

Minutes 26 February 2008



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 26 February 2008, commencing at 5.35pm.

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

022	Councillor Robinson Councillor Tucker	It was resolved that the apology from Councillors Baumann, Jordan and Swan be received and noted.
023	Councillor Hodges Councillor Dingle	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 11 December 2007, 29 January & 5 February 2008 be confirmed.

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**OPERATIONS
COMMITTEE
RECOMMENDATIONS**

Cr Dingle moved and seconded by Cr Hodges that items 4, 5, 6 and 7 be brought forward and dealt with prior to item 1.

ITEM NO. 4

FILE NO: PSC2006-0029

AMENDED DRAFT MEDOWIE STRATEGY

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised draft Medowie Strategy Part A (**Attachment 1**) on public exhibition for a period of 6 weeks.

OPERATIONS COMMITTEE MEETING – 12 FEBRUARY 2008

RECOMMENDATION:

That Council place the revised Draft Medowie Strategy Part A (Attachment 1) on exhibition for a period of 6 weeks with the inclusion of the Buldev Land on Boundary Road.

Tabled Document: Amended Draft Medowie Strategy

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

MOTION

Councillor Hodges
Councillor Westbury

That Council place the revised Draft Medowie Strategy Part A (Attachment 1) on exhibition for a period of 6 weeks with the inclusion of the Buldev Land on Boundary Road.

AMENDMENT

024 Councillor Francis
Councillor Dingle

It was resolved that Council place the revised Draft Medowie Strategy Part A (Attachment 1) on exhibition for a period of 8 weeks.

The amendment on being put became the Motion, which was put and carried.

Cr Francis and Cr Nell called for a Division:

Those for the Motion: Crs Brown, Francis, Tucker, Dingle, Nell and Dover.

Thos against the Motion: Crs Hodges, Westbury and Robinson.

BACKGROUND

The purposes of this report are:

- to inform Councillors that the issues raised in submissions have been fully considered and have led to amendments to the draft Medowie Strategy;
- to provide future development certainty to the community and developers;
- to deliver on the principles and projections of the Community Settlement and Infrastructure Strategy (CSIS) 2007 and Lower Hunter Regional Strategy (LHRS).

The Draft Strategy was placed on exhibition for 8 weeks from March to May 2007. Council received 290 submissions from local residents, local organisations, developers and Government agencies. A summary of the submissions is provided in **Attachment 2**. Copies of all submissions and a detailed spreadsheet categorising all comments are available to Councillors in the Councillors Room.

The Medowie Submission Review Panel (formed to provide feedback to the Integrated Planning Manager on the submissions) guided amendments to the draft strategy.

Developers who made submissions or who had lodged formal rezoning requests were given an opportunity to address Councillors, Executive Team and the Panel at a Council briefing on 22nd November 2007. This forum provided an opportunity to understand the scope and nature of development proposals relating to draft Medowie Strategy.

The Panel ranked how Council had addressed the priority of issues through amendments to the draft Strategy. This feedback, in the form of a rating system, measured satisfaction with changes. On the whole, the amended Strategy scored well. The draft Strategy was amended through September to November and subsequently presented to the Panel. The revised plans were used to generate discussion and suggestions by panel members.

There was considerable comment in submissions asserting that the existing infrastructure and system does not adequately control flooding and drainage impacts. As well, that additional development will exacerbate existing adverse flooding and drainage impacts. At this stage it is intended that any rezoning proposals in accordance with the draft strategy address flooding and drainage issues including those downstream from area of proposed rezoning.

In early December 2007, the Panel reconvened to view the working draft and to finalise any outstanding issues. The Panel complimented Council on the open and inclusive process.

The draft Strategy contains a revision of *Part A. Strategic Directions for Medowie*. The main areas of Part A changed as a result of amendments are as follows:

- Reduction of development yield of the draft Strategy from 4,773 to 3,692 lots
- Increased number of larger lots from 442 to 631 including 293 rural landscape lots
- Reduction in number of smaller lots from 1,920 to 788 lots
- Removal of James Road, Hudson Close, Ford Avenue and Blueberry Estate rural residential areas from those recommended for rezoning/development in the draft Strategy
- Shift of main shopping street from Ferodale Road to Peppertree Road to alleviate traffic congestion, accessibility issues and an increased amount of proposed commercial/retail land in existing town centre (north) from 4.6 to 7.4ha

- Removal of local streets leaving only key streets connecting traffic generating focal points
- Realignment of western habitat corridor to connect with potential revegetated carbon offset along edge of Grahamstown Dam subject to HWC approval
- Integration of all churches into the structure plan including the incorporation of a new neighbourhood around Medowie Christian School - Baptist Church
- Reduction of number of parks from 43 to 8 (approximately 1 hectare each in size)
- Introduction of overland flow paths as vegetated reserves to assist management of flooding and drainage issues
- Modification of staging plan to a performance-based approach. The key elements are connection with existing neighbourhoods and facilities, demonstrated delivery of infrastructure, management of constraints and multiple land owner cooperation
- Revised biodiversity off-set scheme that enables greater scope and flexibility
- Inclusion of intended built form examples into Medowie chapter of DCP 2007

Part B. Research Report and Part C. Baseline Studies remain unchanged and are not recommended to be included in the documentation for exhibition.

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

Financial and resource implications can be separated into immediate, mid-term and long term responsibilities over the next 25 years. Immediate costs to Council are for exhibition of the Draft Strategy and related community information including media engagement.

Mid-term financial responsibilities will be incurred as rezoning requests are lodged and processed. Land for parks, playing fields, drainage reserves and the town lake may be acquired by Council or dedicated by developers. Expansion of existing or additional community facilities will be provided in accordance with Review of Standards Guiding the Provision of Council's Community and Recreational Facilities.

Long term financial implications to Council will be the on-going cost of maintenance of Council facilities and infrastructures.

LEGAL AND POLICY IMPLICATIONS

The draft Strategy is not a legal document required by legislation. However, it is a key Council policy document that will guide future development. Placing it on public exhibition does not have direct legal implications for Council. It seeks to implement the relevant contents of the Lower Hunter Regional Strategy, the draft Regional Conservation Plan and Port Stephens Community Settlement and Infrastructure Strategy 2007(CSIS).

The draft Strategy, when adopted, will be the framework for Council considering rezoning requests. It enables Council, the community, land owners and the development industry to understand how Medowie will develop over time and to quantify and coordinate the necessary infrastructure needed to grow the town to a well-planned and serviced community.

PORT STEPHENS COMPREHENSIVE KOALA PLAN OF MANAGEMENT (CKPOM)

The CKPoM applies to the Port Stephens Local Government Area. It stipulates that rezoning requests should not result in development or only allow low impact development in preferred koala habitat and supplementary koala habitat areas respectively. The draft Strategy proposes the development of land that contains preferred and supplementary koala habitat under the CKPoM. To implement the Strategy via rezoning requests will require an amendment to the CKPoM involving public exhibition, consultation with the Department of Environment and Climate Change, Catchment Management Authority, the Department of Planning and the approval by the Minister for Planning. Consultation with these state agencies on the draft Medowie Strategy will seek agreement in principle with the proposed Biodiversity Offset Scheme that in turn, will determine necessary measures to enable amendment to the CKPoM.

The proposed Biodiversity Offset Scheme is a combination of; revegetation of cleared private land that connects or adjoins lands of ecological significance; Voluntary Conservation Agreements or Property Vegetation Plans with the land owner under the National Parks and Wildlife Act or the Native Vegetation Management Act respectively; and the zoning to environmental protection revegetated lands and lands of ecological significance to strengthen state or regionally significant habitat or corridors.

THREATENED SPECIES CONSERVATION ACT (TSC ACT)

The proposed removal or modification of native vegetation including Endangered Ecological Communities may trigger the need for Species Impact Statements under the TSC Act. This raises investment, land owner and community uncertainty and may lead to development outcomes that are unintended or economically and socially inappropriate for the town. The proposed Biodiversity Offsets Scheme, agreed to by the Department of Planning in consultation with the Department of Environment and Conservation for the rezoning of land for urban development in the draft Strategy, is intended to allow Council and the Department of Environment and Conservation to “turn off the 7 part test” under the Environmental Planning and Assessment Act for future Development Applications. It should be noted that the implementation of the draft Strategy via draft LEPs for urban development on land that is currently vegetated is dependent upon the draft LEP being endorsed by the DECC. Therefore, there is potential for some land having significant biodiversity values that is identified for urban development may not be negotiated despite the proposed Biodiversity Offset Scheme.

Business Excellence Framework

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

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

ECONOMIC IMPLICATIONS

The draft Strategy adopts the Sustainability Principles of the Community Settlement & Infrastructure Strategy 2007. Primarily, town growth is orientated along the Medowie transport corridor and towards Richardson Road. In doing so, it strengthens links between Medowie and Newcastle Airport and links to other centres.

The Draft Strategy supports and builds on the existing retail and commercial hierarchy identified in Port Stephens Council Economic Strategy 2007 and does not undermine Raymond Terrace as the higher order centre. Retail and commercial growth in Medowie is contained by the location of Medowie within the movement network.

The draft Strategy proposes to expand retail and commercial opportunities within walking distance of the existing centre. Creating a main street and town park and the supporting integrated street network not only provides direct and efficient walking, cycling and car access across the town but also promotes social interaction and hence, educational, recreational and economic opportunities for residents.

INFRASTRUCTURE IMPLICATIONS

Wastewater - augmentation of wastewater system and subsequent costs are to be determined by Hunter Water and funded by developers. Actual requirements and capital cost need further investigation and confirmation by developers through the rezoning process when stage one of the draft Strategy gets underway. The total increased capacity of wastewater mains from Medowie to Raymond Terrace Wastewater Treatment Works is to be calculated on full capacity of draft Strategy. That is an additional 3, 692 lots over 25 years.

Potable water - approximately \$3.1 million upgrade of the Medowie – Williamstown water distribution system is planned by Hunter Water Corporation over the next 20 years. These works are to be funded and constructed by Hunter Water and the cost recovered from development through the Medowie Water System Developer Charge.

Power - Energy Australia intends to increase the capacity of the Williamstown Zone Substation in 2009-10. This work is to be entirely funded by Energy Australia.

Developers are required to provide electricity services to development sites and to necessary distribution substations. Developers must also contribute to reticulation of power throughout sites and provide street lighting. Certain capital equipment associated with the distribution substations will be provided by Energy Australia.

INFRASTRUCTURE IMPLICATIONS - BUILDEV SITE, BOUNDARY ROAD

Buildev Developments Pty Ltd have submitted a rezoning request and made a number of submissions seeking this land to be included in the draft Strategy. The significance of this request and the offer by the developer to assist with the provision of infrastructure for the town is such that it requires a separate response additional to that provided in Attachments 2 and 3.

The rezoning request was lodged in November 2006 for 127 ha in area seeking 1,300 residential lots, a neighbourhood centre and public recreation space and preservation of an Endangered Ecological Community riparian zone running through the site. The south western corner of the site is cleared and the remainder of the site (70% or 90 hectares according to 2006-2007 aerial photography) is vegetated. Vegetation off-sets are proposed to compensate for the intended clearing of the site.

The recommended draft Medowie Strategy does not include the subject land for the following reasons:

- (a) Investigations of the Boundary Road site identified significant ecological values and that this land's location on the periphery of the town - further away from transport, infrastructure, services and employment – did not justify or support the proposition of losing these ecological values for urban development.
- (b) urban development should be directed southwards towards transport and employment opportunities (i.e Richardson Road and Williamstown Airport respectively) consistent with the state government's Integrating Land Use and Transport policy package, to reduce energy consumption and green house gas emissions and hence, subsequent household operating budgets;
- (c) The site is part of the State Government's green corridor under LHRS and is contiguous to Medowie State Conservation Area;

- (d) significant development yield could be achieved closer to the town centre which is more economically and socially sustainable than development to the north and on the fringes of the town. If the site were to be rezoned for urban development it would relocate the social and economic focus of the town to a fringe area.
- (e) Potential for existing rural residential areas to be redeveloped over time to achieve higher densities and therefore, allow the site to become a logical extension of the town are socially, cultural and economically unrealistic. This is evident by the strong response by existing rural residential home owners to the draft Strategy that has now been significantly amended;
- (f) Development of site would extend the footprint of town towards Salt Ash Air Weapons Range and Australian Noise Exposure Forecast contours. Department of Planning removed aircraft noise issues for Medowie in the Lower Hunter Regional Strategy on the basis that the urban release area boundaries are determined by local planning consistent with the regional strategy map.

Development of the site would also extend Medowie's footprint towards the declared Defence Practice Area under Commonwealth of Australia Gazette No. 27, 7 July 2004. The site is within 260 metres of the gazetted Defence Practice Area which is used for firing of air to surface weapons.

The proponent has made submissions to Council – the latest being on the 20th November 2007 - outlining the following benefits of the rezoning request:

- (a) **Single land ownership.** Response - this is a short term issue. Draft Strategy is to be implemented over a 25 year time frame. There has been much property speculation in Medowie with land owners considering their options. There has also been activity by developers in amalgamating land parcels. This is typical market behaviour. Over time development will occur as land owner perceptions come in line with market expectations relative to their personal and financial circumstances.
- (b) **Significant shortages in the provision of power and sewer and that serving authorities, Council and the State government have all indicated that they do not have budgeted funds to enable these infrastructure works to be provided.** Response - Hunter Water, Energy Australia and the State government have not advised Council that they do not have budgeted funds to address these issues for Medowie. Council does not have a funding role in the provision of power and sewer.
- (c) **Buildev have funds to provide the infrastructure with mechanisms available to allow for part reimbursement of these costs when other developments in Medowie are constructed.** Response - other developers in Medowie have not stated any concerns to Council towards the provision and cost of infrastructure.

Whatever private funding offer is made towards the provision of infrastructure that benefits other private parties, such an offer would be made based on financial return and unlikely to involve subsidies.

- (d) **Remainder of Medowie has definitive environmental constraints.** Response – the draft Strategy has considered these constraints and identified approximately 3700 lots.

It should be noted that in 2005 Buildev stated in their rezoning submission for a supermarket on the corner of Ferodale Road and Kirrang Drive, that lot yield from the development of the Local Area Plan for Medowie (now incorporated into the CSIS 2007) would total some 5,217 lots. This figure did not include the Boundary Road site. However, for the Boundary Road site, the proponent states, in a briefing paper for their rezoning submission, that the environmental constraints and fragmented land ownership

across Medowie are such that a significant lot yield is unlikely. "If Medowie is to accommodate over 3000 new lots then the Boundary Road site must be rezoned."

- (e) **Development of the site would allow the end buyer to save between 33-75%**
Response – regardless of what economies of scale or developer efficiencies are achieved, the sale price of subsequent lots to individual buyers would be determined in line with market expectations i.e a maximum sale price by the seller and a minimum sale price by the buyer. Furthermore, there is no way that any public authority could legally guarantee that a developer will sell housing lots below the market rate.

Development of the site is likely to dominate the Medowie land supply and may adversely affect the short to medium term housing market dynamics for those areas identified in the draft Strategy for future urban development (these areas have superior long term location costs for infrastructure and for the resident). The location of the site would result in the physical extension of infrastructure and an increase in maintenance and replacement costs to service providers, including council, over long term.

- (f) **Sustainability outcomes achieved.** Response – the draft Medowie Strategy has been prepared through the integration of economic, social and environmental issues to achieve more sustainable outcomes. The structure plan identifies how land use and transport have been integrated, in particular how future residents can choose between walking, cycling, public transport or private car to access facilities, services, employment, and social and recreational activities across the town.

The proposal does not acknowledge social isolation or a spatial dislocation issues, affordability issues related to transport costs and makes no mention of access to employment. Furthermore the extension of the transport network extends travel times and decreases route-time efficiency.

The physical location of the Boundary Road site has been considered in reviewing the draft Strategy, and for reasons stated above, has not been included as a location for sustainable urban development.

SOCIAL IMPLICATIONS

Neighbourhoods are used in the draft Strategy as a structural element to make the town physically and socially connected in walkable catchments. Each neighbourhood is focused on a set of existing and proposed community facilities. All neighbourhood focal points are connected, in series, by the proposed street network.

The draft strategy contributes to the cultural profile of the town by providing a number of larger rural lot types to buffer existing rural neighbourhoods and maintain rural entryways to the town. A range of lot sizes is proposed to provide greater housing choice for families, young and elderly couples, single people and single parents. Accommodating people at various life-stages also requires creating opportunity for seniors living development in convenient locations through to catering for families and making child friendly places.

ENVIRONMENTAL IMPLICATIONS

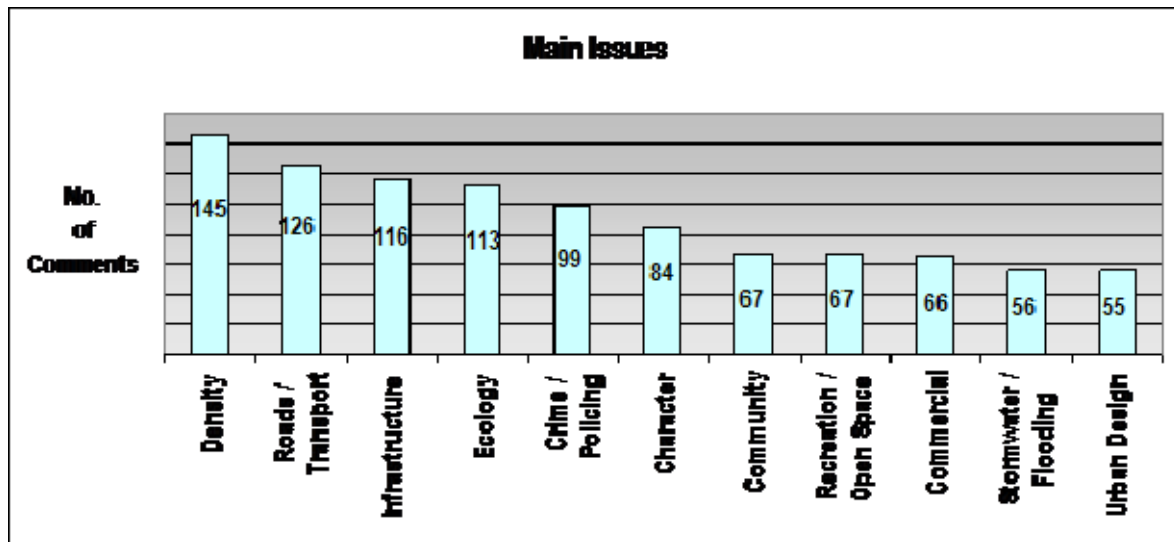
Conserving significant native vegetation, containing daily spending and connecting walkable neighbourhoods all contribute to making Medowie more energy efficient and environmentally sustainable. Conserving significant native vegetation provides ecological advantages and maintains the surrounding natural landscape of Medowie. The key elements in the draft Strategy that contribute to this are:

- Conservation of the “Green Corridor” under the Lower Hunter Regional Strategy;
- Retention and embellishment of native vegetation of public land surrounding Medowie;
- Conservation of vegetation within the central floodplain of Medowie;
- Conservation of large, significant patches of vegetation within the boundaries of the town;
- Implementation of connecting habitat corridors;
- Retention of mature growth tree-lined roads;
- Planting of large trees along future streets and in parks and other open spaces.

CONSULTATION

Council received 290 written submissions, representing approximately 9.3% of Medowie households. The number of submissions indicate the level of interest by members of the Medowie community in planning for the future of Medowie. A list of submissions and how the issues have been considered are in the **Attachment 3**.

The following table displays the main issues identified from the submissions.



Issues are listed in categories as is how each issue has been addressed through amendment to the draft Strategy or by further work to be under taken.

SUBMISSION REVIEW PANEL

Council resolved to approve the Review Panel membership at August 2007. The Panel included nominated representatives of the local community, nominations for which were accepted during community consultation. Five (5) nominated Panel members were randomly selected by Council. The Panel also included representatives from the following:

- Concerned Medowie Residents Group
- Medowie Progress Association
- Urban Development Institute of Australia
- Port Stephens Council CKPoM Steering Committee
- Department of Planning

Conflicts of interest prevented a representative from the Property Council of Australia becoming a member of the Panel. On the 14th November 2007, Council decided that a Medowie business representative should be included on the Panel and that a community representative who owned/ran a business in Medowie would be suitable to fill this role.

Central ward Councillors and nine (9) Council officers also formed part of the Panel.

Day 1 (20 September 2007 and facilitated by David Crofts of *Strategy Hunter Consultants* - an independent person appointed by Council's Integrated Planning Manager) involved summarising the submissions (Panel members were provided with submission summary prior to familiarise themselves). Members were then divided into groups to prioritise the issues raised from the submissions.

10 panel members (i.e. the members that represent Medowie residents and community groups) were allocated 10 votes each. The results were as follows:

Issue	Votes
Strategy or no strategy	21
Infrastructure	16
Character	12
Commercial	12
Housing	12
Ecology	12
Open space	9
Community facilities and services	5
Total	99

Note 1: One vote was not cast.

Note 2 Some of the categories originally identified as main issues in the above graph were combined for the purpose of the review panel, for example roads/transport and infrastructure and flooding

On Day 2 (14 November 2007) the panel considered how submission issues were to be prioritised and how the issues should be reflected in the draft Strategy.

Panel members attended a Council briefing on 22 November 2007 where developers presented their proposals. The Panel met on 5 December 2007 to view the revised draft structure plan, to discuss the developers' briefing and raise any outstanding issues.

OPTIONS

- 1) Adopt the recommendations
- 2) Amend the recommendations
- 3) Do nothing

ATTACHMENTS

- 1) Draft Medowie Strategy Part A (under separate cover)
- 2) Submission summary (under separate cover)
- 3) Submission issues and subsequent amendments to draft Medowie Strategy
- 4) Town Centre DCP study area map

COUNCILLORS ROOM

- 1) Draft Medowie Strategy Submissions Folders (two folders)
- 2) Medowie Submissions – Categorised Comments Spreadsheet
- 3) Submissions from Developers

TABLED DOCUMENTS

- 1) Draft Medowie Strategy

**ATTACHMENT 1
DRAFT MEDOWIE STRATEGY PART A**

Provided under separate cover

**ATTACHMENT 2
SUBMISSION SUMMARY**

Provided under separate cover

**ATTACHMENT 3
SUBMISSION ISSUES AND SUBSEQUENT AMENDMENTS TO DRAFT
MEDOWIE STRATEGY**

Why a strategy?

Major Issue:	Sub Issue	Draft Strategy response
10 hectare minimum rezoning	<p>10 hectares for a rezoning is too much – a minimum size is required:</p> <p>Owners will be taken along unwillingly:</p>	<p>10 hectares is a guideline only. The benefit is that developers/landowners can share costs, and Council and Government departments find efficiencies in processing.</p> <p>The decision to remove a dwelling is the decision of the landowner – Council can not make this decision. Draft Medowie Strategy is required to accommodate, where possible, all landowners wishing to remain on their property in the configuration that best suits them.</p> <p>Most roads removed from draft Strategy that affect individual dwellings</p>
Provide clear and certain targets for developers	<p>A strategy is needed or future development will end up with poor result:</p> <p>Having a strategy provides clear direction for residents & developers (e.g. what community wants):</p> <p>Having a strategy gives certainty to developers</p>	<p>Agreed. Puts more power in the hands of the whole community rather than individual developments</p> <p>A strategy is essential because of fragmented ownership and it is the only way that this can be coordinated.</p> <p>An adopted strategy gives developers more certainty making investment more attractive and less risky</p>
Street network - grid or curvilinear/awkward street block shapes	<p>Too many intersections, therefore a safety issue/diagonal roads create dangerous intersections and awkward shaped blocks:</p> <p>Keep rural residential streetscape theme or medium density:</p>	<p>Draft Medowie Strategy has reduced the number of streets by ensuring all street blocks are $\geq 80 \times 120\text{m}$, therefore fewer intersections</p> <p>Streets meet diagonals avenues at right angles, reduced number of intersections to main roads, controlled intersections (left in, left out) and rear lane to lots off Medowie Road where necessary</p> <p>The number of smaller lot sizes has been greatly reduced, more in keeping with a rural town like Medowie</p> <p>Approaches to town and existing rural, leafy streets lined with rural character lots</p> <p>Medowie will retain the vast majority of its rural character through the retention of the existing rural residential neighbourhoods and the addition of more, larger lots on the edges of town</p> <p>Open space, conservation corridors, buffers and reserve contribute to rural landscape.</p>

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<p>Strategy or no strategy/ exclude certain areas from strategy</p>	<p>Removal of existing rural residential from draft Strategy</p> <p>Need strategy but not as defined</p> <p>Overwhelmingly people want a strategy following amendments to the existing one:</p>	<p>Hudson Close, Ford Avenue, James Road and Blueberry Estate removed</p> <p>Essential streets included only, consolidation of parks</p> <p>Draft Strategy amended to accommodate issues raised in submissions.</p>
<p>Look elsewhere for growth in Port Stephens</p>	<p>Medowie under development pressure now</p> <p>Medowie must develop but other areas of Port Stephens are also being considered</p>	<p>Development pressure will affect Medowie if there is a strategy or not.</p> <p>Include a list of the other areas in Port Stephens to be developed such as, Kings Hill, Anna Bay, Karuah etc</p>
<p>Staging</p>	<p>Essential for delivery of infrastructure & timing:</p>	<p>Essential connecting roads will influence staging</p> <p>Town Centre has priority</p> <p>Each development will have its own staging.</p>
<p>Reduce overall projected capacity</p>	<p>By increasing block size</p>	<p>The number of smaller lot sizes has been greatly reduced, more in keeping with a rural town like Medowie.</p>

Infrastructure

<i>Major Issue:</i>	<i>Sub Issue</i>	<i>Draft Strategy response</i>
<p>Lack of infrastructure should be addressed prior to new development</p>	<p>Need to upgrade all infrastructures to meet current demands:</p> <p>Put infrastructure before more residential development:</p> <p>Sewer should be treated locally, don't move the problem:</p>	<p>Energy is an issue to be determined by providers. Council can identify and raise the issue with State Authorities but cannot fix the problem.</p> <p>Council to advocate that providers and Government authorities improve provision of existing services through consultation over draft Strategy,</p> <p>Not possible in most instances - See Infrastructure Implication in Council report regarding Williamstown Zone Substation.</p> <p>The rural lots in central Medowie are the remaining lots that are serviced by onsite effluent disposal. These remaining lots will be required to connect to the reticulated waste water system if development is permitted over these lots.</p> <p>There has been an undertaking to carry out a study with Hunter Water Corporation, the Department of Water and Energy and Council to investigate limitations of Draft Strategy against the protection of Grahamstown Special Area and the provision of economic waste water treatment services.</p> <p>Upgrade of sewer system is part of State Infrastructure Strategy. Council advocacy required</p> <p>There maybe an undertaking to prepare a flooding and drainage report to ascertain adequate drainage reserves, detention areas and WSUD measures for total catchments within Medowie.</p>

ORDINARY MINUTES – 26 FEBRUARY 2008

<i>Major Issue:</i>	<i>Sub Issue</i>	<i>Draft Strategy response</i>
	<p>User pays system – is it fair that new residents will pay for an upgrade of the existing infrastructure?</p> <p>Low water pressure (Hunter Water) Suspected that a lack of maintenance issues contribute to this problem.</p> <p>Blackouts (Energy Australia); Roads (Council).</p> <p>State funded infrastructure needs to be introduced in tandem with development:</p>	<p>Both of these studies will inform and control individual development proposals.</p> <p>Hunter Water has indicated that they do not support a local waste water treatment system due to ground water quality and the Regional Water Supply.</p> <p>Outstanding infrastructure needs to be addressed separately to draft Strategy. Council to play advocacy role</p> <p>Road maintenance issue. Dependent on forward works program</p> <p>Better power over the last five years but a decrease in water pressure over the last year.</p> <p>Strategy to make specific recommendations concerning infrastructure provisions to the State Government.</p> <p>NSW State Infrastructure Strategy includes Medowie Sewerage to be upgraded.</p> <p>Developers pay for infrastructure. Consider Energy Australia Strategy.</p>
<p>Campvale Channel/ Campvale Pump Station</p>	<p>Council’s 1995 Drainage Study showed a detention basin to be established north of Ferodale Road, this did not occur.</p> <p>The next Drainage Study will not be completed before the Medowie Strategy is completed</p> <p>Campvale Channel and Pump Station is a critical issue because it underlines the whole plan & needs to be resolved before the plan can proceed:</p>	<p>Council Staff advised that the 1995 Drainage Study is now out of date and requires review</p> <p>Further investigations will determine if a flooding and drainage study will be required.</p> <p>Pumping station is not used to capacity.</p> <p>A review of the Strategy to include from the pumping station to the headwall.</p> <p>Discussions with the Hunter Water Board to continue.</p> <p>Draft Strategy provides a context in which the flood study can be undertaken.</p> <p>A Flooding and Drainage Study may be required to address the cumulative flows from all sub-catchments and the detention, pipes, open channels, culverts and easements necessary to manage this runoff. The study will also address the effect of multiple storms on the Campvale Drain and Campvale Swamp</p> <p>The overall strategy will assist landowners and developers to size infrastructure on smaller sites taking into account the necessary accumulative runoff from adjoining and upstream sites</p> <p>Flood study will inform all future rezoning, Town Lake; WSUD; Overland flow paths; Restricted site coverage;</p> <p>No commitment from Hunter Water to increase capacity of pumps.</p>

ORDINARY MINUTES – 26 FEBRUARY 2008

<i>Major Issue:</i>	<i>Sub Issue</i>	<i>Draft Strategy response</i>
	<p>A canal upgrade should be stated as a goal of the plan:</p> <p>Maintain natural system in swamp:</p>	<p>An upgrade of the channel north of Ferodale Road is a possible outcome of the Flooding and drainage study</p> <p>Retention of vegetation will contribute to water quality to natural areas hence habitat</p> <p>Draft Strategy proposes minimal development in flood plain.</p>
Reliance on private motor vehicles	Lack of adequate transport:	Co-locate taxi stand, public transport hub, bus route and wider roads to provide route, provision for walking access to facilities and services.
Impact of future development on flooding and drainage regime	<p>Concern of run-off due to additional development:</p> <p>Concerns of run off expressed.</p>	<p>(See above)</p> <p>Hunter Water Corporation, the Department of Water and Energy and Port Stephens Council to prepare study:</p> <p>Both of these studies will inform and control individual development proposals</p> <p>Individual rezonings to carry out own flooding/drainage study to determine own requirements on site.</p> <p>Discussions with the Hunter Water Board to continue</p> <p>Catchment Study to address water quality in Campvale. Also duration of storage after storm event to be considered in study.</p>
New plan will cause additional problems	Access issues, too many roads and intersections; issues compounded by diagonal roads:	<p>Reduced number of streets through consistent street block size for standard lots</p> <p>Increased number of larger lots requiring longer, wider street blocks</p> <p>Restricted access onto Medowie Road</p> <p>Limited number of diagonal roads – connecting roads to meet at right angles.</p>

Character

<i>Major Issue:</i>	<i>Sub Issue</i>	<i>Draft Strategy response</i>
Retain rural character and 'peace and quiet' of current community	People want a rural village not a town (including ample space between houses):	<p>Medowie is already a town (i.e. >2000 people). Draft Strategy provides a wider range of lot types and a greater number of larger lots.</p> <p>Medowie is currently a town of 8,500 people and will have the potential to increase that population through draft Strategy. A town of this size should be well-served by a better functioning town centre to the scale of many coastal towns in NSW. Medowie will also remain surrounded by Hunter Water land and Forestry land recently made part of the Regional Conservation Area.</p> <p>Draft Medowie Strategy proposes a range of housing types and is structured to buffer existing rural neighbourhoods and maintain the rural character of existing rural roads. The number of</p>

ORDINARY MINUTES – 26 FEBRUARY 2008

Major Issue:	Sub Issue	Draft Strategy response
	<p>Keep areas “like for like” (e.g. James Road, Ford Ave, Blueberry Hills Estate):</p> <p>Lighting for rural roads – street lighting plan.</p>	<p>smaller lot sizes has been greatly reduced, more in keeping with a rural town like Medowie.</p> <p>James Rd, Ford Ave and Blueberry Hills Estate will remain rural small holdings</p> <p>Lighting for rural roads in accordance with Australian Standard</p>
Open space	Open space areas in the plan are too small; larger parks are easier to maintain and contribute to the feeling of “openness”:	<p>The number of parks has been reduced from 43 to 7</p> <p>All parks proposed with an average area of 1 hectare or greater.</p>
New development to be sympathetic with existing town	<p>Current proposal doesn’t accommodate existing homes and lifestyles; keep and protect rural residential:</p> <p>Need to define site coverage of houses on lots:</p>	<p>A greater number of rural lots are proposed; Lower order streets removed to retain existing dwellings</p> <p>Draft Medowie Strategy provides a range of housing types and is structured to buffer existing rural neighbourhoods and to maintain the rural character of existing roads.</p> <p>Site coverage to be determined by rezonings and DCP. Currently standard is 60% across whole LGA</p> <p>Objectives for site coverage: vegetation retention, rural character, stormwater infiltration.</p>
Place of Tall Trees/Leafy streets	Urban plantings of koala trees:	See conservation buffer lots and conservation corridor lots.
Streets general	Current proposal has too many intersections and too many narrow streets:	<p>Draft Strategy increased all street block sizes resulting in a reduced number of streets and less intersections</p> <p>Connecting roads, parallel roads, perimeter roads @ 20m to accommodate buses and emergency vehicles;</p> <p>Local streets – 16m;</p> <p>Lanes – 8m.</p>

Commercial

Major Issue:	Sub Issues	Draft Strategy response
Commercial expansion in flood way	<p>Flood water will be displaced into other areas causing flooding issues in other areas:</p> <p>Yes – develop in the flood way - use and maximise cleared areas:</p>	<p>Development in flood plain is not supported; Flood impacts north of Ferodale Rd are most critical to whole system.</p> <p>Cleared areas are not necessarily the most sustainable, i.e. remote areas have the greatest effect on climate change and socially isolate communities</p> <p>Commercial expansion must be contiguous to existing town centre or town centre will not survive.</p>
Current shopping centre – congested traffic & parking disjointed – would be affected by a remote 2nd centre	<p>The current layout is not workable but site is suitable for consolidation in one area:</p> <p>Current layout not workable but site could be consolidated into one facility.</p>	<p>Draft Strategy proposes to resolve the traffic circulation and parking in the town centre.</p> <p>Shopping areas need to be more practical – easier to negotiate – more convenient.</p> <p>There are four optional sites adjacent to existing supermarket that are identified for commercial development.</p>
Second supermarket	Provide sufficient land to allow market forces to dictate:	<p>Draft Strategy provides for 4 optional sites for a second supermarket or a Discount Department Store within the town centre</p> <p>The current supply of retail/commercial floor space does not adequately serve small business or the consumer. The existing business owners have proposed a redevelopment of the site that involves increased floor space for Coles and more specialty shops. Draft Strategy proposes an additional 7.4 hectares of Business Zoned land.</p>
Provide more commercial land	Competing supermarkets:	See above
Accessible public toilet facilities must be provided within the commercial area	Accessible public toilet facilities must be provided within the commercial area:	<p>A public toilet facility is integral to the town centre. It must be within a walking distance of supermarkets and public transport hub.</p> <p>Issue of public toilets to be addressed by developers on the 22/11/07 Council Briefing</p>
Town centre alignment to Medowie or Ferodale Rd – Ensure a cohesive shopping experience (town centre – a place to meet).	Town centre alignment to Medowie or Ferodale Rd – Ensure a cohesive shopping experience (town centre – a place to meet):	The arrangement of existing shops does not provide a pedestrian friendly environment. A future Medowie DCP will encourage coordination of commercial built form requiring all buildings to address the street through shop fronts and awnings on Peppertree Rd and all other shopping streets.

Housing

Major Issue:	Sub Issue	Draft Strategy response
Suburban and rural residential lot size	<p>Significant issue; 350m² too small, 650m² minimum; what about duplexes?</p> <p>Outside commercial zone, land sites 800m² to 2 hectares:</p> <p>Smaller lots are acceptable if the development is balanced with open space:</p> <p>Smaller lot sizes need to be within walking distance of the town centre:</p>	<p>It is proposed that standard residential land use will prohibit dual occupancies. There are restricted amounts of 300 – 400m² villas/townhouses, close to shops, parks and churches.</p> <p>See development lot yield in Draft Strategy Generally complied with – standard residential 600m, some larger lots.</p> <p>Urban areas are broken up with parks, overland flow path reserves, habitat corridors and buffer areas.</p> <p>The majority of the smaller lot housing is located around the town centre.</p> <p>A smaller proportion of these lots are proposed around larger neighbourhood parks, churches, shops or schools.</p>
Location and type of seniors living housing	Seniors living needs to be close to town centre/seniors living areas are too far from town:	<p>The SEPP (Housing for Seniors or People with a Disability) 2004 permits seniors living accommodation of various types, to be situated on urban land or adjoining urban land. For this reason, the draft Strategy does not propose any specific location for seniors living housing. However, smaller lot housing is located around the town centre which will be attractive to seniors.</p> <p>Any of the large residential areas would be suitable for seniors living villages.</p>
Housing density and effect on crime	Housing density and effect on crime:	<p>The 2006 Community Survey (Hunter Valley Research Foundation) found that there has been an actual improvement in resident's perceptions regarding crime in the Medowie area.</p> <p>The increased housing density of the draft Strategy brings with it the provision of more open space. There is a common perception that open space invites anti social behaviour, however this is not the case. Anti social problems are products of the community, not open spaces. Well patronised and maintained spaces have very few anti social behaviour problems.</p> <p>Crime does not relate to the type of housing provided and relates more to behaviour and discipline principles.</p> <p>No public housing proposed. earmarked under the draft Strategy.</p>
Streetscape	Street width sufficient to cater for emergency vehicles:	<p>Main routes such as connecting roads, parallel routes and perimeter roads are designed at a 20m width to accommodate buses and emergency vehicles. Local streets – 16m; lanes – 8m.</p> <p>A larger parcel of land in the Medowie area to be identified for emergency services to be established for long term establishment including, fire, police and ambulance services. This needs to</p>

ORDINARY MINUTES – 26 FEBRUARY 2008

<i>Major Issue:</i>	<i>Sub Issue</i>	<i>Draft Strategy response</i>
		be considered due to Medowie's proximity to the Airport and main road networks.
Need for housing choice – type of housing	Housing choice Urban design issues critical in high density area:	Draft Strategy proposes a range of housing types: Habitat corridor lots; Conservation lots; Rural character lots; Lake view lots. Macro urban design integral through development of structure plan Micro urban design to be further investigated under the forthcoming DCP

Ecology

<i>Major Issue:</i>	<i>Sub Issue</i>	<i>Draft Strategy response</i>
Planning for retention of koala habitat and corridors for movement	Ecology on site when clearing occurs, including the rescuing of wildlife during this process. Planning for retention of koala habitat and corridors for movement:	Through clearing there will be some loss of wildlife and habitat. However, strict controls will be maintained in accordance with <i>draft Medowie Strategy Part C Ecology Review and Advice – Biolink Ecological Consultants 2006</i> . over the relocation and rescue of fauna. Retention of wildlife is sought through the retention of large areas of habitat across the central flood plain, other koala corridors and conservation lots. Koalas and other fauna are currently in conflict with man-made infrastructure such as roads and traffic-generating land-uses. Koalas will continue to use current routes. The proposed crossings are based on recorded injuries and fatalities. Road design, signage, verge treatment and speed zones will be used to make these crossings as safe as possible.
Policy contradicting itself in regard to habitat conservation versus advocating clearing of land	Contradiction of CKPoM verses draft Medowie Strategy 900m² too small for conservation areas: Some loss of vegetation needs to occur for a sustainable outcome: offset ratios to be determined before plan is finalised:	See Council report Conservation lots increased to predominantly 1500m ² . The task of the draft Strategy is to balance all issues related to Medowie to achieve the most sustainable outcome. Clearing of vegetation for the purpose of development is proposed in locations where there are genuine economic and social benefits. Not possible – see DECC guidelines.
Inclusion of habitat corridors outside of flood plan/location of habitat corridors	Habitat corridors need to be where the appropriate vegetation is, not just anywhere:	Corridors were carefully considered, based on vegetation communities, koala rescues, anecdotal evidence and the following studies: <i>Flora and Fauna Assessment for Medowie Strategy Plan – Umwelt Pty Ltd – June 2006</i> <i>Medowie S. P. – Ecology Review and Advice;</i>

ORDINARY MINUTES – 26 FEBRUARY 2008

Major Issue:	Sub Issue	Draft Strategy response
		<i>Biolink Ecological Consultants – October 2006</i> Site specific flora and fauna studies.
Koala crossings/fauna – traffic conflict	Street trees – need to take into account koalas – gums should only be planted at crossing points – individual assessment required	Agreed. Biolink report provides suggestions for crossings. These implemented through DCP – speed zones, street trees, road design
Relationship of lot size to maintaining vegetation on site	Lot sizes need to be bigger to maintain vegetation on site:	Conservation of vegetation through environmental living and habitat corridor is proposed where large patches of vegetative communities can be consolidated. Site coverage % is to be determined by rezoning.
Domestic animals - conflict with native fauna	Dog control required by rangers and covenants	Controls to be enforced through DCP although ongoing monitoring problematic.

OPEN SPACE - RECREATION

Major Issue:	Sub Issue	Draft Strategy response
Too many small parks	Need to consolidate parks; smaller parks have accessibility and safety issues: Small parks should contain trees as well as grass:	The number of parks has been reduced from 43 to 8 Existing mature vegetation is proposed to contribute to overall use of parkland; Existing mature trees may set up structure of useable space of park and other landscape elements.
Walking paths, riding trails, cycleways	Footpaths should link residential to shopping centre: Make use of existing infrastructure, well-designed road network and use them for footpaths and trails if it's the best use:	Agreed and to be undertaken in draft Strategy
Responsibility of parks	Concerns about costs of community title open space:	Ownership, care and maintenance of Parks will be with Council.
Role of parks in anti-social behaviour	Role of parks in anti-social behaviour:	It is a common, but inaccurate, perception that open space commonly invites anti social behaviour. Anti social behaviour is a community problem, not an open space problem. Well maintained and patronised spaces usually have few problems.
Licensed club	Licensed club location	The Draft Strategy proposes two licensed clubs; one associated with Pacific Dunes Golf Course and the second in the town centre.

COMMUNITY FACILITIES & SERVICES

<i>Major Issue:</i>	<i>Sub Issue</i>	<i>Draft Strategy Response</i>
Public transport accessibility	<p>Relationship to Williamtown Airport:</p> <p>Public transport key to linking communities and access to wider Hunter area and activities; decrease reliance on cars</p>	<p>Private bus providers indicate a public transport hub will encourage bus route to arrive and depart from Medowie. A route to NAL is likely and supported.</p> <p>Public transport hub would allow routes to start and meet there, linking Medowie (8,500 + people) to outlying areas.</p>
Medical services – GP ratio and health services provided through DMS – localised ambulance service	All services need to match growth as it happens:	<p>Although medical services are largely provided by private practice, Medowie Strategy 2 encourages better GP services to come to Medowie. Council is prepared to consider a partnership with Hunter Urban Division of General Practice and a group of doctors willing to set up practice in Medowie Town Centre.</p> <p>Ambulance Services have indicated a willingness to co-locate with NSW Fire Brigade at Grahamstown location.</p>
Policing services commensurate to population	Inadequate as it is, would need to increase with growth as it happens:	<p>NSW Police have announced completion of Raymond Terrace Police Station by 2009-10. NSW Police have also initiated a review of the Lower Hunter Local Area Command with the view of identifying future needs and resources.</p>

ITEM NO. 5

FILE NO: PSC2007-3531

PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2000 TO REZONE LAND TO FACILITATE URBAN DEVELOPMENT AND EXTENSION OF PACIFIC DUNES GOLF COURSE - MEDOWIE

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Pursuant to Section 54 of the Environmental Planning and Assessment Act, Council resolve to prepare a Draft Local Environmental Plan over the area identified in **Attachment 1** to:
 - (a) Amend the zoning of Lot 205A DP 19739, Lots 411-413 DP 1063902, Lot 3 DP 587953 and Lot 22 DP 715103 on the west of Medowie Road to part General Residential, part Environmental Living, part Private Recreation, part Public Recreation, part Neighbourhood Centre and part Rural Small Holdings;
 - b) investigate amending Clause 54A of the Port Stephens Local Environmental Plan 2000 relating to Lot 4 DP 270438, Lot 11 DP 270438, Lot 7 DP 270438, Lot 1 DP 270438, Lot 10 DP 270438, Lot 9 DP 270438 and Lot 11 DP 107932, on the east side of Medowie Road that comprise Stage 1 of Pacific Dunes Golf Course, to rezone the existing residential golf course development to a residential zone as well as to rezone additional lands for additional residential development, as submitted by the proponent, that is consistent with the principles of the draft Medowie Strategy.
- 2) Resolve to prepare a development control plan over the subject land in the form of a site specific chapter of the Port Stephens Development Control Plan 2007 (DCP).

OPERATIONS COMMITTEE MEETING – 12 FEBRUARY 2008

RECOMMENDATION:

That Council refuse the rezoning application.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

- | | | |
|------------|--|---|
| 025 | Councillor Hodges
Councillor Robinson | It was resolved that: <ol style="list-style-type: none">1) Pursuant to Section 54 of the Environmental Planning and Assessment Act, Council resolve to prepare a Draft Local Environmental Plan over the area identified in the applicant's submission dated 18 February 2008 to:<ol style="list-style-type: none">(a) Amend the zoning of Lots 411, 412 and part 413 DP 1063902, Lot 3 DP 587953 and Lot 22 DP 715103 on the west of Medowie Road to part general |
|------------|--|---|

- residential, part private recreation and part neighbourhood centre;
- b) investigate amending Clause 54A of the Port Stephens Local Environmental Plan 2000 relating to Lot 4 DP 270438, Lot 11 DP 270438, Lot 7 DP 270438, Lot 1 DP 270438, Lot 10 DP 270438, Lot 9 DP 270438 and Lot 11 DP 107932, on the east side of Medowie Road that comprise Stage 1 of Pacific Dunes Golf Course, to rezone the existing residential golf course development to a residential zone as well as to rezone additional lands for additional residential development, as submitted by the proponent, that is consistent with the principles of the draft Medowie Strategy.
- 2) Resolve to amend the existing site specific chapter of the Port Stephens Development Control Plan 2007 (DCP) so as it reflects the proposed modifications to Pacific Dunes Stage 1 and applies to the Pacific Dunes Stage 2 lands.

PROPOSAL

The purpose of this report is to recommend that Council support the rezoning request for land identified in the draft Medowie Strategy for residential development under Section 54 of the Environmental Planning and Assessment Act 1979.

PROPOSAL DETAILS

Owner	Citta Property Group hold an interest in subject land through ownership or as agent of the owner.
Proponent	Citta Property Group
Date of Submission	January 2008
Subject Land	Lot 205A DP 19739, Lots 411-413 DP 1063902, Lot 3 DP 587953 and Lot 22 DP 715103, Lot 4 DP 270438, Lot 11 DP 270438, Lot 7 DP 270438, Lot 1 DP 270438, Lot 10 DP 270438, Lot 9 DP 270438 and Lot 11 DP 107932,
Current Land Use Zone	1(c1) Rural Small Holdings, 6 (C) Special Recreation and 1(c2) Rural Small Holdings
Proposed zone	Part General Residential, part Environmental Living, part Private Recreation, part Public Recreation and part Neighbourhood Centre and part Rural Small Holdings

BACKGROUND

Land nominated under Recommendation 1(a) has been identified in the draft Medowie Strategy as an area suitable for limited urban development. The proponent has submitted a rezoning request that includes land within Stage 1 of the Pacific Dunes residential golf course development that has not been considered by the draft Medowie Strategy. Hence, the recommendations of this report.

The rezoning request for the entire subject land (**Attachment 2**) would permit up to 300 residential lots, approximately 8 ha of seniors living accommodation and a neighbourhood centre. The neighbourhood centre would incorporate a golf clubhouse and a convenience retail centre including a small supermarket and specialty shops.

The proponent is proposing to modify the current golf course by relocating four holes and a driving range to the west side of Medowie Road and providing further residential development within the existing golf course on the east side of Medowie Road (that is the subject of Recommendation 1(b) of this report). Should Council support the Recommendation 1(b), further investigations will be undertaken by Integrated Planning Section to determine the appropriateness and implications of revisiting Council's decision to insert Clause 54A into the Port Stephens LEP 2000 in 2005 and the statutory and strategic merits, including reference to the draft Medowie Strategy, of amending Clause 54A and rezoning the existing residential golf course development plus additional residential development to a residential zone. These investigations will be undertaken prior to the draft LEP being forwarded to the Department of Planning's LEP Review Panel.

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

The rezoning request would attract the prescribed rezoning fees in accordance with Council's Fees and Charges Schedule 2007. Should Council adopt the recommendations of this report, Strategic Planning will invest staff time to prepare and submit the standard Section 54 information to the Department of Planning's LEP Review Panel.

LEGAL AND POLICY IMPLICATIONS

Legal – There are no legal requirements should Council adopt or reject the recommendations of this report

Policy – Should Council adopt the recommendations of this report the New South Wales Department of Planning's LEP Review Panel will be notified in accordance Planning Circular PS06-015 and Section 54 of the Environmental Planning and Assessment Act 1979.

The recommendations are consistent with the Lower Hunter Regional Strategy 2006 (LHRS) which identifies Medowie as an area suitable for additional residential growth.

The Port Stephens Community Settlement and Infrastructure Strategy (CSIS) provides the policy framework for managing urban growth and building communities in Port Stephens. The CSIS recognises Medowie as one of only two significant new release areas for development for the next 25 years based on the LHRS Map as noted above.

Recommendation 1(a) is consistent with the Draft Medowie Strategy and will implement the strategic directions contained therein. Supporting this recommendation will facilitate a coordinated approach to developing the subject land enabling diverse housing types including seniors living and standard residential lots in walking distance to a neighbourhood centre.

Recommendation 1(b) is to allow investigations to be undertaken by Integrated Planning Section examining the planning policy and statutory planning framework for the insertion of Clause 54A into Port Stephens LEP 2000 in 2005 and the merits and implications the proponent's request against current planning policy (including the Draft Medowie Strategy) and statutory planning framework.

Issues concerning internal zoning boundaries, infrastructure, street and lot layout etc will be negotiated with the proponent subject to advice from state agencies and feedback from the public exhibition of the draft LEP.

Business Excellence Framework

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

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*

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

SUSTAINABILITY IMPLICATIONS

The sustainability implications of Recommendation 1(a) have been addressed in the preparation of the draft Medowie Strategy. The recommendation to initiate the rezoning process to allow development will generate desirable and sustainable outcomes for the subject land and for Medowie.

The sustainability implications of Recommendation 1(b), if supported by Council, will be investigated by Integrated Planning Section. These investigations will be reported back to Council following advice from the LEP Review Panel, consultation with state agencies and public exhibition of the draft LEP.

CONSULTATION

Extensive community consultation was undertaken for the draft Medowie Strategy. The proponent has participated in this process including making a presentation to Councillors and the Medowie Submissions Review Panel in the Council briefing on the 22nd November 2007.

Council's Rezoning Assessment Panel (consisting of Sustainable Planning Group Manager, Integrated Planning Manager and Strategic Planning Coordinator) met with the proponent on 8th November 2007 concerning the draft LEP. The proponent was advised that the desire to submit a rezoning for land on the west side of Medowie Road was generally consistent with the draft Medowie Strategy and therefore, could be reported to council accordingly.

Should Council support the proposed amendment, subject to support from the LEP Review Panel, there would be further consultation with relevant state government agencies under Section 62 of the Environmental Planning and Assessment Act and further community consultation through exhibition of the proposed amendment. Integrated Planning Section will communicate with councillors of the outcomes of the investigations prior to forwarding the draft LEP to the LEP Review Panel.

OPTIONS

- 1) Adopt the recommendations of this report.
- 2) Do nothing
- 3) Make amendments to the recommendations of this report.

ATTACHMENTS

- 1) Recommended draft LEP boundaries.
- 2) Draft LEP as submitted by the proponent.

COUNCILLORS ROOM

- 1) Rezoning request prepared by ERM

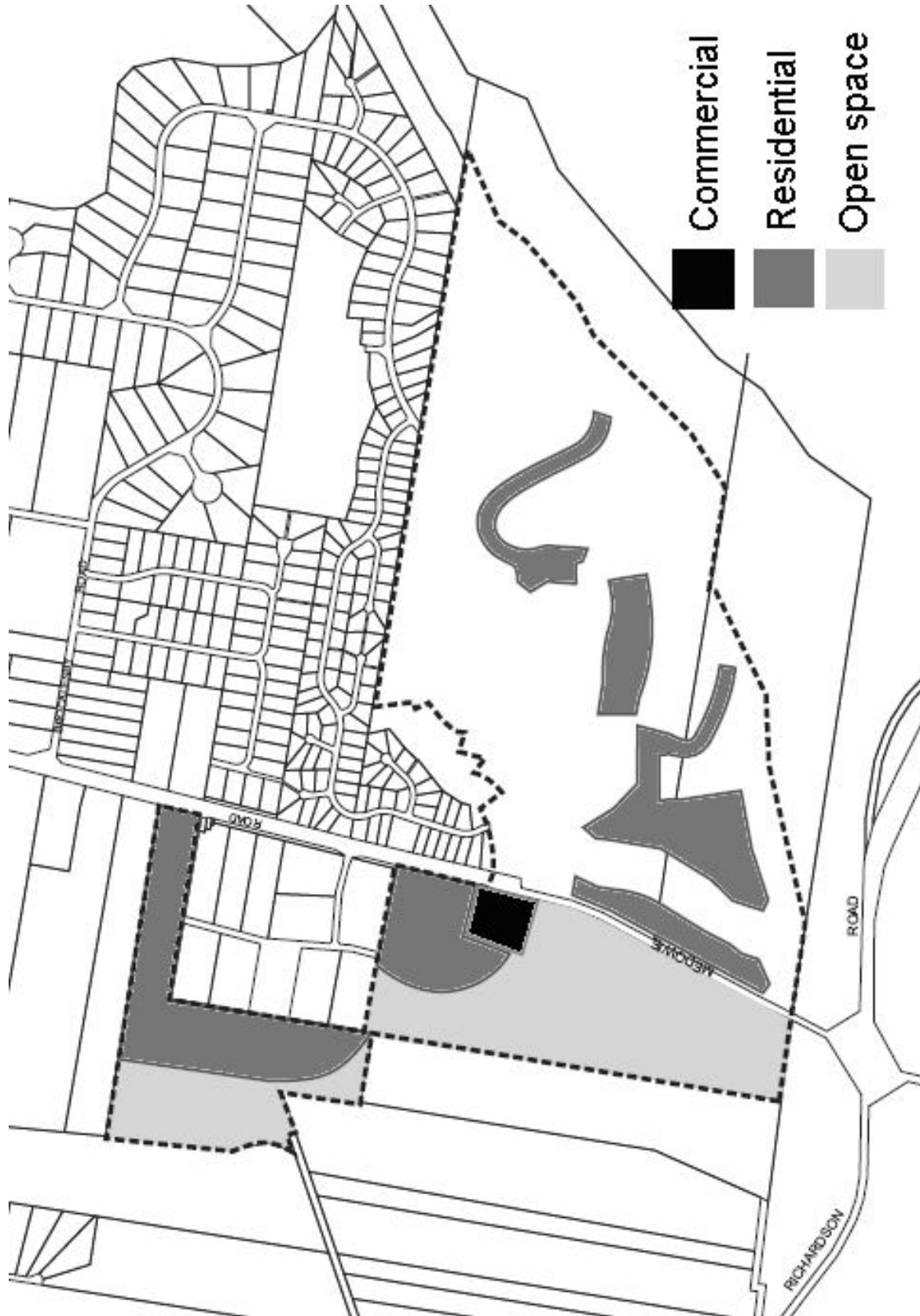
TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
RECOMMENDED DRAFT LEP BOUNDARIES



ATTACHMENT 2
DRAFT LEP AS SUBMITTED BY THE PROPONENT



ITEM NO. 6

FILE NO: PSC2006-2237

**PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2000
TO REZONE LAND TO FACILITATE URBAN DEVELOPMENT -
MEDOWIE**

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Pursuant to Section 54 of the Environmental Planning and Assessment Act, Council resolve to prepare a Draft Local Environmental Plan to amend the zoning of Lot 1 DP 567481, Lot 2 DP 567481, Lot 200 DP 19739, Lot 7 DP 855814, Lot 8 DP 855814 and Lot 9 DP 855814 Medowie Road, Medowie to part residential, part environmental management, part environmental living and part public recreation (**Attachment 1**);
- 2) Resolve to prepare a development control plan over the subject land in the form of a site specific chapter of the Port Stephens Development Control Plan 2007 (DCP).

OPERATIONS COMMITTEE MEETING – 12 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

031	Councillor Dingle	It was resolved that the recommendation be adopted.
	Councillor Francis	

Report Purpose:

The purpose of this report is to recommend that Council support the rezoning request for land identified in the draft Medowie Strategy for residential development under Section 54 of the Environmental Planning and Assessment Act 1979.

PROPOSAL DETAILS

Owner	Kingston Medowie Pty Ltd, Kingston Ferodale Pty Ltd lands east of Medowie Road excluding Lot 2 DP 567481
Proponent	Asquith and de Witt Pty Ltd
Date of Submission	14 September 2005
Subject Land	Lots 1 and 2 DP 567481, Medowie Road, Medowie Lots 7, 8 and 9 DP 855814, Medowie Road, Medowie

Lot 199 DP 17437, Medowie Road, Medowie
Lot 200 DP 19739, Medowie Road, Medowie

Current Land Use Zone 1(c1) Rural (Small Holdings) Zone

Proposed Land Use Zone General Residential
Environmental Living
Environmental Management
Public Recreation

BACKGROUND

The rezoning request was submitted in September 2005 that included a structure plan proposing urban development over the subject land. This was done in accordance with the Medowie Local Area Plan that has now been repealed. The rezoning has not been reported to Council until now due to Council undertaking the preparation of the draft Medowie Strategy. As the rezoning request is generally consistent with the draft Medowie Strategy it is appropriate to now submit this report to Council. The owner of Lot 2 DP 567481 has been notified but has not given authorisation to the proponent.

The draft Medowie Strategy is consistent with the Port Stephens Community Settlement and Infrastructure Strategy 2007 (CSIS). The CSIS is consistent with the broad aims of the state governments Lower Hunter Regional Strategy 2006 (LHRS) which identifies Medowie as an area suitable for future growth.

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

The rezoning request attracts the prescribed rezoning fees in accordance with Council's Fees and Charges Schedule 2005. Should Council adopt the recommendations of this report, Strategic Planning will invest staff time to prepare and submit the standard Section 54 information to the Department of Planning's LEP Review Panel.

LEGAL AND POLICY IMPLICATIONS

Legal – There are no legal requirements should Council adopt or reject the recommendations of this report. This includes the owner of Lot 2 DP 567481 who has not authorised the proponent that they support the inclusion of their land in the submitted rezoning request. Despite this Council has the authority to consider zoning issues for this land.

Policy – Should Council adopt the recommendations of this report the New South Wales Department of Planning's LEP Review Panel will be notified in accordance Planning Circular PS06-015 and Section 54 of the Environmental Planning and Assessment Act 1979.

The recommendation is consistent with the Lower Hunter Regional Strategy 2006 (LHRS) which identifies Medowie as an area suitable for additional urban development.

The Port Stephens Community Settlement and Infrastructure Strategy (CSIS) provides the policy framework for managing urban growth and building communities in Port Stephens. The CSIS recognises Medowie as one of only two significant new release areas for development for the next 25 years based on the LHRS Map as noted above.

The recommended draft LEP is consistent with the Draft Medowie Strategy and will implement the strategic directions contained therein. Supporting the recommendation will facilitate a coordinated approach to developing the subject land enabling diverse housing types in walking distance to a neighbourhood centre.

Issues concerning internal zoning boundaries, infrastructure, street and lot layout etc will be negotiated with the proponent subject to advice from state agencies and feedback from the public exhibition of the draft LEP.

Business Excellence Framework

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

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*

- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

The sustainability implications of rezoning the subject land have been addressed in the preparation of the draft Medowie Strategy and the strategic directions for the subject land contained therein. The recommendation to initiate the rezoning process to allow development will generate desirable and sustainable outcomes for the subject land and for Medowie.

CONSULTATION

There has been extensive community consultation through the preparation of the draft Medowie Strategy. The proponent has participated in this process including making a presentation to Councillors and the Medowie Submissions Review Panel as part of the Council briefing on 22nd November 2007.

Should Council support the proposed amendment and subject to support from the LEP Review Panel, there would be further consultation with relevant state government agencies under Section 62 of the Environmental Planning and Assessment Act and further community consultation through exhibition of the proposed amendment.

OPTIONS

- 1) Accept the recommendation
- 2) Do nothing
- 3) Make amendments to the recommendation

ATTACHMENTS

- 1) Recommended draft LEP Boundaries

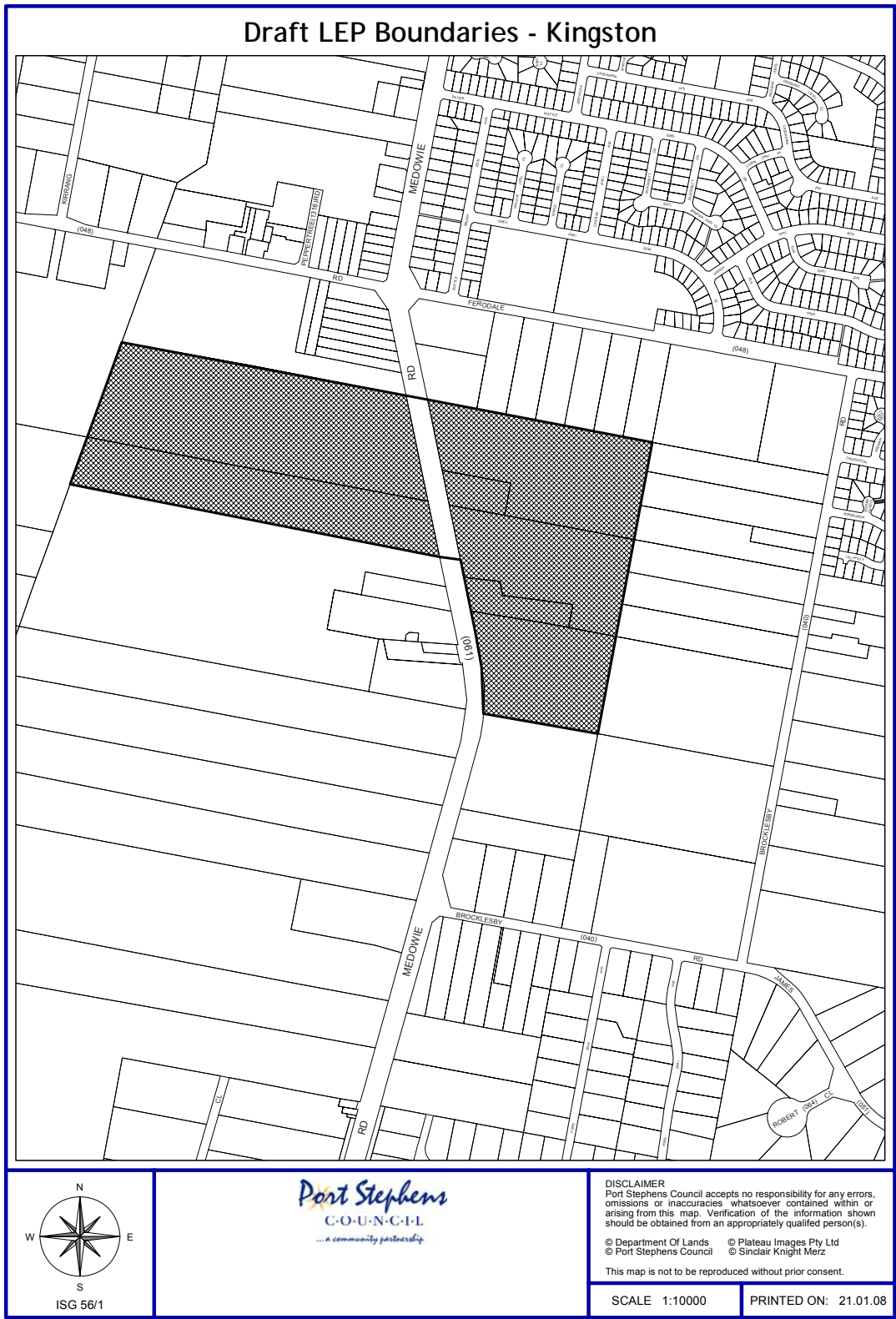
COUNCILLORS ROOM

- 1) Rezoning request prepared by Asquith and de Witt Pty Ltd

TABLED DOCUMENTS

Nil

ATTACHMENT 1
RECOMMENDED DRAFT LEP BOUNDARIES



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

Councillor Robinson declared a Pecuniary Interest and left the Chamber at 6.37pm.

ITEM NO. 7

FILE NO: PSC2006-6433

ANNA BAY STRATEGY AND TOWN PLAN

REPORT OF: TREVOR ALLEN - INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Anna Bay Strategy and Town Plan at Attachment 1 (provided under separate cover);
- 2) Note the Group Manager Sustainable Planning is to open discussions with Department of Environment and Climate Change, Worimi Local Aboriginal Land Council, the Department of Planning and landowners regarding the future land use of the investigation area south of Gan Gan Road.

OPERATIONS COMMITTEE MEETING – 12 FEBRUARY 2008

RECOMMENDATION:

- 1) Place the Anna Bay Town Strategy and Town Plan (Attachment 1) on to Public Exhibition for 6 weeks.
- 2) Note the Group Manager Sustainable Planning is to open discussions with Department of Environment and Climate Change, Worimi Local Aboriginal Land Council, the Department of Planning and landowners regarding the future land use of the investigation area south of Gan Gan Road.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

026

**Councillor Nell
Councillor Tucker**

It was resolved that:

- 1) Place the Anna Bay Town Strategy and Town Plan (Attachment 1) on to Public Exhibition for 8 weeks.
- 2) Note the Group Manager Sustainable Planning is to open discussions with Department of Environment and Climate Change, Worimi Local Aboriginal Land Council, the Department of Planning and landowners regarding the future land use of the investigation area south of Gan Gan Road.

Councillor Robinson returned to the Chamber at 6.40pm.

BACKGROUND

The purpose of this report is to advise Council on the revisions to the Draft Anna Bay Strategy and Town Plan following its public exhibition and to recommend adoption of the Strategy and Plan.

Anna Bay is a small coastal town of approximately 2450 people located on the Tomaree Peninsula. Anna Bay is identified in the Lower Hunter Regional Strategy and Community Settlement and Infrastructure Strategy 2007 as a proposed urban area with boundaries to be defined through local planning.

The town has been the subject of three draft plans undertaken or commissioned by Port Stephens Council in recent years. None of these plans have been adopted by Council.

The draft Anna Bay Urban Management Plan and Design Guidelines 2002 identifies opportunities to accommodate new development in the area that would protect and develop the local identity and character of the town.

The draft Anna Bay Local Area Plan 2004 was prepared to provide the broad strategic land use policy directions for future development in the Anna Bay area including improved transport infrastructure, increased town density and services, support for ecotourism and protection of habitat.

The draft Anna Bay North Structure Plan 2005 identifies the flooding, drainage and ecological issues and subsequent management requirements relating to the possible development of land to the north and east of the town.

The current Draft Anna Bay Strategy and Town Plan (the Strategy) has been prepared with the benefit of the findings and recommendations of the past three studies, as well as community feedback. This approach is consistent with a recommendation of Council's adopted Community Settlement and Infrastructure Strategy 2007.

The Strategy could yield approximately 650 new dwellings in new release areas and approximately 270 dwellings in mixed use or medium density residential development on infill sites. It also identifies land for light industrial development to the west of the town, and identifies land with environmental value for conservation.

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

If adopted, the Strategy will require preparation of a site-specific development control plan for Anna Bay, amendments to the Port Stephens Section 94 Contributions Plan to fund

infrastructure works, and developer agreements to provide for, among other things, the funding of essential drainage infrastructure in Anna Bay East.

Significant Council staff time and resources has been provided to prepare a strategy for Anna Bay. If the recommendations of this report are not adopted, Integrated Planning will direct its efforts to other planning priorities across the LGA.

LEGAL AND POLICY IMPLICATIONS

The Strategy is not a legal document required by legislation. It seeks to implement the relevant contents of the Lower Hunter Regional Strategy and the Port Stephens Community Settlement and Infrastructure Strategy 2007.

The Strategy is a key Council policy to guide where new urban development should occur in identified areas and states how social, economic and environmental factors can be integrated in the planning and design of these areas to achieve more sustainable neighbourhoods. It provides a framework for the consideration of rezoning requests.

The Strategy will assist in the delivery and planning of necessary infrastructure and services and therefore will influence Council's Section 94 Contributions Plan and Forward Works Program.

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.

The Strategy aligns with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

FLOODING AND DRAINAGE

Large areas of land in Anna Bay are mapped as flood-prone. A principle of Council's Community Settlement and Infrastructure Strategy 2007 is that urban development will not be located upon flood prone land. The Lower Hunter Regional Strategy also provides that future urban development will not be located in areas of high risk from natural hazards, including sea level rise, coastal recession, rising watertable and flooding. Much of the low-lying land in Anna Bay can be described as being subject to these hazards. For these reasons the Strategy generally avoids the development of flood prone land. However, past studies have indicated that limited filling and development on flood prone land may not raise

existing flood levels. These past studies are the Anna Bay Catchment Drainage/Flood Study Masterplan (Sinclair Knight Merz 1995) and Drainage Investigation Report – Anna Bay North Structure Plan (Parsons Brinkerhoff 2004). On this basis and addressing the social and economic needs of the town, a limited amount of flood prone land has been identified for development to the north of the town centre.

The Strategy informs landowners and developers that the Anna Bay East neighbourhood forms a confined catchment that will require the provision of essential drainage works, in particular the construction of a drainage pipe through the sand ridge to the north and two large detention basins. Landowners and developers are advised that they may be subject to developer agreements as part of the rezoning process, whereby monetary contributions are made for drainage infrastructure that services the whole catchment. Furthermore, rezoning requests will need to be accompanied by a drainage study that investigates the effect of development on the drainage system.

VEGETATION MANAGEMENT

The protection of koala habitat is one of the main principles of the Strategy. In this respect the Port Stephens Comprehensive Koala Plan of Management (2002) applies to the local government area and sets the framework for the management of koala habitat. It describes the Anna Bay area as one of the most significant koala habitats on the Tomaree Peninsula and notes that clearing has isolated several small sub-populations in the area. It provides that rezoning requests should only permit development that has a low impact on preferred and supplementary koala habitat.

The Strategy generally avoids development of land identified as preferred and supplementary koala habitat. Such land generally coincides with flood prone land and the sand ridge to the north of the town, which are not recommended for development.

The Strategy also identifies koala movement corridors that allow development provided special development controls are in place to facilitate continued movement of wildlife. Environmental living lots are identified for most of the land within these corridors, with a recommended minimum lot size of 900 square metres. The recommendations concerning koala movement are based upon a review of available data by Council's Environment Services Section and are attached as Appendix 3 to the Strategy.

BIODIVERSITY OFFSETS

There is considerable uncertainty regarding the implementation of the Biodiversity Offset Schemes administered by the Department of Environment and Conservation. This has been the experience of Council staff during the planning process for both Kings Hill and Medowie. The public consultation process has demonstrated that there is also considerable uncertainty within the community about the scheme. For these reasons the Strategy has been amended to state that biodiversity offsets may be required, with details to be negotiated with the Department of Environment and Climate Change as part of the rezoning process.

MOVEMENT NETWORK

A traffic study was undertaken by Rob Caldwell Traffic Engineering Services to examine the implications on the traffic system should growth occur in accordance with the Strategy. The key recommendations from the study are:

- Provide a roundabout at the east end of Gan Gan Road and Nelson Bay Road
- Upgrade the intersection at Frost Road and Nelson Bay Road
- Provide a 4WD air and water facility with parking at the existing 4WD access road to Stockton Beach

- Future development to comply with Port Stephens Council Development Control Plan requirements for parking

The Strategy recommends the use of rear lane access to commercial premises to improve traffic circulation, streetscape and the provision of parking.

One of the main traffic issues in Anna Bay is access to Birubi Point and the Stockton Sand Dunes. Large volumes of traffic, including tourist buses and recreation vehicles, currently access Birubi Point and the dunes via James Paterson St and this has an undesirable impact on the amenity of local residents. To address this issue the Strategy identifies the need for an alternative parking facility located in the vicinity of the dune area fronting Gan Gan Road. The precise location and development of this new facility would be subject to negotiation with landowners.

Council received a very large number of submissions to past plans objecting very strongly to any proposed opening of Old Main Road. The Strategy does not recommend the road's reopening.

STOCKTON SAND DUNES – LAND USE

Council resolved to rezone land in the dune area adjacent to Gan Gan Road to support tourism development. The land, currently zone 1(a) Agriculture, is subject to a development application for 84 tourism units on the site under DA 16-2005-788-1.

The draft LEP was forwarded to the NSW Department of Planning LEP Review Panel. The Panel advised that they do not support the rezoning of the land for the following reasons:

- The Lower Hunter Regional Strategy identifies the land as part of regional green corridor which is to be managed for conservation purposes
- The land is not identified in the Lower Hunter Regional Strategy for future urban purposes, and its inclusion in a green corridor precludes the consideration of one-off rezonings as proposed
- The current 1(a) Rural Agriculture zone applying to the land is considered to be inconsistent with the Lower Hunter Regional Strategy and consideration should be given to an appropriate zoning for this land.

The NSW Department of Environment and Climate Change have also provided comment that they do not support rezoning the land for tourism and ecotourism uses. They submit that the development application for 84 tourism units on the land is inappropriate given its proximity to the Worimi Conservation Lands, the Birubi Point Aboriginal Place and Crown Reserve, and the landscape setting.

The Worimi Conservation Lands Interim Management Committee has submitted that they do not support rezoning to permit development of the dune area.

Despite these submissions, the landowner maintains that the land is suitable for rezoning for urban uses based principally on its proximity to the commercial centre of Anna Bay and the resolution of sand drift issues. An engineering report has been submitted by the landowner concluding that the risk of sand drift to the site is negligible as a result of sand mining.

Due to uncertainty on the most appropriate zoning for the dune area adjacent to Gan Gan Road the land is identified as an investigation area.

RECREATION AND COMMUNITY FACILITIES

The provision of community and recreation facilities by Council is based upon population growth, and under the Strategy the population of Anna Bay would increase by approximately

1700 people to 4100 by the year 2026. A new community multi-purpose centre located near the school and an expansion of the existing skate park at would occur accordingly. The location of these facilities is identified in the Strategy.

Council's Forward Works Program identifies a variety of other works in Anna Bay including, but not limited to footway, cycleway and existing facility upgrades.

LANDCOM SITE – FISHERMANS BAY ROAD

22 hectares of land on Fisherman's Bay Road is already zoned for residential development. The development of the site would be considered a major project under State Environmental Planning Policy (Major Projects) 2005 and be subject to a master plan to be considered for consent by the NSW Department of Planning.

IMPLEMENTATION

The Strategy will be implemented through rezoning requests made by prospective developers and landowners. The rezoning of land will be a complex task given the fragmented nature of land ownership in Anna Bay. Furthermore, the NSW Department of Planning actively discourages 'spot' rezoning requests. Therefore it is important that the landowners cooperate to lodge rezoning requests that incorporate significant areas of developable land.

A consistent criticism of the current Strategy and past plans from landowners has been that it does not meet their development aspirations; however, nothing prevents a landowner or developer from making a rezoning request that is not in accordance with the Strategy and having that request assessed on its merits. It is important to note the development aspirations of landowners are not matched by the location and attributes of their land and the planning policies and legislation that currently apply.

DEVELOPMENT CONTROLS

The Port Stephens Development Control Plan 2007 provides general controls for a range of development types. A new chapter for Anna Bay will be developed that sets down principles and controls that are specific to the Anna Bay locality. It is anticipated that the new chapter will include principles and controls related to:

- Streetscape
- Town centre built form
- Landscape plantings and species
- Development in koala movement corridors
- Water Sensitive Urban Design

The DCP will be prepared upon Council supporting rezoning proposals.

CONSULTATION

Consultation undertaken for the Strategy has occurred over a long period of time and included a formal exhibition process, an information session, and meetings with landholders upon request. Submissions made on past plans for Anna Bay were also reviewed to inform the Strategy.

Previous Plans - Comments from past plans were reviewed when developing the Strategy. Appendix 2 of the Strategy provides a summary of the main issues raised in past plans and how those issues have been responded to in the current Strategy.

Public Exhibition - The draft Strategy was placed on public exhibition from 6th September to 5th October 2007. A table summarising the submissions, the issues raised and how they have been responded is at Attachment 2 to this report. Attachment 2 also includes a number of submissions made outside of the formal exhibition process to ensure greater inclusion of views on the Strategy.

Information Session - An information session was held at the Salamander Bay Library to present a working draft of the Anna Bay Strategy in October 2006. The majority of people attending were landholders interested in rezoning land for residential development. The main comment on the working draft was that it was very similar to past plans and did not identify enough land for development.

Anna Bay Traders Association Meeting - The Association invited Council staff to discuss the Strategy at the Birubi Point Caravan Park on the 25th October 2007. Council's Senior Strategic Planner and Strategic Planner attended. A principal concern of the Association was the adequacy of parking at present and in the future. The provision of parking in Anna Bay is limited by land availability. Parking in the commercial area can be addressed in part by the provision of parking in accordance with Council's DCP.

The strategy identifies the location of parking at the rear of commercial premises to maintain an attractive streetscape.

The intention to improve the main street and provide additional tourist accommodation was generally supported.

Anna Bay Landholders Meeting – Resident Joan Frost called a meeting of landowners at the Anna Bay Driving Range on the 29th of November 2007. Council staff present at the meeting included Integrated Planning Manager and Strategic Planner. Councillor Dover was also present for part of the meeting. A list of questions was prepared by landholders prior to the meeting and responses were provided. Landholders were also given the opportunity to ask questions at the meeting.

At the meeting advice was given that Council would not rezone land without approval from the landowner. However, upon consideration of the need for Council to prepare a new LGA wide LEP by 2011, Council will have to consider the findings of the Strategy in preparing a new LGA wide LEP.

KEY CHANGES FROM CONSULTATION

Key changes made to the current Strategy as a result of the consultation process are discussed in the following paragraphs.

ENVIRONMENT/CONSERVATION LAND

The amount of land identified for conservation has been reduced. With the exception of key wildlife corridors, cleared areas will remain zoned for agricultural purposes. A small amount of cleared land that would form key wildlife corridors remains identified for conservation purposes to encourage revegetation in the long-term. Existing vegetated areas, particularly the sand ridge north of the town and vegetation on flood prone land, remain identified for some level of conservation.

STANDARD LEP TEMPLATE ZONES

The designation of zones from the standard LEP template has been removed. The use of zones from the template created concern amongst landowners because of the uncertainty involved. For example, the template does not specify lot sizes and permissible uses under

each of the zones. The Strategy has replaced zones from the template with the identification of land uses, such as conservation, residential and environmental living. This provides a general indication of the recommended land use and provides flexibility to applicants and Council to apply the most appropriate zones available at the time of a rezoning request.

LIGHT INDUSTRIAL LAND

The location of land identified for light industrial use has been altered. An owner of land identified for light industrial use has submitted that they do not support the identification of their land for this use. The location of the light industrial land has been moved to further west as a result of this submission. Visual amenity, particularly from Nelson Bay Road, will be maintained by the provision of landscaping, setbacks and green entry corridors.

DWELLINGS ON THE NORTHERN SAND RIDGE

The Strategy no longer prescribes the location of dwellings on the sand ridge to the north of the town. The intention of the draft Strategy, in prescribing the location of dwellings on the sand ridge, was to maintain the integrity of vegetation on the ridge and preserve its scenic quality as a background to the town. The Strategy does not prevent a landowner from lodging a development application for a dwelling at any location on the sand ridge, subject to merit assessment and the planning controls applying to the land.

STOCKTON SAND DUNES – LAND USE

Land in the dune area to the south of Gan Gan Road is now identified as an investigation area based on the advice received from planning authorities as part of the consultation process undertaken for the Strategy. The Worimi Conservation Lands Interim Management Committee, the Department of Environment and Climate Change, and the Department of Planning have submitted that they do not support rezoning the land to support urban development. Identifying the land as an investigation area will allow all the relevant stakeholders to further consider the appropriate zoning for this land under these circumstances.

ROAD OPENINGS

The Strategy no longer proposes to reopen intersections on Cromarty Crescent, Pacific Avenue, Argyle Avenue and Scott Street. Council has received representations from local residents objecting to any proposed reopening of these intersections.

The recommendation in the draft Strategy to reopen the intersections was made on the basis that the local traffic network would be improved, with the road openings designed to encourage very low speeds.

OPTIONS

- 1) Adopt the recommendation of this report
- 2) Reject the recommendation of this report
- 3) Make amendments to the recommendation

ATTACHMENTS

- 1) Anna Bay Strategy and Town Plan (provided under separate cover)
- 2) Summary of Submissions

COUNCILLORS ROOM

- 1) Anna Bay Strategy and Town Plan Submissions Folder

TABLED DOCUMENTS

- 1) Nil

**ATTACHMENT 1
ANNA BAY STRATEGY AND TOWN PLAN**

Provided under separate cover

**ATTACHMENT 2
SUMMARY OF SUBMISSIONS**

DCP ISSUE		RESPONSE
Traffic and parking	Lack of parking in the town centre	The traffic study carried out by Traffic Engineering Pty Ltd to investigate implications of growth in Anna Bay advises that there is adequate parking available and that all future redevelopment should meet Council's standards for the provision of parking. Town Plan identifies common carparking areas and access lanes within the commercial centre.
	4WD access to the town centre for air and water	Council will actively encourage a private operator to establish an air and water facility for 4WD near the access track. This will encourage 4WD's out of the town centre for access to air and water facilities.
	Amount of traffic accessing Birubi Point and Stockton Sand Dunes from Paterson Street	The Town Plan provides an alternative parking area for tourist 4WD traffic so that buses and other tourist operator vehicles will no longer need to access Birubi Point from James Paterson Street. The Forward Works Program has allocated money towards the 4WD access track of Gan Gan Road to encourage greater use of this facility.
	Opening Old Main Road	The Town Plan does not propose to open Old Main Road to traffic.
Flora and Fauna	Accuracy of koala habitat mapping	The accuracy of Koala habitat mapping has been reviewed and confirmed with the results incorporated into the Town Plan. Areas of preferred and supplementary Koala habitat are consistent with vegetation cover shown in up-to-date aerial photographs. Key Koala movement corridors have been identified between habitat areas. The corridors permit residential development on larger lots of at least 900m ² that retain areas of tree cover and facilitate continued koala movement. Detailed controls would be included in the Anna Bay DCP.
	Compensation for land identified as conservation.	Land identified as Koala habitat may have financial value for landowners under the NSW Government's Biodiversity Offset Scheme. Landowners would enter into an agreement to manage land for conservation in exchange for payment. Aside from the northern sand ridge, land that is identified for protection or revegetation is also identified as flood prone. Accordingly, much of this land is unsuitable for development
Development	Lack of tourist development	Land at the western entrance to the town on the south side of Gan Gan Rd is recommended for tourism and ecotourism with protected vegetation areas.

ORDINARY MINUTES – 26 FEBRUARY 2008

	Unattractiveness of town centre	<p>A locality specific development control plan will be developed for Anna Bay that supports improved building design and streetscape improvements and landscape planting in the town centre.</p> <p>A small industrial area is proposed off Gan Gan Road at the entrance to Anna Bay to support the shift of industrial-type land uses out of the town centre.</p>
	Large lot housing on the northern side of the sand ridge	<p>The sand ridge is an important landscape element and its protection is identified as a principle of the Town Plan. The ridge also serves as a natural 'edge' to urban expansion. The town plan identifies suitable dwelling sites for residual lots that are located on the sand ridge. Large lots are only proposed north of the sand ridge at the Eastern End of Anna Bay. The community would benefit from the provision of significant drainage infrastructure. However the NSW Department of Planning has a general policy position that they do not endorse large lot housing.</p>
	Extent of developable area	<p>The Town Plan focuses specifically on the existing town of Anna Bay as it is identified in the Lower Hunter Regional Strategy. The Lower Hunter Regional Strategy does not identify other, smaller villages such as Boat Harbour for development. These areas can be considered during the comprehensive review of the Port Stephens Local Environmental Plan, to be completed by 2011.</p> <p>Developable land in the area is limited by a number of factors with the primary constraint being flood prone land.</p> <p>Most of the land north of the Fern Tree drain is identified as flood prone and large amounts of fill would be required for its development. Land in this area has been cleared over time however it still forms an important koala movement corridor.</p>
	Height of buildings	<p>Anna Bay has limited potential for 'greenfield' urban expansion. An increase in height is proposed for the central area of Anna Bay to provide for additional population close to the town centre and to encourage redevelopment of the commercial area.</p> <p>Building height will be up to three storeys in the town centre (with lower storey setback 3-4m from boundary and the third storey setback further). The secondary commercial area will be two storeys, and the general residential area a mixture of one and two storeys.</p>
Recreation and Community Facilities		<p>The Town Plan provides 3 new neighbourhood parks within easy walking distance of new housing areas and in accordance with the Port Stephens Development Control Plan 2007. The Plan identifies the need for a multi-purpose community centre and a second skate park.</p>
Flooding and Drainage		<p>Two studies have been completed that investigate flooding and drainage in Anna Bay under limited</p>

ORDINARY MINUTES – 26 FEBRUARY 2008

		<p>development scenarios. All rezoning requests will be required to assess drainage impacts.</p> <p>All development will be required to be consistent with the principles of Water Sensitive Urban Design to minimise drainage impacts.</p> <p>Council's Draft Section 94 Contributions Plan provides for monetary contributions to be made towards improving drainage infrastructure in Anna Bay in accordance with the Anna Bay Catchment Drainage/Flood Study Masterplan (Sinclair Knight Merz 1995).</p>
Bushfire Hazard	Fire hazard of vegetated areas	<p>A ring road is proposed around the areas identified for development. This provides an 'edge' to the town, improved access for fire control and forms part of the Asset Protection Zone.</p>

ITEM NO. 1

FILE NO: ROI 01-2007

REGISTERED SUPPLIER LIST

REPORT OF: RAY BOWEN – POSITION TITLE: RESOURCES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the establishment of a register of pre-qualified suppliers for Port Stephens Council in accordance with the Local Government Act 1993 section 55 and the Local Government (General) Regulation 2005. This register is to be available for use by Port Stephens Council staff for a period of 2 years.

OPERATIONS COMMITTEE MEETING – 12 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

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

BACKGROUND

The purpose of this report is to ask Council to adopt the list of registered suppliers for the purposes of streamlining all of Councils tendering / quotation processes.

An initiative by the Purchasing section was undertaken to improve the tendering and or the quotation processes routinely undertaken by Council staff, this involved advertising for a registration of interest from experienced companies who were willing to provide services to Council on a contract basis across a wide range of categories.

A Registration of Interest (ROI) for interested parties was advertised in the Examiner, Newcastle Morning Herald, Sydney Morning Herald and Council web page in October/November 2007.

162 submissions were received by the advertised closing date, Tuesday 13th November 2007.

Overall 32 categories were created. Several companies opted to select for more than one category and/or type within a category.

As mentioned above this list of suppliers also provides a useful resource for the sourcing suppliers outside of the formal tendering process.

All appropriate information has been placed in a database on our network and may be accessed by relevant staff.

The ROI document was structured and advertised in accordance with particular categories of supplier expertise.

Internal consultation was co-ordinated (by the Procurement & Contracts Co-ordinator) with all relative internal departments of Council to ensure they understood why the process was undertaken and how this service would help their own procurement tasks to become more effective and efficient.

The full list of Registered Suppliers for 2008 including the advertised categories, sub-categories and interested suppliers are attached as item 1.

LINKS TO CORPORATE PLANS

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

SUSTAINABILITY – *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

Nil

LEGAL AND POLICY IMPLICATIONS

Conforms to the Local Government Act and Local Government (Tendering) Regulation and Port Stephens Council Procurement Guidelines.

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 makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 6) **INFORMATION AND KNOWLEDGE –** *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*

- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Local suppliers and Hunter based suppliers were encouraged to apply.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

All departments of Council were consulted.

OPTIONS

- 1) To accept the recommendation.
- 2) To reject the recommendation.

ATTACHMENTS

- 1) List of Registered Suppliers – January 2008

ATTACHMENT 1

Company Name	Category	Type	Folio R01-2007
Acquire Pest Control	Services General		48
Advance OHS Consultancy& Training	Training		27
Advanced Pest Control	Professional Services		81
ALS Laboratory Group			158
Amdel	Professional Services		39
Analogic	Construction	Structural	114
Andcor Planning & Urban Design	Consultancy Services	Development	148
Andrews Neil	Consultancy Services	Development	7
Andrews Neil	Consultancy Services	Environmental	7
Andrews Neil	Design Services	Architectural	7
Andrews Neil	Design Services	Landscaping	7
Architects Johannson & Assoc	Design Services	Architectural	95
Architects Johannson & Assoc	Consultancy Services	Development	95
Architectus Sydney	Consultancy Services	Development	92
Asquith & DeWitt	Consultancy Services	Development	152
Asquith & DeWitt	Design Services	Surveying	152
Asquith & DeWitt	Surveying		152
Aurora Creatvie Designs	Design Services	Architectural	56
Aurora Creatvie Designs	Design Services	Civil	56
AW Workwise Pty Ltd	Training		38
Barker Ryan Consulting	Design Services	Cviiil	18
Barker Ryan Consulting	Consultancy Services	Cost Management	18
Barry Hunt Associates	Design Services	Cviiil	130
Barry Hunt Associates	Design Services	Surveying	130
Barry Hunt Associates	Surveying		130
Baxter Building co	Construction	Civil	57
Baxter Building co	Construction	Electrical	57
Baxter Building co	Construction	Landscaping	57
Baxter Building co	Construction	Structural	57
Baxter Building co	Construction	Demolition	57
Baxter Building co	Design Services	Architectural	57
Baxter Building co	Joint Venture	Financial	57
Baxter Building co	Joint Venture	Planning	57
Baxter Building co	Joint Venture	Construction	57
Biosis Research	Consultancy Services	Development	6
Biosis Research	Consultancy Services	Environmental	6
Bulbeck	Training		46
Bulbeck	Automotive		46
C & W Constructions	Building Trades Sub Cont	Concreting	42
C & W Constructions	Construction	Civil	42
C & W Constructions	Construction	Landscaping	42
C & W Constructions	Construction	Structural	42
Caldis Cook Group	Consultancy Services	Development	147
Caldis Cook Group	Design Services	Architectural	147
Caldis Cook Group	Design Services	Landscaping	147
Cardno			132
Carman Surveyors	Consultancy Services	Development	4
Carman Surveyors	Consultancy Services	Project Management	4
Carman Surveyors	Design Services	Civil	4
Carman Surveyors	Design Services	Surveying	4
Carman Surveyors	Surveying		4
Carman Surveyors	Joint Venture	Financial	4

ATTACHMENT 1

Carman Surveyors	Joint Venture	Planning	4
Carman Surveyors	Joint Venture	Construction	4
Central Human Resources Pty Ltd	Training		49
City Plan Services			98
Coastplan Group	Consultancy Services	Development	34
Coastplan Group	Consultancy Services	Cost Management	34
Coastplan Group	Design Services	Civil	34
Coastplan Group	Design Services	Structural	34
Coffey Projects	Joint Venture	Planning	71
Coffey Projects	Consultancy Services	Development	71
Coffey Projects	Consultancy Services	Cost Management	71
Coffey Projects	Consultancy Services	Project Management	71
Collrite Air Conditioning Pty Ltd	Building Trades Sub Cont	Air Conditioning	89
Complete Urban Solutions Pty Ltd	Design Services	Architectural	77
Complete Urban Solutions Pty Ltd	Design Services	Landscaping	77
Complete Urban Solutions Pty Ltd	Consultancy Services	Development	77
Concis Ltd	Consultancy Services	Development	101
Concis Ltd	Consultancy Services	Environmental	101
Concis Ltd	Design Services	Landscaping	101
Conservation Volunteers Aust	Professional Services		69
Corporate Nutrition Solutions	Training		125
Crawford Robinson	Consultancy Services	Planning	133
Crawford Robinson	Joint Venture	Financial	133
Daly International	Consultancy Services	Development	151
Daly International	Consultancy Services	Cost Management	151
Daly International	Consultancy Services	Project Management	151
Daly International	Consultancy Services	Environmental	151
Daly International	Design Services	Civil	151
Daly International	Design Services	Electrical	151
Daly International	Design Services	Geotechnical	151
Daly International	Design Services	Surveying	151
Daly International	Surveying		151
Dickson Rothschild	Consultancy Services	Development	74
Dickson Rothschild	Design Services	Architectural	74
Dickson Rothschild	Design Services	Landscaping	74
Douglas & Partners			26
Earth Air Water Consulting	Consultancy Services	Development	29
Earth Air Water Consulting	Consultancy Services	Environmental	29
Earth Air Water Consulting	Design Services	Geotechnical	29
Earth Air Water Consulting	Training		29
Ecological	Consultancy Services	Development	127
Ecological	Consultancy Services	Environmental	127
Ecological	Professional Services		127
Ecotone Ecological Consultants	Consultancy Services	Environmental	145
Edaw (Aust) Pty Ltd	Consultancy Services	Development	102
Edaw (Aust) Pty Ltd	Design Services	Civil	102
Edaw (Aust) Pty Ltd	Design Services	Landscaping	102
EnviroPacific	Building Trades Sub Cont	Asbestos Removalists	37
EnviroPacific	Construction	Civil	37
EnviroPacific	Construction	Landscaping	37
EnviroPacific	Construction	Demolition	37
Evolution Engineers Surveyors	Design Services	Surveying	107
Evolution Engineers Surveyors	Surveying		107
Flores Pty Ltd	Design Services	Architectural	32

ATTACHMENT 1

G & M Planning Services	Consultancy Services	Development	111
GHD	Consultancy Services	Development	84
GHD	Consultancy Services	Cost Management	84
GHD	Consultancy Services	Project Management	84
GHD	Consultancy Services	Environmental	84
GHD	Design Services	Architectural	84
GHD	Design Services	Civil	84
GHD	Design Services	Electrical	84
GHD	Design Services	Landscaping	84
GHD	Design Services	Geotechnical	84
GHD	Design Services	Structural	84
GHD	Design Services	Structural	84
Gleeson Civil Engineering	Construction	Civil	90
Going For It Pty LTd	training		100
Gondwana Consulting	Consultancy Services	Development	30
Gondwana Consulting	Consultancy Services	Environmental	30
GTA Consultants	Consultancy Services	Traffic & Transport	88
GWB Design & Build	Building Trades Sub Cont	Material Fabricators	14
GWB Design & Build	Building Trades Sub Cont	Brick Laying	14
GWB Design & Build	Building Trades Sub Cont	Carpentry & Joinery	14
GWB Design & Build	Building Trades Sub Cont	Cement Rendering	14
GWB Design & Build	Building Trades Sub Cont	Concreting	14
GWB Design & Build	Building Trades Sub Cont	Glazing	14
GWB Design & Build	Building Trades Sub Cont	Gyprock & Fibrous	14
GWB Design & Build	Building Trades Sub Cont	Painters	14
GWB Design & Build	Building Trades Sub Cont	Plumbing	14
GWB Design & Build	Building Trades Sub Cont	Roof Cladding	14
GWB Design & Build	Building Trades Sub Cont	Tiling	14
GWB Design & Build	Construction	Civil	14
GWB Design & Build	Construction	Landscaping	14
GWB Design & Build	Construction	Structural	14
GWB Design & Build	Construction	Demolition	14
GWB Design & Build	Consultancy Services	Project Management	14
GWB Design & Build	Design Services	Architectural	14
Harper Somers O'Sullivan	Consultancy Services	Development	20
Harper Somers O'Sullivan	Consultancy Services	Cost Management	20
Harper Somers O'Sullivan	Consultancy Services	Project Management	20
Harper Somers O'Sullivan	Consultancy Services	Environmental	20
Harper Somers O'Sullivan	Design Services	Architectural	20
Harper Somers O'Sullivan	Design Services	Surveying	20
Harper Somers O'Sullivan	Surveying		20
Harper Somers O'Sullivan	Joint Venture	Planning	20
Harper Somers O'Sullivan	Joint Venture	Construction	20
Hassell Ltd	Consultancy Services	Development	140
Hassell Ltd	Design Services	Architectural	140
Health & Safety Advisory Service	Training		112
Health Services International	Consultancy Services	Cost Management	19
Health Services International	Training		19
Hill PDA	Consultancy Services	Development	78
Hill PDA	Consultancy Services	Cost Management	78
HLA Envirosiences Pty Limited			157
Hunter Indigenous Plants	Construction	Landscaping	79
Hunter Indigenous Plants	Consultancy Services	Environmental	79
Hunter Indigenous Plants	Design Services	Landscaping	79
Hunter Indigenous Plants	Training		79
Hunter Indigenous Plants	Professional Services		79

ATTACHMENT 1

Hunter Land Management	Consultancy Services	Development	28
Hunter Land Management	Professional Services		28
Ian Rich Asphalt	Building Trades Sub Cont	Concreting	24
Ian Rich Asphalt	Construction	Civil	24
Ian Rich Asphalt	Construction	Landscaping	24
Ian Rich Asphalt	Construction	Demolition	24
Imagescape	Design Services	Architectural	70
Impact Project Management	Consultancy Services	Project Management	73
Insite Planning	Consultancy Services	Development	82
Insite Planning	Consultancy Services	Project Management	82
Insite Planning	Consultancy Services	Environmental	82
Insite Planning	Design Services	Civil	82
J & J Killalea Constructions	Construction	Structural	23
Jackson Teece	Consultancy Services	Development	135
Jackson Teece	Design Services	Architectural	135
JBS Environmental	Consultancy Services	Development	45
Jeff Madden & Assoc	Design Services	Architectural	144
KCL Sports Trust	Building Trades Sub Cont	Fencing	16
KCL Sports Trust	Building Trades Sub Cont	Specialised Coating	16
KCL Sports Trust	Construction	Civil	16
KCL Sports Trust	Construction	Landscaping	16
KCL Sports Trust	Design Services	Civil	16
Kingsley & Associates	Design Services	Architectural	155
Kingsley & Associates	Design Services	Civil	155
Kingsley & Associates	Design Services	Electrical	155
Kingsley & Associates	Design Services	Structural	155
Konekt Australia	Training		72
Landpartners	Construction	Landscaping	44
Landpartners	Consultancy Services	Development	44
Landpartners	Consultancy Services	Project Management	44
Landpartners	Design Services	Civil	44
Landpartners	Design Services	Landscaping	44
Landpartners	Design Services	Structural	44
Landpartners	Surveying		44
Landpartners	training		44
Landpartners	Joint Venture	Planning	44
Landpartners	Professional Services		44
Leadership Management Aust	Training		93
LEGS	Consultancy Services	Development	47
LEGS	Consultancy Services	Project Management	47
LEGS	Design Services	Civil	47
LEGS	Design Services	Surveying	47
LEGS	Design Services	Structural	47
LEGS	Surveying		47
Leslie & Thompson	Design Services	Surveying	113
Leslie & Thompson	Surveying		113
Local Government Training	Training		12
Lorn Roofing	Building Trades Sub Cont	Roof Cladding	105
Luhmann Environment Management	Professional Services		85
MacDonald International	Consultancy Services	Development	138
MacDonald International	Consultancy Services	Cost Management	138
MacDonald International	Consultancy Services	Project Management	138
MacDonald International	Design Services	Architectural	138
MacDonald International	Design Services	Civil	138
MacDonald International	Design Services	Structural	138

ATTACHMENT 1

MacDonald International	Surveying		138
Maher Property Services	Consultancy Services	property	128
Major Tennis Court Constructions			131
Mals Driver Training	Training		110
Manta Consulting	Consultancy Services	Development	97
Meinhardt	Consultancy Services	Development	121
Meinhardt	Consultancy Services	Project Management	121
Meinhardt	Consultancy Services	Environmental	121
Meinhardt	Design Services	Civil	121
Meinhardt	Design Services	Electrical	121
Meinhardt	Design Services	Structural	121
Midson Management Pty Ltd	Consultancy Services	Project Management	120
Mitchell Brandtman	Consultancy Services	Cost Management	50
Mitchell Brandtman	Consultancy Services	Project Management	50
Mitchell Brandtman	Surveying		50
Napier & Blakeley	Consultancy Services	Cost Management	94
Napier & Blakeley	Consultancy Services	Project Management	94
Napier & Blakeley	Surveying		94
National Safety Council			119
National Wireless	Consultancy Services	Development	160
National Wireless	Consultancy Services	Environmental	160
Nelson Bay Pool Shop	Services General		76
Nelson Bay Steel Fabricatons	Construction	Structural	43
Nelson Bay Steel Fabricatons	Design Services	Structural	43
Noel Martin Constructions	Building Trades Sub Cont	all	106
Nordon Jago	Design Services	Architectural	58
Novus Autoglass Repair	Automotive		13
NSW Dept Commerce Architects	Consultancy Services	Development	123
NSW Dept Commerce Architects	Consultancy Services	Cost Management	123
NSW Dept Commerce Architects	Consultancy Services	Environmental	123
NSW Dept Commerce Architects	Design Services	Architectural	123
NSW Dept Commerce Architects	Design Services	Civil	123
NSW Dept Commerce Architects	Design Services	Electrical	123
NSW Dept Commerce Architects	Design Services	Landscaping	123
NSW Dept Commerce Architects	Design Services	Surveying	123
NSW Dept Commerce Architects	Design Services	Structural	123
NSW Dept Commerce Architects	Surveying		123
NSW Dept Commerce water	Consultancy Services	Development	118
NSW Dept Commerce water	Design Services	Civil	118
NSW Dept Commerce water	Design Services	Geotechnical	118
Oakwood Developments	Construction	Civil	59
Oakwood Developments	Construction	Structural	59
Oakwood Developments	Consultancy Services	Development	59
Oakwood Developments	Consultancy Services	Cost Management	59
Oakwood Developments	Consultancy Services	Project Management	59
Oakwood Developments	Design Services	Architectural	59
Oakwood Developments	Design Services	Surveying	59
Oakwood Developments	Surveying		59
Oakwood Developments	Joint Venture	Financial	59
Oakwood Developments	Joint Venture	Planning	59
Oakwood Developments	Joint Venture	Construction	59
O'Donnell Griffin	Construction	Electrical	2
Olympic Fencing NSW	Building Trades Sub Cont	Fencing	86
Opus International Consultants	Consultancy Services	Development	8
Opus International Consultants	Consultancy Services	Cost Management	8
Opus International Consultants	Design Services	Civil	8

ORDINARY MINUTES – 26 FEBRUARY 2008

ATTACHMENT 1

Opus International Consultants	Design Services	Geotechnical	8
Orogen Pty Ltd	Consultancy Services	Development	149
Orogen Pty Ltd	Consultancy Services	Environmental	149
Pacific facilities Management Sy	Services General		129
Parsons Brinckerhoff	Consultancy Services	Development	54
Parsons Brinckerhoff	Design Services	Civil	54
Parsons Brinckerhoff	Design Services	Geotechnical	54
Parsons Brinckerhoff	Design Services	Structural	54
Parsons Brinckerhoff	Joint Venture	Planning	54
Paul Le Mottee Project Management	Surveying		159
Paul Le Mottee Project Management	Joint Venture	Financial	159
Paul Le Mottee Project Management	Joint Venture	Planning	159
Paul Le Mottee Project Management	Joint Venture	Construction	159
Paul Le Mottee Project Management	Design Services	Civil	159
Paul Le Mottee Project Management	Design Services	Surveying	159
Paul Le Mottee Project Management	Consultancy Services	Development	159
Paul Le Mottee Project Management	Consultancy Services	Cost Management	159
Peak Land Management	Consultancy Services	Development	33
Peak Land Management	Consultancy Services	Environmental	33
Pearson & Associates	Consultancy Services	Development	10
Pearson & Associates	Consultancy Services	Environmental	10
Pearson & Associates	Design Services	Civil	10
Pearson & Associates	Design Services	Surveying	10
Pearson & Associates	Surveying		10
Pentagon Management PtyLtd	Consultancy Services	Development	35
Pentagon Management PtyLtd	Consultancy Services	Cost Management	35
Pentagon Management PtyLtd	Consultancy Services	Project Management	35
Pentagon Management PtyLtd	Training		35
Pirtek (Newcastle) Pty Ltd	Automotive		91
Port Stephens Engineers	Consultancy Services	Project Management	83
Port Stephens Engineers	Design Services	Civil	83
Port Stephens Sheet Metal	Building Trades Sub Cont	Material Fabricators	143
Power Court	Building Trades Sub Cont	Fencing	117
Power Court	Construction	Civil	117
Power Court	Construction	Landscaping	117
Power Court	Design Services	Landscaping	117
Power Court	Services General		117
Pulver Cooper & Blackley	Consultancy Services	Development	62
Pulver Cooper & Blackley	Consultancy Services	Project Management	62
Pulver Cooper & Blackley	Design Services	Civil	62
Pulver Cooper & Blackley	Design Services	Surveying	62
Pulver Cooper & Blackley	Surveying		62
Qasco	Surveying		116
QED Pty Ltd	Consultancy Services	Development	139
QED Pty Ltd	Consultancy Services	Environmental	139
QED Pty Ltd	Design Services	Landscaping	139
RCA Australia	Construction	Demolition	137
RCA Australia	Consultancy Services	Development	137
RCA Australia	Consultancy Services	Environmental	137
RCA Australia	Design Services	Geotechnical	137
Rentookil	Services General		99
Ripa Concrete Cutting	Building Trades Sub Cont	Concreting	40
Ripa Concrete Cutting	Construction	Demolition	40
Road & Rail Civil	Construction	Civil	17
Roger Auckland Architect		Architectural	126

ATTACHMENT 1

Ruker & Associates Urban Design	Consultancy Services	Development	75
Ruker & Associates Urban Design	Design Services	Architectural	75
Ruker & Associates Urban Design	Design Services	Landscaping	75
Scott Fullarton Valuations	Professional Services		96
Site Worx Civil Contracting	Construction	Civil	11
Site Worx Civil Contracting	Construction	Demolition	11
Site Worx Civil Contracting	Consultancy Services	Project Management	11
SJA Construction Services	Consultancy Services	Cost Management	122
SJA Construction Services	Consultancy Services	Project Management	122
Sphere Environmental Professionals	Consultancy Services	Development	80
SS & LM Johnston Pty Ltd	Building Trades Sub Cont	Concreting	64
SS & LM Johnston Pty Ltd	Construction	civil	64
SS & LM Johnston Pty Ltd	Construction	Structural	64
SS & LM Johnston Pty Ltd	Construction	Demolition	64
SS & LM Johnston Pty Ltd	Joint Venture	Construction	64
St John Ambulance	Training		55
Stewart Planning Group	Consultancy Services	Development	9
Stewart Planning Group	Joint Venture	Planning	9
Storm Consulting	Consultancy Services	Development	115
Storm Consulting	Consultancy Services	Project Management	115
Storm Consulting	Design Services	Cviiil	115
Storm Consulting	Training		115
Strategy Hunter	Consultancy Services	Development	154
Strategy Hunter	Consultancy Services	Environmental	154
Strategy Hunter	Design Services	Architectural	154
Strategy Hunter	Training		154
Strategy Hunter	Joint Venture	Planning	154
Suters Architects	Design Services	Architectural	52
Sydney Environmetnal & Soil Labs	Enviornmetal		109
Tafe Hunter Institute	Training		31
Tattersall Surveyors	Consultancy Services	Development	66
Tattersall Surveyors	Consultancy Services	Project Management	66
Tattersall Surveyors	Design Services	Civil	66
Tattersall Surveyors	Design Services	Surveying	66
Tattersall Surveyors	Surveying		66
Taylor Thomson Whitting	Consultancy Services	Development	25
Taylor Thomson Whitting	Design Services	Cviiil	25
Teamcap Pty Ltd	Construction	Civil	3
Teamcap Pty Ltd	Construction	Demolition	3
Teamcap Pty Ltd	Training		3
Terranean Mapping Technologies	Surveying		146
Terras Landscape Architects	Design Services	Landscaping	108
Terroir Pty Ltd	Consultancy Services	Development	15
Terroir Pty Ltd	Design Services	Architectural	15
The Ktichen Centre	Building Trades Sub Cont	Carpentry & Joinery	21
the Planning Group	Consultancy Services	Development	150
Thinc Projects			156
Thompson Berrill Landscape	Design Services	Landscaping	5
Tompkin MDA Architects	Consultancy Services	Development	153
Tompkin MDA Architects	Design Services	Architectural	153

ATTACHMENT 1

Total Earth Care	Construction	Civil	63
Total Earth Care	Construction	Landscaping	63
Total Earth Care	Construction	Structural	63
Total Earth Care	Consultancy Services	Development	63
Total Earth Care	Consultancy Services	Environmental	63
Total Earth Care	Design Services	Civil	63
Total Earth Care	Design Services	Landscaping	63
Total Earth Care	Design Services	Structural	63
Total Earth Care	Joint Venture	Planning	63
Total Earth Care	Joint Venture	Construction	63
Total Earth Care	Professional Services		63
Trees in Newcastle	Professional Services		65
Turner & Townsend	Consultancy Services	Development	53
Turner & Townsend	Consultancy Services	Cost Management	53
Turner & Townsend	Consultancy Services	Project Management	53
Turner & Townsend	Surveying		53
TV Webber	Building Trades Sub Cont	Brick Laying	22
TV Webber	Building Trades Sub Cont	Carpentry & Joinery	22
TV Webber	Building Trades Sub Cont	Concreting	22
TV Webber	Building Trades Sub Cont	Fencing	22
TV Webber	Building Trades Sub Cont	Glazing	22
TV Webber	Building Trades Sub Cont	Gyprock & Fibrous	22
TV Webber	Building Trades Sub Cont	Painters	22
TV Webber	Building Trades Sub Cont	Plumbing	22
TV Webber	Building Trades Sub Cont	Roof Cladding	22
TV Webber	Building Trades Sub Cont	Tiling	22
TV Webber	Construction	Structural	22
TV Webber	Design Services	Electrical	22
TV Webber	Design Services	Landscaping	22
TV Webber	Design Services	Structural	22
UBM Ecological Consultants	Consultancy Services	Development	141
UBM Ecological Consultants	Consultancy Services	Environmental	141
Umwelt	Consultancy Services	Development	67
Umwelt	Consultancy Services	Environmental	67
URS	Consultancy Services	Development	68
URS	Consultancy Services	Environmental	68
URS	Design Services	Civil	68
URS	Design Services	Geotechnical	68
URS	Design Services	Structural	68
URS	Training		68
Vanessa Newell	Consultancy Services	Development	1
Vanessa Newell	Design Services	Landscaping	1
VGT Pty Limited	Consultancy Services	Development	36
VGT Pty Limited	Consultancy Services	Environmental	36
VGT Pty Limited	Professional Services		36
Vin Sustainability Consulting	Consultancy Services	Development	51
Waterman AHW	Consultancy Services	Development	41
Waterman AHW	Design Services	Architectural	41
Waterman AHW	Design Services	civil	41
Waterman AHW	Design Services	Electrical	41
Waterman AHW	Design Services	Structural	41

ATTACHMENT 1

WEA Hunter	training		136
Wesley Training	Training		124
Wilde & Wollard	Consultancy Services	Cost Management	61
Wilde & Wollard	Consultancy Services	Project Management	61
Wilde & Wollard	Joint Venture	Financial	61
Wilde & Wollard	Joint Venture	Planning	61
Wilde & Wollard	Joint Venture	Construction	61
Wildthing Environmental Consultants	Consultancy Services	Environmental	104
Williams River Steel	Construction	Landscaping	103
Williams River Steel	Construction	Structural	103
Williams River Steel	Design Services	Architectural	103
Williams River Steel	Design Services	Landscaping	103
Williams River Steel	Design Services	Structural	103
Woodburys Haulage	Construction	Civil	134
Woodburys Haulage	Construction	Landscaping	134
Woodburys Haulage	Construction	Structural	134
Woodburys Haulage	Construction	Demolition	134
Worley Parsons	Consultancy Services	Development	60
Worley Parsons	Consultancy Services	Project Management	60
Worley Parsons	Consultancy Services	Environmental	60
Worley Parsons	Design Services	Civil	60
Worley Parsons	Design Services	Structural	60
Wundaguard	Services General		142

ITEM NO. 2

FILE NO: A2004-0242

QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2007

REPORT OF: JEFF SMITH – MANAGER FINANCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the estimated Statement of Cash Position to 30/6/2008 as detailed in **ATTACHMENT 1** to this report.
- 2) Notes the estimated Statement of Restricted Funds Movements to 30/06/2008 as detailed in **ATTACHMENT 2** to this report.
- 4) Approve the discretionary changes to the adopted recurrent budget, (totalling \$102,820, a negative effect on Revenue) as detailed under separate cover as **TABLE 1.1** of **DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
- 5) Approve the discretionary changes to the adopted capital budget, (Totalling \$154,510. A negative effect on Revenue) as detailed under separate cover as **TABLE 1.2** of **DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
- 6) Notes the identified issues, which may have a future budgetary impact, as identified under separate cover as **TABLE 2** of **DOCUMENT 1** to this report.
- 7) Notes the estimated surplus/(deficit) from ordinary activities before capital amounts of \$749,087.
- 8) Notes the Quarterly Budget Review comparing Budgets to Actuals as tabled under a separate cover as **DOCUMENT 2** to this report.

OPERATIONS COMMITTEE MEETING – 12 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

Tabled Document: Quarterly Budget Review as at 31 December 2007

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

028	Councillor Robinson	It was resolved that the recommendation be adopted.
	Councillor Hodges	

BACKGROUND

The purpose of this report is to amend the Budget by bringing to Council's attention the proposals and issues that have an impact on the 2007/2008 Budget.

Council adopted its Council Plan 2007/2010 (Council Minute 134) on the 22nd May, 2007, this included budget estimates for the 2007/2008 financial year.

The major changes to the Recurrent Budget in this Review are detailed in Table 1.1 of Document 1 and are summarised as follows:

- \$180,000 - Decreased Building Fees income (item 9).
- \$75,000 – Decreased Building Expenditure (item 9)
- \$125,000 - Decreased Development Fees income (item 10).
- \$100,000 - Decreased Development expenditure (item 10).
- \$727,926 - Increased Disaster relief income and expenditure (item 25).
- \$334,188 - Increased Domestic Waste Management income (item 26).

The major changes to the Capital Budget in this Review are detailed in Table 1.2 of Document 1 and are summarised as follows:

- \$525,000 - Increased Drainage expenditure (item 2).
- \$268,000 - Increased Council Roads Construction expenditure (item 7).
- \$290,000 - Decreased Council Road Construction income and expenditure (item 8).
- \$190,000 - Decreased income and \$330,000 decreased Community Services expenditure - Raymond Terrace Multipurpose Centre (item 11).
- \$240,000 - Decreased income and \$540,000 decreased Community Services expenditure - Karuah Multipurpose Centre (item 12).
- \$129,510 - Increased Leisure Centre expenditure (item 18).
- \$200,000 - Decreased income and \$550,000 decreased Foreshore Capital expenditure (item 19).

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

LINKS TO CORPORATE PLANS

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

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

FINANCIAL/RESOURCE IMPLICATIONS

Council's Original 2007/2008 Budget estimate is a \$108,561 cash deficit after internal transfers and before depreciation of \$12.256 million. TABLE'S 1.1 and 1.2 of Document 1 of this report detail the changes in this review. The net cash result of these changes, and the

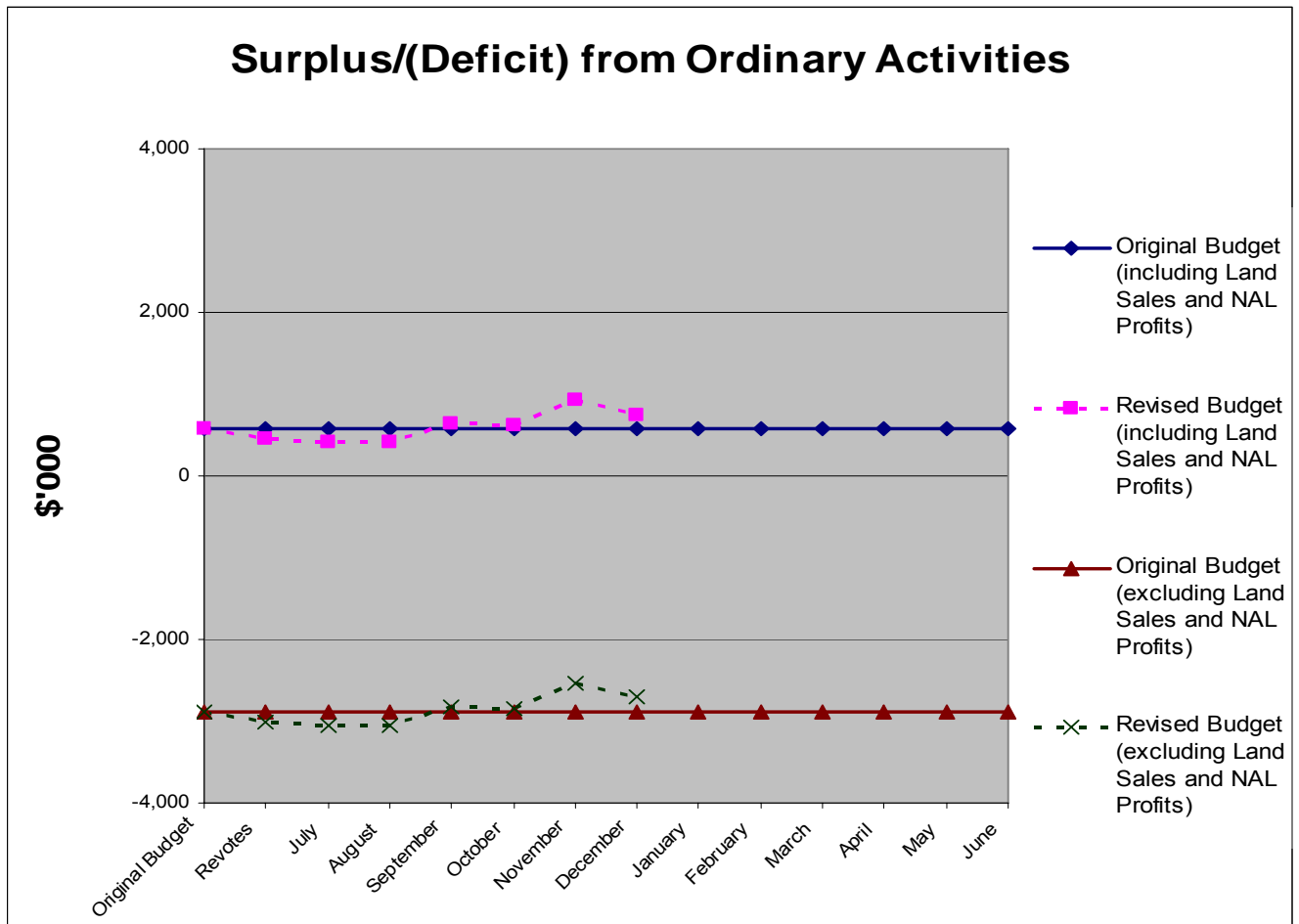
ORDINARY MINUTES – 26 FEBRUARY 2008

2007 revotes and carry forwards, is a projected cash deficit of \$259,067 (Ref N of Attachment 1), before 2008 revotes and carry forwards are taken into account and are shown in the table below;

IMPACT OF QUARTERLY BUDGET REVIEW ON COUNCIL'S ADOPTED BUDGET				
	Recurrent	Capital	Total	Ref
Document 1 Table 1.1	(\$102,820)	\$0	(\$102,820)	
Document 1 Table 1.2	\$0	(\$154,510)	(\$154,510)	
Previous Quarterly Budget Reviews	\$439,724	(\$154,022)	\$285,702	
Original Budget after transfers and before Depreciation	\$1,265,439	(\$1,374,000)	(\$108,561)	
Net Available Surplus Funds	\$1,602,343	(\$1,682,532)	(\$80,189)	
Revotes and Carry Forwards from previous year	(\$56,837)	(\$122,041)	(\$178,878)	
Revised 2007/2008 Cash Surplus (after transfers and before Depreciation)	\$1,545,506	(\$1,804,573)	(\$259,067)	N

PROJECTED FINANCIAL RESULT FOR 2007/2008

	Ref	After December Review	Original Budget
Total Operating Revenue	A	\$74,242,179	\$72,658,858
Less Total Operating Expenditure	B	(\$61,237,092)	(\$59,823,606)
Less Total Depreciation and Provisions Transferred	C	(\$12,256,000)	(\$12,256,000)
	D=B+C	(\$73,493,092)	(\$72,079,606)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	\$749,087	\$579,252
Net Operating movement for December Review		(\$107,199)	
Total Budgeted Land Sales Profits	F	\$2,000,000	\$2,000,000
Total Budgeted Newcastle Airport (NAL) Profits	G	\$1,459,605	\$1,459,605
Surplus/(Deficit) From Ordinary Activities without Land Sale Profits, NAL Profits and Before Capital amounts	H=E-F-G	(\$2,710,518)	(\$2,880,353)



LEGAL AND POLICY IMPLICATIONS

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

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

The December Quarterly Budget Review Statement indicates that Council's financial position (excluding land sale profits) has declined. This situation needs to be monitored closely with particular regard to those issues contained in TABLE 2 of Document 1. Long-term financial projections will also be reviewed.

Business Excellence Framework

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

These outcomes align with the following Business Excellence principles:-

- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Executive Group
Section Managers

OPTIONS

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

ATTACHMENTS

- 1) Attachment 1 Estimated Statement of Cash Position to 30/06/2008.
- 2) Attachment 2 Estimated Statement of Restricted Funds Movements to 30/06/2008.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Document 1 of 2007-2008 Quarterly Budget Review for June 2008.

Table 1.1 Discretionary Changes to adopted Recurrent Budget.

Table 1.2 Discretionary Changes to adopted Capital Budget.

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

Document 2 of 2007-2008 Quarterly Budget Review for December 2007, comparing Budgets to Actuals.

ATTACHMENT 1

ESTIMATED STATEMENT OF CASH POSITION TO 30/06/2008			
After December 2007 Quarterly Budget Review			
	Ref	After December 2007 Budget Review	Original Budget
Total Operating Revenue	A	\$74,242,179	\$72,658,858
Less Total Operating Expenditure	B	(\$61,237,092)	(\$59,823,606)
Less Total Depreciation and Provisions Transferred	C	(\$12,256,000)	(\$12,256,000)
	D=B+C	(\$73,493,092)	(\$72,079,606)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	\$749,087	\$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	\$11,545,482	\$11,375,647
Transferred to Restricted Funds	G	\$9,999,976	\$10,110,208
Cash Surplus / (Deficit) From Operations After Transfers	H=F-G	\$1,545,506	\$1,265,439
Total Capital Income	I	\$11,148,000	\$13,861,000
Total Capital Expenditure	J	(\$29,906,673)	(\$28,909,841)
Surplus/(Deficit) From Capital Works	K=I+J	(\$18,758,673)	(\$15,048,841)
Transferred from Restricted Funds	L	(\$16,954,100)	(\$13,674,841)
Cash Surplus / (Deficit) From Capital Works After Transfers	M=K-L	(\$1,804,573)	(\$1,374,000)
Total Cash Surplus / (Deficit) After Transfers	N=H+M	(\$259,067)	(\$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	\$23,682,223	\$27,978,251
Increase/(Decrease) in Cash Balance	Q=P-O	(\$5,421,661)	(\$1,125,633)
Represented By:			
Estimated opening Restricted Funds Balance	R	\$32,949,974	\$24,947,400
Closing Restricted Funds Balance	S	\$27,732,127	\$23,969,635
Increase/(Decrease) in Restricted Funds Balance	T=S-R	(\$5,217,847)	(\$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	(\$259,067)	(\$108,561)
Principal of Loan Funds Repaid and Finance leases	U	(\$2,200,591)	\$0
Loan Funds and Proceeds from Sales Received	V	\$3,936,868	\$2,586,868
Increase/(Decrease) in Cash Balance	Q=T+X+N	(\$5,421,661)	(\$1,125,633)

ATTACHMENT 2

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2008					
After December 2007 Quarterly Budget Review					
RESTRICTED FUNDS	Balance as at 30/06/2007	Recurrent Budget	Capital Budget	Balance Sheet Movements	Estimated as at 30/06/2008
SECTION 94	\$13,422,000	\$522,560	(\$3,022,951)		\$10,921,609
DOMESTIC WASTE MANAGEMENT	\$4,421,378	\$1,027,235	(\$2,029,067)	(\$378,619)	\$3,040,927
Sub Total. Externally Restricted	\$17,843,378	\$1,549,795	(\$5,052,018)	(\$378,619)	\$13,962,536
BUSINESS DEVELOPMENT RESTRICTED FUND	\$1,278,056	\$1,388,278	(\$1,515,000)	\$304,498	\$1,455,832
INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND)	\$461,168	\$597,114	\$0		\$1,058,282
ASSET REHABILITATION RESERVE	\$617,803	(\$15,000)	(\$372,159)		\$230,644
FLEET MANAGEMENT (PLANT)	\$2,544,471	\$2,448,944	(\$3,552,728)	\$418,485	\$1,859,172
OTHER WASTE SERVICES	\$2,696,248	\$0	\$0		\$2,696,248
QUARRY DEVELOPMENT	\$757,444	\$7,579	(\$20,000)		\$745,023
BUSINESS OPERATIONS RESTRICTED FUND	(\$2,111,660)	\$1,219,952	(\$3,392,968)	\$41,913	(\$4,242,763)
EMPLOYEE LEAVE ENTITLEMENTS	\$4,408,597	\$0	\$0		\$4,408,597
BEACH VEHICLE PERMITS	(\$20,033)	\$12,214	(\$20,842)		(\$28,661)
DRAINAGE	(\$304,056)	\$859,750	(\$1,975,000)	\$1,350,000	(\$69,306)
INTERNAL LOAN	(\$1,521,858)	\$249,900	\$0		(\$1,271,958)
TRANSPORT LEVY	\$215,630	\$140,000	\$0		\$355,630
ENVIRONMENTAL LEVY	\$328,680	\$96,382	(\$95,000)		\$330,062
ADMINISTRATION BUILDING SINKING FUND	\$439,066	\$398,200	(\$188,000)		\$649,266
DEPOT SINKING FUND	\$522,154	\$401,535	(\$96,034)		\$827,655
RTA BYPASS ROADS M/TCE RESTRICTED FUND	\$1,854,514	\$104,520	(\$300,000)		\$1,659,034
RESTRICTED CASH	\$2,354,994	(\$361,641)	(\$338,061)		\$1,655,292
COUNCILLOR WARD FUNDS	\$54,837	\$600,000	(\$36,290)		\$618,547
INFORMATION TECHNOLOGY STRATEGY	\$178,071	\$11,294	\$0		\$189,365
PROVISION FOR LOCAL GOVT ELECTION	\$100,000	\$50,000	\$0		\$150,000
PARKING METER RESERVE	\$252,470	\$241,160	\$0	\$0	\$493,630
Sub Total. Internally Restricted	\$15,106,596	\$8,450,181	(\$11,902,082)	\$2,114,896	\$13,769,591
RESTRICTED FUNDS TOTAL	\$32,949,974	\$9,999,976	(\$16,954,100)	\$1,736,277	\$27,732,127
* 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. 3

FILE NO: PSC2005-3690

NELSON BAY FORESHORE PLAN OF MANAGEMENT

REPORT OF: JASON LINNANE - RECREATION SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Nelson Bay Foreshore Plan of Management (TABLED DOCUMENT)

OPERATIONS COMMITTEE MEETING – 12 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

Tabled Document: Nelson Bay Foreshore Plan of Management

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

029	Councillor Robinson Councillor Westbury	It was resolved that the recommendation be adopted.
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MATTER ARISING:

030	Councillor Nell Councillor Westbury	That Council request the Minister for Lands to consult the community on any foreshore development proposals before submitting development applications
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Councillor Hodges left the Chamber at 6.45pm during Item 3.

BACKGROUND

The purpose of this report is to have Council adopt the Nelson Bay Foreshore Plan of Management (PoM). A copy of the PoM is available in the Councillors room and will be tabled on the night of the Council meeting.

1.

Port Stephens Council and the NSW Department of Lands developed a draft Plan of Management for the site and this was placed on public exhibition from 7 September 2007 to 2 November 2007.

The draft PoM was guided by public submissions received in response to the earlier Nelson Bay Foreshore Vision exhibition. The draft PoM establishes a number of strategies for the revitalisation of the foreshore including enhanced recreation facilities, improved tourism opportunity, increased safety, and better public linkages between the foreshore and the CBD.

The PoM process is running in parallel with Port Stephen Council's Nelson Bay 2030 Strategy which seeks to strengthen links between the Nelson Bay Town Centre and the waterfront, establish transport solutions and provide economic and retail direction for Nelson Bay businesses. It remains Lands and Council objective to work together to ensure a common direction and vision for the greater Nelson Bay township.

As a result of the exhibition period nineteen (19) written submissions were received. Attachment 1 provides a summary of these submissions. There is a high level of community support and commendation for the PoM initiative and its broad management strategies. However, there continues to be a wide range of opinion on some aspects of foreshore revitalisation work as well as some continuing scepticism over the ability of government (local and state) to deliver a revitalised foreshore.

It should be noted that a large proportion of public comments relate to micro planning issues (lighting, landscaping, type of boardwalk, pedestrian crossings etc) which do not directly affect the broader/macro planning concepts covered by the draft PoM. All micro planning issues will be further addressed during the preparation of any detailed foreshore redevelopment/master plan - refer Strategy S1 in the draft PoM. This process will commence as soon as the PoM has been adopted by Council and the Minister.

Various stakeholders continue to have competing views and objectives with respect to some of the macro planning concepts covered by the PoM i.e. issues such as further commercial/tourism development at the foreshore and the possible reclamation of the beach area within the boat harbour. At this stage of the PoM process, a clear focus on the core objectives of the revitalisation project must be maintained if the project is to move forward. All stakeholders will, of course, have further opportunity to air their opinions during later planning and development processes if and when individual foreshore projects are presented for development consent.

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

The PoM does not expressly identify any projects that incur costs. The next stage of the planning process involves the preparation of detailed development plans for the foreshore site. At this stage estimates and works program will be developed and a funding strategy constructed in conjunction with the NSW Department of Lands. Broad estimates based on other similar projects would suggest that there is a need to spend at least \$15million on this site.

Council staff and the NSW Department of Lands have initiated discussions on the range of opportunities that may exist in respect to funding for any proposed works program. This information will be made available to Councillors once a draft is prepared.

The development of the PoM has had a minor impact on PSC resources. The majority of the work has been undertaken by NSW Department of Lands as owners of the land.

LEGAL AND POLICY IMPLICATIONS

The PoM has been prepared in accordance with the Crown Lands Act (1989). Staff have been advised that once Council has formally adopted the PoM it will be forwarded to the Minister for formal adoption under the Crown Lands Act (1989).

The adoption of the PoM will provide PSC and the NSW Department of Lands with a framework to enable future decisions on the site to be made in a consistent and transparent manner.

Business Excellence Framework

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

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The re-development of the foreshore will provide many social benefits. These include but are not limited to improved access for the public, increase opportunity for public recreation activity, improved disability access, creation of community focal point, and an increased ability for cultural events like concerts, public art, community markets.

All of the above will assist in the building of social capital and provide the platform for many community development opportunities.

ECONOMIC IMPLICATIONS

There will be significant economic benefits from the project once work starts and upon completion. While not yet quantifiable, there will be a significant amount of direct and indirect employment opportunities at construction and post construction phases.

The recently completed Economic Development and Events Strategies also highlighted the benefits derived from major events for the area. The creation of this much needed public space will certainly assist in attracting and hosting a myriad of major events.

Where major re-development projects have occurred on other foreshore sites in Australia there has been significant positive impacts on local economies. The multiplier effect has not yet been quantified but examples from other such re-developments has shown that this can be as high as 18 times (Townsville City Council).

ENVIRONMENTAL IMPLICATIONS

The re-development of the foreshore will allow for many positive environmental outcomes. All works will be undertaken to current standards and there are many opportunities to improve water conservation/reuse and energy efficient developments.

The PoM identifies the need for an environmentally sensitive approach to the improvement process and it will be central to the next stage of the planning process where detailed plans are prepared for on site works.

CONSULTATION

The PoM was on public exhibition from 7 September 2007 to 2 November 2007.

NSW Department of Lands have taken the lead role in the preparation of the PoM.

All sections of Council have been provided copies of the draft PoM for their review and comment. All comments that have been provided have been considered in the preparation of the final draft PoM.

OPTIONS

- 1) Adopt the recommendation
- 2) Reject the recommendation and have the PoM amended prior to further report to Council

ATTACHMENTS

- 1) Summary of Written Submissions

COUNCILLORS ROOM

- 1) Nelson Bay Foreshore Plan of Management

TABLED DOCUMENTS

- 1) Nelson Bay Foreshore Plan of Management

ATTACHMENT 1

SUMMARY OF WRITTEN SUBMISSIONS

Nineteen (19) written submissions have been received in response to the exhibition of the draft Plan of Management.

There is a high level of community support for the Plan of Management initiative and its broad management strategies. However, there continues to be a wide range of opinion on some aspects of foreshore revitalisation, particularly in relation to:

- (a) Traffic and car parking congestion at the foreshore. Note: This continues to be an issue of concern to the community. Whilst this is largely a public roads issue (and thus somewhat outside the scope of the Crown land Plan of Management), the opportunity exists for the Department of Lands to work with Port Stephens Council to examine whether the Crown reserve system can play a role in providing a part solution to traffic and parking congestion at the foreshore.
- (b) Possible development on the southern side of Victoria Pde. A number of Magnus Street residents oppose development at this location principally on the grounds of perceived loss of amenity, traffic generation and alienation of public land.
- (c) Commercial/tourism development at the foreshore. There continues to be mixed community views on the location and extent of any development.

It must again be acknowledged that stakeholders have competing views and objectives with respect to the foreshore revitalisation process and that these views and objectives will not always be reconcilable. However, a clear focus on the core objectives of the revitalisation project must be maintained if the project is to move forward.

It is also acknowledged that the revitalisation of the foreshore cannot be treated in isolation of existing planning controls and Council planning initiatives e.g. Council's Nelson Bay 2030 strategy. Lands and Council are continuing to work together to ensure that there is a consistent and integrated approach to site planning and to ensure that physical and economic linkages between the foreshore and town centre can be fully developed.

Earlier submissions received in response to the Nelson Bay Foreshore Vision Exhibition (46 submissions in total) remain relevant to the current planning initiative and will continue to be considered as part of the foreshore planning and management process going forward.

ATTACHMENT 1

Summary of Responses

Note: This section provides a broad summary of community responses and does not purport to cover all matters raised by respondents. A number of submissions contained significant levels of detail which will be considered as part of the future planning and redevelopment process.

Management Unit 1 – Nelson Bay Boat Harbour

- New pedestrian crossing is considered necessary at Teramby Rd near the disabled access ramp
- Consider possible pedestrian bridge over Teramby Rd from Apex Park
- Disabled access is considered necessary to the upper level of the d’Albora complex
- Beach area within boat harbour should be retained
- Beach area within boat harbour is not, and cannot, be maintained as a swimming area due to vessel traffic - this area should be redeveloped for greater land based recreational use
- Permanent high quality children’s play equipment might be provided
- Commercial development is supported west of marina – area to be improved aesthetically and environmentally
- Further opportunities for mixed uses could be provided by relocating the car park area south of the d’Albora complex
- Consider providing more office space rather than seasonal retail development
- Rationalisation of existing mooring facilities is supported
- Consideration should be given to providing long term parking for boat owners
- Teramby Rd frontage might be beautified
- Additional mooring space in harbour might be prioritised for commercial and tourism vessels
- Water quality might be improved in the boat harbour
- Question the need or desire to relocate public wharf to southern side of the harbour
- Car parking might be removed from waterfront areas in order to provide a continuous ‘green’ space
- Considered need to improve whole of eastern groyne area including new building to accommodate cruise bookings and food/coffee outlets
- Consideration might be given to a small amphitheatre/stand for festival type activities
- An area might be provided for exhibitions (area for large marquees etc)
- Additional recreational boat mooring facilities could be developed elsewhere in the Port rather than in boat harbour
- Facilities for emergency/agency vessels might be maintained
- Plans to redevelop/expand boat harbour might be considered in context of safety, commercial and environmental constraints including size of fishing and other vessels using the harbour

- Question the need to expand recreational boating facilities given current vacancy rates within the existing marina
- Foreshore access can be improved by the development of a foreshore boardwalk extending through to the western/northern groyne
- Examine the possible installation of a tidal flush system and vessel pump-out facilities to improve water quality within the boat harbour
- Incentive based environmental performance initiatives could be incorporated into any new lease(s) to improve environmental management, monitoring and reporting.
- Education of boat owners is important to eliminate pollution events
- Impacts of potential sea level rise might be taken into account for future development proposals

Management Unit 2 – Apex Park

- Conservation and interpretation of heritage items within this area is supported
- Apex park is the principal entry to foreshore - Improvements should therefore be of the highest quality
- This area might be enhanced as a recreational and historic showpiece
- More active use of park might be considered – the park to be themed to reflect our heritage and culture – might also be used for food markets and other regular weekend activities
- Support for improved car parking facilities within the western section of the park
- Pedestrian safety might be improved (access between CBD and foreshore)
- Consider widening pedestrian pathway and steps – upgrade disability access
- Noxious weeds/plants continue to be a threat
- Improve aesthetic appearance of utility infrastructure
- Relocate Tourist Information Centre to a 'gateway' centre e.g. Salt Ash

Management Unit 3 – Victoria Parade South

- Mix of community support for and opposition to car park and/or commercial development within this site
- Whole of this area might be landscaped/terraced to encourage greater use
- Opportunity to improve public access to foreshore through this area
- Question business viability and security of a car park at this location. Ventilation will be important (impact on residents?)
- Area might be conserved and enhanced to provide a vista outlook to water.
- Some car parking essential including an underground car park to service waterfront
- Any car parking south of Victoria Pde might be hidden/roofed with parkland
- Pedestrian safety might be compromised if further development is allowed between Victoria Pde and Magnus Street
- Eradicate noxious weeds

Management Unit 4 – Neil Carroll Park Group

- Support for maintenance of area as a multi-purpose reserve system
- A new stage might be constructed to divert sound away from residences

- Perceived need for a new multi-purpose community arts centre at this location
- Toilet block might be upgraded
- Pedestrian access/safety might be improved at Fly Point with the pathway to be extended to Little Beach
- Support for additional car parking and bus parking in vicinity of Cultural Close
- Car parking might not be at the expense of multi-use parkland
- WW11 heritage items might be preserved/interpreted
- Any concert events might be subject to DA to ensure community consultation and to comply with noise control regulations
- Speed humps and other traffic control devices might be installed along Victoria Pde frontage
- Enhanced lighting and security measure might be provided

Management Unit 5 – Nelson Bay Beach

- Damaged beach embankments require urgent attention – consider additional reclamation to soften the beach shape and to prevent wave scouring
- No boating should be allowed in this area
- Protect views of residents along Victoria Pde
- Improve pedestrian safety at Fly Point
- Remove redundant and non-complying signage
- Perceived need for improved pedestrian access – consider a raised boardwalk situated so that the dunal vegetation can re-establish to protect foreshore – limited access points.
- Powered vessel use of this beach is not considered appropriate
- Provision of 'offshore' NSW Maritime courtesy moorings should be reviewed.

General Comments

- There continues to be strong community and agency support and commendation for the Plan of Management initiative
- Any redevelopment might be considered in the context of the Nelson Bay 2030 strategy
- Support for initiatives to improve the foreshore but not through over-development of commercial interests
- Traffic and parking problems should be addressed – need to divert through traffic away from Victoria Pde
- All open space areas require definition of use, with well designed landscaping and colour. Tree selection must be limited in height so as to not obscure views
- Vandal-proof, energy efficient lighting might be considered for the foreshore with timer switching
- Improvements might be of the highest quality. All carnival type activities should be relocated to less visible areas
- Parking away from foreshore is desirable but might also provide for long stay parking (cruise users and foreshore staffing requirements)
- Alternative funding sources might be harnessed to fund foreshore works (not to rely on commercial development)

- A successful redevelopment of the foreshore should provide for a combination of community, commercial and tourism needs
- Any new car parking might be integrated with greater emphasis on public transport use and walking and cycling
- Extension of Council's Donald Street car parking areas might be sufficient in the short term without constructing car parking facilities on the southern side of Victoria Pde. Longer term solution could involve additional parking facilities along Teramby Rd
- Perceived need to build a cultural centre at the foreshore to cater for arts, exhibitions, concerts etc.
- Any heritage trail might be accessible to everyone e.g. accessible by bus for those who cannot walk a heritage trail
- Development of additional parking elsewhere might be a priority to allow early removal of car parking from valuable waterfront areas

ITEM NO. 8

FILE NO: PSC2006-0298

**REQUEST TO AMEND LOCAL ENVIRONMENTAL PLAN 2000 -
REZONE LANDS AT WILLIAMTOWN TO FACILITATE A DEFENCE
AND AIRPORT RELATED EMPLOYMENT ZONE**

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to place the Draft Defence and Airport Related Employment Zone Land Use and Development Strategy on public exhibition (Attachment 1);
- 2) Resolve to prepare a draft amendment to Port Stephens Local Environmental Plan 2000, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, over Lots 1, 2 and 3 DP 1036690, Williamtown Drive; Lots 10 and Part 11 DP 1036501, Williamtown Drive; and, Part Lots 131 and 132 DP 609165, Cabbage Tree Road to rezone the subject land to:
 - a) Part Zone SP1 Special Activities – *Defence and Airport Related Employment Development* and Part Zone E3 *Environmental Management* to facilitate the establishment of a sustainable employment hub associated with RAAF Base Williamtown and Newcastle Airport (Attachment 2); and.
 - b) Insert a clause into Local Environmental Plan 2000 to permit the subdivision of the subject land where it would have a split zone between the proposed new zones and the existing remnant Rural 1(a) zone;
- 3) Resolve to prepare a Development Control Plan over the land identified in Recommendation 2 to ensure that, upon rezoning of the land, the street and lot layout and subsequent buildings are consistent with Part F Sustainability Principles and Criteria of the *Port Stephens Community Settlement and Infrastructure Strategy 2007* and *Draft Defence and Airport Related Employment Zone Land Use and Development Strategy* to ensure that development of the subject land forms an attractive, safe and sustainable gateway to the Hunter Region and forms a setting to stimulate economic and employment development.

OPERATIONS COMMITTEE MEETING – 12 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

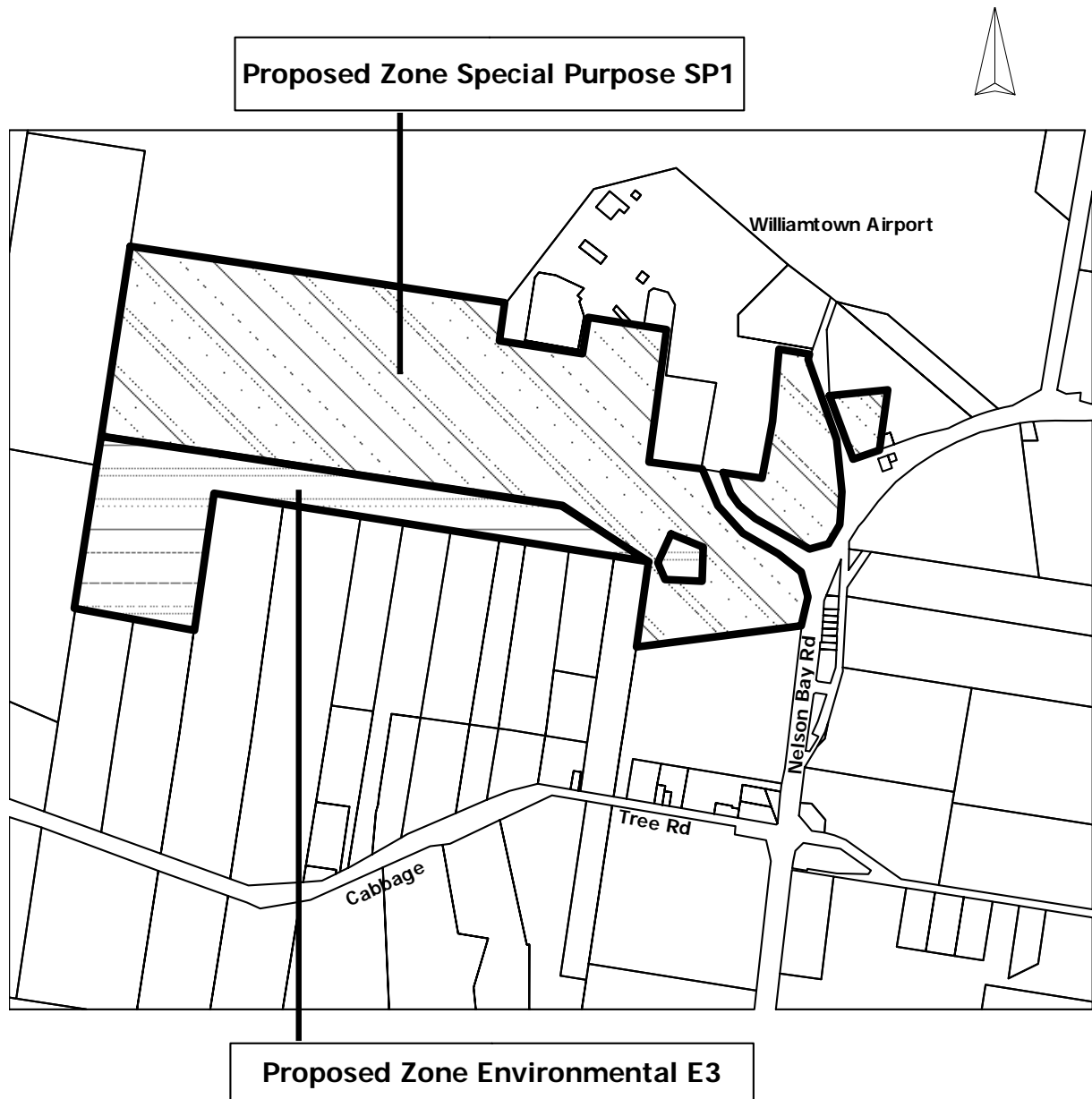
Tabled Document: LEP2000 Rezone at Williamtown to Facilitate a Defence and Airport Related Employment Zone.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

032	Councillor Westbury	It was resolved that the recommendation be adopted including the lands identified on the plan contained in the Supplementary Information of the 26 February 2008 as shown
	Councillor Nell	

PLAN INDICATING THE PROPOSED ZONING AREAS



Councillor Hodges returned to the Chamber at 7.05pm.

Councillor Nell left the Chamber at 7.07pm and returned at 7.08pm.

BACKGROUND

The purpose of this report is to recommend Council to place the *Draft Defence and Airport Related Employment Zone Land Use and Development Strategy* on public exhibition and support the request to prepare a draft LEP over the subject land to facilitate the establishment of the Defence and Airport Related Employment Zone (DAREZ).

PROPOSAL DETAILS

- Owners:** B and M Ellison Pty Ltd and Cicanti (under contract with Hunter Land Developments Pty Ltd), Port Stephens Council.
- Proponent:** RPS Harper Somers O'Sullivan
- Date of submission:** October 2007
- Subject land:** Lot 3 DP 1036690, Williamtown Drive; Lots 10 and 11 DP 1036501, Williamtown Drive; Lot 131 DP 609165, Cabbage Tree Road; and Lot 132 DP 609165, Cabbage Tree Road.
- Existing zoning:** 1(a) Rural Agriculture "A"
- Proposed zoning:** Part *Zone SP1 Special Activities – Defence and Airport Related Employment Development* and part *Zone E3 Environmental Management*.

PROJECT CONTROL GROUP

In recognition of the importance of developing an employment zone adjacent to RAAF Base Williamtown and Newcastle Airport, the NSW Premier's Department established a Project Control Group (PCG) for DAREZ, comprising staff from the Premier's Department and Cabinet, Department of State and Regional Development, Department of Planning, Department of Defence, Hunter Water Corporation, Port Stephens Council and Newcastle Airport Limited (NAL). The PCG, with funding from the above agencies, Hunter Land Developments and Council's Business and Development Section, coordinated the commissioning of environmental, servicing and land use investigations over the site. Results from the investigations have enabled the completion of the draft Land Use and Development Strategy.

DRAFT DEFENCE AND AIRPORT RELATED EMPLOYMENT ZONE LAND USE AND DEVELOPMENT STRATEGY (2007) ("THE DRAFT STRATEGY")

In November 2006 consultants GHD Pty Ltd began work on a strategy for the area on behalf of the PCG. The draft Strategy (completed and endorsed by the PCG on the 13th December 2007) examines the constraints applying to the site that will influence the development potential of the land. The document analyses a range of development options and presents a conceptual layout for the area.

The preferred land use for the site has been formulated with regard to the surrounding land uses including access to the airport and facilities. The objectives are based on the aims of the Lower Hunter Regional Strategy and the Project Brief for the employment centre developed by the PCG. Port Stephens Council and the Department of Planning will use the draft Strategy to inform the LEP making process.

A land capability and suitability assessment was prepared as part of the draft Strategy. The draft Strategy investigated relevant environmental issues including geotechnical, hydrology, flooding and drainage and ecology. These issues were considered in the preparation of Conceptual Development Scenarios for the site.

The site covers an area of approximately 119 hectares. The location of the site is west of Nelson Bay Road, Williamstown immediately south of Newcastle Airport and has frontage to Nelson Bay Road, Williamstown Drive and Cabbage Tree Road (**Attachment 3**). The subject site is currently undeveloped, partly vegetated and has been the subject of previous sand extraction activities.

The proposed rezoning and subsequent development will establish a major employment zone having direct access to RAAF Base Williamstown and Newcastle Airport and transport linkages to national and international business. The DAREZ will constitute a mix of Airport related industrial and commercial development including commercial office buildings, aerospace and avionics industries, airport support businesses, human amenity support businesses, hotel accommodation, logistics and handling, and avionics support industries.

An indicative concept street and lot layout (**Attachment 4**) provides for the creation of approximately 77 ha (gross) of employment generating land. The concept plan is consistent with that contained within the draft Strategy and demonstrates the interactions between future development, RAAF Base Williamstown, Newcastle Airport, existing aerospace industries and areas of environmental sensitivity.

The rezoning will facilitate an employment area providing industry support to the RAAF and Civil airport activities. The site is well located to provide limited, but essential, tow way access whereby aircraft can be towed to and from sites within the DAREZ. Its location and close proximity to Williamstown Airport means that development of the site will form an important gateway to the region.

LINKS TO CORPORATE PLANS

This report addresses the strategic and future directions of Council's Plan 2007-2011, in particular:

- Integrating planning for facilities and services.
- Council's facilities and services meet community needs.
- Promote, plan and guide development to create sustainable communities that conserve and enhance the natural and built environment.
- Port Stephens treasured environment is maintained and improved for the well being of our community.
- Alignment of Council Plans.
- Alignment of State and Regional Plans.
- Development focuses on our communities being sustainable.
- Our Council will plan and manage our finances to maximise community benefit.

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 has contributed “in-kind” to the project through staff participation at PCG meetings and professional support. Council also contributed \$30,000 to funding preparation of the draft Strategy. Council applied and was successful in obtaining \$30,000 funding from Department of State and Regional Development and \$30,000 from the Planning Reform Fund administered by the Department of Planning.

Should Council resolve to prepare a Draft LEP, resources from Integrated Planning will be required and can be funded from fees attracted from the rezoning submission. Resources will also be required for the preparation of a Section 94 Plan and Development Control Plan in partnership with the landowners, for insertion as a new chapter to Port Stephens DCP 2007.

LEGAL AND POLICY IMPLICATIONS

Legal – there are no currently anticipated legal implications if Council adopts the recommendations of this report.

Policy – Port Stephens Community Settlement & Infrastructure Strategy 2007 (CSIS).

The CSIS recognises the existing importance of the RAAF Base Williamstown and the Newcastle Airport and potential for the Newcastle DAREZ to drive economic development in Port Stephens and the Hunter region:

This Strategy and the Lower Hunter Regional Strategy both identify the area as employment land for airport related industry and that opportunities exist between the aerospace industry (military and civilian) and associated employment generating activities.

The relevant sections of the CSIS 2007 guide the assessment of the rezoning request as follows:

Part D Strategic Directions – the subject site is specifically identified on Figure 21 for future employment land for airport – related industry.

Part E Local Area Strategies – a Local Area Strategy has not been undertaken for the Williamstown Airport area.

Part G Implementation – as the subject site is strategically identified for urban development in Part D of the Strategy, Part G2 Land Strategically Identified for Development applies.

G2 Criteria 1: Consistency with Part F Port Stephens Community Settlement and Infrastructure Strategy, the Lower Hunter Regional Strategy, the Integrated Land Use and Transport policy package and the Coastal Design Guidelines for NSW.

Part F Port Stephens Community Settlement and Infrastructure Strategy

F1 Settlement Structure and Movement Network

The proposed rezoning is for Defence and airport-related employment lands only. The Department of Defence have indicated that proposed land uses will not include noise sensitive land uses and hence not compromise the future operation of RAAF Base Williamtown. By precluding inappropriate noise sensitive development from the proposed employment area will ensure that Medowie, and to a lesser degree, Raymond Terrace can develop as supporting airport towns.

The site is located on the junction of Nelson Bay Road with Williamtown Drive. Nelson Bay Road is one of the key transport corridors in the area and provides for direct and efficient connection with Medowie and Raymond Terrace in particular and to the region. There is significant opportunity for providing a choice of modes of travel for employees. This in turn provides greater opportunities for reducing vehicle kilometres travelled and greater convenience and efficiencies for public transport users and operators.

F2 Infrastructure Services and Facilities

The subject site is located adjacent to the existing Williamtown airport and not within in an existing urban area. It is not appropriate that health, education, legal, cultural and community development services be provided at the subject site. Infrastructure, such as roads, kerb and guttering, water, electricity, sewerage and other services within the site shall be provided and funded by the developer at the subdivision stage of development by extending the existing services in the area.

Provision of sewer and water infrastructure to the site is currently under investigation by Hunter Water.

F3 Quality Places to Live – Not applicable to the proposed rezoning.

F4 Natural Areas and Resources

Development under the proposed rezoning will avoid impacting on areas of ecological significance or sensitivity by proposing to rezone some areas E3 Environmental Management and retaining part of the subject land as 1(a) Rural Agriculture “A” as this land is subject to unresolved flooding and geotechnical issues. Technically, the remnant Rural 1(a) land in the southeast corner of the site bounded by Nelson Bay and Cabbage Tree Roads could be developed but at significant cost including offsetting downstream flooding through offsite drainage engineering works. The PCG considered that it would inappropriate to include this land as part of DAREZ until such time that it can be demonstrated that the flooding and geotechnical issues can be addressed on and offsite.

The draft Strategy investigated relevant environmental issues such as geotechnical, hydrology, flooding and drainage and ecology. These issues were considered in the preparation of Development Scenarios for the site.

Hunter Water Corporation (HWC) controls a significant land west and north west of the study area. These lands form part of the Tomago Sandbeds that provides about 20% of the lower Hunter drinking water. The majority of HWC lands are well vegetated and in good condition and have recently been transferred to the National Park estate by the State Government consistent with the Draft Regional Conservation Plan. An ecological corridor linking the HWC land with vegetated land within the study area will be contained in the E3 Environmental Management zone (Attachment 3).

Urban development within the areas nominated will occur in accordance with water sensitive urban design principles.

F5 Economics and Employment

RAAF Base Williamstown and Newcastle Airport are a regional gateway to National and international business and visitors. The DAREZ may facilitate the establishment of a range of business, commercial and industrial defence and airport related enterprises. Non airport related land use activities occurring on the subject land would be detrimental to retail and commercial activities in existing towns.

Rezoning the subject land will not detract from the hierarchy of centres across the LGA because it capitalises, and is dependent, on the opportunities associated with the base and airport. However, it is considered that the combined implementation of the Draft Medowie Strategy and the DAREZ will provide a strong and more sustainable base for the economic and social wellbeing of local residents and to the broader Port Stephens and lower Hunter community.

Development of the subject land will provide services and business directly related to the adjacent and expanding civilian and military air base. This includes providing limited but essential tow way access to the airport apron.

Development of the subject land will address the following three approaches to generating economic and employment development as identified in the CSIS 2007:

- contribute to the LGA “retaining existing wealth” through facilitating the creation of local high skilled employment opportunities;
- contribute to the LGA “creating new wealth” by; building on competitive advantages (i.e. RAAF base/airport); attracting new economy smart business founders, attracting employees who are “lone eagles” and “high flyers”, creative and design skills, special information and knowledge, technology and computer skills, scarce technical and trade skills and experienced business skills;
- capture external wealth earned elsewhere through recreational and business visitors that lead to meetings, incentives, conferences and events.

It is important that the future development of Medowie as a town providing housing and services for employees at the airport is undertaken in a way that also provides settings to stimulate economic and employment development. In particular, this includes an attractive, vibrant and safe town centre with quality and diversity of retailing and services, diversity of quality housing types, attractive streets and parks, choice of schools etc.

F6 Sustainability Criteria (derived from the Lower Hunter Regional Strategies Sustainability Threshold Criteria)

These criteria are for consideration by the Department of Planning.

Lower Hunter Regional Strategy - specifically identifies the subject site as proposed employment land for airport – related industry.

Integrating Land Use and Transport policy package - development of the site is consistent with the package as required by Section 117 Ministerial Direction 3.4. The proposed DCP will ensure that the design principles of the policy package are addressed.

NSW Coastal Design Guidelines - the social, economic and environmental planning outcomes for the site are collectively positive. The rezoning footprint will ensure adequate long-term protection of environmental qualities and provision of suitable and appropriately sized areas for economic development.

G2 Criteria 2: The priority and staging of the implementation of the rezoning will be consistent with Figure 21 and Table 10. Council may consider variations to staging if it can be demonstrated that it is in the public interest to do so.

The DAREZ is assigned as Priority 3 in Table 10 and is the only urban development proposal that doesn't include residential development. The timing for the development is listed as 2010. Commencing the rezoning process will be aimed to ensure that the development is delivered on schedule.

The development of Kings Hill and Medowie, priorities 1 and 2 respectively in Table 10, plus the proposed rezoning will help to provide employment opportunities for future residents of these proposed towns and for existing residents of Port Stephens and the Hunter region.

G2 Criteria 3: A structure plan shall be prepared by a qualified urban designer illustrating how the principles of the CSIS can be achieved.

A concept plan indicating possible street and lot layout is contained in Attachment 4. Future street and lot layout will be detailed within a future DCP for the site.

Business Excellence Framework

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

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

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

SUSTAINABILITY IMPLICATIONS

The draft Strategy investigates and identifies flora and fauna, geotechnical, hydrology, flooding and drainage issues on and downstream of the site. These issues were considered in the preparation of Conceptual Development Scenarios. The principles of water sensitive urban design will be employed to ensure that the existing hydrological regime onsite and in the area is not negatively impacted by the proposed development.

The environmental qualities of significance on the subject land will be maintained in current condition, improved and/or offset by biodiversity certification. Development will occur of some lands that are identified under the Port Stephens Comprehensive Koala Plan of Management as preferred koala habitat, 50m buffer over cleared land and links over cleared land. However, environmentally sensitive lands on the subject site will be linked with the larger HWC lands to the west by providing a flora and fauna / environmental corridor linking the two areas.

CONSULTATION

The Project Control Group, managed by the Department of Planning and the Premiers Department, has overseen the preparation of the draft Strategy that it endorsed as ready for public exhibition subject to the recommendations of this report. The draft Strategy will be publicly exhibited jointly with the draft LEP to allow the public to understand how the planning investigations were undertaken and the proposed resolution of issues associated with developing the subject land. Further consultation with relevant agencies will occur should Council resolve to commence the rezoning process as well as the public exhibition process itself.

OPTIONS

- 1) Council adopt the recommendations of this report.
- 2) Council not adopt the recommendations of this report and resolve to not rezone the subject site or place the draft DAREZ Land use and Development Strategy on public exhibition.

ATTACHMENTS

- 1) Draft DAREZ Land Use and Development Strategy, GHD Pty Ltd, December 2007 (provided under separate cover).
- 2) Subject land and proposed rezoning
- 3) Location of the site and existing zoning of adjoining lands.
- 4) Indicative Concept Subdivision Plan.

COUNCILLORS ROOM

- 1) Defence Airport Related Employment Zone Land Use Development Strategy Vols 1-3 (Dec 2007)
- 2) Rezoning Submission, RPS Harper Somers O'Sullivan, October 2007.

TABLED DOCUMENTS

- 1) Defence Airport Related Employment Zone Land Use Development Strategy Vols 1-3 (Dec 2007)

ATTACHMENT 1
DRAFT DAREZ LAND USE AND DEVELOPMENT STRATEGY

Provided under separate cover
***(full copy provided in Councillors' Room – Executive Summary provided as
Supplementary Information)***

ATTACHMENT 3

LOCATION OF THE SITE AND EXISTING ZONING OF ADJOINING LANDS



ATTACHMENT 4
INDICATIVE CONCEPT SUBDIVISION PLAN



ITEM NO. 9

FILE NO: PSC2007-2397

DRAFT COUNCIL PLAN 2008-2012 AND FEES AND CHARGES 2008-2009

REPORT OF: JUNE SHINE - EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Agrees to place the Draft Council Plan 2008-2012 and Fees & Charges documents on public exhibition from 1 – 31 March 2008.

OPERATIONS COMMITTEE MEETING – 12 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

Tabled Document: Draft Council Plan & fees & Charges Document

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

033	Councillor Nell	It was resolved that the recommendation be adopted.
	Councillor Francis	

Councillor Robinson left the Chamber at 7.15pm and returned at 7.17pm during Item 9.

BACKGROUND

Under Section 402 of the Local Government Act 1993, Council is required to have a forward management plan that covers a minimum period of three years, together with a financial plan for the forthcoming year. Under Section 405 of that Act, Council is required to place its management plan and budget on public exhibition.

In November 2006 Council established the five directional statements of sustainability that are intended to guide the operations of Port Stephens Council into the future. Based on these directional statements – Social Sustainability, Cultural Sustainability, Economic Sustainability, Environmental Sustainability and Business Excellence – the Council in May 2007 adopted the Council Plan 2007-2011 and moved to a four-year planning cycle.

As part of the Business Excellence integrated planning cycle, this plan was reviewed by Council in November 2007 and amendments were incorporated into the next iteration of the four-year plan – the Draft Council Plan 2008-2012. At the same time a budget for the period 2008-2009, including fees and charges, was developed.

In December 2007 Council adopted the Economic Development Plan for the Local Government Area. It is proposed that Council considers making an application to the Minister for Local Government for a variation to the rates payable by the business category of ratepayers, to realise \$600,000 to fund the implementation of the Economic Development Plan. This variation would be in addition to a proposed 3.5% provision in lieu of rate pegging. This proposed variation application will be made under Section 508 of the Local Government Act 1993.

A minimum requirement for a successful application to the Minister is that the proposed variation to rates and its impact on ratepayers is included in the draft management plan that goes on public exhibition. The Minister will take into account submissions received as a result of that public exhibition. The Draft Council Plan 2008-2012 contains details of this proposed variation to the business rate in the 'Financial Strategies' section of the Statutory Statements required by Sections 403 and 404 of the Local Government Act 1993.

The Draft Fees & Charges 2008-2009 were reviewed using a new process developed through the business excellence framework to better identify the impacts of fees and charges, and to revise existing fees and charges in line with financial strategies as outlined in the Statutory Statement on Fees and Charges in the Draft Council Plan 2008-2012. For convenience, the Fees & Charges are contained in a separate booklet but are integral to the overall budget for 2008-2009.

LINKS TO CORPORATE PLANS

The Draft Council Plan 2008-2012 is the overarching document that all other strategic and operational plans must align with to have validity under the Council's Integrated Planning Model. Economic Development Plan. The proposal for a variation to rates for business category ratepayers is specific to this Draft Council Plan 2008-2012 under the requirements of Section 508 of the Local Government Act 1993.

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

Goals 1 to 3 of the Draft Council Plan 2008-2012 provides for the continued implementation of the Social and Community Plan 2005-2010.

If funding is achieved for the Economic Development Plan, it will allow development of the whole of the Port Stephens economy to provide new opportunities for employment and skills acquisition that in turn address social disadvantage.

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

Goal 4 of the Draft Council Plan 2008-2012 provides for a reinvigorated cultural life for Port Stephens through targeted programs to improve the participation of residents. Specifically it addresses the need for a cultural framework, and provides that future developments will incorporate cultural considerations into planning.

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

Goal 5 of the Draft Council Plan 2008-2012 provides for the implementation of the major strategies and objectives of the Economic Development Plan adopted by Council in December 2007. The key areas include development of new towns and town centres in Medowie and Kings Hill; development of Raymond Terrace as the area's major services centre; establishing an overarching Economic Development Board to liaise with and coordinate a whole-of-Port Stephens approach to resources allocation and programs; and a revitalising of tourism marketing,

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

Goals 6 and 7 of the Draft Council Plan 2008-2012 address protecting the environment and sustaining the environment in the face of the challenges of development and population increases. Specifically the plan addresses protecting waterways, air pollution, biodiversity,

drainage, weed management and engaging the community in the protection of the environment. The Plan (Goal 7) looks at the future of the environment and how it can be sustained, including energy consumption, waste management, effects of climate change on coastal communities, and integrating environmental planning across all of Council's operations.

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.*

Goals 8 – 18 of the Draft Council Plan 2008-2012 address the business excellence categories of leadership, planning, knowledge and information, people, customers and market focus, continuous improvement, and success and sustainability. In addition, the Draft Plan identifies Council's specific risk exposures and puts in place measures to manage or eliminate risk across categories such as legal risk, occupational health and safety, reputation and business risk, as well as insurable risks such as public and professional liability, motor vehicles and property.

This section of the Draft Plan also addresses the sustainable management of assets and infrastructure, management of Council's regulatory functions and its development functions.

FINANCIAL/RESOURCE IMPLICATIONS

As required under the Act, the Draft Council Plan 2008-2012 contains the draft budget, including capital works and statutory statements on proposed borrowing, operation of businesses, rates policy, financial strategies to be employed by Council, charges for work on private land, and capital works and asset rehabilitation. This Draft Plan also contains Key Financial Performance Indicators in the areas of Unrestricted Current Ratio, Debt Service Ratio, Rates Coverage Ratio, Own Source Revenue Ratio and Rates and Annual Charges Outstanding Percentage.

The draft budget for 2008/2009 results in a net operating surplus, before Capital Grants and Contributions, of \$824,000. Importantly, this operating result includes budgeted profits from land sales and Newcastle Airport. Council has endorsed an objective to eliminate its annual 'underlying' operating deficit, which excludes land sale and Newcastle Airport profits, by 2012. The 'underlying' operating deficit for 2008/2009 is \$2.6m which is an improvement on the previous year and keeps Council on target to achieve this objective.

The draft budget figures include \$600,000 in additional rate income as proposed by the special variation together with \$600,000 of additional expenditure to fund Council's Economic Development activities. If the special variation application is unsuccessful Council's draft budget will be adjusted to reflect a reduction in both income and expenditure of \$600,000. This would have no impact on the projected operating result but would mean that the Economic Development activity is unfunded for 2008/2009.

The statutory statements also include details of Council's human resources activity and its approach to access and equity. Goal 11 provides details of how Council will manage its strategies in striving to become an employer of choice, including planning for workforce change and equity and diversity. This Goal also provides for safety of workers and giving our workforce a voice through the Employee Opinion Survey.

LEGAL AND POLICY IMPLICATIONS

The process for the development of a four-year management plan – the Draft Council Plan 2008-2012 – complies with the provisions of the Local Government Act 1993, specifically Sections 402, 403, 404 and 405. The inclusion of proposal for an application for a variation to the business rate category complies with Section 508 of the Local Government Act 1993.

The Draft Council Plan 2008-2012 contains directional statements in accordance with Council's Sustainability Policy 2003.

Business Excellence Framework

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

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

CONSULTATION

The Draft Council Plan 2008-2012 was developed in consultation with Councillors and staff. It is proposed that the Draft Plan be placed on exhibition and publicised so that the community of Port Stephens are afforded the opportunity to comment in writing prior to Council considering the adoption of the Plan. This consultation, in accordance with Sections 405 and 508 of the Local Government Act 1993 is proposed to be undertaken between 1 and 31 March 2008, and will include information breakfasts for business and the media in early March.

OPTIONS

- 1) Agree to place the Draft Plan on public exhibition without amendment;
- 2) Amend the Draft Plan prior to public exhibition;

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Draft Council Plan 2008-2012 with budget and Fees & Charges 2008-2009 document.

ITEM NO. 10

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 12th February, 2008.

No:	Report Title	Page:
1	Minutes of Tourism Joint Venture Cttee 20/11/07	107
2	PSC – Additional Operations Employees Proposal	112
3	Cash and Investments Held at 31 Dec 2007	114
4	Access Cttee Minutes	118
5	Aboriginal Strategic Cttee with Karuah & Womimi LALC	121
6	Port Stephens Crime Trends	127
7	Strategic Overview – Council owned Lands at Salamander/Soldiers Point	130

OPERATIONS COMMITTEE MEETING – 12 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

034	Councillor Francis Councillor Robinson	It was resolved that the recommendation be adopted.
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OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

**MINUTES OF TOURISM JOINT VENTURE COMMITTEE MEETING 20
NOVEMBER 2007**

**REPORT OF: STEWART MURRELL - GROUP MANAGER BUSINESS & SUPPORT
FILE: A2004-1127**

BACKGROUND

The purpose of this report is advise Council of the minutes of the meeting of the Tourism Joint Venture Committee held at Council on 20 November 2007.

It was resolved that;

“The Joint Venture Committee (JVC) approve the 2008/09 Marketing Plan in principle and it be included in Council’s planning process.”

Support was unanimous for the forwarding of a letter to the relevant Ministers regarding the affects of NSW Legislative changes to Dolphin approval distances on the dolphin tourism industry. Council endorsed this action by Mayoral Minute at the Council Meeting 18 December 2007 Minute no:375.

ATTACHMENTS

- 1) Minutes of the Tourism Joint Venture Committee meeting – 20 November 2007.
- 2) Letter to relevant Minister from Whale and Dolphin Watch Australia.

ATTACHMENT 1

MINUTES OF THE JOINT VENTURE COMMITTEE
held at Council Chambers Committee Rooms
Tuesday 20 November 2007 at 6:25 PM

Present	Mayor Swan, Cr Westbury, Cr Tucker, P.Gesling, C.Pilley R Yeo, P.Dann,
In Attendance	Cr Nell, Cr Dover, Cr Dingle, Cr Robinson, D Broyd, S Murrell, M.Campbell, N Deuis & T Bylhouwer
Apologies	Cr Hodges, Cr Brown, Cr.Francis
Chair	C.Pilley
Minutes of the last meeting	The minutes of the meeting held 21 st August 2007 were confirmed as an accurate record of the meeting with the addition of Cr Robinson as an attendee. Moved: B.Westbury P.Dann
Business Arising	nil
Current Activities	<ol style="list-style-type: none"> 1. Fly Drive Campaign: Still awaiting information from TNSW/JetStar. 2. Sydney Surrounds: Information 3. Mid North Coast: Pacific Coast Touring Route (PCTR): Information Tourism Review: Information Wine and Food Guide: Information ATE Application. Information. 4. Consumer Shows: Penrith Caravan and Camping: Information. Canberra Leisure Show: Information 5. Visitor Guides: Information 6. Advertising/Media: Information 7. PSTL Strategic Plan: Information 8. Port Stephens Marketing Plan: N.Deuis gave background on plan development. It was resolved that: "The JVC approve the 2008/09 Marketing Plan in principle and that it be included in Councils planning process" Moved: P.Gesling B.Westbury (unanimous) 9. Karuah Working Together: Information 10. Port Stephens Web Site bookings: Information
General Business	<ol style="list-style-type: none"> 1. Resignation: C.Pilley informed the meeting that he had received a letter of resignation from Neil Gordon. It was resolved that "N.Gordon be congratulated on his new position and thanked for his significant role with Port Stephens during his tenure as Chair" Moved P.Gesling B.Westbury (unanimous) 2. Dolphin Watching: R Yeo tabled a letter addressed to the relevant State Ministers. It was resolved that "The JVC support the approach taken by the industry association which includes licencing and a Code of Conduct. Moved : B.Westbury Cr Dover (unanimous) 3. NSW Tourism Awards: Cr Westbury advised that there were 3 winners from the Mid North Coast. 4. Departure Tax: N.Deuis raised the issue of the possibility of investigating an Airport Departure Tax as a revenue source to assist tourism funding.
Meeting Closed	19:55

ATTACHMENT 2

Whale and Dolphin Watch Australia

PO Box 536, Nelson Bay, NSW 2315 Australia, Phone: Australia +61 2 4984 9000 / Fax: +61 2 4981 5373

WADWA is a tourism network from around Australia gathered together for the purpose of promoting and insuring the sustainability of the whale and dolphin watch industry through complete protection for all species of Cetaceans and best practice methods of observation. WADWA is a participant in the International Alliance of Commercial Whale watchers and an official observer at the International Whaling Commission (IWC). Incorporated Association No: Y2612142

Sec: Frank Future: Imagine@NelsonBay.com
Pres: Steve Mitchell: info@whales-australia.com
V. Pres: Brian Perry: whales@bigpond.net.au
Treas: Pip Sutton: pjp@moonshadow.com.au
Science: W and T. Franklin: wally@oceania.org.au



The Hon. Phil Koperberg MP
Minister for Climate Change, Environment and Water

19 Nov 2007

Cc: The Hon. Ian Macdonald MLC.
Minister for Primary Industries, Energy, Minerals and State Development

Cc: The Hon. Matt Brown MP
Minister for Tourism and Housing

Cc: Prof. Rob Harcourt
Graduate School of the Environment, Macquarie University.

To the Honourable Ministers,

RE: Affects of NSW legislative changes to Dolphin approach distances on the dolphin tourism industry

There is little doubt that many Australian and overseas visitors have gained an appreciation for our natural marine environment through the opportunity to experience first hand encounters with large marine mammals. Commercial dolphin and whale watching tours such as those offered over the last 16 years in Port Stephens, NSW have played an important role in both prompting and satisfying the public's attitudinal shift towards conservation of our natural environment.

Dolphin and whale watching according to an independent valuation commissioned by the International Fund for Animal Welfare (IFAW) in 2004 "*The growth of whale watching in Australia*" states the industry attracts \$96 million of tourism revenue to NSW with half of this generated from Port Stephens, mostly from dolphin watching. (see attached 1/). Dolphin watch operators directly employ over 100 people in Port Stephens and more than 1,000 jobs on shore would be indirectly affected should this industry become non competitive.

I am writing to alert the Government of NSW that the initiation of minimum approach distances to dolphins in NSW, a first of its kind in Australia and almost certainly the world, has now put Port Stephens and NSW at a complete national and international marketing disadvantage. In a world where we have been conditioned by the media and by past availability to expect a reasonably close encounter with these animals, operators in NSW are now expected to compete with other States in Australia that promote dolphin experiences where tours are allowed not just close proximity but swimming, feeding and even touching.

Although all the States of Australia did agree some years ago to adopt a common set of regulations including new marine mammal approach distances, only NSW took it on in its entirety. No other state or territory has adopted the DEH regulations that now include minimum approach distances to dolphins. In addition, each state with the exception of NSW has expressed reservations in order to protect special interest tourism operators and regions dependent upon these activities. Many of these operations are frowned upon by scientists but dolphin feeding and swims in Monkey Mia will continue as will Dolphin swims in Port Phillip Bay, Victoria, and feeding at Tangalooma in Queensland and close proximity Whale watching in Hervey bay. Not so in NSW. Ironically Matt Brown had a recent first hand experience on a vessel in Port Stephens where he encouraged the captain of a vessel he chartered in the Bay to get closer than the prescribed distance to the dolphins because at 100 metres he said he couldn't see them.

ATTACHMENT 2

After commercial operators concerns to the amendments to the Marine Mammals Act were discounted during the public exhibition period 2 years ago, a delegation of Marine tourism representatives were reassured by the previous Minister for the Environment, Bob Debus, at a meeting in April 2006, that a suitable workable outcome would be achieved for the industry. He noted specifically that it was never the Government's intent to crush NSW' largest marine mammal watching industry in Port Stephens and acknowledged we had been the only area in NSW that gave support to the failed licensing proposals put forward by NPWS and broad support for the new Marine Park. The Minister also understood the industry needed to compete fairly with other states and resolved we might pursue a halving of the new approach distance in return for other conditions allowed under the enactment of Tier 2 of the Act.

The concerns by scientists that the population of around 100-140 dolphins in Port Stephens might be under threat is of course one that has to be taken seriously and in fact the commercial operators helped fund an early research project conducted by Macquarie University. There are indeed threats to the Bay's dolphins but these come mainly from high-speed recreational vessel strike and entanglement in amateur fish traps. The ten commercial vessels in Port Stephens however, are slow moving and have constant lookouts so pose little risk from this activity. There is no proof this population is in decline and in fact the reverse might be true with a vast increase in births this past year. Areas from other parts of the world where commercial dolphin swims have been operated have certainly raised alarms but science in order to draw a proper conclusion must be regionally specific to the population being studied.

Few who venture on the water have escaped an experience where dolphins have initiated contact with boats and as a consequence, the new minimum approach distances will be very difficult to police. The industry and peak conservation group IFAW feel a far better approach would be to insure commercial marine mammal operators have a higher level of awareness for these animals and this could be formalised with an accreditation program. It would effectively offer a permitting system that might allow via Tier 2 in the Marine Mammals Act accredited operators a closer approach than the general public who might not have such a level of understanding of vessel operation around the mammals. I have included a peer-reviewed document from a research scientist who studied the Port Stephens population of dolphins for 4 years, Simon Allen MSc. Macquarie University, who on 29th March 06 stated on behalf of the Marine Mammal Research Group at Macquarie Uni and reviewed by Prof. R. Harcourt etc, that:

....2. It is questionable whether or not amending approach distances will ensure that a "viable marine mammal watching industry will continue" It is our view that approach distances are relatively minor issues (given that they (dolphins) often approach vessels) and therefore extremely difficult to enforce.

Why when scientists have advised that approach distances are "*relatively minor issues*" have government regulators gone down this path? If the Government of NSW wants to support a viable dolphin watch industry in Port Stephens, Coffs Harbour, Port Macquarie and Foster plus a number of other regions it should at least give the operators a chance to show people the dolphins from a reasonable distance. Combined with the suggested accreditation process, a minimum approach distance of 30 meters from adults would be acceptable to operators, increasing to 60 metres if pods are found to contain calves. It should be noted that this represents 75% of all the dolphins watched in Port Stephens both inshore and offshore. The current regulations prohibit approach closer than 50 metres from adults and 150 metres from adults with calves. At one and a half times the length of a football field it is impossible to see a dolphin as Matt Brown might confirm.

Port Stephens is one of the single largest regional tourist destinations in NSW and dolphin and whale watching is iconic to the town. The \$50 million in tourism revenue generated annually to the area from these animals over the last 16 years has literally helped balance the demographic of a town that had become a retirement village. It would be catastrophic for tourism and hospitality jobs should dolphin watching become non competitive. Of 250,000 tickets sold last year, half were to inbound visitors from overseas that have other options in Australia to visit these animals far closer than we can offer. It would be nothing short of catastrophic to this port should dolphin watching have to close from a lack of viability and that is the direction we are now sadly heading.

With the greatest respect, but with some urgency, I would like to arrange a meeting to resolve a more practical approach to this issue along the lines suggested. My colleague David Cribb, president of the Charter Vessel Association of NSW and myself, secretary of Whale and Dolphin Watch Australia will make ourselves available at short notice and to suit your timing.

Yours faithfully

Frank Future
Secretary WADWA.

Attached:

1/ A copy of the submission made by Macquarie scientists regarding the amendments to the Marine mammal Act relating to the irrelevance of approach distances.

2/ A copy of NSW data from 2004 IFAW report on Whale watching value.

3/ Cutting from local Newspaper regarding minister's comments.

INFORMATION ITEM NO. 2

**PORT STEPHENS COUNCIL – ADDITIONAL OPERATIONS
EMPLOYEES PROPOSAL**

**REPORT OF: MIKE TRIGAR, GROUP MANAGER FACILITIES & SERVICES
FILE: PSC2008-0567**

BACKGROUND

The purpose of this report is to advise Council that it is proposed to incrementally increase the full-time numbers of the Operations Section of the Facilities and Services Group for up to the next four years. This proposal has been endorsed by the Executive Team and approved by the General Manager utilising some of the current temporary positions previously approved by Council.

The Manager Operations Section in association with the Organisational Development Section recently completed a work-force planning project that highlighted the need for Operations to prepare for the retirement of the “baby boomers” generation. Working on the assumption that current employees would likely retire at the age of 60 years indicates that 17.7% of the current workforce will leave employment in the next 5 years and is likely to be in the order of 15% for the subsequent 5 years.

In the last few years there has also been a noticeable reduction in the number of potential applicants for vacancies and this trend is expected to continue in the medium term. Of the last nine Team Leader vacancies in the Section only two external applicants have been successful. Therefore the need to “grow our own” skilled employees that has already become part of our strategy should be extended formally.

Associated with this is a works program that continues to expand notwithstanding Council’s current budget constraints due to the Repeal of S94 developers contributions, an increasing asset base due to population growth, an increasing emphasis on regular asset monitoring and timely risk minimisation maintenance response and increasing works preconstruction planning and documentation due to greater risk management expectations. It is also expected that continued success with externally funded contracts including the RTA State Road Works for at least the short to medium term.

Whilst the use of contractors is a desirable and growing component in our service delivery, the effective management of contractors also requires employees to be skilled as superintendent representatives and the availability of suitably skilled contractors particularly for many maintenance operations currently performed by Council is currently limited. Further contractors are having the same issues with having enough skilled employees themselves.

Notwithstanding this, the fostering of contractors skilled in concreting and roadside slashing for example is underway and there is an intention to develop relationships with local suppliers of other services such small area mowing to better attune the most cost effective service delivery method to the situation

To better prepare for natural attrition and better resource the current and anticipated works programs as mentioned above it is proposed to increase the approved establishment numbers for Operations by up to 9% to 123 approximately over the next four year period.

In particular it is intended to increase the number of lower skilled roles, traineeships and Works Hands to reduce our reliance on labour hire resources that are frequently unskilled, unreliable and consequently not suitable for all applications. Importantly, labour hire employees provide limited opportunity to develop as ongoing “feed-stock” to be trained as valuable, future skilled plant operators and Team Leaders for Council.

There is no intention to sustain employee numbers at the maximum approved number an extended period but to vary employee numbers to suit the works program and to creating employee pools from time to time to fill pending higher skilled vacancies. The use of labour hire will continue as a resourcing method as it does provide benefits during wet weather and with a changing works program and is consequently a standard industry practice.

There must remain the expectation that labour costs will accelerate with labour shortages and that continued emphasis needs to be placed on further developing our processes to deliver our services with increased productivity and reduced dependence on labour. In addition to process reviews, this will continue to be achieved through the introduction of new technology, increased mechanisation, changes to construction techniques and specifications that reduce or eliminate the need for future maintenance.

Funding for these additional employees as required will come at the expense of current labour hire numbers and to a much lesser extent in the short term small contraction of some contract and subcontracted providers as appropriate. As such this proposed increase is effectively fully funded by shifting a proportion of expenditure currently allocated to labour hire and contractors to direct labour.

ATTACHMENTS

- 1) Nil

INFORMATION ITEM NO. 3

CASH AND INVESTMENTS HELD AT 31 DECEMBER 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 December 2007.

ATTACHMENTS

- 1) **Cash and Investments Held at 31 December 2007.**
- 2) **Monthly Cash and Investments Balance January 2007 – December 2007**

ATTACHMENT 1

CASH & INVESTMENTS HELD - AS AT 31 DECEMBER 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	17-Dec-07	17-Mar-08	91	500,000.00	8.99%	1.69%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Dec-07	20-Mar-08	91	1,000,000.00	8.80%	3.37%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	22-Nov-07	23-May-08	183	412,500.00	9.90%	1.39%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Dec-07	20-Mar-08	91	450,000.00	8.80%	1.52%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	24-Dec-07	25-Mar-08	92	1,000,000.00	8.62%	3.37%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	20-Dec-07	20-Mar-08	91	1,000,000.00	8.40%	3.37%
HOME BUILDING SOCIETY	Floating Rate Sub Debt	25-Oct-07	25-Jan-08	92	500,000.00	7.97%	1.69%
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note	18-Oct-07	18-Jan-08	92	500,000.00	8.25%	1.69%
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	20-Dec-07	21-Mar-08	92	1,000,000.00	8.30%	3.37%
GRANGE SECURITIES "COOLANGATTA AA"	Floating Rate CDO	20-Dec-07	20-Mar-08	91	1,000,000.00	8.60%	3.37%
ANZ YIELD CURVE NOTE	Yield Curve Note	17-Oct-07	17-Jan-08	92	500,000.00	8.25%	1.69%
MACQUARIE CASH MANAGEMENT TRUST	Cash Management	20-Jul-07			177,365.41	5.58%	0.60%
BENDIGO BANK FLOATING RATE SUB DEBT	Floating Rate Sub Debt	24-Oct-07	24-Jan-08	92	500,000.00	8.08%	1.69%
TOTAL GRANGE SECURITIES					\$8,539,865.41		28.81%
ABN AMRO MORGANS							
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Dec-07	20-Mar-08	91	2,000,000.00	8.70%	6.75%
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	21-Mar-07	21-Mar-08	366	1,000,000.00	7.00%	3.37%
TOTAL ABN AMRO MORGANS					\$3,000,000.00		10.12%
ANZ INVESTMENTS							
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	8-Oct-07	7-Jan-08	91	500,000.00	8.11%	1.69%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Dec-07	20-Mar-08	91	1,000,000.00	8.80%	3.37%
MOTIF FINANCE (IRELAND) PLC	Floating Rate CDO	20-Dec-07	20-Mar-08	91	500,000.00	8.80%	1.69%
TOTAL ANZ INVESTMENTS					\$2,000,000.00		6.75%
RIM SECURITIES							
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	29-Oct-07	28-Jan-08	91	500,000.00	8.68%	1.69%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	11-Oct-07	13-Jan-08	94	2,000,000.00	8.90%	6.75%
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	5-Oct-07	7-Jan-08	94	1,000,000.00	7.60%	3.37%
TOTAL RIM SECURITIES					\$3,500,000.00		11.81%
WESTPAC INVESTMENT BANK							
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	29-Oct-07	28-Jan-08	91	500,000.00	8.13%	1.69%
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt	21-Nov-07	21-Feb-08	92	500,000.00	8.28%	1.69%
TOTAL WESTPAC INV. BANK					\$1,000,000.00		3.37%

ORDINARY MINUTES – 26 FEBRUARY 2008

ATTACHMENT 1

LONGREACH CAPITAL MARKETS							
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	6-Sep-07	6-Mar-08	182	500,000.00	6.60%	1.69%
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	7-Sep-07	7-Mar-08	182	500,000.00	6.00%	1.69%
TOTAL LONGREACH CAPITAL					\$1,000,000.00		3.37%
FUND MANAGERS							
						RATE OF RETURN - MTH	
MERRILL LYNCH INVESTMENT MANAGERS	Managed Funds				115,918.05	5.80%	0.39%
PERPETUAL INVESTMENTS	Managed Funds				147,560.19	5.82%	0.50%
ADELAIDE MANAGED FUNDS	Managed Funds				50,000.00	6.90%	0.17%
TOTAL FUND MANAGERS					\$313,478.23		1.06%
COMMONWEALTH BANK							
PRINCIPAL PROTECTED YIELD ACCRUAL NOTE	Yield Curve Note	05-Nov-07	04-Feb-08	91	500,000.00	9.25%	1.69%
CALLABLE CPI LINKED NOTE	Yield Curve Note	04-Oct-07	04-Jan-08	92	500,000.00	9.00%	1.69%
EQUITY LINKED DEPOSIT	Equity Linked Note	03-Aug-07	05-Aug-08	368	500,000.00	8.25%	1.69%
EQUITY LINKED DEPOSIT GH100	Equity Linked Note	20-Dec-07	20-Mar-08	91	500,000.00	3.75%	1.69%
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note	05-Nov-07	05-Feb-08	92	500,000.00	4.25%	1.69%
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt	13-Nov-07	12-Feb-08	91	500,000.00	8.81%	1.69%
TOTAL COMMONWEALTH BANK					\$3,000,000.00		10.12%
FIG SECURITIES							
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	Principal Protected Note	24-Dec-07	24-Mar-08	91	1,000,000.00	7.00%	3.37%
STATE GOVERNMENT EMPLOYEES CREDIT UNION	Term Deposit	10-Dec-07	08-Feb-08	60	500,000.00	7.43%	1.69%
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note	30-Nov-07	28-Feb-08	90	500,000.00	8.25%	1.69%
MACKAY PERMANENT BUILDING SOCIETY	Term Deposit	10-Dec-07	09-Jan-08	30	500,000.00	7.33%	1.69%
AUSTRALIAN CENTRAL CREDIT UNION	Term Deposit	10-Dec-07	10-Mar-08	91	500,000.00	7.58%	1.69%
TOTAL FIG SECURITIES					\$3,000,000.00		10.12%
MAITLAND MUTUAL							
	Floating Rate Sub Debt	30-Nov-07	28-Feb-08	90	500,000.00	7.53%	1.69%
	Term Deposit	10-Dec-07	09-Jan-08	30	1,377,511.58	7.19%	4.65%
	Floating Rate Sub Debt	10-Dec-07	10-Mar-08	91	500,000.00	8.08%	1.69%
TOTAL M'LAND MUTUAL					\$2,377,511.58		8.02%
TOTAL INVESTMENTS					\$27,730,855.22		93.55%
CASH AT BANK					\$1,910,554.22	6.76%	6.45%
TOTAL CASH & INVESTMENTS					\$29,641,409.45		100.00%

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

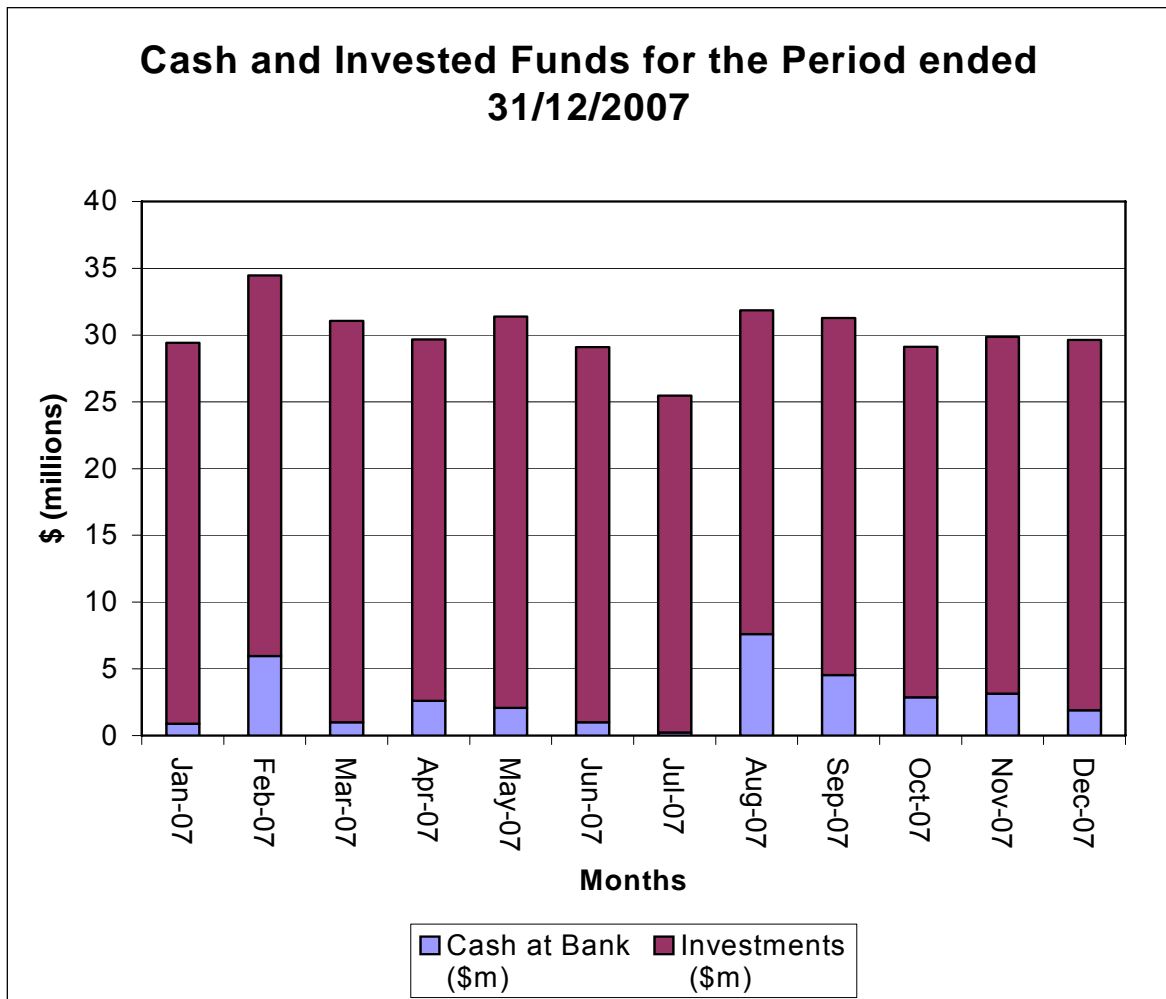
I, Peter Gesling, being the Responsible Accounting Officer of Council, hereby certify that the Investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's investment policy.

P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
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
Sep-07	4.531	26.737	31.268
Oct-07	2.855	26.268	29.123
Nov-07	3.148	26.713	29.860
Dec-07	1.911	27.731	29.641



INFORMATION ITEM NO. 4

ACCESS COMMITTEE MINUTES

REPORT OF: TREVOR ALLEN, INTEGRATED PLANNING MANAGER

FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee Meeting held on 6 November 2007.

Key issues addressed at the meetings included: -

- 1) Appointment of new Council Community Planner – Ageing and Disability
- 2) Crime Wise Workshop

ATTACHMENTS

- 1) Minutes of the Access Committee Meeting held on 6 Nov 2007.

ATTACHMENT 1

PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 6 NOVEMBER 2007
AT THE RAYMOND TERRACE COMMUNITY CARE CENTRE

Present:

Cathy Jennings (Acting Chairperson), Michael Elliott, Alice De-Carle, Valda Painter, David Painter, Ian & Elaine Brown, Ken Whiting, Karen Whiting, Joe Delia, Kathy Delia, Tony Kean

Apologies:

Cr. Brown, Cr. Dover, Margaret O'Leary, Judy Rosier, Susan Rosier, Michelle Page, Graham Roberts, Kathy Lees, Erin Devlin, Robert Harper, Liz Harper

1. WELCOME

Acting Chairperson Kathy Jennings welcomed the Committee.

2. BUSINESS ARISING FROM PREVIOUS MINUTES

2.1 Port Stephens Council Local Environmental Plan

Michael Elliott reported that he had completed a submission on behalf of the Access Committee regarding Council's draft policy regarding Brothels and Restricted Premises that was recently on public exhibition in accordance with the outcomes of the October 2007 Access Committee meeting.

2.2 New Meeting Venue for Access Committee

Michael Elliott reported that he had spoken with staff at the Sailability Clubhouse at Grahamstown Dam regarding holding bi-monthly Access Committee meetings at the venue. Staff there are open to hosting the meeting. Enquiries are continuing into alternate venues situated within Raymond Terrace to reduce travel inconvenience for West Ward residents.

2.3 Recognition of Access Improvements in Surat and Grawin

Michael Elliott reported he had prepared and forwarded letters on behalf of the Access Committee commending Waroo Shire Council and the "Club in the Scrub" Grawin for their efforts in providing accessible amenities in these remote locations.

2.4 Crime Wise Workshop Reminder

Michael Elliott gave a reminder about Council's upcoming 'Crime Wise Workshop' on 20 November 2007. The workshop is specifically aimed at the elderly and people with disabilities to improve their awareness around personal, property and transport related safety.

2.5 Appointment of New Community Planner – Ageing and Disability (Job Share)

Michael Elliott reported that Council had recently appointed a new *Community Planner – Ageing and Disability* to job share in his role. Michelle Page will commence work on the 21 November 2007 working Wednesdays, Thursdays and Fridays. This has enabled the position to have a full-time (ie; 35 hour week) work program.

2.6 Bagnalls Beach Cycleway Upgrade Feedback

Karen Whiting reported that she and her husband Ken Whiting had inspected the recent upgrade works to the Bagnalls Beach Cycleway carried out by Council. They had submitted a report to Council's Facilities and Services Department detailing positive feedback and a request for a sign requesting cyclists to slow down and/or be considerate of pedestrians.

3. GENERAL BUSINESS

3.1 Newcastle Disability Employment Advisory Group

Michael Elliott reported that Newcastle City Council had recently launched its Disability Employment Advisory Group. The group is aimed at assisting and supporting people with a disability secure and maintain employment. Further information is available by contacting Newcastle City Council's Ageing and Disability Officer on (04) 4974 2000.

3.2 Port Stephens Council Strategic Review Committee

Michael Elliott reported on Council's Future's Forum Committee that has been established to assist in the formulation of future goals and directions for Port Stephens. The Committee meets monthly and the Access Committee is represented by Robert Harper.

3.3 Dispute Between Access Committee Members

Committee members observed a verbal indiscretion by Committee member David Painter towards fellow Committee members Ken and Karen Whiting. This matter will be reported to Council's Social Planning Co-ordinator.

4. CORRESPONDENCE

The following correspondence was received and noted: -

- *A new bladder and bowel health resource produced by the by Dept of Health and Ageing. More details available at www.bladderbowel.gov.au.*

5. DETAILS OF NEXT MEETING

The next meeting will be held on the 5 February 2008 at 10.30am. Venue to be advised.

INFORMATION ITEM NO. 5

**ABORIGINAL STRATEGIC COMMITTEE MEETINGS WITH KARUAH
AND WORIMI LOCAL ABORIGINAL LAND COUNCILS**

REPORT OF: TREVOR ALLEN, INTEGRATED PLANNING MANAGER

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meetings with Karuah Local Aboriginal Land Council on 12 November 2007 and Worimi Local Aboriginal Land Council on 10 December 2007.

Key issues considered at the meetings included:

- 1) Aboriginal Project Fund
- 2) KLALC Update
- 3) Soldiers Point Boatramp Proposed Improvements
- 4) Indigenous Languages Workshop

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting with Karuah LALC on 12 November 2007.
- 2) Minutes of Aboriginal Strategic Committee meeting with Worimi LALC on 10 December 2007.

ATTACHMENT 1

**ABORIGINAL STRATEGIC COMMITTEE MEETING
WITH KARUAH LOCAL ABORIGINAL LAND COUNCIL
HELD ON MONDAY 12 NOVEMBER 2007
AT KARUAH MISSION**

File: PSC2005-0629

Present:

Priscilla Mason	Karuah LALC
Cr Dover	PSC
Paul Procter	PSC
Cliff Johnson	PSC

Apologies:

Colleen Perry	Karuah LALC
Cr Swan	PSC
Cr Brown	PSC
Mike Triggar	PSC
Jason Linnane	PSC

Cr Dover chaired and opened the meeting at 1:42pm

1. KARUAH LALC BUSINESS ARISING FROM PREVIOUS MINUTES

ITEM 1: Old Karuah School House

Cliff Johnson has met with Council's Development Advisory Panel. The Panel required further information (ie; archaeological report) relating to the archaeological significance of the building which in turn will determine if a Development Application is required. This additional information needs to address: -

- the significance of the building when it was originally sited on the Mission
- the cultural importance and cultural connection of the building to the land
- what it will be used for
- how it will be restored to its original form
- importance of building being re-located and reinstated at the Mission.

Action	1. Priscilla Mason will follow up copies of old photos showing the building when it was originally on the Mission which will be used to accompany the archaeological report.
	2. Priscilla Mason will follow up getting an archaeological report prepared.

ITEM 2: Pivet Bush

Problems are still being experienced with the spread of pivet bush from Dept of Lands landholdings onto KLALC land.

ORDINARY MINUTES – 26 FEBRUARY 2008

Action:	1. Priscilla Mason to email the Dept of Lands outlining the KLALC concerns.
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ITEM 3: Naidoc Week 2007

Paul Procter indicated that this year's Naidoc Celebrations have been nominated for an upcoming community event award which will be announced in early 2008.

ITEM 4: Aboriginal Project Fund

Paul Procter indicated that a total of six *Stage 1 Funding Proposals* were received and assessed by the Aboriginal Strategic Committee (ASC) at a meeting at Murrook on 8 October 2007. The assessment found all of the funding proposals had merit and as a result all applicants have been invited to lodge a Stage 2 application. It is envisaged at this stage that the Stage 2 applications will be assessed by the ASC in Dec 2007. A report will be presented to Council in early 2008 outlining the Committee's recommendations for the allocation of available Aboriginal Project Funds.

ITEM 5: KLALC Update

Priscilla Mason indicated that KLALC have commenced the recruitment process to employ a new Chief Executive Officer. At this stage it is envisaged that the successful candidate will start in early 2008.

At the recent KLALC AGM eight members were appointed to the newly established Board. Priscilla suggested that it would be a great idea once the new CEO is employed, for Port Stephens Councillors and Senior Management team to meet together with the new CEO and Board members to further strengthen relationships.

Priscilla is planning to conclude her role as Acting CEO shortly. After her departure a person will be appointed by KLALC on a temporary basis to provide general administration support until the new CEO is employed.

Action:	1. Paul Procter will organise a meeting between the new KLALC Board and CEO with Port Stephens Councillors and Senior Management Team in the first quarter of 2008.
---------	---

2. GENERAL BUSINESS

2.1 Crocfest Encore Performance

Paul Procter advised that Hunter River High will be presenting an encore performance of their 2007 Crocfest production at the school on 22 November 2007 commencing at 9am. All are welcome to attend.

3. NEXT MEETING

The next meeting with KLALC will be held on 11 February 2008 commencing at 1pm at the Karuah Mission.

Meeting closed at 2:35pm

ATTACHMENT 2

**ABORIGINAL STRATEGIC COMMITTEE MEETING
WITH WORIMI LOCAL ABORIGINAL LAND COUNCIL
HELD ON THE 10 DECEMBER 2007
AT THE MURROOK CULTURAL & LEISURE CENTRE**

File: PSC2005-0629

Present:

Andrew Smith	Worimi LALC
Val Merrick	Worimi LALC
Janice MacAskill	Worimi LALC
Peter Gesling	PSC
Cr Ron Swan	PSC
Cr Sally Dover	PSC
Cr Helen Brown	PSC
Paul Procter	PSC
Jason Linnane	PSC

Apologies:

Mike Triggar	PSC
Cliff Johnson	PSC

Cr Brown chaired and opened the meeting at 1:25pm

1. MINUTES OF PREVIOUS MEETING

Cr Brown moved that the minutes of the previous meeting held on 8 October 2007 be accepted. Seconded by Cr Dover.

2. BUSINESS ARISING FROM PREVIOUS MINUTES

Item 1: Referring of Development Applications to LALCs for Comment

Council Officers have met with WLALC to discuss general terms of a possible memorandum of understanding. The aim is to try to find a balance in the scope of Development Applications requiring comment by WLALC and to ensure that archeological issues are considered upfront. Another challenge is ensuring that any loopholes are identified and appropriately addressed to ensure compliance. This needs to be considered as part of the current reforms proposed by the Department of Planning in the assessment and processing of Development Applications. The Department is seeking submissions on the proposed reforms, deadline of 8 February 2008. Peter Gesling indicated that the Department of Planning is holding an information session on 13 December 2007 at Newcastle Town Hall on the proposed reforms. He will forward a copy of the session details to Andrew Smith.

Action:	1. Peter Gesling will speak to Council's Group Manager Sustainable Planning about these issues and will also take up this matter with the
---------	---

ORDINARY MINUTES – 26 FEBRUARY 2008

	Regional Office of the Department of Planning.
	2. Council will seek input from WLALC into the preparation of Council's submission to the proposed reforms.

Item 2: Middens at Birubi Headland

Council's Recreation Services Manager has held a meeting with all parties (ie; WLALC, NPWS) to advance. WLALC will inform Jason Linnane of materials required to undertake the works that Council will provide within the project's available budget. Council's Parks Co-ordinator – East will facilitate the site inductions.

Action:	1. Council's Recreation Services Manager Jason Linnane will prepare a schedule of works outlining priorities including signage requirements. Andrew Smith will inform Jason Linane of the priorities from the perspective of WLALC (eg; middens). This information will then be circulated to all stakeholders to ensure everyone is in agreement. WLALC to inform Port Stephens Council of materials required and associated costs
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Item 3: Proposed Fingal Bay Link Rd

Council's Principal Property Advisor Cliff Johnson met last week with Andrew Smith. He supplied Andrew with information on the proposal for consideration by the WLALC Board so they are made aware of the history of the proposal.

Item 4: Aboriginal Employment Strategy and Cultural Awareness Training

Paul Procter indicated that Council has just launched its Economic Development Strategy that will be used to assist in guiding the development of an Aboriginal Employment Strategy. He is currently looking at other models and is meeting in the New Year with the CEO of BEC (Business Development Centre) to explore avenues for gaining assistance in the development of the strategy.

In terms of developing a cultural awareness program, Andrew Smith indicated that he would obtain for Council a copy of the materials used at the 'Cultural Appreciation & Diversity Camps' which are held at Wollombi. Committee members suggested that it would be crucial for Council's program to be experientially based if it's to be of any real value and relevance, and for the two LALCS to play a role in the delivery of the program. Paul Procter indicated that he wants to see the program added to Council's Learning & Development Calender. It was also suggested that the NPWS would be worth consulting in terms of the models they have in place.

Item 5: Soldiers Point Boatramp Proposed Improvements

WLALC have raised a number of issues that require addressing such as safety impacts relating to the rock wall, the removal of rocks and the impacts of having an expansion of exposed soil. Jason Linnane indicated that given the significance of the site, he would follow up a copy of the engineering plans and plan of management which he will pass onto Andrew Smith for review and comment.

Action:	1. Jason Linnane to provide WLALC with a copy of the engineering plans and plan of management for the site for review and comment.
---------	--

Item 6: Stockton Bight Signage

WLALC indicated that there needs to be more signs erected securely to enable Rangers to be able to appropriately enforce access restrictions.

Acton:	1. Council will pursue the erection of more signage that is appropriately secured to mitigate risk of being damaged and/or moved by vandals.
--------	--

Item 7: Traditional Owners Representation on Aboriginal Strategic Committee

Val Merrick is a registered traditional owner and as such represents the Traditional Owners on the ASC. In cases where the ASC identify an issue which impacts upon the Traditional Owners, then it would be appropriate for the Traditional Owners to meet and discuss the issue separately.

Item 8: Funding Proposals (Stage 1) - Aboriginal Project Fund

An invitation has been extended to all Stage 1 applicants to submit a Stage 2 funding proposal. A special meeting of the ASC will be convened on 8 February 2008 to assess the Stage 2 proposals and to formulate recommendations to Council on the allocation of available funds.

3. GENERAL BUSINESS

3.1 Indigenous Languages Workshop

Andrew Smith indicated that WLALC would be holding a language workshop at Murrook on 12 December 2007 looking at similarities and differences between Indigenous languages in the region.

3.2 Agenda Template Amendment

It was fully supported that the agenda template for the ASC be amended to include 'Welcome to Country' as a standard item of all ASC meetings.

Action:	1. Agenda template be amended to include 'Welcome to Country'.
---------	--

3.3 Review of ASC Constitution

Andrew Smith asked if the Committee's constitution could be reviewed to ensure the stated values and code of co-operation continues to be relevant in its role.

Action:	1. Constitution will be reviewed at next meeting of the ASC.
---------	--

3.4 2008 Meeting Schedule

Paul circulated a copy of the 2008 meeting schedule for the Aboriginal Strategic Committee.

3.5 Requests for Council Briefing on Proposed Rezoning

Andrew Smith indicated that he would like to speak to Council (eg; via public access) to express the views of WLALC on a proposed rezoning relating to sand extraction.

Action:	1. Paul Procter will follow up and advise WLALC of the appropriate process for addressing Council on this matter.
---------	---

4. NEXT MEETING

The next meeting with WLALC will be held on 10 March 2008 at 1:00pm at Murrook.

Meeting closed at 3:00pm.

INFORMATION ITEM NO. 6

PORT STEPHENS CRIME TRENDS

REPORT OF: TREVOR ALLEN, INTEGRATED PLANNING MANAGER

FILE: PSC2005-3947

BACKGROUND

The purpose of this report is to inform Council of the current crime trends in Port Stephens as outlined in the latest '*Port Stephens Local Government Area Crime Report*' as prepared by the NSW Bureau of Crime Statistics and Research.

The key trends in local crime over a 5 year period ending December 2006 are as follows: -

- The incidence of *malicious damage to property* has risen whilst all other crime categories remain stable or show a downward trend
- Port Stephens LGA is ranked 15 out of 155 for *stealing from a motor vehicle*
- Alcohol is a factor in 44.5% of incidents of *assault-domestic violence related crime*
- Males under 18 years of age are most often the victims of *assault – non-domestic violence related crime*
- In 69% of reported incidents, females are the victims of *assault – domestic violence related crime*
- Maps showing hotspot areas for crime indicate that the highest incidence of *motor vehicle theft* and *assault - domestic violence related crimes* occur in Raymond Terrace, whilst most *steal from motor vehicle crime* occurs in Nelson Bay and Raymond Terrace
- *Malicious damage to property* most often occurs after 6.00pm on Friday nights and before 6.00am and after 6.00pm on Saturdays. In 66% of these incidents the person of interest is a male aged between 10 and 29 years old

In responding to these and other community safety issues, Council is working in partnership with local community organisations, government agencies, Police, community members and other key stakeholders to implement the range of crime prevention strategies contained in Council's *Crime Prevention Plan 2006-2009* including: -

- Promoting the *Port Stephens Domestic Violence Committee* and the various initiatives of the Committee to reduce to incidence of domestic violence. This Committee is convened by Council's Community Projects Officer - Community Safety Officer
- Supporting the *Tomaree and Port Stephens Liquor Accords* and the development of strategies aimed at the reduction of alcohol-related crime
- Obtaining funding for *Snak & Rap*, a program which aims to reduce youth crime and *Crime Wise Seniors* which aims to increase personal and property safety for seniors
- Designing of car park awareness signs which are located in high crime areas

For further information on this report and any of Council's Crime Prevention strategies please contact Council's Community Projects Officer – Community Safety on 4980 0190.

ATTACHMENTS

- 1) Port Stephens Local Government Area Crime Summary 2002-2006 as prepared by NSW Bureau of Crime Statistics and Research.

ATTACHMENT 1

Offence Type	Jan-Dec 2002	Jan-Dec 2003	Jan-Dec 2004	Jan-Dec 2005	Jan-Dec 2006	60 month Trend***	2006 LGA Ranking*
Murder	0	1	0	0	0	n/c**	n/c**
Assault – domestic violence related	242	296	246	283	265	Stable	61
Assault – non-domestic violence related	315	380	401	359	355	Stable	88
Sexual assault	27	30	44	38	24	Stable	107
Indecent assault, act of indecency etc	76	51	90	49	41	Down	
Robbery without a weapon	7	7	13	9	7	n/c**	
Robbery with a firearm	0	2	2	1	1	n/c**	75
Robbery with a weapon not a firearm	6	3	19	9	15	n/c**	
Break and enter – dwelling	570	514	570	490	502	Stable	40
Break and enter – non-dwelling	310	351	315	263	315	Stable	47
Motor vehicle theft	281	245	221	250	271	Stable	35
Steal from motor vehicle	720	444	589	567	657	Stable	15
Steal from retail store	108	138	137	111	94	Stable	82
Steal from dwelling	404	352	309	302	341	Down	40
Steal from person	47	41	39	36	45	Stable	56
Fraud	400	218	287	164	168	Down	85
Malicious damage to property	845	934	953	956	1,250	Up	42

(Source: Port Stephens Local Government Area Crime Report¹ as prepared by the NSW Bureau of Crime Statistics and Research)

Denotes:

* Ranks are only calculated for LGAs within NSW and with populations greater than 3000 (a total of 155)

** n/c = not calculated because less than 20 incidents in a 12 month period

*** As these figures represent Port Stephens LGA as a whole, trends within individual areas within the LGA might be different (see Port Stephens Crime Prevention Plan 2006-2009)

INFORMATION ITEM NO. 6

**STRATEGIC OVERVIEW – COUNCIL OWNED LANDS AT
SALAMANDER/SOLDIERS POINT**

**REPORT OF: DAVID BROYD – GROUP MANAGER, SUSTAINABLE PLANNING
FILE: PSC2007-2685**

BACKGROUND

The purpose of this report is to provide Council with a copy of “The Strategic Overview – Council Owned Lands at Salamander/Soldiers Point” prepared for Council by Strategy Hunter Consultants. This report will be submitted to the March Strategic Committee and Ordinary Council meetings, together with a financial analysis of the implications of the relevant recommendations in the Strategy Hunter report.

In July 2007, the Councillors received a briefing and a series of site inspections of all Council owned land at Salamander and Soldiers Point, Tomaree Peninsula which was being considered for prospective sale, lease or other actions, e.g. rezoning of Stoney Ridge Reserve to Environmental Protection.

It was agreed that a strategic review be initiated and a Project Brief was sent to three planning consultancies. As a consequence of the evaluation of submissions, Strategy Hunter Consultants (David Crofts) were appointed in August 2007.

The major outcomes of the strategic overview to be reported through the Group Manager, Sustainable Planning to Council were:

- Recommendations for the best outcomes for all of the Council owned lands in terms of balance between the social, economic, environmental and infrastructure factors that are relevant, and
- Clear directions as to further planning and research tasks required to fully evaluate the future development and environmental management of these lands within the appropriate legislative framework.

The project tasks required by the Brief were as follows:-

- To consult with all relevant Council professional staff as nominated by the Executive Team to ascertain the full coverage of data, reports and recommendations and professional opinions that relate to the social, economic and environmental factors that should form part of this overview.
- To undertake a ‘desktop’ study of all relevant data, reports and Council recommendations or resolutions to provide a comprehensive analysis of those social, economic and environmental factors that are relevant to recommendations being made to Council about the future uses and development of all of these subject properties

- To make as many definitive recommendations through the Executive Team to Council, based upon existing data and recommendations for resolutions regarding the future uses and developments of the properties and also to set clear directions for further planning and other professional studies to ascertain development viability and acceptability under State Legislation and Policies, Port Stephens LEP 2000 and relevant Development Control Plans
- To present analysis that represents a recommended balance and trade-offs, based upon explicit criteria, of the social, economic and environmental factors that pertain to the future use and development of the subject properties;
- To evaluate the comprehensive analysis of the future needs and planning for the provision of public services and facilities within the Tomaree Peninsula (refer to Council's Community Facilities Study for the Tomaree Peninsula 2007) that are Council's responsibility and the funding mechanisms that should be directed at fulfilling those needs, i.e. combination of general revenue, Section 94 development contributions, grants – and the component of this funding that could or should be made up of revenue from sale and development of the subject properties.

David Crofts from Strategy Hunter briefed Councillors on the draft recommendations on 4 December 2007.

CONCLUSION

Council should note that it is the intent of the Group Manager, Sustainable Planning and David Crofts from Strategy Hunter to brief the representatives of the interest groups in the Salamander/Soldiers Point area during February. This is due to the high level of interest that representatives of these groups have demonstrated in their contributions to the report preparation and subsequent to the report's finalisation.

ATTACHMENTS

- 1) Strategic Overview – Council Owned Lands at Salamander/Soldiers Point – under separate cover

**ATTACHMENT 1
STRATEGIC OVERVIEW – COUNCIL OWNED LANDS AT
SALAMANDER/SOLDIERS POINT**

Supplied under separate cover

**STRATEGIC
COMMITTEE
RECOMMENDATIONS**

ITEM NO: 1

FILE NO: A2004-0284

COUNCILLOR REIMBURSEMENT POLICY REVIEW

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Councillor's Reimbursement policy at ATTACHMENT 1 with the amendments.

STRATEGIC COMMITTEE MEETING – 5 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

035	Councillor Hodges Councillor Nell	It was resolved to defer the matter to the Ordinary Council meeting to be held on 25 March 2008.
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BACKGROUND

The purpose of this report is to review the submissions received, if any, following public consultation period.

Council at its meeting of the 27 November 2007 resolved to adopt the draft reviewed Councillor's Reimbursement Policy and place on public exhibition for a period of 28 days.

The Policy was advertised from 6 December 2007 to 4 January 2008, calling for submissions from the community. No submissions were received.

The Policy is now before Council for final adoption of the reviewed Councillor's Reimbursement Policy. Following the adoption of the Policy a copy will be forwarded to the Department of Local Government as required by legislation.

FINANCIAL/RESOURCE IMPLICATIONS

Council's 2007-08 budget allocation provides for the inclusions covered in the Policy.

LINKS TO CORPORATE PLANS

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

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*

LEGAL AND POLICY IMPLICATIONS

Under Section 252 Council must adopt a policy concerning the payment of expenses incurred by Councillors in relation to discharging the functions of civic office. It is best practice to review the policy on an annual basis.

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:-

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The policy allows Councillors to effectively carry out their responsibilities as members of the Council and as community representatives without suffering financial hardship.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Councillors
Mayor
General Manager

OPTIONS

- 1) Adopt the recommendation
- 2) Amend the draft policy

ATTACHMENTS

- 1) Councillor's Reimbursement Policy

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Councillors Reimbursement Policy

(Section 252, Local Government Act 1993)

Councillors Expenses Reimbursement Procedures Travel Allowance Conference & Seminar Attendance

Adopted 28 June 1994

Minute No 342

Amended 13 December 1994

Minute No. 691

Amended 14/11/95

Minute No. 562

Amended 10/9/96

Minute No. 528

Amended 23/12/97

Minute No. 1471

Amended 09/03/04

Minute No. 107

Amended 31/01/06

Minute No.398

Amended 27/11/06

Minute No. 758

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INTRODUCTION

This policy is made under the Local Government Act, 1993, including Sections 248 to 254 and 731 and having regard to the provisions of the Department of Local Government Circular to Councils number 00/22 dated 7 April 2000 and 04/60 dated 22 December 2004.

The Act requires that the Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and other Councillors.

Section 428 (2)(f) requires a Council to include in its Annual Report:

- Total amount of money expended during the year on Mayoral fees and Councillors fees
- Council's policy on the provision of facilities for, and the payment of expenses to Councillors
- Total amount of money expended during the year on providing those facilities and paying those expenses.

Section 12 of the Local Government Act provides that the public is entitled to inspect the Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors, free of charge, and may obtain a copy, either free of charge or on payment of reasonable copying charges.

Section 253 of the Act requires Council to give at least 28 days notice of the proposed policy and the policy must be adopted in Open Council (Section 254).

Changes

*Delete - 00/22 dated 7 April 2000 and 04/60 dated 22 December 2004, replace with **07-22, 28 May 2007***

OBJECTIVES

PART 1 – Fees, Expenses & Facilities

1. To ensure Councillors are able to effectively carry out their responsibilities as members of the Council & as community representatives without suffering financial hardship.

PART 2 – Attendance at Conferences & Seminars

2. To be accountable for Council's performance to the community and ensure effective communication including the identification of changing needs and expectations.

PART 3 – Travel Arrangements

3. To determine the method of reimbursement of expenses incurred by Councillors for travel costs.

The objectives will be achieved if:-

- (a) Reasonable expenses are paid to Councillors to compensate them for costs incurred in carrying out their duties;
- (b) No Councillor suffers financial hardship as a direct result of performing their functions;
- (c) No expenses are paid for activities that are not essential for Councillors to perform their functions effectively.
- (d) Councillors are provided with an opportunity through training to improve their knowledge and skills;
- (e) Councillors are adequately informed of issues relevant to them;
- (f) Community expectations are observed by not sending more representatives than are necessary.

PART 4 – Insurance – Councillors

To provide appropriate insurance coverage for Councillors in the areas of Personal Accident, Professional Indemnity, Public Liability and Councillors' and Officers' Liability.

PART 5 – Legal Assistance for Councillors

To provide legal assistance to Councillors for functions carried out during the Council term.

Changes

Nil

**PART 1
COUNCILLORS FEES, EXPENSES & FACILITIES**

Part 1 is in accordance with Section 252 of the Local Government Act 1993 - Council is to pay expenses incurred or to be incurred, and provide facilities for the Mayor, Deputy Mayor and Councillors to enable them to discharge their functions of Civic Office; and

Includes the provision of annual fees paid to the Mayor, Deputy Mayor and Councillors as determined by Council in accordance with Section 248 - 251 of the Local Government Act and subject to the Local Government Remuneration Tribunal.

1.1 PAYMENT OF EXPENSES

1.1.1 ANNUAL ALLOWANCE

Council will determine an annual allowance, to be paid monthly in arrears, in accordance with Section 248 - 251 of the Local Government Act and the determination of the Local Government Remuneration Tribunal.

The following expenses incurred or likely to be incurred will be paid by the Council in accordance with the standards and procedures set out below:-

1.1.2 SUSTENANCE

- a) Councillors will be reimbursed for sustenance expenses if the Councillor is unable to partake of a meal at his or her usual place to partake of meals.
- b) The maximum level of reimbursement will be appropriate to the circumstances of attendance and will be determined by the General Manager.
- c) Councillors seeking reimbursement for sustenance expenses should complete **Form 1A** and provide receipts.
- d) Expenses will be reimbursed with the monthly allowance and itemised.

1.1.3 TRAVEL

- a) Councillors will be reimbursed for travel to activities that directly relate to a Councillors civic function for example - Council and Committee Meetings (including 355b Committees), public meetings and Council site inspections.
- b) See Part 3 - Travel Arrangements.

Changes

Nil

1.1.4 TELEPHONE EXPENSES

- a) Council will reimburse the telephone service and equipment charges for a Councillor's private phone number.
- b) Council will reimburse up to \$40.00 per month towards Councillors telephone calls. Claims in excess of \$40.00 will require proof of expense incurred.

1.1.5 MOBILE PHONE EXPENSES

- a) Council Mobile Phone Accounts are automatically referred to the Executive Manager-Corporate Management. The telephone rental and all calls will be paid by the Council provided the phone is used exclusively for a Councillor to carry out his/her responsibilities as a member of the Council and as a community representative. Should the phone be used for a dual purpose such as private and Council then all calls should be recorded in a log book/diary and submitted with the account.
- b) Council will reimburse Council related calls on individual Councillors private mobile upon production of paid account and evidence that the calls were Council related. However Council will not reimburse Councillors for calls where the mobile phone plan includes the cost of calls (ie.bundled plans).

1.1.6 CHILD CARE

Reasonable expenses incurred for childcare while attending Council or Committee Meetings, only. Councillors seeking to use child care facilities should notify the General Manager prior to making arrangements.

1.1.7 INTERNET EXPENSES

Council will reimburse the monthly cost of internet connection for Councillors up to \$40.00 per month upon production of the paid account. Claims in excess of \$40.00 will require proof of expense incurred.

1.2. PROVISION OF FACILITIES

Changes

Nil

The following facilities will be provided in accordance with Section 252 of the Local Government Act to assist Councillors discharge their functions of Civic Office.

1.2.1 MAYOR

Motor Vehicle

- a) A fully serviced and maintained motor vehicle for the purposes of discharging the functions of civic office.
- b) Private use of the motor vehicle in accordance with Council's Use of Council Vehicle Agreement.

Office

A furnished office suite located in the Administration Building.

Communication Systems

A mobile telephone with car kit is provided, serviced and maintained.

Motor Vehicle Parking Space

A permanent parking space in the Administration Building carpark will be provided.

1.2.2 DEPUTY MAYOR

Motor Vehicle

- a) In the absence of the Mayor, a fully serviced and maintained motor vehicle for the purposes of discharging the functions of civic office can be provided.

1.2.3 COUNCILLORS

Motor Vehicle

- a) A Council motor vehicle may be arranged under special circumstances and where no other alternative means of travel is available for attendance at conferences and seminars.
- b) When a Council vehicle is allocated to a Councillor for use on Council business, **only** a Councillor or a staff member are permitted to operate the vehicle.

Office

Changes

Nil

Changes

Nil

ORDINARY MINUTES– 26 FEBRUARY 2008

A furnished Councillors' room is provided in the Administration Building, shared by all Councillors.

Motor Vehicle Parking Spaces

Four permanent parking spaces in the Administration Building carpark will be provided

1.2.4 ALL COUNCILLORS

(a) Administration Support

For the Mayor

Administration support shall be provided as determined by the Council and the General Manager.

For all Councillors

Staff assistance will be provided as required for matters pertaining to Council business. Assistance may be in the form of administration support to answer constituent's requests; delivery of material from Council and catering for meetings; send and receive facsimiles.

Note:

- i. under no circumstances shall Councillors use the administration services or other facilities provided in association with Local, State or Federal Government election material.
- ii. under no circumstances shall Councillors use the administration services or other facilities provided for the initiation of circular type letters without prior authority of the Council being obtained.

(b) Stationery/Postage

Council will provide each Councillor with stationery, business cards, Christmas cards, and postage for associated mailing. Personal mail will be posted provided the appropriate postage stamp/s are included on the envelope/package.

(c) Refreshments

Beverage and sustenance will be available in the Councillors' Room as required.

(d) Meals

Meals and beverage will be provided after each Council and Committee meetings.

(e) Deliveries

Changes

Nil

ORDINARY MINUTES– 26 FEBRUARY 2008

The business paper will be delivered to all Councillors at least three days (*number of days will include weekends*) prior to the Council or Committee Meeting and general correspondence will be delivered each week, regardless of whether there is a Council or Committee Meeting.

Changes

Nil

(f) Insignia of Office

Provision of badges, name plates, indicating the wearer holds the office of Councillor, to wear at Civic functions.

(g) Disabilities

In line with Anti-Discrimination Guidelines any Councillor with a special disability or special need may notify the General Manager for adjustments to be made.

(h) Communication Equipment

Councillors will be given the option of a computer (PC or laptop), facsimile, answering machine, modem and mobile phone as their means of communication with Council and the community. At the beginning of a quadrennium, Councillors will be responsible for the maintenance and repairs of equipment following the initial purchase under the warranty. Council staff should not be utilised for maintenance of Councillor's equipment.

Councillors will retain the equipment at the end of their term.

(i) Corporate Uniform

Councillors may choose from a selection of Corporate Uniform provided by Council's approved supplier. Council will contribute a subsidy to 35% of the initial cost to a maximum of \$220 per annum. A sundry debtor account will then be forwarded to the Councillor for payment of the balance. Alternatively, a deduction can be made from the Councillor's monthly allowance.

(j) Protective Apparel

Provision of Protective Apparel, including hard hat, safety vest and safety footwear, to accord with the NSW Occupational Health & Safety Act for on site inspections.

(k) Acts & Regulations

Updated Local Government Act, Regulations and other Acts may be viewed on www.austlii.edu.au or by contacting Corporate Management.

Changes

Delete - At the beginning of a quadrennium, Councillors will be responsible for the maintenance and repairs of equipment following the initial purchase under the warranty. Council staff should not be utilised for maintenance of Councillor's equipment.

Councillors will retain the equipment at the end of their term.

Insert – In accordance with the DLG guidelines Councillors will be required to return all communication equipment to Council at the end of the Council term unless Councillors elect to purchase at market value.

1.3 PRIVATE BENEFIT

- (a) Fees payable to the Mayor, Deputy Mayor and Councillors will not be reduced for any private benefit gained from the private use of facilities;
- (b) Councillors are required to make payment for any private use of Council facilities in accordance with Council's Code of Conduct and Guidelines.
- (c) Councillors must use Council resources effectively and economically in the course of his or her public or professional duties, and must not use them for private purposes unless such use is lawfully authorised and proper payment is made.
- (d) Councillors must not convert any property of the Council for his or her own use.

Nil

PART 2

ATTENDANCE AT CONFERENCES AND SEMINARS

Part 2 stipulates the relevant authorisation required to attend Conferences/Seminars; provides that Council will meet all reasonable out of pocket expenses; and indicates the standard of accommodation to be provided.

2.1 AUTHORISATION

- a) Councillors will be notified of all relevant conferences.
- b) The total cost of travel undertaken and conferences attended must be included in the Council's Annual Report. [Local Government Act S428(2)(f)]
- c) Councillors interested in attending a conference/seminar should contact the Mayor's Executive Assistant. Automatic approval will be granted to attend a conference/seminar within the budget allocation (as determined by Council).
- d) Approval to attend Conferences/Seminars over and above an individual Councillor's budget allocation will be determined by the General Manager and Mayor in accordance with their concurrent delegated authority.
- e) Requests to exceed the total budget allocation for the financial year will be submitted to Council for determination and re-allocation of funds.
- f) In making its decision, the General Manager/Mayor or Council should consider:-
 - i. The relevance of the conference to Council and the potential benefit that may result from attendance;
 - ii. The special interest of the Councillor/s wishing to attend;
 - iii. The total cost to Council of attendance relative to the Program budget;
 - iv. The fair and equitable division of opportunity for Councillors to attend conferences/seminars.

Delete – Mayor's Executive Assistant
Insert - Executive Assistant - Councillor Support.

2.2 REIMBURSEMENT OF COSTS

- (a) All costs associated with Conferences/Seminars will be paid to the Conference Organiser in advance by Council:-
 - ie.
 - Registration and associated documentation
 - Travel (see Part 3);
 - Accommodation (See clause 6) and
 - Sustenance (See Part 1)

- (b) Councillors seeking to extend their stay in conjunction with Council business shall notify the General Manager prior to making arrangements.
- (c) Councillors Partners may accompany them on Council business trips subject to all expenses incurred by partners being paid for by the Councillor or by Council if approved under Council's Accompanying Persons Policy, if it is deemed to be appropriate for their attendance. Note: An account system can be organised by prior arrangement with the Mayor's Executive Assistant - accounts are payable within thirty days or can be deducted from a Councillors monthly allowance.

2.3 ACCOMMODATION

- (a) Accommodation will be booked and paid for by Council at accommodation where government rates apply. Additional expenses incurred in respect of personal services at the place of accommodation will be paid for by the Council, such as valet parking and laundry (dry cleaning). Note: Video Hire and Mini Bar Facilities will be paid for by the Councillor.
- (b) Accommodation booked for attendance at a conference will be at the venues suggested by the conference organiser.
- (c) Reimbursement of Accommodation expenses shall be paid where the representative is unable to reside at the place where he/she ordinarily resides and incurs additional expense.
- (d) Accommodation shall be paid on a per night basis, based on reimbursement for actual costs involved.
- (e) The standard of Accommodation is not to exceed four stars except where a conference or seminar venue exceeds four stars, or as determined by the General Manager.

Changes

*Delete – Mayor's
Executive Assistant
Insert - Executive
Assistant - Councillor
Support.*

**PART 3
TRAVEL ARRANGEMENTS**

Part 3 provides that Council will meet all reasonable out of pocket expenses for travel incurred by Councillors to attend activities that directly relate to a Councillors civic function; and standard of travel to and from Conferences/Seminars.

3.1 OVERSEAS TRAVEL

- (a) This policy will apply to all Council sponsored attendance conducted within Australia.
- (b) Overseas travel arrangements shall be subject to an itinerary approved by the Council (in open Council) and the standard of travel shall be as stated below regardless of destination.
- (c) Any proposed overseas travel should be included in Council's Management Plan and Budget Review for community input. (Min 562 14/11/95) Council must report any overseas travel in the Annual Report [Section 428 Local Government Act].

*Delete - Management
Insert - Council*

3.2 PRIVATELY SPONSORED TRAVEL

- (a) Any company wishing to privately sponsor travel should be in accordance with the guidelines of ICAC; pecuniary interest provisions and Council's Code of Conduct. Council approval and disclosure of all details should be made known in open Council. (Min 562 14/11/95).

3.3 STANDARD OF TRAVEL

Councillors should advise the General Manager of their normal mode of travel.

3.3.1 TRAVEL

- (a) Councillors will be reimbursed for reasonable travel expenses to:-
 - Attend Council Meetings, Committee Meetings (including 355b Committees) Public Meetings and Council Site Inspections;
 - Attend Conferences and Seminars where the Councillor elects to use his/her private vehicle.
 - Attend at any duly convened meeting of any organization to which a Councillor has been nominated or elected by specific resolution of Council as an official

Council representative and such organization does not provide a travel allowance.

(b) Claims including *back payment* for travelling expenses by Councillors must show amounts incurred for:- [Min 528 10/9/96].

- Air, train, coach and taxi - (receipts to be provided with Form 1A)
- Hire car costs - (receipts to be provided with Form 1A)
- Parking and tolls (receipts to be provided with Form 1A)

(c) Travelling allowance per kilometre as provided in the Local Government State Award:- (complete Form 1A or Log Book Form 1).

The General Manager will use his discretion to reimburse Councillors for attendance at activities other than specified above where the Councillor has attended as a designated delegate for Council.

In making his decision the General Manager considers:-

- i. The relevance of the activity to Council and the potential benefit that may result from attendance;
- ii. The special interest of the Councillor/s wishing to attend;
- iii. The total cost to Council of attendance relative to the Program budget;
- iv. The fair and equitable division of opportunity between Councillors.

3.3.2 TRANSFERS

Transfers from transport terminals to accommodation can be arranged by Council prior to departure, alternatively expenses incurred will be reimbursed with Councillors monthly allowance.

3.3.3 CASH ADVANCES

Cash advances will not be made unless under **special** circumstances and require the General Manager's approval.

Upon return all remaining monies are to be rebanked with Council.

3.3.4 AIR TRAVEL

Changes

Nil

ORDINARY MINUTES– 26 FEBRUARY 2008

In all cases the most economical fares will be sought to ensure the best possible price for Council, whether it be Economy or Business Class.

Where Air Travel exceeds more than five (5) hours, Business Class Air Travel will be provided.

3.3.5 HIRE CAR

A Hire Car will only be provided where no other means of travel is available and is to be equivalent to Council's standard vehicle.

Changes

Nil

3.3.6 PRIVATE VEHICLE

Councillors who use a private vehicle for travel in excess of 1,000 kilometres will be reimbursed the equivalent cost of an economy class air fare.

- (a) Printed itineraries of arranged travel will be supplied at least one week prior to departure.
- (b) Council has in effect a personal accident cover for Councillors covering them 24 hours per day 7 days per week, if the accident causing the injury occurs whilst engaged in or at any activity which directly or indirectly relates to Council business, including travel to and from the activity.

3.3.7 TIME LIMIT FOR SUBMITTING CLAIMS

All claims for reimbursement of expenses and travel must be made on the approved form, supported by documents and receipts, within three (3) months of incurring the expense.

Nil

Nil

**PART 4
INSURANCE - COUNCILLORS**

That Councillors are to receive the benefit of insurance cover for:

4.1 PERSONAL ACCIDENT

Personal Accident insurance covers personal injury which is caused by violent, accidental external and visible means that solely and independently of any other cause results in a Councillor's death or disablement. The cover applies anywhere in the world during and while travelling to and from Council business. The capital benefit for the death of a Councillor is \$500,000. The cover does not include medical expenses.

4.2 PROFESSIONAL INDEMNITY

Professional Indemnity insurance covers Council where Council becomes legally liable to pay compensation for financial loss as a result of any negligent act, error or omission in the conduct of Council's business activities arising from a breach of professional duty. Cover is subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme wording.

4.3 PUBLIC LIABILITY

Public Liability insurance covers Council's legal liability to pay compensation to third parties arising in connection with the business activities of Council. Matters arising from Councillors' performance of civic duties or exercise of their functions as Councillors are covered subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme policy wording.

4.4 COUNCILLORS' & OFFICERS' LIABILITY

Councillors' & Officers' Liability insurance protects Councillors and officers from the costs incurred in defending themselves against legal actions that arise from honest mistakes in the management of Council. It covers Councillors for personal liabilities as a result of wrongful acts subject to any limitations or conditions set out in the policy of insurance.

ORDINARY MINUTES– 26 FEBRUARY 2008

Full details of the abovementioned insurance policies are available in Council's Insurance Handbook held by the Risk Management Co-ordinator.

Changes

Nil

PART 5
LEGAL ASSISTANCE FOR COUNCILLORS
5.1 LEGAL ASSISTANCE FOR COUNCILLORS

That in the event of:

- (a) An enquiry, investigation or hearing by any of:
- The Independent Commission Against Corruption;
 - The Office of the Ombudsman;
 - Department of Local Government;
 - The Police;
 - The Director of Public Prosecutions;
 - or
 - The Local Government Pecuniary Interest Tribunal,

into the conduct of a Councillor; or

- (b) Legal proceedings being taken by or against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor (with the exception of defamation proceedings), Council shall reimburse such a Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:
- i. The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.
 - ii. The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper.
 - iii. the amount of such reimbursement be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's Hunter based Solicitors will be paid ie. any portion of the expenses representing any hourly charge rate higher than the hourly rate charge rate of Council's Hunter based Solicitors will not be reimbursed.

Changes

Nil

- (c) Defamation proceedings or other proceedings arising from the making of a public statement, where a Councillor is a defendant or anticipated defendant in such proceedings.

Note: Council may not meet the costs of any action in defamation taken by a Councillor as plaintiff in any circumstances (DLG Circular 00/22).

To ensure that indemnity or reimbursement in respect of costs of defending an action in defamation or other action is only available in circumstances where the person to be indemnified or reimbursed was acting properly when making the statement complained of, the threshold criteria for the application of the indemnity or reimbursement will apply.

- (d) Council may indemnify or reimburse the reasonable legal expenses of a councillor for proceedings before the Local Government Pecuniary Interest Tribunal or an investigative body PROVIDED the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.
- (e) Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something which a councillor has done during his or her term of office. An example of the latter is expenses arising from an investigation as to whether a councillor acted corruptly by using knowledge of a proposed rezoning for private gain.

Changes

Nil

POLICY

General

Where proceedings have been foreshadowed or commenced against any of the Mayor and Councillors arising from a public statement or statements made or acts done by any of them and, in the opinion of Council's appointed solicitor the following "Three Criteria" are satisfied through the required procedure set out below namely:

- (a) The statement was made or the act was done in relation to discharging the functions of civic office;
- (b) The Councillor concerned was acting in good faith; and
- (c) The statement or the act in question was reasonable in the circumstances and not made or done maliciously or frivolously and, in the case of a statement, was not made with knowledge of its falsity or with recklessness as to whether it was true or false,

then Council will indemnify or reimburse the Councillor for:

- (a) all legal expenses properly and reasonably incurred, given the nature of the legal services provided; and
- (b) any other less, expense, liability or cost incurred (including without limitation any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Councillor),

In responding to or defending such proceeding **PROVIDED THAT** the amount of such indemnity or reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.

Engagement of Legal Representatives – Required Procedure

1. The Councillor must, as soon as practicable after they become aware that a claim may be forthcoming or aware that they may have made a statement or action which may give rise to a claim, notify either the General Manager, Public Officer or Mayor that there is a possibility of a claim against the Councillor. This notification must;
 - i. be in written or electronic form;

Changes

Nil

- ii. include all details including any correspondence from the alleged injured party concerning the possible claim; and
 - iii. Include the Councillor's comments on whether the Councillor considers that the Three Criteria are satisfied.
2. The Councillor must not respond to any allegations made or accept any liability in respect to any allegations made unless authorised to do so by council or its solicitor or the insurer or its solicitor. The Councillor must at all times without undue delay keep Council fully informed of any oral or written communications made to the Councillor by the alleged injured party or the injured party's agents or legal representative in respect of the claim.
3. The General Manager must immediately upon becoming aware that a claim may be forthcoming or aware that a statement has been made which may give rise to a claim, notify and forward to Council's insurer any information relating to the matter with a view to obtaining the Insurer's acceptance and carriage of the claim should the three criteria be satisfied.
4.
 - i. If proceedings are threatened (and not commenced), the General Manager must without undue delay inform Council's appointed Solicitor and Council's insurer of the notification. The Council's solicitor at Council's cost must form a view as to whether the Three Criteria are satisfied, and must notify the General Manager who will in turn notify the Councillor concerned in written or electronic form of that view.
 - ii. If the Council's solicitor considers that the Three Criteria are satisfied, the General Manager will either instruct Council's solicitors or if Council's Insurers have accepted the matter as a possible claim then it will represent the Councillor concerned.
5. If Council's solicitor forms the view that the Three Criteria are not satisfied under clause (d)(i); the Councillor may request a review of that advice from an independent legal practitioner as agreed in advance between the Councillor concerned and the General Manager and failing agreement as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.

Changes

Nil

6. If the proceedings are commenced and the Three Criteria are satisfied then the following procedure must be followed:
- In the case that the claim is accepted by Council's insurer it will have carriage of the matter subject to consultation with the General Manager and the Councillor will be required to abide by any reasonable instruction of the insurer or its nominated lawyer.
 - If the Insurer does not accept the claim as it is of the opinion that the matter is outside the policy then the General Manager in consultation with Council's solicitor will nominate a legal practitioner that they consider should represent the Councillor. If the Councillor considers that such representation is appropriate then the procedures in clause 7 must be followed. If Council's solicitors are not of the same opinion as the insurers the General Manager in consultation with Council's solicitors will take whatever action is necessary (without unduly holding up the defamation proceedings) to have the question determined.
 - If the Councillor considers that the legal practitioner nominated is not appropriate then the Councillor concerned and the General Manager must attempt to reach agreement on an alternative legal practitioner, and failing agreement the legal practitioner must be as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.

Changes

Nil

Nil

7. If Council's insurers have not accepted the claim the General Manager must contact the proposed legal practitioner and must require that an agreement be entered into between the legal practitioner and the Council which will include such terms and conditions as the General Manager sees fit including:
- i. Terms and conditions as to costs and disbursements including procedures for costs estimates to be given at appropriate times; and
 - ii. Accounts being considered and approved by the General Manager prior to payment; and
 - iii. All instructions provided to the legal representatives by the Councillor concerned to be subject to the concurrence of the General Manager.
8. Notwithstanding the provisions of paragraph 5.1 (ii) and 5 above, once proceedings have actually been commenced then the procedures set out in paragraph 5 above must be followed. (Note: The General Manager should regularly review Council's insurance policies with respect to the application of them to the Council's possible liability pursuant to this policy.)

Exclusion from Policy

This policy will not apply to any defamation or other action brought by any Councillor or Council employee against any Councillor, arising from the making of a statement by any of the latter of and concerning any of the former, unless in addition to the Three Criteria set out above:

- i. the statement complained of is made to a person or body in circumstances where it is likely to be subject to qualified privilege or absolute privilege (including without limitation statements made in good faith to the Police or Director of Public Prosecutions, the Department of Local Government, statements made ancillary to, and in giving evidence to, a Court or Tribunal or other body conducting any inquiry, investigation or hearing, statements made to the Office of the Ombudsman and statements made to any Parliamentary Committee) (but in such circumstances the policy will only apply to the extent of the publication of the statement in these circumstances, and not to any other publication of the statement); or

Nil

ii. The statement:

- is made at a meeting of Council, a briefing of Councillors or a meeting of a Committee of Council in respect of an item on the agenda for that meeting or briefing; and
- is in accordance with the Local Government (Meetings) Regulations 1999 and Council's Code of Meeting Practice current at the time the statement was alleged to have been made; and
- Does not breach any other law.

ITEM NO. 2

FILE NO: PSC2005-1196

ACCOMPANYING PERSONS REIMBURSEMENT AT CONFERENCES &/OR SEMINARS POLICY REVIEW

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the previous Accompanying Persons Reimbursement at Conferences &/or Seminars policy adopted on 22 November 2005 Minute No. 342.
- 2) Adopt the Accompanying Persons Reimbursement at Conferences &/or Seminars policy in ATTACHMENT 1.

STRATEGIC COMMITTEE MEETING – 5 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

036	Councillor Hodges	It was resolved that the recommendation be adopted
	Councillor Nell	

BACKGROUND

The purpose of this report is for Council to consider changes to the Policy for Accompanying Persons Reimbursement at Conferences and/or Seminars.

This Policy has been reviewed together with the review of the Reimbursement for Councillors Policy. Both policies have been reviewed in accordance with the Department of Local Government guidelines – *“Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW”*.

The major change coming from the Guidelines is that “limited” expenses are claimable for partners, spouses or accompanying persons. These expenses are limited to the conference registration costs and official dinner costs with all other costs to be paid for by the individual councillors or staff member. Some exception is granted for the Office of Mayor or a councillor who may be representing the Mayor at official Council business.

LINKS TO CORPORATE PLANS

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

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

There will be limited impact on the existing budget.

LEGAL AND POLICY IMPLICATIONS

This policy has a relationship with the Councillors Reimbursement Policy, however is not covered under Section 252 of the Local Government Act.

Australian Business Excellence Framework

This aligns with Principles 5 and 10 of the ABEF Framework.

- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

General Manager
Executive Manager – Corporate Management

OPTIONS

- 1) Adopt the recommendation
- 2) Amend the draft policy

ATTACHMENTS

- 1) Reviewed policy

TABLED DOCUMENTS

- 1) Nil



C·O·U·N·C·I·L

POLICY

Adopted: 22/11/2005
Minute No: 342

FILE NO: PSC2005-1196

**TITLE: ACCOMPANYING PERSONS
REIMBURSEMENT –
CONFERENCE/SEMINARS**

**RESPONSIBLE OFFICER: GOVERNANCE
COORDINATOR**

BACKGROUND

In the past there has been occasion for Councillors and staff to have their partners accompany them at conferences, seminars and other official functions representing Council. Given that Councillors have access to reimbursement of cost under Council's "Councillors Reimbursement Policy" – Section 252, Local Government Act 1993, there is a need to consider a provision for reimbursement of accompanying persons. The policy developed under Section 252 does not have the power to provide reimbursement for any person other than a Councillor.

OBJECTIVE

To provide reimbursement costs for accompanying persons of Councillors and Staff, who attend conferences, seminars or other official functions, where it is deemed appropriate that the Councillor or staff member represent Council with their partner.

PRINCIPLES

Council has a responsibility to ensure costs for all official functions and for all persons officially representing Council, are met by Council.

Changes

*Delete – Governance
Coordinator*

Insert – Executive Officer

POLICY STATEMENT

Council will provide reimbursement for person accompanying a councillor or staff member on official Council business i.e. conferences, seminars or other official functions.

Councillors and staff members should NOT automatically assume that because they are required to attend a function that their partners are also able to attend at the cost of Council. Approval should be sought prior to any registration or confirmation of attendance at conferences, seminars or other official functions if Council is to be responsible for the costs.

The approval process will be as follows:

COUNCILLORS

1. Councillors are to submit a written request to the Mayor and/or General Manager for approval, through the Mayors Executive Assistant.
2. Councillor will be advised of the approval and the level of reimbursement that will be provided for the accompanying person.

EMPLOYEE

1. The General Manager will be required to submit a written request to the Mayor for approval.
2. All other staff will require the General Manager's approval.
3. Staff members will be advised of the approval and the level of reimbursement that will be provided for the accompanying person.

COSTS

An accompanying person will be reimbursed expenses where there is determined to be a reasonable need to accompany a Councillor or staff member in completing the civic functions of the Council. These will generally be limited to sustenance and travel costs. Claims to be in accordance with the requirements of the Councillors reimbursement policy or the relevant employment contract.

Changes

Delete - Council will provide reimbursement for person accompanying a councillor or staff member on official Council business i.e. conferences, seminars or other official functions.

Insert – In accordance with the Department of Local Government Guidelines, Council will provide limited reimbursement of expenses for person accompanying a councillor or staff member on official Council business. i.e. conferences, seminars or other official functions. The reimbursement will be limited to registration costs and any official conference dinners – all other costs are to be borne by the councillor or staff member.

Delete – Mayors Executive Assistant

Insert – Executive Assistant – Councillor Support

Time Limit for Submitting Claims

1. All claims for reimbursement of expenses and travel, must be made on the approved form, supported by documents and receipts, within three (3) months of incurring the expense.
2. No claims can be made for attendance prior to the adoption of this policy.

RELATED POLICIES

Councillors Reimbursement Policy

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

This policy recognises that there are occasions that partners accompany councillors or staff at civic functions

ECONOMIC IMPLICATIONS

There will be impacts on the budget for the current financial year that may not have been anticipated.

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

Nil

IMPLEMENTATION RESPONSIBILITY

Corporate Management

REVIEW DATE

12 months from the date of adoption

Changes

Nil



Form 1A

CLAIM FOR EXPENSES INCURRED

ACCOMPANYING PERSON.....

.....

MONTH.....

DATE	PURPOSE	DELEGATE EXPENSES (EG. Taxi's, Sustenance) <i>Receipts required</i>	TELEPHONE / INTERNET <i>Copy of account required</i>	TOTAL CLAIM \$ (Office Use Only)
			TOTAL	

Please note: PAYMENT WILL ONLY BE MADE WHERE RECEIPTS AND VEHICLE LOG IS PROVIDED.

Signature of Claimant.....Date.....

ITEM NO. 3

FILE NO: PSC2007- 2379

**QUARTERLY REPORTS FOR 2007 DECEMBER QUARTER:
COUNCIL PLAN 2007-2011 & PERFORMANCE MEASUREMENT
(COCKPIT CHARTS)**

REPORT OF: JUNE SHINE - EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Quarterly Report (December Quarter) against the Council Plan 2007-2011 incorporating Performance Measurement cockpit charts.

STRATEGIC COMMITTEE MEETING – 5 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

Tabled Document: Council Plan 2007-2011 & Performance Measurement (Cockpit Charts)

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

037	Councillor Robinson	It was resolved that the recommendation be adopted.
	Councillor Nell	

BACKGROUND

The purpose of this report is to present to Council the Quarterly Report (December Quarter 2007) against the Council Plan 2007-2011 and the cockpit charts measuring Council's performance in key areas.

The Quarterly Report with its accompanying cockpit charts will provide Councillors with accurate, meaningful data that address the key issues facing Port Stephens Council.

The Quarterly Report addresses the progress in relation to strategies and objectives across all functional areas of Council. The new format for quarterly reporting incorporates all four quarters over time so that Councillors can see the progress of every objective within the Council Plan. The December quarter is highlighted in yellow.

The cockpit charts are now aligned with the key areas identified in the Department of Local Government Report on Port Stephens Council – Promoting Better Practice. These are:

- Strategic
- Governance
- Regulatory Functions
- Asset and Financial Management
- Community, communications and consultation
- Workplace Relations.

LINKS TO CORPORATE PLANS

The Quarterly Report December 2007 quarter reports against the Council Plan 2007-2011.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Nil

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

The Quarterly Report and its attendant cockpit charts provide details of the organisation's financial performance.

ENVIRONMENTAL IMPLICATIONS

The Quarterly Report reports progress against the sustainability and environmental indicators in the Council Plan 2007-2011.

OPTIONS

- 1) Adopts the Quarterly Report (December 2007) and Performance Measurement cockpit charts for October - December 2007.
- 2) Amend the Quarterly Report (December 2007 and Performance Measurement cockpit charts for October - December 2007.

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

1. Quarterly Report (December 2007) against the Council Plan 2007-2011
2. Performance Measurement (Cockpit Charts) December Quarter 2007.

ITEM NO. 4

FILE NO: PSC 2007-0060

PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2000 TO RECLASSIFY LAND TO FACILITATE DEVELOPMENT OF A CAR PARK AT BOURKE ST, RAYMOND TERRACE.

REPORT OF: TREVOR ALLEN – MANAGER INTEGRATED PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Pursuant to the provisions of Section 27 of the Local Government Act 1993 and Section 54 of the Environmental Planning and Assessment Act 1979, Council resolve to prepare a Draft Local Environmental Plan to reclassify Lot 21 in DP 788588, known as 1B Bourke Street, Raymond Terrace, from *Community Land* to *Operational Land*.

STRATEGIC COMMITTEE MEETING – 5 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

STRATEGIC COMMITTEE MEETING – 5 FEBRUARY 2008

RECOMMENDATION:

That Council allow a resident to address Council regarding this matter during Strategic Committee

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

038	Councillor Hodges	It was resolved that the recommendation be adopted.
	Councillor Francis	

BACKGROUND

The purpose of this report is to recommend that Council resolve to initiate the reclassification process under Section 27 of the Local Government Act 1993 and Section 54 of the Environmental Planning and Assessment Act 1979 in respect of the subject land.

PROPOSAL

This request is to amend Port Stephens Local Environmental Plan 2000 (LEP 2000) to reclassify the subject site from *Community Land* to *Operational Land*, pursuant to the Local Government Act 1993.

Owner	Port Stephens Council
Proponent	Port Stephens Council - Business and Support Group
Date of Submission	27 March 2007
Subject Land	1B Bourke Street Raymond Terrace, being Lot 21 in DP 788588 - Refer to Attachment 1.

Current Land Use Zone 5(g) Special Urban (Flood) – classified Community Land
Proposed Zone 5(g) Special Urban (Flood) – classified Operational Land

On 27th March 2007 Council resolved to submit a request to the Sustainable Planning Group that the subject land be reclassified from community to operational land under the Local Government Act 1993.

On 10 April 2007 Council resolved to re-categorise the Subject Land from *Natural Area Foreshore* to *General Community Use* under the Local Government Act 1993, involving an amendment to the Plan of Management affecting the land.

On 10 April 2007 Council entered into an agreement to lease the subject land to Buildev Pty Ltd, subject to the lessee constructing, at its own cost, a ground level car park on the land.

In the short to medium term the car park is to be primarily used to service the parking requirements of the commercial development at 28-32 King Street, Raymond Terrace and, in particular, the specific requirements of the Commonwealth Government Tenant that will occupy this building. However, when this Tenant ceases to occupy the 28-32 King Street building the lease will terminate and the land and improvements will be Council's to deal with as it resolves.

These circumstances were elaborated upon on 19 December 2006 in the Supplementary Report to Council in relation to the Development Application for Commercial Premises at 28 to 32 King Street, Raymond Terrace.

Development Consent for the car park was issued by Council on 2 October 2007 under Application No.16–2006–1370-1.

It is now proposed to progress the foreshadowed re-classification process.

LINKS TO CORPORATE PLANS

This report addresses the strategic and future directions of Council's Plan 2005-2008, in particular by:

- ❖ Integrating planning for facilities and services.
- ❖ Promoting, planning and guiding development to create sustainable communities that conserve and enhance the natural and built environment.
- ❖ Ensuring that our planning framework provides appropriate levels of housing, transport, infrastructure, human services and community facilities across all of our communities.
- ❖ Aligning with Council Plans.
- ❖ Aligning with State and Regional Plans.
- ❖ Delivering facilities and services to meet community needs now and in the future.

The proposal is consistent with the "Community Services and Facilities" strategic direction which seeks to "sustainably manage in a way which allows residents and visitors comprehensive opportunities for recreational activities." The construction of a car park on the land which is the subject of this proposal will help support the utilisation of recreational facilities and associated car parking within both the immediate and surrounding area.

FINANCIAL/RESOURCE IMPLICATIONS

Council, as the owner of the Subject Land, will be able to profit from the leasing of the land in the short to medium term and, ultimately, control the parking facility that has been provided at no cost to Council.

LEGAL AND POLICY IMPLICATIONS

Local Government Act 1993

Council did not seek Operational classification of the land at the time that the Local Government Act 1993 was enacted. This omission occurred even though the land adjoins other land that is classified as Operational Land and the nature of the land suits an Operational classification. The proposed draft LEP will rectify this situation.

Port Stephens Local Environmental Plan 2000

The proposal requires LEP 2000 to be amended to list the Subject Land as Operational Land.

Lower Hunter Regional Strategy 2006

Raymond Terrace is identified within the Lower Hunter Regional Strategy 2006 as a Major Regional Centre.

Reclassifying the Subject Land will facilitate the retention of a major government tenant in Raymond Terrace that will provide 180 direct office jobs.

It will also facilitate the provision of parking within the CBD that will support the continued economic growth of the Centre and encourage tourist and recreation use of the River.

Australian Business Excellence Framework

The proposal 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
- 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 proposed reclassification is intended to facilitate development on land which is well located with respect to support services such as community facilities, commercial and employment centres and open space.

ECONOMIC IMPLICATIONS

Upon finalisation of appropriate lease documentation and construction of the proposed car park, Council will receive an annual commercial rental from the lessee. The lessee will also maintain the car park area. Accordingly, the return created will be positive.

Re-classifying the Subject Land will enable Council to enter into a long term lease on the land which will secure the tenant at 28-32 King Street Raymond Terrace which provides 180 direct jobs. Based on an estimated average annual wage for these workers of \$50,000.00,

that results in a substantial injection into the local economy. In addition, the indirect benefits are significant.

ENVIRONMENTAL IMPLICATIONS

The reclassification from Community Land to Operational Land reduces the total area of Community Land in the immediate vicinity. However, the reduction is not significant and the Subject Land is of poor quality in terms of amenity. In return, the community facilities to be provided in accordance the Development Consent for 28-32 King Street (i.e. the construction of the boardwalk along the riverbank) will enhance the foreshore environment by providing promenades, boardwalks and additional beautification of the foreshore area.

Traffic implications

Reclassifying the Subject Land will secure Council's ability to deal with the land to address the area's parking demands into the future.

ENVIRONMENTAL IMPLICATIONS

Council has considered all environmental impacts associated with the proposed development during the development application process. As a result, conditional development consent was issued to the proposed car park.

CONSULTATION

All relevant officers within Council were consulted in relation to the development application process for the car park and the commercial development at 28-32 King Street Raymond Terrace. Their comments were considered in reaching the recommendation of this report.

During the course of these development application and the re-categorisation processes the surrounding residents and landowners were consulted.

A public hearing was conducted on 15th March 2007 as part of the re-categorisation process, in accordance with Section 40A of the Local Government Act 1993. Subsequently, Council on 10th April 2007 resolved to approve the proposed re-categorisation of the subject land from *Community Land (Natural Area – Foreshore)* to *Community Land (General)*.

Should Council resolve to adopt the recommendation to this report, then the resulting Draft Local Environmental Plan must be the subject of the relevant public consultation processes under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

1.

ATTACHMENTS

- 1) Map of subject site indicating the Subject Site.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1
MAP OF SUBJECT SITE



ITEM NO. 5

FILE NO: PSC2007-1474

DEVELOPMENT CONTROLS FOR BROTHELS & RESTRICTED PREMISES

REPORT OF: TREVOR ALLEN – INTERGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt Chapter B15 Brothels & Restricted Premises of Port Stephens Development Control Plan 2007, with the amendment of removing the control B14 C4 that restricted premises must not be located on the street or ground level of a building.

STRATEGIC COMMITTEE MEETING – 5 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

039	Councillor Francis Councillor Brown	It was resolved to defer the matter to the Operations Committee meeting to be held on 11 March 2008.
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BACKGROUND

The purpose of this report is to present a revised version of draft Chapter B15 Brothels & Restricted Premises of Development Control Plan 2007 following public exhibition.

Council resolved on 28th August 2007 to place on public exhibition draft development controls for brothels and restricted premises. The public exhibition period has ended and only two submissions were received.

The draft chapter has been revised following consideration of those submissions.

At present there are no detailed development controls in place for restricted premises and brothels. The adoption of the draft chapter will provide Council with an improved planning framework to consider development applications for these land uses.

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.*

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

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

FINANCIAL/RESOURCE IMPLICATIONS

Adoption of report recommendations will establish a clear policy framework regarding brothels and restricted premises that may reduce Council staff time and resources on future development applications for these activities.

LEGAL AND POLICY IMPLICATIONS

Council has recently been involved in legal action to defend its refusal of a development application for a restricted premise at Yacaaba St in Nelson Bay. The introduction of specific development controls for restricted premises and brothels may reduce the risk of legal action in the future by clarifying Council's policy position with respect to these land uses.

Business Excellence Framework

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

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Applications for brothels and restricted premises create considerable community concern within the LGA which can be addressed, in part, by the introduction of specific development

controls. Adopting Chapter B15 Brothels & Restricted Premises will set down design and location requirements to provide greater certainty for applicants and the community alike when these land uses are proposed. This should reduce the level of conflict that occurs.

Development controls will also reinforce community standards and expectations when development applications for restricted premises and brothels are being prepared and submitted to Council for development consent.

ECONOMIC IMPLICATIONS

Chapter B15 Brothels & Restricted Premises will provide greater economic certainty for applicants by providing up-front development and location requirements.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Chapter B15 Brothels & Restricted Premises was placed on public exhibition from 17th May to 12 July 2007. Two submissions were received. The issues and controls raised and how they have been responded to are set out below:

Issue/Control

Control B15 C4 Restricted premises must not be located on the street or ground level of a building.

The Access Committee of Port Stephens submit that this control discriminates against people with a disability, and that to impose such as condition would be a breach of the Building Code of Australia and the Disability Discrimination Act 1992. The submission also notes that, for a proprietor of a brothel or restricted premises to comply with this control, they would need to occupy an existing accessible building or undergo expensive retrofitting to improve access.

Response

The Control B15 C4 has been removed in response to the submission. The effect is that restricted premises and brothels will be able to be located at ground level, allowing all adult members of the community equal access to restricted premises.

Issue/Control

The DCP does not clearly state what zones the DCP chapter covers.

Response

There is no need to state zoning controls in a DCP chapter. The LEP is the principal planning instrument that controls the permissibility of land uses. The standard approach is for an applicant to investigate whether a land use is permissible in a local environmental plan prior to investigating detailed development and location requirements.

Issue/Control

B15 C1 The entrance to a brothel or restricted premise must not be located within 150 metres from the entrance of a dwelling on residential zoned land – could the words “on residential zoned” land be removed and make it apply to all dwellings in all zones? Commercial zoned land should also be included.

Response

Restricted premises are a commercial use and in this sense are suited to the commercial zone. This is reinforced by the Port Stephens Local Environmental Plan 2000 which permits restricted premises within the commercial zone. Preventing restricted premises from being located within 150m from all dwellings in all zones will have the effect of preventing this land use from occurring in the LGA because it is common for residential dwellings to be located in commercial zones.

Dwellings located within commercial zones are inherently exposed to the range of retail uses that may occur, including restricted premises. Alternatively, dwellings located within residential zones are provided a higher level of certainty against land uses that may create negative impacts on amenity. For example, restricted premises and brothels are prohibited in residential zones.

Brothels are only permissible within industrial zones where residential dwellings are generally not permitted.

Issue/Control

B15 C2 “The entrance to a brothel or restricted premise must not be located within 200m from the entrance of any child care centre, community facility, educational establishment, hospital or place of public worship” – Could the following be added “or any place where children congregate”?

Response

It is difficult to define “any place where children congregate”. It is considered that excluding restricted premises and brothels within 200m from any child care centre, community facility, educational establishment, hospital or place of public worship provides a high level of separation between these land uses and any place where children congregate. This requirement, in addition to the other location and design controls for restricted premises and brothels, is considered reasonable.

Issue/Control

On page A1-3 Advertising and Notification could the following be added “written representation or objections will be taken into account in Council’s determination of an application“

Response

Submissions are already listed as a matter for consideration when assessing development applications under section 79C of the Environmental Planning and Assessment Act 1979.

Issue/Control

Include a provision that approval is given for a trial period of 12 months only then any objections received from surrounding business will be taken into account for extension of approval.

Response

Applying a time limited condition of consent creates uncertainty for applicants, who, in gaining development consent, would have demonstrated that they have already met the relevant planning requirements of Council.

The DCP and the Environmental Planning and Assessment Act 1979 provide extensive opportunity for community consultation on development applications for brothels and restricted premises at the time an application is being assessed. The DCP provides that development applications for brothels and restricted premises will be advertised and notified to a range of sensitive land uses within 400m of the subject land. The Act provides that any person may make a submission on a development application.

Council can also apply conditions of consent to a development application and take action should those conditions be breached.

For these reasons a provision stating that a 12 month trial period applies has not been included in the DCP.

Issue/Control

Principles and objectives – Maitland DCP contains useful principles and objectives and these could be included in PS DCP 2007.

Response

The principles contained in the draft Chapter B15 Brothels and Restricted Premises of Port Stephens Development Control Plan 2007 are very similar to those provided in Maitland's DCP and no change is recommended.

OPTIONS

- 1) Adopt revised draft Chapter B15 Brothels and Restricted Premises of Port Stephens Development Control Plan 2007, with the amendment of removing the control B14 C14 that restricted premises must not be located on the street or ground level of a building.
- 2) Adopt revised draft Chapter B15 Brothels and Restricted Premises of Port Stephens Development Control Plan 2007, retaining the control B14 C14 that restricted premises must not be located on the street or ground level of a building.
- 3) Not adopt revised draft Chapter B15 Brothels and Restricted Premises of Port Stephens Development Control Plan 2007 and continue having no specific development controls for these land uses.

ATTACHMENTS

- 1) Revised Chapter B15 Brothels and Restricted Premises of Port Stephens Development Control Plan 2007
- 2) Revised Chapter A1 Introduction – A1.9 Advertising and Notification

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

REVISED CHAPTER B15 BROTHELS AND RESTRICTED PREMISES OF PORT STEPHENS DEVELOPMENT CONTROL PLAN 2007

B15.1 WHERE DOES THIS PART APPLY?

This part applies to all areas of the Port Stephens Local Government Area where brothels and restricted premises are permitted under the *Port Stephens Local Environmental Plan 2000*.

This part provides location and design requirements for brothels and restricted premises so that they do not cause disturbance or otherwise have a detrimental impact on the amenity of the host neighbourhood.

Brothels are not considered as home employment or home occupation for the purposes of the *Port Stephens Local Environmental Plan 2000*.

B15.2 LOCATION

PRINCIPLES

B14.P1 Brothels and restricted premises should be located at a reasonable distance from other sensitive land uses.

B14.P2 Brothels and restricted premises should not be located in proximity to each other to avoid a concentration of such land uses.

CONTROLS

B13.C1 The entrance to a brothel or restricted premise must not be located within 150 metres from the entrance of a dwelling on residential zoned land.

B13.C2 The entrance to a brothel or restricted premise must not be located within 200 metres from the entrance of any child care centre, community facility, educational establishment, hospital or place of public worship.

B13.C3 The entrance to a brothel or restricted premise must not be located within 200 metres from the entrance of another brothel or restricted premise.

B15.3 SCALE AND CHARACTER

PRINCIPLES

B14.P3 Brothels and restricted premises should be small in scale and respect the existing character of an area.

CONTROLS

B13.C4 Brothels must provide no more than 5 rooms (one sex worker per room) in which acts of prostitution are to take place.

B13.C5 Acts of prostitution must only occur in rooms or areas that are indicated on plans submitted to and approved by Council.

B13.C6 Any building erected or refurbished for use as a brothel must be designed so that it is sympathetic to the existing character of an area and in accordance with any area-specific development controls.

B13.C7 The entrance to a brothel or restricted premise must be discrete and unobtrusive, with signage limited to one business identification sign (maximum 1.2m length and 0.6m height) devoid of any sexually explicit images, language and objects.

B13.C8 No neon or flashing lighting is permitted.

B13.C9 Brothels must include an internal reception/waiting area of appropriate size to discourage loitering outside the premises.

B15.4 SAFETY AND ENVIRONMENTAL HEALTH

PRINCIPLES

B14.P4 Brothels should be designed and located so that the safety of all persons is maximised.

CONTROLS

B13.C10 All applications for brothels must include a statement describing how the proposed development addresses the principles of public and individual safety and surveillance.

B13.C11 Council will consider the health and hygiene of a brothel and its operation in terms of:

- Offensive noise – *Australian Standard 1055 Acoustics and Protection of the Environment Operations Act 1997*;
- Ventilation and Lighting;
- Bars and food preparation areas – *Australian Standard 4674-2004 Construction and fit-out of food premises*;
- Spa baths – Department of Health Guidelines;
- Sanitary Facilities – direct access must be provided to shower and hand wash basin facilities; and
- Contaminated waste – facilities must be provided for disposal of used condoms and contaminated waste.

ATTACHMENT 2
REVISED CHAPTER A1 INTRODUCTION – A1.9 ADVERTISING AND NOTIFICATION

Port Stephens Development Control Plan 2007

A1
Introduction

A1.1 Foreword

The Port Stephens Development Control Plan 2007 (DCP) is a suite of documents that provides practical information to support development that retains and enhances the natural and cultural heritage values of Port Stephens local government area.

The DCP provides principles and controls for development that is site responsive, innovative and that contributes to the character of each locality. The DCP seeks to promote safe, lively and pleasant streets, to provide equity of access to all members of the community, and promote more comfortable and sustainable living and working environments.

A1.2 Where this plan applies

The DCP applies to all land zoned under the Port Stephens Local Environmental Plan (LEP) 2000. The DCP applies to development applications, applications to modify development consents under s96 of the *Environmental Planning and Assessment (EPA) Act, 1979* and applications for review of determination under section 82A of the Act that are made on or after the commencement date of this DCP.

A1.3 Relationship to other plans

The DCP has been prepared in accordance with the provisions of the *Environmental Planning and Assessment (EPA) Act, 1979*.

State Environmental Planning Policies and Regional Environmental Plans may apply to the land to which the DCP applies.

Port Stephens Local Environmental Plan (LEP) 2000 applies to the land to which the DCP applies. It is a statutory instrument that sets out the land use zones and broad development controls for development within the government area, including controls for development within the local government area, including controls for height, floor space ratio, heritage conservation and minimum lots sizes for certain development or zones.

The DCP supplements the provisions of Port Stephens LEP 2000.

The provisions of Port Stephens LEP 2000 prevail over the DCP.

The DCP repeals the following development control plans, policies and codes:

- PS1 Urban Housing and Dual Occupancy
- PS2 Parking and Traffic Guidelines
- PS3 Subdivision Guidelines
- PS4 Commercial and Industrial Development Guidelines
- PS5 Home Employment Guidelines
- PS6 Bed and Breakfast Establishments
- PS7 Keeping of Dogs for Commercial Purposes
- PS8 Guidelines for Exempt and Complying Development
- PS9 Energy Smart Homes
- PS10 Building Standards and Notification Procedures for Development Applications
- PS11 Controls for Site Waste Management and Minimisation
- LD1 Development Guidelines for Raymond Terrace Town Centre
- LD4 Development Guidelines – Nelson Bay Commercial Area
- LD5 Development Guidelines – Heatherbrae Industrial Area
- LD6 Development Guidelines – Taylors Beach Industrial Area
- LD7 Development Guidelines – Richardson Road, Raymond Terrace Residential Subdivision
- LD8 Development Guidelines – Medowie Rural Residential Subdivision
- LD9 Development Guidelines – Medowie Central Residential Subdivision
- LD10 Development Guidelines – George Street, Karuah Residential Subdivision
- LD11 Development Guidelines – Wallalong Residential Subdivision
- LD12 Development Guidelines – Cross Street, Seaham Rural Residential Subdivision
- LD13 Development Guidelines – Water Quality - Kinross Industrial Estate, Heatherbrae
- LD14 Development Guidelines – Koala Bay Estate, Tanilba Bay
- LD15 Residential Development Controls – Nelson Bay (West)
- LD16 Development Guidelines – Rees James Road, Raymond Terrace Residential Subdivision
- LD17 Residential Development Controls – Pacific Dunes, Medowie

Effective: 31st May 2007



A1-1

Port Stephens Development Control Plan 2007

A1 Introduction

A1.4 When this plan takes effect

The Port Stephens Development Control Plan 2007 (DCP) was adopted by Council on 22nd May 2007 and became effective on 31st May 2007.

A1.5 Savings & Transitional Provisions

The above development controls plans, policies and codes continue to apply to development applications, applications to modify development consent under s96 of the *Environmental Planning and Assessment (EPA) Act, 1979* and applications for review of determination under s82A of the *Environmental Planning and Assessment (EPA) Act, 1979* that were made prior to, but not determined, on the date of commencement of the DCP.

A1.6 How to use the DCP

The DCP uses the term *should* to denote a *highly desirable* outcome and the term *must* to denote a *mandatory* requirement for development.

This DCP structure is as follows:

PART A – INTRODUCTION

Details where and when the DCP applies, provisions for contributions, and procedures for applications, variations, notification and submissions.

PART B – STANDARDS FOR DEVELOPMENT

Specifies the principles and controls for each type of development (such as residential, commercial or industrial development) and for a range of development issues (such as parking and environmental management).

A development proposal **must comply** with the controls outlined in the relevant sections for the **type of development**, for **parking and traffic**, and for **environmental management**.

PART C – LOCAL CONTROLS

Part C provides additional principles and controls for development in local areas that have particular development objectives related to commercial, tourism or service roles, heritage conservation, infrastructure, land release, built form or local character.

A development proposal within an area identified in Part C must comply with the Part C controls for that area in **addition** to Part B controls. Where there is any inconsistency the **Part C control takes precedence**.

For example Dual Occupancy development in the Nelson Bay West area must comply with controls in B6 *Single and Dual Occupancy Dwellings* and C5 *Nelson Bay West*. Development in this area must comply with the side setback control provided in C5 (which overrides the side setback control in B6).

PART D – GLOSSARY AND REFERENCES

Provides a glossary of terms utilised in the DCP and a list of resource documents used in the compilation of the DCP.

A1.7 Making an Application

Prior to the commencement of any development covered by the DCP, formal consent is required. Consent can be sought through the submission of a Development Application (DA) or an application for a Complying Development Certificate.

Council's **Application Guide** sets out the information, documentation and plans that must be submitted for an application.

Failure to carefully research and verify the requirements in the Application Guide or this DCP could frustrate the assessment process and lead to costly delays for your proposal.

A1.8 Site Analysis

Thorough site analysis should ensure that design decisions are based on the site conditions (such as views, aspect, slope and drainage) and the relationship of the site to the street, to open space and to surrounding development.

Council's **Application Guide** sets out the details and documentation required for site analysis. Dependent on the scale and type of development site analysis documentation may include a **plan**, **street elevation**, and **photomontages** for the proposed development and the neighbouring buildings or sites.

Effective: 31st May 2007



A1-2

Port Stephens Development Control Plan 2007

A1 Introduction

Sub-division proposals need to illustrate that street, block and lot layouts are based on careful analysis of the local topography, landscape character, aspect and surrounding development.

A development application must clearly state how the design of the proposed development has responded to the site analysis.

A1.9 Advertising and Notification

The kinds of development listed below will be advertised and notified to adjacent landowners in accordance with this plan, in addition to any development, which is required to be advertised and/or notified by the EPA Act and Regulations.

- Development involving a heritage item;
- Development visible from a heritage item;
- Development visible from the street in a Heritage Conservation Area;
- Non-residential uses in or adjacent to residential or rural-residential areas (not including home employment);
- Council projects (excluding adopted works that are consistent with POM);
- Hotels and Motels;
- Brothels;
- **Restricted premises;**
- Hospitals and institutions;
- Junkyards;
- Places of public assembly and places of public worship;
- Tourist developments;
- Residential dwellings with 2 or more storeys;
- Dual occupancy, villa and townhouse and residential flat developments;
- Residential and rural-residential subdivision of 5 or more allotments.
- Garages
- Variations to building setbacks

All development applications for brothels and restricted premises must be notified to dwellings, dual occupancies, urban housing, child-care centres, community facilities, education establishments, hospitals and places of public worship within 400m of the subject land.

Any other kind of development may be advertised and/or notified at the discretion of Council where it is considered appropriate given the nature of the proposal. The minimum advertising/notification period for development applications is 14 days. Where the notice is placed in a newspaper, the period commences on the day on which the notice is published. For the purposes of notification, the period commences from the date that written notice is given.

A1.10 Developer Contributions

Section 94 and 94A of the *Environmental Planning and Assessment (EPA) Act, 1979* allows Council to levy contributions from developers for the provision of public amenities and services required as a consequence of the development. Contributions are generally required prior to the commencement of works.

Further information on the application and calculation of contributions is contained in Council's Contribution Plans.

A1.11 Varying a Standard or Control

VARIATION OF AN LEP STANDARD

An LEP standard can only be varied under the provisions of State Environmental Planning Policy 1 (SEPP1). A variation should only be considered when that variation can ensure a performance-based solution for a particular site.

A planning report seeking a variation must clearly demonstrate that:

- The standard is unnecessary or unreasonable; and
- The objectives of the standard and the zone have been achieved.

A SEPP1 variation cannot be used to carry out development in a zone where that type of development is prohibited.

VARIATION OF A DCP CONTROL

The applicant must submit sufficient details and documentation to clearly demonstrate that the proposal to vary a DCP control:

- Is consistent with the relevant principle(s) of this DCP; and
- Provides identifiable benefits for the community or for future occupants that would not be achieved by compliance with the DCP control.

Effective: 31st May 2007



A1-3

Port Stephens Development Control Plan 2007

A1 Introduction

A1.12 Modification of Consent

Council may only amend a development consent where the development is substantially the same as that originally approved and the development consent is still valid.

There are three (3) types of applications for modifications to a consent:

- Modification to correct a minor error, misdescription or miscalculation [s96(1)];
- Modifications involving minimal environmental impact [s96(1A)]; and
- Other modifications [s96(2)].

An application to modify a consent must be made in writing to Council and the relevant fees must be paid. The application may only be made with the written permission of the current owner(s).

Council **may** be required to advertise or to notify adjacent landowners in response to an application to modify a development consent, dependent on:

- The nature of the modification;
- The impact of the modification in general and in particular on adjoining properties; and
- Any submissions received during the initial advertisement/notification period.

The notification procedures vary for each type of modification as follows:

MODIFICATION TO CORRECT A MINOR ERROR, MISDESCRIPTION OR MISCALCULATION

Where a consent is modified under this section and Council is satisfied that the proposed changes reflect the original intentions of Council or the applicant, no notification or advertising of the modified proposal is required.

MODIFICATIONS INVOLVING MINIMAL ENVIRONMENTAL IMPACT

The proposed amendments should not impact upon any adjoining landowner, or any person who has previously made a submission to the original development consent or a subsequent modification. No advertising or notification of the application is required. In some circumstances, persons may be notified to clarify information previously provided, if considered necessary.

OTHER MODIFICATIONS

This section applies to all applications to modify consent, other than where the original development consent was for:

- Designated development;
- State significant advertised development;
- Nominated integrated development; or
- Advertised development where the Council was not the consent authority.

Clause 118 of the EP&A Regulations provides requirements for notifying the public of proposed modifications for the development listed above.

All applications to modify a consent under this section must be placed on public exhibition and notified to any person considered to be affected by the proposed changes, whether or not they were previously notified.

A1.13 Referral to a Council Meeting

Applications may be referred to Council by elected members of Council. Staff may also refer applications to Council where it is considered appropriate. Otherwise applications are determined under delegated authority.

A1.14 Submissions

Submissions in response to a development application must be made in writing. The submission should clearly identify the name and address of the writer, the address of the proposed development, Council's application number and the reasons for any objection to, or support of, the proposal.

Submissions are not regarded as confidential.

ITEM NO. 6

FILE NO: PSC2005-4493

NOXIOUS WEED POLICY

REPORT OF: BRUCE PETERSEN – ENVIRONMENTAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the 2007 Port Stephens Council Noxious Weed Policy.

STRATEGIC COMMITTEE MEETING – 5 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

040	Councillor Nell Councillor Westbury	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek council's adoption of the 2007 Noxious Weeds Policy.

Occupiers of land are required to take specified actions to control noxious weeds present on that land or water. Council is to ensure those responsibilities are fulfilled by working with landholders that have noxious weeds and if necessary as a last resort take legal action to ensure those obligations are met. Council will also control noxious weeds on land under its control to the extent required by the Noxious Weeds Act 1993 (NW Act) and liaise with government agencies to ensure adequate management of weeds occurs on state lands.

The impacts of weeds can spread far and wide through the movement of seeds and plants by water, wind, animal or human assisted means. The NSW Noxious Weeds Act 1993 is an attempt to curtail the spread of and minimise the impacts of some of the worst noxious weeds.

The NW Act requires occupiers of land to control noxious weeds present on that land and Port Stephens Council is the authority (named in the NW Act as the Local Control Authority) responsible for ensuring occupiers of land within Port Stephens Local Government Area meet their obligations under the NW Act. The definition of land extends to water bodies within that land or forming (part of) the boundary including rivers, streams, drains and wetlands.

Although Council, as the Local Control Authority, can carry out its noxious weeds duties under the authority given by the NW Act the NSW Department of Primary Industries (DPI) has recently released guidelines requiring Councils to develop their own policies to support the NW Act. This policy will also help Council to access grants overseen by the NSW DPI.

This policy will:

- allow a proactive, consistent response to issues related to noxious plant management as required by the NW Act.
- facilitate the control of noxious weeds on public and private lands.
- describe situations when legal action under the NW Act is considered appropriate.

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.*

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

Implementation of this policy will be undertaken within existing staffing levels and existing budgets.

LEGAL AND POLICY IMPLICATIONS

This policy also provides Council with a framework for enforcing the control of Noxious Weeds and is in line with the compliance policy.

Business Excellence Framework

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

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Some noxious weeds are injurious to the health of the public and animals, for example Spiny Burr Grass and Rhus Trees. Aquatic weeds can result in increased mosquito problems and

prevent the use of water bodies for fishing, water extraction, boating and swimming. Flooding of low-lying areas can be worsened by aquatic noxious weeds blocking drainage systems.

The community will be protected from injurious weeds and overall amenity will be improved as the policy provides for a consistent response to noxious weeds. Potable water supplies will be protected from aquatic weeds and the impacts associated with flooding reduced.

ECONOMIC IMPLICATIONS

Weeds cost Australians \$4 billion per year in control costs and lost productivity. The cost of damage to the natural environment is not included in that amount. This policy will reduce the economic costs of weeds to Port Stephens ratepayers through a coordinated and consistent response to infestations.

The Hunter region is supplied with most of its drinking water from water supply infrastructure located within Port Stephens. This policy will assist in protecting those resources and infrastructure from aquatic weeds assist to maintain water quality.

If noxious weeds are not controlled adequately, many thousands of hectares of prime agricultural land will be ruined by noxious weed invasion. Alligator Weed is threatening to extinguish cropping, turf and other agricultural industries in this region if it is not effectively managed.

Some cost to occupiers of land in controlling weeds is normal. The NW Act allows council (after due process) to control weeds on private lands and recover costs from the owner.

ENVIRONMENTAL IMPLICATIONS

Noxious weeds can have a devastating effect on the natural environment if left unchecked. The invasion of native vegetation by Bitou Bush and exotic perennial grasses are both Key Threatening Processes listed under the NSW Threatened Species Act 1987. Aquatic weeds can cause great damage to aquatic ecosystems. New emerging weeds are also threatening the health and sustainability of our ecosystems.

This policy aims to ensure noxious weeds are treated consistently across the LGA both temporally and spatially thereby protecting the natural environment. Priority is given to weeds known to have impacts on species or ecosystems listed as rare, threatened or endangered.

CONSULTATION

Discussions have been held with relevant sections of Council affected by this policy. As the policy has few impacts on the public and the policy is more a formalisation of the existing procedures it is not proposed to put the policy on public exhibition.

OPTIONS

- 1) Adopt, reject or amend the recommendation

ATTACHMENTS

- 1) Noxious Weed Policy

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
NOXIOUS WEED POLICY



Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2005-4493

TITLE: NOXIOUS WEED POLICY

BACKGROUND

Occupiers of land are required to take specified actions to control noxious weeds present on that land or water. Council is to ensure those responsibilities are fulfilled and if necessary take legal action to ensure those obligations are met. Council will also control noxious weeds on land under its control to the extent required by the Noxious Weeds Act 1993 and liaise with government agencies to ensure adequate management of weeds occurs on state lands.

The impacts of weeds can spread far and wide through the movement of seeds and plants by water, wind, animal or human assisted means. The NSW Noxious Weeds Act 1993 (NW Act) is an attempt to curtail the spread of and minimise the impacts of some of the worst weeds.

Weed management is an essential and integral part of the sustainable management of the environment and is important to maintain community health and the economic viability of the area. Effective weed management requires an integrated, multi disciplinary and long term planning approach that is accepted by government, the council and the community. Raising awareness and providing education is vital for the success of weed management and for gaining community cooperation and ownership.

The NW Act requires occupiers of land to control noxious weeds present on that land and Port Stephens Council is the authority (named in the NW Act as the Local Control Authority) responsible for ensuring occupiers of land within Port Stephens Local Government Area meet their obligations under the NW Act. The definition of land extends to water bodies within that land or forming (part of) the boundary including rivers, streams, drains and wetlands.

Council also has obligations under the NW Act to control noxious weeds present on land under the control of council. Historically council has also conducted some weed control activities on behalf of the Department of Lands particularly in relation to aquatic weed treatments in the Hunter, Paterson and Williams Rivers and on coastal crown lands affected by the invasion of Bitou Bush. With a large proportion of the total Alligator Weed recorded in Australia occurring in Port Stephens and extensive wetlands and potable water resources present, managing aquatic weeds presents particular challenges.

OBJECTIVE

- To allow a proactive, consistent response to issues related to noxious plant management as required by the NW Act.
- To facilitate the control of noxious weeds on public and private lands.
- To raise the communities awareness of noxious weeds and the need to control these weeds.
- To describe situations when legal action under the NW Act is considered appropriate.

PRINCIPLES

STRATEGIC

Research

Port Stephens Council has historically supported research into improving the control of noxious weeds, especially Alligator Weed and new, emerging weeds. Support for these collaborative programs with external agencies and researchers will continue.

Weed Planning

Council will continue to participate in the development, implementation and revision of regional weed management plans through the Hunter and Central Coast Regional Weed Management Committee. The committee will continue to receive support from Port Stephens Council in exercising its functions.

Council will continue to implement specific strategies for noxious weeds within the Port Stephens LGA. These strategies, i.e. Local Control Plans, will be reviewed and updated as needed.

Council will allocate sufficient funds to allow it's obligations to control noxious weeds to be fulfilled. Funds will also be sought from grants, external agencies and sponsors to assist with these costs.

Development Control Plan/ Development Applications

The Port Stephens Council DCP 2007 contains provisions to address the spread of weeds during developments.

Planning staff in consultation with or by referral to weed officers will consider the potential impacts of development applications in relation to noxious and environmental weeds. Appropriate conditions will be placed on applications to ensure weeds are controlled and not spread during any works resulting from approved developments.

EDUCATION

Council will use a variety of means to educate and inform Council staff and the community as to the problems created by noxious weeds, individual and group responsibilities for noxious weed control (and the greater requirements of the act) and the methods available to control noxious weeds.

Council will provide an advisory and education service primarily related to noxious weeds but also including the normal range of plant related inquiries. Council will participate in national events such as Weed Buster Week and regional and local events including Total Field Days, Catchment Day and the Spring Fair to promote awareness of weeds.

COMPLIANCE

If noxious weeds are not controlled adequately, many thousands of hectares of prime agricultural land will be ruined by noxious weed invasion. Alligator Weed is threatening to extinguish cropping, turf and other agricultural industries in this region if it is not effectively managed.

As part of its role in the community Council needs to ensure that breaches of the NW Act which it has authority to pursue are dealt with in a consistent and equitable manner.

Some cost to occupiers of land in controlling weeds is normal. The NW Act allows council (after due process) to control weeds on private lands and recover costs from the owner.

Council has a compliance policy that will guide responses to alleged breaches of the NW Act.

Council will conduct inspections of private properties, public lands, businesses and other premises to locate, monitor and record infestations of noxious weeds. Occupiers of private lands containing infestations of noxious weeds will initially be requested in writing to take appropriate action to control, contain or remove those weeds. Advice will be provided to the person(s) outlining the location and identity of the weeds and any measures required to comply with the requirements of the NW Act. Council has developed Local Control Plans for Class 4 Noxious Weeds as required by the NW Act.

If the council is not satisfied with the action taken by the occupier they will advise in writing that a weed control or other appropriate notice may be issued. If the council is still not satisfied with the action taken further legal process can then be initiated which may include mediation or be a self enforcing infringement notice (on the spot fine) or issuing a weed control notice or other notice as authorised by the NW Act.

Following the issuing of a notice and subsequent failure to comply by the person served the notice council may commence prosecution as authorised by the NW Act. Priority for legal compliance activities will go towards Class 1 noxious weeds, human assisted spread of weeds and control of new outbreaks.

OPERATIONS

Council will aim to:

- Control noxious weeds on public land under the control of Council. Assist and facilitate community groups in controlling weeds on council lands.
- Prevent the use of known noxious and environmental weeds in landscaping and revegetation programs.
- Place an emphasis on class 1 noxious weeds, noxious weeds most likely to affect human or animal health, emerging weeds of particular concern or those likely to cause the greatest economic loss.
- Protect desirable plants, human and animal health and the environment against damage during the chemical control of noxious weeds by adopting best practice and exercising due care. Integrated weed control measures will be used whenever possible to minimise the use of chemicals.
- Minimise the potential for noxious weeds to establish themselves on Council controlled land by regular monitoring and liaison with relevant departments of council.
- Integrate noxious weed control into council programs and activities where relevant. For example, roadside and drainage civil works are important aspects of noxious weed control.
- Provide adequate revenue to match grants offered by the State for the Noxious Weed Program and sufficient funds to ensure priority weeds are controlled effectively.

POLICY STATEMENT

Occupiers of land are required to take specified actions to control noxious weeds present on that land or water. Council is to ensure those responsibilities are fulfilled and if necessary take legal action to ensure those obligations are met. Council will also control noxious weeds on land under its control to the extent required by the NW Act with priority being given to new outbreaks of Class 1 noxious weeds or to weeds known to have impacts on species or ecosystems listed as rare, threatened or endangered.

RELATED POLICIES

Compliance Policy 2007

Council Prosecutions 2000

Port Stephens Council DCP 2007

NSW DPI Policy on allocation and use of grant funds NW Act Policy Paper 2

REVIEW DATE

Three years from adoption or whenever the NW Act is amended.

RELEVANT LEGISLATIVE PROVISIONS

The legislative framework is ever-changing. New regulations and declarations frequently occur requiring a regular revision of practices.

1. NSW Noxious Weeds Act 1993

Requires occupiers of land to take certain actions to control, contain or eradicate noxious weeds. Council is obliged to ensure all occupiers of land fulfil their obligations under this act.

Requires Council to control noxious weeds present on land under its control.

Once a plant has been declared a noxious weed by the minister, it is placed in a control category specified in the act. The Port Stephens Council list of declared noxious weeds and action required for each control category is contained in appendix A.

2. NSW Pesticide Act 1999

Regulates the use of pesticides (incl. herbicides) and requires certain training, record keeping and actions. A code of practice is provided to guide the use of chemicals. A Pesticide Notification Plan has been produced by council as required by the Pesticide Regulation 1995.

3. NSW Protection of the Environment Operations Act 1997

Regulates the use of herbicide in or over water. Port Stephens Council has a licence to apply some herbicides to water under certain conditions.

4. NSW Occupational Health and Safety Act 2000

Regulates for workplace safety and requires documentation and provision of safe work practices.

5. NSW Threatened Species Conservation Act 1995

In addition to conserving native species by declarations, this act provides for the listing of the invasion of natural flora communities by certain weeds to be declared Key Threatening Processes. Several processes relevant to Port Stephens have been declared:

- Invasion of Native Plant Communities by *Chrysanthemoides monilifera* (Bitou Bush)
- Invasion of native plant communities by exotic perennial grasses (includes Pampas Grass, Giant Parramatta Grass and others)
- Invasion, establishment and spread of Lantana (*Lantana camara*)
- Invasion and establishment of exotic vines and scramblers (includes *Asystasia gangetica* subspecies *micrantha* or Chinese Violet)

The listing of endangered/threatened ecosystems/species and key threatening processes may also impact on weed control measures.

6. National Agricultural and Veterinary Chemicals Amendment Bill 2002

Provides for the registration and regulation of pesticides in Australia. The Australian Pesticides and Veterinary Medicines Authority (APVMA) can issue permits to authorise the use of herbicides in a manner not specified on the label. Port Stephens Council has several of these permits.

7. NSW Environment Planning and Assessment Act 1979

This act provides for the regulation of development applications and allows council to apply conditions which may include measures to control weeds and to prevent weed spread. The Port Stephens Council DCP 2007 contains provisions to address the spread of weeds during developments.

IMPLEMENTATION RESPONSIBILITY

Senior Weeds and Pest Management Officer
Natural Resources Coordinator
Environmental Services Manager

APPENDICES

A. Noxious Weed list Port Stephens Council Local Government Area.
Note this list may differ from the declared weeds for neighbouring councils.

ORDINARY MINUTES – 26 FEBRUARY 2008

Appendix A - Noxious Weed list Port Stephens Council Local Government Area

Common name	Scientific name	Control measures	Class	Alternate scientific name	Area
Karoo Thorn	<i>Acacia karroo</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Prickly Acacia	<i>Acacia nilotica</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Pond Apple	<i>Annona glabra</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Chinese Violet	<i>Asystasia gangetica</i> subspecies <i>micrantha</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Kochia	<i>Bassia scoparia</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1	<i>Kochia scoparia</i>	Whole of NSW
Spotted Knapweed	<i>Centaurea maculosa</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Black Knapweed	<i>Centaurea nigra</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Siam Weed	<i>Chromolaena odorata</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Rubbervine	<i>Cryptostegia grandiflora</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Anchored Water Hyacinth	<i>Eichhornia azurea</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Horsetail	<i>Equisetum</i> species	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Senegal Tea Plant	<i>Gymnocoronis spilanthoides</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Hawkweed	<i>Hieracium</i> species	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
East Indian Hygrophila	<i>Hygrophila polysperma</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Hymenachne	<i>Hymenachne amplexicaulis</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW

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Lagarosiphon	<i>Lagarosiphon major</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Yellow Burrhead	<i>Limnocharis flava</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Miconia	<i>Miconia</i> species	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Mimosa	<i>Mimosa pigra</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Eurasian Water Milfoil	<i>Myriophyllum spicatum</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Mexican Feather Grass	<i>Nassella tenuissima</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1	<i>Stipa tenuissima</i>	Whole of NSW
Broomrapes	<i>Orobanche</i> species except the native <i>O. cernua</i> variety <i>australiana</i> and <i>O. minor</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Parthenium Weed	<i>Parthenium hysterophorus</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Water Lettuce	<i>Pistia stratiotes</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Water Soldier	<i>Stratiotes aloides</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Witchweed	<i>Striga</i> species except native species and <i>Striga parviflora</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Water Caltrop	<i>Trapa</i> species	The plant must be eradicated from the land and the land must be kept free of the plant	1		Whole of NSW
Hygrophila	<i>Hygrophila costata</i>	The plant must be eradicated from the land and the land must be kept free of the plant	2		Port Stephens Council
Alligator Weed	<i>Alternanthera philoxeroides</i>	The plant must be fully and continuously suppressed and destroyed	3		Port Stephens Council
Groundsel Bush	<i>Baccharis halimifolia</i>	The plant must be fully and continuously suppressed and destroyed	3		Port Stephens Council

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Mother-of-millions	<i>Bryophyllum</i> species and hybrids	The plant must be fully and continuously suppressed and destroyed and the plant may not be sold, propagated or knowingly distributed	3		Port Stephens Council
Green Cestrum	<i>Cestrum parqui</i>	The plant must be fully and continuously suppressed and destroyed	3		Port Stephens Council
Salvinia	<i>Salvinia molesta</i>	The plant must be fully and continuously suppressed and destroyed	3		Port Stephens Council
Giant Parramatta Grass	<i>Sporobolus fertilis</i>	The plant must be fully and continuously suppressed and destroyed	3	<i>Sporobolus indicus</i> variety <i>major</i>	Port Stephens Council
Crofton Weed	<i>Ageratina adenophora</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council
Mistflower	<i>Ageratina riparia</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council
Spiny Burrgrass	<i>Cenchrus incertus</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4		Port Stephens Council
Spiny Burrgrass	<i>Cenchrus longispinus</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4		Port Stephens Council
Boneseed	<i>Chrysanthemoides monilifera</i> subspecies <i>monilifera</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council

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Bitou Bush	<i>Chrysanthemoides monilifera subsp. rotunda</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council
Pampas Grass	<i>Cortaderia species</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council
Prickly Pear	<i>Cylindropuntia species</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4		Whole of NSW
Paterson's Curse, Vipers Bugloss, Italian Bugloss	<i>Echium species</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council
Water Hyacinth	<i>Eichhornia crassipes</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council
Spiny emex	<i>Emex australis</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council
Harrisia Cactus	<i>Harrisia species</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4		Whole of NSW
St. John's Wort	<i>Hypericum perforatum</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council

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Long-leaf Willow Primrose	<i>Ludwigia longifolia</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council
African Boxthorn	<i>Lycium ferocissimum</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council
Cape Tulip	<i>Moraea species</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4	<i>Homeria species</i>	Port Stephens Council
Chilean Needle Grass	<i>Nassella neesiana</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4		Port Stephens Council
Serrated tussock	<i>Nassella trichotoma</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4		Port Stephens Council
Prickly pear	<i>Opuntia species except O. ficus-indica</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4		Whole of NSW
Blackberry	<i>Rubus fruticosus</i> aggregate species	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4		Whole of NSW
Johnson Grass	<i>Sorghum halepense</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council

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Columbus Grass	<i>Sorghum x alnum</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council
Rhus Tree	<i>Toxicodendron succedanea</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Whole of NSW
Bathurst/Noogoora/Californian/Cockle Burrs	<i>Xanthium</i> species	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4		Port Stephens Council
Espartillo	<i>Achnatherum brachychaetum</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5	<i>Stipa brachychaetum</i>	Whole of NSW
Dodder	All <i>Cuscuta</i> species except the native species <i>C. australis</i> , <i>C. tasmanica</i> and <i>C. victoriana</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Oxalis	All <i>Oxalis</i> species and varieties except the native species <i>O. chnoodes</i> , <i>O. exilis</i> , <i>O. perennans</i> , <i>O. radicata</i> , <i>O. rubens</i> , and <i>O. thompsoniae</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Onion Grass	All <i>Romulea</i> species and varieties except <i>R. rosea</i> var. <i>australis</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Annual Ragweed	<i>Ambrosia artemisiifolia</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Burr Ragweed	<i>Ambrosia confertiflora</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Mexican Poppy	<i>Argemone mexicana</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW

ORDINARY MINUTES – 26 FEBRUARY 2008

Bridal Creeper	<i>Asparagus asparagoides</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5	<i>Myrsiphyllum asparagoides, Asparagus medeoloides</i>	Whole of NSW
Sand Oat	<i>Avena strigosa</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Smooth-stemmed Turnip	<i>Brassica barrelieri</i> subspecies <i>oxyrrhina</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5	<i>Brassica oxyrrhina</i>	Whole of NSW
Cabomba	<i>Cabomba caroliniana</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Glaucous Star Thistle	<i>Carthamus glaucus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Gallon's Curse	<i>Cenchrus biflorus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Fine-bristled burr grass	<i>Cenchrus brownii</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Mossman River Grass	<i>Cenchrus echinatus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Artichoke Thistle	<i>Cynara cardunculus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Yellow Nutgrass	<i>Cyperus esculentus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Leafy Elodea	<i>Egeria densa</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Clockweed	<i>Gaura lindheimeri</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW

ORDINARY MINUTES – 26 FEBRUARY 2008

Clockweed	<i>Gaura parviflora</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Texas Blueweed	<i>Helianthus ciliaris</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Lantana	<i>Lantana species</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Long-leaf Willow Primrose	<i>Ludwigia longifolia</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Red Rice	<i>Oryza rufipogon</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
African Feather Grass	<i>Pennisetum macrourum</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Fountain Grass	<i>Pennisetum setaceum</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Soldier Thistle	<i>Picnomon acarna</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Arrowhead	<i>Sagittaria montevidensis</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Sagittaria	<i>Sagittaria platyphylla</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5	<i>Sagittaria graminea</i>	Whole of NSW
Willows	<i>Salix species except S. babylonica, S. x reichardtii, S. x calodendron</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Golden Thistle	<i>Scolymus hispanicus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW

ORDINARY MINUTES – 26 FEBRUARY 2008

African Turnip Weed	<i>Sisymbrium runcinatum</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
African Turnip Weed	<i>Sisymbrium thellungii</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Corn Sowthistle	<i>Sonchus arvensis</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Cayenne Snakeweed	<i>Stachytarpheta cayennensis</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5	<i>Stachytarpheta urticifolia</i>	Whole of NSW
Athel Tree/Athel Pine	<i>Tamarix aphylla</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5		Whole of NSW
Mesquite	<i>Prosopis species</i>	A person must not sell or purchase the plant, or any animal or thing which has on it or contains such weed material			
Parkinsonia	<i>Parkinsonia aculeata</i>	A person must not sell or purchase the plant, or any animal or thing which has on it or contains such weed material			
Blue Hound's Tongue	<i>Cynoglossum creticum</i>	A person must not sell or purchase the plant, or any animal or thing which has on it or contains such weed material			
Cape Broom	<i>Genista monspessulana</i>	A person must not sell or purchase the plant, or any animal or thing which has on it or contains such weed material			
Gorse	<i>Ulex europaeus</i>	A person must not sell or purchase the plant, or any animal or thing which has on it or contains such weed material			

ITEM NO. 7

INFORMATION PAPERS

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER – CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the information papers listed below being presented to Council on 5th February, 2008.

No:	Report Title	Page:
1)	Enquiry into Electoral and Political Party Funding Local Government Remuneration Tribunal Review	

STRATEGIC COMMITTEE MEETING – 5 FEBRUARY 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

041 Councillor Nell It was resolved that the recommendation be
 Councillor Tucker adopted.

STRATEGIC COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

INQUIRY INTO ELECTORAL AND POLITICAL PARTY FUNDING

**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE
MANAGEMENT
FILE: PSC2007-4175**

BACKGROUND

The purpose of this report is to inform Council that the NSW Legislative Council has established a Select Committee on Electoral and Political Party Funding to conduct an enquiry into the funding of, and the disclosure of donations to, political parties and candidates in NSW State and Local Government elections.

The committee membership is:-

Revd the Hon Fred Nile MLC – Christian Democratic Party - Chair
The Hon Don Harwin MLC – Liberal Party – Deputy Chair
The Hon Robert Brown MLC – The Shooters Party
The Hon Amanda Fazio MLC – Australian Labor Party
The Hon Jenny Gardiner MLC – The National Party
The Hon Mick Veitch MLC – Australian Labor Party

ATTACHMENTS

- 1) Correspondence from the Legislative Council dated 27 November 2007

ATTACHMENT 1



LEGISLATIVE COUNCIL

SELECT COMMITTEE ON ELECTORAL AND POLITICAL PARTY FUNDING

27 November 2007

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

PORT STEPHENS COUNCIL
File No. <u>07-4175</u>
5 DEC 2007
Action by <u>D. John</u>
Folio

Dear Mr Gesling

Inquiry into Electoral and Political Party Funding

As you may be aware, the NSW Legislative Council has established a Select Committee on Electoral and Political Party Funding to conduct an inquiry into the funding of, and the disclosure of donations to, political parties and candidates in NSW State and local government elections. A copy of the terms of reference is enclosed for your information.

The Committee has published a discussion paper to encourage debate on the issues to be examined by the Committee. The discussion paper is available on the Committee's website at www.parliament.nsw.gov.au/partyfunding.

On behalf of the Committee, I would like to invite you to make a submission to the Inquiry. It would be greatly appreciated if you could publicise the Inquiry within your organisation, if applicable, and forward this invitation to any other person or organisation that may be interested. The closing date for submissions is 15 February 2008.

The Committee intends to hold public hearings following the closing date for submissions. Hearing details will be published on the website as they become available.

Submissions can be lodged via the Committee's website at www.parliament.nsw.gov.au/partyfunding, emailed to fundinginquiry@parliament.nsw.gov.au, faxed to (02) 9230 3416, or hard copies can be mailed to: The Director, Select Committee on Electoral and Political Party Funding, Legislative Council, Parliament House, Macquarie Street, Sydney NSW 2000. A list of Committee members, background information about Legislative Council committees and information about making a submission is enclosed to assist you with your submission.

Please note that no one, including the author, may distribute the submission unless authorised by the Committee. Anyone who republishes a committee document apart from the Parliament or its committees is subject to the laws of defamation.

Parliament of New South Wales
Macquarie Street
Sydney NSW 2000


Telephone (02) 9230 2193
Facsimile (02) 9230 2981
Email: fundinginquiry@parliament.nsw.gov.au

Submissions are confidential until the Committee makes them public. If your submission contains information you do not wish to be made public, please mark it **confidential**. The Committee will consider all requests for confidentiality, but is not obliged to keep a submission confidential if it determines that it is not in the public interest to do so.

If you would like further information about the Inquiry or making a submission, please do not hesitate to contact Madeleine Foley, Principal Council Officer on (02) 9230 3586.

The Committee would greatly appreciate your contribution to this Inquiry.


Yours sincerely



Revd the Hon Fred Nile MLC
Chairman

TERMS OF REFERENCE

1. That a select committee be appointed to inquire into and report on the funding of, and disclosure of donations to, political parties, and candidates in state and local government elections, and in particular:
 - (a) all matters associated with electoral funding and disclosure
 - (b) the advantages and disadvantages of banning all donations from corporations, unions and organisations to parties and candidates
 - (c) the advantages and disadvantages of introducing limits on expenditure in election campaigns
 - (d) the impact of political donations on the democratic process and
 - (e) any related matters.
2. That notwithstanding anything contained in the standing orders, the committee consist of six members of the Legislative Council of whom:
 - (a) two must be government members
 - (b) two must be opposition members, and
 - (c) two must be cross bench members.
3. That, notwithstanding anything contained in the standing orders, at any meeting of the committee, any four members of the committee will constitute a quorum.
4. That the committee report by the last sitting day in June 2008.



LEGISLATIVE COUNCIL

Standing committees

Taking Parliament to the people



Parliamentary privilege – what you should know

Parliamentary committees are an extension of the Parliament. A committee's proceedings, including the presentation of submissions and the giving of evidence, are protected by parliamentary privilege. This means that submissions and oral evidence given before a committee can be made freely and honestly without fear or threat of legal action for defamation. At the same time, committee hearings and submissions are not an opportunity to make adverse comments about individuals. Comments made outside a hearing do not receive the protection of parliamentary privilege.

Submissions and evidence given before a committee become committee documents and are confidential until the committee decides to make them public. Parliamentary privilege extends to submissions and transcripts of evidence that are published by a committee. Anyone who publishes a committee document apart from the Parliament or its committees is subject to the laws of defamation.

Witnesses are also protected by parliamentary privilege from intimidation or other attempts to influence or deter them from giving evidence, or from being penalised as a result of their evidence.

Contacting the committees

Address mail to the relevant committee at:
 Parliament House
 Macquarie Street
 Sydney NSW 2000

General Purpose Standing Committees
www.parliament.nsw.gov.au/committees
 Telephone: (02) 9230 6344 Fax: (02) 9230 3116
 Email: spcs@parliament.nsw.gov.au

Law and Justice Committee
www.parliament.nsw.gov.au/lawandjustice
 Telephone: (02) 9230 3311 Fax: (02) 9230 3371
 Email: lajc@parliament.nsw.gov.au

Water Issues Committee
www.parliament.nsw.gov.au/water
 Telephone: (02) 9230 3300 Fax: (02) 9230 2981
 Email: wic@parliament.nsw.gov.au

State Development Committee
www.parliament.nsw.gov.au/statedevelopment
 Telephone: (02) 9230 2441 Fax: (02) 9230 2383
 Email: stdev@parliament.nsw.gov.au

Privileges Committee
www.parliament.nsw.gov.au/committees
 Telephone: (02) 9230 2773 Fax: (02) 9230 2761
 Email: privileges@parliament.nsw.gov.au

Members of the public may attend these hearings, although sometimes they occur in private (in camera) to leave.

4 Seeking further input

In addition to calling for submissions and taking evidence, committees may seek public opinion on the issues raised by an inquiry in a number of other ways. These include community forums, hearings and round table discussions. Committees may also visit localities in NSW related to an inquiry.

5 Reporting to Parliament

After considering all the submissions, evidence and its own research, the committee prepares a report. The report is tabled in the Legislative Council and includes the committee's findings and recommendations. Standing committees aim to produce unanimous reports. Where members of a committee cannot agree on their findings and recommendations, a dissenting statement is sometimes presented with the report. The tabling of a report provides an opportunity for all members of the Legislative Council to debate the findings.

6 Making the report publicly available

Committee reports are public documents and are widely distributed. A report is made available to anyone who appears as a witness, made a submission, or requests a copy from the committee offices. Committee reports can also be found at the State Library in Sydney, university libraries and on our website (see back panel).

7 Responding to the recommendations

Within six months after a report is tabled, the Government must provide a response to the Legislative Council that addresses the committee's recommendations. The Government is not required to implement the committee's recommendations but must explain why it has decided not to carry out some or all of them.

A copy of the Government response is sent to everyone who made a submission, gave evidence, or requests a copy from the committee office. Government responses can also be found on our website (see back panel).

Making government accountable

Committees can ask Ministers and senior public servants to explain and justify their actions or decisions, including decisions about the State Government budget. Committees also encourage government agencies to make more information publicly available.

Promoting public debate

Committees increase public awareness and debate on issues under consideration by Parliament. They provide an opportunity for differing views to be discussed and examined in public and allow members to consider all aspects of an issue.

Encouraging detailed investigation

Committees are small and flexible. Being specialised and focused, their members can concentrate on a particular issue in depth, and can more easily access the knowledge and experience of academics, business leaders, public servants, interest groups and members of the public.

The 7 steps of an inquiry

1. Setting up an inquiry

In most cases, the Legislative Council or a Minister, rather than a standing committee, sets up an inquiry. The inquiry is described in an inquiry's terms of reference and report on.

2. Calling for submissions

A committee will often start its inquiry by calling for submissions from the public and relevant organisations. The inquiry's terms of reference are usually covered in newspaper and on our website (see back panel for details).

People or organisations with expert knowledge or representative views may be invited to make a submission.

Holding public hearings

After the committee has examined all the submissions, witnesses may be invited to give oral evidence. This allows committee members to speak with people about matters relevant to an inquiry and to ask questions about issues raised in a submission or by other witnesses.

The Parliament of New South Wales is made up of the Legislative Council (Upper House) and the Legislative Assembly (Lower House). Both Houses have parliamentary committees, which inquire into issues that are important to the people of NSW. Parliamentary committees are appointed by one or both Houses and are made up of members of Parliament.

Examining issues in detail

The work of Parliament has become more complex. Members of Parliament have to consider a wide range of issues and legislation. At the same time, more people in the community want to participate in the democratic process. Committees take Parliament to the people and enable members to become better informed about community views. They allow members to examine issues in more detail and with greater public input and debate than if the matter were considered within the House.

Standing committees in the Legislative Council

Committees are an important part of the work of the Legislative Council because of the Council's role in reviewing legislation and acting as an effective check and balance on executive government.

Standing committees are one of several different types of committees that are formed by the Legislative Council. They are established for the life of each Parliament, that is, for four years, or until the next general election.

They investigate and report on:

- proposed legislation
- government activities
- matters of public policy.

A standing committee may also inquire into matters raised in the annual report of a government department or in petitions, although this power is rarely used.

Standing committees benefit the community by reviewing proposed laws, facilitating more informed policy-making and ensuring greater government accountability.



Select committees can also be formed to inquire into a particular issue. Joint select committees, made up of members from both Houses, can also be formed. Once its inquiry has been completed, a select committee is discontinued.

The Privileges Committee considers complaints of breach of parliamentary privilege or contempt referred to it by the House or the President of the Legislative Council. The committee also considers submissions from citizens seeking a right of reply to statements made about them in the House. It drafts codes of conduct for members and carries out educative work on ethical standards for members.

Committees provide an important opportunity for individuals and groups to participate in the policy process and to put their views directly to members. You can:

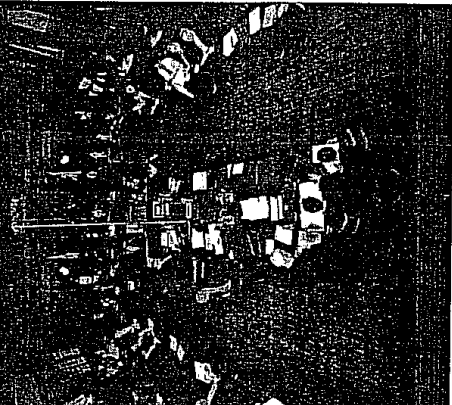
- make a submission
- give oral evidence
- attend public hearings
- obtain copies of committee reports.

Committees may hold meetings around NSW to that of interested parties are consulted.

Information on the web

You can find submissions, hearing schedules, transcripts, committee reports and other information about standing committees of the current Parliament on our website at www.parliament.nsw.gov.au/committees. From here you can navigate to specific committees and inquiries. If you need help using the website please contact the relevant committee secretary.

This brochure is one of a series on standing committees. Making a submission and Committee hearings are also available from the committee office and on our website.



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LEGISLATIVE COUNCIL

Making a submission
Your chance to have your say

Contacting the committees

Address mail to the relevant committee at:

Parliament House
Macquarie Street
Sydney NSW 2000

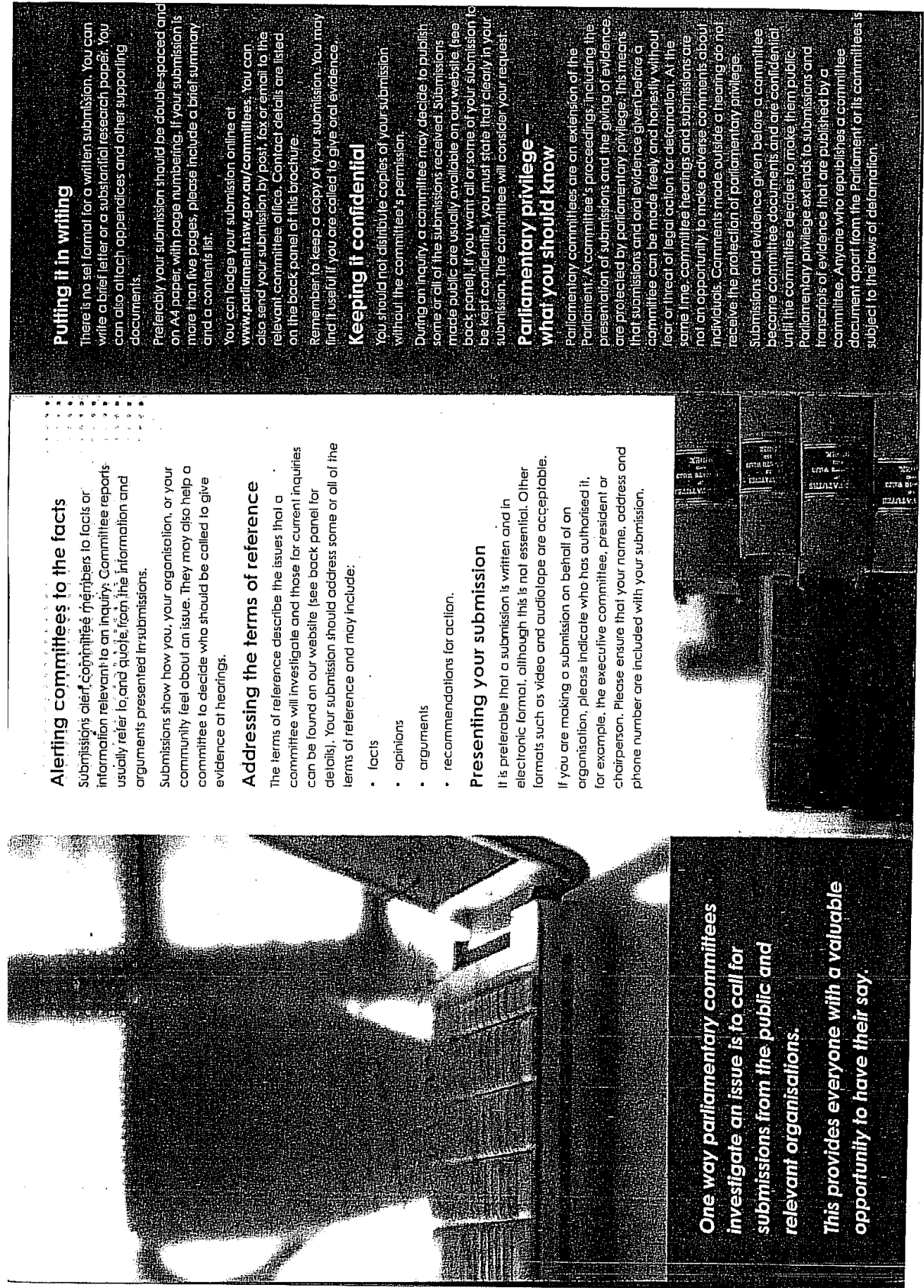
General Purpose Standing Committees
www.parliament.nsw.gov.au/committees
Telephone: (02) 9230 3514, Fax: (02) 9230 3416
Email: gpaces@parliament.nsw.gov.au

Law and Justice Committee
www.parliament.nsw.gov.au/lawandjustice
Telephone: (02) 9230 3311, Fax: (02) 9230 3371
Email: lawandjustice@parliament.nsw.gov.au

Social Issues Committee
www.parliament.nsw.gov.au/socialissues
Telephone: (02) 9230 3078, Fax: (02) 9230 2981
Email: socialissues@parliament.nsw.gov.au

State Development Committee
www.parliament.nsw.gov.au/statedevelopment
Telephone: (02) 9230 2241, Fax: (02) 9230 2781
Email: statedevelopment@parliament.nsw.gov.au

Privileges Committee
www.parliament.nsw.gov.au/committees
Telephone: (02) 9230 2773, Fax: (02) 9230 2761
Email: privilege@parliament.nsw.gov.au



Alerting committees to the facts

Submissions alert committees members to facts or information relevant to an inquiry. Committee reports usually refer to and quote from the information and arguments presented in submissions.

Submissions show how you, your organisation, or your community feel about an issue. They may also help a committee to decide who should be called to give evidence at hearings.

Addressing the terms of reference

The terms of reference describe the issues that a committee will investigate and those for current inquiries can be found on our website (see back panel for details). Your submission should address some or all of the terms of reference and may include:

- facts
- opinions
- arguments
- recommendations for action.

Presenting your submission

It is preferable that a submission is written and in electronic format, although this is not essential. Other formats such as video and audiotape are acceptable.

If you are making a submission on behalf of an organisation, please indicate who has authorised it. For example, the executive committee, president or chairperson. Please ensure that your name, address and phone number are included with your submission.

One way parliamentary committees investigate an issue is to call for submissions from the public and relevant organisations.

This provides everyone with a valuable opportunity to have their say.

Putting it in writing

There is no set format for a written submission. You can write a brief letter or a substantial research paper. You can also attach appendices and other supporting documents.

Preferably your submission should be double-spaced and on A4 paper, with page numbering. If your submission is more than five pages, please include a brief summary and a contents list.

You can lodge your submission online at www.parliament.nsw.gov.au/committees. You can also send your submission by post, fax or email to the relevant committee office. Contact details are listed on the back panel of this brochure.

Remember to keep a copy of your submission. You may find it useful if you are called to give oral evidence.

Keeping it confidential

You should not distribute copies of your submission without the committee's permission.

During an inquiry, a committee may decide to publish some or all of the submissions received. Submissions made public are usually available on our website (see back panel). If you want all or some of your submission to be kept confidential, you must state that clearly in your submission. The committee will consider your request.

Parliamentary privilege – What you should know

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INFORMATION ITEM NO. 2

LOCAL GOVERNMENT REMUNERATION TRIBUNAL REVIEW

**REPORT OF: JUNE SHINE - EXECUTIVE MANAGER, CORPORATE
MANAGEMENT
FILE: A2004-0266**

BACKGROUND

The purpose of this report is to provide Council with the opportunity to discuss the proposed fee structure review for Councillors allowances.

The current structure surrounding Councillors allowance was introduced in 1995 by the Local Government Remuneration Tribunal. Pursuant to section 243 of the Local Government Act, the Tribunal is required to make an annual determination on the fees. The deadlines for a review this year is 30 April 2008.

The Tribunal is called for submissions on the quantum and/or structure of fees.

Should Council wish to make a submission to the Tribunal this matter would need to be listed on the agenda for the Ordinary Meeting on the 12 February 2008.

ATTACHMENTS

- 1) Correspondence from the Local Government Remuneration Tribunal dated 9 November 2007

ATTACHMENT 1

LGRT 2008/1

PORT STEPHENS COUNCIL
File No
1 6 NOV 2007
Action by
Fofo



**Local Government
Remuneration Tribunal**

Level 12, Bligh House
4-6 Bligh Street, Sydney
GPO Box 5341, SYDNEY NSW 2001
T: (02) 9228 3570 f: (02) 9228 3578
www.remtribunals.nsw.gov.au

Clr Ron Swan
Mayor
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324
2007

9 November

Dear Clr Swan

Pursuant to s. 243 of the *Local Government Act 1993*, the Tribunal is required to make an annual determination, by no later than 30 April 2008, on the fees payable to Councillors and Mayors to take effect from 1 July 2008. The purpose of this letter is to advise that the Tribunal has commenced its review for the 2008 determination.

Fees

The current fee structure was introduced by the Tribunal in 1995. Aside from increases to the quantum of allowance the fee structure has remained largely unchanged since that time. As outlined in the 2007 Report the Tribunal will undertake a review of the fees as part of this review.

The Tribunal would welcome submissions from individual councils or joint submissions in regard to the quantum and/or structure of fees.

Categorisation

Categories of councils and mayoral offices were last determined by the Tribunal in 2006. In accordance with Section 239 of the Act, the Tribunal is required to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal does not intend to undertake a further review of categories during the 2008 review. The Tribunal will review the categories of Councils again as part of the 2009 review. Until then the Tribunal would not expect to move councils within categories unless there is a significant change in the role and responsibilities of individual councils.

Submissions should be received by no later than 15 February 2008 and should be forwarded to:

Local Government Remuneration Tribunal
Level 12, Bligh House
4-6 Bligh Street
SYDNEY NSW 2000.

Enquiries should be directed to Sarah Bradshaw on 02 9228 4657 or email at sarah.bradshaw@dpc.nsw.gov.au.

Yours sincerely

Emanuel Sklavounos
Associate Director

GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1

FILE NO: A2004-0656

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) Oral History Workshop - Donation towards Hall hire and equipment hire - \$189 (Mayoral Funds)
 - b) Raymond Terrace and District Tennis Club – Donation towards the 2008 Easter Tennis Open – (\$2500) 50% of costs provided by West Ward (\$1250) – 50% from Mayoral Funds (\$1250.)
 - c) Salt Ash Hall Committee – Donation towards annual Christmas light electricity - \$115 (Mayoral Funds)
 - d) St John’s Anglican Church - Donation towards annual Christmas light electricity - \$250 (West Ward)
 - e) Life Education NSW - Donation toward the towing costs of the Life Education vehicle whilst in Port Stephens – divided between three Wards (total \$4200) - \$1400 each ward.
 - f) Port Stephens Community Band - Donation toward band operating costs – divided between three Wards (total \$3000) - \$1000 each Ward.
 - g) Hunter Region Botanic Gardens - Donation toward maintenance and repair costs – divided between three Wards (total \$3000) - \$1000 each Ward.
 - h) Raymond Terrace Water Polo - Donation towards the 2008 Weekend Carnival - \$1000 (West Ward)
 - i) Tilligerry Committee - Donation toward the 2007 Tilligerry Festival - \$500 (Central Ward)
 - j) Salt Ash Sports Ground – Contribution toward top dressing and fertilizing the grounds - \$3000.00 (Central Ward)
 - k) Soldiers Point Salamander Parks Reserves and Hall Committee - Contribution toward the replacement costs of a BBQ at Joe Redman Reserve Salamander Bay - \$5000 (East Ward)

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

**042 Councillor Hodges
Councillor Dingle**

It was resolved that:

- 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) Oral History Workshop - Donation towards Hall hire and equipment hire - \$189 (Mayoral Funds)
- b) Raymond Terrace and District Tennis Club – Donation towards the 2008 Easter Tennis Open – (\$2500) 50% of costs provided by West Ward (\$1250) – 50% from Mayoral Funds (\$1250.)
- c) Salt Ash Hall Committee – Donation towards hall hire for the wake of the Late John Bartlett - \$115 (Mayoral Funds)
- d) St John’s Anglican Church - Donation towards annual Christmas light electricity - \$250 (West Ward)
- e) Life Education NSW - Donation toward the towing costs of the Life Education vehicle whilst in Port Stephens – divided between three Wards (total \$4200) - \$1400 each ward.
- f) Port Stephens Community Band - Donation toward band operating costs – divided between three Wards (total \$3000) - \$1000 each Ward.
- g) Hunter Region Botanic Gardens - Donation toward maintenance and repair costs – divided between three Wards (total \$3000) - \$1000 each Ward.
- h) Raymond Terrace Water Polo - Donation towards the 2008 Weekend Carnival - \$1000 (West Ward)
- i) Tilligerry Committee - Donation toward the 2007 Tilligerry Festival - \$500 (Central Ward)
- j) Salt Ash Sports Ground – Contribution toward top dressing and fertilizing the grounds - \$1500.00 (Central Ward)
- k) Soldiers Point Salamander Parks Reserves and Hall Committee - Contribution toward the replacement costs of a BBQ at Joe Redman Reserve Salamander Bay - \$5000 (East Ward)

MINUTES FOR ORDINARY MEETING – 26 FEBRUARY 2008**MATTER ARISING:**

043 **Councillor Dingle** **It was resolved that Council call for a report on creating a pool of funds to allocate to all sponsorships on an annual basis.**
 Councillor Francis

Councillor Nell left the Chamber at 8.30pm and returned to the Chamber at 8.32pm.

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

Oral History Workshop	Donation towards Hall hire and equipment hire.	\$189.00
Raymond Terrace and District Tennis Club	Donation towards the 2008 Easter Tennis Open – 50% of costs provided by West Ward.	\$1250.00
Salt Ash Hall Committee	Donation towards Hall hire fee – late John Bartlett	\$115.00

WEST WARD

St John's Anglican Church	Donation towards annual Christmas light electricity.	\$250.00
Life Education NSW	Donation toward the towing costs of the Life Education vehicle whilst in Port Stephens – divided between three Wards (total \$4200.00)	\$1400.00
Raymond Terrace and District Tennis Club	Donation towards the 2008 Easter Tennis Open – 50% of costs provided by Mayoral donation.	\$1250.00
Port Stephens Community Band	Donation toward band operating costs – divided between three Wards (total \$3000.00)	\$1000.00
Hunter Region Botanic Gardens	Donation toward maintenance and repair costs – divided between three Wards (total \$3000.00)	\$1000.00
Raymond Terrace Water Polo.	Donation towards the 2008 Weekend Carnival.	\$1000.00

MINUTES FOR ORDINARY MEETING – 26 FEBRUARY 2008

CENTRAL WARD

Life Education NSW	Donation toward the towing costs of the Life Education vehicle whilst in Port Stephens – divided between three Wards (total \$4200.00)	\$1400.00
Port Stephens Community Band	Donation toward band operating costs – divided between three Wards (total \$3000.00)	\$1000.00
Hunter Region Botanic Gardens	Donation toward maintenance and repair costs – divided between three Wards (total \$3000.00)	\$1000.00
Tilligerry Committee	Donation toward the 2007 Tilligerry Festival	\$500.00
Salt Ash Sports Ground	Contribution toward top dressing and fertilizing the grounds.	\$3000.00

EAST WARD

Soldiers Point Salamander Parks Reserves and Hall Committee	Contribution toward the replacement costs of a BBQ at Joe Redman Reserve Salamander Bay.	\$5000.00
Life Education NSW	Donation toward the towing costs of the Life Education vehicle whilst in Port Stephens – divided between three Wards (total \$4200.00)	\$1400.00
Hunter Region Botanic Gardens	Donation toward maintenance and repair costs – divided between three Wards (total \$3000.00)	\$1000.00
Port Stephens Community Band	Donation toward band operating costs – divided between three Wards (total \$3000.00)	\$1000.00

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.*

OPTIONS

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

ATTACHMENTS

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 2

FILE NO: A2004 - 0308

DEPARTMENT OF LANDS FUNDING OFFER FOR CROWN HOLIDAY PARKS

REPORT OF: PHIL BUCHAN – BUSINESS OPERATIONS MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Accept the Department of Lands loan offers for the 2007/08 financial year.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008**RESOLUTION:**

044 Councillor Westbury It was resolved that the recommendation be
Councillor Robinson adopted.

BACKGROUND

The purpose of this report is seek Council's approval to accept the Department of Lands funding offer to progress the capital improvements planned for the Crown Land Holiday Parks located at Shoal Bay, Fingal Bay and Halifax.

As part of the budget preparation for the 2007/2008 financial year applications were submitted to the Department of Lands for funding assistance toward the implementation of projects identified within the Master Plan for the holiday parks situated on Crown land.

The applications totalled \$3.205M covering the following projects as per the capital works program budget for 2007/08 and listed in the Integrated Works Program.

Fingal Bay Holiday Park

- Stage 2 installation of 3 bedroom villas - \$700,000
- Installation of street lighting and boundary fence replacement - \$380,000

Halifax Holiday Park

- Stage 2 cabin replacement - installation 6 mid range cabins - \$600,000
- Amenities upgrade - \$120,000
- Power head upgrade to tourist van sites, office & work shed maintenance- \$40,000
- Installation of children's playground area and repairs to residence - \$70,000

Shoal Bay Holiday Park

- Stage 1 cabin replacement – installation of 12 mid range cabins \$1,200,000
- Electrical upgrade, reconstruction of pathways & landscaping - \$95,000

The original loan application was submitted to the Department of Lands in April 2007 however the application was only considered in the second funding round late in October 2007. Council received advice of the loan approval from Minister Kelly MLC in early February 2008 (see Attachment 1). The capital work program for the Crown Holiday Parks is fully reliant on securing low interest loans through the Public Reserves Management Fund. Principal and interest components of these loans are paid from the operating profits from each Park. The delay in the Department processing Council's application has meant that the majority of the budgeted capital works for 2007/08 has been put on hold pending an outcome from the funding application.

Much of the capital projects within the parks are normally completed in the low season so that disruption to guests is kept to a minimum. Given this late announcement of the funding offer there is a strong likelihood that some projects will carry over and be completed in the 2008/09 financial year.

The Department of Lands' loans offer provides two different loan interest rates. Borrowings that relate to non-income earning capital project attract an interest rate of 3.5% repayable over periods of between 3 to 7 years depending on the project. Borrowings for income earning capital projects attract an interest rate of 5% repayable over periods of between 7 to 10 years depending on the project.

Previous and current financial performance of the Crown Holiday Parks demonstrates that there is adequate capacity at each Park to meet loan commitments for the planned capital works while maintaining a profitable annual return to the business operations reserve. Experience has also demonstrated that the introduction of new accommodation products including 3 bedroom villas and the replacement of mid range and budget cabins has resulted in improved occupancy with guests choosing to pay for the more modern and better appointed accommodation styles. This shift in market expectations has prompted action to stage the replacement of older cabins (20 year old) due to the diminishing interest in this entry level product.

The proposed capital projects reflect responsible asset management while also being receptive to market expectations of improved facilities, security and better appointed accommodation. The completed projects will contribute toward our guest's holiday experience and will assist in the retention of the Park's AAA star rating. All of which contributes to improved business outcomes for Council, the community of Port Stephens and the Department of Lands.

LINKS TO CORPORATE PLANS

The link to the 2007-2011 Council Plan is:-

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

FINANCIAL/RESOURCE IMPLICATIONS

The capital works program has been assessed as part of the financial analysis undertaken to provide the business case for these loans. The amount of borrowings has been budgeted for in the 2007/08 capital works program as exhibited in the 2007-2011 Council Plan. The financial and resource implications are accommodated within current and future budgets. The loans on offer have a lower than market interest rate of 5% for income producing projects (generally new cabins) and 3.5% for non-income producing projects (other capital improvements).

A review with the Financial Services Manager has been undertaken to analyse the Business Unit's capability to repay the loan liabilities and improve the Park's financial position.

LEGAL AND POLICY IMPLICATIONS

The borrowings required are consistent with Council's Funding Policy where only those activities with a repayment source and with a commercial purpose will be considered for the borrowing of money from external sources.

Acceptance of these loans is consistent with the Council Plan and the advice previously provided to the Department of Local Government for the 2007/08 financial year.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Continued development and improvement of the facilities offered at the Crown Holiday Parks provides opportunity to improve amenity and access to Crown reserves.

ECONOMIC IMPLICATIONS

The local Port Stephens economy will benefit from additional and return visitors to the area together with increased financial return toward other Crown reserves.

ENVIRONMENTAL IMPLICATIONS

Environmental implications have been considered within the current Master Plan and future Plans of Management.

CONSULTATION

Consultation has included Holiday Park Coordinators, Marketing Coordinator, Financial Services Manager, Group Manager Business & Support and the Holiday Park Advisory Panel.

OPTIONS

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

ATTACHMENTS

- 1) Correspondence received from Tony Kelly MLC, Minister for Lands offering Council funding for holiday parks on Crown reserves.

ATTACHMENT 1



The Hon Tony Kelly MLC
Minister for Lands
Minister for Rural Affairs
Minister for Regional Development
Vice President of the Executive Council
Leader of the House – Legislative Council

PORT STEPHENS COUNCIL
- 4 FEB 2008
File No. A2004-0308
Action by D. John
App. No.

29 JAN 2008

LANDS07/789

Mr P Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Gesling

Following a recommendation by the Caravan Park Levy Committee, I have approved that Port Stephens Council, as corporate trust manager of the following Crown reserves, be offered funds for various improvements.

1. Fingal Bay Holiday Park

A loan of \$700,000 repayable over seven years at an interest rate of 5% per annum towards the cost of the installation of four high range cabins.

A loan of \$380,000 repayable over seven years at an interest rate of 3.5% per annum for the installation of street lighting and the replacement of the boundary fence.

2. Halifax Holiday Park

A loan of \$600,000 repayable over seven years at an interest rate of 5% per annum towards the cost of the installation of six mid range cabins.

A loan of \$120,000 repayable over seven years at an interest rate of 3.5% per annum towards the cost of upgrading of amenities blocks.

A loan of \$40,000 repayable over three years at an interest rate of 3.5% per annum towards the cost of upgrading the office, electrical powerheads to caravan sites and the workshop.

Level 34, Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
T (02) 9228 3999 F (02) 9228 3988

Room 809 Parliament House
Macquarie Street, Sydney NSW 2000
T (02) 9230 2528 F (02) 9230 2530

ATTACHMENT 1

A loan of \$70,000 repayable over five years at an interest rate of 3.5% per annum towards the cost of the installation of a children's playground area and undertaking repairs and minor improvements to the manager's residence.

3. Shoal Bay Holiday Park

A loan of \$1,200,000 repayable over ten years at an interest rate of 5% per annum towards the cost of the replacement of twelve existing cabins including six two bedroom cabins.

A loan of \$95,000 repayable over five years at an interest rate of 3.5% per annum for the electrical upgrading works and the reconstruction of pathways and landscaping around the amenities block.

Provision of the loans is subject to the council undertaking to meet the balance of funds required to complete the projects. Other conditions of the loans are as follows:

- a) the principal component of the loans are repayable in equal annual instalments and the variable interest is calculated daily on the outstanding balance, commencing from the date the loans are advanced. The interest rates will be reviewed periodically in line with the trends in the market place and determined in accordance with the Treasury Corporation Local Government lending rate at that time;
- b) the first instalments to fall due one year from the date the loans are advanced;
- c) the loans are a financial supply and have been calculated on a GST exclusive basis and are not subject to payment of GST upon receipt by the council;
- d) the council providing the Department of Lands a valid Australian Business Number; and
- e) completion of the projects within twelve months and submission of a certificate or a report to the Department of Lands indicating that the works have been satisfactorily completed and the funds fully expended.

If the council wishes to accept the offers, it should indicate its acceptance in writing to the Public Reserves Management Fund Coordinator, Department of Lands, GPO Box 15, Sydney 2001, within one month from the date of this letter. The council should note that the offers will lapse if the council does not accept the offers within that time.

Yours faithfully



Tony Kelly MLC
Minister for Lands

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217/102

SET MAXIMUM SPEED LIMIT FOR PORT STEPHENS WATERS

COUNCILLORS: NELL & WESTBURY

THAT COUNCIL:

- 1) That council urge the State Government to set a maximum speed limit on the waters of Port Stephens to protect Dolphins, Turtles and Penguins.

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

045	Councillor Nell	It was resolved that the Notice of Motion be adopted.
	Councillor Westbury	

BACKGROUND REPORT OF: DAVID BROYD – GROUP MANAGER SUSTAINABLE PLANNING

BACKGROUND

The NSW National Parks and Wildlife (Marine Mammal) Regulation 2006 (the Regulation) has been introduced to protect marine mammals such as whales and dolphins while allowing people to appreciate them in the wild. While specifically only relating to mammals the concepts can be readily applied to all marine animals. The Regulation mainly prescribes how close vessels can get to marine mammals, i.e for a vessel, the approach distance is 100m from a whale or 50m from a dolphin however this distance increases when calves are in the pod. There are also regulations regarding aircraft and prohibited vessels such as jet skis.

However there are no minimum speeds set by the Regulation and NSW Maritime advises that vessels must always travel at a safe speed which will enable them to stop in time to avoid distressing or colliding with an animal. NSW Maritime's view is that this speed cannot be expressed as a maximum number of knots as it will vary according to the circumstances and conditions.

However the Regulation does state that in the caution zone (a distance between 100m and 300m from a whale and 50m and 150m from a dolphin), the speed must be constant and slow, and leave a negligible wake, i.e one that does not create waves big enough to make nearby boats move.

Whales and dolphins rely on sounds underwater to communicate, find food and navigate so vessel operators need to travel at a speed that will minimise the noise around them, and ensure their vessel does not suddenly change its direction.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217/100

REDUCTION OF ALCOHOL RELATED INCIDENTS ON NEW YEARS EVE.

COUNCILLOR: NELL

THAT COUNCIL:

- 1) That Council meet with Tomaree Liquor Accord (TLA) to implement strategies to address glass littering on New Years Eve.
-

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

046	Councillor Nell	It was resolved that the Notice of Motion be adopted.
	Councillor Westbury	

BACKGROUND REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

BACKGROUND

The problem of broken glass littering streets and reserves in Nelson Bay was highlighted by Police and community members at the New Years Eve debrief. As bottled drinks are not sold at the organised event, it was decided that Council should discuss the problem with the Tomaree Liquor Accord in order to collectively develop strategies to control this alcohol-related issue.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: A2004-0217/101

OFFICIALLY NAME THE MAMBO AND WANDA WETLANDS.

COUNCILLORS: NELL, ROBINSON, WESTBURY & DOVER

THAT COUNCIL:

- 1) That Council makes application to the Geographical Names Board to officially name the Mambo Wetlands and Wanda Wetlands.
-

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

047	Councillor Nell	It was resolved that the Notice of Motion be adopted.
	Councillor Robinson	

**BACKGROUND REPORT OF: STEWART MURRELL – GROUP MANAGER
BUSINESS & SUPPORT**

BACKGROUND

Council previously resolved to declare the wetlands as public reserve by minute 436 of 28th February, 2006. There is no provision under the Local Government Act 1993 for this to happen and the Department of Local Government advises there is no need for it, as the best protection is afforded through classification as 'Community Lands' and the Local Environmental Plan. Both of these protections are in place over the two reserves.

Officially naming by the Geographical Names Board would ensure that all future authority maps would show the names, thus making map users aware that they are special areas. This recognition will ultimately make its way onto most tourist and road maps produced for general sale.

The area of Mambo Wetlands includes :-

Lot 1 DP 1122502
Lot s 103 & 104 DP 860500 and
Lot 567 DP 27353

The area of Wanda Wetlands includes :-

Lots 504,505,542/3&4 DP 27274 and
Lot 5061 DP 706784

NOTICE OF MOTION

ITEM NO. 4

FILE NO: 3150-029, PSC2005-4381

PLANNING CONTROLS – LAND SUBJECT OF DRAFT FORESHORE MANAGEMENT PLAN, NELSON BAY

COUNCILLORS: NELL, WESTBURY, DOVER & ROBINSON

THAT COUNCIL:

- 1) Request an urgent report from the Group Manager, Sustainable Planning to upgrade the planning controls for the area in Nelson Bay subject of the draft Foreshore Management Plan prepared by the NSW Department of Lands in order to ensure limitations on types of development, heights and densities that are compatible with the location and current Nelson Bay planning controls.
-

ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2008

RESOLUTION:

048	Councillor Nell Councillor Westbury	It was resolved that the Notice of Motion be adopted.
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BACKGROUND REPORT OF: DAVID BROYD – GROUP MANAGER, SUSTAINABLE PLANNING

BACKGROUND

The NSW Department of Lands draft Foreshore Management Plan provides general intentions for foreshore lands to guide future use of the foreshore area. Under Council's Memorandum of Understanding with Lands, any detailed plans for the foreshore will be developed in consultation with Council. The Lands Department charter also requires consideration of environmental and community in outcome delivery. The Lands Department is considering developing detailed design guidelines for the foreshore land covered by the Draft Foreshore Management Plan – Nelson Bay. Consultation with Council and the community would be part of this process.

ISSUES

The issue in question is the strength and ability of Council's existing controls for the foreshore land covered by the Draft Foreshore Management Plan – Nelson Bay to ensure development heights and densities are compatible with the qualities of Nelson Bay and surrounds.

Port Stephens LEP 2000

MINUTES FOR ORDINARY MEETING – 26 FEBRUARY 2008

LEP 2000 restricts future uses on the Foreshore land covered by the Draft Foreshore Management Plan – Nelson Bay. A map of the relevant zones for this land is attached. The zones include:

- 6(a) General Recreation “A” Zone for Apex Park, Victoria Parade Parkland and Neil Carrol Park Fly Point (uses on this land are further restricted by classification as operational or community land);
- 7(w) Environment Protection “W” (Waterways) Zone for land adjoining the waterway (Council is in the process of preparing and exhibiting a draft Foreshore Plan of Management that highlights requirements for the protection of foreshore land adjoining the waterways including land zoned 7(w) land.; and
- 3(a) Business General “A” zone for the Marina Precinct, Boat Harbour and Eastern Groyne.

Each of these zones limits the permitted land uses and set out the objectives to be satisfied when considering permitted land uses.

Port Stephens DCP 2007

Land zoned 3(a) is subject to controls under Port Stephens DCP 2007. Height in the Marina Precinct is limited to 8m by the generic provisions of Chapter B4 Commercial and Mixed Use Development. DCP 2007 provides a stringent range of considerations to be taken into account in the preparation of a development application. Chapter C4 – Nelson Bay of DCP 2007, currently under review through the Nelson Bay 2030 Project, does not cover the Marina Precinct.

Nelson Bay 2030 Project

This project is investigating opportunities for improved links between the Nelson Bay Town Centre and the Marina Precinct. It is also highlighting the significance of the qualities of the Nelson Bay area and the importance of the foreshore land. The Lands Department has been involved in the Nelson Bay 2030 Project and is aware of the community concerns and comments raised in relation to future plans for the foreshore land.

There being no further business the meeting closed at 8.49pm.