

Minutes 23 May 2006



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 23 May 2006, commencing at 5.45pm.

PRESENT:

Councillors C. Baumann (Mayor); R. Swan (Deputy Mayor); J. Nell, 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

510	Councillor Jordan Councillor Hodges	It was resolved that the apology from G. Francis; be received and noted.
511	Councillor Swan Councillor Hodges	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 18 th April & 9 th May 2006 be confirmed.

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SUBJECT

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0216/PSC2005- 5161

INDEPENDENT INQUIRY INTO THE FINANCIAL SUSTAINABILITY OF NSW LOCAL GOVERNMENT

THAT COUNCIL:

1. Receive and note the report
2. Commend the Independent Panel on the successful conduct and completion of this watershed inquiry
3. Commend the LGSA for initiating the Inquiry
4. Commit to support the LGSA in an ongoing effort to rebuild and strengthen the financial sustainability of NSW Local Government
5. Request the LGSA to establish an implementation framework and process to consult with Councils and other stakeholders; and to advance the key recommendations of the report that have been endorsed by members
6. Call on NSW Government to establish an "Independent Commission consisting of equal representation from the LGSA and the State to assess the gravity of the problems facing Local Government, to recommend urgent action to be undertaken, to help implement such changes in cooperation with Local Government and to monitor progress in achieving agreed outcomes" (recommendation 49, *Final Report*)

512	Councillor Baumann Councillor Jordan	There being no objections it was resolved that the Mayoral Minute be adopted.
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BACKGROUND

The *Final Report Findings and Recommendations* of the Independent Inquiry into the Financial Sustainability of NSW Local Government was released on 3 May 2006. This is a major report with far reaching implications for the future of NSW Local Government. A copy of the report is available at the Association's website at www.lgsa.org.au.

The report is based on one of the most comprehensive reviews of Local Government conducted in NSW. It has involved extensive research and consultation including: consideration of over 170 submissions, 13 consultative forums, councils surveys, public opinion polling, more than 30 commissioned research papers and interviews with key government Ministers and officials.

The Inquiry was initiated by the Associations in response to widespread concerns about Local Government's financial capacity to meet the growing demand for infrastructure and services. The Inquiry was financed by a combination of council contributions and the Associations reserves. The total cost of the Inquiry was \$600,000 plus moderate administrative and research support by the Associations.

The Inquiry was conducted by a highly qualified independent panel of experts. The panel members were:

- Professor Percy Allan AM, Chair and Research Director, a former Secretary of NSW Treasury, public policy, finance and management advisor;
- Ms Diana Gibbs, company director, farmer and economic development advisor; and
- Ms Libby Darlison, social policy and change advisor

REPORT FINDINGS & RECOMMENDATIONS

It is clear from the report that NSW Local Government is facing major challenges including: a real infrastructure funding crises, an inadequate revenue base, skills shortages and the ever increasing demands being placed on local Government by the community and other spheres of government.

The report's major finding is that there is a huge infrastructure renewals backlog of over \$6 billion and that this is expected to grow to almost \$21 billion in 15 years.

The report includes 49 final recommendations and spotlights a number of challenges facing Local government including the need to:

- Define Local Government's role relative to other spheres of government;
- Renew infrastructure to overcome a growing backlog;
- Implement Total Asset Management;
- Prioritise services to better reflect public preferences;
- Reform development controls at both state and council levels;
- Improve strategic planning and operational efficiency;
- Boost revenues from rates, fees and grants;
- Strengthen governance structure and procedures; and
- Achieve long-term financial sustainability

The report concludes that most of the proposed changes require a long term commitment and need to be introduced in concert because they are either interdependent or insufficient on their own to underpin council sustainability.

Given that most of the proposed changes also require an intergovernmental and/or whole of government response, the report proposes that a Summit be convened to consider, debate and hopefully endorse the recommendations of the Inquiry, and that the State Government establish an Independent Commission to monitor progress in achieving agreed outcomes.

The report provides future directions for NSW Local Government and the Associations advise that they will consult widely with members before acting on any of the

recommendations. Given the extensive nature of the report, detailed consideration will be required before a comprehensive response can be made.

The Associations have advised that the Inquiry has completed its task with the presentation of the *Final Report*. However, the report does not mark the end of the process. Rather, it sheds light on the size and complexity of the task ahead of us. Many of the key findings and recommendations of the report will need to be acted on if the Inquiry is to have served any practical purpose.

The Inquiry has been a major initiative by and on behalf of Local Government, and there is both an expectation and obligation (for the Associations) to take the next steps towards improving the financial sustainability of NSW Local Government. Advancing the report's recommendations will involve working in close collaboration with stakeholders of the Local Government sector including the Local Government Managers Australia (LGMA), the Institute of Public Works Engineering Australia (IPWEA) and the NSW Department of Local Government. It will also involve the daunting task of trying to shift the attitudes of the NSW State Government and the Commonwealth Government, their respective agencies and the public.

This will be a long term process and it is recommended that Council commit to the ongoing effort to rebuild and strength the financial sustainability of NSW Local Government.

MAYORAL MINUTE

ITEM NO. 2

FILE NO: PSC2006-0834

LOCAL GOVERNMENT BOUNDARIES

THAT COUNCIL:

Supports the resolution of Maitland City Council and requests the Minister for Local Government to include boundaries with Councils adjoining Port Stephens Council.

513	Councillor Baumann Councillor Jordan	There being no objections it was resolved that the Mayoral Minute be adopted.
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BACKGROUND

Following a resolution from Maitland City Council, the General Manager of the adjoining Councils agreed to investigate any boundary adjustment requested by community groups. Subsequently, Maitland City Council has resolved to request the Minister for Local Government to appoint a facilitator to review the boundaries with its neighbouring Councils (see attached media article).

Separately, Port Stephens Council has received a letter requesting Council give consideration to the boundaries between Port Stephens and Great Lakes Councils. It is recommended that Council supports Maitland City Council's request and seek the Minister to include boundaries with Councils adjoining Port Stephens.

ATTACHMENT

1. Media Article.

ATTACHMENT 1

mercury news

THE MAITLAND MERCURY ♦ Thursday, May 11, 2006 3



ADJUSTMENTS: Cr Arch Humphery says the issue of boundaries with other council areas is a complex one.

100506551

Borderline issues to go before facilitator

LOUISE McLEAN

Maitland City Council will write to the Local Government minister asking him to appoint a facilitator to investigate boundary adjustments with adjoining councils.

The decision to ask for a facilitator was made at the council's meeting on Tuesday night, when a motion was put forward by councillor Arch Humphery.

A report before the council said the general managers of

Maitland, Newcastle, Port Stephens, Dungog and Cessnock councils had met and created the statement that outlined how any future adjustments should be achieved.

But Cr Humphery feels further action is needed, because areas such as Hinton, Woodville, Wallalong, Beresfield and parts of Greta rely on Maitland infrastructure, even though they are in different council areas.

"This is a complex issue and we are dealing with boundaries

that are 100 years old," he said.

"There is a loss of Section 94 (developer contribution) funding to our facilities because the situation is for a lot of people who don't live in the city, Maitland is still their city of interest."

"I understand the difficulties we have, but to turn around and say we'll only do something if the community has something to say..."

Cr Tony Keating supported the amendment, saying the report went out of its way to

find reasons why the council should not do anything.

"I believe if we don't have the willingness to drive this, we need someone who will," he said.

"My discussions with surrounding councillors have been they are supportive of boundary adjustments."

Maitland City Council general manager David Evans asked the councillors to keep the position statement high on the agenda, because "you really need to know what you are taking on and

what you are letting go".

"This is an important consideration in terms of a funding sustainability issue for any council involved and should not be underrated."

Mayor Peter Blackmore said elected people calling for boundary adjustments ran the risk of putting neighbouring councils off side, and implying they were "trying to pinch territory".

He said necessary boundary adjustments should be in response to demand from the community.

MAYORAL MINUTE

ITEM NO. 3

FILE NO: A2004-0216/ PSC2006/1228

GOODS AND SERVICES TAX CERTIFICATE

THAT COUNCIL:

Approve the submission to the Department of Local Government of the Goods and Services Tax Certificate at **Attachment 1**.

514	Councillor Baumann Councillor Brown	There being no objections it was resolved that the Mayoral Minute be adopted.
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BACKGROUND

To assist compliance with Section 114 of the Commonwealth Constitution, Council is required to provide a Goods and Services Tax Certificate certifying the following:

- Voluntary GST has been paid by Port Stephens Council for the period 1 July 2005 to 30 April 2006
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office

By 8 June each year, the Commonwealth seeks from members of the GST Administration Subcommittee (GSTAS) advice on voluntary GST payments by local government bodies.

The timing of this request is to allow the Commonwealth Commissioner of Taxation to make a determination concerning the amount of GST collected in the financial year in question. Information sought by the Commonwealth is simply instances of where voluntary payments should have been, but were not, paid by local government bodies.

Accordingly, Councils are requested to provide the Department of Local Government with this Certificate before 1 June 2006 to enable the Department to provide the advice to NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

Regarding the use of the term "voluntary" in the certificate, Section 5 of *A New Tax System (Commonwealth-State Financial Arrangements) Act 1999*, subsection 3 (d) refers to "amounts of voluntary GST payments". It follows from this Act that Treasury has requested on behalf of the Taxation Office to include the term voluntary.

ATTACHMENTS

1. Port Stephens Council Goods and Services Tax Certificate

ATTACHMENT 1

PORT STEPHENS COUNCIL

GOODS AND SERVICES TAX CERTIFICATE

Payment of Voluntary GST 1 July 2005 to 30 April 2006

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by Port Stephens Council for the period 1 July 2005 to 30 April 2006.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on 23 May 2006.

P Gesling
General Manager/
Responsible Accounting
Officer

C Baumann
Mayor

R Swan
Councillor

MAYORAL MINUTE

ITEM NO. 4

FILE NO: A2004-0216

DONATION SIDS FOR KIDS

THAT COUNCIL:

Donate \$1,000 from Mayoral Funds to the Red Nose Day Campaign on Friday 30 June, 2006.

515	Councillor Baumann Councillor Hodges	It was resolved that Council become a Super Heroes Council and that Council donate \$1000 from Mayoral Funds to the Red Nose Day Campaign on 30 th June 2006.
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BACKGROUND

SIDS and Kids will this year conduct the 19th Red Nose Day. With sudden infant deaths now reduced by 90% owing to the support of the community of the SIDS risk reduction & safe sleeping programs over the past two decades, SIDS and Kids is now also focusing on the major problem of stillbirth and will direct research and education programs at this issue. There are over 1,300 stillbirths every year in Australia. This year's Red Nose Day will see the Launch of Operation 400. This represents the number of unexplained stillbirths each year.

Note: Cr Swan entered the Chambers at 5.52pm during Mayoral Minute No. 4.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 1779-001

MOTION TO CLOSE MEETING TO THE PUBLIC

AUTHOR: BUSINESS PAPER CO-ORDINATOR

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d)(i) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Tender – Newcastle Airport Car Parking Access Control System**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information.
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the Local Government (General) Regulation 2005. **PSC's resolution will remain confidential until Newcastle City Council has made its decision.**
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RECOMMENDATION:

516	Councillor Jordan Councillor Nell	It was resolved that the recommendation be adopted.
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OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: 16-2000-1774-5

**SECTION 96 MODIFICATION TO DEVELOPMENT CONSENT TO
AMEND CONDITION 10 OF CONSENT FOR THE MEDOWIE
CHRISTIAN SCHOOL AT NO. 6B WAROPARA ROAD, MEDOWIE**

POSITION TITLE: DEVELOPMENT CO-ORDINATOR

RECOMMENDATION IS THAT COUNCIL:

Refuse Section 96 Modification to Development Consent No.16-2000-1774-5 for the reasons outlined as follows (contained in Attachment 4):-

- 1) The proposal is inconsistent with the requirements of Austroads standards Part 5, Section 6.7.5.1 and Council's requirements, in particular Standard Drawing S145.
- 2) The proposal poses an unacceptable impact on traffic safety grounds, whereby public safety will be compromised through inadequate provision of access and passing lane required for the school.
- 3) The development is contrary to the public interests and expectations of an orderly, predictable and safe traffic environment.

OPERATIONS COMMITTEE MEETING – 9 MAY 2006

RECOMMENDATION:

That the matter be deferred to the June Operations Committee Meeting

ORDINARY MEETING – 23 MAY 2006

MOTION:

	Councillor Dingle Councillor Nell	That Council refuse Section 96 Modification to Development Consent No: 16-2000-1774-5 for the reasons outlined as follows; 1) The proposal is inconsistent with the requirements of Austroads standards Part 5, Section 6.7.5.1 and Council's requirements, in particular Standard Drawing S145. 2) The proposal poses an unacceptable impact on traffic safety grounds, whereby public safety will be compromised through inadequate provision of access and passing lane required for the school. 3) The development is contrary to the public interests and expectations of an orderly, predictable and safe traffic environment.
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The motion on being put was lost.

RECOMMENDATION:

517	Councillor Robinson Councillor Dover	It was resolved that this matter be deferred to the June Operations Committee.
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BACKGROUND

The purpose of this report is to present a Section 96 Modification Application to Council for determination at the request of Mayor Baumann and Councillor Swan.

The Development Application was originally approved on 20 June 2001 for Medowie Christian School at Lot 22 DP 1036306, No.6B Waropara Road, Medowie subject to conditions of consent. As part of the original consent Condition No.10 read as follows:-

10. ***“Prior to the operation of Stage 1 of the development, provide an access treatment at the junction with the public road in accordance with Council’s Standard Drawing S145 to incorporate a treatment for:***
- i) access entry / exit;*
 - ii) passing lane.*

A Section 96 Modification was lodged with Council and approved on 27 June 2001. The modification application primarily related to a change in staging of the development proposal and subsequent works required at various stages. Therefore, in granting approval to this modification, Condition 10 was amended. The extent of works required to be undertaken remained unchanged, however, the timing or staging was amended to read as follows:- ***“Prior to the operation of Stage 2 of the development”***.

A Section 96 Modification was lodged with Council and approved on 11 November 2005 further amending the timing for undertaking the works required in Condition 10. Condition 10 was amended to read as follows: ***“Prior to the operation of Stage 3 of the development”***.

A further Section 96 Modification Application has been lodged on 15 December 2005, which is the subject of this Council report requesting to further amend Condition 10 of development consent. The request reads as follows:-

Prior to the operation of Stage 5 of the development a review of the background traffic and traffic generation characteristics of the school is to be carried out by a suitably qualified traffic engineer and a report including the findings of such a review be submitted to Council.

Should such a review not justify to the satisfaction of Council further deferment of an access treatment then, it is suggested that the Condition require the access treatment works to be undertaken “Prior to the operation of Stage 5 of the development”.

This Section 96 Modification Application was referred to the Local Development Traffic Committee for consideration given the condition was originally a requirement of the Traffic Committee. The recommendation of the Traffic Committee reads as follows:-

“That Condition 10 remains as a condition of consent that must be complied with Prior to the operation of Stage 3 of the development. Therefore the Committee recommends that the Section 96 Modification not be supported by Council”.

Therefore, based on both the recommendations of the Traffic Committee and non-compliance with Austroads Standards and Council’s requirements, it is recommended that the Section 96 modification be refused based on traffic safety grounds.

LINKS TO CORPORATE PLANS

This report relates to the Goal in the Assessment and Approvals program of Council’s Management Plan, which is *an ordered and predictable built environment in Port Stephens*.

FINANCIAL/RESOURCE IMPLICATIONS

There is potential for financial / resource implications in respect to Council liability in the event a traffic incident were to occur compromising public safety due to inadequate road safety measures being imposed for the operation of the school.

LEGAL AND POLICY IMPLICATIONS

The Section 96 Modification Application is inconsistent with the requirements of Council and the Local Development Traffic Committee based on traffic safety grounds. To support such a request would compromise public safety and may result in liability issues for Council in the event, a traffic incident were to occur due to inadequate road safety measures imposed for the school.

Australian Business Excellence Framework

This aligns with Principles of the ABEF Framework.

- 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

There is potential for social implications if the Section 96 Modification Application was supported based on traffic safety grounds, whereby public safety will be compromised through inadequate provision of road safety measures for the school.

ECONOMIC IMPLICATIONS

There are no economic implications.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

CULTURAL IMPLICATIONS

There are no Aboriginal or European cultural heritage implications.

CONSULTATION

The application was exhibited in accordance with Council policy and one (1) submission was received. This is discussed in the Attachments.

OPTIONS

- 1) Adopt the recommendation.
- 2) Reject or amend the Recommendations.

ATTACHMENTS

- 1) Locality Plan
- 2) Site Plan
- 3) Assessment
- 4) Reasons for Refusal.

COUNCILLORS ROOM

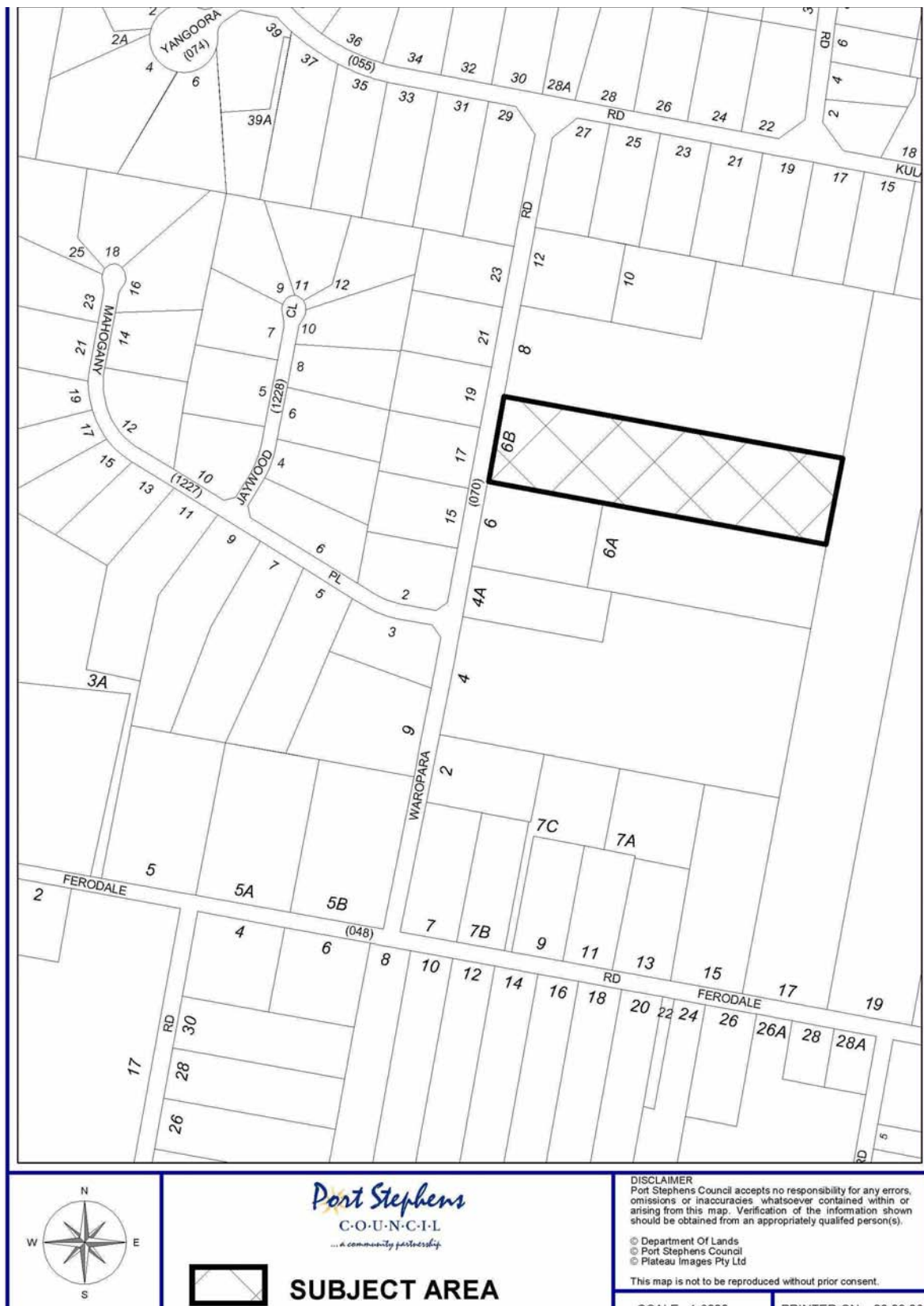
- 1) Copy of the Section 96 Amendment document submitted with the application.
- 2) Copy of Council's Standard Drawing S145.

TABLED DOCUMENTS

Nil

ATTACHMENT 1

LOCALITY PLAN



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ATTACHMENT 3 ASSESSMENT

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

THE PROPOSAL

A Section 96 Modification Application has been lodged on 15 December 2005 requesting an amendment to Condition 10 of development consent. The staging of this condition has been amended on two previous occasions, firstly on 27 June 2001 and again on 11 November 2005, whereby the timing for these works to be undertaken was amended from originally Stage 1, to Stage 2 and then Stage 3 respectively. Therefore, the current Condition 10 reads as follows:-

10. *“Prior to the operation of Stage 3 of the development, provide an access treatment at the junction with the public road in accordance with Council’s Standard Drawing S145 to incorporate a treatment for:*

- i) access entry / exit;*
- ii) passing lane.”*

The Section 96 Modification Application is requesting to further amend Condition 10. The request reads as follows:-

Prior to the operation of Stage 5 of the development a review of the background traffic and traffic generation characteristics of the school is to be carried out by a suitably qualified traffic engineer and a report including the findings of such a review be submitted to Council.

Should such a review not justify to the satisfaction of Council further deferment of an access treatment then, it is suggested that the Condition require the access treatment works to be undertaken “Prior to the operation of Stage 5 of the development”.

Given this was an original requirement of the Local Traffic Committee, the modification request was referred to the Committee for consideration. The recommendations of the Traffic Committee concluded that Condition 10 remain as is, with the works to be undertaken prior to the operation of Stage 3. Their recommendation to Council reads as follows:-

“That Condition 10 remains as a condition of consent that must be complied with Prior to the operation of Stage 3 of the development. Therefore the Committee recommends that the Section 96 Modification not be supported by Council”.

The Traffic Committee has justified their recommendation stating as follows:-

“This condition has been reviewed a number of times. The condition requires the development to have a widened sealed shoulder at the access to the development, which the Committee feels is warranted and justifiable on safety grounds.

The claim that’Traffic flow levels for Stage 3 and 4 of the development do not trigger the Austroads warrants for auxiliary lane treatment at the school entrance’... are not accurate. The Austroads standards states .. that the minimum treatment should provide sufficient

pavement width for a through vehicle to pass a vehicle waiting to turn right on two lane, two way roads. (Austroads Part 5, Section 6.7.5.1) Council's Standard Drawing S145 is a reflection of the Austroads requirement with the difference being the widening be sealed.

Therefore, based on both the recommendations of the Traffic Committee and non-compliance with Austroads Standards and Council's requirements, it is recommended that the Section 96 modification be refused based on traffic safety grounds.

THE APPLICATION

Owner	Medowie Christian School Limited
Applicant	Medowie Christian School Limited
Detail Submitted	Section 96 Modification Application, documentation relating to the proposal

THE LAND

Property Description	Lot 22 DP 1036306
Address	No.6B Waropara Road, Medowie
Area	N/A
Dimensions	N/A
Characteristics	N/A

2. Likely Impact of the Development

The proposed Section 96 modification to further delay the roadworks would pose an unacceptable risk to the public on traffic safety grounds.

3. Suitability of the Site

The site is considered suitable for the school, currently operating on site subject to development consent (16-2000-1774-1).

4. Submissions

The Section 96 Modification Application was publicly exhibited in accordance with Council policy and one (1) submission was received raising issues associated with traffic safety.

5. Public Interest

To support the Section 96 Modification Application would be contrary to the public interests and expectations of an orderly, predictable and safe traffic environment.

**ATTACHMENT 4
REASONS FOR REFUSAL**

- 1) The proposal is inconsistent with the requirements of Austroads standards Part 5, Section 6.7.5.1 and Council's requirements, in particular Standard Drawing S145.
- 2) The proposal poses an unacceptable impact on traffic safety grounds, whereby public safety will be compromised through inadequate provision of access and passing lane required for the school.
- 3) The development is contrary to the public interests and expectations of an orderly, predictable and safe traffic environment.

ITEM NO. 2

FILE NO: S 9750-018

PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 – TO FACILITATE SUBDIVISION AND RESIDENTIAL DEVELOPMENT OF LOT 52 DP 735066, 339 TAREAN ROAD KARUAH

POSITION TITLE: LAND USE PLANNER

RECOMMENDATION IS THAT COUNCIL:

- 1) Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, prepare and exhibit an amendment to Port Stephens Local Environmental Plan 2000 to:
 - a) facilitate subdivision to enable residential and limited mixed use development on Lot 52 DP 735066, 339 Tarean Road KARUAH NSW subject to the resolution of mosquito, access, potential noise issues and provision of infrastructure commensurate to the type and amount of development proposed by the rezoning; and
 - b) protect the ecological values of the site through an environmental protection zoning; and
 - c) create under Clauses 16 and 21 a medium density residential zone and a mixed use zone respectively that is consistent with the zones contained in the Standard Local Environmental Plan instrument recently gazetted by the Department of Planning.
- 2) Consult with Great Lakes Shire Council and the Department of Planning for the purposes of obtaining an agreement that any urban development proposed on the north side of the river in the Great Lakes Local Government Area includes a cross boundary section 94/planning agreement to co-ordinate Councils and State government identification, funding and implementation of infrastructure for the Karuah community.

OPERATIONS COMMITTEE MEETING – 9 MAY 2006

RECOMMENDATION:

That the recommendation be adopted; and

- 3) **The developers, through the local Karuah communities represented at public access on 9 May 2006 and the Councillors, be kept informed of the process as it progresses.**
-

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

518	Councillor Jordan Councillor Brown	<p>It was resolved that;</p> <p>1) Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, prepare and exhibit an amendment to Port Stephens Local Environmental Plan 2000 to:</p> <p>a) facilitate subdivision to enable residential and limited mixed use development on Lot 52 DP 735066, 339 Tarean Road KARUAH NSW subject to the resolution of mosquito, access, potential noise issues and provision of infrastructure commensurate to the type and amount of development proposed by the rezoning; and</p> <p>b) protect the ecological values of the site through an environmental protection zoning with a 50m buffer zone that does not include asset protection zones or for any other infrastructure services.</p> <p>c) create under Clauses 16 and 21 a medium density residential zone and a mixed use zone respectively that is consistent with the zones contained in the Standard Local Environmental Plan instrument recently gazetted by the Department of Planning.</p> <p>2) Consult with Great Lakes Shire Council and the Department of Planning for the purposes of obtaining an agreement that any urban development proposed on the north side of the river in the Great Lakes Local Government Area includes a cross boundary section 94/planning agreement to co-ordinate Councils and State government identification, funding and implementation of infrastructure for the Karuah community.</p> <p>3) The developers, through the local Karuah communities represented at public access on 9 May 2006 and the Councillors, be kept informed of the process as it progresses.</p>
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THE PROPOSAL

Amend Port Stephens Local environmental Plan 2000 (LEP) to allow residential development and environmental protection.

Owners	Mr P & Mrs R D Oxford
Proponent	Harper Somers O'Sullivan
Date of submission	October 2005
Subject land	Lot 1 DP: 436702
Existing zoning	1(a) Rural Agriculture zone
Proposed zoning	2(a) Residential zone and part 7(a) Environmental Protection

To make the proposal work, Land Use Planning is recommending to amend LEP 2000 to include;

- a Medium Density zone to facilitate medium density residential and diversity of lot sizes; and,
- a Mixed Use zone to permit commercial premises, shop, restaurant and dwellings in the zone.

BACKGROUND

The purpose of this report is to:

- 1) Present a rezoning request to Council for consideration**
- 2) Recommend that Council resolve to prepare a draft LEP to rezone the subject lands**
- 3) Recommend Council amend LEP 2000 to include the Medium Density Residential zone and Mixed Use zone**

The subject site is identified on the locality plan shown in Attachment 1.

Key aspects of the proposal are increased population within walking distance from the town centre, integrated access to the existing street and pedestrian network, protection of SEPP 14 Wetlands running through the site and the viability of permitting mixed uses situated at the entry to the site and adjoining Karuah Hotel and adjoining Country Life Motel. The Mixed Use zone would permit commercial and retail uses adjacent to or attached residential uses.

The subject site is identified for residential growth in *Port Stephens Urban Settlement Strategy 2002*, *Karuah Local Area Plan 2003* and *Karuah Urban Management Plan 2002*. The township of Karuah is also identified in the *Lower Hunter Regional Strategy 2006* as suitable to increase in population up to 2,000 people by 2031. The current population of Karuah is 1,240 and the proposed rezoning has the potential to increase to 1,640 people.

A copy of the Planning Report submitted with the request to rezone may be viewed in the Councillors Room. Internal referrals to Environmental Services, Subdivision Engineering, Drainage and Flooding, Traffic, Community Services and Land Use Planning prompted various specific concerns that are covered in the Sustainability Implications section of this report. In summary, rezoning a portion of the site for residential purposes is consistent with Council's sustainability principles and a population increase may be catered for within the capacity of available infrastructure.

Initial concerns raised by internal referrals can be adequately addressed prior to exhibition of the draft Environmental Plan.

LINKS TO CORPORATE PLANS

This report relates to the key result area of “Planning and Development – Our development focuses on our communities being sustainable”. The following strategic directions are applicable:

Promote, plan and guide development to create sustainable communities that conserve and enhance the natural and built environment.

Ensure that our planning framework provides appropriate levels of housing, transport, infrastructure, human services and community facilities across all our communities.

FINANCIAL/RESOURCE IMPLICATIONS

This request attracted an initial lodgement and preliminary investigation fee of \$4,000. Stage 2 for this site attracts an additional \$12,640 fee to cover internal referrals and the Council Report. If Council supports this proposal, Stage 3 fees are applicable, amounting to a further \$12,640 to cover costs for seeking comments from Government agencies, advertising and exhibiting the plan, preparing a second report to Council if necessary and preparing the necessary documents to the Minister for Gazettal.

LEGAL AND POLICY IMPLICATIONS

The Draft Amendment, when completed and placed in the Government gazette, will be a legal instrument. There are no legal implications should Council not resolve to support the preparation of the draft LEP.

It is envisaged that development controls for the site will be incorporated into Council's Consolidated DCP that is currently being prepared in accordance with the recent changes to the EP&A Act. The Act now requires that one DCP may apply to each individual parcel of land. Land Use Planning will submit the consolidated DCP for Council's consideration in the near future.

Australian Business Excellence Framework

To recommend that Council pursue an amendment to LEP 2000 to allow residential subdivision on this land is aligned with Principles 1, 2, 3, 8, 11 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
- 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

STRATEGIC PLANNING

The proposed rezoning will increase Karuah's population by approximately 400 people within 500m from the town centre. The additional population will provide support for the existing town centre that has been affected economically by the By-pass. The proposal offers a range of housing types within 170 lots that would suit a cross section of the housing markets and also presents logic in the placement of lot sizes which support a small, sustainable neighbourhood centre.

Ecologically the site possesses a wetland and surrounding sensitive vegetation that acts as a constraint but also provides the opportunity for passive recreation around its edges. Dimensions of buffer zones for bushfire protection and environment conservation will be resolved through the consultation process.

Required developer-funded wastewater strategies will be resolved with Hunter Water prior to Gazettal. Stormwater management techniques will be employed and enforced in order to protect the water quality and water level of the wetland.

The proposal is supported through the Lower Hunter Regional Strategy 2006, which foreshadows a rounding-off of Karuah by increasing the total population by up to an additional 2,000 people.

Water and Sewer Servicing

The Karuah Wastewater Treatment Works (WWTW) has capacity of 2500 EP and can be upgraded to 4000 EP. The system currently operates for 546 ET and 1420 EP (Equivalent Person & Tenements).

The subject site is not included in *Karuah Sewerage Scheme 1997* but may be included in the *Karuah WWTW Strategy 2006* if a developer-funded wastewater servicing strategy is provided considering surrounding development areas within the natural catchment, scope and timing of the upgrade.

Transport and Traffic

Council's Traffic Engineers raised an issue regarding the treatment of the proposed intersection with Tarean Road and the impacts of the traffic generated from the proposed residential subdivision on Cecil Road. Cecil Road connects River Glades Estate and other residential subdivisions to the south with Tarean Road. Cecil Street intersection is offset approximately 50m West of the proposed intersection. The treatment of the intersection may be resolved within the LEP Amendment process and does not preclude rezoning from proceeding.

The proposed single access point onto Tarean Road is balanced by the opportunities presented for land West and East of the site to connect to the street network.

Open Space Network

Council's Recreation Services Department have questioned future ownership and maintenance of the proposed village green associated with the neighbourhood centre and the proposed walkway/cycleway through the wetland buffer zone. While matters of

ownership and maintenance are required to be resolved prior to implementation they do not prevent Council from pursuing this Amendment.

The concept of the village green creates a place at the entryway to the proposed subdivision and is consistent with the Open Space principles in Council's *Urban Settlement Strategy 2002*. The proposed walkway/cycleway promotes passive recreation and walkable neighbourhoods and will connect the site with Council's existing wetland boardwalks and proposed Mustons Road cycleway.

SOCIAL IMPLICATIONS

The site is identified in the Karuah LAP for potential residential development. The LAP states that future development should encourage increased residential density to support the town centre and that the existing urban character, street network and topography be maintained. The proposal establishes links with the existing street network and provides opportunities for the network to be extended to the land to the west and future connections beyond Karuah Oval. The site is within 500m of the main street and consequently does not fragment the urban fabric of Karuah.

The proposal provides a mix of housing types and some employment opportunities in the neighbourhood centre. Recreation of the residents is catered for through public walkway and cycleways along the edge of the Wetland complex connecting to "Tidy Towns" constructed boardwalks and viewing platforms. Population increase as a result of this rezoning will provide economic and social stimulus for Karuah that is currently readjusting to the By-pass and the loss of traffic and passing trade.

A range of lot sizes, housing types and price levels augurs well for the integration of a varied demographic mix. The range of people attracted to live in this neighbourhood will be diverse. According to *2004 Port Stephens Community Profile*, Karuah is dominated by residents over 50 years drawn to the area for retirement in a coastal location. The demographic ranges from couple families without children representing 47.7% to one-parent families representing 14% (*Census 2001*). As Karuah evolves from a highway village to a seaside town, the available housing product must adapt with the demographic change.

ECONOMIC IMPLICATIONS

The economic implications of the rezoning would be an increase in housing stock and the generation of revenue from Section 94 contributions. There is an opportunity for Council to enter into a developer agreement with this draft LEP to achieve funding and implementation of yet to be identified infrastructure commensurate with the type and size of development. The process and details for the identification, funding and implementation of infrastructure will be through the draft LEP process or, if more appropriate, at the Development Application stage.

The proposal would reinforce the long-term economic feasibility of Karuah by increasing retail and service demands through the inclusion of 170 new households. It is reasonable to consider that a percentage of household expenditure for food (36%) and transport (25%) will be spent within Karuah and therefore an overall increase in population will result in a rise in the economic viability of the town. (*ABS figures for Hunter Region 1998/99*)

The neighbourhood centre will provide limited services for the residents on the subject site and those residents in proximity to the south (along the highway and from River Glades Estate) through the implementation of the Mixed Use zone. The role of the neighbourhood centre will be secondary to the main street within the centre hierarchy. The purpose of the

neighbourhood is not to detract from those services provided for in the town centre. A small amount of retail and commercial uses will act as a buffer from the existing hotel/ motel and the dwellings. It is intended to surround the neighbourhood centre with a limited number of cottage allotments.

ENVIRONMENTAL IMPLICATIONS

The SEPP 14 Wetland is to be protected through zoning the land 7 (a) Environmental Protection. It is proposed that 7(a) zoned land would include a 40m buffer zone to protect the ecosystem and include Asset Protection Zones for bushfire protection purposes. It is not considered sustainable that a managed bushfire protection zone acts as a suitable buffer for the wetland. Furthermore, Department of Environment and Conservation may require a 50m buffer zone to protect the wetland.

The hydrology of the wetland is to be protected from urban runoff and stormwater through appropriate water quality management methods. The proposal intends to employ adequate Water Sensitive Urban Design methods, the details of which are required to be agreed upon prior to the making of the plan.

Endangered species, *Tetratheca juncea* and *Angohpora inopina* are located on site and will be protected from development through the implementation of the 7(a) Environmental Zone.

Mosquitoes affect the land and it is recommended that the proponents prepare a Mosquito Management Plan suitable for the site. Methods of housing construction to combat against mosquitoes may be enforced through adopting appropriate controls for development on the subject land.

Possible noise emanating from the pub and motel will be considered through development design so that potential future noise conflicts are avoided.

CULTURAL IMPLICATIONS

Two Karuah site officers and a representative from Goondawirrow Heritage carried out a survey and prepared an Aboriginal Archaeological Heritage Impact Assessment Report. No evidence was found during the course of the survey and the report found that the potential for finding such evidence was low. However it was recommended that Karuah Local Aboriginal Land Council (KLAC) be contacted to survey the land when civil works are to be commenced. This will occur at S62 Consultation stage if Council supports this proposal.

The report advised that no works are to take place within the proposed buffer zone of the wetland as the wetland holds significance to the Worimi people.

Council also advises as the site adjoins Karuah Aboriginal Mission that the proponents contacted KLALC prior to exhibition.

CONSULTATION

Preliminary internal consultation on the rezoning request has been carried out and issues raised have been considered in this report. Consultation with public authorities will be undertaken should Council resolve to prepare a draft LEP.

Consultation has occurred with two Community Groups from Karuah; Karuah Tidy Towns, Parks, Reserves, Wetlands Committee and Karuah Working Together Incorporated. A submission from each of these groups has been received by Council and is located in the

Councillors Room.

Karuah Tidy Towns, Parks, Reserves, Wetlands Committee (KTT)

This Committee have constructed and maintain walking tracks, boardwalks and viewing platforms associated with the same wetland on an adjacent allotment owned by Council. KTT expressed concerns regarding a number of issues they wish to be acknowledged and taken into account through this process. Those issues are;

- Proposed housing densities
- Maintenance of the 50m buffer zone around wetland and that the buffer not be compromised by fire trails
- That a trust be formed by the developer for the land proposed to be 7(a) Environment Protection
- Barricades for vehicles be provided around wetland to prohibit vehicular entry
- Discourage domestic animals within subdivision
- Care of environmental protection area be given to environmental groups to construct walking trails and the like
- A Weed Management Plan be provided by the developer including a strategy to replace native plants through interaction with the proposed community
- Consultation to occur with the Wetland Centre, Department of Environment and Conservation and Hunter and Central Rivers Catchment Management Authority.

Karuah Working Together Incorporated (KWT)

KWT consists of representatives from; Karuah Local Aboriginal Land Council, Karuah Oyster Farmers, Karuah Progress Association, Port Stephens Business Chamber (Karuah Chapter), Karuah Community Centre 335B Committee, KTT 355B Committee, Karuah RSL and Karuah Public School Parents & Citizens.

KWT does not support the proposed rezoning in its current form. The issues that concern KWT are;

- Proposed diversity of lot sizes is unsuitable for Karuah
- Development of land between Karuah Hotel and Country life Motel may impact on wetland
- Maintain integrity of 50m buffer zone and wetland boundary through a developer contribution
- Economic impacts of a neighborhood centre on the existing town centre
- Provision of a suitable instrument to ensure on-going protection and maintenance of wetland and buffer
- Wetland provides habitat for fauna (Nankeen Night Heron) not mentioned in *Flora and Fauna Report* (Harper Sommers O'Sullivan)
- Consider extent of wetland in current dry state as well as potential wet state
- Impacts of post development stormwater on the down stream oyster industry

OPTIONS

- 1) Adopt the recommendations
- 2) Reject or amend the recommendations

ATTACHMENTS

- 1) Locality Plan

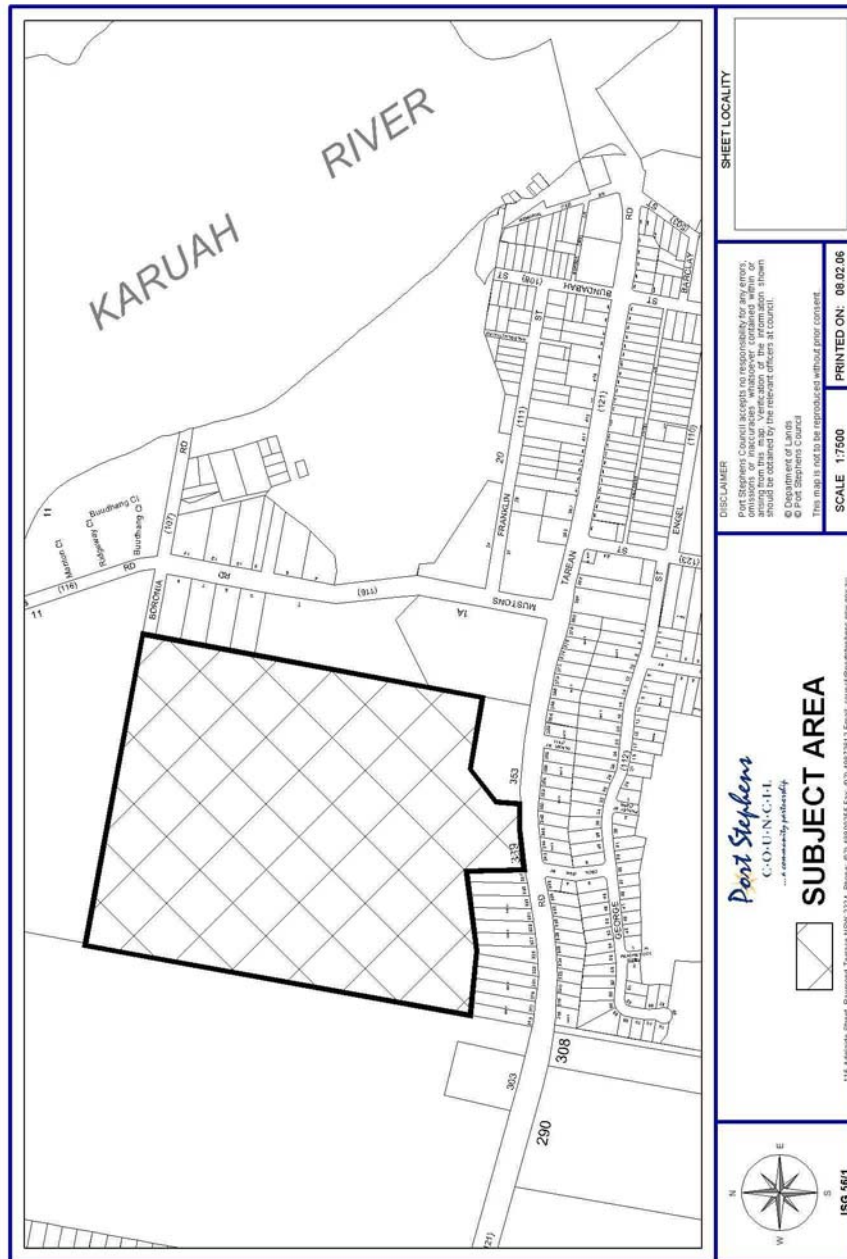
COUNCILLORS ROOM

- 1) Planning report prepared by Harper Somers O'Sullivan
- 2) Submission from Karuah Tidy Towns, Parks, Reserves, Wetlands Committee
- 3) Submission from Karuah Working Together Incorporated

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1 LOCALITY PLAN



ITEM NO. 3**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 4TH APRIL, 2006****POSITION TITLE: TRAFFIC ENGINEER****RECOMMENDATION IS THAT COUNCIL:**

Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 4th April 2006.

OPERATIONS COMMITTEE MEETING – 9 MAY 2006**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING – 23 MAY 2006**RECOMMENDATION:**

519	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 March 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 4th April in Council's Administration Building. In attendance were M Morrison (PSC Chairman), I Jenkins (RTA Technical representative), G Stewart (representing John Bartlett MP), Mr R Landers and Mr M Newling (representing the local bus operations), Councillor Dingle and L Hudson (PSC). An apology was received from John Price MP and Snr Constable Schmidtke (NSW Police).

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.

Items that were noted as having a safety priority are:

- | | |
|-----------------|---|
| Item C.2 | Irrawang High School – No Stopping Zone |
| Item C.3 | Geer Street, Raymond Terrace – No Parking Zone |

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 4th April.

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 4th April 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 4TH APRIL, 2006

- A. ADOPTION OF THE MINUTES OF 7TH MARCH, 2006**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
 - C.1. ELKIN AVENUE, RAYMOND TERRACE – BUS ZONE**
 - C.2. IRRAWANG HIGH SCHOOL, RAYMOND TERRACE – NO STOPPING ZONE**
 - C.3. GEER STREET, RAYMOND TERRACE – NO PARKING ZONE**
 - C.4. TAREAN ROAD, KARUAH – TEMPORARY ROAD CLOSURE**
 - C.5. TOWN CENTRE CIRCUIT, SALAMANDER BAY – NO STOPPING ZONE**
 - C.6. STOCKTON STREET, NELSON BAY – NO RIGHT TURN INTO THE UPPER SERVICE ROAD**
 - C.7. SHOAL BAY ROAD, NELSON BAY – NO STOPPING**
 - C.8. SHOAL BAY ROAD, NELSON BAY – PARKING AT NEIL CARROLL PARK**
 - C.9. AJAX AVENUE, NELSON BAY – TRAFFIC CALMING**
 - C.10. TOMAREE ROAD, SHOAL BAY – SIGHT RESTRICTIONS AT INTERSECTION OF SHOAL BAY ROAD**
- D. GENERAL BUSINESS**
 - D.1. NELSON BAY BUSINESS DISTRICT – LOADING ZONES**
 - D.2. MARINE DRIVE – LINEMARKING AT INTERSECTION OF ROCKY POINT ROAD**
- E. ATTACHMENTS**
 - E.1. GEER STREET, RAYMOND TERRACE – NO PARKING ZONE**

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 4TH APRIL, 2006
AT 9:30AM**

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

The minutes of the previous Local Traffic Committee Meeting dated 7th March 2006 will appear before Council at the Operations Committee Meeting on 11th April 2006.

B. BUSINESS ARISING FROM PREVIOUS MEETING

There was no business arising from the previous meeting.

C. LISTED MATTERS

C.1 ELKIN AVENUE, RAYMOND TERRACE – BUS ZONE

Rod Landers has requested Traffic Committee investigate traffic congestion problems at Hunter River High School during drop off and pick up times.

REQUESTED BY: Rod Landers, Blue Ribbon Buses

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT Consultation should be undertaken with Hunter Valley Buses and Hunter River High School before improvements are undertaken

RECOMMENDATION

- Further discussions will be held with Hunter River High School and bus operators. Any recommendations will be brought back to the committee for review and adoption.

ESTIMATED COST N/A

FUNDING SOURCE N/A

C.2 IRRAWANG HIGH SCHOOL, RAYMOND TERRACE – NO STOPPING ZONE

Irrawang High School have requested the existing No Stopping zone on the western side of the west carpark be extended to improve the sight distance for vehicles exiting the carpark in a westerly direction.

REQUESTED BY: Irrawang High School

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT Nil

RECOMMENDATION

- The No Stopping zone be extended approximately 8 metres further west.

ESTIMATED COST	\$ 100
FUNDING SOURCE	Traffic Facilities Budget

THIS ITEM HAS A SAFETY PRIORITY

C.3 GEER STREET, RAYMOND TERRACE – NO PARKING ZONE

Councils Road Safety Officer has requested No Parking signs be installed on Geer Street between the corner of Vogeles Place (south of driveway access, 17 Geer Street) to approximately 6 metres from the School Boundary. The No Parking zone should be time restricted to match school zone hours of 8 am – 9.30 am and 2.30 pm – 4 pm.

REQUESTED BY:	Road Safety Officer		
CONSULTATION:	Nil		
INSPECTION	UNDERTAKEN		Yes
	AGREE WITH REQUEST		Yes
ADDITIONAL	ATTACHMENT		Yes
COMMENT	Nil		

RECOMMENDATION

- That a No Parking zone 8 am – 9.30 am and 2.30 pm – 4 pm be provided from Vogeles Place to 6 metres from the school boundary and
- That the existing No Stopping zone sign outside No.28 Geer Street be moved north to cover the driveway of No.28 Geer Street.

ESTIMATED COST	\$ 200
FUNDING SOURCE	Traffic Facilities Budget

THIS ITEM HAS A SAFETY PRIORITY

C.4 TAREAN ROAD, KARUAH – TEMPORARY ROAD CLOSURE

The Karuah RSL Sub Branch have requested the temporary closure of Tarean Road for the purpose of an Anzac Day March. The closure will be in place for one hour commencing at 6 am.

REQUESTED BY: Karuah RSL Sub Branch

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.5 TOWN CENTRE CIRCUIT, SALAMANDER BAY – NO STOPPING ZONE

The Strata Agents for the Henry Centre have requested No Stopping signs be installed in front of the Takeaway Shop. Delivery trucks cause sight distance problems when exiting the Henry Centre by parking the vehicles on the grass footpath.

REQUESTED BY: Total Strata Solutions

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT

- Parking only occurs on the footpath area outside the Henry Centre
- No other area on Town Centre Circuit has the same problem

RECOMMENDATION

- Double white centre lines be provided between the roundabouts on Town Centre Circuit.
- Council Rangers be asked to monitor the area.

ESTIMATED COST \$ 500

FUNDING SOURCE Traffic Facilities Budget

C.6 STOCKTON STREET, NELSON BAY – NO RIGHT TURN INTO THE UPPER SERVICE ROAD

A resident of Stockton Street has requested a No Right Turn sign be installed on the upper service road for traffic heading toward Nelson Bay.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	ATTACHMENT	No

COMMENT

- Nil accident history
- Good sight distance
- 50 km/hr speed limit

RECOMMENDATION

- No further action be taken to provide a No Right Turn restrictions.

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.7 SHOAL BAY ROAD, NELSON BAY – NO STOPPING

A resident of Shoal Bay Road has requested No Stopping signs be installed on Shoal Bay Road from Victoria Parade to Neil Carroll Park. Vehicles park across the driveway to the property blocking access.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST No

ADDITIONAL ATTACHMENT No

COMMENT Adequate road width available for vehicles to park

RECOMMENDATION

- No further action.

ESTIMATED COST N/A

FUNDING SOURCE N/A

C.8 SHOAL BAY ROAD, NELSON BAY – PARKING AT NEIL CARROLL PARK

Councillor Dover has requested Traffic Committee investigate parking on Shoal Bay Road on Market days. Many cars park on Shoal Bay Road instead of turning into the parking area provided.

REQUESTED BY: Councillor Dover

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST Yes

ADDITIONAL **ATTACHMENT** No

COMMENT

- Shoal Bay Road has No Stopping restrictions on both sides of the road in the vicinity of Neil Carroll Park
- Some signs are missing and need replacing

RECOMMENDATION

- Missing No Stopping signs between Magnus Street and Trafalgar Street be replaced.
- Council Rangers be asked to monitor the area.

ESTIMATED COST \$ 150

FUNDING SOURCE Facilities & Services Maintenance Budget

C.9 AJAX AVENUE, NELSON BAY – TRAFFIC CALMING

A resident of Ajax Avenue has requested Traffic Committee investigate traffic calming measures for the street. The resident has witnessed many cars speeding along the street, and there are many elderly residents and young children who cross the road to the beach.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT

- Residential area
- Low traffic volumes

RECOMMENDATION

- A Speed & Volume count be undertaken and results brought back to the Committee for determination of action required.

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.10 TOMAREE ROAD, SHOAL BAY – SIGHT RESTRICTIONS AT INTERSECTION OF SHOAL BAY ROAD

A resident of Shoal Bay has requested Traffic Committee investigate sight distance problems at the intersection of Tomaree Road and Shoal Bay Road. A line of palm trees planted on the boundary of units on Shoal Bay Road restricts the vision of vehicles turning left out of Tomaree Road.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT

- Speed humps on Shoal Bay Road east approach
- Trees located on private property restrict vision
- Low speed approaches to intersection

RECOMMENDATION

- Stop sign and hold lines be provided on Tomaree Road at the intersection of Shoal Bay Road.

ESTIMATED COST \$ 200

FUNDING SOURCE Traffic Facilities Budget

D. GENERAL BUSINESS**D.1 NELSON BAY BUSINESS DISTRICT – LOADING ZONES**

Nelson Bay Town Management have requested Traffic Committee investigate and make changes to the Loading Zones located in the CBD.

Nelson Bay Town Management have conducted surveys of the Business Community and would like the loading zone times changed.

REQUESTED BY: Nelson Bay Town Management

CONSULTATION: N/A

INSPECTION	UNDERTAKEN	Yes/No/NA
	AGREE WITH REQUEST	Yes/No
ADDITIONAL	ATTACHMENT	Yes/No

COMMENT N/A

DRAFT RECOMMENDATION

- That this item be listed for inspection and discussed at the next meeting.

ESTIMATED COST	N/A
FUNDING SOURCE	N/A

D.2 MARINE DRIVE – LINE MARKING AT INTERSECTION OF ROCKY POINT ROAD

A resident of Fingal Bay has asked that the intersections of Rocky Point Road and Marine Drive be line marked to discourage motorists from cutting the corners.

REQUESTED BY: Resident

CONSULTATION: N/A

INSPECTION **UNDERTAKEN** Yes/No/NA

ADDITIONAL **AGREE WITH REQUEST** Yes/No

ATTACHMENT Yes/No

COMMENT N/A

DRAFT RECOMMENDATION

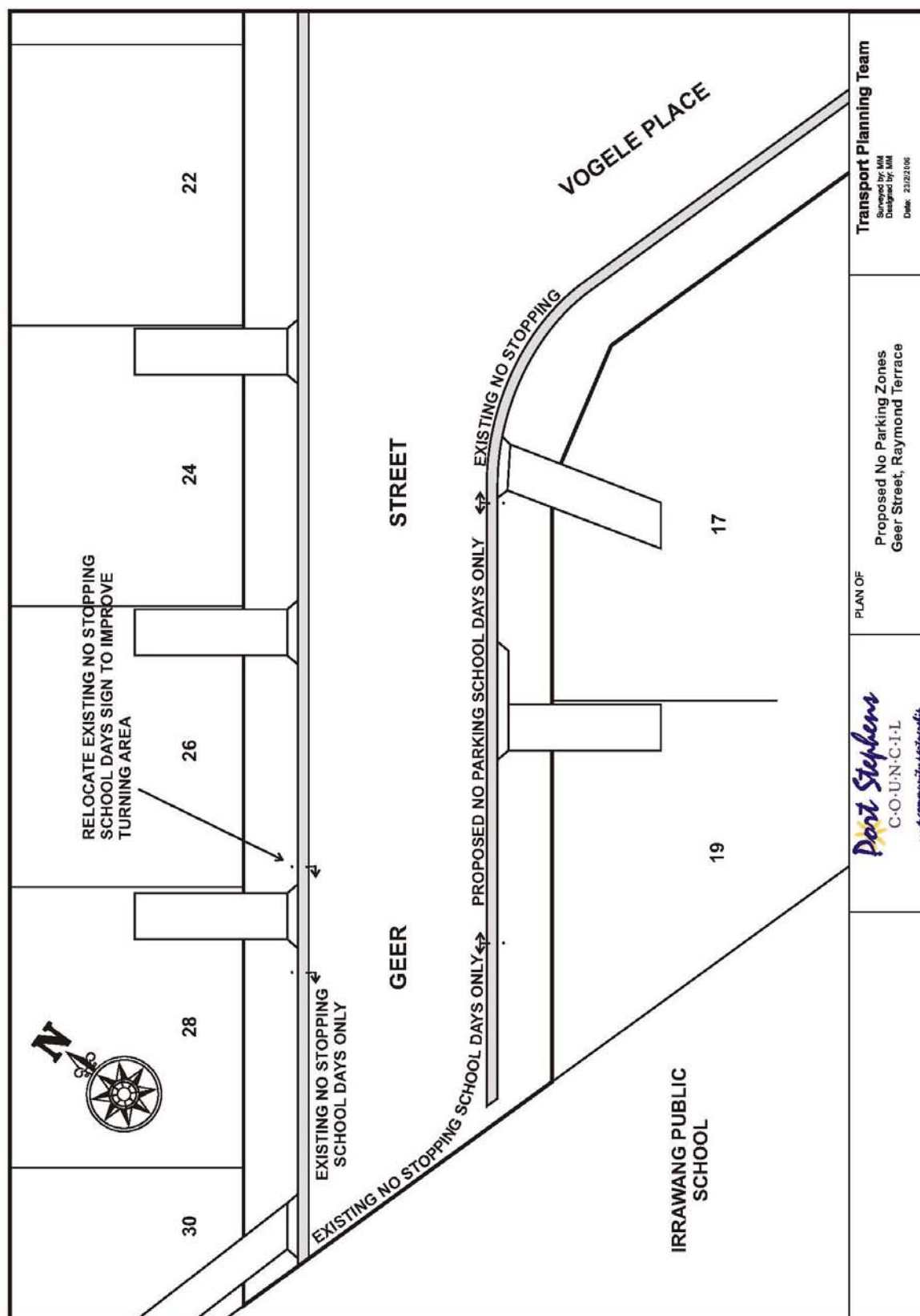
- That this item be listed for inspection and discussed at the next meeting.

ESTIMATED COST N/A

FUNDING SOURCE N/A

E. ATTACHMENTS

E.1 GEER STREET, RAYMOND TERRACE – NO PARKING ZONE (ITEM C.3)



ITEM NO. 4**FILE NO: PSC2005-0889****ABORIGINAL PROJECT FUND 2006 GRANT APPLICATIONS****POSITION TITLE: SOCIAL PLANNING CO-ORDINATOR****RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the achievements of projects funded to date under Council's Aboriginal Project Fund as outlined in Attachment 1 of this report.
- 2) Supply funds from Council's Aboriginal Project Fund in accordance with the amounts and purposes prescribed below: -
 - 2.1 A grant of \$5,500 to Hunter River High School for 'Crocfest 2006'.
 - 2.2 A grant of \$6,000 to Karuah Preschool for the 'Linking Attendance, Literacy, Numeracy & Culture Project'.
- 3) All grants allocated as per recommendation (2) shall be subject to the funding conditions specified in Attachment 3 of this report
- 4) Carry forward any unallocated funds in the Aboriginal Project Fund from the 2005/2006 budget over into Council's 2006/2007 budget for re-allocation via Council's Aboriginal Project Funding program.

OPERATIONS COMMITTEE MEETING – 9 MAY 2006**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING – 23 MAY 2006**RECOMMENDATION:**

520	Councillor Swan Councillor Brown	It was resolved that the recommendation be adopted.
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Amendment:

	Councillor Hodges Councillor Jordan	That the unspent funds \$23,000 be reallocated from 2005/2006 budget to community projects across the LGA in 2006/2007 budget
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The amendment on being put was lost.

BACKGROUND

The purpose of this report is to inform Council of the achievements of the Aboriginal Project Fund as outlined in Attachment 1 of this report and to seek Council endorsement for the allocation of Aboriginal Project Funds for the following two projects for 2006: -

Project Name	Applicant	Amount \$
1. Crocfest 2006	Hunter River High School	5,500
2. Linking Attendance, Literacy, Numeracy & Culture Project	Karuah Preschool	6,000
Total:		11,500

Note:

A detailed overview of the above two projects is shown in Attachment 3 of this report.

Council's Aboriginal Project Fund has been operating since 2002. The fund was established to encourage local organisations to develop projects to meet needs identified within the local Aboriginal community by: -

- *Providing local community organisations with access to a funding pool aimed specifically at funding projects that address priority needs within the Aboriginal community.*
- *Providing organisations with the opportunity to decide what projects are important to their community.*
- *Demonstrating Council's commitment to allocate resources towards achieving its social planning objectives contained within Council's Management Plan.*

A detailed overview of the projects funded since the inception of Council's Aboriginal Project Fund is shown in Attachment 1 of this report.

In November 2005 Council advertised widely seeking applications for projects under Council's Aboriginal Project Fund addressing priority social issues within the Port Stephens Aboriginal community. This resulted in a total of 8 applications being received totalling \$60,883 as detailed in Attachment 3 of this report.

A special meeting of Council's Indigenous Strategic Committee (ISC) was held on 14 March 2006 to assess and rank the applications and make recommendations to Council on the allocation of available funds as detailed in Attachment 2 of this report. The ISC ranked only 2 of the 8 applications as a high priority for funding. The remaining applications were ranked low as they failed to either adequately comply with the funding guidelines and/or address an identified priority need within the Port Stephens Aboriginal community.

LINKS TO CORPORATE PLANS

The Aboriginal Project Fund links to the following key result areas contained in the 2005/2008 Council Plan: -

Lifestyle *Our community celebrates its diversity, contribute, to and enjoys the lifestyle of Port Stephens*

FINANCIAL/RESOURCE IMPLICATIONS

Council's annual budget allocation for the Aboriginal Project Fund in 2006 is \$35,000. All funded projects will be required to adhere to the conditions of funding as detailed in Attachment 4 of this report.

The Indigenous Strategic Committee recommends that following the funding of the two projects recommended herein totalling \$11,500, that all unallocated funds in the Aboriginal Project Fund (ie; \$23,500) be carried forward in Council's 2006/2007 budget for re-allocation via the Aboriginal Project Fund in the 2006/2007 financial year.

LEGAL AND POLICY IMPLICATIONS

Recipients of funding under the Aboriginal Project Fund shall accept full responsibility for the liability of any programs or projects funded.

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
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The two projects recommended for funding primarily focus upon building and strengthening the social well-being of Aboriginal children and young people through the following ways: -

Crocfest 2006: Aboriginal young people gain an increased sense of self worth and belonging as they collectively prepare, share, rehearse, perform, celebrate and value their traditional culture and its relevance to their identity today.

Linking Attendance, Literacy, Numeracy & Culture Project: Aboriginal children and their families are supported in the critical transitional phase in the formative years of going from home to starting kindergarten.

ECONOMIC IMPLICATIONS

Both projects will play a key role in encouraging Aboriginal children and young people to commit to completing their schooling, which will positively enhance their future educational and vocational opportunities, which in turn will have a positive economic impact.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

CULTURAL IMPLICATIONS

The two projects recommended for funding recognise and promote the value and importance of embracing Indigenous culture in the education of Aboriginal and non-Aboriginal children and young people.

CONSULTATION

Applicants were given the opportunity to present their application to a special meeting of Council's Indigenous Strategic Committee (ISC) on 14 March 2006 where the ISC unanimously endorsed the two projects recommended herein for funding.

OPTIONS

- 1) To accept the recommendations
- 2) To accept the recommendations and vary the conditions of funding
- 3) To reject the recommendations calling for more information to support the report.

ATTACHMENTS

- 1) Achievements of projects funded to date under Aboriginal Project Fund
- 2) Summary of 2006 Aboriginal Project Fund Grant Applications
- 3) Proposed conditions of funding

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

**OVERVIEW OF ACHIEVEMENTS OF PROJECTS FUNDED UNDER COUNCIL'S
ABORIGINAL PROJECT FUND 2002 - 2006**

Since the program's inception in 2002 a total of 21 projects totalling \$84,886 have been funded as outlined below. Collectively, these projects have made a positive impact in enhancing and strengthening the local Aboriginal community.

Project Name	Organisation	Amount Funded \$	Year Funded	Project Achievements
Cultural Awareness Program	Karuah And Worimi Land Councils	7,000	2000	Funded equipment and program costs to facilitate a camping program for Aboriginal youth in traditional culture
Raymond Terrace Youth Activities	Hunter Koori Youth Service	1,500	2000	Funded the facilitation of a school holiday program for Aboriginal youth in Raymond Terrace
Marook Play Centre	Worimi LALC	10,000	2001	Funded the purchase of playground equipment and a child safety fence at the Worimi LALC community complex
Burri Program	Hunter Koori Youth Service	950	2001	Funded the facilitation of a parent education program for new Koori parents and parents to be in the Raymond Terrace
Worimi Dolphins	Karuah Aboriginal Corporation	3,400	2001	Funded playing outfits for the Worimi Dolphins rugby league team
Student Transport Program	Raymond Terrace High School In Conjunction With The Yamuloong Resource Centre	1,850	2002	Funded the transportation of 17 Aboriginal students to participate in a 10 week personal and career development program at the Yamuloong Resource Centre
Burra-Kuppou & Bork Ta –Boolarng Program	Wandiyali ATSI Inc	9,708	2003	Run 3 programs over a 40 week period for Aboriginal families and young people covering issues such as parenting, baby care and nutrition.
Karuah Touch Football	Wargla Ngurra Youth Outreach	600	2003	Supported the participation of an Aboriginal touch football team in the local Raymond Terrace competition by contributing towards the purchase of footballs, witches hats, shirts and shorts
Worimi Meeting Place	HGT Australia Ltd	9,709	2003	HGT Australia Ltd ran a 6 week work experience/job training program for 12 unemployed young people involving the construction of a large covered outdoor area at Worimi Land Council offices providing a meeting space for activities
Bus Tours Of Aboriginal Sites In Port Stephens	Worimi LALC	4,440	2003	Guided bus tours of significant Aboriginal sites located in Port Stephens were conducted
All Indigenous Concert	Port Stephens Council	2,500	2003	An open-air community concert celebrating indigenous culture featuring Aboriginal dance, songs, music and story telling was incorporated into Naidoc Week celebrations

ORDINARY MINUTES – 23 MAY 2006				
Hunter Information Technology Traineeships	Karuah LALC	4,875	2003	A 12 week training course for 15 unemployed Aboriginal people was run at the Port Stephens Telecentre. Course participants gained accredited skills and experience in information technology, business planning and chartered boat operations.
Yamuloong School To Work Program	Irrawang and Raymond Terrace High Schools	4,500	2004	Disadvantaged Aboriginal school students participated in Yamuloong's renowned SWOP (ie; school to work opportunities program) where they acquired skills in personal and career development.
Worimi - Nurungee	Worimi LALC	2,000	2005	Purchase an electronic whiteboard and an overhead projector with trolley to be used as educational aides in the delivery of cultural education programs to socially disadvantaged Aboriginal residents.
Arvo Club	Wargla Ngurra Families First	8,000	2005	Funded the facilitation of an after school program at Karuah, Raymond Terrace and Tanilba Bay for 5 – 15 yr old school students involving participation in a range of sport and rec activities, arts and crafts. The program has contributed to improved school attendance and performance.
Becoming Deadly	Centrelink - Maitland	3,354	2005	A program for Aboriginal young people at Karuah was run over 8 weeks covering issues such as self-esteem, cultural awareness and employment opportunities.
Finding Tilly's Lost Tucker	Tanilba Bay Public School	4,350	2005	A special teacher's aide was employed along with the purchase of materials that resulted in the development of a garden at the school based on local traditional food and culture.
Croc Fest 2005	Hunter River High School	2,000	2005	Contributed a donation to the overall costs associated with assisting 50 Indigenous and non-Indigenous students from Hunter River High to have the opportunity to learn and develop skills in traditional and contemporary Aboriginal Dance in preparation for the annual Croc Fest celebrations at Moree.
Message Stix	Irrawang Preschool & Thou Walla Family Centre	2,300	2005	Funded the purchase of a computer and software that has enabled disadvantaged Aboriginal families and their children to access and research information in relation to education and employment.
Bare Necessities	Irrawang Preschool & Thou Walla Family Centre	1,000	2005	Funded the purchase of a range of Aboriginal specific educational resources that have assisted in enhancing the literacy and numeracy skills of local Aboriginal children and their families.
Wise Old Owls	Irrawang Preschool & Thou Walla Family Centre	850	2005	Funded a special luncheon at Irrawang Public School where Worimi Elders, teachers and school children compared and shared their different generational experiences and yarns.
Total:		\$84,886		

ATTACHMENT 2

SUMMARY OF 2006 ABORIGINAL PROJECT FUND APPLICATIONS –

(Including assessment and rankings by Indigenous Strategic Committee)

No.	Project Name	Applicant	Description	Amount \$	Ranking	Indigenous Strategic Committee Comments
1	Welcoming	Port Stephens Family Support Service	Purchase Aboriginal specific resources (eg; jigsaws, music, art, books, posters) and engage a local person from the Port Stephens Aboriginal community to assist in making the services provided by Port Stephens Family Support more welcoming and culturally appropriate for Aboriginal families and children to come and access centre based services and programs.	5,763	Low	The group is not clear about what they want to do. The project is a duplication of the C4C funding project they have received. Proposed model of recruiting Aboriginal Families is considered inappropriate.
2	Goo-jee ik koo	Port Stephens Community Care Inc	Fund 2 large community events (ie; bbqs) with the local Aboriginal community to celebrate Naidoc Week and Christmas. The 2 events will be co-ordinated through the Centre's Aboriginal Neighbourhood Aide Program. Funds will be used to cover event costs (eg; hire of jumping castle, entertainment, buses, face painting, clowns, catering, advertising).	5,120	Low	Project has been developed without consultation with LALCS. It fails to acknowledge existing Naidoc Week activities in Port Stephens. Focus should be on making existing Naidoc Week activities bigger and better, as opposed to having another event in isolation from the others and causing duplication.
3	Bum-be-wat-ta Art	Port Stephens Community Care Inc	Engage a local Aboriginal Artist for 5 hrs a week for 1 year along with painting materials, for the purpose of running monthly Aboriginal Art classes for Aboriginal youth and aged residents alike at Port Stephens Community Care Taylors Beach Centre. It is also intended to produce murals at various sites across Port Stephens (sites yet to be identified and approved).	10,000	Low	Project has been developed without consultation with LALCS. Access to proposed program will prove problematic for many potential participants.
4	To be determined	Raymond Terrace Neighbourhood Centre	Purchase Aboriginal specific resources and equipment (eg; books, CDs, health and legal information, instruments) and a computer and furniture for the purpose of establishing an Aboriginal Resource Centre that will be located and displayed at the Raymond Terrace Neighbourhood Centre. The resources will be available to all local Aboriginal service providers and families and children alike to access and utilise.	10,000	Low	Project has been developed without consultation with LALCS.
5	Croc Fest 2006	Hunter River High School	Financial contribution towards the purchase of performance costumes, materials, bus hire, workshop costs, accommodation and food to assist 50 from Hunter River High to learn and develop skills in traditional and contemporary Aboriginal Dance. This will culminate in performing at Croc Fest 2006 in October at Moree.	5,500	High	ISC write to the Principal of Irrawang High School seeking school interest in supporting future Croc fest events (possibly in partnership with Hunter River High) with opportunity to seek support from Council's Aboriginal Project Fund.
6	Shake a Leg Health Program	Hunter New England Health Unit – Aboriginal Health Unit	Financial contribution towards the employment of a Project Officer for 16 hrs a week for 40 weeks along with drink bottles and kits etc to enable a school based health promotion project targeting Aboriginal and non-Aboriginal students to be conducted throughout various primary and high schools located throughout the Hunter Region	10,000	Low	More appropriate for project to be funded through an alternate external funding source

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7	Ngapaalowa	Hunter New England Health Unit – Aboriginal Health Unit	Fund the employment of an Aboriginal Health Education Officer for 16 hrs a week for approx 40 weeks (along with purchase of beauty and exercise equipment and resources, transport, catering costs, guest speakers, entertainment) to run an Aboriginal Women's Health program that will be based at Toronto, and may change subject to community expectation.	10,000	Low	More appropriate for project to be funded through an alternate external funding source
8	Linking Attendance, Literacy, Numeracy & Culture at Karuah Preschool	Karuah Preschool	Provide fee assistance and purchase of culturally appropriate learning resources to increase the opportunity for Aboriginal children at Karuah aged 3-6 yrs to participate in preschool education assisting in their school readiness.	4,500	High	Increase grant allocation to a total of \$6,000 to cover the cost of pre-school starter kits (ie; bag, lunch box, drink bottle, t-shirt) etc to be issued to every child.

Total funds sought: \$60,883

Total funds available: \$35,000

ATTACHMENT 3

**ABORIGINAL PROJECT FUND
2006 GRANT APPLICATIONS**

CONDITIONS OF FUNDING

1. Grant to be expended in accordance with the purpose specified in funding submission
2. Grants over \$5,000 shall be allocated in two instalments, 50% in advance of the project and the remaining 50% upon presentation of final receipts
3. Funds be fully expended by 31st December 2006
4. In accordance with the funding guidelines, a representative from each organisation funded under the 'Aboriginal Project Fund' shall attend a meeting of Council's Indigenous Strategic Committee following the expenditure of the grant to present details of the project's outcomes
5. At the conclusion of the project, Council is to be supplied with a financial statement of project expenditure and any unexpended monies are to be returned to Council
6. All grants shall be GST inclusive
7. Recipients of funding shall accept full responsibility for the liability and ongoing costs associated with projects funded under the Aboriginal Project Fund
8. A member of Council's Social Planning Team shall monitor the establishment and implementation of each project.

ITEM NO. 5

FILE NO: A2004-0030

DESIGNATED PERSONS – PECUNIARY INTERESTS

POSITION TITLE: EXECUTIVE ASSISTANT TO THE GENERAL MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Identifies the following positions which require the occupants, for the purposes of Chapter 14 of the Local Government Act (S441), to be deemed “designated persons” because they are involved in the exercise of functions that could give rise to a conflict between the person’s duty and that person’s private interest.

Councillors

Cr Craig Baumann
Cr Ron Swan
Cr Geoff Dingle
Cr Steve Tucker
Cr Bob Westbury
Cr John Nell
Cr Sally Dover
Cr Geoff Robinson
Cr Josh Hodges
Cr Ken Jordan
Cr Glenys Francis
Cr Helen Brown

Corporate Management

General Manager
Executive Manager Corporate Management
Legal Officer

Sustainable Planning

Group Manager Sustainable Planning
Development and Building Manager
Building Coordinator
Community Planning Manager
Strategic Planning Coordinator
Senior Land Use Planner
Land Use Planner (1)
Development Coordinator
Senior Development Planner
Development Planners (4)
Senior Building Surveyors
Health and Building Surveyors (5)
Subdivision Engineer
Section 94 Engineer
Social Planning Coordinator
Development Engineer

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Senior Policy Planner
Transport Planning Manager
Traffic Engineer
Environmental Services Manager
Coordinator Environmental Compliance & Community Health
Coordinator Natural Resources

Business & Support

Group Manager Business & Support
Resources Manager
Principal Property Advisor
Property Unit Coordinator
Business & Development Manager
Cleaning Coordinator
Economic Development Manager
Finance & Administration Manager
Fleet Management Coordinator
Finance & Asset Coordinator
Financial Accounting Officer
Organisation Development Manager
IT Coordinator
Holiday Park Manager
Holiday Park Marketing & Administration Coordinator
Procurement & Contracts Coordinator

Facilities & Services

Group Manager Facilities & Services
Community and Library Services Manager
Engineering Services Manager
Project Services Manager
Operations Manager
Recreation Services Manager
Recreation Development Coordinator

OPERATIONS COMMITTEE MEETING – 9 MAY 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

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

The purpose of this report is to identify Council staff required to complete Disclosures by Councillors and Designated Persons Returns.

Council is required to identify Council who, in the exercise of their functions, have a reasonable likelihood or expectation of appreciable financial gain or loss for themselves or for another person they are associated with (i.e. their spouse or de facto partner). They are described as “designated persons” and are required to disclose their pecuniary interests.

Councillors are also designated persons.

The Act requires that Councillors and designated persons refrain from taking part in decisions on Council matters in which they have a pecuniary interest.

A public register is to be kept and available to the public for inspection upon request. Any person may make a complaint concerning failure to disclose a pecuniary interest and the Local Government Department and Pecuniary Interest Tribunal are empowered to investigate and conduct hearings.

LINKS TO CORPORATE PLANS

This assists Council in achieving its charter to:

- Exercise its functions consistently without bias;
- Be a trustee of public assets;
- Demonstrate commitment to our community values of honesty, fairness and our commitment to transparency in public governance.

FINANCIAL/RESOURCE IMPLICATIONS

Not applicable.

LEGAL AND POLICY IMPLICATIONS

Section 441 Local Government Act 1993 and Council’s Procedure for Lodgement of Pecuniary Interest forms.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 5) The potential of an organisation is realised through its people’s enthusiasm, resourcefulness and participation.
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society.
- 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

Not applicable.

CONSULTATION

Group Managers.

OPTIONS

Recommendation.

Delete from or add to the list of designated persons.

ATTACHMENTS

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6**FILE NO: PSC2005-0692****PORT STEPHENS COUNCIL - COUNCIL PLAN 2006-2009****POSITION TITLE: COORDINATOR CONTINUOUS IMPROVEMENT****RECOMMENDATION IS THAT COUNCIL:**

1. Notes the contents of the public submissions received in writing in the period 1 to 30 April 2006 in relation to the Draft Council Plan 2006-2009 and the associated Schedule of Fees & Charges;
2. Makes the adjustments to targets and performance indicators, and changes generally noted in the submission of Councillors Hodges and Westbury;
3. Notes the minor alterations to the Schedule of Fees and Charges, and to the budget;
4. Adopts the Council Plan 2006-2009 and Schedule of Fees and Charges as amended in recommendation part 2 above.

OPERATIONS COMMITTEE MEETING – 9 MAY 2006**RECOMMENDATION:**

That the recommendation be adopted; and

- 5) **Request the General Manager provide more information in relation to waste services charges and the RSL road closures for Anzac Day prior to the Council Plan being adopted.**

ORDINARY MEETING – 23 MAY 2006**RECOMMENDATION:**

522	Councillor Hodges Councillor Westbury	It was resolved that Council; 1) Notes the contents of the public submissions received in writing in the period 1 to 30 April 2006 in relation to the Draft Council Plan 2006-2009 and the associated Schedule of Fees & Charges; 2) Makes the adjustments to targets and performance indicators, and changes generally noted in the submission of Councillors Hodges and Westbury; 3) Notes the minor alterations to the Schedule
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ORDINARY MINUTES – 23 MAY 2006

		<p>of Fees and Charges, and to the budget;</p> <p>4) Adopts the Council Plan 2006-2009 and Schedule of Fees and Charges as amended in recommendation part 2 above.</p> <p>5) The General Manager review fees and charges fee for Anzac Day road closures and submit a further report to Council</p>
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Matter Arising:

523	Councillor Jordan Councillor Dover	<p>It was resolved that;</p> <p>1. Council nominate up to 4 councillors to attend the proposed regional workshop on illegal dumping to be hosted by the Dept. of Environment and Conservation and Cessnock City Council in June 2006.</p> <p>2. That Council schedule a workshop with relevant stakeholders on illegal waste as a matter of priority in 2006.</p> <p>3. That Council schedule a 2 day workshop to develop the Council Plan 2007-2010.</p>
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Note: Cr Robinson left the meeting at 6.45pm during Item 6 and returned at 6.47pm during Item 6.

Note: Cr Hodges left the meeting at 7.10pm during Item 6.

BACKGROUND

The purpose of this report is to present Council with submissions made during the recent public exhibition period of the Draft Council Plan 2006-2009 (the Plan), and to make alterations to the Plan in response to submissions received.

Public Exhibition

At its meeting on 28 March 2006 Council resolved to place the draft Council Plan 2006-2009, including the Schedule of Fees & Charges on exhibition from 1 to 30 April 2006.

Copies of the Plan were placed in libraries (including the mobile library), community centres and at all Council premises. A copy of the Plan was also placed on the Council's web site. Advertisements were placed in the local paper the *Port Stephens Examiner* in a stand-alone advertisement and on the Council's regular page in that publication, inviting written submissions from the public to be received at Council on or before 30 April 2006.

Three public forums were held – one for each Ward. Attendance at the forums was as follows:

East Ward – four community members, with Councillors Westbury and Dover present;

Central Ward – nine community members;

West Ward – four community members, with Councillor Brown present.

Two breakfast briefings were held for the business community. At Raymond Terrace, in conjunction with the Port Stephens Business Chamber, fifteen people attended with Councillors Francis, Brown and Hodges present. At Nelson Bay, in conjunction with the Nelson Bay Chamber of Commerce and Nelson Bay Town Management Inc., eighty people attended with Councillors Baumann, Swann, Westbury, Dover and Robinson present.

Three staff briefings were held, two at Raymond Terrace and one at Tomaree Centre, Salamander Bay. Two, four and two staff were present respectively.

At all forums, people were urged to “Have Your Say!” and written submissions were sought.

Submissions

No submissions were received on the Schedule of Fees and Charges. The following written submissions related to the Plan were received:

1. Submission from a member of the public that protests the lack of capital works in the Plan related to Lemon Tree Passage and details areas of concern with suggestions for improvements as follows:
 - Attention to the state of Lemon Tree Passage Road
 - Shearman Avenue (the section that runs from Meredith Avenue to Cook Parade) – currently a collection of potholes that has significant traffic (buses and delivery trucks as well as general traffic) and lacks kerb/guttering
 - Mackie Street, which lacks kerb/guttering and has open drains on either side – a health and safety issues because of rubbish and stagnant water – proposed is a properly enclosed storm water pipe
 - New developments get amenity through developer contributions, so as the ‘developer’ of Lemon Tree Passage Council should provide similar amenity
 - the redevelopment of the foreshore reserve area of Lemon Tree Passage is not in the Plan, and should be there as it has been agreed.
2. Submission from a member of the public that deplores the lack of capital infrastructure in Raymond Terrace for the elderly, making the point that there are no options for remaining in Raymond Terrace once there is a need for aged care. The writer exhorts Council to build a three-tier retirement village in Raymond Terrace.
3. Submission from a member of the community from Soldier’s Point objecting to the proposed rate variation on the basis that waterfront properties already pay high rates and suggesting a flat dollar levy on every property.
4. Submission from Karuah Local Aboriginal Land Council protesting the reduction in Council funding proposed in Option B for the Aboriginal Project Fund and seeking assurance that Council will not implement this proposal should the Minister not approve the rate variation.
5. Joint submission from Councillors Hodges and Westbury to amend various targets and performance indicators in Sections 8.1 to 8.8 inclusive, and to eliminate some wording on page 9 of the Plan. This is a complex amendment proposal and is attached for Councillors’ convenience.
6. A submission from the Raymond Terrace Senior Citizens Association Inc, strongly in favour of the Council Plan 2006-2009 especially with reference to the new facility to be built at Boomerang Park, and upgraded library facilities in Raymond Terrace.

7. Two telephone calls were received from members of the community in Medowie who were under the impression that a written submission was not required. The general import of the calls was that as pensioners they did not want a rate increase.

Alterations to the Schedule of Fees and Charges

The following alterations need to be made to the Schedule as a result of corrections or other, statutory reasons:

- Business and Support Service Fee Number 8: Rate Certificates have been changed from \$50.00 to \$55.00. The fee for Rate Certificates are reference pricing and Council is required to charge the amount determined by the Minister – Council has no discretion.
- Corporate Management Service Fee Number 2: Privacy and Personal Information Protection Act application fees, processing charges and internal review charges have been deleted as legislation doesn't allow for charges. However, photocopy charges do apply.
- Corporate Management Service Fee Number 5: Access Under Section 12 Local Government Act 1993 processing charges and minimum charges have been deleted as legislation doesn't allow for charges. However, photocopy charges do apply.
- Facilities and Services Service Fee Number 37: Sorted oyster sticks at \$90.00 per tonne including G.S.T with a minimum charge of \$31.50 including G.S.T.
- Facilities and Services Service Fee Number 23: Raymond Terrace Leisure Centre. Minor changes have been made to casual and multi visits and memberships to have consistency between all fees.
- Facilities and Services Service Fee Number 25: Aquatic Centres. Minor changes have been made to casual and multi visits and memberships to have consistency between all fees. A proposed concession rate has been deleted until business impact study is completed.

Alterations to Budget

Changes to the Statement of Financial Performance:

Grants and Contributions provided for non-capital purposes reduced by \$4,991. (Pages 32 and 36.)

Changes to the Capital Budget:

Lemon Tree Passage Waste Tip Landfill Rehabilitation: the capping of the old putrescible waste landfill to prevent environmental pollution at a cost of \$1,350,000 has been added to the Capital Budget. (Page 48.)

Nelson Bay Tennis Court upgrade budget has changed from \$70,000 to \$35,000 due to the lack of Asset Rehabilitation Funds. (Page 49.)

LINKS TO CORPORATE PLANS

The Council Plan 2006-2009 will become Council's corporate plan, and all business papers throughout the year 2006-2009 will need to define the links between their recommendations and the intent of the Plan.

The Plan will be the driver for the implementation of the following corporate plans:

- State of the Environment Report 2004 and Supplementary Report 2005
- Budget 2006-2007
- Cultural Plan 2005 – 2008
- Social Plan 2005-2010
- Forward Works Program

FINANCIAL/RESOURCE IMPLICATIONS

The cost of production and promulgation of the approved Council Plan 2006-2009 is provided for in Council's budget.

The Council Plan 2006-2009 and the associated Schedule of Fees and Charges, when adopted, provide the budgetary framework for implementation of the rest of the Plan.

LEGAL AND POLICY IMPLICATIONS

The Local Government Act 1993 requires Council to develop a draft Management Plan, give public notice of the Plan, place it on exhibition for 28 days and adopt a Management Plan on or before the 30 June each year. Council must also take into consideration any submissions that have been made concerning the draft Management Plan.

SUSTAINABILITY IMPLICATIONS

The Council Plan 2006-2009, once adopted, drives the businesses of Council and contributes through budget and other indicators to the overall economic leadership of the LGA.

SOCIAL IMPLICATIONS

The Council Plan 2006-2009 when adopted, provides the resources and directions to enable implementation of the Social Plan 2005-2010, and contributes to the overall enhancement of the lifestyle of the citizens of Port Stephens.

ENVIRONMENTAL IMPLICATIONS

The Council Plan 2006-2009 when adopted, provides the resources and directions to enable implementation of the Environmental Management Plan, which in turn gives effect to the recommendations in the State of the Environment Report. In this way it contributes to the protection and enhancement of the natural environment, and the heritage (indigenous and non-indigenous) of Port Stephens.

CULTURAL IMPLICATIONS

The Council Plan 2006-2009 when adopted, provides the resources and directions to enable implementation of the Cultural Plan 2005-2008, and contributes to the enrichment of the experience of living in Port Stephens.

CONSULTATION

Councillors and the Executive Team provided guidance in formulating the consultation process to be implemented during the exhibition phase of the planning cycle.

OPTIONS

- 1) Adopt the recommendations as outlined.
- 2) Make further alterations to the plan and/or budget in response to other issues outlined in the submissions.

ATTACHMENTS

- 1) Submission of Councillors Hodges and Westbury.

TABLED DOCUMENTS

Nil

ATTACHMENT 1

SUBMISSION FROM COUNCILLORS BOB WESTBURY AND JOSH HODGES: DRAFT COUNCIL PLAN 2006-2009

Page	Reference	Current	Proposed Change
9	4.1	It is a requirement under the Local Government Act 1993 to prepare and adopt a Management Plan covering a period of at least 3 years. Port Stephens Council's 2006-2009 Council Plan was produced to comply with the Local Government Act, 1993. An index of the information required under the Act is included on the last page of the Plan.	Delete as it detracts from the status of the plan as a dynamic document governing the operations of Council. If deleted this leaves the paragraph as a positive statement of intent of the plan.
16	8.1.1.1	Target: 65%	Change target to read: A survey will be conducted to establish a baseline indicator for measurement of future improvements.
16	8.1.2.1	Performance Indicator currently reads: Increased focus on promotion.	Change Performance Indicator to read: Port Stephens residents have easy and regular access to Councillors
16	8.1.2.1	Target currently reads: 80% of news items are balanced	Change target to read: Councillors' meeting opportunities are published, commencing in August 2006.
16	8.1.2.2	Performance Indicator currently reads: Develop a calendar of events that promote Council programs.	Change Performance Indicator to read: Council has an up to date and easily accessible calendar of events that promotes Council programs
16	8.1.2.2	Target currently reads: Annual on-going	Change target to read: Calendar to be available on web and advertised from August 2006.
17	8.2.1.1	Performance Indicator currently reads: Annual Community Satisfaction Survey results indicate a continuous improvement in satisfaction with Council services.	Change Performance Indicator to read: Port Stephens Council provides facilities and services that enhance the lifestyle of the community
17	8.2.1.1	Target currently reads: 65%	Change target to read: Annual community survey indicates that the community's satisfaction with services and facilities provided has increased by not less than 25% over the previous survey outcome
17	8.2.2.1	Performance Indicator currently reads: Availability and usage of Council buildings and facilities.	Change Performance Indicator to read: Council provides user-friendly access to buildings that facilitates the community's use of these assets.
17	8.2.2.1	Target currently reads: 65%	Change target to read: All community buildings and facilities are utilised 65% of the available time.
17	8.2.3	Strategic Direction currently reads: In partnership with the community, enhance the	Change Strategic Direction to read: Council will enhance the capacity and opportunities for all members of the community to participate in social,

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Page	Reference	Current	Proposed Change
		capacity and opportunities for social, economic, recreational and cultural interaction.	economic, recreational and cultural interaction.
17	8.2.3.1	Performance Indicator currently reads: Participation by Indigenous and Disability communities is supported	Change Performance Indicator to read: All sections of the community, and in particular Indigenous and Disability communities, participate in the lifestyle of Port Stephens through deliberative planning with Council.
18	8.3.1.1	Target currently reads: 10% reduction in the consumption of energy, water and non-recyclable products over 2004 consumption	Change target to read: A reduction in the consumption of energy, water and non-recyclable products over 2004 benchmark for consumption of not less than 10% in each category.
18	8.3.2.2	Target currently reads: Compliance with water quality guidelines on 70% of samples	Change target to read: Compliance with water quality guidelines on 70% of samples of estuarine waters in bathing beach areas.
18	8.3.3.1	Performance Indicator currently reads: Number of catchment areas protected by litter and sediment controls continues to increase	Change Performance Indicator to read: Catchment areas are protected by litter and sediment controls
	8.3.3.1	Target currently reads: Two catchments protected each year	Change target to read: A minimum of two catchments protected in 2006/2007.
	8.3.4.1	Performance Indicator currently reads: Number of new environmental projects and participation rates from community members	Change Performance Indicator to read: The community regularly participates in planning for the natural and built environment.
	8.3.4.1	Target currently reads: Participation in community projects, community education and awareness programs increases each year	Change target to read: A community consultation process is incorporated in all planning projects in 2006-2009 to determine best ways to encourage participation and to measure participation.
19	8.4.2.1	Performance Indicator currently reads: There is a business support structure in each major community.	Change Performance Indicator to read: All major communities have a vision for future development in line with the Draft Lower Hunter Strategy
	8.4.2.1	Target currently reads: Local business networks exist in all major communities.	Change target to read: The revised Urban Settlement Strategy incorporates economic development opportunities identified by communities – refer 8.5.1
20	8.5.2	Strategic Direction is a repeat of 8.5.1	Delete and renumber
20	8.5.1.1	Performance Indicator currently reads: Capability mapping is complete in line with regional strategy framework.	Change Performance Indicator to read: Capability mapping is complete in line with draft Lower Hunter Regional strategy framework.

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Page	Reference	Current	Proposed Change
20	8.5.2.1	Performance Indicator currently reads: Set of sustainable development principles are adopted by Council.	Change number to 8.5.1.2 and Performance Indicator to read: Port Stephens Council operates under the auspices of the concepts of sustainability – economic, cultural, social and environmental.
20	8.5.2.1	Target currently reads: Revised Urban Settlement Strategy is adopted by July 2006.	Target now relates to 8.5.1.2 and changes to read: A set of sustainable development principles are adopted by Council by December 2006
20	8.5.2.2	Performance Indicator currently reads: A set of indicators that measure sustainability in the areas of the economic, social, environmental and cultural factors are developed.	Delete this indicator and its associated target of “June 2007”
20	8.5.2.3	Performance Indicator currently reads: Education and promotion through industry briefings.	Delete this Indicator and its associated target of “Minimum of two briefings in 2006-2007.”
20	8.5.3	Strategic Direction	Change number of paragraph to 8.5.2
20	8.5.3.1	Performance Indicator currently reads: Overall quality of development survey.	Change Performance Indicator to read: Council has integrated systems and processes in place to measure its planning framework are operational in terms of the strategic elements in 8.5.2.
20	8.5.3.1	Target currently reads: Introduce an overall quality of development question into annual development and building survey	Change target to read: Conduct an audit of planning frameworks to be completed by June 2007.
21	8.6.1.1	Performance Indicator currently reads: Community satisfaction with Council facilities and services.	Change Performance Indicator to read: Community satisfaction with Council facilities and services continues to grow from a baseline of 65% in 2006/7
21	8.6.1.1	Target currently reads: 65%	Change target to read: The annual community survey (refer 8.1.1) reflects that at least 65% of the community is satisfied with the Council's facilities and services in 2006/7.
21	8.6.2.1	Performance Indicator currently reads: All major works completed within budget and timeframes	Change Performance Indicator to read: All works completed within budget and timeframes, and to meet the highest affordable and/or regulatory standards
21	8.6.2.1	Target currently reads: 80%	Change target to read: 100% of works completed within budget and timeframes to standard
21	8.6.2.2	Performance Indicator currently reads: Percentage of capital works completed to standard	Delete Performance Indicator and associated target (100%)
21	8.6.3.1	Performance Indicator currently reads: Proportion of Council asset network in a satisfactory condition.	Change Performance Indicator to read: An asset management plan operates to ensure Council's asset network is in acceptable condition.

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Page	Reference	Current	Proposed Change
21	8.6.3.1	Target currently reads: Overall network condition maintained	Change target to read: A program of asset rehabilitation is devised and implemented annually.
21	8.6.4.1	Performance Indicator currently reads: Communication plans developed and implemented for all significant projects	Change Performance Indicator to read: Government, business and the community have input to all facilities and services plans.
21	8.6.4.1	Target currently reads: 100%	Change target to read: Communication plans developed and implemented for all significant projects undertaken in 2006/2009.
22	8.7.1.1	Target currently reads: Levels of staff satisfaction greater than 80%.	Change target to read: Establish a baseline with not less than 80% of staff satisfied with their employment at Port Stephens Council in 2006.
22	8.7.2.1	Performance Indicator currently reads: Safety Audit	Change Performance Indicator to read: A Safety Audit of at least 17 elements is completed annually. All elements are based on achievement or non-achievement percentages.
22	8.7.2.1	Target currently reads: Annual completion.	Change target to read: An increase in the number of elements rated 'achieved' over 2005 ratings, by March 2006.
22	8.7.3.1	Performance Indicator currently reads: Number of apprentices and trainees	Change Performance Indicator to read: A minimum of 13 positions for apprentices and/or trainees in the Council structure
22	8.7.3.1	Target currently reads: 13 or more positions within structure	Change target to read: 16 apprentice/trainee positions filled by June 2007.
24	8.8.1.1	Performance Indicator currently reads: Annual Community Satisfaction Survey	Change Performance Indicator to read: A Community Satisfaction Survey is conducted annually, showing continuous improvement from the baseline set in 2006-2007
24	8.8.1.1	Target currently reads: Annual satisfaction survey results indicate continuous improvement	Change target to read: The survey will establish a baseline of not less than 65% community satisfaction with Council, its facilities and services.
24	8.8.2.1	Target currently reads: 100%	Change target to read: All targets in the Council Plan 2006-2009 are met by June 2009.
24	8.8.3.1	Performance Indicator currently reads: Complete Governance Health Check.	Change Performance Indicator to read: A Governance Health Check is completed every two years
24	8.8.4.1	Performance Indicator currently reads: Annual Information Technology Survey	Change Performance Indicator to read: An Information Technology Survey is completed annually that ascertains client satisfaction and identifies future needs.
24	8.8.4.1	Target currently reads: Results indicate an improvement from previous year	Change target to read: Results indicate an improvement over 2005-2006 of not less than 10% in

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Page	Reference	Current	Proposed Change
			satisfaction levels with IT services
24	8.8.5.1	Performance Indicator currently reads: Completion of annual public liability and professional indemnity audit.	Change Performance Indicator to read: An audit of public liability and professional indemnity audit is completed annually
24	8.8.5.1	Target currently reads: 100%	Change target to read: Results indicate an improvement over 2005-2006 of not less than 10% in both audited areas.

ITEM NO. 7**FILE NO: PSC2005 -2538****BUSHFIRE RISK MANAGEMENT PLAN****POSITION TITLE: RECREATION SERVICES COORDINATOR****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the revised Port Stephens Bushfire Risk Management Plan – April 2006
- 2) Delegates authority to the General Manager to make amendments to the Bushfire Risk Management Plan as required in the period between adoption of this plan and its review in 12 months time.

OPERATIONS COMMITTEE MEETING – 9 MAY 2006**RECOMMENDATION:**

That the recommendation be adopted.

Tabled Document: Bushfire Risk Management Plan

ORDINARY MEETING – 23 MAY 2006**RECOMMENDATION:**

525	Councillor Westbury Councillor Dingle	It was resolved that the recommendation be adopted.
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Tabled Document: Bushfire Risk Management plan

BACKGROUND

The purpose of this report is for Council to adopt the Bushfire Risk Management Plan for land under the care, control and management of Council.

The Council has a statutory responsibility to manage bushfire risk on any land under its care, control and or management and has a duty to report to the Lower Hunter Zone Bushfire Management Committee on its hazard reduction program. To satisfy this requirement Council adopted the Port Stephens Bushfire Risk Management (BRM) Plan – March 2004 at its meeting 22 June 2004 (Min 207).

A detailed list of works completed since adoption of the Plan is shown as **ATTACHMENT 1**. To facilitate these works, Mr Ian Crawford was seconded from his substantive position of Parks Co-ordinator, Raymond Terrace to the temporary role of Recreation Services Co-

ordinator. Since the secondment, Ian has been instrumental in achieving major advances in implementing the BRM Plan across the whole of Council co-ordinating works for Sport and Recreation managed lands, Engineering Services road reserves and the Properties Unit land and has developed strong relationships with the Rural Fire Service. As well as the planning and on ground works the position has also fulfilled the statutory reporting requirements back through the Lower Hunter Zone committee.

The revision of the BRM Plan now includes the Strategic Fire Advantage Zones (SFAZ) for Council lands. These areas allow for a systematic maintenance regime to reduce fire fuel build-up in areas opposed to the Asset Protection Zones (APZ) where large tracts of land are cleared of all vegetation and maintained that way. Advice from the Rural Fire Service has been used in developing these areas.

Some confusion has also arisen from the original plan from adjoining landowners and the classification of Council lands into the various risk classifications. Issues primarily arise from proposed development of the adjoining private lands and requirements arising out of the Planning for Bushfire Protection Guidelines. It should be noted that the Plan has been developed to manage fire potential within the Council lands and is a guide only. To clarify this aspect the Plans now include the following statement:

“ This plan over Council Controlled Land is for Council’s management purposes only and reporting classes of risk for bushfire. The plan is not to be used as a tool for assessing development applications.”

The BRP Plan is a dynamic document and can change, in some cases, daily depending on the nature of the land in question and environmental considerations including prevailing weather changes (for example, extended dry or wet seasons). It is for this reason that it would be necessary to update the document on a regular basis and it is recommended that the General Manager be delegated authority to update the document as necessary between annual reviews.

It should be pointed out that it will not be possible for Council to undertake bushfire hazard management works on all land identified in the Plan and an element of risk management will need to be undertaken as it is clear that Council has insufficient funds to undertake all works on an ongoing basis.

Again, this is an example of State Government legislation that has shifted significant costs to all NSW Councils affected that manage Crown Lands in bushfire areas.

LINKS TO CORPORATE PLANS

The Bushfire Risk Management Plan fits within the Environment section of the 2005-2008 Council Plan.

The particular strategies relevant are

- Preserve and enhance our heritage, biodiversity and environmental health
- Mitigate risks from natural occurrences by maintaining effective community and environmental health services.

FINANCIAL/RESOURCE IMPLICATIONS

In 2004/05 Council spent over **\$233,769** on bushfire management works. This sum included a grant of \$74,000 obtained through the Federal Government's Natural Disaster Mitigation Program for environmental studies required prior to the development of the Asset Protection Zones.

The 2005/06 budget for bushfire management works totals **\$330,000**. Based on completed works, committed costs to date and proposed works for 2005/06, it is projected all available funds will be expended by the 30th June 2006.

For the 2006/07 financial year Council has proposed a Bushfire Management Budget of **\$270,000**. To support this, additional funding will be pursued through Bushfire Mitigation and other Federal and State Government Grant programs.

The proposed 2006/2007 works program is shown as **ATTACHMENT 2**. Please note that this program could be subject to change due to environmental conditions

As part of the Bushfire Management program it is estimated that Council will spend approximately \$80,000 per annum within the proposed allocation on a recurrent maintenance program to manage the Bushfire Risk within the constructed Asset Protection Zones and Strategic Fire Advantage Zones across Port Stephens.

LEGAL AND POLICY IMPLICATIONS

Council has a clear responsibility to manage bushfire hazards on land for which it has care, control and or management and it has a responsibility to report to the Rural Fire Service at least quarterly on its hazard reduction activities. Additionally via the Lower Hunter Zone Committee Council has a similar obligation through the Port Stephens Bushfire Hazard Management Plan.

Feedback from the Rural Fire Service is that via the adoption of the original BRM Plan in June 2004 and subsequent works program in 2004/05 and 2005/06 Council has achieved this responsibility extensively and the review of the BRM Plan will only support and reinforce Council's commitment to this program.

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
- 3) Understanding what customers value, now and in the future, influences organisational
- 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

All land management agencies have a responsibility to the community for efficient and

effective bushfire management. Port Stephens Council's contribution to this responsibility will assist in the maintenance of a safe community.

ECONOMIC IMPLICATIONS

Effective bushfire hazard management on Council land will clearly contribute to improved bushfire management throughout the Local Government Area and minimise impact on property and fire fighting resources.

ENVIRONMENTAL IMPLICATIONS

The sensible and programmed management of bushfire hazards on Council and will ensure native flora and fauna are properly maintained in conjunction with the necessary bushfire hazard reduction program.

CULTURAL IMPLICATIONS

The bushfire hazard management program across Council land will be managed and maintained with respect for Indigenous and European cultural heritage and in accordance with the RFS Bushfire Environmental Assessment Code and DEC cultural heritage requirements.

CONSULTATION

Recreation Services, Co-ordinator, Development and Building Manager, Principle Property Advisor, Parks Co-ordinators, GIS Co-ordinator, Rural Fire Service.

OPTIONS

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

ATTACHMENTS

- 1) Schedule of Works completed 2004/05 2005/06
- 2) Proposed Works Program 2006/07

TABLED DOCUMENTS

- 1) Port Stephens Bushfire Risk Management Plan – April 2006

ATTACHMENT 1

SCHEDULE OF WORKS COMPLETED 2004/2005

APZ = ASSET PROTECTION ZONE

SFAZ = STRATEGIC FIRE ADVANTAGE ZONE

RESERVE	LOCATION	HECTARES	WORKS COMPLETED
PACIFIC DRIVE RESERVE	FINGAL BAY	1.695	APZ
MAMBO WETLAND	SALAMANDER BAY	3.6	APZ
TAYLORS BEACH RESERVE	TAYLORS BEACH	.5	APZ
TINGARRA ROAD RESERVE	CORLETTE	.5	APZ
SALAMANDER WAY	SALAMANDER BAY	.66	APZ
SALAMANDER WAY	SALAMANDER BAY	5.7	SFAZ
LILLIAN STREET RESERVE	SHOAL BAY	.3	APZ
SCOTT STREET	SEAHAM	.3	APZ
PANORAMA LOOKOUT	MALLABULA	.5	APZ
PARKWAY AVENUE	MALLABULA	.03	APZ
VERA AVENUE	LEMON TREE PASSAGE	.1	APZ
PURCELL AVENUE	LEMON TREE PASSAGE	.37	APZ
ROSEMOUNT DRIVE	RAYMOND TERRACE	.4	APZ
LAKESIDE RESERVE	RAYMOND TERRACE	1.16	APZ
WILLIAMTOWN OVAL	WILLIAMTOWN	.03	APZ
PEPPERTREE ROAD RESERVE	MEDOWIE	2.89	APZ

ATTACHMENT 1

SCHEDULE OF WORKS COMPLETED 2005/2006

APZ = ASSET PROTECTION ZONE

SFAZ = STRATEGIC FIRE ADVANTAGE ZONE

RESERVE	LOCATION	HECTARES	WORKS COMPLETED
COASTAL PATROL RESERVE	NELSON BAY	1.38	APZ
CORLETTE HILL RESERVE	CORLETTE	.747	APZ
CORLETTE HILL RESERVE	CORLETTE	10.7	SFAZ
STONEY RIDGE RESERVE	SOLDIERS POINT	1.4	APZ
STONEY RIDGE RESERVE	SOLDIERS POINT	11.6	SFAZ
WANDA WETLAND	SALAMNDER BAY	.7	APZ
MAMBO WETLAND REAR LIBRARY	SALAMNDER BAY	.6	APZ
GAN GAN HILL	NELSON BAY	1	APZ
BREAKWATER RESERVE	CORLETTE	7.1	APZ
TAYLORS BEACH RESERVE	TAYLORS BEACH	3	SFAZ
CROMARTY BAY ROAD RESERVE	SOLDIERS POINT	.16	APZ
KANIMBLA DRIVE RESERVE	SALAMANDER BAY	.83	APZ
YAWL CLOSE RESERVE	SALAMANDER BAY	.12	APZ
PUBLIC RESERVE SALAMANDER WAY	SALAMANDER BAY	.14	UPGRADE FIRE TRAIL
MEREDITH STREET RESERVE	RAYMOND TERRACE	.1	APZ

ATTACHMENT 2

PROPOSED WORKS PROGRAM 2006/07

APZ = ASSET PROTECTION ZONE

SFAZ = STRATEGIC FIRE ADVANTAGE ZONE

RESERVE	LOCATION	HECTARES	WORKS COMPLETED
CORLETTE HEADLAND RESERVE	CORLETTE	.75	APZ
CAMPBELL AVENUE RESERVE	ANNA BAY	1.6	APZ
GANG GAN HILL	NELSON BAY	4.2	SFAZ
NAVALA AVENUE RESERVE	NELSON BAY	.68	APZ
SAND PIPER RESERVE	SALAMANDER BAY	2.3	APZ
HARRIS STREET RESERVE	NELSON BAY	.72	APZ
TALLEAN ROAD RESERVE	NELSON BAY	5.1	SFAZ
PANORAMA LOOKOUT	MALLABULA	.91	SFAZ
ULLORA ROAD RESERVE	NELSON BAY	.12	APZ
COMMUNITY CENTRE RESERVE	LEMON TREE PASSAGE	.45	APZ
HUTCHINSON ROAD	LEMON TREE PASSAGE	.18	APZ
DANIAL CRESCENT	LEMON TREE PASSAGE	.049	APZ
BOYD OVAL	MEDOWIE	.28	APZ
WILGA ROAD RESERVE	MEDOWIE	.51	APZ
ABUNDANCE ROAD RESERVE	MEDOWIE	.54	APZ
ENTERPRIZE DRIVE RESERVE	TOMAGO	.26	APZ

ITEM NO. 8**FILE NO: PSC2005-3546, 3547, 3555,
A2004-0198, 0515, 0516, 0518, 0519,****355(B) COMMITTEE CONSTITUTION CHANGES****POSITION TITLE: COMMUNITY FACILITIES CO-ORDINATOR****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the amendments to the Medowie Sports Council, Raymond Terrace Sports Council, Rural West Sports Council, Tilligerry Sports Council, Tomaree Sports Council, Port Stephens Sports Council, Medowie Tidy Towns Committee and Nelson Bay Senior Citizens Hall Committee Constitution Schedules.

OPERATIONS COMMITTEE MEETING – 9 MAY 2006**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING – 23 MAY 2006**RECOMMENDATION:**

526	Councillor Jordan Councillor Dover	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend to Council the adoption of amendments to the Constitution Schedules of Medowie Sports Council, Raymond Terrace Sports Council, Rural West Sports Council, Tilligerry Sports Council, Tomaree Sports Council, Port Stephens Sports Council, Medowie Tidy Towns & Cycleway Committee and Nelson Bay Senior Citizens Hall Committee.

355(b) Committee Constitutions consist of the Standard 355(b) Committee Constitution, adopted by Council, 24 June 2003, Minute No 251, and a customised Schedule of each committee's individual activities. Council must approve any amendments to a committee's Constitution Schedule.

Proposed Changes

- 1) Medowie Sports Council, Raymond Terrace Sports Council, Rural West Sports Council, Tilligerry Sports Council and Tomaree Sports Council have requested an amendment to their Constitution Schedules to change their meeting frequency requirement from quarterly to three times a year. The sports councils have agreed

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that it is no longer necessary to meet quarterly as meeting three times a year provides adequate opportunity to meet their objectives. The annual meeting schedule would be amended to February, June and October each year.

Current	Proposed Amendment
<p>Item 13 Additional clauses or amendments to Standard Constitution or Schedule</p> <p>9.4 Meetings The Committee shall hold ordinary meetings at least once in every quarter, on a day and at a time to be decided upon by the Committee.</p>	<p>Item 13 Additional clauses or amendments to Standard Constitution or Schedule</p> <p>9.4 Meetings The Committee shall hold ordinary meetings at least three times a year, on a day and at a time to be decided upon by the Committee.</p>

2) Medowie Tidy Towns Committee has recommenced activities and increased its membership. Their Constitution Schedule requires amendment to reflect the number of interested community people involved in the committee's activities. Membership of a RAAF representative can be accommodated in the amended membership if the committee wish to pursue this participation.

Current	Proposed Amendment
<p>Item 7 Maximum number and make up of committee members: Up to eight (8) interested residents, one (1) representative of RAAF.</p>	<p>Item 7 Maximum number and make up of committee members: Up to twenty (20) interested community members.</p>

3) The Nelson Bay Senior Citizens Hall Committee have requested an increase in membership numbers. This request has been accommodated as part of the updating of their constitution in line with the required format. (ATTACHMENT 1)

4) The Port Stephens Sports Council Constitution Schedule has been updated in line with the required format. (Attachment 2)

LINKS TO CORPORATE PLANS

This report relates to the provision of management and support to 355(b) committees, which facilitate community participation in many programs in Council's Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

Council staff and committee members have been involved in the consultation process to prepare the changes to the committee's constitution schedules. This is part of the support provided to 355(b) committees by Council responsible officers.

LEGAL AND POLICY IMPLICATIONS

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

The constitutions of Medowie Sports Council, Raymond Terrace Sports Council, Rural West Sports Council, Tilligerry Sports Council, Tomaree Sports Council, Port Stephens Sports Council, Medowie Tidy Towns Committee and Nelson Bay Senior Citizens Hall Committee consist of the Standard 355(b) Committee Constitution adopted by Council, 24 June 2003, Minute No 251, and a customised schedule of the committee's individual activities. Amendments to individual committee constitution schedules does not affect the standard 355(b) committee constitution, which remains in place unless amended by Council.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation.
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Council establishes community committees to undertake projects, to provide a link between Council and the community and to assist in the care of parks, reserves, services and facilities. This is part of Council's commitment to community partnerships and provides opportunities for the community to be involved with the management of the facilities they use.

The Medowie Sports Council, Raymond Terrace Sports Council, Rural West Sports Council, Tilligerry Sports Council, Tomaree Sports Council, Port Stephens Sports Council, Medowie Tidy Towns Committee and Nelson Bay Senior Citizens Hall Committee provide opportunities for community participation.

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

The Medowie Sports Council, Raymond Terrace Sports Council, Rural West Sports Council, Tilligerry Sports Council, Tomaree Sports Council, Port Stephens Sports Council, Medowie Tidy Towns Committee and Nelson Bay Senior Citizens Hall Committee operate under direction from Council staff to ensure their activities are performed in accordance with recognised practices that may often provide long term benefits to the environment

CONSULTATION

Acting Sport & Recreation Manager
Community & Library Services Manager
Medowie Sports Council
Raymond Terrace Sports Council
Rural West Sports Council
Tilligerry Sports Council
Tomaree Sports Council

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Medowie Tidy Towns Committee
Nelson Bay Senior Citizens Hall Committee

OPTIONS

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

ATTACHMENTS

- 1) Nelson Bay Senior Citizens Hall Committee Constitution Schedule
- 2) Port Stephens Sports Council Constitution Schedule

**ATTACHMENT 1
SCHEDULE TO CONSTITUTION**

Item 1	Name of Committee	Nelson Bay Senior Citizens Hall Committee
Item 2	Name of Council Section	Community & Library Services
Item 3	Functions delegated by Council to committee (Objectives)	<p>1. To co-operate with Council to ensure that facilities are provided and maintained at an acceptable standard.</p> <p>2. Undertake the functions of:</p> <ul style="list-style-type: none"> • arranging bookings for hire of facility • receiving and banking fees & charges • arranging cleaning • arranging lawn mowing • providing reports to Council on maintenance requirements <p>3. To make recommendation to Council as to the development, planning and management of Nelson Bay Senior Citizens Hall.</p> <p>4. To make recommendations to Council on appropriate charges for the use of the facility.</p> <p>5. To refer requests for additional work to Council for consideration and setting of priorities.</p> <p>6. Keeping Association members and the community informed of proposals by the committee.</p>
Item 4	Restrictions on functions delegated	All works undertaken will be with the knowledge and approval of Community & Library Services Manager
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies & legislation including but not limited to:</p> <p>OH&S 2000 OH&S Regulation 2001 LGA & Regulations 1993 PPIPA 1988 Code of Conduct Code of Meeting Practice Accessing Information Policy Child Protection Policy Volunteers Policy</p>
Item 6	Date on which constitution concludes	September of Council Election each four years. Council to re adopt constitution within three months following election.
Item 7	Maximum number and make up of committee members	Up to ten (10) members
Item 8	Councillors	As resolved by Council
Item 9	Council employees	Community & Library Services Manager
Item 10	Name of financial	

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	institution and type of account	
Item 11	Name of any account operated by the committee	Nelson Bay Senior Citizens Hall Committee a 355(b) Committee of Port Stephens Council
Item 12	Area assigned to committee and/or map	Nelson Bay Senior Citizens Hall
Item 13	Additional clauses or amendments to Standard Constitution or Schedule. To be listed in full - body of constitution not to be altered.	<p>Clause 16 – Halls</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> • Water Usage Charges • Electricity charges • Cleaning Costs • Agreed contribution to repairs & maintenance <p>Council will meet the following expenses</p> <ul style="list-style-type: none"> • Council Rates • Standing Charges for Water • Sewerage Charges • Structural Maintenance & Repairs
Item 14	Changes to constitution or Schedule – Adopted by Council: Meeting Date: Minute No: Resolution:	

ATTACHMENT 2

SCHEDULE TO CONSTITUTION

Item 1	Name of Committee	Port Stephens Sports Council
Item 2	Name of Council Section	Facilities & Services Sport & Recreation
Item 3	Functions delegated by Council to committee (Objectives)	<p>1. To liaise with Department of Sport, Recreation and Racing for promotion and development of sport, coaching clinics, training, legal matters, sports administration and co-ordination.</p> <p>2. To encourage major regional events and sponsorship to assist with achieving other objectives.</p> <p>3. To provide input and forward planning, from a Council wide basis, on facilities, sporting statistics, policies and recommendations on future needs.</p> <p>4. To assist in collating a sports directory of contacts for clubs and sports available.</p> <p>5. To support and encourage the development of sports education programs.</p> <p>6. To administer the Sports Awards & presentation night.</p> <p>7. To act as an independent arbitrator from time to time in resolving disputes arising at local Sports Council level.</p> <p>8. To increase the media coverage of local sport.</p>
Item 4	Restrictions on functions delegated	All works undertaken will be with the knowledge and approval of Sport & Recreation Manager
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies & legislation including but not limited to:</p> <p>OH&S 2000 OH&S Regulations 2001 LGA & Regulations 1993 (amendments) State Records Act, 1998 PPIPA 1988 Code of Conduct Code of Meeting Practice Accessing Information Policy Child Protection Policy Volunteers Policy</p>
Item 6	Date on which constitution concludes	September of Council Election each four years. Council to re adopt constitution within three months following election.

ORDINARY MINUTES – 23 MAY 2006

Item 7	Maximum number and make up of committee members	<p>The membership shall consist of:-</p> <ul style="list-style-type: none"> • The President from each of the five Sports Councils. • Representative from Facilities & Services, Port Stephens Council. • The secretary from Port Stephens Council. • Two Councillors representing Port Stephens Council. • Any other person, Council approved, with specialist interest either as a community representative or from other Government departments. <p>Meetings</p> <ul style="list-style-type: none"> • Shall be chaired by the Representative from the Facilities & Services. • Half plus one members at a meeting will constitute a quorum.
Item 8	Councillors	As resolved by Council.
Item 9	Council employees	Sport & Recreation Manager or delegated representative from Facilities & Services Staff member appointed as Secretary
Item 10	Name of financial institution and type of account	N/A
Item 11	Name of any account operated by the committee	N/A
Item 12	Area assigned to committee and/or map	N/A
Item 13	<p>Additional clauses or amendments to Standard Constitution or Schedule.</p> <p>To be listed in full - body of constitution not to be altered.</p>	<p>9.4 Meetings</p> <p>The Committee shall hold ordinary meetings at least three times a year, on a day and at a time to be decided upon by the Committee.</p>
Item 14	<p>Changes to constitution or Schedule –</p> <p>Adopted by Council:</p> <p>Meeting Date:</p> <p>Minute No:</p> <p>Resolution:</p>	

ITEM NO. 9

FILE NO: 1160-002/A2004-0242

QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2006

POSITION TITLE: MANAGEMENT ACCOUNTANT

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the estimated Statement of Cash Position to 30/6/2006 as detailed in **ATTACHMENT 1** to this report.
- 2) Notes the estimated Statement of Restricted Funds Movements to 30/06/2006 as detailed in **ATTACHMENT 2** to this report.
- 3) Notes the detailed description of the changes in the allocation of Ward Funds as detailed in **ATTACHMENT 3** to this report.
- 4) Notes the changes previously approved by Council to the adopted Budget (A nil effect on Revenue) as detailed under separate cover as **TABLE 1 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
- 5) Notes the changes approved by delegated authority to the adopted Budget (A nil effect on Revenue) as detailed under separate cover as **TABLE 2 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
- 6) Approve the discretionary changes to the adopted recurrent budget (Totalling \$123,698. A negative effect on Revenue) as detailed under separate cover as **TABLE 3.1 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
- 7) Notes the estimated surplus/(deficit) from ordinary activities before capital amounts of (\$194,670).
- 8) Approve the discretionary changes to the adopted capital budget (Totalling \$110,750. A positive effect on Revenue) as detailed under separate cover as **TABLE 3.2 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
- 9) Notes the identified issues, which may have a future budgetary impact, as identified under separate cover as **TABLE 4 of DOCUMENT 1** to this report.
- 10) Notes the March Quarterly Budget Review comparing Budgets to Actuals as tabled under a separate cover as **DOCUMENT 2** to this report.

OPERATIONS COMMITTEE MEETING – 9 MAY 2006

RECOMMENDATION:

That the recommendation be adopted.

Tabled Documents: Notes to the Quarterly Review

Matter Arising: That Council investigate access to a source of funds from Commonwealth Government for the restoration and maintenance of Sabre Jet Monument at Beetles Park.

ORDINARY MINUTES – 23 MAY 2006**ORDINARY MEETING – 23 MAY 2006****RECOMMENDATION:**

527	Councillor Robinson Councillor Hodges	It was resolved that the recommendation be adopted.
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Matter Arising:

528	Councillor Robinson Councillor Hodges	It was resolved that Council investigate access to a source of funds from Commonwealth Government for the restoration and maintenance of Sabre Jet Monument at Beetles Park.
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Tabled Documents: Notes to the Quarterly Review

BACKGROUND

On the 24th May 2005 Council adopted its Council Plan and Budget 2005/2008 (Council minute 141). This included budget estimates for the 2005/2006 financial year.

The purpose of this report is to amend the Budget by bringing to Council's attention the proposals and issues that have an impact on the 2005/2006 Budget.

The major changes to the Recurrent Budget in this Review are:

- \$400,000 increased expenditure for depreciation of Councils assets.
- \$196,533 increased income for Newcastle Airport.
- \$303,500 increased expenditure for loan interest and other expenses at Newcastle Airport.
- \$290,000 increased income for Interest on Investments.
- \$112,100 increased income from additional rates revenue.
- \$116,602 increased income at Council's Holiday Parks.
- \$301,179 increased expenditure at Council's Holiday Parks.
- \$268,000 decreased income for Construction Certificates and Development Application fees.
- \$110,500 increased expenditure for salaries and contractor fees for Development Applications.
- \$130,000 increased expenditure due to Development & Building legal costs.
- \$150,000 decreased expenditure from Lower Tilligerry Creek Flood Study Project not proceeding and reduced salary costs from a vacant position.
- \$120,011 increased income for Environmental Services Projects and fines.

- \$203,075 increased expenditure for Environmental Services projects and legal expenses.
- \$765,000 increased income from RTA contracts and Newcastle Airport contract for Operations.
- \$752,889 increased expenditure on RTA contracts and Newcastle Airport contract for Operations.
- \$103,000 increased income from Section 44 reimbursement for Bushfire Suppression costs and Natural Disaster Risk Mitigation Study.
- \$103,000 increased expenditure on Bushfire Suppression and Natural Disaster Risk Mitigation Study.
- \$132,682 increased income for Waste Tip Fees and Waste Service Charges.
- \$220,000 increased expenditure for Road Rehabilitation and Maintenance.

The major changes to the Capital Budget in this Review are:

- \$4,783,000 decreased expenditure on Capital Works due to Ward Funds not available this financial year (see Attachment 3).
- \$255,269 increased expenditure on two new SES vehicles, two compressors and a hoist for Fleet Assets.
- \$158,800 increased expenditure on Soldiers Point Tennis Court resurfacing and Vi Barnett Tennis Court upgrade.
- \$86,200 increased income from Sporting Bodies for new Capital Works.
- \$210,000 increased expenditure for cycleway on Medowie Rd at RAAF base.
- \$210,000 increased income from contributions for Medowie Rd cycleway.
- \$466,077 decreased expenditure on Medowie Road Construction.
- \$1,350,000 decreased expenditure for Lemon Tree Passage Waste Rehabilitation.

The major transfers within the Budget in this Review are:

- Transfer \$100,000 source of funds for Main Road Medowie upgrade from Councillor Ward Funds to Haulage Levy Funds.

This report also foreshadows impacts on Council's future financial position.

LINKS TO CORPORATE PLANS

This report relates to the Budget estimates for the 2005/2006 financial year in the financial policy program of Council's Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

Council's original 2005/2006 Budget estimate is a \$0 cash result after internal transfers and before depreciation of \$11.7M. **TABLE'S 1 and 2** of Document 1 of this report details the changes in this review. The net cash result of these changes, and the 2005 revotes and carry forwards, is a projected cash deficit of \$448,660 (Ref N of Attachment 1), before 2006 revotes and carry forwards are taken into account.

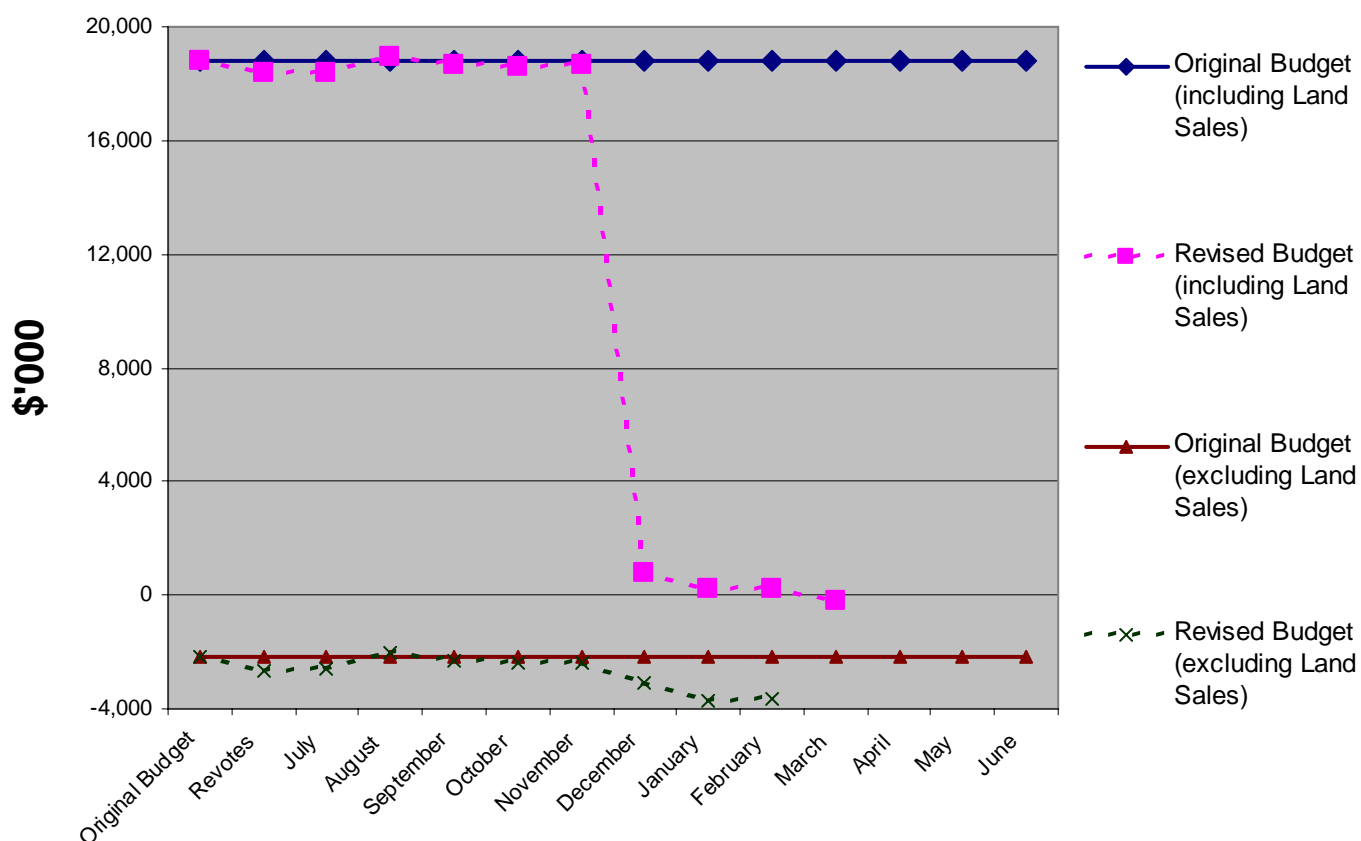
A. IMPACT OF QUARTERLY BUDGET ADJUSTMENT

IMPACT OF MONTHLY BUDGET REVIEW ON COUNCIL'S ADOPTED BUDGET				
	Recurrent	Capital	Total	Ref
Document 1 Table 1	\$5,500	(\$5,500)	\$0	
Document 1 Table 2	\$4,000	(\$4,000)	\$0	
Document 1 Table 3.1 and Table 3.2	(\$123,698)	\$110,750	(\$12,948)	
Previous Quarterly Budget Reviews	\$151,134	\$456,824	\$607,958	
Original Budget after transfers and before Depreciation	\$1,095,976	(\$1,095,976)	\$0	
Net Available Surplus Funds	\$1,132,912	(\$537,902)	\$595,010	
Revotes and Carry Forwards from previous year.	(\$445,872)	(\$597,798)	(\$1,043,670)	
Revised 2005/2006 Cash Deficit (after transfers and before Depr)	\$687,040	(\$1,135,700)	(\$448,660)	N

B. PROJECTED FINANCIAL RESULT FOR 2005/06

	Ref	After March Budget Review	Original Budget
Total Operating Revenue	A	\$71,605,547	\$86,761,939
Less Total Operating Expenditure	B	(\$59,700,217)	(\$56,228,406)
Less Total Depreciation and Provisions Transferred	C	(\$12,100,000)	(\$11,700,000)
	D=B+C	(\$71,800,217)	(\$67,928,406)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	(\$194,670)	\$18,833,533
Net Operating movement for March Review		(\$990,475)	

Surplus/(Deficit) from Ordinary Activities



LEGAL AND POLICY IMPLICATIONS

The Local Government (Financial Management) Regulation Section 7 requires that a Budget Review Statement be submitted to Council no later than two months after the end of each quarter and that all expenditure must be authorised and voted by Council before it is incurred. This report is submitted so that Council can review the impact of all issues, which will affect the Budget.

The General Manager has the delegated authority to approve changes up to \$10,000 within a Group.

The March Quarterly Budget Review Statement indicates that Council's financial position has weakened, predominately due to the deferral of projected land sales and the increase in depreciation expense. This situation needs to be monitored closely with particular regard to those issues contained in **TABLE 4 of Document 1**. Long-term financial projections will also be reviewed.

AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK

This aligns with the following Principles of the ABEF Framework:

- 2) Mutually agreed plans translate organisational direction into actions
- 4) To improve the outcome, improve the system and its associated processes
- 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

The Budget Review is a public document and as such is available for inspection on request.

CONSULTATION

Executive Group

OPTIONS

- 1) That Council accepts the discretionary changes to the adopted budget.
- 2) That Council rejects some or all of the discretionary changes to the adopted budget.

ATTACHMENTS

- 1) Attachment 1 Estimated Statement of Cash Position to 30/06/2006
- 2) Attachment 2 Estimated Statement of Restricted Funds Movements to 30/06/2006
- 3) Attachment 3 Detailed description of the changes in the allocation of Ward Funds

TABLED DOCUMENTS

Document 1 of 2005-2006 Quarterly Budget Review for March 2006

Table 1	Changes previously approved by Council
Table 2	Changes by delegated authority
Table 3.1	Discretionary Changes to adopted Recurrent Budget
Table 3.2	Discretionary Changes to adopted Capital Budget
Table 4	Identified issues, which may have a future budgetary impact

Document 2 of 2005-2006 Quarterly Budget Review for March 2006 comparing Budgets to Actuals

ATTACHMENT 1

ESTIMATED STATEMENT OF CASH POSITION TO 30/06/2006 After March 2006 Review			
	Ref	After March 2006 Review	Original Budget
Total Operating Revenue	A	71,605,547	86,761,939
Less Total Operating Expenditure	B	(59,700,217)	(56,228,406)
Less Total Depreciation and Provisions Transferred	C	(12,100,000)	(11,700,000)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	D=B+C	(71,800,217)	(67,928,406)
Add Back: Depreciation and Provisions Transferred	E=A+D	\$(194,670)	\$18,833,533
	C	12,100,000	11,700,000
Cash Surplus From Operations	F=A+B	11,905,330	30,533,533
Transferred to Restricted Funds	G	11,218,290	29,437,557
Cash Surplus / (Deficit) From Operations After Transfers	H=F-G	\$687,040	\$1,095,976
Total Capital Income	I	10,466,948	9,288,100
Total Capital Expenditure	J	(27,625,278)	(33,602,596)
Surplus/(Deficit) From Capital Works	K=I+J	\$(17,158,330)	\$(24,314,496)
Transferred from Restricted Funds	L	(16,022,630)	(23,218,520)
Cash Surplus / (Deficit) From Capital Works After Transfers	M=K-L	\$(1,135,700)	\$(1,095,976)
Total Cash Surplus / (Deficit) After Transfers	N=H+M	\$(448,660)	\$0
RECONCILIATION OF CASH POSITION			
Opening Cash Position as at 01/07/2005	O	31,557,406	31,557,406
Estimated Cash Position as at 30/06/2006	P	29,739,477	43,051,514
Increase/(Decrease) in Cash Balance	Q=P-O	\$(1,817,929)	\$11,494,108
Represented By:			
Opening Restricted Funds Balance	R	28,123,845	25,061,485
Closing Restricted Funds Balance	S	26,754,576	36,555,593
Increase/(Decrease) in Restricted Funds Balance	T=S-R	(1,369,269)	11,494,108
Total Cash Surplus/ (Deficit) from Operations & Capital	N=Q-T	(448,660)	0
Principal of Loan Funds Repaid	U	(1,790,646)	(1,790,646)
Loan Funds and Proceeds from Sales Received	V	\$5,225,717	\$7,065,717
Increase/(Decrease) in Cash Balance	Q=T+N	\$(1,817,929)	\$11,494,108

ATTACHMENT 2

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2006
After March 2006 Review

RESTRICTED FUNDS	Balance as at 30/06/2005	Recurrent Budget	Capital Budget	* Balance Sheet Movements	Estimated as at 30/06/2006
SECTION 94	12,382,000	257,492	(1,557,826)		11,081,666
DOMESTIC WASTE MANAGEMENT	4,318,567	880,882	(1,550,000)	(336,183)	3,313,266
Sub Total. Externally Restricted	16,700,567	1,138,374	(3,107,826)	(336,183)	14,394,932
PROPERTY (INVESTMENT PROPERTIES & LAND DEVELOPMENT)	3,274,081	2,934,519	(3,998,832)	1,512,366	3,722,134
INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND)	1,048,095	31,020	0		1,079,115
ASSET REHABILITATION RESERVE	(42,516)	287,461	(321,699)		(76,754)
FLEET MANAGEMENT (PLANT)	1,673,449	2,170,402	(2,218,154)	701,717	2,327,414
OTHER WASTE SERVICES	864,128	67,632	0		931,760
QUARRY DEVELOPMENT	767,285	3,550	0		770,835
HOLIDAY PARKS	(1,721,464)	536,836	(3,595,693)	1,652,210	(3,128,111)
EMPLOYEE LEAVE ENTITLEMENTS	3,898,500	0	0		3,898,500
BEACH VEHICLE PERMITS	72,476	7,580	(20,842)		59,214
DRAINAGE	176,391	670,000	(824,589)		21,802
INTERNAL LOAN	(3,574,089)	900,112	0		(2,673,977)
NBTIC	0	18,537	0		18,537
ENVIRONMENTAL LEVY	275,840	100,403	(150,000)		226,243
ADMIN BUILDING AND DEPOT SINKING FUND	0	499,045	(271,800)		227,245
RTA BYPASS ROADS MTCE RESTRICTED FUND	1,802,473	(101,000)	0		1,701,473
NELSON BAY MARINA RESTRICTED FUND	0	0	0		0
RESTRICTED CASH	1,304,008	(514,064)	(24,195)		765,749
SALAMANDER/PROPERTY WARD FUNDS	1,492,121	1,139,810	(1,489,000)		1,142,931
INTERNAL BUSINESS UNIT TRANSFERS	0	1,260,073	0	(30,194)	1,229,879
INFORMATION TECHNOLOGY STRATEGY	112,500	(65,000)	0		47,500
PARKING METER RESERVE	0	133,000	0	(64,845)	68,155
Sub Total. Internally Restricted	11,423,278	10,079,916	(12,914,804)	3,771,254	12,359,644
RESTRICTED FUNDS TOTAL	28,123,845	11,218,290	(16,022,630)	3,435,071	26,754,576

* Balance Sheet Movements are the repayments of the Principals on Loans and the funds from Loans received and the proceeds for land Sales

ATTACHMENT 3

Capital Works to be funded from Ward Funds

Description of Work	Balance of Ward Funds to be expended this Financial Year (following March 2006 Quarterly Budget Review)				Total Ward Funds Removed From 2005/6 Budget	Comments
	WARD	EAST	CENTRAL	WEST	TOTAL	
Cycleway Anna Bay to Salamander Stage 4					100,000	\$100,000 RTA Grant received for cycleways. Ward Funds not required
Main Road Medowie Upgrade					100,000	Ward Funds not available this financial year
Seaham Rd and Clarencetown Rd - Reconstruction					138,000	Ward Funds not available this financial year
Fingal Bay link road - acquisition and design					574,000	Ward Funds not available this financial year
LTP Road Upgrade near Salt Ash					250,000	Ward Funds not available this financial year
Footpath Construction - East		30,000			30,000	20,000 Ward Funds not available this financial year
Footpath Construction - West				30,000	30,000	Work to be completed this financial year
Cycleway Medowie - Warapora Road			110,000		110,000	Work to be completed this financial year
Gateway signage West, Central and East Wards		20,000		20,000	40,000	Work to be completed this financial year
Pedestrian Access mobility plan		50,000		25,000	75,000	Work to be completed this financial year
Bus Shelters Medowie			25,000		25,000	Work to be completed this financial year
Bus Shelters Anna Bay			25,000		25,000	Work to be completed this financial year
Bus Shelters Lemon Tree Passage			25,000		25,000	Work to be completed this financial year
Wallalong Multi Purpose Centre				10,000	10,000	Work to be completed this financial year
Seaham Hall Upgrade				22,000	22,000	Work to be completed this financial year
Salt Ash Hall			8,500		8,500	Work to be completed this financial year
Hinton Community Hall				31,000	31,000	Work to be completed this financial year
RT Community Centre Upgrade				88,000	88,000	Work to be completed this financial year
Medowie Community Upgrade			50,000		50,000	Work to be completed this financial year
Fern Bay Hall			60,000		60,000	Work to be completed this financial year
Tanilba Hall			5,000		5,000	Work to be completed this financial year
Tomaree Sports Complex Carpark and Access Upgrade		90,000			90,000	Work to be completed this financial year
Bowthorne Park Floodlighting				10,000	10,000	Work to be completed this financial year
Soldiers Point Boat Ramp Amenities		120,000			120,000	Work to be completed this financial year
Little Beach Disability Ramp Upgrade		20,000			20,000	Work to be completed this financial year
Rural West Sportsfield Drainage				21,000	21,000	Work to be completed this financial year
Medowie Amenities Block			80,000		80,000	Work to be completed this financial year
Medowie Sportsfields Lighting			61,000		61,000	Work to be completed this financial year
Medowie Sports Facilities Upgrades			5,000		5,000	Work to be completed this financial year
Birubi Surf Club			25,000		25,000	Work to be completed this financial year
Contribution to RT Comm & Policing Services Rental assistance CM372/05				30,000	30,000	Work to be completed this financial year
Gateway signage West, Central and East Wards		21,330	41,330	21,340	84,000	-84,000 Added in March Review due to work completed this financial year
Karuah main street - Bypass mitigation works				20,000	20,000	180,000 Ward Funds not available this financial year
Cycleway along Mustons Rd Karuah				10,000	10,000	110,000 Ward Funds not available this financial year
Cycleway Soldiers Point Rd - Diemars Rd to Gilchrist Rd - Stage 2					15,000	Ward Funds not available this financial year

ATTACHMENT 3 CONT'D

Description of Work	Balance of Ward Funds to be expended this Financial Year (following March Quarterly 2006 Budget Review)				Total Ward Funds Removed From 2005/6 Budget	Comments
Various Minor Works East Ward					60,000	Ward Funds not available this financial year
Various Minor Works Central Ward					60,000	Ward Funds not available this financial year
Various Minor Works West Ward					60,000	Ward Funds not available this financial year
Footpaths Community Survey		5,000		5,000	25,000	Ward Funds not available this financial year
LTP Coast Guard Access Sealing					15,000	Ward Funds not available this financial year
Karuah Community Hub Project					100,000	Ward Funds not available this financial year
Raymond Terrace Senior Citizens Centre			50,000	50,000	375,000	Ward Funds not available this financial year
Mayo Building Verandah			15,000	15,000	150,000	Ward Funds not available this financial year
Raymond Terrace Library Concept Plan					25,000	Ward Funds not available this financial year
Mallabula Sports Complex floodlighting		50,000		50,000	110,000	Ward Funds not available this financial year
Anzac Park Carpark and Access	13,000			13,000	177,000	Ward Funds not available this financial year
Tomaree Aquatic Centre Development design					200,000	Ward Funds not available this financial year
Tomaree Sports Complex Lighting Upgrade					15,000	Ward Funds not available this financial year
Sabre Jet Monument, Bettles Park					80,000	Ward Funds not available this financial year
Tomaree Aquatic Centre liner replacement					150,000	Ward Funds not available this financial year
Nelson Bay Tennis Courts					35,000	Ward Funds not available this financial year
Donald Street Carpark Additions					100,000	Ward Funds not available this financial year
Raymond Terrace F'shore Upgrade Stage 1,2, &3					220,000	Ward Funds not available this financial year
Lakeside Leisure Centre Upgrade			20,000	20,000	190,000	Ward Funds not available this financial year
Aliceton Reserve & Boat Ramp					104,000	Ward Funds not available this financial year
Hinton Foreshore Landscaping					18,000	Ward Funds not available this financial year
Raymond Terrace Skate Park Stage 2					35,000	Ward Funds not available this financial year
Karuah BMX & Mini Skate Park					50,000	Ward Funds not available this financial year
Lakeside Sports Field G Stand Stage 2					20,000	Ward Funds not available this financial year
Seaham Park Stand Restoration and Trail					20,000	Ward Funds not available this financial year
Hinton River Toilets Installation					10,000	Ward Funds not available this financial year
Medowie Car Park Entrance		15,000		15,000	85,000	Ward Funds not available this financial year
Medowie Skate Park					77,000	Ward Funds not available this financial year
Medowie Sportsfield Drainage					23,500	Ward Funds not available this financial year
4WD Access					200,000	Ward Funds not available this financial year
Stockton Bight Public Toilets					10,000	Ward Funds not available this financial year
Tilligerry Pool Car Park					200,000	Ward Funds not available this financial year
Tilligerry Pool Cover					50,000	Ward Funds not available this financial year
Tilligerry Skate Park		33,000		33,000	27,000	Ward Funds not available this financial year
Stephens Square					20,000	Ward Funds not available this financial year
Caswell Reserve					30,000	Ward Funds not available this financial year
McCann Park Amenities					30,000	Ward Funds not available this financial year
Tanilba Park					100,000	Ward Funds not available this financial year
Tanilba Lighting of Stone Gates		500		500	9,500	Ward Funds not available this financial year
Koala Park Project					25,000	Ward Funds not available this financial year
RT SES/RFS Operations Centre Extension			40,000	40,000	45,000	Ward Funds not available this financial year
Medowie RFS Station Extensions					60,000	Ward Funds not available this financial year
King Park Shade Shelters CM 20/12/2005			7,000	7,000	-7,000	Added in March Review due to work completed this financial year
RT Tennis Courts CM 20/12/2005			50,000	50,000	-50,000	Added in March Review due to work completed this financial year
Tanilba Bay Golf Club CM 4/34/06		35,000		35,000	-35,000	Added in March Review due to work completed this financial year
Total Ward Funds Allocated to works to be completed in 2005/6 Financial Year	364,330	659,330	520,340	1,544,000		
Total of Ward Funds Rescheduled to be expended in Future Financial Years					4,783,000	

ITEM NO. 10

FILE NO: PSC2005-5202

MARCH 2006 QUARTERLY PERFORMANCE REVIEW OF THE 2005-2008 COUNCIL PLAN

AUTHOR: CONTINUOUS IMPROVEMENT COORDINATOR

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the Quarterly Performance Review of the 2005-2008 Council Plan for reporting period January to March 2006.

OPERATIONS COMMITTEE MEETING – 9 MAY 2006

RECOMMENDATION:

That the recommendation be adopted.

Tabled Document: The Quarterly Review

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

529	Councillor Robinson Councillor Swan	It was resolved that the recommendation be adopted.
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Tabled Document: The Quarterly Review

BACKGROUND

The purpose of this report is to present a summary of the Council's performance in the March 2006 quarter against the targets agreed in the 2005-2008 Council plan that was adopted on 24 May 2005.

This Report is the third quarter of reporting for the year to June 2006. It contains performance information against the goals, objectives, and strategies, and the targets outlined in the current Council Plan. This year Council has achieved a more strategic framework with more specific measures to facilitate ease of review of the many activities Council provides for and on behalf of its stakeholders.

LINKS TO CORPORATE PLANS

The Quarterly Report reviews the performance from 1 January 2006 to 31 March 2006 of the Council Plan 2005-2008.

FINANCIAL/RESOURCE IMPLICATIONS

The Report in itself does not have any financial implications. It should be read in conjunction with the Quarterly Budget Review.

LEGAL AND POLICY IMPLICATIONS

Section 407 of the Local Government Act 1993 requires the General Manager to report to Council within two (2) months of the end of each quarter as to the extent to which the performance targets set by the Council Plan have been achieved during that period.

Australian Business Excellence Framework

This aligns with those Principles of the ABEF Framework noted below.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 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

The preparation of the Report ensures that Council's performance is transparent and accountable to the community. It includes information about Council's targeted and actual performance in the nine key result areas adopted in the Council's Plan 2005-2008.

SOCIAL IMPLICATIONS

This Report addresses the performance of Council for the third quarter of the year against those sections of the Council Plan 2005-2008 that deal with Community, Lifestyle, Planning and Development, Our People and Corporate Accountability.

ECONOMIC IMPLICATIONS

This Report addresses the performance of Council for the third quarter of the year against those sections of the Council Plan 2005-2008 that deal with Economic Development, Infrastructure and Our Finances.

ENVIRONMENTAL IMPLICATIONS

This Report addresses the performance of Council for the third quarter of the year against those sections of the Council Plan 2005-2008 that deal with the Environment.

CONSULTATION

This Report is a public document and will be made available to the press and public. Its availability at the usual outlets will be publicised.

OPTIONS

- 1) Receive and note the Report.

ATTACHMENTS

Nil

TABLED DOCUMENTS

- 1) Quarterly Review for January to March 2006.

ITEM NO. 11**INFORMATION PAPERS****POSITION TITLE: BUSINESS PAPER CO-ORDINATOR****RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 9 May, 2006.

No:	Report Title	Page No:
1	Indigenous Strategic Committee Meeting with Worimi Local Aboriginal Land Council – 13 March 2006	
2	Indigenous Strategic Committee – 10 April 2006	
3	Access Committee Meeting – 7 March 2006	
4	Access Committee Meeting – 4 April 2006	
5	Sustainable Finances Health Check	
6	Petition – Dogs on Lead Area, Pearson Park, Soldiers Point	
7	Conference Seminar Report Waste 2006 Conference held in Coffs Harbour NSW, 28-31 March 2006	
8	Submission to the Legislative Assembly Standing Committee on Public Works Inquiry into Municipal Waste Management in NSW	
9	Film Hunter – Regional Filming Half Yearly Production Report	
10	Quarterly Report – Integrated Works Program	
11	Performance Against Results Measures March 2006	
12	Quarterly Report – Legal Expenses	
13	Manager's Monthly Report April 2006	

OPERATIONS COMMITTEE MEETING – 9 MAY 2006**RECOMMENDATION:**

That the information papers be received and noted.

Tabled Documents: Petition – Dogs on Lead Area & Integrated Works Program

ORDINARY MEETING – 23 MAY 2006**RECOMMENDATION:**

530	Councillor Nell Councillor Robinson	It was resolved that 1) The Information papers be received and noted 2) Council review its decision in relation to dogs on lead area at Pearson Park, Soldiers Point.
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Tabled Document: Petition – Dogs on Lead Area

Tabled Document: Integrated Works Program

Tabled Document: Cockpit Charts

Note: Cr Robinson left the meeting at 8.19pm during Item 11.

INFORMATION ITEM NO. 1

**INDIGENOUS STRATEGIC COMMITTEE MEETING WITH WORIMI
LOCAL ABORIGINAL LAND COUNCIL**

POSITION TITLE: SOCIAL PLANNING CO-ORDINATOR
FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Indigenous Strategic Committee meeting with Worimi Local Aboriginal Land Council (LALC) held on 13 March 2006.

Key issues considered at the meeting included:

- 1) Stockton Bight
- 2) Proposed Land Acquisition for Fingal Bay Link Rd
- 3) New Port Stephens Gateway Signage

ATTACHMENTS

- 1) Minutes of Indigenous Strategic Committee meeting with Worimi LALC on 13 March 2006.

ATTACHMENT 1

**INDIGENOUS STRATEGIC COMMITTEE MEETING
WITH WORIMI LOCAL ABORIGINAL LAND COUNCIL
HELD ON THE 13 MARCH 2006
AT THE MURROOK CULTURAL & LEISURE CENTRE**

Present:

Andrew Smith	Worimi LALC
Val Merrick	Worimi LALC
Delece Manton	Worimi LALC
Janice MacAskill	Worimi LALC
Cr Helen Brown	PSC
Cr Ron Swan	PSC
Jason Linnane	PSC
Mike Trigar	PSC
Paul Procter	PSC
Cliff Johnson	PSC

Apologies:

Cr Craig Baumann	PSC
Cr Sally Dover	PSC
Peter Gesling	PSC
Stewart Murrell	PSC

Cr Brown chaired and opened the meeting at 1:30pm

1. BUSINESS ARISING FROM PREVIOUS MINUTES

Business from previous Ordinary Meeting held on 12 September 2005 were accepted as follows:

Item 1: Stockton Bight

Jason Linnane reported that in regards to the date of commencement for the calculation of fees collected from the issuing of beach permits, the Council resolution dated 17 December 2002 states that Council:

- Offer up to \$80,000 per annum for the Worimi Local Aboriginal Land Council to provide access and services to the area. Such payment is to be made retrospective to 1 July 2002.*

Until such time that the Memorandum of Understanding is signed off, Jason Linnane indicated that he would like to meet with the Interim Management Committee to discuss the management of Stockton Bight operators.

Action	1. Jason Linnane will liaise and meet with the Stockton Bight Interim Management Committee to discuss the management of Stockton Bight operators.
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Item 2: Middens at Birubi Headland

Jason Linnane indicated that money is in Council's budget to undertake the work to cover and protect the midden. Before work commence, Council just needs sign off from WLALC and NPWS on the nature and scope of works to be undertaken.

Action	1. Jason Linnane will arrange to meet onsite with representatives from WLALC to discuss and finalise details of the work required to cover and protect the midden site.
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Item 3: Referring of Development Applications to LALCs for Comment

WLALC have requested that the current system of notifying the Land Council of proposed development applications needs reviewing. In addition to this, Clr Swan indicated the problems associated with the use of private certifiers.

Action	1. Paul Procter to organise for Council's Manager Development Assessment, Scott Anson and Cliff Johnson to meet with representatives of WLALC to discuss and resolve concerns relating to notifying WLALC of major development applications.
	2. A letter be drafted from the ISC to the Minister for Planning outlining the ISC concerns in relation to the current use of Private Certifiers.

Item 4: Labelling Artefacts Display

WLALC indicated that the artefacts contained in Council's Aboriginal Artefacts display belong to Karuah LALC.

Action	1. Council's Cultural Development Officer will organise for a representative from KLALC to assist in the labelling of artefacts.
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Item 5: Land Acquisition for Fingal Bay Link Rd

In relation to the proposed acquisition of land for the Fingal Bay Link Rd, Mike Trigar indicated that he is happy to meet and talk with any members of WLALC about any issues they may have in relation to the proposed land acquisition for the proposed Fingal Bay Link Rd.

2. GENERAL BUSINESS**2.1 New Port Stephens Gateway Signage**

WLALC commended Council on the new gateway signage, indicating they have received a number of positive community comments in relation to the new signs.

2.2 Mu-roo-ma Inc

Paul Procter indicated that he has received a letter from newly formed Ma-roo-ma Inc expressing their interest in advising Council on matters relating to the Worimi area. He has written to this group indicating that the ISC is Council's forum for liaising with both Land Council's, and it is up to each Land Council to nominate who their designated representatives are on the ISC.

2.3 2006 Joint ISC Meeting

ORDINARY MINUTES – 23 MAY 2006

Paul Procter indicated that this year's joint meeting between Port Stephens Council and Worimi and Karuah LALCS will be held on 18 July 2006 and was interested in ideas for potential guest speakers. It was suggested that consideration be given to engaging 'Local Knowledge' or visiting 'Youla-ta' at the former Yamuloong Resource Centre.

Action	1. Paul Procter will liaise with KLALC to gain their suggestions before further pursuing various options.
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2.4 Draft Council Management Plan & Budget

Paul Procter mentioned that Council's new Draft Management Plan and budget will be placed on public exhibition shortly and he encouraged WLALC to make a formal submission.

3. NEXT MEETING

The next meeting will be held on Monday 8th May 2006 at Murrook commencing at 1:00pm.

INFORMATION ITEM NO. 2

INDIGENOUS STRATEGIC COMMITTEE

POSITION TITLE: SOCIAL PLANNING CO-ORDINATOR
FILE: A2004-0601

BACKGROUND

The purpose of this report is to present to Council the minutes of the Indigenous Strategic Committee meeting held on 10 April 2006 with the Karuah Local Aboriginal Land Council.

Key issues discussed at the meeting included: -

- 1) Tjrrurunga Arts Project Update
- 2) Aboriginal Project Fund Update
- 3) Karuah Foreshore Rehabilitation Works

ATTACHMENTS

- 1) Minutes of Indigenous Strategic Committee Meeting held 10 April 2006 with Karuah Local Aboriginal Land Council.

ATTACHMENT 1

**INDIGENOUS STRATEGIC COMMITTEE MEETING
WITH KARUAH LOCAL ABORIGINAL LAND COUNCIL
MONDAY 10 APRIL 2006**

Present:

Bev Manton	Karuah LALC
Cr Brown	PSC
Cliff Johnson	PSC
Paul Procter	PSC

Apologies:

Colleen Perry	Karuah LALC
Cr Baumann	PSC
Cr Swan	PSC
Cr Dover	PSC
Mike Trigar	PSC
David Broyd	PSC
Stewart Murrell	PSC

Cr Brown Chaired and opened the meeting at 1:35pm

1. KARUAH LALC BUSINESS ARISING FROM PREVIOUS MINUTES

ITEM 12: Old Karuah School House

Bev Manton indicated that the Land Council is preparing with the assistance of DIPNR Aboriginal Liaison Officer a grant application seeking funds from the Heritage Trust. Council's Principle Property Adviser has offered to assist the Land Council in preparing the necessary Development Application.

ITEM 17: Tjurunga Arts Project Update

The Steering Committee met on 3 April 2006. The business plan is being fine tuned by Bev Manton and Ian Mackey. It is anticipated that the construction of the workshop will start shortly followed soon after with the project launch. The Dept of Public Works has offered to assist with the cost of connecting the workshop to the sewer line.

Action	1. Paul Procter to notify Project Manager of workshop of Dept of Public Works offer to meet the costs associated with connecting workshop to sewer line.
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ITEM 18: Celebrating Diversity Project Update

Bev Manton indicated that the Land Council would receive in June 2006 their grant of \$20,000 for its *Celebrating Diversity* proposal under the Federal Government's Communities for Children Program. The project will focus on children aged 0 – 5 years and will include the utilisation of the Meeting Place in Memorial Park along with story telling and the planting of a Friendship Tree.

ITEM 19: Aboriginal Project Fund

A special meeting of the ISC was convened on 14 March 2006 to assess and rank the 9 grant applications received. Whilst the grant applications totalled approximately \$65,000,

ORDINARY MINUTES – 23 MAY 2006

the ISC has recommended that Council only fund 2 of the projects totalling \$11,500 due to the other 7 failing to adequately meet the funding criteria. The ISC have recommended that the remaining \$23,500 be carried forward in Council's budget and added to the \$35,000 in the Draft 2006/2007 budget. It is anticipated that the ISC will call for new expressions of interest for these funds (Totalling \$58,500) in July 2006.

ITEM 20: Karuah Boatshed

The Dept of Lands Office has advised that they failed to get a satisfactory expression of interest for the future use of the former Karuah boatshed that complied with their current policy regarding such land holdings. They will be calling for selective tenders that comply with Dept of Lands policy and can demonstrate a viable and sustainable operation of the facility.

ITEM 21: Exhibition of Draft Council Plan 2006 – 2009

Council's Draft Council Plan 2006 – 2009 and annual draft budget for 2006/2007 have been placed on public exhibition until 30 April 2006. The Land Council is invited to make a formal submission on the Draft Plan and Budget with comment also sought on the possible reduction in Council's Aboriginal Project Fund from \$35,000 back to \$22,000 should the sustainability rate variation Council is seeking not be granted by the Dept of Local Government Minister.

Action	1. Paul Procter will forward a copy of the Draft 2006 – 2009 Council Plan to KLALC and WLALC for comment.
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ITEM 22: Tennis Court

Bev Manton indicated that children are regularly using the tennis court. The Land Council is supporting the children to participate in tennis lessons. The Land Council is continuing to seek funding to assist in the re-fencing of the tennis court.

Action	1. Paul Procter will investigate potential funding sources and will advise the KLALC accordingly.
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ITEM 23: Naidoc Week 2006

Bev Manton indicated she is setting up a Naidoc Week Committee to plan and co-ordinate local Naidoc Week celebrations and activities in Karuah.

ITEM 24: Foreshore Rehabilitation Works

Bev Manton provided the members of the ISC with a site inspection of the work they have undertaken to rejuvenate the foreshore area. The extensive work undertaken by community members has included erosion remedial works on foreshore and embankment areas consisting of mulching, tree planting etc. A footpath has also been constructed along the length of the foreshore including designated areas where picnic tables will be located in the future.

2. GENERAL BUSINESS

2.1 Joint ISC Meeting Guest Speaker

Paul Procter asked KLALC for any suggestions they may have for a guest speaker for this year's joint ISC meeting that will be held on 18 July 2006. Bev Manton indicated a preference for Council to invite John Lester from Newcastle University, as he is a renowned and inspiring speaker on Indigenous culture and issues.

ORDINARY MINUTES – 23 MAY 2006

Action	1. Paul Procter will pursue suggested guest speaker options made by KLALC and WLALC.
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2.2 Labelling Council's Artefacts Display

Council's Cultural Development Officer has provided drawings and photos to Bev Manton to assist in the labelling of artefacts.

Action	1. Bev Manton will provide Council's Cultural Development Officer with the names of the artefacts to enable Council to get labels made and displayed with the corresponding artefacts.
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3. NEXT MEETING

The next meeting with KLALC will be on Monday 5 June 2006 at 1:00pm at the Karuah Mission.

Meeting closed 3:15pm.

**INFORMATION ITEM NO. 3
ACCESS COMMITTEE MINUTES**

**POSITION TITLE: SOCIAL PLANNING CO-ORDINATOR
FILE: A2004-0226**

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee Meeting held on the 7 March 2006.

Key issues addressed at the meetings were:

- 1) Little Beach Access Wharf Update
- 2) Bagnalls Beach Cycleway

ATTACHMENTS

- 1) Minutes of the Access Committee Meeting held on the 7 March 2006.

ATTACHMENT 1

**PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 7 MARCH 2006
RAYMOND TERRACE COMMUNITY CARE CENTRE**

Present:

Ken Whiting, Cr Helen Brown, Karen Whiting, Joe Delia, Kathy Delia, Margaret O'Leary, Cathy Jennings, Liz Osborne, Deborah Franklin, Tony Cremens, Michell Pavy, Geoff McClelland, Juliette Roosendaal, Paul Procter, Michael Cheetham, Tony Kean, David Painter, Val Painter, Erin Devlin, Judy Rosier, Susie Rosier

Apologies:

Cr Sally Dover, Robert Harper, Kathy Lees, Bill Bobbins, Michael Elliott, Paula Cheney, Carol Last, Sue Spliet, Andrea (Home Modifications)

1. MINUTES OF PREVIOUS MEETING

The Minutes of 7 February 2006 were accepted as a record of the previous meeting.

Moved: Ken Whiting Seconded: Erin Devlin.

2. CHAIRPERSON'S REPORT

Committee Chairperson, Ken Whiting welcomed Paul Procter who is filling in for Michael Elliot whilst on annual leave. He went on to congratulate the Access Committee on the good job they are doing in advising Council on disability related issues. He also extended his congratulations to Robert Harper on his TAFE achievements.

3. BUSINESS ARISING FROM PREVIOUS MINUTES

A) LITTLE BEACH DISABLED ACCESS WHARF

Following the safety concerns raised by the Committee, Ken Whiting thanked Council Officers on the way Council acknowledged and responded to each of the Committee's concerns in relation to the proposed re-commissioning of the Little Beach Disabled Access Wharf. Several Committee members expressed their thanks that the re-construction of the wharf is advancing as planned.

Paul Procter also indicated that Council's Acting Manager Sport & Recreation, Jason Linnane would be attending the next meeting of the Access Committee to talk further about the progress of work on the wharf as well as Council's future plans for upgrading the Tomaree Aquatic Centre with respect to access issues.

In preparation for a public re-opening of the wharf, Ken Whiting has asked all members to bring their suggestions to the next meeting.

B) MOBILITY MAPS

Paul Procter indicated that Michael Elliott is pursuing options for the development and production of an inclusive mobility map as per discussions at last meeting. This includes discussion with providers of local tourism maps.

4. GUEST SPEAKER – MICHAEL CHEETHAM, MANAGER EAGLETON RIDGE RESPITE ACTIVITY CENTRE

Michael Cheetham, Manager of the Eagleton Ridge Respite Activity Centre kindly offered at late notice to step in as guest speaker for today's meeting. Michael gave an overview of the role of the centre that includes Farm Stay Respite at Eagleton Ridge. They run day activities at their shopfront activity centre in King St, Raymond Terrace and currently have a total of 400 clients on their books. Future plans include a boarding house for people with disabilities.

For further details of the services and activities run by the Eagleton Ridge Respite Activity Centre, check out their website at www.eagletonridge.com.au

5. GENERAL BUSINESS

A) BAGNALLS BEACH CYCLEWAY

Ken Whiting indicated that he has written to Council on behalf of the Committee indicating the Committee's support for the construction of the cycleway at Bagnalls Beach. Members indicated that the improvements will make the area safer for all, more people will be inclined to use it and the improvements will make it more accessible for people with disabilities.

B) 2006 INTERNATIONAL PEOPLE WITH DISABILITIES PICNIC

David Painter tabled his report on 2005 picnic outcomes and handed out Certificates of Appreciation from the Committee to members who supported and assisted in ensuring the success of last year's event.

In preparation for this year's event, David asked for volunteers for the picnic sub-committee. The following members volunteered to assist David: -

- Cathy Jennings, Judy Rosier, Deborah Franklin, Tony Cremens, Ken Whiting, Joe Delia, Tony Kean, Michell Pavy

David indicated that in terms of donations for this year's event, Wizard Home Loans have kindly offered to provide hats that will be a saving of around \$500 to this year's costs. In addition to this, Federal Member for Patterson Bob Baldwin has offered to supply bags for the Committee to place relevant information for people with disabilities. This will negate the need for the information table used at past events. He has also kindly offered to also provide some volunteers to assist in packing the bags.

David has drafted a letter that will be sent out shortly to local businesses seeking support for this year's event.

To assist in this year's event, Ken Whiting and the rest of the Committee supported the idea of convening a special meeting on 21st March 2006 at 10:30am at the Raymond Terrace Community Care Centre to discuss plans for this year's picnic.

C) VENUE FOR 6 JUNE 2006 ACCESS COMMITTEE MEETING

David Painter suggested the Committee consider holding its June 2006 meeting at O'Carolyns at One Mile. He indicated that informal discussions with O'Carolyns have shown their willingness to host a meeting of the Access Committee with the scope for holding a bbq lunch. The Committee supported this.

Action:	1. David Painter will make arrangements for the June 2006 meeting to be held at O'Carolyns and will notify members of the details once confirmed
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including any associated costs)

D) GUEST SPEAKER AT 20 JUNE 2006 JOINT MEETING

Paul Procter asked the Committee to start considering ideas for a guest speaker for this year's joint meeting with Council. As a suggestion he mentioned the Committee could approach Andrew Buchanan who is the Chairperson for the Disability Council of NSW. He has a wealth of experience in the area of advocacy for people with disability and is a renowned public speaker. Other Committee members suggested as a second choice a gentleman named Graham Rainer. Ken Whiting moved that Andrew Buchanan be approached about coming to June 2006 Joint Meeting as Guest speaker with Graham Rainer being the Committee's second choice. Seconded by Judy Rosier.

Action:	1. Paul Procter to invite Andrew Buchanan to attend June 2006 Joint Meeting as guest speaker subject to availability and cost
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E) VOLUNTEER RECOGNITION AWARDS

Paul Procter encouraged the Committee to finalise the development of the Volunteer Recognition Certificates designed by Liz Osborne and Robert Harper along with some general guidelines around their allocation, so people can start being duly recognised for their efforts.

6. COUNCIL'S CRIME PREVENTION PLAN 2006 – 2010

Paul Procter advised the Committee that Council is in the process of developing its new Crime Prevention Plan. To ensure the plan reflects the needs and issues impacting upon the safety of people with disabilities, he conducted a brief 15-minute workshop with members to draw upon their experiences and ideas. The information will be passed onto Council's Community Projects Officer – Community Safety and considered in the development of the new plan.

7. CORRESPONDENCE

- On behalf of the Access Committee, Ken Whiting presented Paul Procter with a Certificate of Appreciation for Council's support and assistance in making the *International Day for People with Disabilities Picnic 2005* a great success.
- Paul Procter tabled a letter of thanks to the Access Committee from Hunter River High School 1M class students for the wonderful time they all had at the *International Day for People with Disabilities Picnic 2005*.

8. NEXT MEETING

Special Meeting:

- A special meeting of the Committee will be held on 21st March 2006 at 10:30am at the Raymond Terrace Community Care Centre to discuss plans for this year's *International Day for People with Disabilities Picnic*.

Ordinary Meeting:

- The next ordinary meeting of the Committee will be held at the Nelson Bay RSL on 4th April 2006 at 10:30am.

INFORMATION ITEM NO. 4

ACCESS COMMITTEE MINUTES

AUTHOR: DISABILITY ACCESS OFFICER
FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee Meeting held on the 4 April 2006.

Key issues addressed at the meetings included: -

- 1) Presentation by Council's Acting Sport and Recreation Manager
- 2) Access Committee Volunteer Recognition Awards
- 3) Access Awareness Day Update

ATTACHMENTS

- 1) Minutes of the Access Committee Meeting held on 4 April 2006.

ATTACHMENT 1

**PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 4 APRIL 2006
NELSON BAY R.S.L CLUB**

Present:

Ken Whiting, Cr Sally Dover, Karen Whiting, Jeremy Delia, Kathy Delia, Margaret O'Leary and student Megan Dubravs, Liz Osborne, Deborah Franklin, Tony Cremens, Anne Cooper, Tony Kean, David Painter, Val Painter, Michael Elliott, Jason Linnane, Bill Bobbins, Carol Last

Apologies:

Cr Helen Brown, Robert Harper, Kathy Lees, Michelle Pavy, Cathy Jennings, Erin Devlin, Judy Rosier, Susie Rosier, Alice De Carle, Kirsten Girth

1. MINUTES OF PREVIOUS MEETING

The Minutes of 7 March 2006 were accepted as a record of the previous meeting.

Moved: Ken Whiting Seconded: David Painter.

2. CHAIRPERSON'S REPORT

Committee Chairperson, Ken Whiting welcomed Port Stephens Council's acting Sport and Recreation Manager, Jason Linnane and opened discussion on the Little Beach Disabled Access Wharf and the Tomaree Aquatic Complex as follows: -.

2.1 Little Beach Disabled Access Wharf

- Port Stephens Council's acting Sport and Recreation Manager, Jason Linnane presented the Committee with an overview of the project to date indicating it was progressing well and completion was anticipated in June 2006 with an official opening to be held in September 2006
- Jason indicated some minor changes had been made to the plans to improve the functionality of the wharf and these plans will be presented to the Committee for comment. Jason answered comprehensively questions from Committee members about related issues that had been raised in previous meetings in relation to such factors as water movements, rocks, signage and a water wheelchair.

2.2 Tomaree Aquatic Centre Disabled Access

- Jason acknowledged that current disabled access provisions at the Tomaree Aquatic Centre were inadequate. Council has developed a masterplan for the complex that includes a new indoor pool with ramped access and a gymnasium. Jason agreed to investigate construction of ramped access into the existing pool but indicated funding may not be available to undertake this.

3. GENERAL BUSINESS

3.1 ACCESS COMMITTEE MEETING DATES FOR 2006

- Some previously circulated meeting dates have included incorrect dates. An updated

meeting schedule of the 2006 meetings will be circulated to all Committee members.

- A reminder that the 6 June 2006 meeting will be held at O'Carrolllys at One Mile Beach with a BBQ lunch provided. If you wish to attend this meeting please RSVP to David Painter on 4982 8702. Cost will depend on the numbers attending but David estimates between \$2 and \$5 per person.

3.2 ACCESS COMMITTEE VOLUNTEER RECOGNITIONS AWARDS

- Nominations were called for individuals and/or organisations to receive an Access Committee Volunteer Recognition Award, and the following were received;
- Soldiers Point Marina, Gloria Jeans Coffee Nelson Bay, Raymond Terrace Swimming Pool, David Painter, Liz Osborne, Robert Harper, Greg Wilson (O'Carrolllys), Graham Rainer (Sailability), Gerard McLafferty (Salamander Centre) and Woolworths Supermarket Salamander Bay.

Councillor Dover suggested investigating integrating the awards process with Councils existing official Volunteer Recognition Awards Ceremonies. Enquiries with the program co-ordinator Debbie Pickering reveal that the Access Committee's awards do not meet the criteria of Councils Official Volunteer Recognition Awards Program as they are intended for third party recipients who do not have a direct relationship with Council.

3.3 NELSON BAY CROQUET CLUB

- Councillor Dover indicated that she recently met with members of the Nelson Bay Croquet Club. The Club currently holds its games on the bowling greens of the Nelson Bay RSL Club (disabled access via the Landmark Carpark). The Croquet Club will be relocating to their own grounds within the Tomaree Sporting Complex in the future. It was suggested croquet was an excellent sport for people with a range of disabilities to participate in. Anyone interested can contact the Club President, Tommy Thompson on (02) 4982 0147, or see the Port Stephens Council websites Community Directory (under Nelson Bay Croquet Club) for more information.

3.4 EXTRA-ORDINARY MEETING OF 21 MARCH 2006

- Bill Bobbins enquired as to the outcome of this meeting relating to the International Day of People with Disabilities Picnic. Several items were discussed and minutes from this meeting will be provided to the Committee members shortly.

3.5 ACCESS AWARENESS DAY

- Nelson Bay Community Health Occupational Therapist, Margaret O'Leary stated plans for the Access Awareness Day for relevant Council staff were progressing well. Students had completed an audit of last year's material to ensure it is still relevant. At this stage it will be held on the morning of Tuesday 30 May 2006.

4. CORRESPONDENCE

Michael Elliott presented a range of disability related publications and local events to the Committee

5. NEXT MEETING

The next ordinary meeting of the Committee will be at the Raymond Terrace Community Care Centre on the 2nd May 2006 at 10:30am.

INFORMATION ITEM NO. 5

SUSTAINABLE FINANCES HEALTH CHECK

POSITION TITLE: ACTING FINANCE & ADMINISTRATION MANAGER
FILE: PSC2005-5152

BACKGROUND

The purpose of this report is to present Council's "Sustainable Finances Health Check" (SFHC) for the March 2006 quarter. The SFHC has been developed over a number of years with contributions from a broad range of finance professionals and practising general managers. It is a collection of performance indicators and is intended to be indicative of the financial health and presence of good business management practices being conducted at Council. Many of the indicators within the SFHC encourage Councils to forecast results for the next two to three years rather than simply report historical data.

The indicators contained within the SFHC are as follows:

- Revenue Sources
- Cash/Liquidity Position
- Operating Result
- Asset Renewal Expenditure
- Debt Service Ratio
- Collection Performance
- Revotes of Expenditure
- Accuracy/Timeliness of Financial Data/Budget/Compliance

It is important that Council incorporates the SFHC into its current reporting program not only because it provides valuable information for both managers and Councillors but also because it is envisaged that the Department of Local Government will adopt the SFHC as an additional statutory reporting requirement for all Councils within the next few years.

Included as an attachment to this information paper is a more comprehensive document that reports Port Stephens Council's performance against the SFHC indicators.

Port Stephens Council's results show that while Council is performing reasonably well in relation to a number of the indicators, there is also opportunity for improvement in relation to others.

It must also be remembered that the SFHC should be used as a starting point for Council in formalising its performance reporting. Also of importance is that not all Councils are the same. They differ in size, location, growth position and future direction. While these indicators are considered the most important from a generic local government perspective, it is recommended that Port Stephens Council consider whether additional indicators would be of equal or greater value in assisting management and Councillors in their decision making processes.

Following on from the above point, it is possible that the measures deemed to be acceptable for any of the indicators contained in the SFHC, may not be suitable for the unique circumstances of Port Stephens Council. One example is Council's policies in relation to debt collection. These policies will have a direct impact on Council's performance against this indicator. If Council makes a conscious decision to place social or other considerations ahead of financial considerations it may be appropriate to amend Council's acceptable measures in relation to this indicator, or amend the formula used for calculating Council's performance.

The Health Check will be reported to Council on a quarterly basis, utilising up to date actual transaction information and budget review projections

ATTACHMENTS

- 1) Sustainable Finances Health Check as at 31 March 2006 – Port Stephens Council

ATTACHMENT 1

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

Sustainable Finances Health Check

as at 31 March 2006



Port Stephens Council
PO Box 42, Raymond Terrace NSW 2324
Phone: (02) 4980 0255 Facsimile: (02) 4987 3612
www.portstephens.nsw.gov.au

Base Information**Revenue Sources**

	2003		2004		2005		2006	
	\$ (000)	%	\$ (000)	%	\$ (000)	%	\$ (000)	%
Rates and Charges								
- General Purpose	19,060	35.7	20,891	33.8	22,039	32.0	23,443	32.8
- Specific Purpose	5,680	10.6	6,526	10.6	7,480	10.9	8,633	12.1
User Charges and Fees	17,537	32.9	19,549	31.6	20,445	29.7	21,830	30.6
Interest	1,169	2.2	1,536	2.5	2,324	3.4	2,444	3.4
Grants (Operating)								
- General Purpose	4,486	8.4	4,545	7.4	4,562	6.6	4,749	6.6
- Specific Purpose	2,459	4.6	2,764	4.5	2,758	4.0	2,833	4.0
Contributions	1,388	2.6	3,762	6.1	1,523	2.2	1,103	1.5
Profit on Sales of Assets	158	0.3	340	0.6	5	0.0	455	0.6
Other	1,439	2.7	1,881	2.9	1,577	2.3	2,026	2.8
Profit on Sales of Property	0	0.0	0	0.0	6,183	8.9	3,915	5.5
= Total Ordinary Revenue before Capital	53,376	100	61,794	100	68,896	100	71,431	100

Benefits:

- A measure of the degree of dependency on a particular revenue source
- Useful for trend analysis and for considering the future sources of revenue
- Easily understood

PSC Issues:

- 2006 figures as per February 2006 budget review
- 2005 and 2006 percentages distorted slightly due to land sales
- Historical data shows a reducing reliance on general purpose rates revenue

SFHC Indicators**Indicator #1 - Cash/Liquidity Position**

	2004	2005	2006	2007	2008
Unrestricted Current Ratio	2.12	2.39	2.69		
SFHC Rating	Green	Green	Green		
Available Cash Position					
- Available Cash Assets	12,709	17,368	18,225		
- Unrestricted Available Cash Assets	0	797	0		
Availability of Cash Assets as % of total revenue					
- Available Cash Assets	20.6%	25.2%	25.5%		
- Unrestricted Available Cash Assets	0.0%	1.2%	0.0%		

Benefits:

- Measure of Council's ability to pay short-term debts as they fall due.

Acceptable Measures:

Less than 1 = Red

1 – 2 = Amber

Over 2 = Green

Over 10 = Red

PSC Issues:

- Council's 2004 to 2006 unrestricted current ratios are a significant improvement on previous years.
- Continued improvement in financial performance is necessary to maintain the unrestricted current ratio at this level.
- Council currently does not prepare a budgeted balance sheet as is required to generate forecast unrestricted current ratios. Planning is currently underway for the development of a budgeted balance sheet as part of the annual budget process.

Indicator #2 - Operating Result

	Actuals				Forecast	
	2002 (000's)	2003 (000's)	2004 (000's)	2005 (000's)	2006 (000's)	2007 (000's)
Result from ordinary operations before Capital Grants and Contributions	(8,988)	(7,624)	(477)	3,018	(195)	6,749
SFHC Rating	Red	Red	Red	Amber	Red	Amber

Benefits:

- Shows the trend of history, present and future for the result of ordinary operations.
- Shows extremes as part of trend analysis

Acceptable Measures:

Deficit = Red

Surplus = Amber

Three successive surplus = Green

PSC Issues:

- 2004 and 2005 resulted in a significant improvement to the operating result compared with previous years.
- 2006 and 2007 budgeted results include land sales

Indicator #3 - Asset Renewal Expenditure

	2001	2002	2003	2004	2005	2006
Asset Renewal						

Benefits:

- A long term indicator of the condition and cost to maintain public infrastructure assets. The result tracks current capital expenditure on existing assets as a ratio of annual depreciation allowance.

Acceptable Measures:

1:1 = Green

Less than 1:1 = Red

PSC Issues:

- Council's current data collection processes do not allow for capital expenditure on existing assets to be accurately differentiated from capital expenditure on new assets. Procedures are currently being developed to enable this information to be accurately captured from 2006 onwards.
- This indicator can be influenced by Council's decisions. For example, a decision to build a replacement asset, rather than repair an existing asset will result in that expenditure not being included in this indicator, despite that decision perhaps being the best option for Council from a longer term perspective.

Indicator #4 - Debt Service Ratio

	Actual		Forecast		
	2004	2005	2006	2007	2008
Debt Service Ratio	4.00%	5.20%	5.27%	5.5%	6.0%
SFHC Rating	Green	Green	Green	Green	Green

Benefits:

- Highlights value over time rather than a comparison across Councils
- Shows the amount of annual revenue necessary to service annual debt obligations (loan repayments)
- Shows the commitment of or from future revenue necessary to fund long term capacity
- Reflects the ability of Council to service its debts

Acceptable Measures:**Developed Councils**

- < 10% = Green
- 10 – 15% = Amber
- > 15% = Red

Developing Councils

- < 15% = Green
- 15 – 20% = Amber
- > 20% = Red

PSC Issues:

- Debt Service Ratio is increasing but still well beneath acceptable measure
- Council's policy is that to be considered for external funding, a project must be able to provide its own cash inflow, including a capacity to repay the capital value and a commercial rate of interest.
- Council also has a policy to maintain a DSR of less than 7.5%
- The debt service ratio reported above excludes land sales profits from the ratio calculation

Indicator #5 - Collection Performance

	Actual		Forecast		
	2004	2005	2006	2007	2008
Outstanding Rates, Charges & Fees	4.96%	4.51%	4.10%	4.00%	3.90%
SFHC Rating	Amber	Amber	Amber	Amber	Green

Benefits:

- Measures the effectiveness of Council in recovering debts legally owed to it
- Is useful as a year on year comparison and has particular relevance at end of year for rates and other annual charges

Issues:

- The calculation of this indicator excludes Council's share of Newcastle Airport income and debtors as they distort the result of Council's debt recovery effectiveness.
- Impacted by policy on Pensioner rates and collection/enforcement policy
- Difficult to benchmark against other Councils or commercial businesses as it depends on the Council region, the economy in that region and the economy generally
- This indicator is different to that reported in the annual financial statements. This indicator includes revenue and outstanding debts in relation to Council fees while the annual financial statements indicator only includes rates and annual charges.
- 2006 percentage is based on budgeted income.

Acceptable Measures:

Urban Councils

- < 4% = Green
- 4 – 5% = Amber
- > 5% = Red

Rural Councils

- < 6% = Green
- 6 – 9% = Amber
- > 9% = Red

PSC Issues:

- Port Stephens Council LGA is a mixture of urban and rural areas. Council's performance has been assessed against the urban measure.
- Council policy influences this indicator eg. Deferral of pensioner rates, rates on aboriginal land etc.

Indicator #6 - Revotes of Expenditure

	2001	2002	2003	2004	2005
Re-votes of expenditure	5.84%	3.65%	4.79%	12.50%	2.63%
SFHC Rating	Red	Amber	Amber	Red	Amber

Issues:

- It is important that Council management and governance consider the impact and existence of re-votes as a formal management issue, which is addressed as part of the formal planning processes.
- The existence of significant re-votes indicates that management has not managed its capital/asset resources and that the planning and utilisation of resources has not been coordinated, albeit other considerations such as weather may have been an impact.
- Councillors should be asking why expenditure was included in the budget when there may have been no capacity to deliver on the project. Additionally, funds could have been diverted elsewhere in the organisation.

Acceptable Measures:

- < 2% = Green
- 2 – 5% = Amber
- > 5% = Red

PSC Issues:

- Council's measure had improved from "Red" to "Amber" in the period 2001 – 2003
- 2004 resulted in a significant increase in re-votes due mainly to two projects, Samurai Beach Resort and Tomago Industrial Estate

Indicator #7 - Accuracy/Timeliness of Financial Data / Budget / Compliance

- Financial Bottom Line (before capital) matched to forecasts to a level of + or – 10%?
☐ Yes ☒ No
- Receipt of an unqualified audit report?
☒ Yes ☐ No
- Statements lodged to meet compliance deadline?
☒ Yes ☐ No
- Timeliness of results and reporting to management and statutory authorities
 - Do you report monthly to management – within 5 days of month end?
☐ Yes ☒ No
 - Do you report quarterly – within 21 days of quarter end?
☒ Yes ☐ No
 - Do you report annually – within 21 days of year end?
☐ Yes ☒ No
- Budgets incorporate a 3 year plan where the 2nd year becomes the base for the following year?
☒ Yes ☐ No
- Rigour of budget review and then ongoing monthly/quarterly budget to actual results analysis?
☒ Yes ☐ No

- Does RAO (Responsible Accounting Officer) formally report to Council on the sign off of Council's financial statements – Section 413 (2) (c) ?

☒ Yes ☐ No

- Has the Council established an Audit Committee comprising elected members and community representatives in the interest of best corporate governance practice?

☐ Yes ☒ No

Acceptable Measures:

✓✓✓✓✓✓✓✓ [8 to 10] = Green

✓✓✓✓✓ [5] to ✓✓✓✓✓✓✓ [7] = Amber

✓✓✓✓ [4 or less] = Red

PSC Issues:

- Councils current score is 6/10 (Amber)

	2005	Q1 2006	Q2 2006	Q3 2006	Q4 2006
Accuracy/Timeliness of Financial Data / Budget / Compliance	6	6	6	6	
SFHC Rating	Amber	Amber	Amber	Amber	

INFORMATION ITEM NO. 6

**PETITION – DOGS ON LEAD AREA – PEARSON PARK, SOLDIERS
POINT**

POSITION TITLE: EXECUTIVE ASSISTANT
FILE: PSC2005-3695

BACKGROUND

The purpose of this report is to advise Council of a petition that has been received with approximately 100 signatures attached.

The petition states:

"We the undersigned propose that Pearson Park be reserved as a Dogs on Lead area which counteracts the current Council designation. Talking with dog owners has demonstrated the need to change the Council ruling on Pearson Park, Soldiers Point. Having served with the late Jack Pearson on the Parks and Reserves Committee in the 70's, he made it clear that the park could cater for the needs of all Soldiers Point residents. Since he donated the land to Council and most residents are elderly and have dogs to walk each day, they find the car expenses to Bagnalls Beach or Mary Street/Cromarty Bay Road Reserve (which is too small) rather awkward; it therefore behoves that Council change that ruling."

Pearson Park is currently a "No Dog" area under the current Tomaree Dog Exercise Area Plan, which was scheduled for formal review by Council staff in March 2006. Due to staff resource issues, this review is not expected to occur until August 2006.

The formal review and report process requires the preparation of a revised Draft Dog Exercise Area Plan for Tomaree including consultation with relevant stakeholders including Parks & Reserves Committees, Native Wildlife Associations and Council staff from both Recreation and Environmental Services.

The draft would then be subject to a report to Council and public exhibition process to allow for comment from the wider community. The report may include time-share initiatives and include information on additional funding requirements for sign posting and dog faecal receptacles as well as recurrent maintenance allocations for any additional areas. The report process would seek to balance the wider community needs with local environmental issues specific to the subject land.

TABLED DOCUMENT

- 1) Petition.

INFORMATION ITEM NO. 7

**CONFERENCE SEMINAR REPORT WASTE 2006 CONFERENCE
HELD IN COFFS HARBOUR NSW 28-31 MARCH 2006**

**POSITION TITLE – WASTE MANAGEMENT COORDINATOR
FILE: PSC2005-2666**

BACKGROUND

The purpose of this report is to inform Council of the recent attendance by staff at the Waste 2006 Conference held in Coffs Harbour NSW during 28 to 31 March 2006.

A Conference/Seminar Report is attached.

ATTACHMENTS

- 1) Conference/Seminar Report "Waste 2006 Conference – Waste Avoidance and Resource Recovery"
- 2) Auditing Waste Service Charges Paper presented by Steve Bernasconi.

ATTACHMENT 1

CONFERENCE/SEMINAR REPORT “WASTE 2006 CONFERENCE – WASTE AVOIDANCE AND RESOURCE RECOVERY”

Conference/Seminar Report

Please complete the following report on your return from any conferences or seminars funded by Council. It is important that the information you have been given at these events be forwarded to the relevant parties in Council, ie the Executive Group, the head of a relevant Group or key people within a Group. Should you receive any notes, please notify Bronwyn Flinn to ensure that the Corporate Library information is up to date.

Please ensure that you note any implications to Council that arise out of the information you receive so we can ensure that all policies, procedures and systems comply with necessary standards and legislative requirements.

Conference Title:	Waste 2006 Conference “Waste Avoidance and Resource Recovery”
Dates of Conference:	28-31 March 2006
Location:	Opal Cove Resort Coffs Harbour NSW
Attendees:	Steven Bernasconi & Emma Penfold
Conference Overview:	<i>Please provide a summary of the points raised and how this relates to our organisation by either completing the area below or attaching a one page overview.</i>

INTRODUCTION

Around 380 delegates attended the Waste 2006 Conference. Delegates represented local government, state government, regional councils, waste collection companies, and waste processing companies and other associated industries. Delegates came from as near as Coffs Harbour to as far as Perth W.A. Adelaide S.A. and Toronto Canada.

Steven Bernasconi presented a paper on Council’s approach to auditing waste and rates data before going to tender on waste services. A copy of the paper is attached.

The goal of the conference was to promote critical thought on the issues of waste avoidance and resource recovery. It achieved its goal. The following list of observations, questions and quotable quotes aim to summarise the conference.

GENERAL OBSERVATIONS

1. The increasing Waste Levy in NSW will cause problems at the weighbridge for our waste staff. We need to itemise the Waste Levy costs at the weighbridge to ensure

customers understand that Council is not to fully blame for the increasing costs of waste disposal.

2. PSC needs to sort out how to manage the changes to the Waste Levy 'exemptions' regulations to ensure we can provide reduced prices for sorted materials at waste depots.
3. Sorted green waste will now attract the Waste Levy at the point of receipt with a rebate not given until PSC can prove it is mulched and removed from the site for reuse. This will cause considerable cash flow problems for Salamander Bay Waste Depot as PSC will have to pay the Waste Levy up front each month (it takes up to six months to gather enough green waste to make it worth hiring a tub grinder plus potentially another six months to sell the mulch) before we can claim a rebate on the material moved off site.
4. Education in the waste industry has evolved from simply explaining how to use a recycling bin to conducting 'train the trainer' courses and having participants design and deliver 'waste and recycling' oriented courses to the public.
5. Reuse centres are now an important part of waste systems that aim to achieve more than 85% resource recovery.
6. Councils are preparing better tender documents for waste services thus contractors are preparing better-priced submissions.
7. There needs to be an agreed standard reporting process for all Councils to report on waste reduction. We should consider the Canadian example from the web site www.csr.org or encourage greater use of the Comparative Data provided by the Department of Local Government.

QUOTABLE QUOTES

1. "A good waste contractor has the capacity to pay attention to detail and the ability to sustain it", Tony Khoury Executive Director Waste Contractors and Recycler Association.
2. "Councils are encouraged to itemise the waste levy onto each rates notice", Genia McCaffery President NSW Local Government Association.
3. "We had a waste strategy that...rather than concentrate our mind, it gave us a headache", Mark Dempsey Parliamentary Sustainable Waste Group United Kingdom.
4. "...the RRC (Repair and Reuse Centre) staff would not be as passionate about the facility if a contractor was to run it", Tony Schaefer Wingecarribee Shire Council.
5. "...waste conferences in Canada...are attended by about twenty of the big companies that produce packaging...it seems odd that this isn't the case here...", Geoff Rathbone Director of Solid Waste Planning City of Toronto Canada.

Conference Information to be supplied to:

- | | |
|---|---|
| <input type="checkbox"/> Corporate Management | <input type="checkbox"/> Business & Support |
| <input type="checkbox"/> Sustainable Planning | <input checked="" type="checkbox"/> Facilities & Services |
| <input type="checkbox"/> Executive Group | |

Conference Notes:

Notes provided? ☒ Yes ☐ No

Notes available from Engineering Services Waste Team

Corporate Library notified .../.../... - Not required.

Any other comment, ie how useful you found the conference/seminar?.....

Emma Penfold – Waste Administration Officer:

"I really enjoyed the second day. I learnt about other Councils' approaches to waste transfer stations and the management of Reuse Centres.

The presentation by Wingecarribee Shire Council showed me that...it appears that councils that are planning to recover more than 80% of waste are introducing advanced waste technologies like the Bedminster Facility, introducing two or three bin recycling systems, making facilities that recover materials from construction and demolition waste and manage Reuse Centres at waste disposal sites.

I particularly enjoyed the presentation by Byron Shire Council. Byron have recently introduced a new two bin system and are experiencing similar issues with recycling contamination management as we are in Port Stephens.

I think Port Stephens Council is up there when it comes to waste management."

Steven Bernasconi – Waste Management Coordinator:

"Probably one of the better waste conferences I have attended.

The chance to present a paper on day one was well worthwhile. Not only did it challenge me personally and professionally it confirmed my belief that you only have a limited window of opportunity to get your message across to a group of peers – so make your presentation interesting.

I will be following up some contacts made during the conference. I am particularly interested in learning more from Wingecarribee Shire Council and their approach to Reuse Centres."

Attachments:

"Auditing Waste Service Charges" Steven Bernasconi Port Stephens Council. A paper presented to Waste 2006 Conference Coffs Harbour 29 March 2006.

ATTACHMENT 2

**“AUDITING WASTE SERVICE CHARGES” - PAPER PRESENTED TO WASTE
2006 CONFERENCE COFFS HARBOUR 29 MARCH 2006**

Practical Solutions for Australia's Waste Managers

28-31 March 2006

Auditing Waste Service Charges

Steven Bernasconi, Port Stephens Council

INTRODUCTION

In January 2004 the Waste Unit of Port Stephens Council discovered a 3% hole in the revenue collected from domestic waste service charges. The gap was due to about 780 rateable properties potentially not paying section 496 domestic waste service charges while potentially receiving a waste service from the waste contractor.

To make matters worse, the waste contractor had been paid for these services but Council had not recovered the revenue to balance the ledger.

With a new two bin system tender on the horizon it was decided to balance the rates revenue data with the actual waste services to ensure the next waste tender was as accurate as possible.

This paper highlights how Port Stephens Council staff rectified a problem across many council departments in the face of negative public opinion.

DISCUSSION

THE Symptom

The phenomenon of Rates and Waste databases not matching perfectly is not unusual to local government. What is different in this case is the process of balancing the rates revenue data with the number of services paid to the contractor, as well as the decision by Council to recover lost revenue from past years.

The problem in this case was really a symptom of a bigger issue. The symptom manifested itself as a significant difference between two databases that resulted in:

1. The Waste contractor being paid for 26900* waste services
2. The Rate Section issuing 26115* domestic and non domestic waste service charges
3. 3% difference between rates revenue and contractor costs = lost revenue
4. Lost revenue dated back to pre 1993 in some cases.

* Figures used in this paper are representative only.

The Cause

In this particular case the gap in the database was the result of:

1. The delivery of new bins to 'letter boxes' for the waste contract that started in 1993
2. D.A.'s dating back to 1980 that had not been signed off as completed
3. Completed D.A.'s not being communicated to Rates staff
4. Waste service charges that had not been raised against properties after D.A.'s had been finalised
5. The change in database software from "Genasys" to "Authority" in 1999 and 2000



The Team

To resolve the problem a team of specialist from across many departments within Port Stephens Council was assembled. These positions and their roles are outlined below.

1. Waste Management Coordinator
 - a. Responsible for all aspects of the recovery of lost revenue
 - b. Coordinated staff to audit databases
 - c. Represented Council when presenting the project to the media and public
 - d. Developed communication plan
 - e. Provided regular information updates to Group Managers and Council
2. Senior Rates Clerk
 - a. Legal and operational advice on all aspects of issuing rates under the Local Government Act 1993
 - b. Provided staff to audit properties (one by one) to determine status of D.A.
 - c. Issued special Rates Notices
 - d. Provided advice to affected ratepayers
3. GIS Specialist
 - a. Cross referenced all parcels of land on GIS system (CadCorp) with D.A. data on each property from the Rates system (Authority)
 - b. Presented, spatially and in data form, information on all properties that have a D.A. linked to the property and did not have a domestic or non-domestic waste service charge linked to the property.
4. Communications Coordinator
 - a. Developed communication plan
 - b. Provided media releases
5. Development and Building Manager
 - a. Provided staff to research D.A. status of affected properties
 - b. Followed up on old D.A.'s that had not been finalised or inspected for some time
6. Customer Service Staff
 - a. Received all initial enquiries regarding Council's intention to recover lost revenue on some properties
 - b. Researched D.A. status of affected properties

The Process

In brief the process adopted to fix the problem included:

1. Research
 - a. Sizing up the problem by cross-referencing all parcels of land with a D.A. and no waste service charge.
2. Communication
 - a. Communicating the size of problem to Group Managers and recommending a course of action to fix the problem
 - b. Because this issue involved recovering revenue for past years, it was not politically popular. Therefore, Council was fully informed of the advantages and disadvantages of the process of recovering the lost revenue
3. Legal advice
 - a. Only Council could decide to waive owed revenue for past years



Waste 2006

4. More communication
 - a. Sending affected ratepayers a preliminary letter allowed time for ratepayers to rectify the problem before official Special Rates Notice was issued.
 - b. Sending a Fact Sheet explaining rates recovery action to affected ratepayers
 - c. In short, giving affected ratepayers as much information as they need to understand the problem.
5. Implementation
 - a. Issuing special Rates Notice that included waste service charges from past years.
6. More communication
 - a. Having one person responsible for fielding complex enquiries regarding the problem to ensure consistency of information.
7. Reflection
 - a. Remembering not to take the hate mail personally.
 - b. Fixing the system so it does not happen again to the same magnitude

The Outcome

1. Over \$100,000 in lost revenue was returned to Waste Reserve
2. Rates date base was more closely aligned with waste contractor database in time for waste tender
3. Illegal dwellings were flushed out for Building Inspectors to investigate
4. Properties that were not able receive a waste service, therefore not liable to pay a domestic waste service charge, were flushed out and recorded for future reference
5. Rates, Building and Waste databases given a thorough clean up.
6. Waste tender released with accurate data

CONCLUSION

As it turned out Port Stephens Council staff are still finding properties that are able to receive a waste service but are not paying a waste service charge. The 'blanket delivery' of new bins assured us of that. The lesson here is that databases are only as good as the information that has been entered into them. Port Stephens Council now checks waste service charges against bin services every six months and plans a biennial audit of the rates, building and waste databases.

POST SCRIPT

Two years after the process was completed the staff involved still talk about how the project affected them. This is not easy to explain, as on the surface, it may appear that the project was simply about debt recovery and some database analysis – not really the stuff to inspire the masses. However, it was one of those projects that comes along and unites a Council as it crosses over all departments and responsibilities. In memory of the great War on Waste Data I have written a song. I hope you enjoy it.

THE SONG

"And the boss sang balance the ledger"

© Steven Bernasconi Port Stephens Council 2006

(Sung to the tune of "And The Band Played Waltzing Matilda" by Eric Bogle)

When I was a young man I counted old bins
To prepare for the fun of a waste tender
And what I did find out did all my old sins
Seemed waste charges were a little bit slender
Then on one windy day the big boss said "Son
Your budget is stuffed so your days are soon done"
So in no time at all I stopped all that was fun
And I strapped myself to my computer.

And the boss sang "balance the ledger"
"Or your days in the waste game are few"
For to balance the bills with the bins needs strong wills
So I called on some mates to make do.

How well I remember that fateful fine day
With the Rate Clerk and GIS expert
And how we cross-referenced recorded D.A.'s
With waste service charges that were dead cert
When to our surprise we found bins out on site
With no waste charge linked to the property right
So we set a clear path so the future was bright
To align bins and budget together

And the boss sang "balance the ledger"
As we sorted through years of owed dues
We balanced ours and the contractor checked his
Then we thought "how will we break the news"

Now after some weeks checking data with mates
We said "Boss this is what we should do now"
To inform ratepayers that they owed extra rates
For free services given out somehow
The first letter warned then the second did set
Two years of back charges for services met
And the hate mail did flyer like a Williamstown jet
Council work's done for love not the money

And the boss said "you've balanced the ledger"
Bin delivery will test your work dear
New bins flushed out more of those unapproved doors
Then we started all over again.

INFORMATION ITEM NO. 8

**SUBMISSION TO THE LEGISLATIVE ASSEMBLY STANDING
COMMITTEE ON PUBLIC WORKS INQUIRY INTO MUNICIPAL
WASTE MANAGEMENT IN NSW**

**POSITION TITLE – WASTE MANAGEMENT COORDINATOR
FILE: PSC2006-0332**

BACKGROUND

The purpose of this report is to inform Council of a submission provided to the Legislative Assembly Standing Committee on Public Works Inquiry into Municipal Waste Management in NSW.

On 2 February 2006 Council received an invitation to make a submission to the Legislative Assembly Standing Committee on Public Works Inquiry into Municipal Waste Management in NSW. A submission was provided to the Committee on behalf of Council on 30 March 2006.

A copy of the terms of reference, the submission and confirmation of receipt of the submission is attached to this report.

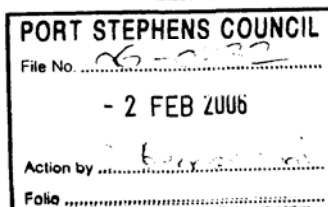
ATTACHMENTS

- 1) Terms of Reference for the Legislative Assembly Standing Committee On Public Works Inquiry Into Municipal Waste Management In NSW.
- 2) Submission provided on behalf of Port Stephens Council to the Legislative Assembly Standing Committee On Public Works Inquiry Into Municipal Waste Management in NSW.
- 3) Letter confirming receipt of Council's submission to Legislative Assembly Standing Committee On Public Works Inquiry Into Municipal Waste Management In NSW.

ATTACHMENT 1
TERMS OF REFERENCE



LEGISLATIVE ASSEMBLY
STANDING COMMITTEE ON PUBLIC WORKS



30 January 2006

File ref: PWC

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

Dear Mr Gesling

The NSW Standing Committee on Public Works has commenced an inquiry into **Municipal Waste Management in New South Wales**, to examine issues relating to the waste management practices and consider whether alternative management practices might offer lower incremental costs and preferred environmental outcomes.

The Committee would welcome a submission from your Council. In particular, the Committee is interested in your Council's views on best practice approaches for municipal waste contracting; landfill and levy issues impacting on municipal waste; and the effective and more extensive use of new waste technology. Of further interest are techniques for effectively engaging industry and the community in resource recovery and recycling programs.

The Committee is aware of the current Productivity Commission Inquiry into waste management. The Public Works Committee is complementing this process with a targeted inquiry on NSW issues in municipal waste.

I invite your Council to make a submission and enclose for your information a copy of the terms of reference and an overview of the inquiry's themes. The closing date for submissions is **31 March 2006**. Hearings will be held following the close of submissions.

Should you have any queries or wish to discuss the matter further, please contact Carolynne James, Committee Manager, on 02 9230 3434. Further information on the Standing Committee on Public Works is available on the Parliament of NSW website at www.parliament.nsw.gov.au.

Yours sincerely

A handwritten signature in cursive script that reads 'Kevin Greene'.

Kevin Greene MP
Chair



LEGISLATIVE ASSEMBLY
STANDING COMMITTEE ON PUBLIC WORKS

STANDING COMMITTEE ON PUBLIC WORKS
INQUIRY INTO MUNICIPAL WASTE MANAGEMENT IN NSW

TERMS OF REFERENCE
January 2006

The NSW Standing Committee on Public Works has resolved to inquire into municipal waste management practices in New South Wales with a view to examining and reporting on those processes and whether alternative municipal management practices might offer lower incremental costs and preferred environmental outcomes.

The Inquiry will in particular examine:

1. The effectiveness and appropriateness of current municipal waste management.
2. Impediments and incentives to best practice municipal waste management.
3. Best practice methods, including cost effectiveness, of planning and providing municipal waste management services.
4. The development of new technology and industries associate with waste management.
5. Minimising harm to the environment in the provision of waste management services.

Interested individuals and organisations are invited to make a submission (in writing, typed or on disk) to assist the inquiry process. Submissions should be addressed to:

The Committee Manager
Standing Committee on Public Works
Parliament House
Macquarie Street
Sydney NSW 2000

For further information contact Kylie Rudd, Committee Officer on telephone 02 9230 3438, facsimile 02 9230 3052, e-mail: pubworks@parliament.nsw.gov.au or visit the Committee web page www.parliament.nsw.gov.au.

Closing Date for Submissions Friday, **31 March, 2006**

Mr Kevin Greene MP
Chairman

MUNICIPAL WASTE MANAGEMENT IN NSW

INQUIRY OVERVIEW

Australia's per capita municipal waste production is one of the largest in the world. In addition, although the average Australian householder is putting more in their recycling bins than a decade ago, Australia still has an unsustainable level of consumption.¹

There are different roles for government depending on the type of waste. Generally the Federal Government's role is largely one of coordination of State and Territory initiatives and regulation of the export and import of waste. The primary responsibility for management of domestic waste, also known as municipal or household waste, lies with local government.

Most NSW local councils contract out their waste collection, recycling and disposal services. Some councils own their own waste processing facilities. However most contracts include collection and waste processing by private operators. Waste management is a substantial budget item for councils – the question asked in this inquiry is whether the current municipal waste contracts and arrangements are value for money and environmentally sound.

The Inquiry will pay particular attention to examining the success of current and alternative municipal waste management practices in:

- The effectiveness and appropriateness of current municipal waste management.
- Impediments and incentives to best practice municipal waste management
- Best practice methods, including cost effectiveness, of planning and providing municipal waste management services.
- The development of new technology and industries associate with waste management.
- Minimising harm to the environment in the provision of waste management services.

Effective waste management is vital to the State's long-term sustainability. It is of growing concern to governments at all levels and, increasingly, the community. The Committee is seeking comments about these issues as reflected in the inquiry terms of reference.

The Commonwealth's Productivity Commission is currently undertaking a Waste Generation and Resource Efficiency Inquiry looking at fundamental issues such as the costs and benefits of waste operations and the basis of government involvement. Some areas canvassed will be producer responsibility, performance indicators and target setting, education campaigns, energy recovery and recycling, pricing and levies and landfill policies. The Standing Committee on Public Work's inquiry will compliment the Productivity Commission's Inquiry by targeting municipal waste issues and management in New South Wales.

¹ Recycling on the rise but too much still going to waste, Sydney Morning Herald, 8/11/05.

ATTACHMENT 2
SUBMISSION PROVIDED ON BEHALF OF PORT STEPHENS COUNCIL

Telephone Inquiries
0249800162
Please Quote File No:
PSC2006-0332

The Committee Manager
Standing Committee on Public Works
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Sir or Madam:

Re: Submission To The Standing Committee On Public Works Inquiry Into Municipal Waste Management In NSW

Thank you for the invitation to offer the view of Port Stephens Council on the issue of municipal waste management. The views expressed in this submission are the views of Mr Steven Bernasconi, Waste Management Coordinator for Port Stephens Council.

Effectiveness and appropriateness of current municipal waste management

Effective municipal waste management is the combination of:

1. Convenient source separation at the household,
2. Collection of waste using the least number of vehicles as possible,
3. Processing of waste using proven technologies that offer known and tested resource recovery rates
4. Reducing the environmental risk of material that is landfilled by rendering the material inert.

Currently in Port Stephens Council effective municipal waste management means:

1. Two bin system for waste (240 litres weekly) and recycling (240 litres fortnightly)
2. Single pass truck system for the two bins
3. Processing of waste using the Bedminster Composting Technology (over thirty years of technology development)
4. Processing of source separated recycling using a private materials recovery facility located within the Hunter Region.
5. Landfilling of residual waste that has been rendered inert after processing by the Bedminster Composting Technology.

Since the introduction of a two bin waste and recycling service in July 2005 that replaced a single divided bin for both waste and recycling, customer complaints against the waste service have dropped by about half (from eight to four complaints per 10,000 services) and resource recovery rates have risen from 62% to 70%.

In addition to the kerbside collection services listed above, Port Stephens Council has also introduced additional drop off services for medical waste and car batteries. These services are deemed essential to ensure that potential safety and health risks to employees are managed as

best as possible and to improve the chemical and biological quality of waste before the Bedminster Composting Technology receives it.

If the Committee is to address the issue of 'appropriateness' of municipal waste management it may wish to consider the following definition:

'Appropriateness of municipal waste management is a measure of how a solution to a local municipal waste issue is supported by the local community, reduces waste to landfill through maximum resource recovery and reduces the negative impacts that waste management may have on local ecosystems.' Port Stephens Council 2006.

Impediments and incentives to best practice municipal waste management

Best practice municipal waste management is defined by Port Stephens Council as waste management that meets the needs of the people and environment of the area.

Impediments to achieving this include:

1. Lack of knowledge of waste composition in terms of chemical and physical properties
2. Perceived costliness of alternative waste technologies compared to landfilling
3. Fear of long term contracts for AWT's
4. Changes to the exemptions to Waste Levy will impede AWT and source separation on licensed landfills. Cash flows will be negatively affected by the time lag between the receipt of materials and their transfer off site for recycling and reuse.
5. Since 1990 the changes to bin configurations, recycling and AWT have confused the masses. The next ten years requires some standardisation of bin systems and some standardised reporting of resource recovery rates.

Incentives to best practice municipal waste management might include:

1. Increases to the waste levy encouraging greater use of AWT as a viable alternative to landfilling
2. Linking waste levy performance payments with actual resource recovery rates

By adopting alternative waste technologies early on in the waste minimisation revolution, Port Stephens Council showed that AWT's were viable alternatives to landfilling putrescible waste in coastal regions.

The introduction of the Bedminster Composting System in 1999 combined with the two bin system from July 2005 has meant that Port Stephens Council has reached a resource recovery rate for municipal waste (collected in bins) of 70%. If best practice is measured by achieving state resource recovery targets, Port Stephens Council is an example of best practice.

Development of new technology and industries associated with waste management

Port Stephens Council was the first local government authority to introduce an alternative waste technology as its main method of waste processing. The Bedminster composting facility at Raymond Terrace NSW was commissioned in 1999 and receives all municipal waste from Port Stephens Council area. The driving force for adopting this new technology was a genuine desire to reduce putrescible waste going to landfill. This desire was influenced by:

1. Geographic constraints that prevented the safe and cost effective construction of new solid waste landfills
2. A growing population that is affected by seasonal population peaks
3. Strong public desire to recycle

The 1990's and early 2000's have shown that movement towards greater resource recovery from the municipal waste stream is driven by a genuine need for landfill alternatives brought on by a lack of landfill space. In rare examples the driving force for resource recovery is a genuine desire to strive for a more ecologically sustainable waste management system.

Minimising harm to the environment in the provision of waste management services

In the case of Port Stephens Council, municipal waste management services have minimised harm to the environment by:

1. Processing putrescible wastes using proven alternative technologies
2. Removing the need for landfilling of putrescible wastes, thus reducing long term leachate and gas emissions
3. Pricing waste disposal to reflect the true cost of processing and disposal to ensure current waste generators pay the full cost of waste disposal now rather than leaving environmental legacies for future generations to pay for.
4. Producing recovered organic products that meet quality standards for specific uses

Additional comments

Resource recovery from the municipal waste stream has been and continues to be a high priority for Port Stephens Council. By being an early adopter to alternative waste technologies Port Stephens Council has shown its commitment to innovation in waste management and has proven that an integrated source separated recycling system combined with an alternative waste technology can reduce waste to landfill by at least 70% in real time figures.

Council is interested in seeing the following ideas progressed in local government with the aide of funding from revenue raised by the waste levy:

1. Standardised waste data reporting process that compares "apples with apples" when it comes to actual resource recovery.
2. Performance payments for recycling that are based on actual resource recovery rates
3. Continuation of household chemical clean up programs
4. Waste Levy exemptions for source separated green waste that is received and processed on a licensed landfill site.
5. Waste Levy exemptions for reprocessed materials that are used as cover materials for landfills. The proposal to remove exemptions for virgin excavated natural material and reprocessed concrete and glass fines when used as cover materials on landfills, will result in purchased materials from quarries being less expensive to use as cover than clean 'waste products'.

Yours faithfully

STEVEN BERNASCONI
WASTE MANAGEMENT COORDINATOR

Page 3 of 3

30 March 2006.

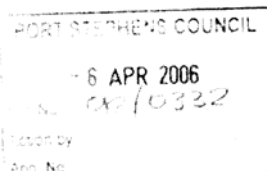
ATTACHMENT 3
LETTER CONFIRMING RECEIPT OF COUNCIL'S SUBMISSION



LEGISLATIVE ASSEMBLY
STANDING COMMITTEE ON PUBLIC WORKS

03 April 2006

Mr Steven Bernasconi
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324



Submission No 26

Dear Mr Bernasconi

Inquiry into Municipal Waste Management in NSW

The Chairman of the Standing Committee on Public Works, Mr Kevin Greene MP, has asked me to thank you for your submission to its Inquiry into Municipal Waste Management in NSW.

The issues raised will receive close consideration during the Committee's deliberations. Should the Committee wish to obtain further information or invite you to give evidence at a public hearing, I shall contact you again.

Submissions to parliamentary committees attract parliamentary privilege subject to certain procedures. It is advisable, therefore, to obtain the Committee's approval if you wish to release or otherwise make your submission public. The Committee will usually grant publication once the submission has attracted privilege, although this should not be assumed. Of course, if the material is already in the public domain, these considerations do not apply.

A copy of the inquiry report or a summary will be sent to you shortly after it is tabled in the Legislative Assembly. We appreciate you taking the time to bring the issues raised in your submission to the attention of the committee.

Yours sincerely


Carolynne James
Committee Manager

INFORMATION ITEM NO. 9

**FILM HUNTER – REGIONAL FILMING – HALF YEARLY
PRODUCTION REPORT 1 JULY 2005 – 31 DECEMBER 2005**

**POSITION TITLE: GENERAL MANAGER
FILE: A2004-0043**

BACKGROUND

The purpose of this report is to provide Council with information from Film Hunter. Council's contribution to Film Hunter for 2005-2006 is \$5,492.

ATTACHMENTS

- 1) Regional Filming – Half Yearly Production Report – 1 July 2005 to 31 December 2005.

ATTACHMENT 1



REGIONAL FILMING – HALF YEARLY PRODUCTION REPORT

1 July 2005 – 31 December 2005

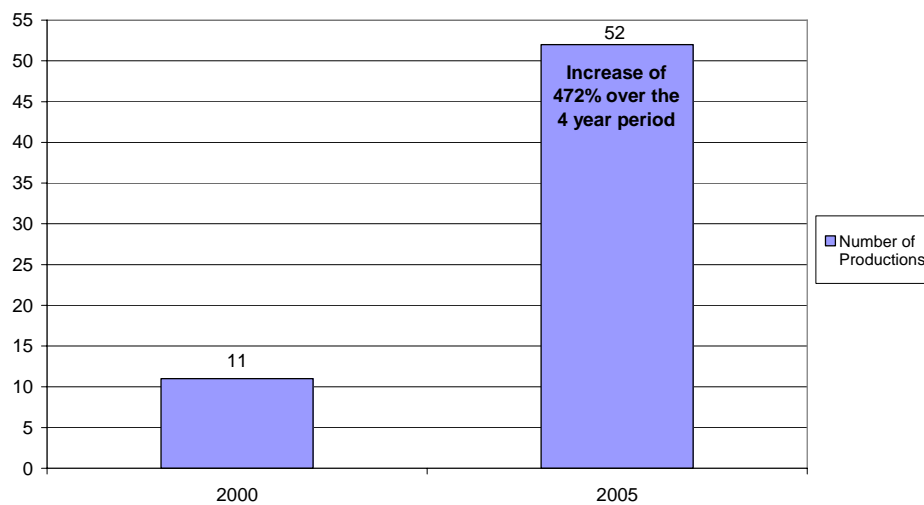
Project Achievements To Date

- Since Film Hunter's inception in 2000, total expenditure by incoming filming into the Hunter's economy has now exceeded **\$6.6million**. In addition, a total of **1790** locals have been employed by incoming productions during this 5½ year period.
- To demonstrate the growth and success of the Film Hunter project over its life, the below comparisons between the project's first calendar year, 2001, and the 2005 calendar year have been conducted. Of particular interest is the fact that the number of productions that the Film Hunter office facilitates has grown by over **400%**, demonstrating the increased demand for the Hunter as a filming destination. The results are as follows:

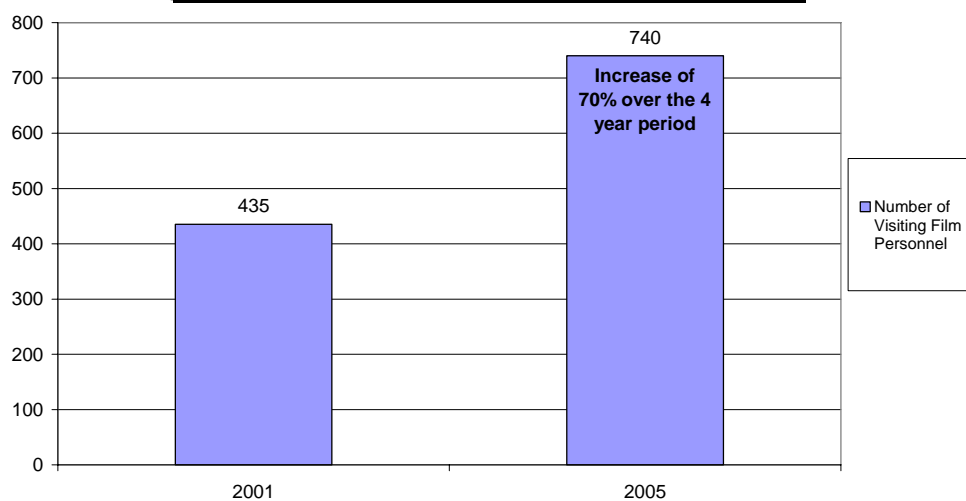


NB. Expenditure figures pre-July 2004 were estimated using a multiplier. Current figures are as directly quoted from each production's Production Manager, Location Manager or Producer and, as such, are highly conservative.

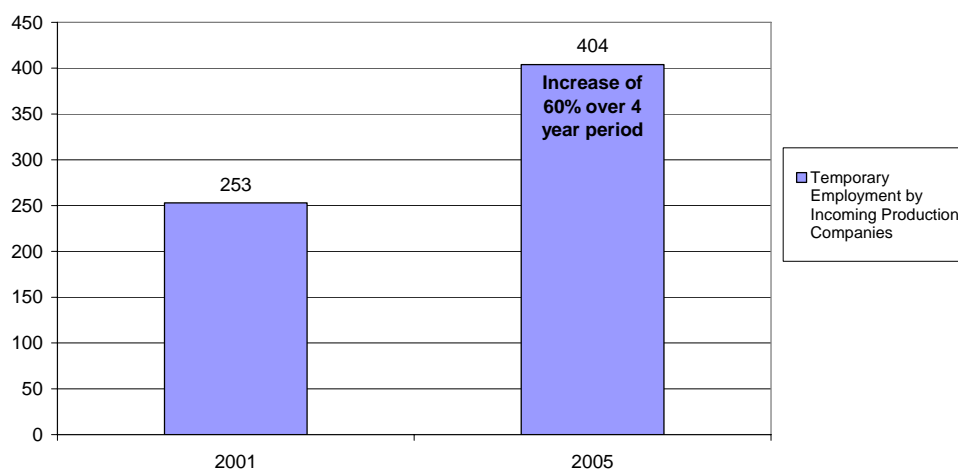
Number of Productions
Comparison of 2001 Calendar year to 2005 Calendar year



Number of Visiting Film Personnel
Comparison of 2001 Calendar year to 2005 Calendar year



Temporary Employment by Incoming Production Companies
Comparison of 2001 Calendar year to 2005 Calendar year



Progress: July-December 2005

Key Events

- The blockbuster 'Superman Returns' filmed in Newcastle for 4 days – employing more than 50 locals and injecting more than \$300,000 into the local economy. The filming involved the closure of a section of King St (a major street of the city centre) for 4 days. This closure was facilitated by Film Hunter in liaison with Police, RTA and Council officers. Film Hunter also sourced local services, facilities and workers for the production. Even though the filming involved a major road closure, Newcastle Council received no complaints during the closure and all feedback and media was exceedingly positive about the film's impact on the city.
- The Australian feature 'Suburban Mayhem' filmed in the Hunter for 6 weeks, injecting over \$400,000 into the local economy and employing approximately 200 locals, including extras, actors, casting consultants, a boom swinger, unit manager, runners etc.
- Film Hunter, in collaboration with a local multi-media company, organised a skills development seminar on High Definition Video, which was attended by 35 local film and TV practitioners and students.
- The Film Hunter Manager was invited as a special guest to an Australian Film, Television and Radio School networking function for the TV industry in Sydney. Many new contacts were made, which may lead to future filming in the Hunter.
- Film Hunter and Hunter locations were featured in Ausfilm's newsletter to its 4,000 subscribers in the domestic and international film and TV industries.
- The Film Hunter Manager represented Film Hunter at the annual 2-day regional film meeting at the NSW Film and Television Office and the Sydney office of the Department of State and Regional Development. As part of the meeting, a networking

event attended by Sydney-based Location Managers was held, providing an opportunity for further direct promotion of the Hunter as a filming destination.

- The Film Hunter Manager hosted a meeting with the new managers of Film Mid North Coast Armidale and Film Central to assist them in developing systems and processes for their regional offices.
- Film Hunter collaborated with the other regional film offices in providing a regional film pack for the delegate satchels for the SPAA (Screen Producers Association of Australia) conference. A brochure on filming in the Hunter was included in the pack, which was distributed to over 800 film and TV producers.

Economic Impact

- During the six months covered by this report **27** film and television projects injected **\$953,531** (actual amounts obtained from productions) into the Hunter's economy. **474** production personnel visited the region in this period and **312** local practitioners were employed.

Skills Development

- **312** local technicians and support services were directly employed by incoming film crews. These included actors, extras, security guards, traffic controllers, caterers, hire of wet-down trucks, furniture and computer hire, vehicle hire and location hire.
- Film Hunter facilitated the placement of TAFE students studying Fashion Design to assist with wardrobe for the production 'Skating On Thin Ice', providing them with invaluable industry experience.
- Film Hunter facilitated the placement of Newcastle University students to assist with the film 'Suburban Mayhem, giving the students several weeks' experience on a large-scale feature film. One student continued with her work placement in Sydney, observing the editing process.
- **20** additional leads were serviced this quarter, many of which may result in filming in coming months. (See **ADDITIONAL LEADS SERVICED BY FILM HUNTER P.11.**)
- The Film Hunter manager serviced **72** community enquiries regarding funding initiatives and careers and training in film and television during this period.

REGIONAL FILMING – PRODUCTION SUMMARY

1 July 2005 – 31 December 2005

Regional film office: Film Hunter
 Report completed by: Christine Armstrong
 Period covered by report: 1 July 2005 – 31 December 2005

All figures are actual figures obtained from the production – except where indicated (e)

<i>Prod. Title</i>	Contact	Type	Locations	Origin	\$ Regional Spend	\$ NSW Spend	No. of Visiting Crew	No. of Locals (crew & services) Employed	Local Services Used	Shoot Duration (days)	Dates
"Lout" Music Video	Peter McBarry, 0405-098-060	No-budget Music Video	Maitland	Australia	confidential	confidential	NA – local production	NA – local production	All crew and talent	1	5/7/05
"Newcastle City Holden" TVC, Ad Corp	Bobbi Dunphy, 0408-585-285	TVC	Newcastle	Australia	confidential	confidential	3	9	Accommodation, catering, cast	2	12-13/7/05
"Apathy" Music Video, student video	Isaac Turier, 0403-567-978	Student Video	Newcastle	Australia	(N/A student film)	(N/A student film)	N/A	N/A	Students	1	23/7/05
"Forensic Investigators" Series, Southern Star	Peter Hicks, 0414-216-021	TV Series	Lake Macquarie, Port Stephens	Australia	confidential	confidential	28	4	Accommodation, catering	4	5-7/05, 29/8/05
"Skating On Thin Ice" Series, Freehand TV	Natalie Bray, (02) 8354-7510	TV Series	Newcastle	Australia	confidential	confidential	30	4	Accommodation, costs associated with Newcastle Entertainment Centre, make-up artists and dressers	1	22/7/05

ORDINARY MINUTES – 23 MAY 2006

"Risk" Short film, NRMA	Brendan Fehre, (02) 4924-3876	Short film	Newcastle	Australia	confidential	confidential	10	10	All crew, catering, production costs	1	30/8/05
"Paper Sky",	Duglass Hocking, 0413-216-533	TV Program	Newcastle	Japan	No costs as only brief visit	Not available	6	-	-	1	24/8/05
Optus TVC, Film Graphics	Graeme Thomas, 0408-240-263	TVC	Maitland, Shoal Bay	Australia	confidential	confidential	17	4	Accommodation, catering, 4WD hire	2	2-3/8/05
Greater TVCs, Concept Corporate Communications	Marilyn O'Brien, 0421-372-465	TVC	Newcastle	Australia	confidential	confidential	-	10	Location hire, all crew and production costs	3	14-16/8/05
"Today Show", Channel 9	Gerry Campbell, (02) 9931-1407	TV Show	Gloucester, Newcastle	Australia	confidential	Not available	6	1	Accommodation, security, food	2	11/8/05 25-26/8/05
"Suburban Mayhem", Suburban Mayhem Pty Ltd	Leah Churchill-Brown, 0418-228-585	Feature	Newcastle, Maitland, Lake Macquarie	Australia	confidential	confidential	40	200	Accommodation, production office hire, traffic control, security, runners, boom swinger, actors, extras, unit manager, unit assistant, make-up assistant, catering assistant, location hire, meals	35	26/8/05-1/10/05
"Pinks Shoes", student film	Michelle Hogan, 0417-247-744	Student film	Maitland (Morpeth)	Australia	(N/A student film)	(N/A student film)	N/A	N/A	Students	1	9/9/05
"Dragon's Den", Channel 7	Emma, (02) 8777-7392	TV Series	Maitland, Newcastle	Australia	confidential	confidential	3	-	Meals, expenses	1	9/9/05

ORDINARY MINUTES – 23 MAY 2006

Telstra Country Wide Stills, Blue Haus	Melissah Sheppard, (02) 6021-7553	Stills	Newcastle	Australia	confidential	confidential	5	6	Location scout, catering, talent, accommodation, props	2	20-21/9/05
"Climate" student film	Jackie Norris, 0421-869-441	Student film	Newcastle	Australia	(N/A student film)	(N/A student film)	N/A	N/A	Students	3	5-7/10/05
"Glass Army" music video, student film	Susan Bennett, 0421-558-829	Student film	Newcastle	Australia	(N/A student film)	(N/A student film)	N/A	N/A	Students	3	14/10/05
"Carrie's Place" documentary	Zyra McCalliff, 0411-743-387	Documentary	Maitland	Australia	confidential	No budget	2	-	Accommodation	Filmed over several months	10/05-3/06
Kidsafe TVC, Peach Advertising	Renee Brown, (02) 4926-1266	TVC	Newcastle	Australia	confidential	confidential	NA – local production	NA – local production	All production costs	1	26/9/05
"Shiver" music video, student film	Joanna Romanowski, 0409-446-789	Student film	Newcastle	Australia	(N/A student film)	(N/A student film)	N/A	N/A	Students	1	4/10/05
"Gabriel", Hilt Productions	Kristy Vernon, (02) 9452-6112	Feature	Cessnock (Heddon Greta)	Australia	confidential	Not available	25	-	Accommodation, catering	3	17-21/10/05
"Harpers Bazaar" stills, Harpers Bazaar	Melissa Morphet, (02) 9282 8151	Stills	Stockton Dunes	Australia	confidential	Not available	8	2	4WD hire, rangers	1	21/10/05
"Australian Fishing Championships Outdoors", Coda TV	Sue Hadwin, (03) 9687 8166	TV	Great Lakes	Australia	confidential	Not available	20	-	Accommodation, catering, meals, boat hire	2	19-20/10/05
"It's All For You" student film	Lexie Durbridge, 0434-499-423	Student film	Newcastle	Australia	(N/A student film)	(N/A student film)	N/A	N/A	Students	1	21/10/05

ORDINARY MINUTES – 23 MAY 2006

"Monkey Magic", CP International	Genevieve Martin, 0418-752-471	TV	Stockton Dunes	Japan	confidential	Not available	50	6	Unit manager, rangers, 4WD hire, catering, accommodation	3	2-3/11/05
"Superman Returns", Red Sun Pty Ltd/Warner Bros	Carl Wood, 0438 136 588	Feature	Newcastle, Lake Macquarie	US	confidential	\$420 million	200	50	Accommodation, traffic control, security, location hire, vehicle hire, extras	4	22-25/11/05
Toyota TVC, Radical Media	Rachel MacDonald, (02) 9213 6300	TVC	Newcastle, Maitland	Australia	confidential	Not available	15	5	Accommodation, catering, wet-down truck, runner, set nurse, traffic control	3	15-17/12/05
Energy Australia stills, Viewfinder Locations	Laura Dean, 0411-804-628	Stills	Cessnock	Australia	confidential	Not available	6	1	Location fee, lunch, petrol	1	21/12/05
Total	27 Productions					\$953,531.00	\$46,510,000.00	474	312		

Comments/ Trends

The expenditure from incoming filming this semester was boosted significantly by two feature productions. The Australian feature 'Suburban Mayhem' filmed in the first quarter and injected in excess of \$400,000 into the local economy, while 'Superman Returns' injected over \$300,000 in just five days. 'Superman Returns' is indicative of the type of production, which is now looking outside of Sydney for filming because of the logistical problems of filming in the Sydney CBD, as opposed to the Newcastle city centre.

HALF YEARLY PRODUCTION PROMOTION /LIAISON REPORT

No. of projects pitched on	No. of visits to region by film/TV personnel	No. of inquiries fielded	No. of website hits	No. of leads generated	Marketing activities eg image CD distribution, expansion of promotional collateral (give details)
48	474	75	75,600	75	<ul style="list-style-type: none"> - Film Hunter sponsored the 2005 Shoot Out Filmmaking Festival and distributed brochures via participant satchels. - Film Hunter sponsored the 2005 Newcastle Film Festival and distributed brochures via the festival, as well as displayed signage at the venue. - Film Hunter collaborated with the other regional film offices in providing a regional film pack for the delegate satchels at the SPAA conference. A brochure on filming in the Hunter was included in the pack. - The Film Hunter Manager was invited as a special guest to an Australian Film, Television and Radio School networking function for the TV industry in Sydney. Many new contacts were made, which may lead to future filming in the Hunter. - Film Hunter and Hunter locations were featured in Ausfilm's newsletter to its 4,000 subscribers from the domestic and international film and TV industry

**ADDITIONAL LEADS SERVICED BY FILM HUNTER JULY-DECEMBER 2005
(may result in future filming)**

Name of Production/ Prod. Co.	Type	Origin of Prod. Co.	Locations of Interest
Breakwall Plates/ Ecomlocations	Stills	Australia	Nobbys Breakwall
Toyota Stills/ Viewfinder Locations	Stills	Australia	Lake Macquarie
"Tracing Nature"/ Beyond Productions	TV	Australia	Maitland, Cessnock, Lake Macquarie
Indian island shoot/ Paresh Lulla	Feature	India	Great Lakes, Port Stephens
Capri Sun TVC/ Viewfinder Locations	TVC	US	Great Lakes (resulted in Location Manager conducting recce of Pacific Palms, Bulahdelah, Forster)
Peugeot TVC/ Luscious International	TVC	Australia	Lake Macquarie
Dreamworks feature/ Dreamworks	Feature	US	Great Lakes, Cessnock, Dungog, Gloucester
Incontinence pads TVC/ Filmsmiths	TVC	US	Cessnock, Upper Hunter, Port Stephens, Singleton, Gloucester, Lake Macquarie, Dungog
Kokoda Feature/ Yahoo Serious	Feature	Australia	Newcastle
Carl Brodie/ Broken Yellow	Music	Australia	Lake Macquarie, Maitland, Dungog, Port Stephens, Cessnock,
Coca Cola TVC/ Filmgraphics	TVC	Australia	Newcastle
Coleman's Mustard TVC/ Viewfinder Locations	TVC	UK	Maitland, Dungog
"Two Twisted" series/ New Town Films	TV	Australia	Maitland Gaol
Chevrolet TVC/ Chris Reynolds	TVC	US	Gloucester, Dungog, Cessnock, Muswellbrook
Raw TV UK documentary/ Raw TV	Documentary	UK	Maitland Gaol
Abe's Snack Food TVC/ Goodoil Films	TVC	Australia	Gloucester, Scone, Great Lakes, Port Stephens
US Desert Feature	Feature	US	Stockton Dunes
RTA TVC/ Flying Fish	TVC	Australia	Newcastle
Korean Gaol TVC/ Sach Australia	TVC	Australia	Maitland
Baz Luhrmann feature/ Phillip Roope	Feature	Australia	Newcastle Port

HALF YEARLY INDUSTRY DEVELOPMENT ACTIVITY REPORT

SUMMARY OF PROGRESS AS OF 31 DECEMBER 2005

LOCAL INDUSTRY ASSISTANCE

- Film Hunter sponsored the 2005 Shoot Out Filmmaking Festival and distributed brochures via participant satchels.
- Film Hunter sponsored the Newcastle Film Festival and the Film Hunter Manager participated in the Festival's steering committee. Film Hunter assisted in promoting the event via the Film Hunter website and email networks. In addition, Film Hunter brochures were distributed at the festival and Film Hunter signage was displayed.
- Film Hunter, in collaboration with a local multi-media company, ran a skills development seminar on High Definition Video, which was attended by 35 local film and TV practitioners and students.
- The Film Hunter Manager was invited as a special guest at an Australian Film, Television and Radio School networking function for the TV industry in Sydney. In turn, local industry practitioners were invited by Film Hunter and several attended the function, making invaluable contacts within the wider industry.
- The Film Hunter manager serviced 72 community enquiries regarding careers and training in film and television during this period. This liaison was undertaken via phone, email and face-to-face meetings.
- Film Hunter continues to add new listings of local practitioners to the hard-copy and online Film Friendly Directory and refer productions to this directory. Local businesses have also contacted Film Hunter in order to access the directory for their local corporate video needs.

SKILLS DEVELOPMENT

- Film Hunter, in collaboration with a local multi-media company, ran a skills development seminar on High Definition Video, which was attended by 35 local film and TV practitioners and students.
- Film Hunter facilitated the placement of TAFE students studying Fashion Design to assist with wardrobe for the production 'Skating On Thin Ice', providing them with invaluable industry experience.
- Film Hunter facilitated the placement of Newcastle University students to assist with the film 'Suburban Mayhem', giving the students several weeks' experience on a large-scale feature film. One student continued with her work placement in Sydney, observing the film's editing process.
- Brochures advertising short courses at AFTRS and Metro Screen are displayed in the Film Hunter corner of the Newcastle Visitors Information Centre.

CASE STUDY

1) Background:

In June 2005 Film Hunter hosted a tour of several Newcastle city locations for the key creative team of the feature film 'Superman Returns'. Film Hunter had formed a relationship with the Location Managers of the production over the years, ensuring that the Hunter was a contender when it came to location options.

2) Regional Film Office involvement:

From June through to the shoot date (of 21 November) Film Hunter facilitated the filming process for the 'Superman Returns' Newcastle shoot.

Since the first visit Film Hunter assisted the production with:

- Sourcing the key location, University House, which was a location suggested by Film Hunter before the initial tour.
- Liaising with the location owner, the University of Newcastle, to ensure that all recces and surveys were facilitated and all information was available to the production (including maps, specifications etc.)
- Accompanying the production on several tours of possible spaces for the unit and art department to be based. The areas used were sourced by Film Hunter.
- Ensuring the production had the optimum unit base (at City Hall) by suggesting and facilitating the relocation of several school formals from City Hall to the Civic Theatre. There was also undertaken due to safety and noise concerns.
- Organising round-table meetings with Newcastle Police, RTA, Newcastle Council, the traffic management company and production representatives.
- Facilitating the permitting process.
- Liaising with local stakeholders, community and businesses to ensure that inconveniences were minimised and the positives of the filming were communicated.
- Liaising with the local media to ensure that the local community were engaged in the process and were aware of the implications and provisions made due to the road closure and pyrotechnics used during the filming.
- Employing local practitioners and support services.

3) Results/outcomes: 'Superman Returns' filmed in the Newcastle city centre for 4 days, in which time over \$300,000 was injected into the local economy and approximately 50 locals employed. The production also conducted aerial in Lake Macquarie. The images of the locations used will reach an audience of several hundred million across the globe and will help position Newcastle and the Hunter as a region that can accommodate a major feature film.

Even though the filming involved a major road closure and pyrotechnic stunts throughout the night in a highly populated area there were not complaints received by Council and RTA. On the contrary, much positive feedback and valuable publicity was received.

The production company was thrilled with its experience filming in the Hunter. In the words of the Location Manager Carl Wood:

"The production found Newcastle a very easy city to work in and all the agencies were extremely helpful and professional in their approach. I would particularly like to make mention of Film Hunter, who gave us great leads in regards to suitable locations for our shoot, arranged meetings, supplied contacts etc, all of which is very advantageous when trying to organise a complicated film shoot in a city 200 km away."

Carl Wood, Location Manager

4) Contacts:

Carl Wood (Location Manager) – 0438-136-588

INFORMATION ITEM NO. 10

QUARTERLY REPORT - INTEGRATED WORKS PROGRAM

POSITION TITLE: MIKE TRIGAR – 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 third 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. Again, it should be noted that the unavailability of projected ward funds at this time has affected works for both 2005/06 and 2006/07.

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 Third Quarter (*Third Quarter October 2005 to December 2005*) of the First Year (*2005/2006*) of the Rolling 3 Year Integrated Works Program (IWP).

INFORMATION ITEM NO. 11

PERFORMANCE AGAINST RESULTS MEASURES MARCH 2006

POSITION TITLE: CONTINUOUS IMPROVEMENT COORDINATOR

FILE: PSC2005-5605

BACKGROUND

The purpose of this information paper is to present the cockpit charts of Council performance for the third quarter 2006. This tool provides a visual snapshot of Council's performance in key areas detailed below, and allows Councillors to easily track trends.

The charts, contained on two pages, report on the following:

- Council Plan 2005-2008
- State of the Environment Plan
- Social Plan 2005 – 2010
- Cultural Plan 2005-2008
- Department of Local Government Report Action Plan
- Financial Trends
- Capital Infrastructure Expenditure
- Continuous Improvement Teams
- Councillor Requests
- Development Applications (yet to be finalised)
- Overtime Costs
- Workplace Injuries and Claims
- Lost Time Hours
- Council's Current Staffing Levels
- Positions Vacant
- Staff Turnover

TABLED DOCUMENTS

- 1) Two pages of charts for the period from January to March 2006 will be tabled at the meeting.

INFORMATION ITEM NO. 12

QUARTERLY REPORT - LEGAL EXPENSES

POSITION TITLE: LEGAL OFFICER
FILE: PSC2006-0229

BACKGROUND

The purpose of this report is to present to Council legal expenses incurred in prosecuting and defending cases during the period January to March 2006.

This report is presented in response to Recommendation 22 made by the Department of Local Government under the Local Government Reform Program – Promoting Better Practice and as noted in its review report of Port Stephens Council dated August 2005.

The report is linked to the Key Result Area of Corporate Accountability as outlined in the Council Plan 2005-2008.

The attached information relates only to more significant litigation currently involving Council and for which some costs were paid during the quarter.

ATTACHMENTS

- 1) Legal Expenses Quarterly Report – January to March 2006

ATTACHMENT 1

LEGAL EXPENSES QUARTERLY REPORT: JANUARY – MARCH 2006

SECTION	MATTER	TYPE	JURISDICTION	EXPENSES THIS QUARTER (\$)	EXPENSES YTD (\$)	COSTS RECOVERED THIS QUARTER (\$)
FACILITIES AND SERVICES GROUP						
Engineering Services	Melaleuca Estates v Port Stephens Council	Drainage Dispute	Supreme Court, Court of Appeal, High Court Proceedings	32,732	41,486	0
SUSTAINABLE PLANNING GROUP						
Development & Building	Chan Industrial v Port Stephens Council & Bealing	DA Objection	Land & Environment Court Supreme Court, Ct of Appeal	69,997	111,308	0
Development & Building	Chan Industrial v Port Stephens Council & McPherson	DA Objection	Land & Environment Court	104	3,329	0
Development & Building	Lawrence Waterhouse v Port Stephens Council	DA Objection	Land & Environment Court	2,480	14,183	0
Development & Building	Mahogany Ridge Developments v Port Stephens Council	Appeal Of Refused DA	Land & Environment Court	5,384	27,422	0
Development & Building	Motorplex Australia v Port Stephens Council	Appeal Of Refused DA;	Land & Environment Court	4,611	19,475	0

ORDINARY MINUTES – 23 MAY 2006

SECTION	MATTER	TYPE	JURISDICTION	EXPENSES THIS QUARTER (\$)	EXPENSES YTD (\$)	COSTS RECOVERED THIS QUARTER (\$)
		Prosecution				
Development & Building	Port Stephens Council v Blue Lagoon Village	Illegal Use	Land & Environment Court	9,000	29,163	0
Development & Building	Port Stephens Council v Cook	Unauthorised Development – Breach Of Settlement Agreement	Land & Environment Court Supreme Court	0	19,873	0
Development & Building	Port Stephens Council v Department Of Infrastructure Planning & Natural Resources	Council Challenge to DIPNR Consent	Land & Environment Court	0	34,205	0
Development & Building	Port Stephens Council v Divers Luck	Illegal Access	Land & Environment Court	3,337	13,622	0
Development & Building	Port Stephens Council v Dream 510	Illegal Use	Land & Environment Court	440	440	0
Development & Building	Port Stephens Council v Quinn	Illegal Landfill	Land & Environment Court	0	527	0
Development & Building	Port Stephens Council v Tannous	Unauthorised Building Works; Appeal of Refused DA	Land & Environment Court	42,861	45,861	0
Environmental Services	Port Stephens Council v Pacific Rim Accommodation Group	Prosecution for tree clearing	Local Court	0	0	0
Environmental	Port Stephens Council	Prosecution for	Land & Environment	0	9,402	0

ORDINARY MINUTES – 23 MAY 2006

SECTION	MATTER	TYPE	JURISDICTION	EXPENSES THIS QUARTER (\$)	EXPENSES YTD (\$)	COSTS RECOVERED THIS QUARTER (\$)
Services	v Johnston Earthmoving	tree clearing	Court			
Environmental Services	Port Stephens Council v Port Stephens Veteran & Aged Care Ltd	Prosecution for tree clearing	Land & Environment Court	0	1,019	0
Environmental Services	Port Stephens Council v Rouice Pty Limited	Prosecution for Breach of Tree Preservation Order	Local Court	0	6,127	0
Environmental Services	Port Stephens Council -v- Dinh Quang Nu	Prosecution for offences under the Food Act	Local Court	0	6,839	0
TOTAL				170,946	384,281	0

INFORMATION ITEM NO. 13

MANAGER'S MONTHLY REPORT APRIL 2006

POSITION TITLE: BUSINESS PAPER CO-ORDINATOR
FILE: A2004-0498

BACKGROUND

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

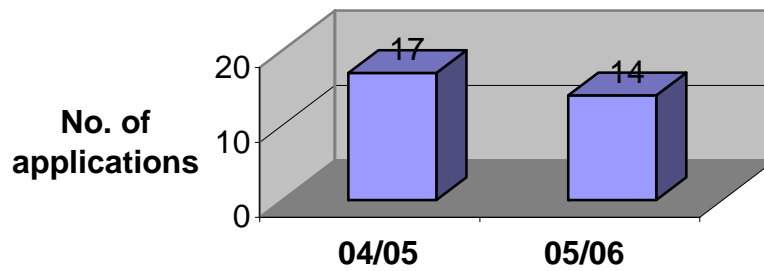
ATTACHMENTS

- 1) Monthly Manager's Report – April 2006.

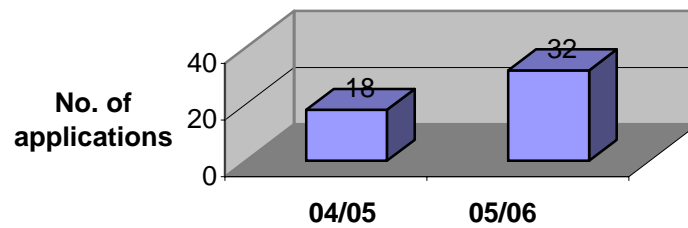
MANAGERS
MONTHLY REPORT
APRIL 2006 STATISTICS

CORPORATE
MANAGEMENT

Freedom of Information Applications



Applications under Section 12 of the LGA



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 CM346/05			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
Rotary Club of Maitland Sunrise CM434/06			1000	1,000

ORDINARY MINUTES – 23 MAY 2006

RT Water Polo Club CM434/06			500	500
Port Stephens Community Care CM434/06		1000		1,000
Nelson Bay Town Management CM434/06	1000			1,000
TOTAL ALLOCATED	20,961	828	13,980	35,769
BALANCE AVAILABLE	3,447	-3,587	16,443	16,303

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
				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
			30,000	30,000
Cycleway Medowie - Warapora Road		110,000		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

ORDINARY MINUTES – 23 MAY 2006

Seaham Hall Upgrade		22,000	22,000
Salt Ash Hall	8,500		8,500
Hinton Community Hall		31,000	31,000
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

ORDINARY MINUTES – 23 MAY 2006

Tanilba Sailing Club Amenities	10,000			10,000
Tanilba Park	0			0
Tanilba Lighting of Stone Gates	500			500
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
Salt Ash Sports Ground CM 434/06	35,000			35,000
				0
TOTAL ALLOCATED	364,330	724,330	520,340	1,609,000
BALANCE AS AT 24.4.06	410,318	165,318	379,411	955,047

ENGINEERING SERVICES & OPERATIONS

Roads

- The Gan Gan Road/Blanch Street Roundabout has been completed along with the cycleway between Blanch Street and Hannah Parade. Further cycleway construction westwards from Blanch Street towards Anna Bay will get underway in May.
- Footpaths on Muller Street at Salamander Bay and around the town centre circuit at the Salamander shopping centre have been completed.
- Medowie Road between Silver Wattle & Kindiebark Drive have been sealed and reopened to traffic. The cycleway is partly completed now and bus shelters and connecting parks will be built in May.
- Town name signs under the “gateway” project are now approximately 40% completed.
- The cycleway on Medowie Road at the RAAF Base entrance will be started in late May/early June.
- Footpaths in various streets at Raymond Terrace will get underway in late May now.
- Bus shelters in various locations at Boat Harbour, Anna Bay, Medowie and on the Tilligerry Peninsula will be progressively installed during May and June.

Drainage

- The work through the Tanilba Golf Course is well underway.
- The drainage line in Grafton Street, Nelson Bay is expected to be completed by the end of May.
- A new drainage line in McClymonts Swamp Road at Wallalong is scheduled to start in late May.
- A pollution control device will be installed at the end of Elwin Road, Raymond Terrace in May along with rehabilitation of the open-drain leading into Windeyers Creek.

COMMUNITY & LIBRARY SERVICES

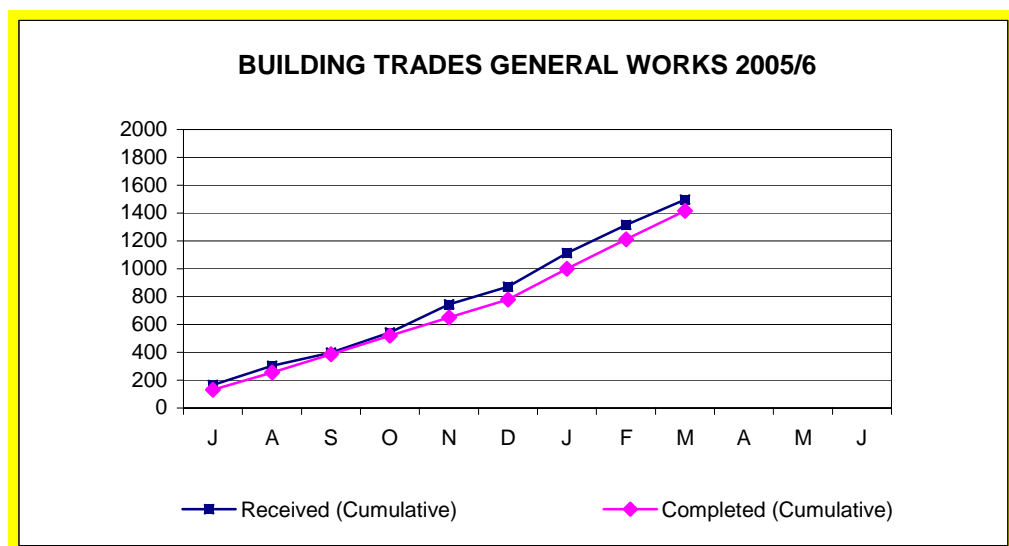
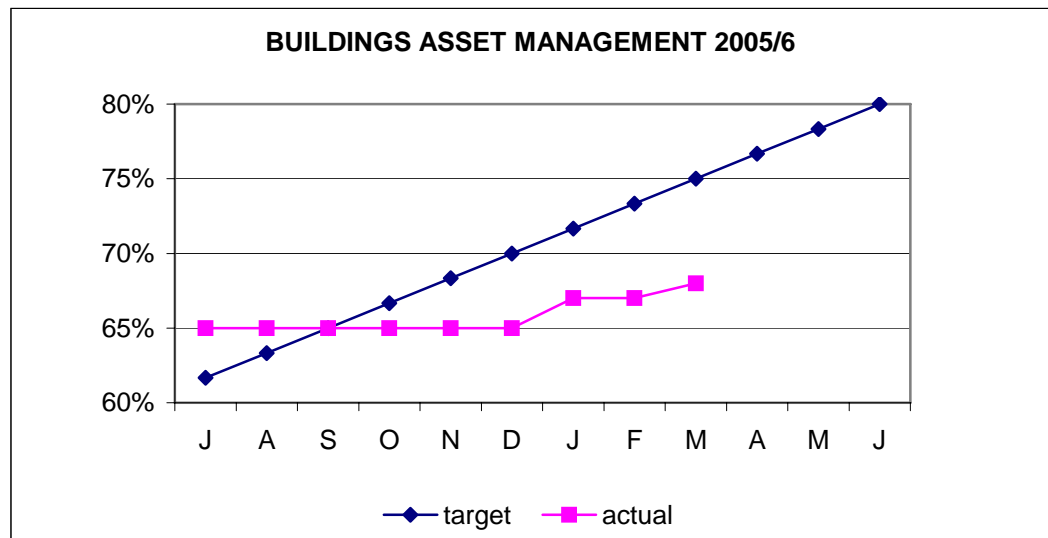
- **Mission Australia Library Orientation** - Royann and Donna ran an orientation for adults. The orientation was designed to break down barriers for people who were unfamiliar with a library environment. Most participants joined the library and were able to access internet and databases with staff assistance. One group has since returned to the library with their mentor to work on assignments.
- **Thou Walla Playgroup Story-times** - two very successful story-times at the library for the Thou Walla Playgroup and Stories in the Street children were run.
- **Body Art Youth Night** – Raymond Terrace held their third youth night with a target audience of 20. We found a young man from 'The Loft' Youth venue in Newcastle who could do temporary tattoos. The tattoos were made from alcohol based body paint and were applied with an air brush. Tattoos only lasted about a week and it was a nice alternative to the real thing.
- **Wirreanda Public School Outreach** - an interactive story-time for Joeys class (new pre kindergarten class) was held.
- **National Law Week** – the theme "Opening the doors to law" presented a great opportunity for Port Stephens Library to promote the Library's Legal Information Access (LIAC) service and resources. The LIAC service is funded by the State Library and the Law and Justice Foundation of NSW. Law Week is a national event that promotes greater understanding of the law, the legal system and the legal profession within the community, and improves access to members of the legal profession, courts, police and legal and government service providers. Both TLACC and Raymond Terrace Library presented highly visible displays showcasing the LIAC service and resources.
- **Book Chat @ your Library** had a very successful launch on Friday 3rd March at TLACC.
- **New Registrations** - statistics confirmed that new registrations increased by 44% (176) on the same period last year.
- **Storytime** - staff are delighted that storytime at TLACC continues to grow in popularity. Wallalong Preschool requested an impromptu storytime from Russell whilst he was in their area. Storytimes and visits by the mobile library to preschools and playgroups are becoming popular, and the staff enjoy the visits as well.

PROJECT SERVICES

- **Salamander Recreation Area** – Stage 2 construction work has reached practical completion.
- **Raymond Terrace Tennis Courts** construction has reached practical completion.
- **Mallabula Oval** – Temporary change sheds & Showers completed.
- **Field Lighting** – Salamander Rec Area completed.
- **Salamander Rec Area** – Concrete stairs to playing field completed.
- **Ferodale Oval** – Field Lighting completed.
- **Raymond Terrace Library** – Circulation Desk completed.
- **Salamander Sports Complex** – Shade shelters & storage completed.
- **Tomaree Touch Football Extension** – Start 3/4/06 with completion 26/5/06.
- **Shoal Bay Wharf** – Remedial work to start 6/3/06 & is on going at this stage.
- **Bowthorne Oval** – Field lighting in progress with an expected completion 22/5/06.

ORDINARY MINUTES – 23 MAY 2006

- **Little Beach Restricted Mobility Landings and Jetties**, extraction and re driving of piles completed, works on hold and to recommence end of May 2006.
- **Raymond Terrace Administration Building** east elevation landscaping beautification and remedial works quotation accepted, works to commence May 2006.
- **Shoal Bay Wharf** damaged super structure and concrete cancer investigation for asset condition report commenced, with temporary repairs and removal of timber shutters completed, further inspections required to confirm extent of works required to maintain asset with recommendation to asset owner.
- **Raymond Terrace Administration Building Council Chambers mural replacement** - photographs selection for main backdrop and border location completed.



SPORT AND RECREATION

ORDINARY MINUTES – 23 MAY 2006

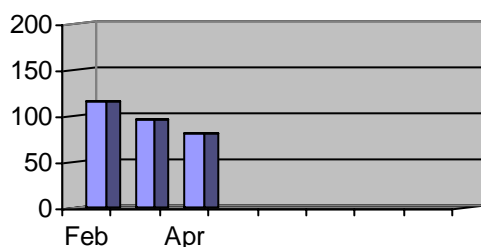
- Work is coming to an end at the **Salamander Sports Complex**. Only major item to be completed now is the cricket wicket which will be done prior to August.
- The tender for **Tilligerry Pool** has been called and tenders will be received up until 9 May 2006 with a report to be prepared for Council in June.
- Installation of the floodlights at **Ferodale Oval** is now completed with all users very happy.
- Finalisation of the insurance claim for the **Mallabula Sports Complex** is imminent. A cash payout is expected to be a likely result. Discussions with Ward councillors will be undertaken over the next few weeks.
- **Stockton Beach Commercial Operation Licences** have been delayed 4 to 6 weeks to enable a review of documentation and fees and charges as well as communication with the National Parks & Wildlife Service and the Worimi Local Aboriginal Land Council.

SUSTAINABLE PLANNING

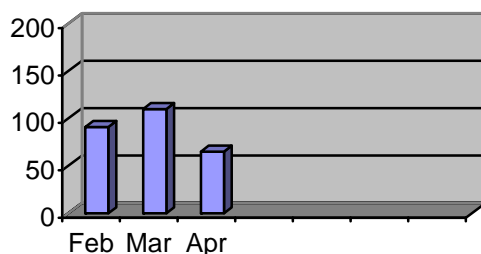
Development Approvals

DA's determined during the month	80
Modifications to DA's during the month	17
Construction Certificates approved during the month	65

DA's Determined



CC's Determined



BUSINESS & DEVELOPMENT

Tourism

- The Indian filming famil was a major coup as these shows have an audience of 61 million people.

Discovery Camps

- Abbotsleigh Girls School – 15-17 March
- Maitland High School – 30 March

Visitors Centre Statistics:

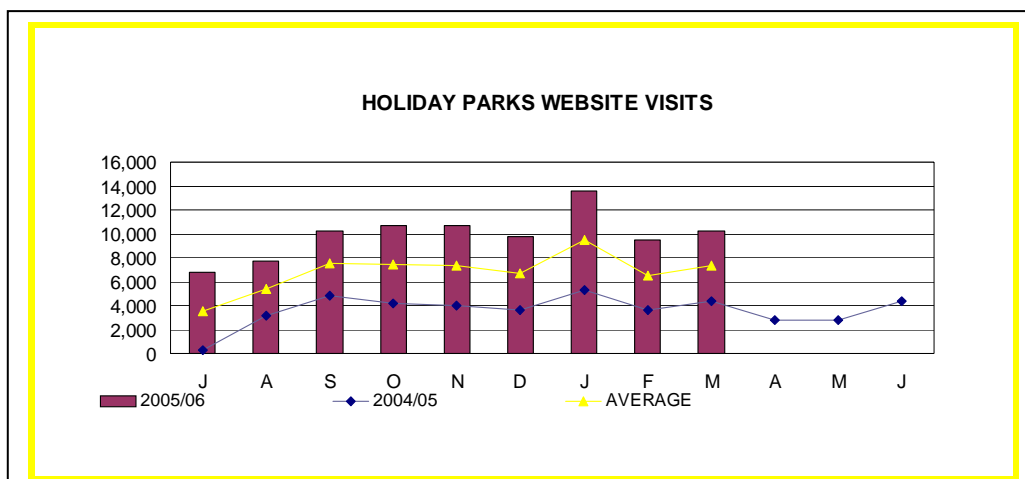
- Phone calls down 46% at 2388 (believe more people using the web as they can book direct)
- Visitors down 30% at 14,155

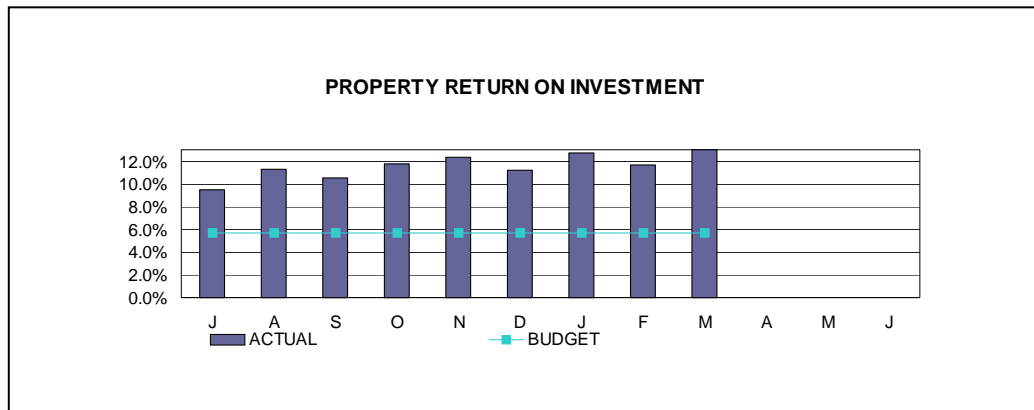
Web Site:

Number of Visits	Last month	This month
Unique Visits	32,165	42,144
Pages	242,957	298,764
Pages / visit	7.34	7.08
Hits	1,006,889	1,196,164
Hits / visit	51.66	28.3

Media Exposure

- Soldiers Point Holiday Park featured in “Discover Down Under” caravan lifestyle show.

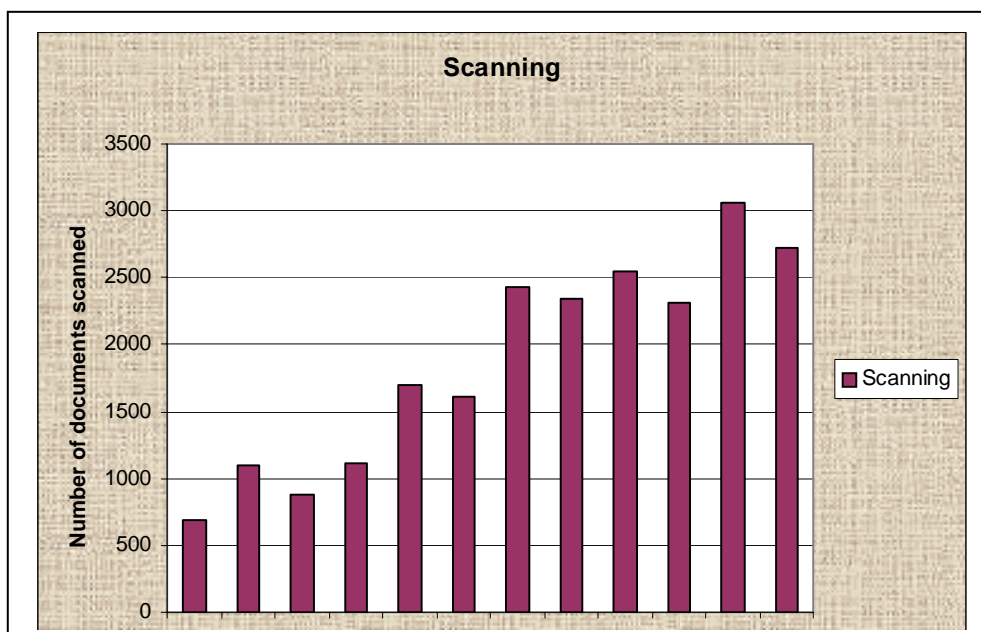




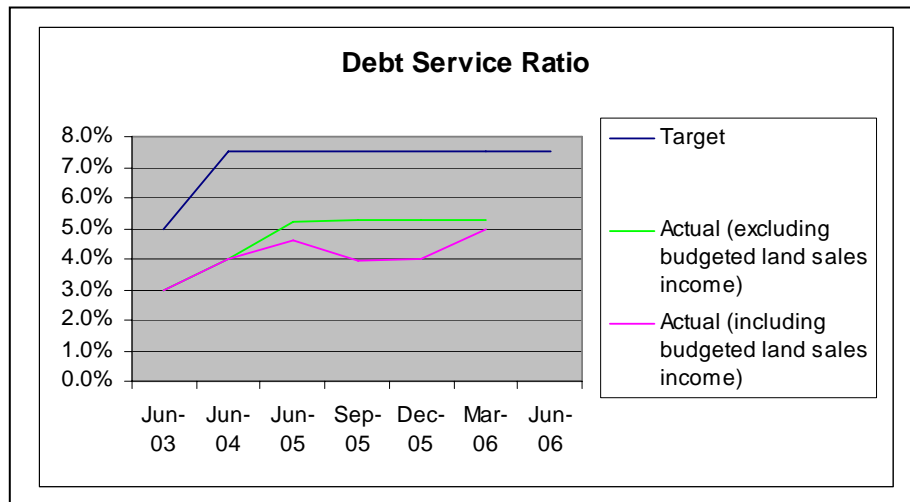
FINANCE

- Council's investment portfolio as at 31 March totalled \$30,432 million.
- Council's ROI for March was 106 basis points above the 90 day BBSW.
- PABX Replacement Project - Contract now signed and project underway. It is estimated the new system will be commissioned by July 2006.
- TRIM Project – Remote sites rollout is underway. Rolled out to Family Day Care, Activity Van, and Libraries. Holiday Parks will be rolled out in June. On target to meet the July 2006 deadline contained in the 2005-08 Council Plan.

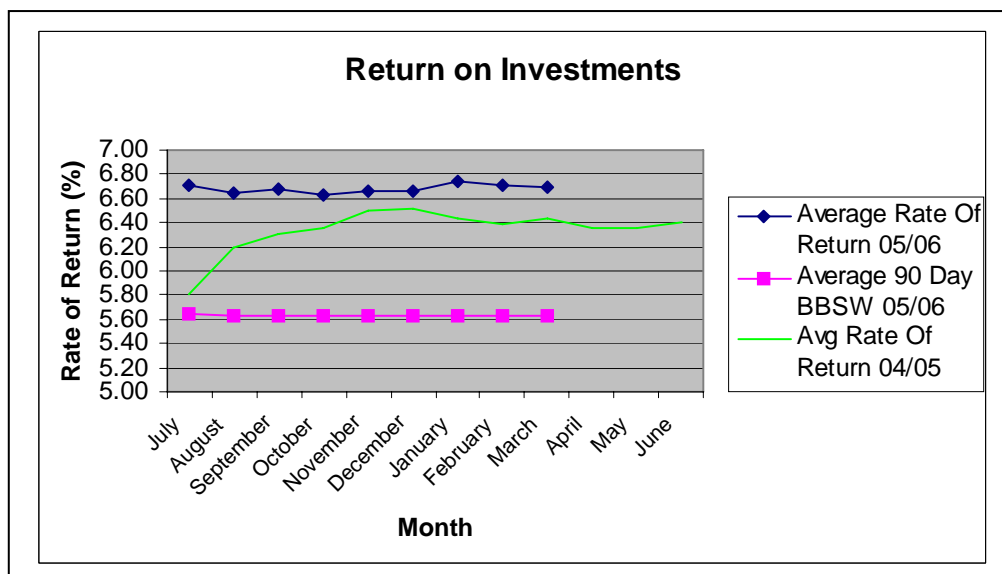
The following Table represents the total number of documents scanned in each month and not the total number of pages scanned. In some cases one document can be over 300 pages.



Debt Service Ratio (reported Quarterly)



Return on Investments



DEBTORS AGING (Sundry Debtors) as at March 2006

Debtor Category	Current	30 days	60 days	90 days	120 days	Total
Miscellaneous	106,577	17,007	4,972	1,989	32,885	163,430
Dog Impounding Fees	0	0	0	0	0	0
Contribution to Works - Kerb & Guttering	0	0	0	0	9,596	9,596
Shire Property Rents	11,889	2,564	-188	-1,415	4,019	16,869
Section 149 Certificates	2,720	800	100	0	380	4,000
Real Estate data	0	0	0	0	0	0
Tipping Fees	17,185	361	58	-12	2,025	19,617
Contributions - Other	0	0	0	0	0	0
Sporting Clubs/355B Committee's	474	9,031	0	-368	11,438	20,575
Contributions to Works - Footpaths	0	7,086	0	0	16,832	23,918
Council Uniforms	0	-7	-78	-100	-229	-414
Effluent	0	0	0	0	0	0
Grants	29,500	0	0	89	54,911	84,500
On Site Sewerage Management	55	0	0	0	0	55
On Site Sewerage Inspections	2,040	1,040	120	240	199	3,639
Business Inspections - Food	3,809	313	426	705	1,942	7,195
Business Inspections - Hair/Beauty	0	0	0	0	130	130
Business Inspections - Caravan Parks	0	0	0	0	4,863	4,863
Business Inspections - Skin	0	0	0	0	0	0
Business Inspections - Mortuaries	0	0	0	0	0	0
TOTAL	174,249	38,195	5,410	1,128	138,991	357,973

Total Outstanding Rates as at March 2006 = \$8,736,515

The amount of Sundry Debtors outstanding 120+ days at 31 March 2006 was \$138,991, compared to \$105,261 at 28 February 2006. Overall, outstanding sundry debts decreased from \$404,677 to \$357,973 during the month.

ORDINARY MINUTES – 23 MAY 2006

CASH & INVESTMENTS HELD AS AT 31 MARCH 2006							
INVESTED WITH	INV. TYPE	DATE INVESTED	MATURITY OR COUPON DATE	NO. OF DAYS	AMOUNT INVESTED	INTEREST RATE	% OF TOTAL FUNDS HELD
GRANGE SECURITIES							
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate CDO	15-Mar-06	15-Jun-06	92	500,000.00	7.26%	1.64%
SAPHIR FINANCE PLC 2004 - 4 "ENDEAVOUR AAA"	Floating Rate Sub Debt	6-Feb-06	5-May-06	88	1,000,000.00	6.93%	3.29%
SAVINGS & LOANS CREDIT UNION (SA) LTD (2008)	Floating Rate CDO	14-Mar-06	13-Jun-06	91	500,000.00	8.36%	1.64%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate Sub Debt	20-Mar-06	20-Jun-06	92	1,000,000.00	7.10%	3.29%
APHEX CAPITAL PLC "JADE AA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	6.80%	3.29%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	24-Nov-05	22-May-06	179	1,500,000.00	6.58%	4.93%
BISHOPSGATE CDO LTD "WENTWORTH AA-"	Floating Rate CDO	30-Mar-06	30-Jun-06	92	2,000,000.00	7.11%	6.57%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	7.10%	3.29%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	22-Mar-06	22-Jun-06	92	2,000,000.00	6.99%	6.57%
CYPRESS TREE CDO LTD "LAWSON AA"	Floating Rate CDO	30-Mar-06	30-Jun-06	92	1,000,000.00	6.91%	3.29%
CORSAIR NO. 2 LTD "NEWPORT AAA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	6.60%	3.29%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	22-Mar-06	22-Jun-06	92	2,000,000.00	6.70%	6.57%
TOTAL GRANGE SECURITIES					\$14,500,000.00		47.65%
ABN AMRO MORGANS							
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Mar-06	20-Jun-06	92	2,000,000.00	7.00%	6.57%
TOTAL ABN AMRO MORGANS					\$2,000,000.00		6.57%
ANZ INVESTMENTS							
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	6-Jan-06	6-Apr-06	90	500,000.00	6.83%	1.64%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	7.10%	3.29%
ECHO FUNDING PTY LTD SERIES 20 "ECHO CHARLIE AA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	500,000.00	7.10%	1.64%
TOTAL ANZ INVESTMENTS					\$2,000,000.00		6.57%
MACQUARIE FINANCIAL SERVICES							
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	30-Jan-06	28-Apr-06	88	500,000.00	7.33%	1.64%
CSFB AUSTRALIA PROPERTY LINKED NOTE (2010)	Property Linked Note	21-Mar-06	21-Jun-06	92	2,000,000.00	2.00%	6.57%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	9-Jan-06	7-Apr-06	88	2,000,000.00	7.63%	6.57%
ROCK BUILDING SOCIETY LTD (2007)	Floating Rate Sub Debt	31-Jan-06	1-May-06	90	500,000.00	8.38%	1.64%
TOTAL MACQUARIE F.S.					\$5,000,000.00		16.43%

ORDINARY MINUTES – 23 MAY 2006

WESTPAC INVESTMENT BANK								
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	27-Jan-06	27-Apr-06	90	500,000.00	6.78%		1.64%
TOTAL WESTPAC INV. BANK					\$500,000.00			1.64%
LONGREACH CAPITAL MARKETS								
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	6-Mar-06	15-Aug-06	162	500,000.00	7.00%		1.64%
TOTAL LONGREACH CAPITAL					\$500,000.00			1.64%
FUND MANAGERS								
MERRILL LYNCH INVESTMENT MANAGERS					1,058,877.75	5.85%	6.49%	3.48%
PERPETUAL INVESTMENTS					1,108,080.68	5.94%	6.42%	3.64%
ADELAIDE MANAGED FUNDS					250,000.00	5.75%	5.75%	0.82%
TOTAL FUND MANAGERS					\$2,416,958.42			7.94%
MAITLAND MUTUAL								
	Floating Rate Sub Debt	16-Jan-06	16-Apr-06	90	500,000.00	6.62%		1.64%
	Term Deposit	4-Mar-06	4-Jun-06	92	1,925,052.37	5.85%		6.33%
	Floating Rate Sub Debt	11-Mar-06	11-Jun-06	92	500,000.00	6.61%		1.64%
TOTAL M'LAND MUTUAL					\$2,925,052.37			9.61%
TOTAL INVESTMENTS					\$29,842,010.80			98.06%
CASH AT BANK					\$590,437.97	5.45%		1.94%
TOTAL CASH & INVESTMENTS					\$30,432,448.77			100.00%

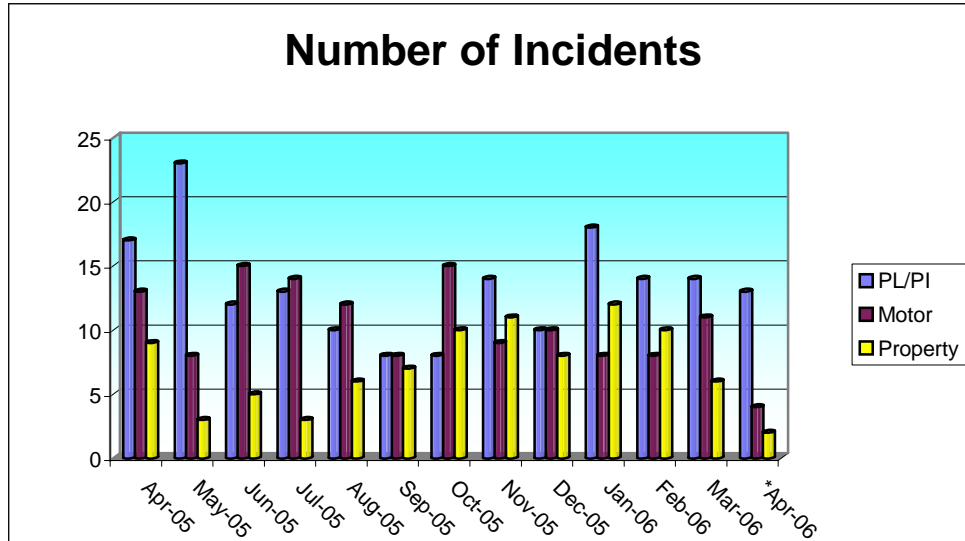
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

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

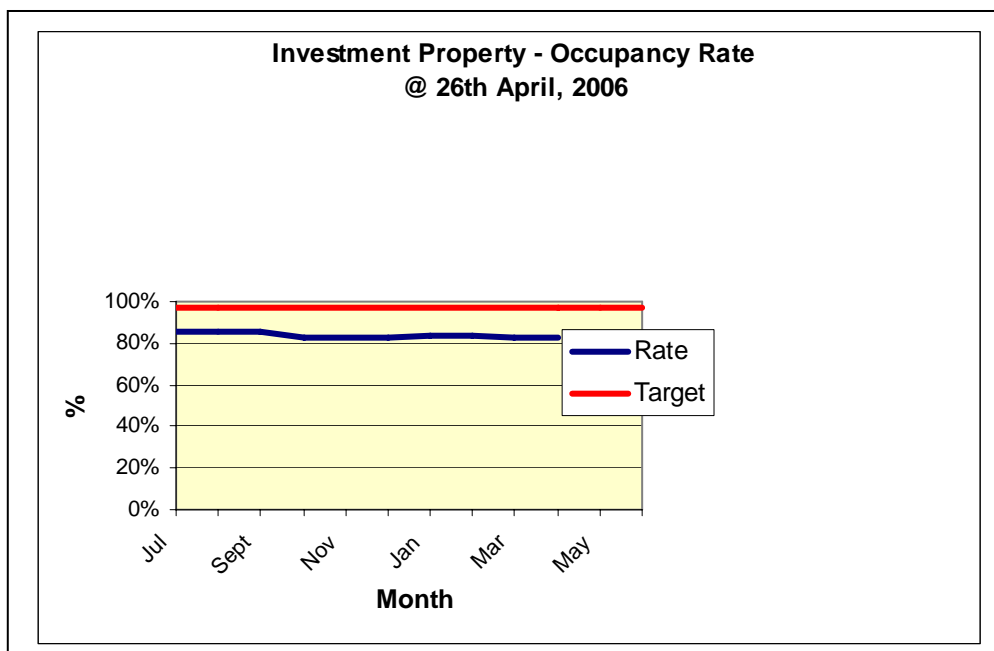
P GESLING

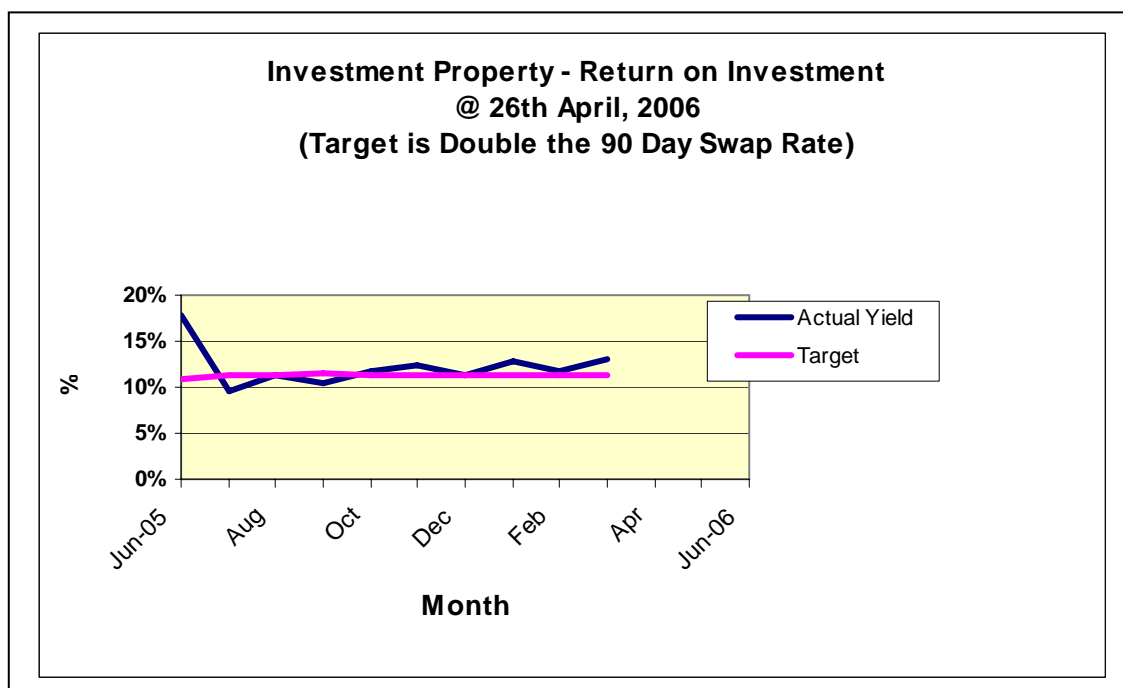
RISK MANAGEMENT

* Up to 26 April 2006 only.



PROPERTY





ORGANISATION DEVELOPMENT

Resignations

Employee	Section	Date
Kevin Greenhalgh	Works Supervisor	31/03/2006
Karen Avis	Customer Support Officer	24/03/2006
Helen Wild	Finance & Administration Manager	31/03/2006
Matthew Green	Apprentice Gardener	10/03/2006

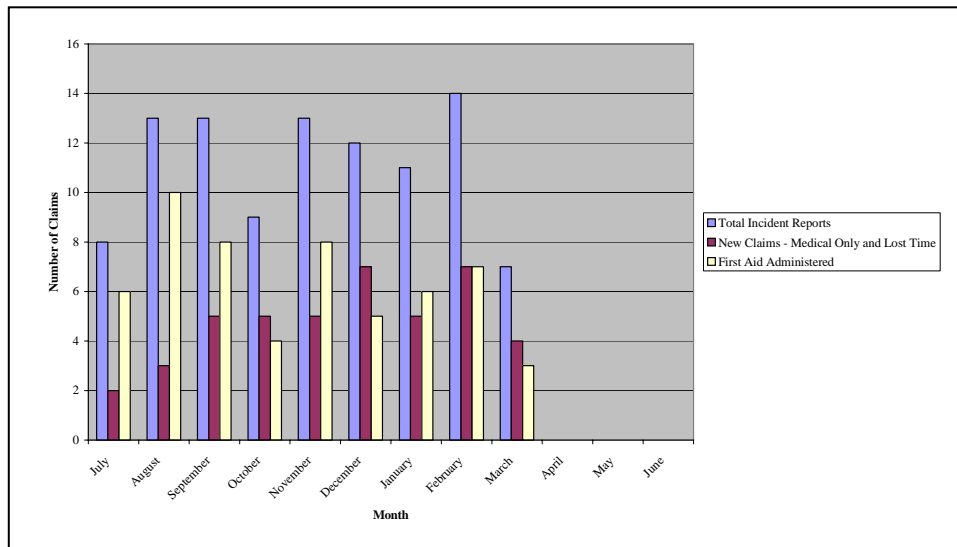
New Staff

Employee	Section	Date
Julie Walkom	Customer Service Officer	27/03/2006
Keith Crowfoot	Waste Transfer Station Officer	27/03/2006
Mark Gunns	Operator B	27/03/2006
Jenny Hope	Library Team Leader	27/03/2006
Lincoln Carter	Environmental Projects Officer	27/03/2006
Amanda Sutton	Customer Support Officer	06/03/2006
1x Library Casual		

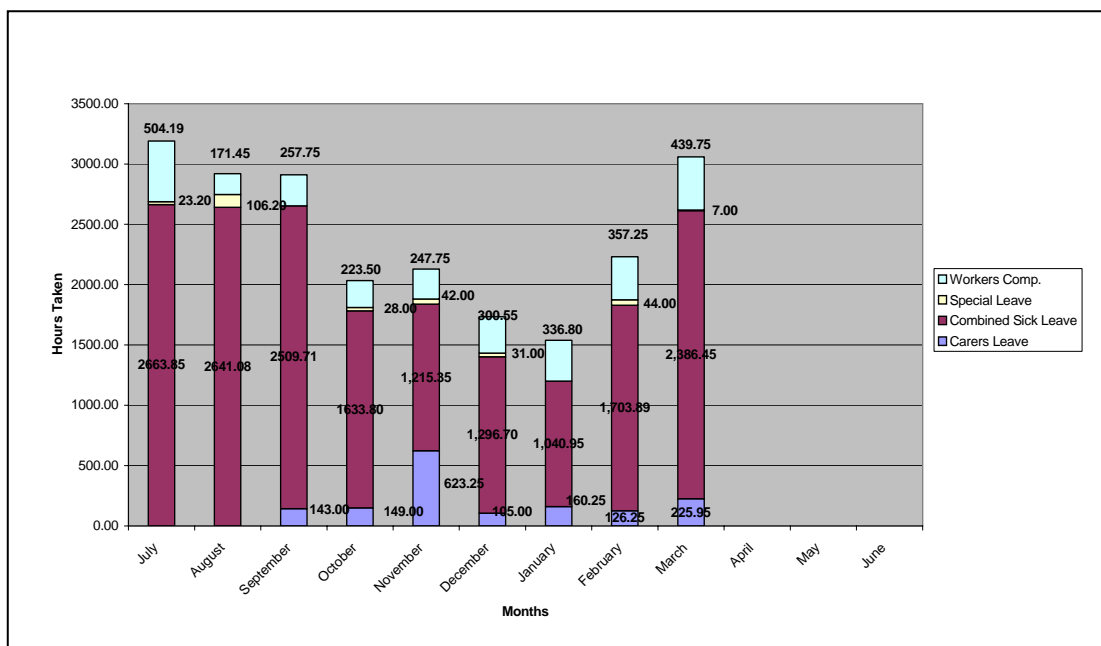
Number of Vacancies

- 28

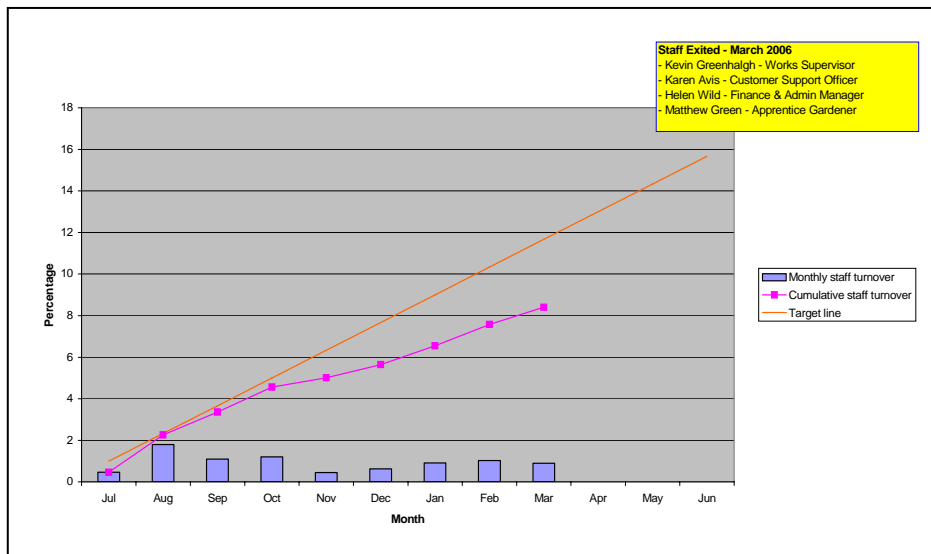
Monthly Incidents and New Claims



Unplanned Leave Taken 2005 Comparison



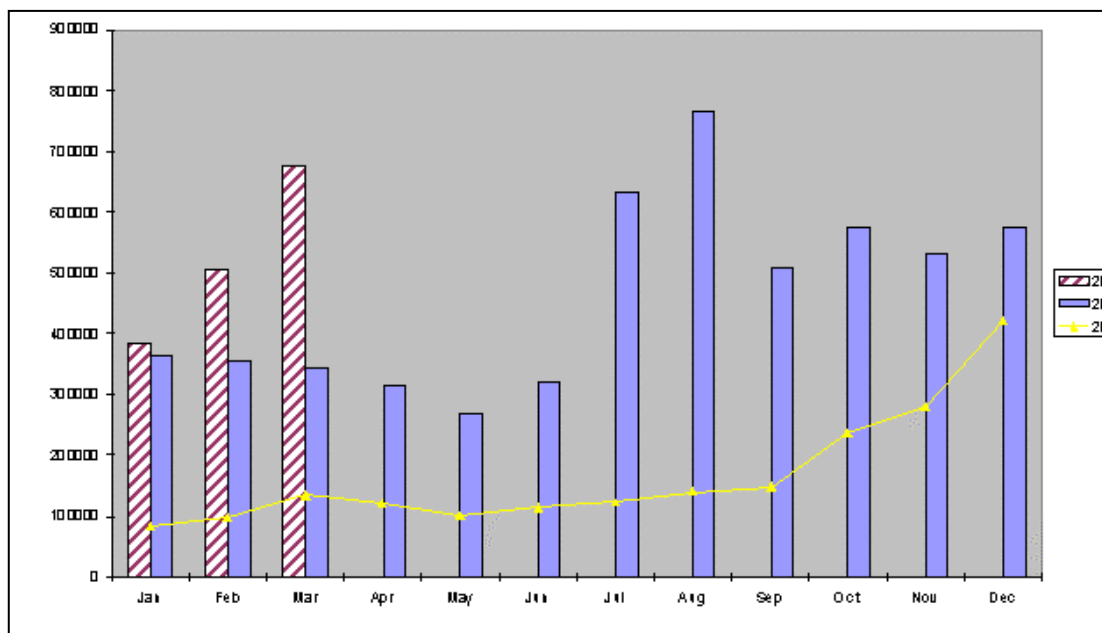
Ratio of Employment Departures to EFT as a Percentage



RESOURCES

- DA Approval and construction certificate issued for the new Ladies change room at Raymond Terrace Depot and toilets and the installation of the stormwater treatment system.
- Work Method Statements are now formulated for the workshops and being reviewed by staff.

Port Stephens WebPage Hits



STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1

**FILE NO: PSC2005-5625 & PSC2005-5626 -
PSC2005-2767 - PSC2005-2640 - PSC2005-2653 -
PSC2005-2649**

POLICY REVIEW – VARIOUS STREET & ROAD ACTIVITIES

AUTHOR: CIVIL ASSETS ENGINEER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt reviewed versions of the Policies in ATTACHMENTS 1 to 5.
-

STRATEGIC COMMITTEE MEETING – 2 MAY 2006

RECOMMENDATION:

That Council adopt reviewed versions of the policies in Attachments 1-5

Amendment:

That Council consider the amalgamation of the policies where possible and after reviewed, highlight the changes in bold.

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

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

531	Councillor Nell Councillor Jordan	It was resolved that Council consider the amalgamation of the policies where possible and after reviewed, highlight the changes in bold.
------------	--	---

BACKGROUND

The purpose of this report is to notify Council that the existing following Policies have undergone a review as part of the Policy Review Process and seek Council's endorsement of the revised policies:

- Contribution to works for Kerb and Gutter Construction & Footpath Paving / Cycleway Construction
- Assessment and Maintenance of Footpaths and Cycleways
- Footway Dining Areas in Port Stephens
- Temporary Structure on the Footway (Road Reserve)
- Street Trading by Local, Charitable and Community Organisations

The above policies have been changed as part of a policy review process. These changes are minor and only related to updating information within the policy document, such as staff position titles and document filing systems references. No changes have been made to the philosophies or essence behind the existing Policies.

LINKS TO CORPORATE PLANS

Council Plan 2005-2008, Key Result Areas

- Lifestyle – In partnership with the community, enhance the capacity and opportunities for social, economic, recreational and cultural interaction.
- Infrastructure – Manage facilities and services to meet the Community needs in a way that protects and enhances the environment and community values.

FINANCIAL/RESOURCE IMPLICATIONS

The changes to the above policies have no financial / resource implications.

LEGAL AND POLICY IMPLICATIONS

The changes to the above policies have no legal implications.

Australian Business Excellence Framework

This aligns with Principles 10 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 adequate maintenance of basic infrastructure contributes to the well being of the community.

ECONOMIC IMPLICATIONS

The adequate maintenance of basic infrastructure contributes to the economic well being of the community.

ENVIRONMENTAL IMPLICATIONS

The changes to the above policies have no significant environmental implications

CULTURAL IMPLICATIONS

The changes to the above policies have no significant cultural implications

CONSULTATION

Consultation was undertaken with Council staff that implement, utilise, and administer these Policies.

OPTIONS

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

ATTACHMENTS

1. Revised "Contribution to works for Kerb and Gutter Construction & Footpath Paving / Cycleway Construction"
2. Revised "Assessment and Maintenance of Footpaths and Cycleways"
3. Revised "Footway Dining Areas in Port Stephens"
4. Revised "Temporary Structure on the Footway (Road Reserve)"
5. Revised "Street Trading by Local, Charitable and Community Organisations"

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Adopted :18/07/2000
Minute No. 360
Amended: May 06
Minute No. #

FILE NO: PSC2005-5625 & PSC2005-5626

TITLE: CONTRIBUTION TO WORKS FOR KERB & GUTTER CONSTRUCTION & FOOTPATH PAVING/CYCLEWAY CONSTRUCTION

BACKGROUND

Over the years Council has considered several reports regarding the levying of contributions to works for kerb and gutter construction and footpath paving which sought to clarify when and how contributions should apply. Some of the more significant reports have been listed and the adopted recommendations summarised below:

- 24/04/79 - minute no. 372 – Contribution rate be 50% of the rate.
- 13/12/94 - minute no. 738 – Council donation to a private owner to assist them to pay for a large kerb and gutter project.
- 11/07/95 - minute no. 287 - Council continue charging adjoining property owners for footpath construction.
- 30/01/96 - minute no. 26 – Method for charging be amended by adding a provision for corner lots to pay $\frac{2}{3}$ of the frontage rate for the length of construction.
- 20/07/99 - minute no. 324 – Council continue charging owner kerb and gutter and footpath paving when notified prior to works. The second recommendation to charge when no prior notice given, was deferred for further consideration.
- 18/07/00 The policy was amended to ensure that Council is able to apply a contribution criteria and costing structure that is easily understood and equitable for all parties and that it is comprehensive enough to direct a course of action for the various situations that occur in relation to kerb and gutter construction and/or footpath paving/cycleway construction.

OBJECTIVE

- This policy is primarily related to the goal in the Engineering Services Transport Infrastructure Program of Council's Management Plan, to provide:

“A SAFE, EFFICIENT AND EFFECTIVE NETWORK TO TRANSPORT PEOPLE AND GOODS WITHIN AND THROUGH PORT STEPHENS.”

Funds generated under this policy will assist in achieving other objectives in this Management Plan.

- To provide a fair and systematic method for collecting contributions from adjoining property owners when Council constructs new kerb and guttering or new footpaths/cycleways.

PRINCIPLES

1. That the contribution structure be fair and equitable and accepted by the general community.
2. The Council when constructing new kerb and gutter or footpath/cycleway, for the community within a public road, will require a contribution from those adjoining property owners that benefit directly from these facilities.
3. That Council makes every endeavour to notify the property owners affected prior to commencing the work and provides details of work to be carried out and approximate amount of contribution to be paid. In exceptional circumstances when Council is unable to notify property owners prior to works and of costs, the owners are still liable to pay the contribution. That this policy detail all of the different situations and that contributions are consistently applied, to prevent any exceptions occurring.
4. In all areas of expenditure, the Council needs to achieve the best value and return to all residents and ratepayers.

POLICY STATEMENT

- Maximum fees are to be reviewed annually and must be approved by Council.
- The amount charged is not to be more than half of the actual cost of construction.
- The owner of the property becomes liable to pay the amount on receiving the notice. If the property is sold after notification has been given, the liability to pay the contribution will be the responsibility of the new owner.
- Council will advise potential new property owners by indicating what liabilities exist when issuing a certificate under section 603.
- Contributions are not applicable when the Manager of Facility and Services determines that no direct benefit can be derived from the construction, i.e. no feasible access or significant difference in level between property boundary and kerb and gutter to be constructed.
- Any person on written application may be permitted to pay their contribution by instalments to pay off the debt over a period of time (minimum fortnightly/monthly instalments) as agreed by Council.
- Regardless of the original source of funding for the construction of kerb and gutter and/or footpath/cycleway (*original source must be less than 100% of the total cost of construction*), Council will require owners' contribution in all cases where such construction fronts privately owned land as zoned below.

ASSESSING THE APPLICATION BASED ON LAND ZONING

The applicability of the any contribution is based on the land zoning of the property.

List of land zones where a contribution *is applicable* for Kerb and Guttering:

- Rural 1(c4) and 1(c5);
- Residential 2(a) and 2(c);
- Business 3(a);
- Industrial 4(a); and
- Special Urban 5(g).

List of land zones where a contribution *is applicable* for Footpath Paving and Cycleway Construction:

- Residential 2(a) and 2(c);
- Business 3(a);
- Industrial 4(a); and
- Special Urban 5(g).

BOUNDARY LOCATION & CALCULATIONS OF CONSTRUCTION COSTS.

There are three different rate structures to be applied once the zone applicability has been established:

- | | | |
|----|---------------------------------------|--|
| 1. | Front boundaries | 50.0% of the average construction cost |
| 2. | Corner Lots - Side & Front boundaries | 33.3% of the average construction cost |
| 3. | Rear boundaries | 25.0% of the average construction cost |

- The **length** used in the calculations is the length of the property boundary, but not more than the actual length of the kerb and gutter, footpath or cycleway being constructed.
- The **width** used in the calculation of footpath or cycleway construction (total construction width of shared footpath/cycleways is normally 2.5m) will be charged to property owners at an amount equal to the construction of 1.2m wide, which is considered as the footpath component.

In the case of properties with strata title or community title the cost shall be shared equally between all strata title or community title holders.

RELATED POLICIES

That Council maintains consistency with Council's Design Specification (old Subdivision Code) and other relevant policies including Council's Local Environmental Plan and Schedule of Fees for the current period.

REVIEW DATE

This policy will be reviewed every 3 years.

RELEVANT LEGISLATIVE PROVISIONS

To comply with the provisions of Section 217 of the Roads Act 1993.

SECTION 217 OF THE ROADS ACT 1993

DIVISION 3 KERBING AND GUTTERING ETC BY ROADS AUTHORITIES

217 Roads authority may recover cost of paving, kerbing and guttering footways

- (1) The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.*
- (2) The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine...[except as provided by S217].*

IMPLEMENTATION RESPONSIBILITY

- Engineering Services Department's Design and Project Development Engineer is responsible for the implementation and administration of the policy and procedures (notification of work notices to property owners, calculation of fees etc).
- Corporate Services Department's Debtors Clerk is responsible for the invoicing and collection of contributions for the works.

ATTACHMENT 2



Adopted: 27/11/2001

Minute No: 498

Amended: May 06

Minute No:

FILE NO: PSC2005-2767

TITLE: ASSESSMENT AND MAINTENANCE OF FOOTPATHS AND CYCLEWAYS

BACKGROUND

Council has not previously had a formal policy supporting the investigation, assessment and maintenance of footpaths and cycleway. The increasing cost of public liability claims against Council for incidents on footpaths and cycleways, and the ongoing need to prolong the life of Council's assets as well as providing as safe a level of service from these facilities as can be realistically possible, has highlighted the need to formalise a policy and procedure to assist in reducing Council's liability in this area.

This policy refers to formed concrete, asphalt, and paved footpaths and cycleways.

OBJECTIVE

- To support procedures for the inspection, evaluation, and maintenance of footpaths and cycleways.

PRINCIPLES

To provide an adequate level of public safety for users of the footpath and cycleway networks.

To extend the life of the footpath and cycleway asset by timely maintenance and rehabilitation.

To reduce Council's exposure to public liability claims associated with these assets.

POLICY STATEMENT

- Port Stephens Council aims to provide a safe network for pedestrians and cyclists to utilise. The Engineering Services section is committed to documenting, improving and administering the adopted procedures for assessment and maintenance of these facilities.

- The policy, together with the procedures, provides the guidelines for managing the footpaths and cycleways, and is aimed at reducing the number and value of public liability claims resulting from incidents on these networks.
- Council will within its budgetary constraints, endeavour to provide a level of funding each year to meet the maintenance requirements documented in the “Footpath and Cycleway Assessment and Maintenance Procedure.”
- By adopting the policy, Council is working towards enhancing Port Stephens’ image in keeping with Council’s Vision and Mission.

RELATED POLICIES AND DOCUMENTS

Footpath and Cycleway Assessment and Maintenance Procedure.

REVIEW DATE

This policy will be reviewed every 3 years.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993 and the Roads Act 1993.

IMPLEMENTATION RESPONSIBILITY

The Engineering Service Section is responsible for the implementation of this policy.

ATTACHMENT 3



Adopted: 28/11/2000

Minute No: 656

Amended: May 06

Minute No:

FILE NO: PSC2005-2640

TITLE: FOOTWAY DINING AREAS IN PORT STEPHENS

BACKGROUND

This policy relates directly to the use of the footway (road reserve) and associated structures for footway dining.

The approval of such activities applies mainly to urban commercial centres in the Local Government Council area.

This policy will cover areas to be used for footway/alfresco dining and includes the use of items with the activity such as tables, chairs, umbrellas, dividers where the items are not permanently fixed and removed at the end of the trading day.

The policy must be read in conjunction with the *Conditions and Procedures Manual: Footway Dining Areas in Port Stephens* and the related *Deed of Licence*. Approval may also be subject to local or specific Development Control Plan conditions, agreements/conditions formed by the local Chamber of Commerce and Industry or any other sectors approved by Council.

OBJECTIVE

To ensure that Council acts consistently and without bias and that Council regulates the use of the footway area to avoid nuisance or inconvenience to the public.

PRINCIPLES

Council has the authority to grant approval and regulate the use of the footway for outdoor dining purposes.

The approval is granted within specific conditions and any request for the use of a classified road must be with the concurrence of the Roads and Traffic Authority.

POLICY STATEMENT

Through implementation of this policy, Port Stephens Council aims to create a cosmopolitan alfresco dining/café atmosphere in appropriate areas of Port Stephens and to increase the tourism potential of the local government area.

By adopting the policy, Council is working towards enhancing Port Stephens' image in keeping with Council's Vision and Mission.

The policy, together with the Conditions and Procedures Manual, provide guidelines for implementing and maintaining footway dining areas and for regulating the use of footway dining areas to avoid nuisance or inconvenience to the public.

FEEES

The fees for Footway Dining Areas in Port Stephens are published in Council's Schedule of Fees each financial year.

RELATED POLICIES

- Temporary Structures on the Footway (Road Reserve)
- Street Trading by Local, Charitable and Community Organisations

REVIEW DATE

This policy will be reviewed every 3 years.

RELEVANT LEGISLATIVE PROVISIONS

Council's authority to approved footway dining activities is covered under:

- Local Government Act 1993 - Section 68
- Roads Act 1993 – Section 125

IMPLEMENTATION RESPONSIBILITY

The Engineering Services Department's Civil Assets Management Section is responsible for the implementation of this policy.

ATTACHMENT 4



Adopted :24/10/2000
Minute No. 574
Amended: May 06
Minute No. #

FILE NO: PSC2005-2653

TITLE: TEMPORARY STRUCTURES ON THE FOOTWAY (ROAD RESERVE)

BACKGROUND

Council has not previously had a formal policy for the use of structures on the footway (road reserve) area for the exposure of articles (whether for sale or not). The increasing use of such areas by businesses has highlighted the need to formalise a policy and procedures to assist in reducing Council's liability with such activities.

This policy refers to non-permanent structures such as tables, baskets, sandwich boards, racks used for display of goods, brochures, or information/advertising/promotional material that relates to the adjoining business activity. The only non-permanent structure that does not have to be directly related to the core business activity will be plant boxes/pots used for beautification purposes only and having no advertising content.

OBJECTIVE

To ensure that Council acts consistently and without bias and that Council regulates the use of the footway area to avoid nuisance or inconvenience to the public.

PRINCIPLES

- 1) To legitimise and manage an existing retail business practice where it impacts on pedestrian safety.
- 2) To ensure businesses participating are adequately covered by public liability insurance.
- 3) To regulate the use of areas in a consistent and equitable manner.

POLICY STATEMENT

The approval of such structures applies mainly to urban commercial centres in the Local Government Council area.

This policy **covers** the following types of structures:

- Clothing racks;
- Sandwich boards/ A frames (in all areas);

- Tables/barrows/display structures for the sale or advertising of items;
- Information/advertising/promotional material racks; and
- Plants in boxes/pots.

This policy **does not cover** the following types of structures:

- Items related to Footway Dining, such as tables, chairs, umbrellas, dividers etc which are covered by the Footway Dining Policy.;
- Any structures, furniture, fixtures etc that are intended to be fixed or not removed at the end of the trading day;
- Kiosks;
- Road side stalls in rural areas; and
- Sails and other fixed shade items.

Placement of structures must be on the actual shop frontage and should not impinge on adjacent business frontages.

This policy does not cover any structures that are permanent or are not removed at the end of each days trading.

Fees

The fees for Temporary Structures on Footway (Road Reserve) are published in Council's Schedule of Fees each financial year.

RELATED POLICIES

- Footway Dining Areas in Port Stephens.
- Street Trading by Local, Charitable and Community Organisations

REVIEW DATE

This policy will be reviewed every 3 years.

RELEVANT LEGISLATIVE PROVISIONS

Street vending activity is controlled by Council approval under Section 68 of the Local Government Act 1993. The installation of structures and the operation of footway restaurants is controlled by approvals under the Roads Act 1993.

IMPLEMENTATION RESPONSIBILITY

The Engineering Services Department's Civil Assets Management Section is responsible for the implementation of this policy.

ATTACHMENT 5



Adopted: 19/12/2000

Minute No: 713

Amended: May 06

Minute No:

FILE NO: PSC2005-2649

TITLE: STREET TRADING BY LOCAL, CHARITABLE AND COMMUNITY ORGANISATIONS

BACKGROUND

This policy relates directly to the use of casual street stalls on the footway (road reserve) by local, charitable and community organisations.

The approval of such activities applies mainly to urban commercial centres in the Port Stephens Local Government area.

The policy should be read in conjunction with the *Casual Street Stalls General Conditions and Agreement* and *Casual Street Stalls Application Form*.

OBJECTIVE

To ensure that Council acts consistently and without bias and that Council regulates the use of the footway area, for the purpose of casual street stalls to avoid nuisance or inconvenience to the public.

PRINCIPLES

Port Stephens Council has the authority to grant approval and regulate the use of the footway for casual street stalls.

The approval is granted within the authority of the Local Government Act 1993.

POLICY STATEMENT

Through implementation of this policy, Port Stephens Council aims to provide the opportunity for casual street stalls while ensuring that pedestrian traffic and local businesses are not adversely affected.

By adopting the policy, Council is working towards enhancing Port Stephens' image in keeping with Council's Vision and Mission.

The policy, together with the *Casual Street Stall General Conditions and Agreement*, provide guidelines for approving and regulating casual street stalls and the basis for regulating the use of footway areas to avoid nuisance or inconvenience to the public.

Council staff, following a series of procedural guidelines linked to this policy, will be able to determine the applicants' suitability. This system will ensure that a fair and equitable procedure is in place to allow all local, charitable and community organisations to raise funds.

FEES

Nil

RELATED POLICIES

- Footway Dining Areas in Port Stephens
- Temporary Structure on the Footway (Road Reserve)

REVIEW DATE

This policy will be reviewed every 3 years.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993 – Section 68, Part E, 2.

IMPLEMENTATION RESPONSIBILITY

The Engineering Services Department's Civil Assets Management Section is responsible for the implementation of this policy.

ITEM NO. 2

FILE NO: PSC2005-3231

ASSET MANAGEMENT POLICY AND GUIDELINE

AUTHOR: – CIVIL ASSETS ENGINEER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Asset Management Policy (**AS TABLED**)
 - 2) Adopt the Asset Management Guideline (**AS TABLED**)
-

STRATEGIC COMMITTEE MEETING – 2 MAY 2006

RECOMMENDATION:

That the recommendation be adopted.

Tabled Document: Asset Management Policy and Guideline

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

532	Councillor Dingle Councillor Tucker	It was resolved that Council defer this matter for a round table discussion to discuss the asset management policy and guideline.
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Tabled Document: Asset Management Policy and Guideline

Note: Cr Robinson returned to the Chambers at 7.23pm during Item 2.

BACKGROUND

The purpose of this report is to present to Council for approval Asset Management Policy and the Asset Management Guideline.

Asset Management Focus Group (Mid 2004)

In 2004 a Focus Group was formed under the guidance of the Facilities and Services Group Manager to resolve uncompleted tasks regarding Council's asset management. The goal of Focus Group was to establish a consistent approach to the management of Council's assets. The Focus Group resolved that the following steps were required if the goal was to be attained.

Step 1 Examine asset management practices of other major asset owners such as local governments, utilities (water, energy, other authorities), and private organisations;

- Step 2** Determine from the above examination what is the current best practice in the asset management industry;
- Step 3** Use to develop a Guideline to describe the fundamentals of asset management.
- Step 4** Use the Guideline to develop a Template for writing Asset Management Plans;
- Step 5** Review the existing Draft Asset Management Policy (2004/05);
- Step 6** Undertake a gap analysis, that is an analysis of the difference between what is needed and what is available (OR where you are and where you want to be; and
- Step 7** Gain Council adoption of the Asset Management Policy, Asset Management Guideline, and detail for Council's information, the accompanying gap analysis and action list proposed for implementation.

Best Practice (Steps 1 to 2)

The International Infrastructure Management Manual (2006) Version 3 is considered current "best practice" in asset management of infrastructure. The International Infrastructure Management Manual (IIMM) was formulated by National and International working groups and is endorsed by many National and International Local Governments, utility organisations, the World Bank and private organisations. Fortunately, this manual has evolved from work done first in New Zealand in the mid-1990's, then Australia, and more recently the United Kingdom, U.S.A and South Africa.

The Asset Management Guideline and the Asset Management Plan Template (Steps 3 to 4)

The Guideline **ATTACHMENT 3 (as tabled)** was developed from the IIMM and describes the fundamentals of asset management. These fundamentals were built-into the Template so all Asset Management Plans address all issues relating to asset management best practice.

Policy (Step 5)

The existing Draft Asset Management Policy **ATTACHMENT 2** has been modified to better reflect Council's intent to undertake asset management and will do so in accordance with best practice. It should be noted that the Draft Asset Management Policy received no public comment and the proposed Asset Management Policy is detailed in **ATTACHMENT 1**.

Gap Analysis (Step 6)

Asset Management Plans and Action List

The first round of Asset Management Plans (AMP) were written using the Template. While writing each AMP gaps in documentation and or data became evident. Works required to fill these gaps were placed in an "Action List" in each AMP. The compilation of "all" the AMP Action Lists is in **ATTACHMENT 4 (as tabled)**.

LINKS TO CORPORATE PLANS

The commitment to service excellence is demonstrated in the PSC Management Plan 2005-2008 Organisation Mission Statement.

“Our services are inclusive, creative and flexible and are grounded in our partnership with our community. They demonstrate our commitment to service excellence.”

The AMP is a tool to aid in achieving the goals stated in the PSC Management Plan 2005-2008. Sections within the PSC Management Plan that relate directly to asset management include:

- Section 8.5 – Planning and Development, Managing Growth and Planning for our Future.
- Section 8.6 – Infrastructure (Asset Management), Delivering Facilities and Services.
- Section 8.9 – Our Finances, Financing our future.
- Section 11.14 – Asset Rehabilitation Programme
- Section 11.16 – Environmental and Roads Rehabilitation Levy

FINANCIAL/RESOURCE IMPLICATIONS

Resources need to be diverted to undertake the works in the Action List. The Action List in Attachment 3 indicates if resources have been allocated to the proposed future tasks. Actions in the list without a resource allocation are out of the scope of this report and will be dealt with by the asset owner.

LEGAL AND POLICY IMPLICATIONS

The introduction of a documented Asset Management system will provide a consistent and transparent management of Council's assets to achieve sustainability. This transparency and process driven plans will reduce non-value added works practices and reduce liability claims against Council through future risk mitigation.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework namely:

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) To improve the outcome, improve the system and its associated processes
- 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
- 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

Department of Local Government Report

The Asset Management Policy, Guideline, Template, and Gap Analysis shall address issues and recommendations made in the 2005 by the Department of Local Government report "Local Government Reform Program – Promoting Better Practice". **ATTACHMENT 5** contains recommendations made by the Department of Local Government that are pertinent to asset Management.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Asset Management Policy and Guideline gives Council the tools to systematically consult and communicate to its community to formulate sustainable changes to existing services and standards to meet futures needs.

ECONOMIC IMPLICATIONS

The Asset Management Policy and Guideline processes will systemically examine and review the services and standards to sustainability meet current and futures needs.

ENVIRONMENTAL IMPLICATIONS

The Asset Management Policy and Guideline processes will systemically examine and review the services and standards to sustainability meet current and futures needs.

CULTURAL IMPLICATIONS

The provision of appropriate infrastructure assets enables better cultural outcomes to be potentially achieved.

CONSULTATION

Consultation was undertaken with the Asset Management Focus Group, Section Managers, Executive Group, Council's asset owners and those that manage assets, areas of Council involved in providing information to compile Framework, Guidelines and Asset Management Plans. External consultation was undertaken with other Councils, Utilities, and other major asset owners.

Council Briefings on Asset Management

This Focus Group has undertaken two Council briefings to present the progress of Council's management of assets.

24th August 2004 – Notify Council the path that Council was taking to document the implementation of Asset Management Plans. This briefing also summarised the current status of Council's Assets.

28th February 2006 – Presented the Asset Management Guideline discussing Asset Management philosophies behind the Guideline. These philosophies were used to create the Asset Management framework.

OPTIONS

- 1) Adopt the attached Asset Management Policy and Asset Management Guideline

- 2) Make amendments to the either or both documents - Asset Management Policy and Asset Management Guideline.
- 3) Reject either or both documents - Asset Management Policy and Asset Management Guideline

ATTACHMENTS

- 1) (Proposed) Asset Management Policy (2005/06)
- 2) (Draft) Asset Management Policy (2004/05)
- 3) Asset Management Guideline **(TO BE TABLED)**
- 4) Asset Management Plan – Action List **(TO BE TABLED)**
- 5) Sections of the Department of Local Government report “Local Government Reform Program – Promoting Better Practice”

TABLED DOCUMENTS

- 1) Asset Management Guideline
- 2) Asset Management Plan

ATTACHMENT 1



Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2005-3231

TITLE: ASSET MANAGEMENT POLICY

RESPONSIBLE OFFICER: ENGINEERING SERVICES MANAGER

BACKGROUND

Port Stephens Council is responsible for a large and diverse asset base. These assets include roads, bridges, footpaths, drains, libraries, childcare centres, halls, parks, sporting facilities, land, commercial properties and investments to name a few. According to Council's Charter under the Local Government Act, with regard to asset management, Council should:

- Provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services are managed efficiently and effectively;
- Have regard to the long term and cumulative effects of its decisions; and
- Bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.

Over time Port Stephens Council has greatly increased its net assets, which has consequently increased its depreciation, operating and maintenance costs to an already large and aging asset base. In order to manage this asset base, strategies and plans designed to address issues regarding asset lifecycles need to ensure that priorities are designed in line with organisational objectives, that financing and expenditure is planned and controlled in accordance with these priorities, and that resources are used as effectively and efficiently as possible. This Asset Management Policy is a general statement of how Port Stephens Council will manage its assets into the future.

OBJECTIVE

The objectives of this policy is to demonstrate Council's commitment to developing, managing, maintaining and operating its assets to an agreed level of service with its community while optimising lifecycle costs in accordance with current asset management world and Australian best practice.

PRINCIPLES

Australian Business Excellence Framework

This aligns with the following Principles of the ABE Framework namely:

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) To improve the outcome, improve the system and its associated processes
- 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

POLICY STATEMENT

Council is committed to undertake the management of assets in accordance with current best practice that is outlined in the accompanying Port Stephens Council's Asset Management Guideline. The guideline details areas of asset management to be addressed including:

- Gathering Background Data of the Asset (What is the asset, the capacity, the value)
- Planning (The Big Picture)
- Creation / Acquisition / Augmentation Plan (How we gain assets)
- Financial / Risk Management Plan (How we fund asset management)
- Operations and Maintenance Plan (How we maintain asset and to what standard)
- Condition and Performance Monitoring (What is asset performance against needs)
- Rehabilitation / Replacement Plan (How and when we upgrade our asset)
- Consolidation / Rationalisation Plan (How we optimise our management of assets)
- Audit Plan (Is the process working efficiently and effectively)

In accordance with asset management best practice Council in consultation and partnership with its community shall:

- Provide non-asset answers for current and future service delivery wherever possible
- Prefer rehabilitation to replacement to embellishment to new asset works to become more sustainable in the long term
- Provide consolidated assets designed to fulfil multi-purpose activities thereby maximising utilisation and lowering overhead and other costs
- Prefer consolidated assets also designed for flexibility to respond to changing community needs into the future
- Periodically review its asset base.

RELATED POLICIES

Asset management covers many activities in local government and as a multidisciplinary organisation there is an extensive list of related community and Council strategies, plans and policies. Therefore only a selection of key related strategies, plans and policies are listed below.

- Port Stephens Local Environmental Plan (LEP) 2000
- Port Stephens Urban Settlement Strategy
- Port Stephens Economic Development Strategy
- Port Stephens Community Services and Facilities Strategy
- Port Stephens Social and Community Plan
- Port Stephens S94 Plans
- PS 10 Building Standards and Notification Procedures for Development Applications
- PS 8 Guidelines for Exempt and Complying Developments
- PS Generic Sportsground Plan of Management
- Communication and Consultation Strategy
- Sustainability Policy
- Risk Management Strategy
- Disability Access Policy
- Assessment and Maintenance of Roads Policy
- Assess and Maintenance of Footways Cycleways Policy

SUSTAINABILITY IMPLICATIONS

The Port Stephens Council's Asset Management Policy and accompanying Asset Management Guideline provides the tools to ensure that Council examines and reviews the services and standards provided by its assets to sustainability meet current and futures needs. Asset management directions and actions shall be considerate of but not limited to the implications listed below.

SOCIAL IMPLICATIONS

The social implication of community safety, needs and priorities, equity, amenity and utilization.

ECONOMIC IMPLICATIONS

asset condition, availability of external funds, user and owner costs, impacts on local economic activities

ENVIRONMENTAL IMPLICATIONS

protection and conservation of environmental assets, resource use, energy and water conservation.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993 - Section 8 The Council Charter

IMPLEMENTATION RESPONSIBILITY

All Council Staff responsible for the whole or part lifecycle management of Council assets.

REVIEW DATE

May 2009

ATTACHMENT 2



DRAFT POLICY

Adopted:
Minute No:
Amended:
Minute No:

FILE NO: 1410-030

TITLE: ASSET MANAGEMENT POLICY

BACKGROUND

Port Stephens Council is responsible for a large and diverse asset base. Assets within the control of Council include roads, bridges, footpaths, drains, libraries, childcare centres, halls, parks, sporting facilities, land, commercial properties and investments and others. According to Council's Charter under the Local Government Act, Council must

Bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.

Over time Council has increased its net asset base, which has consequently increased depreciation expense and maintenance costs. Management strategies designed to address this growing issue need to ensure that priorities are designed in line with organisational objectives, that financing and expenditure is planned and controlled in accordance with these priorities, and that resources are used as effectively and efficiently as possible.

OBJECTIVE

The objectives of this policy are to:

- Provide guidelines in the allocation of resources for asset management;
- Establish a framework which will underpin the implementation of an asset management system; and
- Facilitate the management of assets across Council.

PRINCIPLES

- 3) **Sustainability** – Council is committed to providing our community with services and infrastructure which is sustainable over the long term
- 4) **Community Involvement** - Community involvement will be sought in the long-term planning of community assets
- 5) **Asset Management** – Council will employ sound asset management practices which will be focused on sustainability, community benefit and sound financial management.

POLICY STATEMENT

Asset needs will be determined fairly and equitably on the basis of greatest community need, and will be managed in a way which maximises social, environmental and economic benefits while taking account of Council's financial and legal obligations. The purpose of Asset Management at Port Stephens Council is:

- Optimising community benefit;
- Maximising the use of available resources;
- Reducing risks of accidents and financial liability;
- Reducing legal liability for Council; and
- Compliance with Council's charter and Local Government Act requirements.

Sustainability

All Council expenditure proposals will be rated according to their contributions towards sustainability. This assessment will include consideration of factors such as:

- Social issues such as safety, community needs and priorities, utilisation, equality and equity, and amenity
- Economic issues such as asset condition, availability of external funds, user and owner costs, impacts on local economic activities
- Environmental issues such as protection and conservation of environmental assets, resource use, energy and water conservation

When allocating funds, Council will put a priority on the management of existing assets (asset rehabilitation) rather than the construction of new assets (Capital Works)

Community Involvement:

- The Asset Rehabilitation programme will include an annual community review of Council's integrated forward works programme.

Asset Management

- Forward Planning – A programme of asset rehabilitation will be maintained for each asset class. This will be the responsibility of each asset owner, and will form the basis of the 3 year integrated forward works programme to be developed corporately each year;
- Asset Replacement – Asset replacement may be selected as the most appropriate form of asset rehabilitation by means of an analysis of costs and benefits. Should this be the case, rationalisation strategies will also be considered for that class of asset;
- Private Sector Funding - Council will encourage and actively seek private sector partnerships in the provision of new and existing assets. This will be accompanied by clear articulation of outcomes and constraints for Council, as well as training and skills development to ensure these partnerships are beneficial for Council;
- Asset Condition Rating – All Council assets will be rated in accordance with AAS27;
- Restricted Funds - Funds from the Asset Rehabilitation Restricted Fund will be available for both infrastructure assets as well as environmental asset rehabilitation projects; and
- Role Definition - An asset owner will be nominated for each asset class, and this role will include responsibility for all asset management functions. Planning, budgeting and reporting functions will be the responsibility of the asset owners, and will be co-ordinated corporately.

RELATED POLICIES

Management Plan and Budget
Community Services and Facilities Strategy
Engineering Forward Works Programme
Restricted Fund Policy
Accounting for Non-Current Assets
Relevant Accounting Standards

REVIEW DATE

October 2003

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993

IMPLEMENTATION RESPONSIBILITY

Co-Ordination -

- **Finance** – Budgeting, accounting and reporting
- **Business and Development** – Asset inventory and reporting
- **Organisation Development** – Management Plan, Quarterly and Annual Report co-ordination
- **Project Services** – Asset maintenance

Asset Management –

- **Corporate Management** - Administration Building
- **Project Services** - SES and RFS Building
- **Community Services** – Halls, Multi-purpose Community Centres, Preschools and Childcare Centres, Buses, Libraries and their collections
- **Sport and Recreation** - Leisure Centres, Sportsfields and associated amenities, Parklands and associated amenities, Equestrian facilities, Skate parks, Cemeteries
- **Business and Development** - Tourism information centre, Holiday parks, Investment properties, Land and land improvements
- **Finance and Administration** - Newcastle Airport, Office Equipment
- **Engineering Services** - Bus shelters, Cycleways and footpaths, Drainage, Road and traffic facilities, Bridges, Parking areas, Transfer stations, Waste facilities, Rehabilitation of landfills
- **Resources** – Depots, Plant and equipment, Software and hardware, Fleet, Quarries
- **Environmental Services** - Bush regeneration, Environmental plans, Weed management

ATTACHMENT 3

(ASSET MANAGEMENT GUIDELINE TO BE TABLED)

ATTACHMENT 4

(ASSET MANAGEMENT PLAN TO BE TABLED)

ATTACHMENT 5

DEPARTMENT OF LOCAL GOVERNMENT REPORT “LOCAL GOVERNMENT REFORM PROGRAM, PROMOTING BETTER PRACTICE” ASSET MANAGEMENT PERTINENT RECOMMENDATIONS.

Recommendation 13:

Council should develop a comprehensive disposal policy for its assets.

Recommendation 27:

Council should complete the development of its long-term financial plan in conjunction with its strategic planning processes, taking into account the following considerations

- a. Alternative sources of revenue
- b. Long term rates strategy (rating structure, special variations etc)
- c. Long term borrowing needs and debt service ratio
- d. Investment strategies
- e. The alignment of its long-term financial plan with other strategic directions such as 2030, asset management, social and strategic plans
- f. Long-term plans for capital works, land acquisition and anticipated demand for community facilities
- g. Reserves and section 94 contributions
- h. Asset management plan
- i. Ward funds

Recommendation 29:

Council should link its current review of section 94 contributions plans to its capital works program and long term financial and asset management plans.

Recommendation 30 and 31:

Council should continue to develop a comprehensive asset management plan, which includes the rationalisation of assets and a maintenance program. Council is encouraged to continue in its process of linking:

- Inventory collection – frequency, condition assessments
- Service levels – internal and external, maintenance plans
- Risk assessment – public liability and risk
- Asset life – future demand analysis, deterioration and depreciation
- Sustainability gap.

ITEM NO. 3**FILE NO: PSC2006-0984****NSW DEPARTMENT OF COMMUNITY SERVICES – AUTHORITY TO SIGN DOCUMENTS****AUTHOR: GOVERNANCE COORDINATOR**

RECOMMENDATION IS THAT COUNCIL:

- 1) Affix the seal to the consent document to allow the execution of documents between Council and the Department of Community Services.
-

STRATEGIC COMMITTEE MEETING – 2 MAY 2006**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING – 23 MAY 2006**RECOMMENDATION:**

533	Councillor Hodges Councillor Westbury	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is for Council to provide under seal the authority for documents to be signed as required by the Department of Community Services (DoCS).

In accordance with the Service Agreements between Council and the Department of Community Services, the Department requires Council to provide approval under seal for documents to be signed by Council officers.

As part of the efficiency being introduction by DoCS it is seen that by Council providing this approval it will negate the need to provide a report to Council on each of the documents that support the Service Agreement between Council and DoCS, such as:-

- Documents of service delivery with DoCS
- Accountability documents and financial statements
- Various minor contracts
- Discussion around day to day matters

DoCS will hold the approval document which will enable the Council officers to process the above documents with DoCS.

As Council is aware, Council can only delegate to the General Manager and not to any other Council officer. By Council providing this approval Council is only stating that consent is given for the respective officers to sign the documents, Council is not using its power of delegation. The delegation to sign such documents is provided by Council to the General Manager and the General Manager, through his sub-delegation powers has sub-delegated to the relevant Council officers. Those officers being Group Manager Business & Support and Community & Library Services Manager.

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

The Local Government Act provides the power of delegation from Council to the General Manager. Council also has an obligation to DoCS under the Service Agreement to provide executed documentation.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Nil

OPTIONS

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

ATTACHMENTS

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

ITEM NO: 4**FILE NO: A2004-0168****DELEGATIONS – ENFORCEMENT OF RESTRICTED PARKING
AREAS AT NEWCASTLE AIRPORT****POSITION TITLE: GOVERNANCE COORDINATOR****RECOMMENDATION IS THAT COUNCIL:**

- 1) Delegate the functions as shown in ATTACHMENT 1 to nominated Newcastle Airport Limited employees to enforce restricted parking at Newcastle Airport.
- 2) Authorise the affixing of the Council seal to the delegation documents.
- 3) Revoke the delegations to Tania Dickens and Robert Zwatzka.

STRATEGIC COMMITTEE MEETING – 2 MAY 2006**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING – 23 MAY 2006**RECOMMENDATION:**

534	Councillor Hodges Councillor Nell	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to review the delegations of nominated staff of the Newcastle Airport Limited.

Council last reviewed the delegations in December 2004 in accordance with requirements under the Local Government Act 1993. Since this time changes in staff and titles of staff has occurred, hence the updated delegations before Council.

The updated delegations are provided in ATTACHMENT 1. The two employees of Newcastle Airport Limited (NAL) referred to in the recommendation are no longer with NAL.

LINKS TO CORPORATE PLANS

The delegations are aimed at helping Council to achieve the governance objective of providing stable and democratic Local Government representing the interests of the local community, acting in the best interests of the community.

FINANCIAL/RESOURCE IMPLICATIONS

All money remitted by the Infringement Processing Bureau in relation to infringement notices issued at Newcastle Airport will be credited to Newcastle Airport Limited.

LEGAL AND POLICY IMPLICATIONS

Port Stephens Council holds an authority from the NSW Police Commissioner's delegate dated 14 January 1999 that authorises Council to issue infringement notices for parking offences in certain restricted parking areas within the local government area. The Service Agreement has now been varied to include enforcement of restricted parking within the boundaries of Newcastle Airport. The authority is under the *Road Transport (General)(Penalty Notice Offences) Regulation 2002* (NSW).

Under the *Local Government Act 1993* (NSW), Council as the Local Government authority can delegate the functions associated with the enforcement authorisation granted by NSW Police Service for enforcement of restricted parking at Newcastle Airport to NAL employees. Council can also adopt a policy in relation to the issuing of infringement notices at NAL.

To avoid a situation where NAL employees are considered, at common law, to be Council employees, Council will need to:

- delegate authority to specified NAL employees to issue infringement notices, the delegation requiring those NAL employees to comply with a specific PSC Policy
- the policy should not provide any method of direct control over the NAL delegate/employee – instead, Council may simply withdraw delegation to an employee of NAL if that delegate does not comply with the terms of delegation
- delegate to NAL authority to manage, monitor and report to Council in relation to NAL enforcement officers.

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
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Enforcement of restricted parking will help increase the flow of traffic, access and egress to the airport terminal and operations in general at Newcastle Airport.

ECONOMIC IMPLICATIONS

There are no major economic implications.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

CONSULTATION

Legal Officer

OPTIONS

- 1) Adopt the recommendation
- 2) Amended the recommendation

ATTACHMENTS

- 1) Amended delegation to nominated employees of Newcastle Airport Limited

ATTACHMENT 1



**INSTRUMENT OF DELEGATION TO BERNARD EDMONDS, AIRPORT
OPERATIONS OFFICER, NEWCASTLE AIRPORT LIMITED**

Review Date: 22 May 2001
21 December 2004

Delegations.

Pursuant to Sections 355, 377 and 381 of the *Local Government Act 1993* (NSW), Port Stephens Council hereby delegates the following powers, authorities, duties or functions to Bernard Edmonds, who holds the position of Airport Operations Officer, Newcastle Airport Limited. These delegations are to be exercised according to:

- the requirements of the Local Government Act, 1993, and Regulations thereunder;
 - the requirements of any other relevant Act, law or regulation;
 - any expressed resolution or policy of Port Stephens Council.
- In accordance with relevant Council policy, authority under the *Road Transport (General) (Penalty Notices Offences) Regulation 2002* (NSW) to enforce restricted parking within the boundaries of the land on which Newcastle Airport operates and to issue infringement notices under cl 60(1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (NSW)

The delegation to Bernard Edmonds is effective from the date of this Instrument of Delegation as authorised by Council. The above delegations revokes all previous delegations to Bernard Edmonds.

The common seal of the Port Stephens Council)

Was hereto affixed pursuant to a Resolution of the)

Mayor

Council at its meeting of Min)

Councillor



INSTRUMENT OF DELEGATION TO DOUGLAS PAGE – OPERATIONS TECHINICAL TRAINER, NEWCASTLE AIRPORT LIMITED

Review Date: 22 May 2001
21 December 2004

Delegations.

Pursuant to Sections 355, 377 and 381 of the *Local Government Act 1993* (NSW), Port Stephens Council hereby delegates the following powers, authorities, duties or functions to Douglas Page, who holds the position of Operations Technical Trainer, Newcastle Airport Limited. These delegations are to be exercised according to:

- the requirements of the Local Government Act, 1993, and Regulations thereunder;
 - the requirements of any other relevant Act, law or regulation;
 - any expressed resolution or policy of Port Stephens Council.
- In accordance with relevant Council policy, authority under the *Road Transport (General) (Penalty Notices Offences) Regulation 2002* (NSW) to enforce restricted parking within the boundaries of the land on which Newcastle Airport operates and to issue infringement notices under cl 60(1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (NSW)

The delegation to Douglas Page is effective from the date of this Instrument of Delegation as authorised by Council. The above delegations revokes all previous delegations to Douglas Page.

The common seal of the Port Stephens Council)

Was hereto affixed pursuant to a Resolution of the)

Mayor

Council at its meeting of Min)

Councillor



INSTRUMENT OF DELEGATION TO JACKIE NORRIS, AIRPORT OPERATIONS OFFICER, NEWCASTLE AIRPORT LIMITED

Review Date: 22 May 2001
21 December 2004

Delegations.

Pursuant to Sections 355, 377 and 381 of the *Local Government Act 1993* (NSW), Port Stephens Council hereby delegates the following powers, authorities, duties or functions to Jackie Norris, who holds the position of Airport Operations Officer, Newcastle Airport Limited. These delegations are to be exercised according to:

- the requirements of the Local Government Act, 1993, and Regulations thereunder;
 - the requirements of any other relevant Act, law or regulation;
 - any expressed resolution or policy of Port Stephens Council.
- In accordance with relevant Council policy, authority under the *Road Transport (General) (Penalty Notices Offences) Regulation 2002* (NSW) to enforce restricted parking within the boundaries of the land on which Newcastle Airport operates and to issue infringement notices under cl 60(1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (NSW)

The delegation to Jackie Norris is effective from the date of this Instrument of Delegation as authorised by Council. The above delegations revokes all previous delegations to Jackie Norris.

The common seal of the Port Stephens Council)

Was hereto affixed pursuant to a Resolution of the)

Mayor

Council at its meeting of Min)

Councillor



INSTRUMENT OF DELEGATION TO JASON EDMONDS, TERMINAL OPERATIONS COORDINATOR, NEWCASTLE AIRPORT LIMITED

Review Date: 22 May 2001
21 December 2004

Delegations.

Pursuant to Sections 355, 377 and 381 of the *Local Government Act 1993* (NSW), Port Stephens Council hereby delegates the following powers, authorities, duties or functions to Jason Edmonds, who holds the position of Terminal Operations Coordinator, Newcastle Airport Limited. These delegations are to be exercised according to:

- the requirements of the Local Government Act, 1993, and Regulations thereunder;
 - the requirements of any other relevant Act, law or regulation;
 - any expressed resolution or policy of Port Stephens Council.
- In accordance with relevant Council policy, authority under the *Road Transport (General) (Penalty Notices Offences) Regulation 2002* (NSW) to enforce restricted parking within the boundaries of the land on which Newcastle Airport operates and to issue infringement notices under cl 60(1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (NSW)

The delegation to Jason Edmonds is effective from the date of this Instrument of Delegation as authorised by Council. The above delegations revokes all previous delegations to Jason Edmonds.

The common seal of the Port Stephens Council)

Was hereto affixed pursuant to a Resolution of the)

Mayor

Council at its meeting of Min)

Councillor



INSTRUMENT OF DELEGATION TO KLARA PAYNE, AVIATION & SYSTEMS ADMINISTRATOR, NEWCASTLE AIRPORT LIMITED

Review Date: 22 May 2001
21 December 2004

Delegations.

Pursuant to Sections 355, 377 and 381 of the *Local Government Act 1993* (NSW), Port Stephens Council hereby delegates the following powers, authorities, duties or functions to Klara Payne, who holds the position of Aviation & Systems Administrator, Newcastle Airport Limited. These delegations are to be exercised according to:

- the requirements of the Local Government Act, 1993, and Regulations thereunder;
 - the requirements of any other relevant Act, law or regulation;
 - any expressed resolution or policy of Port Stephens Council.
- In accordance with relevant Council policy, authority under the *Road Transport (General) (Penalty Notices Offences) Regulation 2002* (NSW) to enforce restricted parking within the boundaries of the land on which Newcastle Airport operates and to issue infringement notices under cl 60(1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (NSW)

The delegation to Klara Payne is effective from the date of this Instrument of Delegation as authorised by Council. The above delegations revokes all previous delegations to Klara Payne.

The common seal of the Port Stephens Council)

Was hereto affixed pursuant to a Resolution of the)

Mayor

Council at its meeting of Min)

Councillor



INSTRUMENT OF DELEGATION TO MICHAEL LEMMON, AIRPORT OPERATIONS OFFICER, NEWCASTLE AIRPORT LIMITED

Review Date: 22 May 2001
21 December 2004

Delegations.

Pursuant to Sections 355, 377 and 381 of the *Local Government Act 1993* (NSW), Port Stephens Council hereby delegates the following powers, authorities, duties or functions to Michael Lemmon, who holds the position of Airport Operations Officer, Newcastle Airport Limited. These delegations are to be exercised according to:

- the requirements of the Local Government Act, 1993, and Regulations thereunder;
 - the requirements of any other relevant Act, law or regulation;
 - any expressed resolution or policy of Port Stephens Council.
- In accordance with relevant Council policy, authority under the *Road Transport (General) (Penalty Notices Offences) Regulation 2002* (NSW) to enforce restricted parking within the boundaries of the land on which Newcastle Airport operates and to issue infringement notices under cl 60(1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (NSW)

The delegation to Michael Lemmon is effective from the date of this Instrument of Delegation as authorised by Council. The above delegations revokes all previous delegations to Michael Lemmon.

The common seal of the Port Stephens Council)

Was hereto affixed pursuant to a Resolution of the)

Mayor

Council at its meeting of Min)

Councillor



INSTRUMENT OF DELEGATION TO ROBERT ALDRED, TERMINAL OPERATIONS COORINDATOR, NEWCASTLE AIRPORT LIMITED

Review Date: 22 May 2001
21 December 2004

Delegations.

Pursuant to Sections 355, 377 and 381 of the *Local Government Act 1993* (NSW), Port Stephens Council hereby delegates the following powers, authorities, duties or functions to Robert Aldred, who holds the position of Terminal Operations Coordinator, Newcastle Airport Limited. These delegations are to be exercised according to:

- the requirements of the Local Government Act, 1993, and Regulations thereunder;
 - the requirements of any other relevant Act, law or regulation;
 - any expressed resolution or policy of Port Stephens Council.
- In accordance with relevant Council policy, authority under the *Road Transport (General) (Penalty Notices Offences) Regulation 2002* (NSW) to enforce restricted parking within the boundaries of the land on which Newcastle Airport operates and to issue infringement notices under cl 60(1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (NSW)

The delegation to Robert Aldred is effective from the date of this Instrument of Delegation as authorised by Council. The above delegations revokes all previous delegations to Robert Aldred.

The common seal of the Port Stephens Council)

Was hereto affixed pursuant to a Resolution of the)

Mayor

Council at its meeting of Min)

Councillor



INSTRUMENT OF DELEGATION TO SAMUAL BATES, AIRPORT OPERATIONS OFFICER, NEWCASTLE AIRPORT LIMITED

Delegations.

Pursuant to Sections 355, 377 and 381 of the *Local Government Act 1993* (NSW), Port Stephens Council hereby delegates the following powers, authorities, duties or functions to Samual Bates, who holds the position of Airport Operations Officer, Newcastle Airport Limited. These delegations are to be exercised according to:

- the requirements of the Local Government Act, 1993, and Regulations thereunder;
 - the requirements of any other relevant Act, law or regulation;
 - any expressed resolution or policy of Port Stephens Council.
- In accordance with relevant Council policy, authority under the *Road Transport (General) (Penalty Notices Offences) Regulation 2002* (NSW) to enforce restricted parking within the boundaries of the land on which Newcastle Airport operates and to issue infringement notices under cl 60(1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (NSW)

The delegation to Samual Bates is effective from the date of this Instrument of Delegation as authorised by Council. The above delegations revokes all previous delegations to Samual Bates.

The common seal of the Port Stephens Council)

Was hereto affixed pursuant to a Resolution of the)

Mayor

Council at its meeting of Min)

Councillor



INSTRUMENT OF DELEGATION TO PETER HOAD, TERMINAL OPERATIONS COORDINATOR, NEWCASTLE AIRPORT LIMITED

Review Date: 22 May 2001
21 December 2004

Delegations.

Pursuant to Sections 355, 377 and 381 of the *Local Government Act 1993* (NSW), Port Stephens Council hereby delegates the following powers, authorities, duties or functions to Peter Hoad, who holds the position of Terminal Operations Coordinator, Newcastle Airport Limited. These delegations are to be exercised according to:

- the requirements of the Local Government Act, 1993, and Regulations thereunder;
 - the requirements of any other relevant Act, law or regulation;
 - any expressed resolution or policy of Port Stephens Council.
- In accordance with relevant Council policy, authority under the *Road Transport (General) (Penalty Notices Offences) Regulation 2002* (NSW) to enforce restricted parking within the boundaries of the land on which Newcastle Airport operates and to issue infringement notices under cl 60(1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (NSW)

The delegation to Peter Hoad is effective from the date of this Instrument of Delegation as authorised by Council. The above delegations revokes all previous delegations to Peter Hoad.

The common seal of the Port Stephens Council)

Was hereto affixed pursuant to a Resolution of the)

Mayor

Council at its meeting of Min)

Councillor



INSTRUMENT OF DELEGATION TO ANDREW DURER, AIRPORT OPERATIONS OFFICER, NEWCASTLE AIRPORT LIMITED

Delegations.

Pursuant to Sections 355, 377 and 381 of the *Local Government Act 1993* (NSW), Port Stephens Council hereby delegates the following powers, authorities, duties or functions to Andrew Durer, who holds the position of Airport Operations Officer, Newcastle Airport Limited. These delegations are to be exercised according to:

- the requirements of the Local Government Act, 1993, and Regulations thereunder;
 - the requirements of any other relevant Act, law or regulation;
 - any expressed resolution or policy of Port Stephens Council.
- In accordance with relevant Council policy, authority under the *Road Transport (General) (Penalty Notices Offences) Regulation 2002* (NSW) to enforce restricted parking within the boundaries of the land on which Newcastle Airport operates and to issue infringement notices under cl 60(1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (NSW)

The delegation to Andrew Durer is effective from the date of this Instrument of Delegation as authorised by Council. The above delegations revokes all previous delegations to Andrew Durer.

The common seal of the Port Stephens Council)

Was hereto affixed pursuant to a Resolution of the)

Mayor

Council at its meeting of Min)

Councillor

ITEM NO. 5

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 7 March 2006.

Info. Paper No:	Report Title	Page No:
1	Property Vegetation Plan Agreement for Mambo Wetlands	49
2	Developer Contributions Panel	50

STRATEGIC COMMITTEE MEETING – 2 MAY 2006

RECOMMENDATION:

That the information papers be received and noted.

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

535	Councillor Swan Councillor Jordan	It was resolved that the Information Papers be received and noted.
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INFORMATION ITEM NO. 1

**PROPERTY VEGETATION PLAN AGREEMENT FOR
MAMBO WETLANDS**

**AUTHOR: COMMUNITY SUPPORT OFFICER
FILE: A2004-0397**

BACKGROUND

The purpose of this report is to provide information regarding the development of a Property Vegetation Plan Agreement for Mambo Wetlands.

Mambo Wetlands is located in Salamander Way. It is registered as a SEPP 14 wetland (state significance). It has both significant ecological and indigenous cultural values, recognised under the Mambo Wetlands Plan of Management, that warrant its conservation. Under the *Local Government Act 1993* the wetland is categorised as an area of 'cultural significance'.

A Property Vegetation Plan (PVP) is a legally binding document that focuses on native vegetation protection and enhancement. It is linked to the title of the land. An incentive PVP involves an agreement between the Hunter Central Rivers Catchment Management Authority (CMA) and Council, in which the CMA will supply money for council to meet certain environmental objectives on a specified area of land.

In May 2005 the Environmental Services Section made an application to the CMA to enter into an incentive PVP. This application was for \$120,000 over fifteen years to manage Mambo Wetlands for conservation, this included weed removal and enrichment planting where needed. This application only included land under the care and control of Council, not that owned by the Department of Education, which is adjacent to the reserve.

The CMA accepted this application with the condition that the agreement be entered into in perpetuity. This agreement would not change the current management of the area as it is already dedicated public reserve, zoned 7a 'Environmental Protection, identified as a SEPP 14 wetland.

Under this agreement Council would obtain funding from the CMA to continue and enhance the current management practices. A management agreement is currently being developed between Council staff and CMA representatives. On completion this will be put before council to be signed off.

For further information please contact Philippa Lloyd, Community Support Officer or Anthony Marchment, Bushland Team Leader.

INFORMATION ITEM NO. 2

DEVELOPER CONTRIBUTIONS PANEL

AUTHOR: STRATEGIC ENGINEER
FILE: PSC2006-0063

BACKGROUND

The purpose of this report is to update Council on the considerations of the Developer Contributions Advisory Panel and current actions proposed.

ADVISORY PANEL

The Advisory Panel is composed of:

Councillors -Bob Westbury, Ken Jordon and Steve Tucker
Staff - Peter Gesling General Manager and Chairperson , Jeff Smith, Mick Loomes, Paul Procter and Wal Mills

The Panel met on 24 January and 7 February 2006. The following is a summary of the minutes. Many of these recommendations require further investigation before implementation.

S94

1. That Council Levy S94 on:

- Residential subdivisions;
- Multiple residential dwellings and Units;

(Includes permanent or temporary accommodation style- tourist, camping etc)

2. That Council levy S94 on Significant Traffic Generating Development valued at \$50,000 and over and of a Commercial, Retail and other Employment based nature, or of a nature that would create a demand for public amenities and services. A report be prepared to define the level of traffic generation to become Significant.

3. That new S94 Plans be prepared so that the existing S94 Plans may be repealed and replaced.

4. That the principles and models to link the funds from the repealed S94 Plans to the new Integrated Forward Works Program be developed and presented to the Panel prior to repealing the S94 Plans.

S94A

5. That S94A be levied for the maximum of 1% of the cost of development.

6. That S94A be levied on all non-significant Traffic Generating Development valued at \$50,000 and over and of a Commercial, Retail and other Employment based nature, or of a nature that would create a demand for public amenities and services.

7. That a S94A levy for single dwellings be prepared and placed on public exhibition and that further consideration be given to this issue following public comment.

8. That funds received from S94A levies be distributed in accordance with the following formula:

That 50% of the S94A levied for each application be allocated to the S94 Plan Area of the application and the remaining 50% be allocated across the Council area. That each of these splits then be allocated across the categories similar to the S94 Plan split, viz 13% Open Space; 25% Recreation; 15% Community Facilities; 5% Fire and Emergency Services; 2% Library Resources, 25% Roads, 10% Drainage and 5% Cycleways/footpaths (new). Further that funds within each category then be allocated in accordance with the priorities of Council's adopted Forward Works Program (FWP).

9. That a S94A Plan be prepared and exhibited as soon as possible.

(Note: This Plan is currently on exhibition from 6th April 2006 to 18th May and is available on Council's website)

10. That Council endorse Developer Agreements as an available alternative to S94 and S94A when it is beneficial to do so.

ATTACHMENTS

Nil

GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1**FILE NO: PSC2005-5185****REQUEST FOR FINANCIAL ASSISTANCE****POSITION TITLE: MAYOR'S EXECUTIVE ASSISTANT**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under section 356 of the Local Government Act from the respective Ward Funds to the following:
 - a) Royal Volunteer Coastal Patrol - \$3,841.75 – Contribution towards DA fees for the Radio Base extension at Nelson Head
 - b) Medowie Community Pre-School - \$2,500 – Donation towards assisting centre to raise funds for improvements
 - c) Fern Bay Public School P & C Committee - \$500 – to assist with associated costs to lay turf to cover indigenous site on playing field
 - d) Medowie Community Centre - \$110 – to assist Medowie Guides fund raising event by refunding the fee for hire of Medowie Hall
 - e) Lemon Tree Passage Community Care Centre - \$2,820 – Donation towards security screen doors and a new computer
 - f) Nelson Bay Pony Club - \$22,160 – Donation towards improvements for the club
 - g) Medowie Rural Fire Station - \$40,000 – Donation to fund an extension to the fire station to replace the bay lost with the storage of a third fire fighting appliance
 - h) Lemon Tree Passage Fire Service - \$3,000 – Donation in support of the annual market day and fair
-

ORDINARY MEETING – 23 MAY 2006**RECOMMENDATION:**

536	Councillor Tucker Councillor Swan	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 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:-

EAST WARD – Councillors Dover, Nell, Robinson, Westbury

Royal Volunteer Coastal Patrol	Contribution towards DA fees for Radio Base extension at Nelson Head	3,841.75
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CENTRAL WARD – Councillors Baumann, Dingle, Swan, Tucker

Medowie Community Pre-School	Donation towards assisting the centre raise funds for improvements	\$2,500
Fern Bay Public School P& C Committee	Donation to assist with associated costs to lay turf to cover indigenous site on playing field	\$500
Medowie Community Centre	Donation to assist the Medowie Guides fund raising event by refunding the fee for hire of Medowie Hall	\$110
Lemon Tree Passage Community Care Centre	Donation towards security screen doors and a new computer	\$2,820
Nelson Bay Pony Club	Donation towards improvements for the club	\$22,160
Medowie Rural Fire Station	Donation to fund an extension to the fire station to replace the bay lost with the storage of a third fire fighting appliance	\$40,000
LTP Rural Fire Service	Donation in support of the annual market day and fair	\$3,000

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

ITEM NO. 2**FILE NO: PSC2006-1200****REQUEST TO COUNCIL TO SUPPORT IN PRINCIPLE AN AMENDMENT TO SEPP 74 TO ALLOW LIGHT INDUSTRIAL ACTIVITIES ON LAND AT TOMAGO ROAD, TOMAGO.****POSITION TITLE: STRATEGIC PLANNING COORDINATOR****RECOMMENDATION IS THAT COUNCIL:**

- 1) Write to the Minister for Planning to convey its in principle support for the amendment of State Environmental Planning Policy (SEPP) No. 74 Newcastle Port Employment Lands affecting land at Tomago Road, Tomago to allow light industrial activities subject to the resolution of strategic planning issues for the Tomago/Fullerton Cove area including ecology, hydrology, access (including traffic and public transport), infrastructure (including sewer, water, and adequacy of Tomago Road and its intersection with Pacific Highway) and infrastructure funding issues;
- 2) Write to the Minister for Planning and the Director-General of the Department of Planning to seek support for the amendment of SEPP No. 74 Newcastle Port and Employment Lands to permit light industrial development and a wider range of industrial, employment generating developments – based upon a process of achieving a more collaborative and strategic view of an economic and employment strategy between Council and the Minister.

ORDINARY MEETING – 23 MAY 2006**RESOLUTION:**

537	Councillor Hodges Councillor Robinson	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek Council's support in principle to amend SEPP 74 to permit with consent light industrial development.

A planning consultancy has been employed by a private company to undertake due diligence to determine the feasibility of developing the subject land for light industrial activities including; assembly, maintenance and repair of heavy equipment; warehousing and distribution of parts, machinery operator training, ancillary office and administration and other related light industrial activities.

The consultant has approached Council seeking advice on Council's views on whether it would support a rezoning of the subject land to permit, with consent, light industrial activities and any issues that need to be considered if a rezoning were to be proposed.

The subject land is identified in Figure 1. This indicates that the subject land is affected by *State Environmental Planning Policy No. 74 Newcastle Port and Employment Lands*. The

SEPP was made by the Minister for Planning in August 2003 to permit a steel making facility including earthworks associated with site preparation. The SEPP overrides the zoning and planning controls in the Port Stephens Local Environmental Plan 2000. The steel making facility is no longer being pursued by those private companies associated with the proposal.

The Minister for Planning has identified the land affected by the SEPP as strategically appropriate for heavy industrial development. However, Council does not have access to data and assessment reports that support the Minister's decision and allow a full understanding and consideration of development control and infrastructure funding issues that the construction of a steel making facilities would raise.

As the subject land is governed by the provisions of SEPP 74, it would be prudent that any consideration to change land uses be undertaken by the Minister for Planning via a review and potential amendment of SEPP 74.

Correspondence from the Department of Planning at the time of the gazettal of the SEPP indicated that the SEPP, over time, could be amended to include additional projects. Council was advised of the gazettal of the SEPP in a Notice of Motion report to Council dated 23rd September 2003.

LINKS TO CORPORATE PLANS

N/A

FINANCIAL/RESOURCE IMPLICATIONS

N/A

LEGAL AND POLICY IMPLICATIONS

Investigations are currently underway by Council and the State government to prepare a draft land use strategy for land in the vicinity of Newcastle Airport to guide the future growth of airport related industry. This is consistent with the Port Stephens Urban Settlement Strategy and the draft Lower Hunter Regional Strategy. Whilst it is highly desirable to cluster light industrial activities to create a hub focussed around the airport and the Nelson Bay and Cabbage Tree Road intersection, at this stage it is uncertain the appropriateness of directing a land use activity, that is not readily associated with airport related industrial activities, towards the proposed airport employment hub.

Council could consider a rezoning request to amend the Port Stephens Local Environmental Plan 2000 to allow light industrial activities over the subject land should a request be submitted to Council. However, Land Use Planning has not strategically identified the subject land or the local area as appropriate for future light industrial activities. If a request were to be submitted to Council to spot rezone the subject land, it would be difficult to advise Council of support for the request given its isolation. It should be noted that the Department of Planning has recently not supported Council's decision to begin the rezoning process to allow the continuation of the crane hire business some 2 kilometres away to the east from the subject land.

Despite the limitations of the site relative to the local strategic planning framework, the gazettal of SEPP 74 significantly alters this. It is reasonable to conclude that if the Minister for Planning considers that the site is suitable for heavy industry that is no longer being pursued, then the subject land would be suitable for light industry. It should also be noted that the Minister for Planning is likely to be the consent authority for any development applications lodged over the subject land should planning controls be amended to permit light industrial activities.

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
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) to improve the outcome, improve the system and its associated processes
- 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

Potential impacts of industrial development need to be fully assessed - including the significant employment generating benefits of developing this land for industrial purposes.

ECONOMIC IMPLICATIONS

This is a significant site with longstanding State Government endorsement for development for heavy industrial purposes. The initial reasons for the SEPP are now outdated and a review is needed. However, the potential for employment generating development on this site needs to be considered strongly for retention – as evidenced by the inquiry that has prompted this report. Such a review and response to this inquiry should be undertaken with priority and a collaborative approach between the Minister, the Department of Planning and Council.

ENVIRONMENTAL IMPLICATIONS

Again, potential impacts need to be fully assessed through the recommended processes.

CULTURAL IMPLICATIONS

N/A

CONSULTATION

If Council were to adopt the recommendations of this report, then consultation would be undertaken with the Department of Planning, Department of State and Regional Development and the Premier's Department.

OPTIONS

- 1) Council may consider that any proposed land use changes over the subject land require a rezoning request to be submitted to Council. However, the presence of SEPP 74 affecting the subject land and that the Minister for Planning is likely to be the subsequent consent authority for any light industrial development over the subject land, makes it appropriate to approach the Department of Planning requesting that consideration be given to amending the SEPP and requesting the Minister for Planning to review SEPP 74 to potentially allow such light industrial land uses.

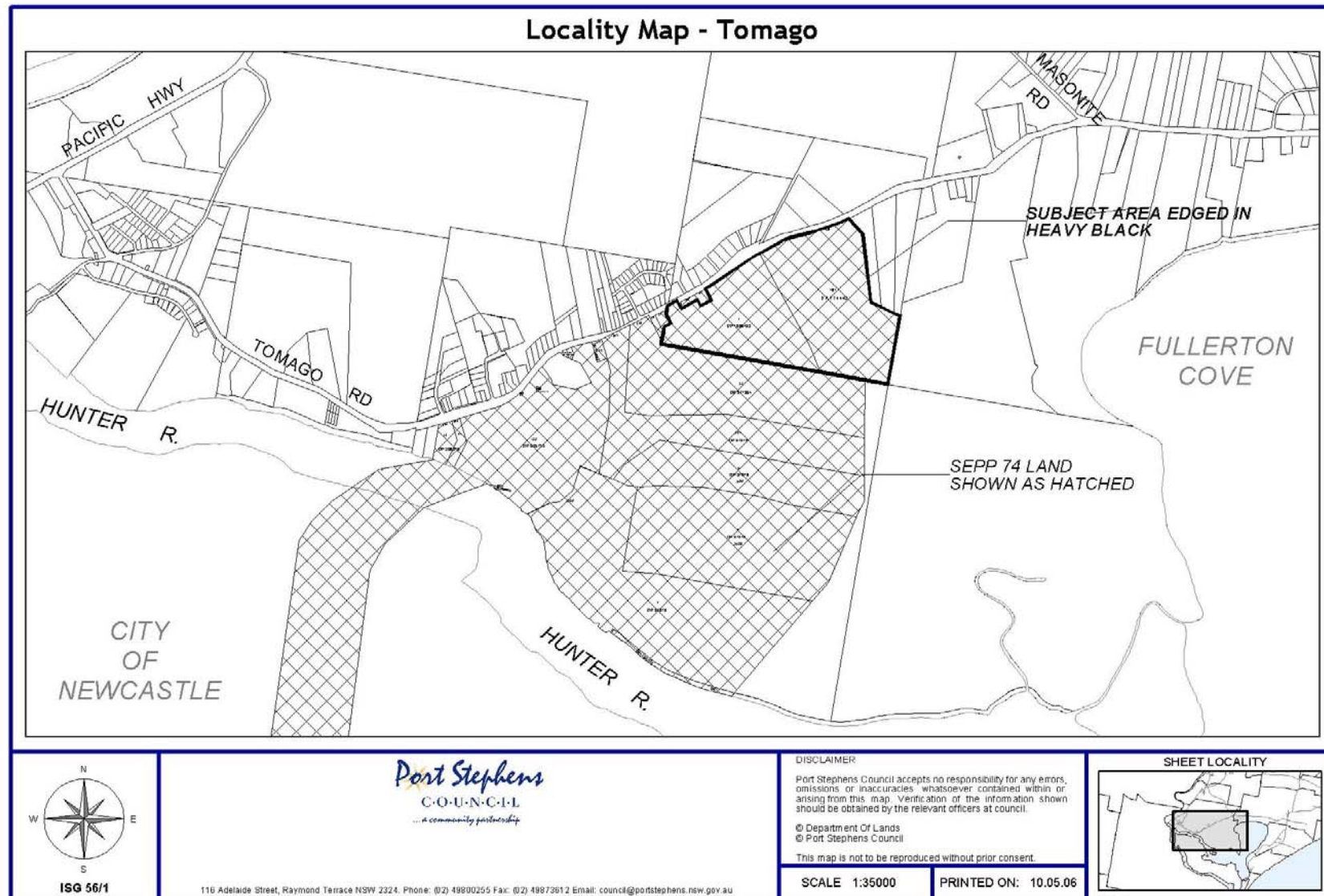
ATTACHMENTS

- 1) Attachment 1 – location of subject land and relationship to land affected by SEPP 74

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1



ITEM NO. 3

INFORMATION PAPERS

AUTHOR: BUSINESS PAPER CO-ORDINATOR

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 23 May 2006.

Info. Paper No:	Report Title	Page No:
1	Councillor Expenses Quarterly Report	45

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

538	Councillor Jordan Councillor Hodges	It was resolved that the Information paper be received and noted.
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GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

COUNCILLORS EXPENSES QUARTERLY REPORT

AUTHOR: JULIE SIMMONS – MAYOR’S EXECUTIVE ASSISTANT
FILE: A2004-0151

BACKGROUND

The purpose of this report is to present to Council the Councillors Expenses for the period of February, March & April 2006.

ATTACHMENTS

- 1) Councillors Expenses Quarterly Report

ORDINARY MEETING – 23 MAY 2006

Feb 06								
Name	Meetings	Mayor Fee	Cr Fee	Ext Payments	Conf/Delegate Exp	Ph & Internet	Travel	Total Amt Rec'd
Robinson			1,077.08			50.00	Nov, Dec 05 Jan 06 284.00	1,411.08
Nell			1,077.08				351.54	1,428.62
Francis			1,077.08					1,077.08
Brown			1,077.08					1,077.08
Jordan			1,077.08					1,077.08
Dover			1,077.08			80.00	380.70	1,537.78
Baumann		2,445.40	1,077.08					3,522.48
Swan			1,077.08					1,077.08
Dingle			1,077.08					1,077.08
Tucker			1,077.08					1,077.08
Westbury			1,077.08			188.57 Dec, Jan		1,265.65
Hodges			1,077.08			130.45		1,207.53
TOTAL								16,835.62

March 06								
Name	Meetings	Mayor Fee	Cr Fee	Crs back payment	Conf/Delegate Exp	Ph & Internet	Travel	Total Amt Rec'd
Robinson			1,077.08	386.28		80.00	Feb 176.08	1,719.44
Nell			1,077.08	386.28		80.00		1,543.36
Francis			1,077.08	386.28				1,463.36
			1,077.08	386.28	<i>Travel – Conference</i>		Dec, Jan, Feb 202.38	1,665.75
Brown					656.10			
Jordan			1,077.08	386.28				1,463.36
Dover			1,077.08	386.28		80.00	641.52	1,463.36
Baumann		2,445.40	1,077.08	1,233.28				4,855.76
Swan			1,077.08	386.28	<i>Tourism Conf</i>	Feb, Jan	Jan, Feb	
					<i>Rego 544.50</i>	160.00	381.92	2,005.28
					<i>Accom 290</i>			
Dingle			1,077.08	386.28				1,463.36
Tucker			1,077.08	386.28		Jan, Feb	Jan 216.38 Feb 260.40	2,100.14
						160.00		
Westbury			1,077.08	386.28	<i>Tourism Conf Rego</i>		284.58	1,747.94
					<i>495</i>			
					<i>Accom 218</i>			
Hodges			1,077.08	386.28	<i>LGSA Crs Weekend</i>	135.90	Jan 165.24 Feb 214.38	1,978.88
					<i>544.50</i>			
					<i>Accom 141.00</i>			
TOTAL								23,369.98

ORDINARY MEETING – 23 MAY 2006

April 06								
Name	Meetings	Mayor Fee	Cr Fee	Ext Paymts	Conf/Delegate Exp	Ph & Internet	Travel	Total Amt Received
Robinson			1,077.08			50.00	148.80	1,275.88
Nell			1,077.08			80.00	224.44	1,381.52
Francis			1,077.08		<i>Sustenance 49.40</i>	Feb/March /April 220.00	Feb/March/ April 687.58	1,984.66
Brown			1,077.08			138.84	March, April 247.64	1,463.56
Jordan			1,077.08					1,077.08
Dover			1,077.08			80.00	182.52	1,339.60
Baumann		2,445.40	1,077.08		<i>UDIA Regn 840.00 Fare 981 Accom 415.00</i>			3,522.48
Swan			1,077.08					1,077.08
Dingle			1,077.08					1,077.08
Tucker			1,077.08					1,077.08
Westbury			1,077.08			147.14	284.58	1,508.80
Hodges			1,077.08					1,077.08
TOTAL								17,861.90

NOTE:

* CONFERENCE/DELEGATE EXPENSES IN ITALICS ARE AMOUNTS INCURRED WITHIN THE ANNUAL DELEGATES EXPENSES ALLOWANCE - THESE ARE NOT MONIES RECEIVED

* MEETINGS - ATTENDANCE AT STRATEGIC/OPERATIONS/ORDINARY COUNCIL MEETINGS

* EXT PAYMENTS - RECEIVED FROM OTHER ORGANISATIONS ON WHICH COUNCILLORS SERVE

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217/PSC2006-1142

EMPLOYMENT OF COMPLIANCE OFFICER

COUNCILLOR: DINGLE, DOVER

THAT COUNCIL:

Supports the employment of a Compliance Officer to focus on enforcement activities of both development and compliance sections and not confined to the following areas:

- 1) To enforce and monitor compliance with our development policies, codes and laws including:
 - a. Monitoring of development consent conditions to ensure compliance
 - b. Monitoring of DA conditions for building and home industry
 - c. Investigate complaints regarding non compliance with development conditions
 - d. Investigate matters regarding illegal land use
 - e. Enforce regulations in relation to illegal occupation of sheds and buildings
 - f. Enforce regulation in relation to illegal long term parking of equipment, vehicles and signage or building materials on public land etc.

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

539	Councillor Dingle Councillor Dover	It was resolved that the recommendation be adopted.
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BACKGROUND – MANAGER DEVELOPMENT & BUILDING

BACKGROUND

During late 2005 Council's Development and Building Section and Environmental Services Section used a Business Excellence Tool to capture data to define and quantify compliance tasks undertaken by Port Stephens Council.

This data is currently being collated and analysed for inclusion in a report to Council in July 2006. It is proposed to conduct a two hour workshop with Councillors in June 2006 (date/time to be scheduled) as a prelude to the above report. The draft workshop agenda includes (but not limited to) the following issues:

1. Defining the scope of compliance activities
2. Council's current compliance systems and processes
3. Legal and risk management considerations
4. Political commitment
5. Business Case and Budget Implications

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-1217/PSC2005-1355

FREE ACCESS TO COUNCIL POOLS FOR DISABLED

COUNCILLOR: DOVER, NELL

THAT COUNCIL:

Prepare a report on admitting disabled swimmers accompanied by carers for free to Council swimming pools.

BACKGROUND - ACTING SPORT AND RECREATION MANAGER

BACKGROUND

Some Councillors, staff and pool contract managers have raised this previously and the issue of providing free access to certain groups in the local community to Council owned pools.

Very little quantitative data exists at the moment in terms of the usage of these centres by people with disabilities and their carers.

Staff will collate this data and prepare a report for Council's consideration.

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

540	Councillor Dover Councillor Nell	It was resolved that the recommendation be adopted.
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NOTICE OF MOTION

ITEM NO. 3

FILE NO: A2004-0217 PSC2005-4023

FUTURE TRIATHLONS PORT STEPHENS

COUNCILLOR: NELL, WESTBURY

THAT COUNCIL:

Hold workshops with all Government Agencies & Triathlon Associations to achieve a positive outcome for future triathlons in Port Stephens.

BACKGROUND - COMMUNITY PLANNING MANGER

BACKGROUND

A Triathalon comprises three competitive legs, being a swim, run and cycle. Triathlon organisations have long been attracted to Port Stephens as an event destination because of our beautiful waterways and picturesque scenery. Over the past ten years development pressures have made it more and more difficult to conduct events in the same locations as they have in the past. While it is possible to easily find run and swim legs it has become increasingly difficult to find a cycle leg (usually around 30 kilometres) where traffic can be managed for the general public while meeting the safety needs of competitors. The recent cancellation of TriNSW's triathlon is a definable case in point.

The economic benefit of finding a suitable venue locally is high. Triathlons are most often undertaken at off peak times and this is an excellent source of revenue for the local economy.

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

541	Councillor Nell Councillor Westbury	It was resolved that the recommendation be adopted.
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NOTICE OF MOTION

ITEM NO. 4

FILE NO: A2004-0217

FUNDING FOR BOTANICAL GARDENS

COUNCILLOR: DINGLE

THAT COUNCIL:

Support funding of \$9,781 across the three Wards to allow for lighting and installation of a park entry boom gate at the Hunter Region Botanic Gardens

BACKGROUND – MAYOR’S EXECUTIVE ASSISTANT

BACKGROUND

The Hunter Botanic Gardens is considering charging visitors a modest fee to allow the gardens to remain financially viable and to support the large contingent of volunteers to expand. A recent survey showed that a large percentage of visitors do not voluntarily donate to the gardens for various reasons. Many surveyed did not understand the voluntary nature of the organisation, however 95% of visitors to the gardens indicated they would be happy to pay a small charge to support the gardens in the form an entry free. The installation of a boom gate would enable this to be facilitated. This type of fund raising would be a great support to the gardens overall funding and future direction.

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

542	Councillor Dingle Councillor Westbury	It was resolved that the recommendation be adopted.
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RESCISSION MOTIONS

RESCISSION MOTION

ITEM NO. 1

FILE NO: PSC2005-0627

SHOAL BAY NEW YEAR'S EVE

COUNCILLORS: NELL, BROWN & ROBINSON

That Council rescind its decision of 18th April 2006 on Item 3 of the Strategic Committee Recommendations Report, namely Shoal Bay New Year's Eve.

ORDINARY MEETING – 23 MAY 2006

RECOMMENDATION:

543	Councillor Nell Councillor Jordan	It was resolved that this matter be deferred to the June Ordinary Meeting of Council.
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BACKGROUND

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*
-

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 four 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*

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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	<i>It was resolved that Council withdraw funding and support for the 2006 New Years Eve event at Shoal Bay.</i>
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Amendment:

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

MINUTES FOR ORDINARY MEETING – 23 MAY 2006
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The motion was put and carried.

DIVISION:

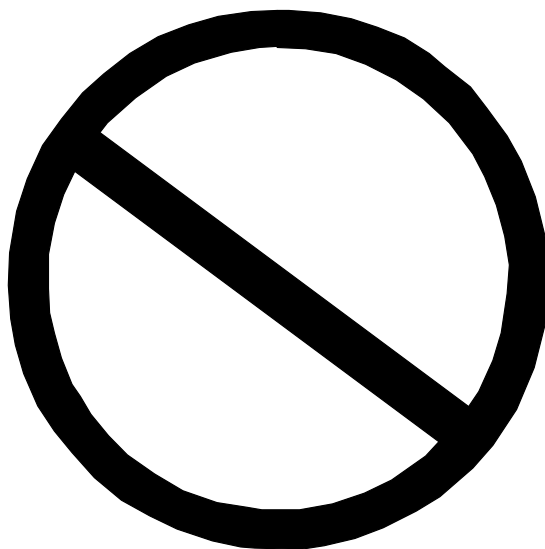
498	Councillor Baumann Councillor Nell	<i>It was resolved that a division be called for.</i>
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Those for the motion: Crs Francis, Jordan, Hodges, Tucker, Swan, Dingle & Westbury

Those against the motion: Crs Brown, Nell, Robinson, Dover, Baumann

544	Councillor Tucker Councillor Robinson	It was resolved that Council move into Confidential Session
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CONFIDENTIAL ITEMS



I certify that pages 1-268 of the ordinary Minutes of Council dated 23 May 2006 were confirmed by Council at its meeting held on Tuesday 27th June 2006.

Cr Craig Baumann
MAYOR