

Minutes 26 September 2006



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 26th September 2006, commencing at 5.30pm.

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

Cr Baumann chaired the meeting until the Mayoral election at which time Cr Baumann vacated the Chair. The General Manager chaired the meeting until after the Mayoral and Deputy Mayoral elections. Cr Swan was elected Mayor and chaired the meeting following the election of the Deputy Mayor

667	Councillor Jordan Councillor Hodges	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 22 August & 12 September 2006 be confirmed.
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ELECTION OF MAYOR AND DEPUTY MAYOR

1. BACKGROUND

The election of the Mayor and Deputy Mayor is to be held in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005. The General Manager has appointed Council's Legal Officer as Returning Officer for the election.

2. NOMINATIONS FOR THE OFFICE OF MAYOR

Nominations may be made without notice and should be made in writing by two (2) or more Councillors (one of whom may be the nominee). A nomination is not valid unless the nominee has indicated consent in writing. The returning officer will announce the name(s) of the nominee(s) at the Council meeting at which the election is to be held. If more than one Councillor is nominated, an election will take place.

3. DETERMINE METHOD OF VOTING FOR ELECTION OF MAYOR

- a). Preferential Ballot
- b). Ordinary Ballot
- c). Open Voting

4. STATEMENT FROM MAYORAL CANDIDATES (OPTIONAL)

A time limit of five minutes per candidate will apply, in accordance with Council's Code of Meeting Practice.

5. ELECTION OF MAYOR

6. NOMINATIONS FOR THE OFFICE OF DEPUTY MAYOR

Nominations may be made without notice and should be made in writing by two (2) or more Councillors (one of whom may be the nominee). A nomination is not valid unless the nominee has indicated consent in writing. The returning officer will announce the name(s) of the nominee(s) at the Council meeting at which the election is to be held. If more than one Councillor is nominated, an election will take place.

7. DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR

- a). Preferential Ballot
- b). Ordinary Ballot
- c). Open Voting

8. ELECTION OF DEPUTY MAYOR

The returning officer was Lisa Marshall, Council's Legal Officer.

Nominations of Office of Mayor:

- 1. Cr Bob Westbury
- 2. Cr Ron Swan
- 3. Cr John Nell

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:		
668	Councillor Nell Councillor Hodges	It was resolved that the method of voting be by Ordinary Ballot

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

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MOTION:

	Councillor Nell Councillor Hodges	That candidates present a Statement to Council.
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The motion, on being put was lost.

Election of Mayor

Following the first round of voting, Cr Westbury was eliminated. Cr Nell was eliminated following a second round of voting. Cr Ron Swan was elected Mayor

Nominations of Office of Deputy Mayor

1. Cr Bob Westbury
2. Cr Geoff Robinson
3. Cr Steve Tucker
4. Cr Glenys Francis

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006**RESOLUTION:**

669	Councillor Baumann Councillor Brown	It was resolved that the method of voting be by Ordinary Ballot
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Following the first round of voting, Cr Westbury was eliminated. Cr Robinson was eliminated following the second round of voting. Cr Francis was eliminated following a third round of voting.

Cr Tucker was elected Deputy Mayor

Cr Swan took the Chair at 6pm and gave a speech to Council.

RESOLUTION:

670	Councillor Robinson Councillor Hodges	It was resolved the meeting be adjourned at 6.05pm for a ten (10) minute break.
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The meeting reconvened at 6.15pm with the Mayor as Chairperson. All those present at the adjournment were present.

MATTER ARISING:

MOTION:

RESOLUTION:

671	Councillor Jordan Councillor Francis	It was resolved that Council approach the people regarding the introduction of a popularly elected Mayor at the next election.
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AMENDMENT:

MOTION:

	Councillor Nell Councillor Brown	That all Port Stephens candidates for the next election declare all political interests publicly in the lead up to the next election and approaches be made to the Department of Local Government to achieve this change.
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The amendment on being put was lost.

A division was called for:

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

Those against the motion: Crs Nell, Robinson, Dover & Swan

OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: A2004-1094****RESTRICTED FUND AMENDMENTS****REPORT OF: JEFF SMITH - FINANCIAL SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Accept the proposed changes to Council's Holiday Park, Property, and Asset Rehabilitation Restricted Funds.

OPERATIONS COMMITTEE MEETING – 12 SEPTEMBER 2006**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006**RESOLUTION:**

672	Councillor Jordan Councillor Hodges	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend amendments to some of Council's Internally Restricted Funds.

Holiday Parks Restricted Fund

It is recommended that the name of the "Holiday Parks Restricted Fund" be changed to the "Business Operations Restricted Fund". Since their inception, Corporate Clean and Samurai Beach Resort have both operated with this Restricted Fund as their funding source and it is recommended that any future businesses managed by the recently created Business Operations section of Council, utilise this Restricted Fund as their funding source. Therefore, it is considered that the title "Holiday Park Restricted Fund" is no longer appropriate.

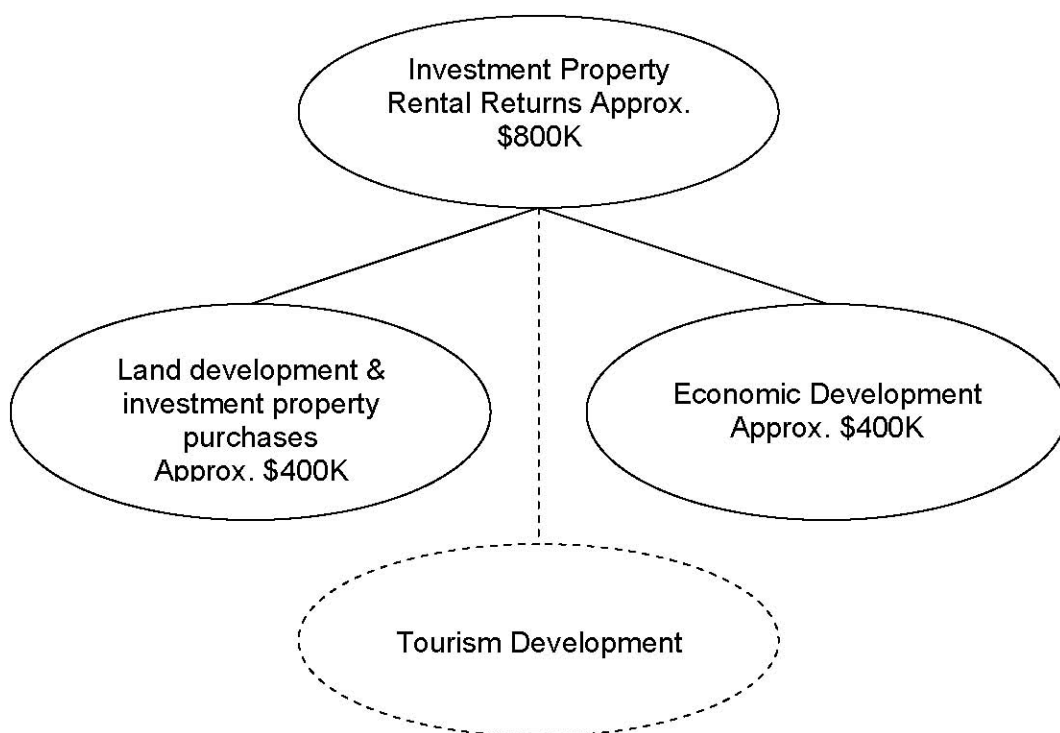
Property Restricted Fund

It is recommended that the name of the "Property Restricted Fund" be changed to the "Business Development Restricted Fund". In addition, it is recommended that the functions financed by this restricted fund, be modified. Historically, rental profits from Council's investment property portfolio have been utilised to partially fund asset rehabilitation and additional investment property acquisition. It is proposed that asset rehabilitation be funded from surplus general revenue and that in addition to property, the "Business Development Restricted Fund" be responsible for funding Economic Development. Additionally, as recurrent investment property profits increase in

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

future years, it is proposed that Tourism Development also be funded from this restricted fund. This would result in the operations of the recently created Business Development section of Council being fully funded from the “Business Development Restricted Fund”. This funding model is illustrated over the page.

PROPOSED ALLOCATION OF COUNCIL'S INVESTMENT PROPERTY RENTAL RETURNS



Importantly, this recommendation has no implications for the current 70/30 allocation of land development profits between the Property (or Business Development) Restricted Fund and Councillors Ward Funds.

Asset Rehabilitation Restricted Fund

Currently, asset rehabilitation is funded based on the projected surplus of general revenue according to Council's original budget, however, throughout the year, budget reviews result in this surplus figure being adjusted. If the net effect of budget reviews result in the surplus of general revenue being less than originally budgeted (which is usually the case) Council is spending these funds twice, firstly through the asset rehabilitation program and secondly through the various functions that have called on these funds during the year via budget reviews.

It is proposed that the amount of funds available for asset rehabilitation be based on actual surplus general revenue. This would mean that a time lag would exist between the realisation of these surplus funds and their expenditure, for example, the actual surplus general revenue from the 2006 financial year which would be calculated in the three months following the completion of that year, would be the amount of funds available for asset rehabilitation in the 2008 financial year, the budget for which would begin to be developed in November 2006. This would eliminate the risk of Council's general revenue funds being spent twice however may result in some variability in the amount of funds available for asset rehabilitation from one year to the next. A worst case scenario would be that Council's available general revenue be in deficit, which would result in no funds being available for Asset Rehabilitation. To guard against the impact this scenario would have on Council's infrastructure, it is proposed a minimum of \$500,000 be made available each year for Asset Rehabilitation with any additional funds being dependant upon Council achieving a general revenue surplus in excess of this amount.

LINKS TO CORPORATE PLANS

These amendments to Council's Restricted Funds link to Key Result Area 8 of the 2006-09 Council Plan, in particular, "reporting exceeds compliance and is designed to measure progress towards a more sustainable community".

FINANCIAL/RESOURCE IMPLICATIONS

The amendment to Council's Asset Rehabilitation Restricted Fund ensures that Council's expenditure more accurately reflects available funding sources, however it also creates a direct link between infrastructure spending and other spending. In future, a decision to increase "non infrastructure" spending, funded from general revenue, will effectively result in reduced infrastructure spending.

In relation to the Business Development Restricted Fund changes, reinvesting Council's investment property rental returns into additional investment properties and economic development will provide a greater opportunity to build these alternative revenue streams which will contribute towards Council's longer term financial sustainability.

LEGAL AND POLICY IMPLICATIONS

The proposed changes relate to the method for calculating reserve movements and balances, and have no impact on Council's Restricted Fund Policy. As related policies become due for review, their wording will be amended to reflect the name changes proposed in this report

Australian Business Excellence Framework

This aligns with the following ABEF Principles;

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 4) To improve the outcome, improve the system and its associated processes
- 7) All people work IN a system, outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Acting Business & Development Manager Group Manager Business & Support

OPTIONS

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

ATTACHMENTS

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 2

FILE NO: A2004-0653

ECONOMIC DEVELOPMENT ACTIVITIES FOR 06/07

REPORT OF: PETER GESLING – GENERAL MANAGER

NOTE: THIS ITEM WAS DEALT WITH AT THE ORDINARY MEETING 12 SEPTEMBER 2006

ITEM NO. 3**FILE NO: PSC 2006-2033****PLANNING STRATEGY - HEATHERBRAE****REPORT OF: DAVID BROYD - GROUP MANAGER, SUSTAINABLE PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the preparation of a Planning Strategy for the Heatherbrae area identified on the map which is Attachment 1, and
- 2) Endorse the allocation of \$30,000 to the preparation of this Planning Strategy with appropriate budget allocation being made in the September 2006 Budget Review.

OPERATIONS COMMITTEE MEETING – 12 SEPTEMBER 2006**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006**RESOLUTION:**

674	Councillor Hodges Councillor Brown	It was resolved that the recommendation be adopted.
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MATTER ARISING:**RESOLUTION:**

673	Councillor Francis Councillor Jordan	It was resolved that Council arrange a site inspection in relation to the sewerage issues in the area and a briefing from Hunter Water Council be organised.
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BACKGROUND

The purpose of this report is to seek Council's endorsement to initiate a Planning Strategy for Heatherbrae that will respond to the need to have reticulated sewer planned for the area and for enhanced employment generation opportunities.

Council has approved an industrial subdivision at 361 Pacific Highway, Heatherbrae with Condition 6 stating that "all lots in the proposed subdivision shall be serviced by the Hunter Water Corporation with the water and sewerage facilities".

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

The applicant, through their consultant, has sought to vary Condition 6 by way of enabling pump-out arrangements to service the industrial lots to be created. At a meeting on 25 July 2006 involving relevant Council staff and a representative from the Hunter Water Corporation, the conclusions reached by the Group Manager, Sustainable Planning were as follows:-

- 1 That Condition 6 would not be varied and pump-out arrangements would not be supported for the lots created by this consent until such time as the terms of conclusion No. 2 below were satisfied.
- 2 That a report to Council be submitted in September 2006 that recommends the initiation of a Planning Strategy for Raymond Terrace/Heatherbrae that covers an area compatible with the catchment of the sewer system currently under investigation by the Hunter Water Corporation. This report to Council was advised by the Group Manager to include a recommendation for funding of the Planning Strategy with a targeted timeframe for full completion of the Strategy by 31 March 2007. The main intent of the Strategy would be to identify the locations and potential types and densities of development in the Raymond Terrace/Heatherbrae area serviced by this potential sewer system with related recommendations regarding the zonings and development controls. At the expiry of the timeframe for the Strategy, i.e. 31 March 2007, it will be sought to achieve a negotiated contribution by the applicant to enable the earliest connection to the sewer system that is practicable. This is also to be based upon the servicing strategy for this area by Hunter Water Corporation – the completion of which is anticipated by mid-October 2006. It was emphasised that this proposal was fully subject to Council's endorsement of funding of the Strategy within the Council budget 2006/07.

The priority importance of providing a sewer system to this area is based upon the drainage and groundwater impacts of development for the Tomago Sandbeds that provide between 25 and 30% of the water supply for the Lower Hunter.

Currently industries that use large quantities of water and need a reticulated sewerage system for waste disposal are not attracted to the Heatherbrae area. This in effect limits the economic and job creation potential of the area. The proposed strategy will help Council plan the development of the Heatherbrae area in a more strategic manner while providing greater opportunities for sustained economic growth and environmental protection.

LINKS TO CORPORATE PLANS

This proposal is a significant contribution to sustainability in this part of the Port Stephens Local Government Area in terms of safeguarding groundwater and the water quality that drains into the Tomago Sandbeds.

FINANCIAL/RESOURCE IMPLICATIONS

The proposal is for Council to allocate \$30,000 for the purposes of this Planning Strategy for part of Raymond Terrace/Heatherbrae that is currently not provided for in Council's budget for 2006/07.

LEGAL AND POLICY IMPLICATIONS

Should the issue of fulfilling Condition 6 of the Consent not be resolved, then the Consent cannot be implemented and legal action may be potentially taken by the applicant.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 8) Effective use of facts, data and knowledge leads to improved decisions

- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The proposal for a Planning Strategy and subsequent provision of a sewer system to the Heatherbrae area will enable more employment-generating opportunities to be created.

ECONOMIC IMPLICATIONS

The provision of a sewer system to the Heatherbrae area will have potentially significant economic benefits in terms of zoning additional land for business investment and job creation and for greater certainty and operational improvements for sewerage and waste disposal.

ENVIRONMENTAL IMPLICATIONS

The proposal is an important part of working collaboratively with Hunter Water Corporation to achieve a sewer system in this part of Raymond Terrace/Heatherbrae that safeguards the water quality of the Tomago Sandbeds that provide between 25 and 30% of the Hunter water supply.

CONSULTATION

Negotiations have taken place with the applicant with the result of advice of non-acceptance of pump-out as an option to fulfil Condition 6 and for negotiations to enable an appropriate contribution by the applicant towards sewer connection should the Strategy and investigation by Hunter Water Corporation lead to a commitment to implement a sewerage system.

Hunter Water Corporation advises:

- 1 The eastern side of the highway generally lies within the Special Area.
- 2 When asked to comment about servicing options for developments within Heatherbrae that lie within the Special Area, Hunter Water requires that development provide pump out facilities or connect to Hunter Water's sewer system at the nearest available location.
- 3 In terms of environmental protection afforded to the Tomago groundwater reserve, pump out facilities are acceptable. However, a reticulated sewerage system would further reduce environmental risk to the groundwater to some degree and hence should be given due consideration where it is economically viable. A user pays principle would apply to such a scheme.

OPTIONS

- 1) Adopt the recommendation and proceed to undertake the Planning Strategy
- 2) Defer and review the Hunter Water Corporation investigation prior to initiating the Planning Strategy
- 3) Accept additional pump-out facilities at the subject industrial subdivision

ATTACHMENTS

- 1) Map of area subject of the proposed Planning Strategy and showing the site of the industrial subdivision given consent at 361 Pacific Highway, Heatherbrae.

COUNCILLORS ROOM

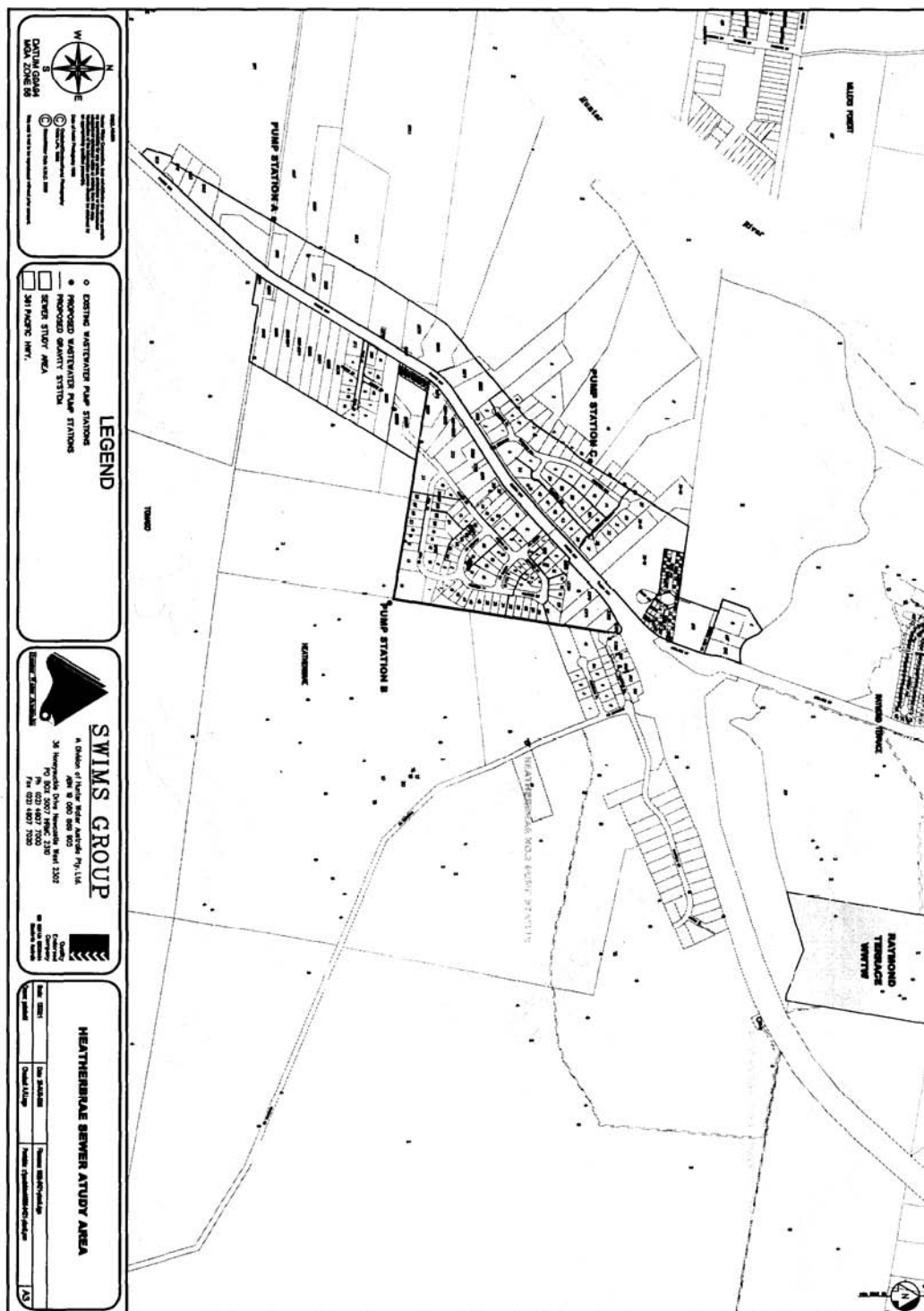
1) Nil

TABLED DOCUMENTS

1) Nil

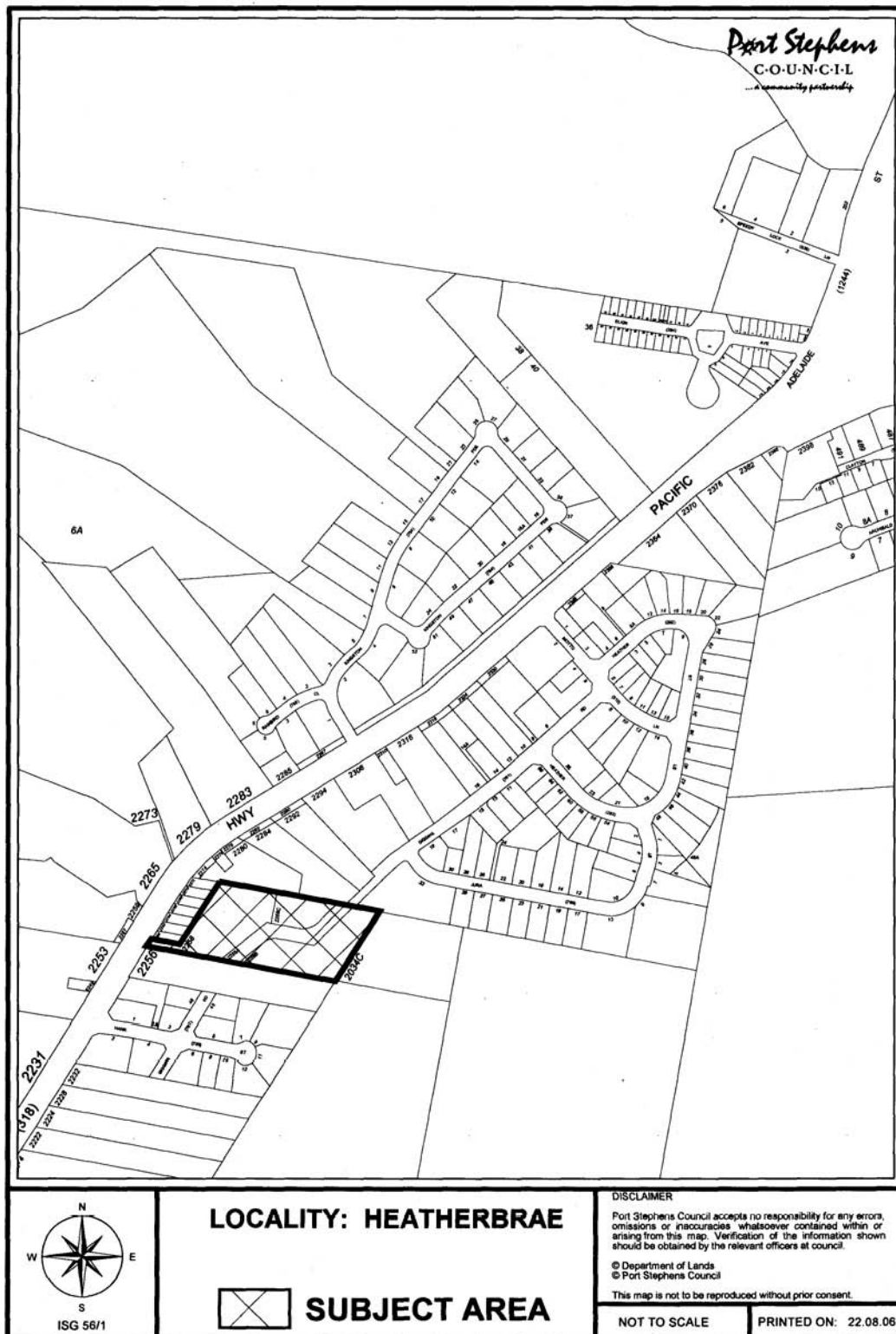
ATTACHMENT 1

MAP OF AREA SUBJECT OF THE PROPOSED PLANNING STRATEGY AND
SHOWING THE SITE OF THE INDUSTRIAL SUBDIVISION GIVEN CONSENT AT 361
PACIFIC HIGHWAY, HEATHERBRAE (PROVIDED BY HUNTER WATER)



ATTACHMENT 2

MAP OF AREA SUBJECT OF THE PROPOSED PLANNING STRATEGY AND
SHOWING THE SITE OF THE INDUSTRIAL SUBDIVISION GIVEN CONSENT AT 361
PACIFIC HIGHWAY, HEATHERBRAE



ITEM NO. 4

FILE NO: PSC 2005-4446

DRAFT ZONING PLAN

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Draft Submission (Attachment 1) to the Marine Parks Authority in relation to the Draft Zoning Plan for the Port Stephens-Great Lakes Marine Park.
-

NOTE: THIS ITEM WAS DEALT WITH AT THE ORDINARY MEETING 12 SEPTEMBER 2006

ITEM NO. 5**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 1ST AUGUST, 2006****REPORT OF: JENNIFER SMITH - COMMUNITY PLANNING MANAGER**

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held on 1ST August, 2006.

OPERATIONS COMMITTEE MEETING – 12 SEPTEMBER 2006**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006**RESOLUTION:**

675	Councillor Hodges Councillor Dingle	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 19th July, 2006. In attendance were M Morrison (PSC), I Jenkins (RTA) and Snr Constable Schmidtke (NSW Police). The Local Traffic Committee met at 9.30 am on 1st August, 2006 in Council's Administration Building. In attendance were M Morrison (PSC), G Orr (PSC Road Safety Officer & Chairman), Jenkins (RTA Technical representative), G Stewart (representing John Bartlett MP), Snr Constable Schmidtke (NSW Police) and S Davey (PSC). An apology was received from Councillor Dingle, Mr R Landers and Mr John Price MP.

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.

SAFETY PRIORITIES

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

There were no safety priority items.

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.

Australian Business Excellence Framework

This aligns with the following ABEF Principles. 1) Mutually agreed plans translate organisational direction into actions 2) Understanding what customers value, now and in the future, influences organisational

direction, strategy and action 3) Continual improvement and innovation depend on continual learning 4) Effective use of facts, data and knowledge leads to improved decisions 5) Organisations provide value to their community through their actions to ensure a clean,

safe, fair and prosperous society 6) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

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. One week prior to the local Traffic Committee meeting copies of the agenda are forwarded to the Committee members, Councillors, Facilities and Services Group Manager, Community Planning Manager and Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Traffic Committee meeting.

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 1st August, 2006 are contained in ATTACHMENT 1.

TABLED DOCUMENTS

- 1) Nil

PORT STEPHENS LOCAL TRAFFIC COMMITTEE

INDEX OF LISTED MATTERS MINUTES OF MEETING HELD ON TUESDAY 1 AUGUST 2006

- A. ADOPTION OF THE MINUTES OF 4TH JULY 2006**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
 - C.1. ADELAIDE STREET, RAYMOND TERRACE – HEAVY VEHICLES PARKING IN VICINITY OF RAYMOND TERRACE PRIMARY SCHOOL – (ITEM D.3 4TH JULY 2006)**
 - C.2. PORT STEPHENS STREET, RAYMOND TERRACE – TRAFFIC QUEUING AT WOOLWORTHS PETROL STATION – (ITEM D.4 4TH JULY 2006)**
 - C.3. BEATON AVENUE, RAYMOND TERRACE – VEHICLE SPEEDS, GARBAGE TRUCKS AND SIGHT DISTANCES – (D.2 4TH JULY 2006)**
 - C.4. RICHARDSON ROAD, RAYMOND TERRACE – REQUEST FOR PEDSTRIAN REFUGE**
 - C.5. FERODALE ROAD, MEDOWIE – TRAFFIC CONFLICTS AT WIRREANDA PRIMARY SCHOOL – (D.1 4TH JULY 2006)**
 - C.6. FREDERICK DRIVE, OYSTER COVE – REQUEST FOR SPEED HUMPS**
 - C.7. TANILBA AVENUE, TANILBA BAY – SPEED ISSUES**
- D. GENERAL BUSINESS**
 - D.1. THERE WERE NO GENERAL BUSINESS ITEMS.**
- E. ATTACHMENTS**
 - E.1. THERE WERE NO ATTACHMENTS.**

**LOCAL TRAFFIC COMMITTEE MEETING
HELD TUESDAY 1 AUGUST 2006
AT 9:30AM**

A. ADOPTION OF MINUTES OF MEETING OF 4TH JULY 2006

The minutes of the previous Local Traffic Committee Meeting dated 4th July 2006 are yet to be adopted.

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

**C.1 ADELAIDE STREET, RAYMOND TERRACE – HEAVY VEHICLES
PARKING IN VICINITY OF RAYMOND TERRACE PRIMARY SCHOOL –
(ITEM D.3, 4 JULY 2006)**

Cr Francis has raised the issue of trucks parking in the front of Raymond Terrace Primary School. There now seems to be more trucks parking there more frequently.

Since school holidays began up to 4 trucks at a time have been observed in the parking area.

REQUESTED BY: Cr Francis

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST NA

ADDITIONAL ATTACHMENT No

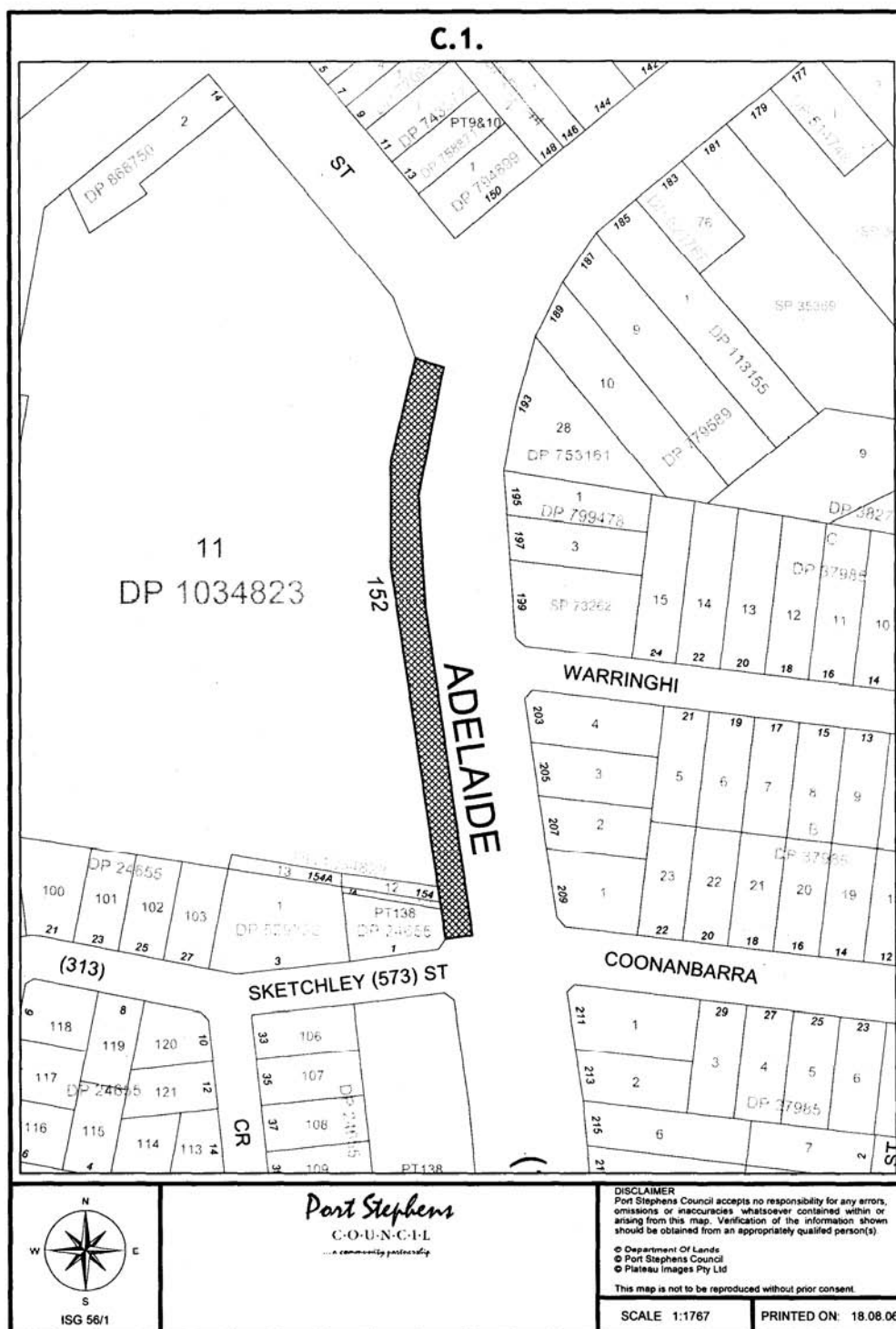
COMMENT:• Council raised Notice of Motion re truck parking area in Raymond Terrace. Plan could exclude heavy vehicles.

RECOMMENDATION
<ul style="list-style-type: none">That further discussions be held with the School principal and the RTA, P & C Association and bus operators about plan and return to Committee with final plan.

ESTIMATED COST N/A

FUNDING SOURCE N/A

**C1 ADELAIDE STREET, RAYMOND TERRACE – HEAVY VEHICLES PARKING
IN VICINITY OF RAYMOND TERRACE PRIMARY SCHOOL –
(ITEM D.3, 4 JULY 2006)**



C.2 PORT STEPHENS STREET, RAYMOND TERRACE – TRAFFIC QUEUING AT WOOLWORTHS PETROL STATION – (ITEM D.4 4TH JULY 2006)

Cr Francis has requested Traffic Committee investigate the problem of queuing traffic gaining access to Woolworths Petrol Station. At times the traffic has been observed to queue into the roundabout. Concerns were raised about this issue in the original DA.

REQUESTED BY: Cr Francis

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST NA

ADDITIONAL ATTACHMENT No

COMMENT Nil

RECOMMENDATION

- That the DA for Woolworths Petrol Station be researched and results be returned to the next Committee meeting

ESTIMATED COST N/A

FUNDING SOURCE N/A



C.3 BEATON AVENUE, RAYMOND TERRACE – VEHICLE SPEEDS, GARBAGE TRUCKS AND SIGHT DISTANCES – (D.2 4TH JULY 2006)

A resident has raised concerns over excessive speeds of motorists travelling on Beaton Avenue since the connection has been opened through into Riverview Ridge. There is not adequate sight distance from Meehan Road or Talavera Close.

Also since the connection opened through, garbage trucks seem to use the streets as a short cut to the Waste Transfer Station on Newline Road.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST Yes

ADDITIONAL **ATTACHMENT** NA

COMMENT Nil

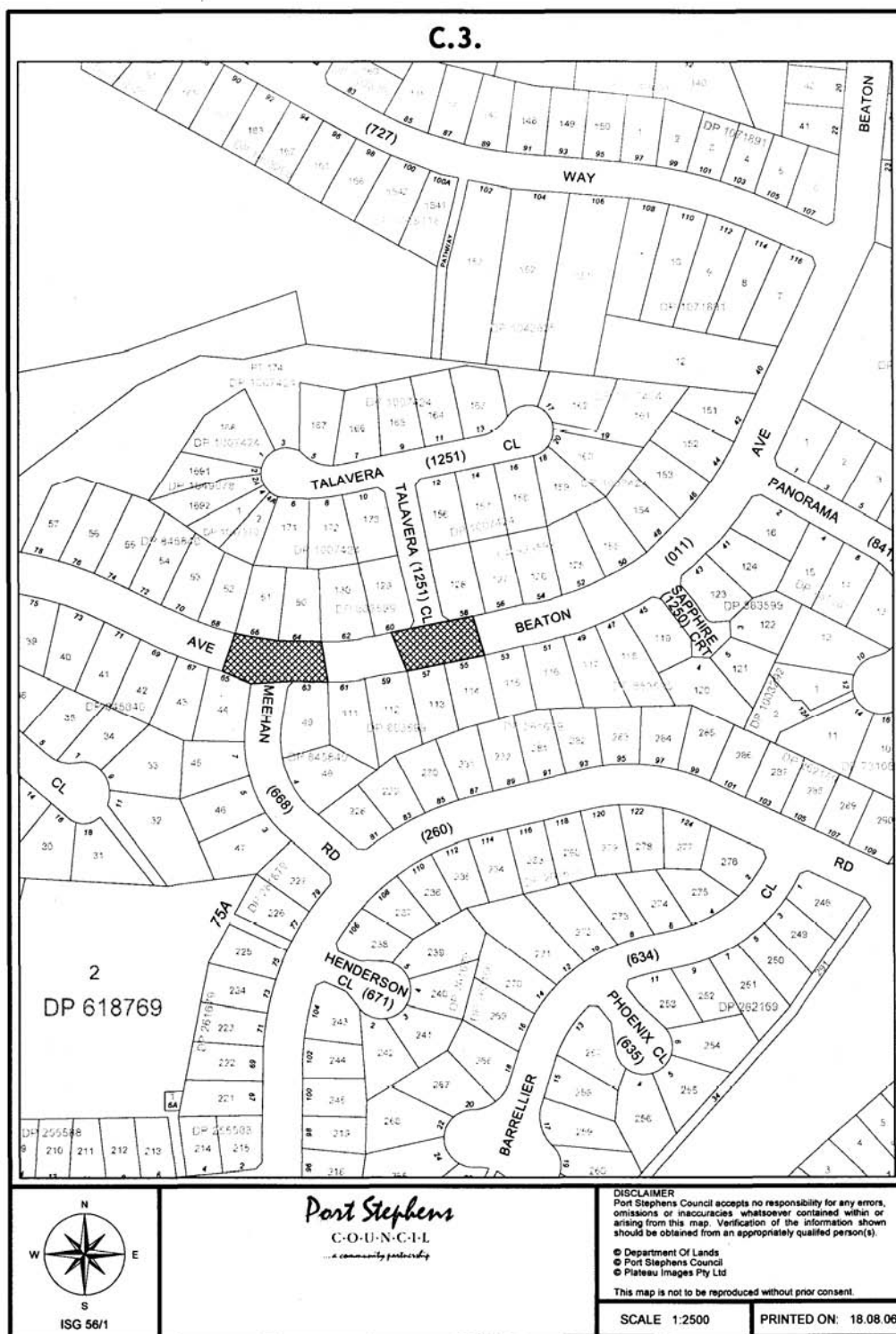
RECOMMENDATION

- That a speed and volume count be conducted and results presented to next meeting.
- That the hold lines on Talavera Close and Meehan Road be relocated to the edgeline in Beaton Avenue to improve sight distance.

ESTIMATED COST \$300

FUNDING SOURCE Traffic Facilities Budget

C3 BEATON AVENUE, RAYMOND TERRACE – VEHICLE SPEEDS, GARBAGE TRUCKS AND SIGHT DISTANCES – (D.2 4TH JULY 2006)



**C.4 RICHARDSON ROAD, RAYMOND TERRACE –
REQUEST FOR PEDESTRIAN REFUGE**

Raymond Terrace Branch of the ALP have requested a pedestrian refuge to be installed on Richardson Road and Benjamin Lee Drive and also at the entrance to Halloran Way Estate. School children walking to and from school have to cross Richardson Road without the help of a traffic island or crossing.

REQUESTED BY: Australian Labour Party, Raymond Terrace Branch

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST Yes

ADDITIONAL **ATTACHMENT** NA

COMMENT Location of the drop-off area not clearly defined.
70km/h speed limit

DRAFT RECOMMENDATION

- That the provision of a pedestrian refuge be further investigated and the findings be referred back to the Traffic Committee.

ESTIMATED COST N/A

FUNDING SOURCE N/A

**C4 RICHARDSON ROAD, RAYMOND TERRACE –
REQUEST FOR PEDESTRIAN REFUGE**



C.5 FERODALE ROAD, MEDOWIE – TRAFFIC CONFLICTS AT WIRREANDA PRIMARY SCHOOL – (D.1 4TH JULY 2006)

Cr Dingle raised concerns over the traffic conflicts fronting Wirreanda Primary School during peak school times.

REQUESTED BY: Cr Dingle

CONSULTATION: N/A

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST NA

ADDITIONAL **ATTACHMENT** NA

COMMENT Nil

RECOMMENDATION

- That further discussions be held with the school, P & C Association, bus company and residents.

ESTIMATED COST N/A

FUNDING SOURCE N/A

C5 FERODALE ROAD, MEDOWIE – TRAFFIC CONFLICTS AT WIRREANDA PRIMARY SCHOOL – (D.1 4TH JULY 2006)



C.6 FREDERICK DRIVE, OYSTER COVE – REQUEST FOR SPEED HUMPS

A resident of Oyster Cove has requested speed humps be installed on Frederick Drive where the speed limit is reduced to slow cars down.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	No

ADDITIONAL	ATTACHMENT	No
-------------------	-------------------	----

COMMENT:

- * Town entry structures in place.
- * Town entry signs are existing.
- * 50 AHEAD warning are existing.
- * 50 speed limit existing.
- * Local traffic into a terminating road.
- * Random occurrence, difficult to monitor for policing.

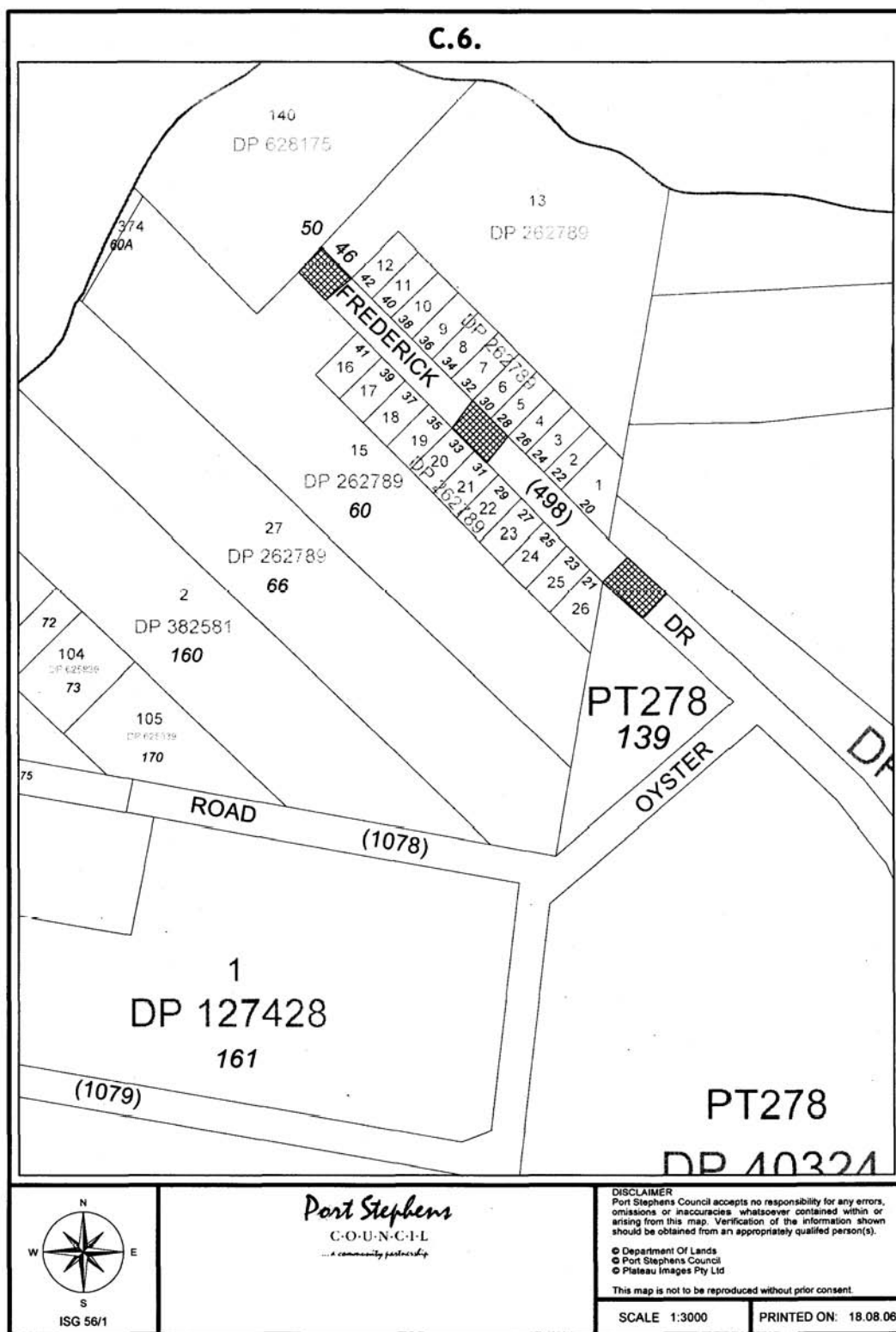
DRAFT RECOMMENDATION

- That no further action be taken to provide speed humps on Frederick Drive.

ESTIMATED COST NA

FUNDING SOURCE NA

C6 FREDERICK DRIVE, OYSTER COVE – REQUEST FOR SPEED HUMPS



C.7 TANILBA AVENUE, TANILBA BAY – SPEED ISSUES

A resident of Tanilba Avenue has requested the Traffic Committee investigate ways of slowing traffic on Tanilba Avenue.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST No

ADDITIONAL ATTACHMENT No

COMMENT This section of Tanilba Road is currently listed on the FWP for sealing with a priority of 4.

DRAFT RECOMMENDATION

- That no further action be taken.

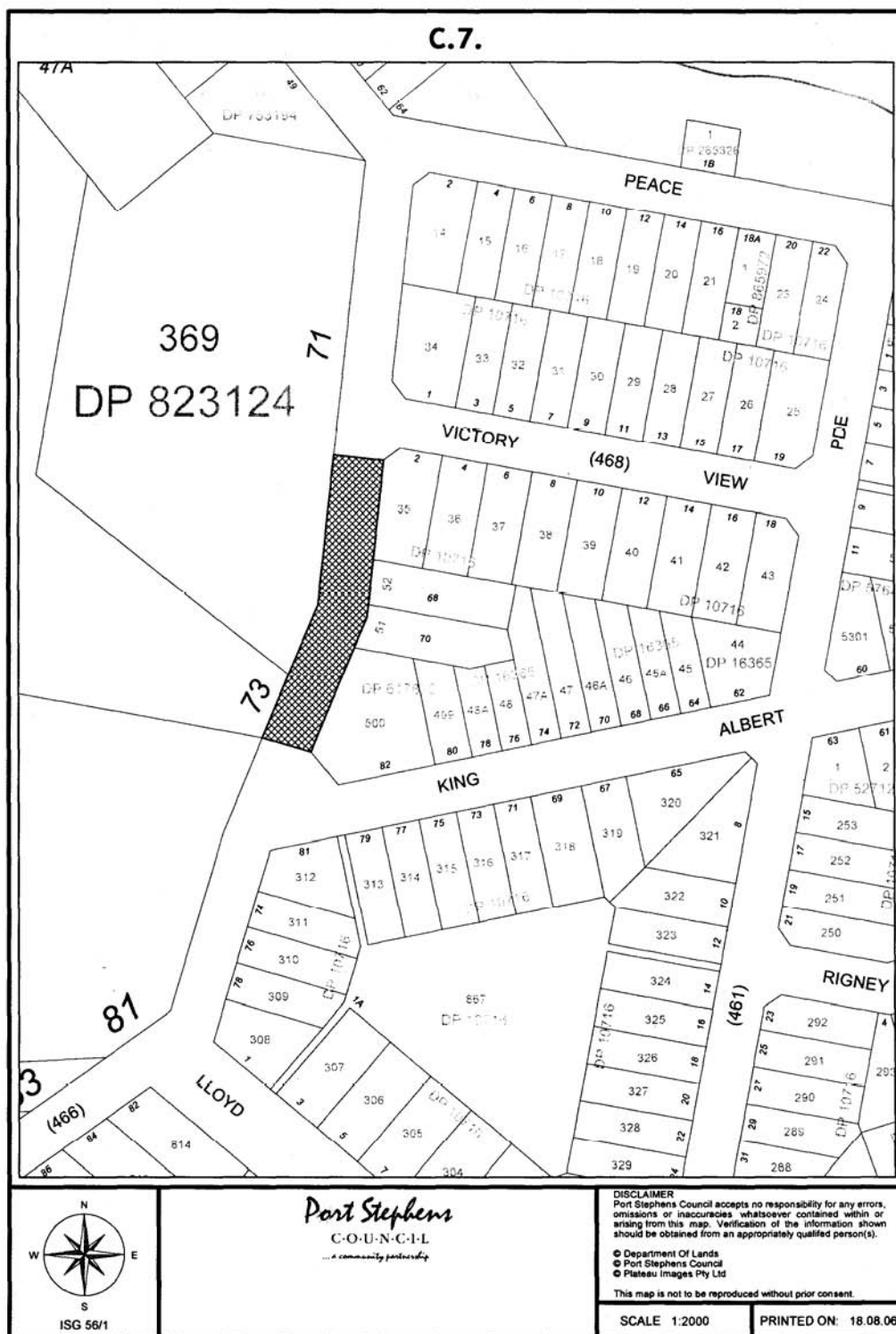
ESTIMATED COST N/A

FUNDING SOURCE N/A

D. GENERAL BUSINESS

There were no general business items listed.

C7 TANILBA AVENUE, TANILBA BAY – SPEED ISSUES



ITEM NO. 6**FILE NO: A2004-0308****DEPARTMENT OF LANDS FUNDING OFFER FOR CROWN HOLIDAY PARKS****REPORT OF: PHIL BUCHAN – ACTING BUSINESS & DEVELOPMENT MANAGER**

RECOMMENDATION IS THAT COUNCIL:

- 1) Accept the Department of Lands loan offers for the 2006/07 financial year.
 - 2) Authorise the affixing of the Common Seal to all loan agreement documents.
-

OPERATIONS COMMITTEE MEETING – 12 SEPTEMBER 2006**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006**RESOLUTION:**

676	Councillor Hodges Councillor Robinson	It was resolved that the recommendation be adopted.
------------	--	--

BACKGROUND

The purpose of this report is seek Council's approval to accept the Department of Lands Funding Offer to progress the capital improvements required at Shoal Bay, Fingal Bay and Halifax Holiday Parks.

As part of the budget preparation for the 2006/2007 financial year applications were submitted to the Department of Lands for funding assistance toward the implementation of projects identified within the current Master Plans for the holiday parks situated on Crown land.

The applications totalled \$2.26M covering the following projects as per the Capital Works Program.

- Fingal Bay Holiday Park amenities upgrade -\$100,000
- Fingal Bay Holiday Park installation of cabins -\$630,000
- Fingal Bay Holiday Park power upgrade -\$130,000
- Halifax Holiday Park installation of fence and security gate -\$ 30,000

- Halifax Holiday Park installation of cabins -\$560,000
- Halifax Holiday Park installation of cabins -\$580,000
- Shoal Bay Holiday Park driveways -\$ 30,000
- Shoal Bay Holiday Park roadworks -\$ 20,000
- Shoal Bay Holiday Park installation of cabins -\$180,000

Preliminary advice from the Department of Lands has indicated that Council's loan applications were successful. Prompt order placement for the manufacture of new cabins will be essential to achieve forecast income projected for the peak Christmas holiday period.

Financial analysis of the impact these loans will have on the business unit has been undertaken with the Holiday Park Manager and the Financial Service Manager. The loans, if accepted will assist to increase income as per the 2006/07 budget projections.

It should be noted that similar loans were applied for in the previous financial year but were not taken up until there was sufficient financial analysis to support the borrowings. As a result a comprehensive review of the operations of the Holiday Parks and the development priorities was undertaken. The review identified the priorities in balancing the need to replace old cabin stock, improve amenities and provide new cabin stock to maintain income projections and remain competitive. The proposed park improvements will ensure market expectations are satisfied and accommodation standards maintain our AAA star rating while providing good business decisions that achieve income producing investment across the Holiday Park Business Unit.

LINKS TO CORPORATE PLANS

Council's support of the further development of Crown Holiday Parks links to Key Result Area 9 of the 2005-08 Council Plan, in particular, to "continue growth of investments and business activities to decrease the burden on ratepayers".

FINANCIAL/RESOURCE IMPLICATIONS

The future capital works program has been assessed as part of the financial analysis undertaken to provide the business case for these loans. The financial and resource implications can be accommodated within current and future budgets as the majority of the loans have a term of 12 years. The loans on offer have an interest rate of 5% for income producing projects (generally new cabins) and 3.5% for non-income producing projects (other capital improvements).

A comprehensive review with the Financial Services Manager has been undertaken to analyse the Business Unit's capability to repay the loan liabilities and contribute to an improved financial position.

LEGAL AND POLICY IMPLICATIONS

The borrowings required are consistent with Council's Business Development Funding Policy where only those activities with a repayment source and with a commercial purpose will be considered for the borrowing of money from external sources.

In accepting these loans Council will remain within the Department of Local Government approved borrowing limit for the 2006/07 financial year. It should also be noted that acceptance of these loans will be subject to the Department of Local Government's review for approval of the capital expenditure with reference to Council's debt service ratio.

Australian Business Excellence Framework

This aligns with the following ABEF Principles;

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Continued development and improvement of the facilities offered at the Crown Holiday Parks provides opportunity to improve amenity to all park users.

ECONOMIC IMPLICATIONS

The local Port Stephens economy will benefit from additional visitors to the area together with increased financial return toward other Crown reserves.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are considered within the current Master Plans and future Plans of Management

CONSULTATION

Consultation has taken place with the Park Coordinators, Holiday Park Manager, Marketing Coordinator, Financial Services Manager and Group Manager Business & Support.

OPTIONS

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

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ITEM NO. 7

FILE NO: PSC2005-4161

**TEMPORARY SUSPENSION OF SECTION OF NELSON BAY CENTRAL
BUSINESS DISTRICT (CBD) ALCOHOL-FREE ZONE (AFZ)**

REPORT OF: JENNIFER SMITH - COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves the temporary suspension of a section of the Nelson Bay CBD alcohol-free zone on November 11 2006 between the hours of 9.00am and 11.00pm and November 12 between the hours of 9.00am and 6.00pm in the areas shown in Attachment 1 of this report, for the facilitation of the *Annual Tastes of the Bay Food & Wine Festival*.
-

OPERATIONS COMMITTEE MEETING – 12 SEPTEMBER 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:		
677	Councillor Robinson Councillor Dover	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to inform Council that a request has been received from Nelson Bay Town Management Inc. to temporarily suspend specific areas of the Nelson Bay alcohol-free zone (AFZ) during the 6th Annual *Tastes of the Bay Food and Wine Festival* to be held on 11th and 12th November 2006.

The areas for which approval is sought (as shown in attachment 1) are as follows: -

- The d'Albora Marina Foreshore to 'Cruise In', east of the Marina
 - Apex Park
 - Stockton Street between Magnus Street and Victoria Parade.
-
-

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

The hours of suspension would be Saturday 11 November 2006 from 9.00am to 11.00pm and Sunday 12 November 2006 from 9.00am to 6.00pm. At all other times the area would operate as an alcohol-free zone.

Nelson Bay Town Management Inc and d'Albora Marina have undertaken to employ security staff to patrol these areas during the suspension of the AFZ. These staff will also supervise the exiting of the areas at the end of the requested times to ensure that people are aware that AFZ conditions should be observed.

Council will inform the public of the proposed area and hours of the suspension by notice published in the local paper at least 7 days before the event.

LINKS TO CORPORATE PLANS

The temporary suspension of a section of the Nelson Bay CBD alcohol-free zone links to the following key result area contained in Council's *Council Plan 2006 – 2009*: -

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

FINANCIAL/RESOURCE IMPLICATIONS

There will be no cost to Council.

LEGAL AND POLICY IMPLICATIONS

Suspensions of AFZ are guided by Section 645 of the *Department of Local Government's Ministerial Guidelines on AFZ* which state: -

A council is not limited in the reasons for which it may suspend... an alcohol-free zone. A suspension would not usually be appropriate for any period longer than one month, and generally would be of a much shorter duration (eg. to accommodate a specific event).

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Suspension of the AFZ in these areas could possibly lead to an increase in alcohol related crime and anti-social behaviour. However, this will be mitigated by the strict supervision of the area by security staff employed by d'Albora Marina and Nelson Bay Town Management Inc.

ECONOMIC IMPLICATIONS

The suspension of the AFZ will allow the *Annual Tastes of the Bay Food and Wine Festival* to take place. This annual festival attracts many tourists to Port Stephens and helps promote the area,

increasing income and employment opportunities.

ENVIRONMENTAL IMPLICATIONS

There will be no environmental implications.

CONSULTATION

The local Police have been notified and support the proposal subject to the presence of security guards for the duration of the suspension.

OPTIONS

- 1) To accept the recommendation
- 2) To amend the recommendation
- 3) To reject the recommendation calling for more information to support the report

ATTACHMENTS

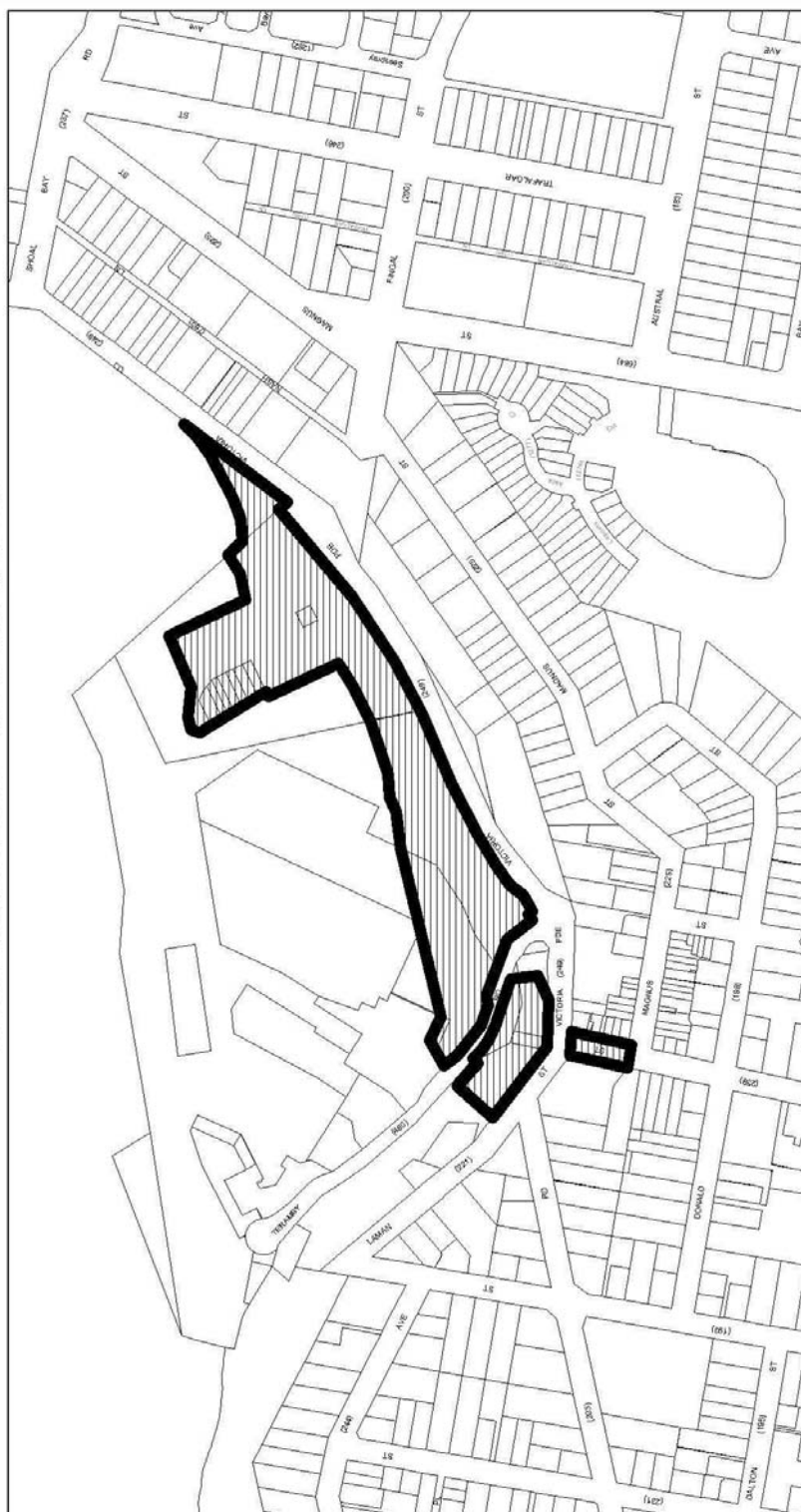
- 1) Map identifying proposed area affected by the temporary suspension of the Nelson Bay CBD AFZ.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
MAP OF AFFECTED AREA

Alcohol Free Zone - 11-12 Nov, 2006



<p>SHEET LOCALITY</p>	<p>DISCLAIMER</p> <p>Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. The Council is not responsible for any loss or damage that may be incurred by the use of this map. The Council is not responsible for any loss or damage that may be incurred by the use of this map.</p> <p>© Data by City of Sydney © Port Stephens Council</p> <p>This map is not to be reproduced without prior consent.</p> <p>SCALE 1:5000</p> <p>PRINTED ON: 21.08.06</p>
<p>Port Stephens COUNCIL ...a community partnership</p> <p>116 Ashdale Street, Raymond Terrace NSW 2224. Phone: 02 4980255 Fax: 02 49812613 Email: council@portstephens.nsw.gov.au</p>	<p>ISG 56/1</p>

ITEM NO. 8**INFORMATION PAPERS****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT**

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 12 September, 2006.

No:	Report Title	Page:
1	Development of Memorandum of Understanding between Port Stephens Council and the Marine Parks Authority	
2	Section 94 Contribution Plans – Application of CPI Increase	
3	2006 Community Development & Support Expenditure Scheme	
4	2006 Hunter Area Assistance Scheme Funding Round	
5	Access Committee Minutes	
6	Indigenous Strategic Committee meeting with Karuah Local Aboriginal Land Council	
7	Managers Monthly Report September 2006	

OPERATIONS COMMITTEE MEETING – 12 SEPTEMBER 2006**RECOMMENDATION:**

That the information papers be received and noted.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:		
678	Councillor Hodges Councillor Jordan	It was resolved that the recommendation be adopted.

INFORMATION ITEM NO. 1

**DEVELOPMENT OF MEMORANDUM OF UNDERSTANDING
BETWEEN PORT STEPHENS COUNCIL AND THE MARINE PARKS
AUTHORITY**

INFORMATION ITEM NO. 1

REPORT OF: BRUCE PETERSEN, MANAGER ENVIRONMENTAL SERVICES

FILE: PSC2005-4446

BACKGROUND

The purpose of this report is to outline progress with the development of a Memorandum of Understanding (MoU) between Council and the Marine Parks Authority (Marine Parks Authority) (MPA) for the cooperative management of the Port Stephens Great Lakes Marine Park.

As Councillors are aware, a Memorandum of Understanding is currently being developed between Council and the Marine Parks Authority. The Memorandum of Understanding will help clarify some referral arrangements for development applications and other issues relating to management of the estuary. In particular, the Memorandum of Understanding will contain a protocol for determining the sorts of proposals that need to be referred to the Authority for their comments or their concurrence.

The Memorandum of Understanding will also consider some operational matters such as the standardisation of signage, foreshore access issues, water quality management, educational and marketing matters, compliance and enforcement issues, the management of commercial tourist operations in the Marine Park, scientific research and monitoring, litter control on beaches and conflict resolution.

A workshop between Council officers and the Marine Parks Authority will be held to explore some of the procedures that need to be adopted between the two organisations in relation to referral of development applications. The workshop will help both organisations to better understand some of the complex interactions which will relate to development applications and referral mechanisms. In this regard, a number of scenarios will be utilised in the workshop including hypothetical proposals such as:

- a residential development within the catchment
- a proposed tourist operation on Port Stephens, an industrial development within the Tilligerry Creek catchment and
- a commercial proposal within 100 metres of the foreshore.

The timing of the final Memorandum of Understanding will depend on finalisation of the Sanctuary zones by the Marine Parks Authority. A report will be submitted to Council at the earliest opportunity.

INFORMATION ITEM NO. 2

SECTION 94 CONTRIBUTION PLANS APPLICATION OF CPI INCREASE

REPORT OF: JENNIFER SMITH – MANAGER COMMUNITY PLANNING

FILE: PSC2006-0064

BACKGROUND

The purpose of this report is to inform Council of the amendment to all Section 94 Contribution Plans based on the June 2006 release of details on the Consumer Price Index (CPI).

Council levies new developments for Community facilities under legislation as outlined in the Attachments. This levy is in accordance with documents prepared under the legislation and titled "Section 94 Contributions Plans".

Council's Section 94 Contribution Plans provide for on-going variation to the contribution levies based on the Consumer Price Index. The Australian Bureau of Statistics advises Council about changes to the CPI on a quarterly basis. The June 2006 quarter details have been received, and in accordance with Section 2.2.1 of each Section 94 Contribution Plan, the contributions levy has been adjusted by 1.58%.

Public notice of the adoption of the CPI amendments was published in "The Examiner" on Thursday 17th August 2006 and the Newcastle Herald on Saturday 19th August 2006. The amendments came into effect on Thursday 17th August 2006. A table detailing the schedule of previous and current Section 94 Contribution Rates is contained in the attachments.

Further amendments to the Section 94 Contribution Plans, based upon the CPI, will continue to be made on a quarterly basis, in accordance with advice received from the Australian Bureau of Statistics and Section 2.2.1 of each Section 94 Contribution Plan.

ATTACHMENTS

- 1) Legislative Background
- 2) Schedule of Current and Previous Section 94 Contribution Rates per Lot
- 3) Examples of a Current Section 94 Contribution Levy Calculation

ATTACHMENT 1

BACKGROUND TO S94 LEVIES

IMPOSED BY ALL COUNCILS ON NEW DEVELOPMENT

New development means an increase in either population and traffic in the case of residential development, or traffic in the case of businesses. In order to provide for the needs of the new population and/or increased traffic from development, Councils are permitted by legislation to levy a contribution on new development towards the new facilities. The contribution is imposed as part of the conditions of consent.

The NSW State Government amended legislation in 1993 to ensure that NSW Councils only levied developers for legitimate projects and fair apportionment.

This levy (S94) is imposed under the Section 94 of the NSW Environmental Planning and Assessment Act (1999) and the accompanying regulations. That section of the Act stipulates certain requirements on Council, the main requirements being:

- Contributions can only be levied on developers through S94 legislation.
- Levies may only be for Council Public facilities initial construction and not ongoing costs with the exception of roads maintenance required due to heavy vehicle damage.
- The facilities must be part of a valid S94 Plan (document).
- The facility must be as a consequence of the new development (eg not replacing an existing facility or providing one due to existing population needs).
- There must be a reasonable proximity between the new facility and the development.
- The levy received from the development must be spent within a reasonable time.
- The cost of new facilities must be apportioned to the new developments use compared to the existing population.

The legislation requires Councils to be financially accountable and sets out in detail financial reporting requirements. .

ATTACHMENT 2

SCHEDULE OF CURRENT AND PREVIOUS SECTION 94 CONTRIBUTION RATES PER LOT

CPI Change – 1.58%	Combined Open Space / Recreation Facilities		Open Space		Recreation Facilities		Community Facilities/Services		Bush Fire Facilities / Services		Library Bookstock		Roadworks		TOTAL	
	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
1 Western Shire																
Residential Subdivision			753	741	1456	1433	805	792	249	245	124	122	1998	1989	5385	5322
Caravan/Mobile Home Parks (Perm)			376	370	728	717	401	395	125	123	63	62	666	663	2359	2330
Tourist Accommodation			376	370	728	717			125	123			333	332	1562	1542
Bed & Breakfast			190	187	364	358			64	63			333	332	951	940
2 Raymond Terrace																
Residential Subdivision			532	524	5143	5063	966	951	249	245	124	122	612	603	7626	7508
Caravan/Mobile Home Parks (Perm)			266	262	2571	2531	483	475	125	123	63	62	204	201	3712	3654
Tourist Accommodation			266	262	2571	2531			125	123			102	101	3064	3017
Bed & Breakfast			133	131	1286	1266			64	63			102	101	1585	1561
3 Medowle																
Residential Subdivision			821	808	1546	1522	1063	1046	249	245	124	122	1089	1080	4892	4823
Caravan/Mobile Home Parks (Perm)			409	403	773	761	530	522	125	123	63	62	363	360	2263	2231
Tourist Accommodation			409	403	773	761			125	123			182	180	1489	1467
Bed & Breakfast			206	203	385	379			64	63			182	180	837	825
4 Karuah/Swan Bay																
Residential Subdivision	2376	2339					831	818	249	245	124	122	720	711	4300	4235
Caravan/Mobile Home Parks (Perm)	1188	1170					414	408	125	123	63	62	240	237	2030	2000
Tourist Accommodation	1188	1170							125	123			120	119	1433	1412
Bed & Breakfast	593	584							64	63			120	119	777	766
5 Tilligerry Peninsula																
Residential Subdivision			808	795	2685	2643	817	804	249	245	124	122	837	828	5520	5437
Caravan/Mobile Home Parks (Perm)			404	398	1342	1321	407	401	125	123	63	62	279	276	2620	2581
Tourist Accommodation			404	398	1342	1321			125	123			140	138	2011	1980
Bed & Breakfast			202	199	772	760			64	63			140	138	1178	1160
6 Tomaree Peninsula																
Residential Subdivision			964	969	2394	2357	545	537	249	245	124	122	774	765	5070	4995
Caravan/Mobile Home Parks (Perm)			492	484	1198	1179	272	268	125	123	63	62	258	255	2408	2371
Tourist Accommodation			492	484	1198	1179			125	123			129	128	1944	1914
Bed & Breakfast			246	242	597	588			64	63			129	128	1036	1021

ATTACHMENT 2 (CONTINUED)
SCHEDULE OF CURRENT AND PREVIOUS SECTION 94 CONTRIBUTION RATES PER LOT

CPI Change – 1.58%	Combined Open Space / Recreation Facilities		Open Space		Recreation Facilities		Community Facilities/Services		Bush Fire Facilities / Services		Library Bookstock		Roadworks		TOTAL	
	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
7 Rural Balance																
Residential Subdivision	767 755						318 313		249 245		124 122		450 441		1908 1876	
Caravan/Mobile Home Parks (Perm)	383 377						157 155		125 123		63 62		150 147		878 864	
Tourist Accommodation	383 377								125 123				75 74		583 574	
Bed & Breakfast	193 190								64 63				75 74		332 327	
8 Fern Bay																
Residential Subdivision	1474 1451								249 245		124 122		360 351		4048 3981	
Caravan/Mobile Home Parks (Perm)	737 726						864 851		125 123		63 62		120 117		1965 1934	
Tourist Accommodation	737 726								125 123				60 59		978 963	
Bed & Breakfast	368 362								64 63				60 59		519 511	

Note: The above table does not show site specific Contribution Levies.

ATTACHMENT 3

EXAMPLES OF A CURRENT SECTION 94 CONTRIBUTION LEVY CALCULATION

1. Residential Subdivision at Salamander Bay:

Use Plan No. 6 Tomaree Peninsula

Contribution per lot:

Open Space	\$984
Community Facilities	\$545
Bush Fire Facilities/Services	\$249
Library Bookstock	\$124
Roadworks	\$774
Bus Shelters	Nil
TOTAL	\$5,070

If developing 10 lots, the total contribution would be: \$5,070 x 10 = \$50,700

2. Residential Unit development at Karuah:

Use Plan No. 4 Karuah / Swan Bay

Contribution per unit:

Combined Open Space/Recreation Facilities	\$2,376
Community Facilities	\$831
Bush Fire Facilities/Services	\$249
Library Bookstock	\$124
Roadworks	\$720
Bus Shelters	Nil
TOTAL	\$4,300

If developing 10 residential units, the total contribution would be: \$4,300 x 10 = \$43,000

INFORMATION ITEM NO. 3

2006 COMMUNITY DEVELOPMENT & SUPPORT EXPENDITURE SCHEME

REPORT OF: JENNIFER SMITH, COMMUNITY PLANNING MANAGER

FILE: PSC2005-3942

BACKGROUND

The purpose of this report is to inform Council of the Port Stephens projects funded under the 2005/06 funding round of the Clubs NSW Community Development & Support Expenditure Scheme (CDSE).

The CDSE scheme allows registered clubs with annual gaming machine revenue exceeding \$1 million to apply 1.5% of their gaming machine revenue to specific community development and support projects. This year the Port Stephens clubs offered the community \$33,600 in grants. They invited applications that focussed on youth, ageing population and/or family violence. From the 28 submissions, the Port Stephens CDSE Local Committee approved five projects as outlined below: -

Organisation	Project Name	Detail	Amount \$
Priority Area 1: Youth			
Port Stephens Library Services	Online Tutoring for Children & Young People	Through internet connection, young people aged 10 to 18 yrs are linked up with an expert tutor for a live 1to1 learning session	13,000
Priority Area 2: Ageing Population			
Australian Red Cross	Hands On - Tanilba Shore Village	Red Cross volunteers provide companionship & emotional support & personal care to frail aged people in care.	1,000
Australian Red Cross	Port Stephens Telecross	Provision of a daily security call from a trained volunteer to people with a disability, elderly, frail, isolated, etc	1,000
Priority Area 3: Family Violence			
Port Stephens Family Support Service	Port Stephens Court Support Program	Provision of court support to those affected by Domestic Violence at Raymond Terrace Court	15,000
Women's Information & Counselling Service Port Stephens	Emergency Overnight Accommodation for victims of Domestic Violence	Provide a safe overnight accommodation for families dealing with DV until the next day when support services can assist the family further	3,600
Total			33,600

For further information regarding the Hunter Area Assistance Scheme please contact Council's Community Development & Planning Officer on 4980 0288.

INFORMATION ITEM NO. 4

2006 HUNTER AREA ASSISTANCE SCHEME FUNDING ROUND

REPORT OF: JENNIFER SMITH, COMMUNITY PLANNING MANAGER


FILE: PSC2005-3943

BACKGROUND

The purpose of this report is to inform Council of the successful Port Stephens projects funded under the 2006 funding round of the Hunter Area Assistance Scheme.

The Hunter Area Assistance Scheme (HAAS) is a regional community development grants program administered by the new Communities Division of the Department of Community Services. The purpose of HAAS is to support community development and the integrated provision of services in regions experiencing social stress and/or undergoing rapid urban growth or change.

The Department has announced the successfully funded projects for funding round 2006, with Port Stephens receiving funding for 2 of the 3 projects submitted as outlined below: -

PROJECT 1:	Shed, Workshop & Toilet facilities
Organisation	Refused & Reused Community Recycling Centre
Location	2/128 Soldiers Point Road, Salamander Bay
Funding Amount	\$30,000 capital funding
Funding Term	1 year
Project Background	R&R Community Recycling Centre aims to create employment and provide training facilities for displaced young people, people with disabilities and older men. They currently have Work for the Dole, Community Service, Machismo and TAFE fibre glassing courses operating. The revenue generated from the community recycling shop and donations finance courses and training. They have been running programs for the past 15 years.
What will the Project do?	Construction of a new shed including a workshop, lunchroom and toilet facilities to cater for the growing number of volunteer activities and community projects. The shed is designed to adhere to OHS and disability access guidelines and will be an all-weather facility with a multi-purpose design lay-out to ensure numerous activities can run at the same time.
How will the Project meet the outcomes and priorities of the Area Assistance Scheme?	 <i>Connecting communities through partnerships.</i> Partnerships with TAFE, Work for the Dole, Soldiers Point Tidy Towns, and PSC have already been formed. The new facility will create new opportunities to work in partnership with local community services and run a diverse range of programs.

PROJECT 2:	Creating the Spirit
Organisation	Raymond Terrace Community Residents Group Inc
Location	Thou Walla Family Centre, Irrawang Public School, Geer Street
Funding Amount	\$146,715 community development funding
Funding Term	3 years
Project Background	This project is based on a collaborative partnership between the above-mentioned community group, Thou Walla Family Centre and Port Stephens Parenting Program. It will target families living in Irrawang especially Department of Housing tenants.
What will the Project do?	Creating the Spirit Project will provide a combination of practical and creative programs aimed to increase family and community participation. It will encompass a sewing project, therapeutic art project and a community in clay project. The general aim will be to enhance family strengths, improve child-parent interactions and promote safe families and communities.
How will the Project meet the outcomes and priorities of the Area Assistance Scheme?	<ul style="list-style-type: none"> • <i>Promoting Safe Communities.</i> Indirectly these programs will provide the facilitators with opportunities to enhance interpersonal skills of the participants and to encourage positive and safe community interaction.

For further information regarding the Hunter Area Assistance Scheme please contact Council's Community Development & Planning Officer on 4980 0288.

INFORMATION ITEM NO. 5

ACCESS COMMITTEE MINUTES

**REPORT OF: JENNIFER SMITH, COMMUNITY PLANNING MANAGER FILE:
A2004-0226**

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee Meeting held on 1 August 2006.

Key issues addressed at the meeting included: -

- 1) Raymond Terrace Community Garden
- 2) 2006 Local Government Week Celebrations
- 3) Picnic Sub-Committee Update

ATTACHMENTS

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

ATTACHMENT 1

**PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 1 AUGUST 2006**

AT NELSON BAY BOWLING CLUB

Present:

David Painter, Val Painter, Cr Sally Dover, Michael Elliott, Liz Osborne, Robert Harper, Deborah Franklin, Michelle Pavy, Alice De Carle, Michele Robinson, Cathy Jennings, Tony Kean, Joe Delia, Kathy Delia, Tony Cremen, Margaret O'Leary, Judy Rosier, Sue Rosier

Apologies:

Ken Whiting, Karen Whiting, Cr Helen Brown, Erin Devlin, Graham Roberts, Kathy Lees

1. CHAIRPERSONS WELCOME

Acting Chairperson Robert Harper extended a welcome to all members present at the meeting.

2. PREVIOUS MINUTES

The minutes of the previous Access Committee meeting held 4 July 2006 were adopted as an accurate record of that meeting after the following amendments were made: -

- i. The meeting venue changed from Nelson Bay RSL Club to the Raymond Terrace Community Care Centre
- ii. Michell Pavy was added to the list of persons present

3. CHAIRPERSON'S REPORT

Acting Chairperson Robert Harper thanked the Committee members for their support during his recent TAFE studies. He also gave a reminder about the official re-opening of the Little Beach Disabled Access Wharf on the 29th September 2006.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

4A) DISABILITY PICNIC FUNDRAISING RAFFLE

Michael Elliott extended thanks again to Bill Bobbins for kindly donating a box of raffle ticket books to the Committee for the running of the raffle.

Michelle Pavy and David Painter gave an update on the raffle's progress. Michelle has managed to secure a signed Newcastle Knights NRL jersey (which is to be framed from the Committee budget at a cost of \$100, this money will be recovered from ticket sales) as well as some other significant prizes. It was established that ticket sales would commence at the end of August 2006 with the winner being drawn on the day of the Disability Picnic (4th December 2006). Tickets will sell for \$2.00 each.

4B) RAYMOND TERRACE COMMUNITY GARDEN

Cathy Jennings gave a report on the Raymond Terrace Community Garden Project. Cathy has been trying to co-ordinate a group of interested people with a disability to undertake gardening projects and education at the garden. Initial response was slow putting the project in doubt, however Cathy received a number of late enquiries and there may end up being enough people interested to get the project up and running. If you are interested in being involved in the project please contact Cathy Jennings (contact details via Michael Elliot on 49800355).

4C) 2006 LOCAL GOVERNMENT WEEK DISPLAYS

Michael Elliott reported that the Access Committee was involved in setting up of displays at the Salamander Bay Shopping Centre, Tilligerry Plaza and the Raymond Terrace Marketplace as part of this week's Local Government Week Celebrations. The display promoting the Access Committee forms part of the celebrations of the partnerships between Council and local community organisations. Michael extended thanks to all involved including Cathy Jennings who co-ordinated people to staff the display stands, Carol Last who manned the Tilligerry Plaza display stand, along with Tony Kean, Joe and Cathy Delia, Cathy Jennings and Liz Osborne who staffed the Raymond Terrace Marketplace display.

4D) PICNIC SUBCOMMITTEE UPDATE

The next Disability Picnic Subcommittee meeting will be held at 10.30am on 15th August 2006 at the Raymond Terrace Community Centre.

David Painter requested that ordinary Access Committee meetings not be tied up with discussions around issues that are being dealt with by the Disability Picnic Subcommittee. Rather, David will provide a brief update report to the Access Committee on a regular basis on behalf of the Disability Picnic Subcommittee. Please contact any of the Disability Picnic Subcommittee members or Michael Elliott on 4980 0355 outside of ordinary Access Committee meetings for any matters relating to the picnic.

David displayed to the Committee items kindly donated towards the Disability Picnic by Solo Waste Management. They included 600 stickers, 400 recycled pencils, and 200 recycled pens and 8 mini novelty bins.

Michael Elliott reported that the Soldiers Point Bowling Club had kindly donated \$200 towards the Disability Picnic.

5. GENERAL BUSINESS

5A) OCTOBER 2006 ORDINARY MEETING VENUE

Michael Elliott reported that the Spastic Centre's Hunter / Central Coast branch had been working with O'Carrollys at One Mile Beach with the aim of having the facility accredited as an approved supported amenity for their clients. The Spastic Centre has booked out the entire resort for the month of October 2006. Michael suggested it might be a good opportunity to hold our October Access Committee meeting at O'Carrollys and to invite any interested people at the venue to attend. This would involve a \$50 contribution to O'Carrollys by the Committee for the use of the facilities. There was support for the idea and those arrangements are continuing.

5B) TECHNICAL AIDES TO THE DISABLED VOLUNTEER WORKER

Margaret O'Leary reported that Technical Aid to the Disabled (TAD) were seeking a suitably skilled (woodwork, metalwork, computer work, handyperson) volunteer worker in the Port Stephens area. The organisation assists people with a disability by performing a whole range of minor repairs or alterations. The organisation was having difficulty getting jobs done in the Nelson Bay area, as they were currently having to pay people to travel from Newcastle to do them. TAD would pay all travel expenses and materials for each job. If anyone is interested please contact Margaret O'Leary on 4984 0730 for further details.

6. CORRESPONDENCE

Margaret O'Leary presented information on a new bidet on the market. The bidet could easily be attached and removed from any existing toilet without the need for installation by a plumber, making it ideal for people with a disability and particularly those wanting to travel. The retail price of the unit was \$1290.00, anyone interested can contact Margaret O'Leary on 4984 0730 for further details.

7. NEXT MEETING

The next meeting will be held at the Raymond Terrace Community Care Centre at 10.30am on Tuesday the 5 September 2006.

INFORMATION ITEM NO. 6

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

REPORT OF: JENNIFER SMITH, COMMUNITY PLANNING MANAGER

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Indigenous Strategic Committee meeting held on 14 August 2006 with the Karuah Local Aboriginal Land Council.

Key issues discussed at the meeting included: -

- 1) Tjurunga Arts Project Update
- 2) Elsa Dixon Employment Program
- 3) Boat Building Project Update

ATTACHMENTS

- 1) Minutes of Indigenous Strategic Committee Meeting held 14 August 2006 with Karuah Local Aboriginal Land Council.

ATTACHMENT 1

**INDIGENOUS STRATEGIC COMMITTEE MEETING
WITH KARUAH LOCAL ABORIGINAL LAND COUNCIL
MONDAY 14 AUGUST 2006
HELD AT PORT STEPHENS COUNCIL**

Present:

Bev Manton	Karuah LALC
Cr Brown	PSC
Cr Dover	PSC
Mike Triggar	PSC
Cliff Johnson	PSC
Paul Procter	PSC

Apologies:

Colleen Perry	Karuah LALC
Cr Baumann	PSC
Cr Swan	PSC
Cr Dover	PSC
Peter Gesling	PSC
David Broyd	PSC
Stewart Murrell	PSC
Jason Linnane	PSC

Cr Brown Chaired and opened the meeting at 1:25pm

1. KARUAH LALC BUSINESS ARISING FROM PREVIOUS MINUTES

ITEM 12: Old Karuah School House

Bev Manton and Cliff Johnson are finishing the Development Application relating to the re-location of the building. They plan to meet shortly with Council's Development Advisory Panel to discuss the proposed DA.

Action	1. Cliff Johnson to follow up meeting with Council's Development Advisory Panel.
--------	--

ITEM 17: Tjurunga Arts Project Update

Bev Manton indicated that KLALC has decided to proceed with the proposed artefacts project without the Beacon Foundation. Bev Manton and Ian Mackey (Karuah Town Co-ordinator) will be meeting on 21 August with Council's General Manager, Economic Development Manager and Social Planning Co-ordinator to discuss the proposed business plan for this project and the way forward.

ITEM 19: Aboriginal Project Fund

Paul Procter indicated that the ISC would call for new expressions of interest for available funds in Sept/Oct 2006 using the revised application process formulated by the ISC.

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

ITEM 22: Tennis Court

Paul Procter indicated that the 2006/2007 funding round of the Hunter Area Assistance Scheme has just opened.

Action	1. Paul Procter will follow up possibility of KLALC seeking HAAS funds for tennis court improvements.
--------	---

ITEM 23: Naidoc Week 2006

Bev Manton indicated that this year's planned Naidoc Week Celebrations were hampered by wet weather. As a result a limited number of small-scale activities were held. The main activity which will be run in conjunction with local high schools will now be held in September.

ITEM 24: Foreshore Rehabilitation Works

Council's Acting Parks Co-ordinator has measured up the specifications and prepared a quotation for the cost of providing picnic tables and chairs on the foreshore. It is envisaged that they will be installed within the next 6-9 weeks.

Bev Manton indicated that the successful outcomes of the foreshore rehabilitation work had exceeded the expectations of the funding body responsible for funding the works, it is likely that additional funds will be forthcoming to construct a footpath link between the foreshore and Boronia Rd.

ITEM 25 Joint ISC Meeting Guest Speaker

Paul Procter indicated that the joint meeting originally planned for July 2006 had been rescheduled to 17 October 2006. However in the past week Council has received confirmation of the details of this year's NSW Local Government Aboriginal Network Conference. It will be held at Gunnedah between 15-17 October 2006. Therefore Council will need to find an alternate date for the joint meeting.

Paul Procter also indicated that WLALC have suggested Kelvin Kong as an alternate suggestion for guest speaker.

Action	1. Paul Procter will organise for the joint meeting to be re-scheduled and will advise Land Councils, Councillors and relevant Council staff and guest speakers accordingly.
--------	--

1. GENERAL BUSINESS

2.1 Elsa Dixon Employment Program

Bev Manton indicated that KLALC have been successful in attracting \$50,000 under the Elsa Dixon Employment Program that will be used to support the participation of a total of four students, two from Bulahdelah and from Hunter River High Schools in the Land Council's Boat Building Program. The students will receive one on one tutoring in boat building for 2 days a week over a 10-week period.

2.2 Boat Building Project Update

The boat-building project is quickly outgrowing its workshop due to storage challenges of the boats being built.

Action	1. Mike Trigar will investigate cost of KLALC obtaining a shipping container to have onsite to use as a storage facility for the boat-building program.
--------	---

2.3 Skate Ramp Plans

Paul Procter indicated that Council's current skate park strategy does not specify any skate parks for Karuah. That said, Council's Recreational Services Team recognise that local residents have identified a skate park as a community need for Karuah. Consequently, this issue will be considered in the development of the Aliceton Reserve Master Plan which would be ideally situated for such a facility which based on current estimates, would cost approximately \$80,000.

2.4 Clean Bushland Program

Bev Manton indicated that the agreement has been signed by the key stakeholders and it is envisaged that the planned clean up of various sites will be undertaken shortly.

Action	1. Mike Trigar will follow up status of this project.
--------	---

2.5 Bus Shelter

Bev Manton indicated that the floor of the bus shelter at the Mission is filling with water whenever it rains due possibly to build up of gravel in front of shelter that has altered flow of water run-off.

Action	1. Mike Trigar will investigate.
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2.6 Pivot Bush

Bev Manton indicated that the KLALC is experiencing problems with Pivot Bush on some Crown Land sites.

Action	1. Cliff Johnson will speak to Dept of Lands to see if they can assist with this matter.
--------	--

2.7 Karuah Boat Shed

Cliff Johnson indicated that the Dept of Lands is still considering options for the future of the boatshed.

3. NEXT MEETING

To be confirmed. Meeting
closed at 3:05pm

INFORMATION ITEM NO. 7

ACID SULFATE SOIL RUNOFF EVENT ON 20TH JUNE 2006

REPORT OF: BRUCE PETERSEN – MANAGER ENVIRONMENTAL SERVICES

FILE: PSC2006-1621

The purpose of this report is to provide background on the Acid Sulfate Soil event that occurred in the Anna Bay Catchment on the 20th June 2006, and the resulting inter agency meeting held on the 13th July 2006.

BACKGROUND

Acid Sulfate Soils (ASS) contain iron sulfides (mainly pyrite) which can generate large amounts of sulphuric acid when exposed to air. New South Wales has about 600,000 hectares of acid sulfate soils along its coastline. According to the Department of Lands ASS planning maps Port Stephens Council has approximately 60,000 hectares of Potential and Actual Acid Sulfate Soils.

These soils formed naturally over the last 10,000 years, and are safe unless dug up or drained. Large scale drainage of coastal flood plains for flood mitigation, urban expansion and agriculture has exposed large areas of ASS across NSW and this is also evident in the Port Stephens LGA. Acid leachate, plus the aluminium, iron and the heavy metals which it releases from soils, can cause significant environmental and economic problems. Organic acids from rotting vegetation can also cause low pH levels in some waterways however these levels rarely fall below a pH level of 5.0

In 1996 – 1997 community concerns were raised over the management of drains previously constructed through PASS (Potential Acid Sulfate Soil). A community forum was held in May 1997 to bring relevant stakeholders together to discuss the issue and as a result the Port Stephens Acid Sulfate Soil Local Action Committee (PSASSLAC) was established in August 1997. In March 1998 funding was obtained through the ASS Management Advisory Committee (ASSMAC) and the Natural Heritage Trust for research into ASS in the Port Stephens – Anna Bay area. The research project included community education on ASS, and the development of the 'Strategic Guidelines for the Management of ASS in the Port Stephens and Anna Bay Catchments, NSW' that recommended to following:

- 1 All land shown by risk and LEP Planning Maps as having a probability of ASS occurrence requires management for ASS.
- 2 Further investigation is required if soil and/or surface water pH falls below 6.5, while action is necessary once pH values fall below 4.5
- 3 Movement of sediment or acid leachate water (pH 4.5) off site should be prevented; and
- 4 Drains should be remediated to ensure they do not intercept ASS layers.

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

Due to pH levels remaining above 6.5 and the research study being completed PSASSLAC disbanded in 2001.

In June 2006 NSW Fisheries and Port Stephens Council received reports that there had been an acid sulfate soil runoff event in the Port Stephens – Anna Bay catchment following extended periods of rain.

Port Stephens Council and the Department of Primary Industries collected water quality information on the 20th June 2006 and 21 June 2006 to determine if estuarine acidification was the cause of milky green water in Wallis Creek and Tilligerry Creek, Port Stephens. The pH and salinity of water within this catchment was measured and water samples were collected and preserved for subsequent analysis of ions if required. The milky green appearance of water in Wallis Creek was consistent with water affected by estuarine acidification.

The pH of water measured on 20 and 21 June 2006 confirmed that estuarine acidification was occurring in the Wallis and Tilligerry Creek systems with pH levels as low as 3.3. The milky green colour observed was most likely caused by aluminium floccules suspended in the water column. There was extensive and substantial coating of iron floccules in the upper reaches of Wallis Creek below the floodgate and in Anna Bay Drain. Additionally the iron floccules observed in the water near the floodgates were being mobilised into Tilligerry Creek and caused oyster shells to appear a red/orange colour.

The Department of Primary Industries contacted Port Stephens Council about the acidification and suggested to have a meeting at Port Stephens Fisheries Centre that included representatives from Port Stephens Council, NSW Department of Primary Industries, Department of Environment and Conservation, Marine Park Authority, Catchment Management Authority and the Department of Natural Resources to discuss the issue. As a result a meeting was held on the 13th July 2006 and the following was agreed upon.

- To bring together a Port Stephens Acid Sulfate Soil Taskforce comprising of state and local authorities and community representatives.
- To conduct a strategic water quality monitoring program in the Anna Bay Catchment.
- To develop a remediation/restoration plan for areas affected by Acid Sulfate Soil.

ATTACHMENTS

- 1) Glossary

ATTACHMENT 1

GLOSSARY OF ACID SULFATE SOIL RELATED TERMS

Acidification – To become or change into acid.

Flocculate – To form lumps or masses of particles in suspension

pH – A logarithmic scale of hydrogen ion concentration. A reading of 7 is neutral (neither acidic or alkaline) below 7 is acidic, and above 7 is alkaline.

INFORMATION ITEM NO. 8

MANAGER'S MONTHLY REPORT SEPTEMBER 2006

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

FILE: A2004-0498

BACKGROUND

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

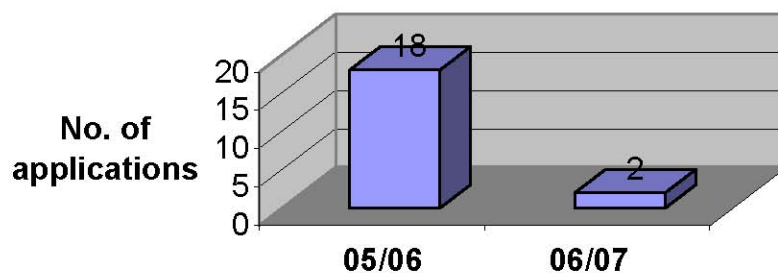
ATTACHMENTS

Monthly Manager's Report – September 2006.

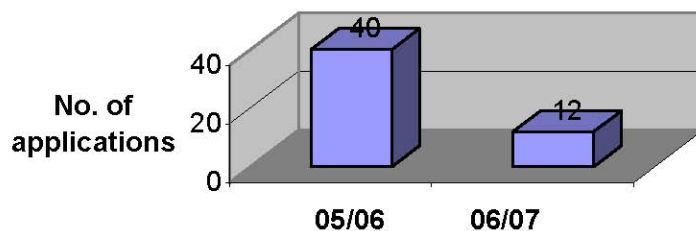
ATTACHMENT 1
MANAGERS
MONTHLY REPORT
AUGUST 2006 STATISTICS

CORPORATE MANAGEMENT

Freedom of Information Applications



Applications under Section 12 of the LGA



2005/2006 ALLOCATION OF MINOR WORKS

2006/2007 ALLOCATION OF MINOR

WORKS

WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD FROM 30 JUNE 2006	3,755	-17,863	5,807	-8,301
2006/2007 BUDGET ALLOCATION FROM REVENUE	20,000	20,000	20,000	60,000
TOTAL AVAILABLE 1 JULY, 2005	23,755	2,137	25,807	51,699

ALLOCATED TO:-

Medowie Scout Group CM 618/06		110		110
Rotary Club of Nelson Bay CM 618/06	2,500			2,500
Shoal Bay Public School CM 618/06	869			869
TOTAL ALLOCATED	3,369	110	0	3,479
BALANCE AVAILABLE	20,386	2,027	25,807	48,220
PLUS Expected Property Profits Funds	39,749	-257,910	27,003	-
(30%)				191,158
TOTAL AVAILABLE	60,135	-255,883	52,810	-
				142,938

2005/2006 PROJECT FUNDS - WARDS

**2006/2007 ALLOCATIONS OF COUNCILLOR
WARD FUNDS WARDS EAST**

		CENTRAL	WEST	TOTAL
ESTIMATED BALANCE B/FWD FROM 30	39,749	-257,910	27,003	-191,158
JUNE 2006 FUNDS REALISED IN 2005-2006	0	0	0	0
TOTAL AVAILABLE 1 JULY 2005	39,749	-257,910	27,003	191,158

ALLOCATED TO:-

TOTAL ALLOCATED	0	0	0	0
BALANCE as at 29.8.06	39,749	-257,910	27,003	-191,158

**ENGINEERING
SERVICES &
OPERATIONS**

Roads & Bridges

- Gowrie Avenue reconstruction at Nelson Bay has commenced with new kerb and guttering along with a new drainage system which will put most of the runoff back into the ground through infiltration.
- Sturgeon Street in Raymond Terrace near The Close has been reconstructed with the bus stop to be moved into that block area and a risk assessment has been finalised by the bus company. The Close will become "one way" as part of the traffic changes.
- The road widening at the RAAF Base has been completed, along with a length of cycleway funded by the Commonwealth Government.
- The design of the new roundabout on Soldiers Point Road at the new access into the Waste Transfer Station and sportsfields has been completed and the Operations Section is scheduled to start work there in late September.
- Heavy patching is currently underway on Nelson Bay Road near Fullerton Cove.

Footpaths, Cycleways & Bus Shelters

- All of the footpaths and cycleways originally proposed along Medowie Road near Kindiebark Drive have now been completed. A short connection to Tallowood Avenue is being considered if there are sufficient funds left over.
- A new bus shelter and lay-bye is being constructed on Kirrang Drive near the Medowie Road roundabout.
- The major repairs on the shade structure in Stockton Street at Nelson Bay have been successfully undertaken following earlier car damage.
- The next section of the Anna Bay to One Mile cycleway will get underway in late August.

Drainage

- The pollution control device at the end of Elwin Road is almost completed. The contractor will be installing the net in late August.
- Work is now approx. 60% complete on the major upgrade in McClymonts Swamp Road at Wallalong. A landowner has recently agreed to provide an easement which will allow a major detention pond to be constructed and which will allow completion of all of the work required in Wallalong.

Operations

- The new SES Road Rescue truck is expected to be operational in early September 2006. The vehicle is funded by Council with a dollar for dollar vehicle grant subsidy from the State Government and is the latest design in rescue vehicles. The SES is purchasing the old vehicle from Council and will issue it to a less fortunate SES unit in western NSW.

**COMMUNITY & LIBRARY SERVICE
& LIBRARY SERVICES**

- The highlights for this month are the programs that we have taken into the community. These include 2 outreach programs and the Maisy Mouse Party. These 3 events provided entertainment for almost 150 children. The success and the flow-on effect of these type of programs is evidenced by the number of new members from those areas where the programs are presented.
- The Maisy Mouse party was an enormous success, due in no small part to the professionalism of the staff in coping with the unfortunate non-arrival of the mouse costume. There were 53 children and their carers who enjoyed the stories and songs performed by the staff, in spite of the lack of a host and the torrential rainfall.
- School Holiday events at Tomaree Library and Community Centre (TLACC) were very successful with waiting lists on every event, and approximately 140 children attending the various programs offered at TLACC. These include Mask Making, a magic show, a magic workshop, Storytime, a Narnia party, and Stories and songs for the littlies. The TLACC team did a fantastic job preparing for delivering these programs, and at the same time offering an excellent library service during what was a very busy July period.
- Following on from the Mobile Library outreach visit to Wirreanda School in June, there has been a marked increase in new borrowers from the Medowie area for July.
- The new Activity Van artwork has been completed and the result is very impressive. It was available for viewing at the morning tea for Local Government week.
- Both Raymond Terrace BASC and Vacation Care received Validation Visits. Both services achieved all indicators except one. We are confident that both will be assessed as High Quality.

RECREATION SERVICES

- Tomaree Aquatic Centre fibreglass repairs have been completed. Pool surface now satisfactory. Plans started to investigate future needs for re-lining.
- New managers of Tilligerry Aquatic Centre have commenced on site. Feedback has been positive to date.
- YMCA continues to positively implement new site safety systems at Lakeside Leisure Centre.
- Tomaree Sports Complex Soccer/Touch amenities has been completed. Clubs happy with

outcome.

- Grant applications have been submitted for further detailed designs for the Soldiers Point and Karuah Boating infrastructure plans.

PROJECT SERVICES

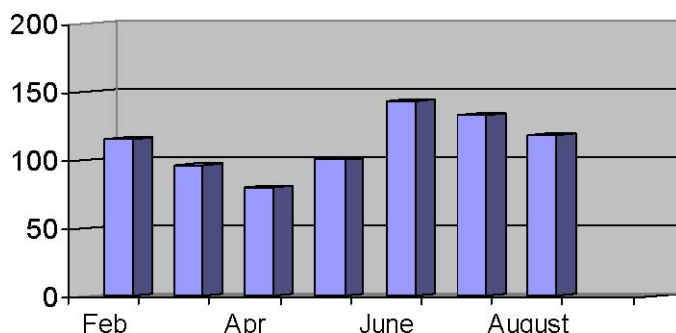
- Fingal Bay Holiday Park- New roof to pool amenities completed and power upgrade (stage 1) completed.
- Raymond Terrace Administration Building Council Chambers mural completed.
- Salamander Bay Recreation Area cricket facilities are on target for completion by the end of September 2006.
- Tomaree Touch Football Extension completed.
- Wallalong Property fence relocation completed.
- Anna Bay RFS depot preliminary design has been completed and scheduled for DA/CC submission October 06 with construction scheduled to commence early 2007.
- King Park Shade Shelter on going with completion date end of August.
- Lakeside Pool Multi-Purpose room extension concept design has been completed and has been circulated for comment.
- Little Beach Jetty - Work is completed.
- Medowie Community Centre car park preliminary design has been completed and the environmental effects are still being investigated.
- Raymond Terrace Administration Building basement storage room design has received DA/CC approval, with construction scheduled late August 2006.
- Raymond Terrace SES depot extension preliminary design has been completed and circulated for comment and is scheduled for DA/CC submission October 2006.
- Raymond Terrace Foreshore Improvements has been delayed due to planning requirements and will now be completed by the end of September 2006 pending funding.
- Karuah Multi-Purpose Child Care Centre design has been submitted for DA approval; due to site layout changes detailed design has been re-scheduled for completion October 2006.
- Mallabula amenities extension design has been completed and circulated for comment; scheduled for DA submission late August.
- Raymond Terrace Senior Citizens Community Hall detailed design is scheduled for completion in August.

SUSTAINABLE PLANNING

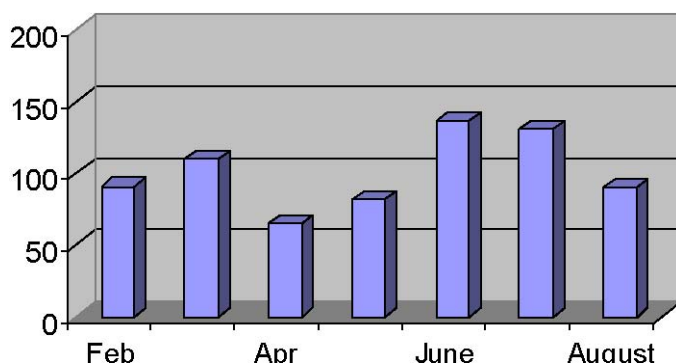
Development Approvals

DA's determined during the month	119
Modifications to DA's during the month	20
Construction Certificates approved during the month	90

DA's Determined



CC's Determined



BUSINESS & DEVELOPMENT

Property

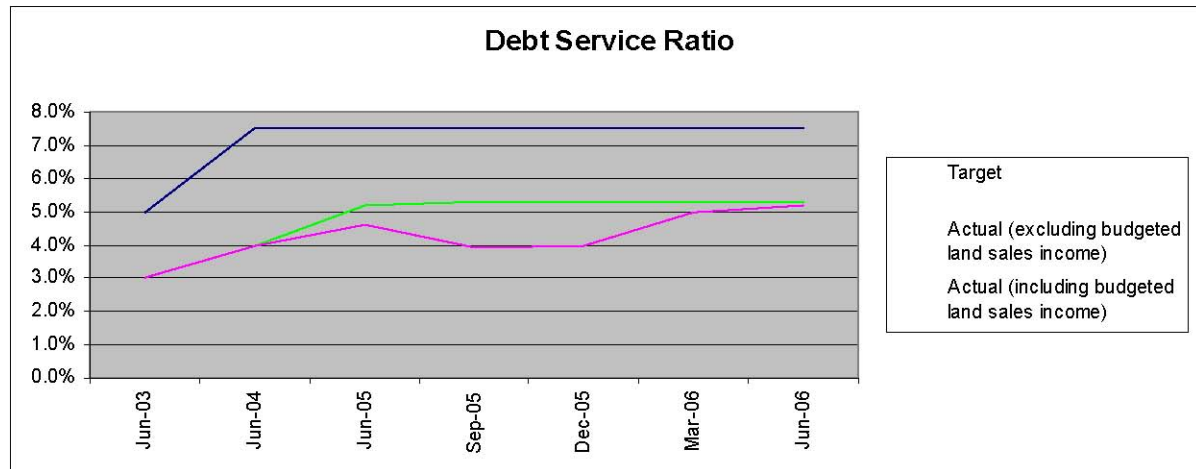
- Recently secured new tenants in previously long term vacant premises. Space in the Terrace Shopping Village, both ground and first floor, for a three year term. 48 William Street, Raymond Terrace occupancy for the period of the electoral campaign.

Holiday Parks

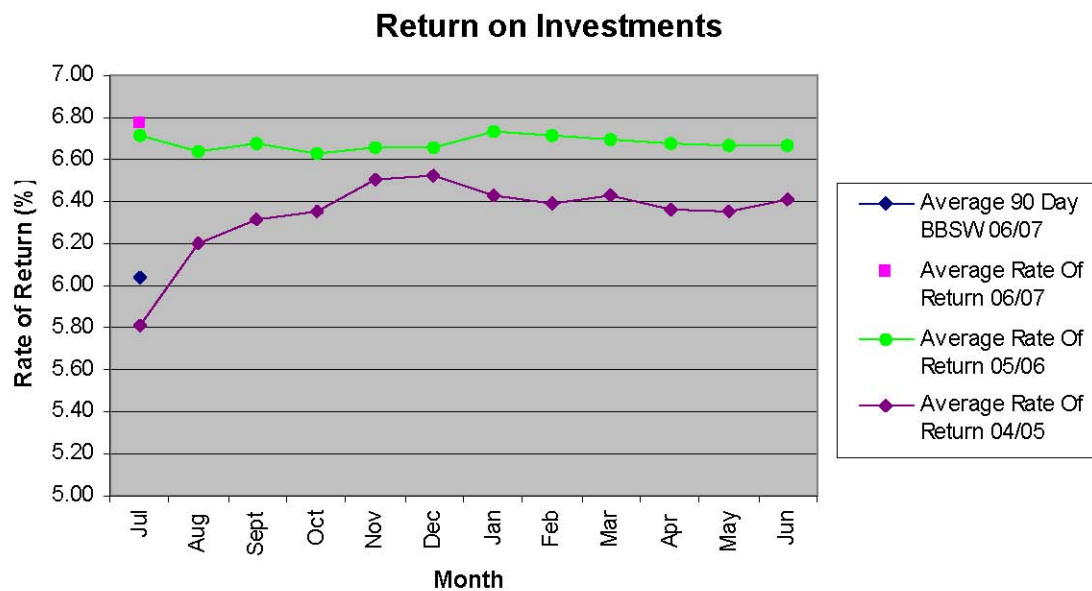
- Fingal Bay Holiday Park featured in: Holidays with Kids article. Volume 11 2006. Top 10 Awards. Rated in Top 10 for Best Family Friendly Holiday Park in Australia.
- Soldiers Point Holiday Park received 2006 C.C.I.A. Commendation Award, Tourist Parks 3.5 – 4 star. Shoal Bay Holiday Park were finalists in the C.C.I.A. Excellence Awards, North Coast 3.5 – 4 Star Holiday Park category.

FINANCE

Debt Service Ratio (reported Quarterly)



Return on Investments



MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006**Debtors Aging (Sundry Debtors) as at 31 July 2006**

DEBTOR CATEGORY	Current	30 days	60 days	90 days	120 days	Total
Miscellaneous	310,134	82,511	9,298	19,460	40,081	461,484
Dog Impounding Fees	0	320	0	0	0	320
Contribution to Works - Kerb & Guttering	0	0	0	0	9,141	9,141
Shire Property Rents	34,586	84,458	2,285	2,568	2,263	126,160
Section 149 Certificates	2,840	1,720	200	280	180	5,220
Real Estate data	0	0	0	0	0	0
Tipping Fees	-453	15,873	882	83	-1,220	15,165
Contributions - Other	0	16,200	0	0	0	16,200
Sporting Clubs/355B Committee's	-220	80,388	4,986	0	7,429	92,583
Contributions to Works - Footpaths	184,064	10,972	0	0	21,582	216,618
Council Uniforms	-1,162	-1,321	0	0	-414	-2,897
Effluent	0	0	0	0	0	0
Grants	16,500	68,433	0	0	0	84,933
On Site Sewerage Management	1,241	0	0	142	0	1,383
On Site Sewerage Inspections	-40	400	280	210	149	999
Business Inspections - Food	568	1,278	142	994	2,255	5,237
Business Inspections - Hair/Beauty	0	0	0	0	130	130
Business Inspections - Caravan Parks	14,579	0	0	0	-37	14,542
Business Inspections - Skin	0	0	0	0	0	0
Business Inspections - Mortuaries	0	0	0	0	0	0
TOTAL	562,637	361,232	18,073	23,737	81,539	1,047,218

Total Outstanding Rates as at July 2006 = \$36,037,789.13

The amount of Sundry Debtors outstanding 120+ days at 31 July 2006 was \$81,539, compared to \$131,648 at 30 June 2006. Overall, outstanding sundry debts increased from \$744,356 to \$1,047,218 during the month.

CASH & INVESTMENTS HELD								
AS AT 31 JULY 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 Sub Debt	15-Jun-06	15-Sep-06	92	500,000.00	7.62%		1.82%
SAPHIR FINANCE PLC 2004 - 4 "ENDEAVOUR AAA"	Floating Rate CDO	4-May-06	4-Aug-06	92	1,000,000.00	7.18%		3.64%
SAVINGS & LOANS CREDIT UNION (SA) LTD (2008)	Floating Rate Sub Debt	13-Jun-06	12-Sep-06	91	500,000.00	8.70%		1.82%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.48%		3.64%
APHEX CAPITAL PLC "JADE AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.18%		3.64%
NEXUS BONDS LTD "TOPAZ AA"	Floating Rate CDO	25-May-06	24-Nov-06	183	1,500,000.00	6.28%		5.46%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.48%		3.64%
STARTS CAYMAN LTD "BLUE GUM AA"	Floating Rate CDO	22-Jun-06	22-Sep-06	92	1,000,000.00	7.41%		3.64%
CYPRESS TREE CDO LTD "LAWSON AA"	Floating Rate CDO	30-Jun-06	30-Sep-06	92	1,000,000.00	7.28%		3.64%
CORSAIR NO. 2 LTD "NEWPORT AAA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	6.98%		3.64%
HELIUM CAPITAL LTD "ESPERANCE AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.08%		3.64%
HELIUM CAPITAL LTD "SCARBOROUGH AA"	Floating Rate CDO	23-Jun-06	23-Sep-06	92	1,000,000.00	7.33%		3.64%
TOTAL GRANGE SECURITIES					\$11,500,000.00			41.83%
ABN AMRO MORGANS								
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Jun-06	20-Sep-06	92	2,000,000.00	7.38%		7.27%
GLOBAL PROTECTED PROPERTY NOTES	Property Linked Note	9-Jul-06	9-Jul-07	365	1,000,000.00	7.00%		3.64%
TOTAL ABN AMRO MORGANS					\$3,000,000.00			10.91%
ANZ INVESTMENTS								
ECHO FUNDING PTY LTD SERIES 16 "3 PILARS AA"	Floating Rate CDO	6-Jul-06	6-Oct-06	92	500,000.00	7.18%		1.82%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.48%		3.64%
ECHO FUNDING PTY LTD SERIES 20 "ECHO CHARLIE AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	500,000.00	7.48%		1.82%
TOTAL ANZ INVESTMENTS					\$2,000,000.00			7.27%
MACQUARIE FINANCIAL SERVICES								
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	31-Jul-06	30-Oct-06	91	500,000.00	7.91%		1.82%
CSFB AUSTRALIA PROPERTY LINKED NOTE (2010)	Property Linked Note	21-Jun-06	21-Sep-06	92	2,000,000.00	2.00%		7.27%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	7-Jul-06	6-Oct-06	91	2,000,000.00	7.95%		7.27%
ROCK BUILDING SOCIETY LTD (2007)	Floating Rate Sub Debt	31-Jul-06	30-Oct-06	91	500,000.00	8.95%		1.82%
TOTAL MACQUARIE F.S.					\$5,000,000.00			18.18%

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

<u>WESTPAC INVESTMENT BANK</u> HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	27-Jul-06	27-Oct-06	92	500,000.00	7.30%		1.82%
TOTAL WESTPAC INV. BANK					\$500,000.00			1.82%
<u>LONGREACH CAPITAL MARKETS</u> LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	6-Mar-06	15-Aug-06	162	500,000.00	7.00%		1.82%
TOTAL LONGREACH CAPITAL					\$500,000.00			1.82%
<u>RIM SECURITIES</u> ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	5-Jul-06	5-Oct-06	92	1,000,000.00	6.64%		3.64%
TOTAL RIM SECURITIES					\$1,000,000.00			3.64%
<u>FUND MANAGERS</u>						RATE OF RETURN - MONTH	RATE OF RETURN - FYTD	
MERRILL LYNCH INVESTMENT MANAGERS					66,471.07			0.24%
PERPETUAL INVESTMENTS					117,529.75			0.43%
ADELAIDE MANAGED FUNDS					250,000.00	6.00%	6.00%	0.91%
TOTAL FUND MANAGERS					\$434,000.82			1.58%
<u>MAITLAND MUTUAL</u>	Floating Rate Sub Debt	16-Jul-06	16-Oct-06	92	500,000.00	7.06%		1.82%
	Term Deposit	4-Jun-06	4-Sep-06	92	1,953,437.66	6.16%		7.10%
	Floating Rate Sub Debt	11-Jun-06	9-Sep-06	90	500,000.00	6.95%		1.82%
TOTAL M'LAND MUTUAL					\$2,953,437.66			10.74%
TOTAL INVESTMENTS					\$26,887,438.48			97.79%
CASH AT BANK					\$607,941.88	5.70%		2.21%
TOTAL CASH & INVESTMENTS					\$27,495,380.36			100.00%

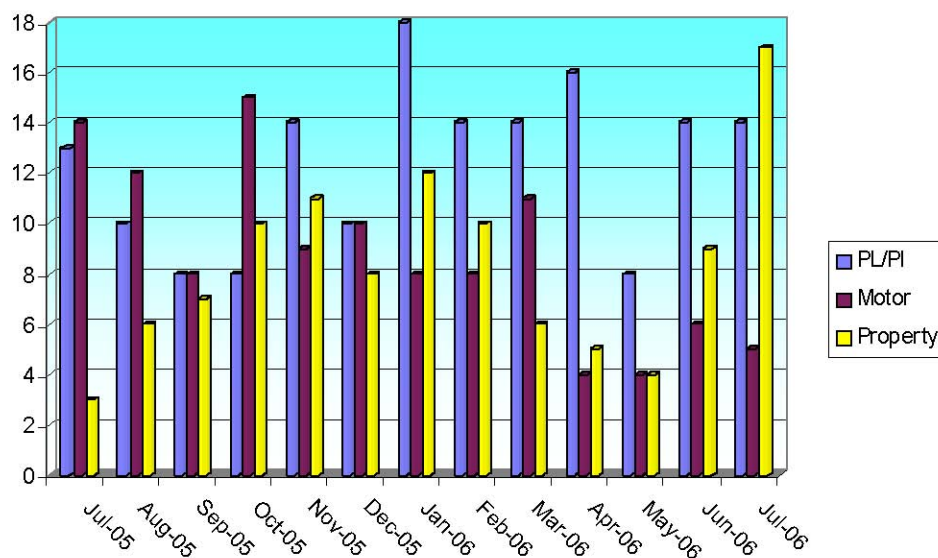
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

I, Peter Gesling, being the Responsible Accounting 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

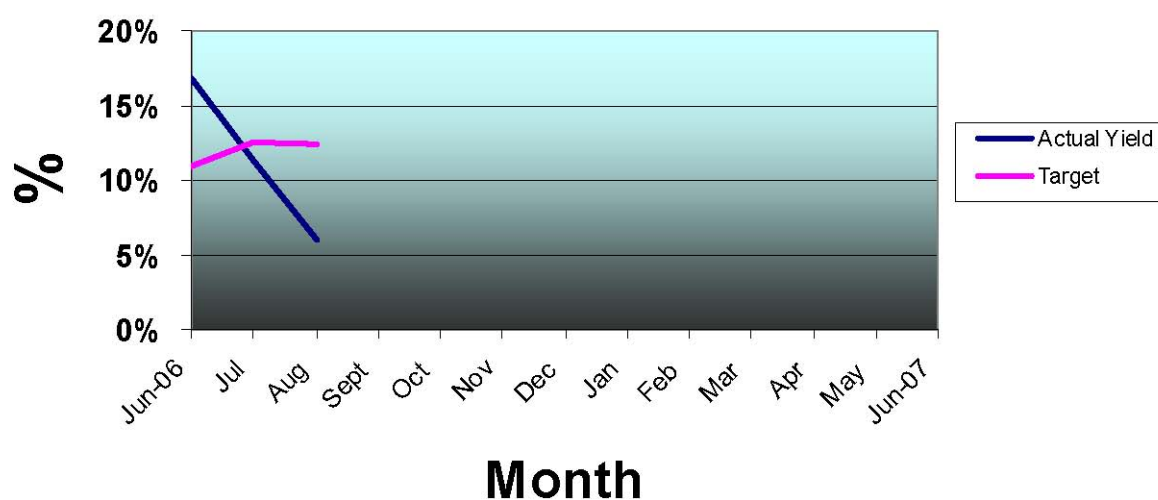
RISK MANAGEMENT

Number of Incidents

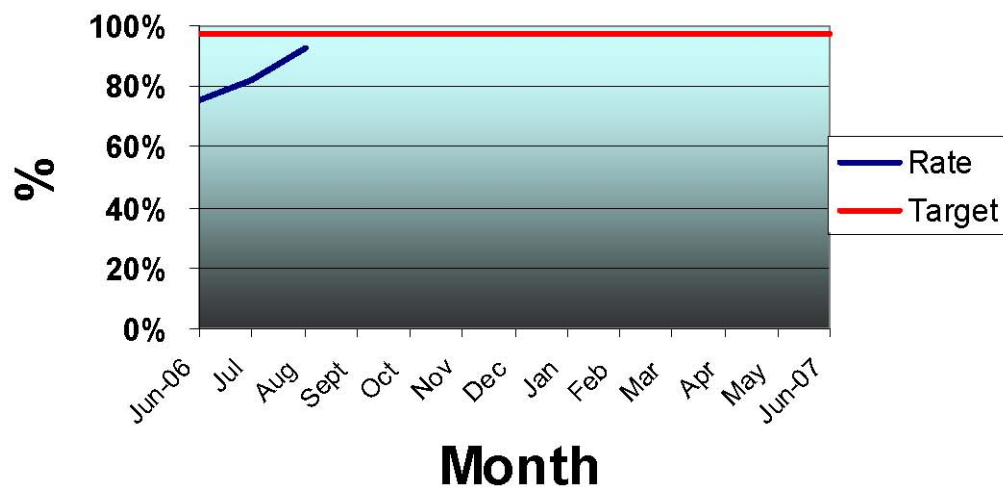


PROPERTY

**Investment Property - Return on Investment
@ 28 August, 2006
(Target is Double the 90 Day Swap Rate)**



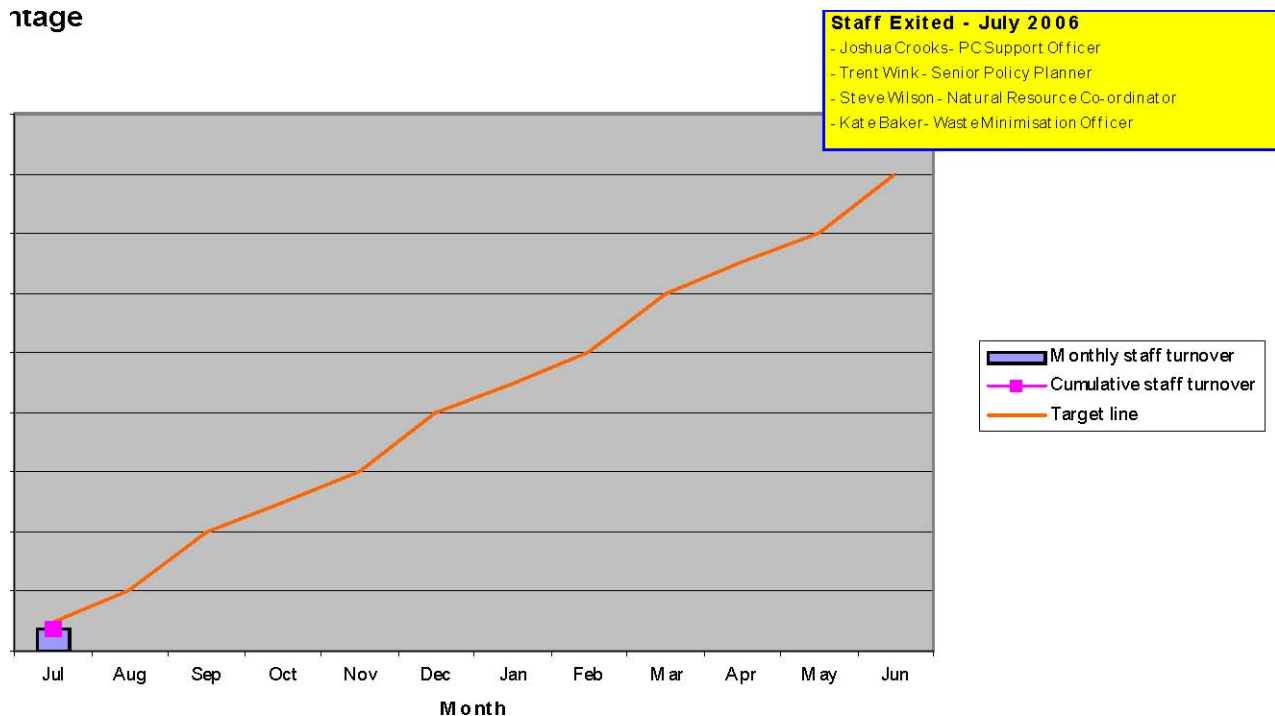
Investment Property - Occupancy Rate @ 28 August, 2006

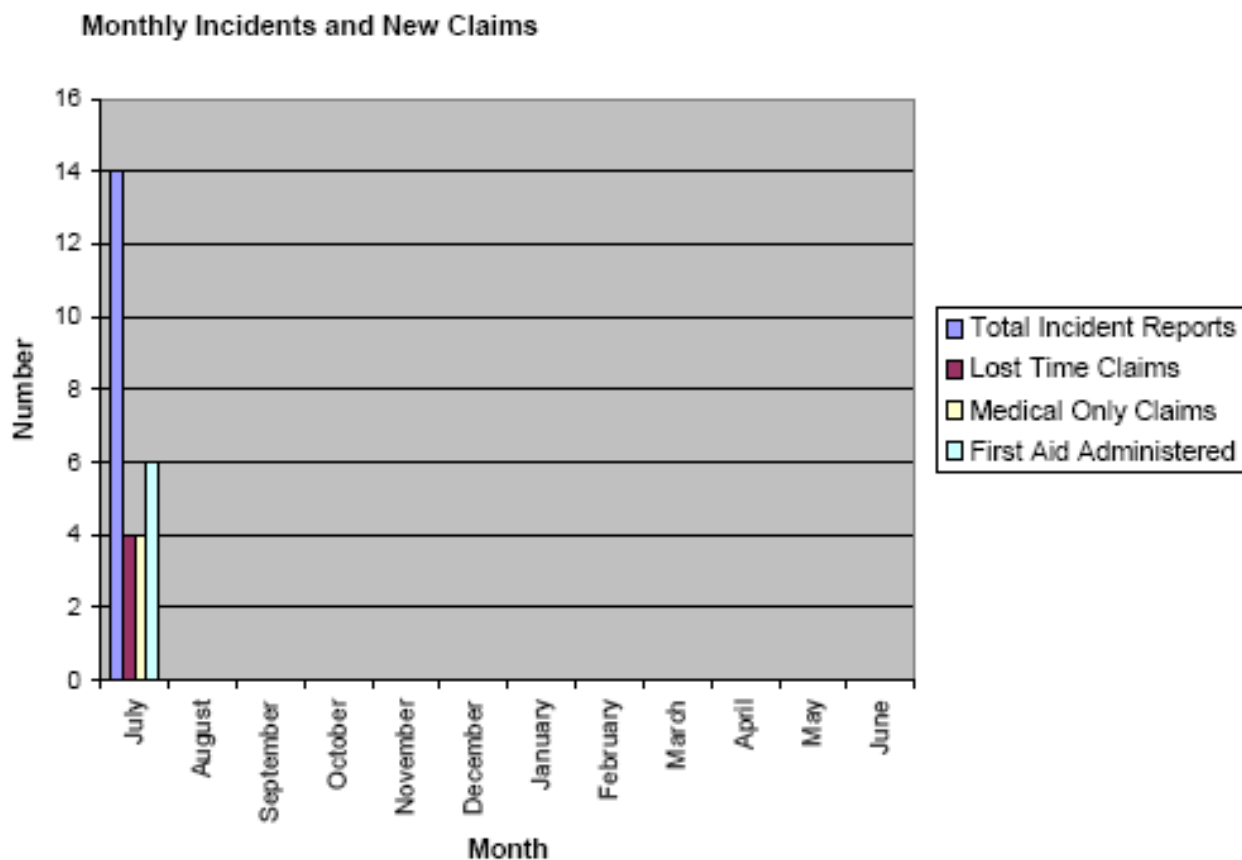


ORGANISATION DEVELOPMENT


Staff Turnover – Ratio of Employment Departures to Equivalent Full Time Staff as a Percentage

Target





Resignations

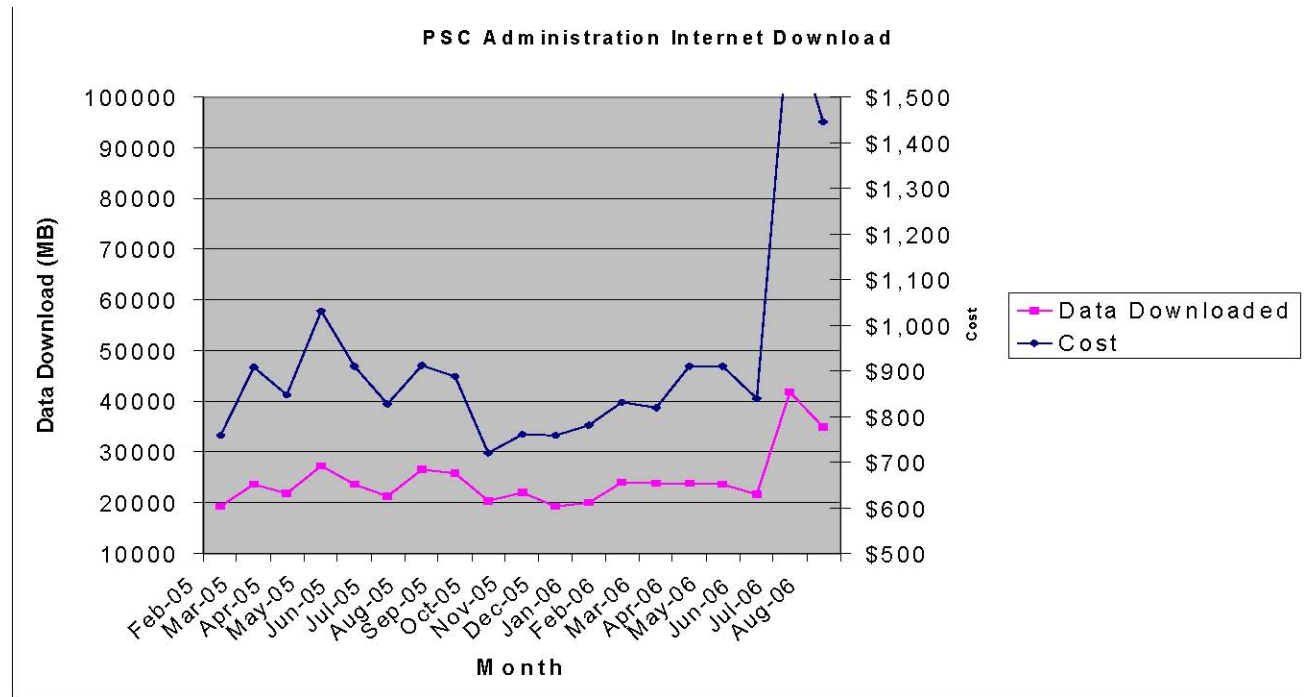
Employee	Section	Date
 Joshua Crooks	Resources	7 th July 2006
. Steve Wilson	Natural Resource Co-ordinator	7 th July 2006
. Kate Baker	Waste Officer	25 th July 2006

New Staff

Employee	Section	Date
. Stephen Kay	IT Co-ordinator	5 th July 2006
. Jo Kulcher	Cultural Development Officer	24 th July 2006
. Sam Budden	Assistant Drainage Engineer	17 th July 2006
. Heather Fardy	Senior Planner	17 th July 2006

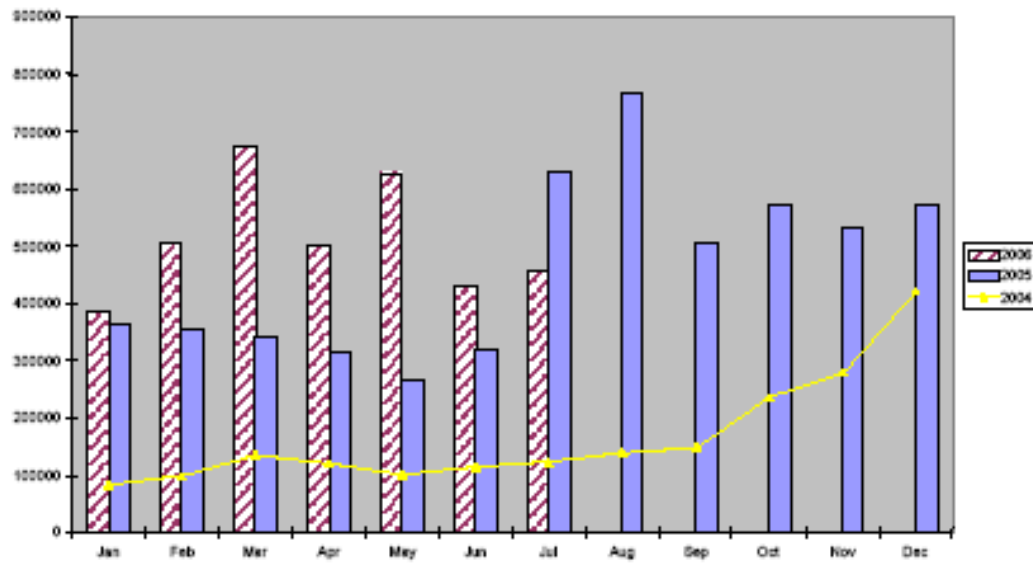
RESOURCES

Port Stephens Council Administration Internet Download



- The spike in the data for Internet downloads in July and August 2006 was caused by a new server on our network.
- This new server did not interact well with our Minesweeper Program and as a result was not receiving notification that the security patches it was trying to download had been successful.
- The server went online on a Friday afternoon and was taken off the network the following Monday once the problem was noticed – the new server download the same information continuously over the weekend, hence the spike.
- The download figures are now trending down and are being monitored closely.

Port Stephens Web Page Hits



Resources Highlights

- The stormwater treatment system at Raymond Terrace Depot will start mid August 2006.

Resources Special Achievements

- There has been no server downtime during core business hours for the last twelve months.

Resources Critical Impact on Service

- There are ongoing issues with the speed and reliability of the Internet service offered by our Internet Service Provider.

STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: A2004-0284

CODE OF MEETING PRACTICE REVIEW

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the revised Code of Meeting Practice as exhibited with the further amendments as detailed in the report.
-

STRATEGIC COMMITTEE MEETING – 5 september 2006

RECOMMENDATION:

That Council adopt the revised Code of Meeting Practice as exhibited with the further amendments as detailed in the report excluding item 10.14 – Limitations on speeches in Committee meetings.

Tabled Document: Code of Meeting Practice

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:

679	Councillor Hodges Councillor Brown	It was resolved that the Strategic Committee recommendation be adopted.
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Tabled Document: Code of Meeting Practice

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:

680	Councillor Dingle Councillor Baumann	It was resolved that Notice of Motion No. 1 be brought forward and dealt with prior to Item 2 of the Strategic Committee Recommendation
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NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217/PSC2006-0859

AMENDMENT TO DEVELOPER CONTRIBUTIONS (SECTION 94) – PROGRAM FOR ALLOCATING EXISTING FUNDS AND PREPARING REVISED DEVELOPER CONTRIBUTIONS PLANS

COUNCILLOR: DINGLE

THAT COUNCIL:

Amend recommendation No. 6 of the Developer Contributions (Section 94) – Program for Allocating Existing Funds and preparing Revised Developer Contribution Plans report of the Strategic Committee on 4th September, 2006 to amend attachments as follows:

Attachment No. 1:

- 1) Replace Item 31 (Meadowie East Parks) with “Development of open space and car parking facilities adjacent to the Meadowie Community Centre” for the same estimate of \$70,000 with S94 Repealed funds.
- 2) Amend Item 38 to read “Kula Road – Stage 1”
- 3) Replace Item 39 (Grahamstown Road – Rehab) with “Kula Road Stage 2” for the same estimate of \$110,000 with S94 Repealed Funds
- 4) Add Item 40.1 “Expansion of Meadowie Community Centre car park and stormwater management” for an estimate of \$458,000 being S94 Repealed funds and amend the total S94 Repealed funds expenditure by the same amount.

Attachment No. 2:

- 5) Delete Item 111 “Expansion of Meadowie Community Centre car park and stormwater management”
-

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

BACKGROUND REPORT OF: MIKE TRIGAR, GROUP MANAGER, FACILITIES & SERVICES

BACKGROUND

Planning for the redevelopment of the open space and expansion of the car park adjacent to the Medowie Community Centre is well advanced and it is anticipated that a Development Application for this project will be lodged with Council within 6 weeks. This project can commence construction phase by April 2007 and be completed prior to June 2008. As a result, it is deemed advisable to bring forward this project from the Future Projects list to that of Current Projects.

Now that Council's rate has been approved for the 2006-2007 year, the project on Grahamstown Road, which is shown on page 44 of the Council Plan 2006-2009, is able to be funded under the "Roads Rehabilitation Program". Consequently, this has enabled accumulated funds in the roads component of the S94 Plan for Medowie to be reallocated to two sections of Kula Road which are both in poor condition and in urgent need of pavement rehabilitation. Another project on Newline Road which was also under consideration will now most likely be able to be funded from the Road to Recovery program once negotiations with Hunter Water are finalised next year.

These changes have been agreed to by the Strategic Engineer for Sustainable Planning.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:		
681	Councillor Dingle	There being no objections it was resolved that the Notice of Motion be adopted.

ITEM NO. 2

FILE NO:PSC2006-0859

**DEVELOPER CONTRIBUTIONS (SECTION 94) – PROGRAM FOR
ALLOCATING EXISTING FUNDS AND PREPARING REVISED
DEVELOPER CONTRIBUTION PLANS**

REPORT OF: DAVID BROYD - GROUP MANAGER, SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Include the appropriate proportions of costs for the construction of King Park, Lakeside Leisure Centre and Pool and Lakeside Sports Facilities in Future Section 94 Plans and/or Developer Agreements as providing facilities in advance of population growth.
- 2) Repeal the eight current Section 94 Plans concurrently with the implementation of new Section 94 Plans outlined in this report.
- 3) Re-allocates \$0.4 million from the Roads category of the repealed Raymond Terrace Section 94 Plan to the Section 94 Debt in the Recreation Category for Raymond Terrace.
- 4) Re-allocates \$1.5 million across the categories of the repealed Tomaree Section 94 Plan to the Section 94 Debt in the Recreation Category for Raymond Terrace.
- 5) Transfers \$1 million from the Investment Properties Depreciation Fund to the Section 94 Debt in the Recreation Category for Raymond Terrace, with future reimbursements to the Investment Properties Depreciation Fund of \$600,000 from Raymond Terrace Property Sales and \$400,000 from Raymond Terrace Open Space Consolidation – when income becomes available.
- 6) Allocates the remaining funds from the repealed Section 94 Plans, firstly to those projects detailed in Attachment No 1 (Works programmed for completion by Dec 2008) and then to those in Attachment No 2 (Future works post 2008).
- 7) Distributes funds received from Section 94A contributions in accordance with the following formula:
 - Funds received from Section 94A levies be distributed in accordance with the formula: 50% of the Section 94A levied for each application be allocated to the Section 94 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 Section 94 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 Plan (FWP) and Integrated Works Program (IWP).
- 8) Notes the Standards Approach being developed for the new Section 94 Plans.

STRATEGIC COMMITTEE MEETING – 5 september 2006

RECOMMENDATION:

That the recommendation be adopted.

Note: Confidential Supplementary Information Report supplied under separate cover.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:		
682	Councillor Jordan Councillor Hodges	It was resolved that the recommendation be adopted excluding Item 6 which was replaced by the preceding Notice of Motion No. 1.

ITEM NO. 3

FILE NO: PSC2006-0046

**DRAFT PORT STEPHENS COMMUNITY SETTLEMENT AND
INFRASTRUCTURE STRATEGY**

REPORT OF: JENNY SMITH –COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the draft Port Stephens Community Settlement and Infrastructure Strategy (Attachment 1) on public exhibition for a period of six weeks.
 - 2) Adopt the Consultation Strategy for the exhibition period explained in the section titled “Consultation Strategy” in this report.
-

STRATEGIC COMMITTEE MEETING – 5 september 2006

RECOMMENDATION:

That this item be deferred to allow round table discussions

Tabled Document: Draft Port Stephens Community Settlement & Infrastructure Strategy

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:

683	Councillor Jordan Councillor Tucker	It was resolved that the staff recommendation be adopted.
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Tabled Document: Draft Port Stephens Community Settlement & Infrastructure Strategy

ITEM NO. 4**FILE NO: PSC2006-1627****DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN****REPORT OF: JENNY SMITH –COMMUNITY PLANNING MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the public exhibition of the Draft Port Stephens Development Control Plan 2006 for a period of six weeks.
- 2) Adopt the consultation strategy for the exhibition period explained in the section titled “Consultation” in this report.

STRATEGIC COMMITTEE MEETING – 5 september 2006**RECOMMENDATION:**

That this item be deferred to allow round table discussions

Tabled Document: Draft Port Stephens Development Control Plan

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006**RESOLUTION:**

684	Councillor Hodges Councillor Brown	It was resolved that Council <ol style="list-style-type: none">1. Endorse the public exhibition of the Draft Port Stephens Development Control Plan 2006 for a period of six weeks with the additional inclusions detailed in Attachment 1.2) Adopt the consultation strategy for the exhibition period explained in the section titled “Consultation” in this report and to also include a workshop with the development and building industry.3) Delegate authority to the General Manager to make any textual clarifications and/or include any additional diagrams to enable public exhibition to proceed.
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Tabled Document: Draft Port Stephens Development Control Plan

Note: Cr Hodges left the meeting at 7.19pm during Item 4

ITEM NO. 5

FILE NO: PCS2005 - 3964

CULTURAL DEVELOPMENT & EVENTS FUNDING

REPORT OF: JENNY SMITH - COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Council funding of cultural projects as recommended in Attachment 1 – List of Applicants.

STRATEGIC COMMITTEE MEETING – 5 september 2006

RECOMMENDATION:

That Council approve Council funding of cultural projects as recommended in Attachment 1 – List of Applicants

Tabled Document: Cultural Events Information Package

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:

685	Councillor Francis Councillor Dingle	It was resolved that the recommendation be adopted.
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Tabled Document: Cultural Events Information Package

ITEM NO.6**FILE NO: C1454-01****IMPACT OF WORKCHOICES LEGISLATION****REPORT OF: ANNE SCHMARR – ORGANISATION DEVELOPMENT MANAGER**

RECOMMENDATION IS THAT COUNCIL:

- 1) Defer a decision on signing Referral Agreements until the future of the WorkChoices legislation is known following the High Court Appeal.
-

STRATEGIC COMMITTEE MEETING – 5 september 2006**RECOMMENDATION:**

That the recommendation be adopted.

Tabled Documents:

Correspondence from:

Letter dated 9th May, 2006, from the United Services Union

Letter dated 16 June, 2006, from the Local Government Engineers Association

Letter dated 13th July, 2006, from the Development and Environmental Professionals Association

Letter dated 5 May, 2006, from the Local Government and Shires Associations

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006**RESOLUTION:**

686	Councillor Jordan Councillor Brown	It was resolved that the recommendation be adopted.
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Tabled Documents:

Correspondence from:

Letter dated 9th May, 2006, from the United Services Union

Letter dated 16 June, 2006, from the Local Government Engineers Association

Letter dated 13th July, 2006, from the Development and Environmental Professionals Association

Letter dated 5 May, 2006, from the Local Government and Shires Associations

ITEM NO. 7

INFORMATION PAPERS

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 5th September, 2006.

No:	Report Title	Page:
1	Hunter Valley Research Foundation Annual Report	

STRATEGIC COMMITTEE MEETING – 5 september 2006

RECOMMENDATION:

That the information paper be received and noted

Tabled Document: Hunter Valley Research Foundation Annual Report

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:		
687	Councillor Brown Councillor Robinson	It was resolved that the recommendation be adopted.

Tabled Document: Hunter Valley Research Foundation Annual Report

GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1**FILE NO: A2004-0373****COUNCIL PRAYER AND TRADITIONAL WELCOME AT COUNCIL MEETINGS****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) That Council continue with the current Prayer and Traditional Welcome at Council meetings.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:		
688	Councillor Robinson Councillor Dover	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is allow Council the opportunity to consider whether to continue with the prayer and traditional welcome at Council meetings. Council's current Code of Meeting Practice makes provision for the prayer at the commencement of all ordinary meetings of Council.

Port Stephens Council in the past commenced Council meetings with the following prayer –

"We ask Almighty God to help us serve the community to the best of our ability, and make Port Stephens a happy and healthy place in which to live, work and visit. Amen."

Council previously passed a resolution to include a Traditional Welcome at each Council meeting. The Traditional Welcome is to follow the Prayer at the commencement of each Council meeting.

The Traditional Welcome is as follows:-

"I would like to acknowledge and pay respect to the Worimi People of Port Stephens, who are the traditional owners of this land on which we stand/meet today".

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

Nil

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 12) Senior leadership's constant role-modelling of these principles, and creating a supportive environment in which to live these principles will help the enterprise and its people to reach their full potential

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Nil

OPTIONS

- 1) Adopt the recommendation
- 2) Resolve to cease having the prayer and/or the traditional welcome at Council meetings

ATTACHMENTS

Nil

TABLED DOCUMENTS

Nil

Note: Cr Hodges returned at 7.28pm during Item 1 General Managers Reports

ITEM NO. 2**FILE NO: 2006 - 2094****TRANSFER OF MOBILE FIRE FIGHTING ASSETS TO NSW RURAL FIRE SERVICE****REPORT OF: PETER MURRAY – OPERATIONS MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the proposal to transfer of ownership of mobile fire fighting assets to the NSW Rural Fire Service in principle.
- 2) The transfer occurs on the understanding that Councils' ability to fund any related increase in annual contribution to the Service is limited to that of the allowable rate increases as determined year to year by the Minister for Local Government or alternatively at the expense at other Council funded fire suppression activities.
- 2) After replacing one more Category 1 fire tanker in 2007/08, further replacement of the current mobile assets will occur only on a case by case basis until the future responsibility of the management of the fire fighting fleet is resolved.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006**RESOLUTION:**

688	Councillor Baumann Councillor Robinson	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to present a submission to the Local Government and Shires Association of NSW (LGSA) on Councils' position with regard to the proposal to transfer mobile fire fighting assets (such as fire tankers and Group Captain vehicles) to the NSW Rural Fire Service (RFS).

Following resolutions passed at the Annual Conferences of both Associations and discussions with NSW Rural Fire Service Commissioner Koperberg at recent RFS/Local Government Liaison Committee meetings the RFS has indicated that they may be prepared to instigate legislative changes to allow the transfer of the mobile fire fighting assets (such as fire fighting tankers, not rural fire stations buildings however) from local government provided there is clear majority support.

As a result of this proposal, the LGSA have written to all Councils (ATTACHMENT 1) requesting Councils to indicate their response to the proposal by the 30 September 2006. The LGSA correspondence also includes comments on the potential impact of accounting standards, insurance, costs and vehicle requisitions to Councils.

The mobile fire fighting assets at Port Stephens consists of 44 items ranging from large Category 1 fire tankers to utilities used by the Group Captains, quad cycles used for difficult access areas and trailers and have a replacement value of approximately \$2.6M.

Currently, Council funds 13.3% of the total purchase cost of all new tankers with the remainder funded by the RFS. However, all bids for replacements are initiated by Councils' preparedness to allocate funds in the first instance. At Port Stephens there has been a concerted effort over many years by Council to fund one new replacement large fire tanker (known as a "Category 1" with a total purchase cost of approximately \$235,000) or two new replacement medium sized tankers (known as a "Category 7" with a total purchase of approximately \$117,000 each) every year. This initiative has been successful in providing the Brigades of Port Stephens with modern fire tankers and resulted in the goal of removing from service the last of the 35-year-old "International Acco" tankers as of September this year.

LINKS TO CORPORATE PLANS

The transfer proposal is consistent with Councils Key Result Areas of:

Infrastructure – Our facilities and services meet community needs &

Our Finances – Our Council will plan and manage our finances to maximise community benefits.

FINANCIAL/RESOURCE IMPLICATIONS

The proposal, if it were to proceed is expected to be beneficial to Council for the following reasons:

1. Reduction in Insurance Costs – The transfer of assets would provide savings of the order of \$14,000 per annum or 9% of the total motor vehicle premium. There would also be additional savings in the Property insurance premium for the transfer of liabilities for the contents of these vehicles such as hoses and portable equipment and the unregistered quad cycles.
2. Reduction in Depreciation – By virtue of the mobile assets being vested in Council, the depreciation of these assets is a financial liability in the order of \$97,000 per annum to Council. This liability contributes to Council's current total operational deficit of approximately \$1.8M per annum.
3. The proposal also has the advantage to the community that it would improve accountability for the overall management of these mobile assets across the State by having one organisation responsible for this important activity rather than many

The disadvantages of the proposal for Councils are limited:

1. Increased annual contributions to RFS – Whilst this has neither been detailed nor estimated, it is reasonable to expect that contributions would need to increase to cover the Services' increased responsibility. However this is expected to be offset by the advantages detailed above. The transfer would occur based on the understanding that Councils' ability to fund any related increase in the annual contribution to the Service is limited to that of the allowable rate increases as determined year to year by the Minister for Local Government or alternatively at the expense of other Council funded fire suppression activities.
2. Maintenance & Repair of Mobile Assets – The transfer of these assets would no longer automatically guarantee Councils of a role in the maintenance and repair of these assets. This is not expected to be an issue at Port Stephens as Councils' workshop is already highly regarded and cost competitive and is for example performing work on Dungog's fire tankers that was previously completed by a privately owned service provider. Great Lakes Council is also now sending tankers to Port Stephens for specialist work.

LEGAL AND POLICY IMPLICATIONS

The proposal if successful would clarify ongoing issues with regard to ownership, insurance and accounting standards as detailed in ATTACHMENT 1

Australian Business Excellence Framework

This aligns with the following ABEF Principles:

- 2) Mutually agreed plans translate organisational direction into actions.
- 4) To improve the outcome, improve the system and its associated processes.
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Local Governments' current role in the provision of funding for fire services in NSW is unsustainable (TABLED DOCUMENT 1). The centralisation of the management of mobile assets to the RFS is a significant step towards implementing the funding reforms.

The removal of these assets from Council ownership improves Councils' financial sustainability by reducing asset depreciation costs and some recurrent costs such as insurance of these items. However this is expected to be somewhat diminished by expected increases in Councils' annual contribution to the RFS.

It is unlikely that Councils' previous expenditures on upgrading these mobile assets will be recognised if the transfer of these assets to the State Government was to occur. Consequently it is recommended that Council minimise further expenditure on the purchase of replacement assets until the future responsibility of the management of the fire fighting fleet is resolved.

Given that the transfer proposal if adopted by the Service will take some time to implement, it is recommended that Council proceed with the replacement of one further Category 1 fire tanker in 2007/08. Once this last replacement occurs, any further replacements should only be considered on a case by case basis to avoid Council making unnecessary expenditures if the transfer is likely.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Operations Manager, NSW RFS Lower Hunter Zone
Risk Management Coordinator
Financial Manager

OPTIONS

- 1) Adopt Recommendation
- 2) Vary the Recommendation

ATTACHMENTS

- 1) Correspondence from the LGSA dated 1 September 2006

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Lgov NSW. A Discussion Paper - "Local Government's Role in the Provision of Fire Services in NSW"

ATTACHMENT 1

Local Government
Association of NSW

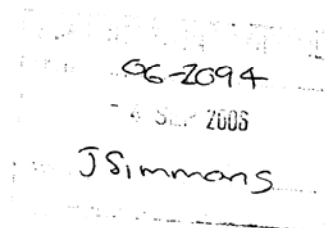


Shires Association of NSW

Our ref: R90/1033.wt Out-13786

1 September 2006

Cr Craig Baumann
Mayor of Port Stephens
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324



Dear Cr Baumann

Both Associations considered a report at their Executive Council meetings in June 2006 about the suggestion that mobile fire assets (not buildings) be transferred from councils to the NSW Rural Fire Service. At the moment, Section 119(2) of the Rural Fires Act requires these assets to be vested in council.

This action follows supporting resolutions that have been passed at Annual Conferences of both Associations, together with comments from auditors and insurance brokers that councils do not have custody of fire vehicles and may therefore have no insurable interest in them.

Discussions with the Commissioner Koperberg at a recent RFS/LG Liaison Committee concluded that the RFS may be prepared to negotiate legislative amendments to transfer these assets provided there is clear majority support from Local Government.

A Position Paper is attached which outlines pertinent aspects upon which councils are requested to indicate their views on whether support is given to transfer ownership of mobile assets to councils. The paper indicated that there is a risk that the transfer of assets to the RFS could lead to an increase in contributions payable by councils.

Council is requested to indicate their position by 30 September 2006.

Should council wish to further explanations, contact may be made with Warren Taylor, Manager Special Policy Projects, at the Associations by phoning 02 9242 4120 or email warren.taylor@lgsa.org.au.

Yours sincerely

Cr Genia McCaffery
President
Local Government Association of NSW

Cr Col Sullivan OAM
President
Shires Association of NSW

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ABN 49 853 913 882

ATTACHMENT 1

Position Paper

Suggested Transfer of Mobile Fire Fighting Assets from Councils to the NSW Rural Fire Service

Current Position

Motions presented to Annual Conferences of both Associations over recent years have requested that representations be made to transfer the ownership of fire vehicles and equipment from councils to the RFS.

Justification for transfer of ownership includes:

- Service Level Agreements with the RFS provide that council agrees that fire plant at all times remain in the custody of the RFS, be housed in Brigade facilities, and be maintained at intervals convenient to the RFS and council.
- Vehicle specifications must at all times be consistent with specifications issued by the RFS (Sec 119(5) of the Rural Fires Act).
- Most vehicles are fully funded by the Rural Fires Fighting Fund, with council meeting its 13.3% contribution, although a small number of other vehicles are fully funded by a few councils.
- Insurance brokers have seriously questioned whether councils have an “insurable interest”, by virtue of council no longer having custody and control of the vehicles.
- The Department of Local Government agrees that there is conflict between compulsory Accounting Standards and the Rural Fires Act. The Rural Fires Act states that fire fighting equipment shall be vested in council and the Department of Local Government has referred the matter to a future meeting of the Local Government Accounting Advisory Group.

The Commissioner of the NSW RFS has verbally indicated that:

- The RFS is experiencing difficulty in finalising a listing of all assets, because brigades are self funding the repurchase of old tankers which would otherwise be sold.
- Local Government would face increased contributions because:
 - Some councils continue to purchase plant, and self fund it. This would probably cease if all plant was owned by the RFS.
 - Some councils do not receive a complete reimbursement of operating costs. If the RFS owned all assets, the full costs would be reflected in the RFS accounts.
 - The procurement processes would become more specific and specifications more strenuously policed, if plant was purchased, owned and operated by the RFS.

Legislative amendments would be needed to change ownership requirements under the Rural Fires Act.

Before the Commissioner will take the issue to the Government with LGSA support, the Commissioner has requested that the Associations obtain the majority support of councils in NSW.

Supplementary Information

- **Accounting Standards**

Local Government Asset Accounting Manual (available from DLG website, “Standards”).

Update No.4 Issued by the Department of Local Government in July 1999 devotes Chapter 3 (pages 301 to 313) to the question of definition, recognition and control over assets.

ATTACHMENT 1

Paragraph 3.2.2 on page 302 indicates that:

“Subject to evidence to the contrary, a council has control over an asset if the following three criteria is established:-

- Council can deny or regulate access of others to the asset.
- The asset is held to meet the objectives of the council.
- Council enjoys the majority of risks and benefits relating to the asset.

In determining control over an asset, council should also consider a number of other criteria including the following:

- Does the council have legal title to the asset?
- Was the asset purchased by the council?
- Is the absolute property right with the council?
- Are there any restrictions on the use of the asset?
- Is the asset vested in the council?
- Is the asset vested in a Committee or other undertaking controlled by council?
- Is the council required to make commercially realistic payments to another entity for the use of the asset?

This list is not exhaustive and councils should consider other local and external factors which will affect the determination of control over assets generally.”

Paragraph 4 on page 306 indicates:

“In order to establish whether a council controls an asset, the elements of what constitutes control must be reviewed closely on an asset by asset basis. As a guide, set out on the following pages are a series of tests which can be applied on an asset basis to establish whether control exists.

Councils control an asset if questions 1, 2 and 3 have been answered “Yes” subject to evidence to the contrary. A council may possess an object or right but not expect to enjoy the services or benefits embodied in it, in which case the council would not control the asset. In the case of restrictions on use of assets, these will need to be reviewed carefully before making a final decision on the question of control. In the final analysis, the substance of each position should prevail. The ultimate aim is to recognise all assets that a reporting entity brings to bear in the delivery of services/products to its community in accordance with council objectives.

There may be other factors which can result in control being questioned. Hence the checklist on page 307 is a comprehensive, though not exclusive guide to indicators of control.”

- **Department of Local Government**

In a letter to Urana Shire Council on 20 April 2006, the Department said in part:

“As you have stated, the Interpretation of the *Rural Fires Act 1997* appears to conflict with the Accounting Standards. The *Rural Fires Act 1997* states that fire fighting equipment is to be vested in the council while the accounting standards state that the assets should be vested in whoever has control of them.

Under section 412 of the *Local Government Act 1993*, councils are required to keep accounting records in accordance with the *Local Government Code of Accounting Practice and Financial Reporting* (cl.198 and 206 of the *Local Government (General) Regulation 2005*). The Code expressly requires financial reports to be prepared in accordance with the Australian Accounting Standards (Pt.3.2). The Accounting Standards are issued by the Australian Accounting Standards Board pursuant to the *Australian Securities and Investment Commission Act 2001* (Cth).

ATTACHMENT 1

The interpretation and treatment of rural fire service assets seems to be an issue for many NSW councils. Therefore, I have referred your letter to the NSW Local Government Accounting Advisory Group for further advice.”

- **Asset Schedules and Reacquisition of Plant**

The RFS is having difficulties in clearly listing all fire vehicles. This is made more difficult by Brigades using private funds to reacquire traded-in vehicles, irrespective of their condition and roadworthiness.

The RFS has requested the Associations to request councils to take action to prevent brigades from acquiring traded in vehicles (there is no objection to their purchase by private individuals).

- **Increased Expenditure**

Many councils approve expenditure on fire vehicles above and beyond their commitment to assets acquired under the Rural Fires Fighting Fund. If the Service assumed ownership of all fire plant, total expenditure would increase, and council contributions would similarly increase.

- **Higher Maintenance Costs**

If all vehicles were owned by the RFS, maintenance standards and specifications are likely to be higher, because of fluctuations that now occur in varying maintenance capacities among councils. Higher maintenance requirements will require higher expenditure, and result in higher council contributions.

- **Insurance**

The Service Level Agreements require each council to insure all roadworthy vehicles. Insurance excesses, discounts, insurance rates and claims experience vary significantly between councils. There is also a continuing concern about the Indemnities provided by the RFS, because some insurance brokers are of the opinion that the indemnities are unenforceable (this aspect is continuing to receive attention with a Crown Solicitors advice to be received from the RFS shortly).

Initial consideration given by a major insurance broker to the concept of all fire vehicles being insured under a common insurance arranged through the Associations, has concluded that savings are not guaranteed, and is made complex by varying discounts, no claim bonuses and excess amounts experienced by individual councils. Another concern is under insurance and non insurance in some instances.

The RFS has considered insuring all fire vehicles under a State Treasury Managed Fund, but ownership aspects currently prevent the RFS from contemplating blanket insurances.

- **Legislative Amendments**

The Commissioner has indicated his willingness to develop a Position Paper to the Government on transfer of assets to the RFS, provided there is clear widespread support from local government.

Any decision to seek legislative change to the Rural Fires Act would occur during 2007, as part of a number of other amendments that the RFS will discuss with the Associations at a later time.

The Associations support in principle the concept of a transfer of mobile assets to the RFS even though there is a risk of increased long term contributions to cover increased expenditure costed in full to the RFS.

Comments are sought from councils by 30 September 2006.

The Associations will then determine the extent of future negotiations with the RFS and the Government.

ITEM NO. 3**FILE NO: A2004-0372****COUNCIL AND COMMITTEE CYCLE****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) Continue with the meeting cycle as detailed in the report.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006**RESOLUTION:**

689	Councillor Baumann Councillor Dover	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to inform Council of the current Council and Committee meetings cycle.

Council at its meeting in September 2005 adopted this meeting cycle. Council established two Standing Committees and a number of Joint Committees. The Standing Committees are Committees of the Whole as follows:

1. Operations Committee – dealing with all present matters in the current work program of Council;
2. Strategic Committee – dealing with all future proposals or strategies.

Week 1.

Inspections and/or Briefings as required
Followed by public access and Strategic Committee

Week 2.

Inspections and/or Briefings as required
Followed by public access, Operations Committee and Ordinary Meeting (if required)

Note: As a general rule the Ordinary Meeting that may follow an Operations Committee meeting is to allow Council to deal with property matter and tenders that require a resolution of Council, which are unable to wait until the end of the month Ordinary meeting. There is also occasion when matters such as development application can be considered at this time due to the nature or urgency of the development application for a particular reason. This can be brought forward by the Mayor and/or placed on the agenda by the General Manager.

Week 3.

Inspections and/or briefings as required. Several meetings will be scheduled to occur on this Tuesday throughout the twelve month period.

Week 4.

Briefings followed by Council meeting.

Week 5

Briefings, if required.

Council's attention is drawn to the 2006-2009 Council Plan, where Council has committed to holding three Committee meetings around the Local Government Area. It is proposed to conduct one Strategic Committee in each Ward, with the meetings to be held in November 2006, March 2007 and July 2007. Council will advertise the dates, times and venues to allow community interest and attendance at these meetings.

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

Section 365 of the Local government Act requires Council to meet at least 10 times per year in different months. The Local Government (General) Regulation provides for Council to establish such committees, as it considers necessary. Council must specify the functions of such committees.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

This cycle will allow Councillors and the community additional time to properly consider all issues before a Council meeting.

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

General Manager
Executive Manager – Corporate Management

OPTIONS

- 1) Adopt the recommendation
- 2) Other variations

ATTACHMENTS

Meeting cycle

TABLED DOCUMENTS

Nil

ATTACHMENT 1

Week 1

Inspections and/or briefings as required followed by public access and Strategic Committee meeting

5.00 – 5.30 pm	Afternoon Tea
5.30pm	Public Access
Followed by	Strategic Committee
Followed by	Dinner with Councillors & Staff

Week 2

Inspections and/or briefings as required followed by public access and Operations Committee meeting

5.00 – 5.30 pm	Afternoon Tea
5.30pm	Public Access
Followed by	Operations Committee
Followed by (if required)	Ordinary meeting of Council to deal with recommendations from the Operations Committee relating to tender, property matters and development applications
Followed by	Dinner with Councillors & Staff

Week 3

5.30pm Inspections and/or briefings as required.

***Note:** Several meetings will be scheduled to occur on this Tuesday throughout the 12 month period.*

Week 4

Briefings if required followed by Council meeting.

5.00 – 5.30 pm	Afternoon Tea
5.30pm	Council meeting to consider Mayoral Minutes, Committee recommendations and General Manager's reports. To be preceded by any formal presentations
Followed by	Dinner with Councillors & Staff

Week 5

Briefings if and when required

ITEM NO. 4**FILE NO: A2004-0370****MEMBERSHIP OF COMMITTEES****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) Nominates membership of Standing Committees;
- 2) Elects the Chair and Deputy Chair of each Standing Committee (where applicable);
- 3) Determines the quorum for Committee meetings;
- 4) Nominates membership of Council Committees, 355(b) Committees and Regional Committees and Groups, and amends the constitutions to include new membership where applicable.
- 5) Agree with the abolishment of the:
 - a) Kooragang Wetlands Committee
 - b) Long Bight/Windeyers Creek Flood Study Management Committee
 - c) Port Stephens Settlement Strategy – Project Reference Group

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:		
690	Councillor Westbury Councillor Jordan	It was resolved that the recommendations be dealt with one by one.

RESOLUTION:		
691	Councillor Westbury Councillor Jordan	It was resolved that membership of the Standing Committees be all Councillors.

RESOLUTION:		
692	Councillor Jordan Councillor Baumann	It was resolved that Councillor Hodges be elected Chair of the Operations Committee and Cr Jordan as Deputy Chair.

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

RESOLUTION:

693	Councillor Tucker Councillor Jordan	It was resolved that Councillor Dingle be elected Chair of the Strategic Committee and Cr Brown as Deputy Chair.
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RESOLUTION:

694	Councillor Nell Councillor Brown	It was resolved that the quorum be half plus one.
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RESOLUTION:

695	Councillor Hodges Councillor Nell	It was resolved Item 4 be adopted in accordance with the changes in the listing below.
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RESOLUTION:

696	Councillor Hodges Councillor Nell	It was resolved Item 5 contained in the recommendation be adopted.
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ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

355(b) Committees

Committee Name		Purpose of Committee	Group	Delegate
1	Access Committee of Port Stephens	<ul style="list-style-type: none"> ➤ To provide a community forum for the discussion of disability issues. ➤ To raise awareness of and provide advice to Council on the access requirements of people with disability. ➤ To contribute to the development of Council policies on access and monitor their implementation. 	Sustainable Planning	Cr Brown Cr Dover
2	Anna Bay, Birubi Pt Reserves, Hall & Tidy Towns Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Anna Bay Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	Cr Swan Cr Dover

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate
3	Boat Harbour Parks and Reserves Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	Cr Dover
4	Bobs Farm Public Hall Committee	➤ To assist Council in the management of Bobs Farm Hall.	Facilities & Services	Cr Swan
5	Corlette Headland Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	Cr Westbury
6	Corlette Reserves & Hall 355(b) Committee	➤ To assist Council in the management of Corlette Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	Cr Westbury
7	Fern Bay Public Hall, Reserves and Tidy Towns Committee	➤ To assist Council in the management of Fern Bay Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	Cr Dingle Cr Swan
8	Fingal Bay Parks & Reserves Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services /Sustainable Planning	Cr Nell Cr Dover
9	Hinton School of Arts Committee	➤ To assist Council in the management of Hinton School of Arts.	Facilities & Services	Cr Jordan
10	Indigenous Strategic Committee	➤ To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. ➤ To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	Sustainable Planning	Cr Dover Cr Brown Mayor (Cr Swan)
11	Karuah Community Centre Committee	➤ To assist Council in the management of Karuah Community Centre.	Facilities & Services	Cr Francis Cr Brown
12	Karuah Tidy Towns, Parks Reserves & Wetlands Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services /Sustainable Planning	Cr Jordan Cr Francis
13	Lemon Tree Passage Parks, Reserves & Tidy Towns Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services /Sustainable Planning	Cr Tucker Cr Swan
14	Mallabula Community Centre Committee	➤ To assist Council in the management of Mallabula Community Centre.	Facilities & Services	Cr Tucker Cr Swan
15	Mallabula Parks and Reserves Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	Cr Tucker Cr Swan

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate
16	Mambo Wanda Reserves Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services /Sustainable Planning	Cr Dover Cr Nell
17	Medowie Community Centre Committee	➤ To assist Council in the management of Medowie Community Centre.	Facilities & Services	Cr Dingle Cr Tucker
18	Medowie Sports Council	➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Facilities & Services	Cr Swan Cr Dingle
19	Medowie Tidy Towns Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	Cr Dingle
20	Nelson Bay Senior Citizens Hall Committee	➤ To assist Council in the management of Nelson Bay Senior Citizens Hall.	Facilities & Services	Cr Dover
21	Nelson Bay West Parkcare Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	Cr Nell
22	Ngioka Centre Committee	➤ To assist in the care and management of the Ngioka Centre (a facility to provide for education and therapy focusing on people with a disability and disadvantaged people)	Facilities & Services	Cr Dover
23	Port Stephens Adult Choir Committee	<ul style="list-style-type: none"> ➤ To promote, organise and train the Port Stephens Choir. ➤ To develop a sense of community identity and belonging by involving participants in community cultural projects. 	Sustainable Planning	Cr Brown Cr Hodges
24	Port Stephens Australia Day Celebrations Coordinating Committee	<ul style="list-style-type: none"> ➤ To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council. ➤ To organise the Citizen of the Year and the Junior Citizen of the Year activity. 	Sustainable Planning	Cr Francis Cr Westbury Cr Tucker
25	Port Stephens Sister Cities Committee	➤ To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange	Corporate Management	All Councillors
26	Port Stephens Community Band Committee	<ul style="list-style-type: none"> ➤ To promote, organise and train the Port Stephens Community Band. ➤ To develop a sense of community identity and belonging by involving youth and adults in community cultural projects. 	Sustainable Planning	Cr Swan Cr Brown

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

Committee Name		Purpose of Committee	Group	Delegate
27	Port Stephens Economic Development Advisory Panel	<ul style="list-style-type: none"> ➤ Act as a communication and advisory mechanism to Council on relevant Economic Development issues. ➤ Oversee the review and implementation of the Economic Development Strategy. 	Business & Support	Cr Baumann Cr Westbury Cr Hodges (one from each Ward)
28	Port Stephens Native Flora Garden Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	Cr Nell
29	Port Stephens Sports Council	<ul style="list-style-type: none"> ➤ To provide input and forward planning, from a Council wide basis, on facilities, sporting statistics, policies and recommendations on future needs. ➤ To administer the Sportsperson of the Year Award. 	Facilities & Services	Cr Swan
30	Port Stephens Telecentre Advisory Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management and promotion of the Telecentre. 	Business & Support	Cr Francis Cr Brown
31	Raymond Terrace Parks, Reserves & Tidy Towns Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services /Sustainable Planning	Cr Hodges Cr Brown
32	Raymond Terrace Senior Citizens Hall Management Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of the Raymond Terrace Senior Citizens Hall. 	Facilities & Services	Cr Hodges Cr Francis
33	Raymond Terrace Sports Council	<ul style="list-style-type: none"> ➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council. 	Facilities & Services	Cr Jordan Cr Hodges Cr Francis Cr Brown
34	Rural West Sports Council	<ul style="list-style-type: none"> ➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council. 	Facilities & Services	Cr Hodges Cr Jordan Cr Brown
35	Salamander Ecology Group	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services /Sustainable Planning	Cr Nell
36	Salt Ash Community Hall, Reserves and Tennis Courts Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Salt Ash Community Hall & Tennis Courts. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	Cr Tucker Cr Swan

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate
37	Salt Ash Sports Ground Committee	➤ To assist Council in the management, maintenance and improvements to Salt Ash Oval.	Facilities & Services	Cr Swan Cr Tucker Cr Dingle
38	Seaham Park, Wetland and Tidy Towns Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services /Sustainable Planning	Cr Jordan Cr Brown
39	Seaham School of Arts and Community Hall Committee	➤ To assist Council in the management of: Seaham School of Arts Seaham Community Hall	Facilities & Services	Cr Jordan
40	Shoal Bay Beach Preservation Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	Cr Westbury
41	Soldiers Point-Salamander Bay Parks, Reserves and Hall Committee	➤ To assist Council in the management of Soldiers Point Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	Cr Dover
42	Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services /Sustainable Planning	Cr Dover
43	Tanilba Bay Parks, Reserves & Hall Committee	➤ To assist Council in the management of Tanilba Bay Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	Cr Tucker Cr Swan
44	Tanilba Bay Senior Citizens Hall Management Committee	➤ To assist Council in the management of Tanilba Bay Senior Citizens Hall.	Facilities & Services	Cr Swan Cr Tucker
45	Taylors Beach Reserves, Tidy Towns & Landcare Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services /Sustainable Planning	Cr Nell
46	Tilligerry Aquatic Centre Advisory Committee	➤ To promote the Tilligerry Aquatic Centre within the community ➤ To establish and promote links with local primary, secondary schools and the community.	Facilities & Services	Cr Swan Cr Tucker Cr Hodges
47	Tilligerry Community Centre Committee	➤ To assist Council in the management of Tilligerry Community Centre and surrounds.	Facilities & Services	Cr Swan Cr Tucker
48	Tilligerry Sports Council	➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Facilities & Services	Cr Swan Cr Tucker

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate
49	Tomaree Education Complex Multi Purpose Centre Committee	<ul style="list-style-type: none"> ➤ To assist Council with the care, management and promotion of the facility. ➤ To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi Purpose Centre. 	Facilities & Services	Cr Westbury
50	Tomaree Sports Council	<ul style="list-style-type: none"> ➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council. 	Facilities & Services	Cr Westbury Cr Nell Cr Dover Cr Robinson
51	West Tilligerry Tidy Towns and Landcare Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services /Sustainable Planning	Cr Tucker
52	West Ward Cemeteries Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to cemeteries in West Ward. 	Facilities & Services	Cr Francis
53	Williamstown Public Hall Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Williamstown Hall. 	Facilities & Services	Cr Dingle Cr Swan

REGIONAL COMMITTEES AND GROUPS

	Name of Organisation	Purpose of Committee	Group	Delegate/ Member
54	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Sustainable Planning	Cr Brown
55	Conduct Committee – Code of Conduct	This committee is convened at the discretion of the Mayor and General Manager to consider breaches of the Code of Conduct.	Corporate Management	Mayor & (General Manager & Legal Rep)
56	Country Public Libraries Association & Joint Library Advisory Committee	Country Public Libraries Association constitution requires a Councillor representative. This Association provides support for country public libraries. The Joint Library Advisory Committee's constitution also requires a Councillor representative in line with the Newcastle Regional Library agreement.	Facilities & Services	Cr Brown

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate/ Member
57	Hunter Coast & Estuary Management Committee	This Committee includes representatives from Port Stephens, Maitland and Newcastle Councils and is responsible for long term planning for the estuary and Newcastle coastline.	Sustainable Planning	Cr Brown Cr Westbury
58	Hunter Councils (formerly Hunter Regional Organisation of Councils)	To discuss regional issues in the Hunter	Corporate Management	Cr Swan (Mayor) Cr Robinson (alternate) Cr Brown
59	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.	Corporate Management	Cr Nell
60	Karuah Working Together Inc. <i>Formerly Karuah Community & Economic Redevelopment Committee</i>	This Committee was established to forward the recommendations of the Karuah Community & Economic Redevelopment Strategy.	Sustainable Planning	Cr Hodges Cr Francis Cr Brown Cr Jordan
61	Lower Hunter & Central Coast Regional Environmental Management Strategy Steering Committee	This is a subcommittee of Hunter Councils and is responsible for environmental management initiatives on regional basis.	Sustainable Planning	Cr Brown
62	Lower Hunter Councils Transport Group <i>formerly Lower Hunter Public Transport Liaison Group</i>	This is a working party that coordinates projects and transport issues across local government boundaries.	Sustainable Planning	Cr Francis
63	Lower Hunter Zone Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Sustainable Planning	Cr Dover Cr Brown (alternate)
64	Lower Hunter Zone Liaison Committee	To review the progress of the Service Level Agreement between Port Stephens Council and NSW Rural Fire Service in the Local Government Area.	Facilities & Services	Cr Dover Cr Brown (alternate)
65	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment	Sustainable Planning	Cr Baumann Cr Tucker Cr Swan Cr Dingle
66	National Parks & Wildlife Service Regional Advisory Committee <i>Ministerial Appointment</i>	This is a community reference group run by National Parks & Wildlife Service. It is not a Council committee.	Sustainable Planning	Cr Brown
67	Nelson Bay Adult Education Committee	This committee is an advisory committee for Adult Education.	Corporate Management	Cr Westbury
68	Newcastle Road Freight Group	This group is coordinated by the RTA and provides Local Government the opportunity to meet with the heavy vehicle industry.	Sustainable Planning	Cr Robinson

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate/ Member
69	Port Stephens Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues	Sustainable Planning	Cr Brown Cr Francis
70	Port Stephens East Local Health Advisory Committee <i>Formerly Port Stephens Health Service Forum</i>	To discuss health issues on the Tomaree Peninsula.	Sustainable Planning	Cr Dover Cr Robinson
71	Port Stephens West Local Health Advisory Committee <i>Formerly Port Stephens Western Area Health Reference Group</i>	To discuss health issues in the western zone of the local government area.	Sustainable Planning	Cr Francis Cr Dingle
72	Port Stephens Tidy Town & Landcare Co-ordinating Group	To provide a forum for volunteers working within Council's bushland, parks and reserves to discuss relevant issues and ideas relating to current and potential projects, problems they experience, and additional training and resources they require.	Sustainable Planning	Cr Dingle Cr Brown Cr Dover Cr Swan (alternate)
73	Port Stephens Tourism Joint Venture Committee	This Committee is the liaison between Port Stephens Council and Port Stephens Tourism for the promotion of tourism in the Port Stephens Shire.	Business & Support	Cr Westbury Cr Hodges Cr Swan
74	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	Sustainable Planning	Cr Nell Cr Westbury
75	Regional Mosquito Management Working Group	This is a regional committee initiated by the Premiers Department to develop strategies to manage our interaction with mosquitoes.	Sustainable Planning	Cr Brown
76	Local Development Committee <i>Formerly SEPP11 Committee (Traffic Generating Developments Committee)</i>	Local Traffic Committee (see 83) providing advice to Council on development.	Sustainable Planning	Cr Dingle Cr Hodges (alternate)
77	Local Traffic Committee <i>Formerly Traffic Committee</i>	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Sustainable Planning	Cr Dingle Cr Hodges (alternate)
78	Urban Animal Management Committee	This committee seeks to develop local strategies to better manage domestic dogs.	Sustainable Planning	Cr Brown Cr Swan
79	Williams River Catchment Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire.	Sustainable Planning	Cr Brown Cr Jordan

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate/ Member
80	Williams River Floodplain Risk Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire	Sustainable Planning	Cr Jordan Cr Brown
81	Port Stephens Community Infrastructure Settlement Reference Group – Previously known as the Port Stephens Settlement Strategy – Project Reference Group	Established to review Council's Settlement Strategy.	Sustainable Planning	Cr Baumann Cr Dover Cr Jordan
82	Nelson Bay Town Management Inc	This group coordinates business promotion and improvement in the Nelson Bay CBD	Business & Support	Cr Nell Cr Westbury Cr Dover Cr Robinson
83	Marine Parks Advisory Panel <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens	Sustainable Planning	Cr Westbury

BACKGROUND

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

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

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

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

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

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

A number of 355(b) Committees undertake work in areas such as dune stabilisation, weed eradication, litter removal, Tidy Towns program participation and providing environmental

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

information and support to Council. These groups work under direction from Council staff to ensure these activities are performed in accordance with recognised practices.

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

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

Council can delegate certain functions to a committee: these are listed in the committee's schedule, which forms part of their constitution. A 355(b) committee constitution consists of a standard constitution, which is applicable to all committees and a schedule customised for each individual committee. This provides the framework of how a 355(b) committee operates and is supported by procedures, systems and reporting requirements.

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

Regional Committees and Groups

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

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

ELECTION OF REPRESENTATIVES ON COUNCIL'S STANDING COMMITTEES

Membership:

OPERATIONS COMMITTEE

- Committee of the Whole

Current Chair: *Cr Westbury*
Current Deputy Chair: *Cr Hodges*

STRATEGIC COMMITTEE

- Committee of the Whole

Current Chair: *Cr Tucker*
Current Deputy Chair: *Cr Francis*

ELECTION OF CHAIR AND DEPUTY CHAIR OF COMMITTEES

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

a) The Chair of each Committee must be:-

- i) The Mayor; or
- ii) If he/she prefers, the Council may elect a Chair; or
- iii) If the **Council** does not elect a Chair, the **Committee** may elect a Chair.

b) A Council or Committee may elect a Deputy Chair.

QUORUM FOR COMMITTEE MEETINGS

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

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

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

ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

The previous 2005/06 membership is listed below
(previous delegates are denoted in *italics*):-

355(b) Committees

Committee Name		Purpose of Committee	Group	Delegate
1	Access Committee of Port Stephens	<ul style="list-style-type: none"> ➤ To provide a community forum for the discussion of disability issues. ➤ To raise awareness of and provide advice to Council on the access requirements of people with disability. ➤ To contribute to the development of Council policies on access and monitor their implementation. 	Sustainable Planning	<i>Cr Brown</i> <i>Cr Dover</i>
2	Anna Bay, Birubi Pt Reserves, Hall & Tidy Towns Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Anna Bay Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	<i>Cr Swan</i> <i>Cr Dover</i>
3	Boat Harbour Parks and Reserves Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	<i>Cr Dover</i>
4	Bobs Farm Public Hall Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Bobs Farm Hall. 	Facilities & Services	<i>Cr Swan</i>
5	Corlette Headland Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	<i>Cr Westbury</i>
6	Corlette Reserves & Hall 355(b) Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Corlette Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	<i>Cr Westbury</i>
7	Fern Bay Public Hall, Reserves and Tidy Towns Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Fern Bay Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	<i>Cr Dingle</i> <i>Cr Swan</i> <i>Cr Tucker</i>
8	Fingal Bay Parks & Reserves Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services /Sustainable Planning	<i>Cr Nell</i> <i>Cr Dover</i>
9	Hinton School of Arts Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Hinton School of Arts. 	Facilities & Services	<i>Cr Jordan</i>

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate
10	Indigenous Strategic Committee	<ul style="list-style-type: none"> ➤ To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. ➤ To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities. 	Sustainable Planning	<i>Cr Dover Cr Swan Cr Brown Mayor (Cr Baumann)</i>
11	Karuah Community Centre Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Karuah Community Centre. 	Facilities & Services	<i>Cr Francis Cr Brown</i>
12	Karuah Tidy Towns, Parks Reserves & Wetlands Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services /Sustainable Planning	<i>Cr Jordan Cr Francis</i>
13	Lemon Tree Passage Parks, Reserves & Tidy Towns Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services /Sustainable Planning	<i>Cr Tucker Cr Swan</i>
14	Mallabula Community Centre Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Mallabula Community Centre. 	Facilities & Services	<i>Cr Tucker Cr Swan</i>
15	Mallabula Parks and Reserves Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	<i>Cr Tucker Cr Swan</i>
16	Mambo Wanda Reserves Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services /Sustainable Planning	<i>Cr Dover Cr Nell</i>
17	Medowie Community Centre Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Medowie Community Centre. 	Facilities & Services	<i>Cr Dingle Cr Tucker</i>
18	Medowie Sports Council	<ul style="list-style-type: none"> ➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council. 	Facilities & Services	<i>Cr Swan Cr Dingle</i>
19	Medowie Tidy Towns & Cycleway Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	<i>Cr Dingle</i>
20	Nelson Bay Senior Citizens Hall Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Nelson Bay Senior Citizens Hall. 	Facilities & Services	<i>Cr Dover</i>
21	Nelson Bay West Parkcare Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	<i>Cr Nell</i>
22	Ngioka Centre Committee	<ul style="list-style-type: none"> ➤ To assist in the care and management of the Ngioka Centre (a facility to provide for education and therapy focusing on people with a disability and disadvantaged people) 	Facilities & Services	<i>Cr Dover</i>

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate
23	Port Stephens Adult Choir Committee	<ul style="list-style-type: none"> ➤ To promote, organise and train the Port Stephens Choir. ➤ To develop a sense of community identity and belonging by involving participants in community cultural projects. 	Sustainable Planning	<i>Cr Brown Cr Hodges</i>
24	Port Stephens Australia Day Celebrations Coordinating Committee	<ul style="list-style-type: none"> ➤ To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council. ➤ To organise the Citizen of the Year and the Junior Citizen of the Year activity. 	Sustainable Planning	<i>Cr Francis Cr Westbury Cr Tucker</i>
25	Port Stephens Sister Cities Committee	<ul style="list-style-type: none"> ➤ To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange 	Corporate Management	<i>All Councillors</i>
26	Port Stephens Community Band Committee	<ul style="list-style-type: none"> ➤ To promote, organise and train the Port Stephens Community Band. ➤ To develop a sense of community identity and belonging by involving youth and adults in community cultural projects. 	Sustainable Planning	<i>Cr Swan Cr Brown</i>
27	Port Stephens Economic Development Advisory Panel	<ul style="list-style-type: none"> ➤ Act as a communication and advisory mechanism to Council on relevant Economic Development issues. ➤ Oversee the review and implementation of the Economic Development Strategy. 	Business & Support	<i>Nil - Under Review</i>
28	Port Stephens Native Flora Garden Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	<i>Cr Nell</i>
29	Port Stephens Sports Council	<ul style="list-style-type: none"> ➤ To provide input and forward planning, from a Council wide basis, on facilities, sporting statistics, policies and recommendations on future needs. ➤ To administer the Sportsperson of the Year Award. 	Facilities & Services	<i>Cr Baumann Cr Swan</i>
30	Port Stephens Telecentre Advisory Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management and promotion of the Telecentre. 	Business & Support	<i>Cr Francis Cr Hodges</i>
31	Raymond Terrace Parks, Reserves & Tidy Towns Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services /Sustainable Planning	<i>Cr Hodges Cr Brown</i>
32	Raymond Terrace Senior Citizens Hall Management Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of the Raymond Terrace Senior Citizens Hall. 	Facilities & Services	<i>Cr Hodges Cr Francis</i>

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate
33	Raymond Terrace Sports Council	➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Facilities & Services	<i>Cr Jordan</i> <i>Cr Hodges</i> <i>Cr Francis</i> <i>Cr Brown</i>
34	Rural West Sports Council	➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Facilities & Services	<i>Cr Hodges</i> <i>Cr Jordan</i> <i>Cr Brown</i>
35	Salamander Ecology Group	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services /Sustainable Planning	<i>Cr Nell</i>
36	Salt Ash Community Hall, Reserves and Tennis Courts Committee	➤ To assist Council in the management of Salt Ash Community Hall & Tennis Courts. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	<i>Cr Tucker</i> <i>Cr Swan</i>
37	Salt Ash Sports Ground Committee	➤ To assist Council in the management, maintenance and improvements to Salt Ash Oval.	Facilities & Services	<i>Cr Swan</i> <i>Cr Tucker</i> <i>Cr Dingle</i>
38	Seaham Park, Wetland and Tidy Towns Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services /Sustainable Planning	<i>Cr Jordan</i> <i>Cr Brown</i>
39	Seaham School of Arts and Community Hall Committee	➤ To assist Council in the management of: Seaham School of Arts Seaham Community Hall	Facilities & Services	<i>Cr Jordan</i>
40	Shoal Bay Beach Preservation Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	<i>Cr Westbury</i>
41	Soldiers Point-Salamander Bay Parks, Reserves and Hall Committee	➤ To assist Council in the management of Soldiers Point Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services	<i>Cr Dover</i>
42	Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Facilities & Services /Sustainable Planning	<i>Cr Dover</i>

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate
43	Tanilba Bay Parks, Reserves & Hall Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Tanilba Bay Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services	<i>Cr Tucker</i> <i>Cr Swan</i>
44	Tanilba Bay Senior Citizens Hall Management Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Tanilba Bay Senior Citizens Hall. 	Facilities & Services	<i>Cr Swan</i> <i>Cr Tucker</i>
45	Taylors Beach Reserves, Tidy Towns & Landcare Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services /Sustainable Planning	<i>Cr Nell</i>
46	Tilligerry Aquatic Centre Advisory Committee	<ul style="list-style-type: none"> ➤ To promote the Tilligerry Aquatic Centre within the community ➤ To establish and promote links with local primary, secondary schools and the community. 	Facilities & Services	<i>Cr Swan</i> <i>Cr Tucker</i> <i>Cr Hodges</i>
47	Tilligerry Community Centre Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Tilligerry Community Centre and surrounds. 	Facilities & Services	<i>Cr Swan</i> <i>Cr Tucker</i>
48	Tilligerry Sports Council	<ul style="list-style-type: none"> ➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council. 	Facilities & Services	<i>Cr Swan</i> <i>Cr Tucker</i>
49	Tomaree Education Complex Multi Purpose Centre Committee	<ul style="list-style-type: none"> ➤ To assist Council with the care, management and promotion of the facility. ➤ To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi Purpose Centre. 	Facilities & Services	<i>Cr Westbury</i>
50	Tomaree Sports Council	<ul style="list-style-type: none"> ➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council. 	Facilities & Services	<i>Cr Westbury</i> <i>Cr Nell</i> <i>Cr Dover</i> <i>Cr Robinson</i>
51	West Tilligerry Tidy Towns and Landcare Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Facilities & Services /Sustainable Planning	<i>Cr Tucker</i>
52	West Ward Cemeteries Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to cemeteries in West Ward. 	Facilities & Services	<i>Cr Francis</i>
53	Williamstown Public Hall Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Williamstown Hall. 	Facilities & Services	<i>Cr Dingle</i> <i>Cr Swan</i>

REGIONAL COMMITTEES AND GROUPS

	Name of Organisation	Purpose of Committee	Group	Delegate/ Member
54	Newcastle Airport Briefing	To brief Council on the operations at the Airport	Corporate Management	<i>All Councillors (Meets twice a year) Cr Brown</i>
55	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Sustainable Planning	
56	Conduct Committee – Code of Conduct	This committee is convened at the discretion of the Mayor and General Manager to consider breaches of the Code of Conduct.	Corporate Management	<i>Mayor & (General Manager & Legal Rep)</i>
57	Country Public Libraries Association & Joint Library Advisory Committee	Country Public Libraries Association constitution requires a Councillor representative. This Association provides support for country public libraries. The Joint Library Advisory Committee's constitution also requires a Councillor representative in line with the Newcastle Regional Library agreement.	Facilities & Services	<i>Cr Brown</i>
58	Hunter Coast & Estuary Management Committee	This Committee includes representatives from Port Stephens, Maitland and Newcastle Councils and is responsible for long term planning for the estuary and Newcastle coastline.	Sustainable Planning	<i>Cr Brown Cr Westbury</i>
59	Hunter Councils (formerly Hunter Regional Organisation of Councils)	To discuss regional issues in the Hunter	Corporate Management	<i>Cr Baumann (Mayor) Cr Robinson Cr Brown (alternate)</i>
60	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.	Corporate Management	<i>Cr Hodges</i>
61	Karuah Working Together Inc. <i>Formerly Karuah Community & Economic Redevelopment Committee</i>	This Committee was established to forward the recommendations of the Karuah Community & Economic Redevelopment Strategy.	Sustainable Planning	<i>Cr Hodges</i>
62	Lower Hunter & Central Coast Regional Environmental Management Strategy Steering Committee	This is a subcommittee of Hunter Councils and is responsible for environmental management initiatives on regional basis.	Sustainable Planning	<i>Cr Brown</i>
63	Lower Hunter Councils Transport Group <i>formerly Lower Hunter Public Transport Liaison Group</i>	This is a working party that coordinates projects and transport issues across local government boundaries.	Sustainable Planning	<i>Cr Francis</i>

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate/ Member
64	Lower Hunter Zone Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Sustainable Planning	<i>Cr Tucker Cr Dover (alternate)</i>
65	Lower Hunter Zone Liaison Committee	To review the progress of the Service Level Agreement between Port Stephens Council and NSW Rural Fire Service in the Local Government Area.	Facilities & Services	<i>Cr Tucker Cr Dover (alternate)</i>
66	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment	Sustainable Planning	<i>Cr Baumann Cr Tucker Cr Swan Cr Dingle</i>
67	National Parks & Wildlife Service Regional Advisory Committee <i>Ministerial Appointment</i>	This is a community reference group run by National Parks & Wildlife Service. It is not a Council committee.	Sustainable Planning	<i>Cr Brown</i>
68	Nelson Bay Adult Education Committee	This committee is an advisory committee for Adult Education.	Corporate Management	<i>Cr Westbury</i>
69	Newcastle Road Freight Group	This group is coordinated by the RTA and provides Local Government the opportunity to meet with the heavy vehicle industry.	Sustainable Planning	<i>Cr Swan</i>
70	Port Stephens Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues	Sustainable Planning	<i>Cr Brown Cr Francis</i>
71	Port Stephens East Local Health Advisory Committee <i>Formerly Port Stephens Health Service Forum</i>	To discuss health issues on the Tomaree Peninsula.	Sustainable Planning	<i>Cr Dover Cr Robinson</i>
72	Port Stephens West Local Health Advisory Committee <i>Formerly Port Stephens Western Area Health Reference Group</i>	To discuss health issues in the western zone of the local government area.	Sustainable Planning	<i>Cr Francis Cr Dingle</i>
73	Port Stephens Tidy Town & Landcare Co-ordinating Group	To provide a forum for volunteers working within Council's bushland, parks and reserves to discuss relevant issues and ideas relating to current and potential projects, problems they experience, and additional training and resources they require.	Sustainable Planning	<i>Cr Dingle Cr Brown Cr Dover Cr Swan (alternate)</i>
74	Port Stephens Tourism Joint Venture Committee	This Committee is the liaison between Port Stephens Council and Port Stephens Tourism for the promotion of tourism in the Port Stephens Shire.	Business & Support	<i>Cr Nell Cr Hodges Cr Swan</i>

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

	Committee Name	Purpose of Committee	Group	Delegate/ Member
75	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	Sustainable Planning	<i>Cr Nell Cr Westbury</i>
76	Raymond Terrace Community Care Centre Advisory Committee	To liaise with tenants and user groups in relation to the use of the Raymond Terrace Community Care Centre.	Facilities & Services	<i>Cr Hodges</i>
77	Regional Mosquito Management Working Group	This is a regional committee initiated by the Premiers Department to develop strategies to manage our interaction with mosquitoes.	Sustainable Planning	<i>Cr Brown</i>
78	Local Development Committee <i>Formerly SEPP11 Committee (Traffic Generating Developments Committee)</i>	Local Traffic Committee (see 83) providing advice to Council on development.	Sustainable Planning	<i>Cr Dingle Cr Hodges (alternate)</i>
79	Local Traffic Committee <i>Formerly Traffic Committee</i>	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Sustainable Planning	<i>Cr Dingle Cr Hodges (alternate)</i>
80	Urban Animal Management Committee	This committee seeks to develop local strategies to better manage domestic dogs.	Sustainable Planning	<i>Cr Brown Cr Swan</i>
81	Williams River Catchment Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire.	Sustainable Planning	<i>Cr Brown Cr Jordan</i>
82	Williams River Floodplain Risk Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire	Sustainable Planning	<i>Cr Jordan Cr Brown</i>
83	Port Stephens Community Infrastructure Settlement Reference Group – Previously known as the Port Stephens Settlement Strategy – Project Reference Group	Established to review Council's Settlement Strategy.	Sustainable Planning	<i>Cr Baumann Cr Dover Cr Jordan</i>

Cr Robinson left the meeting at 7.40pm and returned at 7.44pm, during Item 4.
 Cr Baumann left the meeting at 7.50pm and returned at 7.58pm, during Item 4.
 Cr Tucker left the meeting at 7.59pm and returned at 8.16pm, during item 4.

Committees that have been abolished:-

- 1) Kooragang Wetlands – This Committee is ongoing however Council is no longer involved with the Committee.
- 2) Long Bight/Windeyers Creek Flood Study Management Committee – this committee no longer exists.

During 2005/06 nominations were called for membership of Council's Advisory Panels including the Holiday Park Advisory Panel, Property Advisory Panel, Governance Panel, IT Advisory Panel and the Developer Contributions Panel. A further report will be provided to the November 2006 Council meeting following discussions with the Mayor during October.

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

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

General Manager
Executive Manager – Corporate Management

OPTIONS

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

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO: 5**ITEM NO: PSC2005-5185****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:
 - a) Port Stephens Fellowship of Australian Writers - \$1,000 – Donation in support of project to promote their work
 - b) Hunter River High School - \$200 – Donation for end of year prizes
 - c) Hunter Valley Vaulting Team - \$1,000 – Financial Support for team to compete at the State Championships
 - d) Mallabula Panthers Rugby League Club - \$1,000 – Donation in support of the “Changa Benefit Day”
 - e) Tilligerry Quilters - \$300 – Sponsorship of prize money for quilt competition in conjunction with the Tilligerry Festival Art Show

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006**RESOLUTION:**

697	Councillor Nell Councillor Hodges	<p>It was resolved that Council approves provision of financial assistance under section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:</p> <ol style="list-style-type: none">a) Port Stephens Fellowship of Australian Writers - \$1,000 – Donation in support of project to promote their workb) Hunter River High School - \$300 – Donation for end of year prizesc) Hunter Valley Vaulting Team - \$1,000 – Financial Support for team to compete at the State Championships
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MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

		<p>d) Mallabula Panthers Rugby League Club - \$1,000 – Donation in support of the “Changa Benefit Day”</p> <p>e) Tilligerry Quilters - \$300 – Sponsorship of prize money for quilt competition in conjunction with the Tilligerry Festival Art Show</p>
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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:-

MAYORAL DONATION

Hunter Valley Vaulting Team	Financial Support for team to compete at the State Championships	\$1,000
Mallabula Panthers Rugby League Club	Donation in support of the “Changa Benefit Day”	\$1,000
Tilligerry Quilters	Sponsorship of prize money for quilt competition in conjunction with the Tilligerry Festival Art Show	\$300

EAST WARD – Councillors Nell, Dover, Robinson, Westbury

Port Stephens Fellowship of Australian Writers	Donation in support of project to promote their work	\$1,000
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WEST WARD – Councillors Brown, Francis, Hodges, Jordan

Hunter River High School	Donation for end of year prizes	\$300
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LINKS TO CORPORATE PLANS

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

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

- 1) Applicants are carrying out a function, which it, the Council, would otherwise undertake;
- 2) The funding will directly benefit the community of Port Stephens;
- 3) Applicants do not act for private gain.

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

These criteria are:

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

Australian Business Excellence Framework

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

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Mayor

Ward Councillors

OPTIONS

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

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENTS

Nil

ITEM NO. 6

INFORMATION PAPERS

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 26 September, 2006.

No:	Report Title	Page:
1	Councillors Expenses Quarterly Report	57

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:		
698	Councillor Westbury Councillor Nell	It was resolved that the information paper be received and noted.

GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

COUNCILLORS EXPENSES QUARTERLY REPORT

**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE
MANAGEMENT
FILE: A2004-0151**

BACKGROUND

The purpose of this report is to present to Council the Councillors Expenses for the period May/June/July 2006.

ATTACHMENTS

- 1) Councillors Expenses Quarterly Report

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

ATTACHMENT 1

May 06									
Name	Meetings	Mayor Fee	Cr Fee	Ext Payments	Conf/Dele gate Exp	Ph & Internet	Travel	Total Amt Rec'd	
Robinson	4		1,077.08			March 50.00	132.06	1,259.14	
Nell	3		1,077.08			80.00	April 224.44	1,381.52	
Francis	3		1,077.08					1,077.08	
Brown	4		1,077.08					1,077.08	
Jordan	4		1,077.08					1,077.08	
Dover	4		1,077.08			80.00	469.80	1,626.88	
Baumann	2	2,351.25	1,077.08					3,428.33	
Swan	4		1,077.08				April 164.30	1,241.38	
Dingle	4		1,077.08					1,077.08	
Tucker	4		1,077.08			March 80.00	Feb 258.54	1,807.48	
						April 80.00	March 311.86		
Westbury	4		1,077.08			149.05	414.78	1,640.91	
Hodges	4		1,077.08			April 75.95	March 244.62	1,832.22	
						May 191.57	April 243.00		
TOTAL								18,526.18	
June 06									
Robinson	4		1,077.08		<i>Future of Local Govt Summit Rego 605.00 Flights 860.00</i>	50.00	176.08	1,303.16	
Nell	4		1,077.08			May 80.00	May 419.12	2,024.48	
						June 80.00	June 368.28		
Francis	1		1,077.08					1,077.08	
Brown	3		1,077.08				May 80.89	1,293.61	
							June 135.64		
Jordan	4		1,077.08			April/May /June 240.00		1,317.08	
Dover	4		1,077.08			80.00	373.68	1,530.76	
Baumann	4	2,351.25	1,077.08					3,428.33	
Swan	4		1,077.08			May 80.00	May 279.00	1,939.54	
						June 80.00	June 423.46		
Dingle	4		1,077.08					1,077.08	
Tucker	4		1,077.08					1,077.08	
Westbury	4		1,077.08			149.10	353.40	1,579.58	

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006

Hodges	4	1,077.08							1,077.08
							TOTAL		18,724.86

Name	Meetings	Mayor Fee	Cr Fee	Ext Payments	Conf/Dele gate Exp	Ph & Internet	Travel	Total Amt Rec'd
July 06								
Robinson	4		1,077.08					1,077.08
Nell	1		1,077.08			80.00	231.88	1,388.96
Francis	4		1,077.08					1,077.08
Brown	4		1,077.08		<i>CPLA</i>	169.75		1,246.83
					<i>Rego</i>			
					<i>350.00</i>			
					<i>Accomm</i>			
					<i>200.00</i>			
Jordan	4		1,077.08					1,077.08
Dover	4		1,077.08			80.00	429.92	1,587.00
Baumann	2	2,351.25	1,077.08					3,428.33
Swan	4		1,077.08					1,077.08
Dingle	4		1,077.08					1,077.08
Tucker	4		1,077.08					1,077.08
Westbury	4		1,077.08			119.90	353.40	1,550.38
Hodges	4		1,077.08			June	May	1,959.85
						135.90	200.88	
						July	June	
						199.85	346.14	
							TOTAL	17,623.83

PLEASE 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. 2

FILE NO: A2004-0217

SALAMANDER CHILD CARE CENTRE

COUNCILLOR: DOVER, NELL, WESTBURY

THAT COUNCIL:

Write to the Manager of the Salamander Child Care Centre, assuring them that if in the future Port Stephens Council requires them to move from the present site, that Council will provide a new building of at least equal size and quality in the same vicinity.

BACKGROUND

On 28 March 2006 (Min # 457) Council resolved to undertake a reclassification process over the land that surrounds the Salamander Library, Community Centre and Child Care facilities.

The purpose of the reclassification is to allow flexibility in future planning for the already zoned commercial land that surrounds the existing Salamander Shopping Centre.

Discussions are ongoing with Management of the Child Care Centre with options being explored into possible locations that may provide an improved facility in the vicinity.

Resolution # 3 Minute 457 states:

- 3) That Port Stephens Council is committed to providing equal or better library and childcare centres on the Tomaree Peninsula.

It is understood that the Child Care Centre is currently experiencing increasing pressure for expansion. The existing site provides significant challenges regarding child care placement demands, ease of access, desire to be quarantined from significant vehicular traffic activity and compatibility with commercial activity.

ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006

RESOLUTION:		
699	Councillor Westbury Councillor Dover	It was resolved that the recommendation be adopted.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: A2004-0217

AMENDMENT TO DRAFT LEP

COUNCILLOR: DOVER, SWAN, NELL, DINGLE

THAT COUNCIL:

Prepare a Draft LEP Amendment to make restricted premises, sex services and sex services premises prohibited in all zones in Port Stephens LEP 2000 except in industrial zones.

BACKGROUND

“Brothel” is defined in the Port Stephens Local Environmental Plan 2000 and is permissible with Council consent only in the Zone No. 4(a) – Industrial General “A” Zone.

“Restricted Premises” are also defined in the Port Stephens LEP 2000 and is permissible with Council consent only in Zone No. 3(a) Business General “A” Zone and Zone No. 5(g) Special Urban (Flood Affected) Zone but are prohibited in Zone No. 4(a) – Industrial General “A” Zone.

“Sex services” and “sex services premises” are not definitions in the Port Stephens LEP 2000 but are terms defined in the Dictionary to the LEP Standard Instrument (Local Environmental Plans) Order 2006 gazetted on the 31 March 2006.

The issue of determining an appropriate policy concerning the location of and zoning and development controls for *brothels*, *restricted premises*, *sex services* and *sex services premises* needs to consider the views of the community and property owners as well as the safety and security of persons employed in brothels, restricted premises and sex services premises.

It is recommended that this matter be included in the proposed LEP Review that Council discussed at a work shop on the 19 September 2006 and will consider following a report to Council in the near future.

RECOMMENDATION

That the information be received and noted.

MINUTES FOR ORDINARY MEETING – 26 SEPTEMBER 2006**ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2006****RESOLUTION:**

700	Councillor Dover Councillor Westbury	It was resolved that Council; 1) Prepare a Draft LEP Amendment to make restricted premises, sex services and sex services premises prohibited in all zones in Port Stephens LEP except in industrial zones. 2) Incorporate provisions into the draft Consolidated Development Control Plan that require notification of development applications for brothels/sex services premises and restricted premises to residents, churches and schools within 400m of the site of the development application 3) Require a report on other provisions that could be included in an amendment to Council's Consolidated Development Control Plan to restrict brothels/sex services premises and restricted premises proposed to be located in close proximity to churches, schools, residential properties and community facilities
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Amendment:

MOTION:

	Councillor Francis Councillor Brown	That Council include the matter in the proposed LEP review.
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The amendment on being put was lost.

RESOLUTION:

701	Councillor Hodges Councillor Dover	It was resolved that a division be called for
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Those for the motion: Crs Dover, Nell, Westbury, Dingle, Baumann, Tucker, Hodges and Westbury

Those against the motion: Crs Brown, Francis, Jordan & Robinson

Note: Cr Baumann left the meeting at 8.43pm during Item 3 and returned at 8.44pm during item 3.

There being no further business the meeting closed at 9.17pm.

I certify that pages 1-144 of the Ordinary Meeting of Council dated 26th September 2006 were confirmed by Council at its meeting held on Tuesday 24th October 2006.

**CR RON SWAN
MAYOR**