

Minutes 27th November 2007



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 27th November 2007, commencing at 5.35pm.

PRESENT:

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

325	Councillor Robinson Councillor Nell	It was resolved that the apology from Cr Baumann be received and noted.
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326	Councillor Robinson Councillor Brown	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 30 th October & 13 th November 2007 be confirmed.
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PROPOSAL (CFDP).

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007**COMMITTEE RECOMMENDATIONS**

The Committees met on the 13th November, 2007 and make the following recommendations to Council.

COMMITTEE	PRESENT	TIME
Strategic Committee	Councillors Swan, Nell, Tucker, Francis, Robinson, Dingle, Westbury, Dover, & Brown, and Messrs Gesling, Murrell, Triglar & Broyd & Ms Shine Apology: Crs Baumann, Jordan & Hodges	13 November, 2007 Commenced: 6.45pm Concluded: 7.30pm
Operations Committee	Councillors Swan, Nell, Tucker, Francis, Robinson, Dingle, Westbury, Dover, & Brown, and Messrs Gesling, Murrell, Triglar & Broyd & Ms Shine Apology: Crs Baumann, Jordan & Hodges	13 November, 2007 Commenced 7.31pm Concluded 8.14pm

MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO:PSC2007-2795

DRAINAGE EASEMENT “KANDLBINDER DRAIN” AT BOBS FARM

THAT COUNCIL:

Reaffirms Item 4 of Council's resolution of 24 April 2001 Minute No:158 to request the Minister for Local Government and Governors consent to compulsorily acquire an easement to drain water 3m wide and variable as shown on DP1117610 over part of Lot 5 DP250679.

BACKGROUND

Council has for many years been endeavouring to negotiate the acquisition of the easement. Agreement has been reached on the amount of compensation to be paid for the easement. The owners will not sign the necessary Transfer Granting Easement document and are insisting on Council following through with the compulsory acquisition process based on the agreed compensation.

Application has been made to the Department of Local Government for consent. Because the 2001 resolution came from the previous Council, affirmation is required by the current Council that it agrees.

Attachments

- 1) Council Resolution 158 of 24 April 2001
- 2) Map DP 1117610

327	Councillor Swan	There being no objections it was resolved that the Mayoral Minute be adopted.
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ATTACHMENT 1



ATTACHMENT 2



MOTION TO CLOSE

ITEM NO. 1**FILE NO: 1758-005****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 1 on the Ordinary Meeting agenda namely **CALL FOR PROPOSAL - NEWCASTLE AIRPORT OUTDOOR SIGNAGE SERVICES**.
- 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 **CALL FOR PROPOSAL - NEWCASTLE AIRPORT OUTDOOR SIGNAGE SERVICES**.
- 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.

328	Councillor Robinson Councillor Nell	It was resolved that the recommendation be adopted.
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ITEM NO. 2**FILE NO: A2005-0125****MOTION TO CLOSE MEETING TO THE PUBLIC****AUTHOR: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAEMENT**
-----**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(c) 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 on the Ordinary meeting agenda namely **"SALE OF LAND AT SALAMANDER BAY"**. That the reasons for closing the meeting to the public to consider this item be that:-

it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business.
- 2) In particular, the information and discussion concerns **"SALE OF LAND AT SALAMANDER BAY"**.
- 3) On balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the information and discussion need to be carried out confidentially to protect the interests of both parties. Any breach of such confidentiality could prejudice Council's position.
- 4) That the minutes relating to this item be made public on settlement if the proposed acquisition goes ahead or when negotiations are ended.

329	Councillor Robinson Councillor Nell	It was resolved that the recommendation be adopted.
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STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: PSC2007-3076****RATE DONATIONS FOR COMMUNITY GROUPS****REPORT OF: JEFF SMITH, FINANCIAL SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the draft Rate Donations for Community Groups Policy on public display for 28 days and a report be prepared back to Council on any submissions received
- 2) The policy be adopted if there are no submissions received

STRATEGIC COMMITTEE MEETING – 13 NOVEMBER 2007**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

330	Councillor Francis Councillor Brown	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to present a draft policy on rate donations for community groups for Council to consider.

Section 556 of the Local Government Act identifies the requirements to be met for land to be exempt from Council rates. This includes land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for their purposes. Where an organisation is ineligible for an exemption under section 556 Council may provide financial assistance for an amount equivalent to the annual rates obligation via section 356 of the Local Government Act where the activities of the organisation are aligned with the functions of Council.

A small number of requests for this type of assistance have been received during the current term of Council and the attached policy has been drafted in order to provide clear guidelines for the donation of rates and charges to rateable community groups.

The Masonic Lodge at Nelson Bay incurs a rate bill of \$3,250.76 per annum. It is rated as business. The Lodge has approached Council seeking a rate exemption, but this has been refused because Council is unable to grant an exemption as the lodge is neither a public charity, nor a public benevolent institution. The Lodge has provided financial information and membership data in support of their application which indicates that they are in financial difficulty. Membership of the lodge numbers around 85 members, most of whom are aged between 60 and 90 years and almost all of whom rely on the age pension. They have provided a copy of their aims and objectives and while the first objective is to raise the awareness of the Masonic Institution to the general community their aims also include:

- Assisting persons or groups who are unable to gain access to usual charitable funding; and
- to assist scouts, guides and PCYC etc; and
- to spend funds locally.

It is considered that these objectives are consistent with Council's charter to provide equitable and appropriate services for the community and to provide for the needs of children therefore Masonic Holdings Limited (Nelson Bay Masonic Centre) are recommended for eligibility under this draft policy.

LINKS TO CORPORATE PLANS

This policy links to Goal 23 of the 2007-2011 Council Plan, in particular the strategy of developing a formal rating framework that optimises returns to Council from the rate base.

FINANCIAL/RESOURCE IMPLICATIONS

Donations represent an increase in Council's operating costs however it is not anticipated that the cost of these donations will be significant.

LEGAL AND POLICY IMPLICATIONS

Council is empowered to make these donations under section 356 of the Local Government Act, 1993. Developing a policy provides consistency and transparency.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The provision of financial assistance for rates and charges assists community groups to survive financially and direct their financial resources towards their aims and objectives. Community groups act as a social binder for communities providing social opportunities, leadership, positive role models and structure within a community.

ECONOMIC IMPLICATIONS

There are very few community groups that are both liable for rates and are not a public charity or public benevolent institution. The cost of providing this annual assistance is not significant and has no economic implications for Council or Port Stephens.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Survey of Other Councils
Group Manager Business & Support
Revenue Coordinator
Corporate Planning & Community Engagement Coordinator

OPTIONS

- 1) Accept Recommendation
- 2) Reject Recommendation
- 3) Modify Recommendation

ATTACHMENTS

- 1) Draft Rate Donations for Community Groups Policy

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2007-3076

TITLE: RATE DONATIONS FOR COMMUNITY GROUPS

REPORT OF JEFF SMITH, FINANCIAL SERVICES MANAGER

BACKGROUND

This policy identifies those community groups in Port Stephens that are subject to rates and charges to which Council will annually make a donation. Council may donate funds in accordance with section 356 of the Local Government Act, 1993 for the purpose of exercising its functions.

OBJECTIVE

To provide clear guidelines for donation of rates and charges to rateable community groups.
To provide financial assistance for community groups that are unable to meet the cost of rates and charges.

PRINCIPLES

- 1) Council's policy towards making donations to rateable community groups for rates and charges will be documented and transparent
- 2) Council will recognise potential financial hardship in considering which community groups are to receive rates and charges donations
- 3) Groups seeking to access assistance under this policy must have a community service objective similar to Council's as their predominant aim or objective under their charter

POLICY STATEMENT

Organisations that are public charities or public benevolent institutions receive a rate exemption while other organisations that do good works to benefit the community do not enjoy an exemption.

Council will annually donate the rates and Hunter Central Rivers Catchment Management Authority Contribution for the organisations and properties specified in this policy. The

organisations are still required to pay waste management charges, waste service charges and on-site sewage management fees if applicable.

The organisations are not required to make an annual application and this donation will be on-going, subject to normal policy reviews. Donations made under this policy will apply from the commencement of the rating year in which Council resolves to include the organisation in the list of specified organisations.

Should an organisation wish to be included on the list, contact is to be made with Council's Revenue Coordinator who will request the necessary information and make arrangements for a report to be submitted to Council for consideration.

Specified Organisations:

- 1) Masonic Holdings Limited (Nelson Bay Masonic Centre)

RELATED POLICIES

Debt Recovery and Hardship Policy

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The provision of financial assistance for rates and charges assists community groups to survive financially and direct their financial resources towards their aims and objectives. Community groups act as a social binder for communities providing social opportunities, leadership, positive role models and structure within a community.

ECONOMIC IMPLICATIONS

There are very few community groups that are both liable for rates and are not a public charity or public benevolent institution. The cost of providing this annual assistance is not significant and has no economic implications for Council or Port Stephens.

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

ss.356, 556 Local Government Act, 1993

IMPLEMENTATION RESPONSIBILITY

Business and Support Group, Finance and Administration Section

REVIEW DATE

12 months from the date of adoption or due to receipt of application from community groups.

ITEM NO. 2

FILE NO: PSC2007-2380

ANNUAL REPORT 2006-2007 INCORPORATING STATE OF THE ENVIRONMENT SUPPLEMENTARY REPORT 2006-2007

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Annual Report 2006-2007 and the Supplementary State of the Environment Report 2006-2007

STRATEGIC COMMITTEE MEETING – 13 NOVEMBER 2007

RECOMMENDATION:

That the recommendation be adopted.

Tabled Documents: Annual Report incorporating SOE Supplementary Report 2006-2007

ORDINARY MEETING – 27TH NOVEMBER 2007

RECOMMENDATION:

331	Councillor Nell Councillor Dover	It was resolved that the recommendation be adopted.
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Tabled Documents: Annual Report incorporating SOE Supplementary Report 2006-2007

BACKGROUND

The purpose of this report is to provide to Council the Annual Report 2006-2007.

Council is required to report annually to the community and the Department of Local Government against its Council Plan; and to include a State of the Environment Report. The State of the Environment Report 2003-2004 was the four-yearly comprehensive report, and Council is required to provide updates in the form of supplementary reports in the other three years. Past practice has been to include the Annual Report, the Annual Financial Statements and the State of the Environment Report in the one document. Last year, the Supplementary State of the Environment Report was produced as a separate document and cross-referenced within the Annual Report.

For this year, the Annual Report is being produced in three (3) volumes: Volume 1 is the Annual Report 2006-2007, incorporating the Statutory Return as required by Section 428 of the Local Government Act 1993 and including the Financial Statements 2006-2007; Volume 2 is the Financial Report (under separate cover) and Volume 3 is the Supplementary State of the Environment Report 2006-2007.

Volumes of the Annual Report are required to be lodged with the Department of Local Government on or before 30 November 2007.

LINKS TO CORPORATE PLANS

Council Plan 2006-2009, incorporating the Budget 2006-2007

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

The Annual Report 2006-2007 complies with the requirements of the Local Government Act 1993.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 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 Annual Report 2006-2007 monitors achievements against agreed social, cultural, economic and community goals as established in the Council Plan 2006-2009.

ECONOMIC IMPLICATIONS

The Annual Report 2006-2007 monitors the Council's performance against its approved budget.

ENVIRONMENTAL IMPLICATIONS

The Annual Report 2006-2007 reports against the environmental goals of the Council Plan 2006-2009 and Volume 3 is the Supplementary State of the Environment Report 2006-2007.

CONSULTATION

Not applicable

OPTIONS

- 1) Recommended that the Annual Report 2006-2007 Volumes 1 and 3 be adopted;
- 2) Amend the recommendation.

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Annual Report 2006-2007 (Volume 1)

Supplementary State of the Environment Report 2006-2007 (Volume 3)

ITEM NO. 3**FILE NO: A2004-0984****REVIEW OF THE PORT STEPHENS COUNCIL CODE OF CONDUCT****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER – CORPORATE MANAGEMENT**

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the previous Code of Conduct adopted on 26 July 2005 – Minute No. 216.
 - 2) Adopt the Code of Conduct as tabled.
-

STRATEGIC COMMITTEE MEETING – 13 NOVEMBER 2007**RECOMMENDATION:**

That the recommendation be adopted.

Tabled Document: Code of Conduct

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

332	Councillor Westbury Councillor Francis	It was resolved that the recommendation be adopted.
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Tabled Document: Code of Conduct

BACKGROUND

The purpose of this report is to provide Council with the reviewed Code of Conduct following the training provided to Councillors and staff.

During the training it became obvious that the Code require a few minor changes and clarification in some areas.

The Code has now been reviewed and updated to include the changes that were required. The changes are listed below in summary for Councils information – all changes in the Code have been shown in bold.

Page No	Item No	Changes
9	5.6	Item 5.6 – Public comment has been inserted
16	6.2.1	Clause inserted to assist staff when determining if a conflict exists
18	7.1.4	Whole section inserted

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007

18	7.1.5	Whole section inserted
19	7.3.2	“Targeted” discounts inserted
24	9.4.2	Council’s Privacy Officer contact inserted
25	10	Made “Use of Council Resources” its own section – was previously included in Section 9
25	10.1.1	Provided a clearer definition on what staff can use for private use in the way of resources
27	11.1.3	Inserted contact details for Reporting Breaches

The changes noted above are shown in shading in the revised Code of Conduct accompanying the business paper.

Councillors should note that the Interaction between Council Officials policy will be developed separately to the Code of Conduct and once developed a reference will be inserted into the Code.

Similarly to the Interaction between Council Officials policy, a policy in relation to the Use of Council Resources will be developed separately and a reference inserted into the Code.

LINKS TO CORPORATE PLANS

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

The costs involved to undertake this review are covered in the existing budget.

LEGAL AND POLICY IMPLICATIONS

It is a requirement under the Local Government Act 1993 for Council to adopt a Code of Conduct.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

General Manager
Executive Manager – Corporate Management
All Council Staff

OPTIONS

- 1) Adopt the recommendation
- 2) Suggest further options for inclusion

ATTACHMENTS

- 1) Nil

TABLED DOCUMENTS

- 1) The new Port Stephens Code of Conduct

ITEM NO. 4**FILE NO: PSC2005-3516****DEPARTMENT OF LOCAL GOVERNMENT CIRCULAR – TERM OF APPOINTMENT OF MAYORS & APPOINTMENT OF TEMPORARY STAFF****REPORT OF: PETER GESLING – GENERAL MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Prepare a submission to forward to the Department of Local Government on:-
 - a) the Term of Appointment of Mayors Elected by Councillors – to amend the term of appointment of Mayors elected by Councillors from one year to two.
 - b) the Term of Appointment of Temporary Staff – to amend the term of appointment of temporary staff from 12 months to 24 months.

STRATEGIC COMMITTEE MEETING – 13 NOVEMBER 2007**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

333	Councillor Tucker Councillor Brown	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is inform Council of the Department of Local Government circular 07-46 regarding the Term of Appointment of Mayors elected by Councillors and Term of Appointment of Temporary Staff.

The Department of Local Government released the above circular on 25 September 2007 to Councils seeking submissions by 30 November 2007.

The current method of appointing the Mayor elected by Councillors is for an annual election held each September. Council has recently resolved to conduct a referendum at the 2008 Local Government Elections on the subject of a popularly elected Mayor from 2012.

The Department's circular is seeking Council's views on the proposal to move from the Mayors elected by Councillors from one year to two.

The second proposal in the circular seeks Council's view on the appointment of temporary staff for up to a period of 24 months to fill vacancies arising from an employee taking **parental leave**.

Currently section 351 of the Local Government Act provides that where a council or a general manager directly appoint a person to a vacant position without advertising the position externally, the person may not continue in that position for a period of more than 12 months.

The appointment of temporary staff up to a period of 24 months to fill vacancies has been considered by Executive Team in consultation with Organisational Development. The views of existing staff were also taken into account.

It is recommended that the Department be advised that Council supports the amendment to section 351 of the Act to allow persons to be directly appointed to a position for a period up to 24 months without advertising, with in restriction on the type of leave being taken. This will allow greater flexibility in attracting and retaining staff and the delivery of Council services.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

The proposal to have the Mayoral term for two years would provide a level on consistency and remove the need for an annual election and associated costs and resources.

The proposal to appoint staff for up to a period of 24 months would provide greater flexibility in filling vacancies and potentially the need to re-recruit to fill those vacancies that are longer than a 12 month period.

LEGAL AND POLICY IMPLICATIONS

Nil

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Nil

OPTIONS

- 3) Adopt the recommendation
- 4) Reject the recommendation
- 5) Amend the recommendation

ATTACHMENTS

- 1) Term of Appointment of Mayors elected by Councillors and Term of Appointment of Temporary Staff Circular 07/46

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Circular No. 07-46
Date 25 September 2007
Doc ID. A113480

Contact Tempe Lees
02 4428 4160
tempe.lees@dlg.nsw.gov.au

**TERM OF APPOINTMENT OF MAYORS ELECTED BY COUNCILLORS &
TERM OF APPOINTMENT OF TEMPORARY STAFF**

Background

The Ministerial Advisory Council was established to advise the Minister for Local Government, the Hon Paul Lynch MP, on current issues relating to local government. The Chair of the Ministerial Advisory Council is the Hon Ernie Page OAM. Members of the Council include Mayors, General Managers, Union representatives and the Presidents of the Local Government and Shires Associations of NSW. Representatives from the Department of Local Government also attend the meetings.

At the July 2007 meeting of the Ministerial Advisory Council the matters that are the subject of this circular were raised for discussion. At that meeting it was recommended that the Department consult with the sector to seek comments and views on the propositions outlined below.

Purpose

The purpose of this circular is to invite comments and submissions on the following propositions:

1. That consideration is given to amending the *Local Government Act 1993* to extend the term of Mayors elected by councillors from one year to two.
2. That consideration is given to amending s351 the *Local Government Act 1993* to allow for temporary appointments of up to 24 months to fill vacancies arising from an employee taking parental leave.

These proposals are discussed in more detail below.

Proposal 1 - Term of Appointment of Mayors Elected By Councillors

The *Local Government Act 1993* currently allows two methods for the election of mayors. Mayors can be elected by:

- councillors post council election, or by
- electors at the council ordinary elections.

Mayors elected by the popular vote of the community are elected for the term of the council, which is four years. By contrast, mayors elected by the councillors are elected for a one-year term. There is no limitation on the number of one-

Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

year terms a councillor elected mayor may serve. Additionally the mechanism by which a mayor is elected does not change the function of the mayor.

The Ministerial Advisory Council considered the advantages and disadvantages of extending the term of mayors elected by the councillors from one year to two, with a view to enhancing consistency in leadership. The Ministerial Advisory Council took into account the current difference in term of mayors depending upon the manner in which they were elected, and the fact that there is no difference between the functions of mayors regardless of how they are elected. The Ministerial Advisory Council recommended that the views of the sector were sought on the proposal.

Submissions invited on Proposal 1

Councils are invited to make submissions on the proposal that the *Local Government Act 1993* should be amended to extend the term of councillor elected mayors from one year to two. Submissions should be sent to the Department of Local Government – see details below.

Proposal 2 - Term of Appointment of Temporary Staff

Currently section 351 of the Local Government Act provides that where a council or general manager directly appoints a person to a vacant position without advertising the position externally, the person may not continue in that position for a period of more than 12 months.

The Local Government (State) Award 2004 allows staff to be granted parental leave for a period of up to 24 months.

It has been suggested that the provisions of the Act be amended to allow for persons to be directly appointed to a position without advertisement for a period of up to 24 months, where the appointment is to fill a vacancy arising from the granting of parental leave.

The Ministerial Advisory Council considered the suggestion, taking into account matters such as skills shortages, the difficulty some councils have in attracting staff, career development opportunities for staff and the costs associated with external recruitment. The Advisory Council recommended that the sector be given the opportunity to comment on the proposal.

Submissions invited on Proposal 2

Local councils are invited to make submissions on the proposal that the Act be amended to allow for temporary appointments for a period of up to 24 months, where the appointment is to fill a vacancy arising from the granting of parental leave. Submissions should be sent to the Department of Local Government – see details below.

Submissions

Comments on these proposals should be marked “**MAC Proposals**” and sent to:

Deputy Director General
Department of Local Government
Locked Bag 3015
NOWRA NSW 2541

Or by email to: dlg@dlg.nsw.gov.au.

The closing date for submissions is **30 November 2007**.



Garry Payne AM
Director General

ITEM NO. 5

FILE NO: PSC2007-3220

EMERGENCY SERVICES LEAVE – COUNCIL STAFF

REPORT OF: ANNE SCHMARR, ORGANISATION DEVELOPMENT MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the development of an Emergency Services Leave policy to provide payment to employees at their ordinary rate of pay if they are required to serve as a member of a volunteer emergency organisation.
-

STRATEGIC COMMITTEE MEETING – 13 NOVEMBER 2007

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 27TH NOVEMBER 2007

RECOMMENDATION:

334	Councillor Robinson Councillor Dingle	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to provide Council with information to enable them to consider the implementation of an Emergency Services Leave policy for Council staff.

During the recent bushfires on the Tilligerry Peninsula, some staff who serve as volunteers with the Rural Fire Service were required to serve as members of this organisation to assist with the control of the bushfire threat during normal working hours.

As a result of this service it was highlighted that there is currently no policy in place to assist employees who undertake this type of volunteer work with payment of their ordinary pay during such periods of volunteering. An interim policy approved by the Mayor has been put in place to ensure employees are not financially disadvantaged due to their community service activities whilst this report was being prepared for Council's consideration.

There are also no provisions in the Notional Agreement Preserving the Local Government (State) Award 2004 ('NAPSA') for this type of paid leave.

Unless there is an award or agreement provision, the employer has the discretion to grant leave, but is not forced to do so. In practice, however, most employers grant leave for reasons of compassion and good corporate citizenship. An employer that refused to grant leave might be judged by the community as being unfair or unreasonable.

In addition, Council is strongly committed to being an employer of choice.

Being an employer of choice is about the structures a business has in place supporting its employee opportunities, wellbeing and company values. Development of an Emergency Services Leave policy which supports employees who volunteer for community service activities supports the employer of choice objective.

Permanent employees who are members of an emergency service organisation should qualify for leave.

An "emergency" is normally defined as a declared emergency. It should be one which has occurred locally. However, an employer may choose to grant leave for other types of "emergencies" as well.

The employee should advise the employer of his/her membership of any emergency service organisations, preferably at time of employment. The employee should wherever possible seek approval to take leave before commencing leave. If proof of attendance at an emergency can be obtained, the employee should provide it to the employer.

Council has the discretion to set a maximum period of leave. The employer is also entitled to contact the emergency service organisation if disruption to work performance is occurring and request that the employee be released from emergency service work.

Generally Council could request an employee who seeks emergency services leave to take annual leave or long service leave instead. However, the employer might be judged as displaying poor corporate citizenship and community serviced.

Emergency services leave is absorbed if it is taken at the same time as annual or long service leave or rostered days off.

Payment

Although there is no legislation affording employees an entitlement to emergency leave, there is, however, some legislation protecting emergency workers against dismissal in the federal system and in some states. Therefore, an employee who takes leave against their employer's wishes is afforded some protection.

Federal

In 2003, the Howard government implemented the Workplace Relations Amendment (Protection for Emergency Management Volunteers) Act 2003, which amended the provisions on unlawful termination in the Workplace Relations Act 1996. The amending legislation, which commenced operation on 16 July 2003, provided that an employer must not terminate an employee's employment because of their temporary absence from work on a voluntary emergency management activity, where the absence is reasonable, having regard to all the circumstances.

A "voluntary emergency management activity" is defined as one that involves dealing with an emergency or natural disaster on a voluntary basis in association with a recognised emergency management body, for example, a firefighting, civil defence or rescue body. The employee must either have been asked by the body to carry out the activity, or it would be reasonable to expect that, if the circumstances permitted the making of such a request, it is likely that such a request would have been made. Even where an employee receives an honorarium, a gratuity or a similar payment for their assistance, they will still be found to have been carrying out the activity on a voluntary basis.

New South Wales

In New South Wales, the Emergency and Rescue Management Act 1989 provides that emergency services volunteers are protected from victimisation by their employers. In contrast to the federal legislation, the New South Wales Act protects employees against the broader concept of "victimisation". This not only includes "termination" but any action by the employer that would adversely affect an employee's employment, for example, dismissing the employee because they were away fighting fires, or punishing them in some way by giving them unpleasant jobs or not giving them overtime, even though it is available to other employees.

There are some limitations, however, to the protection provided to employees taking leave under this legislation. Protection against "victimisation" for being absent on emergency relief work is available only when the premier publishes in the state Gazette that the relevant provisions apply to particular emergency operations. These legislative changes were introduced following the 1994 bushfires and provide that, if an employee is victimised or discriminated against in their work because of absences due to their emergency work, they can be reimbursed for wages or other sums lost, or reinstated to the position they held prior to their absence.

Policy

It is desirable for Council to develop a policy on the availability of Emergency Services Leave and circulate it to all employees. The policy should cover the following issues:

- who is eligible (eg employees who are members of an emergency service organisation)
- types of emergencies covered (eg only officially declared emergencies within the immediate area)
- notice, approval to attend and proof of attendance
- payment for leave taken
- interaction with other leave (eg annual leave) and with rostered days off, and
- period of leave available (eg whether a limit applies).

To cover the recent bushfire emergency, the Mayor has authorised payment using his delegation to affected employees for any ordinary hours of work they were engaged in fighting the bushfires.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY –	<i>Council will preserve and strengthen the fabric of the community, building on community strengths.</i>
ENVIRONMENTAL SUSTAINABILITY –	<i>Council will protect and enhance the environment while considering the social and economic ramifications of decisions.</i>
BUSINESS EXCELLENCE –	<i>Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey</i>

FINANCIAL/RESOURCE IMPLICATIONS

Additional expenditure to cover ordinary pay for employees who are required to serve as members of a volunteer emergency organisation from time to time.

LEGAL AND POLICY IMPLICATIONS

Emergency Services Leave Policy to be developed
Workplace Relations Act 1996
Emergency and Rescue Management Act 1989

Australian Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Council is viewed as a supportive partner with the local community and by employees, further enhancing Council's journey towards being an employer of choice.

ECONOMIC IMPLICATIONS

Given emergencies are rare occurrences, the economic implications of approval of this type of leave are minimal.

ENVIRONMENTAL IMPLICATIONS

Enhanced protection of the environment by providing staff to assist in minimisation of damage caused by naturally occurring emergencies such as floods and bushfires.

CONSULTATION

OPTIONS

- 1) Develop an Emergency Services Leave policy.
- 2) Not develop an Emergency Services Leave policy.

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ITEM NO. 6**FILE NO: PSC2007-3076****PRICING POLICY****REPORT OF: JEFF SMITH, FINANCIAL SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Resolve to adopt the Pricing Policy - **ATTACHMENT 1** to this report

STRATEGIC COMMITTEE MEETING – 13 NOVEMBER 2007**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

335	Councillor Robinson Councillor Brown	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to present a pricing policy which will provide a decision making framework for the determination of fees and charges.

The attached Pricing Policy is one of a number of recommendations resulting from a PDSA project that looked at the setting of Fees and Charges at Port Stephens Council.

Revenue from fees and charges constitutes a large proportion of Council's annual budget. In the past the system to set fees and charges has varied widely across Council. It was widely recognised that there is a lack of consistent process in the establishment of Council's discretionary fees and charges. It was also recognised that there was no process for identifying revenue opportunities through charges for services currently provided for no charge; nor for new opportunities.

As a result the attached Pricing Policy, together with a new fees and charges process have been developed, The principles of the new policy and process are equity, consistency, timeliness and accountability, providing opportunities for revenue optimisation whilst meeting community service obligations.

LINKS TO CORPORATE PLANS

This policy links to Goal 23 of the 2007-2011 Council Plan, in particular the strategy of assessing the cost recovery potential of Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

Providing policy direction in relation to the setting of fees and charges enhances Council's ability to optimise the amount of income received from the provision of Council's services and ultimately assist Council in achieving long term financial sustainability.

LEGAL AND POLICY IMPLICATIONS

Council is empowered to charge fees and charges for any service it provides under section 608 of the Local Government Act, 1993. Developing a pricing policy provides a framework for the equitable, consistent and transparent setting of fees and charges across Council.

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
- 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

Meeting Council's community service obligation is a key objective of the Pricing Policy. In determining the cost of providing a service Council will, among other things, consider any community service obligations where there are clear social or equity objectives in the provision of the service.

ECONOMIC IMPLICATIONS

The recovery of some or all costs associated with the provision of services to the community enhances Council's ability to continue the provision of those services into the future, which results in continued employment of Council staff.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Fees & Charges PDSA Team
Group Manager Business & Support

OPTIONS

- 1) Accept Recommendation
- 2) Reject Recommendation
- 3) Modify Recommendation

ATTACHMENTS

- 1) Pricing Policy

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2007-2377

TITLE: PRICING POLICY

REPORT OF GROUP MANAGER BUSINESS & SUPPORT

BACKGROUND

In accordance with Section 608 of the Local Government Act, 1993 and other relevant legislation, Council charges and recovers approved fees and charges for any services it provides as contained within Council's annual Fees and Charges document.

This policy outlines the principles to be used when setting fees and charges. It needs to be read in conjunction with Council's annual Fees and Charges document and any guidelines developed by Council's Finance Section to assist Council staff in calculating the amount of fees and charges.

OBJECTIVE

The objectives of this policy are:

- To provide a decision making framework for the determination of fees and charges;
- To enable determination of fees and charges that are equitable, consistent, timely and accountable;
- To provide opportunities for cost recovery whilst meeting Council's community service obligations;
- To meet Council's statutory requirements under the Local Government Act, 1993 and other relevant legislation in relation to setting fees and charges;
- To assist Council staff, when reviewing existing fees and charges or considering new fees and charges.

PRINCIPLES

This policy has been formulated under the following principles:

- Council has a charter under the Local Government Act, 1993 of fair imposition of fees and charges;
- Council has a charter under the Local Government Act, 1993 to effectively account for and manage the assets for which it is responsible
- Council will strive to provide equitable access to its facilities and services;

- Council recognises that as a monopoly provider of some facilities and services it has a duty to deliver value for money to ratepayers and residents.

The policy reflects the following Australian Business Excellence Framework principles:

Principle 3: Understanding what customers value, now and in the future, influences organisational direction, strategy and action

Principle 8: Effective use of facts, data and knowledge leads to improved decisions

Principle 10: Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

Principle 11: Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders.

POLICY STATEMENT

General

The long term financial sustainability of Port Stephens Council is dependant upon the optimisation of available opportunities for the generation of income. Wherever possible this optimisation is achieved by the setting of discretionary fees and charges for non commercial service provision on a full cost recovery basis.

Port Stephens Council recognises that it has community service obligations which are non-commercial requirements for identified social purposes, and that these obligations constitute a significant component of the social policies of the Council. The concept of community service obligations informs the Council's Pricing Policy.

Pricing Policy

Sections 608-610 of the Local Government Act 1993 authorise Council to charge and recover fees for any service it provides apart from services for which the charging of a fee is prohibited. Council may waive all or part of a fee unless it is a fee regulated directly by the State Government. In determining whether a fee should be charged for a service, Council will consider a number of principles, firstly, whether the service provides a public benefit or a private benefit.

A "public" service is one where there is a general benefit to the community and where there is limited opportunity of collecting a fee, for example, roads and parks.

A "private" service is one which provides a discernible private benefit to persons and which offers an opportunity of collecting a fee, for example processing a rezoning application. Where a service generates a private benefit then recovery of costs through a fee is appropriate.

In determining the cost of providing a service Council will:

- Identify and quantify the fully absorbed cost including appropriate overheads, which reflect the proportion of "centralised" support costs, which should be recovered;
- Consider any community service obligations (CSO) where there are clear social or equity objectives in the provision of the service. In assessing the existence and level of a CSO, Council will consider:

- The social or community objectives achieved or assisted by consumption of the service;
- The social or community values promoted by wider availability of the service;
- Whether the direct consumers are unable to purchase a socially desirable level of service;
- Whether direct beneficiaries of the service are deserving of favourable pricing.

If it is determined that a CSO is present, then Council will consider setting a fee below the level of full cost recovery. In determining the amount of discount or subsidy, Council will consider:

- The level of CSO in the service;
- The objectives of the service;
- Consumers' ability to pay;
- Price sensitivity of the service;
- The application of a suggested industry reference price.

In the case of fees set by statute, the fee will be set in accordance with the relevant statute.

Pricing Methods

Fees and charges made by Council will be classified according to the pricing structures as outlined below. Full cost pricing will apply to all of Council's fees and charges, except in the circumstances outlined in the alternative pricing structures.

1) Full Cost Pricing

Council will recover all direct and indirect costs of the service (including on-costs, overheads and depreciation of assets employed).

4) Partial Cost Pricing

Council will recover less than the Full Cost (as defined above).

Partial Cost Pricing may be used if shared benefits are derived from the provision of the service that accrue to the community as a whole as well as to individual users. It may also be applied where charging full cost recovery pricing will result in widespread evasion.

This price structure may also be used to stimulate demand for a service in the short term, although foregoing full cost recovery must be for a defined term only.

Partial Cost pricing may also be used where the service is targeted to low income users.

3) Statutory Pricing

The price of this service is determined by legislation and dependent on that price, Council may or may not recover Full Cost but has no discretion to do so.

5) Market Pricing

The price of the service is determined by examining alternative prices of surrounding service providers (this also may or may not recover the full cost of the service).

This pricing structure should apply in cases where the service is in competition with that provided by another council, agency, or commercial provider and there is consequent pressure to set a price that will attract adequate usage of the service.

Market pricing should also apply where a service is predominantly provided for Council's in house use, but sale to external markets will defray costs.

6) Free (Zero Priced)

Some services may be provided free of charge and the whole cost determined as a community service obligation and may fall within the class of a public good. This price structure may be used where the service provides a broad community benefit; and/or it is impractical or inconceivable to charge for the service on a user basis.

The price structure may also apply where the service is a minor part of the overall operation of Council and the potential for revenue collection is so minor as to be outweighed by the cost of collection.

7) Rate of Return Pricing

This price includes the Full Cost pricing as defined above, with the addition of a profit margin to factor in a return to Council for assets employed.

This pricing structure should be applied when the service is a profit making activity and the price is paid by users. The pricing should recover an amount greater than the full cost of providing that service. This pricing structure should also be used when it is necessary to create a penalty that is to act as a pricing disincentive.

RELATED POLICIES

Social Policy

Sustainability Policy

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993

Department of Local Government Competitive Neutrality Guidelines July 1997

IMPLEMENTATION RESPONSIBILITY

Financial Services Manager

REVIEW DATE

One year from the date of adoption by Council.

ITEM NO. 7**FILE NO: PSC2007- 2379****QUARTERLY REPORTS FOR 2007 SEPTEMBER QUARTER:
COUNCIL PLAN 2007-2011 & PERFORMANCE MEASUREMENT
(COCKPIT CHARTS)****REPORT OF: JUNE SHINE - EXECUTIVE MANAGER CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopts the Quarterly Report (September Quarter) against the Council Plan 2007-2011 incorporating Performance Measurement cockpit charts.

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

336	Councillor Robinson Councillor Westbury	It was resolved that the recommendation be adopted.
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Tabled Document: Quarterly Report

BACKGROUND

The purpose of this report is to present to Council the Quarterly Report (September Quarter 2007) against the Council Plan 2007-2011 and the cockpit charts measuring Council's performance in key areas.

The Quarterly Report with its accompanying cockpit charts (themselves extensively revised and expanded) will provide Councillors with accurate, meaningful data that address the key issues facing Port Stephens Council.

The Quarterly Report addresses the progress in relation to strategies and objectives across all functional areas of Council. The new format for quarterly reporting incorporates all four quarters over time so that Councillors can see the progress of every objective within the Council Plan.

The cockpit charts are now aligned with the key areas identified in the Department of Local Government Report on Port Stephens Council – Promoting Better Practice. These are:

- Strategic
- Governance
- Regulatory Functions
- Asset and Financial Management
- Community, communications and consultation
- Workplace Relations.

LINKS TO CORPORATE PLANS

The Quarterly Report September 2007 quarter reports against the Council Plan 2007-2011.

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 September 2007 and its attendant cockpit charts provide details of the organisation's financial performance.

ENVIRONMENTAL IMPLICATIONS

The Quarterly Report September 2007 reports progress against the sustainability and environmental indicators in the Council Plan 2007-2011.

OPTIONS

- 1) Adopts the Quarterly Report (September 2007) and Performance Measurement cockpit charts for July-September 2007.
- 2) Amend the Quarterly Report (September 2007 and Performance Measurement cockpit charts for July – September 2007.

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

- | | |
|----|--|
| 1. | Quarterly Report (September 2007) against the Council Plan 2007-2011 |
| 2. | Performance Measurement (Cockpit Charts) September Quarter 2007. |

ITEM NO. 8**FILE NO: PSC2007-3163****WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY 2007****REPORT OF: MICK LOOMES, MANAGER ENGINEERING SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Port Stephens Council Waste Management and Resource Recovery Policy 2007

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

337	Councillor Francis Councillor Brown	It was resolved that the recommendation be adopted.
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BACKGROUND

The Port Stephens Council Waste Management and Resource Recovery Policy 2007 has been developed to both inform the Port Stephens community about how waste is managed, and to formally document decision making principles for current and future waste management in the Port Stephens local government area.

The Port Stephens community will be able to access Council's decision making protocols for its range of waste services including; domestic and commercial waste, hazardous and medical waste, public place waste management, management of waste transfer stations, landfill management, financial assistance for the disposal of waste, illegal dumping and the provision of education material regarding waste services.

Following the adoption of the Waste Management and Resource Recovery Policy a Waste Management and Resource Recovery Plan will be developed. The Plan will (a) detail the range of current waste services and (b) provide an action plan for the effective delivery of these services and others for the period 2008-2012. It will also identify priority areas for the further reduction of waste to landfill. The Waste Management and Resource Recovery Plan is due to be completed by the end of June 2008.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

**ENVIRONMENTAL
SUSTAINABILITY –**

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

BUSINESS EXCELLENCE –

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

FINANCIAL/RESOURCE IMPLICATIONS

The adoption of this policy formalises the decision making protocols for the delivery of waste services in Port Stephens Council. Any changes to these, and the resulting resource or financial implications, will be detailed in the Plan.

LEGAL AND POLICY IMPLICATIONS

There are no legal impediments for the adoption of this Policy.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Efficient and effective waste management is a vital public health service. Recycling and advanced waste processing contributes to the long term ability for future generations to maintain and the health and aesthetic qualities of the local environment. The adoption of this policy formalises the decision making protocols for waste services for Port Stephens Council. Any changes to these, and the resulting social implications, will be detailed in the Plan.

ECONOMIC IMPLICATIONS

The NSW waste levy is driving up the cost of traditional landfilling practices. It is envisaged that by 2011 the cost to landfill in the Extended Regulated Area (Hunter, Illawarra and Central Coast) will be close to equal with the cost to use alternative waste technologies and advanced recycling systems.

The implications for the Port Stephens community will be that differential pricing for source separated wastes will encourage even greater recycling of waste that would otherwise be destined for expensive landfill. However, given Port Stephens Council's early adoption of alternative waste technology our community is well placed to receive positive economic outcomes.

This policy formalises the decision making protocols for waste services in Port Stephens Council. Any changes to these, and the resulting economic implications, will be detailed in the Plan.

ENVIRONMENTAL IMPLICATIONS

Adopting the recommendation will ensure that all decisions regarding waste management and resource recovery for Port Stephens Council are made with the prevention of harm the environment as the primary goal.

The adoption of this policy formalises the decision making protocols for Waste Services. Any changes to these, and the resulting environmental implications, will be detailed in the Plan. Waste Services will ensure that the quality of the Port Stephens environment is not compromised by new or existing waste services.

CONSULTATION

Manager Environmental Services, Environmental Health and Compliance Coordinator, Manager Engineering Services, Continuous Improvement Coordinator, Waste Management Coordinator

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Council Waste Management and Resource Recovery Policy 2007

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2007-3163

**TITLE: PORT STEPHENS COUNCIL WASTE MANAGEMENT AND
RESOURCE RECOVERY POLICY 2007**

REPORT OF: MANAGER ENGINEERING SERVICES

BACKGROUND

Port Stephens Council currently provides domestic and non-domestic waste services in accordance with sections 496 and 501 of the Local Government Act 1993. These services include the provision of mobile garbage bins, a weekly waste collection service, a fortnightly recycling collection service, an annual bulk and green waste collection, the processing of recyclables, an alternative waste technology for the processing of residual waste, and where required, the land filling of residual wastes.

Port Stephens Council also provides waste services in public places where Council's asset owners have determined this need.

Residents and businesses of Port Stephens have access to two Council-owned Waste Transfer Stations. Waste is delivered here and separated for reuse, recycling or disposal.

Council operates one active landfill at Salamander Bay, and has five decommissioned landfills where the health of the surrounding environment continues to be monitored.

Council's role in waste management also extends to the education of the community about its waste services and how waste generation can be reduced.

The management of waste provides significant outcomes for human health and for the quality of our environment. Since the mid 1990's Council's approach to waste management has moved from simple land filling of all wastes to kerbside recycling and the utilisation of technology designed to efficiently collect and sort waste for maximum resource recovery. Through these actions Port Stephens Council has improved the sustainability of its waste management services and the community.

OBJECTIVE

The objective of this policy is to define Council's positions on solid waste management within Port Stephens local government area in order to determine a Waste Management and Resource Recovery Plan for the future delivery of waste management services.

PRINCIPLES

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007

The following principles guide sustainable waste management in Port Stephens. They are derived from legislation and guidelines affecting Port Stephens Council waste services, and Council's desire to increase the sustainability of all activities.

- 1) Council will protect and enhance the environment while considering the social and economic ramifications of decisions
- 2) In the management of waste services Council will observe the principles of ecological sustainable development (as defined in the Local Government Amendment (Ecologically Sustainable Development) Act 1997) specifically; inter-generational equity; improved valuation, pricing and incentive mechanisms (eg: polluter pays & full life cycle costing); the precautionary principle and the conservation of ecological integrity
- 3) Council will comply with NSW Environment Protection Licences for waste transfer stations and landfill sites
- 4) Council will comply with the Local Government Act 1993 by continuing to provide waste services to domestic and non-domestic properties under sections 496 and 501 of the Act
- 5) Council will comply with the Occupational Health & Safety Act 2000 and Occupation Health & Safety Regulation 2001
- 6) Council will give due consideration to state and commonwealth guidelines and strategies including but not limited to:
 - “NSW Waste Avoidance and Resource Recovery Strategy” (ISBN: 0-9580364-2-X)
 - “Preferred Resource Recovery Practices by Local Councils” (ISBN: 1741378311)
 - “Better Practice Guide for Public Place Recycling” (ISBN: 1741373271)
 - “Waste Wise Events Guide” (ISBN: 9781741224903)
 - “Handbook for the Design and Operation of Rural and Regional Transfer Stations” (ISBN: 1741379547)
- 7) The NSW Waste Hierarchy of Avoid, Reuse, Recycle, Dispose, will guide decision making processes (Waste Avoidance & Resource Recovery Act 2001)
- 8) Council will comply with Australian Standards relating to mobile garbage bin design and standard colours (AS4123.6 2006 and AS4123.7 2006)
- 9) Council will provide services and education material that is consistent with regional, state and national strategies and programs
- 10) Where opportunities exist, Council will participate in local and regional initiatives to address waste issues.

POLICY STATEMENTS

11) Domestic and Non-domestic (Commercial) Waste Management

Council is committed to:

- Providing convenient and accessible waste services that meet the needs of the community
- Reasonable costing of waste services in accordance with sections 496 and 501 of the Local Government Act 1993
- The source separation of commercially viable recyclables from residual waste both in its kerbside collections and bulk waste collections
- Processing residual waste via alternative waste technology (Bedminster Composting Plant) until at least 2018
- The disposal of domestic waste to licensed landfill sites
- The provision of waste collection services via contracts with commercial operators
- The provision of alternative waste technology via contracts with commercial operators
- Supporting the introduction of Container Deposit Legislation
- Continually educating the community about its range of waste services

12) Toxic / Hazardous / Medical Waste

Council is committed to:

- 1) Solutions that source separate these wastes from the domestic / commercial waste streams
- 2) Supporting extended producer responsibility schemes for the collection and disposal of hazardous and medical wastes

13) Public Place Waste Management

Council is committed to:

- Providing mobile garbage bins and bulk containers in public places where the need is determined by Council's asset owners (ie: Facilities and Services Group)
- The source separation of commercially viable recyclables in locations where trials have deemed it successful
- The provision of waste services for special events where Council has approved the waste management plans for these events

14) Management of Waste Transfer Stations

Council is committed to:

- The provision of waste transfer stations in Port Stephens Council is based on the Asset Management Plan for Waste Transfer Stations and Landfill Sites and recommendations outlined in the "Handbook for the Design and Operation of Rural and Regional Transfer Stations".

15) Landfill Management

Council is committed to:

- Complying with Environment Protection Licences for the management of active landfills
- The rehabilitation of decommissioned landfills to meet or exceed the licence requirements

- The continued monitoring of decommissioned landfill sites for due diligence purposes so that the environmental impacts are known
- Reducing the community's reliance on land filling as the primary waste management method

16) Financial Assistance for the Disposal of Waste in Port Stephens

Council is committed to:

- The provision of financial assistance for the disposal of waste in Port Stephens. Financial assistance will be provided in accordance with Council's Policy "Financial Assistance for the Disposal of Waste in Port Stephens" under section 356 of the Local Government Act 1993.

17) Illegal Dumping

Council is committed to:

- Minimising illegal dumping as it is an offence under the NSW Protection of the Environment Operations Act 2001 and those carrying out such activities may be fined. Council's Compliance Policy addresses the issues surrounding illegal dumping, in terms of its regulation and the need to prioritise activities that educate the community.

18) Information / Education

Council is committed to:

- Providing clear and concise information on the range, cost and availability of waste services provided
- Providing education to residents and visitors to the area in order to maximise the potential of its services
- Working with Environmental Services to educate the community via its association with community groups, schools and other interest groups.

9) Development Planning

Council is committed to:

- Ensuring that waste management issues are managed in the Local Environment Plan and related Development Control Plan's.

RELATED POLICIES

- "Financial Assistance for the disposal of waste in Port Stephens Council" (Adopted 24/4/07, minute number 268)
- "Compliance Policy" (Adopted 28/8/07, minute number 235)

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Efficient and effective waste management maintains the health and aesthetic qualities of our environment. The adoption of this policy formalises and documents existing services.

ECONOMIC IMPLICATIONS

Waste management fees are at present slightly higher in the Port Stephens local government area compared with the surrounding local government areas. This is due to the higher costs of processing waste into compost. The increase in the sustainability of waste management operations and the community justifies this higher rate.

The adoption of this policy will not affect general economic activity within Port Stephens in the short term, nor will it affect Council's resources to manage waste services. This policy formalises and documents existing services only. The proposed Waste Management Plan will detail any economic implications for new services proposed.

ENVIRONMENTAL IMPLICATIONS

Efficient and effective waste management maintains the health and aesthetic qualities of our environment. The adoption of this policy formalises and documents existing services.

RELEVANT LEGISLATIVE PROVISIONS

NSW Local Government Act 1993
Local Government Amendment (Ecologically Sustainable Development) Act 1997
NSW Waste Avoidance and Resource Recovery Act 2001
Protection of the Environment Operations Act 2001
Occupational Health and Safety Act 2000

IMPLEMENTATION RESPONSIBILITY

Waste Services Co-ordinator

REVIEW DATE

After twelve months from adoption of the policy

ITEM NO. 7

FILE NO: PSC2007- 2379

**QUARTERLY REPORTS FOR 2007 SEPTEMBER QUARTER:
COUNCIL PLAN 2007-2011 & PERFORMANCE MEASUREMENT
(COCKPIT CHARTS)****REPORT OF: JUNE SHINE - EXECUTIVE MANAGER CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 2) Adopts the Quarterly Report (September Quarter) against the Council Plan 2007-2011 incorporating Performance Measurement cockpit charts.

STRATEGIC COMMITTEE MEETING – 13 NOVEMBER 2007**RECOMMENDATION:**

That the recommendation be adopted.

Tabled Document: Quarterly Report

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

336	Councillor Robinson Councillor Westbury	It was resolved that the recommendation be adopted.
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Tabled Document: Quarterly Report

BACKGROUND

The purpose of this report is to present to Council the Quarterly Report (September Quarter 2007) against the Council Plan 2007-2011 and the cockpit charts measuring Council's performance in key areas.

The Quarterly Report with its accompanying cockpit charts (themselves extensively revised and expanded) will provide Councillors with accurate, meaningful data that address the key issues facing Port Stephens Council.

The Quarterly Report addresses the progress in relation to strategies and objectives across all functional areas of Council. The new format for quarterly reporting incorporates all four

quarters over time so that Councillors can see the progress of every objective within the Council Plan.

The cockpit charts are now aligned with the key areas identified in the Department of Local Government Report on Port Stephens Council – Promoting Better Practice. These are:

- Strategic
- Governance
- Regulatory Functions
- Asset and Financial Management
- Community, communications and consultation
- Workplace Relations.

LINKS TO CORPORATE PLANS

The Quarterly Report September 2007 quarter reports against the Council Plan 2007-2011.

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 September 2007 and its attendant cockpit charts provide details of the organisation's financial performance.

ENVIRONMENTAL IMPLICATIONS

The Quarterly Report September 2007 reports progress against the sustainability and environmental indicators in the Council Plan 2007-2011.

OPTIONS

- 3) Adopts the Quarterly Report (September 2007) and Performance Measurement cockpit charts for July-September 2007.
- 4) Amend the Quarterly Report (September 2007 and Performance Measurement cockpit charts for July – September 2007.

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

1. Quarterly Report (September 2007)
against the Council Plan 2007-2011
2. Performance Measurement (Cockpit
Charts) September Quarter 2007.

ITEM NO. 8**FILE NO: PSC2007-3163****WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY 2007****REPORT OF: MICK LOOMES, MANAGER ENGINEERING SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Port Stephens Council Waste Management and Resource Recovery Policy 2007

STRATEGIC COMMITTEE MEETING – 13 NOVEMBER 2007**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

337	Councillor Francis Councillor Brown	It was resolved that the recommendation be adopted.
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BACKGROUND

The Port Stephens Council Waste Management and Resource Recovery Policy 2007 has been developed to both inform the Port Stephens community about how waste is managed, and to formally document decision making principles for current and future waste management in the Port Stephens local government area.

The Port Stephens community will be able to access Council's decision making protocols for its range of waste services including; domestic and commercial waste, hazardous and medical waste, public place waste management, management of waste transfer stations, landfill management, financial assistance for the disposal of waste, illegal dumping and the provision of education material regarding waste services.

Following the adoption of the Waste Management and Resource Recovery Policy a Waste Management and Resource Recovery Plan will be developed. The Plan will (a) detail the range of current waste services and (b) provide an action plan for the effective delivery of these services and others for the period 2008-2012. It will also identify priority areas for the further reduction of waste to landfill. The Waste Management and Resource Recovery Plan is due to be completed by the end of June 2008.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

The adoption of this policy formalises the decision making protocols for the delivery of waste services in Port Stephens Council. Any changes to these, and the resulting resource or financial implications, will be detailed in the Plan.

LEGAL AND POLICY IMPLICATIONS

There are no legal impediments for the adoption of this Policy.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Efficient and effective waste management is a vital public health service. Recycling and advanced waste processing contributes to the long term ability for future generations to maintain and the health and aesthetic qualities of the local environment. The adoption of this policy formalises the decision making protocols for waste services for Port Stephens Council. Any changes to these, and the resulting social implications, will be detailed in the Plan.

ECONOMIC IMPLICATIONS

The NSW waste levy is driving up the cost of traditional landfilling practices. It is envisaged that by 2011 the cost to landfill in the Extended Regulated Area (Hunter, Illawarra and Central Coast) will be close to equal with the cost to use alternative waste technologies and advanced recycling systems.

The implications for the Port Stephens community will be that differential pricing for source separated wastes will encourage even greater recycling of waste that would otherwise be destined for expensive landfill. However, given Port Stephens Council's early adoption of alternative waste technology our community is well placed to receive positive economic outcomes.

This policy formalises the decision making protocols for waste services in Port Stephens Council. Any changes to these, and the resulting economic implications, will be detailed in the Plan.

ENVIRONMENTAL IMPLICATIONS

Adopting the recommendation will ensure that all decisions regarding waste management and resource recovery for Port Stephens Council are made with the prevention of harm the environment as the primary goal.

The adoption of this policy formalises the decision making protocols for Waste Services. Any changes to these, and the resulting environmental implications, will be detailed in the Plan. Waste Services will ensure that the quality of the Port Stephens environment is not compromised by new or existing waste services.

CONSULTATION

Manager Environmental Services, Environmental Health and Compliance Coordinator, Manager Engineering Services, Continuous Improvement Coordinator, Waste Management Coordinator

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Council Waste Management and Resource Recovery Policy 2007

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2007-3163

**TITLE: PORT STEPHENS COUNCIL WASTE MANAGEMENT AND
RESOURCE RECOVERY POLICY 2007**

REPORT OF: MANAGER ENGINEERING SERVICES

BACKGROUND

Port Stephens Council currently provides domestic and non-domestic waste services in accordance with sections 496 and 501 of the Local Government Act 1993. These services include the provision of mobile garbage bins, a weekly waste collection service, a fortnightly recycling collection service, an annual bulk and green waste collection, the processing of recyclables, an alternative waste technology for the processing of residual waste, and where required, the land filling of residual wastes.

Port Stephens Council also provides waste services in public places where Council's asset owners have determined this need.

Residents and businesses of Port Stephens have access to two Council-owned Waste Transfer Stations. Waste is delivered here and separated for reuse, recycling or disposal.

Council operates one active landfill at Salamander Bay, and has five decommissioned landfills where the health of the surrounding environment continues to be monitored.

Council's role in waste management also extends to the education of the community about its waste services and how waste generation can be reduced.

The management of waste provides significant outcomes for human health and for the quality of our environment. Since the mid 1990's Council's approach to waste management has moved from simple land filling of all wastes to kerbside recycling and the utilisation of technology designed to efficiently collect and sort waste for maximum resource recovery. Through these actions Port Stephens Council has improved the sustainability of its waste management services and the community.

OBJECTIVE

The objective of this policy is to define Council's positions on solid waste management within Port Stephens local government area in order to determine a Waste Management and Resource Recovery Plan for the future delivery of waste management services.

PRINCIPLES

The following principles guide sustainable waste management in Port Stephens. They are derived from legislation and guidelines affecting Port Stephens Council waste services, and Council's desire to increase the sustainability of all activities.

- 19) Council will protect and enhance the environment while considering the social and economic ramifications of decisions
- 20) In the management of waste services Council will observe the principles of ecological sustainable development (as defined in the Local Government Amendment (Ecologically Sustainable Development) Act 1997) specifically; inter-generational equity; improved valuation, pricing and incentive mechanisms (eg: polluter pays & full life cycle costing); the precautionary principle and the conservation of ecological integrity
- 21) Council will comply with NSW Environment Protection Licences for waste transfer stations and landfill sites
- 22) Council will comply with the Local Government Act 1993 by continuing to provide waste services to domestic and non-domestic properties under sections 496 and 501 of the Act
- 23) Council will comply with the Occupational Health & Safety Act 2000 and Occupation Health & Safety Regulation 2001
- 24) Council will give due consideration to state and commonwealth guidelines and strategies including but not limited to:
 - “NSW Waste Avoidance and Resource Recovery Strategy” (ISBN: 0-9580364-2-X)
 - “Preferred Resource Recovery Practices by Local Councils” (ISBN: 1741378311)
 - “Better Practice Guide for Public Place Recycling” (ISBN: 1741373271)
 - “Waste Wise Events Guide” (ISBN: 9781741224903)
 - “Handbook for the Design and Operation of Rural and Regional Transfer Stations” (ISBN: 1741379547)
- 25) The NSW Waste Hierarchy of Avoid, Reuse, Recycle, Dispose, will guide decision making processes (Waste Avoidance & Resource Recovery Act 2001)
- 26) Council will comply with Australian Standards relating to mobile garbage bin design and standard colours (AS4123.6 2006 and AS4123.7 2006)
- 27) Council will provide services and education material that is consistent with regional, state and national strategies and programs
- 28) Where opportunities exist, Council will participate in local and regional initiatives to address waste issues.

POLICY STATEMENTS

29) Domestic and Non-domestic (Commercial) Waste Management

Council is committed to:

- Providing convenient and accessible waste services that meet the needs of the community
- Reasonable costing of waste services in accordance with sections 496 and 501 of the Local Government Act 1993
- The source separation of commercially viable recyclables from residual waste both in its kerbside collections and bulk waste collections
- Processing residual waste via alternative waste technology (Bedminster Composting Plant) until at least 2018
- The disposal of domestic waste to licensed landfill sites
- The provision of waste collection services via contracts with commercial operators
- The provision of alternative waste technology via contracts with commercial operators
- Supporting the introduction of Container Deposit Legislation
- Continually educating the community about its range of waste services

30) Toxic / Hazardous / Medical Waste

Council is committed to:

- 1) Solutions that source separate these wastes from the domestic / commercial waste streams
- 2) Supporting extended producer responsibility schemes for the collection and disposal of hazardous and medical wastes

31) Public Place Waste Management

Council is committed to:

- Providing mobile garbage bins and bulk containers in public places where the need is determined by Council's asset owners (ie: Facilities and Services Group)
- The source separation of commercially viable recyclables in locations where trials have deemed it successful
- The provision of waste services for special events where Council has approved the waste management plans for these events

32) Management of Waste Transfer Stations

Council is committed to:

- The provision of waste transfer stations in Port Stephens Council is based on the Asset Management Plan for Waste Transfer Stations and Landfill Sites and recommendations outlined in the "Handbook for the Design and Operation of Rural and Regional Transfer Stations".

33) Landfill Management

Council is committed to:

- Complying with Environment Protection Licences for the management of active landfills
- The rehabilitation of decommissioned landfills to meet or exceed the licence requirements
- The continued monitoring of decommissioned landfill sites for due diligence purposes so that the environmental impacts are known
- Reducing the community's reliance on land filling as the primary waste management method

34) Financial Assistance for the Disposal of Waste in Port Stephens

Council is committed to:

- The provision of financial assistance for the disposal of waste in Port Stephens. Financial assistance will be provided in accordance with Council's Policy "Financial Assistance for the Disposal of Waste in Port Stephens" under section 356 of the Local Government Act 1993.

35) Illegal Dumping

Council is committed to:

- Minimising illegal dumping as it is an offence under the NSW Protection of the Environment Operations Act 2001 and those carrying out such activities may be fined. Council's Compliance Policy addresses the issues surrounding illegal dumping, in terms of its regulation and the need to prioritise activities that educate the community.

36) Information / Education

Council is committed to:

- Providing clear and concise information on the range, cost and availability of waste services provided
- Providing education to residents and visitors to the area in order to maximise the potential of its services
- Working with Environmental Services to educate the community via its association with community groups, schools and other interest groups.

9) Development Planning

Council is committed to:

- Ensuring that waste management issues are managed in the Local Environment Plan and related Development Control Plan's.

RELATED POLICIES

- "Financial Assistance for the disposal of waste in Port Stephens Council" (Adopted 24/4/07, minute number 268)

- “Compliance Policy” (Adopted 28/8/07, minute number 235)

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Efficient and effective waste management maintains the health and aesthetic qualities of our environment. The adoption of this policy formalises and documents existing services.

ECONOMIC IMPLICATIONS

Waste management fees are at present slightly higher in the Port Stephens local government area compared with the surrounding local government areas. This is due to the higher costs of processing waste into compost. The increase in the sustainability of waste management operations and the community justifies this higher rate.

The adoption of this policy will not affect general economic activity within Port Stephens in the short term, nor will it affect Council's resources to manage waste services. This policy formalises and documents existing services only. The proposed Waste Management Plan will detail any economic implications for new services proposed.

ENVIRONMENTAL IMPLICATIONS

Efficient and effective waste management maintains the health and aesthetic qualities of our environment. The adoption of this policy formalises and documents existing services.

RELEVANT LEGISLATIVE PROVISIONS

NSW Local Government Act 1993
Local Government Amendment (Ecologically Sustainable Development) Act 1997
NSW Waste Avoidance and Resource Recovery Act 2001
Protection of the Environment Operations Act 2001
Occupational Health and Safety Act 2000

IMPLEMENTATION RESPONSIBILITY

Waste Services Co-ordinator

REVIEW DATE

After twelve months from adoption of the policy

BACKGROUND

OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: PSC2005-0051****FORWARD WORKS PROGRAM 2007****REPORT OF: MICK LOOMES - ENGINEERING SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Forward Works Program dated November 2007 as tabled at the meeting.
- 2) Use the Forward Works Program dated November 2007 in formulating the Draft Council Plan for 2008-2012 and Draft Budget for 2008/09.
- 3) Use the Forward Works Program dated November 2007 as a basis for revising Council's Section 94 and Section 94A Contribution Plans.

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

That the recommendation be adopted.

Tabled Document: Forward Works Program

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

338	Councillor Robinson Councillor Tucker	It was resolved that the recommendation be adopted.
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Tabled Document: Forward Works Program

BACKGROUND

The purpose of this report is to present the revised Forward Works Program to Council for adoption, so that it can be used as a basis for the Draft Council Plan and Council's Section 94 and Section 94A Contributions Plan.

The current Forward Works Program was adopted by Council in November 2006. Since that time many capital works projects have been completed, and these projects have been deleted from the program.

Over the past 12 months some requests for additional projects have been received from the public, and these have now been included in the program and ranked accordingly. All other project details in the other categories such as project descriptions, cost estimates, ranking and priorities have also been reviewed.

A new category for Landscaping Improvements on Roads has been added to the Forward Works Program this year to enhance the landscaping of some of our roundabouts.

From 20th September to 12th October the draft Forward Works Program for 2007 was put on public exhibition. All submissions received have been considered and further adjustments have been made to the program as a result.

There are now more than 900 projects listed with a total estimated value of \$190 million. Some of them are small projects, such as Disabled Access projects, worth about \$1,000. The largest project is the proposed Fingal Bay Link Road estimated to cost about \$10million.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

The Forward Works Program has no immediate financial implications. It does not determine what resources may be required, or what the timeframe would be for completing any of the projects listed. However, without the program Council would not be able to collect any Section 94 and Section 94A Contributions from developers.

LEGAL AND POLICY IMPLICATIONS

It is essential that Council maintains a reliable and stable Forward Works Program, which can be used for collecting appropriate contributions from developers for works under Section 94 and Section 94A of the EP&A Act. Council can only collect contribution from developers for those projects that are listed in the Forward Works Program, and conversely can only use Section 94 and Section 94A Contributions to fund those projects listed.

BUSINESS EXCELLENCE FRAMEWORK

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*

- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The systematic approach of ranking all proposed capital works on the merits of each project provides an equitable system across the whole of the local government area. The system is also transparent and open to scrutiny from any member of the community including Councillors.

ECONOMIC IMPLICATIONS

The economic implications of each project will be assessed and considered at the planning and design stage of each project. Implementation of many of the projects listed in the Forward Works Program will improve the amenity of the area and could increase property values in the area. The Forward Works Program itself has no economic sustainability implications.

ENVIRONMENTAL IMPLICATIONS

The environmental implications of each project will be assessed and considered at the planning and design stage of each project. The Forward Works Program itself has no environmental sustainability implications.

CONSULTATION

From 20th September to 12th October the draft Forward Works Program for 2007 was put on public exhibition. All submissions received have been considered and further adjustments have been made to the program as a result.

OPTIONS

- 1) To adopt the Forward Works Program as tabled at the meeting
- 2) To modify the Forward Works Program before adopting it.

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Forward Works Program November 2007

TABLED DOCUMENTS

- 1) Forward Works Program November 2007

ITEM NO. 2**FILE NO: PSC2005-3572****355(B) COMMITTEES ANNUAL FINANCIAL STATEMENT****REPORT OF: JASON LINNANE - RECREATION SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive the 355(b) Committees Annual Financial Statement for the period 1 January 2006 to 31 December 2006

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

That the recommendation be adopted.

Tabled Document: 355b Committees Annual Financial Statement

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

339	Councillor Dingle Councillor Nell	It was resolved that the recommendation be adopted.
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MATTER ARISING:

340	Councillor Dingle Councillor Nell	It was resolved that Council review the 355b constitution to consider committee protection in relation to facility maintenance
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BACKGROUND

The purpose of this report is to recommend Council receive the 355(b) Committees Annual Financial Statement for 2006 allowing \$1,000 subsidies to be paid to eligible committees.

Section 355(b) of the Local Government Act, 1993, allows Council to delegate certain functions. A section 355(b) committee is an entity of Port Stephens Council and as such is subject to the same legislation, accountability and probity requirements as Council.

Funds administered by 355(b) committees must meet Council's standards of compliance, management and transparency and are required to comply with standard record keeping practices, including submission of report by due dates.

Since January 2003 committees have been using a cash book style financial record keeping system (format supplied by Council in the form of a carbonised book or Excel Spreadsheet), which is set up to record income, expenditure, GST and reconciliations in a simple format. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements. The totals of each month are entered into the Annual Summary Reporting page, which is forwarded to Council annually.

The system was developed in line with recommendations/requirements of Council's auditors to provide a uniform format and transparent auditing of committee financial transactions, which meet the requirements for accountability and GST reporting. The system provides committees with a simplified financial process and staff support through the Facilities & Services Finance Co-ordinator.

Steps have been gradually introduced to improve reporting return rates, quality of information returned and the tighter requirements of internal and external auditing. One of the primary aims of the system is to provide a process that minimises risk to both Council and committees.

The Cash Book System also has the advantage of providing to Council, in one spreadsheet, all the information previously presented in the format of hundreds of individual pages.

The Annual Financial Statement Spreadsheet for 1 January 2006 to 31 December 2006 for all 355(b) Committees will be provided under separate cover and tabled at the meeting.

The total amount of funds held by committees at 30 December 2006 was \$672,848.37. Out of this total amount \$437,472.58 (65.02%) was held by twelve committees. These funds were allocated to projects underway or contributions to scheduled construction of facilities.

The remaining funds totalled \$235,375.79 (34.98%).

The total funds held are \$37,231.72 more than at 30 December 2005. It should be noted that the creation of the area's Parks & Tidy Towns Forum and Community Halls Forum will improve the manner in which we link committee funds to asset development and management.

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

Staff time continues to be devoted to the management of the Cash Book System. This investment of time has continued as compliance is sought and assistance is provided to committees. This investment of time by staff and committee treasurers has provided a strong foundation for 355(b) committee financial management.

The Cash Book System has provided committees with a simplified financial process and the means to achieve their objectives and meet compliance requirements

LEGAL AND POLICY IMPLICATIONS

Section 355(b) of the Local Government Act, 1993, allows Council to delegate certain functions. A section 355(b) committee is an entity of Port Stephens Council and as such is subject to the same legislation, accountability and probity requirements as Council.

Funds administered by 355(b) committees must meet Council's standards of compliance, management and transparency and committees are required to comply with standard record keeping practices, including submission of reports by due dates

In accordance with 355(b) committee constitutions, financial statements are required to be forwarded to Council monthly and a full Annual Financial Statement annually.

The Cash Book System provides the means for effective management, reporting and accountability of Council funds administered by delegated committees, which meets legislative and corporate requirements.

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
- 4) To improve the outcome, improve the system and its associated processes
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

Committees work under direction from Council staff to ensure their activities are performed in accordance with recognised practices.

CONSULTATION

Facilities & Services Finance Coordinator
Volunteer Strategy Coordinator

OPTIONS

- 1) Recommendation
- 2) Reject financial statements

ATTACHMENTS

Nil

COUNCILLORS ROOM

355(b) Committees Annual Financial Statement Spreadsheet for 2006

TABLED DOCUMENTS

355(b) Committees Annual Financial Statement Spreadsheet for 2006

ITEM NO. 3

FILE NO: A2004-0323

PRESENTATION OF 2006/07 FINANCIAL REPORTS

REPORT OF: JEFF SMITH – FINANCIAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Present the audited financial reports, together with the Auditor's reports for the year ended 30 June 2007 to the public as a public document at the 13 November 2007 Council Meeting.
- 2) Refer to Council's Auditor for comment, any submissions received within 7 days of this meeting which are in respect of the reports, after which, a report in respect of the submissions be presented to Council for consideration.

OPERATIONS COMMITTEE MEETING –13 NOVEMBER 2007

RECOMMENDATION:

That the recommendation be adopted.

THIS ITEM WAS DEALT WITH AT THE ORDINARY MEETING OF 13 NOVEMBER 2007.

ITEM NO. 4**FILE NO: 1160-002 A2004-0242****QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2007****AUTHOR – JEFF SMITH – MANAGER FINANCIAL SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the estimated Statement of Cash Position to 30/6/2008 as detailed in **ATTACHMENT 1** to this report.
- 2) Notes the estimated Statement of Restricted Funds Movements to 30/06/2008 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 \$439,724. A positive 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 (Totalling \$154,022. A negative 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 estimated surplus/(deficit) from ordinary activities before capital amounts of \$641,888.
- 8) Notes the Quarterly Budget Review comparing Budgets to Actuals as tabled under a separate cover as **DOCUMENT 2** to this report.

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

That the recommendation be adopted.

Tabled document: Quarterly Budget Review

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

341	Councillor Hodges Councillor Nell	It was resolved that the recommendation be adopted.
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BACKGROUND

On the 22nd May 2007 Council adopted its Council Plan 2007/2010 (Council minute 134). This included budget estimates for the 2007/2008 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 2007/2008 Budget.

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

- \$430,000 increased income & \$207,000 increased expenditure in Risk management (item 2).

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

- \$100,000 increased Council Road Construction plant hire expenditure (see item 2).
- \$160,000 increased Council expenditure on Caswell Creek bridge (see item 3).
- \$150,000 increased expenditure on retaining wall along Foreshore Drive (see item 5).
- \$300,000 decreased expenditure on Rigney Street reconstruction (see item 6).
- \$420,000 decreased Grant income and \$410,000 decreased expenditure due to only partial completion of Dowling Street roundabout this financial year (see item 7).
- \$1,650,000 decreased Contributions income and \$1,798,000 decreased expenditure due to cessation of Newline Road project (see item 8).
- \$100,000 increased Grant income and \$100,000 increased expenditure on Clarendon Road (see item 9).
- \$100,000 decreased Grant income and \$110,000 increased expenditure on Bagnalls Beach cycleway (see item 11).
- \$150,000 decreased expenditure on ANZAC Park carpark (see item 17).

The major transfers within the Budget in this Review, detailed in Table 1.1 of Document 1 are:

- \$135,000 income and \$204,200 legal expenditure budget transferred to Governance to consolidate all legal budgets (see item 1).
- \$111,222 expenditure transferred from Corporate Management (item 2) to Economic Development (item 10) for separate reporting purposes.
- \$174,850 expenditure transferred from Telecentre (item 7) to Economic Development (item 11) for separate reporting purposes.

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

LINKS TO CORPORATE PLANS

This report relates to the Budget estimates for the 2007/2008 financial year in the financial policy program of Council's Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007

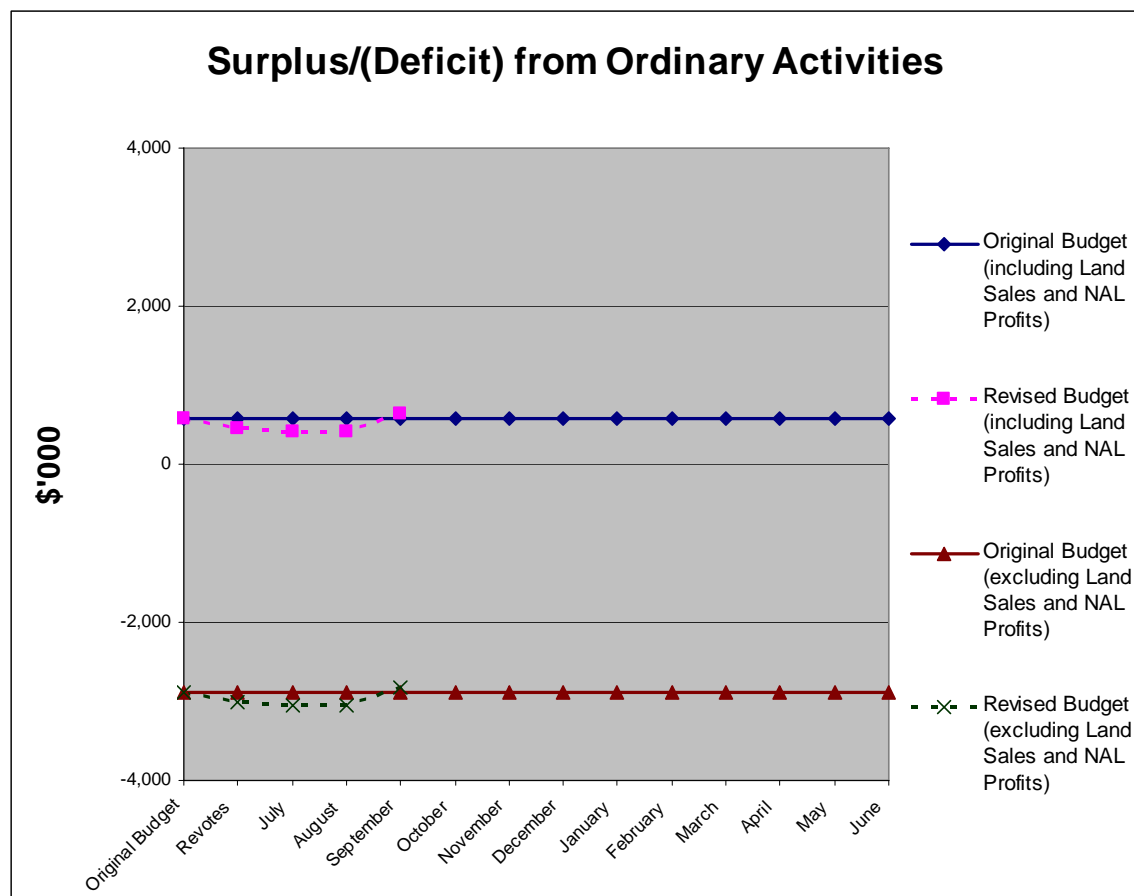
Council's original 2007/2008 Budget estimate is a \$108,561 cash deficit after internal transfers and before depreciation of \$12.256 million. **TABLE'S 1, 2.1 and 2.2** of Document 1 of this report detail the changes in this review. The net cash result of these changes, and the 2007 revotes and carry forwards, is a projected cash deficit of \$1,737 (Ref N of Attachment 1), before 2008 revotes and carry forwards are taken into account.

A. IMPACT OF QUARTERLY BUDGET ADJUSTMENT

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	\$439,724	\$0	\$439,724	
Document 1 Table 2.2	\$0	(\$154,022)	(\$154,022)	
Original Budget after transfers and before Depreciation	\$1,265,439	(\$1,374,000)	(\$108,561)	
Net Available Surplus Funds	\$1,705,163	(\$1,528,022)	\$177,141	
Revotes and Carry Forwards from previous year.	(\$56,837)	(\$122,041)	(\$178,878)	
Revised 2007/2008 Cash Surplus (after transfers and before Depr)	\$1,648,326	(\$1,650,063)	(\$1,737)	N

PROJECTED FINANCIAL RESULT FOR 2007/08

	Ref	After September Review	Original Budget
Total Operating Revenue	A	\$73,389,991	\$72,658,858
Less Total Operating Expenditure	B	(\$60,492,103)	(\$59,823,606)
Less Total Depreciation and Provisions Transferred	C	(\$12,256,000)	(\$12,256,000)
	D=B+C	(\$72,748,103)	(\$72,079,606)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	\$641,888	\$579,252
Net Operating movement for September Review		\$223,844	
Total Budgeted Land Sales Profits	F	\$2,000,000	\$2,000,000
Total Budgeted Newcastle Airport (NAL) Profits	G	\$1,459,605	\$1,459,605
Surplus/(Deficit) From Ordinary Activities without Land Sale Profits, NAL Profits and Before Capital amounts	H=E-F-G	(\$2,817,717)	(\$2,880,353)



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 September Quarterly Budget Review Statement indicates that Council's financial position (excluding land sale profits) has improved. This situation needs to be monitored closely with particular regard to those issues contained in **TABLE 2 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 30/06/2008
- 2) Attachment 2 Estimated Statement of Restricted Funds Movements to 30/06/2008

TABLED DOCUMENTS

Document 1 of 2007-2008 Quarterly Budget Review for June 2008

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 2007-2008 Quarterly Budget Review for September 2007 comparing Budgets to Actuals

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007

ATTACHMENT 1

ESTIMATED STATEMENT OF CASH POSITION TO 30/06/2008 After September 2007 Quarterly Budget Review			
	Ref	After September 2007 Quarterly Budget Review	Original Budget
Total Operating Revenue	A	73,389,991	72,658,858
Less Total Operating Expenditure	B	(60,492,103)	(59,823,606)
Less Total Depreciation and Provisions Transferred	C	(12,256,000)	(12,256,000)
	D=B+C	(72,748,103)	(72,079,606)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	\$641,888	\$579,252
Add Back: Depreciation and Provisions Transferred	C	12,256,000	12,256,000
Less Councils Share of Newcastle Airport Profit	W	(1,459,605)	(1,459,605)
Cash Surplus From Operations	F=A+B	11,438,283	11,375,647
Transferred to Restricted Funds	G	9,789,957	10,110,208
Cash Surplus / (Deficit) From Operations After Transfers	H=F-G	\$1,648,326	\$1,265,439
Total Capital Income	I	12,005,500	13,861,000
Total Capital Expenditure	J	(30,616,693)	(28,909,841)
Surplus/(Deficit) From Capital Works	K=I+J	\$(18,611,193)	\$(15,048,841)
Transferred from Restricted Funds	L	(16,961,130)	(13,674,841)
Cash Surplus / (Deficit) From Capital Works After Transfers	M=K-L	\$(1,650,063)	\$(1,374,000)
Total Cash Surplus / (Deficit) After Transfers	N=H+M	\$(1,737)	\$(108,561)
RECONCILIATION OF CASH POSITION			
Opening Cash Position as at 01/07/2007	O	29,103,884	29,103,884
Estimated Cash Position as at 30/06/2008	P	23,722,504	27,978,251
Increase/(Decrease) in Cash Balance	Q=P-O	\$(5,381,380)	\$(1,125,633)
Represented By:			
Estimated opening Restricted Funds Balance	R	27,982,330	24,947,400
Closing Restricted Funds Balance	S	22,547,434	23,969,635
Increase/(Decrease) in Restricted Funds Balance	T=S-R	(5,434,896)	(977,765)
Repayment of Capital Lease and Newcastle Airport Loan	X	55,253	(39,307)
Total Cash Surplus/ (Deficit) from Operations & Capital	N=Q-T	\$(1,737)	\$(108,561)
Principal of Loan Funds Repaid and Finance leases	U	(2,200,591)	0
Loan Funds and Proceeds from Sales Received	V	\$3,936,868	\$2,586,868
Increase/(Decrease) in Cash Balance	Q=T+X+N	\$(5,381,380)	\$(1,125,633)

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007

ATTACHMENT 2

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2008 After September 2007 Quarterly Budget Review

RESTRICTED FUNDS	Estimated Balance as at 30/06/2007	Recurrent Budget	Capital Budget	Balance Sheet Movements	Estimated as at 30/06/2008
SECTION 94	12,973,795	721,500	(3,567,056)		10,128,239
DOMESTIC WASTE MANAGEMENT	5,093,577	755,032	(2,029,067)	(378,619)	3,440,923
Sub Total. Externally Restricted	18,067,372	1,476,532	(5,596,123)	(378,619)	13,569,162
BUSINESS DEVELOPMENT RESTRICTED FUND	(13,873)	1,388,278	(1,515,000)	304,498	163,903
INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND)	1,526,208	597,114	0		2,123,322
ASSET REHABILITATION RESERVE	397,413	(65,000)	(372,159)		(39,746)
FLEET MANAGEMENT (PLANT)	1,377,915	2,448,944	(3,552,728)	418,485	692,616
OTHER WASTE SERVICES	1,833,545	0	0		1,833,545
QUARRY DEVELOPMENT	733,908	18,919	(20,000)		732,827
BUSINESS OPERATIONS RESTRICTED FUND	(2,130,596)	1,189,007	(3,392,968)	41,913	(4,292,644)
EMPLOYEE LEAVE ENTITLEMENTS	3,952,281	0	0		3,952,281
BEACH VEHICLE PERMITS	(25,044)	12,214	(20,842)		(33,672)
DRAINAGE	(421,935)	859,750	(1,475,000)	1,350,000	312,815
INTERNAL LOAN	(1,823,919)	249,900	0		(1,574,019)
TRANSPORT LEVY	84,665	0	0		84,665
ENVIRONMENTAL LEVY	(566)	95,000	(95,000)		(566)
ADMINISTRATION BUILDING SINKING FUND	473,011	398,200	(188,000)		683,211
DEPOT SINKING FUND	506,152	397,501	(92,000)		811,653
RTA BYPASS ROADS MTCE RESTRICTED FUND	1,607,784	104,520	(300,000)		1,412,304
RESTRICTED CASH	1,286,501	(316,582)	(298,061)		671,858
COUNCILLOR WARD FUNDS	121,772	600,000	(43,249)		678,523
INFORMATION TECHNOLOGY STRATEGY	101,352	44,500	0		145,852
PROVISION FOR LOCAL GOVT ELECTION	100,000	50,000	0		150,000
PARKING METER RESERVE	228,384	241,160	0	0	469,544
Sub Total. Internally Restricted	9,914,958	8,313,425	(11,365,007)	2,114,896	8,978,272
RESTRICTED FUNDS TOTAL	27,982,330	9,789,957	(16,961,130)	1,736,277	22,547,434

* 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. 5**FILE NO: PSC2006-1589****AMNESTY ON OVERDUE LIBRARY ITEMS AND REDUCTION IN
OUTSTANDING LIBRARY FINES****REPORT OF: PHILIP CROWE – COMMUNITY & LIBRARY SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve an amnesty on overdue library items and a reduction in outstanding fines for the period Monday 3 December until Saturday 22 December 2007.

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

That the recommendation be adopted.

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

342	Councillor Nell Councillor Brown	It was resolved that Council consider the initial recommendation be amended as follows; Approve an amnesty on overdue library items and a reduction in outstanding library fines for the period Monday 3 December 2007 to Saturday 2 February 2008.
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BACKGROUND

The purpose of this report is to seek Council's endorsement of a strategy to reduce the number of library items that are overdue, lost or missing and to recover the associated overdue fines.

Port Stephens Library currently has 3834 library items or 4.2% of the Library collection recorded as overdue, lost or missing for the period 2005 to 2007. The total amount in outstanding overdue fines and replacement charges owing to Port Stephens Library is \$71,867.

At present there is no incentive for patrons to pay their fines, nor any disincentive not to accrue further fines.

Once a patron's overdue charges reach \$10.00, they are blocked from borrowing. They are however, still able to come to the library and utilise other library services and facilities.

In an attempt to recover as many lost and missing items as possible and recoup some of the outstanding overdue fines, the Library proposes the following strategy:

1. **A Library amnesty that will run for three weeks from Monday 3 December until Saturday 22 December 2007.**
2. **The amnesty only applies to items owned by Port Stephens Library and returned to the Raymond Terrace, Tomaree & Mobile Library Branches.**

Items from affiliated branches within Newcastle Region Library system do not apply.

3. If a patron returns lost/missing items during the amnesty period the library will waive the replacement charges and processing fees.
4. If a patron cannot locate their lost/missing items during the amnesty period and reports this, the library will waive half of the total replacement and processing fees, providing the patron enters into agreement to pay the remaining charges through a regular payment plan.
5. If a patron has accrued overdue fines as a result of the late return of library items, the library will waive up to half of the total amount, providing the patron enters into agreement during the amnesty period to pay the remaining charges through a regular payment plan.

At the conclusion of the amnesty period and in consultation with Council's debt recovery policy, it is proposed that a debt recovery process be implemented to recover outstanding items or replacement costs.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial or resource implications involved in holding a three week amnesty other than advertising costs. However, the outcome of not having an amnesty will result in financial implications in the form of a significant cost to Council to replace some of the lost and missing resources.

LEGAL AND POLICY IMPLICATIONS

An amnesty would require the temporary amendment to current library delegations which state that staff can waive up to \$20 in overdue charges and Branch Librarians (Supervisors) can waive up to \$100 in overdue charges.

For the period 3 December to 22 December nominated staff would require approval to waive amounts in excess of their current delegation.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Overdue fines are designed to discourage borrowers from keeping materials beyond their allocated loan period, which disadvantages other users. Replacement charges are put in place to recover the cost of non-returned items so that substitute copies can be purchased for the collection. Charges assist in the management and maintenance of library collections and resources, providing equitable access to information and a greater social benefit to the wider community.

ECONOMIC IMPLICATIONS

The library service is not dependant on revenue gained through overdue and/or replacement charges. These charges are designed to encourage users to renew their loans or to return items by the due date so that other customers may access them. An amnesty would assist in recovering as many of the lost and missing items as possible and recouping a proportion of the overdue fines owing to the library.

The library provides equal opportunity to all individuals and groups within the community to access resources, regardless of financial status.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this policy.

CONSULTATION

Library staff, the Community and Library Services Manager, the Governance Coordinator and the Revenue Coordinator were consulted in the development of this proposal. If

approved, customers will be informed of the amnesty through a range of promotion activities and communication tools.

OPTIONS

- 1) Adopt proposal
- 2) Reject proposal
- 3) Amend proposal

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ITEM NO. 6

FILE NO: PSC2005-3693

OPEN SPACE CONSOLIDATION REVIEW

REPORT OF: JASON LINNANE – RECREATION SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to submit a Reclassification and Rezoning request for the land parcels as identified and detailed in the information provided under separate cover.
- 2) Consider a further report on the possible allocation of the net proceeds realised from the sale of the nominated land parcels for the rehabilitation and/or embellishment of infrastructure.

OPERATIONS COMMITTEE MEETING – 13 NOVEMBER 2007

RECOMMENDATION:

That the recommendation be adopted.

Tabled document: Open Space Consolidation Review

ORDINARY MEETING – 27TH NOVEMBER 2007

RECOMMENDATION:

343	Councillor Nell Councillor Dover	It was resolved that the recommendation be adopted.
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Tabled Document: Open Space Consolidation Review

BACKGROUND

The purpose of this report is to gain Council resolution to submit reclassification and rezoning request for the parcels of land identified in this report.

Traditionally, Council has acquired community land via a range of means that have not always resulted in a medium to long term net gain for the community. In the past there has been a lack of co-ordination and control mechanisms governing the acquisition of community land. This has resulted in Council receiving community land with little community recreation, environmental, social or cultural value.

In August 2006, Council considered and approved a report that recommended a reclassification and rezoning request be submitted for a number of community land parcels. The parcels of land subject to this current report were not included at that time due to a lack of information on utilisation, demand and other strategic needs of each property. Each of these properties are subject to broader planning processes or have other rationale to why they have now been included. See information provided under separate cover for further detail in this regard

The reclassification of the identified parcels for operational purposes will allow for increased flexibility in how the land is managed in the future and move from a quantity to quality approach of open space management.

The initial review proposed to reclassify a total of approximately 10 hectares which equated to only 1% of the total open space (857 hectares) within the LGA. These additional sites have a combined size of 15 hectares which now equates to an overall 1.7% of the total open space supply.

In some cases future income generated from this process will further assist in the embellishment of other areas of open space within the LGA. This approach is consistent with Council's asset management directive and will move towards a more sustainable approach of open space management in the future.

Any net return through the proposed sale of property as a result of the recommendations can be used for the embellishment of existing community land buildings or as otherwise decided by Council in line with legislative requirements. (See information provided under separate cover).

The recommendations are consistent with Council's new standards for Community and Recreation Facilities and the reclassification requirements prescribed by the Local Government Act (1993).

The internal review included consultation with key stakeholders from within the Property, Environmental, Traffic Planning, Town Planning, and Engineering Services and Operations Sections of Council.

LINKS TO CORPORATE PLANS

Provide enhanced quality of life through equitable access to a diverse range of sporting and recreation facilities.

FINANCIAL/RESOURCE IMPLICATIONS

The rezoning of these land parcels will be done at the same time as those previously approved by Council in August 2006. The estimated cost of the rezoning proposal lodgement is approximately \$30,600 based on Council's current fee schedule for such processes. It is proposed that these costs be paid for out of future income from leases and/or land sales resulting from the reclassification and other processes identified in this report.

Reclassification of parcels for operational purposes will allow for increased flexibility in how the land is managed in the future as well as providing a means of allowing existing resources to be allocated more effectively across council's land holdings.

The net return to Council on the sale of the land will become available, together with future ward funds and accumulated s94 funds, for future spending on priority and investment projects, subject to relevant legislative requirements following consultation with the community and further report to Council. The indicative total land value for these sites is potentially up to approximately \$2m (not withstanding the deduction of legal and other costs). There is also the potential to gain rental income from the land behind the Raymond Terrace Golf Course (6B Elizabeth Avenue). This would be approximately \$6,000 per annum.

It should be noted that the potential allocation of land at Anna Bay for a future depot site would reduce this return. A feasibility study of this site for a depot has not been carried out at this time and would need to proceed in parallel with the reclassification and rezoning process.

LEGAL AND POLICY IMPLICATIONS

This report seeks Council resolution to submit a reclassification and rezoning request for the parcels identified in the information provided under separate cover. Section 30 of the Local Government Act (1993) provides the means by which Council can reclassify land from Community to Operational via the LEP process.

The proposed lodgement (as landowner) to request reclassification and rezoning of land will be consistent with Council's adopted policy for the procedure for requests to amend Port Stephens LEP 2000.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

This review identifies parcels of community land which record little recreational, environmental or community benefit that can be more appropriately zoned and classified for possible sale or rent. The realisation of this report recommendation would see the proposed introduction of restricted funds for the embellishment and rehabilitation of community land, facilities and associated infrastructure. These funds would only seek to enhance existing services and assist in providing improved community resources.

ECONOMIC IMPLICATIONS

Quality open space provides and caters for a large percentage of the community's passive recreation activities throughout the local government area. Much of the current visitor and tourist base contributing to the local economy also utilise many areas and associated facilities that can be enhanced through embellishment and rehabilitation. The management and enhancement of these parks and reserves in a structured and sustainable manner will enhance these assets and associated benefits.

ENVIRONMENTAL IMPLICATIONS

All sites included in the review have been subject to environmental investigations. There will be no adverse environmental effects associated with the proposed future management of the individual parcels identified for reclassification.

The Environmental Services Section has provided an integral advisory role throughout the internal review process. Each parcel was investigated on an individual basis to determine the effect which reclassification or rezoning may have to the environmental integrity of the site and local environment.

CULTURAL IMPLICATIONS

The review recommendations will not negatively impact on cultural aspects of the environment. The review provides a mechanism for the embellishment and rehabilitation of existing community land, facilities and infrastructure. This enhancement of community land, facilities and infrastructure would only seek to improve existing and potential cultural opportunities through enhanced community recreation areas.

CONSULTATION

- Property Focus Group
- Environmental Services
- Traffic Planning
- Property Section
- Town Planning Section
- Engineering Services
- Park Co-ordinators
- Councillor briefing
- Executive Team

OPTIONS

- 1) Accept recommendations
- 2) Reject recommendations and review list of proposed sites
- 3) Reject recommendation and do not seek any further re-classifications

ATTACHMENTS

- 1) Nil – information to be provided under separate cover.

TABLED DOCUMENTS

- 1) Identification of land parcels – West Ward, Central Ward and East Ward

ITEM NO. 7**FILE NO: A2004-0865****PROPOSED LEASE AGREEMENTS LOT 683 DP 9165
WAHYGUNYAH ROAD NELSON BAY****REPORT OF: MALCOLM CAMPBELL – BUSINESS DEVELOPMENT MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Allows existing gates and accesses to the rear of the properties that currently have access onto Council owned land, Lot 683 DP9165 at Nelson Bay provided the owners enter into a License agreement for 2 years, with renew options.
- 2) Limits access to a maximum of 50 boundary crossings within each year i.e. 25 crossings in and out per property.
- 3) Enters into a License agreement with the owner for an annual fee of \$100 (inclusive of GST and administration costs) – payable in advance with no option to make partial payments.
- 4) Allows any new owner or applicant for a new access to obtain a new License as it will not automatically be transferred upon sale of property.
- 5) Requires, if the License holder applies for construction of an access over Council's land they obtain owner's (Council) and development consent and carry out approved works at their cost.
- 6) Adopts the attached Draft License Agreement for this purpose.

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

That the recommendation be adopted.

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

344	Councillor Dingle Councillor Brown	It was resolved that the recommendation be adopted.
------------	---	--

BACKGROUND

The purpose of this report is to address a formal request to allow legal access over Council land, to the rear of Lot 152 DP9165

This has promoted the need for Council to determine the future use and control of the parcel of land. A Council resolution dated 24th July 2000, number 313, required a future report on investigations into this matter. Currently there is illegal private use for access over the land to the rear of their properties by some adjacent owners. Council can prevent such use, as

the land is not Community Land but owned outright by Council as Operational. If access is denied there will be community opposition, as some adjacent owners believe they have a right to use the land for this purpose. **ATTACHMENT 2** for sketch plan of the location. A draft License agreement is shown as **ATTACHMENT 1**.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY –	Council will preserve and strengthen the fabric of the community, building on community strengths.
ENVIRONMENTAL SUSTAINABILITY –	Council will protect and enhance the environment while considering the social and economic ramifications of decisions.
BUSINESS EXCELLENCE –	Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey

FINANCIAL/RESOURCE IMPLICATIONS

The proposed License agreements will provide some funds to assist with the maintenance of Councils land. The annual fee will cover administration costs while providing residents with a facility.

LEGAL AND POLICY IMPLICATIONS

Council owns this land in fee simple and therefore has the scope to develop or dispose of as any other private land owner. It can also make land available for community use without any implications.

The License agreement will legalise a currently illegal activity over Council's land and provide control over those using the land for access. There is no intention to deny public pedestrian access over the land.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (1) principle.

These outcomes align with the following Business Excellence principles:-

- 1) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Provide legal access to assist residents

ECONOMIC IMPLICATIONS

Of a very minor nature.

ENVIRONMENTAL IMPLICATIONS

Licenses will protect the natural environment on Council's land.

CONSULTATION

East Ward Councillors, Principal Property Advisor, Recreation Services Manager, Property Manager, Hunter Water, Corporation, Residents, Civil Assets Engineer, Subdivision Engineer and Council Planners

OPTIONS

- 1) Adopt Recommendation
- 2) Grant Rights of Access over the existing illegal accesses
- 3) Declare the whole parcel Public Reserve

ATTACHMENTS

- 1) Sketch plan
- 2) Proposed License Agreement

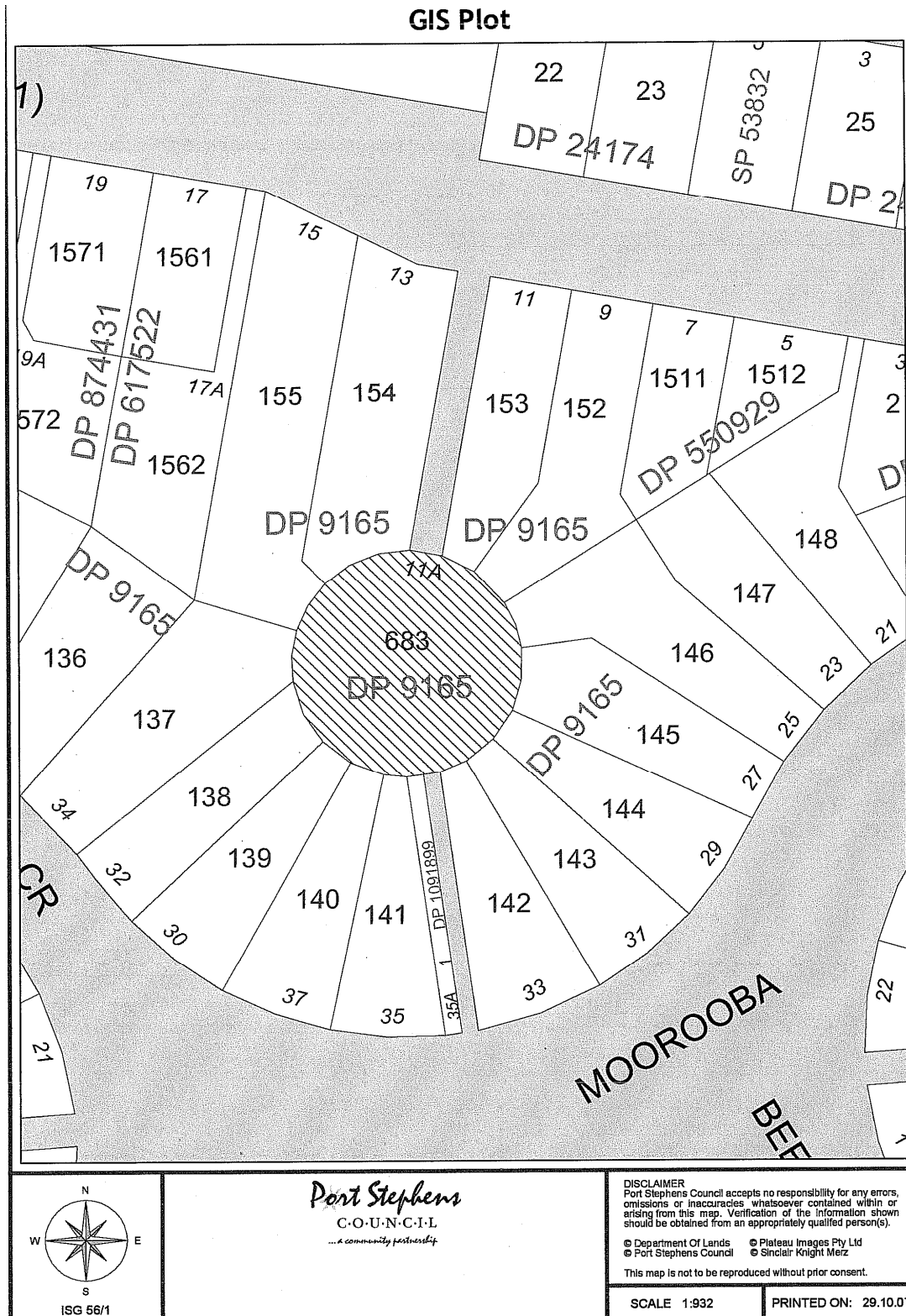
COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1
GIS Plot



ATTACHMENT 2

**Port Stephens Council License
PART ONE**

DETAILS PAGE

Item		
1.	LICENSOR:	PORT STEPHENS COUNCIL
2.	LICENSEE:	<i>(Insert name and address)</i>
3.	LAND:	Lot 683 DP9165 – Between house number 11 & 13 Wahgunyah Road, Nelson Bay
4.	PREMISES:	N/A
5.	PERMITTED USE:	Irregular access for boats, trailers, caravans, maximum of 25 times per year
6.	HOURS OF ACCESS:	N/A
7.	TERM OF LICENSE:	24 Months (2 years)
8.	COMMENCEMENT DATE:	
9.	TERMINATION DATE:	
10.	LICENSE FEE:	\$100 per year inclusive of GST, payable in advance at commencement date of each year.
12.	REVIEW DATES:	24 Months
13.	PUBLIC RISK INSURANCE:	\$20 million. A copy of the Certificate of Currency or copy of Policy and receipt (proof of payment) must be provided on or before Commencement Date. Attached to the Licensees current property insurance.

**Port Stephens Council License
PART TWO**

**LICENSE MEMORANDUM
CONTENTS PAGE**

- Part A: Grant of License**
- Part B: Length of License**
- Part C: License Fee**
- Part D: GST**
- Part E: Other Charges**
- Part F: Your Obligations**
- Part G: Release and Indemnity**
- Part H: Our Obligations**
- Part I: Termination**
- Part J: General Matters**
- Part L: Definitions**

Port Stephens Council License PART TWO

LICENSE MEMORANDUM

Part A: Grant of License

1. Scope of License

- 1.1. Subject to this License, we will allow you during the Term in item 7 to use the Premises in item 4 during the Hours of Access in item 6 for the Permitted Use in item 5.
- 1.2. You must not use, or allow to be used, the Premises for any purpose other than the Permitted Use in item 5.

Part B: Length of License

2. Starting and Ending

- 2.1. The License begins on the Commencement Date in item 8. It ends at midnight on the Termination Date in item 9.
- 2.2. You may only continue to occupy the Premises after the Termination Date if you obtain our written permission prior to the Termination Date. In such case, you may continue to occupy the Premises on the same terms as at the Termination Date, except that you or we may end the License on any day by giving at least one month's notice to the other party.

Part C: License Fee

3. Payment in Advance

- 3.1 You must pay Council the License Fee in item 10 in advance of the commencement date in item 8. If the License begins or ends part way through a month, you will pay a proportional part of the License Fee.

Part D: Goods and Services Tax ("GST")

4. Payment of GST

- 4.1 The License Fee is inclusive of GST. In respect of any liability we have for GST under this License, including for the License Fee, you must pay us the full amount of GST at the same time as making the payment to which the GST relates. In respect of each such payment, we will provide you with a tax invoice to enable you to claim an input tax credit.

Part E: Other Charges

5. You must pay our legal and other costs

5.1 You must pay on demand for:

- (a) Our legal and other costs arising out of the License terms and any other dealings arising out of the License.
- (b) Stamp duty; and
- (c) Our reasonable costs of considering your request for our approval or consent.

Part F: Your Obligations

6. Compliance with Laws

6.1 The Licensee in the use and occupation of the Licensed area shall comply in all respects with the requirements of any relevant Acts of Parliament, Rules, Regulations, By-laws or Ordinances of the Commonwealth or State of any competent Local or Special Authority applicable hereto.

7. Use of Land

7.1 Your use of the land must not create a nuisance or interfere with other users of the land or adjoining properties.

8. Risks and Insurance

8.1 You use the land at your own risk.

8.2 You must have current insurance for:

- (a) Public liability insurance for at least the amount set out in item 13;
- (b) Workers compensation (including coverage for voluntary workers);
- (c) The Licensee must ensure that the entire Licensees equipment complies with all applicable Acts, Regulation, Local Laws and By-laws.

8.3 You must ensure that all insurance policies to be taken out under clause 9.2:

- (a) Have no exclusions, endorsements or alterations unless first approved in writing by us; and
- (b) Are taken out in your name making sure Council are noted as "interested parties" for each party's respective rights and interests.

8.4 If we ask, you must give us evidence of the insurance.

- 8.5 You must not do anything that may make our insurance invalid or able to be cancelled, or that may increase our insurance premium.

9. Maintaining the Land

- 9.1 You must keep the land clean and tidy; refer to code of conduct as below:

9.2 Code of Conduct –

- Observe all the conditions under which your permit is issued.
- Observe all Council and other relevant authorities regulations, paying particular attention to: -
 - Litter
 - Lighting of fires
 - Approved access
 - Consumption of alcohol
 - Protection of vegetation

10. Other obligations

- 10.1 When the License ends, you must discontinue the use of the land and leave it -
- (a) In the same condition as it was in at the Commencement Date.

Part G: Release and Indemnity

11. What you release and indemnify us from

- 11.1 You are liable for and indemnify us against all actions, demands, loss or damage incurred or suffered directly or indirectly in connection with:
- (a) Your acts and omissions or the acts and omissions of your Employees and Agents; or
 - (b) Loss or damage to property or person caused by your use, or by your Employees or Agents use, of the land or otherwise relating to the land; or
 - (c) A breach of this License by you; or
 - (d) Your use of the Land.
- 11.2 You release us from any action, demand, loss or damage for any damage, loss, injury or death occurring on the Land except to the extent that it is caused by our negligence.

Part H: Our Obligations

12. Reservation of Rights

- 12.1 You only have a personal right of access on the terms set out in this License and you do not have an interest in the Land. The legal right to possession and control over the land remains vested in us throughout the term of this License.

- 12.2 Subject to the above, we will not interfere with your reasonable access over the land during the term of this License.

13. Giving our consent or approval

- 13.1 Unless otherwise stated in this License, we may withhold any consent or approval under this License in our absolute discretion.

Part I: Termination

14. Termination of License for breach or insolvency

- 14.1 We may end this License immediately by giving notice to you if:
- (a) You breach any term of this License and fail to remedy that breach within 14 days of receiving a notice from us requiring the breach to be remedied; or

15 Termination on one month's notice

- 15.1 We may end this Agreement on any day by giving at least one month's notice to you.
- 15.2 Licensee may end this Agreement on any day by giving at least one month's notice to the Licensor.

Part J: General Matters

16. Assignment

- 16.1 There will be no assignment, transfer or otherwise dealing with this License or a right under this License.

17. Entire Agreement

- 17.1 This License is the entire agreement between the parties concerning the subject matter.

18. Governing Law

- 18.1 This License is governed by the laws of New South Wales.

19. Interpretation

- 19.1 When this License requires anything not to be done, this includes not allowing or permitting the thing to be done.
- 19.2 A word or expression in the singular includes the plural - and the plural includes the singular.
- 19.3 A person includes an individual and a corporation.

- 19.4 Examples are descriptive only, and not exhaustive.

Part L: Definitions

20. Meaning of Words

20.1 In this License:

"You or Your" means a person described in item 2, and where relevant, includes your Employee or Agent;

"We, Us, Our" means Port Stephens Council.

"CPI" means:

- (a) The Consumer Price Index All Groups Sydney; or
- (b) If that index is suspended or discontinued and another index is substituted by the Australian Statistician, that index.

"Item" means an item in the License;

"Land" means the land in item 3;

"License" means Part 1: Details Page, Part 2: Memorandum of License, Part 3: Special Conditions, Part 4: Plan of License Premises, and Condition Report, Part 5: Execution Page and any rules published by us for the Premises;

"Month" means a calendar month;

"Premises" means the premises described in item 4 and includes our property within the Premises.

"Your Employees and Agents" means your employees, agents, customers, contractors, sub-contractors, consultants, trustees and other persons on the Premises with your express or implied consent or invitation;

**Port Stephens Council License
PART THREE**

SPECIAL CONDITIONS

License Agreement between **Port Stephens Council** and *[insert name of Licensee]*

1. Maintenance of Licensed Area

- 1.1 An area being minimum 8 metres width adjacent to your current rear property boundary (rear fence) to be maintained in a neat and tidy manner.

2. Your Obligation to other Licensees (Neighbours) and Council

- 2.1 Not restrict the access of other users with Licence agreements.
- 2.2 No storage or permanent structures to remain on Council's land or laneway.
- 2.3 No dumping of rubbish or plant materials to occur on Council's land or laneway.
- 2.4 Any contravention of these matters will lead to the immediate cancellation of this licence and may result in prosecution.
- 2.5 Parking of vehicles or machines on Council's land or laneway is not permitted at any time.

3. Other Public Access over the Land

- 3.1 Pedestrians using Council's land and laneway have right of way.
- 3.2 Temporary construction workers access to be arranged above and beyond the Licensed number of trips.

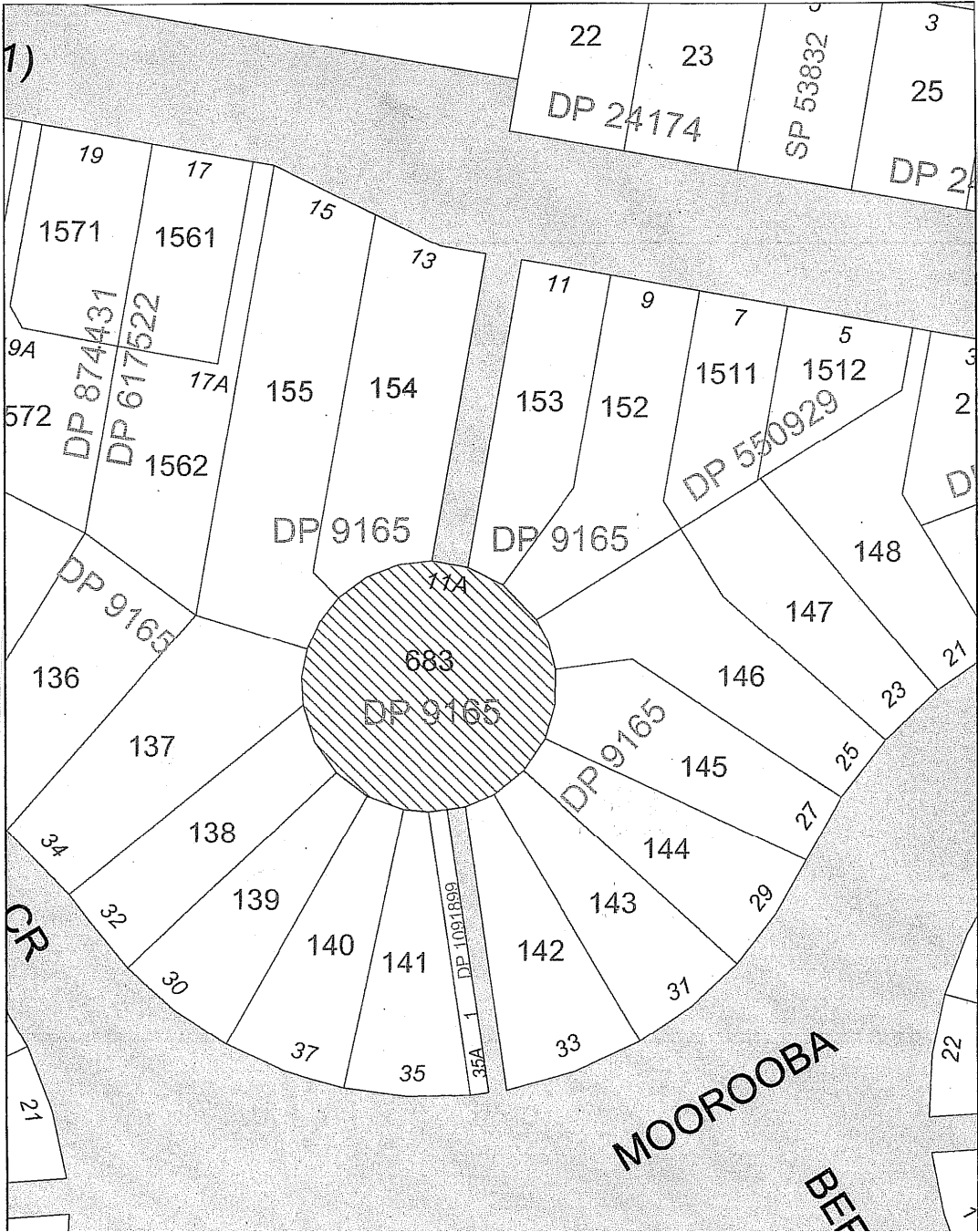
4. Insurance

- 4.1 You are obliged to advise your insurer of this License agreement.

Port Stephens Council License PART FOUR

PLAN OF LICENSED PREMISES and CONDITION REPORT (if applicable)

License Agreement between **Port Stephens Council** and *[insert name of Licensee]*



**Port Stephens Council License
PART FIVE**

CONDITION REPORT (If applicable)

The following items have been inspected and where necessary photos taken to show the current condition of the Licensed area upon commencement of this agreement:

Item	Applicable	Photo required	Condition Summary	Signatures
Vegetation	Yes / No	Yes / No		
Fences	Yes / No	Yes / No		

**Port Stephens Council License
PART FIVE**

CONDITION REPORT (If applicable)

The following items have been inspected and where necessary photos taken to show the current condition of the Licensed area upon commencement of this agreement:

Item	Applicable	Photo required	Condition Summary	Signatures
Vegetation	Yes / No	Yes / No		
Fences	Yes / No	Yes / No		

**Port Stephens Council License
PART SIX**

EXECUTION PAGE

EXECUTED AS AN AGREEMENT

LICENSEE

(FOR AN INDIVIDUAL)

SIGNED by)

In the presence of:)

)

Signed by Licensee

Witness –

Date

LICENSOR

"SIGNED for and on behalf of)
PORT STEPHENS COUNCIL under)
delegated authority:)

(Council Officer)

Witness – sign, & print name below

Date

ITEM NO. 8

FILE NO: PSC2006-1589

**PARTICIPATION IN STATEWIDE DAY OF ACTION REGARDING
LIBRARY FUNDING**

REPORT OF: PHILIP CROWE – COMMUNITY & LIBRARY SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Support the participation of Port Stephens Library in a statewide “*Day of Action*” to protest against the ongoing reduction in State Government funding to Local Government Public Libraries including:
 - The inclusion of symbolic protest activities in Library branches on 29 November 2007.
 - The campaign slogan “*Imagine NSW Without Public Libraries!*”.
 - The placement of a petition in the Tomaree, Raymond Terrace, Mobile and Tilligerry branches.
 - The provision of information flyers to library users and media releases to media outlets to
 - raise awareness about the funding campaign and associated actions.
 - 2) Note that Cr Brown and Ms Kris Abbott as Port Stephens Council's members of Public Libraries NSW Country (PLC) may receive an invite to attend the rally at Parliament House. It should be noted that this rally has been timed to coincide with a special meeting of the PLC to be held in Sydney on the same day.
-

OPERATIONS COMMITTEE MEETING – 13 NOVEMBER 2007

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 27TH NOVEMBER 2007

RECOMMENDATION:

345	Councillor Dingle Councillor Brown	It was resolved that the recommendation be adopted.
-----	---------------------------------------	---

Note: Clr Robinson voted against this and asked that his name be recorded as such.

BACKGROUND

The purpose of this report is to seek Council's support of Port Stephens Library's participation in a statewide *"Day of Action"* to protest against the ongoing reduction in State Government funding to Local Government Public Libraries by endorsing:

- The inclusion of symbolic protest activities in Library branches on 29 November 2007.
- The campaign slogan *"Imagine NSW Without Public Libraries!"*
- The placement of a petition in the Tomaree, Raymond Terrace, Mobile and Tilligerry branches.
- The provision of information flyers to library users and media releases to media outlets to raise awareness about the funding campaign and associated actions.

There has been a serious and ongoing proportional reduction in State Government funding for public libraries over the past 25 years. In 1980, the State Government contributed 23.6% of the total operating costs of public libraries. The State contribution dwindled to 7.8% in 2004-05 with further reductions in years since then, including a massive cut of \$1,023,000 (4.16%) in 2006-07. NSW has the lowest State Government per capita contribution to public libraries of all states and territories in Australia.

A widespread publicity campaign during recent months involving many NSW Councils, regional organisations of Councils, Public Libraries NSW Country (PLC), Public Libraries NSW Metropolitan (PLM), and the Local Government and Shires Associations (LGSA) has highlighted the public library funding crisis in regional, state and national media forums, however this needs to be followed up with a coordinated and targeted action strategy.

The half-yearly meeting of the NSW Regional Library Managers Group held on 5 October 2007 resolved to seek the support of the PLC Executive and country Councils across the state to initiate a day of action on Thursday 29 November 2007. The PLC Executive has given its endorsement to the strategy, and a report similar to this one is being presented to other Councils across the state. PLC has extended an invitation to PLM to participate in this lobbying strategy.

The full strategy revolves around a "Day of Action" on 29 November 2007 (when both houses of parliament are sitting) and includes the following components:

- The inclusion of symbolic protest activities in Library branches.
- Attendance of Councillors, Council officers, library staff and members of the public at a rally at Parliament House. It should be noted that this rally has been timed to coincide with a special meeting of the PLC to be held in Sydney on the same day for the membership to discuss alternative future membership models (as resolved at the 20 July 2007 Annual General Meeting of the Association).
- Use of the slogan *"Imagine NSW Without Public Libraries"*.
- A statewide petition in all public libraries is proposed in order to capture the growing discontent of library users. If the majority of the 363 library service points across the state participate, it is anticipated that a sizeable petition will be available to hand to Premier Iemma on 29 November.
- Extensive publicity to library borrowers and media outlets about the reason for the closure of libraries and other aspects of the campaign.

This level of action is deemed necessary to attract the attention of the State Government to the unacceptable level of State financial contribution to public libraries in NSW. The funding

situation threatens to deteriorate further through the current NSW Public Library Funding Review, which Minister Sartor has appointed consultant Dr Tom Parry to undertake. This review proceeded despite advice from the State Library of NSW, PLC and PLM that the NSW Public Library Funding Strategy, which was established as the result of significant research and collaboration just two years ago in 2005, provides a sustainable and scalable model for future allocation of funds. It is also worthy of note that the State Opposition pledged to double the current level of State funding to public libraries (currently around \$24m) during the 4 year term of government as part of its platform for the 2007 election.

It is clear that NSW Councils need to take a strong lobbying position on this issue. The matter of public library funding is currently a “hot topic” amongst libraries, Councils and associated peak bodies. It is an ideal time to let the State Government know how Councils feel about this issue.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications involved in participating in the proposed “Day of Action”.

LEGAL AND POLICY IMPLICATIONS

There are no legal and policy implications arising from this strategy.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The library has already received numerous comments and questions from concerned customers as to the future of programs and services provided by Port Stephens Library. Many have written emails and letters expressing their concern to local and state members and would gladly sign a petition in support of an increase in funding to protect what they consider to be a valuable and essential community service.

ECONOMIC IMPLICATIONS

There are no economic implications arising from this strategy.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this strategy.

CONSULTATION

The General Manager, Group Manager Facilities & Services, Community and Library Services Manager and Library Services Manager were consulted in the development of this proposal.

OPTIONS

- 3) Adopt proposal
- 4) Reject proposal
- 3) Amend proposal

ATTACHMENTS

- 1) Information Flyer
- 2) Petition

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

P u b l i c L i b r a r i e s

Imagine NSW without public libraries!

...you wouldnt read about it

- One in two people are public library members and use our libraries 32 million times every year
- Our state government provides the lowest per capita funding to public libraries in Australia
- Services most at risk are: story times, home delivery, learning English, internet access, study and meeting places, opening hours, new books and branch libraries
- The young, old, culturally diverse and disadvantaged have the most to lose
- In a democratic society free public libraries are everybody's right

Protest the ever decreasing level of state government funding by joining in our **day of action** on Thursday 29 November 2007.

Ask at your library how you can be involved or visit our website: <http://www.plnsw.org.au>

ATTACHMENT 2

IMAGINE NSW WITHOUT PUBLIC LIBRARIES!

...you wouldn't read about it

To the Honourable the Speaker and Members of the Legislative Assembly of New South Wales.

The petition of citizens of New South Wales.

Brings to the attention of the House the ongoing reduction in State Government funding to public libraries in New South Wales.

The undersigned petitioners therefore ask the Legislative Assembly to recognise the vital contribution of public libraries to our communities and increase funding to protect their future.

[illegible]

ITEM NO. 9

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 13th November, 2007.

No:	Report Title	Page:
1	Aboriginal Strategic Committee Meeting with Worimi LALC	
2	Australian Sister Cities Conference	
3	Cash and Investments held at 30 September 2007	

OPERATIONS COMMITTEE MEETING – 13 NOVEMBER 2007

RECOMMENDATION:

That the recommendation be adopted.

Tabled Document: Australian Sister Cities Conference Paper

ORDINARY MEETING – 27TH NOVEMBER 2007

RECOMMENDATION:

346	Councillor Francis Councillor Brown	It was resolved that the Information Papers be received and noted.
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Tabled Document: Australian Sister Cities Conference Paper

OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

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

**REPORT OF: TREVOR ALLEN, ACTING INTEGRATED PLANNING
 MANAGER**

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting with Worimi Local Aboriginal Land Council on 8 October 2007.

Key issues considered at the meeting included:

- 1) Soldiers Point Boat Ramp Area Improvements
- 2) Aboriginal Employment Strategy
- 3) Traditional Owners Representation at Aboriginal Strategic Committee Meetings
- 4) Funding Proposals (Stage 1) - Aboriginal Project Fund

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting with Worimi LALC on 8 October 2007.

ATTACHMENT 1

**ABORIGINAL STRATEGIC COMMITTEE MEETING
WITH WORIMI LOCAL ABORIGINAL LAND COUNCIL
HELD ON THE 8 OCTOBER 2007
AT THE MURROOK CULTURAL & LEISURE CENTRE**

Present:

Andrew Smith	Worimi LALC (<i>Acting Chief Executive Officer</i>)
Val Merrick	Worimi LALC
Cr Sally Dover	PSC
Cr Helen Brown	PSC
Mike Trigar	PSC (<i>representing General Manager</i>)
Jason Linnane	PSC
Cliff Johnson	PSC

Apologies:

Delece Manton	Worimi LALC
Jamie Tarrant	Worimi LALC
Janice MacAskill	Worimi LALC
Cr Ron Swan	PSC
Peter Gesling	PSC
Paul Procter	PSC
Priscilla Mason	Karuah LALC

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

1. MINUTES OF PREVIOUS MEETING

Cr Brown moved that the minutes of the previous meeting held on 13 August 2007 be accepted. Seconded by Cr Dover.

2. BUSINESS ARISING FROM PREVIOUS MINUTES

Item 1: Referring of Development Applications to LALCs for Comment

As a result of pressures on the Land Councils, because of the recent amendments to the Land Rights Act, Port Stephens Council's Principal Property Advisor and WLALC Acting CEO have not met on this issue. A meeting is to be held shortly for the development of a possible draft of Key Objectives/Issues. This is to lead to a Memorandum of Understanding between both organisations, on how applications are to be treated. The draft of the objectives requires input from Land Council members, Traditional Owners, NPWS and Port Stephens Council staff so the first draft will be prepared for the commencement of this process. Port Stephens Council's DA processing checklist and approval being adjusted to ensure proper consideration is given to any archeologically significant sites or areas.

Action:	1. WLALC and relevant Port Stephens Council Officers will meet shortly to consider the development of a possible draft of Key Objectives/Issues.
---------	--

Item 2: Middens at Birubi Headland

Port Stephens Council's Recreation Services Manager advised that the WLALC need to confirm what materials are required and the cost thereof so that Port Stephens Council can confirm on payments etc. Workers inductions need to be completed for the project. WLALC need to give Port Stephens Council's Parks Co-ordinator (East) at least 2 weeks notice to arrange inductions. It was expected the bitou bush would be removed in 2007 and Council is waiting on a list of materials and prices from WLALC.

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007

Action:	1. WLALC to inform Port Stephens Council of materials required and associated costs
	2. Upon completion and sign off by Port Stephens Council's Recreation Services Manager of the above action, WLALC to notify Council's Parks Co-ordinator (East) two weeks prior to work commencing to enable necessary inductions to be carried out.

Item 3: Proposed Fingal Bay Link Rd

Nothing further to report as pressures of other matters prevented meetings taking place. The meeting was informed that the acquisition of the road corridor would have to be completed prior to any funds for construction being made available to Port Stephens Council from external authorities. Council's Principal Property Advisor and WLALC Acting CEO will meet as soon as possible and report to the next meeting.

Action:	1. Council's Principal Property Advisor and Andrew Smith to meet and report to the next meeting.
---------	--

Item 4: Aboriginal Employment Strategy and Cultural Awareness Training

In the absence of Port Stephens Council's Social Planning Co-ordinator, matter deferred until next meeting.

Item 8: Birubi Surf Club

Port Stephens Council's Recreation Services Manager reported that the building plans prepared by an external architect needed practical improvements and were being revised by Council staff to better serve the proposed purpose. Once this work is done to provide a proposed function centre and restaurant, consultation can commence with the Land Council, Traditional Owners, possible users and other interested parties. There are many important issues such as limited areas available for parking and transport to the venue will all have to be addressed.

Item 9: Soldiers Point Boat Ramp

The concept plans have been circulated and submissions received. WLALC advised they did make a submission. Port Stephens Council's Recreation Services Manager said that he had not received any submission and asked that it be sent again. Discussion that took place confirmed that both Port Stephens Council and WLALC positions are consistent.

Actions:	1. WLALC to resend their submission to Port Stephens Council's Recreation Services Manager.
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Item 10: Stockton Bight Signage

NPWS and Council have inspected the proposed sites for the signs and agreement had been reached on the locations. Signs are now on location. Acting CEO for WLALC advised he had not been informed of the changed meeting date for the inspections and therefore apologised for his non-participation on that day. He has inspected the signs. The signs are reported to be reasonable but defining the boundaries between the Conservation Areas, WLALC owned land and Council controlled area on the ground is very difficult.

NPWS is investigating how better definition can be achieved. The only vehicles permitted to be on the beach areas on lands controlled by Port Stephens Council and WLALC will be the licensed commercial operators. The issue of control officers over the entire area is being

investigated and it is anticipated legal issues can be arranged whereby one group of rangers can oversee the entire area. The Stockton Bight Management Group, NPWS, Traditional Owners, WLALC and Port Stephens Council all are keen to resolve this issue, as it will benefit all.

3. GENERAL BUSINESS

3.1 Soldiers Point Boat Ramp Area Improvements:

Port Stephens Council's Recreation Services Manager reported the submissions received are being assessed for consideration into the final plan. WLALC Acting CEO requested special consideration for those issues raised on behalf of the Traditional Owners as the area hold many Aboriginal heritage sites – especial graves as high lighted in the Soldiers Point Plan of Management. Other Government Authorities have commented, again with attention being drawn to the heritage issues by NPWS together with other matters.

3.2 Traditional Owners Representation at future Aboriginal Strategic Committee Meetings:

WLALC Acting CEO requested that Port Stephens Council consider a better representation at ASC meetings by the inclusion of Traditional Owners who may not necessarily be WLALC members. Committee members briefly discussed the matter and it was thought such inclusion would enhance the objects of the committee and it should be raised as an agenda item at the next meeting. Andrew Smith will promote the idea.

3.3 Funding Proposals (Stage 1) - Aboriginal Project Fund: -

The ASC reviewed the following funding proposals submitted under Stage 1 of the Aboriginal Project Fund.

- i. Literacy, Numeracy & Culture Karuah Pre-school - submitted by KLALC*
- ii. Community Sports Court - submitted by KLALC*
- iii. Mission Playground - submitted by KLALC*
- iv. Raymond Terrace Indigenous Centre - submitted by Port Stephens Family Support Services*
- v. Gan Gan Dreaming - submitted by Port Stephens Parenting Program & Anna Bay Public School*
- vi. Gabirr Gumba (Hungry for Tomorrow) - submitted by WLALC*

After some clarification it was decided all proposals meet the requirements of stage 1, and should progress to the next stage. All were considered to have merit.

Action:	1. Port Stephens Council's Social Planning Co-ordinator to invite all of the Stage 1 applicants to submit a detailed funding submission under Stage 2 of Council's Aboriginal Project Fund.
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4. NEXT MEETING

The next meeting with WLALC will be held on 10 December 2007 at 1:00pm at Murrook.

Meeting closed at 3:00pm.

INFORMATION ITEM NO. 2
REPORT ON “MAKING THE CONNECTION”
AUSTRALIAN SISTER CITIES CONFERENCE
DARWIN 30/9/07- 3/10/07

REPORT OF: CR GLENYS FRANCIS

FILE: A2004-0700

BACKGROUND

The purpose of this report is to provide information on the Australian Sister Cities Conference held at Darwin Entertainment Centre from 30 September to 3 October 2007 in Darwin.

The program is attached - very comprehensive with good guest speakers. Due to Darwin's geographic base there was a large contingent from Indonesia, East Timor Japan and Korea. The head of Anchorage Fire Dept (Sister City to Darwin) was present as was the Chair of Sister Cities New Zealand.

The official welcome by Clair Martin, Chief Minister, was interesting and discussion ensued regarding the amalgamation from 51 councils (some only having a population of 200) to 13. Councils in the Northern Territory do not do planning – that is a Territory role and a lot of the Councillors role is civic.

Much of the discussions after guest speakers centred on youth involvement and how the youth program is used as an opportunity for growth - a separate program was conducted at Darwin University for them.

I have presented a list of awards for Sister Cities to both Council and the Port Stephens Sister Cities. It is interesting to note that some of them utilise Google earth as link pages to their Sister Cities overseas. It has an opportunity for many presentations.

Frankston has a street sign in its Japanese garden - 9600 km to (Sister City) and have listed in various parts of city under town sign - “sister city to”.

I participated on a tour to an indigenous art gallery and a tour of Darwin. There were paintings hung in Darwin gallery from some of our local people.

The opportunity to network with other Local Government people in a less political environment than the Local Government Conference was a delight.

At the AGM it was decided to rename the organisation Sister Cities Australia in line with other countries.

The next conference will be held in Gosford 27-30 July, 2008 - I suspect to accommodate the NSW Local Government election. It would be a good opportunity for our youth delegates to participate - maybe we could have a competition, take captains from High Schools or have a ballot of interested people. I do think it a good opportunity to recognise the young citizens of Port Stephens by putting them in the ballot automatically.

I have requested the General Manager to follow up notification protocol and participation in the conference with the Port Stephens Sister Cities Committee.

Darwin appears to be very multicultural which was a great change for me to experience as we have largely an Anglo type of culture here. The Councillors of Darwin were gracious hosts and, in particular, Alderman Dorothy Fox.

ATTACHMENTS

1. Conference Program.

ATTACHMENT 1



The poster features a light blue background with a sunburst pattern. At the top left is the '50 Years 2007' logo. At the top right is the ASCA logo. The title '2007 ASCA Conference Program' is written in a large, elegant script. Below the title, the text 'Day 1- SUNDAY 30 SEPTEMBER 2007' is underlined. The program details are listed in three rows, each with a time slot, a description of the event, and the location. At the bottom, there is a blue dragonfly illustration and the phrase 'making The Connection' in a script font, with a grass-like border at the very bottom.

50 Years 2007

2007 ASCA Conference Program

Day 1- SUNDAY 30 SEPTEMBER 2007

12:00pm – 4:30pm	Conference Registration Early Registration and setup of promotional displays at Conference Centre	Darwin Entertainment Centre
	Free Time/Exhibition Setup Time	
5:30pm – 7:30pm	Welcome Cocktail Reception Welcome function hosted by the Chief Minister of the Northern Territory, The Honourable Clare Martin MLA	Parliament House
7:30pm – 9:00pm	Evening at Mindil Beach Sunset Markets "The Mindil Challenge"	

making The Connection





2007 ASCA Conference Program

Day 2 – MONDAY 1 OCTOBER 2007

8:15am	Conference Assembly	Darwin Entertainment Centre
8:30am – 9:00am	Master of Ceremonies Mr Charlie King Welcome to Larrakia Country Alderman Dorothy Fox Welcome Addresses The Honourable Mr Ted Egan AO, Administrator of the Northern Territory The Right Worshipful the Lord Mayor of Darwin Mr Kevin Hill, National President of the Australian Sister Cities Association	
9:00am – 9:15am	Speech by the Chief Minister of the Northern Territory The Honourable Clare Martin MLA <i>"The history of Darwin's Sister Cities and benefits achieved through Sister Cities."</i>	
9:15am – 9:45am	Official Welcome Ceremony	
9:45am – 10:15am	Keynote Address Speaker: TBA <i>"The importance of Sister Cities links for Timor-Leste as the world's newest nation."</i>	
10:15am-10:45am	Morning Tea Sponsored by Gosford City Council <i>(Partners and Youth breakaway to participate in other Conference Programs)</i>	Darwin Entertainment Centre
10:45am – 11:15am	Keynote Address Dr Keith Suter, Foreign Affairs Editor, "Sunrise" - Channel 7 and Member of the Club of Rome <i>"Global War and Peace: How Cities Can Work for Peace"</i>	
11:15am – 11:45am	Keynote Address Mr Abdullah Mbamba, Director of the United Nations Information Centre, Canberra <i>"The United Nations' role to combat the effects of climate change on the world's cities."</i>	
11:45am – 12:15pm	Question Time for Keynote Speakers Chair: Mr Charlie King Panel: Dr Keith Suter Mr Abdullah Mbamba	
12:15pm – 1:15pm	Lunch Sponsored by the NT Minister for Local Government	Darwin Entertainment Centre



making The Connection



The poster is for the 2007 ASCA Conference Program. It features a blue background with a dragonfly illustration at the bottom left. The top left corner has a '50 years 2007' logo. The top right corner has the ASCA logo. The title '2007 ASCA Conference Program' is written in a large, stylized font. Below the title, the text 'Day 2 - MONDAY 1 OCTOBER 2007 (continued)' is underlined. The program schedule is listed in a table-like format with time slots, activities, and locations. At the bottom, the phrase 'making The Connection' is written in a cursive font, with a dragonfly illustration to its left.

2007 ASCA Conference Program

Day 2 - MONDAY 1 OCTOBER 2007 (continued)

1:15pm - 1:25pm	2007 ASCA Awards Announcement Mrs Jan Teasdale, ASCA National Executive	
1:25pm - 1:45pm	ASCA International Guest Speaker TBA by ASCA National Executive (including speakers from NZ & USA)	
1:45pm - 2:00pm	Snapshots Presentations from selected ASCA 2007 Award Nominees Chair: Mr Charlie King	
2:00pm - 3:00pm	Concurrent Workshop Sessions <i>"Balancing domestic obligations and international commitments"</i> <ul style="list-style-type: none"> 2008/2013 ASCA Strategic Plan Presenter/Convenor: Mr Kevin Hill, President of ASCA National Executive Delegations or Junkets; getting the best spin from the media Presenter/Convenor: TBA Is the Environmental Issue Sustainable? Presenter/Convenor: Dr Keith Suter Opening doors to Asian Markets Presenter/Convenor: TBA 	
3:00pm - 3:30pm	Afternoon Tea	Holiday Inn Esplanade
3:30pm - 4:00pm	Panel Session and Workshop Review <i>"Balancing domestic obligations and international commitments"</i> Chair: Mr Charlie King Panel: Mr Kevin Hill Mr Keith Suter	
4:00pm - 5:00pm	Exhibition Hour/Happy Hour Sponsored by Chinatown, Darwin Theme: The Chinese Connection	Darwin Entertainment Centre
7:00pm - 11:00pm	Casual Dinner Theme: The Darwin Connection	Gardens Park Golf Links

making The Connection



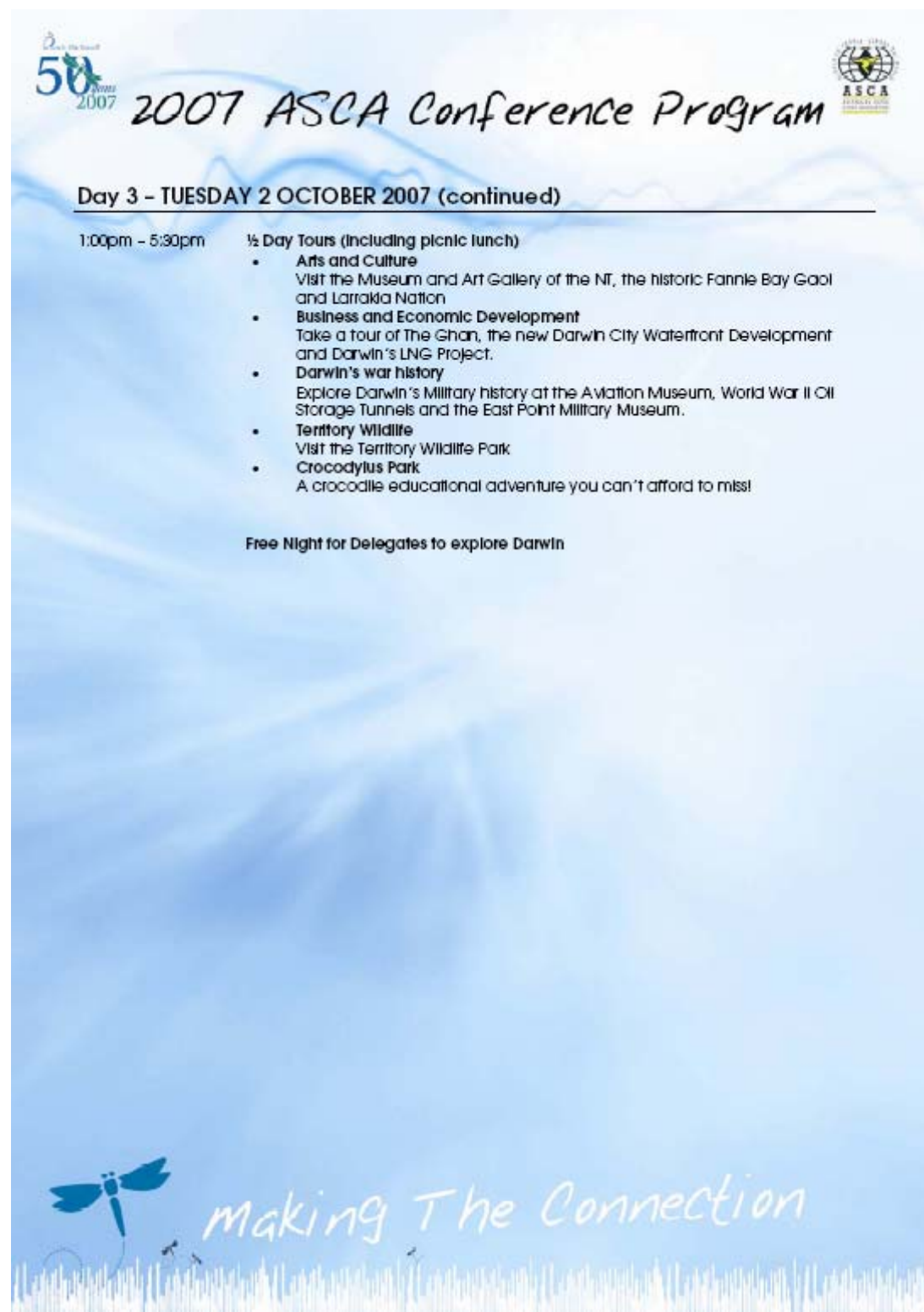

2007 ASCA Conference Program

Day 3 – TUESDAY 2 OCTOBER 2007



8:15am	Delegate Assembly	Darwin Entertainment Centre
8:30am – 9:00am	Address by the Federal Minister for Local Government, Territories and Roads The Honourable Jim Lloyd MP (TBC)	
9:00am – 9:30am	Keynote Address Ms Fiona O'Loughlin, Comedian, Working Mother and Social Commentator, Alice Springs <i>"Let's have some humour bring a little relief to a troubled world"</i>	
9:30am – 10:30am	Korea Local Government Centre (KLAFIR) Mr Ihnhiwan Chung Director General of Korea Local Government Centre <i>"Current status of Sister Cities relationships between Korea and Australia"</i> Mayor Jong-hae Jeong Mayor of Boseong County, South Korea <i>"Creating new Sister Cities ties with Australia"</i> Be entertained by Boseong's famous Pan Soil Traditional Singing.	
10:30am – 11:00am	Morning Tea Sponsored by the Korea Local Government Centre (KLAFIR)	Darwin Entertainment Centre
11:00am – 11:30am	Snapshots Presentations from selected ASCA 2007 Award Nominees Chair: Mr Charlie King	
11:30am – 12:30pm	Concurrent Workshop Sessions <i>"Balancing domestic obligations and international commitments"</i> <ul style="list-style-type: none"> • Sister Cities from a northern perspective Presenter/Convenor: Mr Craig Goodrich, Anchorage Fire Chief • Working better with sister cities links for a safer world Presenter/Convenor: TBA • The other side of the coin; cultural issues and Sister Cities relationships Presenter/Convenor: TBA 	
12:30pm – 1:00pm	Workshop Reviews/Feedback Balancing domestic obligations and international commitments Chair: Mr Charlie King Panel: Mr Craig Goodrich, Anchorage Fire Chief	



making The Connection



The poster features a background of a blue sky with white clouds. In the top left corner, there is a logo for '50 years 2007' with the tagline 'Reach the heart'. In the top right corner, there is a logo for 'ASCA' with the tagline 'ASIAN SOCIETY OF COUNSELLING AND AESTHETIC THERAPISTS'. The main title '2007 ASCA Conference Program' is written in a large, elegant script font. Below the title, the text 'Day 3 - TUESDAY 2 OCTOBER 2007 (continued)' is underlined. The program details are listed in two columns. The first column shows the time '1:00pm - 5:30pm'. The second column lists the activities under the heading '½ Day Tours (Including picnic lunch)'. The activities include 'Arts and Culture', 'Business and Economic Development', 'Darwin's war history', 'Territory Wildlife', and 'Crocodylus Park'. At the bottom of the poster, there is a logo of a dragonfly and the text 'making The Connection' in a script font, with a decorative grass-like border at the very bottom.


 *2007 ASCA Conference Program* 

Day 3 - TUESDAY 2 OCTOBER 2007 (continued)

1:00pm - 5:30pm ½ Day Tours (Including picnic lunch)

- **Arts and Culture**
Visit the Museum and Art Gallery of the NT, the historic Fannie Bay Gaol and Larrakia Nation
- **Business and Economic Development**
Take a tour of The Ghan, the new Darwin City Waterfront Development and Darwin's LNG Project.
- **Darwin's war history**
Explore Darwin's Military history at the Aviation Museum, World War II Oil Storage Tunnels and the East Point Military Museum.
- **Territory Wildlife**
Visit the Territory Wildlife Park
- **Crocodylus Park**
A crocodile educational adventure you can't afford to miss!

Free Night for Delegates to explore Darwin

 *making The Connection*



The poster features a light blue background with a stylized wave pattern. At the top left is a logo for '50 years 2007' with the text 'Back the beach'. At the top right is the ASCA logo, which includes a globe and the text 'ASCA AUSTRALIAN SUSTAINABLE COMMUNITY ASSOCIATION'. The title '2007 ASCA Conference Program' is written in a large, dark, handwritten-style font. Below the title, the text 'Day 4 - WEDNESDAY 3 OCTOBER 2007' is underlined. The program details are listed in a table-like format with time slots on the left and activities on the right. At the bottom left is a blue dragonfly illustration. At the bottom right, the text 'making The Connection' is written in a large, light blue, handwritten-style font, with a small graphic of a dragonfly and some grass-like lines below it.

Day 4 - WEDNESDAY 3 OCTOBER 2007

8:15am	<p>Delegate Assembly Darwin Entertainment Centre</p> <p>Forum Emcee Mr Allan McGill, Chief Executive Officer, Darwin City Council</p>
8:30am - 9:00am	<p>Address by the Northern Territory Minister for Local Government The Honourable Elliot McAdam MLA</p> <p>Japan Local Government Centre (CLAIR) Forum <i>"Utilising Local Resources for Sustainable Tourism: Connect, Develop and Invigorate"</i></p> <p>Forum themes:</p> <ul style="list-style-type: none"> • How tourism can be utilised to promote sustainable community building and development at the local level. • How international communication and connections at the local level such as sister-city relationships can be enhanced and strengthened by Australia-Japan tourism and business promotion to bring about mutual benefits to local communities and economies.
9:00am - 9:30pm	<p>Opening Addresses Consul General of Japan, Sydney Alderman Kerry Mair, President NT Local Government Association, Darwin</p>
9:30am - 10:30am	<p>CLAIR Forum Presentations Mayor Sato Ryuichi, Mayor of Niseko, Japan <i>"Towards an all season tourism destination: Niseko's Challenge"</i></p> <p>Mr Ross Findlay, Managing Director, Niseko Adventure Centre, Japan <i>"Niseko: An Emerging international Destination"</i></p>
10:30am - 11:00am	<p>Morning Tea Sponsored by CLAIR</p>
11:00am - 12:30pm	<p>CLAIR Forum Presentations Mr Garry Smith, Managing Director, Tourism Leisure Corporation, Queensland</p> <p>Mr Richard Doyle, Director Asia/Japan Aviation & Cruise Tourism NT</p> <p>Mr Haruhiko Niihor, General Manager, Tourism Tropical North Queensland, Japan/Guam</p> <p><i>"Marketing Activities & Strategies for Cairns and Great Barrier Reef conducted in the Japan Market"</i></p>
12:30pm - 1:30pm	<p>Lunch Sponsored by Japan Local Government Centre (CLAIR)</p>

making The Connection



The poster features a light blue background with a sunburst pattern. At the top left is a '50 Years 2007' logo. At the top right is the ASCA logo. The title '2007 ASCA Conference Program' is written in a large, stylized font. Below the title, the text 'Day 4 - WEDNESDAY 3 OCTOBER 2007 (continued)' is underlined. A list of events follows, with times on the left and descriptions on the right. The final event, '25th Anniversary Awards Gala Dinner', is followed by the location 'Holiday Inn Esplanade Ballroom' in red text. At the bottom, there is a dragonfly illustration and the phrase 'making The Connection' in a script font, with a grass-like border at the very bottom.

50 Years 2007

2007 ASCA Conference Program

Day 4 - WEDNESDAY 3 OCTOBER 2007 (continued)

1:30pm - 2:00pm	Presentation by Youth Delegates Convenor: Mr Mark Smith, Darwin City Council Youth Services Officer
2:00pm - 2:15pm	2008 ASCA Conference Presentation Chair: Mr Kevin Hill, National President of the Australian Sister Cities Association Presentation: Gosford City Council
2:15pm - 2:45pm	ASCA Forum and Feedback Session Chair: Mr Kevin Hill, National President of the Australian Sister Cities Association
2:45pm - 3:30pm	ASCA Annual General Meeting and Election of Office Bearers Presentation of ASCA Strategic Plan Chair: Mr Kevin Hill, National President of Australian Sister Cities Association
3:30pm - 6:30pm	Happy Hour/Informal Networking Opportunity
7:00pm - 11:00pm	25th Anniversary Awards Gala Dinner Holiday Inn Esplanade Ballroom

making The Connection

INFORMATION ITEM NO. 3

CASH AND INVESTMENTS HELD AT 30 SEPTEMBER 2007

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

BACKGROUND

The purpose of this report is to present Council's schedule of Cash and Investments Held at 30 September 2007.

ATTACHMENTS

- 1) **Cash and Investments Held at 30 September 2007.**
- 2) **Monthly Cash and Investments Balance October 2006 – September 2007**

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007

CASH & INVESTMENTS HELD - AS AT 30 SEPTEMBER 2007							
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	17-Sep-07	17-Dec-07	91	500,000.00	8.62%	1.60%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Sep-07	21-Dec-07	92	1,000,000.00	8.35%	3.20%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	23-May-07	22-Nov-07	183	412,500.00	6.47%	1.32%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Sep-07	21-Dec-07	92	450,000.00	8.35%	1.44%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	24-Sep-07	27-Dec-07	94	1,000,000.00	8.27%	3.20%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	20-Sep-07	21-Dec-07	92	1,000,000.00	7.95%	3.20%
HOME BUILDING SOCIETY	Floating Rate Sub Debt	26-Jul-07	26-Oct-07	92	500,000.00	7.39%	1.60%
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note	18-Jul-07	18-Oct-07	92	500,000.00	8.25%	1.60%
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	20-Sep-07	21-Dec-07	92	1,000,000.00	7.85%	3.20%
GRANGE SECURITIES "COOLANGATTA AA"	Floating Rate CDO	20-Sep-07	21-Dec-07	92	1,000,000.00	8.15%	3.20%
ANZ YIELD CURVE NOTE	Yield Curve Note	17-Jul-07	17-Oct-07	92	500,000.00	8.25%	1.60%
MACQUARIE CASH MANAGEMENT TRUST	Cash Management	20-Jul-07			25,505.03	5.58%	0.08%
TOTAL GRANGE SECURITIES					\$7,888,005.03		25.23%
ABN AMRO MORGANS							
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Sep-07	20-Dec-07	92	2,000,000.00	8.25%	6.40%
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	21-Mar-07	21-Mar-08	366	1,000,000.00	7.00%	3.20%
TOTAL ABN AMRO MORGANS					\$3,000,000.00		9.59%
ANZ INVESTMENTS							
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	6-Jul-07	8-Oct-07	94	500,000.00	7.61%	1.60%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Sep-07	20-Dec-07	92	1,000,000.00	8.35%	3.20%
MOTIF FINANCE (IRELAND) PLC	Floating Rate CDO	31-Aug-07	30-Nov-07	91	500,000.00	8.09%	1.60%
TOTAL ANZ INVESTMENTS					\$2,000,000.00		6.40%
RIM SECURITIES							
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	30-Jul-07	29-Oct-07	91	500,000.00	8.10%	1.60%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	9-Jul-07	11-Oct-07	94	2,000,000.00	8.41%	6.40%
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	5-Jul-07	5-Oct-07	92	1,000,000.00	7.10%	3.20%
TOTAL RIM SECURITIES					\$3,500,000.00		11.19%
WESTPAC INVESTMENT BANK							
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	27-Jul-07	29-Oct-07	94	500,000.00	7.55%	1.60%
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt	21-Aug-07	21-Nov-07	92	500,000.00	7.91%	1.60%
TOTAL WESTPAC INV. BANK					\$1,000,000.00		3.20%

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007

LONGREACH CAPITAL MARKETS							
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	7-Sep-07	7-Mar-08	184	500,000.00	6.66%	1.60%
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	6-Sep-07	6-Mar-08	184	500,000.00	6.00%	1.60%
TOTAL LONGREACH CAPITAL					\$1,000,000.00		3.20%
FUND MANAGERS							
						RATE OF RETURN - MTH	
MERRILL LYNCH INVESTMENT MANAGERS					116,737.28	6.75%	0.37%
PERPETUAL INVESTMENTS					150,102.08	6.01%	0.48%
ADELAIDE MANAGED FUNDS					250,000.00	6.90%	0.80%
TOTAL FUND MANAGERS					\$516,839.36		1.65%
COMMONWEALTH BANK							
PRINCIPAL PROTECTED YIELD ACCRUAL NOTE	Yield Curve Note	6-Aug-07	05-Nov-07	91	500,000.00	9.25%	1.60%
PRINCIPAL PROTECTED YIELD ENHANCED ACCRUAL NOTE "COMMENTS AA"	Yield Curve Note	31-Jan-07	31-Oct-07	273	500,000.00	7.15%	1.60%
CALLABLE CPI LINKED NOTE	Yield Curve Note	4-Jul-07	04-Oct-07	92	500,000.00	9.00%	1.60%
EQUITY LINKED DEPOSIT	Equity Linked Note	3-Aug-07	05-Aug-08	368	500,000.00	8.25%	1.60%
EQUITY LINKED DEPOSIT GI100	Equity Linked Note	20-Sep-07	20-Dec-07	91	500,000.00	15.00%	1.60%
TOTAL COMMONWEALTH BANK					\$2,500,000.00		8.00%
FIG SECURITIES							
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	Principal Protected Note	21-Sep-07	21-Dec-07	92	1,000,000.00	7.00%	3.20%
POLICE AND NURSES CREDIT UNION	Term Deposit	12-Sep-07	12-Nov-07	61	1,000,000.00	7.35%	3.20%
STATE GOVERNMENT EMPLOYEES CREDIT UNION	Term Deposit	12-Sep-07	11-Dec-07	90	1,000,000.00	7.38%	3.20%
TOTAL FIG SECURITIES					\$3,000,000.00		9.59%
MAITLAND MUTUAL							
	Floating Rate Sub Debt	16-Jul-07	15-Oct-07	91	500,000.00	7.53%	1.60%
	Term Deposit	31-Aug-07	29-Nov-07	90	1,331,808.76	7.19%	4.26%
	Floating Rate Sub Debt	11-Sep-07	12-Dec-07	92	500,000.00	8.08%	1.60%
TOTAL M'LAND MUTUAL					\$2,331,808.76		7.46%
TOTAL INVESTMENTS					\$26,736,653.15		85.51%
CASH AT BANK					\$4,530,888.86	6.45%	14.49%

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.

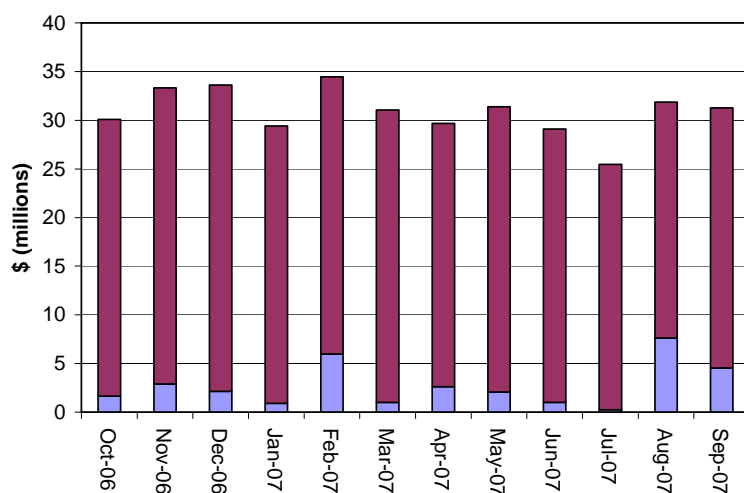
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Oct-06	1.644	28.442	30.086
Nov-06	2.879	30.448	33.327
Dec-06	2.135	31.493	33.628
Jan-07	0.906	28.501	29.408
Feb-07	5.956	28.502	34.458
Mar-07	1.012	30.045	31.058
Apr-07	2.607	27.057	29.664
May-07	2.081	29.308	31.389
Jun-07	1.001	28.103	29.104
Jul-07	0.230	25.237	25.467
Aug-07	7.612	24.236	31.848
Sep-07	4.531	26.737	31.268

Cash and Invested Funds for the Period ended 30/9/2007



GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1**FILE NO: 1190-001****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 Mayoral and Ward Funds to the following:-
 - a) Port Stephens RAAF Williamtown Support Group – Contribution towards Citizen of the Year Awards - \$500 (Mayoral Fund)
 - b) Hunter River High School – Donation of prize to annual Student Awards 2006/07 - \$300 (West Ward Funds)
 - c) Grahamstown Congregations – Contribution towards Council fees for Development Application - \$1,000 (West Ward Funds)
-

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

347	Councillor Hodges Councillor Westbury	It was resolved that the recommendation be adopted.
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BACKGROUND

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

The Council regularly receives requests for financial assistance from community groups and individuals. However, Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act. This would mean that the financial assistance would need to be included in the Management Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

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

The requests for financial assistance are shown below:-

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007

MAYORAL DONATION

Port Stephens RAAF Williamstown Support Group	Contribution towards Citizen of the Year Awards	\$500
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WEST WARD

Hunter River High School	Donation of prize to annual Student Awards 2006/07	\$300
Grahamstown Congregations	Contribution towards Council fees for Development Application	\$1,000

CENTRAL WARD - NIL

EAST WARD - NIL

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

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.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

OPTIONS

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

ATTACHMENTS

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 2**FILE NO: PSC2006-1627****DEVELOPMENT CONTROL PLAN 2007 – POLICIES RELATING TO SINGLE STOREY DWELLINGS****REPORT OF: DAVID BROYD – GROUP MANAGER SUSTAINABLE PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Continues to accept applications to vary the design controls for single storey dwellings that are contained in Port Stephens Development Control Plan 2007 for merit assessment and potential acceptance until 28 February 2008.

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

348	Councillor Hodges Councillor Westbury	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to make recommendations to Council to extend the period of transition for the full implementation of the Port Stephens Development Control Plan 2007 – particularly with regard to single dwellings – to 28 February 2008.

On 28 August 2007 Council resolved as follows

- 1) Accept applications to vary the design controls for single storey dwellings that are contained in Port Stephens Development Control Plan 2007 for merit assessment and potential acceptance until 30 November 2007.
- 2) Enable merit assessment of such variations to be determined under delegation based upon the merit assessment and application addressing:
 - (a) That contracts and/or plans were committed by 31 May 2007 and that this is verified in a letter from the owner of the subject property;
 - (b) The Development Application is lodged on or before 30 November 2007;
 - (c) Variation to the design controls would be compatible with existing streetscape and some of the principles contained in the Port Stephens DCP 2007 and/or
 - (d) Amendments to submitted designs would have adverse consequences for other reasons, e.g. fulfilling BASIX, reducing private open space and other like reasons.

MINUTES OF ORDINARY MEETING – 27 NOVEMBER 2007

- 3) Note that the Group Manager - Sustainable Planning will consult further with the Housing Industry Association, Master Builders' Association and other representative organisations;
- 4) Note that a further report will be submitted to Council in November 2007.

On 16 October 2007 a very productive workshop was held that involved Councillors, relevant Council management and professional staff, representatives of the Housing Industry of Australia – NSW Division, and some of the building companies and architects from whom Council mainly receives Development Applications.

As a consequence of that meeting, an extensive review has been undertaken of the chapter in the Port Stephens Development Control Plan 2007 relating to single dwellings and a revised draft chapter was dispatched to the smaller focus group that was convened through self nomination on 16 October 2007. This focus group is meeting with relevant Council management and staff on 10 December 2007 to workshop the draft contents and a report recommending a revised set of provisions on single dwellings in the Port Stephens Development Control Plan 2007 will be submitted to Council for the February Operations Committee and Ordinary Council Meetings.

Essentially, the revised draft provisions are seeking to strike the right balance between the following factors:

- (a) fulfilling objectives to upgrade design quality of single dwellings and streetscapes in Port Stephens;
- (b) the honouring and acceptance of plans and contracts for single dwellings that have been established and which legitimately will carry through for an extended period beyond the initial Port Stephens Development Control Plan 2007 (31 May 2007); and
- (c) a pragmatic and realistic response to the 'realities' of the residential housing market and housing affordability.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY –	<i>Council will preserve and strengthen the fabric of the community, building on community strengths.</i>
CULTURAL SUSTAINABILITY –	<i>Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.</i>
ECONOMIC SUSTAINABILITY –	<i>Council will support the economic sustainability of its communities while not compromising its environmental and social well being.</i>
ENVIRONMENTAL SUSTAINABILITY –	<i>Council will protect and enhance the environment while considering the social and economic ramifications of decisions.</i>
BUSINESS EXCELLENCE –	<i>Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey</i>

FINANCIAL/RESOURCE IMPLICATIONS

There is a certain amount of 'rework' involved in this process in terms of the revisiting of issues that should have been addressed ideally during the original Port Stephens Development Control Plan 2007 in draft form in early 2007. However, it is acknowledged that the impacts and implications of such issues do not necessarily become fully apparent until implementation occurs.

LEGAL AND POLICY IMPLICATIONS

This recommendation seeks to retain the legal integrity and satisfy the planning and designing standard of Council's recently adopted Development Control Plan 2007 and is limited to single storey dwellings only.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

There are no social implications/impacts anticipated.

ECONOMIC IMPLICATIONS

Representations received from owners and building industry indicate that additional financial impacts are being experienced in a cost-sensitive section of the construction market for single storey dwellings.

ENVIRONMENTAL IMPLICATIONS

Enabling a transition of nine months of the initiation of the Port Stephens Development Control Plan 2007 may result in some adverse visual/streetscape impacts, but this is considered to be a relatively low risk outcome compared to getting a more satisfactory set of provisions established.

CONSULTATION

Consultation has involved discussions with some of the building companies which operate strongly in the Port Stephens area; in-house reviews involving representatives from the Development and Building and Integrated Planning sections and, most importantly, the workshop of Councillors, Council management and professional staff, representatives of the Housing Industry of Australia, representatives of the building industry, and architectural professionals that was held on 16 October 2007.

OPTIONS

- 1) Adopt the recommendation.
- 2) Not accept the recommendation and revert to the provisions of the original Port Stephens Development Control Plan 2007 as of the commencement date of 31 May 2007.
- 3) Amend the applications in terms of how such applications may be submitted and assessed and/or adjust the dates for such variations to be assessed.

ATTACHMENTS

- 1) Report to Council and Resolution of the Ordinary Meeting of Council of 28 August 2007 on 'Development Control Plan 2007 Proposed Savings Provision Policy Relating To Single Storey Dwellings Only'.
- 2) Draft Revised Chapter on Single Storey Dwellings in Port Stephens Development Control Plan 2007.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

ITEM NO. 7

FILE NO: PSC2006-1627

**DEVELOPMENT CONTROL PLAN 2007 – PROPOSED SAVINGS PROVISION
POLICY RELATING TO SINGLE STOREY DWELLINGS ONLY**

REPORT OF: DAVID BROYD - GROUP MANAGER, SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Accept applications to vary the design controls for single storey dwellings that are contained in Port Stephens Development Control Plan 2007 for merit assessment and potential acceptance until 30 November 2007.
- 2) Enable merit assessment of such variations to be determined under delegation based upon the merit assessment and application addressing:
 - (a) That contracts and/or plans were committed by 31 May 2007 and that this is verified in a letter from the owner of the subject property;
 - (b) The Development Application is lodged on or before 30 November 2007;
 - (c) Variation to the design controls would be compatible with existing streetscape and some of the principles contained in the Port Stephens DCP 2007 and/or
 - (d) Amendments to submitted designs would have adverse consequences for other reasons, e.g. fulfilling BASIX, reducing private open space and other like reasons.
- 3) Note that the Group Manager – Sustainable Planning will consult further with the Housing Industry Association, Master Builders' Association and other representative organisations;
- 4) Note that a further report will be submitted to Council in November 2008.

BACKGROUND

The purpose of this report is to make recommendations to Council to clarify the transition to full implementation of the Port Stephens DCP 2007.

Port Stephens DCP 2007 was adopted by Council on 22 May 2007 and became effective on 31 May 2007 when the adoption was made public. A number of strong representations have been received from individual property owners having applications to develop single dwellings, builders and building companies that the design controls on single dwellings negate some existing commitments to plans and contracts. Hence there needs to be clarification to manage the transition of implementation of Port Stephens DCP 2007 in these terms. These representations include a letter that has been sent to all Councillors from a major house building company in the Lower Hunter.

LINKS TO CORPORATE PLANS

G5 – Provide for an increase in diversified, affordable and sustainable housing stock across the Local Government Area.

G17 – Strategy & Planning – Plan for sustainability and allow for balanced growth for our community

G21 – Innovation, Quality & Improvement – Council will facilitate improvement in every aspect of its operations.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

The recommendation seeks to retain the legal integrity and satisfy the planning and design intent of Council's recently adopted DCP 2007 and is limited to single storey dwellings only.

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
- 6) Continual improvement and innovation depend on continual learning
- 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 social implications are in terms of ensuring fairness to applicants for single dwellings and building companies that may have invested substantially in committing to plans and contracts to build but the applications are incompatible with Port Stephens DCP 2007 controls. Hence, Council needs to ensure fairness and credibility in managing the transition to implementing these controls.

ECONOMIC IMPLICATIONS

Single storey dwellings typically represent the entry point into the housing market for many people and representations received from owners and building industry representatives indicate that recommencement of or substantially amending plans would have significant cost implications for property owners.

ENVIRONMENTAL IMPLICATIONS

Enabling a transition of six months from initiation of the DCP may result in some visual /streetscape impacts that are less desirable, but this is considered to be a relatively low risk outcome.

CONSULTATION

Consultation has involved in-house reviews involving representatives from Development & Building and Community Planning in addition to conversations with customers and stakeholders representing owners and the building industry.

OPTIONS

- 1) Adopt the recommendation
- 2) Not accept the recommendation and apply the 31 May 2007 commencement date with strong compliance with Council's Port Stephens DCP 2007.
- 3) Amend the recommendation in terms of how such applications for variation may be submitted and assessed.

ATTACHMENTS

- 1) Chapter B6 of the Port Stephens DCP 2007

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 2

CHAPTER B6 OF THE PORT STEPHENS DCP 2007

Port Stephens Development Control Plan 2007

B6

Single and Dual Occupancy Dwellings

B6.1 Where this part applies

This part applies to residential development proposals for single detached dwellings and dual occupancy dwellings.

Residential flat buildings or the residential component of mixed-use buildings should comply with the provisions of the Residential Flat Design Code and State Environmental Planning Policy for Residential Flat Buildings (SEPP 65).

B6.2 Site Analysis

A design and site layout for a new dwelling should be based on careful analysis of the site conditions and the relationship of the site to the street, to open space and to surrounding development.

DEVELOPMENT CONTROLS

- B6.C1 An application for a single dwelling must include a Site Analysis **plan** clearly showing the proposed development, the street and adjacent buildings.
- B6.C2 An application for dual occupancy dwellings must include a Site Analysis **plan** and a **street elevation** that clearly show the proposed development and its neighbouring buildings.
- B6.C3 The Site Analysis must comply with the format and content requirements as set out in Council's *Application Guide*.
- B6.C4 A development application must clearly state how the design of the proposed development has responded to the Site Analysis.

Note: Examples of acceptable Site Analysis plans and presentation are provided in the Application Guide

B6.3 Streetscape & Front Setback

Streetscape describes the collective appearance of the street (including trees, footpaths and roadway) and the frontage of all buildings facing the street (including gardens and fences). The streetscape gives a neighbourhood its character. It facilitates interaction between residents and the street and adds visual interest. Open verandas, porches and decks should be provided within the front setback area.

Low fences, visible front doors and front verandas or porches are all encouraged to support interaction between residents and the street, natural surveillance and development of visual character.



Figure B6.1 Corner dwelling with return veranda and transparent fencing that overlooks both streets

PRINCIPLES

- B6.P1 Development should be of scale and appearance that reinforces the existing or the desired future character of an area.
- B6.P2 Development should be sympathetic to the existing context particularly where the development site has heritage significance or where development would have a visual impact on a heritage item or heritage conservation area.
- B6.P3 A dwelling should face the street and a corner dwelling should overlook both streets.
- B6.P4 Front setbacks should reinforce the local street pattern and include an open veranda, porch or deck where practicable.
- B6.P5 Development should provide easy and legible pedestrian access to the front entry of each dwelling.
- B6.P6 The design and location of garages, carports and driveway pavement should not be visually intrusive in the streetscape.
- B6.P7 Development should provide sufficient space for casual parking between the front boundary and the garage or carport to maintain good pedestrian access along the street.
- B6.P8 Dwellings adjacent to a public park, reserve or street should be designed to maximise natural surveillance.

Effective: 31st May 2007

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Port Stephens Development Control Plan 2007

B6 Single and Dual Occupancy Dwellings

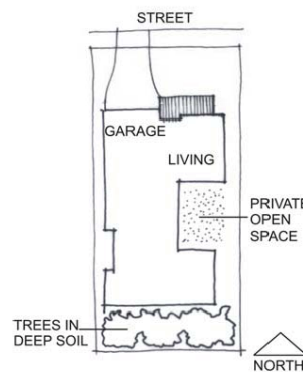
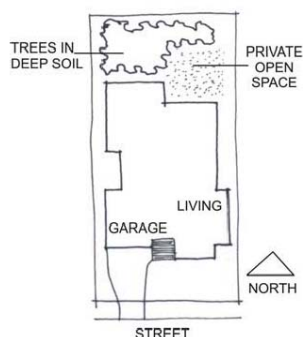
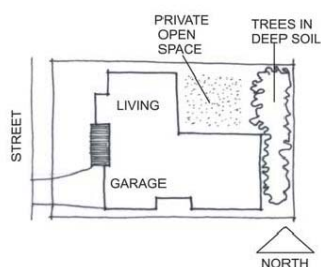


Figure B6.2 Site layout options for a single storey dwelling

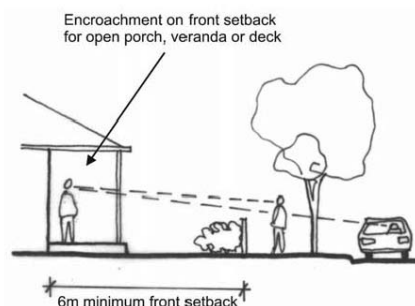


Figure B6.3 Dwelling design with front porch that allows surveillance to and from the street

- B6.P9 Building, fencing and landscape design should allow mutual and natural surveillance of the street, front yards, and front windows and doors as shown in Figure B6.3.
- B6.P10 Development on a lot with a slope from front to back should be split-level to avoid retaining walls on the street boundary.
- B6.P11 Fence design should include clearly visible gates and entry points, and include articulated elements, recesses or detail panels to break-up otherwise blank sections.
- B6.P12 Front fences should be compatible with facilities in the street frontage area such as mailboxes and garbage collection areas and allow easy access to public utility installations such as electricity and water meters.

DEVELOPMENT CONTROLS

- B6.C5 Residential development must face the street and clearly distinguish public front and private open space in accordance with Figure B6.2.
- B6.C6 On residential zoned land any external wall of a dwelling must be setback a minimum of 6m from the front property boundary. Council **may** approve encroachments in the front setback area up to 1.5m if the encroachment:
 - Occupies no more than 50% of the building frontage; and
 - Includes a deck, porch or veranda that is directly accessible from a habitable room.

Note 1: Encroachments for internal floor space only are not permissible within the front setback area.

Note 2: Where the established front setback pattern of dwellings in the street is less than 6m a reduced setback may be acceptable if it complies with Figure B6.3.

Effective: 31st May 2007

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*Port Stephens Development Control Plan 2007***B6****Single and Dual Occupancy Dwellings**

Note 3: Carports, sheds and pergolas are not permissible within the front setback area.

Note 4: Council may consider a swimming pool within the front setback area if the structure is no more than 300mm above existing ground level and the development and pool fencing also complies with front fencing controls.

B6.C7 On residential zoned land a dwelling on a corner lot must be setback a minimum of 3m from the property boundary on the secondary street, except for an open veranda, porch or deck which must be setback a minimum of 2m.

B6.C8 On rural zoned land a dwelling must be setback a minimum of 18m from a main road boundary and 12m from the boundary of other roads.

B6.C9 Dual occupancy development on a corner lot must have no more than one dwelling and no more than one garage facing each street frontage.

B6.C10 The facade of dual occupancy development must be asymmetrical and differentiated by appropriate variation of design detail, materials and/or colour.

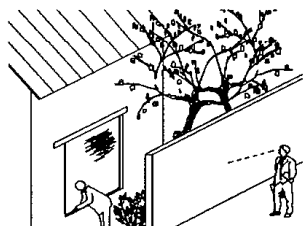


Figure B6.4 Unacceptable high and solid fences on the street

B6.C11 The design of the dwelling and fencing must facilitate casual surveillance of the street and front yard as shown in Figure B6.4. A dwelling adjacent to a public park, reserve or lane must have at least one window of a habitable room facing that public space.

B6.C12 The front door to a dwelling must be sheltered by a portico, awning, veranda or porch roof which is located forward of the garage, carport and any designated carparking space. On sloping sites with a slit level building Council **may** approve a side entry if the portico, awning, veranda or porch is clearly visible from the street.

B6.C13 A dwelling on a corner lot must have at least one window of a habitable room facing the side boundary street.

B6.C14 A two-storey dwelling must include an open veranda, balcony or deck area on the ground or upper level that is at least 1.5m deep and that extends across at least 25% of the dwelling frontage.



Masonry walled fence



Timber picket fence



Combination of railings and masonry

Figure B6.5 Fencing styles that provide character and visibility

B6.C15 Garages and carports must not be located within the front setback area. Council **may** approve a carport for existing detached dwellings if that dwelling has no off street parking and no access to the rear of the lot.

B6.C16 Development must provide a fence to the street boundary or boundaries. Front fencing must not exceed 1m in height if it is of solid appearance or 1.5m if the overall fence design is at least 50% transparent. Front fencing for a dwelling that fronts a road or street carrying at least 3000 vehicles per day, must be no more than 1.5m in height if it is of solid appearance and articulated to provide visual relief and planting spaces on the street boundary.

Note 1: Where a retaining wall is required on the front boundary Council may approve landscape planting above the retaining wall if that planting clearly defines the property boundary.

Note 2: In coastal settlements only Council may approve landscape planting or hedges along the front boundary where planting provides a clear definition of the front yard and the planting reinforces the existing street character.

B6.C17 On corner lots, fencing along the side street boundary from the corner to the **rear** building alignment must be of the same design, height and materials as the front fencing. The remaining side street boundary fence must not exceed 1.5m in height and include openings that make it at least 20% transparent.

Effective: 31st May 2007

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Port Stephens Development Control Plan 2007

B6

Single and Dual Occupancy Dwellings

B6.C18 For dual occupancy development, a fence must be provided on the common property boundary in the front private open space area separating both dwellings to distinguish separate dwellings and property.

Note: This fence on the common property boundary must comply with all other controls for front fencing.

B6.C19 Solid sheet steel fencing must not be used on any street boundary.

B6.C20 "Front to back" dual occupancy development without direct street frontage for both dwellings must provide access to both dwellings via the same driveway crossing at the street and a shared right of carriageway as shown in Figure B6.7.

B6.C21 The total width of garage doors and carports facing the street must not exceed 6m or 50%, whichever is less, of the total width of the dwelling(s).

Note: Development of 'side by side' dual occupancy dwellings with one double garage and one single garage would require a minimum site frontage of approximately 20m. Sites with smaller frontages would be limited to 2 single garages.

B6.C22 Driveway crossings within the public road reserve must be no more than 4m in width. Council may approve wider crossings only where safe vehicle manoeuvring could not be otherwise achieved.

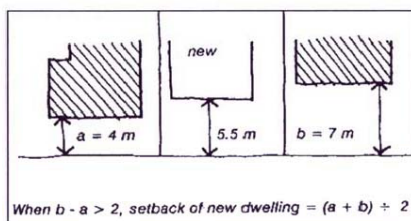


Figure B6.6 Front setback to fit existing street pattern

B6.C23 All garage doors must be setback:

- A minimum of 1.5m behind the adjacent alignment of the building frontage; or
- A minimum of 2.5m from the front alignment of deck or balcony overhanging the garage.

B6.C24 The visual impact of double garage doors must be reduced using plain panels and non-reflective light to mid-tone colours.

B6.C25 For dual occupancy, development must be separated by at least one habitable room and its window(s).

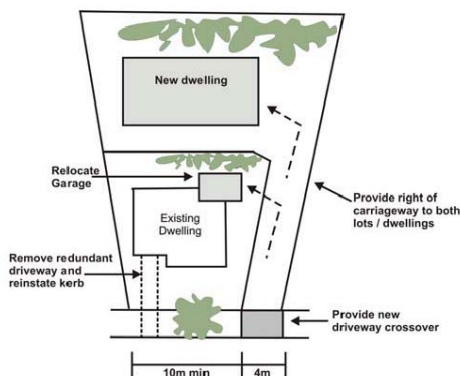


Figure B6.7 Access requirements for dual occupancy dwellings without direct street frontage

B6.C26 The visual impact of driveway pavement must be minimised using a combination of neutral paving materials, banding and detail elements, and landscape planting. Excessively dark or bright coloured pavement is not acceptable.

B6.C27 Driveway pavement within the road reserve must be standard broom finished concrete unless otherwise specified by Council.

B6.C28 Dual occupancy development must provide on the street boundary or boundaries any footpath or cycleway identified on Council's Footpath and Cycleway Plan.

Effective: 31st May 2007

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Port Stephens Development Control Plan 2007

B6 Single and Dual Occupancy Dwellings

B6.4 Heritage

Heritage conservation is more than preservation or restoration of old buildings. It involves careful guidance and design to enable the re-use of heritage buildings without loss of heritage values or significance. Inappropriate alterations, substitution or removal of materials and details, enclosing verandas, unsympathetic colour schemes, poorly designed carports, garages and fences are major contributors to the deterioration of architectural heritage.

Heritage places rarely exist in isolation, whether they are a single item such as a tree, monument or building, or a large precinct such as a town centre or village. The setting for the heritage item includes all elements contributing to its heritage significance and is known as the heritage curtilage.

Unsympathetic development adjacent to a heritage item can have an adverse impact on its significance.

PRINCIPLES

- B6.P13 Development should retain and conserve non-indigenous and indigenous items, sites and places of cultural and heritage significance
- B6.P14 Development should conserve archaeological sites and places of Aboriginal cultural significance.
- B6.P15 Development should ensure preservation of the distinctive character of an area that is identified for heritage conservation or is valued by the community.
- B6.P16 Development should protect views to and from the heritage item or potential heritage item.
- B6.P17 Infill developments adjacent to heritage items, within a heritage conservation area, or visible from a heritage item should be sympathetic to the item in both scale and design.
- B6.P18 Building design should reflect the scale and form of dominant design features that contribute to the historic character of a streetscape.
- B6.P19 Development should retain existing remnants of heritage tree or avenue planting and provide additional planting in keeping with the site character.

DEVELOPMENT CONTROLS

B6.C29 For sites listed as a heritage item under Port Stephens LEP 2000, a comprehensive statement of heritage impact prepared by a suitably qualified person must be provided with the development application.

B6.C30 Development within the curtilage of a heritage item or within a heritage conservation area must be designed to retain and complement the heritage initiatives by using compatible building styles, colours and materials.

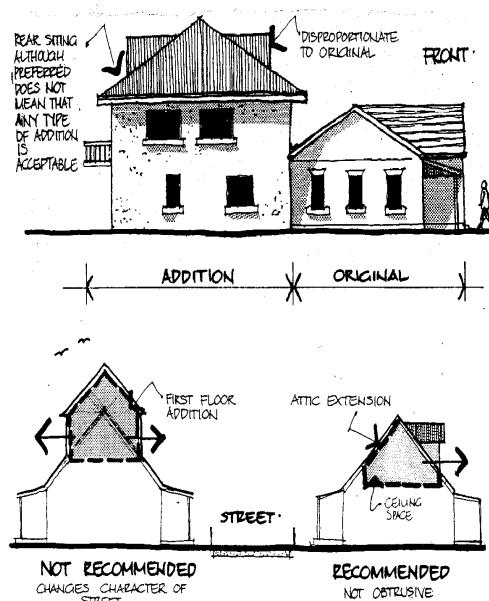


Figure B6.8 Additions to heritage buildings

B6.C31 Development adjacent to a contributory heritage building must reflect characteristic elements, materials and forms including; gabled and hipped roof forms, chimneys, vertically proportioned windows, wall claddings and single and double height verandas.

B6.C32 Development visible from a heritage item or in the Heritage Conservation Area must retain and enhance the streetscape elements that contribute to heritage character.

Effective: 31st May 2007

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Port Stephens Development Control Plan 2007

B6

Single and Dual Occupancy Dwellings

B6.C33 Development must retain heritage tree or avenue planting and provide additional planting in keeping with traditional plantings.

B6.C34 For development on a site containing heritage listed trees an Arborist's Report prepared by a suitably qualified Consulting Arborist must be provided that includes:

- Height, spread and species of existing trees and vegetation, nominating those to be removed and those to be retained;
- Proposed method of protection of trees to be retained on site during construction;
- Proposed earthworks including mounding and retaining walls;
- Building design requirements to retain and incorporate the heritage tree(s) into the development;
- Location, numbers, stock size and species of trees and vegetation to be introduced; and
- Details of necessary drainage and irrigation.

Unacceptable outcome - overshadowing of neighbours while first floor balcony and window location impact on neighbours privacy



Acceptable solution - pitched roof avoids overlooking, retains bungalow street character and minimises overshadowing of neighbours



B6.5 Bulk and Scale

The Port Stephens LEP 2000 includes development standards for permissible height and floor space ratio (FSR) and minimum lot sizes in the 2(a) Residential and 2(c) Residential zones.

This DCP includes controls for front, side and rear setbacks which determine the maximum building footprint. The controls for maximum site coverage limit the total extent of the building footprint and all hardstand paving.

PRINCIPLES

B6.P20 The bulk and scale of a dwelling should be sympathetic to the local street context.

B6.P21 The bulk, scale and location of a new dwelling should minimise the impact on the amenity of adjacent dwellings and land.

B6.P22 The building form and site layout should allow trees to be retained and adequate opportunity for landscape planting in deep soil.

B6.P23 Batter slopes, rather than retaining walls, should be used to create front and rear yard areas.



Figure B6.9 Bulk and Scale in the Streetscape

DEVELOPMENT CONTROLS

B6.C35 Development must comply with the standards for minimum lot size, and maximum permissible floor space ratio specified in Port Stephens LEP 2000 and as reproduced in Figure B6.10 *Development Standards*.

Note: An application for sub-division of a dual occupancy development will only be considered if each dwelling is located on a regular shaped lot that complies with the standards for minimum site area, and if each dwelling individually complies with the standard for maximum floor space ratio.

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Single and Dual Occupancy Dwellings

Note: Where a site contains localised outcrops, hillocks or depressions, council may, at any point, approve greater variation to natural ground level.

B6.C36 In the 2(a) zone site coverage for residential development (including pervious or impervious paving areas) must not exceed 60%.

Note: See also requirements for minimum landscape area.

B6.C37 In the 2(c) zone the site coverage for residential development (including pervious or impervious paving areas) must not exceed 75%.

Note: For the purposes of site coverage calculations a minimum area of 15m² of impervious pavement will be assumed for any ground level principal private open space area.

B6.6 Cut and Fill

PRINCIPLES

B6.P24 The footprint and design of a new dwelling should relate to land form, and require minimal cut and fill.

DEVELOPMENT CONTROLS

B6.C38 A single slab on ground construction must not be used where the building footprint occupies a contiguous area with a natural grade greater than 1:10.

Note: For slopes greater than 1:10, a split-level slab on ground, or pier footings with lightweight flooring are acceptable alternatives.

B6.C39 Earthworks for cut or fill must not alter natural ground level by more than 1m at any point.

Note: Council may approve cut or fill in excess of 1m for localised knolls or depressions that are wholly contained within the site.

B6.C40 A batter slope must not exceed a gradient of 1:4.

B6.C41 The height of any retaining wall must not exceed 1.5m.

B6.C42 Retaining walls must be separated by a minimum distance of 2m in any direction.

B6.C43 Within 2m of the site boundary the height of a retaining wall must not exceed 750mm.

B6.C44 For dual occupancy development the Landscape Plan must include location, height and details of all retaining walls, including those required for stormwater purposes.

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Single and Dual Occupancy Dwellings

	ZONE	PRECINCT (where specified)	MINIMUM SITE AREA PER DWELLING	FLOOR SPACE RATIO	MAXIMUM HEIGHT
Dwelling-house	2(a), 2(c)	Unspecified Areas	500 m ²	0.5:1	9m
	2(a)	Hill Tops*	600 m ²	0.5:1	9m
Dual Occupancy Housing	2(a)	Unspecified Areas	300 m ²	0.5:1	8m
	2(c)	Unspecified Areas	250 m ²	0.5:1	8m
	2(a)	Upper Slopes*	500 m ²	0.5:1	8m
	2(a), 2(c)	Foreshore and Lower Slopes*	300 m ²	0.5:1	8m
	2(a), 2(c)	Town Centre Edge* Town Centre Housing* Wahgunyah Neighbourhood*	250 m ²	0.5:1	8m

Figure B6.10 Development Standards (see Port Stephens LEP 2000)

* localities within Nelson Bay West

B6.7 Building Height

Development standards for height are specified in the Port Stephens LEP 2000.

PRINCIPLES

B6.P25 Development should achieve a scale and height in keeping with the existing and desired future character of the street.

B6.P26 Development should enable sharing of views.

DEVELOPMENT CONTROLS

B6.C45 Development must comply with the standards for maximum permissible height as stated in Port Stephens LEP 2000.

B6.C46 Development in the Residential 2(a) zone must not exceed 2 storeys. Council **may only** approve loft spaces and dormer windows if they do not significantly alter roof design, roof pitch or building bulk, and do not cause adverse impacts on the privacy or amenity of neighbouring dwellings.

Note: Dwellings with a loft space must comply with overall height limit

B6.C47 A development application must include a site plan prepared by a registered surveyor, that clearly shows contours or spot levels over the extent of the site and at the boundaries, and shows the wall and ridge height of the buildings on each adjacent lot.

B6.C48 For any building of 2 storeys or more Council may require a survey of building heights as constructed that is prepared by a registered surveyor.

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Single and Dual Occupancy Dwellings

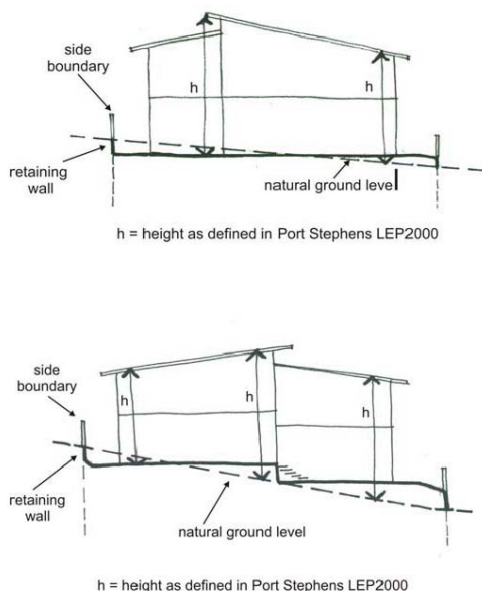


Figure B6.11 Maximum Building Height - the height of the building is measured vertically from the natural ground level, or finished ground level, whichever is the lower, to the corresponding highest point of the completed building.

B6.8 Side & Rear Setback

PRINCIPLES

- B6.P27 Development should allow adequate building setbacks for landscape planting, privacy, natural light and ventilation between dwellings.
- B6.P28 Development should maintain small views between dwellings by providing a larger side setback for the upper storey.
- B6.P29 Dwellings built to the boundary should maintain privacy for neighbouring dwellings and associated private open space.
- B6.P30 Residential development should provide a rear setback area for deep soil planting that is sufficient to meet BASIX requirements and to provide screening to neighbours at the rear.

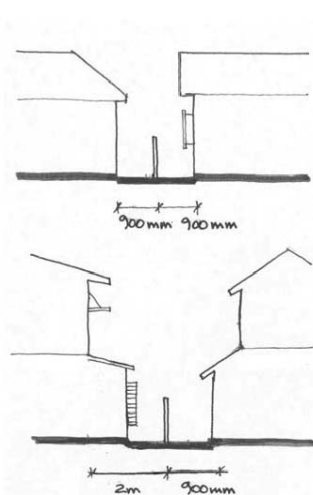


Figure B6.12 Side boundary setbacks

DEVELOPMENT CONTROLS

B6.C49 Any external wall of a dwelling must be setback a minimum of 900mm from the side boundary.

B6.C50 The upper level of a two-storey dwelling must be setback a minimum of 2m from the side boundary.

Note 1: Eaves and lightweight awnings and screens may encroach up to 1/3 of the depth of the side setback area.

Note 2: If more than half the area of an existing external wall is rebuilt the entire wall must be made to conform to setback controls.

B6.C51 Council **may** approve a dwelling built to a side boundary if:

- The maximum wall height is 3m and the maximum wall length is 6m and there will be no impact on privacy, use of private open space and solar access for adjoining properties;
- There are no openings unless such openings comply with the fire resistance levels of the Building Code of Australia (BCA) and are filled with translucent or opaque materials; and
- The wall height and length match a similarly constructed wall on the adjoining site.

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Single and Dual Occupancy Dwellings

B6.C52 Development in 2(a) zone must be setback from the rear boundary a minimum of 2m for the ground level and 6m for upper levels, and must provide a single area of at least 50m² on the rear boundary that is reserved for tree planting in deep soil.

Note: Council may approve development to the rear boundary on lots zoned 2(a) that have rear lane access.

B6.C53 Development in a 2(c) zone must provide a minimum rear setback of 6m or 25% of the lot depth (whichever is the lesser) that is reserved for tree and landscape planting in deep soil as shown in Fig 6.13. *Design for sun access and protection*.

B6.C54 Development adjacent to a waterfront reserve must be setback a minimum of 4.5m from the reserve boundary. Council **may** approve encroachments up to 1m for access stairs and a lightweight structure to shelter a doorway.

DEVELOPMENT CONTROLS

B6.C55 Unbroken roof ridgelines must not exceed 10m in length and blank walls without a window must not exceed 5m in length.

B6.C56 Building design elements including window areas, awnings, balcony depths, screening elements, and rooflines must be used to provide good sun access and shade, privacy and views, wind shelter and natural ventilation. Unprotected glass 'curtain walls' are not acceptable.

B6.C57 The selection of colours and materials must be used to highlight the shape of building masses and detail elements. Single colour buildings are not acceptable.

B6.C58 Metal cladding used for external walls or roofing must have a permanent colour-treated finish applied at the time of production.

Note: Council **may** approve in-situ painting or bright steel finishes for heritage items.

B6.9 Building Design Elements

Building design elements such as 'stepping' or articulation of wall lines, window and door treatments, rooflines, materials and colours; all of which contribute to built character and street identity.

PRINCIPLES

B6.P31 Development should reflect street character through use of local design elements, materials and forms.

B6.P32 Building design should respond to context, sun orientation, views and breezes.

B6.P33 Building design should balance horizontal and vertical proportions, windows positions and openings on all building facades.

B6.P34 Façade design should use high quality materials and detailing.

B6.P35 Building design elements such as window areas, awnings, balcony depths, screening, and rooflines should respond to environmental conditions including sun orientation, noise exposure, overlooking, breezes and views.

B6.P36 Extensive glass areas that have a negative impact on privacy and energy efficiency should be avoided.

B6.10 Energy Efficiency

Energy efficient housing, using passive solar design, can provide residents with year round comfort and reduce total energy consumption for heating and cooling. Adequate daylight, natural ventilation and the avoidance of overshadowing to habitable rooms and principal private open spaces is beneficial for mental and emotional wellbeing, particularly for persons living alone and the elderly.

PRINCIPLES

B6.P37 The main indoor and outdoor living spaces should be orientated with major window areas facing towards the north and east.

B6.P38 West facing walls should be designed with windows fitted with appropriate awnings, louvres or shade screens, or sheltered by landscape planting.

B6.P39 Garages should be located on the southern and western sides of a dwelling to facilitate passive solar design and provide insulation from the western sun.

B6.P40 Building design should, wherever possible, include a north facing roof upon which a solar hot water system or collector could be installed.

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Single and Dual Occupancy Dwellings

B6.P41 The internal layout of the dwelling and window locations should allow natural cross ventilation and cooling.

Note: Natural ventilation may be restricted for dwellings that are affected by aircraft noise.

B6.P42 Solar access to adjoining properties should be protected.

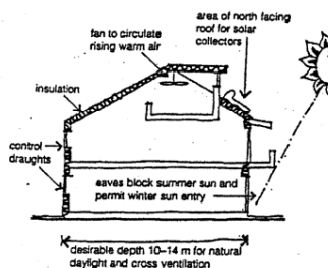


Figure B6.13 Design for sun access and protection



Figure B6.14 Winter sun in a north facing house.

DEVELOPMENT CONTROLS

B6.C59 Dwellings must comply with the requirements of Building Sustainability Index (BASIX).

Note: See www.basix.nsw.gov.au for further information.

B6.C60 For all development that is two or more storeys in height or where lot size, orientation, slope, scale or building setbacks create a potential for overshadowing of an adjoining property a shadow diagram prepared by a suitably qualified person must be provided. The shadow diagram must show existing shadows, and shadows created by the proposed building on adjoining residential buildings and their private open space.

B6.11 Private Open Space

Private open space is a clearly defined area, designated for outdoor living.

PRINCIPLES

B6.P43 Private open space should be directly accessible from a main living area of the dwelling and suitable for relaxation, dining, entertainment, recreation and children's play as well as service functions.

B6.P44 Design of private open space should take advantage of sun access, any outlook or view and cooling breezes.

B6.P45 Design and location of private open space should protect the privacy of users and residents of adjoining properties.

B6.P46 Orientation of private open space should enable and allow comfortable year round use.

DEVELOPMENT CONTROLS

B6.C61 Development must provide at least 50m² of private open space per dwelling with the principal private open space having a minimum useable area of 35m² and a minimum dimension of at least 4m.

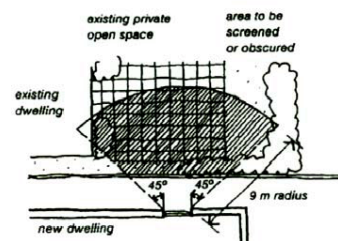
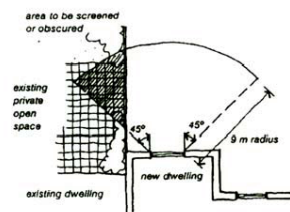


Figure B6.15 Screening for private open space

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Single and Dual Occupancy Dwellings

B6.C62 Narrow elongated areas with any dimension less than 4m, and driveways, carparking areas, and drying or service areas must not be included when calculating the area of private open space.

B6.C63 Where a dual occupancy dwelling has no living area at ground level development must provide a balcony, deck or terrace space of not less than 20m² and with a minimum dimension of at least 3m.

B6.C64 The principle private open space area must be directly accessible from the living area of the dwelling.

B6.C65 Private open space at the front of the dwelling facing a public street must be visible from the street to provide mutual surveillance.

B6.C66 Development of a single dwelling or a dual occupancy dwelling must not include a roof top terrace.

B6.C67 Development must provide a minimum of 2 hours sunlight to private open space of new dwellings between the hours of 9am and 3pm in midwinter.

B6.C68 Development must allow sunlight to at least 50% of the principle private open space of adjacent dwellings for a minimum of 2 hours between 9am and 3pm in midwinter. Where existing overshadowing is greater than this development must not further reduce sunlight access by more than 20%.

B6.P49 Windows, doors and private open space should be located to avoid direct and close views into the windows, balconies or private open space of adjoining dwellings.

DEVELOPMENT CONTROLS

B6.C69 Wherever possible balconies, private open space, and window or doors openings of habitable rooms, must be offset from balconies, private open space, and windows or doors openings (of habitable rooms) of adjoining dwellings.

B6.C70 Development must provide suitable screening where there is a direct line of site between neighbouring balconies or private open space, or window or doors openings of habitable rooms.

B6.C71 Dual occupancy development must provide a practical boundary between dwellings that avoids any adverse impacts on dwelling design, privacy, or amenity.

B6.C72 Equipment such as tank or pool pumps and air conditioners must be located and shielded to minimise the impact of noise on adjoining properties.

B6.C73 The windows of the main habitable rooms of a dwelling must be setback a minimum of 1.0m from a shared driveway or access way.

B6.12 Privacy and Amenity

The site analysis at the start of the design process should identify elements that will affect the comfort and liveability for new and existing residents, including views, sun access, local noise sources (such as aircraft noise levels, driveways, air conditioners and pool pumps) and potential overlooking to and from neighbours.

PRINCIPLES

B6.P47 Development should step with the natural contours of the site to minimise height and to allow the sharing of views with neighbours.

B6.P48 Building design should locate windows and walls to avoid noise sources from adjacent lots and the street.

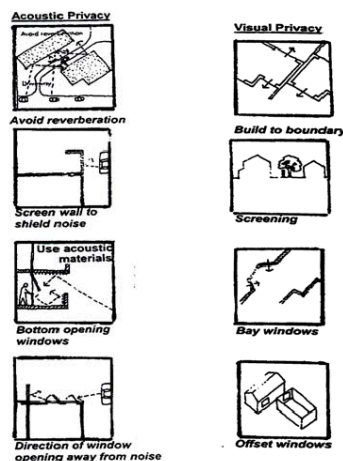


Figure B6.16 Design techniques to achieve visual and acoustic privacy (Australia's Guide to Good Design).

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Single and Dual Occupancy Dwellings

B6.13 Backyard Fences and Walls

The design and location of rear and side fences (and low retaining walls if necessary) is important for protecting the useability and comfort of private open space.

PRINCIPLES

B6.P50 Development should ensure that rear and side fences and walls provide privacy, security and noise attenuation.

DEVELOPMENT CONTROLS

B6.C74 Side and rear fences must not exceed a height of 1.8m.

B6.C75 Side fences must not encroach on the front setback area of the dwelling.

B6.C76 Fences within the root zone of an existing tree must be constructed of lightweight suspended panels supported by posts with pier footings.

B6.C77 Retaining walls at the property boundary must be of masonry construction.

B6.14 Vehicular Access & Parking

Direct and efficient vehicular access and parking is required for all dwellings. The location and design of garages and parking areas can be accommodated into dwelling design to contribute to safe and attractive places.

PRINCIPLES

B6.P51 Development should provide convenient, accessible and safe parking to meet the needs of residents.

B6.P52 Development should provide for service vehicle access where necessary.

B6.P53 Development should avoid direct access from main or busy roads wherever possible.

B6.P54 Driveway design should avoid impacts of headlights and vehicle noise on neighbouring properties.

DEVELOPMENT CONTROLS

B6.C78 On-site parking must be provided at rate of 1 space for each one or two bedroom dwelling and 2 spaces for each dwelling with three or more bedrooms. No visitor parking is required.

B6.15 Stormwater & Greywater

Stormwater is rainwater runoff and is a valuable resource. Collection in a tank can offer an alternative source of non-potable water for toilet flushing, clothes washing, lawn and garden irrigation. Infiltration on site is important for groundwater recharge and can significantly reduce demand for garden watering.

Because stormwater often contains contaminants like oils, grease, detergents, fertilisers, weeds, sediments, pesticides or litter, management of water quality on any development site is important.

Greywater is domestic wastewater from laundries and bathrooms (excluding toilet waste) and is useful for toilet flushing and garden watering.

PRINCIPLES

B6.P55 Development should not adversely alter the quantity or distribution of stormwater flows leaving the site.

B6.P56 Development should not reduce the quality of surface or groundwater leaving the site in the short or long term.

B6.P57 Development should provide appropriate Erosion and Sediment Control Measures to minimise or eliminate point or diffuse sources pollution.

B6.P58 Development should maximise the potential for retention and use of stormwater and grey water within the dwelling and/or in the garden.

B6.P59 The existing topography and drainage pattern should be maintained wherever possible.

B6.P60 Wherever possible stormwater should be diverted away from parking areas, driveways, paths and other impervious areas towards stable vegetated areas to allow filtering and infiltration of water.

B6.P61 The final stormwater drainage system should be completed prior to the roof being installed. Temporary or permanent downpipes should be installed.

DEVELOPMENT CONTROLS

B6.C79 A statement must be submitted with any development proposal that addresses the flows (pre and post development) and the measures taken to ensure that stormwater is retained on site.

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Single and Dual Occupancy Dwellings

B6.C80 Each allotment must be able to drain all roof water and impervious runoff, though the site's drainage system to the public drainage system (i.e. the street, easement or public pipes.), or by approval to a public area. The system must be 'gravity' drained. Pumping of stormwater is not permitted.

B6.C81 Dual Occupancy development sites without direct drainage to a public drainage system must have an easement through the downstream properties.

B6.C82 The developed site must provide an overland flow path for the 1% AEP storm event. The post development flows of stormwater generated from the development must approximate the predevelopment flows.

B6.C83 Roof and hardstand areas (such as paths, paving, decks and concrete driveways) must not exceed site coverage allowances.

B6.C84 All stormwater from downpipes, including the overflow from rainwater tanks, must be piped to the stormwater drainage system or to an infiltration trench.

B6.C85 Trenching for retention or infiltration must be designed by a suitably qualified person and must conform to Council's S136 standard specification and guidelines. Council **may** require on site detention or site infiltration designed for storm events up to the 1% AEP for particular sites or soil types.

B6.C86 Drainage systems must be designed to ensure safety and to avoid any potential for stormwater inundation of habitable floor areas.

B6.C87 The retention and potential reuse of stormwater must be achieved by a suitable combination of rainwater collection tanks, stormwater pits, underground tanks or landscaped swales.

Note: The amount of storage volume required is subject to detailed calculation, but may be estimated at approximately 17 m³ per 1000 m² of developed site area.

B6.C88 The design and use of infiltration devices, porous paving, retention trenches and other runoff controls must satisfy design and maintenance standards appropriate to the site conditions and soil type.

B6.C89 Water tanks for stormwater or roofwater collection must satisfy standards for installation, treatment, water reuse and impact on neighbours.

B6.C90 The treatment and re-use of greywater must comply with *NSW Guideline for Sewered Residential Premises (Single Households) Greywater Reuse* NSW Department of Energy, Utility and Sustainability.

B6.C91 An Erosion and Sediment Control Plan or a Soil and Water Management Plan must be provided in accordance with the requirements of *Managing Urban Stormwater*, Volume 1:2004.

B6.16 Landscape

Landscape planting can be used to create shade, enhance or frame views, provide privacy from surrounding buildings or roadways, provide habitat, protect from bushfire or enhance the local streetscape.

PRINCIPLES

B6.P62 Landscape planting should enhance the appearance and amenity of new development.

B6.P63 Landscape design should integrate development with the existing landscape features including natural landforms, watercourses, native vegetation and the streetscape.

B6.P64 Plant species selection and the location and maintenance of landscape plantings should ensure that access to sun and views is maintained on adjacent sites.

B6.P65 Landscape design should minimise water demand.

B6.P66 Indigenous species should be used when revegetating and landscaping development sites in close proximity to native vegetation and reserves.

B6.P67 Non-indigenous species should only be used when appropriate to the neighbourhood character and not listed as an environmental weed.

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B6 Single and Dual Occupancy Dwellings

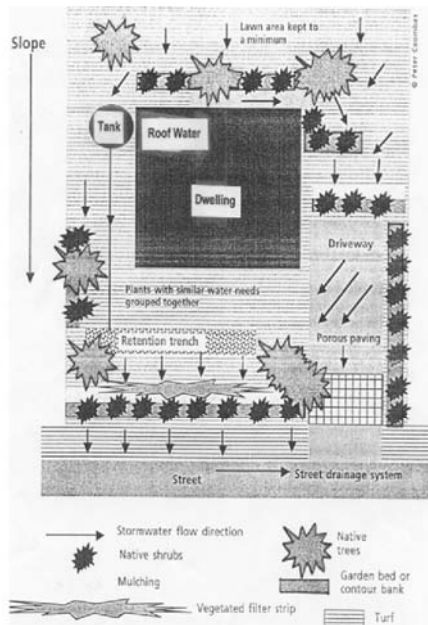


Figure B6.17 An integrated suite of stormwater management measures (Source: LHCCREMS)



Figure B6.18 Landscape planting appropriate to scale of development

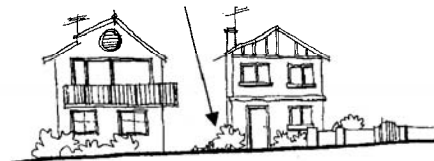


Figure B6.19 Landscape planting inadequate for scale of development

DEVELOPMENT CONTROLS

B6.C92 Specimen trees, which are to be used for key elements in the landscape scheme, must be of a suitable species type and stock size that can achieve 50% of required shading in 5 years.

B6.C93 Landscape design must minimise site disturbance and incorporate existing natural features such as rock formations and significant trees.

B6.C94 All dual occupancy development must be accompanied by a Landscape Plan, prepared by a suitably qualified person, detailing the:

- Location, height and species of existing trees and vegetation, nominating those to be removed;
- Location, height and species of trees and vegetation to be introduced, including planting procedures and maintenance;
- Proposed method of protection of trees to be retained on site during construction; and
- Proposed earthworks including mounding and retaining walls.

B6.C95 Landscape planting must provide shade to unprotected windows and private open space on the northerly and westerly elevations in summer while allowing sunlight in winter.

B6.C96 Landscape planting must be tolerant of site conditions and adequately mulched in order to reduce demand for water, herbicides and fertilisers.

B6.C97 Landscape planting on top of stormwater structures such as tunnel trenches, pits and plastic cells (such as Atlantis or Ausdrain cells) must not have a mature height greater than 1.5m in height.

Effective: 31st May 2007

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Single and Dual Occupancy Dwellings

B6.17 Site Facilities & Services

Site facilities and services such as such as garbage and recycling bin enclosures, mailboxes, clothes drying areas, external storage facilities that are well integrated into the development design are convenient for users but not visually intrusive.

PRINCIPLES

B6.P68 Site facilities, such as garbage and recycling bin enclosures, mail boxes, clothes drying areas, external storage facilities, exterior lighting and signage should be visually discreet, easy to maintain and efficient and convenient to use.

B6.P69 Essential amenities and communication facilities should be integrated within the residential design.

B6.P70 Adequate light should be provided to all pedestrian paths, shared areas and building entries.

B6.P71 Compatible public utility services should be co-ordinated in common trenching to minimise construction costs for underground services.

DEVELOPMENT CONTROLS

B6.C98 The provision of electricity and gas for new dwellings must be provided underground.

B6.C99 A garbage storage area must be provided that is readily accessible from within the site, screened from view of adjacent public place and neighbours. It must be provided with a water tap for wash down purposes and drained to connect to the sewer.

B6.C100 A mailbox must be provided on the street boundary and close to the main pedestrian entry to the front yard.

B6.C101 Street numbers must be clearly identifiable when viewed from the street.

B6.C102 An open-air area suitable for clothes drying and composting must be provided at the rear of the dwelling.

B6.18 Sheds

The size, location and appearance of sheds in residential areas can have an adverse impact on street character and neighbours' amenity.

PRINCIPLES

B6.C103 Sheds in a residential or rural residential area should be located and designed to minimise adverse impacts on street or landscape character, neighbouring amenity, and stormwater drainage.

B6.C104 Sheds in a residential area should be located and designed to retain deep soil planting areas and existing vegetation at the rear of the lot.

DEVELOPMENT CONTROLS

B6.C105 In residential 2(a) and 2(c) zones the floor area of a shed must not exceed 72m².

B6.C106 In residential 2(a) and 2(c) zones the height of the shed measured from the existing ground level to the eaves must not exceed 2.7m, and from existing ground level to the ridge must not exceed 3.6m.

B6.C107 In Rural Small Holdings 1(c2) 1(c3) 1(c4) and 1(c5) zones the floor area of a shed must not exceed 108m².

B6.C108 In Rural Small Holding 1(c2), 1(c3), 1(c4) and 1(c5) zones the height of a shed measured from the existing ground level to the eaves must not exceed 3.6m and from the existing ground level to the ridge must not exceed 4.2m.

B6.C109 A shed must be clad in non-reflective material with dark to mid-tone colour. Bright Zinalume® sheet steel (or similar product) is prohibited for wall and roof cladding.

B6.C110 A shed must be located a minimum of 1m from a side or rear boundary notwithstanding other requirements for minimum setbacks.

B6.C111 A shed proposal in a residential area must retain a minimum of 20% of the site area for deep soil planting.

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Single and Dual Occupancy Dwellings

B6.C112 A shed proposal at the rear of a residential lot must provide shrub and broad canopy tree planting that effectively reduces the visual impact for neighbouring properties. The development application must include a landscape plan that clearly demonstrates in plan and section the scale and type of planting proposed.

B6.C113 Where landscape and tree planting is proposed to reduce the visual impact of a shed an application must include a landscape plan that clearly demonstrates in plan and section the scale and type of planting and the extent of screening that would be provided within 3 years.

Effective: 31st May 2007



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ITEM NO. 3**FILE NO: A2004-0284****COUNCILLOR REIMBURSEMENT POLICY REVIEW****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Councillor's Reimbursement policy at ATTACHMENT 1 with the amendments.
- 2) Place the amended Councillors Reimbursement Policy on public exhibition for a period of 28 days.

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

349	Councillor Westbury Councillor Brown	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to review the Reimbursement Policy for Councillors.

In accordance with section 252 and 253 of the Local Government Act 1993, Council is required to review the payment of expenses and provision of facilities to councillors within 5 months after the end of each year (30 November) and provide a copy of the policy to the Department of Local Government.

Council last adopted the policy 27 November 2006 after public consultation as required by the legislation.

Following a review of the document Council will note minor changes in ATTACHMENT 1 with some changes made in accordance with the Department of Local Government Guidelines.

Councillors were consulted prior to this report to Council with a response received from Councillor Hodges requesting that Councillors be provided with handheld devices to allow internet and mobile phone access such as blueberries and jazz jams. This request has not been included in the review of the policy however Council may wish to amend the policy to include such a device.

Council is required to give public notice of the amendments to the Policy for a period of 28 days. Following public consultation Council is required to consider any submissions received.

FINANCIAL/RESOURCE IMPLICATIONS

Council's 2007-08 budget allocation provides for the inclusions covered in the Policy.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

LEGAL AND POLICY IMPLICATIONS

Under Section 252 Council must adopt a policy concerning the payment of expenses incurred by Councillors in relation to discharging the functions of civic office. It is best practice to review the policy on an annual basis.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The policy allows Councillors to effectively carry out their responsibilities as members of the Council and as community representatives without suffering financial hardship.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Councillors
Mayor
General Manager

OPTIONS

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

ATTACHMENTS

- 1) Councillor's Reimbursement Policy

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Councillors
Reimbursement Policy
(Section 252, Local Government Act 1993)

Councillors Expenses
Reimbursement Procedures
Travel Allowance
Conference & Seminar
Attendance

Adopted 28 June 1994
Minute No 342
Amended 13 December 1994
Minute No. 691
Amended 14/11/95
Minute No. 562
Amended 10/9/96
Minute No. 528
Amended 23/12/97
Minute No. 1471
Amended 09/03/04
Minute No. 107
Amended 31/01/06
Minute No.398
Amended 27/11/06
Minute No. 758

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INTRODUCTION

This policy is made under the Local Government Act, 1993, including Sections 248 to 254 and 731 and having regard to the provisions of the Department of Local Government Circular to Councils number 00/22 dated 7 April 2000 and 04/60 dated 22 December 2004.

The Act requires that the Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and other Councillors.

Section 428 (2)(f) requires a Council to include in its Annual Report:

- Total amount of money expended during the year on Mayoral fees and Councillors fees
- Council's policy on the provision of facilities for, and the payment of expenses to Councillors
- Total amount of money expended during the year on providing those facilities and paying those expenses.

Section 12 of the Local Government Act provides that the public is entitled to inspect the Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors, free of charge, and may obtain a copy, either free of charge or on payment of reasonable copying charges.

Section 253 of the Act requires Council to give at least 28 days notice of the proposed policy and the policy must be adopted in Open Council (Section 254).

Changes

*Delete - 00/22 dated 7 April 2000 and 04/60 dated 22 December 2004, replace with **07-22, 28 May 2007***

OBJECTIVES

PART 1 – Fees, Expenses & Facilities

1. To ensure Councillors are able to effectively carry out their responsibilities as members of the Council & as community representatives without suffering financial hardship.

PART 2 – Attendance at Conferences & Seminars

2. To be accountable for Council's performance to the community and ensure effective communication including the identification of changing needs and expectations.

PART 3 – Travel Arrangements

3. To determine the method of reimbursement of expenses incurred by Councillors for travel costs.

The objectives will be achieved if:-

- (a) Reasonable expenses are paid to Councillors to compensate them for costs incurred in carrying out their duties;
- (b) No Councillor suffers financial hardship as a direct result of performing their functions;
- (c) No expenses are paid for activities that are not essential for Councillors to perform their functions effectively.
- (d) Councillors are provided with an opportunity through training to improve their knowledge and skills;
- (e) Councillors are adequately informed of issues relevant to them;
- (f) Community expectations are observed by not sending more representatives than are necessary.

PART 4 – Insurance – Councillors

To provide appropriate insurance coverage for Councillors in the areas of Personal Accident, Professional Indemnity, Public Liability and Councillors' and Officers' Liability.

PART 5 – Legal Assistance for Councillors

Changes

Nil

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To provide legal assistance to Councillors for functions carried out during the Council term.

Changes

Nil

PART 1

COUNCILLORS FEES, EXPENSES & FACILITIES

Part 1 is in accordance with Section 252 of the Local Government Act 1993 - Council is to pay expenses incurred or to be incurred, and provide facilities for the Mayor, Deputy Mayor and Councillors to enable them to discharge their functions of Civic Office; and

Includes the provision of annual fees paid to the Mayor, Deputy Mayor and Councillors as determined by Council in accordance with Section 248 - 251 of the Local Government Act and subject to the Local Government Remuneration Tribunal.

1.1 PAYMENT OF EXPENSES

1.1.1 ANNUAL ALLOWANCE

Council will determine an annual allowance, to be paid monthly in arrears, in accordance with Section 248 - 251 of the Local Government Act and the determination of the Local Government Remuneration Tribunal.

The following expenses incurred or likely to be incurred will be paid by the Council in accordance with the standards and procedures set out below:-

1.1.2 SUSTENANCE

- a) Councillors will be reimbursed for sustenance expenses if the Councillor is unable to partake of a meal at his or her usual place to partake of meals.
- b) The maximum level of reimbursement will be appropriate to the circumstances of attendance and will be determined by the General Manager.
- c) Councillors seeking reimbursement for sustenance expenses should complete **Form 1A** and provide receipts.
- d) Expenses will be reimbursed with the monthly allowance and itemised.

1.1.3 TRAVEL

- a) Councillors will be reimbursed for travel to activities that directly relate to a Councillors civic

Changes

Nil

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function for example - Council and Committee Meetings (including 355b Committees), public meetings and Council site inspections.

b) See Part 3 - Travel Arrangements.

Changes

Nil

1.1.4 TELEPHONE EXPENSES

- a) Council will reimburse the telephone service and equipment charges for a Councillor's private phone number.
- b) Council will reimburse up to \$40.00 per month towards Councillors telephone calls. Claims in excess of \$40.00 will require proof of expense incurred.

1.1.5 MOBILE PHONE EXPENSES

- a) Council Mobile Phone Accounts are automatically referred to the Executive Manager-Corporate Management. The telephone rental and all calls will be paid by the Council provided the phone is used exclusively for a Councillor to carry out his/her responsibilities as a member of the Council and as a community representative. Should the phone be used for a dual purpose such as private and Council then all calls should be recorded in a log book/diary and submitted with the account.
- b) Council will reimburse Council related calls on individual Councillors private mobile upon production of paid account and evidence that the calls were Council related. However Council will not reimburse Councillors for calls where the mobile phone plan includes the cost of calls (ie.bundled plans).

1.1.6 CHILD CARE

Reasonable expenses incurred for childcare while attending Council or Committee Meetings, only. Councillors seeking to use child care facilities should notify the General Manager prior to making arrangements.

1.1.7 INTERNET EXPENSES

Council will reimburse the monthly cost of internet connection for Councillors up to \$40.00 per month upon production of the paid account. Claims in excess of \$40.00 will require proof of expense incurred.

Changes

Nil

1.2. PROVISION OF FACILITIES

The following facilities will be provided in accordance with Section 252 of the Local Government Act to assist Councillors discharge their functions of Civic Office.

1.2.1 MAYOR

Motor Vehicle

- a) A fully serviced and maintained motor vehicle for the purposes of discharging the functions of civic office.
- b) Private use of the motor vehicle in accordance with Council's Use of Council Vehicle Agreement.

Office

A furnished office suite located in the Administration Building.

Communication Systems

A mobile telephone with car kit is provided, serviced and maintained.

Motor Vehicle Parking Space

A permanent parking space in the Administration Building carpark will be provided.

1.2.2 DEPUTY MAYOR

Motor Vehicle

- a) In the absence of the Mayor, a fully serviced and maintained motor vehicle for the purposes of discharging the functions of civic office can be provided.

1.2.3 COUNCILLORS

Motor Vehicle

- a) A Council motor vehicle may be arranged under special circumstances and where no other alternative means of travel is available for attendance at conferences and seminars.
- b) When a Council vehicle is allocated to a Councillor for use on Council business, **only** a

Changes

Nil

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Councillor or a staff member are permitted to operate the vehicle.

Office

A furnished Councillors' room is provided in the Administration Building, shared by all Councillors.

Motor Vehicle Parking Spaces

Four permanent parking spaces in the Administration Building carpark will be provided

Changes

Nil

1.2.4 ALL COUNCILLORS

(a) Administration Support

For the Mayor

Administration support shall be provided as determined by the Council and the General Manager.

For all Councillors

Staff assistance will be provided as required for matters pertaining to Council business. Assistance may be in the form of administration support to answer constituent's requests; delivery of material from Council and catering for meetings; send and receive facsimiles.

Note:

- i. under no circumstances shall Councillors use the administration services or other facilities provided in association with Local, State or Federal Government election material.
- ii. under no circumstances shall Councillors use the administration services or other facilities provided for the initiation of circular type letters without prior authority of the Council being obtained.

(b) Stationery/Postage

Council will provide each Councillor with stationery, business cards, Christmas cards, and postage for associated mailing. Personal mail will be posted provided the appropriate postage stamp/s are included on the envelope/package.

(c) Refreshments

Beverage and sustenance will be available in the Councillors' Room as required.

(d) Meals

Meals and beverage will be provided after each Council and Committee meetings.

Changes

Nil

(e) Deliveries

The business paper will be delivered to all Councillors at least three days (*number of days will include weekends*) prior to the Council or Committee Meeting and general correspondence will be delivered each week, regardless of whether there is a Council or Committee Meeting.

Changes

Nil

(f) Insignia of Office

Provision of badges, name plates, indicating the wearer holds the office of Councillor, to wear at Civic functions.

(g) Disabilities

In line with Anti-Discrimination Guidelines any Councillor with a special disability or special need may notify the General Manager for adjustments to be made.

(h) Communication Equipment

Councillors will be given the option of a computer (PC or laptop), facsimile, answering machine, modem and mobile phone as their means of communication with Council and the community. At the beginning of a quadrennium, Councillors will be responsible for the maintenance and repairs of equipment following the initial purchase under the warranty. Council staff should not be utilised for maintenance of Councillor's equipment.

Councillors will retain the equipment at the end of their term.

(i) Corporate Uniform

Councillors may choose from a selection of Corporate Uniform provided by Council's approved supplier. Council will contribute a subsidy to 35% of the initial cost to a maximum of \$220 per annum. A sundry debtor account will then be forwarded to the Councillor for payment of the balance. Alternatively, a deduction can be made from the Councillor's monthly allowance.

(j) Protective Apparel

Provision of Protective Apparel, including hard hat, safety vest and safety footwear, to accord with the NSW Occupational Health & Safety Act for on site inspections.

(k) Acts & Regulations

Updated Local Government Act, Regulations and other Acts may be viewed on www.austlii.edu.au or by contacting Corporate Management.

Changes

Delete - At the beginning of a quadrennium, Councillors will be responsible for the maintenance and repairs of equipment following the initial purchase under the warranty. Council staff should not be utilised for maintenance of Councillor's equipment.

Councillors will retain the equipment at the end of their term.

Insert – In accordance with the DLG guidelines Councillors will be required to return all communication equipment to Council at the end of the Council term unless Councillors elect to purchase at market value.

1.3 PRIVATE BENEFIT

- (a) Fees payable to the Mayor, Deputy Mayor and Councillors will not be reduced for any private benefit gained from the private use of facilities;
- (b) Councillors are required to make payment for any private use of Council facilities in accordance with Council's Code of Conduct and Guidelines.
- (c) Councillors must use Council resources effectively and economically in the course of his or her public or professional duties, and must not use them for private purposes unless such use is lawfully authorised and proper payment is made.
- (d) Councillors must not convert any property of the Council for his or her own use.

Changes

Nil

PART 2

ATTENDANCE AT CONFERENCES AND SEMINARS

Part 2 stipulates the relevant authorisation required to attend Conferences/Seminars; provides that Council will meet all reasonable out of pocket expenses; and indicates the standard of accommodation to be provided.

2.1 AUTHORISATION

- a) Councillors will be notified of all relevant conferences.
- b) The total cost of travel undertaken and conferences attended must be included in the Council's Annual Report. [Local Government Act S428(2)(f)]
- c) Councillors interested in attending a conference/seminar should contact the Mayor's Executive Assistant. Automatic approval will be granted to attend a conference/seminar within the budget allocation (as determined by Council).
- d) Approval to attend Conferences/Seminars over and above an individual Councillor's budget allocation will be determined by the General Manager and Mayor in accordance with their concurrent delegated authority.
- e) Requests to exceed the total budget allocation for the financial year will be submitted to Council for determination and re-allocation of funds.
- f) In making its decision, the General Manager/Mayor or Council should consider:-
 - i. The relevance of the conference to Council and the potential benefit that may result from attendance;
 - ii. The special interest of the Councillor/s wishing to attend;
 - iii. The total cost to Council of attendance relative to the Program budget;
 - iv. The fair and equitable division of opportunity for Councillors to attend conferences/seminars.

2.2 REIMBURSEMENT OF COSTS

- (a) All costs associated with Conferences/Seminars will be paid to the Conference Organiser in advance by Council:- ie.
 - Registration and associated documentation
 - Travel (see Part 3);

Changes

Delete – Mayor's Executive Assistant
Insert - Executive Assistant - Councillor Support.

- Accommodation (See clause 6) and
 - Sustenance (See Part 1)
- (b) Councillors seeking to extend their stay in conjunction with Council business shall notify the General Manager prior to making arrangements.
- (c) Councillors Partners may accompany them on Council business trips subject to all expenses incurred by partners being paid for by the Councillor or by Council if approved under Council's Accompanying Persons Policy, if it is deemed to be appropriate for their attendance. Note: An account system can be organised by prior arrangement with the Mayor's Executive Assistant - accounts are payable within thirty days or can be deducted from a Councillors monthly allowance.

2.3 ACCOMMODATION

- (a) Accommodation will be booked and paid for by Council at accommodation where government rates apply. Additional expenses incurred in respect of personal services at the place of accommodation will be paid for by the Council, such as valet parking and laundry (dry cleaning). Note: Video Hire and Mini Bar Facilities will be paid for by the Councillor.
- (b) Accommodation booked for attendance at a conference will be at the venues suggested by the conference organiser.
- (c) Reimbursement of Accommodation expenses shall be paid where the representative is unable to reside at the place where he/she ordinarily resides and incurs additional expense.
- (d) Accommodation shall be paid on a per night basis, based on reimbursement for actual costs involved.
- (e) The standard of Accommodation is not to exceed four stars except where a conference or seminar venue exceeds four stars, or as determined by the General Manager.

Changes

*Delete – Mayor's
Executive Assistant
Insert - Executive
Assistant - Councillor
Support.*

PART 3

TRAVEL ARRANGEMENTS

Part 3 provides that Council will meet all reasonable out of pocket expenses for travel incurred by Councillors to attend activities that directly relate to a Councillors civic function; and standard of travel to and from Conferences/Seminars.

3.1 OVERSEAS TRAVEL

- (a) This policy will apply to all Council sponsored attendance conducted within Australia.
- (b) Overseas travel arrangements shall be subject to an itinerary approved by the Council (in open Council) and the standard of travel shall be as stated below regardless of destination.
- (c) Any proposed overseas travel should be included in Council's Management Plan and Budget Review for community input. (Min 562 14/11/95) Council must report any overseas travel in the Annual Report [Section 428 Local Government Act].

3.2 PRIVATELY SPONSORED TRAVEL

- (a) Any company wishing to privately sponsor travel should be in accordance with the guidelines of ICAC; pecuniary interest provisions and Council's Code of Conduct. Council approval and disclosure of all details should be made known in open Council. (Min 562 14/11/95).

3.3 STANDARD OF TRAVEL

Councillors should advise the General Manager of their normal mode of travel.

3.3.1 TRAVEL

- (a) Councillors will be reimbursed for reasonable travel expenses to:-
 - Attend Council Meetings, Committee Meetings (including 355b Committees) Public Meetings and Council Site Inspections;
 - Attend Conferences and Seminars where the Councillor elects to use his/her private vehicle.
 - Attend at any duly convened meeting of any organization to which a Councillor has been

Changes

Nil

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nominated or elected by specific resolution of Council as an official Council representative and such organization does not provide a travel allowance.

(b) Claims including *back payment* for travelling expenses by Councillors must show amounts incurred for:- [Min 528 10/9/96].

- Air, train, coach and taxi - (receipts to be provided with Form 1A)
- Hire car costs - (receipts to be provided with Form 1A)
- Parking and tolls (receipts to be provided with Form 1A)

(c) Travelling allowance per kilometre as provided in the Local Government State Award:- (complete Form 1A or Log Book Form 1).

The General Manager will use his discretion to reimburse Councillors for attendance at activities other than specified above where the Councillor has attended as a designated delegate for Council.

In making his decision the General Manager considers:-

- i. The relevance of the activity to Council and the potential benefit that may result from attendance;
- ii. The special interest of the Councillor/s wishing to attend;
- iii. The total cost to Council of attendance relative to the Program budget;
- iv. The fair and equitable division of opportunity between Councillors.

3.3.2 TRANSFERS

Transfers from transport terminals to accommodation can be arranged by Council prior to departure, alternatively expenses incurred will be reimbursed with Councillors monthly allowance.

3.3.3 CASH ADVANCES

Cash advances will not be made unless under **special** circumstances and require the General Manager's approval.

Upon return all remaining monies are to be rebanked with Council.

*Delete - Management
Insert - Council*

3.3.4 AIR TRAVEL

In all cases the most economical fares will be sought to ensure the best possible price for Council, whether it be Economy or Business Class.

Where Air Travel exceeds more than five (5) hours, Business Class Air Travel will be provided.

3.3.5 HIRE CAR

A Hire Car will only be provided where no other means of travel is available and is to be equivalent to Council's standard vehicle.

Changes

Nil

Nil

3.3.6 PRIVATE VEHICLE

Councillors who use a private vehicle for travel in excess of 1,000 kilometres will be reimbursed the equivalent cost of an economy class air fare.

- (a) Printed itineraries of arranged travel will be supplied at least one week prior to departure.
- (b) Council has in effect a personal accident cover for Councillors covering them 24 hours per day 7 days per week, if the accident causing the injury occurs whilst engaged in or at any activity which directly or indirectly relates to Council business, including travel to and from the activity.

3.3.7 TIME LIMIT FOR SUBMITTING CLAIMS

All claims for reimbursement of expenses and travel must be made on the approved form, supported by documents and receipts, within three (3) months of incurring the expense.

Nil

PART 4 INSURANCE - COUNCILLORS

That Councillors are to receive the benefit of insurance cover for:

4.1 PERSONAL ACCIDENT

Personal Accident insurance covers personal injury which is caused by violent, accidental external and visible means that solely and independently of any other cause results in a Councillor's death or disablement. The cover applies anywhere in the world during and while travelling to and from Council business. The capital benefit for the death of a Councillor is \$500,000. The cover does not include medical expenses.

4.2 PROFESSIONAL INDEMNITY

Professional Indemnity insurance covers Council where Council becomes legally liable to pay compensation for financial loss as a result of any negligent act, error or omission in the conduct of Council's business activities arising from a breach of professional duty. Cover is subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme wording.

4.3 PUBLIC LIABILITY

Public Liability insurance covers Council's legal liability to pay compensation to third parties arising in connection with the business activities of Council. Matters arising from Councillors' performance of civic duties or exercise of their functions as Councillors are covered subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme policy wording.

4.4 COUNCILLORS' & OFFICERS' LIABILITY

Councillors' & Officers' Liability insurance protects Councillors and officers from the costs incurred in defending themselves against legal actions that arise from honest mistakes in the management of Council. It covers Councillors for personal liabilities as a result of wrongful acts subject to any limitations or conditions set out in the policy of insurance.

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Full details of the abovementioned insurance policies are available in Council's Insurance Handbook held by the Risk Management Co-ordinator.

Changes

Nil

PART 5

LEGAL ASSISTANCE FOR COUNCILLORS

5.1 LEGAL ASSISTANCE FOR COUNCILLORS

That in the event of:

- (a) An enquiry, investigation or hearing by any of:
- The Independent Commission Against Corruption;
 - The Office of the Ombudsman;
 - Department of Local Government;
 - The Police;
 - The Director of Public Prosecutions; or
 - The Local Government Pecuniary Interest Tribunal,

into the conduct of a Councillor; or

- (b) Legal proceedings being taken by or against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor (with the exception of defamation proceedings), Council shall reimburse such a Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:

- i. The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.
- ii. The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper.
- iii. the amount of such reimbursement be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's Hunter based Solicitors will be paid ie. any portion of the expenses

Changes

Nil

representing any hourly charge rate higher than the hourly rate charge rate of Council's Hunter based Solicitors will not be reimbursed.

- (c) Defamation proceedings or other proceedings arising from the making of a public statement, where a Councillor is a defendant or anticipated defendant in such proceedings.

Note: Council may not meet the costs of any action in defamation taken by a Councillor as plaintiff in any circumstances (DLG Circular 00/22).

To ensure that indemnity or reimbursement in respect of costs of defending an action in defamation or other action is only available in circumstances where the person to be indemnified or reimbursed was acting properly when making the statement complained of, the threshold criteria for the application of the indemnity or reimbursement will apply.

- (d) Council may indemnify or reimburse the reasonable legal expenses of a councillor for proceedings before the Local Government Pecuniary Interest Tribunal or an investigative body PROVIDED the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.
- (e) Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something which a councillor has done during his or her term of office. An example of the latter is expenses arising from an investigation as to whether a councillor acted corruptly by using knowledge of a proposed rezoning for private gain.

Changes

Nil

POLICY

General

Where proceedings have been foreshadowed or commenced against any of the Mayor and Councillors arising from a public statement or statements made or acts done by any of them and, in the opinion of Council's appointed solicitor the following "Three Criteria" are satisfied through the required procedure set out below namely:

- (a) The statement was made or the act was done in relation to discharging the functions of civic office;
- (b) The Councillor concerned was acting in good faith; and
- (c) The statement or the act in question was reasonable in the circumstances and not made or done maliciously or frivolously and, in the case of a statement, was not made with knowledge of its falsity or with recklessness as to whether it was true or false,

then Council will indemnify or reimburse the Councillor for:

- (a) all legal expenses properly and reasonably incurred, given the nature of the legal services provided; and
- (b) any other less, expense, liability or cost incurred (including without limitation any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Councillor),

In responding to or defending such proceeding **PROVIDED THAT** the amount of such indemnity or reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.

Engagement of Legal Representatives – Required Procedure

1. The Councillor must, as soon as practicable after they become aware that a claim may be forthcoming or aware that they may have made a statement or action which may give rise to a claim, notify either the General Manager, Public Officer or Mayor that there is a

Changes

Nil

possibility of a claim against the Councillor. This notification must;

- i. be in written or electronic form;
 - ii. include all details including any correspondence from the alleged injured party concerning the possible claim; and
 - iii. Include the Councillor's comments on whether the Councillor considers that the Three Criteria are satisfied.
2. The Councillor must not respond to any allegations made or accept any liability in respect to any allegations made unless authorised to do so by council or its solicitor or the insurer or its solicitor. The Councillor must at all times without undue delay keep Council fully informed of any oral or written communications made to the Councillor by the alleged injured party or the injured party's agents or legal representative in respect of the claim.
3. The General Manager must immediately upon becoming aware that a claim may be forthcoming or aware that a statement has been made which may give rise to a claim, notify and forward to Council's insurer any information relating to the matter with a view to obtaining the Insurer's acceptance and carriage of the claim should the three criteria be satisfied.
4.
 - i. If proceedings are threatened (and not commenced), the General Manager must without undue delay inform Council's appointed Solicitor and Council's insurer of the notification. The Council's solicitor at Council's cost must form a view as to whether the Three Criteria are satisfied, and must notify the General Manager who will in turn notify the Councillor concerned in written or electronic form of that view.
 - ii. If the Council's solicitor considers that the Three Criteria are satisfied, the General Manager will either instruct Council's solicitors or if Council's Insurers have accepted the matter as a possible claim then it will represent the Councillor concerned.
5. If Council's solicitor forms the view that the Three Criteria are not satisfied under clause (d)(i); the Councillor may request a review of that advice from an independent legal practitioner as agreed in advance

Changes

Nil

between the Councillor concerned and the General Manager and failing agreement as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.

6. If the proceedings are commenced and the Three Criteria are satisfied then the following procedure must be followed:

- In the case that the claim is accepted by Council's insurer it will have carriage of the matter subject to consultation with the General Manager and the Councillor will be required to abide by any reasonable instruction of the insurer or its nominated lawyer.
- If the Insurer does not accept the claim as it is of the opinion that the matter is outside the policy then the General Manager in consultation with Council's solicitor will nominate a legal practitioner that they consider should represent the Councillor. If the Councillor considers that such representation is appropriate then the procedures in clause 7 must be followed. If Council's solicitors are not of the same opinion as the insurers the General Manager in consultation with Council's solicitors will take whatever action is necessary (without unduly holding up the defamation proceedings) to have the question determined.
- If the Councillor considers that the legal practitioner nominated is not appropriate then the Councillor concerned and the General Manager must attempt to reach agreement on an alternative legal practitioner, and failing agreement the legal practitioner must be as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.

Changes

Nil

Nil

7. If Council's insurers have not accepted the claim the General Manager must contact the proposed legal practitioner and must require that an agreement be entered into between the legal practitioner and the Council which will include such terms and conditions as the General Manager sees fit including:
- i. Terms and conditions as to costs and disbursements including procedures for costs estimates to be given at appropriate times; and
 - ii. Accounts being considered and approved by the General Manager prior to payment; and
 - iii. All instructions provided to the legal representatives by the Councillor concerned to be subject to the concurrence of the General Manager.
8. Notwithstanding the provisions of paragraph 5.1 (ii) and 5 above, once proceedings have actually been commenced then the procedures set out in paragraph 5 above must be followed. (Note: The General Manager should regularly review Council's insurance policies with respect to the application of them to the Council's possible liability pursuant to this policy.)

Exclusion from Policy

This policy will not apply to any defamation or other action brought by any Councillor or Council employee against any Councillor, arising from the making of a statement by any of the latter of and concerning any of the former, unless in addition to the Three Criteria set out above:

- i. the statement complained of is made to a person or body in circumstances where it is likely to be subject to qualified privilege or absolute privilege (including without limitation statements made in good faith to the Police or Director of Public Prosecutions, the Department of Local Government, statements made ancillary to, and in giving evidence to, a Court or Tribunal or other body conducting any inquiry, investigation or hearing, statements made to the Office of the Ombudsman and statements made to any Parliamentary Committee) (but in such circumstances the policy will only apply to the extent of the publication of the

statement in these circumstances, and not to any other publication of the statement); or

ii. The statement:

- is made at a meeting of Council, a briefing of Councillors or a meeting of a Committee of Council in respect of an item on the agenda for that meeting or briefing; and
- is in accordance with the Local Government (Meetings) Regulations 1999 and Council's Code of Meeting Practice current at the time the statement was alleged to have been made; and
- Does not breach any other law.

Changes

Nil

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 3150-029

PORT STEPHENS NATIVE FLORA GARDENS

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Seeks to rezone the land in care of the Port Stephens Native Flora Gardens from 6(a) Passive Recreation to 7(a) Environmental Protection and that the registered Subdivision Plan be deleted.
-

BACKGROUND REPORT OF: JASON LINNANE – RECREATION SERVICES MANAGER

BACKGROUND

The site known as the Native Flora Gardens covers two parcels of land. These are Lot 1 DP1086708 and Lot 2 DP 1086708. Lot 1 makes up the overwhelming majority of the site and is Crown Reserve. It is also subject to the draft Plan of Management that is currently on public exhibition. Lot 2 is Council owned community land.

Any rezoning request should be considered as part of this Plan of Management process.

The consolidation of the numerous parcels of land that previously existed across this site was completed in 2006. As outlined above, the entire site entails only two (2) Lots they are crown reserve and council owned community land.

ORDINARY MEETING – 27TH NOVEMBER 2007

RECOMMENDATION:

350	Councillor Nell Councillor Robinson	It was resolved that this matter be deferred.
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RECISSION MOTION

RECISSION MOTION

ITEM NO. 1

FILE NO: PSC2007-3489

REFERENDUM FOR POPULARLY ELECTED MAYOR

COUNCILLOR: NELL, TUCKER, SWAN & BROWN

That Council rescind its decision of 28 August 2007 on Item 5 of the General Managers Report, namely 2008 Local Government Election (Minute No 242), with respect to holding a referendum on the question of whether the Mayor of Port Stephens should be popularly elected.

Ordinary Council Meeting – 28 August 2007

ITEM NO. 5

FILE NO: PSC2007-2662

2008 LOCAL GOVERNMENT ELECTION

REPORT OF: PETER GESLING – GENERAL MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider conducting a constitutional referendum at the 2008 Local Government Election, including the question/s to be put to the referendum.

ORDINARY MEETING OF COUNCIL – 28 AUGUST 2007

RESOLUTION:

242	Cr Hodges Cr Nell	RECOMMENDATION IS THAT COUNCIL:
		<ol style="list-style-type: none">1. Resolve to conduct a Constitutional Referendum at the 2008 Local Government Election.2. Form a working party of interested Councillors to work with the Executive Manager to develop the questions for the Referendum.

ORDINARY MEETING – 27TH NOVEMBER 2007**RECOMMENDATION:**

	Councillor Nell Councillor Tucker	That the resolution No. 242 from the Ordinary Council meeting held on 28 th August 2007 be rescinded.
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The Recission motion on being put was lost

A division was called for:

Those for the Recommendation: Crs Hodges, Dover, Robinson, Dingle, Francis, Swan, Jordan & Westbury

Those against the Recommendation: Crs Nell, Tucker & Brown

BACKGROUND

The purpose of this report is to allow Council to consider the method used to elect the Mayor of Port Stephens and a possible referendum at the 2008 Local Government election.

Council at its meetings on the 27 September 2005 and 26 September 2006 resolved to move towards introducing a voting system to allow the Mayor to be popularly elected by the people of Port Stephens. To do this a constitutional referendum would need to be conducted in conjunction with the 2008 Local Government Election with the change to a popularly elected Mayor occurring at the 2012 Local Government Election, should the community indicate through the referendum to change the voting method.

As Council is aware the Mayor is elected in September on an annual basis by the elected members. For Council to move towards the voting system of a popularly elected Mayor, Council needs to firstly consider a number of matters:-

- 1) Resolve to conduct a constitutional referendum in conjunction with the 2008 Local Government Election to change the way the Mayor is elected.
- 2) Due to the Local Government area being split into Wards, consider whether to increase or decrease the councillor numbers to allow for the popularly elected Mayoral method, and/or
- 3) Abolish the Ward system, which will also require a separate question being asked at the referendum to revert to a whole of local government area.
- 4) Resolve the question/s to be asked of the people of Port Stephens in the referendum.

Should Council choose to remain with the Ward system, Council needs to be mindful that in accordance with Section 280, Local Government Act 1993, each Ward is required to have the same number of Councillors with the Mayor to be excluded from the count if the Mayor is to be elected by the electors. This would require an increase of councillor number to 13, if Council chose to remain with four (4) councillors per Ward.

If Councillors were to remain with the Ward system but reduce the number of councillors, then the number of councillors must not be reduced below three (3) per Ward. This would result in nine (9) councillors and the popularly elected Mayor making ten (10) councillors.

If Councillors were to abolish the Ward system then the councillor numbers could remain the same with twelve (12) councillors being elected including a popularly elected Mayor. This would require a second question to be put to the community at a referendum.

Council should be aware that if two (2) questions are put to the community and the community responds in the positive with one and the negative in another, this could be different from Council's original intent. For example Council could ask:-

SAMPLE QUESTIONS:

	YES	NO
1. As a ratepayer/resident of Port Stephens I would like to vote directly for a popularly elected Mayor.	<input type="checkbox"/>	<input type="checkbox"/>
2. I would like to see the Local Government Ward system abolished to create a whole of local government area	<input type="checkbox"/>	<input type="checkbox"/>

If Council was of the mind to put both questions to the community in the form of a referendum and the community responded with a YES for question 1 and a NO for question 2, then Council would need to consider increasing or decreasing councillor numbers.

If it was a YES to both then Councillor numbers could remain the same. However if they were reversed and the community said NO to question 1 and YES to question 2, Councillor numbers would remain the same with the local government area being a whole are rather than divided into Wards and Councillors would elect the Mayor.

If the community responded NO to both questions then the status quo would remain.

LINKS TO CORPORATE PLANS

Goal 16 Leadership – *Planning is integrated to provide a clear direction that allows a focus on achievement of organisational and personal goals*

FINANCIAL/RESOURCE IMPLICATIONS

Dependent upon the decision of Council with respect to increasing or decreasing the Councillor numbers there would be a financial implication. It is anticipated if the councillor numbers increased by one then the cost would approximately increase by \$30,000 per year (\$120,00 per Council term) or alternatively if the number decreased the savings would be in the vicinity of \$60,000 per year (\$240,000 per Council term).

Also should Council choose to conduct a referendum at the 2008 Local Government Election, this would increase the costs of conducting the election.

LEGAL AND POLICY IMPLICATIONS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, Council is required to conduct a referendum to make changes to the election of Mayor and changes to the Ward system.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

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

Dependent upon Council's decision this may allow the community to have direct input into the election of the Mayor.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Governance Coordinator

OPTIONS

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

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

CONFIDENTIAL ITEMS



In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

351	Councillor Westbury Councillor Hodges	It was resolved that Council move in Confidential session.
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Note: Cr Jordan left the meeting at 7.10pm and did not return.