

# DRAFT

Minutes 24 October 2006



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 24 October 2006, commencing at 5.35pm.

**PRESENT:**

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

One minutes silence was observed for the passing of Bessie Nurse.

714	Councillor Baumann Councillor Jordan	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 26 <sup>th</sup> September and 10 <sup>th</sup> October 2006 be confirmed.
-----	---	---

# INDEX

SUBJECT	PAGE NO
<b>OPERATIONS COMMITTEE RECOMMENDATIONS .....</b>	<b>4</b>
1. SECTION 82A REVIEW OF DEVELOPMENT APPLICATION FOR A TWO LOT TORRENS TITLE SUBDIVISION AT NO. 27 KIRRANG DRIVE, MEDOWIE .....	5
2. DISABILITY ACTION PLAN 2006-2010.....	17
3. CRIME PREVENTION PLAN 2006-2009 .....	21
4. LOCAL TRAFFIC COMMITTEE MEETING – 5 <sup>TH</sup> SEPTEMBER, 2006.....	24
5. 2006-2007 CARRY FORWARD AND REVOTES.....	53
6. 2005/2006 GENERAL PURPOSE FINANCIAL REPORTS AND SPECIAL PURPOSE FINANCIAL REPORTS .....	63
7. ACQUISITION ROAD WIDENING – UPGRADE SEAHAM ROAD BETWEEN JARVIE CLOSE AND WIGHTON STREET SEAHAM .....	68
8. DRAINAGE ACQUISITION - WALLALONG.....	73
9. PROPOSED NAMING OF ROAD/LANEWAY AT NELSON BAY.....	78
10. PROPOSED NAMING OF ROADS AT BOBS FARM .....	82
11. AMENDMENT TO ACCESS COMMITTEE CONSTITUTION.....	86
12. INFORMATION PAPERS .....	91
<b>OPERATIONS COMMITTEE INFORMATION PAPERS.....</b>	<b>92</b>
1. INDIGENOUS STRATEGIC COMMITTEE MEETING WITH WORIMI LOCAL ABORIGINAL LAND COUNCIL.....	93
2. ACCESS COMMITTEE MINUTES.....	97
3. DESIGNATED PERSONS – PECUNIARY INTERESTS .....	102
4. HUNTER COUNCILS INC MINUTES OF BOARD MEETING, 31 AUGUST 2006.....	104
5. MANAGER’S MONTHLY REPORT OCTOBER 2006.....	114
<b>STRATEGIC COMMITTEE RECOMMENDATIONS .....</b>	<b>128</b>
1. MEMORANDUM OF UNDERSTANDING BETWEEN HUNTER COUNCILS INC (ON BEHALF OF MEMBER COUNCILS) AND HUNTER CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY .....	129
2. POLICY FOR AREAS AFFECTED BY FLOODING AND/OR INUNDATION .....	143
3. DRAFT LEP NO. 25 TO AMEND LOCAL ENVIRONMENTAL PLAN 2000 TO ENABLE A CRANE HIRE BUSINESS AT 8 CABBAGE TREE ROAD WILLIAMTOWN .....	151
<b>GENERAL MANAGER’S REPORTS .....</b>	<b>156</b>
1. F3 FREEWAY TO RAYMOND TERRACE - UPGRADING THE PACIFIC HIGHWAY .....	157
2. PROPOSED RESIDENTIAL 8 LOT SUBDIVISION OF LOT 61 DP24364 JOHNSON AVENUE & ENGEL AVENUE, KARUAH .....	158
3. REQUEST FOR FINANCIAL ASSISTANCE.....	163

## **COMMITTEE RECOMMENDATIONS**

The Committees met on the 3<sup>rd</sup> & 10<sup>th</sup> October 2006 and make the following recommendations to Council.

<b>COMMITTEE</b>	<b>PRESENT</b>	<b>TIME</b>
Strategic Committee	Councillors Swan, Tucker, Robinson, Dingle, Dover, Hodges & Brown, and Messrs Gesling, Murrell, Trigar & Broyd & Ms Shine  Apology: Crs Baumann, Nell, Jordan, Francis & Westbury	3 <sup>rd</sup> October, 2006  Commenced: 5.36pm  Concluded: 6.02pm
Operations Committee	Councillors Swan, Nell, Tucker, Francis, Robinson, Jordan, Dingle, Westbury, Dover, Hodges & Brown, and Messrs Gesling, Murrell, Trigar & Broyd & Ms Shine  Apology: Cr Baumann,	10 <sup>th</sup> October, 2006  Commenced 5.36pm  Concluded 7pm

# OPERATIONS COMMITTEE RECOMMENDATIONS

**ITEM NO. 1**

**FILE NO: 16-2005-1526-1**

**SECTION 82A REVIEW OF DEVELOPMENT APPLICATION FOR A  
TWO LOT TORRENS TITLE SUBDIVISION AT NO. 27 KIRRANG  
DRIVE, MEDOWIE**

**REPORT OF: SCOTT ANSON – MANAGER DEVELOPMENT AND BUILDING**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve the Section 82A Review of Development Application 16-2005-1526-1 in accordance with the revised condition number 13 contained in Attachment 4.
- 2) Endorse the implementation of the Practice Note contained in Attachment 5.

---

**OPERATIONS COMMITTEE MEETING – 10 october 2006**

**RECOMMENDATION:**

**That the recommendation be adopted.**

---

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006**

**RESOLUTION:**

<b>719</b>	<b>Councillor Baumann Councillor Jordan</b>	<b>That this matter be deferred to the Operations Committee meeting 14<sup>th</sup> November 2006.</b>
------------	---	--

Note: Cr Hodges left the meeting at 6.20pm during Item 1 and returned at 6.22pm during Item 1.

**BACKGROUND**

**The purpose of this report is to present to Council a review of a determination pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979, at the request of Councillor Baumann. The review relates to a condition placed on the consent requiring the construction of footpath.**

The subject development application, being a two lot subdivision of a corner allotment, was approved under delegated authority on 28 March 2006, subject to the following condition No.13:

*“A concrete footpath 2.0metres wide and 100mm thick shall be provided, to Council's Standards, over the full street frontage of the site prior to Occupation. Details shall be submitted to, and approved by Council prior to issue of Construction Certificate.”*

The applicant has requested a review of the determination, specifically this condition, pursuant to Section 82A of the Environmental Planning and Assessment Act 1979. As a consequence the review also includes the associated Roads Act approval Conditions 10, 11, 12, 14 & 15 relating to works within the road reserve.

During the original assessment, as the development involves the intensification of landuse, Council conditioned the upgrading of associated infrastructure to current Council standards. The requirement for a developer to provide footpaths for a subdivision is outlined in Section 11.3 of Development Control Plan (DCP) PS3 – Subdivision Guidelines. In addition to this DCP, Council has a draft “Integrated Footpath Cycleway Plan”, which is currently being used by Council's Development Engineers to guide the conditioning of footpath construction. In this plan, the site of the subdivision is identified to have an off-road shared use path on both Kirrang Drive and Kula Road. The location of a shared path on Kirrang Drive is also identified in the Port Stephens Bike Plan, adopted by Council in 1994.

It is further noted that Council is currently considering the construction of a section of footpath on Kirrang Drive near the oval. With further development along the route and allocation of funds, sections of footpath will be linked up to provide a continuous path for residents. It is considered that the conditioning of cycleways and footpaths, facilitates the future goal of a well planned network that will eventually be continuous and integrated, a portion of which would be constructed by developers at no cost to the community, thereafter maintained by the Council.

In response to the request for the 82A Review, Council officers considered it appropriate to amend Condition 13 to require construction of footpath on Kirrang Drive only, and remove the requirement for construction along Kula Road. This amendment was considered given the property was a corner allotment and rural residential in nature, and that the construction of footpath on both frontages would create an unreasonable financial burden to the developer. It should be noted that this review has prompted an adjustment to Council's Practice Note (refer Attachment 5) which Council's Development Engineer has applied from July 2005 to present.

### **Development Practice Note – Footpaths and Cycleways**

The process outlined in the Practice Note (refer Attachment 5) consolidates a number of strategic policies adopted by Council that promote the construction of footpaths and cycleways into one practical guide for assessment staff.

The adopted strategies include:

- Port Stephens Bike Plan 1994;
- Urban Settlement Strategy (currently being revised as the Draft Community Settlement and Infrastructure Strategy);
- Medowie Local Area Plan; and
- Local Area Plan to Reduce Greenhouse Gas Emissions in Port Stephens

### **Applying the Practice Note to Medowie**

In the preparation of the Practice Note, it was considered that the amendment to the Local Environmental Plan 2000, changing the minimum allotment size in the 1(c4) – Rural Small Holdings zoning from 5000m<sup>2</sup> to 4000m<sup>2</sup>, is expected to increase the number of proposed subdivisions in this locality. A key issue identified in the Medowie Local Area Plan was the

high incidence of car based commuting between homes, services and jobs with a limited public transport service. The conditioning of footpaths on developments is considered to ensure that growth in residential development is accompanied by adequate growth in public infrastructure.

### **Conclusion**

The above strategic plans previously adopted by Council have provided the framework and objectives from which conditions are imposed on development applications, ensuring that the principles of sustainability are integrated into development proposals. Accordingly, the amendment of Condition 13 of Development Consent 16-2005-1526-1 relating to the construction of a shared path along the frontage to Kirrang Drive is considered to be appropriate and reasonable in this instance.

### **LINKS TO CORPORATE PLANS**

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

### **FINANCIAL/RESOURCE IMPLICATIONS**

The length of footpath/cycleway along the Kula Road frontage is 136m which at \$110 per metre would be a cost of approximately \$14,960. The Kirrang Drive frontage is 75m and therefore approximate costs of footpath/cycleway construction would be \$8,250.

### **LEGAL AND POLICY IMPLICATIONS**

The conditioning of footpath construction is considered to be consistent with Council's Policy.

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

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

The facilitation of non-motorised forms of transport provides an equitable transport option to the community and can increase many people's personal mobility by giving them a form of transport that was previously unsafe, inconvenient or inaccessible.

Footpaths can reduce personal financial burden by providing an alternative form of transport to the motor vehicle and/or public transport.

### **ECONOMIC IMPLICATIONS**

The requirement for developers to upgrade associated infrastructure to current Council standards reduces the financial burden of infrastructure provision for Council and provides a public benefit arising from intensification of landuse.

The associated costs for the construction of the footpath would be likely to decrease the margin of profit for the developer. However, this is not considered unreasonable given that the proposal is intensifying the residential potential of the property.

### **ENVIRONMENTAL IMPLICATIONS**

Conditioning footpath construction on development applications such as subdivisions encourages the reduction in car dependence and creates walkable neighbourhoods. Encouraging the community and it's visitors to use forms of transport other than motorised transport will reduce greenhouse gas emissions and air pollution.

## **CONSULTATION**

No advertising or notification was undertaken in respect to the Section 82A review. Consultation has been undertaken with Council's Engineering, Assets and Community Planning officers.

## **OPTIONS**

1) Adopt the recommendation. 2) Reject or amend the Recommendation.

## **ATTACHMENTS**

- 1) Locality Plan
- 2) Site Plan
- 3) Assessment
- 4) Revised Condition of Consent

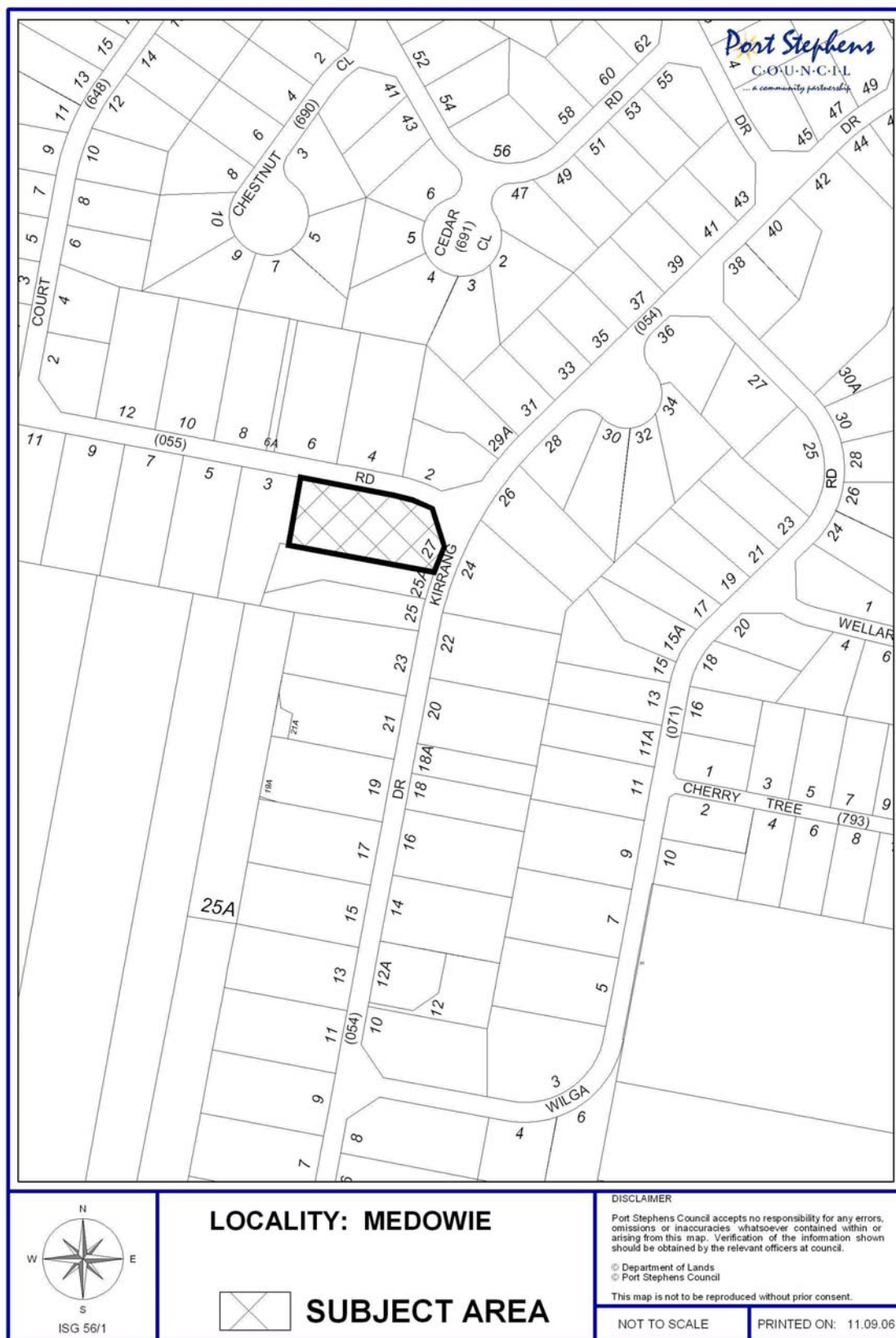


- 5) Practice Note

### **COUNCILLORS ROOM**

- 1) Plan of Proposed Subdivision
- 2) Statement of Environmental Effects
- 3) Copy of letter requesting a Review of Determination under Section 82A of the Environmental Planning and Assessment Act 1979.

# ATTACHMENT 1 LOCALITY PLAN



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



### **ATTACHMENT 3 ASSESSMENT**

Council's determination has been reviewed pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, and was previously assessed pursuant to Section 79C of the Act. The following is a summary of those matters considered relevant in this instance.

#### **THE PROPOSAL**

The proposal involves a two lot torrens title subdivision.

#### **THE APPLICATION**

Owner	MR N D & MRS E L ROSS
Applicant	PAUL LE MOTTEE PROJECT MANAGEMENT
Detail Submitted	Statement of Environmental Effects, Bushfire Risk Assessment, Plan of Proposed Subdivision

#### **THE LAND**

Property Description	Lot 18 DP249781
Address	27 Kirrang Drive MEDOWIE
Area	9928m <sup>2</sup>
Dimensions	148.79m x 68.58m
Characteristics	The property is a relatively flat corner block with a frontage to Kula Road (135.32m) and Kirrang Drive (67.74m). An existing dwelling is located on one allotment.

#### **THE ASSESSMENT**

##### **1. Planning Provisions**

LEP 2000 – Zoning	1(c4) – Rural Small Holdings
Relevant Clauses	11, 13
Development Control Plan	PS3 – Subdivision Guidelines

##### **Discussion**

Local Environmental Plan 2000

##### *Clause 11 and 13*

The subdivision is considered to be consistent with the objectives of the Rural Small Holdings zone. The subdivision complies with the minimum allotment size for the subdivision of land zoned 1(c4) – Rural Small Holdings.

### Development Control Plan PS3 – Subdivision Guidelines

#### *Clause 11.3 and 11.2 – Footpath Construction*

It is specified that footpath shall be provided as nominated by Council, irrespective of whether the land is zoned residential or rural residential. The requirement that the footpath be constructed 100mm thick and 2m wide is also specified in the guidelines. The conditioning of footpath construction along the frontage to Kirrang Drive is considered to be consistent with DCP PS3.

## **2. Likely Impact of the Development**

It is considered that the subdivision would have a negligible environmental impact, however it would increase the demand for services and travel for future residents to access services.

## **3. Suitability of the Site**

The subject site is identified as bushfire prone and received a Bushfire Safety Authority from the New South Wales Rural Fire Service. The subject site was considered to be suitable for the proposed development.

## **4. Submissions**

No advertising or notification was undertaken in respect to the Section 82A review.

The original proposal was not required to be publicly advertised, as stipulated in *Development Control Plan PS10 Building Standards & Notification of Development Applications*.

## **5. Public Interest**

The amended development condition and reasonable provision of a footpath due to the intensification of landuse is in the public interest and ensures that growth in residential development is accompanied by adequate growth in public infrastructure and community services and facilities.

**ATTACHMENT 4  
REVISED CONDITION OF CONSENT**

- 13) A concrete footpath 2.0 metres wide and 100mm thick shall be provided, to Council's Standards, over the full frontage of the site to Kirrang Drive prior to the release of the Subdivision Certificate. Details shall be submitted to, and approved by Council prior to issue of Construction Certificate.

ATTACHMENT 5



DEVELOPMENT PRACTICE NOTE  
E1

**SUBJECT: - Determining when “Construction of a concrete footpath or Cycleway” shall be applied as a condition of consent.**

**DATE: -** September 2006

**LAST REVIEW: -** Nil

**PURPOSE**

This practice note establishes procedures to follow when determining if “Construction of a concrete footpath or cycleway” shall be applied as a condition of consent” when assessing development applications lodged over infill development areas.

**GOAL**

To implement the objectives of strategies such as the Community Settlement and Infrastructure Strategy and the Local Area Plans to improve pedestrian and cycleway connectivity and to reduce green house gas emissions in Port Stephens To ensure consistent application of the requirement in relation to the matters associated with adding conditions of consent that requires the construction of concrete footpath or cycleway.

**HISTORY**

Development Control Plan PS3 (Subdivision Code) was adopted in 1993 and contained design and construction requirements for engineering works associated with subdivisions and developments. The code included sections on Footpaths and Cycleways with the following requirements:

10.0 Cycleways

10.2 Location

Cycleways should be incorporated in the design of new subdivisions wherever possible. Cycleways may be used to link the person’s place of residence to schools, shops or work.

In urban and rural environment, cycleways may be established solely for the cyclist or a combined pedestrian/cycleway can be used.

11.3 Footpath Construction  
Location

## MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006

Footpaving shall be provided as nominated by council and Figure 11.2. Footpaving shall be constructed in the allocation as shown in Figure 11.2 and connected to the kerb with pram ramps. Where footpaving is not indicated on the plans or specified in the approval it shall be placed on one side of through and connecting roads to Council's specification

In 1994 council adopted the *Port Stephens Bike Plan* which identified a network of regional arterial and local cycleways to meet the commuting, recreational and tourist needs of the community, and to which traffic planning and engineering actions should be focused to make the network safe and attractive to cyclists. The plan identified existing and proposed on road and off road routes through council's established road network.

During 2005/06, the Community Planning Section has developed a draft "Integrated footpath Cycleway Plan" which is currently being reviewed internally before being submitted for advertising and adoption. The plan identifies proposed locations for footpaths and cycleways within council's established road network. The Development Engineers have been applying the principles of the plan since July 2005 to condition consents in areas of infill development. Whilst the plan is not adopted, it provides clear direction for staff to implement the requirements of DCP PS3

### ACTION / REVIEW

Concrete footpath or cycleway shall be constructed across the full frontage of the development if the following criteria are met (and as shown by "√"):

Development Type → ↓ Scale of Development Application	Commercial	Industrial	Single dwelling	Multiple dwellings	Rural & Rural Res	Homeoccupations	Other nonresidential (1)
New development (excluding internal fit out)	√	√		√			√
Intensification of development (includes additional lots, dwellings, buildings)	√	√		√	√		√
Subdivision of existing development (building/dwellings/business use)	√	√					√
Minor Additions (30m <sup>2</sup> +) (2)	√	√					√

(√ - indicates Development Types required to comply with construction requirements )

### NOTES

Other non residential applies to, but is not all inclusive of, child cares, education establishments, clubs, tourist facilities, public entertainment and public worship establishments/facilities Numerous DA's for minor additions shall be looked at as the accumulative effect. When considering corner allotments in Rural & Rural Residential areas, footpath construction will apply only to one street frontage. This shall be the frontage identified in the Plan, or if not included in the Plan it shall be the smallest frontage.



**ITEM NO. 2**

**FILE NO: PSC2006-0615**

**DISABILITY ACTION PLAN 2006-2010**

**REPORT OF: JENNIFER SMITH, COMMUNITY PLANNING MANAGER**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the *Port Stephens Council Disability Action Plan 2006-2010*.
- 

**OPERATIONS COMMITTEE MEETING – 10 october 2006**

**RECOMMENDATION:**

**That the recommendation be adopted.**

Tabled Document: Port Stephens Council Disability Action Plan 2006-2010

---

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006**

**RESOLUTION:**

<b>720</b>	<b>Councillor Hodges Councillor Francis</b>	<b>That the recommendation be adopted.</b>
------------	---	--

Tabled Document: Disability Action Plan

**BACKGROUND**

**The purpose of this report is to present to Council the *Disability Action Plan 2006 – 2010* for adoption following the period of public exhibition.**

Councils are required to produce a Disability Action Plan in accordance with the Disability Discrimination Act (1992). The *Disability Action Plan 2006–2010* builds upon the achievements of the previous plan whilst setting the direction of Council's disability program for the next four years.

Copies of the draft plan were made available for public viewing at various locations during the advertised exhibition period. The locations included Council's website, Administration Building, branch libraries and mobile library. No submissions were received following the 28-day exhibition.

**LINKS TO CORPORATE PLANS**

The *Disability Action Plan 2006–2010* is linked to the Council Plan 2005-2008 in the following

key result areas:

<i>Lifestyle:</i>	<i>Our community celebrates its diversity, contributes to and enjoys the lifestyle of Port Stephens</i>
<i>Environment:</i>	<i>Our treasured environment is maintained and improved for the well being of our community</i>
<i>Planning &amp; Development:</i>	<i>Our development focuses on our communities being sustainable</i>
<i>Infrastructure:</i>	<i>Our facilities and services meet community need</i>

It is also aligned with the aims and objectives of the following Council plans: -

- *2006-2010 Social and Community Plan*
- *2004 Pedestrian Access Mobility Plan*
- *Draft 2006 Urban Settlement Strategy*

## **FINANCIAL/RESOURCE IMPLICATIONS**

Council's Disability Access Officer will be responsible for overseeing the implementation of the *Disability Action Plan 2006–2010*. It will be implemented within existing financial resources. In the event that additional resources are required, external funding will be sourced.

## **LEGAL AND POLICY IMPLICATIONS**

The Disability Discrimination Act 1992 (DDA) requires all services and facilities to be accessible for people with a disability. Failure to provide that access, or failure to require others to provide it where that is a responsibility, can lead to prosecution.

By developing and lodging a Disability Action Plan with the Human Rights and Equal Opportunities Commission, Council is demonstrating its commitment and intent to act in a reasonable timeframe in accordance with the DDA. In doing this, Council reduces its liability to prosecution and further, the document can act as a strong tool to assist with mediation should any complaints arise.

Other relevant legislative requirements relating to a Disability Action Plan for Council are included within; NSW Anti-Discrimination Act 1977, Local Government Act 1993, Building Code of Australia 2006 and the Australian Standards 2001.

The *Disability Action Plan 2006-2010* complies with all of these legislative requirements and is in accordance with Council's Disability Access Policy 2004.

## **Australian Business Excellence Framework**

This aligns with the following ABEF Principles: -

- 1) *Clear direction allows organisational alignment and a focus on the achievement of goals*
- 2) *Mutually agreed plans translate organisational direction into actions*
- 3) *Understanding what customers value, now and in the future, influences organisational*

*direction, strategy and action*

- 4) *To improve the outcome, improve the system and its associated processes*
- 5) *The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation*
- 6) *Continual improvement and innovation depend on continual learning*
- 7) *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*

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

The overall intention of the *Disability Action Plan 2006-2010* is to create an equitable, inclusive and socially cohesive community. Access, both physical and non-physical to services and facilities is the right of all people in the community. Access improvements made to the built environment for people with a disability assist the entire community.

### **ECONOMIC IMPLICATIONS**

Facilitating an accessible community means that people with a disability are able to make a full and meaningful contribution to society (eg; employment, tourism, retail, community events) thus utilising this otherwise wasted resource.

### **ENVIRONMENTAL IMPLICATIONS**

The *Disability Action Plan 2006-2010* will have a positive impact on the environment by providing a framework for the continuation of improvements which will assist in removing physical barriers which deny people with disabilities, parents/carers with prams, elderly etc from interacting and enjoying the local environment of Port Stephens.

## **CONSULTATION**

A briefing to Council on the *Disability Action Plan 2006–2010* was conducted on 20 June 2006. It was placed on public exhibition for 28 days and promoted widely to local residents and community based organisations (eg; Disability Services). No submissions were received in response to the exhibition of the draft Plan.

## **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) Nil

**COUNCILLORS ROOM**

- 1) Copy of Port Stephens *Disability Action Plan 2006–2010*.

**TABLED DOCUMENTS**

- 1) Copy of Port Stephens Disability Action Plan 2006–2010.

ITEM NO. 3

FILE NO: PSC2005-3448

## CRIME PREVENTION PLAN 2006-2009

REPORT OF: JENNIFER SMITH, COMMUNITY PLANNING MANAGER

---

### RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the *Port Stephens Crime Prevention Plan 2006-2009*.
- 

### OPERATIONS COMMITTEE MEETING – 10 october 2006

#### RECOMMENDATION:

**That the recommendation be adopted.**

Tabled Document: Port Stephens Crime Prevention Plan 2006-2009

---

### ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006

RESOLUTION:		
721	Councillor Jordan Councillor Westbury	That the recommendation be adopted.

Tabled Document: Crime Prevention Plan 2006-2009

Note: Cr Baumann left the meeting at 6.34pm during Item 3

### BACKGROUND

**The purpose of this report is to present to Council the *Crime Prevention Plan 2006-2009* for adoption following the period of public exhibition.**

The *Crime Prevention Plan 2006-2009* builds upon the achievements of the previous plan whilst setting the direction of Council's crime prevention program for the next 3 years. The *Crime Prevention Plan 2006-2009* is comprised of two key components: -

- i. **Crime Profile** - (*ie; a detailed crime profile based on an analysis of local crime statistics and the outcomes of an extensive community consultation process*)
- ii. **Action Plan** – (*ie; a detailed list of strategies and actions aimed at redressing the crime issues identified in the above mentioned Crime Profile*)

Copies of the draft plan were made available for public viewing at various locations during the advertised exhibition period. The locations included Council's website, Administration Building, branch libraries and mobile library. No submissions were received following the

exhibition period.

## **LINKS TO CORPORATE PLANS**

The *Crime Prevention Plan 2006-2009* is linked to the following key result areas specified in Council Plan 2005-2008: -

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

*Environment:* Our treasured environment is maintained and improved for the well being of our community

*Planning & Development:* Our development focuses on our communities being sustainable

*Infrastructure:* Our facilities and services meet community need

## **FINANCIAL/RESOURCE IMPLICATIONS**

A range of funding sources will be explored as part of the implementation of the plan. It is expected that most of the funding will be acquired from external sources such as State and Commonwealth grants. Council's *Community Projects Officer – Community Safety* shall oversee the implementation of the plan.

## **LEGAL AND POLICY IMPLICATIONS**

In order to have the plan endorsed by the NSW Attorney General, it has been prepared with reference to the framework prescribed for local crime prevention plans in the *Children Protection and Parental Responsibility Act 1997*.

### **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
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

Community safety continues to rank as one of the highest issues of concern amongst the general community. These concerns primarily fall into four key areas: -

*i. Domestic and community violence*

- ii. Security of self, family and property
- iii. Drug and alcohol abuse
- iv. Young people and crime

It is anticipated that the implementation of the various strategies contained within the *Crime Prevention Plan 2006-2009* in partnership with key stakeholders will have a positive impact in improving the community's sense of social well-being.

## **ECONOMIC IMPLICATIONS**

The cost of crime in Port Stephens can be conservatively estimated at \$19 million per year, based on a per-capita cost of \$300 per year (*Source: Commonwealth Attorney General's Department*). Evidence indicates that reductions in criminal behaviour can lead to lower costs in the areas of criminal justice, insurance premiums, repairs to damaged property, replacement of stolen property, lost employee productivity, security and alarm systems, and health care services for victims of crime.

## **ENVIRONMENTAL IMPLICATIONS**

The continued application by relevant Council staff of *Crime Prevention Through Environmental Design (CPTED) principles* to the development approval process and other Council practices is creating a safer built environment with opportunities for criminal acts and anti-social behaviour being minimised.

## **CONSULTATION**

A briefing to Council on the *Crime Prevention Plan 2006-2009* was conducted on 20 June 2006. It was available for public viewing for 42 days during the public exhibition period in accordance with the requirements of the NSW Attorney General's Department. No submissions were received in response to the exhibition of the draft Plan.

## **OPTIONS**

- 1) To accept the recommendation
- 2) To reject the recommendation and call for more information to support the report

## **ATTACHMENTS**

- 1) Nil

## **COUNCILLORS ROOM**

- 1) Copies of *Crime Prevention Plan 2006 - 2009*

## **TABLED DOCUMENTS**

- 1) Copies of *Crime Prevention Plan 2006 - 2009*

**ITEM NO. 4****FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 5<sup>TH</sup> SEPTEMBER, 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 5<sup>th</sup> September, 2006.

**OPERATIONS COMMITTEE MEETING – 10 october 2006****RECOMMENDATION:**

That the recommendation be adopted.

**OPERATIONS COMMITTEE MEETING – 10 october 2006****RECOMMENDATION:**

That the recommendation be adopted with the following amendments

C9 – This item be referred back to the Traffic Committee to construct stop sign – not a give way sign

C10 – This item be referred back to Traffic Committee for supervised childrens' crossing

C12 – That the Traffic Committee amend this item to ensure that approval be deferred subject to the applicant modifying the access to cater for B double access and the applicant demonstrate the vehicle can access the property

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006****RESOLUTION:**

<b>722</b>	<b>Councillor Hodges Councillor Dingle</b>	<b>That the recommendation be adopted with the following amendments C9 – This item be referred back to the Traffic Committee to construct stop sign – not a give way sign and the median strip be removed and replaced with appropriate line marking. C10 – This item be referred back to Traffic Committee for supervised childrens' crossing C12 – That the Traffic Committee amend this item to ensure that approval be deferred subject to the applicant modifying the access to cater for B double access and the applicant demonstrate the vehicle can access the property</b>
------------	--	--



## **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 22 August, 2006. In attendance were M Morrison (PSC), Clr Dingle and Snr Constable Schmidtke (NSW Police).

The Local Traffic Committee met at 9.30am on 5 September, 2006 in Council's Administration Building. In attendance were G Orr (PSC Road Safety Officer & Chairman), Snr Constable Schmidtke (NSW Police), Clr Dingle, Mr R Landers (Port Stephens Coaches) and I Gillespie (RTA). Apologies were received from M Morrison, G Stewart, J Price MP and N Newling.

## **LINKS TO CORPORATE PLANS**

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

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

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

## **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.

The items with a safety priority are listed as follows:

Item C3 – Irrawang High School

## **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 5 September, 2006 are contained in ATTACHMENT 1.

## **TABLED DOCUMENTS**

- 1) Nil

## **PORT STEPHENS LOCAL TRAFFIC COMMITTEE**

### **INDEX OF LISTED MATTERS MINUTES OF MEETING HELD ON 5<sup>TH</sup> SEPTEMBER 2006**

- A. ADOPTION OF THE MINUTES OF 1<sup>ST</sup> AUGUST, 2006**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
  - C.1. PORT STEPHENS STREET, RAYMOND TERRACE – TRAFFIC QUEUING AT WOOLWORTHS PETROL – (ITEM C.2 1<sup>ST</sup> AUGUST 2006)**
  - C.2 PACIFIC HWY, RAYMOND TERRACE – SIGNAGE FOR REDUCING TRUCK BRAKE NOISE**
  - C.3 IRRAWANG HIGH SCHOOL – REQUEST TO ERECT ‘NO ENTRY’ SIGN TO SCHOOL AREA ON MOUNT HALL ROAD, RAYMOND TERRACE**
  - C.4 BANKS STREET, RAYMOND TERRACE – INTERSECTION SAFETY**
  - C.5 RICHARDSON/MEDOWIE ROAD ROUNDABOUT – REQUEST TO CHANGE LEFT HAND LANE ON MEDOWIE ROAD, TO ‘LEFT TURN’ ONLY**
  - C.6 MICHAEL DRIVE, SALT ASH – SPEED LIMIT**
  - C.7 BOBS FARM PRIMARY SCHOOL, MARSH ROAD, BOBS FARM – REQUEST FOR SPEED HUMPS**
  - C.8 ESSINGTON WAY AND CALLAGHAN DRIVE, ANNA BAY – REQUEST FOR INSTALLATION OF SPEED HUMPS**
  - C.9 SERGEANT BAKER DRIVE AND SPINNAKER WAY, CORLETTE – REQUEST FOR REMOVAL OF CONCRETE MEDIAN**
  - C.10 BAGNALL BEACH ROAD, SALAMANDER BAY– REQUEST FOR SCHOOL CROSSING**
  - C.11 BUTTERWICK ROAD, WOODVILLE – SPEED LIMIT**
  - C.12 SOPHIA JANE DRIVE, NELSON PLAINS - B-DOUBLE APPLICATION**
- D. GENERAL BUSINESS**
- E. ATTACHMENTS**

**LOCAL TRAFFIC COMMITTEE MEETING  
HELD TUESDAY 5 SEPTEMBER 2006  
AT 9:30AM**

**A. ADOPTION OF MINUTES OF MEETING OF 1<sup>ST</sup> AUGUST 2006**

The minutes of the previous Local Traffic Committee Meeting dated 1<sup>st</sup> August 2006 were adopted.

**B. BUSINESS ARISING FROM PREVIOUS MEETING**

**C. LISTED MATTERS**

**C.1 PORT STEPHENS STREET, RAYMOND TERRACE – TRAFFIC QUEUING  
AT WOOLWORTHS PETROL – (ITEM C.2 1<sup>ST</sup> AUGUST 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

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	NA

<b>ADDITIONAL</b>	<b>ATTACHMENT</b>	No
-------------------	-------------------	----

**COMMENT** Nil accident history  
Service Station complies with DA requirements

**RECOMMENDATION**

- That further discussion be held with the proprietors with regard to managing the traffic during peak times

**ESTIMATED COST** N/A

**FUNDING SOURCE** N/A



## **C.2 PACIFIC HWY, RAYMOND TERRACE – SIGNAGE FOR REDUCING TRUCK BRAKE NOISE**

Councillor has requested signage for limiting truck brake noise on Richardson Road and Pacific Highway on the approaches to the residential areas.

**REQUESTED BY:** Cr Francis

**CONSULTATION:** Nil

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	NA
<b>ADDITIONAL COMMENT</b>	<b>ATTACHMENT</b>	No
	Signposting exists on the Pacific Highway	
	No signposting on Richardson Road	
	RTA requested location signs required	
	Signs only required on westbound approach to Raymond Terrace on Richardson Road	

### **RECOMMENDATION**

- That this item be referred to the Roads and Traffic Authority for consideration for signposting on Richardson Road in the vicinity of Benjamin Lee Drive (east)

<b>ESTIMATED COST</b>	NA
<b>FUNDING SOURCE</b>	NA





### **C.3 IRRAWANG HIGH SCHOOL – REQUEST TO ERECT ‘NO ENTRY’ SIGN TO SCHOOL AREA ON MOUNT HALL ROAD, RAYMOND TERRACE**

Irrawang High School Principal has requested a ‘No Entry’ sign to be erected on exit to the western access point of the car park on Mount Hall Road.

**REQUESTED BY:** Principal, Irrawang High School

**CONSULTATION:** Nil

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	Yes
<b>ADDITIONAL COMMENT</b>	<b>ATTACHMENT</b>	No
	No school zone signs and pavement markings in the new estate, Closebourne Way.	

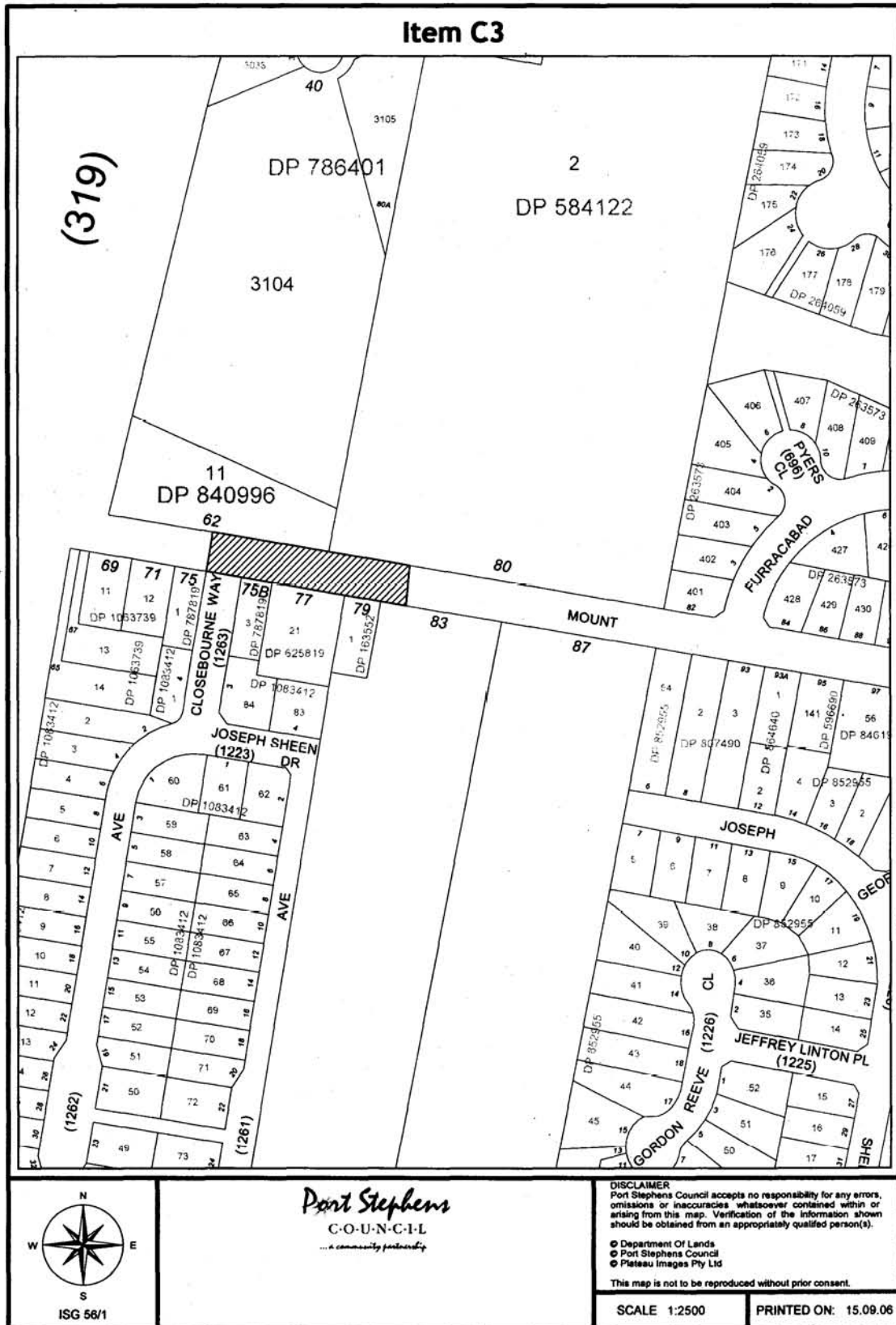
### **RECOMMENDATION**

- That No Entry signs be provided at the western carpark driveway on Mount Hall Road and
- That school zone sign and pavement marking be provided in Closebourne Way

**ESTIMATED COST** \$1200

**FUNDING SOURCE** Traffic Facilities Budget

**THIS ITEM HAS A SAFETY PRIORITY**



#### **C.4 BANKS STREET, RAYMOND TERRACE – INTERSECTION SAFETY**

Resident has requested installation of a safety rail, a median strip and speed humps to be installed at the intersection of Mount Hall Road and Bank Street to control speeding traffic. On two previous occasions vehicles have veered out of control through the resident's front fence.

**REQUESTED BY:** Resident

**CONSULTATION:** Nil

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	NA
<b>ADDITIONAL COMMENT</b>	<b>ATTACHMENT</b>	No
	RTA was concerned at the width of Banks Street and restrictions to garbage service vehicles accessing Banks Street	

#### **RECOMMENDATION**

- That a concrete median island be installed in Banks Street at the intersection of Mount Hall Road and
- That duplicated Give Way signs be installed in Banks Street

<b>ESTIMATED COST</b>	\$2500
<b>FUNDING SOURCE</b>	Traffic Facilities Budget



### **C.5 RICHARDSON/MEDOWIE ROAD ROUNDABOUT – REQUEST TO CHANGE LEFT HAND LANE ON MEDOWIE ROAD, TO ‘LEFT TURN’ ONLY.**

Cr Geoff Dingle has requested a change to the lanes approaching the Richardson/Medowie Road roundabout by changing the left lane on Medowie Road to ‘Left Turn’ only lane. A number of near misses have occurred at the intersection.

**REQUESTED BY:** Cr Dingle

**CONSULTATION:** Nil

**INSPECTION** **UNDERTAKEN** Yes

**AGREE WITH REQUEST** NA

**ADDITIONAL** **ATTACHMENT** No

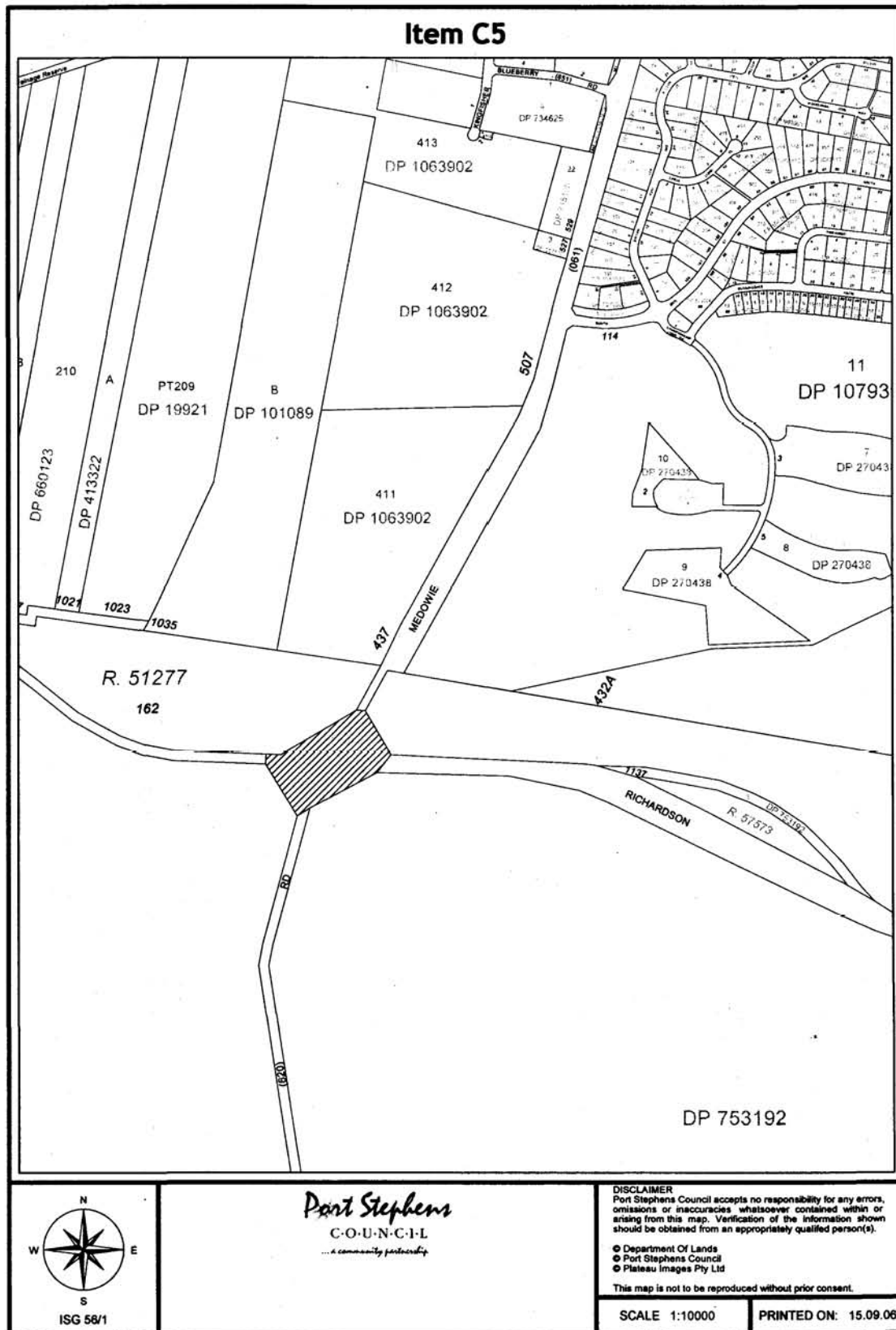
**COMMENT** Richardson Road is a state road controlled by the Roads and Traffic Authority.  
Intersection changes may reduce the capacity and increase delays to motorists.  
A painted island could be used to modify the design of the roundabout but is not as effective and more permanent changes (expensive).

### **RECOMMENDATION**

- That this item be referred to the Roads and Traffic Authority for further investigation of intersection capacity and operation.

**ESTIMATED COST** NA

**FUNDING SOURCE** NA



## C.6 MICHAEL DRIVE, SALT ASH – SPEED LIMIT

A resident of Parkland Estate, Salt Ash, has requested the speed limit be reduced from 60kp/h to 50kp/h (40kp/h if possible) due to demographics of estate (young families), extensive use of community hall, including community bus pick up/drop off point as well as hooligan drivers

**REQUESTED BY:** Resident

**CONSULTATION:** Nil

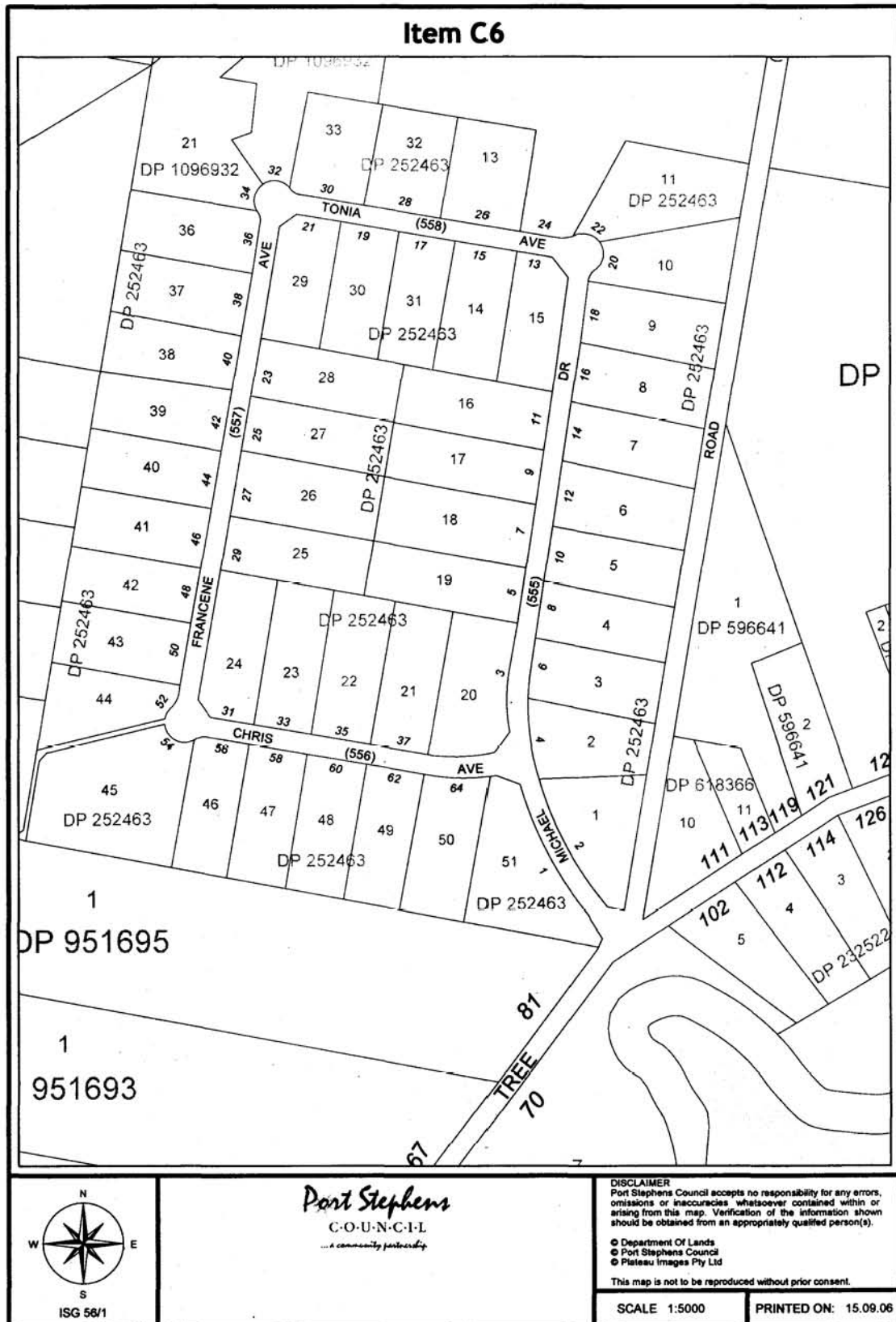
<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	NA
<b>ADDITIONAL COMMENT</b>	<b>ATTACHMENT</b>	No
	Rural properties with large setbacks from road. Low traffic volumes and accident history. RTA advise that 60km/h is the standard speed limit for rural residential areas.	

## RECOMMENDATION

- That this item be referred to the Roads and Traffic Authority for consideration

**ESTIMATED COST** NA

**FUNDING SOURCE** NA





## **C.7 BOBS FARM PRIMARY SCHOOL, MARSH ROAD, BOBS FARM – REQUEST FOR SPEED HUMPS**

A request has been made for two speed humps to be installed each side of Bobs Farm Public School on Marsh Road. Speed limit, prior to 40kp/h school zone is 80kp/h.

**REQUESTED BY:** President, Bob s Farm Public School P & C Association

**CONSULTATION:** Nil

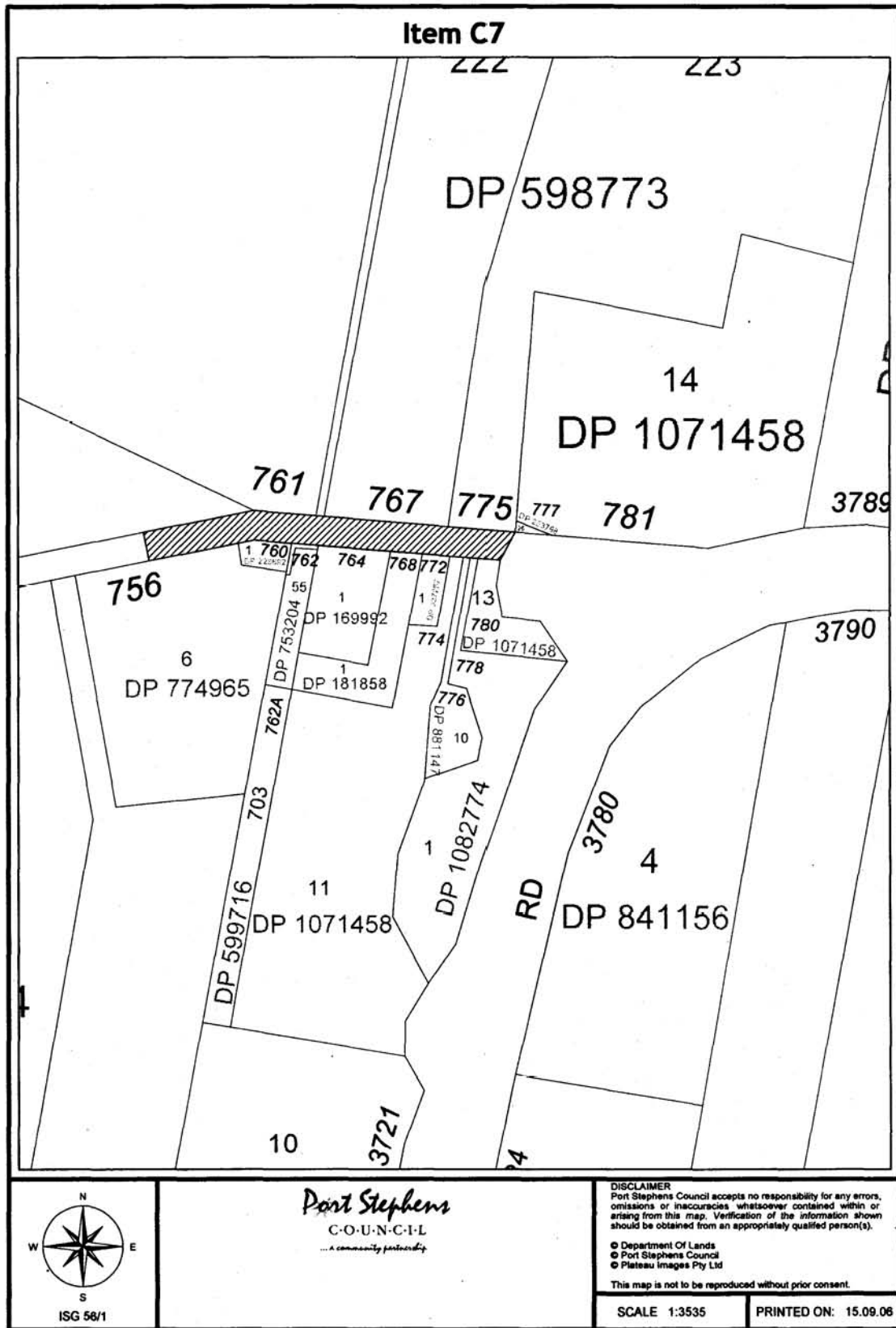
<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	No
<b>ADDITIONAL COMMENT</b>	<b>ATTACHMENT</b>	No
	Flashing lights are used during school zone hours.	
	Low traffic volumes.	
	Marsh Road is a bus route.	
	Current speed limit is 40km/h on eastern approach due to road works.	
	Completion of road works by RTA will address eastern approach to school zone from Nelson Bay Road.	

### **RECOMMENDATION**

- That no further action be taken to provide speed humps and
- That the Roads and Traffic Authority be requested to investigate the upgrading of the existing school zone flashing lights on Marsh Road in line with the outcomes of the flashing lights project conducted by the Roads and Traffic Authority.

**ESTIMATED COST** NA

**FUNDING SOURCE** NA



### **C.8 ESSINGTON WAY AND CALLAGHAN DRIVE, ANNA BAY – REQUEST FOR INSTALLATION OF SPEED HUMPS**

Resident has requested speed humps be installed on Essington Way, near the bend adjoining Callaghan Drive, Anna Bay. Currently speed limit is 50kp/h with drivers constantly breaking speed limit on this very narrow street.

**REQUESTED BY:** Resident

**CONSULTATION:** Nil

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	No

<b>ADDITIONAL</b>	<b>ATTACHMENT</b>	No
-------------------	-------------------	----

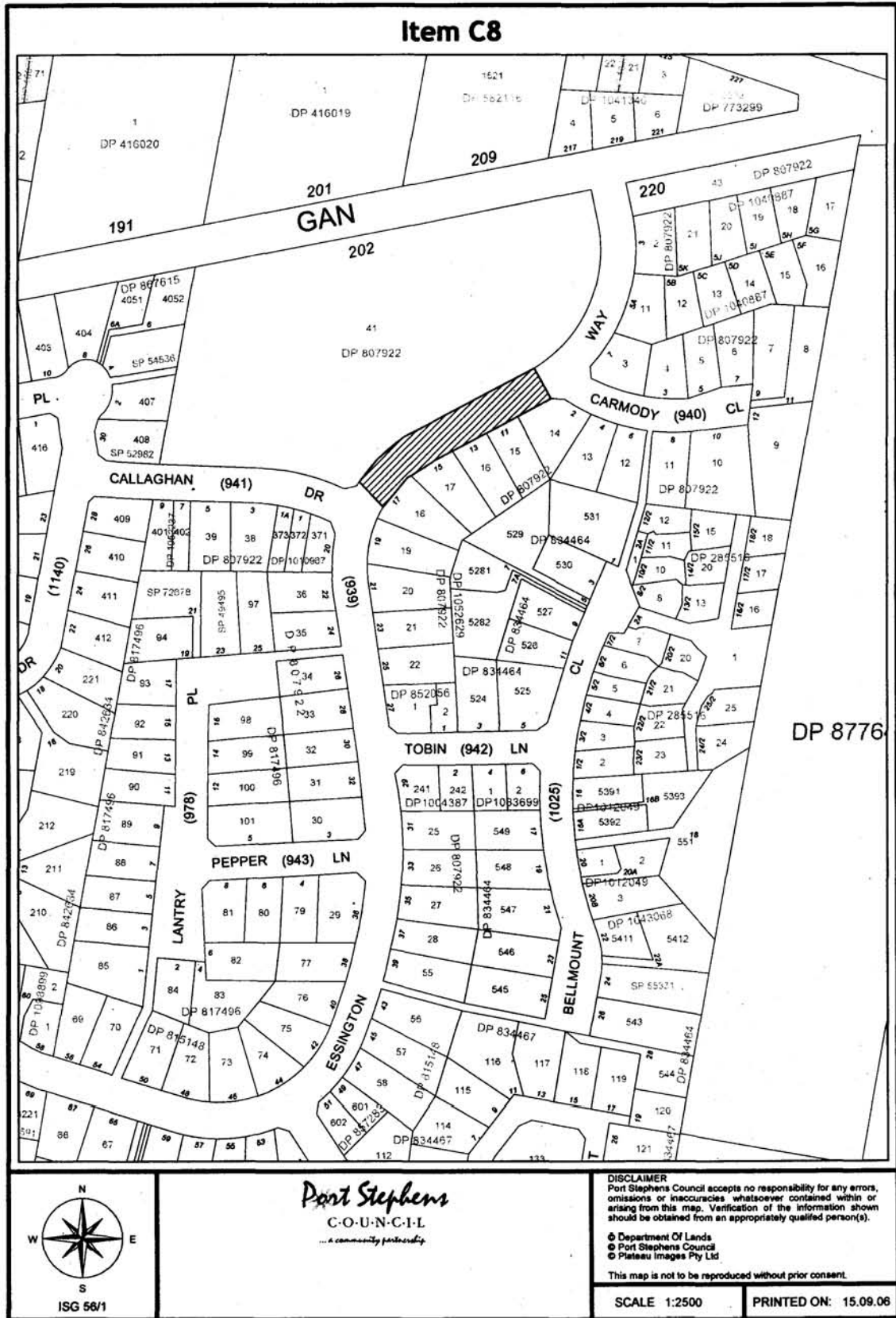
<b>COMMENT</b>	Essington Way is narrow with vehicles parked adjacent to the kerb. Low traffic volumes and accident history. Existing school bus route.
----------------	---

### **RECOMMENDATION**

- That no further action be taken

<b>ESTIMATED COST</b>	NA
-----------------------	----

<b>FUNDING SOURCE</b>	NA
-----------------------	----



### **C.9 SERGEANT BAKER DRIVE AND SPINNAKER WAY, CORLETTE – REQUEST FOR REMOVAL OF CONCRETE MEDIAN**

Resident, Cr Nell, has requested the removal of the concrete median island at the intersection of Sergeant Baker Drive and Spinnaker Way, Corlette. The intersection is not easily accessed by all types of vehicles and vehicles are constantly hitting the island.

**REQUESTED BY:** Cr Nell

**CONSULTATION:** Nil

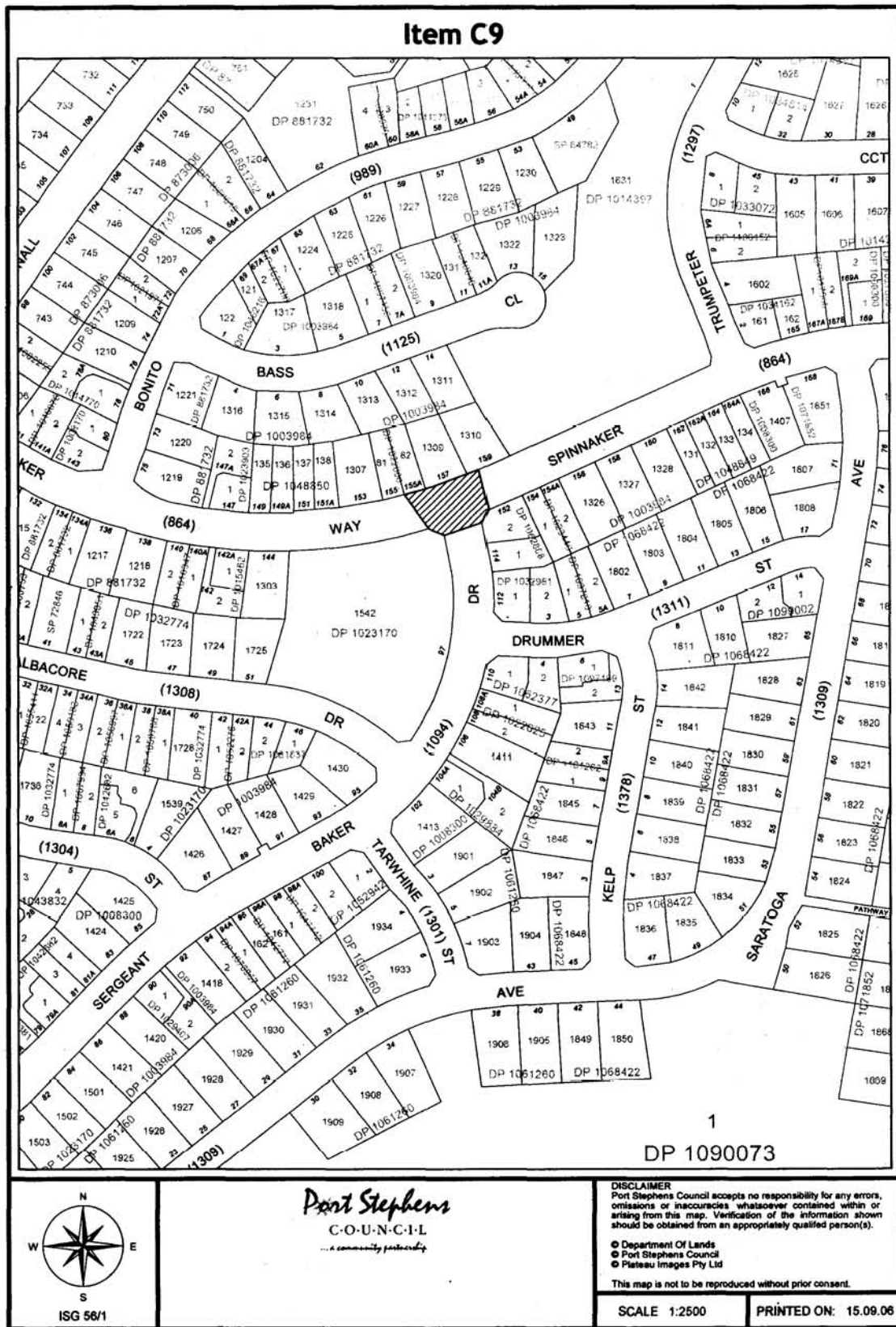
<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	No
<b>ADDITIONAL COMMENT</b>	<b>ATTACHMENT</b>	No
	Concrete island is difficult to see with no signs on island	
	Island is a pedestrian facility connecting pedestrian paths	
	Adequate width is available for vehicle to negotiate the intersection	

### **RECOMMENDATION**

- That the kerb faces on the median island be painted white and
- That duplicated Give Way signs and hold lines be provided on Sergeant Baker Drive at Spinnaker Way and
- Keep Left signs be provided on the concrete island.

**ESTIMATED COST** \$600

**FUNDING SOURCE** Traffic Facilities Budget



## **C.10 BAGNALL BEACH ROAD, SALAMANDER BAY– REQUEST FOR SCHOOL CROSSING**

A member of the Tomaree Public School P & C Association has requested a school crossing be installed on Bagnall Beach Road due to increase in residential properties at Bagnalls Beach.

**REQUESTED BY:** Member of Tomaree Public School P & C Association

**CONSULTATION:** Nil

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
-------------------	-------------------	-----

<b>AGREE WITH REQUEST</b>	No
---------------------------	----

<b>ADDITIONAL ATTACHMENT</b>	No
------------------------------	----

**COMMENT**

Pedestrians are predominantly high school students.

The pedestrian refuge is not the appropriate location for a childrens crossing, too close to roundabout and queuing traffic would block intersection.

Dual carriageway location would require crossing supervision.

A suitable location would not be on the desired line of travel for pedestrians and would not be utilised.

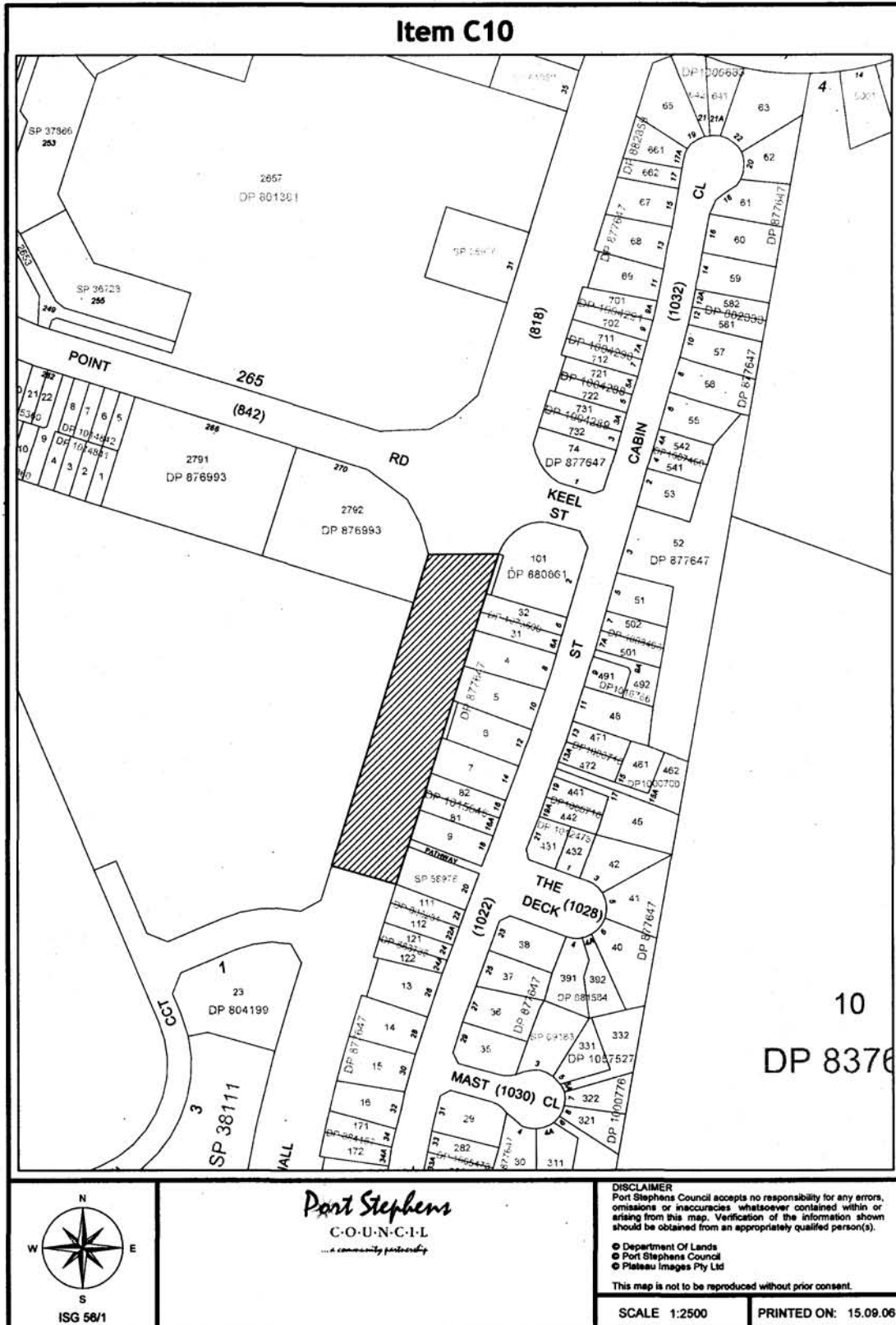
RTA advised that due to a recent review of crossings near schools, childrens crossings and marked foot crossings would not be permitted on multi lane roads.

## **RECOMMENDATION**

- That no further action be taken to provide a childrens crossing

<b>ESTIMATED COST</b>	NA
-----------------------	----

<b>FUNDING SOURCE</b>	NA
-----------------------	----





**C 11 BUTTERWICK ROAD, WOODVILLE – SPEED LIMIT**

Resident has requested installation of 80kph speed limit on Butterwick Road (currently 100kph), each side of Glenurie Close. Vehicles entering Butterwick Road have their vision restricted due to a curve of road as well as trees on private property. There is also insufficient time to accelerate from a stopped position before vehicles come into view around the curve.

**REQUESTED BY:** Resident

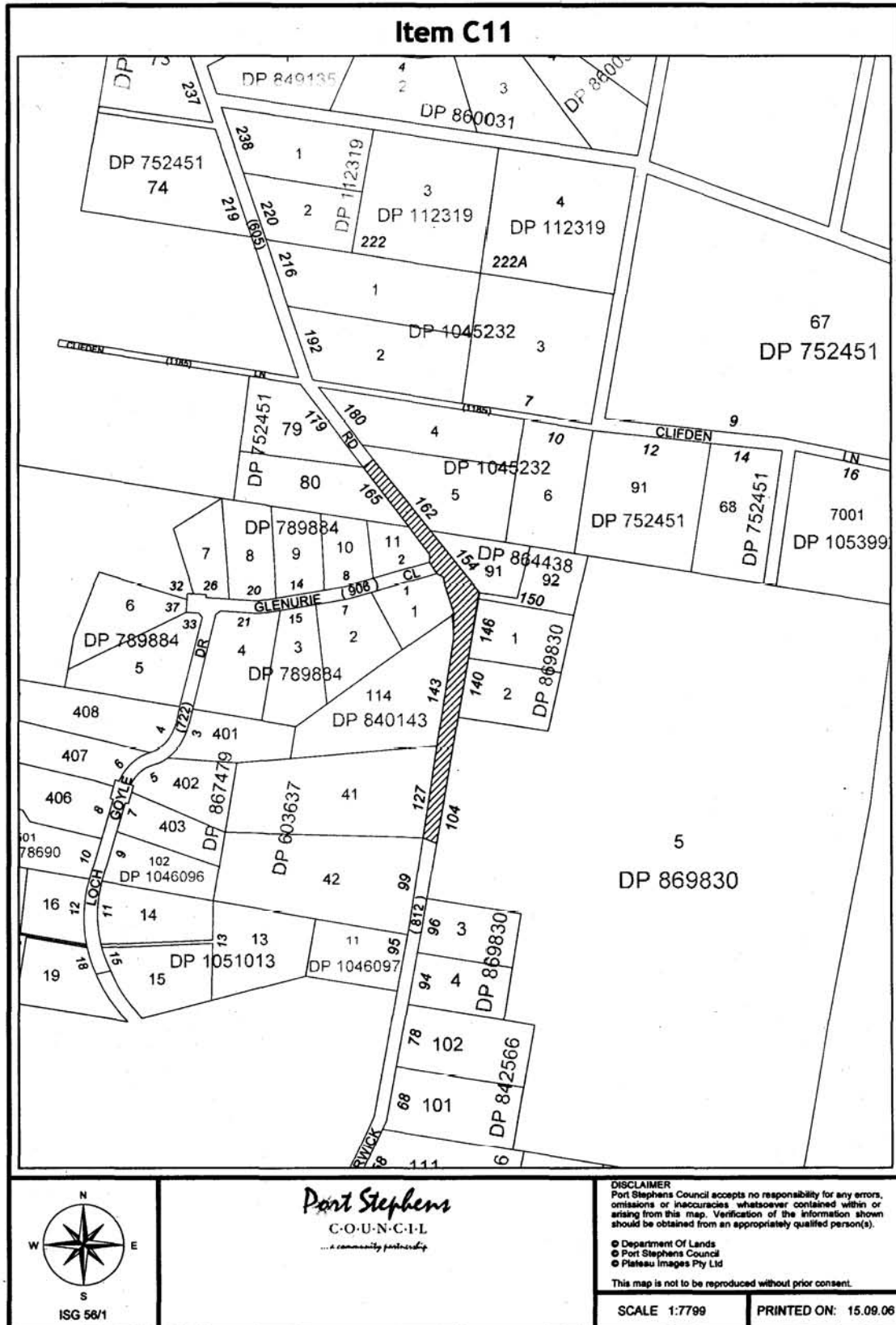
**CONSULTATION:** Nil

<b>INSPECTION</b>	<b>UNDERTAKEN</b>	Yes
	<b>AGREE WITH REQUEST</b>	NA
<b>ADDITIONAL COMMENT</b>	<b>ATTACHMENT</b>	No
	Police advise they have no concerns with the current speed limit. The RTA is the determining authority for speed limits in NSW.	

**RECOMMENDATION**

- That this item be referred to the Roads and Traffic Authority for consideration

<b>ESTIMATED COST</b>	NA
<b>FUNDING SOURCE</b>	NA



## C.12 SOPHIA JANE DRIVE, NELSON PLAINS - B-DOUBLE APPLICATION

An application was received for a B double route on Sophia Jane Drive, Nelson Plains.

**REQUESTED BY:** Michael Betts

**CONSULTATION:** Nil

**INSPECTION UNDERTAKEN** Yes

**AGREE WITH REQUEST** Yes

**ADDITIONAL ATTACHMENT** No

**COMMENT**

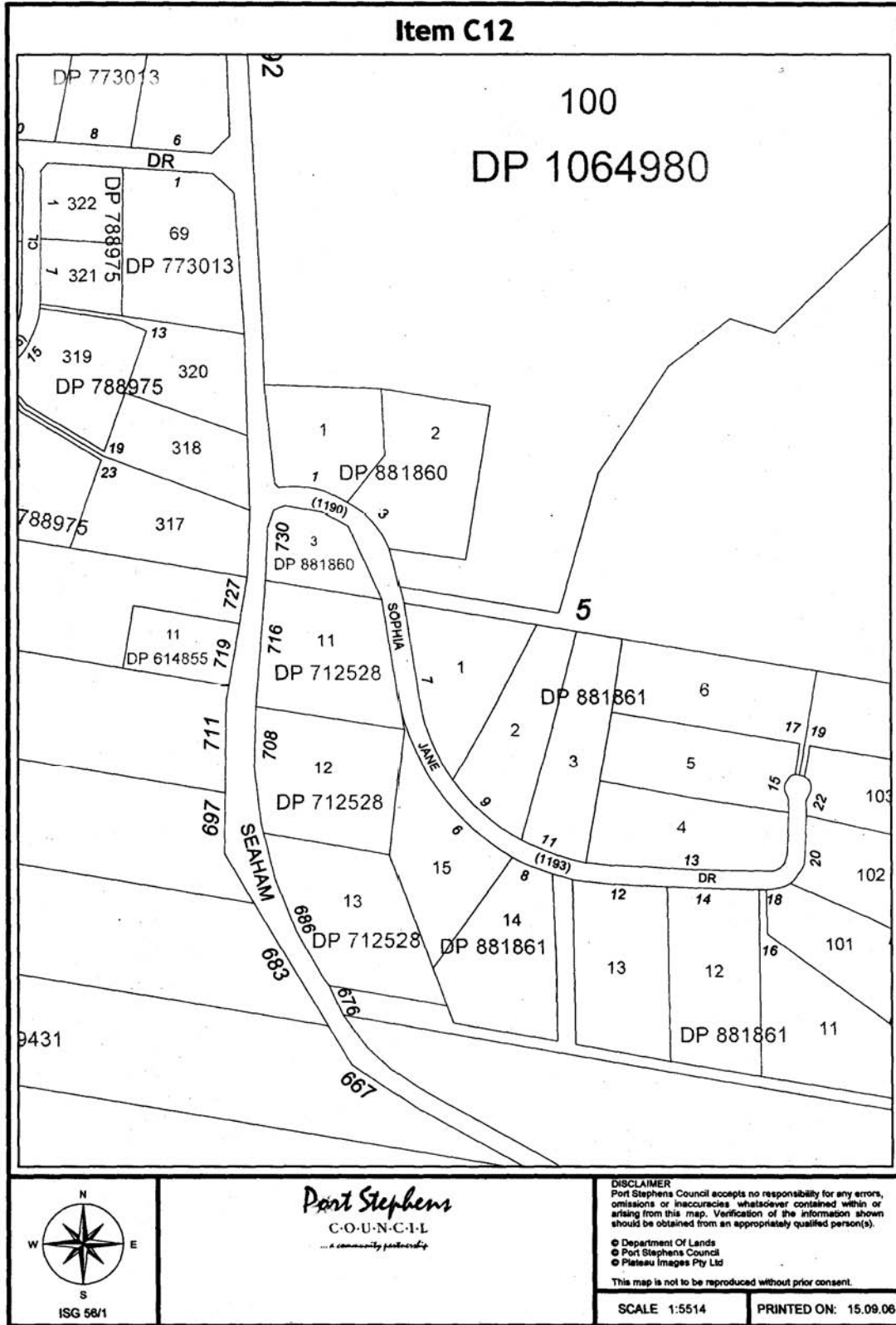
Driveway access to property not wide enough for b double access.  
All access is to be in a forward motion.  
RTA advised that a plan should be prepared before access is granted.  
Police advise plan is not necessary due to being access to private property. If the driveway is not widened then the vehicle can not physically gain access to the property and the application would be pointless.

### RECOMMENDATION

- That B double access be approved on Sophia Jane Drive subject to the applicant modifying the access to cater for B double access and the applicant demonstrate the vehicle can access the property.

**ESTIMATED COST** NA

**FUNDING SOURCE** NA



## D. GENERAL BUSINESS

There were no general business items listed.

**ITEM NO. 5****FILE NO: 1160-002****2006-2007 CARRY FORWARD AND REVOTES****REPORT OF: JEFF SMITH - FINANCIAL SERVICES MANAGER**  
-----**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the votes to be carried forward to the 2006/2007 Estimates as shown in **TABLE 1** of **ATTACHMENT 1**.
  - 2) Approves the revotes from the 2005/2006 Estimates as detailed in **TABLE 2** of **ATTACHMENT 1** to this report and vote the necessary funds to meet expenditure.
  - 3) Notes that the Sources of Funds for the Carry Forwards and Revotes figures are only an Estimate and a further report will be tabled to Council after the Annual Financial Statements for 2005/2006 financial year have been audited.
- 
- 

**OPERATIONS COMMITTEE MEETING – 10 october 2006****RECOMMENDATION:****That the recommendation be adopted.**  
-----**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006****RESOLUTION:**

<b>723</b>	<b>Councillor Nell Councillor Jordan</b>	<b>That the recommendation be adopted.</b>
------------	--	--

**BACKGROUND**

On the 23<sup>rd</sup> May 2006 Council adopted its Council Plan and Budget 2006/2009 (Council minute 522/2006). This included budget estimates for the 2006/2007 financial year.

**The purpose of this report is to amend the Budget and bring to Council's attention the value of carry forwards and revotes for review and adoption.**

**LINKS TO CORPORATE PLANS**

This report relates to the Budget estimates for the 2006/2007 financial year in the financial policy program of the Council Plan.

**FINANCIAL/RESOURCE IMPLICATIONS**

Council's original 2006/2007 Budget estimate is a \$1,344,146 cash surplus after internal transfers and before depreciation of \$12.195 million. **TABLE 1 OF ATTACHMENT 1** details

## MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006

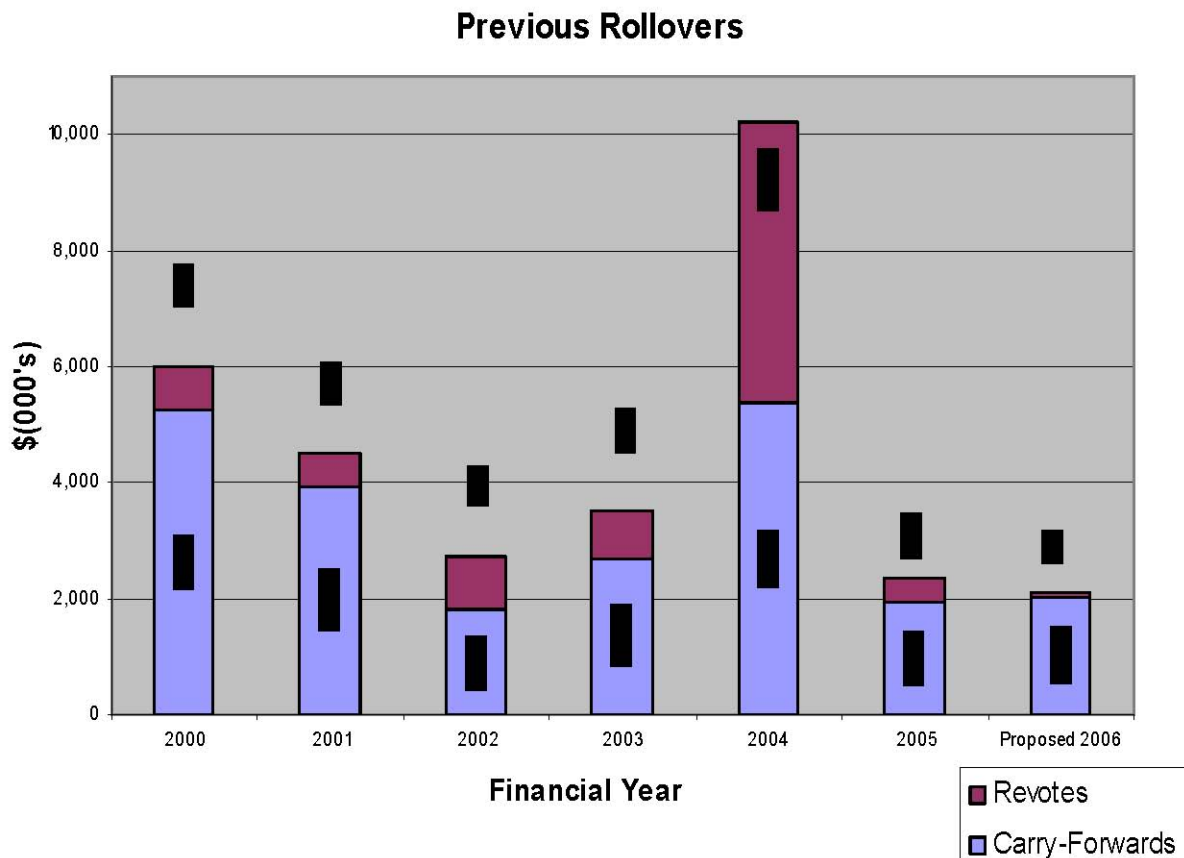
works committed or in progress at the end of the 2005/2006 financial year. Typically, these funds are legally committed but remain partially or wholly unexpended at the end of the financial year. The funds are not automatically **carried forward** to the new financial year, Council is required to review the funds carried forward. Other unexpended funds may remain uncommitted and such votes lapse unless specifically revoted by Council.

The following table is a summary of the amounts recommended to be rolled forward from 2005/2006

	Total	Recurrent	Capital
<b>Carry Forwards – Table 1</b>	<b>\$2,030,771</b>	<b>\$441,521</b>	<b>\$1,589,250</b>
<b>Revotes – Table 2</b>	<b>\$66,630</b>	<b>\$56,630</b>	<b>\$10,000</b>
<b>Total</b>	<b>\$2,097,401</b>	<b>\$498,151</b>	<b>\$1,599,250</b>

For comparative purposes the following table is a summary of the amounts rolled forward from 2004/2005.

	Total	Recurrent	Capital
<b>Carry Forwards</b>	<b>\$1,925,430</b>	<b>\$361,872</b>	<b>\$1,563,558</b>
<b>Revotes</b>	<b>\$449,094</b>	<b>\$99,000</b>	<b>\$350,094</b>
<b>Total</b>	<b>\$2,374,524</b>	<b>\$460,872</b>	<b>\$1,913,652</b>



## **LEGAL AND POLICY IMPLICATIONS**

The Carry Forwards and Revotes Report is a public document and as such is available for inspection on request.

Under Section 15 of the Local Government (Financial Management) Regulation 1999 all approvals and votes lapse at the end of the financial year unless previously committed. Once an approval or vote has lapsed it can only be reinstated by a resolution of Council. In the case of votes being unexpended at the end of the financial year a report is submitted to Council itemising those lapsed votes that in the opinion of the General Manager should be revoted to the next financial period.

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

## **AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK**

This aligns with the following Principles of the ABEF Framework:

- 2) Mutually agreed plans translate organisational direction into actions
- 4) To improve the outcome, improve the system and its associated processes
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders
- 12) Senior leadership's constant role-modelling of these principles, and creating a supportive environment in which to live these principles will help the enterprise and its people to reach their full potential.

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

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

### **ECONOMIC IMPLICATIONS**

Nil

### **ENVIRONMENTAL IMPLICATIONS**

Nil

**CONSULTATION**

Executive Group  
Section Managers

**OPTIONS**

- 1) That Council adopts the Carry Forwards and Revotes detailed in this report.
- 2) That Council amends the Carry Forwards and Revotes detailed in this report
- 3) That Council rejects the Carry Forwards and Revotes detailed in this report

**ATTACHMENTS**

- 1) Table 1 – Identified Votes to be carried forward from 2005/2006 (Attachment 1)
- 2) Table 2 – Identified Revotes elected from 2005/2006 (Attachment 1)

**TABLED DOCUMENTS**

- 1) Nil



# ATTACHMENT 1

## TABLE 1 –IDENTIFIED VOTES TO BE CARRIED FORWARD FROM 2005/2006

### BUSINESS AND SUPPORT

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
<b>BUSINESS &amp; DEVELOPMENT</b>						
Soldiers Point Holiday Park	Storage Work Shed	\$10,891	\$0	\$10,891	H.P. Restricted Fund	Work in progress
Fingal Bay Holiday Park	Electrical Upgrade	\$26,649	\$0	\$26,649	H.P. Restricted Fund	Work in progress
<b>RESOURCES</b>						
Fleet Depots	Raymond Terrace Fleet Depot Rehabilitation	\$14,252	\$0	\$14,252	Depots Restricted Fund	Humeceptor water treatment plant being installed
	<b>TOTAL</b>	<b>\$51,792</b>	<b>\$0</b>	<b>\$51,792</b>		

**SUSTAINABLE PLANNING**

<b>Component</b>	<b>Master Description</b>	<b>Total Carried Forward</b>	<b>Recurrent</b>	<b>Capital</b>	<b>Source of Funds</b>	<b>Reason Carried Forward</b>
<b>COMMUNITY PLANNING</b>						
Social Planning	Community Support Activities	\$37,890	\$37,890	\$0	Restricted Cash	Balance of unexpended Grant funds
Land Use Planning	Planning Studies	\$15,233	\$15,233	\$0	Revenue	Heritage Advisor and Heritage projects
Land Use Planning	Planning Studies	\$99,594	\$99,594	\$0	Revenue	Medowie Structure Plan
<b>ENVIRONMENTAL SERVICES</b>						
Community and Health Development	Community Projects	\$19,203	\$19,203	\$0	Revenue	Incomplete Community Environmental Projects funded by Contributions and Grants taken into Revenue
Environmental Projects	Environmental Projects	\$77,661	\$77,661	\$0	\$35,153 Environmental Levy, \$14,238 Restricted Cash, \$25,000 Unreceived CTW, \$3,270 Revenue	Incomplete Environmental Projects funded by Grants and Environmental levy
	<b>TOTAL</b>	<b>\$249,581</b>	<b>\$249,581</b>	<b>\$0</b>		

### **FACILITIES AND SERVICES**

<b>Component</b>	<b>Master Description</b>	<b>Total Carried Forward</b>	<b>Recurrent</b>	<b>Capital</b>	<b>Source of Funds</b>	<b>Reason Carried Forward</b>
<b>SPORT AND RECREATION</b>						
Leisure Centres	Tilligerry Aquatic Centre	\$3,680		\$3,680	Revenue	Works in progress
Parklands	Barry Park and Seaham Park Playground	\$20,045	\$0	\$20,045	\$11,269 Revenue, \$6,400 Sec 94, \$2,376 Contributions to Works	Works in progress
Foreshore Improvements	Anzac Park, Little Beach Disability Access, Dutchmans Beach Rehabilitation, Shoal Bay Beach, Waste Water Improvements, Soldiers Point Foreshore Study, Fingal Bay Surf Club, Mallabula Jetty, Tanilba Boat Ramp and Shelly Beach	\$290,707	\$0	\$290,707	\$111,499 Revenue, \$58,904 Ward Funds, \$5,062 Sec 94, \$5,062 Asset Rehabilitation Restricted Fund, \$20,842 Recreational Vehicles Restricted Fund, \$41,425 Grants, \$47,913 Environmental Levy Restricted Fund	Works in progress
Sportsfields	King Park, Anna Bay Oval, Medowie Sportsfield, Mallabula Amenities, Bowthorne Park, Soldiers Point Tennis, and Tomaree Sports Complex Masterplan,	\$380,419	\$0	\$380,419	\$153,469 Revenue, \$111,607 Ward Funds, \$31,604 Sec 94, \$58,739 Contributions to Works, \$25,000 Grants	Works in progress

**MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006**

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
<b>COMMUNITY AND LIBRARY SERVICES</b>						
Community Services	Community Options	80,739	\$80,739	\$0	Restricted Cash	Works in progress
Library Services	Community Projects – Kids WRS	\$30,890	\$30,890	\$0	\$14,922 Revenue, \$15,968 Restricted Cash	Works in progress
Community Services	Raymond Terrace Community Care Centre	\$24,108	\$0	\$24,108	Ward Funds	Works in progress
<b>TRANSPORT</b>						
Ancillary Services	Cycleway Construction – Anna Bay, Bagnalls Beach, RAAF Medowie Road, Brocklesby Road and Mustons Road	\$449,010	\$0	\$449,010	\$67,724 Ward Funds \$193,407 Restricted Cash \$187,879 Grants	Works in progress
Ancillary Services	Pomona Place	\$1,765	\$0	\$1,765	Revenue	Works in progress
Ancillary Services	Bus Facilities Construction	\$33,184	\$0	\$33,184	Ward Funds	Works in progress
Council Roads Construction	Gowie Ave, Seaham and Clarencetown Road, Nelson Bay CBD, Gan Gan Road, Karuah Main Street and Acquisitions of Easements.	\$334,540	\$0	\$334,540	\$88,106 Revenue \$7,894 Ward Funds \$150,200 Restricted Cash \$88,340 Grants	Works in progress
Council Roads Maintenance	Sturgeon Street Raymond Terrace	\$75,275	\$75,275	\$0	\$75,275 Asset Rehabilitation Restricted Fund	Works in progress
Transport Support	Geographic Information System	\$5,036	\$5,036	\$0	Work in progress	Work in progress
	<b>TOTAL</b>	<b>\$1,729,398</b>	<b>\$191,940</b>	<b>\$1,537,458</b>		

**TOTAL FOR TABLE 1 – CARRY FORWARDS**

Total	Recurrent	Capital
<b>\$2,030,771</b>	<b>\$441,521</b>	<b>\$1,589,250</b>

**TABLE 2 –IDENTIFIED VOTES TO BE REVOTED FROM 2005/2006**

**SUSTAINABLE PLANNING**

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
<b>COMMUNITY PLANNING</b>						
Land Use Planning	Planning Studies	\$30,000	\$30,000	\$0	\$15,000 Revenue, \$15,000 Restricted Cash	Newcastle Airport Environmental Study
Social Planning	Aboriginal Projects	\$23,267	\$23,267	\$0	Revenue	Work to be completed in 2006/2007
<b>ENVIRONMENTAL SERVICES</b>						
Community and Health Development	Community Projects	\$3,363	\$3,363	\$0	Revenue	Work to be completed in 2006/2007. Contributions and Grants taken into Revenue
	<b>TOTAL</b>	<b>\$56,630</b>	<b>\$56,630</b>	<b>\$0</b>		

**FACILITIES AND SERVICES**

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
<b>SPORT AND RECREATION</b>						
Parklands	Tanilba Sailing Club	\$10,000	\$0	\$10,000	Ward Funds	Work to be completed in 2006/2007
	<b>TOTAL</b>	<b>\$10,000</b>	<b>\$0</b>	<b>\$10,000</b>		

**TOTAL FOR TABLE 2 – REVOTES**

<b>Total</b>	<b>Recurrent</b>	<b>Capital</b>
<b>\$66,630</b>	<b>\$56,630</b>	<b>\$10,000</b>

**SOURCE OF FUNDS FOR CARRY FORWARDS AND REVOTES**

<b>SOURCE OF FUNDS</b>	<b>TOTAL</b>	<b>RECURRENT</b>	<b>CAPITAL</b>
REVENUE	\$568,676	\$198,888	\$369,788
SECTION 94	\$43,066	\$0	\$43,066
RESTRICTED CASH	\$507,442	\$163,835	\$343,607
HOLIDAY PARKS RESTRICTED FUND	\$37,540	\$0	\$37,540
WORKS DEPOTS RESTRICTED FUND	\$14,252	\$0	\$14,252
ASSET REHABILITATION RESTRICTED FUND	\$80,337	\$75,275	\$5,062
RECREATIONAL VEHICLES RESTRICTED FUND	\$20,842	\$0	\$20,842
COUNCILLOR WARD FUNDS	\$313,421	\$0	\$313,421
ENVIRONMENTAL LEVY RESTRICTED FUND	\$83,066	\$35,153	\$47,913
GRANTS	\$342,644	\$0	\$342,644
CONTRIBUTIONS TO WORKS	\$86,115	\$25,000	\$61,115
<b>TOTAL</b>	<b>\$2,097,401</b>	<b>\$498,151</b>	<b>\$1,599,250</b>

**ITEM NO. 6****FILE NO: A2004-0323****2005/2006 GENERAL PURPOSE FINANCIAL REPORTS AND  
SPECIAL PURPOSE FINANCIAL REPORTS****REPORT OF: JEFF SMITH – FINANCIAL SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Ratify the referring of the draft 2005/2006 General Purpose Financial Reports and Special Purpose Financial Reports for audit.
- 2) Sign the Statement on the General Purpose Financial Reports.
- 3) Sign the Statement on the Special Purpose Financial Reports

**OPERATIONS COMMITTEE MEETING – 10 october 2006****RECOMMENDATION:****That the recommendation be adopted.**

Tabled Document: 2005-2006 General Purpose and Special Purpose Financial Reports

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006****RESOLUTION:**

<b>724</b>	<b>Councillor Nell Councillor Jordan</b>	<b>That the recommendation be adopted.</b>
------------	--	--

Tabled Document: 2005-2006 General Purpose and Special Purpose Financial Reports

**BACKGROUND**

**The purpose of this report is** to advise that the draft General Purpose Financial Reports and Special Purpose Financial Reports for the period ended 30th June 2006 have been prepared and the audit commenced Thursday 21st September.

Under Section 413 of the Local Government Act 1993 Council is required to submit, with the General Purpose Financial Reports, a statement as to its opinion on the reports (refer Attachment 1).

The Local Government Code of Accounting Practice and Financial Reporting requires that commencing from the 1998/99 reporting period Council shall complete a Special Purpose Financial Report for all business activities declared by Council.

The Code requires a statement by Council indicating whether or not the Council's Special Purpose Financial Reports have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting (refer Attachment 2).

## **LINKS TO CORPORATE PLANS**

This report relates to strategies identified in Key Result Area 9 – “Our Finances” of Council's 2006-2009 Management Plan, in particular, strategy 3 where it states that Council will “Increase community awareness of Council's financial commitments and investment strategies.”

## **FINANCIAL/RESOURCE IMPLICATIONS**

The 2005/2006 General Purpose Financial Reports have been prepared in compliance with the Local Government Act 1993, the Local Government Code of Accounting Practice and Financial Reporting, the Australian Accounting Standards and the Asset Accounting Manual.

All revenues received for 2005/2006 have been recognised together with any revenues due but not received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.

Funds received for specific purposes but not expended during the period have been identified as either external or internal restrictions.

All known assets acquired during the period have been recognised at actual cost.

All known liabilities incurred during the period have been recognised at actual or committed cost.

All known assets of Council have now been recognised and brought to account.

The 2005/2006 Special Purpose Financial Reports have been prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting.

## **LEGAL AND POLICY IMPLICATIONS**

Signing of the Statement giving Council's opinion on the financial reports will comply with Section 413 of 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
- 8) Effective use of facts, data and knowledge leads to improved decisions

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**



Nil

### **ECONOMIC IMPLICATIONS**

The annual financial reports are useful in providing Council, the Department of Local Government and general-purpose users of local government with financial information to assist in making and evaluating decisions about the allocation of Council's resources, its efficiency, financial sustainability and comparability.

### **ENVIRONMENTAL IMPLICATIONS**

Nil

### **CONSULTATION**

PriceWaterhouseCoopers, Council's External Auditor, in providing advice on accounting concepts and standards.

The Department of Local Government in providing advice on recent changes to the Code of Accounting Practice

### **OPTIONS**

- 1) Ratify the referring of the draft 2005/2006 General Purpose Financial Reports and Special Purpose Financial Reports for audit and sign the Statements.
- 2) Reject the referring of the draft 2005/2006 General Purpose Financial Reports and Special Purpose Financial Reports for audit and not sign the Statements

### **ATTACHMENTS**

- 1) Statement by Council as to its opinion on the General Purpose Financial Reports
- 2) Statement by Council as to its opinion on the Special Purpose Financial Reports

### **TABLED DOCUMENTS**

General Purpose Financial Reports, Special Purpose Financial Reports, and Special Schedules

ATTACHMENT 1

PORT STEPHENS COUNCIL

**General purpose financial reports**  
for the year ending 30 June 2006

**Statement by Councillors and Management**  
**made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)**

The attached General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder.
- The Australian Accounting Standards and professional pronouncements.
- The Financial Statement Guidelines for NSW Councils.

To the best of our knowledge and belief, these Reports:

- Present fairly the Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 10 October 2006.

\_\_\_\_\_  
P Gesling  
General Manager/  
Responsible Accounting  
Officer

\_\_\_\_\_  
R Swan  
Mayor

\_\_\_\_\_  
S Tucker  
Councillor

ATTACHMENT 2

PORT STEPHENS COUNCIL

**Special purpose financial reports**  
for the year ending 30 June 2006

**Statement by Councillors and Management**  
**made pursuant to the Local Government Code of Accounting**  
**Practice and Financial Reporting**

The attached Special Purpose Financial Reports have been prepared in accordance with:

- NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*
- Department of Local Government Guidelines *"Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"*
- Financial Statement Guidelines for NSW Councils.

To the best of our knowledge and belief, these Reports:

- Present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 10 October 2006.

\_\_\_\_\_  
P Gesling  
General Manager/  
Responsible Accounting  
Officer

\_\_\_\_\_  
R Swan  
Mayor

\_\_\_\_\_  
S Tucker  
Councillor

**ITEM NO. 7****FILE NO: PSC2005-3736,4101/2/3 &  
PSC2006-0378&9 &0791****ACQUISITION ROAD WIDENING – UPGRADE SEAHAM ROAD  
BETWEEN JARVIE CLOSE AND WIGHTON STREET SEAHAM****REPORT OF: PHIL BUCHAN – ACTING BUSINESS & DEVELOPMENT MANAGER**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Consents to the road widening acquisitions of lots 1,2,3,6&7 D.P.1100101 from the relevant owners for the reconstruction of Seaham Road and the creation of an Easement for Access over part of lot 8.
- 2) Grants authority to affix Councils' Seal to each Transfer of the road widening parcels to Council and the Transfer Granting Easement, following compensation agreement.
- 3) Makes application to the Department of Lands for road closure over lots 4 and 5 D.P.1100101 to be exchanged as compensation for lot 3 being acquired for road widening.
- 4) Grants authority to affix Councils' Seal to transfer of lots 4 and 5 D.P.1100101, once closure is finalised from Council to the former owners of lot 3 and the required consolidation plan to be lodged at Land and Property Information NSW.
- 5) After registration of all transfers for lots 1,2,3,6&7 D.P.1100101 those lots be declared Public Roads by notification in the Government Gazette under Section 10 Roads Act 1993.

---

**OPERATIONS COMMITTEE MEETING – 10 october 2006****RECOMMENDATION:****That the recommendation be adopted.**

---

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006****RESOLUTION:**

<b>725</b>	<b>Councillor Jordan Councillor Francis</b>	<b>That the recommendation be adopted.</b>
------------	---	--

**BACKGROUND**

The purpose of this report is to recommend that Council executes transfers for areas of land required for road widening, after agreement of compensation, with each owner and carries out road closures over lots 4 and 5 and then transfers those parcels to the adjoining owners, as full compensation for their land which is being acquired.

Further to the 2005 route development study for Seaham Road and the allocation of funds for the reconstruction of between Jarvie Close and Wighton Street the design has been finalised. The result is that parts of six properties have to be acquired to widen the road, which will include a cycleway. D.P.1100101 shows lots 1,2,3,6 and 7, which have to be acquired as well as an easement for access to maintain a stormwater retention basin. See attachment #1 for D.P.1100101.

Compensation agreements have been finalised with four of the six affected property owners, based on valuations provided by Property Valuation Services (PVS) which is the former State Valuation Office. The private valuers for the two properties without agreement are meeting with PVS in an effort to reach an agreement. This should be reached shortly. The creation of the Easement for Access is included in one of the existing agreement.

### **LINKS TO CORPORATE PLANS**

Linked to Council's Infrastructure and Services Goal of ensuring the sustainable management of assets meet community needs.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Funding for the acquisitions and road reconstruction is available within the Federal Government funding for this project.

### **LEGAL AND POLICY IMPLICATIONS**

The Conveyancing Act controls land transfers and the creation of easements and a requirement is that Councils Seal be used to execute the instruments. There are no legal or policy implications.

### **Australian Business Excellence Framework**

This aligns with the following ABEF Principles. 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**

Improved and safer road for vehicles and pedestrians.

#### **ECONOMIC IMPLICATIONS**

Nil

#### **ENVIRONMENTAL IMPLICATIONS**

Nil – all environmental issues previously considered as part of the route study and design criteria.

### **CONSULTATION**

Property owners, Maitland Lands Office, LPI, Property Valuation Services, Valuers for Property Owners, Councils Engineering Services Manager, Design & Project Engineer,

Engineering Designer and Principal Property Advisor.

**OPTIONS**

1) Nil – if project is to proceed.

**ATTACHMENTS**

1) Copy D.P.1100101 (unregistered) 2 sheets

**COUNCILLORS ROOM**

1) Nil

**TABLED DOCUMENTS**

Nil

## 71

**SIGNATURE AND SEALS ONLY**

**REGISTERED**

**C.A.**

**Title System: TORRENS**

**Purpose: ROAD WIDENING**

**Ref. Map: PARISH & TOWN OF SEAHAM**

**Lot Plan: DP24528, DP003827**

**PLAN OF LOTS 1, 2 AND 3**

**D.P. 24528, LOT 9**

**D.P. 752487 AND LOT**

**D.P. 003827 FOR ROAD**

**WIDENING UNDER THE**

**ROADS ACT 1993**

*Lengths are in metres. Reduction Ratio 1:*

**LOCAL: PORT STEPHENS**

**Locality: SEAHAM**

**Polish: SEAHAM**

**County: DURHAM**

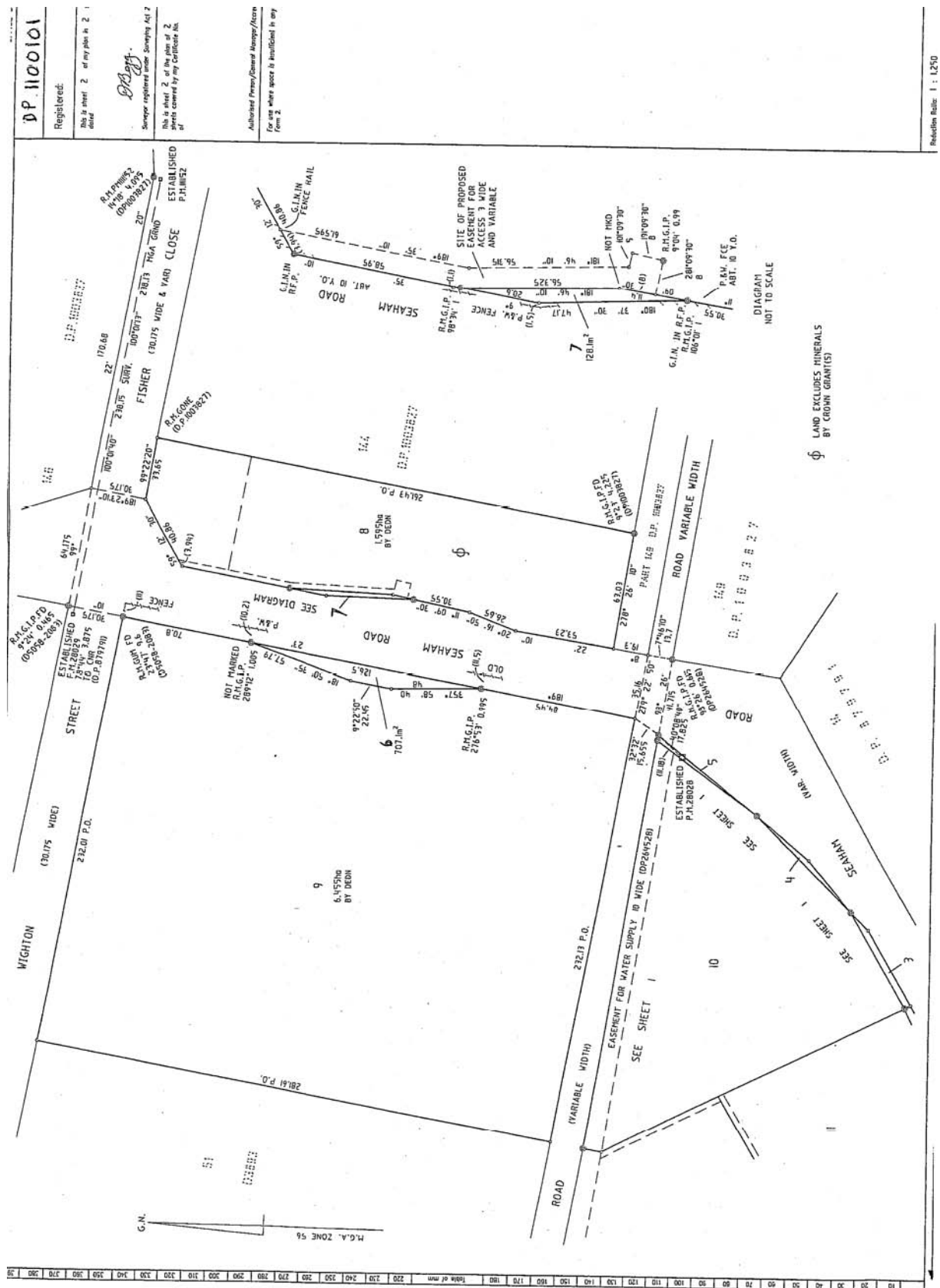
*This is sheet 1 of my plan in 2 sheets (delete if inapplicable)*

**Surveying Regulation, 2000**

**at 41, VICTORIA ST, ELIZABETH AND**

**certify that the survey was made in accordance with the Survey Regulation 2000 and was completed on 14/05/2007**

**the survey refers to... LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 7**





**ITEM NO. 8****FILE NO: A2004-0978****DRAINAGE ACQUISITION - WALLALONG****REPORT OF: PHIL BUCHAN – ACTING BUSINESS & DEVELOPMENT MANAGER**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Grants authority to affix Council's Seal to the Transfer Granting Easement instrument to create an Easement to Drain Water over the area shown as lot 1 D.P.1079483.
- 

**OPERATIONS COMMITTEE MEETING – 10 october 2006****RECOMMENDATION:****That the recommendation be adopted.**

---

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006****RESOLUTION:**

<b>726</b>	<b>Councillor Jordan Councillor Francis</b>	<b>That the recommendation be adopted.</b>
------------	---	--

**BACKGROUND**

**The purpose of this report is to recommend Council's Seal be placed on the instrument to create the easement over part of lot 1 D.P.979470.**

Negotiations have continued with the owners of lot 1 D.P.979470 for the acquisition of lot 1 D.P.1079483 (see attachment #1) pursuant to a confidential Council resolution of 16<sup>th</sup> December, 2003. The purpose of this acquisition was to enable the construction of a stormwater retention basin. Finally an agreement has been reached and settled for the acquisition of an easement to drain water over the area instead of outright acquisition of the land.

**LINKS TO CORPORATE PLANS**

Linked to Council's Community Facilities Objective to ensure that services and facilities are meeting community needs.

**FINANCIAL/RESOURCE IMPLICATIONS**

This work and acquisition are provided for in the current Facilities and Services budget.

## **LEGAL AND POLICY IMPLICATIONS**

There are no legal implications for what Council proposes by the creation of an easement over outright ownership. The easement enables Council to carry out its work and activities the same as if it actually owned the land. The conveyancing Act 1919 requires Council's Seal to be affixed to the instrument.

### **Australian Business Excellence Framework**

This aligns with the following ABEF Principles.

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

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

The creation of the easement will permit improved drainage, which will improve the lifestyle of people currently affected by flooding of their properties and as well cause less damage to local roads caused by flooding.

### **ECONOMIC IMPLICATIONS**

Once established, the drainage system regular maintenance will be catered for within the annual budgets of Facilities and Services. A benefit will be the reduced need for continued repair of flood damage to local roads and properties.

### **ENVIRONMENTAL IMPLICATIONS**

Improved drainage and stormwater treatment will improve the environmental circumstances to lands and drains downstream from the new drainage system.

## **CONSULTATION**

Property owners, Property Valuation Services, Private valuers, Department of Local Government, Councils Engineering Services Manager, Drainage Section and Principal Property Advisor.

## **OPTIONS**

- 1) Nil, as the easement is necessary.

## **ATTACHMENTS**

- 1) Location sketch
- 2) D.P.1079483

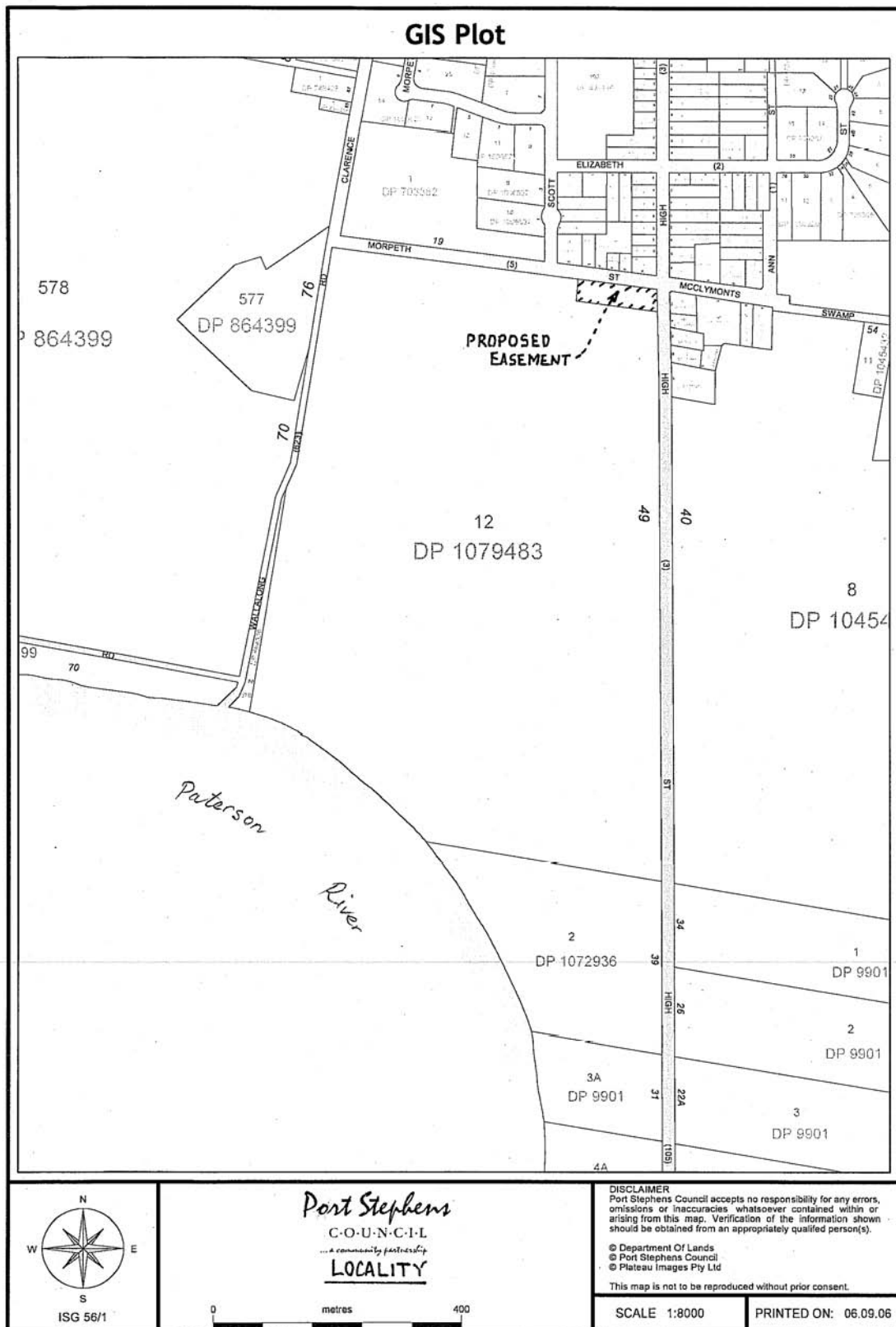
**COUNCILLORS ROOM**

1) Nil

**TABLED DOCUMENTS**

Nil

ATTACHMENT 1



77

**ITEM NO. 9****FILE NO: PSC2006-1248****PROPOSED NAMING OF ROAD/LANEWAY AT NELSON BAY****REPORT OF: PHIL BUCHAN – ACTING BUSINESS & DEVELOPMENT MANAGER**

---

**RECOMMENDATION IS THAT COUNCIL:**

1. Issues the required notices proposing the allocation of street name to the crown laneway off Austral Street to Lot 515 D.P.729013 at Nelson Bay as “Trafalgar Lane”.
2. Accepts transfer as the road authority from Department of Lands under Section 151 Roads Act of the constructed part of the laneway north from Fingal Street.
3. Gazettes the name if no objections are received or if objections are received a further report be presented to Council.

---

**OPERATIONS COMMITTEE MEETING – 10 october 2006****RECOMMENDATION:****That the recommendation be adopted.**

---

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006****RESOLUTION:**

<b>727</b>	<b>Councillor Westbury Councillor Nell</b>	<b>That the recommendation be adopted.</b>
------------	--	--

Note: Cr Hodges left the meeting at 6.38pm during Item 9 and returned at 6.40pm during Item 9.

**BACKGROUND**

**The purpose of this report is to recommend allocation of the name TRAFALGAR LANE to the subject Crown Road for property addressing purposes. Also to accept transfer of part of the same road under Section 151 of the Roads Act 1993 into Council's ownership from the Department of Lands.**

The subject laneway, (SEE ATTACHMENT 1) provides legal access to some properties without other road frontage. Subdivisions have been approved with only frontage to this laneway, which has been constructed, as a condition of development.

TRAFALGAR LANE is currently being used by various other residents as an extra access. The object of this report is to officially assign the name, which will assist emergency vehicles and Australia Post deliveries etc, after signposting.

The Department of Lands (Crown) will transfer the road in the Government Gazette under Section 151 Roads Act. Only the part of part of the laneway which is constructed is to be transferred to Council as the road authority. This area is hatched on attachment 1.

## **LINKS TO CORPORATE PLANS**

Linked to Council objectives to ensure statutory requirements are met.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Of minor nature with provision being made within Infrastructure and Services Budget.

## **LEGAL AND POLICY IMPLICATIONS**

Council being the Road Authority has the legal responsibility to identify and place signs indicating street names. The Roads Act clearly sets out the actions required to allocate and gazette street names.

### **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) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 3) Effective use of facts, data and knowledge leads to improved decisions
- 4) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

Improved property identifications to locate people or for delivery of goods.

### **ECONOMIC IMPLICATIONS**

Nil

### **ENVIRONMENTAL IMPLICATIONS**

Nil

## **CONSULTATION**

Property Owners, Council's Facilities and Services staff and Property Advisor.

**OPTIONS**

- 1) Adopt recommendation
- 2) Suggest alternative names

**ATTACHMENTS**

- 1) Trafalgar Lane location map

**COUNCILLORS ROOM**

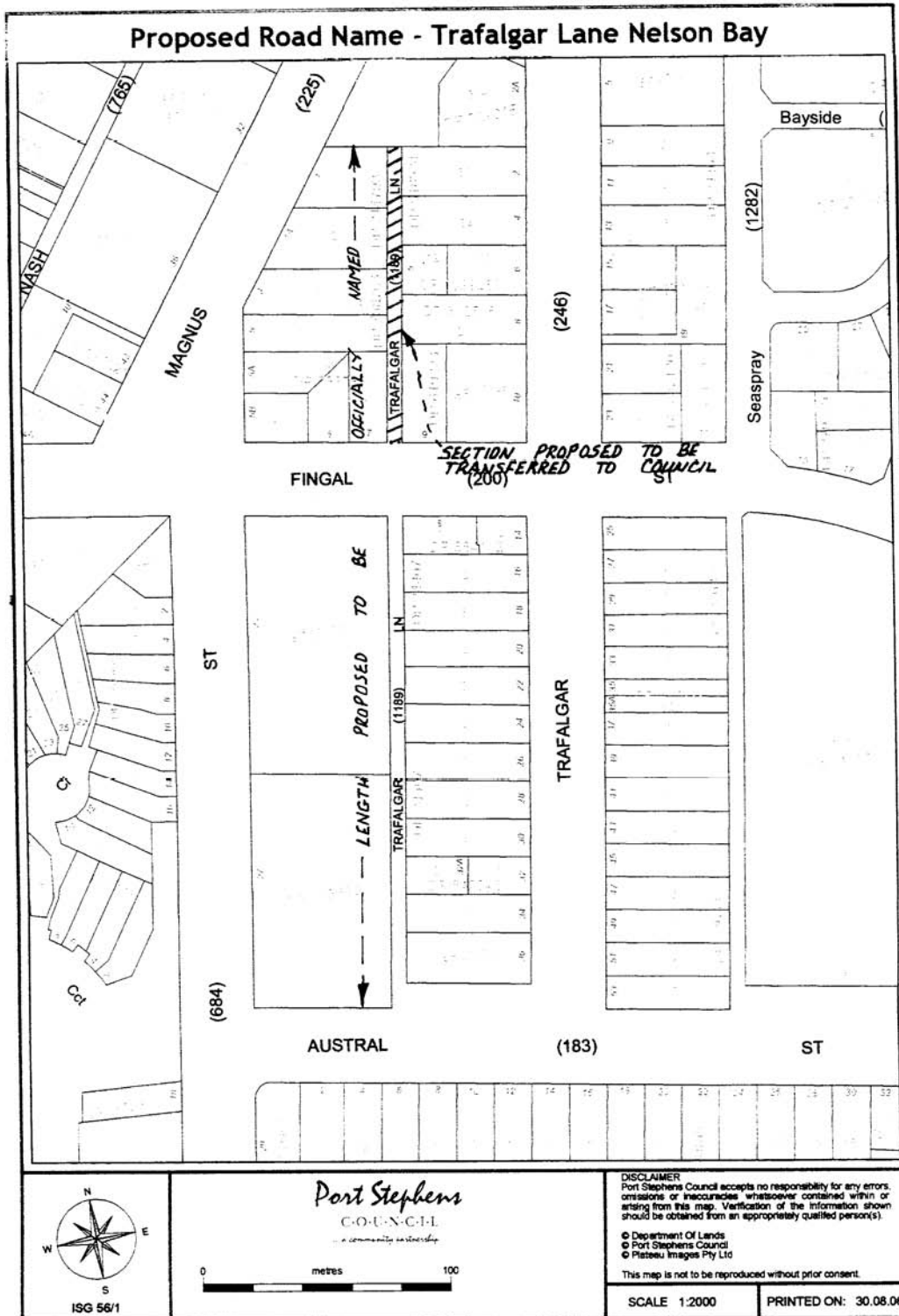
- 1) Nil

**TABLED DOCUMENTS**

- 1) Nil



ATTACHMENT 1



**ITEM NO. 10****FILE NO: PSC2006-2100****PROPOSED NAMING OF ROADS AT BOBS FARM****REPORT OF: PHIL BUCHAN – ACTING BUSINESS & DEVELOPMENT MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Issue the required notices proposing the allocation of street names to the crown roads off Nelson Bay Road fronting D.P.s 954599 & 954600 as Trotter Road and the one separating Lots 3623 and 3624 D.P.809679 as Binder Road.
- 2) Assigns the names by notice in the Government Gazette if no objections are received or if objections are received a further report be presented to Council.

**OPERATIONS COMMITTEE MEETING – 10 october 2006****RECOMMENDATION:****That the recommendation be adopted.****ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006****RESOLUTION:**

<b>728</b>	<b>Councillor Westbury Councillor Hodges</b>	<b>That the recommendation be adopted.</b>
------------	--	--

Note: Cr Baumann returned to the meeting at 6.42pm during Item 10.

**BACKGROUND**

**The purpose of this report is to recommend advertising for the allocation of the names TROTTER ROAD and BINDER ROAD to the Crown Roads at Bobs Farm.**

The subject roads (SEE ATTACHMENT 1) are currently being used by various residents as an access. The object of this report is to officially assign the names, which will assist emergency vehicles and Australia Post deliveries etc, after signposting. The roads have never been constructed properly or maintained by Council.

The Department of Lands (Crown) as the roads authority has agreed to the advertising of the proposed names.

The name 'Trotter Road' has been unofficially used for many years, and Council's own mapping system shows it. The road is also signposted. The name 'Binder' for the road from Nelson Bay Road to 'Trotter Road' has been suggested by a long term resident as well as by a former Post Mistress at Bobs Farm for over 40 years. It appears as if most older residents

refer to the road by this name as the Binder family previously were the only residents along it.

## **LINKS TO CORPORATE PLANS**

Linked to Council objectives to ensure statutory requirements are met.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Of minor nature with provision being made within Infrastructure and Services Budget.

## **LEGAL AND POLICY IMPLICATIONS**

Council acting for the Road Authority (Crown) has the legal ability to identify and place signs indicating street names. The Roads Act clearly sets out the actions required to allocate and gazette street names. The proposal falls within the Geographical Names Board policy which Council has adopted.

### **Australian Business Excellence Framework**

This aligns with the following ABEF Principles.

- 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

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

Improved property identifications to locate people or for delivery of goods.

### **ECONOMIC IMPLICATIONS**

Nil

### **ENVIRONMENTAL IMPLICATIONS**

Nil

## **CONSULTATION**

Department of Lands, some residents, Council's Facilities and Services staff and Principal Property Advisor.

## **OPTIONS**

- 1 Adopt recommendation
- 2 Suggest alternative names

**ATTACHMENTS**

- 1) Location map

**COUNCILLORS ROOM**

- 1) Nil

**TABLED DOCUMENTS**

Nil



**ITEM NO. 11****FILE NO: A2004-0226****AMENDMENT TO ACCESS COMMITTEE CONSTITUTION****REPORT OF: JENNIFER SMITH, COMMUNITY PLANNING MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Amend *Item 7* of the *Access Committee Constitution Schedule* by deleting a maximum placed on number of members (i.e.; 25 members) as shown in Attachment 1. This amendment is in accordance with the recommendation contained in the minutes of the Access Committee meeting on 5 September 2006 (as per Information Item 2) *that Council formally amend Item 7 in the current Access Committee of Port Stephens Schedule to Constitution removing reference to any maximum number of members.*

**OPERATIONS COMMITTEE MEETING – 10 october 2006****RECOMMENDATION:****That the recommendation be adopted.****ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006****RESOLUTION:**

<b>729</b>	<b>Councillor Jordan Councillor Nell</b>	<b>That the recommendation be adopted.</b>
------------	--	--

**BACKGROUND**

The purpose of this report is to bring to Council's attention disability access issues raised and detailed in the Access Committee minutes of 5 September (Information Item 2) and to recommend the deletion of the specification of a maximum number of members to the Access Committee's membership as specified in Item 7 of the Access Committee Constitution Schedule *(as per Attachment 1)*.

Council's Access Committee meets on a monthly basis: -

- 1) *To provide a community forum for the discussion of disability issues*
- 2) *To raise awareness of and provide advice to Council on the access requirements of people with disability*
- 3) *To promote the integration of people with disability into the community*
- 4) *To contribute to the development of Council policies on access and monitor their implementation*

- 5) *To report findings to Council of access surveys in the community*
- 6) *To review and advise on access provisions in development applications for sites with public access.*

The Access Committee Constitution Schedule currently specifies under **Item 7:** -

**Maximum number and make up of committee members:** -

- *Up to twenty-five members. Membership open to any person interested in creating a barrier free community and equal access to all services.*

A maximum placed on the number of members is not inclusive of all people wishing to participate on the Access Committee. The members want the Committee to be inclusive.

### **LINKS TO CORPORATE PLANS**

Council's Access Committee is linked to the following key result areas specified in Council's Council Plan 2005/2008: -

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

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

*Environment: Our treasured environment is maintained and improved for the well-being of the community*

*Infrastructure: Our facilities and services meet community need*

### **FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial implications.

### **LEGAL AND POLICY IMPLICATIONS**

The Access Committee is a constituted Committee of Council under S355 (b) of the Local Government Act (1993). Item 7 in the *Schedule to the Constitution* of this Committee will be amended in accordance with the recommendation specified herein.

### **Australian Business Excellence Framework**

This aligns with the following ABEF Principles: -

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) To improve the outcome, improve the system and its associated processes

- 6) Continual improvement and innovation depend on continual learning
- 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

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

The Access Committee plays a key role in assisting Council to strategically plan and allocate resources towards a range of improvements in the built environment which have made it easier for people with disabilities, aged and people with strollers and prams to get around. These improvements in accessibility play a key role in improving the overall quality of life of these groups.

### **ECONOMIC IMPLICATIONS**

There are no economic implications.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

## **CONSULTATION**

The proposed amendment to the Access Committee Constitution Schedule was discussed at the Access Committee meeting on 5 September 2006 and resulted in the following recommendation: -

*That Council formally amend Item 7 in the current Access Committee of Port Stephens Schedule to Constitution removing reference to any maximum number of members.*

Discussions have also been held concerning this amendment with Council's Community Facilities Co-ordinator who coordinates Council's S355 Committees. They support this proposed amendment.

## **OPTIONS**

- 1) To accept the recommendation
- 2) To reject the recommendation and call for more information to support the report

## **ATTACHMENTS**

- 1) Access Committee Constitution Schedule

## **COUNCILLORS ROOM**

- 1) Nil



**ATTACHMENT 1  
SCHEDULE TO CONSTITUTION**

<b>Item 1</b>	<b>NAME OF COMMITTEE</b>	<b>Port Stephens Access Committee</b>
Item 2	Name of Council Group/Team	Community Planning/Sustainable Planning
Item 3	<b>Functions delegated by Council to Committee (Objectives)</b>	<ol style="list-style-type: none"> <li><b>To provide a community forum for the discussion of disability issues</b></li> <li><b>To raise awareness of and provide advice to Council on the access requirements of people with disability</b></li> <li><b>To promote the integration of people with disability into the community</b></li> <li><b>To contribute to the development of Council policies on access and monitor their implementation</b></li> <li><b>To report findings to Council of access surveys in the community</b></li> <li><b>To review and advise on access provisions in development applications for sites with public access</b></li> </ol>
To promote the integration of people with disability into the community 4	Restrictions on functions delegated	All works and activities undertaken will be with the knowledge and approval of the Community Planning Manager
Item 5	Policies, legislation the committee is required to comply with	Principle policies & legislation include:  OH&S 2000 OH&S Regulations 2001 Local Government Act 1993 & Regulations PPIPA 1988 Code of Conduct Code of Meeting Practice Accessing Information Policy Child Protection Policy Volunteers Policy Disability Access Policy 2003 (Draft)
Item 6	Date on which constitution concludes	September of Council Election each four years. Council to re adopt constitution within three months following election.
Item 7	Maximum number and make up of committee members	Up to twenty-five members. Membership open to any person interested in creating a barrier free community and equal access to all services.
Item 8	Councillors	As resolved by Council.
Item 9	Council employees	Disability Access Officer Manager, Sport and Recreation Development and Building Manager Building and Assessment Coordinator Parks Coordinator Civil Assets Engineer

# MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006

Item 10	Name of financial institution and type of account	N/A
Item 11	Name of any account operated by the committee	N/A
Item 12	Area assigned to committee and/or map	Port Stephens local government area
Item 13	<p>Additional clauses or amendments to Standard Constitution or Schedule.</p> <p>To be listed in full - body of constitution not to be altered.</p>	<p><b>AMENDMENTS TO STANDARD CONSTITUTION</b></p> <p>The Access Committee has been an advisory committee since inception. The constitution should reflect the operating structure of the committee. The general operating functions of the Access Committee are undertaken by Council's Disability Access Officer.</p> <p><b>Clause 7 The Executive</b>            Replace 7.1 with  <i>The Committee must, at its first meeting, elect from its members an Executive consisting of a Chairperson and a Deputy Chairperson. Council's Disability Access Officer shall act as Secretary.</i></p> <p>7.3 Not applicable</p> <p><b>Clause 8 Occupational Health and Safety</b>            8.5  <i>Persons unable to write for reasons of disability are exempted from this requirement.</i></p> <p><b>Clause 9 Meetings</b>            A significant proportion of membership is mobility impaired and unable to attend meetings although they still consider themselves as active members. A low, fixed number would be an appropriate quorum.            9.3  <i>At all meetings of the Committee four members shall constitute a quorum.</i></p> <p>9.4a)  <i>The Committee shall hold ordinary meetings at least every second month (except January) in accessible venues alternating between Raymond Terrace and Nelson Bay.</i></p>
Item 14	<p>Changes to constitution or Schedule –</p> <p>Adopted by Council:</p> <p>Meeting Date:</p> <p>Minute No:</p> <p>Resolution:</p>	Council Meeting 27 May 2003-05-29 Minute No 197

**ITEM NO. 12**

**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 10<sup>th</sup> October, 2006.

---

No:	Report Title	Page:
1	Indigenous Strategic Cttee with Worimi LALC	
2	Access Cttee Minutes 5 September 2006	
3	Designated Persons – Pecuniary Interests	
4	Hunter Councils Inc Minutes of Board meeting 31 August 2006	
5	Managers Monthly Report	

---

**OPERATIONS COMMITTEE MEETING – 10 october 2006**

**RECOMMENDATION:**

**That the recommendation be adopted.**

---

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006**

<b>RESOLUTION:</b>		
<b>730</b>	<b>Councillor Brown Councillor Hodges</b>	<b>That the recommendation be adopted.</b>

# OPERATIONS COMMITTEE INFORMATION PAPERS



**INFORMATION ITEM NO. 1**

**INDIGENOUS STRATEGIC COMMITTEE MEETING WITH  
WORIMI 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 with Worimi Local Aboriginal Land Council (LALC) on 11 September 2006.**

Key issues considered at the meeting included:

- 1) Cultural Awareness Training
- 2) Aboriginal Project Fund 2006/2007 funding round
- 3) 2006 NSW Local Government Aboriginal Network Conference

**ATTACHMENTS**

- 1) Minutes of Indigenous Strategic Committee meeting with Worimi LALC on 11 September 2006.

ATTACHMENT 1

**INDIGENOUS STRATEGIC COMMITTEE MEETING  
WITH WORIMI LOCAL ABORIGINAL LAND COUNCIL  
HELD ON THE 11 SEPTEMBER 2006  
AT THE MURROOK CULTURAL & LEISURE CENTRE**

**Present:**

Val Merrick	Worimi LALC
Janice MacAskill	Worimi LALC
Andrew Smith	Worimi LALC
Cr Helen Brown	PSC
Cr Sally Dover	PSC
Paul Procter	PSC
Cliff Johnson	PSC
Amanda Gale	PSC
Jason Linnane	PSC

**Apologies:**

Delece Manton	Worimi LALC
Cr Craig Baumann	PSC
Cr Ron Swan	PSC
Peter Gesling	PSC
Stewart Murrell	PSC
David Broyd	PSC
Mike Triggar	PSC
Scott Anson	PSC

Cr Brown chaired and opened the meeting at 1:20pm

**1. MINUTES OF PREVIOUS MEETING**

The minutes of the previous meeting held on 10 July 2006 were accepted with the following amendment to Item 5 which should read as follows:

***Item 5: Land Acquisition for Fingal Bay Link Rd***

*Council's Group Manager Facilities & Services, Mike Triggar indicated that he would like to discuss with Andrew Smith options for presentation to the members of WLALC.*

**2. BUSINESS ARISING FROM PREVIOUS MINUTES**

**Item 1: Referring of Development Applications to LALCs for Comment**

Council's Principal Property Advisor Cliff Johnson has developed a map showing four levels of significance (i.e.; level 1 being the most significant). He is now working with Andrew Smith to formulate wording around the importance/value of significance.

Cr Brown suggested that this map once formulated could be linked to Council's new Draft Settlement Strategy similar to existing links to cultural heritage.

## MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006

In terms of the existing process of notifying Land Councils of current DAs, Andrew Smith asked if it was possible for the Land Councils to be provided with more details in respect to lot and DP numbers so its easier to identify on a map.

In regards to writing to the Minister for Planning outlining Council's concerns relating to the use of Private Certifiers, Amanda Gale indicated that Council's General Manager forwarded a letter to the Minister in June 2006 in accordance with Council's resolution citing Council's concerns with the current process which includes: -

- loss of local level planning
- potential risk of loosing consistency in the interpretation and application of Council policy
- loss of local knowledge and expertise which adds to the contextual understanding of the assessment process

Actions:	1	Amanda Gale will provide Andrew Smith with an overview of the DA lodgement process as well as guidelines on exempt development.
	2	Amanda Gale will liaise with Council planners to arrange for Andrew Smith to attend a file meeting so he can see how cultural issues are dealt with.
	3	Amanda Gale will investigate capacity of DA system being able to provide more detail with DAP minutes.
	4	Amanda Gale will follow up response from Minister for Planning to Council's letter relating to the use of Private Certifiers.

### Item 2: Middens at Birubi Headland

Andrew Smith has formulated proposal for the remediation works of the middens that he will discuss with Jason Linnane later this week.

Action:	1.	Andrew Smith will meet with Council's Manager Sport & Recreation to discuss WLALC proposal.
---------	----	---

### Item 4: Labelling Artefacts Display

Council's Aboriginal Artefacts display has been fully labelled.

Action:	1.	ISC members will view prior to joint meeting of ISC on 19 Sept 2006 and will pass comments onto Council's Cultural Development Officer for any changes required.
---------	----	--

### Item 5: Land Acquisition for Fingal Bay Link Road

Discussion deferred until next meeting.

Action:	1.	Mike Triglar will provide an update on status at next meeting.
---------	----	--

### Item 7: 2006 Joint ISC Meeting

Due to rescheduling of the meeting Paul Procter was unable to secure either Kelvin Kong or John Lester.

## MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006

Action:	1. Once date of next year's Joint ISC meeting is confirmed, the ISC will consider options for guest speaker including the Commonwealth Commissioner for Aboriginal Affairs.
---------	---

### Item 8: Naidoc Week

WLALC has supplied Council with a detailed report on their 2006 Naidoc Week activities.

Action:	1. Paul Procter will circulate to ISC members a copy of the WLALC 2006 Naidoc Week report as prepared by Andrew Smith.
---------	--

## 3. GENERAL BUSINESS

### 3.1 Aboriginal Employment Strategy

ISC members enquired about the total number of Council staff who are Aboriginal and/or Torres Strait Islanders as well as details on Council's recruitment policy to employ Aboriginal and/or Torres Strait Islanders.

Action:	1. Paul Procter will follow up this information and will inform ISC members of outcomes.
---------	--

### 3.2 Cultural Awareness Training

Paul Procter indicated that he was planning to organise some cultural awareness training for relevant Council staff and he would like to discuss proposed framework for doing so with members of ISC in coming months.

### 3.3 Aboriginal Project Fund

Paul Procter indicated that Council is about to call for applications under the Aboriginal Project Fund with applications closing on 18 October 2006.

A special meeting of the ISC will be convened on 23 October 2006 to cull and shortlist the applications received.

### 3.4 2006 NSW Local Government Aboriginal Network Conference

Paul Procter indicated that arrangements have been finalised for ISC members to attend this year's conference at Gunnedah between 15-17 October 2006. Bev Manton, Andrew Smith and Cr Brown will represent the ISC.

## 4. NEXT MEETING

The next meeting will be the joint meeting on 19 Sept 2006 at 6pm at Council.

The next ordinary monthly meeting of the ISC with WLALC will be held on 11 December 2006 at 1pm at Murrook.



**INFORMATION ITEM NO. 2  
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 5 September 2006.**

Key issues addressed at the meeting included: -

- 1) Function and Purpose of Access Committee
- 2) Access Committee's Schedule to Constitution

**ATTACHMENTS**

- 1) Minutes of the Access Committee Meeting held on 5 September 2006.
- 
-

ATTACHMENT 1  
**PORT STEPHENS ACCESS COMMITTEE  
MINUTES OF MEETING HELD 5 SEPTEMBER 2006  
AT THE RAYMOND TERRACE COMMUNITY CARE CENTRE**

**Present:**

Cathy Jennings (Acting Chairperson), Tony Kean, Susan Rosier, Judy Rosier, Erin Devlin, Cr Helen Brown, Robert Harper, Liz Osborne, Deborah Franklin, Joe Delia, Cathy Delia, Alice De-Carle, Michelle Pavy, David Painter, Val Painter, Michael Elliott, Graham Roberts.

**Apologies:**

Cr Sally Dover, Carol Last, Ken Whiting, Karen Whiting, Cathy Lees,

**1. PREVIOUS MEETINGS MINUTES**

The minutes of the meeting of the 1 August 2006 had not been distributed to members prior to today's meeting due to the Disability Access Officer's usual admin support being temporarily unavailable due to sickness. The minutes of the August 2006 meeting will be distributed with the minutes of this meeting. Both sets of minutes will be considered for adoption at the next meeting.

**2. CHAIRPERSON'S REPORT**

Acting Chairperson Cathy Jennings thanked everyone involved in the recent 2006 *Local Government Week* displays. She also mentioned how pleasing it was to hear the positive report from members of the Committee who had recently inspected the work being carried out on reconstructing the Little Beach Disabled Access Wharf. Cathy indicated that she along with fellow Committee members was looking forward to the official reopening of the wharf on Friday 29 September 2006.

**3. BUSINESS ARISING FROM PREVIOUS MINUTES**

**3.1 Picnic Fundraising Raffle**

David Painter and Michelle Pavy gave a brief report on the progress of the raffle with the following prizes kindly donated by sponsors; \_

- A signed 2006 Newcastle Knights Jersey
- A weekend package at O'Carrollyns of One Mile Beach valued at \$800
- An AIWA stereo system donated by Retravision Greenhills
- A TEAC DVD player donated by the Good Guys
- Two family passes donated by Raymond Terrace Cinemas.

Ticket books will be distributed at the *Disability Picnic Sub-Committee* meeting immediately following this meeting.

**3.2 October 2006 Ordinary Meeting Venue**

It was proposed to hold the October meeting at O'Carrollyns at One Mile Beach. However due to O'Carrollyn's already being booked on the date required, **the October 2006 meeting will now be held at the usual venue at the Nelson Bay RSL Club.**

**4. GENERAL BUSINESS****4.1 Water Wheelchair**

Joe Delia showed Committee members a home made water wheelchair which he had recently purchased second hand and was looking at constructing one himself and was seeking feedback from wheelchair users as to required design and features. It was suggested that this might be an option for the provision of a water wheelchair at the Little Beach Disabled Access Wharf once it is re-opened.

Michael Elliott will assist Joe in exploring this matter further and attempt to secure a copy of the relevant Australian Design Standard.

**4.2 Functions and Purpose of the Access Committee**

Michael Elliott indicated that some Committee members had commented that the Committee had shifted its focus away from dealing with physical access issues. He spoke briefly about this and presented information from the Committee's Schedule to the Constitution. Michael asked for any feedback on the matter and indicated it would be put on the agenda for the October 2006 meeting for further discussion when concerned members were present.

**4.3 Access Committee's Schedule to Constitution**

Michael Elliott brought to the attention of members that Item 7 of the Schedule reads;

<b>Maximum number and make up of committee members</b>	<ul style="list-style-type: none"><li>Up to 25 members. Membership open to any person interested in creating a barrier free community and equal access to all services</li></ul>
--	--

This was discussed and unanimously agreed upon that there should be no maximum placed on the size of the Access Committee's membership. The following motion was put forward by Acting Chairperson Cathy Jennings and seconded by Judy Rosier;

***Recommendation to Council:*** That Council formally amend Item 7 in the current Access Committee of Port Stephens 'Schedule to Constitution' removing reference to any maximum number of members.

**4.4 Physical Access Issues**

Michael Elliott raised physical access issues at the following locations for discussion:

#### **4.4.1 The Lemon Tree Passage Boardwalk**

- . **Issue:** Tree roots and poor access impacting on boardwalk. After discussion it was concluded that most of the area provided reasonable to good access. Council already had plans to repair a section of damaged pathway. No further action required.

#### **4.4.2 Benito St Corlette**

- . **Issue:** Kerb ramps. Members were not familiar with this location

#### **4.4.3 Shoal Bay in the vicinity of Harbourside Aged Care Facility**

- . **Issue:** Difficulty in crossing the busy road. It was suggested that extending some of the existing footpaths would improve access.

<b>Action:</b>	2. Michael Elliot will investigate items 4.4.2 and 4.4.3 further in conjunction with relevant Council Officers to determine an appropriate course of action within existing resource limitations.
----------------	---

#### **4.5 Guest Speaker at the 2007 Joint Meeting**

Michael Elliott raised the issue of choosing a suitable guest speaker for the *2007 Joint Meeting* between Council and the Access Committee. Andrew Buchanan (*Chairperson of the Disability Council of NSW*) was considered for this year's joint meeting, but was unavailable. Andrew Buchanan did at the time however mention that he would be interested in attending next year's joint meeting if he was available as his calendar fills up quickly with speaking engagements in Australia and abroad.

Cr Brown mentioned that she had heard Andrew speak at other functions and that he was an excellent presenter and would be a good choice for next year's joint meeting.

<b>Action:</b>	1. Michael Elliott will make further inquiries with Andrew as to his availability for next year and costs associated with this before confirming a booking with him.
----------------	--

#### **4.6 ANZ Bank initiative**

Michael Elliott informed the Committee that the Salamander Bay ANZ Bank has expressed an interest in sponsoring one of their clients who currently mows lawns as well as does gardening and landscaping. The bank intends to sponsor the person to carry out work for interested local elderly and/or disabled persons and was seeking interested recipients. Michelle Pavy indicated that she would be able to assist in nominating recipients.

#### **4.7 Accessible Bus Stops At Medowie**

Michael Elliott presented photos and information about two new accessible bus stops recently completed by Council on Medowie Rd at Medowie. The shelters and surrounds were of a very high standard providing excellent compliant access for people with disabilities. He suggested that the Council staff that worked on the shelters be commended by the Access Committee for their initiative in the design and construction of the shelters. The Committee supported this suggestion.

<b>Action:</b>	1. Michael will prepare on behalf of the Access Committee a letter of appreciation to those involved in the project.
----------------	--

## 5. GENERAL BUSINESS

### 5.1 Physical Access

Cathy Jennings raised the following access issues that had been passed onto her by local residents: -

#### **5.1.1 Provision of wheelchairs at the Salamander Bay Shopping Centre**

Concerns were raised that the shopping centre reportedly had no wheelchairs available for public use. Michelle Pavy however confirmed the Centre did in fact have approximately 3 wheelchairs that were available to the public by making a booking.

#### **5.1.2 Lakeside Housing Development Raymond Terrace**

Concerns were raised that footpaths had not been provided as part of Lakeside residential development. However Cr Brown indicated that this was not the case as footpaths had now been fully constructed around the entire development by the developer as per Council's requirement.

### 5.2 Roundabout at Intersection of Medowie & Ferodale Rds, Medowie

Erin Devlin raised concerns of poor visibility of approaching traffic caused by the height of the planting on the roundabout. She said that in her experience, this can make it difficult to see clearly past the roundabout when crossing the road on her motorised scooter.

<b>Action</b>	1. Michael Elliot will discuss this matter with Council's Transport Planning Team and will report back on outcomes at next meeting.
---------------	---

## 6. CORRESPONDENCE

### **Correspondence In:**

- Michael Elliott presented correspondence from *EduCare Carer Support Service* for young carers aged between 8 and 25. The service is part of the Hunter New England Area Health Service and are holding young carers camp for carers aged between 12 and 16 at the Myuna Bay Sports and Recreation Club from the 17 to 19 November 2006.
- Michelle Pavy indicated that the Lower Hunter Respite Options group have a similar support group for older carers aged over 65.

## 7. Guest Speaker (*Arif Kapusta from Raymond Terrace Community Garden*)

Arif gave an overview of the community garden. The site does have some disabled access limitations such as no accessible toilet facilities and access to the site is via a gravel driveway. He indicated that he would make efforts to improve the driveway access and investigate options around provision of an accessible toilet.

Anyone interested in participating at the community garden can drop into the Youth Café on King Street, Raymond Terrace after 10 am on Tuesdays and Wednesdays, or contact Arif directly on 4983-1621.

## 8. Details of Next Meeting

The next meeting will be held at the Nelson Bay RSL Club at 10.30am on Tuesday 3 October 2006.

INFORMATION ITEM NO. 3  
**DESIGNATED PERSONS – PECUNIARY INTERESTS**

---

**REPORT OF: PETER GESLING, GENERAL MANAGER**  
**FILE: A2004-0030**

**BACKGROUND**

The purpose of this report is to advise of designated persons who have submitted their returns.

**Councillors**

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

**Corporate Management**

General Manager  
Executive Manager Corporate Management  
Legal Officer

**Sustainable Planning**

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

Senior Policy Planner  
Transport Planning Manager (*Vacant*)  
Environmental Services Manager  
Coordinator Environmental Compliance & Community Health  
Coordinator Natural Resources

### **Business & Support**

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

### **Facilities & Services**

Group Manager Facilities & Services  
Community and Library Services Manager  
Engineering Services Manager  
Project Services Manager  
Operations Manager  
Recreation Services Manager  
Recreation Development Coordinator (*Abolished*)

### **ATTACHMENTS**

Nil.

### **TABLED DOCUMENTS**

Designated Persons Pecuniary Interest Returns.

**INFORMATION ITEM NO. 4**

**HUNTER COUNCILS INC MINUTES OF BOARD MEETING,  
31 AUGUST 2006**

---

**REPORT OF: PETER GESLING, GENERAL ANAGER  
FILE: A2004-0026**

**BACKGROUND**

**The purpose of this report is to present to Council the Minutes of the Hunter Councils Inc Board Meeting of 31 August 2006. ATTACHMENTS**

- 1) Hunter Councils Inc – Minutes of Board Meeting, 31 August 2006.



ATTACHMENT 1



**Hunter Councils Inc**  
**Draft minutes of Board Meeting**  
**Thursday 31<sup>st</sup> August 2006**

Council Chambers, Singleton Council, Queen St., Singleton NSW 2330

**Attendance**

Delegates

Cr Helen Brown	Port Stephens Council	
Cr Jeff Maybury	Cessnock City Council	
Cr John Colvin	Muswellbrook Shire Council	
Cr John Douglas	Muswellbrook Shire Council	
Cr. Sonia Hornery	Newcastle City Council	
Cr Steve Low AM	Dungog Shire Council	
Cr Peter Blackmore	Maitland City Council	(Chair)
Cr Julie Lyford	Gloucester Shire Council	
Cr Keith Parson	Newcastle City Council	
Cr. Geoff Robinson	Port Stephens Council	
Cr Ian McKenzie	Newcastle City Council	
Cr Glenn Wall	Dungog Shire Council	
Cr Bob Geoghan	Maitland City Council	
Cr Barry Johnston	Lake Macquarie City Council	
Cr Nat Doonan	Upper Hunter Shire Council	

General Managers

Mr Bernie Mortomore	Cessnock City Council
Mr Norm McLeod	Gloucester Shire Council
Mr Craig Deasey	Dungog Shire Council
Mr Steve McGrath	Singleton Shire Council
Mr David Evans	Maitland City Council
Mr Daryl Dutton	Upper Hunter Shire Council
Mr Peter Gesling	Port Stephens Council

Staff

Dr Barbara Penson  
Ms Meredith Laing

**Apologies**

Cr John Tate	Newcastle City Council
Ms Janet Dore	Newcastle City council
Cr Fred Harvison	Singleton Council
Cr Tony McNamara	Singleton Council
Cr Vicki Woods	Maitland City Council
Cr Paul Scarfe	Lake Macquarie City Council
Cr Mercia Buck	Lake Macquarie City Council
Mr Steve Mc Donald	Muswellbrook Shire Council
Cr Margaret Flannery	Dungog Shire Council
Cr Barry Ryan	Gloucester Shire Council
Cr Barry Rose	Upper Hunter Shire Council
Cr Greg Piper	Lake Macquarie City Council
Mr Brian Bell	Lake Macquarie City Council
Cr Craig Bauman	Port Stephens Council
Cr John Clarence	Cessnock City Council
Cr John Chadban	Great Lakes Council

The apologies were accepted

**• ITEM 1 WELCOME**

The Chairman welcomed Board members to the meeting

**• ITEM 2 ADOPTION OF PREVIOUS MINUTES**

The minutes of the meeting held 1 June 2006 were accepted as true and correct

Moved: Cr John Douglas

Seconded: Cr Jeff Maybury

Carried

**• ITEM 3 PRESENTATION**

**Dr Wej Paradise, Catchment Management Authority**

Presentation attached.

In response to questions from the floor, Dr Paradise:

- Undertook to further investigate the conflicts and challenges that have arisen from the amendments to the Native Vegetation Act in relation to the dual consent role of the CMA and Councils
- Noted that Hunter Councils are coordinating a Native Vegetation Working Group which comprises Council and CMA staff who have almost completed a set of protocols to assist with this issue
- Clarified the roles of Local Government Reference Group and the Community Reference Group and that money collected in the Hunter is spent on the Hunter.
- Clarified that \$70,000 has been allocated to Hunter Councils to help address the Salvinia issue in Wollombi Brook

• **ITEM 4 BUSINESS ARISING FROM THE MINUTES**

▪ **Item 4.1 Ministerial Advisory Committee**

Cr S Lowe reported that he had been required to give an undertaking that matters discussed within the Advisory Committee would remain confidential. However, he was pleased to advise that this is another opportunity to put Local Government views before the Minister.

▪ **Item 4.2 HNEAH Advisory Group**

Cr Greg Piper is an apology for this meeting and therefore no report was available.

▪ **Item 4.3 Environmental Sustainability Futures.**

Cr John Colvin advised that the Report submitted by the Environment Division met the requirements of his council. He commended Hunter Councils for the range of sustainability initiatives being undertaken by the Environment Division and the opportunities that might arise from the Tom Farrell Institute.

▪ **Item 4.4 Noxious Weeds**

As requested by the Board at the last meeting, a letter had been forwarded to the Minister. No response has been received to date.

▪ **Item 4.5 Local Government Reference Group**

Explanatory report attached to agenda and the issue was also addressed by Dr Paradise.

• **ITEM 5 COMMUNITY UPDATES**

▪ **Item 5.1 Westpac Helicopter**

It was noted that Westpac would prefer a representative from up the Valley. Cr Ian McKenzie withdrew his nomination. The meeting moved that the election should be confirmed through a show of hands and that the successful nominee should be in a position to make reports to Hunter Councils Board.

An election was conducted by the Chair and Margaret Flannery was elected.

Hunter Councils to prepare a protocol for nominations of Board representatives to community positions.

▪ **Item 5.2 Hunter Regional Tourism Organisation**

There was no additional information as the Board meeting has been postponed. Hunter Tourism Awards will be held on Thursday 7<sup>th</sup> September at Western Suburbs Leagues Club.

▪ **Item 5.3 Community Relations Commission**

Cr Helen Brown reiterated that she was no longer a Commission member as the position had lapsed. Hunter Councils requested to follow up with the Commission and recommend that a community representative be nominated.

• **ITEM 6. FINANCE REPORT**

The CEO presented the unaudited financial report for 2005/06 noting a surplus of \$211,240.00

**Moved:** Cr. Steve Low

**Seconded:** Cr. Geoff Robinson

**Carried**

- **ITEM 7 HUNTER COUNCILS LTD.**

The Chairman of Hunter Councils Ltd. Mr Daryl Dutton reported on the business progress of the Hunter Records Storage. It is tracking the business plan and budget with several proposals under consideration by potential clients,

Mr Dutton also proposed that a cash loan up to \$200,000 from Hunter Councils Inc be made available to Hunter Councils Ltd on an as needs basis.

**Moved:** Cr. Steve Low  
**Seconded:** Cr Jeff Maybury  
**Carried**

- **ITEM 8 GENERAL BUSINESS**

- **8.1 Regional Migration.**

It was noted that the proposal had not been endorsed by a council and therefore should be referred to GMAC for further research and advice to the Board. It was also agreed that the local skills shortage be addressed in a working paper prepared by Hunter Councils as an aspect of this item.

**Moved:** Cr. John Colvin  
**Seconded:** Cr Jeff Maybury  
**Carried**

- **8.2 Roads to Recovery**

Hunter Councils to make representation to the ALGA and the LGSA to write to all Mayors requesting that their councils ensure that the guidelines for the funding scheme are adhered to.

**Moved:** Cr S. Low  
**Seconded:** Cr Geoff Robinson  
**Carried**

- **8.3 Roads and Traffic Authority**

The Board requested that Hunter Councils extend an invitation to the Regional Director Jim Peachman to attend the next meeting of the Board to advise on progress of the F3 to Branxton project.

**Carried**

- **8.4 Recreational Shooting in State Parks**

The Board requested that a representative of the Game Council of NSW be invited to the next meeting to make a presentation on this topic.

**Carried.**

**Next meeting**                      **Annual General Meeting**  
   **Hunter Councils Inc**

**30<sup>th</sup> November 2006**

## Attachment 1

### CMA Presentation

#### Characteristics

- 37,000 km<sup>2</sup>
- 1 million residents – 85% along the coast
- 17 State electorates
- 10 Federal electorates
- 21 local government areas
- 121 million tonnes raw coal (83% NSW) – 34 mines
- 77.8 mt exported (2003-04)
- 80% NSW electricity production
- Value of horses on studs \$720m - \$1.4b
- 632,000 tonnes Aluminium (34% of Aust)
- Wine sales \$273m (39.3mill litres)

#### Local Governments

- Port Macquarie Hastings\*
- Walcha\*
- Greater Taree
- Gloucester
- Great Lakes
- Upper Hunter
- Muswellbrook
- Singleton
- Dungog
- Port Stephens
- Maitland
- Newcastle
- Cessnock
- Lake Macquarie
- Wyong
- Gosford
- Mid-Western Regional\*
- Tamworth Regional\*
- Liverpool Plains\*
- Hawkesbury\*
- Warrumbungle\*

## **Electorates**

### **■ NSW**

- Cessnock
- Charlestown
- Gosford
- Lake Macquarie
- Maitland
- Myall Lakes
- Newcastle
- Oxley\*
- Peats
- Port Macquarie
- Port Stephens
- Swansea
- Tamworth\*
- The Entrance
- Upper Hunter
- Wallsend
- Wyong

### **■ AUSTRALIA**

- Charlton
- Dobell
- Gwydir
- Hunter
- Lyne
- New England\*
- Newcastle
- Paterson
- Robertson
- Shortland

## **Natural Resources Commission State Wide Targets – by 2015**

### **Draft NSW State Plan**

- Increase in native vegetation extent and improvement in condition
- Increase in sustainable populations of native fauna
- Increase in the recovery of threatened species, populations & ecological communities
- Reduction in impact of invasive species
- Improvement in riverine ecosystems
- Improvement in groundwater to support GDE's
- No decline in condition of marine waters
- Improvement in conditions of wetlands
- Improvement in conditions of estuaries & coastal lakes
- Improvement in soil condition
- Increase in area of land managed within capability
- Decisions contribute economic sustainability & social well being
- Increase capacity of NRM's to contribute

## **The Standard**

- Collection & use of knowledge
- Determination of scale
- Opportunities for collaboration
- Community engagement
- Risk assessment
- Monitoring & evaluation
- Information management

## **HCRCMA Reference Groups Hunter Community Reference Group**

- Arthur Burns (C)
- Julia Imrie (C)
- Norma Brooks
- Sue Clark
- Frank Cosgrove (NCC)
- Peter Dixon-Hughes
- John Drinan
- Linda Gant
- John Kennedy
- Andrew Martin
- Margaret McMahon
- Cr Susan Moore
- David Newham
- Michael Smith
- Cr Stephen Thatcher
- Bradley Warren

**HCR Aboriginal Cultural & Environmental Network (ACEN) –  
CMA Partnership Committee**

- Carol Ridgeway-Bissett (C)
- John Weate (C)
- Jodi Cameron
- John Clark
- Cheryl Kitchener
- Mick Leon
- Richard McGuinness
- Beverley Manton
- Zelma Moran
- Lillian Moseley
- Daniel Thorpe
- John Thorpe
- Graham Ward
- Aleshia Lonsdale
- Warranha Ngumbaay

**Providing Community Support  
The CMA -**

- Employs three Regional Facilitators to provide strategic planning, advice and training opportunities for community groups.
- Developed a comprehensive Community Support Strategy.
- Invested funds to provide 17 Community Support Officers (CSO's) including two Aboriginal CSOs, who support community groups and individuals in planning on-ground projects.
- Supports the employment of 3 Community Landcare Coordinators, funded by NLP, who work to achieve sustainable agriculture outcomes.
- Employs a range of project-oriented technical and implementation staff, particularly in the areas of soils and vegetation.

**Some Projects...**

- Hunter-Central Rivers Waterwatch Program
- Hexham Swamp - Kooragang Rehabilitation Projects
- Upper Hunter River Rehabilitation Initiative
- Large Woody Debris Trials
- Flood Mitigation Projects
- Lake Macquarie Improvement Program
- Wallis Lake Rural Incentive Scheme
- Natural Resource & Environmental Education Projects
- Integrated Urban Water Management
- Roadside Environmental Strategy



## **Conclusion**

### **CMA's are to:**

- oversee natural resource management at the regional level
- focus on delivering on-ground works
- increase the participation of local communities
- maximise total NRM investment, and ensure investments are strategic
- maximise the linkages / alignment between the land-use planning system and NRM

**INFORMATION ITEM NO. 5**  
**MANAGER'S MONTHLY REPORT OCTOBER 2006**

---

**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE**  
**MANAGEMENT FILE: A2004-0498**

**BACKGROUND**

The purpose of this report is to present the October 2006 Monthly Report in

**ATTACHMENT 1.**

**ATTACHMENTS**

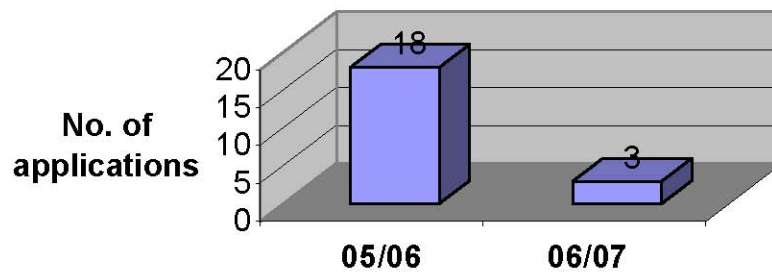
Monthly Manager's Report – October 2006.

ATTACHMENT 1

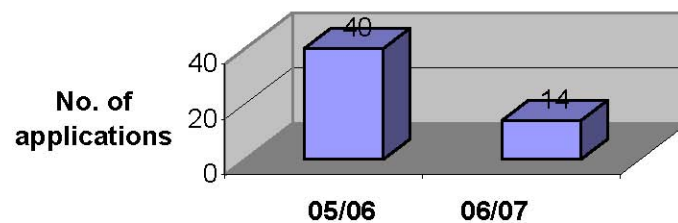
MANAGERS  
MONTHLY REPORT  
OCTOBER 2006 STATISTICS

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
BALANCE B/FWD FROM 30 JUNE 2006	3,755	-17,863	5,807
2006/2007 BUDGET ALLOCATION FROM REVENUE	20,000	20,000	20,000
TOTAL AVAILABLE 1 JULY, 2005	23,755	2,137	25,807
ALLOCATED TO:-			
Medowie Scout Group CM 618/06		110	
Rotary Club of Nelson Bay CM 618/06	2,500		
Shoal Bay Public School CM 618/06	869		
TOTAL ALLOCATED	3,369	110	0
BALANCE AVAILABLE	20,386	2,027	25,807
PLUS Expected Property Profits Funds (30%)	39,749	-257,910	27,003
TOTAL AVAILABLE as at 25.9.06	60,135	-255,883	52,810

# 2005/2006 PROJECT FUNDS - WARDS

2006/2007 ALLOCATIONS OF COUNCILLOR WARD FUNDS			
WARDS	EAST	CENTRAL	WEST
ESTIMATED BALANCE B/FWD FROM 30 JUNE 2006	39,749	-257,910	27,003
FUNDS REALISED IN 2005-2006	0	0	0
TOTAL AVAILABLE 1 JULY 2005	39,749	-257,910	27,003
ALLOCATED TO:-			
	0	0	0
TOTAL ALLOCATED as at 25.9.06	0	0	0
BALANCE	39,749	-257,910	27,003

**FACILITIES & SERVICES GROUP**

**ENGINEERING SERVICES & OPERATIONS SECTIONS**

**Roads & Bridges**

- Roadwork in **Gowrie Avenue** at Nelson Bay is well underway and is scheduled to be completed by Christmas.
- The construction of a new roundabout on **Soldiers Point Road** at the new access to the waste transfer station and sports fields is to commence in late Sep/early Oct 06 once Operations' direct labour & contractors have finished the car park construction contract at the Newcastle Airport.
- A new bus bay and shelter has been constructed on **Kirrang Drive** near the Medowie Road roundabout.
- The cycleway along **Gan Gan Road** at Anna Bay is progressing well.
- Consultants have commenced the design work for a new bridge over **Caswells Creek on Italia Road**. Tenders will be called in early 2007.
- Reconstruction of **Diggers Drive** at Tanilba Bay has commenced.
- Rehabilitation of a section of the **Woodville to Seaham Road** near Taylors Bridge is underway.
- Rehabilitation of **Wahroonga Street** is completed.

**Drainage**

- Work is continuing on the **Wallalong Drainage Scheme** which is now approximately 70% completed.
- The recent wet period has highlighted problems in a number of open drains which need cleaning out such as **Windeyers Creek** and other drains through private properties in Williamstown. Negotiations with landowners are underway.

**Operations**

- The construction by Operations Section of **Newcastle Airport's** car park is progressing well despite wet weather hold-ups.
- Recent wet weather has deteriorated **various roads in Port Stephens** however maintenance crews have so far kept up with demand for repairs.

**COMMUNITY & LIBRARY SERVICES**

**Raymond Terrace Library**

- The month of August is traditionally **Children's Book Week**. At the end of an exhausting week Raymond Terrace branch had hosted over 400 local children including 14 separate classes from 4 schools. The feedback from the schools has been extremely positive.
- Workshops for members of the public to trace their family history were presented. These workshops were run at no cost to the library as part of **Family History Week**. Both sessions were booked out. This was an excellent partnership by the Library, the Church and the Historical Society.

**Tomaree Library & Community Centre**

- **Children's Book Week**, 19 - 25 Aug 06 with the theme "Book Now" was celebrated with energy and enthusiasm by the TLACC team and the children of the Tomaree Peninsula. This year the target was pre-schools and infant schools. The response was very enthusiastic with approximately 150 children attending the orientation and story time sessions at the library. The TLACC team managed to create a fantastic travel display featuring the "Book Now" theme without spending any money! To achieve this, our staff
- scoured the Recycling Centre for "props". Comments have been overwhelmingly positive, not only from the families of young children but also from elderly customers and tenants at the Centre.

- **The TLACC** continued to host a variety of bookings such as doll making, the Fellowship of Australian Writers group, Brumby's staff training, Multi-cultural social group, Tomaree High School yoga class, Mission Australia counselling and Castle Personnel to name just a few.

#### **Mobile Library**

- A telephone survey on the Home Delivery Service at **Banksia Grove** after a year and a half in operation was conducted. Borrower numbers have remained steady and much higher than those at the previous Williamstown stop. The feedback was highly positive with all borrowers happy with the service and the format of the new model. The team is now considering expanding to other areas of Port Stephens with a similar delivery model.

#### **Kids Who Read Succeed**

- **Stories in the Street** – We have 4 new families and 1 new volunteer now participating.
- **Family Action Centre** – Our researcher is evaluating our program and spent a morning visiting families with the Stories in the Street team as well as interviewing staff. Further people from the different projects within KWRS involved will be interviewed.

### **RECREATION SERVICES & OPERATIONS SECTIONS**

#### **Recreation**

- Stampede Bull Ride held at **Lakeside Sports Complex** with major benefits for both Council and the Rugby League Club who hosted this event.
- Consultation for **Soldiers Point** boating infrastructure is proceeding and the consultant expects the draft report to be ready by late Oct 06.
- Plans for redevelopment of **Fingal Bay** Surf Club are proceeding in conjunction with the Surf Club.
- 150 students from Wirreanda Primary School visited Council's **Library and the Historical Cemetery**. A brief talk was provided to the students prior to the visit.

#### **Operations**

- Recent rain followed by warmer weather has grass growing well across the **parks and reserves in Port Stephens** however maintenance crews have so far kept up with demand. Preparations for the spring/summer sports season are also underway.

### **PROJECT SERVICES**

- **Anzac Park** Embellishments development application will be lodged this month.
- **Henderson Park** Amenities vandalism repairs completed.
- **Salamander Recreation Area** Cricket facilities, practice nets, concrete wickets & waterlines completed.
- **Diemars Quarry** Redevelopment Feasibility of Options Study was presented to the DQ Project Team.
- **Anna Bay RFS** depot design has been completed and scheduled for DA/CC submission October 06 with construction to commence early 2007.
- **Karuah Multi-Purpose Child Care Centre** design has been submitted for DA approval, however due to layout changes design has been re-scheduled for completion Oct 06.
- **Lakeside Pool** Multi-Purpose room extension detailed design has commenced and is scheduled for DA submission Dec 06.
- **Mallabula Amenities** extension design completed and submitted for DA approval.
- **Medowie Community Centre** car park preliminary design has been completed and the investigation of the environmental effects is in progress.

## MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006

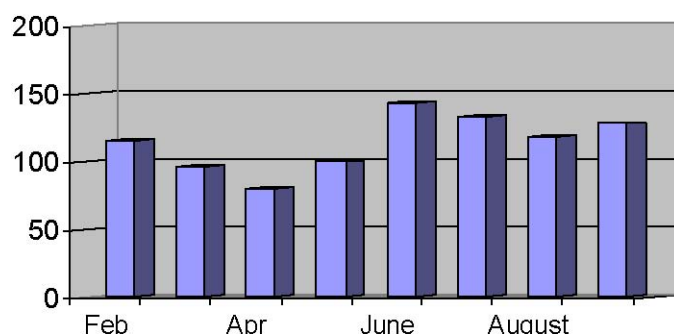
- **Shoal Bay Jetty** structural repairs and strength testing proposed for Oct & Nov 06.
- **Tomago Toilet** fire damage repairs from vandalism on-going with completion 22 Sep 06.
- Reconstruction of Diggers Drive at Tanilba Bay has commenced.
- Rehabilitation of a section of the Woodville to Seaham Road near Taylors Bridge is underway.

### SUSTAINABLE PLANNING

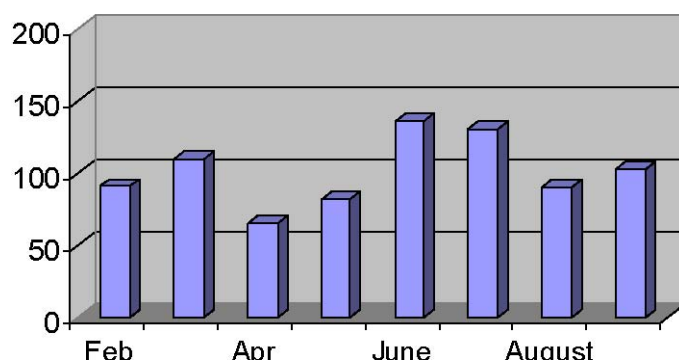
#### Development Approvals

DA's determined during the month	128
Modifications to DA's during the month	15
Construction Certificates approved during the month	103

#### DA's Determined



#### CC's Determined



**BUSINESS & DEVELOPMENT**

- Council's "Non-Smoking in Council Owned or Managed Buildings" has been forwarded to Managing Agents for implementation as per our requirements.

**Holiday Parks**

- [www.beachsideholidays.com.au](http://www.beachsideholidays.com.au) had over 10,000 visits.

**Tourism**

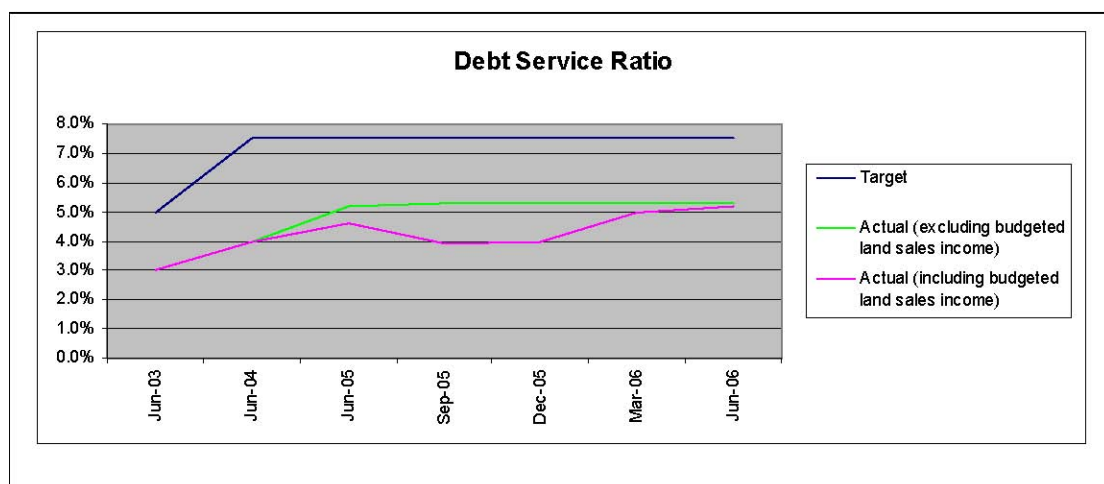
Mid North Coast Tourism Awards - only seven individual businesses applied for the North Coast Awards this year but the results were excellent. The gridders were:

- ~ IEC Oceania -winner Ecotourism  
-finalist Significant Tour and Transport
- ~ Sand Safaris - winner Adventure Tourism
- ~ O'Carrollynns - winner Standard Accommodation
- ~ Port Stephens Tourism - winner Destination Marketing
- ~ Samurai Beach Resort - finalist DeLuxe Accommodation
- ~ The Vines Café - distinction Cafes and takeaways
- ~ Port Stephens Visitors Centre - finalist General Tourism Services
- ~ Neville Deuis -winner Outstanding Contribution to Regional Tourism by an Individual.

**FINANCE**

- Council's investment portfolio as at 31 August totalled \$32,884 million.
- Council's Return on Cash Investments for August was 66 basis points above the 90 day Bank Bill Swap Rate.

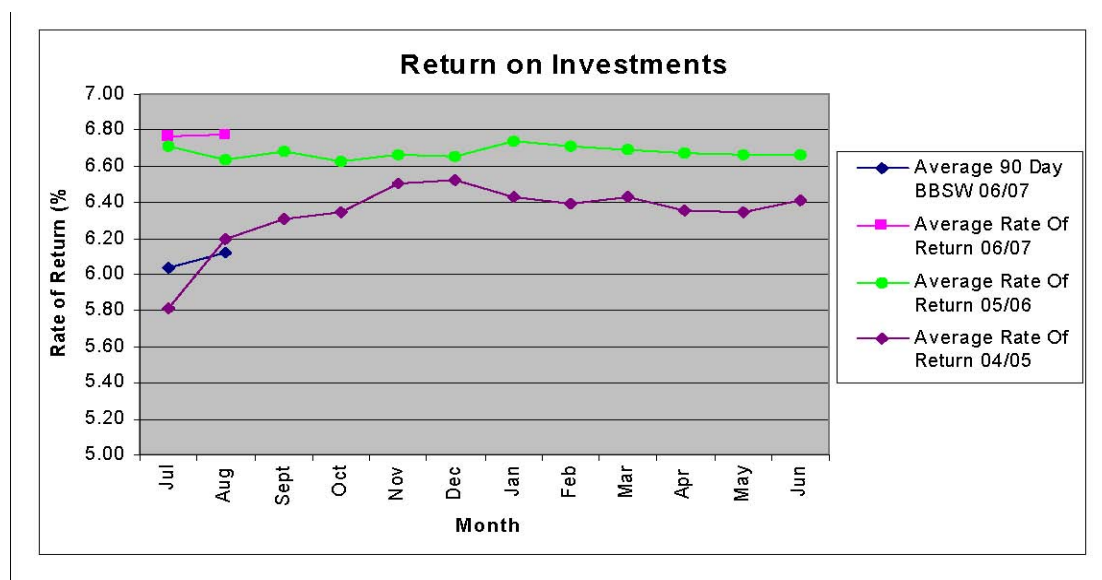
**Debt Service Ratio (reported Quarterly)**





## MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006

### Return on Investments



### Debtors Aging (Sundry Debtors) as at n 31 August 2006

DEBTOR CATEGORY	Current	30 days	60 days	90 days	120 days	Total
Miscellaneous	143,778	36,179	41,946	2,476	24,496	248,875
Dog Impounding Fees	0	0	320	0	0	320
Contribution to Works - Kerb & Guttering	0	0	0	0	2,199	2,199
Shire Property Rents	27,192	24,796	61,674	2,165	6,384	122,211
Section 149 Certificates	2,880	1,700	600	200	180	5,560
Real Estate data	0	0	0	0	0	0
Tipping Fees	12,336	-453	1,028	95	-1,354	11,652
Contributions - Other	0	0	0	0	0	0
Sporting Clubs/355B Committee's	5,883	0	78,811	2,242	7,397	94,333
Contributions to Works - Footpaths	6,870	13,066	0	0	12,856	32,792
Council Uniforms	23,929	-9	0	0	-18	23,902
Effluent	0	0	0	0	0	0
Grants	0	16,500	68,433	0	0	84,933
On Site Sewerage Management	0	0	0	0	142	142
On Site Sewerage Inspections	1	0	40	240	239	520
Business Inspections - Food	1,510	142	426	284	2,965	5,327
Business Inspections - Hair/Beauty	600	0	0	0	130	730
Business Inspections - Caravan Parks	0	0	0	0	-37	-37
Business Inspections - Skin	0	0	0	0	0	0
Business Inspections - Mortuaries	-208	0	0	0	0	-208
<b>TOTAL</b>	<b>224,771</b>	<b>91,921</b>	<b>253,278</b>	<b>7,702</b>	<b>55,579</b>	<b>633,251</b>

Total Outstanding Rates as at August 2006 = \$26,772,279.65

The amount of Sundry Debtors outstanding 120+ days at 31 August 2006 was \$55,579, compared to \$81,539 at 31 July 2006. Overall, outstanding sundry debts decreased from \$1,047,218 to \$633,251 during the month.

**MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006**
**OPERATIONS COMMITTEE – 10 OCTOBER 2006**

CASH & INVESTMENTS HELD - AS AT 31 AUGUST 2006								
INVESTED WITH	INV. TYPE	DATE INVESTED	MATURITY OR COUPON DATE	NO. OF DAYS	AMOUNT INVESTED	INTEREST RATE		% OF TOTAL FUNDS HELD
<b>GRANGE SECURITIES</b>								
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt	15-Jun-06	15-Sep-06	92	500,000.00	7.62%		1.52%
SAPHIR FINANCE PLC 2004 - 4 "ENDEAVOUR AAA"	Floating Rate CDO	4-Aug-06	6-Nov-06	94	1,000,000.00	7.50%		3.04%
SAVINGS & LOANS CREDIT UNION (SA) LTD (2008)	Floating Rate Sub Debt	13-Jun-06	12-Sep-06	91	500,000.00	8.70%		1.52%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.48%		3.04%
APHEX CAPITAL PLC "JADE AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.18%		3.04%
NEXUS BONDS LTD "TOPAZ AA"	Floating Rate CDO	25-May-06	24-Nov-06	183	1,500,000.00	6.28%		4.56%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.48%		3.04%
STARTS CAYMAN LTD "BLUE GUM AA"	Floating Rate CDO	22-Jun-06	22-Sep-06	92	1,000,000.00	7.41%		3.04%
CYPRESS TREE CDO LTD "LAWSON AA"	Floating Rate CDO	30-Jun-06	30-Sep-06	92	1,000,000.00	7.28%		3.04%
CORSAIR NO. 2 LTD "NEWPORT AAA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	6.98%		3.04%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.08%		3.04%
HELIUM CAPITAL LTD "SCARBOROUGH AA"	Floating Rate CDO	23-Jun-06	23-Sep-06	92	1,000,000.00	7.33%		3.04%
<b>TOTAL GRANGE SECURITIES</b>					<b>\$11,500,000.00</b>			<b>34.97%</b>
<b>ABN AMRO MORGANS</b>								
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Jun-06	20-Sep-06	92	2,000,000.00	7.38%		6.08%
GLOBAL PROTECTED PROPERTY NOTES	Property Linked Note	9-Jul-06	9-Jul-07	365	1,000,000.00	7.00%		3.04%
<b>TOTAL ABN AMRO MORGANS</b>					<b>\$3,000,000.00</b>			<b>9.12%</b>
<b>ANZ INVESTMENTS</b>								
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA"	Floating Rate CDO	6-Jul-06	6-Oct-06	92	500,000.00	7.18%		1.52%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.48%		3.04%
ECHO FUNDING PTY LTD SERIES 20 "ECHO CHARLIE AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	500,000.00	7.48%		1.52%
<b>TOTAL ANZ INVESTMENTS</b>					<b>\$2,000,000.00</b>			<b>6.08%</b>
<b>MACQUARIE FINANCIAL SERVICES</b>								
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	31-Jul-06	30-Oct-06	91	500,000.00	7.91%		1.52%
CSFB AUSTRALIA PROPERTY LINKED NOTE (2010)	Property Linked Note	21-Jun-06	21-Sep-06	92	2,000,000.00	2.00%		6.08%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	7-Jul-06	6-Oct-06	91	2,000,000.00	7.95%		6.08%
ROCK BUILDING SOCIETY LTD (2007)	Floating Rate Sub Debt	31-Jul-06	30-Oct-06	91	500,000.00	8.96%		1.52%
<b>TOTAL MACQUARIE F.S.</b>					<b>\$5,000,000.00</b>			<b>15.20%</b>

# MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006

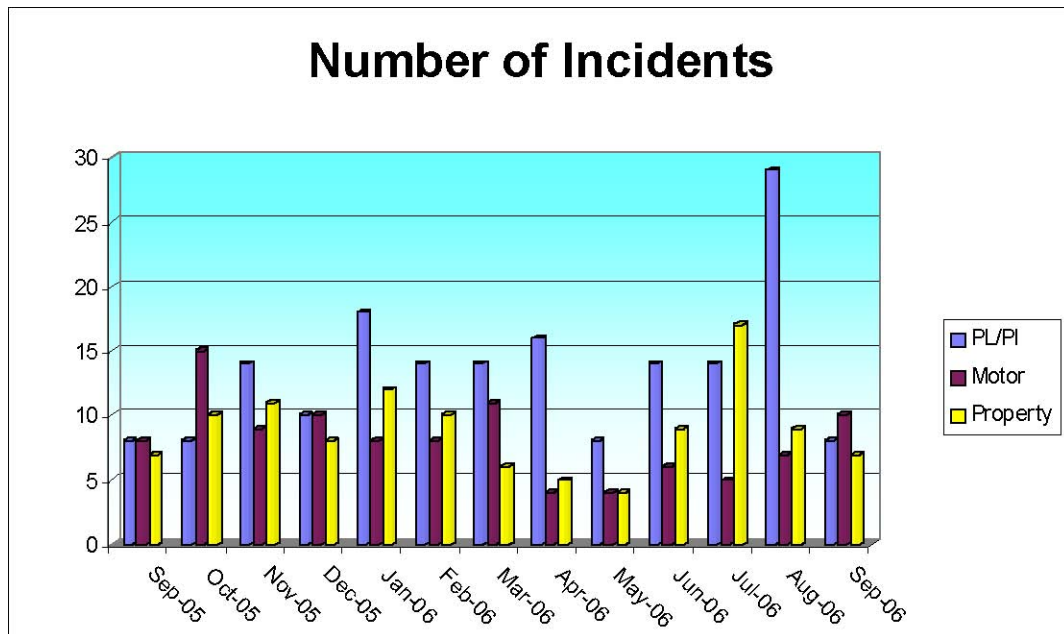
<b>WESTPAC INVESTMENT BANK</b>								
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	27-Jul-06	27-Oct-06	92	500,000.00	7.30%		1.52%
<b>TOTAL WESTPAC INV. BANK</b>					<b>\$500,000.00</b>			<b>1.52%</b>
<b>LONGREACH CAPITAL MARKETS</b>								
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	7-Mar-06	7-Sep-06	184	500,000.00	6.56%		1.52%
<b>TOTAL LONGREACH CAPITAL</b>					<b>\$500,000.00</b>			<b>1.52%</b>
<b>RIM SECURITIES</b>								
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	5-Jul-06	5-Oct-06	92	1,000,000.00	6.64%		3.04%
<b>TOTAL RIM SECURITIES</b>					<b>\$1,000,000.00</b>			<b>3.04%</b>
<b>FUND MANAGERS</b>						<b>RATE OF</b>	<b>RATE OF</b>	
						<b>RETURN - MONTH</b>	<b>RETURN - FYTD</b>	
MERRILL LYNCH INVESTMENT MANAGERS					1,066,964.65	6.99%	6.37%	3.24%
PERPETUAL INVESTMENTS					1,117,860.51	6.45%	6.14%	3.40%
ADELAIDE MANAGED FUNDS					1,750,000.00	6.25%	6.25%	5.32%
<b>TOTAL FUND MANAGERS</b>					<b>\$3,934,825.16</b>			<b>11.97%</b>
<b>MAITLAND MUTUAL</b>	Floating Rate Sub Debt	16-Jul-06	16-Oct-06	92	500,000.00	7.06%		1.52%
	Term Deposit	4-Jun-06	4-Sep-06	92	1,953,437.66	6.16%		5.94%
	Floating Rate Sub Debt	11-Jun-06	9-Sep-06	90	500,000.00	6.95%		1.52%
<b>TOTAL M'LAND MUTUAL</b>					<b>\$2,953,437.66</b>			<b>8.98%</b>
<b>TOTAL INVESTMENTS</b>					<b>\$30,388,262.82</b>			<b>92.41%</b>
<b>CASH AT BANK</b>					<b>\$2,495,733.13</b>	5.95%		<b>7.59%</b>
<b>TOTAL CASH &amp; INVESTMENTS</b>					<b>\$32,883,995.96</b>			<b>100.00%</b>

## CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

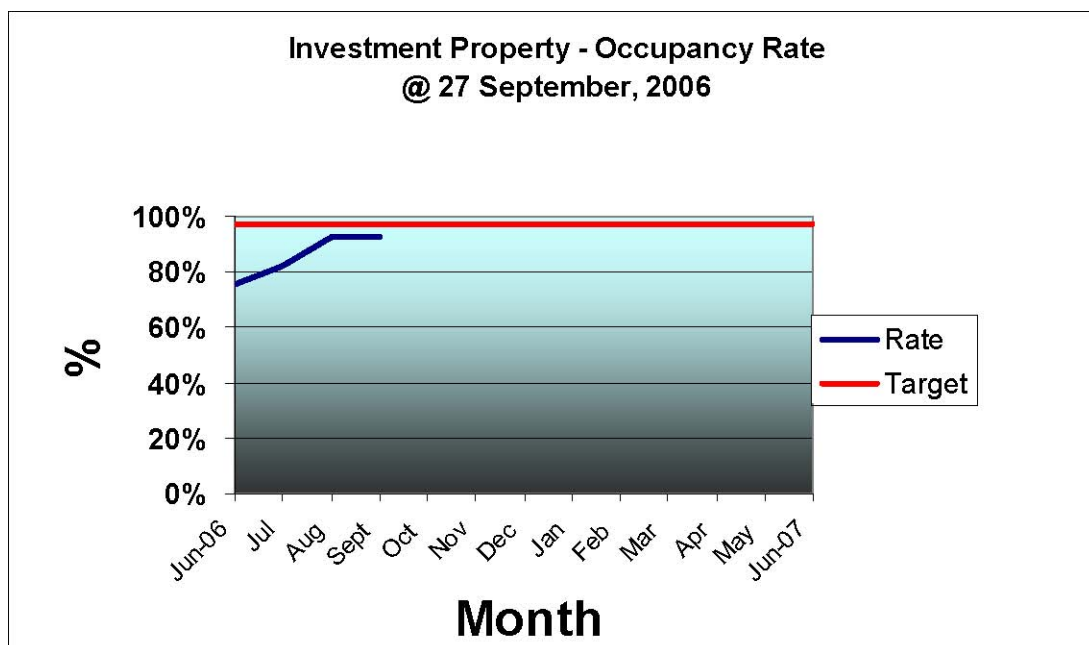
I, Peter Gesling, being the Responsible Accounting Officer of Council, hereby certify that the Investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's investment policy.

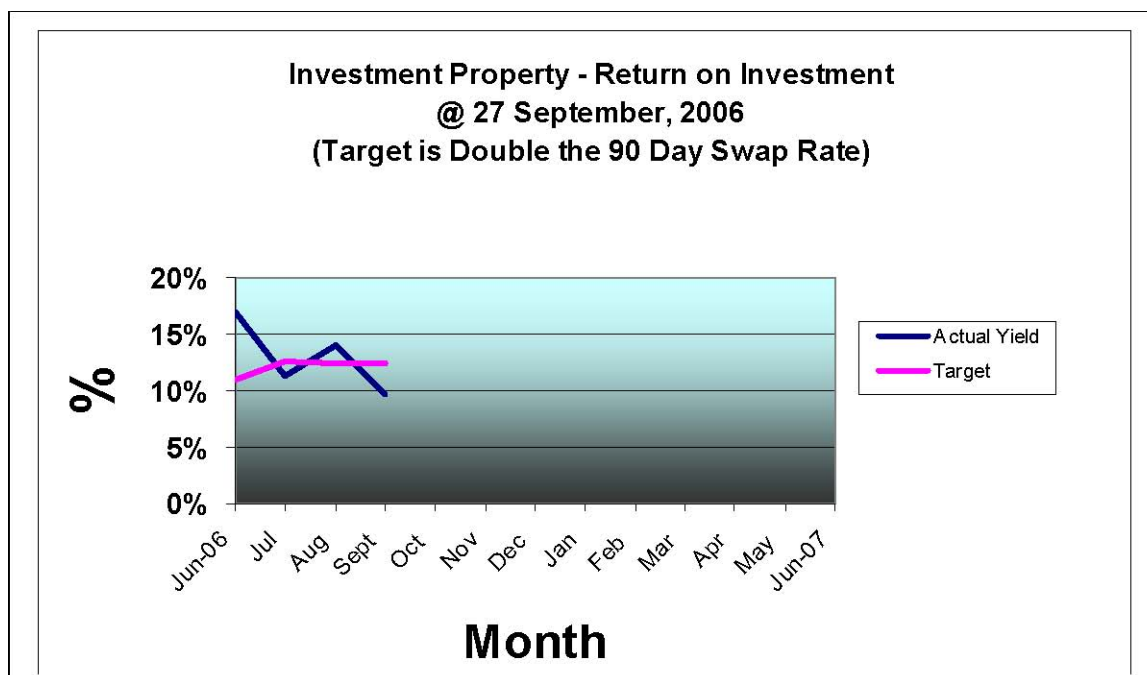
**P GESLING**

RISK MANAGEMENT



PROPERTY



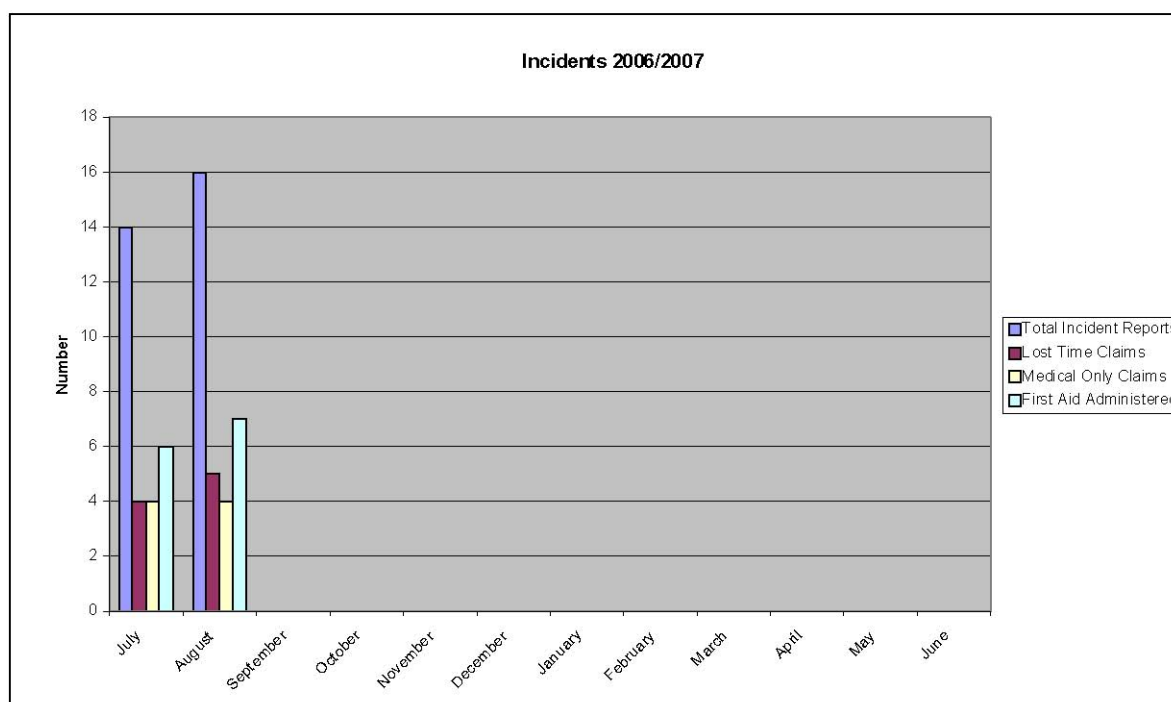


## ORGANISATION DEVELOPMENT


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

## MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006

### Monthly Incidents and New Claims



### Resignations

Employee	Section	Date
 Anthony Neill	Designer	18.8.06
. Joshua Single	Apprentice Plant Mechanic	4.8.06
. Chris Perry	IT Technical Officer	4.8.06
. Donna Davis	Admin Assistant, Rec Services	4.8.06

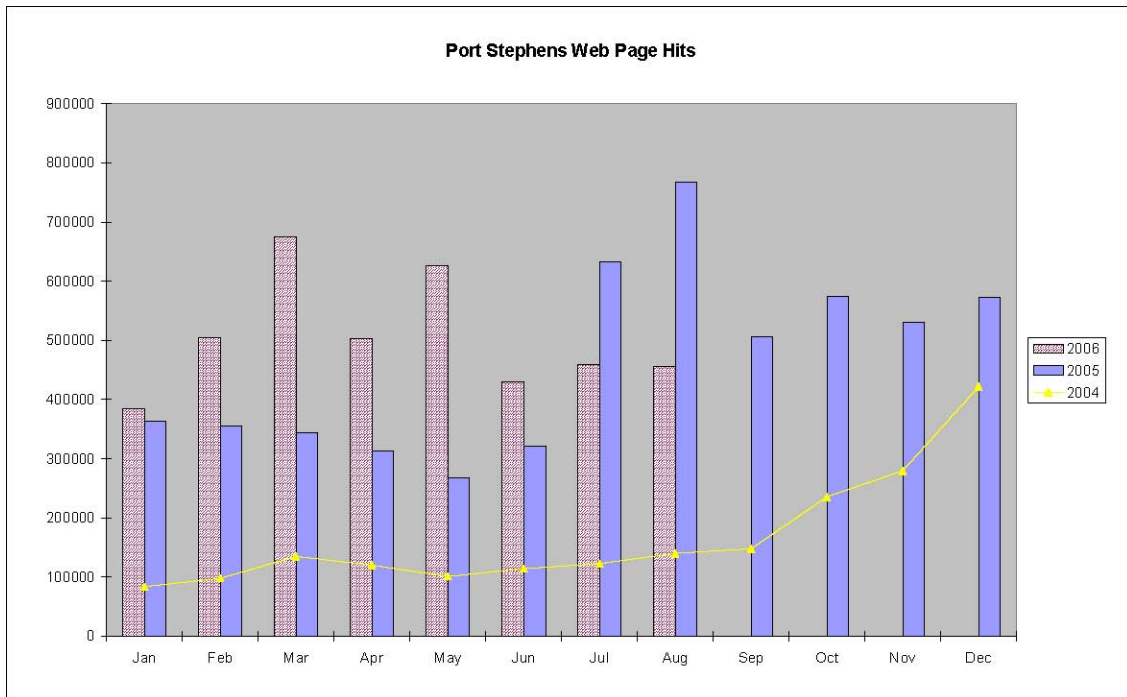
### New Staff

Employee	Section	Date
. Jillian Peterson	Ranger Team Leader	14.8.06
. Matthew Borsato	Land Use Planner	21.8.06
. Deaynne Bourke	Child Friendly Communities Project Leader	21.8.06
. Cathy Seberry	Waste Minimisation Officer	14.8.06

### RESOURCES

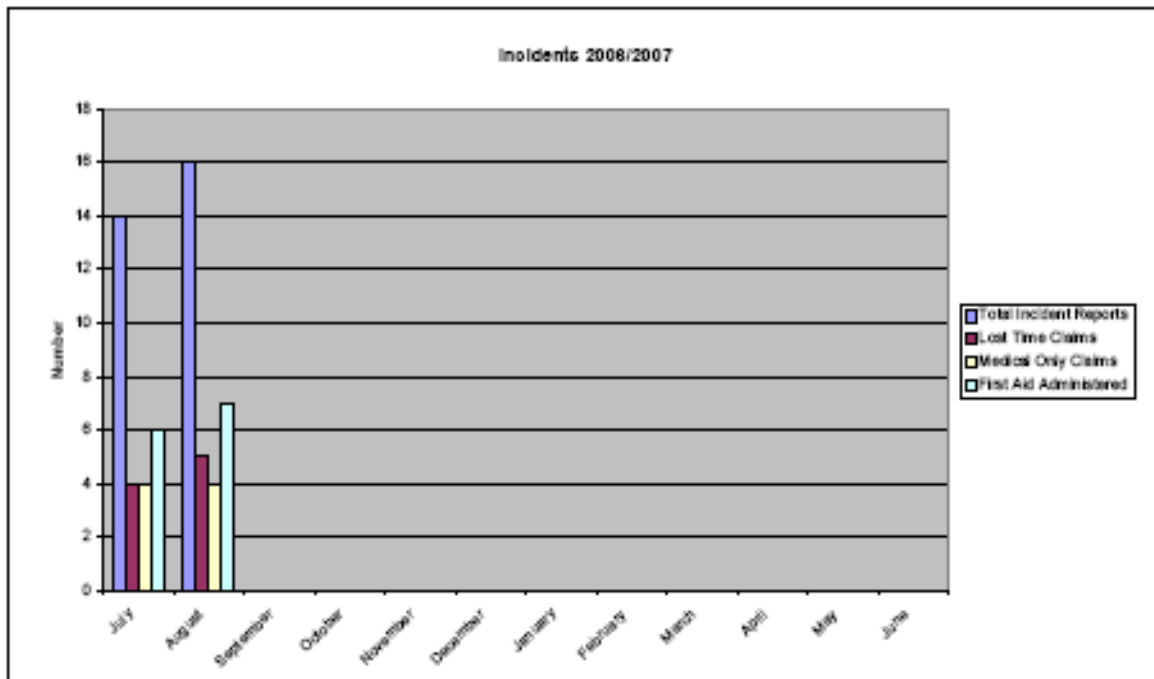
- Purchase Order placed with Soul Telecommunications for the WAN upgrade project.
- Work Method Statements are now formulated for the workshops and being reviewed by staff.

## Port Stephens Web Page Hits



## ORGANISATION DEVELOPMENT

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



# STRATEGIC COMMITTEE RECOMMENDATIONS



**ITEM NO. 1**

**FILE NO: PSC2005 - 4459**

**MEMORANDUM OF UNDERSTANDING BETWEEN HUNTER COUNCILS INC (ON BEHALF OF MEMBER COUNCILS) AND HUNTER CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY**

**REPORT OF: BRUCE PETERSON - ENVIRONMENTAL SERVICES MANAGER**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the Memorandum of Understanding (Attachment 1) between Hunter Councils Inc (on behalf of member councils) and the Hunter Central Rivers Catchment Management Authority.
  - 2) Advise Hunter Councils Inc of Council's resolution regarding endorsement of the Memorandum of Understanding.
- 

**STRATEGIC COMMITTEE MEETING – 3 OCTOBER 2006**

**RECOMMENDATION:**

That the recommendation be adopted.

---

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006**

**RESOLUTION:**

<b>731</b>	<b>Councillor Brown Councillor Hodges</b>	<b>That the recommendation be adopted.</b>
------------	---	--

**BACKGROUND**

**The purpose of this report is to seek Council's endorsement of the Memorandum of Understanding between Hunter Councils Inc (on behalf of member councils) and the Hunter Central Rivers Catchment Management Authority that is included in Attachment 1.**

The Hunter Central Rivers Catchment Management Authority (HCRCMA) is one of 13 statutory bodies established throughout New South Wales in accordance with the Catchment Management Act 2003. The role of CMA's is to coordinate natural resource management (NRM) in each of their respective catchments. They are responsible for involving regional communities in management of the NRM issues facing their region, and are the primary means for the delivery of funding from the NSW and Commonwealth Governments to help

land managers improve and restore natural resources.

For the Hunter Central Rivers Region, a Memorandum of Understanding (MoU) has been developed between the HCRCMA and Hunter Councils (HC) Inc (on behalf of its member councils). This MOU recognises the important current and future role that Local Government and the CMA play as genuine partners in the delivery of natural resource management (NRM) outcomes in the region. It also recognises and supports the role of local government in the whole of government approach to NRM planning and management, and recognises the capacity of local government to coordinate local planning and deliver on-ground actions.

A key function of the MoU is to establish an agreed set of principles that define the roles of and promote co-operation between local councils, Hunter Councils Inc and the CMA in respect to natural resource management (NRM) in the region. The MoU aims to strengthen partnership approaches to NRM at the regional and local levels by guiding and directing working relationships between the parties in respect to planning for, investing in, and adaptively reviewing progress towards sustainable natural resource management. Key responsibilities established within the draft MoU include:

### 1. Role of Local Government

Councils play a significant role as land managers and an influential role as policy developers and regulators in the sustainable management of natural resources. This includes direct investment in NRM projects along with other roles including land managers and developers, land use planning and development control, and other vital functions essential to the overall health and well-being of the community.

### 2. Role of Hunter Central Rivers Catchment Management Authority

The HCRCMA will provide a strategic regional view for the management of catchment issues. This will involve developing and regularly updating the Catchment Action Plan (CAP), through well planned and executed processes that will involve all key stakeholders, and setting a strong strategic investment focus. The HCRCMA is also the primary vehicle for the delivery of incentive programs funded by the NSW and Commonwealth Government to achieve the restoration and improvement of natural resources.

### 3. Role of Hunter Councils Inc

Hunter Council's will play an important role in facilitating liaison and consultation between parties to the agreement and in undertaking regional scale natural resource management projects and research. Hunter Councils Inc specifically facilitates the Local Government Reference Group that includes appropriate representation from member Councils. This group is the key forum for communication and liaison between the CMA and Councils and is the mechanism for providing information and advice to both Councils and the General Managers Advisory Group.

### General Principles of the MOU

The following general principles have been incorporated within the MoU to guide actions and behaviours in relation to its implementation by the HCRCMA, Hunter Councils Inc and individual councils:

- The relationship between Hunter Councils Inc, individual councils and the HCRCMA is one of partnership and cooperation.
- Implementation of the MoU provides mutually beneficial outcomes for all parties.
- Hunter Councils Inc, local councils and the HCRCMA have a commitment to maintaining a long-term relationship.
- Where common interests are recognised, there should be collaboration or clear separation of activities/roles to avoid duplication of effort where possible.
- Decisions relating to implementation of the MoU should be transparent and based on input from all partners and stakeholders.
- The rights and interests of all partners and stakeholders in natural resource management should be recognised and addressed.
- Adequate resources will be provided by the CMA for any agreed additional roles required of HC and/or local government by the HCRCMA.

- Existing resources (staff, systems and networks) will be utilised where practical to avoid duplication.
- The emphasis on interactions between the parties to this MoU will extend beyond communication to one of effective collaboration and commitment to implementation.
- At all times, the parties to this MoU shall recognise that each individual agency possesses knowledge, technical skills and experience that may assist the other agencies in the course of their decision-making and operation and shall strive to share such knowledge and skills.
- Clear and effective communication channels will be maintained between HC, individual councils and the CMA.
- Partnerships between the CMA, HC and local councils should be jointly acknowledged and promoted where appropriate.
- All parties respect the independence, statutory responsibilities and reputation of the other parties.
- All parties acknowledge the principles of ecologically sustainable development.
- This collaborative approach will assist in building the capacity of all parties, in developing knowledge, skills and expertise which will improve the efficacy of implementation of NRM in the region.

## **LINKS TO CORPORATE PLANS**

Endorsement of the MoU will contribute to improved co-ordination and efficiency in the delivery of natural resource management programs and initiatives by individual councils, Hunter Councils Inc and the HCRCMA throughout the region. This is consistent with the Environmental Management section of Council's Management Plan and the Strategic Directions 2 and 3 within Key Result Area 3 (Environment) in the Council Plan 2005-2008: 'Preserve and enhance our heritage, biodiversity and environmental health' and 'Maintain and improve the quality of environment and recreation facilities'.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Endorsement of the MoU will foster improved collaborative partnerships between individual councils, Hunter Councils Inc and the HCRCMA throughout the region. It is anticipated that reduced duplication of effort and increased resource sharing between councils, Hunter Councils Inc and the CMA arising from this, will substantially improve the efficiency with which NRM funding is expended by these organisations.

The MoU requires that the CMA will consult local councils on potential natural resource management projects where necessary and local councils will be given access to CMA investment strategy funds on the same basis as similar organisations. The CMA will provide information to Hunter Councils Inc and local councils regarding the distribution of their funds on an annual basis, including details on how the CMA allocates Hunter Catchment Contributions each year. The MoU specifies that councils will also report on NRM funding they acquire from sources other than the CMA.

In regard to resource sharing, the MoU requires that protocols will be put in place to allow all parties access to relevant, current information and data. Specific information relating to resource sharing/data management will be included in a future addendum to the MoU that when complete, will be presented to Council to consider for endorsement.

## **LEGAL AND POLICY IMPLICATIONS**

The NSW Local Government Act 1993 requires that Council's charter include 'to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development'. Endorsement and implementation of the principles of the MoU will assist councils to meet this requirement of the Act through improved collaboration and resource sharing in respect to the implementation of NRM programs and initiatives in the region.

### **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
- 8) Effective use of facts, data and knowledge leads to improved decisions
- Sustainability is determined by an organisation's ability to create and deliver value for
- 11) all stakeholders

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

The *NSW Local Government Act 1993* requires councils to consult with their local communities and the *Catchment Management Act 2003* requires CMA's to involve regional communities in the management of NRM issues. By enhancing the collaboration between councils and the HCRCMA, the MoU will strengthen the capacity of both councils and the CMA to engage the community in the delivery of NRM initiatives.

### **ECONOMIC IMPLICATIONS**

The MoU has been developed specifically to foster enhanced collaboration between individual councils, Hunter Councils Inc and the HCRCMA. The sharing of financial and staff resources associated with such collaboration will improve the financial efficiency of these organisations when delivering NRM programs, freeing up scarce resources for other investment initiatives. It has also been demonstrated that collaborative partnerships of this nature are extremely significant in attracting further and considerable levels of investment into the region's NRM sector.

## **ENVIRONMENTAL IMPLICATIONS**

Endorsement of the MoU will contribute to the enhanced delivery of NRM objectives throughout the region by individual councils, Hunter Councils Inc and the HCRCMA. This will arise from greater levels of collaboration and sharing of resources in respect to the planning and delivery of NRM initiatives.

## **CONSULTATION**

Consultation with the Local Government Reference Group, HCCREMS Steering Committee, council staff and the HCRCMA has been on-going since September 2005 with regard to the content and structure of the MoU. Feedback from Councillors on the draft version of the attached MoU was invited via a memo in May 2006.

The MoU has also been considered by the Hunter Central Rivers CMA Board, and by the Hunter Councils Inc General Manager's Advisory Committee.

The MoU has now been distributed to the each of the 12 member councils that comprise Hunter Councils Inc (Cessnock, Dungog, Great Lakes, Greater Taree, Lake Macquarie, Maitland, Muswellbrook, Newcastle, Port Stephens, Newcastle, Singleton, and Upper Hunter) to consider for endorsement. When this process is complete the MoU will be considered for final endorsement by the Hunter Councils Inc Board.

## **OPTIONS**

- 1) dopt, reject or amend the recommendation

## **ATTACHMENTS**

- 1) Memorandum of Understanding between Hunter Councils Inc on behalf of its member Councils and the Hunter Central Rivers Catchment Management Authority.

## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

Nil

**ATTACHMENT 1**  
**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN HUNTER COUNCILS INC, ON BEHALF OF MEMBER COUNCILS**  
**AND HUNTER CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY**

This Memorandum of Understanding is referred to as 'the MoU' throughout this document.

**1. Preamble**

This Memorandum of Understanding is between the **Hunter – Central Rivers Catchment Management Authority** (HCRCA) established under the *Catchment Management Act, 2003* (CMA Act 2003) and **Hunter Councils Inc (HC)**, a Regional Organisation of Councils, that represents 12 councils in the Hunter and Lower-North Coast region.

Sections 14 and 15 of the *CMA Act 2003* define the functions of the Catchment Management Authorities. Section 16 (2) of the *CMA Act 2003* enables the Hunter Central Rivers Catchment Management Authority to assist another government agency carry out its functions.

The term of the MoU between the HCRCA and HC shall be concurrent with the term of the HCRCA. The MoU will be reviewed every 5 years to coincide with the review of the CAP, or if requested by any of the parties. The Addendums will be updated on an as needs basis. Such modifications as may be agreed to from time to time shall be permissible. Termination of the MoU shall be without penalty to any institution. Without limiting or affecting all and any existing contractual and other obligations of the parties inter se and any third parties, the MoU is only to express the intentions of the parties. The expressed intentions are not binding and no legally binding obligations are intended to, or do, arise as a consequence of the signing of this document.

Throughout this MoU, the word 'investment' is used to describe the total contribution to natural resource management (NRM). Based on a definition from Young (1992)<sup>1</sup> this includes "*all human actions to realise intended changes in social organisation as well as the accumulation of knowledge and does not confine the use of this term to the narrow financial sense*". Investment as used in this document refers to on-ground activity, knowledge, policy, expertise, skills, research and data all of which Local Government contributes to NRM.

**2. Background**

Catchment management has evolved over the past few decades through the work of the Catchment Management Committees and Catchment Management Boards, culminating in the passing of legislation to establish Catchment Management Authorities (CMA). This represents a new approach to natural resource management in NSW where a whole of government and community delivery model is supported. The community will have a bigger and better say in key decisions on the management of natural resources.

<sup>1</sup> Young, M (1992) Sustainably Investment and resource use: equity, environmental integrity and economic efficiency, Man and the Biosphere Series, Volume 9, CSIRO, UNESCO and the Parthenon Publishing Group

The CMA will provide a strategic regional view for the management of catchment issues. This will involve developing and regularly updating the Catchment Action Plan (CAP), through well planned and executed processes which involve all key stakeholders, and setting a strong strategic investment focus. The CMA is also the primary vehicle for the delivery of incentive programs funded by the NSW and Commonwealth Government to achieve the restoration and improvement of natural resources.

Councils play a significant role as land managers and an influential role as policy developers and regulators in the sustainable management of natural resources in NSW. This role includes significant contributions to NRM investment and other roles in NRM including as land managers, land developers, reserve managers and other vital functions essential for the overall health and well-being of the community.

Effective long-term natural resource management and land use planning can only occur through coordinated and cooperative action of the community, organisations and all levels of government. This integrated approach will be built by all stakeholders through a continuing commitment to, and consistency of, regional Natural Resource Management (NRM) plans, including the CAP, Water Sharing Plans, Vegetation Management Plans, Estuary Management Plans and Coastal Management Plans. The integration of NRM objectives into Environmental Planning Instruments and land use strategies is vital.

This MoU has been developed in recognition of the important current and future role that Local Government and the CMA play as genuine partners in the delivery of NRM outcomes in NSW. It recognises and supports the role of local government in the whole of government approach to NRM planning and management. It recognises the capacity of local government to coordinate local planning and deliver on-ground actions.

This MoU is based on a set of general principles which define the roles of the different parties. It aims to strengthen partnership approaches to NRM at the regional and local levels. It seeks to achieve this aim by guiding and directing working relationships between the two parties in planning for, investing in, and adaptively reviewing progress towards sustainable natural resource management throughout the Hunter – Central Rivers region.

### **3. General principles**

The following principles will guide actions and behaviours in relation to this MoU:

- The relationship between Hunter Councils Inc, individual councils and the HCRCMA is one of partnership and cooperation
- Implementation of the MoU provides mutually beneficial outcomes for all parties
- Hunter Councils Inc, local councils and the HCRCMA have a commitment to maintaining a long-term relationship
- Where common interests are recognised, there should be collaboration or clear separation of activities/roles to avoid duplication of effort where possible
- Decisions relating to implementation of the MoU should be transparent and based on input from all partners and stakeholders
- The rights and interests of all partners and stakeholders in natural resource management should be recognised and addressed
- Adequate resources will be provided by the CMA for any agreed additional roles required of HC and/or local government by the HCRCMA



- Existing resources (staff, systems and networks) will be utilised where practical to avoid duplication
- The emphasis on interactions between the parties to this MoU will extend beyond communication to one of effective collaboration and commitment to implementation
- At all times, the parties to this MoU shall recognise that each individual agency possesses knowledge, technical skills and experience that may assist the other agencies in the course of their decision-making and operation and shall strive to share such knowledge and skills
- Clear and effective communication channels will be maintained between HC, individual councils and the CMA
- Partnerships between the CMA, HC and local councils should be jointly acknowledged and promoted where appropriate.
- All parties respect the independence, statutory responsibilities and reputation of the other parties
- All parties acknowledge the principles of ecologically sustainable development
- This collaborative approach will assist in building the capacity of all parties, in developing knowledge, skills and expertise which will improve the efficacy of implementation of NRM in the region

### **3.1. Communication**

In order to progress Natural Resource Management (NRM) and achieve desired outcomes it is essential to involve all stakeholders in NRM planning and investment. The CMA's strategic regional view will utilise an investment focus which seeks to better harness the totality of public and private investment and capability in NRM to efficiently support and deliver on-ground outcomes, building on existing expertise, knowledge and resources.

Communication between the parties will occur at both a regional and local level, and between both these levels. Methods for communication can include but are not limited to:

- Briefings/forums/meetings
- E-mail discussion/reference/contact group
- Reference/Technical Groups (eg issue or project specific)
- Progress reports/consultation papers
- Telephone contact with nominated persons
- Relevant consultation forums eg Local Government Reference Group, CMA Community Reference Groups and other peak forums

### **3.2 Consultation**

Consultation shall be targeted, two-way and cover such themes as: development, review and implementation of the CAP; Three-year Investment Strategy, Annual Implementation Program, Individual Management Targets, Management Plans of Councils, Regional Strategies, Local Environment Plans and other NRM plans of local councils.

#### ***Regional Scale Consultation***

The Local Government Reference Group (LGRG), which is a representative group of the 12 member councils of Hunter Councils Inc, satisfies the requirements for a "Regional CMA/LG Forum" as described in the State-wide NRM Memorandum of Understanding. The charter of the LGRG will include strategic land use and NRM planning.

The CMA will nominate a primary contact officer for dialogue between the two parties. This relationship will form a **two-way** partnership and one of mutual benefit. The CMA will actively consult with the LGRG and individual councils in the development and future review of the Catchment Action Plan (CAP), relevant investment strategies and annual implementation plans and programs. The CMA will take into consideration other natural resource management (NRM) plans developed and implemented by councils in the development or implementation of the CAP. Individual councils will take into consideration CMA strategies and programs (eg CAP) when developing NRM programs, plans and strategies (eg Local Environment Plans, Estuary Management Plans, etc).

#### ***Local Scale Consultation***

Local councils and the CMA will liaise at a local level to ensure that strategic natural resource management planning occurs with the aim of aligning the objectives and strategies and targets contained within both council's Local Environment Plan and Management Plans and the CMA Catchment Action Plan.

Both parties will actively consult regarding areas of operations that fall within the general functions of both the CMA and local government.

Local council and CMA staff will participate in knowledge and information sharing.

#### ***Specific Issues Consultation***

All parties agree to consult with each other on an as needs basis for specific issues as they arise. Small working groups of local government representatives (called Technical Advisory Groups) will be formed to participate in consultation based on specific issues, eg vegetation reforms, regional land use planning, emerging policy issues, monitoring and reporting on CAP targets, biodiversity, rural and urban water management.

Addendums to this MoU will be developed to articulate any specific agreed actions and/or protocols among parties arising from the consultation.

#### ***Scheduling of Consultation***

The CMA will be advised of relevant local and regional NRM meetings and invited where appropriate. Meetings should not be relied upon as the sole contact between organisations. Other forms of communications, including e-mail, telephone and letters should be used as alternative means of consultation and communication.

### **3.3. Resource sharing**

Cooperation and collaboration with regard to resource sharing will be undertaken by all parties. Protocols will be put in place to allow all parties access to relevant, current information and data.

Specific information relating to resource sharing/data management will be included in the appropriate addendum.

### **3.4. Information on NRM Funding**

The CMA will provide strategic information and advice to inform local councils, LGRG and HC of medium to longer term catchment and investment priorities and budgets. The CMA will consult local councils on potential natural resource management projects where necessary. Local councils will be given access to CMA investment strategy funds on the same basis as similar organisations.

The CMA will provide information to HC Inc and local councils regarding the distribution of their funds on an annual basis, including details on how the CMA allocates Hunter Catchment Contributions each year.

Reporting of NRM funding acquired by councils from sources other than the CMA will be detailed in the appropriate addendum.

### **3.5. Reporting, Monitoring and Evaluation**

The potential for local councils' natural resource planning and management activities to contribute toward CAP Management Targets is recognised. The monitoring, evaluation and reporting of local councils' NRM activities is an important implementation aspect of the CMA's CAP.

Both councils and the CMA have statutory reporting responsibilities (State of Environment, catchment targets and NRC state-wide targets). It is recognised that these may be modified over time. The CMA and councils commit to aligning monitoring and reporting programs over time to reduce any duplication of effort. To this end, the CMA will contribute to cost sharing, within the reasonable limits of available funding, on an agreed program that will meet the common monitoring and evaluation and reporting requirements of both organisations.

Any reporting to the Federal Government by the CMA must be separated into CMA funded work and council funded work, so as to show joint participation and the contributions from local government.

## **4. THE MEMORANDUM OF UNDERSTANDING**

### **4.1 Role of Hunter Councils Inc**

- a) Support and facilitate the functioning of the Local Government Reference Group
- b) Provide advice and assistance to the LGRG, member councils and the CMA in the implementation of this partnership MoU
- c) Will act as a mechanism for data sharing between councils and the CMA where appropriate
- d) Liaise regularly, or on an as needs basis, with the CMA on regional NRM and/or local government issues
- e) Manage regional data sets for local councils where appropriate and as resources permit
- f) Resources permitting, HC will facilitate any capacity building, networking, information sharing events and activities that local councils request in carrying out the obligations of the MoU

### **4.2 Role of Hunter – Central Rivers Catchment Management Authority**

- a) Consult with all councils to develop a regional vision for the management of natural resources within the catchment and their local government area, and to support awareness, uptake and delivery of the vision
- b) Develop, promote, review and report on a strategic Catchment Action Plan that builds on existing expertise, knowledge and resources to ensure investment maximises high-quality NRM outcomes
- c) Provide all relevant NRM information in a form that is easily accessible by Hunter Councils Inc and councils

- d) Actively seek new investment avenues and explore innovative ways to increase the investment funds for natural resource management for partnerships between local government and the Hunter Central Rivers CMA
- e) Coordinate the development and implementation of a continuing capacity building strategy which provides all participants involved in the new and evolving improved approaches to NRM with the necessary knowledge, skills and expertise to be able to play an effective role
- f) To incorporate and support local councils' NRM plans and priorities in the management policies and targets of the Catchment Action Plan
- g) Work with Hunter Councils Inc and local councils to align monitoring and evaluation programs and develop an agreed program
- h) Develop an agreed and formally documented communication mechanism between the CMA and councils
- i) Support and participate in working groups (eg LGRG, Technical Advisory Groups)

#### **4.3 Role of Local Government Reference Group**

- a) Serve as a forum for the discussion of natural resource management issues raised by the member councils
- b) Provide advice on, and assist in the development, implementation, monitoring and reporting of local council roles in catchment management, including those identified in the Catchment Action Plan (CAP) and the Annual Implementation Programs
- c) Prioritise management actions and projects for inclusion in investment strategies, in consultation with member councils and the CMA, for regional collaborative projects
- d) Promote strategic collaborative opportunities and funding available to councils to deliver outcomes consistent with catchment management targets.
- e) Provide reciprocal advice to the CMA on any matter relating to natural resource management which it deems of relevance
- f) Provide advice to the CMA on policies, strategies and actions relating to natural resource management, including the Catchment Action Plan, and other environmental, vegetation and water planning strategies for the catchment
- g) Assist in developing partnerships with the CMA to achieve natural resource management
- h) Discuss proposals for projects, including capacity building and on-ground works that may be suitable for funding through the CMA Investment Strategy Process and Annual Implementation Plan
- i) Have active input into the determination of regional natural resource management investment priorities for the catchment, funding models and other investment opportunities
- j) Promote and support the establishment and role of the "technical advisory groups" (TAGs) with appropriate staff from local councils to provide specific advice on technical NRM issues as needed
- k) Provide regular feedback and advice to HC GMAC and Board on matters that support the implementation of this MoU

#### **4.4 Role of Individual Councils**

- 1) Identify opportunities to work collaboratively on NRM including;
  - a) providing input into the development and implementation of the CMA's Catchment Action Plan (CAP)
  - b) developing plans, policies and projects in consultation with the CMA to enhance the compatibility with CAP Management Policies and Management Targets
  - c) participate in joint projects with the CMA in areas of mutual interest
  - d) data sharing
  - e) engage and involve the community in the CAP and council's NRM programs on private and public lands
- 2) Participate in establishing an agreed and formally documented mechanism to enable information sharing between the CMA, Hunter Councils and each local council
- 3) Working towards improved integration and consistency in regional NRM planning and local planning through;
  - a) involvement of council in the development of the CAP
  - b) consultation with the CMA regarding the development of the council's LEP
  - c) participation in collaborative initiatives and capacity building where appropriate
  - d) identifying opportunities for Information Monitoring and Data Collection
- 4) Support the CMA and Hunter Councils through providing (within the reasonable limits of available funding) resources for regional NRM projects

#### **5. Implementation of the MoU**

Specific actions required for the implementation of the MoU include:

- Hunter Councils Inc will coordinate councils signing off on the MoU
- Hunter Councils Inc will act as the conduit for the MoU to local councils and the CMA
- Hunter Councils Inc agrees to establish and coordinate the LGRG and provide regular updates to the CMA on the activities of the LGRG
- Hunter Councils will facilitate consultation for the development of addendums as requested by LGRG. Addendums to this MoU will articulate the specific actions or protocols agreed to address issues that have legal, political, policy, resource or financial implications
- The CMA will undertake to consult with and brief HC, the LGRG, and local councils on their functions, Catchment Action Plans, Investment Priorities, catchment issues and options for information sharing and other partnership opportunities
- The CMA will support the LGRG and Technical Advisory Groups.
- Councils will undertake to support the LGRG as the primary conduit for the implementation of the MoU
- The MoU will be reviewed every 5 years to coincide with the review of the CAP or if requested by any signatory. The addendums will be updated on an as-needs basis

#### **6. Execution**

In witness whereof the authorised representatives of the Institutions have signed this Memorandum of Understanding.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

**For the Hunter – Central Rivers Catchment Management Authority:**

.....

.....

WEJ Paradise  
Chair  
Hunter and Central Rivers CMA  
Date: / / 2006

**For the Councils of the Hunter and Lower North Coast:**

.....

.....

Name  
Position  
Organisation  
Date: / / 2006

**ITEM NO. 2**

**FILE NO: PSC2006-2097**

**POLICY FOR AREAS AFFECTED BY FLOODING AND/OR INUNDATION**

**REPORT OF: DAVID BROYD– GROUP MANAGER, SUSTAINABLE PLANNING**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Amend the Policy for Areas Affected By Flooding And/Or Inundation as provided in Attachment No 1.
- 

**STRATEGIC COMMITTEE MEETING – 3 OCTOBER 2006**

**RECOMMENDATION:**

That the recommendation be adopted.

---

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006**

**RESOLUTION:**

<b>732</b>	<b>Councillor Hodges Councillor Brown</b>	<b>That the recommendation be adopted.</b>
------------	---	--

**BACKGROUND**

**The purpose of this report is to review and amend Council's Policy for Areas Affected By Flooding and/or Inundation.**

This policy was last amended in October 2004 (Minute number 375) and requires updating to take into account Changes to the State Governments Floodplain Manual, and various Flood Studies and Plans produced or adopted since that date.

**LINKS TO CORPORATE PLANS**

This report relates to Councils Plan (2005-2008) Key Result No 5. Planning and Development - Our development focuses on our communities being sustainable.

The report focuses on the following Strategic Directions:-

- 1 Identify the capabilities of the Port Stephens area to sustain growth;
- 2 Promote, plan and guide development to create sustainable communities that conserve and enhance the natural and built environment; and
4. Planning and development processes involve community participation and

development outcomes reflect community values.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The proposed changes to the policy will be implemented using Council's current resources.

## **LEGAL AND POLICY IMPLICATIONS**

Council is indemnified, under S733 of the Local Government Act, 1993, from liability in respect of flooding advice furnished, or anything done or omitted to be done, in good faith. This indemnity is on the proviso that such advice or action is carried out in accordance with the principles contained in the relevant manual as gazetted by the Minister for Planning. The relevant manual being the State Government's "Floodplain Development Manual (2005)".

### **Australian Business Excellence Framework**

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) to improve the outcome, improve the system and its associated processes
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 6) Continual improvement and innovation depend on continual learning
- 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
- 9) All systems and processes exhibit variability, which impacts on predictability and performance
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders
- 12) Senior leadership's constant role-modelling of these principles, and creating a supportive environment in which to live these principles will help the enterprise and its people to reach their full potential

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**



The Policy will be used to provide advice and development controls to reduce the likely impacts of flooding on current and future residential development. It will also provide advice for levee banks, drainage schemes and the like.

### **ECONOMIC IMPLICATIONS**

The Policy will have some economic implications for individuals constructing dwellings within affected areas, such as raising floor levels or other flood proofing of buildings. There will also be direction for industrial and commercial activities on the floodplain. These controls will however reduce the economic costs to individuals, rescue services and the community.

### **ENVIRONMENTAL IMPLICATIONS**

The Policy will provide assessment of environmental considerations in the flood-affected areas.

### **CONSULTATION**

Strategic Engineer

### **OPTIONS**

1) Adopt the proposed policy 2) Not adopt or amend the proposed policy

### **ATTACHMENTS**

1) Proposed Flood Policy 2) Current Flood Policy

# ATTACHMENT 1

## PROPOSED POLICY

Adopted: 27/1/98  
Minute No: 12  
Amended: 19/12/2000  
Minute No: 711  
Amended: 19/10/2004  
Minute No: 375  
Amended: 2006  
Minute No: #  
TRIM FILE NO: PSC2006-2097

**TITLE: AREAS AFFECTED BY FLOODING AND/OR INUNDATION**

### BACKGROUND

Council's original policy was introduced to manage the development on land within the Council area that is affected by flooding and/or inundation. The Policy was amended in December 2000 and October 2004 in accordance with changes to Government Policy, the NSW Floodplain Development Manual and available flooding information. This policy has been now been amended to incorporate the revised NSW Floodplain Development Manual 2005 and the provisions of draft and adopted Floodplain Management Plans prepared for land within the Port Stephens Local Government Area.

### NOTES

*Completely revised*

### OBJECTIVE

- To manage the development of land subject to or affected by the likelihood of flooding and/or tidal inundation defined as floodprone land in the Port Stephens Local Environmental Plan 2000.
- To base the nature of the restriction applied to an affected site on the principles of the NSW Floodplain Development Manual 2005, the Port Stephens Foreshore (Floodplain) Management Study and Plan 2002, the Paterson River Floodplain Management Study and Plan 2001, the draft Lower Hunter Valley Floodplain Management Study 2001, the Williamtown Salt Ash Flood Study and any further flooding information available to Council at the time.
- To ensure that decisions in relation to the acquisition and development of land are made having regard to the best flooding information available.

*Changed "restrict" to "manage". Added land affected by flooding but not floodprone eg Hinton and isolated by flood*

*Added Manual date "2005" and Studies to-date.*

*No change*

- To ensure that Council complies with the provision of S733 of the Local Government Act 1993 - Exemption from liability—flood liable land and land in coastal zone

*New paragraph on liability*

## PRINCIPLES

The policy manages development of flood prone and flood-affected land and requires assessment of the risks and consideration of satisfactory precautions where appropriate.

*Changed "restrict" to "manage". Added land affected by flooding but not floodprone.*

## POLICY STATEMENT

1. Land affected by flooding should not be developed without adequate assessment of the risks and consideration of the satisfactory precautions where appropriate.

*No change*

2. Council must, before granting development consent on flood prone land or on land directly or indirectly affected by flooding, consider the following:

*Added land affected by flooding but not floodprone.*

- The extent and nature of the flooding or inundation hazard affecting the land,
- Whether or not the proposed development would increase the risk of or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity,
- Whether the risk of flooding or inundation affecting the proposed development could be reasonably mitigated and whether conditions should be imposed on any consent to further objectives of this plan,
- The social impact of flooding on occupants, including the ability of emergency services to access, rescue and support residents of flood affected areas, and
- The provisions of any Floodplain Management Plan, Floodplain Study or Development Control Plan adopted by Council or in draft form.

*No change*

*No change*

*No change*

*Changed "flood Prone" to "flood affected".*

*Added "draft form"*

3. Land use and purchase decisions are best made with the best knowledge available of any potential risks to life and property.

*No change.*

## RELATED POLICIES

N/A

## REVIEW DATE

This policy will be reviewed within 3 years after the date on which Council adopted it.

*Changed to "3 Years" to allow for Flood Study durations*

**RELEVANT LEGISLATIVE PROVISIONS**

Environmental Planning and Assessment Act 1979 (NSW)

Local Government Act 1993 (NSW)

Port Stephens Draft Local Environmental Plan 2000

*Added - related to  
liability provisions*

**IMPLEMENTATION RESPONSIBILITY**

The Community Planning section of Council, through its Strategic Planning Team is responsible for the implementation of this policy in conjunction with other staff as appropriate.

*Changed "Land  
Use" to Community  
Planning"*

**ATTACHMENT 2**

**CURRENT POLICY**

Adopted: 27/1/98 Minute No: 12 Amended: 19/12/2000 Minute No: 711 Amended:  
19/10/2004 Minute No: 375 FILE NO: S9600-002

**TITLE: AREAS AFFECTED BY FLOODING AND/OR INUNDATION  
BACKGROUND**

This policy has been amended to incorporate the new provisions contained in the Port Stephens Local Environmental Plan 2000.

**OBJECTIVE**

- To restrict the development of land subject to the likelihood of flooding and/or tidal inundation defined as floodprone land in Draft Port Stephens Local Environmental Plan 2000.
- To base the nature of the restriction applied to an affected site on the principles of the NSW Floodplain Development Manual and best information available to Council at the time.
- To ensure that decisions in relation to the acquisition and development of land are made having regard to the best flooding information available.

**PRINCIPLES**

The policy restricts development of flood prone land and requires assessment of the risks and consideration of satisfactory precautions where appropriate.

**POLICY STATEMENT**

- 1 Land affected by flooding should not be developed without adequate assessment of the risks and consideration of the satisfactory precautions where appropriate.
2. Council must, before granting development consent on flood prone land, consider the following:
  - The extent and nature of the flooding or inundation hazard affecting the land,
  - Whether or not the proposed development would increase the risk of or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity,
  - Whether the risk of flooding or inundation affecting the proposed development could be reasonably mitigated and whether conditions should be imposed on any consent to further objectives of this plan,
  - The social impact of flooding on occupants, including the ability of emergency services to access, rescue and support residents of flood prone areas, and

- The provisions of any Floodplain Management Plan or Development Control Plan adopted by Council.

3. Land use and purchase decisions are best made with the best knowledge available of any potential risks to life and property.

#### **RELATED POLICIES**

N/A

#### **REVIEW DATE**

This policy will be reviewed 1 year after the date on which Council adopted it.

#### **RELEVANT LEGISLATIVE PROVISIONS**

Environmental Planning and Assessment Act 1979  
(NSW) Port Stephens Draft Local Environmental Plan  
2000

#### **IMPLEMENTATION RESPONSIBILITY**

The Land Use Planning section of Council is responsible for the implementation of this policy in conjunction with other staff as appropriate.

**ITEM NO. 3****FILE NO: 9750-012****DRAFT LEP NO. 25 TO AMEND LOCAL ENVIRONMENTAL PLAN 2000 TO ENABLE A CRANE HIRE BUSINESS AT 8 CABBAGE TREE ROAD WILLIAMTOWN****AUTHOR: JENNY SMITH – COMMUNITY PLANNING MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Council not proceed with the preparation of draft LEP 25 over Lot 5 DP 747925 based on advice received from the Director General of the Department of Planning via the LEP Review Panel.
- 2) Advise the land owner of Council's decision.

**STRATEGIC COMMITTEE MEETING – 3 OCTOBER 2006****RECOMMENDATION:**

That this matter be deferred for consideration with the review of the Port Stephens Council LEP.

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006****RESOLUTION:**

<b>733</b>	<b>Councillor Hodges Councillor Tucker</b>	<b>That the Strategic Committee commendation be adopted.</b>
------------	--	--

**BACKGROUND**

On the 7<sup>th</sup> of June 2005 Council resolved to prepare a draft LEP to amend the Port Stephens Local Environmental Plan 2000. This was to enable a home based business that had expanded beyond an acceptable use within the definition of a "Home Industry" to continue to operate at 8 Cabbage Tree Road, Williamtown (See Attachment 1).

The Department of Planning was notified of Council's decision on the 8<sup>th</sup> July 2005 and indicated that it would be consulting with the following departments:

- Department of Infrastructure, Planning and Natural Resources
- Roads and Traffic Authority
- Hunter Water Corporation
- Department of Environment and Conservation

- State Emergency Services
- Energy Australia
- Department of Primary Industries
- Department of Defence

Of the responses received only the Department of Infrastructure, Planning and Natural Resources (now Department of Planning) raised concerns with the draft LEP and requested that Council needed to provide sound planning rationale that this rezoning request was an appropriate outcome and would not undermine the Rural 1(a) zone objectives over the land and future strategic directions.

On 8<sup>th</sup> December 2005 Council requested the Department to issue a Section 65 certificate to enable the draft plan to be placed on exhibition. The Department of Planning declined this request on the 24<sup>th</sup> of January 2006 for the following reasons:

- The proposal being inconsistent with the draft Lower Hunter Regional Strategy, Port Stephens Settlement Strategy and Newcastle Airport related employment area.
- Unjustified inconsistencies with Section 117 Direction No. 22 that states a draft plan shall not rezone rural land for industrial purposes.
- The draft Plan creates an undesirable precedent for further industrial developments in rural areas without adequate provision of infrastructure and services
- Crane hire business is incompatible with surrounding land uses permissible in the Rural 1(a) zone.
- The crane hire business should be relocated to an industrial area.

On the 22<sup>nd</sup> February 2006 the Department of Planning established the LEP Review Panel to coordinate the strategic consideration and administration of draft LEPs across the state. Subsequently, the Department of Planning informally advised Council that it would be willing to reconsider the matter subject to Council further addressing the matters raised in its letter of refusal and that the matter would be referred to the LEP Review Panel for its consideration.

Council submitted the draft LEP to the LEP Review Panel via the Department of Planning on the 20<sup>th</sup> April 2006 requesting favourable consideration to issue a Section 65 certificate to allow the public exhibition of the draft LEP.

On the 1<sup>st</sup> of August 2006 the Director General of Planning via the LEP Review Panel advised that he would be unlikely to allow the public exhibition of the draft LEP for the following reasons:

- The proposal constitutes a spot rezoning that is inconsistent with the draft Lower Hunter Regional Strategy, Port Stephens Urban Settlement Strategy and Section 117 Direction No. 22.
- The proposal is inconsistent with Council policies which lead to Council in 2003 amending the Port Stephens LEP 2000 and removing depots as permissible within the Rural 1(a) zone because it was considered that depots should be located in industrial areas.
- It is not proper planning process to regularise an unlawful expansion of a use where this is not adequately and strategically supported.



- There are suitable locations for the crane hire business on nearby industrial zoned land.

## **LINKS TO CORPORATE PLANS**

N/A

## **FINANCIAL/RESOURCE IMPLICATIONS**

Preparing the draft LEP and negotiating with the relevant departments has been time and resource consuming. Council has received no feedback that would encourage progression.

Given the LEP Review Panel's advice, it would be appropriate for Council to not progress the matter further. Adopting the recommendations of this report will also allow staff time to be allocated to significant strategic planning projects currently being undertaken by Community Planning.

## **LEGAL AND POLICY IMPLICATIONS**

There are no legal or policy implications if Council adopts the recommendations of this report. It is a matter for the land owner to determine if they want to relocate to nearby industrial zoned land to accommodate any future expansion of the business.

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

There is unlikely to be significant implications in resolving to not proceed with the draft LEP.

### **ECONOMIC IMPLICATIONS**

Not proceeding with the draft LEP will restrict the crane hire business to operate as it currently does as a home based business. This limits the ability of the business to expand, however any expansion would be better located in industrially zoned land.

### **ENVIRONMENTAL IMPLICATIONS**

There will be no environmental implications in resolving not to proceed with the Draft LEP 25.

## **CONSULTATION**

The report's recommendation is based on advice from the Department of Planning and the LEP Review Panel. Considerable evaluation to address the issues raised by the Department of Planning and to efficiently expedite the matter has been undertaken. The issues raised by the LEP Review Panel are unable to be resolved to allow the draft LEP to progress.

No further consultation is required with other departments if Council adopts the recommendation of this report. Community Planning has kept the proponent informed of the negotiations that have occurred between Council and the Department of Planning to date.

## **OPTIONS**

The only option available to Council is to not accept the recommendations of this report and forward the draft LEP to the Department of Planning requesting a certificate to allow public exhibition of the draft LEP.

This option is not recommended as Council has received advice from the LEP Review Panel

advising that there is insufficient strategic justification for the spot rezoning and that the Director General is unlikely to permit the draft LEP being placed on public exhibition.

### **ATTACHMENTS**

1. Locality Plan.

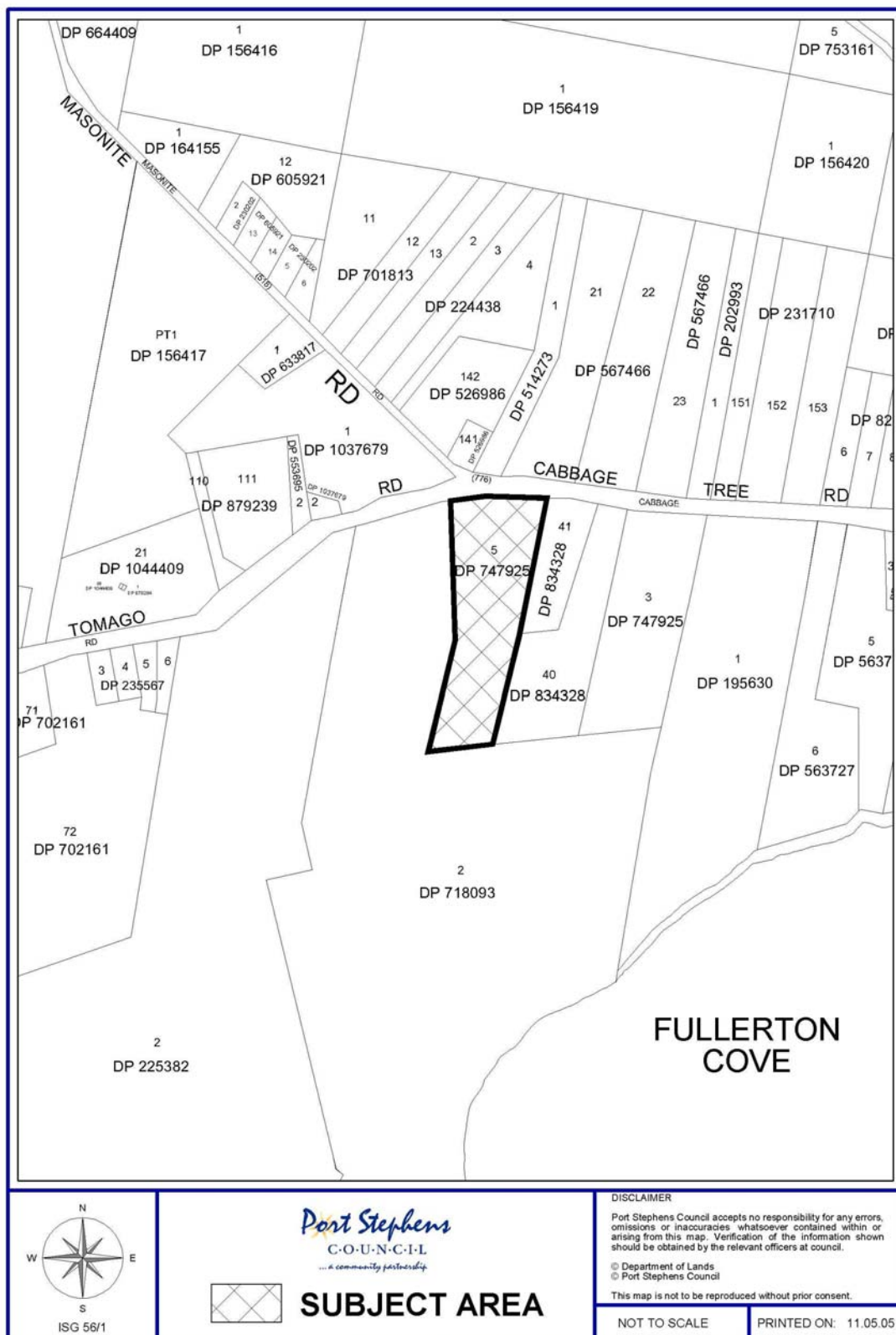
### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil

## ATTACHMENT 1 LOCALITY PLAN



# GENERAL MANAGER'S REPORTS

**ITEM NO. 1**

**FILE NO: PSC2005-5237**

**F3 FREEWAY TO RAYMOND TERRACE - UPGRADING THE PACIFIC HIGHWAY**

**REPORT OF: DAVID BROYD – GROUP MANAGER SUSTAINABLE PLANNING**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Forward the attached letter and submission to the Pacific Highway's Manager, NSW Roads and Traffic Authority
- 2) Instigate formal approaches to gain funding to plan Heatherbrae to overcome the effects of the future Bypass

---

**NOTE: THIS ITEM WAS WITHDRAWN – DEALT WITH AT THE ORDINARY MEETING OF COUNCIL HELD ON 10/10/06.**

**MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006**

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

**ITEM NO. 2**

**FILE NO: PSC2005 4339**

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

**REPORT OF: PHIL BUCHAN – ACTING BUSINESS & DEVELOPMENT MANAGER**

**RECOMMENDATION IS THAT COUNCIL:**

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

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006**

**MOTION:**

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

Amendment:

**RESOLUTION:**

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

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

**RESOLUTION:**

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

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

Those against the motion: Cr Robinson

**MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006****MATTER ARISING:**

<b>717</b>	<b>Councillor Francis Councillor Brown</b>	<b>It was resolved that Council initiates designs for the installation of playground equipment at Longworth Park.</b>
------------	--	---

**MATTER ARISING:**

<b>718</b>	<b>Councillor Jordan Councillor Hodges</b>	<b>It was resolved that Council call for a report seeking advice to rezone Council's land at Karuah.</b>
------------	--	--

**BACKGROUND**

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

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

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

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

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

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

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

## **LINKS TO CORPORATE PLANS**

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

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

<b>Total Estimated Development Costs</b>	<b>Written Down Value from Land Development Inventory</b>	<b>Estimated Sale Price</b>	<b>Estimated return on Investment</b>
\$385,000	\$137,000	\$910,000	\$388,000

It is intended that all proceeds will be distributed in accordance with correct policy.

## **LEGAL AND POLICY IMPLICATIONS**

There are no legal or policy implications associated with this report

### **Australian Business Excellence Framework**

This aligns with the following ABEF Principles.

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

## **SUSTAINABILITY IMPLICATIONS**



## **SOCIAL IMPLICATIONS**

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

## **ECONOMIC IMPLICATIONS**

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

## **ENVIRONMENTAL IMPLICATIONS**

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

## **CONSULTATION**

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

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Map of the site and its zoning boundaries

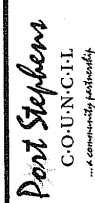
## **COUNCILLORS ROOM**

- 1) Nil

## **TABLED DOCUMENTS**

- 1) Nil

## 162



**ITEM. NO: 3****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) Rotary Club of Nelson Bay - \$280 – Donation in support of the Rotary Club Charity Golf Day
  - b) Mount View High School - \$250 – Donation in support of Battle of the Bands
  - c) Irrawang Public School - \$200 – Donation in support of the establishment of an educational garden
  - d) Glen Oak School of Arts - \$2,000 – Donation in support of improvements to the hall
  - e) Port Stephens Music Alliance - \$93.20 – Reimbursement for hall hire costs for fund raising concert

---

**ORDINARY MEETING OF COUNCIL – 24 OCTOBER 2006****RESOLUTION:**

<b>734</b>	<b>Councillor Hodges Councillor Jordan</b>	<b>It was resolved that the recommendation be adopted.</b>
------------	--	--

**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.

**MINUTES FOR ORDINARY MEETING – 24 OCTOBER 2006**

The requests for financial assistance are shown below:-

**MAYORAL DONATION**

Rotary Club of Nelson Bay	Donation in support of the Rotary Club Charity Golf Day	\$280.00
Mount View High School	Donation in support of Battle of the Bands	\$250.00

**EAST WARD – Councillors Nell, Dover, Robinson, Westbury**

Port Stephens Music Alliance	Reimbursement for hall hire costs	\$93.20
------------------------------	-----------------------------------	---------

**WEST WARD – Councillors Brown, Francis, Hodges, Jordan**

Irrawang Public School	Donation in support of the establishment of an educational garden	\$200.00
Glen Oak School of Arts	Donation in support of improvements to the hall	\$2,000.00

**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

There being no further business the meeting closed at 6.57pm.

*I certify that pages 1-165 of the Ordinary Minutes of Council dated 24 October 2006 were confirmed by Council at its Meeting held on Tuesday 28 November 2006.*

.....  
**Cr Ron Swan**  
**MAYOR**