

Minutes 22 May 2007



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 22 May 2007, commencing at 5.40pm.

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

117	Councillor Jordan Councillor Hodges	It was resolved that the apology from Councillors Robinson and Dingle be received and noted.
118	Councillor Hodges Councillor Jordan	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 24 April be confirmed.

INDEX

SUBJECT

PAGE NO

MOTION TO CLOSE 4

1. MOTION TO CLOSE COUNCIL MEETING TO THE PUBLIC – MATTER OF URGENCY5

MAYORAL MINUTE 6

1. 40TH ANNIVERSARY OF THE 1967 REFERENDUM.....7
2. PURCHASE OF DEFIBRILLATOR8
3. FAME COVE – ALLEGED ILLEGAL CLEARING9

OPERATIONS COMMITTEE RECOMMENDATIONS 10

1. TEMPORARY SUSPENSION OF SECTION OF NELSON BAY CBD ALCOHOL-FREE ZONE (AFZ) 11
2. LOCAL TRAFFIC COMMITTEE MEETING – 6TH MARCH, 200715
3. LOCAL TRAFFIC COMMITTEE MEETING – 3RD APRIL, 200742
4. QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2007.....63
5. GOODS AND SERVICES TAX CERTIFICATE.....72
6. QUARTERLY REPORT FOR MARCH 2007 QUARTER: COUNCIL PLAN 2006-2009 & PERFORMANCE MEASUREMENT (COCKPIT CHARTS)76
7. INFORMATION PAPERS79

OPERATIONS COMMITTEE INFORMATION PAPERS 80

1. FILM HUNTER REPORT – MARCH 200781
2. PETITION – REQUEST FOR SPEED HUMPS TO BE INSTALLED IN GREENSLOPES DRIVE, RAYMOND TERRACE84
3. PETITIONS – DRAFT MEDOWIE STRATEGY85
4. CASH AND INVESTMENTS HELD AT 31 MARCH 200786
5. RISK MANAGEMENT SELF ASSESSMENT 2006.....89

STRATEGIC COMMITTEE RECOMMENDATIONS 92

1. ASSET MANAGEMENT POLICY93
2. INFORMATION PAPERS101
3. HUNTER COUNCILS CONTRIBUTIONS 2007/08102
4. COUNCIL WARD FUNDS104

GENERAL MANAGER’S REPORTS 107

1. REQUEST FOR FINANCIAL ASSISTANCE108

MINUTES OF ORDINARY MEETING 22 MAY 2007

2. COUNCIL PLAN 2007-2011 INCLUDING BUDGET AND FEES & CHARGES111
3. PORT STEPHENS DEVELOPMENT CONTROL PLAN 2007.....126
4. DESIGNATED PERSONS – PECUNIARY INTERESTS129
5. TOMAREE COMMUNITY FACILITIES STUDY.....133
6. ABORIGINAL PROJECT FUND – 2007 NAIDOC WEEK CELEBRATIONS162
7. INFORMATION PAPERS166

GENERAL MANAGER’S INFORMATION PAPERS..... 167

1. BUSINESS UNIT REVIEW - CORPORATE CLEAN168
2. PACIFIC HIGHWAY TASKFORCE NEWSLETTER – MAY 2007170

NOTICES OF MOTION 173

1. NAMING OF BILLY’S BEACH174
2. WATER TANKS IN INDUSTRIAL AREAS.....175

CONFIDENTIAL ITEMS..... 177

1. RAYMOND TERRACE SPORTS FIELD REDEVELOPMENT – CALL FOR DETAILED PROPOSAL (CFDP)178

MOTION TO CLOSE

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0146

MOTION TO CLOSE COUNCIL MEETING TO THE PUBLIC – MATTER OF URGENCY

 THAT COUNCIL:

In accordance with Cl 2 of Council's Code of Meeting Practice, consider, as a matter of urgency, an additional confidential item of business for which notice has not been given. The business in question is a Confidential Mayoral Minute concerning property redevelopment.

I further move that, in accordance with section 10C of the Local Government Act, Council resolve (after considering any representations from the public), that further discussion of the matter should not be deferred (because of the urgency of the matter) and should take place in a part of the meeting that is closed to the public.

Council further resolve:

- 1) That pursuant to sections 10A(2)(c), 10A(2)(d)(i) and 10A(2)(d)(ii) of the Local Government Act, 1993, Council resolve to close to the public that part of its meeting to receive information regarding and to discuss a Confidential Mayoral Minute entitled **Raymond Terrace Sportfield Redevelopment Call for Detailed Proposals**.
- 2) That the reasons for closing the meeting to the public to consider this item are that the discussion will include commercial information of a confidential nature concerning a possible opportunity for property redevelopment by Council.
- 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would:
 - (a) confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
 - (b) prejudice the commercial position of the person who supplied it; and
 - (c) confer a commercial advantage on a competitor of the Council, and Council has an obligation to protect its interests and the interests of ratepayers.
- 4) That the Mayoral Minute and minutes in relation to this item remain confidential until such time as the matter is completed.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:		
119	Councillor Hodges Councillor Jordan	That the Recommendation be adopted.

MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO:3150-029

40TH ANNIVERSARY OF THE 1967 REFERENDUM

THAT COUNCIL:

Acknowledge that Sunday 27th May 2007 will mark the 40th anniversary of the 1967 referendum which saw Australia vote to acknowledge Aboriginal people as citizens and to give the Commonwealth power to make laws regarding Aboriginal people.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

120	Councillor Baumann Councillor Nell	That the Recommendation be adopted.
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MATTER ARISING:

121	Councillor Baumann Councillor Nell	That Council congratulate Bev Manton who was last week elected to the NSW Aboriginal Land Council as the elected representative for the Central Coast region.
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Councillors Baumann and Nell called for a Division.

Those for the Motion were Councillors Baumann, Westbury, Nell, Dover, Swan, Tucker, Brown, Francis, Jordan and Hodges.

Those against the Division were nil.

BACKGROUND

The event was the first stage for the reconciliation movement in Australia. The anniversary provides a significant opportunity to further encourage the Australian communities' interest in reconciliation.

MAYORAL MINUTE

ITEM NO. 2

FILE NO:3150-029

PURCHASE OF DEFIBRILLATOR

THAT COUNCIL:

Authorise the purchase of one defibrillator to launch its community project at a cost of \$3500 from the Mayoral Donation Fund.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:		
122	Councillor Swan Councillor Jordan	That the Recommendation be adopted.

BACKGROUND

Cr Jordan successfully proposed a Notice of Motion for Council to investigate the provision of defibrillators in community buildings (ie., in all major public venues such as its holiday parks, libraries, pools, administrative centres and its major depot) as recognition of their success in reducing deaths from heart attacks.

This proposal has been investigated in conjunction with St John Ambulance and Council's Safety Committee. Further discussions have also been held with Cr Jordan, the Port Stephens Liquor Accord, various public venues and the General Manager.

The unit cost per defibrillator (discounted for volume) is \$3,500 per unit from St. John's Ambulance.

Council's 2007-8 budget allowed for the purchase of defibrillators to be located in Council facilities at a total cost of \$50,000 across Council or 14 units plus one additional unit (ie.the Mayor's).

Council will be calling on both public and private organisations across the Port Stephens area especially those with either major public venues or large workforces to participate in a community wide programme. In addition, approaches have been made specifically to licensed venues to participate

MAYORAL MINUTE

ITEM NO. 3

FILE NO:PSC 2005-4446

FAME COVE – ALLEGED ILLEGAL CLEARING

THAT COUNCIL:

Write to the Department of Environment and Climate Change providing a copy to the Minister for the Environment requesting that they take immediate action to prevent destruction of what was previously a unique, pristine environment.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

123	Councillor Nell Councillor Baumann	<ol style="list-style-type: none"> 1. Write to the Minister for Climate Change, Environment and Water and the Minister for Planning requesting that they take immediate action to prevent destruction of what was previously a unique, pristine environment. 2. Call on the Minister for Climate Change, Environment and Water and the Minister for Planning to take immediate measures to control soil erosion.
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BACKGROUND

Members of the Port Stephens Myall Lakes Estuary and Coastal Zone Management Committee have raised concerns at a number of Estuary Management Committee meetings regarding alleged land clearing activities at Fame Cove on the Northern shores of Port Stephens.

The current zoning of the site is Rural however Great Lakes Council have expressed a desire to rezone the land to Environmental Protection due to its unique character. The clearing of vegetation from the site not only looks unsightly but has led to erosion and sedimentation issues within the northern parts of Port Stephens adjacent to that site.

The Department of Environment Conservation and Climate Change (DECC) issued a stop work order on the owner of the site. That stop work order has now lapsed and the owner has commenced clearing and burning off activities. DECC are currently considering whether to pursue further legal actions against the owner of the property for this alleged illegal clearing activity. In the meantime, the owner is negotiating with DECC and has ceased clearing activities for the time being while these negotiations are taking place.

**OPERATIONS
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: PSC2005-4161

TEMPORARY SUSPENSION OF SECTION OF NELSON BAY CBD ALCOHOL-FREE ZONE (AFZ)

AUTHOR: JENNIFER SMITH, MANAGER – COMMUNITY PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves the temporary suspension of a section of the Nelson Bay CBD alcohol-free zone on 9, 10 and 11 June 2007 between the hours of 10.00am and 5.00pm in the areas shown in Attachment 1 of this report, for the facilitation of the *Annual Port Stephens 'Blue Water' Country Music Festival*.
-

OPERATIONS COMMITTEE MEETING 8 MAY 2007

RECOMMENDATION:

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

124	Councillor Hodges Councillor Westbury	That the Recommendation be adopted.
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BACKGROUND

The purpose of this report is to inform Council that a request has been received from Nelson Bay Town Management Inc. to temporarily suspend specific areas of the Nelson Bay alcohol-free zone (AFZ) during the Annual Port Stephens 'Blue Water' Country Music Festival.

The areas for which approval is sought (as shown in attachment 1) are as follows: -

- The d'Albora Marina foreshore area to 100 metres east of 'Cruise In', on the foreshore precinct
- Apex Park
- Stockton Street between Magnus Street and Victoria Parade.

The hours of suspension would be 9, 10 and 11 June 2007 between the hours of 10.00am and 5.00pm. At all other times the area would operate as an alcohol-free zone.

Nelson Bay Town Management Inc has undertaken to utilise trained volunteer staff to monitor these areas during the suspension of the AFZ. People will also be reminded that at the end of the requested times AFZ conditions should be observed.

Council will inform the public of the proposed area and hours of the suspension by notice published in the local paper at least 7 days before the event.

LINKS TO CORPORATE PLANS

The temporary suspension of a section of the Nelson Bay CBD alcohol-free zone links to the following key result area contained in Council's *Council Plan 2006 – 2009*: -

Lifestyle Our community celebrates its diversity, contribute, to and enjoys the lifestyle of Port Stephens

FINANCIAL/RESOURCE IMPLICATIONS

There will be no cost to Council.

LEGAL AND POLICY IMPLICATIONS

Suspensions of AFZ are guided by Section 645 of the *Department of Local Government's Ministerial Guidelines on AFZ* which state: -

A council is not limited in the reasons for which it may suspend... an alcohol-free zone. A suspension would not usually be appropriate for any period longer than one month, and generally would be of a much shorter duration (eg. to accommodate a specific event).

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Suspension of the AFZ in these areas could possibly lead to an increase in alcohol related crime and anti-social behaviour. However, as this function will be held in daylight hours and will be monitored by trained volunteers, this is unlikely to occur.

ECONOMIC IMPLICATIONS

The suspension of the AFZ will allow the *Annual Port Stephens 'Blue Water' Country Music Festival* to take place. This annual festival attracts many tourists to Port Stephens and helps promote the area, increasing income and employment opportunities.

ENVIRONMENTAL IMPLICATIONS

There will be no environmental implications.

CONSULTATION

The local Police have been notified and support the proposal subject to the presence of trained volunteers who will monitor the event for the duration of the suspension.

OPTIONS

- 1) To accept the recommendation

- 2) To amend the recommendation
- 3) To reject the recommendation calling for more information to support the report

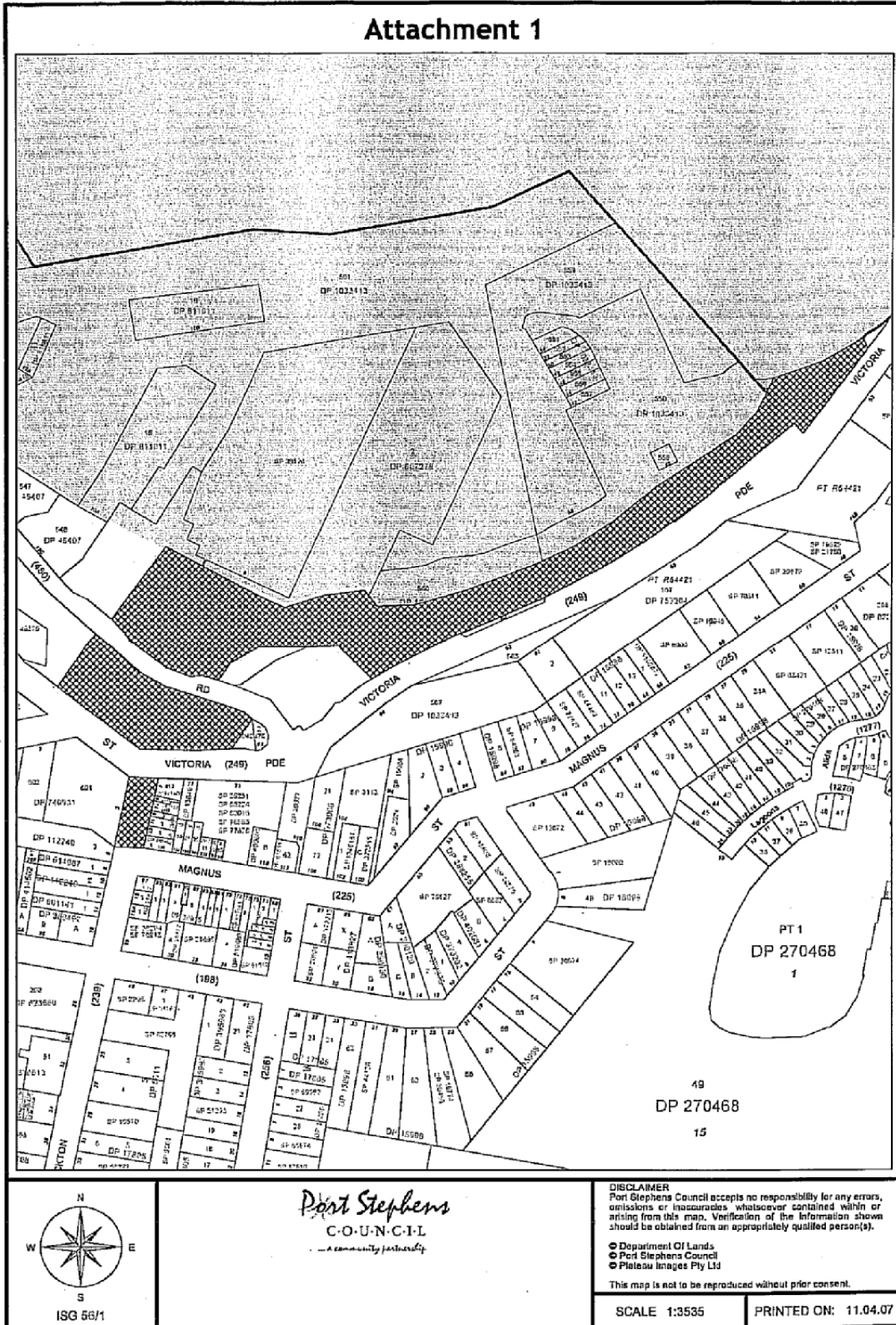
ATTACHMENTS

- 1) Maps identifying proposed area affected by the temporary suspension of the Nelson Bay CBD AFZ.

TABLED DOCUMENTS

- 1) Nil

Attachment 1



ITEM NO. 2

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 6TH MARCH, 2007

REPORT OF: JENNIFER SMITH, MANAGER – COMMUNITY PLANNING

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held on 6th March, 2007.

OPERATIONS COMMITTEE MEETING 8 MAY 2007

RECOMMENDATION:

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

125	Councillor Jordan Councillor Hodges	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 20th February, 2007. In attendance were Port Stephens Council's Technical representative, Port Stephens Council's elected representative, the Roads and Traffic Authority representative and NSW Police's representative.

The Local Traffic Committee met at 9.30am on 6th March, 2007 in Council's Administration Building. In attendance were Port Stephens Council's Technical representative, Port Stephens Council's elected representative, the Roads and Traffic Authority's representative, Port Stephens Council's Road Safety Officer, Mr J Price MP, Mr J Bartlett MP's representative, Port Stephens Coaches representative and Hunter Valley Buses representative. Apologies were received from the NSW Police's representative.

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 has an annual budget of \$37 000 (\$20 000 grant from the RTA and General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The construction of traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in this funding are listed within Council's "Forward Works Program" for consideration in the annual budget process. The construction of traffic control devices and intersection improvements for items with a **SAFETY PRIORITY** (listed below) have no identified funding other than that from the \$37 000 budget. As part of the 2007/2008 budget process and to progress the "Safety Around Schools" program, a service level increase bid of \$25 000 has been submitted and was successful. 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.

There are no items with a safety priority.

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.

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
- 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

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.

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 6th March, 2007 are contained in ATTACHMENT 1.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
PORT STEPHENS LOCAL TRAFFIC COMMITTEE MINUTES

INDEX OF LISTED MATTERS
MINUTES OF MEETING HELD TUESDAY 6TH MARCH 2007

- A. ADOPTION OF THE MINUTES OF 6TH FEBRUARY, 2007
- B. BUSINESS ARISING FROM PREVIOUS MEETING
- C. LISTED MATTERS
 - C.1 HINTON BRIDGE, HINTON – KEEP CLEAR
 - C.2 WILLIAM STREET, RAYMOND TERRACE – LOAD LIMIT
 - C.3 PACIFIC HIGHWAY, HEATHERBRAE – PEDESTRIAN FACILITIES
 - C.4 BARCLAY STREET, KARUAH – TEMPORARY ROAD CLOSURE
 - C.5 SUNSET BOULEVARD, SOLDIERS POINT – NO STOPPING
 - C.6 KETCH CLOSE, CORLETTE – PARKING RESTRICTIONS
 - C.7 TOWN CENTRE CIRCUIT, SALAMANDER BAY – BUS ZONE
 - C.8 MAGNUS STREET/YACAABA STREET, NELSON BAY – NO STOPPING
 - C.9 MAGNUS STREET, NELSON BAY – PARKING RESTRICTIONS
 - C.10 CASTAWAY CLOSE, BOAT HARBOUR – SPEED CONTROL DEVICES
- D. GENERAL BUSINESS

**LOCAL TRAFFIC COMMITTEE MINUTES
TUESDAY 6TH MARCH 2007**

A. ADOPTION OF THE MINUTES OF 6TH FEBRUARY, 2007

The minutes of the previous Local Traffic Committee Meeting dated 6th February, 2007 have been adopted.

B. BUSINESS ARISING FROM PREVIOUS MEETING

C.3 NELSON BAY ROAD, WILLIAMTOWN – SCHOOL ZONE SPEED LIMIT

RTA advised that they have no intension of providing a school zone on Nelson Bay Road. The school has downsized to approximately 22 students. 2 buses service the school carrying approximately 12 passengers. All bus set down/ pick-ups occur on Cabbage Tree Road.

C.4 NELSON BAY ROAD, SALT ASH – SCHOOL ZONE SPEED LIMIT

RTA advised that their observations in late 2006 revealed that 4 students crossed Nelson Bay Road in the afternoon accompanied by a teacher. RTA advised the warrant for a school zone was not met from these observations. RTA advised that they would continue to observe the pedestrian movements from the school.

C. LISTED MATTERS

C.1 HINTON BRIDGE, HINTON – KEEP CLEAR

Hunter Valley Buses has requested an area on the road way be marked Keep Clear to assist with large vehicles turning left from Hinton Bridge into High Street. Vehicles queuing on Hinton Bridge restrict the width available to allow a large vehicle to negotiate the turn. A Keep Clear area has been created on the Maitland side of the bridge to cater for a property access.

REQUESTED BY: Hunter Valley Buses

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	No
	ATTACHMENT	No

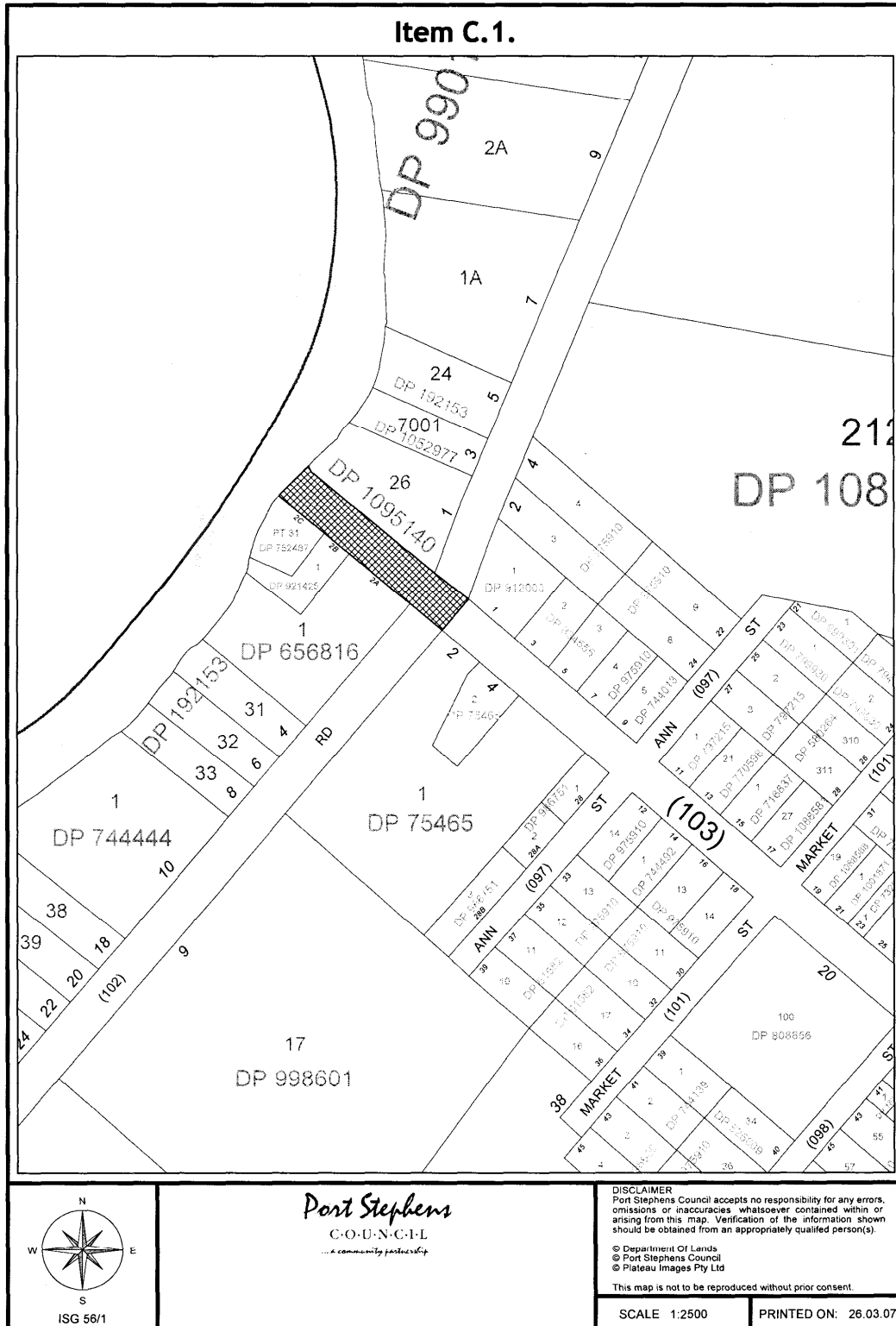
COMMENT

The section of High Street north of Hinton Bridge is wide enough to accommodate left turning vehicles but the location of the painted centreline requires vehicles to cross the centreline of the road. Repositioning the centreline could provide more turning area for large vehicles. Further investigations required to determine if kerb alignment can be changed to assist turning movements. Keep Clear zone only cater for the immediate intersection from kerb to kerb to allow cross traffic access when vehicles are queued.

DRAFT RECOMMENDATION

- That the painted centreline in High Street be repositioned east to provide more turning room for large vehicles

ESTIMATED COST \$300
FUNDING SOURCE Traffic Facilities Budget



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 4980255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

C.2 WILLIAM STREET, RAYMOND TERRACE – LOAD LIMIT

Cr Francis has requested the Committee to investigate if a load limit is suitable to prevent heavy vehicles accessing William Street between Port Stephens Street and Sturgeon Street. Cr Francis believes that heavy vehicles have difficulty negotiating the roundabouts in William Street.

REQUESTED BY: Cr Francis

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST No

ADDITIONAL ATTACHMENT No

COMMENT The roundabouts are designed to cater for large vehicles. A load limit would not limit access for delivery vehicles requiring access to William Street.

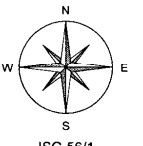
DRAFT RECOMMENDATION

- That no further action be taken

ESTIMATED COST N/A

FUNDING SOURCE N/A

Item C.2.



Port Stephens
C-O-U-N-C-I-L
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C.3 PACIFIC HIGHWAY, HEATHERBRAE – PEDESTRIAN FACILITIES

Snr. Constable Schmidtke from NSW Police has requested the Committee to investigate the Pacific Highway, Heatherbrae to improve safety for pedestrians. A number of caravan parks and residential developments exist along the Pacific Highway with bus facilities provided but no pedestrian facilities to link to these facilities.

REQUESTED BY: NSW Police

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST N/A

ADDITIONAL ATTACHMENT No

COMMENTS RTA advised that a pedestrian refuge has been installed on the Pacific Highway adjacent to Hank Street. RTA advised that the proposed upgrading of the Pacific Highway will include pedestrian facilities.

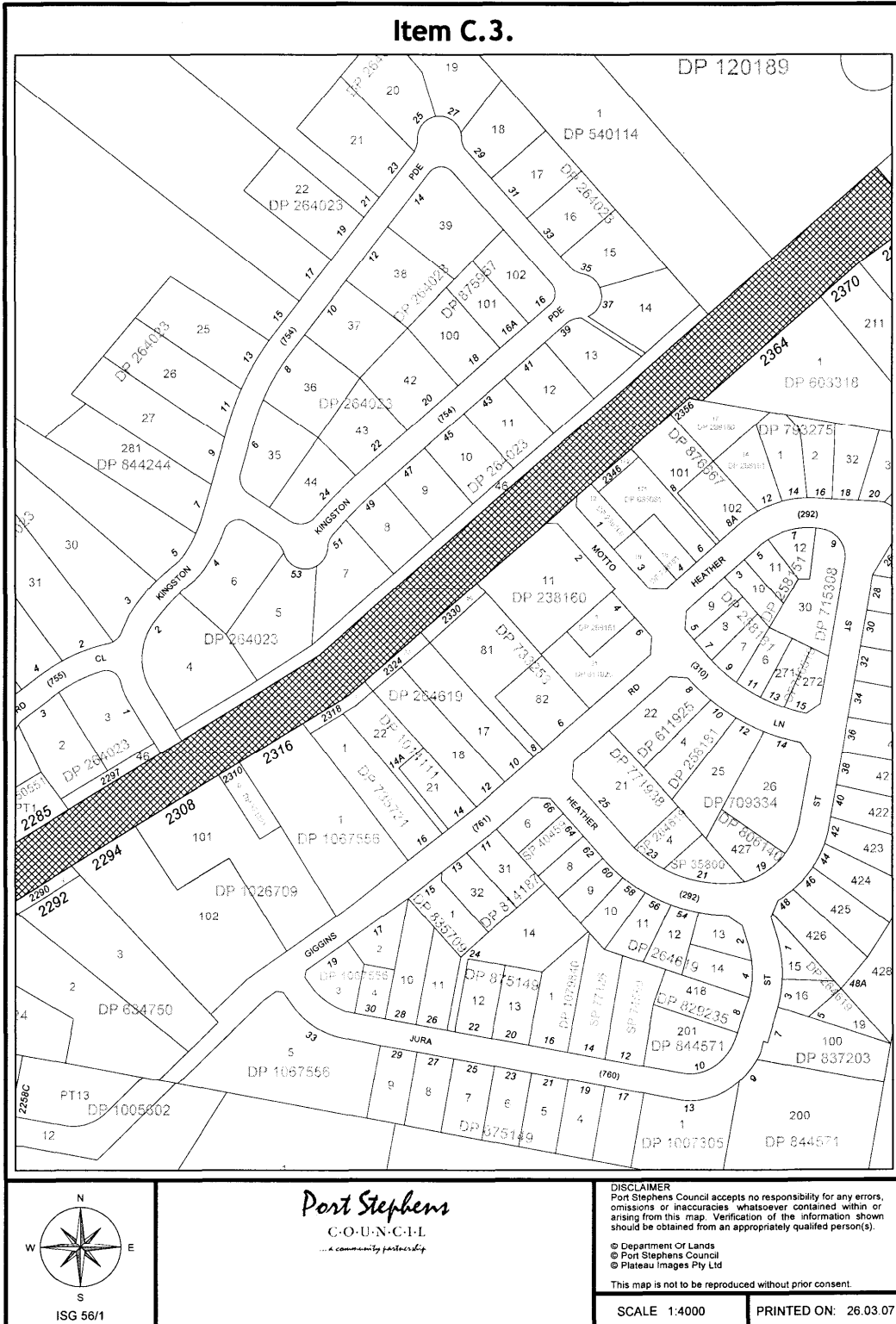
DRAFT RECOMMENDATION

- That this item be referred to the Roads and Traffic Authority for consideration

ESTIMATED COST N/A

FUNDING SOURCE N/A

Item C.3.



C.4 BARCLAY STREET, KARUAH – TEMPORARY ROAD CLOSURE

Port Stephens Regatta Club has requested permission to temporarily close Memorial Drive, Bonser Lane and Barclay Street, Karuah to assist in the management of traffic for the running of the Karuah Power Boat Regatta on the 9th and 10th June, 2007

REQUESTED BY: Port Stephens Regatta Club

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** No
AGREE WITH REQUEST Yes

ADDITIONAL **ATTACHMENT** No

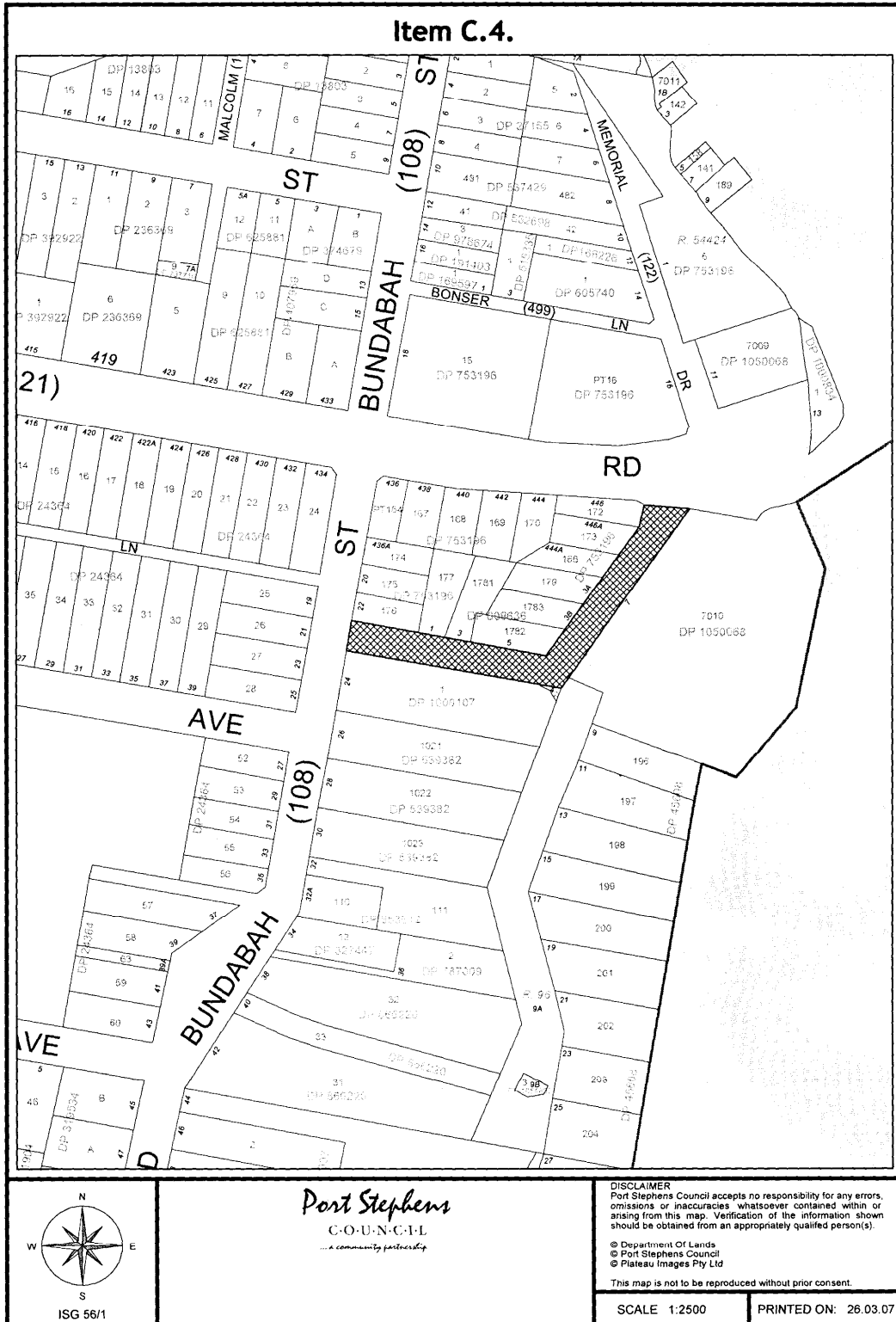
COMMENT Port Stephens Regatta Club have advised of a change of date for the event from June, 2007 to 29th and 30th September, 2007.

DRAFT RECOMMENDATION

- That no objection be raised and subject to standard conditions of consent

ESTIMATED COST N/A

FUNDING SOURCE N/A



C.5 SUNSET BOULEVARD, SOLDIERS POINT – NO STOPPING

Port Stephens Coaches has requested the Committee to investigate the provision of No Stopping zones at the intersection of Sunset Boulevard and Ridgeway Avenue, Soldiers Point. Vehicles parked too close to the intersection restrict turning movements for large vehicles and restrict sight distance.

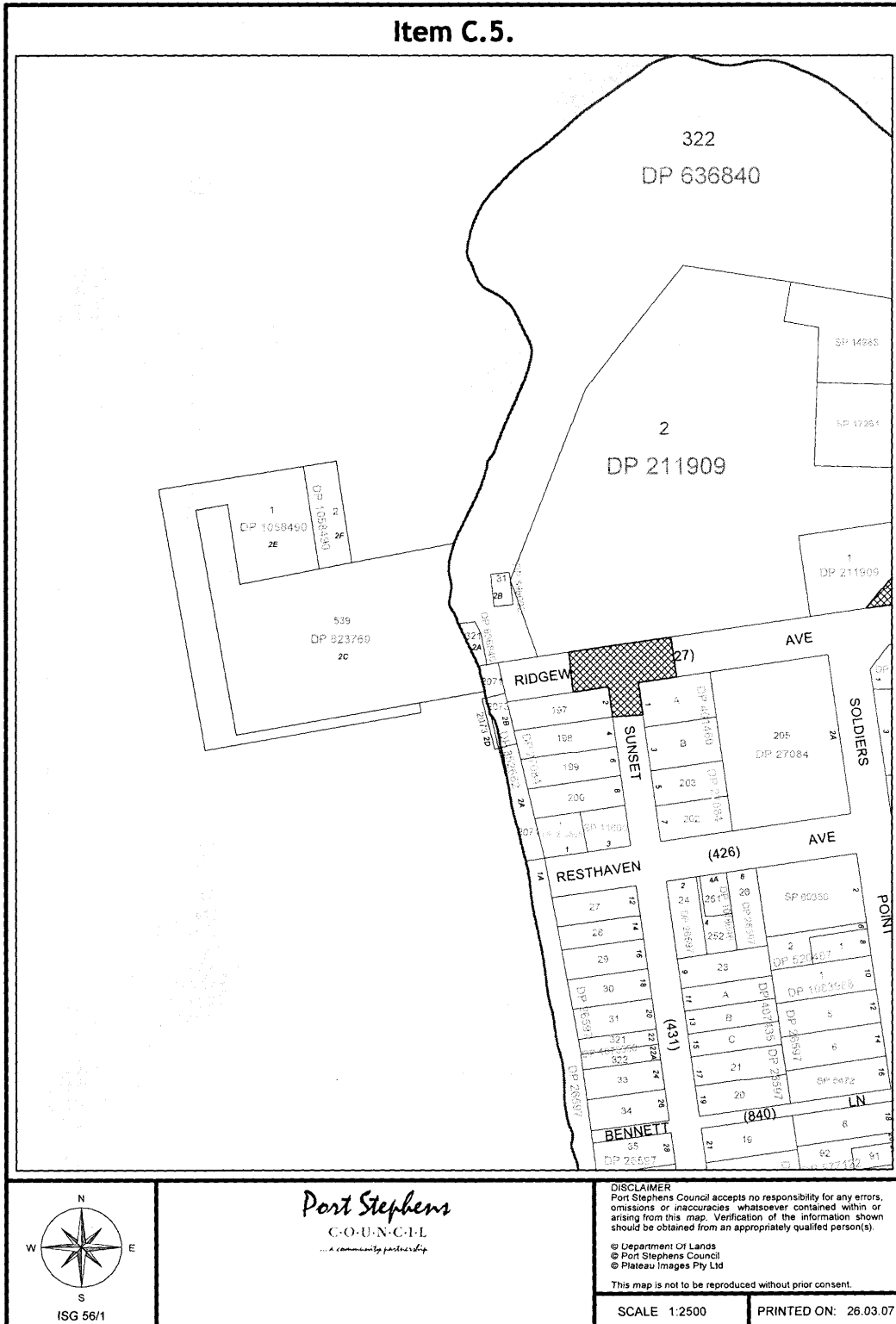
REQUESTED BY:	Port Stephens Buses	
CONSULTATION:	Nil	
INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT

DRAFT RECOMMENDATION

- That No Stopping zones be provided on Ridgeway Avenue, 10m east and 10m west of Sunset Boulevard and
- That a No Stopping zone be provided on the east side of Sunset Boulevard, 10m south of Ridgeway Avenue and
- That a No Stopping zone be provided on the west side of Sunset Boulevard, 15m south of Ridgeway Avenue

ESTIMATED COST	\$350
FUNDING SOURCE	Traffic Facilities Budget



C.6 TOWN CENTRE CIRCUIT, SALAMANDER BAY – BUS ZONE

Port Stephens Coaches has requested that the existing bus layby be signposted as a bus zone. The existing layby was decommissioned as a bus zone when the major terminus was relocated into the Salamander Shopping centre. The existing layby on the northern side of Town Centre Circuit is requested to improve the bus service operations around the centre.

REQUESTED BY: Port Stephens Coaches

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

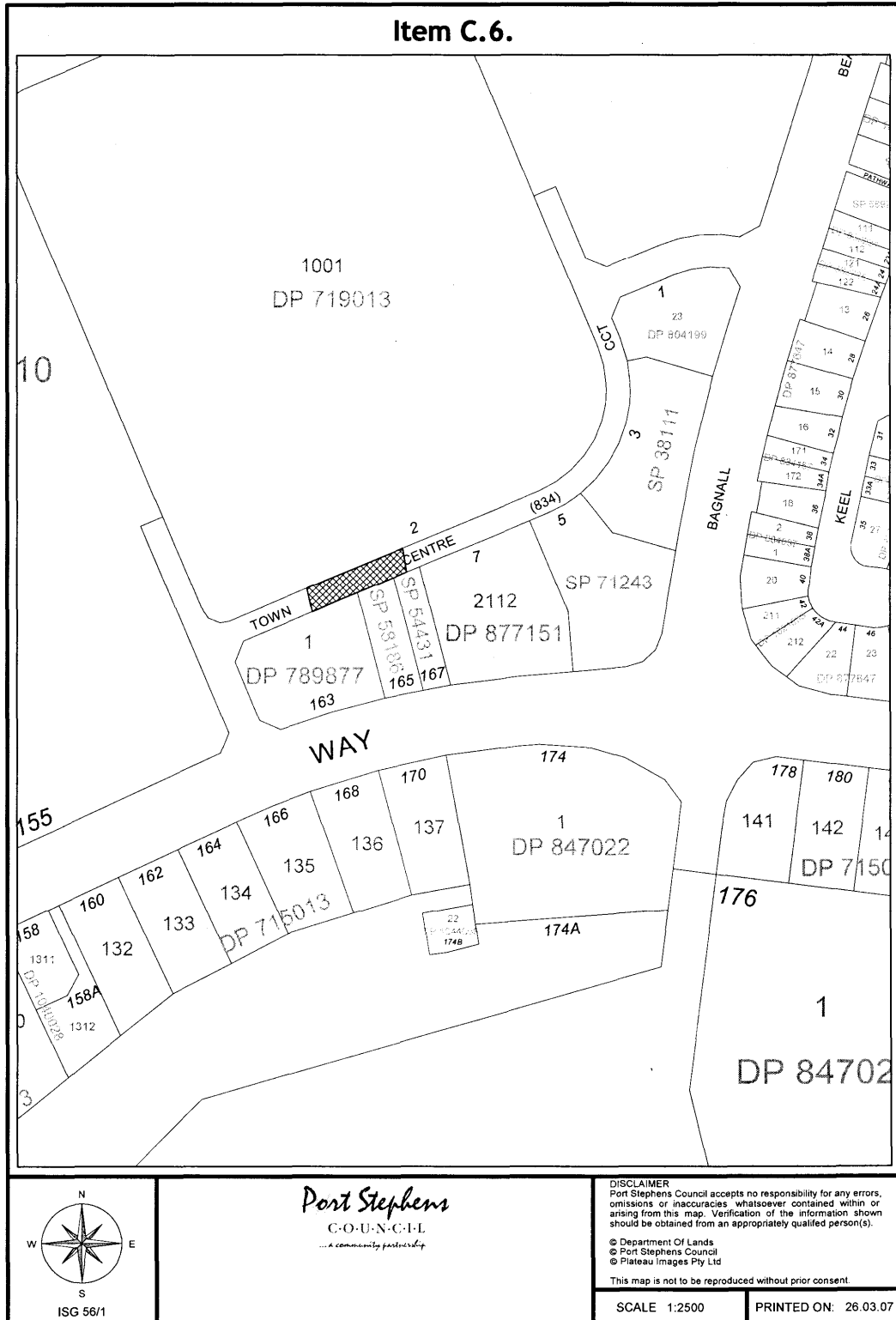
COMMENT The zone is to allow visiting coaches to access a parking area and not to use the main service stop at Salamander Centre. Rod Landers, Secretary of Local Branch of Bus and Coach Association, will advise operators of these changes through the Bus and Coach Association.

DRAFT RECOMMENDATION

- That a bus zone for Tourist Coaches be provided in the indented lay-by on the northern side of Town Centre Circuit

ESTIMATED COST \$150

FUNDING SOURCE Traffic Facilities Budget



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C.7 KETCH CLOSE, CORLETTE – PARKING RESTRICTIONS

A resident has requested that the committee investigate the need for parking restrictions on the reserve in the centre of the turning head at the end of Ketch Close, Corlette. The resident feels that it is dangerous to park in this location.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

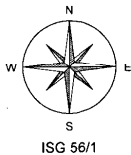
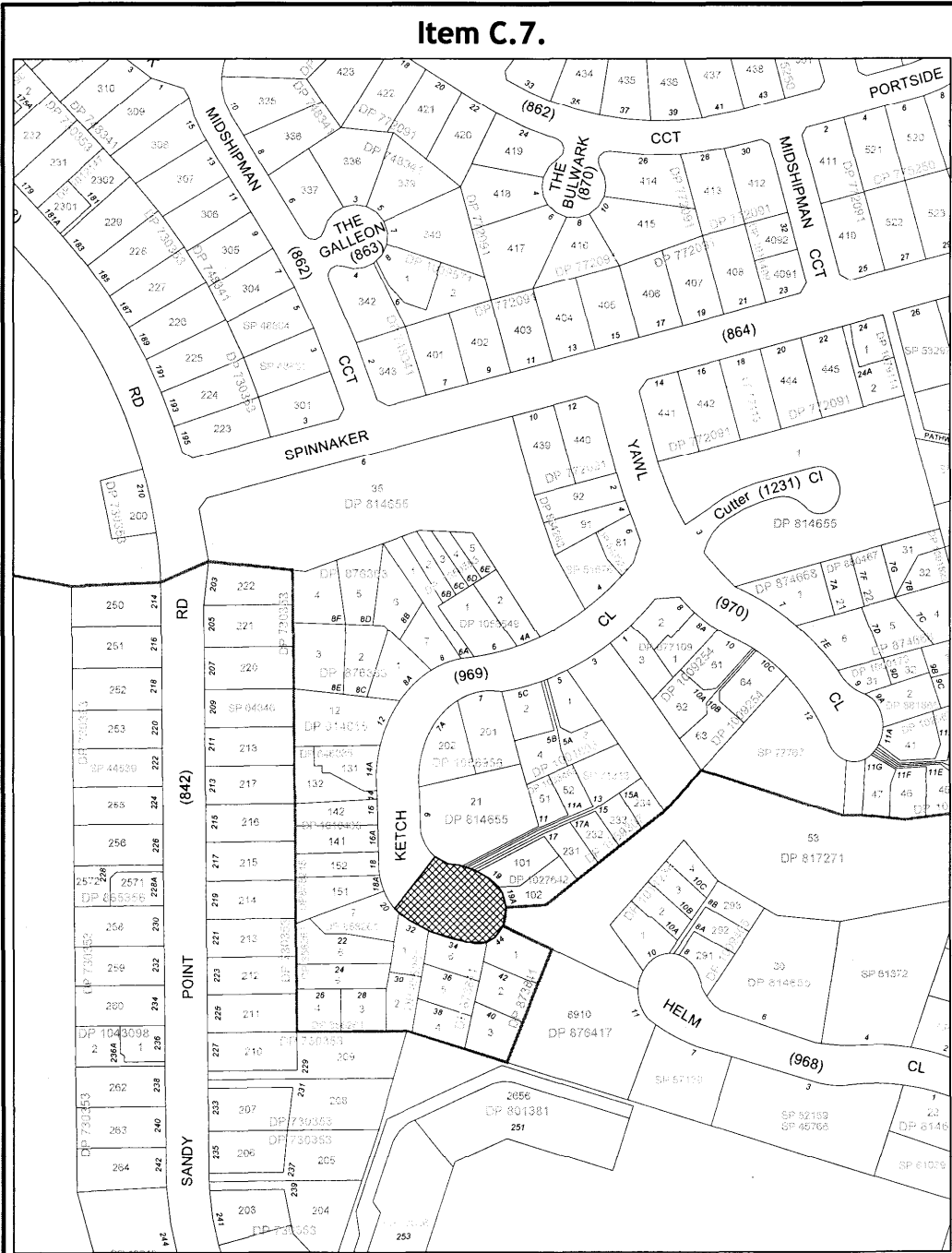
COMMENT

DRAFT RECOMMENDATION

- That a Park Rules sign be installed in the reserve restricting motor vehicles

ESTIMATED COST \$100
FUNDING SOURCE Traffic Facilities Budget

Item C.7.



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C.8 MAGNUS STREET/YACAABA STREET, NELSON BAY – NO STOPPING

Port Stephens Coaches has requested an extension of the existing no stopping zone to the east to allow buses to negotiate the intersection. Vehicles parked in this area restrict the turning movements of the buses from Yacaaba Street into Magnus Street.

REQUESTED BY: Port Stephens Coaches

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT

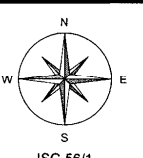
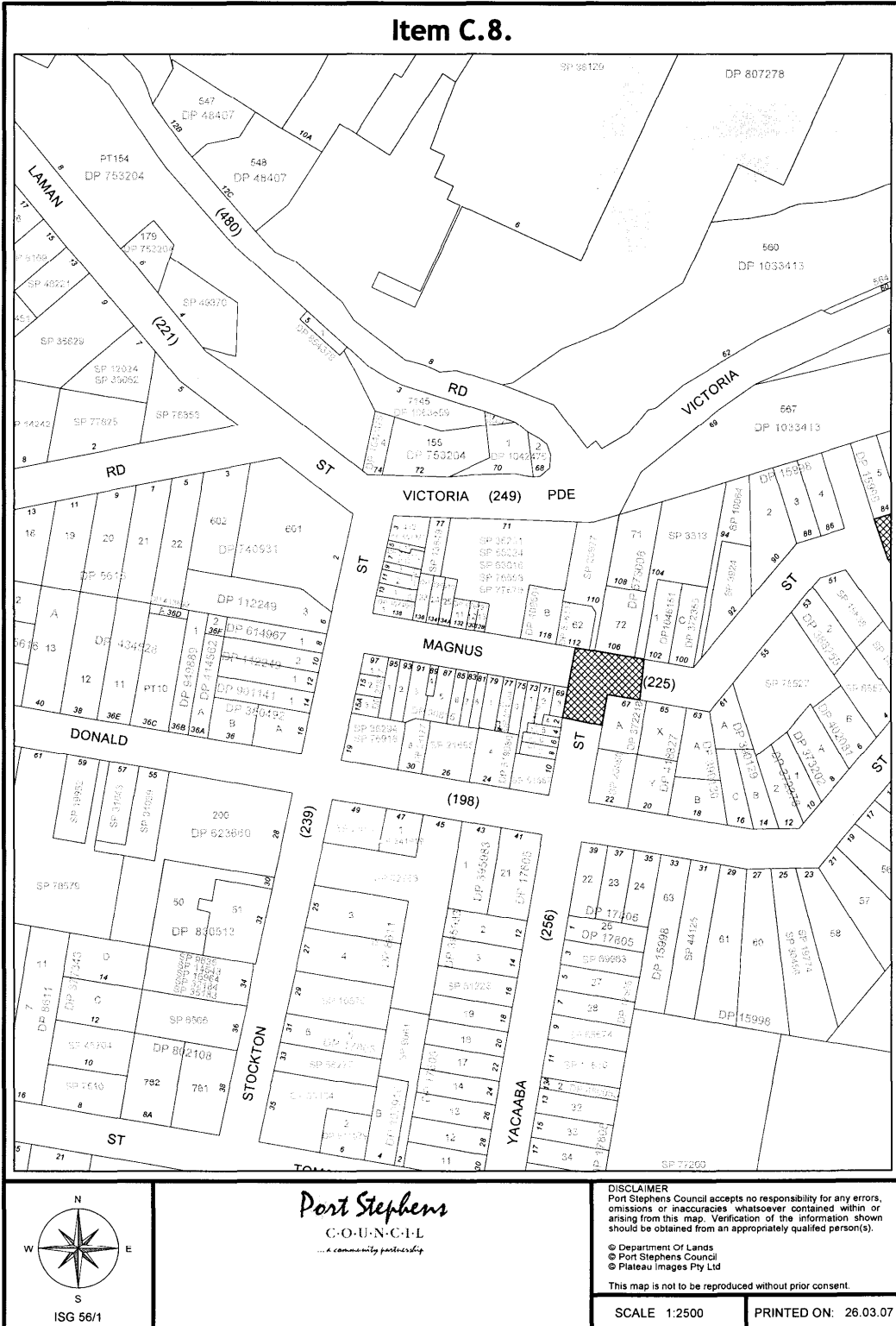
Some parking spaces in Magnus Street are currently occupied by a Construction Zone reducing the overall number of spaces. Construction is nearing an end and the zone should revert back to 1 hour parking. Vehicles parked in Magnus Street east of Yacaaba Street, restrict the bus turning movements from Yacaaba Street into Magnus Street.

DRAFT RECOMMENDATION

- That the existing No Stopping zone in Magnus Street be extended east, one (1) carparking space when the Construction zone is no longer required

ESTIMATED COST \$100
FUNDING SOURCE Traffic Facilities Budget

Item C.8.



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C.9 MAGNUS STREET, NELSON BAY – PARKING RESTRICTIONS

Port Stephens Coaches has requested the Committee to investigate the need for parking restrictions on Magnus Street between Fingal Street and Donald Street. Vehicles parked each side of the roadway restrict the width of the through lanes and access is difficult for buses.

REQUESTED BY: Port Stephens Coaches

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST N/A

ADDITIONAL ATTACHMENT No

COMMENT The issue with vehicles parked both side restricting access is generally only during the peak periods. Parking restrictions along one side of the street would be a solution but given the short periods of time required it is not considered warranted nor appropriate for Magnus Street.

DRAFT RECOMMENDATION

That no action be taken

ESTIMATED COST N/A

FUNDING SOURCE N/A

Item C.9.



C.10 CASTAWAY CLOSE, BOAT HARBOUR – SPEED CONTROL DEVICES

Residents have requested the Committee to investigate the need for traffic calming devices in Castaway Close, Boat Harbour. Residents are having problems with vehicles doing burnouts in the street and have suggested that 'acute speed humps' be provided as a preventative measure.

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

COMMENT

Castaway Close is a short street with several intersection and no identified speeding history. The Committee believed that the speed humps would not solve the anti social behaviour and 'speed' was not an issue. The speed humps, in all likelihood, would add to the problem by providing a place to do the burn outs. Council's Road Safety Officer advised that a formal reporting process needs to be established with the NSW Police for reporting these type of incidents. Cr Dingle advised that the Medowie Progress Association has developed a reporting form for use in the local community.

DRAFT RECOMMENDATION

- That no action be taken to provide speed humps in Castaway Close and
- That discussions be held with local Police to establish a suitable means of reporting incidents that can be effective in addressing this type of anti-social behaviour

ESTIMATED COST	N/A
FUNDING SOURCE	N/A

D. GENERAL BUSINESS

Several items were raised in General Business and these items will be included in the 3rd April, 2007 Traffic Committee Agenda for further inspection and discussion.

Other items were raised that required further follow up by Council staff and are listed below:

- Elkin Avenue, Raymond Terrace – No Stopping
- Burbong Street, Nelson Bay – Proposed Cycleway, road width concern

Cr Dingle expressed his disappointment with the manner in which the relocation of the Sturgeon Street bus stop was being progressed by Council staff.

John Price MP and Gillian Stewart, representing John Bartlett MP we thanked for the input and support for the Committee over the many years they have been involved.

John Price MP is retiring and the Committee thanked him and wishes him well in his retirement. John Bartlett is also retiring and Gillian Stewart will no longer be representing him and the Committee thanked Gillian for her support and input into the Committee.

ITEM NO. 3

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 3RD APRIL, 2007

REPORT OF: JENNIFER SMITH, MANAGER – COMMUNITY PLANNING

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held on 3rd April, 2007.

OPERATIONS COMMITTEE MEETING 8 MAY 2007

RECOMMENDATION:

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

126	Councillor Jordan Councillor Hodges	That the Recommendation be adopted.
------------	--	--

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 23rd January, 2007. In attendance were Port Stephens Council's Technical representative, Port Stephens Council's elected representative, the Roads and Traffic Authority representative and NSW Police's representative.

The Local Traffic Committee met at 9.30am on 6th February, 2007 in Council's Administration Building. In attendance were Port Stephens Council's Technical representative, Port Stephens Council's elected representative, the Roads and Traffic Authority's representative, Port Stephens Council's Road Safety Officer, Mr J Price MP, Mr J Bartlett MP's representative, Port Stephens Coaches representative and NSW Police's representative. Also in attendance were invited guests, Nelson Bay Town Management's representative, Cr Westbury and Medowie Children Centre's representative. Apologies were received from the Hunter Valley Buses representative.

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 has an annual budget of \$37 000 (\$20 000 grant from the RTA and General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The construction of traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in this funding are listed within Council's "Forward Works Program" for consideration in the annual budget process. The construction of traffic control devices and intersection improvements for items with a **SAFETY PRIORITY** (listed below) have no identified funding other than that from the \$37 000 budget. As part of the 2007/2008 budget process and to progress the "Safety Around Schools" program, a service level increase bid of \$25 000 has been submitted and was successful.

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:

- C.4 FERODALE ROAD, MEDOWIE – SCHOOL CROSSING**
- C.5 KINDLEBARK DRIVE, MEDOWIE – MARKED FOOTCROSSING**
- C.6 BROCKLESBY ROAD, MEDOWIE – PARKING RESTRICTIONS**
- C.7 WAHGUNYAH ROAD, NELSON BAY – NO STOPPING**

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.

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
- 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

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

MINUTES OF ORDINARY MEETING 22 MAY 2007

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.

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 3rd April, 2007 are contained in ATTACHMENT 1.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
PORT STEPHENS LOCAL TRAFFIC COMMITTEE MINUTES

INDEX OF LISTED MATTERS
MINUTES OF MEETING HELD TUESDAY 3RD APRIL 2007

- A. ADOPTION OF THE MINUTES OF 6TH MARCH, 2007
- B. BUSINESS ARISING FROM PREVIOUS MEETING
- C. LISTED MATTERS
 - C.1 STURGEON STREET, RAYMOND TERRACE – PEDESTRIAN CROSSING
 - C.2 ADELAIDE STREET, HEATHERBRAE – HEAVY VEHICLE PARKING
 - C.3 BURROWELL CLOSE, RAYMOND TERRACE – PARKING RESTRICTIONS
 - C.4 FERODALE ROAD, MEDOWIE – SCHOOL CROSSING
 - C.5 KINDLEBARK DRIVE, MEDOWIE – MARKED FOOTCROSSING
 - C.6 BROCKLESBY ROAD, MEDOWIE – PARKING RESTRICTIONS
 - C.7 WAHGUNYAH ROAD, NELSON BAY – NO STOPPING
 - C.8 GOVERNMENT ROAD, NELSON BAY – NO STOPPING
- D. GENERAL BUSINESS

**LOCAL TRAFFIC COMMITTEE MINUTES
TUESDAY 3RD APRIL 2007**

D. ADOPTION OF THE MINUTES OF 6TH MARCH, 2007

The minutes of the previous Local Traffic Committee Meeting dated 6th March, 2007 have been adopted.

E. BUSINESS ARISING FROM PREVIOUS MEETING

F. LISTED MATTERS

C.1 STURGEON STREET, RAYMOND TERRACE – PEDESTRIAN CROSSING

Cr Dingle has requested that safer access and safe crossing facilities be investigated adjacent to the new Sturgeon Street bus zone. Cr Dingle has concerns with the safety of the crossing since the bus stop was relocated.

REQUESTED BY: CR Dingle

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT There is planned redevelopment on the Retravision site and potential redevelopment on the former BiLo site. The existing pedestrian crossing meets the warrant and should be retained.

DRAFT RECOMMENDATION

- That Council investigate the relocation of the existing marked footcrossing in conjunction with the proposed redevelopment of businesses in Sturgeon Street and
- That the missing section of centreline linemarking be provided and
- That edgeline linemarking be provided on Sturgeon Street between Glenelg Street and William Street

ESTIMATED COST \$500
FUNDING SOURCE Traffic Facilities Budget

Item C.1.



C.2 ADELAIDE STREET, HEATHERBRAE – HEAVY VEHICLE PARKING

A resident has requested that heavy vehicles be prevented from parking in the area adjacent to the bus zone (school times), in Elkin Avenue. He is concerned at the heavy vehicles are churning up the reserve area behind the kerb and dragging the material onto the roadway.

REQUESTED BY: Resident

CONSULTATION: Nil

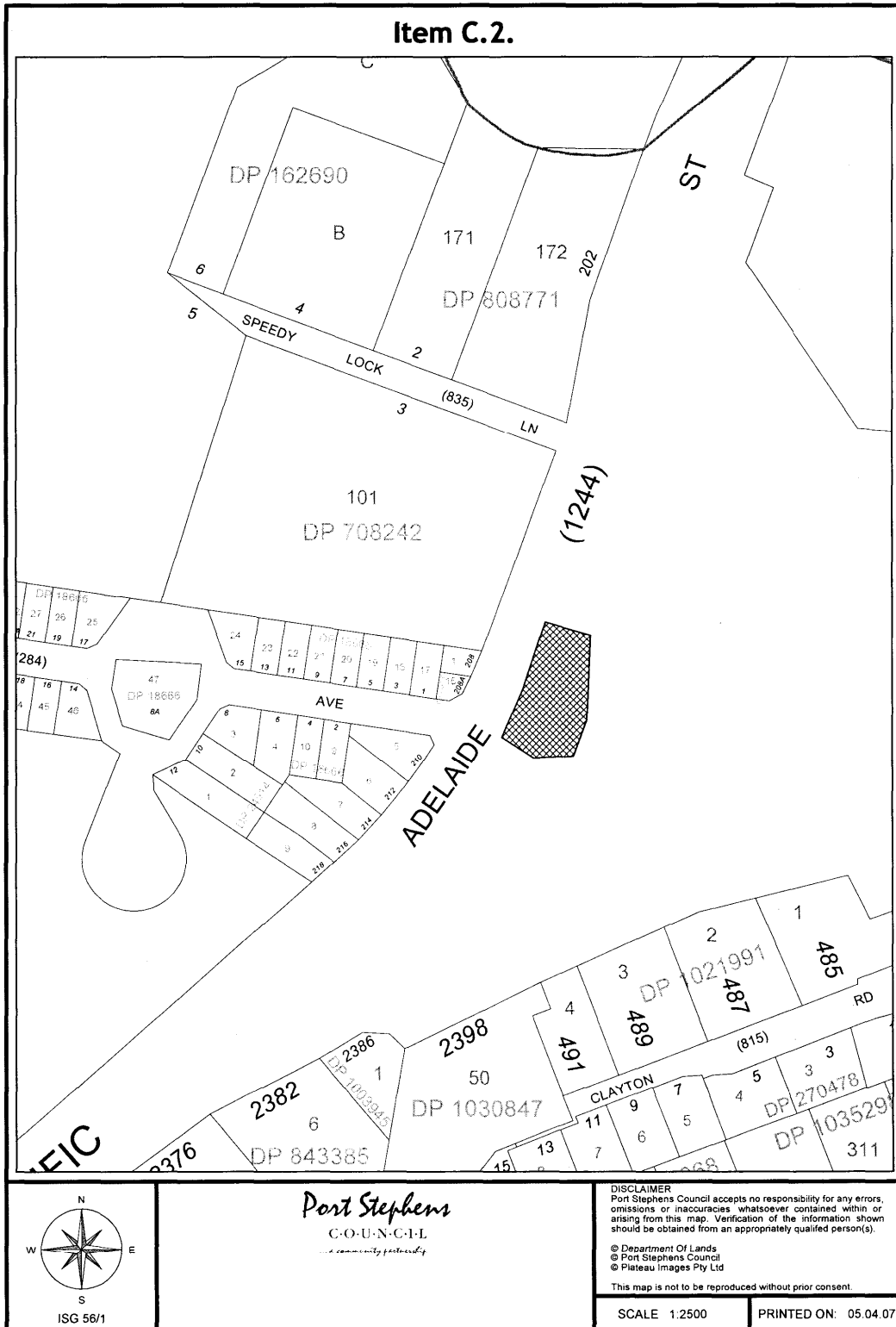
INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT It is not known if the heavy vehicles are creating problems for the buses in school times. The area is considered to be a built up area and therefore heavy vehicles are not permitted.

DRAFT RECOMMENDATION

- that Council's rangers be requested to monitor the area and
- that further discussions with the bus operators be conducted to assess suitability and size of existing bus stop.

ESTIMATED COST N/A
FUNDING SOURCE N/A



C.3 BURROWELL CLOSE, RAYMOND TERRACE – PARKING RESTRICTIONS

The Secretary of the Grahamstown Public School P & C has raised concerns about vehicles parking on the footpath area in Burrowell Close. Vehicles reverse over the footpath after parents pick their children up from school endangering the children leaving the school. The P & C have requested that the Council Rangers be requested to regularly patrol the area.

REQUESTED BY: Grahamstown Public School P & C Association

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

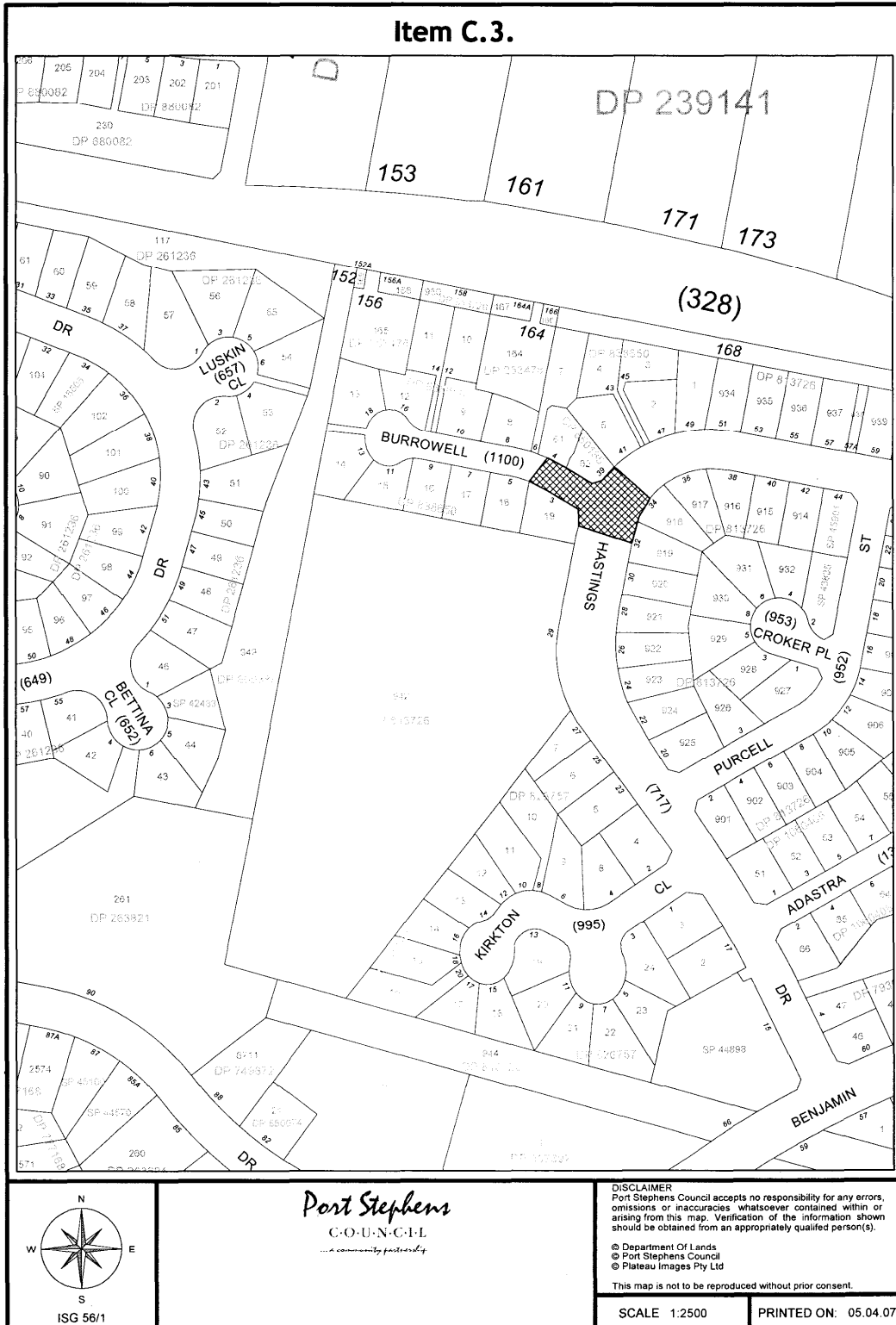
COMMENT The existing No Stopping signs are positioned correctly and vehicles are parking behind these signs on the footway. A No Parking area has been provided for pick up and drop offs at the school frontage.

DRAFT RECOMMENDATION

- that Council's rangers be requested to patrol the area

ESTIMATED COST N/A
FUNDING SOURCE N/A

MINUTES OF ORDINARY MEETING 22 MAY 2007



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C.4 FERODALE ROAD, MEDOWIE – SCHOOL CROSSING

A resident has requested that the Committee investigate safety improvements around Wirreanda Public School. The service road parallel to Ferodale Road and Tea Tree Drive are not school zones. The school crossing on Ferodale Road is often ignored by motorists. The crossing needs to be made more visible, eg flashing lights and large zigzag white lines on approaches. The hours of the school zone may also be a contributing factor as our school starts late at 9.30am and ends late at 3.30pm. I suggest that this crossing become a permanent zebra crossing (still with the supervisor during peak school times).

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	N/A
ADDITIONAL	ATTACHMENT	No

COMMENT A marked footcrossing would not meet the warrant as required by the Roads and Traffic Authority. Road markings are difficult to see due to slight crest in Ferodale Road. Hunter Valley buses advised that there are no left turn movements from the service road onto Ferodale Road.

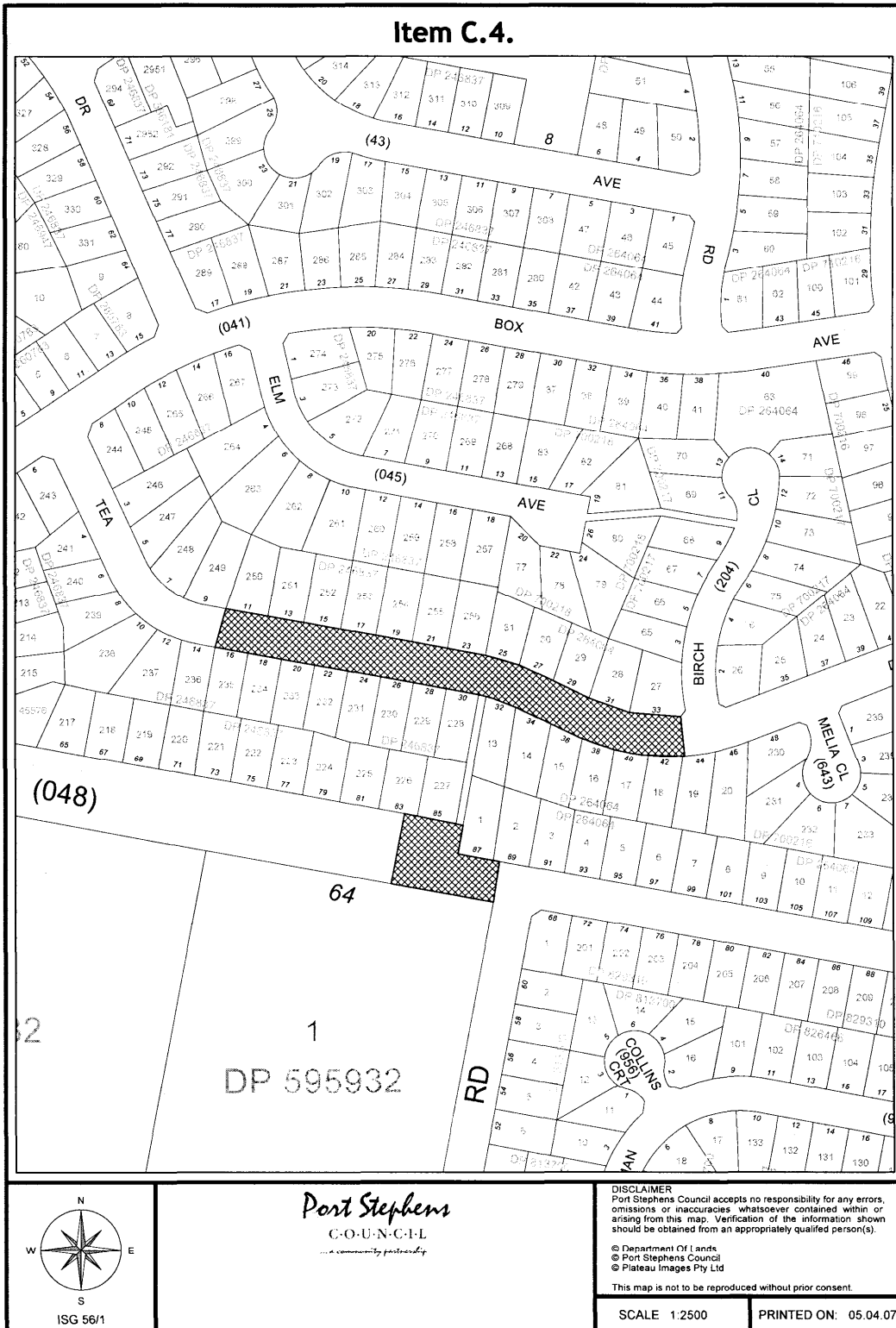
DRAFT RECOMMENDATION

- that the school zone requests be forwarded to the Roads and Traffic Authority for consideration and
- that crossing lines and kerb blisters be provided on Ferodale Road and
- that no further action be taken to alter the times for the school zones and
- that no action be taken to provide a marked footcrossing on Ferodale Road and
- that the school crossing times be referred to the Roads and Traffic Authority for review.

ESTIMATED COST \$3000
FUNDING SOURCE Traffic Facilities Budget

THIS ITEM HAS A HIGH SAFETY PRIORITY

MINUTES OF ORDINARY MEETING 22 MAY 2007



C.5 KINDLEBARK DRIVE, MEDOWIE – MARKED FOOTCROSSING

A resident has requested that the Committee investigate safety improvements around the crossing of Kindlebark Drive near the end of Tea Tree Drive. Cars travel at speed around the corner from Ferodale Road, over a slight rise and around a slight curve. This area is used for crossing by pedestrians in transit between homes, Wirreanda Public School, two preschools, the high school bus, bus stops, the library bus, Little Athletics, a park and an oval. I suggest that this part of the road should also become a permanent zebra crossing in conjunction with other methods to slow traffic and protect pedestrians.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST No

ADDITIONAL ATTACHMENT No

COMMENT A marked footcrossing would not meet the warrant as required by the Roads and Traffic Authority.

DRAFT RECOMMENDATION

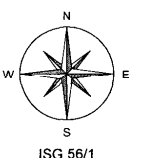
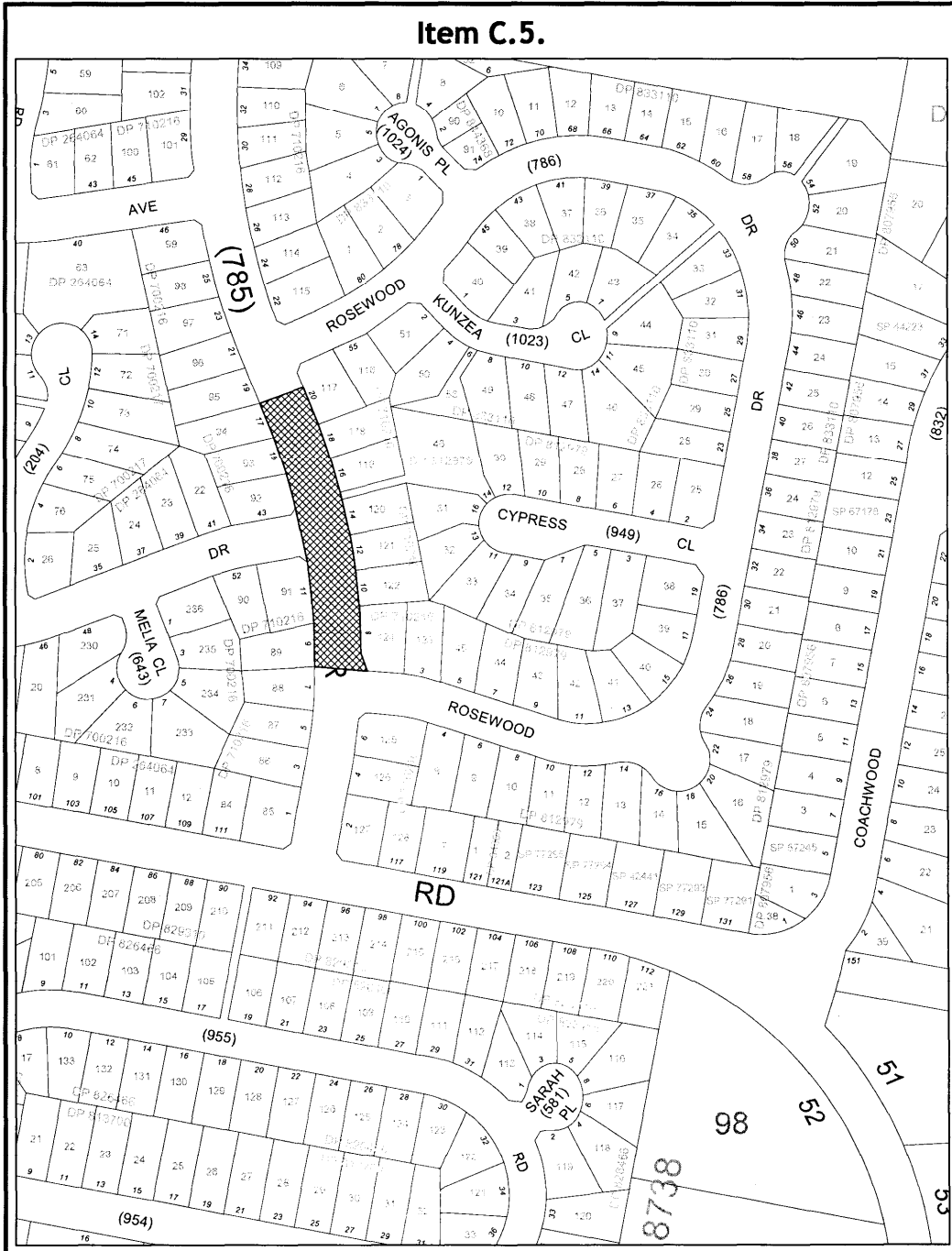
- that School and Children Warning signs be provided on Kindlebark Drive at Tea Tree Drive and
- that no further action be taken to provide a marked footcrossing on Kindlebark Drive.

ESTIMATED COST \$200

FUNDING SOURCE Traffic Facilities Budget

THIS ITEM HAS A HIGH SAFETY PRIORITY

Item C.5.



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C.6 BROCKLESBY ROAD, MEDOWIE – PARKING RESTRICTIONS

A resident has requested the Committee to provide parking restrictions on the corner of Brocklesby Road and Creighton Drive, Medowie. Vehicles park too close to the corner during school times severely restricting sight distance to pedestrians. A Pre school is also located on this corner.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT Off street parking is available for four vehicles, generally staff vehicles.
Vehicles park on the corner which compromises pedestrian safety.

DRAFT RECOMMENDATION

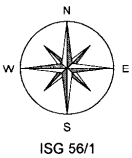
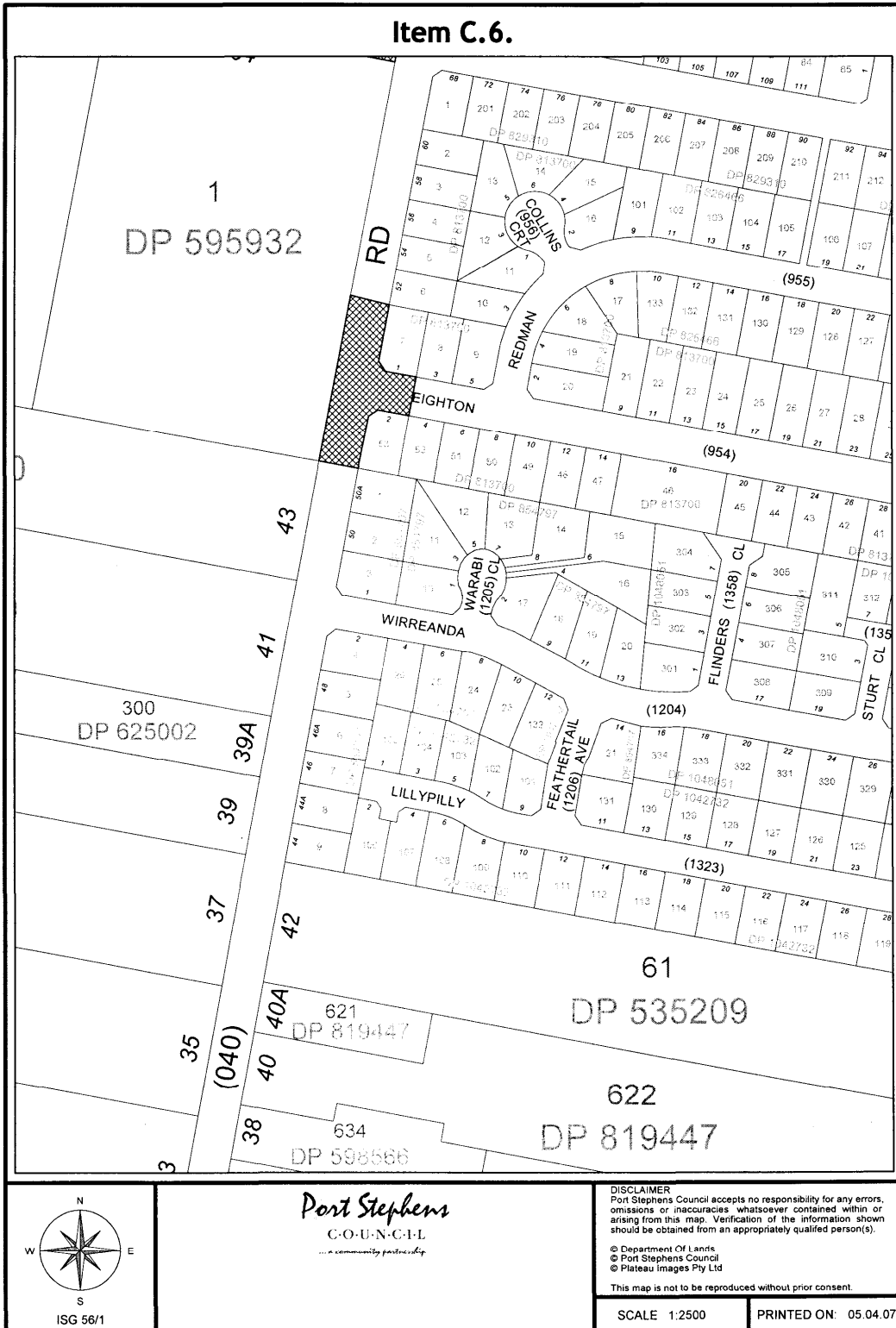
- That No stopping signs be provided at the intersection on both sides of Creighton Drive.

ESTIMATED COST \$300

FUNDING SOURCE Traffic Facilities Budget

THIS ITEM HAS A HIGH SAFETY PRIORITY

Item C.6.



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C.7 WAHGUNYAH ROAD, NELSON BAY – NO STOPPING

Council's Ranger has requested the Committee to investigate the No Stopping zone in Wahgunyah Road between the bus zones. Buses queue across this No Stopping Zone There is conflict with the existing driveway access.

REQUESTED BY: Council Ranger

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT The driveway is not used in the times the buses access the school and no access into the other carparking area on the school grounds is available

DRAFT RECOMMENDATION

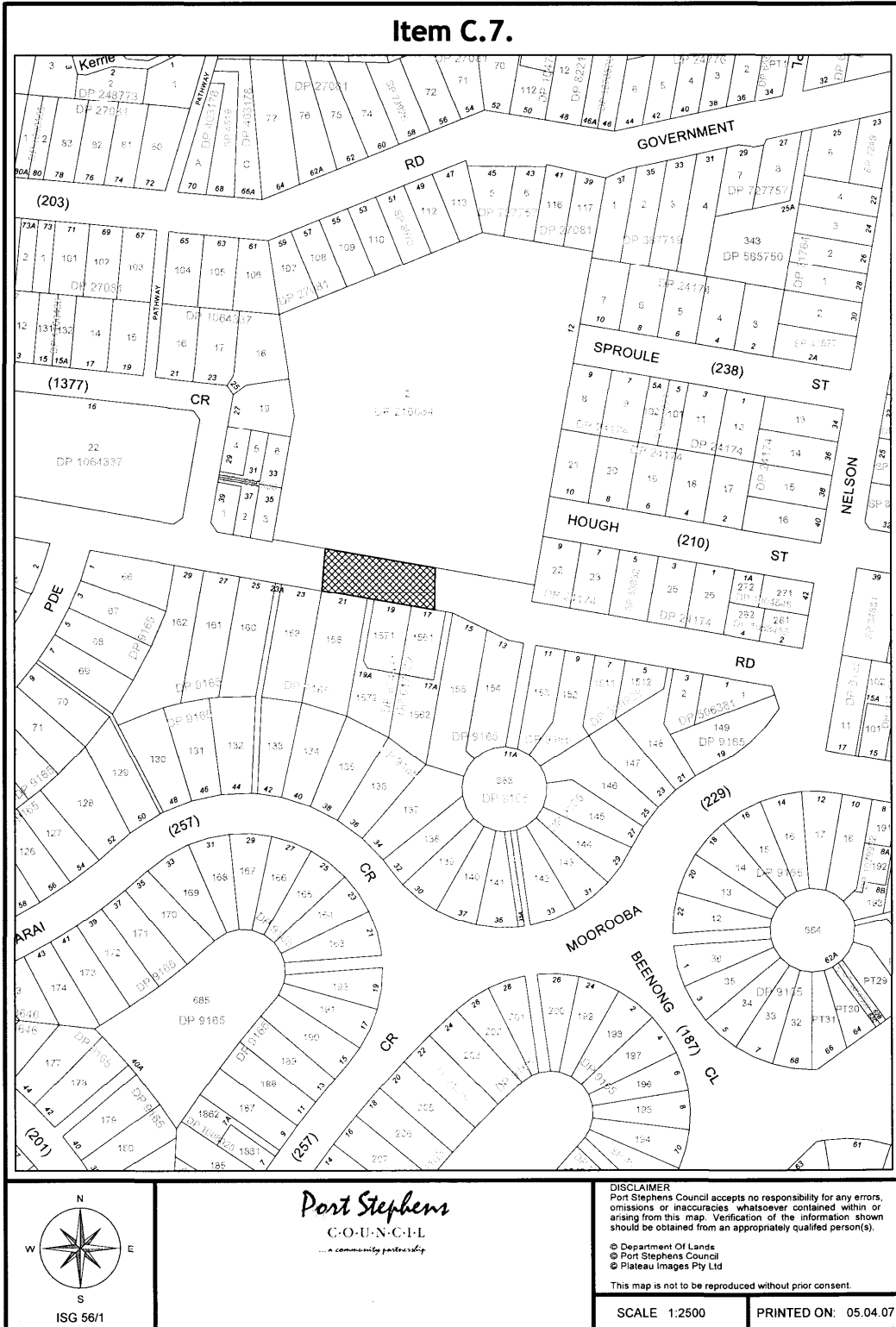
- That the No Stopping zone be replaced with Bus Zone school days only

ESTIMATED COST \$100

FUNDING SOURCE Traffic Facilities Budget

THIS ITEM HAS A HIGH SAFETY PRIORITY

Item C.7.



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C.8 GOVERNMENT ROAD, NELSON BAY – NO STOPPING

Nelson Bay Baptist Church has requested a no stopping zone in Government Road located directly in front of Nelson Bay Baptist Church at 19 Government Road Nelson Bay.

The reason for our request is that our driveway doubles as our pedestrian access, and when people pull into our driveway to "drop off" people, pedestrians are at an increased risk.

There is also a significant reduction in visibility leaving our property when cars park right up to the start of our driveway.

REQUESTED BY: Nelson Bay Baptist Church

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

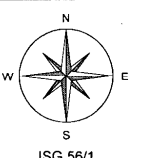
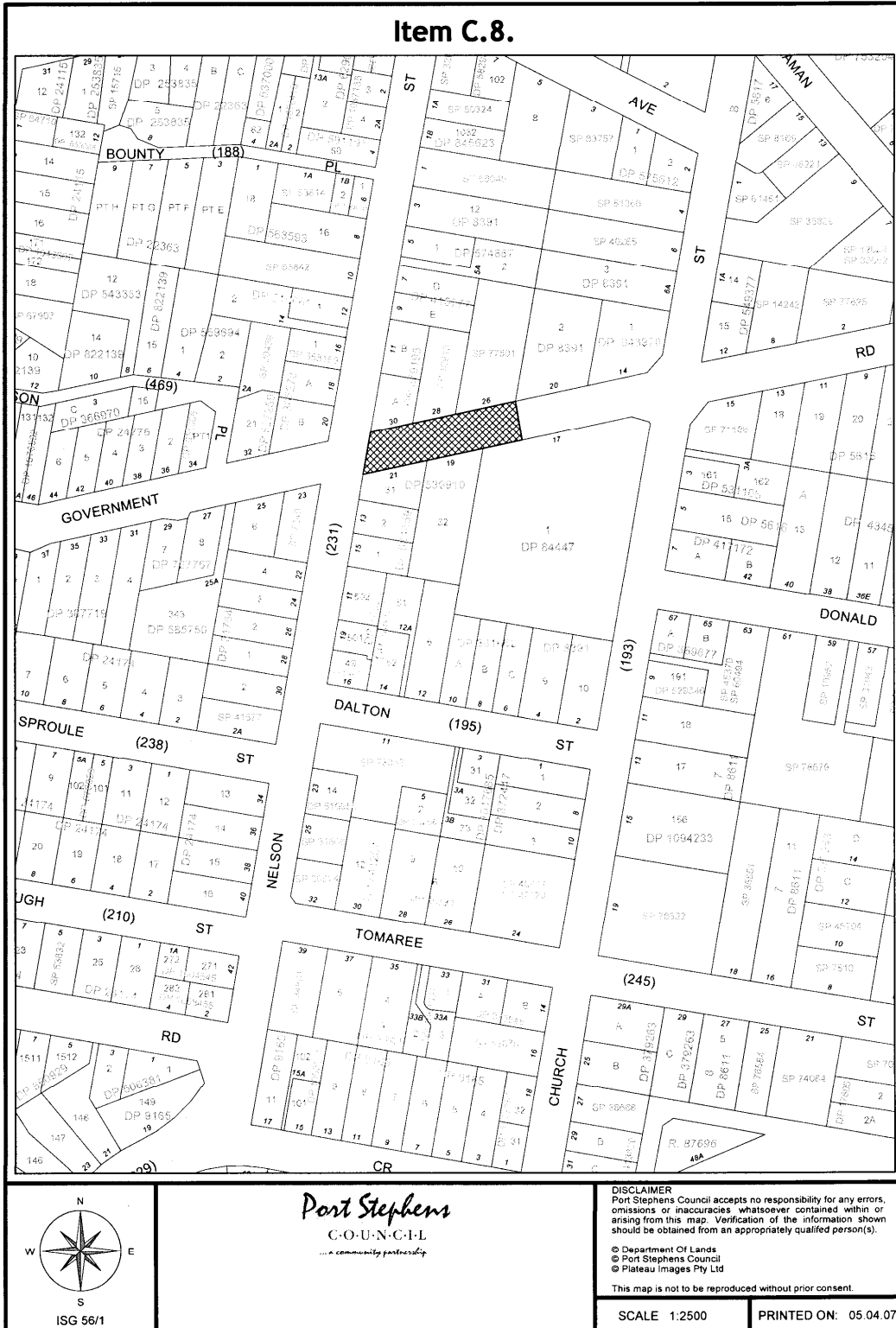
COMMENT The driveway area is used for drop offs and parking as available at the side and rear of the church.

DRAFT RECOMMENDATION

- That a No Parking Zone be provided in Government Road for 2 car spaces east of the Baptist Church driveway and 1 car space west of the Baptist Church driveway

ESTIMATED COST \$200
FUNDING SOURCE Traffic Facilities Budget

Item C.8.



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D. GENERAL BUSINESS

ITEM NO. 4

FILE NO: 1160-002
FILE NO:A2004-0242

QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2007

AUTHOR – JEFF SMITH, MANAGER - FINANCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the estimated Statement of Cash Position to 30/6/2007 as detailed in **ATTACHMENT 1** to this report.
 - 2) Notes the estimated Statement of Restricted Funds Movements to 30/06/2007 as detailed in **ATTACHMENT 2** to this report.
 - 3) Notes the changes previously approved by Council to the adopted Budget (Totalling \$12,500. A negative 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 \$355,006. A positive effect on Revenue) as detailed under separate cover as **TABLE 2.1 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
 - 5) Approve the discretionary changes to the adopted capital budget (Totalling \$58,161. A positive effect on Revenue) as detailed under separate cover as **TABLE 2.2 of DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
 - 6) Notes the identified issues, which may have a future budgetary impact, as identified under separate cover as **TABLE 3 of DOCUMENT 1** to this report.
 - 7) Notes the legal costs budget for 2006/2007 has been amended to \$1,824,300.
 - 8) Notes the estimated surplus/ (deficit) from ordinary activities before capital amounts of (\$355,244).
 - 9) Notes the Quarterly Budget Review comparing Budgets to Actuals as tabled under a separate cover as **DOCUMENT 2** to this report.
-

OPERATIONS COMMITTEE MEETING 8 MAY 2007

RECOMMENDATION:

That the Recommendation be adopted.

TABLED DOCUMENTS:

Document 1 of 2006-2007 Quarterly Budget Review for March 2007
Table 1 Changes previously approved by Council
Table 2.1 Discretionary Changes to adopted Recurrent Budget

MINUTES OF ORDINARY MEETING 22 MAY 2007

Table 2.2 Discretionary Changes to adopted Capital Budget
Table 3 Identified issues, which may have a future budgetary impact

Document 2 of 2006-2007 Quarterly Budget Review for March 2007 comparing Budgets to Actuals.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

127	Councillor Nell Councillor Westbury	That the Recommendation be adopted.
-----	--	-------------------------------------

BACKGROUND

On the 23rd May 2006 Council adopted its Council Plan and Budget 2006/2009 (Council minute 522/2006). This included budget estimates for the 2006/2007 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 2006/2007 Budget.

The major changes to the Recurrent Budget in this Review, detailed in Table 2.1 of Document 1 are:

- \$334,300 increased expenditure for legal costs (item 2).
- \$1,197,219 increased income and \$875,324 increased expenditure for Newcastle Airport (item 10).
- \$155,943 increased income in the Rates and Debts Component (item 12).
- \$780,000 increased income received from interest on investments (item 14).
- \$5,870,000 decreased income from profit on sale of land and \$70,500 decreased income from investment properties rents (item 16).
- \$155,000 increased expenditure for the Nelson Bay Town Improvement Promotion (item 19).
- \$121,198 increased expenditure for Corporate Clean (item 21).
- \$278,250 decreased Building and Development Approvals income (items 24 and 25).
- \$179,563 increased Social Planning grant income, transferred to Restricted Cash (item 32).
- \$684,925 increased income and \$526,985 increased expenditure for new contracts for Operational Services (item 41).

The major changes to the Capital Budget in this Review, detailed in Table 2.2 of Document 1 are:

- \$1,525,000 decreased expenditure on investment properties (item 4).
- \$260,000 decreased expenditure on Anna Bay Fire Station (item 7).
- \$200,000 decreased drainage expenditure on Foreshore Drive (item 8).
- \$580,000 increased Drainage Construction expenditure funded by the Drainage Restricted Fund (item 9).
- \$390,000 increased Council Roads Construction expenditure for Foreshore Drive (item 10).

MINUTES OF ORDINARY MEETING 22 MAY 2007

- \$500,000 decreased Council Roads Construction expenditure for Caswell Creek Bridge (item 11).
- \$1,800,000 decreased income & expenditure in Council Roads Construction (item 12).
- \$220,000 decreased Community Services expenditure (item 18).
- \$487,500 decreased Domestic Waste Management expenditure (item 16).
- \$220,000 decreased Community Services expenditure for the Raymond Terrace Multi-purpose Children's Centre (item 17).
- \$113,000 decreased Community Services expenditure for the Medowie Childcare Centre (item 18).
- \$171,254 increased Sportsfield Capital expenditure (item 29).
- \$335,000 decreased Foreshore Capital expenditure (item 35).

The major transfers to the Recurrent Budget in this Review, detailed in Table 2.1 of Document 1 are:

- \$519,065 legal costs transferred from Governance (items 3&4) to Development & Building \$226,065 (item 25) and Environmental Services \$293,000 (item 33).
- \$104,402 increased Waste Transfer Operations internal income (item 40) transferred from Waste Management to fund Corporate Overheads (item 44).

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

LINKS TO CORPORATE PLANS

This report relates to the Budget estimates for the 2006/2007 financial year in the financial policy program of Council's Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

Council's original 2006/2007 Budget estimate is a \$1,344,146 cash surplus after internal transfers and before depreciation of \$12.195 million. **TABLE'S 1 and 2** of Document 1 of this report detail the changes in this review. The net cash result of these changes, and the 2006 revotes and carry forwards, is a projected cash surplus of \$1,338,119 (Ref N of Attachment 1), before 2007 revotes and carry forwards are taken into account.

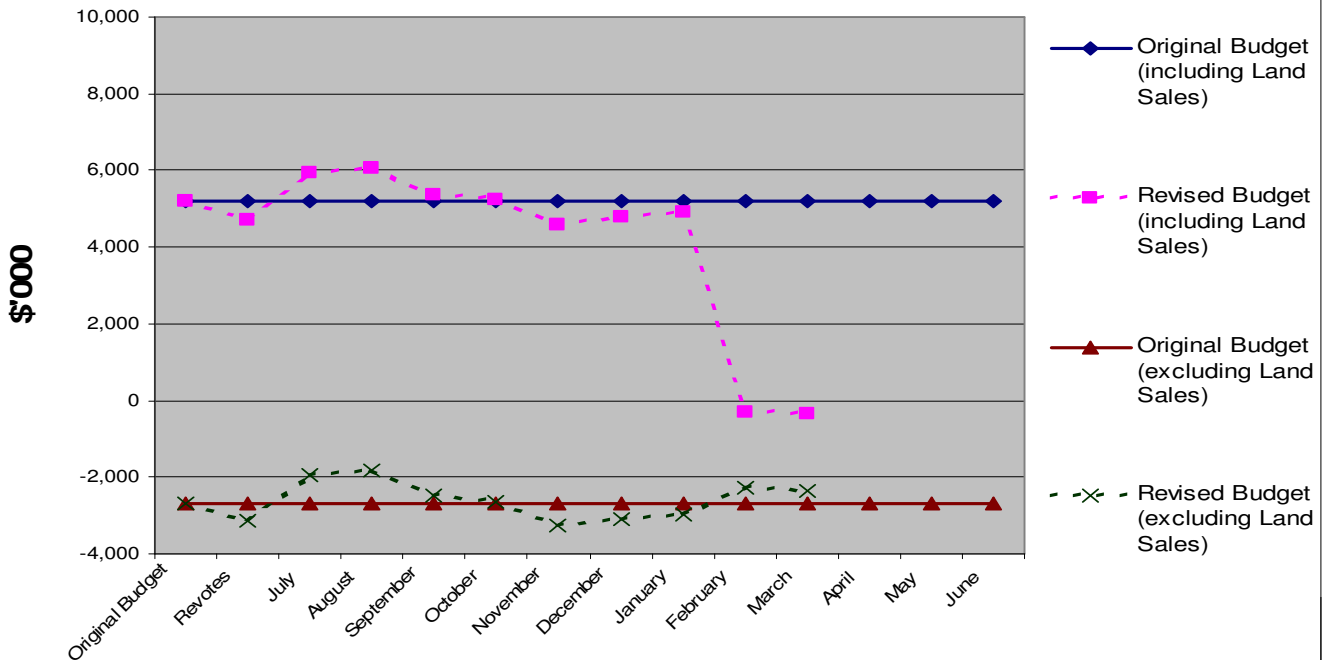
A. IMPACT OF QUARTERLY BUDGET ADJUSTMENT

IMPACT OF QUARTERLY BUDGET REVIEW ON COUNCIL'S ADOPTED BUDGET				
	Recurrent	Capital	Total	Ref
Document 1 Table 1	(\$12,500)	\$0	(\$12,500)	
Document 1 Table 2.1	\$355,006	\$0	\$355,006	
Document 1 Table 2.2	\$0	\$58,161	\$58,161	
Previous Quarterly Budget Reviews	\$244,760	(\$82,778)	\$161,982	
Original Budget after transfers and before Depreciation	\$2,478,372	(\$1,134,226)	\$1,344,146	
Net Available Surplus Funds	\$3,065,638	(\$1,158,843)	\$1,906,795	
Revotes and Carry Forwards from previous year.	(\$198,888)	(\$369,788)	(\$568,676)	
Revised 2006/2007 Cash Surplus (after transfers and before Depr)	\$2,866,750	(\$1,528,631)	\$1,338,119	N

B. PROJECTED FINANCIAL RESULT FOR 2006/07

	Ref	After March Budget Review	Original Budget
Total Operating Revenue	A	\$77,241,540	\$75,612,959
Less Total Operating Expenditure	B	(\$65,401,784)	(\$58,224,613)
Less Total Depreciation and Provisions Transferred	C	(\$12,195,000)	(\$12,195,000)
	D=B+C	<u>(\$77,596,784)</u>	<u>(\$70,419,613)</u>
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	<u>(\$355,244)</u>	\$5,193,346
Net Operating movement for March Review		<u>(\$5,144,376)</u>	
Total Budgeted Land Sales Profits	F	<u>\$2,000,000</u>	\$7,870,000
Surplus/(Deficit) From Ordinary Activities without Land Sale Profits and Before Capital amounts	G=E-F	(\$2,355,744)	(\$2,676,654)

Surplus/(Deficit) from Ordinary Activities



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 March Quarterly Budget Review Statement indicates that Council's financial position (excluding land sale profits) has improved. 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

SOCIAL IMPLICATIONS

Council's Budget is fundamental for operational sustainability and to the provision of facilities and services to the community.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Executive Group
Section Managers

OPTIONS

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

ATTACHMENTS

- 1) Attachment 1 Estimated Statement of Cash Position to 30/06/2007
- 2) Attachment 2 Estimated Statement of Restricted Funds Movements to 30/06/2007

TABLED DOCUMENTS

Document 1 of 2006-2007 Quarterly Budget Review for March 2007

Table 1 Changes previously approved by Council

MINUTES OF ORDINARY MEETING 22 MAY 2007

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 2006-2007 Quarterly Budget Review for March 2007 comparing Budgets to Actuals.

ATTACHMENT 1

ESTIMATED STATEMENT OF CASH POSITION TO 30/06/2007 After March 2007 Budget Forecast			
	Ref	After March 2007 Budget Forecast	Original Budget
Total Operating Revenue	A	77,241,540	75,612,959
Less Total Operating Expenditure	B	(65,401,784)	(58,224,613)
Less Total Depreciation and Provisions Transferred	C	(12,195,000)	(12,195,000)
	D=B+C	(77,596,784)	(70,419,613)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	\$(355,244)	\$5,193,346
Add Back: Depreciation and Provisions Transferred	C	12,195,000	12,195,000
Less Councils Share of Newcastle Airport Profit	W	(1,781,500)	(1,459,605)
Cash Surplus From Operations	F=A+B	10,058,256	15,928,741
Transferred to Restricted Funds	G	7,191,506	13,450,369
Cash Surplus / (Deficit) From Operations After Transfers	H=F-G	\$2,866,750	\$2,478,372
Total Capital Income	I	9,480,591	9,190,200
Total Capital Expenditure	J	(23,439,235)	(23,902,784)
Surplus/(Deficit) From Capital Works	K=I+J	\$(13,958,644)	\$(14,712,584)
Transferred from Restricted Funds	L	(12,430,013)	(13,578,358)
Cash Surplus / (Deficit) From Capital Works After Transfers	M=K-L	\$(1,528,631)	\$(1,134,226)
Total Cash Surplus / (Deficit) After Transfers	N=H+M	\$1,338,119	\$1,344,146
RECONCILIATION OF CASH POSITION			
Opening Cash Position as at 01/07/2006	O	30,504,034	30,504,034
Estimated Cash Position as at 30/06/2007	P	28,573,748	33,690,293
Increase/(Decrease) in Cash Balance	Q=P-O	\$(1,930,286)	\$3,186,259
Represented By:			
Estimated opening Restricted Funds Balance	R	29,779,353	23,389,695
Closing Restricted Funds Balance	S	26,550,255	25,271,115
Increase/(Decrease) in Restricted Funds Balance	T=S-R	(3,229,098)	1,881,420
Repayment of Capital Lease and Newcastle Airport Loan	X	(39,307)	(39,307)
Total Cash Surplus/ (Deficit) from Operations & Capital	N=Q-T	\$1,338,119	\$1,344,146
Principal of Loan Funds Repaid and Finance leases	U	(1,792,668)	(1,792,668)
Loan Funds and Proceeds from Sales Received	V	\$3,802,077	\$3,802,077
Increase/(Decrease) in Cash Balance	Q=T+X+N	\$(1,930,286)	\$3,186,259

ATTACHMENT 2

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2007
After March 2007 Budget Forecast

RESTRICTED FUNDS	Balance as at 30/06/2006	Recurrent Budget	Capital Budget	Balance Sheet Movements	Estimated as at 30/06/2007
SECTION 94	13,009,935	(373,603)	(572,756)		12,063,576
DOMESTIC WASTE MANAGEMENT	4,364,672	816,813	(477,500)	(359,563)	4,344,422
Sub Total. Externally Restricted	17,374,607	443,210	(1,050,256)	(359,563)	16,407,998
BUSINESS DEVELOPMENT RESTRICTED FUND	1,206,683	1,461,682	(1,261,583)	934,881	2,341,663
INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND)	1,238,521	287,687	0		1,526,208
ASSET REHABILITATION RESERVE	508,811	430,386	(513,447)		425,750
FLEET MANAGEMENT (PLANT)	3,013,171	2,202,949	(3,997,581)	232,376	1,450,915
OTHER WASTE SERVICES	1,833,545	0	0		1,833,545
QUARRY DEVELOPMENT	782,748	19,160	(88,000)		713,908
BUSINESS OPERATIONS RESTRICTED FUND	(3,342,631)	661,211	(2,422,532)	1,201,715	(3,902,237)
EMPLOYEE LEAVE ENTITLEMENTS	3,952,281	0	0		3,952,281
BEACH VEHICLE PERMITS	107,312	1,144	(20,842)		87,614
DRAINAGE	561,675	760,600	(1,894,210)		(571,935)
INTERNAL LOAN	(2,073,619)	249,700	0		(1,823,919)
TRANSPORT LEVY	84,665	0	0		84,665
ENVIRONMENTAL LEVY	260,000	(182,653)	(77,913)		(566)
ADMINISTRATION BUILDING SINKING FUND	176,056	395,955	(99,000)		473,011
DEPOT SINKING FUND	125,724	425,251	(23,323)		527,652
RTA BYPASS ROADS MTOE RESTRICTED FUND	1,743,784	(136,000)	0		1,607,784
RESTRICTED CASH	1,654,574	(530,869)	(629,046)		494,659
COUNCILLOR WARD FUNDS	311,303	512,500	(352,280)		471,523
INFORMATION TECHNOLOGY STRATEGY	181,852	(55,500)	0		126,352
PROVISION FOR LOCAL GOVT ELECTION	50,000	50,000	0		100,000
PARKING METER RESERVE	28,291	195,093	0	0	223,384
Sub Total. Internally Restricted	12,404,746	6,748,296	(11,379,757)	2,368,972	10,142,257
RESTRICTED FUNDS TOTAL	29,779,353	7,191,506	(12,430,013)	2,009,409	26,550,255

* 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: PSC2006-1228

GOODS AND SERVICES TAX CERTIFICATE

REPORT OF: JEFF SMITH, MANAGER - FINANCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the submission to the Department of Local Government of the Goods and Services Tax Certificate at **ATTACHMENT 1**.

OPERATIONS COMMITTEE MEETING 8 MAY 2007

RECOMMENDATION:

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

128	Councillor Hodges Councillor Nell	That the Recommendation be adopted.
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BACKGROUND

To assist compliance with Section 114 of the Commonwealth Constitution, Council is required to provide a Goods and Services Tax Certificate certifying the following:

- Voluntary GST has been paid by Port Stephens Council for the period 1 May 2006 to 30 April 2007
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office

By 8 June each year, the Commonwealth seeks from members of the GST Administration Subcommittee (GSTAS) advice on voluntary GST payments by local government bodies. The timing of this request is to allow the Commonwealth Commissioner of Taxation to make a determination concerning the amount of GST collected in the financial year in question. Information sought by the Commonwealth is simply instances of where voluntary payments should have been, but were not, paid by local government bodies.

Accordingly, Councils are requested to provide the Department of Local Government with this Certificate before 1 June 2007 to enable the Department to provide the advice to NSW

Treasury for confirmation with the Commonwealth Commissioner of Taxation.

Regarding the use of the term "voluntary" in the certificate, Section 5 of *A New Tax System (Commonwealth-State Financial Arrangements) Act 1999*, subsection 3 (d) refers to "amounts of voluntary GST payments". It follows from this Act that Treasury has requested on behalf of the Taxation Office to include the term voluntary.

LINKS TO CORPORATE PLANS

Council's compliance with GST reporting requirements links to Key Result Area 8 of the 2006-09 Council Plan, in particular, "reporting exceeds compliance and is designed to measure progress towards a more sustainable community".

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Nil

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Nil

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Council Goods and Services Tax Certificate

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

PORT STEPHENS COUNCIL

GOODS AND SERVICES TAX CERTIFICATE

Payment of Voluntary GST 1 May 2006 to 30 April 2007

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by Port Stephens Council for the period 1 May 2006 to 30 April 2007.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on 22 May 2007.

P Gesling
General Manager/
Responsible Accounting
Officer

R Swan
Mayor

S Tucker
Councillor

ITEM NO 6

FILE NO: PSC2006-6415

QUARTERLY REPORT FOR MARCH 2007 QUARTER: COUNCIL PLAN 2006-2009 & PERFORMANCE MEASUREMENT (COCKPIT CHARTS)

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Quarterly Report (March Quarter) against the Council Plan 2006-2009 incorporating Performance Measurement Cockpit Charts.

OPERATIONS COMMITTEE MEETING 8 MAY 2007

RECOMMENDATION:

That the Recommendation be adopted.

Tabled Documents:

1. Quarterly Report March 2007 against Council Plan 2006-2009
2. Performance Measurement (Cockpit Charts) March Quarter 2007

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

129	Councillor Brown Councillor Jordan	That the Recommendation be adopted.
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BACKGROUND

The purpose of this report is to present the third Quarterly Report in the new reporting system adopted for reports against the Council Plan 2006-2009.

LINKS TO CORPORATE PLANS

The Quarterly Report March 2007 reports against the Council Plan 2006-2009.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

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
- 4) To improve the outcome, improve the system and its associated processes
- 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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Quarterly Report cockpit charts map progress in the implementation of the Social and Cultural Plans.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

The Quarterly Report measures progress against the sustainability and environmental indicators in the Council Plan 2006-2009.

CONSULTATION

Nil

OPTIONS

- 1) Adopts the Quarterly Report March 2007 and Performance Measurement cockpit charts for June 2006 to March 2007.
- 2) Amends the Quarterly Report March 2007 and Performance Measurement cockpit charts for June to March 2007.

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

1) Nil

TABLED DOCUMENTS

1. Quarterly Report March 2007 against Council Plan 2006-2009
2. Performance Measurement (Cockpit Charts) March Quarter 2007.

ITEM NO. 7

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 8 May, 2007.

No:	Report Title
1.	Film Hunter Report March 2007
2.	Petition – Request for Speed Humps to be installed in Greenslopes Drive, Raymond Terrace
3.	Petitions – Draft Medowie Strategy
4.	Cash and Investments held at 31 March 2007
5.	Risk Management Self Assessment 2006

OPERATIONS COMMITTEE MEETING 8 MAY 2007

RECOMMENDATION:

That the Recommendation be adopted.

Tabled Documents:

1. Petition – Request for Speed Humps to be installed in Greenslopes Drive, Raymond Terrace.
2. Petitions – Draft Medowie Strategy:
 - (i) Petition requesting additional consultation time;
 - (ii) Petition from residents of Blueberry Hill Estate.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

130	Councillor Jordan Councillor Dover	That the Recommendation be adopted.
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OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

FILM HUNTER REPORT – MARCH 2007

REPORT OF: PETER GESLING – GENERAL MANAGER
FILE: A2004-0026

BACKGROUND

The purpose of this report is to provide Council with a copy of the Film Hunter Report for March 2007.

ATTACHMENTS

- 1) Film Hunter Report – March 2007.

ATTACHMENT 1



E-News March 2007

Pitch Your Idea to Film Industry Heavies

The Business End of Screen Media Workshops

Hunter filmmakers have the chance to compete for a spot in Australia's top film pitching competition at the Screen Producers Association of Australia (SPAA) conference this year.

The NSW Department of State and Regional Development is partnering with AFTRS to deliver a six session course on the *Business End of Screen Media*, covering financing, marketing and distribution, pitching, intellectual property and sustainable business models. The course will culminate in a pitching contest to an expert industry panel, with the winners going onto the NSW shortlist for SPAA. The subsidised cost of six workshops is \$250 only. Numbers are limited. For more information, call Gillian on 4974 2889. **When: Six Tuesdays from 24 April, 2007. Where: Noah's on the Beach.**



Pitch to the Panel

Newcastle Stars!

Young Novocastrian **Zach Garred** stole the show at the production launch of the independent film – *Newcastle* in February regaling the audience with tales of growing up as an actor with a truck-driver Dad.

Zach has a feature role in the surfing movie produced by **Naomi Wenck** (*Ten Empty*), written by American-born writer/director **Dan Castle** (*The Visitor*).

Zach has a number of TV credits - *Home and Away*, *All Saints*, *Blue Water High*.

Production on *Newcastle* starts mid-April and also features **Barry Otto** with a special appearance from Knight's captain and keen surfer **Andrew Johns**.

Film locations include Nobbys, Redhead, and Stockton beaches, the Port of Newcastle, and Newcastle Baths.



Zach Garred

Hunter Filming Boom

Filming in the Hunter is currently undergoing a boom with 42 productions happening in the six months to 31 December '06. This was a 68% increase on productions in the previous six months. With a total regional film spend of \$1.1 million the Hunter received triple the previous injection of direct expenditure.

While much of the filming was in television commercials (TVCs), locally produced offerings such as the short film *Blue Lies* and the critically acclaimed documentary *Lock Out* were shot in the Cessnock area.

And the cameras keep rolling in 2007 with six TVCs shooting in the Hunter in January and February.



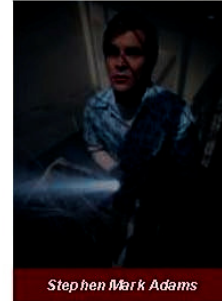
Lock Out shoot at Neath

Devil's Gateway

Silver Bullet Films had strong reviews in Berlin in February for *Devil's Gateway* – a thriller filmed at Maitland Gaol last year. International sales agent, Atlas International, now intends selling the film at the Cannes Market in May.

The script sees a TV presenter and her motley crew venture into one of Australia's most haunted locations - some call it the *Devil's Gateway*. After they enter the gaol strange things start to happen and a race for survival begins.

Actor **Stephen Mark Adams** spent time in gaol in 2006, while Australian TV actress **Holly Brisley** has just signed up to play a role in a new scene in the film.



Stephen Mark Adams

Quest - The Place to Stay

Quest Apartments in Newcastle and Maitland have signed up as a Film Hunter partner for 2007. Quest Apartments are both 4.5 star corporate properties ideal for film crews. In fact, both properties offer special film rates.

With one, two, or three (Newcastle only) bedroom apartments, plus generous living areas, there are great savings on accommodating large crews.

Both properties are ideally located, with Quest Newcastle right in the CBD, close to the harbour and Quest Maitland minutes from Maitland Gaol. Both have complimentary security parking.



A typical Quest bedroom.

For Quest Newcastle bookings, call Brooke Phillips on Ph: (02) 4928 8000 and for Quest Maitland, call Sheree Morrison on Ph: (02) 4999 6000.

March – Location of the Month - Gloucester

Located in the Barrington Tops about 1.5 hours from Newcastle, Gloucester is a secluded country town with dramatic **Bucketts Mountains** as a backdrop.



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INFORMATION ITEM NO. 2

**PETITION – REQUEST FOR SPEED HUMPS TO BE INSTALLED IN
GREENSLOPES DRIVE, RAYMOND TERRACE**

**REPORT OF: PETER GESLING – GENERAL MANAGER
FILE: PSC2007-1257**

BACKGROUND

The purpose of this report is to advise Councillors of a petition that has been received from residents of Greenslopes Drive, Raymond Terrace. The petition states:

“The residents of Greenslopes Drive, Raymond Terrace are concerned about the safety in our street.

A considerable number of young drivers are using this street at all times as a race track. There are a number of senior citizens and school age children living in this street. The very real possibility that a serious or fatal accident could occur at any time is of great concern to us all.

Would the Council please consider the installation of two speed humps in this street.”

Staff Comment

This matter will be listed for discussion at the Traffic Committee and traffic counters will be installed to collect data to determine the next course of action.

TABLED DOCUMENT

- 1) Petition.

INFORMATION ITEM NO. 3

PETITIONS – DRAFT MEDOWIE STRATEGY

**REPORT OF: PETER GESLING – GENERAL MANAGER
FILE: PSC2007-1426**

BACKGROUND

The purpose of this report is to advise Council of two petitions which have been received in relation to the Draft Medowie Strategy. One petition is calling for an extended consultation time of at least an additional month. This has already been addressed with Council resolving on 24 April 2007 to extend the consultation period by four weeks. The second petition is directed at issues affecting the residents of the Blueberry Hill Estate.

TABLED DOCUMENTS

- 1) Petition requesting additional consultation time.
- 2) Petition from residents of Blueberry Hill Estate.

INFORMATION ITEM NO. 4

CASH AND INVESTMENTS HELD AT 31 MARCH 2007

REPORT OF: JEFF SMITH, MANAGER - FINANCIAL SERVICES
FILE: PSC2006-6531

BACKGROUND

The purpose of this report is present Council's schedule of Cash and Investments Held at 31 March 2007.

ATTACHMENTS

- 1) Cash and Investments Held at 31 March 2007.

ATTACHMENT 1

CASH & INVESTMENTS HELD - AS AT 31 MARCH 2007							
INVESTED WITH	INV. TYPE	DATE INVESTED	MATURITY OR COUPON DATE	NO. OF DAYS	AMOUNT INVESTED	INTEREST RATE	% OF TOTAL FUNDS HELD
GRANGE SECURITIES							
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt	15-Mar-07	15-Jun-07	92	500,000.00	8.02%	1.61%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Mar-07	20-Jun-07	92	1,000,000.00	7.96%	3.22%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	23-Nov-06	23-May-07	181	1,500,000.00	6.47%	4.83%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Mar-07	20-Jun-07	92	1,000,000.00	7.96%	3.22%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	22-Mar-07	22-Jun-07	92	1,000,000.00	7.90%	3.22%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	20-Mar-07	20-Jun-07	92	1,000,000.00	7.56%	3.22%
HOME BUILDING SOCIETY	Floating Rate Sub Debt	25-Jan-07	25-Apr-07	90	500,000.00	7.39%	1.61%
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note	18-Jan-07	18-Apr-07	90	500,000.00	8.25%	1.61%
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	20-Mar-07	20-Jun-07	92	1,000,000.00	7.46%	3.22%
GRANGE SECURITIES "COOLANGATTA AA"	Floating Rate CDO	20-Mar-07	20-Jun-07	92	1,000,000.00	7.76%	3.22%
TOTAL GRANGE SECURITIES					\$9,000,000.00		28.98%
ABN AMRO MORGANS							
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Mar-07	20-Jun-07	92	2,000,000.00	7.86%	6.44%
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	21-Mar-07	21-Mar-08	366	1,000,000.00	7.00%	3.22%
TOTAL ABN AMRO MORGANS					\$3,000,000.00		9.66%
ANZ INVESTMENTS							
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	8-Jan-07	6-Apr-07	88	500,000.00	7.61%	1.61%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA" AA"	Floating Rate CDO	20-Mar-07	20-Jun-07	92	1,000,000.00	7.96%	3.22%
	Floating Rate CDO	20-Mar-07	20-Jun-07	92	500,000.00	7.96%	1.61%
TOTAL ANZ INVESTMENTS					\$2,000,000.00		6.44%
RIM SECURITIES							
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	29-Jan-07	30-Apr-07	91	500,000.00	8.10%	1.61%
CSFB AUSTRALIA PROPERTY LINKED NOTE (2010)	Property Linked Note	21-Mar-07	21-Jun-07	92	1,000,000.00	2.00%	3.22%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	8-Jan-07	6-Apr-07	88	2,000,000.00	8.41%	6.44%
ROCK BUILDING SOCIETY LTD (2007)	Floating Rate Sub Debt	31-Jan-07	30-Apr-07	89	500,000.00	9.14%	1.61%
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	5-Jan-07	5-Apr-07	90	1,000,000.00	7.10%	3.22%
TOTAL RIM SECURITIES					\$5,000,000.00		16.10%
WESTPAC INVESTMENT BANK							
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	29-Jan-07	27-Apr-07	88	500,000.00	7.55%	1.61%
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt	21-Feb-07	21-May-07	89	500,000.00	7.47%	1.61%
TOTAL WESTPAC INV. BANK					\$1,000,000.00		3.22%

MINUTES OF ORDINARY MEETING 22 MAY 2007

ATTACHMENT 1

LONGREACH CAPITAL MARKETS							
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	7-Mar-07	7-Sep-07	184	500,000.00	6.66%	1.61%
NOTE	Property Linked Note	6-Mar-07	6-Sep-07	184	500,000.00	6.00%	1.61%
TOTAL LONGREACH CAPITAL					\$1,000,000.00		3.22%
FUND MANAGERS							
MERRILL LYNCH INVESTMENT MANAGERS					1,597,481.12	RATE OF RETURN - MTH	5.14%
PERPETUAL INVESTMENTS					1,649,269.96		5.31%
ADELAIDE MANAGED FUNDS					750,000.00	6.40%	2.41%
TOTAL FUND MANAGERS					\$3,996,751.08		12.87%
COMMONWEALTH BANK							
PRINCIPAL PROTECTED YIELD ACCRUAL NOTE	Yield Curve Note	06-Feb-07	07-May-07	90	500,000.00	9.25%	1.61%
PRINCIPAL PROTECTED YIELD ENHANCED ACCRUAL NOTE "COMMENTS AA-"	Yield Curve Note	31-Jan-07	31-Oct-07	273	500,000.00	7.15%	1.61%
TOTAL COMMONWEALTH BANK					\$1,000,000.00		3.22%
FIG SECURITIES							
CREDIT SUISSE PRINCIPAL PROTECTED NOTE	Principal Protected Note	22-Mar-07	22-Jun-07	92	1,000,000.00	7.00%	3.22%
AQUADUCT AA-							
TOTAL FIG SECURITIES					\$1,000,000.00		3.22%
MAITLAND MUTUAL							
	Floating Rate Sub Debt	16-Jan-07	16-Apr-07	90	500,000.00	7.46%	1.61%
	Term Deposit	4-Mar-07	4-Jun-07	92	2,048,471.98	6.60%	6.60%
	Floating Rate Sub Debt	11-Mar-07	10-Jun-07	91	500,000.00	7.35%	1.61%
TOTAL M'LAND MUTUAL					\$3,048,471.98		9.82%
TOTAL INVESTMENTS					\$30,045,223.07		96.74%
CASH AT BANK					\$1,012,295.56	6.20%	3.26%
TOTAL CASH & INVESTMENTS					\$31,057,518.63		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

INFORMATION ITEM NO. 5

RISK MANAGEMENT SELF ASSESSMENT 2006

AUTHOR: JEFF SMITH, MANAGER - FINANCIAL SERVICES
FILE: A2004-0112

BACKGROUND

The purpose of this report is to inform Council of Port Stephens Council's results for 2006 in the annual Statewide Mutual Risk Management Self Assessment (previously known as the Public & Professional Liability Audit).

Statewide Mutual, Council's Public Liability and Professional Indemnity insurer, requests the participation of all member councils in the annual Risk Management Self Assessment. Port Stephens Council has participated each year since inception in 2001.

In 2005 the Statewide Mutual Board implemented a bonus scheme tied to the Public Liability/Professional Indemnity insurance contribution. The bonus amounts to up to 10% of a member council's previous year's premium based on the following criteria:

- Performance in the audit (6%)
- Claims experience (3%)
- Attendance and participation in regional risk management groups (1%)

Non return of the completed audit would deem a member council to be ineligible to participate in the bonus scheme. Council received a bonus of \$59,325 in 2006. The method of calculation and distribution of the bonus may change for 2007.

The attached graph highlights Council's results for 2006, 2005, 2004, 2003, 2002 and 2001, the Hunter region's average result for 2006 and the Statewide average result for 2006 for the overall audit and for each element within the audit.

The element "Playground Equipment" has no 2001 result as it was incorporated in the audit for the first time in 2002. Similarly, the "Swimming Pools" component was introduced into the audit for the first time in 2004. The Bitumen & Asphalt Resurfacing component was introduced in 2006.

Council scored 90% on the overall audit response, an improvement of 4% over 2005 and higher than both the region average (80%) and the Statewide average (69%). The result is a 49% improvement on Council's result of 41% in the inaugural audit in 2001.

Council scored 100% in the Gathering Information element. This policy was adopted by Council in March 2002 and was the subject of a Council-wide training program. The policy was reviewed and updated in 2004 and further amended in 2005 to include capture of digital images. The policy will be reviewed later this year following release of the revised *Gathering Information Best Practice Manual*.

Council scored 100% in the Roads component, the same result as in the 2004 and 2005 Audits. Council has in place an adopted Roads Maintenance & Inspection policy although the policy has not been reviewed since its adoption in August 2002.

Swimming Pools, a new element from the 2004 audit onward, scored 100%. This result would indicate that Council is managing its risks well in relation to the operation of its swimming pools and has improved the consistency of the procedures applied by the different lessees.

Bitumen & Asphalt Resurfacing was introduced as a new element in 2006. Council scored 95%, a reflection of a Council's systematic approach driven by the RTA contract.

In the Certificates component Council scored 89%, an improvement of 10% over 2005. Following release of a revised *Certificates and Applications Best Practice Manual* in 2004, an internal Focus Team was formed to progress implementation of the revised Manual. The Focus Team subsequently forwarded recommendations to Scott Anson for consideration by the PDSA Team reviewing the Applications process.

Council again scored 88% in the Footpaths element. Council's policy presently requires inspection of high and medium pedestrian usage areas on a yearly basis. To gain maximum points in this area, Council would need to inspect high pedestrian usage areas monthly and medium pedestrian usage areas quarterly. Inspection frequency may warrant review in light of Section 44(d) of the Civil Liability Amendment (Personal Responsibility) Bill 2002.

Council scored 88% in the Signs element, a decrease of 7% from the previous year. An audit of all signage at relevant Council facilities was completed and a formal policy and procedures document have been adopted since the introduction of the Audit in 2001.

Applications scored 81%, an increase of 8% over 2005. See point 3.6 above.

Playground equipment scored 81%, a decrease of 8% over the 2005 result. To improve this result Council would need to expand the data captured by the inventory of equipment and investigate the use of a database to manage the inspection and maintenance process.

The Trees element scored 74%, similar to the 2005 result. Following significant work in the Sustainable Planning area in 2004, a new Focus Team was formed in 2005 under the leadership of Bruce Petersen. Also, a PDSA team was formed to review the tree inspection process. Despite neither of these Teams bringing adoption of this Manual to finality, some progress has been made in introducing a more consistent approach to tree inspections.

As in 2005, Council's audit responses were subject to external verification by a Risk Management Officer from Jardine Lloyd Thompson. Council scored 100% on this verification.

MINUTES OF ORDINARY MEETING 22 MAY 2007

Each responsible officer who participated in responding to the audit questions has been provided with a copy of their response for future reference and review as necessary.

The 2006 Public Liability Audit Results Graph will be circulated separately, as this is a coloured graph for your information.

ATTACHMENTS

- 1) Nil.

STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: PSC2005-3231

ASSET MANAGEMENT POLICY

AUTHOR: – MIKE TRIGAR, GROUP MANAGER - FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Asset Management Policy as attached.
-

STRATEGIC COMMITTEE MEETING 8 MAY 2007

RECOMMENDATION:

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:		
131	Councillor Nell Councillor Westbury	That the Recommendation be adopted.

BACKGROUND

The purpose of this report is to re-present to Council for approval the Asset Management Policy as per *Attachment 1*.

Port Stephens Council (PSC) adopted in 2003 the International Public Works and Engineering Australia's (IPWEA) recommended industry best practice approach to asset management as detailed (now) in the International Infrastructure Management Manual (IIMM) – Version 3.0, 2006 for its largest asset category, roads, bridges and drains. The IIMM has been endorsed by many international, national, state and local governments, utility organisations, the World Bank and private organisations.

In 2004, the Group Manager, Facilities and Services on behalf of the General Manager commenced the development of a holistic and comprehensive asset management strategy across the whole of the organisation's various sections for asset management, maintenance and operations. This project included the compilation of the following documents in accordance with the IIMM to align Council with asset management best practice namely:

- Asset Management Policy;
- Asset Management Guideline; and
- Asset Management Plan Framework (to formulate all Asset Management Plans).

The contents of the Asset Management Guideline and Framework are directed by the Asset Management Policy.

The compilation of the above documents also address the issues and recommendations made in the 2005 to PSC by the Department of Local Government report “Local Government Reform Program – Promoting Better Practice”. **Attachment 2** contains an extract of all the recommendations pertinent to asset management.

The proposed draft Asset Management Policy was initially presented to Council for adoption in May 2006 but was deferred pending:

- Further discussions with some Councillors regarding the relevance of asset management best practice to on ground works and maintenance.
- Resourcing for the Section 94 review and the subsequent update of the Forward Works Plan (FWP).
- Emerging changes to asset accounting standards with the proposed introduction of the Local Government’s Managers Association’s (LGMA’s) recommended Asset Fair Value Asset Accounting, Depreciation and Asset Management.

These issues have either been completed or examined as appropriate including discussions with relevant parties and stakeholders. Notwithstanding these issues the draft Asset Management Policy as originally presented, is still relevant and has therefore remained unchanged since May 2006.

Further, all asset owners across PSC have commenced their asset management planning processes.

POLICY CONTENT

The proposed policy will result in aligning PSC with asset management best practice to provide documented transparency and processes to conduct consultation and partnership with the community to:

- Provide non-asset answers for current and future service delivery wherever possible.
- Prefer rehabilitation to replacement to embellishment to new asset works to become more sustainable in the long term.
- Provide consolidated assets designed to fulfil multi-purpose activities thereby maximising utilisation and lowering overhead and other costs.
- Provide consolidated assets also designed for flexibility to respond to changing community needs into the future.
- Periodically review its asset base based on changing community needs and expectations.

LINKS TO CORPORATE PLANS

The commitment to asset management is now further demonstrated in the Draft Council Plan 2007-2011, Council’s Charter, Goals and Strategies.

Council Charter: “Custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible”

Goal 25: “Provide sustainable facilities & services to the community of Port Stephens now & into the future”

Strategy under Goal 25: “Develop asset management plans for all facilities infrastructure across Port Stephens Council’s local government area”

FINANCIAL/RESOURCE IMPLICATIONS

Full financial and resources implications will become evident once a full gap analysis (difference between what we should have and what we actually have) is conducted for each of Council’s asset group as well as “fair value” asset accounting to be introduced progressively from 2008.

LEGAL AND POLICY IMPLICATIONS

The acceptance of a documented Asset Management Policy will provide a consistent and transparent management of Council’s assets to achieve sustainability. This transparency and process driven plans will reduce non-value added works practices and reduce liability claims against Council through future risk mitigation.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework namely:

- 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
- 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 Asset Management Policy gives Council the direction to systematically consult and communicate to its community to formulate sustainable changes to existing services and standards to better meet future needs and expectations.

ECONOMIC IMPLICATIONS

The Asset Management Policy gives Council the direction to systemically examine and review its services and standards to sustainably meet current and future needs in the most economical manner over the life of each asset.

ENVIRONMENTAL IMPLICATIONS

The Asset Management Policy gives Council the direction to systemically examine and review its services and standards to sustainably meet current and future needs while minimising environmental impacts..

CULTURAL IMPLICATIONS

The provision of appropriate infrastructure assets enables better cultural outcomes to be potentially achieved.

CONSULTATION

Consultation was undertaken with Councillors, the Asset Management Focus Group, Section Managers, Executive Group, Council's asset owners and those that maintain assets, areas of Council involved in providing information to compile the Asset Management Framework, Guidelines and Asset Management Plans. External consultation was undertaken with the IPWEA, other councils, utilities and other major external asset owners.

Council Briefings on Asset Management

This Focus Group has undertaken two Council briefings to present the progress of Council's management of assets.

24th August 2004 – Notify Council the path that Council was taking to document the implementation of Asset Management Best Practice. This briefing also summarised the current status of Council's Assets.

28th February 2006 – Presented the Asset Management Guideline discussing Asset Management Best Practice behind the Asset Management Policy, Guideline, and Framework.

OPTIONS

- 1) Adopt the attached Asset Management Policy
- 2) Make amendments to the Asset Management Policy
- 3) Reject Asset Management Policy

ATTACHMENTS

- 1) Draft Asset Management Policy (2005/06)
- 2) Sections of the Department of Local Government report "Local Government Reform Program – Promoting Better Practice"

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2005-3231

TITLE: ASSET MANAGEMENT POLICY

RESPONSIBLE OFFICER: ENGINEERING SERVICES MANAGER

BACKGROUND

Port Stephens Council is responsible for a large and diverse asset base. These assets include roads, bridges, footpaths, drains, libraries, childcare centres, halls, parks, sporting facilities, land, commercial properties and investments to name a few. According to Council's Charter under the Local Government Act, with regard to asset management, Council should:

- Provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services are managed efficiently and effectively;
- Have regard to the long term and cumulative effects of its decisions; and
- Bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.

Over time Port Stephens Council has greatly increased its net assets, which has consequently increased its depreciation, operating and maintenance costs to an already large and aging asset base. In order to manage this asset base, strategies and plans designed to address issues regarding asset lifecycles need to ensure that priorities are designed in line with organisational objectives, that financing and expenditure is planned and controlled in accordance with these priorities, and that resources are used as effectively and efficiently as possible. This Asset Management Policy is a general statement of how Port Stephens Council will manage its assets into the future.

OBJECTIVE

The objectives of this policy is to demonstrate Council's commitment to developing, managing, maintaining and operating its assets to an agreed level of service with its community while optimising lifecycle costs in accordance with current asset management world and Australian best practice.

PRINCIPLES

Australian Business Excellence Framework

This aligns with the following Principles of the ABE Framework namely:

- 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
- 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

POLICY STATEMENT

Council is committed to undertake the management of assets in accordance with current best practice that is outlined in the accompanying Port Stephens Council's Asset Management Guideline. The guideline details areas of asset management to be addressed including:

- Gathering Background Data of the Asset (What is the asset, the capacity, the value)
- Planning (The Big Picture)
- Creation / Acquisition / Augmentation Plan (How we gain assets)
- Financial / Risk Management Plan (How we fund asset management)
- Operations and Maintenance Plan (How we maintain asset and to what standard)
- Condition and Performance Monitoring (What is asset performance against needs)
- Rehabilitation / Replacement Plan (How and when we upgrade our asset)
- Consolidation / Rationalisation Plan (How we optimise our management of assets)
- Audit Plan (Is the process working efficiently and effectively)

In accordance with asset management best practice Council in consultation and partnership with its community shall:

- Provide non-asset answers for current and future service delivery wherever possible
- Prefer rehabilitation to replacement to embellishment to new asset works to become more sustainable in the long term
- Provide consolidated assets designed to fulfil multi-purpose activities thereby maximising utilisation and lowering overhead and other costs
- Provide consolidated assets also designed for flexibility to respond to changing community needs into the future
- Periodically review its asset base based on changing community needs and expectations.

RELATED POLICIES

Asset management covers many activities in local government and as a multidisciplinary organisation there is an extensive list of related community and Council strategies, plans and policies. Therefore only a selection of key related strategies, plans and policies are listed below.

- Port Stephens Local Environmental Plan (LEP) 2000
- Port Stephens Urban Settlement Strategy
- Port Stephens Economic Development Strategy
- Port Stephens Community Services and Facilities Strategy
- Port Stephens Social and Community Plan
- Port Stephens S94 Plans
- PS 10 Building Standards and Notification Procedures for Development Applications
- PS 8 Guidelines for Exempt and Complying Developments
- PS Generic Sportsground Plan of Management
- Communication and Consultation Strategy
- Sustainability Policy
- Risk Management Strategy
- Disability Access Policy
- Assessment and Maintenance of Roads Policy
- Assess and Maintenance of Footways Cycleways Policy

SUSTAINABILITY IMPLICATIONS

The Port Stephens Council's Asset Management Policy and accompanying Asset Management Guideline provides the tools to ensure that Council examines and reviews the services and standards provided by its assets to sustainability meet current and futures needs. Asset management directions and actions shall be considerate of but not limited to the implications listed below.

SOCIAL IMPLICATIONS

The social implication of community safety, needs and priorities, equity, amenity and utilization.

ECONOMIC IMPLICATIONS

asset condition, availability of external funds, user and owner costs, impacts on local economic activities

ENVIRONMENTAL IMPLICATIONS

protection and conservation of environmental assets, resource use, energy and water conservation.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993 - Section 8 The Council Charter

IMPLEMENTATION RESPONSIBILITY

All Council Staff responsible for the whole or part lifecycle management of Council assets.

REVIEW DATE

May 2009

ATTACHMENT 2

EXTRACT FROM DEPARTMENT OF LOCAL GOVERNMENT REPORT “LOCAL GOVERNMENT REFORM PROGRAM, PROMOTING BETTER PRACTICE” ASSET MANAGEMENT RECOMMENDATIONS FOR PORT STEPHENS COUNCIL.

Recommendation 13:

Council should develop a comprehensive disposal policy for its assets.

Recommendation 27:

Council should complete the development of its long-term financial plan in conjunction with its strategic planning processes, taking into account the following considerations

- a. Alternative sources of revenue
- b. Long term rates strategy (rating structure, special variations etc)
- c. Long term borrowing needs and debt service ratio
- d. Investment strategies
- e. The alignment of its long-term financial plan with other strategic directions such as 2030, asset management, social and strategic plans
- f. Long-term plans for capital works, land acquisition and anticipated demand for community facilities
- g. Reserves and Section 94 contributions
- h. Asset management plan
- i. Ward funds

Recommendation 29:

Council should link its current review of Section 94 contributions plans to its capital works program and long term financial and asset management plans.

Recommendation 30 and 31:

Council should continue to develop a comprehensive asset management plan, which includes the rationalisation of assets and a maintenance program. Council is encouraged to continue in its process of linking:

- Inventory collection – frequency, condition assessments
- Service levels – internal and external, maintenance plans
- Risk assessment – public liability and risk
- Asset life – future demand analysis, deterioration and depreciation
- Sustainability gap.

ITEM NO. 2

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 8 May 2007.

No: Report Title

1. Hunter Councils Contributions 2007/08
 2. Council Ward Funds
-

STRATEGIC COMMITTEE MEETING 8 MAY 2007

RECOMMENDATION:

That the Recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

132	Councillor Tucker Councillor Hodges	That the Recommendation be adopted.
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INFORMATION ITEM NO. 1

HUNTER COUNCILS CONTRIBUTIONS 2007/08

REPORT OF: PETER GESLING – GENERAL MANAGER
FILE: A2004-0026

BACKGROUND

The purpose of this report is to inform Council of the Hunter Council contributions Port Stephens Council will make to Hunter Councils in the 2007/08 year.

Councillors will note that there is a savings to Port Stephens Council of \$1149 on the 2006/07 contributions to Hunter Councils. The total contribution of \$63,899 is included within the 2007/08 draft Council budget.

ATTACHMENTS

- 1) Proposed 2007/08 Hunter Councils contribution for all Hunter Councils

ATTACHMENT 1

Council Contributions 2007 / 2008

	Administration	L & D	Regional Purchasing	Hunter Environment	Total Hunter Councils 07/08	Change	Total Hunter Councils 06/07	Reduct.	Total Hunter Councils 05/06	Reduct.	Total Hunter Councils 04/05	Film Hunter 07/08 (finished)
	(10% red'n)	(10% red'n)		(10% incr.)								
Cessnock	\$20,207	\$9,196	\$0	\$29,458	\$58,861	-1%	\$59,450	-5%	\$62,300	-9%	\$68,741	\$0
Dungog	\$5,588	\$2,543	\$0	\$15,862	\$23,993	2%	\$23,454	-2%	\$24,038	-8%	\$26,181	\$0
Gloucester	\$4,434	\$2,018	\$0	\$15,862	\$22,314	3%	\$21,589	-2%	\$21,965	-8%	\$23,769	\$0
Great Lakes	\$11,261	\$5,124	\$0	\$22,660	\$39,045	1%	\$38,805	-4%	\$40,228	-9%	\$44,039	\$0
Greater Taree	\$11,261	\$5,124	\$0	\$22,660	\$39,045	1%	\$38,805	-4%	\$40,228	na	\$17,000	\$0
Lake Macquarie	\$38,502	\$17,521	\$0	\$29,458	\$85,481	-4%	\$89,028	-6%	\$95,164	-11%	\$106,984	\$0
Maitland	\$22,901	\$10,421	\$0	\$29,458	\$62,780	-2%	\$63,804	-5%	\$67,138	-10%	\$74,370	\$0
Muswellbrook	\$8,281	\$3,768	\$0	\$18,128	\$30,177	1%	\$29,868	-3%	\$30,875	-9%	\$33,810	\$0
Newcastle	\$38,118	\$17,346	\$0	\$29,458	\$84,922	-4%	\$88,407	-6%	\$94,474	-11%	\$106,181	\$0
Port Stephens	\$23,670	\$10,771	\$0	\$29,458	\$63,899	-2%	\$65,048	-5%	\$68,520	-10%	\$75,979	\$0
Singleton	\$10,589	\$4,820	\$0	\$22,660	\$38,068	1%	\$37,720	-3%	\$39,022	-8%	\$42,634	\$0
Upper Hunter	\$10,457	\$4,759	\$0	\$20,394	\$35,610	0%	\$35,447	-4%	\$36,785	-10%	\$40,985	\$0
Total 07/08	\$205,268	\$93,411	\$0	\$285,516	\$584,194		\$591,425		\$620,737		\$660,673	\$0

Note: (same) (same) (10% Incr.) (Incr.) (Incr.) (Incr.)

Gosford	\$0	\$2,000	\$8,869	\$22,660	\$33,529	7%	\$31,469	2%	\$30,869	54%	\$20,000
Wyong	\$0	\$0	\$8,869	\$22,660	\$31,529	7%	\$29,469	2%	\$28,869	44%	\$20,000

INFORMATION ITEM NO 2

COUNCIL WARD FUNDS

**REPORT OF: JUNE SHINE, EXECUTIVE MANAGER- CORPORATE
MANAGEMENT**

FILE: PSC 2007-0183

BACKGROUND

The purpose of this report is to provide the current Ward Funds expenditure and the balance as at 27 April 2007.

ATTACHMENTS

- 1) Ward Funds
- 2) Minor Works

ATTACHMENT 1

2006/2007 ALLOCATIONS OF COUNCILLOR WARD

FUNDS

WARDS

EAST CENTRAL WEST

ESTIMATED BALANCE B/FWD FROM 30 JUNE 2006	138,436	1,940	170,927
FUNDS REALISED IN 2005-2006	0	0	0
TOTAL AVAILABLE 1 JULY 2006	138,436	1,940	170,927

ALLOCATED TO:-

From Original Budget

Corlette SES	15,000		
Contribution to RT Comm & Policing Services Rental assistance CM372/05			15,000
Raymond Terrace Senior Citizens Centre			35,000
Medowie Skate Park		77,000	

From Revotes and Carry Forwards

Shelly Beach Amenities	25,000		
King Park Landscaping			7,000
Anna Bay Oval Upgrade		1,697	
Anna Bay Pony Club		-10,251	
Bowthorne Park Upgrade			21,000
Tomaree Sports Complex - New Water Service	70,000		
Little Beach Disability Access ramp	33,904		
Raymond Terracs CCC			19,108
Tilligerry Creek Erosion Study		5,000	
Cycleway Construction Brockelsby Road Medowie		22,744	
Bus Facilities Construction Medowie		18,571	
Bus Facilities Construction Anna Bay		11,299	
Bus Facilities Construction LTP		3,314	
Karuah Main Sreet			7,894

From Budget Reviews

Port Stephens Community Arts Centre CM 222/05	10,000		
Salt Ash Sports Ground CM 434/06		35,000	
LTP Development Control Plan CM 469/06		12,500	

TOTAL ALLOCATED	153,904	176,874	105,002
BALANCE as at 27.4.07	-15,468	-174,934	65,925

ATTACHMENT 2

2006/2007 ALLOCATION OF MINOR WORKS			
WARDS	EAST	CENTRAL	WEST
BALANCE B/FWD FROM 30 JUNE 2006	0	0	0
2006/2007 BUDGET ALLOCATION FROM REVENUE	20,000	20,000	20,000
TOTAL AVAILABLE 1 JULY, 2006	20,000	20,000	20,000
ALLOCATED TO:-			
Previously Allocated funds paid this Financial year			
Tilligerry Lions and Habitat Arts Festival CM 578/06		500	
Glen Oak School of Arts CM 578/06			339
Allocated 2006/2007 Financial Year			
Medowie Scout Group CM 618/06		110	
Rotary Club of Nelson Bay CM 618/06	2,500		
Shoal Bay Public School CM 618/06	869		
Shoal Bay Public School CM655/06	395		
Access Comm. of Port Stephens CM 794/06	595		
1st Tilligerry Scout Group CM 794/06		722.5	
P S Fellowship of Australian Writers CM 679/06	1000		
Hunter River High School CM 679/06			200
Irrawang Public School CM 734/06			200
Glen Oak School of Arts CM734/06			2000
Port Stephens Music Festival CM 734/06	93.2		
1st Paterson Bolwarra Scouts Group CM 761/06			200
Nelson Bay Senior Citizens Hall Clr req 05-1181	3000		
Thou Walla Family Centre CM 031/07			2000
Royal Volunteer Coastal Patrol Car Park CM 031/07	3190		
PS Community Care Senior Expo CM 031/07			1000
Raymond Terrace Water Polo CM 031/07			500
TRT and District tennis Club CM 031/07			1250
Whale and Dolphin Watch (Skyle Bertoli) CM 031/07	500	500	500
TOTAL ALLOCATED	12,142	1,833	8,189
BALANCE AVAILABLE	7,858	18,168	11,811
PLUS Expected Property Profits Funds (30%)	0	0	0
TOTAL AVAILABLE as at 27.4.07	7,858	18,168	11,811

GENERAL MANAGER'S REPORTS

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) Karuah Progress Assoc – DA Fees - \$762.30
 - b) Anna Bay Public School – Community Celebrations - \$200
 - c) Nelson Bay Town Management – Security Lighting - \$1923.90
 - d) Anglican Church Raymond Terrace – Xmas Tree costs - \$200
 - e) Art Show Sponsor - \$2000
 - f) Seaham Scouts – Upgrade of equipment for OH&S requirements - \$1000
-

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:		
133	Councillor Hodges Councillor Jordan	That the Recommendation be adopted.

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 DONATIONS

WEST WARD – Crs Brown, Francis, Hodges & Jordan

Karuah Progress Assoc	Reimbursement of DA fees	762.30
Anglican Church RT	Xmas Tree Lighting Costs	200.00
Seaham Scouts	Upgrade of equipment to meet OH&S	1000.00

CENTRAL WARD – Crs Baumann, Swan, Dingle & Tucker

Anna Bay Public School	Community Celebrations	200.00
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EAST WARD – Crs Westbury, Nell, Robinson & Dover

Nelson Bay Town Management	Supply Security Lighting	1923.90
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MAYORAL FUNDS

Raymond Terrace Art Show	Art Show Sponsor	2000.00
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LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

- a) a guarantee of public acknowledgment of the Council's assistance

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

Australian Business Excellence Framework

This aligns with the following ABEF Principles:

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

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 2

FILE NO: PSC20007-0131

COUNCIL PLAN 2007-2011 INCLUDING BUDGET AND FEES & CHARGES

REPORT OF: JUNE SHINE - EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Council Plan 2007-2011 including budget and fees and charges with the amendments noted in attachment 1, in accordance with section 406 of the Local Government Act 1993.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

134	Councillor Brown Councillor Jordan	That the Recommendation be adopted.
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BACKGROUND

The purpose of this report is to provide to Council the outcomes of the exhibition process for the Draft Plan, which was held between 2 and 30 April 2007.

The Draft Plan was provided to libraries and community centres across the LGA, and was available on the Council's web site and at the Administration Building. Advertisements were taken out in the Examiner newspaper, inviting the community to comment on the Exhibition Draft Plan.

In addition 277 people were invited to take part in a survey to determine the efficacy of the Draft Plan in the opinion of these randomly selected rate payers. 79 people asked to have the Draft Plan and survey sent to them. Of these 12 people returned the survey, the results of which are provided as attachment 2.

Through the period of exhibition staff have identified a number of typographical errors and omissions.

In addition to the 12 survey respondents, another 8 submissions were received, and the details of these are provided in attachment 1.

LINKS TO CORPORATE PLANS

Exhibition Draft Council Plan 2007-2011

FINANCIAL/RESOURCE IMPLICATIONS

The Budget 2007-2008 is included as part of the plan, together with the fees & charges for 2007-2008.

LEGAL AND POLICY IMPLICATIONS

The development of the Draft Council Plan 2007-2011 and the exhibition process for the Draft Plan comply with the provisions of sections 402 – 405 of the Local Government Act 1993.

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
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 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 Council Plan 2007-2011 incorporates social and cultural sustainability.

ECONOMIC IMPLICATIONS

The Council Plan 2007-2011 incorporates economic sustainability.

ENVIRONMENTAL IMPLICATIONS

The Council Plan 2007-2011 incorporates environmental sustainability.

CONSULTATION

The Exhibition Draft Council Plan 2007-2011 was available to the community and staff for comment from 2 April to 30 April 2007 in accordance with section 405 of the Local Government Act 1993.

OPTIONS

1. Notes the contents of the submissions received in writing in the period 2 to 30 April 2007 in relation to the Draft Council Plan 2006-2009 and the associated Schedule of Fees & Charges;
2. Notes the additions and alterations to the Draft Plan, the Schedule of Fees and Charges;
3. Adopts the Council Plan 2007-2011 and Schedule of Fees and Charges as amended in accordance with the actions in attachment 1.

ATTACHMENTS

- 1) Detail of submissions and actions
- 2) Feedback from survey respondents.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil.

**Attachment 1
Submissions and Corrections**

Received	Detail	Action
Mr Keith Brabham on behalf of Eastern Tomaree Precinct	Request for increase in support from \$500 pa to \$650 pa	Recommend deferral pending outcome of the discussions at the Councillors' proposed workshop on community consultation and associated report
Craig Barrass	<ol style="list-style-type: none"> 1. Correction of typographical error in Goal 17 from 2001 to 2011 2. Organisational self assessment is noted as annually and should be every 2 years 	1. Correction to be made in final plan.
Glenn Brasier	<p>Additional strategy under Goal 4 Safety: Strategy Protect the people of our community by Improving fire safety of the built environment of Port Stephens</p> <p>Objectives:</p> <ul style="list-style-type: none"> • By August 2007, complete a survey of all class 2-9 buildings to identify those that should be annually certified • By June 2011 achieve 80% of relevant buildings participating in the reporting system annually • Conduct 200 spot audits annually • Develop and deliver 3 education and training sessions per annum, tailored by building type and for property managers. <p>Additional Key Performance Indicator for this Goal: Relevant buildings in Port Stephens comply with fire safety requirements under Section 177 of Regulation 2000 of the Environmental Protection and Assessment Act.</p>	1. Correction to be made in final plan.
Grahame Neilson on behalf of the Nelson Bay & District Chamber of Commerce Inc	<p>Letter requesting:</p> <ol style="list-style-type: none"> 1. Continuation of the funding of Nelson Bay Town Management for 2007-2008; and 2. Reinstatement of the levy for Nelson Bay Town Management in 2008-2009 	<ol style="list-style-type: none"> 1. Funding is included for 2007-2008 in the draft budget to be considered by Council 2. Recommendation is to defer the consideration of any future levies until the outcomes of the economic development strategy are to hand and further investigation of alternatives is thence undertaken.
Mick Loomes/Mike	1. Addition of a strategy and associated	1. Correction to be made in final

MINUTES FOR ORDINARY MEETING – 22 MAY 2007

Received	Detail	Action
Trigar	<p>objective under Goal 25 as follows: Strategy: Progressively implement the works programs identified in the Asset Management Plans and Forward Works Programs Objective: Complete the adopted annual works programs by 30th June each year</p> <p>2. Correction of typographical error in the KPI for Goal 25 to read <i>Council funds and resources support only infrastructure that is positively contributing to the life and lifestyle of Port Stephens.</i></p>	<p>plan.. 2. Correction to be made in final plan..</p>
Mick Loomes	Fees for Bus Shelter Advertising and Temporary Structures omitted from Fees & Charges booklet.	Correction to be made in final plan..
John Maretich	Spelling error in the 7 th dot point of the Council's Charter (page 1) of the Council Plan	Correction to be made in final plan..
Stewart Murrell	Change the word 'Funnelweb' to 'Intranet' as the former has no meaning in a document available to the public.	Correction to be made in final plan.

**Attachment 2
Feedback from Ratepayers – Survey 2007**

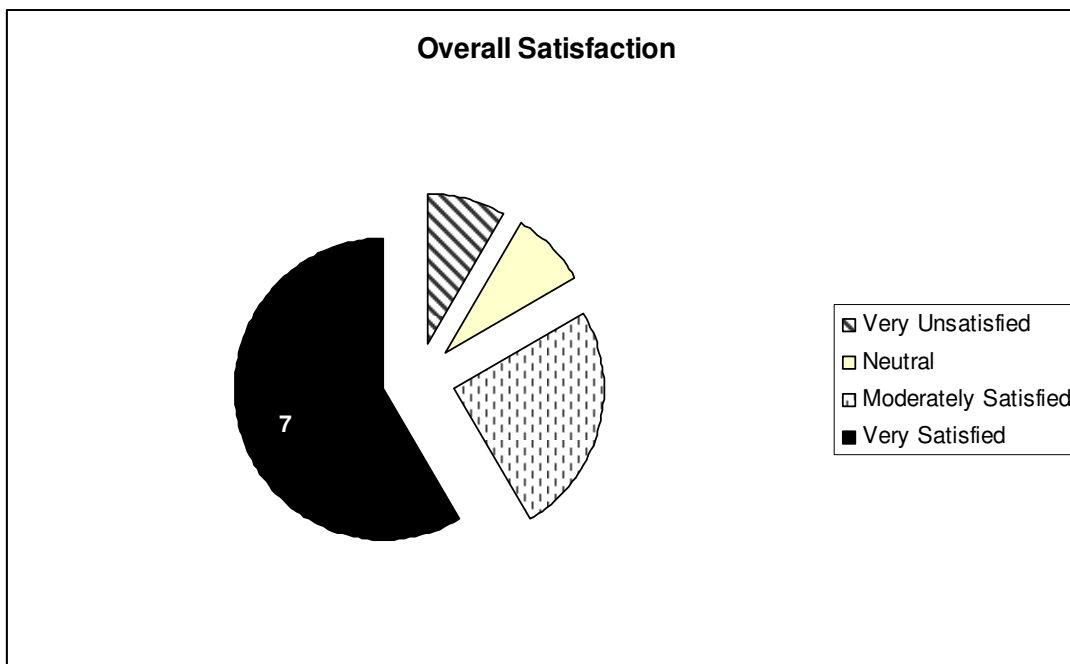
Respondents

An initial mailing of 277 randomly selected, geo-demographically representative ratepayers inviting them to participate in an evaluation survey of the Draft Council Plan. This invitation yielded a response of 79 people who indicated they would participate. The Draft Plan, a survey instrument and reply-paid envelope were sent with a covering letter. Of those, 12 ratepayers responded 9 males and 3 females. There were 3 each from east and central wards, 4 from west ward, and two who were unaware to which ward they belonged. One respondent was aged 40-49, 5 were in the aged group 50-59 and 6 were over 60 years old.

The sample was not representative of the general population, however the number of respondents and the age/gender breakdown reflect similarly to attendances at exhibition events held in previous years.

Overall Satisfaction with the Draft Council Plan

Of the 12 respondents, 83.3% (10 out of 12) expressed themselves satisfied with the Draft Council Plan and of those 7 (58%) were very satisfied with the Draft Council Plan.



In the sections below the following are the open-ended feedback responses provided by respondents to the questions at each stage of the Plan.

Section 1 – About the Plan Generally

Question: What information in the Situation Analysis did you find useful?

The draft was informative, easy to understand and not overloaded with matters of little relevance. The graphs and statistics etc were adequate and the inclusion of coloured photographs of the Councillors and Executive Team is commendable and allows a face to be put to a name. Very important for ratepayers to identify their chosen representatives.

Gives an overall view of the reasons behind Council planning, taking into account population expectations and requirements.

Overall the information in this section was quite useful.

The most interesting thing is the change in socio-demographics. It raises a lot of questions about the need for improved infrastructure which should be addressed now.

The population development 2005-2031 in the various areas. The projected age forecast during the period.

The proportion of non-rateable land, national park etc. Income from these areas can disappear. Council should be aware and make these state bodies accountable to our Council.

The breakdown of age demographics was interesting and useful for future planning.

The population and land use projections are useful and mention of KPIs.

Demographics useful for planning and environmental impact.

Nil. Quite clear as to what Council has used as its criteria for analysis, but all statements are very 'motherhood' types of statements with little substance to provide confidence.

Question: In your view, what information was not included that you feel should have been?

Satisfied with Draft

Council, in our opinion, seems to have the running of the Council well in hand overall. Not enough on what plans there are for improved infrastructure.

Nothing – well covered.

Nil.

Comprehensive

With an impending skills shortage and youth unemployment forecast perhaps the area needs a TAFE College.

Too general. Forms of measuring KPIs and system of action points to achieve goals in timeframe needed. It is too vague.

Need a section on commercial development showing estimates of the number of each of the businesses and number of employees.

When it's all said and done, Council is basically a service provider for roads, garbage and other minor services. Planning has for all intents and purposes been eliminated, so this 'plan' should have detailed core services plans, not the 'Visions, "sustainability" and 'business excellence' motherhood statements!

Question: Make any comments you wish to on the Issues and Challenges facing Port Stephens Council and the Local Government Area that we have outlined in the Plan.

I am relatively new to the area and learning more about the area and challenges facing the Council.

Sustain infrastructure to meet demands of new development.

The Council should not be forced to spend ratepayer funds defending their decisions in the L&E Court against hostile developers. The *developer* should be made more responsible.

Council needs to look at the impact of global warming upon our shore line. Break walls, dyke-type structures need to be considered.

The ability of Council to manage the increase in population over the next few years.

1. A clear delineation of responsibility between state, federal and local government would seem desirable.
2. The perception that council is only doing what the community asks for might need further insight.

New development/housing to be height restricted in all areas and care always taken to preserve our special fauna and flora.

There seems to be nothing new in this area – except the environmental impacts.

These will increase.

The biggest issue for us is the conflict resolution between residential development in a highly desirable habitat and the increase of RAAF activities which inhibit or prevent sustainable development. 'A great lifestyle in a treasured environment'?????

1. Council needs to come to terms with its core services and responsibilities and refine its budget and facilities accordingly. IT has essentially become a bureaucratic organisation without the need for politics and the delay they cause.
2. Fair distribution of revenue in the LGA is paramount!!
3. Reducing little used facilities and the selling off of assets (caravan parks etc) should be considered.

Section 2a - Social Sustainability

Question: Please provide any other feedback about social sustainability and this Plan.

Without doubt the greatest challenge facing young people is employment opportunity. The satisfaction of employment improves their social standing, lifestyle and a willingness to achieve a better future. Overall they become better community members and contribute to the prosperity of the area.

Safety for all residents of Port Stephens is utmost. Social sustainability in Port Stephens is wanting.

There needs to be a greater emphasis on outside facilities so that the aged and inform can properly enjoy our local environment eg improve foreshore pathways, picnic areas, toilets etc.

Creating opportunities where people can get support when they are under stress. This is an area where over-governance rears its ugly head. I believe people largely ignore Council unless they have a vested interest. Could save money here!

BMX track or perhaps a skate park for our youth. Or perhaps an “adventure park” made by volunteers. This happened in Morwell, Victoria and was a huge success and morale booster not to mention a great way for the locals to get together.

What was the previous strategy – was it achieved? What has changed in content and priorities?

While I agree with the strategies, I still find that there is a lack of action and response by the Council.

Again, as above, the Council should NOT get involved in these ‘state government’ issues. By getting involved the Council is duplicating and conflicting with services and policies, particularly when state government has taken away planning (effectively) from Council.

Section 2b - Cultural Sustainability

Question: Please provide any other feedback about cultural sustainability and this Plan.

The Draft adequately covers the strategies and objectives for planning, budget and communication and community and is well supported by good key performance indicators.

While I agree with Council providing the opportunity to develop our identity, how do we make people realise the change they have, and to take up the offer to develop a sense of pride in our community.

Council is showing the way forward for cultural activities, and is fully covered.

With the overwhelming numbers of Anglo Celts in the LGA care will be needed to avoid a ‘tyranny of the minority’ at the expense of the wider population.

People working in these areas might be assisted. I don’t believe Council should be a leader here.

The plan seems to be unrealistic as those strategies have been used before but not attained. It is too theoretical.

Section 2 c – Economic Sustainability

Question: Please provide any other feedback about economic sustainability and this Plan.

Whilst all goal areas are important, the opportunity for employment enhances the area's standing in the eyes of prospective residents, existing residents and investors. Additionally the more opportunities for employment the better chance Council has for reducing social dysfunction.

A healthy financial position should not be at the expense of the aged or the youth of Port Stephens eg septic management site inspections have risen 150%.

Council needs to take care that the interests of the multi-nationals do not override the needs of local business and so damage local employment.

The economic sustainability as set out in this report (sic) is realistic.

Infrastructure maintenance is a real headache. Reclassify all roads as main roads and let the federal government maintain surfaces and bridges.

This plan is too vague to make a comment correctly.

Council is its own worst enemy. The rowing club is a prime example of Council money misspent. It could have been better managed by private business. It is now derelict.

It should be a concern for Council that Council is a 'major employer' in this LGA.

Business would not exist if it depended on Council for 'support' in the area.

Section 2 d – Environmental Sustainability

Question: Please provide any other feedback about environmental sustainability and this Plan.

Strategies and objectives appear to be well constructed supported by good key performance indicators.

Hopefully 6 strategies put in place will enhance both further development and environmental issues. I believe the opportunity for both light industrial and residential development exists and is warranted.

We feel a better maintenance program with regards to road maintenance is needed for rural areas in the Port Stephens shire.

Waste control is a big problem during peak tourist periods. Effort should be made to educate visitors about the need to leave our environment as they find it. Simple but high impact signage perhaps.

The waterways are at the greatest risk of being overused.

We have lost more of our heritage to the state government with its marine park. This will impact on fishing, tourism etc.

I believe our native bush and the mangrove swamps need priority protection.

17 strategies are put forward – detail needed on scope and implementation for comment.

Too many layers of government in this regard. Council should abrogate its involvement and support state and/or federal government policies.

Section 2 e – Business Excellence

Question: Please provide any other feedback about business excellence in this plan.

Your directional statement is well structured. To be open, transparent and accountable in its operations, policy making and decision making is of utmost importance.

We are not in favour of 'best practice' currently being used by Council eg park being mowed for Easter (park opposite burnt out McDonald's) – mowing remained unfinished for Easter holidays. The job should have been finished as it is a main thoroughfare for visitors to the area.

It would appear that management and leadership practices continue to be a problem for this and many other councils.

The Council has shown great vision with this plan.

Remembering of course that your business doesn't generate much money but relies on rates, levies etc. Policy should reflect this known income base.

Not done to date.

Please concentrate on Goas 20, 23 and 25.

Section 3 Statutory Statements

Question: What did you find the most interesting/useful in the Statutory Statements?

Financial Strategies and Graphs on pages 41-44

Council seems to have a clear and realistic understanding of financial requirements for the future.

The direction Council is heading. We found it all pretty interesting – keeping the residents updated.

The Statement of Financial Performance

Sources of Revenue and Distribution of Expenses

The attention to detail.

Council to maintain a debt service ratio of 75% - why?

That Council are addressing their budget deficit.

Depreciation – as a cost – is it relevant if no tax is paid? 2% rental income. What is this as a % of the value of the portfolio – seems very low.

Achieving an operating surplus

Nothing really – standard stuff

Question: What did you find the least interesting/useful in the Statutory Statements?

Nothing

Nothing – I found it all very interesting.

Nil.

Lack of balanced detail.

I am not clear on what is meant by divesting assets that have long term strategic value.

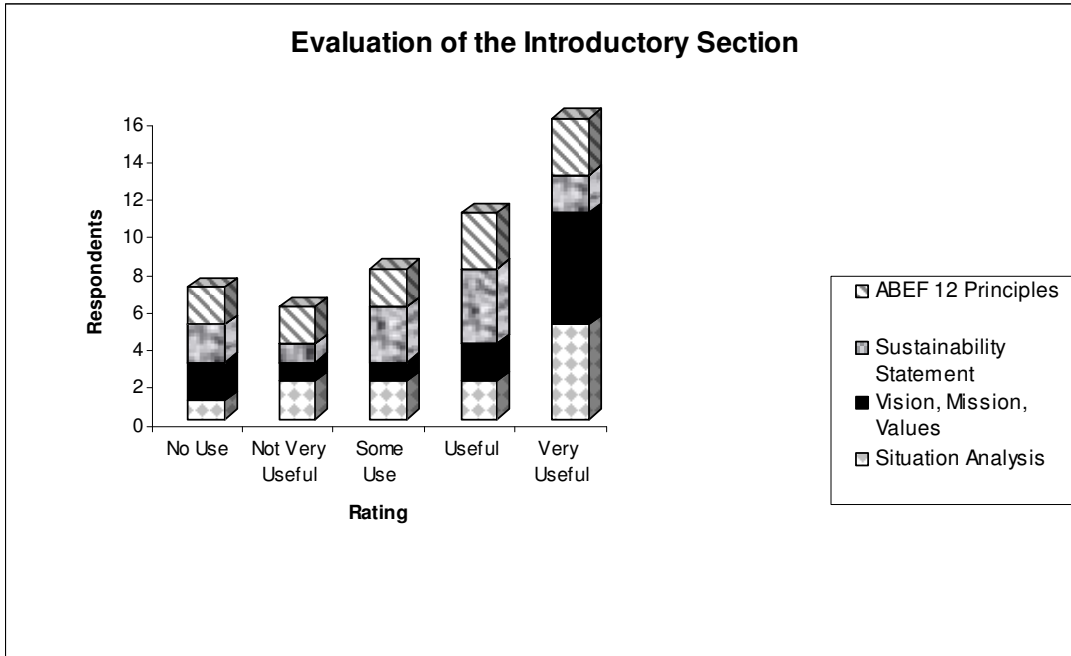
Motherhood and political correctness which are there only to humour the 'pink do-gooders'.

All 12 respondents to the survey felt that the purpose of the plan was clearly stated, and that the statutory statements were clear and easy to understand.

Awareness of Council Services and Locations

Of the 12 respondents, 8 were aware of Council’s structure and range of responsibilities and four (4) were not. Nine (9) respondents were aware of Council’s locations and facilities and three were not, including one who has only recently settled in the LGA.

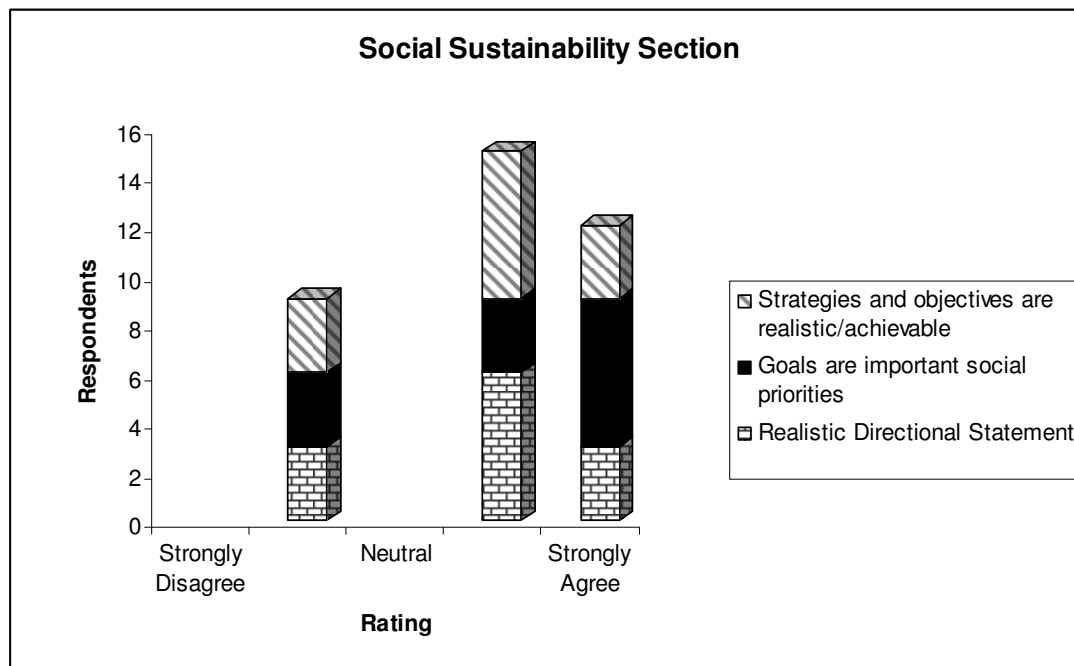
The graph below shows how respondents felt about aspects of the introductory material in the Draft Council Plan.



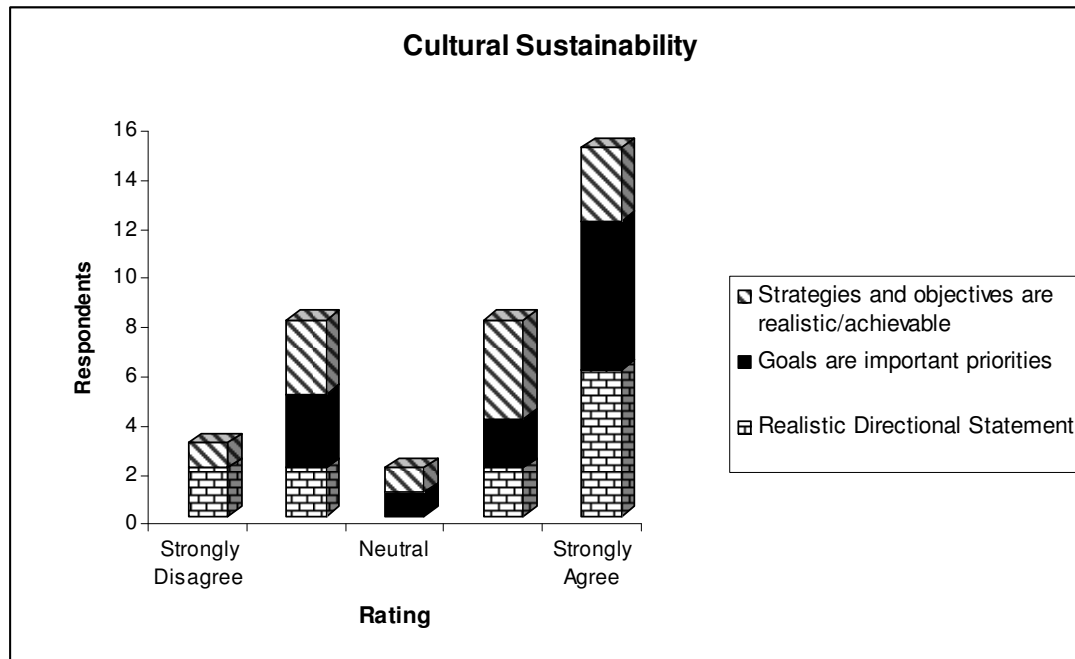
Section 2

This graph below illustrates the respondents’ opinions in relation to the directional statements, goals, strategies and objectives.

Social Sustainability



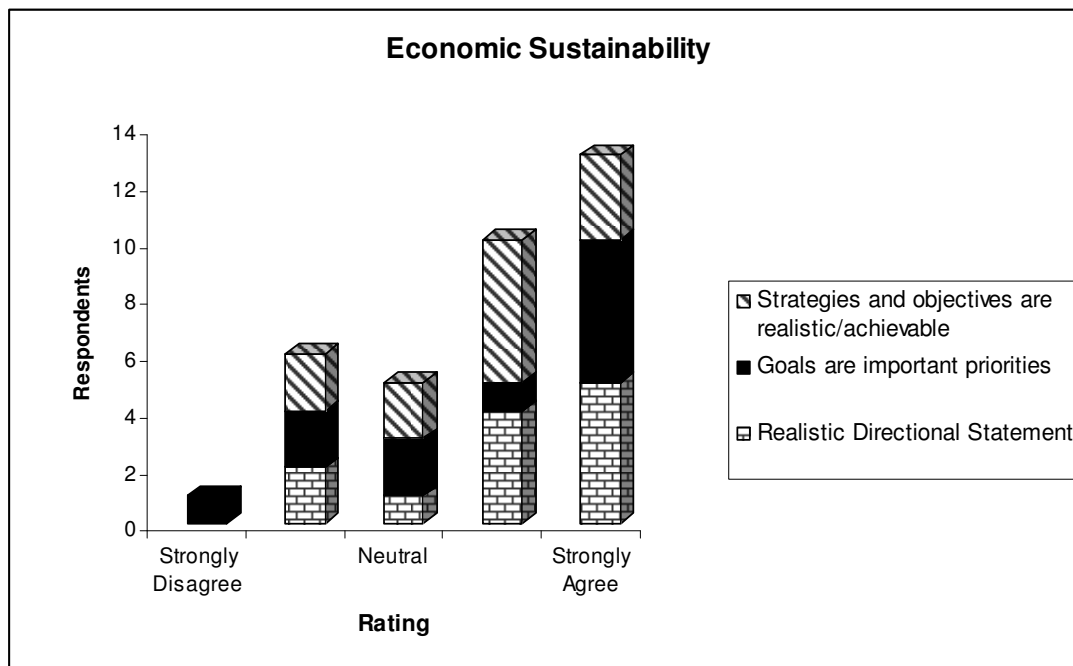
Cultural Sustainability



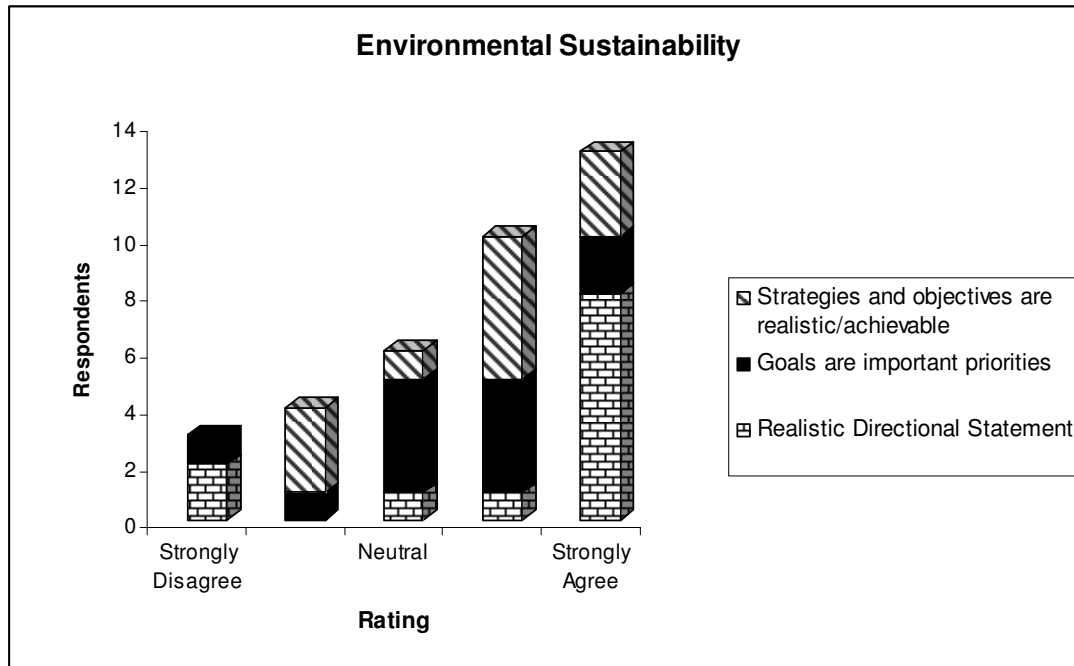
Respondents were asked to evaluate an additional statement in relation to the cultural part of the plan: *The cultural opportunities in Port Stephens meet my need*. Sixty-seven (67%) percent of respondents agreed with this statement, with 50% (6) strongly agreeing.

Economic Sustainability

One respondent felt unable to rate this part of the Draft Plan so the number of respondents is 11 (N=11).

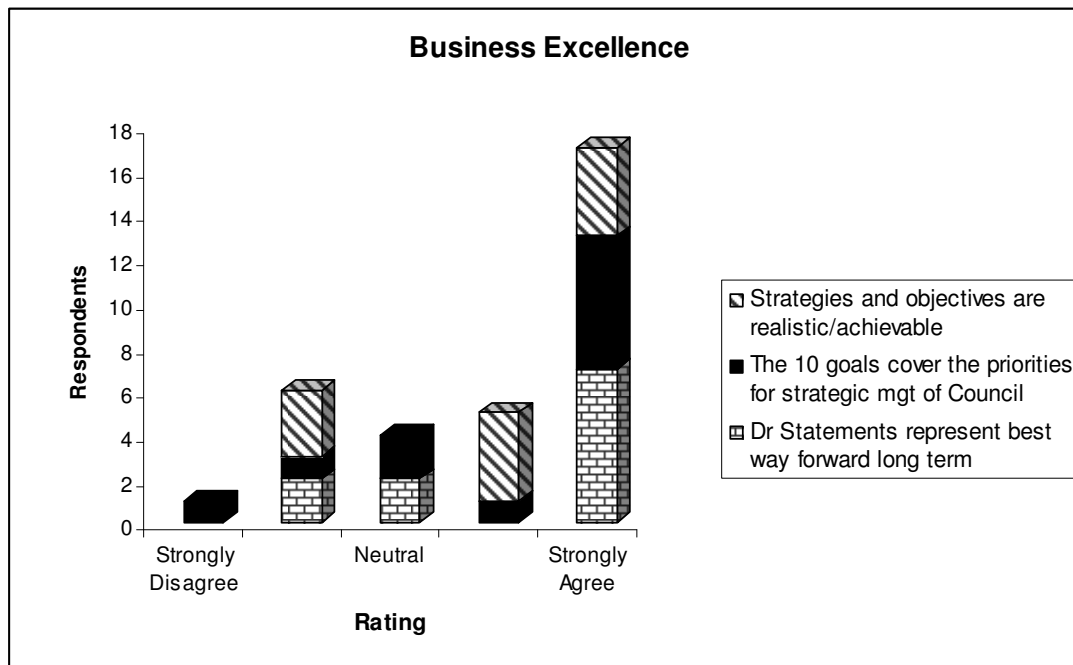


Environmental Sustainability



Business Excellence

One respondent felt unable to rate this part of the Draft Plan so the number of respondents is 11 (N=11).



Summary

Although the sample size was less than anticipated the quality of the feedback as reflected in the comments in the open section (above) is a reliable indicator that sufficient thought was given to the responses.

Therefore the Council may take account of the overall satisfaction rating whilst noting areas where the respondents felt some improvement can be made in future years.

ITEM NO. 3

FILE NO: PSC-2006-1627

PORT STEPHENS DEVELOPMENT CONTROL PLAN 2007

REPORT OF: JENNIFER SMITH – MANAGER, COMMUNITY PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Remove *Chapter C4 Nelson Bay Town Centre* and *Chapter C5 Nelson Bay West* from the *Draft Port Stephens Development Control Plan 2007* and replace them with existing *Development Control Plan LD4 Development Guidelines – Nelson Bay Commercial Area* and *Development Control Plan LD 15 Residential Development Controls – Nelson Bay (West)*.
 - 2) Re-affirm the adoption of the *Draft Port Stephens Development Control Plan 2007*.
-

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

135	Councillor Nell Councillor Brown	That the Recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend that Council reaffirm the adoption of the Draft Port Stephens Development Control Plan 2007 (with the exception of chapters C4 and C5) given that Ministerial approval for the Exempt and Complying LEP was not received until the expiry of the DCP notification period.

At its Ordinary Meeting of 27th March 2007 Council resolved to support the Strategic Committee's recommendation "*That the Development Control Plan be adopted with the deferral of C4 and C5 of the Development Control Plan*", concerning development in the Nelson Bay Commercial Area and Nelson Bay West. A comprehensive strategic review is currently being carried out into the planning controls that apply to these areas. In the intervening period, it is recommended that Council insert the existing development control plans that apply to these areas into the DCP. These are *Development Control Plan LD4 Development Guidelines – Nelson Bay Commercial Area* and *Development Control Plan LD15 Residential Development Controls – Nelson Bay (West)*.

Section 21(2) of the *Environmental Planning and Assessment Regulation 2000* provides that a Council must give public notice of its decision to adopt a development control plan within 28 days. The 28-day period for notifying the DCP lapsed on 24th April 2007 and therefore the Council needs to reaffirm its adoption of the DCP before it can be notified.

The DCP was not notified because of the prior need to have the Minister for Planning make an amendment to *Port Stephens Local Environmental Plan 2000* to provide for exempt and complying development. It was freely anticipated that this making of the Exempt and Complying LEP would occur well within time to enable notification within 28 days of the

MINUTES FOR ORDINARY MEETING – 22 MAY 2007

Council resolution of 27th March 2007. However, the Exempt and Complying LEP was sent to the Minister to be made on 9th February 2007 and was only published in the NSW Government Gazette on 4th May 2007.

The amendment needed to be made because, upon adoption of the DCP, *PS8 Guidelines for Exempt and Complying Development* will be repealed; without the amendment Council would have had no provisions for exempt and complying development.

Council received advice on the 2nd May 2007 that the Minister has made the necessary amendment to *Port Stephens Local Environmental Plan 2000* to provide for exempt and complying development. By reaffirming its resolution to adopt the DCP the Council will allow notice to be placed in the local newspaper that the DCP is in effect as soon as possible.

LINKS TO CORPORATE PLANS

As per report to the Combined Strategic/Operations Committee dated 13th March 2007.

FINANCIAL/RESOURCE IMPLICATIONS

As per report to the Combined Strategic/Operations Committee dated 13th March 2007.

LEGAL AND POLICY IMPLICATIONS

Reaffirming Council's resolution of 27th March 2007 to adopt the DCP will allow a notice to be placed in a local newspaper stating that the DCP is in effect.

Australian Business Excellence Framework

This aligns with the following ABEF Principles:

- 2) Mutually agreed plans translate organisational direction into actions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

As per report to the Combined Strategic/Operations Committee dated 13th March 2007.

ECONOMIC IMPLICATIONS

As per report to the Combined Strategic/Operations Committee dated 13th March 2007.

ENVIRONMENTAL IMPLICATIONS

As per report to the Combined Strategic/Operations Committee dated 13th March 2007.

CONSULTATION

As per report to the Combined Strategic/Operations Committee dated 13th March 2007.

OPTIONS

- 1) Not adopt the Draft Port Stephens Development Control Plan 2007.

ATTACHMENTS

- 1) Nil.

COUNCILLORS ROOM

- 1) Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

FILE NO: A2004-0030

DESIGNATED PERSONS – PECUNIARY INTERESTS

POSITION TITLE: PETER GESLING – GENERAL MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Identifies the following positions which require the occupants, for the purposes of Chapter 14 of the Local Government Act (S441), to be deemed “designated persons” because they are involved in the exercise of functions that could give rise to a conflict between the person’s duty and that person’s private interest.
-

Councillors

Cr Ron Swan
Cr Steve Tucker
Cr Craig Baumann
Cr Geoff Dingle
Cr Bob Westbury
Cr John Nell
Cr Sally Dover
Cr Geoff Robinson
Cr Josh Hodges
Cr Ken Jordan
Cr Glenys Francis
Cr Helen Brown

Corporate Management

General Manager
Executive Manager Corporate Management
Legal Officer
Continuous Improvement Coordinator
Economic Development Advisor
Governance Coordinator
Communications Manager

Sustainable Planning

Group Manager Sustainable Planning
Development and Building Manager
Building Coordinator
Community Planning Manager
Strategic Planning Coordinator
Senior Land Use Planner
Land Use Planner (1)
Development Coordinator
Senior Development Planner
Development Planners (4)
Senior Building Surveyors

MINUTES FOR ORDINARY MEETING – 22 MAY 2007

Health and Building Surveyors (5)
Subdivision Engineer
Section 94 Engineer
Social Planning Coordinator
Development Engineer
Senior Policy Planner
Transport Planning Manager
Traffic Engineer
Environmental Services Manager
Coordinator Environmental Compliance & Community Health
Coordinator Natural Resources
Compliance Officer
Executive Planner
Environmental Health Team Leader

Business & Support

Group Manager Business & Support
Resources Manager
Principal Property Advisor
Property Unit Coordinator
Human Resources Manager
Business Development Manager
Business Operations Manager
Tourism Manager
Financial Services Manager
Fleet Management Coordinator
Finance & Assets Coordinator
Financial Accountant
Organisation Development Manager
IT Coordinator
Procurement & Contracts Coordinator
Mechanical Services Coordinator

Facilities & Services

Group Manager Facilities & Services
Community and Library Services Manager
Engineering Services Manager
Project Services Manager
Operations Manager
Recreation Services Manager
Recreation Development Coordinator

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

136	Councillor Tucker Councillor Westbury	That the Recommendation be adopted.
------------	--	--

BACKGROUND

The purpose of this report is to identify Council staff required to complete Disclosures by Councillors and Designated Persons Returns.

Council is required to identify Council staff who, in the exercise of their functions, have a reasonable likelihood or expectation of appreciable financial gain or loss for themselves or for another person they are associated with (i.e. their spouse or de facto partner). They are described as “designated persons” and are required to disclose their pecuniary interests.

Councillors are also designated persons.

The Act requires that Councillors and designated persons refrain from taking part in decisions on Council matters in which they have a pecuniary interest.

A public register is to be kept and available to the public for inspection upon request. Any person may make a complaint concerning failure to disclose a pecuniary interest and the Local Government Department and Pecuniary Interest Tribunal are empowered to investigate and conduct hearings.

LINKS TO CORPORATE PLANS

This assists Council in achieving its charter to:

- Exercise its functions consistently without bias;
- Be a trustee of public assets;
- Demonstrate commitment to our community values of honesty, fairness and our commitment to transparency in public governance.

FINANCIAL/RESOURCE IMPLICATIONS

Not applicable.

LEGAL AND POLICY IMPLICATIONS

Section 441 Local Government Act 1993 and Council’s Procedure for Lodgement of Pecuniary Interest forms.

SUSTAINABILITY IMPLICATIONS

Not applicable.

CONSULTATION

Group Managers.

OPTIONS

Recommendation.

Delete from or add to the list of Designated Persons.

ATTACHMENTS

Nil

TABLED DOCUMENTS

Nil.

ITEM NO. 5

FILE NO: PSC2006-1976

TOMAREE COMMUNITY FACILITIES STUDY**REPORT OF: JENNIFER SMITH, MANAGER - COMMUNITY PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Appropriately define the boundary of the “community precinct” by undertaking a concept plan that allows for the expansion of community facilities, considers parking coordination and explores opportunities for expansion to the north of the existing precinct as per option 4 in the Background to the report;
- 2) As a result of Recommendation 1, continue with negotiations for a non-binding Heads of Agreement over the rear of the existing community precinct site for retail and commercial development;
- 3) Identify sites for the provision of multipurpose community space of high quality for the consolidated Nelson, Shoal and Fingal Bay area and southern Anna Bay area and place in the forward works program at the appropriate time.

ORDINARY MEETING OF COUNCIL – 22 May 2007**RESOLUTION:**

137	Councillor Nell Councillor Baumann	That the Recommendation be adopted.
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BACKGROUND

The purpose of this report is to provide information and advice to Council on 155 Salamander Way, Salamander Bay. The site which currently accommodates Salamander Childcare Centre and Tomaree Library and Community Centre and is the subject in part of negotiations for a non binding Heads of Agreement in relation to two major commercial holdings (site map at Attachment 1).

In 1998 Council endorsed a recommendation to develop a “Community Precinct” at 155 Salamander Way. This decision provided clear strategic direction to the provision of community facilities in a centralised location that would allow good community access and cater to the needs of a growing community.

In 2003 Council’s Property Section began negotiations over future commercial activity of the Salamander Commercial Area. As part of the site plan for these negotiations the “Community Precinct” was included. As a result commercial negotiations have taken place that include possibilities over part of the community precinct land and Council’s Business and Development Section is now negotiating non-binding Agreements in relation to two potential major commercial developments on the site.

On the understanding that the community precinct land was classified “community” and not “operational”, Council at its meeting of 28th March 2006 resolved to support the reclassification of the “community precinct” to “operational” land. It has since been discovered that the land does not need reclassification. (refer Attachment 2– Extracts from Memo by Property Unit Coordinator to Councillors and Executive Team – April 2007).

As part of the reclassification process a public hearing was organised and seventy residents attended to express their views over the reclassification. The community was unanimous in support of not reclassifying the land to operational and maintaining the community precinct.

Although, the land does not need reclassification (and the land reclassification process was a mistake on Council’s behalf), the 1998 resolution maintains a community expectation that the land has been set aside for community purpose and a balanced decision needs to be made about the future of the precinct considering all perspectives.

Background to Services on the Community Precinct

Building on the land commenced in 1990 with the development of Salamander Childcare Centre. The project, then a 45 place long day care centre was managed by Council, provided on Council land and funded jointly by the Federal and State Government. After two years of operation the centre became independently incorporated and moved from a Council operated service to a community based incorporated identity. The centre has now grown to a 70 place service and has independently funded a number of renovations and extension. They have a strong community focus and identity, the highest level of accreditation and are regarded throughout the childcare industry as one of the highest quality services in the state. The community has invested substantial amounts of social capital into the maintenance, development and ongoing management of the service.

In 1992 Council continued the development of community services on the same site and the first stage of then Salamander Community Centre was constructed. In 1998 stage two was developed incorporating the Tomaree Library and creating the ‘Tomaree Library & Community Centre’. At this time, in anticipation of long term population growth on the Tomaree Peninsula, Council endorsed a recommendation to set aside additional land at 155 Salamander Way as a “Community Precinct” to allow for further community facilities to cater for population growth into the future. All facilities, the library, community rooms and childcare facilities within the precinct are of high quality and experience high utilisation rates.

Relevant Research

In 2006 Council undertook a “standards” review which provided base line standards for the provision of community infrastructure. These standards now form the basis of the Council’s Section 94 plans.

In 2006 Council commissioned “id solutions” to undertake a population projection review based on available zoned lands, strategic documents, active rezoning proposals and past population trends, the result of which is “forecast id” (available on Council’s web site).

Current population on the Tomaree Peninsula is 25,500 (Source: 2001 ABS Census). 1991 to 2001 saw an average annual population growth of around 11%. forecast id projects a population on the Tomaree Peninsula in the year 2021 of 34,221.

In April 2007 Council’s Social Planning Co-ordinator undertook an assessment of available community facilities on the Tomaree Peninsula with prime focus on multipurpose space and

MINUTES FOR ORDINARY MEETING – 22 MAY 2007

library facilities (complete study is available in the Councillors Room). The assessment calculated standards over population projections and included the following “soft” elements:

- Utilisation rates
- Functionality (or suitability) rating
- Accessibility.

In abbreviation the following data is provided.

Multipurpose Space

No of available Council services	Total Floor space available (m/2)	Floor space required 2007 population 25,500	Floor space required 2021, population 34,221	Deficit floor space to 2021
5	2,347	2,550	3,422	1,075

Library Facilities:

No of Libraries	Total Floor space available (m/2)	Floor space required 2007 population 25,500	Floor space Required 2021t population 34,221	Deficit floor space to 2021
1	1,233	1,110	1,335	102

Given the conflict between social and commercial uses the now becomes “how much of the land currently identified as Community Precinct is required to meet the future need for multipurpose and library space into the future and to what degree does this provision need to be accommodated as part of the Salamander Community Precinct”.

Taking this into consideration, the key recommendations of the assessment are: -

- The Tomaree Library and Community Centre is considered to be a sub regional centre with great accessibility and access to services and retail outlets. As such it is a central hub and centres although needed in other communities would not perform the breadth of functions of this service in its central location. It is important some provision is available for future expansion of this facility.
- An additional 1,075 square metres of floor space will be required to cater for the forecasted population growth on the Tomaree Peninsula to the year 2021. The eastern area of the Tomaree Peninsula (i.e.; Shoal Bay / Fingal Bay / Nelson Bay) is under serviced, despite accounting for 37% of the total Tomaree population and the south eastern area of the Tomaree Peninsula (i.e.; Anna Bay / Boat Harbour / Fishermans Bay / One Mile / Bobs Farm) accounting for 21% of the total population is serviced by one aged and poor quality community facility, that has low utilisation (Biribi Point Community Hall), despite having the youngest age demographic. The following is needed
 1. One facility either as a partnership or sole project that would enhance service to the eastern area
 2. One facility as a partnership or sole project to better service the Anna Bay community

with sites yet to be determined.

- an additional 102 square metres of library space will be required and it is only appropriate to provide this within the existing library service.
- only one of Council's 5 available multipurpose community facilities was rated as 'high' in terms of functionality (suitability), this being the Tomaree Library and Community Centre

It should be noted that within this study any future unidentified need, such as specific youth, aged or cultural facilities has not been considered.

Where to from here?

It appears there are three options available to Council in balancing the financial needs of the organisation and the social needs of the community.

Option 1

Reclassify the "Salamander Community Precinct" land area previously identified by report dated 28 June 2004, including the existing Child Care Centres, TLACC and the balance of vacant land, to Community Land (map as Attachment 2).

Advantages

- Provides for growth opportunities for all three centres with the commitment of land for Community purposes.
- Community Precinct concept is maintained
- Community acceptance and support
- Provides for unrestricted future expansion capacity including youth, aged and cultural facilities.

Disadvantages

- Time period required for reclassification process to be completed and subsequently time restrictions in completion of leases providing security of tenure over existing facilities for existing occupants.
- Lease term restricted to 21 years maximum.
- Possible requirement to lease by tender process.
- Restrictions placed on practical management of the entire site under the Community Land provisions.
- Proposed development of balance of site for commercial purposes i.e. vacant land at rear of existing community facilities cannot proceed. Subsequent loss of significant rental income.

Option 2

Reclassify the land within the immediate footprint of the existing Community facilities only, Community land. The balance of the vacant land behind the buildings is to remain Operational land.

Advantages

- Community precinct concept is maintained
- A strong degree of community acceptance
- The proposed commercial development project may proceed without further impediment.

Disadvantages

- Time period required for reclassification process to be completed and subsequently time restrictions in completion of lessees providing security of tenure over existing facilities for existing occupants
- Lease term for community facilities restricted to 21 years maximum.
- Possible requirement to lease by tender process.
- Restrictions placed on practical management of part of the site under the Community Land provisions.
- Unresolved issue of expansion capacity for existing services

Option 3

Entire site to remain as Operational Land.

Advantages

- The proposed commercial development project may proceed without further impediment.
- Opportunity for long term lease to existing occupants of community facilities with flexible terms and conditions.
- Greater flexibility in management of entire site without the impediments imposed by the Community Land Provisions.
- Opportunity to further develop is not compromised

Disadvantages

- Loss of community trust in Council
- Community's perception that by not reclassifying the land to community Council can again consider commercial options for the sites in the future.

Option 4

Undertake a concept design to determine an appropriate footprint to cater for the expansion of existing facilities while still allowing access to the back portion of the site for commercial purpose. Include a parking strategy within this concept that considers possible amalgamation of parking requirements and consider land to the north of the existing community precinct for possible future expansion and community land bank. Either maintain all land as operational and community precinct as is the current status, or reclassify the community precinct as identified to "community".

Advantages

- "Community Precinct" concept is maintained
- A strong degree of community acceptance.
- The proposed commercial development project may proceed without further impediment.
- Future community expansion would have access to the main street frontage of Town Centre Circuit.
- Restore trust and support from the community, by providing a win / win outcome

Disadvantages

- Perceived risk of loss of existing "Community Precinct"

LINKS TO CORPORATE PLANS

This report links to the following directional statements contained in the *2007/2011 Council Plan*: -

Part 5: Social Sustainability

“Council will preserve and strengthen the fabric of the community, building on community strengths by:

- Supporting and providing opportunities to enhance individual and community well-being and welfare:
- Encouraging and supporting opportunities for people to participate in education
- Providing access to quality community facilities and services
- Creating opportunities for people to get support when they are under stress
- Providing opportunities for people to participate in community decision making.

Part 6: Cultural Sustainability

“Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity by:

- Providing opportunities for people to participate in cultural development
- Providing and supporting opportunities for the expression of cultural values
- Providing the catalyst for the realisation of values, spirit, vitality and expression through cultural activities

Part 7: Economic Sustainability

“Council will support the economic sustainability of its communities while not compromising its environmental and social wellbeing by:

- Supporting a diverse and environmentally friendly business sector which creates varied employment opportunities;
- Providing and supporting opportunities for people to become skilled and be flexible in the workforce
- Maintaining as an organisation a healthy financial position
- Providing good community planning and the development of quality infrastructure”.

Policy Statement:

Community Services & Facilities:

Council will plan for, and support the development of, a range of community services and facilities that will assist in meeting the community’s needs and aspirations.

FINANCIAL/RESOURCE IMPLICATIONS

Council is currently in negotiation over the non binding heads of agreement on the site excluding existing facilities. Commercial relationships are in confidence however access to the rear of the site is an important part of the negotiation process. There is significant

financial gain to be realised by Council as an organisation from access to the rear of the site and this has a direct flow on to our ability to provide service to the community.

Given the current level of community facilities provision meets current population need Council is now in a position to collect via our Section 94 contributions plan 100% of funds to expand multipurpose community and library facilities on the Tomaree Peninsula for new premises.

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
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

There are some strong sustainability issues in regard to this project. In 1998 the Community Precinct was endorsed as a clear strategic decision to provide community services and facilities in an accessible location into the future. That endorsement carries the support and expectation of the community that the decision will be realised. The community see the use of the land for other purposes as a community loss.

In 2005, Council initiated processes to reclassify the land to operational. This decision lead to the community understanding that Council no longer wanted to support the previous resolution but instead wanted commercial opportunities over the whole or part of the site. Given Council's current financial position the financial implications of this decision need to be fully evaluated.

The real sustainability issue becomes "to what degree can Council meet both the financial and social objectives of the site". There are some possibilities in this regard. The area required by property is to the rear of the site. There is considerable parking requirement for all facilities, there is some future expansion possibility on undeveloped land around the existing buildings. There could be some future community precinct expansion to the north of the site, there could also be a combined parking strategy that allowed shared parking facilities and expansion of the community facility footprint. A concept plan looking at all the details of the site would appropriately assess all these opportunities.

SOCIAL IMPLICATIONS

Community facilities play a critical role in enhancing and protecting the social well-being of residents. They act as venues where residents can access a range of support programs and activities based on their age, social, cultural and emotional needs. As the population ages on the peninsula there will be even greater need for community infrastructure.

Council also faces a major community relationship challenge in finding an appropriate resolution to the issues of this report.

The substantial financial return from enabling commercial development of this site may, in turn, provide for other significant facilities and therefore social benefits in the Tomaree Peninsula.

ECONOMIC IMPLICATIONS

Future retail commercial development will increase employment together with reducing the leakage of spend from the area.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

CONSULTATION

On 22 February 2007 a public hearing was held at the Tomaree Library and Community Centre as part of the reclassification process. There were many issues raised at the community hearing that could be seen as valid consultation concerns. It should be noted that the classification of land is not the communities major concern because under the title of "Community precinct" the community believed the land was for community purpose and would not be under any threat of removal (consultants report is available as attachment 3). In summary the communities' main concern were as follows

1. there was strong mistrust that Council as an authority would not appropriately balance financial and community needs for the Tomaree community and would sell the community land, facilities and good will.
2. there was concern that future facilities would be placed in inappropriate and inaccessible places
3. there was unanimous support for facilities to stay in their existing position but also for Council to provide opportunities for expansion of those facilities into the future
4. there was a call for further and more comprehensive consultation including a community survey.
5. while participants were there predominantly because of existing services they also saw a need to be catering for facilities for increased population.

CONCLUSION

This is a significant decision for Council in terms of providing for future community uses and benefits on this centralised site for current and future populations – balanced with the potential financial return for Council and the community in enabling some commercial development.

OPTIONS

- 1) To accept the recommendations
- 2) To amend the recommendations
- 3) To reject the recommendations calling for more information to support the report.

ATTACHMENTS

- 1) A site plan of 155 Salamander Way, Salamander Bay
- 2) Extracts from Memo by Property Unit Coordinator to Councillors and Executive Team – April 2007)
- 3) The consultant's report from the Public Hearing

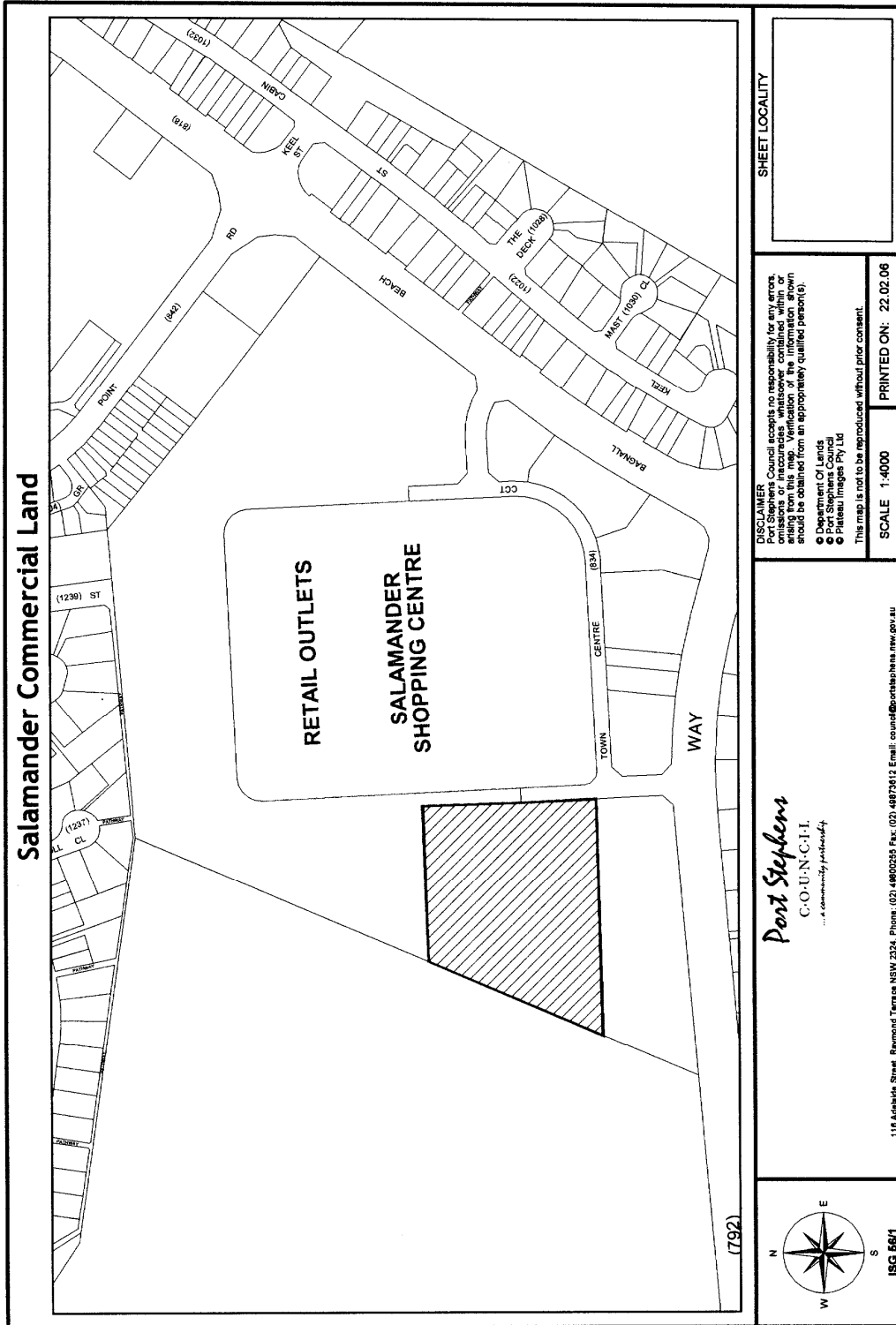
COUNCILLORS ROOM

- 1) The Tomaree Peninsula Study of Multipurpose Community Meeting Spaces, April 2007

TABLED DOCUMENTS

- 1) The Tomaree Peninsula Study of Multipurpose Community Meeting Spaces, April 2007

ATTACHMENT 1
SITE PLAN



SHEET LOCALITY

DISCLAIMER
Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies in the information shown arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

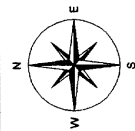
- Department Of Lands
- Port Stephens Council
- Plateau Images Pty Ltd

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Port Stephens
C.O.U.N.C.I.L.
... a community partnership

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ISG 56/1

**ATTACHMENT 2
EXTRACTS FROM MEMO BY PROPERTY UNIT COORDINATOR TO
COUNCILLORS AND EXECUTIVE TEAM – APRIL 2007)**

The purpose of this memo is to:

1. Advise Council of the status of the land at 155 Salamander Way, Salamander Bay.
2. Discuss the relevant issues affecting the existing occupancies.
3. Outline the options for a way forward in relation to the ongoing management of the site.
4. Provide information on the communication strategy in relation to the status of the site, management of the occupancies and other relevant issues.

1. Land Classification

Over a period of time, various reports have been presented to Council with reference to the status and management of the site known as 155 Salamander Way, Salamander. Council at its meeting of 28th March 2006, resolved to support the reclassification of a portion of 155 Salamander Way, Salamander from Community Land to Operational Land.

The reclassification of this portion of the site commenced under the provisions of the Local Government Act, 1993, and as required, a public hearing was held on 22nd February 2007 seeking community input. In summary, the response from the groups represented at the meeting was negative and did not support the reclassification. This may be attributed to the uncertainty in relation to the effect and extent of the reclassification and concern in relation to individual occupancies.

In order to resolve the issues raised by the community, the Group Manager Business and Support requested further investigations into the history of the site were undertaken and it was determined that the site in its entirety is classified Operational Land ie at no point has any portion of the land been classified Community Land.

The chronology of events below outlines the history of the site from the commencement of the new Local Government Act, 1993, requiring all Council owned land to be classified as either Operational or Community land.

- a) In accordance with the new Local Government Act, 1993, Council was required to classify all of its land holdings as either Operational or Community Land. Council at its meeting of 28th June 1994, resolved to classify a major portion of its landholdings as Operational Land. Each parcel to be classified as Operational was listed by property description and map (217 properties), including the subject property at 155 Salamander Way, Salamander, in its entirety. The recommendation states:

"That the whole and part parcels of land indicated by hatching on the tabled document be classified as Operational under Section 25 of the Local Government Act 1993."

This parcel of land was included in these properties that were "tagged" to become Operational.

- b) By default, if land is not classified as Operational by the report of 28 June 1994, or in the case of new acquisitions, if it is not classified by resolution on approval to purchase, it automatically becomes Community Land.
- c) At its meeting of 19 May 1998, Council adopted seven recommendations in relation to activities and management of a portion of land located within 155 Salamander Way. The recommendations were specifically in relation to the area on which the library and other community services are currently located.

Recommendation 3 of the report reads that Council:

"3. Approve and reserve the site as identified in Attachment 1.1 as Salamander Community Services Precinct."

Following this report however, there has been no further action that supports the reclassification, of either a portion or the entire site, from Operational Land to Community Land. Unfortunately, it was on the basis of this report that the land was incorrectly identified as Community Land and dealings in relation to the area have since reflected the incorrectly assumed Community Land classification.

- d) Advice from Council's Principal Property Advisor, notes that due process has not been followed in accordance with the requirements under the Local Government Act (1993) to effect this prior reclassification. In summary, his advice confirms that no part of the land has been reclassified and it remains, in its entirety, Operational Land. The issues the Principal Property Advisor has raised are repeated in subsequent advice from the Department of Local Government, including the absence of any Plan of Management in relation to the site that would be required if the land was reclassified and managed as Community Land.
- e) Advice was sought from the Department of Local Government as to the status of the land. Whilst there was no absolute determination given, the Department reiterated the process required to initiate and complete reclassification from Operational Land to Community Land, ie the need to advertise the intention to resolve to reclassify, the requirement to provide public notice and a 28 day period during which submissions may be received. Accordingly, DLG's advice also confirms that the land has not been reclassified.
- f) Further to advice received from the Principal Property Advisor and DLG, discussions were held with a Partner from Harris Wheeler, Lawyers, in relation to the status of the land. On reviewing the matter, their advice is that the land has not been reclassified. In summary, due process as required under the Act has not been followed. Neither the recommendation nor the report make any reference to the reclassification of land, nor does it refer to any previous or proposed action taken to progress the reclassification of the land. Their advice is that at best, the land may have been set aside for community type facilities and that this could be amended or withdrawn by Council at any point, without the process and complications of reclassification.

The determination that the land remains Operational Land, as per its original classification, therefore voids the current reclassification proposal.

At its meeting of 10th April 2007, Council resolved to enter into non binding Heads of Agreement in relation to two major commercial holdings on the site, subject to the successful reclassification of the land. With its current status of Operational Land, there is no

requirement to proceed with reclassification in order to secure Agreements and the leasing process may now proceed without impediment. It should be noted that this will have no immediate impact on the existing community facilities, as the proposals do not encompass the area on which the facilities are currently located.

A meeting involving Council Officers Peter Gesling, Stewart Murrell, Paul Proctor and David Broyd was held recently to discuss this issue with regard to the analysis required for a report to Council on the rear half of the site and particularly relating back to the decision by Council in 1998 that this be established as a 'Community Service Precinct'.

Therefore it is suggested that:

- a) The Community Planning Section, in association with Council's asset owner, continue to undertake collation of data and analysis of demographic trends with a view to planning for the potential Library, Community Centre extension and Child Care Centre provision in the Tomaree Precinct generally – based upon the population projections for The Tomaree Peninsula up to 2031.
- b) On completion it is intended a report be submitted to the May or June Committees, and Council identifies how the extension to the Library and Community Centre, as well as other Community Facilities can be planned for the Tomaree Peninsula generally. It cannot be pre-empted at this stage as to whether these extensions will be recommended to take place on the operational land at 155 Salamander Way but the report is also intended to include the current position in relation to commercial negotiations on the rear half of the property.
- c) This will enable Council to make a decision on the basis of the longer term planning for Library and other Community Facilities provision on the Tomaree Peninsula and understanding the current state of play in relation to the negotiations. Clearly if Council decides to proceed with the Commercial negotiations then it has to be satisfied that the longer term future provision of general Community Services are going to be sufficiently met in alternative locations that respond to community expectations and to the future population and demographic factors of the Tomaree Peninsula.

2. Existing Occupancies

The site that was the subject of the proposal to reclassify currently accommodates Tomaree Library and Community Centre, Salamander Child Care Centre and First Chance Special Education Centre.

Within the Tomaree Library and Community Centre there are several groups that currently occupy space on a permanent basis eg Tomaree Neighbourhood Centre, Diabetes Australia, Port Stephens FM Radio Inc, Hunter New England Health Service. There are various other casual users of the Centre that do not occupy on a permanent basis, although many have regular bookings. At present, neither Salamander Long Day Care Centre nor First Chance Special Education Centre have a formal lease agreement over their tenancy area.

Community Land Provisions

The provisions of the LGA in relation to the management of Community Land allow Council to lease for a period of up to five years only, without the requirement for public tender. The provisions in relation to advertising of the proposed lease however still apply and Council may receive submissions in relation to any lease proposal.

The maximum period of time for which a lease may be held over Community Land is 21 years. Where a proposed lease is for a period between 5 and 21 years, and to a body that is not a non-profit organisation, Council is required to call for Tenders.

All leases and licences, regardless of the term, must be in accordance with the relevant Plan of Management and conform with the criteria under the Act in relation to community purposes. Section 46(1) through to 47D, of the Local Government Act is very specific in relation to the purpose for which a lease, licence or any other estate may be granted over Community Land. In addition, prior to a lease or licence being entered into, Council must follow the requirements of the Act and comply with the provisions in relation to advertising details of the lease and receiving of submissions.

Due to these restrictions, Council is progressively reclassifying various parcels of Community Land to Operational Land following Community Consultation, to facilitate its higher utilisation. This is part of Council's path to sustainability.

Operational Land Provisions

Generally, very few restrictions are placed on Council's ability to deal with Operational Land and Council is able to lease (or sell) to any party without the impediments that exist on Community Land. Whilst Council endorsement is required for any proposal to lease for a term in excess of three years, this requirement is in relation to the execution of relevant documentation and the affixing of Council's seal. It is not required in order to comply with the LGA or management of the site and there is no requirement to provide a Plan of Management over Operational Land.

Council is able to offer tenure over Operational Land for an unrestricted period, for purposes as it deems appropriate and without general restriction on the range of terms and conditions.

3. Options and Recommendation

There are three options available to Council.

Option 1

Reclassify the area previously identified by report dated 19 May 1998 as the "Community Precinct", ie the same area that the area that is the subject of the recent proposal to reclassify, including the existing Child Care Centres, TLACC and the balance of vacant land, "back to" Community Land

Advantages

- Provides for growth opportunities for all three centres with the commitment of land for Community purposes.
- Community precinct concept is maintained therefore there should be widespread community acceptance.

Disadvantages

- Time period required for reclassification process to be completed and subsequently time restrictions in completion of leases providing security of tenure over existing facilities for existing occupants.
- Lease term restricted to 21 years maximum, thereby improving on potential financial sustainability.
- Possible requirement to lease by tender process.

- Significant restrictions placed on practicality of management of the entire site under the Community Land provisions.
- Proposed development of balance of site for commercial purposes ie vacant land at rear of existing community facilities cannot proceed. Subsequent loss of significant rental income.

Option 2

Reclassify the land within the immediate footprint of the existing Community facilities only, to Community land. The balance of the vacant land behind the buildings is to remain Operational land.

Advantages

- Community precinct concept is maintained – community acceptance.
- The proposed commercial development project may proceed without further impediment.

Disadvantages

- Time period required for reclassification process to be completed and subsequently time restrictions in completion of leases providing security of tenure over existing facilities for existing occupants.
- Lease term for community facilities restricted to 21 years maximum, thereby limiting financial returns.
- Possible requirement to lease by tender process.
- Restrictions placed on practicality of management of part of the site under the Community Land provisions.

Option 3

Entire site to remain as Operational Land.

Advantages

- Opportunity for long term lease to existing occupants of community facilities with flexible terms and conditions.
- Greater flexibility in management of entire site without the impediments imposed by the Community Land Provisions.
- Potential to redevelop higher grade and expanded Community Facilities where required across the Tomaree Peninsula.
- The proposed commercial development project may proceed without further impediment.

Disadvantages

- Potential lack of community trust in Council.

Recommendation

The most practical solution to progress the future use of the site is **Option 3**. This option provides the most practical solution to present and future management of the site, providing the flexibility required to achieve the best utilisation of the area.

Essentially, the Operational Land classification accommodates the existing Community Facilities and also allows Council to pursue commercial activities on the site without further impediment. It provides Council with a platform to enter into long term leases with the existing occupants and also the opportunity to enter into commercial arrangements with

potential lessees, as per Council's recommendation of 10 April 2007 for Council to enter into non-binding Heads of Agreement.

The disadvantage of this option is noted as the potential lack of community trust in Council. It may be said, however, that this may be encountered regardless of the option chosen. The key to managing this issue is the implementation of an effective communication plan, as outlined in the Communication Strategy detailed below.

4. Communication Strategy

The issue of the proposed reclassification of part of 155 Salamander Way, Salamander, has so far been an emotive one. Some sectors of the community have expressed strong opposition in relation to the proposal and criticised Council processes in relation to same. Accordingly, it is essential that any further dealings in relation to this land are managed well. In order provide accurate and transparent information, the following strategy has been prepared by Council's Communications Unit.

- a) Internal discussions to be held between Community Planning Section and Business Development Section. Outcome of discussions to be the development of 3 options for consideration and a recommendation. (Completed).
- b) Briefing to Councillors to be held Tuesday 24 April 2007 outlining history, 3 options and 1 recommendation. (Completed).
- c) If this process is endorsed by Council, representatives from Business Development, Community Planning and Community and Library Services to meet with Child Care Centres and Tomaree Library and Community Centre (TLACC) occupants to outline proposed course of action (eg 10+5+5 lease) and talk through issues and concerns.
- d) Letters to be sent to Child Care Centres and all TLACC tenants confirming discussions and proposed course of action be provided. Copies of these letters also be placed on various notice boards within these facilities.
- e) Negotiations with relevant parties to proceed to mutually agreed lease terms and conditions, including period of tenure. Lease to make the usual provisions in these cases for relocation, at no disadvantage to Lessees.
- f) Report to Council detailing outcomes of discussions and subsequent negotiations, including details of terms and conditions of proposed tenancies.
- g) Individual meetings to be held with all parties affected by the classification and occupancy issues to clarify the process to date and the way forward.
- h) A public meeting to be held to clarify the classification and occupancy issues and outline the way forward.
- i) Letters to participants at the Public Hearing held on 22nd February 2007 outlining the issues and outcomes.
- j) Open letter to the Examiner outlining the issues and outcomes.
- k) Media Release to be issued *prior* to Council meeting

MINUTES FOR ORDINARY MEETING – 22 MAY 2007

- acknowledging the oversight in the correct classification of the subject land and the proposal to reclassify to Community Land
 - apologising for Council's mistake
 - outlining the 3 options to move forward (including pros and cons for each) and the recommended option (to be considered by Council at the next available meeting).
- l) Media Release to be issued *following* Council meeting
- outlining Council's decision and the rationale for same.

ATTACHMENT 3
CONSULTANTS REPORT FROM PUBLIC HEARING

Reclassification of Community Land at 155 Salamander Way, Salamander Bay.

Public Hearing Report

February 20th 2007

Community Centre Salamander Bay

5/3/07

Report by Caddie Marshall

Attendees: Mr Rob Dwyer Consultant Town Planner, Harper Somers O'Sullivan

Ms Jenny Smith, Community Planning Manager, Port Stephens Council

Mr Phillip Crowe, Community Facilities Manager, Port Stephens Council

Ms Caddie Marshall, Independent Chair / Facilitator, Consultant

Community members (approximately 70)

Port Stephens Council has proposed a reclassification of a parcel of land at Salamander Bay.

As part of the reclassification procedure and due process, Council is required to conduct a Public Hearing following a period of public exhibition of the proposal.

The Council commissioned Harper Somers O'Sullivan (HSO) to assist in the conduct of the Public Hearing.

HSO then sought the assistance of an independent Chair/ Facilitator to conduct the hearing on the 20th February at the Community Centre Salamander Bay.

The Public Hearing commenced at 5.30pm and concluded at 7.30pm. The meeting followed the format below:

- . • Welcome / Introduction - Rob Dwyer
- .
 - Overview and explanation of the reclassification process and purpose of the Public Hearing - Rob Dwyer
 - Exhibition and explanation of the proposed reclassification plans -Rob Dwyer
 - Discussion and identification of issues - Caddie Marshall, Public members, Council representatives and Rob Dwyer
- . •Summary of issues - Caddie Marshall
- . •Future steps - Discussed and agreed - Caddie Marshall
- . •Final requests for outstanding issues - Caddie Marshall
- . Meeting closed 7.30pm

Issues for Council Consideration

The following issues were identified by the community for Council consideration. The issues have been recorded with minimal editing.

1. The need for a broader demographic representation in the consultation process (spread to include teenagers, generation Y and X)
2. Time slot of Public Hearing (5.30pm time slot may reduce available community representation)
3. Non-adherence to “best practice” in planning
4. Loss of community hub (includes: community health hub, safe environment, one stop shop, ease of access to transport)
5. Additional considerations for the community if there is to be relocation, eg financial implications, transport, time and safety
6. All but one attendee disagreed totally with the reclassification. The attendees stated they were representative of the stakeholders as a whole and reflected the views and opinions of the larger community.
7. One attendee disagreed with the reclassification in its “current form”
8. Community investment thus far to the childcare centre (recompense considerations?)
9. PSC’s obligations to honour the DOCS agreement for the Child Care Centre to 2012. In addition to this PSC may need to consider a transitional period response from the community eg lack of growth and expansion due to non-support of the reclassification
10. Transparency of the process
11. Communication and transparency of PSC’s vision for the land’s reclassification status
12. Uncertainty in furthering community facilities planning
13. Consideration to the improvement of the status quo
14. The co-location of current activities is important
15. Lack of community consultation with preferred options
16. Accessibility
17. Degree of community consultation with PSC (non-biased survey)

18. Community uncertainty of future land usage and intent - “Operational” means the parcel could be sold.
19. Corporate Governance issues - Council’s adherence to “due process”
20. Community value vs. financial gains - Consideration of community value attached to the following areas: community health (including a diabetic clinic), social welfare needs, physical / mental health and well- being,)
21. Overwhelming community objection to the reclassification
22. Consideration of the opportunities for expansion of existing facilities as previously planned
23. Loss of community identity
24. Legality of the process, exhibition, items missing
25. Process for public hearing
26. The Arcadia Report – reflected none of the community interests
27. Broader consideration to the community options as opposed to financial drivers
28. Expansion of the surrounding lane to community”
29. Everyday community groups currently operate in this complex, they are not privately owned, – would private entities offer the same as what is currently being offered to the community.
30. Why is Council looking at this land instead of other possible land?
31. Community service provided here not private service provision
32. Consideration of alternative options for the current shopping centre (eg building up)
33. High degree of the current usage/services within the centre
34. Safety, access
35. Community identity of the Child Care Centre
36. Future process concerns using 355 committees

Future Steps

To ensure follow up of the Public Hearing the following steps were discussed and agreed.

1. The Chair / Facilitator, Caddie Marshall would provide a report to Mr Rob Dwyer, Consultant Town Planner, Harper Somers O'Sullivan within 2 weeks of the Public Hearing (March 7th).
2. Mr Rob Dwyer Consultant Town Planner, Harper Somers O'Sullivan would then provide a report to Port Stephens Council by end of April 2007.
3. Port Stephens Council would provide a written copy of the Public Hearing Report to all community attendees from the hearing that signed the attendance sheet.

Two additional submissions were handed in at the close of the meeting from Mr Wayne Anderson, 16 Anglers drive Anna Bay 2316 and Ms Edith Stanke, 3 Arunta Close Salamander Bay 2317 (Appendix A)

Appendix A

Wayne Anderson
16 Anglers Dr
Anna Bay NSW 2316

19 February 2007

RE: File No. PSC2005-4392
Draft Local Environmental Plan 2000 (Amendment No. 28)

Dear Mr Dwyer,

I provide this submission in response to Port Stephens Council proposal to have the land which currently accommodates the Salamander Child Care Centre, Tomaree Library and Salamander Community Centre reclassified from "Community Land" to "Operational Land".

I oppose the proposed reclassification of the Community Land which currently accommodates the Salamander Child Care Centre, Tomaree Library and Community Centre.

My concerns with the proposed reclassification are:

Procedural

I am concerned that Best Practise Guidelines have not been followed. The Statement of Council's Interest does not address the following compulsory issues:

- 2.1.3 Anticipated development. Operations Committee Report, 14 March 2006, shows clear intention by the Council to sell the reclassified land for development: 'Enquires from potential developers indicate that there is sufficient demand to warrant the development of a broad range of bulky goods type users within the precinct'.
- 2.1.4 Financial implications. Council stands to make a substantial financial gain through the reclassification but has provided no indication of the magnitude.

I am concerned that this proposed reclassification of Community Land is not well known among residents of the Tomaree Peninsula and that exhibition of the Draft Plan was insufficient:

- On Thursday, 27 July 2006 I was unable to locate a copy of the Plan at the Tomaree Library and staff were unable to assist.

- Library and the shopping precinct will have a negative impact on the educational opportunities of children attending the center.

The Draft Amendment application states 'the reclassification will provide greater flexibility ... in exploring future opportunities (Community, ...'. At no time has Council provided information as to how the reclassification will benefit community use of the site.

Community

I am concerned that issues raised by the Salamander Child Care Centre Management Committee on 9 November 2004 to Council in regard to the reclassification of the land are still to be adequately addressed. Given that Council has refused to guarantee the ongoing provision of the community facilities that currently occupy this land it can only be assumed that Council will force these community based services to shift into the commercial domain.

The Salamander Child Care Centre sets the standard for child care on the Tomaree Peninsular. Reclassification of the land from community use will allow Council the avenue of provision of child care through privately owned operators. In this domain a financial return to the shareholder is of greater importance than children.

The Salamander Child Care Centre has established a culture of service and has invested considerable community funds in the expansion and ongoing development of the current site. Council has given no indication as to how the Centre would be recompensed for its development.

At a time when the provision of child care services is at a premium the current actions of the Council are preventing Salamander Child Care Centre from expanding it's facilities and so being in a better position to meet the needs of the community.

Openness

In correspondence of 10 August 2006 Mayor Craig Baumann stated 'there is no intention of disposing on the land on which the centers and library sit'.

Reported in the Examiner on 15 February 2007 strategic planning coordinator Trevor Allen stated'...if it is (moved) it will be a bigger and better facility in the Salamander Bay area.'

- On Tuesday, 1 August 2006 the library copy of the Plan did not contain a copy of the relevant Council report referred to in the Plan.
- Council has provided no public notice of this Public Hearing.

I believe further communication of the implications of the proposed reclassification should be undertaken by Council to encourage other members of our community to discuss the proposal, particularly regarding location & accessibility of community facilities & services.

Council has only recently acknowledged that they are contracted with DOCS to provide a non profit child care service on the present site until 2012. No mention of this fact is made in the Operations Committee Report.

Balance

I am concerned that this proposed reclassification will not provide greater flexibility to Council in exploring future community opportunities:

- The Operations Committee Report, 14 March 2006, clearly indicates that reclassification of the land is a prelude to commercial development. The Report states: 'If the land is not reclassified ... components of future commercial development will be lost'. Reclassification will reduce flexibility in that only future commercial opportunities will be explored.
- The Report admits that 'The existing community classification was intended to safeguard the community type use ...'

I believe the Operations Committee Report, 14 March 2006, has focused purely on the dollar value of the land and the resultant financial gain of any potential sale and shown little concern in regard to the Social implications of the reclassification:

- The Report states: 'Community outcomes achieved by sound development of the Town Centre should include increased access to a range of ... community facilities'. Reclassification will reduce the available range
- The Report states: 'Contemporary planning principles incorporate community facilities into traditional commercial areas ...'. Reclassification will result in the removal of community facilities.
- The Report makes scant reference to any negative social impact of the reclassification.
 - The loss of a Child Care facility which serves the needs of 160 children and their families and employees 24 staff must be regarded as a negative social impact.
 - The removal of Salamander Child Care Center from it's position adjacent to both the Tomaree

Alternatives

I am concerned that the reclassification of the land obviously seeks to reduce community facilities and that no alternative recommendations have been presented. The Operations Committee Report, 14 March 2006, recognises that the Salamander Child Care Centre should expand and also recognizes that the parcel of land fronting Salamander Way is isolated from the balance of LOT 284. The reclassification of the land fronting Salamander Way to community use would allow for the expansion of Salamander Child Care Centre.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'WA', with a long horizontal line extending to the right.

Wayne Anderson

NOTES FOR PUBLIC HEARING HELD 20 FEBRUARY 2007

My name is Edith Stanke and I have worked at Salamander Child Care Centre Inc for over 8 years.

Council keeps trying to assure us that it has *no intention* of moving us, the Community Centre or the Library.

But why then, does Council keep saying that if we do get moved they will build us a bigger and better Centre somewhere else?

These are empty words and hollow promises. They are completely meaningless, because at a flick of a pen or at the next cast of a vote, an alternative decision could be made.

Council has told us that they have a vision for this area that would ideally include these current Community Services. A vision for a Community friendly area with services conveniently located in close proximity. If Council seriously agrees that this *is* the best place for Community Services to be located then Council should SUBDIVIDE THE LAND. Council should leave this land that has a much-loved and well-renowned Centre and an almost brand new Library on it. Leave it as Community-zoned land and change the surrounding land to Operational Land.

When we have suggested sub-division in the past, Council has told us that it can't be done. This is not true. It can be done. In the same way that the Waste Transfer Station was subdivided from The Old Tip Site, which is now playing fields, because the uses for the two sites needs to be separated.

This is *the best place* for a Community-owned Child Care Centre. I just want to stress this point. Salamander Child Care Centre is *owned* by the Community. The Council originally provided the land and the original building, but following that the

extensive renovations, the 15 years of working bees, of maintenance, of added resources, of growing and nurturing the playground and the gardens, the recent internal and external upgrades, have all been funded by the Community.

Salamander Child Care Centre belongs to the Community.

We do not want to move. This is our home. This is where we have made countless beautiful memories, this is where the majority of The Bay's children have been raised. We are an integral and important part of this Community. *This is Salamander Child Care Centre...not some supposedly huge new Centre located goodness knows where with brand new brightly coloured Astroturf and concrete. (We have more than enough of those in the world).*

I say it again. This is our home. We do not want to move. These Community Services are well-situated in close proximity to each other. We need to stay here, next to the shops, the Library and the other Community Services. This is part of a sensible design for public spaces.

And these things should be more important than making a profit!

Edith Stanke.

3 Arunta Close
Salamander Bay
2317

ITEM NO. 6

FILE NO: PSC2005-0889

ABORIGINAL PROJECT FUND – 2007 NAIDOC WEEK CELEBRATIONS

REPORT OF: JENNIFER SMITH, MANAGER - COMMUNITY PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Allocate \$7,000 from Council's Aboriginal Project Fund to assist in meeting the costs associated with holding the proposed 2007 Naidoc Week Celebrations organised by Council's Aboriginal Strategic Committee as detailed herein.
- 2) Subject to recommendation (1), the unallocated Aboriginal Project Funds totalling \$4,636 be carried over to the 2007/2008 budget allocation for Council's Aboriginal Project Fund.

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

138	Councillor Jordan Councillor Brown	That the Recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of Aboriginal Project Funds towards 2007 Naidoc Week Celebrations proposed by Council's Aboriginal Strategic Committee and to recommend that unallocated Aboriginal Project Funds be carried over to the 2007/2008 Aboriginal Project Fund budget allocation.

2007 marks the 50th Anniversary of Naidoc Week, Council's Aboriginal Strategic Committee have developed a proposal to hold a special community event in Raymond Terrace on 8 July 2007 as detailed on the next page.

NAIDOC celebrations are held annually around Australia in the first full week of July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander people and their contributions to modern Australia. All Australians are encouraged to participate in NAIDOC Week activities. NAIDOC originally stood for 'National Aborigines and Islanders Day Observance Committee'. This committee was once responsible for organising national activities during NAIDOC Week and its acronym has become the name of the week itself.

Naidoc Week is celebrated not just in the Aboriginal community, but also in increasing numbers of government agencies, schools, local councils and workplaces. This year's NAIDOC Week celebrations will be held nationally between 8 and 15 July 2007. The national theme for 2007 is, *50 years: Looking Forward, Looking Back*.

MINUTES FOR ORDINARY MEETING – 22 MAY 2007

This local proposal has been formulated in collaboration with the Worimi and Karuah Local Aboriginal Councils, Port Stephens Council's Social Planning Co-ordinator, Cultural Development & Events Officer, Child-friendly Development Officer, local community organisations, schools, preschools, Communities for Children initiative and government agencies.

ACTIVITY	TIME	VENUE	DETAILS
Breakfast & Flag Raising Ceremony	9am to 10:15am	Port Stephens Council Administration Building Forecourt	Stage a breakfast for Worimi Elders, Port Stephens Councillors and other invited guests. Besides breakfast other proposed activities include: - <ul style="list-style-type: none"> • Welcome to Country and speeches • Flag raising ceremony • Opening ceremony fire
Celebration Walk	10:15am to 10:45am	William St, Raymond Terrace (culminating at Riverside Park)	Street celebration march from Council Chambers through William St, down to Riverside Park. <ul style="list-style-type: none"> • This celebration march will include community members, Elders, local representatives, school and preschool aged children etc. It will also showcase a 'Sea of Hands' (red, black, yellow), which will be held by children and displayed at Riverside Park for the duration of the event.
Community Celebration	11am to 3pm	Riverside Park	Proposed activities include: - <ul style="list-style-type: none"> • Boomerang and didgeridoo painting and demonstrations • Guest performance by acclaimed musical artist, Jimmy Little • Bush tucker sampling • Shake a leg Aboriginal games for children • Aboriginal storytelling • Music workshops • Amusement rides and activities for children, young people and families • Performance by Hunter River High Crocfeest Group

LINKS TO CORPORATE PLANS

The Aboriginal Project Fund links to the following key result areas contained in the 2006/2009 Council Plan: -

Lifestyle: Our community celebrates its diversity, contribute, to and enjoys the lifestyle of Port Stephens

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$11,636 is currently available for community projects under Council's Aboriginal Project Fund. It is proposed that \$7,000 of these funds be allocated to the proposed 2007 Naidoc Week Celebration which will be expended as follows: -

MINUTES FOR ORDINARY MEETING – 22 MAY 2007

<u>Item</u>	<u>Amount</u>
Catering	\$1,000
Performers	\$4,400
Entertainment & activities	\$1,300
Advertising	<u>\$300</u>
Total:	\$7,000

In addition to funds being sourced from Council's Aboriginal Projects Fund towards this event, Worimi and Karuah Local Aboriginal Land Councils have also agreed to provide \$1,000 each to this event along with in-kind support such as supplying materials for boomerang and didgeridoo making activities, firesticks, loan of marque, bush tucker sampling and volunteers. The local Communities for Children Program through the Child Friendly Community Project have also agreed to provide financial and in-kind support to the event.

This leaves a balance of \$4,636 which Council's Aboriginal Strategic Committee has recommended Council carry over these funds to add to the 2007/2008 Aboriginal Project Fund budget allocation.

LEGAL AND POLICY IMPLICATIONS

A risk management plan will be developed which will ensure provisions are made to protect the safety of all participants.

Australian Business Excellence Framework

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

- 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
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 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

SOCIAL IMPLICATIONS

The proposed event will provide the opportunity for Aboriginal and non-Aboriginal community members to come together and celebrate Aboriginal culture through participating in a range of activities that will enhance people's awareness and appreciation of Aboriginal culture, as well as strengthen people's sense of community belonging and connectedness.

ECONOMIC IMPLICATIONS

There are no economic implications.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

CONSULTATION

Council's Aboriginal Strategic Committee made recommendation at their meeting in February 2007 that a special community event be held as part of 2007 Naidoc Week celebrations. Consequently a working party was formed comprising representatives from the Karuah and Worimi Local Aboriginal Land Council's, Council's Social Planning Co-ordinator, Cultural Development & Events Officer and Child friendly Communities Development Officer. This working party has been meeting on a regular basis over the last two months to formulate the proposed event program as outlined in this report.

OPTIONS

- 1) To accept the recommendations
- 2) To amend the recommendation
- 3) To reject the recommendations calling for more information to support the report.

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ITEM NO. 7

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 22 May 2007.

No: Report Title

1. Business Unit Review – Corporate Clean
 2. Pacific Highway Taskforce Newsletter – May 2007
-

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

139	Councillor Baumann Councillor Westbury	That the Recommendation be adopted.
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GENERAL MANAGER'S INFORMATION PAPERS



INFORMATION ITEM NO. 1

BUSINESS UNIT REVIEW - CORPORATE CLEAN

**REPORT OF: PETER GESLING – GENERAL MANAGER
FILE: PSC2006-0953**

BACKGROUND

The purpose of this report is to advise Councillors of the decision from the Executive Team in relation to the future of Corporate Clean as a Business Unit within the Business Operations Section.

On Wednesday 2 May 2007 the Senior Executive Team at its weekly meeting considered a discussion paper prepared by the Business Operations Manager, Phil Buchan. The discussion paper presented various options for the future of Corporate Clean. Options presented ranged from discontinuing the business to operating with greater commercial focus.

Phil Buchan spoke to the paper at the meeting and after consideration the Executive Team agreed to support the proposal to move forward and recruit a new Manager for Corporate Clean. The employment of this position (within existing staff establishment numbers and budget) provides a resource to undertake a critical analysis of current and future business capabilities to build a more robust and sustainable business. It is proposed that this position will be contract with a number of key objectives to be achieved in specific timeframes. The objectives including reviewing the need for structural change as well as branding, determining appropriate staff establishment levels, implementing flexible employment options, and developing a business and marketing strategy.

ATTACHMENTS

- 1) Corporate Clean Synopsis.

**ATTACHMENT 1
CORPORATE CLEAN SYNOPSIS**

HISTORY

The conception of Corporate Clean began in 2000 in response to the need for a more flexible casual work force capable of responding to variable work situations across a range of cleaning sites. Furthermore a commercial opportunity presented itself for the business unit to capitalise on potential additional income that a “Cleaning Company” could generate.

Corporate Clean commenced with 20 staff cleaning around 7 sites on a regular basis, three of these site were Council managed Holiday Parks. From this early stage rapid growth was experienced and within two years there were over 25 sites being cleaned and approximately 35 staff. By 2003 Corporate Clean had exceeded expectations with over 40 staff employed and more than 30 sites being cleaned as well as providing some site-specific maintenance.

In 2004 a Manager for Corporate Clean was employed and a review the position of Corporate Clean within Council and the open market was commenced. The review concluded that Corporate Clean was unable legally to re-establish itself as a separate business outside of the local Government framework. At that stage there were 50 staff working for Corporate Clean and 35 sites being cleaned.

In July 2005 the Corporate Clean Manager resigned and left Council. Since then, the Cleaning Coordinator supported by a casual clerical assistant as well as a finance officer has kept Corporate Clean operating with the existing 48 contracts. Since this time it was decided to withdraw from the tendering of additional contracts and staff were not replaced unless considered essential. Due to the seasonal peaks and the need to have flexible working hours the balance of staff needs was taken up with the use of contract labour hire through a company called “Workforce”. At present Corporate Clean services 43 clients, 9 of which are external to Council. The current staffing level used to fulfil existing contracts and obligations is 32 Council employed staff and up to 35 Workforce staff employed on a regular basis.

CAPABILITIES

Corporate Clean was established to co-ordinate all cleaning services provided by Port Stephens Council and to ensure customers receive a consistent, quality service and provide Council with the ability to capitalise on opportunities in a changing marketplace.

Over the past 6 years Corporate Clean has developed into a business specialising in the areas of cleaning, hospitality services including reception duties, grounds maintenance, purchasing materials and supplies, stock control and contract management. Corporate Clean strives to ensure work is performed to the highest standards to meet customer expectations, whilst enforcing strict Occupational Health and Safety (OH&S) controls and compliance with all environmental guidelines. Corporate Clean operates as a business enterprise within the requirements and constraints of local Government.

Corporate Clean has come a long way since its infancy in 2000, its future will be affected by a number of issues including; organisational acceptance to continue to operate as a business enterprise, the employment of sufficient staff including a Manager and support staff, changing the current culture of uncertainty, the Federal IR Laws and their application to provide greater employment flexibility, building business profile through branding and marketing, the pursuit of new cleaning contracts and maintaining existing contracts, ensuring adequate storage and operational space is available. The continued support of this business enterprise will ensure continued commercial viability by delivering quality services and local employment.

INFORMATION ITEM NO. 2

PACIFIC HIGHWAY TASKFORCE NEWSLETTER – MAY 2007

**REPORT OF: PETER GESLING – GENERAL MANAGER
FILE: PSC2005-1589**

BACKGROUND

The purpose of this report is to provide Councillors with a copy of the Pacific Highway Taskforce Newsletter for May 2007.

ATTACHMENTS

- 1) Pacific Highway Taskforce Newsletter – May 2007.

ATTACHMENT 1

Federal Budget 2007 Special Edition

Newsletter of the Pacific Highway Taskforce - Local Councils and the NRMA Motoring and Services | 9 May 2007

“To encourage, through government action, the upgrading of the Pacific Highway to safer dual carriageway standard by the year 2016, or sooner.”

Stop Press: Mayors can play a beneficial role by urging both the State and Federal Governments to maintain accelerated spending on the Pacific Highway until it is fully duplicated.

Published by: The Pacific Highway Taskforce, NOROC, PO Box 230, Lismore, NSW 2480.

Taskforce welcomes Federal Budget 2007

TASKFORCE URGES SPENDING BLITZ ON HIGHWAY

The Pacific Highway Taskforce has called for ‘people power’ to remind the Federal Government to spend the lion’s share of NSW transport funding on fixing the Pacific Highway.

Pacific Highway Taskforce Chair, Cr Ernie Bennett, praised the Federal Treasurer Peter Costello for headlining the Pacific Highway as a key transport route for the Nation in the Budget – which saw a record \$22.3 billion allocated to transport Nationwide under Auslink II, to be available from 2009-2014.

“The treasurer’s baked a big transport pie – but he hasn’t said how it’s been cut.”

“We are very pleased with a 41% increase in transport funding – but we are waiting anxiously to find out where it will be spent.”

“And we shouldn’t be complacent.”

“Now is the time for our communities to really begin yelling and screaming so that Canberra can hear how much support there is for upgrading the Pacific Highway as the Nation’s number one road priority.”

“It is vital for Australia’s economy, and of course it is also one of Australia’s most dangerous roads, with an average of over 40 people per year killed on it.”

“We have an historic opportunity to bring forward significantly the completion of safer dual carriageway for the Highway which will save lives and support the economy.”

Cr Bennett said that numerous studies showed the Pacific Highway was one of the Nation’s most important transport routes, both for local regions, Sydney, South-East Queensland and for exporters to the ports.

Cr Bennett said that because no specific new funding had been announced for the Pacific Highway in the Budget, it was vital that North Coast communities joined together for a renewed effort to highlight the need for a safer Pacific Highway.

“Every local mayor and every local community will be saying as one: Fix the Pacific Highway Now.”

*The Pacific Highway Taskforce represents 18 local councils and the NRMA Motoring and Services, and has a goal of promoting the upgrading of the Pacific Highway to safer dual carriageway standard by 2016.

[Federal Budget Road Details](#)

Newsletter published by Pacific Highway Taskforce, comprising eighteen councils in northern New South Wales and the NRMA Motoring and Services| Contact Russell Kelly 0448 878066

Taskforce supporters: NRMA Motoring and Services | Northern Rivers Regional Organisation of Councils (NOROC) | Mid North Coast Group of Councils (MIDGOC) | Ballina | Bellingen | Clarence Valley | Coffs Harbour City Council | Gloucester | Great Lakes | Greater Taree | Lismore | Kempsey | Kyogle | Nambucca | Newcastle | Port Macquarie-Hastings| Richmond River County Council | Richmond Valley | Rous Water | Tweed

PO Box 230 Lismore, NSW 2480 |Level 4, Rous Water Building 218 Molesworth St, Lismore 2480
Telephone: 02 6687 8803 | noroc@lismore.nsw.gov.au

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 3150-029 [PSC 2005-3619]

NAMING OF BILLY'S BEACH

COUNCILLOR: CR TUCKER

THAT COUNCIL:

Undertake a process to name Billy's Beach at Mallabula."

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:		
140	Councillor Tucker Councillor Jordan	That the Recommendation be adopted.

Background:

Five years ago, the Mallabula Parks and Reserves requested that a process be set in place to have the little beach - where the creek runs out at Mallabula - named "Billy's Beach" after the late Billy Fordham.

Billy Fordham was a well known local fishing identity and World War 2 serviceman.

Despite numerous reminders and representations over the intervening years, there has been no action to date.

BACKGROUND REPORT OF: JASON LINNANE – MANAGER, RECREATION SERVICES

BACKGROUND

Council receives numerous requests on an annual basis for the naming of reserves. This process requires substantial administrative resources and due to other priorities these have not been undertaken.

At this point in time, the reserve naming process is not included in the Recreational Services 2007 Works Programme.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 3150-029 +PSC2006-0039

WATER TANKS IN INDUSTRIAL AREAS

COUNCILLOR: SWAN

THAT COUNCIL:

- 1) Look at Industrial areas which traditionally have large catchment and hardstand areas with the view to having water tanks on site to help address run-off plus provide an alternative water supply. Their use should be investigated and encouraged.

BACKGROUND REPORT OF: JENNIFER SMITH – MANAGER, COMMUNITY PLANNING

ORDINARY MEETING OF COUNCIL – 22 May 2007

RESOLUTION:

141	Councillor Baumann Councillor Hodges	That the Recommendation be adopted.
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BACKGROUND

The Council does not operate a rebate scheme for the installation of rainwater tanks. However, Hunter Water Corporation operates a rebate scheme for water tanks that is available to existing commercial and industrial premises. The requirement is that the tank must be connected to the internal water system, meaning that the water will be used primarily for flushing toilets, laundry purposes or other similar uses. This does not prevent the water from being used for other purposes such as washing vehicles or watering gardens.

The size of the tanks, and respective rebates available from Hunter Water Corporation, are as follows:

2000 – 3999 litres	\$300
4000 - 6999 litres	\$550
7000 litres and above	\$650

The *Port Stephens Development Control Plan 2007* does not require the installation of rainwater tanks for new industrial developments. However, all applications are required to address the matter of stormwater and runoff and applicants could be encouraged to install rainwater tanks as part of their management of these issues at the development application stage. An option to address the Notice of Motion is to amend *Chapter 5 – Industrial Development of Port Stephens Development Control Plan 2007* to make the installation of rainwater tanks a necessary consideration when making a development application for industrial development.

One way in which the Council encourages the installation of rainwater tanks is by making them exempt from development consent under certain sizes in certain zones; e.g. 10000 litres in residential zones and 60000 litres in rural zones. Unfortunately, the exempt provisions

MINUTES FOR ORDINARY MEETING – 22 MAY 2007

contained in *Port Stephens LEP 2000* (the “LEP”) do not make reference to water tanks in industrial zones. Therefore a strict interpretation of the LEP is that the installation of a water tank in the industrial zone (of any size) requires a development application. Under these circumstances the Council could pursue a minor amendment to the LEP to make the installation of rainwater tanks in industrial zones exempt development.

Means can be put in place that enable very prompt turnaround of such Development Applications.

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 May 2007

RESOLUTION:

142	Councillor Baumann Councillor Hodges	That Council move into Confidential Session.
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I certify that pages 1-177 of the Ordinary Minutes of Council dated 22 May 2007 were confirmed by Council at its meeting held on Tuesday 26 June 2007.

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**CR RON SWAN
MAYOR**