

Minutes 24 February 2009



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 24 February 2009, commencing at 6.01pm.

PRESENT: Councillors B. MacKenzie (Mayor); R. Westbury (Deputy Mayor); G. Dingle; S. Dover, G. Francis; P. Kafer; D. Maher, J. Nell; S. O'Brien; S. Tucker, F. Ward; General Manager; Corporate Excellence Group Manager, Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager & Executive Officer.

018	Councillor S Tucker Councillor D Maher	It was resolved that the apology from Cr Ken Jordan be received and noted.
019	Councillor G Francis Councillor S Tucker	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 16 December 2008 & 10 February 2009 be confirmed.

Prior to the Council meeting the Mayor in association with David Marsh, the winner of the Australia Day Raft Race made presentations of \$650.00 to both the State Emergency Service and the Rural Fire Service which Mr Marsh donated from his prize money.

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MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2008-2091

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) (i & ii) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 3 on the Ordinary meeting agenda namely **Raymond Terrace Sports Field Redevelopment Agreement for Lease**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include:
 - i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - 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 it may prejudice Council's commercial position and Council should have the same protection for its confidential commercial activities as that applying to other persons.
 - 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.
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ORDINARY COUNCIL - 24 FEBRUARY 2009

020	Councillor B MacKenzie	There being no objection it was resolved that the Mayoral Minute be adopted.
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MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2005-5651

CREATION OF SPORT AND RECREATION PRECINCT AT ANNA BAY

THAT COUNCIL:

Initiates site master planning and negotiations with Department of Lands and other adjacent land managers to facilitate the creation of a sport and recreation precinct on Crown Land off Fishermans Bay Road, Anna Bay

ORDINARY COUNCIL - 24 FEBRUARY 2009

021	Councillor B MacKenzie	There being no objection it was resolved that the Mayoral Minute be adopted.
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BACKGROUND

Council has been trying to find a suitable site for the development of local sport and recreation facilities for Anna Bay/Boat Harbour for the last 10 years. A range of sites have been investigated and discounted as options due to a number of limiting factors.

There is a dearth of active spaces for recreation pursuits in this area. The proposal to create active recreation spaces in this area has been identified as a priority through a range of planning programs. This includes most recently as part of the community engagement associated with the Port Stephens Futures program.

The proposal is also supported by the Tomaree Sports Council and its sports development strategy. The proposal does not include the creation of sports fields but rather a mix of court based facilities and associated infrastructure that provides multi use options.

It is essential that the facilities are provided within easy walking and cycling distance of Anna Bay so that it effectively services the youth of the area.

There is Crown land available and which provides the appropriate opportunities on Fishermans Bay Road. This should be explored and discussed with the Department of Lands and other land managers of the area to determine, access and progress any opportunities.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: PSC2008-3934

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(b) and 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary Meeting agenda namely ***Development Compliance and Implementation of the Compliance Policy.***
 - 2) That the reasons for closing the meeting to the public to consider this item is that the report and discussion will include matters and information of a personal nature of particular individuals.
 - 3) That the discussion will include information concerning legal advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
 - 4) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
 - 5) That the report of the closed part of the meeting remain confidential.
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ORDINARY COUNCIL - 24 FEBRUARY 2009

022	Councillor S Tucker Councillor G Francis	It was resolved that the recommendation be adopted.
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ITEM NO. 2**FILE NO: PSC2008-3934****MOTION TO CLOSE MEETING TO THE PUBLIC****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****RECOMMENDATION:**

That pursuant to section 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary Meeting agenda namely ***Development Compliance Policy Implications***

- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information concerning legal advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
- 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
- 4) That the report and the minutes of the closed part of the meeting remain confidential until the matter is settled.

ORDINARY COUNCIL - 24 FEBRUARY 2009

023	Councillor S Tucker Councillor G Francis	It was resolved that the recommendation be adopted.
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OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: 2008-9565****SEAHAM PARKS COMMITTEE****REPORT OF: JASON LINNANE, RECREATION SERVICES MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopts the Constitution Schedule of the Seaham Park Committee; and
- 2) Considers nomination for Councillor representation on the Seaham Park Committee

OPERATIONS COMMITTEE MEETING – 10 FEBRUARY 2009**RECOMMENDATION:**

Councillor Ken Jordan Councillor John Nell	That the recommendation be adopted
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ORDINARY COUNCIL - 24 FEBRUARY 2009

024	Councillor S Tucker Councillor S O'Brien	It was resolved that Council: <ol style="list-style-type: none">1) Adopts the Constitution Schedule of the Seaham Park Committee; and2) Cr K Jordan be the Council representative on the Seaham Park Committee.
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BACKGROUND

The purpose of this report is to recommend to Council the adoption of the Seaham Park Committee Constitution.

A group of Seaham residents have requested the formation of a reserves committee at Seaham to assist Council manage and enhance Seaham Park. The group has held several meetings and have sufficient numbers and interest from the community to establish a committee.

There has previously been a committee at Seaham which was not successful. This proposed committee is entirely separate to the previous committee. The focus of this proposed committee would be on achievable and sustainable projects as a member of the Parks and Tidy Towns Forum in line with Council's Volunteer Strategy Framework. These measures will provide the framework for a successful community group.

The area of responsibility of the proposed committee is Seaham Park. The surrounding wetlands and foreshore are state significant protected habitat and require consultation and approval from Council's Environmental Services Section, Crown Lands, Catchment Management Authority and Department of Environment and Climate Change to undertake any activities. Council staff will consult with these bodies on behalf of the committee for issues that arise in the area surrounding Seaham Park. The protection and conservation of the wetlands and foreshore area are a top priority.

By formally adopting the Seaham Park Committee as a 355(b) committee of Council, Council clearly defines the committee's relationship with Council and provides a framework for the committee work within.

The format of 355(b) Committee Constitutions consist of the Standard 355(b) Committee Constitution, adopted by Council, 24 June 2003, Minute No 251, and a customised Schedule of each committee's individual activities. Council must approve a committee's Constitution Schedule.

The Constitution Schedule of the Seaham Park Committee has been developed in consultation with members of the proposed committee, in line with current 355(b) committee standards and relevant legal and insurance requirements.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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

355(b) Committees are provided with a \$1,000 annual subsidy. There is no current budget allocation for this committee. This allocation can be covered in existing Recreation Services budget allocation.

Additional staff resource time will be required to establish and manage the committee, particularly in the short term. There will however, be no need to increase establishment number.

LEGAL AND POLICY IMPLICATIONS

Under Section 355(b) of the Local Government Act, 1993, Council may exercise its functions itself or by delegation to another person or persons. Council must approve the constitution of such delegated committees.

The constitution of the Seaham Park Committee consists of the Standard 355(b) Committee Constitution adopted by Council, 24 June 2003, Minute No 251, and a customised schedule of the committee's individual activities.

The committee will be managed and provided with support as outlined in the Volunteer Strategy Framework which includes involvement in the Parks & Tidy Towns Forum.

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 culture of continual improvement, innovation and learning.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Council establishes community committees to undertake projects and to provide a link between Council and the community. This is part of Council's commitment to community partnerships.

Council's support of the Seaham Park Committee provides this link with the Seaham community.

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

The Seaham Park Committee would operate under direction from Council staff to ensure their activities are performed in accordance with recognised practices that may provide long term benefits to the environment. The focus of the committee should be on achievable and sustainable projects.

CONSULTATION

Seaham Community members
Volunteer Strategy Co-ordinator
Parks Facilities Co-ordinator
Community Support Officer

OPTIONS

- 1) As per recommendations
- 2) Reject/amend constitution

ATTACHMENTS

- 1) Seaham Parks Committee Constitution Schedule

ATTACHMENT 1

SCHEDULE TO CONSTITUTION

Item 1	Name of Committee	Seaham Park Committee
Item 2	Name of Council Section	Recreation Services
Item 3	Functions delegated by Council to committee	<ul style="list-style-type: none"> • Co-ordinate and/or assist Council with the development of sustainable environmental projects in Seaham. • Co-ordinate working bees, liaise with Council staff re working bees in Seaham. • Encourage and support the community and/or community groups, to participate in programs benefiting Seaham. • Participate in Council's Parks & Tidy Towns Forum process. • Co-ordinate and/or assist in the preparation of entries for Tidy Towns Programs for the Seaham area. • Assist in the sourcing of alternate funding (eg grants) or voluntary labour for committee projects. • Provide a community link to assist Council staff in consulting with the community on management plans. • Promote and participate in environmental education programs with schools and the community.
Item 4	Restrictions on functions delegated	Any works undertaken will be with the knowledge and approval of the Raymond Terrace Parks Co-ordinator and Environmental Services Customer Support Officer
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies & legislation including but not limited to:</p> <p>OH&S 2000 OH&S Regulation 2001</p>

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		LGA & Regulations 1993 PPIPA 1988 Code of Conduct Code of Meeting Practice Accessing Information Policy Child Protection Policy Volunteer Strategy Framework
Item 6	Date on which constitution concludes	September of Council Election each four years. Council to re adopt constitution within three months following election
Item 7	Maximum number and make up of committee members	Up to twelve interested community members
Item 8	Councillors	As resolved by Council.
Item 9	Council employees	Raymond Terrace Parks Co-ordinator Parks Facilities Co-ordinator Environmental Services Customer Support Officer
Item 10	Name of financial institution and type of account	
Item 11	Name of any account operated by the committee	Seaham Park Committee a S355(b) committee of Port Stephens Council
Item 12	Area assigned to committee	Seaham Park excluding wetlands & foreshore. Any work undertaken in wetlands & foreshore areas require consultation & approval from Council's Environmental Services Section, Crown Lands, Catchment Management Authority & Department of Environment & Climate Change
Item 13	Additional clauses or amendments to Standard Constitution or Schedule. To be listed in full - body of constitution not to be altered.	
Item 14	Changes to constitution or Schedule – Adopted by Council: Meeting Date: Minute No: Resolution	

ITEM NO. 2**FILE NO: PSC2008-3716****QUARTERLY REPORT AGAINST COUNCIL PLAN 2008-2012 FOR
DECEMBER QUARTER & QUARTERLY PERFORMANCE MEASUREMENT
REPORT****REPORT OF: WAYNE WALLIS, GROUP MANAGER – CORPORATE EXCELLENCE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Quarterly Report against Council Plan 2008-2012 for December Quarter & Quarterly Performance Measurement Report
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OPERATIONS COMMITTEE MEETING – 10 FEBRUARY 2009**RECOMMENDATION:**

Councillor Bob Westbury Councillor Shirley O'Brien	That the recommendation be adopted
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ORDINARY COUNCIL - 24 FEBRUARY 2009

025	Councillor S Tucker Councillor S O'Brien	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to present to Council the Quarterly Report (December Quarter 2008) against the Council Plan 2008-2012 and the cockpit charts measuring Council's performance in key areas.

The Quarterly Report with its accompanying cockpit charts 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 the Councillors can see the progress of every objective within the Council Plan. The December quarter is highlighted in yellow.

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

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

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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

The Quarterly Report cockpit charts should be read in conjunction with associated budget documents provided under separate cover.

LEGAL AND POLICY IMPLICATIONS

The Local Government Act 1993, Section 407(1) provides that Council receives a quarterly update on progress against its Management Plan (Council Plan 2008-2012).

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 culture 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 Quarterly Report cockpit charts map progress in the implementation of the Social and Community Plan.

CULTURAL IMPLICATIONS

The Quarterly Report cockpit charts will map progress in the implementation of the new Cultural Plan when implementation commences in February 2009.

ECONOMIC IMPLICATIONS

The Quarterly Report documents progress against Goals 5 and 14 of the Council Plan 2008 -2012. The cockpit charts report against the Council's financial performance.

ENVIRONMENTAL IMPLICATIONS

The Quarterly Report documents progress against the sustainability and environmental indicators in the Council Plan 2008-2012.

CONSULTATION

The Quarterly Report, with the performance measurement charts, was compiled by Strategy Knowledge & Risk (Corporate Planning) with input from sections across Council, and referred to the Executive Management for accuracy & completeness.

OPTIONS

- 1) Adopts the Quarterly Report (December 2008) and Performance Measurement cockpit charts for October to December 2008.
- 2) Amend the Quarterly Report (December 2008) and Performance Measurement cockpit charts for October to December 2008.

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

- 1) Quarterly Report December Quarter 2008: Council Plan 2008-2011
- 2) Performance Measurement (Cockpit Charts) Report December Quarter 2008.

ITEM NO. 3**FILE NO: A2004-0242****QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2008****REPORT OF: CHRIS BRICE - ACTING FINANCIAL SERVICES MANAGER**

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the estimated Statement of Cash Position to 30/6/2009 as detailed in ATTACHMENT 1 to this report.
- 2) Notes the estimated Statement of Restricted Funds Movements to 30/06/2009 as detailed in ATTACHMENT 2 to this report.
- 3) Notes the changes previously adopted by Council (totalling \$600,000, a negative effect on revenue) as detailed under separate cover as TABLE 1 of DOCUMENT 1.
- 4) Approve the discretionary changes to the adopted recurrent budget, (totalling \$382,702, a negative effect on revenue) as detailed under separate cover as TABLE 2.1 of DOCUMENT 1 to this report and vote the necessary funds to meet the expenditure.
- 5) Approve the discretionary changes to the adopted capital budget, (totalling \$2,240,442 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 (\$1,010,942).
- 8) Notes the Sources of Funds for the works carried forward to the 2008/2009 Estimates as per CM 286/08 as identified under separate cover as TABLE 4 of DOCUMENT 1 to this report.
- 9) Notes the Quarterly Budget Review comparing Budgets to Actuals as tabled under a separate cover as DOCUMENT 2 to this report.

OPERATIONS COMMITTEE MEETING – 10 FEBRUARY 2009**RECOMMENDATION:**

Councillor Bob Westbury Councillor Steve Tucker	That the recommendation be adopted.
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ORDINARY COUNCIL - 24 FEBRUARY 2009

026	Councillor S Tucker Councillor D Maher	It was resolved that the recommendation be adopted.
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BACKGROUND

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 2008/2009 Budget.

Council adopted its Council Plan 2008/2012 (Council Minute 083) on the 22nd April, 2008, this included budget estimates for the 2008/2009 financial year.

The major changes to the Recurrent Budget in this Review are detailed in Table 1 of Document 1 and are summarised as follows:

- Increased expenditure of \$600,000 drainage maintenance (item 1).

The major changes to the Recurrent Budget in this Review are detailed in Table 2.1 of Document 1 and are summarised as follows:

- Increased income of \$380,000 for insurance settlement for the Mallabula Oval Amenities fire (item 2).
- Increased income of \$600,000 for Statewide Mutual ex gratia payment for Swan Bay aircraft noise proceedings (item 2).
- Decreased income and expenditure of \$314,000 to reverse rates levied on Council properties (item 4).
- Increased expenditure of \$102,190 to complete the Tilligerry Creek Program. (item 7).
- Increased income of \$130,000 for Recreation Area Maintenance from Rural Fire Service Program Reimbursements and transferred to Capital for essential works at Tilligerry Aquatic Centre (item 10 and Table 2.2 item 22).
- Increased expenditure of \$1,200,000 for Council roads maintenance for reseals and heavy patching on local roads (item 11).
- Increased expenditure of \$309,000 for Council Roads maintenance (item 12).

The major changes to the Capital Budget in this Review are detailed in Table 2.2 of Document 1 and are summarised as follows:

- Increased expenditure of \$105,000 for additional works at Seabreeze Estate (item 3).
- Increased expenditure of \$2,400,000 for increased road rehabilitation including; Port Stephens Drive - Anna Bay, Grahamstown Road - Medowie, Seaham Road - Nelsons Plains, Marsh Road - Bobs Farm, and Kingsley Drive - Boat Harbour (item 5).
- Increased expenditure of \$100,000 for Masonite Road (item 6).
- Increased expenditure of \$100,000 for Fisher Road (item 7).

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- Decreased expenditure of \$179,000 for Trafalgar Street (item 8).
- Decreased expenditure of \$130,000 for James Paterson Road (item 9).
- Decreased expenditure of \$290,000 for the Karuah Community Hub (item 10).
- Increased income of \$40,000 and increased expenditure of \$195,000 for Corlette Headland, Roy Wood Reserve, Barry Park and Cromarty Bay, as specified by the Tomaree Parks Forum (item 15).
- Increased expenditure of \$130,000 for essential works at Tilligerry Aquatic Centre (item 22 and Table 2.1 item 10).
- Increased expenditure of \$200,000 for Birubi Surf Club (item 38).
- Decreased income of \$100,000 and decreased expenditure of \$131,958 for the Shelly Beach Amenities (item 39)

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

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

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

FINANCIAL/RESOURCE IMPLICATIONS

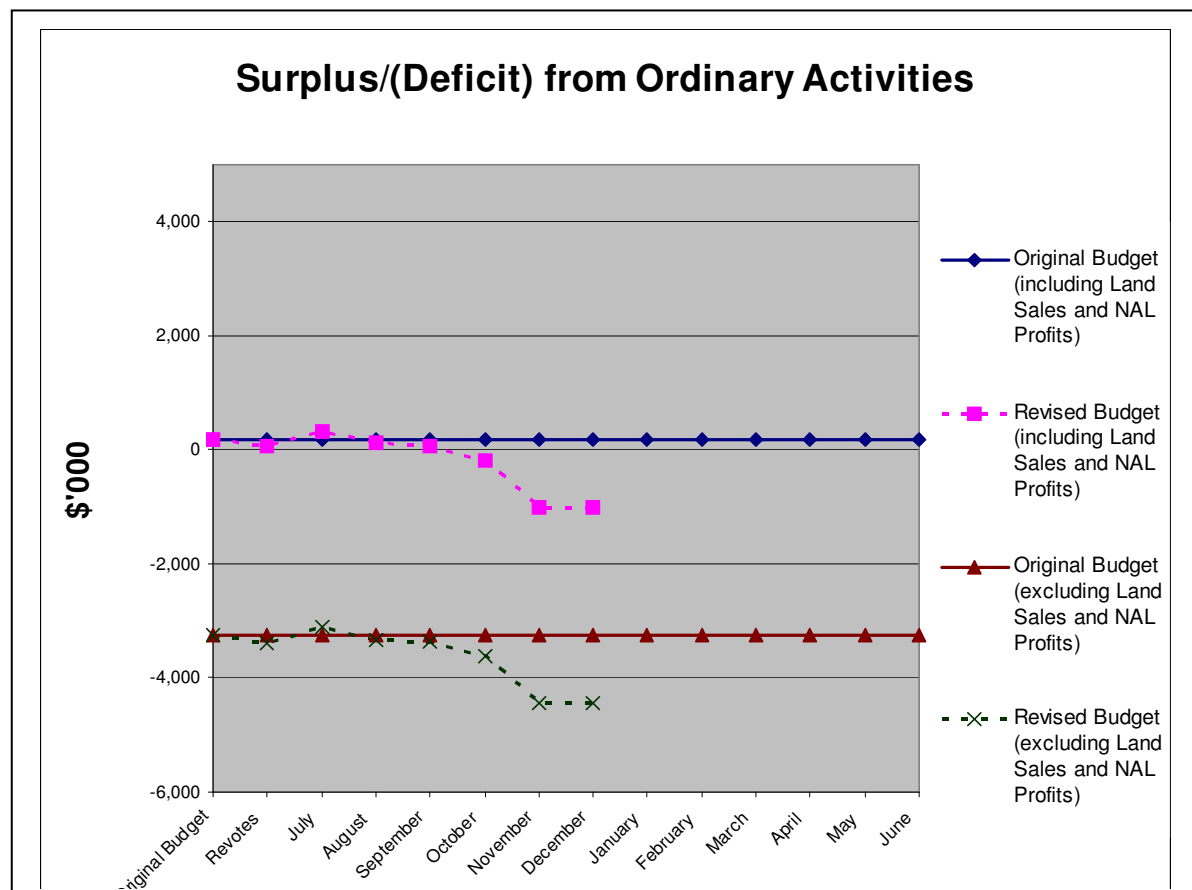
Council's Original 2008/2009 Budget estimate is a \$264,472 cash surplus after internal transfers, repayment of Capital lease and before depreciation of \$13.5 million. TABLE'S 1 and 2 of Document 1 of this report detail the changes in this review. The net cash result of these changes is a projected cash surplus of \$933,185 (Ref N of Attachment 1), before 2009 revotes and carry forwards are taken into account and are shown in the table below;

IMPACT OF QUARTERLY BUDGET REVIEW ON COUNCIL'S ADOPTED BUDGET				
	Recurrent	Capital	Total	Ref
Document 1 Table 1	(\$600,000)	\$0	(\$600,000)	
Document 1 Table 2.1	(\$382,702)	(\$2,240,442)	(\$2,623,144)	
Previous Quarterly Budget Reviews	\$383,280	(\$170,000)	\$213,280	
Original Budget after transfers and before Depreciation	\$1,735,012	(\$1,486,900)	\$248,112	
Repayment of Capital Lease and Loans		(210,640)	(\$210,640)	
Loan Funds to Revenue		\$4,000,000	\$4,000,000	
Net Available Surplus Funds	\$1,135,590	(\$107,982)	(\$1,027,608)	
Revotes and Carry Forwards from previous year	(\$88,701)	(\$5,722)	(\$94,423)	
Revised 2008/2009 Cash Surplus (after transfers and before Depreciation)	\$1,046,889	(\$113,704)	\$933,185	N

MINUTES OF ORDINARY MEETING – 24 FEBRUARY 2009

PROJECTED FINANCIAL RESULT FOR 2008/2009

	Ref	After December Review	Original Budget
Total Operating Revenue	A	\$79,317,434	\$77,097,804
Less Total Operating Expenditure	B	(\$66,828,376)	(\$63,410,249)
Less Total Depreciation and Provisions Transferred	C	(\$13,500,000)	(\$13,500,000)
	D=B+C	(\$80,328,376)	(\$76,910,249)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	(\$1,010,942)	\$187,555
Net Operating movement for December Review		(\$1,209,731)	
Total Budgeted Land Sales Profits	F	(\$2,000,000)	(\$2,000,000)
Total Budgeted Newcastle Airport (NAL) Profits	G	(\$1,442,500)	(\$1,442,500)
Surplus/(Deficit) From Ordinary Activities without Land Sale Profits, NAL Profits and Before Capital amounts	H=E-F-G	(\$4,453,442)	(\$3,254,945)



LEGAL AND POLICY IMPLICATIONS

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

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

The December Quarterly Budget Review Statement indicates that Council's financial position (excluding land sale profits) has changed significantly. Council's financial position needs to be monitored closely with particular regard to those issues contained in TABLE 3 of Document 1. Long-term financial projections will also be reviewed.

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:-

- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 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'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 30/06/2009.
- 2) Attachment 2 Estimated Statement of Restricted Funds Movements to 30/06/2009.

TABLED DOCUMENTS

- 1) Document 1 of 2008-2009 Quarterly Budget Review for December 2008.
Table 1 – Changes previously adopted 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.
Table 4.1 - Votes carried forward from 2007/2008.
Table 4.2 - Identified votes revoked from 2007/2008.
Table 4.3 - Summary of votes rolled forward.
Table 4.4 – Summary of source of funds for votes rolled forward.
- 2) Document 2 of 2008-2009 Quarterly Budget Review for December 2008, comparing Budgets to Actuals.

ATTACHMENT 1

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2009 2009 Budget Forecast after December Quarterly Review			
	Ref	2009 Budget Forecast after December Quarterly Review	Original Budget
Total Operating Revenue	A	\$79,317,434	\$77,097,804
Less Total Operating Expenditure	B	(\$66,828,376)	(\$63,410,249)
Less Total Depreciation and Provisions Transferred	C	(\$13,500,000)	(\$13,500,000)
	D=B+C	(\$80,328,376)	(\$76,910,249)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	(\$1,010,942)	\$187,555
Add Back: Depreciation and Provisions Transferred	C	\$13,500,000	\$13,500,000
Less Councils Share of Newcastle Airport Profit	W	(\$1,442,500)	(\$1,442,500)
Cash Surplus From Operations	F=A+B+W	\$11,046,558	\$12,245,055
Transferred to Restricted Funds	G	\$9,999,669	\$10,510,043
Cash Surplus / (Deficit) From Operations After Transfers	H=F-G	\$1,046,889	\$1,735,012
Total Capital Income	I	\$15,073,944	\$10,473,000
Total Capital Expenditure	J	(\$30,281,049)	(\$22,576,801)
Surplus/(Deficit) From Capital Works	K=I+J	(\$15,207,105)	(\$12,103,801)
Transferred from Restricted Funds	L	(\$15,304,041)	(\$10,616,901)
Cash Surplus / (Deficit) From Capital Works After Transfers	M=K-L	\$96,936	(\$1,486,900)
Total Cash Surplus / (Deficit) After Transfers	N=H+M+X	\$933,185	\$264,472
RECONCILIATION OF CASH POSITION			
Estimated Cash Position as at 01/07/2008	O	\$34,806,219	\$34,806,219
Estimated Cash Position as at 30/06/2009	P	\$31,479,041	\$36,007,842
Increase/(Decrease) in Cash Balance	Q=P-O	(\$3,327,178)	\$1,201,623
Represented By:			
Estimated Opening Restricted Funds Balance	R	\$39,015,874	\$32,244,732
Closing Restricted Funds Balance	S	\$34,755,511	\$33,181,883
Increase/(Decrease) in Restricted Funds Balance	T=S-R	(\$4,260,363)	\$937,151
Repayment of Capital Lease and Loans	X	(\$210,640)	\$16,360
Total Cash Surplus/ (Deficit) from Operations & Capital	N=Q-T	\$933,185	\$264,472
Principal of Loan Funds Repaid and Finance leases	U	(\$2,396,529)	(\$2,396,529)
Loan Funds and Proceeds from Sales Received	V	\$4,164,538	\$4,164,538
Increase/(Decrease) in Cash Balance	Q=T+N	(\$3,327,178)	\$1,201,623

ATTACHMENT 2

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2009 2009 Budget Forecast after December Quarterly Review					
RESTRICTED FUNDS	Balance as at 30/06/2008	Recurrent Budget	Capital Budget	Balance Sheet Movements	Estimated as at 30/06/2009
SECTION 94	\$14,374,408	\$691,297	(\$1,906,901)		\$13,158,804
DOMESTIC WASTE MANAGEMENT	\$3,327,768	\$647,581	(\$1,986,273)	(\$406,044)	\$1,583,032
Sub Total. Externally Restricted	\$17,702,176	\$1,338,878	(\$3,893,174)	(\$406,044)	\$14,741,836
BUSINESS DEVELOPMENT RESTRICTED FUND	(\$81,346)	\$1,019,780	(\$1,336,005)	\$449,569	\$51,998
INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND)	\$959,092	\$703,763	\$0		\$1,662,855
ASSET REHABILITATION RESERVE	\$336,720	\$150,812	(\$876,400)		(\$388,868)
FLEET MANAGEMENT (PLANT)	\$4,026,853	\$2,056,561	(\$2,677,791)	\$550,897	\$3,956,520
OTHER WASTE SERVICES	\$4,735,075	(\$50,000)	\$0		\$4,685,075
QUARRY DEVELOPMENT	\$739,680	\$17,733	\$0		\$757,413
BUSINESS OPERATIONS RESTRICTED FUND	(\$2,079,565)	\$1,683,821	(\$3,126,340)	\$1,260,587	(\$2,261,497)
EMPLOYEE LEAVE ENTITLEMENTS	\$4,978,625	\$0	\$0		\$4,978,625
BEACH VEHICLE PERMITS	\$16,406	\$10,171	(\$20,000)		\$6,577
DRAINAGE	\$92,628	\$804,000	(\$773,347)	(\$87,000)	\$36,281
INTERNAL LOAN	(\$634,636)	\$249,900	\$0		(\$384,736)
TRANSPORT LEVY	\$356,656	\$350,000	(\$819,306)		(\$112,650)
ENVIRONMENTAL LEVY	\$391,834	(\$101,707)	(\$149,581)		\$140,546
ADMINISTRATION BUILDING SINKING FUND	\$740,349	\$476,854	(\$506,500)		\$710,703
DEPOT SINKING FUND	\$832,847	\$312,939	(\$131,093)		\$1,014,693
RTA BYPASS ROADS MTGE RESTRICTED FUND	\$1,889,608	\$131,580	(\$500,000)		\$1,521,188
RESTRICTED CASH	\$2,865,339	(\$573,509)	(\$450,004)		\$1,841,826
COUNCILLOR WARD FUNDS	\$155,664	\$600,000	(\$44,500)		\$711,164
INFORMATION TECHNOLOGY STRATEGY	\$235,346	\$0	\$0		\$235,346
PROVISION FOR LOCAL GOVT ELECTION	\$200,000	(\$150,000)	\$0		\$50,000
PARKING METER RESERVE	\$556,523	\$244,093	\$0		\$800,616
Sub Total. Internally Restricted	\$21,313,698	\$7,936,791	(\$11,410,867)	\$2,174,053	\$20,013,675
RESTRICTED FUNDS TOTAL	\$39,015,874	\$9,275,669	(\$15,304,041)	\$1,768,009	\$34,755,511
* 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. 4**FILE NO: PSC2005-3622****SABRE JET, BETTLES PARK, RAYMOND TERRACE****REPORT OF: JASON LINNANE, RECREATION SERVICES MANAGER**

RECOMMENDATION IS THAT COUNCIL:

- 1) Continues to pursue grant monies to assist in covering the costs associated with the required works
 - 2) Considers a further report in 6 months time and makes a decision on the long term future of the asset at this point in time
-

OPERATIONS COMMITTEE MEETING – 10 February 2009**RECOMMENDATION:**

Councillor Glenys Francis Councillor Ken Jordan	<ol style="list-style-type: none">2) Continues to pursue grant monies to assist in covering the costs associated with the required works3) A further report be submitted to Council determining the long term future of the asset and a restoration/management plan be submitted.4) Council apply to have the Sabre Jet listed as a memorial.5) A committee be formed comprising the Heritage Committee, Lions, Tidy Towns, Specialist Aircraft representative and a community representative and to have support from Planning and Community Recreation Staff and they are to facilitate a report to Council.6) This is to be a Sabre Jet Committee.
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ORDINARY COUNCIL - 24 FEBRUARY 2009

027	Councillor G Francis Councillor P Kafer	It was resolved that the Operations Committee recommendation be adopted.
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BACKGROUND

The purpose of this report is to have Council develop a formal position on the rehabilitation and desired outcome of any works undertaken on the Sabre Jet.

Information suggests that the aircraft was placed in Bettles Park, Raymond Terrace, in 1982 by the Lions Club of Raymond Terrace. This was done as a community project and to acknowledge the presence of the RAAF in Port Stephens.

Since the installation of the aircraft only minimal maintenance has been undertaken by either the Community or Council. From records available to staff the following is an outline of what has been undertaken;

- Repainting of the aircraft in 1992 by the community.
- Inspection of the aircraft by Hunter Aerospace July 1999.
- Installation of a fence for safety reasons around 2000.
- Cleaning out of debris and structural check (Lindsay & Dynan) in September 2008.

Due to the lack of maintenance the external appearance is becoming poor. A great amount of work is required to restore the appearance to display condition. Future work to maintain this appearance would need to be annual and ongoing.

The structural checks both in 1999 (Hunter Aerospace Corporation) and 2008 (Lindsay & Dynan) have inspected the plinth and internal members supporting the aircraft. These inspections have concluded that the structural condition is in good order. Due to the poor condition of the painted surfaces, corrosion of the external skin of the aircraft is increasing. While these are non structural panels, both the paint and corrosion should be addressed in the near future. The aircraft in its current state will not last nearly as long as compared to having basic maintenance carried out to prevent moisture and debris from coming into direct contact with the surfaces. Observations of the aircraft's condition include:

- The external surface finish is deteriorated and faded.
- The underside of the fuselage has visual evidence of advanced corrosion in some skin panels.
- Visual evidence of water collection in the underside of the fuselage.
- Vandalism of the windshield and panels is evident.

The options which are being considered to address this are as follows and are detailed in attachment one:

- In situ Preventative Maintenance.
- In situ painting.
- Restoration of Aircraft off site.
- Removal and replacement with another suitable monument.
- Give the aircraft to a suitable benefactor to repair.

Any commitment to restore the aircraft must also consider and allow for ongoing maintenance or this will mean the eventual removal of the air frame.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

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

FINANCIAL / RESOURCE IMPLICATIONS

Attachment 1 has an outline of the options that are available and the capital and recurrent maintenance costs for each option.

These capital costs range from \$5000 to \$250,000. *(The estimates have been sourced through Fighter World and Hunter Aircraft Restoration Society)* Council Officers are presently investigating funding sources through the State and Federal Government.

There will be an ongoing maintenance commitment of \$50,000 every five years.

The skills required to maintain an airframe are not available within Council's present work force. Specialised skills would need to be outsourced so that the airframe could be maintained.

There is no allocation in existing budgets for either the capital or recurrent costs.

LEGAL AND POLICY IMPLICATIONS

The asset has local historical significance but there are no legal or policy implications as a result of this report.

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.*
- 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

Sections of the community have expectations that the aircraft will remain in situ and be maintained by Council for the foreseeable future. These have been voiced in many forums such as the Examiner, Heritage committee, local ward councillors and letters to Council.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Consideration must be given to the means by which any restoration occurs so that there are no negative impacts on the environment.

CONSULTATION

- PSC Heritage Advisory Committee
- Raymond Terrace Lions Club
- Raymond Terrace Parks Committee
- Historic Aircraft Restoration Society (HARS)
- Fighter World

OPTIONS

- 1) Adopt the recommendation.
- 2) Reject recommendation and approve funds for one of the four options

ATTACHMENTS

- 1) Project Options and Resource Implications.
- 2) Historical Aircraft Restoration Society proposal.
- 3) History and Significance of Sabre A94-959 by Trevor Boughton 2007.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

PROJECT OPTIONS AND APPROXIMATE COSTING

All options would have to be scoped very carefully to control costs.

1. **Insitu Preventative Maintenance and rehabilitation** – Approx Cost \$250,000

Proposed Maintenance	Advantages	Disadvantages
▪ Scaffolding and covering the air frame	Retention of aircraft	High cost
▪ Removal of all paint and corroded surfaces	No transport costs	
▪ Replacement of Cockpit and windscreen	Meet some community expectations	
▪ Removal and replacement of damaged and corroded aluminium panels	Long term solution	On-going maintenance required
▪ Replacing all rivets	Improved appearance – long term	Difficult work to undertake in external location
▪ Bird proofing the air frame		Limited types of paint could be used - not addressing corrosion issue
▪ Repainting		5 year maintenance costs of \$50,000
▪ Remove scaffolding and covering of the air frame		

2. **Insitu Repaint** – Approx Cost \$60,000

Proposed Maintenance	Advantages	Disadvantages
▪ Scaffold and cover the air frame	Retention of aircraft	Short term solution only. Major works still required within 5 years
▪ Remove existing paint and surface corrosion	No transport costs	
▪ Bird proof air frame	Meet some community Expectations	On-going maintenance required
▪ Repainting	Improved appearance – short term	Limited types of paint could be used - not addressing corrosion issue 5 year maintenance costs of \$50,000

ATTACHMENT 1

PROJECT OPTIONS AND APPROXIMATE COSTING

3. **Rehabilitation of Aircraft off site** - Approx Cost \$220,000

Proposed Maintenance	Advantages	Disadvantages
▪ Cutting Plynth, crane aircraft to ground	Aircraft returned to display condition	May not be possible to replace on existing plynth
▪ Transportation of airframe by road or air to identified repair site	Meet some community Expectations	Transport Costs
▪ Removal of all paint and corroded surfaces		
▪ Replacement of Cockpit and windscreen	Retention of Aircraft	High Cost
▪ Removal and replacement of damaged and corroded aluminium panels	Long term solution	On-going maintenance required
▪ Replacing all rivets	Improved appearance long term	Difficult work to undertake in external location
▪ Bird proofing the air frame		Limited types of paint could be used - not addressing corrosion issue
▪ Repainting		
▪ Transport back to site		5 year maintenance costs of \$50,000

4. **Removal of asset** – Approx cost \$20,000

Proposed Maintenance	Advantages	Disadvantages
▪ Cutting Plynth, crane aircraft to ground	Low cost	Loss of aircraft
▪ Disposal of Airframe	No on-going maintenance	Does not meet some community expectations
▪ Replacement with sculpture or monument in the same location	Recognition of aircraft association with town is maintained	5 year maintenance costs of \$50,000

ATTACHMENT 1

PROJECT OPTIONS AND APPROXIMATE COSTING

5. Give the airframe to a suitable benefactor to repair – Approx cost – \$5,000

Proposed Maintenance	Advantages	Disadvantages
<ul style="list-style-type: none">Removal and transport by others	<ul style="list-style-type: none">Low costNo maintenanceLong term survival of the aircraft	<ul style="list-style-type: none">Does not meet some community expectationsLoss of aircraft

ATTACHMENT 2

HISTORICAL AIRCRAFT RESTORATION SOCIETY PROPOSAL

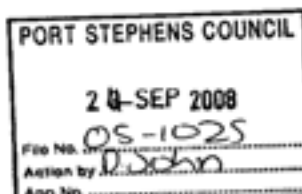


HISTORICAL AIRCRAFT RESTORATION SOCIETY Inc.

ABN 13 294 026 24

18th September 2008

Mr. P. Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324



Dear Mr Gesling,

Re: Sabre Jet A94-959 erected on a column in Bettles Park at Raymond Terrace

The Historical Aircraft Restoration Society (commonly called HARS) is deeply concerned at the current condition of this historic aircraft. It is historic primarily as being one of only two surviving Sabres that were part of the Black Panthers Aerobatic team in the 1960's. The other remaining Sabre that participated in the Black Panther team, A94-901, is on display at our Albion Park museum.

HARS is dedicated to recovering, conserving, preserving (and where possible, flying) for future generations, aircraft, both military and civilian, that were significant in Australia's aviation history. This F86 C.A.C Avon Sabre is such an aircraft.

HARS has a membership of over 450 dedicated and skilled volunteers, 70 of whom are or were licensed aircraft maintenance engineers (LAME's), along with all of the workshop facilities and equipment needed to carry out such work.

The Sabre we currently have (A94-901) was recovered from the original C.A.C. complex at Fisherman's Bend in Victoria, in the late 1990's and was in a similar condition to 959. It was restored to display condition and publicly displayed at Bankstown (HARS original home) in November 2000 alongside the Super Constellation which HARS recovered from the aircraft graveyard in Arizona and restored to flying condition.

HARS has a three hanger museum complex at the Illawarra Regional Airport and attracts many tourists to its facilities. We have taken the opportunity to include a copy of our business profile document for your further information.

The external condition of the Bettles Park Sabre is extremely poor with damage to the fin, ailerons and fuselage. There are also corrosion holes in the nose and wingtips. There are extensive rust stains from the many steel fixing screws and all the paintwork on the northwestern side of the aircraft has faded. In addition the starboard windscreen glass panel is cracked. The recent initial report to the council on the condition of the aircraft stated that a panel they removed to facilitate the inspection was so badly corroded the engineering department had to fabricate and fit a replacement.

Mailing Address: cnr Airport Road and Boomerang Avenue, Illawarra Regional Airport, Albion Park Rail, NSW 2527

Telephone: (02) 4257 4333

Facsimile: (02) 4257 4388

Website: www.hars.org.au

ATTACHMENT 2
HISTORICAL AIRCRAFT RESTORATION SOCIETY PROPOSAL

This aircraft cannot be restored with an onsite paint job. It needs extensive treatment for corrosion, without which its deterioration will continue.

HARS wishes to place the following proposal before the council.

AT NO COST TO THE COUNCIL (except possibly to remove the existing fence) HARS will remove the aircraft from the column and remove the wings and any other parts necessary to facilitate transport.

We will provide the necessary equipment and personnel to demolish the concrete plinth to remove the column. We will dispose of the rubble and fill in the resulting hole to council satisfaction.

We propose that the aircraft and column be transported to our Albion Park complex (on HARS transport with necessary police permits) where we will restore the aircraft. We estimate it will take 12 to 18 months minimum to complete the restoration.

After the restoration of the aircraft and repainting in the "Black Panthers" aerobatic team graphics, it is our intention to re-erect the column and aircraft at the entrance to the HARS museum. HARS will provide appropriate acknowledgements of the history of the aircraft and the participants who put the effort into the original venture on a conspicuous plaque at the base of the column.

HARS have been active participants in displaying our aircraft (Connie and Neptune) at Williamstown in the past to assist Fighter World raise funds and will continue to do so in the future.

Myself and the project leader, Bob Black are available to attend a meeting of council at a mutually agreed time and place to elaborate where required and answer any questions that might arise.

We await your further advice.

Yours faithfully,



R.J. BLACK
ON BEHALF OF
Historical Aircraft Restoration Society
Robert J. De La Hunty (A.O.M.)
President and Chief Pilot

Mailing Address: cnr Airport Road and Boomerang Avenue, Illawarra Regional Airport, Albion Park Rail, NSW 2527

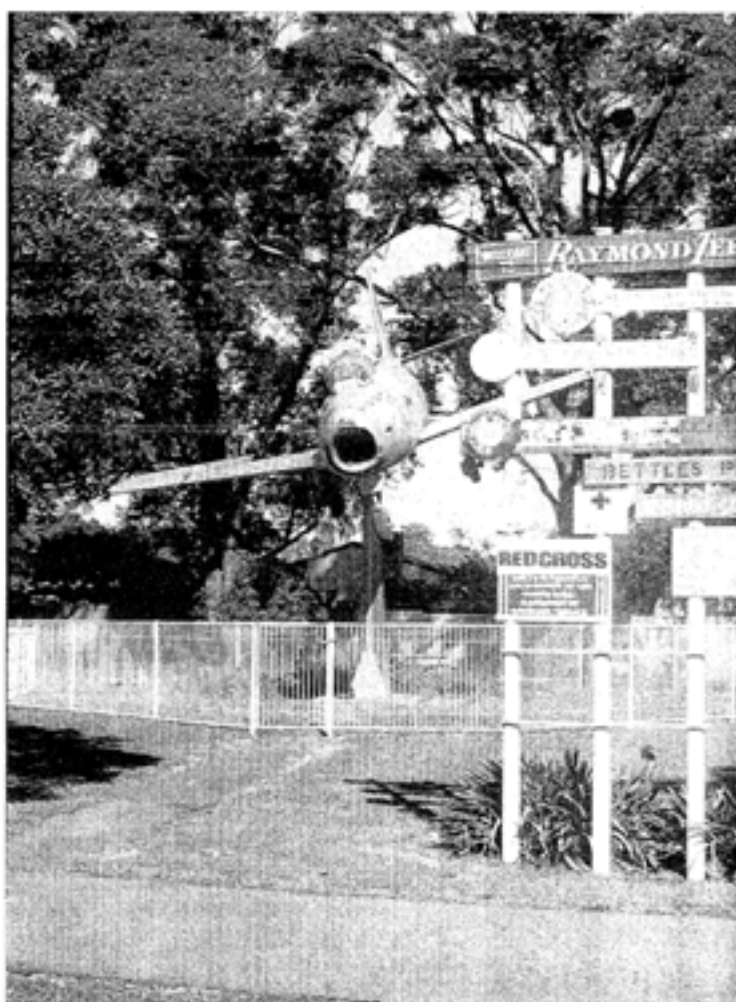
Telephone: (02) 4257 4333

Facsimile: (02) 4257 4368

Website: www.hars.org.au

ATTACHMENT 3

History and Significance
of
Commonwealth Sabre A94-959
located in
Bettles Park, Raymond Terrace, N.S.W.



Sabre A94-959 in Bettles Park on 2 June 2007. (Trevor Boughton)

By Hand 21 February 2008

Trevor Boughton
5 Tea Tree Avenue
ABERGLASSLYN 2320

phone 4932 1310

20 February 2008

Matthew Borsato
Port Stephens Council
PO Box 42
RAYMOND TERRACE 2324

Dear Matthew

SABRE JET AT BETTLES PARK, RAYMOND TERRACE

In accordance with the motion adopted at the Port Stephens Council Heritage Advisory Committee Meeting on 26 April 2007 enclosed is the requested information on the history and significance of Sabre A94-959.

As the majority of the information in the attached document was obtained from my aviation collection, I assert prior intellectual rights to that material. Use of those intellectual rights is granted to Port Stephens Council, per the Heritage Advisory Committee Constitution.

This permission for usage is a partial permission and I reserve the right to supply this material to other parties who may request same.

I trust this will be of assistance.

1.0 Contents

1.0	Contents
2.0	Précis
3.0	Background
4.0	Significance of the Sabre
5.0	In Australia
6.0	Commonwealth Sabre A94-959
7.0	Condition of the Sabre
8.0	A Display Standard Sabre
9.0	Bibliography
10.0	Appendices
10.1	Sabre Production
10.2	Sabre A94-959 RAAF Record
10.3	Australian Sabre Survivors (by country)
10.4	Media Documents Schedule

Précis

A Sabre jet was erected on a pole in Bettles Park, Raymond Terrace, in 1981 by the Raymond Terrace Lions to mark the community relationship between Raymond Terrace and RAAF Base Williamtown.

This memorial is unique in that it marks the Defence Community Relationship between RAAF Williamtown and Raymond Terrace. As a consequence it has been granted heritage status by Port Stephens Council (Local Significance).

These notes record the history and significance of the Sabre.

Background

About 1980-81 the Raymond Terrace Lions sought to locate a field gun in Bettles Park and three objections were lodged with Port Stephens Council (who were also responsible for the administration and management of the Park).

As a result permission was refused and the proposal was abandoned.

In 1981 a Sabre aircraft at RAAF Base Williamtown was obtained and erected in Bettles Park as a symbol to mark the community relationship between Raymond Terrace and RAAF Base Williamtown.

At the time the Park was also on the southern entrance to Raymond Terrace and was a gateway to the town.

Lions state RAAF Williamtown supplied the aircraft with the condition that it would become the property of Port Stephens Council. This 'ownership' was also confirmed by the Council allowing the erection of the memorial in the Park.

There is a element of controversy over the Council's role in permitting the establishment of the memorial in the Park. From a current day perspective it would appear that most, possibly all, of the decisions were on a verbal basis.

The choice of Bettles Park for the memorial signified the importance of the Park at that time. It was the only park on the highway in Raymond Terrace.

Up to the mid 1990s Bettles Park was an important stopping place for motorists using the Pacific Highway. In modern terminology it was the first "driver reviver" stopping place after Newcastle. Anecdotal evidence indicates travellers were using the Park both for rest purposes and for a meal break, the bar-b-cue being continually used by travellers.

Opening of the Raymond Terrace By-Pass reduced traffic volumes through the town and as a consequence the use of Bettles Park as a "driver reviver" site substantially declined.

Housing development on the southern part of Raymond Terrace also crowded Bettles Park, to the extent that it was no longer the gateway to the town.

Significance of the Sabre

The North American Sabre first flew in 1947; the first of the second-generation jet-engined designs where the full potential of German aerodynamic research and jet propulsion was first demonstrated.

There is an unsubstantiated claim that the prototype Sabre achieved supersonic flight on 1 October 1947 (14 days before the experimental Bell XS-1 (later X-1) officially did so on). This claim was based on people hearing the tell-tale sonic boom during test flights. Later the sonic boom became a "party-piece" feature for the Sabre.

When the first Sabre was flown in Australia, the flight was broadcast over the radio and the sonic boom was a major element of this. This feature lasted until the destructive effects of the boom were experienced and the practice was then discouraged.

Production of the Sabre took place in America, Canada and Australia while assembly was carried in Japan and Italy.

A grand total of 9870 were built; Australia's contribution was a modest 112 machines. (See **Appendix 1 — Sabre Production**) for details.)

During the Korean War the Sabre earned an enviable reputation as a day fighter when flown by USAF and South African pilots. This success was later repeated in two clashes between India and Pakistan.

The all weather version, the F-86D on, was used in America and Europe as part of the air defence role — nominally against potential U.S.S.R. attacks. These versions were equipped with radar and automated fire control systems that represented the then state of the art.

Various models of the Sabre have been operated by the air arms of 25 countries plus numerous private and corporate owners.

As an aircraft design, the Sabre airframe represented a mixture of established and new technology. Wing construction was the significant feature that used advanced manufacturing techniques where tolerances were 0.002 inches (0.05 mm).

In Australia

Although Australia's production contribution was small in number,— the Australian machine was one of the highest performing versions built.

Because of the relatively small size of the RAAF there has always been an imperative to use common engine types on different aircraft. When the Canberra was selected as the first jet bomber for the RAAF there was potential clash between it and the proposed jet fighter in the types of engines being used. The jet fighter selection was quickly seen as a failure.

Lawrence Wackett (later Sir Lawrence), General Manager of Commonwealth Aircraft Corporation, was invited to solve the impasse with a new fighter choice. He had the vision of combining the Sabre with the Rolls-Royce Avon engine (as used by the Canberra) as the solution.

His actions did not win universal acclaim from certain Air Force officers and yet it cannot be denied that his actions resulted in the RAAF being equipped with a world class fighter.

Under his leadership an extensive Australian production engineering effort was applied to the F-86E/F-86F Sabre to create the Avon Sabre. This development was closer to the F-86H.

Because of the engineering changes, the Australian machine had a totally different fuselage to its American counterpart — it was lighter and had a more powerful engine. These two factors gave the Australian machine better manoeuvrability and greater acceleration when compared with the American versions.

The RAAF established a Sabre Trials Flight in 1954 that investigated the introduction of the type into service. Equipping the first of five squadrons began in 1955. These squadrons provided the air defence of Australia and, when based in Malaya and Thailand, performed the same role under the SEATO Treaty.

In 1965 the Sabre began to be replaced by the Mirage. The last RAAF unit to operate the type was No. 5 Operational Training Unit at Williamstown in 1971.

As Defence Aid, the Australian Government supplied Sabres to Malaysia in 1969 and to Indonesia in 1973.

It is estimated that some 49 examples of the 112 Australian-built machines still exist. (See **Appendix 3 — Australian Sabre Survivors** for details.)

Commonwealth Sabre A94-959

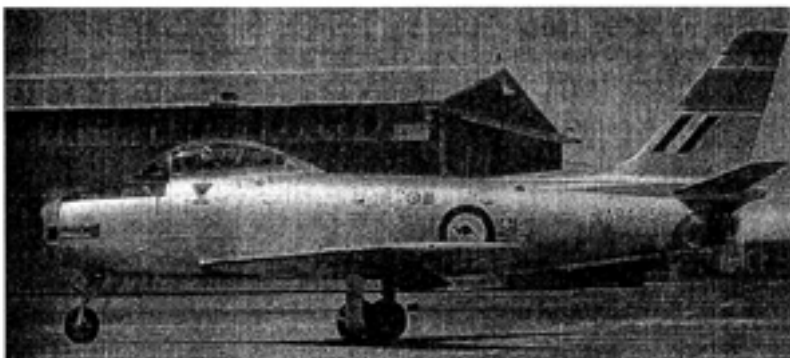
Sabre A94-959, the machine displayed at Raymond Terrace, was manufactured as a Mk 32, the most capable of the Australian built machines. It was delivered to the RAAF in 1957.

It was operated by No. 77 Squadron at Williamtown before being flown to Butterworth, Malaysia, where it was used in air defence under the SEATO Treaty. Later it was flown at Williamtown by No. 2 Operational Conversion Unit.

When Mirages entered service, the Sabres were then transferred to No. 5 Operational Training Unit. [See **Appendix 2 — Sabre A94-959 History**]



Sabre A94-959 at RAAF Laverton on 14 September 1963 (Air Force Week Air Show). (John Hopton).



Sabre A94-959 at RAAF Williamtown on 14 October 1969 wearing the yellow and black markings of No. 2 OCU. (John Hopton)



*Sabre A94-959 at RAAF Laverton on 18 April 1971 in the markings of No. 5 OTU.
Note the rudder has been taken from another Sabre. (John Hopton)*

This aircraft was one of two examples (A94-965 was the other), the last of its type, to be disposed of from Williamtown. Both were operated by No. 5 OTU and were photographed there in August 1975.



*Sabres A94-959 and A94-965 (rear) at RAAF Williamtown on 28 August 1975
in a semi-stripped condition. (John Hopton)*

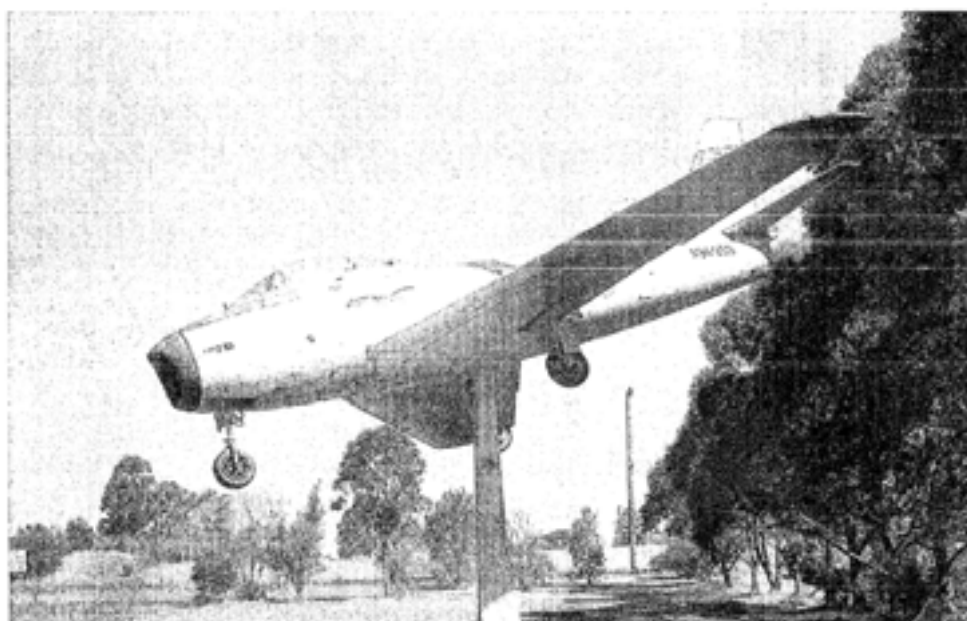
About 1980 the Lions Club of Raymond Terrace initiated a community

project, under the leadership of Peter Bessant, K.V. (Ken) Wikner and Bob Howden, who arranged for this aircraft to be donated to Raymond Terrace.

Considerable work was carried out by members of the Lions Club to bring the aircraft up to display condition. Missing parts (wing leading edges, tail pipe and various inspection panels) were obtained and installed. The aircraft was cleaned and repainted in the colours of the No. 76 Squadron aerobatic team, the *Black Panthers*, before erection in Bettles Park.

This project was to mark the Defence Community relationship that has developed between RAAF Base Williamtown and Raymond Terrace together with the 40th Anniversary of the establishment of the Base.

The memorial was unveiled by Air Cdre. W.H. Simmonds, OC RAAF Base Williamtown, on 5 September 1981.



Sabre A94-959 mounted on the pole in Bettles Park, September 1987. The effect of the sun can already be seen on the nose and wing tips. (Ashley Briggs via John Hopton)

During 1994 the Lions cleaned and repainted the aircraft insitu.

The future of this aircraft was considered by Port Stephens Council in December 2000, [Operations Committee 12 December 2000 Item No. 9 "Sabre Monument – Bettles Park"]. It was resolved at the

Ordinary Meeting on 19 December 2000 **"that the matter be deferred for community consultation"**.

By this time the aircraft was being subjected to petty vandalism, notably by school children.

In early April 2001 community consultation took place. The estimated cost of restoring the Sabre became public and somehow developed into a

scare campaign that *'the aircraft was going to fall off the pole.'* There was a positive outcome from this scare-mongering — a fence was erected around the aircraft to reduce the public risk which also helped reduce the level of vandal damage.

Notes from the Council file indicate agreement on certain actions but there was no subsequent outcome. In 2002 Ken Wikner was openly critical of the lack of action arising from the consultation.

Ken Wikner was particularly vocal in refuting the scare campaign that the aircraft was about to *fall off the pole.* Advice from Hunter Aerospace in 1999 indicated there was no immediate danger from this particular risk.

The Council file does record there was strong public interest in the monument:

"community ownership" by individual citizens

"symbol of the Community Relationship" for the ex-service community (RSL and RAAF (Blue Orchids))

service clubs, particularly the Lions who have contributed so much to this project as part of their community work

current serving Australian Defence Force personnel as part of the Defence Community Relationship

As a result of the public consultation, in 2003 Port Stephens Council voted to include this monument in an amendment to the Local Environmental Plan 2000 as a "Heritage Item of Local Significance".

The Port Stephens Council Heritage Advisory Committee was approached in 2007 to see if it could contribute funds for restoration of the Sabre. Although this was outside the Committee's Constitution, it was resolved to assist the Parks Department.

Following a discussion with the General Manager in August 2007, funds were made available for the purpose of obtaining expert advice on the condition, including safety, of the Sabre. At the time of writing the Parks Department has not been able to arrange for this investigation.

Condition of the Sabre

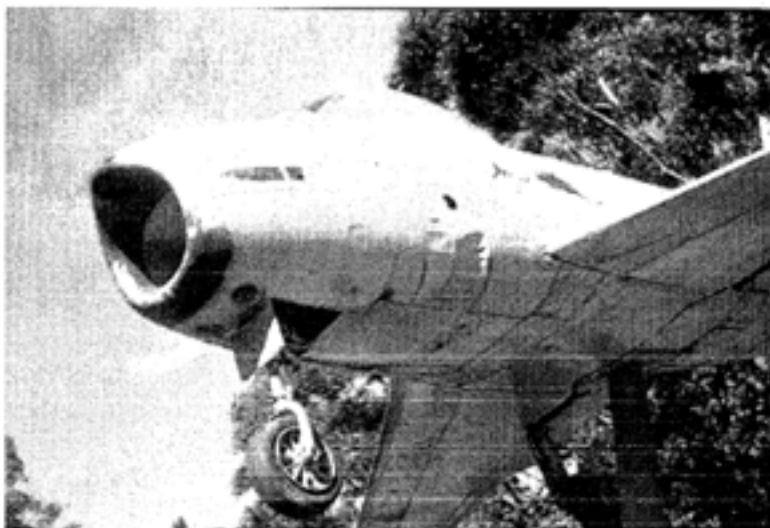
The last maintenance work on the Sabre took place in 1994.

Currently the appearance is one of neglect, particularly on the surfaces exposed to direct sunlight. This is in marked contrast to the excellent condition of paint on lower surfaces which attests to the quality of the original work. Paint and gel coat has been burnt off the upper surfaces of fibre glass mouldings.



Sabre A94-959 water stains on lower surface of fuselage in 2001(upper) and 2007. (Trevor Boughton)

Between 2001 and 2007 the amount of water staining has increased markedly. So has the growth of lichen and general dirt accumulation.



Sabre A94-959 nose showing lichen and dirt in 2007. (Trevor Boughton)

There is visible corrosion damage on the trailing edge of one flap.

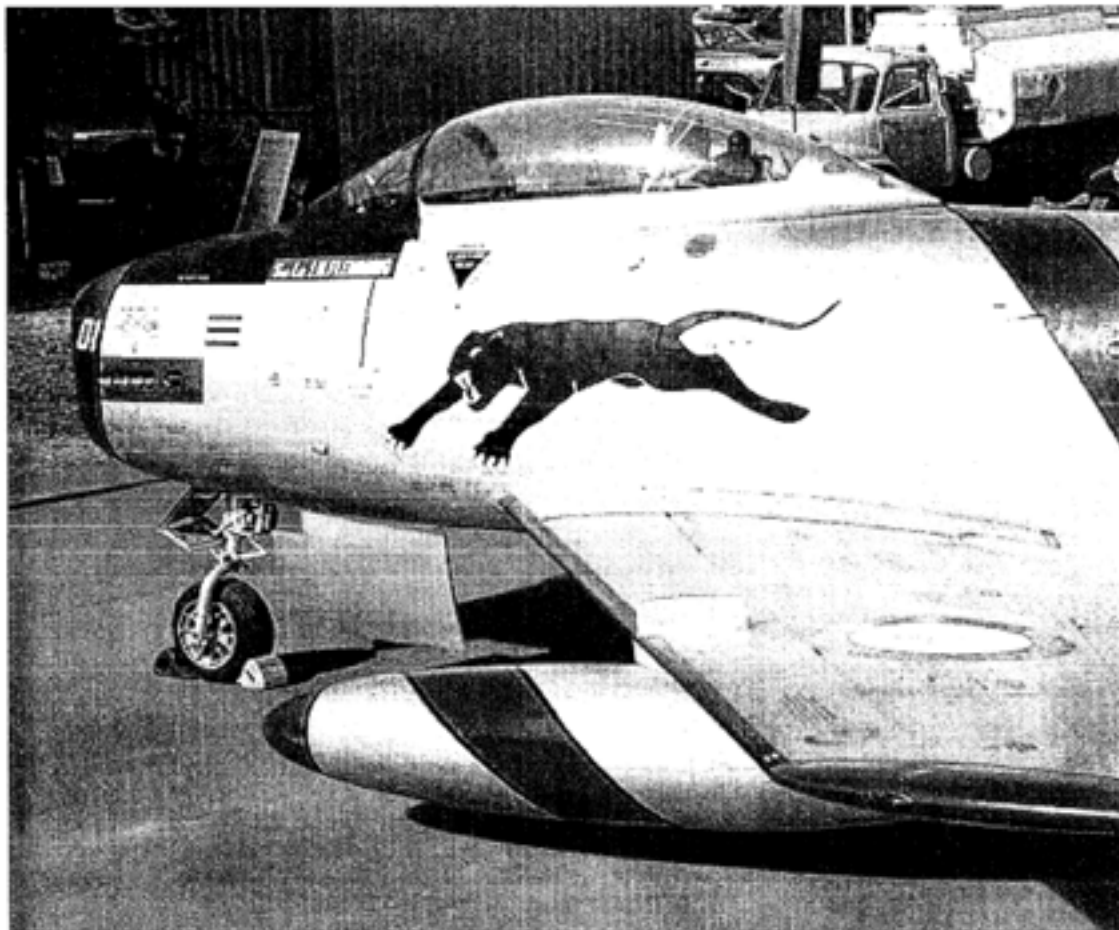
Since 2001 a falling branch from an over-hanging tree has damaged the top of the fin and rudder.

As a result of the lack of maintenance there is an increasing body of negative publicity in the local and regional media as well as in the specialist Australian aviation media. All of this reflects on Port Stephens Council as this aircraft is promoted on the Council website. (See **Appendix 4 – Media Documents Schedule.**)

Of the estimated 24 examples remaining in Australia, there are probably three in the weather of which one is well protected with regular maintenance (RAAF Wagga Wagga), one is at an unknown location in a poor condition (A94-965) and the third is the machine at Raymond Terrace.

The remaining machines are under cover, being restored to airworthiness status or on display in collections.

A Display Standard Sabre



Sabre A94-901 at the Australian Museum of Aviation, Bankstown, after repainting to display standards.

This photograph and others by Brett Green were taken on 13 July 2004, to mark the 50th anniversary of the first flight of A94-901, and were found on the website:

clubhyper.com/reference/sabre50thanniversarybg_1.htm

accessed 15 March 2007.

9.0 Bibliography

Davis, Larry, *F-86 Sabre in action*, Squadron/Signal Publications, Inc., Carrollton, Texas, USA, 1992.

The Herald, various (see **Appendix 10.4 Media Document Schedule**).

Millberry, Larry, *The Canadair Sabre*, CANAV Books, Toronto, 1986.

Parnell, Neville and Boughton, Trevor, *Flypast: A Record of Aviation in Australia*, A.G.P.S., Canberra, 1988.

Port Stephens Examiner, various (see **Appendix 10.4 Media Document Schedule**).

Stephen, Jock, *The Sabre Caper*, (Lions Club of Raymond Terrace).

Wagner, Ray, *The North American Sabre*, MacDonald & Co (Publishers) Ltd., London, 1963.

websites, various as noted

adf-serials.com/2a94.shtml

airliners.net/search

clubhyper.com

f-86.tripod.com/usa.html

groupstate.com/apps/pcbs.dll (quoting wikipedia)

home.att.net/~jbaugher1/p.86_23.html

sabresworldwide

USAF and USN/Marines Serial numbers (J.F. Baugher)

Wilson, Stewart, *The Meteor, Sabre & Mirage in Australian Service*, Aerospace Publications Pty Ltd, Weston Creek, ACT 1989.

Appendix 1 — Sabre Production

Conflicting figures can be found concerning the number of Sabres manufactured. There is agreement on some details but not in others as illustrated in the following table:

	Wikipedia	Wilson	Wagner	Milberry
NAA F-86 series	6297	6233	6274	
NAA FJ series	1115	1115	1148	
Canadair	1815	1815	1807	1815
CAC	112	112	112	
Fiat	221	221	221	
Mitsubishi	300	300	300	
TOTAL	9860	9796	9862	

Both Wagner's and Milberry's figures are based on contracts and serial numbers. As the difficulty in numbers built relates to the American production for the USAF and USN/Marines, the serial numbers quoted by Wagner were cross checked against J.F. Baugher's website on US Serial Numbers.

The matter is further complicated by the conversion of existing machines and the issuing of new serial numbers which introduces the risk of double counting.

The discrepancy of 41 in the F-86 series totals between Wilson and Wagner could be explained by an additional order of 41 F-86F as stated by Wagner.

The F-86C program (later F-93A) is excluded from consideration per Wagner's statement that the type was not considered a Sabre. This is an interesting contradiction as Wagner included the straight wing 33 XFJ-1/FJ-1 series in the totals while the others haven't.

Using the serial numbers from Wagner and Baugher the following production list appears to be the best summary:

model	no built	comment
XP-86	3	Prototypes
F-86A	554	Day fighter
F-86D	2506	All weather fighter
F-86E/F	2616	Day fighter
F-86H	475	Fighter bomber
F-86K	120	All weather fighter
FJ series	1148	USN/Marine version — Wagner stated 3 XFJ-1, 30 FJ-1 and 3 XFJ-2 were delivered from the Los Angeles Plant and 1112 FJs were delivered from the Columbus Plant
Canadair	1815	1807 stated by Wagner plus the Israeli order for 8 stated by Milberry
CAC	112	
Fiat	221	(assembly of ship sets from NAA)
Mitsubishi	300	(assembly of ship sets from NAA)
TOTAL	9870	

Appendix 2 — Sabre A94-959 History

The most readily available history of this machine is that on the "adf-serial" website¹ which incorporated some but not all material from the "Aircraft and Marine Craft — Record Card" (previously "Record Card — Airframes, Aero Engines, Mechanical Transport & Marine Craft R.A.A.F. Form E/E88 (June 1935)" and commonly termed the "Aircraft Status Card").²

The following notes are from the "Aircraft and Marine Craft — Record Card" with other material as noted:

1957	Manufactured by Commonwealth Aircraft Corporation, Fishermans Bend, V. Order "PD 475206"	cost stated as \$526,044
1957	Assembled and tested at Avalon	
5 Apr. 1957	Received 1 Aircraft Depot, Laverton engine Rolls Royce Avon CAC 108 installed	later stated as Avon Mk. 26
7 Apr. 1957	Allotted to No. 78 Wing	
18 Apr. 1957	Departed Laverton for No. 78 Wing	
29 Apr. 1957	Received No. 78 Wing, Williamtown	
5 Feb. 1958	Allotted to No. 1 Aircraft Depot	
6 Feb. 1958	Departed No. 78 Wing	
6 Feb. 1958	Received No. 1 Aircraft Depot	
23 Apr. 1958	Allotted to No. 78 Wing	
6 May 1958	Departed Laverton for No. 78 Wing	
6 May 1958	Received No. 78 Wing, Williamtown	
		<i>Flown from Richmond in Operation Sabre Ferry Phase Two (departed on 5 Feb 1959 as Williamtown was closed) - Townsville - Darwin - Biak - Guiana - Labuan - Butterworth arrived 13 Feb. 1959. (Flypast entry 17 Feb 1955, p. 260³ and "adf-serial" website)</i>
		<i>Served with 77 Sqn 1959-60. (Flypast and "adf-serial" website)</i>
6 Feb. 1963	Allotted ARDU, Laverton	
24 Apr. 1963	Despatched No. 78 Wing, Butterworth, Malaya	
29 Apr. 1963	Received ARDU for structural examination	
9 Jan 1964	Allotted to No. 78 Wing	
17 Feb. 1964	Despatched ARDU for No. 78 Wing	
20 Feb. 1964	Received No. 78 Wing	"Wing equipment repl A94-947" on card

¹ <http://www.adf-serials.com/2a95.html> accessed 15 March 2007. This site was last updated on 12 December 2005. Some of the material including dates recorded there is questionable.

² This record card is based on "allotment" "movement" and "status", the dates quoted being "clerical dates" as distinct to "actual dates".

³ Parnell, Neville and Boughton, Trevor, *Flypast: A Record of Aviation in Australia*, A.G.P.S., Canberra, 1988.

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16 Mar. 1966 [Held Clam Servicing ??] Status Reports dated 12 Apr. 1965, 12 Jun. 1965, 12 Sep. 1965 and 12 Dec. 1965. [unreadable comment]

11 Nov. 1966 Allotted to No. 2 O.C.U. Williamtown

12 Feb. 1967 Despatched to No. 2 O.C.U.
Received No. 2 O.C.U., Williamtown "Unit Equipment ?? 1st Feb. '67"

6 Sep. 1967 Allotted to No. 3 Aircraft Depot "E Servicing"

7 Sep. 1967 Despatched to No. 3 Aircraft Depot

7 Sep. 1967 Received No. 3 Aircraft Depot

18 Nov. 1967 Allotted to No. 2 (F) O.C.U.

1 Dec. 1967 Despatched W/E to No. 2 O.C.U.

1 Dec. 1967 Received No. 2 (F) O.C.U.

22 Jul. 1968 Req allot Sabre ST 289

30 Jul. 1968 Allotted to No. 3 A.D.

22 Jul. 1968 Despatched to No. 3 A.D.

22 Jul. 1968 Received No. 3 A.D. "Sabre ST 289"

NO DATE STATED Allotted to No. 2 (F) O.C.U.

9 Aug. 1968 Despatched to No. 2 (F) O.C.U.

W/E 9 Aug. 1968 Received No. 2 (F) O.C.U. "Unit Equipment"

9 Oct. 1968 Allocated to G.A.F. Avalon "Rewiring" (adf-serial" website)

W/E 3 Oct 1968 Despatched from No. 2 (F) O.C.U.

W/E 13 Oct. 1968 Received G.A.F. Avalon

18 Aug. 1969 Allocated to No. 2 (F) O.C.U.

NO DATE STATED Despatched to No. 2 (F) O.C.U.

25 Sep. 1969 Received No. 2 (F) O.C.U.

19 Dec. 1969 Req. allot Sabre Inst 60 Avail 19 Dec "HQ WLM Q208/BS 18/12 SAB/69/6"

22 Dec. 1969 Allocated to No. 3. A.D.

14 Jan. 1970 Allocated to No. 2 (F) O.C.U.
"SOTU(1)" stated as unit holding aircraft (on bottom of History Card)

18 Apr. 1971 At RAAF 50th Anniversary Air Show, Laverton. (adf-serial" website)

25 Jun. 1971 Issued to Base Squadron, Williamtown Class 8

2 May 1972 Issued to No. 2 O.C.U. Class 1

18 Sep. 1972 Issued to No. 2 O.C.U. Class 8

31 Jul. 1974 Struck Off Charge (RAAF Engineering Records)

31 Jul 1974 "Approval has issue? ??? ?? for disposal of this aircraft vide Defence 428/3/26
Part 3 (116) Ref 2123/51/94 Pt 4 (7) Reference 2123/51/94 Pt 4 (7) is a HQ Support Command file (TWB)

16 Dec. 1974 "HQWLM Q412/135 advised Disposal List 34/74 2123/51/94 Pt 4 (35?)"

NO DATE STATED Disposal of by Disposal List 34/74 at Williamtown (as Lot 75)

2 Mar. 1975 Defair QP231 advised disposal action to be suspended until Treasury approval is obtained to retain a/c for restoration group at WLM 2123/51/94 Pt 4 (7)

11 Oct 1976 Disposal action taken off suspension

Aircraft held by "HQWLM"

Stamp on page 7 of Aircraft History Card

SUP COM? REF	2123/51/94 Pt 3 ?	DATE	D/L? No 94/76
??	2123/51/94 Pt 4 folio 4	DATE 21 SEP 74	UNIT HQWLM
??	2123/51/94 Pt 5 (11)	DATE 6 OCT 76	REF Q303/135

6 Dec. 1976 On Disposal List 94/76 per HQ WTN Q308/135 (R.A.A.F. Engineering Records)

Mar. 1981 Moved from Williamtown to Raymond Terrace
by Raymond Terrace Lions
painted in markings of No. 5 Operational Training Unit

Aug. 1981 Mounted on pole in Bettles Park. Raymond Terrace
*repainted in markings of No. 76 Squadron "Black Panthers" aerobatic
team at time was mounted on pole*

5 Sep. 1981 Dedicated, marking 60th Anniversary of R.A.A.F. and
40th Anniversary of R.A.A.F. at Williamtown and
the association with Raymond Terrace.

Dec. 2000 Port Stephens Council paper included proposal to remove from pole and
replace with modern light aircraft.

c. 2003 fence placed around area to keep public clear
(Public Safety) and this reduced acts of petty
vandalism.

14 Nov. 2003 NSW Gazette No. 179, p. 10573, Approval of Port Stephens Council LEP 2000
Amendment 11 notified [Sabre at Bettles Park an item of Local Significance]

Appendix 3 — Australian Sabre Survivors (by country)

Australia

Commonwealth CA-26 Sabre

AUS 1 A94-101 On static display at Point Cook, VIC.

Commonwealth CA-27 Sabre Mk 30

- AUS 2 A94-901 Mildura Warbirds Museum (ADF Aircraft Serials site)
donated to Bangstonw [Bangstown??] Museum 1999
airliners.net has photograph at Bangstown dated 20 October 2006
with HARS at Albion Park (Australian Aviation, April 2007, p. 122 photo)
- pos A94-902 components reported at R.A.A.F. Museum, Point Cook (ADF Aircraft Serials site)
- AUS 3 A94-906 Some parts to A94-989 (ADF Aircraft Serials site)
- AUS 3 A94-907 Latrobe Valley, V., with Jeff Trappett, source of parts for rebuild of A94-352 (ADF Aircraft Serials site)
- AUS 4 A94-909 doubt over identity, purchased by Temora Aviation Museum 1999, under restoration to fly as VH-SBR. (ADF Aircraft Serials site)
- AUS 5 A94-910 RAAF Museum, Point Cook (ADF Aircraft Serials site)
- AUS 6 A94-914 reported at Lone, California, with Sanders Aviation in Sabres Worldwide Undated.
AND on static display at Darwin Aviation Museum, N.T. (ADF Aircraft Serials site)
- AUS 7 A94-915 Firestreak trials aircraft, located at Narramine NSW (ADF Aircraft Serials site)
airliners.net has photograph of A94-915 dated 3 October 2006 on loan to Narramine Air Museum
- AUS 8 A94-921 Rear fuselage reported in use on A94-914 at Darwin. (ADF Aircraft Serials site)
- AUS 8 A94-935 Under reconstruction at Queensland Air Museum, Caloundra, QLD. Using original rear fuselage of A94-955. (ADF Aircraft Serials site)
photograph of assembled aircraft on adfgallery site
- AUS 9 A94-941 is gate guard at Fishermans Bend DSTO, VIC (ADF Aircraft Serials site)
- AUS 10 A94-942 at RAAF Kingswood [Wilson 1989], sold to ?? 2004, Temora Aviation Museum 2005. (ADF Aircraft Serials site)
- #### Commonwealth CA-27 Sabre Mk 32
- AUS 11 A94-944 To Mt Gambier for display (ADF Aircraft Serials site)
Allocated to No. 12 Flight Air Training Corp, from RAAF Wagga in July 1988. Trucked to RAAF Point Cook on 30 May 2007. Australian Aviation, August 2007, "Warbirds" "In Brief" on p. 77.
- AUS 12 A94-950 part of wreckage displayed at Brutheri when crashed after pilot ejected (ADF Aircraft Serials site)
- AUS 13 A94-951 Fighter World, Williamstown, NSW. (ADF Aircraft Serials site)
- AUS 13 A94-953 RAAF Forrest Hill at Wagga Wagga, NSW., to Temora Aviation Museum. (ADF Aircraft Serials site)
- AUS 14 A94-956 To Temora Aviation Museum. (ADF Aircraft Serials site)
- AUS 15 A94-959 on a pole at Raymond Terrace, NSW. (ADF Aircraft Serials site)
Owned by Port Stephens Council.
- AUS 16 A94-960 RAAF Wagga, Forrest Hill, NSW. (ADF Aircraft Serials site)
- AUS 17 A94-962 crashed into power lines Jul 18, 1971. Later used as training aid. Now at R.A.A.F. Museum Point Cook and in restoration hangar at R.A.A.F. Amberley Oct. 2004? (ADF Aircraft Serials site) [RAAF Museum most likely]
- AUS 18 A94-965 sold for \$26,000 to Griffair, U.K., but apparently never left Australia, current location 2006 unknown. (ADF Aircraft Serials site)
- AUS 19 A94-970 to TNI-AU Mar 1973 as ground training aid. In storage at Point Cook Aviation Museum, VIC., for Australian War Memorial. (ADF Aircraft Serials site)
airliners.net has photograph of A94-970 dated 13 October 1988 at the Bicentennial Air Show
- AUS 20 A94-974 with Classic Jets Fighter Museum, Parafield SA (ADF Aircraft Serials site)
- AUS 21 A94-982 gate guard at RAAF Forest Hill, Wagga Wagga, NSW
- AUS 22 A94-983 to RMAF Nov 1971 as FM1983. Phased out 1976.
Now on civil registry as VH-PCM based at Point Cook, VIC. (ADF Aircraft Serials site)
To Temora Aviation Museum.
airliners.net has photographs of A94-983 VH-PCM at the Bicentennial Air Show
- AUS 23 A94-989 on static display at Moorabbin Air Museum, VIC., includes parts of A94-906. (ADF Aircraft Serials site)

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Commonwealth CA-27 Sabre Mk 32

AUS 24 A94-352 to TNI-AU, crashed on take-off Bali February 1973 on delivery, to Jeff Trappett, Latrobe Valley, Vic., for restoration. (ADF Aircraft Serials site)

Indonesia

Aircraft supplied were marked with serial numbers F-86**, the last two being in a sequence from 01. When additional machines were obtained from Malaysia in 1973 the sequence continued. At some point the serial numbers were revised so that the F prefix became TS (reason unknown).

Commonwealth CA-27 Sabre Mk 32

IND 1 A94-963 to TNI-AU Mar 1973 as F-8608. Reported on display at Palembang Airport, possibly with rear fuselage of A94-980/F-8614. (ADF Aircraft Serials site)
A94-979 to RMAF Nov 1971 as FM1979. Phased out 1976. To TNI-AU Jul 1976. (ADF Aircraft Serials site)
A94-987 to RMAF Nov 1971 as FM1987. Phased out 1976. To TNI-AU Jul 1976. (ADF Aircraft Serials site)
IND 2 A94-988 to TNI-AU Mar 1973 as F-8615. On display as TS-8615 at TNI-AU Academy, (Yogyakarta, Akademi Angkatan Udara) (ADF Aircraft Serials site)
A94-990 to TNI-AU Mar 1973 as F-8616, believed preserved. (ADF Aircraft Serials site)
A94-353 to RMAF in 1969 as FM1993 and FM1353. To TNI-AU Aug 1976. (ADF Aircraft Serials site)
A94-368 to TNI-AU Mar 1973 as F-8603/TS-8603. Possible storage in Indonesia. (ADF Aircraft Serials site)
A94-370 to TNI-AU Dec 28, 1972 as instructional airframe. Unknown. (ADF Aircraft Serials site)
IND 3 A94- ??? TS8622 at Pekanbaru, Indonesia, on pole. Photo airliners.net site

Malaysia

Aircraft supplied were marked with serial numbers FM1***, the last three being the same number as used by the R.A.A.F. which simplified the modification notice issue. At some future point serial numbers were revised into the range FM19**.

Commonwealth CA-27 Sabre Mk 32

MAL 1 A94-354 to RMAF 1969 as FM1994 and FM1354. Phased out 1976. (ADF Aircraft Serials site)
A94-356 to RMAF 1969 as FM1996, phased out 1976. In storage for restoration. (ADF Aircraft Serials site)
A94-357 to RMAF 1969 as FM1997 and FM1357. Phased out 1976. (ADF Aircraft Serials site)
A94-359 to RMAF 1969 as FM1999 and FM1359. Phased out 1976. (ADF Aircraft Serials site)
MAL 2 A94-362 to RMAF Aug 1969 as FM1902 and FM1362. Phased out 1976. Now in Sungai Besi TUDM Airport Museum, Malaysia. (ADF Aircraft Serials site)
airliners.net has photograph of FM1902 (cn CA27-102) This Australian-built, Avon-powered, Aden-armed Sabre is either the real FM1902 (formerly A94-362) or FM1904 (A94-364)
MAL 3 A94-363 to RMAF Aug 1969 as FM1903 and FM1363. Phased out 1976. Now on display at Butterworth airbase, Malaysia. (ADF Aircraft Serials site)
MAL 4 A94-364 to RMAF Aug 1969 as FM1904 and FM1364. Phased out 1976. Now at RMAF Museum, Kuala Lumpur or TUDM Museum, Sungai Besi. (ADF Aircraft Serials site)
airliners.net has photograph of FM-1902 (cn CA27-102) This Australian-built, Avon-powered, Aden-armed Sabre is either the real FM1902 (formerly A94-362) or FM1904 (A94-364)
MAL 5 A94-365 to RMAF Aug 1969 as FM1905 and FM1365. Phased out 1976. Now gate guard at Butterworth airbase. (ADF Aircraft Serials site)
FM1905 Royal Pahang Museum in 1979, mounted on pole, photograph 6 Dec. 2006 Photo airliners.net site
MAL 6 A94-367 to RMAF Aug 1969 as FM1907 and FM1367. Phased out 1976. Noted at RMAF Museum, Kuala Lumpur. (ADF Aircraft Serials site)
A94-371 to RMAF 1969 as FM1911 and FM1371. Phased out 1976. Unknown. (ADF Aircraft Serials site)
MAL 7 A94-??? FM1901 just outside main gate at Butterworth, not FM1905 as marked Photo airliners.net site
MAL 8 A94-??? FM1917 off airport at Taiping Perak, Malaysia, 17 Dec. 2006 Photo airliners.net site

United States of America

- USA 1 A94-914 reported at Lone, California, with Sanders Aviation in Sabres Worldwide Undated. AND on static display at Darwin Aviation Museum, N.T. (ADF Aircraft Serials site)
- USA 2 A94-916 ADF Aircraft Serial Numbers quoting from Warbirds Directory (issue not stated), was on a pole at Clark County Airport, Jeffersonville, Indiana, USA, as a US Navy FJ-3 Fury. Sabres Worldwide website has photograph as BuAer 136049.
- IN NZ A94-922 at Ardmore, New Zealand, under restoration for Jerry Yagen, U.S.A. (ADF Aircraft Serials site) airliners.net has photographs of A94-922 at Ardmore, N.Z., dated 30 March 2006.
- A94-945 fuselage at Aero Trader, photograph on adfgallery site
- USA 3 A94-955 to TNI-AU Nov 1973 as F-8617. To USA 1989, held by Aero Trader, Ocotillo Wells. Original rear fuselage on A94-935. (ADF Aircraft Serials site)
- USA 4 A94-957 to TNI-AU Mar 1973 as F-8607. To USA 1989, held by Aero Trader, Ocotillo Wells. Sabre marked F-8607 on pole in Indonesia. Rear fuselage on A94-972/F-8607 in USA. (ADF Aircraft Serials site)
- USA 5 A94-968 to TNI-AU Mar 1973 as F-8609/TS-8609. Exported to USA 1989, held by Aero Trader, Ocotillo Wells. (ADF Aircraft Serials site)
- USA 6 A94-971 to TNI-AU Mar 1973. Aero Trader. (ADF Aircraft Serials site)
- USA 7 A94-972 to TNI-AU as F-8612. Aero Trader. (ADF Aircraft Serials site)
- A94-972 to TNI-AU, March 1973, scrapped June 1976 in *Australian Service The Meteor, Sabre & Mirage* p. 121
- F-8612 ex A94-972, Aero Trader at Ocotillo, California, undated in Sabres Worldwide (photo of fuselage with tail of F-8607)
- USA 8 A94-980 to TNI-AU Mar 1973 as F-8614/TS-8614. To USA in 1989 held by Aero Trader, Ocotillo Wells. (ADF Aircraft Serials site)
- TS-8614 ex A94-980, Aero Trader at Ocotillo, California, undated in Sabres Worldwide
- USA 9 A94-361 to TNI-AU as F-8601 1973. Scrapped after starter motor explosion 1976. Tail of F-8609 is now on this aircraft. (ADF Aircraft Serials site)
- A94-361 to TNI-AU, March 1973, scrapped January 1976 after starter motor explosion in *Australian Service The Meteor, Sabre & Mirage* p. 122
- F-8601 ex A94-361, Aero Trader at Ocotillo, California, undated in Sabres Worldwide (photo of fuselage with tail of F-8609)
- USA 10 A94-366 to TNI-AU Mar 1973 as F-8602. To USA 1989. Held by Aero Trader, Ocotillo Wells. (ADF Aircraft Serials site)
- F-8602 ex A94-366, Aero Trader at Ocotillo, California, undated in Sabres Worldwide (photo of fuselage)
- USA 11 A94-369 to RMAF 1969 as FM1909 and FM1369. To TNI-AU as F-8619. To USA in 1989. Held by Aero Trader, Ocotillo Wells. (ADF Aircraft Serials site)
- F-8619 ex A94-369, Aero Trader at Ocotillo, California, undated in Sabres Worldwide (photo of fuselage)
- to USA F8623 ?? photograph adfgallery site

Czech Republic

Commonwealth CA-27 Sabre Mk 32

- CZ 1 A94-923 Fuselage and wings noted at Jandakot 1988, restored using tail of A94-954 and traded to Czech Republic. (ADF Aircraft Serials site)
- airliners.net has photograph dated 26 June 2005 in No. 3 Sqn marks at Kbely, Czech Republic.

New Zealand

Commonwealth CA-27 Sabre Mk 32

- NZ 1 A94-922 at Ardmore, New Zealand, under restoration for Jerry Yagen, U.S.A. (ADF Aircraft Serials site)
 airliners.net has photograph of A94-922 at Ardmore, N.Z., dated 30 March 2006.
- NZ 2 A94-954 scrapped Oct 1971. Reported at Toowoomba QLD in USAF markings. (ADF Aircraft Serials site)
 airliners.net has photograph as 12747 (51-2747) FU-747 dated 9 November 2004.
 Classic Wings, Vol. 14 No. 1 issue 59 p. 20 has a photograph of a CA-27 Sabre bought from
 Lynette Zuccoli in Queensland, "relatively new arrival" at RR Aviation Limited, Wakefield
 (near Nelson), New Zealand. Left side of fuselage has signs of USAF star and bar and
 Korean fuselage band. Has a blue band on the vertical tail with yellow trim top and bottom
 plus four stars on the blue ground.

49. Total plus several bits to give a range of 45 to 60 (40% to 53% of production survived).

Michelle Mexon.		
<i>The Herald</i>	28 Sep 2005 p. 13	"Logistics of restoring Sabre jet rattle council" by Jason Gordon " ... logistical plans expected to be completed by November it was achievable." [clean up for Lions' 50th anniversary next year]. NOTE REASONS GIVEN FOR GIFT.
<i>The Herald</i>	21 Mar. 2006 p. 10	"Poor image for the city" letter from Jim Eames on condition of Sabre.
<i>Australian Aviation</i>	March 2007, p. 72	Warbirds column by Dave Prossor IN BRIEF "The Port Stephens Council has reconsidered a decision not to support the restoration of the CAC Sabre A94-959, currently on display in Bettles Park, at Raymond Terrace. On display since 1981 the aircraft is showing the effects of exposure to the elements with faded paint and corrosion showing. \$80,000 had been allocated for the restoration but then deferred. Following lobbying by various groups the council is looking at other sources of funding including grants."
Dave Prossor said on 10 June 2007 this was from a cutting supplied by Bill Hitchcock. Most likely <i>The Herald</i> BUT a check from Dec 2006 to early Feb 2007, NIL result		
"Backflip on fighter" by Jacqui Jones		

ITEM NO. 5

FILE NO: PSC2005-3964

CULTURAL PROJECT FUND

REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) In accordance with Council's Cultural Project Fund Guidelines 2008, supply funds from Council's Cultural Project Fund for 2008/2009 the amounts and purposes prescribed below:
 - a) A grant of \$3,000 to Karuah Festival for the '*Karuah Festival Project*'.
 - b) A grant of \$3,300 to Port Stephens Family Support Service for the '*Ba-ra Boolarng Dance Group Project*'.
 - c) A grant of \$1,900 to Port Stephens Community Band for the '*Camp Project*'.
 - d) A grant of \$1,200 to Terrace Tenants & Associates Inc for the '*Postcards from the Terrace Project*'.
 - e) A grant of \$3,250 to Hands on Youth Events for the '*Tilligerry Youth Alive Project*'.
 - f) A grant of \$1,060 to Lions Club of Tilligerry Peninsula for the '*Tilligerry Art & Craft Show Project*'.
 - g) A grant of \$1,190 to Port Stephens Family History Society Inc for the '*Family History Project*'.
 - h) A grant of \$500 to Tilligerry Adult & Community Education for the '*Port Stephens Examiner Literature Awards Project*'.
 - i) A grant of \$2,000 to Tilligerry Committee for the '*Tilligerry Festival Project*'.
 - j) A grant of \$2,000 to Musical Matinees Inc for the '*Classical Variety Concert Project*'.
 - k) A grant of \$1,560 to Nelson Bay Town Management for the '*Carols by the Bay Project*'.
 - l) A grant of \$2,440 to Tomaree Musical Theatre Co Inc for the '*Music Theatre Project*'.
 - m) A grant of \$1,000 to Port Stephens Community Arts Centre Inc for the '*Art Prize Project*'.
 - n) A grant of \$3,000 to Williamstown Rotary for the '*Scottish & Celtic Festival Project*'.
 - 2) Nominate and elect one Councillor from each Ward to the membership of a Panel which will be established to assess and make recommendations to Council on the allocation of Cultural Project Funds for future funding rounds.
-

OPERATIONS COMMITTEE MEETING – 10 FEBRUARY 2009

RECOMMENDATION:

<p>Councillor Glenys Francis Councillor Steve Tucker</p>	<p>1) In accordance with Council's Cultural Project Fund Guidelines 2008, supply funds from Council's Cultural Project Fund for 2008/2009 the amounts and purposes prescribed below:</p> <ul style="list-style-type: none"> • A grant of \$3,000 to Karuah Festival for the '<i>Karuah Festival Project</i>'. • A grant of \$3,300 to Port Stephens Family Support Service for the '<i>Ba-ra Boolarng Dance Group Project</i>'. • A grant of \$1,900 to Port Stephens Community Band for the '<i>Camp Project</i>'. • A grant of \$1,200 to Terrace Tenants & Associates Inc for the '<i>Postcards from the Terrace Project</i>'. • A grant of \$3,250 to Hands on Youth Events for the '<i>Tilligerry Youth Alive Project</i>'. • A grant of \$1,060 to Lions Club of Tilligerry Peninsula for the '<i>Tilligerry Art & Craft Show Project</i>'. • A grant of \$1,190 to Port Stephens Family History Society Inc for the '<i>Family History Project</i>'. • A grant of \$500 to Tilligerry Adult & Community Education for the '<i>Port Stephens Examiner Literature Awards Project</i>'. • A grant of \$2,000 to Tilligerry Committee for the '<i>Tilligerry Festival Project</i>'. • A grant of \$2,000 to Musical Matinees Inc for the '<i>Classical Variety Concert Project</i>'. • A grant of \$1,560 to Nelson Bay Town Management for the '<i>Carols by the Bay Project</i>'. • A grant of \$2,440 to Tomaree Musical Theatre Co Inc for the '<i>Music Theatre Project</i>'. • A grant of \$1,000 to Port Stephens Community Arts Centre Inc for the '<i>Art Prize Project</i>'. • A grant of \$3,000 to Williamstown Rotary for the '<i>Scottish & Celtic Festival Project</i>'. <p>3) Nominate and elect one Councillor from each Ward to the membership of a Panel which will be established to assess and make recommendations to Council on the allocation of Cultural Project Funds for future funding rounds.</p>
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ORDINARY COUNCIL - 24 FEBRUARY 2009

028	<p>Councillor S Tucker Councillor G Francis</p>	<p>It was resolved that Council:</p> <p>1) In accordance with Council's Cultural Project Fund Guidelines 2008, supply funds from Council's Cultural Project Fund for 2008/2009 the amounts and purposes prescribed below:</p> <ul style="list-style-type: none"> • A grant of \$3,000 to Karuah Festival for the '<i>Karuah Festival Project</i>'. • A grant of \$3,300 to Port Stephens Family Support Service for the '<i>Ba-ra Boolarnng Dance Group Project</i>'. • A grant of \$1,900 to Port Stephens Community Band for the '<i>Camp Project</i>'. • A grant of \$1,200 to Terrace Tenants & Associates Inc for the '<i>Postcards from the Terrace Project</i>'. • A grant of \$3,250 to Hands on Youth Events for the '<i>Tilligerry Youth Alive Project</i>'. • A grant of \$1,060 to Lions Club of Tilligerry Peninsula for the '<i>Tilligerry Art & Craft Show Project</i>'. • A grant of \$1,190 to Port Stephens Family History Society Inc for the '<i>Family History Project</i>'. • A grant of \$500 to Tilligerry Adult & Community Education for the '<i>Port Stephens Examiner Literature Awards Project</i>'. • A grant of \$2,000 to Tilligerry Committee for the '<i>Tilligerry Festival Project</i>'. • A grant of \$2,000 to Musical Matinees Inc for the '<i>Classical Variety Concert Project</i>'. • A grant of \$1,560 to Nelson Bay Town Management for the '<i>Carols by the Bay Project</i>'. • A grant of \$2,440 to Tomaree Musical Theatre Co Inc for the '<i>Music Theatre Project</i>'. • A grant of \$1,000 to Port Stephens Community Arts Centre Inc for the '<i>Art Prize</i>'.
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		<p><i>Project'.</i></p> <ul style="list-style-type: none"> • A grant of \$3,000 to Williamstown Rotary for the '<i>Scottish & Celtic Festival Project</i>' <p>2) Councillors Nell, Francis and Tucker be elected to the Panel to assess and make recommendations to Council on the allocation of Cultural Project Funds for future funding rounds.</p>
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BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of available Cultural Project Funds for the projects outlined in Attachment 1.

In the 2008/2009 budget Council allocated \$30,000 for the Cultural Project Fund with a requirement that each Council Ward receive \$10,000. The purpose of the Cultural Project Fund is to encourage the development of: -

- Projects that extend or diversify knowledge or experience of cultural or artistic programs or skills of practitioners in the community and have the ability to attract new audiences.
- Projects that increase opportunities to extend community capacity for cultural and/or artistic activity.
- Projects that offer opportunities for employment generation.
- Projects that complement Council's own community and cultural objectives, strategies and programs and will contribute to a vibrant cultural and community life for Port Stephens and its permanent and visiting community.

In May and June 2008, applications for funding under the Cultural Project Fund were called through an advertisement in the *Port Stephens Examiner*. All applications received were considered and assessed according to the current Council's *Cultural Project Fund Guidelines 2008* as per **Attachment 2** by Council's Community Planner – Cultural Development which has resulted in the recommendations made herein.

A total of 17 applications were received, seeking a total of \$50,557. The assessment of the applications resulted in the level of funding being sought by 5 applicants being reduced to stay within the allocated budget. Only 1 application is not recommended for funding, (ie; Sea Sik Productions '*Marine Experience DVD Project*') as they are considered to be a commercial operation and thus fall outside the scope of the *Cultural Project Fund Guidelines*.

It should be noted that the recommended grant of \$1,560 to the '*Carols by the Bay Project*' is substantially lower than the \$6,500 requested (see attachment). This recommendation is based on a desire to ensure that the available funds are allocated equitably and community benefits are maximised. Council's Community Planner – Cultural Development will continue to work with Nelson Bay Town Management in seeking additional funding towards the '*Carols by the Bay Project*'.

Having regard for their timing, approval for groups seeking funds towards events / programs planned for late 2008 / early 2009 was sought and gained by the General Manager for the following two projects to be funded under Mayoral delegated authority:

- A grant of \$2,000 to Lions Club of Tilligerry Peninsula for the 'Australia Day Breakfast Project'.
- A grant of \$600 to Karuah Progress Association for the 'Karuah Carols by Torchlight Project'.

The current assessment process, where applications to the Cultural Project Fund are reviewed by the Community Planner – Cultural Development in relation to a set Cultural Events/Project Funding Criteria, has served Council well in the past.

However, opportunity exists for increased Councillor involvement during the assessment of future applications to speed the delivery of funds and maintain integrity. It is recommended that a Panel be established to make recommendations to Council on the allocation of Cultural Project Funds under future funding rounds. To maintain parity of fund distribution, and the Ward structure of the process, it is recommended the Panel comprise one Councillor from each Ward and the Community Planner – Cultural Development.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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>

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$30,000 was available in Council's 2008/2009 budget for the Cultural Project Fund. The projects recommended for funding in this report total \$27, 400 with \$10,000 being allocated to projects in each Council Ward (less the previously allocated funds under delegation). All funded projects will be supported and monitored by Council's Community Planner – Cultural Development.

LEGAL AND POLICY IMPLICATIONS

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

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.*
- 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

These cultural projects aim to enhance community identity and sense of belonging. The projects also provide the opportunity for local community members to further develop the skill and creativity base of community members in Port Stephens.

ECONOMIC IMPLICATIONS

Several of the projects recommended for funding will generate employment opportunities for local artists and industry practitioners. Funded projects will positively impact on local businesses and suppliers (eg; catering, accommodation, venue hire, printing, and advertising). Cultural activities not only enhance the lives of our existing permanent community but they also attract new community members, and visitors to the area.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Applications under the Cultural Project Fund were advertised in the Port Stephens Examiner and through local community networks. Applications were open for approximately two months to maximise the opportunity for groups to prepare and lodge their application. All applications have been developed in consultation with Council's Community Planner – Cultural Development.

OPTIONS

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

MINUTES OF ORDINARY MEETING – 24 FEBRUARY 2009

- 3) To reject the recommendations and consider adjustments to funding allocations.

ATTACHMENTS

- 1) Summary of 2008 Cultural Project Fund Applications
- 2) Cultural Project Fund Guidelines

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

MINUTES OF ORDINARY MEETING – 24 FEBRUARY 2009

ATTACHMENT 1
SUMMARY OF 2008 CULTURAL PROJECT FUND APPLICATIONS

WEST WARD

ORGANISATION	DATE	PROJECT	1*	2	3	4	TOTAL COST	REQUESTED	RECOMMEND	FOR	%# COST
Karuah Festival	May 09	Karuah Festival	✓	✓	✓	✓	\$10,000.00	\$5,000.00	\$3,000.00	Artist Fees	30
Karuah Progress Association Inc	15 Dec 08	Karuah Carols by Torchlight	✓	✓		✓	\$2,600.00	\$600.00	\$600.00	Performers' fees	23
Port Stephens Family Support Service	Jan 09	Ba-ra Boolarng Dance Group	✓	✓	✓	✓	\$6,107.99	\$6,107.99	\$3,300.00	Dance Tutor Fees	54
Port Stephens Community Band	Feb 09	PS Community Band Camp	✓	✓	✓	✓	\$2,900.00	\$1,900.00	\$1,900.00	Tutor and venue costs	66
Terrace Tenants & Associates Inc	April 09	Postcards from the Terrace	✓	✓	✓	✓	\$2,900.00	\$1,200.00	\$1,200.00	Prizes 1st to 3rd 1 xHC, 2xComm	41
							\$24,507.99	\$14,807.99	\$10,000.00	TOTAL	41
									\$10,000.00	BUDGET	
									\$0.00	BALANCE	

CENTRAL WARD

ORGANISATION	PROJECT DATE	PROJECT	1*	2	3	4	TOTAL COST	REQUESTED	RECOMMEND	FOR	%# COST
Hands on Youth Events (HOYE) Inc	Jan-Jun 09	Tilligerry Youth Alive	✓	✓	✓	✓	\$8,909.00	\$3,250.00	\$3,250.00	Tutor (techwrkshp) fees & MC x 3 live gigs	36
Lions Club of Tilligerry Peninsula	13-16 Nov 09	Tilligerry Art & Craft Show	✓	✓		✓	\$8,930.00	\$1,060.00	\$1,060.00	\$560 advertising \$500 Prizes	12
Port Stephens Family History Society Inc	April 09	Family History Project	✓	✓		✓	\$8,712.00	\$2,500.00	\$1,190.00	Event Costs	14
Lions Club of Tilligerry Peninsula	Jan 09	Australia Day Breakfast	✓	✓		✓	\$2,950.00	\$2,000.00	\$2,000.00	\$1,000 Jazz Band \$500 Art Prize	68
Tilligerry Adult & Community Education	13-16 Nov 08	PS Examiner Literature Awards	✓	✓		✓	\$1,300.00	\$500.00	\$500.00	Prize money	38

MINUTES OF ORDINARY MEETING – 24 FEBRUARY 2009

Tilligerry Committee	15 Nov 08	Tilligerry Festival	✓	✓	✓	✓	\$6,500.00	\$3,000.00	\$2,000.00	Artist Fees	31
							\$37,301.00	\$12,310.00	\$10,000.00	TOTAL	27
									\$10,000.00	BUDGET	
									\$0.00	BALANCE	

EAST WARD

EAST WARD											
ORGANISATION	DATE	PROJECT	1*	2	3	4	TOTAL COST	REQUESTED	RECOMMEND	FOR	%# COST
Musical Matinees Inc	15 Nov 09	Classical Variety Concert	✓	✓		✓	\$4,985.00	\$2,000.00	\$2,000.00	Band fee	40
Nelson Bay Town Management	21 Dec 08	Carols by the Bay	✓	✓	✓	✓	\$22,000.00	\$6,500.00	\$1,560.00	Artists fees	7
Tomaree Musical Theatre Co Inc	May/Jun 09	Music Theatre	✓	✓	✓	✓	\$10,440.00	\$2,440.00	\$2,440.00	Score rights	23
Port Stephens Community Arts Centre inc	August 09	Art Prize	✓	✓		✓	\$6,000.00	\$1,000.00	\$1,000.00	Prize	17
Williamtown Rotary	May 09	Scottish and Celtic Festival (to be held on Tomaree Peninsula)			✓		\$29,500.00	\$3,000.00	\$3,000.00	Artists fees	10
Sea Sik Productions	09	Marine Experience DVD					\$12,000.00	\$8,500.00	\$0.00	Commercial operation not within grant criteria	0
							\$84,925.00	\$23,440.00	\$10,000.00	TOTAL	12
							%		\$10,000.00	BUDGET	
									\$0.00	BALANCE	
TOTAL PRODUCTION COST FOR PROJECTS							\$146,733.99	100			
TOTAL FUNDING REQUESTED FROM PSC							\$50,557.99	34			
TOTAL APPLICATIONS DIFFERENCE							\$96,176.00	66			
									\$30,000.00	TOTAL BUDGET	
									\$30,000.00	TOTAL FUNDING	

MINUTES OF ORDINARY MEETING – 24 FEBRUARY 2009					
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TOTAL FUNDING REQUESTED FROM PSC	\$50,557.99	100		\$0.00	BALANCE
TOTAL PSC FUNDING RECOMMENDE D	\$30,000.00	59			
DIFFERENCE	\$20,557.99	41			

* Projects meeting the below listed selection criteria:

1. Project extends or diversifies knowledge or experience of cultural or artistic programs or skills of practitioners in the community and has the ability to attract new audiences
2. Project increases opportunities to extend community capacity for cultural and/or artistic activity
3. Project offers opportunities for employment generation
4. Project complements Council's own community and cultural objectives, strategies and programs and will contribute to a vibrant cultural and community life for Port Stephens and it's permanent and visiting community

The variation in percentage recommended to be requested, has been assessed in relation to two factors: size of grant and ability to source alternative funding streams.

ATTACHMENT 2
CULTURAL PROJECT FUND GUIDELINES



Cultural Project Fund Guidelines

2008

Before you formally lodge your application you need to

1. Discuss it with, Council's Community Planner - Cultural Development. Please contact on 4980 0121 to organise a meeting time
2. You will need to make sure your project addresses a high priority need as identified by the community or cultural development category in the selection criteria of Council's Policy on Sponsorship of Community Activities and Special Events:
Priority for funding will be given to projects that
 - Extend or diversify knowledge or experience of cultural or artistic programs or skills of practitioners in the community and has the ability to attract new audiences
 - Increase opportunities to extend community capacity for cultural and/or artistic activity
 - Offer opportunities for employment generation
 - Complement Council's own community and cultural objectives, strategies and programs and will contribute to a vibrant cultural and community life for Port Stephens and it's permanent and visiting community
3. All applications will be assessed by the Community Planner - Cultural Development with the assistance of the Integrated Planning Manager and referred to Council for approval
4. Once an Organisation has spent their grant, they will be required to send an acquittal outlining:
 - what has the project achieved?
 - practical benefits to the cultural community of Port Stephens and how have they been measured
 - details of any follow up work on project
 - details of any other projects that need implementing as a result of this project
 - any priorities for future projects
 - a financial statement of project expenditure and presentation of any outstanding receipts of expenditure

CONFIDENTIALITY

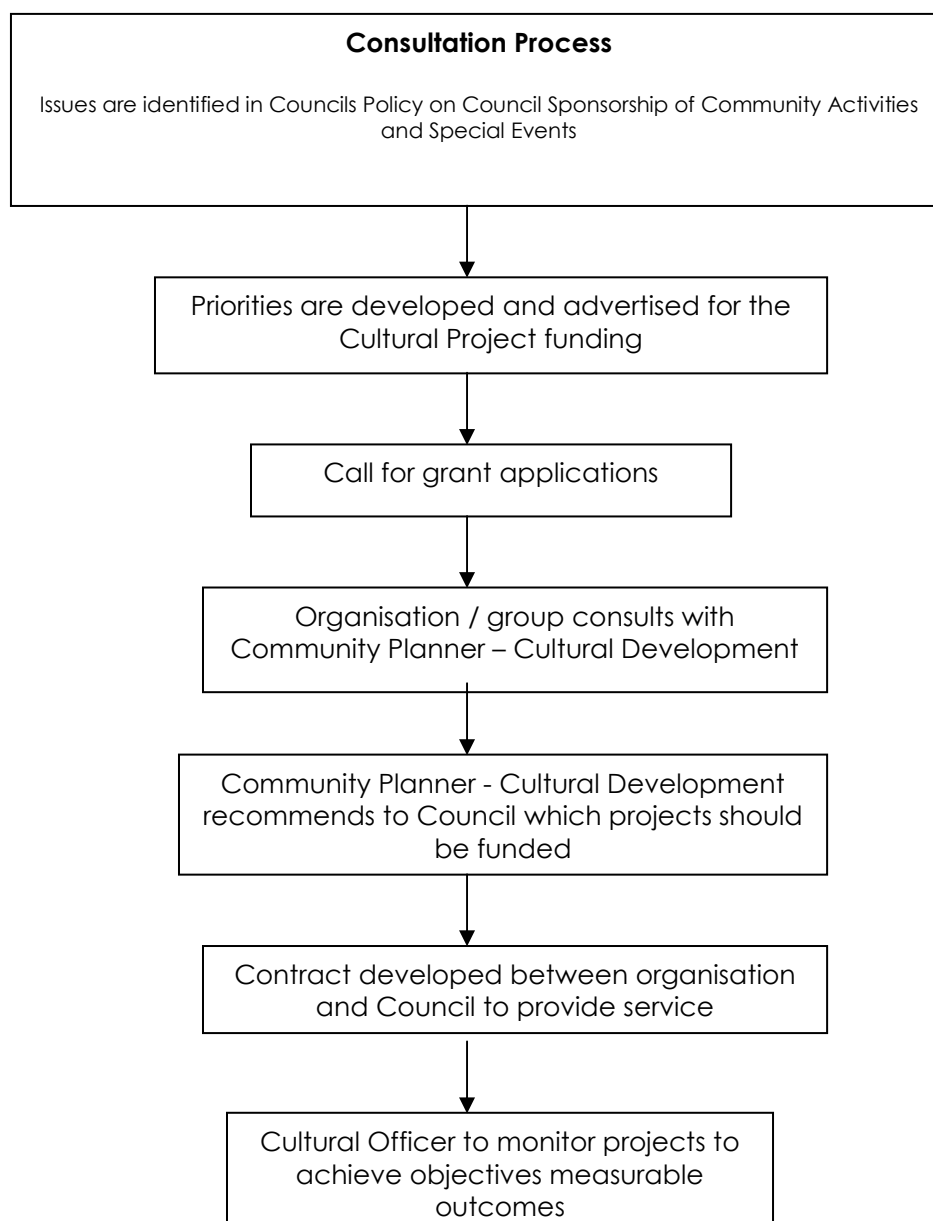
- Each application is to be received and discussed by the Community Planner - Cultural Development in confidence
- Any decisions made will be without preference and be the best decision for the whole cultural community of Port Stephens

BACKGROUND INFORMATION

How did Port Stephens Cultural Events/ Projects come about?

In 2004, Council allocated \$10,000 per year to the development of local projects that will progress high priority issues within the cultural community. The Community Planner - Cultural Development will be involved in making decisions about the allocation of funds. Given the success of this program and the size of the Port Stephens LGA, Council has increased the annual allocation to the Cultural Project Fund in subsequent budgets to \$30,000 a year comprising an equitable distribution of \$10,000 per Ward.

How will Port Stephens Cultural Events/ Projects work?



What Port Stephens Cultural Events/Projects is NOT?

- It is NOT for organisations that are not constitutional
- It is NOT for new capital structures. eg. equipment
- It is NOT for on-going operational or administrative costs
- It is NOT for projects without clearly defined outcomes that meet identified high priority needs
- It is NOT for projects that could be delivered through another funding source

What a Port Stephens Cultural Events/Project COULD be!

- It COULD provide financial support to an organisation not currently afforded by local residents, e.g. fee subsidy
- It COULD provide a direct program e.g. cultural project for young people
- It COULD promote the recognition of local heritage
- It COULD be for a research project on a particular topic
- It COULD provide transport to an event
- It COULD fund an event
- It COULD promote indigenous culture

Procedure for Implementation

- The Cultural Development Officer will monitor the planning of projects, and support the decision making for high priority projects with Councils Community Planning Manager.
- There are two methods of receiving funding, by expressing an interest in running a service or the Council with the support of the Cultural Development Officer approaching an identified group or organisation to provide a service to meet an identified need.
- The Cultural Development Officer will look at applications and discuss with the Community Planning Manager before recommending the projects to Council
- A decision about the project will be made based on the ability of the project to meet identified needs.
- An agreement will be developed with the organisation / contractor on how the project will proceed.
- Council and the Cultural Development Officer will keep account of the projects and successful applicants will be required to report on the project progress.
- Once an Organisation has spent their grant, they will be required to send an acquittal of the funding and project outcomes, eg. photographs, videos, DVD's

- The only limit to the number of projects to be undertaken, large or small is the identification of high priority needs and the amount funds available in the budget.

Applications may be considered if

- they are community based
- meet the needs of the community
- have community support for the event
- will be sustainable and the sponsorship is seed money
- provide a positive image for Port Stephens
- will attract visitors from outside Port Stephens
- compliment the marketing activities of Port Stephens Council

FUNDING STRUCTURE AND ELIGIBILITY

- Funding may be provided for several purposes and varying amounts of time.
- Funds can be used to develop and pilot a new approach; and/or to fill gaps in community service provision that address identified community needs.
- Funding periods will vary but most will be one off or short term.
- Applications lodged outside the funding period will be considered on an individual basis
- Organisations may only apply for sponsorship of a project once in any financial year
- Sponsored groups are required to acknowledge Council's contribution in publicity and reports
- Sponsored groups are required to use Council's logo in accordance with Port Stephens Council - Conditions of Use

FORM 1

PORT STEPHENS COUNCIL CULTURAL PROJECT FUND APPLICATION

Port Stephens Council, as part of their Cultural Development Program, supplies the funds for this project. Decisions made about the priority of projects to be delivered are in consultation with the Integrated Planning Manager.

1. Project Name: _____

2. Applicants Details: _____

2.1 Organisation Name: _____

2.2 Address: _____

2.3 Phone: _____

2.4 Fax: _____

2.5 E-Mail: _____

2.6 Contact Person: _____

2.7 Contact Person's Phone Number: _____

2.8 Insurance Details: _____

3. Description of project:

3.1 Describe the project you want to undertake _____

3.2 When and where will the project be held?

3.2 After looking at the high priority needs as advertised, how does your project meet these needs?

MINUTES OF ORDINARY MEETING – 24 FEBRUARY 2009

3.4 What are the measurable benefits of the project to the cultural community of Port Stephens? Projected Outcomes? _____

3.5 What are the benefits to Port Stephens Council for this project?

3.6 How will you promote this project?

3.7 Has your organisation secured other sponsorship or funding for this project?

4. Budget**4.1 WAGES / SALARIES** (INCLUDING WORKERS COMPENSATION AND SUPERANNUATION)

Position	Award	Hours per week	Amount Required
TOTAL			

4.2 ADMINISTRATION

Item	Description	Amount Required
Rent		
General Admin		
Other (please list)		
TOTAL		

4.3 EQUIPMENT / MATERIALS

(Note: Please attach two quotations for any single items of equipment valued over \$500)

Item	Details	Amount Required
TOTAL		

4.4 OTHER PROJECT COSTS

Item	Details	Amount Required
Travel		
Training		
Other		
TOTAL		

4.5 Total Cost of Project: \$ _____

Your organisation's contribution: _____

5 TOTAL AMOUNT REQUESTED FROM PORT STEPHENS COUNCIL CULTURAL PROJECT FUND: \$_____ (GST Inclusive)

6 Please supply a copy of your Constitution as an attachment

FORM 2 PROJECT SUMMARY AND ASSESSMENT SHEET

Complete a project summary using the following format (copy the form if your project has more than one objective)

Objective		
Strategies – what will the project do to achieve its objective?	Expected Outcomes – what will change as a result of the strategy	Time frame

PROJECT NAME: _____

Amount Requested: _____

Project Comments (by Community Planner - Cultural Development):

Assessment Criteria:

- Addresses local priorities
- Is cost effective
- Has been discussed and designed with the CPCD
- Has clear objectives & strategies
- Group has expertise to manage project

YES	IN PART	NO

Authorisation

This application should be signed by the accountable officer of the incorporated body (usually the President) and certified by another Executive Officer.

I certify the information given in this document is true and accurate.

Council's Public Liability Insurance Policy covers the respective rights and liabilities of the Council and its agents but does not cover any negligence attributable to your organisation or person acting on your behalf.

Accordingly, Council is to be indemnified for \$10 million against any claims for liability connected with the hirers use and control of the area and a copy of the Public Liability Insurance Policy with specific cross liability clause inserted is to be forwarded to Council prior to the project commencing.

Name: _____

Position: _____

Signature: _____

Date: _____

Name: _____

Position: _____

Signature: _____

Date: _____

Integrated Planning Manager's Comments: _____

Recommendation for funding:

YES

☐

NO

☐

Signature of CPCD: _____

SIGNATURE INTEGRATED PLANNING MANAGER: _____

ITEM NO. 6**INFORMATION PAPERS****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 10th February, 2009.

No:	Report Title	Page:
1	Determined and Undetermined DA's	
2	Cash and Investments held at 31 December 2009	
3	Access to Information – Section 12 LGA 1993	
4	Draft 2009/2010 Budget	

OPERATIONS COMMITTEE MEETING – 10 FEBRUARY 2009**RECOMMENDATION:**

Councillor Shirley O'Brien Councillor Ken Jordan	That the recommendation be adopted
---	------------------------------------

MATTER ARISING:

Councillor John Nell Councillor Bob Westbury	That Council request the Traffic Committee to consider the matter of painted white lines at the 80km to 50km speed zones on Port Stephens Drive to indicate the change in traffic zone – similar to those on the F3 Freeway.
---	--

ORDINARY COUNCIL - 24 FEBRUARY 2009

029	Councillor J Nell Councillor B Westbury	It was resolved that the recommendation be adopted.
030	Councillor J Nell Councillor B Westbury	It was resolved that Council request the Traffic Committee to consider the matter of painted white lines at the 80km to 50km speed zones on Port Stephens Drive to indicate the change in traffic zone – similar to those on the F3 Freeway.

OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

DETERMINED AND UNDETERMINED DEVELOPMENT APPLICATIONS

REPORT OF: SCOTT ANSON –DEVELOPMENT & BUILDING MANAGER
FILE: PSC2007-3153

BACKGROUND

The purpose of this report is to provide Councillors with information on determined and undetermined development applications currently with Council, at the request of Cr Tucker.

As it is considered more convenient for Councillors if the reports are run on the last day of the month, and it is not possible to meet the necessary deadline for the Business Paper, the information will be provided under separate cover.

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 2

CASH AND INVESTMENTS HELD AT 31 DECEMBER 2008

**REPORT OF: CHRISTOPHER BRICE, ACTING FINANCIAL SERVICES MANAGER
FILE: PSC2006-6531**

BACKGROUND

The purpose of this report is to present Council's schedule of Cash and Investments Held at 31 December 2008.

ATTACHMENTS

- 1) Cash and Investments Held at 31 December 2008.
- 2) Monthly Cash and Investments Balance January 2008 – December 2008

MINUTES OF ORDINARY MEETING – 24 FEBRUARY 2009

ATTACHMENT 1

CASH & INVESTMENTS HELD AS AT 31 December 2008

INVESTED WITH	INV. TYPE	CURRENT RATING	MATURITY DATE	AMOUNT INVESTED	% of Total Portfolio	Current Int Rate	Market Value October	Market Value November	Market Value December	Current Mark to Market Exposure
GRANGE SECURITIES										
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt			-	0.00%	0.00%	\$496,800.00	\$496,800.00	\$0.00	\$0.00
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDC	AA	20-Mar-12	1,000,000.00	3.20%	0.00%	\$750,000.00	\$750,000.00	\$750,000.00	-\$250,000.00
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDC	AA-	23-Jun-15	412,500.00	1.32%	6.49%	\$315,562.50	\$315,562.50	\$315,562.50	-\$96,937.50
HERALD LTD "QUARTZ AA"	Floating Rate CDC	AA	20-Dec-10	450,000.00	1.44%	5.79%	\$317,925.00	\$317,925.00	\$317,925.00	-\$132,075.00
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO		22-Jun-13	1,000,000.00	3.20%	5.65%	\$507,400.00	\$507,400.00	\$507,400.00	-\$492,600.00
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDC	A-	20-Mar-13	1,000,000.00	3.20%	5.43%	\$536,000.00	\$536,000.00	\$536,000.00	-\$464,000.00
HOME BUILDING SOCIETY	Floating Rate Sub Debt		25-Jul-11	500,000.00	1.60%	6.80%	\$470,500.00	\$470,500.00	\$470,500.00	-\$29,500.00
NOTE	Yield Curve Note		18-Oct-11	500,000.00	1.60%	0.00%	\$420,500.00	\$420,500.00	\$420,500.00	-\$79,500.00
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDC	AA-	20-Mar-14	1,000,000.00	3.20%	5.35%	\$418,600.00	\$418,600.00	\$418,600.00	-\$581,400.00
GRANGE SECURITIES "COOLANGATTA AA"	Floating Rate CDC	AA	20-Sep-14	1,000,000.00	3.20%	0.00%	\$319,000.00	\$319,000.00	\$319,000.00	-\$681,000.00
TOTAL GRANGE SECURITIES				\$6,862,500.00	21.99%		\$4,552,287.50	\$4,552,287.50	\$4,055,487.50	(\$2,807,012.50)
ABN AMRO MORGANS										
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDC	AA	20-Sep-09	\$2,000,000.00	6.41%	0.00%	\$1,866,400.00	\$1,575,000.00	\$1,590,000.00	-\$410,000.00
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note		17-Sep-11	\$1,000,000.00	3.20%	0.00%	\$840,300.00	\$857,300.00	\$875,800.00	-\$124,200.00
BANK OF QLD FLOATING RATE NOTE	Floating Rate Note		30-Jun-09	\$1,000,000.00	3.20%	4.71%	\$994,700.00	\$994,700.00	\$991,110.00	-\$8,890.00
BANK OF QLD TERM DEPOSIT	Term Deposit		5-Sep-09	\$750,000.00	2.40%	7.10%			\$750,000.00	\$0.00
TOTAL ABN AMRO MORGANS				\$4,750,000.00	15.22%		\$3,701,400.00	\$3,427,000.00	\$4,206,910.00	(\$543,090.00)
ANZ INVESTMENTS										
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDC	AA-	6-Apr-10	\$500,000.00	1.60%	8.11%	\$217,500.00	\$217,500.00	\$151,600.00	-\$348,400.00
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDC	AA	30-Dec-11	\$1,000,000.00	3.20%	0.00%	\$503,700.00	\$160,000.00	\$230,300.00	-\$769,700.00
MOTIF FINANCE (IRELAND) PLC	Floating Rate CDC	A	1-Jun-17	\$517,876.98	1.66%	0.00%	\$812,800.58	\$812,800.58	\$569,858.42	\$51,981.44
ADELAIDE BANK SENIOR DEBT	Floating Rate Deposit		22-May-09	\$1,000,000.00	3.20%	4.68%	\$994,290.00	\$994,290.00	\$996,100.00	-\$3,900.00
TOTAL ANZ INVESTMENTS				\$3,017,876.98	9.67%		\$2,528,290.58	\$2,184,590.58	\$1,947,858.42	(\$1,070,018.56)
RIM SECURITIES										
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO		29-Jul-13	\$2,000,000.00	6.41%	8.20%	\$716,560.00	\$446,840.00	\$462,960.00	-\$1,537,040.00
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt		8-Oct-11	\$1,000,000.00	3.20%	6.91%	\$944,404.00	\$944,807.00	\$946,755.00	-\$53,245.00
QLD POLICE CREDIT UNION	Term Deposit		7-Jan-09	\$1,000,000.00	3.20%	5.70%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00
SAVINGS AND LOANS CREDIT UNION	Term Deposit		5-Jan-09	\$1,000,000.00	3.20%	5.75%	\$0.00	\$0.00	\$1,000,000.00	\$0.00
AUSTRALIAN CENTRAL CREDIT UNION	Term Deposit		2-Feb-09	\$1,000,000.00	3.20%	5.80%	\$0.00	\$0.00	\$1,000,000.00	\$0.00
COMMUNITY CPS CREDIT UNION	Term Deposit		7-Jan-19	\$1,000,000.00	3.20%	5.55%	\$0.00	\$0.00	\$1,000,000.00	\$0.00
TOTAL RIM SECURITIES				\$7,000,000.00	22.43%		\$2,660,964.00	\$2,391,647.00	\$5,409,715.00	(\$1,590,285.00)
WESTPAC INVESTMENT BANK										
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt		27-Apr-10	\$500,000.00	1.60%	6.97%	\$487,215.00	\$485,280.00	\$485,800.00	-\$14,200.00
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt		20-Nov-11	\$500,000.00	1.60%	5.53%	\$438,025.00	\$437,720.00	\$439,220.00	-\$60,780.00
TOTAL WESTPAC INV. BANK				\$1,000,000.00	3.20%		\$925,240.00	\$923,000.00	\$925,020.00	(\$74,980.00)

MINUTES OF ORDINARY MEETING – 24 FEBRUARY 2009

ATTACHMENT 1

LONGREACH CAPITAL MARKETS										
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	AA	7-Mar-12	\$500,000.00	1.60%	0.00%	\$392,300.00	\$397,150.00	\$390,700.00	-\$109,300.00
NOTE	Property Linked Note		7-Sep-12	\$500,000.00	1.60%	0.00%	\$368,450.00	\$381,800.00	\$392,550.00	-\$107,450.00
TOTAL LONGREACH CAPITAL				\$1,000,000.00	3.20%		\$760,750.00	\$778,950.00	\$783,250.00	(\$216,750.00)
COMMONWEALTH BANK										
PRINCIPAL PROTECTED YIELD ACCRUAL NOTE	Yield Curve Note		06-Nov-11	\$0.00	0.00%	0.00%	\$511,850.00	\$0.00	\$0.00	\$0.00
CALLABLE CPI LINKED NOTE	Yield Curve Note		04-Apr-12	\$500,000.00	1.60%	0.00%	\$475,900.00	\$477,550.00	\$487,450.00	-\$12,550.00
EQUITY LINKED DEPOSIT	Equity Linked Note		20-Sep-11	\$500,000.00	1.60%	3.00%	\$463,250.00	\$476,300.00	\$486,350.00	-\$13,650.00
EQUITY LINKED DEPOSIT GI100	Equity Linked Note		03-Aug-10	\$500,000.00	1.60%	3.00%	\$476,850.00	\$494,700.00	\$497,950.00	-\$2,050.00
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note		05-Nov-12	\$500,000.00	1.60%	3.00%	\$441,300.00	\$466,650.00	\$473,400.00	-\$26,600.00
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt		09-Nov-12	\$500,000.00	1.60%	6.15%	\$453,965.00	\$453,970.00	\$400,000.00	-\$100,000.00
TOTAL COMMONWEALTH BANK				\$2,500,000.00	8.01%		\$2,823,115.00	\$2,369,170.00	\$2,345,150.00	(\$154,850.00)
FIG SECURITIES										
AQUADUCT AA-	Principal Protected Note		21-Jun-10	\$1,000,000.00	3.20%	0.00%	\$913,600.00	\$913,600.00	\$941,200.00	-\$58,800.00
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note		30-Nov-14	\$500,000.00	1.60%	5.65%	\$420,100.00	\$420,100.00	\$420,100.00	-\$79,900.00
STATE GOVERNMENT EMPLOYEES CREDIT UNION	Term Deposit		22-Dec-08	\$0.00	0.00%	0.00%	\$1,000,000.00	\$1,000,000.00	\$0.00	\$0.00
AUSTRALIAN DEFENCE CREDIT UNION	Term Deposit		26-Feb-09	\$1,000,000.00	3.20%	7.40%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00
AUSTRALIAN DEFENCE CREDIT UNION	Term Deposit		16-Nov-08	\$0.00	0.00%	0.00%	\$1,000,000.00	\$1,000,000.00	\$0.00	\$0.00
TOTAL FIG SECURITIES				\$2,500,000.00	8.01%		\$4,333,700.00	\$4,333,700.00	\$2,361,300.00	(\$138,700.00)
MAITLAND MUTUAL										
	Floating Rate Sub Debt		30-Jun-09	500,000.00	1.60%	6.70%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
	Term Deposit		25-Nov-08	548,292.61	1.76%	6.00%	537,521.56	537,521.56	548,292.61	\$0.00
	Floating Rate Sub Debt		31-Dec-09	500,000.00	1.60%	5.66%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
TOTAL M'LAND MUTUAL				\$1,548,292.61	4.96%		\$1,537,521.56	\$1,537,521.56	\$1,548,292.61	\$0.00
TOTAL INVESTMENTS				\$30,178,669.59	96.70%		\$23,823,268.64	\$22,497,866.64	\$23,582,983.53	(\$6,595,686.06)
AVERAGE RATE OF RETURN ON INVESTMENTS							4.12%			
CASH AT BANK				\$1,031,239.77	3.30%		\$1,934,484.37	\$3,233,794.24	\$1,031,239.77	\$0.00
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH							4.19%			
TOTAL CASH & INVESTMENTS				\$31,209,909.36	100.00%		\$25,757,753.01	\$25,731,660.88	\$24,614,223.30	(\$6,595,686.06)
BBSW FOR PREVIOUS 3 MONTHS							5.13%			

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.

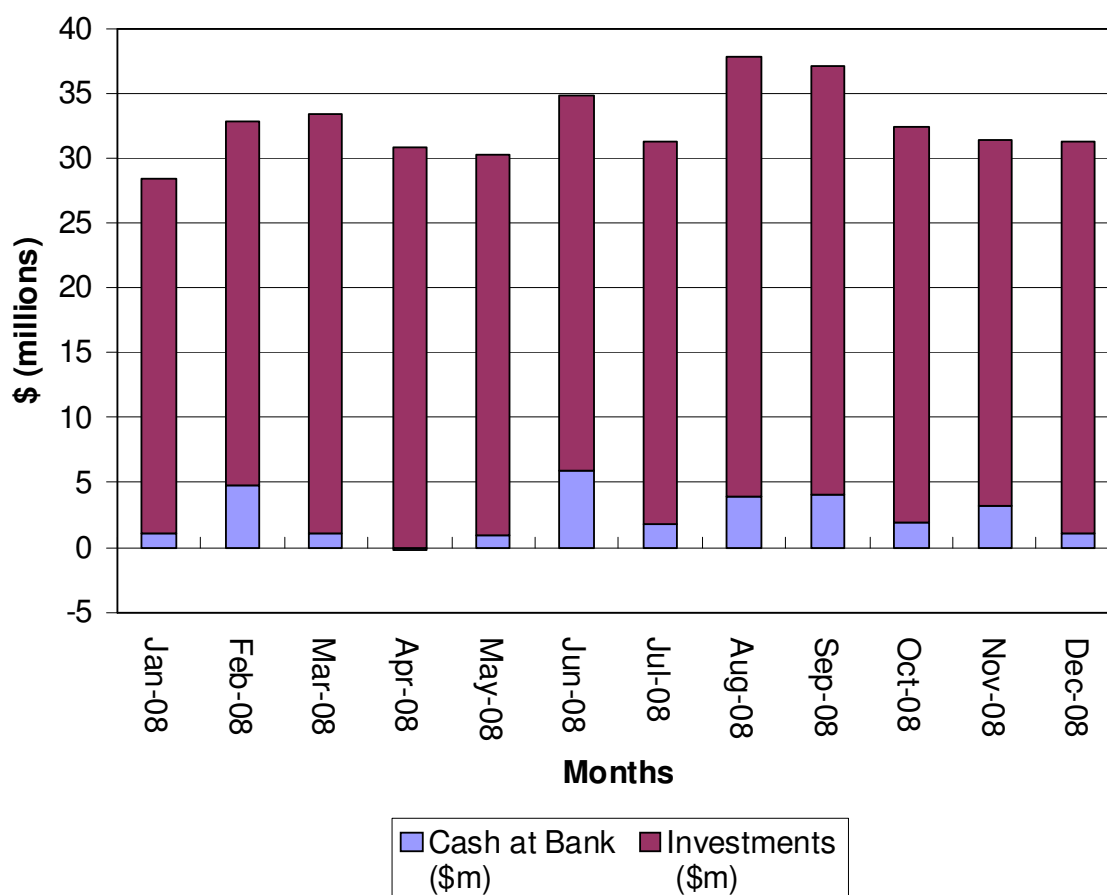
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Jan-08	1.163	27.262	28.424
Feb-08	4.760	28.085	32.844
Mar-08	1.162	32.230	33.392
Apr-08	0.146	30.783	30.637
May-08	0.889	29.407	30.296
Jun-08	5.899	28.907	34.806
Jul-08	1.780	29.407	31.187
Aug-08	3.939	33.846	37.785
Sep-08	4.141	32.918	37.059
Oct-08	1.934	30.418	32.352
Nov-08	3.234	28.179	31.412
Dec-08	1.031	30.179	31.210

**Cash and Invested Funds for the Period ended
31/12/2008**



INFORMATION ITEM NO.3

ACCESS TO INFORMATION – SECTION 12 LOCAL GOVERNMENT ACT
1993

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
FILE: PSC2008-3083

BACKGROUND

The purpose of this report is to advise Council and make public the reasons for not granting access to documents/information under Section 12A, *Local Government Act 1993*.

In accordance with Section 12A (1), *Local Government Act 1993*, the General Manager or any member of staff who decides that access should not be given to a document or other information to the public or a councillor, is required to provide Council with written reasons for the restriction. Sub-section 12A (2) requires that the reason must be publicly available.

The requests shown in **ATTACHMENT 1** to this report are those that are made in writing and determined by Council's Executive Officer for the period 2008/09.

The information in **ATTACHMENT 1** is for the period of September to December 2008 only with a total of 15 applications received, 3 with full access granted and 12 with restrictions as shown below.

Total received for the year to December 2008 is 34 applications.

ATTACHMENT 1 provides Council with the details of the request and the reasons why access was not fully granted. The names of applicants have not been provided as this would be a breach of the *Privacy & Personal Information Protection Act 1998*. Further details may be available should Councillors require it.

In addition to these figures 2 applications were received under the Freedom of Information Act for the period of September to December 2008. Total received for the year to December 2008 is 6 applications.

ATTACHMENTS

- 1) Listing of requests under Section 12 of the *Local Government Act 1993*.

LISTING OF REQUESTS UNDER SECTION 12 OF THE LOCAL GOVERNMENT ACT 1993

No.	File No.	Information requested	Determination
1	PSC2008-9080	Seeking development application information	Document not held
2	PSC2008-9255	Seeking development application information	Part released due to Privacy & Personal Information Protection Act and Copyright legislation
3	PSC2008-9421	Seeking copies of complaints	Part released due to Privacy & Personal Information Protection Act
4	PSC2008-9259	Seeking copies of agreements	Document not held
5	PSC2008-9475	Seeking copies of complaints	Part released due to Privacy & Personal Information Protection Act
6	PSC2008-9409	Seeking development application information	Part released due to Copyright legislation
7	PSC2008-9498	Seeking copies of complaints	Part released due to Privacy & Personal Information Protection Act
8	PSC2008-9197	Seeking development application information	Part released due to Business Affairs
9	PSC2008-9836	Seeking development application information	Part released due to Privacy & Personal Information Protection Act
10	PSC2008-9816	seeking names of person making complaints	Part released due to Privacy & Personal Information Protection Act
11	PSC2008-9880	Seeking copies of complaints	Part released due to Privacy & Personal Information Protection Act
12	PSC2008-9784	Seeking development application information	Part released due to Privacy & Personal Information Protection Act

INFORMATION ITEM NO. 4

DRAFT 2009/2010 BUDGET

REPORT OF: CHRISTOPHER BRICE – ACTING FINANCIAL SERVICES MANAGER
FILE: A2004-0242

BACKGROUND

The purpose of this report is to table information relating to the draft budget for the 2009/2010 financial year.

TABLED DOCUMENTS

- 1) 2009/2010 draft budget documents.

STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: PSC2008-9838****DRAFT COUNCIL PLAN 2009-2013 AND FEES AND CHARGES 2009-2010****REPORT OF: ACTING GROUP MANAGER – CORPORATE EXCELLENCE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Agrees to place the Draft Council Plan 2009-2013 and the Fees & Charges 2009-2010 documents on public exhibition from 1 – 31 March 2009.

STRATEGIC COMMITTEE MEETING – 3 february 2009**RECOMMENDATION:**

Councillor John Nell Councillor Sally Dover	That the recommendation be adopted
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ORDINARY COUNCIL - 24 FEBRUARY 2009

031	Councillor J Nell Councillor B Westbury	<p>It was resolved that the recommendation be adopted, including the Supplementary Information memorandums:</p> <ol style="list-style-type: none">1. Endorse the following proposal for "Local Environmental Plans (re-zonings)" to replace the relevant current content of the Draft Fees and Charges (Section 28, pages 14 and 15) delegating to the General Manager to insert the relevant information in the "% change", "Pricing Policy" and "clarification" columns;2. Endorse the revised approach in terms of "commercially contestable fees for various Certification responsibilities (currently on pages 10-14) – see attachment 1.3. Note the information.
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BACKGROUND

Under Section 402 of the Local Government Act 1993, Council is required to have a forward management plan that covers a minimum of three years, together with a financial plan for the forthcoming year. Under Section 405 of that Act, Council is required to place its management plan and budget on public exhibition.

The budget will be submitted to Council Operations Committee on 10 February 2009, and together with this draft Council Plan and Fees & Charges would be exhibited in the recommended period.

In November 2008 Council reviewed the Council Plan 2008-2012 and considered changes, which are incorporated into the Draft Council Plan 2009-2013. For convenience, the Fees & Charges are contained in a separate booklet.

The Draft Council Plan 2009-2013 is the overarching document that all other strategic and operational plans must align with to have validity under the Council's Integrated Planning Model.

LINKS TO CORPORATE PLANS

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

As required under the Act, the Draft Council Plan 2009-2013 will contain the draft budget, and includes capital works and statutory statements on proposed borrowing, operation of businesses, rates policy, financial strategies to be employed

by Council, charges for work on private land, and capital works and asset rehabilitation.

The statutory statements also include details of Council's human resources activity and its approach to access and equity. Goal 11 provides details of how Council will manage its strategies in striving to become an employer of choice, including planning for workforce change and equity and diversity. This Goal also provides for safety of workers and giving our workforce a voice through the Employee Opinion Survey.

LEGAL AND POLICY IMPLICATIONS

The process for the development of a four-year management plan – the Draft Council Plan 2009-2013 – complies with the provisions of the Local Government Act 1993, specifically Sections 402, 403, 404 and 405.

The Draft Council Plan 2009-2013 contains directional statements in accordance with Council's Sustainability Policy 2003.

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 culture 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

Goals 1 to 3 of the Draft Council Plan 2009-2013 provide for the continued implementation of the Social and Community Plan 2006-2010.

CULTURAL IMPLICATIONS

Goal 4 of the Draft Council Plan 2009-2013 provides for a reinvigorated cultural life for Port Stephens through targeted programs to improve the participation of residents. Specifically it addresses the need for a new Cultural Plan, and provides that future developments will incorporate cultural considerations into planning.

ECONOMIC IMPLICATIONS

Goal 5 of the Draft Council Plan 2009-2013 provides for the implementation of the major strategies and objectives of the Economic Development Plan adopted by Council in December 2007. The key areas include development of new towns and town centres in Medowie and Kings Hill; development of Raymond Terrace as the area's major services centre; establishing an overarching Economic Development Board to liaise with and coordinate a whole-of-Port Stephens approach to resources allocation and programs; and a revitalising of tourism marketing.

ENVIRONMENTAL IMPLICATIONS

Goals 6 and 7 of the Draft Council Plan 2009-2013 address protecting the environment and sustaining the environment in the face of the challenges of development and population increases. Specifically the plan addresses protecting waterways, air pollution, biodiversity, drainage, weed management and engaging the community in the protection of the environment. The Plan (Goal 7) looks at the future of the environment and how it can be sustained, including energy consumption, waste management, effects of climate change on coastal communities, and integrating environmental planning across all of Council's operations.

CONSULTATION

The Draft Council Plan 2009-2013 was developed in consultation with Councillors and staff. It is proposed that the Draft Plan be placed on exhibition and publicised so that the community of Port Stephens are afforded the opportunity to comment in writing prior to Council considering the adoption of the Plan. This consultation, in accordance with Sections 405 and 508 of the Local Government Act 1993 is proposed to be undertaken between 1 and 31 March 2008.

OPTIONS

- 1) Agree to place the Draft Plan on public exhibition without amendment;
- 2) Amend the Draft Plan prior to public exhibition.

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

- 1) Draft Council Plan 2009-2013 with Fees & Charges 2009-2010 document.

ITEM NO. 2**FILE NO: PSC2005-4382****ADOPTION OF TILLIGERRY CREEK MANAGEMENT PLAN****REPORT OF: BRUCE PETERSON – MANAGER, ENVIRONMENTAL SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Tilligerry Creek Management Plan, provided with this report under separate cover
 - 2) Extend the Catchment Committee by two members from the Anna Bay locality.
-

STRATEGIC COMMITTEE MEETING – 3 FEBRUARY 2009**RECOMMENDATION:**

Councillor John Nell Councillor Geoff Dingle	That the recommendation be adopted.
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ORDINARY COUNCIL - 24 FEBRUARY 2009

032	Councillor J Nell Councillor G Dingle	It was resolved that the recommendation be adopted.
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BACKGROUND

The following supplementary information was provided to the Ordinary October Council meeting:

The Tilligerry Creek Management Plan contains a recommendation to remove juvenile mangroves from salt marsh communities.

Saltmarsh communities are an endangered ecological community under the Threatened Species Conservation Act 1995 and are vital to the ecology of Port Stephens, especially with regard to the provision of food sources for wading birds. The area of mangroves is increasing at the expense of saltmarsh due to rising sea levels and siltation.

At the Strategic Committee of 7 October 2008, concern was raised that if the removal of mangroves is allowed in marsh lands then we will begin to lose mangroves which are themselves protected and also vital for the ecology of Port Stephens. It was asked that a discussion be held between the relevant government agencies to confirm if this recommendation should be supported.

This matter was discussed at the Port Stephens Myall Lakes Estuary and Coastal Zone Management Committee (which contains representatives from the relevant government agencies) held on the 15 October. The Committee discussed that it was important to provide habitat for saltmarsh and that the removal of juvenile mangroves in saltmarsh communities is a recognised conservation practice in estuarine areas. It was discussed that the removal of mangroves would only be done in areas where the salt marsh has room to move up the gradient and would happen up until the saltmarsh has established the new areas.

This report was previously submitted to Council in October 2008. Council deferred adoption of the Management Plan in order for the Mayor to undertake further consultation with stakeholders. This has now been undertaken, and therefore the report is resubmitted to Council with the recommendation to adopt the Management Plan.

The purpose of this report is to ask Council to adopt the Tilligerry Creek Management Plan and seek approval for the Catchment Committee to be extended by two members from the Anna Bay locality.

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 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

The draft Plan did recommend that Council consider potential Local Environment Plan (LEP) amendments to rezone approximately 1500ha of existing bushland to Environmental Protection. This caused considerable concern in the community and Council resolved that the exhibition period be extended until the end of February 2008 to allow the community more time to prepare submissions. Council also resolved to create a Tilligerry Creek Committee to drive the Plan and to ensure community input. The committee has equal numbers of community and professional representatives.

From February until now, the Committee has been established and has been working through the submissions and modifying the Plan where needed. A report on the submissions received and the Committee's response is attached, grouped under the main topics of concern.

In relation to the management action that Council consider potential Local Environment Plan (LEP) amendments to rezone 1500ha of bushland to Environmental Protection, the Committee's recommendation was to remove this option from the Plan and replace it with a recommendation in the 'Habitat Management Actions' section that refers to voluntary options to increase bushland protection.

Council does have the option of reinstating the original management action, however it is the Committee's view that voluntary conservation actions are a more appropriate mechanism.

It should be noted that the LEP review is an independent process and, although the original management action regarding bushland conservation has been modified to have more focus on voluntary conservation areas of significant vegetation, will still be assessed as part of the LEP review. If areas of vegetation are seen to be environmentally significant, they have the potential to be rezoned to Environmental Protection as part of the LEP process.

The Committee has now supported the revised Plan and is recommending that Council adopt the Plan so that it can be finalised. Once the Plan has been adopted, a letter will be sent to everybody that submitted a submission, detailing the changes made to the Plan and the next steps in continuing the work to improve the health of the Tilligerry catchment.

In recognising that the Plan did not include the Anna Bay catchment, parts of which do drain into Tilligerry Creek, the Committee has requested that the Committee be expanded by two members from the Anna Bay catchment. This will assist to ensure that the community of Anna Bay remains informed about projects within the Tilligerry catchment and has input into projects proposed by the Committee.

If Council gives approval for the Committee to be expanded by two members from the Anna Bay catchment, the same process as for the initial set up of the Committee will be followed. This includes calling for expressions of interest and selection by an independent panel.

It is worthwhile to note that several projects to improve the Tilligerry catchment are well underway. These projects include fencing off and revegetating creeks and drains, improved drain maintenance procedures, community education in the areas of acid sulfate soils and stock management, upgrades to existing floodgates to improve tidal flushing, and widening and shallowing drains to keep the acid sulfate soil layer inundated. These projects are the result of Council, the Department of Primary Industries and the community working together, and many more projects are planned for the coming years.

Once the Plan is adopted, Council will also have an increased chance of being successful when applying for funding via State and Federal grant programs to continue the Plan's implementation.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

SOCIAL SUSTAINABILITY –	<i>Council will preserve and strengthen the fabric of the community, building on community strengths.</i>
ENVIRONMENTAL	<i>Council will protect and enhance the environment while</i>
SUSTAINABILITY –	<i>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

Once the Plan is adopted, the focus will shift to the implementation phase and there are a number of actions that are the responsibility of Council and these will be integrated into existing work plans.

The financial benefit of adopting the Plan is that Council will then be able to seek funding through State and Federal grant program to reduce the financial burden.

LEGAL AND POLICY IMPLICATIONS

There are a range of policy implications consequent upon adoption of the Plan.

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 culture 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

Adoption of the Plan will help the community to understand the vision for improving the Tilligerry catchment and the works that are likely to be undertaken over the next few years.

Extending the Committee by two to include the Anna Bay catchment will assist in ensuring that the community of Anna Bay remains informed about projects within the Tilligerry catchment into which the drainage from Anna Bay flows.

ECONOMIC IMPLICATIONS

Adoption of the Plan will provide Council with an increased chance to obtain funding for the projects via State and Federal grant programs.

There are no negative economic implications to Council by extending the Committee by two members.

ENVIRONMENTAL IMPLICATIONS

The Plan lists a number of projects that need to be implemented to ensure that the health of the Tilligerry catchment continues to improve. These projects relate to improved management of drains and floodgates, catchment audits, improved vegetation and stock management, installation of trash racks, wetlands and pollutant traps and the buyback of marginal agricultural land.

Adoption of the Plan will allow the Committee to continue with the Plan's implementation.

OPTIONS

- 1) Adopt the recommendation.
- 2) Modify the recommendation in terms of a varied composition of the Committee, and/or
- 3) Re-establish the recommendation that Council consider amendments to Port Stephens Local Environmental Plan 2000 to rezone approximately 1500 ha. of existing bushland to Environmental Protection (it should be noted that this would be contrary to the strong recommendation of the Committee).

ATTACHMENTS

- 1) Tilligerry Creek Management Plan – provided under separate cover.
- 2) Summary report on received submissions

COUNCILLORS ROOM

- 1) Tilligerry Creek Management Report Attachments

TABLED DOCUMENTS

Nil.

ITEM NO.3

PSC2008-2517

PREPARATION OF A DRAFT LOCAL ENVIRONMENTAL PLAN FOR TAYLORS BEACH

REPORT OF: PETER MARLER – ACTING MANAGER, INTEGRATED PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the information provided.
-

STRATEGIC COMMITTEE MEETING – 3 FEBRUARY 2009

RECOMMENDATION:

Councillor John Nell Councillor Glenys Francis	That Council resolves to prepare a draft LEP amendment to rezone the part of Lot 2 DP1115507, 41 Taylors Beach Road, Taylors Beach from Rural 1(a) to Environmental Protection 7(a) , excluding existing development.
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Councillor Kafer left the meeting at 6.23pm during Item 3.

ORDINARY COUNCIL - 24 FEBRUARY 2009

AMENDMENT:

	Councillor J Nell Councillor G Francis	<p>That Council:-</p> <ol style="list-style-type: none">1) Resolve to initiate a draft LEP that proposes to rezone the majority of the Taylors Beach site to 7 (a) Environmental Protection as indicatively shown on the attached map.2) Recognise in the above resolution that more detailed investigation of development potential will occur of the residue of the land.
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The amendment on being put was lost.

In accordance with the Local Government Act, a division is required.

Those for the motion: Councillors Kafer, Francis, Dingle, Nell and Ward.

Those against the motion: Councillors Maher, Tucker, O'Brien, Westbury, Dover & MacKenzie.

MOTION:

033	Councillor D Maher Councillor S Tucker	It was resolved that Council received and note the information including the Supplementary Information.
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In accordance with the Local Government Act, a division is required.

Those for the motion: Councillors Maher, Tucker, O'Brien, Westbury, Dover & MacKenzie.

Those against the motion: Councillors Kafer, Francis, Dingle, Nell and Ward.

Councillor Kafer returned to the meeting at 6.27pm during Item 3.

BACKGROUND

The purpose of this report is to inform Council of the progress of the proposed draft LEP amendment for Lot 2 DP 1115507, 41 Taylors Beach Road, Taylors Beach, in accordance with its resolution of 22 July 2008.

The subject land is one of a number of parcels recommended for rezoning to Environmental Protection in the draft Foreshore Management Plan. The site has significant environmental attributes. It is low lying and highly susceptible to sea level rise and other impacts of climate change. The site contains large areas of intertidal wetlands that are protected under SEPP 14, two Endangered Ecological Communities, areas of Preferred Koala Habitat and is a significant bird sanctuary for many species listed under the EPBC Act. It is adjacent to a Marine Park Sanctuary Zone and is an important buffer for the oyster industry in Cromarty Bay. It is also a known mosquito breeding area and any development would need to consider long term human health effects from these disease vectors. Any development would also need to have adequate buffers from the existing vegetation and wetlands to ensure that the ecological processes within these ecosystems are protected.

Rezoning to Environmental Protection would ensure that these site characteristics are retained and that incompatible forms of development are excluded.

On 22 July 2008, Council resolved *"to initiate a draft amendment for the Taylors Beach site on the basis that the predominant proposed zonings will be Environmental Protection, but acknowledging that the detailed studies prepared on behalf of the landowners may warrant some consideration of limited residential development on*

the site. The Group Manager Sustainable Planning to report to Council at its Ordinary meeting in February 2009 on progress on this matter."

The land owner's (Walker Corporation and Hardie Holdings) proposal for a residential component in the rezoning arose in response to the original Notice of Motion to rezone the subject land Environmental Protection. No rezoning submission has been made at this stage by Walker Corporation or Hardie Holdings. Council's resolution enabled the landowners a period of time to provide the necessary detailed studies that may support limited residential development of the land.

On 3 October 2008, Walker Corporation submitted a report outlining servicing costs (water and sewer) for a proposed residential development consisting of 100 homes. Providing that 100 lots can be achieved, the landowners consider that it is economically viable to provide these services.

On 23 December 2008, the landowners submitted an initial environmental survey of the land, consisting of a single map showing vegetation communities and a potential urban footprint covering 12.3 hectares (**Attachment 1**). It should be noted that 9.9 hectares of the potential urban land is located on adjoining land owned by Council (Lot 4 DP 1117732). Other than a preliminary enquiry some months ago, Walker Corporation has not contacted Council's Commercial Property Section in respect to this proposal.

The landowners have requested that Council arrange a meeting with the Department of Environment and Climate Change (DECC) to consider the proposal.

In previous discussions with the landowners, a number of issues that require further assessment have been identified. These include the site's relative isolation from community services and facilities, flood affectation, sea level rise, climate change, bush fire risk, potential for acid sulphate soils and relationship with the Lower Hunter Regional Strategy.

No information has been provided to show that the potential urban footprint on the Walker Corporation land shown in Attachment 1 (9.9 hectares) excludes appropriate buffers for protecting the ecological processes and for asset protection zones for bush fire protection purposes. There may also be other constraints not addressed at this stage.

Should residential development of part of the subject land be found suitable and servicing can be achieved, there will be implications for further development pressure in the locality.

The information provided to Council at this stage is not considered to be adequate to enable further consideration or progress of the proposal.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

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

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

Costs associated with the preparation of a Local Environmental Study and associated LEP amendment.

LEGAL AND POLICY IMPLICATIONS

Formal resolution by Council to prepare a draft LEP requires endorsement by the Department of Planning through the LEP Review Panel. A draft LEP must be publicly exhibited for at least 28 days and public submissions considered.

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.*
- 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

Rezoning of the subject land to Environmental Protection will provide social benefits through the maintenance of environmental values for present and future generations.

ECONOMIC IMPLICATIONS

Residential development of part of the subject land will require considerable servicing costs. Rezoning of the land will also result in costs to Council.

ENVIRONMENTAL IMPLICATIONS

The site has significant environmental attributes. It is low lying and potentially susceptible to sea level rise and other impacts of climate change. It is also a known mosquito breeding area. Rezoning to Environmental Protection will ensure that these site characteristics are retained and that incompatible forms of development are excluded.

CONSULTATION

Internal consultation was undertaken. Informal consultation has also been initiated with the Department of Planning. Whilst the Department will not officially respond until formally notified of Council's resolution to prepare a draft LEP for the site, it is considered unlikely that support for residential development of any part of the land will be forthcoming.

OPTIONS

- 1) That Council resolves to prepare a draft LEP amendment to rezone the whole of Lot 2 DP 1115507, 41 Taylors Beach Road, Taylors Beach from Rural 1(a) to Environmental Protection 7(a).
- 2) That Council defers preparation of a draft LEP amendment for the site until adoption of the Foreshore Management Plan.
- 3) That Council defers preparation of draft LEP amendment pending information being received from the land owner.

ATTACHMENTS

- 1) Site Map showing Potential Urban Footprint

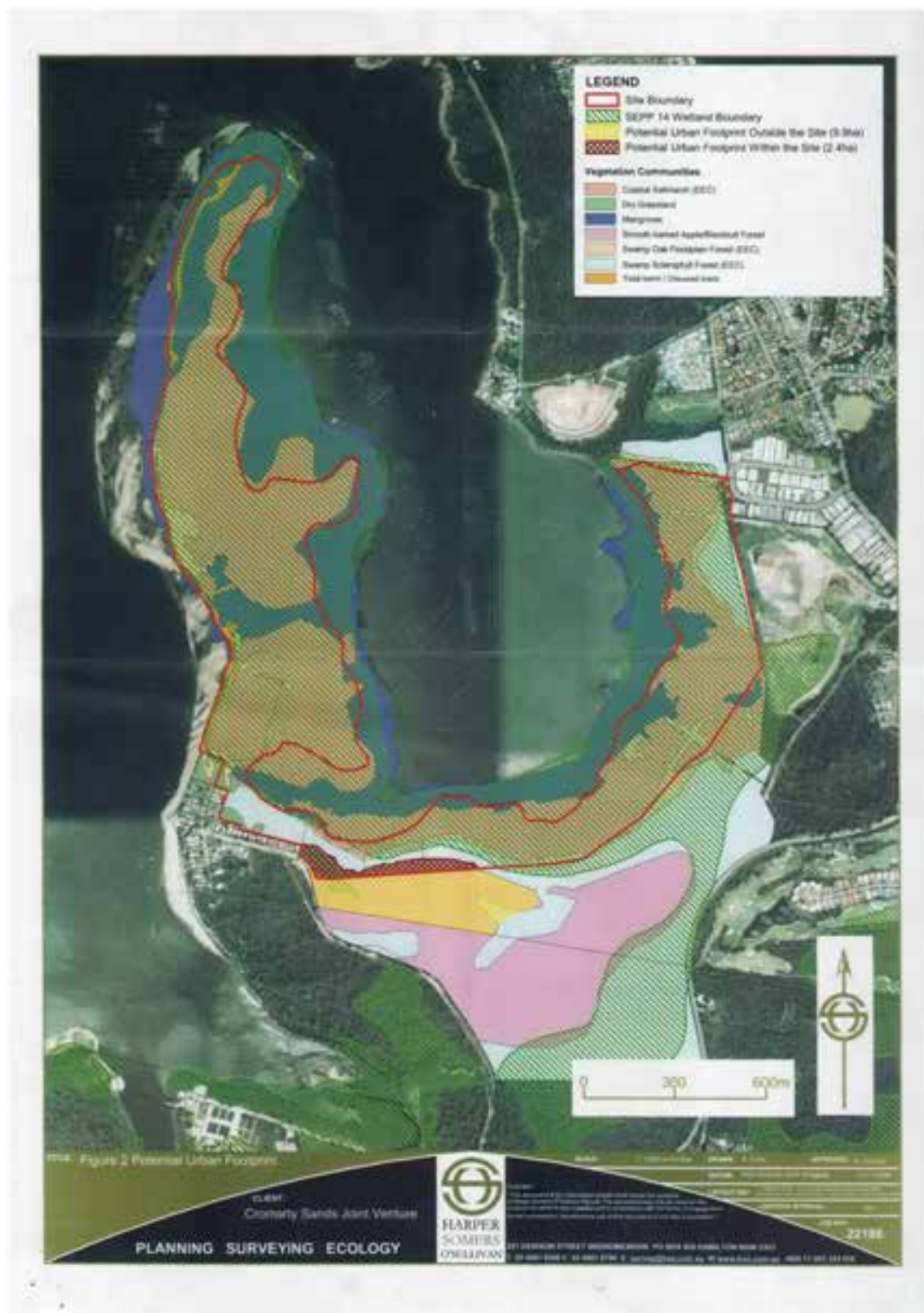
COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1
SITE MAP SHOWING POTENTIAL URBAN FOOTPRINT



ITEM NO. 4**FILE NO: PSC2005-2864****DRAFT PORT STEPHENS CULTURAL PLAN 2009-2013****REPORT OF: PETER MARLER - MANAGER, INTEGRATED PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the 'Draft Port Stephens Cultural Plan 2009 - 2013' (Attachment 1 provided under separate cover) on public exhibition for 28 days.

STRATEGIC COMMITTEE MEETING – 3 FEBRUARY 2009**RECOMMENDATION:**

Councillor Bob Westbury Councillor Shirley O'Brien	That the recommendation be adopted
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ORDINARY COUNCIL - 24 FEBRUARY 2009

034	Councillor B Westbury Councillor S Tucker	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to present to Council the 'Draft Port Stephens Cultural Plan 2009 – 2013'.

The Draft Cultural Plan has been developed in reference to the Cultural Planning Guidelines for Local Government, produced by NSW Ministry for the Arts. The Guidelines are part of a broader initiative by the NSW Cabinet Office and the Ministry to embed cultural development into the objectives and operations of government agencies so that a 'whole-of-government approach' to cultural development can be achieved.

Councils are not required to produce a Cultural Plan under the Local Government (General) Regulation 1999. However such plans will be considered by the Ministry for the Arts when Councils make any funding applications for cultural programs / events.

The Draft Cultural Plan seeks to build on the progress made by the previous Cultural Plan 2005 -2007. It has been prepared in consultation with relevant internal and external stakeholders throughout 2008. The Draft Cultural Plan includes strategic directions for the period 2009-2013. Among the key strategic directions is an

increased focus on opportunities to recognise and integrate local cultural identity into Council's ongoing planning of the built and non-built environment are identified and implemented where appropriate.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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>

FINANCIAL/RESOURCE IMPLICATIONS

The projects identified in the Draft Cultural Plan are supported from the existing Cultural Development & Events budget. Where additional resources may be required, financial assistance will be sought through external grants and sponsorship. The implementation of the projects contained within the Draft Cultural Plan will be staged with reference to Council and community priorities.

LEGAL AND POLICY IMPLICATIONS

Following the adoption of the Cultural Plan by Council, a copy will be submitted to the Ministry for the Arts seeking their endorsement in accordance with the Ministry's guidelines.

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.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a culture of continual improvement, innovation and learning.*
- 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 Draft Cultural Plan aims to provide opportunities for the community to participate in community cultural activities that will enhance their sense of identity, and community belonging.

ECONOMIC IMPLICATIONS

The Draft Cultural Plan identifies initiatives that encourage both local and regional partnerships with government and business. These initiatives will promote Port Stephens and encourage investment.

ENVIRONMENTAL IMPLICATIONS

Port Stephens residents and visitors value the natural environment of Port Stephens. The Draft Cultural Plan aims to develop projects that will enhance this.

CONSULTATION

The Draft Cultural Plan has been developed with reference to the outcomes of Council's four yearly Community Survey last undertaken by the Hunter Valley Research Foundation in 2006. The outcomes of this research have been built upon through the engagement of relevant community and cultural organisations over the last 12 months via focus groups and meetings. Consideration has also been given to the outcomes of the Port Stephens Futures workshops conducted during October – November 2008. The key issues identified in consultation sessions have been incorporated into the objectives and actions within the Draft Cultural Plan.

The Draft Cultural Plan will be placed on exhibition for a minimum of 28 days for public comment. The Draft Cultural Plan will be available for public viewing at Council's Administration Building, libraries and website. Copies will be sent to all local cultural groups. The outcomes of the exhibition process will be reported back to Council with the final document for adoption.

OPTIONS

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

ATTACHMENTS

- 1) Draft Port Stephens Cultural Plan 2009-2013 (provided under separate cover)

COUNCILLORS ROOM

- 1) Draft Port Stephens Cultural Plan 2009-2013

TABLED DOCUMENTS

- 1) Draft Port Stephens Cultural Plan 2009-2013

**ATTACHMENT 1
DRAFT PORT STEPHENS CULTURAL PLAN 2009-2013**

PROVIDED UNDER SEPARATE COVER.

ITEM NO. 5

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 3rd Feb, 2009.

No:	Report Title	Page:
1	Tilligerry Information Paper	

STRATEGIC COMMITTEE MEETING – 3 FEBRUARY 2009

RECOMMENDATION:

Councillor John Nell Councillor Ken Jordan	That the recommendation be adopted
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ORDINARY COUNCIL - 24 FEBRUARY 2009

035	Councillor S Tucker Councillor J Nell	It was resolved that the recommendation be adopted.
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STRATEGIC COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

UPDATE OF ACTIVITIES WITHIN THE TILLIGERRY CREEK CATCHMENT

REPORT OF: BRUCE PETERSEN – MANAGER, ENVIRONMENTAL SERVICES
FILE: PSC2005-4382

BACKGROUND

The purpose of this report is to provide an update of the rehabilitation activities within the Tilligerry Catchment.

Action to address the diverse pressures impacting on Tilligerry Creek was initiated before the detection of human viruses on the oysters in 2005. Prior to this issue a tender for the Tilligerry Creek Management Plan was in development as a recommendation of the Port Stephens/ Myall Lakes Coast and Estuary Plan.

The following is an outline of work currently underway in relation to Tilligerry Creek Catchment Management.

Tilligerry Creek Advisory Committee

To ensure that all sectors of the community had input into the rehabilitation of the catchment, and the Draft – Tilligerry Creek Management Plan, the Tilligerry Creek Advisory Committee was established in 2008. The Committee, which has equal numbers of community and professional representatives, had the task of reviewing the submissions that had been put forward as part of the plan's consultation process. The Plan was then changed in light of the Committees' recommendations.

Future - The Committee will focus on the implementation of the Plan following its adoption by Council.

Landholder projects

Port Stephens Council began approaching landholders regarding improved property management and rehabilitation works in 2007. Improved management of agricultural land is directly related to an improved catchment. The maze of drains criss-crossing the Tilligerry Catchment means that in many cases cattle and horse faecal matter comes into direct contact with water ways. Monitoring by Council and the University of Newcastle shows that horse and cattle faecal contamination is a significant problem within The Tilligerry catchment.

Funding was received from the National Landcare Program, Community Water Grants, Environmental Trust and the Hunter Central Rivers Catchment Management Authority totalling \$215,000. The funds were dedicated to works such as fencing off Tilligerry Creek and related drains; planting buffer strips, wind breaks and corridors; off-stream watering source for cattle; and weed removal for biodiversity outcomes. So far over \$122,000 has been allocated across over 14 projects enabling \$275,000 worth of work to be undertaken. This has so far resulted in 9km of creek and drain fencing, 17 off-stream stock watering points and the planting of over 10,000 native plants.

It should be noted that due to the low lying nature of the Tilligerry catchment, and the numerous drains that cross many properties, fencing waterways is not the whole solution. The problem must be looked at holistically and there is a need for flexibility in the approach as there is no single method or solution that will work for all properties.

These works will be featuring in a short documentary put together by the Tide to Tables – Restoring Aquatic Habitat program.

Projects are designed to benefit both farmers and the wider catchment. Farmers receive a contribution towards works they otherwise may not have been able to afford and in time if enough landholders participate water quality within the catchment will improve.

Future – A Catchment Crawl (tour) of completed landholder projects is being planned for 2009. An invitation to participate will be extended to all larger landholders as a way of promoting future involvement. Clean Waters Model consultancy is currently recontacting all major landholders to once again extend an offer of involvement in the program.

Council is actively trying to source further funding to continue this project.

Educational workshops

Workshops on improved property management have been run on:

- Wet Pasture Management (Dept of Primary Industries) = 30 participants
- Soil Health = 15 participants
- Improved Horse Management x 2 = 75 participants
- Alligator Weed = 15 participants

Future – A program of additional workshops is currently in development. This will hopefully include a visit of Kooragang Island City Farm.

Acid Sulfate Soils Projects

NSW Department of Primary Industries (DPI) has undertaken acid sulfate soil (ASS) assessments around the Anna Bay drain area. This was in response to concern about the drains and the impact of ASS entering Tilligerry Creek. Assessments to establish the degree of tidal exchange within the creek has also been undertaken. The overall aim is to prevent the exposure of the ASS level within the drains, and increase the amount of tidal exchange. This will be achieved through the following

1. Raising the height of side drainage pipes to reduce intersection of the sulfate layer;
2. Installation of a low set weir that would reduce over-drainage at a key hotspot, while widening the drain at that point to ensure drainage capacity is not reduced;
3. Install additional floodgate cells at the Anna Bay floodgates to enhance drainage capacity, while enabling controlled tidal exchange.

This will reduce the discharge of acid and heavy metals from ASS, dilute faecal coliforms from agricultural practices and improve fish passage.

Future - DPI is currently in the implementation stage of these recommendations

The Anna Bay Drainage Union, with assistance from local and state government has prepared an ASS Plan of Management for drain maintenance.

Future - This plan will be adjusted to become guidelines and will help landholders to carry out drainage maintenance without causing ASS problems.

On Site Sewage Management

The Tilligerry catchment is still a high priority area. Inspections in the Salt Ash and Bobs Farm areas are continuing with the focus on the remaining 470 septic tanks and in-ground trench systems. The on-going replacement of this system type is necessary to minimise potential impacts on ground and surface waters. In the Salt Ash and Bobs Farm areas there are approx 100 systems that are now of a type providing an appropriate level of treatment and disposal.

Future - Council is negotiating upgrades as these old systems fail.

Council has continued to invest in the study of Tilligerry Creek to better understand the processes within the creek. Council has commissioned a multi staged project to develop a tidal model of the creek. The model will allow Council to better predict development impacts on the estuary.

Urban Stormwater Run off

Council has received a grant from the Hunter Central Rivers Catchment Management Authority (HCRCMA) to install a Stormwater Treatment Device, and a stormwater diversion structure in Tanilba Bay commercial centre. Installation of this device will reduce pollutants that would otherwise end up in the estuary.

Water quality results

Council continues to analyse water quality in the Tilligerry catchment with any significant poor results investigated.

Future - At present Council is working with the Waterwatch team from the HCRCMA to initiate a community water quality monitoring program. This program will involve local schools and community members regularly monitoring water over at least a 12 month period. Three schools have already expressed interest in the program. A list of interested community members was collected at the Tilligerry Festival in November last year. It is hoped the results will give Council a more comprehensive view of the catchment and show improvements over time

The Tilligerry Oyster Industry

Over the closure period the use of this area changed dramatically with the area now predominantly used to grow juvenile oysters. The re-opening of 6 out of 19 oyster leases in Tilligerry Creek for the harvesting of oysters for human consumption in December 2008 was a step in the right direction.

For oyster farmers to prosper, agricultural faecal contamination of the waterways must be addressed. The oyster farmers are very supportive of all the onground works

and encourage more land holders will take advantage of funding to improve land management practices.

Communication

Council is endeavouring to keep the community well informed in regards to the progress of the rehabilitation Tilligerry Creek. Most recently a Tilligerry Creek stall was established at the Tilligerry Festival in November and a community update flier "What's been happening in the Tilligerry Creek Catchment?" circulated to all residents in December 2008.

ATTACHMENTS

- 1) "What's been happening in the Tilligerry Creek Catchment?" Flier
- 2) Map of landholder works currently underway in the catchment

ATTACHMENT 1

"WHAT'S BEEN HAPPENING IN THE TILGERRY CREEK CATCHMENT?" FLIER

What's been happening in the Tilligerry Creek Catchment?

Tilligerry Creek Management Plan

The Tilligerry creek catchment has been identified as having a number of pressures that could affect water quality. A plan for Tilligerry creek was drafted to identify the issues and provide solutions.

Coinciding with the start of the study was the detection of human viruses in oysters and eventual closure of part of the creek to oyster harvesting in June 2005.

Tilligerry Creek Advisory Committee

To ensure that all sectors of the community have input into the plan, the Tilligerry Creek Advisory Committee was set up. It has equal numbers of community and government representatives. The committee's first task was to review the submissions that had been put forward on how the plan should be changed. The committee is now looking at implementing the plan.

Landholder Projects

Improved management of agricultural land means an improved catchment. Council is working with landholders to fence off drains and water ways, allow improved paddock management, plant native vegetation and provide troughs to reduce the need for cattle to access the creek.

So far \$211,000 of funding has been received. Projects are a win-win arrangement for farmers and the catchment. Farmers receive a contribution towards works they otherwise may not have been able to afford and the catchment is improved.



Educational workshops

Improved land management workshops have been run on:

- Wet Pasture Management
- Soil Health
- Improved Horse Management
- Acid Sulfate Soils Projects

Acid Sulfate Soils

NSW Department of Primary Industries (DPI) has undertaken acid sulfate soil (ASS) assessments around Anna Bay. This was in response to concern about the drains and the impact of acid entering Tilligerry Creek.

DPI is also undertaking ASS assessments to establish tidal exchange within the creek. Tidal exchange reduces discharge of acid and heavy metals from ASS, dilutes faecal coliforms from agriculture and improves fish passage.

The Anna Bay Drainage Union, with assistance from local and state government have prepared an ASS Plan of Management for drain maintenance. This plan is being adjusted to become guidelines for the community and will help landholders carry out drainage maintenance without causing ASS problems.

Drain Remediation Projects

As a result of the assessments in Anna Bay, DPI has recommended the following for drain remediation:

- Strategic application of lime for all past and future soil disturbance
- Raising the height of side drainage pipes to reduce intersection of the soil sulfate layer
- Installation of a low set weir that would reduce over-drainage of a hotspot
- Install an auto tidal floodgate at the Anna Bay floodgates to enhance drainage capacity, while enabling controlled tidal exchange.

On Site Sewage Management

The Tilligerry catchment is a high priority area. Inspections in the Salt Ash and Bobs Farm areas are continuing with the focus on the remaining 470 septic tanks and in-ground trench systems. The on-going replacement of this system type is necessary to minimise potential impacts on ground and surface waters. Council is negotiating upgrades as these old systems fail.

In the Salt Ash and Bobs Farm areas there are approx 100 systems that are now of a type providing an appropriate level of treatment and disposal.

Council has continued to invest in the study of Tilligerry Creek to better understand the processes within the creek. Council has commissioned a multi staged project to develop a tidal model of the creek. The model will allow Council to better predict development impacts on the estuary.



Urban Stormwater Run off

Council has received a grant to install a Stormwater Treatment Device (STD), and a stormwater diversion structure in Tarilba Bay commercial centre. Installation of the STD will reduce pollutants that would otherwise end up in the estuary.

Water Quality Results

Council continues to analyse water quality in the Tilligerry catchment with any significant poor results investigated. It is hoped that if works to improve the health of the catchment continue that over time we will see improved water quality results.

The Tilligerry Oyster Industry

The re-opening of 4 out of 19 oyster leases in Tilligerry Creek for the harvesting of oysters for human consumption in December 2008 was a step in the right direction. Over the closure period the use of this area changed dramatically with the area now predominantly used to grow juvenile oysters.

For oyster farmers to prosper agricultural faecal pollution must be addressed. Oyster farmers hope that more land holders will take advantage of funding to improve land management practices.



Port Stephens
COUNCIL
A community partnership

ATTACHMENT 2

MAP OF LANDHOLDER WORKS CURRENTLY UNDERWAY IN THE CATCHMENT



GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1

FILE NO: PSC2005-5185

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
- a) Nelson Bay Blues Rugby Club – Construction of steps on the Eastern Side of the Ground - Port Stephens Family Sports Service - \$3903.60 – (East Ward)
 - b) Craig Baumann –Real Futures Program - \$250.00 (Mayoral Funds)
 - c) Raymond Terrace Cricket Club –Fund Raiser - \$250.00 (West Ward)
 - d) Raymond Terrace Cricket Club –Fund Raiser - \$250.00 (Mayoral)
 - e) Port Stephens Council (Council to undertake works) – Removal of redundant signs at Bagnall Beach Estate - \$2,100.00 (East Ward)
 - f) Raymond Terrace & District Tennis Club Inc –Tennis Tournament \$1250 (Mayoral)
 - g) Raymond Terrace & District Tennis Club Inc – Support the Tennis Tournament \$1250 (West Ward)
 - h) Red Cross Appeal – Victorian Fire Disaster Appeal - \$5,000 (Central Ward)
 - i) Red Cross Appeal – Victorian Fire Disaster Appeal - \$5,000 (West Ward)
 - j) Red Cross Appeal – Victorian Fire Disaster Appeal - \$5,000 (East Ward)
 - k) Red Cross Appeal – Victorian Fire Disaster Appeal - \$4,883.45 (Mayoral)
 - l) Raymond Terrace Stroke Club – Donation towards new Urn – \$200.00 (Mayoral)
 - m) Pam Price – Victim of House Fire (39 Parkway Avenue, Raymond Terrace)– Donation - \$1,000 (Mayoral)
 - n) Matijicw Family – Victim of House Fire(Raymond Terrace) – Donation - \$1,000 (Mayoral)
 - o) Brees Family – Victim of House Fire (Medowie) – Donation - \$1,000 (Mayoral)
 - p) Tanilba Junior Girl Guides – Tilligerry District – Donation towards equipment costs - \$1000 (Mayoral)
 - q) Port Stephens Council – Works to footpath @ Bagnalls Beach Road - \$6,000 (East Ward)
 - r) Port Stephens Council – New seat @ footpath of Shoal Bay Road - \$2,000 (East Ward)
-

MINUTES FOR ORDINARY MEETING – 24 FEBRUARY 2009**ORDINARY COUNCIL - 24 FEBRUARY 2009**

036	Councillor J Nell Councillor D Maher	It was resolved that the recommendation be adopted with the exception of Item 1a.
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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 listed below were considered by the former Ward Councillors and approved however these were not reported to Council prior to the Local Government election. Due to the timing Items (a) and (b) have been approved by the General Manager and are before Council for ratification by Council.

The requests for financial assistance are shown below:-

MAYORAL DONATIONS

Craig Baumann	Donation towards Real Futures Program	\$250.00
Raymond Terrace Cricket Club	Donation towards fund raiser	\$250.00
Raymond Terrace & District Tennis Club Inc	Donation to support Tennis Tournament 2009	\$1250.00
Red Cross Victorian Bushfire Appeal	Donation to Appeal	\$4,883.45
Raymond Terrace Stroke Club	Donation towards new Urn	\$200.00
Pam Price	Victim of House Fire (39 Parkway Avenue, Raymond Terrace)– Donation	\$1000.00
Matijiciw Family	Victim of House Fire(Raymond Terrace) – Donation -	\$1000.00
Brees Family	Victim of House Fire (Medowie) – Donation	\$1000.00

MINUTES FOR ORDINARY MEETING – 24 FEBRUARY 2009

Tanilba Junior Girl Guides – Tilligerry District	Donation towards equipment	\$1000.00
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WEST WARD – Councillors Jordan, Francis, Maher & Kafer

Raymond Terrace Cricket Club	Donation towards fund raiser	\$250.00
Raymond Terrace & District Tennis Club Inc	Donation to support Tennis Tournament 2009	\$1250.00
Red Cross	Donation to Victorian Bushfire Appeal	\$5,000.00

EAST WARD – Councillors Nell, Westbury, Dover & Ward

Nelson Bay Blues Rugby Club	Construction of steps to Eastern Side of Grounds	\$3903.60
Port Stephens Council (Council to undertake works)	Removal of redundant signs at Bagnall Beach Estate	\$2,100.00
Red Cross Victorian Bushfire Appeal	Donation to Appeal	\$5,000.00
Port Stephens Council	Works to footpath @ Bagnalls Beach Road	\$6,000.00
Port Stephens Council	New Seat at Shoal Bay Road Footpath	\$2,000.00

CENTRAL WARD – Councillors Dingle, MacKenzie, O'Brien, Tucker

Red Cross Victorian Bushfire Appeal	Donation to Appeal	\$5,000.00
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LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function which it, the Council, would otherwise undertake;
- b) the funding will directly benefit the community of Port Stephens;
- c) applicants do not act for private gain.

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

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

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Mayor
Councillors

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2**FILE NO: A2004-0026****HUNTER COUNCILS GOVERNANCE REVIEW****REPORT OF: PETER GESLING – GENERAL MANAGER**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the changes to the Hunter Councils Governance Structure.
 - 2) Appoint the Mayor as the Council representative on Hunter Councils Board.
-

ORDINARY COUNCIL - 24 FEBRUARY 2009

037	Councillor B Westbury Councillor S Dover	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to advise Council of the review of the Hunter Council Governance structure.

Most Councillors would be aware that Hunter Councils has been in existence for over 50 years operating as a regional organisation for Local Government authorities in the Hunter Valley. Hunter Councils has evolved over the years and now is an incorporated Association known as Hunter Council Inc. and a wholly owned trading company, Hunter Councils Ltd.

The organisation is active at many levels across a range of disciplines, Government and industry associations, including research, direct service delivery and support of the members of the region and local government industry generally.

One area of activity that has not been consistently effective is in advocacy and utilising the combined voice of our community. Consideration of this lost opportunity has included questioning the effectiveness of the current 26 member board. While this large board provides an opportunity for more elected representatives to be regularly and personally briefed, it does limit the capacity to be responsive to external issues, demands on the sector and the opportunity to utilise the local community's collective voice.

Any changes to the current governance structure, must maintain the engagement with the elected body of councils but also provide a greater exposure from the Mayors as the elected voice of the Hunter community. To that end it is proposed that :-

the Board composition be amended to include only the Mayors of each Council or their delegate

the General Manager, or their delegate attend as advisors to the Board that the Board meet bi-monthly that Hunter Councils incorporate a schedule of bi-annual meetings to brief any interested Councillors. The agenda to include issue briefings, activity reports, guest speakers and annually include a strategic planning session. The Board establish activity working parties of elected persons nominated by individual councils to develop regional policy/strategy on regional issues such as environment, infrastructure services, planning projects and events etc. These working parties to meet as required, with Hunter Councils Inc to provide executive services.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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

Nil

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:-

- 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.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a culture 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

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Hunter Councils

OPTIONS

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

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 3

FILE NO: 16-2007-1066-1

SECTION 82A REVIEW OF DETERMINATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - DEVELOPMENT APPLICATION FOR PROPOSED ADDITION TO CREATE A THREE STOREY DWELLING AT NO. 35 IRENE CRESCENT, SOLDIERS POINT

REPORT OF: SCOTT ANSON- MANAGER, DEVELOPMENT & BUILDING

RECOMMENDATION IS THAT COUNCIL:

1. Reaffirm its previous decision for the refusal of this application under the provisions of DCP 2007 Clause B6 C46 relating to development within the Residential 2(a) zone must not exceed two (2) storeys. *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.*

ORDINARY COUNCIL - 24 FEBRUARY 2009

AMENDMENT:

038	Councillor J Nell Councillor S Dover	<p>It was resolved that Council approve the development as submitted subject to conditions to be set by Council under delegated authority because:</p> <ol style="list-style-type: none"> 1) The views from this property were blocked by a recently approved and constructed three storey dwelling. 2) Other than the proposed three storeys, the development is entirely consistent with the DCP. 3) The proposed development is 0.4 m below the maximum height allowed under the DCP. 4) The proposed development is entirely consistent with the streetscape of Irene Crescent. 5) The applicants had already commenced designing their
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		proposed extensions when the current DCP was introduced in 2007.
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The amendment on being put became the Motion, which was put and carried.

In accordance with the Local Government Act, a division is required.

Those for the motion: Councillors Kafer, Francis, Dingle, Nell, Tucker, O'Brien, Westbury, Dover, MacKenzie and Ward.

Those against the motion: Councillor Maher.

BACKGROUND

The purpose of this report is to present a review of its previous determination of a development application to Council for determination on a policy position in regard to a proposed addition to create a three (3) storey single dwelling in a Residential 2(a) zone.

Council has previously considered and determined this application by way of refusal. Please find attached a copy of the previous report and resulting Council Resolution (Attachment 3).

The proposal has been modified somewhat from the previous proposal considered by Council to reduce the bulk of the building and provide greater articulation of the facades. The development proposal relates to an additional storey to create a three (3) storey dwelling.

Development Control Plan (DCP 2007) provides a development principle in respect to considering building height which reads as follows:

"The development should achieve a scale and height in keeping with the existing and desired future character of the street."

DCP 2007 provides two (2) development controls relevant to this assessment of building height, namely controls B6.C45 and B6.46. The proposal is inconsistent with the explicit terms of Clause B6.C46 which reads as follows:

*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.*

Clause B6.C46 includes a further notation, whereby:

"Dwellings with a loft space must comply with overall height limit".

This DCP principle and control provide additional guidance to applicants and assessment officers considering the intent and provisions of Clause 16 of the Port Stephens Local Environmental Plan 2000 which applies to single dwellings in the Residential 2(a) zone. Clause 16 of the LEP states:

Development control table**(1) Description of the zone**

The Residential "A" Zone is characterised by one and two storey dwelling-houses and dual occupancy housing. Townhouses, flats and units up to two storeys may occur throughout the zone. Dwellings may also be erected on small lots in specially designed subdivisions. Small-scale commercial activities compatible with a residential neighbourhood and a variety of community uses may also be present in this zone.

(2) Objectives of the zone

The objectives of the Residential "A" Zone are:

- (a) to encourage a range of residential development providing for a variety of housing types and designs, densities and associated land uses, with adequate levels of privacy, solar access, open space, visual amenity and services, and
- (b) to ensure that infill development has regard to the character of the area in which it is proposed and does not have an unacceptable effect on adjoining land by way of shading, invasion of privacy, noise and the like, and

There is already a balcony on the second level of 35 Irene Crescent overlooking the adjoining properties at No 3 Vista Avenue and 37 Irene Crescent. The proposed addition of a third level balcony, accessed from large living areas with extensive glazing has the potential to adversely impact on the privacy of existing and/or future occupants of these adjoining properties. Notwithstanding submissions in support of the proposal, and when considering the broader public interest, the proposal as amended is considered incompatible with the immediate locality.

DCP2007 provides a clear direction regarding the future desired character of the streetscape by limiting the number of storeys. This change was motivated by the growing concern within the community about excessively bulky, visually prominent, three (3) storey dwellings in inappropriate locations with the Local Government Area (LGA). The consensus was that controls were required to prevent the overdevelopment of sites in low density residential areas. Prior to the adoption of DCP 2007 Council officers had little policy guidance in relation to three (3) storey dwelling design and were unable to give clear advice to applicants as to what Council considered an acceptable built form outcome. As an interim measure the Manager Development & Building required the following information to support any proposed three (3) storey dwelling which was assessed on individual merit:

1. Streetscape analysis illustrating the existing character of the street (elevations and/or photomontage)
2. Streetscape analysis illustrating the proposed development within the existing streetscape (elevations and/or photomontage)

3. Any potential external visual impacts associated with the proposed three (3) storey building when viewed from surrounding properties and/or public vantage points
4. The streetscape analysis (elevations and/or photomontage) should identify existing natural ground level and ridge reduced levels (RL's) for existing and proposed.
5. Statement of Environmental Effects (SoEE) to assess the impacts of the proposal arising from the streetscape analysis and propose measures to minimise or mitigate impacts

The provisions as adopted in DCP 2007 Chapter B6 now provide for two (2) storey developments only and the option is provided to include rooms within the roof space as a loft. This approach provides for orderly and predictable built form outcomes for the community and enables Council officers to provide clear direction to applicants to develop their Residential 2(a) zoned land.

Variation to the DCP 2007

A DCP may be varied by Council. DCP 2007, under part A1.11, states that the proposal **must** clearly demonstrate that the proposal is consistent with the principle(s) of this DCP and that the proposal is in the community interest or the interest of future occupants that would not be achieved by compliance with the DCP control. Given the explicit terms and expression of B6.C46 a variation is not supported in this instance.

Precedent

Since the adoption of DCP2007 there have been no other approvals for three (3) storey dwellings or additions as new or infill development in Residential 2(a) zones. Approving a three (3) storey dwelling that is contrary to the principles and controls contained in DCP 2007 in this context may establish an undesirable planning precedent in the street and area.

Ultimately Council must determine the application on its planning merits and maintaining the integrity and consistent application of the DCP is strongly recommended. A full assessment of Development application 16-2007-1066 is provided in Attachment 2.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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 – *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

Nil

LEGAL AND POLICY IMPLICATIONS

There are no specific site constraints that would prevent additions to this building being constructed within the requirements of DCP 2007, B6.C46. Granting consent to the dwelling additions for a third storey has the potential to create an undesirable planning precedent.

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

The development is not in the public interest but it is in the interest of the applicant.

ECONOMIC IMPLICATIONS

There are no economic implications relating to this development other than the direct building activity created by the construction of the development.

ENVIRONMENTAL IMPLICATIONS

The development, if approved, may set a precedent that undermines the effectiveness of the DCP 2007 with respect to guiding development of three storey dwellings within the Residential zones.

CONSULTATION

The application was exhibited in accordance with Council policy and submissions closed on 28th January 2008. Two (2) letters of support were received with the request for the review of determination from the owners at No. 3 Vista Avenue and No. 33 Irene Crescent enclosed in the Statement in support of the review Appendix B.

There were no submissions received in response to the public exhibition of this application for determination review.

OPTIONS

Council has four (4) options to consider with the proposed development.

- 1) Council refuse the development for the reasons that the development does not comply with the principles of the DCP 2007 and the Port Stephens LEP 2000, primarily based on the intent that the development is out of character with the Residential 2(a) zone and the streetscape in Irene Crescent.
- 2) Council indicate its support for the development as submitted and request the Group Manager, Sustainable Planning to bring forward draft conditions of consent to the next Ordinary Meeting of Council - noting that, in order to protect the long term integrity of the DCP2007, Council must articulate in its Resolution how the proposed development satisfies the principles of the DCP, or

MINUTES FOR ORDINARY MEETING – 24 FEBRUARY 2009

- 3) Council approve and condition the proposed development with modifications, or
- 4) Council initiate draft amendments to DCP 2007 to allow consideration of three (3) storey residential dwellings on merit, having regard to:
 - a) Streetscape analysis illustrating the existing character of the street (elevations and/or photomontage)
 - b) Streetscape analysis illustrating the proposed development within the existing streetscape (elevations and/or photomontage)
 - c) Any potential external visual impacts associated with the proposed three (3) storey building when viewed from surrounding properties and/or public vantage points
 - d) The streetscape analysis (elevations and/or photomontage) should identify existing natural ground level and ridge reduced levels (RL's) for proposed.
 - e) Statement of Environmental Effects (SoEE) to assess the impacts of the proposal arising from the streetscape analysis and propose measures to minimise or mitigate impacts

ATTACHMENTS

- 1) Locality Plan
- 2) Assessment
- 3) Resolution and previous report to the May 2008 meeting of Council.
- 4) Supplementary discussion of submissions (if any).

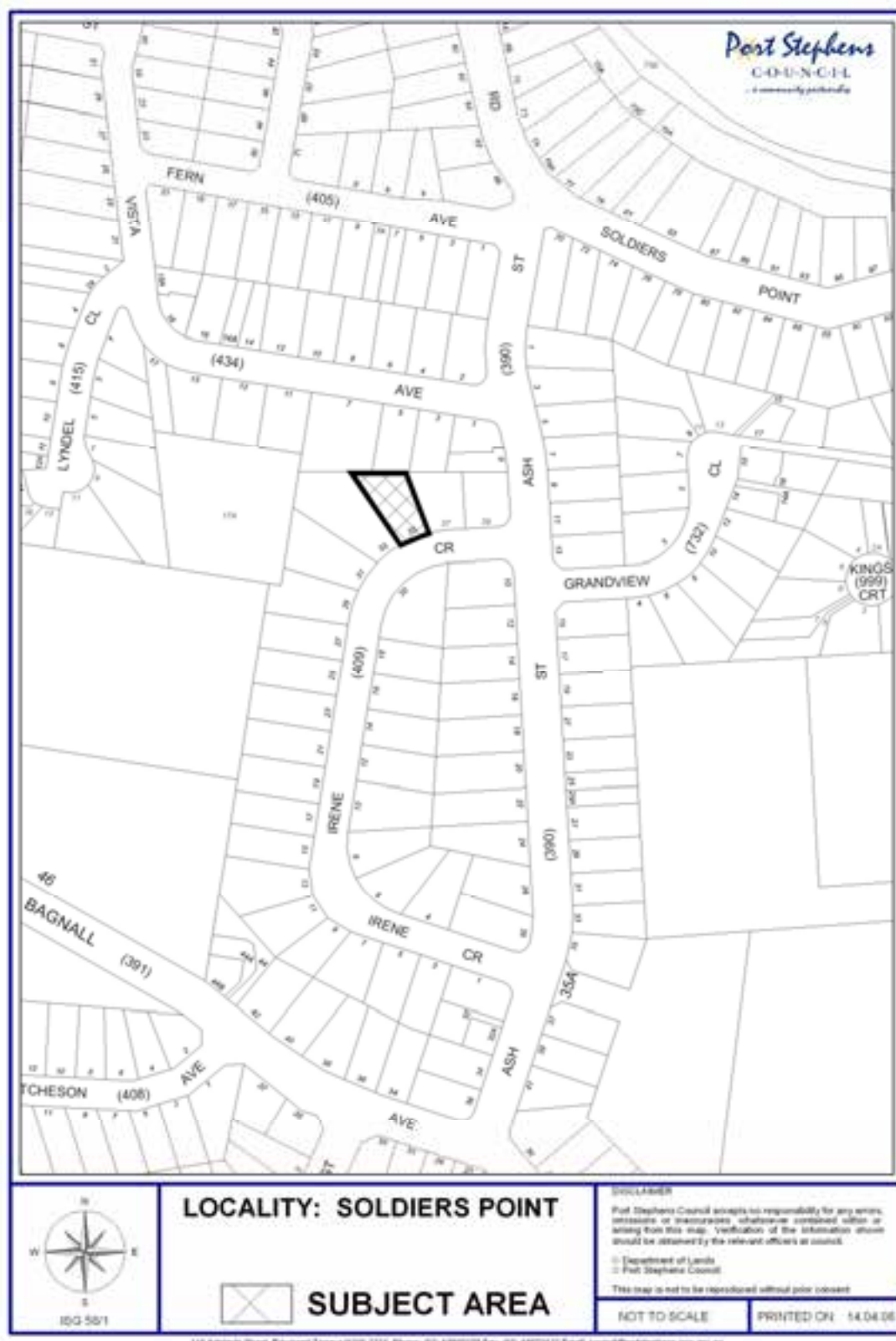
COUNCILLORS ROOM

- 1) Plans 1-6 file No. 0700561C dated 27th November 2008
- 2) Statement of support- reference No. 25472- November 2008

TABLED DOCUMENTS

Nil

ATTACHMENT 1 LOCALITY PLAN



ATTACHMENT 2

ASSESSMENT

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

The Proposal

The application seeks approval for additions to an existing two storey dwelling resulting in a three storey dwelling. The existing dwelling on site comprises of a two storey structure with a new third storey to be constructed on the existing development.

The Application

Owner	Mr R & Mrs G H Genner
Applicant	Mr E C Genner
Detail Submitted	Statement of Environmental Effects Development Plans

The Land

Property Description	Lot 24 DP 24306
Address	35 Irene Crescent, Soldiers Point
Area	739.8m ²
Dimensions	The development site is irregular shaped having a frontage to Soldiers Point of 15.49m and a rear width of 27.43m. The site's western boundary is 43.66m and the eastern boundary is 32.58m in depth.
Characteristics	The site currently contains a two (2) storey dwelling located approximately in the centre of the site. The site contains a lawn, and some scattered trees. The site is elevated at the rear and slopes toward the street.

THE ASSESSMENT

1. Planning Provisions

LEP 1987 – Zoning	2(a)
Relevant Clauses	16 & 19
Development Control Plan	Port Stephens DCP 2007
State Environmental Planning Policies	SEPP 71

ATTRIBUTE	PROPOSED	REQUIRED	COMPLIES
LEP Requirements			
Min. Area Per Dwelling	739.80m ²	500m ²	Yes
Floor Space Ratio	0.36:1	0.5:1	Yes
Height	8.6m	9m	Yes
DCP Requirements			

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Number of storeys (except for loft spaces)	3	2	No
Building Line Setback	Carport 8.75m	6m	Yes
Side Setbacks	Western Boundary 1.8m Eastern 1.4m	2m 2m	No See report
Rear Setbacks	Northern 4m	6m	No – see report
Privacy	Balconies proposed on the eastern side at first and second storey levels	No objections have been received	Yes
Resident parking	3	2	Yes
Retaining Walls	No boundary retaining walls	If development is set back greater than 1.3m, retaining walls may be 900mm	Yes
BASIX	Dwelling additions valued at \$250,000	Yes	Yes

Port Stephens Local Environmental Plan 2000

Clause 16

The proposed dwelling is considered inconsistent with the zone description and zone objectives in relation to Residential 2(a) zoned land which is characterised by one and two storey dwellings. In determining a Development Application, the consent authority must have regard to the need to encourage a range of residential development which provides for a variety of housing types and designs, densities and associated land uses with adequate levels of privacy, solar access, open space, visual amenity and services. Infill development must have regard to the character of the area.

Consent of a three (3) storey dwelling in the form proposed is considered inconsistent with the provisions of Port Stephens Council Local Environmental Plan 2000.

Clause 19

The proposed development is considered to be consistent with the development standards of minimum site area per dwelling, height and floor space ratio specified within Clause 19 of the Port Stephens LEP 2000.

State Environmental Planning Policy No. 71 – Coastal Protection

The development is not considered to be contrary to the provisions of SEPP 71.

Port Stephens Development Control Plan 2007

The application was lodged on 30 November 2007. The performance based design requirements of Port Stephens Development Control Plan 2007 are relevant to the assessment of this application. Assessment of the key design considerations are addressed below:

Streetscape, Building Height, Bulk and Scale

The proposed three (3) storey dwelling additions are considered to have a serious impact on the surrounding development and associated land uses that comprise residential occupancies. Primary concerns relate to visual amenity and potential impact, height of habitable areas and bulky design.

The objectives and control principles of the DCP indicate that the bulk and scale of a dwelling in 2(a) Residential should be sympathetic to the local street content. The development is to take into consideration its design elements to minimise the impact on the amenity of the adjacent dwellings and land.

Although the proposal complies with the floor space ratio and site coverage objectives, the design presents an undesirable visual impact on the surrounding development in relation to its scale, height and bulk characteristics and does not comply with the design principles of the Council's Development Control Plan 2007 Clause B6.5.

Privacy

As recorded in this report, no submissions have been received, however with consideration to the long-term residential amenity, the assessment of this proposed development notes the third storey dwelling additions have extensive balcony areas located to the north east of the dwelling.

The elevation of the third storey balcony in the context of the surrounding development being residential land uses will result in significant loss of privacy to the rear private open space of adjoining properties, primarily to the north and north east.

As discussed previously, the DCP requires loft spaces in lieu of a third storey in order to mitigate impacts on adjoining residential amenity. The extensive living areas proposed in the third storey combined with glazing and outdoor elevated balcony areas result in an unreasonable and unacceptable potential impact on privacy.

Boundary Setbacks

The combination of setback encroachments and the balcony and extensive glazing on the third storey creates a significant impact on privacy and acoustic amenity for adjoining residential dwellings. The setback encroachments also exacerbate the overall bulk and scale of the development.

Site Coverage

The development is compliant with the requirements of floor space ratio and site coverage specified in Clause 19 of the LEP.

The proposed development, including hardstand areas, covers 30% of the site. Under the requirements of DCP 2007, the development may have maximum site coverage of 60% and as such the development is considered to comply with Council's site coverage requirements.

Acoustic Privacy

The development does pose a potential unreasonable acoustic privacy impact in relation to the addition of an elevated balcony structure.

Whilst external open space forms part of typical residential development, the resulting elevated open space associated with the third storey dwelling additions and external balcony areas has the potential to have significant impact on acoustic privacy. This is primarily due to the surrounding topography and the elevation of the third storey dwelling additions.

The extensive area on the balcony limits the option to place acoustic barriers adequate to remove the potential impact.

Solar Access

With respect to overshadowing, given the orientation of the allotment and shadow diagrams provided, it is considered that the development is compliant with the provisions of DCP 2007 in respect to solar access. The shadow diagrams indicate the extent of impact comprises:

- No. 33 Irene Street will be overshadowed up to 12.00 noon;
- The cottage at No. 37 Irene Street will be affected after 3.00 p.m.

It is noted that the extent of overshadowing will increase as a result of the bulk and height of the proposed building. Despite the proposed addition being under the height limitation, the bulky form of the addition will have a greater impact than development which is compliant with the design requirement of DCP 2007 which requires loft style construction.

Views

The development site and adjacent properties contain distant water glimpses of Port Stephens to the north. Given the siting of the building and the direction of view in the area, it is not considered that the development will not unreasonably impact on existing views.

Parking & Traffic

The parking and traffic arrangements are in accordance with Council's Development Control Plan 2007.

The development provides garage parking for two (2) cars with one additional space provided in the proposed carport structure.

Usable Open Space

The size of the allotment provides extensive ground level open space accessible from living areas.

Landscaping

No changes are proposed to the existing landscaping.

Flora and Fauna

Despite being vegetated, the development site is not identified as containing any threatened flora or fauna or endangered ecological communities. It is not considered that this development will result in adverse impacts to, or pose an unacceptable risk to, threatened flora and fauna.

2. Likely Impact of the Development

The proposed development is inconsistent with the requirement of Port Stephens Local Environmental Plan 2000 and Development Control Plan 2007. The bulk and scale of a three storey dwelling in the form proposed is assessed as inconsistent with the intent and objectives of the controls.

3. Suitability of the Site

The site is fully serviced and there are no physical constraints on the site that would make the land unsuitable for this development.

4. Submissions

The application was advertised and notified in accordance with Port Stephens Development Control Plan 2007. No submissions were received.

5. Public Interest

The proposal is contrary to the public interest as the development fails to satisfy relevant planning considerations and establishes an unacceptable level of impact on residential amenity due to loss of privacy and acoustic impacts attributed to a balcony, habitable rooms and extensive glazing on the third level in addition to the overall visual impact upon the streetscape due to bulk and scale of the third storey.

The proposed building is also not in keeping with the design characteristics, suitability and appearance with the existing streetscape. The approval is inconsistent with public expectations of orderly residential development of a scale and design characterised predominantly by one (1) and two (2) storey dwellings in residential 2(a) zoned areas.

**ATTACHMENT 3
RESOLUTION OF COUNCIL MAY 2008**

ITEM NO. 1

FILE NO: 16-2007-1066-1

**DEVELOPMENT APPLICATION FOR PROPOSED THREE STOREY ADDITION AT NO.
35 IRENE CRESCENT, SOLDIERS POINT**

REPORT OF: SCOTT ANSON- MANAGER, DEVELOPMENT & BUILDING

RECOMMENDATION IS THAT COUNCIL:

- 1) Reaffirm the provisions of DCP 2007 Clause B6 C46 relating to development in Residential 2(a) zone must not exceed two (2) storeys.
 - 2) Endorse the refusal of DA 16-2007-1066-1 and delegate determination to the General Manager consistent with the contents of this report.
-

OPERATIONS COMMITTEE MEETING – 13 May 2008

That the recommendation be adopted.

ORDINARY MEETING – 27 May 2008

RESOLUTION:

107	Councillor Nell Councillor Hodges	It was resolved that the Recommendation be adopted.
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ATTACHMENT 3
PREVIOUS REPORT TO THE MAY 2008 MEETING OF COUNCIL

ITEM NO.

FILE NO: 16-2007-1066-1

DEVELOPMENT APPLICATION FOR PROPOSED THREE STOREY ADDITION AT NO. 35 IRENE CRESCENT, SOLDIERS POINT

REPORT OF: SCOTT ANSON- MANAGER, DEVELOPMENT & BUILDING

RECOMMENDATION IS THAT COUNCIL:

- 1) Reaffirm the provisions of DCP 2007 Clause B6 C46 relating to development in Residential 2(a) zone must not exceed two (2) storeys.
- 2) Endorse the refusal of DA 16-2007-1066-1 and delegate determination to the General Manager consistent with the contents of this report.

BACKGROUND

The purpose of this report is to present a Development Application to Council for determination on a policy position in regard to a proposed three (3) storey single dwelling residential development in Residential 2(a) zoning.

Council is in receipt of a Development Application to construct a third storey addition to an existing two (2) storey dwelling. The applicant proposes a third storey, which is contrary to the provisions of Port Stephens Development Control Plan 2007 (DCP 2007) Clause B6.C46.

This Clause relates to the controls placed on the number of storeys a dwelling may have and reads:

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.

This development control requires development to integrate a habitable loft space into the roof capacity with the use of dormer windows and the like. The DCP is explicit in that Council may only approve (emphasis added) loft spaces subject to the provisions contained in Clause B6.C46. The subject development does not propose loft spaces or use dormer windows. The subject development significantly alters the roof design, roof pitch and building bulk. Due to the third level balcony, habitable rooms and extensive glazing the development is considered to adversely impact on the privacy and amenity of neighbouring dwellings.

This DCP requirement underpins the intent and objectives of Port Stephens Council Local Environmental Plan 2000 for dwellings in Residential 2(a) zone which states:

Development Control Table

(1) Description of the zone

Residential “A”: zone is characterised by one and two storey dwelling-houses and dual occupancy housing. Townhouses, flats and units up to two storeys may occur throughout the zone. Dwellings may also be erected on small lots in specially designed subdivisions. Small scale commercial activities compatible with a residential neighbourhood and a variety of community uses may also be present in this zone.

(2) Objectives of the Zone

The objectives of the Residential “A” Zone are:

- (a) to encourage a range of residential development providing for a variety of housing types and designs, densities and associated land uses, with adequate levels of privacy, solar access, open space, visual amenity and services, and*
- (b) to ensure that infill development has regard to the character of the area in which it is proposed and does not have an unacceptable effect on adjoining land by way of shading, invasion of privacy, noise and the like, and*
- (c) to provide for non-residential uses that are compatible with the area and service local residents, and*
- (d) to facilitate an ecologically sustainable approach to residential development by minimising fossil fuel use, protecting environmental assets and providing for a more efficient use of existing infrastructure and services, and*
- (e) to ensure that the design of residential areas takes into account environmental constraints including soil erosion, flooding and bushfire risk.*

The adoption of the Port Stephens DCP 2007 provides clear direction for future development in limiting the number of storeys. This change was motivated by the growing concern that three (3) storey dwellings were being approved, which could be argued was resulting in over development of sites due to excessive building bulk and impacts associated with the third storey. Previous DCP's provided no clear guidance for Council or development assessment staff in relation to desired number of storeys and design requirements for multi storey, single dwellings. In the absence of an adopted policy, Council officers were requesting extensive additional information which gave consideration to the matters subsequently adopted within DCP 2007.

An example of typical information required to assess applications for three (3) storey dwellings have previously included:

- Streetscape analysis illustrating the existing character of the street (elevations and/or photo montage)
- Streetscape analysis illustrating the proposed development within the existing streetscape (elevations and/or photo montage)
- Any potential external visual impacts associated with the proposed three (3) storey building when viewed from surrounding properties and public vantage points
- Statement of Environmental Effects (SOEE) that assesses the impacts of the proposal arising from the streetscape analysis above and any measures to minimise or mitigate impacts.

- The streetscape analysis (elevations and/or photo montage) should identify existing natural ground level and ridge line reduced levels (RL's) for existing and proposed.

In the absence of a policy approach to managing this form of development, there was no certainty for the applicant on the outcome. This situation also proved problematic for development assessment officers attempting to provide advice and guidance to Council, applicants and stakeholders on a matter that holds significant public interest, that being the orderly and predictable form of development occurring within residential areas.

To assist in providing a strategic approach to land use management and property development, the placing of greater controls over three (3) storey dwellings is reflected in the following Principle which was adopted within the DCP 2007 to provide guidance for developers and land owners:

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

This is specified in the associated development control limiting the number of storeys to two (2) with some concessions for habitable areas within the loft space.

Precedent

Port Stephens Development Control Plan 2007 establishes clear and concise direction on design parameters for multi storey dwellings in Residential 2(a) zoned areas. Since the adoption of the DCP there have been no applications assessed and approved for a three (3) storey residential dwelling or third storey addition. Consent to a three (3) storey dwelling which is contrary to the Principles and Development Controls of the DCP will establish an undesirable planning precedent.

Ad hoc variation to the adopted provisions also has the potential to undermine Council's recently adopted DCP. Future application of development controls within the DCP relating to three (3) storey dwellings may be challenged by applicants demonstrating inconsistent application of these provisions. Unjustifiable variation to development controls will result in undermining of the integrity of the DCP.

Court proceedings routinely identify the need for the consent authority to maintain consistency in its application of adopted development control policies. Failure to do so will result in undermining the legality of such controls, making the control unenforceable.

A full assessment of Development Application 16-2007-1066 is provided in Attachment 2. To progress the determination of this application, it is necessary for Council to make a determination on policy in relation to strictly applying the provisions of the DCP 2007 in this instance.

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*

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

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

The proposed third storey addition is contrary to the relevant provisions of Port Stephens Local Environmental Plan (PSLEP) 2000 and Development Control Plan (DCP) 2007 with regard to bulk and scale in Residential 2(a) zoned areas.

The proposed development presents no matters which give rise to the objective and development controls in PSLEP 2000 and DCP 2007 as being unreasonable or unnecessary in the context of this application. Further, no specific site constraints have been identified which would limit potential for dwelling additions compliant with the provisions of the DCP.

Consent of a third storey dwelling in the configuration proposed would create a precedent which has the potential to be used in future Development Applications as reason for consent noting fairness, consistency and equity in the application of Council's planning provisions.

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

The development is contrary to the public interest and expectations of an orderly and predictable built environment.

ECONOMIC IMPLICATIONS

There are no economic implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

The development, if approved by Council, will set a precedent for allowing three (3) storey single dwelling development in the Port Stephens Local Government Area (LGA).

CONSULTATION

Council has received no submissions or objections during the notification and advertising period.

OPTIONS

Council has three options to consider with the proposed development.

- 1) Council approve the development as submitted subject to conditions;
- 2) Council approve and condition the proposed development with modification, or
- 3) Council refuse the development for reasons as abovementioned. The design of the proposal does not comply with the design principles of the DCP 2007 and the intent of the aims of the Port Stephens Council LEP 2000.

ATTACHMENTS

- 1) Locality Plan
- 2) Assessment

COUNCILLORS ROOM

- 1) Plans 1-8 File Number 0700561 dated 29/11/2007

TABLED DOCUMENTS

Nil.

ITEM NO. 4**FILE NO: A2004-0984****CODE OF CONDUCT REVIEW COMMITTEE APPOINTMENT****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the following person/s for selection on the Conduct Review Committee or as a sole independent reviewer as and when required under the Code of Conduct:
- Mark Brady – Former Police Officer and now is a Barrister
 - John Gordon – Chartered Accountant
 - John Cole - HWL Ebsworth – Solicitor
 - Steve Kent – IAB Services – Internal Audit and Investigations
 - Colin Cowan & James Marshall – Insite Social & Economic – Investigations & Mediation
 - Rob Mallik – Solicitor
 - Brian McHugh - Former NSW Police superintendent
 - Paul Roney – Lieutenant Colonel
 - Kath Roach – Sinc solutions – Former Detective Sergeant with Australian Federal Police and investigations experience in the private sector
 - Bernard Smith – Vestion Consulting – Former General Manager of Port Macquarie Hastings Council
 - Henry Wilson – Former high level Local Government employee

ORDINARY COUNCIL - 24 FEBRUARY 2009

039	Councillor J Nell Councillor B Westbury	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to update Council on the progress of the development of a Code of Conduct Review Committee Panel and to allow Council to resolve to appoint the Panel.

In June 2008 the Department of Local Government introduced a new Model Code of Conduct which the previous Council adopted and this Council adopted the Port Stephens Council Code of Conduct in November 2008.

As part of the requirements of the Code of Conduct, Council must resolve to appoint a Code of Conduct Review Committee. At the Council meeting in July 2008, the

then Council resolved that the General Manager be authorised to investigate with Hunter Councils the option of a regional approach to the membership of the Conduct Review Committee. Since this time Hunter Councils have called for expressions of interest and considered the interests lodged as a result.

One of the conditions of appointment to the Review Committee is that appointee/s must be independent of Council (ie. cannot be an employee or contractor). The members of the committee are to be appropriately qualified and of a high standing in the community and can be from outside the Local Government area.

The following person/s have been selected for the Code of Conduct Panel for Port Stephens Council:-

- Mark Brady – Former Police Officer and now is a Barrister
- John Gordon – Chartered Accountant
- John Cole - HWL Ebsworth – Solicitor
- Steve Kent – IAB Services – Internal Audit and Investigations
- Colin Cowan & James Marshall – Insite Social & Economic – Investigations & Mediation
- Rob Mallik – Solicitor
- Brian McHugh - Former NSW Police superintendent
- Paul Roney – Lieutenant Colonel
- Kath Roach – Sinc solutions – Former Detective Sergeant with Australian Federal Police and investigations experience in the private sector
- Bernard Smith – Vestion Consulting – Former General Manager of Port Macquarie Hastings Council
- Henry Wilson – Former high level Local Government employee

Barry Davidow & Jeff Williams of Fraud Services have not been included in the above list as they are consultants that are engaged by Council for employee training and advice.

The selection of the Committee should it be deemed that the Conduct Review Committee or a sole reviewer be required is made by the Mayor and/or General Manager. Council is firstly required to adopt the Panel to enable for such a selection to occur.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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

With each of the above individuals there will be costs incurred for attendance, travel and accommodation if from outside the area. These costs have been budgeted for in the budget.

LEGAL AND POLICY IMPLICATIONS

It is a requirement of the *Local Government Act 1993*, that Council adopt the Model 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.*
- 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 culture of continual improvement, innovation and learning.*
- 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 Manger

OPTIONS

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

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 5**INFORMATION PAPERS****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**
-----**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 3rd Feb, 2009.

No:	Report Title	Page:
1	Petition – Traffic Lights and Bus Shelter for Pacific Gardens	
2	Department of Local Gov't Councillor Information Seminars	
3	Mayoral Chain	
4	Offshore Minerals Exploration Licences	
5	Petition – Request for Off Lead dog area south of Birubi Point Surf Club	

-----**ORDINARY COUNCIL - 24 FEBRUARY 2009**

040	Councillor J Nell Councillor S Tucker	It was resolved that the recommendation be adopted.
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MATTER ARISING

041	Councillor J Nell Councillor S Tucker	It was resolved that Council develop and design guidelines for a Mayoral Insignia of Office and appropriate recognition for female "Freeman" award.
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MATTER ARISING

042	Councillor J Nell Councillor S Dover	It was resolved that Council provide a letter of support for the petition regarding the off lead dog area south of Birubi Point Surf Club.
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MATTER ARISING

043	Councillor S Tucker Councillor S Dover	It was resolved that Council investigate additional off lead dog area/s on the Tomaree Peninsula in particular.
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GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

PETITION – TRAFFIC LIGHTS AND BUS SHELTER FOR PACIFIC GARDENS

REPORT OF: PETER GESLING, GENERAL MANAGER

FILE: PSC2005-2766

BACKGROUND

The purpose of this report is to advise Council of a petition that has been received with approximately 142 signatures. The petition states:

The undersigned are residents / users of bus services that go south to Newcastle and Sydney, that stop at the Pedestrian Refuge Crossing outside Macdonalds Takeaway Restaurant, opposite Pacific Gardens Relocatable Home Park and therefore herewith request that Council provide a New Bus Shelter and associated concrete kerb and paving all as previously requested on our behalf by Ray Elgood's confirmation to Council on 20/07/07.

The following residents / bus users are of the opinion that the above bus services would be used more regularly , when the New Bus Shelter etc. are completed.

ATTACHMENT

- 1) Addendum 1 – Petition without signatory pages.
- 2) Correspondence forwarded with Petition.

ATTACHMENT 1

PETITION : PORT STEPHENS COUNCIL

BUS SHELTER - PACIFIC HIGHWAY,

HEATHERBRAE.

Re: "Pacific Gardens" Relocatable Home Park, - Residents...

The undersigned are residents / users of bus services that go south to Newcastle and Sydney, that stop at the Pedestrian Refuge Crossing outside Macdonalds Takeaway Restaurant, opposite Pacific Gardens Relocatable Home Park, and therefore, herewith request that Council provide a New Bus Shelter and associated concrete kerb and paving, all as previously requested on our behalf by Ray Elgood's confirmation to Council on 20/07/07.

The following residents / bus users are of the opinion that the above bus services would be used more regularly, when the New Bus Shelter etc, are completed.

ATTACHMENT 2

[REDACTED]

The Manager,
Port Stephens Council,
PO Box 42 Raymond Terrace.
N.S.W. 2324.

Dear Sir,

Re: Urgent Need for Traffic Lights, And New Bus Shelter,

Attention Mr Paul Wood . Engineering Department,

Year Reference PSC 2005-2766. (undated)

We refer to your above correspondence and your attached Forward Works Programme 2006, and note that the Bus Shelter Opposite "Pacific Gardens" is listed as No 1 Priority on The Forward Works Programme 2006.

I am writing on behalf of the 142 signatures who have signed the attached petition, who ask the question WHERE IS THE NEW BUS SHELTER?

The above question we considered to be a fair question, particularly when one considers the above Council's Confirmation of 2006, and the date of this letter, being some (2) Plus Years Later.

For your information we enclose copies of correspondence as forwarded to the RTA, requesting Traffic Lights, at the Pedestrian Crossing at "Pacific Gardens" and a letter to our local member Mr Craig Baumann MP, making him aware of our problem, and that we are seeking his help, because the existing Pedestrian Crossing as installed is **TOTALLY UNSATISFACTORY**, and that **TRAFFIC LIGHTS ARE REQUIRED**, as a matter of **URGENCY**.

With regard to the above Bus Shelter, the residents of "Pacific Gardens", would greatly appreciate your action in this matter, by expediting the completion of the long over due bus shelter.

Yours Faithfully,
[REDACTED]

26-01-09.
Encl.

[REDACTED]

Mr Craig Baumann MP
Liberal Member for Port Stephens
PO Box 82 Raymond Terrace,
N.S.W 2324.

Dear Sir,

Re: Urgent Need for Traffic Lights And New Bus Shelter.

The undersigned is writing to your goodself on behalf of the 142 signatures, being residents of Pacific Gardens Relocatable Home Park, (Refer attached Partition), who seek your help in regard to the above.

With the view to assisting you, I enclose a copy of my letter dated 26-01-09, addressed to The Regional Manager, Roads and Traffic Authority, 59 Darby Street, Newcastle, together with copies of the (4) sets of nominated documents contained therein.

Also, enclosed are copies of...

1. Letter received from Mr Paul Wood (undated) of Port Stephens Council together with Councils Forward Works Programme 2006. NOTE, Item No1. now 2009 ?
- 2 .My letter to Council dated 26-01-09, which I consider to be self explanatory

I would like to take this opportunity on behalf of the residents of Pacific Gardens Relocatable Home Park, to say **THANK YOU VERY MUCH** for your assistance in this matter.

Sincerely,
[REDACTED]

26-01-06

Encl.

1/15

[REDACTED]

The Regional Manager
Roads and Traffic Authority
59 Darby Street,
Newcastle N.S.W 2300

Dear Sir,

RE: Pedestrian Road Crossing / Traffic Lights and Public Bus Shelters.
Urgent Need for Traffic Lights.

The undersigned has been asked to write to you on behalf of the 124 signatures of the attached Petition.

We refer you to the attached documents:...

1. Letter addressed to Mr John Bartlett MP from RAEIgood dated 01-06-06
2. Letter addressed to Mr J Bartlett MP from Mr Jim Peachman Regional Operations Manager HO&S dated 19-06-06
3. (2) Page Petition signed by 124 residents of "Pacific Gardens" Relocatable Home Park in support of the above.
4. (2) Pages = (4) Photos of the existing Pedestrian Road Crossing which has **PROVEN TO BE UNSATISFACTORY** as police and our records show that there have been numerous accidents (some fatal) within close proximity of the crossing and at least (2) accidents occurred right on the actual crossing, refer to photo (1) which shows (2) protective safety barriers completely flattened on two separate dates by fast moving vehicles, refer to photos for the dates when the accidents happened.

It is to be noted that there has been numerous near accidents at the intersection of Hank Street and The Pacific Highway, Hetherbrae, (MacDonald's Corner), which is very near the said crossing.

Due to the great volume of traffic entering and departing from the takeaway restaurants of MacDonald's and "Subway", vehicles going in and out of the Service Station on the opposite corner, and heavy transport semi-trailer vehicles travelling to and from the industrial factories in Hank Street, in all it amounts to a very very busy intersection for 24 hours, 7 days a week, and near impossible to cross the highway on public holidays, particularly during the Xmas Holidays.

We harp on the obvious, that this straight stretch of Highway is near impossible to cross at will, should Pedestrians need to do so to catch any of the north or south bound bus services, often resulting in missing the bus.

7/65

Also, many semi-trailer drivers park on the western side of the Pacific Highway and run across the highway and back to beat the traffic, when they go to MacDonald's and /or the Fish & Chip Shop and the "Subway" restaurant, and in doing so put their lives at risk. Refer Photo (4).

Due to low lying land contours, the pedestrian crossing on the eastern side of Pacific Highway is very difficult to see when approaching from the north, & heading south, the yellow bollards located in the centre medium strip are also most difficult to see when approaching from the north, as they have no solid zebra painted metal infill panels, and / or when the Council fails to cut the grass. Refer Photo (4).

Ref, Photo (1) Please note the close proximity of the (2) accidents that occurred actually at the crossing, directly in line with the bus shelter, which could have proved a disaster for passengers waiting for a bus.

Re Item (3) above, it can be readily seen by the 124 signatures on the attached petition and the public in general, that there is a most **URGENT NEED FOR THE INSTALLATION OF TRAFFIC LIGHTS**, at this crossing.

IN support of the above, it would be greatly appreciated if your department could give serious consideration to the installation of Traffic Lights as requested, as this matter was first raised on 1st JUNE 2006.

Yours Faithfully,



26-01-09.

On behalf of the residents of Pacific Gardens Relocatable Home Park,

Encl.(5).

1st June 2006

Mr John Hanlon MP
Member for Port Stephens
PO Box 535
MAYFIELD NSW 2204

Dear Sir,

RE: PROPOSED PEDESTRIAN ROAD CROSSING/TRAFFIC LIGHTS AND PUBLIC BUS SHELTER

Further to your letter of 24th November 2005, addressed to Mr John Hunt, my neighbour, and my subsequent contact with your office, and as requested by your office, I advise as follows:

On 22/05/06, a meeting was held on-site, attended by:

- Mr Ken Sordby R.C.A.
- Mr Paul Wood Port Stephens Council
- Ms Sheila Guden a Principal of Pacific Gardens

together with approximately 100 of the 250 permanent Park residents

The purpose of the meeting being:

1. To seek a traffic lights controlled pedestrian crossing – in the proximity of the main entrance to Pacific Gardens, relocatable home park, 2231 Pacific Highway, Heatherbrae.

Reasons: So as the residents and general public can safely cross the four lane Pacific Highway when seeking to engage any one of the north and south three regular bus services, commencing Sydney, Newcastle, Broadmeadow Railway Station, hospitals, and Raymond Terrace Community Centre, together with accommodating current expanding commercial and industrial development, and the increasing number of public employees employed in the proximity of the end of MacDonnell's, being a public recreation facility.

It is to be noted that there is no suitable existing crossing to the four lane, Pacific Highway, between the Heyham Bridge and the Raymond Terrace roundabout, as the 250 residents of Pacific Gardens are an ageing population, some currently using motorised scooters due to walking restraints, and therefore need a suitable crossing to access the aforementioned facilities.

2. (a) To seek construction of a bus shelter on the eastern side of the highway.
(b) To upgrade the existing bus shelter on the western side of the highway.

Reasons:

- (a) to be constructed so as to service the three aforementioned bus services, and so as to protect from rain, wind and have an uninterrupted vision in both directions;
- (b) to upgrade the existing shelter and so comply with the construction of the shelter, as stated in (a) above.

2 -

Note:

Mr Paul Wood, Port Stephens Council, advised the meeting that funding for low service shelters and facilities is now available.

As all of the aforementioned facilities are long overdue, and as **THE GOVERNMENT HAS STATED THAT FUNDS HAVE NOW BEEN MADE AVAILABLE FOR THE CONSTRUCTION OF PEDESTRIAN 'TRAFFIC LIGHTS' CROSSINGS FOR FOUR LANE HIGHWAYS**, the residents of Pacific Gardens are firmly of the opinion that their requests are reasonable.

We appreciate the interest you have shown to date in these matters and on behalf of the residents of Pacific Gardens, we thank you and look forward to an early, favourable response to this extremely urgent problem.

Yours faithfully,

RECEIVED
21 JUN 2006

BY: _____

Thank you for your letter on behalf of Mr Ray Elgood of Heatherbrae concerning pedestrian facilities on the Pacific Highway at Heatherbrae.

I have arranged for the representation to be forwarded to the Hon Eric Rindgeard MLC, Minister for Roads, for his consideration. A response will be provided from the Minister's Office as soon as the matter has been investigated.

Yours sincerely,

Adam Pearson
Adam Pearson
Regional Manager
Hazard Operations and Services



19 June 2005

Forwarded with the Compliments of

JOHN BARTLETT MP
Member for Port Stephens

Elect	112750
PCB Res. S&S A/c	142344
2nd Flr	100210
Federal Ind. Income	170000
1st Flr	621000
2nd Flr	621000
Flr 1st	567700
Flr 2nd	674300
Flr 3rd	674300

Environ Biol Fish (2015) 98:1231–1244

Knutti and Tett: Attribution
JGR, 2002, 107, 4573–4593

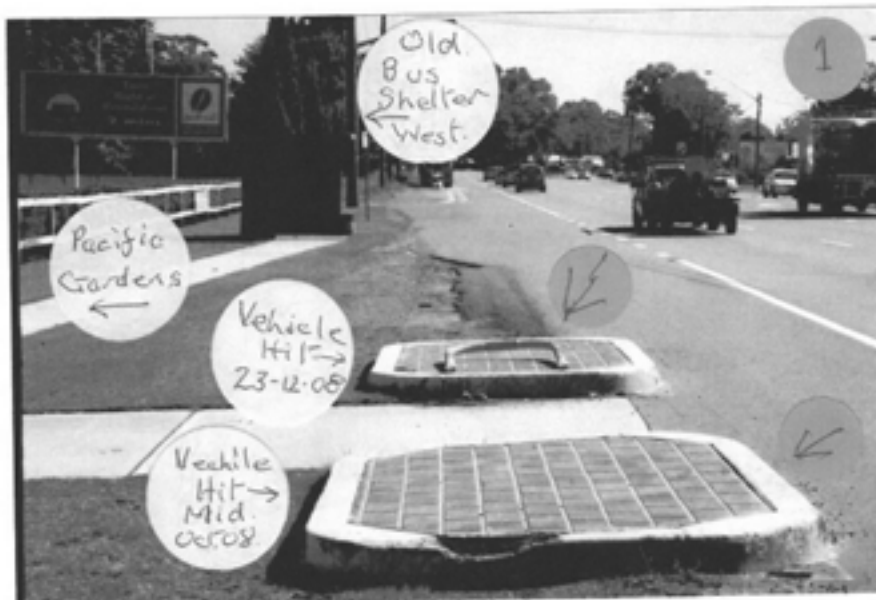
 $\Xi \in \mathbb{R}^{n \times n}$, $\zeta = \mathbf{0}$.¹ Listed per 10 Sr atoms: 45.96 2152

PORT STEPHENS COUNCIL - FORWARD WORKS PROGRAM 2006

BUS FACILITIES

Priority No	Locality	Project Description	Ranking	Preliminary Estimate	Source of Funding
0	Medowie	KIRRAWANG DRIVE; Bus Shelter & Layby on Southern side of Kirrawang Drive near Medowie Rd	7.0	\$26,000	Council
1	Heatherbee	PACIFIC HIGHWAY; Bus Shelter opposite Pacific Gardens Caravan Park (next to McDonalds)	7.0	\$7,000	Council
2	Corlette	SPINNAKER WAY; Bus Shelter - next to No.2	6.9	\$7,000	Council
3	Seaham	WARREN STREET; Bus Shelter and Bus bay at the School	6.9	\$18,000	Council
4	Fern Bay	VARDON STREET; Bus Bay and associated K&G between Nelson Bay Rd and the laneway	6.7	\$30,000	Council
5	Williamtown	NELSON BAY ROAD; Bus shelter at Banksia Grove Retirement Village	6.7	\$9,000	Council Other
6	Raymond Terrace	WATT STREET; Bus Shelter - near Richardson Rd	6.6	\$7,000	Council
7	Salamander Bay	FORESHORE DRIVE; Bus Shelter opposite old Post Office	6.6	\$6,000	Council
8	Medowie	FAIRLANDS ROAD; Bus Shelter	6.6	\$7,000	Council
9	Raymond Terrace	BELLEVUE STREET; Bus shelter opposite No 3	6.6	\$7,000	Council
10	Nelsons Plains	SEAHAM ROAD; Bus Shelter - near intersection of Ralston Rd	6.4	\$6,000	Council
11	Karuah	CARLISLE CRESCENT; Bus Shelter near Riverside Drive	6.4	\$6,000	Council
12	Lemon Tree Passage	KENNETH PARADE; Bus shelter opp community centre	6.4	\$7,000	Council
13	Taylor's Beach	TAYLOR ROAD; Bus Shelter	6.4	\$7,000	Council
14	Tanilba Bay	DIGGERS DRIVE; Bus Shelter	6.4	\$6,000	Council
15	Tanilba Bay	KING ALBERT AVENUE; School Bus Bay including new Kerb & Gutter and sealing of the road shoulder	6.4	\$20,000	Council Other
16	Medowie	FERODALE ROAD; Bus Shelter - east of Medowie Rd near Fire Station	6.1	\$20,000	Council
17	Raymond Terrace	IRRAWANG STREET; Bus Shelter opposite No 24/26	6.1	\$7,000	Council

1052.



Public Crossing – 2231 "Pacific Gardens" - Park.
North View



1415

202.



Public Crossing - 2231 Pacific Gardens
North-East View



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CS co

15/15

INFORMATION ITEM NO. 2

**DEPARTMENT OF LOCAL GOVERNMENT – COUNCILLOR
INFORMATION SEMINARS**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
FILE: A2004-0034**

BACKGROUND

The purpose of this report is to advise Council, in accordance with the Department Local Government (DLG) Circular 08/22, of those Councillors who attended the Information Seminars conducted by the Department of Local Government for all Councillors elected in September 2008.

The Department of Local Government conducted a total of 41 Information Seminars across New South Wales for all Councillors elected in September 2008. The seminars were held in both metropolitan and regional areas.

The General Manager is required to report to the first meeting of Council in 2009 the attendance of Councillors at these seminars.

The following Councillors attended the Information Seminars:-

- Cr Dingle
- Cr Jordan
- Cr Kafer
- Cr Maher
- Cr Nell
- Cr Tucker
- Cr Ward
- Cr Westbury

For those Councillors who were not able to attend one of the sessions held in October 2008, a further session will be held in late February/early March 2009 in Newcastle. Once the date is known Councillors will be advised of the time and venue details.

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 3

MAYORAL CHAIN

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
FILE: PSC2009-00476

BACKGROUND

The purpose of this report is to provide information to Council following the investigation into the provision of chains for the Mayoral role.

Council at its Ordinary meeting in October 2008 resolved to investigate the purchase of chains for the Mayoral role.

Enquiries have been made into the design and production of chains for the Office of the Mayor. The costs are based on a base metal and gilt plated chain with a Council crest or coat of arms incorporated. The cost would be in the vicinity of \$2200. This price would increase should there be other metals required such as gold plated silver.

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 4

OFFSHORE MINERALS EXPLORATION LICENCES

REPORT OF: PETER GESLING – GENERAL MANAGER
FILE: A2004-0217

BACKGROUND

The purpose of this report is to provide Council with a response from the Minister for Resources and Energy, The Hon. Martin Ferguson AM MP.

Council at its Ordinary Meeting on 25 November 2008 adopted a Notice of Motion from Cr Nell on coal exploration.

At its meeting Council resolved that:-

- "1) Call upon the Federal and State Resources Ministers Martin Ferguson and Ian Macdonald to restrict the application by Energie Future Pty Ltd to explore for coal in Commonwealth Waters from Wollongong to Newcastle to the period outside whale migration season (May – November).*
- 2) That before mining licences for the highly experimental underground coal gasification (UCG) method be granted, a Special Commission of Inquiry is held, to safeguard the marine environment."*

The Minister's response to the above resolution is shown at ATTACHMENT 1.

ATTACHMENTS

- 1) Correspondence from the Minister for Resources and Energy

ATTACHMENT 1



THE HON MARTIN FERGUSON AM MP
MINISTER FOR RESOURCES AND ENERGY
MINISTER FOR TOURISM

PO BOX 6022
PARLIAMENT HOUSE
CANBERRA ACT 2600



23 DEC 2008

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 45
RAYMOND TERRACE NSW 2324

Dear Mr Gesling

Thank you for your letter of 3 December 2008 concerning four offshore mineral exploration licence applications made by Energie Future Pty Ltd.

All applications for offshore minerals exploration licences under the *Offshore Minerals Act 1994* are subjected to rigorous scrutiny. The Department of Resources, Energy and Tourism consults with a range of Commonwealth agencies regarding issues as diverse as the environment, native title, defence, fishing and shipping before providing advice on whether to award or reject an exploration licence. The relevant state government department – in this case the New South Wales (NSW) Department of Primary Industries – also conducts its own consultation process with NSW State Government agencies and local councils. Together, these two consultation processes ensure all interests – environmental or otherwise – are considered prior to a decision being taken to award or reject the licence. If further information is required about the proposed activity – it is sought before the licence is awarded. The applications lodged by Energie Future Pty Ltd are currently being subjected to this consultation.

Furthermore, all applications for offshore mineral exploration licences must be advertised in a newspaper circulating in the relevant state or territory. In the case of the applications made by Energie Future Pty Ltd, an advertisement appeared in the *Sydney Morning Herald* on 8 September 2008. As part of the decision-making process on whether to award or reject Energie Future's applications, public comment was invited, with an extension of time granted by the NSW Department of Primary Industries ensuring fairness in this regard.

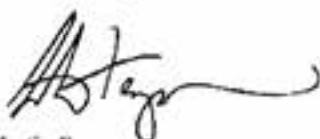
Telephone: (02) 6277 7930 Facsimile: (02) 6273 0434

It is worth noting that even when an exploration licence is granted, the company must apply to the State Government for permission to conduct any proposed exploration activity. As part of approving such activity, the State Government contacts stakeholders in the Commonwealth Government and other industries which may be affected by the work proposed. Only when the State Government is satisfied that the proposed work can be done without affecting other interests (including the environment) will approval for the activity be granted.

Should any exploration activity be successful, the company must apply again under the Offshore Minerals Act for a licence to produce, and is required to submit an application outlining the methods of extraction and addressing all environmental and regulatory concerns. Further consultation by State and Commonwealth agencies would occur at this stage. Any decision to award a production licence would be subject to any conditions raised during the consultation process.

Thank you for taking the time to express your views to the Government on this issue. I trust this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Ferguson', written over a horizontal line.

Martin Ferguson

INFORMATION ITEM NO. 5

**PETITION – REQUEST FOR OFF LEAD DOG AREA SOUTH OF BIRUBI
POINT SURF CLUB**

REPORT OF: PETER GESLING, GENERAL MANAGER
FILE: A2004-0683

BACKGROUND

The purpose of this report is to advise Council of a petition with approximately 644 signatures has been received. The petition states:

We, the undersigned, formally request the return of the area south of Birubi Point Surf Club as either a designated off-lead area for dogs, or a timed area off-lead for dogs (eg between 5pm to 9am, as this is the time that most people exercise their dogs).

ATTACHMENT

- 1) Letter of submission.
- 2) Petition without signatory pages.

ATTACHMENT 1


To whom it may concern,

At the November Meeting of 08 that was held at the Pungu Bay Community Centre, concerns at the loss of the "OFF LEAD AREA FOR DOGS" has raised, that Dogs could no longer be allowed to run free, on Birubi Beach or adjacent area. This is a popular area for dog owners, many travel considerable distance to exercise their dogs on the beach. Many still believe they can let them run as they have in the past and are not aware of the change. Many are Holiday Makers or Tourists that come to the area in the belief that their Pets are welcome. The only "Off Lead Beach" at present is Bagnalls Beach, this is a High Risk Tick Area and when the tide is in there is not a lot of exercise area. The motion was put to submit a petition to Council, R.P.O.S and Marine Land Council. This was supported by Councilors at the Meeting. It was suggested that either a dedicated area South of the Swimming area at Birubi Beach or a time shared area, E.g. 5pm to 9pm to say 2.11 Kilometers South.

Looking forward to your thoughtful reply,

Sincerely,

ATTACHMENT 2



PETITION

Off Lead Dog Area

To Port Stephen's Council, National Parks and Wildlife Service and the Worimi Land Council.

We, the undersigned, formally request the return of the area south of Birubi Point Surf Club as either a designated off-lead area for dogs, or a timed area off-lead for dogs (eg between 5pm to 9Am, as this is the time that most people exercise their dogs).

Thank you for your consideration

14-Nov-08

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

INSTALLATION OF REGULATORY SIGNAGE AND FENCING

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Makes representation to the Department of Lands to have the Crown Reserve opposite Neil Carroll Park and bounded by Trafalgar Street, Shoal Bay Road and Magnus Street fenced to keep vehicles out and regulatory signs to be installed to inform the public, that camping is not allowed.

ORDINARY COUNCIL - 24 FEBRUARY 2009

044	Councillor J Nell Councillor B Westbury	It was resolved that Council make representation to the Department of Lands to have the Crown Reserve opposite Neil Carroll Park and bounded by Trafalgar Street, Shoal Bay Road and Magnus Street fenced (power poles on concrete cradles) to keep vehicles out and regulatory signs to be installed to inform the public, that camping is not allowed.
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BACKGROUND REPORT OF: COUNCILLOR JOHN NELL & JASON LINANNE, RECREATION SERVICES MANAGER

BACKGROUND

- 1) This Crown Reserve close to the centre of Nelson Bay has been used illegally for car parking and camping by hundreds of young people over the past few New Year's events, without any provision for drinking water, sanitation or garbage collection.
- 2) The site is Crown land reserved for community purposes under the Crown Lands Act. Port Stephens Council is not the trust manager for this site
- 3) Council staff will liaise with the Department of Lands in respect to the proposal outlined in the Notice of Motion.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217, PSC2005-5572

PREPARE A POLICY FOR MOBILE FOOD VANS IN PORT STEPHENS.

COUNCILLOR: SALLY DOVER

THAT COUNCIL:

- 1) Council prepare a policy for mobile food vans in Port Stephens.

ORDINARY COUNCIL - 24 FEBRUARY 2009

045	Councillor S Dover Councillor S Tucker	It was resolved that Council prepare a policy for mobile commercial food vans in Port Stephens.
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BACKGROUND REPORT OF: SCOTT ANSON – MANAGER, DEVELOPMENT & BUILDING

BACKGROUND

There has been a mobile food van that is allegedly operating without consent on the Tomaree Peninsula during December and January. This created considerable concern from the owners of the local shops, as they consider that their business is being affected by the van, which is apparently food licensed. This would mean that the van is acceptable from a food standard perspective only. If the van were mobile, and was to operate similar to an ice cream van, then DA consent may not be required.

There has been significant contact with Council staff to date in attempting to resolve the issues.

Council does not currently have a policy that covers such operations.

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.

ORDINARY COUNCIL - 24 FEBRUARY 2009

046	Councillor D Maher Councillor P Kafer	It was resolved that Council move into Confidential session.
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Councillor Ward left the meeting at 7.23pm prior to the confidential session.

Councillor Ward returned to the meeting at 7.25pm prior to the confidential session.

There being no further business the meeting closed at 8.30pm.

MINUTES FOR ORDINARY MEETING – 24 FEBRUARY 2009
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I certify that pages 1 to 183 of the Ordinary Minutes of Council dated 24 February 2009 and the pages 184 to 247 of the Confidential Ordinary Minutes of Council 24 February 2009 were confirmed by Council at its meeting held on 24 March 2009.

.....
Cr Bruce MacKenzie
MAYOR