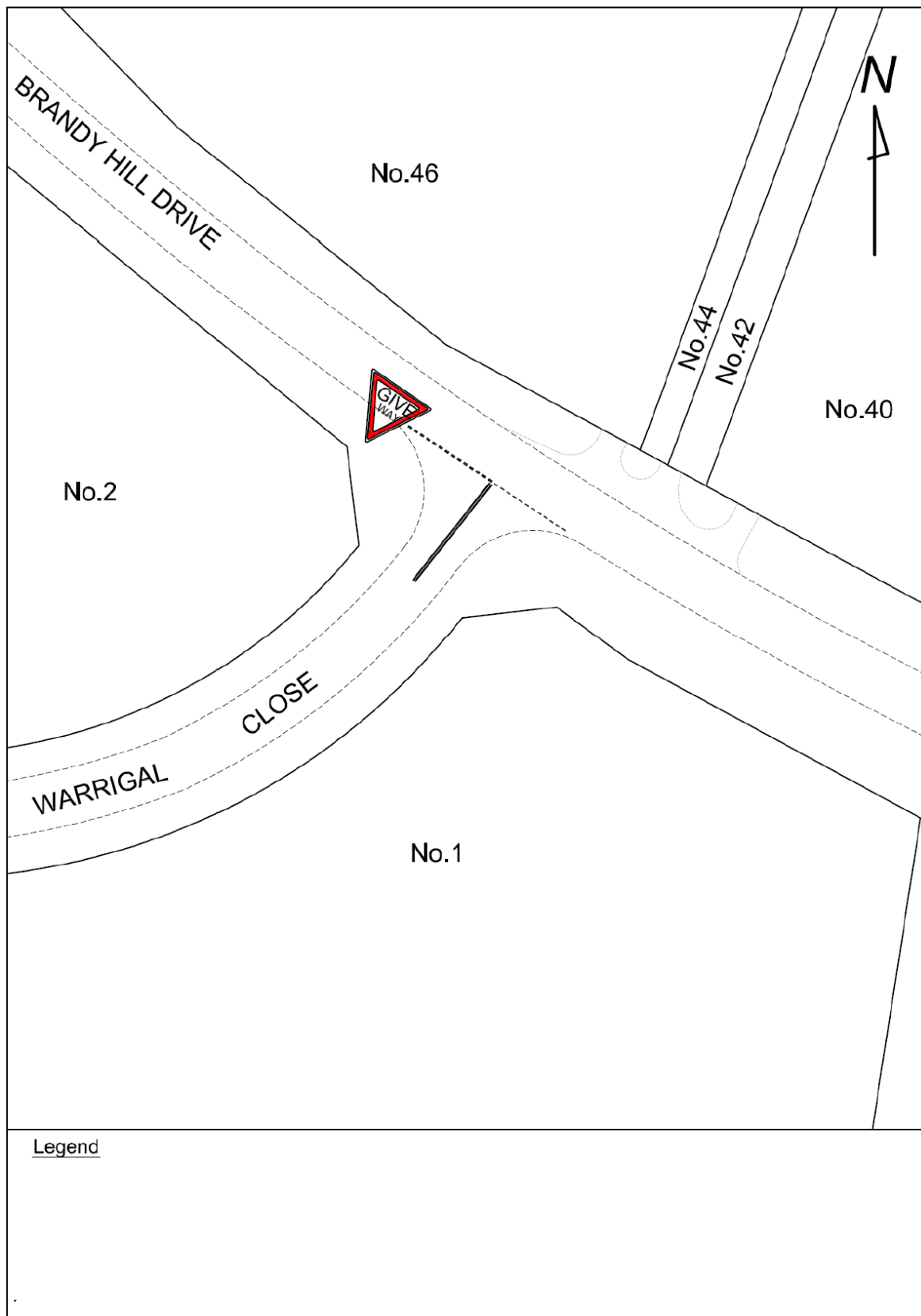
Install Give Way sign, barrier lines and 'TB' hold line, as shown on the attached sketch, Annexure A.

Discussion:

Comment was received from Hunter Valley Buses regarding this proposal with concern being raised of the potential impact of road markings on bus bays at this location. LTC members noted the concerns but considered that the proposed give way and line markings would have no detrimental impact on bus services.

Support for the recommendation:

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



C.2 Item: 40_12/13**PACIFIC DRIVE FINGAL BAY - REQUEST FOR ROAD WIDENING AND DELINEATION**

Requested by: A resident

File: PSC2005-4019/481 & CRM169669-2013

Background:

A local resident has complained to Council that Pacific Drive is too narrow around the bends near Barry Park. It is claimed that there have been many near misses between vehicles from opposing directions. Barry Park is very popular for weddings, picnics etc. and some road widening and delineation around the bends is needed.

Comment:

Traffic Inspection Committee members noted that the road is quite narrow but that traffic volumes and speeds are also low. It was recommended that barrier lines be installed where the road is wide enough to allow.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 132 – Keeping to the left of a dividing line

RMS Delineation Manual – Section 4 – Longitudinal Markings

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Recommendation to the Committee:

Install barrier line around the bends in Pacific Drive Fingal Bay, as shown on the attached sketch, Annexure A.

Refer the request for road widening to Council's Civil Assets Engineer

Discussion:

Support for the recommendation:

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



C.3 Item: 41_12/13**CARPENTER STREET RAYMOND TERRACE - REQUEST FOR INSTALLATION OF LINEMARKING AT THE GEER STREET INTERSECTION**

Requested by: Port Stephens Council

File:

Background:

Staff from Irrawang Public School have raised concerns about the speed of vehicles travelling from Carpenter Street into Geer Street and Troman Parade and vice versa. Cars cut the corners, fail to give way and generally travel too fast through these intersections creating risk for the children crossing the roads on Troman or Carpenter Streets.

Comment:

Traffic Inspection Committee members noted that the intersections have no delineation on any of the approaches and drivers do cut the corners,

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 69 - Giving way at a give way sign or give way line at an intersection

RTA signs database – R1-2

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Recommendation to the Committee:

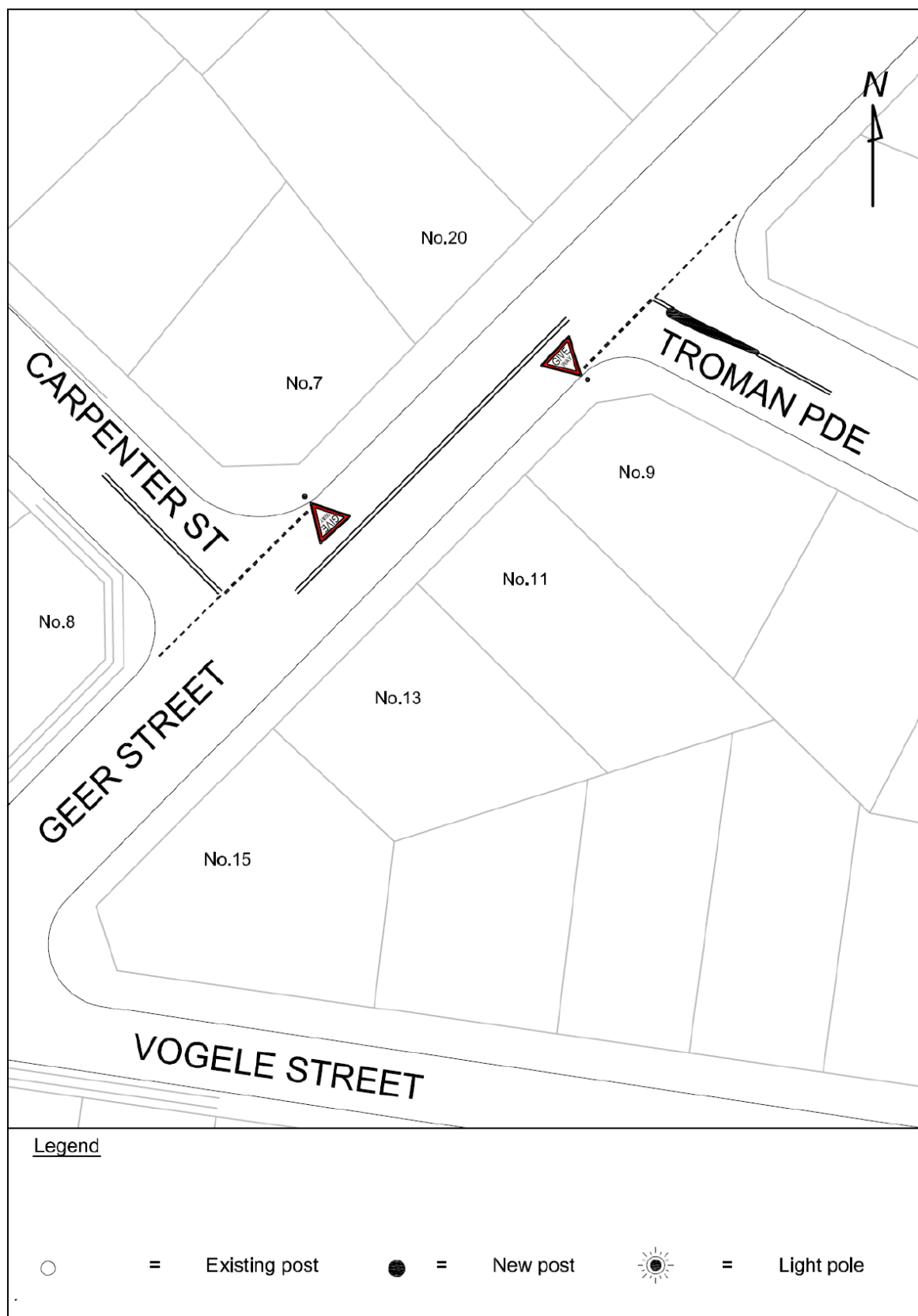
Install Give Way signs, barrier lines and 'TB' hold lines in Carpenter Street and Troman Parade, as shown on the attached sketch, Annexure A.

Discussion:

School representatives requested that the proposed 'Give Way' controls be changed to stop signs. Traffic Committee members noted however that there would likely be poor compliance with stop signs and that the warrant for stop signs would be unlikely to be met.

Support for the recommendation:

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



C.4 Item: 42_12/13**CLOSEBOURNE WAY RAYMOND TERRACE - REQUEST FOR INSTALLATION OF A MEDIAN AT MARTENS AVENUE**

Requested by: A resident
File: PSC2011-02804/017
Background:

A local resident has contacted Council to report that cars turning from Closebourne Way into Martens Avenue often cut the corner. The resident has suggested that a concrete median be constructed in Closebourne Way to improve lane discipline at the intersection.

Comment:

Traffic Inspection Committee members recommend installation of barrier lines and give way signs.

Legislation, Standards, Guidelines and Delegation:

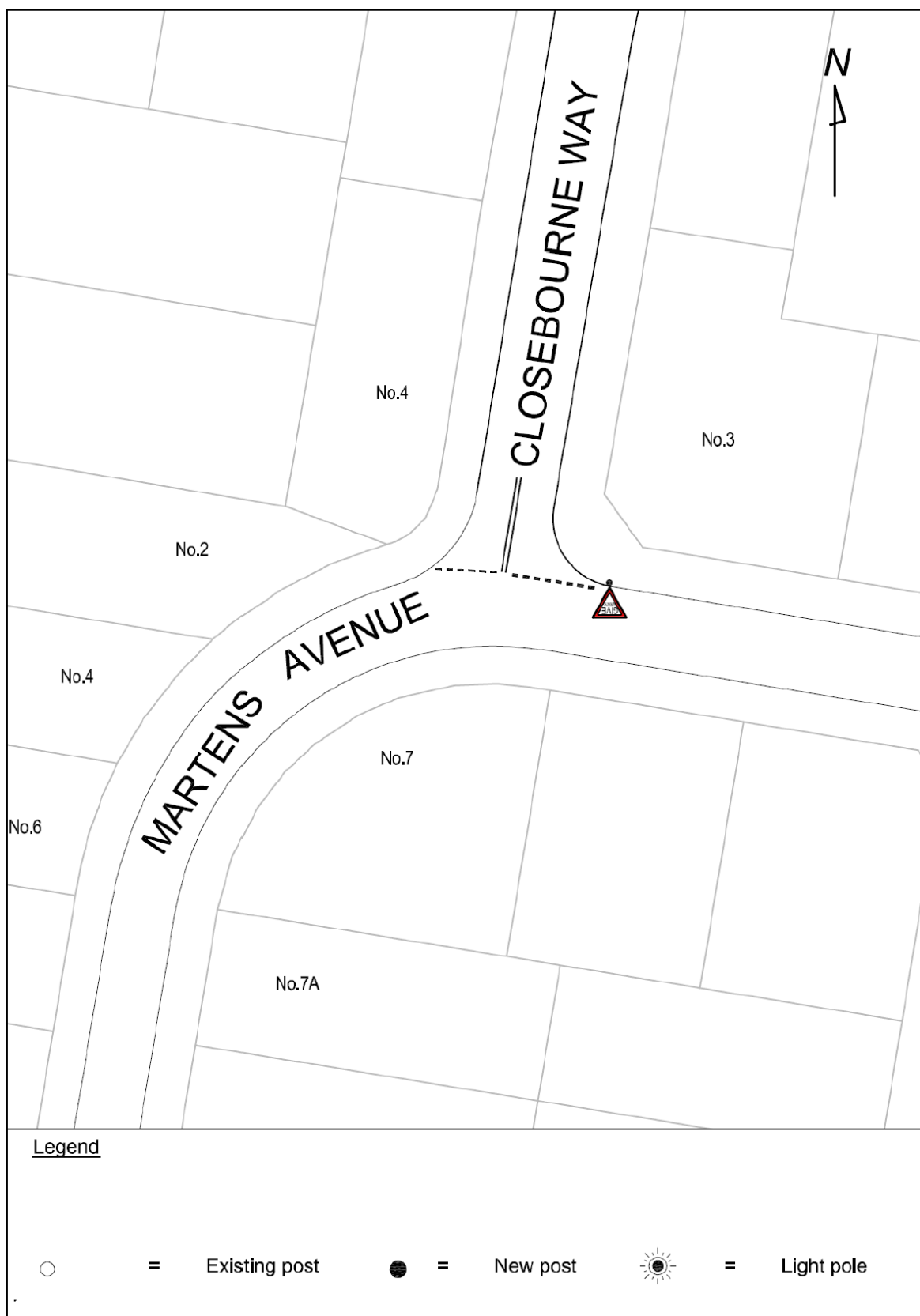
NSW Road Rules – Rule 69 - Giving way at a give way sign or give way line at an intersection
RTA signs database – R1-2
Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Recommendation to the Committee:

Install Give Way sign, barrier lines and 'TB' hold line in Closebourne Way Raymond Terrace, as shown on the attached sketch, Annexure A.

Discussion:**Support for the recommendation:**

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



D. Informal Items

D.1 Item: 503_12/13

ROADS TOMAGO – APPLICATION FOR 25M B-DOUBLE ACCESS

Requested by: Port Stephens Council

File: PSC2010-03994

Background:

Port Stephens Council continues to receive application for B-Double access to Council roads at various locations. Rather than handling these in a piecemeal fashion it has been decided to conduct a block assessment and request for gazettal of the roads within the industrial area at Tomago that are likely to require B-Double access in future.

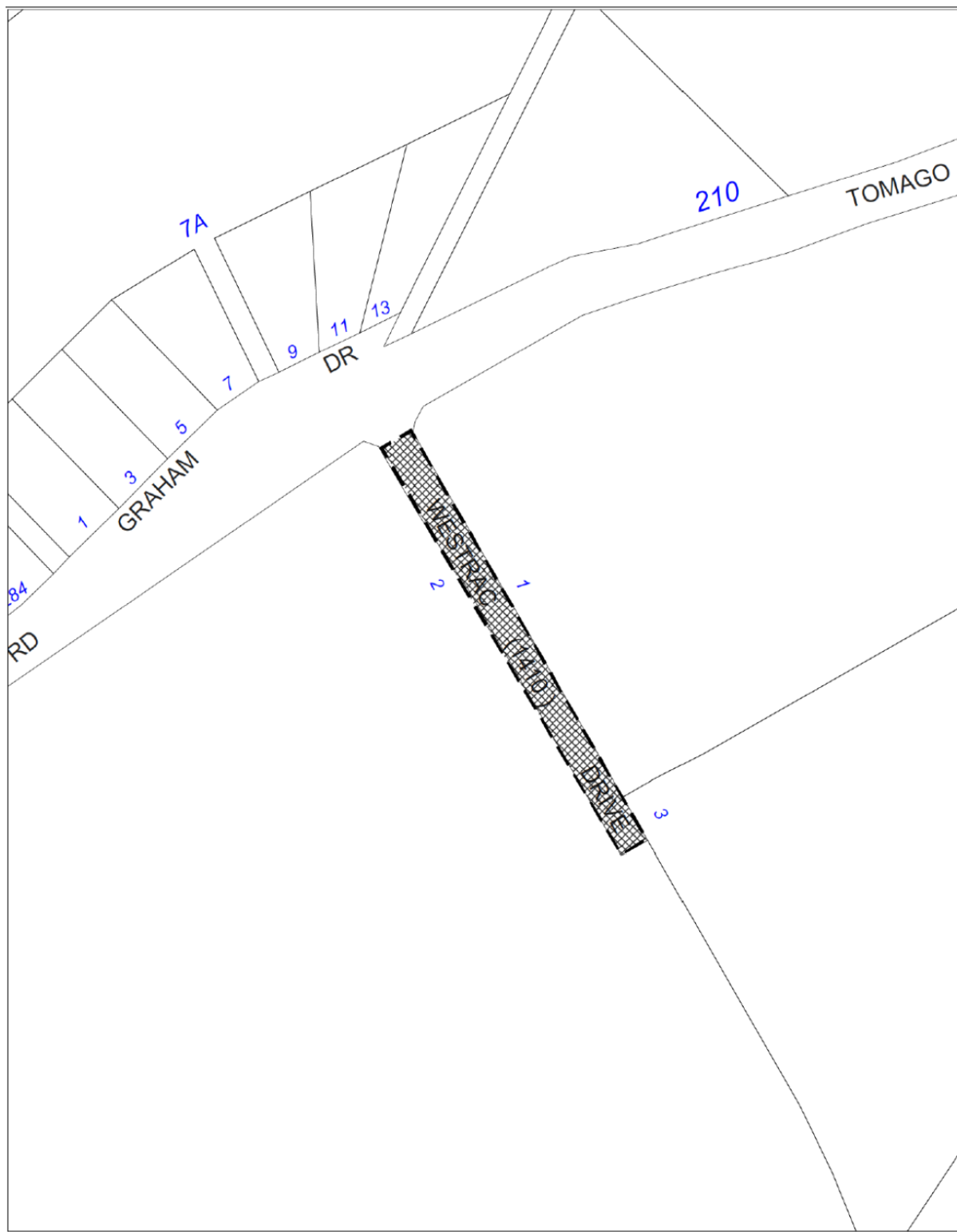
Comment:

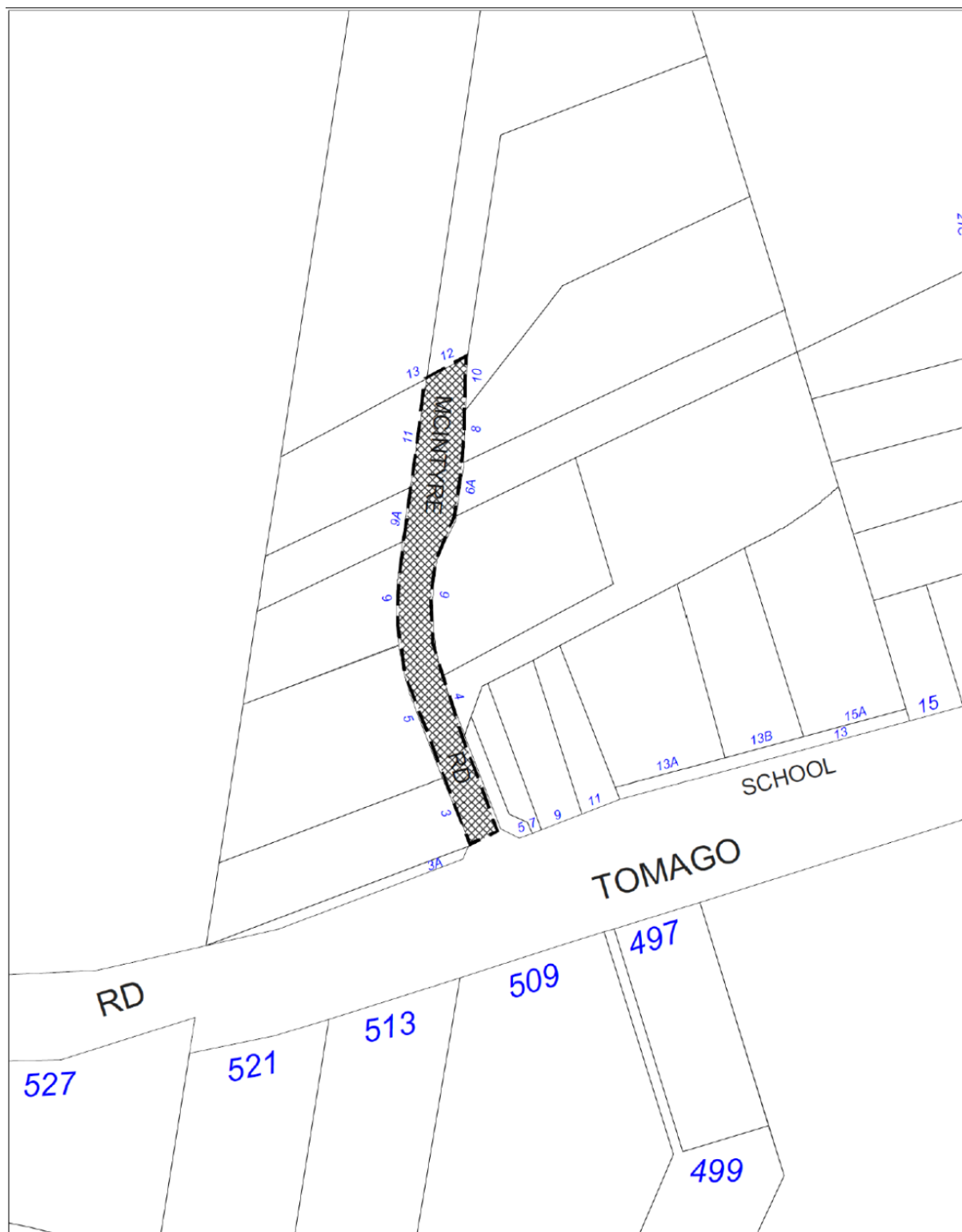
The roads concerned are all situated within the Tomago industrial area and are designed to cater for heavy vehicles. The roads are listed below and locality sketches are attached as Annexure A.

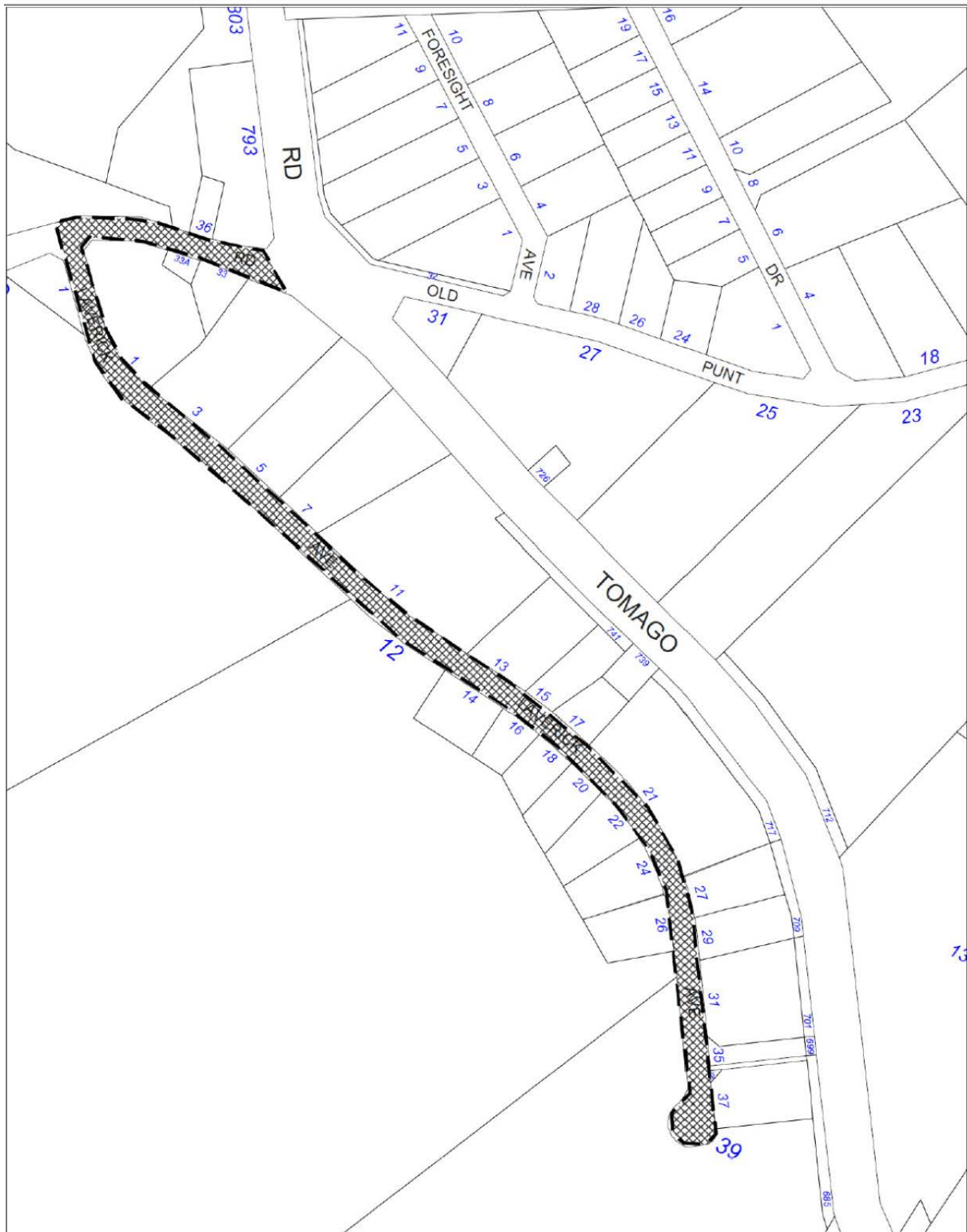
Westrac Drive
McIntyre Road
Laverick Avenue and Old Punt Road (south)
Martin Drive
Kennington Drive, Kilcoy Drive and Abbot Lane

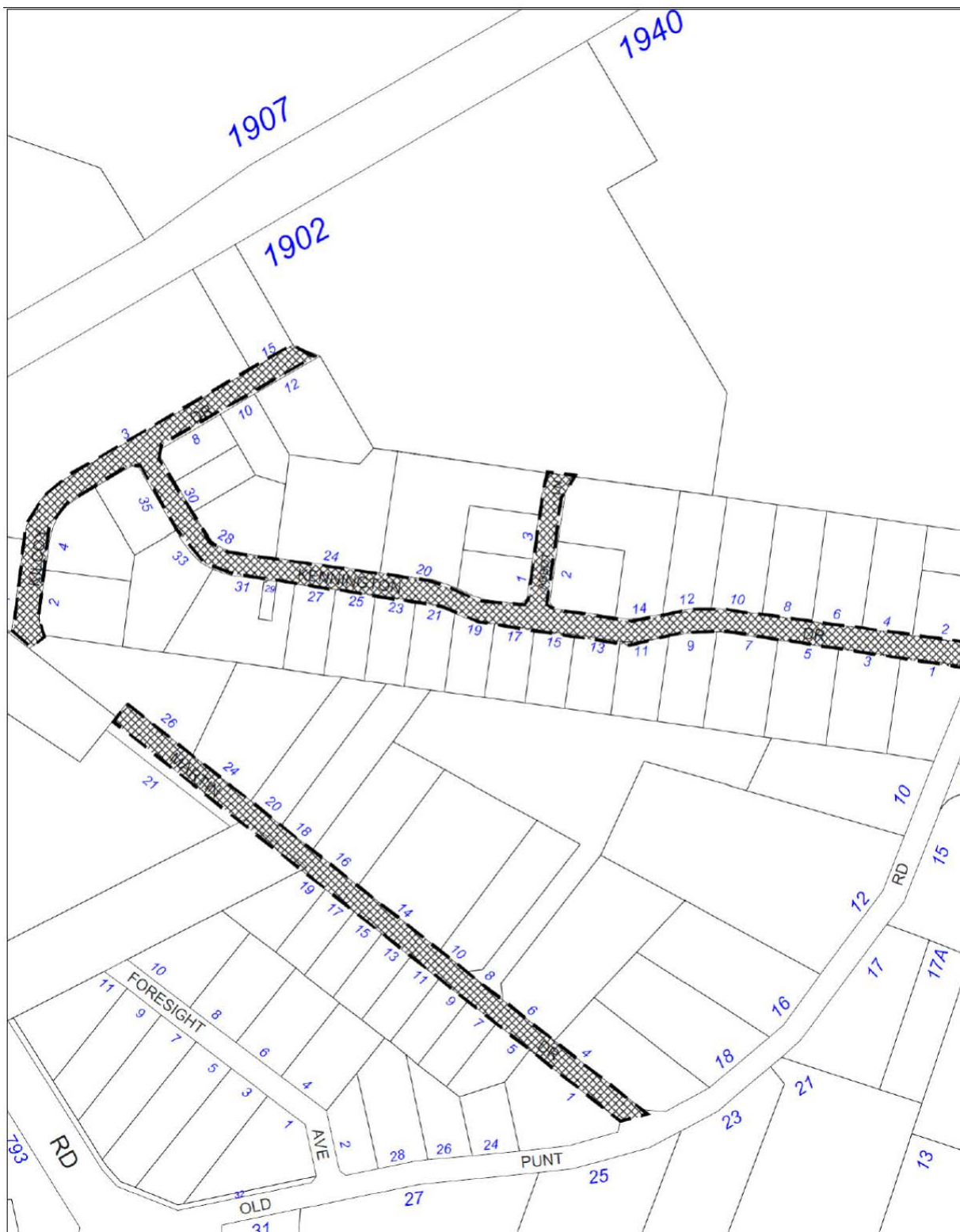
Discussion:

Traffic Committee members noted that the roads in question already carry significant numbers of heavy vehicles, including over-dimension loads.









E: General Business

E.1 Item: 621_12/12**ROADS PORT STEPHENS - SCHEDULE OF MEETING DATES FOR PORT STEPHENS LOCAL TRAFFIC COMMITTEE FOR 2013****File:****Background:**

Below is a draft schedule of meeting dates for Traffic Inspection Committee and for Port Stephens Local Traffic Committee for 2013.

Comment:**Port Stephens Local Traffic Committee schedule for 2014:**

	Port Stephens Local Traffic Committee	Traffic Inspection Committee
January	No Meeting	Wednesday 15 th
February	Tuesday 4 th	Wednesday 19 th
March	Tuesday 4 th	Wednesday 19 th
April	Tuesday 1 st	Wednesday 16 th
May	Tuesday 6 th	Wednesday 21 st
June	Tuesday 3 rd	Wednesday 18 th
July	Tuesday 1 st	Wednesday 16 th
August	Tuesday 5 th	Wednesday 20 th
September	Tuesday 2 nd	Wednesday 17 th
October	Tuesday 7 th	Wednesday 22 nd
November	Tuesday 4 th	Wednesday 19 th
December	Tuesday 2 nd	No Meeting

E.2 Item: 622_12/12**IRRAWANG STREET RAYMOND TERRACE – SAFETY CONCERNS AT THE CHILDRENS CROSSING AT ST BRIGIDS SCHOOL****File:****Background:**

This year there have been a number of incidents on the Children's Crossing on Irrawang Street reported by Council's before and after school care staff. The Local Traffic Committee has been requested to inspect the location with a view to making the crossing safer. Options suggested include:

- o Removal of the refuge and right turn lane and installation of kerb extensions.

- Installation of a kerb extension on the school side to eliminate undertaking and queuing across the crossing on that side of the road.
- Installation of a raised crossing

Comment:

Traffic Committee members did not support removal of the pedestrian refuge at the time of the Traffic Committee inspections. Instead it was requested that Council investigate whether there is enough space to allow construction of kerb extensions as well. Preliminary investigations indicate that kerb extensions would only fit on the school side of the road and it was recommended that Council investigate removing some parking spaces on the southern side of Irawang Street to improve sight distance to the crossing.

This will be further investigated and referred to Local Traffic Committee in the New Year.

E.3 Item: 623_12/12

FERODALE ROAD MEDOWIE – S96 APPLICATION FOR REMOVAL OF THE CONDITION OF CONSENT REGARDING CONSTRUCTION OF A ROUNDABOUT AT PEPPERTREE ROAD INTERSECTION

Requested by: Cr Dingle

File:

Background:

The developer of the site of the Medowie Woolworths has submitted a S96 application to Council seeking to remove the condition of consent requiring installation of a roundabout at the intersection of Ferodale Road and Peppertree Road Medowie. In return a sum of money has been offered to Council.

Comment:

Cr Dingle raised concerns that the removal of the requirement to build a roundabout would impose huge cost on the Port Stephens Community as Council will be forced to provide the required infrastructure in years to come. He expressed concern that the suggested extension of Peppertree Road and link to Medowie Road would not be an adequate substitute for a roundabout at the Ferodale Road intersection.

Council officers noted that there is to be a report to Council highlighting the risks associated with this proposal. It was also noted that the condition of consent requiring provision of a bus lay-by will remain. Traffic Committee members stressed that adequate provision must be made for pedestrian connectivity as part of any modification of consent.

Cr Dingle requested access to the Council report prior to the report going to Council.

ITEM NO. 11**FILE NO: A2004-0984****CODE OF CONDUCT – COUNCIL CHARTER AMENDMENT**

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 2) [Amend the Code of Conduct and insert the Council Charter shown at **(ATTACHMENT 2)**.]

ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

Cr Peter Kafer left the meeting at 6.34pm, during Item 11.

	Councillor John Nell Councillor Paul Le Mottee
	That the recommendation be adopted.

MOTION

043	Councillor John Nell Councillor John Morello
	It was resolved that [Council amend the Code of Conduct and insert the Council Charter shown at (ATTACHMENT 2) .]

BACKGROUND

[The purpose of this report is to provide Council with an amendment to the Code of Conduct.

The *Local Government Act 1993* has been amended and as a result the Council Charter has changed. The previous version of the Council Charter is shown at **(ATTACHMENT 1)**, with the new version at **(ATTACHMENT 2)**.

The Council Charter was included in the Code of Conduct (Code) at the time of adoption. Therefore the Code is required to be updated.

Council is requested to consider the insertion of the new version of the Council Charter into the Code, in line with the *Local Government 1993*.]

FINANCIAL/RESOURCE IMPLICATIONS

[Given the changes are in respect of legislation updates, Council is not required to advertise or provide additional training on this update. There will be minimal costs with respect to the update.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

[Council is required to comply with the *Local Government Act 1993* and as such the Code should be amended to reflect the amendment.]

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that Council may be in breach of the <i>Local Government 1993</i> should the Code not be updated.]	[Low]	[Adopt the recommendation.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[There are no sustainability implications from this recommendation.]

CONSULTATION

[Nil.]

OPTIONS

- 2) [Adopt the recommendation.
- 3) Amend the recommendation.
- 4) Reject the recommendation.]

ATTACHMENTS

- 4) [Current Council Charter.
- 5) Proposed Council Charter.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.

ATTACHMENT 1

Current Version

COUNCIL CHARTER & VALUES

The *Local Government Act 1993* set the Charter for all Local Government Councils in New South Wales. Port Stephens Council endorses this Charter and also has adopted Values for the organisation. The Council Charter and Values are set out below:

Council Charter

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of cultural diversity;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it the wider community) informed about its activities;
- to ensure that in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected; and
- to be a responsible employer.

ATTACHMENT 2

Draft Version

COUNCIL CHARTER & VALUES

The *Local Government Act 1993* set the Charter for all Local Government Councils in New South Wales. Port Stephens Council endorses this Charter and also has adopted Values for the organisation. The Council Charter and Values are set out below:

(1) A council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible
- to engage in long-term strategic planning on behalf of the local community
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

(2) A council, in the exercise of its functions, must pursue its charter but nothing in the charter or this section gives rise to, or can be taken into account in, any civil cause of action.

]

ITEM NO. 12**FILE NO: PSC2014-00480****NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2014****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGERS OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 2) [Endorse the attendance of Mayor Bruce MacKenzie at the National General Assembly of Local Government conference, Canberra, 15-18 June, 2014;
- 3) Allow a "one-off" increase of the Conference allowance under the Policy for Mayor Bruce MacKenzie to attend the Conference.]

**ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Chris Doohan
	That the recommendation be adopted.

MOTION

044	Councillor John Nell Councillor John Morello
	It was resolved that Council: 1) [Endorse the attendance of Mayor Bruce MacKenzie at the National General Assembly of Local Government conference, Canberra, 15-18 June, 2014; 2) Allow a "one-off" increase of the Conference allowance under the Policy for Mayor Bruce MacKenzie to attend the Conference.]

BACKGROUND

[The purpose of this report is to inform Council of the National General Assembly of Local Government to be held from 15-18 June 2014.

The Conference Programme has not yet been received.

As Councillors would be aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for travel outside of the Hunter Councils area.]

FINANCIAL/RESOURCE IMPLICATIONS

[The costs associated with registration, travel and accommodation would be covered from the budget, subject to an individual Councillor not exceed the conference budget limits in the Policy.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	[Yes]	[]	Accommodation and travel costs will be additional.]
Reserve Funds	No	[]	[]
Section 94	No	[]	[]
External Grants	No	[]	[]
Other	No	[]	[]

LEGAL, POLICY AND RISK IMPLICATIONS

[The Payment and Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside the Hunter Region. Councillors' conference costs are limited to \$3,500 per year under the Policy.]

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that Council may have its reputation damaged by nit attending and not participating in the national debate on key Local Government matters.]	[Low]	[Adopt the recommendation.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[The Port Stephens community would benefit from Councillors attending this Conference to ensure the Local Government Area has a voice in the national development of policy and initiatives.]

CONSULTATION

[Nil.]

OPTIONS

[Nil.]

ATTACHMENTS

Nil.

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.]

ITEM NO. 13**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 25 February, 2014.

No:	Report Title	Page:
1	Cash and Investments Held at 30 Nov 2013, 31 Dec 2013 & 31 Jan 2014	118
2	Pitstop Service Station Petition – RTA Turning Lane	124
3	Business Improvement Quarterly Report October – December 2013	127
4	Safer Community Application – Child Protection Act	131
5	Pecuniary Interest	133

**ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Peter Kafer returned to the meeting at 6.36pm.

	Councillor John Morello Councillor Steve Tucker
	That the recommendation be adopted.

032	Councillor Chris Doohan Councillor Ken Jordan
	It was resolved that Council move out Committee of the Whole.

MOTION

045	Councillor John Nell Councillor John Morello
	It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 25 February, 2014.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

CASH AND INVESTMENTS HELD AT 30 NOVEMBER 2013, 31 DECEMBER 2013 AND 31 JANUARY 2014

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 November 2013, 31 December 2013 and 31 January 2014.

ATTACHMENTS

- 5) Cash and investments held at 30 November 2013;
- 6) Cash and investments held at 31 December 2013;
- 7) Cash and investments held at 31 January 2014;
- 8) Monthly cash and investments balance January 2013 to January 2014;
- 9) Monthly Australian term deposit index January 2013 to January 2014.

ATTACHMENT 1

CASH AND INVESTMENTS HELD AS AT 30 NOVEMBER 2013								
ISSUER	BROKER	RATING	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
ME BANK	ME BANK	A2/BBB	TD	4.05%	119	4-Dec-13	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	BOQ	A2/BBB+	TD	4.50%	278	18-Dec-13	1,500,000	1,500,000
GOLDFIELDS MONEY LTD	CURVE	N/R	TD	3.85%	92	18-Dec-13	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	RIM	B/BB+	TD	3.85%	127	2-Jan-14	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	FARQUHARSON	B/BB+	TD	3.85%	119	2-Jan-14	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	CURVE	A2/BBB+	TD	3.90%	147	15-Jan-14	1,000,000	1,000,000
THE MUTUAL	THE MUTUAL	N/R	TD	3.85%	147	15-Jan-14	1,000,000	1,000,000
SUNCORP BANK	SUNCORP	A1/A+	TD	4.03%	142	29-Jan-14	2,000,000	2,000,000
ING BANK (AUSTRALIA) LTD	RIM	A1/A	TD	3.85%	160	12-Feb-14	1,000,000	1,000,000
INVESTEC BANK (AUSTRALIA) LTD	CURVE	P-3/Baa3	TD	3.81%	154	12-Feb-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	A1+/AA-	TD	3.80%	163	26-Feb-14	1,000,000	1,000,000
INVESTEC BANK (AUSTRALIA) LTD	FIG	P-3/Baa3	TD	3.87%	182	12-Mar-14	1,000,000	1,000,000
RAILWAYS CREDIT UNION LTD	FARQUHARSON	N/R	TD	3.59%	154	12-Mar-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	A1+/AA-	TD	3.80%	182	26-Mar-14	1,000,000	1,000,000
RURAL BANK LTD	CURVE	A2/A-	TD	3.75%	182	26-Mar-14	1,000,000	1,000,000
RURAL BANK LTD	CURVE	A2/A-	TD	3.75%	181	26-Mar-14	1,000,000	1,000,000
BANK OF SYDNEY LTD	FIG	N/R	TD	4.00%	182	21-May-14	1,000,000	1,000,000
SUB TOTAL (\$)							18,500,000	18,500,000
OTHER INVESTMENTS								
GRANGE SECURITIES "KAKADU AA"	GRANGE	CCC	CDO	4.35% 7yrs		20-Mar-14	1,000,000	248,900
DEUTSCHE BANK TELSTRA LNK DEP. NTE	FIG SECURITIES	A+	FRN	4.43% 7yrs		30-Nov-14	500,000	485,000
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99% 10yrs		31-Dec-14	500,000	500,000
NEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A+p	CDO	0.00% 10yrs		23-Jun-15	412,500	373,317
ANZ ZERO COUPON BOND	ANZ	AA	BOND	0.00% 9yrs		1-Jun-17	1,017,876	884,901
SUB TOTAL (\$)							3,430,376	2,492,118
INVESTMENTS TOTAL (\$)							21,930,376	20,992,118
CASH AT BANK (\$)							6,302,916	6,302,916
TOTAL CASH AND INVESTMENTS (\$)							28,233,292	27,295,034
CASH AT BANK INTEREST RATE				2.70%				
BBSW FOR PREVIOUS 3 MONTHS				2.63%				
AVG. INVESTMENT RATE OF RETURN				3.71%				
TD = TERM DEPOSIT				FRN = FLOATING RATE NOTE				
CDO = COLLATERALISED DEBT OBLIGATION				FRSD = FLOATING RATE SUBORDINATED DEBT				
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
P GESLING								

ATTACHMENT 2

CASH AND INVESTMENTS HELD AS AT 31 DECEMBER 2013								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
ARAB BANK AUSTRALIA LTD	RIM	BB+	TD	3.85%	127	2-Jan-14	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	FARQUHARSON	BB+	TD	3.85%	119	2-Jan-14	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	CURVE	A-	TD	3.90%	147	15-Jan-14	1,000,000	1,000,000
THE MUTUAL	THE MUTUAL	N/R	TD	3.85%	147	15-Jan-14	1,000,000	1,000,000
SUNCORP BANK	SUNCORP	A+	TD	4.03%	142	29-Jan-14	2,000,000	2,000,000
ING BANK (AUSTRALIA) LTD	RIM	A	TD	3.85%	160	12-Feb-14	1,000,000	1,000,000
INVESTEK BANK (AUSTRALIA) LTD	CURVE	BBB-	TD	3.81%	154	12-Feb-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.80%	163	26-Feb-14	1,000,000	1,000,000
INVESTEK BANK (AUSTRALIA) LTD	FIG	BBB-	TD	3.87%	182	12-Mar-14	1,000,000	1,000,000
RAILWAYS CREDIT UNION LTD	FARQUHARSON	N/R	TD	3.59%	154	12-Mar-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.80%	182	26-Mar-14	1,000,000	1,000,000
RURAL BANK LTD	CURVE	A-	TD	3.75%	182	26-Mar-14	1,000,000	1,000,000
RURAL BANK LTD	CURVE	A-	TD	3.75%	181	26-Mar-14	1,000,000	1,000,000
BANK OF SYDNEY LTD	FIG	N/R	TD	4.00%	182	21-May-14	1,000,000	1,000,000
BANK OF SYDNEY LTD	RIM	N/R	TD	4.00%	184	18-Jun-14	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.90%	266	10-Sep-14	1,500,000	1,500,000
AMP BANK LTD	CURVE	A+	TD	3.90%	266	10-Sep-14	1,000,000	1,000,000
SUB TOTAL (\$)							18,500,000	18,500,000
OTHER INVESTMENTS								
GRANGE SECURITIES "KAKADU AA"	GRANGE	CCC-	CDO	4.35% 7yrs		20-Mar-14	1,000,000	248,900
DEUTSCHE BANK TELSTRA LNK DEP. NTE	FIG SECURITIES	A	FRN	4.43% 7yrs		30-Nov-14	500,000	485,000
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99% 10yrs		31-Dec-14	500,000	500,000
NEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A	CDO	0.00% 10yrs		23-Jun-15	412,500	373,317
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00% 9yrs		1-Jun-17	1,017,876	884,901
SUB TOTAL (\$)							3,430,376	2,492,118
INVESTMENTS TOTAL (\$)							21,930,376	20,992,118
CASH AT BANK (\$)							6,932,654	6,932,654
TOTAL CASH AND INVESTMENTS (\$)							28,863,030	27,924,772
CASH AT BANK INTEREST RATE				2.70%				
BBSW FOR PREVIOUS 3 MONTHS				2.64%				
AVG. INVESTMENT RATE OF RETURN				3.67%				
TD = TERM DEPOSIT				FRN = FLOATING RATE NOTE				
CDO = COLLATERALISED DEBT OBLIGATION				FRSD = FLOATING RATE SUBORDINATED DEBT				
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
P GESLING								

ATTACHMENT 3

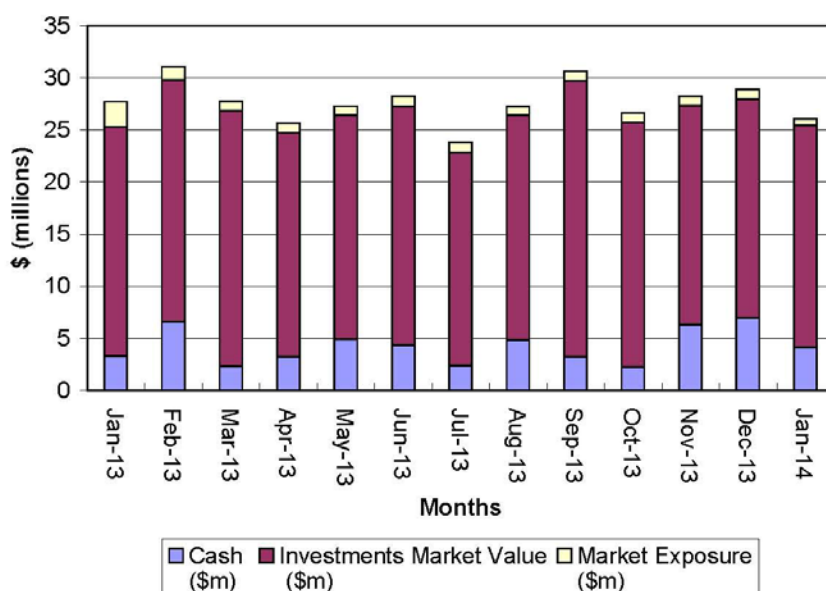
CASH AND INVESTMENTS HELD AS AT 31 JANUARY 2014								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
ING BANK (AUSTRALIA) LTD	RIM	A	TD	3.85%	160	12-Feb-14	1,000,000	1,000,000
INVESTEC BANK (AUSTRALIA) LTD	CURVE	BBB-	TD	3.81%	154	12-Feb-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.80%	163	26-Feb-14	1,000,000	1,000,000
INVESTEC BANK (AUSTRALIA) LTD	FIIG	BBB-	TD	3.87%	182	12-Mar-14	1,000,000	1,000,000
RAILWAYS CREDIT UNION LTD	FARQUHARSON	N/R	TD	3.59%	154	12-Mar-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.80%	182	26-Mar-14	1,000,000	1,000,000
RURAL BANK LTD	CURVE	A-	TD	3.75%	182	26-Mar-14	1,000,000	1,000,000
RURAL BANK LTD	CURVE	A-	TD	3.75%	181	26-Mar-14	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	RIM	BB+	TD	3.65%	97	9-Apr-14	1,000,000	1,000,000
AMP BANK LTD	FARQUHARSON	A+	TD	3.75%	96	9-Apr-14	1,000,000	1,000,000
THE MUTUAL	THE MUTUAL	N/R	TD	3.70%	98	23-Apr-14	1,000,000	1,000,000
WIDE BAY AUSTRALIA LTD	CURVE	BBB	TD	3.70%	112	7-May-14	1,000,000	1,000,000
BANK OF SYDNEY LTD	FIIG	N/R	TD	4.00%	182	21-May-14	1,000,000	1,000,000
BANK OF SYDNEY LTD	RIM	N/R	TD	4.00%	184	18-Jun-14	1,000,000	1,000,000
SUNCORP BANK	SUNCORP	A+	TD	3.92%	182	30-Jul-14	2,000,000	2,000,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.90%	266	10-Sep-14	1,500,000	1,500,000
AMP BANK LTD	CURVE	A+	TD	3.90%	266	10-Sep-14	1,000,000	1,000,000
SUB TOTAL (\$)							18,500,000	18,500,000
OTHER INVESTMENTS								
GRANGE SECURITIES "KAKADU AA"	GRANGE	CCC-	CDO	4.35% 7yrs		20-Mar-14	1,000,000	523,006
DEUTSCHE BANK TELSTRA LNK DEP. NTE	FIIG SECURITIES	A	FRN	4.43% 7yrs		30-Nov-14	500,000	485,000
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99% 10yrs		31-Dec-14	500,000	500,000
NEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A	CDO	0.00% 10yrs		23-Jun-15	412,500	373,317
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00% 9yrs		1-Jun-17	1,017,876	890,062
SUB TOTAL (\$)							3,430,376	2,771,385
INVESTMENTS TOTAL (\$)							21,930,376	21,271,385
CASH AT BANK (\$)							4,122,575	4,122,575
TOTAL CASH AND INVESTMENTS (\$)							26,052,951	25,393,960
CASH AT BANK INTEREST RATE				2.50%				
BBSW FOR PREVIOUS 3 MONTHS				2.65%				
AVG. INVESTMENT RATE OF RETURN				3.63%				
TD = TERM DEPOSIT					FRN = FLOATING RATE NOTE			
CDO = COLLATERALISED DEBT OBLIGATION					FRSD = FLOATING RATE SUBORDINATED DEBT			
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
P GESLING								

ATTACHMENT 4

Cash and Investments Held

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Jan-13	3.291	21.993	2.438	27.721
Feb-13	6.608	23.191	1.240	31.038
Mar-13	2.301	24.525	0.906	27.731
Apr-13	3.192	21.527	0.903	25.623
May-13	4.870	21.531	0.900	27.301
Jun-13	4.302	22.926	1.005	28.232
Jul-13	2.366	20.426	1.005	23.797
Aug-13	4.847	21.578	0.852	27.278
Sep-13	3.221	26.489	0.941	30.652
Oct-13	2.193	23.484	0.946	26.623
Nov-13	6.305	20.992	0.939	28.236
Dec-13	6.932	20.992	0.939	28.863
Jan-14	4.122	21.271	0.659	26.052

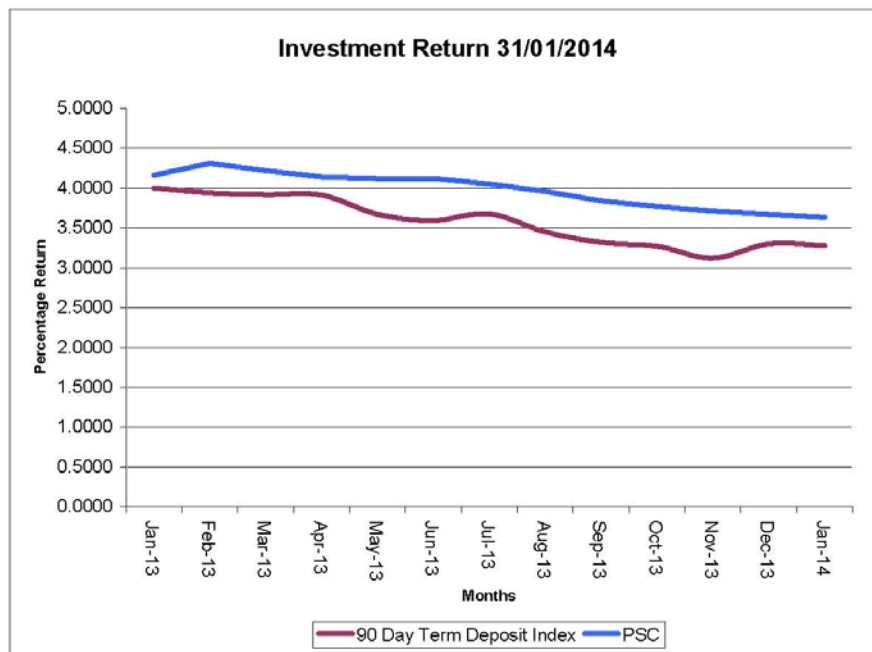
Cash and Invested Funds 31/01/2014



ATTACHMENT 5

Australian Term Deposit Accumulation Index

Date	90 Day Term Deposit Index	PSC
Jan-13	4.0025	4.16
Feb-13	3.9400	4.31
Mar-13	3.9185	4.22
Apr-13	3.9119	4.14
May-13	3.6715	4.12
Jun-13	3.5944	4.12
Jul-13	3.6774	4.05
Aug-13	3.4506	3.96
Sep-13	3.3183	3.84
Oct-13	3.27	3.77
Nov-13	3.1212	3.71
Dec-13	3.3007	3.67
Jan-14	3.2797	3.63



INFORMATION ITEM NO. 2

**PETITION FROM OWNERS & CUSTOMERS OF PIT STOP SERVICE STATION
REQUESTING REINSTATEMENT BY RMS OF THE RIGHT TURNING LANE
AND ARROW FOR THE GENERAL PUBLIC**

REPORT OF: PETER GESLING - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2012-00746

BACKGROUND

The purpose of this report is to advise Councillors that a Petition containing 265 signatures has been received from Pitstop Service Station on Nelson Bay Road, Salt Ash owners and customers requesting that the right turning lane and arrow be reinstated by Roads and Maritime Services for the general public and customers.

Councillors are advised that the petition has also been forwarded onto RMS as the responsible authority for their attention.

"Please find enclosed petition signed by customers regarding the right turning lane and arrow reinstated by RMS for general public, customers, sales people and delivery vehicles to cross the road to enter safely when travelling from the Newcastle direction and return to the Status Quo that was in place for years until a resurfacing removed it"

"Pitstop Service Station on Nelson Bay Road Salt Ash owners and its customers would like the right turning lane and arrow reinstated by RMS for the general public and customers, sales people and delivery vehicles to cross the road to enter safely from Newcastle end as it was back in the year 2000. We all remember that it was there, this is a petition to have it reinstated to where it was in the earlier years."

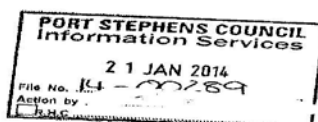
ATTACHMENTS

- 5) Letter & Petition;
- 6) Locality Map.

ATTACHMENT 1

Pitstop Service Station on Nelson Bay Road Salt Ash owners and its customers would like the right turning lane and arrow reinstated by RTA for the general public and customers, sales people and delivery vehicles to cross the road to enter safely from Newcastle end as it was back in the year 2000. We all remember that it was there, this is a petition to have it reinstated to where it was in the earlier years.

Date	Name	Address	Address	Signature



Pit Stop Service Station
2886 Nelson Bay Rd
SALT ASH NSW 2318
8 November 2013

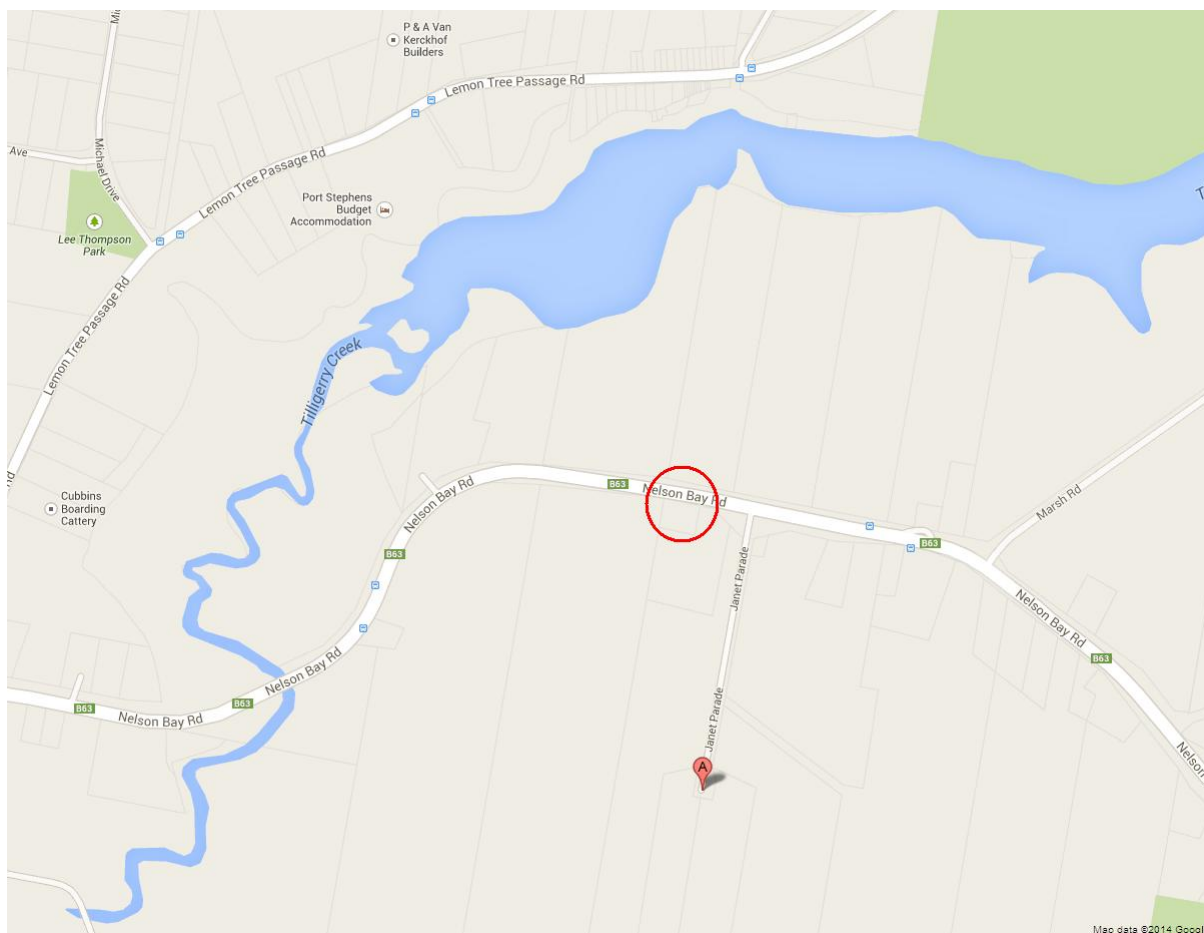
General Manager
Port Stephens Council
116 Adelaide St
RAYMOND TERRACE NSW 2324

Dear Sir/Madam,

Please find enclosed petition signed by customers regarding the right turning lane and arrow reinstated by RTA for general public, customers, sales people and delivery vehicles to cross the road to enter safely when travelling from the Newcastle direction and return to the Status Quo that was in place for years until a resurfacing removed it.

Yours Faithfully,

ATTACHMENT 2



INFORMATION ITEM NO. 3

BUSINESS IMPROVEMENT QUARTERLY REPORT

REPORT OF: PETER GESLING - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2011-04300

BACKGROUND

The purpose of this report is for Council to receive and note the attached Business Improvement Process Quarterly Report 1 October – 31 December 2013.

Council is committed to work both "in" the system (delivering services) and "on" the system (continuous improvement). Opportunities for improvement are identified, prioritised and executed based on an alignment with the organisation's business objectives, risk appetite and return on investment.

The Business Improvement report lists a number of Council's improvement activities. Through the reduction of waste and an improvement in the flow of work these efficiencies contribute directly to the organisations ability improved service delivery to our community.

ATTACHMENTS

- 1) Business Improvement Quarterly Report: 1 October – 31 December 2013.

ATTACHMENT 1

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Corporate Services	Business Systems Support	Procurement & Accounts Payable	A process improvement, A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	1/10/2013
Implementation of the Authority Purchasing Card reconciliation sub-system. ICT Coordinator negotiated a 37.5% reduction in professional services fees for the implementation (a saving of approx \$6,000). The system was necessary as we identified that the ageing Flexipurchase system was not compatible with Windows XP and was of an age the NAB would not provide support. The new system will automatically workflow approvals and escalations to supervisors negating the need for manual paper handling or prompting from the Accounts staff to get cards reconciled. Attachments will be attached and stored appropriately to TRIM. Previously in the Flexipurchase system, the Accounts staff had to manually replicate the organisation structure and cost centre structures, in Authority all changes are made once and replicated across all systems.					
Corporate Services	Organisation Development	Council Processess	A process improvement	A saving in time, An improved, expanded or more efficient service	4/10/2013
As processes are published in ProMap, a URL is inserted on the process page in myPort and the Visio maps are deleted. This assists the organisation to understand where the processes are and if they have been migrated to ProMap during the transition period.					
Corporate Services	Organisation Development	Reviewing of an existing procedure in the IRMS	A process improvement	An improved, expanded or more efficient service	23/10/2013
The Mental Health Procedure was reviewed for compliance and updated accordingly					
Corporate Services	Organisation Development	Updating and reviewing of an existint WHS procedure in the IRMS	A process improvement	An improved, expanded or more efficient service	23/10/2013
The WHS Legislation Requirements Procedure was reviewed for compliance against the WHS Act, we also added an additional table to the document that outlines the period of time that WHS documents must be retained for (records management).					
Corporate Services	Organisation Development	Improvement in site safety management	A process improvement	An improved, expanded or more efficient service	24/10/2013
Site Project Safety management plan provides site supervisors a thorough and concise safety management plan tailored to the activities being undertaken at specific projects.					
Corporate Services	Property Services	The Holiday Parks Leave Process	A process improvement	An improved, expanded or more efficient service	30/10/2013
The Holiday Parks have reviewed and updated their 'Holiday Park Leave Process' in the new process system Promapp. All holiday park staff have also been added to the 'CSG Leave Register' as part of the process which will improve staff communication and accountability.					
Corporate Services	Property Services	Road Naming Process	A process improvement	An improved, expanded or more efficient service	30/10/2013
Road Naming Process is now electronic through the LPI website to help improve and save time.					

ORDINARY COUNCIL – 25 FEBRUARY 2014

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Facilities and Services	Community Services	Surf Life Saving Clubs	A people/relationship improvement	An improved, expanded or more efficient service	31/10/2013
		Partnered with Fingal Beach Surf Life Saving Club and the owner of Ocean View Restaurant to tender for supply and installation of HVAC system for Restaurant. Three way split will result in reduction in cost to Ratepayers by around \$40,000.			
Facilities and Services	Community Services	Asset maintenance of Council assets on Crown Reserves	A process improvement	An improved, expanded or more efficient service	31/10/2013
		Finalised Crown Reserve Holiday Park Fund Cluster Plan for Crown Reserves under Trust to PSC. Result will be some \$200,000 odd per year to 2018 of Crown Reserve funds being put towards asset renewal of Council assets on Crown Lands. This means that Ratepayer funds that have in the past funded this renewal can be put towards other assets.			
Corporate Services	Organisation Development	Safety	A process improvement	An improved, expanded or more efficient service	4/11/2013
		The Safe Work Method Statements now have traffic lights applied to them, this will now save time, along with ensuring compliance in regards to reviewing of the documents.			
General Managers Office	Office of the General Manager	Accessing Information process	A process improvement	An improved, expanded or more efficient service	13/11/2013
		The process has now been amended to include notification to the relevant Group Manager on each application received to access information. This will assist Group Managers in addressing matters of community concern/interest. It will also allow improved management of Council functions.			
Development Services	Community Planning and Environmental Services	Requesting and payment of certificates on-line (eg. S149, S603, S735, S64 etc.)	A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	19/11/2013
		Collaboration has been initiated with multiple councils regarding the future process for requesting of certificates on-line (eg. S149, S603, S735, S64 etc.) This time-saving and cost-saving collaboration will assist to enable PSC deliver a more streamlined service to the customer in future - e.t.a. of the service is to be confirmed.			
Development Services	Economic Development and Communications	After-hours telephone service	A process improvement, A people/relationship improvement	An improved, expanded or more efficient service	19/11/2013
		The management of the Raymond Terrace Administration Building's after-hours telephone service has been reviewed, documented and agreed to by all relevant parties. As this is often PSC's "front door" outside of office hours, it is vital that this process is well-managed and understood by staff. In addition, the after-hours telephone service now refers to Council's website as a source of information after-hours. This review has enabled staff to understand their responsibilities in this vital area of communication.			
Corporate Services	Business Systems Support	Project delivery	A process improvement	A saving in time, An improved, expanded or more efficient service	19/11/2013
		The Project Closure Report Template has been developed and used for multiple projects, eg. Strategic Planning Register Project; Progenet Interface Project. It enables a retrospective view on a project to enable consideration of lessons learned. The form is based on systems thinking and includes measures for success.			

ORDINARY COUNCIL – 25 FEBRUARY 2014

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Corporate Services	Business Systems Support	Project Acceptance Form Template	A process improvement, A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	19/11/2013
The Project Acceptance Form Template has been developed and used for multiple projects, eg. Strategic Planning Register Project; Progenet Interface Project. It enables new Technology to be supported through the installation process and subsequent maintenance of the new system. It ensures clear communication between all stakeholders; approval is required to support change management for a project. The form is based on systems thinking and plays a major part in a project's success.					
Corporate Services	Organisation Development	Risk Management & Insurance	A process improvement	An improved, expanded or more efficient service	21/11/2013
Development of a Public Liability Insurance Guideline to ensure a consistent, risk based approach to determining the appropriate amount of Public Liability insurance required of contractors and consultants engaged by Council.					
Corporate Services	Organisation Development	Online Training	A process improvement	A saving in time, An improved, expanded or more efficient service	28/11/2013
Changes have been made to the online training page, http://myport/corporateServices/organisationDevelopment/learning/Pages/eLearning-OnlineTraining.aspx The changes were made as there are more online training courses in use and PSC users need to be able to find the relevant training course with ease. As a result -the new grid layout is as per other pages in myport, ie. filters are available in the Group and Section column heading to filter the list of training videos. -the quickfilter will allow users to search by keywords, eg. GIS or TRIM Online training recorded via smartboard at PSC are in .wmv format and will play very happily via the online training page.					
Corporate Services	Organisation Development	Risk Management	A process improvement	A saving in time, An improved, expanded or more efficient service	11/12/2013
The existing Motor Vehicle Incident Review form has been incorporated into the Incident/Hazard Investigation Form. This saves staff having to complete two forms when involved in motor vehicle incidents and eliminates confusion by reducing the number of forms.					
General Managers Office	Office of the General Manager	Governance	A process improvement	An improved, expanded or more efficient service	20/12/2013
The process around policy review has been improved with introduction of a standard review template for staff to enter "deletions" and "insertion" into for ease of the reader (ie.Council and the community). This allows the Council and the community to easily identify the changes being made to an existing policy prior to adoption be the Council. A standard "policy review" report template has also been developed to assist staff in reporting policy changes to Council.					

INFORMATION ITEM NO. 4

**PSC APPLICATION FOR A SAFER COMMUNITY COMPACT UNDER THE
CHILDREN (PROTECTION & PARENTAL RESPONSIBILITY) ACT 1997**

REPORT OF: PETER GESLING - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2005-3947

BACKGROUND

The Hon Greg Smith, Attorney General and Minister for Justice has advised that Port Stephens Council's application for a Safer Community Compact under the *Children (Protection and Parental Responsibility) Act 1997* has been successful.

"I am pleased to advise that the application has been successful. I have made an Order approving the Port Stephens Crime Prevention Plan as a Safer Community Compact under Part 4 of the Act, effective 1 January 2014 remaining in force until 31 December 2016.

As part of the assessment process Council's Plan was referred to the Minister for Police and the Minister for Community services for consideration and comment. Both Ministers supported the plan's endorsement.

It is important that Council provided a report on the implementation of the Crime Prevention Plan, particularly in relation to the achievement of the outputs and outcomes identified, as and when requested.

Prior to the commencement date, the Department of Attorney General and Justice will arrange for the Order to be published in the Government Gazette and a paper circulating in the Port Stephens area."

A full copy of the letter received from the Hon. Greg Smith SC MP, Attorney General, Minister for Justice is attached.

ATTACHMENTS

- 1) Letter – The Hon Greg Smith SC MP, Attorney General, Minister for Justice.

ATTACHMENT 1



The Hon. Greg Smith SC MP
Attorney General
Minister for Justice

Our Ref :13/000097-001

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

Dear Mr Gesling

I refer to Port Stephens Council's application for a Safer Community Compact under the *Children (Protection and Parental Responsibility) Act 1997*.

I am pleased to advise that the application has been successful. I have made an Order approving the Port Stephens Council Crime Prevention Plan as a Safer Community Compact under Part 4 of the Act, effective 1 January 2014 remaining in force until 31 December 2016.

As part of the assessment process Council's Plan was referred to the Minister for Police and the Minister for Community Services for consideration and comment. Both Ministers supported the plan's endorsement.

It is important that Council provide a report on the implementation of the Crime Prevention Plan, particularly in relation to the achievement of the outputs and outcomes identified, as and when requested.

Prior to the commencement date, the Department of Attorney General and Justice will arrange for the Order to be published in the Government Gazette and a paper circulating in the Port Stephens area.

The Crime Prevention Programs Unit of my Department has carriage of this matter. Should your office have any queries, please contact Tania Matruglio, Director, on (02) 8688 8072 or tania_matruglio@agd.nsw.gov.au.

Yours sincerely

Greg Smith 25/12/13

PORT STEPHENS COUNCIL Information Services	
- 8 JAN 2014	
File No.	05-3947
Action by	
☐ R.H.C	

Level 31, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Phone: (61 2) 9228 5246 Fax: (61 2) 9228 5874 Email: office@smith.minister.nsw.gov.au

INFORMATION ITEM NO. 5

DESIGNATED PERSONS – PECUNIARY INTEREST

REPORT OF: PETER GESLING - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2012-02853

BACKGROUND

The purpose of this report is to advise Council of those new Council staff who have submitted Returns.

In accordance with Section 450A of the Local Government 1993, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted Return/s:

Strategic Planner (PSC637).

ATTACHMENTS

Nil.

TABLED DOCUMENTS

- 1) Pecuniary Interest Returns.

GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1**FILE NO: PSC2011-02317****PORT STEPHENS COUNCIL SUBMISSIONS TO LOCAL GOVERNMENT REVIEWS****REPORT OF: PETER GESLING****GROUP: GENERAL MANAGER]**

RECOMMENDATION IS THAT COUNCIL:

- 1) [Endorse the Port Stephens Council Submission to the Division of Local Government on the Final Report of the Independent Local Government Review Panel.
- 2) Endorse the Port Stephens Council Submission to the Division of Local Government on the Final Report of the Local Government Act Review Taskforce.]

ORDINARY COUNCIL MEETING –2014**MOTION**

046	Councillor Steve Tucker Councillor Peter Kafer
	It was resolved that Council: 1) [Endorse the Port Stephens Council Submission to the Division of Local Government on the Final Report of the Independent Local Government Review Panel. 2) Endorse the Port Stephens Council Submission to the Division of Local Government on the Final Report of the Local Government Act Review Taskforce.]

BACKGROUND

[Since the meeting of Mayors and General Managers of NSW Councils in August 2011 the Minister for Local Government and the Division of Local Government have been working steadily through an agreed program of reviews and reforms of local government in the State. Two reviews in particular have provided opportunities for consultation with Councillors and staff. In June 2013 Council made submissions to the Independent Local Government Review Panel and the Local Government Act Review Taskforce, along with most other councils in NSW, and Hunter Councils Inc., to address their discussion papers. From those submissions the Review Panel and the Taskforce have developed Final Reports which were released by the Minister for Local Government in January 2014. Submissions were invited on the Final Reports to

be lodged by 7 March 2014, although the deadline has been extended to April 2014.

The purpose of this report is to seek Council's endorsement of the draft submissions.]

FINANCIAL/RESOURCE IMPLICATIONS

[There are no financial or resource implications from adopting the recommendations.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing resources
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

[There is no legal or policy requirement for Council to make submissions however it is considered important to do so because there are in each Final Report four recommendations that Council emphatically does not support; and that could adversely impact the LGA in future years. These are detailed in the tabled document.

It is also important that Council supports the Hunter Councils Inc. submissions which were agreed between the Mayors and General Managers of that organisation, so that the region has a coherent approach to local government reform.]

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
[There is a risk that by not making the submissions the recommendations that directly affect Port Stephens LGA would be enacted leading to adverse financial impacts on Council's revenues.]	[Medium]	[Make strong representations in submissions to the Minister for Local Government]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[There are no sustainability implications in terms of the submissions themselves, but there will be adverse effects on financial sustainability if the Independent Review Panel's suggestion that the part of the LGA west of the Williams River be excised from the LGA. This is addressed in the submission using an evidence-based approach.]

CONSULTATION

[The Mayor and General Manager have worked closely with their counterparts in the Hunter Region to formulate mutually agreed positions. The Council's Executive Team and relevant staff also had input into preparation of the submissions.

The draft Submissions were the subject of a detailed conversation with Councillors on Tuesday 18 February 2014.]

OPTIONS

- 1) [Council endorses the Port Stephens Council Submission to the Division of Local Government on the Final Report of the Independent Local Government Review Panel;
- 2) Council endorses the Port Stephens Council Submission to the Division of Local Government on the Final Report of the Local Government Act Review Taskforce;
- 3) Council amends the Submissions;
- 4) Council does not agree to endorse either or both submissions.]

ATTACHMENTS

[Nil.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

- 1) [Port Stephens Council Submission to the Division of Local Government on the Final Report of the Independent Local Government Review Panel;
- 2) Council endorses the Port Stephens Council Submission to the Division of Local Government on the Final Report of the Local Government Act Review Taskforce.]

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 +
PSC2011-02308

BOOMERANG PARK - RECLASSIFICATION

MAYOR BRUCE MACKENZIE

THAT COUNCIL:

- 1) Call on the General Manager to provide a report on the process to reclassify and rezone land within Boomerang Park (fronting Kangaroo Street and bound by Irrawang Street and Freeth Street) adjacent to the Raymond Terrace Council Depot, from community land to operational land for the purposes of seniors housing.
-

ORDINARY COUNCIL MEETING –2014

MOTION

Cr John Morello left the meeting at 6.43pm, during Notice of Motion 1.

Cr John Morello returned to the meeting at 6.44pm, during Notice of Motion 1.

47	Mayor Bruce MacKenzie Councillor Ken Jordan
	It was resolved that Council call on the General Manager to provide a report on the process to reclassify and rezone land within Boomerang Park (fronting Kangaroo Street and bound by Irrawang Street and Freeth Street) adjacent to the Raymond Terrace Council Depot, from community land to operational land for the purposes of seniors housing.

BACKGROUND REPORT OF: CARMEL FOSTER – PROPERTY SERVICES SECTION MANAGER

BACKGROUND

A master plan for Boomerang Park is currently being developed with a range of potential facilities proposed to be constructed at the site. These include a regional scale playground, a skate park, croquet courts and the relocation of the Raymond Terrace Mens Shed. The Raymond Terrace Mens Shed is currently subleasing the former Fire Station located on the corner of Williams and Sturgeon Streets, Raymond Terrace, through a sublease with Council from the Crown. The current location is a short term solution as the former sports fields land north of the Council Administration

Building is developed the majority of that parcel of land will be required for road. A road widening order currently exists on that parcel of land.

The land identified in this notice of motion is currently under utilised and this reclassification and rezoning would provide a new use for the area and which has good connections with the surrounding area. Under Council's current process the reclassification and rezoning will require a Business Paper to Council for a resolution to progress the reclassification and rezoning "as the land owner"; a Planning Proposal will need to be prepared by Property Services to be submitted to Development Services for review; Development Services will prepare a Business Paper for Council approval "as the planning authority" to submit the Planning Proposal to the Department of Planning and Infrastructure. After the Departments review a Public Hearing will be required before the final approval for the LEP amendment is given.

ATTACHMENT 1
A SITE MAP TO BE INSERTED



