

Minutes 18 April 2006



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 18th April 2006, commencing at 5.35pm.

PRESENT:

Councillors C. Baumann (Mayor); R. Swan (Deputy Mayor); J. Nell, G. Francis; G Robinson; S. Tucker H Brown; K. Jordan, G. Dingle, R. Westbury, J. Hodges, S. Dover, General Manager; Executive Manager – Corporate Management, Facilities and Services Group Manager; Sustainable Planning Group Manager; Business and Support Group Manager

481	Councillor Jordan Councillor Hodges	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 28 th March & 4 th April 2006 be confirmed.
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COMMITTEE RECOMMENDATIONS

The Committees met on the 4 April 2006 and make the following recommendations to Council.

COMMITTEE	PRESENT	TIME
Strategic Committee	Councillors Swan, Tucker, Francis, Robinson, Jordan, Dingle, Westbury, Dover, Hodges & Brown, and Messrs Murrell, Trigar, Buchan Wickham & Ms Shine Apology: Crs Baumann & Nell & Mr Gesling	4 April, 2006 Commenced: 5.31pm Concluded: 7.04pm
Operations Committee	Councillors Swan, Tucker, Francis, Robinson, Jordan, Dingle, Westbury, Dover, Hodges & Brown, and Messrs Murrell, Trigar, Buchan, Wickham & Ms Shine Apology: Crs Baumann & Nell & Mr Gesling	4 April, 2006 Commenced 7.06pm Concluded 8.23pm

MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0216

NAMING OF BRIDGE

THAT COUNCIL:

- 1) Name the pedestrian bridge on Ferodale Road, Medowie, "Brad's Bridge" in memory of Brad Roberts
 - 2) Formalise this by writing to the Geographic Names Board requesting them to officially name the bridge "Brad's Bridge"
-

BACKGROUND

Port Stephens Council has been approached by Daniel Cottier, a young boy from Medowie, with a request to name the pedestrian bridge on Ferodale Road, in memory of his friend Brad Roberts.

Daniel, Brad and their friends used to frequently play under the bridge catching yabbies in the waterway before Brad passed away in tragic circumstances last year.

Brad Roberts' parents support Daniel Cottier's submission to name the bridge after their son. An aluminium sign with wording along the lines of "Brad's Bridge, in memory of Bradley Roberts, 25/2/1994 - 27/9/2005" could easily be attached to the hand railing of the small bridge.

Whilst the above action can readily be undertaken at the local level, and within existing funding, Council may also consider a formal approach to the Geographic Names Board to officially name the bridge as Brad's Bridge. Daniel Cottier has requested this be considered also.

481	Councillor Baumann Councillor Nell	There being no objections it was resolved that the Mayoral Minute be adopted.
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ATTACHMENT 1

To The General Manager of Ports Stephens Shire Council,
Hello my name is Daniel Peter Cottier. I am 13 years old and I live in Medowie. I am writing to you concerning the bridge out the front of Medowie True Value Hardware. Late last year a former child who was very popular in Medowie died and he loved to go yabbeeing underneath this bridge in the little drain. I tried to name the drain but they said that I wasn't allowed. So I was wondering if the Bridge had a name and if not could I please name it Brads Bridge? I have a friend who is the runner of Cardiff Sign Makers and he is happy to make the sign! I have spoken to many children in Medowie and they have loved the idea. I have the consent of the owner of Medowie Hardware and of the child's family. Could you please give me a call on 49828612 or 49818080 to let me know the details? Thank you for your time and please get back to me as soon as possible!

Signed

Daniel P Cottier

Daniel P Cottier

PORT STEPHENS COUNCIL	
15 MAR 2006	
File No.	06-0755
Action by	M. LOMES
App. No.	

**OPERATIONS
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: A2004-0710

NELSON BAY FORESHORE “PAY AND DISPLAY” PARKING REVIEW

**AUTHORS: GROUP MANAGER FACILITIES & SERVICES
& ENGINEERING SERVICES MANAGER**

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the total usage experienced to date since the installation of “Pay and Display” parking controls on the Nelson Bay Foreshore from August 2003 as detailed in this report.
- 2) Continue to operate these fee-based parking controls on the Nelson Bay Foreshore all year round as detailed in this report.
- 3) Note that the draft Fees and Charges for 2006/07 for Nelson Bay Foreshore parking controls remain unchanged from the 2005/06 financial year when considering the adoption of the Draft Fees and Charges Schedule for 2006/07.

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

Amendment:

That the matter be deferred to Council meeting 18/4/06 to allow for financial information to be provided including monthly income and the business plan associated with the parking system.

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

ORDINARY MEETING – 18 APRIL 2006

MOTION:

482	Councillor Nell Councillor Robinson	1) Note the total usage experienced to date since the installation of “Pay and Display” parking controls on the Nelson Bay Foreshore from August 2003 as detailed in this report. 2) Continue to operate these fee-based parking controls on the Nelson Bay Foreshore all year round as detailed in this report.
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MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

		<p>3) Note that the draft Fees and Charges for 2006/07 for Nelson Bay Foreshore parking controls remain unchanged from the 2005/06 financial year when considering the adoption of the Draft Fees and Charges Schedule for 2006/07.</p> <p>4) Council submit a report on the redevelopment of Donald St East Carpark</p> <p>5) Council submit a report on temporary carparking at Nelson Bay</p>
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Amendment:

	<p>Councillor Westbury Councillor Dover</p>	<p>1) Note the total usage experienced to date since the installation of "Pay and Display" parking controls on the Nelson Bay Foreshore from August 2003 as detailed in this report.</p> <p>2) Return to \$1.00 per hour parking 7 days per week except for Easter and School holidays.</p>
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The amendment on being put was lost and the motion was put and carried.

Matter Arising

483	<p>Councillor Dover Councillor Nell</p>	<p>That Council prepare a report to allocate a parking permit per household across the Port Stephens LGA giving each household 2 hours free parking excluding weekends and school holidays.</p>
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Note: Cr Hodges left the meeting at 5.49pm during discussion and voting on this item and returned at 6pm during Item 1.

BACKGROUND

The purpose of this report is to:

- Review the results to date of the operation of the 'Pay and Display' parking controls on the Nelson Bay Foreshore, and
- Address the Notice of Motion to consider all practical options for the introduction of 'no charge' parking meter fees during the winter months from June to the end of August 2006.

On 1 August 2003 Stage 1 of the Nelson Bay CBD and Foreshore Parking Strategy, dealing with the foreshore and the installation of 'Pay and Display' parking meters, was implemented following extensive community consultation. A total of 23 parking meters (ticket machines)

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

were installed and 45 additional parking spaces were created to provide approximately 400 parking spaces where a \$1.00 per hour fee was collected for day time parking.

On 9 March 2004 a Notice of Motion was adopted by Council (Min No. 115) “to consider an option to close down the ‘Pay and Display’ parking arrangements during the winter months from June 1 to August 31 of each year”.

On 27 July 2004 a report was subsequently put to Council on the Nelson Bay Foreshore Parking Meter Review and it was resolved (Minute No. 245) “to continue to operate fee based parking controls on the Nelson Bay Foreshore all year round.

Since installation, a number of ongoing changes have been undertaken including the increase and relocation of eight hour parking to the Eastern Groyne off-street car park from Victoria Street, additional loading and bus zones in the area at the expense of parking spaces and the subsequent re-modelling of some line marking and signage resulting in the recovery of these parking spaces.

On 1 July 2005 fees for weekends, public holidays and the period 27 December to 25 the January each year only were increased from \$1.00 to \$2.00 per hour.

Funds generated in excess of the costs for construction of additional parking, maintenance, operation and lease of the ticket machines and associated installations are put into an internally restricted fund to provide further associated parking infrastructure in Nelson Bay. The changes mentioned above were funded from this reserve at no cost to the general ratepayers.

On 13 September 2005 interested Councillors discussed the resolutions received from the Extraordinary Nelson Bay Chamber of Commerce Meeting held on 7 September 2005. The Chamber requested consideration of three options including: 4 hour free parking permits for residents; decommissioning meters during selected off peak periods of the year; or the reduction of the existing \$2 per hour fee on weekends etc to \$1 per hour as per weekdays.

A Notice of Motion by Council in 27 September 2005 requested a report recommending all practical options for the introduction of ‘no charge’ meter parking fees on the foreshore for the winter months. This was in response to some business concerns regarding the possible impact of the fee increases of July 2005.

LINKS TO CORPORATE PLANS

The Nelson Bay CBD and Foreshore Parking Strategy supplements the 1997 Traffic and Parking Strategy for the Nelson Bay Business and Foreshore District. Stage 1 of the strategy has also been strategically incorporated into the development of the Draft Nelson Bay Foreshore Management Plan. The implementation of Stage 1 of the Strategy contributes directly to the long-term development of an efficient and effective transport network and promotes the improvement of road and footpath infrastructure for community benefit.

FINANCIAL/RESOURCE IMPLICATIONS

The data collected and analysed from the ticket machines installed on the foreshore demonstrates that the last eight months with the fee increase from \$1.00 to \$2.00 per hour has had no overall impact on the usage of the Nelson Bay foreshore.

The graph of total transactions per month over the last three years as shown in **ATTACHMENT 1**, also indicates that factors such as prevailing weather, the timing of school

holidays and Easter as well as the Christmas and New Year holiday period continue to be the main factors influencing the usage of the foreshore to date.

In detail, the total transactions from all foreshore ticket machines for the period July to February each year were

- 2003/04 - 107,684 (July 2003 estimated)
- 2004/05 - 108,731
- 2005/06 - 108,265

As can be seen, the total usage over the last three years for this eight-month period has been very similar. Further, while the total transactions for the first three winter months of 2005/06 overall were 9% under those of the previous year, this was completely compensated for by the 4% increase in total transactions for the month of January 2006. Again this points to the factors of weather, school and other holiday timings as the main factors influencing each month's total transactions. The average turnover rate remains around two (2) hours per transaction.

WINTER 'PAY AND DISPLAY' OPTIONS

Before reviewing the options for parking fees during the winter months in detail, some additional pieces of information are required for this consideration.

First, is the perception that 'no charge' parking is equivalent to 'free.' Of course, this is not the case with all the ratepayers across Port Stephens potentially subsidising those residents, visitors and tourists actually accessing the Nelson Bay foreshore in the case of 'no charge' parking. Further, ratepayers are potentially subsidising the provision of infrastructure only for a relatively small number of waterside businesses during this period.

Second, is the perception that reduced parking control fees will encourage significant numbers of additional residents to access the foreshore. From the recent Nelson Bay Town Management Inaugural Business Breakfast on the 23 February 2006, it is becoming clearer that Nelson Bay is in transition to a visitor and tourist centre and its infrastructure needs to be managed accordingly. This is confirmed in brief discussions with the past and present operators of the marina in that visitors and tourists are the main purchasers of the services offered. It is therefore very doubtful that significant numbers of additional residents would use the foreshore other than to park long-term (*for instance*) while at work in the vicinity, or for special occasions when they themselves are really being visitors.

Third, is the high unit cost in the provision of 'no charge' parking infrastructure to council and all its ratepayers when it is only well utilised for four out of twelve months in the year. While the Nelson Bay community itself wants more parking, there is a view that those using it, that is, visitors and tourists should contribute more to this. Council will find it very difficult financially to provide adequate additional parking without the current foreshore parking fees income generating sufficient surplus for reinvestment in more infrastructure.

Five options for parking fees during weekdays of the winter months were studied in the context of the above comments and the Notice of Motion being:

- All off-street and on-street foreshore' parking areas @ \$0.00 per hour (no charge.)
- All off-street and on-street foreshore' parking areas @ \$0.50 per hour.
- Only on-street parking spaces of Teramby Rd and Victoria Pde @ \$0.00 per hour
- Only on-street parking spaces of Teramby Rd and Victoria Pde @ \$0.50 per hour
- No change to current 2005/06 charges for 2006/07 financial year, that is, \$1.00 per hour on all off-street and on-street foreshore' parking areas.

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

In considering the practicality of these five options the following different financial and social implications in the table below have been detailed. It should be noted that the environmental implications of each option are considered to be essentially the same and therefore are not detailed below.

IMPLICATIONS OF 'WINTER' OPTIONS		
OPTION	FINANCIAL	SOCIAL/CULTURAL
All off-street and on-street foreshore parking areas @ \$0.00 per hour (no charge.)	\$66,500 loss of income. \$5,500 cost of signage etc.	Substantial change of usage from short-term back to long-term parking and greater confusion during change over periods. Significant further compliance issues.
All off-street and on-street foreshore parking areas @ \$0.50 per hour weekdays and @ \$1.00 weekends.	\$33,250 loss of income. \$5,500 cost of signage etc.	Significant change of usage from short-term back to long-term parking and some confusion during change over periods. Some further compliance issues.
Only on-street parking spaces of Teramby Rd and Victoria Pde @ \$0.00 per hour.	\$22,200 loss of income. \$2,500 cost of signage etc.	Some change of usage overall however significantly increased confusion between different fee areas and change over periods. Significant further compliance issues
Only on-street parking spaces of Teramby Rd and Victoria Pde @ \$0.50 per hour weekdays and @ \$1.00 weekends	\$10,000 loss of income. \$2,500 cost of signage etc. Surplus can fund other parking infrastructure improvements.	Change of usage overall however some increased confusion between different fee areas and change over periods. Some further compliance issues
No change to current 2005/06 charges for 2006/07 financial year, that is, \$1.00 per hour on all off-street and on-street foreshore' parking areas.	\$0 loss of income. \$0 cost of signage etc. Surplus can fund other parking infrastructure improvements.	Fees increased substantially last year. Short-term high demand parking maintained. No confusion at change over. Existing compliance issues only.

Following consideration of the financial and social implications of the options above, it is not recommended that the meters be 'no charge' during the winter months. As well as the importance of the potential financial loss to the future provision of more parking infrastructure, there is the immediate issue of potentially greater non-compliance on the foreshore. To introduce a further complication to the current parking control scheme would

increase confusion and non-compliance with resultant negative reactions so it is therefore not recommended at this time.

Given the significant fee increases introduced for the 2005/06 year, it is considered appropriate that the fees remain the same for the 2006/07 financial year. This is in line with Council's overall fees and charges policy of a minimum 5% increase for the 2006/07 financial year except where fees or charges have had large increases previously.

LEGAL AND POLICY IMPLICATIONS

Council, as the Roads Authority, has delegated powers under the provisions of the Roads Act 1993 to install parking meters and enforce on street parking within the road reserve.

The installation of 'Pay and Display' parking controls represents only Stage 1 of the Nelson Bay CBD and Foreshore Parking Strategy.

Australian Business Excellence Framework

This aligns with Principles 3, 8 & 11 of the ABEF Framework:

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

The implementation of Stage 1 of the strategy aims to improve Council's asset infrastructure and promote a sustainable on and off street parking regime in the foreshore area.

SOCIAL IMPLICATIONS

Transport and parking efficiency contribute directly to the quality of life for residents, visitors and tourists to Port Stephens and supports business activity. Improved parking facilities, asset infrastructure and parking management will distribute benefits to all road users, including commercial and private motorists, within the Nelson Bay CBD and foreshore. The funds generated by the meters will improve accessibility and mobility for all motorists and provide integrated parking areas.

Overall greater acceptance of the parking controls has been demonstrated by total continued usage of the area. The continued operation of the ticket machines has reached a stage where they are socially tolerable, albeit criticised from time to time.

The general community and especially the visitors and tourists overall, have now been able to perceive many of the benefits of the "Pay and Display" parking controls such as the ability to find a parking space and access the foreshore at peak times. This has improved significantly since the implementation of the ticket machines. Any major change will only provide opportunity for renewed debate and potential unrest.

ECONOMIC IMPLICATIONS

The promotion of a sustainable on and off street parking regime in the Nelson Bay CBD and foreshore areas including paid parking where appropriate will reduce long-term costs to the Council and its ratepayers. More efficient use of space generates more available spaces

hence more people coming into the area. Time restrictions place (higher commercial) value on existing space and the revenue obtained from “Pay and Display” controls can be spent on increasing parking supply and asset infrastructure improvements.

ENVIRONMENTAL IMPLICATIONS

Improved car parking efficiency will moderate unmet car-parking demand and potentially reduce the number of unnecessary vehicle movements within the CBD and foreshore areas. This will assist in the reduction in green house gases and vehicle operating costs.

CONSULTATION

Throughout the development of the Nelson Bay Foreshore “Pay and Display” parking controls there was been a high level of community involvement and consultation. Consultative workshops involving representatives of Council, the Nelson Bay Chamber of Commerce, Town Management Committee, Port Stephens Tourism and all Foreshore Commercial operators have investigated issues regarding the initial implementation of the controls and further changes have been carried out since.

While the data analysed to date from the ticket machines indicates that the parking controls are delivering maximum turnover rates as designed, some segments of the business community are still opposed to the changes made as long ago as August 2003.

Further, here are a number of on-going longer-term issues still to be completed regarding the development of the overall traffic and parking for the Nelson Bay area. Ongoing consultation will continue to be undertaken in this regard as well as future investment in significant infrastructure as appropriate. It should be noted that Stage 2 & 3 of the existing strategy have stalled pending the impact of proposed private redevelopment within the Central Business District.

OPTIONS

- 1) Adopt the recommendations.
- 2) Amend or reject the recommendations.

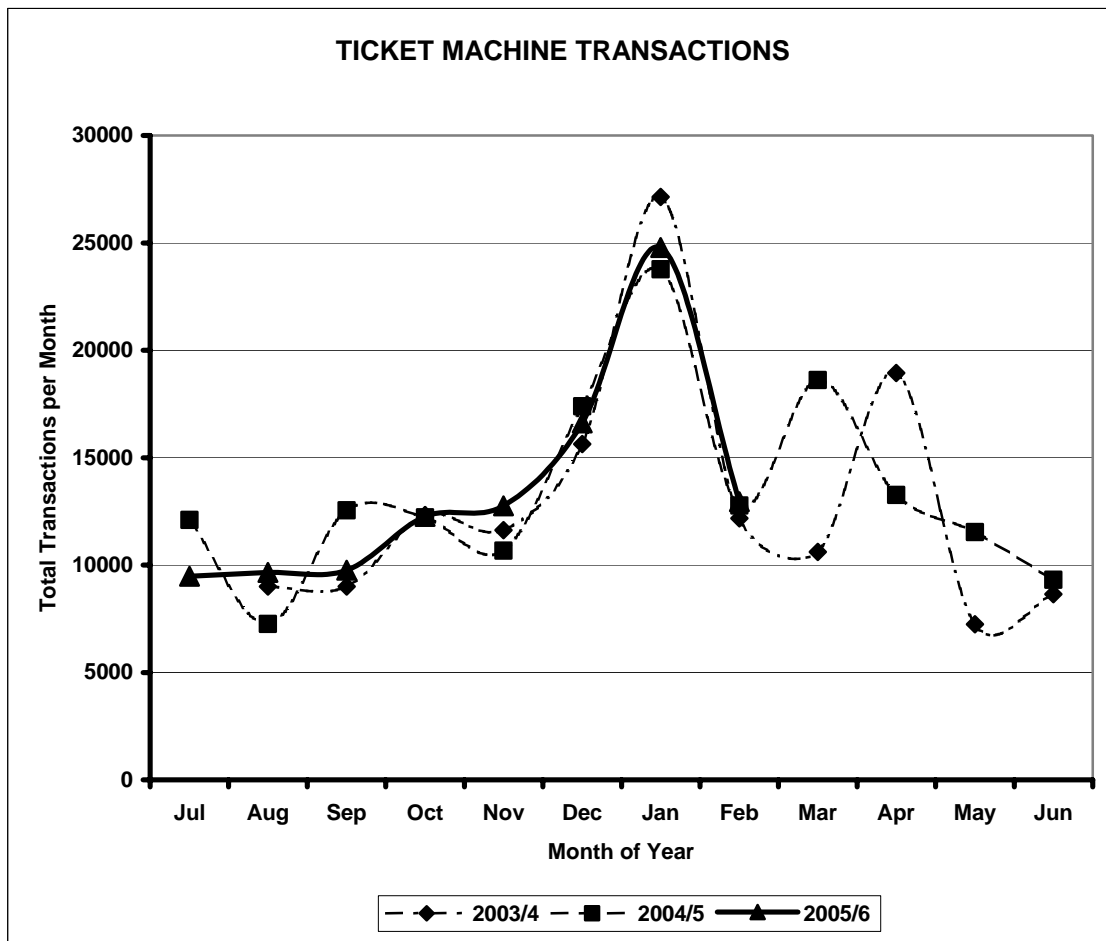
ATTACHMENTS

- 1) Ticket Machine Total Monthly Transactions for 2003/04 to 2005/06 to date

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1



Notes:

The 'Pay and Display' Ticket Machines commenced operation from August 2003

The actual total monthly transactions are influenced by prevailing weather conditions, the timing of school holidays and Easter and the Christmas, New Year holidays.

Overall, Total Year to Date transactions up to and including February for 2005/06 are the same as 2004/05 for the same time period

ITEM NO. 2

FILE NO: PSC2006-0608

PROPOSED ROAD CLOSURE – GLENELG STREET, RAYMOND TERRACE

AUTHOR: PRINCIPAL PROPERTY ADVISOR

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the road closure of that section of Glenelg Street, Raymond Terrace between Hunter Street and the Hunter River.
- 2) Makes application to the Department of Lands for the closure to proceed under Section 34 Roads Act 1993.
- 3) Lodges a subdivision application to separate the area from the remaining road, as required by Land and Property Information office.
- 4) Upon closure classifies the area as Community Land to be used as part of Riverside Park.
- 5) Grant authority to affix Council's Seal to the subdivision plan prior to lodging it at the office of Land and Property Information.

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

484	Councillor Francis Councillor Hodges	It was resolved that the recommendation be adopted.
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Note: Cr Robinson left the chambers at 6.17pm during Item 2

BACKGROUND

The purpose of this report is to recommend the permanent closure of section of Glenelg Street to enable the adopted Raymond Terrace Foreshore Master Plan to be implemented.

Council has developed and adopted a Master Plan for improvements to the Hunter River foreshore. Part of the Master Plan involves the removal of the old substandard boat launching ramp and the adjacent road construction to develop a more suitable activity area.

To achieve this the section of Glenelg Street affected should be permanently closed under the Roads Act 1993 and be held as Community Land to ensure its continued use as part of the park. The upgraded boat launching facility near the Fitzgerald Bridge makes the old one redundant, so it should be removed.

ATTACHMENT 1 shows the area of road reserve to be closed. The Department of Lands administers the process including advertising of the proposal. That Department has also indicated its support for the proposal. A Development Application has been lodged for the foreshore improvements to be carried out.

LINKS TO CORPORATE PLANS

Linked to Council's Infrastructure and Asset Management Goal to ensure the sustainable management of assets which meet community needs.

FINANCIAL/RESOURCE IMPLICATIONS

Funds are available to commence implementation of the Master Plan, including the road closure.

LEGAL AND POLICY IMPLICATIONS

The Roads Act 1993 controls all actions regarding the road closure which need to be complied with. The Department of Lands is the final determining authority after all required advertising and notifications have taken place. As roads are closed they become Council's Operational land under the Act so because the land is to be used as part of Riverside Park this land should be reclassified as Community.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Improved stormwater controls will be achieved by the proposed works following the road closure.

CULTURAL IMPLICATIONS

Nil

CONSULTATION

Between Department of Lands, public consultation through development of the Foreshore Master Plan, Council's Acting Sport and Recreation Manager, Planners, Principal Property Advisor and Traffic Committee

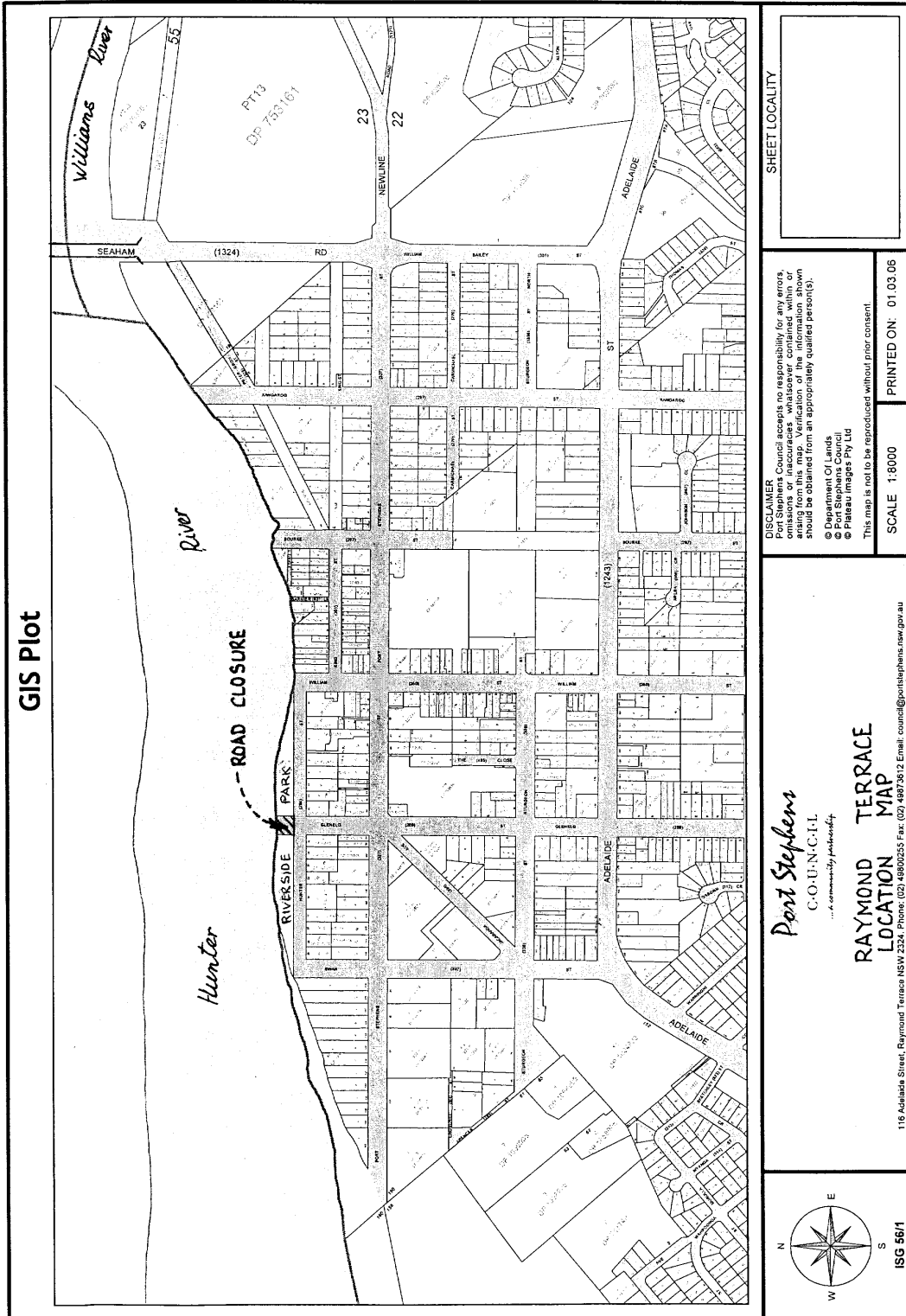
OPTIONS

- 1) Accept recommendations
- 2) Not close the section of road
- 3) Hold land as operational

ATTACHMENTS

- 1) Location Map
- 2) Area Proposed to be closed

ATTACHMENT 1



ITEM NO. 3

FILE NO: PSC2006-0617

PROPOSED ROAD CLOSURE – PETER DRON STREET, RAYMOND TERRACE

AUTHOR: PRINCIPAL PROPERTY ADVISOR

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the road closure of the part of Peter Dron Street currently occupied by the Vi Barnett Sporting Fields between Kangaroo Street and Seaham Road at Raymond Terrace.
- 2) Make application to the Department of Lands for the closure to proceed under Section 34 Road Act 1993.
- 3) Lodges subdivision application with Council to separate the area from the remaining road as required by the Land and Property Information Office.
- 4) Upon closure reclassifies the area as Community Land to continue its current use as sports fields.
- 5) Following reclassification consolidates all of the land parcels owned by it between Kangaroo Street, Seaham Road, Port Stephens Street and the Hunter River which form the Vi Barnett Fields into one lot.
- 6) Grants authority to affix Council's Seal to the plan of consolidation for registration.

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

485	Councillor Jordan Councillor Brown	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend the permanent closure of the Section of Peter Dron Street currently covered by the Vi Barnett Sporting Fields.

During Council's investigation into title deeds it became evident that part of the Vi Barnett Sporting Fields and part of the amenities block are constructed on a former road, which has not been closed. Therefore, Council has not title to this piece of land, even though its road status makes Council the authority for it under the Roads Act 1993. It is desirable for the

road to be closed and a title issue in Council's name. **ATTACHMENT 1** shows the location of the road and **ATTACHMENT 2** indicates the boundaries of the road proposed to be closed.

The Department of Lands administers the process under the Roads Act and determines the final outcome of the application. That Department has indicated its support for the proposal. Once closed the new parcel automatically is classified as Operational under the Act, so it has to be reclassified as Community to protect its use for sporting purposes.

Once the title issues the Vi Barnett Fields will be comprised of some 28 separate parcels of both Old System and Torrens Title systems. To clarify any doubts over titles and to define the perimeter boundary of the fields it is recommended all the parcels be consolidated into one. **ATTACHMENT 3** indicates the proposed consolidated parcel.

LINKS TO CORPORATE PLANS

Linked to Council's Infrastructure and Asset Management Goal to ensure the sustainable management of assets which meet community needs.

FINANCIAL/RESOURCE IMPLICATIONS

Funds are available within the Road Acquisition and Closure budget to cover costs. There will be no fee payable for the land.

LEGAL AND POLICY IMPLICATIONS

The Roads Act 1993 controls all actions regarding the road closure, which need to be complied with. The Department of Lands is the final determining authority after all required advertising and notifications have taken place. The Local Government Act controls the reclassification process and the conveyancing and Real Property Acts administer the title and consolidation proposals.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil, other than legally permitting the continued use of the land as sporting fields.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil.

CULTURAL IMPLICATIONS

Nil

CONSULTATION

Between Department of Lands, Councils Acting Sport and Recreation Manager, Principal Property Advisor and the RTA.

OPTIONS

- 1) Accept recommendations
- 2) Not close the section of road
- 3) Hold land as operational

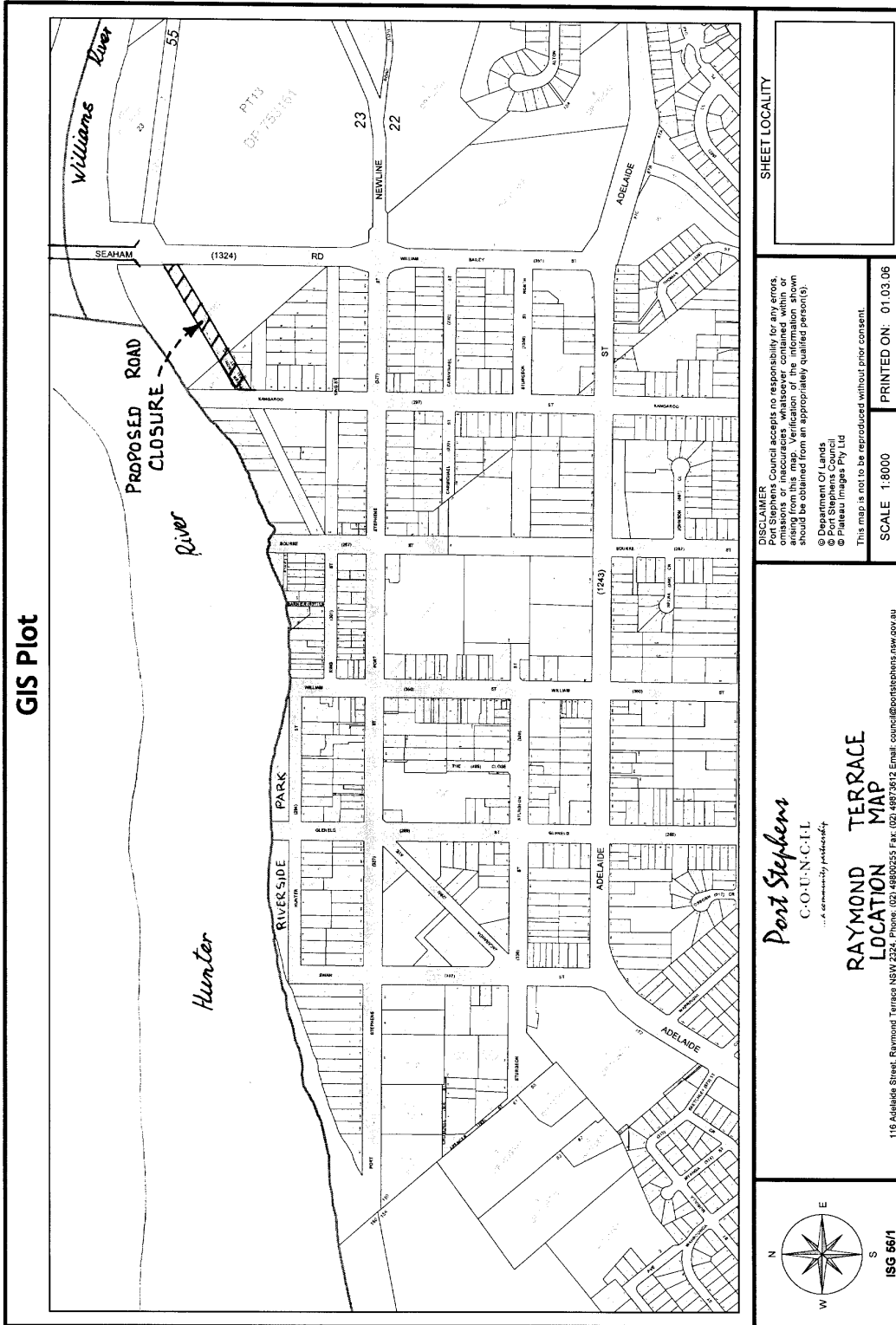
ATTACHMENTS

- 1) Location Map
- 2) Area proposed to be closed
- 3) Consolidated parcel of Vi Barnett Fields

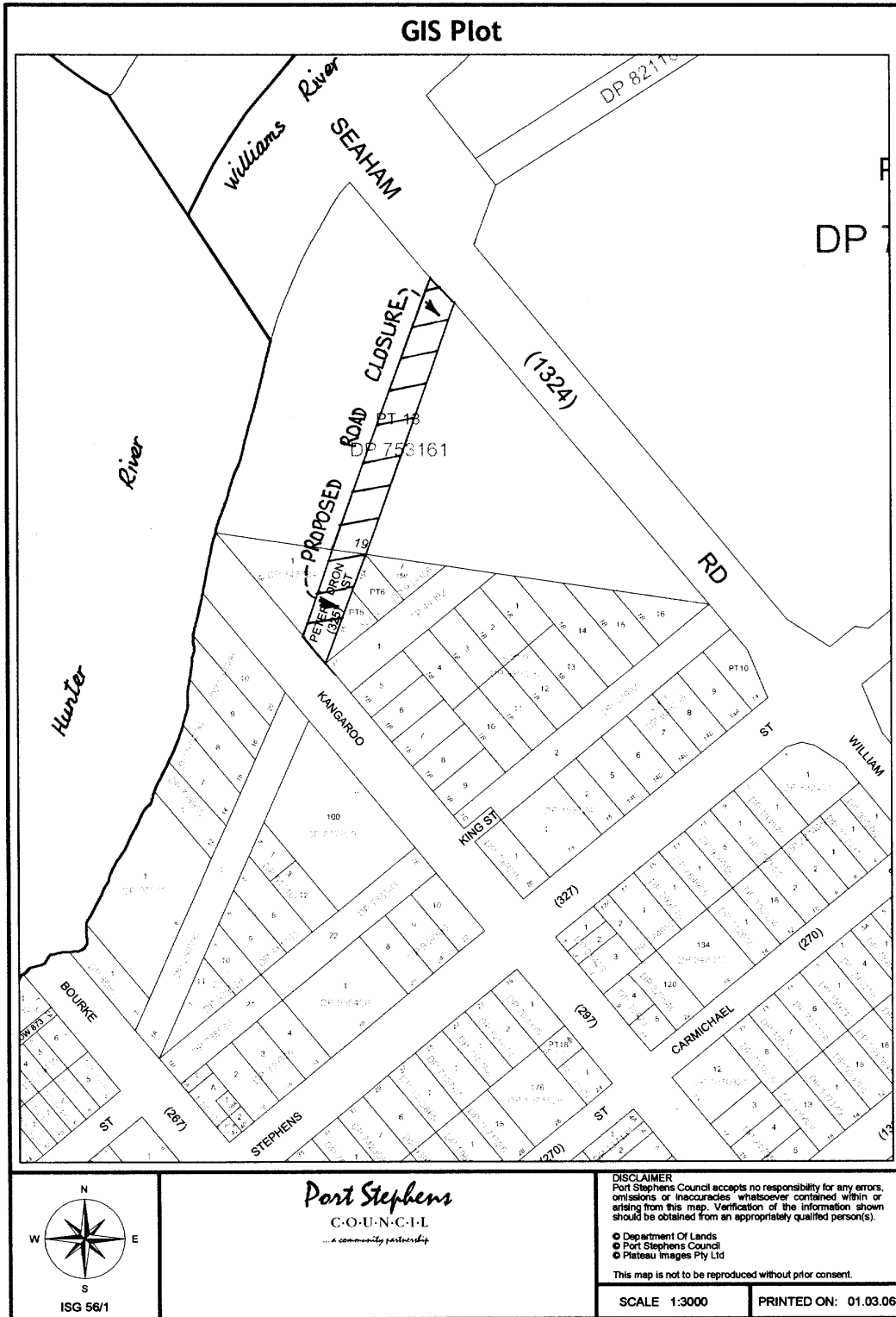
TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1



ATTACHMENT 2



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

ITEM NO. 4

FILE NO: PSC2005-0788

ROAD CLOSURE OFF BAGNALL AVENUE AT SOLDIERS POINT

AUTHOR: PRINCIPAL PROPERTY ADVISOR

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the closure and sale of a section of the short road northerly off Bagnall Avenue between lots 85 and 86 D.P.585415.
- 2) Requires a four metre width of the road adjacent to its western boundary to remain as pathway for pedestrian access from holiday park on the north to Bagnall Avenue.
- 3) Makes application under Section 34 Roads Act 1993 to the Department of Lands for the closure to be processed.
- 4) Obtains a valuation from the State Valuation Office of the proposed closure area and the valuation be set as the purchase price.
- 5) On finalisation of the closure and payment of all costs and the purchase price by the applicant (owner Lot 2) a land Transfer for the closure area from Council to the applicant be prepared.
- 6) Lodges a subdivision application for the proposed Lot and pathway, as required by Land and Property Information NSW.
- 7) Require the subject area to be consolidated with the adjoining lot (owned by the applicant) if the application is successful. The plan of consolidation is to be registered at the office of Land and Property Information.
- 8) Allocate proceeds from the sale to road improvements in the vicinity.
- 9) Grants authority to affix the Council Seal and Signatures to the future Transfer, if the matter is successfully concluded.

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

486	Councillor Dover Councillor Nell	It was resolved that the recommendation be adopted.
------------	---	--

BACKGROUND

The purpose of this report is to recommend the closure of a part of the road between lots 85 & 86 DP585415 and sale to the owner of lot 85 DP585415 if the closure is successful.

Council has received an application to close and purchase the section of the road shown in **ATTACHMENT 1**, (public road) adjoining the eastern boundary of lot 86 DP585415.

The proposed closure will be advised to the other adjoining owners seeking objections. Council advises the Service Authorities as well as ensuring there are no Council assets in the subject road. If Service Authorities have assets in the area they will require easements to be established over them.

The area applied for was set aside as road in 1976 by DP585415. There is no use being made of the area now other than an unformed dirt path, and it is a burden on Council roadside maintenance programme.

It is desirable that the present strip used by pedestrians to gain access to Bagnall Avenue be maintained and formalised. This can be done by establishing a 4 metre wide Pathway adjacent to the western boundary of the subject road. That would allow a 16 metre wide area to be available for consolidation with the applicants land. There is also a need for a drainage pipe from Bagnall Avenue to an easement at the rear of lot 86 and this can be established within the 4 metre wide Pathway. See **ATTACHMENT 2**.

If the closure is successful a Certificate of Title will issue in Council's name and this will be transferred to the applicant on the payment of the purchase price and costs. As is normal in these matters the State Valuation Office will be required to provide a valuation for the closed road and this will be used as the purchase price.

LINKS TO CORPORATE PLANS

The report relates to Facilities and Services Transport Infrastructure Objectives of maintaining a safe environment for road users as well as Properties Section Objectives of maximising opportunities for Council owned land.

FINANCIAL/RESOURCE IMPLICATIONS

As this area of road is unnecessary and only adds to the total area of road reserve to be maintained by mowing etc, it seems reasonable to dispose of it. The Road Act states any income benefit from sale must be expended on roads in the vicinity.

The applicant must meet all costs associated with the closure process. If these costs are not met at different stages through the process the next stage is not commenced, until such payment is made.

LEGAL AND POLICY IMPLICATIONS

All actions relating to road closures and purchases are controlled by the Roads Act 1993 with the application being made under Section 34. The Department of Lands is responsible for

the process once Council consents to the closure. That Department makes the final decision and gazettes the closure. The Conveyancing Act controls the actual sale process once the new Certificate of Title has been issued. Council's Road Closure Policy details the actions to be followed.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil, as the area is not used other than by pedestrians and this will be maintained.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

CONSULTATION

Applicant, Department of Lands, Council's Facilities and Services Group, Council's Property Advisor, Service Authorities and residents in the area.

OPTIONS

- 1) Accept Consent
- 2) Refuse Consent

ATTACHMENTS

- 1) Plan showing proposed closure area applied for.
- 2) Boundaries resulting from recommendations.

TABLED DOCUMENTS

- 1) Nil.

ATTACHMENT 1



Port Stephens
C.O.U.N.C.I.L.
— a community partnership

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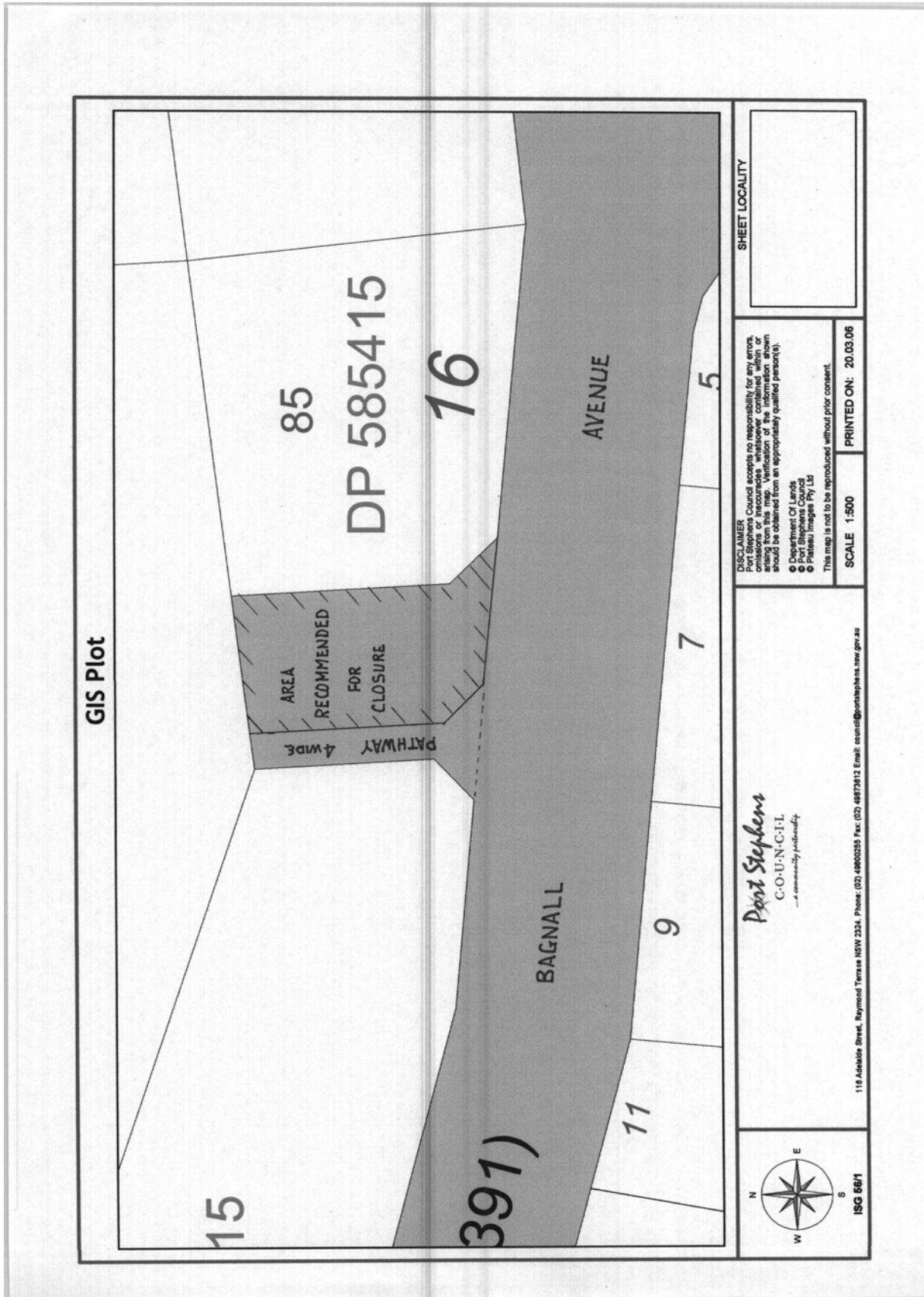
SHEET LOCALITY

SCALE 1:2000

PRINTED ON: 20.03.06

ISG 561

ATTACHMENT 2



ITEM NO. 5

FILE NO: PSC2006-0168

ROAD CLOSURE – LILY HILL ROAD AT NELSON BAY

AUTHOR: PRINCIPAL PROPERTY ADVISOR

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the road closure of that section of Lily Hill Road currently fenced and occupied by the communications equipment for a Digital Television facility and Council's own facilities including the Rural Fire Service.
- 2) Makes application under Section 34 Roads Act 1993 for the formal procedure to continue.
- 3) Lodges a subdivision application with Council to separate the area from the remaining road, as required by the office of Land and Property Information.
- 4) Grants authority to affix Council's Seal to the road closure subdivision plan prior to lodging it at the office of Land and Property Information.
- 5) Following gazettal of the road closure Council negotiates with Optus for alteration to its existing fenced areas.
- 6) Lodges a subdivision application to realign the boundary between the road closure area and the Optus base.
- 7) Grants authority to affix Council's Seal to the boundary realignment plan and the lease boundary alteration documents.

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

487	Councillor Westbury Councillor Nell	It was resolved that the recommendation be adopted.
------------	--	--

Note: Cr Robinson returned to the meeting at 6.27pm during Item 5.

BACKGROUND

The purpose of this report is to recommend the permanent closure of the section of Lily Hill Road currently fenced in and occupied by Council's communication building and to adjust the boundary of the lease to Optus to reflect the existing fenced areas.

Council has erected a communications building within a fenced area over the road reserve of Lily Hill Road at Nelson Bay and adjusted the fence line of the existing area leased to Optus. To formalise both the fenced areas and to create titles part of the road should be closed and a plan registered at the office of Land and Property Information.

ATTACHMENT 1, shows the location of fencing and buildings in the vicinity. **ATTACHMENT 2**, indicates the area of road to be closed as well as the Optus lease area alterations which are necessary. To achieve the desired result the following has to take place:-

- Close the required area of road
- Obtain a Certificate of Title over the road closure
- Negotiate with Optus for the boundary realignment
- Lodge a subdivision application
- Register the subdivision (realignment) plan
- Register the lease alteration documents

The Department of Lands (Lands Office) administers the process of road closure including all advertising for the proposal and the Land and Property Information Division controls and registers the plans and lease documentation. The Lands Office has the final approval decision as to whether the closure succeeds or not. It is not a Council decision. **ATTACHMENT 3** shows the final lease boundaries.

LINKS TO CORPORATE PLANS

Linked to Council's Infrastructure and Asset Management Goal to ensure the sustainable management of assets which meet community needs.

FINANCIAL/RESOURCE IMPLICATIONS

Funds are available in the current Facilities and Services budget to cover the costs of the closure process. Staff resources are available with normal activities of affected staff.

LEGAL AND POLICY IMPLICATIONS

The Roads Act 1993 controls all actions regarding the road closure and will need to be complied with. The Department of Lands is the final determining authority after all required advertising and notifications have taken place. As roads are closed they become Council's Operational land under the Act. The Conveyancing Act administers the required plans and any lease alterations. There should be no detrimental implications as regards legal or policy outcomes.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

CONSULTATION

Between Department of Lands, Council's Facilities and Services Operations Manager, Surveyor, and Principal Property Officer

OPTIONS

- 1) Accept recommendations
- 2) Not close the section of road
- 3) Not adjust the lease boundaries

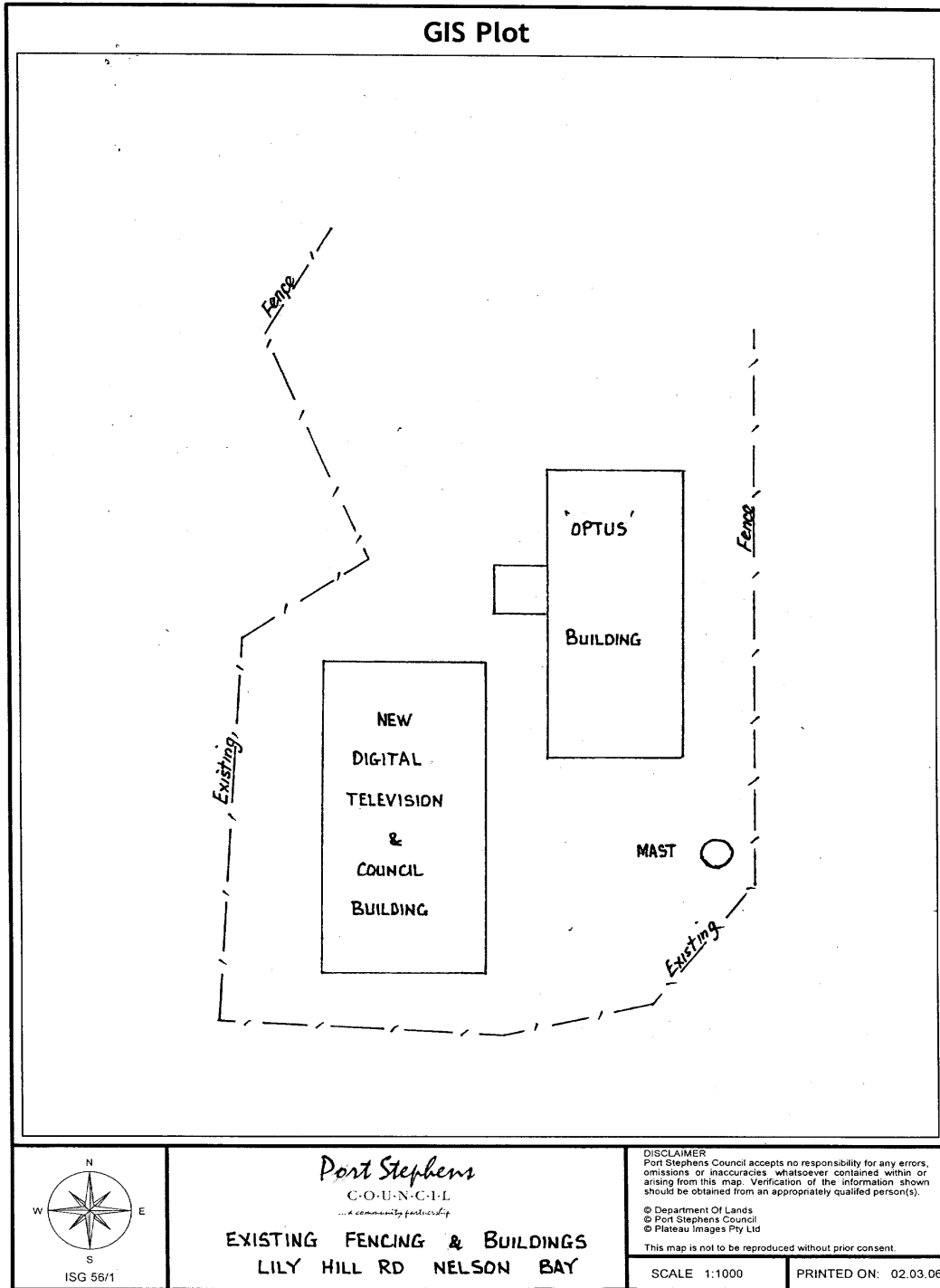
ATTACHMENTS

- 1) Fencing and Buildings Location
- 2) Road Closure area
- 3) Final Lease Boundaries
- 4) Location Plan

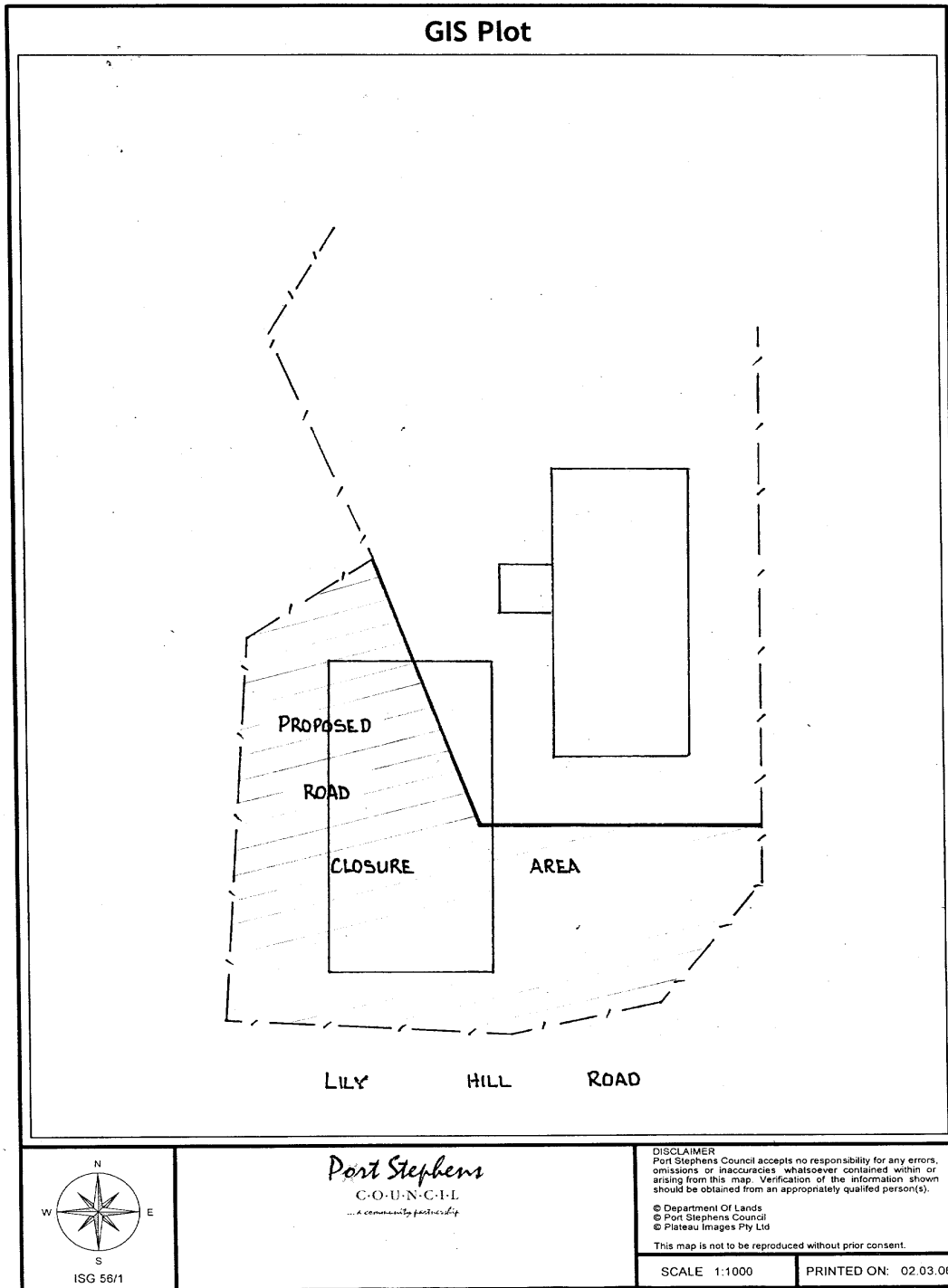
TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

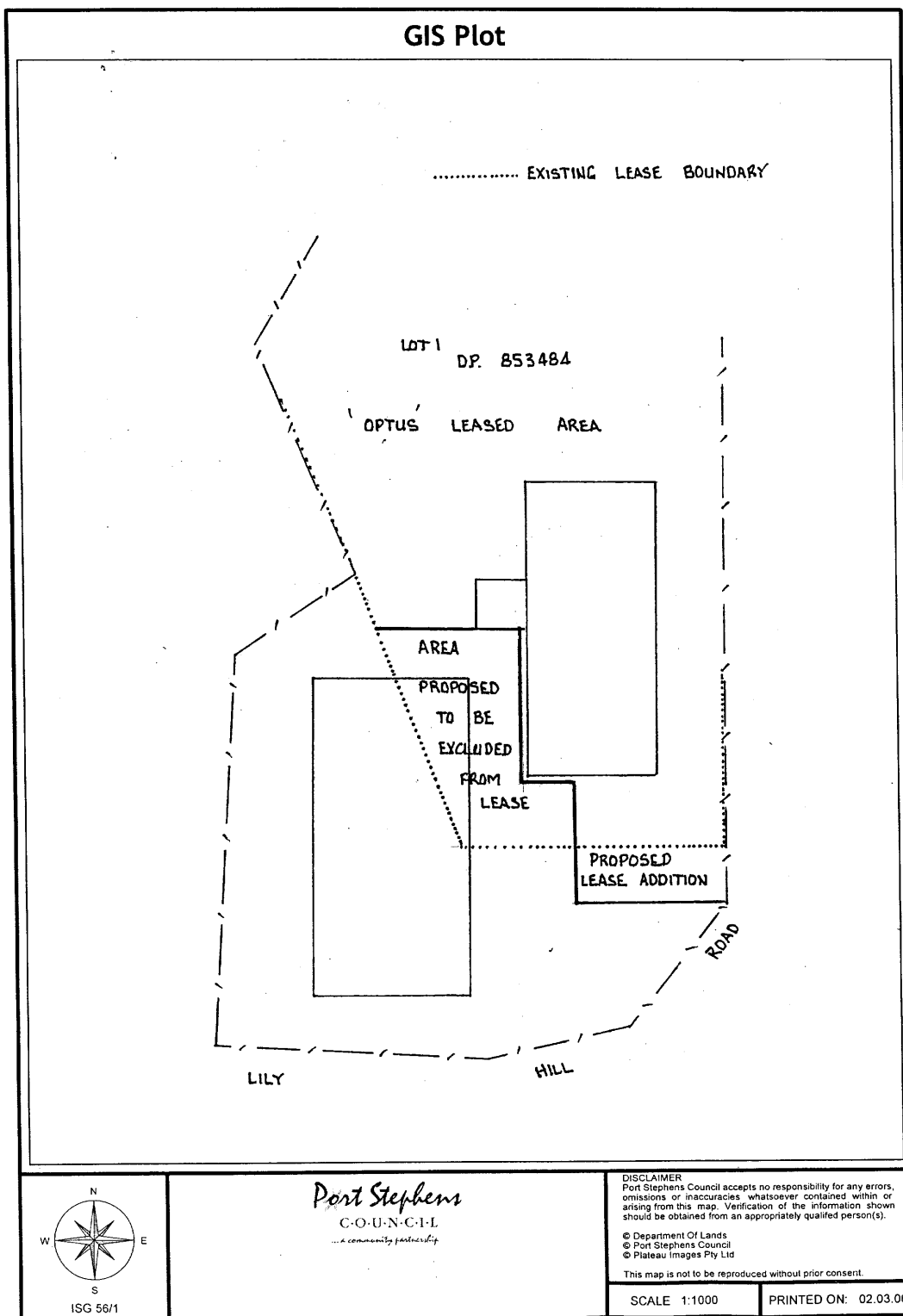


ATTACHMENT 2



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

ATTACHMENT 3



ITEM NO. 6

FILE NO: PSC2005-1544

ROAD CLOSURE PART GAN GAN ROAD AT NELSON BAY

AUTHOR: PRINCIPAL PROPERTY ADVISOR

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the closure and sale of a section of Gan Gan Road adjoining Lot 2 DP 599313.
- 2) Makes application under Section 34 Roads Act 1993 to the Department of Lands for the closure to be processed.
- 3) Obtains a valuation from the State Valuation Office of the proposed closure area and the valuation be set as the purchase price.
- 4) On finalisation of the closure and payment of all costs and the purchase price by the applicant (owner Lot 2) a land Transfer for the closure area from Council to the applicant be prepared.
- 5) Lodges subdivision application with Council for the lot, as required by Land and Property Information NSW.
- 6) Require the subject area to be consolidated with the adjoining lot (owned by the applicant) if the application is successful. The plan of consolidation to be registered at the office of Land and Property Information.
- 7) Allocate proceeds from the sale to road improvements in the vicinity.
- 8) Grants authority to affix the Council Seal and Signatures to the future Transfer, if the matter is successfully concluded.

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 18 APRIL 2006

MOTION:

	Councillor Nell Councillor Swan	1) Consent to the closure of a section of Gan Gan Road adjoining Lot 2 DP599313 2) That section of Gan Gan Road proposed for closure (currently unzoned, and Lot 2 DP599313 – The land between the realigned road and the road proposed for closure currently zoned rural 1(a), to Environmental Protection
--	------------------------------------	--

BACKGROUND

The purpose of this report is to recommend the closure of a section of Gan Gan Road and sale to the owner of lot 2 DP599313 if the closure is successful.

Council has received an application to close and purchase a section of the road shown in **ATTACHMENT 1**, (public road) adjoining the eastern boundary of lot 2 DP599313.

The proposed closure has been advised to the other adjoining owners with no objections being received. Council has been advised that the Service Authorities have no assets in the area and therefore raise no objection to the proposal. Council's staff have no objections to the proposed closure.

The area applied for is a residue after the road deviation and construction to straighten the road for safety reasons. There is no use being made of the area now and it is a burden on Council roadside maintenance programme.

If the closure is successful a Certificate of Title will issue in Council's name and this will be transferred to the applicant on the payment of the purchase price and costs. As is normal in these matters the State Valuation Office will be required to provide a valuation for the closed road and this will be used as the purchase price.

LINKS TO CORPORATE PLANS

The report relates to Facilities and Services Transport Infrastructure Objectives of maintaining a safe environment for road users as well as Properties Section Objectives of maximising opportunities for Council owned land.

FINANCIAL/RESOURCE IMPLICATIONS

As this area of road is unnecessary and only adds to the total area of road reserve to be maintained by mowing etc, it seems reasonable to dispose of it. The Road Act states any income benefit from sale must be expended on roads in the vicinity.

The applicant must meet all costs associated with the closure process. If these costs are not met at different stages through the process the next stage is not commenced, until such payment is made.

LEGAL AND POLICY IMPLICATIONS

All actions relating to road closures and purchases are controlled by the Roads Act 1993 with the application being made under Section 34. The Department of Lands is responsible for the process once Council consents to the closure. That Department makes the final decision and gazettes the closure. The Conveyancing Act controls the actual sale process once the new Certificate of Title has been issued. Council's Road Closure Policy details the actions to be followed.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals

- 2) Mutually agreed plans translate organisational direction into actions
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil, as the area is not used.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

There should be no implications

CULTURAL IMPLICATIONS

Nil

CONSULTATION

Applicant, Department of Lands, Council's Facilities and Services Group, Council's Property Advisor, Service Authorities and residents in the area.

OPTIONS

- 1) Accept Consent
- 2) Refuse Consent

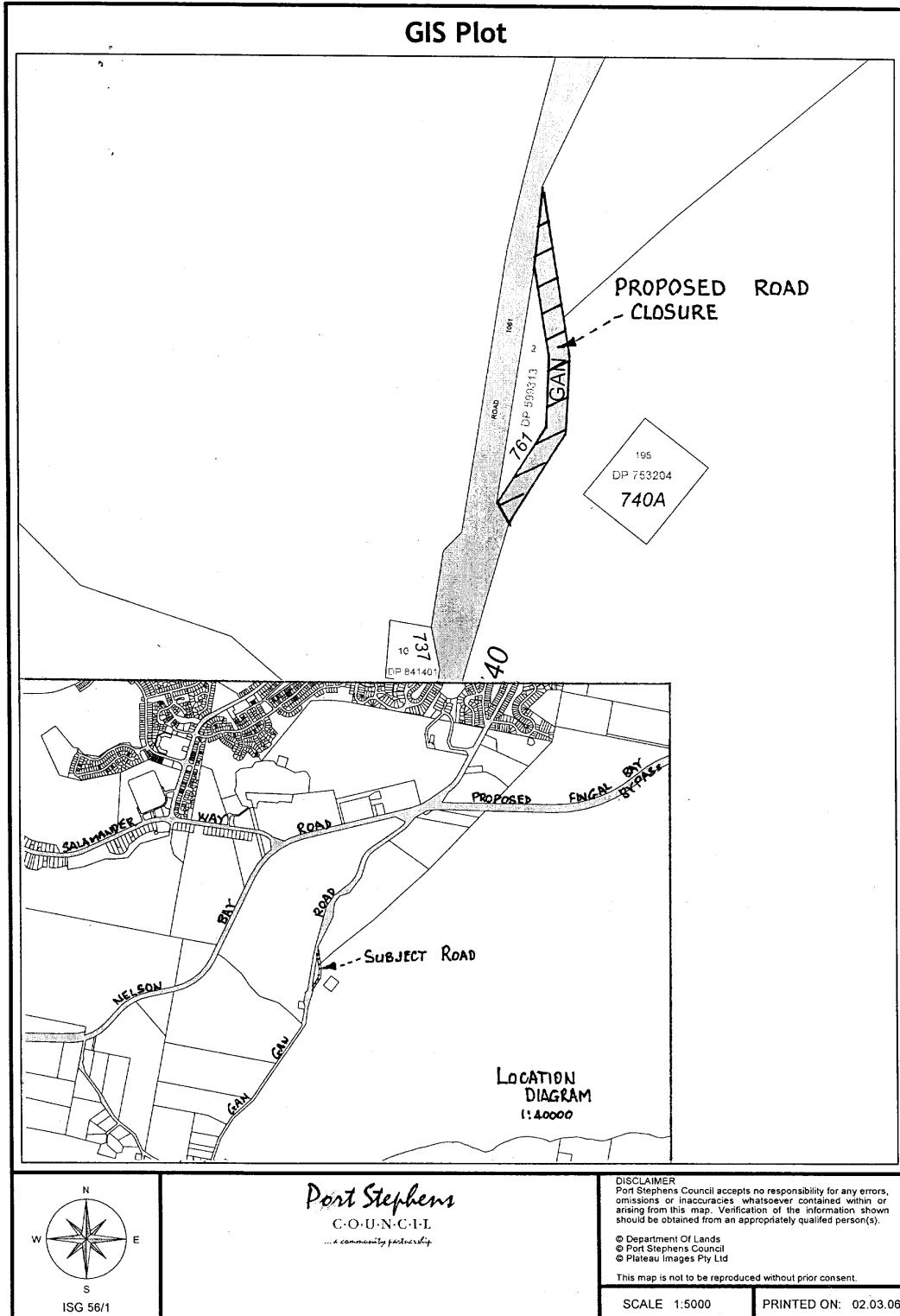
ATTACHMENTS

- 1) Plan showing proposed closure

TABLED DOCUMENTS

- 1) Nil.

ATTACHMENT 1



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

AMENDMENT:

488	Councillor Francis Councillor Jordan	It was resolved that this matter be deferred for a site inspection
------------	---	---

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

ITEM NO. 7

FILE NO: PSC2005-1500

ROAD CLOSURE PART NEWLINE ROAD AT RAYMOND TERRACE

AUTHOR: PRINCIPAL PROPERTY ADVISOR

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the closure and sale of a section of Newline Road adjoining Lot 105 DP1016640.
- 2) Make application under Section 34 Roads Act 1993 to the Department of Lands for the closure to be processed.
- 3) Obtains a valuation from the State Valuation Office of the proposed closure area and the valuation be set as the purchase price.
- 4) On finalisation of the closure and payment of all costs and the purchase price by the application (owner lot 105) a land Transfer for the closure area from Council to the applicant be prepared.
- 5) Lodges subdivision application with Council for the lot, as required by Land and Property Information NSW.
- 6) Require the subject are to be consolidated with the adjoining lot (owned by the applicant) if the application is successful. The plan for consolidation to be registered at the office of Land and Property Information.
- 7) Allocate proceeds from the sale to road improvements in the vicinity.
- 8) Grants authority to affix the Council Seal and Signatures to the future Transfer, if the matter is successfully concluded.

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

489	Councillor Hodges Councillor Francis	It was resolved that the recommendation be adopted.
------------	---	--

BACKGROUND

The purpose of this report is to recommend the closure of a section of Newline Road and sale to the owner of lot 105 DP 14016640 if the closure is successful.

Council has received an application to close and purchase a section of the road shown in **ATTACHMENT 1**, (public road) adjoining the eastern boundary of lot 105 DP 1016640.

The proposed closure has been advised to the other adjoining owners with no objections being received. Council has been advised that the Service Authorities, other than Telstra and Energy Australia have no assets in the area and therefore raise no objection to the proposal. Council's staff have no objections to the proposed closure. Telstra and Energy Australia have indicated they require easements over their asset lines if the application succeeds.

The area applied for is a residue after the road deviation and construction to remove bends in 1965. Other than access to the applicant's land there is no use being made of the area now and it is a burden on Council roadside maintenance programme.

If the closure is successful a Certificate of Title will issue in Council's name and this will be transferred to the applicant on the payment of the purchase price and costs. As is normal in these matters the State Valuation Office will be required to provide a valuation for the closed road and this will be used as the purchase price.

LINKS TO CORPORATE PLANS

The report related to Facilities and Services Transport Infrastructure Objectives of maintaining a safe environment for road users as well as Properties Section Objectives of maximising opportunities for Council owned land.

FINANCIAL/RESOURCE IMPLICATIONS

As this area of road is unnecessary and only adds to the total area of road reserve to be maintained by mowing etc, it seems reasonable to dispose of it. The Roads Act states any income benefit from sale must be expended on road in the vicinity. It is recommended that the proceeds from the proposed sale be allocated to road improvements in the vicinity.

The applicant must meet all costs associated with the closure process. If these costs are not met at different stages through the process the next stage is not commenced, until such payment is made.

LEGAL AND POLICY IMPLICATIONS

All actions relating to road closure and purchases are controlled by the Roads Act 1993 with the application being made under Section 34. The Department of Lands is responsible for the process once Council consents to the closure. That Department makes the final decision and gazettes the closure. The Conveyancing Act controls the actual sale process once the new Certificate of Title has been issued. Council's Road Closure Policy details the actions to be followed.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil, as the area is not used by pedestrian or vehicular traffic.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

There should be no implications

CULTURAL IMPLICATIONS

Nil

CONSULTATION

Applicant, Department of Lands, Council's Facilities and Services Group, Council's Property Advisor, Service Authorities and residents in the area.

OPTIONS

- 1) Accept recommendation
- 2) Refuse Consent

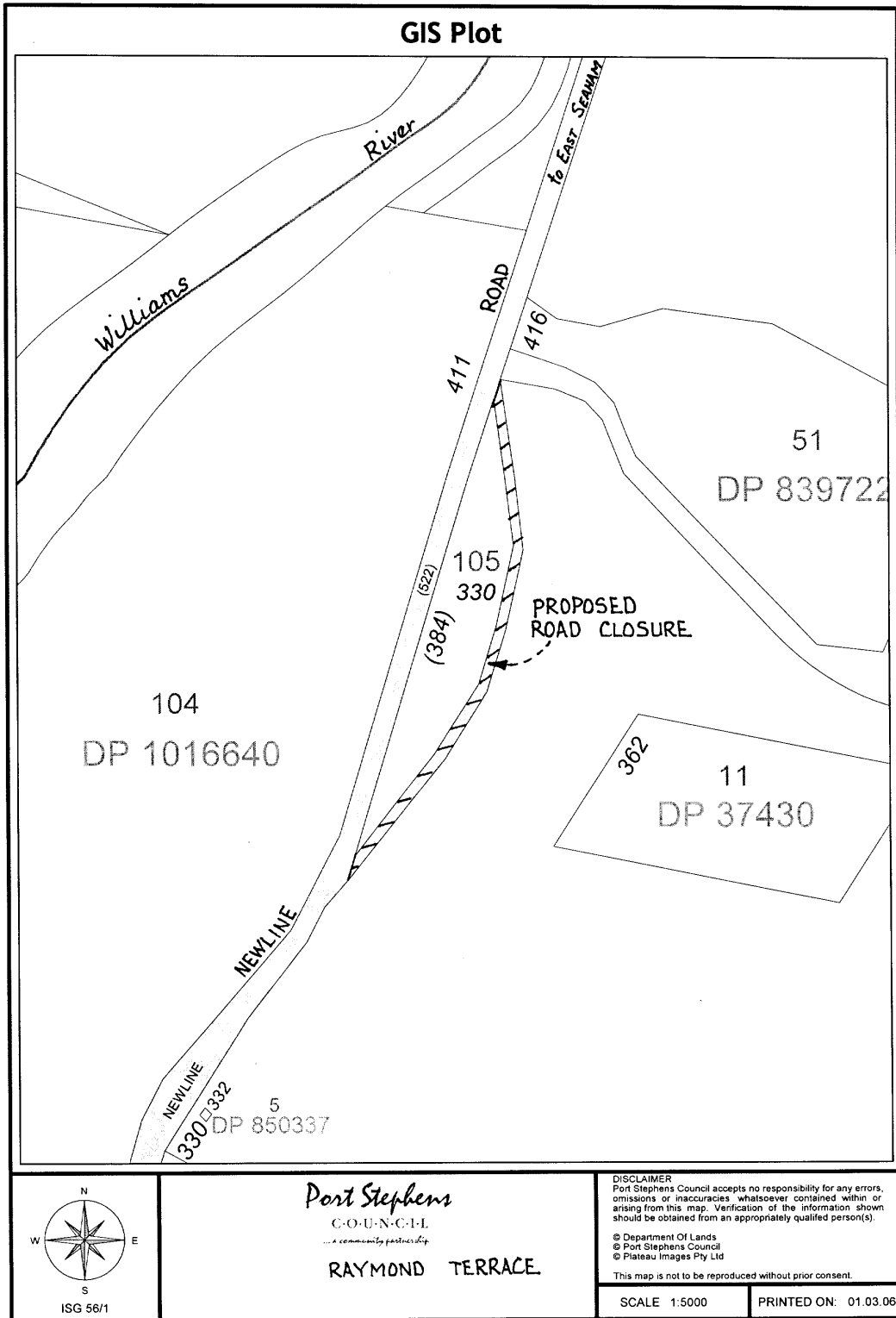
ATTACHMENTS

- 1) Plan showing proposed closure

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1



ITEM NO. 8

FILE NO: A2004-1271

INSTALLING CIGARETTE BUTT BINS IN PUBLIC PLACES

AUTHOR: WASTE MANAGEMENT COORDINATOR

RECOMMENDATION IS THAT COUNCIL:

- 1) Participates in a self-funded anti cigarette butt litter campaign using AshBins Australia Pty Ltd in strategic locations across the local government area.
-

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

490	Councillor Westbury Councillor Jordan	It was resolved that the recommendation be adopted.
------------	--	--

BACKGROUND

The purpose of this report is to respond to Minute 416, a Matter Arising from the Council meeting held on 23 November 2004 regarding the installation of garbage bins specifically for cigarette butts at entrances to all beaches and sporting facilities in the Port Stephens Council local government area.

Councillors received an email about this issue on 14 December 2005. The response from that email suggested that a full report to Council was required to determine whether or not to install bins across the local government area to cater specifically for cigarette butts.

Although research shows that:

“a lack of bins is not a major factor in littering”¹ and
“most littering occurs within five metres from a bin”²

research also shows that:

“cigarette butts have consistently been one of the most common items found by Clean Up Australia Day volunteers”³

With these facts at hand it is reasonable to assume that installing more bins will not necessarily result in less cigarette butt litter overall.

However, if Council were to adopt an alternative assumption of “every butt in a bin is one less butt on the ground” the installation of cigarette butt bins in Port Stephens Council may in fact assist in the overall management of litter and stormwater pollution.

This report recommends participating in a self funded anti cigarette butt litter campaign promoted by AshBins Australia Pty Ltd.

The AshBins program involves locating at least 100 sites in high profile, known smoking areas and installing stylish stainless steel bins nearby. The bins are 400mm in height and 210mm in diameter and are made of stainless steel with a zinalume colour coating. This self funded program involves the leasing of space on the front of each bin for paid advertising. Advertising is restricted to organisations that promote anti smoking, anti litter, healthy lifestyles and other sympathetic causes. The bins are serviced each fortnight under contract with AshBins Australia Pty Ltd.

The proposed locations for the AshBins are places where people gather, have one last cigarette before entering the growing domain of the non-smoker. Places like, for example:

- Bus stops and bus shelters
- Hotels and clubs
- Central Business Districts near restaurants
- Banks with ATM's
- Entrances to shopping centres

Unfortunately, the diffuse nature of entrances to beaches and sporting facilities means that smokers do not congregate in specific locations before entering the site. Installing AshBins at beaches and sporting facilities would not prove overly successful.

The Port Stephens and Tomaree Liquor Accords have already commenced investigations into installing AshBins on the private properties of Accord members. Installing AshBins in public places will compliment the good work being progressed by the local Liquor Accords.

LINKS TO CORPORATE PLANS

Installing AshBins at key locations in the LGA aligns with Council's Key Result Areas outlined in the Council Plan for 2005-2008, specifically:

- “Our environment is maintained and improved for the well being of our community”

FINANCIAL/RESOURCE IMPLICATIONS

The AshBin Australia Pty Ltd program is self funding.

However, during the start up phase of the project existing staff time will be required to locate sites and coordinate the orderly installation of the bins.

LEGAL AND POLICY IMPLICATIONS

The advertising on each AshBin complies with Council's “Information and Direction Sign Code of Practice”.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 1) To improve the outcome, improve the system and its associated processes
- 2) All people work IN a system, outcomes are improved when people work ON the system

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

For the recommendation to be affective, there needs to be an accompanying education campaign that promotes the use of the bins. There will also need to be inclusive discussions with businesses owners as to where and how the bins will be installed and serviced.

ECONOMIC IMPLICATIONS

There are no foreseeable economic implications for adopting the recommendation.

ENVIRONMENTAL IMPLICATIONS

Adopting the recommendation is based on the principles that “every butt in a bin is one less butt on the ground”. It is anticipated that the waterways and aesthetics of Port Stephens will benefit from the installation of cigarette butt bins.

The environmental benefits of installing the AshBins are thought to outweigh any potential visual impacts associated with the advertising displayed on each bin.

CULTURAL IMPLICATIONS

It is hoped that, in time, the culture of people who smoke will evolve to include the responsible disposal of cigarette butts in AshBins.

CONSULTATION

1 & 2 - EPA NSW website taken 19 January 2004
www.epa.nsw.gov.au/litter/factsaboutlitter.htm

3 - Clean Up Australia website taken 14 December 2005
www.cleanup.com.au/Main.asp?Requesttype=Doc&DocID=80&CatID=116

All Councillors via email on 14 December 2005, Waste Minimisation Officer, AshBins Australia Pty Ltd, Community Projects Officer – Community Safety.

OPTIONS

- 1) Adopt the recommendation
- 2) Amend or reject the recommendation

ATTACHMENTS

- 1) Site agreement for participation in AshBins Australia Pty Ltd program.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1



Site Agreement

Location Agreement No

An Agreement made this day of, 200.....

Between

of

(hereafter called the site owner) and ASHBINS™ Australia Pty Ltd. 3/106 Canterbury Rd. Bankstown 2200 (hereafter called the system operator) for a period of months.

1. That the site owner permits the system operator to install the Ashbin/s in the location/s agreed to by the site owner (attached).
2. That the system operator shall be responsible for the maintenance, product and public liability insurance.
3. Disposal of the contents of the Ashbin will be on a regular basis as to demand with a minimum disposal bi-monthly. Responsibility of this shall be the system-operator.
4. ONE month per year shall be allocated to the site-owner gratis for any community-based sponsorship.
5. Keys to the Ashbin will be given to the site owner for the purpose of emergency.
6. All sponsorship on the Ashbin shall be of anti-smoking or of a good health nature and non offensive.
7. Each party shall be entitled to assign this agreement to any person or corporation providing all conditions are met in all instances as above.
8. Ashbin/s remain the property of the system operator at all times.
9. Site owner to approve of all sponsorship on the Ashbin.

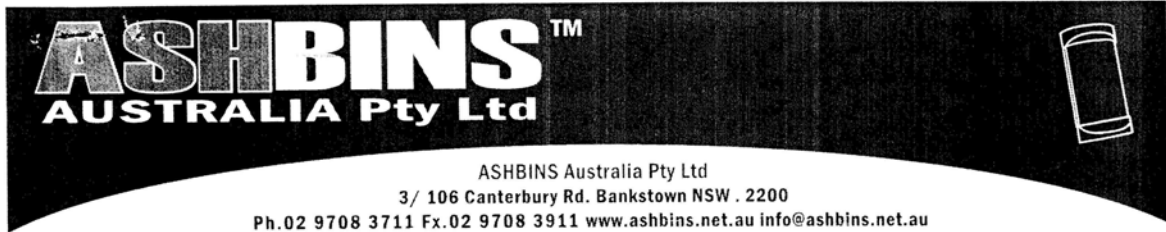
Signed
(For and on behalf of Site-Owner)

Signed
(For and on behalf of System Operator)

ABN: 12 110 145 705

THE BUTT STOPS HERE!

ATTACHMENT 1



Site Agreement Placement

Company:

Address:

Site Location:

Ash Bin Locations:

.....

.....

.....

Commencement Date Placement Date

Term of placement: ... Months 12 Months

Authorising Person Title

Signature Date Phone No

ABN: 12 110 145 705



ITEM NO. 9

FILE NO: A2004-0891

**VARIATION OF LEASE FOR LEVEL 1, 437 HUNTER STREET,
NEWCASTLE**

AUTHOR: SYSTEMS OFFICER

RECOMMENDATION IS THAT COUNCIL:

- 1) Grant authority to the Mayor and General Manager to sign the Variation of Lease for Level 1, 437 Hunter Street, Newcastle.
 - 2) Grant authority to affix Council seal to the Variation of Lease Documents.
-

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

491	Councillor Robinson Councillor Brown	It was resolved that the recommendation be adopted.
-----	---	---

BACKGROUND

The purpose of this report is to advise Council that the current Lessee of Council owned premises at Level 1, 437 Hunter Street, Newcastle has confirmed their intention to exercise the Option to Renew. The report also seeks authority to be granted to affix Council's seal to the Variation of Lease documents.

Council acquired 437 Hunter Street on the 9th November 1998 fully tenanted.

In 2003 Council's Property Unit, with the assistance of Colliers International, successfully negotiated a three (3) year Lease with a further Option to Renew for a period of (3) three years with a reputable telemarketing company, namely Australian Wine Selectors Pty Ltd.

The first term of this Lease commenced in March 2003. Council has recently received confirmation in writing from Australian Wine Selectors Pty Ltd wishing to exercise the Option and requesting a further Option to Renew for an additional three (3) years, which could see the property potentially tenanted by Australian Wine Selectors till 2012. The current lease has grossed \$535,500 in rental fees over the last three years under the present tenancy, by

securing this Option for the next three (3) years Council will realise a return in excess of \$570,000.

In addition as Australian Wine Selectors Pty Ltd have requested a further three year option beyond the existing provision, Council is able to enter into a Variation of Lease as opposed to creating a new Lease. This process in effect extends the term of the Lease and is a far more cost effective and efficient method of extending the term of this Lease. All other terms and conditions remain as per the existing Lease agreement which encompasses the provisions for appropriate rental reviews and tenancy conditions etc.

Harris Wheeler Lawyers have been instructed to prepared the appropriate documentation, which is required to be signed under seal.

LINKS TO CORPORATE PLANS

This report relates to the objectives in the 30-year plan for Port Stephens and within Council's Management Plan, under Property, where the goal is to:

“maximise the financial return and best use to Council for the benefit of the community.”

FINANCIAL/RESOURCE IMPLICATIONS

The aim in commercial leasing is to create a secure lease for the longest period of time to a viable tenant. When this is possible the owner is protected by known income and growth rates over the term of the Lease. This Lease has been negotiated at the market level for similar facilities and the term is secure for three (3) years with an additional three (3) year option.

In addition, having a valid and enforceable Lease Council gains positive rights in respect of the occupancy of the property. Rental returns are protected and the ability to recover costs allows the property to return income rather than contributing as a liability attracting statutory charges, maintenance and long term asset rehabilitation.

With this Variation of Lease Council can expect the Lease over the next three year period to gross in excess of \$570,000 and should the Lessee choose to exercise the next Option to Renew, Council may receive an additional \$589,000 over the final three (3) years of their occupancy. This represents a CPI adjustment of 2% on the base rent per annum.

LEGAL AND POLICY IMPLICATIONS

It is a requirement of the Real Property Act that Leases in excess of five (5) years duration (Including Options) be registered upon the Title of the Land to which they apply. If the Lease is to be registered the Seal must be affixed upon signing. The seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed under the Local Government (Meeting) Regulation 1999, section 48.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals

- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil.

ECONOMIC IMPLICATIONS

Nil.

ENVIRONMENTAL IMPLICATIONS

NIL.

CULTURAL IMPLICATIONS

Nil

CONSULTATION

John Loughnan - Harris Wheeler Lawyers
Judy Kilburn - Colliers International (Newcastle)

OPTIONS

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

ATTACHMENTS

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

ITEM NO. 10

FILE NO: A2004-0217/PSC2005-2666

**COST OF IMPLEMENTING RESIDENTIAL TIPPING VOUCHERS OR
ADDITIONAL BULK WASTE CLEAN UP TO POTENTIALLY REDUCE
ILLEGAL DUMPING**

AUTHOR: WASTE MANAGEMENT COORDINATOR

RECOMMENDATION IS THAT COUNCIL:

- 1) Continues to cooperate with other Councils, government agencies, non-government organisations and local communities to manage illegal dumping of waste through education and law enforcement.
- 2) Continues to provide one bulky waste clean up per year as detailed in the Waste Collection Contract with Solo Resource Recovery
- 3) Gives positive consideration to the draft differential waste fee structure proposed in the draft fees and charges for 2006-07 when considering Council's 2006/07 budget.
- 4) Note the status of the current operational review of the Waste Transfer Stations that may impact on further considerations.

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

Amendment:

That this matter be deferred to allow coordination of a workshop involving Councillors, staff and other relevant stakeholders to identify a range of options to improve waste services and reduce illegal waste dumping across the local government area.

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

ORDINARY MEETING – 18 APRIL 2006

MOTION:

	Councillor Nell Councillor Dingle	1) That Council provide (1) waste disposal voucher to each ratepayer per year 2) That Council seek to recover cost from increased waste fees and charges
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AMENDMENT:

492	Councillor Francis Councillor Jordan	It was resolved that the committee recommendation be adopted.
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The amendment on being put, became the motion which was put and carried

Note: Cllr Robinson declared a pecuniary interest in this matter and left the meeting at 6.53pm during discussion and voting. Cr Robinson returned at 7.30pm.

BACKGROUND

The purpose of this report is to respond to the Matter Arising (Minute 267) from the Council meeting on 27 September 2005 and the Notice of Motion (Minute 437) that state:

MINUTE 267

“That Council call for a report on costs of implementation of additional bulky waste collections or residential tipping vouchers to potentially reduce illegal dumping”

MINUTE 437

“It was resolved that this matter (i.e. introducing a policy of providing two tip passes per year to each property owner) be deferred for budget consideration 2006/2007”

Minute 267 and Minute 437 have been interpreted as seeking to reduce illegal dumping incidents by increasing the convenience of waste disposal to residents through either residential tipping vouchers or other practical solutions such as extra bulky waste collections.

This report analyses the arguments surrounding the concept of ‘free’ tipping compared with the cost of waste management and recycling in general.

Illegal Dumping

Illegal dumping of rubbish in Port Stephens LGA occurs mostly in bushland areas accessible by vehicle and near to residential areas. Often illegal dumping hot spots are State Forests, National Parks, Crown Land and private land. A short list of some known illegal dumping hotspots in Port Stephens includes:

- Medowie State Forest
- Crown Land off Taylor’s Beach Road
- Crown Land, Local Aboriginal Land Council land, utility easements at Tanilba Bay and Mallabula
- Crown land and Local Aboriginal Land Council land at Karuah
- Nature Reserve at Italia Road East Seaham
- Crown land off Nelson Bay Road Anna Bay and Nelson Bay
- Crown land and private land off Nelson Bay Road Fern Bay and Fullerton Cove
- Cox’s Lane Fullerton Cove

Controlling illegal dumping is difficult as the perpetrators dump rubbish at any time, in no apparent pattern and nearly always without a witness present. Apprehending people in the act of dumping waste illegally is generally not possible.

However, Council Rangers have had some success locating and prosecuting illegal dumpers after the event, through the identification of items within the dumped waste. This surveillance can be improved at an additional cost.

Why do people dump waste illegally

The reasons people dump waste illegally may be summed in the following statements:

- “I pay my rates so why should I have to pay tip fees too?”
- “It is a way of minimising my small business costs”
- “The tip is too far away so I use the bush”
- The tip was closed so I dumped it on the way home”
- “Because I can get away with it”

The reasons people dump waste illegally may be similar to the reasons people intentionally break any law of the land. If people feel that they can get away with something and increase their own convenience and save some money then some people will break the law to do it.

Is it possible to control or stop illegal dumping?

To some extent, illegal dumping of waste can be controlled. However long term control of illegal dumping needs ownership of the problem and the solution by local communities.

Over the past ten years, Council has worked with local communities on projects that focus on cleaning up illegal dump sites, locking up sites to prevent access, enforcing pollution laws and raising awareness of the issue of illegal dumping within the affected community. In short, “clean up, lock up and talk up” the issue of illegal dumping.

This approach has shown that it takes longer for illegal dumping to return to a site where the local community are vigilant about monitoring and reporting illegal activity.

The act of illegal dumping is a community problem that requires a community solution. These solutions will combine the best of education, enforcement, deterrence and the clean up of illegal dumping hotspots. Council should continue with this approach to illegal dumping control. Council should also continue to apply for grants that assist with illegal dumping and cooperate with other Councils, government agencies and non government organisations in delivering anti illegal dumping programs.

Does Council provide enough waste management services?

In the draft 2006/07 budget Council is considering a Waste Service Charge of \$256.00 and a Waste Management Charge of \$48.00 per year.

For a combined charge of \$304.00 per ratepayer per year the Port Stephens community will receive in 2006/07:

- Weekly collection of one 240 litre wheelie bin for general waste
- Fortnightly collection of one 240 litre wheelie bin for recycling
- One bulky waste clean up from the kerbside (equivalent to one box trailer load)

- One garden waste clean from the kerbside (equivalent to one box trailer load)
- **Subsidised waste disposal at Council's two waste transfer stations (i.e.: waste management charge covers approximately 40% of the cost of running the waste transfer stations)**
- Environmental monitoring of disused landfill sites
- Rehabilitation of old landfill sites

The results of these services are:

- A total resource recovery rate of 70%
- A recycling bin contamination rate of less than 10%
- A recycling program that is highly convenient and well accepted by the ratepayer.

In addition to these charges and services, Council is also considering, in the Draft Council Plan 2006-2009, a new waste charge. The new charge makes it easy for ratepayers to add either an extra garbage bin (\$170.00 per year) or extra recycling bin (\$86.00 per year) to their property. This new service will be of great assistance to property owners who require extra waste disposal.

Why do tip fees cost so much?

Tip fees have risen significantly over the past twenty years. Since the early 1980's tip fees have risen from zero to the current \$119 per tonne waste in Port Stephens Council. This cost recovery increase is due to:

- "Supply and demand" – i.e. as tip sites dwindle in number and population and waste generation increases, the value of the space available for landfilling increases.
- More stringent environmental management laws and controls for licensed landfills
- Higher processing costs associated with recycling some materials
- The introduction of a NSW state government levy on every tonne of waste sent to landfill (currently \$15.00 per tonne. Indexed to rise by \$7.50 from 1 July 2006 until Levy reaches about \$53.00 per tonne in 2011)
- Costs associated with running two waste transfer stations within the municipality at Salamander Bay and Lemon Tree Passage.
- The change in the Local Government Act 1993 that separated garbage bin charges from general waste management costs from the general rate to a domestic waste service charge
- A growing expectation that current generations will pay the full life cost of waste going to landfill now rather than leaving environmental management of old landfills to future generations

Who pays for waste disposal?

The cost of waste disposal from pre 1980 is currently being born by today's ratepayers. This is evident in the \$49.50 Waste Management Charge that is applied to all parcels of rateable land to recover the cost of the ongoing environmental monitoring and rehabilitation of old landfills.

Since the Local Government Act 1993 came into effect and the principles of ecological sustainability have been included into Council Charters, the cost of waste disposal has been directed back to the waste generator. This means that the person who generates the waste pays the full cost of disposal or recycling now, rather than leaving this cost for future ratepayers to cover.

This philosophical change from “buy now and pay later” to “user pays” has had an impact on society in general. An impact that is evident each time someone dumps waste illegally.

Does the offer of ‘free tipping’ reduce illegal dumping?

Not really. Evidence from other Councils that offer both tipping vouchers and also have lower waste disposal fees show that illegal dumping is just as big a problem as it is in Port Stephens.

Offering residents an extra bulky waste clean up or a ‘free’ tipping voucher may reduce some forms of illegal dumping in the short term. However, considering that most illegal dumping seems to consist of building rubble, commercial waste and large sections of felled trees, it is unlikely that offering ‘free’ services to residents will reduce illegal dumping for any length of time.

Compared to a kerbside clean up of bulk waste, the issuing of tipping vouchers is not ideal because:

- Vouchers are restricted to those residents with trailers and vehicles,
- Vouchers are costly to implement compared to the current bulky waste clean up service,
- Vouchers are open to misuse by commercial waste operators,
- Vouchers are restricted to ratepayers not residents
- Vouchers create an impression that waste disposal is ‘free’ when the costs would actually have to be recovered from either the domestic waste charge or the general rate.

Can we subsidise tip fee costs to encourage greater use of the waste depots?

Yes we can, but the subsidy must come from the general rate or the non domestic waste management charge (the \$49.50 charge).

Council’s waste management charge covers the operational costs of approximately 40% of the two waste transfer stations. This means that revenue from tipping fees and sales of recyclables covers about 60% of the total cost of running the waste transfer stations.

If Council was to reduce the tipping fee (as a means of reducing illegal dumping) from \$119.00 to say \$97.00 per tonne of mixed waste (or from \$35.00 to \$29.00 per trailer) then revenue from tipping fees would decrease by \$100,000 which would result in an increase in the waste management charge of about \$4.00 each ratepayer to cover this loss of revenue.

Proposed tip fees for 2006-2007

When considering the option of greater subsidies for the waste transfer stations, Council should also consider the changes proposed in the draft fees and charges for 2006-2007 for waste disposal (refer to attachment 1).

Differential tip fees for 2006-2007 have been designed to encourage the sorting of waste into products that can be recycled (least expensive tip fee) and those that are destined for landfill (most expensive tip fee).

Council also currently receives sorted steel, whitegoods, car batteries and used oil for no charge at its waste transfer stations.

Whilst recently released changes to the way the Waste Levy is applied to recyclable materials may hinder the immediate success of the proposed new tipping fees, it is expected

that differential pricing at the waste transfer stations will encourage greater use of the facilities and therefore reduce the reasons for people to dump waste illegally.

Review of Lemon Tree Passage Waste Transfer Station

When endorsing the new two bin waste contract, Council also resolved to review the financial viability of the Lemon Tree Passage Waste Transfer Station. Notwithstanding the issue of illegally dumped waste, the new waste contract has actually resulted in an overall significant reduction in use of the waste transfer stations, and as such a review of the business case for the transfer stations is now warranted.

Whilst the review and discussions with staff and the United Services Union are not yet complete, one of the options being considered is the closure of the Lemon Tree Passage Waste Transfer Station. This option would result in a saving of about \$200,000 per year or the equivalent of \$7.00 per waste management charge. However, closure would mean a reduction in service level and convenience to the Tilligerry Peninsula as well as a reduction in tipping fees to reflect the lower operational costs of running just one waste transfer station at Salamander Bay.

Any consideration of providing 'free' tipping vouchers and or extra bulky waste clean up service should include the implications of reviewing operational costs at the waste transfer stations as a potential cost offset.

It should also be noted that recent changes to the Protection of the Environment Operations Act may also impact on this review. The implications are unknown at this stage.

LINKS TO CORPORATE PLANS

The recommendation is in keeping with Council's corporate goal of sustainable waste management and re-affirms Council's previous commitment to the services detailed in the waste collection contract.

FINANCIAL/RESOURCE IMPLICATIONS

Adopting the recommendation will result in no change to Domestic Waste Service Charges or the general Rate for 2006/2007.

Rejecting the recommendation and either introducing more bulk waste clean up services or a 'free' tipping voucher system, will result in a significant increase to either the Domestic Waste Service Charge or the general Rate at this time.

The costs to provide extra bulky waste clean up services, 'free' tipping vouchers or subsidised tipping fees are shown in Table 1.

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

	Estimated extra cost	Which charge will pay?	Proposed charge 2006-07	Additional Cost per ratepayer
Adopting the recommendation 'status quo option'	Nil	Combined waste management and waste service charges	WSC \$256.00 WMC \$48.00 Total \$304.00	No change to draft budget 2006/07
Two 'Free' Tipping Vouchers per residential ratepayer (each voucher valued at \$37.00 per single axle box trailer load)	\$250,000 or higher	Waste Management Charge	WSC \$256.00 WMC \$56.75 Total \$312.75	UP \$8.75
One extra bulky waste clean up service including disposal costs	Up to \$200,000*	Waste Service Charge	WSC \$263.00 WMC \$48.00 Total \$311.00	UP \$7.00
Subsidise cost of operating waste depots by \$100,000 per year by reducing tip fees and thus revenue	\$100,000	Waste Management Charge	WSC \$256.00 WMC \$51.50 Total \$307.50	\$3.50

* - cost estimate quoted is designed to protect commercially sensitive pricing associated with Council's waste collection and disposal contracts.

LEGAL AND POLICY IMPLICATIONS

Adopting the recommendation aligns with:

- The principles of ecological sustainability as defined in Councils Charter, particularly the concepts of "intergenerational equity" and "polluter pays".
- The Local Government Act 1993 sections 496 and 501.
- The Waste Avoidance and Resource Recovery Act 2003

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders
- 12) Senior leadership's constant role-modelling of these principles, and creating a supportive environment in which to live these principles will help the enterprise and its people to reach their full potential

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Adopting the recommendation will result in no negative implications to the Port Stephens community.

Some people may perceive the recommendation as not giving the ratepayers what they want, which is assumed to be 'free' tipping. This perception must be challenged to bring society to accept that there has never been such a thing as free tipping.

ECONOMIC IMPLICATIONS

Adopting the recommendation will result in the status quo, that being those who generate waste pay the full cost of waste management without subsidies from those who do not generate waste.

ENVIRONMENTAL IMPLICATIONS

Adopting the recommendation will have no negative implications for the ecology of Port Stephens.

CULTURAL IMPLICATIONS

There are no foreseeable cultural implications.

CONSULTATION

All Councillors through background notes to Minute 437, Senior Rates Clerk, Engineering Services Manager, Group Manager Facilities and Services, Solo Resource Recovery, Maitland City Council officers.

OPTIONS

- 1) Adopt the recommendation
- 2) Amend or reject the recommendation

ATTACHMENTS

- 1) Draft fees and charges for waste management for 2006-2007.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

Draft fees and charges for waste management in 2006-2007

37. WASTE				
a) General Processable Waste				
"Processable waste" is waste that can be processed at the Bedminster Composting Plant				
i) Per tonne	\$87.27	\$8.73	\$96.00	per tonne + State Government Waste Levy
+ State Government Waste Levy	\$9.00	\$0.00	\$9.00	State Government Waste Levy
ii) Minimum fee	\$30.54	\$3.06	\$33.60	minimum fee + State Government Waste Levy
+ State Government Waste Levy	\$3.40	\$0.00	\$3.40	State Government Waste Levy
iii) Small car load	\$8.73	\$0.87	\$9.60	per vehicle + State Government Waste Levy
+ State Government Waste Levy	\$0.90	\$0.00	\$0.90	State Government Waste Levy
iv) Utility, Panel Van or single axle box trailer	\$30.54	\$3.06	\$33.60	per vehicle
+ State Government Waste Levy	\$3.40	\$0.00	\$3.40	State Government Waste Levy
v) Commercial quantities by agreement				By quotation
b) Mixed inert waste				
i) Per tonne	\$105.00	\$10.50	\$115.50	per tonne + State Government Waste Levy
+ State Government Waste Levy	\$22.50	\$0.00	\$22.50	State Government Waste Levy
ii) Minimum fee	\$36.75	\$3.67	\$40.42	minimum fee + State Government Waste Levy
+ State Government Waste Levy	\$7.58	\$0.00	\$7.58	State Government Waste Levy
iii) Small car load	\$10.41	\$1.04	\$11.45	per vehicle + State Government Waste Levy
+ State Government Waste Levy	\$2.55	\$0.00	\$2.55	State Government Waste Levy
iv) Utes, vans and single axle box trailer	\$36.75	\$3.67	\$40.42	per vehicle + State Government Waste Levy
+ State Government Waste Levy	\$7.58	\$0.00	\$7.58	State Government Waste Levy
c) Oyster lease waste, tree stumps, large branches and root balls				
i) Per tonne	\$125.91	\$12.59	\$138.50	per tonne + State Government Waste Levy
+ State Government Waste Levy	\$4.50	\$0.00	\$4.50	State Government Waste Levy
ii) Minimum fee	\$44.00	\$4.40	\$48.40	minimum fee + State Government Waste Levy
+ State Government Waste Levy	\$1.60	\$0.00	\$1.60	State Government Waste Levy
d) Sorted garden or wood waste				
Garden cuttings, flattened crates and pallets, timber and tree waste (up to 1 metre long and 150mm in diameter)				
Per tonne	\$64.55	\$6.45	\$71.00	per tonne
Minimum fee	\$22.73	\$2.27	\$25.00	minimum fee
Small car loads	\$7.27	\$0.73	\$8.00	per vehicle
Utes, vans and single axle box trailer	\$22.73	\$2.27	\$25.00	per vehicle
e) Clean sand and soil				

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

37. WASTE				
i) Per tonne	\$7.73	\$0.77	\$8.50	per tonne + State Government Waste Levy (Must be free of debris)
+ State Government Waste Levy	\$22.50	\$0.00	\$22.50	State Government Waste Levy
ii) Minimum fee	\$2.50	\$0.25	\$2.75	minimum fee + State Government Waste Levy
+ State Government Waste Levy	\$7.25	\$0.00	\$7.25	State Government Waste Levy
f) Sorted concrete, bricks and tiles				
Per tonne	\$28.19	\$2.81	\$31.00	per tonne. Free of any other debris
Minimum fee	\$9.09	\$0.91	\$10.00	minimum fee
g) Sorted metals, batteries and motor oil				
Per Tonne	\$0.00	\$0.00	\$0.00	No charge if sorted from other waste
h) Tyres				
Per tonne	\$125.45	\$12.55	\$138.00	per tonne
Small	\$9.09	\$0.91	\$10.00	per tyre
Large	\$18.18	\$1.82	\$20.00	per tyre
i) Household recyclables				
				Cardboard, paper, glass containers, plastic containers, steel cans, aluminium cans
Per tonne	\$113.64	\$11.36	\$125.00	per tonne
Minimum fee	\$16.37	\$1.63	\$18.00	minimum fee
Small car loads	\$5.46	\$0.54	\$6.00	per vehicle
Utes, vans and single axle box trailer	\$16.37	\$1.63	\$18.00	per vehicle
j) Sales				
Mulch for residents	\$0.00	\$0.00	\$0.00	Mulch is free to Port Stephens residents.
Mulch for commercial quantities	\$20.00	\$2.00	\$22.00	per tonne. (equivalent to approx 2 cubic metres). Mulch is made from garden and wood waste delivered to the Waste Transfer Station that has been processed by a tub grinder after limited sorting to remove weed species.
Mulch loading fee	\$10.00	\$1.00	\$11.00	Loading fee
Weighbridge Ticket	\$21.82	\$2.18	\$24.00	per item
Compost A Bin (210 Litres)	\$34.55	\$3.45	\$38.00	per item
Compost Mate garden tool	\$17.27	\$1.73	\$19.00	per item
k) Special event bin hire				
Recycling	\$20.00	\$2.00	\$22.00	per bin. Minimum three bins per order.
Garbage	\$16.20	\$1.80	\$18.00	per bin. Minimum three bins per order.
Asbestos waste will not be accepted at Waste Transfer Stations				
Hazardous chemicals will not be accepted at Waste Transfer Stations				

ITEM NO. 11

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 7TH MARCH, 2006

AUTHOR: TRAFFIC ENGINEER

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 7th March, 2006.

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

493	Councillor Dingle Councillor Jordan	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to bring to Council’s attention traffic issues raised and detailed in the Traffic Committee minutes and to meet the legislative requirements for the installation of any regulatory traffic control devices associated with Traffic Committee recommendations.

Inspections were conducted on the 22nd February, 2006. In attendance were M Morrison (PSC), I Jenkins (RTA), Snr Constable Schmidtke (NSW Police) and Cr Dingle. The Local Traffic Committee met at 9.30 am on 7th March, 2006 in Council’s Administration Building. In attendance were M Morrison (PSC Chairman), I Jenkins (RTA Technical representative), G Stewart (representing John Bartlett MP), Snr Constable Schmidtke (NSW Police), Mr R Landers, Councillor Dingle and L Hudson (PSC). An apology was received from John Price MP and Mr M Newling.

LINKS TO CORPORATE PLANS

The items referred to the local Traffic Committee and the subsequent recommendations are linked to Council’s current Management Plan 2003 - 2006. In the Urban Settlement section of the “Plan”, the Local Traffic Committee contributes to the following strategies:

- 1) Develop and Implement transport initiatives that provide an efficient and effective transport network.
- 2) Foster safe communities.

FINANCIAL/RESOURCE IMPLICATIONS

Council receives an annual grant from the RTA to complete the installation of regulatory traffic controls (signs and markings) recommended by the local Traffic Committee. The construction of traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in this funding. These works will be listed within Council's "Forward Works Program" for consideration in the annual budget process. There were no item recommendations to be listed in the next "Forward Works Program" review. The local Traffic Committee procedure provides a mechanism to respond to and remedy problems in accordance with Council's "Best Value Services" Policy. The recommendations contained within the local Traffic Committee Minutes can be completed within the current Traffic Committee budget allocations and without additional impact on staff or the way Council's services are delivered.

The installation of regulatory traffic controls or traffic control devices that are noted as having a Safety Priority shall be attended to before other works undertaken by Council. These works are generally of an urgent nature requiring immediate action.

There were no items with a Safety Priority.

LEGAL AND POLICY IMPLICATIONS

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

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

SUSTAINABILITY IMPLICATIONS

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

SOCIAL IMPLICATIONS

A safer road environment reduces costs to the Council and community by reducing the number and severity of accidents on our roads.

ECONOMIC IMPLICATIONS

Improved transport efficiency assists in the reduction in green house gases and vehicle operating costs.

ENVIRONMENTAL IMPLICATIONS

Transport efficiency and road user safety; contribute positively to the quality of life for residents and visitors to Port Stephens. Improved road user safety distributes benefits to all road users including commercial and private motorists, cyclists and pedestrians. These benefits include improved accessibility, mobility and safer road environment.

CONSULTATION

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

No additional consultation took place as part of the business for the meeting of 7th March, 2006.

OPTIONS

- 1) Adopt the Recommendation.
- 2) Adopt specific item recommendations contained in the minutes of the local Traffic Committee and refer non-adopted matters back to the next meeting of the local Traffic Committee with suggested amendments.

ATTACHMENTS

- 1) The minutes of the local Traffic Committee meeting held on 7th March, 2006 are contained in **ATTACHMENT 1**.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
PORT STEPHENS LOCAL TRAFFIC COMMITTEE

INDEX OF LISTED MATTERS
MINUTES OF THE MEETING HELD ON TUESDAY 7TH MARCH, 2006

-
- A. ADOPTION OF THE MINUTES OF 7TH FEBRUARY, 2006
 - B. BUSINESS ARISING FROM PREVIOUS MEETING
 - C. LISTED MATTERS
 - C.1. RIVERVIEW PLACE, RAYMOND TERRACE – TRAFFIC CALMING
 - C.2. MEMORIAL DRIVE, KARUAH – APPLICATION FOR TEMPORARY ROAD CLOSURE
 - C.3. TAREAN ROAD, KARUAH – NO STOPPING SIGNS
 - C.4. NELSON BAY ROAD, SALT ASH – DIRECTIONAL ARROWS
 - C.5. SEAVIEW CRESCENT, SOLDIERS POINT – APPLICATION FOR TEMPORARY ROAD CLOSURE
 - C.6. STOCKTON STREET, NELSON BAY – APPLICATION FOR TEMPORARY ROAD CLOSURE
 - C.7. GOWRIE AVENUE, NELSON BAY – TRAFFIC CALMING
 - C.8. MARINE DRIVE, FINGAL BAY – PERMISSION TO USE LOCAL ROADS
 - C.9. GAN GAN ROAD, ANNA BAY – SIGHT DISTANCE AT THE INTERSECTION OF MORNA POINT ROAD
 - D. GENERAL BUSINESS
 - D.1 ABUNDANCE ROAD, MEDOWIE – REDUCTION IN SPEED LIMIT
 - D.2 GLENELG STREET, RAYMOND TERRACE – TEMPORARY ROAD CLOSURE
 - D.3 FERODALE ROAD, MEDOWIE – TEMPORARY ROAD CLOSURE
 - E. ATTACHMENTS
 - E.1 GAN GAN ROAD, ANNA BAY – SIGHT DISTANCE AT THE INTERSECTION OF MORNA POINT ROAD (ITEM C.9)

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 7TH MARCH, 2006
AT 9:30AM**

A. ADOPTION OF MINUTES OF MEETING 7TH FEBRUARY, 2006

The minutes of the previous Local Traffic Committee Meeting dated 7th February, 2006 are included for Councils Operations Committee Meeting scheduled for 14th March, 2006.

B. BUSINESS ARISING FROM PREVIOUS MEETING

There was no business arising from the previous meeting.

C. LISTED MATTERS

C.1 RIVERVIEW PLACE, RAYMOND TERRACE – TRAFFIC CALMING

A resident has asked Traffic Committee to investigate ways of calming traffic in Riverview Place. There has been a recent increase in traffic as a result of the expansion of the Oaks Estate, and the resident has reported a high incidence of speeding vehicles.

REQUESTED BY:	Resident		
CONSULTATION:	Nil		
INSPECTION	UNDERTAKEN		Yes
ADDITIONAL	AGREE WITH REQUEST		Yes
	ATTACHMENT		No
COMMENT	Nil		

RECOMMENDATION

- A 50 km/hr speed reminder sign be provided in Riverview Place opposite Hillside Crescent.
- A speed and volume count be undertaken and the results brought back to the Committee.

ESTIMATED COST	\$100
FUNDING SOURCE	Traffic Facilities Budget

C.2 MEMORIAL DRIVE, KARUAH – APPLICATION FOR TEMPORARY ROAD CLOSURE

Port Stephens Regatta Club will hold their annual regatta at Longworth Park, Karuah on the long weekend of 30th September to 2nd October, 2006. The Club have requested the temporary closure of Memorial Drive to conduct the event.

REQUESTED BY: Port Stephens Regatta Club Inc

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT Nil

RECOMMENDATION

- No objections, standard conditions apply.

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.3 TAREAN ROAD, KARUAH – NO STOPPING SIGNS

Karuah Working Together group have requested Traffic Committee investigate the removal of several No Stopping signs in Tarean Road. Due to the construction of the bypass they believe these signs are no longer warranted. They include: Three No Stopping signs in front of BP, Three No Stopping signs in front of Mobile, No Stopping signs in front of Riverside Motel and houses 9 & 9A, No Stopping sign in front of 105 & 2 in front of houses opposite Poseidon.

They have also questioned the need for the No right turn sign into Memorial Park.

REQUESTED BY: Karuah Working Together Inc

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT No Stopping signs were used when the main highway went through Karuah

RECOMMENDATION

- No Stopping zones be removed from Tarean Road each side of River Road.
- No Stopping zone be removed in front of the old BP Service Station site.
- No Stopping zone outside Riverside Motel be removed.
- No Stopping zone in front of the Mobil Service Station remain.
- A bus zone be provided at 422a Tarean Road.
- The No Right Turn southbound at Memorial Drive be removed.

ESTIMATED COST \$400

FUNDING SOURCE Traffic Facilities Budget

C.4 NELSON BAY ROAD, SALT ASH – DIRECTIONAL ARROWS

Council's Road Safety Officer has requested that directional arrows be placed on the road in the vicinity of Port Stephens Winery.

Cars exiting the Winery have been observed turning right travelling the wrong way down the one way section of Nelson Bay Road.

REQUESTED BY: Road Safety Officer

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT RTA advise that work will be completed subject to funding.

RECOMMENDATION

- Referred to the RTA for further action.

ESTIMATED COST N/A

FUNDING SOURCE N/A

C.5 SEAVIEW CRESCENT, SOLDIERS POINT – APPLICATION FOR TEMPORARY ROAD CLOSURE

An application for a temporary road closure has been received for the 17th March, 2006. The application requests the closure of the one way section of Seaview Crescent past the Sailing Club.

REQUESTED BY: Nelson Bay Rotary Club

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT Nil

RECOMMENDATION

- No objections, standard conditions apply.

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.6 STOCKTON STREET, NELSON BAY – APPLICATION FOR TEMPORARY ROAD CLOSURE

Nelson Bay Town Management have requested approval for the temporary closure of Stockton Street from Victoria Parade to Magnus Street on the first Saturday of the month for the purpose of conducting Fresh Produce and Seafood Markets.

REQUESTED BY:	Nelson Bay Town Management		
CONSULTATION:	Nil		
INSPECTION	UNDERTAKEN	Yes	
	AGREE WITH REQUEST	Yes	
ADDITIONAL	ATTACHMENT	No	
COMMENT	Nil		

RECOMMENDATION

- No objections, standard conditions apply.

ESTIMATED COST	N/A
FUNDING SOURCE	N/A

C.7 GOWRIE AVENUE, NELSON BAY – TRAFFIC CALMING

A resident of Krait Close has asked Traffic Committee to investigate ways of calming noisy and speeding traffic on Gowrie Avenue. Evidence of burnouts is visible on the Gowrie Avenue intersection.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT Council is preparing design plans for Gowrie Avenue including kerbing and footpaths

RECOMMENDATION

- This matter be deferred pending viewing of draft design plans.

ESTIMATED COST N/A

FUNDING SOURCE N/A

C.8 MARINE DRIVE, FINGAL BAY – PERMISSION TO USE LOCAL ROADS

Application has been made for permission to use local roads for the 'Walk or Run' Fingal Bay to Nelson Bay on Sunday 28th May 2006.

REQUESTED BY: Nelson Bay Volunteer Support Group – Westpac Rescue

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT Nil

RECOMMENDATION

- No objection, standard conditions apply.

ESTIMATED COST N/A

FUNDING SOURCE N/A

C.9 GAN GAN ROAD, ANNA BAY – SIGHT DISTANCE AT THE INTERSECTION OF MORNA POINT ROAD

A resident has raised concerns over the sight distance available when exiting Morna Point Road onto Gan Gan Road.

Cars park close to the intersection obstructing the view of oncoming traffic.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL COMMENT	AGREE WITH REQUEST ATTACHMENT	Yes
	Nil	Yes

RECOMMENDATION

- No Stopping zones be provided as per sketch.
- Stop signs and hold lines be installed on both sides of Morna Point Road.

ESTIMATED COST \$600
FUNDING SOURCE Traffic Facilities Budget

D. GENERAL BUSINESS

D.1 ABUNDANCE ROAD, MEDOWIE – REDUCTION IN SPEED LIMIT

Cr Dingle has requested a review of the speed limit on Abundance Road from 70 km/hr to 60 km/hr in line with the speed limits in the immediate area.

REQUESTED BY: Cr Dingle

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	No
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT Nil accident history

RECOMMENDATION

- This matter be referred to the RTA for consideration.

ESTIMATED COST N/A
FUNDING SOURCE N/A

D.2 GLENELG STREET, RAYMOND TERRACE – TEMPORARY ROAD CLOSURE

Councils Sport & Recreation Department have requested the closure of Glenelg Street from Hunter Street to the Hunter River for a period of 12 months.

REQUESTED BY: Sport & Recreation Department

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	No
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT Nil

RECOMMENDATION

- No objection, standard conditions apply.

ESTIMATED COST N/A
FUNDING SOURCE N/A

D.3 FERODALE ROAD, MEDOWIE – TEMPORARY ROAD CLOSURE

A request has been received for the temporary closure of Ferodale Road, between Kirrang Drive and Medowie Road between 6 am and 6.45 am on 25th April for the purpose of an Anzac Day March.

REQUESTED BY: Medowie Lions Club

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	No
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT Nil

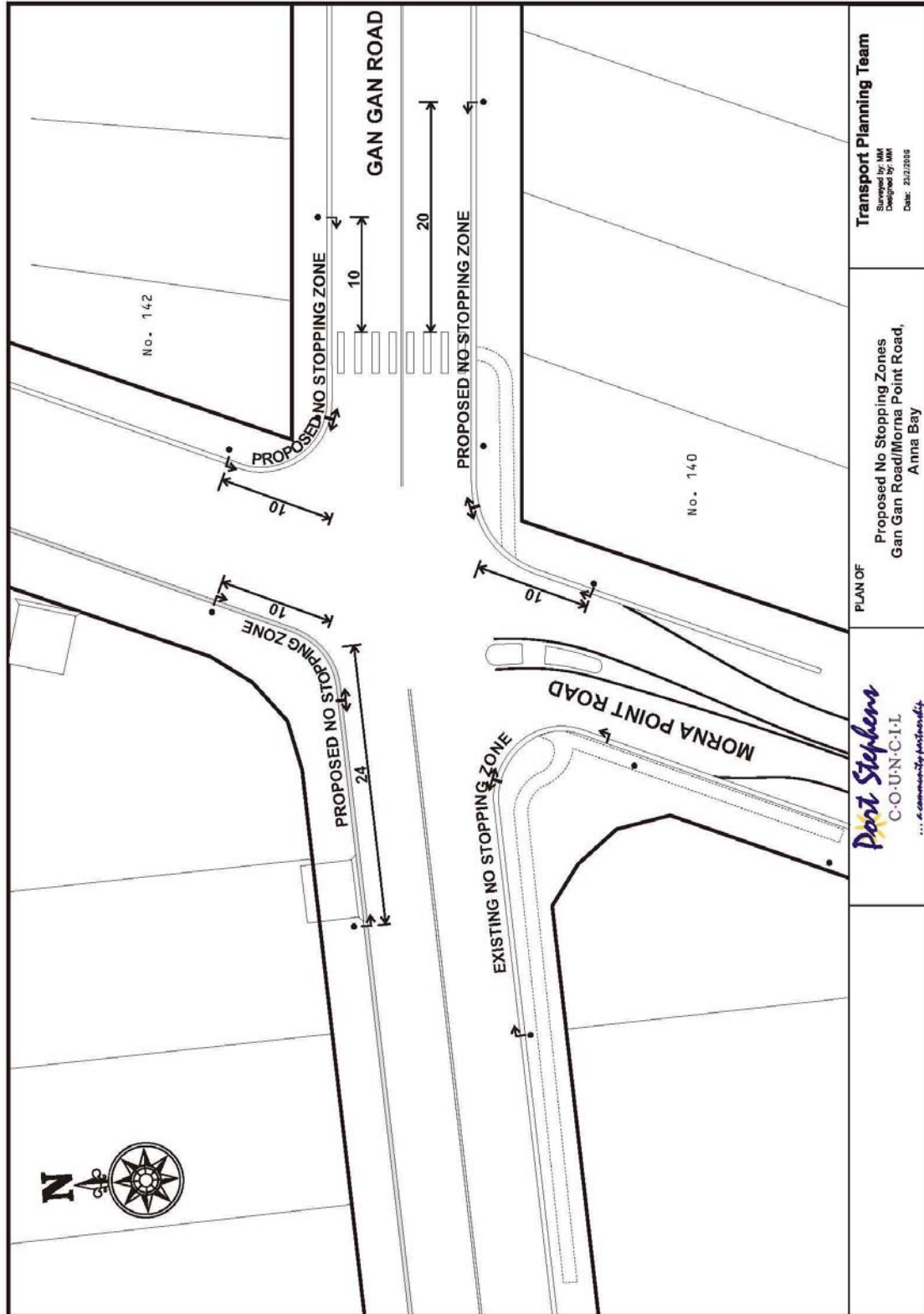
RECOMMENDATION

- No objection, standard conditions apply.

ESTIMATED COST N/A
FUNDING SOURCE N/A

E. ATTACHMENTS

E.1 GAN GAN ROAD, ANNA BAY – SIGHT DISTANCE AT THE INTERSECTION OF MORNA POINT ROAD (ITEM C.9)



ITEM NO. 12

INFORMATION PAPERS

AUTHOR: BRONWYN FLINN – BUSINESS PAPER CO-ORDINATOR

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 4TH April, 2006.

Info. Paper No:	Report Title	Page No:
1	Quarterly Report – Integrated Works Program	
2	Local Environmental Plan – Review Panel	
3	Key Performance Indicators Update for safety	
4	Managers Monthly Report	

OPERATIONS COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the information papers be received and noted.

Tabled Document: Quarterly Report – Integrated Works Program

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

494	Councillor Jordan Councillor Hodges	It was resolved that the recommendation be adopted.
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Tabled Document: Quarterly Report – Integrated Works Program

OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

QUARTERLY REPORT - INTEGRATED WORKS PROGRAM

AUTHOR: GROUP MANAGER – FACILITIES & SERVICES
FILE: PSC2005-0051

BACKGROUND

The purpose of this report is to inform Council of the progress to date on the development of a Rolling Three Year Integrated Works Program.

As previously reported, all relevant major project staff across the organisation are now coordinating works within Council's current Management Plan with a comprehensive Rolling Three Year Integrated Works Program (IWP).

As part of the new quarterly reporting to Council, the second version of the quarterly report on progress to date for the first year (2005/06) of the IWP has been completed and is tabled here to Council, albeit delayed. The report has been delayed, as a substantial review due of the unavailability of projected ward funds at this time was required. This has affected works for both 2005/06 and 2006/07 at this time.

Councillors will note that the report distributed to them individually is shown differently to the tabled report. Each distributed report is sorted into their relevant ward first, their ward and adjacent ward works and then the rest of the program. The level of detail and reporting on the IWP is still evolving and feedback from Councillors is most welcome to further improve it.

TABLED DOCUMENT

- 1) Progress Report for the Second Quarter (*Second Quarter October 2005 to December 2005*) of the First Year (*2005/2006*) of the Rolling 3 Year Integrated Works Program (IWP).

INFORMATION ITEM NO. 2

LOCAL ENVIRONMENTAL PLAN REVIEW PANEL

**AUTHORS: COMMUNITY PLANNING MANAGER
GOVERNANCE COORDINATOR
FILE: PSC2005-5514**

BACKGROUND

The purpose of this report is to provide information to Councillors on the role of the newly developed LEP Review Panel established by the Department of Planning (DoP) and the affect on the delegations to Council.

The DoP has established a panel review process to streamline the Local Environmental Plan (LEP) making system. The panel will review notifications from Councils under Section 54(4) of the Environmental Planning and Assessment Act 1979. It may also provide advice at a later stage in the LEP preparation process to ensure consistency with the advice previously given.

The new process came into effect on 22nd February 2006 and applies to new LEP proposals and those already in the system. The development of the panel is part of the reform of the NSW planning system.

The objectives of the panel are to:

- Move to a more thorough upfront assessment of LEP proposals as soon as the Department is notified of the Council's decision to prepare a draft LEP
- Strengthen the strategic and policy consideration of the LEP proposals
- Provide a consistent framework across Councils and the Department to evaluate the context and justification for an LEP and the outcomes it is intended to produce
- Reduce the number of draft LEPs in the system

The role of the panel is to:

In respect to all draft LEPs:

- Provide advice to Councils about proposed LEPs
- Provide advice to the Director General and/or Minister for Planning about proposed draft LEPs
- Review Section 54(4) notifications against the relevant set of evaluation criteria.

And in respect to certain draft LEPs:

- Review draft LEPs submitted at the Section 64 stage to determine whether a Section 65 Certificate should be issued (optional)
- Review draft LEPs when submitted to the Department at Section 68(4) stage (optional)
- Review Section 69 reports to the Minister (optional)

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

All LEPs will be subject to review by the panel at Section 54 notification stage. Six categories of LEP have been identified as follows, and each draft will need to fall within at least one of these categories:

1. Spot Rezoning LEPs
2. Reclassification LEPs
3. Precinct LEPs
4. Policy LEPs
5. Comprehensive LEPs
6. Surplus Government Land LEPs

A set of proforma evaluation criteria for each LEP category has been developed and the panel will be guided by that criteria.

Councils have been requested to avoid, where possible, resolving to prepare spot rezoning and other amendments to existing plans. Spot rezoning LEPs should be comprehensively justified.

Panel members consist of senior department officers. The LGSA has been invited to nominate a representative. It is envisaged they will meet on a weekly basis and they may organise a teleconference with relevant council officers to assist in their considerations.

Councils will need to notify the Director General under Section 54(4) of the EP&A Act of a decision to prepare an LEP and will need to lodge the appropriate proforma evaluation sheet for the category of LEP. The evaluation sheet, advice in accordance with the EP&A Regulation and any supporting information will need to be referred to the regional office of the DoP.

Delegations

Pursuant to Section 23 of the Environmental Planning and Assessment Act 1979 the Director General of the Department of Planning delegated to Council his functions under Section 65(1) and 69(1) of the Environmental Planning and Assessment Act 1979.

Section 65 (1)

1) Where the Director-General receives a copy of a draft local environmental plan from a council under section 64, the Director-General may cause to be issued to the council a certificate certifying that the draft plan may be publicly exhibited in accordance with section 66.

Section 69(1)

1) The Director-General shall furnish a report to the Minister as to:

(a) whether the draft local environmental plan submitted under section 68 (4) is inconsistent with any State environmental planning policy, regional environmental plan, or relevant direction under section 117, applying to the land to which the draft plan applies,

(b) if there is such an inconsistency whether the inconsistency is justifiable in the circumstances,

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

(c) whether the provisions of sections 66, 67 and 68 relating to public involvement in the preparation of the draft plan have been complied with,

(d) the relationship between the draft plan, and other proposed and any existing environmental planning instruments, and any relevant directions under section 117, applying to the land to which the draft plan applies, and

(e) such other matters (if any) relating to the draft plan as the Director-General thinks appropriate.

Whilst the above Section of the Act provides Council with the power to act, the delegation can only be applied following receipt of a "Written Authorisation To Exercise Delegation" from the Department. This can only be provided by one of the following officers of the Department of Planning – Director General, Deputy Director General or Executive Director.

What this all means is that when Council resolves to prepare a draft LEP and staff notify (under delegation) the Department under Section 54, staff will be indicating whether Council requires the delegations to process the draft LEP. The Department of Planning, through the recently announced LEP Review Panel will advise on its views on the draft LEP

If Councillors would like to discuss the panel with staff, please contact either myself on 49 800 321 or Trevor Allen on 49 800 274. A copy of the DoP circular can be found in the Councillors Room.

ATTACHMENTS

- 1) Nil

INFORMATION ITEM NO. 3

KEY PERFORMANCE INDICATORS UPDATE FOR SAFETY

AUTHOR: OHS COORDINATOR
FILE: 1458.003

BACKGROUND

The purpose of this report is to provide an update on progress of Key Performance Indicators for safety at Port Stephens Council.

FILE: MANAGEMENT SAFETY PERFORMANCE INDICATORS

This is the second report prepared to reflect management performance relative to Occupational Health and Safety Management at Port Stephens Council. The requirement to be proactive is prescribed under the NSW Occupational Health and Safety Act 2000 and the NSW Occupational Health and Safety Regulation 2001.

Each Section Manager has been asked to input information and data every three months. The basis of this report is this data and further evidence obtained from interactions with employees and management.

Management have been requested to report on the following areas:

- **Contractor Safety** – this requires the overall supervision of contractors safety from the outlining of safety procedures at the commencement of works through to daily activities undertaken by contractors. Management are required to ensure that contractors are reviewed for safety, inspections on contractors are carried out, accidents and incidents are reported and investigated and where required Corrective Action Requests are raised.
- **Administrative Controls** – this entails the consolidation and review of all written procedures governing safety. Management are required to ensure that all written procedures are achievable and employees are able to comply with these. Where management find that compliance or achievability is not occurring they are to review and test these procedures in consultation with employees until the written procedure is able to be achieved and complied with
- **Toolbox talks and Consultation** – this entails making the most of toolbox talks by adding interest and relevance to workplace safety. Management are required to oversee agendas and assist in the identification of relevant materials for tool-boxing with employees.
- **Injury Management** – this entails numbers of accidents resulting in injury and the ready provision of suitable duties when persons are injured.

- **Workplace attendance** – this entails section management attending the workplace – this could include attendance at workplace inspections, toolbox talks or simply for informal chats with workers about safety.
- **Accident investigations** – entails the ready investigation of all workplace accidents and subsequent revision of systems and procedures

FINDINGS FOR Q2 2005

General

On the whole this report reflects much greater participation from senior management in occupational health and safety.

The area of contractors has been highlighted in recent times as an area where we could experience substantial improvement. A request has been made to revise this formally through the PDSA process.

Management have, however, taken the responsibility to ensure the safety of all ‘others at the place of work’ very seriously – this is endorsed by reports by management and evidence obtained in the field.

In the past, some managers have felt that the engagement of contractors eliminates the need to supervise and ensure safety. This has begun to change and I am sighting evidence that we are warning contractors that we have standards and policies in place and that we will enforce them as required. This can only serve to enhance safety within PSC.

Some confusion remains over the use and interpretation of the safety database. An example of this is made strongly in the reporting of Number of Participations in inspections and toolboxes etc. The requirement here is for the section manager to report specifically how many occasions they attended the workplace to specifically address safety either through inspections or toolbox talks. It should report only the occasions that the section manager does this and not when represented by coordinators or team leaders.

As a result of the survey conducted in 2005, recommendations were made to implement training to coordinators and managers in the area of Due Diligence. To date this training has been provided to all coordinators and managers within the Business and Support Group, the majority of coordinators within the Operations section, Corporate Management and some others. This training has been well received by participants with all stating they have taken valuable lessons from it.

In some instances it should be noted that the OHS Coordinator attempted to validate some of the items noted within individual section reports without success.

Contractor Safety

Significant attention has been paid to contractors in recent times. There have been numerous complaints made against building contractors in the Bay area where their work has been deemed to interfere with public safety. Intervention in these matters is becoming greater in intensity with talk in this area that safety needs to improve. Coordinators are attempting to lead by example by holding contractors equally responsible for safety.

Recreation Services has done considerable work with contractors recently. Unfortunately these reviews / works have been driven by significant incidents, especially in the area of public swimming and leisure centres. However, the result of this has been highly positive with companies such as the YMCA now increasing their resources and focus for Occupational Health and Safety. Consequent to these improvements being offered by contractors, has been the realisation at PSC that we need to uphold our contractual arrangements. Evidence suggests that historically complacency has been reached by both parties in contractual safety.

Electrical safety continues to require attention. A full review of electrical practices, particularly those requiring de-energisation and live work, is warranted. The employment of electrical contractors requires review.

Overall awareness of contractor compliance has grown quite remarkably in the past 6 months with coordinators and managers now challenging the practices of contractors. This will only serve to enhance safety in and around council employees. Management are now scrutinising these practices a great deal more than previously, however this will improve once inspection schedules are in place. The inspection schedules are now with Section managers review.

The Operations Section has continued to improve significantly in contract management with an increase in safety audits and corrective actions.

Administrative Controls

A total of just under 500 Risk Treatment Plans are now centrally located, but it must be noted that some areas are still to supply this information. In particular areas under the control of Project Services, particularly those tasks involving possible electrical threats, have yet to be deposited in this drive.

Some area managers have expressed a wish for the review of these documents not to be taken from their responsibility. Indeed they state that it is more relevant to the Section if the Section and its supervisory staff own the review process and simply have it checked by the OHS Coordinator. The OHS Coordinator agrees that this would be a far more efficient and acceptable manner to perform the task.

In the week beginning 20.02.06, training in Accident Investigation will commence for coordinators. One of the aims of the training is to establish a no fault culture when such incidents are investigated. The training will display the need to ensure systems and written procedures are thorough and correct in order to help prevent accidents.

Some Sections have become very active in both the provision and review of written procedures with one area having produced documented procedures specifically for their area. These documents will be used to guide working practices into the future.

It is also noted that areas have identified the need for written procedures after consultation in areas not previously identified.

Toolbox talks and Consultation

There has been remarkable movement and progress in this area. Anecdotally it is suggested that employees are getting a great deal more from these conversations than was previously the case. In some areas, managers and coordinators are requesting employees both fill agendas and run meetings – allowing greater ownership and participation.

The number of toolbox talks has also increased notably – this could be the result of an increased focus by management on the need for toolbox chats or simply the result of greater interest. Nonetheless management need to ensure that they remain abreast of issues and interests so that employees remain willing to participate.

Injury Management

Injury management continues along a very successful path with all financial indicators being positive for the next few years. Management continue to accept ownership of this more and more. Suitable duties are less problematic than was previously the case, possibly as a consequence of apportioned costs.

Return to Work training and a Return to Work training package were completed and ready to be rolled out the week ending 17.02.06. Unfortunately the lack of enrolments for the training saw the session cancelled. To ensure that this does not fall off the tracks we have scheduled the session now to run directly for employees of holiday parks and Corporate Clean.

A forum for the de-escalating of stressors within grievances was recently commenced with feedback being positive. This will serve to further reduce stress related claims.

Hours lost during the period totalled 641 with a claims cost for the period being \$14,466.71.

Workplace attendance

In my first quarterly report, it was suggested that Group Managers explain that the requirement was actual workplace attendances by Section Managers.

In one instance one manager reported 232 attendances at the workplace – whereas in actual fact the manager made no attendances in the workplace. The concept behind such visits is to break down barriers and allow safety to become a more open and approachable subject. Given that these type of initiatives are highly successful when maintained, it might be worthwhile for management to discuss this issue.

It is noted however that most managers have understood this concept and attempts have been made by these people at increase attendance and consultation in the workplace.

Accident investigations

All accidents were reported to have been investigated within nominal times.

The accident investigation training commencing this week will serve to enhance this area. It should be noted that we also have obligations to ensure that accident investigations are performed where an incident might have resulted in injury to an employee or other n our workplace. An example of this occurred recently when a fire and subsequent explosion rocked the roof off Fingal Bay Kiosk. In this instance it was discovered that a Medical

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

Standard Oxygen Cylinder caused the explosion after vandals set fire to the premises. These cylinders were stored adjacent to the cooking areas in the kiosk and not in the large clubhouse. PSC should ensure that it remains involved in all such investigations and follow up.

Data Capture

Workplace safety data is obtained through the production of incident reports sent through from all areas. We employ this data to produce various periodical reports. These include the following:

OHS Committee Monthly	ET Monthly	ET Quarterly	Section Managers Quarterly	Council Plan QR
Number of Incidents	Number of Incidents	Premium Tracking	Lost Time Hours	Manual handling Trends
Number of Claims	Number of Claims		Medical Claims	
Claims Analysis (type of injury, location of injury etc)			First Aid Only Claims	

INFORMATION ITEM NO. 4

MANAGER'S MONTHLY REPORT MARCH 2006

**AUTHOR: BUSINESS PAPER CO-ORDINATOR
FILE: 3200-001**

BACKGROUND

The purpose of this report is to present the March 2006 Monthly Report in ATTACHMENT 1.

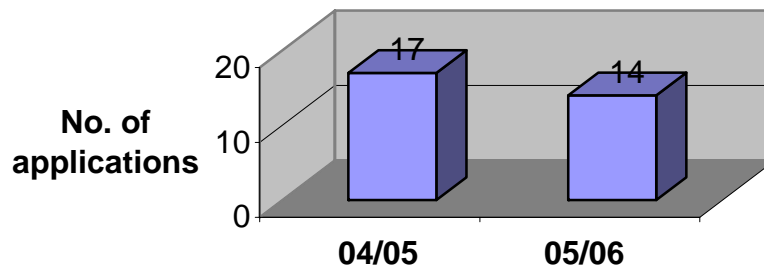
ATTACHMENTS

Monthly Manager's Report – March 2006.

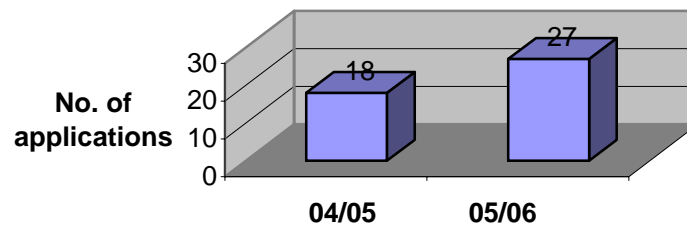
MANAGERS
MONTHLY REPORT
MARCH 2006 STATISTICS

CORPORATE
MANAGEMENT

Freedom of Information Applications



Applications under Section 12 of the LGA



MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

2005/2006 ALLOCATION OF MINOR WORKS				
WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD 30 JUNE 2005	4,408	-22,759	10,423	-7,928
2005/2006 BUDGET ALLOCATION	20,000	20,000	20,000	60,000
TOTAL AVAILABLE 1 JULY, 2005	24,408	-2,759	30,423	52,072
ALLOCATED TO:-				
Rotary Club of Nelson Bay 2005-2746/001	2,720			2,720
Port Stephens Sister Cities 26/7/2005	380			380
Nelson Bay Pistol Club 26/7/2005	1,500			1,500
Medowie Soccer Club 26/7/2005		1084		1,084
Medowie Scout Group 26/7/2005		500		500
Medowie Community Pre-school 26/7/2005		5000		5,000
Little Beach Power Box 2005-3738/001	1260	1260	1260	3,780
Transferred \$20,000 from Salamander Funds		-20000		-20,000
Towing of Life Education Van August Meeting	1400	1400	1400	4,200
Gyro Spinner Alma Street reserve 2005-3622/17			5500	5,500
Hunter Valley Vaulting Centre 27/09/2005		100		100
St Bridgids School 27/09/2005			1000	1,000
Tar Seal Pomona Place Tanilba Bay 2005-5376/01		2500		2,500
Irrawang High School CM 346/05			200	200
Hunter River High CM 346/05			220	220
PS Business Chamber CM346/05			500	500
Hinton Public School CM346/05			1000	1,000
Seaham Public School CM346/05			1000	1,000
Anna Bay Community Centre CM346/05	6258			6,258
Tilligerry Adult and Community Centre CM346/05		500		500
Hunter New England NSW Health CM 346/05		154		154
Tanilba Bay Rural Fire Brigade Comm. CM346/05		330		330
Toilligerry Chamber of Commerce CM346/05		1000		1,000
Lions Club Tilligerry Pen. CM 346/05		1000		1,000
Medowie Public School CM346/05			200	200
Hunter River High CM 346/05			200	200
Neil Carroll Park Clr Req	3443			3,443
Apex Park Clr Req	3000			3,000
Beat the Bitou at Birubi Clr Req		5000		5,000
TOTAL ALLOCATED	19,961	-172	12,480	32,269
BALANCE AVAILABLE as at 22.3.06	4,447	-2,587	17,943	19,803

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

2005/2006 PROJECT FUNDS - WARDS				
WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD 30 JUNE 2005	383,148	498,148	508,251	1,389,547
Estimate for 2005/6	391,500	391,500	391,500	1,174,500
TOTAL AVAILABLE 1 JULY 2005	774,648	889,648	899,751	2,564,047
ALLOCATED TO:-				
Transfer \$20,000 to Minor Works		20,000		20,000
2005/2006 Original Budget				0
Main Road Medowie Upgrade		0		0
Seaham Rd and Clarencetown Rd - Reconstruction			0	0
Fingal Bay link road - acquisition and design	0			0
LTP Road Upgrade near Salt Ash		0		0
Footpath Construction - West,East and Central Wards	30,000			30,000
Cycleway Medowie - Warapora Road		110,000	30,000	110,000
Gateway signage West,Central and East Wards	20,000		20,000	40,000
Gateway signage West,Central and East Wards	21,330	41,330	21,340	84,000
Karuah main street - Bypass mitigation works			20,000	20,000
Cycleway Anna Bay to Salamander Stage 4		0		0
Cycleway along Mustons Rd Karuah			10,000	10,000
Cycleway Soldiers Point Rd - Diemars Rd to Gilchrist Rd - Stage 2	0			0
Pedestrian Access mobility plan	50,000		25,000	75,000
Various Minor Works East Ward	0			0
Various Minor Works Central Ward		0		0
Various Minor Works West Ward			0	0
Footpaths Community Survey		5,000		5,000
Bus Shelters Medowie		25,000		25,000
Bus Shelters Anna Bay		25,000		25,000
Bus Shelters Lemon Tree Passage		25,000		25,000
LTP Coast Guard Access Sealing		0		0
Karuah Community Hub Project			0	0
Raymond Terrace Senior Citizens Centre			50,000	50,000
Wallalong Multi Purpose Centre			10,000	10,000
Seaham Hall Upgrade			22,000	22,000
Salt Ash Hall		8,500		8,500
Hinton Community Hall			31,000	31,000

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

Mayo Building Verandah		15,000	15,000
Raymond Terrace Library Concept Plan		0	0
RT Community Centre Upgrade		88,000	88,000
Medowie Community Upgrade	50,000		50,000
Fern Bay Hall	60,000		60,000
Tanilba Hall	5,000		5,000
Tomaree Sports Complex Carpark and Access Upgrade	90,000		90,000
Mallabula Sports Complex floodlighting	50,000		50,000
Bowthorne Park Floodlighting		10,000	10,000
Anzac Park Carpark and Access	13,000		13,000
Soldiers Point Boat Ramp Amenities	120,000		120,000
Tomaree Aquatic Centre Development design	0		0
Tomaree Sports Complex Lighting Upgrade	0		0
Sabre Jet Monument, Bettles Park		0	0
Tomaree Aquatic Centre liner replacement	0		0
Nelson Bay Tennis Courts	0		0
Little Beach Disability Ramp Upgrade	20,000		20,000
Donald Street Carpark Additions	0		0
Raymond Terrace F'shore Upgrade Stage 1,2, &3		0	0
Lakeside Leisure Centre Upgrade		20,000	20,000
Aliceton Reserve & Boat Ramp		0	0
Hinton Foreshore Lanscaping		0	0
Raymond Terrace Skate Park Stage 2		0	0
Karuah BMX & Mini Skate Park		0	0
Lakeside Sports Field G'Stand Stage 2		0	0
Rural West Sportsfield Drainage		21,000	21,000
Seaham Park Stand Restoration and Trail		0	0
Hinton River Toilets Installation		0	0
Medowie Amenities Block	80,000		80,000
Medowie Car Park Entrance	15,000		15,000
Medowie Skate Park	0		0
Medowie Sportsfields Lighting	61,000		61,000
Medowie Sportsfield Drainage	0		0
Medowie Sports Facilities Upgrades	5,000		5,000
Birubi Surf Club	25,000		25,000
4WD Access	0		0
Stockton Bight Public Toilets	0		0
Tilligerry Pool Car Park	0		0
Tilligerry Pool Cover	0		0
Tilligerry Skate Park	33,000		33,000
Stephens Square	0		0
Caswell Reserve	0		0
McCann Park Amenities	0		0
Tanilba Sailing Club Amenities	10,000		10,000
Tanilba Park	0		0
Tanilba Lighting of Stone Gates	500		500

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

Koala Park Project		0		0
RT SES/RFS Operations Centre Extension			40,000	40,000
Medowie RFS Station Extensions		0		0
King Park Shade Shelters CM 20/12/2005			7,000	7,000
RT Tennis Courts CM 20/12/2005			50,000	50,000
Contribution to RT Comm & Policing Services Rental assistance CM372/05			30,000	30,000
Tanilba Bay Golf Club CM 434/06		35,000		35,000
				0
				0
				0
				0
TOTAL ALLOCATED	364,330	689,330	520,340	1,554,000
BALANCE as at 22.3.06	410,318	200,318	379,411	1,010,047

ENGINEERING SERVICES & OPERATIONS

Roads

- The Gan Gan Road/Blanch Street roundabout at Boat Harbour is nearly completed.
- The cycleway between the roundabout and Hannah Parade is also completed and the crew will commence the leg between the roundabout back towards Anna Bay shortly.
- Various footpaths funded by the Ward Votes will be started in April.
- Road construction on Medowie Road near Silver Wattle is progressing well and a detour is carrying traffic until the end of March. The cycleway will get underway in late March.
- The “gateway” signs have now been erected at our shire boundaries and the locality signs for Raymond Terrace, Tilligerry and Tomaree Peninsulas and Karuah will be installed by the end of March. The town name signs are being manufactured and will be progressively erected once received.
- Guardrail rehabilitation on Jimmy Scott Bridge at Seaham has been completed.
- Bus shelters at Medowie, Tilligerry and Anna Bay will be installed by Easter.
- The new shade structure in Stockton Street was recently hit by a motor vehicle and will need repairing. Investigations on the degree of damage and repair methods are underway. The structure is not considered to pose a risk to public safety at this time.
- Culvert widening and preparatory work for pavement rehabilitation on Paterson Road has been completed and the stabilisation crew will start that phase of the work in April once work on Richardson Road has been completed for the RTA.

Drainage

- Work on McClymonts Swamp Road drainage will now not get underway until May due to a shortage of staff and contractors.
- A drainage line in Grafton Street, Nelson Bay is to be started in late March.
- Drainage works in the reserve in King Albert Avenue, Tanilba Bay have commenced
- Cleaning of the Tanilba Bay Golf Club drain and installation of bridging culverts is scheduled for March/April.

Waste

- The annual bulk waste cleanup was all completed by 9/3/06, one day ahead of schedule, with nearly 1000 tonnes of bulky waste, steel and car batteries collected.

**COMMUNITY &
LIBRARY SERVICES**

Before and After School Care

- The replacement Activity Van should be ready in early March. Due to the size of the vehicle any staff driving it will require a Light Rigid Licence.
- A support Group has been established in Port Stephens for Grandparents who have primary carers responsibilities for their grandchildren.
- Both Before and After School Care Centres held orientation afternoons at their centres. Parents were invited for afternoon tea and were able to speak to the Supervisor or Administration Assistant.

Library Services

- The last month was a productive planning month for many events occurring in March including our next Youth Night, our Narnia Theme Party and next Twilight Story-time.
- The “Read and Rhyme” program recommenced after the Christmas break.
- Our Book Club has had a name change to “Book Chat” which is designed more as a social outlet for elderly patrons to discuss what they are currently reading.
- Laptop is ready to go onto the Mobile Library truck for internet searching and an operational plan for usage of this laptop is being planned.
- On 7 February consultant for Library Review Dr Veronica Lunn gave a presentation to Library staff and Councillors on outcomes and recommendations of the PS Library Review.
- Veronica Lunn and Library Management Team commenced work on the Library Strategic Plan 2006 – 2010.
- Submitted Library Development grant application for “Babies Who Read Succeed” – distribution of resource kits to newborn babies in Port Stephens.
- Submitted Library Subsidy Application. This year we will receive an extra \$52,000 in disability and geographic adjustment. 30% of this funding must be spent on Local Priority Projects.
- Library Lovers’ Day on 14 February – provided Councillors and Staff with some Library facts and figures and an “I Love Libraries” wristband and invited them to in us for morning tea.
- The Library has been awarded \$120,000 in grant funding through the Communities for Children (C4C) initiative to implement “Words on the Street”. This program is an extension of the Kids Who Read Succeed (Stories in the Street) Literacy program focused on the Irrawang Community. Words on the Street will extend to the wider Raymond Terrace Community and Karuah, and the grant will fund a part-time position to coordinate this project for approximately 3 years.
- Kris Abbott & Vicki James attended a C4C workshop on “Father Inclusive Practice” run by Richard Fletcher from the University of Newcastle. The workshop was about the importance of valuing and including Fathers in all aspects of their child’s development.
- Volunteers at TLACC have produced approx. 50 “Top Read” star bookmarks in preparation for the launch of this library initiative during Library Week 2006.
- During the month the TLACC hosted a number of new bookings both community and private. These included St Vincent de Paul volunteers meeting, Dominoes Pizza staff training, the Hunter Counsellors Network, Hunter Labour Force solutions and two Great Lakes/Port Stephens Marine Parks meetings.

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

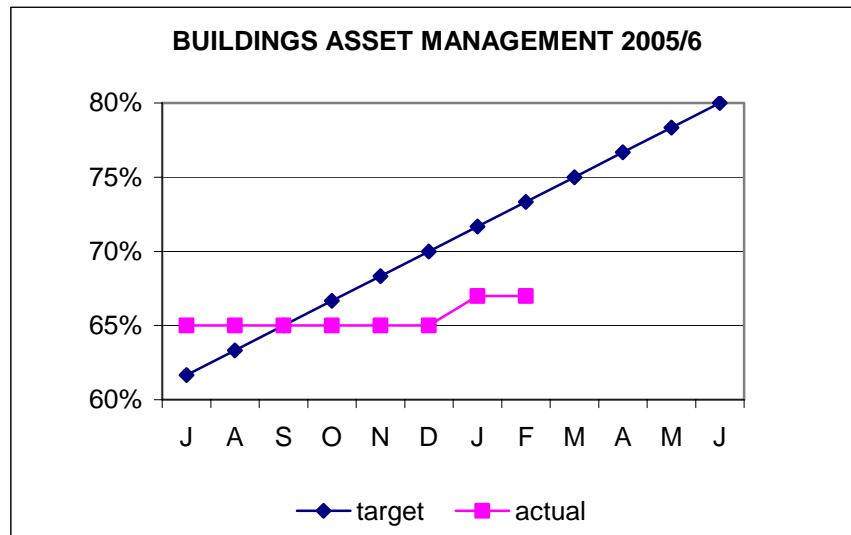
Permanent Tenants (TLACC)	Hours per month
Tomaree Library	216
Tomaree Neighbourhood Centre	120
Port Stephens Historical Society	60
Tomaree Family History Group	18
Hunter Area Diabetes	128
Port Stephens FM	504
Salamander Child Care Centre	21
First Chance Special Education	64
Communication Therapy	10
Mayne Health	160
Hours Per Month	1301

PROJECT SERVICES

- Raymond Terrace Administration Building – Retaining Wall completed.
- Raymond Terrace Depot – IT Disaster Room completed.
- Raymond Terrace Depot – External Ramp to the Disaster room completed.
- Soldiers Point Retaining Wall construction reached practical completion at the end of February 2006.
- Wallalong Pre School – Storage extension completion.
- Anna Bay RFS depot preliminary design has been completed and scheduled for DA/CC submission March 06 with construction scheduled to commence later this year.
- Little Beach Restricted Mobility Landings and Jetties piling contractor to commence works 21 March 2006.
- Medowie Community Centre car park preliminary design has been completed and circulated for comment.
- Medowie Ferodale Park sports field lighting is scheduled for completion late March
- Raymond Terrace Administration Building basement storage room design has been completed and circulated for comment with construction scheduled mid year.
- Raymond Terrace SES depot extension preliminary design has been completed and circulated for comment and is now scheduled for DA/CC submission late March 2006
- Raymond Terrace Senior Citizens Community Hall design has been submitted for DA approval with detailed design scheduled for completion in May 2006.
- RT Tennis Courts construction is progressing but has been delayed by wet weather. The agreed completion date is now the end of March 2006.
- Salamander Bay –Diemars Quarry redevelopment options analyses brief has been forwarded to consultants for quotes by 4 April 2006.
- Salamander Bay Recreation Area
 - Amenities Building has reached practical completion
 - Field Lighting to be completed 1/4/06
 - Stage 2 contract construction works will achieve practical completion at the end of March 2006.
- Wallalong Bowthorne Park sports field lighting is scheduled for completion late March.
- Nelson Bay Apex Park Banner Poles – Installing 17/3/06; banner poles delivery was further delayed.
- Nelson Bay Public Wharf repairs and essential maintenance program to be implemented.

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

- Mallabula Oval Temporary change sheds & showers waiting on Insurance Co to give the go ahead.
- Tomaree Sports Extension – to start 13/3/06 with completion 21/4/06.
- Shoal Bay Wharf – Remedial work to start 6/3/06 with completion 17/3/06.
- Salamander Rec shade structures and sheds to start 14/3/06.
- Raymond Terrace Foreshore.
- Salamander Waste Rehabilitation – Stage 3.



SPORT AND RECREATION

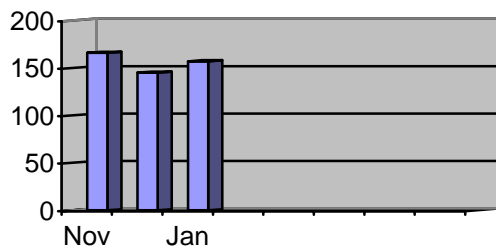
- First use of new Salamander Sports Complex occurred and feedback was very positive with minor works still to be completed. Official opening planned for late April.
- All five Sports Council meetings were held and very well attended with Annual General Meeting procedures completed in line with the Constitution.
- There has been a concerted effort to enforce commercial operator's operations on Stockton Beach with a uniform approach from Sport & Recreation and the Rangers proposed to continue until such time as issues with National Parks & Wildlife are clarified.
- Soldiers Point Boat Facilities study brief sent to consultants for pricing. Expect to gain feedback in March.
- Ongoing random inspections of leisure facilities have commenced to ensure site safety management standards are in place.
- Port Stephens hosted the Cemeteries & Crematoria Association of NSW Quarterly Conference at Horizons on 24 & 25 February. Council staff provided a tour of Port Stephens Council's cemeteries, which was well received by the delegates who were impressed with cemetery management at the Local Government level.

SUSTAINABLE PLANNING

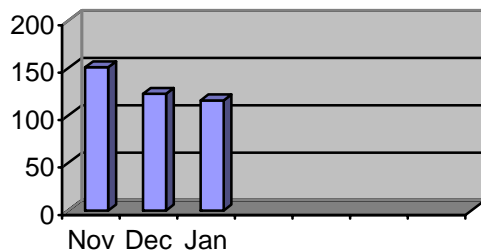
Development Approvals

DA's determined during the month	96
Modifications to DA's during the month	15
Construction Certificates approved during the month	110

DA's Determined



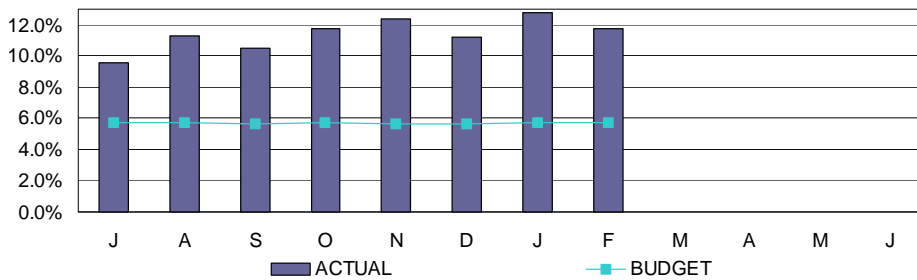
CC's Determined



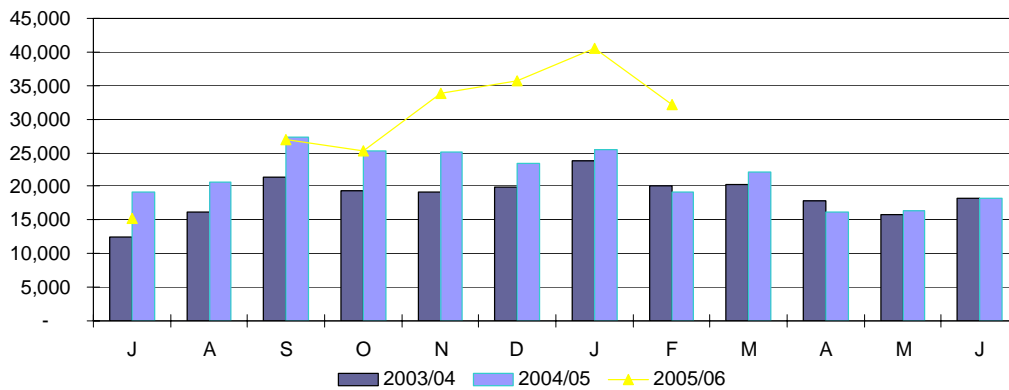
BUSINESS & DEVELOPMENT

- AAA inspection of Shoal Bay Holiday Park has lifted the overall rating of the Park from a 3.5 star to a 4 star rating. The new Outrigger cabins, a new drive through site, upgrades in the Jacaranda cabins and the overall park appearance contributed to this rise in star rating.
- Tourism section has completed negotiations for the acquisition of a large fiberglass whale from the old Gowings Store at Westfield Hornsby.
- Austraining have booked a new series of training dates with the Telecentre.
- Escape with ET filmed at Samurai Beach Resort on 23rd February.
- TV interview on Port Stephens involvement and exposure in latest Tourism Australia campaign.
- Yacht Squadron retaining wall at Soldiers Point Holiday Park is now complete.

PROPERTY RETURN ON INVESTMENT



TOURISM WEBSITE VISITS

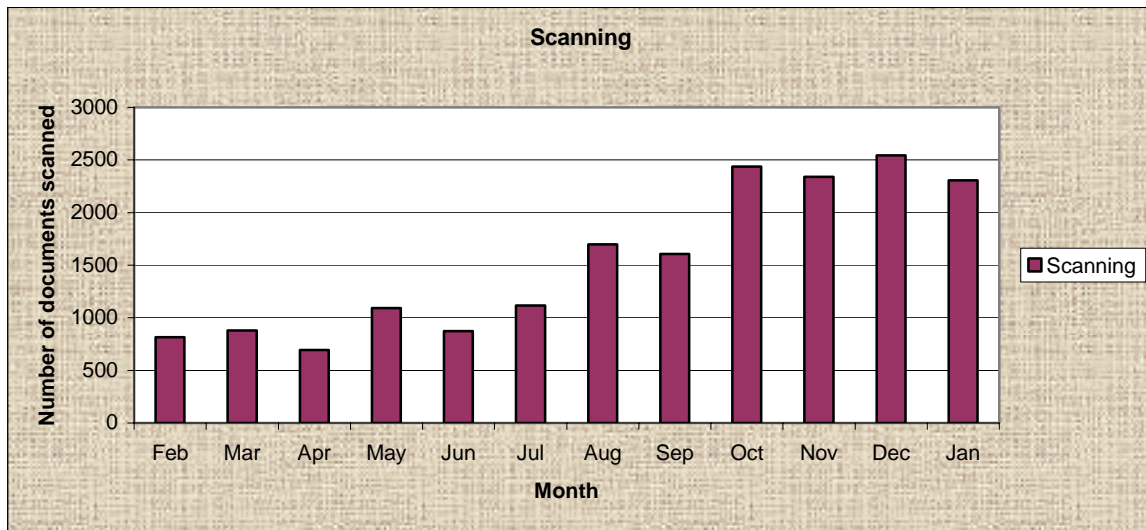


FINANCE

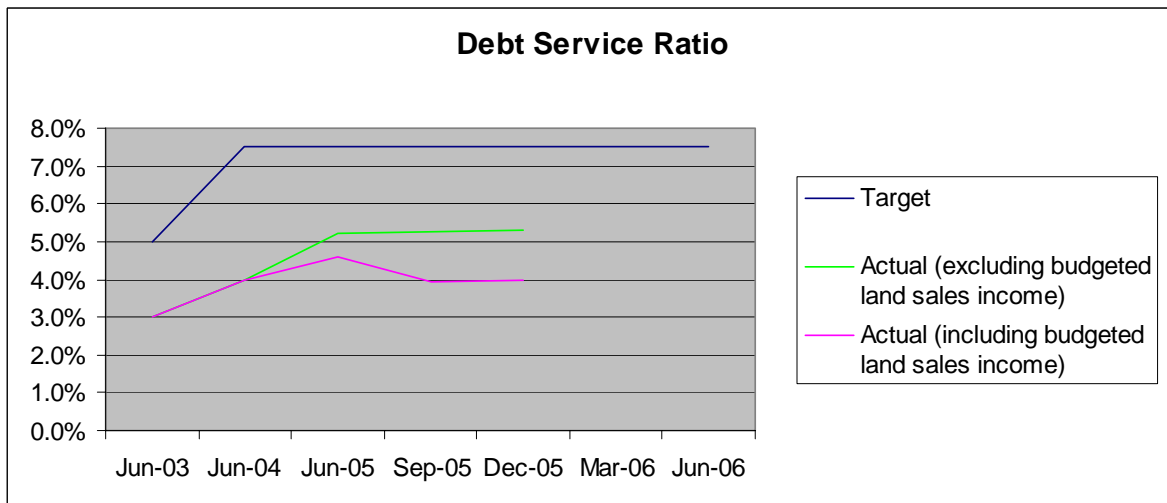
- Council’s investment portfolio as at 28 February totalled \$33,821 million.
- Council’s ROI for February was 108 basis points above the 90 day BBSW.
- TRIM Project – planning for remote sites rollout is underway. On target to meet the July 2006 deadline contained in the 2006-09 Council Plan.

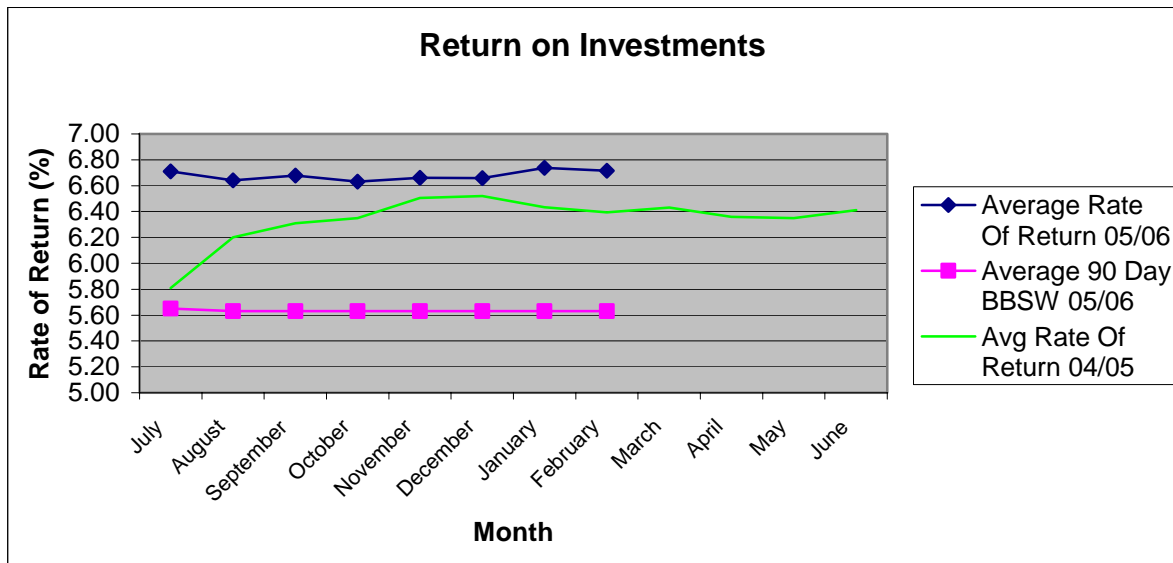
The following table represents the total number of documents scanned in each month and not the total number of pages scanned. In some cases one document can be over 300 pages.

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

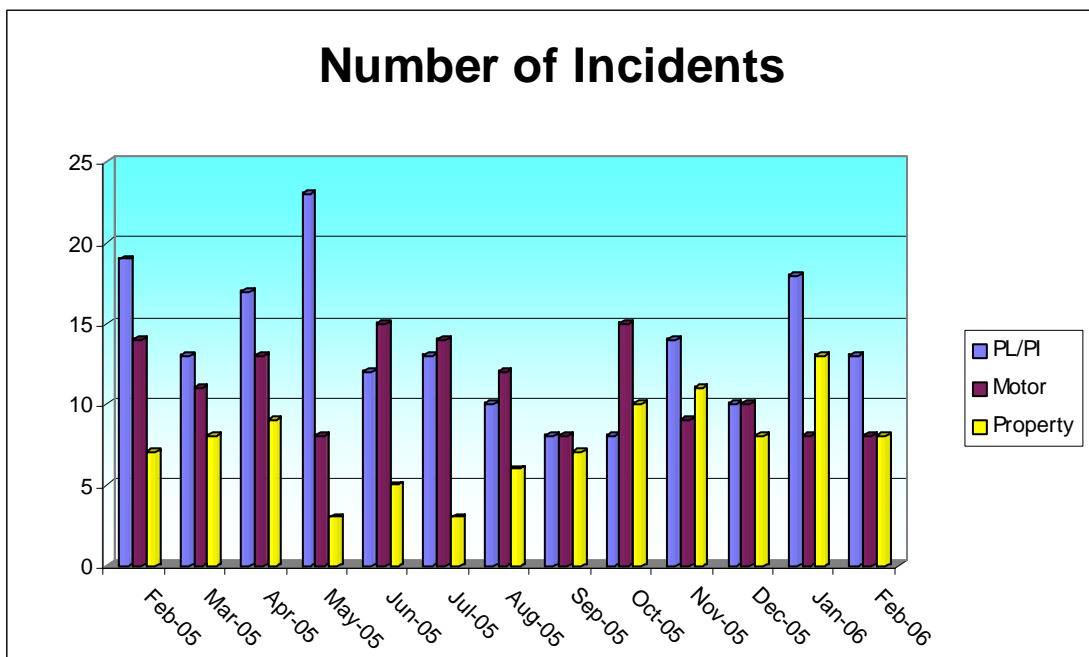


- An action plan has been developed to review policies relating to the Finance and Administration section. All policies are currently up to date or being reviewed.

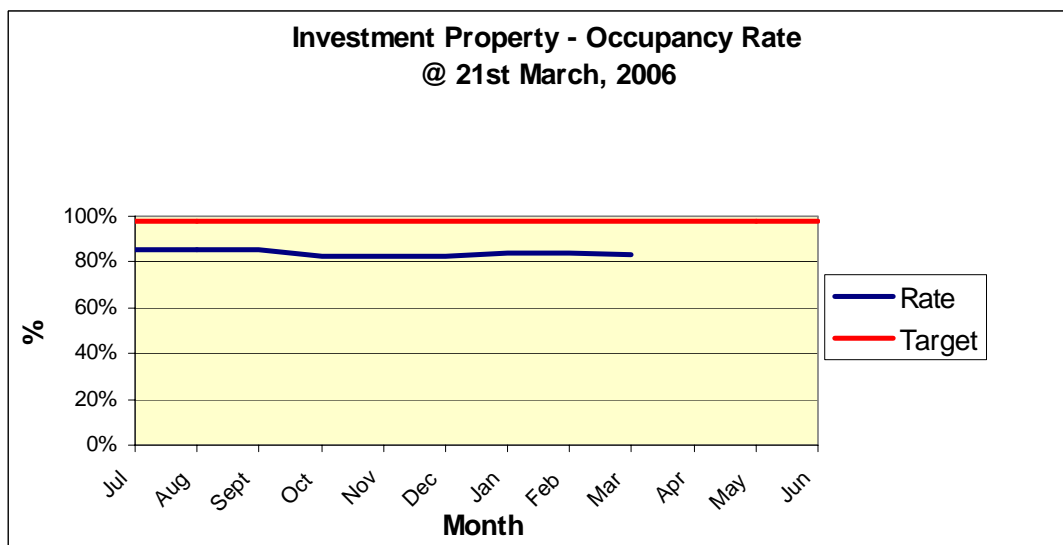
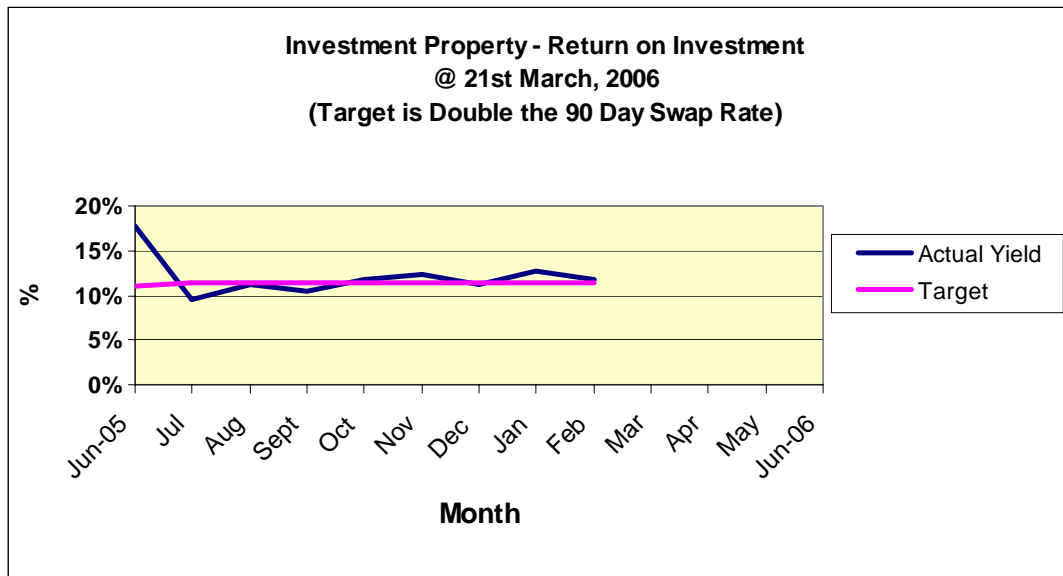




RISK MANAGEMENT



PROPERTY



ORGANISATION DEVELOPMENT

One of the exciting projects our organisation will be undertaking this year, is the development of our Workforce Strategy. With the latest population projections pointing to a future of staff shortages and hot competition for workers, our strategy will focus on achieving our objective of becoming an Employer of Choice.

With this in mind, a workshop with the Management Team and Coordinators was conducted on The Future of Work at Port Stephens on the 3rd March. Sessions included the skills shortfall, national training agenda, becoming an employer of choice and the proposed WorkChoices legislation. We also provided a session on the different generations working at

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

Port Stephens, including photographs of staff from their past. The aim of the workshop was to provide managers with information to raise awareness on the issues and challenges facing our organisation.

In the coming months, employees will be provided with the opportunity to participate in focus teams, which will examine various aspects of our strategy.

Resignations

Employee	Section	Date
Michael Maeder	IT Coordinator – Resources (B&S)	17/02/06
Jane Halson	Library Technician – Community & Library Services (F&S)	03/02/06
Paul Douglass	Group Manager Sustainable Planning – Sustainable Planning	03/02/06
Phillip Rawson	VIC Information Officer – Business & Development (B&S)	17/02/06
Melissa Wills	VIC Information Officer – Business & Development (B&S)	20/02/06

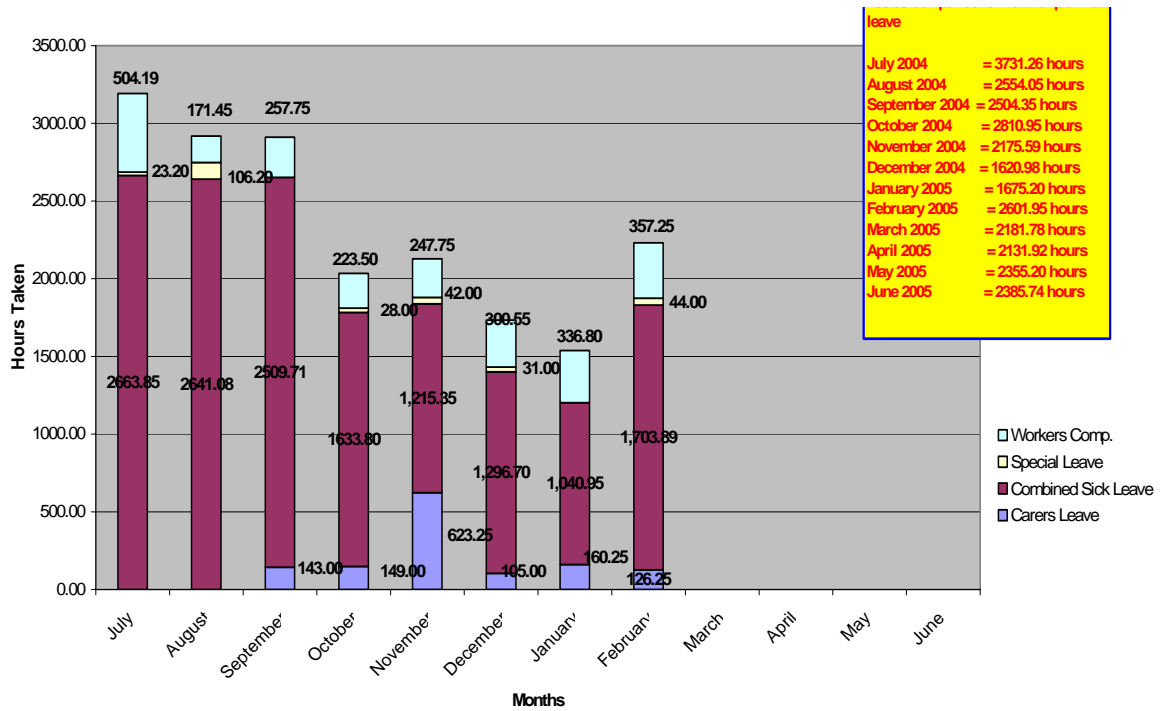
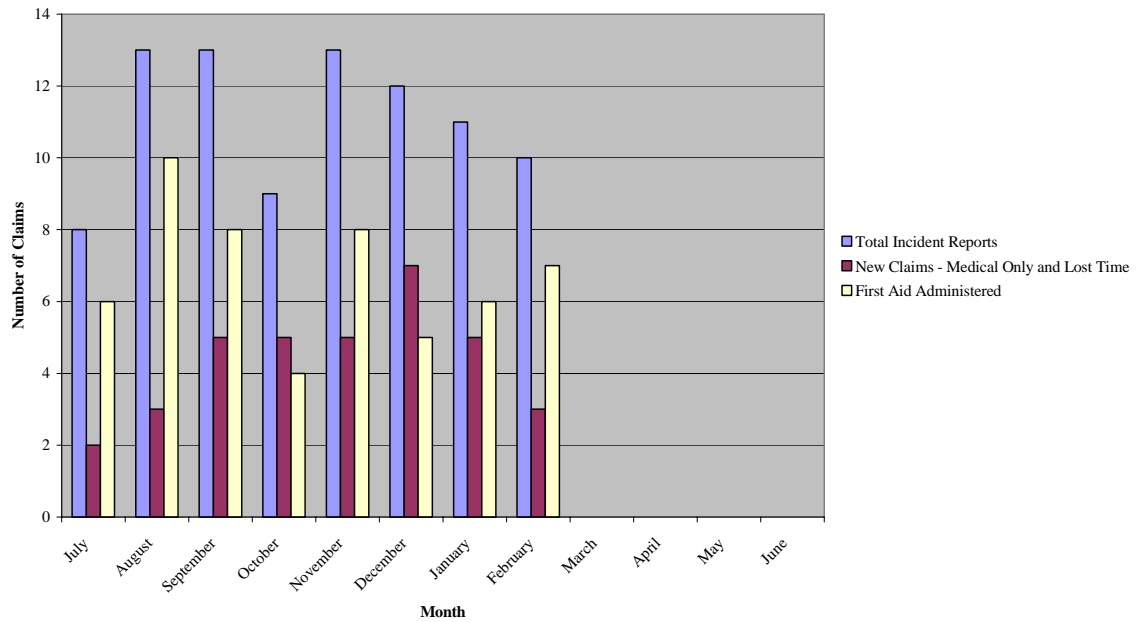
New Staff

Employee	Section	Date
Darren McSpadden	Team Leader Maintenance – Operations (F&S)	13/02/06
Antonia Conurso	Assistance Architectural Projects Officer – Project Services (F&S)	06/02/06

Number of Vacancies

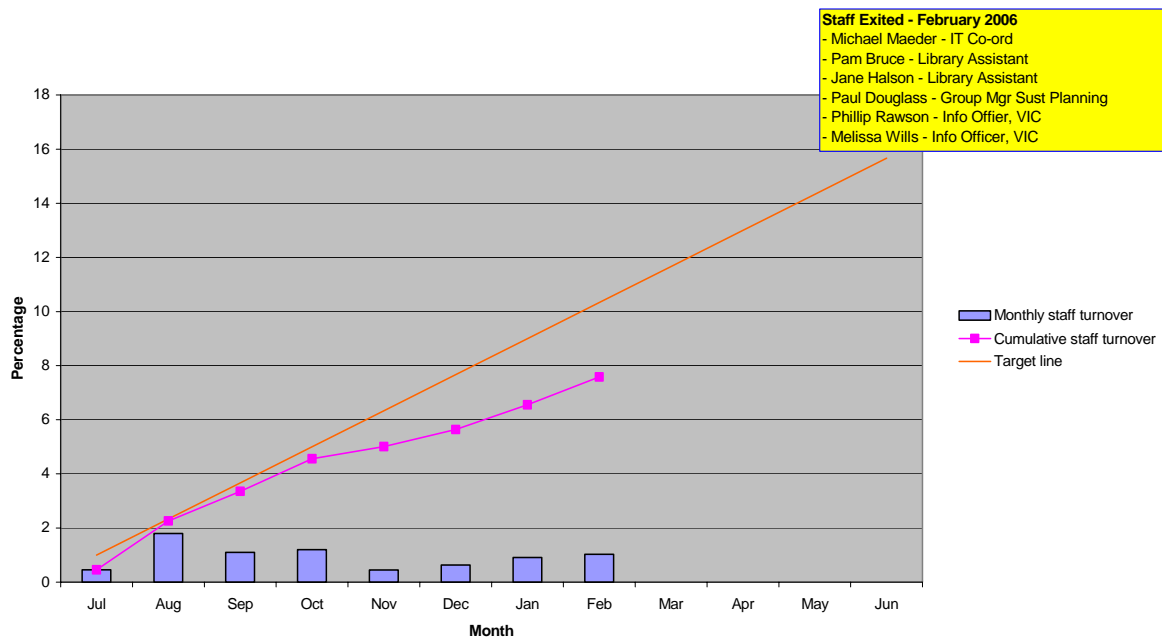
33

Monthly Incidents and New Claims



Month	Total Hours
July 2004	= 3731.26 hours
August 2004	= 2554.05 hours
September 2004	= 2504.35 hours
October 2004	= 2810.95 hours
November 2004	= 2175.59 hours
December 2004	= 1620.98 hours
January 2005	= 1675.20 hours
February 2005	= 2601.95 hours
March 2005	= 2181.78 hours
April 2005	= 2131.92 hours
May 2005	= 2355.20 hours
June 2005	= 2385.74 hours

Ratio of Employment Departures to EFT as a Percentage



RESOURCES

- Development of DR Room at Raymond Terrace Depot continuing.
- DA approval and construction certificate issued for the new Ladies change room and toilets and the installation of the stormwater treatment system.
- There has been no service downtime during core business hours for the last nine months.

Port Stephens WebPage Hits

STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: A2004-1282

**PROPOSAL TO SUBMIT A REQUEST TO REZONE & RECLASSIFY
100 SALAMANDER WAY, SALAMANDER BAY**

AUTHOR: ACTING BUSINESS & DEVELOPMENT MANAGER

RECOMMENDATION IS THAT COUNCIL:

Resolve to

- 1) submit the request to rezone Lot 21 DP 1044009 to permit residential development, and
 - 2) submit the request to consider the reclassification of Lot 21 DP 1044009 from Community to Operational Land.
-

STRATEGIC COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

Tabled Documents: Rezoning Report and Flowcharts

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

495	Councillor Hodges Councillor Robinson	It was resolved that the recommendation be adopted.
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Tabled Documents: Rezoning Report and Flowcharts

BACKGROUND

The purpose of this report is to seek Council's consent as the land owner to submit a request to rezone and reclassify a parcel of Council owned land. The subject land is 100 Salamander Way (Lot 21 DP 1044009), Salamander Bay and a locality map is contained in Attachments. A copy of the Rezoning Report prepared by ERM Australia has been placed in the Councillors Room.

This report seeks to gain Council's support as the landowner for the lodgement of the rezoning and reclassification requests. Should the above recommendation be supported then the documentation will be submitted to the Sustainable Planning Group. When the

rezoning request has been assessed a report and recommendation will be submitted to Council.

The subject land has been in Council's ownership since the 1950's and has been the subject of a number of development proposals over the last 15 years. The current zoning of 6(c) Special Recreation and 7(a) Environment Protection was derived from a golf course resort proposal in the early 1990's. Part of the site (1.4 hectares) is also zoned 1(a) Rural Agriculture. In 2001 Council sought expressions of interest for the development of the site and 28 vastly different proposals were received. In 2002 Council commissioned consultants to prepare a planning strategy for the site to assist in determining the most suitable developments and zoning for the site. In preparing the planning strategy the background investigations and reports on soils, geology, hydrogeology, hydrology, flora, fauna and archaeology were considered.

The planning strategy recommended that the site be divided into wetlands, open space and residential. Council's Property Unit commissioned the preparation of a rezoning report as the current zoning would not facilitate residential development as noted in the planning strategy.

The site is 87.32 hectares in area and the rezoning proposal relates to approximately 15 hectares of 6(c) Special Recreation zoned land being amended to 2(c) Residential.

LINKS TO CORPORATE PLANS

The relevant part of the Council Plan in this instance relates to "Financing Our Future". The proposal to develop the subject land through submitting a rezoning and reclassification request is consistent with the strategic direction to "continue growth of investments and business activities to decrease the burden on ratepayers".

FINANCIAL/RESOURCE IMPLICATIONS

There is a financial cost implication in the short term in respect of the fees required for the rezoning application. The long term implications relate to potential financial gain from property development.

LEGAL AND POLICY IMPLICATIONS

The land is currently classified as Community land and is zoned part 1(a) Rural Agriculture, part 6(c) Special Recreation and part 7(a) Environment Protection. To facilitate the development as proposed it will be necessary to amend the zoning and change the classification to Operational.

Australian Business Excellence Framework

This aligns with Principles 1, 3, 8 & 11 of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals.
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action.
- 8) Effective use of facts, data and knowledge leads to improved decisions.
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The proposed rezoning is intended to facilitate residential development on land which is well located in respect to support services such as commercial, community facilities, schools, employment centres and open space.

ECONOMIC IMPLICATIONS

The recommendation to submit the rezoning request is a fundamental step in the process of improving Council's financial position. The long term economic sustainability implication of the proposal is linked to Council's approach of improving the organisations financial position through property development.

ENVIRONMENTAL IMPLICATIONS

The proposed rezoning has resulted from an assessment of the site constraints to identify the land considered suitable for residential development. The total site area is 87.32 hectares and the area proposed to be rezoned to 2(c) Residential is 15 hectares. Therefore, the proposed residential zoning forms 17% of the total site area and 31% of the land currently zoned for development.

CULTURAL IMPLICATIONS

There has been an Aboriginal archaeological assessment of the site comprising; searches of pertinent registers, field inspections and consultation with Worimi Local Aboriginal Land Council (WLALC) and Maaiangal Aboriginal Heritage Cooperative (MAHC). Both groups have supported the recommendations of the Archaeological Assessment Report after viewing the documentation and inspecting the site.

CONSULTATION

The Rezoning Assessment Panel has been consulted on two occasions in the preparation of the Rezoning Report and the issues raised are detailed in section 4.2.1 of the report.

The Department of Ageing Disability and Home Care was consulted and comments were provided on the need to consider access to community facilities and services.

Consultation was also undertaken with a number of non-government organisations, community groups, other relevant stakeholders and local residents. The issues raised during this consultation are detailed in sections 4.3 and 4.4 of the Rezoning Report.

The processing of the request will require formal exhibition of the rezoning and reclassification and Council will need to engage the services of an appropriate person to conduct a hearing to consider the reclassification.

A Council Briefing was also conducted on 21 March 2006, the purpose of the briefing was to outline the process and steps in relation to the roles that Council has as "Property Owner" separate as to the "Assessment Authority". This was then followed by a presentation to Council as "Property Owner" outlining the rezoning proposal and the options considered.

Further to the Briefing it was agreed that the deployment flow chart presented and discussed would be tabled with the report.

OPTIONS

- 1) To resolve to submit the rezoning request as detailed above, or
- 2) Defer for further information.

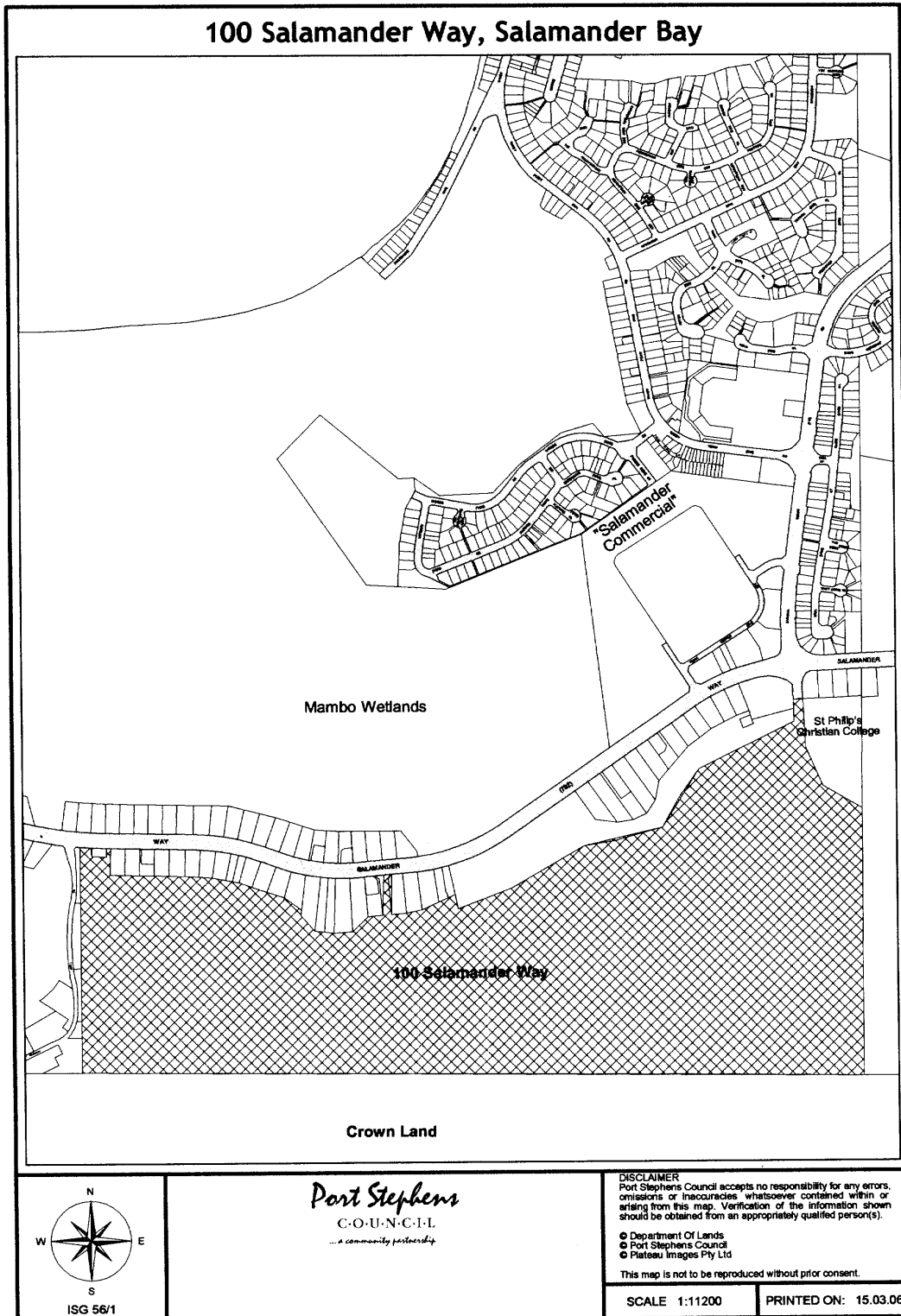
ATTACHMENTS

- 1) Locality Plan

TABLED DOCUMENTS

- 1) Rezoning Report prepared by ERM Australia dated March 2006.
- 2) Draft Deployment Flow Chart – Business Excellence Process to Realise Council's Property Assets

ATTACHMENT 1



ITEM NO. 2

FILE NO: PSC2005-5698

REDUCTION OF COUNCILLOR NUMBERS

AUTHORS: GENERAL MANAGER & GOVERNANCE COORDINATOR

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine if the Councillor numbers at Port Stephens Council should change.
 - 2) If Council chooses to reduce the Councillor numbers, that an application be made to the Minister for Local Government following public consultation and that further consideration by Council be given to the proposal once all submissions are received from public consultation.
-

STRATEGIC COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

Matter Arising:

That the information regarding surrounding LGA's be provided to Council meeting 18/4/06.

ORDINARY MEETING – 18 APRIL 2006

MOTION:

496	Councillor Hodges Councillor Swan	It was resolved that Council retain (12) councillors (4) in each of the three wards across the Port Stephens Local Government Area.
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The motion on being put was carried.

Note: Cr Hodges left the chambers at 7.45pm and returned at 7.48pm during Item 2.

Note: Supplementary Information Report provided as requested in the Matter Arising.

BACKGROUND

The purpose of this report is for Council to consider Circular (05-34) issued by the Director-General of the Department of Local Government regarding the reduction of Councillor numbers.

The Circular relates to the introduction of the Local Government Amendment Act 2005 where Councils are provided with a one-off opportunity to resolve to apply to the Minister for Local

Government for approval to reduce the number of councillors without the holding of a constitutional referendum. If Council resolves to make an application to the Minister and approval be granted, it would take effect from the next ordinary election ie. 2008 Local Government election.

The Local Government Amendment Act 2005, places a number of restrictions with respect to enacting this legislation. The restrictions that Council need to be aware of when considering this issue is:-

- The opportunity is only available for 12 months (expires 1 July 2006).
- No Council may have less than 5 Councillors.
- A Council divided into Wards may not have less than 3 Councillors per Ward.

Council is required to give at least 21 days public notice, calling for submissions on the proposal should they resolve to proceed to apply to the Minister to reduce the number of Councillors.

Should Council apply to the Minister and approval be granted, any casual vacancies that occur during that period will not be required to be filled unless the number of Councillors on the Council becomes less than the reduced number approved by the Minister.

LINKS TO CORPORATE PLANS

Community – Our Council will provide opportunities for effective consultation and participation in Council's activities

Corporate Accountability – Our Council is open, transparent and accountable in its decision-making

FINANCIAL/RESOURCE IMPLICATIONS

This report has no impact on the current budget, however if Council were to reduce the Councillor numbers to the minimum, it would provide a saving to Council of around \$63,000 p.a. based on current costs.

LEGAL AND POLICY IMPLICATIONS

This is a requirement under the Local Government Act 1993 and Local Government Amendment Act 2005.

Australian Business Excellence Framework

This aligns with Principles 10 and 11 of the ABEF Framework.

- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The reduction of Councillor numbers could have some social implications given the community representation on Council would be reduced.

ECONOMIC IMPLICATIONS

There would be no economic implication on the wider community apart from the financial implication stated above.

ENVIRONMENTAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

CONSULTATION

Department of Local Government

General Manager

OPTIONS

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

ATTACHMENTS

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

ITEM NO. 3

FILE NO:PSC2005-0627

SHOAL BAY NEW YEAR'S EVE**AUTHORS: CULTURAL DEVELOPMENT & EVENTS OFFICER
& COMMUNITY PROJECTS OFFICER****RECOMMENDATION IS THAT COUNCIL:**

Support the New Years Eve Event at Shoal Bay in 2006, for social and safety reasons with:

- 1) the funding source to be determined after the completion of the budget process
- 2) the Nelson Bay Blues as organisers of the event
- 3) a cost minimisation strategy developed with stakeholders

STRATEGIC COMMITTEE MEETING – 4 APRIL 2006**RECOMMENDATION:**

That Council support the New Years Eve Event at Shoal Bay in 2006, for social and safety reasons with;

- 1) A cost minimisation strategy developed with stakeholders
- 2) The funding source to be determined after the completion of the budget process
- 3) The Nelson Bay Blues as organisers of the event

Amendment:**That Council withdraw funding and support for the 2006 New Years Eve event at Shoal Bay.**

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

ORDINARY MEETING – 18 APRIL 2006**MOTION:**

497	Councillor Dingle Councillor Jordan	It was resolved that Council withdraw funding and support for the 2006 New Years Eve event at Shoal Bay.
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Amendment:

	Councillor Brown Councillor Robinson	That Council defer this matter to the Ordinary meeting of Council in May 2006.
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The amendment on being put was lost.

The motion was put and carried.

DIVISION:

498	Councillor Baumann Councillor Nell	It was resolved that a division be called for.
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Those for the motion: Crs Francis, Jordan, Hodges, Tucker, Swan, Dingle & Westbury
Those against the motion: Crs Brown, Nell, Robinson, Dover, Baumann

BACKGROUND

The purpose of this report is to provide feedback on the Shoal Bay New Year's Eve event 2005 and make recommendation for 2006.

Shoal Bay New Years Eve Event is organised in order to minimise anti social behaviour at Shoal Bay on the Eve of New Year. Council began the support of the event in 2000 after being approached by the Police and following many years of a disorganised street event where people congregated to drink and the evening invariably ended with street violence and vandalism.

The Nelson Bay Blues Rugby League Football Club has delegated authority from Council to organise the event up to and including 2006.

Given the size and magnitude of the event, this year it ran very smoothly although not completely without incident. Approximately 3,800 people attended what is essentially a dance party. Eight people were treated at the first aid station (mainly cuts to feet because of inappropriate footwear) and two were referred to the Nelson Bay Polyclinic (both drug related). There was an incident after the event closed which involved a police officer being hit on the head with a bottle and having 8 stiches to the wound. This was discussed at the debrief and a solution discussed for 2006.

In general the event although funded by Council and ticket sales and has a high level of community support. The Police provide coverage of the event area from 10am on New Years Eve to 5am on New Years Day. Some service clubs provide facilities (organised through The Blues) and St Johns Ambulance provides a first aid station. Each year after the event there is a debrief meeting where all participants discuss the event and procedures on the night and make suggestions for changes in the management of the next years event. The minutes of this years debrief are at Attachment 1.

The event is not without community complaint. Prior to 2005 Council received a petition from local residents, two phone complaints and one written complaint were received after the event.

This year the issue of moving the event was discussed with all involved at the debrief. In general there was a high level of concern that if the event was transferred to a new site then people would again congregate in the old fashion on the beach area and the problem would be separated weakening police and security resources.

LINKS TO CORPORATE PLANS

This report relates to the Social Planning Goal of enhancing the well-being and welfare of the community.

FINANCIAL/RESOURCE IMPLICATIONS

This year the income from the event was \$124,399 including GST and expenditure was \$199,974 including \$50,623 half share of the income to the Northern Blues. The final cost to Council was \$75,575, \$30,000 more than in 2005. Discussions will be undertaken with The Blues in an attempt to reduce expenditure in 2006.

Despite the cost of the event, there are benefits from other stakeholders including the NSW Police waiving a fee for service charge, over 80 community volunteers assisting with the organisation of the event and the in-kind contribution from the Shoal Bay Resort & Spa providing rooms and hospitality to the Police.

Although the event is organised by The Blues, other sporting groups receive small donations in return for their voluntary assistance. It also takes considerable resources from Council in staff time.

Shoal Bay New Year's Eve is listed as an item for consideration to reduce funding in the proposed Council Plan, if the rate increase is not forthcoming. Council would need to consider an exit strategy if the event is not to proceed in the future.

LEGAL AND POLICY IMPLICATIONS

The Nelson Bay Blues are required to provide Public Liability Insurance for the event with Port Stephens Council noted as an interested party. A risk assessment is conducted by Council staff and forwarded to Council's insurer. From the debrief meetings, the risk assessment for next year's event will be completed in consultation with the NSW Police and the security firm engaged for the event.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

All stakeholders present at the debrief meeting agreed that the event should continue at Shoal Bay in the future. The NSW Police has given a commitment to increase police presence in the residential area immediately outside the event. Several letters were received from residents in Horace Street, Shoal Bay commenting on the congregation of young people from early in the day to midday on New Year's Day. While the alcohol-free zone assisted the police to enforce the law, parts of Horace Street were outside the alcohol free zone. It is acknowledged that the edge of the alcohol free zone is likely to attract street drinkers.

The after event clean up including the event area and streets of Shoal Bay is an important strategy for council to maintain good public relations with the Shoal Bay traders and residents. This year the clean up was complete by 10am on New Years Day.

The event at Shoal Bay is organised to provide a safe venue for people to celebrate New Year's Eve by Council providing a controlled space with entertainment and thus minimising the risk of injury to patrons and property damage for traders and residents.

ECONOMIC IMPLICATIONS

Attendance this year was 3,829. There is a positive flow effect for the retail and hospitality trade on the Tomaree Peninsula.

ENVIRONMENTAL IMPLICATIONS

The impact on the reserve and the streets of Shoal Bay was minimal; due to an immediate clean up of the area at the close of the event. Concerns were raised this year about broader emergency service issues on the peninsula due to high tourist numbers. This will be taken up through the Emergency Service Team chaired by Councils Facilities and Services Operations Manager.

CONSULTATION

The debrief meeting held in February recommended keeping the event at the same size with several strategies suggested to monitor a safe number of people attending, including pre-sale of tickets, wristbands and a pre-determined capacity limit for the event. SNP Security continues to monitor the safety of the event, their recommendations impact on the cost of the event. An increase in the entry fee to \$20 was used to pay for additional security measures. All other stakeholders in the event are pleased with the improvements the Nelson Bay Blues have made over the last three years.

This year following the debrief meeting, Council's Community Planning Manager met with the Manager, Shoal Bay Resort and Spa. At this meeting the Resort Manager expressed an interest to be further involved in event management in the future. A meeting will be organised with stakeholders to progress relationships and a vision for the Shoal Bay New Year's Eve event.

OPTIONS

- 1) Adopt the report
- 2) Amend the report

ATTACHMENTS

- 1) Notes from the debrief held 23 February 2006

TABLED DOCUMENTS

Nil

ATTACHMENT 1

SHOAL BAY NEW YEAR'S EVE BRIEFING

- 1) Invite Councillors to voice their concerns, so that matters not dealt with in the briefing can be addressed at the end
- 2) Overview of Port Stephens on NY'Eve –
 - Shoal Bay street party 7pm – 1.30am
 - Fireworks at d'Albora Marina 9pm and 12am
 - Osborne Family Carnival – Neil Carroll Park 7pm
 - Entertainment at clubs, hotels, restaurants
 - Port Stephens Coaches and SMART buses to transport people to and from venues

Issues -

 - Concerns from Emergency Management Team about the number of people present on the Tomaree Peninsula and access to and from venues
 - Also the impact on the Nelson Bay Polyclinic on NY's Eve
- 3) History of the event –

1999/2000 and prior to –
Street party at Shoal Bay patrolled by Police and ambulance officers – reports of good behaviour overall with the exception of several arrests for assault, offensive behaviour, drink driving and attempted sexual assault
Fireworks at Nelson Bay

2000/01 –
Free concert at Fly Point (Chamber of Commerce) drew a moderate crowd
15,000 at Nelson Bay fireworks
Street party at Shoal Bay quietest in years, but Country Club packed to capacity
Brawl involving 15 men at 5am outside the bakery in Government Rd

2001/02 –
Street party at Shoal Bay organised by the Northern Blues

2002/03 –
Family street party organised by Onstage productions at PSC expense

2003/04 to present –
Street party managed by Nelson Bay Blues on behalf of PSC
- 4) Overview of the project as it is currently run –
 - PSC pay Nelson Bay Blues \$10,000 plus all costs of the event
 - Major stakeholders – NSW Police, SNP Security, Shoal Bay Resort & Spa, St John Ambulance, PS Coaches, PSC (Holiday Parks and VIC, Facilities & Services), Shoal Bay traders & residents
 - Planning, organisation and debrief – with all stakeholders to ensure approvals, licences, insurance, infrastructure in place for the event
- 5) Management –

Nelson Bay Blues – agreement 2003/4 with a 3-year option providing the event goes ahead

\$10,000 management fee

All costs paid by PSC, including clean up

50% income split from food, drink and ticket sales

Shoal Bay Resort & Spa – hospitality for Police, rooms for Nelson Bay Blues to count cash, co-operation in planning the event

Port Stephens Coaches – 2,000 people transported, gold coin donation

NSW Police – police on site at Shoal Bay from 9am until 4am

SNP Security - \$20,700 cost to Council

Port Stephens Council – event liaison and management with all stakeholders

6) Cost -

2001/2 – Blues management

Loan of \$20,000 to Northern Blues.

Event cost \$55,000

Estimated 2,500 people

2002/3 – Council management

Event cost \$121,000 including \$21,500 management fee

Income \$61,000

Cost to Council \$60,000

2003/4 – Blues management

Event cost \$56,000

Income \$44,000

Cost to Council \$34,000

2004/5 – Blues management

Expenditure \$143,526 including \$37,543 income split with Northern Blues

Income \$97,630

Cost to Council \$45,896

2005/6 – Blues management

Expenditure \$199,974 including \$50,623 income split with Nelson Bay Blues

Income \$124,399

Cost to Council \$75,575

7) Relationship with stakeholders –

NSW Police – due to Council's support of a controlled event on NY's Eve, the Police provide maximum numbers available in the Hunter for this event, 52 staff from 5pm to 5am. Currently this is free service.

Shoal Bay Resort & Spa – although no monetary contribution, in kind support from the resort

Port Stephens Coaches – transport of 2,000 people on the night ensures patrons are removed from the venue as fast as possible. 840 on SMART buses

St John ambulance – although this is a voluntary service, PSC pays a donation of \$500.

Shoal Bay traders – most are co-operative of a controlled event to minimise vandalism and disruption to trade on NY's Day

SNP security – always seeking ways to improve the safety and management of the event, but with a cost to Council of \$20,700

Nelson Bay Blues – over 80 volunteers from the football club and other community groups provide labour to set up, sell tickets, serve refreshments, and pack away for a total of 416 man-hours involved.

8 & 9) Future options and impacts –

No event –

Traditionally people congregate at Shoal Bay, attracted to the hotel at the Shoal Bay Resort & Spa. It is considered that they would continue to do so whether there was an organised event or not.

Scale down the event –

Provide entertainment, no fencing, no entry fee, no food or drink, but would need to provide security, waste bins and amenities

The area is a designated alcohol free zone. An exemption and licence is granted for the responsible service of alcohol. Without the controls of a fenced area with security, it is doubtful that a licence would be approved. Council would then take the risk of being responsible for an event that is unlicensed.

The Police preference is to continue with the event in its current format, or cancel – no benefit to a scaled down event. They consider that the safety and management of the event has improved each year, that 2005/06 was the best ever.

Relocate the event –

The Police consider people would continue to meet at Shoal Bay. The Police would be forced to manage two locations

Shoal Bay Resort & Spa manage the event –

The possibilities are that the event would change its focus to a more up market event. A second event for young people could be organised at another venue. This still poses the problem of the Police managing two events.

10) Recommendations –

- Support the Nelson Bay Blues to manage the event 2006/07 and discuss ways to reduce the costs of the 2006/07 event
- Hold a meeting of event stakeholders to discuss a future vision for the event, with Council developing a cost minimisation or ultimately an exit strategy
- Research other LGA's for their management of New Year's Eve, exit or alternative strategies

ITEM NO. 4

FILE NO: PSC2005-0627

AUDIT OF ARTWORKS

AUTHOR: CULTURAL DEVELOPMENT & EVENTS OFFICER

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the audit of Council's artworks has been undertaken and the results
- 2) Develop a Collection Development Policy that will set the strategic direction for Council's collection of artefacts and accepting of gifts

STRATEGIC COMMITTEE MEETING – 4 APRIL 2006

RECOMMENDATION:

That the recommendation be adopted.

Amendment:

- 1) Note the audit of Council's artworks has been undertaken and the results
- 2) Develop a Collection Development Policy that will set the strategic direction for Council's collection of artefacts and accepting of gifts;
- 3) **Continue to sponsor the Annual Raymond Terrace Art Show as an acquisitive category sponsor similar to the existing arrangement**
- 4) **Support the Raymond Terrace Art show as a major sponsor with the discretion of retaining the acquisitive artwork. This could depend on an independent valuation of the work. Council would need to develop a Collection Development Policy including Gift Policy in line with the Cultural Gifts Program as a guide to this process.**
- 5) **Sell off artworks no longer considered of significant value**
- 6) **Develop a new art collection for Port Stephens, commissioning the best of local artists to paint or draw Port Stephens icons.**

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

ORDINARY MEETING – 18 APRIL 2006

MOTION:

499	Councillor Francis Councillor Jordan	It was resolved that 1) Note the audit of Council's artworks has been undertaken and the results provided. 2) Develop a Collection Policy that will set the Strategic direction for Council's collection of artefacts
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MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

		<p>and accepting of gifts. This will need to detail storage and display options for these items.</p> <p>3) Continue to sponsor the Annual Raymond Terrace Art Show as an acquisitive category sponsor similar to the existing arrangement.</p> <p>4) Support the Raymond Terrace Art Show as a major sponsor with the discretion of retaining the acquisitive artwork. This could depend on an independent valuation of the work.</p> <p>5) Develop a strategy to sell artworks no longer of significant value.</p> <p>6) Consider in budget 2006/7 a strategy to acquire a new art collection for Port Stephens, commissioning the best of local artists to paint or draw Port Stephens icons.</p>
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Matter Arising:

500	Councillor Jordan Councillor Hodges	It was resolved that Council investigate the recovery of “our” ship – William the IV from Newcastle City Council.
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DIVISION:

500	Councillor Jordan Councillor Hodges	It was resolved that a division be called for.
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Those for the motion: Crs Baumann, Swan, Dingle, Francis, Robinson, Nell, Brown, Dover, Westbury, Hodges, Jordan & Tucker.

BACKGROUND

The purpose of this report is to provide information to Council on the results of the audit and valuation of Council artworks and to make recommendation on the future direction of Council’s art collection and the accepting of gifts.

Council currently develops its art and artefact collection through donations and from sponsorship of the Annual Raymond Terrace Art Show. The first artwork was acquired in 1968 at the inaugural Raymond Terrace Art Show and since then Council has collected a

total of 42 works. Nine works listed as acquisitions are missing from the collection. Most of the artworks are housed in Council offices and more recently in the foyer of the Mayor and General Manager's area. An annual exhibition of the collection has been part of the Mezzanine Gallery program since 2004.

Artefacts have been collected through donation and gifts mainly from overseas visitors and sister cities. These are stored in display cases in the foyer of the administration building and in the Mayor's Office.

In December 2005 an accredited auditor, Mark Widdup of Cooks Hill Galleries, undertook an audit and valuation of Council's art collection. The results are included as Attachment 1. In summary the total value of the collection is approximately \$27,210 and although this appears substantial when added together, individually the works are close to valueless in art terms. Many of the works are in poor repair, which raises issues about how they are stored and maintained. The most recent acquisition from the 2005 art show is considered the most valuable at \$1900. There has been no valuation undertaken of Council's artefacts.

In 2006 Council adopted its "Cultural Plan". One of the strategies of the Cultural Plan is to 'provide a leadership role in documenting existing cultural activities and facilities' with the audit and valuation being one action from this strategy. As part of the valuation process various suggestions on how Council may continue to collect but improve the collection's value were made. The suggestions are included as Attachment 2.

Council now needs to decide on what is the most appropriate way to continue the collection and receive donations into the future. In order to do this a more strategic direction is required by way of a Collection Development Policy providing direction and guidance to the acquisition of art and the receiving of donations.

LINKS TO CORPORATE PLANS

The art audit and valuation is an action from the Cultural Plan for Port Stephens

FINANCIAL/RESOURCE IMPLICATIONS

The cost of the art audit and valuation was resourced from the Cultural Development and Events budget 2005-6. The development of a "Collection Development Policy" will be undertaken within existing resources.

LEGAL AND POLICY IMPLICATIONS

Development of a Gift Policy would need to comply with the Cultural Gifts Program and would be addressed in the Collection Development Policy. The guidelines for the Cultural Gifts Program are available from the Australian Taxation Office.

Australian Business Excellence Framework

This aligns with Principle 2 of the ABEF Framework.

- 2) Mutually agreed plans translate organisational direction into actions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Cultural Plan gives Council a strategic approach to addressing the demands for cultural resources, taking a leadership role in assisting the community to achieve its cultural aspirations and expressing its cultural identity. There is a need to develop a policy for the collection of art works including gifts and donations.

ECONOMIC IMPLICATIONS

Council's art collection has the potential to be a valuable asset and tourist attraction, but not in its current form. Storage and maintenance are issues that need to be addressed. If Council had a collection of any real value it would need to be stored in suitable conditions with appropriate security. Currently art works that are not in office areas are stacked in the Council Chamber in less than ideal conditions. Some of the art works are also in need restoration and repair, should they be retained.

ENVIRONMENTAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

The art collection, as a cultural resource should be of the highest standard possible. It should contribute to the culture of Port Stephens and its people. The collection is a resource we have now and by considering the future of the collection Council can influence the nature and the value of the collection in the future.

CONSULTATION

Informal discussions with the Acting Group Manager Sustainable Planning and the Community Services Manager have been undertaken. There has been no consultation on the art audit itself other than with the auditor. Consultation will take place on the collection policy.

OPTIONS

- 1) Approve the recommendation
- 2) Amend the recommendation

ATTACHMENTS

- 1) List of art works including the purchase price and valuation
- 2) List of recommendations to improve collections value

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

LIST OF ARTWORKS

Artist	Title	Date exhibited	Purchase price	Valuation
Nanette Basser	Salamander	2005	\$1800	\$1900
John Bailey	Myall River bank	1989	\$800	\$950
Helen Bird	Sun valley	1976	\$100	\$250
Dawn Burston	Produce shed	1969	\$120	\$600
Dawn Burston	Carrington Basin seascape	1970	\$150	\$800
Peter Butler	A quiet hour	1980	\$400	Missing
Kathleen Callaghan	Images, Mt Sugarloaf	1998	\$650	\$750
Ian Campbell	Moon rise on suburbia	1997	\$250	\$390
Ann Cape	Storm approaching Shoalhaven	2001	\$1200	\$1200
Elizabeth Castles	Muddy Creek, Eraring	1985	\$120	Missing
Marshall Clark		1971	\$200	\$250
David Clarke	Day's end	2004		\$1450
Merran Cork	Overlooking the Hunter River Singleton	1987	\$850	\$950
Merran Cork	Afternoon shadows Kangaloon	2002	\$230	\$850
Cheryl Cusick	Clocktower	1996	\$800	\$900
Toni Davis	Lane, Newcastle	1979	\$75	\$195
Mario Ermer	Karuah	1983	\$150	\$650
Mario Ermer	Rocks at Hat Head	1982	\$500	\$600
Mario Ermer	Street in Venice	1983		\$650
David Fairbairn	Swan Hilda	1981		Missing
S Finn	Raymond Terrace waterfront in the 1880's	1988		\$195
Norman Forrester	Industrial gothic, Lithgow	1992	\$400	\$400
Norman Forrester	Low tide, Lord Howe Island	2000	\$750	\$750
Francis Fussell	Still life with wattle	1989	\$850	Missing
Garran-Brown	Arnhem Land boy		Donated	\$380
Garran-Brown	Boy from Bourke		Donated	\$400
Garran-Brown	Children of the sun		Donated	\$700
Garran-Brown	Wildflowers of Australia		Donated	\$400
Colina Grant	Jimmy's beach	2003		\$1500
Gloria Hill	Deep in the rainforest	1991	\$720	Missing
Sybil Hough	Cows in the crick	1979	\$350	\$450
Robyn Keogh		In the building, but not Art Show acquisition		\$40
Marea Kozaczynski	Nature's bounty	1990		\$900
Hilda Lambert	Cooper's Creek, Nr Innamincka, SA	1984	\$325	\$250
Chris McDonald	landscape	1973	\$65	\$90

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John Parkinson	Port Campbell, Victoria	1995	\$850	\$850
John Parkinson	Trawler jetty, Kiama	1993	\$650	\$700
Judy Pennefather	Autumn	1997	\$900	\$900
Charles Pettinger	Chinaman's garden	1968	\$100	\$650
Fleur Priestley	Tranquil Buckland valley	1978	\$325	\$325
Rob Robertson	Sleep still steeped at Freds	1974		Missing
Bruce Rowland	I came naked	1968		\$700
Howard Scott	Picnic in Provence	1994		\$750
Lionel Smith	Cool morning Nelson Bay	1985	\$200	\$265
Lionel Smith	Fighters	Not art show work	\$450	\$600
William Sweeney	In pensive mood	1975	\$200	Missing
Joanne Thew	Cane plantation, Ballina	1986	\$500	Missing, maybe at Community Care centre
Joanne Thew	Roger	Donated	\$250	Missing
Joanne Thew	Stranger in town	Not art show		\$280
Gill Ward	Sunset Merewether Beach	1999	\$650	\$650
Elaine Wright	Olga's light	1988	\$650	\$750
			TOTAL	\$27,210

ATTACHMENT 2

LIST OF RECOMMENDATIONS

Suggestions by art auditor Mark Widdup for Port Stephens Art Collection

- 1) Continue to sponsor the Annual Raymond Terrace Art Show as an acquisitive category sponsor similar to the existing arrangement
- 2) Support the Raymond Terrace Art Show as a major sponsor with the discretion of retaining the acquisitive artwork. This could depend on an independent valuation of the work. Council would need to develop a Collection Development Policy including Gift Policy in line with the Cultural Gifts Program as a guide to this process.
- 3) Sell off artworks no longer considered of significant value
- 4) Develop a new art collection for Port Stephens, commissioning the best of local artists to paint or draw Port Stephens icons.

GENERAL MANAGER'S REPORTS

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1

FILE NO: PSC2005-5185

REQUEST FOR FINANCIAL ASSISTANCE

POSITION TITLE: JULIE SIMMONS – MAYOR’S EXECUTIVE ASSISTANT

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under section 356 of the Local Government Act from the Mayor’s Donation Fund to the following:
 - a) Coles Trolley Challenge - \$1,000 – Donation in support of the Coles/Bi Lo Trolley Challenge which is raising money for the Make a Wish Foundation
 - b) Valley Food Link - \$1,500 – Donation towards the purchase of a refrigerated container

 - 2) Approves provision of financial assistance under section 356 of the Local Government Act from the respective Ward Funds to the following:
 - a) Karuah RSL - \$180 – Contribution to cover the cost of road closure for the Anzac Day Commemorative Service
 - b) Seaham Scout Group - \$180 - Contribution to cover the cost of road closure for the Anzac Day Commemorative Service
 - c) Medowie Lions Club - \$180 - Contribution to cover the cost of road closure for the Anzac Day Commemorative Service
 - d) Thou Walla - \$1,000 – Donation towards the cost of a shade structure. This money to be allocated on the understanding, that the Thou Walla Family Centre raise the balance of the cost of the shade structure estimated at \$1,000.
-

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

501	Councillor Hodges Councillor Brown	It was resolved that the recommendation be adopted.
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BACKGROUND

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

The Council regularly receives requests for financial assistance from community groups and individuals. However, Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act. This would mean that the financial assistance would need to be included in the Management Plan or

MINUTES FOR ORDINARY MEETING – 18 APRIL 2006

Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

Council's policy for financial assistance has been developed on the basis it is "seed" funding and that there is benefit to the broader community. Funding under Council's policy is not intended for ongoing activities.

The requests for financial assistance are shown below:-

MAYOR'S DONATION FUND

Coles/Bi Lo Trolley Challenge	Donation in support of the Coles/Bi Lo Trolley Challenge which is raising money for the Make a Wish Foundation	\$1,000
Valley Food Link	Donation towards the purchase of a refrigerated container	\$1,500

WEST WARD – Councillors Brown, Francis, Hodges, Jordan

Karuah RSL	Contribution to cover the cost of road closure for the Anzac Day Commemorative Service	\$180
Seaham Scout Group	Contribution to cover the cost of road closure for the Anzac Day Commemorative Service	\$180
Thou Walla	Donation towards the cost of a shade structure. This money to be allocated on the understanding, that the Thou Walla Family Centre raise the balance of the cost of the shade structure estimated at \$1,000.	\$1,000

CENTRAL WARD – Councillors Baumann, Dingle, Swan, Tucker

Medowie Lions Club	Contribution to cover the cost of road closure for the Anzac Day Commemorative Service	\$180
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LINKS TO CORPORATE PLANS

The Council's Management Plan does not have any program or stated goal or objective for the granting of financial assistance.

The requests the subject of this report all fall within the broader Council aims and objectives of community, culture and recreation.

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward Funds are the funding source for all financial assistance.

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

- 1) Applicants are carrying out a function, which it, the Council, would otherwise undertake;

- 2) The funding will directly benefit the community of Port Stephens;
- 3) Applicants do not act for private gain.

The policy has other criteria, but these have no weight as they are not essential.

These criteria are:

- 1) A guarantee of public acknowledgment of the Council's assistance
- 2) The assistance encouraging future financial independence of the recipient
- 3) The assistance acting as 'seed' funding with a multiplier effect on the local economy.

Australian Business Excellence Framework

This aligns with Principles 3, 10 & 11 of the ABEF Framework.

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Mayor
Ward Councillors

OPTIONS

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

ATTACHMENTS

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 2

INFORMATION PAPER

AUTHOR: BUSINESS PAPER CO-ORDINATOR

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 18 April, 2006.

Info. Paper No:	Report Title	Page No:
1	Interest Free Loans	31

ORDINARY MEETING – 18 APRIL 2006

RECOMMENDATION:

502	Councillor Westbury Councillor Jordan	It was resolved that the information paper be received and noted.
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GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

**HARDSHIP PROVISIONS FOR SALT ASH/BOBS FARM
RATEPAYERS REQUIRED TO REPAIR DEFECTIVE ON-SITE
SEWAGE MANAGEMENT SYSTEMS**

**AUTHOR: SENIOR RATES CLERK
FILE: PSC2005-0829**

BACKGROUND

The purpose of this report is advise Council of proposed interest free loans to be offered to Salt Ash/Bobs Farm ratepayers who cannot afford to repair their defective on-site sewage management system.

Council has served notice on 50 ratepayers to upgrade/repair their on-site sewage management system. Typically this involves the installation of a Wisconsin mound but may involve other upgrading or repairs. Currently Council is chasing up 15 owners who have not carried out any remedial works in accordance with orders served on them by Council. Some of these ratepayers have advised Council that they cannot afford to carry out the works. To remove affordability as a barrier to rectifying defective systems it is proposed to provide interest free loans to ratepayers who meet certain eligibility criteria. Council's Hardship Panel has developed criteria to assess hardship. These criteria have been based on the criteria used by the NSW Department of Community Services State Disaster Recovery Centre for determining financial assistance after bushfire and other disaster events. Not all ratepayers will be eligible. Assistance is targeted at ratepayers with disposable income at or below the maximum amount of the pension plus maximum additional income allowed by Centrelink to retain the full rate of pension and who are without realisable assets that could pay for the works.

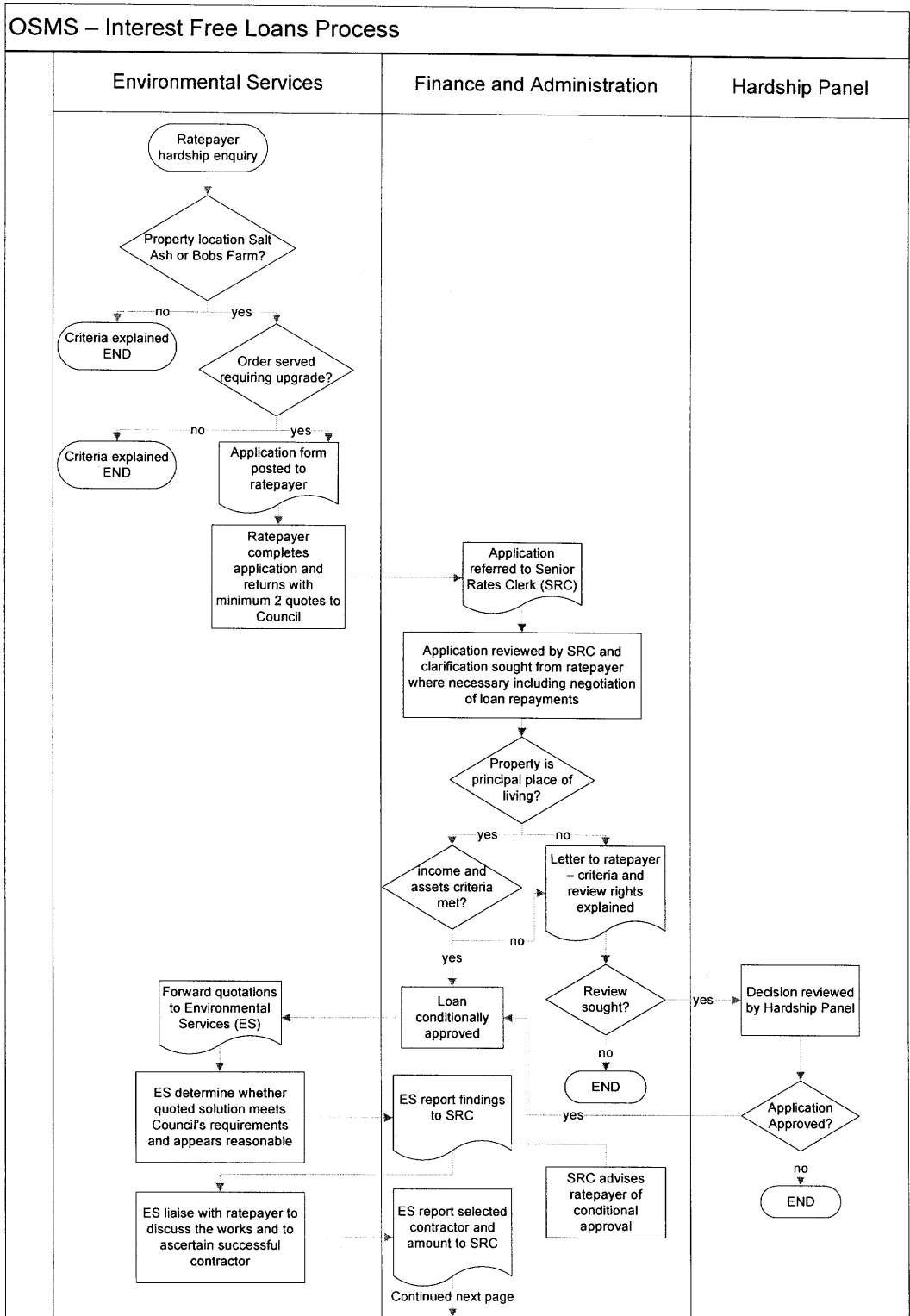
The attached flowchart details the process to be followed. Eligible ratepayers will enter into an agreement with Council, drawn up by Council's solicitor, for an interest free loan of up to \$15,000. A debtor account will be created. The ratepayer will engage the contractor to carry out the works but Council will pay the contractor directly once the works have been completed, inspected and approved. Council will negotiate, monitor and follow up repayments. A caveat will be placed on the title to the land preventing the sale of the land until such time as the debt is repaid. Upon repayment of the loan the caveat will be withdrawn.

It is hoped that this initiative will help those ratepayers who are unable to help themselves.

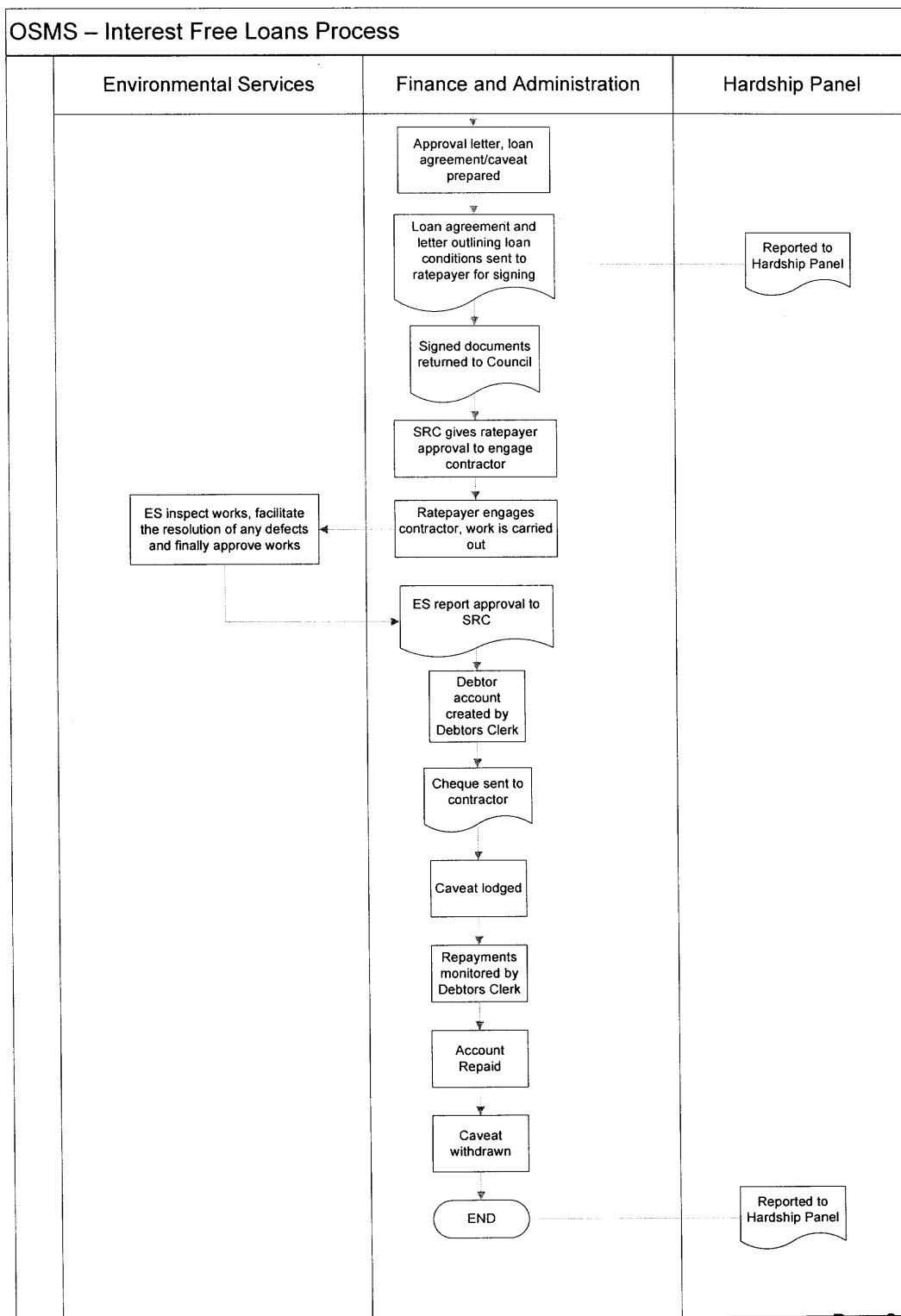
ATTACHMENTS

- 1) Process flowchart
- 2) Application form

ATTACHMENT 1



ATTACHMENT 1



ATTACHMENT 2



**Application for Hardship Relief
Interest Free Loan
(On-Site Sewage Management System Upgrade)**

COUNCIL USE ONLY

COMPLETING THIS APPLICATION

Please: Answer all questions. Tick the relevant boxes as indicated. Sign the application before a justice of the peace. Return to Port Stephens Council, PO Box 42 Raymond Terrace, NSW, 2324. Any financial assistance is not payment of compensation. It is provided as a measure of assistance and will not necessarily meet the full cost of upgrading your on-site sewage management system.

1 Name of applicant/ratepayer

Surname

Christian Names

2 Residential address of ratepayer

Address where ratepayer lives

3 Postal address of ratepayer

Mailing address (if different to ratepayer's home address)

4 Telephone number of ratepayer

ph

5 Describe the property to which this application relates

Council rate assessment number:

Lot number/s

Deposited Plan/Strata Plan numbers

Property Name (if applicable)

Street address of property

6 How many separate occupancies are there on the land?

A separate occupancy is a dwelling, flat, unit, shop, office etc capable of separate occupation.

Number of dwellings

Number of flats or units

Number of shops

Number of offices/commercial premises

7 Household income details

Name of all residents at affected property	Relationship to Applicant	Age	Occupation or Benefit/Pension type	Gross income per week before tax including investments
	Self			\$
	Spouse/Partner			\$
				\$
				\$
				\$
				\$
				\$
				\$

8 Is the affected dwelling:

Owned?

Being Purchased?

Mortgage Details

Amount of mortgage payments per week:

 \$

Name of Lending Body

Signature of Applicant

Signature of Spouse or Partner

ATTACHMENT 2

**HARDSHIP RELIEF PROGRAM (ON-SITE SEWAGE MANAGEMENT SYSTEM UPGRADE)
EXPLANATORY NOTES**

These notes should be read by applicants to assist in completing the application form.

Only ratepayers in the **Salt Ash/Bobs Farm area affected by the contamination of Tilligerry Creek** who have been served with an order by Council to upgrade their on-site sewage management system are eligible for assistance of up to a maximum of \$15,000.

Funds loaned to you under this program are provided as a measure of assistance and will not necessarily meet the full cost of upgrading your on-site sewage management system.

Assistance is only available to resident ratepayers where the affected dwelling is their sole or principal place of living.

Your application will be assessed in accordance with financial eligibility criteria approved by Council. This criteria is aligned with the criteria used by the NSW Department of Community Services when providing assistance after disaster events. Accurate information concerning all income received in your household together with details of all realisable assets belonging to you and your spouse or partner is required.

Assistance under the Hardship Relief – Interest Free Loan (On-Site Sewage Management System Upgrade) Program is based on financial eligibility criteria referred to as "Disposable Income". This figure is the basic weekly pension plus pharmaceutical allowance, plus allowance for each dependent child, plus income allowed by Centrelink to enable retention of the full basic pension.

Disposable Income is assessed by reducing the gross weekly income of the single/couple applicant/s by the amount of taxation payable and the amount of mortgage payment. Where both the applicant and the spouse/partner are in employment or in receipt of a pension, **the assessment is based on combined income**. Also included is 20% of the net income of other household residents after tax.

A taper system also operates which enables persons whose Disposable Income exceeds the specified limit to be considered for assistance on a graduated percentage scale. This extends the limits by \$25 per week for single applicants and \$50 per week for couple applicants. A possible maximum grant is thus reduced by 20% for each \$5 single (\$10 couple) that the Disposable Income figure exceeds the specified limit.

Answer all questions

Please complete each question in the application form. If the question does not apply, show 'NO', 'NONE', 'NIL', 'DOES NOT APPLY'.

Certification of income

If you are a wage earner you should attach your most recent wage advice slip to your application. Pensioners or others who receive Commonwealth benefits or superannuation pensions should attach their latest advice letter from Centrelink.

If your income included pension payments from another country an advice letter showing details should also be attached.

If self employed

You should provide evidence of your income over the past two years.

Verification of home loan repayments

If paying off your home you should provide a statement from the lending authority setting out the rate of repayment and the balance owing.

Return of Original Documents

Any original documents you provide will be copied so that the originals may be returned promptly to you.

Assets

You should disclose all realisable assets owned by you and your spouse or partner. You may be required to supply documentary evidence.

Conditional nature of any funds advanced

You should note that any assistance made available to you will be in the form of a **conditional interest free loan**. Council will require you to enter into an agreement to repay the loan and consent to a caveat being placed on the title to your land preventing sale until such time as the loan is paid out in full. No contractual relationship will exist between Council and any person you engage to effect repairs. Council reserves the right to withhold any payment until it is satisfied that the work is completed in accordance with the terms of the approval. Council's direct solicitors costs in preparing the agreement and caveat will be added to the amount of your loan to be repaid.

Submitting your application

Do not delay in submitting your application. It should be sent or delivered to Port Stephens Council, PO Box 42 Raymond Terrace, NSW, 2324.

Quotations

You must obtain at least 2 quotations for the works to be carried out by suitably qualified contractors and enclose these with your application.

Signing the application

It is essential that all information you give in connection with your application is true and correct and that you (and your spouse/partner) sign each page of the form where indicated and in front of a Justice of the Peace.

The law provides penalties in respect of any false or misleading statement.

ATTACHMENT 2

AFTER YOU LODGE THIS APPLICATION

- Council's Senior Rates Clerk will consider the information you have supplied.
- Council may contact you if further information is required.
- You will be notified when your application is determined.
- If you are dissatisfied with the decision you may ask Council's Hardship Panel to review that decision.

IF YOUR APPLICATION IS APPROVED

- If your application is approved Council will send you a loan agreement to sign.
- You must not engage a contractor to carry out the works until advised by Council.
- Council's Environmental Services staff will assist you in ensuring that the proposed works will meet Councils requirements.
- You must make repayments as agreed.
- You must repay your loan in full on settlement should you sell your property.

PRIVACY STATEMENT

- The Privacy and Personal Information Protection Act 1998 applies to personal information held, used and disclosed by Council. If you would like further information please contact Council's Privacy Contact Officer.
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There being no further business the meeting closed at 9.13pm.

I certify that pages 1-146 of the Ordinary Minutes of Council dated 18 April 2006 were confirmed by Council at its meeting held on Tuesday 23 May 2006.

Cr Craig Baumann
MAYOR