

Minutes 13 APRIL 2010



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 13 April 2010, commencing at 7.15pm.

PRESENT: Councillors B. MacKenzie (Mayor); R. Westbury (Deputy Mayor); G. Dingle; 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 and Executive Officer.

		No apologies were received. No declarations of interest were received.
095	Councillor Steve Tucker Councillor Shirley O'Brien	It was resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 23 March 2010 & 30 March 2010 be confirmed.

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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 3200-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

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 Council Committee & Ordinary Council 13 April 2010 agenda namely **Leisure Services Tender T28-2009**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Leisure Services Tender T28-2009**
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
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COUNCIL COMMITTEE MEETING – 13 APRIL 2010

RECOMMENDATION:

	Councillor John Nell Councillor Peter Kafer	That the item be deferred to the Ordinary Council meeting on 13 April 2010.
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ORDINARY COUNCIL MEETING – 13 APRIL 2010

<p>096</p>	<p>Councillor Ken Jordan Councillor Steve Tucker</p>	<p>It was resolved that:</p> <ol style="list-style-type: none"> 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 Council Committee & Ordinary Council 13 April 2010 agenda namely Leisure Services Tender T28-2009. 2) That the reasons for closing the meeting to the public to consider this item be that: <ol style="list-style-type: none"> i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and ii) In particular, the report includes confidential pricing information in respect of the Leisure Services Tender T28-2009 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts. 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
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COUNCIL COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: PSC2005-2656

ACQUISITION OF EASEMENT TO DRAIN WATER AND RIGHT OF CARRIAGE WAY OVER LOTS 3 & 4 DP 1078715 AT WALLALONG.

REPORT OF: MICK LOOMES - ENGINEERING SERVICES MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the creation of an Easement to Drain Water and a Right of Carriage Way over Lots 3 & 4 DP 1078715 at Wallalong.
- 2) Consents to, and Grants Authority to affix Council's Seal to the Section 88B Instrument attached to the plan which will create the Easement to Drain Water and Right of Carriage Way over Lots 3 & 4 DP 1078715 at Wallalong.
- 3) That Council finalises and registers the plan of Easement to Drain Water and Right of Carriage Way over the properties in items 1 and 2 above.

COUNCIL COMMITTEE MEETING – 13 APRIL 2010
RECOMMENDATION:

	Councillor Bruce MacKenzie Councillor Sally Dover	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 13 APRIL 2010

097	Councillor Ken Jordan Councillor Sally Dover	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend Council consents to the creation of an easement to drain water and a right of carriage way and authorises Council's Seal to be placed on the relevant documents to achieve this.

The owner of Lot 4 contacted Council concerning stormwater drainage from Oban Court causing erosion and flooding of the property.

Council's Drainage Engineer has identified the need for easements over the subject properties for the benefit of Council's infrastructure. The construction of a pipe crossing under the property accesses will be required.

The construction proposed will benefit the property owners and the property owners have agreed to the easements with no monetary compensation. Council will be responsible for all reasonable costs associated with the creation of the easements.

See attachment 1 for the location and attachment 2 for the site of the easements.

This relates to Infrastructure and Asset Management Objectives and good Council corporate governance.

FINANCIAL/RESOURCE IMPLICATIONS

Construction and administration costs are estimated to be \$30,000 and can be accommodated in the Facilities and Services Drainage Program budget through a budget review without any call on extra funds.

LEGAL, POLICY AND RISK IMPLICATIONS

Actions necessary for this matter fall under the Local Government, Roads and Conveyancing Acts with no Council Policies involved.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The provision of infrastructure for the benefit of ratepayers and the general community will impact positively to its sustainability provided environmental impacts are minimal as anticipated in this use.

The impact upon the subject properties will be that they will have easements in favour of Council over the land and will benefit from the provision of the stormwater drainage infrastructure in the control of erosion.

CONSULTATION

Owners representative, Council Surveyor and Council's Drainage Engineer.

OPTIONS

- 1) Adopt recommendations
- 2) Reject recommendations

ATTACHMENTS

- 1) Location map
- 2) Site plan

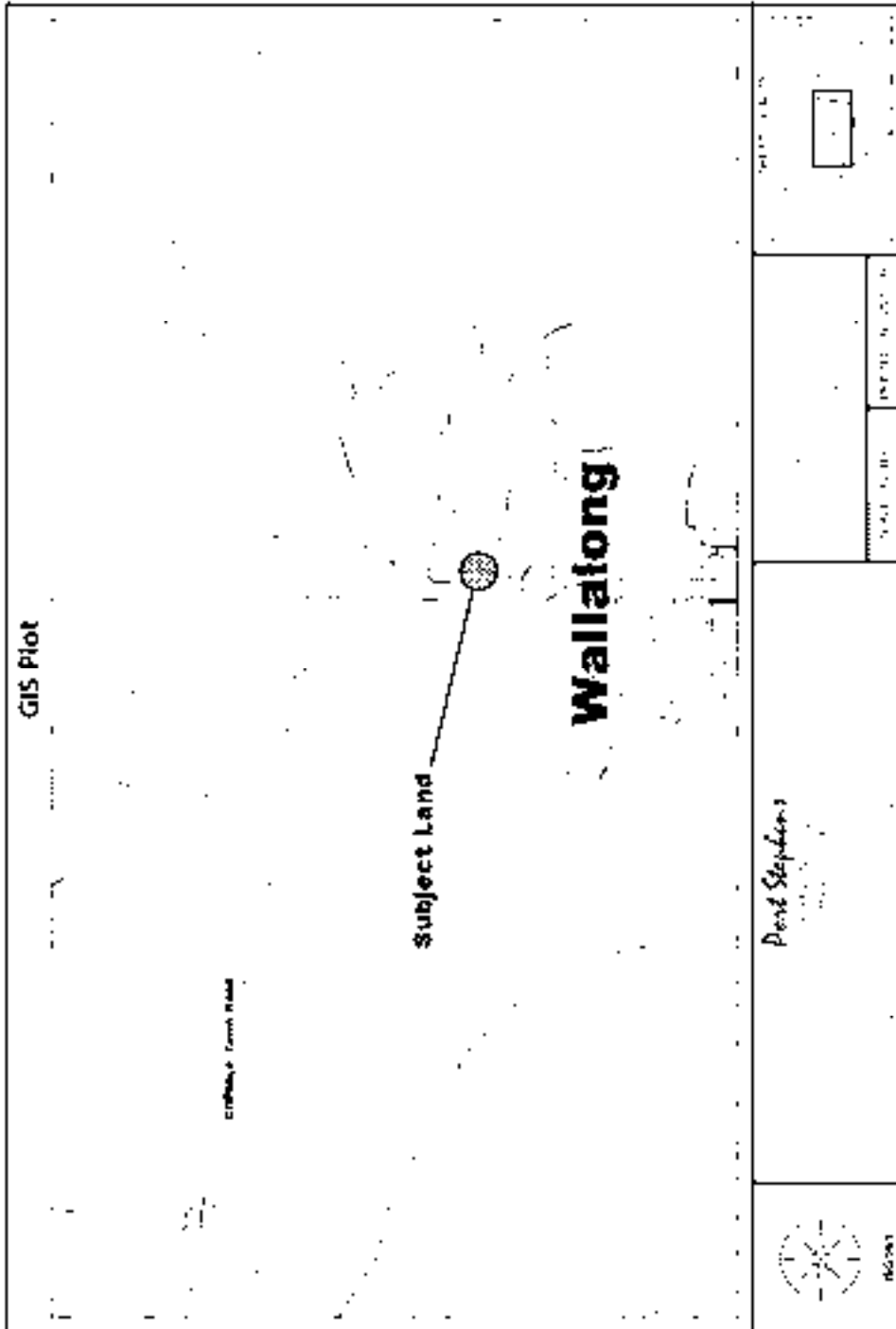
COUNCILLORS ROOM

Nil.

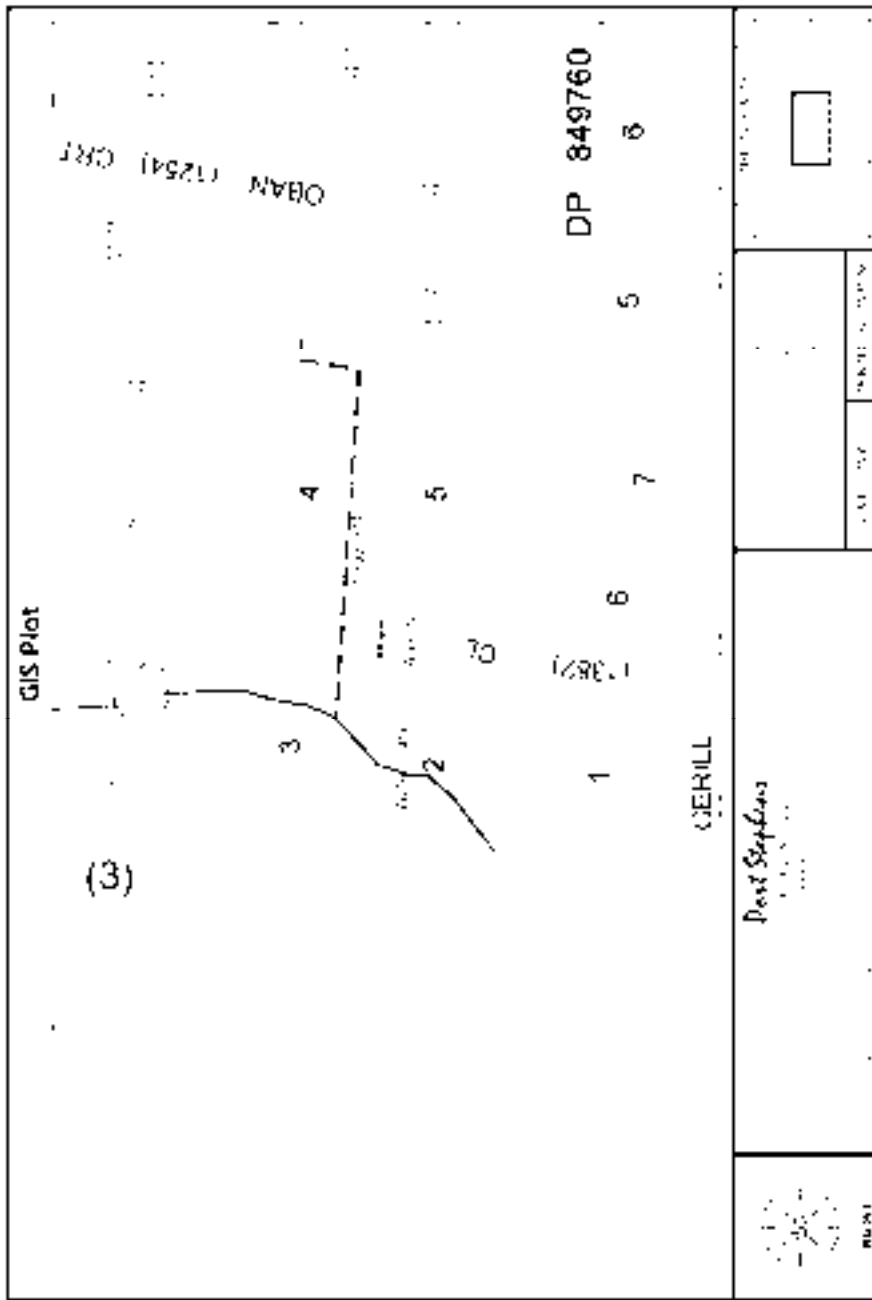
TABLED DOCUMENTS

Nil.

ATTACHMENT 1



ATTACHMENT 2



ITEM NO. 2

FILE NO: PSC2009-09650

COMMUNITY GRANTS – 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 Ward funds as detailed below:

EAST WARD

- a) Corlette Hall Parks & Reserves Committee – Installation of a tap at Lorikeet Reserve - \$1,000.
- b) Karingal Preschool – purchase of a computer for a Works Skills program - \$1,999.
- c) Nelson Bay RSL Sub-Branch – Costs associated with Apex Park, Nelson Bay for Anzac Day & Remembrance Day - \$190.
- d) Rotary Club Nelson Bay – Rotary Youth Driver Awareness - \$2,000.
- e) Port Stephens Historical Society – Costs of room fees for the National Trust Heritage Festival - \$400.

CENTRAL WARD

- a) 1st Tilligerry Scouts Group – Stage 2 of refurbishment of toilets - \$2,000.
- b) Tilligerry Bridge Club – purchase of a duplimate card machine - \$500.
- c) Port Stephens Veterans Golfers Association – Golf Tournament 2010 - \$1,000.

WEST WARD

- a) Raymond Terrace Combined Public Schools P&C Art Show – Annual Art Show - \$2,000.
- b) Raymond Terrace & Districts Tennis Club Inc. – Easter Open Tennis Event - \$2,000.
- c) Port Stephens Community Care Inc. – Senior s Expo - \$1,000.
- d) Karuah Progress Association – Reimbursement of DA Fees - \$560.80.
- e) Wallalong Pre-School – Reimbursement of part DA Fees - \$150.

MINUTES FOR ORDINARY COUNCIL – 13 APRIL 2010**MAYORAL FUNDS**

- a) Port Stephens Transport Forum – Contribution towards running costs - \$300.
- 2) In addition to the funds allocated in Item 1, Council also provide funds with each Ward contributing equally to the following groups/organisations:
 - a) Port Stephens RAAF Williamtown – RAAF Citizens of the Year - \$500 (\$166 each Ward).
 - b) Hunter Region Botanic Gardens – reimbursement of development application fees - \$983.80 (\$328 each Ward).
- 3) Reduce the entry fee to the Tomaree Aquatic Centre from \$4 to \$2.30 for the Nelson Bay Digger Swimming Club – Australian Imperial Force Swimming Carnival.

COUNCIL COMMITTEE MEETING – 13 APRIL 2010**RECOMMENDATION:**

	Councillor Bob Westbury Councillor Peter Kafer	That the recommendation be adopted.
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MATTER ARISING

	Councillor John Nell Councillor Steve Tucker	That Council waive fees associated with Anzac Day & that a budget allocation be provided to the Hunter Region Botanic Gardens annually.
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ORDINARY COUNCIL MEETING – 13 APRIL 2010

098	Councillor Ken Jordan Councillor Steve Tucker	It was resolved that the recommendation be adopted.
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MATTER ARISING

099	Councillor Bob Westbury Councillor Bruce MacKenzie	It was resolved that Council <ul style="list-style-type: none"> 1) Waive fees associated with Anzac Day in the future. 2) An annual budget allocate be provided to the Hunter Region Botanic Gardens. 3) A report to be provided to Council with respect to groups/organisation that
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		Council provides contributions annually at present for possible inclusion in the Financial Assistance Policy.
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BACKGROUND

The new Financial Assistance Policy adopted by Council 19 May 2009, to commence from 1 July 2009, provides for Community Grants to be called in July and January each year.

The applications received are assessed by a panel comprising of Councillor's Dover, Tucker, Jordan, MacKenzie and the General Manager, in accordance with the criteria under the Financial Assistance Policy.

Council called for Community Grants from 17 December 2009 to 14 January 2010. All applications received are shown at ATTACHMENT 1.

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.

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward Funds are the funding source for all financial assistance. Council has provided for \$36,000 per year, with \$18,000 being available on each occasion Grants are called. These Grants are limited to \$2000 per grant.

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.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The provision of the Community Grants allows organisations and groups to build relationships and provide events to the local community whilst further developing the cultural, social and economic aspects of the local government area.

CONSULTATION

Mayor
Councillors
General Manager
Port Stephens community

OPTIONS

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

ATTACHMENTS

- 1) All Community Grants applications submitted.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

2009 DECEMBER COMMUNITY GRANTS SUMMARIES FOR WEST WARD

Page No.	No.	APPLICANT	CONTACT	PURPOSE	FUNDING SOUGHT FROM COUNCIL	TOTAL COST of PROJECT	FUNDS FROM BY COUNCIL IN LAST 3 years	OTHER GRANTS PROVIDED	COMPLIES WITH POLICY YES/NO.
	1	Hunter region Botanic Gardens	Jan Noble	Reimbursement of development application fees	\$983.80 (\$328 per Ward)	\$983.80	\$4,875	Nil	Yes
	2	Wheelchair Sports NSW	Russell West & Robert Harper	Purchase of wheelchair and sporting equipment	\$2,000	\$2,000	Nil	Nil	Yes
	3	Karuah Progress Association	Fred McInerney	Running costs associated with Carols by Candlelight in 2010	\$600	\$1,200	\$1,600	Nil	Should be considered under the Cultural Funding in first instance
	4	Hunter Region Botanic Gardens	Jan Noble	Purchase of a new 5kw split system air conditioner for the Education building	\$1,485	\$1,849	\$4,875	\$73,275	Yes
	5	Raymond Terrace Combined Public Schools P&C Art Show (includes 3 schools)	Ellen Gordon	Seeking funds to cover costs to run the Art Show and remaining funds from the Art Show will be divided between the 3 schools for equipment & resources.	\$2,000	\$7,000	\$6,000	Nil	Should be considered under the Cultural Funding in first instance
	6	Raymond Terrace & Districts Tennis Club Inc.	Ellen Gordon	Seeking funds to conduct the Easter Open Tennis Event	\$2,000	\$7,000	\$6,000	Nil	Should be considered under the Cultural Funding in first instance
	7	Port Stephens Community Care Inc	Sheryl Cain	Costs associated with the facilitation of the Annual Port Stephens Seniors Expo.	\$1,000	\$3,000	\$7,000	\$1,000	Yes
	8	Port Stephens RAAF Williamtown	John Donahoo	Contribution towards RAAF Citizen of the Year	\$500 (\$166 per Ward)		\$1,500		YES
	9	Karuah Progress Assoc	Fred McInerney	Reimbursement of DA fees	\$560.80				
	10	Wallalong Preschool	Nicole Frost	Reimbursement of DA fees	\$582.35				
TOTAL					\$10,722.15				

MINUTES FOR ORDINARY COUNCIL – 13 APRIL 2010

2009 DECEMBER COMMUNITY GRANTS SUMMARIES FOR EAST WARD

Page No.	No.	APPLICANT	CONTACT	PURPOSE	FUNDING SOUGHT FROM COUNCIL	TOTAL COST of PROJECT	FUNDS FROM BY COUNCIL IN LAST 3 years	OTHER GRANTS PROVIDED	COMPLIES WITH POLICY YES/NO.
	1	Corlette Hall Parks & Reserves Committee	Margaret Wilkinson	Installation costs of a community tap at Lorikeet Reserve Spinnaker Way, Corlette	\$2,000	\$2,260	\$6,270	\$60,000 sought but declined	Yes
	2	Corlette Hall Parks & Reserves Committee	Margaret Wilkinson	Install 4 pole vault street sign mounted bike parking rails at Roy Wood Reserve, Conroy Park, West Bagnall (Pantowara) and Middle Bagnall Beach Reserves.	\$2,000	\$1,778	\$6,270	\$60,000 sought but declined	Yes
	3	Corlette Hall Parks & Reserves Committee	Margaret Wilkinson	Install 2 interpretative signs adjacent to Bagnall Beach cycleway near Middle Bagnall Beach carpark	\$1,800	\$1,800	\$6,270	\$60,000 sought but declined	Yes
	4	Port Stephens Writers & Readers Circle	Phil Murray	Seeking funds for the production and printing of a book – an anthology of short stories and poems	\$2,000	\$2,000	Nil	Nil	Should be considered under the Cultural Funding in first instance
	5	Karingal Preschool	Carly Stephen	To purchase a computer and institute a Work Skills Education program for unemployed and low income parents	\$1,999	\$1,999	\$1,050	Nil	Yes
	6	Nelson Bay RSL Sub Branch	Max Ferres	Cost of fees to use Apex Park, Nelson Bay for Anzac Day and Remembrance Day	\$190	\$190	\$190	Nil	Yes
	7	Rotary Club Nelson Bay	Murray Nicol	To fund the Rotary Youth Driver Awareness	\$2,250	\$4,500	\$6,000	\$2,000	Yes
	8	Port Stephens Historical Society Inc	Lloyd Peake	Costs associated with National Trust Heritage Festival – Port Stephens	\$100	\$100			Should be considered under the Cultural Funding in first instance

MINUTES FOR ODINARY COUNCIL – 13 APRIL 2010

	9	Nelson Bay Diggers Swim Club	Keith Elliott	Entry costs into the Tomaree Aquatic Centre for the Australian Imperial Force	\$6,680 or \$4,640 if Council reduces the fee to \$2.30.	\$6,680 or \$4,640	Nil		Yes
	10	Port Stephens RAAF Williamtown	John Donahoo	Contribution towards RAAF Citizen of the Year	\$500 (\$166 per Ward)		\$1500		YES
	11	Hunter region Botanic Gardens	Jan Noble	Reimbursement of development application fees	\$983.80 (\$328 per Ward)	\$983.80	\$4,875	Nil	Yes
TOTAL					\$17,473				

MINUTES FOR ODINARY COUNCIL – 13 APRIL 2010

2009 DECEMBER COMMUNITY GRANTS SUMMARIES FOR CENTRAL WARD

Page No.	No.	APPLICANT	CONTACT	PURPOSE	FUNDING SOUGHT FROM COUNCIL	TOTAL COST of PROJECT	FUNDS FROM BY COUNCIL IN LAST 3 years	OTHER GRANTS PROVIDED	COMPLIES WITH POLICY YES/NO.
	1	Bayway Village Men's Shed	Dennis Morrison	Seeking funds to assist with the extension of the Men's Shed	\$2,000	\$6,000	Nil	Nil	Yes
	2	1 st Tilligerry Scout Group	Ross Kalie	Refurbishment of the boys and girls toilets – Stage	\$2,000	\$5,000	\$2722.50	\$10,000	Yes
	3	Sailability NSW Port Stephens Branch	Frank Bardsley	Equipment –rainwear, course layout buoys, flag kits	\$1,540	\$1,540	Nil	\$7,000	Yes
	4	Tilligerry Bridge Club	Janet Kieran	Purchase a duplimate card dealing machine	\$2,000	\$3,500	\$900	Nil	Yes
	5	Tanilba & Districts Golf Club Ltd	Dr Peter Kieran	Upgrade of the fairway facility	\$2,000	\$2,924	Nil	\$45,000	Yes
	6	Port Stephens Veterans Golfers Association	Terence Cook	Funds for prizes and expenses for the Golf Tournament in October 2010	\$2,000	\$39,228	\$3,000	Nil	Yes
	7	Port Stephens RAAF Wiliamtown	John Donahoo	Contribution towards RAAF Citizen of the Year	\$500 (\$166 per Ward)		\$1500		YES
	8	Hunter region Botanic Gardens	Jan Noble	Reimbursement of development application fees	\$983.80 (\$328 per Ward)	\$983.80	\$4,875	Nil	Yes
TOTAL					\$12,034				

ITEM NO. 3

FILE NO: PSC2007-02386

FINANCIAL ASSISTANCE POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) That Council continue with the current policy which provides an open and transparent approach in providing funding to the Port Stephens Community.
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COUNCIL COMMITTEE MEETING – 13 APRIL 2010
RECOMMENDATION:

	Councillor Bob Westbury Councillor John Nell	That Council: 1) That Council continue with the current policy which provides an open and transparent approach in providing funding to the Port Stephens Community. 2) Councillors be given 6 weeks notice prior to the close of submissions on each occasion.
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ORDINARY COUNCIL MEETING – 13 APRIL 2010

100	Councillor Glenys Francis Councillor Steve Tucker	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to provide Council with the opportunity to review the implementation of the Financial Assistance Policy.

Council at its meeting on the 19th May 2009 adopted the current policy which provides a number of opportunities for the whole community to access funding from Council in line with specific criteria. Council at the time of adopting the policy were advised that a report will be presented to Council within 12 months of the adoption for a review of the implementation. Council has now had two (2) rounds of funding

under the Community Grants section of the policy as well as a number of requests under the Rapid Response section.

The current policy provides savings to Council in terms of administrative resources and also allows for a coordinated, open and transparent approach in the way Council provides funding to the community.

The current policy is shown at **ATTACHMENT 1** for Council's consideration.

FINANCIAL/RESOURCE IMPLICATIONS

All financial aspects of the policy are allowed for in the current budget.

LEGAL, POLICY AND RISK IMPLICATIONS

The policy and its associated procedures and processes ensure that Council remains compliant with Section 356 of the Local Government Act 1993.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy, if adopted provides significant opportunity for Council to support building the capacity of its community and improving its amenity. It provides equitable access to financial assistance for all across Port Stephens LGA.

The opportunity for projects that have previously been supported annually to be mainstreamed, thereby gaining access to expertise and assurance of continued support once the merit to the community and/or capacity building attributes are attested.

Council practice has provided funds to initiate or contribute to significant community contributions from fund raising or in kind.

CONSULTATION

General Manager

OPTIONS

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

ATTACHMENTS

- 1) Current Financial Assistance Policy

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Port Stephens
C·O·U·N·C·I·L

POLICY

Adopted: 19/05/2009
Minute No: 151
Amended:
Minute No:

FILE NO: PSC2007-2386

TITLE: FINANCIAL ASSISTANCE UNDER SECTION 356 OF THE LOCAL GOVERNMENT ACT 1993

RESPONSIBLE OFFICER: EXECUTIVE OFFICER

BACKGROUND

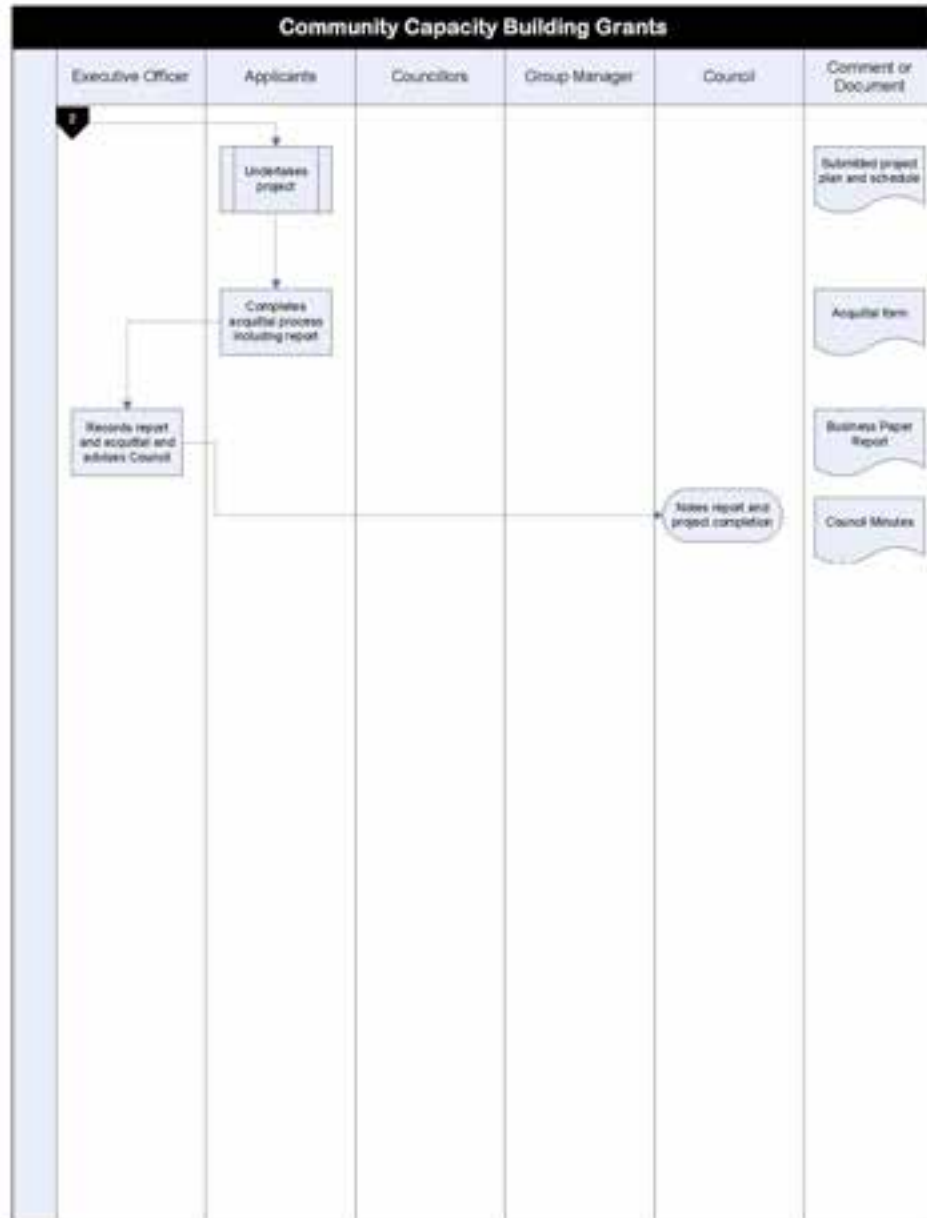
Since the Department of Local Government's Better Practice Review of Port Stephens Council in 2005 and its Circular 06-32, Council has been aware that its existing policy (adopted in 1997 and amended in 2004 – titled Request for Financial Assistance) has been inadequate to meet the needs of Council to support its community and build capacity.

This policy replaces the previous policy *Request for Financial Assistance*. The terms 'Minor Works' and Profit from Land Sales (formerly 'Ward Funds') are also rescinded for the purposes of this policy and the term Financial Assistance Program describes the methods of distribution of Council funds prescribed by this policy.

OBJECTIVE

- To provide an equitable, transparent, accountable and coordinated approach for providing financial assistance to community groups in accordance with the terms of Section 356 of the Local Government Act 1993.
- To provide equitable financial assistance to people and organisations, bearing in mind that the Council is trustee and custodian of public assets and is bound by its charter to effectively account for and manage those assets.
- To promote a sense of community, community harmony and social cohesion.
- To assist communities under stress.
- To ensure fair distribution of activities and services throughout Port Stephens.

APPENDIX 3 (cont)



PRINCIPLES

- 1) Funds provided for financial assistance to any part of the community are available through the whole community's contribution via rates, taxes and the sale of its assets.
- 2) Equity of opportunity to apply for financial assistance by all groups within the community.
- 3) Accountability to the community for equitable, transparent processes to dispense financial assistance is the responsibility of Council.
- 4) Accountability of the recipients of financial assistance to use those funds in accordance with the conditions of the assistance, and to be prepared to acquit them if necessary.
- 5) Projects for which financial assistance is provided by Council should benefit and/or build the capacity of the Port Stephens LGA community and/or its constituent communities.

POLICY STATEMENT

Port Stephens Council provides grants to non-profit community groups through a Financial Assistance Program. Council's goal in offering this program is to support local activities and projects which improve its community's capacity and meet the needs of its residents.

The Mayoral funds are provided annually to allow the Mayor to respond to contingent requirements that may arise from time to time. The funds may only be used at the discretion of the Mayor.

(a) Financial Assistance Program Components

The four components of the Financial Assistance Program are:

1. Community Financial Assistance Grants: a bi-annual process of competitive applications for financial assistance from a fund totalling \$36,000. See Appendix 1 of this Policy for detailed process and documentation. Maximum grants of \$2000; to be spent within Port Stephens LGA; successful applicants determined through a sub-committee of Council. General Business Rules for this grant apply – see Requirements section below for full details.

Examples of this type of grant could include Heritage : repair of heritage assets, acquire heritage item, publication of local history; Sports & Community Service: team uniforms, upgrade amenities, purchase of equipment; Anniversaries; local group – significant celebrations eg 80th anniversary; General: purchase of equipment for halls, parks, playgrounds.

2. Rapid Response Financial Assistance – an annual allowance of \$2000 for each Councillor, with a discretionary limit of \$200, which can be

dispensed at the request of the Councillor and requiring only the signature of the Mayor and the General Manager. Rapid Response Financial Assistance must subsequently be endorsed by Council. See Appendix 2 of this Policy for process and documentation. General Requirements apply – see below.

Examples could include: **Specific** occasion refund of hall fees (not ongoing); Donation to charity (one off); Inscription on a commemorative plaque; Purchase of cutlery for Council or Community facility; Other one-off small items not requiring acquittal.

3. Community Capacity Building Grants – special projects (excluding events) that provide specific benefits to the community of Port Stephens. Grants are not competitive, maximum \$10,000 and are determined by Council after completion of an application. See appendix 3 of this Policy for process and documentation. General Requirements apply, and in addition detailed project plans, outlines of community benefit to be gained, and acquittal are required.

Examples could include: Upgrades to community facilities; Security lighting at sporting grounds, parks; Fencing a facility or repairs to a heritage asset; Provision of sun protection at schools.

4. Special Purpose Resolution of Council for financial relief. This could be a policy, such as the Financial Assistance for Disposal of Waste in Port Stephens Policy adopted in 2005; or by way of a specific resolution of Council related to a class of persons.

The following requirements apply to all components, however some may be waived in the case of the Special Purpose Resolution of Council component.

Requirements – Financial Assistance Program

- 1) Funding must be spent within the LGA of Port Stephens, with reasonable provision for equity between Wards, although all requests should be treated on their merits.
- 2) Funding for a group or individual or project will be made once only in any three year period. Grants to individuals are subject to 28 days' public notice prior to a decision of Council and the legislation precludes funding being made and later ratified.
- 3) Funding for events are excluded from the Financial Assistance Program, and are the responsibility of the Council's Economic Development Unit.
- 4) Funding must be made to an incorporated association or other formally constituted body. Funding to individuals is allowed under Section 356 subject to there being no objections after a 28-day public exhibition process. Funding for an individual or individuals may not be available under the second component – Rapid Response Financial Assistance – as the exhibition requirement would make it impractical to achieve the quick turnaround that this component is designed to meet.

- 5) Funding must be expended in accordance with the functions of Council.
- 6) Assistance would not be available to groups from more than one Councillor. Attempts to seek multiple small amounts from different Councillors under any component of the Financial Assistance Program would automatically disqualify a group from any financial assistance.
- 7) Council funding may be used in conjunction with funding from other sources (outside Council) provided that such funding is disclosed at the time of application for financial assistance to Council.
- 8) In all components, funding must be used for the purpose for which it is granted.
- 9) Applications for financial assistance for sums greater than \$500 should be accompanied by details of the project, any additional funding to be obtained from sources other than Council, and details of proposed expenditure.
- 10) Funding amounts over \$500 must be acquitted using Council's Financial Assistance Acquittal form, and provide a report on the outcome of the project to Council. Council may waive the requirement for a report, however the funds must still be accounted in the acquittal process.
- 11) Where the project to be funded is of a capital nature and is not on a Council-owned or operated facility or land, a statement from the proposed asset owner that Council will not be held responsible for on-going maintenance should accompany a request for financial assistance.
- 12) Generally, projects that ordinarily would fall within the Council's capital works program at a low priority will only be funded through the Financial Assistance Program if there is no impact on higher priority projects and associated resources, and if such funding is not to the detriment of other projects of merit. It is the responsibility of the Group Manager Facilities & Services to determine potential impacts and make a recommendation to the General Manager and Council accordingly.
- 13) 'Matching funds' from existing budgeted items cannot be appropriated away from the purpose for which they were approved to support low priority capital works.

Community Financial Assistance Component – Adjudication

Where competitive grants are advertised and applications received, these will be considered by a sub-committee of Council, comprising the Mayor, the General Manager and one Councillor from each Ward. The Executive Officer would convene the sub-committee once grant applications are closed.

The sub-committee would adjudicate the applications on the basis of the criteria and business rules, and make recommendation to Council on those to be funded. Where applications are not funded, the sub-committee should provide reasons that can be conveyed to applicants to assist in future grant proposals.

The General Manager is responsible for reporting to Council annually and certifying that expenditure under the Financial Assistance Program meets the necessary probity and transparency required by the Act. The Financial Assistance Program expenditure is reported in the Annual Report (Statutory Statements) as part of the requirements for s356.

(b) Mayoral Fund

The Mayoral Fund is provided annually to allow the Mayor to respond to contingent requirements that may arise from time to time. The Fund may only be used at the discretion of the Mayor.

Mayoral funds must be used to provide benefits that reflect the whole of Port Stephens LGA, but are not geographically confined to the LGA. Examples include donations on behalf of the Port Stephens community to other communities suffering hardship through natural disasters etc.

Mayor Fund expenses are related to non-personal matters associated with the Mayor's office such as small mayoral donations, ceremonies, wreaths, overseas visitors, luncheons related to Council business, civic ceremony expenses, promoting community relations (eg Sister Cities).

Provision of memorabilia is the responsibility of the Communications & Customer Relations Section of Council. That Section will ensure that there is a stock of suitable merchandise for ceremonial and associated purposes.

The General Manager is responsible for reporting to Council annually and certifying that the Mayoral Fund expenses meet the necessary probity and transparency required by the Act. Mayor Fund expenditure is reported in the Annual Report (Statutory Statements) as part of the requirements for s356.

RELATED POLICIES

Port Stephens Council Code of Conduct
Financial Assistance for Disposal of Waste
Community Groups Loans Policy
Corporate Sponsorship Policy
Debt Recovery & Hardship Policy
Rate Donation for Community Groups Policy
Council Charter

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

This policy contributes to the capacity building of the Port Stephens Community.

ECONOMIC IMPLICATIONS

This policy contributes to the economic capacity of the Port Stephens Community.

ENVIRONMENTAL IMPLICATIONS

This policy enables Council to contribute to projects that actively protect or revitalise the environment of Port Stephens.

RELEVANT LEGISLATIVE PROVISIONS

Section 356, Section 8, Local Government Act 1993
Department of Local Government Circular 06-32
The Independent Commission against Corruption Act 1988

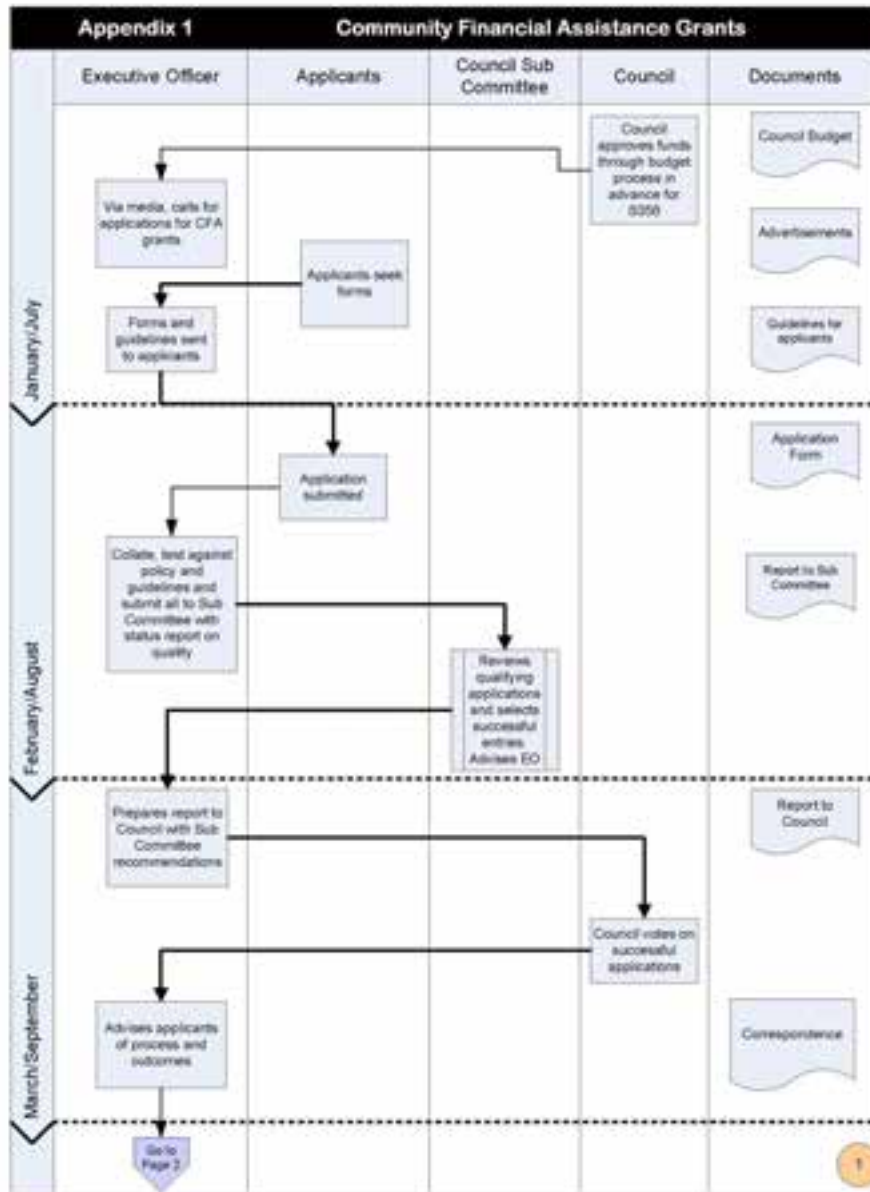
IMPLEMENTATION RESPONSIBILITY

Executive Officer

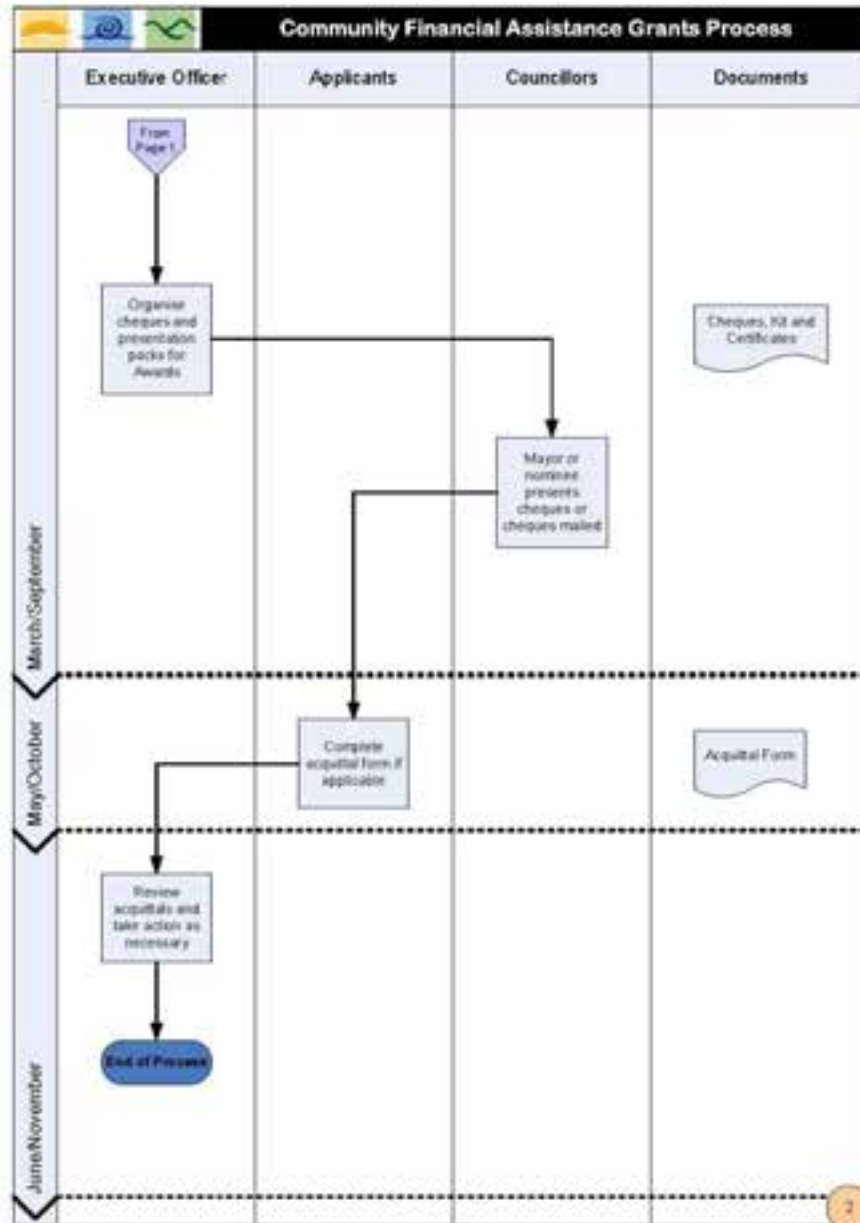
REVIEW DATE

One year from the date of adoption of the policy.

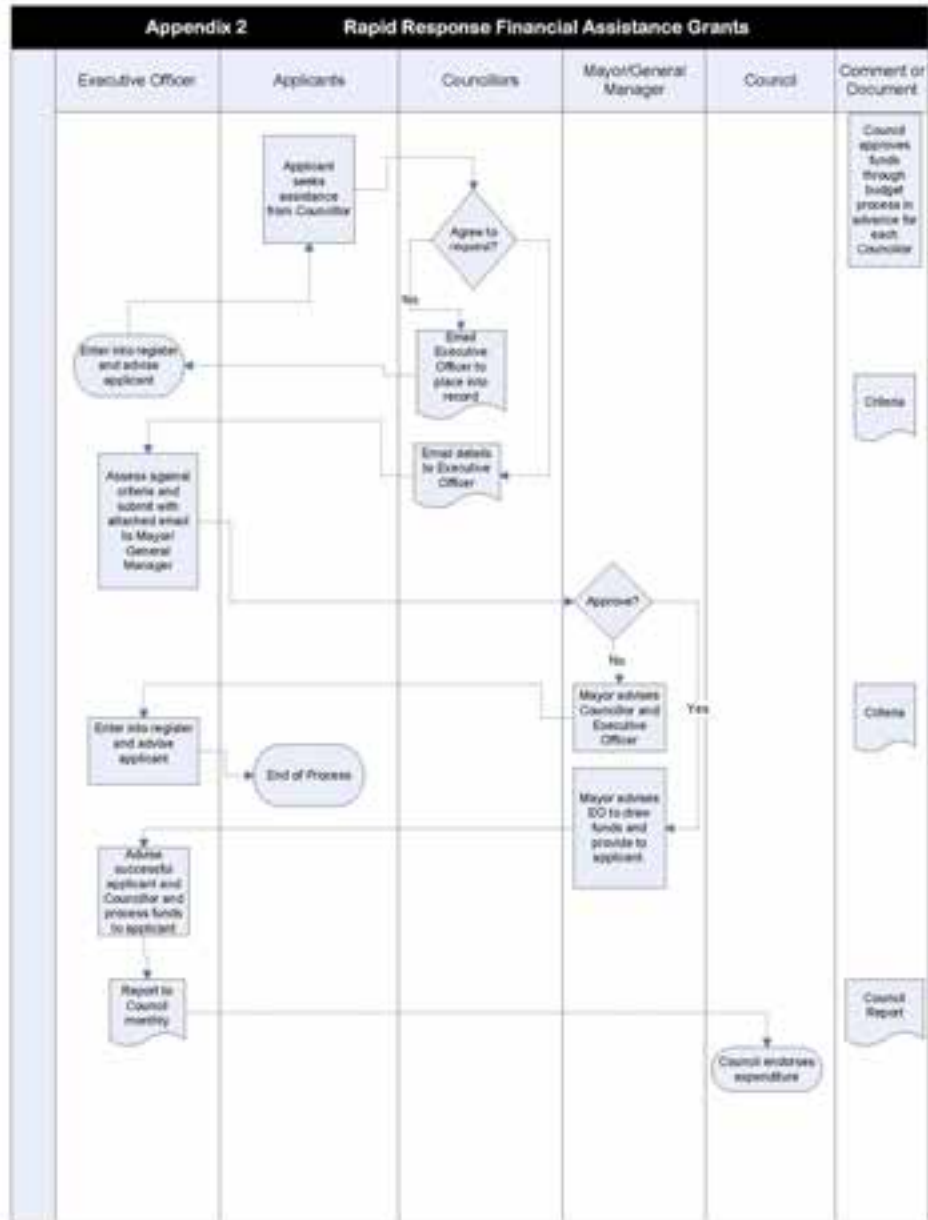
APPENDIX 1



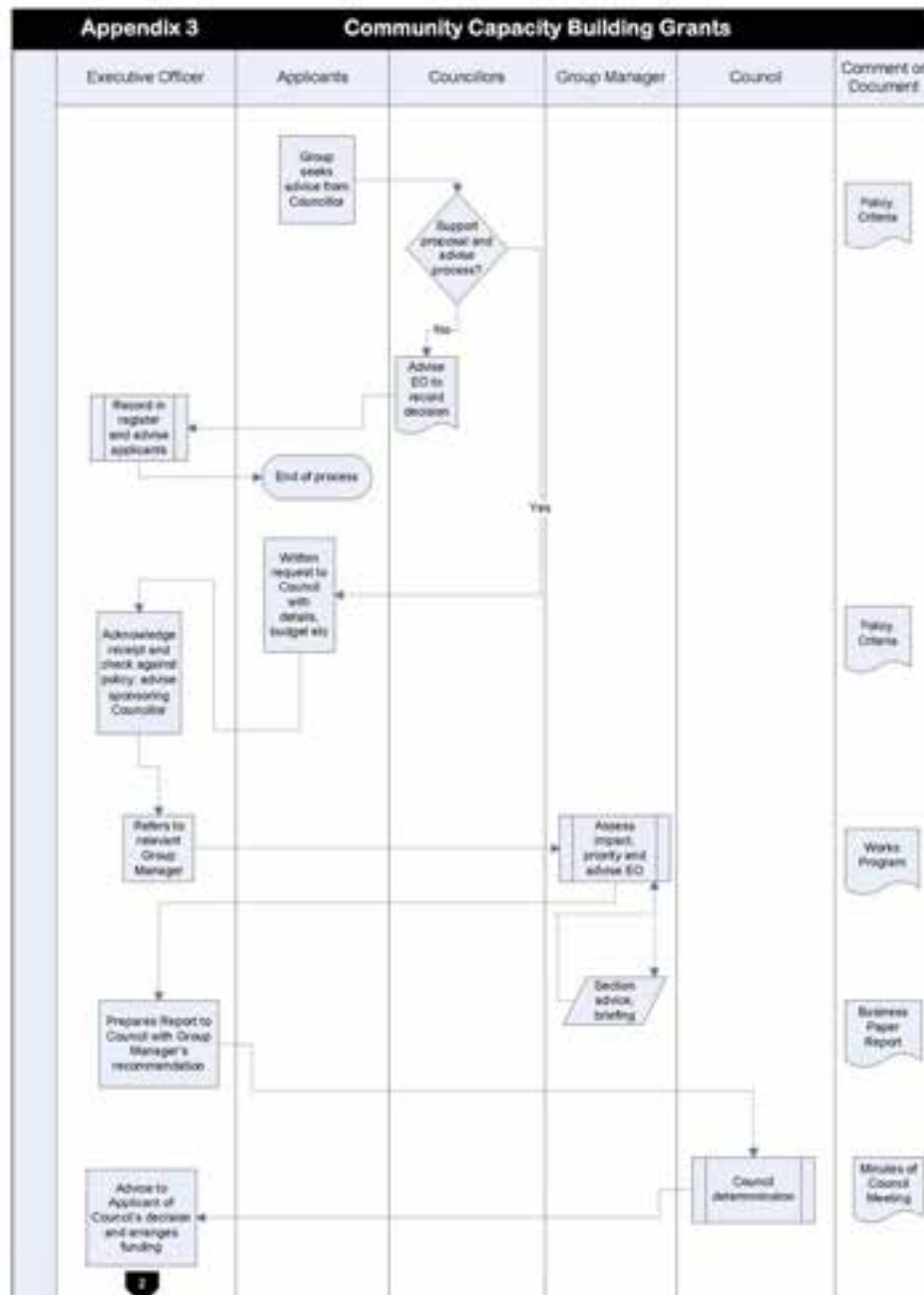
APPENDIX 1 (cont)



APPENDIX 2



APPENDIX 3



ITEM NO. 4

FILE NO: A2004-0372

COUNCIL AND COMMITTEE MEETINGS CYCLE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt Option 2 in **ATTACHMENT 1**.
- 2) Should Council resolve to make any changes to the meeting cycle that the Code of Meeting Practice be updated to reflect the changes.

COUNCIL COMMITTEE MEETING – 13 APRIL 2010

RECOMMENDATION:

	<p>Councillor Bruce MacKenzie Councillor Sally Dover</p>	<p>That Council adopt Option 1 in ATTACHMENT 1.</p>
--	--	---

ORDINARY COUNCIL MEETING – 13 APRIL 2010

	<p>Councillor Glenys Francis Councillor John Nell</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1) Adopt Option 2 in ATTACHMENT 1. 2) Should Council resolve to make any changes to the meeting cycle that the Code of Meeting Practice be updated to reflect the changes.
--	---	--

The Motion on being put was lost.

101	<p>Councillor Bruce MacKenzie Councillor Ken Jordan</p>	<p>It was resolved that Council adopt Option 1 in ATTACHMENT 1.</p>
------------	---	---

The Motion on being put was carried.

A Division was called for by Cr Glenys Francis

Those for the Motion: Crs Ken Jordan, Steve Tucker, Shirley O'Brien, Bob Westbury, Sally Dover and Bruce Mackenzie.

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

Cr Glenys Francis moved and seconded by Cr Peter Kafer a vote of no confidence in the Chair (Mayor, Cr Bruce MacKenzie).

The Motion on being put was lost.

A Division was called for by Cr Glenys Francis

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

Those against the Motion: Crs Ken Jordan, Steve Tucker, Shirley O'Brien, Bob Westbury, Sally Dover and Bruce Mackenzie.

BACKGROUND

Council at its meeting of 23 March 2010 considered a report on the current Council & Committee meeting cycle. The report was deferred to allow for further options to be provided to Council.

ATTACHMENT 1 provides Council with four (4) options.

Option 1 – Current meeting cycle.

Option 2 – Committee meetings on Weeks 1 and 3 and the Council meetings on Weeks 2 and 4, with joint venture meetings and other presentations in Week 5, where possible.

It should be noted that matters deferred at Committee under Option 2 that require details information to be brought back to Council, would be deferred to the next Committee meeting given the time constraints.

Option 3 – Committee meetings on Weeks 1 and 2 and Council meetings on Weeks 2 (where required) and 4, with joint venture meetings and other presentations in Week 3.

Option 4 – Ordinary Council meetings on Weeks 2 and 4 with debate conducted in Committee of the Whole. Weeks 1, 3 and 5 would be available for other presentations and meeting as required. This option does not provide for committee meetings as such.

FINANCIAL/RESOURCE IMPLICATIONS

All financial implications are provided for within the existing budget.

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required under the *Local Government Act 1993*, to meet 10 times a year.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

General Manager
Executive Team

OPTIONS

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

ATTACHMENTS

- 1) Meeting cycle options.
- 2) Council report – 23 March 2010.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Committee & Council Meeting Cycle

WEEK	OPTION 1 Current cycle	OPTION 2	OPTION 3 Similar to Strategic/Operations cycle	OPTION 4 Committee of the Whole
1	4.00pm to 5.00pm 2-way conversation Program 5.30pm Presentations and Workshops as required.	4.00pm to 5.00pm 2-way conversation Program 5.30pm Public Access, if required followed by Council Committee Meeting	4.00pm to 5.00pm 2-way conversation Program 5.30pm Public Access, if required followed by Council Committee Meeting	4.00pm to 5.00pm 2-way conversation Program 5.30pm Presentations and Workshops as required.
2	4.00pm to 5.00pm 2-way conversation Program 5.30pm Public Access, if required followed by Council Committee Meeting followed by Ordinary Council Meeting	4.00pm to 5.00pm 2-way conversation Program 5.30pm Ordinary Council Meeting	4.00pm to 5.00pm 2-way conversation Program 5.30pm Public Access, if required followed by Council Committee Meeting – Ordinary Council meeting would be required at times to deal matters such as tenders but not limited to tenders.	4.00pm to 5.00pm 2-way conversation Program 5.30pm Public Access, if required followed by Ordinary Council Meeting (Committee of the Whole with “block” adoption of recommendations)

MINUTES FOR ODINARY COUNCIL – 13 APRIL 2010

WEEK	OPTION 1 Current cycle	OPTION 2	OPTION 3 Similar to Strategic/Operations cycle	OPTION 4 Committee of the Whole
3	<p>4.00pm to 5.00pm 2-way conversation Program</p> <p>5.30pm Presentations and Workshops as required.</p> <p>Other Joint Venture meeting such as Aboriginal Strategic Committee & Port Stephens Tourism are held throughout the 12 month period</p>	<p>4.00pm to 5.00pm 2-way conversation Program</p> <p>5.30pm Public Access, if required</p> <p>followed by Council Committee Meeting</p>	<p>4.00pm to 5.00pm 2-way conversation Program</p> <p>5.30pm Presentations and Workshops as required.</p> <p>Other Joint Venture meeting such as Aboriginal Strategic Committee & Port Stephens Tourism are held throughout the 12 month period</p>	<p>4.00pm to 5.00pm 2-way conversation Program</p> <p>5.30pm Presentations and Workshops as required.</p> <p>Other Joint Venture meeting such as Aboriginal Strategic Committee & Port Stephens Tourism are held throughout the 12 month period</p>
4	<p>4.00pm to 5.00pm 2-way conversation Program</p> <p>5.30pm Public Access, if required</p> <p>followed by Council Committee Meeting</p> <p>followed by Ordinary Council Meeting</p>	<p>4.00pm to 5.00pm 2-way conversation Program</p> <p>5.30pm Public Access, if required</p> <p>followed by Ordinary Council Meeting</p>	<p>4.00pm to 5.00pm 2-way conversation Program</p> <p>5.30pm Ordinary Council Meeting</p>	<p>4.00pm to 5.00pm 2-way conversation Program</p> <p>5.30pm Public Access, if required</p> <p>followed by Ordinary Council Meeting (Committee of the Whole with “block” adoption of recommendations)</p>

WEEK	OPTION 1 Current cycle	OPTION 2	OPTION 3 Similar to Strategic/Operations cycle	OPTION 4 Committee of the Whole
5	4.00pm to 5.00pm 2-way conversation Program 5.30pm Presentations and Workshops as required.	4.00pm to 5.00pm 2-way conversation Program 5.30pm Presentations and Workshops as required. And/or other Joint Venture meeting such as Aboriginal Strategic Committee & Port Stephens Tourism are held throughout the 12 month period	4.00pm to 5.00pm 2-way conversation Program 5.30pm Presentations and Workshops as required.	4.00pm to 5.00pm 2-way conversation Program 5.30pm Presentations and Workshops as required.

**ATTACHMENT 2
EXTRACT REPORT FROM COUNCIL MEETING - 23 MARCH 2010.**

ITEM NO. 6

FILE NO: A2004-0372

COUNCIL AND COMMITTEE MEETINGS CYCLE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) That Council continue with the current Council and Committee meetings cycle in **ATTACHMENT 1**.

BACKGROUND

The purpose of this report is to provide Council with the opportunity to review the current Council and Committee meetings cycle.

Council at its meeting on the 22nd September 2009 resolved to adopt the current meeting cycles where Committee and Council meetings are held on the 2nd and 4th Tuesdays of each month.

The current meeting practice has allowed a significant improvement in the decision making process and allows for the community to be informed of matters before Council up to 4 weeks sooner than under the previous meeting cycles.

As Councillors are aware the current practice provides two (2) opportunities per month for Council to consider matters removing the need to utilise the General Manager's Report to inform Council of matters. There has been a significant improvement in the use of Mayoral Minutes which the greater opportunities to submit reports to Council.

Councillors previously were concerned with the volume of Supplementary Information given to Councillors at short notice. The current practice has reduced this significantly. In the 12 months prior to September 2009, 36 items (3 per month) were provided to Council. Since the change to the current meeting cycle only 2 items have been provided.

FINANCIAL/RESOURCE IMPLICATIONS

All financial implications are provided for within the existing budget.

LEGAL, POLICY AND RISK IMPLICATIONS

All financial implications are provided for within the existing budget. Option 3 has less resource implications than options 1 and 2 and also would reduce the budget allocation required.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

General Manager

OPTIONS

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

ATTACHMENTS

- 1) Current meeting cycle

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Meeting Cycle for Tuesdays – Current cycle

Week 1

Inspections and/or 2 way Conversation Program.

4.00 – 5.30 pm	2 way Conversation Program
5.30pm	Presentations and Workshops as required.
Followed by	Dinner with Councillors & Staff

Week 2

Inspections and/or 2 way Conversation Program as required followed by an Ordinary Council meeting.

4.00 – 5.00 pm	2 way Conversation Program
5.30pm	Public Access, if required
5.30pm	Council meeting to consider Mayoral Minutes, Agenda items and General Manager's reports. To be preceded by any formal presentations.
Followed by	Dinner with Councillors & Staff

Week 3

4.30pm Inspections and/or 2 way Conversation Program

4.00 – 5.30 pm	2 way Conversation Program
5.30pm	Presentations and Workshops as required.
Followed by	Dinner with Councillors & Staff

***Note:** Several meetings will be scheduled to occur on this Tuesday throughout the 12 month period.*

Week 4

2 way Conversation Program if required followed by Council meeting.

4.00 – 5.00 pm	2 way Conversation Program
5.30pm	Public Access, if required
5.30 pm	Council meeting to consider Mayoral Minutes, Agenda items and General Manager's reports. To be preceded by any formal presentations.
Followed by	Dinner with Councillors & Staff

Week 5

2 way Conversation Program if and when required.

ITEM NO. 5

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 13 April 2010.

No:	Report Title	Page:
1	PROPOSED ROAD CLOSURE – PART CORAL STREET, FINGAL BAY	45
2	PETITION SEEKING ROAD WATERING TO AND SEALING OF WIGHTON STREET SEAHAM	46
3	2010 LOCAL GOVERNMENT ASSOCIATION CONFERENCE	48
4	ACCESS TO INFORMATION – SECTION 12 LOCAL GOVERNMENT ACT 1993	64
5	2010 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT – CALL FOR MOTIONS	66

COUNCIL COMMITTEE MEETING – 13 APRIL 2010

RECOMMENDATION:

	Councillor Bob Westbury Councillor Sally Dover	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 13 APRIL 2010

102	Councillor Bob Westbury Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

PROPOSED ROAD CLOSURE – PART CORAL STREET, FINGAL BAY

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

FILE: PSC2009-03011

BACKGROUND

The purpose of this report is to advise Council of the statutory actions taken in this matter and update Councillors on submissions received and some withdrawn. All submissions received came from a perception that public would be excluded from utilising the existing footpath/cycleway.

Council originally advertised the application to close and sell the section of road as is required under the Roads Act 1993. Council has a statutory requirement to advertise all proposed road closures using the wording prepared by the Land & Property Management Authority (LPMA) under the road closure guidelines. This advertisement was approved by LPMA and published by Council on their behalf.

As approved by Council in a report dated 10th November 2009, Council agreed to the creation of an easement in gross in favour of Council over the existing concrete cycleway to allow the continued public use and create a Restriction of use that will not permit heavy vehicle access over the area.

Many submissions were received from the public due to there being no mention of the retention of public access in the initial advertisement. It is most important that the public access is preserved as it is currently used by many local residents and holiday makers to the area.

Part of Council's obligation is to address any submissions received from this advertisement. There were several petitions submitted objecting to the "closure of the pathway". Since receiving these submissions another advertisement was published in the Examiner, dated 11th March 2010. This advertisement included the following "Please be advised that a legal instrument will ensure the pathway will remain open to the public for access". Staff have been in communication with people who have made submissions and as a result a number of withdrawals of submissions have been received. Many residents are no longer concerned about the perceived loss of access with further communication with residents to continue.

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 2

PETITION SEEKING ROAD WATERING TO AND SEALING OF WIGHTON STREET SEAHAM

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

FILE: PSC2009-01668

BACKGROUND

The purpose of this report is advise councillors that a petition with 12 signatures has been received. The petition states:

This road has created many problems for us living on it due to the intense DUST.
Eg. Humans with chronic sinus problems/allergies/breathing this dust constantly. (just like dust storm)

Race Horses diagnosed with Chronic Airways inflammatory disease. Not curable. (Vet results available), very costly.

Continual dust in homes/damage to furniture etc.

Unable to open windows in house.

Unable to have a synthetic grass tennis court due to dust.

This road is also very dangerous with several cars turning over (most not reported) over the years.

No load limit on the road.

No slow speed limit on the road.

A larger amount of traffic using the road including school buses and B-Double Trucks, and trucks from Brandy Hill Quarry.

We need a water cart on this road immediately and constantly to keep the dust down and a seal on the road urgently please.

ATTACHMENTS

- 1) Copy of emailed letter / petition without signatory pages.

ATTACHMENT 1

COPY OF EMAIL SENT (SEE BELOW) RE WIGHTON ST SEAHAM

Dear Bob Baldwin,

I rang your office today and spoke to Simon. Simon advised me to send this email to you. I spoke to you prior to the last election on the state of Wighton St in Seaham, and you recognised the problem and advised me to contact council. I have done this several times over the years with no success. The road as you are no doubt aware is not sealed and the dust is most unacceptable. I have since spoken to Glenys Francis and she ask me to email the details to her. I have outlined the details in the email I sent to Glenys. I am desperate to have something done about this problem urgently as it is now causing major concerns to us and others in our street.

Bob I have contacted all the people I can in council and need your professional advice on this situation. (See email below) — Original Message —

From: Jenny
To: glenysfrancis@ozemail.com.au
Sent: Friday, February 26, 2010 3:58 PM
Subject: Wighton St Seaham.

Dear Glenys,

Thankyou for your time today re Wighton Street Seaham. I have major concerns with Wighton St, being still a dirt road.

This road has created many problems for us living on it due to the intense DUST, eg. Humans with chronic sinus problems/ allergies. /breathing this dust constantly. (just like dust storm.)

Race Horses diagnosed with Chronic Airways inflammatory disease. Not curable. (Vet results available), very costly.

Continual dust in homes/ damage to furniture etc.

Unable to open windows in house.

Unable to have a synthetic grass tennis court due to dust.

This road is also very dangerous with several cars turning over (most not reported) over the years.

No load limit on the road.

No slow speed limit signs on the road.

A larger amount of traffic using the road including school buses and B- Double Trucks, and trucks from Brandy Hill Quarry.

Over the past 26 years I have on many occasions rang council asking how long before this could be sealed and have never received any positive answers.

I have spoken to Bob Baldwin prior to the last election. He looked at the road and agreed it was not satisfactory. In the past month I have been speaking with Rick McKenzie, who has been helpful, however I still have no answer as to how long it will be before this road can be even lightly sealed to avoid the DUST.

I have phoned Council in west ward, receiving an answer from yourself- thankyou.

I again today rang Bob Baldwin Spoke to Simon who advised me to send an email to Bob.

I am waiting on a call from John Marietich as Jason Linnane was not in office.

Since received a call from John Marietich, he will look at this next week also.

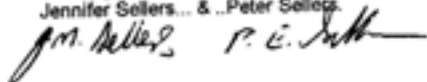
This situation we are living in is not acceptable and needs URGENT ATTENTION.

We need a water cart on this road immediately and constantly to keep the dust down and a seal on the road urgently please.

Thankyou very much for your time Glenys.

Kind regards

Jennifer Sellers... & ..Peter Sellers.



37 Wighton St Seaham.

PH: 49886147 mob 0409391832

email. jsellers@netcentral.com.au Date Friday 26th March, 2010. Bekwa is a list of residence living in the area with similar concerns on the conditions of Wighton Street

NAME:

ADDRESS:

SIGNATURE:

INFORMATION ITEM NO. 3

2010 LOCAL GOVERNMENT ASSOCIATION CONFERENCE

REPORT OF: PETER GESLING – GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2005-2892

BACKGROUND

The purpose of this report is to inform Council of the advice received from the Local Government Association NSW with respect of the format for the 2010 Local Government Association.

This year's conference will be held in Albury from 23 to 27 October 2010.

ATTACHMENT 1 provides Council with the outcome of the open forum session held at last year's conference with respect to the format of the 2010 Conference.

Hunter Councils Board have considered an item at the Board meeting of 25 March 2010, with respect to Revision of Standing Orders associated with the Conference. A copy of this is provided at **ATTACHMENT 2**.

ATTACHMENTS

- 1) Correspondence from the Local Government Association.
- 2) Extract from Hunter Councils Board.

ATTACHMENT 1

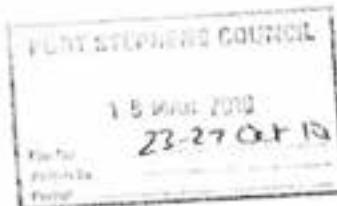
Local Government
Association of NSW



Our Ref: R08/0024 OUT- 18235

16 March 2010

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



Dear Cr MacKenzie

Format for the 2010 Local Government Association Conference

You may recall that at the 2009 LGA Conference an open forum session was held to enable full and frank discussion regarding the format of the Conference, with delegates encouraged to voice their views on how the Conference format could be changed or amended in future to better serve the needs of members.

Following the Conference the LGA Executive and the LGA Conference Committee reviewed the Conference resolutions, in addition to the many points and issues raised by delegates during the discussion and in various letters received from Councils after the Conference.

As a result of these deliberations the LGA Executive passed a series of resolutions which will guide the conduct of the Conference in 2010, and, subject to a review of the 2010 conference, into the future.

The Executive resolved that:

1. The Opening Ceremony be held Sunday afternoon and the Conference will conclude lunchtime Wednesday.
2. No events will be held on Saturday
3. The ALGA National General Assembly of Local Government will be used as a model in relation to the organizing of conference sessions
4. Prior to June 2010 the Executive determine key issues/themes to be addressed at the 2010 conference
5. Councils will be invited to submit motions that deal with aspects of the identified issues/themes
6. To be determined as a Category 1 motion they must comply with the following guidelines:

A Category 1 motion:

Page 1 of 10

GPO Box 2003 Sydney NSW 2001
L8, 28 Margaret St Sydney NSW 2000
Tel: 002 9242 4000 • Fax: 002 9242 4111
www.lga.org.au • lgas@lga.org.au
ABN 49 852 913 692

- Must relate to an identified conference issue/theme, and.
 - Must not attempt to enforce one council's position on other councils, and
 - Must not cause detriment to one council over another, and
 - Must deal with the issues/themes at a regional/state or national level (ie: the motion must not be a single council issue)
 - Must address the conference theme of "Modernising Local Government"
7. Motions which do not comply with the guidelines will be determined to be Category 2 and will be referred to the Executive for action prior to the Conference.
 8. That invited Ministers and members of the Opposition & Greens will be asked to sit on a politically balanced panel session (ie. 2 from Government and 2 from the Opposition and 1 from the Greens) to be moderated which will allow a question and answer session from the moderator and delegates, and allow both to put forward their party's positions in the lead up to the next state election.
 9. Keynote or expert speakers should be invited where appropriate to address the conference in relation to the identified key issues/themes.
 10. Statecover not be invited to present (subject to commercial arrangements)
 11. Local Government Superannuation services and Tourism NSW not be invited to present.
 12. The handheld voting units be used by the conference voting delegates, and a policy be developed, for inclusion in future business papers, which will cover issues such as privacy, and that the units will not be used for the election of Executives etc.
 13. There continue to be open sessions, whereby standing orders are suspended.
 14. There will be no concurrent sessions
 15. Fixed breaks continue; morning tea, lunch and afternoon tea as it is important to the Associations sponsors and conference delegates networking opportunities.
 16. The Associations determine stricter quality control over future conference venues
 17. Guidelines for those wishing to host future conferences be determined particularly in relation to the costs and budgets of the winners of conference.

18. That a paper be sent to all councils in the New Year outlining the structure of the 2010 conference. **[Note: Which is this paper]**

19. Standing orders be amended to include the following clauses:

- *Motions will only be dealt with in the order they are printed in the business paper*
- *That all late motions will be dealt with at the final session on the final morning of Conference and only by approval of Conference delegates*

2010 Conference Motions

The Committee has now determined the themes for the 2010 Conference which are:

1. *Modernising the Financing of Local Government*
2. *Modern approaches to Community Wellbeing, and,*
3. *Modern approaches to the Natural & Built Environment*

Further details regarding the themes are set out in **ATTACHMENT 1**.

It would be appreciated if you could make your fellow Councillors aware of the guidelines for the 2010 Conference in preparation for the calling of motions for inclusion into the business paper later this year.

Hand Held Voting Units

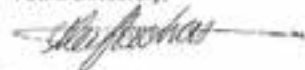
Hand held voting units will once again be used at the 2010 conference. A policy for the use of hand held voting units has been developed and is set out in **ATTACHMENT 2**.

Standing Orders

Standing orders have been re-drafted to include the amendments set out earlier. A copy of the proposed Standing orders is set out in **ATTACHMENT 3**.

Should you have any questions in relation to the format of the conference or the development of conference motions please contact the Associations' Director Corporate Services Peter Coulton on 9242 4030.

Yours Sincerely,



Cr Alice Glachan
Chair, LGA Conference Committee

ATTACHMENT 1

2010 Conference Motions

The Committee has now determined the themes for the 2010 Conference which are

4. *Modernising the Financing of Local Government*
5. *Modern Approaches to Community Wellbeing, and,*
6. *Modern Approaches to the Natural & Built Environment*

Further details are provided below:

1 Modernising the Financing of Local Government

Motions should deal with the proper and adequate financing of local government into the future. Motions must aim to extend, enhance or replace current policy positions.

Note: motions should not deal the removal of rate pegging, a fairer share of national taxation revenue or banning cost shifting as these are already established LGA policy positions).

Topics could include:

- New revenue raising mechanisms (fees, charges, taxes).
- Rating reform (other than removing rate pegging).
- More effective mobilisation of local revenues.
- Land valuation methodology options.
- Alternative financing models.
- More cost effective ways of delivering infrastructure and services.
- Removal of fiscal impediments (other than rate pegging).
- Reform of intergovernmental fiscal relationships.
- Improvements to long term financial planning and asset management.
- Identifying future financial requirements.
- Funding structures to support a modernized local government sector.

2 Modern Approaches to Community Wellbeing

Motions under this theme should cover innovations to NSW Local Government's legislative, administrative or program settings that support local communities. They should relate to significant changes to:

- Social planning and cultural planning (integrating social justice with community strategic plans, social impact assessment);

- Community development and community cultural development (developing vibrant involved communities; sustaining a sense of neighbourhood in living suburbs);
- Community services (welfare or development services for various age or target groups like community halls and neighbourhood centres, ageing and disability services, women's services, youth services and children's care and education services; access for Aboriginal and Torres Strait Islander Peoples);
- Cultural services (contemporary public libraries, art galleries, performing arts centres, museums, public art, community arts, celebrations, new media and digital arts);
- Health protection and promotion (regulatory activities reducing public health risks; promoting healthy lifestyles; immunisation, early childhood health centres or rural medical services);
- Recreation facilities and services (open space; gardens, playgrounds, sports facilities);
- Safe and secure environments (crime prevention activities, crime prevention through environmental design in council plan making);
- Community economic development; and
- Social policies and programs of other spheres of government that impact Local Government.

3 Modern Approaches to the Natural & Built Environment:

Motions under this theme should cover environmental, natural resource management and land-use planning issues which come within the charter of Local Government. They include:

- Minimising the negative impacts of consumption and waste generation, and bringing about a more equitable allocation of responsibility for these impacts to organizations in the production chain;
- Pursuing more responsible, sustainable management of natural resources;
- Furthering the efforts of local councils to enhance the ecological, social and economic sustainability of their communities, and natural and built environments;
- Resourcing councils adequately to enable them to fulfil their charter under the Local Government Act (section 8.1) "to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which (they are) responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development";
- Preparing and equipping councils to deal with the challenges posed by climate change;
- Improve the planning system so that it is better informed, transparent and more reflective of local and regional aspirations;
- Improve the planning system to achieve superior social, economic and environmental outcomes (i.e. including social justice, equitable access to housing, employment);

- Reform the relationships between Australian, NSW and Local Government in relation to local and regional planning (applying the principle of subsidiarity); and
- Better integrate land use and infrastructure planning

Councils are invited to submit motions that deal with aspects of the issues/themes identified above.

Councils may submit any motion, however, to be considered a Category 1 motion, and therefore be considered with by the Conference, a motion:

MUST relate to one of the identified conference issues/themes, and,

MUST not attempt to enforce one council's position on other councils, and

MUST not cause detriment to one council over another, and

MUST deal with the issues/themes at a regional/state or national level (ie: the motion must not be a single council issue)

MUST address the conference theme of "Modernising Local Government"

Motions which do not comply with the guidelines will be determined to be Category 2 and will be referred to the Executive for action prior to the Conference. [This meeting is scheduled for Friday 15 October 2010]

Late motions will be received up to close of business **FRIDAY 8 OCTOBER 2010** and will be published in the LG Weekly on **FRIDAY 15 OCTOBER 2010**.

Late motions will be categorized using the same methodology as motions received prior to the cut off date.

Only Late Motions which are determined to be Category 1 motions will be dealt with by the Conference, and will only be dealt with at the final session on the final morning of Conference and only by approval of Conference delegates.

No late motions will be accepted at the Conference

ATTACHMENT 2

Handheld Voting Units – Policy for Use at LGA Conferences

1. At the commencement of the Conference all Voting delegates will be issued with a security voting card which will be used to activate the hand held voting units.
2. The security voting card must be returned to the LGA office at the Conference Venue at the conclusion of the conference.
3. Each Voting delegate is responsible for both the usage and safe keeping of the security voting card for the duration of the Conference [Note: The LGA is charged by the security card provider for cards which are not returned. The LGA has no choice but to charge the Council of a Voting Delegate for a non-returned card. This charge will consist of the cost of the card plus an administration fee]
4. The LGA will issue a security voting card only to delegates nominated by a member council. If a member council wishes to transfer a security voting card from one delegate to another:-
 - The voting card issued to the initial delegate must be surrendered to the LGA office at the Conference venue, and
 - The member Council Mayor or General Manager must complete and sign a Delegate transfer/replacement form obtained from the LGA office at the Conference venue.
4. Neither the LGA nor the provider of the security voting cards and/or the provider of the handheld voting units will retain details of individual votes taken throughout the conference. The numerical results of any vote (and not the details of the individual to whom any card is allocated) will only be captured for the purpose of taking a vote for an item as called for by the Conference Chairperson, and only for the time needed to manually record the vote count in the minutes of the Conference proceedings.
5. The Handheld Voting units should not be removed from the Conference Venue as they need to be regularly re-charged. The Units also contain a proximity alarm which automatically activates when the unit is taken more than 80 metres from the receiving station, which is located in the main hall of the Conference venue.

ATTACHMENT 3

Standing Orders – Effective from 2010 LGA Annual Conference

1. Business shall not be transacted at Annual Conference unless a quorum is present.
2. For the purposes of the Conference a quorum shall be half the number of registered voting delegates plus 1.
3. In plenary sessions movers of motions shall be allowed three minutes for introducing their subjects and three minutes for reply; otherwise speakers shall be given three minutes. These time limits shall be strictly observed unless by consent of the Conference their time be extended.
4. Only one extension of time shall be granted to any speaker and such extension shall be limited to three minutes.
5. When an amendment is before the Conference, no further amendment shall be discussed until such first amendment has been dealt with.
6. No more than one amendment upon any motion shall be considered unless notice of such further amendment is given before the amendment then under discussion has been dealt with.
7. The mover of an amendment which has been adopted as the motion shall (as in the case of the mover of an original motion) have the right of reply to any further amendments submitted.
8. A Conference will only deal with Motions categorized as Category 1. For a motion to be considered Category 1 it:
 - i. **MUST** relate to one of the identified conference issues/themes, and,
 - ii. **MUST** not attempt to enforce one council's position on other councils, and
 - iii. **MUST** not cause detriment to one council over another, and
 - iv. **MUST** deal with the issues/themes at a regional/state or national level (ie: the motion must not be a single council issue)

v **MUST** address the conference theme of "Modernising Local Government"

9. Motions which do not comply with the criteria set out above will be considered Category 2 motions and will be dealt with by the LGA Executive
10. Motions will only be dealt with in the order they are printed in the business paper.
11. Late motions will be dealt with at the final session on the final morning of Conference and only by approval of Conference delegates
12. In the event of any composite motion suggested by the Executive embodying the essential features of several following agenda items being carried by Conference, no further debate shall be permitted in respect of such motions so covered provided that one delegate from each sponsor Council of motions superseded by a composite motion shall have the opportunity to speak on the question of the composite motion before it is put, with a limit of 2 minutes for each delegate of each sponsor Council.
13. When a motion is reached on the business paper and the representative from the Council is not present, and no other delegate moves the motion, the motion shall be placed at the end of the business paper, in which event, on it again coming forward, the motion may be moved by any members of the Conference.
14. Late motions will not be accepted at Conference.
15. Notwithstanding Clause 14, the President or Office Bearers shall have the right at any time to introduce any matter considered emergent to be put before the Conference.
16. Where a delegate seeks to substitute from the floor a new motion for one listed in the business paper this shall only be permitted where the new motion is substantially the same, and dealing with the same subject, as the original motion.
17. The Chairperson, upon calling the number of the next item to be dealt with by Conference, shall ask: "Is there any objection to this motion?" and, if no objection is signified, declare the motion "carried" without any further delay, provided that if any voice is raised in answer to the Chairperson's question it shall be deemed to be an objection.
18. When an objection is indicated to a motion, the mover shall be permitted to introduce the motion to Conference, but any contribution to the debate by the seconder shall be deferred until there has been one speaker in opposition.

provided that in any case where the same motion has been submitted by more than one Council, a representative from each Council so submitting the motion shall be entitled to be heard.

19. It shall not be in order to move "the question to be put now" until at least two members of the Conference, in addition to the mover and the seconder, shall have had an opportunity to speak on the question then before the Conference, provided that one delegate from each sponsor Council of motions superseded by a composite motion shall have the opportunity to speak on the question of the composite motion before it is put.
20. In the event of any motion dissenting from the ruling of the Chairperson being moved, such motion shall be put without discussion.
21. All motions shall be on the voices except that the Chairperson may direct that voting on any motion shall be taken by use of electronic voting.
22. Delegate badges (or Security Voting Cards) shall be issued only by the Association and only to persons duly authorised as voting delegates of a member Council.
23. All delegates shall state:
 - i. their name and title, and
 - ii. as a preliminary to addressing Conference, the Council they represent.
24. A delegate shall be defined as an elected member who is entitled to vote at the Annual Conference
25. Mobile phones shall not be switched on while the business of Conference is being transacted.

ATTACHMENT 2

ATTACHMENT ONE:

BUSINESS ARISING

3.1 Standing Orders

[23(a) of the Local Government Association of NSW Constitution]

Revision of Standing Orders

[23(a) of the Local Government Association of NSW Constitution]

Author: Cr Martin Rush, Mayor, Muswellbrook Shire Council

Definitions

1. Unless the context requires otherwise:
 - (a) a word defined in the Constitution has that same meaning in these Standing Orders; and
 - (b) **'Business Paper'** means the document prepared and distributed by the Executive Committee, or any amended or subsequent document prepared and distributed by the Executive Committee (the last such document applying) setting out the business of the Conference including, amongst other things, the proposed motions to be considered by the Conference.

'Constitution' means the constitution of the Association.

'Consolidated Policies of the Association' means the document prepared and maintained by the Executive Committee setting out, in consolidated form, the current policy resolutions of the Association.

'President' means the President of the Association.

Quorum

2. Business shall not be conducted at the Conference unless there is present more than half the combined number of Delegates and members of the Executive Committee to the Conference.
3. If at the expiration of one hour after the time at which the Conference is appointed to meet a quorum is not present, the Conference shall stand adjourned until such time later in the day or until such day and time as shall be

fixed by the President, or in his or her absence, by the majority of Delegates present.

The Business Paper

4. A Member may bring any matter before the Conference of the Association for opinion or action by forwarding a statement to the Secretary General not less than fourteen (14) days prior to the first day of the Conference and the Secretary General shall, subject to any direction from the Executive Committee of the Association, place such business upon the Business Paper for the consideration of the Conference.
5. A motion which merely seeks to reaffirm, or substantially seeks to reaffirm, a policy which appears on the Consolidated Policies of the Association shall not be permitted unless:
 - (a) the motion also seeks to change the manner of achieving an objective of the policy; or
 - (b) the Executive Committee nonetheless believes that it is in the interests of the Association to place the matter on the Business Paper for discussion and resolution.
6. Where the Secretary General receives a statement from a Member that it wishes to bring a matter before the Conference and less than fourteen (14) days notice has been given, the Executive Committee may allow the matter to be considered by the Conference as a late item.
7. The Conference may, should a majority of Delegates so approve, consider any business not introduced as provided for by the foregoing paragraphs subject to at least 24 hours notice thereof being given.
8. A Delegate may not substitute from the floor of the Conference a new motion for one listed in the Business Paper unless the new motion is substantially the same, and dealing with the same subject matter, as the original motion.
9. The President may at any time introduce any matter he or she considers emergent to be put before the Conference for consideration.

Categorisation of motions

10. Motions before the Conference shall be classified into three categories by the Executive Committee, prior to the Conference as follows:
 - (a): Matters concerning the good governance of the Conference or the Association including, without limitation:
 - (i) The adoption of Standing Orders;
 - (ii) Amendments to the Constitution;
 - (iii) Matters of compliance by the Association with any legislative provision;
 - (iv) The finances of the Association; or

- (v) The health and welfare of staff members of the Association.
 - (b) Matters which cannot properly be categorised under sub clause (c) and which concern a proposal to:
 - (i) change a policy;
 - (ii) change the manner of achieving a policy objective, or
 - (iii) create a new policy.
 - (c) Policy matters which pertain, or substantially pertain, to a particular local government area.
11. Motions categorised under sub clause 10(a) must be given priority over matters categorised under sub clauses 10(b) and 10(c). Matters categorised under sub clause 10(b) must be given priority over matters categorised in sub clause 10(c).
12. Except as otherwise provided, motions must be discussed in the order in which they appear in the Business Paper.

Manner of dealing with motions

13. The Chairperson, upon the Conference first coming to an item set out in the Business Paper, must ask whether there is there any dissent to the proposed resolution the subject of the item and, if no dissent be signified, declare the motion carried.
14. Where a dissent is signified, the Chairperson shall require the motion to be moved and seconded.
15. If the motion be moved and seconded, the Chairperson may, before proceeding to permit debate – or at any time during debate, make such inquiries as to the nature of the dissent so as to confine any debate to the issues genuinely in dispute or to explore amendments to the proposed resolution which satisfactorily accommodate the moving and dissenting Delegates and Delegates generally.
16. Movers of motions shall be permitted three minutes to introduce their proposed resolution into debate and three minutes in reply. All other speakers shall each be permitted to speak once for three minutes. The conference may, on application by a speaker, permit that speaker to have one, but only one, further period of three minutes in which to speak.
17. A Delegate seconding a motion shall not be permitted speak until at least one Delegate has had the opportunity to speak in dissent.
18. The Chairperson may, during the course of debate direct a speaker to confine his or her speech so as to:
- (a) limit repetition of matters addressed by other speakers;

- (b) limit debate about matters or issues not genuinely disputed; and
 - (c) in the case of the mover of any motion, limit that person's reply to matters genuinely raised by other speakers in debate (as opposed to raising new matters).
19. Except as otherwise provided herein, it shall not be in order to move that any resolution be immediately put until at least two Delegates, in addition to the mover and the seconder, shall have had an opportunity to speak on the resolution then before the Conference, provided that one Delegate from each sponsor Council of motions superseded by a composite motion shall have the opportunity to speak on the question of the composite motion before it is put.
20. Any motion which seeks dissent from a ruling of the Chairperson must be put without discussion.

Amendments

21. When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.
22. No more than one amendment upon any motion shall be considered unless notice of such further amendment is given before the amendment then under discussion has been dealt with.
23. The mover of an amendment which has been adopted as the motion shall (as in the case of the mover of an original motion) have the right of reply to any further amendments submitted.

Manner of voting

24. (a) Except as hereinafter provided voting on all motions shall be on the voices;
- (b) The President may direct that voting on any motion shall be taken by show of hands or by use of electronic voting;
- (c) After a show of hands or on conclusion of an electronic vote the Chairperson may either:
- (i) declare the question resolved in the affirmative or negative; or
 - (ii) direct that the question be determined on division. Provided that not less than ten (10) Delegates signify their desire for a division by standing within 30 seconds of the declaration of the result of a show of hands, the Chairperson shall direct that the question be determined on division.
- (d) Where the Chairperson directs that the question be determined on division the Chairperson shall appoint tellers who are paired on the basis

of one in support of the motion and one against the motion, and they shall count together.

25. Delegate badges shall be issued only by the Association and only to persons duly authorised as Delegates.
26. Representatives of local government on various committees and other bodies shall not present verbal reports to the Conference.
27. In the event of any composite motion suggested by the Executive Committee embodying the essential features of several following agenda items being carried by the Conference, no further debate shall be permitted in respect of such motions so covered provided that one Delegate from each sponsor Council of motions superseded by a composite motion shall have the opportunity to speak on the question of the composite motion before it is put.

Miscellaneous

28. All Delegates addressing the Conference shall state:
 - (a) their name and title, and
 - (b) the name of the Council they represent.
29. Mobile phones shall not be switched on while the business of the Conference is being transacted.

INFORMATION ITEM NO. 4

ACCESS TO INFORMATION – SECTION 12 LOCAL GOVERNMENT ACT
1993

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2008-3083

BACKGROUND

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

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

The requests shown in **ATTACHMENT 1** to this report are those that are made in writing and determined by Council's Executive Officer for 2009/10 during the January to March 2010 period.

A total of 10 applications received, 6 with full access granted, 3 with restrictions, 1 request which Council did not hold and the information as shown below.

Total received for the year to March 2010 is 39 applications.

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

In addition to these figures there were no applications were received under the Freedom of Information Act for the period of January to March 2010. Total received for the year to March 2010 is 5 applications.

ATTACHMENTS

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

ATTACHMENT 1**LISTING OF REQUESTS UNDER SECTION 12 OF THE LOCAL GOVERNMENT ACT 1993**

No.	File No.	Information requested	Determination
1	PSC2010-00063	Seeking copies of complaints lodged	Not held by Council
2	PSC2010-00273	Seeking copy of plans	Not released due to Copyright
3	PSC2010-00288	Seeking ownership details	Not released due to Privacy & Personal Information Protection Act
4	PSC2010-00063	Seeking a copy of a letter of compliance on a business	Refused due to potential legal aspects and commercial information

INFORMATION ITEM NO. 5

**2010 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT –
CALL FOR MOTIONS**

REPORT OF: PETER GESLING – GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2005-1826

BACKGROUND

The purpose of this report is to inform Council that the National General Assembly of Local Government are calling for motions.

The 2010 National General Assembly of Local Government (NGA) will be held at the National Convention Centre in Canberra between 14 and 17 June.

The NGA are currently calling for motions to be included in the business papers of the NGA. The Australian Local Government Association (ALGA) has identified three (3) themes for the NGA which the motions are required to be submitted. These themes are:

- Population
- Productivity; and
- Participation


Should Council wish to submit motions to the NGA they must be received by the 5pm, Friday 30 April 2010 in Sydney.

ATTACHMENTS

- 1) Correspondence dated 17 March 2010 from the ALGA.

ATTACHMENT 1

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION



Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

17 March 2010

To the Mayor, Councillors and CEO (or equivalent positions)

2010 National General Assembly of Local Government – call for motions

I write to invite you to participate in the 2010 National General Assembly of Local Government (NGA) which will be held at the National Convention Centre in Canberra between 14 and 17 June.

The NGA is the major event on the annual local government calendar and typically attracts more than 700 mayors, councillors and senior officers from councils across Australia.

The Australian Local Government Association (ALGA) has identified three themes for the NGA and under which motions should be submitted. These themes reflect the key priorities identified by the Australian Government in the recently released third Intergenerational Report and aim to build upon existing ALGA and local government policy priorities. The themes for motions in 2010 are:

- Population;
- Productivity; and
- Participation.

To assist councils in submitting motions for debate at the NGA, a discussion paper has been prepared. This paper provides background information on the themes and is designed to assist councils when developing motions. To access the discussion paper, go to <http://nga.alga.asn.au/event/2010/motions.html>.


To be eligible for inclusion in the National General Assembly Business Papers motions must:

- fall under one of the themes – population, productivity, participation;
- be relevant to the work of local government nationally; and
- complement or build on the policy objectives of state or territory association.

Motions must be received by 5pm Friday 30 April 2010. Motions can be submitted via the electronic form located at www.nga.alga.asn.au. Any inquiries should be directed to Clare Hogan, ALGA's Director of National Events on 02 6122 9436 or to clare.hogan@alga.asn.au.

I urge you to take the opportunity to make sure the views of your council and wider community are represented at the 2010 NGA.

Yours sincerely



Geoff Lake
President

PORT STEPHENS COUNCIL
22 MAR 2010
File No. _____
Action by _____
Parcel _____

8 Gellie Court Deakin ACT 2600 TELEPHONE 02 6122 9400 FACSIMILE 02 6122 9401
EMAIL alga@alga.asn.au WEB www.alga.asn.au ABN 31 008 613 876



AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

**2010 National General Assembly of
Local Government**

**Discussion Paper
Population, Participation and
Productivity**

*Prepared by the Australian Local Government Association to help councils develop motions for the 2010
National General Assembly for Local Government.*

2010 National General Assembly – Discussion Paper

1

Preamble

The themes for the 2010 National General Assembly for Local Government (NGA) are: population, participation and productivity. The issues discussed in this paper aim to assist councils to develop motions for the 2010 NGA. This paper will discuss a limited range of key policy issues that arise from consideration of recent Australian Treasury forecasts for each of the themes. While the themes are not mutually exclusive, they are discussed separately to help focus attention on specific initiatives that could assist local government to address the challenges of population, participation and productivity. It is anticipated that motions for the 2010 NGA will outline credible ideas and policy initiatives that will strengthen local government's capacity to respond to the social, economic and environmental changes that shape Australia's future.

Introduction

In January 2010 the Australian Government released *Australia to 2050 future challenges*. The report is the third in a series of Intergenerational Reports which have been prepared by the Australian Treasury to provide a comprehensive analysis of the challenges that Australia will face over the next forty years. The *Intergenerational Reports 2002, 2007 and 2010* have provides a series of up-dated forecasts on Australia's future population, participation (particularly in the workforce) and national productivity.¹

The *Intergenerational Report 2010* (IGR3) shows that demographic and other factors will pose substantial challenges for economic growth and long-term fiscal sustainability [for the Australian Government]. Some key projections included in IGR3 are:

- the population will increase from the current 22 million to 35.9 million in 2050;
- it is expected that the number of older people (65 to 84 years) will more than double and the numbers of people over 85 years will more than quadruple over the next 40 years;
- the number of traditional working aged people to support each retiree is expected to fall from 5 people to 2.7 people by 2050;
- the annual growth of real GDP per person is expected to slow to 1.5 per cent by 2050, compared to an average of 1.9 per cent for the previous 40 years;
- substantial fiscal pressures will emerge due to projected increases in spending, particularly in the areas of health, age pensions and aged care.

In addition to the 3 Ps analysis, the 2010 IGR also discusses climate change. This was not discussed in IGR1 or IGR2.

¹ At the national level population, participation and productivity ('the 3 Ps' as they are now collectively known) have largely been accepted as the three principal drivers of economic growth (measured as GDP).

While these forecasts are prepared by the Australian Treasury and focus primarily on macro or national settings, the challenges identified have significant implications for all levels of government. Each level of government will need to determine its own policy responses to these challenges but, it is important to recognize that the decisions of one level of government will often impact upon another.

In responding to these challenges the Australian Government has a range of policy levers that could: a) change the projected outcomes, and b) manage the impacts of the '3 Ps'. However, it is important to recognize that ultimately the policy mix that is used by the Australian Government to achieve a desired outcome will raise a wide range of issues that will impact on local communities and local government. For example, while the Australian Government has responsibility for setting immigration targets, state, territory and local governments are often required to implement settlement initiatives through providing education (by the State) and / or social programs, orientation programs and culturally appropriate accessible services to new residents often without additional resources.

The 2010 NGA provides local government from across the country with the opportunity to consider the implications of a high population growth scenario, the ageing of the population and associated issues identified by the Australian Treasury, with a view to identifying solutions that will assist councils to meet the future challenges in providing services and infrastructure at the local level.

Key policy issues discussed in this paper are:

Population

- Demographics.
- Migration;
- Planning;
- Major cities; and
- Transport

Participation

- Workforce
- Employment
 - Under employment
- Skills shortage

Productivity

- Economic development
- Broadband
- Climate Change

Population

IGR3 forecasts that the population of Australia will increase from the current 22 million to 35.9 million by 2050. This is based on a projected average annual rate of population growth of 1.2 per cent over the next 40 years. The population will grow through natural birth rates and migration. Treasury forecasts assume that fertility rates are broadly consistent with current levels and migration levels provide an increase at a rate equivalent to 0.6 per cent of total population per annum on average.

While this projection describes the overall changes in the national population there is no data regarding geographic distribution or local and regional impacts. Over the past 10 year, ALGA's State of the Regions Report (SOR), prepared by National Economics, has reported population and age group details of 65 regions along with a number of other key socio-economic indicators such as income, regional productivity. These reports show a significant regional disparity in social and economic outcomes including growth rate (and decline) in population and economic activity. SOR also shows the significant growth pressures on a number of major regional centers as well as the consistent growth in capital cities.

Question:

Recognising the growth in the population will have different impacts upon local and regional communities, what if any national policy initiatives could assist local government to meet changes in population particularly in local government areas that will experience rapid population growth or declining populations?

Demographic Structure

Table 1 shows estimates of the Australian population by age group from the period 1967 to 2047.

Table 1: Australian population history and projections

Age range	1979	2010	2020	2030	2040	2050
Population in at 30 June (millions of people)						
0-14	3.6	4.2	4.8	5.4	5.7	6.2
15-64	7.8	15.0	16.6	18.2	20.0	21.6
65-84	1.0	2.8	3.7	4.8	5.6	6.3
85 and over	0.1	0.4	0.5	0.8	1.3	1.8
Total	12.5	22.2	25.7	29.2	32.6	35.9
Percentage of total population						
0-14	28.8	18.1	19.0	18.3	17.4	17.2
15-64	62.8	67.4	64.7	62.4	61.3	60.2
65-84	7.8	11.7	14.3	16.5	17.2	17.6
85 and over	0.5	1.8	2.1	2.7	4.0	5.1

Source: ABS cat. no. 3105.0.65.001 (2008) and Treasury projections. Australia to 2050 future challenges January 2010.

Table 1 shows a decrease in the 15 – 64 years as a proportion of the total population from 67.4 per cent to 60.2 per cent over the next 40 years, and an increase in the 65 – 84 years from 11.7 per cent to 17.6 per cent, and 85 years and over rising from 1.8 per cent to 5.1 per cent of the total population.

While table 1 clearly shows the ageing of the population, it provides no insight into the regional and local impact of the ageing population. Successive SoR reports have indicated that there is already a significant trend toward the ageing of the population in particular regions such as 'lifestyle region' on the coast areas where retirees migrate to settle, as well as ageing and decline in population in production regions including agriculture areas.

IGR3 highlights that demographic factors such as ageing will place significant pressure on demand for government services, in particular health. Total Australian Government spending on ageing and health, without actions to curtail spending growth, will increase over the next 40 years to around 27.1 per cent of GDP from the current level just over 22.4 per cent. Spending on pharmaceutical benefits is projected to grow faster than Australian Government spending on hospitals, medical benefits and other areas.

Questions:

Noting the ageing of the population what role should local government play in addressing the needs of older Australians?

Noting the projected spending pressure on health in particular, are there specific policy initiatives that local government could implement nationally to increase the efficiency and effectiveness of future health budgets, in particular in health promotion including healthier lifestyle programs?

What if any specific policy initiatives could local government implement nationally to increase the efficiency and effectiveness of aged care spending?

Migration

There are a number of variables that will affect the actual population outcomes by 2050 including net overseas migration. Australia has had and continues to have a very active migration program.

In 2008 – 09 Australia's intake of permanent migrants was 232,598. This was comprised of 114,777 in the skilled stream, 56,366 in the family stream, a small number in the special eligibility stream, 13,500 refugee and 47,780 New Zealanders. A further 657,124 temporary migrants with a right to work, including students, arrived in Australia in 2008 – 09.

Each year the Australian Government conducts consultation on the make-up of the Australian migration program, which includes permanent migration (skilled and family) and temporary migration (skilled and student). IGR3 forecasts are based on continued migration at a rate

equivalent to 0.6 per cent of total population per annum on average which is consistent with the average over the past 40 years.

Ultimately it is the Australian Government's responsibility to determine migration policy and the implementation of the migration program. However, there are significant implications for the states and territory governments as well as local government which result from these decisions. These implications relate to the provision of settlement services as well as core service that need to be delivered in a culturally appropriate manner to new arrivals.

If the Australian Government maintains the current level of immigration and / or increases the levels of migration to Australia, demand upon local government within regions where migrants are settled will need to respond. While there is strong evidence that many councils already have programs in place and skills to meet the challenges and opportunities of the current migration policy it is difficult to determine whether these capacities are sustainable, given competing pressures upon councils, or that services could expand to meet growing demand or different settlement patterns.

While all levels of government through the Ministerial Council for Immigration and Multicultural Affairs (MCIMA) have worked hard to attract and retain migrants to live and work in all states and in regional Australia, over many years it is estimated that more than 45 percent of overseas migrants inevitably settle in Sydney where family and other support systems are available.

Question:

Are there specific national policy initiatives that need to be developed to assist local government to meet the needs of migrants, including strategies to address settlement needs, and / or programs to attract and retain migrants to regional Australia?

Planning

Population and demographic changes are key variables in all local government planning processes. While the governance arrangements for planning and for development may vary from state to state as a result of differences in state legislation, there are two principle forms of planning by which councils shape their communities. These are statutory planning and strategic planning.

Strategic Planning - is sometimes thought of as a 'big picture' land use planning. It is land use planning for the whole municipality or shire and / or planning for specific areas or issues confronting the community. This may include identifying future development and conservation areas, revitalising business districts or managing pressures resulting from population growth and demographic change. Strategic Planning determines what is needed, when it is needed, where and what type of development can take place and how this can be achieved. Strategic planning is important because it provides a policy framework to plan for

the future needs of an area in a considered manner and with the input of key stakeholders and the community.

In short it seeks to influence the direction of change to achieve the greatest overall benefit to existing and future residents and establishes the policy and strategic framework used in the statutory planning process.

Question:

Are there additional tools, information and support at the national level which would assist local government to improve the way in which population changes are considered and accounted for in local strategic plans?

Statutory Planning – or the process that deals with the assessment of development applications. Development assessment is a planning tool used by governments to regulate the use and development of land. It is the mechanism by which state, territory and local government legally control what can be developed and where this may take place in the community's interest. Traditionally this planning activity was referred to as development control but the term development assessment is now more commonly used.

During the last few years state and local governments have actively pursued reform in statutory planning processes. While some reforms have been jurisdictionally based, there has been a high degree of national collaboration through the Local Government and Planning Ministers Council (LGPMC) and the Council of Australian Governments (COAG), which has sought to achieve national consistency where appropriate.

Generally, the reforms to-date have focused on 'streamlining' the everyday process of dealing with applications for a planning permit/development approval, particularly for housing. For example, following successful advocacy by ALGA, the Australian Government allocated \$30 million nationally (from the Housing Affordability Fund) to facilitate the implementation of electronic development assessment. The aim of this initiative is to assist all the stakeholders involved in the development approvals (DA) planning process to benefit from a more efficient and transparent planning and assessment process, (this includes lodgment of applications, referrals to third parties, public notification and determinations).

Other reforms being pursued by the Local Government and Planning Ministers Council (LGPMC) include: a roadmap for electronic development assessment (eDA) implementation; increased harmonisation of complying code development assessment standards particularly relating to low impact single story residential developments; a national DA performance reporting card to be released by June 2010; and national principles for good practice planning systems.

Despite these ongoing reforms, further reform options under consideration include:

- a) streamlining of decision making and processes to reduce inconsistency within and between councils;
- b) development levies;
- c) streamlining the process for multi-unit dwellings.

At a national level one of the primary purposes of these reforms is to increase the supply of housing in particular in a timely manner and in sufficient quantity and to maintain housing affordability.

Question:

Recognising the potential increase in population and the ageing of the population, are there any additional planning reforms and / or policy initiatives that would facilitate planning for more sustainable communities?

In particular, are there any:

- Reforms that could be introduced to help streamline decision making and to reduce inconsistency within and between councils?
- Reforms to developer levies to provide important community infrastructure?
- Reforms to the planning and development approvals process to facilitate multi-unit dwellings?

Major Cities

Demographers predict that with a national population of 35.9 million, Sydney and Melbourne will be cities of around 7 million people each, and South East Queensland will have a population somewhere between 5 and 6 million. To accommodate these numbers the size and shape of Australian cities will change and arguably some of the traditional ways of doing things will need to be reviewed.

To ensure that capital cities are well placed to meet the challenges of the future COAG established a Cities and Infrastructure Planning Taskforce in April 2009 to examine existing strategic planning frameworks within jurisdictions to ensure they support the ongoing integration of state and national infrastructure in major metropolitan cities. At its December 2009 meeting COAG agreed to national criteria for capital city strategic planning systems. (The National Objective and Criteria for Future Strategic Planning of Capital Cities are attached see end notes).

COAG agreed that by 1 January 2012 all states will have in place plans that meet the national criteria and noted that the Commonwealth will link future infrastructure funding decisions to satisfy these criteria. These reforms seek to secure better outcomes from investments made by all governments and are also designed to strengthen public confidence in planning systems.

In 2008, the Australian Government established the Major Cities Unit with the Department of Infrastructure, Transport, Regional Development and Local Government. This was an election commitment and indicated a clear commitment of the Australian Government to

become increasingly engaged in policies that impact on Australia's major cities. It is expected that the Government will release its Urban Policy in the first half of 2010.

Question:

Noting that the states and territories have constitutional responsibility for planning and the COAG agreement that requires all states to have in place plans capital city that meet the national strategic planning criteria, how should local government be involved in the development of or assessment of these capital city plans? What role if any should the Australian Government play in supporting local government's involvement?

Transport

Growth in the population will significantly increase demand for transportation of passengers and freight, and, consequently will place considerable pressure on Australia's transport system. The Bureau of Infrastructure Transport Economics (BITRE) estimate that interstate freight alone will increase at 3.4 per cent per year until 2030.

Each year ALGA convenes a National Local Roads and Transport Congress. In 2009 Congress (held in Mackay Queensland) resolved to '... endorse the need for the ALGA Board to update the Local Government Roads and Transport Strategy 2006-2016' to reflect the current policy and economic environment as well as taking into account the position adopted by delegates on the key issues [set out below]'. .

Key issues discussed include the need for:

- permanent and certain funding arrangements for local roads;
- establishment of transport and planning systems that improve amenity, public transport, social inclusion, freight efficiency and provide viable alternatives to the private car;
- Australian cities to be adequately serviced with public transport to provide viable alternatives to the private car and to meet existing and future population growth;
- equitable access, particularly to essential services, for all regional communities;
- reducing road deaths and serious injuries on local roads;
- efficient movement of freight through local communities in a way that recognizes community concerns for safety and amenity; and
- access to an appropriately skilled workforce to ensure long term sustainability of local road and transport systems.

The ALGA Board is currently revising the Local Government Roads and Transport Strategy 2006-2016' to address these issues in detail and the revised strategy will be launched the 2010 National General Assembly.

To provide the maximum amount of time to consider and debate new policy options and to avoid duplication, it is envisaged that 2010 NGA motions will not consider passenger or freight transport issues as they are being comprehensively addressed by the ALGA Board following the National Local Roads and transport Congress.

Participation

IGR3 shows that population ageing is projected to result in a declining labour force participation rate i.e., a fall in the proportion of people aged 15 and over in the labour force, gradually falling average hours worked and falling growth in the share of the population that is working. A further implication is that the number of traditional working aged people to support each retiree is expected to fall from 5 people to 2.7 people by 2050.

Declining labour force participation and slower growth will place pressure on Australian living standards. Treasury forecasts average annual growth in real GDP per person will slow from 1.9 per cent over the past 40 years to 1.5 per cent over the next 40 years. Real economic growth will slow from an annual average over the past 40 years of 3.3 per cent per year to 2.7 per cent a year.

If living standards are to be maintained or potentially increased Australia will need to produce more output with proportionately fewer workers and to adopt strategies that will increase labour force participation. Over recent years the Australian Government has pursued a number of strategies designed to provide incentives to work such as personal income tax cuts, increases in the Child Care Rebate and the introduction of Paid Parental Leave. More may need to be done.

At a local government level declining labour force participation could be expected to exacerbate skills shortages and highlight the need for increased productivity gains. This may require new ways of doing things including attracting and retaining skilled labour, the provision of flexible employment arrangement to allow people to remain at or come back to work after the normal retirement age, as well as the adoption of new labour saving technologies.

At a national level the Local Government and Planning Ministers Council (LGPMC) of which ALGA is a member is currently developing a National Local Government Workforce Strategy.

Question:

Noting the forecast decline in labour force participation nationally are there specific initiatives that may assist local government to attract and retain skilled labour within the sector?

Productivity

The key to higher economic growth in the face of an ageing population is productivity. A key finding of IGR3 is that policies which support higher productivity, including investment in nation building infrastructure and skills and education, will raise economic growth, improve living standards and enhance Australia's capacity to fund the fiscal pressures of an ageing population.

Local government has a key role to play in the provision of a range of support services and infrastructure that underpin local and regional economic development and therefore play an essential part in achieving higher productivity.

However, in a study commissioned by ALGA and produced by PriceWaterhouseCoopers (PwC)² in 2006, it was estimated that the infrastructure renewals backlog for local government nationally was \$14.5 billion. The report revealed there was an annual underspend of \$1.1 billion, creating a funding gap to clear the backlog and correct the underspend of \$2.16 billion per annum.

As previously noted, it is not intended to discuss the critical role of **transport and transport infrastructure** in this paper as the ALGA Board is currently revising the Local Government Roads and Transport Strategy 2006–2016 based on comprehensive consultation at the National Local Roads and Transport Congress 2009. The revised document will be launched this year's National General Assembly.

Community Infrastructure

Local government is responsible for more than \$12 billion of community infrastructure (not including local roads). This infrastructure provides the social and economic backbone for many communities throughout Australia, particularly those in rural and regional Australia.

Much of local government's existing community infrastructure is reaching the end of its economic life. Financial sustainability pressures have meant that many councils, particularly those in rural and regional areas, have deferred their investment in infrastructure renewals to meet recurrent costs caused by increased demands for services (both type and standard) and past cost and responsibility shifting by other levels of government.

In 2009 the Australian Government delivered the National Building Economic Stimulus Plan in response to the global financial crisis. Included in this package was more than \$1 billion to create jobs and invest in local government community infrastructure. Under the program guidelines projects funded not only helped to address some of the backlog in community infrastructure spending, but also contributed to new asset formation with the building of new facilities. New asset formation will require councils to make on-going provision for depreciation of these facilities, there-by impacting on council's budgets for the full life cycle of these assets.

² PwC, *National Financial Sustainability Study of Local Government (2006)*.

Question:

Given the importance of local and regional infrastructure are there any national initiatives that could further assist local government to support local and regional productivity?

Broadband

IGR3 identifies the importance of competitive and efficient infrastructure, including the \$43 billion National Broadband Network (NBN), in promoting future economic growth. The Government believe that the NBN, together with telecommunications regulatory reforms, will enhance the competitive dynamics of the telecommunications sector.

Local government has strongly advocated for fast, affordable broadband for all Australians. The critical importance of reliable, accessible and affordable high speed broadband infrastructure to the national economy and the economic and social wellbeing of Australians has been detailed extensively by National Economics in the *State of the Regions* reports commissioned by ALGA. The *State of the Regions (2007-08)* report estimated that \$3.2 billion and 33,000 jobs had been lost to Australian businesses in the preceding 12 months due to inadequate broadband infrastructure. In the *State of the Regions Report (2008-09)*, released in December 2008, National Economics reiterated the conclusions of previous reports that Australia's knowledge economy continued to be shackled by the lack of an equitable high speed broadband network.

To implement the NBN the Government has established the National Broadband Network Company Limited and commissioned an Implementation Study to advise on the development and roll-out of the NBN. Subject to their advice, the Government will determine the details of the full roll-out of the NBN.

Regardless of the legislative model ultimately adopted by the Australian Government for the implementation of the National Broadband Network, there will be a significant role for all levels of government and a need for a co-operative approach. There will also be a need for flexibility in the implementation approach so that it can accommodate the individual circumstances that will arise due to location, size, type and the scale of development.

To facilitate work on models for the provision of broadband in greenfield developments, the Government established a Greenfields Stakeholder Reference Group. ALGA is a member of the reference group. On 23 December 2009 the Government released an Exposure Draft: telecommunications Legislation Amendment (Fibre Development) Bill for consultation.

Question:

Given the importance of high-speed broadband to the national economy and all Australians are there any national initiatives that would assist local government facilitate the roll-outs of the NBN?

Climate Change

Australia's (and the world's) climate is changing. Addressing climate change is arguably the greatest challenge that Australia confronts. Mitigation of greenhouse gas emissions and adaptation to the impacts of climate change will transform the Australian economy, environment and society as a whole.

IGR3 highlights the importance the Government places upon the Carbon Pollution Reduction Scheme (CPRS) and its role in reducing carbon emissions in a cost effective way and the importance of early action on climate change that will allow strong long-term growth by steadily transforming the economy. The CPRS is the main driver in the Government's plan to reduce Australia's greenhouse gas emissions. It also notes that the introduction of the CPRS will provide a significant boost to some areas of the economy including the renewable energy sector.

Local governments have shown leadership on climate change and dealing with greenhouse gases more generally. Their performance, particularly in communicating the likely impacts of local area climate change to residents, business and visitors, demonstrates aspects of community leadership that should be supported by state, territory and the Commonwealth Governments.

Whilst climate change is an issue of global significance, local councils will ultimately be responsible for the range of actions that will be needed to increase the resilience of local and regional communities to deal with the impacts of climate change, particularly those impacts that are already built into the climate system.

Adaption to the effects of climate change will have direct and indirect implications for local government. There will be regional variation as well as differences in the extent to which these impacts will affect local communities. While there will be some commonality between the potential impact upon councils, for example in coastal councils with similar climatic zones, or rural councils where similar agricultural practises / production occurs, all councils will need to make their own local and / or regional assessment of impacts and plan accordingly. Over 2007 and 2008 the Australian Government provided around \$3m available over to assist about 60 councils undertake Climate Change Risk Assessment studies.

In February 2010 the Government released *Adopting to Climate Change An Australian Government Position Paper*. This paper identifies the different roles of each level of Government, business and the community while also recognising the need for collaboration between all levels of government to help adapt to the impacts of climate change.

At the August 2009 Local Government and Planning Minister Council ministers agreed to develop a national framework and tools for use by local government to inform planning for climate change mitigation and climate change adaptation, and preparation of a paper on international best practice practices.

The following provides a summary of some likely impacts of climate change on a wide variety of local government services.

Planning policy and development assessment

- Inappropriate location of urban expansion areas.
- Increased uncertainty in long-term land-use planning and infrastructure design, i.e. location of future developments, suitability of infrastructure designs to cope with changing climate.
- Cost of retrofitting of systems.
- Loss of private property and community assets.
- Increase in insurance costs and public liability claims.
- Increased pressure on disaster management and response resources.
- Early retirement of capital infrastructure.

Litigation

- In terms of legal matters relating to climate change, local governments are at the forefront of many activities that both contribute to climate change and are likely to be impacted upon by climate change. Legal challenges may come from three fronts:
 1. Decisions that contribute to green house emissions, for instance development approvals for carbon emitting industries;
 2. When it is argued that councils have unreasonably failed to take into account the likely effects of climate change when exercising a wide range of their service; planning and development activities, and.
 3. OHS and public liability.

Road/Transport

- Changes in rates of permanent infrastructure deterioration – faster deterioration in wetter areas but potentially slower deterioration in areas where rainfall decreases. (Deterioration may also result from higher temperatures and increased solar radiation).
- Inundation of surface of roads in coastal areas, potentially resulting in destruction.
- Changes in frequency of interruption of road traffic from extreme weather events and disruption of emergency transport routes.
- Enhanced asset management programs.
- Increased opportunities for public transport and cycling/walking.
- Reduced energy use and reliance on private cars.

Buildings and Housing

- Changes in building heating/cooling costs (can be either negative or positive).
- Increased risk of damage from bushfires.
- Changes in frequency and severity of wind, rain, hail, flood, storm events and damage, potentially resulting in destruction.
- Cyclone damage and destruction due to changes in wind intensity.
- Higher rates of building deterioration and associated maintenance costs.
- Location of caravan parks.

Coastal infrastructure

- Increased coastal erosion and inundation.
- Increased frequency, or permanent inundation of, coastal infrastructure and utilities, e.g. water, sewerage, gas, telecommunications, electricity, transportation.
- Destruction, damage and disturbance to council-managed marinas and boat ramps.
- Increased erosion and/or exceedance of seawalls, jetties and other coastal defences.

Economic Development and Tourism

- Impacts on viability of industries.
- Pressure on tourism activities (especially those relying on natural resources).
- Impacts on tourism/recreation activities along the coast.
- Increased costs associated with operation and maintenance costs of public amenities/recreational sites due to climate variation.

Social and community Planning

- Rural decline and climate impacts on the rural and regional sectors.
- Increased population pressure on temperate zones.
- Internal migration and accommodation of new migrants and climate change refugees.

Provision and use of recreational facilities

- Impacts on coastal recreational infrastructure.
- Loss of existing public space in coastal areas.
- Impacts on tourism/recreation activities along the coast.
- Increased costs associated with operation and maintenance costs of public amenities/recreational sites due to storm damage.
- Variation in landscaping design and plant species.
- Needing to provide additional climate protective infrastructure for the young and elderly.

Maintenance of recreational facilities

- Reduced water quality and quantity resulting in less watering/irrigation of open space and sports grounds and closure of ovals.
- Limited water for swimming pools, etc.
- Beach and inland lake closures, e.g. due to E.coli levels after storms.
- Limited water for swimming pools.
- Need for more open space shelters.

Health services; Community/workplace health

- Milder winters improving communities' comfort levels.
- Increase in geographical range and seasonality of vector-borne diseases and the possibility for an expansion of infect zones (eg Ross River fever).
- Potential increase role in community immunization.
- High temperatures increasing incidence of food and water-borne diseases.
- Risk of increased cryptosporidium infections during open water swimming in summer.
- Health impacts due to exposure to extreme weather, e.g. heatwaves.
- Extreme rainfall events transporting contaminants into waterways and drinking water supplies.
- Increased pressure on drinking water supplies.
- An increase in injuries due to increased intensity of extreme events, e.g. storm surge and coastal flooding in coastal regions of Australia due to changes in sea level rise and human settlement expansion into coastal catchments.

Emergency/bushfire management

- Increased emergency response and recovery operations.
- Risks to public safety and tourism and longer term impacts on regional economies.
- Responding to flooding, drought, bushfire, cyclones/major storms, coastal inundation, heat wave, land-slides, erosion.
- Reduction in water availability for irrigation.
- Changes in pest management.
- Increased need for disaster mitigation investment (e.g. flood defences)

Agriculture/biosecurity

- Changes in the type of viability of primary industries.
- Loss of farming properties.
- Reduction in water availability for irrigation.
- Changes in pest management.

Natural resource management/coastal management

- Increased coastal erosion and inundation.
- Loss of private property/community assets.
- Loss of beach width.
- Changes to wetlands due to sea level rise, shoreline erosion and saltwater intrusion.

Weed/pest management

- Changes in distribution of invasive species due to changes in climate and associated loss of biodiversity and changes to bushfire intensity.

Biodiversity Protection

- Shifts in distributions of plant and animal species.
- Increased risk of population and species extinctions.
- Reduced ecosystem resilience to stress.
- Increased ecosystem and species heat stress.
- Increased pressure on dunal systems.
- Changes to mangrove habitats due to salt water intrusion.
- Increases in ecological disturbances.

Water and sewerage services

- Inundation of storm water and sewerage systems.
- Reduced security of water supply (depending on source)
- Environmental and supply contamination.
- Increased peak flows.
- Increased potential for erosion.
- Changes in groundwater levels.
- Changes in flood plains.
- Reduced dry weather sewerage flows.
- Reduced/unreliability of power supply for sewage pumping and treatment if existing electricity suppliers cannot maintain pace with long term changes in climate.

Stormwater/drainage

- More intense rainfall resulting in inflow and infiltration into wastewater networks.
- Exceedance of existing flood defenses.
- Exceedance of drainage capacity.
- Reduction in drainage capacity due to sea level rise and storm surge.
- Changes in mean and peak stream and river flows.
- Lower levels of rainfall, reducing pressure on storm water systems.

Wastewater

- Changes in intensity of rainfall events impacting inflow and infiltration to wastewater network.
- Potential for blockages and dry weather overflows during dry spells.

Water supply

- Changes in mean and peak stream and river flows.
- Uncertain water availability.
- Insufficient water supply in some areas.
- Increased potential for water contamination.
- Salination of surface and groundwater supplies.
- Changes in availability of groundwater available for irrigation.

Question:

Are there specific national initiatives that would assist local government to address the impacts of climate change?

Note - Local Government Finance

Governments at all levels play a role in responding to population growth. All governments share the challenge of fulfilling their respective roles within finite resources. Generally, all levels of government have an obligation to raise own source revenues (taxes including rates for local government) to fund their respective services. However, in Australia, (a predominantly centralised taxation system dominated by the Commonwealth) an appropriate system of intergovernmental transfers is required to distribute revenues beyond that which is required to provide Commonwealth services to the other levels of government that have responsibility for the provision of services and / or infrastructure.

Local government provides essential local and regional infrastructure and services that underpin the welfare of local communities and the productive capacity of the nation. The ability of councils to maintain services and infrastructure in the long term is dependent upon financial sustainability of councils and the sector as a whole.

ALGA's policy in relation to financial sustainability, which is fully endorsed by all state and territory local government associations is well developed. It is underpinned by the PricewaterhouseCoopers (PwC) National Study into the Financial Sustainability of Local Government 2006 and built on a twin track approach. The first track is to continue with internally driven local government reform which is designed to enhance the efficiency and effectiveness of local government. This includes resource sharing, improved financial and asset management and voluntary structural reform options such as amalgamation where the benefits outweigh the costs. The second track is to reform local government funding from the Australian Government to ensure that local government has sufficient funding to provide the services and infrastructure necessary to support every community in Australia regardless of geographic location. The principles of this track are a fair share of Commonwealth (national) taxation, certainty of funding and appropriate funding for all responsibilities that are transferred to local government by other levels of government i.e. stop cost shifting.

These policies have been voted on and endorsed at successive National General Assemblies of Local Government.

To provide the maximum amount of time to consider and debate new policy options and to avoid duplication, it is envisaged that 2010 NGA motions will not consider the national core funding for local government policy positions unless there is a major shift in the policy required.

National Objective and Criteria for Future Strategic Planning of Capital Cities

Objective

To ensure Australian cities are globally competitive, productive, sustainable, liveable and socially inclusive and are well placed to meet future challenges and growth.

Criteria

Capital city strategic planning systems should:

1. be integrated: -
 - a) across functions, including land-use and transport planning, economic and infrastructure development, environmental assessment and urban development, and
 - b) across government agencies;
2. provide for a consistent hierarchy of future oriented and publicly available plans, including: -
 - a) long term (for example, 15-30 year) integrated strategic plans,
 - b) medium term (for example, 5-15 year) prioritised infrastructure and land-use plans, and
 - c) near term prioritised infrastructure project pipeline backed by appropriately detailed project plans;
3. provide for nationally-significant economic infrastructure (both new and upgrade of existing) including: -
 - a) transport corridors,
 - b) international gateways,
 - c) intermodal connections,
 - d) major communications and utilities infrastructure, and
 - e) reservation of appropriate lands to support future expansion;
4. address nationally-significant policy issues including: -
 - a) population growth and demographic change,
 - b) productivity and global competitiveness,
 - c) climate change mitigation and adaptation,
 - d) efficient development and use of existing and new infrastructure and other public assets,
 - e) connectivity of people to jobs and businesses to markets,
 - f) development of major urban corridors,
 - g) social inclusion,
 - h) health, liveability, and community wellbeing,
 - i) housing affordability, and
 - j) matters of national environmental significance;
5. consider and strengthen the networks between capital cities and major regional centres, and other important domestic and international connections;
6. provide for planned, sequenced and evidence-based land release and an appropriate balance of infill and greenfields development;

7. clearly identify priorities for investment and policy effort by governments, and provide an effective framework for private sector investment and innovation;
8. encourage world-class urban design and architecture; and
9. provide effective implementation arrangements and supporting mechanisms, including:
 - a) clear accountabilities, timelines and appropriate performance measures,
 - b) coordination between all three levels of government, with opportunities for Commonwealth and local government input, and linked, streamlined and efficient approval processes including under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*,
 - c) evaluation and review cycles that support the need for balance between flexibility and certainty, including trigger points that identify the need for change in policy settings, and
 - d) appropriate consultation and engagement with external stakeholders, experts and the wider community.

Agreed by the Council of Australian Governments
December 2009

RESCISSION MOTIONS

RECISSION MOTION

ITEM NO. 1

FILE NO: A2004-0523 -PSC2009-07013

MEDICAL CENTRE AT 2 KEEL STREET, SALAMANDER BAY

COUNCILLORS: NELL, DINGLE, FRANCIS

That Council rescind its decision of 9 February 2010 on Item 3 of the Ordinary Council Meeting Report, namely Planning Proposal to Permit a Medical Centre at 2 Keel Street, Salamander Bay, which essentially means that the medical centre must reduce operations and staff to meet current development consent requirements, and defer compliance action to implement this Resolution until Council has reconsidered the matter on 27 April 2010.

Cr Bruce MacKenzie objected to the Rescission Motion.

ORDINARY COUNCIL MEETING – 13 APRIL 2010

	<p>Councillor John Nell Councillor Sally Dover</p>	<p>That Council rescind its decision of 9 February 2010 on Item 3 of the Ordinary Council Meeting Report, namely Planning Proposal to Permit a Medical Centre at 2 Keel Street, Salamander Bay, which essentially means that the medical centre must reduce operations and staff to meet current development consent requirements, and defer compliance action to implement this Resolution until Council has reconsidered the matter on 27 April 2010.</p>
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In accordance with Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Crs Peter Kafer, Glenys Francis, Ken Jordan, Steve Tucker, Shirley O'Brien, Frank Ward, Bob Westbury and Bruce MacKenzie.

The Motion on being put was lost.

ITEM NO. 3

FILE NO: PSC2009-07013

PLANNING PROPOSAL TO PERMIT A MEDICAL CENTRE AT 2 KEEL STREET, SALAMANDER BAY

REPORT OF: PETER MARLER - ACTING MANAGER INTEGRATED PLANNING

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Prepare a planning proposal under Part 3 of the Environmental Planning and Assessment Act 1979 to permit with consent a medical centre at 2 Keel Street Salamander Bay (Lot 101 in DP 880861) via an enabling clause in the Port Stephens Local Environmental Plan 2000.

PROPOSAL DETAILS

Subject Land 2 Keel Street Salamander Bay (Lot 101 in DP 880861) (Attachment 1)

Owners K & SI Pty Ltd (submission by RPS HSO)

Current Zone 2(a) Residential (to be retained) (Attachment 2)

Proposed Amendment Permit with consent a medical centre as a site-specific permissible use

COUNCIL COMMITTEE MEETING – 09 FEBRUARY 2010

RECOMMENDATION:

	<p>Councillor Frank Ward Councillor John Nell</p>	<p>That Council</p> <ol style="list-style-type: none"> 1) Not proceed with the Planning Proposal to permit a medical centre at 2 Keel Street, Salamander Bay. 2) That the applicant be directed to operate in accordance with the Council approval "professional consulting rooms" and all the conditions that were attached to the approval. 3) That the applicant be advised that if they wish to build a Medical Centre as indicated in the business paper the applicant can acquire a suitable site in the commercial zone area in accordance with the Council's Plan.
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In accordance with the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

ORDINARY MEETING – 09 FEBRUARY 2010

006	Councillor Frank Ward Councillor Glenys Francis	It was resolved that the Council Committee 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: Crs Bruce MacKenzie, Shirley O'Brien, Bob Westbury, Steve Tucker, Glenys Francis, Frank Ward, Geoff Dingle, John Nell, Ken Jordan, Sally Dover and Daniel Maher.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to consider a planning proposal to amend the *Port Stephens Local Environmental Plan 2000* (the LEP) to permit with consent a medical centre on land zoned 2(a) Residential at 2 Keel Street Salamander Bay.

The existing premise is approved to operate as "professional consulting rooms" by definition and is limited to three health care professionals and 3 associated employees (refer to DA 7-1998-60693).

For a "medical centre" to be permissible on the subject land an amendment to the LEP is required.

This report deals with whether it is appropriate to make a medical centre permissible on the subject land. It does not seek to address compliance with the existing development consent nor assess the merits of a particular development application. A summary of compliance with the existing development consent for "professional consulting rooms" is provided at **Attachment 1 – Development Compliance Response**. In any case, the medical centre provided the following advice concerning the current operation of the business:

- 6 permanent employees and 1 casual
- 4 permanent doctors and 1 part time
- Services include general medicine, pathology, childhood and adult immunisation, counselling, women's and men's health and aviation medicals.

The site and context

The site is located at the corner of Bagnall Beach Road and Keel Street, Salamander Bay. To the north, east and south is residential development. Salamander Bay Shopping Centre and a variety of other businesses are located on the opposite side of Bagnall Beach Road, on land zoned for commercial development.

Keel Street is residential in character and surrounding dwellings are predominantly single storey. The business operates from a building that has the appearance of a two storey dwelling. If the LEP is amended to permit a medical centre on the subject land it will be open to the applicant to make a development application.

The proximity of the site to a major commercial centre and Bagnall Beach Road presents an opportunity to provide ongoing medical services with relatively easy access to public and private transport and commercial services.

Vehicle access is provided to the site by a single entry and exit located on Keel Street. No access is provided from Bagnall Beach Road. Because the site is located at the entrance to Keel Street there is little or no need for vehicles to travel beyond the medical centre and along Keel Street.

The location of the site is shown in **Attachment 2 – Aerial Photograph**.

The current zoning of the site is shown in **Attachment 3 – Existing Zoning Map**.

FINANCIAL/RESOURCE IMPLICATIONS

Implications for Council

If Council resolves to prepare a draft amendment to the LEP staff time will be allocated to its preparation.

Stage 1 rezoning lodgement fees of \$4 000 have been paid by the proponent. If the Department of Planning LEP Review Panel supports the amendment Stage 2 rezoning fees will apply.

Proponent request

The proponent submits that to operate in accordance with the existing consent, as professional consulting rooms, is socially unacceptable in terms of the adequate provision of medical services on the Tomaree Peninsula and will limit business growth at the site. It is also submitted that selling the site and relocating to suitably zoned land has severe financial implications and could result in the closure of the practice, however, this is not demonstrated in the information submitted by the proponent. The proponent submits that the most suitable option is to remain at the existing site and amend the LEP to allow a medical centre (RPS HSO Planning Proposal, page 5).

LEGAL, POLICY AND RISK IMPLICATIONS

Strategic Planning for Medical Centres

Population growth and aging is an important issue to consider. According to the *Port Stephens Community Settlement and Infrastructure Strategy* (CSIS 2007) the Tomaree Peninsula is the fastest growing planning district in the LGA, with a 25.7% increase in population since 1996. Additionally there are a high proportion of residents over 55 years of age at 30%, compared to the NSW average of 25% (ABS 2006). The provision of medical facilities and access to health is identified as a future social challenge in the CSIS (page 23). If the planning proposal is successful it will assist in addressing this challenge.

There are other businesses throughout the Port Stephens local government area providing medical-type services in the form of professional consulting rooms on sites similar to 2 Keel Street, Salamander Bay. That is, they are located on residential zoned land, on main transport routes and are adjacent to commercial areas. Examples include the professional consulting rooms on Adelaide Street in Raymond Terrace. This demonstrates that such sites service a demand for the provision of medical services, and highlights a need to consider the broader merits of allowing medical centres in these locations as part of a general future amendment to the LEP as part of the Principal LEP review process. It is also particularly relevant given the indicative demand for medical services on the Tomaree Peninsula and the Hunter Region generally. Council and community consideration of a medical centre at 2 Keel Street should provide an indication of whether this approach has merit and should be considered in a general amendment to the LEP at a later date.

Definitions

'Medical centre' is defined under the LEP as a building or place used for the purpose of providing professional health services (such as preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

'Professional consulting rooms' was defined under the *Port Stephens Local Environmental Plan 1987* means a room or number of rooms forming either the whole of or part, attached to or within the cartilage of a dwelling-house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the Dentists Act, 1934, or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care respectively, and if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.

The important difference between the two definitions is that a medical centre is not limited in scale. Professional consulting rooms are deliberately smaller in scale and likely to be compatible with the residential character of the 2(a) Residential zone. As such, medical centres are not permissible within the 2(a) Residential zone and usually permissible within commercial zones.

Amending the Port Stephens Local Environmental Plan 2000

The most appropriate mechanism for permitting a medical centre on the subject land is a site-specific enabling clause. This will make a medical centre permissible with consent within the existing 2(a) Residential zone and prevent other general commercial uses from occurring on the site and in the 2(a) Residential zone generally.

Enabling Clause

The planning proposal is proposed to be based upon a site-specific enabling clause to permit a medical centre on the site, within the existing 2(a) Residential zone. This will restrict commercial use of the site to a medical centre only and continue to prohibit other types of commercial use within the 2(a) Residential zone.

Zoning land provides certainty to the community about the amenity of an area and the types of land uses that are permitted. The subject land is zoned for residential development and it is reasonable to assume there is a level of community expectation that the land will maintain its residential character. It follows that the business operating at the subject site sought and received approval for professional consulting rooms, consistent with the scale and intensity of development envisioned within a residential zone, but seeks to legally expand beyond this.

Once a business expands beyond the scale of professional consulting rooms or home employment it is generally appropriate to relocate from a residential area to a business or other suitable zone. This is the policy position set down in the LEP and the *Port Stephens Development Control Plan 2007*. It provides certainty in the planning process and equity to other businesses that operate within, or establish according to, legal land use requirements.

Section 117 Planning Directions

Council is required to be consistent with State planning directions issued under section 117 of the *Environmental Planning and Assessment Act 1979* when preparing planning proposals.

Direction 3.4 Integrating Land Use and Transport applies and its objective, as it relates to the planning proposal, is to ensure land use locations improve transport sustainability. Direction 3.4 requires planning proposals to be consistent with the documents *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001). The amendment is consistent with Direction 3.4 because the site is located adjacent to the existing commercial centre at Salamander Bay and well located to a major local transport route and public transport services.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Amending the LEP to permit a medical centre on the site will enable application to be sought for a medical centre on the subject land within the existing 2(a) Residential zone. Any future proposal will need to demonstrate that the proposal meets the requirements of the Building Code of Australia. And can satisfy car parking and other development application requirements for a medical centre.

CONSULTATION

Development and Building Team

Development and Building advice is that any subsequent development application for a medical centre on the subject land will be assessed on merit and using the development controls for

commercial premises.

Social Planning Team

Social Planning section advise that access to health services and facilities need to expand in correlation with population growth to ensure the health needs of the existing and future population are met.

OPTIONS

Resolve to prepare a draft amendment to the LEP and insert an enabling clause allowing a 'medical centre' on the subject land.

Not prepare a draft amendment to the LEP and require the use to comply with the existing approval as a 'professional consulting room'.

ATTACHMENTS

- 1) Aerial Photograph
- 2) Existing Zoning Map
- 3) Development Compliance Response

COUNCILLORS ROOM

- 1) Planning Proposal (RPS HSO, September 2009)

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
AERIAL PHOTOGRAPH



ATTACHMENT 3
DEVELOPMENT COMPLIANCE RESPONSE

In March 2009 Council's Development Compliance Officer was advised that the Salamander Bay Medical Centre at 2 Keel Street, Salamander Bay may not be operating within the conditions of development consent (DA 693/ 1998 Dwelling & Surgery - Professional Consulting Rooms) by expanding their business beyond that which was approved.

A site inspection was conducted and initial contact was made with the Medical Centre staff. A meeting with the owners took place on 1 April 2009. The owners cooperated with the investigation and provided information that suggested the use of the land was at a scale greater than that approved by Council.

At the request of the owners a meeting with the Mayor took place on 14 April 2009. The owners were advised that staff have characterised the current land use as a Medical Centre which is prohibited by *Port Stephens Local Environmental Plan 2000* in the 2(a) zone where this development is situated. The owners said that they wished to remain at the site due to their substantial investment and demand for their services by patients.

As Medical Centres are not permissible, staff advised the owners that one option available to them would be to seek a rezoning to make the use permissible and to allow an application for a Medical Centre to be assessed. The operators advised that they would consider the options.

On 27 May 2009 the operators and their consultant met with planning staff to pursue an application seeking an amendment to the *Port Stephens Local Environmental Plan 2000* to rezone the land. At that meeting the owners advised Council staff that they were considering an expansion to the current operation which would be dependent on the application for rezoning.

It was considered that the owners should be given the opportunity to lodge an application for rezoning prior to initiating enforcement action as the risks identified at the site do not require immediate intervention by Council. If the operators failed to lodge an application within a reasonable time frame, without reasonable excuse, or the application is not supported by either Council or the Department of Planning, enforcement action will commence seeking compliance with the conditions of development consent or the relocation of the business to suitably zoned land.

RECISSION MOTION

ITEM NO. 2

FILE NO: PSC2009-02962

POLICY FOR CHARGING ADJOINING PROPERTY OWNERS A CONTRIBUTION TOWARDS THE COST OF FOOTPATH/CYCLEWAY CONSTRUCTION

COUNCILLORS: DINGLE, KAfer, WARD

That Council rescind its decision of 20 October 2009 on Item 6 of the Ordinary Council Report, namely Policy for Charging Adjoining Property Owners A Contribution Towards the Cost of Footpath/Cycleway Construction.

Cr Bruce MacKenzie objected to the Rescission Motion.

ORDINARY COUNCIL MEETING – 13 APRIL 2010

	Councillor Geoff Dingle Councillor Peter Kafer	That Council rescind its decision of 20 October 2009 on Item 6 of the Ordinary Council Report, namely Policy for Charging Adjoining Property Owners A Contribution Towards the Cost of Footpath/Cycleway Construction.
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The Motion on being put was lost.

ITEM NO. 6

FILE NO: PSC2009-02962

POLICY FOR CHARGING ADJOINING PROPERTY OWNERS A CONTRIBUTION TOWARDS THE COST OF FOOTPATH/CYCLEWAY CONSTRUCTION

REPORT OF: MICK LOOMES - ENGINEERING SERVICES MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolves to place the draft policy "Contributions to Works for Footpath/Cycleway Construction (Attachment 1) on public exhibition for a period of 28 days.
- 2) After the exhibition period and receipt of any submissions a further report be prepared for

Council's consideration.

COUNCIL COMMITTEE MEETING – 20 OCTOBER 2009

RECOMMENDATION:

	<p>Councillor John Nell Councillor Bruce MacKenzie</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1) That the recommendation be adopted. 2) That alternatives such as pensioner concessions, time to pay and Council's Hardship Policy be considered as part of the public exhibition period.
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ORDINARY MEETING – 20 OCTOBER 2009

<p>354</p>	<p>Councillor John Nell Councillor Steve Tucker</p>	<p>It was resolved that the Committee recommendation be adopted.</p>
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BACKGROUND

The purpose of this report is to put a new draft policy to Council to continue to seek contributions from adjoining landowners towards the construction of footpath/cycleway works.

This report follows up on the Notice of Motion which was presented to Council's Ordinary Meeting on 25 August 2009 which sought a review of its policy in this area (see Attachment 2).

Council has a current policy for seeking contributions from adjoining landowners towards both footpath/cycleway construction as well as kerb and gutter contributions (see Attachment 3).

A new draft policy has been prepared for the "footpath/cycleway" element of the existing policy and this is found in Attachment 1 of this report which is referred to in the recommendations above.

Elsewhere a new draft policy document has been prepared for the "kerb and gutter" element of the existing policy and this is provided in a separate report in this business paper entitled "Policy for Charging Adjoining Property Owners a Contribution Towards the Cost of Kerb and Gutter Construction".

Accordingly, this report deals with the issue of contribution towards "footpath/cycleway" construction only.

Over the years, Council has considered a number of reports regarding the levying of contributions towards footpath and cycleway construction. 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 existing policy for footpath/cycleway contributions limits them to being applied to properties in residential 2(a) and 2(c), business 3(a), industrial 4(a) and special urban 5 zonings only. Footpaths/cycleways constructed in rural and other zonings do not attract a contribution from adjoining landowners mainly due to the large frontages usually involved and other considerations.

Over the last 6-12 months, Council has undertaken a number of projects throughout its area which have included new footpaths. Footpaths have been built in Boat Harbour, Tanilba Bay, Karuah and Nelson Bay as part of larger road reconstruction projects. Additionally, a number of footpaths have been installed following additional Federal grants for local infrastructure improvements and these footpaths were built as individual projects in streets which (generally) were already well established but did not have any footpaths. Work was undertaken in the streets in Boat Harbour, Anna Bay and Raymond Terrace and further work of this nature is planned for Medowie later this year. The projects were taken from Council's Forward Works Program and are also to be found in Council's Bike Plan.

Advance notice has been provided to adjoining landowners prior to the footpaths being constructed, advising them of the need for them to contribute to the cost of the works in accordance with Council's policy. A number of property owners have objected to being charged for the footpaths and there have been individual "*letters to the Editor*" of the Examiner which have criticised Council's policy in this area.

Some property owners have already commenced paying for their footpath contributions for works completed recently, whilst many have not yet done so and are awaiting Council's decision on whether it will confirm its earlier resolutions and require a contribution towards footpaths, or alternatively discontinue this practice in accordance with its foreshadowed resolution. Other landowners from previous years works have completed or are in the process of paying off their contributions.

As with most issues, there are both positive and negative aspects to the issue in question of requiring a contribution towards the cost of construction of footpath/cycleways:

Pros:

Provides contributing income to Council so it can construct facilities which are seen by the general community as very desirable and which would not be constructed as soon otherwise. Previous generations or owners have similarly contributed towards these works and if the policy is discontinued they might be concerned that other property owners are not being treated the same as owners in new subdivisions who have also contributed to new footpaths/cycleways. This is consistent with the practice of the majority of other Hunter Councils.

Cons:

Retrofitted footpaths are generally on one side of the road only hence property owners on that side have to pay a contribution whilst landowners on the other side do not in accordance with the existing legislation.

Some landowners may find it difficult to pay the amounts involved, notwithstanding Council's practice of allowing time to pay off the contribution.

Some landowners just do not want a footpath over their frontage or in their street.

It should also be noted that there are a number of footpath projects which have been constructed recently and invoices have already been sent to landowners requiring their payment. Some of these landowners have already paid whilst others have held back payment whilst Council considers this issue.

No new footpath paving work has actually been undertaken since the Notice of Motion of 25 August 2009. However, much work has been completed prior to this date so all property owners who have actually had footpath constructed over their property boundary would normally need to pay their contributions as they were implemented under the old policy. This includes some of those landowners who have lobbied for a change to the policy.

FINANCIAL/RESOURCE IMPLICATIONS

Council's 2009/10 transport capital works program budget has many projects which were expected to obtain contributions towards the cost of footpath/cycleway from adjoining residents. Annual contributions normally range between \$100,000 and \$200,000 per annum depending on matching grants and other funding.

If Council decides to discontinue its contributions policy then the following amounts will be normally collected or potentially foregone this year.

Project	Contributions from Adjoining Landowners
Already Completed 2009/10	
Dixon Street, Seaham	\$ 5,186
Clemenceau Cres, Tanilba Bay	\$13,613
Robinson Street, Anna Bay	\$ 9,742
Mt Hall Road, Raymond Tce	\$ 1,897
Watt Street, Raymond Tce	\$ 2,952
Payton Street, Raymond Tce	\$ 1,717
Subtotal (to be collected)	\$ 35,107
To be Completed Later in 2009/10	
Paths in Medowie (Various)	\$14,916
Rigney Street, Shoal Bay	\$17,512
Trafalgar Street, Nelson Bay	\$ 8,311
President Poincare Pde, Tanilba Bay	\$11,725
James Paterson Street, Anna Bay	\$22,709
Sandy Pt Road, Corlette	\$41,351
Subtotal (to be foregone)	<u>\$116,524</u>
Total	\$138,018

It should be noted also that Council has applied for a number of State and Federal Government grants in the last few months and many of these will require a 50% Council contribution towards the work involved should they be offered and accepted.

Should Council decide to discontinue seeking contributions towards footpath/cycleway construction, it will need to either increase its deficit or review its current work program and reduce the number of projects it can undertake in the year. It is likely that one road reconstruction project will need to be deferred as a probable consequence.

At current funding levels this would effectively mean that two minor or one major road construction up to \$1,000,000 (including footpaths etc) could not proceed each and every five years into the future.

Council's Section 94 plans do not contain a footpath component within them for footpath or cycleway contributions. These facilities can be funded from S94A contributions, however, in reality, S94A funds actually received by Council over the last 2 years are minimal.

LEGAL, POLICY AND RISK IMPLICATIONS

Section 217 of the Roads 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.

If Council decides to discontinue this policy (which currently includes kerb and gutter contributions as well) then it will need to also consider its approach and policy for kerb and gutter contributions. A separate report has been provided in this business paper for Council to consider a contribution policy for kerb and gutter.

Council's within the Hunter Council's Group have been contacted to determine their policy on this issue and a table is presented in Attachment 4 showing each Council's approach. Port Stephens' approach as presented in this report is consistent with the majority of Hunter Councils.

SUSTAINABILITY IMPLICATIONS

Social, economic and environmental implications are included below.

Footpaths and cycleways have been provided by Council to provide access, connectivity and amenity to residents and visitors in moving about its road network. Concrete paths provide safe and convenient ways of recreation and travel for both the disabled and able bodied, the young and old and arguably, the social/economically disadvantaged members of the community.

New footpaths/cycleways from part of Council's Subdivision Code and one routinely built by developers as part of necessary community infrastructure.

However, some landowners do not like being required to contribute towards the cost of footpath paving adjoining their property and they do not consider a pathway as an actual improvement to the value of a property. Notwithstanding the legislation to this effect, most expect these facilities to be provided and funded by other means such as general rates or grants. Landowners see inequity in that owners on one side of a street have to contribute whereas owners on the other side of a street do not. Note that in the case of new subdivisions though both sides contribute indirectly to new footpaths/cycleways. Some landowners find it difficult to pay the contributions so Council has adopted a practice of allowing payment overtime.

With the average contribution for paving recently around \$1,250 per property.

CONSULTATION

Consultation has involved staff within Council's Corporate Management, Corporate Services, Sustainable Planning and Facilities and Services Groups as well as other Hunter Councils.

OPTIONS

To allow community debate, the following recommendation is made:

- 1) Adopt the new draft policy for footpath/cycleway paving (Attachment 1) which is almost identical to the previous policy which has been in place for a number of years and seeks up to a 50% contribution towards footpath/cycleway work for adjoining landowners; or
- 2) Adopt the new draft policy with another contribution rate (say) up to 25% and/or other amendments and varied terms.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) Policy Contribution to Works for Footpath Paving and Cycleway Construction.
- 2) Notice of Motion to Review Council's Policy to Charge Property Owners 50% of Cost of Installing Concrete Footpaths on Council Owned Verge Areas.
- 3) Existing Policy adopted on 18 July 2000 entitled "Contributions to Work for Kerb and Gutter Construction and Footpath Paving/Cycleway Construction".
- 4) Table showing contribution practices for other Hunter Councils.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

FILE NO: PSC2009-0292

TITLE: CONTRIBUTION TO WORKS FOR FOOTPATH PAVING & CYCLEWAY CONSTRUCTION

BACKGROUND

Over the years Council has considered several reports regarding the levying of contributions to works for footpath paving (as well as kerb & guttering) which sought to clarify when and how contributions should apply. Some of the more significant reports have been listed and the adopted recommendations summarised below:

- 24/04/79 - Minute No. 372 – Contribution rate be 50% of the rate.
- 11/07/95 - Minute No. 287 - Council continue charging adjoining property owners for footpath construction.
- 30/01/96 - Minute No. 26 – Method for charging be amended by adding a provision for corner lots to pay $\frac{2}{3}$ of the frontage rate for the length of construction.
- 20/07/99 - Minute No. 324 – Council continue charging owner kerb and gutter and footpath paving when notified prior to works. The second recommendation to charge when no prior notice given, was deferred for further consideration.
- 25/08/09 - Notice of Motion no.3: Council review its policy on the charging for footpath paving.
- 18/07/2000 - Minute No. 360 - Policy document adopted by Council for contribution to work for kerb & gutter construction & footpath/cycleway construction.

This new draft policy has been prepared to separate out the "footpath and cycleway" component of the previous policy adopted on 180700 which works for contributions to both footpath paving and kerb and gutter. This new draft policy deals only with contributions towards footpaths and cycleways. It has been prepared to ensure that Council is able to apply a contribution criteria and costing structure that is easily understood and ensures equity and consistency in its application with respect to contributions by adjoining owners towards the cost of footpath paving/cycleway construction.

OBJECTIVE

- This policy is related to Council's goal of success and sustainability in asset management which seeks to "provide quality facilities and services to the community". Funds generated under this policy will assist in achieving other objectives in its plans "achieve additional external income from fees and charges".

PRINCIPLES

1. That the contribution structure be fair and equitable and accepted by the general community.
2. When constructing new footpaths or cycleways within a public road, Council will require a contribution from those adjoining property owners that benefit from the facilities.
3. Council endeavours to notify all property owners affected prior to commencing the work, providing details of the work and the approximate amount of the contribution to be paid.

POLICY STATEMENT

- Maximum fees are to be reviewed annually and must be approved by Council.
- The amount charged is not to be more than half of the actual cost of construction.
- The owner of the property becomes liable to pay the amount on receiving the notice. If the property is sold after notification has been given, the liability to pay the contribution will be the responsibility of the new owner.
- Council will advise potential new property owners by indicating what liabilities exist when issuing a certificate under section 603.
- Contributions are not applicable when the Group Manager of Facilities & Services determines that no direct benefit can be derived from the construction work.
- Any person on written application may be permitted to pay their contribution by instalments to pay off the debt over a period of time (minimum fortnightly/monthly instalments) as agreed by Council.
- Regardless of the original source of funding for the construction of kerb and gutter and/or footpath/cycleway (*original source must be less than 100% of the total cost of construction*), Council will require owners' contribution in all cases where such construction fronts privately owned land as zoned below.

ASSESSING THE APPLICATION BASED ON LAND ZONING

The applicability of the any contribution is based on the land zoning of the property.

List of land zones where a contribution **is applicable** for footpath/cycleway construction:

- Residential 2(a) and 2(c);
- Business 3(a);
- Industrial 4(a); and
- Special Urban 5(g).

BOUNDARY LOCATION & CALCULATIONS OF CONSTRUCTION COSTS.

There are three different rate structures to be applied once the zone applicability has been established:

1. Front boundaries 50.0% of the average construction cost
 2. Corner Lots - Side & Front boundaries 33.3% of the average construction cost
 3. Rear boundaries 25.0% of the average construction cost
- The **length** used in the calculations is the length of the property boundary, but not more than the actual length of the footpath or cycleway being constructed.
 - The **width** used in the calculation of footpath or cycleway construction (total construction width of shared footpath/cycleways is normally 2.5m) will be charged to property owners at an amount equal to the construction of 1.2m wide, which is considered as the footpath component.

In the case of properties with strata title or community title the cost shall be shared equally between all strata title or community title holders.

RELATED POLICIES

That Council maintains consistency with Council's Subdivision Code and other relevant policies including Council's Local Environmental Plan and Schedule of Fees for the current period.

REVIEW DATE

This policy will be reviewed after twelve months of its implementation to ensure that it is operating effectively and achieving its objectives.

RELEVANT LEGISLATIVE PROVISIONS

To comply with the provisions of Section 217 of the Roads Act 1993.

SECTION 217 OF THE ROADS ACT 1993

DIVISION 3 KERBING AND GUTTERING ETC BY ROADS AUTHORITIES

217 Roads authority may recover cost of paving, kerbing and guttering footways

- (1) *The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.*
- (2) *The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine...[except as provided by S217].*

IMPLEMENTATION RESPONSIBILITY

- Engineering Services Department's Civil Asset Development Engineer is responsible for the implementation and administration of the policy and procedures (notification of work notices to property owners, calculation of fees etc).
- Corporate Services Department's Debtors Clerk is responsible for the invoicing and collection of contributions for the works.

ATTACHMENT 2

MINUTES ORDINARY COUNCIL – 25 AUGUST 2009

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 RAFFER

THAT COUNCIL:

1. Review its policy on the charging of residents for a proportion of the installation of footpaths on verges bordering private properties of 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 determine a fairer way to distribute the cost to the community members who will benefit from the installation of this infrastructure.

COUNCILLORS BACKGROUND

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 or a cost absorbed into the purchase of property.

Residents are often completely unaware of these charges until they receive the notice. For self-funded retirees or pensioners, it's 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 last thing they know about it is when the bill arrives, at that point it's a little to comply, the suggestion that they can pay this off is no consolation as they are often have very restricted incomes and this in the way of disposable incomes.

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, this 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 properly verges.

MINUTES ORDINARY COUNCIL – 25 AUGUST 2009

ORDINARY COUNCIL – 25 August 2009

287	Councillor Geoff Dingle Councillor Peter Kaler	It was resolved that the Notice of Motion be adopted.
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BACKGROUND REPORT OF: MICK LOOMES – MANAGER, ENGINEERING SERVICES

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 16 July 2000 and more recently the 2009-13 Council Plan and "Fees and Charges" were amended 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 zones only. Footpaths constructed in rural and other zones 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 zones if there is no direct benefit to the adjoining property.

Litigation

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 litigation

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 Arrangements

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 "inter" 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, 94A 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.

ATTACHMENT 3


C·O·U·N·C·I·L
POLICY

Adopted :18/07/2000
Minute No. 360
Amended: #
Minute No. #

FILE NO: E5255-000 & E5075-000

TITLE: CONTRIBUTION TO WORKS FOR KERB & GUTTER CONSTRUCTION & FOOTPATH PAVING/CYCLEWAY CONSTRUCTION

BACKGROUND

Over the years Council has considered several reports regarding the levying of contributions to works for kerb and gutter construction and footpath paving which sought to clarify when and how contributions should apply. Some of the more significant reports have been listed and the adopted recommendations summarised below:

24/04/79 - minute no. 372 – Contribution rate be 50% of the rate. 13/12/94 - minute no. 738 – Council donation to a private owner to assist them to pay for a large kerb and gutter project. 11/07/95 - minute no. 287 - Council continue charging adjoining property owners for footpath construction. 30/01/96 - minute no. 26 – Method for charging be amended by adding a provision for corner lots to pay $\frac{2}{3}$ of the frontage rate for the length of construction.

- 20/07/99 - minute no. 324 – Council continue charging owner kerb and gutter and footpath paving when notified prior to works. The second recommendation to charge when no prior notice given, was deferred for further consideration.

The policy has been amended to ensure that Council is able to apply a contribution criteria and costing structure that is easily understood and equitable for all parties and that it is comprehensive enough to direct a course of action for the various situations that occur in relation to kerb and gutter construction and/or footpath paving/cycleway construction.

OBJECTIVE

- This policy is primarily related to the goal in the Engineering Services Transport Infrastructure Program of Council's Management Plan, to provide:

“A SAFE, EFFICIENT AND EFFECTIVE NETWORK TO TRANSPORT PEOPLE AND GOODS WITHIN AND THROUGH PORT STEPHENS.”
- Funds generated under this policy will assist in achieving other objectives in this Management Plan.
- To provide a fair and systematic method for collecting contributions from adjoining property owners when Council constructs new kerb and guttering or new footpaths/cycleways.

PRINCIPLES

4. That the contribution structure be fair and equitable and accepted by the general community.
5. The Council when constructing new kerb and gutter or footpath/cycleway, for the community within a public road, will require a contribution from those adjoining property owners that benefit directly from these facilities.
6. That Council makes every endeavour to notify the property owners affected prior to commencing the work and provides details of work to be carried out and approximate amount of contribution to be paid. In exceptional circumstances when Council is unable to notify property owners prior to works and of costs, the owners are still liable to pay the contribution. That this policy detail all of the different situations and that contributions are consistently applied, to prevent any exceptions occurring.
7. In all areas of expenditure, the Council needs to achieve the best value and return to all residents and ratepayers.

POLICY STATEMENT

- Maximum fees are to be reviewed annually and must be approved by Council.
- The amount charged is not to be more than half of the actual cost of construction.
- The owner of the property becomes liable to pay the amount on receiving the notice. If the property is sold after notification has been given, the liability to pay the contribution will be the responsibility of the new owner.
- Council will advise potential new property owners by indicating what liabilities exist when issuing a certificate under section 603.
- Contributions are not applicable when the Manager of Engineering Services determines that no direct benefit can be derived from the construction, i.e. no feasible access or significant difference in level between property boundary and kerb and gutter to be constructed.
- Any person on written application may be permitted to pay their contribution by instalments to pay off the debt over a period of time (minimum fortnightly/monthly instalments) as agreed by Council.
- Regardless of the original source of funding for the construction of kerb and gutter and/or footpath/cycleway (*original source must be less than 100% of the total cost of construction*), Council will require owners' contribution in all cases where such construction fronts privately owned land as zoned below.

ASSESSING THE APPLICATION BASED ON LAND ZONING

The applicability of the any contribution is based on the land zoning of the property.

List of land zones where a contribution *is applicable* for Kerb and Guttering:

- Rural 1(c4) and 1(c5);
- Residential 2(a) and 2(c);

- Business 3(a);
- Industrial 4(a); and
- Special Urban 5(g).

List of land zones where a contribution *is applicable* for Footpath Paving and Cycleway Construction:

- Residential 2(a) and 2(c);
- Business 3(a);
- Industrial 4(a); and
- Special Urban 5(g).

BOUNDARY LOCATION & CALCULATIONS OF CONSTRUCTION COSTS.

There are three different rate structures to be applied once the zone applicability has been established:

- | | |
|--|--|
| 4. Front boundaries | 50.0% of the average construction cost |
| 5. Corner Lots - Side & Front boundaries | 33.3% of the average construction cost |
| 6. Rear boundaries | 25.0% of the average construction cost |

- The **length** used in the calculations is the length of the property boundary, but not more than the actual length of the kerb and gutter being constructed.
- The **width** used in the calculation of footpath or cycleway construction (total construction width of shared footpath/cycleways is normally 2.5m) will be charged to property owners at an amount equal to the construction of 1.2m wide, which is considered as the footpath component.

In the case of properties with strata title or community title the cost shall be shared equally between all strata title or community title holders.

RELATED POLICIES

That Council maintains consistency with Council's Subdivision Code and other relevant policies including Council's Local Environmental Plan and Schedule of Fees for the current period.

REVIEW DATE

This policy will be reviewed after twelve months of its implementation to ensure that it is operating effectively and achieving its objectives.

RELEVANT LEGISLATIVE PROVISIONS

To comply with the provisions of Section 217 of the Roads Act 1993.

SECTION 217 OF THE ROADS ACT 1993

DIVISION 3 KERBING AND GUTTERING ETC BY ROADS AUTHORITIES

217 Roads authority may recover cost of paving, kerbing and guttering footways

- (3) *The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.*
- (4) *The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine...[except as provided by S217].*

IMPLEMENTATION RESPONSIBILITY

- Engineering Services Department's Civil Asset Development Engineer is responsible for the implementation and administration of the policy and procedures (notification of work notices to property owners, calculation of fees etc).
- Corporate Services Department's Debtors Clerk is responsible for the invoicing and collection of contributions for the works.

ATTACHMENT 4

HUNTER COUNCIL'S CONTRIBUTIONS POLICIES		
<i>Council</i>	<i>Footpath & Cycleway Contributions</i>	<i>Kerb and Guttering Contributions</i>
Cessnock	Do not seek contribution	Policy- 50% F, 33.3% C, 25% R
Dungog	Policy- 50% up to 1.2m 33% >1.2m	Policy- 50%
Gloucester	Policy- 50% up to 1.2m wide	Policy- 50% F, 40% C, 40% R and lane
Greater Taree	Policy- 51 % Base +10% admin cost	Policy - 51 % Base +10% admin cost
Great Lakes	Policy- 50% F, 40% C, 40% R	Policy- 50% F, 40% C, 40% R
Lake Macquarie	Policy- 50% under review	Policy- 50% under review
Maitland	Policy- 50% commercial only	Policy- 50% F & R, 33% one side of corner
Muswellbrook	No Policy, do not seek contribution	No Policy, do not seek contribution
Newcastle	Do not seek contribution	Do not seek contribution
Port Stephens	Policy- 50% F, 33% C, 25% C up to 1.2m wide (under review)	Policy- 50% F, 33% C, 25% C under review
Singleton	Policy - 50% up to \$400 max	Policy - 50%
Upper Hunter	Policy- 50% F (corner and rear under review)	Policy- 50% F (corner and rear under review)

Notes
 F- Front
 C- Corner
 R- Rear

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 MEETING – 13 APRIL 2010

Cr Geoff Dingle left the meeting at 8.24pm and returned at 8.25pm.

103	Councillor Bruce MacKenzie Councillor John Nell	It was resolved that Council move into Confidential Session.
104	Councillor Bruce MacKenzie Councillor Ken Jordan	It was resolved that Council move into Committee of the Whole.

The Procurement & Contracts Coordinator, the Communications & Customer Relations Manager and Executive Assistant Councillor Support were present for the Confidential Session.

CONFIDENTIAL

ITEM NO. 1

FILE NO: T28-2009; PSC2007-2449

LEISURE SERVICES TENDER T28-2009**REPORT OF: JASON LINNANE – ACTING GROUP MANAGER**
GROUP: FACILITIES AND SERVICES**ORDINARY COUNCIL MEETING – 13 APRIL 2010**

Cr Glenys Francis left the meeting at 8.39pm and returned at 8.41pm.

COMMITTEE OF THE WHOLE RECOMMENDATION:

	Councillor Bruce MacKenzie Councillor Ken Jordan	That the matter be deferred to allow for a 2way conversation.
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	Councillor Steve Tucker Councillor Ken Jordan	It was resolved that Council move out of Committee of the Whole.
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ORDINARY COUNCIL

105	Councillor John Nell Councillor Steve Tucker	It was resolved that the Committee of the Whole recommendation be adopted.
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106	Councillor Ken Jordan Councillor Steve Tucker	It was resolved that Council move out of Confidential Session.
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There being no further business the meeting closed at 8.45pm.

MINUTES FOR ORDINARY MEETING – 13 APRIL 2010

I certify that pages 1 to 117 of the Open Ordinary Minutes of Council 13 April 2010 and the pages 118 to 126 of the Confidential Ordinary Minutes of Council 13 April 2010 were confirmed by Council at its meeting held on 27 April 2010.

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Cr Bruce MacKenzie
MAYOR