

Minutes 27 February 2007



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 27 February 2007, commencing at 5.38pm.

PRESENT:

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

006	Councillor Jordan Councillor Hodges	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 19 December 2006 and 13 February 2007 be confirmed.
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MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2007-0060

ROAD WIDENING BOURKE STREET, RAYMOND TERRACE

THAT COUNCIL:

- 1) Declare Part Lot 21 DP 788588 as Public Road under Section 10 of the Roads Act, 1993, the road widening to Bourke Street as shown on the attached plan.
 - 2) Authorise the Mayor and General Manager to affix the seal of Council to relevant documentation.
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ORDINARY MEETING OF COUNCIL – 27 February 2007

RESOLUTION:		
007	Councillor Swan	There being no objection it was resolved that the Mayoral Minute be adopted.

BACKGROUND

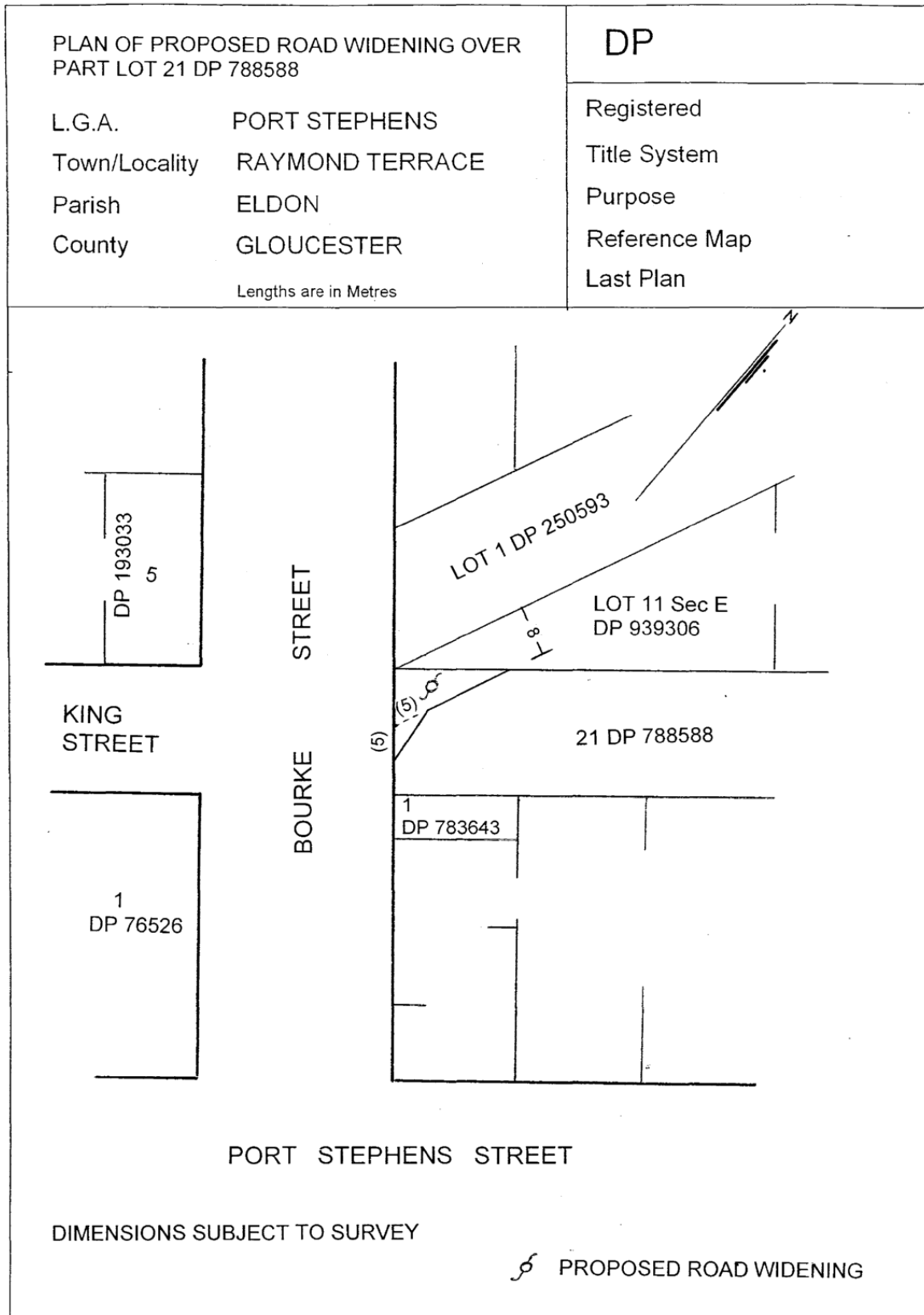
Council has recently granted Development Consent for the construction of a new commercial building located on the corner of King and William Street, Raymond Terrace. The Applicant (Buildev) is required to provide parking on site, however, it is also proposing to provide additional parking off site in order to meet the requirements of Development Consent. A suitable parcel of Council owned land has been identified at the corner of King and Bourke Street, Raymond Terrace which will accommodate the additional parking.

The land identified for car park is classified Operational, however, legal access to the parcel is not currently available from Bourke Street. In order to remedy this it will be necessary to dedicate a small parcel of land as road widening to allow access to the car park, once constructed. The area subject to road widening is a small piece of land with direct frontage to Bourke Street, identified on the attached plan (approximately 8 metres wide) and is currently classified Community Land.

It should be noted that the area of land affected is minimal and under the provisions of both the Local Government Act, 1993, and the Roads Act, 1993, the dedication of road in this manner is permissible. The attached plan shows the affected area and identifies a small portion of the existing parcel as required for road widening purposes. It is proposed to enter into a lease with Buildev over the portion of Operational land on which the car park will be constructed, whereby a commercial return will be received by Council.

Council endorsement of the road widening proposal is now sought.

ATTACHMENT 1



MOTION TO CLOSE

ITEM NO. 1

FILE NO: A2004-0573

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 (General Manager's Report) on the Ordinary agenda namely ***Melaleuca Estates Pty Ltd v Port Stephens Council – Costs Settlement.***
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information concerning the commercial arbitration and legal costs incurred and advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
 - 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
 - 4) That the report and the minutes of the closed part of the meeting remain confidential until the matter is settled.
-

ORDINARY MEETING OF COUNCIL – 27 February 2007

RESOLUTION:

008	Councillor Baumann Councillor Robinson	That the Recommendation be adopted.
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ITEM NO. 2

FILE NO: 1779-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Tender T26-2006 Newcastle Airport Cleaning Services Tender**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Newcastle Airport Cleaning Services Tender**.
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
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ORDINARY MEETING OF COUNCIL – 27 February 2007

RESOLUTION:		
009	Councillor Baumann Councillor Robinson	That the Recommendation be adopted.

OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO 1.

FILE NO: 16-2005-1310-1

**DEVELOPMENT APPLICATION FOR A CARPORT AT NO.34
BOULDER BAY ROAD, FINGAL BAY – SECTION 82A REVIEW**

REPORT OF: SCOTT ANSON – MANAGER, DEVELOPMENT & BUILDING

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2005-1301-1 for the reasons below:
- The development is inconsistent with the provisions and 2(a) zone objectives of the *Port Stephens Local Environment Plan 2000*.
 - The development does not comply with *Council Development Control Plan PS 10 Building Standards and Notification of Development Applications* with specific regard to Section 10, building line setback and the performance outcomes detailed therein
 - The development will set an undesirable precedent in the street establishing a reduced building line for carports or similar structures
 - The development is a visually detracting element that is out of character with the immediate streetscape and will adversely impact on the residential amenity of adjoining residential development.

OPERATIONS COMMITTEE MEETING – 13 February 2007

RECOMMENDATION:

That Council approve Development Application 16-2005-1301-1 subject to conditions “provided by Group Manager, Sustainable Planning” and the removal of the lattice work to be replaced with a screen of natural plants.

ORDINARY MEETING OF COUNCIL – 27 February 2007

RESOLUTION:		
010	Councillor Tucker Councillor Hodges	That the Operations Committee Recommendation be adopted.

Councillor Baumann left the meeting at 5.50pm during Item 1 and returned at 5.52pm during Item 1.

BACKGROUND

DA 16-2005-1310-1 was submitted to the Council Meeting on 19 December 2006 and was subsequently deferred with a request for draft conditions of consent to be brought forward to the February 2007 meeting.

This Development Application including Conditions of Consent is therefore resubmitted for further consideration.

The purpose of this report is to present a Section 82A Review to Council for determination at the request of Councillor Tucker.

The development application was refused by Council under delegated authority on 13 April 2006. Reasons for refusal at that time included:

- 1) The development is inconsistent with the provisions and 2(a) zone objectives of the *Port Stephens Local Environment Plan 2000*. The development is out of character with the immediate streetscape and does not maintain an acceptable level of residential amenity.
- 2) The development does not comply with Council *Development Control Plan PS 10 Building Standards and Notification of Development Applications* with regard to Section 10, building line setback and the performance outcomes detailed.
- 3) The development will set an undesirable precedent in the street establishing a reduced building line for carports or similar structures.
- 4) The development is out of character with the immediate locality and streetscape and will detract from the residential amenity of adjoining properties.

Request for S82A Review

The applicant has requested a Section 82A Review of Council's determination. The applicant has submitted supplementary information proposing landscaping elements to screen the open carport and the inclusion of decorative lattice to the front of the carport stating that the scale of the new carport is sympathetic to the existing development.

Assessment of S82A Review

In accordance with the provisions of the Environmental Planning and Assessment Act 1979, Council's Development & Building Manager has undertaken a review of the original determination and has undertaken an inspection of the subject site and the immediate locality.

The proposed carport is to be erected on the existing concrete driveway forward of the existing building line. The proposed carport is situated directly in front of an existing double garage providing secure and covered vehicle parking for the existing dwelling. The resulting setback from the road reserve to the proposed carport is 3 metres representing a 67% variation to the existing front setback.

Key Issues

The key issues include:

- A 67% variation to the established building line is significant;
- Undesirable planning and building precedent for the locality and local government area;
- Visual impact on the streetscape; and
- Reduced residential amenity to neighbouring properties.

It is noted that there are no topographic issues, difficult access considerations or peculiar site constraints that warrants a concession or a variation to the building line in this instance.

Intent to Refuse S82A

An intent to refuse the S82A Review was issued on 14 September 2006 restating the above reasons for refusal. No written response has been received from the applicant, following which the S82A Review was called to Council for determination by Councillor Tucker.

Prevailing Development Patterns, Streetscape Character and Visual Impact

There is a clear distinction between periods of residential development on the southern side of Boulder Bay Road compared to residential development on the northern side of Boulder Bay Road in the vicinity of the subject site. The southern side comprises older building stock and includes examples of carports with variable setbacks. These carports are typically situated to the side of the dwelling behind the building line, or setback well in excess of 3 metres. There is one exception of a carport at Number 17 Boulder Bay Road which appears to be zero setback. This carport is not readily discernable as a carport due to the extensive vegetated screening within a densely vegetated garden setting. The carport in this specific context is considered to have low visual impact.

In contrast the northern side is generally characterised by more recent residential development and ancillary structures that conform to a consistent building line of about 9 metres. The site inspection did not identify any significant departures from the established building line that would provide a precedent or justification to support the current proposal.

Conclusion

The proposed carport projecting in front of the established nine (9) metre building line is considered to represent an undesirable and visually detracting building element and will adversely impact on the streetscape and residential amenity of adjoining properties. Approving the proposed variation to the building line will establish an undesirable precedent whereby future development will most likely seek similar concessions. This report concludes that the original determination of refusal should stand, subject to the amended reasons for refusal detailed in Appendix 4.

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

Nil

LEGAL AND POLICY IMPLICATIONS

The development application is inconsistent with Council's Policy.

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

Any direct or indirect social implications arising from refusal of this application is considered to be negligible.

ECONOMIC IMPLICATIONS

Any direct or indirect economic impact arising from refusal of this application is considered to be negligible.

ENVIRONMENTAL IMPLICATIONS

Approving a variation to the building line as proposed will establish an undesirable precedent whereby future development will most likely seek similar concessions, in time, altering the established and consistent streetscape in this locality. In addition, if approved, this precedent could be used to seek concessions in other localities within the Local Government Area.

CONSULTATION

The application was notified in accordance with Council's policy. No submissions were received.

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS ROOM

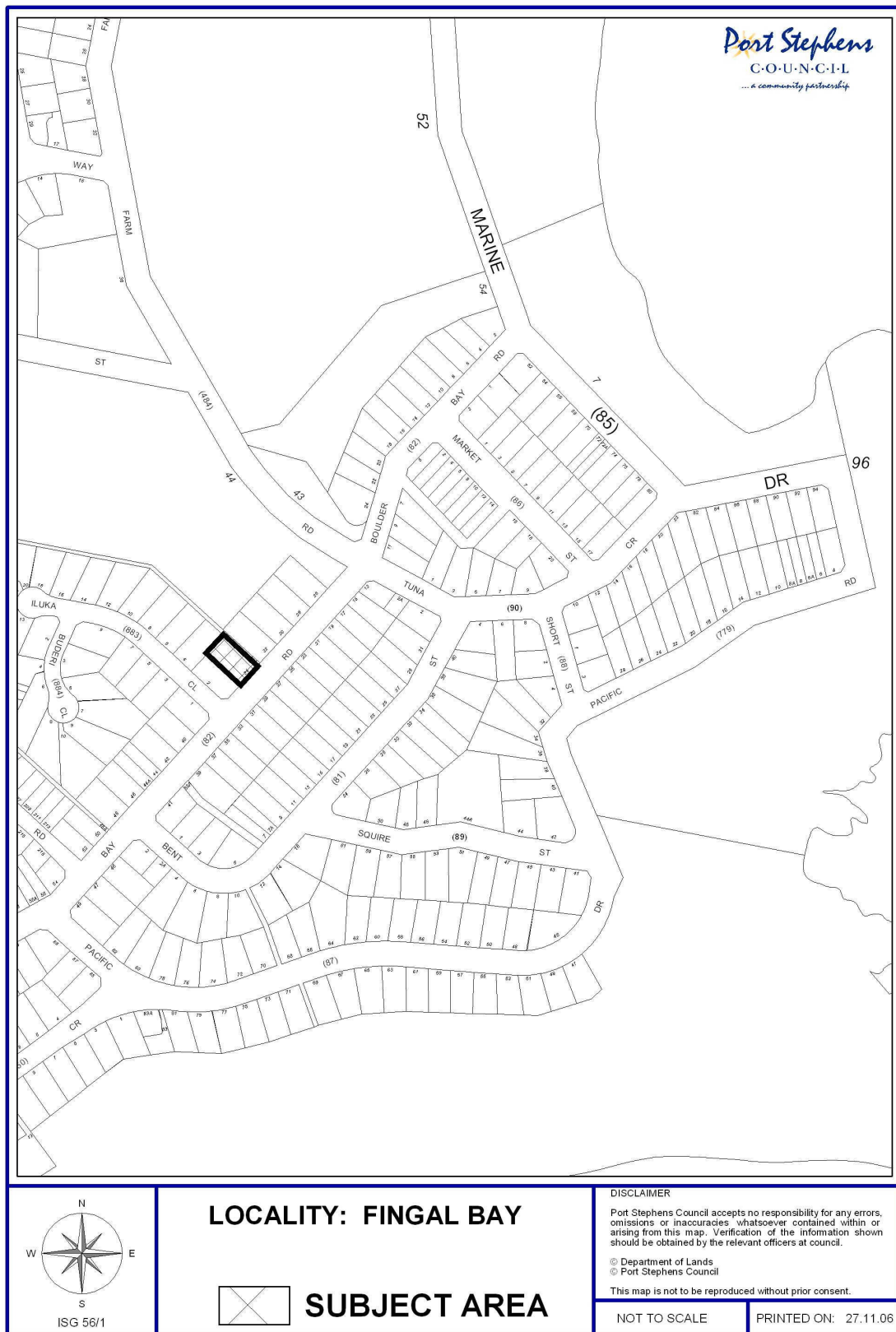
- 1) Plan

- 2) Statement of Environmental Effects
- 3) Supplementary information submitted with the request for a S82A Review

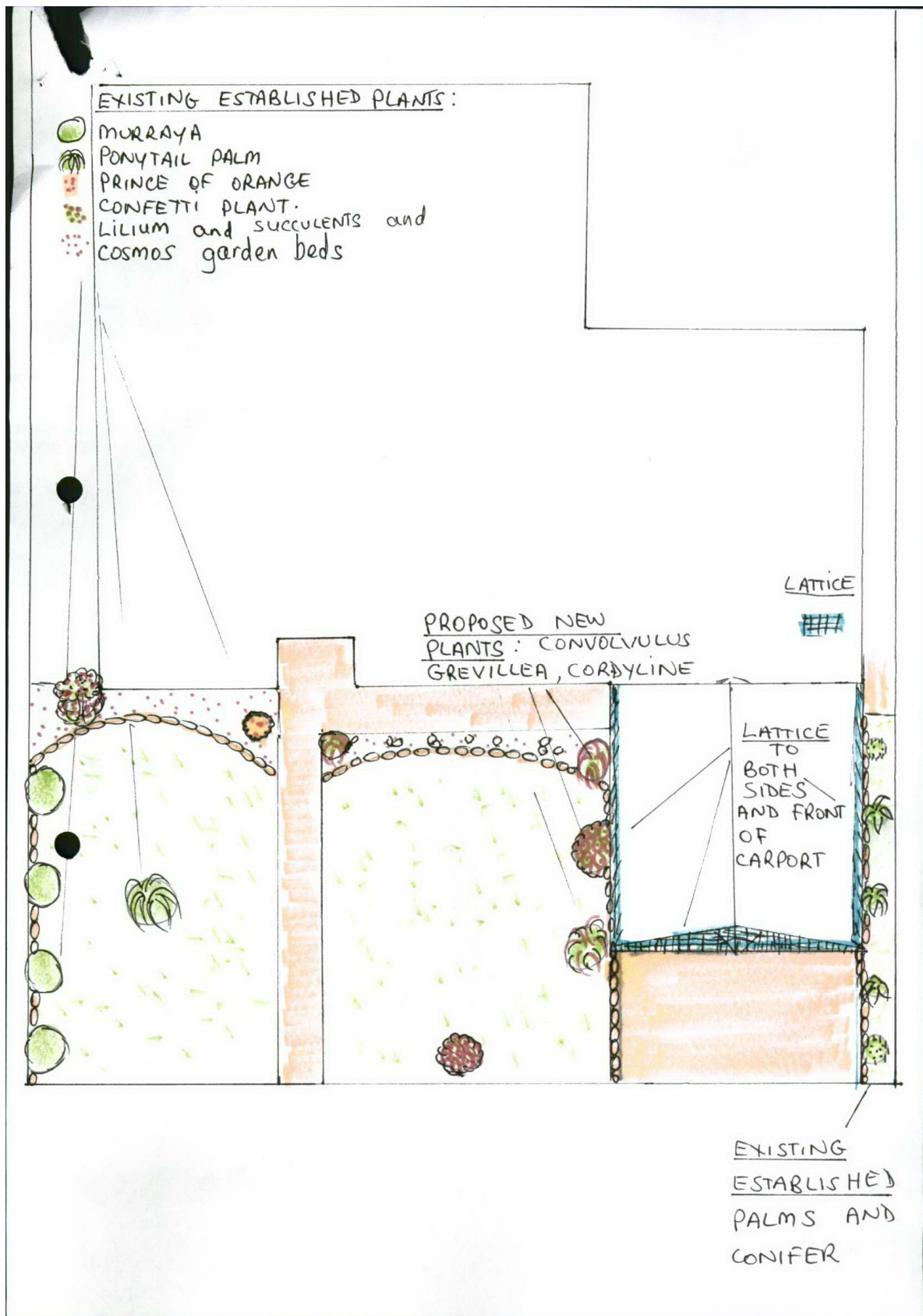
TABLED DOCUMENTS

Nil

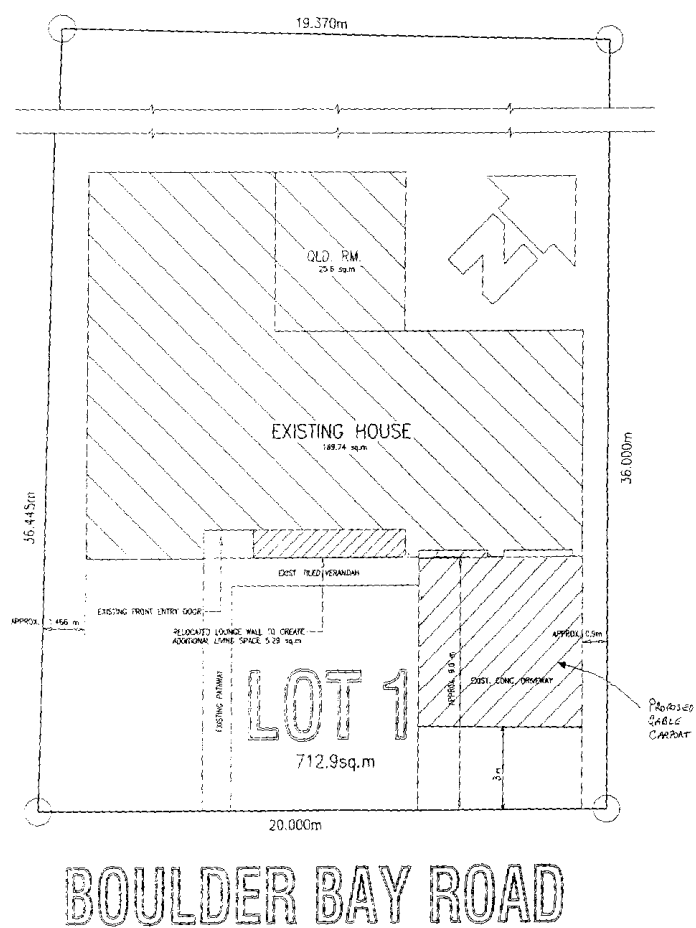
ATTACHMENT 1 LOCALITY PLAN



ATTACHMENT 2
SITE PLAN



ATTACHMENT 2 SITE PLAN



BOULDER BAY ROAD

PART SITE PLAN

1

ATTACHMENT 3 ASSESSMENT

The application has been reviewed pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

The proposal is seeking to erect a carport at 34 Boulder Bay Road FINGAL BAY incorporating a variation of the existing building line of 9 metres to 3 metres.

THE APPLICATION

Owner	A & N Bartolone
Applicant	Bayside Patios
Detail Submitted	Plans and specifications

THE LAND

Property Description	Lot 1 DP 727701
Address	34 Boulder Bay Road Fingal Bay
Area	712.9m ²
Dimensions	20 metre frontage and 36 metre depth
Characteristics	Generally level allotment situated within established residential area.

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	Residential 2(a)
Relevant Clauses	Clause 16
Development Control Plan	Development Control Plan PS 10 Building Standards and Notification Procedures for Development Applications
State Environmental Planning Policies	Nil

ATTRIBUTE	PROPOSED	REQUIRED	COMPLIES
Building Line	3 metres	9 metres	No

Discussion

Port Stephens Local Environmental Plan 2000 – Clause 16 Residential 2(a) Zone Objectives

Clause 16(2)(a) seeks to:

encourage a range of residential development providing for a variety of housing types and designs, densities and associated land uses, with adequate levels of privacy, solar access, open space, visual amenity and services.

The development is inconsistent with the provisions and 2(a) zone objectives of the Port Stephens Local Environmental Plan. The development is out of character with the immediate streetscape and adversely impacts on the visual amenity of this portion of Boulder Bay Road.

Based on a site inspection and assessment of the information submitted in support of the application there are no topographic issues, difficult access considerations or peculiar site constraints identified in Section 10 objectives and performance measures stipulated in Development Control Plan PS 10 that warrants a concession or variation to the established building line applying to the subject land.

There is a clear distinction between periods of residential development on the southern side of Boulder Bay Road compared to residential development the northern side of Boulder Bay Road in the vicinity of the subject land. The southern side comprises older building stock including examples of carports with variable setbacks typically situated to the side of the dwelling behind the building line, or setback well in excess of 3 metres. There is one exception of a carport at Number 17 Boulder Bay Road which appears to be zero setback. This carport is not readily discernable as a carport due to the extensive vegetated screening within a densely vegetated garden setting. The carport in this specific context is considered to have low visual impact.

In contrast the northern side of Boulder Bay Road is generally characterised by more recent residential development and ancillary structures that conform to a consistent building line of about 9 metres. The site inspection did not identify any significant departures from the established building line that would provide a precedent or justification to support the current proposal.

2. Likely Impact of the Development

The development will set an undesirable precedent establishing a reduced building line for carports or similar structures within the locality and possibly the Local Government Area. The development, as proposed, is out of character with the immediate locality and streetscape and will detract from the residential amenity of adjoining properties

When viewed from the street the proposed box gable carport is not integrated into the existing hip roof form of the existing dwelling in a sympathetic manner and presents as a detracting building element in this context. Based on the information provided by the applicant the proposed landscaping is unlikely to satisfactory mitigate this visual impact.

3. Suitability of the Site

The subject land is zoned residential 2(a) and a carport can be physically constructed on the existing concrete driveway. The proposed location is not considered suitable due to the significant variation to building line required to facilitate this development.

4. Submissions

Nil

5. Public Interest

The proposal is considered contrary to the public interest whereby strict compliance with the established building line is warranted in this instance.

**ATTACHMENT 4
CONDITIONS OF CONSENT**

SCHEDULE 1

APPROVAL UNDER SECTION 78A(3)

Nil required

SCHEDULE 2

CONDITIONS OF APPROVAL

1. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
2. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
3. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
4. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue ‘on the spot’ fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
5. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an ‘on the spot’ fine under the Protection of the Environment Operations Act 1997.

Note: Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing Urban Stormwater – Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

6. A “KEEP PORT STEPHENS WATERWAYS POLLUTION FREE” sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.
7. The Principal Certifying Authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the Principal

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Certifying Authority issues an occupation certificate. NOTE: If an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.

8. All stormwater run off shall be piped to the street.
9. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
10. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
11. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
 - * Monday to Friday, 7am to 6pm;
 - * Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L₁₀ level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

12. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
13. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.

GENERAL ADVICES

- a) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.

SCHEDULE 3 – APPROVED PLANS AND DOCUMENTATION

Statement of Environmental Effects prepared by G Stemp dated 24/10/05 & N Bartolone dated 4/10/06

Unnumbered stamped plans – Landscape Plan (undated)

Stamped specifications prepared by Apollo Patios Drawing No ANZGAC31 dated 26/10/04

SCHEDULE 4

REASONS FOR CONDITIONS

The conditions to approval are made in accordance with Section 80A of the Environmental Planning and Assessment Act, 1979; and are consistent with the aims and objectives of: Council's Tree Preservation Order; and the provisions of the Port Stephens's Local Environmental Plan 2000 and ensure compliance with the Local Government Act and Building Code of Australia.

RIGHT OF APPEAL

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court. This right of appeal is only valid for 12 months from the date of the consent.

NOTES:

1. To ascertain the date upon which the consent becomes effective refer to Section 83 of the Act.
2. To ascertain the extent to which the consent is liable to lapse refer to Section 95 of the Act.

ITEM NO 2

FILE NO: 16-2006-99-1

DEVELOPMENT APPLICATION FOR A DUAL OCCUPANCY AND TWO (2) LOT SUBDIVISION AT NO. 116 PORT STEPHENS STREET, RAYMOND TERRACE

REPORT OF: SCOTT ANSON - MANAGER, DEVELOPMENT & BUILDING

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2006-99-1 for the reasons below:
- The development is inconsistent with the provision of Port Stephens Local Environmental Plan 2000, in particular the 5(g) Special Urban (Flood Affected) Zone objectives and planning considerations for development on flood prone land.
 - The development is categorised as being a very high flood hazard by the draft Lower Hunter River Floodplain Management Study, which recommends that no additional dwellings should be permitted in this location.
 - Approval of this application would have an undesirable cumulative effect of increasing the community's susceptibility to flooding, in terms of social, economic and environmental consequences.
-

OPERATIONS COMMITTEE MEETING – 13 February 2007

RECOMMENDATION:

That Council expressed its support for the Development Application and requests the Group Manager, Sustainable Planning draft Conditions of Consent to the Ordinary Council meeting in February.

ORDINARY MEETING OF COUNCIL – 27 February 2007

RESOLUTION:		
011	Councillor Robinson Councillor Jordan	That the matter be deferred to the Ordinary Meeting of Council on 13 March 2007

MATTER ARISING:

That Council adopt the Draft Lower Hunter Flood Plan Management Strategy.

RESOLUTION:		
012	Councillor Robinson Councillor Jordan	That the matter be deferred to the Ordinary Meeting of Council on 13 March 2007

BACKGROUND

DA 16-2006-99-1 was submitted to the Council Meeting on 19 December 2006 and was subsequently deferred until February 2007.

This Development Application is therefore resubmitted for further consideration.

The purpose of this report is to present a development application to Council for determination at the request of Cr Jordan.

This application seeks consent for a detached dual occupancy and 2 lot Torrens title subdivision at Lot 13 DP 846114 (No. 116) Port Stephens St, Raymond Terrace. The site is within the 5(g) Special Urban (Flood Affected) Zone and dual occupancy development is permissible in the zone.

This site is identified as flood prone, so the application was referred to Council's Strategic Engineer who recommended that the application be refused based on the site being identified as a very high flood hazard in the *Draft Lower Hunter Flood Management Study (Paterson Britton)*. This document recommends that habitable dwellings be prohibited in this location.

The proposal does not comply with the objectives of the 5(g) zone or the requirements of Clauses 28 and 37 of LEP 2000, which applies to development on flood prone land. It is considered that increasing the residential density of the site will increase the risk of loss of life and damage to property during flood events.

The applicant was informed of Council's flooding concerns on 5 April 2006. The applicant provided justification for the proposal, stating that 2 single dwellings and a dual occupancy have recently been constructed in the immediate vicinity of the site.

The subject dwellings identified by the applicant were approved on existing lots with dwelling entitlement and do not increase the residential density of the area. The dual occupancy example was approved in 1996, prior to the current flooding regulations. The justification submitted by the applicant is not supported in light of the recommendation of the *Draft Lower Hunter Flood Management Study (Paterson Britton)*.

The applicant was advised on 14 June 2006 and 8 August 2006 that the justification was insufficient and that it was recommended that the application be withdrawn. A Notice of Intent to refuse the application was sent to the applicant on 28 August 2006.

A meeting was held on 9 October 2006 involving the applicant, AcroPlan Consultants and Council's Strategic Engineer, Group Manager Sustainable Planning and Manager Development & Building. The applicant's consultant requested an opportunity to respond to Council's flooding concerns.

The applicant was advised that Council was willing to consider additional information, but that the flooding concerns were a significant impediment to supporting the proposal. To date, no additional information or justification has been received.

Although the proposal complies with the requirements of DCP PS1 – Dual Occupancy & Urban Housing Guidelines, approval of this application would create an undesirable precedent for development in this locality and similar areas subject to flooding identified in the *Draft Lower Hunter Flood Management Study (Paterson Britton)*.

Increased residential densities in very high flood hazard areas will have an unacceptable social and economic impact on existing future residents. Increased demands will be placed on emergency services assisting additional dwellings during flood events.

Council received one (1) submission during the submission period, which did not object to the development but raised concern about location of the clothes drying area for Unit 2.

It is recommended that this application be refused as it, does not comply with Council's flooding policies including the objectives of the 5(g) Special Urban "Flood Affected" Zone, Clause 28s and 37 of LEP 2000 and the *Draft Lower Hunter Flood Management Study (Paterson Britton)*, which identifies the site as being in the floodway and a very high flood hazard area. The application also poses an unacceptable risk to existing and future residents and emergency services due to the flood prone nature of the subject land.

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

Nil

LEGAL AND POLICY IMPLICATIONS

The development application is inconsistent with Council's Policy, as it contravenes the principals and objectives of the 5(g) Special Urban (Flood) Zone and the provisions of Port Stephens Local Environmental Plan 2000 for development on flood prone land.

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 proposed dual occupancy is located on flood prone land in close proximity to the Hunter River. The proposal will have the effect of increasing residential density in a flood prone area.

The proposal is likely to have a significant and detrimental social impact on future occupants of the development due to flooding.

ECONOMIC IMPLICATIONS

Any future flooding of the site is likely to have a significant and detrimental economic impact on the future residents of the development.

ENVIRONMENTAL IMPLICATIONS

The proposal is likely to increase the risk of loss of life and damage to property during flood events. In addition to the increased risk, the design of the proposal is not compatible for the flood zone and is likely to divert flood waters onto adjacent properties.

CONSULTATION

The application was exhibited in accordance with Council policy. One (1) submission was received during the submission period. These are discussed in the Attachments.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan
- 2) Assessment

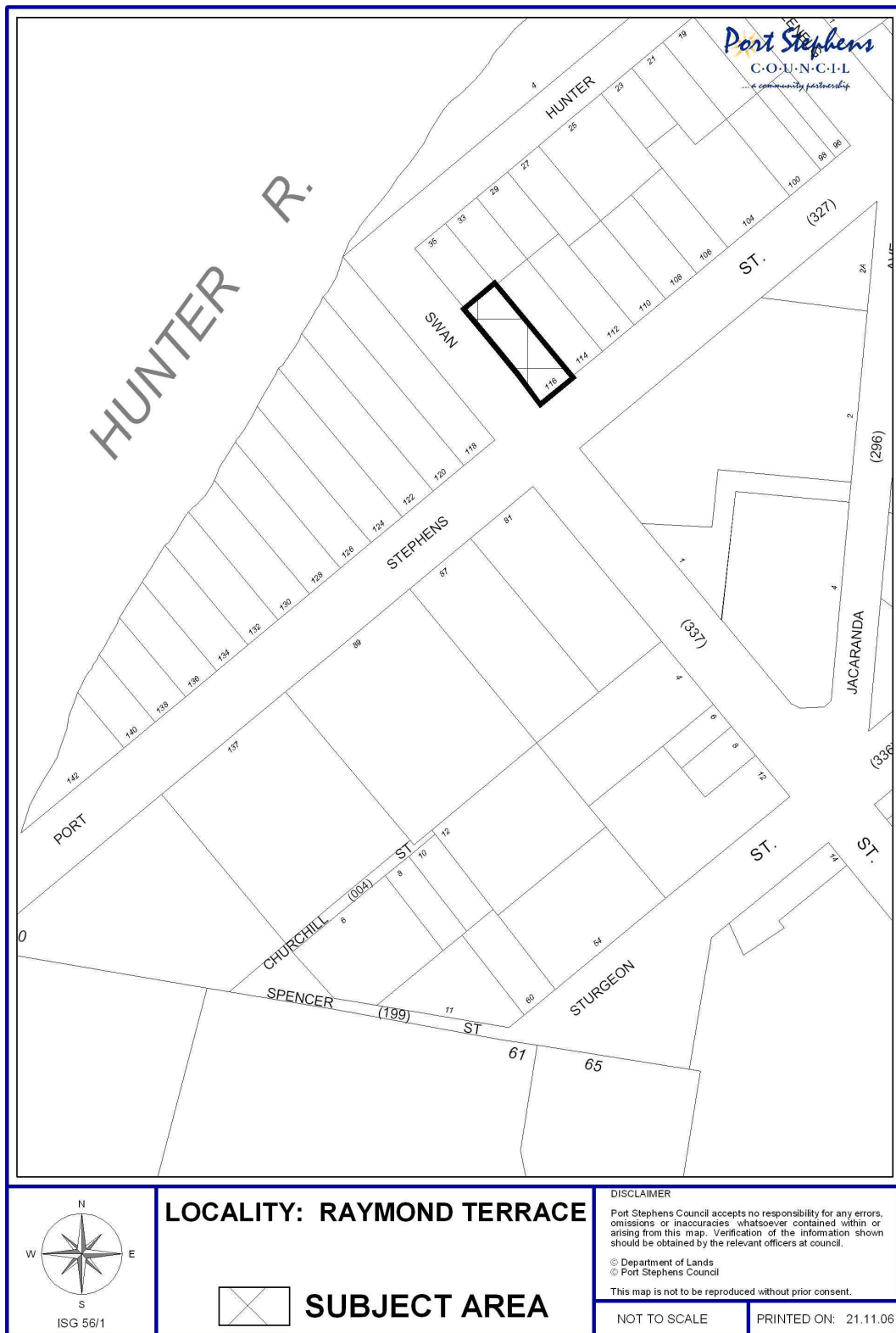
COUNCILLORS ROOM

Development Plans (Site Plan, Floor Plan and Elevations)

Justification submitted by applicant and received by Council on 31 May 2006

Advice provided from Council's Strategic Engineer dated 28 March 2006

ATTACHMENT 1
LOCALITY PLAN



ATTACHMENT 2

ASSESSMENT

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

THE PROPOSAL

The proposal is for a detached dual occupancy and two (2) lot Torrens title subdivision.

THE APPLICATION

Owner	Malone Enterprises (NSW)
Applicant	Anthony Malone
Detail Submitted	Development Plans (including a Site Plan, Stormwater Plan, Sediment Control & Shadow Diagram Plan, Floor Plan and Elevations Plan) Statement of Environmental Effects BASIX Certificate

THE LAND

Property Description	Lot 13 DP 846114
Address	116 Port Stephens St, Raymond Terrace
Area	1197sqm
Dimensions	20.1m x 59.6m
Characteristics	Regularly-shaped corner lot at intersection of Port Stephens and Swan Street

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	5(g) Special Urban (Flood) Zone
Relevant Clauses	Clauses 28, 37
Development Control Plan	LD1 - Development Guidelines for the Raymond Terrace Town Centre PS1 – Dual Occupancy & Urban Housing Guidelines PS2 – Parking and Traffic Guidelines PS10 – Building Standards and Notification Procedures for Development Applications
State Environmental Planning Policies	Hunter REP NSW Floodplain Development Manual

ORDINARY MINUTES –27 FEBRUARY 2007

ATTRIBUTE	PROPOSED	REQUIRED	COMPLIES
DCP LD1 Requirements (Residential Precinct)			
Design	Complies with specified controls or can be conditioned to comply	Pitched roof, good façade articulation, garage design and front fencing	Yes
DCP PS1 Requirements			
Floor Space Ratio	0.25:1	0.5:1	Yes
Minimum Site Area per Dwelling	598.5sqm	300sqm	Yes
Site Coverage	37%	60%	Yes
Building Line Setback	6m to primary and 4.99m to secondary	6m to primary and 3m to secondary	Yes
Setbacks	3.585m and 1.35m	1.8m and 1m	Yes
Height	7.63m	8m	Yes
Carparking	House 1 – 2 spaces House 2 – 3 spaces	2 spaces per dwelling	Yes
Open Space	Open Space exceeds required amounts	35sqm principal and 50sqm total	Yes

The following flooding abbreviations have been described below:

AHD = Australian Height Datum – refers to metres above mean sea level (or mean tide)

RL = Reduced level –normally to AHD datum

AEP = Annual Exceedance Probability (eg 2% AEP flood has a 2% chance of happening in any one year)

PMF = Probable Maximum Flood.

Example – At this site, if the ground is RL 0.8 metres AHD this will have a 10% chance of a flood matching this level in any one year and 5% or less chance of a flood exceeding this level in any one year. The chance of a particular size flood happening in the following years is not reduced because that flood did not occur in that year.

Discussion

The proposed development is permissible in the 5(g) Special Urban (Flood) Zone and complies with the relevant controls for requirements of both DCP LD1 – Raymond Terrace Town Centre Guidelines and PS1 – Dual Occupancy & Urban Housing. The proposal also complies with the number of parking spaces required by DCP PS2.

The proposal does not comply with all the requirements of LEP 2000, as it contravenes the relevant objectives of the 5(g) Special Urban (Flood) Zone, being (a), (c), and (d) and the requirements of Clauses 28 and 37, which are applicable to development on flood prone land.

The application was referred to Council's Strategic Engineers, who recommended refusal of the application on flooding grounds. The comments below relating to the development's non-compliance with flooding requirements were provided:

The application was advertised and notified in accordance with DCP PS10. One submission was received which is discussed below.

Port Stephens Local Environmental Plan 2000

Objectives of the 5(g) Special Urban (Flood) Zone

- (a) *to enable a range of urban development compatible with the constraints of the land such as flood water inundation*

The proposal is not compatible with the constraints of the land such as floodwater inundation.

- (c) *to allow only development of a kind that is, or can be rendered to be, compatible with inundation by flood waters*

The proposed development is not compatible with inundation by flood waters.

- (d) *to reduce the incidence of loss of life and damage to property and the environment in areas subject to flooding*

The proposal development is likely to increase the incidence of loss of life and damage to property and the environment in areas subject to flooding.

Clause 28 – Subdivision in the Special Urban (Flood) Zone

The site is mapped as being within the Raymond Terrance residential precinct. Although the proposed lots to be created are capable of supporting residential development, the draft Lower Hunter Floodplain Management Study lists this site as a very high flood hazard and that dwellings should be prohibited. The proposed subdivision is considered non-compliant with the matters for consideration of Clause 28.

Clause 37 Development on flood prone land

Clause 37 lists matters that must be considered before granting consent to development on flood prone land. Council's Strategic Engineer provided the following assessment comments:

- (a) *The extent and nature of the flooding or inundation hazard affecting the land*

The site is severely affected by flooding. The existing ground level is approximately 1.4m to 2.2m AHD. The Lower Hunter Flood Study (Lawson and Teloar 1994) indicates flood levels of 2.7m AHD for a 10% AEP flood with velocities of 0.8m/s to 1.6m/s. The 1% AEP flood shows a level of 4.7m AHD and velocity of 1.8m/s to 2.3m/s.

This means that this property would be flooded in relatively small floods. Given such depths and velocities the draft Lower Hunter Floodplain Management Study (Paterson Britton 2001) has classified this location as Floodway and subject to very high flood hazard in a 1% AEP Flood and an Extreme Flood Hazard in a 0.2% AEP Flood.

- (b) *Whether or not the proposed development would increase the risk or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity*

The fully enclosed ground floors will divert flood waters and may affect other land and buildings in the vicinity.

- (c) *Whether the risk of flooding or inundation affecting the proposed development could be reasonable mitigated and whether conditions should be imposed on any consent to further the objectives of this plan*

Due to the floodway and very high flood hazard nature of the site, the flood risk could not be mitigated.

- (d) *The social impact of flooding on occupants, including the ability of emergency services to access, rescue and support residents of flood prone areas*

Due to the very high flood hazard nature and distance of the evacuation route to high ground, support, access and emergency rescue would be stretched by the additional residences.

- (e) The provisions of any floodplain management plan or development control plan adopted by the Council

Whilst not adopted by Council, the *Draft Lower Hunter Floodplain Management Study (Paterson Britton)* recommends that habitable dwellings should be prohibited on land in the floodway or below the 2% AEP flood (3.5m AHD). This information has been given determining weight in the assessment of this dual occupancy development.

Section 94 Contribution Plan 6 – Tomaree Peninsula

The proposed development will result in an increase in residential density of the subject site and therefore would require payment of Section 94 contributions for an additional dwelling.

Hunter Regional Environmental Plan 1989

The proposal is considered to be inconsistent with Clause 52 of the HREP 1989, being an inappropriate land use, increasing the number of people susceptible to the effects of flooding.

NSW Floodplain Development Manual 2005

Under the provisions of the Floodplain Manual, Council is responsible for managing development on flood prone land. In this regard, Council has adopted specific provisions in LEP 2000 relating to development on flood prone land and has considered the *Draft Lower Hunter Floodplain Management Study (Paterson Britton)* in the assessment of this application. Following a planning merit assessment of the proposal against those documents, it is considered that it is unsuitable for the site and should be refused.

It is considered that the proposal does not comply with Council's flooding requirements, as it will increase residential density in a very high flood hazard area.

The applicant has stated that Council has recently approved other development in the immediate vicinity of the site, quoting the construction of three (3) nearby developments as justification. These developments are listed below:

- 16-2000-583-1 for a two storey dwelling at 108 Port Stephens St, Raymond Terrace
- 16-2000-1960-1 for a two storey dwelling at 106 Port Stephens St, Raymond Terrace
- 7-1996-1428-1 for an attached dual occupancy at 110 Port Stephens St, Raymond Terrace

The dwellings approved by 16-2000-583-1 and 16-2000-1960-1, on 29 May 2000 and 31 January 2001 respectively, were located on existing allotments that had dwelling entitlement and did not increase the residential density of the area.

The dwellings were designed so that the ground floor levels only consisted of garage space that could be opened to allow flood water to pass through the building unobstructed, reducing minimising the potential for diverted flood waters onto adjoining properties.

The dual occupancy approved by 7-1996-1428-1, on 24 March 1997, occurred prior to the current flooding information becoming available.

This application is distinctly different from the above-mentioned dwellings as it seeks to construct 2 dwellings and subdivide the existing allotment into 2 lots. This will increase the residential density of the site and could have a significant cumulative impact if other dual occupancies are approved in the area.

Councillor's attention is specifically drawn to Section 733(1) and Section 733 (4) of the Local Government Act 1993 relating to exemption from liability with respect to flood prone land and the basis of a "good faith" defence established in legal case law.

If Council approves the subject application, Council will be establishing a significant planning and environmental precedent in this locality effectively encouraging dual occupancy development in an area known as a very high flood hazard.

To date Council has assessed applications for single dwelling houses on existing, lawfully created allotments in this locality, mindful of the risk management considerations encapsulated in the NSW Floodplain Development Manual.

The proposal dual occupancy cannot be supported in this instance on either sound planning or environmental grounds.

2. Likely Impact of the Development

Although the proposal is unlikely to have any direct impacts on surrounding properties, Council is concerned about increase residential density in flood affected areas due to likely detrimental impacts on both the future occupants of the development and the subsequent increase demand on emergency services in times of flooding. The additional dwellings and their design will also increase the risk of flood waters being diverted to adjoining properties.

3. Suitability of the Site

Although the proposed development is permissible on the subject site, it is considered unsuitable due to it increasing the residential density of the site, which is considered to be a very high flood hazard. The proposal is likely to increase the risk of loss of life and damage to property.

4. Submissions

One (1) submission was received during the submission period. The submission raised concern about the location of the clothes drying area for unit 2, but did not object to the development in general.

5. Public Interest

The development is not in accordance with Council's requirements for development on flood prone land and is considered likely to increase the risk of loss of life and damage to property. It is considered that refusing this application is in the public interest.

ITEM NO 3

FILE NO: PSC2005-0889

ABORIGINAL PROJECT FUND

REPORT OF: PAUL PROCTER, ACTING COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Supply funds from Council's Aboriginal Project Fund in accordance with the amounts and purposes prescribed below: -
 - 1.1 A grant of \$10,000 to Hunter River High School for the '*Crocfest 2007 Project*'.
 - 1.2 A grant of \$10,000 to Port Stephens Community Care for the '*Don't Diabetes Me Project*'.
 - 1.3 A grant of \$9,354 to the Gan Gan and Thou Walla Family Centres for the '*Yarnin & Darnin Project*'.
 - 1.4 A grant of \$10,000 to the Worimi Local Aboriginal Land Council for the '*Breathing New Life Project*'.
 - 1.5 A grant of \$7,000 to the Karuah Local Aboriginal Land Council for the '*Enhancing Business Project*'.
- 2) All grants allocated as per recommendation (1) shall be subject to the funding conditions specified in Attachment 1 of this report.

OPERATIONS COMMITTEE MEETING – 13 February 2007

RECOMMENDATION:

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 27 February 2007

RESOLUTION:		
013	Councillor Brown Councillor Hodges	That the Recommendation be adopted.

BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of Aboriginal Project Funds for the following projects: -

ORDINARY MINUTES –27 FEBRUARY 2007

Project Name	Project Overview	Amount
Crocfest 2007	Fund the participation of local Aboriginal children/young people in Crocfest 2007 at Moree. Building upon the success and life lasting value of Hunter River High School's involvement in the annual Crocfest celebrations over the last few years. The project now expands to include all local Port Stephens High Schools and primary schools.	\$10,000
Don't Diabetes Me	In partnership with local community organisations, facilitate a series of living skill programs to improve the health and overall well-being of the Aboriginal community. Topics to be covered include nutrition, food preparation and budgeting.	\$10,000
Yarnin & Darnin	Create two Dreaming Quilts that will be permanently displayed at the two local Family Centres to make the facilities more welcoming for local Indigenous families. The quilts will be made through a community based art process of involving local Aboriginal community members in the design and making of the quilts.	\$9,354
Breathing New Life	Assist WLALC plans to improve their overall professional image, address office requirements and improve the quality of service delivery through the upgrading of office furniture, Information Technology etc.	\$10,000
Enhancing Business	Improve the day to day efficiency of the KLALC office operations and delivery of programs and presentations by obtaining a new photocopier, whiteboard etc.	\$7,000
Total:		\$46,354

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

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

In October 2006 Council advertised widely seeking funding proposals in accordance with Stage 1 of Council's Aboriginal Project Fund guidelines. A subsequent meeting of Council's Indigenous Strategic Committee (ISC) was held on 23 October 2006 to assess and shortlist Stage 1 funding proposals. The shortlisted applicants were invited to submit a detailed grant application in accordance with the program's Stage 2 requirements. A further meeting of the ISC on 9 November 2006 was attended by shortlisted applicants who were required to make a presentation on their proposed project. Following the presentations the ISC finalised their assessments and formulated their recommendations to Council that form the basis of this report.

LINKS TO CORPORATE PLANS

The Aboriginal Project Fund links to the following key result areas contained in the 2006/2009 Council Plan: -

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

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$58,081 is currently available for community projects under Council's Aboriginal Project Fund. The projects recommended for funding in this report total \$46,354. Funding proposals will be invited for the remaining \$11,727 in early 2007.

All funded projects will be required to adhere to the conditions of funding as detailed in Attachment 1 of this report.

LEGAL AND POLICY IMPLICATIONS

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

Australian Business Excellence Framework

This aligns with the following ABEF Principles: -

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The projects recommended for funding will assist in building and strengthening the social well-being of the Port Stephens Aboriginal community in a number of ways including: -

- Enabling local Aboriginal children and young people to increase their sense of cultural awareness and sense of self worth through participating in the annual Crocfest celebrations
- Improve the overall physical health of existing and future generations of local Aboriginal families through acquiring knowledge and hands on skills in the application of good life skills through participating in the Don't Diabetes Me Project
- Further expand the number of local Aboriginal families accessing the resources and programs provided by the Gan Gan and Thou Walla Family Centres by making these Centres more culturally welcoming
- Further improve the professional delivery and day-to-day operations of the Worimi and Karuah Local Aboriginal Land Councils through assisting their ongoing efforts in striving to deliver quality services to the local Aboriginal community, government agencies and visitors alike.

ECONOMIC IMPLICATIONS

There are no economic implications.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

CONSULTATION

All of the funding proposals submitted were formulated at the outset in consultation with the Worimi and Karuah Local Aboriginal Land Councils and Council's Social Planning Team. The subsequent funding proposals submitted under Stage 1 of the Aboriginal Project Fund were reviewed and shortlisted by Council's Indigenous Strategic Committee (ISC) on 23 October 2006. The subsequent detailed funding submissions under Stage 2 of the Aboriginal Project Fund were assessed at a meeting of the ISC on 9 November 2006. The projects recommended for funding herein were unanimously endorsed by the ISC.

OPTIONS

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

ATTACHMENTS

- 1) Conditions of funding

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

**ABORIGINAL PROJECT FUND
2006/2007 GRANT APPLICATIONS**

Conditions of Funding

1. Grant to be expended in accordance with the purpose specified in funding submission
2. Grants over \$5,000 shall be allocated in two instalments, 50% in advance of the project and the remaining 50% upon presentation of final receipts (excluding only capital projects).
3. Funds be fully expended by 31st December 2007
4. In accordance with the funding guidelines, a representative from each organisation funded under the 'Aboriginal Project Fund' shall attend a meeting of Council's Indigenous Strategic Committee following the expenditure of the grant to present details of the project's outcomes
5. At the conclusion of the project, Council is to be supplied with a financial statement of project expenditure and any unexpended monies are to be returned to Council
6. All grants are GST exempt
7. Recipients of funding shall accept full responsibility for the liability and ongoing costs associated with projects funded under the Aboriginal Project Fund
8. Council's Social Planning Coordinator shall monitor the establishment and implementation of each project

**COMPLY WITH ANY FURTHER CONDITIONS PRESCRIBED BY COUNCIL'S
INDIGENOUS STRATEGIC COMMITTEE DURING THE ASSESSMENT PROCESS.**

ITEM NO 4**FILE NO: PSC2006-6415****QUARTERLY REPORT FOR DECEMBER 2006 QUARTER: COUNCIL PLAN 2006-2009 & PERFORMANCE MEASUREMENT (COCKPIT CHARTS)****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) adopts the Quarterly Report (December Quarter) against the Council Plan 2006-2009 incorporating Performance Measurement Cockpit Charts.

OPERATIONS COMMITTEE MEETING – 13 February 2007**RECOMMENDATION:**

That the Recommendation be adopted.

TABLED DOCUMENT:

1. Quarterly Report December 2006 against Council Plan 2006-2009
2. Performance Measurement (Cockpit Charts) December Quarter 2006

ORDINARY MEETING OF COUNCIL – 27 February 2007**RESOLUTION:**

014	Councillor Robinson Councillor Brown	That the Recommendation be adopted.
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BACKGROUND

The purpose of this report is to present the second Quarterly Report in the new reporting system adopted for reports against the Council Plan 2006-2009..

The Quarterly Report for December 2006 Quarter follows the previous format, however the accompanying performance measurement cockpit charts have been expanded to include trend graphs for determined development applications and construction certificates issued, with data from January 2005.

LINKS TO CORPORATE PLANS

The Quarterly Report December 2006 reports against the Council Plan 2006-2009.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Nil

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
- 9) All systems and processes exhibit variability, which impacts on predictability and performance

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Quarterly Report cockpit charts map progress in the implementation of the Social and Cultural Plans.

ECONOMIC IMPLICATIONS

The Quarterly Report provides through its attendant cockpit charts a picture of the organisation's financial performance.

ENVIRONMENTAL IMPLICATIONS

The Quarterly Report measures progress against the sustainability and environmental indicators in the Council Plan 2006-2009.

CONSULTATION

Nil

OPTIONS

- 1) Adopts the Quarterly Report December 2006 and Performance Measurement cockpit charts for June to December 2006.
- 2) Amends the Quarterly Report December 2006 and Performance Measurement cockpit charts for June to December 2006.

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

1. Quarterly Report December 2006 against Council Plan 2006-2009
2. Performance Measurement (Cockpit Charts) December Quarter 2006.

ITEM NO 5**FILE NO: 1160-002
FILE NO:A2004-0242****QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2006****AUTHOR – JEFF SMITH – MANAGER FINANCIAL SERVICES**
-----**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the estimated Statement of Cash Position to 30/6/2007 as detailed in **ATTACHMENT 1** to this report.
 - 2) Notes the estimated Statement of Restricted Funds Movements to 30/06/2007 as detailed in **ATTACHMENT 2** to this report.
 - 3) Notes the changes previously approved by Council to the adopted Budget (A nil effect on Revenue) as detailed under separate cover as **TABLE 1 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
 - 4) Approve the discretionary changes to the adopted recurrent budget (Totalling \$230,603. A negative effect on Revenue) as detailed under separate cover as **TABLE 2.1 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
 - 5) Approve the discretionary changes to the adopted capital budget (A nil effect on Revenue) as detailed under separate cover as **TABLE 2.2 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
 - 6) Notes the identified issues, which may have a future budgetary impact, as identified under separate cover as **TABLE 3 of DOCUMENT 1** to this report.
 - 7) Notes the legal costs budget for 2006/2007 has been amended to \$1,490,000.
 - 8) Notes the estimated surplus/ (deficit) from ordinary activities before capital amounts of \$4,789,132.
 - 9) Notes the December Quarterly Budget Review comparing Budgets to Actuals as tabled under a separate cover as **DOCUMENT 2** to this report.
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-

OPERATIONS COMMITTEE MEETING – 13 February 2007**RECOMMENDATION:**

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 27 February 2007**RESOLUTION:**

015	Councillor Robinson Councillor Brown	That the Recommendation be adopted.
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TABLED DOCUMENT:

Document 1 of 2006-2007 Quarterly Budget Review for December 2006

Table 1	Changes previously approved by Council
Table 2.1	Discretionary Changes to adopted Recurrent Budget
Table 2.2	Discretionary Changes to adopted Capital Budget
Table 3	Identified issues, which may have a future budgetary impact

Document 2 of 2006-2007 Quarterly Budget Review for December 2006 comparing Budgets to Actuals.

BACKGROUND

On the 23rd 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 by bringing to Council's attention the proposals and issues that have an impact on the 2006/2007 Budget.

The major changes to the Recurrent Budget in this Review, detailed in Table 2.1 of Document 1 are:

- \$720,000 increased expenditure for legal costs (item 1).
- \$106,350 increased Computer Services expenditure (item 3).
- \$400,000 increased supplementary rate revenue due to special variation and recategorisations (item 7).
- \$174,500 increased income received for a Workers Compensation insurance rebate (item 9).
- \$289,589 increased expenditure for Workers Compensation Insurance premium item (item 9).
- \$74,250 decreased Social Planning income & \$149,918 increased expenditure (item 13).
- \$411,967 increased Operational Services income & \$161,000 increased expenditure (item 18).
- \$250,000 increased Council Roads Maintenance expenditure (item 19)
- \$194,800 decreased Ancillary Facilities expenditure (item 21).
- \$139,367 increased Waste Management income (item 22).

The major changes to the Capital Budget in this Review, detailed in Table 2.2 of Document 1 are:

- \$758,417 decreased expenditure on investment properties (item 3).
- \$143,000 increased Grant income and expenditure on Gowrie Ave Reconstruction (item 4a).

ORDINARY MINUTES –27 FEBRUARY 2007

- \$164,000 increased expenditure on Cromarty Road and Soldiers Point Road and \$96,000 increased Grant income (item 4b).
- \$818,340 decreased expenditure on Seaham and Clarencetown Roads and \$788,340 decreased Grant income. Work to be completed next financial year (item 4c).
- \$1,635,000 decreased expenditure on closure plans for Waste Depots (item 6).
- \$487,500 increased expenditure on rehabilitation works behind Salamander Waste Transfer Station (item 6).

The major transfers to the Recurrent Budget in this Review, detailed in Table 2.1 of Document 1 are:

- \$820,000 legal costs transferred from Governance (item1) to Development & Building \$645,000 (item 12), Environmental Services \$75,000 (item 16) and Transport Support \$100,000 (item 20).

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

LINKS TO CORPORATE PLANS

This report relates to the Budget estimates for the 2006/2007 financial year in the financial policy program of Council's Management 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'S 1 and 2** of Document 1 of this report detail the changes in this review. The net cash result of these changes, and the 2006 revotes and carry forwards, is a projected cash surplus of \$937,452 (Ref N of Attachment 1), before 2007 revotes and carry forwards are taken into account.

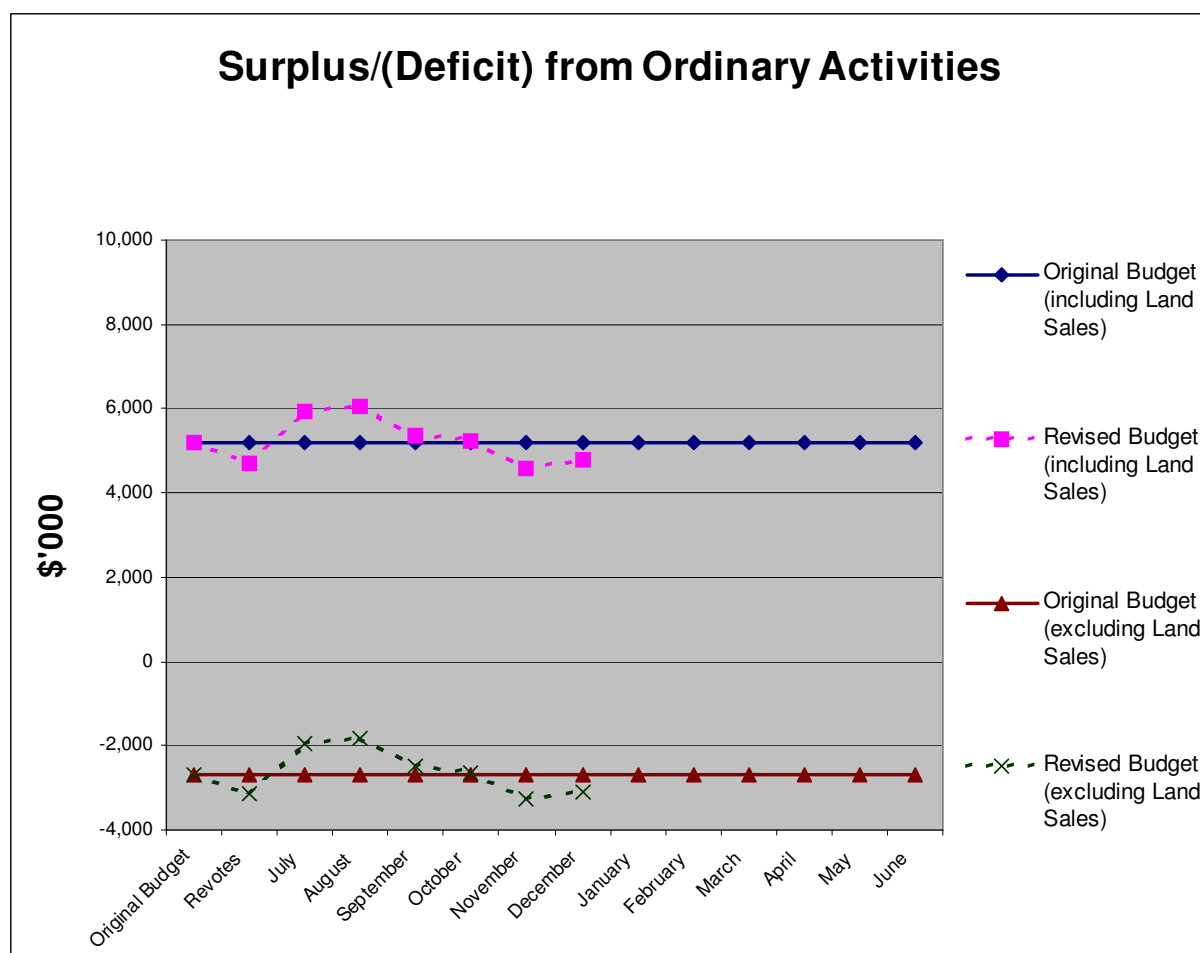
A. IMPACT OF QUARTERLY BUDGET ADJUSTMENT

B. PROJECTED FINANCIAL RESULT FOR 2006/07

IMPACT OF QUARTERLY BUDGET REVIEW ON COUNCIL'S ADOPTED BUDGET				
	Recurrent	Capital	Total	Ref
Document 1 Table 1	\$0	\$0	\$0	
Document 1 Table 2.1	(\$230,603)	\$0	(\$230,603)	
Document 1 Table 2.2	\$0	\$0	\$0	
Previous Quarterly Budget Reviews	\$475,363	(\$82,778)	\$392,585	
Original Budget after transfers and before Depreciation	\$2,478,372	(\$1,134,226)	\$1,344,146	
Net Available Surplus Funds	\$2,723,132	(\$1,217,004)	\$1,506,128	
Revotes and Carry Forwards from previous year.	(\$198,888)	(\$369,788)	(\$568,676)	
Revised 2006/2007 Cash Surplus (after transfers and before Depr)	\$2,524,244	(\$1,586,792)	\$937,452	N

ORDINARY MINUTES –27 FEBRUARY 2007

	Ref	After December Budget Review	Original Budget
Total Operating Revenue	A	\$80,208,091	\$75,612,959
Less Total Operating Expenditure	B	(\$63,223,959)	(\$58,224,613)
Less Total Depreciation and Provisions Transferred	C	(\$12,195,000)	(\$12,195,000)
	D=B+C	(\$74,441,300)	(\$70,419,613)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	\$4,789,132	\$5,193,346
Net Operating movement for December Review		\$586,908	
Total Budgeted Land Sales Profits	F	\$7,870,000	\$7,870,000
Surplus/(Deficit) From Ordinary Activities without Land Sales Profits and Before Capital amounts	G=E-F	(\$3,080,868)	(\$2,676,654)



LEGAL AND POLICY IMPLICATIONS

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

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

The December Quarterly Budget Review Statement indicates that Council's financial position has deteriorated. This situation needs to be monitored closely with particular regard to those issues contained in **TABLE 3 of Document 1**. Long-term financial projections will also be reviewed.

AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK

This aligns with the following Principles of the ABEF Framework:

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

SUSTAINABILITY IMPLICATIONS

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 accepts the discretionary changes to the adopted budget.

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

ATTACHMENTS

- 1) Attachment 1 Estimated Statement of Cash Position to 30/06/2007
2) Attachment 2 Estimated Statement of Restricted Funds Movements to 30/06/2007

TABLED DOCUMENTS

Document 1 of 2006-2007 Quarterly Budget Review for December 2006

Table 1	Changes previously approved by Council
Table 2.1	Discretionary Changes to adopted Recurrent Budget
Table 2.2	Discretionary Changes to adopted Capital Budget
Table 3	Identified issues, which may have a future budgetary impact

Document 2 of 2006-2007 Quarterly Budget Review for December 2006 comparing Budgets to Actuals.

ATTACHMENT 1

ESTIMATED STATEMENT OF CASH POSITION TO 30/06/2007 After December 2006 Budget			
	Ref	After December 2006 Budget	Original Budget
Total Operating Revenue	A	80,208,091	75,612,959
Less Total Operating Expenditure	B	(63,223,959)	(58,224,613)
Less Total Depreciation and Provisions Transferred	C	(12,195,000)	(12,195,000)
	D=B+C	(75,418,959)	(70,419,613)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	\$4,789,132	\$5,193,346
Add Back: Depreciation and Provisions Transferred	C	12,195,000	12,195,000
Less Councils Share of Newcastle Airport Profit	W	(1,459,605)	(1,459,605)
Cash Surplus From Operations	F=A+B	15,524,527	15,928,741
Transferred to Restricted Funds	G	13,000,283	13,450,369
Cash Surplus / (Deficit) From Operations After Transfers	H=F-G	\$2,524,244	\$2,478,372
Total Capital Income	I	11,206,591	9,190,200
Total Capital Expenditure	J	(27,365,832)	(23,902,784)
Surplus/(Deficit) From Capital Works	K=I+J	\$(16,159,241)	\$(14,712,584)
Transferred from Restricted Funds	L	(14,572,449)	(13,578,358)
Cash Surplus / (Deficit) From Capital Works After Transfers	M=K-L	\$(1,586,792)	\$(1,134,226)
Total Cash Surplus / (Deficit) After Transfers	N=H+M	\$937,452	\$1,344,146
RECONCILIATION OF CASH POSITION			
Opening Cash Position as at 01/07/2006	O	30,504,034	30,504,034
Estimated Cash Position as at 30/06/2007	P	31,839,422	33,690,293
Increase/(Decrease) in Cash Balance	Q=P-O	\$1,335,388	\$3,186,259
Represented By:			
Estimated opening Restricted Funds Balance	R	29,779,353	23,389,695
Closing Restricted Funds Balance	S	30,216,596	25,271,115
Increase/(Decrease) in Restricted Funds Balance	T=S-R	437,243	1,881,420
Repayment of Capital Lease and Newcastle Airport Loan	X	(39,307)	(39,307)
Total Cash Surplus/ (Deficit) from Operations & Capital	N=Q-T	\$937,452	\$1,344,146
Principal of Loan Funds Repaid and Finance leases	U	(1,792,668)	(1,792,668)
Loan Funds and Proceeds from Sales Received	V	\$3,802,077	\$3,802,077
Increase/(Decrease) in Cash Balance	Q=T+X+N	\$1,335,388	\$3,186,259

ORDINARY MINUTES –27 FEBRUARY 2007

ATTACHMENT 2

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2007 After December 2006 Budget

RESTRICTED FUNDS	Balance as at 30/06/2006	Recurrent Budget	Capital Budget	Balance Sheet Movements	Estimated as at 30/06/2007
SECTION 94	13,009,935	(338,603)	(1,498,492)		11,172,840
DOMESTIC WASTE MANAGEMENT	4,364,672	743,613	(965,000)	(359,563)	3,783,722
Sub Total. Externally Restricted	17,374,607	405,010	(2,463,492)	(359,563)	14,956,562
BUSINESS DEVELOPMENT RESTRICTED FUND	1,206,683	5,597,083	(2,786,583)	934,881	4,952,064
INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND)	1,238,521	287,687	0		1,526,208
ASSET REHABILITATION RESERVE	508,811	500,886	(505,447)		504,250
FLEET MANAGEMENT (PLANT)	3,013,171	2,202,949	(3,997,581)	232,376	1,450,915
OTHER WASTE SERVICES	1,833,545	0	0		1,833,545
QUARRY DEVELOPMENT	782,748	19,160	(88,000)		713,908
BUSINESS OPERATIONS RESTRICTED FUND	(3,342,631)	688,020	(2,396,732)	1,201,715	(3,849,628)
EMPLOYEE LEAVE ENTITLEMENTS	3,952,281	0	0		3,952,281
BEACH VEHICLE PERMITS	107,312	1,144	(20,842)		87,614
DRAINAGE	561,675	760,600	(1,314,210)		8,065
INTERNAL LOAN	(2,073,619)	249,700	0		(1,823,919)
TRANSPORT LEVY	84,665	0	0		84,665
ENVIRONMENTAL LEVY	260,000	(182,653)	(77,913)		(566)
ADMINISTRATION BUILDING SINKING FUND	176,056	389,000	(37,000)		528,056
DEPOT SINKING FUND	125,724	425,251	(23,323)		527,652
RTA BYPASS ROADS MTCR RESTRICTED FUND	1,743,784	(136,000)	0		1,607,784
RESTRICTED CASH	1,654,574	(708,147)	(509,046)		437,381
COUNCILLOR WARD FUNDS	311,303	2,286,000	(352,280)		2,245,023
INFORMATION TECHNOLOGY STRATEGY	181,852	(55,500)	0		126,352
PROVISION FOR LOCAL GOVT ELECTION	50,000	50,000	0		100,000
PARKING METER RESERVE	28,291	220,093	0	0	248,384
Sub Total. Internally Restricted	12,404,746	12,595,273	(12,108,957)	2,368,972	15,260,034
RESTRICTED FUNDS TOTAL	29,779,353	13,000,283	(14,572,449)	2,009,409	30,216,596

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

ITEM NO. 6**INFORMATION PAPERS****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT**
-----**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 13 February, 2007.

No:	Report Title
1	Access Committee Minutes
2	Cash and Investments held at 31 December 2006
3	Credit card Fees
4	Film Hunter News
5	Port Stephens Library Service Operations July to December 2006
6	Local Government Association of New South Wales – Annual conference Conference report
7	Risk Management Bonus
8	Council Ward Funds
9	William IV – Newcastle City Council
10	Quarterly Report – Integrated Works Programme
11	Local Government Remuneration Tribunal Determination

-----**OPERATIONS COMMITTEE MEETING – 13 February 2007****RECOMMENDATION:**

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 27 February 2007

MOTION:		
016	Councillor Hodges Councillor Dover	That the Recommendation be adopted.

AMENDMENT:		
	Councillor Nell Councillor Dover	That the Information Papers 1 - 11 be adopted with the exception of Item 3 (Credit Card fees).

The Amendment on being put was lost.

ORDINARY MINUTES –27 FEBRUARY 2007

Councillor Dingle left the meeting at 6.15pm during Item 6 and returned to the meeting at 6.25pm during Item 6.

Councillor Nell left the meeting at 6.30pm during Item 6 and returned to the meeting at 6.32pm during Item 6.

TABLED DOCUMENTS:

1. Progress Report for the Second Quarter (October 2006 – December 2006) of the First Year (2006/2007) of the Rolling 3 Year Integrated Works Program (IWP).

OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO 1

ACCESS COMMITTEE MINUTES

**REPORT OF: PAUL PROCTER, ACTING COMMUNITY PLANNING
MANAGER**

FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee Meetings held on 7 and 11 November 2006.

Key issues addressed at the meetings included: -

- 1) National Public Toilet Map
- 2) Roundabout at Intersection of Medowie and Ferrodale Rds, Medowie
- 3) Lakeside Leisure Centre

ATTACHMENTS

- 1) Minutes of the Access Committee Meetings held on 7 and 28 November 2006.

ATTACHMENT 1

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

Present:

Ken Whiting, Karen Whiting, Liz Harper, Robert Harper, David Painter, Valda Painter, Alice De-Carle, Margaret O’Leary (+ 2 students Alison and Oneewa), Greg Wilson, Tony Kean, Joe Delia, Kathy Delia, Deborah Franklin, Michelle Pavy, Michael Elliot

Apologies:

Cr. Helen Brown, Cr Sally Dover, Judy Rosier, Susan Rosier, Erin Devlin, Cathy Jennings, Cathy Lees, Graham Roberts,

1. PREVIOUS MEETINGS MINUTES

The minutes for the meetings held on 1 August 2006 and 5 September 2006 were formally adopted as an accurate record of those meetings after the following amendments were made;

- 1) Certificates of appreciation and Soldiers Point boat ramp and adjacent park area raised by Karen Whiting not Ken whiting as reported in the minutes.

2. CHAIRPERSON’S REPORT

Ken Whiting presented his report to the Committee covering the issue of parking at the Newcastle Airport.

3. BUSINESS ARISING FROM PREVIOUS MINUTES

3.1 Water Wheelchair

Discussion was held around the issue of a water wheelchair for the Little Beach Access Wharf. The price of the chair sourced from Alpha Rehabilitation Services Newcastle is \$1590.00. Council will consider the Committees request for funding of the chair at their November meeting. Discussion was also held around provision of a life vest and other floatation devices for the wharf. It was concluded that due to liability, safety and suitability concerns that it was not appropriate for Council to provide such aids and that it was not unreasonable for people using the wharf to supply their own.

3.2 Soldiers Point Boatramp

It is understood proposals have been sought for the development of the Soldiers Point Boatramp. Michael Elliott reported that he had not yet seen any related development application. It was decided to postpone the issue until such plans were available for discussion and consideration.

3.3 National Public Toilet Map

Michael Elliott reported that with the assistance of Tony Kean, they had conducted inspections and access audits of some of the public toilets within the LGA. Information collected has been supplied to the Department of Health and Ageing National Public Toilet Map website for publication.

3.4 Tomaree Aquatic Centre Hoist

Ken Whiting reported that he had successfully tried out the new hoist at the Tomaree Aquatic Centre to assist people with disabilities in/out of the pool. He reported that the hoist worked well and received plenty of assistance from pool staff.

4. GENERAL BUSINESS

4.1 Tour Operator Licensing for Port Stephens Beaches

Greg Wilson raised the issue of tour operator licensing on Stockton Bight stating that there was a current moratorium on the issuing of any further licenses. Greg would like to operate a special 4WD vehicle fitted with a 150kg hoist in order to be able to provide beach tours and related services for people with disabilities. Greg has a range of equipment (eg; ramps) that he uses to assist existing tour operators with disabled clients. Greg asked if the Access Committee would support his request to Council to consider issuing him with a license in order to provide his proposed service as none of the existing tour operators provide significant disabled friendly services.

Michael Elliott has since investigated this issue and reports that there is currently a moratorium in place on the issue of any new tour operator licenses as well as the expansion or alteration of any of the existing licensed services. This has been in place for some time due to negotiations between Port Stephens Council, Worimi Local Aboriginal Land Council and the National Parks and Wildlife Service regarding issues associated with the management of Stockton Bight. At this stage it is anticipated that the moratorium will be reviewed and re-assessed in 2007.

4.1 Birubi Beach Disabled Toilet Facilities

It was reported that the Birubi Beach disabled toilet facilities MLAK lock was broken and that they were being used by tourists and was being left in an untidy state. Michael Elliott indicated that he would organise for the lock to be repaired.

4.2 Disability Network Hunter Calendar

Karen Whiting presented the Disability Network Hunter's Calendar of Events.

4.4 Resignation of Picnic Co-ordinator

David Painter announced his resignation as International Day of People with Disabilities Picnic Co-ordinator.

5. CORRESPONDENCE

Michael Elliott presented a range of disability related correspondence.

6 Details of Next Meeting

The next meeting will be held at the Nelson Bay RSL club at 10.30am on Tuesday the 28 November 2006

ATTACHMENT 2

**PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 28 NOVEMBER 2006
AT THE NELSON BAY RSL CLUB**

Present:

Ken Whiting, Karen Whiting, Liz Harper, Robert Harper, David Painter, Valda Painter, Judy Rosier, Suzie Rosier, Deborah Franklin, Tony Kean, Joe Delia, Cathy Delia, Cathy Jennings, Michael Elliot

Apologies:

Cr. Helen Brown, Cr Sally Dover, Tony Kremen, Kathy Lees, Carol Last, Michelle Pavy, Sue Spliet, Bill Bobbins

1. CHAIRPERSON'S REPORT

Ken Whiting presented his report to the Committee.

2. BUSINESS ARISING FROM PREVIOUS MINUTES

2.1 Medowie Roundabout

Erin Devlin raised the issue of the roundabout at the intersection of Medowie Road and Ferrodale Road, stating that she disagreed with previous conclusions presented on the issue and with Council's decision to leave the vegetation in place on the roundabout. Erin's view was supported by other Committee members. Michael Elliott stated that he would carry out an inspection of the site and would discuss the issue further with Council's Traffic Engineer.

As a result of a subsequent inspection of the roundabout by Michael Elliot and further discussion with relevant Council staff, the vegetation causing the concerns with visibility sight lines has been removed and replaced with low lying plants.

2.2 Lakeside Leisure Centre

Erin Devlin raised some issues regarding the Lakeside Leisure Centre. The shower rose extension was broken and the onsite wheelchair required repairs (ie; brake adjustment).

Ken Whiting has contacted the Leisure Centre concerning this matter.

2.3 Footpath Dining at Medowie Cafe

David Painter requested an update on the concerns raised in relation to the access difficulties on the footpath outside the "C for Cafe" at Medowie from the practice of placing dining tables and chairs on the footpath area.

Michael Elliott has contacted the Cafe to highlight the Committee's concerns along with suggestions on how they can address this matter.

3. GENERAL BUSINESS

3.1 Chairpersons Expenses

Michael Elliott presented Ken Whiting's itemised list of associated Committee expenses for approval for reimbursement from Committee funds, in accordance with the Committee's Constitution. The expenses total \$289.86 (ie, telephone charges, travel and postage) for activities carried out in the role of Chairperson. A motion to reimburse these expenses in full was moved by Cathy Jennings and seconded by Joe Delia.

4. CORRESPONDENCE

Nil

5. Details of Next Meeting

The next meeting will be held at the Raymond Terrace Community Care Centre at 10.30am on Tuesday the 6th February 2007

INFORMATION ITEM NO 2

CASH AND INVESTMENTS HELD AT 31 DECEMBER 2006

**REPORT OF: JEFF SMITH, FINANCIAL SERVICES MANAGER
FILE: PSC2006-6531**

BACKGROUND

The purpose of this report is present Council's schedule of Cash and Investments Held at 31 December 2006.

ATTACHMENTS

- 1) Cash and Investments Held at 31 December 2006.

ATTACHMENT 1

CASH & INVESTMENTS HELD - AS AT 31 DECEMBER 2006							
INVESTED WITH	INV. TYPE	DATE INVESTED	MATURITY OR COUPON DATE	NO. OF DAYS	AMOUNT INVESTED	INTEREST RATE	% OF TOTAL FUNDS HELD
GRANGE SECURITIES							
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt	15-Dec-06	15-Mar-07	90	500,000.00	8.05%	1.49%
SAPHIR FINANCE PLC 2004 - 4 "ENDEAVOUR AAA"	Floating Rate CDO	6-Nov-06	5-Feb-07	91	1,000,000.00	7.69%	2.97%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Dec-06	20-Mar-07	90	1,000,000.00	7.92%	2.97%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	23-Nov-06	23-May-07	181	1,500,000.00	6.47%	4.46%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Dec-06	20-Mar-07	90	1,000,000.00	7.92%	2.97%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	22-Dec-06	22-Mar-07	90	1,000,000.00	7.80%	2.97%
CYPRESS TREE CDO LTD "LAWSON AA"	Floating Rate CDO	29-Dec-06	30-Mar-07	91	1,000,000.00	7.74%	2.97%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	20-Dec-06	20-Mar-07	90	1,000,000.00	7.52%	2.97%
HELIUM CAPITAL LTD "SCARBOROUGH AA"	Floating Rate CDO	27-Dec-06	27-Mar-07	90	1,000,000.00	7.72%	2.97%
HOME BUILDING SOCIETY	Floating Rate Sub Debt	25-Oct-06	25-Jan-07	92	500,000.00	7.32%	1.49%
ELDERS RURAL BANK	Floating Rate Sub Debt	6-Dec-06	5-Jan-07	30	500,000.00	6.50%	1.49%
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note	18-Oct-06	18-Jan-07	92	500,000.00	8.25%	1.49%
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	20-Dec-06	20-Mar-07	90	1,000,000.00	7.42%	2.97%
TOTAL GRANGE SECURITIES					\$11,500,000.00		34.20%
ABN AMRO MORGANS							
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Dec-06	20-Mar-07	90	2,000,000.00	7.82%	5.95%
GLOBAL PROTECTED PROPERTY NOTES	Property Linked Note	9-Jul-06	9-Jul-07	365	1,000,000.00	7.00%	2.97%
TOTAL ABN AMRO MORGANS					\$3,000,000.00		8.92%
ANZ INVESTMENTS							
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	6-Oct-06	5-Jan-07	91	500,000.00	7.38%	1.49%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Dec-06	20-Mar-07	90	1,000,000.00	7.92%	2.97%
ECHO FUNDING PTY LTD SERIES 20 "ECHO CHARLIE AA"	Floating Rate CDO	20-Dec-06	20-Mar-07	90	500,000.00	7.92%	1.49%
TOTAL ANZ INVESTMENTS					\$2,000,000.00		5.95%

ORDINARY MINUTES –27 FEBRUARY 2007

ATTACHMENT 1

RIM SECURITIES							
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	30-Oct-06	29-Jan-07	91	500,000.00	8.05%	1.49%
CSFB AUSTRALIA PROPERTY LINKED NOTE (2010)	Property Linked Note	21-Dec-06	21-Mar-07	90	2,000,000.00	2.00%	5.95%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	9-Oct-06	8-Jan-07	91	2,000,000.00	8.21%	5.95%
ROCK BUILDING SOCIETY LTD (2007)	Floating Rate Sub Debt	31-Oct-06	31-Jan-07	92	500,000.00	9.13%	1.49%
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	5-Oct-06	5-Jan-07	92	1,000,000.00	6.87%	2.97%
TOTAL RIM SECURITIES					\$6,000,000.00		17.84%
WESTPAC INVESTMENT BANK							
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	27-Oct-06	29-Jan-07	94	500,000.00	7.50%	1.49%
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt	21-Nov-06	21-Feb-07	92	500,000.00	7.46%	1.49%
TOTAL WESTPAC INV. BANK					\$1,000,000.00		2.97%
LONGREACH CAPITAL MARKETS							
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	7-Sep-06	7-Mar-07	181	500,000.00	6.56%	1.49%
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	7-Sep-06	6-Mar-07	180	500,000.00	6.00%	1.49%
TOTAL LONGREACH CAPITAL					\$1,000,000.00		2.97%
FUND MANAGERS							
MERRILL LYNCH INVESTMENT MANAGERS					1,088,456.84	RATE OF RETURN - MTH 8.03%	3.24%
PERPETUAL INVESTMENTS					1,139,060.86	7.55%	3.39%
ADELAIDE MANAGED FUNDS					250,000.00	6.45%	0.74%
TOTAL FUND MANAGERS					\$2,477,517.69		7.37%
COMMONWEALTH BANK							
PRINCIPAL PROTECTED YIELD ACCRUAL NOTE	Yield Curve Note	06-Nov-06	07-May-07	182	500,000.00	9.25%	1.49%
TOTAL COMMONWEALTH BANK					\$500,000.00		1.49%
FIIG SECURITIES							
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	Principal Protected Note	21-Dec-06	22-Mar-07	91	1,000,000.00	7.00%	2.97%
TOTAL FIIG SECURITIES					\$1,000,000.00		2.97%
MAITLAND MUTUAL							
	Floating Rate Sub Debt	16-Oct-06	16-Jan-07	92	500,000.00	7.29%	1.49%
	Term Deposit	4-Dec-06	4-Mar-07	90	2,015,717.94	6.35%	5.99%
	Floating Rate Sub Debt	11-Dec-06	11-Mar-07	90	500,000.00	7.40%	1.49%
TOTAL M'LAND MUTUAL					\$3,015,717.94		8.97%
TOTAL INVESTMENTS					\$31,493,235.64		93.65%
CASH AT BANK					\$2,134,648.47	6.20%	6.35%
TOTAL CASH & INVESTMENTS					\$33,627,884.11		100.00%

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

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

P GESLING

INFORMATION ITEM NO 3

CREDIT CARD FEES

REPORT OF: JEFF SMITH, FINANCIAL SERVICES MANAGER
FILE: A2004-0465

BACKGROUND

The purpose of this report is to advise Council of the proposed introduction of credit card fees.

Merchant service fees paid by Council to its bank cost \$93,000 per annum. Provision exists for Council to add credit card fees to customer payments when paying with a credit card. The rationale behind imposing credit card fees is:

- Payments made by credit card incur higher fees than payments made by other payment streams, specifically eftpos, cash, cheque and direct debit
- There is cross subsidisation that exists between customers paying by cheaper payment streams and customers paying with a credit card
- Credit card fees are cost reflective and user pays
- Cost recoupment is consistent with Council's goal of financial sustainability

The proposal for a 1% credit card fee will be included in the Fees and Charges for 2007/2008 as part of the 2007/2011 Council Plan and open to public scrutiny and comment at that time.

It is proposed to apply the credit card fees to all payments made:

- At Council's administration building
- Through Australia Post Postbillpay service

It is **not** proposed to apply credit card fees to payments made at the following locations because these business units either operate in a competitive environment and may suffer a competitive disadvantage if credit card fees are introduced, or do not have the functionality to introduce credit card fees:

- Holiday Parks
- Children's Services
- Visitor's Centre
- Visitor's on-line bookings
- Waste transfer stations

It is further proposed to alter our agreement with BPay to remove the credit card payment stream due to BPay's inability to provide credit card fee functionality. The BPay payment option will continue to be available from cheque and savings accounts. Council will communicate the changes to customers before they are introduced.

It is anticipated that up to \$78,500 in costs will be recovered through these fees each year.

ATTACHMENTS

- 1) Nil

INFORMATION ITEM NO 4

FILM HUNTER NEWS - DECEMBER 2006

REPORT OF: PETER GESLING, GENERAL MANAGER
FILE: A2004-0026

BACKGROUND

The purpose of this report is to provide information from Film Hunter.

ATTACHMENTS

- 1) Film Hunter E-News December 2006.

ATTACHMENT 1



E-News December 2006

MERRY CHRISTMAS EVERYONE!

Loved Being Away from Home

The cast and crew of TV favourite *Home and Away* spent four days filming a behind-bars scene at Maitland Gaol recently with stars **Kate Ritchie, Ray Meagher and Indiana Evans** in town.

Location Manager **Paul Ewing** said the people at the gaol and 40 locals acting as extras bowled the *Home and Away* team over with their friendliness.

"We love the gaol for filming ... every corner tells a story," he said. Productions like *Home and Away* inject hundreds of thousands of dollars into the local economy according to Film Hunter Manager Gillian Summers.



Local extras during filming

The Wilds of Newcastle

Prime's *Sydney Weekender* filmed at Blackbutt Reserve to show Sydneysiders how to have a wild family weekend recently.

Presenter **Mel Symons** got up close with a koala and her baby on a tour with ranger **Paul Metcalfe**. "I can't believe you guys have all this so close to the city," Mel said, "and it's free!"

Brisbane-born Symons, a TV presenter since childhood has been with Mike Whitney and the *Weekender* team for five years.



Mel and Paul

Hunter Film-Types Gather

More than 70 Hunter film and television luminaries networked at a get together to celebrate the industry on 14 November.

Guest speaker **Richard Harris** of the Australian Screen Directors Association (ASDA) said to create an international reputation in film-making, the Hunter should focus on making local movies with local people.

More than 20 film graduates from Hunter TAFE showcased highly creative quirky film grabs.



Summers, Harris and Lee

Pictured are Gillian Summers Manager Film Hunter, Richard Harris ASDA, and Melissa Lee Regional Manager NSW Film and Television Office.

Cosying-up with Central Coast

Film Hunter has been in talks with the Central Coast film Industry, Hunter Councils, and the State Government about adding the Central Coast to its location range. Film Hunter then becomes Film Hunter and Central Coast. While no decision's yet been made, this would give Film Hunter a greater area to represent north of Sydney when dealing with production companies, provide a one-stop shop for both great regions, and assist Film Hunter on its journey to commercial self-sustainability. If you have strong thoughts on this, please email: info@filmhunter.com.au.

1

ATTACHMENT 1

Dude of the Dunes – A Tribute

At Film Hunter and Worimi Local Aboriginal Land Council we are celebrating the life and mourning the death of **Tony Burrell**, Dude of the Stockton Sand Dunes and MD of Sand Safaris, who passed away suddenly on 1 December 2006.

Tony was an unbelievable host and guide to scores of film crews attracted to this unique location. The sand dunes at Stockton hosted the post-apocalyptic world of *Mad Max 3* with Mel Gibson and 1999's *Sahara* with James Belushi.

The 34 kilometres long, four km wide dunes were Tony's passion, one he loved to share.



Mayhem at the AFI Awards

Suburban Mayhem's **Emily Barclay** won the coveted 2006 Australian Film Institute Award for Best Actress on 6 December.

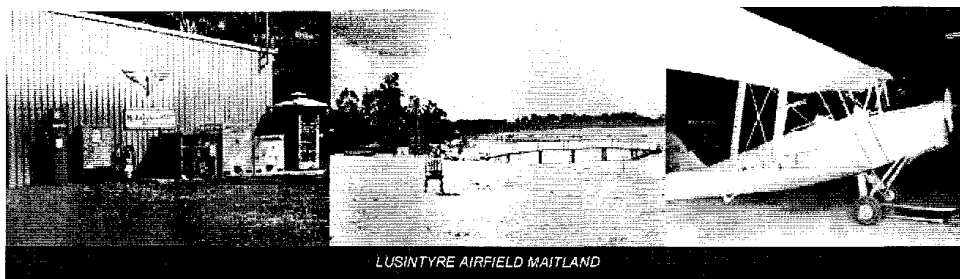
Suburban Mayhem was filmed in and around Newcastle. Nineteen-year-old Katrina, played blackly and brilliantly by Barclay, cuts a swathe of havoc through suburban Australia.

Congratulations Emily!



December – Location of the Month

You've heard of Playmate of the Month. Film Hunter now brings you **Location of the Month** ... and this month it's the bucolic and historic Luskintyre Airfield in the Maitland Local Government Area.



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INFORMATION ITEM NO 5

**PORT STEPHENS LIBRARY SERVICE OPERATIONS JULY TO
DECEMBER 2006**

**REPORT OF: PHILIP CROWE - COMMUNITY & LIBRARY SERVICES MANAGER
FILE: PSC2005-3986**

BACKGROUND

The purpose of this report is to inform Council about the level of operations of Port Stephens Library Services for the period July 2006 to December 2006.

In summary the statistics in this paper indicate a continuing growth in demand for library services within Port Stephens. Highlights include:

- An increase in total attendances for the period to **124,257** which is an increase of **4.35%** over the corresponding period of the previous year.
- Circulation volume topping a quarter of a million with **251,302** loans for the period.
- Public Access Computers/Internet bookings climbing to **25,575** representing an extraordinary **35%** increase over the corresponding period of the previous year.

A more extensive overview of operations is available in the table at the end of this report.

Other highlights for the reporting period include;

- An evaluation of the Mobile Library's home delivery service to residents of Banksia Grove retirement village with positive feedback on the current service delivery model.
- A *Stories in the Park* Literacy event where 230 local children filled Boomerang Park to participate in a morning of storytelling, entertainment and fun.
- A successful grant application with \$13,000 in CDSE funding allocated to Port Stephens Library for the implementation of an online homework help (online tutoring) program. The program was launched in September 2006 and is funded for 12 months.
- Winning an Australian Library and Information Association National competition to host a Maisy Mouse Party at Port Stephens Library.
- Raymond Terrace Library hosted an author visit by popular Australian author Robert G Barrett of which 60 members of the Raymond Terrace community attended.
- Launched the availability of Playstations at Raymond Terrace and Tomaree branches.
- Port Stephens Library awarded the LIAC Centre of Excellence Award at the 2006 Justice Awards, Parliament House on 31st October 2006.
- Let's Read Launch. A literacy initiative made possible through \$17,000 in grant funding from the State Library of NSW & additional funding through the Smith Family which will see every family with a new born baby in Port Stephens receive a literacy pack.

ORDINARY MINUTES –27 FEBRUARY 2007

Attendances Year to Date	Tomaree Library	Raymond Terrace Library	Mobile Library	Tilligerry Community Library	Total
July - Dec '05	61407	51631	4970	1074	119082
July - Dec '06	63880	54015	5356	1006	124257
% for 12 month comparison	4.03%	4.62%	7.70%	-6.33%	4.35%

Circulation Year to Date	Tomaree Library	Raymond Terrace Library	Mobile Library	Tilligerry Community Library	Total
July - Dec '05	114448	91429	29811	6443	242131
July - Dec '06	118004	95071	32132	6095	251302
% for 12 month comparison	3.11%	3.98%	7.79%	-5.40%	3.79%

PC/Internet usage Year to Date	Tomaree Library	Raymond Terrace Library	Mobile Library	Tilligerry Community Library	Total
July - Dec '05	10725	7997	Na	Na	18722
July - Dec '06	13634	11641	Na	Na	25575
% for 12 month comparison	27.12%	45.57%			35%

Lending Stock Available	Tomaree Library	Raymond Terrace Library	Mobile Library	Tilligerry Community Library	Total
July - Dec '05	37824	29754	12921	9890	242131
July - Dec '06	36382	31514	12932	10571	251302
% for 12 month comparison	-2.42%	5.92%	0.09%	6.44%	3.79%

INFORMATION ITEM NO 6

**LOCAL GOVERNMENT ASSOCIATION OF NSW ANNUAL
CONFERENCE – CONFERENCE REPORT**

**REPORT OF: PETER GESLING, GENERAL MANAGER
FILE: A2004-0394**

BACKGROUND

The purpose of this report is to provide information from the Local Government Association of NSW Annual Conference held from 28 October to 1 November 2006.

ATTACHMENTS

- 1) Conference Report.

ATTACHMENT 1

Conference/Seminar Report

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

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

Conference Title: Local Government Association of NSW Annual Conference

Dates of Conference: 28 October to 1 November 2006

Location: Leura

Attendees: Cr Ron Swan, Cr Ken Jordan, Cr Geoff Robinson, Cr Helen Brown, Cr Josh Hodges, Cr Glenys Francis and Peter Gesling.

Conference Overview: *Please provide a summary of the points raised and how this relates to our organisation by either completing the area below or attaching a one page overview.*

Kerry Hickey:

- Financial Assistance Grants;
- Asset Management and financial reporting.
 - National framework;
 - Infrastructure taskforce (DLG);
- Ministerial Advisory Council.
 - Additional to LGSA.

Local Government Vision:

- One business;
- Retain local identity;
- Strongly focused on resource sharing (business clusters, shared admin etc.)
- Streamlined planning processes.
- Joint asset management framework.

Bob Debus:

- Partnerships
 1. Law and order – crime.
 2. Environment – bio-banking?
 3. Arts – “accord” signed. Integration of libraries, museums and galleries.

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ATTACHMENT 1

Paul Keating:

Presentation about the built environment.

- Town planning;
- Architecture;
- Design;
- Civic spaces;
- **MUST** focus on natural environment.

Quote:

- No life without roots.
- No life without history.
- No future without a past.
 - Danish Royal Consort.

Frank Sartor:

- State objectives:
 - Investment;
 - Jobs;
 - Planning
- DA's dealt with by Minister:
 - 289 lodged.
 - 250 – (90%) approved by Department of Planning.
 - 39 called in.

Results:

- 235 approved.
- 54 refused.
- Spot rezonings can be approved IF:
 - Sound in principle;
 - Not minor;
 - Batch them.
- Part 3A – opportunity to negotiate joint approach for assessment, e.g. Campbelltown Council.
- Negotiate on approval panel.
- Performance monitoring: Response to survey?
- Regional strategies:
 - Environmental offset;
 - Land acquisitions provisions reformed;
 - Existing use rights cannot be used to change to another unimproved use.

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ATTACHMENT 1

18 SEPPS into 7 related to infrastructure and government land.

Paul Bell, ALGA

Federal media campaign (3F's):

- Fair?
- Fair?
- Fair?

Tony Kelly, MLC

- PRMF Reserve – only applies to metropolitan area.
Means to provide funds for regional lands development.

\$3.2M – Planning and development.

\$2.0M – Iconic reserves.

Eric Roozendaal, MLC

- Reversing sensors on all Council vehicles – request for Councils to consider.

David Campbell, MLC

"Water issues"

Peter Debnam, MP

"IGA today!"

John Turner, MP

"Partnerships"

Conference Information to be supplied to:

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

Conference Notes:

Notes provided? ☐ Yes ☐ No

Corporate Library notified ...f...f...

Notes available from

Any other comment, ie how useful you found the conference/seminar? Comment from Cr Ron Swan, Mayor – "Great opportunity to network – insight into other Council's problems – discussion re common goals."

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INFORMATION ITEM NO 7

RISK MANAGEMENT BONUS

REPORT OF: JEFF SMITH - FINANCIAL SERVICES MANAGER
FILE: PSC2006-0455 & PSC2006-6848

BACKGROUND

The purpose of this report is to advise Council of the receipt of a cheque for \$59,325 as a result of Council's participation in a Risk Management bonus scheme administered by Council's Public Liability/Professional Indemnity insurers.

In 2004, Council's Public Liability/Professional Indemnity insurer, Statewide Mutual, implemented a risk management bonus scheme from the end of the 2004/2005 year. The bonus scheme is intended to reinforce and promote the need for local government authorities to implement proper risk management processes into their normal day-to-day operations.

The Board of Statewide Mutual has been concerned that in some councils it is becoming evident that there is a view that the Civil Liability legislation and the refreshing change of attitude of the Courts will alleviate them of any requirement to undertake or implement a risk management program. This attitude is obviously incorrect and is in contradiction of the intent of Civil Liability legislation. It is also contrary to the views expressed by the Court who have indicated there is an expectation that councils would have a proper risk management and inspection regime in place.

The bonus scheme allows eligible councils to receive a bonus (rebate) of up to 10% of their previous year's contribution. Council's 2005/2006 contribution was \$795,000 so the maximum available bonus was \$79,500. Council's rebate of \$59,325 was equivalent to 7.5% of the maximum available 10%.

The bonus is calculated on the following criteria:

1. Any council that fails to provide a completed Audit by the due date will not be considered for a bonus.
2. The components of the bonus calculation are:
 - * 60% based on the rating achieved in the Risk Management Audit
 - * 10% based on attendance at four regional Risk Management Group meetings or, alternatively, three regional Risk Management Group meetings and the annual Statewide Mutual Risk Management Conference.
 - * 30% based on the claims loss ratio achieved by the individual council over the preceding five years, calculated in bands of 20% up to 80%. Any council with a loss ratio exceeding 80% will not receive a bonus for this component.

In consultation with relevant council officers, the Risk Management Section recently completed the 2006 audit that will be used to calculate any bonus payable in 2007.

Following a workshop in December of relevant council officers and representatives of both Council's internal auditor and insurer, part of the bonus will be used to fund the development of a sound risk management strategy using a "whole of business" or Enterprise Risk Management approach. The strategy, facilitated by Echelon Australia, would be consistent with AS/NZS 4360:2004 Risk Management and the Department of Local Government "Promoting Better Practice" review and would be implemented in five (5) stages:

- 1. Stage 1 – Program Commitment**
- 2. Stage 2 – Context & Structure**
- 3. Stage 3 – Risk Management Plan**
- 4. Stage 4 – Implementation**
- 5. Stage 5 – Monitoring & Maintenance**

The fee for implementation of stages 1 to 3 inclusive is approximately \$20,000 (excl GST). Fees for the implementation of Stages 4 and 5 are dependent on Council's commitment to an agreed amount of services. It is anticipated that development and implementation of an Enterprise Risk Management strategy for Council would take approximately two (2) years.

ATTACHMENTS

- 1) Nil

INFORMATION ITEM NO 8

COUNCIL WARD FUNDS

**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE
MANAGEMENT
FILE: PSC 2007-0183**

BACKGROUND

The purpose of this report is to provide the current Ward Funds expenditure and the balance as at 25 January 2007.

ATTACHMENTS

- 1) Ward Funds
- 2) Minor Works

ATTACHMENT 1

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

WARDS	EAST	CENTRAL	WEST	TOTAL
ESTIMATED BALANCE B/FWD FROM 30 JUNE 2006	138,436	1,940	170,927	311,303
FUNDS REALISED IN 2005-2006	0	0	0	0
TOTAL AVAILABLE 1 JULY 2006	138,436	1,940	170,927	311,303

ALLOCATED TO:-

From Original Budget

Corlette SES	15,000			15000
Contribution to RT Comm & Policing Services Rental assistance CM372/05			15,000	15000
Raymond Terrace Senior Citizens Centre			35000	35000
Medowie Skate Park		77000		77000

From Revotes and Carry Forwards

Shelly Beach Amenities	25000			25000
King Park Landscaping			7000	7000
Anna Bay Oval Upgrade		1697		1697
Anna Bay Pony Club		-10251		-10251
Bowthorne Park Upgrade			21000	21000
Tomaree Sports Complex - New Water Service	70000			70000
Little Beach Disability Access ramp	33904			33904
Raymond Terraces CCC			19108	19108
Tilligerry Creek Erosion Study		5000		5000
Cycleway Construction Brockelsby Road Medowie		22744		22744
Cycleway Construction Mustons Road Karuah			0	0
Bus Facilities Construction Medowie		18571		18571
Bus Facilities Construction Anna Bay		11299		11299
Bus Facilities Construction LTP		3314		3314
Karuah Main Sreet			7894	7894

From Budget Reviews

Port Stephens Community Arts Centre CM 222/05	10,000			10000
Salt Ash Sports Ground CM 434/06		35,000		35000

TOTAL ALLOCATED	153,904	164,374	105,002	423,280
BALANCE as at 25/01/2007	-15,468	-162,434	65,925	-111,977

ATTACHMENT 2

2006/2007 ALLOCATION OF MINOR WORKS

WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD FROM 30 JUNE 2006				
2006/2007 BUDGET ALLOCATION FROM REVENUE	20,000	20,000	20,000	60,000
TOTAL AVAILABLE 1 JULY, 2006	20,000	20,000	20,000	60,000
ALLOCATED TO:-				
Previously Allocated funds paid this Financial year				
Tilligerry Lions and Habitat Arts Festival CM 578/06		500		500
Glen Oak School of Arts CM 578/06			339	339
 Allocated 2006/2007 Financial Year				
Medowie Scout Group CM 618/06		110		110
Rotary Club of Nelson Bay CM 618/06	2,500			2,500
Shoal Bay Public School CM 618/06	869			869
Shoal Bay Public School CM655/06	395			395
Access Comm of Port Stephens CM 794/06	595			595
1st Tilligerry Scout Group CM 794/06		722.5		723
P S Fellowship of Australian Writers CM 679/06	1000			1,000
Hunter River High School CM 679/06			200	200
Irrawang Public School CM 734/06			200	200
Glen Oak School of Arts CM734/06			2000	2,000
Port Stephens Music Festival CM 734/06	93.2			93
1st Paterson Bolwarra Scouts Group CM 761/06			200	200
TOTAL ALLOCATED	5,452	1,333	2,939	9,724
BALANCE AVAILABLE	14,548	18,668	17,061	50,276
 PLUS Expected Property Profits Funds (30%)	0	0	0	0
TOTAL AVAILABLE as at 25/01/2007	14,548	18,668	17,061	50,276

INFORMATION ITEM NO 9

WILLIAM THE IV – NEWCASTLE CITY COUNCIL

REPORT OF: PETER GESLING – GENERAL MANAGER
FILE: PSC2006-1376

BACKGROUND

The purpose of this report is to update Council on the status of the ship William IV. Port Stephens Council passed a resolution on 18 April 2006 to research the current status of William IV.

William IV was a replica of a boat that operated on the Williams River during the early settlement of the area. This replica was built using bicentennial grant funds and community donations with the plan to operate as a tourism attraction.

Councillor Jordan requested Council to ascertain the current status of the vessel in particular the location of the original figure head which was sculptured locally. The General Manager from Newcastle City Council has advised that the original carving is displayed in the Regional Museum foyer and has been for over 10 years. A replica is fitted to the ship because it takes a beating from the weather and the general wear and tear normal in an operating ship.

The costs of operating and maintaining a fully steam powered vessel were high with limited qualified resources available. To provide taxation benefits, the ship was transferred to the Newcastle Regional Museum and operated by a joint committee of Newcastle City Council and Port Stephens Council.

After considerable investigation and debate Port Stephens Council resolved to transfer its ownership rights to Newcastle City Council. The transfer eliminated Port Stephens Council's liability and resulted in the ship being listed on Newcastle City Council's asset register.

Recently Newcastle City Council advertised the ship for sale with Dungog Council submitting a proposal dependent on a Federal Government grant with the intention of removing the vessel from the water and became a static tourist attraction.

Dungog Council has since received advice that their grant application has been unsuccessful.

Under the Federal Regional Partnerships Program, Dungog Council will submit an application seeking 50% grant funding under the guidelines of the program. The balance of funds will be sought from sponsorship and in kind contributions. This application is subject to the concurrence of Newcastle City Council.

ATTACHMENTS

Nil

INFORMATION ITEM NO 10

QUARTERLY REPORT – INTEGRATED WORKS PROGRAM

**REPORT OF: MIKE TRIGAR – GROUP MANAGER FACILITIES & SERVICES
FILE: PSC2005-0051**

BACKGROUND

The purpose of this report is to inform Council of the progress to date of projects contained in the Rolling Three Year Integrated Works Program.

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

As part of the quarterly reporting to Council, the second quarterly report on progress to date for the first year (2006/07) of the IWP has been completed and is tabled here to Council. Again, it should be noted that the unavailability of projected ward funds and the potential availability of repealed S94 funds instead, has affected proposed projects for both 2006/07 and 2007/08.

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

ATTACHMENTS

- 1) Nil

TABLED DOCUMENT

- 1) Progress Report for the Second Quarter (October 2006 to December 2006) of the First Year (2006/2007) of the Rolling 3 Year Integrated Works Program (IWP).

**LOCAL GOVERNMENT REMUNERATION TRIBUNAL
DETERMINATION**

**REPORT OF: PETER GESLING
FILE: A2004-0266**

BACKGROUND

The purpose of this report is advise Council that the Local Government Remuneration Tribunal are required to make a determination on the fees payable to Councillors and Mayors no later than 30 April 2007, to take effect on 1 July 2007.

Port Stephens Council is currently a Category 3 Council. Council was advised of the changes to the categorisation as stated in the Tribunal's letter in ATTACHMENT 1 last year.

Submissions to the Tribunal on the matter of fees payable to Councillors and Mayors are required to be received by the Tribunal no later than 9 March 2007.

ATTACHMENTS

- 1) Letter from Local Government Tribunal

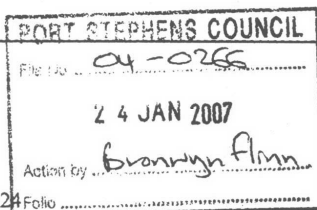
ATTACHMENT 1



Local Government
Remuneration Tribunal

2007/1

Clr Ron Swan
Mayor
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324



Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000
GPO Box 5341
Sydney NSW 2001

Telephone: (02) 9228 4657
Facsimile: (02) 9228 3578
email: bradshs@premiers.nsw.gov.au
17 January 2007

Dear Mayor

Pursuant to s.243 of the *Local Government Act 1993*, the Tribunal is required to make an annual determination, by no later than 30 April 2007, on the fees payable to Councillors and Mayors to take effect from 1 July 2007. The purpose of this letter is to advise that the Tribunal has commenced its review for the 2007 determination.

This review will be conducted by Ms Helen Wright who has been appointed as the Tribunal. Ms Wright replaces Charles Cullen QC whose term as the Tribunal has expired.

Fees – All Councils

The Tribunal will be undertaking a review of the minimum and maximum fee levels for each Category. As in previous years the Tribunal will consider as part of this review the main economic indicators and any submissions you wish to make on the matter.

Categorisation

In accordance with Section 239 of the Act the Tribunal is required to determine the categories of councils and mayoral offices at least once every 3 years. Categories of councils and mayoral office were last determined by the Tribunal in 2006. As outlined in the report and determination of 19 April 2006, the Tribunal determined that Category 5 councils should be merged with Category 4 Councils and that Category 5 would be abolished. The Tribunal found that the remaining existing categories were still appropriate and determined no further changes.

The Tribunal does not intend to undertake a further review of categories during the 2007 review. The Tribunal will review the categories of Councils again as part of the 2009 review. Until then the Tribunal would not expect to move councils within categories unless there is a significant change in the role and responsibilities of individual councils.

Submissions should be received by no later than **9 March 2007**.

Enquiries should be directed to Sarah Bradshaw on (02) 9228 4657.

Yours sincerely

Joseph Hanna
A/Director

STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: PSC 2005- 4282****TILLIGERRY CREEK CATCHMENT MANAGEMENT PLAN****REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Draft Tilligerry Creek Catchment Management Plan so it can be put on public exhibition during February/March 2007.

STRATEGIC COMMITTEE MEETING – 6 FEBRUARY 2007**RECOMMENDATION:**

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 27 February 2007**RESOLUTION:**

017	Councillor Nell Councillor Brown	That the Recommendation be adopted.
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MATTERS ARISING

1. That a report be prepared on the Reasons for recommending “Wisconsin mounds” as opposed to the pump out systems recommended in the 1998 report on catchment management.
2. That a timetable be provided to Council against the action in the Tilligerry Creek Catchment Management Plan.

MATTER ARISING:

018	Councillor Nell Councillor Brown	1. That the Matter Arising in Item 1 be adopted.
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MATTER ARISING:

019	Councillor Nell Councillor Brown	2. That the Matter Arising in Item 2 be adopted.
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BACKGROUND

The purpose of this report is seek Council’s support for the adoption of the recently completed Tilligerry Creek Catchment Management Plan so it can go on public exhibition in February for 30 days and then be finalised and implemented.

The Port Stephens/ Myall Lakes Coastal and Estuary Committee formally adopted the Tilligerry Creek Catchment Management Plan in December 2006.

In 2004 the Port Stephens/ Myall Lakes Coastal and Estuary Committee recommended the development of a catchment management plan for Tilligerry Creek. The over riding objective of the plan was to address the sustainable use of Tilligerry Creek as an important estuarine ecosystem that supports oyster harvesting, aquaculture research, tourism and recreational activities.

A consultant (Earth Tech Pty Ltd) was engaged by Council in 2005 to prepare the study.

The study found that ongoing land use pressures have resulted in a decline of habitat quality within the catchment and this has resulted in impacts on water quality, biodiversity, and adversely affected recreational and commercial activities.

The report provides a number of recommendations including:

- The need to repair and upgrade some floodgates and modify others
- The installation of trash racks, wetlands and pollutant traps in areas subject to high pollutant loads.
- Audits of catchment activities including commercial premises to monitor pollution controls on those premises.
- Better management of vegetation particularly along creek banks.
- Weed control and revegetation of degraded areas and the banks of creeks.
- Better management of stock including their removal from salt marsh areas and from waterways.
- Buyback of marginal agricultural land to reinstate salt marsh and help provide additional fish breeding areas.
- The report did not look at septic system upgrade issues as this was the subject of other studies being undertaken by Council independently of this study.

LINKS TO CORPORATE PLANS

Links to the Council Plan Key Result Area 8.3.

FINANCIAL/RESOURCE IMPLICATIONS

To implement all of the recommendations in this report would cost Council a considerable amount. Rather than attempting to fund all recommendations, it is proposed to work on priority areas and seek State or Federal funding to address these areas over time.

A number of the priority issues identified in the report will be dealt with as part of the agricultural program that is underway at the present time.

LEGAL AND POLICY IMPLICATIONS

There are no significant legal issues arising out of this report. One area of policy that may be affected will be the management of floodgates.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

There will be some longer -term positive social outcomes associated with the recommendations in this report, particularly where water quality issues are concerned. Many recreational and commercial activities within Tilligerry Creek are affected by poor water quality including oyster farming, swimming, boating and tourism.

Improvements in the Tilligerry catchment will result in improvements in aquaculture operations, tourism related activities and recreation within the creek.

ECONOMIC IMPLICATIONS

Improvements in the quality of the Tilligerry Creek catchment will lead to economic improvements, including a positive impact on oyster farming and tourism. Often negative issues within Tilligerry Creek can have impacts outside the catchment area including negative media coverage, which then affects tourism and oyster harvesting in other parts of Port Stephens.

Land values can also be affected by the amenity of an area and it is anticipated that over time land values will increase as the quality of the Tilligerry catchment improves.

ENVIRONMENTAL IMPLICATIONS

There will be many opportunities for environmental improvements arising from this report, including the revegetation of waterways, water quality improvements, aesthetic enhancements and many more. The most significant improvements are expected to be associated with water quality, which in turn will lead to healthier waterways, increased biodiversity, and improved habitat for fish and oysters.

Many of the recommendations call for improvements in land management practices including better management of stock, the revegetation of buffer zones along waterways to address poor water quality and the installation of pollution traps and wetlands to filter faecal contaminants.

CONSULTATION

The issues raised in this report were discussed with a number of stakeholders by the consultant in the Tilligerry catchment as the report was being developed. Further consultation was undertaken with the Port Stephens/ Myall Lakes Coastal and Estuary Committee and Council staff on a number of occasions.

OPTIONS

- 1) Adopt the Draft Tilligerry Creek Catchment Management Plan and place it on public exhibition during February/March 2007.
- 2) Adopt the Draft Tilligerry Creek Catchment Management Plan with changes and place it on public exhibition during February 2007.
- 3) Reject the Draft Tilligerry Creek Catchment Management Plan.

ATTACHMENTS

- 1) Executive Summary of the Draft Tilligerry Creek Catchment Management Plan

COUNCILLORS ROOM

- 1) Draft Tilligerry Creek Catchment Management Plan

TABLED DOCUMENTS

Nil

ATTACHMENT 1
EXECUTIVE SUMMARY OF THE DRAFT TILIGERRY CREEK CATCHMENT
MANAGEMENT PLAN

The improved health of Tilligerry Catchment has been identified as being of high priority to Port Stephens Council by numerous studies including the Karuah River / Port Stephens Estuary Management Plan and *Urban Stormwater and Rural Water Quality Management Plan*.

Earth Tech has been commissioned by the Estuary Management Committee of Port Stephens Council to develop this Catchment Management Plan. The objectives for the plan as outlined by Port Stephens Council are:

- Research, identify and investigate the major catchment health issues
- Develop priority recommendations and management actions that are economically, socially and environmentally appropriate to the Tilligerry Creek catchment
- Ensure community acceptance and adoption of the prioritised actions through consultation and involvement in the project processes.

This Catchment Management Plan seeks to provide a clear and defensible basis for the selection of priority actions to improve the health of Tilligerry Creek Catchment to provide long-term sustainability of the system.

The Tilligerry Creek catchment lies in Port Stephens Local Government Area (LGA) and covers an area of 130km², encompassing Fullerton Cove, Bobs Farm, Williamtown, Salt Ash, Tanilba Bay and Lemon Tree Passage. Tilligerry Creek flows generally northeast across a low-lying floodplain, through a network of floodgates where it discharges to Port Stephens itself through a wide estuarine area. Tilligerry Creek is also within the proposed Port Stephens–Great Lakes Marine Park.

The dominant land uses with the catchment are agriculture on reclaimed estuarine wetland, bushland remnants, and small residential communities. Industries of significance within the catchment are tourism, oyster farming, primary production and mining. The Williamtown RAAF base/Newcastle Airport are also contained within the study area.

Acid sulfate soils within the Tilligerry Creek catchment potentially occur wherever estuarine sediments have been deposited during recent geologic history. Acid sulphate soils have the potential to impact on water quality and the aquatic ecosystem health if they are not managed appropriately.

The Tilligerry Creek catchment contains regional and locally significant vegetation communities, species and corridor linkages.

A desktop analysis was undertaken to assist in the prioritisation for field investigations and provide assessors with background information.

Condition assessments undertaken throughout the catchment over four days between 5th May and 4th August 2005. Investigations of catchment threatening processes were identified with data collected at 93 locations including seven Index of Stream Condition (ISC) sites conducted along Tilligerry Creek.

The assessments targeted catchment hotspot sites and included a rapid health assessment of Tilligerry Creek and some water quality monitoring to identify potential acid sulphate soil issues.

The catchment study highlighted the fact that ongoing land use pressures have resulted in the decline of habitat quantity and quality. The areas most affected by vegetation changes are located in the central floodplain.

Drainage, floodgates and clearing have changed the characteristics of the soil and will limit the ability to return original vegetation communities. Weeds of regional and national significance exist within the catchment.

Coastal Salt marsh was identified as being of a high management priority within the catchment as the level of decline and susceptibility to further deterioration is considered high.

Modification to the tidal regime, habitat and catchment inputs is consistent with the proposed Marine Park listing.

Overall the condition of the creek corridor would be considered poor due to a lack of terrestrial vegetation & habitat, in-stream habitat and disturbance associated with grazing. The ability for fish species to migrate and breed is limited a lack of tidal influx brought about by floodgates and in-stream habitat removal.

The literature review identified *Faecal coliform* concentrations after periods of high rainfall from septic systems were a significant problem potentially leading to the cessation of oyster farming in Zone 5B of Tilligerry Creek.

Active mangrove management is required to reduce encroachment into salt marsh. Conversely, the removal of mangroves in some locations has resulted in shoreline erosion due to continued wave action.

To address some of the pressing issues recommendations and management actions are presented below. The actions have not been listed in a single priority table as the priority is dependent on the desired outcome.

Priority	Water Management Actions
1	Action 7: De-regulate tidal flushing regime at Tilligerry Creek (Salt Ash)
2	Action 8: Construct wetland at Oakvale farm to treat waste
3	Action 4: Repair or replace floodgates along Marsh Road
4	Action 6: Introduce opening and closing regime for floodgates at Fullerton Cove
5	Action 9: Protect foreshore from erosion and other damage
6	Action 5: Introduce opening and closing regime for floodgates along Lemon Tree Passage Road
7	Action 3: Install trash rack at Williamtown commercial airport drainage outlet
8	Action 1: Install Gross Pollutant Trap in Tanilba Bay commercial centre
9	Action 2: Install stormwater quality treatment device and small wetland in Lemon Tree Passage industrial area

Priority	Cleaner Production Actions
1	Action 10: Audit and enforce land use maintenance practices
2	Action 11: Targeted initiative to ensure implementation of service station spill procedures
3	Action 12: Conduct compliance audit of car yards

Priority	Habitat Management Actions
1	Action 13: Remove stock from salt marsh
2	Action 14: Remove juvenile mangroves from salt marsh communities
3	Action 15: Install Large Woody Debris to increase aquatic habitat diversity
4	Action 17: Strategic and co-operative control of Alligator weed
5	Action 18: Moving existing fences 10–20m from top of bank
6	Action 16: Construct habitat enhancement boxes along central floodplain

ORDINARY MINUTES –27 FEBRUARY 2007

Priority	Corridor Improvement Actions
1	Action 19: Fence and revegetate high priority corridor linkages
2	Action 20: Fence and revegetate medium priority corridor linkages
3	Action 21: Fence and revegetate low priority corridor linkages

Priority	Policy Actions
1	Action 22: LEP Amendments for unprotected bushland
2	Action 23: WSUD and biodiversity policy for all new developments
3	Action 24: Buyback marginal agricultural land and re-establish tidal influence and salt marsh communities

ITEM NO. 2**FILE NO: PSC 2006-0029****MEDOWIE STRATEGY****REPORT OF: JENNY SMITH – COMMUNITY PLANNING MANAGER**

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the draft Medowie Strategy (Attachment 1) on public exhibition for a period of eight weeks.
- 2) Adopt the Consultation Plan explained in the section titled “Consultation Plan” in this report.

STRATEGIC COMMITTEE MEETING – 6 FEBRUARY 2007**RECOMMENDATION:**

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 27 February 2007

Councillor Baumann left the meeting prior to discussion on Item 2 at 6.37pm.

MOTION:		
	Councillor Dingle Councillor Dover	That Council: - 1. Place the draft Medowie Strategy (Attachment 1) on public exhibition for a period of six months. 2. Adopt the Consultation Plan explained in the section titled “Consultation Plan” in this report.

AMENDMENT:		
020	Councillor Jordan Councillor Francis	That Council: - 1. Place the draft Medowie Strategy (Attachment 1) on public exhibition for a period of eight weeks. 2. Adopt the Consultation Plan explained in the section titled “Consultation Plan” in this report.

The Amendment on being put became the Motion and was carried.

Councillor Hodges left the meeting at 6.50pm during Item 2 and returned to the meeting at 6.52pm during Item 2.

Councillor Francis left the meeting at 7.08pm during Item 2 and returned to the meeting at 7.12pm during Item 2.

ATTACHMENT

Draft Medowie Strategy

BACKGROUND

The purpose of this report is to:

- 1. Explain the background, structure, content and implementation of the draft Strategy**
- 2. To seek approval to place the draft Strategy on public exhibition.**

In June 2004 Council adopted the Medowie Local Area Plan that identified investigation areas that would likely be suitable for urban development consistent with the principles of the LAP and the Port Stephens Urban Settlement Strategy 2002. The Medowie LAP has now been incorporated into the draft Community Settlement and Infrastructure Strategy (CSIS) and will be repealed along with the current Port Stephens Urban Settlement Strategy 2002 upon the formal adoption by Council of the CSIS. The replacement of these two documents by the draft CSIS has lead to the Medowie Structure Plan being renamed the Medowie Strategy. A Structure Plan is contained within the draft Strategy.

In 2005 Council successfully applied to the Department of Planning (DoP) under the Planning Reform Funding Program for funding to undertake the Medowie Strategy. Combined with funding from Council, the project brief was prepared between Council and the Department and lead to the employment of ecological, economic, transport and hydrological consultants. The subsequent reports and the employment of an urban designer working with Council's strategic planners have lead to the preparation of the Medowie Strategy.

The Medowie Strategy will be the key guiding document for Council in its consideration of rezoning requests, their relative location within the future/desired structure for the Medowie area and their timing and implementation. It will also facilitate the subsequent preparation of a development control plan for the Medowie area.

The Medowie Strategy contains the following suite of documents:

Part A. Strategic Directions for Medowie - this part includes:

- **Background Report** that summarises the ecological, social, economic, movement network, movement economy and structural context, constraints and opportunities;
- **Structure Plan** that:
 - identifies a network and hierarchy of neighbourhoods across the designated area that is structured around the movement/street network;

- identifies a network and hierarchy of streets
- identifies a network and hierarchy of parks and open space
- identifies land uses within each neighbourhood and across the study area;
- identifies biodiversity corridors and habitat across the study area.
- **Urban Capacity Report** that identifies the potential urban capacity of the Structure Plan in terms of yield and split in dwelling numbers and types, area and desired type and mix of commercial land and activities, the area and type of parks and open space, the area and type of community facilities;
- **Implementation Strategy** that establishes; the preferred sequencing of development of the town; criteria for rezonings in terms of minimum areas; the need for developer agreements and establishes a Biodiversity Offsets Scheme to allow the removal of identified areas of vegetation for urban development subject to other lands being brought into environmental protection including revegetation;
- **Communication Strategy** that outlines the consultation process and details opportunities available to the community to provide input.

Part B. Research Report provides background information on the Medowie area including Character and place, historical layers, past plans, topography, soils, ground water, agricultural land, subdivision pattern, current zoning, building types; bush fire prone land, water, sewer, water quality, roads, energy, telecommunications, pre and post land values and street grid comparison.

Part C. Baseline Studies that includes the following technical reports:

Medowie Structure Plan - Flooding, Drainage and Water Sensitive Urban Design Analysis (October 2006) by WBM Pty Ltd.
Retail and Commercial Development Strategy for Medowie Structure Plan (September 2006) by Hill PDA Pty Ltd.
Flora and Fauna Assessment for Medowie Structure Plan (June 2006) by Umwelt Pty Ltd.
Medowie Transport Plan (August 2006) by Chris Stapleton Consulting Pty Ltd.
Medowie Structure Plan – Ecology Review and Advice October 2006 by Biolink Ecological Consultants

LINKS TO CORPORATE PLANS

The Medowie Strategy emphasises the integration of issues of location, size and design of development, infrastructure and ability for council to service and maintain infrastructure as key issues that affect the entire council organisation.

The draft Strategy addresses the strategic and future directions of Council's Plan 2005-2008 in particular:

- Providing an integrated policy framework.
- Integrating planning for facilities and services.
- Integrating local and regional strategies.
- Creating safe communities.
- Preserving and enhancing our heritage, biodiversity, and environmental health.
- Maintaining and improving the quality of environment and recreation facilities.

- Achieving development that is more ecologically sustainable.
- Protecting, restoring and managing biodiversity through planning
- Researching and implementing environmental best practice.
- Implementing Water sensitive urban design.
- Promoting, planning and guiding development to create sustainable communities that conserve and enhance the natural and built environment.
- Ensuring that our planning framework provides appropriate levels of housing, transport, infrastructure, human services and community facilities across all of our communities.
- Planning and development processes involve community participation and development outcomes reflect community values.
- Aligning our policies with our planning framework.
- Delivering facilities and services to meet community needs now and in the future.
- Managing facilities and services to meet community needs in a way that protects and enhances the environment and community values.
- Ensuring Council's forward planning framework for infrastructure matches development.
- Integrating land use and transport.

FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications of the Medowie Strategy itself are very significant for Council, the public sector generally and the private sector in terms of infrastructure and development costs (including the need for conservation measures to offset the loss of vegetation within identified areas) and ultimately, to some extent to purchasers of residential land and dwellings.

The financial and resource implications of public exhibition could be extensive depending upon the scale of public presentations and meetings/workshops involved. The Land Use Planning team also has a work program of other very high priorities to address. The Consultation Plan contained in the Consultation section below takes these factors into account.

The State government's recent gazettal of legislation allowing it to require regional infrastructure levies for green field development will be an increasingly important issue for Council when planning, designing and considering rezoning requests for urban development consistent with the draft Strategy. The State government is yet to finalise how a regional infrastructure levy will be applied to the Lower Hunter Region.

On adoption, the implementation of the Medowie Strategy will require the services of a full time place manager to manage and coordinate; rezoning requests; preparation of development controls to be inserted into Port Stephens Development Control Plan 2006; Section 94 plan and developer agreements; and, infrastructure and service provision and agreements with Council, state agencies and the private sector. The position will be funded through developer contributions.

LEGAL AND POLICY IMPLICATIONS

The draft Strategy is not a legal document required by legislation. Placing it on public exhibition does not have direct legal implications for Council. It does seek to implement the relevant contents of the Lower Hunter Regional Strategy, the draft Regional Conservation Plan and the draft Port Stephens Community Settlement and Infrastructure Strategy. The

draft Strategy is consistent with the Lower Hunter Regional Strategy adopted during October 2006 by the State government.

A preferred sequencing/staging of development is identified by the draft Medowie Strategy and will be the basis for considering future rezoning requests in the Medowie area. Given the complexity and number of parcels of land affected by the draft Strategy, the coordination and timing of rezoning requests will be subject to land owner preferences and economic factors.

The draft Strategy is a key Council policy to guide where new urban development should occur in identified areas and states how social, economic and environmental factors can be integrated into the planning and design of these areas to achieve more sustainable development and community outcomes.

Placing the Draft Strategy on public exhibition provides the community and the development industry with an opportunity to view and comment on the draft document.

Need for Industrial Land

The structure plan contained within the draft Strategy identifies land uses the area and boundaries of which may change over 15 to 20 years time. In particular this may occur with industrial land that has been identified to occur in Abundance Road. It is in this location that the likely need for concrete batching plants, truck depots etc can be located. However, the major employment areas within Medowie are likely to be within the neighbourhood and town centres and the “Home Enterprise” area proposed along Medowie Road. This is consistent with the findings and subsequent employment strategy contained in the draft Port Stephens Community Settlement and Infrastructure Strategy. The “Home Enterprise” land use can accommodate light industrial activities such as furniture making, tool/machinery repair workshops and owner/driver truck operators. However, if there is a need for more noise intensive or amenity impacting activities that is greater than anticipated then the Abundance Road industrial area could expand.

The need for and amount of industrial land within Medowie should also consider the centres and broader land use hierarchy that Medowie sits within. For example, the need for landscape supplies can be accommodated at those sites along Richardson Road and at Heatherbrae whilst the demand for timber and construction supplies to support the future growth of Medowie can be sourced from Raymond Terrace and Heatherbrae. Both of these areas have a regional catchment of which Medowie will form an increasingly important part. These issues associated with the proposed town of Kings Hill has been strategically considered in the same manner.

Land Not Identified For Urban Development

The draft Strategy identifies the most appropriate land for urban development that implements state government and council policies concerning integrated and sustainable development. However, for lands that have not been identified for urban development and do not have significant ecological values or other constraints (e.g. flooding, aircraft noise) may be considered for alternate forms of development such as the extension of existing rural residential areas. However, consideration of alternate forms of development needs to address social, economic and environmental impacts and relationships to those areas identified for urban development in the draft Strategy.

Port Stephens Comprehensive Koala Plan of Management (CKPoM)

The CKPoM applies to the entire Port Stephens Local Government Area. Among other policies contained within the Plan, it stipulates that rezoning requests should not result in

development or only allow low impact development in preferred koala habitat and supplementary koala habitat areas respectively.

The draft Strategy proposes the development of land that contains preferred and supplementary koala habitat under the CKPoM. To implement the Strategy via rezoning requests will require an amendment to the CKPoM to allow Council to consider rezoning requests that involve the removal or modification of koala habitat in the Medowie area provided that this can be offset.

The Medowie Strategy proposes a Biodiversity Offset Scheme. The scheme proposes a combination of; revegetation of cleared private land that connects or adjoins lands of ecological significance; Voluntary Conservation Agreements or Property Vegetation Plans with the land owner under the National Parks and Wildlife Act or the Native Vegetation Management Act respectively; and the zoning to environmental protection revegetated lands and lands of ecological significance to strengthen state or regionally significant habitat or corridors.

Proposed amendments to the CKPoM will require public exhibition and consultation with the Department of Environment and Conservation (DEC), the Catchment Management Authority, the Department of Planning and the approval by the Minister for Planning. Consultation with these state agencies on the draft Medowie Strategy will seek agreement in principle with the proposed Biodiversity Offset Scheme that in turn, will determine necessary measures to enable amendment to the CKPoM.

Threatened Species Conservation Act (TSC Act)

The proposed removal or modification of native vegetation including Endangered Ecological Communities may trigger the need for Species Impact Statements under the TSC Act. This raises investment, land owner and community uncertainty and may lead to development outcomes that are unintended or economically and socially inappropriate for the town.

The proposed Biodiversity Offsets Scheme, agreed to by the Department of Planning in consultation with the Department of Environment and Conservation for the rezoning of land for urban development in the draft Strategy, is intended to allow Council and the Department of Environment and Conservation to “turn off the 7 part test” under the Environmental Planning and Assessment Act for future Development Applications.

It should be noted that the implementation of the draft Strategy via draft LEPs for urban development on land that is currently vegetated is dependent upon the draft LEP being endorsed by the DEC. Therefore, there is potential for some land having significant biodiversity values that is identified for urban development may not be negotiable despite the proposed Biodiversity Offsets Scheme.

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

- 5) Continual improvement and innovation depend on continual learning
- 7) 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

SUSTAINABILITY IMPLICATIONS

The draft Strategy identifies sites to accommodate future urban development and proposes an evaluation framework for planning, designing and considering rezoning requests that integrates social, economic and environmental factors to achieve greater levels of sustainability. The draft Strategy is consistent with, and incorporates the Direction Statements from Council's Sustainability Policy.

Placing the draft Strategy on public exhibition allows the community to comment on how Council is proposing to manage growth and build communities in Medowie on a more sustainable basis. The draft Strategy is based on integrating sustainability issues and therefore, has significant environmental, economic and social implications for future development in the Medowie area. However, there are no implications for placing the draft Strategy on public exhibition.

CONSULTATION

The preparation of the draft Strategy involved discussions with the Roads and Traffic Authority, Hunter Water Corporation, Department of Environment and Conservation and the Department of Planning. The outcome of these discussions has influenced the preparation of the draft Strategy.

Implementation of the draft Strategy involves the removal or modification of vegetation – a requirement that is implicitly recognised by the Lower Hunter Regional Strategy and the draft Regional Conservation Plan. For the purposes of this report, Council sought and has received formal advice from DEC indicating that:

- *DEC is supportive of the general approach of the draft Strategy and support it being placed on public exhibition;*
- *The draft Strategy is consistent with the Lower Hunter Regional Strategy;*
- *The Biodiversity Offset Scheme relies substantially on revegetation to achieve biodiversity offsets yet, in the short to medium term, revegetation does not provide the ecosystem services compared to extant vegetation;*
- *The fine details of biodiversity offsets can be dealt with at Section 62 consultation for individual rezonings; and,*
- *DEC encourages Council to consider offset packages consisting predominantly of extant vegetation rather than revegetation options and to initiate offset plantings as soon as possible in anticipation of vegetation losses in the future.*

Council has also sought and received formal advice from DoP indicating that:

- *the draft Strategy is generally consistent with the Government's Lower Hunter Regional Strategy;*
- *the strategy is in a form suitable for public exhibition; and,*
- *matters relating to biocertification and biobanking are for consideration by the Department of Environment and Conservation.*

CONSULTATION PLAN

The recommended consultation plan for exhibition of the draft Strategy is as follows:

1. Place the draft Strategy on public exhibition for 8 weeks during February, March and April 2007 with copies placed at Council administration building, Medowie Community Hall and on Council's website inviting written submissions from the public;
2. Formally consult with Department of Planning; Department of State and Regional Development; Department of Environment and Conservation; Catchment Management Authority; Department of Education and Training; Ministry of Transport; Department of Housing; Tourism NSW; Rural Fire Service; NSW Fire Brigade; Department of Natural Resources; Hunter Water Corporation, Energy Australia; Port Stephens Coaches; and the Department of Defence;
3. Invite the organisations listed under Item 2 for a half day summit during the exhibition period to allow multi-disciplinary/multi agency feedback and ensure that the draft Strategy is clear and achievable.
4. Hold an information session for owners and their representatives of rural zoned land affected by the Medowie Strategy;
5. Hold an Information Session during the exhibition period with the residents of Medowie at the Medowie Community Hall;
6. Provide information to the community through the distribution of a flyer summarising the draft Strategy;

OPTIONS

- 1) Adopt the recommendation.
- 2) Not place the Strategy on public exhibition.
- 3) Require changes to be made to the draft Strategy before proceeding to public exhibition.

ATTACHMENTS

- 1): The Draft Medowie Strategy

Note: Document supplied under separate cover.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3**FILE NO: A2004-0259****STAFF EXCHANGE – BELLINGHAM CITY USA****REPORT OF: PETER GESLING - GENERAL MANAGER**

RECOMMENDATION IS THAT COUNCIL:

- 1) That Council agree in principle with the requested staff exchange program on the initial basis of Port Stephens Council staff meeting all expenses.
- 2) Authorise the General Manager to develop the selection criteria for staff and organise a suitable Professional Development program
- 3) Review the program within 12 months for further consideration of the Council.

STRATEGIC COMMITTEE MEETING – 6 FEBRUARY 2007**RECOMMENDATION:**

That the Recommendation be adopted.

TABLED DOCUMENTS:

Letters from the Mayor/CEO Bellingham City

ORDINARY MEETING OF COUNCIL – 27 February 2007**RESOLUTION:**

021	Councillor Westbury Councillor Robinson	That the Recommendation be adopted.
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Councillor Baumann returned to the meeting at 7.12pm during Item 3.

Councillor Dingle left the meeting at 7.12pm during Item 3 and returned to the meeting at 7.15pm during Item 3.

BACKGROUND

The purpose of this report is to seek Council's response to a proposal for a staff exchange program with Bellingham City Council.

Bellingham City is one of a number of City Council relationships maintained by Council around the Pacific Rim. Most activity is managed by a volunteer Committee of Council under provision of Section 355b of the Local Government Act. Council's direct involvement is ceremonial with the only cost being support of the Mayor's involvement for ceremonial

activities such as funding civic functions for visitors or irregular visits, primarily to Tateyama in Japan.

Bellingham City has formally sought Council's agreement to participate in a staff exchange program. They propose that it involves a selection process, home hosting and preparation of a professional development program for 2 weeks on an annual basis. The proposal involves airfare costs for selected staff. Alternatively Council could stage its involvement to monitor benefits from such exchanges.

LINKS TO CORPORATE PLANS

This proposal's only link with the Corporate Plan is an extension to its Sister Cities activities.

FINANCIAL/RESOURCE IMPLICATIONS

There are no current funds allocated to participate in this proposal. It would be a new initiative requiring budget allocation. Alternatively, Council could offer to participate on the basis of successful staff meeting the cost of participation and they seek taxation rebates as a work related expense. In this case, Council would limit its exposure to costs in kind and the employee's salary costs.

LEGAL AND POLICY IMPLICATIONS

There is no legal restriction to Council's involvement in this program. Recent comments by the Minister for Local Government question the value of Sister Cities activities. The Bellingham City proposal does provide professional development opportunities which is weighted to the individual involved with lesser benefit to Council and the community.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 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
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

Any involvement with another culture and systems can provide learning for the individual. The major benefit is personal which can translate into organisational outcomes.

CONSULTATION

Cr Westbury, representing the Mayor and the Executive Manager, Corporate Management met with representatives of Bellingham City and the Port Stephens Sister Cities Committee in early January. The General Manager discussed the proposal with the Mayor/CEO of Bellingham City on 24 January 2007.

OPTIONS

- 1) Accept the recommendation
- 2) Reject the recommendation

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Letters from the Mayor/CEO Bellingham City.

ITEM NO. 4**FILE NO: PSC2006-0299****PERFORMANCE MANAGEMENT****REPORT OF: PETER GESLING - GENERAL MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the Big Piece of Paper performance management process;
- 2) Authorise the Mayor, in conjunction with the General Manager, to appoint a facilitator for the General Manager's performance review.

STRATEGIC COMMITTEE MEETING – 6 FEBRUARY 2007**RECOMMENDATION:**

1. **Endorse the Big Piece of Paper Performance Management Process of the General Manager;**
2. **Authorise the Mayor, in conjunction with the General Manager, to appoint a Facilitator for the General Manager's Performance Review.**

ORDINARY MEETING OF COUNCIL – 27 February 2007**RESOLUTION:**

022	Councillor Westbury Councillor Baumann	That the Recommendation be adopted.
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TABLED DOCUMENTS

BPP samples for Employee, Co-Ordinator/Supervisor, Section Managers and Executive Team Member.

BACKGROUND

The purpose of this report is to update Council on the new performance management process and formalise the future process to implement the requirements of the General Manager's contract.

Performance management has been actively implemented at Council as part of our ongoing industrial relations activities. Historically, there have been different processes for staff, supervisors, Group Managers and the General Manager.

Through the use of the Australian Business Excellence Framework, the process has been reviewed to:

- Focus on positive feedback;
- Initiation/ownership by the employee;
- Simplification of the current process;
- Allow for team-based assessment where appropriate;
- Line of sight between the General Manager/Council Plan and other levels in the organisation;
- Supported by Council's Learning & Development Program;
- Linked to agreed organisational competencies and behaviours.

This new process known as the "Big Piece of Paper" (BPP) has been endorsed with training and documentation scheduled from February to May 2007 with implementation to occur from July 2007 in line with the new Council Plan. Each staff member will schedule biannual management reviews with their supervisor. A transition program is being implemented, transferring from the old performance review process to the new performance management process.

With regard to the General Manager's contract, since 1998 Council has engaged a facilitator to manage the previous process. Additionally, Council held regular meetings with the General Manager to raise any issues of concern. Council needs to consider a new process that incorporates the BPP to ensure the earlier objectives are achieved. It is suggested that this could include:

- a) Quarterly meetings with the Executive Team to be scheduled in March, June September and December – chaired by the Mayor;
- b) Biannual meetings with the General Manager scheduled in February and July – engage a facilitator.

An annual review will be completed by the organisation to assess effectiveness and recommend any process improvements.

LINKS TO CORPORATE PLANS

Council's Charter includes:

- To be a responsible employer.

FINANCIAL/RESOURCE IMPLICATIONS

The proposed process is estimated to have a 30 month return on investment with \$47,500 savings each year thereafter. This estimate will be measured and reviewed in the scheduled annual review.

LEGAL AND POLICY IMPLICATIONS

Council is required to meet the provisions of employee awards and contracts. These include specific requirements for performance management. The new process will fulfil these requirements.

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

An improved performance management process will improve the organisation's and community's sustainability by increasing the "ability to create and deliver value for all stakeholders". It will reduce variability, improve consistency, equity and fairness.

CONSULTATION

The BPP was developed by a team of staff from across the organisation. Input from Councillors, coordinators and staff has assisted in the process.

OPTIONS

- 1) To endorse the BPP process for the organisation.
- 2) Reject the proposal and define the parameters for the General Manager to develop an alternate process.

ATTACHMENTS

- 1) Flowchart.
- 2) BPP Brochure: How BPP works.

COUNCILLORS ROOM

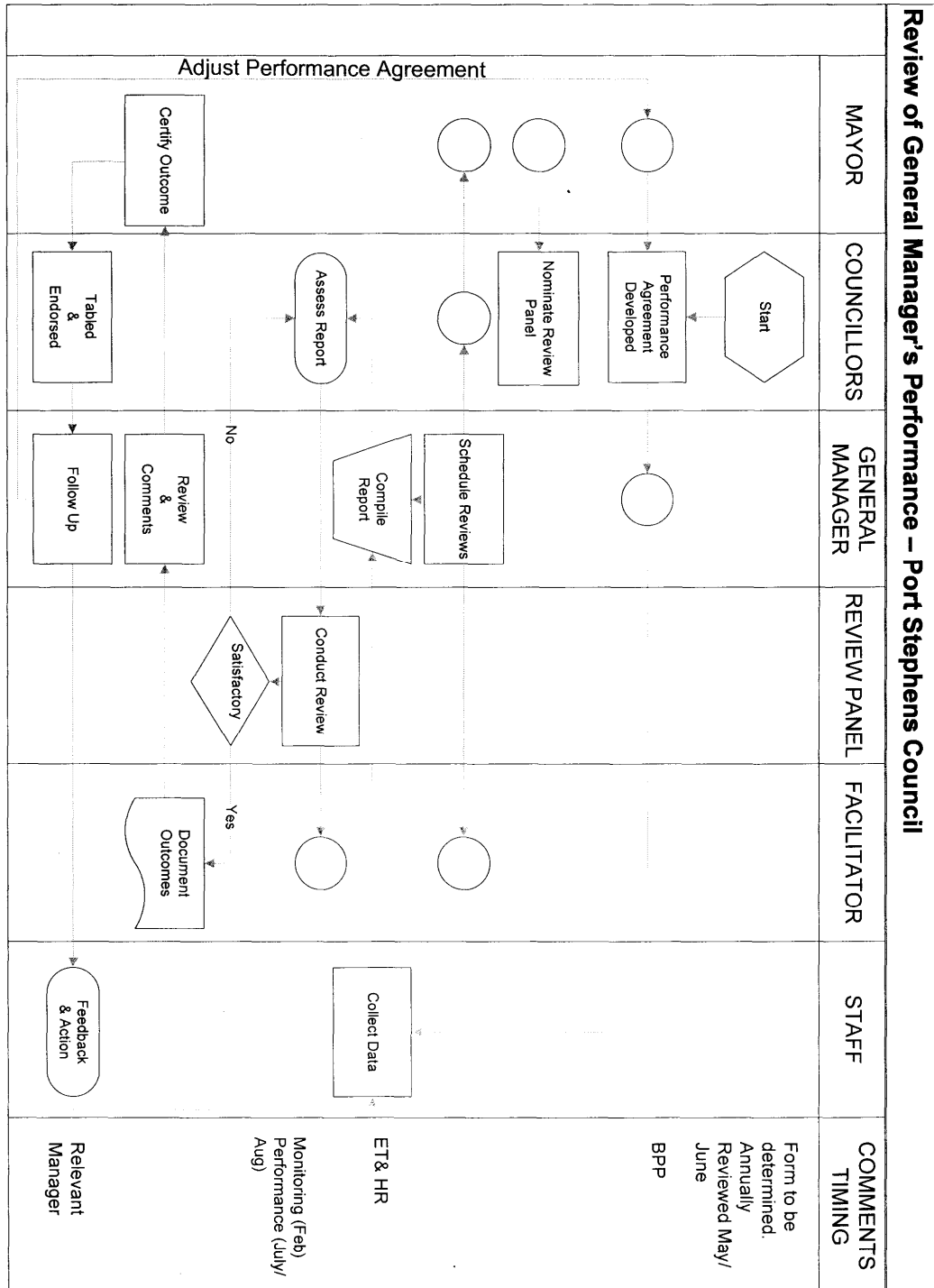
BPP samples for Employee, Coordinator/Supervisor, Section Managers and Executive Team Member.

TABLED DOCUMENTS

BPP samples for Employee, Coordinator/Supervisor, Section Managers and Executive Team Member.

ATTACHMENT 1

CURRENT - DRAFT



ATTACHMENT 2

Brochure: How the Performance Feedback or Big Piece of Paper Process Works

Introduction

The Council Performance Feedback Process enables direct linkage between the Council Plan objectives and those of the employee, provides a mechanism to measure performance across the organisation and provides a framework for identifying developmental opportunities.

It provides staff with the opportunity to:

- Actively contribute to the achievement of Council objectives
- Participate in setting work objectives for your focus areas
- Agree on the behaviours that are important for your position
- Agree on your commitments that describe how you will achieve your objectives
- Improve communication and feedback with your supervisor/manager
- Identify and pursue personal learning and development opportunities.
- Receive recognition for the achievement of your objectives.

The Big Piece of Paper has been developed by a PDSA Team using the 9 step continuous improvement process. In accordance with the philosophy of business excellence, the Process is not linked to remuneration.

How the Process Operates?

The process consists of 6 headings:

- Focus Areas
- Objectives

- Behaviours
- Agreed Commitments
- Evidence
- Feedback

Each is an integral component and critical to the success of the system.

How Performance Feedback Works.

The Big Piece of Paper is based on a consultative process where you and your manager/supervisor consult and agree on the objectives that you need to achieve during the reporting period. You both have ownership of this process and its success will be determined by ongoing consultation, reviews and feedback.

Your Manager/Supervisor will arrange to meet with you to discuss your role, work objectives and to identify learning and development strategies that will assist you in meeting your immediate objectives and assist with future career planning. The Learning and Development Coordinator is also available to assist in this process.

What Happens Then?

The Big Piece of Paper is completed in consultation with your manager/supervisor. Once completed a signed copy is forwarded to the Organisation Development Section who will retain on your personnel file.

You and your Manager/Supervisor will regularly consult and discuss your progress with the Big Piece of Paper and identify any issues that are impacting on your ability to meet your objectives.

An initial review will be undertaken after six months followed by a final review after 12 months. Both you and your manager/supervisor will participate in the reviews and you will be provided with the opportunity for comments.

On the conclusion of the 12 month period this Big Piece of Paper will form the basis of future Big Pieces of Paper.

When will the annual review take place?

The annual assessment will be carried out between September and November each year. All completed forms are required to be returned to the OD Section no later than 30 November.

Why have an annual review?

- To measure and recognise the achievement of work objectives for the previous year.
- To agree on your Learning and Development Plan
- To set work objectives for the coming year.
- Improve communication between employees and supervisors
- Employees have an opportunity to contribute to the achievement of Council objectives

What happens if agreement is not reached at the Annual Assessments?

It is anticipated that any disagreements over assessments will be resolved between the supervisor and the employee. If the supervisor and employee are unable to reach agreement, the normal grievance process will apply.

ITEM NO. 5**FILE NO: PSC2007-0131****DIRECTIONAL STATEMENTS FOR COUNCIL PLAN 2007 - 2011****REPORT OF: JUNE SHINE - EXECUTIVE MANAGER CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) adopt of the Directional Statements and Goals and note the currently drafted key performance indicators to be the basis of in the Council Plan 2007-2011;
- 2) adopts the definition of sustainability;
- 3) agrees to two briefing nights regarding the Council Plan 2007-2011 in lieu of a weekend workshop.

STRATEGIC COMMITTEE MEETING – 6 FEBRUARY 2007**RECOMMENDATION:**

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 27 February 2007**RESOLUTION:**

023	Councillor Hodges Councillor Robinson	That the Recommendation be adopted.
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BACKGROUND

The purpose of this report is to provide for Council's consideration the draft Directional Statements that derived from Council's workshop of 4 November 2006.

The Directional Statements articulate the high level, long term strategic direction in which Council wishes to proceed in the period 2007-2011. The attached document is the first level of the Council Plan 2007-2011 and sets the goals to be achieved by the Council during the next four years. (Note that the planning cycle is now 4 years as a result of the new Integrated Planning Model and accords with the Local Government Act 1993).

Once this level is adopted the organisation can proceed with the detailed preparation of the draft Council Plan 2007-2011.

The document derives from the following sources:

1. Councillors' Workshop Outcomes – November 2006
2. Sustainability Policy 2003
3. SAI Global Australian Business Excellence Framework

4. Draft Sustainability Plan Submission (endorsed by Executive Team on 10 January 2007).
5. Cultural Plan 2005-2008
6. Social and Community Plan 2006-2010
7. State of the Environment Report 2006
8. Council Plan 2006-2009

The whole process for preparing the draft Council Plan 2007-2011 has sustainability as the foundation. The definition of sustainability endorsed by the Executive Team on 10 January 2007 is:

Port Stephens Council will facilitate a healthy and prosperous community both now and in the future by planning and delivering services that achieve a balanced approach towards social, economic, cultural and environmental considerations through business excellence.

The Directional Statements comprise the five pillars of sustainability:

1. Cultural
2. Social
3. Environmental
4. Economic
5. Business Excellence.

The first four sustainability pillars derive from the Council's Sustainability Policy 2003 and are informed by the draft Sustainability Plan that is in preparation. Business Excellence provides directions under the 7 categories of the Framework and relates specifically to 'internal' matters of Council operations, governance and management. The other four Statements related to the external Local Government Area.

The document is largely guided by the outcomes of the Councillors' Workshop in November 2006 however some outcomes are not reflected in the Directional Statements as they will be contained in the organisational level of the plan.

Due to the state elections, and the timetable related to the Council Calendar it is proposed that a briefing be held on 6 March 2007, with another scheduled if required on 8 March 2007. These briefings would be in lieu of a weekend workshop.

LINKS TO CORPORATE PLANS

- Cultural Plan 2005-2008
- Social and Community Plan 2006-2010
- State of the Environment Report 2006
- Council Plan 2006-2009

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

If adopted, the Sustainability Policy 2003 will require minor amendment.

Australian Business Excellence Framework

This aligns with the following ABEF Principles. (Please delete what is not applicable)

- 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
- 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 Directional Statements will achieve social outcomes.

ECONOMIC IMPLICATIONS

The Directional Statements will achieve economic outcomes.

ENVIRONMENTAL IMPLICATIONS

The Directional Statements will achieve environmental outcomes.

CONSULTATION

Councillors' Workshop Outcomes – November 2006; with Executive Team; and with Group Manager Sustainable Planning.

OPTIONS

- 1) To adopt the recommendation
- 2) To reject the recommendation
- 3) To amend the recommendation

ATTACHMENTS

1. Directional statements, goals and key performance indicators

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Port Stephens Council will facilitate a healthy and prosperous community both now and in the future by planning and delivering services that achieve a balanced approach towards social, economic, cultural and environmental considerations through business excellence.

DIRECTIONAL STATEMENT: SOCIAL SUSTAINABILITY

Council will preserve and strengthen the fabric of the community, building on community strengths by:

- Supporting and providing opportunities to enhance individual and community well-being and welfare
- Encouraging and supporting opportunities for people to participate in education
- Providing access to quality community facilities and services
- Working to support people's feelings of safety
- Creating opportunities where people can get support when they are under stress
- Providing opportunities for people to participate in community decision-making.

Goals:

1. Lifestyle

- Provide opportunities for people to participate in a healthy lifestyle.

Key Performance Indicators

- Increased numbers of people using walkways and cycle ways
- Increased participation in sporting and outdoor activities
- Increased community awareness of healthy options and health risks

2. Equity

- Provide social support for disadvantaged groups within our LGA

Key Performance Indicators

- Range and variety of affordable housing types
- Seniors' specific planning so our seniors live easily in our LGA

3. Young People

- Provide opportunities for our young people to thrive in our community

Key Performance Indicators

- Participation rates of young people in education
- Range of services available for young people who do not participate in sport
- Attendance and participation in Council's youth centres
- Increase in youth employment.

4. Safety

- Provide programs and planning instruments that enhance the safety of the individual and the community whilst preserving social amenity and discouraging social isolation

Key Performance Indicators

- Community members feel safe in their community
- Decreased incidences of all types of crimes.

5. Housing

- Provide for an increase in diversified, affordable and sustainable stock of housing

Key Performance Indicators

- Increase in the number of young couples and families entering the LGA
- Increase in the availability of affordable long term rental properties
- Increase in the number of seniors who can remain in the LGA in housing appropriate to their needs
- Land affordability becomes more aligned with the community's ability to pay.

DIRECTIONAL STATEMENT: CULTURAL SUSTAINABILITY

Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity by:

- Providing opportunities for people to participate in cultural development
- Providing and supporting opportunities for the expression of community values
- Promoting the celebration of natural heritage, national days of significance and local indigenous culture
- Providing the catalyst for the realisation of values, spirit, vitality and expression through cultural activities
- Supporting and developing community celebrations and events that contributes to the character and uniqueness of all communities within Port Stephens.

Goals:

1. Cultural Planning

- Establish an integrated cultural planning process for all of Port Stephens Council LGA

Key Performance Indicators

- Community groups actively participate in planning events and programs for arts and culture
- The cultural and historical landscape of Port Stephens Council LGA is documented and available to the community – sport, arts/culture/events and heritage and indigenous culture
- The Cultural Plan includes all age groups, has a balance between sport and other cultural activities, and is balanced across the whole LGA.
- Existing programs are reviewed and evaluated against developed criteria (see 2 below).

2. Budgeting and Resourcing Cultural Sustainability

- Increase funding support for the cultural life of Port Stephens Council LGA

Key Performance Indicators

- There is a rigorous process in place for identifying and supporting in cash or in kind cultural events and/or groups within the LGA, including criteria and accountability
- All funding is allocated on a competitive merit-based system
- Resources are balanced between age groups, sport and non-sporting activities and equitably distributed across the LGA
- Port Stephens Council receives external grants to support the cultural life of its community
- All major communities have access to support for local events showcasing their areas.

3. Communication

- Publish a calendar of supported events that showcase Port Stephens and its vibrant lifestyle

Key Performance Indicators

- A promotional strategy is in place for the cultural calendar
- Targeted markets outside the LGA are aware of the cultural life of Port Stephens
- Port Stephens is a key theme within the art and culture of the LGA
- An annual event showcases the uniqueness of Port Stephens
- All major national events are celebrated in the LGA

4. Community

- Provide opportunities for all members of the community to participate in cultural events

Key Performance Indicators

- People from all areas and age groups attend events throughout the year and/or participate in other aspects of our cultural life, including but not limited to sporting events
- A diverse range of cultural groups is supported by Port Stephens Council
- Senior citizens and youth groups are supported with dedicated resources.

DIRECTIONAL STATEMENT: ECONOMIC SUSTAINABILITY

Council will support the economic sustainability of its communities while not compromising its environmental and social wellbeing by:

- Supporting a diverse and environmentally friendly business sector which creates varied employment opportunities
- Providing and supporting opportunities for people to become skilled and be flexible in the workforce
- Providing business with access to appropriate services that enable prompt and professional business support systems.

Goals:

1. Economic Planning

- Develop and implement an Economic Development Plan for Port Stephens Council LGA to attract new businesses that provides a new approach to economic sustainability

Key Performance Indicators

- Council's costs to business are competitive with the region and state LGAs
- Council's services to business and commerce represents value of money
- Council facilitates new businesses through appropriate zoning of industrial/commercial land at affordable levels
- Planning includes enhancing each community's ability to attract and retain businesses, including revitalising existing centres
- Asset management planning supports infrastructure maintenance and expansion
- Economic sustainability is balanced across the whole Port Stephens Council LGA.

2. Business Support

- Develop and implement a process for determining criteria and mechanisms for Council to support existing and new businesses and groups and establish accountability for successful outcomes from support.

Key Performance Indicators

- Council's financial and other support are equitably placed across the LGA
- All existing arrangements are reviewed annually against rigorous criteria for performance

3. Employment

- Establish an employment plan to target future LGA needs and to retain the LGA's young people in the area.

Key Performance Indicators

- Increased traineeships and apprenticeships in the Port Stephens Council LGA
- Partnerships with other government agencies provide opportunities for employment
- Partnerships with the private sector provide opportunities for employment.

DIRECTIONAL STATEMENT: ENVIRONMENTAL SUSTAINABILITY

Council will protect and enhance the environment while considering the social and economic ramifications of decisions by:

- Protecting biodiversity
- Providing access to quality open space
- Managing land to maximise its environmental quality and productivity
- Managing the effects of unwanted noise
- Providing a waste management service that is affordable and sustainable
- Protecting significant items of natural, cultural and built heritage
- Protecting air and water quality

Goals:

1. Environmental Protection

- Develop and implement an environmental management plan to protect the unique Port Stephens Council LGA environmental heritage and mitigate the effects of climate change and population growth on the environment.

Key Performance Indicators

- All environmentally sensitive rural 1(a) land is moved to Environment Protection 7(a)
- Farming and other land use practice controls are in place to mitigate acid sulphate soils
- Wastewater and drainage policies are in place to mitigate the impact on water supplies and Port Stephens' waterways
- An effective aquatic weed management plan is in place
- All new and existing Council buildings incorporate energy and water savings measures
- Foreshore Erosion Management plans are implemented effectively

2. Communication and Education

- Develop and implement an education and communication plan to encourage a partnership with our community and visitors to protect the environment of Port Stephens.

Key Performance Indicators

- Greater awareness within the community of environmentally sensitive lands and waterways
- Increasing numbers of volunteers work with Council on conservation projects

3. Budget and Resources

- Develop new revenue streams to fund environmental protection of Port Stephens' biodiversity, land, air, water, built and indigenous heritage.

Key Performance Indicators

- Increase in funding from external sources for environmental protection
- Federal, State and regional partnerships operate to protect the environment
- Volunteers provide the human resources to complete environmental projects
- State of Environment Report recommendations are funded.

DIRECTIONAL STATEMENT: BUSINESS EXCELLENCE

Council will use the Business Excellence Framework to innovate and to demonstrate continuous improvement leading to long-term sustainability across all its operational and governance areas in a Business Excellence Journey. Specifically Council will:

- Improve management and leadership practices
- Assess the performance of their leadership and management systems
- Build those results into strategic planning processes
- Benchmark where Council is placed relative to other best practice organisations and seek to improve its position
- Be open, transparent and accountable in its operations, policy-making and decision-making.

Goals:

1. Leadership

- Implement an integrated planning model to provide clear direction to allow focus on achievement of organisational and personal goals.

Key Performance Indicators

- External and internal audits confirm that Port Stephens Council is well managed and that it provides the highest standard of fiscal and corporate governance.
- Council meets all its statutory and moral obligations in a timely and equitable manner
- Council provides open, transparent and accountable decision-making on behalf of all its constituents
- Senior leadership ensures equitable and non-discriminatory treatment for all its employees and volunteers.

2. Strategy & Planning

- Develop and implement an integrated development management plan that meets the objectives of Council's Sustainability Framework and allows for the balanced growth of our community.

Key Performance Indicators

- The new Local Environment Plan is in place by 2011
- The Port Stephens Development Control Plan, the Anna Bay Strategy, the Medowie Structure Plan, the Newcastle Airport Land Use Strategy are implemented and reviewed annually
- Development Control Plans are implemented for all major towns
- All re-zonings and major developments are offset and measured against community gain.

3. Knowledge & Information

- Council will develop and implement a knowledge management plan to ensure all decision-making is based on unbiased, well-researched data.

Key Performance Indicators

- Councillors and staff insist that decisions are based on adequate and appropriate knowledge and data
- Port Stephens Council creates or collects information relevant to business decisions
- Knowledge is promoted, continually developed and shared.

4. People

- Council will continue to be an employer of choice

Key Performance Indicators

- Employee opinion surveys demonstrate increased satisfaction with the employees' satisfaction with their work life at Port Stephens Council
- Retention rates increase over time in all targeted areas
- Council will be an increasingly safe place to work
- Demand for employment at Council will increase
- Grievances will continue to decrease.

5. Customer & Market Focus

- Port Stephens Council will develop and enhance the opportunity for the community and stakeholders to have relevant input to all Council decisions that affect the direction of the Council.

Key Performance Indicators

- A formal consultation process is in place and working effectively
- A communications strategy ensures that all relevant issues are canvassed in the public domain in a balanced and informative manner
- Community satisfaction surveys reflect the community's ownership of the issues and decision of Council
- Councillors' representations on behalf of the community to staff are consistently effective and relevant.
- Council's decision-making in its dealings with the community is open, transparent and equitable.

6. Innovation, Quality & Improvement

- Council will facilitate improvement in every aspect of its operations.

Key Performance Indicators

- An appropriate percentage of the time of all Councillors and staff is spent working on the system

- Council endorses and resources its Business Excellence Journey
- Councillors monitor the progress of continuous improvement processes at Port Stephens Council and communicates them regularly to the community
- The number of Councillors and staff actively engaged in continuous improvement projects continues to rise
- The quantifiable savings identified by application of PDSA processes continues to rise.

7. Success & Sustainability

- Establish alternative revenue streams to reduce Council's dependence on rates income

Key Performance Indicators

- Council's revenue from non-rating sources increases by more than CPI each year
- Achieve and maintain a healthy financial position

Key Performance Indicators

- Council's property portfolio is managed to produce a return in line with industry benchmarks
- All Council's externally focussed business units trade at a profit or improve on prior year results
- All Councils internally focused business units break even after overhead allocations
- Excluding abnormal items, Council's operating result is an improvement on the prior year result
- Council's budget results in a general revenue cash surplus.
- Establish a program to develop quality infrastructure and to maintain or retire existing infrastructure to provide sustainable services to the community of Port Stephens now and into the future.

Key Performance Indicators

- Asset management plans are in place for all Council's infrastructure
- Infrastructure is fit for purpose and self sustaining over time
- Council funds and resources support only infrastructure that is positively contributing to the life and lifestyle of Port Stephens.
- Council has active partnerships with Federal, State and regional entities to fund and manage infrastructure.

References:

This document was prepared with the following inputs:

9. Councillors' Workshop Outcomes – November 2006
10. Sustainability Policy 2003

11. SAI Global
12. Draft Sustainability Plan
13. Cultural Plan 2005-2008
14. Social and Community Plan 2006-2010
15. State of the Environment Report 2006
16. Council Plan 2006-2009

ITEM NO. 6

INFORMATION PAPERS

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 6 February, 2007.

No:	Report Title
------------	---------------------

- | | |
|----|---|
| 1 | Election Funding Contributions |
| 2. | 2006 Who cares about the Environment Survey |
| 3. | Section 94 Contribution Plans application of CPI increase |
-

STRATEGIC COMMITTEE MEETING – 6 FEBRUARY 2007

RECOMMENDATION:

That the Recommendation be adopted.

TABLED DOCUMENTS

Candidate Declaration for West Ward Group D.

ORDINARY MEETING OF COUNCIL – 27 February 2007

RESOLUTION:		
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024	Councillor Jordan Councillor Dingle	That the Recommendation be adopted.
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STRATEGIC COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

ELECTION FUNDING CONTRIBUTIONS

**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE
MANAGEMENT
FILE: A2004-0769**

BACKGROUND

The purpose of this report is to bring to Council's attention the Election Funding Contributions from the 2004 Election.

In accordance with the Section 12 (1) of the Local Government Act, Council has been provided with a copy of the outstanding declaration of political contributions and electoral expenditure lodged by a group.

The declaration is tabled for Council's information as required by the Election Funding Authority. All other declarations have previously been tabled at Council.

TABLE DOCUMENT

- 1) Candidate Declaration for West Ward Group D

INFORMATION ITEM NO. 2

2006 WHO CARES ABOUT THE ENVIRONMENT SURVEY

**REPORT OF: BRUCE PETERSEN – ENVIRONMENTAL SERVICES MANAGER
FILE: PSC2006-2170**

BACKGROUND

The purpose of this report is to provide information about the results of the “Who Cares about the Environment in 2006” state wide Department of Environment and Conservation Survey.

The “Who Cares About the Environment” survey is social research conducted every three years since 1994 to determine community attitudes towards environmental issues. It measures environmental knowledge, views, attitude and behaviour of people across NSW, and compares present results to the past twelve years of data. This shows the evolution and change of environmentalism into a concept and practice that is embraced by most households and business. The survey highlights the areas of greatest community concern, community expectations and knowledge gaps, this knowledge is vital in providing services to the community.

Detailed information can be obtained for particular issues on gender, age, locations and education comparisons, this can be utilised in project design.

In 2006 a summary of significant points that relate to Port Stephens are:

General outcomes

- Water related issues such as supply, conservation and management was nominated as the most important environmental issue, three times greater than any other issue. 57% of respondents rated it as either 1 or 2 in importance.
- Climate change and energy issues are rapidly growing in importance. It is of 6 times greater importance today than 1997.
- People in rural areas are most likely to value forests, bushland and biodiversity as important issues.
- 79% of people believe that the future health of the environment of NSW will decline moderately or seriously if we continue to live as we do now.
- 84% of the population “lean more towards a pro-environmental outlook”

Government Related Issues

- Between 71-81% of respondents believed local, state and commonwealth governments should do more to protect the environment. When asked what government bodies could do the highest responses centred around water supply, conservation, and management/drought.
- The second response was reducing energy consumption and greenhouse gas emissions. The Department of Conservation also believes that if the survey was

conducted later in 2006 that Climate Change issues would have rated much higher on account of recent studies and the accompanying media attention.

- 81% agree or strongly agree that money should be spent on education campaigns about solutions to global warming.

Age Related Issues

- Young people (15-25) are less likely to undertake environmentally friendly activities than older people.
- 43% of people over 45 responded to being concerned a “great deal” regarding environmental problems.

Area Specific Issues

- Hunter residents are less likely to know about laws affecting environmental offenders but more likely to know about the extinction of mammals.
- A higher proportion of people from the Hunter than other areas were concerned by the health affects of pollution.

Why is this important? What this means for Port Stephens.

The insights gained from this survey help us achieve the third principle of business excellence in “understanding what customers value, now and in the future”.

It has been highlighted that the community is looking towards local, state and federal government to lead the way in tackling environmental issues through practical examples and education programs. The community wants to see advances in and examples of:

- water, supply, conservation and management
- Reduction in energy consumption and greenhouse gas emission in relation to climate change.

Practices such as the Energy Saving Action Plan have begun the process however these initiatives need to be embraced by the whole organisation and promoted to the community to be effective. The current approach to water management is ad-hoc with an expectation to improve facilities into the future but no overall plan. The large potential for improvement combined with the water conservation and management issues being of the highest priority for the community, means water management represents an area of high growth for the council.

Future Outlook

This survey will be conducted again in 2009 in which an invitation will be extended to local councils to be involved. For a contribution a specific data set will be collected and developed for each Local Government Area. This will provide us with information as to particular areas of concern for our residents and a comparison of that to the rest of NSW. This information would be invaluable in designing future projects throughout council. It would also provide information as to whether the community is adequately aware of the programs council currently undertakes.

Complete reports can be downloaded from www.environment.nsw.gov.au/whocares/

COUNCILLORS ROOM

- 1) Who Cares about the Environment in 2006: At a Glance

INFORMATION ITEM NO. 3

**SECTION 94 CONTRIBUTION PLANS APPLICATION OF CPI
INCREASE**

**REPORT OF: JENNY SMITH – COMMUNITY PLANNING MANAGER
FILE: PSC2006-0064**

BACKGROUND

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

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

Council’s Section 94 Contribution Plans provide for on-going variation to the contribution levies based on the Consumer Price Index. The Australian Bureau of Statistics advises Council about changes to the CPI on a quarterly basis. The September 2006 quarter details have been received, and in accordance with Section 2.2.1 of each Section 94 Contribution Plan, the contributions levy has been adjusted by 0.91%.

Public notice of the adoption of the CPI amendments was published in “The Examiner” on Thursday 7th December 2006 and the Newcastle Herald on Saturday 2nd December 2006. The amendments came into effect on Saturday 2nd December 2006. A table detailing the schedule of previous and current Section 94 Contribution Rates is contained in the attachments.

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

ATTACHMENTS

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

ATTACHMENT 1

**BACKGROUND TO S94 LEVIES
IMPOSED BY ALL COUNCILS ON NEW DEVELOPMENT**

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

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

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

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

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

ATTACHMENT 2

SCHEDULE OF CURRENT AND PREVIOUS SECTION 94 CONTRIBUTION RATES PER LOT

CPI Change – 1.58%	Combined Open Space / Recreation Facilities		Open Space		Recreation Facilities		Community Facilities/Services		Bush Fire Facilities / Services		Library Bookstock		Roadworks		TOTAL	
	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
1 Western Shire																
Residential Subdivision			760	753	1469	1456	812	805	251	249	125	124	2007	1998	5424	5385
Caravan/Mobile Home Parks (Perm)			379	376	735	728	405	401	126	125	64	63	669	666	2378	2359
Tourist Accommodation			379	376	735	728			126	125			335	333	1575	1562
Bed & Breakfast			192	190	367	364			65	64			335	333	959	951
2 Raymond Terrace																
Residential Subdivision			537	532	5190	5143	975	966	251	249	125	124	621	612	7699	7626
Caravan/Mobile Home Parks (Perm)			268	266	2594	2571	487	483	126	125	64	63	207	204	3746	3712
Tourist Accommodation			268	266	2594	2571			126	125			104	102	3092	3064
Bed & Breakfast			134	133	1298	1286			65	64			104	102	1601	1585
3 Medowie																
Residential Subdivision			828	821	1560	1546	1073	1063	251	249	125	124	1098	1089	4935	4892
Caravan/Mobile Home Parks (Perm)			413	409	780	773	535	530	126	125	64	63	366	363	2284	2263
Tourist Accommodation			413	409	780	773			126	125			183	182	1502	1489
Bed & Breakfast			208	206	388	385			65	64			183	182	844	837
4 Karuah/Swan Bay																
Residential Subdivision	2398	2376					839	831	251	249	125	124	729	720	4342	4300
Caravan/Mobile Home Parks (Perm)	1199	1188					418	414	126	125	64	63	243	240	2050	2030
Tourist Accommodation	1199	1188							126	125			122	120	1447	1433
Bed & Breakfast	598	593							65	64			122	120	785	777
5 Tilligerry Peninsula																
Residential Subdivision			815	808	2709	2685	824	817	251	249	125	124	846	837	5570	5520
Caravan/Mobile Home Parks (Perm)			408	404	1354	1342	411	407	126	125	64	63	282	279	2645	2620
Tourist Accommodation			408	404	1354	1342			126	125			141	140	2029	2011
Bed & Breakfast			204	202	779	772			65	64			141	140	1189	1178
6 Tomaree Peninsula																
Residential Subdivision			993	984	2416	2394	550	545	251	249	125	124	783	774	5118	5070
Caravan/Mobile Home Parks (Perm)			496	492	1209	1198	274	272	126	125	64	63	261	258	2430	2408
Tourist Accommodation			496	492	1209	1198			126	125			131	129	1962	1944
Bed & Breakfast			248	246	602	597			65	64			131	129	1046	1036

ATTACHMENT 2 (CONTINUED)

SCHEDULE OF CURRENT AND PREVIOUS SECTION 94 CONTRIBUTION RATES PER LOT

CPI Change – 1.58%	Combined Open Space / Recreation Facilities		Open Space		Recreation Facilities		Community Facilities/Services		Bush Fire Facilities / Services		Library Bookstock		Roadworks		TOTAL	
	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
7 Rural Balance																
Residential Subdivision	774	767					321	318	251	249	125	124	459	450	1930	1908
Caravan/Mobile Home Parks (Perm)	386	383					158	157	126	125	64	63	153	150	887	878
Tourist Accommodation	386	383							126	125			77	75	589	583
Bed & Breakfast	195	193							65	64			77	75	337	332
8 Fern Bay																
Residential Subdivision	1487	1474					113	112	251	249	125	124	369	360	4090	4048
Caravan/Mobile Home Parks (Perm)	744	737					57	56	126	125	64	63	123	120	1986	1965
Tourist Accommodation	744	737					57	56	126	125			62	60	989	978
Bed & Breakfast	371	368					27	27	65	64			62	60	525	519

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

ATTACHMENT 3

EXAMPLES OF A CURRENT SECTION 94 CONTRIBUTION LEVY CALCULATION

1. Residential Subdivision at Salamander Bay:

Use Plan No. 6 Tomaree Peninsula

Contribution per lot:

Open Space	\$ 993
Recreation Facilities	\$2,416
Community Facilities	\$ 550
Bush Fire Facilities / Services	\$ 251
Library Bookstock	\$ 125
Roadworks	\$ 783
Bus Shelters	NIL
Total	\$5,118

If developing 10 lots, the total contribution would be: \$5,118 x 10 = \$51,180

2. Residential Unit development at Karuah:

Use Plan No. 4 Karuah / Swan Bay

Contribution per unit:

Combined Open Space / Recreation Facilities	\$2,398
Community Facilities	\$ 839
Bush Fire Facilities / Services	\$ 251
Library Bookstock	\$ 125
Roadworks	\$ 729
Bus Shelters	NIL
Total	\$4,342

If developing 10 residential units, the total contribution would be: \$4,342 x 10 = \$43,420

NOTICE OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 3150-029 + 7-1988-61637

DERELICT BUILDING WEATHERLY CLOSE, NELSON BAY

COUNCILLOR: NELL

THAT COUNCIL:

- 1) Prepare a progress report on the clean up of the derelict building site in Weatherly Close, Nelson Bay.

ORDINARY MEETING OF COUNCIL – 27 February 2007

MOTION:

025	Councillor Nell Councillor Baumann	That Council: 1. Request the owner to remove the site shed and any building material from the public road at 25 Weatherly Close, Nelson Bay 2. Investigate demolition of the partially completed three unit development at 25 Weatherly Close, Nelson Bay.
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The Motion on being put was carried.

BACKGROUND REPORT OF: SCOTT ANSON – MANAGER, DEVELOPMENT & BUILDING

BACKGROUND

The matter relates to a partially completed three unit development at 25 Weatherly Close Nelson Bay and key issues are as follows.

- Development consent was granted in 1988.
- Building approval was given in 1990 and work commenced the same year with brickwork for the ground floor completed, after which all work ceased.
- The matter was reported to Council in November 2002, with the outcome being to ensure public safety and to speak to the owner about future intentions.

MINUTES FOR ORDINARY MEETING – 27 FEBRUARY 2007

- The owner subsequently attended a Development Assessment Panel meeting in February 2005, advising that consideration was being given to lodgement of a new development application.
- An Information Paper was placed before Council in September 2005, advising that the owner had engaged a local design consultant to prepare plans and lodge a new development application for an upgraded design for three units.
- Numerous requests to the owner have not resulted in either work on the existing building or lodgement of a new development application.

Practical enforcement options seem limited to maintenance of public safety through site fencing, consideration could be given to requiring removal of the builder's site shed until work recommences.

To require demolition, Council would need to be able to prove that the building is likely to become a danger to the public or that the building is so dilapidated as to be prejudicial to neighbouring properties and/or public safety.

To enforce completion of the development in the current circumstances appears problematic and further legal advice would be necessary before proceeding with this option.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 3150-029

TOILET BLOCK BAGNALLS BEACH

COUNCILLOR: NELL

THAT COUNCIL:

- 1) Close and demolish immediately, the toilet block at the middle of Bagnalls Beach, Corlette.
-

ORDINARY MEETING OF COUNCIL – 27 February 2007

MOTION:		
	Councillor Nell Councillor Westbury	That Council close and demolish immediately, the toilet block at the middle of Bagnalls Beach at Corlette

AMENDMENT:		
	Councillor Dover Councillor Robinson	That Council prepare a report about the toilet block at Bagnalls Beach with data to consider the demolition proposed.

The Amendment on being put was lost.

FORESHADOWED AMENDMENT:		
026	Councillor Hodges Councillor Baumann	That Council attend to the following: 1. That the toilet block at Bagnalls Beach be closed immediately and the appropriate signage regarding its closure be erected. 2. Investigate the future options for this site and prepare an audit report. 3. That the final decision regarding the future of this site will be brought back to Council.

The Foreshadowed Amendment on being put became the Motion and was carried.

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

BACKGROUND

It is likely that Council would receive support from the Corlette Parks & Reserves 355(b) Committee and the NSW Police for the immediate closure of this toilet block given the ongoing problems of anti-social behaviour. Despite numerous attempts to modify the building to mitigate this anti-social behaviour, it has unfortunately continued.

Currently the demolition of these toilets is not funded, however this can be incorporated in the forthcoming 2007/08 budget. Reconstruction of these amenities elsewhere should not occur until the Recreation Services Section has completed a thorough audit of all toilet blocks and public amenities across the municipality. This audit is scheduled to be completed within the next six months and a further report will be presented to Council in due course.

RESCISSION MOTION

RESCISSION MOTION

ITEM NO. 1

FILE NO: 16-2006-813-1

DEVELOPMENT APPLICATION FOR TWO (2) LOT TORRENS TITLE SUBDIVISION AT NO. 58 KULA ROAD MEDOWIE

COUNCILLOR: BAUMANN, ROBINSON AND JORDAN

That Council rescind its decision of 19 December 2006 on Item 2 of the Ordinary Meeting Report, namely Development Application for Two (2) lot Torrens Title Subdivision at No. 58 Kula Road, Medowie.

ORDINARY MEETING OF COUNCIL – 27 February 2007

MOTION:		
027	Councillor Jordan Councillor Brown	That Council rescind its decision of 19 December 2006 on Item 2 of Ordinary Meeting report, namely Development Application for (2) lot Torrens Title subdivision at No. 58 Kula Road, Medowie

That on being put the Resolution was adopted.

MOTION:		
028	Councillor Jordan Councillor Robinson	That Council resolve to delegate to the General Manager to determine Development Application 16-2006-813-1 No. 58 Kula Road, Medowie.

MATTER ARISING:		
029	Councillor Dingle Councillor Baumann	That Council request a report on the impacts of further subdivision in the Kula Road Catchment, in particular the Ballar Close area.

Ordinary Council Meeting – 19 December 2006

ITEM NO. 2

FILE NO:16-2006-813-1

**DEVELOPMENT APPLICATION FOR TWO (2) LOT TORRENS TITLE
SUBDIVISION AT NO. 58 KULA ROAD MEDOWIE**

REPORT OF: SCOTT ANSON - MANAGER, DEVELOPMENT & BUILDING)

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2006-813-1 for the following reason:
The proposed subdivision does not comply with Section 9.7 - Inter-allotment
Drainage of Development Control Plan PS3 - Subdivision Code.

OPERATIONS COMMITTEE MEETING – 12 DECEMBER 2006

RECOMMENDATION: That Council resolve to approve, in principle, this Development Application and that the Group Manager Sustainable Planning bring forward conditions of consent to the Ordinary Meeting of Council on 19 December, 2006.

ORDINARY MEETING OF COUNCIL – 19 DECEMBER 2006

RESOLUTION:

777

**Councillor Francis
Councillor Nell**

It was resolved that:

- 1) Refuse Development Application 16-2006-813-1 for the following reason:

The proposed subdivision does not comply with Section 9.7 - Inter-allotment Drainage of Development Control Plan PS3 - Subdivision Code.
- 2) The area is a natural stormwater retention area.

Operations Committee – 12 December 2006

ITEM NO. 2

FILE NO:16-2006-813-1

**DEVELOPMENT APPLICATION FOR TWO (2) LOT TORRENS TITLE
SUBDIVISION AT NO. 58 KULA ROAD MEDOWIE**

REPORT OF: SCOTT ANSON - MANAGER, DEVELOPMENT & BUILDING)

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2006-813-1 for the following reason:
The proposed subdivision does not comply with Section 9.7 - Inter-allotment Drainage of Development Control Plan PS3 - Subdivision Code.

BACKGROUND

The purpose of this report is to present a development application to Council for determination at the request of Cr Jordan.

The development application seeks approval for a two (2) lot torrens title subdivision to create one lot fronting Kula Road (proposed Lot 2) and a 'battleaxe' allotment to the rear (proposed lot 1).

Proposed Lot 2, fronting Kula Road, comprises an area of 4,133m² and is of an irregular shape. It will contain the existing residence and detached metal garage and carport. Proposed Lot 1, being a battleaxe allotment, has a 6.0 metre wide access handle off Kula Road and is some 50 metres long. The lot is an irregular shape and has an area of 4,118 m².

The principal issue associated with the development is the implementation of appropriate stormwater management controls to ensure the discharge of stormwater to an approved drainage facility.

The applicant was advised in writing that if drainage to Council's public street system cannot be achieved then an inter-allotment drainage easement is to be created and a letter of agreement to the creation of the easement from all affected property owners submitted to Council prior to determination of the application. The applicant has subsequently advised that adjoining property owners are not prepared to grant a drainage easement and that '*a significant catch drain exists in the Public Reserve to the north East of the subject site and this catch drain has the effect of minimising overland flow through the site*'. Council's Development Engineer advises that '*The site of the subdivision drains to the south west to Lot 215 DP255278 and Lot 233 DP255105. These lots have an easement located on their western side but an easement is required through the lots to join into this easement. No system of draining to a public system has been provided. There is a reserve adjoining the site on the uphill side. This has no effect on drainage because it would only direct natural over land flow to the site and not concentrated runoff off from impervious surfaces*'.

It is recommended to refuse the development application as it is inconsistent with Council's policy. Approval of the application without appropriate measures to control the discharge of stormwater to an approved drainage facility would set an undesirable precedent for future rural-residential subdivisions in the Port Stephens Local Government Area (LGA).

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

Nil

LEGAL AND POLICY IMPLICATIONS

The development application is inconsistent with Council's Policy.

Approval of the application without appropriate means to control the discharge of stormwater from the site may leave Council exposed to possible litigation from down stream owner(s) for not adequately addressing stormwater runoff, possibly resulting in augmentation of drainage infrastructure by Council and/or damages being awarded against Council.

Australian Business Excellence Framework

This aligns with Principles 8, 10 and 11 of the ABEF Framework.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Approval of the application, contrary to Council's policy, would not be in the public interest as it would establish an undesirable precedent and inconsistency in the application of Council policy.

ECONOMIC IMPLICATIONS

If Council approved the development without appropriate means to control the discharge and stormwater, if litigation ensued and Council was found to be negligent, augmentation of drainage infrastructure may be required or damages awarded against Council.

ENVIRONMENTAL IMPLICATIONS

Development Control plan DCP PS3 - Subdivision Code was adopted in 1993 and has a requirement that "inter-allotment drainage shall be provided for every allotment which does not drain directly to its road frontage." Whilst the subdivision code is applicable to all land zonings including rural residential, it is acknowledged that the enforcement of interallotment easements was not always enforced on historical subdivisions. Council has a duty to ensure intensification of development does not create an intensification of runoff onto neighbouring properties and has been enforcing the inter-allotment easement requirements on rural residential land for over 5 years.

CONSULTATION

The application was not exhibited as Council's policy does not require such applications to be exhibited.

OPTIONS

- 1) Adopt the recommendation.
- 2) Reject or amend the recommendations and, in the event that Council wishes to approve the application, resolve: "That in the event that Council resolves to approve this application, it is requested that the Group Manager, Sustainable Planning bring forward Conditions of Consent to the Ordinary Meeting of Council."

ATTACHMENTS

- 1) Locality Plan
- 2) Site Plan
- 3) Assessment

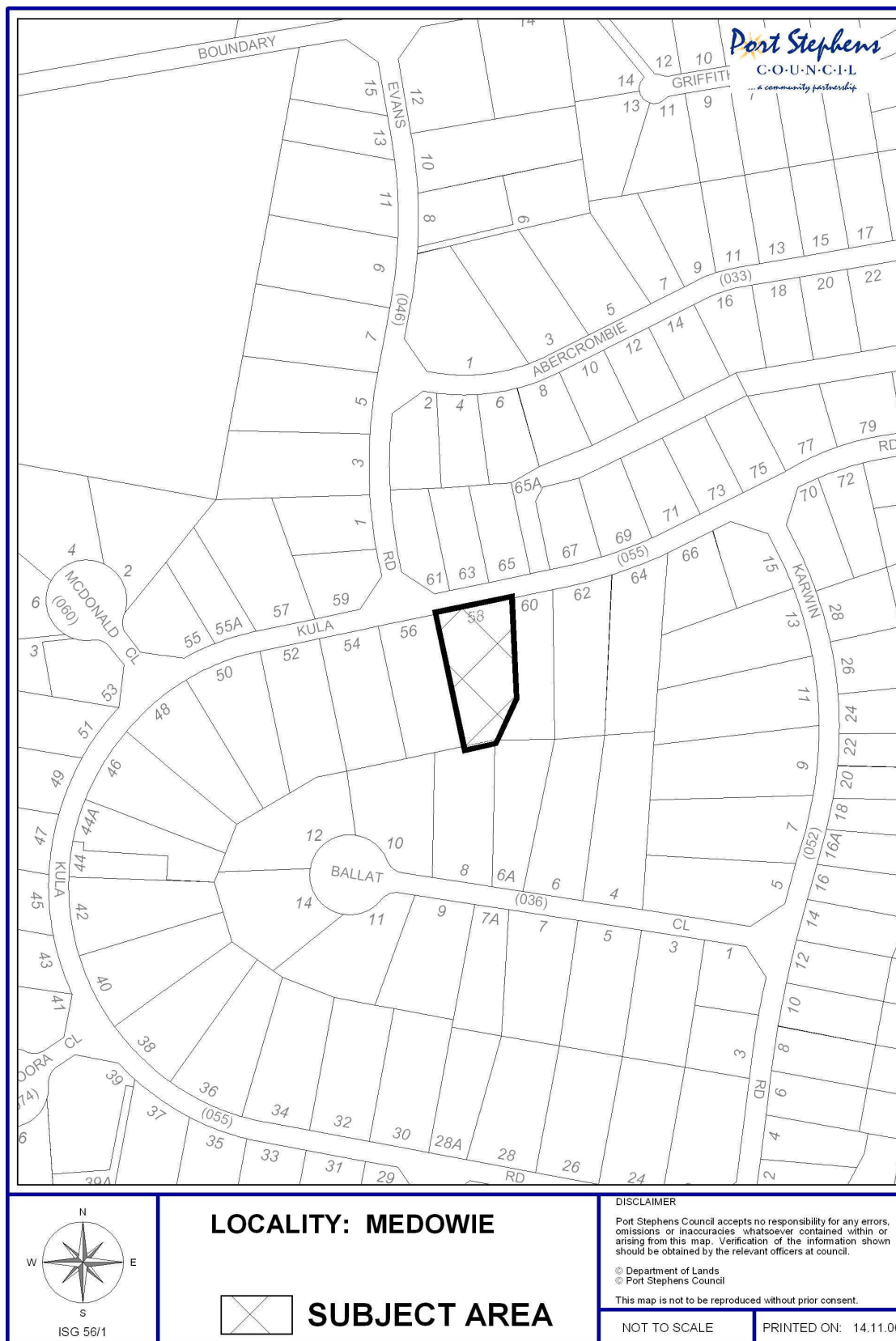
COUNCILLORS ROOM

- 1) Development Plans
- 2) Statement of Environmental Effects

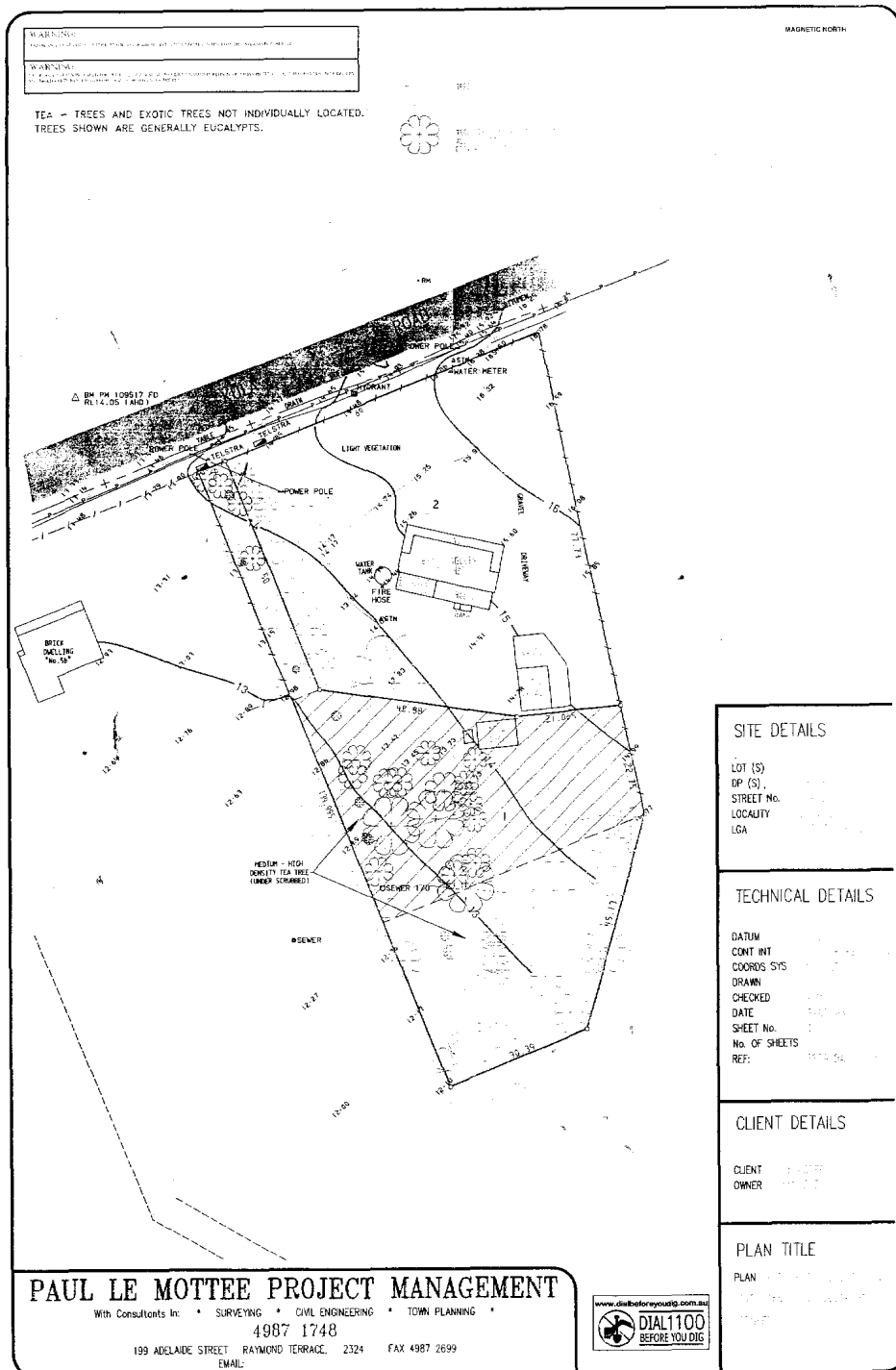
TABLED DOCUMENTS

Nil

ATTACHMENT 1
LOCALITY PLAN



ATTACHMENT 2 SITE PLAN



ATTACHMENT 3 ASSESSMENT

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

THE PROPOSAL

The application seeks approval for a two (2) lot torrens title subdivision to create one lot fronting Kula Road (proposed Lot 2) and a 'battleaxe' allotment to the rear (proposed Lot 1).

Proposed Lot 2, fronting Kula Road, comprises an area of 4,133m² and is of an irregular shape. It will contain the existing residence and detached metal garage and carport. Proposed Lot 1, being a battleaxe allotment, has a 6.0 metre wide access handle off Kula Road and is some 50 metres long. The lot is an irregular shape and has an area of 4,118m².

THE APPLICATION

Owner Applicant Detail Submitted	Robert and Gail McMaster Paul Le Mottee Project Management Proposed Plan of Subdivision, Statement of Environmental Effects,
--	--

THE LAND

Property Description Address Area Dimensions Characteristics	Lot 214 DP 255105 58 Kula Road MEDOWIE 8151m ² Approximately 135m by 78m Irregular shaped allotment that falls approximately 4 metres from the front north-eastern corner to rear south-western corner.
--	--

THE ASSESSMENT

1. Planning Provisions

LEP 2000 - Zoning Relevant Clauses	1(c4) Rural Small Holdings 13(1)(d) Amendment No. 21
Development Control Plan	PS3 - Subdivision Guidelines
State Environmental Planning Policies	N/A

ATTRIBUTE	PROPOSED	REQUIRED	COMPLIES
LEP Requirements			
Min Allotment Size	4,133m ² & 4,010m ²	4,000m ²	Yes
DCP Requirements			
Drainage easement	No	Yes - where allotment cannot drain to public drainage system	No

Discussion

Port Stephens Local Environmental Plan 2000

Amendment No 21 to Clause 13(1)(d) stipulates that the consent authority may grant consent to the subdivision of land in a 1(c4) rural small holdings zone only where the allotment will have a minimum area of 4,000m².

Both proposed allotments comply with the minimum provisions with proposed lot 1 having an area of 4,010m² and proposed lot 2 4,133m².

2. Likely Impact of the Development

The subject site slopes away from the public street and accordingly the proposed allotments require an appropriate easement for drainage over adjoining land to ensure stormwater can be legally disposed of to the public drainage system and is not discharged and/or concentrated onto adjacent private land. The applicant/owner has been unable to negotiate a suitable drainage easement and cannot provide adequate measures to discharge stormwater from the site.

3. Suitability of the Site

The site is fully serviced and is suitable for subdivision subject to an appropriate easement for drainage of water being obtained over adjoining land to enable disposal of stormwater to an approved public drainage facility.

The site is identified as bushfire prone land and the NSW Rural Fire Service has advised that it is prepared to grant a Bushfire Safety Authority subject to a number of conditions.

4. Submissions

Council's policy does not require public notification of applications for two lot subdivisions.

5. Public Interest

Approval of the application would not be in the public interest given the non-compliance with clauses 9.7.1 and 9.7.2 of DCP PS3 - *Subdivision Guidelines*.

GENERAL MANAGER'S REPORTS

ITEM NO. 1**FILE NO: PSC2005-0872****LOCAL GOVERNMENT REFORM PROPOSALS****REPORT OF: PETER GESLING – GENERAL MANAGER**

RECOMMENDATION IS THAT COUNCIL:

- 1) That Council endorse the submission in response to the Minister's Local Government Reform proposals as detailed in the tabled document.
-

ORDINARY MEETING OF COUNCIL – 27 February 2007

RESOLUTION:		
030	Councillor Jordan Councillor Nell	That the Recommendation be adopted.

BACKGROUND

The purpose of this report is to obtain Council's endorsement of the submission in response to the Minister's Local Government Reform proposals.

The Minister for Local Government, the Hon Kerry Hickey MP, recently announced a series of proposals that aim to set a new direction for Local Government.

The pressure leading to these changes has been identified in the *Independent Financial Sustainability Inquiry* (The Allen, Darlison and Gibbs inquiry) and Local Government Departmental reviews. They have found that there are a number of issues affecting Councils' ability to develop and deliver long term strategic plans, and achieve better long term outcomes.

These issues include:

- The nature of the existing framework;
- A general lack of resources for Local Government;
- Confusion over roles and responsibilities in developing strategic plans;
- Uncertainty about how to develop and deliver the plans;
- Lack of long-term financial planning;
- Lack of sufficient supporting information to develop a long-term plan;
- Uncertainty about integrating Council Plans with State and regional priorities.

Many Councils may be largely unaffected by these issues and do long term planning very well. Other Councils are significantly impacted by some or all of these issues and face significant challenges in strategic planning.

Details of the proposals are outlined in the following two documents:

- *A New Direction for Local Government – A Position Paper* October 2006; and
- *Planning a Sustainable Future – A Department of Local Government Options Paper on Integrated Planning and Reporting for NSW Local Councils* November 2006 (hereafter called the options paper).

Hunter Councils has also prepared a submission (see Attachment 3). This was endorsed at its Board meeting on 22 February 2007.

LINKS TO CORPORATE PLANS

These proposals directly relate to Council's Charter.

FINANCIAL/RESOURCE IMPLICATIONS

Some proposals would involve cost shifting and should be rejected. The balance will be funded as part of Council's continuous improvement process.

LEGAL AND POLICY IMPLICATIONS

This proposal will change the current legal and policy environment.

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.
- 6) Continual improvement and innovation depend on continual learning.
- 8) Effective use of facts, data and knowledge leads to improved decisions.
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders.
- 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

These proposals aim to improve a Council's focus on sustainability. They do not provide a mechanism for further funding. While continuous improvement will generate savings overtime, no single approach of increased resources, cost cutting or efficiency improvements will, in itself, ensure sustainability of Local Government.

CONSULTATION

The Mayor, General Manager and Manager Environmental Services attended a regional workshop conducted by the Department of Local Government on 8 February 2007. Senior Management and Councillors have been consulted.

OPTIONS

- 1) Adopt recommendation.
- 2) Amend recommendation.

ATTACHMENTS

- 1) Overview of the Options Paper.
- 2) Stakeholder Positions.
- 3) Hunter Councils Submission.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Draft Submission.

ATTACHMENT 1

Overview of Options Paper

The options paper proposes three basic options for the planning and reporting framework:

- 1) Maintain the status quo
- 2) Add to the existing framework
- 3) Reshape the framework

Option 1 – Maintain the status quo

Option 1 proposes maintaining the status quo including the elements below:

- Management Plan 3 years
- Social Plan 5 years
- State of the Environment Report 4 years

The option of maintaining current structures should always be considered.

Whilst having limitations, pros include:

- It encourages at least three years of forward planning
- It includes some requirements for community consultation
- It requires councils to report to their communities on principal activities
- It mandates some social and environmental planning and reporting mechanisms.

Concerns include:

- It doesn't encourage councils to take a long-term view
- It isn't sufficiently flexible to accommodate the varied needs and resources of different councils
- It is overly prescriptive, encouraging a focus on compliance rather than strategic direction
- It focuses too heavily on operational matters and doesn't encourage integration with other systems, such as long-term financial planning, asset management and land use planning
- The planning and reporting timeframes don't align

As the environment in which councils operate is changing, it may not be possible to "maintain the status quo" in terms of planning and reporting. The weight of changing expectations, management roles and infrastructure will demand a new approach not easily catered for by the existing framework.

Over the years, the focus has shifted to compliance with the regulations, rather than applying the strategic intent of the framework. Combined with limitations on resources, this has tended to make planning more reactive than strategic. In this environment, it would be reasonable to suggest that the current planning framework is not providing the optimum results.

If the existing framework is maintained, future impacts could be mitigated by:

- Ensuring impact assessments are undertaken before any new requirements are added
- Providing guidelines and better practice examples to assist councils
- Encouraging regional approaches to some reporting, e.g. State of the Environment reports
- Making requirements more flexible where possible

Option 2 – Add to the existing framework

Option 2 proposes improving the existing framework by adding a mandatory strategic plan. Under this proposal, councils could be required to:

- Consider the needs of their community over the next 10-20 years
- Identify key directions and priorities
- Outline strategies for achieving these outcomes.

Whilst having limitations, pros include:

- It may ensure that long-term needs and pressures are considered and the community had more direct input.
- It could enable change with the least disruption.

Concerns include:

- The requirements to complete a separate State of the Environment Report and Social and Community Plan would remain.
- It could result in additional resource requirements for councils.
- The level of benefit that could be obtained from this investment is open to question, because it would still lack integration of the various planning mechanisms.
- Councils would need to determine how they could integrate the objectives of their new strategic plan into the management plan structure and how the social plan and SoE could help to inform the strategic plan. The existing problems with differing timeframes, e.g. SoEs every four years, social plans every five and management plans at least every three years, would remain. There is also potential for duplication, particularly with community consultation, as the various plans are prepared.

Option 3 – Reshape the framework

The final option is to reshape the existing framework to strengthen strategic focus, streamline the planning and reporting processes, reduce red-tape and encourage integration between various plans.

The proposed model is designed to give councils more autonomy in responding to their community's various needs, and encourages elected representatives to play a leading role in developing long term plans. Key elements of the model include:

A mandatory requirement for a long-term strategic plan. This recognises the findings of the Allan inquiry which found that whilst many councils have a strong strategic focus, many councils currently experience difficulty with strategic planning and there are varying views as to what constitutes a "strategic plan". Some regard a "strategic plan" as the combination of their strategic documents, such as the social plan, strategic land use plans, service development strategies etc. Others see it as a separate entity, overarching these documents. There are questions as to whether a council's strategic plan should relate to the future of the community it serves, or the future of the council.

A base model upon which all councils could build. The strategic plan would focus on building a sustainable community and the various roles that council can play in achieving this aim. Key elements of a sustainable community include social cohesion, functional economy, robust environment and sound infrastructure.

The term "Community Strategic Plan" has been used to refer to the strategic plan, to reinforce the view that it is a plan for the community, rather than just the council. There is no intention to mandate what councils should call their plan. However, all plans would include four mandatory "themes": Social; Environmental; Economic; and Governance, which must be addressed in some way.

A prescribed minimum timeframe of 10 years. Councils would be free to adopt any timeframe they choose beyond that point. The purpose of the Plan is to identify the community's main priorities and expectations for the future and to plan strategies for achieving these goals.

Consideration of outcomes that council could be achieved by different means. These include:

- Providing direct services or programs
- Providing or facilitating services and programs in partnership with other agencies
- Acting as a community advocate, to lobby other levels of government and agencies for change.

Mandatory community engagement. The method of carrying it out would not be mandated. Council will be free to decide appropriate methods, depending on the nature of its communities.

A 10-year resourcing strategy outlining the financial commitment required to achieve the Plan's outcomes. This will give councils a clearer picture of the resources required, particularly if the Plan has identified the need for major capital works or asset upgrades/augmentations.

Strong working partnership between staff and elected representatives. For councils to successfully develop their Plan, they will need to have a strong working partnership between elected representatives and staff. It is proposed that the Mayor and councillors would hold legislative responsibility for the Plan. These responsibilities would include establishing the strategic direction of the council, in consultation with the community and staff, and ensuring the Plan is implemented and reported to the community.

Delivery Program. A delivery program will be prepared by councillors and staff and look at the council's programs and priorities for its term and include four years of detailed budgets. However, councils would still have the flexibility to review these budgets annually when determining their rates and charges for the year.

Operational Plan. Councils would also prepare an annual operational plan, which outlines the "nuts and bolts" of implementing the Delivery Program for that year, and the budget that will be required. It will be a separate document to the Plan and the Delivery Program. The operational plan will focus on the detail of implementing each year of the Delivery Program and should not depart substantially from the direction and budgets set in the Program. Councils will be required to place the document on public exhibition, as it will contain the proposed fees and charges for the year.

Prescription of General Manager special duties/accountability. The General Manager would be required to ensure that council is constantly monitoring and assessing its operating environment and adjusting its plans accordingly.

The General Manager would be responsible for ensuring monitoring systems are in place to inform council of key issues that may impact on the Plan. These systems would include, as a minimum:

- Maintenance of current social planning mechanisms, including demographic profiles
- Systems for monitoring relevant legislative changes, financial drivers and environmental data
- Asset management systems and stakeholder consultation networks

Review. The Plan would not be submitted to the Department of Local Government for "compliance checking". Regional mentoring and liaison teams including DLG, professionals, LGSA and councillors would consider whether:

- the Plan adequately addresses the four themes prescribed by the legislation
- its objectives are tangible and achievable i.e. not just "motherhood" statements
- the Delivery Program is adequately aligned with the objectives of the Plan
- the financial projections and resourcing arrangements are realistic and achievable
- additional borrowings, or a special variation to rates will be required.

Each new council would review the Community Strategic Plan to determine whether or not its objectives were still relevant and appropriate to the community. It would also be required to roll the Plan forward a further four years, so that its planning timeframe is perpetual. If councils wished to change the plan substantially – for example change a key objective – they would need to carry out further consultation with their community.

Pros include:

- Each council would be free to develop its Strategic Plan within the context of its own community needs and existing frameworks, provided that the plan addresses the four key themes of Social; Environmental; Economic; and Governance.
- This model allows councils the maximum flexibility to develop business systems that suit their own particular needs.
- Councils could choose to be more innovative in their approach – or they could simply adopt the basic framework and target their monitoring activities to a series of key indicators, depending on the resources available.
- The requirement to consider resourcing over the 10-year period of the plan will help councils to take a wider view of their needs, considering not only finances, but also human resources and asset requirements.

Concerns include:

- While the mandatory structure of the Social Plan would no longer be applied, councils would still be expected to undertake social planning and monitoring. Similarly, State of the Environment reporting would not be prescribed, though councils would be expected to develop adequate monitoring and reporting frameworks, in consultation with the CMA.
- Option 3 would require substantial changes to existing legislation and a significant implementation period. Some councils have already progressed substantially along the lines of Option 3, but the majority have not yet embraced strategic planning at this level. The initial stages of implementation would involve additional commitment of resources. To assist in the transition, a staged implementation and assistance package is proposed, over the 2008-2012 council term.

ATTACHMENT 2

Stakeholder Positions

In considering the issues being canvassed by the options paper, council may wish to consider the position of key stakeholders. Stakeholder positions are varied and include the following.

External stakeholders

NSW Business Chamber (formerly Australian Business Limited): The Chamber's recent report card on NSW Government states that "Local Government continues to act as the poorer cousin of elected governments. The Allan Report details the current difficulties surrounding the funding and performance of Local Government. Improving the performance of Local Government is a critical component in lifting the economic performance of NSW."

Farmers NSW Association: The Association's Rural Affairs/Building Rural Communities website indicates that rural communities form the lifeblood of much of NSW and are fundamental to ensuring a positive and sustainable future for rural industry. Unfortunately, many rural communities are experiencing declining populations, declining services and increasing numbers of exhausted volunteers. Improving services in rural communities is vitally important.

Farmers NSW recently carried out research into the state of NSW country towns, with regional visits and survey results providing a much-needed insight into the state-wide challenges facing rural communities. Many rural communities are experiencing declining services in the areas of health, education, transport, banking, police, child care, aged care and employment. The research also found that strong and effective leadership is a vitally important ingredient in encouraging innovation and local entrepreneurship, resulting in growth and development.

NCOSS (Council of Social Service of NSW): NCOSS's State Election Platform, a Fairer NSW, states that geographic equity must be a priority for human services. Currently there are significant gaps in services and infrastructure outside our major cities, and even on the metropolitan fringe. NCOSS wants:

- the whole of government (including Local Government) to consider the impacts of their planning upon the health of the population; and
- the NSW Government, in collaboration with local governments, the private sector and community organisations, to develop specific coordinated strategies for local areas with high rates of unemployment that address job creation, community renewal and improved human services.

Property Council: The Property Council believes that Local Government in NSW is weak and in structural decline. This is not in the community's or the property industry's interests. Around 25% of councils are not financially viable, their capacity to deliver quality services to communities is under strain and community confidence in many aspects of Local Government performance is low.

State government has two alternatives: it can either allow this decline to continue, or it can initiate a reform agenda which strengthens the institution of Local Government. Part of the solution is larger, more powerful councils. There is nothing sacred about local government boundaries. They were pegged out a century ago and bear little relation to modern social, environmental or economic realities.

The Property Council recommends that the State government should embark on a major reform of Local Government designed to strengthen this it. This should include:

- structural reform to create larger councils in urban areas (amalgamations in some cases and totally reconstituting new councils in others).
- drop rate capping for these larger councils (any straggler small councils should have rate capping retained) subject to adherence to a fiscal responsibility framework.
- mandate that all mayors must be directly elected for four year terms, serve full time, and have their salaries linked to that of a NSW cabinet minister as an investment in leadership.
- increase the allowances paid to councillors to attract community and business leaders.
- provide compulsory training for new and existing councillors on their roles and responsibilities as an investment in professionalism.
- limit the number of councillors to nine per council to ensure a workable executive government.
- introduce legislation to facilitate the establishment of Business Improvement Districts to enable business communities to be brought into the heart of city governance, with an additional rate levy and revenues controlled by a business-majority board.
- require all councils to produce a ten year infrastructure strategy every two years in similar format to that of the State Infrastructure Strategy.

Local Government stakeholders

LGMA: LGMA promotes long term strategic planning and reporting and supports option 3 in principle.

Local Government specific groups: With proposed reforms of this scale there are views amongst Local Government social policy practitioners across the spectrum. However, it is fair to say to date amongst these practitioners there is reasonable support for an enhanced Option 3, provided it does not lose the demonstrated gains that have flowed from the social planning regulation. The LGSA Social Issues Reference Group spent time discussing the package noting option 3 was exciting, and could offer further gains for social planning and wider social issues, once the predictable trepidation was overcome with a well structured and carefully staged introductory process.

The LGSA Library and Information Services Reference Group spent time discussing it noting social planning needs to remain central and there would be room for concern if it was seen that strategic planning had to start afresh rather than build from the immediate past. Members also noted the title was still confusing councils with it being seen as land use planning; greater work is needed to get the message across that it was about governance and strategic management.

Local Government Practitioners working on Aboriginal, ageing, disability, children, youth and health issues have all noted the need to maintain a focus on mandatory target groups and use of periodic reviews when new census data becomes available. There are also concerns that care needs to be exercised that integration with or connection to land use planning does not lead to the situation which Local Government already encounters with land use planning, where the Minister is seen to override council decisions too often.

Unions: Unions covering the local government sector include DEPA, APESMA and the USU. Whilst no formal position has been obtained in relation to strategic planning and reporting, the USU's submission to the Allan inquiry stated that:

- The council charter (Section 8, *Local Government Act*) requires councils to show leadership, have regard to the long term cumulative effects of its decisions, bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible. Industry leadership includes establishing of fair and equitable wages and conditions of employment. Further, a strong Local Government workforce with employment security can be particularly important for the ongoing economic viability of regional and rural centres.
- When considering the financial sustainability of Local Government it is critical to take into account the importance of the provision of employment and skills investment.
- Regional co-operation between councils appears to have some success in enabling Local Government to provide more equitable outcomes in service provision, infrastructure provision and planning programs when problems require an increase in resources or a cross-boundary approach. The Union considers the pooling of resources, sharing of equipment or secondment of staff through co-operative approaches between councils to be more beneficial to the workforce, communities and the financial viability of Local Government as compared to privatisation through public-private partnerships or contracting out. However, regional co-operation must not be used as a means of avoiding employment protection obligations that may otherwise arise in the event of boundary changes or amalgamation.

ATTACHMENT 3

HUNTER COUNCILS SUBMISSION

Item 8 General Business

Item 8.1 Department of Local Government Position Paper – “A new direction for Local Government”

Introduction

Board members would be aware of the position paper “A New Direction for Local Government” through their member councils, and that the Department of Local Government has called for submissions on the paper by 9 March 2007.

It is both understood and respected that member councils individually, will assess the content of the paper and determine their response to it. However, it is also appropriate that Hunter Councils Inc consider the position paper and respond to it, particularly given the role that Hunter Councils Inc plays in relation to facilitation of resource sharing between member councils and in joint service delivery to and for its member councils.

This short summary of the paper is therefore provided to facilitate discussion and suggest the basis of a Hunter Councils Inc response for consideration by the Board.

Report

The position paper provides a brief overview of local government in NSW, recent industry reforms and recent studies which have raised concern as to the sustainability of local government. Specifically, the paper suggests that local government in NSW is at a “fork in the road”, needing to choose between a contracted or reduced service model providing only basic services, or a growth model “where council functions and responsibilities expand to become the type of organisations contemplated and made possible by the 1993 Local Government Act”. The paper assumes the latter to be the path that local government in NSW would wish to take.

The paper therefore contemplates further reform in local government service delivery with a continuing strong focus on resource sharing and “business clusters”. In this context, the new direction contemplated in the position paper would be:

- State and local government “have an open and productive relationship” – Inter Governmental agreement signed on 12 April 2006 between Commonwealth, State and Local Government. (Element 1: Good governance)
- Stronger councils assisting weaker ones. (Element 2: Representative democracy and community support)
- Minimal duplication while maintaining competition principles to drive efficiency improvements. (Element 3: Sound Policy)
- Ideas and resources being shared. (Element 4: Sufficient resources)

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- Focussing on continuous improvement. (Element 5: Meaningful planning)
- Boundaries not being impediments. (Element 6: Connectedness)
- Councils mentoring each other. (Element 7: Leadership)

The paper also presents what it identifies as seven core elements of a strong and sustainable local government system, and identifies what has been done and what still needs to be done to deliver a strong and sustainable local government in NSW. In presenting what still needs to be done, the paper “fleshes out” how the “new direction” for local government might be achieved, summarised as follows:

1. **Good Governance**

- | | | |
|--------|---|---|
| Doing | - | Better Practice Reviews (BPR) |
| | - | Review of Model Code of Conduct |
| Needed | - | Peer reviews of councils, using the BPR process |
| | - | Strategic Planning Assistance |
| | - | Red Tape Review to remove anything that does not add to quality of life for sustainable communities |
| | - | Clarification of Roles (Mayors, Clrs, GMs) |

2. **Representative Democracy and Community Support**

- | | | |
|--------|---|--|
| Doing | - | Reduction in number of Councillors |
| | - | Supporting greater diversity in representation |
| Needed | - | Principles for determining local representation |
| | - | A kit to promote “candidacy” in local government |
| | - | Promotion of Flexible Meeting times |
| | - | Guidelines on Community Consultation and Involvement |
| | - | Workforce Planning Assistance |

3. **Sound Policy**

- | | | |
|--------|---|----------------------------|
| Doing | - | Policy Advice |
| Needed | - | Develop a Policy Directory |

4. **Sufficient Resources**

- | | | |
|--------|---|---|
| Doing | - | Ministerial Roundtable re consistent approaches to asset management, financial reporting and sustainability, and more funding via FAG’s |
| | - | Infrastructure Task Force regarding asset management and financial reporting |
| | - | Financial Assistance Grants and pushing for increased funding |
| | - | Supporting Special Rate Variations |
| | - | Capital Expenditure Reviews |
| Needed | - | Asset Management system consistent with National |

- Framework
- Efficiency Statements to be included in annual reports, and addressing resource sharing

5. Meaningful Planning

- | | | |
|--------|---|--|
| Doing | - | Integrated Planning and Reporting Review |
| Needed | - | Integrated Planning and Reporting – new framework (see report this agenda) |

6. Connectedness

- | | | |
|--------|---|--|
| Doing | - | Intergovernmental Agreement |
| | - | Strategic Alliance Network |
| Needed | - | Benchmarks and key indicators for core competencies regardless of council size |
| | - | Regional/Cluster Indicators to report on outcomes of resource sharing |
| | - | General Manager Contracts to enable working with neighbouring councils |
| | - | Resource Sharing Guidelines |
| | - | Regional Context to Special Rate Variation applications |

7. Strong Leadership

- | | | |
|--------|---|--|
| Doing | - | Leadership Development for Councillors (compulsory training to begin after September 2008) |
| | - | Skills Shortage Taskforce/Scholarships |
| Needed | - | Accreditation of Councillor Learning and Development |

COMMENTS

The position paper quite accurately presents the current circumstance of local government as an industry and service provider in NSW, and suggests that local government wishes “to take the path of increasing its role to match the changing needs of local communities”. The obstacles to this path as identified in the discussion paper, however, are seen as:

- a competition, compliance and dependency paradigm
- a resistance to reform on the basis it has been seen as a code for amalgamation and loss of representation
- a culture cautious of alternative business models and working across boundaries
- incentives which have focused on the delivery of core services within Council boundaries rather than to take a sector wide approach.

The new directions presented in the discussion paper have many positive aspects, and in general warrant support from an industry looking to improve its standing and overall performance. It is also encouraging to see that a substantial part of what is needed in terms of the new direction, sits with the NSW Department of Local Government in the form of advice, guidance and support to councils and the industry.

However, the extent to which these initiatives overcome the obstacles to the future path of local government, will undoubtedly continue to be tempered by the ongoing issue of the funding and resourcing of local government and its services. Specifically, the following initiatives from the new direction, have resource implications for councils in some form:

- Peer reviews using the BPR process
- Asset management consistent with a National Framework
- Efficiency Statements in Annual Reports
- Integrated planning and reporting
- Benchmarks and key indicators for core competencies
- Regional clusters/cluster indicators
- Leadership development for Councillors/accreditation of Councillor training

It is not suggested that these initiatives should be opposed. Indeed, resource sharing through Hunter Councils Ltd and Hunter Councils Inc, operates on a “business cluster” basis and is well placed to expand the range of services provided for and on behalf of member councils. However, any expansion of activity through Hunter Councils – indeed any new resource sharing, alliance or joint activity – in itself requires resources to facilitate the investigation and establishment of the new service or activity. In the case of many councils, this “venture capital” is not easily found. There are also questions as to the preparedness of larger councils and their communities to absorb costs or subsidise service costs involving other local government areas.

Connectedness and innovation therefore requires a capacity within councils to pursue these initiatives – spare resources – and needs also to take account of any consequential costs to smaller councils and their communities in the form of reduced employment opportunity.

Overall, the new directions mooted in the discussion paper are to be supported but not without regard to the fundamental issue faced by local government, that being it’s funding and the manner in which it’s funding is controlled and regulated by the State Government. The fact remains that the funding needed by local government to improve and maintain the infrastructure for which it is responsible cannot be found through the resource sharing and other initiatives contemplated in the New Directions position paper. It is simply not possible for councils to be fully and truly accountable to their communities while ever the current extent of accountability to the State – particularly in terms of funding – remain unchanged.

CONCLUSION

The concepts and initiatives presented in the New Directions position paper should be supported by Hunter Councils Inc for the support they offer, and for their continued focus on resource sharing as a means of improving the efficiency of local government and its delivery of services – an initiative which has been pursued extensively by member councils through their participation in entities such as Hunter Councils Inc and Hunter Councils Ltd.

However, it is important that support for the initiatives embodied in the New Directions position paper be qualified by a recognition of the resource implications inherent in a number of the initiatives, and in particular, the fundamental issue of the funding of local government and the implications for the financial sustainability of local government as identified in the Allan Inquiry Report, which will not be resolved by the initiatives of the New Directions paper alone.

RECOMMENDATION

It is recommended that:

1. The Board of Hunter Councils Inc express its support for the initiatives presented in the Department of Local Government position paper “A New Direction for Local Government”;
2. The Board of Hunter Councils Inc convey to the Department of Local Government an overview of the resource sharing and service delivery activities of Hunter Councils Inc on behalf of its member councils, and express its capacity to facilitate further resource sharing and “business cluster” activity for its member councils;
3. The Board of Hunter Councils Inc express its concern to the Department of Local Government that:
 - I. the initiatives contained within the discussion paper whilst supported, fail to address in any substantial way, the fundamental issue of the funding of NSW Local Government;
 - II. resource sharing and service delivery through “business clusters” will not generate the additional revenue needed by NSW Local Government to address the backlog of funding required for infrastructure improvement and maintenance across NSW Local Government; and
 - III. full and true accountability on the part of local councils to their communities cannot be fully achieved whilst ever the current extent of local government accountability to and financial regulation by the State Government remains unchanged.

ITEM NO. 2**FILE 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) Thou Walla Family Centre - \$2000 towards the purchase of a sandpit shade (West Ward)
 - b) Royal Volunteer Coastal Patrol - \$3190.16 – Reimbursement of Carpark Repair Costs (East Ward)
 - c) Cancer Council – Relay for Life Sponsorship \$500 (Mayoral Funds)
 - d) Port Stephens Community Care - \$1000 towards Seniors Expo (West Ward)
 - e) Raymond Terrace Water Polo - \$500 – 2007 Championships (West Ward)
 - f) Raymond Terrace & District Tennis Club - \$1250 – Easter Open Tennis Tournament (Mayoral Fund & West Ward)
 - g) Whale & Dolphin Watch Australia (“Skye Bortoli”) - \$2,000 towards associated costs for International Whaling Mission.
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-

ORDINARY MEETING OF COUNCIL – 27 February 2007

MOTION:		
031	Councillor Jordan Councillor Hodges	That Council: Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:- <ul style="list-style-type: none">(a) Thou Walla Family Centre - \$2000 towards the purchase of a sandpit shade (West Ward)(b) Royal Volunteer Coastal Patrol - \$3190.16 – Reimbursement of Carpark Repair Costs (East Ward)(c) Cancer Council – Relay for Life Sponsorship \$500 (Mayoral Funds)

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		<p>(d) Port Stephens Community Care - \$1000 towards Seniors Expo (West Ward)</p> <p>(e) Raymond Terrace Water Polo - \$500 – 2007 Championships (West Ward)</p> <p>(f) Raymond Terrace & District Tennis Club - \$2500 – Easter Open Tennis Tournament (Mayoral Fund & West Ward)</p> <p>(g) Whale & Dolphin Watch Australia (“Skye Bortoli”) - \$2,000 towards associated costs for International Whaling Mission.</p>
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That on being put the Motion was carried.

BACKGROUND

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

The Council regularly receives requests for financial assistance from community groups and individuals. However, Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act. This would mean that the financial assistance would need to be included in the Management Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

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

The requests for financial assistance are shown below:-

MAYORAL DONATIONS

Raymond Terrace & District Tennis Club	Donation towards the 2007 Easter Open Tennis Tournament – 50% contribution	\$1250
Cancer Council	Relay For Life	\$500
Whale & Dolphin Watch Australia (“Skye Bortoli”)	Contribution towards costs for international whaling mission	\$500

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WEST WARD – Crs Brown, Francis, Hodges & Jordan

Thou Walla Family Centre	Donation towards the purchase of a sandpit shade	\$2000
Raymond Terrace & District Tennis Club	Donation towards the 2007 Easter Open Tennis Tournament – 50% contribution	\$1250
Seniors Expo Raymond Terrace	Contribution towards Expo	\$1000
Raymond Terrace Water Polo	2007 Championships	\$500
Whale & Dolphin Watch Australia (“Skye Bortoli”)	Contribution towards costs for international whaling mission	\$500

EAST WARD – Crs Nell, Dover, Westbury & Robinson

Royal Volunteer Coastal Patrol	Reimbursement of Carpark Repair Costs (East Ward)	\$3190.16
Whale & Dolphin Watch Australia (“Skye Bortoli”)	Contribution towards costs for international whaling mission	\$500

CENTRAL WARD - Crs Baumann, Dingle, Tucker & Swan

Whale & Dolphin Watch Australia (“Skye Bortoli”)	Contribution towards costs for international whaling mission	\$500
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LINKS TO CORPORATE PLANS

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

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:

- a) applicants are carrying out a function which it, the Council, would otherwise undertake;
- b) the funding will directly benefit the community of Port Stephens;
- c) 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:

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

Australian Business Excellence Framework

This aligns with the following ABEF Principles. (Please delete what is not applicable)

- 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
Councillors

OPTIONS

- 1) Adopt the recommendation.

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- 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

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

- 1) Amendment the meeting cycle as detailed in the ATTACHMENT 1.

ORDINARY MEETING OF COUNCIL – 27 February 2007

MOTION:		
	Councillor Baumann Councillor Robinson	That Council take no action on this Item.

AMENDMENT:		
032	Councillor Nell Councillor Dingle	That Council amend the meeting cycle as detailed in Attachment 1 for a period of two months during March and April whilst a Corporate Caterer is recruited at which time we will revert to Council's meeting cycle unless determined otherwise.

The Amendment on being put became the Motion which was carried.

BACKGROUND

The purpose of this report is for Council to consider the proposed changes to Council and Committee meeting times as details in ATTACHMENT 1.

In September 2006 Council resolved that Council and Committee meetings would commence at 5.30 pm, however during recent discussions with Councillors it was discussed that Council would trial commencing meetings at 6.30pm. This would still allow for briefings to be held at 4.00pm and public access would be provided at 6.30pm at the commencement of the Strategic and Operations Committee meetings.

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

Section 365 of the Local government Act requires Council to meet at least 10 times per year in different months. The Local Government (General) Regulation provides for Council to

establish such committees, as it considers necessary. Council must specify the functions of such committees.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

General Manager
Executive Team
Mayor and Councillors

OPTIONS

- 1) Adopt the recommendation
- 2) Other variations

ATTACHMENTS

Meeting cycle

TABLED DOCUMENTS

Nil

ATTACHMENT 1

Week 1

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

4.00 – 5.00pm	Briefings as required
5.00pm – 6.00pm	Dinner with Councillors & Staff
6.30pm	Public Access
Followed by	Strategic Committee Meeting

Week 2

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

4.00 – 5.00pm	Briefings as required
5.00pm – 6.00pm	Dinner with Councillors & Staff
6.30pm	Public Access
Followed by	Operations Committee Meeting
Followed by (if required)	Ordinary meeting of Council to deal with recommendations from the Operations Committee relating to tender, property matters and development applications

Week 3

5.30pm Inspections and/or briefings as required.

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

Week 4

Briefings if required followed by Council meeting.

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4.00pm – 5.00pm

Briefings

5.00pm – 6.00pm

Dinner with Councillors & Staff

6.30pm

Council meeting to consider Mayoral Minutes, Committee recommendations and General Manager's reports. To be preceded by any formal presentations

Week 5

Briefings if and when required

Note: Nil meetings scheduled to occur.

ITEM NO. 4

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 27 February, 2007.

No:	Report Title	Page:
-----	--------------	-------

1.	Mayoral Delegation of Authority	
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ORDINARY MEETING OF COUNCIL – 27 February 2007

RESOLUTION:		
033	Councillor Nell Councillor Hodges	That the Recommendation be adopted.

INFORMATION ITEM NO. 1

MAYORAL DELEGATION OF AUTHORITY

REPORT OF: PETER GESLING – GENERAL MANAGER
FILE: PSC2007-0060 & 16-2006-228 & A2004-0169

BACKGROUND

The purpose of this report is to inform Council that during the Christmas/New Year break the Mayor had reason to exercise his delegated authority of Council.

During the break over the Christmas/New Year period the Mayor exercised his delegation of authority to initiate the re-categorisation and re-classification of the community land being part of Lot 21 DP 788588, Part Lot 1 DP 250593, Part Lot 1 DP 85666 and Part Lot 84 DP 1106659. The subject land is the land at King, Bourke and Williams Streets, Raymond Terrace being developed by Buildev.

The Mayor's approval allowed Council to commence public exhibition of the proposed amendments to the Natural Areas Plan of Management, Foreshore Plan of Management and the General Community Use of Plan of Management to address issue surrounding carpark on the land.

Following public consultation the Plans of Management and any submissions will be reported to Council for consideration and adoption.

Consultation was undertaken with the General Manager.

ATTACHMENTS

- 1) Nil

Councillor Dingle read a Motion without notice. This Motion was seconded by Councillor Dover. The details of the Motion are set out below:

“NOTICE OF MOTION

I move a motion of no confidence in the General Manager based on the provision of misleading information in report file No: A2004-0573 Seabreeze Estate-Drainage Works to meet orders of the NSW court of Appeal listed in the Councils Operations committee meeting on 12 December. The recommendation refers to the purchase of a complying drainage infiltration system. The Manager has failed to point out that reports prepared by Councils Consulting Ground Water Engineer as an expert witness and provided under Affidavit to Council’s legal representation as evidence in the Supreme Court of NSW case in March 2004: Port Stephens Council verses Melaleuca, clearly states that an infiltration system in the Seabreeze Estate will fail to contain storm water, and it will continue to discharge to the Dowling street Property (Melaleuca) placing Council in breach of the court orders.”

As Councillor Dingle was reading this Motion six Councillors left the Council Chambers. These Councillors included Councillor Brown, Francis, Hodges, Jordan, Baumann and Robinson. As per Council’s Code of Meeting Practice which states that a Council Meeting of Council or a Committee must be adjourned if a quorum is not present.

I certify that pages 1-175 of the Ordinary Minutes of Council dated 27 February 2007 were confirmed by Council at its meeting held on 27 March 2007.

.....
Cr Ron Swan
MAYOR

The meeting was adjourned at 8.40pm.