

## Minutes 25 August 2009



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 25 August 2009, commencing at 6.00 pm.

**PRESENT:**

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

<b>259</b>	<b>Councillor Ken Jordan</b> <b>Councillor Shirley O'Brien</b>	It was resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 28 July 2009 & 11 August 2009 be confirmed.
		Councillor Frank Ward declared a non-pecuniary interest Mayoral Minute No.1.  Councillor Steve Tucker declared a non-pecuniary interest in Notice of Motion No. 4.

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# MAYORAL MINUTES

Councillor Frank Ward declared a non-pecuniary interest Mayoral Minute No.1.

# MAYORAL MINUTE

ITEM NO. 1

FILE NO:PSC2009-0067

## PROPOSED NEW YEARS EVENT AT TOMAREE SPORTS COMPLEX

### THAT COUNCIL:

1. Endorses the Tomaree Sports Council Executive in their decision to not support an event at the Tomaree Sports Complex on New Years Eve 2009.
2. Re-confirms that it will review the outcomes of New Years Eve 2009 on the Tomaree Peninsula and elsewhere early in 2010.

### ORDINARY COUNCIL – 25 August 2009

260	<b>Councillor Bruce MacKenzie</b> <b>Councillor John Nell</b>	<p>It was resolved that Council:-</p> <ol style="list-style-type: none"><li>1. Endorses the Tomaree Sports Council Executive in their decision to not support an event at the Tomaree Sports Complex on New Years Eve 2009.</li><li>2. Re-confirms that it will review the outcomes of New Years Eve 2009 on the Tomaree Peninsula and elsewhere no later than March 2010.</li><li>3. That Council advertise extensively that the "RAVE" party will not be on Tomaree Peninsula/Nelson Bay this New Years Eve.</li></ol>
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### BACKGROUND

Council staff from their discussions with NSW Police, Development & Building Section and others, on behalf of the Tomaree Sports Council, provided the Nelson Bay Blues Rugby League Club with a detailed list of information required for any event to be properly considered by the Sports Council Executive.

## **MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009**

The Nelson Bay Blues Rugby League Club subsequently provided a proposal to the Tomaree Sports Council Executive. A meeting of the Executive was held on 12<sup>th</sup> August 2009. The aims of this meeting were to enable the Nelson Bay Blues Rugby League Club to outline their proposal and for the Executive to form a position on the proposal.

The Nelson Bay Blues Rugby League Club proposal was outlined by Mr Ray Fewell and Mr Tony Short.

After lengthy deliberation the following motion was moved and unanimously supported by the Tomaree Sports Council Executive:

*“That, based on the information provided, the Tomaree Sports Council Executive are not satisfied that all assets will be adequately protected and therefore do not support the proposed event”.*

The Nelson Bay Blues Rugby League Club have been advised of the decision of the Sports Council Executive.

It should be noted that between four to six months is normally required to organise such a large outdoor event. This includes approximately three months of formal discussions as part of a development approval and/or other regulatory requirements. As such, it is now extremely difficult for any subsequent event anywhere in the Peninsula to take place.

## MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: T38-2007

## MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICE  
GROUP: GENERAL MANAGERS OFFICE

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### RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary Council agenda namely ***Supplementary Purchase of Baggage Handling System Equipment – Newcastle Airport Limited (NAL)***
  - 2) That the reasons for closing the meeting to the public to consider this item be that:
    - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the supplier; and
    - ii) In particular, the report includes confidential pricing information in respect of the ***Supplementary Purchase of Baggage Handling System Equipment – Newcastle Airport Limited (NAL)***.
  - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the supplier and adversely affect Council's ability to attract competitive tenders for other contracts.
  - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision in accordance with Clause 179) of the Local Government (General) Regulation 2005.
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### ORDINARY COUNCIL – 25 August 2009

261	Councillor Ken Jordan Councillor Daniel Maher	It was resolved that the recommendation be adopted.
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# **OPERATIONS COMMITTEE RECOMMENDATIONS**

**ITEM NO. 1****FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 7<sup>TH</sup> JULY 2009**

**REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING**  
**GROUP: SUSTAINABLE PLANNING**

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**RECOMMENDATION IS THAT COUNCIL:**

Adopt the recommendations contained in the minutes of the Port Stephens Local Traffic Committee meeting held on 7<sup>th</sup> July 2009.

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**OPERATIONS COMMITTEE – 11 AUGUST 2009**

	<b>Councillor Bruce MacKenzie</b> <b>Councillor John Nell</b>	That the recommendation be adopted with the exception of Item 29_07/09 – Lily Hill Road, Nelson Bay, being deferred to allow for stakeholder consultation.
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**MATTER ARISING**

	<b>Councillor John Nell</b> <b>Councillor Sally Dover</b>	That Council undertake a traffic study on Wallawa Road, Nelson Bay.
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**ORDINARY COUNCIL – 25 August 2009**

<b>262</b>	<b>Councillor Ken Jordan</b> <b>Councillor John Nell</b>	It was resolved that the recommendation be adopted.
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**ORDINARY COUNCIL – 25 August 2009**

<b>263</b>	<b>Councillor Ken Jordan</b> <b>Councillor John Nell</b>	It was resolved that the Matter Arising be adopted.
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**MATTER ARISING:**

<b>264</b>	<b>Councillor Daniel Maher Councillor John Nell</b>	It was resolved that Council undertake that all school parking zone signage is reviewed and where required updated to meet current legislative standards as well as; sufficient marked drop off zones, painting of zone signage on the road surface, and additional explanatory signage clearly displayed.
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**BACKGROUND**

The purpose of this report is to bring to Council's attention traffic issues raised and detailed in the Traffic Committee minutes and to meet the legislative requirements for the installation of any regulatory traffic control devices associated with Traffic Committee recommendations.

**FINANCIAL/RESOURCE IMPLICATIONS**

Council has an annual budget of \$41 000 (\$25 000 grant from the RTA and General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The construction of traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in this funding and are listed within Council's "Forward Works Program" for consideration in the annual budget process.

The local Traffic Committee procedure provides a mechanism to respond to and remedy problems in accordance with Council's "Best Value Services" Policy. The recommendations contained within the local Traffic Committee Minutes can be completed within the current Traffic Committee budget allocations and without additional impact on staff or the way Council's services are delivered.

**SAFETY PRIORITIES**

The installation of regulatory traffic controls or traffic control devices that are noted as having a Safety Priority shall be attended to before other works undertaken by Council. These works are generally of an urgent nature requiring immediate action.

The items with a Safety Priority are listed as follows:

NIL

## **LEGAL AND POLICY IMPLICATIONS**

The local Traffic Committee is not a Committee of Council; it is a technical advisory body authorised to recommend regulatory traffic controls to the responsible Road Authority. The Committee's functions are prescribed by the Transport Administration Act with membership extended to the following stakeholder representatives; the Local Member of Parliament, the Department of Transport, NSW Police, Roads & Traffic Authority and Council.

The procedure followed by the local Traffic Committee satisfies the legal requirements required under the Transport Administration (General) Act furthermore there are no policy implications resulting from any of the Committee's recommendations.

## **SUSTAINABILITY IMPLICATIONS**

The recommendations from the local Traffic Committee aim to improve traffic management and road safety.

## **SOCIAL AND ECONOMIC IMPLICATIONS**

A safer road environment reduces costs to the Council and community by reducing the number and severity of accidents on our roads.

## **ENVIRONMENTAL IMPLICATIONS**

Transport efficiency and road user safety; contribute positively to the quality of life for residents and visitors to Port Stephens. Improved road user safety distributes benefits to all road users including commercial and private motorists, cyclists and pedestrians. These benefits include improved accessibility, mobility and safer road environment.

## **CONSULTATION**

The Committee's technical representatives are the Police, RTA, and Council Officers; they investigate issues brought to the attention of the Committee and suggest draft recommendations for further discussion during the scheduled meeting. One week prior to the local Traffic Committee meeting copies of the agenda are forwarded to the Committee members, Councillors, Facilities and Services Group Manager, Integrated Planning Manager and Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Traffic Committee meeting.

No additional consultation was required for the meeting of 7<sup>th</sup> July 2009.

**OPTIONS**

- 1) Adopt all or part of the recommendations.
- 2) Reject all or part of the recommendations.
- 3) Council may choose to adopt a course of action for a particular item other than that recommended by the Traffic Committee. In which case Council must first notify both the RTA and NSW Police representatives in writing. The RTA or Police may then lodge an appeal to the Regional Traffic Committee.

**ATTACHMENTS**

- 1) The minutes of the local Traffic Committee meeting held on 7<sup>th</sup> July 2009 are contained in ATTACHMENT 1.

**TABLED DOCUMENTS**

Nil

**PORT STEPHENS  
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS  
TUESDAY 7<sup>th</sup> July, 2009**

- 
- A. ADOPTION OF THE MINUTES OF 2<sup>ND</sup> JUNE 2009**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- 604\_06/09 COOK PARADE LEMON TREE PASSAGE – COMPLAINTS RECEIVED  
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- C. LISTED MATTERS**
- 26\_07/09 WARREN STREET SEAHAM - REQUEST FOR ADDITIONAL 'NO  
STOPPING' OPPOSITE SCHOOL BUS BAY
- 27\_07/09 DAWSON ROAD RAYMOND TERRACE - CONCERN REGARDING  
PEDESTRIAN ACCESS TO KITTY HAWK PARK
- 28\_07/09 ADELAIDE STREET RAYMOND TERRACE - REQUEST TO LENGTHEN THE  
BUS ZONE ON THE WESTERN SIDE OF ADELAIDE STREET, BETWEEN  
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- 29\_07/09 LILY HILL ROAD NELSON BAY – REQUEST TO INSTALL LOCKABLE  
BOOM GATES ON THE ENTRANCE ROAD TO GAN GAN LOOKOUT
- 30\_07/09 SPINNAKER WAY CORLETTE – REQUEST FOR INSTALLATION OF A  
SECOND CONCRETE MEDIAN AT THE SERGEANT BAKER DRIVE  
INTERSECTION
- D. INFORMAL MATTERS**
- E. GENERAL BUSINESS**

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**LOCAL TRAFFIC COMMITTEE MEETING  
HELD ON TUESDAY 7<sup>th</sup> July, 2009  
AT 9:30AM**

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**Present:**

Mayor Cr Bruce MacKenzie, Cr Peter Kafer, Sen. Const. John Simmons – NSW Police, Mr Bill Butler – RTA, Mr Brian Moseley – Hunter Valley Buses, Mr Joe Gleeson (Chairperson), Mr Graham Orr – Port Stephens Council

**Apologies:**

Mr Frank Terenzini MP – Member for Maitland, Mr Craig Baumann MP – Member for Port Stephens, Mr Mark Newling – Port Stephens Coaches

**A. ADOPTION OF MINUTES OF MEETING HELD 2<sup>ND</sup> JUNE, 2009****B. BUSINESS ARISING FROM PREVIOUS MEETING****604\_06/09 COOK PARADE LEMON TREE PASSAGE – COMPLAINTS RECEIVED  
REGARDING VEHICLES SPEEDING**

Following the June Port Stephens Traffic Committee meeting, Council installed traffic classifiers in Cook Parade to determine the speed and volume of traffic using the road. The results of the survey indicate that the volume of traffic is quite low and the average speed is also not considered excessive. A summary of the speeds detected and the peak times of travel will be forwarded to Police for their information. Given the low traffic volumes and moderate speeds detected during the survey any installation of traffic calming in Cook Parade, as requested previously, would receive a very low priority rating and would be unlikely to be funded for the foreseeable future. A summary of the traffic data collected is given below for the information of the Committee:

AADT	=	270
85 <sup>th</sup> percentile speed	=	58km/h
AM peak	=	26 vehicles between 11.30am-12.30pm
PM peak	=	28 vehicles between 3.45pm-4.45pm

**Recommendation to the Committee:**

Council to forward a vehicle speed summary for Cook Parade to Port Stephens LAC for assistance in enforcement.

**Support for the recommendation:**

1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

**C. Listed Matters****Item:** 26\_07/09**WARREN STREET SEAHAM - REQUEST FOR ADDITIONAL 'NO STOPPING' OPPOSITE SCHOOL BUS BAY****Requested by:** Hunter Valley Buses**File:****Background:**

Hunter Valley Buses have contacted Council to request removal of 1 on-street parking space in Warren Street adjacent to the bus parking area at Seaham Public School. Difficulties arise when there is a vehicle parked at this location as buses are unable to complete a u-turn into the bus parking area in one movement. Previously, parking was restricted by line marking however following recent road works the edgeline was re-marked as a straight line which now allows parking.

**Comment:**

The Traffic Inspection Committee noted that there is off-street parking available at the medical centre nearby as well as at the shop and in the School of Arts car park. Making the space into 'No Stopping' during school zone times will improve safety for school buses and still allow parking at other times.

**Legislation, Standards, Guidelines and Delegation:**

ARR Part 12 Div.2 – Rule 167 – No Stopping signs

AS 2890.5 – On street parking

RTA Regulatory Signs Manual – R5-400

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

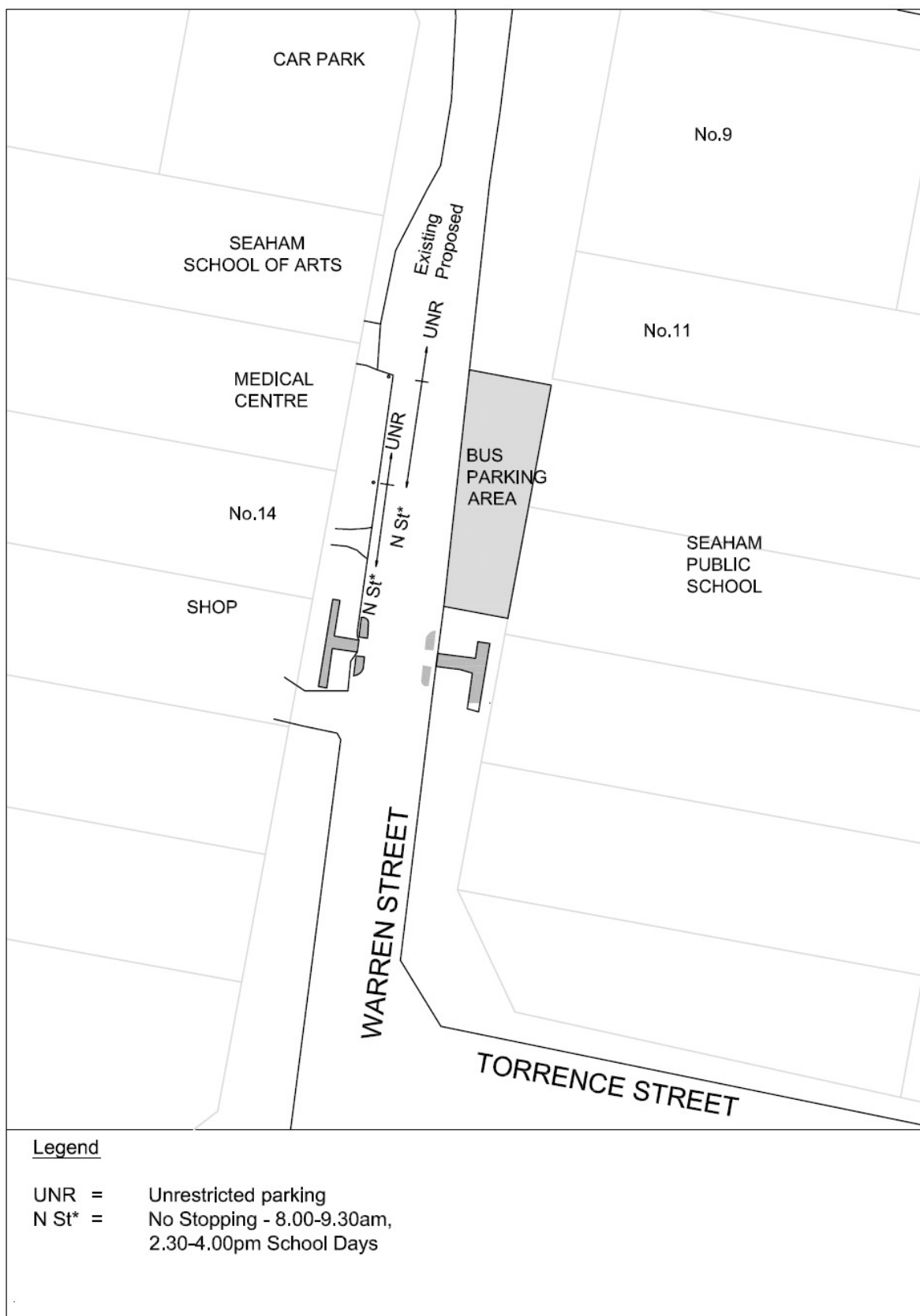
**Recommendation to the Committee:**

Extend the existing part-time 'No Stopping' adjacent to driveway of No.12 in consultation with bus company, as shown on the attached sketch.

**Discussion:****Support for the recommendation:**

1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	





**Item:** 27\_07/09

**DAWSON ROAD RAYMOND TERRACE - CONCERN REGARDING PEDESTRIAN ACCESS TO KITTY HAWK PARK**

**Requested by:** Mr Frank Terenzini – Member for Maitland

**File:** PSC2005-4030/068

**Background:**

Mr Terenzini has requested that Council conduct a review of pedestrian safety across Dawson Road at Kitty Hawk Park Raymond Terrace.

**Comment:**

Council has recently completed an upgrade of the playground equipment including installation of a pedestrian path from the playground to the footpath along Dawson Road.

Dawson Road is an 11m wide collector road servicing the residential area of River View Ridge. Concerns have arisen for pedestrian safety, especially for children crossing to and from the park, due to a perception of excessive vehicle speeds in the area and the wide road with very few parked vehicles at most times.

**Legislation, Standards, Guidelines and Delegation:**

RTA Technical direction – TDT 2002/10 – Pedestrian Refuges

RTA Traffic Signs database – W6-1

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

**Recommendation to the Committee:**

1. Install pedestrian warning signs – W6-1, on approach to the playground area
2. Analyse the traffic data to be collected from Dawson Road regarding the speed and volume of traffic and if appropriate design and list on Forward Works Program the installation of kerb extensions and a pedestrian refuge at Kitty Hawk Park, similar to the attached sketch.

**Discussion:**

**Support for the recommendation:**

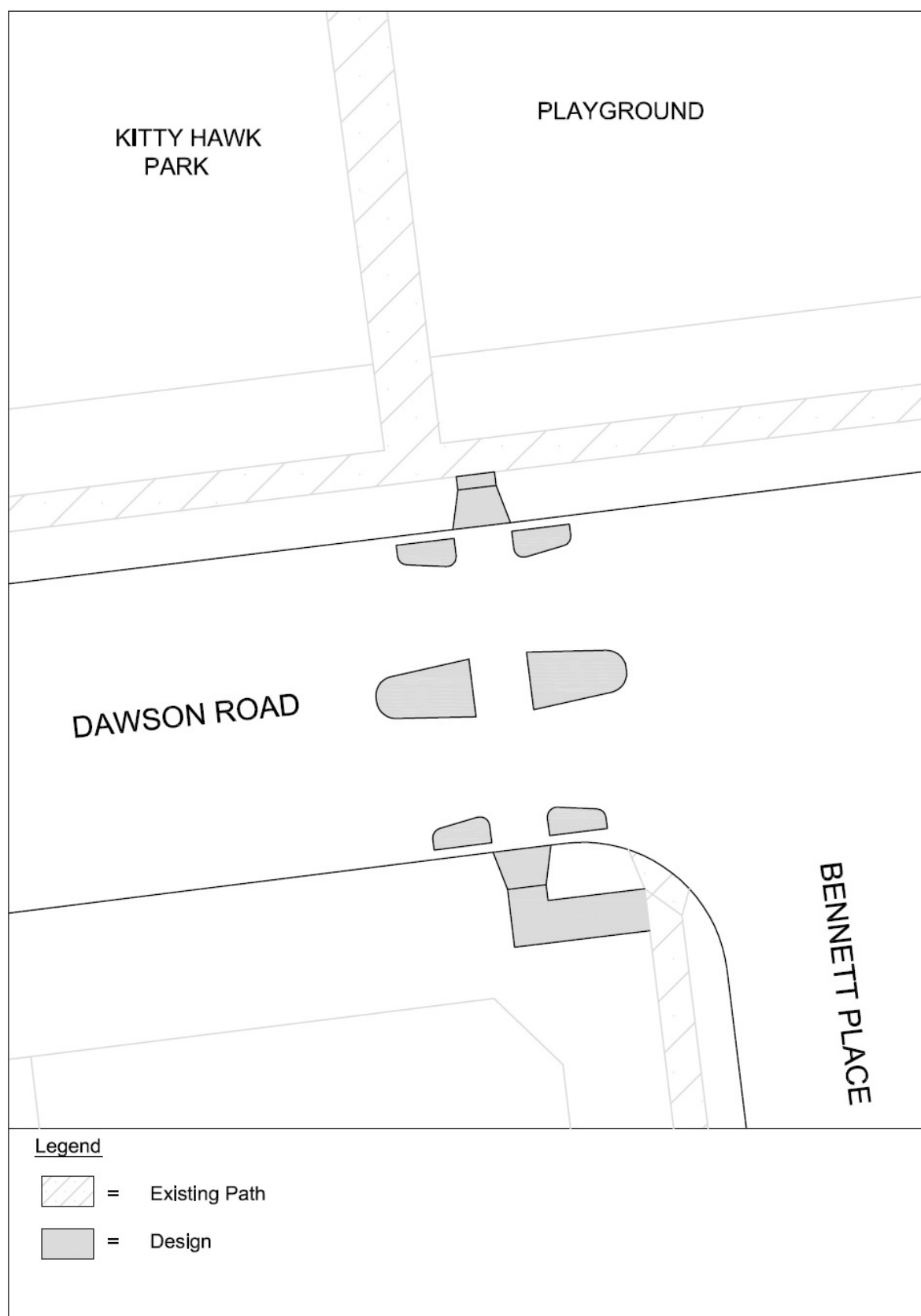
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

**MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009**

**PORT STEPHENS TRAFFIC COMMITTEE**  
*Tuesday 7 July 2009*

**ITEM NO. 27\_07/09**  
**Street: Dawson Road**

**ANNEXURE A**  
**Page 1 of 1**



**Item:** 28\_07/09

**ADELAIDE STREET RAYMOND TERRACE - REQUEST TO LENGTHEN THE BUS ZONE ON THE WESTERN SIDE OF ADELAIDE STREET, BETWEEN WILLIAM AND GLENELG STREETS, TO ALLOW PARKING SPACE FOR 3 BUSES**

**Requested by:** Mr Greg Miers - Busways

**File:**

**Background:**

Buses currently drop school students at this bus stop in the afternoons, when returning to Raymond Terrace. The bus zone is currently not even long enough to accommodate 2 buses and there can be up to 3 buses arriving at once. This causes them to queue outside of the bus zone in what is now 'No Stopping'.

The area in front of the bus zone is currently line marked as a left turn storage lane prior to the traffic signals. Increasing the bus zone length would still leave approximately 60m for the left-turn lane which would be ample.

**Comment:**

The RTA representative raised concerns that extending the zone would push the leading bus further away from the bus shelter.

**Legislation, Standards, Guidelines and Delegation:**

ARR Part 12 Div.5 – Rule 183 – Stopping in a bus zone

AS 2890.5 – On street parking

RTA Regulatory Signs Manual – R5-20

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

**Recommendation to the Committee:**

Extend the existing bus zone in Adelaide Street Raymond Terrace to the adjacent power pole, as shown on the attached sketch.

**Discussion:**

**Support for the recommendation:**

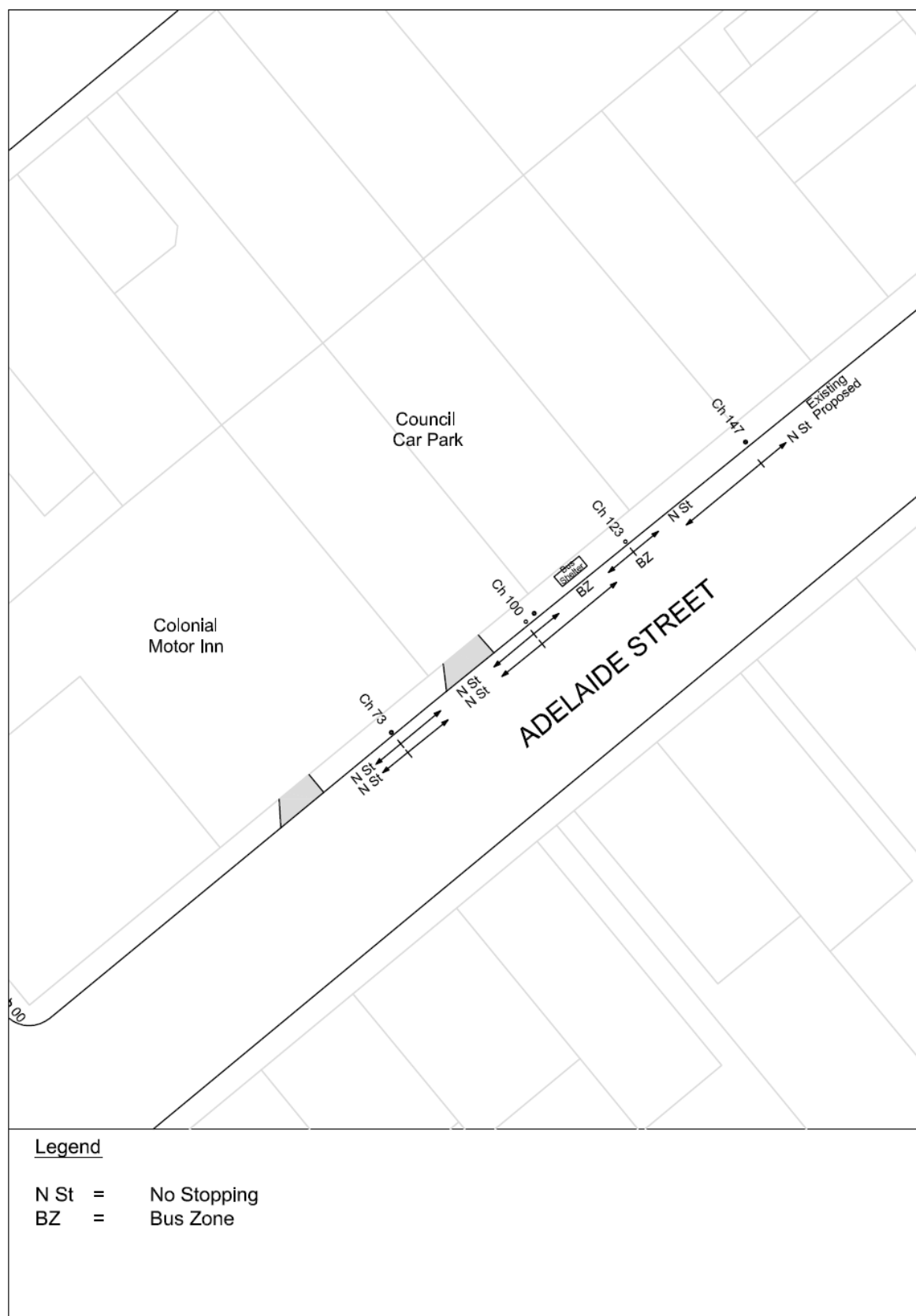
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

# MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009

PORT STEPHENS TRAFFIC COMMITTEE  
Tuesday 7 July 2009

ITEM NO. 28\_07/09  
Street: Adelaide Street

ANNEXURE A  
Page 1 of 1



**Item:** 29\_07/09

**LILY HILL ROAD NELSON BAY – REQUEST TO INSTALL LOCKABLE BOOM GATES ON THE ENTRANCE ROAD TO GAN GAN LOOKOUT**

**Requested by:** Port Stephens Council

**File:**

**Background:**

Council's Facilities and Services group have received a proposal from the Rotary Club of Nelson Bay who are seeking to improve the appearance and functionality of the Gan Gan lookout. Part of the proposal is to install lockable boom gates near the roandabout on Lily Hill Road that would prevent unauthorised access to the lookout.

**Comment:**

During previous inspections members of the Traffic Inspection Committee raised concerns regarding the proposal to close the road. The concerns were:

- The narrow road and lack of road shoulder meaning that anyone opening or closing the gate would be parked on the roundabout or its approaches.
- Danger to vehicles running into the locked gates after dark.
- The poor sight distance available on approach to the roundabout when travelling toward the lookout
- The lack of street lighting

The Rotary Club have since altered the proposal to address these concerns including:

- Use of Pillandra Crescent as the parking area for opening and shutting the gates.
- Install two boom gates five to ten metres up hill from the roundabout.
- Slowing the traffic down with speed humps or other traffic calming prior to the roundabout.
- Install two solar powered street lights at the roundabout.
- Install two signs, one at the bottom of the hill and the other fifty metres from the round about - indicating if the boom gate was opened or closed.

The Police representative expressed further concerns about the need to close a public road

**Recommendation to the Committee:**

For discussion – a section of the draft proposal from Nelson Bay Rotary Club is attached for information

**Discussion:**

Traffic Committee members raised concerns about this proposal including:

- The restriction of public access to a community facility such as the lookout.

## MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009

- The fact that the night time views of the Nelson Bay area are almost as popular and spectacular as the day time was raised.
- The question was raised as to who would have responsibility to open and close the boom gates and whether a Council employee would be required to do this. Would this become another cost that Council would have to bear?
- The requirement of other utility authorities to have access to the lookout at all times.

Following discussion the Committee members voiced a unanimous objection to the proposal to install lockable boom gates on the entrance road to Gan Gan Lookout.

### **Support for the proposal:**

1	Unanimous	
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	✓

**PROPOSAL for REDEVELOPMENT of the GAN GAN LOOKOUT**  
**By the Rotary Club of Nelson Bay**

In conjunction with Port Stephens Council – Park Facility & Arborist, Crown Castle, Energy Australia, possibly Telstra, Adrian Sorenson – Designer, Smarty Plants – Flora Specialist. The Rotary Club of Nelson Bay proposes evaluating the pros & cons for the redevelopment of the Gan Gan Lookout overall site.

There will be other parties invited to be Partners on this Project such as;

- Historical Society.
- Worimi People.
- Port Stephens Tourism.
- Nelson Bay Town Management.
- Nelson Bay Chamber of Commerce.
- Port Stephens Bus Co.
- Harbour Cruise Organizations.
- NSW Tourism
- Examiner.
- The Clubs.

All these organizations will benefit from the upgrading of the Gan Gan Lookout to be the “number one” tourist attraction.

### Overview

Gan Gan Hill is Port Stephens highest & most accessible lookout. From a height of 160m one is able to see commanding views of the Port Stephens Waterway then through to Newcastle in the South & the Myall River / Lakes, the Mountain Ranges & the Coastline to the North. Due to the current state of the car park, its facilities, signage as well as the fences & compounds of Crown Castle, Telstra & Energy Australia & the poor state of the Lookout, it cannot be rated as a 5 Star attraction. It falls very short of doing justice to the best views on the East Coast & the Region. The overall site has been allowed to deteriorate & without urgent attention may soon reach the state where it is unsafe to use.

The RC of NB's Committee believes before recommending a total makeover it will need to consider the necessity of experimenting with stopping access to the Lookout by road at night. This will only be achieved by having a vandal proof boom gate south of the roundabout. We will monitor this over a month to gauge the effect of this restriction in eliminating vandalism. Vandalism is our No. 1 enemy.

To achieve this the first Phase we will need to consider;

1. Erection of a vandal proof boom gate by the PSC south of the roundabout on Lily Hill Rd.
2. This boom gate to be closed at night by a Council Officer with all time access for the users of the Compounds & the various services such as Fire Brigade, Police, PSC & Ambulance to be reopened on the following morning.
3. We are informed by a Council Officer that there is a common key for all other PSC gates etc to allow for 24 hour access. The key is already held by the Police, Ambulance & Fire Brigade. He felt the idea was a good one & not too difficult to do.



**SUMMARY:**

After much research it is the Rotary Club of Nelson Bay Committee's opinion that prior to any major work on the actual Lookout & its environment it will be necessary to confirm the possibility of stopping access at night. This would be monitored by the Rotary Club on a daily basis for a month. Some members of the Rotary Club Committee are involved in Property Development & Building. Whenever they have made it difficult for vandalism to occur on development sites vandalism has been arrested. Vandals are lazy & if access is too difficult then they go to more easily accessible places.

An example of this is the Tomaree Headland Lookout managed by National Parks as it is geographically difficult for the vandals there is no perceivable Graffiti.

Vandalism is of the greatest concern in maintaining the Gan Gan site suitable to welcome Tourists. It is the Achilles heel of ensuring the site properly represents the beauty of the outlook from the Lookout.

Progressively over the years vandalised items have been smashed or then taken away by Port Stephens Council and never replaced. It is such a long while since the Port Stephens Council has carried out any maintenance work on the site, according to Council Officers, and it has deteriorated very badly.

The extent of the Phase 2 cannot be considered till it has been determined that it is possible to eradicate vandalism. Obviously this will require the erection of the boom gate & having a general minimal clean up. Remarkable seems to be the effect of a recent boom gate on reducing vandalism at the Salamander Sport Grounds.

**Recommendation****Phase 1;**

- Erection of a vandal proof boom gate.
- Clean up all graffiti in the compounds & in the Lookout areas
- Monitor the effect of the boom gate on reducing & or eradicating vandalism.

**Phase 2;**

Based on Phase 1 being successful an overall Plan is to be developed & costed.

The 'How to' will then be determined based on the feasibility of the Project, taking into account:

- Elements including the current state of the signage, roads, parking, boardwalk, pathway, viewing platform, flora, access for larger tourist vehicles and buses, etc.
- Any possible indigenous aspects of the site.
- Value of the site from a tourist perspective.
- Possible high level vandal proof re-design features & options
- High level schedule & costs.

**Next Steps;**

Based on the above all potential & already agreed to partners will be contacted to seek their ongoing commitment. At all stages we will keep PSC informed & abreast of developments & issues. A formal proposal will then be prepared for submission to Council for an indication of their involvement & approval to proceed.

**Item:** 30\_07/09

**SPINNAKER WAY CORLETTE – REQUEST FOR INSTALLATION OF A SECOND CONCRETE MEDIAN AT THE SERGEANT BAKER DRIVE INTERSECTION**

**Requested by:** Cr Dover  
**File:** CRM 111481-2009  
**Background:**

Councillor Dover wrote the following: 'A resident of Spinnaker Way, Corlette has raised the continuing dangerous intersection of Spinnaker Way and Sergeant Baker Drive, Corlette. A few years ago, in an effort to address this problem of vehicles turning too fast and cutting the corner when turning right into Sergeant Baker Drive, Council installed a traffic island in Sergeant Baker Drive together with a 'Keep Left' sign. This has had a slight impact but still cars are ending up on the wrong side of the road when making the turn. It seems like the clear vision of the turn is somewhat obscured and these dangerous practices are still occurring.'

**Comment:**

The Traffic Inspection Committee noted that available road width does not allow for installation of a central median without impacting on nearby residents. On-street parking would be removed in the vicinity and driveway access would be blocked for some properties.

The Inspection Committee instead recommend investigation of marking of a centreline at this location. If sufficient width is available Council could consider marking a barrier line and installing some delineation.

**Legislation, Standards, Guidelines and Delegation:**

AS 1742.2 – Traffic control devices for general use  
RTA Delineation Manual – Part 4 – Longitudinal markings  
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

**Recommendation to the Committee:**

Install 10m of 'BB' barrier line in Spinnaker Way, on either side of the approach to the Sergeant Baker Drive intersection as well as raised, reflective pavement markers (RRPM's), as shown on the attached sketch

**Discussion:**

**Support for the recommendation:**

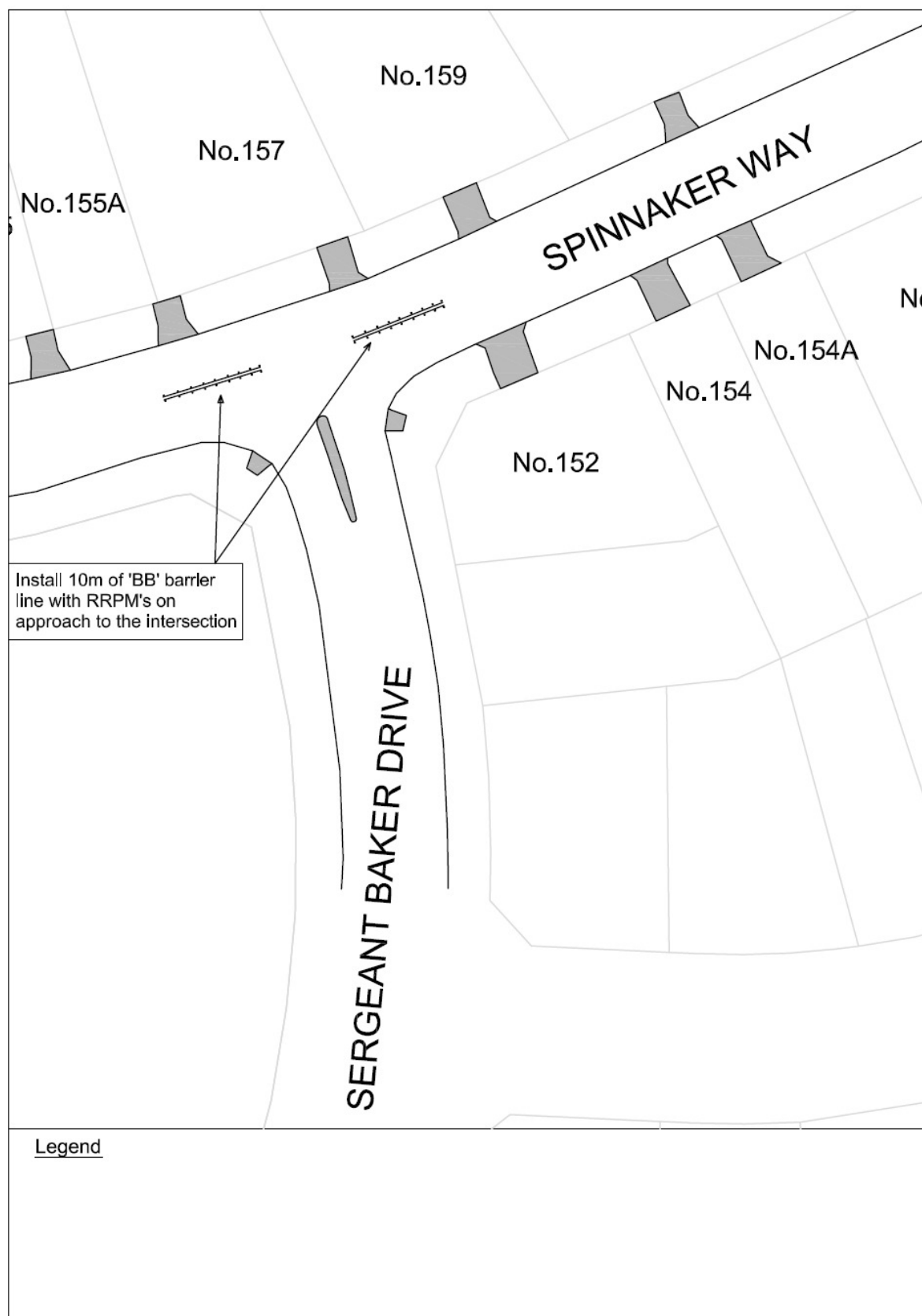
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

**MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009**

**PORT STEPHENS TRAFFIC COMMITTEE**  
*Tuesday 7 July 2009*

**ITEM NO. 30\_07/09**  
**Street: Spinnaker Way**

**ANNEXURE A**  
**Page 1 of 1**



**ITEM NO. 2****FILE NO: PSC2009-02472****REALIGNMENT OF STURGEON STREET RAYMOND TERRACE NEAR THE FORMER FIRE BRIGADE STATION****REPORT OF: CARMEL FOSTER – MANAGER, COMMERCIAL PROPERTY****GROUP: COMMERCIAL SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Prepares a road widening plan under Section 22 of the Roads Act 1993 over the former section of Sturgeon Street known as Lot 1 D.P.874513.
- 2) The required notices of the proposed road widening be prepared and advertised under the Roads Act 1993.
- 3) Submit the proposed plan to the Minister for Local Government with advice Council proposes to issue a Road Widening Order over the plan.
- 4) Following advertising if any submissions are received they are reported to Council and forward to the Minister under Section 23 Roads Act, 1993.
- 5) The Road Widening Order be notified in the Government Gazette if no submissions are received or the Minister grants his approval if submissions are received.
- 6) On completion of 5 above, referral of the matter to Strategic Planning Section for inclusion in relevant LEP.

**OPERATIONS COMMITTEE – 11 AUGUST 2009**

	<b>Councillor Ken Jordan Councillor Glenys Francis</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL – 25 August 2009**

<b>265</b>	<b>Councillor Ken Jordan Councillor Glenys Francis</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

The purpose of this report is to recommend the return to the status of public road, the entire site occupied by the former fire station in Sturgeon Street, Raymond Terrace, to re-establish the full original width of that street by utilising a Road Widening Plan and Order under the provisions of the Roads Act 1993. The site is currently owned by the Department of Lands and dedicated for Fire Brigade Station.

The original Fire Station site was dedicated for that purpose in June 1959 over part of Sturgeon Street which was closed. See **(ATTACHMENT 1)** for general location map. In the 1960's the fire station was constructed and become operational. The land was known as Lot 11 Section 11 Town of Raymond Terrace and later had a small amount of road widening taken from it and is now known as Lot 1 D.P.874513 **(SEE ATTACHMENT 2)**, which measured 14.935 x 33.53 metres, this reduced the effective width of that part of Sturgeon Street to 15.2 metres.

The current round-about at the intersection of William Street is located to suit the full original width of both streets. Following the rezoning of the former sports ground area to Business General 3(a), which contains about 6.8 hectares it is now possible for this large area to be developed for commercial activities potentially creating significant traffic generation. If such a development is to take place and to link to the existing business area in William Street, it is imperative that Sturgeon Street be returned to its full original width. To do this the procedures contained within the Roads Act 1993 by the preparation of a Road Widening Plan and Order can be followed. The Act caters for notifications, advertising and the obtaining of the Minister for Local Governments consent. If the procedures meet the Ministers approval a notification can be placed in the Government Gazette which formerly creates the official Road Widening Order.

## **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.

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

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

By placing a road widening order the Council indicates that it is prepared to acquire the area sometime in the future. At the time of purchase the land acquisition (Just Term Compensation) Act 1991 will apply. Obviously there will be road works to be carried out in the future for which funds will have to be made available.

## **LEGAL AND POLICY IMPLICATIONS**

Sections 22 to 26 of the Roads Act 1993 (**SEE ATTACHMENT 3**) will apply with the main implication being on the parcel of lands affected by the Road Widening Order. This places a restriction on the land owner that no constructions, replacement or repair of a building can take place. This would allow the site to be available for Council in the future when it acquires the land. Provided the proposal is acceptable the relevant LEP should reflect the changes to zoning.

## **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) **CORPORATE AND SOCIAL RESPONSIBILITY** – Behave in an ethically, socially and environmentally responsible manner.
- 4) **SUSTAINABLE RESULTS** – Focus on sustainable results, value and outcomes.

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

The recommendation in itself will have no social implications as the fire station has closed down and a new one is in use in another location in Raymond Terrace. Social implications would arise when and if a commercial development takes place on the former sports ground site.

### **ECONOMIC IMPLICATIONS**

Council will have to fund the acquisition of the site sometime in the future.

### **ENVIRONMENTAL IMPLICATIONS**

Nil

## **CONSULTATION**

Commercial Property Manager, Strategic Planners, Engineering Services Manager and Principal Property Advisor.

## **OPTIONS**

- 1) Agree with recommendations
- 2) Refuse recommendations
- 3) Modify recommendations

## **ATTACHMENTS**

- 1) General locality plan
- 2) Plan of the property DP874513
- 3) Road Widening Order procedures

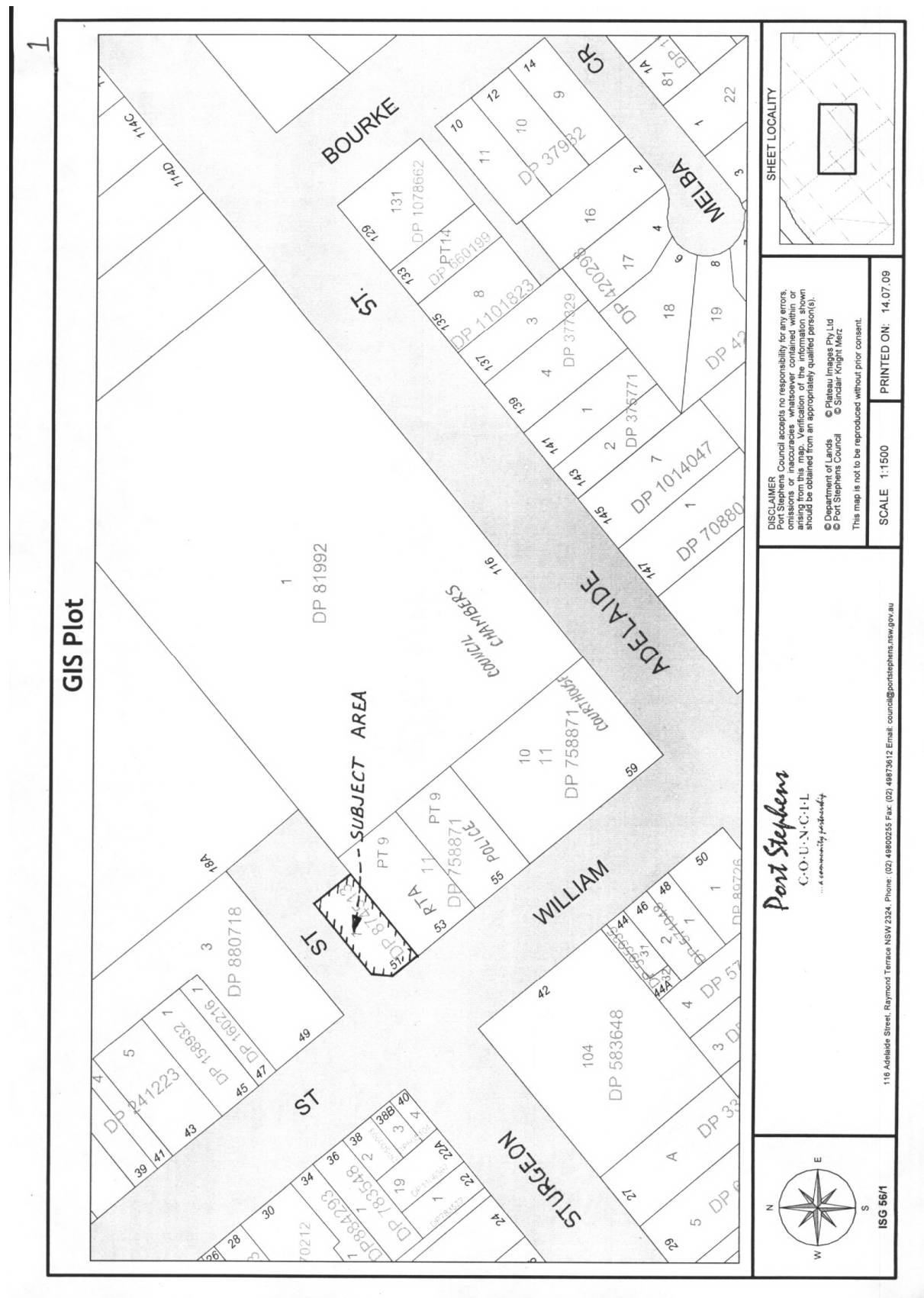
## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

Nil

## 32





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ATTACHMENT 3

3

**Road Widening Order**

Council should officially resolve to prepare a "Road Widening Plan" and issue a "Road Widening Order" over the affected land(s).

**ROADS ACT, 1993**

- Sec. 22 (1) Council as the road authority **MAY** submit the proposed widening plan to the Minister for Local Government – *This is recommended at initial stages if multiple properties are affected.*
- (2) Council **MUST** place notice in –  
 (a) Local Newspaper  
 (b) Serve notice on affected property owner(s)
- (3) Notices to state –  
 (a) Plan Identity  
 (b) Place(s) and times plan may be inspected  
 (c) Any person can make submission to Council or Minister  
 (d) Time available (usually min. 28 days) to make and the manner of submission
- Sec. 23 Any submission received to be forwarded to Minister – *This could be done together with Councils original notification of the proposal, if not done earlier.*
- Sec. 24 (1) Minister to consider submissions and can approve, alter or refuse plan.
- Sec. 25 If submissions are received and Ministers approval is given Council can then notify the plan in the Government Gazette under "Road Widening Order".
- (4) Order takes effect on the date of the gazette publication.  
 (a) Council must notify affected land owner(s). *(Notice MUST state Council will acquire area affected some time in the future to satisfy Sec. 21 Land Acquisition (Just Terms Compensation) Act 1991 (J.T.C.Act)).*  
 (b) Council must lodge survey plan for registration at LPI.  
 (c) Forward a copy of the plan to Valuer General.

A Road Widening Order relates to Sec.21 J.T.C.Act in that it creates affected lands as "designed for acquisition" for a public purpose – (Section 26(c) Environmental Planning and Assessment Act can be used to do a similar thing and reserve the affected land for the purpose referred to).

**ITEM NO. 3****FILE NO: PSC2008-0808****ADJUSTMENT TO LOCALITY BOUNDARIES OF NELSON BAY AND CORLETTE****REPORT OF: CARMEL FOSTER – MANAGER, COMMERCIAL PROPERTY**  
**GROUP: COMMERCIAL SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adjusts the boundary of the localities of Nelson Bay and Corlette north of Spinnaker Way intersection so that all properties fronting Wallawa Road from that point are in Nelson Bay.
- 2) Maintains the existing boundary between Corlette and Nelson Bay south of the intersection with Spinnaker Way.
- 3) Advises the Geographical Names Board of the alterations to the locality boundaries.

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**OPERATIONS COMMITTEE – 11 AUGUST 2009**

	<b>Councillor John Nell</b> <b>Councillor Bob Westbury</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL – 25 August 2009**

<b>266</b>	<b>Councillor John Nell</b> <b>Councillor Sally Dover</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

The purpose of this report is to recommend the maintenance of the approved boundaries between Corlette and Nelson Bay south of the intersection of Spinnaker Way and the alteration to the locality boundary for those properties north of the intersection.

Following Councils resolution dated 28<sup>th</sup> April 2009, to undertake consultation regarding the possible change of address from Corlette to Nelson Bay, the owners south of the Spinnaker Way intersection objected strongly to the proposal. Of the two properties north of that intersection one requested the change as they already

use the address Nelson Bay and the other vacant block owners had no strong views one way or the other. The alterations to the boundary around these two lots ensure that all of the properties north of the intersection in Wallawa Road are within Nelson Bay.

The Geographical Names Board (GNB) permits small isolated alterations to this type of boundary to be adjusted by resolution of Council.

## **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.

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

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

No implications for Council.

## **LEGAL AND POLICY IMPLICATIONS**

The GNB is the controlling authority for such changes which can only be put in place under their regulations.

## **BUSINESS EXCELLENCE FRAMEWORK**

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

These outcomes align with the following Business Excellence principles:-

- 1) **CUSTOMERS** – Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.
- 2) **CONTINUOUS IMPROVEMENT** – Develop agility, adaptability and responsiveness based on a culture of continual improvement, innovation and learning.
- 3) **CORPORATE AND SOCIAL RESPONSIBILITY** – Behave in an ethically, socially and environmentally responsible manner.

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

It will improve provision of services to members of the community who have previously had difficulties with delivery and services.

### **ECONOMIC IMPLICATIONS**

Of minor nature within the normal activities of Council but there will be some cost for residents notifying of the change.

### **ENVIRONMENTAL IMPLICATIONS**

Nil

### **CONSULTATION**

Principal Property Advisor, GNB, property owners and GIS Co-ordinator.

### **OPTIONS**

- 1) Accept recommendations
- 2) Do nothing
- 3) Make other suggestions

### **ATTACHMENTS**

- 1) Location map

### **COUNCILLORS ROOM**

Nil

### **TABLED DOCUMENTS**

Nil

ATTACHMENT 1





**ITEM NO. 4****FILE NO: PSC2005-3635 & PSC2005-4322****CREATION OF EASEMENTS FOR ELECTRICITY SUBSTATIONS WITHIN MALLABULA SPORTING COMPLEX AND FINGAL BAY HOLIDAY PARKS.**

**REPORT OF: CARMEL FOSTER – MANAGER, COMMERCIAL PROPERTY**  
**GROUP: COMMERCIAL SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Agrees to the creation of easements to cater for the new kiosk substations being constructed within the following Crown Reserves over which Council is Trustee:
  - a. Mallabula Sporting Complex
  - b. Fingal Bay Holiday Park
- 2) Obtains the Department of Lands, as the owner of the lands consent to the creation of these easements.
- 3) Prepares the survey plans and Transfer Granting Easement documents to create the easements in favour of Energy Australia.
- 4) Grants authority to affix Councils Seal and signatures to the Transfer Granting Easement documents.
- 5) Lodges the Transfer Granting Easement documents with Land and Property Information to register the creation of the easements.

---

**OPERATIONS COMMITTEE – 11 AUGUST 2009**

	<b>Councillor Bruce MacKenzie</b> <b>Councillor Steve Tucker</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL – 25 August 2009**

<b>267</b>	<b>Councillor John Nell</b> <b>Councillor Steve Tucker</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

The purpose of this report is to recommend the creation of easements covering the electricity kiosk substations being constructed on the above properties and the execution of the necessary documents.

Both these electricity substations are being constructed to benefit each of the facilities within the properties. The demand for electricity has increased to an extent where improvement to the supply is necessary to maintain services. Energy Australia will own the substations and therefore easements have to be created for that authority to be able to maintain the facility. **ATTACHMENTS 1 and 2** show the locations of the proposed easements.

## **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 facilities.

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

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

Funds have been allocated for the construction of these substations however there will be expenses in surveying and creation of the easements.

## **LEGAL AND POLICY IMPLICATIONS**

The creation of the easements under the Conveyancing Act will ensure the electricity authority has the right to maintain the structure and services to the properties which benefit from those services. Council has to execute the Transfer Granting Easement documents prior to registration.

## **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



- 4) **CORPORATE AND SOCIAL RESPONSIBILITY** – Behave in an ethically, socially and environmentally responsible manner.
- 5) **SUSTAINABLE RESULTS** – Focus on sustainable results, value and outcomes.

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

Ensure the maintenance of electricity to the properties to facilitate their continued use. This includes tourists, sporting facilities and the general community.

### **ECONOMIC IMPLICATIONS**

Nil

### **ENVIRONMENTAL IMPLICATIONS**

Nil

## **CONSULTATION**

Property owners, Commercial Enterprises Section Manager, Councils Project Services Manager, Energy Australia and Principal Property Advisor.

## **OPTIONS**

- 1) Accepts recommendations
- 2) Reject recommendations

## **ATTACHMENTS**

- 1) Site Plan – Mallabula Sports Complex
- 2) Locality Map – Mallabula Sports Complex
- 3) Site Plan – Fingal Bay Holiday Park

## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

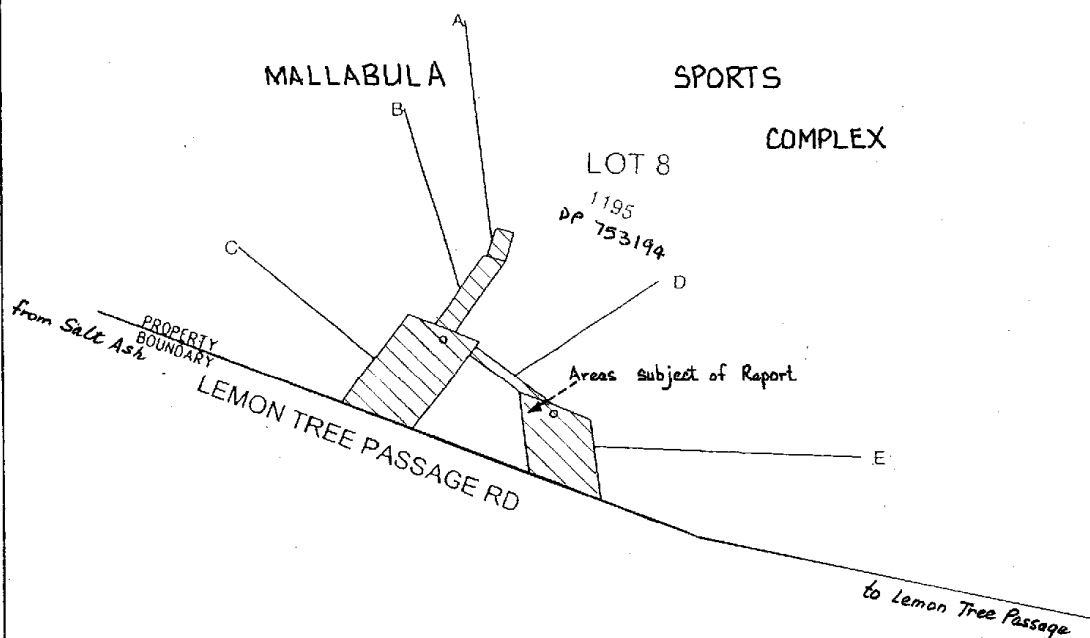
Nil

ATTACHMENT 1

1

PROPOSED EASEMENTS

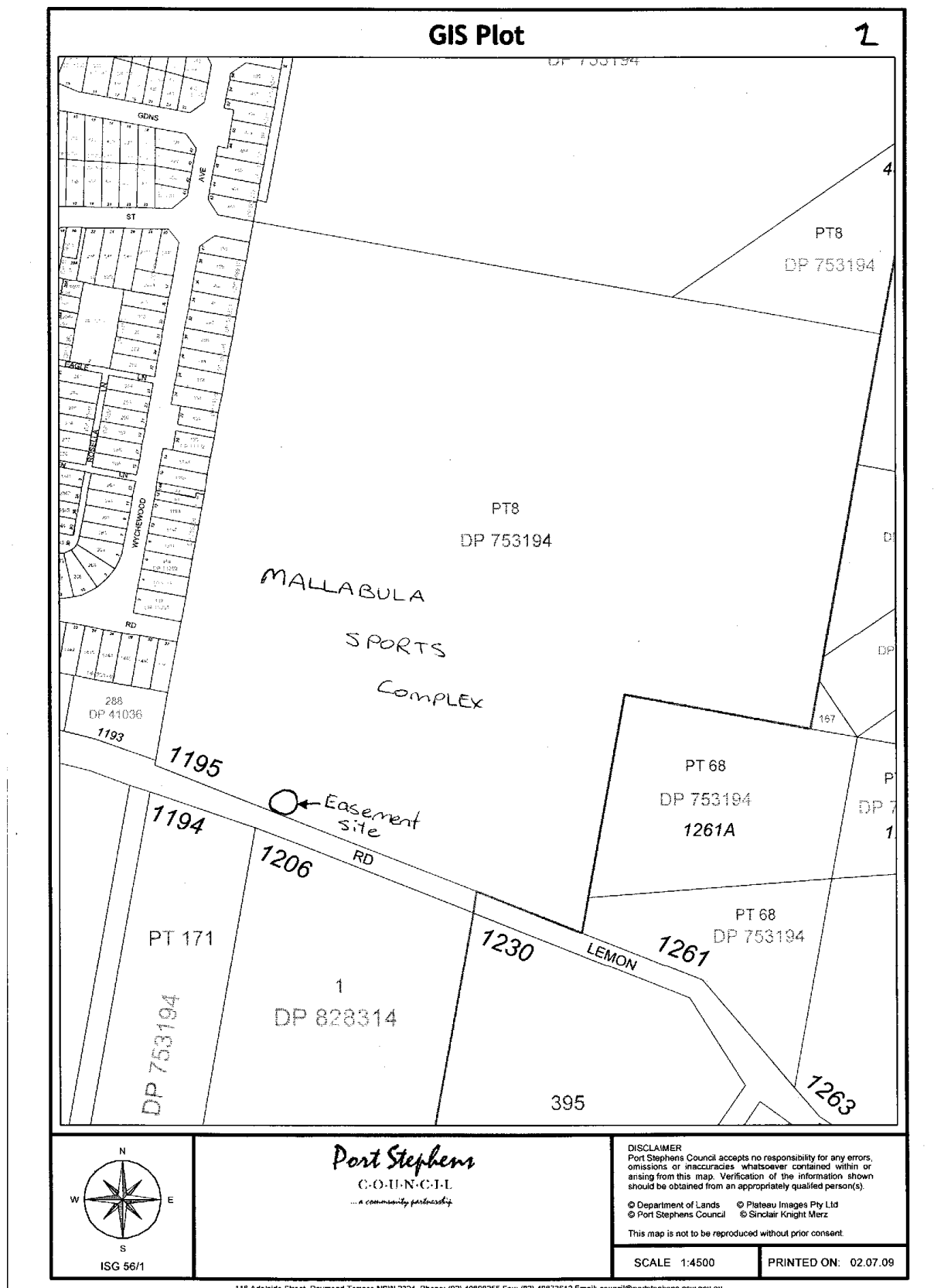
- A - KIOSK EASEMENT 5.7m x 3.5m
- B - 4m R.O.W. INCLUDES 2m CABLE EASEMENT.
- C - 15m ELECTRICITY EASEMENT INCLUDES 4m R.O.W.
- D - 2m CABLE EASEMENT
- E - 15m ELECTRICITY EASEMENT



SITE PLAN

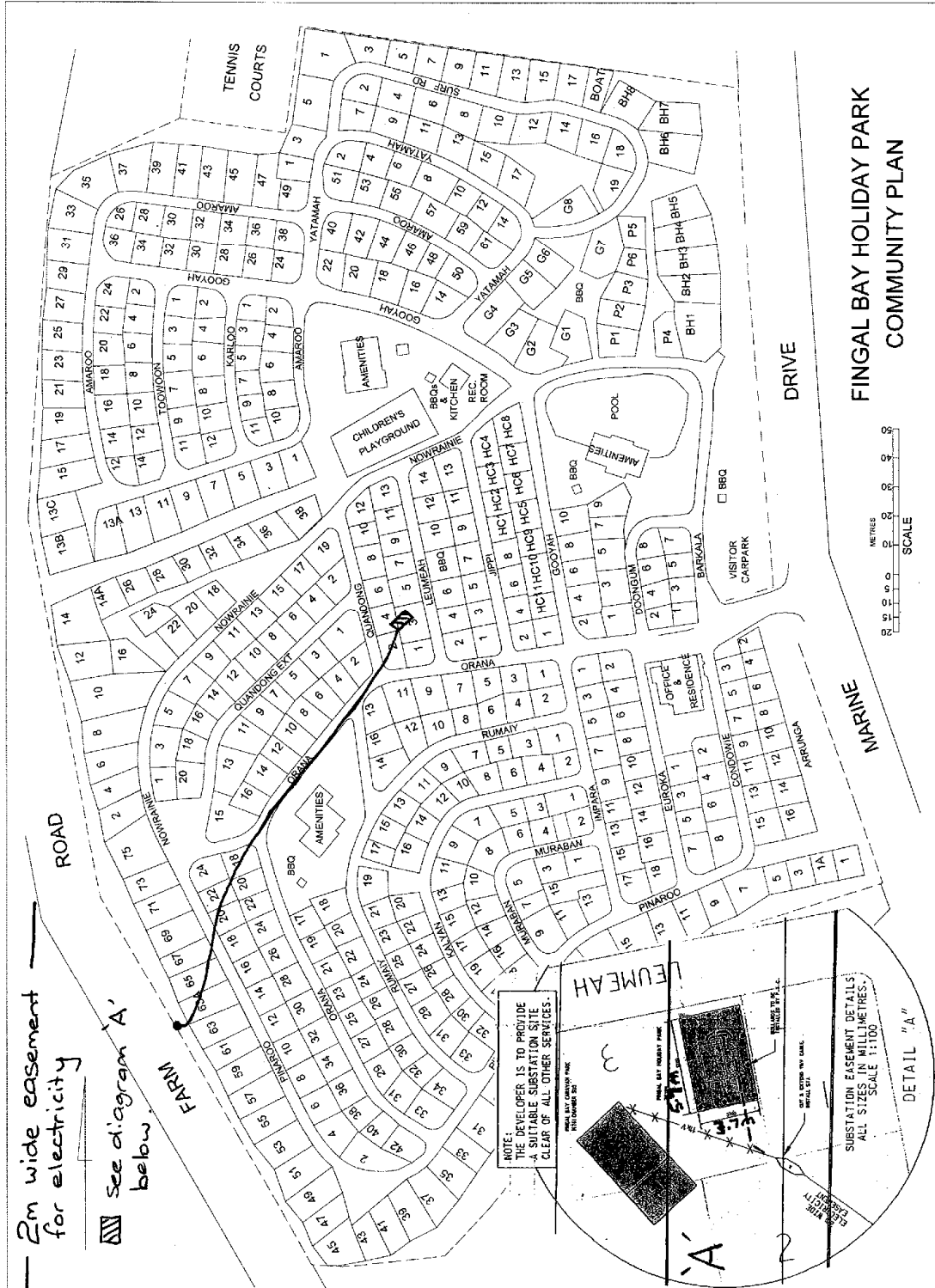
Not to Scale

ATTACHMENT 2



ATTACHMENT 3

3



2m wide easement for electricity

See diagram 'A' below.

**ITEM NO. 5****FILE NO: PSC2008-9889****SALE OF SMALL PARCEL OF LAND FORMERLY OCCUPIED BY  
TOMAGO RURAL FIRE SERVICE SHED****REPORT OF: CARMEL FOSTER – MANAGER, COMMERCIAL PROPERTY  
GROUP: COMMERCIAL SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves the sale of Lot 1 DP598139 to the adjoining owner.
  - 2) Set the purchase price being an agreed value that covered all costs associated with a Transfer.
  - 3) Grants authority to affix Council's Seal to the Transfer instrument for the sale to be registered at Land and Property Information.
- 

**OPERATIONS COMMITTEE – 11 AUGUST 2009**

	<b>Councillor Bruce MacKenzie Councillor Ken Jordan</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL – 25 August 2009**

<b>268</b>	<b>Councillor Ken Jordan Councillor Glenys Francis</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

The purpose of this report is to recommend the finalisation of the sale of this land and the affixing of Council's Seal and signatures to the Transfer.

This 234.7sq metres parcel of land was originally donated to Council by the previous owner of the adjoining lot to accommodate the bush fire tanker in the late 1960's. The dilapidated shed has been vacant for a number of years and has become a burden on Council. The current adjoining owner has requested to purchase the lot. Council's property section has considered the request and agreement has been reached on a price of \$4000 which includes all transfer fees. See **ATTACHMENTS 1 & 2** for details.

## **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.

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

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

A benefit to Council as insurance and maintenance responsibilities for the structure on the site will no longer be required.

## **LEGAL AND POLICY IMPLICATIONS**

The Conveyancing Act controls the process.

## **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) **CUSTOMERS** – Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.
- 2) **INFORMATION AND KNOWLEDGE** – Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.
- 3) **CORPORATE AND SOCIAL RESPONSIBILITY** – Behave in an ethically, socially and environmentally responsible manner.
- 4) **SUSTAINABLE RESULTS** – Focus on sustainable results, value and outcomes.

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

Recommendations will improve visual aspects of the site by the removal of rubbish and untidy growth.

### **ECONOMIC IMPLICATIONS**

Nil

### **ENVIRONMENTAL IMPLICATIONS**

No impact

## **CONSULTATION**

Property owners, Facilities & Services Operations Manager, Commercial Property Manager, Land and Property Information office and Property Officer.

## **OPTIONS**

- 1) Accept recommendations
- 2) Reject recommendations

## **ATTACHMENTS**

- 1) D.P.598139
- 2) Locality Map

## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

Nil

**PORT STEPHENS COUNCIL**

PLAN FORM 2

Signature and date only.

OFFICE USE ONLY

D. P. 598139

Registered ☒ or ☐ 11/1/78

C.A. No. 78/30 OF 22.6.1978

Title System: OLD SYSTEM

Purpose: SUBDIVISION

Ref. Map: U 6365 19#

Last Plan: \_\_\_\_\_

PLAN OF SUBDIVISION OF PART FOR BEING THE LAND IN CONFORMANCE WITH DA 3062.

Production Date 1980

Land to be created:

Area/White: PORT STURDEWANT

Locality: TOWAGO

Region: STURDEWANT

Country: GUYANA

Other Information:

1. ALL RIGHTS RESERVED

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100. ALL RIGHTS RESERVED

Production Date 1980

Land to be created:

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99. ALL RIGHTS RESERVED

100. ALL RIGHTS RESERVED

Production Date 1980

Land to be created:

Area/White: PORT STURDEWANT

Locality: TOWAGO

Region: STURDEWANT

Country: GUYANA

Other Information:

1. ALL RIGHTS RESERVED

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3. ALL RIGHTS RESERVED

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**ITEM NO. 6****FILE NO: PSC2005-0829****RATES FINANCIAL ASSISTANCE – TILLIGERRY CREEK OYSTER FARMERS****REPORT OF: DAMIEN JENKINS – MANAGER, FINANCIAL SERVICES****GROUP: COMMERCIAL SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the proposal to provide means tested rates financial assistance to Tilligerry Creek oyster farmers who meet hardship criteria on public display for 28 days.
- 2) Report to Council on any submissions received, and in the absence of any submissions, approve provision of the financial assistance without further reference to Council

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**OPERATIONS COMMITTEE – 11 AUGUST 2009**

	<b>Councillor John Nell Councillor Shirley O'Brien</b>	that the recommendation be adopted.
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**ORDINARY COUNCIL – 25 August 2009**

<b>269</b>	<b>Councillor John Nell Councillor Peter Kafer</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

The purpose of this report is to consider providing means tested rates hardship assistance in 2009/2010 to oyster farmers affected by the closure of Tilligerry Creek to oyster harvesting.

Part of Zone 5B remains closed to oyster harvesting. Last year Council received one application for hardship assistance with Council rates on a land based oyster shed. The applicants met the hardship criteria and assistance of \$614.65 was provided. No other applications for hardship assistance were received.

It is proposed to retain the hardship criteria utilised last year, which is aligned with Australian Government Drought Assistance.

## **LINKS TO CORPORATE PLANS**

The links to the 2009-2013 Council Plan are:-

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

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

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

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

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

The amount involved represents a very small component of Council's annual expenditure.

## **LEGAL AND POLICY IMPLICATIONS**

To qualify for assistance under Section 356 of the Local Government Act, 1993, the purpose must assist the Council in the exercise of its functions. Oyster farmers in Port Stephens directly fund the Port Stephens Shellfish Quality Assurance Program. This pays for independent water sampling and analysis and the farmers are also required to conduct their own sampling monthly and during rain events. This information is provided to the NSW Food Authority and Council. The water monitoring assists Council in the exercise of its functions as the oyster industry is an early indicator of water quality issues (reflecting catchment health), and also a measure of the effectiveness of Council's On-Site Sewage Management System monitoring program specifically and the impact of development on the environment generally.

Although Council's financial assistance policy is to provide assistance to community groups rather than individuals, this is an exceptional situation.

Council proposes to comply with the requirements of section 356 (2) of the Local Government Act by placing a notice in the Port Stephens Examiner and calling for public submissions for 28 days.

## **BUSINESS EXCELLENCE FRAMEWORK**

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

These outcomes align with the following Business Excellence principles:-

- 6) **INFORMATION AND KNOWLEDGE** – Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.
- 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 Hardship Panel grants assistance from time to time writing off interest charges on rates in cases of hardship. It also provides a mechanism for ratepayers suffering hardship to access interest free loans to upgrade defective On-Site Sewage Management Systems or connect to the sewer. The proposed relief for farmers is an appropriate response to a special circumstance.

### **ECONOMIC IMPLICATIONS**

The measure supports the continuation of the local oyster industry.

### **ENVIRONMENTAL IMPLICATIONS**

The oyster growing industry is a measure of the health of Port Stephens waterways. Through the Water Monitoring Program the oyster industry assists Council in its function to conserve the environment in a manner that promotes ecologically sustainable development.

## **CONSULTATION**

Environmental Services Manager

## **OPTIONS**

- 1) Accept the Recommendation
- 2) Reject the Recommendation
- 3) Amend the Recommendation

**ATTACHMENTS**

Nil

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

Nil

**ITEM NO. 7****FILE NO: A2004-1288****APPROVAL TO WRITE OFF UNRECOVERABLE DEBT**

**REPORT OF: DAMIEN JENKINS – MANAGER, FINANCIAL SERVICES**  
**GROUP: COMMERCIAL SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Write off invoice number 30425 in the amount of \$19,734.29 as not lawfully recoverable

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**OPERATIONS COMMITTEE – 11 AUGUST 2009**

	<b>Councillor Bruce MacKenzie</b> <b>Councillor Shirley O'Brien</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL – 25 August 2009**

<b>270</b>	<b>Councillor John Nell</b> <b>Councillor Sally Dover</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

The purpose of this report is obtain Council approval to write off a sundry debt that is not lawfully recoverable.

Council invoiced the NSW Rural Fire Service for costs associated with a Section 44 Fire Emergency that occurred in October 2007. The Rural Fire Service has disputed the reimbursement calculation and Council has reviewed its calculations and accepts that the debt raised was invalid and had no basis in the reality of the reimbursement formula.

Clause 213 of the Local Government (General) Regulation 2005 requires a Council resolution in order to write off this bad debt. The details of the bad debt are:

Invoice Number 30425 in the amount of \$19,734.29 in the name of NSW Rural Fire Service issued on 18/01/2008.

## **LINKS TO CORPORATE PLANS**

The links to the 2009-2013 Council Plan are:-

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

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

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

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

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

Council's Facilities and Services Operations Section has satisfied itself that Council has been properly reimbursed for its contribution to the October 2007 Section 44 Fire Emergency. A provision has been made for this bad debt.

## **LEGAL AND POLICY IMPLICATIONS**

A Council resolution is required in order to write off this debt under Clause 213 of the Local Government (General) Regulation 2005.

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

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

Nil

### **ECONOMIC IMPLICATIONS**

Nil

### **ENVIRONMENTAL IMPLICATIONS**

Nil

## **CONSULTATION**

Operations Manager, Facilities and Services

## **OPTIONS**

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

## **ATTACHMENTS**

Nil

## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

Nil



**ITEM NO. 8**

**FILE NO: A2004-0242**

**QUARTERLY BUDGET REVIEW AS AT 30 JUNE 2009**

**REPORT OF: DAMIEN JENKINS - MANAGER, FINANCIAL SERVICES**

**GROUP: COMMERCIAL SERVICES**

**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) Approve the discretionary changes to the adopted recurrent budget, (totalling \$157,351, a negative effect on revenue) as detailed under separate cover as TABLE 1.1 of DOCUMENT 1 to this report and vote the necessary funds to meet the expenditure.
- 4) Note the movement \$1,802,489 of Loan Funds to the Recurrent Budget.
- 5) Approve the discretionary changes to the adopted capital budget, (totalling \$273,323 a negative effect on revenue) as detailed under separate cover as TABLE 1.2 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 2 of DOCUMENT 1 to this report.
- 7) Notes the changes to the Capital Budget being funded from Section 94 contributions. TABLE 1.2 of DOCUMENT 1.
- 8) Notes the estimated surplus/(deficit) from ordinary activities before capital amounts of (\$2,638,686).
- 9) Notes the Quarterly Budget Review comparing Budgets to Actuals as tabled under a separate cover as DOCUMENT 2 to this report.

**OPERATIONS COMMITTEE – 11 AUGUST 2009**

	<b>Councillor Ken Jordan Councillor Bob Westbury</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL – 25 August 2009**

<b>271</b>	<b>Councillor Bob Westbury Councillor John Nell</b>	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 1.1 of Document 1 and are summarised as follows:
  - Increased expenditure of \$400,000 for the rehabilitation of the HACC building damaged by gas explosion (item 5).
  - Decreased expenditure of \$285,387 due to no requirement for salary increases provision (Item 10).
  - Decreased income of \$750,000 due to profit on sale of investment properties being delayed (item 23).
  - Increased income and expenditure of \$186,093 for a Civil Projects contract with Dungog Council (item 59).
  - Increased income and expenditure of \$270,000 for a Civil Projects contract with the RTA (item 60).
  - Decreased expenditure of \$116,000 on drainage works (item 65).
  - Increased expenditure of \$250,000 due to accelerated completion of drainage maintenance projects funded by S94 Restricted Fund (Item 66).
  - Decreased expenditure of \$145,507 due to Road Condition Assessments being delayed (item 71).
  - Increased expenditure of \$1,822,221 due to accelerated completion of roads maintenance projects funded by Restricted Loan Fund and S94 Restricted Fund (Item 72).
- The major changes to the Capital Budget in this Review are detailed in Table 1.2 of Document 1 and are summarised as follows:
  - Decreased expenditure of \$1,183,000 due to unfinished rehabilitation works. (Item 19)
  - Decreased expenditure of \$201,000 due to reduction in contract payments for Lemon Tree Passage Waste rehabilitation as a result of rain delays. (Item 21)
  - Decreased expenditure of \$113,788 due to reduction in contract payments for Salamander Waste rehabilitation as materials not available for final seal. (Item 21)
  - Increased expenditure of \$100,000 due to the establishment of new gym at the old Bi Lo building (item 3).
  - Decreased income of \$265,000 due to delayed works on Lemon Tree Passage Road (item 12).
  - Decreased expenditure of \$250,000 due to delayed works on Rigney Street (item 13).
  - Decreased expenditure of \$142,000 due to delayed rehabilitation of land fill site (item 20).

- Increased income of \$300,000 for infrastructure grant for Seniors Hall and increased expenditure of \$173,000 for Seniors Hall (item 10).
  - Increased expenditure of \$800,761 for new plant items (item 22).
  - Decreased expenditure of \$200,000 for Property Investments on Masonite Road project (item 5).
  - Decreased expenditure of \$309,000 for Office and Chambers not upgrading the air conditioning system this financial year (item 7).
  - Increased income and expenditure of \$270,000 for a grant for the pools energy efficient program (item 26).
  - Increased income of \$140,000 for a Federal Government playground grant to be expended next financial year (item 29).
  - Decreased income and expenditure of \$315,111 for Fingal Bay Surf Club as work is expected to be completed next financial year (item 32).
  - Decreased expenditure of \$100,000 for Shelley Beach as work has been delayed (item 33)
  - Decreased expenditure of \$169,000 for Tomaree Sports Complex car park and access as work has been delayed (item 38).
  - Decreased expenditure of \$139,318 for King Park lighting as work has been delayed (item 39).
  - Increased expenditure of \$110,000 for Mallabula Sports electrical upgrade as the scope of works as increased (item 41).
- 
- There are a number of changes to the Capital Budget using Section 94 Developers Contributions as a source of funds in this Review. The changes are detailed in Table 1.2 of Document 1 and are summarised as follows:
  - Decreased transfers of \$30,000 from Section 94 Restricted Fund due to Tomaree Parkland Improvements delayed.
  - Decreased transfer of \$30,000 from Section 94 Restricted Fund due to project delays at Shelly Beach. (item 33)
  - Decreased transfer of \$40,000 from Section 94 Restricted Fund due to project delays on Aliceton Reserve and Boat Ramp at Karuah. (Item 34)
  - Decreased transfer of \$40,000 from Section 94 Restricted Fund due to increased grant income for Soldiers Point ramp work. (Item 35)
  - Decreased transfer of \$10,440 from Section 94 Restricted Fund due to deferral of foreshore signage improvements. (Item 36)
  - Increased transfer of \$12,000 from Section 94 Restricted Funds due to increased work at Medowie Tennis Courts. (Item 37)
  - Decreased transfer of \$103,000 from Section 94 Restricted Funds due to project delays at Tomaree Sports Complex car park and access. (Item 38)
  - Decreased transfer of \$52,000 from Section 94 Restricted Funds due to project delays at King Park Lighting. (Item 39)
  - Decreased transfer of \$55,000 from Section 94 Restricted Funds due to project delays at Tomaree Sports Complex Lighting. (Item 40)
  - Increased transfer of \$90,000 from Section 94 Restricted Funds due to increased scope of works for Mallabula Sports electrical upgrade. (Item 41)
  - Increased transfer of \$25,000 from Section 94 Restricted Funds due to increased scope of works for Medowie Sports fields. (Item 42)

## MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009

- Decreased transfer of \$6,000 from Section 94 Restricted Funds due to project delays at Mallabula Sports Amenities design. (Item 43)
- Increased transfer of \$5,673 from Section 94 Restricted Fund due to increased scope of works at Mallabula Sports Complex shelter. (Item 44)
- Decreased transfer of \$27,824 from Section 94 Restricted Funds due to project delays on Community Halls Asset Management Plans. (Item 45)

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

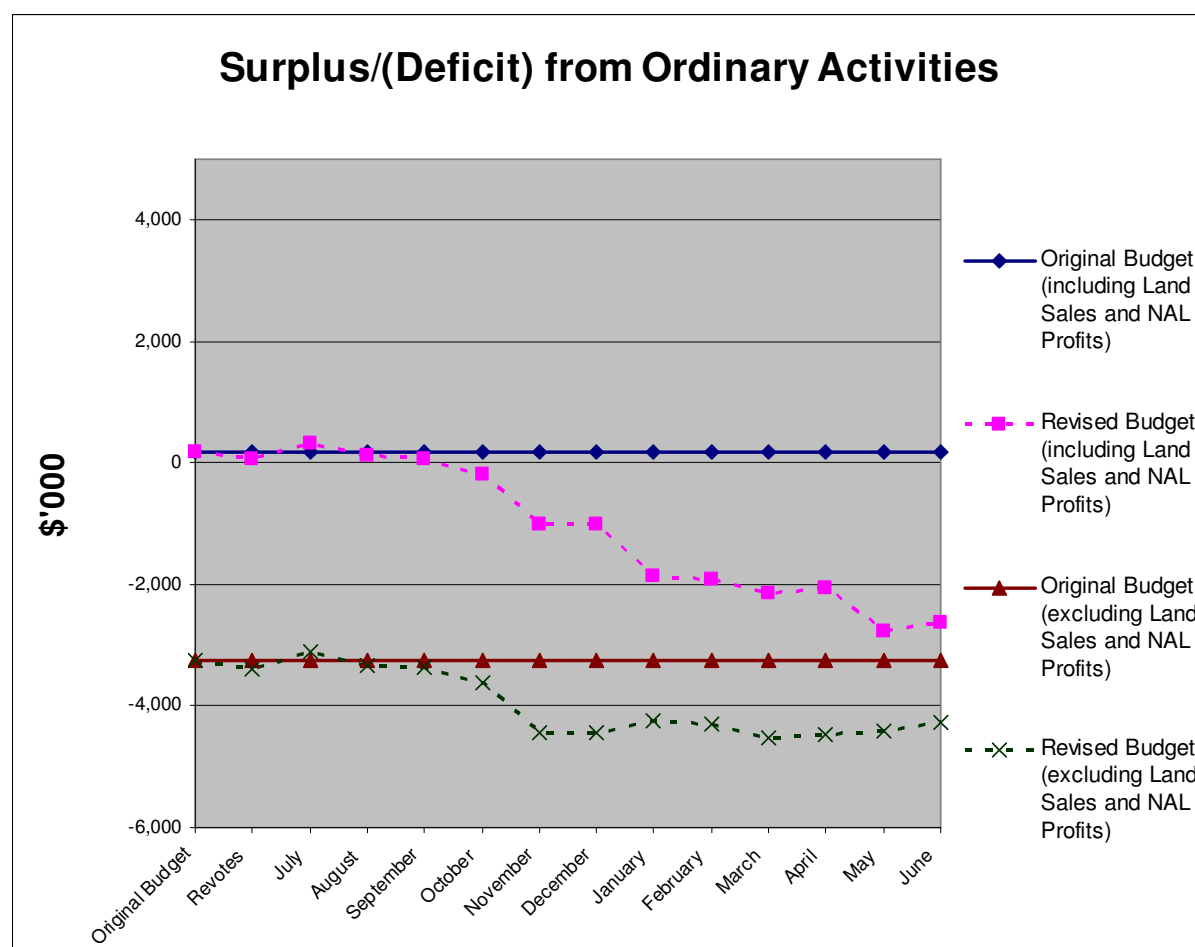
Council's Original 2008/2009 Budget estimate is a \$264,472 cash surplus after internal transfers, repayment of Capital lease and before depreciation of \$13.5 million. TABLE 1 of Document 1 of this report details the changes in this review. The net cash result of these changes is a projected cash deficit of \$176,240 (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 1.1	(\$157,351)	\$0	<b>(\$157,351)</b>	
Document 1 Table 1.2	\$0	(\$273,323)	<b>(\$273,323)</b>	
Previous Quarterly Budget Reviews	(\$1,193,173)	(\$2,495,442)	<b>(\$3,688,615)</b>	
Original Budget after transfers and before Depreciation	\$1,735,012	(\$1,486,900)	<b>\$248,112</b>	
Repayment of Capital Lease and Loans		(210,640)	<b>(\$210,640)</b>	
Loan Funds to Revenue		\$4,000,000	<b>\$4,000,000</b>	
<b>Net Available Surplus/(Deficit) Funds</b>	<b>\$484,488</b>	<b>(\$466,305)</b>	<b>(\$81,817)</b>	
Revotes and Carry Forwards from previous year	(\$88,701)	(\$5,722)	<b>(\$94,423)</b>	
<b>Revised 2008/2009 Cash Surplus (after transfers and before Depreciation)</b>	<b>\$295,787</b>	<b>(\$472,027)</b>	<b>(176,240)</b>	<b>N</b>

# MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009

## PROJECTED FINANCIAL RESULT FOR 2008/2009

	Ref	After June Review	Original Budget
Total Operating Revenue	A	\$78,957,914	\$77,097,804
Less Total Operating Expenditure	B	(\$69,899,089)	(\$63,410,249)
Less Total Depreciation and Provisions Transferred	C	(\$13,500,000)	(\$13,500,000)
	D=B+C	(\$83,399,089)	(\$76,910,249)
<b>Surplus/(Deficit) From Ordinary Activities Before Capital Amounts</b>	E=A+D	<b>(\$2,638,686)</b>	<b>\$187,555</b>
<b>Net Operating movement for June Review</b>		(\$1,125,904)	
<b>Total Budgeted Land Sales Profits</b>	F	(\$200,000)	(\$2,000,000)
<b>Total Budgeted Newcastle Airport (NAL) Profits</b>	G	(\$1,442,500)	(\$1,442,500)
<b>Surplus/(Deficit) From Ordinary Activities without Land Sale Profits, NAL Profits and Before Capital amounts</b>	H=E-F-G	<b>(\$4,281,186)</b>	<b>(\$3,254,945)</b>



## LEGAL AND POLICY IMPLICATIONS

The Local Government (General) Regulation 2005 Clause 203 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 June 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 2 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 June 2009.

Table 1.1 - Discretionary Changes to the adopted Recurrent Budget.

Table 1.2 - Discretionary Changes to the adopted Capital Budget.

Table 2 - Identified issues, which may have a future budgetary impact.

- 2) Document 2 of 2008-2009 Quarterly Budget Review for June 2009, comparing Budgets to Actuals.

# MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009

## ATTACHMENT 1

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2009 2009 Budget Forecast after June Budget Forecast			
	Ref	2009 Budget Forecast after June Budget Forecast	Original Budget
Total Operating Revenue		\$78,957,914	\$77,097,804
Loan Funds Received and Transferred to Revenue		\$1,802,489	
<b>Total Revenue From Ordinary Activities</b>	<b>A</b>	<b>\$80,760,403</b>	
Less Total Operating Expenditure	B	(\$69,899,089)	(\$63,410,249)
Less Total Depreciation and Provisions Transferred	C	(\$13,500,000)	(\$13,500,000)
	D=B+C	(\$83,399,089)	(\$76,910,249)
<b>Surplus/(Deficit) From Ordinary Activities Before Capital Amounts</b>	<b>E=A+D</b>	<b>(\$2,638,686)</b>	<b>\$187,555</b>
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)
Capital loan funds not used			
Cash Surplus From Operations	F=A+B+W	\$9,418,814	\$12,245,055
Transferred to Restricted Funds	G	\$9,123,027	\$10,510,043
<b>Cash Surplus / (Deficit) From Operations After Transfers</b>	<b>H=F-G</b>	<b>\$295,787</b>	<b>\$1,735,012</b>
Total Capital Income	I	\$11,205,679	\$10,473,000
Loan Funds Received and Transferred to Revenue	V	\$2,410,000	\$0
Total Capital Expenditure	J	(\$28,136,202)	(\$22,576,801)
<b>Surplus/(Deficit) From Capital Works</b>	<b>K=I+V+J</b>	<b>(\$14,520,523)</b>	<b>(\$12,103,801)</b>
Transferred from Restricted Funds	L	(\$14,259,136)	(\$10,616,901)
<b>Cash Surplus / (Deficit) From Capital Works After Transfers</b>	<b>M=K-L</b>	<b>(\$261,387)</b>	<b>(\$1,486,900)</b>
<b>Total Cash Surplus / (Deficit) After Transfers</b>	<b>N=H+M+X</b>	<b>(\$176,240)</b>	<b>\$264,472</b>
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	\$30,325,390	\$36,007,842
Increase/(Decrease) in Cash Balance	Q=P-O	(\$4,480,829)	\$1,201,623
Represented By:			
<b>Estimated Restricted Funds Balance</b>	<b>R</b>	<b>\$39,015,874</b>	<b>\$32,244,732</b>
Closing Restricted Funds Balance	S	\$34,711,285	\$33,181,883
Increase/(Decrease) in Restricted Funds Balance	T=S-R	(\$4,304,589)	\$937,151
Repayment of Capital Lease and Loans from Revenue	X	(\$210,640)	\$16,360
Total Cash Surplus/ (Deficit) from Operations & Capital	N=Q-T	(\$176,240)	\$264,472
Principal of Loan Funds Repaid and Finance leases from Reserves	U	(\$2,396,529)	(\$2,396,529)
Loan Funds and Proceeds from Sales Received	V	\$3,952,049	\$4,164,538
Increase/(Decrease) in Cash Balance	Q=T+N	(\$4,480,829)	\$1,201,623



**MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009**

**ATTACHMENT 2**

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2009 2009 Budget Forecast after June Budget Forecast					
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	\$441,297	(\$2,315,680)		\$12,500,025
DOMESTIC WASTE MANAGEMENT	\$3,327,768	\$741,947	(\$1,319,485)	(\$406,044)	\$2,344,186
<b>Sub Total. Externally Restricted</b>	<b>\$17,702,176</b>	<b>\$1,183,244</b>	<b>(\$3,635,165)</b>	<b>(\$406,044)</b>	<b>\$14,844,211</b>
BUSINESS DEVELOPMENT (INVESTMENT PROPERTIES & INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND)	(\$81,346)	\$197,198	(\$749,231)	\$449,569	(\$183,810)
ASSET REHABILITATION RESERVE	\$959,092	\$703,763	\$0		\$1,662,855
FLEET MANAGEMENT (PLANT)	\$336,720	\$471,500	(\$797,900)		\$10,320
OTHER WASTE SERVICES	\$4,026,853	\$2,056,561	(\$3,478,552)	\$550,897	\$3,155,759
QUARRY DEVELOPMENT	\$4,735,075	(\$50,000)	\$0		\$4,685,075
BUSINESS OPERATIONS RESTRICTED FUNDS	\$739,680	\$17,733	\$0		\$757,413
EMPLOYEE LEAVE ENTITLEMENTS	(\$2,079,565)	\$1,420,701	(\$3,126,340)	\$1,260,587	(\$2,524,617)
BEACH VEHICLE PERMITS	\$4,978,625	\$0	\$0		\$4,978,625
DRAINAGE	\$16,406	\$10,171	(\$20,000)		\$6,577
INTERNAL LOAN	\$92,628	\$804,000	(\$809,347)	(\$87,000)	\$281
TRANSPORT LEVY	(\$634,636)	\$249,900	\$0		(\$384,736)
ENVIRONMENTAL LEVY	\$356,656	\$350,000	(\$719,306)		(\$12,650)
ADMINISTRATION BUILDING SINKING FUND	\$391,834	(\$7,411)	(\$149,581)		\$234,842
DEPOT SINKING FUND	\$740,349	\$468,331	(\$332,971)		\$875,709
RTA BYPASS ROADS MTCE RESTRICTED FUND	\$832,847	\$312,939	(\$151,083)		\$994,703
RESTRICTED CASH	\$1,889,608	\$131,580	(\$122,000)		\$1,899,188
COUNCILLOR WARD FUNDS	\$2,865,339	(\$25,276)	(\$128,160)		\$2,711,903
UNEXPENDED INFRASTRUCTURE LOAN 2008/09	\$155,664	\$60,000	(\$39,500)		\$176,164
INFORMATION TECHNOLOGY STRATEGY	\$0	\$0	\$0	(\$212,489)	(\$212,489)
PROVISION FOR LOCAL GOVT ELECTION	\$235,346	\$0	\$0		\$235,346
PARKING METER RESERVE	\$200,000	(\$150,000)	\$0		\$50,000
<b>Sub Total. Internally Restricted</b>	<b>\$556,523</b>	<b>\$194,093</b>	<b>\$0</b>	<b>\$1,961,564</b>	<b>\$750,616</b>
<b>RESTRICTED FUNDS TOTAL</b>	<b>\$21,313,698</b>	<b>\$7,215,783</b>	<b>(\$10,623,971)</b>	<b>\$1,961,564</b>	<b>\$19,867,074</b>
<b>RESTRICTED FUNDS TOTAL</b>	<b>\$39,015,874</b>	<b>\$8,399,027</b>	<b>(\$14,259,136)</b>	<b>\$1,555,520</b>	<b>\$34,711,285</b>
* 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. 9****FILE NO: PSC2005-3649****PORT STEPHENS DRAFT GENERIC SPORTSGROUND PLAN OF MANAGEMENT****REPORT OF: JASON LINNANE – MANAGER, RECREATION SERVICES****GROUP: FACILITIES & SERVICES**  
-----**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the draft generic sportsground plan of management as amended as the primary planning document for the management of sportsground reserves listed in the plan of management for the port stephens local government area.
- 
- 

**OPERATIONS COMMITTEE – 11 AUGUST 2009**

	<b>Councillor John Nell Councillor Ken Jordan</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL – 25 August 2009**

<b>272</b>	<b>Councillor Peter Kafer Councillor John Nell</b>	It was resolved that the recommendation be adopted.
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-----**BACKGROUND**

**The purpose of this report is for Council to consider the adoption of the Draft Generic Sportsgrounds Plan of Management as amended as the primary planning document for the future management of Sportsground Reserves listed in the Plan of Management for the Port Stephens Local Government Area.**

*A copy of the Draft Generic Sportsgrounds Plan of Management as amended has been previously forwarded under separate cover and will be tabled at the meeting.*

At its Ordinary meeting 19 May 2009 (Min # 150) Council resolved to place on public exhibition the Draft Sportsgrounds Generic Plan of Management as amended. Following this resolution the document was exhibited for the period from 25 May 2009 to 26 June 2009 with the final date for written submissions closing 10 July 2009.

There were no submissions received during the Public Exhibition period.

The Local Government Act (1993) makes it mandatory for Councils to review and amend where necessary their Plans of Management for Community land in order to meet the new requirements of the Act.

The Local Government Act (1993) only legally affects land that is classified as Community Land under the Act. Therefore the Open Space that Council manages on behalf of the Department of Lands is not technically affected by this legislation. Additionally, open space located on operational land are not technically affected by this legislation (e.g. Ferodale Sports Complex, Medowie) however it is the intention of Port Stephens Council to continue to include these lands in the overall plan of management process so as to provide for consistency and transparency in how Council manages its overall Open Space system.

It should be noted that Boomerang Oval is also not included as this site is covered by a specific plan of management.

#### **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.

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

#### **FINANCIAL/RESOURCE IMPLICATIONS**

Plans of Management can either be *Specific* – applying to one particular area of land or *Generic* – applying to more than one area of land. Due to resourcing issues and legislative timeframes, it is impossible for Council to prepare Specific Plans of Management for each area of Community land in the Local Government Area.

The action plan that is outlined in the plan of management will be predominantly covered within existing budget allocations. Those works that are outside existing allocations will be dealt with through Council's Forward Works Program.

## **LEGAL AND POLICY IMPLICATIONS**

The Draft Generic Sportsground Plan of Management as amended meets the requirements of the Local Government Act (1993)

The Draft Generic Sportsground Plan of Management as amended does not provide sufficient information to ensure compliance with the standards required by the Department of Lands. While the plans satisfactorily meet the requirements of the Local Government Act 1993, they do not provide sufficient detail on each reserve in order to meet the strict requirements of the Department of Lands in order for the plan to be adopted under the Crown Lands Act (1989). However, when adopted this Plan of Management will be a management guideline for the Crown land that may be affected by it.

This Draft Plan of Management is a generic document that covers many Sportsground facilities and reserves within the Port Stephens LGA. Due to resource issues and management of individual plans it is not possible for Council to prepare & manage specific Plans of Management for each area of community land.

## **BUSINESS EXCELLENCE FRAMEWORK**

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

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL IMPLICATIONS**

The Draft Generic Sportsground Plan of Management as amended allows for ongoing community involvement in the management and maintenance of the subject lands. This Plan will also help to provide quality facilities that support the overall open space system in satisfying the recreation needs of both the residents and visitors to Port Stephens.

The core objectives of the plan are:

- to encourage, promote and facilitate recreational pursuits in the community including organised and informal sporting activities and games
- to ensure that such activities are managed having regard to any adverse impact on nearby residences.

#### ECONOMIC IMPLICATIONS

Sportsground reserves provide and cater for many Community Sporting and Recreation events throughout the Local Government Area with many of these events contributing to the local economy. The management of these reserves is in a structured and programmed manner to protect and enhance these assets and associated economic benefits.

#### ENVIRONMENTAL IMPLICATIONS

Sportsgrounds sites in the Port Stephens Area are valued highly both by residents and visitors alike for their recreation as well as aesthetic attributes. The development of the sportsground sites has diversified the recreational experiences that can be sought within the local government area and also provided increased lifestyle benefits to both residents and visitors to the area.

There is however still many varied environmental issues associated with these sites which need to be considered. The desire to keep and enhance vegetation cover where possible is to be supported but must at all times be non-restrictive to the sporting use of the sites.

The use of fertilisers and chemicals must be continually monitored to ensure the best practice procedures are followed and that there are no negative impacts on the environment.

#### CONSULTATION

Recreation Services Manager  
Sport Facilities Coordinator  
Contracts and Halls Coordinator  
Sports Councils (Tomaree, Raymond Terrace, Medowie, Tilligerry, Rural West)  
Department of Lands  
Building and Development Manager

#### OPTIONS

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

**ATTACHMENTS**

Nil

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

- 1) Draft Generic Sportsground Plan of Management as amended has been previously forwarded under separate cover and will be tabled at the meeting.

INFORMATION ITEM NO. 10

**CASH AND INVESTMENTS HELD AT 30 JUNE 2009**

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REPORT OF: DAMIEN JENKINS – MANAGER, FINANCIAL SERVICES  
GROUP: COMMERCIAL SERVICES  
FILE: PSC2006-6531

**OPERATIONS COMMITTEE – 11 AUGUST 2009**

	<b>Councillor Ken Jordan Councillor Bob Westbury</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL – 25 August 2009**

<b>273</b>	<b>Councillor Bob Westbury Councillor Sally Dover</b>	It was resolved that the recommendation be adopted.
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# GENERAL MANAGER'S REPORT

PETER GESLING  
GENERAL MANAGER



**ITEM NO. 1****FILE NO: 1190-001****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE****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) Port Stephens Legacy – Neil Carroll Park Fees for fundraising event - \$125.00 – Rapid Response - Cr Dover.
  - b) West Tilligerry Tidy Towns – Repair of damaged BBQ shelter at Lemon Tree Passage - \$785.00 – Requisition of funds – Central Ward Funds
  - c) Traffic Committee – Port Stephens Council – Reduce vehicle speeds on Port Stephens Drive - \$6,000.00 – Requisition of funds – East Ward Funds
  - d) Bularr Wannga Committee – Donation towards the Bularr Wannga Festival –East/West/Central - \$150.00 (each ward)

**ORDINARY COUNCIL – 25 August 2009**

<b>274</b>	<b>Councillor Steve Tucker</b> <b>Councillor Peter Kafer</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

**The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The new Financial Assistance Policy adopted by Council 19 May 2009, to commence from 1 July 2009, gives Councillors a wide discretion to either grant or to refuse any requests.**

The new Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

## MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009

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.

The requests for financial assistance are shown below:-

### **EAST WARD – Councillors Nell, Westbury, Dover & Ward**

Port Stephens Legacy	Neil Carroll Park Fees for fundraising event	\$125.00
Traffic Committee - PSC	Works to reduce speeds Port Stephens Dr.	\$6,000.00
Bularr Wannga Committee	Donation towards Bularr Wannga Festival	\$150.00

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

West Tilligerry Tidy Towns	Repair of damaged BBQ shelter at Lemon Tree Passage	\$785.00
Bularr Wannga Committee	Donation towards Bularr Wannga Festival	\$150.00

### **WEST WARD – Councillors Francis, Jordan, Kafer, Maher**

Bularr Wannga Committee	Donation towards Bularr Wannga Festival	\$150.00
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## LINKS TO CORPORATE PLANS

The links to the 2009-2013 Council Plan are:-

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

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

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

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

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

## FINANCIAL/RESOURCE IMPLICATIONS

Council Ward, Minor Works and Mayoral 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.

## **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.
- 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**

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: A2004-0168****NEWCASTLE AIRPORT LIMITED - DELEGATIONS**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**  
**GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Delegate the functions as shown in ATTACHMENT 1 to Newcastle Airport Limited to undertake the day to day function of control of Newcastle Airport Limited.

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**ORDINARY COUNCIL – 25 August 2009**

<b>275</b>	<b>Councillor John Nell Councillor Geoff Dingle</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

The purpose of this report is to review the delegations to the Newcastle Airport Limited.

The Local Government Act states that Council must review its delegations during the first 12 months of each term of office.

**FINANCIAL/RESOURCE IMPLICATIONS**

Financial and resource implications with respect to this report are all met by Newcastle Airport Ltd.

**LEGAL, POLICY AND RISK IMPLICATIONS**

In accordance with the *Local Government Act 1993*, Council can delegate functions to the General Manager or any other person or body. This delegation allows Newcastle Airport Ltd to operate on a day to day basis.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The operation of Newcastle Airport has major economic benefits for the Port Stephens Local Government area and also for the Hunter as a region with the increase in traffic and demand. Areas such as business, tourism and leisure will all benefit from a social and economic view.

**CONSULTATION**

Council's Legal Services Manager  
Harris Wheeler

**OPTIONS**

Adopt the recommendation.  
Amend the recommendation.  
Reject the recommendation.

**ATTACHMENTS**

- 1) NEWCASTLE AIRPORT LTD - DELEGATION

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

Nil

ATTACHMENT 1



**INSTRUMENT OF DELEGATION TO NEWCASTLE  
AIRPORT LIMITED**

Review Date: 22 May 2001  
21 December 2004

**Delegations.**

Pursuant to Sections 355, 377 and 381 of the *Local Government Act 1993* (NSW) ("the Act") and in previous delegation reliance upon Declaration of Trust dated 3 June 1993 and executed by Newcastle Airport Limited ACN 060 254 542 ("the Company") a copy of which is set forth in the attached Schedule, Port Stephens Council hereby delegates the following powers, authorities, duties or functions to the body known as Newcastle Airport Limited. These delegations are to be exercised according to:

- the requirements of the *Local Government Act, 1993*, and Regulations thereunder;
  - the requirements of any other relevant Act, law or regulation;
  - any expressed resolution or policy of Port Stephens Council.
- Authority to establish, develop, maintain and regulate a facility for the conduct of civil aviation and all associated and/or supporting activities being a service and/or facility and/or activity within the meaning of Section 24 of the Act at the civil area of Williamstown Airport.

The authorisation immediately above is conditional upon:

- The delegation of authority by Newcastle City Council to the Company ("the Newcastle City delegation") in terms identical with this delegation; and
- The continuance in full force and effect of the Newcastle City Delegation.

This delegation shall be deemed revoked upon revocation of the Newcastle City delegation.

Nothing in this delegation shall be construed so as to amount to a power or function which cannot be delegated under Section 377 of the Act, being:-

- the appointment of a general manager
- the making of a rate
- a determination under section 549 as to the levying of a rate
- the making of a charge
- the fixing of a fee
- the borrowing of money
- the voting of money for expenditure on its works, services or operations
- the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)
- the acceptance of tenders which are required under this Act to be invited by the council
- the adoption of a management plan
- the adoption of a financial statement included in an annual financial report
- a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6
- the fixing of an amount or rate for the carrying out by the council of work on private land
- the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work
- the review of a determination made by the council , and not by a delegate of the council , of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979
- the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194
- a decision under section 356 to contribute money or otherwise grant financial assistance to persons
- the making of an application, or the giving of a notice , to the Governor or Minister
- this power of delegation
- any function under this or any other Act that is expressly required to be exercised by resolution of Council

The authorisation immediately above is delegated to Newcastle Airport Limited by Port Stephens Council as the authority for the Port Stephens Local Government Area and its continuance in full force and effect is not subject to identical delegation by Newcastle City Council.

The above delegations revoke all previous delegations to Newcastle Airport Limited.

The delegation to Newcastle Airport Limited is effective from the date of this Instrument of Delegation as authorised by Council.



**MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009**

The common seal of the Port Stephens Council)

was hereto affixed pursuant to a Resolution of )

.....  
Mayor

the Council at its meeting of \*\*\*\*\* Min \*\*\*\*\*)

.....  
Councillor

**ITEM NO. 3****FILE NO: PSC 2006-0191****PROPOSED URBAN RELEASE AREA AT WALLALONG****REPORT OF: DAVID BROYD – GROUP MANAGER****GROUP: SUSTAINABLE PLANNING**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Discontinue the allocation of resources into planning for an urban release area at Wallalong and accept that Wallalong is not a short or medium term urban release area.

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**ORDINARY COUNCIL – 25 August 2009**

<b>276</b>	<b>Councillor Daniel Maher Councillor Ken Jordan</b>	<p>It was resolved that Council:</p> <p>1. Resolve to amend and exhibit the Port Stephens Community Settlement and Infrastructure Strategy 2007 to include Wallalong as a new town;</p> <p>2. Make representations to Department of Planning for inclusion of Wallalong as a new town into the Lower Hunter Regional Strategy 2006; and</p> <p>3. Resolve that the funding of studies, investigations and design of the new town of Wallalong and Council's undertaking of the planning process, including any necessary third party review, be paid by the proponent and that Council will develop formal arrangements to ensure that these costs are equitably shared by all landowners who directly benefit from the proposal.</p>
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Bruce MacKenzie, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury and Sally Dover.

## MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009

Those against the Motion: Councillors Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

### AMENDMENT

	<b>Councillor Peter Kafer</b> <b>Councillor Glenys Francis</b>	That Council defer the matter to allow for further information to be provided to Councillors.
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The Amendment on being put was lost.

In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

Those against the Motion: Councillors Bruce MacKenzie, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury and Sally Dover.

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### BACKGROUND

In January 2009, Council resolved to support the proposal from the McCloy Group and Hunter Land Pty Ltd for an urban release area at Wallalong. The resolution was as follows:

That Council:

Note that I shall be forwarding a letter to the Minister for Planning, the Honourable Kristina Keneally, seeking a deputation to her comprising myself, the General Manager and the Group Manager, Sustainable Planning to discuss the status of planning for Kings Hill/North Raymond Terrace release area (including the proposal for Moxey's land) and the potential consideration of areas at Wallalong for additional and/or alternative urban release area designation.

Council's position of support was conveyed by letter and then directly to the Minister for Planning, the Hon. Kristina Keneally as part of a deputation on 30 January 2009.

As a consequence of these representations, the Deputy Director General of the NSW Department of Planning has advised (letter – Attachment 1) essentially that "There would not appear to be any prospect to consider land release in this area in the short to medium term unless the issues impacting on land release at North Raymond Terrace were not able to be resolved". The announcement from the Minister on Kings Hill/North Raymond Terrace is still awaited.

Given this advice from the Department, any further planning by Council for an urban release area at Wallalong should be discontinued in the event that planning for an urban release at Kings Hill is endorsed by the Minister in the near future.

### **FINANCIAL/RESOURCE IMPLICATIONS**

If Kings Hill receives Ministerial support, then Council financial and resources capacity should be directed at that release area and planning discontinued for Wallalong. In the event that Council still wishes to support urban release at Wallalong, then the proponents should be asked to fully fund additional planning resources and studies in a manner soundly based in a probity framework and which is open and transparent.

### **LEGAL, POLICY AND RISK IMPLICATIONS**

The Wallalong urban release area is not in the Lower Hunter Regional Strategy or in Council's Community Settlement and Infrastructure Strategy. The State Government has clearly indicated non support for short to medium term release at Wallalong.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Sustainable development of Port Stephens is implicitly planned for in the Lower Hunter Regional Strategy, in which Wallalong is not included. Meeting the population targets for the Lower Hunter is provided for in the Regional Strategy and therefore the option of Wallalong urban release area in the short to medium term is not supported by the State Government.

### **CONSULTATION**

In reaching this position on the proposed Wallalong release area, the following consultation has taken place:

- a) discussion as part of a deputation with the NSW Minister for Planning and the Deputy Director General of the NSW Department of Planning;
- b) Meeting with the proponents, i.e. representatives of McCloy Group and Hunter Land Pty Ltd with the Mayor, Group Manager, Sustainable Planning and the Manager, Integrating Planning representing Council.

### **OPTIONS**

- 1) ADOPT THE RECOMMENDATION AND THEREFORE COUNCIL DISCONTINUE PLANNING FOR AN URBAN RELEASE AREA AT WALLALONG
- 2) COUNCIL STILL RESOLVES SUPPORT FOR SHORT TO MEDIUM TERM URBAN AREA AT WALLALONG AND

- a) seek funding of additional resources from the proponents in a manner that fulfils probity requirements
- b) continues to make representations to the State Government to change position.

## **ATTACHMENTS**

- 1) Letter from NSW Department of Planning of 1 June 2009

## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

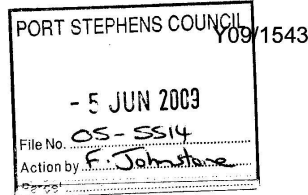
Nil

ATTACHMENT 1  
LETTER FROM NSW DEPARTMENT OF PLANNING



NSW GOVERNMENT  
Department of Planning

Cr Bruce MacKenzie  
Mayor  
Port Stephens Council  
PO Box 42  
RAYMOND TERRACE NSW 2324



Dear Cr MacKenzie

I refer to your recent letter concerning a potential urban release area at Wallalong.

The Department's focus for future land release in Port Stephens Shire remains with the North Raymond Terrace area, and the resolution of potential impacts from future military aircraft noise. As you are aware, the independent acoustic review for North Raymond Terrace indicates that residential development is likely to be possible in this area, consistent with the *Lower Hunter Regional Strategy*, and the Department will work further with Council to advance this.

The land you refer to at Wallalong is not identified for urban release under the *Lower Hunter Regional Strategy*, and there would not appear to be any prospect to consider land release in this area in the short to medium term unless the issues impacting on land release at North Raymond Terrace were not able to be resolved.

Unfortunately I am not able to carry out an inspection of the Wallalong area with you, although you are welcome to contact the Department's Regional Director Hunter & Central Coast, Michael Leavey, if you would like to discuss the Wallalong land further. Michael can be contacted on 4904 2700.

Yours sincerely

Richard Pearson  
Deputy Director General  
Development Assessment and Systems Performance

**ITEM NO. 4****FILE NO: PSC2007-3291****CROSS BOUNDARY S94 PLAN FOR FERN BAY AND FULLERTON COVE****REPORT OF: TREVOR ALLEN –MANAGER, INTEGRATED PLANNING****GROUP: SUSTAINABLE PLANNING**  
-----**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the amendment to change the “Port Stephens Section 94 Development Contributions Plan” to “Port Stephens Section 94 Development Contributions Plan incorporating Port Stephens, Great Lakes and Newcastle Cross Boundary Section 94 Development Contributions Plans 2008” and to include the site specific chapter 4.7.8 “Fern Bay and Fullerton Cove” (Attachment 1).
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**ORDINARY COUNCIL – 25 August 2009**

<b>277</b>	<b>Councillor Ken Jordan Councillor Geoff Dingle</b>	It was resolved that the recommendation be adopted.
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Peter Kafer, Glenys Francis, Geoff Dingle, John Nell, Frank Ward, Bruce MacKenzie, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury and Sally Dover

Those against the Motion: Nil.

**MATTER ARISING**

<b>278</b>	<b>Councillor Geoff Dingle Councillor Steve Tucker</b>	It was resolved that Council be provided with a report on the potential opportunity for Open Space in the Fern Bay area.
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**MATTER ARISING**

<b>279</b>	<b>Councillor Glenys Francis Councillor Ken Jordan</b>	It was resolved that Council commence working towards developing cross boundary Section 94 Contributions with Maitland City Council.
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## **BACKGROUND**

**The purpose of this report is to advise Council of the exhibition of the draft amendment to Councils S94 Development Contributions plan to include the site specific chapter 4.7.8 “Fern Bay and Fullerton Cove” as a Cross Boundary S94 Plan between Newcastle and Port Stephens Councils and to seek approval to adopt the amendment.**

Following a report on the draft amendment, Council resolved at its meeting of 30 June 2009 (min 202) to:

- 1) Endorse for public exhibition the draft amendment to change the “Port Stephens Section 94 Development Contributions Plan” to “Port Stephens Section 94 Development Contributions Plan incorporating Port Stephens, Great Lakes and Newcastle Cross Boundary Section 94 Development Contributions Plans 2008” and to include the site specific chapter 4.7.8 “Fern Bay and Fullerton Cove”*

The draft amendment was exhibited from Thursday 9th July 2009 to Thursday 6th August 2009 at both Councils' Administration Buildings and web sites. The exhibited draft amendment is included as attachment no 1. No submissions were received.

It is now recommended that the Cross Boundary amendment be adopted. In addition Newcastle Council will need to adopt the Cross Boundary clause before it becomes effective.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Should the proposed amendments not be enacted Council will forego substantial levies from major development in areas such as Williamstown and Tomago that are needed to contribute to the Public Infrastructure required for the districts.

## **LEGAL, POLICY AND RISK IMPLICATIONS**

The amendments have been exhibited in accordance with legislative requirements.

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL/ECONOMIC**

The Cross Boundary S94 Chapter will require development in the Fern Bay and Fullerton Cove localities to contribute to the facilities located in within those localities and district facilities within Port Stephens and Newcastle Local Government areas.

The Cross Boundary S94 Chapter will enhance the ability to provide facilities for future communities.



Under the Standards Approach adopted in the new S94 Plan there will be no change in the S94 Levy imposed on development. The schedule will require amending and the S94 plan exhibited to include projects in the Newcastle Local Government area. S94 funds collected will be redistributed between the two councils.

#### ENVIRONMENTAL

Not Applicable

#### CONSULTATION

Consultation was carried out with Central Ward Councillors, Newcastle Council, the Department of Planning, internally within the Integrated Planning Section and by public exhibition externally.

#### OPTIONS

- 1) Adopt the recommendations.
- 2) Amend or reject the recommendations

#### ATTACHMENTS

- 1) Chapter 4.7.8 Fern Bay and Fullerton Cove

ATTACHMENT 1  
CHAPTER 4.7.8 FERN BAY AND FULLERTON COVE

*Port Stephens Section 94 Development Contributions Plan  
incorporating Port Stephens, Great Lakes and Newcastle Cross Boundary Section 94 Contributions Plans 2008*

Temporary note for exhibition purposes:

The chapter numbers in this document refer to the current Port Stephens Section 94 Development Contributions Plan 2007. This document should be read in conjunction with and will form part of that document on taking effect.

## 1. Plan Summary

### 1.1 General

This Contributions Plan is referred to as the *Port Stephens Section 94 Development Contributions Plan incorporating Port Stephens, Great Lakes and Newcastle Cross Boundary Section 94 Development Contributions Plans*.

The Plan applies to all land within the local government area of *Port Stephens Council*.

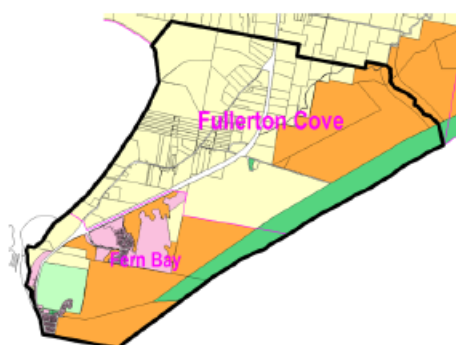
## **4.7 Site Specific and Cross Boundary Contributions**

### **4.7.8 PORT STEPHENS AND NEWCASTLE COUNCILS CROSS BOUNDARY SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN 2008.**

**THIS SITE SPECIFIC SECTION 94 PLAN APPLIES TO ALL THAT LAND WITHIN THE LOCALITIES OF FERN BAY AND FULLERTON COVE WITHIN THE LOCAL GOVERNMENT AREA OF PORT STEPHENS COUNCIL**

Potential exists for the development of land within the Port Stephens Local Government area of the localities of FERN BAY and Fullerton Cove that will require services within both the Newcastle and Port Stephens Local Government areas.

This site specific cross boundary S94 Plan applies to the land bounded by heavy black line shown on the following map:



#### **Nexus**

The anticipated residential growth will result in a demand in the Newcastle and Port Stephens Local Government Areas:

- On existing facilities provided in advance of population growth; and/or
- Requiring the provision of new public facilities not currently available or which may be available but of insufficient capacity to cater for the anticipated increased demand.

Such public amenities and services that have or will be provided have the nexus relationships in accordance with Section 3 – Strategy of this S94 Plan.

#### **4.7.8.1 Calculation of S94 Contribution**

The following costs per person are those derived from Appendix A of this document – Standards Guiding the Provision of Council's Community and Recreational Facilities or the relevant section of this document where indicated. The Section 94 contributions are those derived under Sections 4.1 to 4.6 of this document.

Category	Contribution	
	Per Person	per Residential lot
Civic Administration	#	\$377
Public Open Space, Parks and Reserves	\$766	\$2,046
Sport and Leisure Facilities	\$1,854	\$4,821
Cultural and Community Facilities	\$932	\$2,424
Roadworks	*	\$1,370
Fire and Emergency Services	\$72	\$188
<b>Total</b>		<b>\$11,226</b>

#Based on annual lots developed

\*Based on Traffic generation

**The Section 94 Contribution per additional lot or dwelling is \$11,226.**

## MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009

### *Port Stephens Section 94 Development Contributions Plan incorporating Port Stephens, Great Lakes and Newcastle Cross Boundary Section 94 Contributions Plans 2008*

#### **4.7.8.2 Settlement and Distribution of Contribution**

In accordance with section 94C of the *EP&A Act* Cross-boundary issues:-

*(1) A condition may be imposed under section 94 or 94A for the benefit (or partly for the benefit) of an area that adjoins the local government area in which the development is to be carried out.*

*(2) Any monetary contribution that is required to be paid under any such condition is to be apportioned among the relevant councils:*

*(a) in accordance with any joint or other contributions plan approved by those councils, or*

*(b) if provision is not made for the apportionment in any such plan—in accordance with the terms of the development consent for the development.*

This Site Specific Cross Boundary S94 Plan specifically provides for the S94 contribution to be paid to Port Stephens Council at the time specified in the condition that imposes the contribution. If no such requirement is specified, the contribution must be paid in accordance with section 2.3.3 Timing of Settlement.

The contribution shall be apportioned by Port Stephens Council in accordance with section 4.7.8.1 as follows:

Category	Contribution per lot	Apportionment	
		Port Stephens	Newcastle
Civic Administration	\$377	\$377	
Public Open Space, Parks and Reserves	\$2,046	\$1,550	\$496
Sport and Leisure Facilities	\$4,821	\$2,743	\$2,078
Cultural and Community Facilities	\$2,424	\$1,770	\$654
Roadworks	\$1,370	\$1,370	
Fire and Emergency Services	\$188	\$188	
<b>Total</b>	<b>\$11,226</b>	<b>\$7,998</b>	<b>\$3,228</b>

## 5. Work Schedules

### 5.2 Public Open Space, Parks and Reserves

#### Catchment Specific Projects

Project No	Project Description	Estimate	Staging Threshold
<b>Fern Bay</b>			
OS301	Acquire land and create Foreshore embellishment, walkways, seating, landscaping and improvements	\$1,200,000	1
OS302	Construct new boat ramp, car parking and fish cleaning facilities	\$800,000	2
OS303	Provide new district park and facilities within Fern Bay	\$300,000	3
<b>Stockton</b>			
OSNCC001	Develop an off road bike path network around the Stockton Foreshore	\$1,200,000	2013-2016
OSNCC002	Improve amenity of beachfront / foreshore areas through design, additional planting and the provision of additional park amenities	\$800,000	2014
OSNCC003	Stockton Beach Improvement Program – installation of shade structure, outdoor furniture and litterbins	\$30,000	2010
OSNCC004	Removal of current amenities and installation of two accessible unisex toilets at Griffith Park	\$150,000	2012
OSNCC005	Replace Stockton North Boat Ramp		

### 5.3 Sports and Leisure Facilities

Project No	Project Description	Estimate	Staging Threshold
<b>Fern Bay</b>			
SD301	Tennis Courts: Upgrade existing Courts provide additional 2	\$300,000	1
SD302	Netball Courts: Provide 3 new courts	\$800,000	2
SD303	Provision of multipurpose Sporting facilities including BMX and skateparks	\$1,300,000	3
<b>Stockton</b>			
SDNCC001	Install interactive water feature at Stockton Swimming Centre	\$25,000	2010
SDNCC002	Undertake development at Stockton Swimming Centre that includes an upgrade of change rooms, entrance systems and kiosk areas and improving landscaping and windbreaks	\$200,000	2010
SDNCC003	Upgrade of Stockton Skate Park	\$200,000	2015
SDNCC004	Extension and redevelopment of Corroba Oval, including the creation of an additional sports ground to accommodate junior athletics and junior cricket	\$600,000	2012
SDNCC005	Upgrade of Lyn and Corroba Oval from training to competition standard to allow for night games	\$150,000	2011

# MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009

*Port Stephens Section 94 Development Contributions Plan  
incorporating Port Stephens, Great Lakes and Newcastle Cross Boundary Section 94 Contributions Plans 2008*

## 5.3 Cultural and Community Facilities

Project No	Project Description	Estimate	Staging Threshold
<b>Fern Bay</b>			
CLS301	Provision of Mobil Library Stop Facilities at 2 locations	\$200,000	1
CLS302	Vardon Road: Extend Community Hall for future population	\$700,000	2
CLS303	Provision of new multipurpose community facilities	\$900,000	3

## 5.4 Roadworks

Project No	Project Description	Estimate	Staging Threshold
<b>Fern Bay</b>			
CLS301	Vardon Rd and access near and in the vicinity of primary school, road widening accommodation of parking facilities	\$750,000	1
CLS302	Upgrade Fullerton Cove Rd Ch 1700-2200 from Nelson Bay Rd North	\$202,500	2
CLS303	Upgrade Fullerton Cove Rd Ch 2700-4000 from Nelson Bay Rd North	\$526,500	3
CLS304	Provision of improvements to roads for bus turning facilities	\$200,000	4

## 6. Work Schedule Mapping

### Stockton Cross Boundary



*Port Stephens Section 94 Development Contributions Plan  
incorporating Port Stephens, Great Lakes and Newcastle Cross Boundary Section 94 Contributions Plans 2008*





ITEM NO. 5

FILE NO: PSC2008-9317

## MEDOWIE FLOODPLAIN RISK MANAGEMENT COMMITTEE AND FLOOD STUDY

REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING  
GROUP: SUSTAINABLE PLANNING

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### RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Medowie Flood Study Brief (Attachment 1 - provided under separate cover);
- 2) Call for quotations from suitably qualified consultants to undertake the study;
- 3) Consider an expenditure item in Council's next 2009/10 budget review for \$90,000 for the study with an income of \$60,000 subject to an appropriate contribution from Hunter Water Corporation; and
- 4) Note that a further report will be provided regarding the development concerns of the Medowie Flood Risk Management Committee.

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### ORDINARY COUNCIL – 25 August 2009

280	<b>Councillor Geoff Dingle</b> <b>Councillor Steve Tucker</b>	It was resolved that the recommendation be adopted.
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### BACKGROUND

**The purpose of this report is to advise Council of the formation of the Medowie Flood Risk Management Committee, to seek Council's adoption of a Flood Study Brief, to amend Council's budget for the study and call for quotations for the study.**

Council adopted a report and recommendations on Medowie flooding on 16 December 2008 including:

- 1) *Form a Floodplain Risk Management Committee to frame the Brief and oversee a Flood Study to advise Council on Floodplain Management options for the Medowie township;*
- 2) *Receive Nominations and appoint up to two Councillors on the Committee;*
- 3) *Give consideration to funding of the Study in the quarterly budget review;*

Subsequently Council resolved at its meeting of 12 May that Councillors S. Tucker, G. Dingle and S. O'Brien be Council's representatives with the Mayor having the rights to attend and chair any meetings of Committees.

### **Medowie Flood Risk Management Committee**

The Committee has met on five occasions to discuss the flooding issues of Medowie. In addition to the above Councillors, the members of the Committee include:

Council Staff: Messrs W. Mills (chair), N. Sivabalan, S. Page, and M. DeWitt.

Hunter Water: Mr J. Peel

SES: Messrs K. Speer, A. Williams

DEEC & Water: Mr P. Medi

Medowie Progress Association: M/s S. Hirsch, Mr J. Donahoo

Community Representatives: Messrs J. Delia, J. Humphries, R. Lunney

The Committee has considered and recommended that the proposed Flood Study Brief be adopted by Council.

The Committee also expressed some concern about the amount of development that is causing flooding issues in Medowie. The Committee wish to see interim solutions and no further development until such time as the study is complete. A full report will be provided to Council detailing these flooding concerns with recommendations next month when all details are available.

### **Floodplain Risk Management Study Process**

In order to receive funding and to ensure Council follows State Government guidelines which ensure Council is afforded a level of immunity in respect of advice given, Council must follow the State Governments Floodplain Development Manual (2005). The Manual requires Floodplain Management to follow the following process:

**Flood Study** - Technical Basis for Management Plan  
- defines the Nature and Extent of Flooding across the floodplain

**Floodplain Risk Management Study** - Identify and Assess Community Expectations  
- Identify and Compare Management Options  
- Assess the Impact of Options  
- Draws together Data Collection and Flood Study

**Floodplain Risk Management Plan** – Flood Mitigation Measures  
- Land Use and Development Controls  
- Links with other Plans, particularly the SES Flood Plan  
- Flood Education and Public Awareness  
- Implementation Plan

This report and recommendation refers to first part of this process – the Flood Study. The following stages cannot be carried out until completion of that stage.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Funding will be required for implementation of each stage of the Floodplain Risk Management process. The Minister for Climate Change and the Environment has announced a grant to Council under the State Floodplain Management Program for 2009/10. Included in that funding is an allocation of two thirds of the estimated cost of the Medowie study. The estimated cost for the Flood Study is \$90,000. Council's share at this stage is then \$30,000 with a possible contribution by Hunter Water. Council's costs including future options will also be included in a review of the S94 Plan.

This study and the allocation of funds is considered urgent given the storm water runoff and the flooding issues associated with Development Applications and rezoning proposals for urban development and impacts on existing properties within Medowie.

## **LEGAL, POLICY AND RISK IMPLICATIONS**

The preparation of a Flood Study and Flood Risk Management Plan will assist Council in determining development guidelines, flood reduction measures, preparation of the Medowie Strategy Infrastructure Plan and issuing S149 Planning Certificates. Council is also afforded a level of immunity in respect of advice given, consents issued and works done, where such are given in good faith and in accordance with an adopted Flood Risk Management Plan

## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL/ECONOMIC**

The flood study and subsequent Flood Risk Management Plan will provide advice and development controls to reduce the likely impacts of flooding on current and future development.

The Flood Risk Management Plan will have some financial implications for individuals and developers constructing dwellings, filling within affected areas and other structures, such as raising floor levels. In some cases it may reduce the amount of development permissible.

The adopted Flood Study and Floodplain Risk Management Plan will provide greater certainty for the urban growth of Medowie in accordance with the Medowie Strategy. Hence the Flood Study and Floodplain Risk Management Plan will have positive economic implications for Medowie.

### **ENVIRONMENTAL**

The Flood Study and Flood Risk Management Plan will assess and incorporate environmental considerations in the flood affected areas. During the Flood Risk Management Study options to prevent contamination of Grahamstown dam drinking water will also be addressed.

## **CONSULTATION**

As well as community representation on the Committee, the studies will be exhibited for public comment. Hunter Water has also been extensively consulted concerning pollution and contamination issues that may affect Grahamstown dam drinking water.

## **OPTIONS**

- 1) Adopt the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

## **ATTACHMENTS**

- 1) Medowie Drainage and Flood Study Brief (under separate cover)

**ATTACHMENT 1  
MEDOWIE DRAINAGE AND FLOOD STUDY BRIEF**

PROVIDED UNDER SEPARATE COVER

ITEM NO. 6

FILE NO: PSC2006-0859

## **PROPOSED AMENDMENT TO PORT STEPHENS S94A DEVELOPMENT CONTRIBUTIONS PLAN**

**REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING**  
**GROUP: SUSTAINABLE PLANNING**

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### **RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the revised Port Stephens S94A Development Contributions Plan to include non-residential subdivisions.
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### **ORDINARY COUNCIL – 25 August 2009**

<b>281</b>	<b>Councillor John Nell</b> <b>Councillor Steve Tucker</b>	It was resolved that the recommendation be adopted.
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Peter Kafer, Glenys Francis, Geoff Dingle, John Nell, Frank Ward, Bruce MacKenzie, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury and Sally Dover.

Those against the Motion: Nil.

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### **BACKGROUND**

**The purpose of this report is to advise Council of the exhibition of the draft amendment to Councils S94A Development Contributions plan to include levies for non-residential subdivision development, the submission received and seek approval to adopt the recommended amendments.**

Following a report on the draft amendment to Councils S94A Plan, Council resolved at its meeting of 30 June 2009 (min 187) to:

- 1) Endorse the draft amendments to the Port Stephens S94A Development Contributions Plan to include non-residential subdivisions, and
- 2) Endorse the draft amendments for public exhibition.

The draft amendment was exhibited from Thursday 25th June 2009 to Monday 3rd August 2009 at Council's Administration Building and on Council's web site. The proposed amendments following exhibition and considering the responses is

## MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009

included as Attachment 1. S94A for this type of development is based on a percentage cost of the development (0.5% for development costing \$100,000 to \$200,000 and 1% for development over \$200,000) and is not subject to the strict nexus (connection between development and works) requirements of S94.

One submission was received as included in Attachment 2. The submission and responses follow:

Submission	Response
Civil works do not create a demand for public amenities and services. A levy should not apply to civil works and it should not be included in this amendment to this plan.	<p>While the submission does not define “civil works”, it is taken that this refers to all subdivision works excluding the buildings and supporting works for the buildings.</p> <p>No changes recommended. The regulations clearly allow for the costs of engineering, construction or subdivisions works as incidental works to the overall type of development which place demands for additional public amenities and services:</p> <p>Section 25J of the Environmental Planning and Assessment Regulation 2000 Section 94A levy—determination of proposed cost of development provides:</p> <p><i>(1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:</i></p> <p><i>(a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,</i></p> <p><i>(b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,</i></p> <p><i>(c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.</i></p>
Further, Section 2.8 of the Plan refers to how the proposed cost of carrying out of the development determined. This section allows the Council to seek	This anomaly in the exhibited draft S94A Plan is recognised and it is recommended to change the costs to be determined and S94A paid at subdivision certificate stage rather than during construction. At that point all modifications and variations will have occurred and the construction works will be completed in order to determine final costs.

independent advice to review the valuation of works. Any costs associated with obtaining such advice will be at the expense of the Applicant. These costs need to be determined prior to the issuing of a development application. This section is not clear as to when these costs need to be determined and paid particularly if a private certifier issues the Construction Certificate.	
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### **FINANCIAL/RESOURCE IMPLICATIONS**

Should the proposed amendments not be enacted Council will forego substantial levies from major development in areas such as Williamstown and Tomago that are needed to contribute to the Public Infrastructure required for the districts that have been identified under S94A.

### **LEGAL, POLICY AND RISK IMPLICATIONS**

The amendments have been exhibited in accordance with legislative requirements. Changing the levy from S94 to S94A will result in less likely legal challenge.

Council was also advised at its meeting of 30 June 2009 that there is a requirement under the Environmental Planning and Assessment (EPA) Act 1979 Section 94A subclause 2(A) that:

*"A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:*

- (a) the Minister, or*
- (b) a development corporation designated by the Minister to give approvals under this subsection."*

As this Council is in a special contributions area, a letter was sent to the Minister. The Minister has now given approval to impose S94A levies on development within this Local Government Area as per advice received on 14 July 2009.



## **SUSTAINABILITY IMPLICATIONS**

### **SOCIAL**

The amendments will assist Council to provide Public Infrastructure, Services and Facilities in the relevant areas.

### **ECONOMIC**

The amendments are most likely to reduce the developer contributions that would otherwise be payable by the development industry under S94. The contribution under S94A may not necessarily offset the impact of that development on the Public Infrastructure including recurrent costs. Council's General Fund has to compliment Section 94/S94A funding on many projects to provide Public Infrastructure. Nevertheless the contribution will provide greater flexibility to expend the levy on a number of Public Facilities.

### **ENVIRONMENTAL**

Not applicable.

## **CONSULTATION**

Consultation was carried out by public exhibition externally and internally within the Integrated Planning Section.

## **OPTIONS**

- 1) Adopt the recommendations.
- 2) Amend or reject the recommendations.

## **ATTACHMENTS**

- 1) Recommended amendments to Port Stephens S94A Development Contributions Plan.
- 2) Revised S94A Plan

# ATTACHMENT 1

## Recommended amendments to Port Stephens S94A Development Contributions Plan

Proposed Amendment ( <i>in italics</i> )	Change to current S94A Plan
<p>Clause 1.2 Summary Levies</p> <p>Type of Development</p> <p>Commercial, Retail and other Employment based Development, or <i>non residential development or subdivision</i>, including mixed use, that would create a demand for public amenities and services:</p>	<p>Added "non residential development or subdivision"</p>
<p>2.6 Development to which this plan applies</p> <p>This Plan applies to the following development types:</p> <ul style="list-style-type: none"> <li>Commercial, Retail and other Employment based Development, or <i>non residential development or subdivision</i>, including mixed use that would create a demand for public amenities and services where the proposed cost of carrying out the development is greater than \$100,000.</li> </ul>	<p>Added "non residential development or subdivision"</p>
<p>2.12 When is the levy payable?</p> <p>Settlement of monetary contributions, or completion of a Material Public Benefit agreement shall be finalised at the following stages:</p> <ul style="list-style-type: none"> <li>Development applications for building or other work - prior to the issue of the construction certificate;</li> <li>Applications for both <i>building</i> work and subdivision – prior to the issue of the construction certificate or Subdivision Certificate or Complying Development Certificate, whichever comes first;</li> <li><i>Applications for subdivision where subdivision construction works are proposed– prior to the issue of the Subdivision Certificate; or</i></li> <li>Development applications where no building approval is required – prior to commencement of use in accordance with the conditions of consent</li> </ul>	<p>Added "building" distinction</p> <p>Added subdivision construction clause</p>
<p>Schedule 1 – Subdivision Cost Summary Report (works equal to or less than \$500,000)</p>	<p>New Schedule for subdivisions Refer Attachment 3</p>
<p>Schedule 2 – Subdivision Quantity Surveyors Report (works greater than \$500,000)</p>	<p>New Schedule for subdivisions Refer Attachment 3</p>

**ATTACHMENT 2  
REVISED SECTION 94A PLAN**

PROVIDED UNDER SEPARATE COVER

**ITEM NO. 7****FILE NO: PSC2008-3716****QUARTERLY REPORT JUNE QUARTER AGAINST COUNCIL PLAN 2008-2012 AND PERFORMANCE MEASUREMENT CHARTS JUNE QUARTER****REPORT OF: WAYNE WALLIS - GROUP MANAGER****GROUP: CORPORATE SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopts the June Quarterly Report and June Quarter Performance Measurement (Cockpit) Charts.

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**ORDINARY COUNCIL – 25 August 2009**

<b>282</b>	<b>Councillor Bob Westbury Councillor Ken Jordan</b>	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 (June Quarter 2009) against the Council Plan 2008-2012 and the Performance Measurement Charts measuring Council's performance in key areas.

The Quarterly Report addresses the progress in relation to strategies and objectives across all functional areas of Council. The 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 June Quarter is highlighted in yellow.

**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**

The Quarterly Performance Measurement Charts should be read in conjunction with the quarterly budget papers which are 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 and the Performance Measurement Charts map progress in the implementation of the Social and Community Plan.

## **ECONOMIC IMPLICATIONS**

The Quarterly Report documents progress against goals 5 and 14 of the Council Plan 2008-2012. The Performance Measurement Charts report against key indicators of 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 Council's Corporate Strategy & Planning Coordinator with input from Sections across Council, and referred to the Executive Management for accuracy and completeness.

## **OPTIONS**

- 1) Adopts the Quarterly Report for the June Quarter against the Council Plan 2008-2012 and the Performance Measurement Charts for June quarter;
- 2) Amends the Quarterly Report for the June Quarter against the Council Plan 2008-2012 and the Performance Measurement Charts for June quarter;

## **ATTACHMENTS**

Nil

## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

- 1) June Quarterly Report against Council Plan 2008-2012
- 2) Performance Measurement Charts – June Quarter 2009.

**ITEM NO. 8****INFORMATION PAPERS**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**  
**GROUP: GENERAL MANAGERS OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 25 August, 2009.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Proposed Amendment to Local Environmental Plan 2000 (No. 32) to Rezone Land to Facilitate Commercial Development – Corner Ferodale and Peppertree Roads, Medowie	
2	Redistribution of the New South Wales Federal Electoral Boundaries	
3	Hunter Councils – Strategic Advisory Groups	

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**ORDINARY COUNCIL – 25 August 2009**

<b>283</b>	<b>Councillor Glenys Francis</b> <b>Councillor Peter Kafer</b>	It was resolved that Council prepare a submission to the Australian Electoral Commission requesting the extension of the Paterson Division boundary to the Hexham Bridge.
<b>284</b>	<b>Councillor Steve Tucker</b> <b>Councillor Ken Jordan</b>	It was resolved that Items 1 and 3 be adopted including the Supplementary Information.

# GENERAL MANAGERS INFORMATION PAPERS





INFORMATION ITEM NO. 1

**PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2000  
(NO. 32) TO REZONE LAND TO FACILITATE COMMERCIAL  
DEVELOPMENT – CORNER FERODALE AND PEPPERTREE ROADS,  
MEDOWIE**

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**REPORT OF:** TREVOR ALLEN – MANAGER, INTEGRATED PLANNING  
**GROUP :** SUSTAINABLE PLANNING  
**FILE:** PSC2008-2238

**BACKGROUND**

The purpose of this report is to update Council on the status of this draft LEP.

**PROPOSAL DETAILS**

<b>Owner</b>	Builddev Development NSW (CM) Pty Ltd holds an interest in all of the subject land
<b>Proponent</b>	Builddev Development NSW (CM) Pty Ltd
<b>Date of Submission</b>	9 <sup>th</sup> April 2008
<b>Subject Land</b>	Lots 7, 8, 9, 10, 11 DP 19101 Ferodale Road Medowie
<b>Current Zone</b>	2(a) Residential
<b>Proposed Zone</b>	3(a) Business General

**BACKGROUND**

Council resolved on 27<sup>th</sup> May 2008 to prepare a draft Local Environmental Plan (LEP) to rezone lots 7, 8, 9, 10 & 11 in DP 19101 Ferodale Road, Medowie from 2(a) Residential to 3(a) Business General under the Port Stephens LEP 2000 and prepare a Development Control Plan (DCP) over the 'town centre' including the subject land.

The purpose of the draft LEP is to permit, with development consent, a supermarket on the subject land. Following exhibition, this report presents information about the status of the draft LEP.

Further to Council's resolution of 27<sup>th</sup> May 2008, Council resolved on the 28<sup>th</sup> April 2009 to approve in principle, subject to appropriate conditions, a concept proposal for a supermarket on the subject land including the rationale submitted by the proponent (the supermarket concept plan).

The key issue is, in implementing the Medowie Strategy, ensuring adequate infrastructure upgrading and equitable contributions from the proponent for upgrading and/or provision of infrastructure in accordance with the Medowie Strategy.

The following issues are elaborated upon for Council's information:

- Whether the LEP should proceed, having regard for the planning merits of the proposed rezoning
- Implications for the future service delivery of infrastructure within the Medowie town centre
- What consideration should be given to Council's resolution of 28 April 2009 to approve, in principle, a concept design for a supermarket on the subject land.

#### Planning Merits

The proponent has indicated a supermarket on the subject land is contingent on the draft LEP proceeding, the matter currently before Council is the draft LEP. That is, no development application has been submitted. The draft LEP aims to amend the existing Port Stephens LEP 2000 to rezone the subject land from 2(a) Residential to 3(a) Business General. As such, Council must satisfy itself whether the proposed commercial zone, and the range of land uses permissible, is appropriate for the subject site and concern itself with matters only relevant to the merits of the draft LEP.

In this regard, the proposed rezoning is consistent with the Medowie Strategy adopted March 2009, in that the subject land is identified for future commercial use. The 3(a) Business General zone will permit, with consent, commercial use of the site to satisfy local demand, and contribute to the expansion of the town centre in line with anticipated growth of the town. Due to the location of Medowie on the road network and that the primary trade area for retailing in Medowie is the town itself, it is not envisaged that the additional commercial zoned land will compromise higher order commercial centres such as Raymond Terrace.

#### Service delivery of infrastructure

Any development of the site will need to provide for adequate infrastructure and servicing of the site to meet the demands of the development. In accordance with the Medowie Strategy rezoning requests are required to provide information illustrating that proposed development will not prejudice future surrounding development. This includes information that addresses matters in section A4 of the Medowie Strategy – the “Implementation Strategy”. This information has, to date, not been provided.

The information that the proponent has provided is a one page letter dated 9<sup>th</sup> April 2008 stating that the request was consistent with the then draft Strategy. With the subsequent adoption of the Medowie Strategy and despite several discussions with the proponent and a letter from Council indicating the need for further information, no other substantive information has been provided to Council addressing the infrastructure issues required to be addressed by the Medowie Strategy. It is reasonable to conclude that the proponent is relying on the investigations and strategic directions of the Medowie Strategy to justify and guide the draft LEP and the desired outcomes for the subject land. Furthermore, the proponent has not addressed the Sustainability Principles and Criteria in the *Port Stephens Community Settlement and Infrastructure Strategy 2007* concerning draft LEPs and urban development.

Issues that require particular consideration and attention for the draft LEP including:

- Flooding and drainage – to ensure land uses on the site will not result in a negative impact. Stormwater from the site should be managed on-site without compromising future surrounding land uses within the catchment and surrounding land uses. In addition, consideration of the down stream capacity and any impacts that may occur as a result of intensifying development densities is required in accordance with the proposed land uses.

Infrastructure – to ensure the provision of infrastructure will, or is able to be supplied for future land uses without compromising other service provisions. This includes drainage, street network and utility provisions and the demonstrated delivery of required infrastructure for all future land uses within the immediate vicinity of the subject land.

Agreement that adequate facilities will be provided and mechanisms are in place to ensure funding and provision of infrastructure will occur to service the proposed land uses on the subject land and within its immediate vicinity.

Council should note that Peppertree Road was originally designed and constructed by the proponent in 2001 when the Bi Lo supermarket was constructed. An examination of the approved engineering plans clearly indicates that Peppertree Road was always intended to be widened on the eastern side. This public infrastructure issue is critical to the development of the town centre and adjoining lands.

It is also important to note, no development application has been lodged; this report is pertaining to the draft LEP. However, information relating to these matters and possible infrastructure is required prior to ensure the proposed land use will not result in insufficient funding and provision of infrastructure to serve the future needs of the town and community.

Relationship to Councils' resolution of 28th April 2009

Councils' resolution of 28th April 2009 to approve, in principle, a concept design for a supermarket on the subject land was made in response to the proponents request that preparation of a DCP for the site was not necessary prior to Council considering a development application (DA) and is not directly relevant to the LEP currently before Council.

### **Submissions**

The draft LEP was placed on public exhibition from 21<sup>st</sup> May to 19<sup>th</sup> June 2009 and 5 submissions were received. Four submissions were received from Government agencies. These are identified below and are summarised with respective planning comments in **Attachment 1**.

Submissions Received from the public

The submissions received from the public are primarily concerned with a concept design for a supermarket on the site. The concept design is inconsistent with the Medowie Strategy and this is a common theme in the submissions. The draft LEP itself and rezoning of the land is consistent with the Medowie Strategy. The approval, in principle, of the supermarket concept plan is a separate matter to the draft LEP

currently before Council and not a factor for consideration for the reasons identified earlier in this report.

Submissions Received from relevant government agencies

The Department of Environment and Climate Change (DECC) and the Rural Fire Service (RFS) provided no objection provided the relevant matters are given consideration at development application stage. Energy Australia indicated they are currently undertaking investigations regarding current and future load limits and require the relevant considerations be given at development application stage.

The Roads and Traffic Authority (RTA) have indicated no specific objection to this draft LEP. However, they reiterated their previous advice with relation to a requirement of strategic traffic planning for Medowie including the intersection of Medowie and Ferrodale Roads, and the town centre.

## **ATTACHMENTS**

- 1) Draft LEP instrument and map
- 2) Summary of Public Submissions

## **COUNCILLORS ROOM**

- 1) Submissions Folder
- 2) Medowie Strategy

## **TABLED DOCUMENTS**

Nil

**ATTACHMENT 1**  
**SUMMARY OF PUBLIC SUBMISSIONS**

<b>SUBMISSION/ NO.</b>	<b>ISSUES RAISED</b>	<b>PLANNING COMMENT</b>
1	<p>Objects to the rezoning of the land to allow for the construction of the proposed shopping centre.</p> <p>Council is supporting a development concept that contravenes the fundamentals and spirit of the Medowie Strategy.</p> <p>The development concept jeopardises the Strategy's plan for road works and widening Peppertree road, which is Medowie's nominated future main street.</p> <p>The community helped to create a strategy which would see the development of a town centre with character.</p> <p>Objects to the development concept placing loading bays feeding directly onto Peppertree Road.</p> <p>Objects to any future development that contravenes the guidelines and spirit of the Medowie Strategy.</p> <p>The decision making that has taken place raises issues of trust in local government.</p>	<p>Rezoning the land to 3(a) Business General is consistent with the Medowie Strategy.</p> <p>The issues raised are principally related to process and a potential development application for a supermarket on the site.</p> <p>Noted. The concept plan is not relevant to the consideration of the LEP</p> <p>It is outside the scope of the LEP process to consider DA issues. It is appropriate to consider the merits of a supermarket design as part of the development application process and after the rezoning of the land.</p>

**INFORMATION ITEM NO. 2**

**REDISTRIBUTION OF THE NEW SOUTH WALES FEDERAL ELECTORAL  
BOUNDARIES**

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**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**  
**GROUP: GENERAL MANAGER'S OFFICE**  
**FILE: PSC2009-0876**

**BACKGROUND**

The purpose of this report is to inform Council of the proposed changes to the New South Wales Federal Electoral Boundaries.

On the 7<sup>th</sup> August 2009, the Australia Electoral Commission released the "Proposed Redistribution Report" calling for public comment until 4<sup>th</sup> September 2009.

The report explains the Redistribution Committee's (the Committee) redrawing of the state's electoral boundaries into 48 federal divisions.

The current entitlement of 49 House of Representative seats was reduced by one due to population changes, triggering the redistribution of electoral boundaries in New South Wales which commenced on 19<sup>th</sup> February 2009.

The proposed boundaries have been established to cater for the projected population growth also. With current enrolments at 19<sup>th</sup> February 2009, of 91,477, and the projected enrolments of 98,271 at 16 July 2012, provides a growth rate of 7.43%.

The changes to the current boundary of the Paterson Division will result in some change along the New England Highway near Maitland and also along Raymond Terrace Road. There are also changes to the boundary to the north which will result in the boundary following the Port Stephens Local Government boundary. A colour copy of the boundary changes will be provided under separate cover.

It is proposed not to make a submission at this time.

**ATTACHMENTS**

- 1) Media Release – Australia Electoral Commission

ATTACHMENT 1

## Media release



7 August 2009

### Proposal for New South Wales Federal Electoral Redistribution

The report detailing the proposed federal electoral boundaries in New South Wales was published today by the Redistribution Committee for New South Wales. The report explains the Committee's redrawing of the state's electoral boundaries into 48 federal divisions.

The state's current entitlement of 49 House of Representative seats was reduced by one due to population changes, triggering the redistribution of electoral boundaries in New South Wales which commenced on 19 February 2009.

The Electoral Commissioner and Chair of the Committee, Mr Ed Killesteyn, said that the Committee was required by legislation to draw new boundaries which ensured, as far as practicable, that the number of electors in each division at 16 July 2012 did not vary more than 3.5% below and above the state's average projected enrolment of 98 907 electors.

The Committee also took into account community of interests, communication and transport links, physical features, and current federal boundaries when making its proposal.

The Committee noted that the loss of one division in New South Wales would necessarily result in the need to consider adjustments to boundaries throughout the state. It also noted that 12 existing divisions needed to gain electors to meet the numerical requirements of the Electoral Act and that only the metropolitan Division of Reid was required to lose electors.

Mr Killesteyn said that the Committee adopted the approach of supplementing divisions with relatively low enrolment from areas with higher enrolment numbers. The cumulative effect was the abolition of the existing Division of Reid.

Given the breadth of changes to the Division of Lowe as a result of the proposed redistribution, the Committee has taken the opportunity to rename this division 'McMahon', in recognition of the late Prime Minister, Sir William McMahon.

Mr Killesteyn advised that the Committee's approach resulted in the existing number of rural and regional electoral divisions being maintained.

The full details of the New South Wales Redistribution Committee's proposal, including the Committee's considerations in making the proposal, are in its report available on the AEC website at [www.aec.gov.au](http://www.aec.gov.au), or from the Redistribution Secretariat.

Mr Killesteyn said that the consultative nature of the redistribution process continues with individuals and organisations now able to lodge objections about the Committee's proposed redistribution.

Written objections must be lodged with the Australian Electoral Commission no later than 6.00pm on Friday 4 September 2009:

- in person to Level 3, Roden Cutler House, 24 Campbell Street, Haymarket, NSW, 2000; or
- by mail to PO Box K406, Haymarket, NSW, 1240; or
- by email to [nsw.redistribution@aec.gov.au](mailto:nsw.redistribution@aec.gov.au); or
- by facsimile to (02) 9375 6328.

The logo features a large, stylized number '25' in a light blue color. To the right of the '25' is the text 'Years serving the Australian community' in a smaller, dark blue font.

## Media release



All objections received by the deadline will be available for public inspection at the AEC State Office in Sydney and on the AEC website from Monday 7 September 2009. Comments on the objections will be accepted until 6.00pm on 18 September 2009.

### Further information:

The Executive Summary, from the 2009 Proposed Redistribution of New South Wales into Electoral Divisions, follows below. The full report is available on the NSW Proposed Redistribution Page at [www.aec.gov.au](http://www.aec.gov.au).

### Media contacts:

Tjoen San Lauw  
Acting Australian Electoral Officer for  
New South Wales  
AEC New South Wales  
02 9375 6300

Phil Diak  
Director, Media and Communication Strategy  
Canberra  
02 6271 4415  
0413 452 539

### FURTHER INFORMATION:

#### **The 2009 Proposed Redistribution of New South Wales: Report of the Redistribution Committee**

#### **Executive summary**

1. On 17 February 2009, the Electoral Commissioner made a determination on state and territory representation entitlements under section 48(1) of the *Commonwealth Electoral Act 1918* (the Electoral Act). Under the determination, New South Wales is entitled to 48 members of the House of Representatives, one less than its previous entitlement.
2. In considering options for the redistribution of divisional boundaries, the Redistribution Committee (the Committee) sought to ensure its proposal took into account and reflected a full and proper consideration of all the factors brought before it as required by the Electoral Act. These factors included actual and projected enrolment figures, and suggestions and comments. The Committee also sought, wherever possible, to unite communities of common interest and use clearly identifiable features as divisional boundaries.
3. New South Wales has experienced low population growth relative to the national average. Inland areas of the state are growing more slowly in both population and enrolment compared to the rest of New South Wales. Alterations to existing boundaries are required in order to achieve relative equality of enrolments at the projection time as required by the Electoral Act.





## Media release



4. The Committee noted that the loss of one division would necessarily result in the need to consider adjustments to boundaries throughout the state. Twelve of the existing 49 divisions require additional electors to satisfy the numerical requirements of the Electoral Act. Two provincial divisions (Cunningham and Throsby) and six rural divisions (Calare, Gilmore, Lyne, New England, Parkes and Riverina) are below the 3.5% numerical tolerance range and need to gain electors. Furthermore, three outer metropolitan divisions (Berowra, Fowler and Hughes) and an inner metropolitan division (Lowe) are below the 3.5% range and must also gain electors.
5. Reid, situated in the middle of the metropolitan area, is the only division above the permissible tolerance range and therefore must lose electors.
6. The Committee reasoned that those divisions with relatively low projected enrolment should source the supplementation they need from areas with relatively high projected enrolment. As a consequence the metropolitan areas became the major source of supplementation. A number of consequential changes to existing boundaries were then necessary, with only the Division of Wentworth remaining unchanged in the metropolitan area. The cumulative effect of this supplementation strategy was the abolition of the existing Division of Reid.
7. The Committee believed it appropriate, in light of the breadth of changes to the Division of Lowe, which adjoined Reid, to take this opportunity to rename this division. The Committee has proposed renaming the division McMahon, in recognition of the outstanding service provided to Australia by the late Prime Minister, Sir William McMahon.
8. The Committee's approach resulted in the existing number of rural and regional electoral divisions being maintained. The divisions of Richmond, Shortland and Farrer remained unchanged, while the boundaries of the other rural and regional divisions were adjusted to meet the numerical requirements.

*Extract from '2009 Proposed Redistribution of New South Wales into Electoral Divisions'*



INFORMATION ITEM NO. 3

**HUNTER COUNCILS – STRATEGIC ADVISORY GROUPS**

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**REPORT OF: PETER GESLING – GENERAL MANAGER**

**GROUP: GENERAL MANAGER'S OFFICE**

**FILE: A2004-0026**

**BACKGROUND**

**The purpose of this report is to inform Council of the outcomes of the first meetings of the Strategic Advisory Groups of the Hunter Councils Board.**

In March of this year the Board of the Hunter Region Organisation of Councils resolved to amend its constitution in order to facilitate a more powerful and proactive approach by the Board to issues of regional advocacy. The changes to the constitution included restricting membership of the Board to the Mayors of the member councils, increased meeting frequency and the introduction of strategic advisory groups to assist the Board in identifying and actioning responses to key issues affecting our region.

The creation of the Advisory Groups was a particularly critical step in raising the profile and status of local government in the Hunter and in empowering the Hunter Councils Board in researching and in undertaking advocacy on critical aspects of regional development and community well-being. The areas of focus for the now instituted strategic advisory groups were derived from the Hunter Councils Constitution and comprise Economic Development and Infrastructure, Community and Cultural Development and the Environment. Their roles and responsibilities are as follows:

- 1.1 To have input to the development and implementation of strategic, regional positions that will enhance (economic development and infrastructure / cultural and community development / the environment) within the Hunter Region*
- 1.2 To identify areas of opportunity and priority in relation to (economic development and infrastructure / cultural and community development / the environment) and to recommend to the Board appropriate responses to those areas of opportunity and priority*
- 1.3 To provide a forum for discussion of regionally significant (economic development and infrastructure / cultural and community development / environmental) issues*
- 1.4 To receive input from outside agencies in relation to areas of the Advisory Group's responsibility and to determine the potential for that input to inform wider Board deliberations on those matters.*

As agreed the strategic advisory groups are not, in themselves, determinants of Board policy or position on a matter. They will, however, have a critical role in

assisting the Board in its deliberations and in its wider development, review of and advocacy for adopted strategic priorities and goals for our Region.

### **First meetings**

The first meetings of the Advisory Groups took place from 4 pm in the Meeting Room at Hunter Councils on the afternoons – respectively – of 22, 23 and 24 July. Following a formal welcome by the CEO Hunter Councils each meeting followed the same agenda of:

1. *An overview of the role and functions of the Advisory Groups and their place in the wider strategic decision making processes of the Hunter Councils Board*
2. *Election of Chair and Deputy Chair*
3. *Identification of future meeting schedules*
4. *A workshop – facilitated by the CEO – in relation to key, regionally significant focus areas applying to the strategic areas of focus of each group.*

Each of the meetings was notable for the collegial approach of participants and the degree to which consensus was easily reached amongst groups of councillors from sometimes very different backgrounds, levels of experience and philosophical persuasion.

What was also notable and very welcome was the degree to which participants understood and embraced both the exciting nature of their roles and the fact that, ultimately, decision making and accountability rests with the Board.

The attached notes represent the areas of focus identified by each of the groups. Given the short space of time available to each of the groups the quality of their insights and the range of ideas expressed in what was really a “first go” at a very new task is quite remarkable.

The Hunter Councils Board has endorsed the first stage findings of the groups and has welcomed the quality and breadth of their deliberations.

### **Chair and Deputy Chair Positions**

A high level of interest was demonstrated by members of the Economic Development and Infrastructure and Environment Advisory Groups in the Chair and Deputy Chair positions. As a result those groups agreed to delay selection of those positions until their second meeting. At those second meetings interested members will deliver a short presentation outlining the qualities and experience they would bring to the roles.

The Community and Cultural Development Group unanimously elected Cllr Leigh Vaughan, Great Lakes Council, as Chair and Cllr Katheryn Smith, Gloucester Shire Council, as Deputy.

### **CONCLUSION**

## **MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009**

The Board's Advisory Groups are an important component of the strategic repositioning and enhanced advocacy capacity of local government in the Hunter. A next step for the Groups will be consideration of a report on linkages between their findings thus far and the content of the Consultation Draft of the new State Plan that was recently released for comment.

### **ATTACHMENTS**

- 1) Key Issues Notes from the Board Strategic Advisory Group Meeting of 22, 23 and 24 July 2009.

**ATTACHMENT 1**

**KEY ISSUES NOTES FROM THE BOARD STRATEGIC ADVISORY GROUP MEETINGS OF 22, 23 AND 24 JULY 2009**

**Economic Development and Infrastructure**

**Building a diverse and resilient regional economy**

- Developing a cohesive, informed, integrated and viable regional plan to position and promote the Hunter as a smart, sustainable and proactive place to do business
- Acknowledging the importance of mining to our region and exploring all opportunities to maximise its contribution to economic development and life opportunities
- Acknowledging, at the same time, the implications and consequences of mining on communities, infrastructure and the business environment and proactively working with the mining industry, communities and other levels of government in managing those impacts at a local and regional level
- Positioning the Hunter to remain and grow as a business and employment hub in a life “after coal”
- Ensuring, as an aspect of the above, that access is retained and enhanced to productive agricultural land and that remediated lands become productive lands
- Working, as a further aspect of the above, between councils and with other levels of government and business in managing competitive demands for land and in matching population growth with employment growth
- Addressing the cost of doing business in the Hunter
- Promoting past success and seeking repetition of the decentralisation of government services to the region
- Understanding social and cultural influences on business investment decision making processes and marketing aspects such as lifestyle, skilled staff and housing affordability
- Building the profile and variety of the Hunter as a centre of educational excellence and vocational learning
- Working with government, business and other providers in maximising access to services such as medical services that impact on lifestyle and lifestyle attraction
- Developing and driving at a local level coherent tourism strategies, including product development strategies, to build the strength of tourism as an employment generator

**Identifying and addressing economic development constraints and opportunities associated with major infrastructure**

- Addressing the lack of detailed and costed infrastructure strategies to align with and enable planning strategies such as the Lower Hunter Regional Strategy
- Raising awareness of the consequences of inadequate infrastructure availability, quality and competition for access (for example to freight rail) on regional economic growth and our potential to attract business investment
- Maximising opportunities resulting from the Hunter Expressway through constant focus on and advocacy for:
  - Timely and adequately managed and integrated construction rollout
  - Assessment of and sourced funding for local road network enhancements to manage changed and potentially increased traffic flows
  - Recognition of the positive and potentially negative consequences of the Expressway on Upper Hunter communities and community owned and managed infrastructure such as roads
- Gaining State and Federal Government commitment to additional major infrastructure enablers such as the Glendale Interchange
- Exploring opportunities to address deficiencies of passenger rail services within the region and between the region and Sydney including advocacy for a fast rail service to the metropolitan area
- Raising awareness of the consequences of inadequate rail infrastructure and services on road network access and maintenance
- Addressing the particular problems of water access and water cost on growth
- Exploring all opportunities to have the inland rail corridor “top of mind” with the State and Federal Governments
- Working with Newcastle Port in building access and capacity and in ensuring efficient and cost effective road and rail access to its facilities
- Identifying issues such as cost and access in relation to energy supply
- Acting proactively to explore and support alternative energy sources
- Working with Newcastle Airport and regional airports to maximise their contribution to local economies and the regional economy and their roles as catalysts to tourism development and access
- Assessing and responding proactively to the potential for the Tillegra Dam including the opportunity cost associated with its construction

**Addressing problems associated with the funding of state and locally managed infrastructure and in maintaining local economies in times of change**

- Addressing the deterioration of our road networks and reductions in regional roads funding
- Acknowledging the costs and timeframes of timber bridge replacement programs
- Seeking expanded awareness of the particular issues of rural communities, most particularly communities experiencing population decline, in retaining services and local business, retail and other resources.

**Community and Cultural Development**

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**Encouraging a sense of place, self worth and prosperity**

- Installing pride in where we live – acknowledging and building on a Sense of Place
- Working with agencies and communities to identify, promote and enhance community liveability

**Building creative communities and cultural linkages**

- Having an overall strategic approach at a regional as well as local level to community and cultural development
- Developing cross council communication and resource sharing in relation to community and cultural development and a breaking down of silo / parochial barriers to cooperation
- Developing cross council / regional approaches to settlement strategy and to how communities evolve and access services
- Conducting workshops to identify cultural heritage within our communities
- Developing awareness of the increasingly multicultural nature of the Hunter's communities and developing linkages between cultural groups
- Raising awareness of the need to resource and partner in the delivery cultural services
- Developing viable, creative industries
- Acknowledging the importance of creative activities in addressing the lives and life opportunities of groups at risk (youth, aged) and crime

**Cohesive, Healthy and Informed Communities**

- Focusing on issues that impact on community safety and the perception of safety
- Advocating for enhanced access to medical facilities and practitioners
- Advocating for enhanced access to educational facilities and services
- Lobbying for enhanced access to Police Services

- Proactively responding to our aging communities
- Engaging with groups of hidden disadvantage such as single parent families with young children

### **Expanding Life Opportunities**

- Acknowledging and working with other agencies to address social imbalance
- Addressing the consequences of intergenerational unemployment
- Assessing and addressing the impact of transient lifestyles / people commuting between local government areas for employment
- Identifying opportunities to address skills loss / our aging workforce
- Exploring all opportunities to secure viable, long term employment for the lesser skilled
- Acknowledging and addressing the deficiencies of public transport and the affects of isolation
- Lobbying for enhanced rail infrastructure as a means of supporting mobility, access to support services and employment
- Identifying and addressing barriers to accessibility
- Recognising the implications of new technology on access (both its benefits and its consequences in terms of required computer literacy, etc.)
- Providing a leadership role for youth in identifying a direction for the future of our region and its communities / Engaging with youth and empowering them to adopt an active role
- Tapping into hidden resources (for example the retired in our community) through initiatives such as mentoring
- Engaging with the socially and economically disadvantaged in our community



## **The Environment**

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### **Understanding and responding to Climate Change**

- Supporting the development of adaption and mitigation strategies
- Proactively responding, for example through education campaigns, to rising Sea Levels, Beach Erosion
- Accepting our accountability for our own Carbon Footprint
- Exploring opportunities in areas that may be favoured by Climate Change projections (e.g. rural areas where more rainfall is predicted)
- Considering the impacts of climate change across the region (both good and bad) and proactively identifying planning and land use consequences
- Developing better integrated emergency responses to floods and fires events / Addressing more proactively at a regional level disaster management strategy
- Strategically planning / anticipating at a regional level future events and their consequences

### **Having regard for Biological Diversity**

- Working to protect and enhance wildlife corridors
- Protecting forest resources and having particular care for old growth areas
- Having regard to the particular importance of wetlands and littoral rainforest
- Protecting landscapes and landscape heritage

### **Focusing on Sustainability**

- Conducting community education programs on Sustainability
- Working together to create and promote sustainable communities
- Exploring and supporting alternative energies such as wind farms and greener industries
- Identifying and promoting compatible and sustainable industries
- Resourcing community education programs on domestic waste minimisation, power and water use
- Exploring Regeneration / Remediation / and the use of bio solids

### **Ensuring sustainable Planning and Development**

- Ensuring that ecologically sustainable development / sustainable planning - carrying capacity, land use demands and cumulative impacts are key focus areas in future planning
- Recognising the implications of population growth and the consequences of urban sprawl / Greenfield development

- Cumulative impacts of development – being proactive rather than reactive; decision making that takes into account future consequences
- Working together proactively to ensure a local voice in designated development assessment and mining approvals

### **Better Water Management**

- Focusing on water cycle management , water quality and the impacts of water mining and harvesting
- Promoting water use best practices in, for example, the vineyards
- Refocusing attention on Catchment management

### **Promoting good agricultural lands and practices**

- Preserving access to agricultural lands (Mining, residential)
- Ensuring the remediation of agricultural land and addressing the degradation of such land
- Recognising and responding to impacts of the food chain such as the cumulative impacts of agricultural chemical use

### **Waste**

- Ensuring regional responses to Waste Management
- Ensuring regional responses to outside factors impacting on the efficiency, effectiveness and cost of waste management (e.g. DECC Waste Levy)
- Being aware of the cost of waste management and disposal to the community and the associated rise in illegal dumping
- Exploring inequity of waste charges and how it might be addressed (e.g. by the weighing of bins)

### **Regional Approaches to Best Practice**

- Promoting decision making based on best information
- Ensuring Council leadership in environmental best practice
- Ensuring that Councils take a leading role in regards to what they do themselves. (e.g. consistency in policies & best practice across councils)

### **Key Regional Impact Assessment Issues**

- Ensuring a local and regional response to Air Quality
- Coming to terms with the impacts of Gas Exploration activities and extractive activities such as quarrying
- Determining & acting upon a regional attitude to Tillegra Dam proposal
- Assessing the impact of legislation (e.g. what it allows such as mining exploration licences)
- Being aware of and addressing the impact of rising salinity
- Being aware of the implications of retrospective legislation (e.g. on Mining exploration licences)

# NOTICES OF MOTION

# NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217, PSC2006-0988

## TREES FOR NELSON BAY ROAD FROM SALAMANDER WAY TO CHURCH STREET

COUNCILLORS: JOHN NELL & BOB WESTBURY

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### THAT COUNCIL:

- 1) Prepare plans and costings for the establishment of further trees and associated plantings along Nelson Bay Road from Salamander Way roundabout through to Church Street/ Dowling Street. Include such landscaping works in Council's integrated works program for the next four years as appropriate.

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### ORDINARY COUNCIL – 25 August 2009

285	<b>Councillor John Nell</b> <b>Councillor Bob Westbury</b>	It was resolved that Council prepare plans and costings for the establishment of further trees and associated plantings along Nelson Bay Road from Salamander Way roundabout through to Church Street/ Dowling Street & Donald Street. Include such landscaping works in Council's integrated works program for the next four years as appropriate.
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### BACKGROUND REPORT OF: MIKE TRIGAR - GROUP MANAGER, FACILITIES & SERVICES

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#### BACKGROUND

Nelson Bay Town Management has previously requested the planting of an avenue of trees along Nelson Bay Road from the Salamander Way roundabout through to the Church Street/Dowling Street roundabout.

However, due to the presence of large native trees and natural bush as part of the Tomaree National Park Roads and Energy Australia powerlines along the sides of Nelson Bay Road, this request has been seen as impractical. Further, it is intended that a very large intersection be built as part of the Fingal Bay Bypass Road at some stage in the future.

<b>MINUTES FOR ORDINARY MEETING – 25 AUGUST 2009</b>
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Instead, work has already commenced on the planting of some thousands of Christmas Bushes along the western side of Nelson Bay Road between the roundabouts utilising volunteers. This will be complemented by the replacement with Christmas Bush of native bush disturbed by Hunter Water water main works recently. These landscaping works can be accelerated and included in the next four year integrated works program of Council.

In addition, landscaping plans for existing roundabouts and medians across the municipality and a review of current street tree planting guidelines, are also underway. Separate reports will be presented to Council in due course.

# NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217, PSC2005-3612

## LEONARD EVERITT PARK

COUNCILLOR: JOHN NELL

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### THAT COUNCIL:

- 1) The name of "Leonard Everitt Park" at Soldiers point be registered with the Geographical Names Board of NSW.
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### ORDINARY COUNCIL – 25 August 2009

286	Councillor John Nell Councillor Bob Westbury	It was resolved that the Notice of Motion be adopted.
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### BACKGROUND REPORT OF: JASON LINNANE – MANAGER, RECREATION SERVICES

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#### BACKGROUND

The site has long been known and signposted as Len Everitt Park. This has never been formalised through the Geographical Names Board (GNB).

Subsequent to this NoM, staff will send appropriate documentation to the GNB requesting the registration of the name.

# NOTICE OF MOTION

ITEM NO. 3

FILE NO: A2004-0217; PSC2009-02962

## **REVIEW COUNCILS POLICY TO CHARGE PROPERTY OWNERS 50% OF COST OF INSTALLING CONCRETE FOOTPATHS ON COUNCIL OWNED VERGE AREAS.**

**COUNCILLORS: GEOFF DINGLE & PETER KAER**

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### **THAT COUNCIL:**

- 1) Review its policy on the charging of residents for a proportion of the installation of footpaths on verges surrounding private properties.
  - a) That Council cease charging residents for the installation of footpaths on the Council owned verge areas and instead use section 94 funding and capital grant to carry out these works. That Council determines a fairer way to distribute the cost to the community members who will benefit from the installation of this infrastructure.

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### **COUNCILLORS COMMENTS**

While collection of a proportion of fees for the construction of footpaths is part of Councils current policy, and State legislation allows Councils to charge residents up to half the cost of footpaths bordering their properties, it is not compulsory. Many of these footpaths are the connecting sections between new estates and existing residential areas, the cost of this infrastructure in new estates is covered by developer contributions and costs adsorbed into the purchase of property.

Residents are often completely unaware of these charges until they receive the invoice. For self funded retirees or pensioners, it is a shock to them that they have to find between \$1000 and \$2000 dollars without warning. Many residents have complained they are given no warning and not part of any discussion about these arrangements and the first thing they know about it is when the bill arrives, at that point it is a fait accompli. The suggestion that they can pay this off is no consolation as they are often have very restricted incomes and little in the way of disposable reserves.

These people are often very upset and angry that they are expected to pay 50% of the cost of infrastructure that every other member of the community will benefit from yet the costs are not distributed evenly. While less grass has to be mowed with installation of these paths, it also make it more difficult to maintain with more edges and grass patches to access, the verge is after all Council property and we know that Council will never have the resources to maintain property verges.

**ORDINARY COUNCIL – 25 August 2009**

<b>287</b>	<b>Councillor Geoff Dingle Councillor Peter Kafer</b>	It was resolved that the Notice of Motion be adopted.
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**BACKGROUND REPORT OF: MICK LOOMES – MANAGER, ENGINEERING SERVICES**

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**BACKGROUND**

Over the years, Council has considered several reports regarding the levying of contributions for footpath paving, kerb and guttering. The policy was confirmed on 18 July 2000 and more recently the 2009-13 Council Plan and “Fees and Charges” were adopted which puts this policy into practice for 2009/10.

Council's policy for footpath contributions limits them to being applied to properties in residential 2a and 2c, business 3a, industrial 4a and special urban 5 zonings only. Footpaths constructed in rural and other zonings do not attract a contribution from adjoining landowners. The policy also provides delegation to the Group Manager of Facilities and Services to exempt certain properties in the urban and business zonings if there is no direct benefit to the adjoining property.

Legislation

Section 217 of the Road Act 1993 allows the Roads Authority (Council) to recover up to 50% of the costs of footpath paving if Council has resolved to do so.

Procedures and Notification

In urban road reconstruction, in older settled areas, Council has routinely included footpath paving as part of major upgrades of the roads. As plans and specifications are being prepared, Council provides advance notification to adjacent property owners of the likely cost of any footpath or kerb and guttering contributions. The construction work is then carried out, often weeks or months later and only when the works are completed does Council send out the accurate invoice requesting payment. It would be most unusual for any landowner to not receive a prior notification of the works and likely contribution prior to an invoice being raised.

Funding Alternatives

Council's Section 94 plans do not contain a footpath component within them for footpath or cyclepath contributions. Developers are required to fund this infrastructure as part of new development. Council predominantly only builds “infill” footpaths within already established areas where footpath infrastructure was not provided in earlier decades when estates were developed. Footpaths can be funded from Section 94A contributions, however, in reality, S94A funds actually received by Council over the last 2 years are minimal. Grant funds are occasionally



available for footpath construction and generally they require matching funds from Council and any adjoining landowner contributions can provide a proportion of Council's share in those cases.

Implications for 2009/10 Budget

- There are a number of projects which have recently been completed and for which invoices for footpath contributions have been issued and some owners have already paid their contributions or have made arrangements to do so over time.
- There are a number of projects currently underway where the advance notifications have been sent out but the work has not yet been completed.
- There are a number of projects which have not yet been fully designed and where advance notification has yet to be issued to the landowners.
- If Council decides to change its footpath contributions policy following the NOM then there will be a \$170,000 shortfall in funding in 2009/10 and Council will need to either increase its deficit or review its current works program and reduce the number of projects it can undertake in the year.

In effect, the current practices mean that property owners in new subdivisions share between them 10% of the cost of all infrastructure including adjacent footpaths. Some adjoining property owners share 50% of the cost of footpaths (only) retro-fitted in the older subdivisions with the general ratepayer base providing the other 50% of funds.

**Councillor Steve Tucker declared a non-pecuniary interest in Notice of Motion No. 4.**

## **NOTICE OF MOTION**

**ITEM NO. 4**

**FILE NO: A2004-0217 + PSC2005-3632**

### **COUNCIL SUPPORT FOR MEDOWIE SPORTS & COMMUNITY CENTRE**

**COUNCILLOR: GEOFF DINGLE**

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#### **THAT COUNCIL:**

- 1) Support the newly formed Medowie Sports and Community Club in the following manner.
    - (a) Source a suitable parcel of Council owned land preferably in the area designated as the central business area of Medowie. The terms, under which this land is occupied to be agreed in consultation with the Club committee and Council, options could include; pepper corn rental, annual lease for an agreed period, options for future purchase if and when the club is financially in a position to do this.
    - (b) That Council provide a seed grant of \$250,000 from Central Ward land sale fund allocation toward the development of a community club with intentions that this club would provide support to sporting groups through the Council sponsored Medowie Sports Council
    - (c) That nominated members of the Sports Club be appointed the Medowie Sports Council to liaise between the Club Committee and the Medowie sports groups represented.
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#### **COUNCILLOR COMMENT**

Public meetings have been held in Medowie for the past 30 years to discuss the development of a licensed sports club, this has drifted between support for a potential bowling club, an RSL and now in recent times the formation of a Medowie Sports & Community Club. Funding in the order of \$160,000 was allocated in a previous Council through representations from Councillor Muir from the profits generated in sales of Council owned land at Salamander Bay. These funds were intended to be used for the construction of a Licensed Sports Club, however these funds have subsequently been used to construct the Ferodale Sports amenities in the Council owned Ferodale Park sports complex on Council operational land opened some 3 years ago.

While land has been marked on the Ferodale Park plan for allocation of a potential Sports Club the location of this land leaves a great deal to be desired. It is in the centre of the Medowie flood plain in a choked section between Ferodale oval, Ferodale Road and Yulong Oval. This land regularly goes under water in large rain events and this has been the case in 2009 and several times in 2008. Infilling of this

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land is not an option as it is in conflict with Councils policy not to infill flood zoned areas and in this case it is of particular concern since the impact on local flooding of properties has increased in the past two years with flood waters trapped between Grahams town Dam and Medowie flood zones. There are few options to redistribute these flood waters, with almost total reliance on Campvale pumping station to transferring floor waters into Grahams Town Dam. The nominated site at Ferodale Park is directly next to the Campvale drain which will require widening at some stage and the Medowie Strategy calls for the creation of a town Lake in an effort to create an additional collection basin for flood waters. The site is also next door to the Medowie sewage pumping transfer station resulting potential for overflow and odours from this facility.

A preferred location needs to be sought and it is suggested that this might be in the commercial area of Medowie where Council owns a large parcel of land and the location is accessible to all members of the community and encourages access by seniors who may not have access to personal transport. It would also encourage higher levels of participation if it is within walking distance of the shopping and business activity centre of the community.

Many other Port Stephens communities have attempted to get licensed sports clubs off the ground, an example is in Anna Bay which for some 20 years has attempted to start a club and despite the fact that it has \$200,000 in its building fund account is hamstrung for lack of a suitable site. Providing the fledgling Medowie club with a seed grant of a minimum of \$250,000 and a suitable location will provide the stimulus for community support and enthusiasm to get this project off the ground. Medowie has no licensed venues other than the Bull and Bush Hotel for community events and social activity, there are no bowling clubs, RSL's, golf clubs etc. to service a community of close to 9,000 people with a potential for this to grow to 12000 to 14000 over the next 20 years. Profits from the Sports Club would be ultimately feed back into community to support Sports Clubs and assist in driving Council's limited resources for funding sports activities much further.

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### ORDINARY COUNCIL – 25 August 2009

	<b>Councillor Geoff Dingle</b>	That the Notice of Motion be adopted.
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The Motion on being put was lost.

### AMENDMENT

	<b>Councillor John Nell</b> <b>Councillor Glenys Francis</b>	That Council prepare a report on a possible site for the Medowie Sports and Community Club.
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The Amendment on being put was lost.

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

**BACKGROUND**

- The siting of any major community facilities will all be subject to the outcomes of the Medowie Flood Study currently in progress.
- There is an agreed master plan for the existing overall recreation site that shows a club and a bowling green on the site. However, Facilities and Services Group have not held any detailed discussions with the proponents of the proposed Medowie Sports and Community Club. This is something that would be undertaken in due course subsequent to concept designs being completed for how the proponents want to use the current allocated site.
- The proposed club is not to be a council owned or run facility at this stage so the facility is not included in council's Forward Works Plan. However, the proposal is consistent with the adjoining use of the site from sporting perspective and there could likely be mutual benefits for the club, the local sporting and recreational clubs and council. The overall site is identified for recreational purposes in the Medowie Strategy.
- Council owns a parcel of operational land situated on the western side of Medowie Road. The land is approximately 6 ha and is currently zoned 2(a) and 6(a). Part of the land has been identified in the Medowie strategy as suitable to be rezoned to 3(a) Business General A Zone. The Property Section in conjunction with other land owners in Medowie have discussed the option of a joint rezoning application to share the costs associated with the necessary studies and application fees. This matter is to be discussed with the Councillors as part of Council's Two Way Conversation Program in the near future.

# 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 – 25 August 2009

288	<b>Councillor John Nell Councillor Steve Tucker</b>	It was resolved that Council move into Confidential Session.
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**CONFIDENTIAL**

**ITEM NO. 1**

**FILE NO: T38-2007**

**SUPPLEMENTARY PURCHASE OF BAGGAGE HANDLING SYSTEM  
EQUIPMENT – NEWCASTLE AIRPORT LIMITED (NAL)**

**REPORT OF: PETER GESLING - GENERAL MANAGER**  
**GROUP: GENERAL MANAGER'S OFFICE**

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**ORDINARY COUNCIL – 25 August 2009**

<b>289</b>	<b>Councillor John Nell</b> <b>Councillor Steve Tucker</b>	It was resolved that Council approve to purchase supplementary equipment for the purpose of extending the current Baggage Handling System from Glidepath O & M Pty Ltd. Glidepath O & M Pty Ltd being the original equipment manufacturer and sole supplier of the of the incumbent Glidepath product.
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There being no further business the meeting closed at 8.15pm.

*I certify that pages 1 to 142 of the Open Ordinary Minutes of Council 25 August 2009 and the pages 143 to 148 of the Confidential Ordinary Minutes of Council 14 July 2009 were confirmed by Council at its meeting held on 22 September 2009..*

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**Cr Bruce MacKenzie**  
**MAYOR**