

DRAFT

Minutes 22 August 2006



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 22 August 2006, commencing at 5.50pm.

PRESENT:

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

638	Councillor Nell Councillor Jordan	It was resolved that the apology from Crs R. Westbury, G. Robinson and R. Swan and Group Manager Business & Support S. Murrell be received and noted.
639	Councillor Hodges Councillor Jordan	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 25/7/06 & 8/8/06 be confirmed.

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COMMITTEE RECOMMENDATIONS

The Committees met on the 1st & 8th August, 2006 and make the following recommendations to Council.

COMMITTEE	PRESENT	TIME
Strategic Committee	Councillors Swan, Nell, Tucker, Francis, Jordan, Dingle, Westbury, Dover, & Hodges and Messrs Gesling, Murrell, Trigar & Broyd & Ms Shine Apology: Crs Baumann, Robinson & Brown	1 August, 2006 Commenced: 6.20pm Concluded: 8.25pm
Operations Committee	Councillors Baumann, Swan, Nell, Tucker, Francis, Robinson, Jordan, Dingle, Westbury, Hodges & Brown, and Messrs Gesling, Murrell, Trigar & Broyd & Ms Shine Apology: Cr Dover	8 August, 2006 Commenced 5.35am Concluded 7.07pm

MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO:A2004-0216/A2004-0781

DONALD STREET (EAST) CAR PARK, NELSON BAY - CALL FOR DETAILED PROPOSALS (CFDP)

THAT COUNCIL:

Authorise the General Manager to commence detailed discussions and negotiations with the preferred respondent to the “Call for Detailed Proposals” for the Donald Street East Car Park Nelson Bay.

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

640	Councillor Baumann	There being no objections it was resolved that the Mayoral Minute be adopted.
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BACKGROUND

In May 2006 a new “Call for Detailed Proposals” (CFDP) for the Donald Street East Car Park was advertised to attract development proposals that would facilitate the economic growth of the Nelson Bay CBD and provide additional public car parking spaces to satisfy both existing demand as well as the future economic growth. The land included in the CFDP located between Magnus and Donald Streets, consists of the existing current multi-level car park structure and an adjoining unformed gravel car park (See Attachment 1).

As part of the assessment process a Project Evaluation Panel and Probity Auditor was selected and approved by the General Manager. Prior to the proposals being collected from the tender box, the Panel met to review the assessment criteria and complete confidentiality agreements.

At the close of the advertising period the tender box was opened on 6 June 2006, Council had received three proposals from two respondents. The evaluation panel members were each given opportunity to undertake individual assessments against the agreed assessment criteria. After all Panel members had undertaken their assessment an Evaluation Panel meeting was held on 21 June 2006 to allow discussion, combine the scores and rank the proposals. The assessment covered seven criteria:-

Criteria 1 - Achieve an increase in public car parking availability

MINUTES FOR ORDINARY COUNCIL – 22 AUGUST 2006

Criteria 2 - The assessed financial return

Criteria 3 - The level of certainty of outcome and timing of delivery

Criteria 4 - Expected documentation requirements, issues, costs and risks

Criteria 5 - Respondents' capacity to complete proposal and ongoing obligations

Criteria 6 - Demonstration of Respondents level of experience

Criteria 7 - Conformance with requirements of CFDP

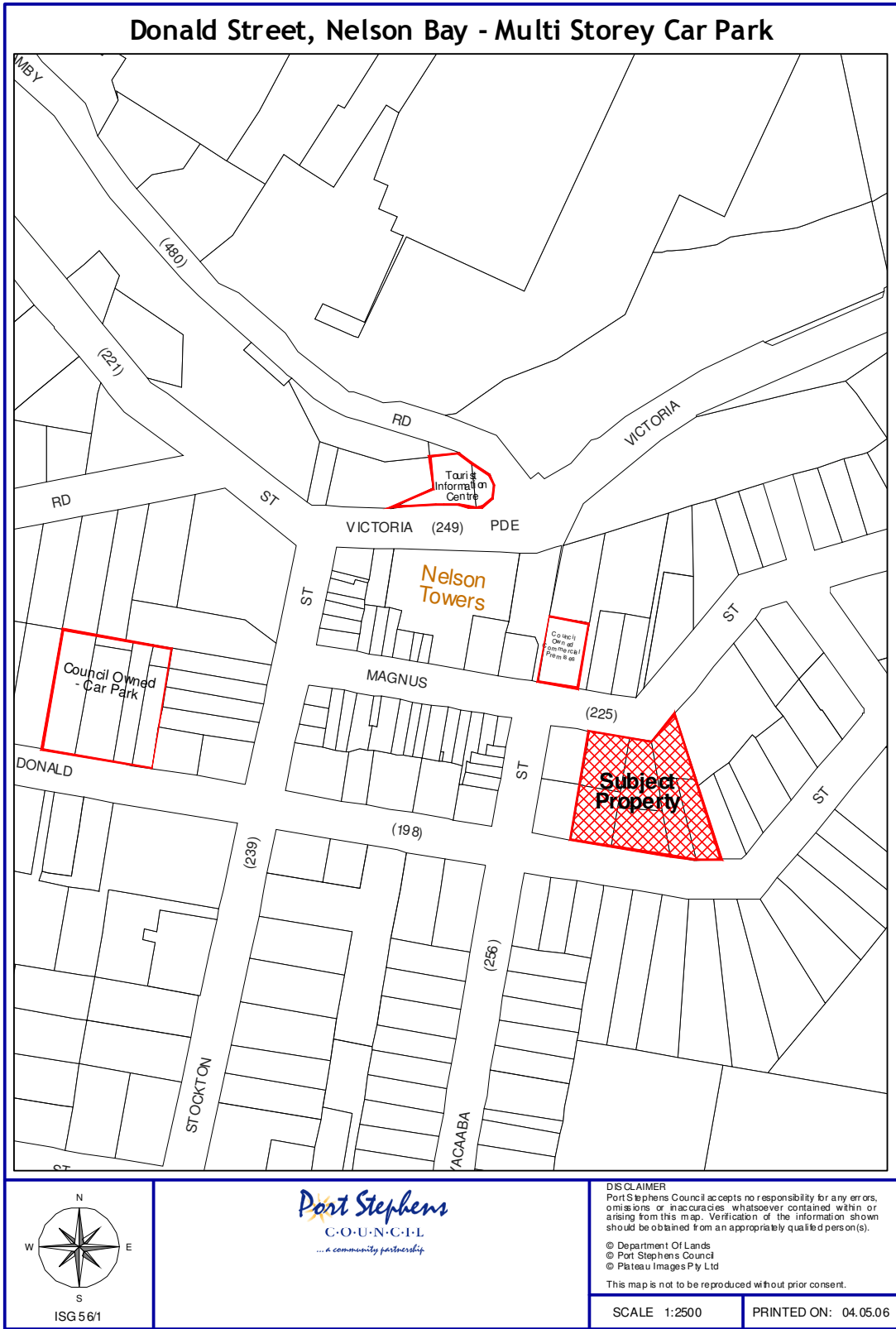
As a result of this meeting the Panel agreed that there were some aspects of each proposal that needed further clarification and as such the Panel invited each respondent to a further meeting where each respondent was given an opportunity to give a presentation and allow the Panel members to ask questions. Each respondent agreed and attended the meeting which was held on 27 July 2006. Presentations and additional information was provided and assessed by the Panel members.

A final Evaluation Panel meeting was held on 15 August 2006 at which conclusions and recommendations were documented.

The Evaluation Panel is supportive of one of the proposals and has recommended detailed discussions and negotiations be undertaken with this respondent. The preferred concept proposal potentially demonstrates good urban design outcomes, contributes to the stimulation of the local Nelson Bay economy and provides in total 610 car parking spaces which is 380 more than the current site.

The Panel has also recommended, should the project proposal change significantly or negotiations fail, the Panel requests permission to reform to allow input into the consideration of any previous or new options that results from discussions with either respondent.

ATTACHMENT 1



MOTION TO CLOSE

ITEM NO. 1

FILE NO: A2004-0573

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 (General Manager's Report) on the Ordinary agenda namely **Notice of Motion – Melaleuca Estate Action Plan.**
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
 - 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
 - 4) That the Notice of Motion, the minutes and discussion of the closed part of the meeting remain confidential until the matter is settled.
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ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

641	Councillor Jordan Councillor Brown	It was resolved that the recommendation be adopted.
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**OPERATIONS
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: PSC2005-5388

BUS FACILITIES UNDER THE COUNTRY PASSENGER TRANSPORT INFRASTRUCTURE GRANT SCHEME (CPTIGS)

REPORT OF: MICK LOOMES, ENGINEERING SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Accept the CPTIGS grant of \$45,454.55 from the NSW Minister for Transport.
 - 2) Revise the allocation and funding sources under the Transport Capital Works Program such that this project can be included by utilising the first \$45,454.55 of the Supplementary Roads to Recovery Grant.
-

OPERATIONS COMMITTEE MEETING – 8 AUGUST 2006

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

642	Councillor Jordan Councillor Hodges	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to consider whether Council should accept and match the grant that has been received from the NSW State Government to improve specific bus facilities within the Council area.

In June 2005 Council submitted an application for funding for 12 new bus shelters and/or accessible bus stops to be constructed at various locations in Raymond Terrace, Nelson Bay and Medowie. These are works nominated under Council's Pedestrian Access Mobility Plan (PAMP). The application was based on a 50:50 funding arrangement and a total estimated cost of \$100,000 excluding GST.

On 29 March the Minister for Transport, John Watkins MP, announced \$1.19 million worth of grants including \$50,000 for Port Stephens Council. The grant was received in July, but after

deducting the GST component from the total amount, the grant was in effect reduced to \$45,454.55.

The projects are all worthwhile and improve conditions and accessibility for the disabled and all sections of the community utilising public transport in these locations. The full list of individual projects is listed in Attachment 1.

LINKS TO CORPORATE PLANS

Infrastructure: Our facilities and services meet community needs. Deliver facilities and services to meet community needs now and in the future.

FINANCIAL/RESOURCE IMPLICATIONS

There are 12 new bus shelters and/or accessible bus stops proposed as part of this project. At this stage there are no detailed designs or cost estimates available for these facilities, however, preliminary investigation indicates that the work should be able to be completed with the \$91,000 overall estimate. Whole of life costing has been undertaken and the life cycle costing analysis identified a present value of Council's share of the costs of \$52,000.

When the CPTIGS grant was received the GST component was deducted from the total amount, which in effect reduced the grant by about 10%, however as mentioned above, the works are expected to be carried out within the revised estimate of \$91,000.

If the grant is to be taken up, Council needs to match the funding and provide \$45,454.55 in some way. In June 2006 Council received a Supplementary Roads to Recovery Grant, which has not been allocated at this stage, but it cannot be used for bus facilities. However, Council would be able to match this CPTIGS grant of \$45,454.55 by reallocating \$45,454.55 of Council Revenue from another road construction project and utilising the same amount of the new Roads to Recovery grant instead. This can readily be done by reviewing the sources of funding within the Transport Capital Program and hence save any further call on revenue.

A further report will be put to Council later this year to determine what additional roadwork projects can be undertaken with the rest of the Supplementary Roads to Recovery Grant.

LEGAL AND POLICY IMPLICATIONS

Council is required to progressively implement disabled access provisions at its facilities in accordance with an agreed schedule of compliance for public transport.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

In December 2004 Council published a Pedestrian Access Mobility Plan (PAMP) for Raymond Terrace, Nelson Bay, Salamander Bay and Medowie. It identified existing pedestrian access problems and more accessible links to public transport within these areas, and prioritised them.

By providing the bus facilities listed Council will improve access to public transport in Raymond Terrace, Nelson Bay and Medowie not only for disabled people but for all public transport users.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

All of the proposed bus facilities will be located within the road reserve behind the existing kerb and gutter. There are no trees to be removed to construct any of these facilities. One existing bus shelter, RT 002 in Adelaide Street south of Kent St, is to be demolished.

CONSULTATION

Consultation with three local bus companies Port Stephens Coaches, Blue Ribbon and Busways has commenced and will continue.

Consultation and site inspections have been carried out with Council's Disability Access Officer.

OPTIONS

- 1) Recommendation, i.e. accept and match the Grant
- 2) Reject the Grant and return the money.

ATTACHMENTS

- 1) List of Bus Shelter Projects

ATTACHMENT 1

The 12 projects that have been identified are all listed in the Pedestrian Access Mobility Plan (PAMP) report as follows:

- NB 017 - Magnus Street in front of Marina Resort, provide bus shelter at bus stop and concrete area between footpath and kerb, best location just before the power pole.
- NB 046 - Stockton Street at Talleen Rd, to provide kerb and gutter for accessible buses, and a new concrete slab to raise the existing bus shelter.
- NB 047 - Church Street, between Stockton St and Tomaree St, question if bus shelters are required on both sides, on western side possible location in front of the units at no 16, on the eastern side possible location where the two recycle bins are, but then the bins need to be relocated
- RT 002 - Adelaide Street, east side, south of Kent Street, demolish old shelter and erect new shelter within the existing bus zone.
- RT 003 - Adelaide Street, west side, south of Kent St, there is no need for any seating on that side of the road, because it is mainly a drop off point.
- RT 007 - Adelaide Street, at Kia-ora Street, east side, this bus stop is used by lots of patrons, the seat should be replaced with a bus shelter, and a concrete slab should be put in between kerb and the footpath. Bus stop signs need to be moved closer to the intersection.
- RT 007 - Adelaide Street, at Kia-ora Street, west side, this bus stop is mainly used to drop off patrons, so there is no real need for a bus shelter, but a concrete footpaths would be useful.
- RT 040 - Adelaide St, between William and Glenelg St, east side in front of the Presbyterian Church, this is a tricky location that would need a proper design with a disabled access ramp and handrails etc to meet the standard, the cost could be quite high.
- RT 041 and RT 042 - Adelaide St, between William and Glenelg St, west side, these two should be combined into one bus stop with one bus shelter and properly designed concrete pathways for accessible buses. The seat could be removed or relocated closer to the bus shelter, the bus shelter should stay where it is, but could do with a paint job.
- M 013 - Kirrang Drive just north of Ferodale Road, east side, new shopping centre proposed on the corner, no point building a bus shelter here .
- M 014 - Kirrang Drive just north of Ferodale Road, west side, new bus lay bye and bus shelter could be designed in conjunction with the extension of the cycleway .

ITEM NO. 2

FILE NO: PSC2005-3572

355(B) COMMITTEES ANNUAL FINANCIAL STATEMENT

REPORT OF: JASON LINNANE, RECREATION SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the 355(b) Committees Annual Financial Statement for the period 1 January 2005 to 31 December 2005
-

OPERATIONS COMMITTEE MEETING – 8 AUGUST 2006

RECOMMENDATION: That the recommendation be adopted.

Tabled Document: 355(b) Committee Annual Statements

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

643	Councillor Jordan Councillor Dingle	It was resolved that the recommendation be adopted.
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Tabled Document: 355(b) Committee Annual Statements

BACKGROUND

The purpose of this report is for Council to receive the 355(b) Committees Annual Financial Statement for 2005 allowing \$1,000 subsidies to be paid to eligible committees.

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

The system was developed in line with recommendations/requirements of Council's auditors to provide a uniform format and transparent auditing of committee financial transactions, which meet the requirements for accountability and GST reporting. The system provides

committees with a simplified financial process and staff support through the Facilities & Services Finance Co-ordinator.

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

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

The Annual Financial Statement Spreadsheet for 1 January 2005 to 31 December 2005 for all 355(b) Committees can be found as a tabled document (*see attached*).

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

As significant funds in total are held by our 355(b) Committees this has been the subject of discussion with both the Department of Local Government and Council's external auditors. Staff are therefore compiling asset and associated information on each 355(b) Committee, their current roles and, as part of the proposed Volunteer Strategy, this will form the basis of future discussions with Council.

LEGAL AND POLICY IMPLICATIONS

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

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

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

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

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 4) To improve the outcome, improve the system and its associated processes
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

Committees work under direction from Council staff to ensure their activities are performed in accordance with recognised practices that may often provide long term benefits to the environment.

CULTURAL IMPLICATIONS

Several of Council's 355(b) committees support cultural activities within Port Stephens.

CONSULTATION

Facilities & Services Finance Co-ordinator, Community Facilities Coordinator

OPTIONS

- 1) Recommendation
- 2) Reject financial statements

TABLED DOCUMENT

- 1) 355(b) Committees Annual Financial Statement Spreadsheet for 2005 (*as attached*)

ITEM NO. 3

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 4TH JULY, 2006

REPORT OF: JENNY SMITH, COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 4th July, 2006.

OPERATIONS COMMITTEE MEETING – 8 AUGUST 2006

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

644	Councillor Dingle Councillor Hodges	It was resolved that the recommendation be adopted.
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BACKGROUND

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

Inspections were conducted on the 20th June, 2006. In attendance were M Morrison (PSC), I Jenkins (RTA), Snr Constable Schmidtke (NSW Police) and Cr Dingle. The Local Traffic Committee met at 9.30 am on 4th July, 2006 in Council's Administration Building. In attendance were G Orr (PSC Road Safety Officer & Chairman), I Jenkins (RTA Technical representative), G Stewart (representing John Bartlett MP), Councillor Dingle and L Hudson (PSC). An apology was received from M Morrison, John Price MP, Snr Constable Schmidtke, Mr R Landers and Mr M Newling.

LINKS TO CORPORATE PLANS

The items referred to the local Traffic Committee and the subsequent recommendations are linked to Council's current Management Plan 2003 - 2006. In the Urban Settlement section of the "Plan", the Local Traffic Committee contributes to the following strategies:

- 1) Develop and Implement transport initiatives that provide an efficient and effective transport network.
- 2) Foster safe communities.

FINANCIAL/RESOURCE IMPLICATIONS

Council receives an annual grant from the RTA to complete the installation of regulatory traffic controls (signs and markings) recommended by the local Traffic Committee. The construction of traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in this funding. These works will be listed within Council's "Forward Works Program" for consideration in the annual budget process. There were no item recommendations to be listed in the next "Forward Works Program" review. The local Traffic Committee procedure provides a mechanism to respond to and remedy problems in accordance with Council's "Best Value Services" Policy. The recommendations contained within the local Traffic Committee Minutes can be completed within the current Traffic Committee budget allocations and without additional impact on staff or the way Council's services are delivered.

SAFETY PRIORITIES

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

The items with a Safety Priority are listed as follows:

- Item C.1 Bilmark Drive, Raymond Terrace – School Zone**
Item C.5 Anna Bay School – Changes to parking & bus zones

LEGAL AND POLICY IMPLICATIONS

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

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

SUSTAINABILITY IMPLICATIONS

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

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

Improved transport efficiency assists in the reduction in green house gases and vehicle operating costs.

ENVIRONMENTAL IMPLICATIONS

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

CONSULTATION

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

As part of the business for the meeting of 4th July, 2006 the following additional consultation took place:

Item C.5 Anna Bay School – Changes to parking and bus zones

Anna Bay School Council
Parents Survey
Port Stephens Coaches

OPTIONS

- 1) Adopt the Recommendation.
- 2) Adopt specific item recommendations contained in the minutes of the local Traffic Committee and refer non-adopted matters back to the next meeting of the local Traffic Committee with suggested amendments.

ATTACHMENTS

- 1) The minutes of the local Traffic Committee meeting held on 4th July, 2006 are contained in ATTACHMENT 1.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
PORT STEPHENS LOCAL TRAFFIC COMMITTEE

INDEX OF LISTED MATTERS
MINUTES OF THE MEETING HELD ON TUESDAY 4TH JULY, 2006

- A. ADOPTION OF THE MINUTES OF 6TH JUNE, 2006
- B. BUSINESS ARISING FROM PREVIOUS MEETING
- C. LISTED MATTERS
 - C.1. BILMARK DRIVE, RAYMOND TERRACE – SCHOOL ZONE
 - C.2. CASUARINA AVENUE, MEDOWIE – INSTALLATION OF GIVE WAY SIGN
 - C.3. SANDY POINT ROAD, CORLETTE – INSTALLATION OF 15 MINUTE PARKING FRONTING 27 AND 29
 - C.4. TERAMBY ROAD, NELSON BAY – CHANGE TO PARKING AT D’ALBORA MARINAS EXIT
 - C.5. ANNA BAY SCHOOL – CHANGES TO PARKING & BUS ZONES
- D. GENERAL BUSINESS
 - D.1. FERODALE ROAD, MEDOWIE – TRAFFIC CONFLICTS AT WIRREANDA PRIMARY SCHOOL
 - D.2. BEATON AVENUE, RAYMOND TERRACE – VEHICLE SPEEDS, GARBAGE TRUCKS AND SIGHT DISTANCES
 - D.3. ADELAIDE STREET, RAYMOND TERRACE – HEAVY VEHICLES PARKING IN VICINITY OF RAYMOND TERRACE PRIMARY SCHOOL
 - D.4. PORT STEPHENS STREET, RAYMOND TERRACE – TRAFFIC QUEUING AT WOOLWORTHS PETROL
- E. ATTACHMENTS
 - E.1. ANNA BAY SCHOOL – CHANGES TO PARKING & BUS ZONES

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 4TH JULY, 2006
AT 9:30AM**

A. ADOPTION OF MINUTES OF MEETING 6TH JUNE, 2006

The minutes of the previous Local Traffic Committee Meeting dated 6th June, 2006 are yet to be adopted.

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

C.1 BILMARK DRIVE, RAYMOND TERRACE – SCHOOL ZONE

A resident of Bilmark Drive has requested Traffic Committee consider classifying Bilmark Drive as a School Zone. Many children walk along Bilmark Drive to access the back gate of the school.

A school zone sign exists in Benjamin Lee Drive, and a 40 km/hr sign exists in both Chifley and Bilmark Drive, but it is unclear to motorists whether the area is a school zone as there are still 50 km/hr signs visible in areas.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT Nil

RECOMMENDATION

- That this matter be referred to the RTA for consideration.

ESTIMATED COST N/A

FUNDING SOURCE N/A

THIS ITEM HAS A SAFETY PRIORITY

C.2 CASUARINA AVENUE, MEDOWIE – INSTALLATION OF GIVE WAY SIGN

A resident has requested Traffic Committee install a Give Way Sign at the intersection of Casuarina Avenue and Grevillea Drive, Medowie.

The intersection has been the site of numerous near misses, and there is confusion over who has right of way. There is no Give Way sign or line markings to assist motorists.

REQUESTED BY:	Resident		
CONSULTATION:	Nil		
INSPECTION	UNDERTAKEN		Yes
	AGREE WITH REQUEST		Yes
ADDITIONAL	ATTACHMENT		No
COMMENT	Nil		

RECOMMENDATION

- Duplicated Give Way signs and a hold line be provided on Grevillea Drive for Southbound vehicles at the intersection of Casuarina Avenue.
- Double white lines be provided in Casuarina Avenue and Grevillea Drive to define the travel path through the intersection.

ESTIMATED COST	\$500
FUNDING SOURCE	Traffic Facilities Budget

C.3 SANDY POINT ROAD, CORLETTE – INSTALLATION OF 15 MINUTE PARKING FRONTING 27 AND 29

The Proprietors of the Corlette Store and Sandy Point Hardware have requested the installation of 15 minute parking fronting their businesses. They are the only commercial premises on this section of Sandy Point Road. Nearby Residents park along the front of the businesses for extended periods of time creating an inconvenience to the stores Suppliers and customers. In addition, the Australia Post van requires close access to the post box located outside the shops.

REQUESTED BY: Proprietors, Corlette Store and Sandy Point Hardware

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT

- General parking restrictions outside commercial premises is 1 hour parking
- Higher turnover businesses, eg. Post Office, Bank etc, require 15 minute parking

RECOMMENDATION

- One hour parking be provided in front of the businesses in Sandy Point Road between the hours of 8.30 am and 6 pm Monday to Friday and 8.30 am and 12 pm Saturday.
- A Mail Zone be provided east of the 1 hour parking.
- A Bus Zone be provided east of the Mail Zone.
- Australia Post be contacted to relocate the Post Box next to the driveway to assist with postal access.

ESTIMATED COST \$600
FUNDING SOURCE Traffic Facilities Budget

C.4 TERAMBY ROAD, NELSON BAY – CHANGE TO PARKING AT D’ALBORA MARINAS EXIT

D’Albora Marinas have requested that the first parking space on the right hand side of the exit from their carpark be moved. Delivery trucks for the boatyard have difficulties manoeuvring into the yard to deliver/pick up boats when a vehicle is parked in this space.

REQUESTED BY: D’Albora Marina

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT

- Sign posting allows vehicles to park too close to driveway access
- Vehicles parked too close to exit from carpark restrict sight distance onto Teramby Road

RECOMMENDATION

- No Stopping signs be placed each side of the exit from the carpark.
- The ticket parking signs be relocated to provide clear sight onto Teramby Road to the north of the exit from the carpark.
- The Loading Zone be extended to fill in the half space remaining adjacent to new No Stopping Zones.

ESTIMATED COST \$500
FUNDING SOURCE Traffic Facilities Budget

C.5 ANNA BAY SCHOOL – CHANGES TO PARKING & BUS ZONES

Council's Road Safety Officer, after consultation with School Council and parents has requested a number of changes to improve safety of School Children and to reduce activity on Old Main Road around the school entrance.

A No Parking Zone on Gan Gan Road between the No Stopping area east of the Pedestrian Crossing and eastern driveway entrance. This would accommodate 3 – 4 vehicles.

Bus Zone on Gan Gan Road to be altered west and lengthened to allow two buses in adequate shoulder area. Buses currently using Old Main Road to be relocated to the new bus zone on Gan Gan Road.

Installation of 15 minute parking between new Bus Zone location and western driveway entrance. This area would accommodate 3 – 4 vehicles close to the entrance for kindergarten rooms.

The bus zone in Old Main Road to be removed.

REQUESTED BY: Road Safety Officer

CONSULTATION: Anna Bay School Council, Parents Survey & Port Stephens Coaches

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	E.1

COMMENT Nil

RECOMMENDATION

- A No Parking Zone on Gan Gan Road between the No Stopping area east of the Pedestrian Crossing and eastern driveway entrance be provided between the hours of 8 am and 9.30 am and 2.30 pm and 4 pm.
- The Bus Zone on Gan Gan Road be altered west and lengthened to allow two buses in adequate shoulder area.
- Fifteen minute parking be provided between the new Bus Zone location and western driveway entrance between the hours of 8 am and 9.30 am and 2.30 pm and 4 pm.
- The parking on the southern side of Gan Gan Road be changed to parallel parking.
- A concrete footpath be provided on the southern side of Gan Gan Road and connected to the existing crossing.

ESTIMATED COST \$650
FUNDING SOURCE Traffic Facilities Budget

D. GENERAL BUSINESS

D.1 FERODALE ROAD, MEDOWIE – TRAFFIC CONFLICTS AT WIRREANDA PRIMARY SCHOOL

Cr Dingle raised concerns over the traffic conflicts fronting Wirreanda Primary School during peak school times.

REQUESTED BY: Cr Dingle

CONSULTATION: N/A

INSPECTION	UNDERTAKEN	NA
ADDITIONAL	AGREE WITH REQUEST	NA
	ATTACHMENT	NA

COMMENT Nil

RECOMMENDATION

- That this matter be listed for inspections and discussed further at the next Traffic Committee Meeting.

ESTIMATED COST N/A
FUNDING SOURCE N/A

D.2 BEATON AVENUE, RAYMOND TERRACE – VEHICLE SPEEDS, GARBAGE TRUCKS AND SIGHT DISTANCES

A resident has raised concerns over excessive speeds of motorists travelling on Beaton Avenue since the connection has been opened through into Riverview Ridge. There is not adequate sight distance from Meehan Road or Talavera Close.

Also since the connection opened through, garbage trucks seem to use the streets as a short cut to the Waste Transfer Station on Newline Road.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION UNDERTAKEN NA

AGREE WITH REQUEST NA

ADDITIONAL ATTACHMENT NA

COMMENT Nil

RECOMMENDATION

- That this matter be listed for inspections and discussed further at the next Traffic Committee Meeting.

ESTIMATED COST N/A

FUNDING SOURCE N/A

D.3 ADELAIDE STREET, RAYMOND TERRACE – HEAVY VEHICLES PARKING IN VICINITY OF RAYMOND TERRACE PRIMARY SCHOOL

Cr Francis has raised the issue of trucks parking in the front of Raymond Terrace Primary School. There now seems to be more trucks parking there more frequently.

Since school holidays began up to 4 trucks at a time have been observed in the parking area.

REQUESTED BY: Cr Francis

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	NA
ADDITIONAL	AGREE WITH REQUEST	NA
	ATTACHMENT	NA

COMMENT Nil

RECOMMENDATION

- That this matter be listed for inspections and discussed further at the next Traffic Committee Meeting.

ESTIMATED COST N/A
FUNDING SOURCE N/A

D.4 PORT STEPHENS STREET, RAYMOND TERRACE – TRAFFIC QUEUING AT WOOLWORTHS PETROL

Cr Francis has requested Traffic Committee investigate the problem of queuing traffic gaining access to Woolworths Petrol Station. At times the traffic has been observed to queue into the roundabout. Concerns were raised about this issue in the original DA.

REQUESTED BY: Cr Francis

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	NA
ADDITIONAL	AGREE WITH REQUEST	NA
	ATTACHMENT	NA

COMMENT Nil

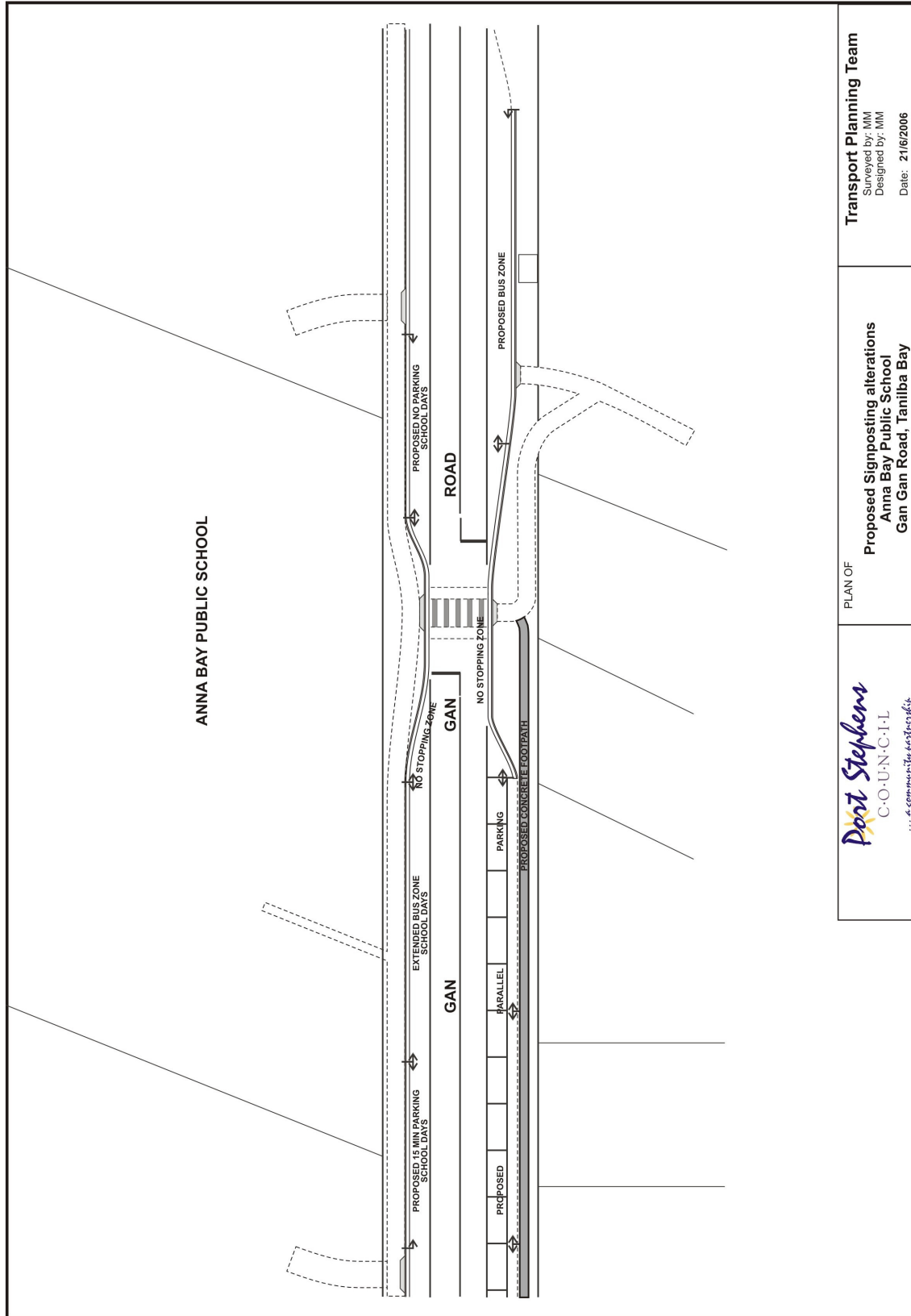
RECOMMENDATION

- That the DA for Woolworths Petrol Station be researched.
- That this matter be listed for inspections and discussed further at the next Traffic Committee Meeting.

ESTIMATED COST N/A
FUNDING SOURCE N/A

E. ATTACHMENTS

E.1 ANNA BAY SCHOOL – CHANGES TO PARKING & BUS ZONES (C.5)



ITEM NO. 4

FILE NO: A2004-0242

QUARTERLY BUDGET REVIEW AS AT 30 JUNE 2006

REPORT OF: JEFF SMITH - FINANCIAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the estimated Statement of Cash Position to 30/6/2006 as detailed in **ATTACHMENT 1** to this report.
 - 2) Notes the estimated Statement of Restricted Funds Movements to 30/06/2006 as detailed in **ATTACHMENT 2** to this report.
 - 3) Notes the changes previously approved by Council to the adopted Budget (A nil effect on Revenue) as detailed under separate cover as **TABLE 1 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
 - 4) Approve the discretionary changes to the adopted recurrent budget (Totalling \$369,811. A negative effect on Revenue) as detailed under separate cover as **TABLE 2.1 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
 - 5) Notes the estimated surplus/(deficit) from ordinary activities before capital amounts of (\$3,790,073).
 - 6) Approve the discretionary changes to the adopted capital budget (Totalling \$281,777. A negative effect on Revenue) as detailed under separate cover as **TABLE 2.2 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
 - 7) Notes the identified issues, which may have a future budgetary impact, as identified under separate cover as **TABLE 3 of DOCUMENT 1** to this report.
 - 8) Notes the June Quarterly Budget Review comparing Budgets to Actuals as tabled under a separate cover as **DOCUMENT 2** to this report.
-

OPERATIONS COMMITTEE MEETING – 8 AUGUST 2006

RECOMMENDATION: That the recommendation be adopted.

Tabled Documents:

Documents 1 & 2 of the Quarterly Budget Review

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

645	Councillor Jordan Councillor Brown	It was resolved that the recommendation be adopted.
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Tabled Documents:

Documents 1 & 2 of the Quarterly Budget Review

BACKGROUND

On the 24th May 2005 Council adopted its Council Plan and Budget 2005/2008 (Council minute 141). This included budget estimates for the 2005/2006 financial year.

The purpose of this report is to amend the Budget by bringing to Council's attention the proposals and issues that have an impact on the 2005/2006 Budget.

The major changes to the Recurrent Budget in this Review are:

- \$397,974 savings in expenditure for Domestic Waste Management due to contract efficiencies, decreased recycling costs and staff changes.
- \$333,753 increased estimate of legal appeal expenditure required by Development Approvals and Transport Support.
- \$3,640,000 decreased income due to profit on land sales not to be realised this financial year.
- \$219,540 decreased external and internal income and \$86,360 increased expenditure for Operational Services.
- \$102,229 increased expenditure on various Councillor Ward allocations.
- \$178,964 increased land rates and certificate fees income.
- \$100,000 increased income on cash investments.
- \$207,167 decreased Development and Building Approvals income.
- \$112,454 decreased expenditure on Environmental Levy Program projects as funds not available this financial year or projects not completed.

The major changes to the Capital Budget in this Review are:

- \$610,000 decreased expenditure at Salamander Bay Tip rehabilitation as the scope of works for this financial year has decreased.
- \$100,000 increased expenditure to replace fleet passenger vehicles.
- \$2,650,000 decreased expenditure due to redevelopment of Samurai Beach Resort not occurring.
- \$140,000 increased expenditure for extension of Mallabula Sports Complex amenities.
- \$315,800 decreased expenditure on Drainage construction.

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

LINKS TO CORPORATE PLANS

This report relates to the Budget estimates for the 2005/2006 financial year in the financial policy program of Council's Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

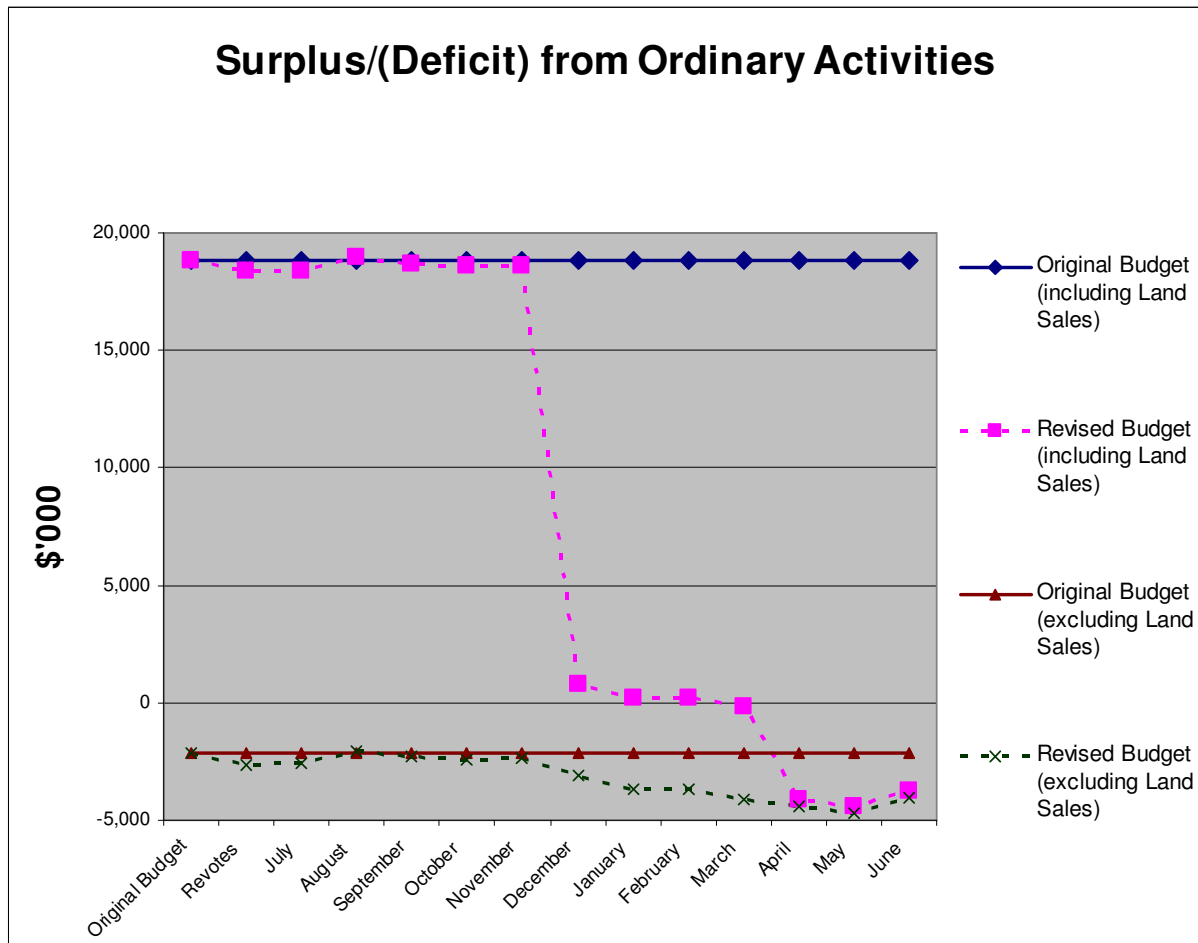
Council's original 2005/2006 Budget estimate is a \$0 cash result after internal transfers and before depreciation of \$11.7M. **TABLE'S 1 and 2** of Document 1 of this report detail the changes in this review. The net cash result of these changes, and the 2005 revotes and carry forwards, is a projected cash deficit of \$1,100,248 (Ref N of Attachment 1), before 2006 revotes and carry forwards are taken into account.

A. IMPACT OF QUARTERLY BUDGET ADJUSTMENT

IMPACT OF MONTHLY BUDGET REVIEW ON COUNCIL'S ADOPTED BUDGET				
	Recurrent	Capital	Total	Ref
Document 1 Table 1	\$9,258	(\$9,258)	\$0	
Document 1 Table 2.1 and Table 2.2	(\$369,811)	(\$281,777)	(\$651,588)	
Previous Quarterly Budget Reviews	\$36,936	\$558,074	\$595,010	
Original Budget after transfers and before Depreciation	\$1,095,976	(\$1,095,976)	\$0	
Net Available Surplus Funds	\$772,359	(\$828,937)	(\$56,578)	
Revotes and Carry Forwards from previous year.	(\$445,872)	(\$597,798)	(\$1,043,670)	
Revised 2005/2006 Cash Deficit (after transfers and before Depr)	\$326,487	(\$1,426,735)	(\$1,100,248)	N

B. PROJECTED FINANCIAL RESULT FOR 2005/06

	Ref	After June Budget Review	Original Budget
Total Operating Revenue	A	\$68,482,935	\$86,761,939
Less Total Operating Expenditure	B	(\$60,173,008)	(\$56,228,406)
Less Total Depreciation and Provisions Transferred	C	(\$12,100,000)	(\$11,700,000)
	D=B+C	(\$72,273,008)	(\$67,928,406)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	(\$3,790,073)	\$18,833,533
Net Operating movement for June Review		(\$3,595,403)	



LEGAL AND POLICY IMPLICATIONS

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

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

The June Quarterly Budget Review Statement indicates that Council's financial position has weakened, predominately due to the deferral of projected land sales and the increase in depreciation expense. This situation needs to be monitored closely with particular regard to those issues contained in **TABLE 3 of Document 1**. Long-term financial projections will also be reviewed.

AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK

This aligns with the following Principles of the ABEF Framework:

- 2) Mutually agreed plans translate organisational direction into actions
- 4) To improve the outcome, improve the system and its associated processes

- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders
- 12) Senior leadership's constant role-modelling of these principles, and creating a supportive environment in which to live these principles will help the enterprise and its people to reach their full potential.

SUSTAINABILITY IMPLICATIONS

The Budget Review is a public document and as such is available for inspection on request.

CONSULTATION

Executive Group

OPTIONS

- 1) That Council accepts the discretionary changes to the adopted budget.
- 2) That Council rejects some or all of the discretionary changes to the adopted budget.

ATTACHMENTS

- 1) Attachment 1 Estimated Statement of Cash Position to 30/06/2006
- 2) Attachment 2 Estimated Statement of Restricted Funds Movements to 30/06/2006

TABLED DOCUMENTS

Document 1 of 2005-2006 Quarterly Budget Review for June 2006

Table 1	Changes previously approved by Council
Table 2.1	Discretionary Changes to adopted Recurrent Budget
Table 2.2	Discretionary Changes to adopted Capital Budget
Table 3	Identified issues, which may have a future budgetary impact

Document 2 of 2005-2006 Quarterly Budget Review for June 2006 comparing Budgets to Actuals.

ATTACHMENT 1

ESTIMATED STATEMENT OF CASH POSITION TO 30/06/2006 After June 2006 Review			
	Ref	After June 2006 Review	Original Budget
Total Operating Revenue	A	68,482,935	86,761,939
Less Total Operating Expenditure	B	(60,173,008)	(56,228,406)
Less Total Depreciation and Provisions Transferred	C	(12,100,000)	(11,700,000)
	D=B+C	(72,273,008)	(67,928,406)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	\$(3,790,073)	\$18,833,533
Add Back: Depreciation and Provisions Transferred	C	12,100,000	11,700,000
Cash Surplus From Operations	F=A+B	8,309,927	30,533,533
Transferred to Restricted Funds	G	7,983,440	29,437,557
Cash Surplus / (Deficit) From Operations After Transfers	H=F-G	\$326,487	\$1,095,976
Total Capital Income	I	10,598,899	9,288,100
Total Capital Expenditure	J	(24,477,069)	(33,602,596)
Surplus/(Deficit) From Capital Works	K=I+J	\$(13,878,170)	\$(24,314,496)
Transferred from Restricted Funds	L	(12,451,435)	(23,218,520)
Cash Surplus / (Deficit) From Capital Works After Transfers	M=K-L	\$(1,426,735)	\$(1,095,976)
Total Cash Surplus / (Deficit) After Transfers	N=H+M	\$(1,100,248)	\$0
RECONCILIATION OF CASH POSITION			
Opening Cash Position as at 01/07/2005	O	31,557,406	31,557,406
Estimated Cash Position as at 30/06/2006	P	24,900,234	43,051,514
Increase/(Decrease) in Cash Balance	Q=P-O	\$(6,657,172)	\$11,494,108
Represented By:			
Opening Restricted Funds Balance	R	28,123,845	25,061,485
Closing Restricted Funds Balance	S	22,566,921	36,555,593
Increase/(Decrease) in Restricted Funds Balance	T=S-R	(5,556,924)	11,494,108
Total Cash Surplus/ (Deficit) from Operations & Capital	N=Q-T	(1,100,248)	0
Principal of Loan Funds Repaid	U	(1,790,646)	(1,790,646)
Loan Funds and Proceeds from Sales Received	V	\$701,717	\$7,065,717
Increase/(Decrease) in Cash Balance	Q=T+N	\$(6,657,172)	\$11,494,108

MINUTES FOR ORDINARY COUNCIL – 22 AUGUST 2006

ATTACHMENT 2

**ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2006
After June 2006 Review**

RESTRICTED FUNDS	Balance as at 30/06/2005	Recurrent Budget	Capital Budget	* Balance Sheet Movements	Estimated as at 30/06/2006
SECTION 94	12,382,000	260,892	(1,314,326)		11,328,566
DOMESTIC WASTE MANAGEMENT	4,318,567	1,460,243	(1,170,000)	(336,183)	4,272,627
Sub Total. Externally Restricted	16,700,567	1,721,135	(2,484,326)	(336,183)	15,601,193
PROPERTY (INVESTMENT PROPERTIES & LAND DEVELOPMENT)	3,274,081	398,300	(3,998,832)	(261,634)	(588,085)
INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND)	1,048,095	31,020	(51,909)		1,027,206
ASSET REHABILITATION RESERVE	(42,516)	244,739	(278,977)		(76,754)
FLEET MANAGEMENT (PLANT)	1,673,449	2,210,802	(2,318,154)	701,717	2,267,814
OTHER WASTE SERVICES	864,128	67,632	0		931,760
QUARRY DEVELOPMENT	767,285	3,552	0		770,837
HOLIDAY PARKS	(1,721,464)	320,999	(945,693)	(1,097,790)	(3,443,948)
EMPLOYEE LEAVE ENTITLEMENTS	3,898,500	0	0		3,898,500
BEACH VEHICLE PERMITS	72,476	3,284	(20,842)		54,918
DRAINAGE	176,391	670,000	(613,789)		232,602
INTERNAL LOAN	(3,574,089)	900,112	0		(2,673,977)
NBTIC	0	18,537	0		18,537
ENVIRONMENTAL LEVY	275,840	(25,677)	(102,000)		148,163
ADMIN BUILDING AND DEPOT SINKING FUND	0	462,683	(271,800)		190,883
RTA BYPASS ROADS MTCE RESTRICTED FUND	1,802,473	(101,000)	0		1,701,473
RESTRICTED CASH	1,304,008	(178,136)	21,260		1,147,132
SALAMANDER/PROPERTY WARD FUNDS	1,492,121	(69,419)	(1,386,373)		36,329
INTERNAL BUSINESS UNIT TRANSFERS	0	1,196,877	0	(30,194)	1,166,683
INFORMATION TECHNOLOGY STRATEGY	112,500	(65,000)	0		47,500
PARKING METER RESERVE	0	173,000	0	(64,845)	108,155
Sub Total. Internally Restricted	11,423,278	6,262,305	(9,967,109)	(752,746)	6,965,728
RESTRICTED FUNDS TOTAL	28,123,845	7,983,440	(12,451,435)	(1,088,929)	22,566,921

* Balance Sheet Movements are the repayments of the Principals on Loans and the funds from Loans received and the proceeds for land Sales

ITEM NO. 5

FILE NO: PSC2005-5605

PERFORMANCE AGAINST RESULTS MEASURES JUNE 2006

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the Performance Against Results Measures (cockpit charts) June 2006.
-

OPERATIONS COMMITTEE MEETING – 8 AUGUST 2006

RECOMMENDATION: That the recommendation be adopted.

Tabled Document:

Cockpit Charts relating to the Performance Against Results Measures June 2006

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

646	Councillor Jordan Councillor Hodges	It was resolved that the recommendation be adopted.
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Tabled Document:

Cockpit Charts relating to the Performance Against Results Measures June 2006

BACKGROUND

The purpose of this information paper is to present the cockpit charts of Council performance for the fourth quarter 2006. This tool provides a visual snapshot of Council's performance in key areas detailed below, and allows Councillors to easily track trends.

The charts, contained on two pages, report on the following:

- Council Plan 2005-2008
- State of the Environment Plan
- Social Plan 2005 – 2010
- Cultural Plan 2005-2008
- Department of Local Government Report Action Plan
- Financial Trends

MINUTES FOR ORDINARY COUNCIL – 22 AUGUST 2006

- Capital Infrastructure Expenditure
- Continuous Improvement Teams
- Councillor Requests
- Development Applications (yet to be finalised)
- Overtime Costs
- Workplace Injuries and Claims
- Lost Time Hours
- Council's Current Staffing Levels
- Positions Vacant
- Staff Turnover

TABLED DOCUMENTS

- 1) Two pages of charts for the period from April to June 2006 will be tabled at the meeting.

ITEM NO. 6

FILE NO: PSC2005-5202

JUNE 2006 QUARTERLY PERFORMANCE REVIEW OF THE 2005-2008 COUNCIL PLAN

REPORT OF: JUNE SHINE – GROUP MANAGER CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the Quarterly Performance Review of the 2005-2008 Council Plan for reporting period April to June 2006.
-

OPERATIONS COMMITTEE MEETING – 8 AUGUST 2006

RECOMMENDATION: That the recommendation be adopted.

Tabled Document:

Quarterly Report

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

647	Councillor Brown Councillor Francis	It was resolved that the recommendation be adopted.
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Tabled Document:

Quarterly Report

BACKGROUND

The purpose of this report is to present a summary of the Council's performance in the June 2006 quarter against the targets agreed in the 2005-2008 Council Plan that was adopted on 24 May 2005.

This Report is the fourth quarter of reporting for the year to June 2006. It contains performance information against the goals, objectives, and strategies, and the targets outlined in the current Council Plan.

LINKS TO CORPORATE PLANS

The Quarterly Report reviews the performance from 1 April 2006 to 30 June 2006 of the Council Plan 2005-2008.

FINANCIAL/RESOURCE IMPLICATIONS

The Report in itself does not have any financial implications. It should be read in conjunction with the Quarterly Budget Review.

LEGAL AND POLICY IMPLICATIONS

Section 407 of the Local Government Act 1993 requires the General Manager to report to Council within two (2) months of the end of each quarter as to the extent to which the performance targets set by the Council Plan have been achieved during that period.

Australian Business Excellence Framework

This aligns with those Principles of the ABEF Framework noted below.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

The preparation of the Report ensures that Council's performance is transparent and accountable to the community. It includes information about Council's targeted and actual performance in the nine key result areas adopted in the Council's Plan 2005-2008.

SOCIAL IMPLICATIONS

This Report addresses the performance of Council for the fourth quarter of the year against those sections of the Council Plan 2005-2008 that deal with Community, Lifestyle, Planning and Development, Our People and Corporate Accountability.

ECONOMIC IMPLICATIONS

This Report addresses the performance of Council for the fourth quarter of the year against those sections of the Council Plan 2005-2008 that deal with Economic Development, Infrastructure and Our Finances.

ENVIRONMENTAL IMPLICATIONS

This Report addresses the performance of Council for the fourth quarter of the year against those sections of the Council Plan 2005-2008 that deal with the Environment.

CONSULTATION

This Report is a public document and will be made available to the press and public. Its availability at the usual outlets will be publicised.

OPTIONS

- 1) Receive and note the Report.

ATTACHMENTS

Nil

TABLED DOCUMENTS

- 1) Quarterly Review for April to June 2006.

ITEM NO. 7

FILE NO: PSC2006-1672

**LOCAL GOVERNMENT ASSOCIATION OF NSW – 2006 ELECTION
OF THE EXECUTIVE COMMITTEE**

REPORT OF: JUNE SHINE, EXECUTIVE MANAGER-CORPORATE MANAGEMENT

**NOTE: THIS ITEM WAS DEALT WITH AT THE ORDINARY MEETING OF COUNCIL
HELD ON THE 8TH AUGUST 2006.**

ITEM NO. 8

FILE NO: PSC2005-2892

LOCAL GOVERNMENT ASSOCIATION ANNUAL CONFERENCE

REPORT OF: PETER GESLING – GENERAL MANAGER

**NOTE: THIS ITEM WAS DEALT WITH AT THE ORDINARY MEETING OF COUNCIL
HELD ON THE 8TH AUGUST 2006.**

ITEM NO. 9

INFORMATION PAPERS

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 8th August, 2006.

No:	Report Title
1	Indigenous Strategic Committee Meeting with WLALC
2	Access Committee Minutes
3	Minutes of Joint Meeting held between Council & Access Committee
4	Insurance Renewals 2006-2007
5	Raymond Terrace Medical Facilities
6	Legal Expenses
7	Managers Monthly Report August 2006
8	(Confidential) Tilligerry Creek Oyster Farmers

OPERATIONS COMMITTEE MEETING – 8 AUGUST 2006

RECOMMENDATION: That the information papers be received and noted.

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

648	Councillor Jordan Councillor Nell	It was resolved that the information papers be received and noted.
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OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

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

REPORT OF: JENNY SMITH, COMMUNITY PLANNING MANAGER

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Indigenous Strategic Committee meeting with Worimi Local Aboriginal Land Council (LALC) on 10 July 2006.

Key issues considered at the meeting included:

- 1) Update of review of process for referring Development Applications to LALCs for Comment
- 2) Update on labelling of Council's artefacts display
- 3) Naidoc Week

ATTACHMENTS

- 1) Minutes of Indigenous Strategic Committee meeting with Worimi LALC on 10 July 2006.

ATTACHMENT 1

**INDIGENOUS STRATEGIC COMMITTEE MEETING
WITH WORIMI LOCAL ABORIGINAL LAND COUNCIL
HELD ON THE 10 JULY 2006
AT THE MURROOK CULTURAL & LEISURE CENTRE**

Present:

Val Merrick	Worimi LALC
Janice MacAskill	Worimi LALC
Andrew Smith	Worimi LALC
Cr Helen Brown	PSC
Cr Sally Dover	PSC
Mike Triglar	PSC
Paul Procter	PSC
Cliff Johnson	PSC
Amanda Gale	PSC

Apologies:

Delece Manton	Worimi LALC
Cr Craig Baumann	PSC
Cr Ron Swan	PSC
Peter Gesling	PSC
Stewart Murrell	PSC
David Broyd	PSC
Jason Linnane	PSC
Scott Anson	PSC

Cr Brown chaired and opened the meeting at 1:15pm

1. BUSINESS ARISING FROM PREVIOUS MINUTES

Business from previous meeting on 8 May 2006 were accepted as follows:

Item 1: Referring of Development Applications to LALCs for Comment

Since our previous meeting Council's Principal Property Advisor, Cliff Johnson has started formulating some maps and suggested four different levels (i.e.; level 1 being the most significant) for various types of developments that should or could attract interest from the Local Aboriginal Land Councils (LALC). He has passed this information onto Andrew Smith for feedback.

The intention is to have triggers in place to ensure that the LALC are alerted to any proposed developments which may have a potential impact upon one of their significant sites. It's important that the traditional owners are respected and valued, and have the opportunity to identify and preserve artifacts to ensure that the history of the Worimi Nation is preserved.

MINUTES FOR ORDINARY COUNCIL – 22 AUGUST 2006

WLALC indicated that triggers also need to apply to the redevelopment of existing sites. This is important especially in cases where the redevelopment of an existing site may require deeper excavations.

To help WLALC gain an understanding of how Council's development assessment system works, it was also suggested that it would be valuable for him to be invited to a meeting of Council's Development Assessment Panel (where permissible) to see how the system works. It was also suggested that Council supply Andrew Smith with a copy of the information Council asks developers to provide with respect to Development Applications along with an overview of the lodgment process and exempt development.

Amanda Gale indicated that when the guidelines and process is drafted, Council Officers will be able to gauge the scale of the issue and then consider how Council's processes can be adjusted to accommodate the LALC requirements.

Action:	1. Andrew Smith and Cliff Johnson will work together to look at the draft wording and proposed notification process and will report back to the next WLALC ISC meeting.
	2. Amanda Gale will investigate the suggestion of Andrew Smith being invited to attend a meeting of Council's Development Advisory Panel to see how the process works.
	3. Amanda Gale will follow up the preparation of a letter to the Minister for Planning in relation to a number of issues associated with the current use of Private Certifiers, in accordance with Council's resolution.

Item 2: Middens at Birubi Headland

Andrew Smith indicated that he is nearing the completion of drafting WLALC proposal for carrying out the remediation works which will incorporate opportunities for the skilling up and training of WLALC site officers.

Action	1. Andrew Smith will forward finalised proposal to Council's Manager Sport & Recreation for review prior to the allocation of funds to enable the work to be carried out.
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Item 4: Labelling Artefacts Display

Bev Manton from KLALC has met with Council's Cultural Development Officer to name the artefacts contained in Council's Aboriginal Artefacts display, which have been provided by KLALC. Labels have since been made and placed in the display along side each item. WLALC have also indicated that they supplied some of the items that will require naming.

Action:	1. Council's Cultural Development Officer will liaise with WLALC to ensure that these few remaining items supplied by WLALC (currently generically named) can be correctly identified and named.
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Item 5: Land Acquisition for Fingal Bay Link Rd

Council's Group Manager Facilities & Services, Mike Trigar indicated that he and Andrew Smith have formulated some common options for presentation to the members of WLALC for feedback and comment. He will also be seeking input from WLALC into the joint formulation of a mitigation strategy, should it be required to address any potential adverse impacts.

Action:	1. Mike Trigar will give an update on this matter at the next WLALC ISC meeting.
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Item 6: Representation of WLALC on ISC

Paul Procter has written to Andrew Smith seeking formal notification of WLALC representatives on the ISC in accordance with the ISC Constitution. Andrew Smith has indicated that at this time the WLALC representatives shall be: -

- Andrew Smith
- Val Merrick
- Janice MacAskill
- Delece Manton

Andrew Smith indicated that WLALC will advise Council if there are any changes in the future.

Item 7: 2006 Joint ISC Meeting

Paul Procter indicated that this year's Joint ISC Meeting has been postponed until 17 October 2006. In terms of a guest speaker, he has been unsuccessful in contacting Kelvin Kong and as a result has extended a tentative invitation to John Lester, Director of Aboriginal Education.

Action	1. Paul Procter to finalise guest speaker for 2006 joint meeting.
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2. GENERAL BUSINESS

2.1 Naidoc Week 2007

WLALC thanked Council for their support of this year's Naidoc Week activities. WLALC held a special children's celebration at Murrook that was a great success.

In terms of next year's Naidoc Week celebrations, WLALC asked if Council could give consideration to a special Aboriginal flag-raising event at Port Stephens Council Administration Building including a unity march and barbecue.

Action	1. Council's Cultural Development Officer will work with the ISC to explore this idea further as part of next year's Naidoc Week celebrations.
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2.2 Proposed Employment of a Compliance Officer

Amanda Gale indicated that Council is looking at employing a Compliance Officer whose primary responsibilities would include ensuring that development comply with Council's conditions of consent given during the approval process.

3. NEXT MEETING

The next meeting will be held on Monday 11 September 2006 at 1pm at Murrook.

INFORMATION ITEM NO. 2

ACCESS COMMITTEE MINUTES

REPORT OF: JENNY SMITH, COMMUNITY PLANNING MANAGER

FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee Meeting held on the 4 July 2006.

Key issues addressed at the meeting included: -

- 1) Draft Port Stephens Council Disability Action Plan
- 2) Access to Raymond Terrace Community Care Centre
- 3) Local Government Week Celebrations

ATTACHMENTS

- 1) Minutes of the Access Committee Meeting held on 4 July 2006.

ATTACHMENT 1

**PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 4 JULY 2006
AT NELSON BAY BOWLING CLUB**

Present:

Ken Whiting, Karen Whiting, Cr. Helen Brown, Michael Elliott, Liz Osborne, Margaret Wilkinson, Robert Harper, Bill Bobbins, Cathy Jennings, Graham Roberts,

Apologies:

Cr. Sally Dover, David Painter, Val Painter, Erin Devlin, Tony Kean, Joe Delia, Kathy Delia, Tony Cremen, Margaret O'Leary, Judy Rosier, Sue Rosier,

1. COMMITTEE WELCOME

The Committee extended a special welcome to Graham Roberts of Karuah and Margaret Wilkinson.

2. PREVIOUS MINUTES

The minutes of the previous Access Committee meeting were adopted.

3. CHAIRPERSON'S REPORT

Chairperson Ken Whiting gave an overview of the successful joint meeting between Council and the Access Committee on the 20 June 2006. He commended the *Draft Disability Action Plan* presented at the meeting and urged Committee members to view the document.

Ken indicated he would be on leave during the August 2006 and September 2006 Access Committee meetings at which time Deputy Chairpersons Robert Harper and Cathy Jennings will fill his role respectively.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

4.1 Playground Fencing at Salt Ash

Karen Whiting stated that she and Ken inspected the newly constructed Blinky Bill Child Care Centre at Salt Ash after concerns were raised at the last meeting regarding fencing at the Centre. They indicated that their inspection found the fencing to be appropriate for children with disabilities.

5. GENERAL BUSINESS

5.1 Liberty Swing and Accessible Park Amenities

Karen Whiting showed the Committee pictures of a Liberty Swing (i.e.; a swing that can accommodate a wheelchair) that had recently been installed by Newcastle City Council in the park off Iranda Grove Wallsend. Karen indicated it would be a good facility for the Port Stephens area and could possibly be incorporated with other access facilities at Little Beach. The Committee was asked to consider the initiative and possible funding sources.

5.2 Draft Port Stephens Council Disability Action Plan

Michael Elliott announced that the new *Draft Disability Action Plan* was presented to Council at the recent joint meeting of the Access Committee. It will now be considered by Council in July 2006 and will be placed on public exhibition for 28 days pending Council endorsement. During the exhibition period copies will be available for viewing from Council's libraries, Customer Service Centre and from Michael. It will also be available for viewing and/or downloading on Council's website. Michael invited any comments regarding the plan to be forwarded to him.

5.3 Access at the Raymond Terrace Community Care Centre

Michael Elliott indicated that plans are in place to upgrade the existing ramp and pedestrian areas surrounding the Raymond Terrace Community Care Centre. This will include the installation of kerb ramps compliant with Australian Standard 1428.1 under the hand railings to prevent a wheelchair from being able to travel under the railing.

5.4 Raymond Terrace Community Garden

Michael Elliott advised the Committee that the Raymond Terrace Community Garden site in King Street Raymond Terrace has been recently completed and is ready for participation from community members and groups. The garden has reasonably good disabled access and includes a number of raised garden beds suitable for wheelchair users. He asked that anyone interested in being involved with the Community Garden to please contact Cathy Jennings on 4987 6867.

Michael offered to take any interested Committee members on a tour of the garden following the meeting.

5.5 Local Government Week Celebrations

Michael Elliott informed the Committee that Local Government Week is coming up from the 31 July to the 6 August 2006. The theme for this year is "*Communicating ... Connecting ... Our Communities*". He indicated that he has organised for the Access Committee to have a display at three local shopping centres during this event week (i.e.; Raymond Terrace Marketplace, Salamander Bay Shopping Centre and Tanilba Bay Shopping Centre). He indicated that this was an excellent opportunity to raise awareness of both the Access Committee and disability issues in Port Stephens. It may also be an opportunity to promote fundraising for the annual Disability Picnic.

5.6 Disability Picnic Raffle

Michelle Pavy reported that arrangements were underway for running a fundraising raffle to raise money for the 2006 International Day of People with Disabilities Picnic. Several prizes had already been generously donated including;

- Weekend Accommodation, a harbour cruise including a seafood buffet from O'Carrollyns at One Mile Beach
- 2 family passes to the Raymond Terrace Cinemas
- A yet to be confirmed prize from the Knights football team
- An electrical item from the Good Guys

A decision was made to sell tickets at a price of 3 tickets for one dollar. Committee member Bill Bobbins kindly offered to donate a box of 72 ticket books at a cost of approximately \$40.00.

5.7 Access Issues in Karuah

Attending the meeting for the first time was Karuah resident Graham Roberts. Graham was invited to speak to the Committee about access issues in Karuah. Graham indicated that access in Karuah was reasonable, with excellent access provisions at the RSL club and new medical centre.

6. CORRESPONDENCE

6.1 Electronic Distribution of Correspondence

Michael Elliott informed the Committee that he regularly received interesting and relevant correspondence from a number of different sources such as magazines, newsletters and email. The correspondence relates to disability issues and is of interest to Committee members. Michael said it was impractical to supply all members with a hard copy of the information but would instead investigate providing the documents on Council's website. The Committee supported this initiative.

- Michael Elliott presented an information flyer on the new 'Tilly Bus Service' to be trialled by Port Stephens Community Transport.

7. Details of Next Meeting

The next meeting will be held at the Nelson Bay RSL Club at 10.30am on Tuesday 1 August 2006.

INFORMATION ITEM NO. 3

**MINUTES OF JOINT MEETING HELD BETWEEN COUNCIL AND
ACCESS COMMITTEE**

REPORT OF: JENNY SMITH, COMMUNITY PLANNING MANAGER

FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Joint Meeting held between Council and the Access Committee on 20 June 2006.

Key issues discussed at the meetings included: -

- 1) Mayoral Address
- 2) Address by Access Committee Chairperson
- 3) Briefing on *Draft 2006-2010 Disability Action Plan*

ATTACHMENTS

- 1) Minutes of the Joint Access Committee Meeting held 20 June 2006.

ATTACHMENT 1

**MINUTES OF ANNUAL JOINT MEETING BETWEEN
THE ACCESS COMMITTEE OF PORT STEPHENS
AND PORT STEPHENS COUNCILLORS AND STAFF
HELD 20 JUNE 2006
AT PORT STEPHENS COUNCIL**

Present:

Cr Baumann (Mayor), Cr Swan, Cr Brown, Cr Dover, Cr Tucker, Cr Dingle, Cr Nell, Cr Westbury, Cr Jordan, Peter Gesling, David Broyd, Phil Buchan, Paul Procter, Mike Trigar, Michael Elliott, Ken Whiting, Karen Whiting, Bill Bobbins, Michele Robinson, Tony Cremen, Carol Last, Joe Delia, Judy Rosier, Pam Raeburn, Margaret O'Leary, Alice De Carle, David Painter, Valda Painter, Cathy Jennings, Tony Kean

Apologies:

Cr Hodges, Cr Francis, Jenny Smith, Robert Harper, Liz Osborne, Erin Devlin, Susan Rosier

1. MAYORAL ADDRESS

The Mayor of Port Stephens, Cr Craig Baumann declared the meeting open at 5.50pm.

Cr Baumann welcomed everyone to the meeting and thanked the Committee members for their efforts throughout the last year. He gave an overview of the Committee and congratulated members on the following achievements during the last 12 months: -

- successful running of the annual *International Day of People with Disability Picnic* in December 2005. He wished the Committee well with plans for this year's event
- input into Council's Capital Works Programs to improve physical access in the community for people with disabilities
- successful lobbying to have disabled toilet facilities provided at the RTA Driver Reviver Stop on John Renshaw Drive, Beresfield
- combined efforts of Committee members and Council staff into the planning of the reconstruction of the Disabled Access Wharf at Little Beach.

The Mayor also congratulated Council's Disability Access Officer, Michael Elliott on the work he has done in developing Council's new Draft Disability Action Plan.

2. ADDRESS BY ACCESS COMMITTEE CHAIRPERSON

The Committee's Chairperson, Ken Whiting addressed the meeting. He commended Councillors and Council staff for their continued positive commitment in relation to access issues. He indicated that funding was a major issue in continuing to address many of the access issues already identified by Council in their Forward Works

Program. He also thanked Council for its continued support in sponsoring the annual *International Day of People with Disabilities Picnic*. Ken finished by outlining the future aims of the Access Committee of Port Stephens that included: -

- continued liaison with Councillors and Council staff
- improving awareness of access issues in Port Stephens
- improving physical access in the community.

3. BRIEFING ON DRAFT 2006-2010 DISABILITY ACTION PLAN

Council's Disability Access Officer Michael Elliott gave a briefing on Council's *Draft Disability Action Plan 2006 – 2010* with reference to how it was developed, its key objectives and proposed actions. The Draft Plan will be considered by Council in July 2006 and will then be placed upon public exhibition for 28 days pending Council endorsement.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

4.1 Little Beach Access Ramp Update

Work is well underway on the reconstruction of the wharf. It is envisaged that the ramp will be re-opened in time for this coming summer with an official re-opening date set for 29 September 2006.

4.2 Additional Resources to Support Disability Access Officer

Council has been actively seeking additional funding through a number of external sources with the aim of extending the current part-time Disability Access Officer position into a full-time role as recommended in Council's *2006-2010 Social & Community Plan*.

The funding sources explored to date have included a submission under the last funding round of the Hunter Area Assistance Scheme that unfortunately was unsuccessful. Council has also been holding discussions with the Hunter Regional Manager for the Dept of Ageing, Disability & Home Care in a bid to secure any additional resources that may be available. To date, no additional resources have been secured, but Council is continuing to explore and hold discussions with relevant funding bodies.

Ken Whiting expressed a desire for the Disability Access Officer role to be extended by an extra day given the ageing of the population and the associated workload. Councillors were supportive of the hours being extended subject to a suitable funding source being secured.

There was discussion around incorporating a portfolio on ageing into the position if it were to be extended. Cr Brown recommended that this issue be kept on the agenda and Councillors and the Access Committee briefed of any progress made.

In regards to the existing workload of Council's Disability Access Officer, some members of the Access Committee raised concerns over the existing workload being manageable within the two days a week allocated to the position. Council's Social Planning Co-ordinator, Paul Procter who supervises the role indicated that whilst a few additional hours had been negotiated with the Officer to finalise the preparation of the *Draft Disability Action Plan*, the

work program is based on a 14 hours a week. All staff work programs are monitored closely to ensure that workloads are manageable within designated hours.

4.3 Access Map

Council's Disability Access Officer and the Access Committee have reviewed the various options available for producing an Access Map for Port Stephens. As a result of this review, which has included liaising with other Councils in NSW who have produced Access Maps in the past, it has been decided that the most desirable outcome is to look at the incorporation of disabled facilities into existing local maps (eg; Tourism Maps) that are available in hard copy and online. Council's Disability Access Officer is currently working on this project in collaboration with the Access Committee.

5. NEW BUSINESS

5.1 Access Funding in Council's 2006/2007 Budget

Ken Whiting raised the issue of funding for disabled access improvements in Council's 2006/2007 budget. He stated that whilst many projects had been completed or were well underway, some minor and intermediate works previously identified by the Committee were yet to be addressed. Mike Trigar indicated that current budget allocations were for \$50,000 towards the continued implementation of projects contained within Council's *Pedestrian Access Mobility Plan*. Where required, a further \$10,000 is also available for emergency access works.

5.2 Access at the Tomaree Aquatic Centre

Access in and around the Tomaree Aquatic Centre was discussed with the main issues raised being no onsite unisex toilet and/or disabled facilities, and no ramp access into the pool. Mike Trigar indicated that a master plan has been drawn up for renovation of the complex that includes disabled access improvements.

In regards to the installation of a ramp into the pool, it was indicated that this was an expensive and difficult undertaking considering the age of the facility and the associated engineering challenges it presented. Mike Trigar indicated that he would assess if any access improvements could be incorporated into any future large-scale maintenance programs at the site.

5.3 Bagnall Beach Cycleway

Ken Whiting raised the Bagnall Beach Cycleway proposal indicating the Access Committee's support for the *green route*, stating that the route was far more desirable through the bush area as opposed to other options that travelled alongside the busy roadway. Cr Nell indicated that an option based on the *green route* had received support from many of the stakeholders and was ready for approval and implementation.

6. NEXT MEETING

The next joint meeting between Councillors, Council Staff and the Access Committee of Port Stephens will be held in June 2007. Details to be confirmed.

The Mayor thanked everyone for attending and closed the meeting at 7.05pm

INFORMATION ITEM NO. 4

INSURANCE RENEWALS 2006 - 2007

REPORT OF: JEFF SMITH – FINANCIAL SERVICES MANAGER
FILE: PSC2006-0455

BACKGROUND

The purpose of this report is to advise Council of the result of the annual insurance renewal process for the 2006 – 2007 policy period.

The majority of Council's insurance policies expire on 30 June each year. Prior to expiry Council, in consultation with our insurance brokers, undertakes a comprehensive review of Council's insurance requirements for the coming term. This review involves assessing the adequacy of policy coverage, sums insured, limits and sub limits of policies and uninsured risks.

Placement of policies for the 2006 – 2007 insurance period has been completed and the following table provides a summary of costs/premium comparison excluding GST:

Insurance Policy	Actual 2005–2006 \$	Actual 2006–2007 \$	Actual Variance \$	Budget 2006–2007 \$	Actual Variance to Budget
Public Liability/Professional Indemnity	766,500	795,000	28,500	843,150	(48,150)
Property	247,832	286,160	38,328	275,300	10,860
Motor Vehicle	154,785	153,358	(1,427)	177,402	(24,044)
Marine Hull	3,750	3,670	(80)	4,125	(455)
Fidelity Guarantee	2,272	2,920	648	2,500	420
Casual Hirers' Liability	2,200	2,420	200	2,420	-
Pool Lessees Liability	48,076	48,076	-	52,884	(4,808)
Personal Accident	2,200	2,200	-	2,420	200
TOTAL	\$1,227,165	\$1,293,804	\$66,169	\$1,360,201	\$(65,977)

The Motor Vehicle and Property premiums/contributions are adjustable at expiry based on actual vehicle numbers and asset values. There will be a return premium of \$1,290 due for Motor Vehicle this year as the total number of units insured has decreased by five from 297 to 292 since last renewal. Despite a deterioration in Council's claims experience over the last two (2) years, the premium has remained stable due in large part to Council's proactive fleet risk management strategies. This year will be the fifth straight year where no premium increase has been levied. An independent audit in May 2006 of Council's fleet risk management by our insurer, Zurich, resulted in Council achieving a grading of excellent.

An additional adjustment premium for Property insurance of \$26,802 is not included in the table above. This additional premium is levied due to the increase of \$34.58m in the value of

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Council's Asset Schedule since last renewal. The increase is a direct result of the professional valuation in September 2005 of all Council owned buildings. Council will, however, receive a total rebate of \$34,542 for Fund Years 4, 5 and 6 (2002/2003 to 2004/2005) that will negate the premium increase.

A 3.8% increase in premium contribution for Public Liability/Professional Indemnity insurance was as a result of an increase in premium contribution for all members. The limit of indemnity for Public Liability has increased from \$200m to \$300m at no additional cost to Council. This increase in limit of indemnity was negotiated for the whole Scheme shortly after renewal in 2005. A bonus distribution of \$940.23 for the 2004/2005 fund year has been applied to the Fidelity Guarantee insurance contribution listed above.

The only premiums in the Risk Management budget not included in the above table are Councillors' & Officers' Liability and Business Practices Protection insurances, both of which fell due on 30 April 2006. These policies were both renewed on pro rata terms for 14 months to bring them into line with Council's common expiry date of 30 June.

A surplus of approximately \$65,977 is expected in the insurance budget following payment of all premiums.

ATTACHMENTS

- 1) Nil

**INFORMATION ITEM NO. 5
RAYMOND TERRACE MEDICAL FACILITIES**

**REPORT OF: JENNY SMITH, COMMUNITY PLANNING MANAGER
PHIL BUCHAN, ACTING BUSINESS & DEVELOPMENT
MANAGER**

FILE: A2004 - 0898

BACKGROUND

The purpose of this report is to inform Council of discussions which are currently underway between Council Officers and Raymond Terrace health service providers concerning their current and future accommodation requirements within the Raymond Terrace CBD.

In recent months a number of health service providers in Raymond Terrace have expressed to Council and the Hunter New England Port Stephens West Local Advisory Committee, their concerns over the spatial constraints they are experiencing with their current accommodation. They have indicated that these constraints are hindering their capacity to effectively provide the local community with the services required to meet local health needs and keep up with population growth.

These concerns have been voiced by local General Practitioners currently renting private premises, along with the Manager of Raymond Terrace Community Health that is currently based in Council's Community Care Centre, located on Port Stephens St. These service providers have indicated that they have outgrown their existing premises and don't have the physical space available to accommodate the range of services required to meet local health needs and future population growth. For instance, the Manager of Raymond Terrace Community Health indicated that some allied health services for Raymond Terrace are servicing the area on an outreach basis from Wallsend, as there is no space available to allocate to these services on a permanent basis within the Raymond Terrace Community Care Centre. The Manager of Raymond Terrace Community Health has indicated that larger premises would enable an immediate expansion of access to health services. Council's Property Unit has also had extensive ongoing dialog with the Doctors from the Raymond Terrace Family Practice since June 2004. During this time Council through the Property Unit has provided the Raymond Terrace Family Practice with available purchase and lease options however these have failed to achieve a suitable result. More recent correspondence from the Raymond Terrace Family Practice has again highlighted their plight for more suitable premises to be found in Raymond Terrace.

To advance these issues, over the next two months Council Officers will be meeting with key stakeholders to explore any alternate accommodation options which may be available in the short-term. Consideration will also be given to investigate alternate models of service delivery and opportunities that may be available in the longer term to integrate medical services within Council's strategic master plan for the future redevelopment of the Raymond Terrace CBD.

A further report will be presented to Council following the completion of discussions with all key stakeholders.

ATTACHMENTS

- 1) Nil

INFORMATION ITEM NO. 6

QUARTERLY REPORT - LEGAL EXPENSES

**REPORT OF: JUNE SHINE - EXECUTIVE MANAGER CORPORATE
MANAGEMENT
FILE: PSC2006-0229**

BACKGROUND

The purpose of this report is to present to Council legal expenses incurred in prosecuting and defending cases during the period April to June 2006.

This report is presented in response to Recommendation 22 made by the Department of Local Government under the Local Government Reform Program – Promoting Better Practice and as noted in its review report of Port Stephens Council dated August 2005.

The report is linked to the Key Result Area of Corporate Accountability as outlined in the Council Plan 2005-2008.

The attached information relates only to more significant litigation currently involving Council and for which some costs were paid during the quarter.

ATTACHMENTS

- 1) Legal Expenses Quarterly Report – April to June 2006

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ATTACHMENT 1

LEGAL EXPENSES QUARTERLY REPORT: APRIL - JUNE 2006

SECTION	MATTER	TYPE	JURISDICTION	EXPENSES THIS QUARTER (\$)	EXPENSES YTD (\$)	COSTS RECOVERED THIS QUARTER (\$)
FACILITIES AND SERVICES GROUP						
Engineering Services	Melaleuca Estates v Port Stephens Council	Drainage Dispute	Supreme Court, Court of Appeal, High Court Proceedings	221,888	263,374	0
SUSTAINABLE PLANNING GROUP						
Development & Building	Chan Industrial v Port Stephens Council & Bealing	DA Objection	Land & Environment Court Supreme Court, Ct of Appeal	14,332	125,640	0
Development & Building	Chan Industrial v Port Stephens Council & McPherson	DA Objection	Land & Environment Court	0	3,329	0
Development & Building	Lawrence Waterhouse v Port Stephens Council	DA Objection	Land & Environment Court	732	14,915	0
Development & Building	Mahogany Ridge Developments v Port Stephens Council	Appeal Of Refused DA	Land & Environment Court	24,424	51,846	0
Development & Building	Motorplex Australia v Port Stephens Council	Appeal Of Refused DA; Prosecution	Land & Environment Court	10,832	30,307	0

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SECTION	MATTER	TYPE	JURISDICTION	EXPENSES THIS QUARTER (\$)	EXPENSES YTD (\$)	COSTS RECOVERED THIS QUARTER (\$)
Development & Building	Port Stephens Council v Blue Lagoon Village	Illegal Use	Land & Environment Court	4,485	33,648	0
Development & Building	Port Stephens Council v Cook	Unauthorised Development – Breach Of Settlement Agreement	Land & Environment Court Supreme Court	0	19,873	0
Development & Building	Port Stephens Council v Department Of Infrastructure Planning & Natural Resources	Council Challenge to DIPNR Consent	Land & Environment Court	0	34,205	0
Development & Building	Port Stephens Council v Divers Luck	Illegal Access	Land & Environment Court	10,295	23,917	0
Development & Building	Port Stephens Council v Dream 510	Illegal Use	Land & Environment Court	32,799	33,239	0
Development & Building	Port Stephens Council v Hay	Illegal Use	Land & Environment Court	3,412	3,412	0
Development & Building	Port Stephens Council v Performance Ski Boats	Illegal Use	Land & Environment Court	5,217	5,217	0
Development & Building	Port Stephens Council v Quinn	Illegal Landfill	Land & Environment Court	0	527	0
Development & Building	Port Stephens Council v Tannous	Unauthorised Building Works; Appeal of	Land & Environment Court	75,088	120,949	0

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SECTION	MATTER	TYPE	JURISDICTION	EXPENSES THIS QUARTER (\$)	EXPENSES YTD (\$)	COSTS RECOVERED THIS QUARTER (\$)
		Refused DA				
Development & Building	Port Stephens Council v Taylor	Non-compliance	Land & Environment Court	9,219	9,219	0
Development & Building	Williams v Port Stephens Council	Appeal of DA	Land & Environment Court	0	9,878	0
Environmental Services	Port Stephens Council v Pacific Rim Accommodation Group	Prosecution for tree clearing	Local Court	1,885	1,885	0
Environmental Services	Port Stephens Council v Johnston Earthmoving	Prosecution for tree clearing	Land & Environment Court	11,169	11,169	0
Environmental Services	Port Stephens Council v Port Stephens Veteran & Aged Care Ltd	Prosecution for tree clearing	Land & Environment Court	6,173	6,173	0
Environmental Services	Port Stephens Council v Rouice Pty Limited	Prosecution for Breach of Tree Preservation Order	Local Court	161	6,378	0
Environmental Services	Port Stephens Council -v- Dinh Quang Nu	Prosecution for offences under the Food Act	Local Court	0	6,839	0
TOTAL				432,111	815,939	0

INFORMATION ITEM NO. 7

MANAGER'S MONTHLY REPORT AUGUST 2006

**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE
MANAGEMENT
FILE: A2004-0498**

BACKGROUND

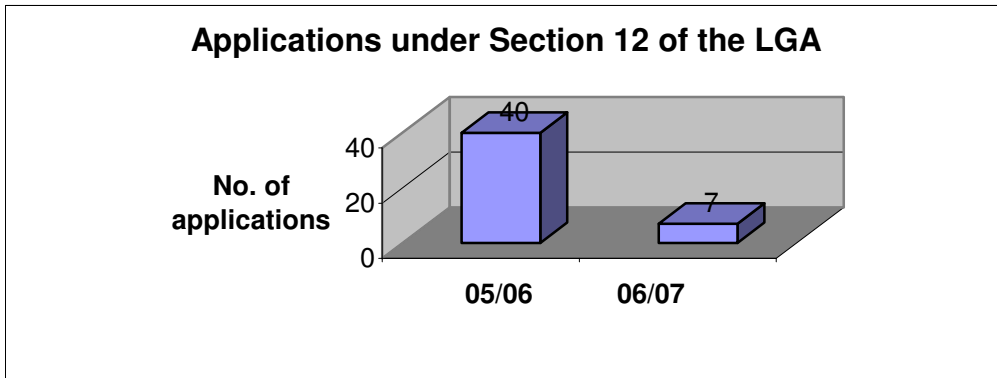
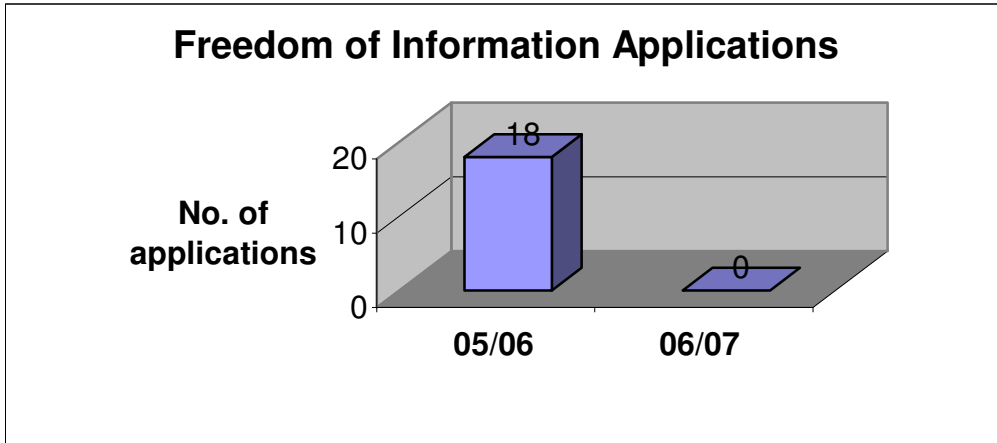
The purpose of this report is to present the August 2006 Monthly Report in
ATTACHMENT 1.

ATTACHMENTS

Monthly Manager's Report – August 2006.

MANAGERS
MONTHLY REPORT
JULY 2006 STATISTICS

CORPORATE
MANAGEMENT



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2005/2006 ALLOCATION OF MINOR WORKS

2005/2006 ALLOCATION OF MINOR WORKS				
WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD 30 JUNE 2005	5,800	-21,367	11,817	-3,750
2005/2006 BUDGET ALLOCATION	20,000	20,000	20,000	60,000
TOTAL AVAILABLE 1 JULY, 2005	25,800	-1,367	31,817	56,250
ALLOCATED TO:-				
Rotary Club of Nelson Bay 2005-2746/001	2,720			2,720
Port Stephens Sister Cities 26/7/2005	380			380
Nelson Bay Pistol Club 26/7/2005	1,500			1,500
Medowie Soccer Club 26/7/2005		1084		1,084
Medowie Scout Group 26/7/2005		500		500
Medowie Community Pre-school 26/7/2005		5000		5,000
Little Beach Power Box 2005-3738/001	1260	1260	1260	3,780
Transferred \$20,000 from Salamander Funds		-20000		-20,000
Towing of Life Education Van August Meeting	1400	1400	1400	4,200
Gyro Spinner Alma Street reserve 2005-3622/17			5500	5,500
Hunter Valley Vaulting Centre 27/09/2005		100		100
St Bridgids School 27/09/2005			1000	1,000
Tar Seal Pomona Place Tanilba Bay 2005-5376/01		2500		2,500
Irrawang High School CM 346/05			200	200
Hunter River High CM 346/05			220	220
PS Business Chamber CM346/05			500	500
Hinton Public School CM346/05			1000	1,000
Seaham Public School CM346/05			1000	1,000
Anna Bay Community Centre CM346/05		6258		6,258
Tilligerry Adult and Community Centre CM346/05		500		500
Hunter New England NSW Health CM 346/05		154		154
Tanilba Bay Rural Fire Brigade Comm. CM346/05		330		330
Tilligerry Chamber of Commerce CM346/05		1000		1,000
Lions Club Tilligerry Pen. CM 346/05		1000		1,000

MINUTES FOR ORDINARY COUNCIL – 22 AUGUST 2006

Medowie Public School CM346/05			200	200
Hunter River High CM346/05			200	200
Hunter Botanic Gardens CM387/05			420	420
Grahamstown Public School CM387/05			50	50
Grahamstown Public School CM 387/05			1000	1,000
ST Johns Anglican Church CM 387/05			200	200
Anna Bay Public School CM 387/05		200		200
Rotary Club Nelson Bay CM 387/05	1500			1,500
Nelson Bay Pistol Club CM 387/05	1500			1,500
Neil Carroll Park Clr Req	3443			3,443
Apex Park Clr Req	3000			3,000
Beat the Bitou at Birubi Clr Req		5000		5,000
Rotary Club of Maitland Sunrise CM434/06			1000	1,000
RT Water Polo Club CM434/06			500	500
Port Stephens Community Care CM434/06		1000		1,000
Nelson Bay Town Management CM434/06	1000			1,000
PS Community Art Centre CM465/06	500			500
Medowie Rugby Club CM 465/06			5000	5,000
RT Tennis Club CM 465/06			2500	2,500
Anna Bay Public School CM 465/06		100		100
Medowie Public School CM 465/06			1500	1,500
Karuah RSL CM 501/06			180	180
Seaham Scout Group CM 501/06			180	180
Medowie Lions Club CM 501/06		180		180
Thou Willa CM 501/06			1000	1,000
Royal Volunteer Coastal Patrol CM 536/06	3841.75			3,842
Medowie Community Preschool CM 536/06		2500		2,500
Fern Bay Public School CM 536/06		500		500
Medowie Community Centre CM 536/06		110		110
LTP Community Care Centre CM 536/06		2820		2,820
LTP Rural Fire Service CM 536/06		3000		3,000
TOTAL ALLOCATED as at 30.6.06	22,045	16,496	26,010	64,551
BALANCE AVAILABLE	3,755	-17,863	5,807	-8,301
PLUS Expected Property Profits Funds (30%)	49,749	-257,910	27,003	-181,158
TOTAL AVAILABLE	53,504	-275,773	32,810	-189,459

MINUTES FOR ORDINARY COUNCIL – 22 AUGUST 2006

2005/2006 PROJECT FUNDS - WARDS

**2005/2006 ALLOCATIONS OF
SALAMANDER FUNDS**

WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD 30 JUNE 2005	383,148	498,148	508,251	1,389,547
Left over from previous works	34,191	34,192	34,192	102,575
Estimate for 2005/6	0	0	0	0
TOTAL AVAILABLE 1 JULY 2005	417,339	532,340	542,443	1,492,122
ALLOCATED TO:-				
Transfer \$20,000 to Minor Works		20,000		20,000
Footpath Construction - West,East and Central Wards	30,000			30,000
			30,000	30,000
Cycleway Medowie - Warapora Road		110,000		110,000
Gateway signage West,Central and East Wards	20,000		20,000	40,000
Gateway signage West,Central and East Wards	21,330	41,330	21,340	84,000
Karuah main street - Bypass mitigation works			20,000	20,000
Cycleway along Mustons Rd Karuah			10,000	10,000
Pedestrian Access mobility plan	50,000		25,000	75,000
Footpaths Community Survey		5,000		5,000
Bus Shelters Medowie		25,000		25,000
Bus Shelters Anna Bay		25,000		25,000
Bus Shelters Lemon Tree Passage		25,000		25,000
Raymond Terrace Senior Citizens Centre			50,000	50,000
Wallalong Multi Purpose Centre			10,000	10,000
Seaham Hall Upgrade			22,000	22,000
Salt Ash Hall		8,500		8,500
Hinton Community Hall			31,000	31,000
Mayo Building Verandah			15,000	15,000
RT Community Centre Upgrade			88,000	88,000
Medowie Community Upgrade		50,000		50,000
Fern Bay Hall		60,000		60,000
Tanilba Hall		5,000		5,000
Tomaree Sports Complex Carpark and Access Upgrade	90,000			90,000

MINUTES FOR ORDINARY COUNCIL – 22 AUGUST 2006

Mallabula Sports Complex floodlighting		50,000		50,000
Bowthorne Park Floodlighting			10,000	10,000
Anzac Park Carpark and Access	13,000			13,000
Soldiers Point Boat Ramp Amenities	120,000			120,000
Little Beach Disability Ramp Upgrade	20,000			20,000
Lakeside Leisure Centre Upgrade			20,000	20,000
Rural West Sportsfield Drainage			21,000	21,000
Medowie Amenities Block		80,000		80,000
Medowie Car Park Entrance	15,000			15,000
Medowie Sportsfields Lighting		61,000		61,000
Medowie Sports Facilities Upgrades		5,000		5,000
Birubi Surf Club		25,000		25,000
Tilligerry Skate Park		33,000		33,000
Tanilba Sailing Club Amenities		10,000		10,000
Tanilba Lighting of Stone Gates	500			500
Koala Park Project		0		0
RT SES/RFS Operations Centre Extension			30,000	30,000
King Park Shade Shelters CM 20/12/2005			7,000	7,000
RT Tennis Courts CM 20/12/2005			50,000	50,000
Contribution to RT Comm & Policing Services Rental assistance CM372/05			15,000	15,000
Contribution to RT Comm & Policing Services Rental assistance CM372/05			15,000	15,000
Tanilba Bay Golf Club CM 434/06		35,000		35,000
Salt Ash Sports Ground CM 434/06		35,000		35,000
Nelson Bay Pony Club CM 536/06		22,160		22,160
Medowie Rural Fire Station CM 536/06		40,000		40,000
Hunter Botanical Gardens CM 535/06	3,260	3,260	3,261	9,781
Tilligerry Lions and Habitat Arts Festival CM 578/06		500		500
Glen Oak School of Arts CM 578/06			339	339
Our Lady of Rosary Catholic Church Karuah CM 578/06			1,500	1,500
				0
TOTAL ALLOCATED	367,590	790,250	515,440	1,673,280
BALANCE as at 30.6.06	49,749	-257,910	27,003	-181,158

ENGINEERING SERVICES & OPERATIONS

- Rain over the last few weeks has disrupted a number of projects.
- The gravel road maintenance crew are working on Ralston Road and once finished there will move on to East Seaham Road which is in very poor condition after the recent wet weather.
- Local entrants to the “Waste as Art” Competition are on exhibition on the mezzanine level of the Raymond Terrace Administration Building until mid-August and then they move to the Raymond Terrace Library until mid-September.

**COMMUNITY & LIBRARY SERVICE
& LIBRARY SERVICES**

- June's highlights are the number and variety of programs that we have offered to the community. These include 3 outreach programs to a playgroup and 2 schools, totalling over 150 children.
- Tomaree Neighbourhood Centre was successful in its application for additional space in the Centre, and will take lease of the Bottle Brush Office on the northern side of the Centre from July 2006. The office will be used for additional interviews and appointments relating to community assistance and advice. Existing users have relocated to various rooms in the Centre.
- Outreach by the Mobile Library to the preschools and playgroups in our area is growing. This month saw the inaugural visit to KU Preschool, Tanilba Bay, which has requested a regular visit monthly beginning in July. Preschools have now begun to request visits from the service, rather than the Mobile Library seeking opportunities.

RECREATION SERVICES

- Work on Tomaree Pool liner has commenced and is progressing well. Will be ready for re-opening on 1/8/06.
- New managers at Tilligerry Aquatic Centre have commenced duties. Pool to re-open 1/8/06.
- Work on Soldiers Point Boating Infrastructure Plan has progressed and a briefing will be provided to next Estuary Management Committee Meeting. Other boat ramps will also follow.

PROJECT SERVICES

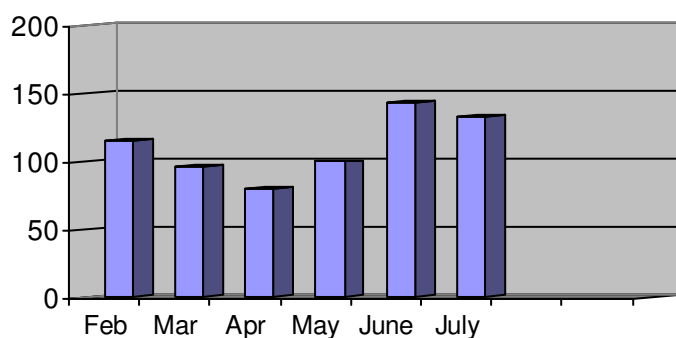
- Green Wattle Creek Pony Club House rehabilitation inspection carried out, report and recommendations provided to asset owner.
- Raymond Terrace Depot- Female & Disabled Amenities completed.
- Tomaree Touch Football Amenities extensions and alterations construction has been completed.
- Karuah Multi-Purpose Child Care Centre design has been submitted for DA approval with detailed design scheduled for completion late July.
- Little Beach Restricted Mobility Landings and Jetties construction continuing and now scheduled for completion mid August 2006.
- R T Administration Building reflection pond and cascade fountain repairs nearing completion, with test operation of pond pumping equipment completed, minor pump line repairs and new lighting system to be completed by end of July.
- Raymond Terrace Foreshore Improvements are still programmed for completion for the of August 2006 subject to assessing and satisfying recent DA conditions.
- Raymond Terrace Senior Citizens Community Hall design has received DA approval with detailed design still scheduled for completion in July.
- Completion of Little Beach Jetty & Tomaree Touch Club projects were delayed by two weeks due to emergency repairs needed to Caswells Creek Bridge.

SUSTAINABLE PLANNING

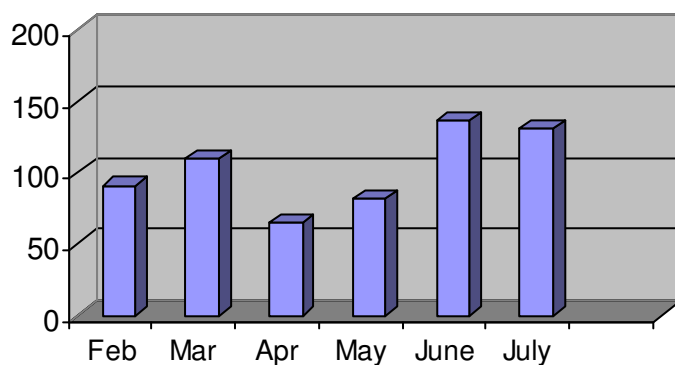
Development Approvals

DA's determined during the month	133
Modifications to DA's during the month	17
Construction Certificates approved during the month	131

DA's Determined



CC's Determined



Community Planning

- July 8 - 10th Anniversary of Tilligerry Habitat
- July 15 - Camellia Show at Port Stephens Community Arts Centre
- July 18-Aug 8 - Waste as Art exhibition of Port Stephens entries at the Mezzanine Gallery
- Appointment of Museum Adviser for Port Stephens
- Appointment of Jo Kultcher, Cultural Development job share with Christine Judd.
- Advertised for Communities for Children staff
- Received recommendations on Organisation Consultation Review
- Undertook Integrated Service Centre Planning Day

- Received final drafts of Community Survey
- Final meeting of Port Stephens Settlement Strategy reference
- Finalised consultants reports for Medowie Structure Plan
- Advertised for two Strategic Planner Positions
- Documentation forwarded to DoP for Kingshill requesting certificate for public exhibition
- Hunter heritage Network Annual Conference hosted by Port Stephens Council

Environmental Services

- Koala Interpretative Sign installed at Daniel Crescent Lemon Tree Passage
- Whale Festival 5 June 06
- Flea Beetle found that feeds on the foliage of Ludwigia Weed. Beetle and plants not at site. Project in Spring/ Summer being conducted at Ourimbah campus.
- Rabbit baiting taken place at Boat Harbour. Numbers hard to confirm.
- Feral animal baiting taken place.
- Ecological Footprints Project started with volunteers
- Koala Population monitoring commenced.

BUSINESS & DEVELOPMENT

Marketing

- CCIA Excellence Awards Finalists for Shoal Bay Holiday Park and Soldiers Point Holiday Park.
- Soldiers Point Holiday Park received commendation.
- Koala Population monitoring commenced.

Tourism

- ATE attendance was excellent with great follow up from most Indian agents and the recovery of a major Malaysian wholesaler.
- UK wholesaler has also indicated they will use Port Stephens as a base for group series business.
- Accor have continued to show great interest in acquiring a property in Port Stephens.

Corporate Clean

- Trialling of chemicals at Samurai which will reduce the cost of chemicals purchased as well as the number of different products being used (environmentally friendly).

Property

- Workload within Unit is continuing to increase which means some activities areas are not being undertaken or have been delayed.
- At end of financial year, Investment properties have performed in accordance with budget and returned \$1.8m. Investment properties expenditure fell below predictions

MINUTES FOR ORDINARY COUNCIL – 22 AUGUST 2006

at only 75% of original estimates, representing significant savings. Property Services have met all budget targets.

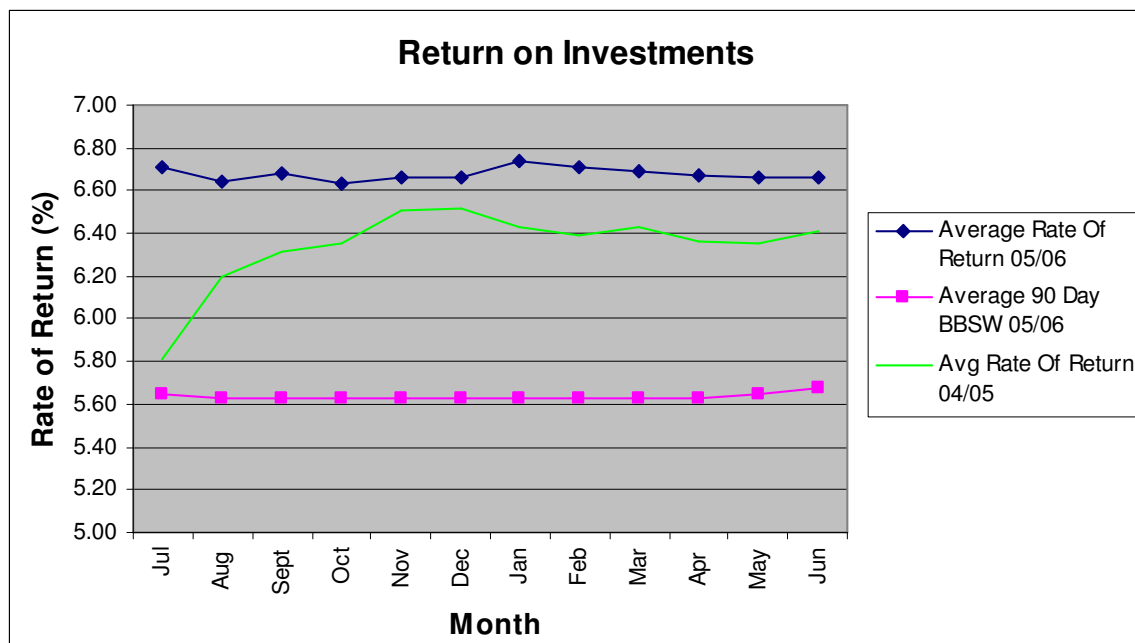
Holiday Parks

- All Holiday Park Co-ordinators and Ground Staff from each Beachside Holiday Property attended a Fire Warden Training Course at Shoal Bay Holiday Park. This is a WorkCover Accredited Course. We also formulated a consistent approach and method in dealing with Fire and Emergency Procedures across all Holiday Parks.
- Injury Free Days:
 - Halifax - 598
 - Shoal Bay – 641
 - Soldiers Point – 149

FINANCE

- TRIM Project – Remote sites rollout is completed. Target of July 2006 deadline contained in the 2005-08 Council Plan has been achieved.
- Application for 9.96% special variation to rating income was approved by the Minister for Local Government.
- Council's outstanding rates and annual charges at 30th June 2006 were lower than they were at 30 June 2005. This is the first reduction in the value of outstanding rates and annual charges at year end for several years.

Return on Investments



MINUTES FOR ORDINARY COUNCIL – 22 AUGUST 2006

CASH & INVESTMENTS HELD								
AS AT 30 JUNE 2006								
INVESTED WITH	INV. TYPE	DATE INVESTED	MATURITY OR COUPON DATE	NO. OF DAYS	AMOUNT INVESTED	INTEREST RATE		% OF TOTAL FUNDS HELD
<u>GRANGE SECURITIES</u>								
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt	15-Jun-06	15-Sep-06	92	500,000.00	7.62%		1.64%
SAPHIR FINANCE PLC 2004 - 4 "ENDEAVOUR AAA"	Floating Rate CDO	4-May-06	4-Aug-06	92	1,000,000.00	7.18%		3.28%
SAVINGS & LOANS CREDIT UNION (SA) LTD (2008)	Floating Rate Sub Debt	13-Jun-06	12-Sep-06	91	500,000.00	8.70%		1.64%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.48%		3.28%
APHEX CAPITAL PLC "JADE AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.18%		3.28%
NEXUS BONDS LTD "TOPAZ AA"	Floating Rate CDO	25-May-06	24-Nov-06	183	1,500,000.00	6.28%		4.92%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.48%		3.28%
STARTS CAYMAN LTD "BLUE GUM AA"	Floating Rate CDO	22-Jun-06	22-Sep-06	92	1,000,000.00	7.41%		3.28%
CYPRESS TREE CDO LTD "LAWSON AA"	Floating Rate CDO	30-Jun-06	30-Sep-06	92	1,000,000.00	7.28%		3.28%
CORSAIR NO. 2 LTD "NEWPORT AAA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	6.98%		3.28%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	2,000,000.00	7.08%		6.56%
HELIUM CAPITAL LTD "SCARBOROUGH AA"	Floating Rate CDO	23-Jun-06	23-Sep-06	92	1,000,000.00	7.33%		3.28%
TOTAL GRANGE SECURITIES					\$12,500,000.00			40.98%
<u>ABN AMRO MORGANS</u>								
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Jun-06	20-Sep-06	92	2,000,000.00	7.38%		6.56%
TOTAL ABN AMRO MORGANS					\$2,000,000.00			6.56%
<u>ANZ INVESTMENTS</u>								
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA"	Floating Rate CDO	6-Apr-06	6-Jul-06	91	500,000.00	6.83%		1.64%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	1,000,000.00	7.48%		3.28%
ECHO FUNDING PTY LTD SERIES 20 "ECHO CHARLIE AA"	Floating Rate CDO	20-Jun-06	20-Sep-06	92	500,000.00	7.48%		1.64%
TOTAL ANZ INVESTMENTS					\$2,000,000.00			6.56%
<u>MACQUARIE FINANCIAL SERVICES</u>								
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	28-Apr-06	28-Jul-06	91	500,000.00	7.52%		1.64%
GSFB AUSTRALIA PROPERTY LINKED NOTE (2010)	Property Linked Note	21-Jun-06	21-Sep-06	92	2,000,000.00	2.00%		6.56%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	7-Apr-06	7-Jul-06	91	2,000,000.00	7.65%		6.56%
ROCK BUILDING SOCIETY LTD (2007)	Floating Rate Sub Debt	30-Apr-06	31-Jul-06	92	500,000.00	8.55%		1.64%
TOTAL MACQUARIE F.S.					\$5,000,000.00			16.39%

MINUTES FOR ORDINARY COUNCIL – 22 AUGUST 2006

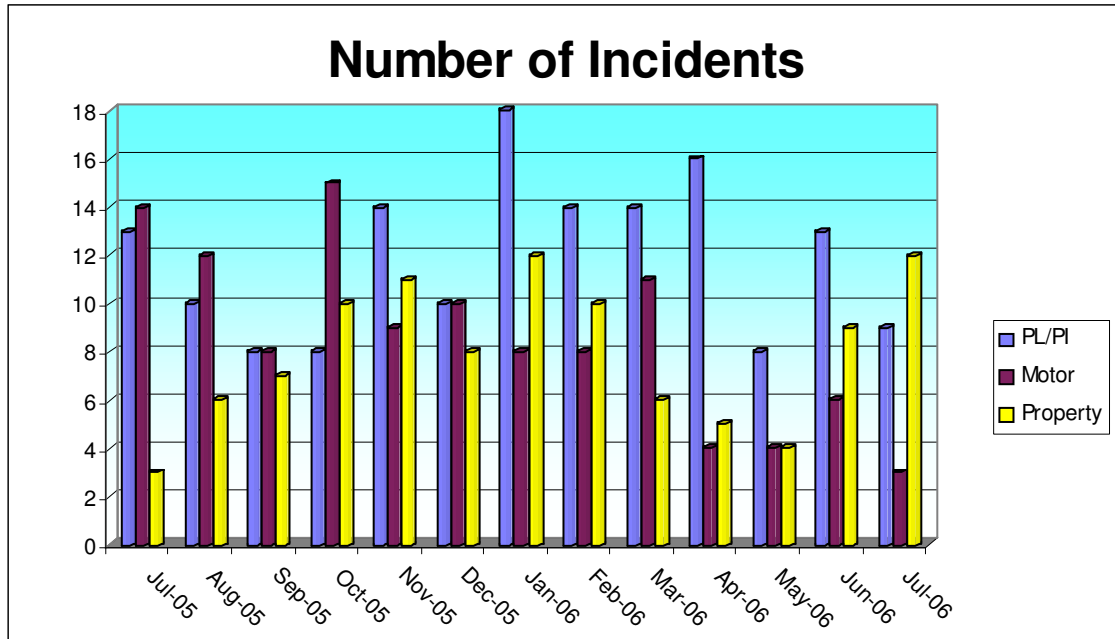
WESTPAC INVESTMENT BANK HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	27-Apr-06	27-Jul-06	91	500,000.00	6.94%		1.64%
TOTAL WESTPAC INV. BANK					\$500,000.00			1.64%
LONGREACH CAPITAL MARKETS LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	6-Mar-06	15-Aug-06	162	500,000.00	7.00%		1.64%
TOTAL LONGREACH CAPITAL					\$500,000.00			1.64%
RIM SECURITIES ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	5-Apr-06	5-Jul-06	91	1,000,000.00	6.31%		3.28%
TOTAL RIM SECURITIES					\$1,000,000.00			3.28%
FUND MANAGERS						RATE OF RETURN - MONTH	RATE OF RETURN - FYTD	
MERRILL LYNCH INVESTMENT MANAGERS					564,456.01	6.73%	6.65%	1.85%
PERPETUAL INVESTMENTS					615,142.71	6.07%	6.27%	2.02%
ADELAIDE MANAGED FUNDS					750,000.00	5.90%	5.90%	2.46%
TOTAL FUND MANAGERS					\$1,929,598.72			6.33%
MAITLAND MUTUAL	Floating Rate Sub Debt	16-Apr-06	16-Jul-06	91	500,000.00	6.67%		1.64%
	Term Deposit	4-Jun-06	4-Sep-06	92	1,953,437.66	6.16%		6.40%
	Floating Rate Sub Debt	11-Jun-06	9-Sep-06	90	500,000.00	6.95%		1.64%
TOTAL M'LAND MUTUAL					\$2,953,437.66			9.68%
TOTAL INVESTMENTS					\$28,383,036.39			93.05%
CASH AT BANK					\$2,120,998.48	5.70%		6.95%
TOTAL CASH & INVESTMENTS					\$30,504,034.87			100.00%

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

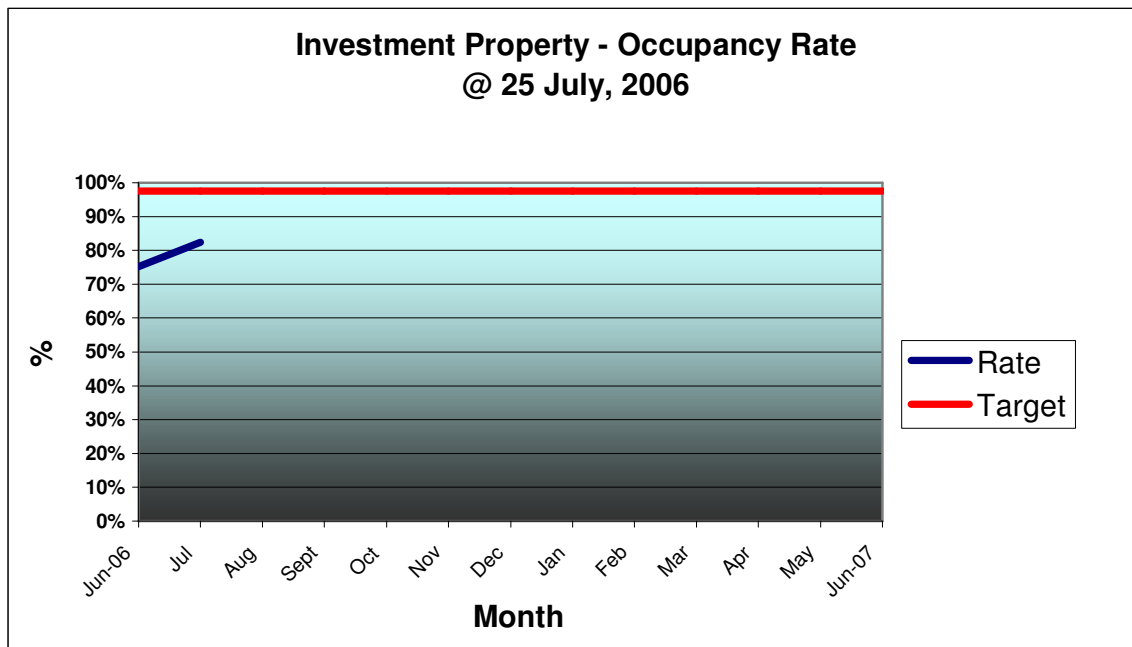
I, Peter Gesling, being the Responsible Accounting Officer of Council, hereby certify that the Investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's investment policy.

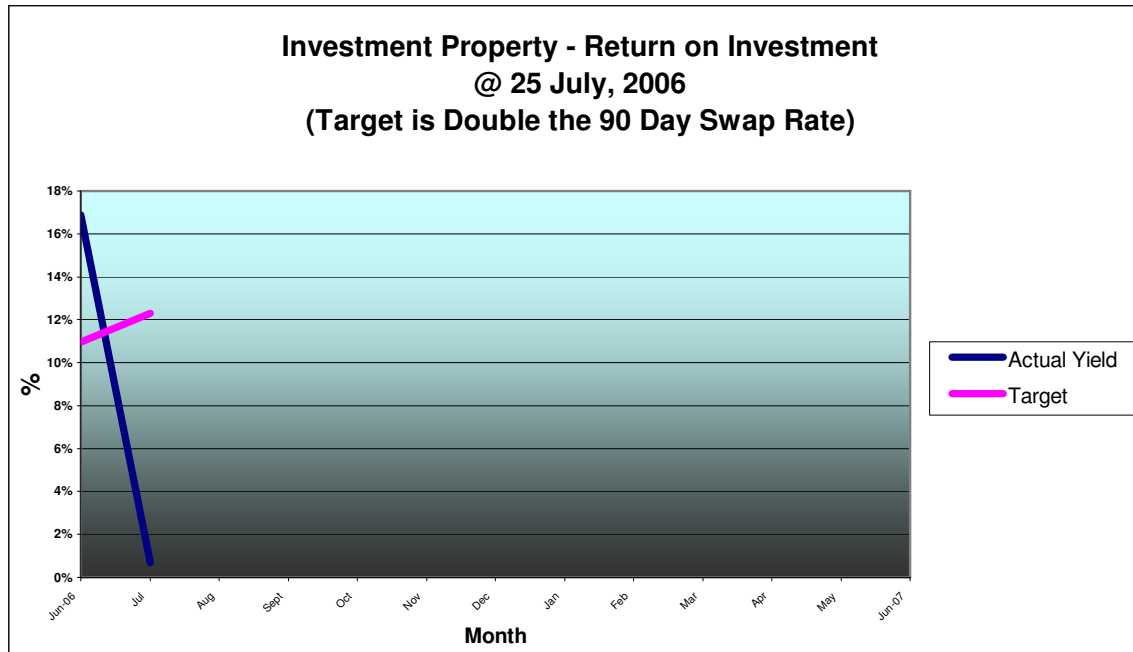
P GESLING

RISK MANAGEMENT



PROPERTY





ORGANISATION DEVELOPMENT

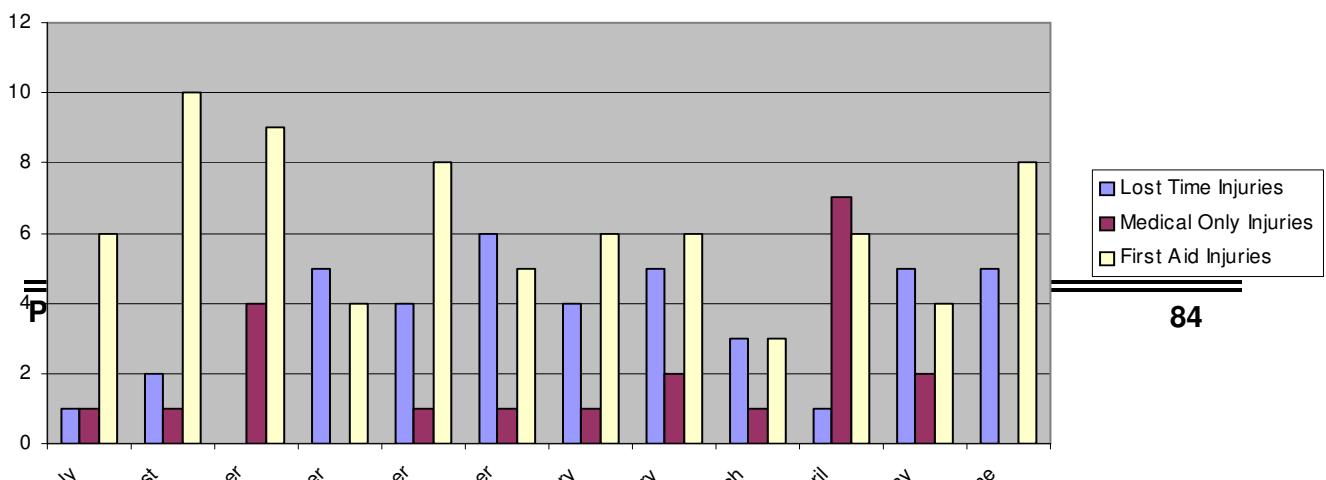
Resignations

Employee	Section	Date
▪ Fay Stamp	Corporate Caterer	09/06/2006
▪ Trent Wink	Senior Policy Planner	30/06/2006
▪ Hayden Ryan	Student Health and Building Surveyor	30/06/2006
▪ Lynda Hirst	Planner	02/06/2006

New Staff

Employee	Section	Date
▪ Joshua Crooks	PC Support Officer	19/06/2006
▪ Leah Potts	Library Assistant	26/06/2006
▪ Sheridan Powell	Customer Service Officer	06/06/2006

Lost Time Injury

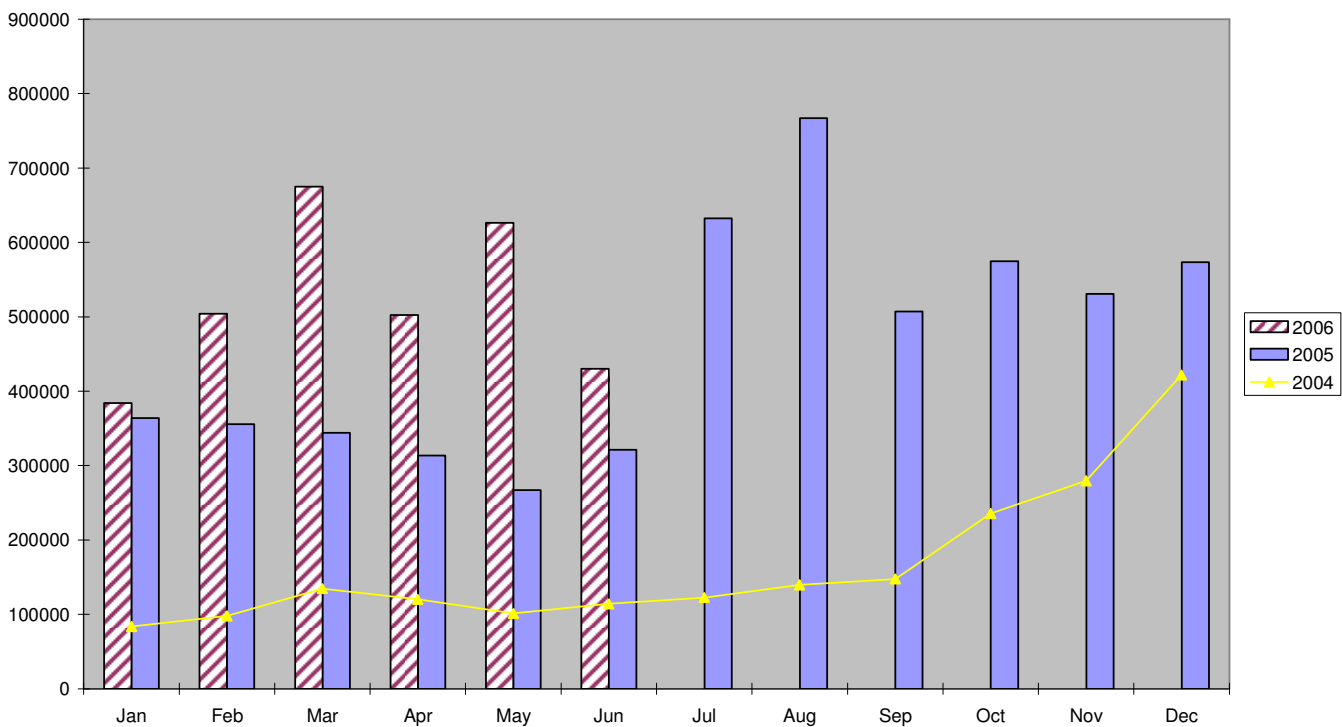




RESOURCES

- PC Rollout has begun. Approximately 170 PC's to be rolled out over the next 3 months.
- IT Co-ordinator position has been filled by Stephen Kay.
- New Backup Server has been commissioned.
- Construction started on the 1st May 2006 for the new ladies change room and toilets at Raymond Terrace Depot and the installation of the stormwater treatment system will start mid June 2006.
- Work Method Statements are now formulated for the workshops and being reviewed by staff.

Port Stephens WebPage Hits



**STRATEGIC
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: PSC2006-1590

PORT STEPHENS LIBRARY PUBLIC INTERNET ACCESS POLICY

REPORT OF: PHILIP CROWE – COMMUNITY & LIBRARY SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the current Public Internet Access Policy contained in **ATTACHMENT 1**
 - 2) Adopt the revised Public Internet Access Policy contained in **ATTACHMENT 2**
-

STRATEGIC COMMITTEE MEETING – 1 August 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

649	Councillor Nell Councillor Brown	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to advise Council that the Public Internet Access Policy has been reviewed and requires a minor change to reflect the updated NSW Library Regulation 2005 and inclusion of the following policy statements:

- 1.1 General access - online games sessions
- 8.2 Conditions of use – bookings and time allocation

Shaded text has been used in the revised policy statement to highlight the changes outlined in attachment 2.

Port Stephens Library recognises the rapid advances in technology and the changing information needs of its community. The Internet has allowed the Library to expand its collection beyond the physical confines of its buildings, and to develop and offer new services. The Library provides free and equitable access to the Internet to all individuals and groups within the community in order to meet their information, education and recreation needs.

The policy is based on Public Internet Access Guidelines for Public Libraries, which were drafted by a working group comprising NSW State Library, Metropolitan Public Library Association (MPLA) and Country Public Library Association representatives (CPLA). The guidelines were formally adopted by both the MPLA and CPLA and are available online at http://www.cpla.asn.au/misc/net_guidelines.html

LINKS TO CORPORATE PLANS

Under the Key Result Area of Lifestyle, Strategic Direction number 8.2.1, the Council Plan 2006-2009 requires Council to “provide a range of quality, affordable and accessible facilities and services”.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Nil

Australian Business Excellence Framework

This aligns with Principles 1, 3, 4, 6, 8,10 and 11 of the ABEF Framework:

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) To improve the outcome, improve the system and its associated processes
- 6) Continual improvement and innovation depend on continual learning
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation’s ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Library’s provision of equitable access to a broad range of information provides a basis for independent decision-making and constructive community participation.

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this policy.

CONSULTATION

The original policy was reviewed by the Library Management Team in consultation with library staff. The revised policy has been reviewed by the Library Services Manager.

OPTIONS

- 1) Adopt recommendations
- 2) Reject policy changes
- 3) Amend policy changes

ATTACHMENTS

- 1) Public Internet Access Policy as adopted on 28 October 2003
- 2) Revised Public Internet Access Policy

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Adopted: 28.10.03
Minute No: 439
Amended:
Minute No:

FILE NO: R7520-04

TITLE: PORT STEPHENS LIBRARY PUBLIC INTERNET ACCESS POLICY

RESPONSIBLE OFFICER: KERYL COLLARD

BACKGROUND

Port Stephens Library recognises the rapid advances in technology and the changing information needs of its community. The Internet has allowed the Library to expand its collection beyond the physical confines of its buildings, and to develop and offer new services. The Library provides free and equitable access to the Internet to all individuals and groups within the community in order to meet their information, education and recreation needs.

The policy is based on Public Internet Access Guidelines for Public Libraries, which were drafted by a working group comprising NSW State Library, Metropolitan Public Library Association (MPLA) and Country Public Library Association representatives (CPLA). The guidelines were formally adopted by both the MPLA and CPLA and are available online at http://www.cpla.asn.au/misc/net_guidelines.html

OBJECTIVE

- To manage the provision of public access services to the Internet in Port Stephens Library branches.
- To provide a clear statement of acceptable use of the Internet in Port Stephens Library branches.

PRINCIPLES

- 1) The Internet is an important information resource.
- 2) Access to the Internet is provided free as a core library service.
- 3) Public libraries have a role as an unbiased source of recorded knowledge and ideas.
- 4) The Internet is an unregulated medium and the library cannot be held responsible for its content or use.

5) POLICY STATEMENT

1. Access

1.1 General

- Access to the Internet is free to all library customers.
- The library does not accept responsibility for the accuracy of information on the Internet, or for any consequences that may arise from use of that information.
- The library does not have control over information available on the Internet. As some Internet sources may cause offence to some people, users are asked to be sensitive to the values and beliefs of others when displaying potentially controversial information or images on computer screens located in public areas.
- The library does not support the use of filtering or censorship technologies for Internet access. Public libraries have a role in promoting the free exchange of different points of view on current and historical issues.

1.2 Children

- Parents and guardians are responsible for their children's access to library resources, including online information.
- Children under the age of 16 must have the consent of their parent/guardian before using the Internet in the library.
- Parents and guardians are encouraged to work with their children in using the Internet. Library staff are available to assist with children's information needs, but the library does not accept responsibility for monitoring their Internet access.

2. Illegal and inappropriate use

- Library customers must not use the Internet or email to transmit material and/or statements that are:
 - Illegal, fraudulent or part of an unlawful activity;
 - Slanderous, libellous or defamatory;
 - Offensive, obscene, pornographic or in bad taste;
 - Abusive or threatening of violence;
 - Incitement to break the law;
 - Harassment based on sex, age, race, disability or other protected status;
 - Anonymous or repeated messages designed to threaten, annoy or torment;
 - Linked with online gambling.

3. Copyright

- Users are responsible for complying with international and federal laws protecting copyrighted material.
- The library has no liability or responsibility resulting from copyright infringement by users.

5. Privacy

- The library respects users' rights to privacy and does not monitor the information or sites accessed by clients. However, the library may be required to provide Internet logs to officers legally empowered to investigate into use of the Internet where there are reasonable grounds for that officer to suspect illegal use.

6. Security

- Security in the electronic environment cannot be guaranteed. Clients are warned that all Internet transactions and communications are vulnerable to unauthorised use.
- The library assumes no responsibility arising from a client's use of particular sites.

7. Assistance and Training

- Library staff will assist Internet users to locate information.
- The library offers introductory Internet and Email courses as part of its role in facilitating information and computer literacy.

8. Conditions of use

8.1 Membership

- The library prefers Internet users to register as members, although it is not necessary to join the library to use this service.
- Users under the age of 16 require the signed permission of a parent or guardian.

8.2 Using information

- Users may print, save or distribute information, in accordance with copyright requirements.
- Downloading to disk is permitted, if disks are purchased from the library.

8.3 Email

- The use of email as a means of receiving or distributing information qualifies it as a core library service which is available free of charge.

8.4 User responsibilities

- Users must not damage library equipment, or any other PC or software settings.
- Users must not knowingly propagate a computer virus.
- Users must not change the security settings that protect the PC operating system.
- Library staff should be notified if any problems are experienced with Internet computers.

8.5 Infringement of conditions of use

- Users who do not comply with the library's conditions of use may have their Internet session terminated or be denied further access to the service. This is in accordance with Section 17 of the Library Regulation 2000, which states that:

A library staff member may direct any person to leave the library, and not to re-enter the library for such period as the staff member directs, if the staff member is of the opinion that the person has contravened any provision of the Library Regulation, or the person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.

- Access and display of pornographic material constitutes an offence punishable by law under Section 25 of the Classification (Publications, Films and Computer Games) Enforcement Act 1995, which states that:

A person must not leave in a public place, or display in such a manner as to be visible to persons in a public place: a submittable publication, or a publication classified Category 1 restricted, Category 2 restricted or RC.

9. Fees

- The library provides free access to the Internet, including Email, as part of its mission in meeting the information needs of the community. This complies with Section 10 of the Library Act (1939), which states that:

Any person (whether or not a member of the library) is entitled free of charge access to any book of the library, and to any information forming part of the information service of the library for use on library premises.

RELATED POLICIES

Nil

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Library's provision of equitable access to a broad range of information provides a basis for independent decision-making and constructive community participation.

ECONOMIC IMPLICATIONS

Provision of equal opportunity to all individuals and groups in the community for access to information, regardless of financial status.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this policy.

RELEVANT LEGISLATIVE PROVISIONS

NSW Library Act 1939

NSW Library Regulation 2000

Broadcasting Services Amendment (Online Services) Act 1999

Classification (Publications, Films and Computer Games) Enforcement Act 1995

IMPLEMENTATION RESPONSIBILITY

Library Services staff

REVIEW DATE

June 2005

ATTACHMENT 2
REVISED POLICY



Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2006-1590

TITLE: PORT STEPHENS LIBRARY PUBLIC INTERNET ACCESS POLICY

RESPONSIBLE OFFICER: LIBRARY SERVICES MANAGER

BACKGROUND

Port Stephens Library recognises the rapid advances in technology and the changing information needs of its community. The Internet has allowed the Library to expand its collection beyond the physical confines of its buildings, and to develop and offer new services. The Library provides free and equitable access to the Internet to all individuals and groups within the community in order to meet their information, education and recreation needs.

The policy is based on Public Internet Access Guidelines for Public Libraries, which were drafted by a working group comprising NSW State Library, Metropolitan Public Library Association (MPLA) and Country Public Library Association representatives (CPLA). The guidelines were formally adopted by both the MPLA and CPLA and are available online at http://www.cpla.asn.au/misc/net_guidelines.html

OBJECTIVE

- To manage the provision of public access services to the Internet in Port Stephens Library branches.
- To provide a clear statement of acceptable use of the Internet in Port Stephens Library branches.

PRINCIPLES

- 1) The Internet is an important information resource
- 2) Access to the Internet is provided free as a core library service
- 3) Public libraries have a role as an unbiased source of recorded knowledge and ideas

- 4) The Internet is an unregulated medium and the library cannot be held responsible for its content or use

6)

POLICY STATEMENT

1. Access

1.1 General

- Access to the Internet is free to all library customers.
- The library does not accept responsibility for the accuracy of information on the Internet, or for any consequences that may arise from use of that information.
- The library does not have control over information available on the Internet. As some Internet sources may cause offence to some people, users are asked to be sensitive to the values and beliefs of others when displaying potentially controversial information or images on computer screens located in public areas.
- The library does not support the use of filtering or censorship technologies for Internet access. Public libraries have a role in promoting the free exchange of different points of view on current and historical issues.
- *Playing online games is limited to half hour sessions and two computers.*

1.2 Children

- Parents and guardians are responsible for their children's access to library resources, including online information.
- Children under the age of 16 must have the consent of their parent/guardian before using the Internet in the library.
- Parents and guardians are encouraged to work with their children in using the Internet. Library staff are available to assist with children's information needs, however the library does not accept responsibility for monitoring their Internet access.

2. Illegal and inappropriate use

- Library customers must not use the Internet or email to transmit material and/or statements that are:
 - Illegal, fraudulent or part of an unlawful activity;
 - Slanderous, libellous or defamatory;
 - Offensive, obscene, pornographic or in bad taste;
 - Abusive or threatening of violence;
 - Indictment to break the law;
 - Harassment based on sex, age, race, disability or other protected status;
 - Anonymous or repeated messages designed to threaten, annoy or torment.

3. Copyright

- Users are responsible for complying with international and federal laws protecting copyrighted material.
- The library has no liability or responsibility resulting from copyright infringement by users.

5. Privacy

- The library respects users' rights to privacy and does not monitor the information or sites accessed by clients. However, the library may be required to provide Internet logs to officers legally empowered to investigate use of the Internet where there are reasonable grounds for that officer to suspect illegal use.

6. Security

- Security in the electronic environment cannot be guaranteed. Clients are warned that all Internet transactions and communications are vulnerable to unauthorised use.
- The library assumes no responsibility arising from a client's use of particular sites.

7. Assistance and Training

- Library staff will assist Internet users to locate information.
- The library offers introductory Internet and Email courses as part of its role in facilitating information and computer literacy.

8. Conditions of use

8.1 Membership

- The library prefers Internet users to register as members, although it is not necessary to join the library to use this service.
- Users under the age of 16 require the signed permission of a parent or guardian.

8.2 Bookings and Time Allocation

- Users must make a booking with library staff before accessing the computers.
- Bookings may be cancelled and/or reallocated if the customer does not arrive within 10 minutes of the scheduled starting time.
- Bookings are limited to an initial one hour of Internet use per session. If there are no other bookings or requests to use the computer, the hour can be extended in half hour blocks depending on demand.
- Should another customer request to use the computer, the current user will be allowed up to 10 minutes to complete their session.

8.3 Using information

- Users may print, save or distribute information in accordance with copyright requirements.
- Downloading to disk is permitted if disks are purchased from the library.

8.3 Email

- The use of email as a means of receiving or distributing information qualifies it as a core library service which is available free of charge.

8.4 User responsibilities

- Users must not damage library equipment, or any other PC or software settings.
- Users must not knowingly propagate a computer virus.
- Users must not change security settings that protect the PC operating system.
- Library staff should be notified if any problems are experienced with Internet computers.

8.5 Infringement of conditions of use

- Users who do not comply with the library's conditions of use may have their Internet session terminated or be denied further access to the service. This is in accordance with Section 17 of the Library Regulation 2000, which states that:

A library staff member may direct any person to leave the library, and not to re-enter the library for such period as the staff member directs, if the staff member is of the opinion that the person has contravened any provision of the Library Regulation, or the person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.

- Access and display of pornographic material constitutes an offence punishable by law under Section 25 of the Classification (Publications, Films and Computer Games) Enforcement Act 1995, which states that:

A person must not leave in a public place, or display in such a manner as to be visible to persons in a public place: a submittable publication, or a publication classified Category 1 restricted, Category 2 restricted or RC.

9. Fees

- The library provides free access to the Internet, including Email, as part of its mission in meeting the information needs of the community. This complies with Section 10 of the Library Act (1939), which states that:

Any person (whether or not a member of the library) is entitled free of charge access to any book of the library, and to any information forming part of the information service of the library for use on library premises.

RELATED POLICIES

Nil

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Library's provision of equitable access to a broad range of information provides a basis for independent decision-making and constructive community participation.

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this policy.

RELEVANT LEGISLATIVE PROVISIONS

NSW Library Act 1939

NSW Library Regulation 2005

Broadcasting Services Amendment (Online Services) Act 1999

Classification (Publications, Films and Computer Games) Enforcement Act 1995

IMPLEMENTATION RESPONSIBILITY

Library Services staff

REVIEW DATE

September 2007

ITEM NO. 2

FILE NO: PSC2006-1589

POLICY FOR THE WAIVING OF OVERDUE LIBRARY ITEM CHARGES

REPORT OF: PHILIP CROWE – COMMUNITY & LIBRARY SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the policy for the waiving of overdue library item charges provided in Attachment 1.
-

STRATEGIC COMMITTEE MEETING – 1 August 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

650	Councillor Jordan Councillor Dover	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to address the matter of customer requests to reduce or waive overdue library item charges and to formulate a Council policy in response to the issue.

Library staff are often required to respond to customer requests for the reduction or waiving of overdue charges due to the late return of library items. This policy outlines the criteria under which applications for the reduction or waiving of overdue charges can be made and the circumstances under which applications will be considered. Generally charges will only be reduced or waived as a result of extenuating or unforeseen circumstances such as accident or illness. This policy enables library staff to make decisions based on individual customer circumstances and provides for staff to refer more complex requests to a branch supervisor where necessary.

LINKS TO CORPORATE PLANS

Under the Key Result Area of Lifestyle, Strategic Direction number 8.2.1, the Council Plan 2006-2009 requires Council to “provide a range of quality, affordable and accessible facilities and services”.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Nil

Australian Business Excellence Framework

This aligns with Principles 1, 3, 4, 8 and 10 of the ABEF Framework:

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) To improve the outcome, improve the system and its associated processes
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

While the overdue charge per item is usually minimal, the overall cost incurred by customers may impact on their future use of the library service. Overdue charges are designed to discourage borrowers from keeping materials beyond their allocated loan period, which disadvantages other users.

Overdue charges assist in the management and maintenance of library collections and resources, providing equitable access to information and a greater social benefit to the wider community.

ECONOMIC IMPLICATIONS

The library service is not dependant on revenue gained through overdue charges. These charges are designed to encourage users to renew their loans or to return items by the due date so that other customers may access them.

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this policy.

CONSULTATION

Library staff and customers were consulted in the development of this policy. If approved, staff and customers will be informed of the new policy through training and improved communication tools.

OPTIONS

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

ATTACHMENTS

- 1) Draft Policy for the waiving of overdue library item charges

TABLED DOCUMENTS

Nil

ATTACHMENT 1
DRAFT POLICY



Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2006-1589

TITLE: REDUCTION OR WAIVING OF OVERDUE LIBRARY ITEM CHARGES

RESPONSIBLE OFFICER: LIBRARY SERVICES MANAGER

BACKGROUND

Library staff are often required to respond to customer requests for the reduction or waiving of overdue charges due to the late return of library items. This policy outlines the criteria under which applications for the reduction or waiving of overdue charges can be made and the circumstances under which applications will be considered. Generally charges will only be reduced or waived as a result of extenuating or unforeseen circumstances such as accident or illness. This policy enables library staff to make decisions based on individual customer circumstances and provides for staff to refer more complex requests to a branch supervisor where necessary.

OBJECTIVE

1. To assist staff when receiving customer requests to reduce or waive overdue library item charges.
2. To provide a framework where customers can apply for a reduction or waiver of overdue library item charges.

PRINCIPLES

- 1) Council will treat all people fairly and consistently under this policy.
- 2) Council will recognise genuine application of this policy and will treat people with respect.
- 3) Council recognises the importance of establishing overdue charges as a management tool for ensuring that all items are returned on time and that all customers have full and equitable access to these items.

POLICY STATEMENT**1. Initial Requirement**

Requests for the reduction or waiving of overdue charges will only be considered once overdue items have been returned to the library.

2. Waiving of Overdue Charges

Overdue charges in an amount that exceeds staff delegation will be waived on the following grounds:

- Serious Illness of customer or immediate family member
- Accident involving customer or immediate family member
- Death of customer or immediate family member
- Presentation of Medical Certificate or Statutory Declaration

3. Reduction of Overdue Charges

There may be additional grounds under which customers can make an application for the reduction or waiver of overdue charges. These criteria are outlined in branch guidelines. Each application will be considered on its merits after library staff or the branch supervisor speaks with the customer.

Staff and supervisors will consider individual circumstances and the customer's explanation for the late return of items. Taking into account all circumstances, two further categories may apply:

1. Library discretion
2. Library error

4. Staff Delegations

The following delegation to reduce or waive overdue charges is provided to all relevant library staff via the General Manager. The General Manager currently has delegation to write-off rates and charges under the Local Government (General) Regulations 2005, once approved by Council..

Staff Category	Delegation
General Library Staff (Library Assistants & Library Technicians)	Up to \$20.00
Branch Librarian (Supervisor)	Up to \$100.00
Library Manager	Up to \$500.00

RELATED POLICIES

Nil

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

While the overdue charge per item is minimal, the overall cost incurred by customers may impact on their future use of the library service. Overdue charges are designed to discourage borrowers from keeping materials beyond their allocated loan period, which disadvantages other users. Overdue charges assist in the management and maintenance of library collections and resources, providing equitable access to information and a greater social benefit to the wider community.

ECONOMIC IMPLICATIONS

The library service is not dependant on revenue gained through overdue charges. These charges are designed to encourage users to renew their loans or to return items by the due date so that other customers may access them.

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this policy.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993
NSW Library Act 1939
NSW Library Regulation 2005

IMPLEMENTATION RESPONSIBILITY

Library Services Staff

REVIEW DATE

September 2007

ITEM NO. 3

FILE NO: A2004-0081

POLICY REVIEW – NO SMOKING POLICY IN COUNCIL OWNED OR MANAGED BUILDINGS

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the No Smoking Policy in Council Owned or Managed Building adopted 23 October 2001 contained in **ATTACHMENT 1** of this report.
 - 2) Adopt the No Smoking Policy in Council Owned or Managed Building contained in **ATTACHMENT 2** of this report.
-

STRATEGIC COMMITTEE MEETING – 1 August 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

651	Councillor Hodges Councillor Jordan	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is for Council to review the No Smoking Policy in Council owned or managed buildings.

Given a new Occupational Health & Safety Act was recently passed by Parliament and fact that the policy was due for review, the No Smoking Policy has been reviewed and minor changes have been made shown in **ATTACHMENT 2** in bold.

LINKS TO CORPORATE PLANS

Corporate Accountability – Our Council is open, transparent and accountable in its decision-making

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Council as an employer has a responsibility to the employees of Council and also the community to ensure their safety and wellbeing, along with the obligations under the Occupational Health & Safety Act.

Australian Business Excellence Framework

This aligns with the following ABEF Principles. (Please delete what is not applicable)

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Improved air quality in the workplace and other community owned facilities for the users of the facilities.

CONSULTATION

Executive Team
Occupational Health & Safety Coordinator

OPTIONS

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

ATTACHMENTS

- 1) The No Smoking Policy to be revoked

- 2) The new No Smoking Policy

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Adopted: 23/10/2001
Minute No: 442
Amended:
Minute No:

FILE NO: R7100-061

TITLE: NO SMOKING POLICY IN COUNCIL OWNED OR MANAGED BUILDINGS

BACKGROUND

No smoking restrictions have applied in Council workplace buildings since 1989. In 1998 (Min No 002), Council adopted a policy prohibiting smoking in all Council owned or managed community buildings. Since that time no smoking practises have been adopted throughout Council's operations including the Council's Holiday Parks and Commercial buildings.

OBJECTIVE

To promote a non-smoking environment within the confines of all buildings owned or managed by Council.

PRINCIPLES

- 7) Buildings provided by Council are for the use and enjoyment of the entire community. Smoking in these buildings constitutes a risk and has the potential to restrict access for individuals.
- 8) There are substantial health risks related to passive and active smoking.
- 9) There is a risk of accidental fire where smoking is prevalent.
- 10) Council seeks to minimise the risks for the community related to the use of its buildings.
- 11) The majority of smokers, as well as non-smokers, agree that the health of non-smokers can be damaged by other people's tobacco smoke. (Study by Hill, Borland and Naccarella for the NSW Cancer Council – 1992)
- 12) Council seeks to minimise the negative environmental impacts of the incorrect disposal of cigarette butts through the development and provision of educational programs.

POLICY STATEMENT

Smoking is not allowed within the confines of all buildings owned or managed by Council. For the purposes of this policy, the confines refers to any area under the roofline of the building.

RELATED POLICIES

Smoking Ban Policy

REVIEW DATE

Council will undertake review of the policy within 3 years after the date of its adoption. Should amendments to any relevant legislation occur within that 3 year period, review will take place as near as possible to the commencement of such amendments.

RELEVANT LEGISLATIVE PROVISIONS

Occupational Health and Safety Act 2000 (NSW)

IMPLEMENTATION RESPONSIBILITY

All staff responsible for the management of Council owned or managed buildings
13)

ATTACHMENT 2



Adopted: 23/10/2001
Minute No: 442
Amended:
Minute No:

FILE NO: A2004-0081

TITLE: NO SMOKING POLICY IN COUNCIL OWNED OR MANAGED BUILDINGS

BACKGROUND

No smoking restrictions have applied in Council workplace buildings since 1989. In 1998 (Min No 002), Council adopted a policy prohibiting smoking in all Council owned or managed community buildings. Since that time no smoking practises have been adopted throughout Council's operations including the Council's Holiday Parks and Commercial buildings.

The new Occupational Health and Safety Act states that we will ensure the health of all persons in and around buildings used as a place of work.

OBJECTIVE

To **ensure** a non-smoking environment within the confines of all buildings owned or managed by Council.

PRINCIPLES

- 14) Buildings provided by Council are for the use and enjoyment of the entire community. Smoking in these buildings constitutes a risk **to all that use the building/s.**
- 15) There are substantial health risks related to passive and active smoking.
- 16) There is a risk of accidental fire where smoking is prevalent.
- 17) Council seeks to minimise the risks for the community related to the use of its buildings.
- 18) The majority of smokers, as well as non-smokers, agree that the health of non-smokers can be damaged by other people's tobacco smoke. (Study by Hill, Borland and Naccarella for the NSW Cancer Council – 1992)

- 19) Council seeks to minimise the negative environmental impacts of the incorrect disposal of cigarette butts through the development and provision of educational programs.

POLICY STATEMENT

Smoking is not allowed within the confines of any buildings owned or managed by Council. For the purposes of this policy, the confines refers to any area under the roofline **or the amenities area** of any building.

RELATED POLICIES

Nil

REVIEW DATE

Every 2 years or as required.

RELEVANT LEGISLATIVE PROVISIONS

Occupational Health and Safety Act 2000 (NSW)

IMPLEMENTATION RESPONSIBILITY

All staff responsible for the management of Council owned or managed buildings
20)

ITEM NO. 4

FILE NO: PSC2005-3693

OPEN SPACE CONSOLIDATION REVIEW

REPORT OF: JASON LINNANE - RECREATION SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

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

STRATEGIC COMMITTEE MEETING – 1 August 2006

RECOMMENDATION:

That the recommendation be adopted.

Tabled Document: Open Space Consolidation Review

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

652	Councillor Hodges Councillor Jordan	It was resolved that the recommendation be adopted.
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Tabled Document: Open Space Consolidation Review

BACKGROUND

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

Council staff recently completed a two (2) year internal review of the open space system across the Local Government Area (LGA) and have finalised a list of community land parcels (as tabled) for consideration for reclassification and associated actions. Subsequent to site reclassification individual site management will be improved and may include a range of outcomes as outlined in the tabled documents.

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

Through this review process Council staff have identified an opportunity to improve the open space system of Council owned community land through the reclassification of a number of the parcels acquired in such a manner. The reclassification of the identified parcels for operational purposes will allow for increased flexibility in how the land is managed in the future and move from a quantity to quality approach of open space management.

This review proposes to reclassify a total of approximately 10 hectares equating to only 1% of the total open space area within the LGA. In some cases the review also provides the potential to generate an appropriate income source. Income generated from this process will further assist in the embellishment of other areas of open space within the LGA. This approach is consistent with Councils asset management directive and will move towards a more sustainable approach of open space management in the future.

A complete history of the process to date including the rationale behind the open space consolidation review is provided within the tabled document. The tabled document also provides a detailed list of individual parcel information, deployment flow chart of the reclassification process and potential financial benefits.

Final recommendations are also consistent with the Community Services and Facility Strategy (1999) standards and the reclassification requirements prescribed by the Local Government Act (1993).

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

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

The estimated cost of the re-zoning proposal lodgement is approximately \$30,600 based on Council's current fees schedule for such processes. It is proposed that these costs be paid for out of future income from land sales resulting from the reclassification process and associated process identified in this report.

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

It should be noted that the net proceeds of sale by Council of land dedicated in accordance with a condition imposed under Section 94 of the Environmental Planning and Assessment Act 1979 must be dealt with as if the proceeds were a monetary contribution paid instead of a dedication. The indicative total land value for these sites is approximately \$475,000 with

\$405,000 acquired within West Ward and \$70,000 in East Ward (not withstanding the deduction of legal and other costs).

The balance of the net return to Council on the sale of parcels of land not acquired under Section 94 of the Environmental and Assessment Act, will become available, together with future ward funds and accumulated s94 funds, for future spending on priority and investment projects, following consultation with the community and further report to Council. The indicative total land value for these sites is approximately \$2,700,000 with \$2,625,000 acquired within East Ward and \$75,000 in Central Ward (not withstanding the deduction of legal and other costs). A further approximate annual return of \$5,000 through potential rental opportunities is also identified at this time in the West Ward that is to be used for asset rehabilitation within that Ward.

LEGAL AND POLICY IMPLICATIONS

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

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

As mentioned previously the net proceeds of sale by council of land dedicated in accordance with a condition imposed under Section 94 of the Environmental and Assessment Act 1979 must be dealt with as if the proceeds were a monetary contribution paid instead of a dedication.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 7) All people work IN a system, outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

Quality open spaces provide and cater for a large percentage of the community's passive recreation activities throughout the Local Government Area. Much of the current Tourist base contributing to the local economy utilise many areas and associated facilities that can be enhanced through embellishment and rehabilitation. The management and enhancement of these parks in a structured and sustainable manner will enhance these assets and associated benefits.

ENVIRONMENTAL IMPLICATIONS

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

The Environmental Services Section of Council provided an integral advisory role throughout the internal review process. Each parcel was investigated on an individual basis to determine the effect which reclassification or rezoning may have to the environmental integrity of the site and local environment. Any parcel that recorded any potential negative environmental implications as a result of re-zoning or re-classification were not subject to further review and were disregarded from this process.

CULTURAL IMPLICATIONS

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

CONSULTATION

Property Focus Group,
Environmental Services,
Traffic Planning, Property Section,
Town Planning Section
Engineering Services
Park Coordinators.
Councillor briefing
Executive Team

OPTIONS

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

ATTACHMENTS

- 1) Nil

TABLED DOCUMENTS

- 1) Open Space Consolidation Review Parcel listing and plans
- 2) Deployment Flow chart for the re-classification and re-zoning process
- 3) Potential financial benefits per Ward

ITEM NO. 5

FILE NO PSC2005-4388

WILLIAMS RIVER EROSION STUDY

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Williams River Erosion Study.
-

STRATEGIC COMMITTEE MEETING – 1 August 2006

RECOMMENDATION:

That the recommendation be adopted.

Tabled Document: Williams River Erosion Study Overview

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

653	Councillor Jordan Councillor Hodges	It was resolved that the recommendation be adopted.
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Tabled Document: Williams River Erosion Study Overview

BACKGROUND

The purpose of this report is to seek Council's endorsement of the Williams River Erosion Study.

The Williams River is a tributary of the Hunter River Estuary, located in the Lower Hunter region of New South Wales. Attachment 1 shows the 15 km estuarine reach of the Williams River that occurs between the Fitzgerald Bridge at Raymond Terrace and the Seaham Weir.

The estuarine reach of the river is home to a diversity of aquatic plants and animal ecosystems and is also an important site for recreation and visual amenity. The land adjacent to the river has been predominately cleared for agricultural use and large areas of the riparian zone are also scarcely vegetated.

The Hunter Estuary Processes Study, completed in November 2003, identified bank erosion in sections of the Williams River to be a significant issue for the Hunter Estuary. One

recommendation arising from this study was to identify bank erosion hotspots to enable prioritisation of areas for rehabilitation. The Healthy Rivers Commission of NSW which prepared the 1996 'Independent Inquiry into the Williams River,' also highlighted that the condition of the riverbank is of significant concern.

In recognition of these reports and of significant community concern regarding the ongoing erosion of the riverbank in the estuarine reach of the Williams River, Council initiated a study to further investigate these issues in December 2004. The \$43,500 cost of this study was funded jointly by the Port Stephens Environment Levy and NSW Government's Coast and Estuary Funding Program.

The aims of the study were to improve understanding of bank erosion processes along the estuarine reach of the Williams River, identify areas of slight, moderate and pronounced bank erosion and provide recommendations for rehabilitation, protection and management.

The specific objectives of the project included the following:

- 1) Identify and rank factors contributing to riverbank erosion along the estuarine reach of the Williams River;
- 2) Prioritise riverbank areas in need of rehabilitation as well as stable areas in need of continued protection;
- 3) Recommend management actions; and
- 4) Design a long-term monitoring program.

The company GHD won the tender for the project and completed the final draft of the report in June 2006. A copy of this report has been provided to Councillors under separate cover.

The methodology of the study along with its key findings and recommendations are summarised in the Executive Summary included in Attachment 2.

A map showing the location of the 14 erosion monitoring locations measured during the study period is included in Attachment 3.

LINKS TO CORPORATE PLANS

This report links to the achievement of Strategic Directions 2 and 3 within Key Result Area 3 (Environment) in the Council Plan 2005-2008: 'Preserve and enhance our heritage, biodiversity and environmental health' and 'Maintain and improve the quality of environment and recreation facilities'.

FINANCIAL/RESOURCE IMPLICATIONS

The report recommends a number of actions relating to ongoing management, rehabilitation and monitoring of the estuarine reach of the Williams River in order to improve its long term health and particularly, to reduce the incidence of river bank erosion. Starting in the 2007/08 budget Council has allocated \$5000 each year within the Environment Levy program to work with the community to implement an ongoing monitoring program, however it is not considered that funding the implementation of the broader recommendations included in the report is the responsibility of Council. As such, Council will work with relevant State

Government agencies with responsibilities for managing the river to progress implementation of the broader suite of recommendations included in the report.

LEGAL AND POLICY IMPLICATIONS

Nil

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 6) Continual improvement and innovation depend on continual learning
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The estuarine reach of the Williams River provides an important resource for recreational pursuits including water skiing and wake boarding, canoeing and fishing as well as contributing to the amenity value of the area for both residents and visitors. Implementation of the recommendations included in the report will contribute to improving the long term health of the waterway to enable its continued recreational use by all stakeholders.

ECONOMIC IMPLICATIONS

Economic benefits associated with the estuarine reach of the Williams River primarily include farming and agriculture as well as the business activity generated by residents and visitors to the area involved in recreational activities such as boating, fishing and canoeing. Implementation of the recommendations included in the report will contribute to improving the long term health of the waterway to enable its continued use by all stakeholders and therefore ongoing contribution to the local economy.

ENVIRONMENTAL IMPLICATIONS

Implementation of the recommendations of the report will contribute to the long term environmental health of the estuarine reach of the Williams River by reducing the key causes currently contributing to riverbank erosion.

CONSULTATION

A community consultation process was undertaken during the study that included 4 stakeholder workshops, making information available on and inviting feedback on Council's website and distribution of a newsletter inviting comment from landowners and key stakeholders. A technical project committee consisting of representatives from the

MINUTES FOR ORDINARY MEETING – 22 AUGUST 2006

Catchment Management Authority, Department of Natural Resources and Council was responsible for overseeing implementation of the project, with feedback also invited from the NSW Maritime Authority. Presentations providing an overview of the study and its outcomes have also been provided to the Hunter Coast and Estuary Management Committee, Port Stephens Myall Lakes Coast and Estuary Committee and the Williams River Consultative Group.

OPTIONS

- 1) Adopt, reject or amend the recommendation

ATTACHMENTS

- 1) Map showing estuarine reach of the Williams River
- 2) Executive Summary of the Williams River Erosion Study.
- 3) Map showing erosion monitoring locations

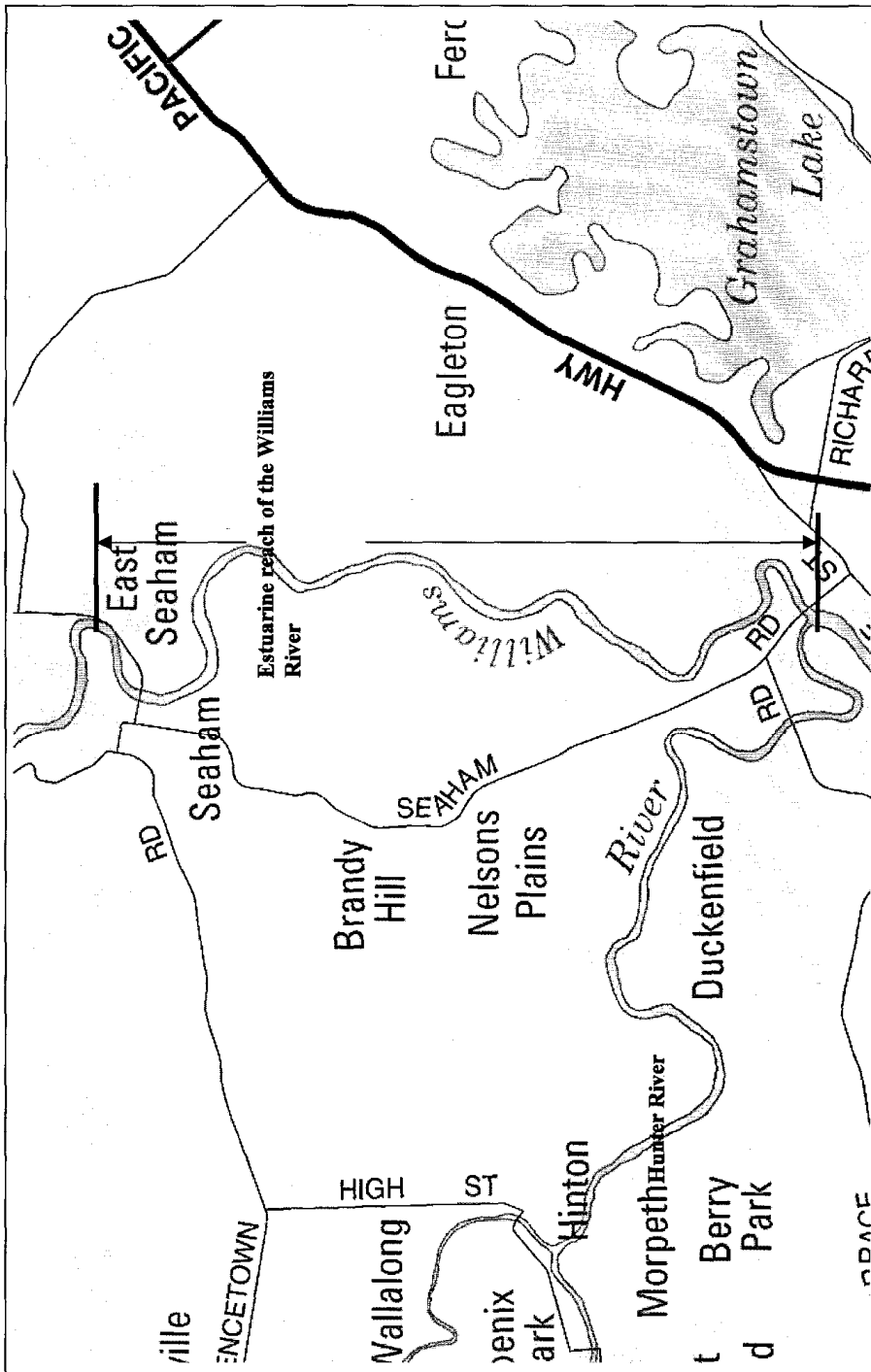
COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Williams River Erosion Study

ATTACHMENT 1
MAP SHOWING ESTUARINE REACH OF THE WILLIAMS RIVER



**ATTACHMENT 2
EXECUTIVE SUMMARY OF THE WILLIAMS RIVER EROSION STUDY**

GHD was commissioned by Port Stephens Council (PSC) to investigate bank erosion within the estuarine reach of the Williams River. The investigation was conducted over the period from December 2004 to November 2005 and included the following processes:

1. Community consultation to allow stakeholder input to the study process and to identify areas along the river of concern;
2. River bank condition assessment to identify bank attributes including:
 - Type and extent of riparian vegetation;
 - Types of adjoining land use;
 - Profile of the river bank;
 - Identifying types of erosion processes where applicable;
 - Bank structures including flood gates, bank protection works and boat ramps;
 - Potential locations for monitoring stations along the river; and
1. **Installation and monitoring of 14 bank stations to gauge the change in the bank profile over the study period.**

Community Consultation

The community consultation included:

- Posting information on Council's website;
- Written submissions and telephone calls; and
- Attendance at 4 stakeholder workshop sessions by Council and GHD staff.

A number of key issues were raised including concerns with recreational river use and adjoining land use causing bank erosion. A complete list of these is included in the Consultation Report in Appendix A of the study report.

River Bank Condition Assessment

The condition assessment identified a number of locations along the riverbanks that were actively eroding as well as banks that were relatively stable. Types of erosion observed in this initial assessment included:

- Attrition process where the bank's profile was uniformly eroded away. This is the most common erosion process identified within the study area;
- Undercutting where removal of the lower portion of the bank profile causes instability of the upper portion of the bank. This is the second most prevalent erosion process noticed within the river;
- On the lower section of the study area a significant bank slump was observed. Slumping is identified where portions of the bank slips into the river; and
- Block failures where block segments of the bank break away and are deposited into the river. This process was identified on the right bank in the lower portion of the study area.

The survey also identified that remnant riparian vegetation along the river was removed. The vegetation observed within and adjacent to the bank was as follows:

- Phragmites populations were generally located on top of the banks and in locations where high tide could inundate them. Phragmites growing within the banks of the river were generally located at the floodgates or where the berm of the bank was exposed during low tides. Phragmites located in other areas was generally formed in small clumps along the length of the study area;
- Riparian vegetation within the study area was generally limited to a one or two tree thick zone along the bank with the only significant population of trees located at Irrawang Swamp and in the upstream portion of the study area; and
- As grazing is the main land use along the river, grasses also form significant areas of vegetation.

The community consultation and the condition assessment identified locations that would be used as part of the ongoing monitoring of erosion within the Williams River.

Monitoring Assessment

Fourteen monitoring stations were set up along both sides of the river to assess the change in the bank profile and hence erosion of the riverbanks. The monitoring locations were chosen to allow comparison between areas of different erosion processes, vegetation types and adjacent land uses.

During the survey period, only monitoring station 10 exhibited measurable erosion of the bank profile. At this location, the erosion occurred between the January and April survey periods. This erosion was in the nature of a significant block failure.

While measurable erosion was only identified at one station, erosion was observed adjacent to several other stations during the study period. Evidence of this was through clumps of bank material being deposited into the river channel. This occurred along both sides of the river and along the lower two-thirds of the study area.

Key Findings

As measurable erosion was recorded at only one of the 14 monitoring stations during the study period it was difficult to identify the main causes of erosion within the river. This limited measurement was further hampered by the difficulties involved in quantifying the cumulative impact of individual processes and resulted in a qualitative assessment of the erosion impacts. It was concluded that different processes combine to leave banks in a permanently vulnerable condition potentially resulting in increased bank susceptibility during larger flood events.

During the assessment period, some erosion processes were observed that do indicate that, although limited in their ability to be measured, do cause erosion. These processes include:

1. Recreational boat wake providing waves that:
 - Progressively erode the banks;
 - Destabilise bank material that has fallen into the channel; and
 - Damage emergent vegetation.

Although the impacts of such processes were not quantified, visual observations during the survey period verified the impacts of wakes which included turbidity of the water and eroding of the talus (fallen bank material).

2. Land and river management practices including the removal of remnant riparian vegetation and adjoining land use including cattle access to the river;
3. Wind Waves whose impacts may have been increased through land and river management practices by the removal of mature trees from the riverbank reducing the rivers protection for wind effects. However an assessment of wind velocities and directions in relation to the river indicated that the highest wind waves generated would be approximately 20 cm;
4. Tidal Processes that can focus the effects of wave action onto specific areas of the banks as well as providing a process for the removal of bank material;
5. Different soil types along the river that responds to different influences. This includes soils that shrink/swell due to the tides causing both longitudinal and lateral soil fractures and block failure;
6. Flood Flows mobilising bank material that has been left in a vulnerable position due to other process;
7. River Encroachment /Migration which is a natural process of any river system and is the result of natural processes that have been listed. Bank erosion is part of this process and as such, the very nature of a river will involve bank erosion; and
8. The construction of the Williams River Seaham Weir, which would have reduced the volume of sediment transported into the tidal reach of the Williams River. As such, discharges from the weir have a greater potential to mobilise and transport sediment from areas immediately downstream of the weir, hence increasing the potential for bank erosion.

Williams River Recommendations

There have been four specific sites identified within this study that have been recommended to have specific bank remediation and structural works to stabilise and reduce the rate of bank erosion. These sites were chosen based on their erosion extent, susceptibility towards infrastructure and previous remediation works and community awareness. These sites are identified as, in order of priority:

1. Station 10 is the only location where erosion was measured at a survey site. This station has been subject to previous rehabilitation works including cattle exclusion from the bank, wave barriers and revegetation. These measures appear not to have stopped the erosion process and based on the location of in stream structures used to abate the process, the rate of bank material is significant. If this site is left without further remediation, then there is a possibility that previous rehabilitation works will be lost. Suggested methods for remediation include adopting a boating management plan or provide in stream works that include brush fencing and rock groins with water tolerant vegetation planted behind;
2. Station 1 where block failures were observed along a convex bend of the river. Due to the lack of deep-rooted plants on top of the bank, it appears that it is susceptible to

failure due to undercutting and rotation of the bank. The bank appears more susceptible to this process as the soils here exhibit cracking both parallel and perpendicular to the bank. Recommended rectification works for this area includes re-vegetating the bank with a mixture of endemic deep and shallow rooted plants to provide structure to the soil and prevent the soil fracturing process;

3. A large slumping failure was observed during the initial condition assessment adjacent to Station 2. This slumping failure potentially could deposit significant volumes of material into the river. The suggested method for remediation includes re-vegetation of the riparian area with endemic species of plants with particular focus on a mixture of deep-rooted plant species and shallow rooted ground covers. Additionally, in-stream bank protection works are also recommended that will absorb the energy of boat wakes, wind waves, flood flows and tidal currents; and
4. Station 3 in the area of “The Pines” is a highly visual site of erosion within the Williams River and was identified as an area of concern during the community consultation process. The process of undercutting in this area is a natural one but is most probably accelerated by other processes. These processes include boat wake, wind wave and lack of in-stream vegetation. Additionally, fallen trees that would naturally protect the riverbank from wave and flow forces have been removed. Recommended remediation measures for this area include boating management and structural works including different configurations of rock fillets and timber deflectors that dissipate and/or deflect flow and wave energy at locations.

Although only four sites were identified as a priority for remediation works, and the impacts of various erosion processes could not be readily quantified, the study did confirm that riparian vegetation removal, boat wake and cattle access did contribute to the erosion process. The impacts of these stressors are not the only erosion processes occurring along the river but they do represent processes that can be readily controlled.

Recommended measures to rehabilitate the banks of the Williams River are as follows:

1. **Riparian Management Plan involving the management of the riparian zone and restoration of riparian vegetation.**
 - The riparian vegetation of the river has been cleared with only small pockets of remnant vegetation remaining. A significant portion of the river has either no trees or limited stands consisting of one to two trees thick with little or no understorey species apart from grasses and/or phragmites. It is recommended that an endemic riparian restoration program be initiated to restore the rivers riparian buffer which will reduce bank erosion by creating windbreaks to reduce the frequency and intensity of wind generated waves and providing bank resistance through a mixture of deep rooted and shallow rooted plants stabilizing and binding the soil; and
 - A significant portion of the river affords cattle direct access to the river. The impacts of cattle accessing the river are varied and appear to be dependent on other processes. It is recommended that access to the bank by cattle be restricted to allow riparian vegetation to establish itself. Landholders fronting the Williams River will need to be involved in this process. It is recommended that an education program be prepared to inform landholders of the potential impacts their property has on the stability of the Williams River.

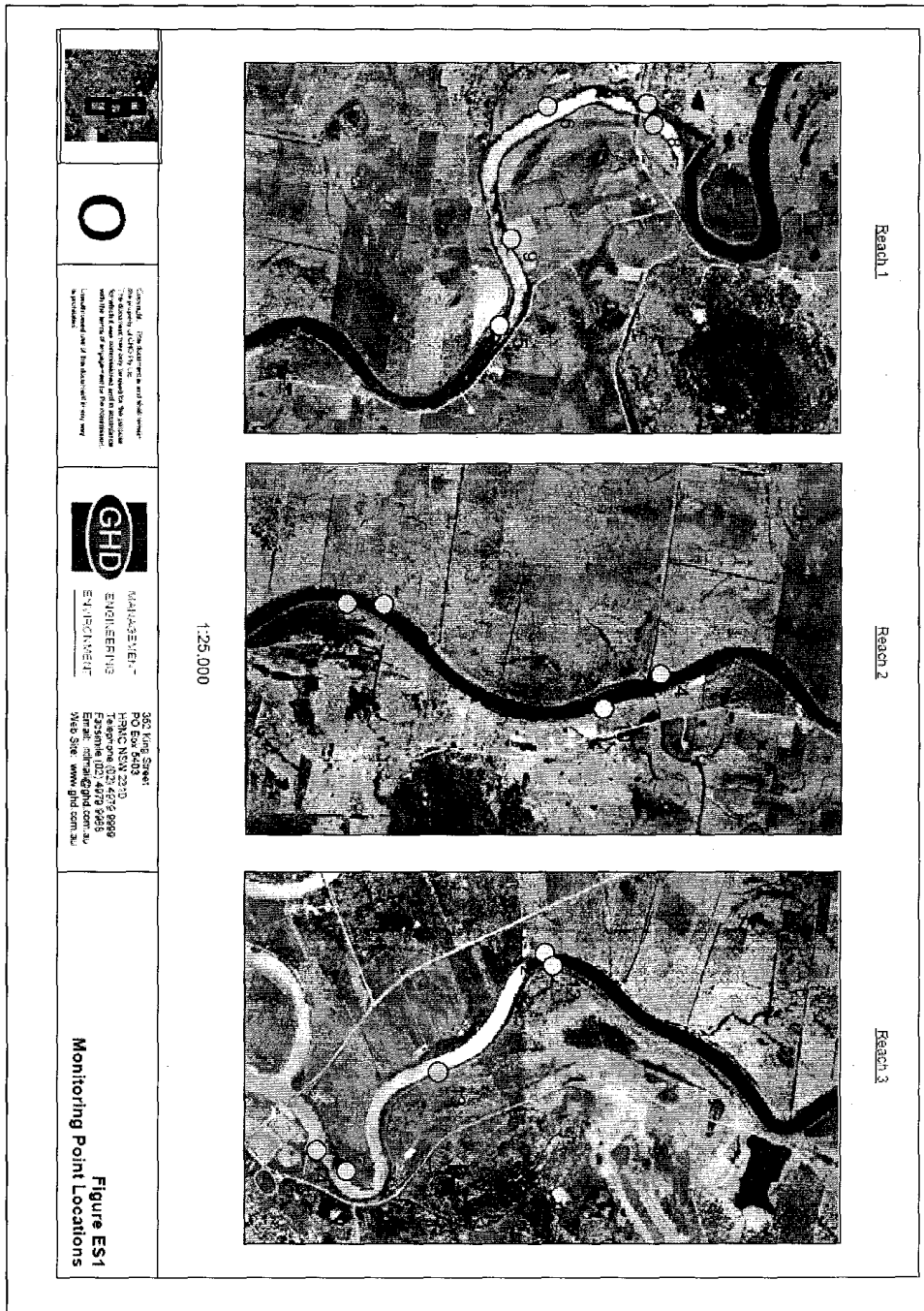
2. Boating Management Plan

Some boat wakes have been observed to result in erosion of the bank along the Williams River. As boating is not a natural process that does contribute to bank erosion, controlling impacts through development and implementation of a boating management plan should be considered.

The boating management plan would need to assess the potential impacts of boating practices and how the wake affects can be minimised. In particular, to assist in the remediation of the river including in-stream vegetation, it is recommended that an option to implement a no-wake zone through Reach 2 for an initial period of 3 years be considered. Reach 2 is recommended as no wash zone as:

- Reach 1 contains significant existing bank protection works and, where unprotected, minimal erosion was observed during the course of this study. While boating would remain relatively unrestricted through this reach, it is likely that fewer boats would travel to this reach due to the restriction in Reach 2, reducing erosion pressures here;
- Reach 2 exhibits ongoing erosion, even in areas where efforts have been made to reduce pressures on banks through stock fencing and boating management (restriction of power turns). This reach also contains two of the four priority sites as well as some of the more extensive areas of riparian vegetation, as observed at the Pines and Irrawang Swamp. Considering, the general lack of riparian vegetation along the Williams River estuary significant effort should be made to maintain, enhance and extend on these established vegetated areas; and
- Reach 3 contains the existing amenities such as the car parking and boat ramp and will therefore continue to be subject to boating pressures. However, if the restriction was to occur, consideration will need to be made of the probable increase in boating pressures in Reach 3, with the view that this reach would be the priority for any future structural works. If such a boating restriction were to occur, a monitoring program would be required to assess and evaluate the influence of the restriction on bank erosion and riparian vegetation. Following the initial three-year period, the restriction should be reviewed in consultation with major stakeholders.

ATTACHMENT 3
 MAP SHOWING EROSION MONITORING LOCATIONS



ITEM NO. 6

FILE NO: PSC 2005-4446

DRAFT ZONING PLAN

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Draft Submission (Attachment 1) to the Marine Parks Authority in relation to the Draft Zoning Plan for the Port Stephens-Great Lakes Marine Park.
-

STRATEGIC COMMITTEE MEETING – 1 August 2006

RECOMMENDATION:

That Council defers a decision on the Draft Submission to the Marine Park Authority on the Draft Zoning Plan for the Port Stephens – Great Lakes Marine Park until September to allow time to incorporate a number of issues arising from the Draft Marine Parks Amendment (Port Stephens – Great Lakes Marine Park) Regulation 2006.

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:		
654	Councillor Hodges Councillor Jordan	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is seek Council support for a submission to the Marine Park Authority in relation to the Draft Zoning Plan for the Port Stephens- Great Lakes Marine Park.

Summary

The Draft Zoning Plan for the Port Stephens – Great Lakes Marine Park is on public exhibition until the 23 September 2006. The Marine Park Authority (the Authority) briefed Council on the Draft plan on the 27th of June 2006. Discussions are currently being held between the Authority and Council officers to develop the framework for a Memorandum of Understanding (MOU) between Council and the Authority to help clarify some referral arrangements for Development Applications and other issues relating to estuary management. A separate report will be submitted to Council in September regarding the draft MOU for Council's consideration.

Given the timeframe for the submission, if Council wishes to defer a decision on the submission, it is possible to hold a special meeting on the second Tuesday in September to again consider this matter prior to the deadline.

Marine Park and Draft Zoning Plan

On the 1st December 2005 the NSW Government established the Port Stephens – Great Lakes Marine Park. The aim of the park is to preserve marine habitats, biological diversity and maintain ecological processes. Four zones will be created in the park, including:

- **Sanctuary**, which provides the highest level of protection for biological diversity, natural processes and natural and cultural features. Only activities that do not involve the harming any plant or animal, or causing any damage to or interference with natural or cultural features will be allowed. Only activities such as boating, swimming, diving, research and non-extractive commercial tour operations are allowed in these zones. These zones may also restrict any new commercial or industrial developments adjacent to these zones due to their sensitive nature.
- **Habitat Protection**, which provides for conservation of marine biodiversity by restricting certain activities. Most forms of fishing will be allowed in these zones as well as edible oyster farming.
- **General Use**, which provides for a wide range of uses including commercial and recreational activities including fishing. These zones are flexible and allow for most existing uses.
- **Special Purpose**, which allows for the management of places and features requiring special arrangements including cultural and heritage issues. Existing marinas and other similar commercial operations and maritime facilities are allowed in these zones. These are the most flexible zones as they can be tailored to the specific management requirements of a site/location.

Note: aquaculture is allowed to continue as per existing leases or identified expansion areas under the NSW Oyster Industry Sustainable Aquaculture Strategy.

The limit of the Marine Park is up to the mean high tide level.

As Councillors are aware, the Marine Park Authority will have a planning role within the estuary. For example: proposed wharves, jetties, aquaculture activities etc will need to be forwarded to the Authority for their approval. Development Applications for proposed activities adjacent to the Estuary that could have an impact on the park will need to be forwarded to the Authority for their comments.

To help clarify some of the referral requirements, the Marine Park Authority and Council will enter into a Memorandum of Understanding (MOU). This MOU will outline the sorts of proposals that need to be referred to the Authority for their comments or their concurrence. A separate information paper on the MOU process will be submitted to Council in September. The MOU will also consider other issues such as signage, wharves, jetties, beach hire, foreshore access, water quality issues and conflict resolution.

Draft Zoning Plan

The Draft Zoning Plan went on public exhibition in May this year. Submissions on the draft zones are to be lodged with the Marine Parks Authority by the 23rd of September 2006. The Draft Zoning Plan is available in the Councillors' Room.

Council staff have considered the likely impact of the Marine Park and the proposed zones and have drafted a submission which is attached as Attachment 1.

Issues that have been addressed in the submission include:

- The impact that Sanctuary Zones could have on recreational fishing in the Little Beach area. The submission suggests the creation of another Special Purpose Zone or Habitat Protection Zone to allow the continuation of recreational fishing off the beach and jetties at Little Beach.
- The impact that a Sanctuary Zone within Cromarty Bay would have on the existing oyster industry in that area. The submission suggests the creation of a Special Purpose Zone to compliment Council's Industrial Zoning of existing oyster businesses along Cromarty Bay foreshore.
- The submission highlights the importance of providing flexibility for existing residential development in Port Stephens where a Sanctuary Zone is proposed.
- A system of Regional Crown Reserves within Port Stephens will allow the State Government to conduct activities on Crown land that generates income for a Crown Lands Reserve Trust. Most of the profit from these activities will be used to enhance Crown Land or to reinvest in commercial activities on Crown Reserves. Council will retain its management role of most Crown Reserves, which includes wharves and jetties within the marine Park. The Department of Lands and Council are therefore liaising with the Marine Park Authority to ensure existing public assets within the Marine Park such as marinas, wharves and jetties are protected by Special Purpose Zones to allow appropriate expansion and maintenance activities.
- Planning matters have been raised in terms of Development Applications and the referral process that will be subject to an MOU. Strategic Planning issues also need to be addressed by both organisations and this will be the subject of further discussions with the Authority.
- Water quality and the Estuary Management Planning process have been raised as issues that require a cooperative approach between both organisations. The need for continued access to Council assets along the foreshore has also been included in the submission and this will also be included in the MOU.

LINKS TO CORPORATE PLANS

The draft Marine Park submission relates strongly to the Estuary Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

The financial implications associated with the Marine Park Zoning Plan will be limited, but difficult to quantify. The costs will be administrative, associated with referrals to the Marine Parks Authority. There will be some resource implications due to the referral mechanisms.

LEGAL AND POLICY IMPLICATIONS

There are a number of legal and policy implications associated with the Marine Park and the Zoning Plan. Before determining a development proposal within the Marine Park, Council will be required to:

- Take into consideration the objects of the Marine Park Act 1997.

If Council intends to grant consent to the proponent, the Council will need concurrent approval from the relevant Minister.

- Submit development applications to the Marine Park Authority where proposals may have an adverse impact on the Park in accordance with the Marine Park Act.

Australian Business Excellence Framework

This aligns with the following ABEF Principles. (Please delete what is not applicable)

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) to improve the outcome, improve the system and its associated processes
- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 9) All systems and processes exhibit variability, which impacts on predictability and performance
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The proposed Marine Park Zonings may have a number of social impacts including impacts on industrial land and recreational fishing. The draft submission seeks to address these issues.

There may be positive social impacts as well associated with increased tourism in some areas due to the Marine Park.

ECONOMIC IMPLICATIONS

There may be some economic impacts associated with changes to commercial and recreational fishing. There may also be a positive impact on tourism related income in some areas.

ENVIRONMENTAL IMPLICATIONS

The Marine Park and its Zoning Plan should result in an overall positive environmental impact, particularly in relation to the marine environment of Port Stephens.

CONSULTATION

Groups consulted with during the preparation of this report include the Department of Lands, Marine Park Authority, Department of Primary Industries and Council's Facilities & Services Group..

OPTIONS

- 1) Adopt the draft submission attached to this report.
- 2) Adopt the draft submission attached to this report with modifications.
- 3) Do not make any submission to the Marine Park Authority
- 4) Defer adoption of the draft submission until a Special Council Meeting on 12 September.

ATTACHMENTS

- 1) Draft Council Submission on the Zoning Plan

COUNCILLORS ROOM

- 1) Draft Zoning Plan

TABLED DOCUMENTS

Nil

**ATTACHMENT 1
DRAFT COUNCIL SUBMISSION ON THE ZONING PLAN**

Following a review of the draft zoning plan for the Marine Park, Council submits the following comments and suggestions.

Specific Comments on the Zones

Sanctuary Zones

The proposed Sanctuary Zone in Cromarty Bay is adjacent to existing businesses (oyster farming) located off Diemars Road and is zoned 4a Industrial General under the current Local Environment Plan. This zoning will make it problematic for these businesses to continue and/or expand their existing operations. It is suggested that the zone be adjusted to cater for existing development and a Special Purpose Zone be established in that area. It is further suggested that to compensate for the loss of some of the Sanctuary Zone, that the zone be extended to the east of Cromarty Bay adjacent to, and immediately north of, Taylors Beach.

Council has a number of other 4a Industrial General zonings adjoining the marine park. As a general comment, Council requests that an appropriate marine park zone be located in the marine park immediately adjacent to these zones, such that the existing commercial/industrial uses can continue, with expansion capacity where appropriate.

The proposed Sanctuary Zone at Little Beach will prevent beach fishing and fishing off the local jetties. Fishing by local residents and tourists has occurred in this manner for many years and it is evident that it has had little impact on the Aquatic Reserve. It is suggested therefore that a Specific Purpose Zone or Habitat Protection Zone be established close to the shoreline to allow the existing practice of beach and jetty fishing to continue.

A number of Sanctuary Zones will be adjacent to existing residential developments in Port Stephens. Council would like to be assured that these residents will not be disadvantaged by this zoning.

Council does not have any other concerns regarding the Sanctuary Zones in relation to their location.

Special Purpose Zones

The use of Special Purpose Zones is supported, particularly where there is existing infrastructure including publicly owned wharves, jetties and marinas. In this regard, Council would like to see all wharves, jetties and marinas that are located on Crown Land to be covered by a Special Purpose Zone. This will allow for the maintenance or where appropriate, the expansion of some of these assets.

Habitat Protection Zones

Council supports the location of the proposed Habitat Protection Zones.

General Use Zones

Council supports the location of the General Use Zones however there is a need to consider the establishment of Special Purpose Zones in some areas to protect existing Crown infrastructure as mentioned above.

Planning Issues

There is a need to ensure that Council and the Marine Parks Authority continues to work closely together in relation to planning issues in the Marine Park and its catchment. In this regard the Memorandum of Understanding that is being developed between the Authority and Council will provide a clear framework to facilitate this process. This relationship will be important not only for future development applications but also for long term strategic planning and operational matters within and adjacent to the marine park.

Estuary Management Issues and Foreshore Management

The Port Stephens Myall lakes Estuary and Coastal Management Committee in recent years developed an Estuary Management Plan for Port Stephens and The Myall Lakes. As part of this planning process, a Foreshore Management Plan is currently being developed. This plan will highlight foreshore issues that need to be addressed into the future including foreshore erosion, the most appropriate location for wharves and jetties, (and associated car parking areas), water quality issues, weed management, beach renourishment and loss of foreshore vegetation. This plan will be finalised later this year. Aesthetic issues are also an important consideration in any planning or restoration proposal within the estuary. Therefore this issue will need to be incorporated into future proposals by all groups involved in estuary management.

Council will need access to the foreshore within the marine park to carry out remedial and enhancement works including maintenance on Council assets, erosion control, and weed-management and mosquito control. These matters will need to be addressed in the MOU between Council and the Marine Parks Authority.

Water Quality

Water quality is a significant issue for the Estuary and this has been highlighted in the Estuary and Coastal Management Plan. In this regard Council has an ongoing water quality-monitoring program in Port Stephens that focuses primarily on contamination and source control. Council's budget for water quality monitoring in 2006/07 is almost \$100,000.

Council will need to liaise with the Marine Park Authority to identify priority areas for water quality monitoring and follow up action. Water quality management is a shared responsibility between State and local Government bodies and a spirit of cooperation is encouraged.

An area of particular concern for water quality is Tilligerry Creek. The closure of oyster harvesting zone 5A in 2005 was due to failing septic systems within that catchment. Council has undertaken an auditing and regulatory role within the Salt Ash/ Bobs Farm areas to ensure all failing septic systems are repaired or upgraded. Now that most systems have been repaired, additional water quality monitoring is being conducted to determine if zone 5A can be reopened by the NSW Food Authority. This will be subject to the results of viral testing later this year.

Access for Dogs and Vehicles

Council notes the Marine Park Authority's approach to dog access is compatible with Council's policy on dog access to the foreshore. The only exception may be where the foreshore backs onto a National Park. Council accepts this approach. Council also notes that vehicle access may be restricted in some areas and this may impact on access to the foreshore by some commercial fishers. Council would like to be consulted in relation to this issue, as access to the foreshore impacts on Council's activities and responsibilities as well. Council would preferably like to retain Lead Agency Status in relation to access issues.

Coastal Issues

Coastal issues of interest to Council include planning and natural resources matters. Planning has been briefly discussed above. Weed management is a significant issue along the coastal areas of Port Stephens. In this regard Council works closely with the community and State Government Departments to control coastal weeds. However the majority of weeds are above the mean high tide level on the coastal strip, therefore are outside the Marine Park's area of interest. The potential does exist for spread of ballast related weeds.

General Issues

Council is interested in working closely with the Marine Park Authority, the community and other agencies to help protect the ecological, social and economic health of Port Stephens. In this regard, Council would be pleased to discuss any issues your organisation believes can foster this cooperative approach.

ITEM NO. 7

FILE NO: PSC2005-2853

**NOMINATION OF A COUNCILLOR TO CHAIR REGIONAL
MOSQUITO MANAGEMENT WORKING GROUP**

AUTHOR: BRUCE PETERSEN - ENVIRONMENTAL SERVICES MANAGER

**NOTE: THIS ITEM WAS DEALT WITH AT THE ORDINARY MEETING OF COUNCIL
HELD ON THE 8TH AUGUST 2006.**

GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1

FILE NO: PSC2005-5185

REQUEST FOR FINANCIAL ASSISTANCE**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:
- a) Breast Cancer Australia - \$1,000 – Donation in support of the Avon Race
 - b) Shoal Bay Public School P & C Association - \$435 – Reimbursement of DA Fees for shade structure

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006**RESOLUTION:**

655	Councillor Francis Councillor Tucker	It was resolved that the recommendation be adopted.
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BACKGROUND

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

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

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

The requests for financial assistance are shown below:-

MAYORAL DONATION

Breast Cancer Australia	Donation in support of Avon Race	\$1,000
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EAST WARD – Councillors Nell, Dover, Robinson, Westbury

Shoal Bay Public School	Reimbursement for part of DA fees for shade structure	\$435
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LINKS TO CORPORATE PLANS

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

The requests the subject of this report all fall within the broader Council aims and objectives of community, culture and recreation.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

- 1) Applicants are carrying out a function, which it, the Council, would otherwise undertake;
- 2) The funding will directly benefit the community of Port Stephens;
- 3) Applicants do not act for private gain.

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

These criteria are:

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

Australian Business Excellence Framework

This aligns with Principles 3, 10 & 11 of the ABEF Framework.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Mayor
Ward Councillors

OPTIONS

- 1) Adopt the recommendation
- 2) Vary the dollar amount before granting each or any request

3) Decline to fund all the requests

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENTS

Nil

ITEM NO. 2

FILE NO: A2004- 0984

SUBMISSION FOR CODE OF CONDUCT – LOCAL GOVERNMENT ASSOCIATION & SHIRES ASSOCIATION

REPORT OF: PETER GESLING - GENERAL MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Make a submission to the Local Government Association & Shires Associations with respect to the Model Code of Conduct emphasising the need for guidelines.

ORDINARY MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:		
656	Councillor Hodges Councillor Brown	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to seek comment from Council and provide Council with information to present a submission to the Local Government Association and Shires Associations of NSW (LGSA).

The Associations are seeking comment from Council on the Model Code of Conduct by 31 August 2006. A copy of the correspondence from the Associations is shown at **ATTACHMENT 1**.

On January 1, 2005 legislation came into force requiring all NSW Councils to adopt a Code of Conduct with the Model Code of Conduct adopted by the State Government as the base line. All NSW Councils were required to provide training to all Council officials (Councillors, staff, volunteers and contractors). Training was provided to all Councillors and staff in late 2005.

Council adopted the Model Code in July 2005 with some enhancements in accordance with the legislation. The legislation allows for Councils to add to the Model Code but in no way can changes lessen the provision of the Model Code.

During the implementation of the Code Port Stephens along with many other Councils, have experienced some difficulties with the definition/interpretation of the Model Code.

Council has sought advice from the Department of Local Government on a number of aspects including:

- a) the definition of when the Code can apply to Councillors – does it only apply to conduct whilst in Council meetings or also in general?

It is recommended that Council make a submission to the LGSA for presentation to the Department of Local Government.

LINKS TO CORPORATE PLANS

This report relates to Key Result Area – Corporate Accountability – Our Council is open, transparent and accountable in its decision making.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Council has a legal requirement to comply with the Model Code of Conduct in accordance with the provision under the Local Government Act.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 4) To improve the outcome, improve the system and its associated processes

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Governance Coordinator

OPTIONS

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

ATTACHMENTS

Correspondence from Local Government Association & Shires Association

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

Local Government
Association of NSW

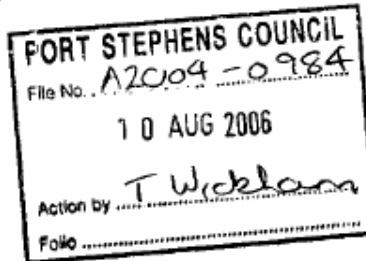


Shires Association of NSW

Our ref: R90/0014 Out 13936
Your ref: A54592

7 August 2006

Cr Craig Baumann
Mayor of Port Stephens
PO Box 42
RAYMOND TERRACE 2324



Model Code of Conduct

Dear Cr Baumann

The Associations are seeking information from councils on the operation of their Code of Conduct.

You would be aware that the *Local Government Act 1993* provides that all councils must have in place a Code of Conduct that contains the provisions of the Model Code of Conduct that is prescribed by the Local Government Regulations.

Information is being sought on issues such as, but not limited to:

- the composition and operation of the Code of Conduct Committee,
- pecuniary and non-pecuniary interest matters,
- general conduct obligations,
- sanctions available under the Code,
- the definition of disorder and misbehaviour.

The Associations intend on preparing the information for presentation to the Department of Local Government.

All submissions should be forwarded to the Associations no later than 31 August 2006.

Correspondence in the first instance should be directed to the Association's Legal Officer Mr Frank Loveridge, who can be contacted on (02) 9242 4125 if you have any questions in relation to this matter.

Yours sincerely

Cr Genia McCaffery
President
Local Government Association of NSW

Cr Col Sullivan OAM
President
Shires Association of NSW

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L8, 28 Margaret St Sydney NSW 2000
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ABN 49 853 913 882

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 MEETING OF COUNCIL – 22 AUGUST 2006

RESOLUTION:

657	Councillor Jordan Councillor Nell	It was resolved that Council move into Confidential Session.
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MINUTES FOR ORDINARY MEETING – 22 AUGUST 2006

There being no further business the meeting closed at 7.10pm.

I certify that pages 1-146 of the Ordinary Meeting of Council dated 22 August 2006 were confirmed by Council at its meeting held on Tuesday 26 September 2006.

Cr Ron Swan
MAYOR