

Minutes 30TH October 2007



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 30th October 2007, commencing at 5.30pm.

PRESENT:

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

306A	Councillor Jordan Councillor Brown	It was resolved that the apology from Crs Swan, Baumann & Francis be received and noted.
307A	Councillor Brown Councillor Hodges	Resolved that the minutes of the Ordinary meetings of Port Stephens Council held on 14 th August, 25 th September & 9 th October 2007 be confirmed.

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MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

COMMITTEE RECOMMENDATIONS

The Committees met on the 9 October, 2007 and make the following recommendations to Council.

COMMITTEE	PRESENT	TIME
Combined Strategic/Operations Committee	Councillors Baumann, Swan, Nell, Francis, Robinson, Dingle, Westbury, Dover & Brown, and Messrs Gesling, Murrell, Triglar, Broyd & Wickham Apology: Crs Tucker, Hodges and Jordan.	9 October, 2007 Commenced: 5.55pm Concluded: 7.08pm

MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

SIGNAGE POLICY FOR COMMUNITY EVENT

THAT COUNCIL:

1. Enter into discussions with NB Town Management INC to review signage requirement for community events.
 2. Review the signage provision of the LEP and DCP and a report be presented on options to address this issue.
-

BACKGROUND

Council LEP and DCP are very specific about signage policy. While this may not be satisfactory in all circumstances, it is not possible or good practice, to amend policy iteratively. Any resolution can not overturn exiting policy.

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007

308A	Councillor Dover	There being no objection it was resolved that the Mayoral Minute be adopted.
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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: PSC2005-4315

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) (i) & 10A(2)(e) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary Council meeting agenda namely **Call for Detailed Proposal - Raymond Terrace Sports field.**
- 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include:
 - a) details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
 - b) information that would, if disclosed, prejudice the maintenance of law.
- 3) That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as it may prejudice Council's commercial position and Council should have the same protection for its confidential commercial activities as that applying to other persons.
- 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007

RESOLUTION:

309A	Councillor Nell Councillor Brown	That the recommendation be adopted.
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STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: A2004-0654

PORT STEPHENS ECONOMIC DEVELOPMENT STRATEGY

REPORT OF: DAVID BROYD, GROUP MANAGER SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Port Stephens Economic Development Strategy prepared by Buchan Consulting Pty Ltd that is Attachment 1 to this report (provided under separate cover);
- 2) Endorse the Mayor sending a letter of appreciation to the NSW Minister for Regional Development for the funding and support provided by the NSW Department of State and Regional Development and that enabled the Strategy to be prepared;
- 3) Delegate to the General Manager to send letters to express Council's appreciation to members of the Steering Committee for their support and advice.

STRATEGIC COMMITTEE MEETING – 9 OCTOBER 2007

RECOMMENDATION:

That Council:

- 1) Adopt the Port Stephens Economic Development Strategy prepared by Buchan Consulting Pty Ltd that is Attachment 1 to this report (provided under separate cover);
- 2) Endorse the Mayor sending a letter of appreciation to the NSW Minister for Regional Development for the funding and support provided by the NSW Department of State and Regional Development and that enabled the Strategy to be prepared;
- 3) Delegate to the General Manager to send letters to express Council's appreciation to members of the Steering Committee for their support and advice.
- 4) Publicly promote the Port Stephens Economic Development Strategy to the community and that a breakfast launch be held.

Table Document: Port Stephens Economic Development Strategy

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007

RESOLUTION:		
310	Councillor Westbury Councillor Robinson	That the Strategic Committee recommendation be adopted – (1-4)

Table Document: Port Stephens Economic Development Strategy

BACKGROUND

The purpose of this report is to recommend the adoption of the Port Stephens Economic Development Strategy to Council.

Council gave high priority in August 2006 to the preparation of an Economic Development Strategy and allocated \$50,000 for that purpose. This Strategy will combine with Council's Social Plan, Cultural Plan, Development Plans and Environmental Plans to form an overall

composite of plans that will be the foundation for future Council Plans and the Port Stephens Futures Strategy.

Subsequent to Council's allocation of \$50,000, discussion with the NSW Department of State & Regional Development (DSRD) led to joint funding to a total of \$90,000, i.e. Council: \$45,000; DSRD \$45,000.

The project brief was sent to three relevant consulting firms and, following evaluation by a selection panel (Council's Group Managers of Sustainable Planning and Business & Support; Susan Rowe, Community Economic Development Manager, NSW Department of State & Regional Development and Darren McKay, Senior Lecturer in Economics, University of Newcastle), Buchan Consulting was selected to undertake preparation of the Strategy.

LINKS TO CORPORATE PLANS

The Economic Development Strategy will form a fundamental set of directional statements for the future Council Plans and for the Port Stephens Futures Strategy.

The draft Strategy is relevant to the current Council Plan, the Social and Community Plan and the Environmental Plan.

FINANCIAL/RESOURCE IMPLICATIONS

The draft Strategy has been completed within the allocated budget of \$90,000 of which Council has funded \$45,000. This Strategy utilises part of the \$400,000 annual funding allocation to Economic Development endorsed by Council in September 2006. Funding for Economic Development comes from Council's Business Development Restricted Fund.

Other budgeted Economic Development expenditure for 2007/08 includes:

- Nelson Bay Town Management Contribution \$155,000
- Nelson Bay Strategy \$50,000
- Economic Development Coordinator \$111,222
- Economic Development Administration \$19,850

The Economic Development Coordinator is currently being recruited and will be directly responsible to the Group Manager Business & Support. Two additional Economic Development Project Officers are endorsed for recruitment as part of the Council endorsement of the organisation structure in August 2006. These two positions, however, are not budgeted in 2007/08 and it is now recommended that inclusion in the 2007/08 budget be considered as part of the December 2007 Budget Forecast (report scheduled for Council in February 2008). While these two positions are not budgeted and would impact upon Council's 2007/08 operating result, recruitment of these two additional positions together with the Economic Development Coordinator is not expected to result in the \$400,000 funding allocation for 2007/08 being exceeded.

LEGAL AND POLICY IMPLICATIONS

The draft Strategy contains substantial recommended policy content which will then lead to various initiatives for implementation including policy incorporation into the draft Council Plan 2008-2012, the Port Stephens Futures Strategy and, subsequently, into Council's new comprehensive LEP and overall planning framework.

Through evaluation and "trade offs", through the preparation of the Futures Strategy and the planning framework, it is anticipated that greater certainty will be provided for the private sector, industry, government agencies and the community generally as to where economic

development and employment generation will be focused in the Port Stephens Local Government Area.

This higher level of certainty should also contribute to the reduction of exposure to potential legal actions due to conflicting land uses compromising areas of environmental quality etc.

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
- 4) To improve the outcome, improve the system and its associated processes
- 6) Continual improvement and innovation depend on continual learning
- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 9) All systems and processes exhibit variability, which impacts on predictability and performance
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The draft Strategy aims to give direction and a high level of certainty towards job creation and where industrial, tourism and commercial development should occur. It aims to at least maintain the current commuting rate and “escape spending” and, therefore, targets future job creation and the provision of retail and commercial services that fully responds to future population growth in the Local Government Area.

A strong local economy will also help to support many social/cultural and environmental programs within the area.

ECONOMIC IMPLICATIONS

The draft Strategy is clearly fundamental to planning for economic development and employment generation in Port Stephens – as well as endeavouring to create a high level of certainty for the investment sector.

ENVIRONMENTAL IMPLICATIONS

Giving clear directions on the location and scale of developments to create economic activity and employment is also aimed at a sound balance with the environmental qualities of the area and, again, should yield greater certainty in achieving that balance and the “trade offs” between economic development and environmental conservation and management.

The Economic Development Strategy also recognises the importance of retaining and enhancing the quality of the Port Stephens environment and the quality of “place” that should be created through new development. This is crucial for business attraction and investment as well as conserving the local environment which the Council and the local community regard as a high priority.

CONSULTATION

Preparation of the draft Strategy included the conduct of over 70 interviews by Buchan Consulting with nominated interested organisations and individuals.

Buchan Consulting conducted a workshop for invited industry and community representatives on 27 July 2007 and briefed Councillors on 21 August 2007.

The preparation of the draft Strategy has also been overseen by a Steering Committee comprising:

- Susan Rowe, Department of State & Regional Development
- Stewart Gordon, Australian Industry Group
- Darren McKay, Newcastle University
- Lesley Morris, Hunter Economic Development Corporation
- Doug Parrish, Hunter Business Chamber
- Paul Hughes, Newcastle Airport Ltd
- Michael Connell, Buchan Consulting
- Peter Chrystal, Buchan Consulting
- Peter Gesling, General Manager, Port Stephens Council (chair)
- Stewart Murrell, Group Manager – Business and Support, Port Stephens Council
- David Broyd, Group Manager – Sustainable Planning, Port Stephens Council (chair when acting General Manager during the course of the Strategy preparation).

Given the extent of consultation during preparation, it is not recommended that the draft Strategy be placed on formal public exhibition as there is a sound foundation to proceed to adopt and implement the Strategy.

OPTIONS

- 1) Endorse the draft Economic Development Strategy and priority actions as recommended; or
- 2) Not endorse the draft Strategy but require certain modifications to be undertaken of the draft Strategy and for a further report to be considered in due course.

ATTACHMENTS

1. Buchan Consulting Port Stephens Economic Development Strategy Report.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

DRAFT ECONOMIC DEVELOPMENT STRATEGY

Provided under separate cover

**OPERATIONS
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 4TH SEPTEMBER, 2007

REPORT OF: TREVOR ALLEN, ACTING COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 4th September, 2007.

OPERATIONS COMMITTEE MEETING – 9 OCTOBER 2007

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007

RESOLUTION:

311	Councillor Hodges Councillor Dingle	That the recommendation be adopted.
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MATTER ARISING:

That Council request the Local Traffic Committee to investigate the speeding of traffic at the Medowie roundabout, particularly in the direction of the RAAF Base.

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007

RESOLUTION:

312	Councillor Hodges Councillor Dingle	That Council request the Local Traffic Committee to investigate the speeding of traffic at the Medowie roundabout, particularly in the direction of the RAAF Base and; That Council write to the RTA through the Road Safety Officer regarding this issue.
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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 29th August, 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 4th September, 2007 in Council's Administration Building. In attendance were Port Stephens Council's Technical representative, Roads and Traffic Authority's representative, Port Stephens Council's Project Officer, Port Stephens Council's elected representative and Hunter Valley Buses

representative. Apologies were received from NSW Police's representative, Local Member for Maitland Mr F Terenzini and Rod Landers.

LINKS TO CORPORATE PLANS

The items referred to the local Traffic Committee, and the subsequent recommendations are linked to the current Council Plan 2007 - 2011. In Parts 5 and 7 of the Plan, the Local Traffic Committee contributes to the following directions and goals:

- 1) Provide programs and planning instruments that enhance the safety of individuals and the community whilst preserving social amenity and discouraging social isolation.
- 2) Providing good community planning and the development of quality infrastructure.

FINANCIAL/RESOURCE IMPLICATIONS

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

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.1 Irawang Street, Raymond Terrace – Edgeline linemarking

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/ECONOMIC/ ENVIRONMENTAL IMPLICATIONS

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

No additional consultation took place as part of the business for the meeting of 4th September.

OPTIONS

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

ATTACHMENTS

- 1) The minutes of the local Traffic Committee meeting held on 4th September, 2007 are contained in ATTACHMENT 1.

TABLED DOCUMENTS

- 1) Nil

**ATTACHMENT 1
PORT STEPHENS
LOCAL TRAFFIC COMMITTEE MEETING**

**INDEX OF LISTED MATTERS
FOR THE MEETING HELD ON 4TH SEPTEMBER, 2007**

- A. ADOPTION OF THE MINUTES OF 7TH AUGUST, 2007**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
 - C.1. IRRAWANG STREET, RAYMOND TERRACE – EDGELINE LINEMARKING**
 - C.2. PACIFIC HIGHWAY, HEATHERBRAE – BUS ZONE SIGNS**
 - C.3. PEACE PARADE, TANILBA BAY – INSTALLATION OF CURVE WARNING & ADVISORY SPEED SIGNS**
 - C.4. MIDSHIPMAN CIRCUIT, SALAMANDER BAY – NO STOPPING SIGNS**
 - C.5. BAGNALL BEACH ROAD, SALAMANDER – REVIEW OF PEDESTRIAN CROSSINGS**
 - C.6. DONALD STREET, NELSON BAY – REQUEST FOR LOADING ZONE TO BE MOVED TO NO PARKING ZONE IN YACAABA STREET**
 - C.7. STOCKTON STREET, NELSON BAY – REQUEST FOR LOADING ZONE TO BE MOVED TO DONALD STREET (OUTSIDE LOUISA COURT)**
- D. GENERAL BUSINESS**
- E. ATTACHMENTS**

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 4TH SEPTEMBER, 2007
AT 9:30AM**

A. ADOPTION OF MINUTES OF MEETING 7TH AUGUST, 2007

The minutes of the previous Local Traffic Committee Meeting were adopted.

B. BUSINESS ARISING FROM PREVIOUS MEETING

There was no business arising.

C. LISTED MATTERS

C.1 IRRAWANG STREET, RAYMOND TERRACE – EDGELINE LINEMARKING

A resident has requested Council install a white lane divider line on Irrawang Street for the safety of parked vehicles in the vicinity of 68 Irrawang Street.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT Line marking will define through lanes and parking lanes

FILE PSC2004-0511

RECOMMENDATION

- Edge lines be provided on Irrawang Street for the length of the school zone.

ESTIMATED COST \$1000
FUNDING SOURCE Traffic Facilities Budget

THIS ITEM HAS A SAFETY PRIORITY



C.2 PACIFIC HIGHWAY, HEATHERBRAE – BUS ZONES

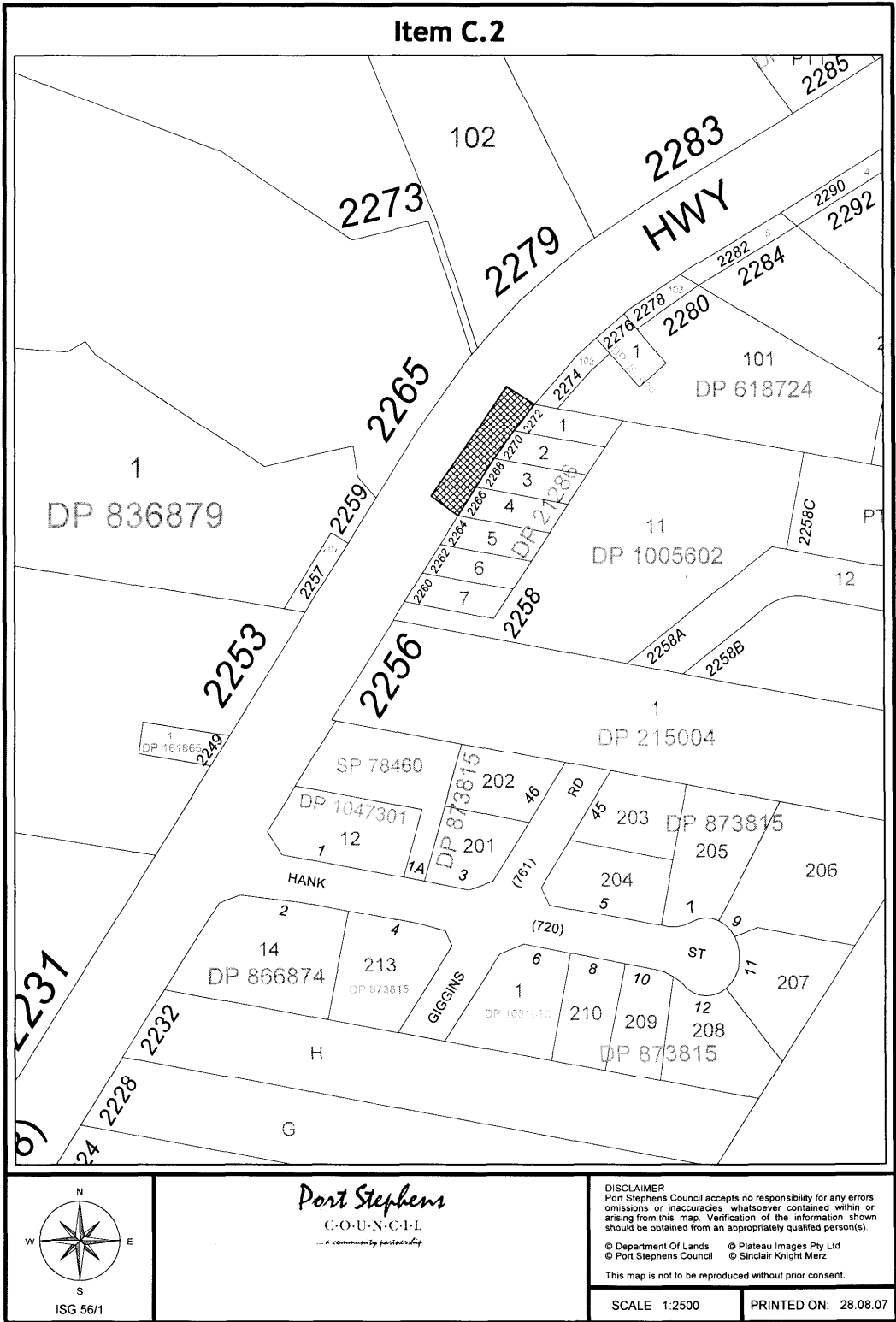
The local bus operator has requested Council install bus signage on the Southbound side of the Pacific Highway at Heatherbrae.

REQUESTED BY:	Hunter Valley Buses	
CONSULTATION:	Nil	
INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No
COMMENT	Existing bus stop sign marked on pole too close to driveway entry/exit	
FILE	N/A	

RECOMMENDATION

- Bus zone signage be provided on the north and south bound sides of the Pacific Highway in the vicinity of Kingston Parade, Heatherbrae.
- Bus zones on the south bound side of the Pacific Highway be posted with Bus Zone signage.

ESTIMATED COST	\$400
FUNDING SOURCE	Traffic Facilities Budget



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C.3 PEACE PARADE, TANILBA BAY – INSTALLATION OF CURVE WARNING & ADVISORY SPEED SIGNS

The State Member for Port Stephens has requested Traffic Committee investigate installing Curve Warning & Advisory Speed signs at the intersection of Peace Parade and Tanilba Avenue.

REQUESTED BY: State Member for Port Stephens

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	No
	ATTACHMENT	No

COMMENT

- 50 Km/hr urban speed limit
- Road recently reconstructed
- Existing street lighting
- 2 Recorded crashes in 2003
- No recent accident history

FILE PSC2005-4019

RECOMMENDATION

- Centreline line marking be provided on Diggers Drive and Peace Parade from Avenue of the Allies to Tanilba Avenue.
- No further action be taken to provide curve warning signs.
- Traffic speed and volume counts be undertaken and results brought back to the committee for assessment.

ESTIMATED COST \$1000
FUNDING SOURCE Traffic Facilities Budget

C.4 MIDSHIPMAN CIRCUIT, SALAMANDER BAY – NO STOPPING SIGNS

A resident has requested the Committee investigate the sight distance restrictions on Midshipman Circuit near Spinnaker Way. Vehicles park too close to the intersection blocking the roadway and cause vehicles to cross to the wrong side of the roadway on a slight curve. The resident feels that it is a dangerous situation and has requested No Stopping signs to clear out this section of road.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	No
	ATTACHMENT	No

COMMENT

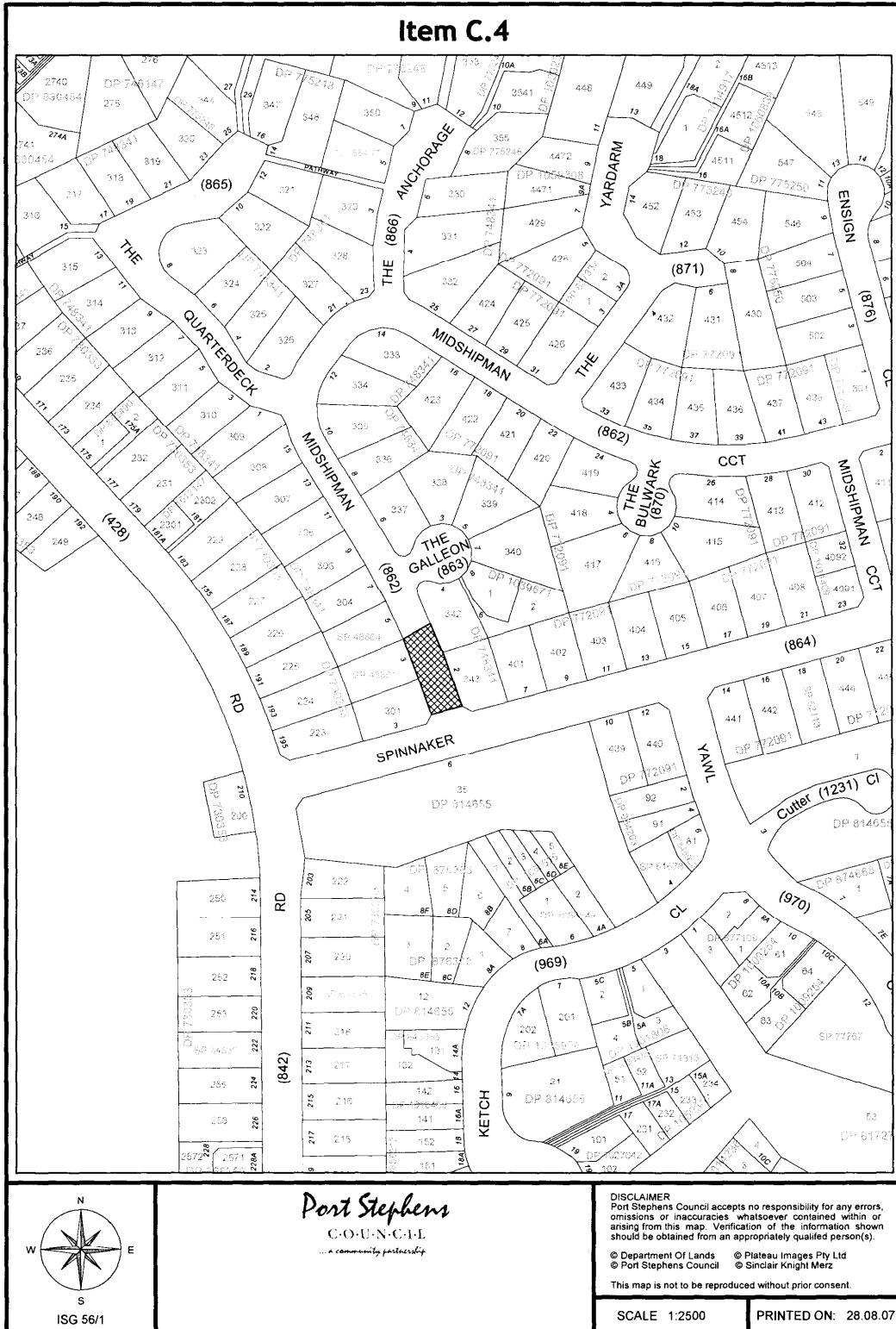
- Low speed environment
- Good sight distance

FILE N/A

RECOMMENDATION

- No further action be taken to provide No Stopping signs.

ESTIMATED COST N/A
FUNDING SOURCE N/A



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C.5 BAGNALL BEACH ROAD, SALAMANDER – REVIEW OF PEDESTRIAN CROSSINGS

Corlette Precinct have asked the Traffic Committee investigate the need for Pedestrian Crossings in the area of Bagnall Beach and Sandy Point Roads. Concerns have been expressed about the safety of pedestrians, particularly children, under the present conditions.

REQUESTED BY: Corlette/Salamander Bay Precinct

CONSULTATION: Nil

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

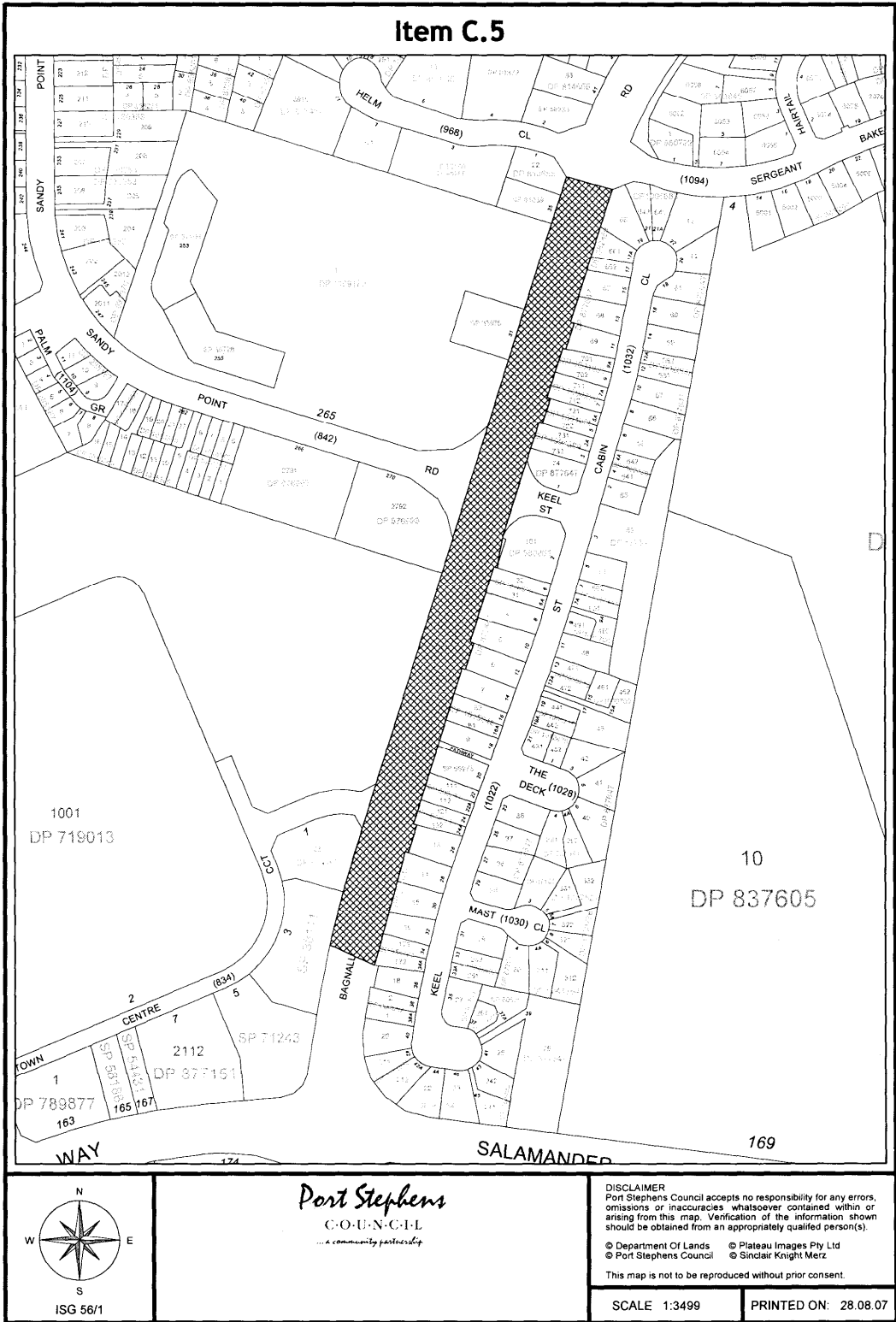
COMMENT Nil

FILE PSC2005-4014

RECOMMENDATION

- This item be deferred pending further investigations.

ESTIMATED COST N/A
FUNDING SOURCE N/A



C.6 DONALD STREET, NELSON BAY – REQUEST FOR LOADING ZONE TO BE MOVED TO NO PARKING ZONE IN YACAABA STREET

Nelson Bay Town Management have requested the Loading Zone in Donald Street be moved to the No Parking zone outside the Nelson Bay Pharmacy in Yacaaba Street. The current location sits alongside an outdoor dining business where the truck fumes are unpleasant for patrons.

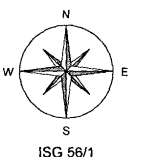
REQUESTED BY:	Nelson Bay Town Management	
CONSULTATION:	Nil	
INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No
COMMENT	Nil	
FILE	PSC2005-2999	

RECOMMENDATION

- The existing Loading Zone be replaced with 1 hour parking.
- The No Parking zone in Yacaaba Street be replaced with a Loading Zone 6 am to 6 pm Monday to Friday and 6 am to 12.30 pm Saturday and Sunday.

ESTIMATED COST	\$400
FUNDING SOURCE	Traffic Facilities Budget

Item C.6



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C.7 STOCKTON STREET, NELSON BAY – REQUEST FOR LOADING ZONE TO BE MOVED TO DONALD STREET (OUTSIDE LOUISA COURT)

Nelson Bay Town Management have requested the Loading Zone in Stockton Street be moved to Donald Street. Its current location is limited in its accessibility to a critical mass of businesses. This is reflected in the usage rate. The Zone would have far greater usage outside Louisa Court in Donald Street.

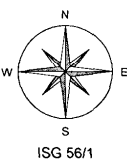
REQUESTED BY:	Nelson Bay Town Management	
CONSULTATION:	Nil	
INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No
COMMENT	Nil	
FILE	PSC2005-2999	

RECOMMENDATION

- The existing Loading Zone in Stockton Street be relocated to the southern side of Donald Street east of Stockton Street with 6 am to 6 pm Monday to Friday and 6 am to 12.30 pm Saturday and Sunday time restrictions.
- The relocated loading zone be replaced with 1 hour parking in Stockton Street.

ESTIMATED COST	\$400
FUNDING SOURCE	Traffic Facilities Budget

Item C.7



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ITEM NO. 2

FILE NO: PSC2005-3550

AUSTRALIA DAY COORDINATING COMMITTEE (355B)

REPORT OF: TREVOR ALLEN, ACTING COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Transfer the existing and future Australia Day funds in Council budgets for the annual Australia Celebrations to the Port Stephens Australia Day Celebration Co-ordinating Committee, the Raymond Terrace and Nelson Bay Australia Day Sub-Committees.
- 2) Adopt the amended Committee Constitution Schedule for the Port Stephens Australia Day Celebration Co-ordinating Committee (ATTACHMENT 1) – proposed amendments highlighted in bold text.

OPERATIONS COMMITTEE MEETING – 9 OCTOBER 2007

RECOMMENDATION: That the matter be deferred to allow consultation to occur.

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007

RESOLUTION:

313	Councillor Westbury Councillor Nell	That the matter be deferred to allow consultation to occur.
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MATTER ARISING:

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007

RESOLUTION:

314	Councillor Jordan Councillor Hodges	As part of the consultation Council rotate the announcement of the Citizen of the Year across the Local Government Area at a range of venues.
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BACKGROUND

The purpose of this report is to seek Council approval for transferring to Port Stephens Australia Day Celebration Co-ordinating Committee's sub committees the Raymond Terrace and Nelson Bay Australia Day Committees the existing and any future Council budget allocations for Australia Day Celebrations. This will enable these Committees to plan and organise local celebrations more effectively and efficiently.

This report has been developed in response to a request from the 'Nelson Bay Australia Day Committee' to establish a bank account to self administer funds allocated annually in Council's budget for Australia Day activities at Nelson Bay.

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

Council currently allocates in its budget \$20,000 per annum for Australia Day Celebrations, comprising an allocation of \$12,000 and \$8,000 to local celebrations in Raymond Terrace and Nelson Bay respectively.

Currently local Australia Day Celebrations are coordinated by the ‘Raymond Terrace Australia Day Committee’ and the ‘Nelson Bay Australia Day Committee’ under the auspice of the ‘Port Stephens Australia Day Celebration Co-ordinating Committee’ - a S355(b) Committee of Council. The Australia Day budget allocation is administered by Council, with Council’s Cultural Development Officer currently providing secretarial support to the ‘Raymond Terrace Committee’ and the ‘Port Stephens Australia Day Celebration Co-ordinating Committee’. In addition to this, they are also currently responsible for processing all purchase orders and payments associated with local Australia Day activities.

For consistency and efficiency it is recommended that these two local committees self administer the funding and coordination of their celebrations which will in turn empower these Committee’s to drive their own cultural activities, rather than the perception of Council providing an event on the community’s behalf.

355(b) Port Stephens Australia Day Celebration Co-ordinating Committee’s Committee Constitutions consists of the Standard 355(b) Committee Constitution adopted by Council 24 June 2003 Minute No 251, and a customised Schedule of each committee’s individual activities. Council must approve any amendments to a committee’s Constitution Schedule.

Currently the committee's individual constitution schedule notes that Clause 10 of the Standard 355(b) Committee Constitution does not apply to the Port Stephens Australia Day Celebration Co-ordinating Committee as a Council staff member acts as treasurer managing the committee’s funds.

The proposed change requires the committee’s constitution schedule to be amended to remove this notation making the committee subject to Clause 10 outlining financial requirements are applicable to the committee.

The committees’ management of funds would be in accordance with the existing financial system for 355(b) committees which provides procedures, pro formas and reporting timeframes which provide the means to ensure the effective management, reporting and accountability of Council funds administered by delegated committees.

Current	Proposed Amendment
<p>Item 13 Additional clauses or amendments to Standard Constitution or Schedule.</p> <p>Clause 10 Finances Not applicable as delegated Council Officer acts as Treasurer for the committee.</p>	<p>Item 13 Additional clauses or amendments to Standard Constitution or Schedule.</p> <p>Clause 10 Finances <i>Remove existing notation and add additional point</i> Clause 10.6 c) The signatories of the accounts of the sub committees of the Port Stephens Australia Day Celebration Co-ordinating Committee – Raymond Terrace Australia Day Committee and Nelson Bay Australia Day Committee must be the two delegates from each respective sub committee to the Port Stephens Australia Day Celebration Co-ordinating Committee plus one Councillor</p>
Item 11	Port Stephens Australia Day Celebration

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

Name of any account operated by the committee N/A	Co-ordinating Committee – Raymond Terrace a 355(b) Committee of Port Stephens Council Port Stephens Australia Day Celebration Co-ordinating Committee – Nelson Bay a 355(b) Committee of Port Stephens Council
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LINKS TO CORPORATE PLANS

The recommendations contained in this report link with a number of Goals specified in the Port Stephens Council Plan 2007-2011 including: -

- *Cultural Planning is integrated across all of the Port Stephens Local Government Area*
- *Increase funding support for the cultural life of Ports Stephens Local Government Area*
- *Showcase Port Stephens and its vibrant lifestyle*
- *Provide opportunities for the community to participate in cultural events.*

FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications for Council are clear and beneficial. Not included within the budget for Australia Day expenditure is the salary of the Cultural Development Officer at a current rate of \$30.00 per hour gross, with an annual average of 1 day per week, per annum adding a minimum of an additional \$11,000.00 in expenditure to the budget. With both Committees administering budgets and the events, the Cultural Development Officer will be clear to focus their energy and expertise in other areas of cultural development.

LEGAL AND POLICY IMPLICATIONS

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

The constitution of the Port Stephens Australia Day Celebration Co-ordinating Committee consists of the Standard 355(b) Committee Constitution adopted by Council 24 June 2003, Minute No 251 and a Customised Schedule of the committee's individual activities. Amendments to individual committee constitution schedules do not affect the Standard 355(b) Committee Constitution, which remains in place unless amended by Council.

Where Council delegates the administration of funds to a 355(b) committee, the committee must meet Council's standards of compliance, management and transparency and are required to comply with standard record keeping practices, including submission of reports by due dates

This requirement is managed in accordance with Clause 10 of the Standard 355(b) Committee Constitution and the existing financial system for 355(b) committees with provides procedures, pro forms and reporting timeframes which provide the means to ensure the effective management, reporting and accountability of Council funds administered by delegated committees.

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
- 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
- 6) Continual improvement and innovation depend on continual learning
- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 9) All systems and processes exhibit variability, which impacts on predictability and performance
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders
- 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/ECONOMIC/ENVIRONMENTAL IMPLICATIONS

The local Australia Day Committees play a key role in strengthening the sense of belonging and leadership in the community as they provide the opportunity for local residents to residents to participate in local planning and decision making processes.

The implementation of the recommendations of this report will lead to greater administrative efficiency in the use of Council staff time and resources whilst ensuring that the management of Council's funds by each sub-committee is in accordance with the Committee's Constitution.

CONSULTATION

Consultation has been undertaken with Council 355(b) and governance staff, and the executive who all supported the recommendations of this report.

OPTIONS

- 1) Approve as recommended
- 2) Amend the recommendation

ATTACHMENTS

- 1) Amended Port Stephens Australia Day Celebration Co-ordinating Committee

**ATTACHMENT 1
SCHEDULE TO CONSTITUTION
Proposed changes highlighted**

Item 1	Name of Committee	Port Stephens Australia Day Celebration Co-ordinating Committee
Item 2	Name of Council Group/Team	Community Planning/Sustainable Planning
Item 3	Functions delegated by Council to committee (Objectives)	<p>Co-ordinating Committee</p> <ol style="list-style-type: none"> 1. To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council. 2. To support the sub committees (community committees of Raymond Terrace and Nelson Bay) to organise the Australia Day Civic Celebrations in those areas. 3. To receive and make recommendations to Council requests from community committees (including sub committees) organising Australia Day activities who apply to include the Australia Day Ambassadors and funding from the Australia Day Budget Allocation. All other community activities are to be funded independently from fund raising or sponsorship. 4. To organise the Citizen of the Year and the Junior Citizen of the Year activity. Including advertising, calling for nominations, organising and participating in community representation in the judging process. 5. To liaise with the Mayor's staff regarding Civic Component of event. Citizenship ceremonies are at the discretion of the Mayor. 6. To prepare a report to be tabled at committee's Annual General Meeting in March and Council's April meeting on the outcomes of Australia Day Celebrations (including financial report). <p>Australia Day Committees</p> <ol style="list-style-type: none"> 1. To develop an annual submission for the consideration of the Executive Committee. 2. To include <ul style="list-style-type: none"> • Request for funding of Civic Celebration component from Australia Day Budget • Program of activities • Management Plan of the event • Budget 3. To organise Australia Day events in accordance with Australia Day Council recommendations and Council approved Management Plan.
Item 4	Restrictions on functions delegated	All works and activities undertaken will be with the knowledge and approval of the Community Planning Manager.
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies & legislation including but not limited to:</p> <p>OH&S 2000 OH&S Regulations 2001 Local Government Act 1993 & Regulations</p>

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		<p>PPIPA 1988 State Records Act, 1998 Code of Conduct Code of Meeting Practice Accessing Information Policy Child Protection Policy Volunteers Policy Disability Access Policy 2003 (Draft)</p>
Item 6	Date on which constitution concludes	September of Council Election each four years. Council to re adopt constitution within three months following election.
Item 7	Maximum number and make up of committee members	<p>Co-ordinating Committee</p> <p>a) Councillors as appointed by Council b) Two members plus two alternates from each individual Australia Day Committee c) Council staff member delegated by General Manager to act as secretary/treasurer.</p> <p>Australia Day Committees</p> <p>a) Up to 30 interested community members b) Two members plus two alternates to be voted as representatives on the Co-ordinating Committee</p>
Item 8	Councillors	As resolved by Council.
Item 9	Council employees	Cultural Development & Events Officer
Item 10	Name of financial institution and type of account	
Item 11	Name of any account operated by the committee	<p>Port Stephens Australia Day Celebration Co-ordinating Committee – Raymond Terrace a 355(b) Committee of Port Stephens Council</p> <p>Port Stephens Australia Day Celebration Co-ordinating Committee – Nelson Bay a 355(b) Committee of Port Stephens Council</p>
Item 12	Area assigned to committee and/or map	Port Stephens local government area
Item 13	<p>Additional clauses or amendments to Standard Constitution or Schedule.</p> <p>To be listed in full - body of constitution not to be altered.</p>	<p>Clause 9 Meetings (replaces in full) 9.3</p> <p>a) At all Co-ordinating Committee Meetings two representative from each Australia Day Committee and the majority of Councillors (including alternate Councillors) shall constitute a quorum.</p> <p>b) At all Sub Committee Meetings one third of the members shall constitute a quorum.</p> <p>Clause 10 Finances Additional point 10.6c) The signatories of the accounts of the sub committees of the Port Stephens Australia Day Celebration Co-ordinating Committee –Raymond Terrace Australia Day Committee and Nelson Bay Australia Day Committee must be the two delegates</p>

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

		from each respective sub committee to the Port Stephens Australia Day Celebration Co-ordinating Committee plus one Councillor
Item 14	Changes to constitution or Schedule – Adopted by Council: Meeting Date: Minute No: Resolution:	

ITEM NO. 3

FILE NO: A2004.0573, PSC2007.0252

SEABREEZE ESTATE – WATER TANK REBATE SCHEME

REPORT OF: MICK LOOMES, ENGINEERING SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Introduces a Water Tank Rebate Scheme to apply to a section of the Seabreeze Estate which drains towards the Lagoons Estate.
- 2) Sets eligibility criteria for the Council rebate scheme in accordance with Attachment 1 of this report.
- 3) Sets the rebate at \$500, with the rebate scheme to end on 30 June 2008.
- 4) Provides the rebate for the first 30 property owners prepared to commit to the scheme.

OPERATIONS COMMITTEE MEETING – 9 OCTOBER 2007

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007**RESOLUTION:**

315	Councillor Nell Councillor Hodges	That the recommendation be adopted.
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MATTER ARISING

That Council conduct a confidential discussion with respect to the Seabreeze Estate Peer Review.

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007**RESOLUTION:**

316	Councillor Nell Councillor Hodges	That the recommendation be adopted.
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Note: Cr Hodges left the chambers at 6.17pm during Item 3 and returned at 6.18pm during Item 3.

BACKGROUND

The purpose of this report is to propose a Water Tank Rebate Scheme for a limited period for existing properties located in that part of the Seabreeze Estate at Nelson Bay which drains towards the Lagoons Estate.

The GHD report on stormwater mitigation works in the Seabreeze Estate recommended a multi-faceted approach involving infiltration trenches, catchment diversions, planning controls in excess of BASIX and retrofitting rainwater tanks on some existing properties.

This report relates to the retrofitting of rainwater tanks which is a component of the drainage solution. The GHD report recommended up to 20 existing properties be fitted with 5000 litre rainwater tanks with the tanks connected to some internal house uses such as laundry and toilets. This proposal was likely to cost in the order of \$5000 for each property and anecdotal evidence from owners within the catchment has indicated that homeowners could need a substantial, or even a full subsidy from Council, if they were to proceed with this idea. It emerged that many more homeowners might be keen to install water tanks for garden and other non potable use if the need to have them connected into the house system were not a requirement. Elimination of this aspect would reduce the total cost of the installation and a much lower Council rebate might still gain a reasonable level of acceptance. In addition, a 4500 litre tank, which is more commonly used than a 5000 litre tank would still result in a worthwhile reduction in the amount of stormwater, especially from short duration storms, flowing from building roofs into Council's street drainage system and potentially on to the Lagoons Estate.

A newsletter was circulated to residents in June 2007 and from this, 30 property owners indicated they would consider installing a 4500 litre rainwater tank if Council were prepared to provide a rebate to cover part of the cost of supply and installation which, though variable, depending on the nature of the home and land, might cost between \$1,700 and \$2,500 if used for external purposes only.

Hunter Water also offers a rainwater tank rebate ranging from \$300 - \$650 depending on the tank size, with the condition that the tank must be connected to the internal plumbing for use in the laundry and/or toilets. If Council decided to offer its own rebate scheme, the homeowners who already met the Hunter Water conditions, would receive the further Council rebate. Homeowners who elected **not** to connect to internal plumbing, would only qualify for Council's rebate.

LINKS TO CORPORATE PLANS

Council's Charter:

- 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.
- Properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.
- Have regard to the long term and cumulative effects of its decision.
- Bear in mind that it is a custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.

FINANCIAL/RESOURCE IMPLICATIONS

The recommendation of this report is for a \$500 rebate for a minimum 4,500 litre water tank. Thirty expressions of interest for this project have been received to date from within the Seabreeze catchment. Should all of the 30 homeowners agree to the rebate scheme, then the cost of the program will be \$15,000.

The earlier GHD report on the drainage solution for the Seabreeze Estate estimated a similar scheme (*with internal plumbing connections to cost \$100,000 for only 20 properties*).

The scheme, as proposed, is aimed at contributing to the drainage solution to meet the orders of the Supreme Court. It is proposed that the rebate scheme be open for a limited period and be capped at a maximum number of properties to ensure Council's budget for the

drainage project as a whole is contained. The proposal is to close the scheme on 30 June 2008, with a cap of up to 30 landowners being eligible for the rebate. This would limit Council's financial contribution to \$15,000 for the scheme, which is available in the budget for the Seabreeze drainage project.

LEGAL AND POLICY IMPLICATIONS

The Court of Appeal ordered Council to address stormwater issues in the Seabreeze Catchment. Council engaged drainage experts GHD to design an appropriate drainage solution for the catchment and one element of the solution is for the retrofitting of water tanks on a number of properties to divert stormwater. The rebate scheme being proposed is aimed at meeting those requirements whilst recognising a shared benefit of stormwater harvesting and reuse for local landowners within the catchment. A rebate scheme as proposed is likely to make it more attractive for landowners to install water tanks and the benefits will be shared between the residents who have access to the rainwater, and to Council in contributing to meeting the orders of the Supreme Court.

The rebate scheme is only proposed within the Seabreeze catchment which is affected by the Court judgement, and is proposed to be limited to a maximum of 30 properties signing up for the rebate before 30 June 2008. **Attachment 1** is a copy of the proposed agreement.

Council's "*urban rainwater tank policy*" encourages the use of rainwater tanks in urban areas, thus reducing the impact of local flooding and stormwater pollution.

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 Seabreeze drainage problem has caused community concern on a number of levels. Implementing a Rainwater Tank Rebate Scheme such as proposed may help strengthen or improve individual's interaction and goodwill generally with Council. To date, 30 landowners have expressed an interest in participating in the scheme.

ECONOMIC IMPLICATIONS

The cost of installing a 4,500 litre water tank to an existing property will depend on the individual site conditions and needs of each owner. Costs would be in the range of \$1,700 for an easy site to \$2,500 for a more difficult site. Connecting a water tank to internal plumbing could be expected to cost much more than this.

A rebate of \$500 is proposed for each property owner installing a minimum 4,500 litre water tank to an existing building within this catchment. Landowners who further elect to connect any tank to internal plumbing within a house might also be eligible for a Hunter Water rebate of \$550 to \$650 depending on the size of the tank. The use of rainwater tanks is a way to reduce the costs of reticulated water usage.

Installations such as water tanks can, in most cases, be arranged without the need for a development application provided a number of conditions are met. Keeping costs as low as possible will ensure the attractiveness of the proposal to anyone considering the program.

ENVIRONMENTAL IMPLICATIONS

A rebate scheme which results in an increase in the stormwater detention and diversion through rainwater tanks within this catchment will contribute in a positive way to local flooding, reduced demand on the potable water supply and a reduction in stormwater pollution problems.

CONSULTATION

The possibility of a water tank rebate scheme being considered for the Seabreeze catchment was first mooted in the newsletter sent out to landholders earlier in 2007. Thirty landowners have since contacted Council wishing to be considered for the rebate scheme if implemented. Further consultation will be undertaken with Council staff within the Facilities & Services, the Sustainable Planning and the Corporate Services Groups.

OPTIONS

- 1) Adopt the recommendations.
- 2) Make amendments to the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Seabreeze Estate Rainwater Tank Rebate – Application Form

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) “Seabreeze Estate Water Tank Rebate Area” – large scale map of the catchment

ATTACHMENT 1



Seabreeze Estate Rainwater Tank Rebate

Application Form

About the Rebate

Homeowners within part of the Seabreeze Estate at Nelson Bay who are considering installing a rainwater tank may be eligible for a \$500 rebate.

Conditions apply to the rebate program and these are listed in the "Terms and Conditions" section of this form. A major feature of the terms and conditions is that the rebate applies only to existing buildings constructed prior to the introduction of the BASIX certificate process ie buildings prior to October 2006. The rainwater tank must be of a minimum 4,500 litres and can be used to provide water for indoor or outdoor activities such as watering of lawns and gardens, washing cars, or for use within the laundry or toilets. The rebate scheme is available to the first 30 property owners to submit their application and will end on 30 June 2008. It is limited to those properties within the zone shown on the attached map.

Hunter Water also operates a rainwater tank rebate scheme for water tanks connected to internal plumbing (for laundry and/or toilet use) and further information on that scheme is available by contacting Hunter Water.

Terms and Conditions

It is important that applicants read the terms and conditions on the application form before submitting their required documentation, and should determine whether a development application is needed for the installation.

How to Apply

You may apply for the rebate prior to installing the tank however and if approved, you will have 8 weeks to complete the installation. Council will then inspect your installation and if successfully carried out, will provide a rebate cheque within 60 days of the successful inspection.

Further Information

Prospective applicants can log on to www.portstephens.nsw.gov.au or can telephone 49800255.

ATTACHMENT 1

Seabreeze Estate Rainwater Tank Rebate - Application Form

Applicant Details

Name of Applicant:

Property Address:

Applicant's Postal Address:

Telephone Number (Bus. Hrs):

Email Address:

Rainwater Tank Details

Rainwater tank capacity in litres

Is the tank above/below ground?

Type of material from which tank is made

Expected or actual installation date of tank

Expected use for water collected within the tank

Will the tank be connected to a toilet and/or washing machine?

*Will a development application be required?
(see attachment)*

Who will be installing and plumbing any connections?

Property Owners Declaration

I declare that:

- *the information contained in this application is truthful and I am eligible for the rebate in accordance with the Terms and Condition;*
- *the design and expected preference of the rainwater tank has been explained to me in full by the rainwater tank installer; and*
- *I have read and understood the Terms and conditions of the Rebate Program and agree that by signing this application I accept the Terms and Conditions as outlined.*

Signature: _____

Date: _____

ATTACHMENT 1

Seabreeze Estate Rainwater Tank Rebate - Application Form

FOR OFFICE USE ONLY

Application meets the Terms and Conditions of the Rebate Scheme and approval is granted for the rebate.

Officer's Name:

Signature:

Date:

Application No.:

*Date of
inspection of
installation:*

*Rebate Cheque
Sent out (date)*

Terms and Conditions

The following Terms and Conditions apply to the rebate program and applicants should read them carefully.

Application: Applicants must be the owner of the property where a rainwater tank is to be installed and must complete an official Rainwater Tank Rebate Application form.

Documentation: Relevant original receipts (*purchase of rainwater tank and plumbing*) must be produced for verification by Port Stephens Council before any rebate can be issued.

Eligibility: Applicants must install a rainwater tank that:

- was purchased after 23 October 2007 and is not required as part of a BASIX certificate;
- has a minimum capacity of 4,500 litres;
- is new and has at least a 12 month warranty;
- is on a property within the Seabreeze Catchment shown on the attached map;
- is on a property that does not have existing rainwater tanks;
- is used for the collection and storage of rainwater for use on site; and
- meets all relevant standards, building codes and Council requirements.

Maintenance and Ongoing Operation: The property owner acknowledges responsibility for maintaining efficient operation of the rainwater tank and fittings.

Rainwater Tanks: Rebates apply only for rainwater tanks and not stormwater detention tanks.

Changes to Program: Port Stephens Council reserves the right to change any or all of the Terms and Conditions for the rebate program.

Liability: The applicant(s) acknowledges and agrees that as far as the law permits, Port Stephens Council accepts no liability in respect of any claim, course of action or loss or damage arising out of, or in relation to, any rainwater tanks, rainwater tank system or the use of any water from such rainwater tank or system that is the subject of funding assistance. The applicant(s) agree that they will indemnify and keep indemnified Port Stephens Council from any claim or liability arising out of, or in relation to the rainwater tank system that is the subject of this application to the extent that any claim or liability is not caused by Port Stephens Council's negligence or breach of this application or any other term implied by law.

Payment: Payment will be by Port Stephens Council cheque and made payable to the property owner(s).

Privacy: Applicants are advised that Port Stephens Council may use any supplied information for the purposes of research unless you advise Port Stephens Council otherwise.

Refund of Rebate: Applicants may be required to repay the rebate if any of the Terms and Conditions are breached within two years of receipt of the rebate.

ATTACHMENT 1



ATTACHMENT 1

Seabreeze Estate Rainwater Tank Rebate - Application Form

Port Stephens Council Water Tank
Need for Development Approval

Water tanks will not require approval through the Development Application process provided all of the following conditions are met:

- The tank does not exceed 10,000 litres in residential zones.
- It complies with any requirements of Hunter Water Corporation.
- Is designed to collect roof water only, but can be topped up from a reticulated water supply.
- Is fitted with a first flush device (*which should be regularly maintained*).
- Is prefabricated, enclosed and has any inlet screened, is structurally sound and is installed in accordance with manufacturer's instructions.
- Has a maximum height of 2.4 metres.
- Is not installed over or immediately adjacent to a water, stormwater or sewer main unless the requirements of Hunter Water and Council have been met.
- Is located behind the building line and the dwelling.
- Minimum setback 900mm to side and rear boundaries.
- Has a sign affixed stating "Rainwater – DO NOT DRINK"
- Is maintained to prevent mosquito breeding.
- Is installed to manufacturer's specifications and if plumbing is required, to connect the tank to a water supply service or water main, it must be done by a licensed plumber, in accordance with the NSW Code of Practice – Plumbing and Drainage, have the consent of Hunter Water and meets any of their requirements ie; installation of a backflow prevention device to prevent mixing of mains water and any tank water.
- If the installation of a pump is required it must comply with the "*Protection of the Environment & Operations Act 1997*", and not cause noise disturbance to neighbouring properties.
- Overflow must be diverted to an existing stormwater disposal system, street, absorption pit or drainage easement.

Standards for Rainwater Tanks

- AS/NZS 2179-1994 "*Specifications for Rainwater Goods Accessories and Fasteners*"
- AS2180 – 1986 "*Metal Rainwater Goods – Selection and Installation*" – a certificate of compliance from the retailer will show whether a tank complies with these standards.
- AS/NZS 3500.1.2 "*Water Supply Acceptable Solutions*" – provides guidance for the design of rainwater tanks with dual supply. States that a backflow prevention device is needed to prevent tank water entering the mains, such as an air gap that allows separation between the mains inlet and the tank water.

ITEM NO. 4

FILE NO: A2004-0242 1160-002

2007-2008 CARRY FORWARD AND REVOTES

AUTHOR: JEFF SMITH – FINANCIAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the votes to be carried forward to the 2007/2008 Estimates as shown in **TABLE 1** of **ATTACHMENT 1**.
- 2) Approves the revotes from the 2006/2007 Estimates as detailed in **TABLE 2** of **ATTACHMENT 1** to this report and vote the necessary funds to meet expenditure.
- 3) Notes that the Sources of Funds for the Carry Forwards and Revotes figures are only an Estimate and a further report will be tabled to Council after the Annual Financial Statements for 2006/2007 financial year have been audited.
- 4) Notes the estimated Statement of Cash Position to 30/6/2008 as detailed in **ATTACHMENT 2** to this report.
- 5) Notes the estimated Statement of Restricted Funds Movements to 30/06/2008 as detailed in **ATTACHMENT 3** to this report.

OPERATIONS COMMITTEE MEETING – 9 OCTOBER 2007

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007

RESOLUTION:

317	Councillor Hodges Councillor Robinson	That the recommendation be adopted.
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BACKGROUND

On the 22nd May 2007 Council adopted its Council Plan and Budget 2007/2010 (Council minute 134/2007). This included budget estimates for the 2007/2008 financial year.

The purpose of this report is to amend the Budget and bring to Council’s attention the value of carry forwards and revotes for review and adoption.

LINKS TO CORPORATE PLANS

This report relates to the Budget estimates for the 2007/2008 financial year in the financial policy program of the Council Plan.

FINANCIAL/RESOURCE IMPLICATIONS

Council’s original 2007/2008 Budget estimate is a \$108,561 cash deficit after internal transfers and before depreciation of \$12.256 million. **TABLE 1 OF ATTACHMENT 1** details works committed or in progress at the end of the 2006/2007 financial year. Typically, these

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

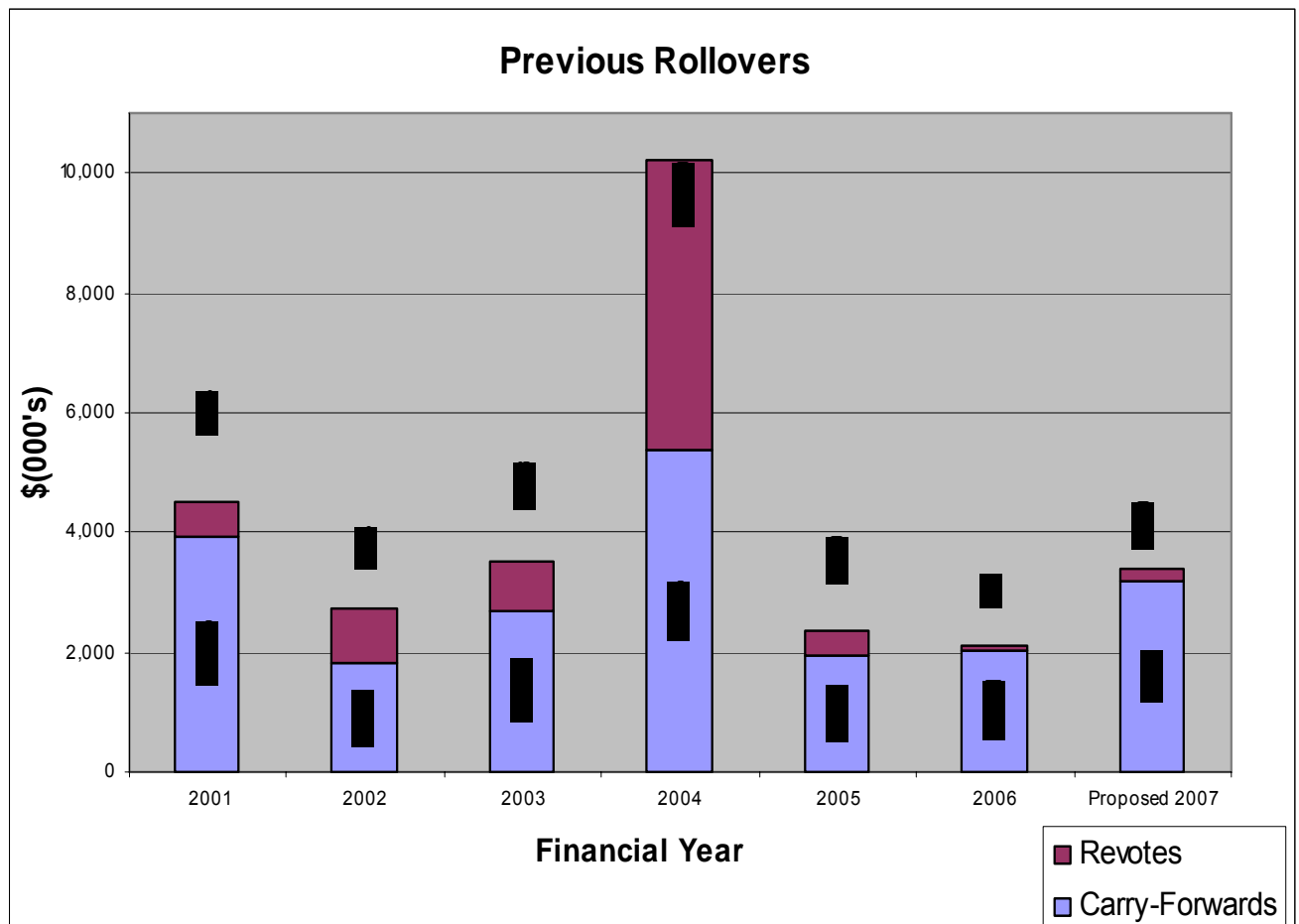
funds are legally committed but remain partially or wholly unexpended at the end of the financial year. The funds are not automatically **carried forward** to the new financial year, Council is required to review the funds carried forward. Other unexpended funds may remain uncommitted and such votes lapse unless specifically revoked by Council.

The following table is a summary of the amounts recommended to be rolled forward from 2006/2007.

	Total	Recurrent	Capital
Carry Forwards – Table 1	\$3,171,093	\$94,105	\$3,076,988
Revotes – Table 2	\$209,265	\$27,323	\$181,942
Total	\$3,380,358	\$121,428	\$3,258,930

For comparative purposes the following table is a summary of the amounts rolled forward from 2005/2006.

	Total	Recurrent	Capital
Carry Forwards	\$2,030,771	\$441,521	\$1,589,250
Revotes	\$66,630	\$56,630	\$10,000
Total	\$2,097,401	\$498,151	\$1,599,250



LEGAL AND POLICY IMPLICATIONS

The Carry Forwards and Revotes Report is a public document and as such is available for inspection on request.

Under Section 15 of the Local Government (Financial Management) Regulation 1999 all approvals and votes lapse at the end of the financial year unless previously committed. Once an approval or vote has lapsed it can only be reinstated by a resolution of Council. In the case of votes being unexpended at the end of the financial year a report is submitted to Council itemising those lapsed votes that in the opinion of the General Manager should be revoted to the next financial period.

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

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 adopts the Carry Forwards and Revotes detailed in this report.
- 2) That Council amends the Carry Forwards and Revotes detailed in this report
- 3) That Council rejects the Carry Forwards and Revotes detailed in this report

ATTACHMENTS

1. Table 1 – Identified Votes to be carried forward from 2006/2007 (Attachment 1)
2. Table 2 – Identified Revotes elected from 2006/2007 (Attachment 1)
3. Estimated Statement of Cash Position to 30/06/2008 (Attachment 2)
4. Estimated Statement of Restricted Funds Movements to 30/06/2008 (Attachment 3)

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

TABLE 1 –IDENTIFIED VOTES TO BE CARRIED FORWARD FROM 2006/2007

BUSINESS AND SUPPORT

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
BUSINESS OPERATIONS						
Soldiers Point Holiday Park	Storage work shed	\$103,841	\$0	\$103,841	H.P. Restricted Fund	Work in progress
Halifax Holiday Park	Replace 7 cedar cabins, 4 bush front units and boundary fence and gates	\$1,064,829	\$0	\$1,064,829	H.P. Restricted Fund	Work in progress
Shoal Bay Holiday park	Roadworks	\$10,000	\$0	\$10,000	H.P. Restricted Fund	Work in progress
Fingal Bay Holiday Park	4 high range cabins, amenities upgrade and services upgrade to power	\$639,298	\$0	\$639,298	H.P. Restricted Fund	Work in progress
	TOTAL	\$1,817,968	\$0	\$1,817,968		

SUSTAINABLE PLANNING

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
COMMUNITY PLANNING						
Social Planning	Aboriginal Projects	\$26,314	\$26,314	\$0	Revenue	Work to be completed in 2007/2008
	TOTAL	\$26,314	\$26,314	\$0		
ENVIRONMENTAL SERVICES						
Environmental Health and Regulation	Water quality monitoring	\$3,200	\$3,200	\$0	Revenue	Unspent funds to be incorporated into 2007-2008 monitoring program
Natural Resources	Community environmental projects	\$15,552	\$15,552	\$0	Restricted Cash	Incomplete environmental projects
	TOTAL	\$18,752	\$18,752	\$0		

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

FACILITIES AND SERVICES

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
SPORT AND RECREATION						
Community Halls	Hinton School of Arts	\$12,474	\$0	\$12,474	Contributions to Works	Works in progress
Cemeteries	Anna Bay cemetery beams	\$12,806	\$0	\$12,806	Revenue	Works in progress
Acquatic Centres	Tomaree Pool upgrades	\$41,740	\$0	\$41,740	Sec 94	Works in progress
Parklands	Henderson Park LTP reserves improvements	\$9,445	\$0	\$9,445	Sec 94	Works have commenced and delayed due to other priorities
Parklands	Tanilba Bay Reserve Landscaping	\$52,148	\$0	\$52,148	Sec 94	Works have commenced
Parklands	Hinton Foreshore Improvements	\$42,537	\$0	\$42,537	Sec 94	Works have commenced
Parklands	Seaham Park Playground	\$28,423	\$0	\$28,423	\$11,269 Revenue and \$17,154 Sec 94	Works have commenced. Depends on how much Sec 94 is received during 2007/8
Sportsfields	King park Improvements	\$54,682	\$0	\$54,682	\$15,000 grant, \$25,000 CTW, \$7,000 Ward Funds and \$7,682 Revenue	Works have commenced
Sportsfields	Stuart Park Fencing and Tennis	\$64,062	\$0	\$64,062	\$32,000 CTW and \$32,062 from Sec 94	Works have commenced
Sportsfields	Anna Bay/Boat Harbour Tennis Courts	\$9,000	\$0	\$9,000	Sec 94	Works have commenced
Sportsfields	Medowie Sportsfields development	\$9,260	\$0	\$9,260	Sec 94	Works have commenced
Sportsfields	Ferodale Sports complex sub soil drainage	\$8,657	\$0	\$8,657	\$5,000 CTW and \$3,657 Restricted Cash	Works have commenced

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
Sportsfields	Malabula Sports complex fencing	\$10,148	\$0	\$10,148	Sec 94	Works have commenced
Sportsfields	Malabula Sports amenities	\$9,601	\$0	\$9,601	Insurance claim taken to Revenue	Works have commenced
Sportsfields	Malabula Sports Complex Masterplan	\$92,000	\$0	\$92,000	Sec 94	Works have commenced
Sportsfields	Greenwattle Creek	\$74,723	\$0	\$74,723	\$15,000 Grant and \$59,723 Sec 94	Works have commenced
Sportsfields	Karuah Tennis Court	\$750	\$0	\$750	Revenue	Works have commenced
Sportsfields	Bowthorne Park Amenities	\$7,939	\$0	\$7,939	Sec 94	Works have commenced
Sportsfields	Soldiers Point Tennis	\$11,125	\$0	\$11,125	Sec 94	Works have commenced
Sportsfields	Bill Strong Oval Amenities	\$12,213	\$0	\$12,213	Sec 94	Works have commenced
Foreshores	Hunter Riverside Park Masterplan	\$86,904	\$0	\$86,904	Sec 94	Works have commenced
Foreshores	Little Beach Disability Access	\$29,290	\$0	\$29,290	Ward Funds	Works have commenced
Foreshores	Fingal Bay Surf Club	\$33,967	\$0	\$33,967	\$33,967 Insurance claim taken to Revenue	Works have commenced
Foreshores	Mallabula Jetty	\$62,942	\$0	\$62,942	\$27,866 Revenue and \$35,076 Grants	Works have commenced
Foreshores	Birubi Surf Club Design	\$6,959	\$0	\$6,959	Ward Funds	Works have commenced
Foreshores	Shelly Beach Toilets Upgrade	\$46,124	\$0	\$46,124	Sec 94	Works have commenced
Foreshores	Karuah Foreshore Improvements	\$130,034	\$0	\$130,034	\$11,000 Grant and \$119,034 Sec 94	Works have commenced

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
WASTE SERVICES						
Domestic Waste Management	Salamander Bay and Lemon Tree Passge rehabilitation	\$279,067	\$0	\$279,067	Waste Restricted Fund	Works in progress
Litter Bins	Aboriginal land clean up	\$9,227	\$9,227	\$0	Waste Restricted Fund	Works in progress
PROJECT SERVICES						
Quarries	Diemars quarry redevelopment	\$20,000	\$0	\$20,000	Quarry Restricted Fund	Work in Progress
EMERGENCY MANAGEMENT						
Emergency Management	Disaster mitigation program	\$39,812	\$39,812	\$0	Restricted Cash	Works in progress. Grant received and taken to Restricted Cash
	TOTAL	\$1,308,059	\$49,039	\$1,259,020		

TOTAL FOR TABLE 1 – CARRY FORWARDS

Total	Recurrent	Capital
\$3,171,093	\$94,105	\$3,076,988

TABLE 2 – IDENTIFIED VOTES TO BE REVOTED FROM 2006/2007

FACILITIES AND SERVICES

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
SPORT AND RECREATION						
Acquatic Centres	Tomaree Disabled Toilet	\$45,000	\$0	\$45,000	Sec 94	Work to commence in July 2008
Sportsfields	Medowie Skate Park and	\$86,000	\$0	\$86,000	\$70,000 Sec 94 and \$16,000 unreceived Grants	Work to be completed in 2007/2008
Sportsfields	Mallabula Sports complex landscaping	\$2,000	\$0	\$2,000	Restricted cash. Grant received in 2006/2007	Work to be completed in 2007/2008
Foreshores	Shoal Bay Beach	\$18,100	\$0	\$18,100	Environmental levy funds transferred to Revenue when works started in 2005/6	Work to commence August 2007
Foreshores	Fitzroy Avenue midden conservation	\$20,842	\$0	\$20,842	RVA Restricted Fund	Work commenced in 2005 and expected to be completed in 2007/2008
Parklands	Kitty Hawk Park	\$10,000	\$0	\$10,000	Restricted cash. Grant received in 2006/2007	Work to be completed in 2007/2008
	TOTAL	\$181,942	\$0	\$181,942		

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

CORPORATE MANAGEMENT

CORPORATE MANAGEMENT						
Councillor Services	Minor Works Provision	\$27,323	\$27,323	\$0	Revenue	Unallocated minor works provision. \$6,458 East Ward, \$16,568 Central Ward and \$4,298 West Ward.
	TOTAL	\$27,323	\$27,323	\$0		

TOTAL FOR TABLE 2 – REVOTES

Total	Recurrent	Capital
\$209,265	\$27,323	\$181,942

SOURCE OF FUNDS FOR CARRY FORWARDS AND REVOTES

SOURCE OF FUNDS	TOTAL	RECURRENT	CAPITAL
REVENUE	\$178,878	\$56,837	\$122,041
SECTION 94	\$773,556	\$0	\$773,556
RESTRICTED CASH	\$71,021	\$55,364	\$15,657
HOLIDAY PARKS RESTRICTED FUND	\$1,817,968	\$0	\$1,817,968
QUARRY RESTRICTED FUND	\$20,000	\$0	\$20,000
WASTE RESTRICTED FUND	\$288,294	\$9,227	\$279,067
RECREATIONAL VEHICLES RESTRICTED FUND	\$20,842	\$0	\$20,842
COUNCILLOR WARD FUNDS	\$43,249	\$0	\$43,249
GRANTS	\$92,076	\$0	\$92,076
CONTRIBUTIONS TO WORKS	\$74,474	\$0	\$74,474
TOTAL	\$3,380,358	\$121,428	\$3,258,930

ATTACHMENT 2

ESTIMATED STATEMENT OF CASH POSITION TO 30/06/2008 2008 Budget Forecast after Rollovers			
	Ref	2008 Budget Forecast after Rollovers	Original Budget
Total Operating Revenue	A	72,658,858	72,658,858
Less Total Operating Expenditure	B	(59,945,034)	(59,823,606)
Less Total Depreciation and Provisions Transferred	C	(12,256,000)	(12,256,000)
	D=B+C	(72,201,034)	(72,079,606)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	\$457,824	\$579,252
Add Back: Depreciation and Provisions Transferred	C	12,256,000	12,256,000
Less Councils Share of Newcastle Airport Profit	W	(1,459,605)	(1,459,605)
Cash Surplus From Operations	F=A+B	11,254,219	11,375,647
Transferred to Restricted Funds	G	10,045,617	10,110,208
Cash Surplus / (Deficit) From Operations After Transfers	H=F-G	\$1,208,602	\$1,265,439
Total Capital Income	I	14,027,550	13,861,000
Total Capital Expenditure	J	(32,168,771)	(28,909,841)
Surplus/(Deficit) From Capital Works	K=I+J	\$(18,141,221)	\$(15,048,841)
Transferred from Restricted Funds	L	(16,645,180)	(13,674,841)
Cash Surplus / (Deficit) From Capital Works After Transfers	M=K-L	\$(1,496,041)	\$(1,374,000)
Total Cash Surplus / (Deficit) After Transfers	N=H+M	\$(287,439)	\$(108,561)
RECONCILIATION OF CASH POSITION			
Opening Cash Position as at 01/07/2007	O	29,103,884	29,103,884
Estimated Cash Position as at 30/06/2008	P	22,658,412	27,978,251
Increase/(Decrease) in Cash Balance	Q=P-O	\$(6,445,472)	\$(1,125,633)
Represented By:			
Estimated opening Restricted Funds Balance	R	27,982,330	24,947,400
Closing Restricted Funds Balance	S	21,769,044	23,969,635
Increase/(Decrease) in Restricted Funds Balance	T=S-R	(6,213,286)	(977,765)
Repayment of Capital Lease and Newcastle Airport Loan	X	55,253	(39,307)
Total Cash Surplus/ (Deficit) from Operations & Capital	N=Q-T	\$(287,439)	\$(108,561)
Principal of Loan Funds Repaid and Finance leases	U	(2,200,591)	0
Loan Funds and Proceeds from Sales Received	V	\$2,586,868	\$2,586,868
Increase/(Decrease) in Cash Balance	Q=T+X+N	\$(6,445,472)	\$(1,125,633)

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

ATTACHMENT 3

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2008
2008 Budget Forecast after Rollovers

RESTRICTED FUNDS	Estimated Balance as at 30/06/2007	Recurrent Budget	Capital Budget	Balance Sheet Movements	Estimated as at 30/06/2008
SECTION 94	12,973,795	721,500	(3,423,056)		10,272,239
DOMESTIC WASTE MANAGEMENT	5,093,577	755,032	(2,029,067)	(378,619)	3,440,923
Sub Total. Externally Restricted	18,067,372	1,476,532	(5,452,123)	(378,619)	13,713,162
BUSINESS DEVELOPMENT RESTRICTED FUND	(13,873)	1,593,278	(1,500,000)	304,498	383,903
INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND)	1,526,208	597,114	0		2,123,322
ASSET REHABILITATION RESERVE	397,413	(65,000)	(372,159)		(39,746)
FLEET MANAGEMENT (PLANT)	1,377,915	2,458,944	(3,552,728)	418,485	702,616
OTHER WASTE SERVICES	1,833,545	0	0		1,833,545
QUARRY DEVELOPMENT	733,908	18,919	(20,000)		732,827
BUSINESS OPERATIONS RESTRICTED FUND	(2,130,596)	1,189,007	(3,392,968)	41,913	(4,292,644)
EMPLOYEE LEAVE ENTITLEMENTS	3,952,281	0	0		3,952,281
BEACH VEHICLE PERMITS	(25,044)	12,214	(20,842)		(33,672)
DRAINAGE	(421,935)	859,750	(1,325,000)		(887,185)
INTERNAL LOAN	(1,823,919)	249,900	0		(1,574,019)
TRANSPORT LEVY	84,665	0	0		84,665
ENVIRONMENTAL LEVY	(566)	95,000	(95,000)		(566)
ADMINISTRATION BUILDING SINKING FUND	473,011	398,200	(188,000)		683,211
DEPOT SINKING FUND	506,152	397,501	(92,000)		811,653
RTA BYPASS ROADS MTCE RESTRICTED FUND	1,607,784	104,520	(300,000)		1,412,304
RESTRICTED CASH	1,286,501	(275,922)	(291,111)		719,468
COUNCILLOR WARD FUNDS	121,772	600,000	(43,249)		678,523
INFORMATION TECHNOLOGY STRATEGY	101,352	44,500	0		145,852
PROVISION FOR LOCAL GOVT ELECTION	100,000	50,000	0		150,000
PARKING METER RESERVE	228,384	241,160	0	0	469,544
Sub Total. Internally Restricted	9,914,958	8,569,085	(11,193,057)	764,896	8,055,882
RESTRICTED FUNDS TOTAL	27,982,330	10,045,617	(16,645,180)	386,277	21,769,044

* 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: PSC2007-2062

REQUESTS FOR ASSISTANCE – LEGAL COSTS – BANKSTOWN CITY COUNCIL

REPORT OF: PETER GESLING - GENERAL MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to contribute \$14,837.57 to assist Bankstown City Council with legal costs it incurred in the landmark case *Alamdo Holdings v Bankstown City Council*, with the sum to be paid from the Legals – Corporate Management budget vote.

OPERATIONS COMMITTEE MEETING – 9 OCTOBER 2007

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007

RESOLUTION:

318	Councillor Westbury Councillor Brown	That the recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek Councillor support for a financial contribution to Bankstown City Council to assist with off-setting costs it incurred in the landmark drainage case involving the Council and Alamdo Holdings.

Council has received a request from Local Government and Shires Associations of NSW for assistance with legal costs incurred by Bankstown City Council in relation to the landmark case *Alamdo Holdings v Bankstown City Council*. Council's contribution has been calculated as \$14,837.57 in accordance with the usual formula used by LGSA to calculate contributions. A copy of the LGSA letter is attached.

Bankstown City Council was the defendant in proceedings commenced in the Supreme Court of NSW by Alamdo Holdings. The proceedings concerned flooding of the plaintiff's land as a result of water overflowing from an unlined stormwater channel belonging to the Council.

The Supreme Court granted both a prohibitory injunction requiring Council to cease the nuisance and abate the flooding, and a mandatory injunction ordering remediation work on the stormwater channel. The Court's decision was upheld by the NSW Court of Appeal which ruled that Council could not rely on the good faith protection of s733 of the Local Government Act 1993.

Bankstown sought leave to appeal to the High Court, was granted leave and was successful in overturning the decision of the Court of Appeal thereby affirming the protection afforded to Councils by s733. A condition of being granted leave to appeal was that the Council bear the costs of the appeal given it raised a question of law significant to all NSW Councils and therefore Alamo should not be liable for the costs of such an appeal.

Council's Requests for Assistance – Legal Costs policy states that requests from the Local Government and Shires Associations for financial assistance for legal costs incurred by other Councils will only be granted if the issues arising from and/or the outcomes of legal proceedings involving those Councils directly benefit the Port Stephens Local Government area (27 November 2001, Min no: 492). Given the significance to Port Stephens Council of the Alamo decision, including in relation to the matter of Melaleuca Estates v Port Stephens Council, and the direct benefit of the decision to the PSLGA it is recommended that Council agree to provide assistance to Bankstown City Council by payment of the amount calculated by the LGSA as this Council's contribution.

LINKS TO CORPORATE PLANS

This matter is linked to Goal 24 of the 2007-2011 Council Plan, and in particular to the Key Performance Indicators that Council's legal processes deliver value for money and that Council's legal practices comply with all probity, compliance and good governance criteria.

FINANCIAL/RESOURCE IMPLICATIONS

The success of Bankstown City Council's appeal to the High Court has affirmed the protection and exemption from liability that s733 of the *Local Government Act* affords Councils for "anything done or omitted to be done".

LEGAL AND POLICY IMPLICATIONS

Council's Requests for Assistance – Legal Costs policy states that requests from the Local Government and Shires Associations for financial assistance for legal costs incurred by other Councils will only be granted if the issues arising from and/or the outcomes of legal proceedings involving those Councils directly benefit the Port Stephens Local Government area (27 November 2001, Min no: 492).

Australian Business Excellence Framework

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

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 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

Nil

ECONOMIC IMPLICATIONS

The success of the High Court appeal means that Council can continue to make bona fide operational decisions in the knowledge that protection from liability is still afforded under the *Local Government Act*.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Legal Officer

OPTIONS

- 1) Adopt the recommendation
- 2) Adopt the recommendation as amended
- 3) Refuse to support the recommendation

ATTACHMENTS

Letter to Council from Local Government and Shires Associations of NSW dated 18 June 2007 requesting assistance with legal costs.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

Local Government
Association of NSW

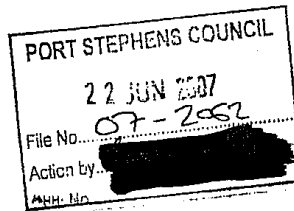


Shires Association of NSW

Our ref: R90/1046-02.fl Out-10596

18 June 2007

Cr Ron Swan
Mayor of Port Stephens
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324



Dear Cr Swan

Bankstown City Council Request for Assistance with Legal Costs

Bankstown City Council has sought the Association's assistance in relation to a court case in which it has been involved, and which culminated in action in the High Court.

The facts of the matter were:

1. Alamo Holdings are the owners of land within the Bankstown City Council area.
2. Alamo's property was flooded as a result of water overflowing from an unlined storm water channel belonging to the council.
3. The Supreme Court granted a prohibitory injunction that required the council not to continue nuisance and to abate the flooding.
4. The Supreme Court also granted a mandatory injunction ordering that remediation work commence on the stormwater channel.
5. The matter was appealed to the Court of Appeal which held that even though the council had acted in good faith, it could not rely on the protection of Section 733 of the Local Government Act 1993, "Exemption from liability-flood liable land and land in coastal zone" as an exemption to liability by Section 733 relates to "anything done or omitted to be done" and does not literally extend to something "intended to be done".
6. Bankstown Council sought leave to appeal to the High Court. The High Court asked the council to give an undertaking to agree to bear the costs of the appeal as council were attempting to obtain a proper interpretation of Section 733 of the Local Government Act and therefore set a precedent not only for Bankstown Council but all councils and that Alamo should not be liable for such costs.
7. Bankstown Council agreed to this request from the High Court and leave to appeal was granted.
8. Bankstown City Council were successful in overturning the decision of the Court of Appeal and the protection afforded by Section 733 of the Local Government Act for "anything done or omitted to be done" has been affirmed by the High Court.

The Associations agreed that the matter was of great importance to all councils and should be appealed because if the decision was allowed to stand it would allow other land owners in similar circumstances to make claims against councils for alleged damage to property where the council in question would otherwise be protected by Section 733 of the Local Government Act.

GPO Box 7003 Sydney NSW 2001
L8, 28 Margaret St Sydney NSW 2000
Tel: (02) 9242 4000 • Fax: (02) 9242 4111
www.lgsa.org.au • lgsa@lgsa.org.au
ABN 49 853 913 882

ATTACHMENT 1

The council incurred the sum of \$1,534,242 in pursuing the appeal. The Joint Executive of the two Associations has given approval for these costs to be sought. In accordance with the usual formula, your council's proportion of this amount is \$14837.57, and we would appreciate receipt of this amount in due course. An invoice is attached.

Yours sincerely



Cr Genia McCaffery
President
Local Government Association of NSW



Cr Bruce Miller
President
Shires Association of NSW

ITEM NO. 6

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 9 October, 2007.

No:	Report Title	Page:
1	Access Committee Minutes – 19 June 2007	72
2	Access Committee Minutes – 7 August 2007	76
3	Access Committee Minutes – 4 September 2007	80
4	Aboriginal Strategic Committee Meeting with Karuah Local Aboriginal Land Council – 10 September 2007	85
5	Cities for Climate Protection Greenhouse Gas Emissions Re-inventory	89
6	Designated Persons	91
7	Cash and Investments held at 31 August 2007	93
8	Council Ward Funds	97

OPERATIONS COMMITTEE MEETING – 9 OCTOBER 2007

RECOMMENDATION: That the recommendation be adopted.

Table Document: Pecuniary Interest Declarations.

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007

RESOLUTION:		
319	Councillor Dingle Councillor Nell	That the information papers be received and noted.

Table Document: Pecuniary Interest Declarations.

OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

ACCESS COMMITTEE MINUTES

**REPORT OF: TREVOR ALLEN, ACTING MANAGER COMMUNITY
 PLANNING**

FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Joint Meeting held between Port Stephens Council and the Access Committee of Port Stephens on the 19 June 2007.

Key issues addressed at the meeting included: -

- 1) Presentation from Guest Speaker Andrew Buchanan
- 2) Expansion of Council's Disability Access Officer role

ATTACHMENTS

- 1) Minutes of the joint meeting of Council's Access Committee held on 19 June 2007.

**PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 19 JUNE 2007
AT THE RAYMOND TERRACE COMMUNITY CARE CENTRE**

Present:

Cr Swan, Cr Dover, Cr Brown, Cr Dingle, Cr Robinson, Cr Nell, Cr. Francis, Peter Gesling, David Broyd, Paul Procter, Scott Anson, Mike Triggar, Steve Tucker, Michael Elliott, Robert Harper, Liz Harper, Margaret O’Leary, David Painter, Valda Painter, Joe Delia, Kathy Delia, Tony Kean, Andrew Buchanan

Apologies:

Cr. Baumann, Cr. Jordan, Cr. Hodges, Cr. Westbury, Alice De-Carle, Erin Devlin, Judy Rosier, Susan Rosier, Cathy Jennings, Cathy Lees, Graham Roberts, Michelle Pavy,

1. WELCOME

Cr Swan acknowledged and paid respect to the Worimi People of Port Stephens as the traditional owners of the land. He went on to welcome everyone to the meeting.

2. GUEST SPEAKER – Andrew Buchanan

Andrew Buchanan, Chairperson of the Disability Council of NSW gave an informative and entertaining presentation about relevant disability issues in terms of transport, future directions and population ageing.

3. MAYORAL ADDRESS

Cr Swan thanked the members of the Access Committee for their efforts and achievements throughout the past year. He also acknowledged the contributions made to the Access Committee by Tony Kremen who recently passed away, as well as outgoing Chairperson, Ken Whiting and Media Liaison Officer, Karen Whiting. He commended the Committee on their efforts and assistance with a number of projects over the last year including: -

- Little Beach Disabled Access Wharf Upgrade
- Accessible disabled toilet facilities at the Grahamstown Aquatic Centre
- Accessible disabled toilet facilities is set down to commence during the winter closure of the Tomaree Aquatic Centre
- Bagnall Beach Cycleway

- Access improvements at Hinton Hall
- Accessible bus shelters
- Continued improvements and extensions to our footpath networks.

4. ADDRESS BY THE ACCESS COMMITTEE CHAIRPERSON

Acting Chairperson, Robert Harper addressed the meeting, thanking Councillors and Council staff for their continued dedication and commitment to access issues in the Port Stephens LGA.

5. MINIUTES OF PREVIOUS MEETING

The minutes of the previous meeting held on 20 June 2006 were accepted with an amendment to the omission of Cr Robinson from the attendance list.

6. BUSINESS ARISING FROM PREVIOUS MINUTES

6.1 Additional Resources to Support Council's Disability Access Officer

Cr Swan announced that Council has made provision within the 2007/2008 budget to extend the role of Council's Disability Access Officer from 14 hours per week to 35 hours per week. The extension of the position will enable a greater focus to be placed on ageing. It is anticipated that this position will be filled by August/September 2007.

6.2 Access Map

Michael Elliott reported that he was continuing to work on the Access Map with relevant stakeholders such as the Nelson Bay Tourist Information Centre in an effort to integrate disability data into existing publications.

7. GENERAL BUSINESS

7.1 Disabled Parking

David Painter raised the issue of many disabled parking spaces in the LGA requiring an upgrade of painted markings and signage. Michael Elliott reported that works orders have already been submitted for these works to be done and they would be completed in line with other priorities.

7.2 Funding for Disability Picnic

Joe Delia asked Council to consider increasing its funding commitment of the International Day of People with Disabilities Picnic as the event had grown considerably since its inception. Peter Gesling acknowledged Joe's comments and undertook to investigate alternative funding sources such as funds available through the Department of State & Regional Development.

8. CORRESPONDENCE

Nil

9. DETAILS OF NEXT MEETING

The next joint meeting between Council and the Access Committee will be held in June 2008. Details to be confirmed.

INFORMATION ITEM NO. 2

ACCESS COMMITTEE MINUTES

**REPORT OF: TREVOR ALLEN, ACTING MANAGER COMMUNITY
 PLANNING**

FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee meeting held on 7 August 2007.

Key issues addressed at the meetings included: -

- 1) Guest presentation from Nick Charters of Paraquad
- 2) Disability Picnic Update

ATTACHMENTS

- 1) Minutes of the Access Committee meeting held on 7 August 2007.

ATTACHMENT 1

**PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 7 AUGUST 2007
AT THE NELSON BAY RSL CLUB**

Present:

Cathy Jennings, Michael Elliott, Cr Sally Dover, Alice De-Carle, Kathy Delia, Joe Delia, Erin Devlin, Liz Harper, Tony Kean, David Painter, Valda Painter, Margaret O'Leary, (O.T students Naomi and Gemma) Deborah Hall, Liz Harper, Nick Charters

Apologies:

Cr Brown, Robert Harper, Cathy Lees, Michelle Page, Graham Roberts, Judy Rosier, Susan Rosier.

1. WELCOME & ADOPTION OF PREVIOUS MINUTES

Acting Chairperson Cathy Jennings welcomed the Committee and gave a special welcome to Nick Charters the new Community Support Officer for Paraquad based in Newcastle.

The minutes of the meeting held on the 3 July 2007 were adopted.

2. GUEST PRESENTATION – NICK CHARTERS

Nick Charters the new Community Support Officer for Paraquad based in Newcastle gave an informative presentation on the services offered by Paraquad in the local area. Nick also spoke about: -

- Paraquad's free publication The Northern News. Anyone interested in joining the mailing list or submitting a relevant article in this publication should contact Paraquad on 4969 6719
- Paraquad's Media Awards to be held in December 2007

3. BUSINESS ARISING FROM PREVIOUS MINUTES

3.1 Disability Access Officer Position Extension

Michael Elliott reported that final arrangements were being finalised to fill the position 5 days a week. It is anticipated that the position will be filled by October 2007.

4. GENERAL BUSINESS

4.1 Development Applications Assessed by Council's Disability Access Officer

Michael Elliott reported on a number of Development Applications he had recently assessed with regard to access provisions.

4.2 Executive Elections

Michael Elliott reminded the Committee about their upcoming executive elections on 4 September 2007 at the Raymond Terrace Community Care Centre commencing at 10.30am.

4.3 Disability Picnic Update

Michael Elliott reported that the Disability Picnic would now be appearing as a standard agenda item at the end of Access Committee meetings. David Painter reported that the drawing of the first raffle has been postponed until all ticket books have been returned. At this stage it is proposed that the tickets will be drawn at the Home Modifications Committee meeting on the 8th August 2007. David gave a brief progress report on the picnic preparations and called for more volunteers to assist with raffle ticket sales for the upcoming second raffle. It was agreed that a letter of appreciation be sent to Steve Purser and Julie Markwort for their assistance with raffle ticket sales recently at the Raymond Terrace Marketplace.

Action:	1. Michael Elliott to send letters of appreciation to Steve Purser and Julie Markwort.
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4.4 Problems with MLAK Key System - North Coast

Joe Delia reported problems with trying to use his MLAK key to access disabled facilities while on a recent trip to the north coast of NSW. He stated that he was unable to access facilities in Coffs Harbour, Grafton and Ballina. Nick Charters from Paraquod undertook to investigate the issue and report back.

Action:	1. Nick Charters will investigate this issue and report back to the Committee.
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4.5 Lakeside Aquatic Centre

Erin Devlin, who uses the pool regularly, spoke positively about the recent increase in the pool temperature at the Lakeside Leisure Centre. She also expressed a desire for the Centre to give consideration to the installation of larger door furniture on the cubicle doors at the facility as the small ones were difficult for people with disabilities and the elderly to use. Michael Elliott undertook to investigate this issue further.

Action:	1. Erin Devlin will prepare a letter of appreciation to the Lakeside Leisure Centre in regards to the changes to the pool water temperature
	2. Michael Elliott will liaise with Lakeside Leisure Centre in relation to giving consideration to upgrading for furniture within the amenities area.

5. CORRESPONDENCE

In:

- Paraquod's Northern News July 2007 Issue

- Diabetes Australia's Diabetes in NSW Atlas 2007

6. GENERAL BUSINESS

6.1 Book Signing

Nick Charters informed the Committee about a presentation from Sam Bailey at the Cessnock Library at 10.30am on Thursday 23 August 2007. Sam is a farmer and a former pilot who suffered severe spinal injuries at the age of 19 following a motor vehicle accident. Sam went onto have a successful farming career and designed many aids to overcome barriers he faced. In April 2006 he released his autobiography Head Over Heels, which he will be promoting, and signing copies of at the presentation. More information is available on Sam's website at www.sambailey.com.au.

6.2 Port Stephens Disability Services Fundraiser

Tony Kean informed the Committee of a fundraising bingo night being held by Port Stephens Disability Services on Saturday 25 August 2007 at the Raymond Terrace Bowling Club at 7pm. Bookings for tables of 10 at \$10 per head are being taken. For bookings or further information contact Kirsten Girth or Cathy Lees on 4983 1786.

7. DETAILS OF NEXT MEETING

The next meeting will be held on the 4 September 2007 at 10.30am at the Raymond Terrace Community Care Centre.

INFORMATION ITEM NO. 3

ACCESS COMMITTEE MINUTES

**REPORT OF: TREVOR ALLEN, ACTING MANAGER COMMUNITY
 PLANNING**

FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee meeting held on 4 September 2007.

Key issues addressed at the meetings included: -

- 1) Election of Access Committee Executive
- 2) Crime Wise Workshop
- 3) Access Parking in Raymond Terrace

ATTACHMENTS

- 1) Minutes of the Access Committee meeting held on 4 September 2007.

ATTACHMENT 1

PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 4 SEPTEMBER 2007
AT THE RAYMOND TERRACE COMMUNITY CARE CENTRE

Present:

Robert Harper, Cathy Jennings, Michael Elliott, Cr Helen Brown, Nick Charters, Liz Harper, Deborah Hall, Tony Kean, Erin Devlin, Margaret O'Leary, Michelle Page, Kathy Delia, Joe Delia, David Painter, Valda Painter, Judy Rosier, Susan Rosier

Apologies:

Cr Sally Dover, Graham Roberts, Alice De-Carle, Sue Spliet,

1. WELCOME & ADOPTION OF PREVIOUS MINUTES

Acting Chairperson Robert Harper welcomed the Committee and gave a special welcome to Kelly Ford from Australian Homecare based in Raymond Terrace.

The minutes of the meeting held on 7 August 2007 were adopted as an accurate record of that meeting.

2. GUEST PRESENTATION – KELLY FORD

Kelly Ford from Australian Homecare gave the Committee a presentation of her program which is Hunter branch of Australian Homecare. It is located on the first floor of the Raymond Terrace Community Care Centre. The service covers a large geographical area from Hornsby to Kew, and extends up to the Upper Hunter. Services offered include personal care, respite care, community nursing care, live in care, shared supported accommodation, childcare, home help, home and garden maintenance and safe at home. For further information contact 1300 303 770 or see their website at WWW.AHCS.ORG.AU

3. BUSINESS ARISING FROM PREVIOUS MINUTES

3.1 Executive Elections

Executive elections were held with the following results;

Chairperson: Cr. Helen Brown

Deputy Chairperson: Cathy Jennings

Media Liaison Officers: Robert Harper & Nick Charters

3.2 Problems with MLAK Key System - North Coast

Nick Charters reported that he had made some inquiries regarding the use of the MLAK key system on accessible facilities on the north coast of New South Wales. He found that in some areas the system was not being used at all, whilst the areas where it had been

implemented were characterised by limited awareness amongst the target group of the benefits and functions of the system. Although Paraquad voluntarily advocates and promotes the MLAK system, no organisation has officially been given the responsibility of managing or overseeing its implementation.

Action:	1. Michael Elliott to write on behalf of the Access Committee to North Coast Councils from Kempsey to Tweed Heads supplying information about the MLAK system including an outline of the benefits derived from Port Stephens residents which demonstrate the system's value to the community.
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3.3 Lakeside Leisure Centre Letter of Appreciation

Erin Devlin presented a letter she had drafted thanking the staff at the Lakeside Leisure Centre regarding their maintenance of the pool as well as the recent increase in the heating temperature. Her letter will be forwarded to the Lakeside Leisure Centre on an Access Committee letterhead.

3.4 Book Signing

Nick Charters informed the Committee that he had attended a presentation from Sam Bailey at the Cessnock Library on Thursday 23 August 2007. Sam is a farmer and a former pilot who suffered severe spinal injuries at the age of 19 following a motor vehicle accident. Sam went onto have a successful farming career and designed many aids to overcome barriers he faced. In April 2006 he released his autobiography Head Over Heels. Nick reported that it was an excellent and inspirational presentation. More information is available on Sam's website at www.sambailey.com.au.

4. GENERAL BUSINESS

4.2 Crime Wise Workshop

Michael Elliott reported that he along with Council's Crime Prevention Officer will be holding a free Crime Wise Workshop specifically for people with a disability and the elderly. The workshop will cover topics such as personal, property and transport safety. It will be held at the Council Administration Building in Adelaide St Raymond Terrace on 20 November 2007 between 10.00am - 3.00pm and lunch will be provided. Places are limited and bookings are available by contacting Michael Elliott or Helen Smyth on 4980 0197.

4.2 The Lower Hunter Transport Guide

Michael Elliott spoke about the latest publication of the Lower Hunter Transport Guide. Michael had mailed a copy out to all Committee members and said that the guide was an excellent resource with detailed information on a range of public transport and included details about accessible transport and community transport.

4.3 Port Stephens Transport Forum

Michael Elliott informed the Committee of the Port Stephens Transport Forum which is convened by the Ministry of Transport. The forum is comprised of representatives from local bus operators, community transport providers, Local Government, community groups and community members. The group meet bi-monthly to highlight local transport issues, promote

resources and provide feedback to the transport providers to better use existing resources. Nick Charters suggested that we have an RTA or similar representative come along to a Committee meeting to speak about the Mobility Parking Scheme.

4.4 Accessible Parking in Raymond Terrace

Michael Elliott reported that he still receives regular complaints regarding accessible parking in Raymond Terrace. He indicated that an audit had been carried out previously which found that there were an adequate number of accessible parking spaces in the area and that the problem was non-permit holders parking illegally in the spaces.

Some Committee members commented that they are aware of some permit holders loaning their permits to friends and family members who use it illegally as the photo on the permit is not visible on the windscreen. Michael Elliott has met with Council's Ranger Services to discuss this issue. They indicated that enforcement of the legislation around accessible parking was more difficult compared to other parking and traffic legislation, as Rangers are required to closely inspect the details of the Mobility Parking Permit Label (if there is one) on the vehicle windscreen. Council Rangers will place an increased focus upon the monitoring of this matter and will fines to offending vehicles. Michael will monitor the situation and seek feedback from Access Committee members over the coming months.

4.5 Motel Development on Tomaree Peninsula

Michael Elliott reported that he had received a complaint regarding a new motel under construction on the Tomaree Peninsula. The complaint related to the apparent absence of a footpath being provided by the Developer outside the new motel which is nearing completion. Subsequent investigations found that the development, due to its large scale was approved by the State Government without any input from Council. It was uncertain if a footpath was intended to be constructed during the final stages of the development.

Action:	1. Cr Brown will investigate this matter further and report back to the Committee.
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4.6 Port Stephens Futures Reference Group

Cr Brown and Robert Harper reported on Council's Port Stephens Futures Reference Group held its first meeting last week which they attended. The Reference Group was set up to determine Council's future strategy through until 2030 using a holistic approach to sustainability, incorporating input from all stakeholders. They will raise various access related issues such as transport.

4.7 Westfield Kotara Extensions

Michael Elliott reported that the first stage extensions recently opened at Westfield Kotara have catered well for people with disabilities in terms of footpaths, parking and toilet facilities.

5. CORRESPONDENCE

Michael Elliott presented a range of correspondence including; _

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

- Accessible Arts and Julius Media Technical Training are running a 30 week apprenticeship training program in Live Production, Theatre and Events. The program is specifically for people with disabilities who have a strong desire to be involved in the entertainment industry. For further information contact Alison Richardson on 9251 6499 or email arichardson@aarts.com.au
- A carers' day will be held at the Medowie Community Centre from 10am to 2pm on Thursday 18 October 2007. Lunch will be provided. For bookings or further information call Judy on 1300 763 257
- Educare will be holding a carer and family information evening from 5.30pm to 9:00pm on 26 September 2007 at Monte Pio, New England Hwy at Maitland. Supper will be provided. For bookings or further information contact Kathy on 49214 895

6. DETAILS OF NEXT MEETING

The next meeting will be held on 2 October 2007 at 10.30am at the Nelson Bay RSL Club.

INFORMATION ITEM NO. 4

**ABORIGINAL STRATEGIC COMMITTEE MEETING WITH KARUAH
LOCAL ABORIGINAL LAND COUNCIL**

**REPORT OF: TREVOR ALLEN, ACTING MANAGER COMMUNITY
 PLANNING**

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting with Karuah Local Aboriginal Land Council on 10 September 2007.

Key issues considered at the meeting included:

- 1) Aboriginal Employment Strategy and Cultural Awareness Training
- 2) Aboriginal Project Fund
- 3) KLALC Update

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting with Worimi LALC on 10 September 2007.

ATTACHMENT 1

**ABORIGINAL STRATEGIC COMMITTEE MEETING
WITH KARUAH LOCAL ABORIGINAL LAND COUNCIL
HELD ON MONDAY 10 SEPTEMBER 2007
AT KARUAH MISSION**

File: PSC2005-0629

Present:

Priscilla Mason	Karuah LALC
Colleen Perry	Karuah LALC
Cr Brown	PSC
Cr Dover	PSC
Paul Procter	PSC
Cliff Johnson	PSC

Apologies:

Cr Swan	PSC
Mike Trigar	PSC
Peter Gesling	PSC
David Broyd	PSC
Jason Linnane	PSC

Cr Brown Chaired and opened the meeting at 1:45pm

1. KARUAH LALC BUSINESS ARISING FROM PREVIOUS MINUTES

ITEM 12: Old Karuah School House

Cliff Johnson has met with Council's Planners to discuss requirements and issues associated with this project prior to preparing and lodging a Development Application

Action	1. Cliff Johnson indicated that he is aiming to meet with Council's DAP in October 2007 to advance these discussions.
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ITEM 24: Foreshore Rehabilitation Works

The proposed picnic tables/chairs and bins that were earmarked for installation in the new financial haven't yet been installed.

Action:	1. Paul Procter to follow up status.
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ITEM 29: Pivet Bush

KLALC continuing to experience problems with the spread of pivot bush from Dept of Lands landholdings onto KLALC land. This has potential health implications for community members who may suffer from respiratory problems such as asthma.

Action:	1. Cliff Johnson will follow up with the Dept of Lands.
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ITEM 31: Naidoc Week 2007

Given the huge success of this year's Naidoc Celebrations, Priscilla Mason expressed KLALCs continued support for the event at Raymond Terrace. She indicated that an ongoing challenge for KLALC to encourage more adult participation at next year's event.

ITEM 32: Joint ISC Meeting

The joint meeting held in July was a great success. Unfortunately guest speaker, Dr Bill Jonas was unable to attend due to ill health. He has expressed interest in attending a future meeting.

ITEM 33: Aboriginal Employment Strategy and Cultural Awareness Training

Given the demands placed upon everyone's time in planning for this year's Naidoc Week celebrations, the working parties which were established to look at Aboriginal employment and cultural awareness training were placed on hold. Given the current focus of the Land Councils in implementing the reforms to the Land Rights Act over the coming months, Paul Procter will take on the responsibility for researching and formulating a Draft Aboriginal Employment Strategy for Cultural Awareness Training Program for Council. He will liaise with the Land Councils throughout the development of these strategies to ensure they are aligned with the Land Councils needs and expectations.

ITEM 34: Aboriginal Project Fund

Paul Procter indicated that *Stage 1 Funding Proposals* are currently being sought with the deadline for submission of proposals being 21 September 2007. KLALC expressed interest in seeking funding towards upgrading their tennis court and playground equipment.

Actions:	1. P.Procter will draft funding proposals on behalf of KLALC for the upgrading of tennis court and playground. He will forward to KLALC for review and comment once drafted.
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2. GENERAL BUSINESS

2.1 2007 NSW Local Government Aboriginal Network Conference

This year's conference was held at Coffs Harbour between 5 – 7 Sept. Cr Brown and Andrew Smith (WLALC) represented Port Stephens. Cr Brown indicated that the Conference organisers are looking at holding next year's Armidale conference mid year. This will allow time for any notices of motion raised at the conference to be appropriately discussed and considered at the Local Government Conference.

2.2 KLALC Update

Priscilla Mason indicated that the KLALC are holding their AGM next week. They will be electing a new Board comprising 7 – 10 members. At this stage she is planning on leaving the role of Acting CEO on 21 September 2007. KLALC will look at appointing a person on a temporary basis to provide general admin support until a new CEO is appointed in the coming months. In terms of projects, the boat-building project has ceased operating as KLALC believe it has achieved its stated goals. The members of the ASC congratulated Priscilla on her dedication and efforts to the ASC and KLALC over the years and wished her all the best for the future.

3. NEXT MEETING

The next meeting with KLALC will be held on 12 November 2007 commencing at 1pm at the Karuah Mission.

Meeting closed at 3:05pm

INFORMATION ITEM NO. 5

CITIES FOR CLIMATE PROTECTION (CCP) GREENHOUSE GAS (GHG) EMISSIONS RE-INVENTORY

REPORT OF: SALLY WHITELAW – ACTING ENVIRONMENTAL SERVICES
MANAGER

FILE: PSC2005-4472

BACKGROUND

The purpose of this report is to inform councillors of successful grant application to complete a re-inventory of Greenhouse Gas (GHG) emissions as part of the Cities for Climate Protection (CCP) Program

The Cities for Climate Protection (CCP) Program provides a framework for Local Governments to measure both Council's and the Community's Greenhouse Gas (GHG) emissions, and to provide assistance for Councils to make a positive contribution to reducing these emissions. The CCP Program is coordinated by ICLEI (the International Council for Local Environmental Initiatives) with the support of the Commonwealth Government's Australian Greenhouse Office.

Through participation in the CCP Program, Port Stephens Council committed to progress through the 5 Milestones of the Program. Each Milestone is outlined briefly below:

- Milestone 1.** Conduct a baseline emissions inventory & forecast emissions growth
- Milestone 2.** Adopt an emissions reduction goal for the forecast. (Port Stephens Council resolved to achieve a 20% reduction of the 1996 GHG emissions levels by 2010).
- Milestone 3.** Developing and adopting a Local Greenhouse Action Plan
- Milestone 4.** Implementing the Local Greenhouse Action Plan
- Milestone 5.** Monitoring and Reporting on greenhouse gas emissions and implementation of actions and measures.

Port Stephens Council became a member of the CCP Program in June 1999 and has reached Milestone 4 of the program. However, in order to determine any success and/or shortcomings with regards to meeting Council's greenhouse gas (GHG) emissions reduction goal (i.e. a 20% reduction on 1996 levels by 2010), and given that Councils target year is 2010, it is necessary to undertake a complete re-inventory of both Port Stephens Council & the Community's GHG emissions and abatement actions. This re-inventory will be undertaken over the coming months and will be completed by May 2008.

Council has been successful in securing a Milestone Assistance Grant through the Australian Government's Department of Environment & Water Resources to the value of \$4500 to assist with staff costs to undertake the re-inventory.

A report will be prepared for council with details of the complete re-inventory in 2008 with an assessment of Council's progress towards its goal.

As is the case with setting GHG emissions reduction goals at an International level (i.e. the Kyoto Protocol), council's reduction target of 20% by 2010 should be viewed as a first step in reducing GHG emissions. There are long term targets to be achieved on a local and global level in order to avoid the more serious climate change scenarios from eventuating. The Intergovernmental Panel on Climate Change (IPCC) suggests that GHG emissions reductions of at least 60% by 2050 are necessary to avoid more than a 2 degree rise in global average temperature, widely regarded as a likely threshold where if exceeded, a number of positive feedback loops are likely to further compound climate change scenarios.

INFORMATION ITEM NO. 6

DESIGNATED PERSONS – PECUNIARY INTEREST RETURNS

REPORT OF: PETER GESLING, GENERAL MANAGER
FILE: A2004-0030

BACKGROUND

The purpose of this report is to advise Council of Councillors and designated persons who have submitted Pecuniary Interest Returns.

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 (Vacant)
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
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

TABLED DOCUMENTS

- 1) Designated Persons Pecuniary Interest Returns.

INFORMATION ITEM NO. 7

CASH AND INVESTMENTS HELD AT 31 AUGUST 2007

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

BACKGROUND

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

ATTACHMENTS

- 1) **Cash and Investments Held at 31 August 2007.**
- 2) **Monthly Cash and Investments Balance September 2006 – August 2007**

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

ATTACHMENT 1

CASH & INVESTMENTS HELD - AS AT 31 AUGUST 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-Jun-07	15-Sep-07	92	500,000.00	8.03%	1.57%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Jun-07	20-Sep-07	92	1,000,000.00	7.96%	3.14%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	23-May-07	22-Nov-07	183	412,500.00	6.47%	1.30%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Jun-07	20-Sep-07	92	450,000.00	7.96%	1.41%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	22-Jun-07	24-Sep-07	94	1,000,000.00	7.90%	3.14%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	20-Jun-07	20-Sep-07	92	1,000,000.00	7.56%	3.14%
HOME BUILDING SOCIETY	Floating Rate Sub Debt	26-Jul-07	26-Oct-07	92	500,000.00	7.39%	1.57%
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note	18-Jul-07	18-Oct-07	92	500,000.00	8.25%	1.57%
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	20-Jun-07	20-Sep-07	92	1,000,000.00	7.46%	3.14%
GRANGE SECURITIES "COOLANGATTA AA"	Floating Rate CDO	20-Jun-07	20-Sep-07	92	1,000,000.00	7.76%	3.14%
ANZ YIELD CURVE NOTE	Yield Curve Note	17-Jul-07	17-Oct-07	92	500,000.00	8.25%	1.57%
MACQUARIE CASH MANAGEMENT TRUST	Cash Management	20-Jul-07			25,505.03	5.58%	0.08%
TOTAL GRANGE SECURITIES					\$7,888,005.03		24.77%
ABN AMRO MORGANS							
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Jun-07	20-Sep-07	92	2,000,000.00	7.86%	6.28%
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	21-Mar-07	21-Mar-08	366	1,000,000.00	7.00%	3.14%
TOTAL ABN AMRO MORGANS					\$3,000,000.00		9.42%
ANZ INVESTMENTS							
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	6-Jul-07	8-Oct-07	94	500,000.00	7.61%	1.57%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	6-Jul-07	20-Sep-07	92	1,000,000.00	7.96%	3.14%
MOTIF FINANCE (IRELAND) PLC	Floating Rate CDO	6-Jul-07	30-Nov-07	91	500,000.00	8.09%	1.57%
TOTAL ANZ INVESTMENTS					\$2,000,000.00		6.28%
RIM SECURITIES							
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	30-Jul-07	29-Oct-07	91	500,000.00	8.10%	1.57%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	9-Jul-07	11-Oct-07	94	2,000,000.00	8.41%	6.28%
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	5-Jul-07	5-Oct-07	92	1,000,000.00	7.10%	3.14%
TOTAL RIM SECURITIES					\$3,500,000.00		10.99%
WESTPAC INVESTMENT BANK							
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	27-Jul-07	29-Oct-07	94	500,000.00	7.55%	1.57%
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt	21-Aug-07	21-Nov-07	92	500,000.00	7.91%	1.57%
TOTAL WESTPAC INV. BANK					\$1,000,000.00		3.14%

MINUTES OF ORDINARY MEETING – 30 OCTOBER 2007

LONGREACH CAPITAL MARKETS							
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	7-Mar-07	7-Sep-07	184	500,000.00	6.66%	1.57%
NOTE	Property Linked Note	6-Mar-07	6-Sep-07	184	500,000.00	6.00%	1.57%
TOTAL LONGREACH CAPITAL					\$1,000,000.00		3.14%
FUND MANAGERS							
						RATE OF RETURN - MTH	
MERRILL LYNCH INVESTMENT MANAGERS					116,535.60	6.75%	0.37%
PERPETUAL INVESTMENTS					149,204.06	6.74%	0.47%
ADELAIDE MANAGED FUNDS					250,000.00	6.90%	0.78%
TOTAL FUND MANAGERS					\$515,739.66		1.62%
COMMONWEALTH BANK							
PRINCIPAL PROTECTED YIELD ACCRUAL NOTE	Yield Curve Note	06-Aug-07	05-Nov-07	91	500,000.00	9.25%	1.57%
PRINCIPAL PROTECTED YIELD ENHANCED ACCRUAL NOTE "COMMENTS AA-"	Yield Curve Note	31-Jan-07	31-Oct-07	273	500,000.00	7.15%	1.57%
CALLABLE CPI LINKED NOTE	Yield Curve Note	04-Jul-07	04-Oct-07	92	500,000.00	9.00%	1.57%
EQUITY LINKED DEPOSIT	Equity Linked Note	03-Aug-07	05-Aug-08	368	500,000.00	8.25%	1.57%
TOTAL COMMONWEALTH BANK					\$2,000,000.00		6.28%
FIGI SECURITIES							
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	Principal Protected Note	22-Jun-07	22-Sep-07	92	1,000,000.00	7.00%	3.14%
TOTAL FIGI SECURITIES					\$1,000,000.00		3.14%
MAITLAND MUTUAL							
	Floating Rate Sub Debt	16-Jul-07	15-Oct-07	91	500,000.00	7.53%	1.57%
	Term Deposit	31-Aug-07	29-Nov-07	90	1,331,808.76	7.19%	4.18%
	Floating Rate Sub Debt	11-Jun-07	11-Sep-07	92	500,000.00	7.35%	1.57%
TOTAL M'LAND MUTUAL					\$2,331,808.76		7.32%
TOTAL INVESTMENTS					\$24,235,553.45		76.10%
CASH AT BANK					\$7,612,408.64	6.20%	23.90%
TOTAL CASH & INVESTMENTS					\$31,847,962.09		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.

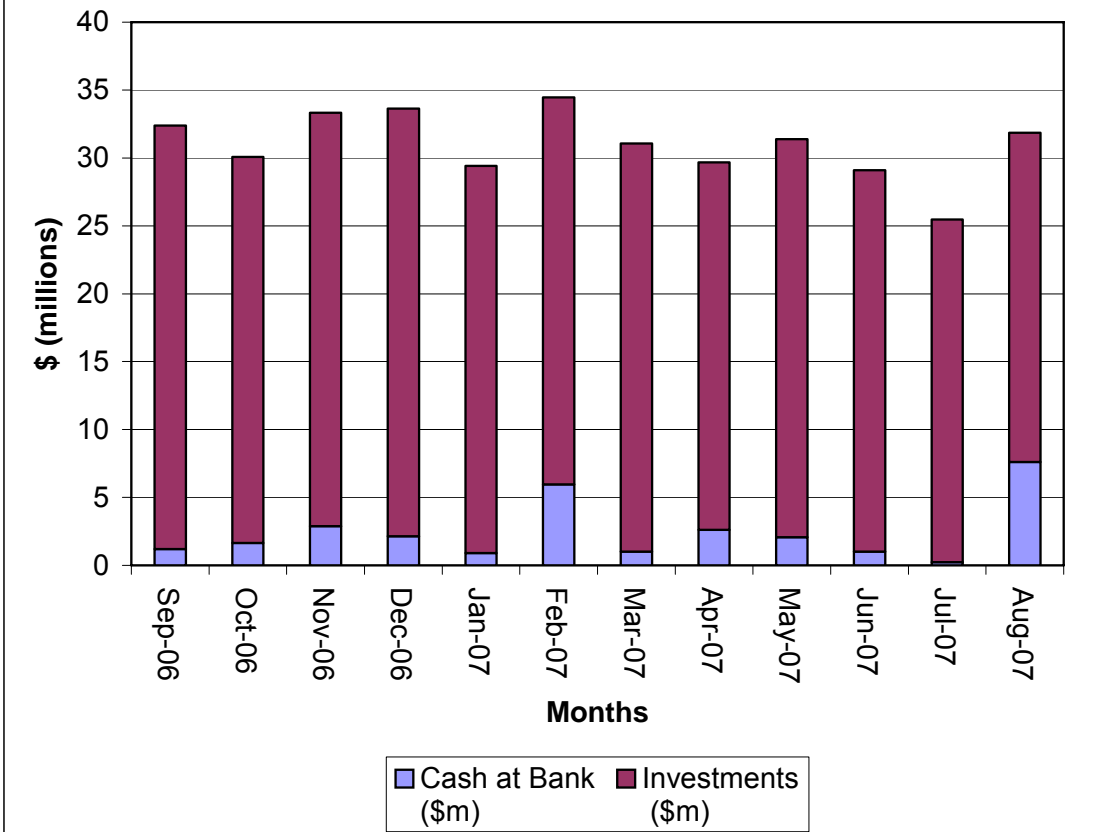
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Sep-06	1.191	31.189	32.380
Oct-06	1.644	28.442	30.086
Nov-06	2.879	30.448	33.327
Dec-06	2.135	31.493	33.628
Jan-07	0.906	28.501	29.408
Feb-07	5.956	28.502	34.458
Mar-07	1.012	30.045	31.058
Apr-07	2.607	27.057	29.664
May-07	2.081	29.308	31.389
Jun-07	1.001	28.103	29.104
Jul-07	0.230	25.237	25.467
Aug-07	7.612	24.236	31.848

Cash and Invested Funds for the Period ended 31/8/2007



**INFORMATION ITEM NO. 8
COUNCIL WARD FUNDS**

**REPORT OF: JEFF SMITH, FINANCIAL SERVICES MANAGER
FILE: PSC2007-0183**

BACKGROUND

This information paper is to provide both a response to questions raised regarding Council Ward Funds at the Operations Committee meeting of 11 September 2007 and to present the data as at 25 September 2007.

This paper will address the following issues:

- Negative Balance of Central Ward Funds
- Negative Balance of East Ward Funds
- Proposed controls to avoid negative balances in the future
- Actual 2007 Financial Year Expenditure and Balances of Ward Funds and Minor Works Fund at 30 June 2007
- 2008 Financial Year Allocations and Balances of Ward Funds and Minor Works at 25 September 2007

The negative balance of Central Ward Funds arose due to anticipated land sale profits from the 2005/06 financial year being allocated to projects and those projects commencing prior to the realisation of those land sale profits. Due to numerous circumstances the land sale profits were not realised and therefore Central Ward Funds were overspent. This situation will not be rectified until sufficient land sale profits are realised to bring the Central Ward Funds balance back in the black. It is worth noting that the negative balance of Central Ward Funds in Attachment 1 is \$81,462 less than the balance reported in the September Operations Committee report. This is predominantly due to funding for the Medowie Skate Park project being changed from Ward Funds to Section 94.

The negative balance of East Ward Funds arose due to the combined value of 2006/07 originally budgeted and rolled forward projects exceeding the value of available East Ward Funds. As Attachment 1 shows, due to a number of projects not commencing or being completed below budget, the balance of East Ward Funds is no longer negative.

Following the overspending of Central Ward Funds, Council's Restricted Funds policy was amended to ensure land sale profits are not budgeted to be spent until the profits are realised. This policy change has been in effect for approximately twelve months and has proven to be an effective control in relation to this issue.

In addition, a PDSA team has been established to review Council's processes regarding s356 donations. Recommendations from this PDSA team are expected to be finalised in October.

Please note Attachment 1 "2006/07 Allocations of Councillor Ward Funds" and Attachment 2 "2006/07 Allocations of Minor Works". These documents have been compiled as part of the preparation of Council's 2006/07 Annual Financial Statements and represent the actual utilisation of Ward Funds and Minor Works in the 2006/07 financial year.

Finally, Attachment 3 "2007/08 Allocations of Councillor Ward Funds" and Attachment 4 "2007/08 Allocations of Minor Works" detail those projects allocated in the 2007/08 financial year, together with available balances as at 25 September 2007.

ATTACHMENTS

- 3) 2006/07 Allocations of Councillor Ward Funds
- 4) 2007/08 Allocations of Councillor Ward Funds
- 5) 2006/07 Allocations of Minor Works
- 6) 2007/08 Allocations of Minor Works

ATTACHMENT 1

2006/2007 ALLOCATIONS OF COUNCILLOR WARD FUNDS				
WARDS	EAST	CENTRAL	WEST	TOTAL
TOTAL AVAILABLE 1 JULY 2006	138,436	1,940	170,927	311,303
ALLOCATED TO:-				
From Original Budget				
Contribution to RT Comm & Policing Services Rental assistance CM372/05			15,000	15,000
Raymond Terrace Senior Citizens Centre			30,720	30,720
From Revotes and Carry Forwards				
Shelly Beach Amenities	18,041			18,041
Anna Bay Oval Upgrade		1,697		1,697
Anna Bay Pony Club		(10,251)		(10,251)
Bowthorne Park Upgrade			4,937	4,937
Tomaree Sports Complex - New Water Service	65,486			65,486
Raymond Terracs CCC			16,868	16,868
Tilligerry Creek Erosion Study		2,595		2,595
Cycleway Construction Brockelsby Road Medowie		22,093		22,093
Bus Facilities Construction Medowie		18,810		18,810
Bus Facilities Construction Anna Bay		12,798		12,798
Bus Facilities Construction LTP		171		171
From Budget Reviews				
Port Stephens Community Arts Centre CM 222/05	10,000			10,000
Salt Ash Sports Ground CM 434/06		35,000		35,000
LTP Development Control Plan CM 469/06		12,500		12,500
TOTAL ALLOCATED	93,528	95,412	67,525	256,466
BALANCE AT 30 JUNE 2007	44,908	(93,472)	103,402	54,837

ATTACHMENT 2

**2007/2008 ALLOCATIONS OF WARD FUNDS
WARDS**

	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD FROM 30 JUNE 2007	44,908	-93,472	103,402	54,838
FUNDS REALISED IN 2007-2008	20,204	20,204	20,204	60,611
TOTAL AVAILABLE	65,112	-73,269	123,606	115,449

ALLOCATED TO:-

From Original Budget

From Revotes and Carry Forwards

King Park Landscaping			7,000	7,000
Little Beach Disability Access ramp	29,290			29,290
Shelly Beach Amenities	6,959			6,959

From Budget Reviews

TOTAL ALLOCATED	36,249	0	7,000	43,249
BALANCE	28,863	-73,269	116,606	72,200

ATTACHMENT 3

2006/2007 ALLOCATION OF MINOR WORKS				
WARDS	EAST	CENTRAL	WEST	TOTAL
TOTAL AVAILABLE 1 JULY, 2006	20,000	20,000	20,000	60,000
ALLOCATED TO:-				
Previously Allocated funds paid this Financial year				
Tilligerry Lions and Habitat Arts Festival CM 578/06		500		500
Glen Oak School of Arts CM 578/06			339	339
Allocated 2006/2007 Financial Year				
Medowie Scout Group CM 618/06		110		110
Rotary Club of Nelson Bay CM 618/06	2,500			2,500
Shoal Bay Public School CM 618/06	869			869
Shoal Bay Public School CM655/06	395			395
Access Comm of Port Stephens CM 794/06	595			595
1st Tilligerry Scout Group CM 794/06		723		723
P S Fellowship of Australian Writers CM 679/06	1,000			1,000
Hunter River High School CM 679/06			200	200
Irrawang Public School CM 734/06			200	200
Glen Oak School of Arts CM734/06			2,000	2,000
Port Stephens Music Festival CM 734/06	93			93
1st Paterson Bolwarra Scouts Group CM 761/06			200	200
Nelson Bay Senior Citizens Hall Clr req 05-1181	3,000			3,000
Thou Walla Family Centre CM 031/07			2,000	2,000
Royal Volunteer Coastal Patrol Car Park CM 031/07	3,190			3,190
PS Community Care Senior Expo CM 031/07			1,000	1,000
Raymond Terrace Water Polo CM 031/07			500	500
RT and District tennis Club CM 031/07			1,250	1,250
Whale and Dolphin Watch (Skyle Bertoli) CM 031/07	500	500	500	1,500
Life Education CM 074/07	1,400	1,400	1,400	4,200
Karuah Patch Work and Quilters CM 74/07			60	60
Hunter Botanical Gardens CM 113/07			1,335	1,335
Glen Oak School of Arts CM 113/07			256	256
Irrawang Public School CM 734/06			500	500
Grahamstown Public School Clr Req			1,000	1,000
Mt Kanwaray Public School CM 113/07			1,000	1,000
Karuah Progress Assoc DA fees			762	762
Anna Bay Public School		200		200
Anglican Church Raymond Terrace			200	200
Seaham Scouts			1,000	1,000
TOTAL ALLOCATED	13,542	3,433	15,702	32,677
BALANCE AT 30 JUNE 2007	6,458	16,568	4,298	27,323

ATTACHMENT 4

**2007/2008 ALLOCATIONS OF
MINOR WORKS
WARDS**

	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD FROM 30 JUNE 2007	6,458	16,568	4,298	27,323
2007/2008 BUDGET ALLOCATION FROM REVENUE	20,000	20,000	20,000	60,000
TOTAL AVAILABLE 1 JULY, 2007	26,458	36,568	24,298	87,323

ALLOCATED TO:-

Allocated 2007/2008 Financial Year

Tomaree Public School CM 201/07	1,000			1,000
Karuah Bridge Celebrations CM 243/07			1,000	1,000
Irrawang High School CM 243/07			100	100
LTP District Garden Club CM 243/07		250		250
Medowie Guides CM 243/07		500		500
Rotary Club of Nelson Bay CM 243/07	1,000			1,000
Nelson Bay Town Management CM133/07	1,924			1,924
TOTAL ALLOCATED	3,924	750	1,100	5,774
BALANCE	22,534	35,818	23,198	81,549

GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1

FILE NO: PSC2005-5185

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayoral and Ward Funds to the following:-
 - a) Ngioka Centre – Contribution towards replacing the barbeque opposite the Centre - \$4,000 (East Ward)
 - b) Mallabula Panther Football Club – Contribution towards replacement of equipment lost in recent fire - \$5,000 (Mayoral Fund)

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007**RESOLUTION:**

320	Councillor Tucker Councillor Nell	That the recommendation be adopted.
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BACKGROUND

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

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

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

The requests for financial assistance are shown below:-

MAYORAL DONATION

Mallabula Panther Football Club	Contribution towards replacement of equipment lost in recent fire	\$5,000
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WEST WARD - NIL

MINUTES FOR ORDINARY MEETING – 30 OCTOBER 2007

CENTRAL WARD - NIL

EAST WARD

Ngioka Centre	Contribution towards replacing the barbeque opposite the Centre	\$4,000
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LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

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

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

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

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

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

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.

Business Excellence Framework

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

These outcomes align with the following Business Excellence principles:-

- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

NOTICE OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 3150-029 & PSC2006-1627

VEGETATION BUFFERS ADJOINING COMMERCIAL AND SOME RESIDENTIAL DEVELOPMENT

COUNCILLOR DOVER

THAT COUNCIL:

- 1) Request the Group Manager Sustainable Planning, bring forward a report on how additional strength could be given to policies, to protect and provide vegetated buffers between main roads and adjoining industrial, commercial and some residential developments.

ORDINARY MEETING OF COUNCIL – 30 OCTOBER 2007

RESOLUTION:

321	Councillor Dover	That the recommendation be adopted.
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BACKGROUND REPORT OF: BRUCE PETERSEN – ENVIRONMENTAL SERVICES MANAGER

BACKGROUND

Planning Framework

Inclusion of policy for vegetated buffers may be inserted into the strategic and at development control level of Council's document suite. *Port Stephens Community Settlement and Infrastructure Strategy (CSIS)* and *Port Stephens Development Control Plan 2007 (DCP 2007)* provide opportunities to accept this policy should Council wish to proceed.

The CSIS Sustainability Criteria provides an evaluative framework to guide changes of land use throughout the Local Government Area (LGA). Inclusion of suitable policy change into the Sustainability Criteria will prompt proponents to address this matter in rezoning requests and land speculation.

DCP 2007 provides opportunity to address this requirement through development applications. Preferred chapters for this to occur are; *B1 Subdivision and Streets* and *B5 Industrial Development*. It is necessary to determine the purpose that vegetated buffers would perform in various development scenarios (*see below*).

Planning View

The intention of the NOM is to screen development from view and protect the predominant rural character. Main Roads are defined as Arterial and Sub-Arterial Roads under Council's Road Hierarchy. These two categories include roads such as Pacific Highway, Nelson Bay Road, Richardson Road, Medowie Road and Cabbage Tree Road. This does not include distributor roads such as Italia Road and Masonite Road for example that pass through distinctively rural areas. The extent to which this NOM is applied to the Road Hierarchy requires consideration.

Macro and micro urban design considerations have long term implications for overall settlement in Port Stephens. From a sub-regional viewpoint, buffers can be used to retain the natural appearance of gateways to localities as is proposed in *Draft Anna Bay Strategy*. Land prices in gateway locations are lower by the result of market forces and hence industrial development is often located at the entryway to town. Industrial development also tends to be located along arterial roads, taking advantage of high traffic movements. This situation has economic benefits for industrial development but can detract from first impressions of a place. Vegetated buffers in similar future circumstances would address this issue if located on private property and integrated into the master plan design of industrial estates.

On a micro level, industrial built forms have improved as a result of improved development controls and the recent adoption of *DCP 2007*. Single storey office components to industrial sheds located are permitted within the front setback. This contributes a human-scale to the development and assists in better defining the street. Current landscaping controls screen car parking and buildings and make up 20% of the site. However, there are no requirements for rear setback landscaping for industrial estates that back onto main roads.

Requiring vegetated buffers to screen residential developments implies that the built form controls of *DCP 2007* do not achieve the good outcomes on the ground. Similarly, adverse impacts from commercial and retail development on the public domain are controlled by good development controls. It is also necessary for commercial and retail development to locate in positions that take advantage of passing trade. There are also economic benefits to well-designed businesses that have a high profile on main roads. Social and cultural benefits follow growth of successful business in identified areas.

Environmental Aspects

Vegetated buffers can provide many environmental benefits, they can contribute to increased biodiversity by providing habitat and wildlife corridors, improve water quality by acting as filters, reduce surface run off by increasing infiltration, assist with soil stability, and decrease odour and noise issues, all in addition to increasing the visual amenity of an area.

However if vegetated buffers are not appropriately managed they can harbour exotic weeds and pests. Determining the appropriate width of a buffer is also subject to a number of environmental factors and it is difficult to use a one size fits all approach.

Implementation

Land ownership is crucial to implementing vegetated buffers. Council will incur asset liabilities and ongoing costs related to the care and maintenance of buffers if the buffers come into Council's ownership. It may be advantageous for buffers to remain in private ownership as either a separate lot or be part of an easement on affected lots. *Rural Fires Act 1997* requires the owner of vegetated buffers to take care and maintenance for asset protection purposes in certain circumstances.

Implementation of vegetated buffers extensively across the LGA does not represent an efficient use of land and therefore is not sustainable land use. Land suitable for development from a social, environmental and environmental viewpoint should be used efficiently to minimise future clearing on neighbouring sites to accommodate growth.

Recommendation

Investigate incorporating policy changes into CSIS and DCP 2007 to protect and provide for vegetated buffers on arterial, sub-arterial and distributor roads for industrial development in gateway locations.

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 – 30 OCTOBER 2007

RESOLUTION:		
322	Councillor Hodges Councillor Brown	That Council move into Confidential session.