

Minutes 13 November 2007



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 13 November 2007, commencing at 8.16pm.

PRESENT:

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

324	Councillor Nell Councillor Tucker	It was resolved that the apology from Cr Baumann, Cr Hodges and Cr Jordan be received and noted.
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MINUTES FOR ORDINARY MEETING – 13 NOVEMBER 2007

MAYORAL MINUTE3

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MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO: DA16-2007-871-1

DEVELOPMENT APPLICATION FOR CHANGE OF USE – SHOP/OFFICE TO CAFÉ/SANDWICH BAR AT UNIT 2, 63 DONALD STREET, NELSON BAY

THAT COUNCIL:

1. Defer the requirement for Section 94 Contribution to pay for 2 additional car parking spaces for a period of 12 months.
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BACKGROUND

Refer to the Memo forwarded to Councillors on 9th November.

A review of other activities within the complex will be undertaken in relation to their carparking requirements to determine whether they are required. This will involve a review of the registered strata plan (No. 45370) for this centre which will take some time to complete.

325	Councillor Swan	There being no objections the Mayoral Minute was carried
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MOTIONS TO CLOSE

MOTION TO CLOSE

ITEM NO. 1

FILE NO: PSC2007-0090

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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 - Lease of Shop 5, Terrace Shopping Village, 42 William Street, Raymond Terrace.
 - 2) 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.
 - 3) In particular, the information and discussion concerns Lease of Shop 5, Terrace Shopping Village, 42 William Street, Raymond Terrace
 - 4) 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.
 - 5) That the minutes relating to this item be made public on settlement if the proposed acquisition goes ahead or when negotiations are ended.
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ORDINARY MEETING 13 NOVEMBER 2007

RECOMMENDATION:

326	Councillor Nell Councillor Tucker	It was resolved that the recommendation be adopted.
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MOTION TO CLOSE

ITEM NO. 2

FILE NO: A2004-0888

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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 2 - Lease of 113 Beaumont Street, Hamilton, to Commonwealth Bank of Australia
 - 2) 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.
 - 3) In particular, the information and discussion concerns Lease of 113 Beaumont St, Hamilton to Commonwealth Bank of Australia
 - 4) 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.
 - 5) That the minutes relating to this item be made public on settlement if the proposed acquisition goes ahead or when negotiations are ended.
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ORDINARY MEETING 13 NOVEMBER 2007

RECOMMENDATION:

327	Councillor Nell Councillor Tucker	It was resolved that the recommendation be adopted.
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MOTION TO CLOSE

ITEM NO. 3

FILE NO: A2004-0896

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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 3 - Lease of Shop 1. 106 Magnus St, Nelson Bay.
 - 2) 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.
 - 3) In particular, the information and discussion concerns Lease of Shop 1, 106 Magnus St, Nelson Bay.
 - 4) 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.
 - 5) That the minutes relating to this item be made public on settlement if the proposed acquisition goes ahead or when negotiations are ended.
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ORDINARY MEETING 13 NOVEMBER 2007

RECOMMENDATION:

327	Councillor Nell Councillor Tucker	It was resolved that the recommendation be adopted.
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MOTION TO CLOSE

ITEM NO. 4

FILE NO: A2004-0896

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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 4 - Lease of Shop 3. 106 Magnus St, Nelson Bay.
 - 2) 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.
 - 3) In particular, the information and discussion concerns Lease of Shop 3, 106 Magnus St, Nelson Bay.
 - 4) 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.
 - 5) That the minutes relating to this item be made public on settlement if the proposed acquisition goes ahead or when negotiations are ended.
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ORDINARY MEETING 13 NOVEMBER 2007

RECOMMENDATION:

328	Councillor Nell Councillor Tucker	It was resolved that the recommendation be adopted.
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MOTION TO CLOSE

ITEM NO. 5

FILE NO: PSC2007-0090

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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 5 - proposed disposal of lot 11 DP 789884, 2 Glenurie Close, Woodville

 - 2) 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.

 - 3) In particular, the information and discussion concerns the proposed disposal of Lot 11 DP789884, 2 Glenurie Close, Woodville.

 - 4) 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.

 - 5) That the minutes relating to this item be made public on settlement if the proposed acquisition goes ahead or when negotiations are ended.
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ORDINARY MEETING 13 NOVEMBER 2007

RECOMMENDATION:

329	Councillor Nell Councillor Tucker	It was resolved that the recommendation be adopted.
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OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO. 1

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 13 NOVEMBER 2007

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING 13 NOVEMBER 2007

RECOMMENDATION:

330	Councillor Nell Councillor Dover	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to advise Council that its external auditor, PriceWaterhouseCoopers, has completed the audit of Council's accounts for the year ended 30 June 2007 and has furnished the necessary audit reports.

In compliance with the Act, copies of the reports were forwarded to the Department of Local Government and the Australian Bureau of Statistics.

The Act also requires that Council give public notice of its intention to present the financial reports to the public as a public document. Public notice has been given.

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

A complete copy of the financial and audit reports have been forwarded under separate cover. The results of Council's financial performance are summarised below.

In financial year 2006/2007, Council recorded a surplus from Ordinary Activities of \$1.865M compared to a deficit of \$6.018M in 2005/2006. Income from Continuing Operations increased in 2006/2007 by \$2.393M, predominantly due to an increase in Rates and Annual Charges (\$2.533M). Expenses from Continuing Operations increased in 2006/2007 by \$0.843M mainly as a result of Depreciation (\$0.912M). Overall, Council's performance for the 2006/07 financial year resulted in an increase in net assets of \$9.282M.

Total Assets increased by \$4.519M, primarily due to increases in Property, Plant & Equipment (\$3.532M), and Investment Property (\$1.017M). Total Liabilities decreased by \$4.931M primarily due to a decrease in Payables (\$5.268M).

LEGAL AND POLICY IMPLICATIONS

The presentation to the public of the Financial reports and Auditor's report as a public document and the acceptance and subsequent referral of any submissions, satisfies the requirements of the Local Government Act and Regulations

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:-

- 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

Completion of the annual financial statements provide Council with the information needed to assist in prudent financial management and decision making which will have a positive social impact on the community.

ECONOMIC IMPLICATIONS

The annual financial statements provide Council with the information needed to assist in the efficient allocation of resources so that the community benefits from effective decision-making.

ENVIRONMENTAL IMPLICATIONS

The annual financial statements provide Council with the information needed to assist in the effective management of resources which will ensure that sufficient funds are available for Council to meet its environmental responsibilities.

CONSULTATION

PriceWaterhouseCoopers, Council's external auditor, provided advice and guidance on accounting concepts and standards, and changes to the Code of Accounting Practice prior to and during the compilation of the reports and external audit.

OPTIONS

- 1) Accept the recommendations
- 2) Amend the recommendations.

ATTACHMENTS

Nil

COUNCILLORS ROOM

- 1) 2007 Annual Financial Reports and Special Schedules.

TABLED DOCUMENTS

- 1) 2007 Annual Financial Reports and Special Schedules.

GENERAL MANAGER'S REPORTS

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1

FILE NO: PSC2005-4381

FORESHORE MANAGEMENT PLAN

REPORT OF: BRUCE PETERSEN, ENVIRONMENTAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the public exhibition of the Draft Foreshore Management Plan for a period of three (3) months.

331	Councillor Westbury Councillor Nell	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek Council's support for the exhibition of the recently completed Draft Foreshore Management Plan so it can go on public exhibition for three (3) months.

The Port Stephens/ Myall Lakes Coastal and Estuary Committee formally adopted the Draft Foreshore Management Plan in October 2007 and recommended that it be submitted to Council and Great Lakes Councils so it can be placed on public exhibition.

In 2000 the Port Stephens/ Myall Lakes and Estuary Management Plan recommended the development of a foreshore management plan for Port Stephens. The over riding objective of the plan was to address the sustainable use of the foreshore as part of an important estuarine ecosystem that supports tourism, aquaculture, research and commercial and recreational activities.

A consultant (Umwelt (Australia) Pty Ltd) was engaged by Council to prepare the foreshore plan.

STUDY AREA

Port Stephens Foreshore is the transitional area between the aquatic and terrestrial environment. The Foreshore Management Plan defines the foreshore as the area extending from 100m landward of the tidal high water mark to 20 metres seaward of the tidal low water mark. For the purposes of this plan the foreshore includes the southern, western and northern foreshores of the estuary, the foreshores of all tributaries and creeks that flow into the estuary, the foreshore of all wetlands that are related to the estuary, the foreshore of the Karuah River up to its tidal limit (4 km upstream of Allworth) and the foreshore of the Myall River up to Kangaroo Island.

OBJECTIVES

The objectives of the Foreshore Management Plan are to:

- Increase community awareness and understanding of foreshore issues;
- Provide a strategic context for work that occurs on the foreshore particularly for community groups;
- Recommend actions to improve the foreshore that are consistent with other strategic planning policies and initiatives in the region;
- Provide for a structured and prioritise management planning framework for the foreshore;
- Provide detailed and practical advice on management actions for areas of the foreshore.

COMMUNITY CONSULATION

The preparation of the foreshore plan was supervised by the Port Stephens and Myall Lakes Estuary Management Committee, although the estuary committee was the primary stakeholder reference group for this project, broader community participation was sought through several means including the distribution of a project brochure to the community groups together with an invitation to provide written input, consultation with key community groups, media releases, face to face community participation and local community meetings.

RECOMMENDATIONS

In Part 3 of the report, the consultant has provided recommended management options with associated timelines, order of cost for capital projects, responsibilities and priorities. Recommendations include the following:

- The protection of Aboriginal and European heritage;
- The support of community groups undertaking rehabilitation enhancement projects;
- Possible rezoning of areas of the foreshore from the existing zonings to Environmental Protection;
- Foreshore protection structures and rehabilitation of damaged sections of the foreshore;
- The investigation of new marinas and boat ramps;
- Beautification works, landscaping and revegetation;
- Beach nourishment in certain areas;
- Demolition and replacement of existing public amenities at specific locations around the foreshore;
- The removal or alteration of structures which hinder public access along the foreshore;
- Improvements to car parking;
- Improvements to existing sea walls and rock revetment walls;
- Pollution control.

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.*

The recommendation arising from this report will be used to inform the Futures Strategy, which is currently being developed by Council. Once this Plan has gone on exhibition, submissions have been reviewed and the final Plan has been adopted by Council, key actions from the Plan will be incorporated into the Futures Strategy.

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

To implement all of the recommendations in this report would cost Council a considerable amount. Rather than attempting to fund all recommendations, it is proposed to work on priority areas and seek State or Federal funding to address these areas over time. See the full list of recommendations with associated costings, part 3 Draft Foreshore Management Plan.

LEGAL AND POLICY IMPLICATIONS

There are no significant legal issues arising out of this report. However, the report does recommend rezonings in certain areas of the foreshore and this would need to be addressed in the next Local Environmental Plan. Another significant issue that has been raised in the report relates to illegal / unauthorised revetment walls and foreshore structures which, in some cases, provides a pedestrian barrier along the foreshore..

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.*
- 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 will be some longer -term positive social outcomes associated with the recommendations in this report, particularly where water quality and foreshore improvements are concerned. Many recreational and commercial activities within Port Stephens are affected to some extent by the quality of the foreshore.

Improvements in the foreshore amenity will result in improvements in tourism and recreational activities.

ECONOMIC IMPLICATIONS

Improvements in the foreshore should lead to economic improvements, including a positive impact on tourism and some commercial operations.

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

ENVIRONMENTAL IMPLICATIONS

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

CONSULTATION

MINUTES FOR ORDINARY MEETING – 13 NOVEMBER 2007

There was considerable consultation with the community as this plan was being developed, including face to face meetings with residents groups, community meetings and discussions with a number of stakeholder groups including Councillors and Council staff, the local Aboriginal Lands Council, volunteer coastal patrol, the maritime waterways users group, state government agencies and a number of residents.

A brochure was distributed to community groups asking for written input into the development of this plan, 49 detailed written submissions were received from these community groups and these submissions contributed to this final draft report.

OPTIONS

- 1) Endorse the Public exhibition of the Draft Foreshore Management Plan for a period of three (3) months;
- 2) Modify the period of exhibition.

ATTACHMENTS

- 1) Executive Summary (under separate cover)
- 2) Part 3 of Draft Plan – Management Options (under separate cover)

COUNCILLORS ROOM

- 1) Draft Foreshore Management Plan
- 2) Foreshore area and management zones map.

ITEM NO. 2

FILE NO: PSC2005-4382

EXTENSION OF CONSULTATION PERIOD FOR TILLIGERRY CREEK CATCHMENT MANAGEMENT PLAN AND CATCHMENT COMMITTEE

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Extend the period of consultation to allow submissions on the Tilligerry Creek Catchment Management Plan and nominations for the Catchment Committee to be received up until the end of February 2008.

332	Councillor Swan Councillor Tucker	<p>It was resolved that Council;</p> <ul style="list-style-type: none"> 1) Extend the period of consultation to allow submissions on the Tilligerry Creek Catchment Management Plan and nominations for the Catchment Committee to be received up until the end of February 2008. 2) Note the community concern regarding recommendation to rezone private land and indicate an intention to remove the recommendation from the final plan.
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BACKGROUND

The purpose of this report is seek Council’s support to extend the submission period for both the Tilligerry Creek Catchment Management Plan and nominations for the Catchment Committee.

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

A consultant (Earth Tech Pty Ltd) was engaged by Council in 2005 to prepare the study. The study found that ongoing land use pressures have resulted in a decline of habitat quality within the catchment and this has resulted in impacts on water quality, biodiversity, and adversely affected recreational and commercial activities.

The report did not look at septic system upgrade issues as this was the subject of other studies being undertaken by Council independently of this study.

The report made recommendations focusing on:

- Improved management of drains and floodgates
- The installation of trash racks, wetlands and pollutant traps
- Audits of catchment activities
- Improved vegetation management particularly along creek banks
- Improved stock management
- Buyback of marginal agricultural land

One of the recommendations relating to vegetation management was that Council consider potential Local Environment Plan (LEP) amendment to rezone of 1500ha of existing bushland to environmental protection in order to ensure that it is protected. This has caused considerable concern in the community.

The Tilligerry Creek Catchment Management Plan has no statutory standing and like all the points raised in the study the suggestion by the consultant to rezone certain parcels of land in the catchment is at this stage just a recommendation.

The only way that land would be rezoned is via the next comprehensive review of the LEP (Local Environment Plan) which is to occur before 2011. Although the Tilligerry Creek Management Plan gives Council a starting point when reviewing zonings within the Tilligerry Catchment the LEP review will occur across all in land in the LGA. In effect land zonings within the Tilligerry Creek Catchment will be reviewed regardless of the plan.

Several of Councils Natural Resource Management Plans make recommendations regarding re-zonings, e.g the Estuary Management Plan 2000, none of these re-zoning recommendations have been acted upon by Council as the most efficient way to progress these recommendations is via the LEP review.

Given the level of community concern regarding the recommendation to consider rezoning areas of existing bushland to environmental protection Environmental Services considers that the best way forward is to remove this action from the final plan and review the zonings within the catchment as part of the comprehensive review of the LEP. The recommendation to remove this action from the final plan will be tabled at the Tilligerry Creek Catchment Committee for their endorsement.

Every effort has been made to inform residents about the plan, over 4500 flyers were sent out via Australia Post, notices have been put in 4 editions of the Examiner and in 1 edition of the Stockton Messenger. Copies of the plan have also been put on exhibition at several places within the catchment and on council's website.

Although the official consultation period closed on October 29 it is apparent that many residents thought that the plan only related to water quality, had no relevance to them and therefore did not make a submission. Extending the consultation period would ensure that residents have the opportunity to make a submission and hopefully result in an improved plan that has an increased level of community acceptance.

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

Extending the consultation period will result in more expenses being incurred by Council as additional funds will be spent on re-advertising the plan and catchment committee. Extending the consultation program will also delay the finalisation of the plan which could hamper Council's efforts to compete for grants in early 2008 that would fund implementation.

LEGAL AND POLICY IMPLICATIONS

None

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

If the consultation period is not extended the local community within the Tilligerry Creek Catchment could feel that were not given enough time to provide comment and then form a negative view of the plan. Given that the implementation of the plan will require extensive public participation avoiding this reaction is preferable.

ECONOMIC IMPLICATIONS

Extending the consultation will delay the finalisation of the plan which could hamper Councils efforts to compete for grants in early 2008 that would fund implementation.

ENVIRONMENTAL IMPLICATIONS

Extending the consultation period may result in the delay of the implementation of the Tilligerry Creek Catchment Management Plan and therefore the delay of projects which would assist in the environmental management of the catchment.

OPTIONS

- 1) Adopt, reject or amend the recommendation.

ATTACHMENTS

- 1) Page 61 from the DRAFT Tilligerry Creek Catchment Management Plan that recommends LEP amendments.

COUNCILLORS ROOM

- 1) None

TABLED DOCUMENTS

- 1) None

Attachment 1

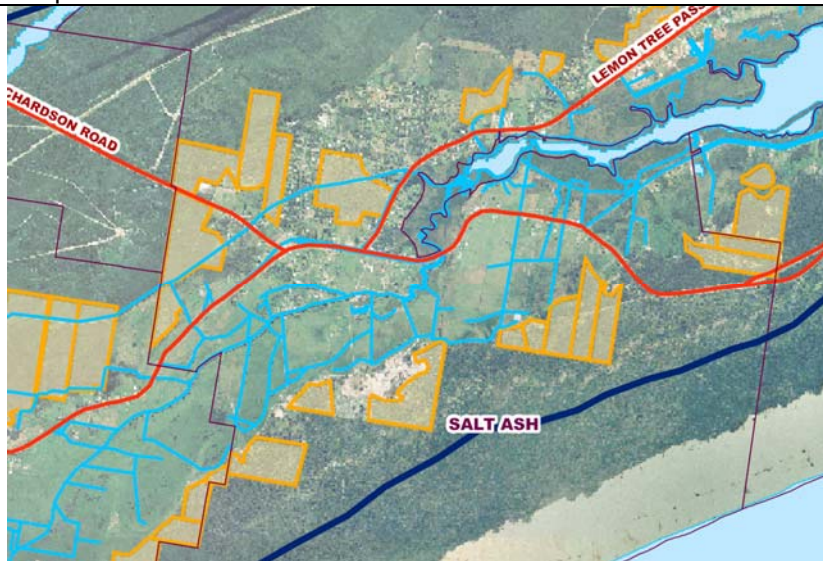
PRIORITY 1 – POLICY ACTIONS

ACTION 22: LEP AMENDMENTS FOR UNPROTECTED BUSHLAND

There are approximately 1500ha of existing bushland (as of 2005) within the catchment zoned “1a Agricultural” with minimal formal protection under the Local Environment Plan beyond standard development consent conditions.

There are protection provisions under the NSW Native Vegetation Act however; it is deemed that the value of the bushland requires further protection with a changed zoning to “Environmental Protection”.

Protection of these remnant islands of Swamp Mahogany and Tomago Woodland though landholder incentive schemes or conservation agreements will ensure these valuable areas remain. See Map 14 in Attachments 1.



Lead agency	Council
Feasibility	High/ Medium /Low
Indicative capital cost	\$50,000 (fencing where appropriate)
Indicative maintenance cost	N/A
Potential funding sources	Council
Overall benefit	Regional , Local, Minor
Risk	Low
Trajectory	Stable
Target	No net loss of existing bushland. Compensatory schemes for areas that are to be cleared will be required.
Measurement	Aerial photographic interpretation every two years.

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.

333	Councillor Tucker Councillor Nell	It was resolved that Council move into Confidential Session.
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