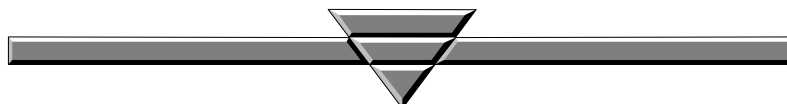


Minutes 19 May 2009



Port Stephens

C·O·U·N·C·I·L

... a community partnership

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace, on 19th May 2009, commencing at 6.00pm.

PRESENT: Councillors B. MacKenzie (Mayor); R. Westbury (Deputy Mayor); G. Dingle; S. Dover, G. Francis; P. Kafer; K Jordan, D Maher, J. Nell; S. O'Brien; S. Tucker, F. Ward; General Manager; Corporate Excellence Group Manager, Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager & Executive Officer.

| | | |
|-----|--|---|
| 146 | Councillor Ken Jordan Councillor Daniel Maher | It was resolved that the minutes of Port Stephens Council of the Extra-Ordinary meeting of held on 5 May and the Ordinary meetings of 28 April & 12 May 2009. |
| | | No Declaration of Interest were received. |

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SUBJECT

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO:A2004-0370

NOMINATIONS FOR HUNTER COUNCILS BOARD REPRESENTATION ON STATE & REGIONAL GROUPS

THAT COUNCIL:

Nominate one Councillor for each of the State and Regional Groups.

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|-----|-----------------------------------|--|
| 147 | Councillor Bruce MacKenzie | It was resolved that there being no objection the Mayoral Minute was adopted with the following Councillors nominated:- Westpac Helicopter - Cr John Nell Community Relations Commission - Cr Glenys Francis Area Assistance Scheme - Cr Geoff Dingle & Cr Steve Tucker |
|-----|-----------------------------------|--|

BACKGROUND

Hunter Councils are calling for nominations for representation on four (4) State & Regional Groups. At various times the Board of Hunter Councils has recurrent and project specific representation on a number of state and regional government and non-government organisations. The Board has encouraged representation because of the linkage between local government and the activities of those organisations and the associated benefits to the community.

The groups that nominations are being sought for:

- Westpac Helicopter
- Hunter Regional Tourism Organisation
- Community Relations Commission
- Area Assistance Scheme

Nominations can only be received from a Councillor or the Deputy Mayor, with one nomination for each Group. Nominations are required to be submitted to Hunter Councils by the Mayor on Thursday 21 May 2009.

ATTACHMENT

- 1) Details on each State and Regional Group

ATTACHMENT 1

| | |
|-----------------|---|
| Item 3 | Business Arising from previous minutes |
| Item 3.1 | Board representation |

HUNTER COUNCILS

NOMINATION FOR HUNTER COUNCILS BOARD REPRESENTATION ON STATE AND REGIONAL GROUPS

The Board of Hunter Councils will from time to time have recurrent and project specific representation on a number of state and regional government and non-government organisations. The Board has encouraged such representation because of linkages between local government and the activities of those organisations and because of the benefits for the organisations to be derived from Hunter Councils input to their strategic development and decision-making.

The Board is currently seeking Councillor nominations for representation on the following Boards / Committees / Advisory Groups. Interested Councillors are asked to complete the brief expression of interest form that follows and to provide it to their Mayor for submission to the Hunter Councils Board.

Nominations will only be accepted from Councillors and Deputy Mayors.

State and Regional Groups involved:

Westpac Helicopter

The Westpac Rescue Helicopter Westpac Rescue Helicopter Service is a community owned and operated aero medical search and rescue service, serving the Hunter, Central Coast, Mid North Coast, New England and North West regions. It is one of six helicopter services contracted by NSW Health to perform emergency services in the New South Wales community.

Each year the Helicopter Service performs over 1200 missions, rescuing people from accident scenes and transporting critically ill patients from small, rural hospitals to large tertiary hospitals, primarily the John Hunter Hospital in Newcastle and the Base Hospital in Tamworth.

Hunter Regional Tourism Organisation

The Hunter Regional Tourism Organisation creates awareness and assists in increasing the profile of the Hunter Region and its local government areas through advertising, promotion, public relations, information and publications, industry development and trade marketing.

Community Relations Commission

The CRC has responsibility for promoting community harmony, participation and access to services in order that the contribution of cultural diversity to NSW is celebrated and recognised as an important social and economic resource. It recognises multiculturalism

ATTACHMENT 1

as a deliberate public policy and takes proactive steps to ensure a cohesive and harmonious society.

As the leading government agency supporting multicultural communities in NSW, it builds strong relationships with ethnic community groups and develops and fosters extensive networks throughout various communities through its programs and services.

Area Assistance Scheme

Administered by the NSW Department of Community Services, the Area Assistance Scheme provides funding for local and regional programs aimed at community capacity building outcomes. Two representatives – one from the Upper Hunter and one from the Lower Hunter – are required for participation in 2010 on the regional submission review panel.

OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 7TH APRIL 2009

REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held on 7th April 2009.

COMBINED STRATEGIC & OPERATIONS COMMITTEE – 12TH May 2009

RECOMMENDATION:

| | | |
|--|---|---|
| | Councillor Ken Jordan Councillor John Nell | That the recommendation be adopted and further that Council: 1. Consult with the owners of the adjoining land with respect to the tree plantings on Item 18_04/09. 2. Approach the RTA regarding the speed limit and street lighting at Richardson Road/Grahamstown Rd, Campvale. Item 503_04/09. |
|--|---|---|

MATTER ARISING:

| | | |
|--|--------------------------------|---|
| | Councillor Geoff Dingle | That Council be provided with information on the seagull intersection at Benjamin Lee Dr and Richardson Road. |
|--|--------------------------------|---|

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|------------|---|--|
| 148 | Councillor Ken Jordan Councillor John Nell | It was resolved that the Operations Committee recommendation be adopted. |
|------------|---|--|

| | | |
|------------|---|---|
| 149 | Councillor Ken Jordan Councillor John Nell | It was resolved that the Matter Arising be adopted with reference to the northern end intersection. |
|------------|---|---|

BACKGROUND

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

LINKS TO CORPORATE PLANS

The items referred to the Local Traffic Committee and the subsequent recommendations are linked to the current Council Plan 2008 - 2012. In Parts 5 and 7 of the Plan, the Local Traffic Committee contributes to the following directions and goals:

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

FINANCIAL/RESOURCE IMPLICATIONS

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

The Local Traffic Committee procedure provides a mechanism to respond to and remedy problems in accordance with Council's "Best Value Services" Policy. The recommendations contained within the Local Traffic Committee Minutes can be completed within the current Traffic Committee budget allocations and without additional impact on staff or the way Council's services are delivered.

SAFETY PRIORITIES

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

The items with a Safety Priority are listed as follows:

NIL

LEGAL AND POLICY IMPLICATIONS

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

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

AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK

This aligns with the following ABEF Principles;

- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 6) Continual improvement and innovation depend on continual learning
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

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

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

CONSULTATION

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

No additional consultation took place as a part of the meeting of 7th October 2008.

OPTIONS

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

ATTACHMENTS

- 1) The minutes of the Local Traffic Committee meeting held on are contained in ATTACHMENT 1.

TABLED DOCUMENTS

Nil

ATTACHMENT 1

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE AGENDA**

INDEX OF LISTED MATTERS
TUESDAY 7th April, 2009

A. ADOPTION OF THE MINUTES OF 3RD FEBRUARY 2009

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

14_04/09 HUNTER STREET RAYMOND TERRACE - REQUEST TO INSTALL
PARKING RESTRICTIONS IN AFTER-HOURS TAXI ZONE AT THE
JUNCTION INN

15_04/09 GOWRIE AVENUE, LITTLE BEACH – REQUEST FOR INSTALLATION OF
'NO PARKING' SIGNS ACROSS THE DRIVEWAY OF THE BAY
PARKLANDS COMPLEX

16_04/09 FORESHORE DRIVE CORLETTE – REQUEST TO INSTALL 2 SPACES WITH
SHORT-TERM PARKING RESTRICTIONS AT ROY WOOD RESERVE

17_04/09 BUCKETTS WAY TWELVE MILE CREEK – APPLICATION FOR USE BY
CONTROLLED ACCESS BUS

18_04/09 BUTTERWICK ROAD AND GLENURIE CLOSE WOODVILLE –
INTERSECTION SAFETY CONCERNS

D. INFORMAL MATTERS

502_04/09 WARRIGAL, BANGALAY, CARRAMAR AND JOLIFFE CLOSE,
BRANDY HILL – REQUEST FOR A REVIEW OF SPEED LIMITS IN THE
AREA

503_04/09 RICHARDSON ROAD/GRAHAMSTOWN ROAD CAMPVALE -
REQUEST FOR A SAFETY REVIEW AT THE INTERSECTION FOLLOWING
A RECENT FATAL ACCIDENT.

504_04/09 SWAN BAY ROAD, SWAN BAY - SAFETY CONCERNS NEAR THE
DAVIS ROAD INTERSECTION

E. GENERAL BUSINESS

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 7TH APRIL 2009
AT 9:30AM**

Present:

Mr Craig Bauman MP – Member for Port Stephens, Mayor Cr Bruce MacKenzie, Cr Peter Kafer, Sen. Const. John Simmons – NSW Police, Mr Bill Butler – RTA, Mr Brian Moseley – Hunter Valley Buses, Mr Joe Gleeson – Port Stephens Council (Chairperson), Mr Graham Orr – Port Stephens Council, Ms Lisa Hudson – Port Stephens Council

Apologies:

Mr Frank Terenzini MP – Member for Maitland, Mr Mark Newling – Port Stephens Coaches

A. ADOPTION OF MINUTES OF MEETING HELD 3RD FEBRUARY, 2009

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. Listed Matters

Item: 14_04/09

HUNTER STREET RAYMOND TERRACE - REQUEST TO INSTALL PARKING RESTRICTIONS IN AFTER-HOURS TAXI ZONE AT THE JUNCTION INN IN HUNTER STREET RAYMOND TERRACE

State MP: Member for Port Stephens
Requested by: A business operator - William Street Raymond Terrace NSW 2324
File: PSC2008-9420/005
Background:

Port Stephens Council recently installed timed parking restrictions in Hunter Street Raymond Terrace in response to increased demand from commuter parkers who were occupying all unrestricted parking spaces in the area. The area immediately in front of the Junction Inn was overlooked at this time and is still being used frequently by all-day parkers.

Comment:

There were vehicles parked in all unregulated spaces at the time of inspection.

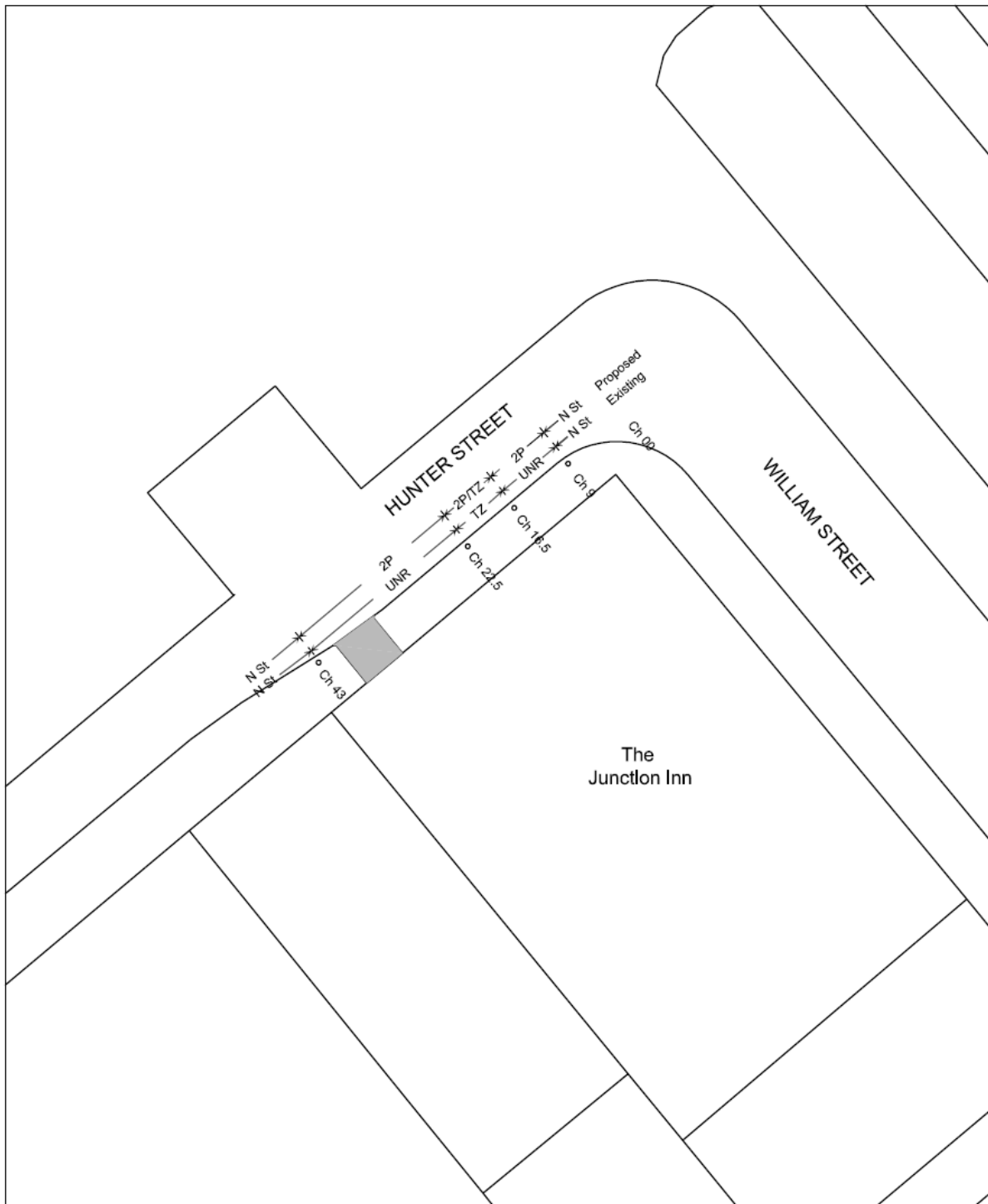
Legislation, Standards, Guidelines and Delegation:

ARR Part 12 Div.2 – Rule 205 – Parking for longer than indicated
AS 2890.5 – On street parking
RTA Regulatory Signs Manual – R5-2
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

Approve installation of 2 hour parking restrictions in Hunter Street Raymond Terrace at the Junction Inn, as shown on the attached sketch (Annexure A).

Discussion:



Legend

- N St - No Stopping
- 2P - 2 Hour Parking - 8.30am-6.00pm Mon-Fri
- TZ - Taxi Zone -
- UNR - Unrestricted Parking

Item: 15_04/09

GOWRIE AVENUE, LITTLE BEACH – REQUEST FOR INSTALLATION OF 'NO PARKING' SIGNS ACROSS THE DRIVEWAY OF THE BAY PARKLANDS COMPLEX

State MP: Member for Port Stephens

Requested by: Cr Dover

File: 109539-2009

Background:

Cr Dover stated, 'Bay Parklands is a complex of 55 units and 17 townhouses and during peak times at least 150 cars access the driveway daily which creates a dangerous situation because cars are parked right up to the driveway making vision impossible for drivers exiting the complex.'

Comment:

The Traffic Inspection Committee noted the following:

- Parking bays are well marked and are sufficiently clear of the driveway to allow reasonable sight distance.
- Large vehicles (4WD) parked in any of the bays near the driveway could obscure vision for drivers coming out of the Bay Parklands Complex.
- Removing sufficient parking spaces to improve sight distance would result in a significant loss of on-street parking.
- Council does not have the resources to install signposting of 'No Parking' across all driveways.

Legislation, Standards, Guidelines and Delegation:

ARR Part 12 Div.2 – Rule 168 – No Parking signs

AS 2890.5 – On street parking

RTA Regulatory Signs Manual – R5-40

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

For Committee discussion

Committee's recommendation:

The Committee recommended against removing parking spaces and installing 'No Parking' signs across the driveway.



Item: 16_04/09

FORESHORE DRIVE CORLETTE – REQUEST TO INSTALL 2 SPACES WITH SHORT-TERM PARKING RESTRICTIONS AT ROY WOOD RESERVE

State MP: Member for Port Stephens

Requested by: Cr Dover

File:

Background:

Council is to install improvements in the Roy Wood Reserve at Corlette to enhance the area as a recreation reserve. Part of these improvements is to relocate the boat racks to the western end of the reserve. The Corlette Hall's Committee have requested that Council install an area where boat owners can park adjacent to the boat racks while loading equipment for transfer to moored vessels.

Comment:

The original request was for installation of a loading zone however the Inspection Committee noted that most of the vehicles driven by people transferring equipment to moored vessels would not qualify to park in a loading zone. It was therefore suggested that short-term parking would be more appropriate in this situation.

Legislation, Standards, Guidelines and Delegation:

ARR Part 12 Div.2 – Rule 205 – Parking for longer than indicated

AS 2890.5 – On street parking

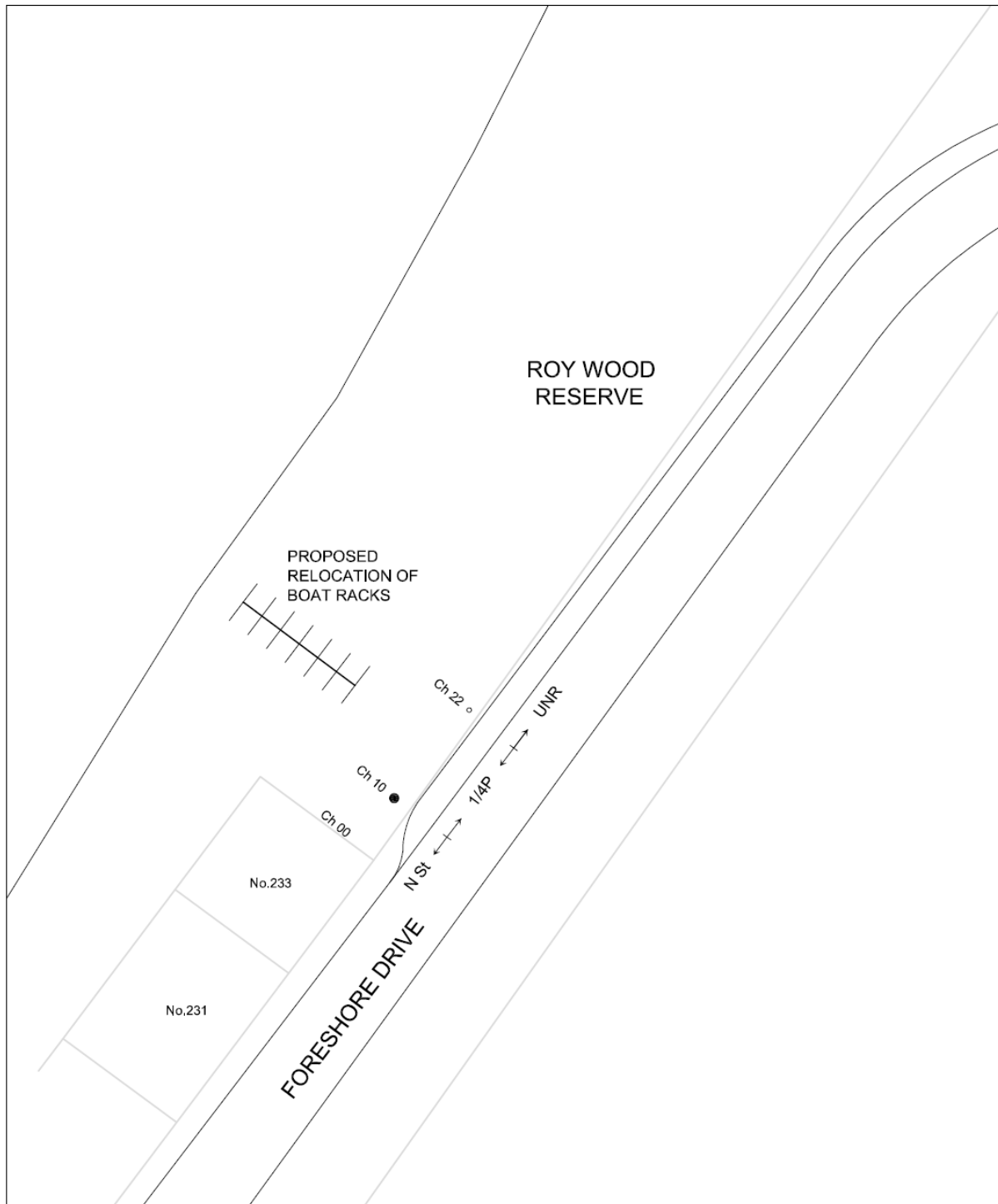
RTA Regulatory Signs Manual – R5-15

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

Approve the installation of 2 X ¼ hour parking spaces at the western end of Roy Wood Reserve Corlette, as shown on the attached sketch (Annexure A).

Discussion:



Legend

- N St - No Stopping
- 1/4P - 15 Minute Parking
- UNR - Unrestricted Parking

Item: 17_04/09

BUCKETTS WAY TWELVE MILE CREEK – APPLICATION FOR USE BY CONTROLLED ACCESS BUS

State MP: Member for Port Stephens

Requested by: The Oxley Explorer

File:

Background:

Mr Malcolm McPherson has submitted an application seeking use of the Bucketts Way by a Controlled Access Bus (CAB), on behalf of The Oxley Explorer.

Mr McPherson has completed an operator assessment of the route as required by the RTA. The assessment is attached.

Comment:

The route through Port Stephens Council area has been inspected and no concerns have been identified with the proposal.

Legislation, Standards, Guidelines and Delegation:

RTA – Controlled Access Bus Guidelines

Recommendation to the Committee:

Approve the use of that part of the Bucketts Way within Port Stephens Council area as a Controlled Access Bus route as requested.

Discussion:

Operator Assessment of Controlled Access Bus Route

Date of Assessment: 4th March 2009

Assessment performed by: Malcolm Macpherson, Managing Director, Macphersons Walcha Pty Ltd t/as The Oxley Explorer

General Route Description:

Pacific Highway to Buckets Way at Gloucester then Thunderbolts Way to Walcha

Details of the actual route assessed are as follows:

- Turn left off Pacific Highway onto Buckets Way
- Continue along Buckets Way until arrival at Gloucester turning left at Phillip Street (bypass)
- Continue along Phillip Street turning right into Boundary Street (bypass)
- Continue along Boundary Street turning left at Park Street (end of bypass)
- Continue along Park Street, leaving Gloucester
- Turn right at Barrington onto Thunderbolt's Way
- Continue along Thunderbolt's Way until arrival in Walcha
- Thunderbolt's Way becomes Derby Street at Walcha
- Turn left at intersection of Derby & Fitzroy Streets
- Continue along Fitzroy Street to Meridian Street
- Turn left into Meridian Street
- Turn right into Bus Depot (10s Meridian Street, Walcha NSW 2354)

In my professional opinion (17 years as a Coach Driver and Company Director) I have assessed this route as safe for the continued use of Controlled Access Buses. Throughout the Assessment I did not encounter any problems with the maneuverability, or swept path of the vehicle.

The route was assessed using Route Assessment Guidelines for Controlled Access Buses. Particular attention was paid to the swept path and the possible encroachment of the bus onto road islands (median or traffic), footpaths, centre lines of opposing traffic and buildings i.e awnings / poles and also sign posts.

One area which posed an earlier concern, prior to assessment, was the Bridge near Bretti. This concern was alleviated after travelling over the Bridge and noting an excess of room enabling the bus to be maneuvered with ease.

Approval for commencement of use of this route would be appreciated by 13th April 2009.

Outcome

Assessment deemed route as safe for the use of Controlled Access Buses on 4th March 2009 by: Malcolm Macpherson.

Malcolm Macpherson
Managing Director

Item: 18_04/09

BUTTERWICK ROAD AND GLENURIE CLOSE WOODVILLE - INTERSECTION SAFETY CONCERNS

State MP: Member for Maitland

Requested by: Mr Frank Terenzini MP

File:

Background:

Safety concerns have been raised regarding the intersection of Butterwick Road and Glenurie Close due to a lack of sight distance. A previous recommendation from Port Stephens Traffic Committee called for the removal of 4 trees from a row of trees planted along the southern approach to Glenurie Close on Butterwick Road. The Traffic Committee also recommended a request to review the speed limit of Butterwick Road in the area.

Comment:

Further investigation by Council has shown that all the trees concerned are situated within the boundary of No.1 Glenurie Close. Further, to achieve the minimum sight distance required according to Austroads Guide to Traffic Engineering Practice – Part 5 'Intersections at Grade' would require the removal of the full row of trees between the driveway of No.143 Butterwick Road and the Glenurie Close intersection. This would still only achieve approximately 140m sight distance which is the absolute minimum required for a speed limit of 70km/h.

Legislation, Standards, Guidelines and Delegation:

AUSTROADS – Guide to Engineering Practice Part 5 – Intersections at Grade

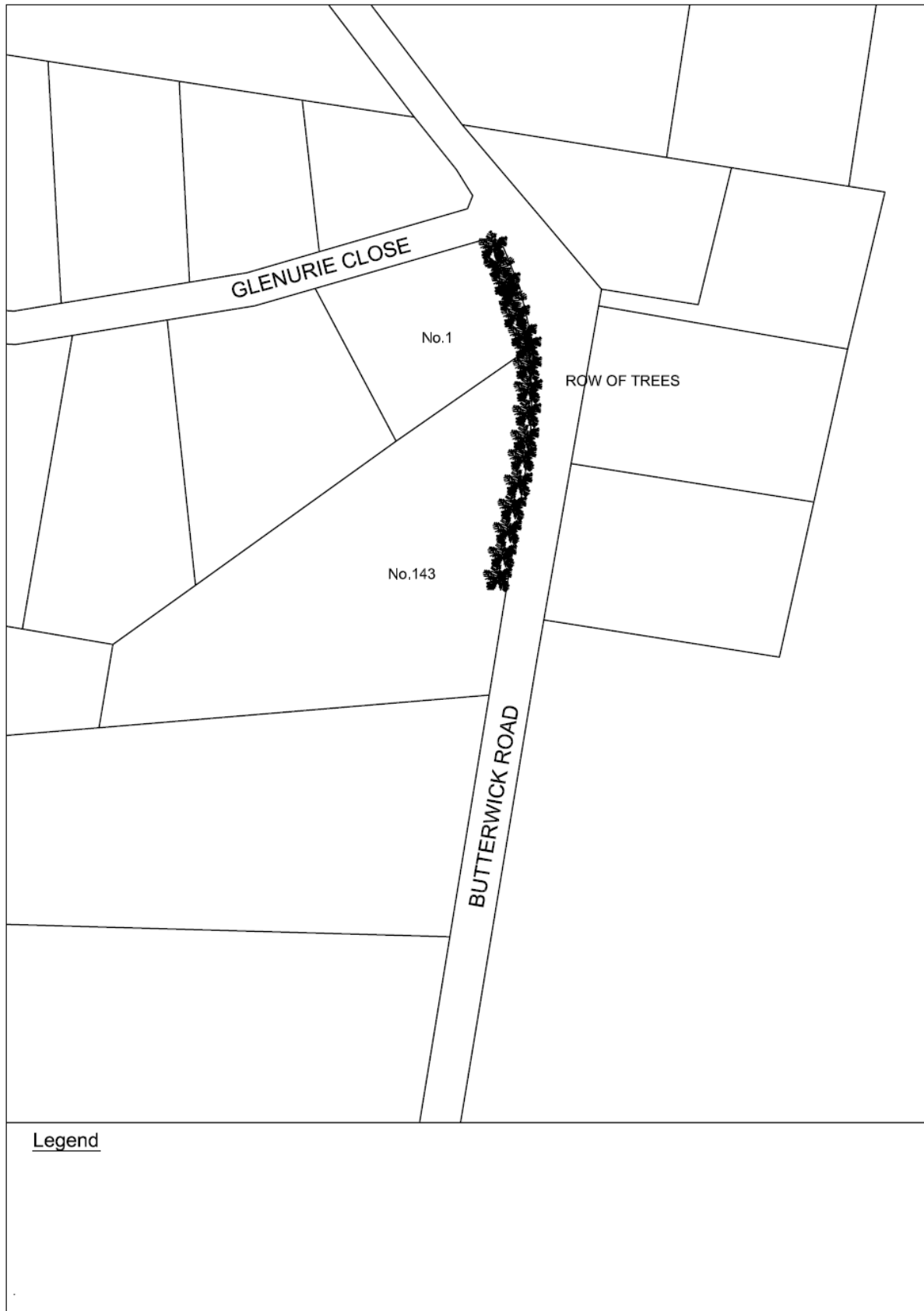
Recommendation to the Committee:

1. Refer to the RTA to seek a further reduction of speed limit.
2. Council to write to the owners of No.1 Glenurie Close and of No.143 Butterwick Road to request permission to remove the trees required to provide safe intersection sight distance at the intersection of Glenurie Close and Butterwick Road.

Discussion:

The RTA representative noted that a review of the speed limit on Butterwick Road had been undertaken previously by the RTA and that a reduction had not been approved at that time. He agreed however to conduct another review.

The Committee noted that a speed limit of 70km/h is not realistic in this road environment and that any reduction in speed limit is unlikely to achieve widespread compliance. The Committee noted that there are no reported accidents at the intersection over the most recent 5 year period and that traffic volumes on the roads in the area are low.



Legend

D. Informal Matters

Item: 502_04/09

WARRIGAL, BANGALAY, CARRAMAR AND JOLIFFE CLOSE, BRANDY HILL – REQUEST FOR A REVIEW OF SPEED LIMITS IN THE AREA

State MP: Member for Maitland

Requested by: A resident - Bangalay Close Brandy Hill NSW 2324

File: 109539-2009

Background:

A resident of the area would like to have the speed limit investigated in the group of roads including Warrigal, Bangalay, Carramar and Joliffe Close. These roads are connected to Brandy Hill Drive via Warrigal Place. No speed signs are presently in these roads listed. Pedestrian safety, horses on road and property accesses near crests are some of the issues raised.

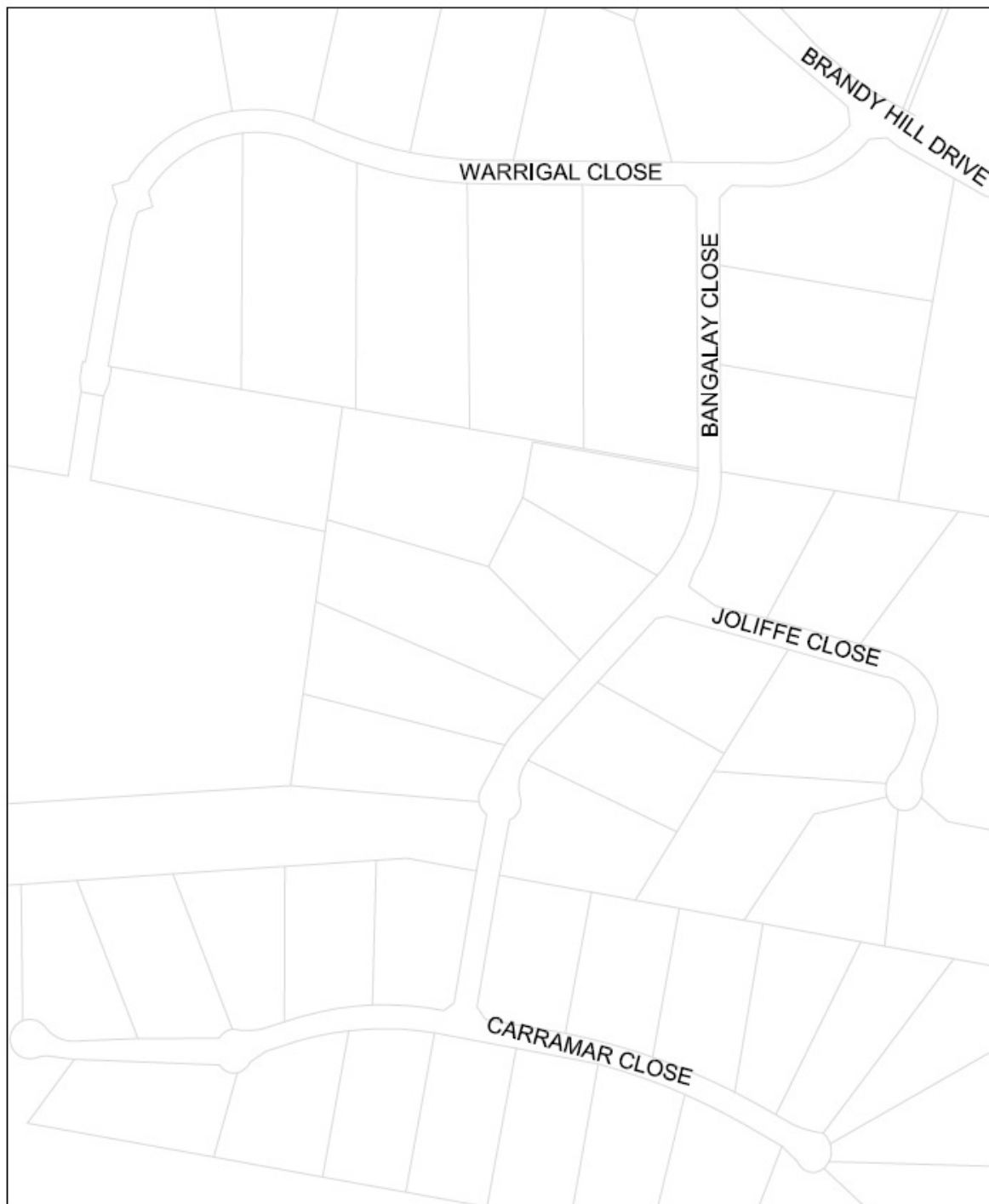
Comment:

Brandy Hill Drive is signposted with a speed limit of 80km/h. The Inspection Committee noted that none of the roads in the area, connecting to Brandy Hill Drive, have reduced speed limits in keeping with the road environment. The Inspection Committee raised doubts that the area would qualify as a 'built-up' area due to lack of street lighting and the distances between buildings.

Committee's Advice:

Refer to RTA for consideration

Discussion:



Legend

Item: 503_04/09

RICHARDSON ROAD/GRAHAMSTOWN ROAD CAMPVALE - REQUEST FOR A SAFETY REVIEW AT THE INTERSECTION FOLLOWING A RECENT FATAL ACCIDENT.

State MP: Member for Port Stephens

Requested by: A resident

File:

Background:

Following a recent fatal traffic accident Council has received requests to review signage and lighting as well as speed limit and traffic signals.

Following another recent accident, Council has also received requests to review the safety of the access to the Hunter Water Corporation, Finnan Park from Richardson Road.

Comment:

The Inspection Committee were told that the Roads and Traffic Authority is currently conducting a review of the area in terms of road safety and speed limit that will address the issues.

Committee's Advice:

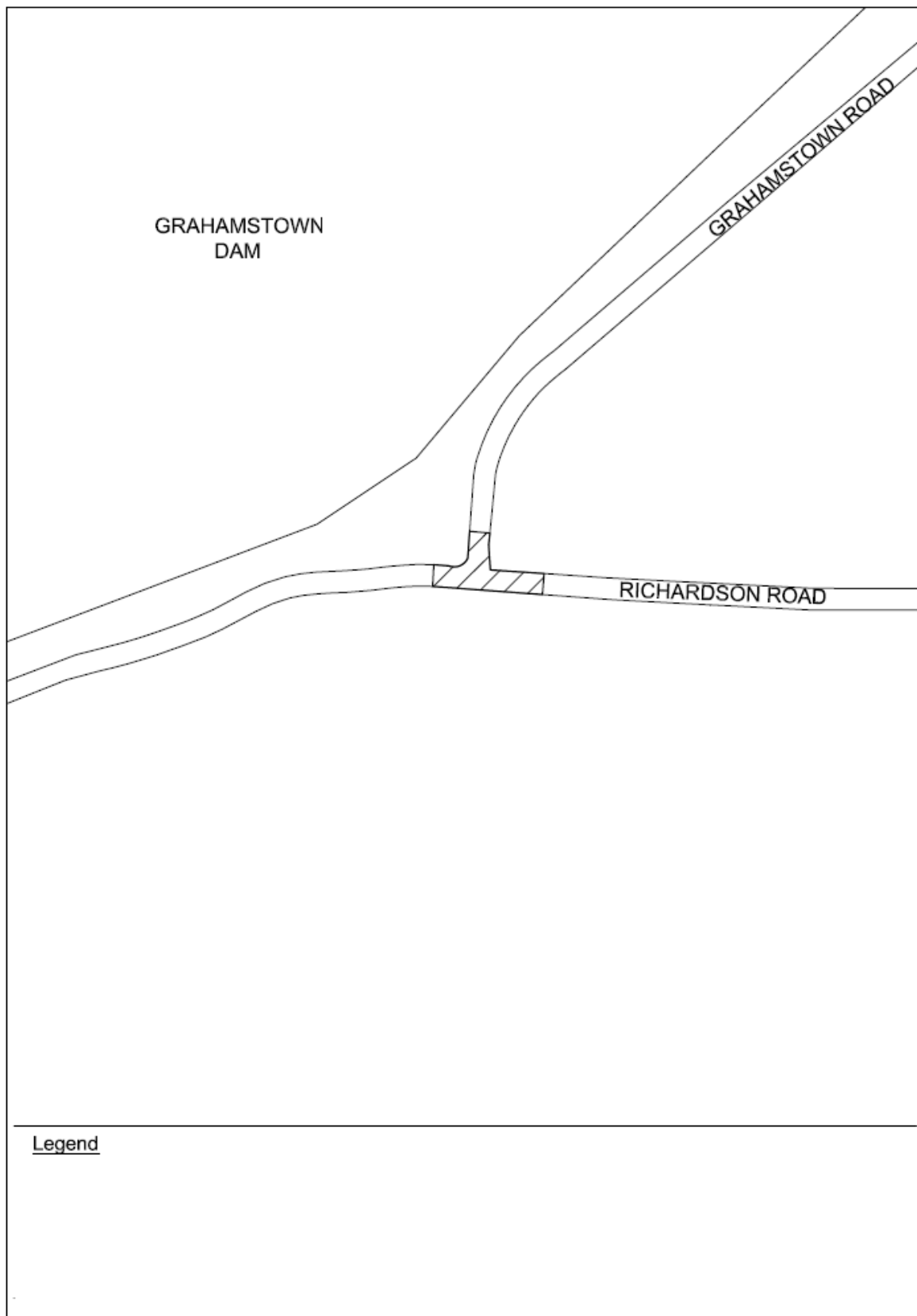
For discussion

Discussion:

The RTA representative noted that the area of Richardson Road around Grahamstown Dam is a known area of concern. The intersection of Richardson Road and Grahamstown Road has been upgraded since the most recent accident. This was scheduled intersection upgrade work that had been programmed some time ago. These works are basically complete although there is some adjustment of signs and lines still required.

The RTA is currently conducting a review of the speed limit in the area and along the entire length of MR104.

Cr Kafer noted that there needs to be a review of street lighting at the Grahamstown Road intersection as this is still inadequate.



Item: 504_04/09

SWAN BAY ROAD, SWAN BAY - SAFETY CONCERNS NEAR THE DAVIS ROAD INTERSECTION

State MP: Member for Port Stephens

Requested by: A resident

File:

Background:

A resident contacted Council to request a review of safety on Swan Bay Road at the Davis Road intersection. There was an injury accident at this location recently and the resident is concerned that this is a dangerous corner. He requests that the speed limit be reduced and that Council seek to remove trees around the inside of the curve at this location to improve sight distance.

The Committee noted that the posted '100km/h' speed limit is not appropriate for the road conditions but that this is the default speed limit and that drivers should be aware that they must adapt their speed to suit conditions.

Comment:

Council's accident database shows no record of other accidents reported at this location over the last 5 years of data.

The Inspection Committee noted that there appeared to be a build-up of gravel on the outside of the curve at this location that could have contributed to a vehicle losing control.

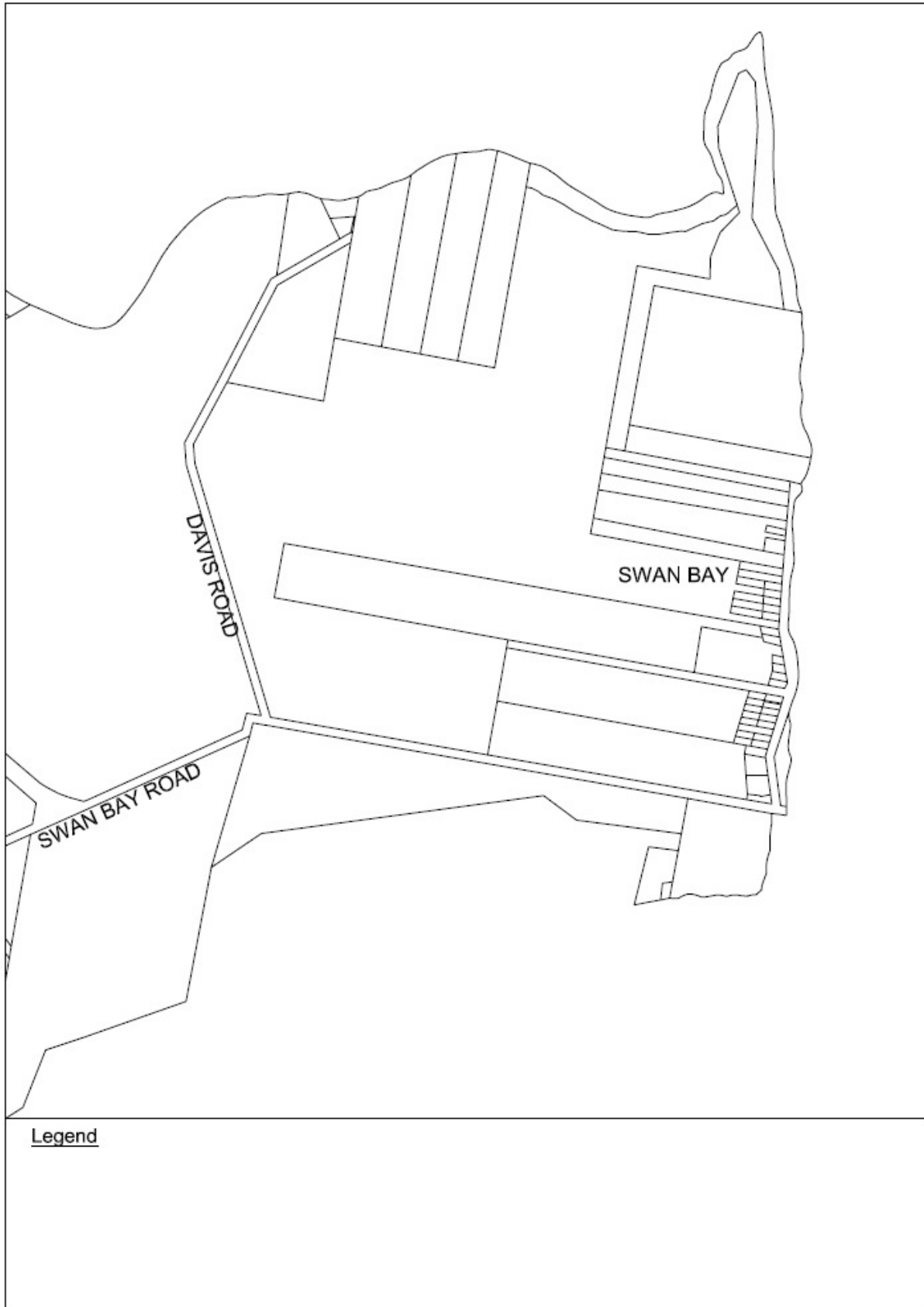
Committee Advice:

The matter be referred to the RTA for consideration of a reduced speed limit and that Council carry out regular maintenance to reduce gravel build-up.

Discussion:

The RTA representative advised that normally gravel roads are not speed zoned because of the wide variation in road conditions that can occur due to weather and maintenance procedures.

The Committee noted that traffic volumes on this road are generally quite low and that drivers need to adjust speed to suit the conditions.



E. General Business

Item: 603_04/09

SHOAL BAY ROAD SHOAL BAY – REQUEST TO RECONSIDER SHORT TERM PARKING AT SHOAL BAY PHARMACY

State MP: Member for Port Stephens

Requested by: Cr Ward

File:

Background:

Traffic Committee recently considered a request for disabled parking in Shoal Bay at the Shoal Bay pharmacy. Traffic Committee at that time did not support the requested disabled parking but instead called for a review of parking in the wider area.

Cr Kafer raised the request on behalf of Cr Ward asking that Traffic Committee again address this situation and consider the need for short term parking.

Item: 604_04/09

OLD PUNT ROAD TOMAGO – REQUEST TO REVIEW EXISTING SPEED LIMIT SIGNS

State MP: Member for Port Stephens

Requested by: Port Stephens LAC

File:

Background:

Senior Constable John Simmons noted that the existing speed limit signs along Old Punt Road were not coordinated with different speeds applying to the north- and south-bound traffic.

The RTA gave an undertaking to review this matter.

ITEM NO. 2

FILE NO: PSC2005-3649

DRAFT AMENDMENT TO SPORTSGROUNDS GENERIC PLAN OF MANAGEMENT

REPORT OF: JASON LINNANE - MANAGER RECREATION SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves the Public Exhibition of the Draft Sportsgrounds Generic Plan of Management.

COMBINED STRATEGIC & OPERATIONS COMMITTEE – 12TH May 2009

RECOMMENDATION:

| | | |
|--|---|-------------------------------------|
| | Councillor John Nell Councillor Steve Tucker | That the recommendation be adopted. |
|--|---|-------------------------------------|

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|------------|---|---|
| 150 | Councillor Ken Jordan Councillor John Nell | It was resolved that the recommendation be adopted. |
|------------|---|---|

BACKGROUND

The purpose of this report is to gain Council's approval to place the Draft amended Sportsgrounds Generic Plan of Management (PoM) on public exhibition.

The Sportsground Generic Plan of Management was adopted 26 March 2002 and no reviews have taken place since that time. It is good practice that the Plan of Management be reviewed regularly and amended as required to ensure its relevance, especially given the asset management approach that council has adopted.

The proposed amendments to the plan are as a result of the key outcomes from the review. These have been derived from ongoing consultation with Sports Councils, key Port Stephens Council staff and other relevant stakeholders.

The key amendments are outlined below:

Section 3.1 Management, Development & Administration Issues has been amended to acknowledge the development of our Open Space Hierarchy/Strategy, the role of

Sports Councils in endorsing community group works program and the asset management approach to the management of sport facilities

Section 3.1.1 Policy Statements have been amended to address those issues identified above as well as restrictions regarding public access, advertising structures and sustainability implications. They also address the amendments to exempt and complying developments and how these will assist Port Stephens Council in delivering projects to our sport community.

The Implementation Plan, Appendix A (Property Descriptions & Maps), Appendix B (Existing Leases, Licenses or other Estates) & Appendix C (Crown Reserve Information) have also been updated..

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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.

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 improved management of sportsgrounds should have positive financial and resources implications in the long term.

LEGAL AND POLICY IMPLICATIONS

The amended Draft Plan of Management meets the requirements of the Local Government Act (1993)

The amended Draft Plan of Management does not provide sufficient information to ensure compliance with the standards required by the Department of Lands. While the plans satisfactorily meet the requirements of the Local Government Act 1993, they do not provide sufficient detail on each reserve in order to meet the strict

requirements of the Department of Lands in order for the plan to be adopted under the Crown Lands Act (1989). The PoM when adopted will be a management guideline for any Crown land affected by the PoM.

This Plan of Management is a generic document that covers many Sportsground facilities and reserves within the Port Stephens LGA. Due to resource issues and management of individual plans it is not possible for Council to prepare & manage specific Plans of Management for each area of community land.

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.
- 5) **CONTINUOUS IMPROVEMENT** – Develop agility, adaptability and responsiveness based on a culture 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.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The draft plan allows for ongoing community involvement in the management and maintenance of the subject lands. The draft plan will also help to provide quality facilities that support the overall open space system in satisfying the sporting and recreation needs of both the residents and visitors to Port Stephens.

The core objectives of the plan are:

To encourage, promote and facilitate recreational pursuits in the community including organised and informal sporting activities and games;

To ensure that such activities are managed having regard to any adverse impact on.

ECONOMIC IMPLICATIONS

Sportsground reserves provide and cater for many community sporting and recreation events throughout the Local Government Area with many of these events contributing to the local economy. The management of these reserves is in a structured and programmed manner to protect and enhance these assets and associated economic benefits.

ENVIRONMENTAL IMPLICATIONS

Sportsground sites in the Port Stephens Area are valued highly both by residents and visitors alike for their recreation as well as aesthetic attributes. The development of the sportsground sites has diversified the recreational experiences that can be sought within the local government area and also provided increased lifestyle benefits to both residents and visitors to the area.

There is however still many varied environmental issues associated with these sites which need to be considered. The desire to keep and enhance vegetation cover where possible is to be supported but must at all times be non-restrictive to the sporting use of the sites. The use of fertilisers and chemicals must be continually monitored to ensure the best practice procedures are followed and that there is no negative impacts on the environment.

CONSULTATION

Recreation Services Manager
Sport Facilities Coordinator
Contracts and Halls Coordinator
Sports Councils (Tomaree, Raymond Terrace, Medowie, Tilligerry, Rural West)
Department of Lands
Building and Development Manager

OPTIONS

- 1) Accept the recommendation
- 2) Reject the recommendation and prepare another Plan of Management

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

- 1) Sportsground Generic Plan of Management
- 2) Maps relating to the Draft Sportsground Generic Plan of Management

ITEM NO. 3

FILE NO: PSC2007-2386

POLICY: FINANCIAL ASSISTANCE UNDER SECTION 356 OF THE LOCAL GOVERNMENT ACT 1993**REPORT OF: PETER GESLING - GENERAL MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Rescinds the Policy: Request for Financial Assistance that was adopted by Council on 16 September 1997 (minute no. 1283) and amended 19 October 2004 (minute no. 375);
- 2) Adopts the draft Policy: Financial Assistance under Section 356 of the Local Government Act 1993 – attachment 3 of this Report;
- 3) Appoints a Sub-Committee comprising the Mayor and one Councillor from each Ward to adjudicate competitive financial assistance applications.

COMBINED STRATEGIC & OPERATIONS COMMITTEE – 12TH May 2009**RECOMMENDATION:**

| | | |
|--|---|-------------------------------------|
| | Councillor Ken Jordan Councillor Bruce MacKenzie | That the recommendation be adopted. |
|--|---|-------------------------------------|

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|-----|---|---|
| 151 | Councillor Peter Kafer Councillor Bob Westbury | It was resolved that the recommendation be adopted and that Crs Dover, Jordan and Tucker be the nominated Ward Councillors for the sub-committee. |
|-----|---|---|

BACKGROUND

The purpose of this report is to seek Council's approval for a new policy that enables Council to support community groups and build community capacity through appropriate financial assistance as provided for in Section 356 of the Local Government Act 1993. See Attachment 1.

Department of Local Government Circular No. 32 of 2006 (06-32) provides the guidelines for councils to establish a financial assistance policy. See Attachment 2.

1. Financial Assistance at Port Stephens Council

Financial Assistance at Port Stephens Council includes:

- Donations
- Community support by way of contributions
- Sponsorship

The draft policy (Attachment 3) explicitly excludes discussion of sponsorship (a form of advertising). Sponsorship will be the subject of separate policy developed by the Communications and Customer Relations Section with the Group Manager Corporate Services.

Currently financial assistance is sourced from the following categories:

- Minor Works (Recurrent budget)
- Profit from land sales (formerly known as 'Ward Funds')
- Mayoral Funds (Recurrent budget).

This discretionary financial assistance is separate to that applied through Groups and Sections of Council from recurrent and grants funding which form part of ongoing programs of Council.

In September 1997, Council adopted the *Request for Financial Assistance* (Min. 1283, 16 September 1997). This was subsequently amended in 2004 (19 October 2004). However this policy is deficient as it merely repeats the provisions of s356, and does not meet the provisions of Circular 06-32, and requires to be substantially amended.

Currently financial assistance is made to community groups through a series of mechanisms:

- a specific policy determination of Council such as the Financial Assistance for Disposal of Waste in Port Stephens Policy adopted in 2005;
- a specific resolution of Council related to a class of persons, eg the decision to provide rate relief to Tilligerry Oyster farmers;
- resolutions of Council, generally monthly, where Councillors respond to requests of an ad hoc nature from the community for support or assistance.

In 2005 the Department of Local Government's *Better Practice Review* of Port Stephens Council identified that the discretionary financial assistance, particularly in third dot point above was not in line with the practices of other councils and (recommendation 32) of their report, indicated that *Council should review the current ward funding policy and is encouraged to either remove or significantly limit the allocation of funds.*

As a result of this recommendation in 2007 a team was established including staff and Councillor Francis, to examine financial assistance under Section 356 by Council.

This team followed the PDSA process and also conducted a workshop in May 2007 with Councillors to ascertain their general views and requirements.

A report was prepared for Council in August 2008 with recommendations for changes to the way discretionary financial assistance was expended. The proposed process broadly followed the Circular 06-32 provisions.

The Council decided to defer this report to the incoming Council, noting that the report did not fully satisfy many examples where Council has assisted the community in the past that would not be possible under the proposed system. Council sought the assistance of the General Manager to find alternatives that met the requirements of the Act but did not limit the ability of Councillors to continue to fund projects within the community that were deemed worthy of support.

There were concerns within Council and from the Internal Auditors that many of the individual allocations did not comply with the intent of the legislation. The critical factor in those concerns depended upon how the 'Functions of Council' were interpreted. On the one hand there was a view that the specifics in sections 21, 22, 23 and 23A of the Local Government Act (1993) were to be narrowly interpreted, and under that interpretation much of the discretionary financial assistance expended by Council was outside the legislation.

On the other hand, the broader interpretation of the 'Functions of Council' allows for the concept of community benefit and capacity building, and it is under this interpretation that discretionary financial assistance had been expended.

Council's Legal Officer was consulted in March 2009 and advised the General Manager that an interpretation of Section 356 that included broader capacity building was appropriate in line with Council's Charter, provided that the expenditure on financial assistance met the statutory requirements.

Other concerns identified in the original report to Council in August 2008 were equity and transparency in the application process; and accountability for the appropriate and approved use of Council's financial assistance. The draft policy addresses both issues in terms of Circular 06-32.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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.

FINANCIAL/RESOURCE IMPLICATIONS

The Community Financial Assistance Grant program provided for in the draft policy would be funded from the recurrent budget by using a portion of what is currently called 'Minor Works', namely \$36,000 p.a. This reflects a closer alignment with the practices of other councils across New South Wales.

The Rapid Response Financial Assistance of \$2000 per Councillor per annum would be funded from the balance that is \$24,000.

Community Capacity Building Grants funds would be maintained from the existing system that is the 30% profit from land sales in the designated Internal Restricted Fund.

Mayoral Funds and Special Resolution Assistance would continue to be funded from the recurrent budget.

As provision of memorabilia and small gifts is being transferred to Communications and Customer Relations Section this will require additional budget to cover this expenditure. This could be achieved by reducing the Mayoral Fund by \$5000 or by way of budget review.

Any 'mainstreamed' projects or events may potentially require increases in budgets of Sections which take these over.

LEGAL AND POLICY IMPLICATIONS

In the draft policy (Attachment 3) provision has been made for two programs of funding under Section 356. These are:

- a) Financial Assistance Program for community financial assistance and capacity building;
- b) Mayoral Fund

Financial Assistance Program Components – Local Government Area Only

The functions of Council as described in s356 of the Local Government Act 1993 are those functions which Council carries out within its jurisdiction. It has no mandate to carry out functions normally the jurisdiction of another council. See Attachment 4 – Functions of Council; and Attachment 5 – Council's Charter.

The Mayoral Fund has provision for the Mayor to make donations for purposes outside the LGA; however the Mayor is doing this in his/her capacity as Mayor of the Port Stephens jurisdiction. Section 225 and 226 of the Act refer.

As financial assistance is funded either by way of recurrent budget, or through the sale of community assets, all four types must be spent within the Port Stephens Local Government Area. Whilst it is understood that residents of the LGA use facilities and undertake activities outside the LGA, the funding is provided – in terms of the

legislation – for organisations or groups that are based in the LGA (eg schools, pony clubs etc – regardless of where those attending reside). As part of the preparation of this policy benchmarking ascertained that most Hunter Councils, including Maitland City Council, require funds to be spent in the LGA.

The draft policy provides business rules around all four types of financial assistance to ensure equity, transparency and probity.

Provision has also been made to move certain types of recurring support into mainstream programs within Council. For example, Council currently supports some projects that are in fact on-going events, such as Raymond Terrace Art Show.

Financial support for annual events will be the responsibility of the Economic Development Unit, which may provide support and resources to eventually enable such programs to become self-sustaining. Capacity building across the LGA will be enhanced by a rigorous process to keep mainstreamed programs viable.

Mayoral Fund expenditure is also covered by s356 of the Local Government Act 1993. Expenditure of Mayoral funds is at the discretion of the Mayor within the terms of s356, including any payments to individuals requiring 28 days public exhibition.

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

The draft policy would require rescinding the existing (amended) policy, dated 19 October 2004.

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

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

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

CONSULTATION

Consultation has taken place with the Department of Local Government, Council's Internal Auditors, other NSW councils and some interstate, Councillors (in May 2007 and August 2008, and again in relation to this draft policy on 7 April 2009), Council's Legal Officer and the Executive Officer. In addition, the PDSA Team that undertook the development of what is known in this draft policy as the Community Financial Assistance Grants benchmarked extensively across the state.

OPTIONS

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

ATTACHMENTS

- 1) Section 356, Local Government Act 1993
- 2) Department of Local Government Circular 06-32
- 3) Draft Policy: Financial Assistance under Section 356 of Local Government Act, 1993.
- 4) Functions of Council
- 5) Council's Charter

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

SECTION 356, LOCAL GOVERNMENT ACT 1993

356 Can a council financially assist others?

- A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
- However, public notice is not required if:
 - the financial assistance is part of a specific program, and
 - the program's details have been included in the council's draft management plan for the year in which the financial assistance is proposed to be given, and
 - the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

Note. Sections 67A and 67B of the Act deal with graffiti removal work.

ATTACHMENT 2

Department of Local Government Circular 06-32

Section 356 of the Local Government Act 1993 prescribes the requirements when councils provide financial assistance to others (including charitable, community and sporting organisations and private individuals).

The Department's Local Government Reform - Promoting Better Practice reviews of councils have identified evidence that some councils are providing financial assistance without complying with their obligations under this section and are failing to make considered and transparent decisions on grants of financial assistance.

Financial assistance must be for the purposes of exercising the council's functions. Section 356(2) requires councils to give at least 28 days public notice of a proposal to pass a resolution to grant financial assistance prior to doing so.¹ [sic]

Public notice is not required if:

- The assistance is part of a specific program which has been included in the council's management plan*
- The program's budget does not exceed 5% of the council's income from ordinary rates for the year and*
- The program is uniformly available to all or a significant group of persons within the area.*

The Department encourages councils to achieve greater transparency and accountability by developing a policy on the granting of financial assistance to others.

The financial assistance or donations policy should cover issues such as:

- Forms of application for financial assistance*
- Assessment processes, including, where applicable, obtaining supporting information to establish the bona fides of applications*
- Procedures for ensuring public notice is given and for dealing with any public submissions*
- Establishing clear and transparent criteria for the assessment of applications for financial assistance*

¹ This provision is only for proposals to grant financial assistance to an individual, not to groups.

- *A procedure for ensuring financial assistance is used by the recipient for the specified purpose.*

Policies should be applied with sufficient flexibility to ensure that the council strikes an appropriate balance between prudent financial management and its ability to effectively meet meritorious requests for financial assistance.

ATTACHMENT 3



POLICY

Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2007-2386

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

REPORT OF: EXECUTIVE OFFICER

BACKGROUND

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

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

OBJECTIVE

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

PRINCIPLES

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

POLICY STATEMENT

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

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

(a) Financial Assistance Program Components

The four components of the Financial Assistance Program are:

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

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

2. Rapid Response Financial Assistance – an annual allowance of \$2000 for each Councillor, with a discretionary limit of \$200, which can be dispensed at the request of the Councillor and requiring only the signature of the Mayor and the General Manager. Rapid Response Financial Assistance must subsequently be endorsed by Council. See Appendix 2 of this Policy for process and documentation. General Requirements apply – see below.

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

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

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

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

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

Requirements – Financial Assistance Program

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

component – Rapid Response Financial Assistance – as the exhibition requirement would make it impractical to achieve the quick turnaround that this component is designed to meet.

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

Community Financial Assistance Component – Adjudication

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

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

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

(b) Mayoral Fund

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

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

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

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

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

RELATED POLICIES

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

RELEVANT LEGISLATIVE PROVISIONS

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

IMPLEMENTATION RESPONSIBILITY

Executive Officer

REVIEW DATE

One year from the date of adoption of the policy.

ATTACHMENT 4

Functions of Councils – Local Government Act 1993

Service Functions (Chapter 6)

- Community services & facilities
- Public health services and facilities
- Cultural, educational and information services and facilities
- Sporting, recreational and entertainment services and facilities
- Environment conservation, protection and improvement services and facilities
- Waste removal, treatment and disposal services and facilities
- Pest eradication and control services and facilities
- Public transport services and facilities
- Energy production, supply and conservation
- Water, sewerage and drainage works and facilities
- Storm water drainage and flood prevention, protection and mitigation services and facilities
- Land and property development
- Housing
- Industry development and assistance
- Tourism development and assistance.

Regulatory Functions (Chapter 7)

- Approvals
- Orders
- Building certificates

Ancillary Functions (Chapter 8)

- Resumption of land
- Powers of entry and inspection

Revenue Functions (Chapter 15)

- Rates
- Charges
- Fees
- Borrowings
- Investments

Administrative Functions (Chapters 11, 12 and 13)

- Employment of staff
- Management plans
- Financial reporting
- Annual reports

Enforcement Functions (Chapters 16 and 17)

- Proceedings for breaches of the Act
- Prosecution of offences
- Recovery of rates and charges

Other Functions (Chapter 5, Section 22)

| Function | Conferring Legislation |
|---|---|
| Planning functions as consent authority | Community Land Development Act 1989 |
| Companion animal registration and control | Companion Animals Act 1998 |
| Placing covenants on council land | Conveyancing Act 1919 |
| Environmental planning | Environmental Planning & Assessment Act 1979 |
| Payment of contributions to fire brigade costs and furnishing of returns | Fire Brigades Act 1989 |
| Fluoridation of water supply by council | Fluoridation of Public Water Supplies Act 1957 |
| Inspection of food and food premises | Food Act 2003 |
| Impounding of animals and articles | Impounding Act 1993 |
| Library services | Library Act 1939 |
| Pollution control | Protection of Environment Operations Act 1997 |
| Inspection of systems for purposes of microbial control | Public Health Act 1991 |
| Restricting use of recreation vehicles | Recreation Vehicles Act 1983 |
| Roads | Roads Act 1993 |
| <ul style="list-style-type: none"> ▪ Issue of Permits to light fires during bush fire danger periods ▪ Requiring the furnishing of information to the Rural Fire Service Advisory Council and its Coordinating Committees | Rural Fires Act 1997 |
| Recommending appointment of local controller | State Emergency Service Act 1989 |
| Approval of strata plans | Strata Schemes (Freehold Development) Act 1973 |
| Approval of leasehold strata plans | Strata Schemes (Leasehold Development) Act 1986 |

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

| Function | Conferring Legislation |
|--|-------------------------------|
| Ensuring restriction of access to swimming pools | Swimming Pools Act 1992 |

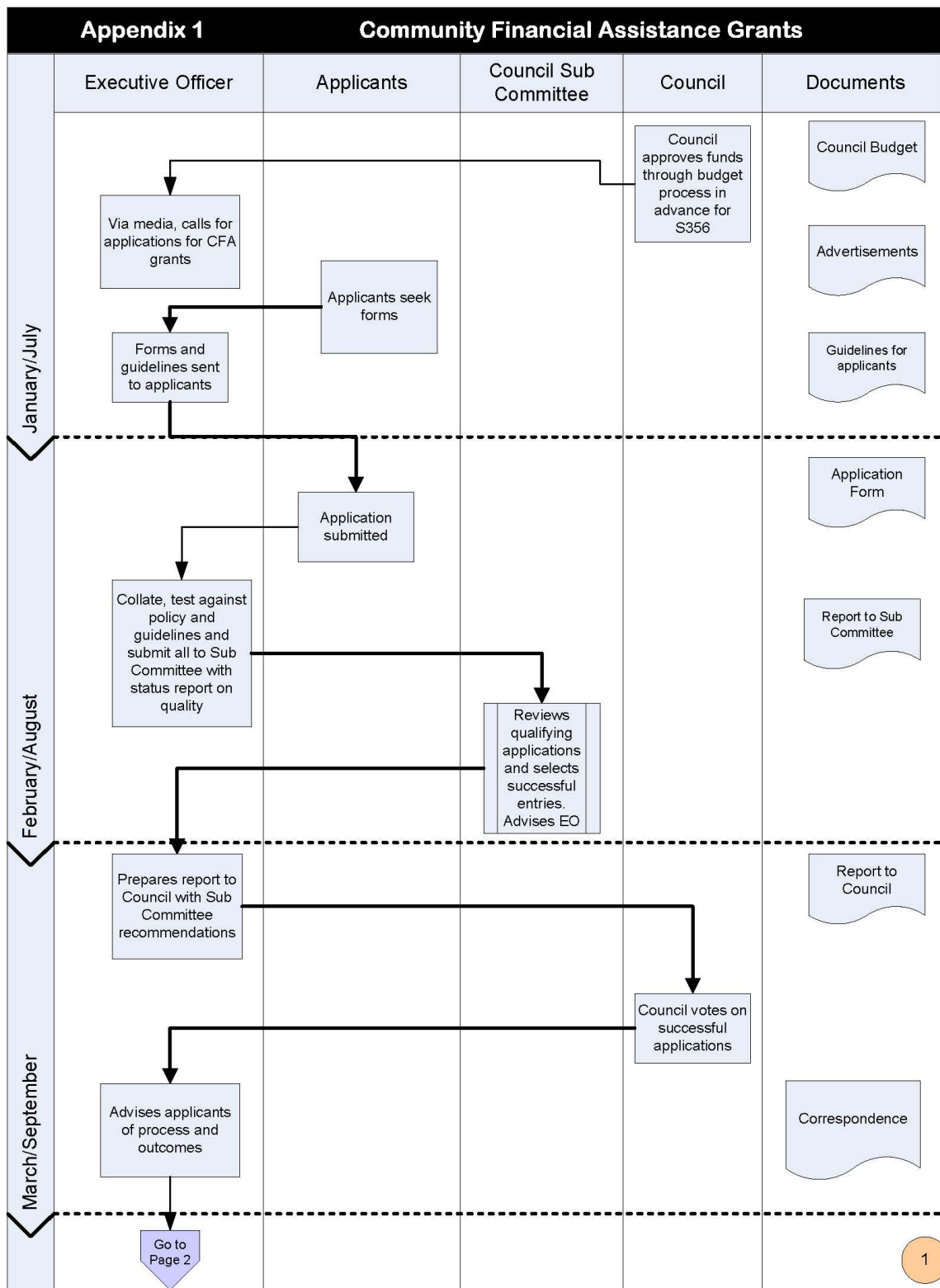
ATTACHMENT 5

Council's Charter (Chapter 3) Local Government Act 1993

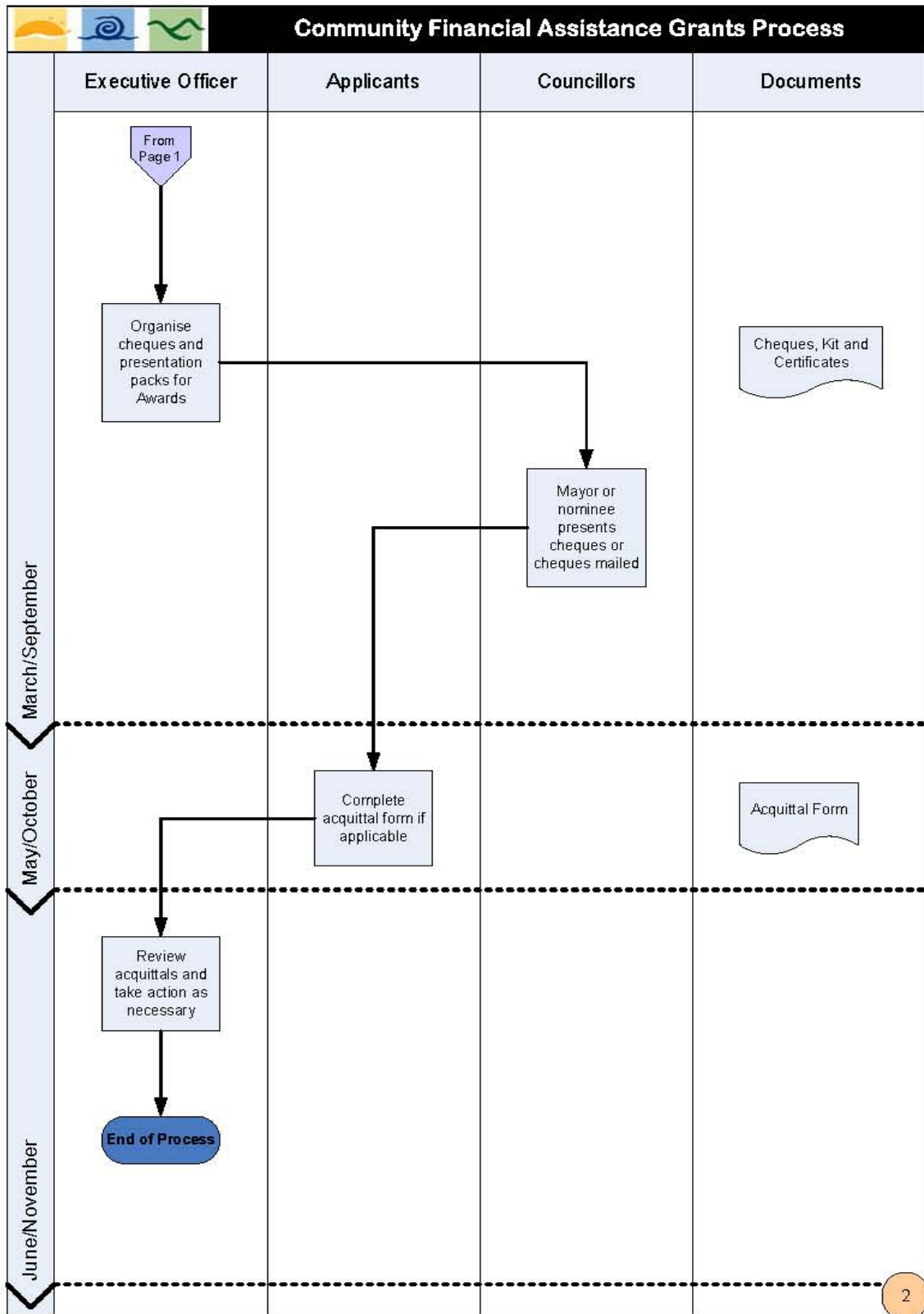
The Charter contained in this Chapter comprises a set of principles that are to guide a council in the carrying out of its functions.

- Provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services are managed efficiently and effectively.
- Exercise community leadership.
- Exercise its functions in a manner that is consistent with and actively promotes the principles of cultural diversity.
- Promote and to provide and plan for the needs of children.
- Properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.
- Have regard to the long term and cumulative effects of its decisions.
- Bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.
- Facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of local government.
- Raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.
- Keep the local community and the State government (and through it the wider community) informed about its activities.
- Ensure that in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected.
- Be a responsible employer.

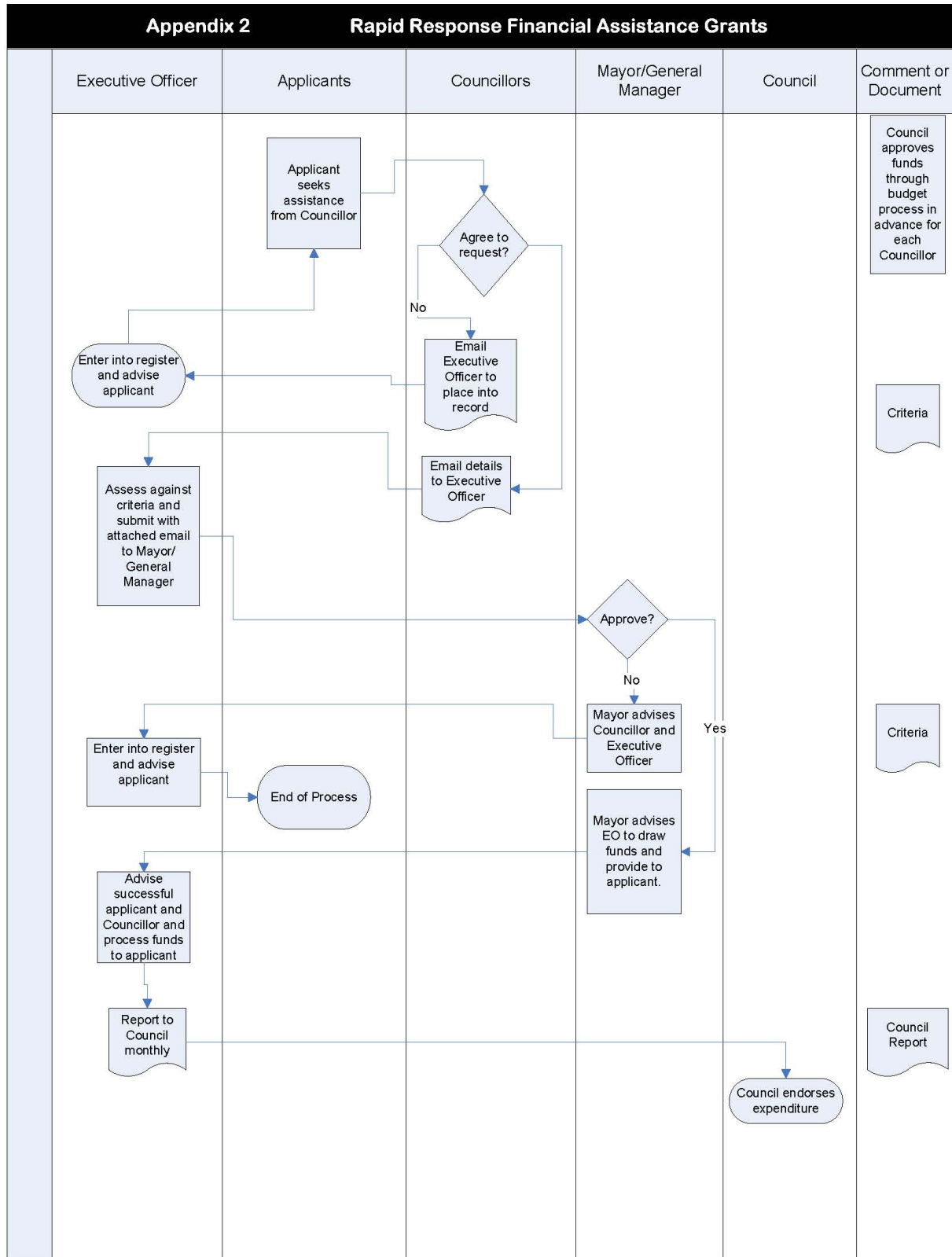
APPENDIX 1



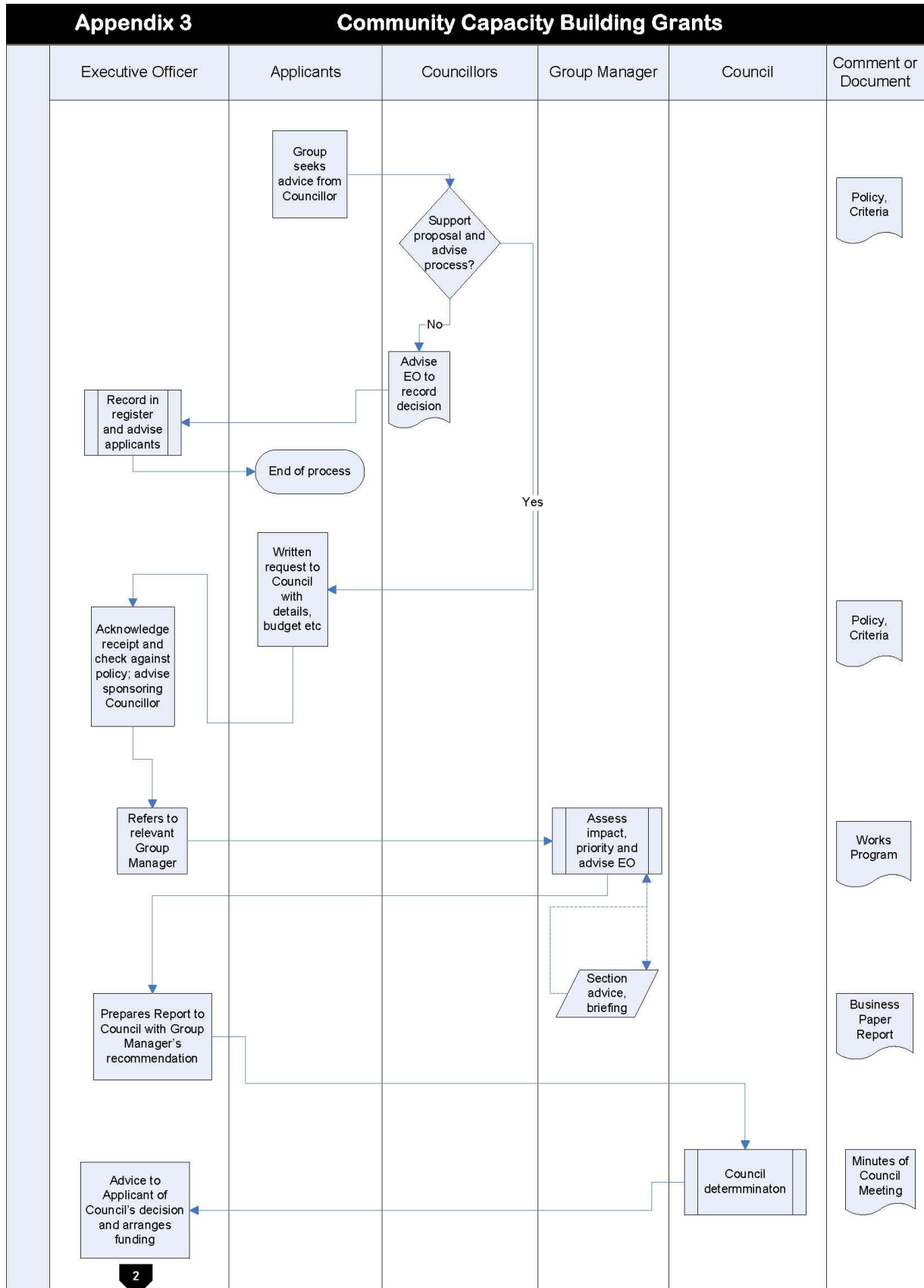
APPENDIX 1 (cont)



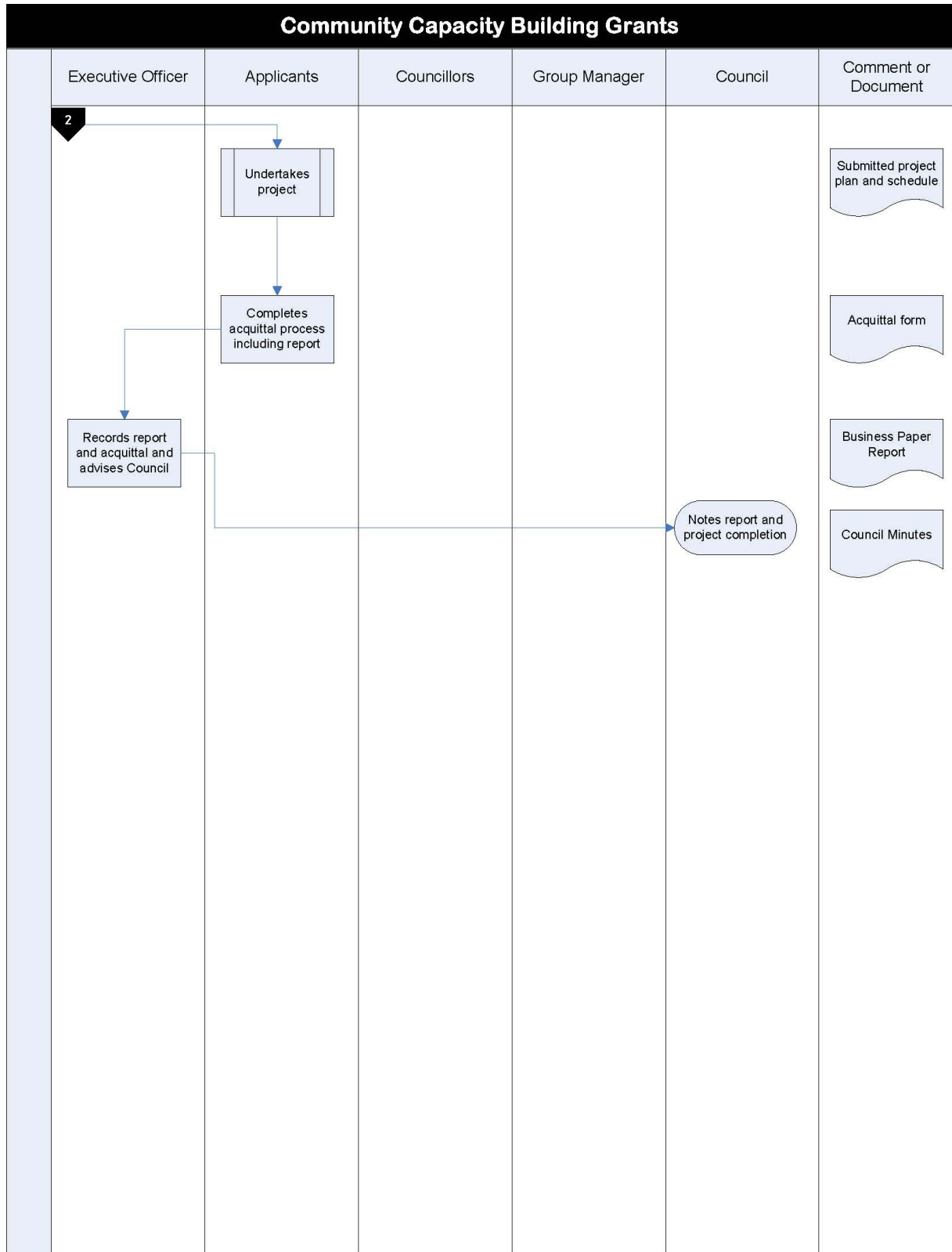
APPENDIX 2



APPENDIX 3



APPENDIX 3 (cont)



ITEM NO. 4

FILE NO: PSC2009-01155

PORT STEPHENS GRAFFITI MANAGEMENT PLAN

REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Port Stephens Graffiti Management Plan.

COMBINED STRATEGIC & OPERATIONS COMMITTEE – 12TH May 2009

RECOMMENDATION:

| | | |
|--|---|---|
| | Councillor Sally Dover Councillor Steve Tucker | That this item be deferred to the Ordinary Council Meeting in May 2009. |
|--|---|---|

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|------------|---|---|
| 152 | Councillor Sally Dover Councillor Ken Jordan | <p>It was resolved that Council:-</p> <ol style="list-style-type: none"> 1. Note the supplementary information. 2. Authorise the General Manager to call a meeting of persons interested in forming an incorporated association for the purpose of assisting Council in implementing the Graffiti Management Plan. 3. Adopt the Graffiti Management Plan in its current form and report to Council on its implementation utilising the incorporated body. |
|------------|---|---|

BACKGROUND

The purpose of this report is to:

- 1) Present the *Draft Graffiti Management Plan* to Council for adoption; and**

2) Explain how the draft Plan would be funded and implemented.

The *Graffiti Management Plan (the Plan)* applies to the entire Port Stephens Local Government Area and is Council's public statement on graffiti; what it is and strategies, resources and partnerships between Council, the community and property owners to manage it. The Plan is identified in the *Port Stephens Crime Prevention Plan 2006-2009* as a strategy for 'reduction of graffiti damage to Council and private property'.

Research shows that the identification, recording and rapid removal of graffiti is the most effective method for the long term management of illegal graffiti. The Plan proposes;

1. A three day a week program for cleaning of graffiti by Council employees;
2. Modifying the existing Council Customer Request System to include a reporting function for supplying data to the Police;
3. The application of physical design principles (*Safer By Design*) in existing and proposed developments to reduce criminal behaviour;
4. Community education in teaching residents methods to reduce the likelihood of graffiti damage to their properties and its safe removal.

It should be noted that the Port Stephens Development Control Plan 2007 for new development explicitly requires that development design for streets, parks and buildings should avoid the creation of blank walls, inappropriately designed fencing and the creation of visually inaccessible public spaces. The benefits of this is that it future development will reduce the physical opportunities for illegal graffiti.

Statistics show that illegal graffitiists are usually males aged between 15 and 25 years. Therefore, engaging with youth of Port Stephens is integral to the implementation and success of the Plan. Council's Youth Services will continue to deliver graffiti education programs across Port Stephens and develop a sense of community pride and respect in young people. Opportunities for the display of legal graffiti will be created such as commissioning works and Council's partnership with Juvenile Justice and the Police will continue enabling the cleaning of graffiti by offenders.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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.

FINANCIAL/RESOURCE IMPLICATIONS

The Plan requires a budget of \$120,000 for the first financial year. As the Plan is implemented and the amount of illegal graffiti is reduced, it is anticipated that future budget requirements would be less.

As of November 2008, Council established internal budget measures to manage graffiti removal for all Council assets across the local government area. As reflected in the Plan, from this November 2008 to January 2009 the costs for the removal of illegal graffiti undertaken by Council totals \$51,286. Extrapolating this for an entire year, this would total \$205,144. Therefore, a coordinated budget to manage illegal graffiti across the LGA Council would be a saving of approximately \$85,000.

The budget of \$120,000 will be sourced from existing asset maintenance budgets across Council.

LEGAL AND POLICY IMPLICATIONS

This policy complies with Council's Policy Guidelines and with the requirements for policies to be reviewed at least once in each Council term.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Graffiti vandalism has become a social issue with widespread impact on public and private infrastructure in developed cities around the world. It has a strong negative impact on public perceptions of safety and civic pride. The Plan will improve the perceptions of safety of residents and visitors to Port Stephens.

ECONOMIC IMPLICATIONS

The Plan will save the Council and the community time and money through an efficient and coordinated 'whole-of-Council' approach to the reduction of illegal graffiti. Visitors are more likely to return to a place in which they feel safe.

ENVIRONMENTAL IMPLICATIONS

Residents and visitors are more likely to utilise Council's facilities and recreational areas and enjoy the local environment. New environmentally-friendly cleaning products and graffiti-proof coatings will be trialled.

CONSULTATION

To promote ownership and input into the draft Plan, relevant Council staff and all Councillors were invited to attend a presentation of the *Draft Graffiti Management*

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

Plan on 16 February 2009. The draft Plan was also presented and discussed at various community forums including the *Community Safety Precinct Committee Meeting* and *Tomaree Residents and Ratepayers' Association*. Members of Council's *Residents' Panel* were each sent a copy of the draft Plan for comment. All feedback and comments were considered and some changes were made. Overall, feedback was positive (see Attachment 2).

Council's *Community Engagement Panel* was consulted and 'suggested that sufficient consultation had already taken place and that the community now needed to be informed about the plan rather than consulted further.'

OPTIONS

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

ATTACHMENTS

- 1) Draft Port Stephens Graffiti Management Plan.
- 2) Summary of Community Feedback

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

DRAFT

**PORT STEPHENS
GRAFFITI MANAGEMENT PLAN**



February 2009

GRAFFITI MANAGEMENT PLAN

The Graffiti Management Plan is Port Stephens Council's public statement concerning graffiti; what it is, the strategies to manage it including the necessary resources and partnerships between Council, the community and property owners.

What is Graffiti Vandalism?

Graffiti vandalism refers to the defacing of public or private property with markings and graphics using chalk, paint, scratching, textas, acid etching or other materials such as stickers and billposters. In NSW all graffiti, unless the property owner has given permission, is a criminal offence.

Graffiti is a crime costing up to \$100 million each year across NSW. Port Stephens Council began separating the costs of graffiti and vandalism in late 2008. The table shows an approximate cost to Council from November 2008 to January 2009.

| Area | Amount |
|--|-----------------|
| East – Parkland | 12,600 |
| East – Sportsfields | 2,736 |
| West – Parkland | 4,800 |
| Road Assets – signs, bus shelters etc (incl. some vandalism) | 31,150 |
| Total | \$51,286 |

Graffiti vandalism has become a worldwide social issue with widespread impact on public and private property, visual degradation of the built environment and subsequent financial costs. It has a strong negative impact on public perceptions of safety as it increases the fear of crime and it reduces civic pride.

Statistics show that graffiti artists are usually aged between 15 and 25 years with females accounting for less than 5% of offenders. However, there is evidence that writers with an aptitude for this activity will continue into their 20s and 30s.

The Graffiti Control Act 2008

The *Graffiti Control Act 2008* which followed a review of all graffiti-related legislation by the Anti-Graffiti Action Team commenced early in 2009. The review recommended that all relevant legislation be consolidated into a graffiti-specific Act, including provisions under the *Local Government Act 1993*:

- graffiti removal work by agreement with owner or occupier (s67A) (now section 11 of the Act) and councils may charge for this service;
- graffiti removal work without agreement of owner or occupier (s67B) (now section 12 of the Act) empowers council to remove graffiti from private property without the owners permission if it can be done from a public place. This must be at the council's cost.
- register of graffiti removal work carried out in accordance with section 67A or 67B (s67C) – now section 13 of the Act.

The *Graffiti Control Act 2008* also includes existing graffiti related offences:

- A person must not, without reasonable excuse, wilfully damage or deface any premises or property by means of any graffiti implement (section 4). This extends a previous offence under the *Summary Offences Act* that was limited to spray paint.
- A person must not have any graffiti implement in their possession where it is intended to be used to damage or deface premises or other property (section 5). This also extends a previous offence under the *Summary Offences Act* that was limited to spray paint.

- A person must not affix a placard or paper on any premises; or wilfully mark, by means of chalk, paint or other material, any premises, so that the placard, paper or marking is within view from a public place unless the person first obtained the consent of the owner or occupier (section 6).

Scope and Objectives

The objectives of this Plan are to:

- ☑ Reduce the social, environmental and economic impact of graffiti throughout Port Stephens;
- ☑ Provide information and support to other groups and individuals who are reporting and removing graffiti;
- ☑ Seek commitment from owners of private property to rapidly remove graffiti vandalism and implement preventative measures where possible;
- ☑ Introduce and promote a centralised system to coordinate the removal of graffiti within Council
- ☑ Provide lawful creative outlets for potential graffiti vandals;
- ☑ Identify locations and processes for the placement of legal graffiti in public places

Plan Principles

Port Stephens Council has identified and endorses the following principles:

- ☑ Unauthorised graffiti detracts from the visual amenity of the public domain i.e public streets and parks and other public spaces and all public and private buildings visible from such spaces;
- ☑ Any unauthorised drawing, names, words or marks on public buildings, infrastructure or private property is illegal.
- ☑ Council will work in partnership with key stakeholders to identify appropriate locations and processes for the placement of legal graffiti as one element of public art in accordance with Council's cultural planning objectives
- ☑ Young people are appropriately resourced and supported to contribute their ideas and strategies to the graffiti management plan on an ongoing basis
- ☑ The prevention and removal of graffiti is the responsibility of all levels of government as well as private residents, businesses and utility owners;
- ☑ Council is committed to the apprehension and prosecution of graffiti vandals and, where possible, will use the law to prosecute those who perpetrate acts of graffiti in Port Stephens;
- ☑ Council will provide leadership in the management of graffiti within Port Stephens and will look to form partnerships with other stakeholders to achieve the objectives of this Plan;
- ☑ Council is committed to a program of systematic inspection and the rapid removal of graffiti from Council owned property
- ☑ Council will use its resources to educate and support other parties to remove graffiti from their property including other public authorities/departments;

Graffiti Action Plan

Graffiti is a complex social problem that has permeated most western cultures. Research has established that a four pronged approach is the most effective in managing graffiti and this has been incorporated into this Plan:

1. Reporting & rapid removal
2. Prevention & protection
3. Community Awareness, Involvement and Education
4. Prosecution

GRAFFITI HOTLINE

Aim: To increase the reporting of graffiti vandalism

Rationale: Research shows that the implementation of an efficient process for the identification, recording and rapid removal of graffiti is regarded as a best practice strategy for graffiti prevention. The hotline will provide Council and residents with an effective method of reporting graffiti and facilitating its rapid removal.

Strategy: Council will establish a *Graffiti Hotline* which will provide a Council number for residents to use when reporting incidents of graffiti. The number will be advertised to residents through Council website, local newspaper, distribution of brochure etc to inform them of the service. Council staff will record the information through the existing request system which will be modified to create a report containing the information required by the Police.

| Action | Partners | Time frames | Responsible PSC Officers |
|---|--|--------------------|--|
| Establish the Graffiti Hotline and advertise it to residents | <ul style="list-style-type: none"> • Port Stephens Council • Community members | June 2009 | <ul style="list-style-type: none"> • Community Safety Officer • Customer Service • Communications Unit |
| Revise existing customer request system and identify staffing resources for the recording of incidents and the maintenance of the hotline | <ul style="list-style-type: none"> • Port Stephens Council | June 2009 | <ul style="list-style-type: none"> • Community Safety Officer • Customer Service |
| Modify the existing customer request system so that it can create a regular report which provides the information required by the Police | <ul style="list-style-type: none"> • Port Stephens Council • Port Stephens LAC | June 2009 | <ul style="list-style-type: none"> • Community Safety Officer • Customer Service • Corporate Systems Officer |
| Identify procedures and responsibilities for the communication and coordination between council staff and Building Trades staff (for removal of graffiti) | <ul style="list-style-type: none"> • Port Stephens Council | December 2009 | <ul style="list-style-type: none"> • Community Safety Officer • Customer Service • Operations Administration Coordinator • Building Trades |

RAPID REMOVAL OF GRAFFITI

Aim: To remove graffiti as quickly as possible

Rationale: Research shows that the rapid removal of graffiti (within 24 hours) and its ongoing removal is most effective because: 1) the appearance of the property and neighbourhood is improved; 2) a strong message is sent that the place is cared for and well-maintained, making it a less likely target for illegal graffiti; 3) illegal graffiti artists are deprived of the satisfaction of peer recognition (one of the prime motives for illegal graffiti)

Strategy: Council will review its existing Graffiti Removal Policy (*F&S Operations Customer Manual*) and assess its effectiveness and efficiency. The Police Crime Prevention Officer will be asked to assist with regular graffiti audits to establish the extent of the problem and make recommendations for prevention and/or minimisation.

| Action | Partners | Time frames | Responsible PSC Officers |
|--|--|--------------------|--|
| Review Council's current rapid removal program | <ul style="list-style-type: none"> • Port Stephens Council | August 2009 | <ul style="list-style-type: none"> • Community Safety Officer • Facilities & Services |
| Undertake a graffiti audit of Port Stephens, especially identified hotspots to have clear bench marks of the level of graffiti vandalism. This will be repeated every 6 months | <ul style="list-style-type: none"> • Port Stephens Council • Port Stephens LAC | Before end 2009 | <ul style="list-style-type: none"> • Community Safety Officer |
| Create OH&S requirements, procedures and responsibilities for removal of graffiti by volunteer groups and 355b committees | <ul style="list-style-type: none"> • Port Stephens Council • Community members | Before end 2009 | <ul style="list-style-type: none"> • Community Safety Officer • Community Facilities Coordinator • Section Managers |
| Create procedures and responsibilities for communicating new and completed jobs between council staff and the removal teams | <ul style="list-style-type: none"> • Port Stephens Council | Before end 2009 | <ul style="list-style-type: none"> • Community Safety Officer • Customer Service • Operations Administration Coordinator • Building Trades |

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Aim: To develop a CPTED resource to promote strategies to prevent or minimise the occurrence of graffiti vandalism.

Rationale: The use of physical design principles to reduce criminal behaviour in specific locations is an established and successful crime prevention method. CPTED principles are ideally incorporated at the design stage of a development, but can also be applied to the redevelopment of existing towns and villages where crime and safety are a concern.

Strategy: Establish a structured process for promoting and implementing CPTED strategies to reduce graffiti in Port Stephens.

| Action | Partners | Time frames | Responsible PSC Officers |
|---|--|-------------|--|
| Develop a CPTED resources kit for both public and private property owners, developers and DA applicants | <ul style="list-style-type: none"> Port Stephens Council Port Stephens LAC | August 2009 | <ul style="list-style-type: none"> Community Safety Officer Building Trades Communications Unit |
| Develop procedures for nominating and selecting graffiti 'hotspots' for CPTED safety audits | <ul style="list-style-type: none"> Port Stephens Council Port Stephens LAC | August 2009 | <ul style="list-style-type: none"> Community Safety Officer Facilities & Services |
| Conduct Community Workshops which target the prevention and removal of graffiti | <ul style="list-style-type: none"> Port Stephens Council Port Stephens LAC | June 2009 | <ul style="list-style-type: none"> Community Safety Officer Building Trades Communications Unit |

MEDIA AND COMMUNITY EDUCATION STRATEGY FOR THE PREVENTION OF GRAFFITI

Aim: To educate community members about initiatives related to the prevention and removal of graffiti.

Rationale: Educating and informing residents using various media is central to gaining community support and involvement in graffiti prevention and removal. In this plan the effectiveness of a number of strategies is dependant on community members being aware and involved in aspects of the strategy. These include the Graffiti Hotline, the community art initiative and the rapid removal strategy. Community education is also important in teaching residents ways to reduce the likelihood of damage to their properties (e.g. CPTED), informing them of the potential personal consequences of committing malicious damage offences and increasing guardianship, surveillance and reporting by providing information about community costs related to graffiti vandalism.

Strategy: Through a working committee, establish procedures, responsibilities and resources to facilitate the education of the community on issues relevant to reducing and removing graffiti in their community. This includes the dissemination of information on the Graffiti Management Plan through local newspapers, the council website, posters and printed material. The strategy will also support and facilitate the provision of education sessions in schools and with community and business groups. Kits designed to assist private property owners in removing graffiti will be made available at no cost to the community.

| Action | Partners | Time frames | Responsible PSC Officers |
|---|---|-------------|--|
| Establish a working group, identify key stakeholders, resources and priorities for media and education initiatives to reduce graffiti | <ul style="list-style-type: none"> • Port Stephens Council • Port Stephens LAC • Business Organisations • Community members | August 2009 | <ul style="list-style-type: none"> • Community Safety Officer • Communications Unit • Building Trades • Information Technology |
| Develop educational resources for creating awareness of strategies involved with reduction of graffiti such as Council's Graffiti Hotline | <ul style="list-style-type: none"> • Port Stephens Council • Port Stephens LAC • Local media | Ongoing | <ul style="list-style-type: none"> • Community Safety Officer • Communications Unit • Building Trades |
| Develop "Graffiti Removal Kits" which include information on graffiti removal and prevention and an approved removal product | <ul style="list-style-type: none"> • Port Stephens Council • Graffiti removal specialists | Ongoing | <ul style="list-style-type: none"> • Community Safety Officer • Communications Unit • Building Trades |

YOUTH INITIATIVES

Aim: To involve local youth in programs designed to minimise the impact of illegal graffiti on the community and maximise the number of opportunities for arts practice

Rationale: Data indicates that most graffiti vandalism offenders are young people, although only a small percentage of the total youth population is thought to be involved in the crime. Engaging with local youth can be very effective in addressing graffiti vandalism by: 1) assessing local youth attitudes about graffiti vandalism; 2) developing partnerships with the youth community to identify effective strategies to combat graffiti vandalism; and 3) fostering a sense of community pride and respect in young people.

Strategy: Council's Youth Services will continue to deliver graffiti education programs across Port Stephens and develop partnerships to develop a sense of 'community' in local youth. The public display of graffiti is an integral part of the 'hip-hop' culture so opportunities for the display of legal graffiti pieces will be created through the establishment of legal walls and commissioned works. Graffiti offenders will be given opportunities to clean public and private property.

| Action | Partners | Time frames | Responsible PSC Officers |
|--|--|--------------------|---|
| Develop 'Write U R' workshops throughout Port Stephens | <ul style="list-style-type: none"> • Port Stephens Council • Port Stephens LAC • Community groups and organisations | Ongoing | <ul style="list-style-type: none"> • Youth Services • Building Trades |
| Seek and negotiate for legal art walls and 'one-off' commissioned sites in the community in accordance with Council's cultural planning objectives | <ul style="list-style-type: none"> • Port Stephens Council • Local business owners • Community groups and organisations | Ongoing | <ul style="list-style-type: none"> • Youth Services |
| Work with Juvenile Justice, Police and young people charged with graffiti related matters in ensuring the penalty/s matches the crime committed | <ul style="list-style-type: none"> • Port Stephens Council • Port Stephens LAC • Juvenile Justice | Ongoing | <ul style="list-style-type: none"> • Youth Services • Building Trades • Community Safety Officer |

**ATTACHMENT 2
SUMMARY OF COMMUNITY FEEDBACK**

| | COMMENTS | IN PLAN | NOT IN PLAN |
|----|---|--------------------|----------------------------|
| 1 | Offenders' program to help clean graffiti off property | x | |
| 2 | Graff Art competition when legal wall launched | | x |
| 3 | <ul style="list-style-type: none"> • Photograph graffiti before removal for identification of offender <ul style="list-style-type: none"> • Physical barrier in areas of high graffiti <ul style="list-style-type: none"> • Encourage murals • Recording of names of purchasers of textas and spray paint • Groups of residents appointed to watch areas/report graffiti | x x x x | x |
| 4 | <ul style="list-style-type: none"> • Rewards for persons who 'dob in a graffitist' • Use of sign 'dob in a graffiti vandal' with Hotline number | | x |
| 5 | Audit of bus shelters in Port Stephens (have requested final report) | | |
| 6 | Provide a space where graffiti artists are allowed to paint | x | |
| 7 | To fine offenders/ make them paint over their own graffiti | x | |
| 8 | <ul style="list-style-type: none"> • Provide paper and art classes instead of expensive walls <ul style="list-style-type: none"> • Make offenders clean it off | x x | |
| 9 | <ul style="list-style-type: none"> • 24 hour Hotline • Audits carried out more frequently than 6 monthly • Using art to decorate tanks, electricity boxes etc <ul style="list-style-type: none"> • Limited life span of work on legal walls | x x x | x |
| 10 | Change 'offenders will be given the opportunity to clean public and private property' to 'offenders will be expected to clean public and private property' | | x |
| 11 | Advice for Council re: signposting | | |
| 12 | More needs to be done at the State level – would like to see lobbying them to legislate against the sale of any implements used in graffiti to under 18s included in Plan | | x |
| 13 | 'Pity there isn't a paint that would enable graffiti to be washed off' | | |
| 14 | Work with Police, to follow up removal of graffiti by offenders | x | |
| 15 | Council should remove unnecessary signage to minimise graffiti targets eg. Bagnalls Beach Estate wall signs | | |
| 16 | More active involvement by the community – surveillance; reporting to police; suggestion that we say reporting can be anonymous, might encourage more to report graffiti; | x | |
| 17 | Good plan if we leave out section on 'Youth Initiatives' | | x |
| 18 | Council should be requesting that State Govt make retailers keep a register of all people to whom they sell spray paint and should allow police or councils to obtain this information | | x |

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

| COMMENTS | | IN PLAN | NOT IN PLAN |
|-----------------|--|----------------|--------------------|
| 19 | <ul style="list-style-type: none"> • Let community know the need to photograph graffiti for the Police • Ensure Council liaises with other organisations such as RTA, Hunter Water etc to ensure fast removal of graffiti from their property | x x | |
| 20 | <ul style="list-style-type: none"> • Doesn't agree with property owners having to pay for the removal of graffiti – thinks it will deter them from reporting it • Need to have workshops/pamphlets to educate people about preventative materials and methods of removal | x | |
| 21 | <ul style="list-style-type: none"> • Need to try and ensure prompt attendance by police • CCTV might assist with identification and apprehension | x | x |
| 22 | <ul style="list-style-type: none"> • Tap into systems which already work eg. Ted Bickford • Ensure workshops are brief and 'to the point' • Media Unit should be in charge of publicising the Plan | x x x | |
| 23 | <p>Most of the contents are 'huff-n-puff' except:</p> <ul style="list-style-type: none"> • Establish lawful creative outlets • Ensure laws enacted to heavily prosecute offenders | | |

ITEM NO. 5

FILE NO: A2004-0242

QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2009

REPORT OF: DAMIEN JENKINS - MANAGER FINANCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the estimated Statement of Cash Position to 30/6/2009 as detailed in ATTACHMENT 1 to this report.
- 2) Notes the estimated Statement of Restricted Funds Movements to 30/06/2009 as detailed in ATTACHMENT 2 to this report.
- 3) Notes the discretionary transfers to the adopted recurrent budget (totalling \$0, a nil effect on revenue) as detailed under separate cover as TABLE 1.1 of DOCUMENT 1.
- 4) Approve the discretionary changes to the adopted recurrent budget, (totalling \$593,751, 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.
- 5) Approve the discretionary changes to the adopted capital budget, (totalling \$85,000 a negative effect on revenue) as detailed under separate cover as TABLE 1.3 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 (\$2,136,846).
- 8) Notes the Quarterly Budget Review comparing Budgets to Actuals as tabled under a separate cover as DOCUMENT 2 to this report.

COMBINED STRATEGIC & OPERATIONS COMMITTEE – 12TH May 2009

RECOMMENDATION:

| | | |
|--|---|-------------------------------------|
| | Councillor John Nell Councillor Steve Tucker | That the recommendation be adopted. |
|--|---|-------------------------------------|

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|------------|--|---|
| 153 | Councillor Bob Westbury Councillor Ken Jordan | It was resolved that the recommendation be adopted. |
|------------|--|---|

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 2008/2009 Budget.

Council adopted its Council Plan 2008/2012 (Council Minute 083) on the 22nd April, 2008, this included budget estimates for the 2008/2009 financial year.

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

- Increased income of \$350,000 for Enterprise Risk being reimbursement of costs for Raymond Terrace Community Care Centre explosion (item 7).
- Increased expenditure of \$212,118 for Corporate Excellence Administration to establish new Group Manager and Executive Assistant (item 11).
- Decreased expenditure of \$200,000 for financial year 2008 cancelled orders (item 12).
- Decreased expenditure of \$411,728 for Management Accounting being the provision of salary increases not required (item 13).
- Decreased income of \$635,000 for Finance being less than anticipated return on investments (item 18).
- Decreased expenditure of \$693,606 for Finance being savings for interest on loans (item 19).
- Decreased internal income of \$1,028,528 for Finance due to falling interest rates, timing of the draw down of loans and an incorrect estimate of the Original Budget (item 20).
- Decreased income of \$1,050,000 for Masonite Road and Bagnall Avenue Properties not expected to be sold this financial year (item 21).
- Decreased income of \$188,204 for Halifax Holiday Park being an anticipated reduction in on-site cabin accommodation (item 27).
- Decreased income of \$137,406 for Samurai Beach Resort being an anticipated reduction in on-site accommodation (item 31).
- Decrease expenditure of \$137,406 for Samurai Beach Resort being a reduction in administration and operation costs (item 31).
- Decreased income of \$100,600 for Development income (item 34).

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

- Increased income of \$279,000 for Operations Civil Projects as a result of an increase in externally funded works (item 55).
- Increased expenditure of \$329,000 for Operations Civil Projects as a result of increased externally funded minor contracts (item 55).
- Increased income of \$240,000 for Operations Civil Maintenance East as a result of an increase in externally funded works (item 57).
- Increased expenditure of \$221,000 for Operations Civil Maintenance East as a result of increased externally funded minor contracts (item 57).
- Increased income of \$116,000 for Drainage Maintenance from Roads and Traffic Authority contributions (item 59).
- Increased expenditure of \$116,000 for Drainage Maintenance for drainage works at Bobs Farm (item 59).
- Increased income of \$203,681 for Council Roads Maintenance being the receipt of the Natural Disaster Grant (item 61).

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

- Transfer of \$389,990 for the restructure of old Corporate Management (item 1, 2, 3, 4 and 5).

The major changes to the Capital Budget in this Review are detailed in Table 1.3 of Document 1 and are summarised as follows:

- Increased expenditure of \$350,000 for Enterprise Risk due to Raymond Terrace Community Care Centre repairs (item 1).
- Increased expenditure of \$156,401 for Office and Chambers rehabilitation and alterations (item 2).
- Decreased expenditure of \$500,000 for Heatherbrae development civil works to be undertaken next financial year (item 4).
- Increased expenditure of \$100,000 for Property Investments being a contribution towards fit out costs of 113 Beaumont Street, Hamilton (item 6).
- Decreased expenditure of \$200,000 for rehabilitation at Lemon Tree Passage and Raymond Terrace landfill sites to be completed next financial year (item 11).
- Increased expenditure of \$175,000 for Rural Fire Service and Emergency Management to complete building works at Anna Bay Fire Station, Port Stephens Emergency Operations Centre and State Emergency Service's Administration Centre (item 14).
- Increased income of \$180,000 for Ancillary Facilities due to the Infrastructure Grant being approved in March 2009 (item 16).
- Increased expenditure of \$180,000 for Ancillary Facilities due to footpath paving at Medowie, Raymond Terrace, Boat Harbour, Anna Bay, disabled and bus shelter infrastructure (item 16).
- Decreased expenditure of \$1,083,317 for Council Roads Construction due to reallocation of funds following some projects being completed below cost and others have been delayed and will be carried out over the next two financial years (item 18).

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

- Increased expenditure of \$314,000 for Community Services being NGIOKA Centre extensions (item 19).

There are a number of changes to the Capital Budget using Section 94 Developers Contributions as a source of funds in this Review. The changes are detailed in Table 1.3 of Document 1 and are summarised as follows:

- Increased expenditure of \$5,000 for Gan Gan Drainage (item 9).
- Increased expenditure of \$175,000 for building works at Anna Bay fire station, Port Stephens FOC and SES Administration Building, Wallaroo Hill 20m aerial installation and Lily Hill Road communications (item 14).
- Increased expenditure of \$3,800 for Blanch Street Boat Harbour (item 18).
- Decreased expenditure of \$45,000 for Church and Donald Street round about of which \$15,000 was Section 94 funding (item 18).
- Decreased expenditure of \$25,000 on Halloran Way Road of which a transfer of \$85,000 is to be allocated back to Section 94 and an increase of \$60,000 transferred from Revenue (item 18).
- Decreased use of \$70,000 Section 94 funds as other construction works funded by various Restricted Funds (item 18).

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

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

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

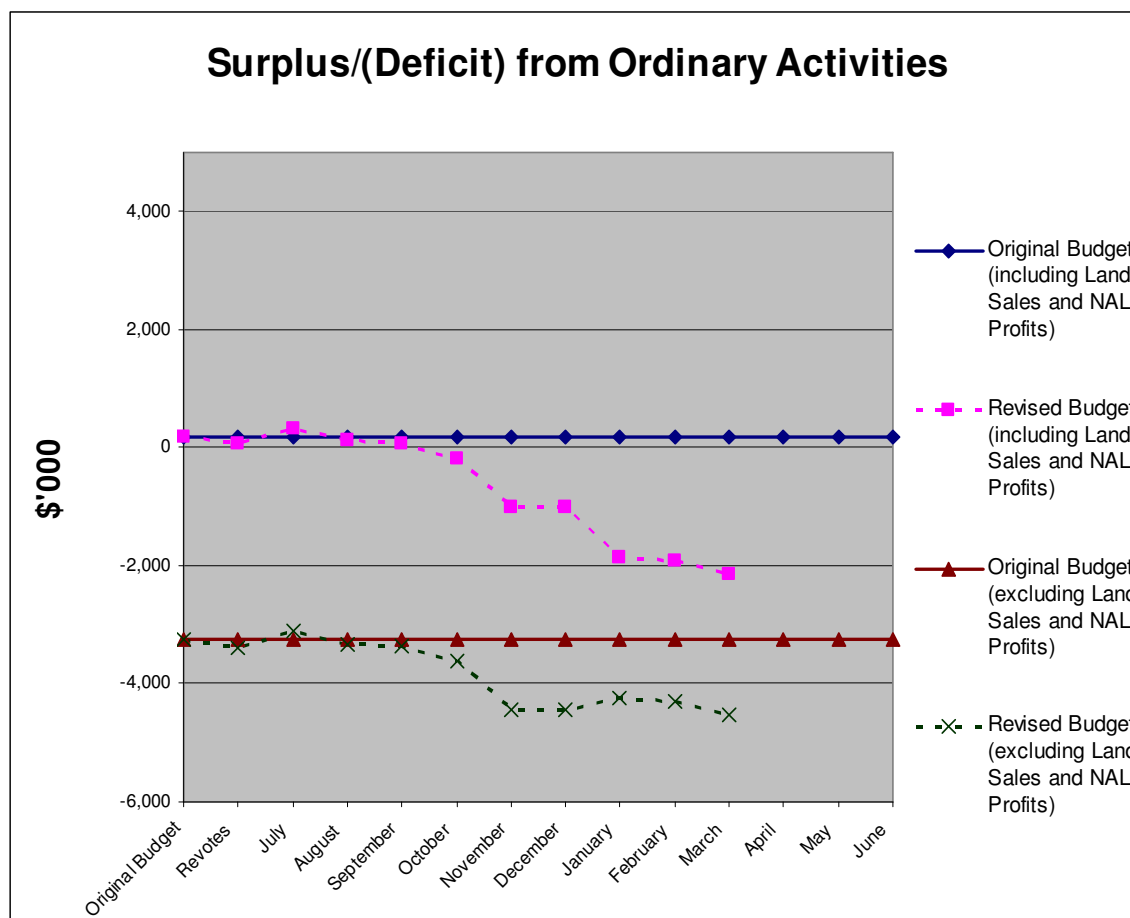
FINANCIAL/RESOURCE IMPLICATIONS

Council's Original 2008/2009 Budget estimate is a \$264,472 cash surplus after internal transfers, repayment of Capital lease and before depreciation of \$13.5 million. TABLE 1 of Document 1 of this report details the changes in this review. The net cash result of these changes is a projected cash surplus of \$254,434 (Ref N of Attachment 1), before 2009 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 | \$0 | \$0 | \$0 | |
| Document 1 Table 1.2 | (\$593,751) | \$0 | (\$593,751) | |
| Document 1 Table 1.3 | \$0 | (\$85,000) | (\$85,000) | |
| Previous Quarterly Budget Reviews | (\$599,422) | (\$2,410,442) | (\$3,009,864) | |
| Original Budget after transfers and before Depreciation | \$1,735,012 | (\$1,486,900) | \$248,112 | |
| Repayment of Capital Lease and Loans | | (210,640) | (\$210,640) | |
| Loan Funds to Revenue | | \$4,000,000 | \$4,000,000 | |
| Net Available Surplus Funds | \$541,839 | (\$192,982) | \$348,857 | |
| Revotes and Carry Forwards from previous year | (\$88,701) | (\$5,722) | (\$94,423) | |
| Revised 2008/2009 Cash Surplus (after transfers and before Depreciation) | \$453,138 | (\$113,704) | \$254,434 | N |

PROJECTED FINANCIAL RESULT FOR 2008/2009

| | Ref | After March Review | Original Budget |
|---|---------|----------------------|----------------------|
| Total Operating Revenue | A | \$78,898,274 | \$77,097,804 |
| Less Total Operating Expenditure | B | (\$67,535,120) | (\$63,410,249) |
| Less Total Depreciation and Provisions Transferred | C | (\$13,500,000) | (\$13,500,000) |
| | D=B+C | (\$81,035,120) | (\$76,910,249) |
| Surplus/(Deficit) From Ordinary Activities Before Capital Amounts | E=A+D | (\$2,136,846) | \$187,555 |
| Net Operating movement for March Review | | (\$1,125,904) | |
| Total Budgeted Land Sales Profits | F | (\$950,000) | (\$2,000,000) |
| Total Budgeted Newcastle Airport (NAL) Profits | G | (\$1,442,500) | (\$1,442,500) |
| Surplus/(Deficit) From Ordinary Activities without Land Sale Profits, NAL Profits and Before Capital amounts | H=E-F-G | (\$4,529,346) | (\$3,254,945) |



LEGAL AND POLICY IMPLICATIONS

The Local Government (General) Regulation 2005 Clause 203 requires that a Budget Review Statement be submitted to Council no later than two months after the end of each quarter and that all expenditure must be authorised and voted by Council before it is incurred. This report is submitted so that Council can review the impact of all issues, which will affect the Budget.

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

The March Quarterly Budget Review Statement indicates that Council's financial position (excluding land sale profits) has changed significantly. Council's financial position needs to be monitored closely with particular regard to those issues contained in TABLE 3 of Document 1. Long-term financial projections will also be reviewed.

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 30/06/2009.
- 2) Attachment 2 Estimated Statement of Restricted Funds Movements to 30/06/2009.

TABLED DOCUMENTS

- 1) Document 1 of 2008-2009 Quarterly Budget Review for March 2009.
Table 1.1 - Discretionary transfers to the adopted Recurrent Budget.
Table 1.2 - Discretionary Changes to the adopted Recurrent Budget.
Table 1.3 - Discretionary Changes to the adopted Capital Budget.
Table 2 - Identified issues, which may have a future budgetary impact.
- 2) Document 2 of 2008-2009 Quarterly Budget Review for March 2009, comparing Budgets to Actuals.

ATTACHMENT 1

| ESTIMATED STATEMENT OF CASH POSITION TO 30/06/2009 | | | |
|--|---------|-----------------------------------|-----------------------|
| 2009 Budget Forecast after March Forecast | | | |
| | Ref | 2009 Budget Forecast after Review | Original Budget |
| Total Operating Revenue | A | \$78,898,274 | \$77,097,804 |
| Less Total Operating Expenditure | B | (\$67,535,120) | (\$63,410,249) |
| Less Total Depreciation and Provisions Transferred | C | (\$13,500,000) | (\$13,500,000) |
| | D=B+C | (\$81,035,120) | (\$76,910,249) |
| Surplus/(Deficit) From Ordinary Activities Before Capital Amounts | E=A+D | (\$2,136,846) | \$187,555 |
| <u>Add Back:</u> Depreciation and Provisions Transferred | C | \$13,500,000 | \$13,500,000 |
| Less Councils Share of Newcastle Airport Profit (excluding depreciation) | W | (\$1,442,500) | (\$1,442,500) |
| Cash Surplus From Operations | F=A+B+W | \$9,920,654 | \$12,245,055 |
| Transferred to Restricted Funds | G | \$9,467,516 | \$10,510,043 |
| Cash Surplus / (Deficit) From Operations After Transfers | H=F-G | \$453,138 | \$1,735,012 |
| Total Capital Income | I | \$11,361,827 | \$10,473,000 |
| Loan Funds Received and Transferred to Revenue | V | \$3,500,000 | \$0 |
| Total Capital Expenditure | J | (\$30,114,864) | (\$22,576,801) |
| Surplus/(Deficit) From Capital Works | K=I+J | (\$15,253,037) | (\$12,103,801) |
| Transferred from Restricted Funds | L | (\$15,264,973) | (\$10,616,901) |
| Cash Surplus / (Deficit) From Capital Works After Transfers | M=K-L | \$11,936 | (\$1,486,900) |
| Total Cash Surplus / (Deficit) After Transfers | N=H+M+X | \$254,434 | \$264,472 |
| RECONCILIATION OF CASH POSITION | | | |
| Opening Cash Position as at 01/07/2008 | O | \$34,806,219 | \$34,806,219 |
| Estimated Cash Position as at 30/06/2009 | P | \$30,807,205 | \$36,007,842 |
| Increase/(Decrease) in Cash Balance | Q=P-O | (\$3,999,014) | \$1,201,623 |
| Represented By: | | | |
| Estimated opening Restricted Funds Balance | R | \$39,015,874 | \$32,244,732 |
| Closing Restricted Funds Balance | S | \$34,762,426 | \$33,181,883 |
| Increase/(Decrease) in Restricted Funds Balance | T=S-R | (\$4,253,448) | \$937,151 |
| Repayment of Capital Lease and Newcastle Airport Loan | X | (\$210,640) | \$16,360 |
| Total Cash Surplus/ (Deficit) from Operations & Capital | N=Q-T | \$254,434 | \$264,472 |
| Principal of Loan Funds Repaid and Finance leases | U | (\$2,396,529) | (\$2,396,529) |
| Loan Funds and Proceeds from Sales Received | V | \$4,664,538 | \$4,164,538 |
| Increase/(Decrease) in Cash Balance | Q=T+N | (\$3,999,014) | \$1,201,623 |

ATTACHMENT 2

| ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2009 | | | | | |
|---|--------------------------|--------------------|-----------------------|-------------------------|----------------------------|
| 2009 Budget Forecast after March Forecast | | | | | |
| RESTRICTED FUNDS | Balance as at 30/06/2008 | Recurrent Budget | Capital Budget | Balance Sheet Movements | Estimated as at 30/06/2009 |
| SECTION 94 | \$14,374,408 | \$691,297 | (\$2,474,271) | | \$12,591,434 |
| DOMESTIC WASTE MANAGEMENT | \$3,327,768 | \$741,947 | (\$1,776,273) | (\$406,044) | \$1,887,398 |
| Sub Total. Externally Restricted | \$17,702,176 | \$1,433,244 | (\$4,250,544) | (\$406,044) | \$14,478,832 |
| BUSINESS DEVELOPMENT RESTRICTED FUND | (\$81,346) | \$808,468 | (\$994,176) | \$449,569 | \$182,515 |
| INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND) | \$959,092 | \$703,763 | \$0 | | \$1,662,855 |
| ASSET REHABILITATION RESERVE | \$336,720 | \$354,493 | (\$876,400) | | (\$185,187) |
| FLEET MANAGEMENT (PLANT) | \$4,026,853 | \$2,056,561 | (\$2,677,791) | \$550,897 | \$3,956,520 |
| OTHER WASTE SERVICES | \$4,735,075 | (\$50,000) | \$0 | | \$4,685,075 |
| QUARRY DEVELOPMENT | \$739,680 | \$17,733 | \$0 | | \$757,413 |
| BUSINESS OPERATIONS RESTRICTED FUND | (\$2,079,565) | \$1,340,010 | (\$3,126,340) | \$1,260,587 | (\$2,605,308) |
| EMPLOYEE LEAVE ENTITLEMENTS | \$4,978,625 | \$0 | \$0 | | \$4,978,625 |
| BEACH VEHICLE PERMITS | \$16,406 | \$10,171 | (\$20,000) | | \$6,577 |
| DRAINAGE | \$92,628 | \$804,000 | (\$809,347) | (\$87,000) | \$281 |
| INTERNAL LOAN | (\$634,636) | \$249,900 | \$0 | | (\$384,736) |
| TRANSPORT LEVY | \$356,656 | \$350,000 | (\$819,306) | | (\$112,650) |
| ENVIRONMENTAL LEVY | \$391,834 | (\$101,707) | (\$149,581) | | \$140,546 |
| ADMINISTRATION BUILDING SINKING FUND | \$740,349 | \$476,854 | (\$638,901) | | \$578,302 |
| DEPOT SINKING FUND | \$832,847 | \$312,939 | (\$151,083) | | \$994,703 |
| RTA BYPASS ROADS M'TCE RESTRICTED FUND | \$1,889,608 | \$131,580 | (\$250,000) | | \$1,771,188 |
| RESTRICTED CASH | \$2,865,339 | (\$533,586) | (\$457,004) | | \$1,874,749 |
| COUNCILLOR WARD FUNDS | \$155,664 | \$285,000 | (\$44,500) | | \$396,164 |
| UNEXPENDED INFRASTRUCTURE LOAN 2008/09 | \$0 | \$0 | \$0 | \$500,000 | \$500,000 |
| INFORMATION TECHNOLOGY STRATEGY | \$235,346 | \$0 | \$0 | | \$235,346 |
| PROVISION FOR LOCAL GOVT ELECTION | \$200,000 | (\$150,000) | \$0 | | \$50,000 |
| PARKING METER RESERVE | \$556,523 | \$244,093 | \$0 | | \$800,616 |
| Sub Total. Internally Restricted | \$21,313,698 | \$7,310,272 | (\$11,014,429) | \$2,674,053 | \$20,283,594 |
| RESTRICTED FUNDS TOTAL | \$39,015,874 | \$8,743,516 | (\$15,264,973) | \$2,268,009 | \$34,762,426 |
| * 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. 6

FILE NO: PSC2008-9317

MEDOWIE FLOODPLAIN RISK MANAGEMENT COMMITTEE

REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING

THIS MATTER WAS DEALT WITH AT THE ORDINARY COUNCIL MEETING ON 12TH MAY 2009.

ITEM NO. 7

FILE NO: PSC2008-3716

MARCH QUARTERLEY REPORT AGAINST COUNCIL PLAN 2008-2012 AND PERFORMANCE MEASUREMENT CHARTS MARCH QUARTER

REPORT OF: WAYNE WALLIS - GROUP MANAGER CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the March Quarterly Report against Council Plan 2008-2012 and Performance Measurement (Cockpit) Charts for March Quarter 2009.

COMBINED STRATEGIC & OPERATIONS COMMITTEE – 12TH May 2009

RECOMMENDATION:

| | | |
|--|--|--|
| | <p>Councillor John Nell Councillor Shirley O'Brien</p> | <p>That the recommendation be adopted.</p> |
|--|--|--|

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|-------------------|--|--|
| <p>154</p> | <p>Councillor Ken Jordan Councillor Steve Tucker</p> | <p>It was resolved that the recommendation be adopted.</p> |
|-------------------|--|--|

BACKGROUND

The purpose of this report is to present to Council the Quarterly Report (March Quarter 2009) against the Council Plan 2008-2012 and the performance measurement (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 format for quarterly reporting incorporates all four quarters over time so that the Councillors can see the progress of every objective within the Council Plan. The March quarter is highlighted in yellow.

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

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

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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 Quarterly Report cockpit charts should be read in conjunction with associated budget documents provided under separate cover.

LEGAL AND POLICY IMPLICATIONS

The Local Government Act 1993, Section 407(1) provides that Council receives a quarterly update on progress against its Management Plan (Council Plan 2008-2012).

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 culture 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 Quarterly Report cockpit charts map progress in the implementation of the Social and Community Plan.

ECONOMIC IMPLICATIONS

The Quarterly Report documents progress against Goals 5 and 14 of the Council Plan 2008 -2012. The cockpit charts report against the Council's financial performance.

ENVIRONMENTAL IMPLICATIONS

The Quarterly Report documents progress against the sustainability and environmental indicators in the Council Plan 2008-2012.

CONSULTATION

The Quarterly Report, with the performance measurement charts, was compiled by Council's Corporate Strategy & Planning Coordinator with input from sections across Council, and referred to the Executive Management for accuracy & completeness.

OPTIONS

- 1) Adopts the Quarterly Report (March 2009) and Performance Measurement Charts for January to March 2009;
- 2) Amends the Quarterly Report (March 2009) and Performance Measurement Charts for January to March 2009.

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

March Quarterly Report against Council Plan 2008-2012
Performance Measurement Charts – March Quarter 2009

ITEM NO. 8

FILE NO: PSC2005-4473

ADOPTION OF A SEA LEVEL RISE PLANNING FIGURE

REPORT OF: DAVID BROYD – GROUP MANAGER SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Council adopt a planning benchmark for sea level rise of 0.91m for the year 2100 with an assumed linear increase from present day levels as the basis for Council staff to proceed with risk assessment, policy development, and planning and development decisions.
- 2) Review these figures on an as needs basis when new information becomes available such as the release of future Intergovernmental Panel on Climate Change assessment reports and guidelines being drafted by the NSW Departments of Planning and Environment and Climate Change.
- 3) Continue to investigate Climate Change impacts on both Council and the community to determine appropriate responses.

COMBINED STRATEGIC & OPERATIONS COMMITTEE – 12TH May 2009

RECOMMENDATION:

| | | |
|--|---|--|
| | <p>Councillor Glenys Francis Councillor John Nell</p> | <p>That Council:-</p> <ol style="list-style-type: none"> 1) Council adopt a planning benchmark for sea level rise of 0.91m for the year 2100 with an assumed linear increase from present day levels as the basis for Council staff to proceed with risk assessment, policy development, and planning and development decisions. 2) Review these figures on an as needs basis when new information becomes available such as the release of future Intergovernmental Panel on Climate Change assessment reports and guidelines being drafted by the NSW Departments of Planning and Environment and Climate Change. 3) Continue to investigate |
|--|---|--|

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

| | | |
|--|--|---|
| | | <p>Climate Change impacts on both Council and the community to determine appropriate responses.</p> <p>4) That Council continue to consult with the community using the Residents Panel and other forums and report back to Council following the consultation.</p> |
|--|--|---|

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|------------|---|---|
| 155 | Councillor John Nell Councillor Glenys Francis | It was resolved that the Operations Committee recommendation be adopted. |
|------------|---|---|

BACKGROUND

The purpose of this report is to provide Council with information on recent developments involving the management of sea level rise by NSW coastal councils and recommends the adoption of a sea level rise figure to provide a basis for decision-making and future planning associated with climate change adaptation. The report also discusses the advice recently released by the NSW government in relation to planning for sea level rise and outlines the legal and policy implications.

It should be noted that sea level rise is only one aspect of climate change that will affect Port Stephens. More instances of extreme storms, a greater number of extreme hot days and incremental increases in temperature will also have effects on both public and private assets. While there has been a considerable volume of studies undertaken in the area of sea level rise the impact of other climate change variables is yet to be fully understood. More investigations will need to be undertaken in these areas to determine appropriate responses. Given that sea level rise is already occurring Council has a responsibility to undertake a risk management approach to current and future decisions.

In support of the reality of sea level rise the NSW government made the following statement in the February 2009 draft Sea Level Rise Policy Statement which is to be used in planning guidelines being prepared by the NSW Department of Planning. *'Over the 20th Century, global sea levels have risen by 17 cm and are continuing to rise. Sea level rise is a gradual process and will have medium to long term impacts. The best national and international projections of sea level rise along the NSW coast are for a rise relative to 1990 mean sea levels of up to 40 cm by 2050 and 90 cm by 2100¹. There is no scientific evidence to suggest that sea levels will stop rising beyond 2100 or that the current trends will be reversed.'* DECC (2009).

¹ Department of Environment and Climate Change *Technical Note: Scientific Basis of the 2009 Sea Level Rise Benchmark*.

The tabled Position Paper: Adoption of a Regionally Consistent Planning Level in Response to Climate Induced Sea Level Rise (HCCREMS Directors Forum, 26 June 2008), contains the rationale for selecting a figure of 0.91m, along with its implications for flood management and other planning-related activities.

The paper concludes that a consistent sea level rise planning level of 0.91 metres in 2100, with an assumed linear increase from present day levels, is appropriate for the region and recommends that all HCCREMS coastal councils adopt this figure upon which to proceed with risk assessment, policy development and planning and development decisions. This figure is based on *“the most official, definitive sources available, is explicitly constructed and is arguably the most conservative view based on accepted (modelled) data”*. The paper does recommend however that this figure be periodically reviewed by its member councils in a regionally consistent manner as new scientific evidence becomes available.

Although the state government and the HCCREMS position paper have slightly different figures (0.90m and 0.91m respectively) the difference is negligible and in the interest of regional consistency the 0.91m figure is being put forward for adoption.

It should be noted that the sea level rise increase of 0.91m by 2100 is at the coast and the adoption of this figure will require more work to determine the appropriate planning levels in other areas of the LGA.

Increasing sea levels have two broad and related impacts. These are a permanent increase in sea levels relative to current sea levels and increased coastal hazards (particularly beach erosion) and flooding risks during major storms.

‘Sea level rise planning benchmarks can be used for purposes such as:

- incorporating the projected impacts of sea level rise on predicted flood risks and coastal hazards*
- the designing and upgrading of public assets in low-lying coastal areas where appropriate, taking into account the design life of the asset and the projected sea level rise over this period*
- assessing the influence of sea level rise on new development*
- considering the impact of sea level rise on coastal and estuarine habitats*
- assessing the impact of changed salinity levels in estuaries, including implications for access to fresh water.’* DECC (2009).

It is proposed that Council adopt a sea level rise figure for the year 2100 of 0.91m in line with state government recommendations. The adoption of this figure equates to 10 mm per year rise up to the year 2100.

The adoption of sea level rise planning benchmarks may have significant implications for the exercise of Council's planning controls into the future. Determining the relevant water level on the land at the foreshore is a complex process requiring analyse of the combination of tide behaviour, ocean storm conditions, ocean wind wave setup, catchment runoff, local wind setup, local

shoreline water depth and shape as well as local foreshore structures and shape in addition to sea level rise. Putting this into perspective the following levels are provided:

| | |
|---|--|
| Mean Tide level | ~ RL 0.0 metres AHD (Australian Height Datum) |
| Mean High Water | ~ RL 0.5 m AHD |
| King Tide (eg 12 January 2009) | ~ RL 1.0 m AHD |
| Design 1% Water Level | ~ RL 1.5 m AHD |
| Design Extreme Water level | ~ RL 1.6 m AHD |
| Design 1% Water Level plus 0.91 m sea level rise | ~ RL 2.4 m AHD |
| Design Extreme Water level plus 0.91 m sea level rise | ~ RL 2.5 m AHD |

Council's current standard for minimum floor level for Port Stephens is 2.5 metres AHD while that for Fern Bay is 2.3 metres which include 0.5 metre freeboard. These levels may need to be increased to include freeboard above sea level rise.

Council is also undertaking a Climate Change Risk Adaptation project under the Federal Government's Local Adaptation Pathways Program. The project, which will conclude in June 2009, firstly involves undertaking an organisational risk assessment to identify and assign priorities to risks that climate change impacts pose to Councils operations and responsibilities. The second stage involves developing an adaptation action plan that will assist council to plan for the impacts of climate change both within councils businesses and to set in place policies and practices to help the community avoid the major impacts of climate change over the coming decades. This will involve developing strategies for managing risks that are well understood and identifying where further investigation is necessary for risks that are not well enough understood to determine an appropriate management strategy.

The initial stages of the Local Adaptation Pathways Program has highlighted that Port Stephens Council's main areas of exposure in relation to sea level rise are flooding, engineering, infrastructure and planning. A considerable amount of work will need to be undertaken to determine the extent of council's exposure and it is likely that council, and the community, face some difficult decisions in the near future.

The Coastline Management Manual (CMM) lists a number of potential 'Hazard Management Options', which could be adopted/adapted by Council as part of its adaption response to sea level rise. The appropriate response will vary from location to location, depending in part, on whether the area is in public or private ownership, the level, and form of development, level of affectation etc. Examples of options suggested in the CMM are given below.

Hazard Management Options Suggested by Coastline Management Manual

| Category | Management Option Examples |
|------------------------|--|
| Environmental Planning | Restrictive Zonings Planned Retreat Voluntary Purchase |
| Development Controls | Building Setbacks Relocatable Buildings Planned Retreat |
| Dune Management | Dune Reconstruction and revegetation Dune Protection and/or Maintenance |
| Protective Works | Seawalls Groynes Beach Nourishment Offshore Breakwaters |

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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

This report also aligns with Goal 7 of the Council Plan: Sustaining the Environment: Mitigate the effects of climate change and population growth on the environment.

FINANCIAL/RESOURCE IMPLICATIONS

The adoption of sea level rise planning benchmarks may have significant implications for Council's current planning legislation. Adaptation strategies relating to sea level rise in floodplain risk management, estuarine risk management, and coastline risk management through out the LGA will need to be considered for incorporation into relevant Council policies.

LEGAL AND POLICY IMPLICATIONS

Climate change and its effects are referred to in a number of State Government policies including the *NSW Coastal Policy 1997*.

The *NSW Coastal Policy 1997* which in relation to climate change recommends an approach to minimise risks based on ecologically sustainable development principles. This policy also has an objective to recognise and consider the potential effects of climate change in the planning and management of coastal development.

The *NSW Coastal Policy 1997* is given statutory effect through *State Environmental Planning Policy 71 – Coastal Protection* and through a Ministerial Direction to local councils under section 117 of the *Environmental Planning and Assessment Act 1979*.

In February 2009 the NSW Department of Environment and Climate Change released a draft *Sea Level Rise Policy Statement* which once adopted will supersede the 1988 *NSW Coastline Hazard Policy*.

The Legal industry has also suggested that Climate Change has significant implications with respect to Council in its role as a consent authority. Lake Macquarie Council, who has already adopted a sea level rise planning figure, received the following advice from its solicitor:

"In relation to development assessment, the consensus amongst practitioners and academics seems to be that councils will owe a duty of care to landowners in their consideration of individual development applications in coastal areas that are most at risk of climate change."

*"A reasonable council located on the coast in an area prone to erosion and storm damage, would foresee that its decisions to approve development may place landholders at risk from the effects of climate change. Scientific evidence and impacts already observed make this clearly foreseeable. In order to meet their duty of care, councils can either refuse consent, or allow the development to proceed with conditions that attempt to reduce the risk. Councils when assessing development should consult the *NSW Coastline Management Manual 1990* and the *NSW Coastal Policy 1997*. It is probably also advisable to create a management plan specific to the locality. As long as a council makes a genuine and serious attempt to alleviate the potential risks of climate change, then it is likely that a council's duty of care will be satisfied."*

In addition to suggesting that Council as a consent authority has a duty to consider climate change in its consideration and determination of development applications The Lake Macquarie City Solicitor also recommended that Council consider:

1. Determining a "normal building and component design life" to be used as a guide for estimating the period of time a building will be located at a particular site (in the absence of more detailed or specific data provided by the proponent).
2. Using, without delay, the information currently available on sea level rise projections to assist with determination of development applications upon land likely to be affected by rising sea levels and flooding.

3. Making such information available in response to applications for certificates called "Development Restrictions Certificate Flooding/Tidal Inundation" and in relation to certificates under section 149 of the EPA Act 1979.

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 culture 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

Sea level rise, and the wider impacts of climate change, will impact on the lives and wellbeing of Port Stephens residents, particularly those living in the low lying and coastal areas. The effects relating to impacts on property can be largely avoided with appropriate planning; however more work will need to be undertaken in relation to planning for the effects of increased instances of extreme heat, particularly on our aging population.

ECONOMIC IMPLICATIONS

Climate change has the potential to significantly impact on the financial resources of the Council and the broader community. Such impacts are likely to be considerably greater if left unaddressed as Council could be seen as not fulfilling its duty of care and could be left open to future litigation.

ENVIRONMENTAL IMPLICATIONS

Climate Change and sea level rise has the potential to have significant impacts on the natural environment. Of particular concern is the impact on coastal salt marsh, an Endangered Ecological Community which fringes the estuary and is building block of the ecosystem. Coastal wetlands are also at risk as are wildlife corridors. While the adoption of a sea level rise planning figure will go some way to recognising these impacts further adaptation initiatives will need to be implemented to counteract the effects of climate change on the regions biodiversity.

CONSULTATION

In the preparation of this report consultation has been undertaken with the Managers of Integrated Planning and Development and Building and Legal Services.

Future consultation and education with the community will be vital to making future decisions as to how council responds all aspects of Climate Change. In the meantime it is proposed that council continue to investigate the impacts of climate change on its own operations and carry out work to determine which areas of the LGA will be at risk of coastal inundation from sea level rise. Once this further information is available it is proposed to report back to Council with a view to undertaking community education.

Also, there is an Inter-Group team and consultants (funded by the Commonwealth Government grant) providing extensive input into the Local Adaptation pathways Program.

Also, this issue has been extensively discussed by the Directors of Planning/equivalents of member councils of Hunter Councils.

OPTIONS

- 1) Adopt, reject or amend the recommendation

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

- 1) Position Paper: Adoption of a Regionally Consistent Planning Level in Response to Climate Induced Sea Level Rise (HCCREMS Directors Forum, 26 June 2008).

ITEM NO. 9

FILE NO: PSC2007-2662

INQUIRY INTO THE 2008 LOCAL GOVERNMENT ELECTIONS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

THIS MATTER WAS DEALT WITH AT THE ORDINARY COUNCIL MEETING ON 12TH MAY 2009.

ITEM NO. 10

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 12th May 2009.

| No: | Report Title |
|------------|---|
| 1 | 2008 LOCAL GOVERNMENT ELECTION COSTS & REFERENDUM |
| 2 | ASBESTOS MANAGEMENT |
| 3 | ABORIGINAL STRATEGIC COMMITTEE |
| 4 | CASH AND INVESTMENTS HELD AT 31 MARCH 2009 |

COMBINED STRATEGIC & OPERATIONS COMMITTEE – 12TH May 2009

RECOMMENDATION:

| | | |
|--|---|-------------------------------------|
| | Councillor Bob Westbury Councillor John Nell | That the recommendation be adopted. |
|--|---|-------------------------------------|

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|------------|---|---|
| 156 | Councillor Ken Jordan Councillor Peter Kafer | It was resolved that the recommendation be adopted. |
|------------|---|---|

OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

2008 LOCAL GOVERNMENT ELECTION COSTS & REFERENDUM RESULTS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
FILE: PSC2007-2662

BACKGROUND

The purpose of this report is to inform Council of the actual costs of the 2008 Local Government Elections and the results of the Referendum for a popularly elected Mayor.

In September 2008 Council received an estimate of costs from the NSW Electoral Commission for the Commission to conduct the election on Council's behalf. The estimate was \$338,000. This estimate made provision for the Commission to conduct the election totally with minimal resources needed from Council. The inclusions were total administration services, payroll processing, all mail outs, costs for all wages including the Returning Officer, printing of ballot papers, information to electors, development of brochures for electors, upgraded computer systems especially designed for local government.

Council was required to pay 85% of the total estimate prior to the election with the balance due in March 2009 following the finalisation of all costs.

Council has now received the total costs for the 2009 Local Government Election for Port Stephens Council (including the Referendum costs). The final costs for the election were \$308,200.

At the time of the election a Referendum was put to the electors as well. The question put to the community was:-

"The Mayor of Port Stephens Council is currently elected by the Councillors.

Do you favour the election of the Mayor by electors for a four year term and a decrease of the number of Councillors from twelve to ten (including the Mayor) to enable the election of three Councillors from the three Wards."

The results of the Referendum are:

| | |
|----------|-----------------|
| YES | 26,794 (75.34%) |
| NO | 9,237 (24.66%) |
| FORMAL | 36,031 |
| INFORMAL | 2,407 |
| TOTAL | 38,438 |

The Referendum results are calculated by the total number of votes cast at the time of the Election/Referendum. At the Referendum the total number of votes cast was 38,438. The Referendum is requires an approval rating of 50% plus 1 to pass the proposal.

Example:

| | |
|---|--------|
| Total number of votes cast at the Referendum | 38,438 |
| Total number of YES votes for the Referendum | 26,794 |
| Total required to pass the Referendum (50% + 1) | 19,219 |

Given the outcome of the Referendum the community of Port Stephens will now vote for a popularly elected Mayor and nine (9) Councillors (3 from each Ward), at the Local Government election in 2012.

ATTACHMENTS

Nil

INFORMATION ITEM NO. 2

ASBESTOS MANAGEMENT

**REPORT OF: BRUCE PETERSEN – MANAGER ENVIRONMENTAL SERVICES
FILE: A2004-0217**

BACKGROUND

The purpose of this report is to update Council on the establishment of an asbestos register and other related matters.

In December 2008 Council resolved the following in relation to the establishment of an asbestos register

- 1) That Council seek to establish a register of asbestos content in buildings and other structural assets in Port Stephens to advise owners and Builders when proposing renovations or demolitions.
- 2) Investigate fact sheets to enable identification, safe removal and disposal of asbestos when buildings are demolished or altered.
- 3) Request the General Manager to discuss this and what further initiatives can be undertaken with Hunter Regional Councils Building Professionals Group.

ASBESTOS REGISTER

Council currently has an asbestos register for all its buildings and facilities. The register is part of Council's overall approach to risk management. The aim of the register is to identify risk areas to ensure that no persons employed by Council directly or indirectly or people visiting Council sites (including volunteers) are exposed to the risk of inhalation of airborne asbestos fibres.

Although Council is required under State Legislation to establish an asbestos register for its buildings, facilities and other assets, it is not required to develop a community asbestos register. Due to the extent of asbestos in homes, commercial building and industrial settings, it would be an extremely time consuming, expensive and difficult task to investigate all the obvious and hidden sources of asbestos within Port Stephens and include in such a register. A comprehensive list of the many types of applications and possible locations have been included under the heading below "Where Can Asbestos be Found".

A qualified Occupational Hygienist occasionally would be required to determine if asbestos is present in buildings/building materials by conducting the relevant testing at a NATA laboratory that is accredited to identify asbestos. It would not be feasible to carry out the task of identifying all sources of asbestos in private buildings in the area.

Private sector development and building companies do, of course, have their own legal and risk management obligations and responsibilities.

ASBESTOS FACT SHEETS

Council has a Workcover brochure; "Fibro and Asbestos A Renovator and Homeowner's Guide" available at the Customer Service Counter for the information of homeowners and builders. There are also four asbestos fact sheets available developed by the NSW Department of Environment and Climate Change.

All asbestos fact sheets are currently being reviewed to ensure that they are consistent with the latest regulations and guidelines for asbestos management.

DISCUSSIONS WITH HUNTER COUNCILS REGARDING A REGIONAL APPROACH TO ASBESTOS MANAGEMENT

Discussions have been held with Hunter Council's regarding asbestos management. It has been agreed that education of the community and building sector is one of the most effective ways to help safeguard the community against the effects of asbestos in existing buildings, particularly during renovations or demolition.

In this regard, Council will seek assistance from Hunter Council's regarding a regional education program.

WHAT IS ASBESTOS?

Asbestos includes a group of fibrous silicate minerals that were commonly used in many building applications between the 1940's and late 1980's because of its durability, fire resistance and insulating properties. It has also been used in breaks, clutches and gaskets of many vehicles.

There are two major groups of asbestos including:

- Serpentine Group (white asbestos);
- Amphibole Group (brown and blue asbestos).

HEALTH IMPACTS

The presence of asbestos only poses a risk to humans if it is broken, in a poor deteriorated condition with exposed fibres or it is disturbed during activities that produce dust.

The most dangerous asbestos fibres are those that are invisible to the naked eye as they are able to penetrate to the deepest part of the lungs. Inhaling these fibres can result in asbestosis, lung cancer and Mesothelioma. Asbestos related diseases have a delay period of 20 to 40 years between exposure and the onset of symptoms and detection of the disease. The disease is generally associated with long term exposure to asbestos in an occupational setting.

WHERE CAN ASBESTOS BE FOUND

Asbestos can be found in a number of products and applications including asbestos cement products (roof, walls, ceiling and pipes), door seals, boiler insulation, expansion joints, gaskets, floor tiles, paints, fire doors, waterproof membranes, electrical switchboards, air-conditioning systems, muffler bandages, break linings, clutch pads and wall and ceiling insulation.

Asbestos can commonly be found within the home setting, in the following areas:

- Bonded asbestos in ceilings, flue pipes, guttering, down pipes, fencing, roofing, eaves, gables, bathrooms;
- Friable asbestos which is more commonly found in commercial ceiling installation and lagging on pipes.

COUNCILLORS ROOM

- 1) Asbestos brochure and fact sheets.

INFORMATION ITEM NO. 3

ABORIGINAL STRATEGIC COMMITTEE

REPORT OF: TREVOR ALLEN, MANAGER INTEGRATED PLANNING

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting with Karuah Local Aboriginal Land Council on 6 April 2009.

Key issues considered at these meetings included:

- 1) Old Karuah School House
- 2) Tennis Facility Upgrade
- 3) Naidoc Week 2009

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting with Karuah LALC on 6 April 2009.

**ATTACHMENT 1
 ABORIGINAL STRATEGIC COMMITTEE MEETING
 WITH KARUAH LOCAL ABORIGINAL LAND COUNCIL
 HELD ON MONDAY 6 APRIL 2009
 AT KARUAH RESERVE**

File: PSC2005-0629

Present:

| | |
|---------------|-------------|
| David Feeney | Karuah LALC |
| Sharon Feeney | Karuah LALC |
| Cr Dover | PSC |
| Cr O'Brien | PSC |
| Mike Triggar | PSC |
| Paul Procter | PSC |

Apologies:

| | |
|---------------|-----|
| Cr MacKenzie | PSC |
| Cr Kafer | PSC |
| Peter Gesling | PSC |
| Cliff Johnson | PSC |
| David Broyd | PSC |
| Jason Linnane | PSC |

1. WELCOME

KLALC CEO welcomed everyone to the meeting.

2. BUSINESS ARISING FROM PREVIOUS MINUTES

ITEM 1: Old Karuah School House

KLALC wish to advance plans for the proposed re-location of the former school house to the Aboriginal Reserve, for the purpose of a cultural facility.

| | |
|--------|---|
| Action | 1. Council's Social Planning Co-ordinator will organise for a meeting between Council's Principal Property Officer and KLALC CEO to discuss and clarify steps for moving forward. |
|--------|---|

ITEM 2: Tennis Court

The KLALC Board will review at their next meeting their plans for expending the funding received under Council's Aboriginal Project Fund towards the upgrading of the existing tennis facility.

| | |
|---------|--|
| Actions | 1. KLALC CEO to update the Aboriginal Strategic Committee at the next meeting. |
|---------|--|

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

- | | |
|--|---|
| | 2. Council's Social Planning Co-ordinator will organise for a relevant Council Officer to carry out an inspection of the tennis court to assess the condition of the surface and to make recommendations on suggested improvements. |
|--|---|

ITEM 3: Bus Shelter

Council's Building Trades Co-ordinator has carried out an inspection of the existing bus shelter and associated drainage issues, and assessed the feasibility of relocating the shelter further back from the roadside. The inspection found the design and construction of the existing bus shelter unsuitable for relocation. They have prepared a quote on the cost of rectifying the drainage problems (ie; pouring a new concrete floor and raising the shelter's roof height to allow for sufficient headroom in accordance with Council standards). The costs of carrying out this work is \$7,045, whereas the cost of a new stand-alone bus shelter is in the vicinity of \$12,000. There is a preference for a new shelter to be located on the other side of road where the roadside is kerb and guttered which would alleviate any further drainage issues.

| | |
|--------|--|
| Action | 1. KLALC will consider options for accessing external funding towards the cost of a replacement bus shelter. |
|--------|--|

ITEM 4: Mustons Rd

Council's Social Planning Co-ordinator informed the Aboriginal Strategic Committee that they have investigated with the relevant Council Officers the safety concerns in relation to the dip in Mustons Rd.

He indicated that the first stages of constructing a footpath / cycleway have been completed. Design plans for the final stage between the Land Council Office and the boardwalk have been completed in consultation with Karuah LALC. This remaining link is included in Council's forward works program. Council's Social Planning Co-ordinator has advised KLALC that given current priorities for Karuah in Council's forward works program, it is anticipated that the final stage will not be constructed for approximately 3 years subject to funds being available.

| | |
|--------|--|
| Action | 1. Council's Group Manager, Facilities & Services will investigate this matter to ascertain if any interim measures can be taken to improve the current situation. |
|--------|--|

ITEM 5: KLALC Representatives on Aboriginal Strategic Committee

KLALC CEO indicated that at this week's meeting of the Karuah LALC board, he will seek confirmation of their designated representatives for the Aboriginal Strategic Committee.

| | |
|--------|--|
| Action | 1. KLALC CEO will forward to Council's Social Planning Co-ordinator in writing details of the Land Council's designated representatives on the Aboriginal Strategic Committee. |
|--------|--|

3. GENERAL BUSINESS

3.1 Aboriginal Project Fund

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

Council's Social Planning Co-ordinator announced that applications are now open for this year's funding round. Applications close 29 May 2009.

3.2 Naidoc Week 2009

Council's Social Planning Co-ordinator indicated that Naidoc Week will be held 5 – 12 July with the theme '*Honoring our Elders, Nurturing our Youth*'.

| | |
|--------|---|
| Action | 1. Council's Social Planning Co-ordinator to organise a preliminary planning meeting between relevant Council Officers and Karuah and Worimi LALCS and interested community organisations to plan this year's Naidoc Week celebrations. |
|--------|---|

3.3 2009 Joint Meeting

Council's Social Planning Co-ordinator reminded members that this year's joint meeting will be on Tuesday 21 July 2009 at 6pm.

| | |
|--------|---|
| Action | 1. Suggestions for guest speakers to be forwarded to Council's Social Planning Co-ordinator |
|--------|---|

3.4 Salt Bush Trees

KLALC CEO enquired about who they need to speak to concerning the potential reduction/removal of salt bush trees.

| | |
|--------|---|
| Action | 1. Council's Social Planning Co-ordinator to organise a meeting between Council's Vegetation Management Officer, and Recreation Operations Co-ordinator to discuss this matter. |
|--------|---|

4. NEXT MEETING

The next meeting with KLALC will be held on 1 June 2009 commencing at 1pm at the Karuah Reserve.

Meeting closed at 2:45pm

INFORMATION ITEM NO. 4

CASH AND INVESTMENTS HELD AT 31 MARCH 2009

REPORT OF: DAMIEN JENKINS – MANAGER FINANCIAL SERVICES
FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of Cash and Investments held at 31 March 2009.

ATTACHMENTS

- 1) Cash and Investments held at 31 March 2009
- 2) Monthly Cash and Investments Balance April 2008 – March 2009
- 3) Monthly Australian Term Deposit Index July 2008 – March 2000

ATTACHMENT 1

| CASH & INVESTMENTS HELD AS AT 31 MARCH 2009 | | | | | | | | | | | |
|---|-------------------------|----------------|---------------|-----------------------|----------------------|------------------|-----------------------|-----------------------|-----------------------|---------------------------------|--|
| INVESTED WITH | INV. TYPE | CURRENT RATING | MATURITY DATE | AMOUNT INVESTED | % of Total Portfolio | Current Int Rate | Market Value January | Market Value February | Market Value March | Current Mark to Market Exposure | |
| GRANGE SECURITIES | | | | | | | | | | | |
| MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA" | Floating Rate CDO AA | | 20-Mar-12 | 1,000,000.00 | 3.37% | 4.51% | \$420,000.00 | \$420,000.00 | \$246,700.00 | -\$753,300.00 | |
| NEXUS BONDS LTD "TOPAZ AA-" | Floating Rate CDO AA- | | 23-Jun-15 | 412,500.00 | 1.39% | 6.49% | \$198,000.00 | \$173,250.00 | \$173,250.00 | -\$239,250.00 | |
| HERALD LTD "QUARTZ AA" | Floating Rate CDO BB+ | | 20-Dec-10 | 450,000.00 | 1.52% | 4.51% | \$116,595.00 | \$63,135.00 | \$95,895.00 | -\$354,105.00 | |
| STARTS CAYMAN LTD "BLUE GUM AA-" | Floating Rate CDO | | 22-Jun-13 | 1,000,000.00 | 3.37% | 4.43% | \$10,000.00 | \$20,500.00 | \$20,500.00 | -\$979,500.00 | |
| HELIUM CAPITAL LTD "ESPERANCE AA+" * | Floating Rate CDO A- | | 20-Mar-13 | 1,000,000.00 | 3.37% | 0.00% | \$0.00 | \$0.00 | \$0.00 | -\$1,000,000.00 | |
| HOME BUILDING SOCIETY | Floating Rate Sub Debt | | 25-Jul-11 | 500,000.00 | 1.69% | 4.46% | \$429,275.00 | \$407,705.00 | \$410,745.00 | -\$89,255.00 | |
| DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE | Yield Curve Note | | 18-Oct-11 | 500,000.00 | 1.69% | 5.71% | \$488,000.00 | \$485,000.00 | \$485,000.00 | -\$15,000.00 | |
| GRANGE SECURITIES "KAKADU AA" | Floating Rate CDO AA- | | 20-Mar-14 | 1,000,000.00 | 3.37% | 4.01% | \$182,200.00 | \$83,300.00 | \$83,300.00 | -\$916,700.00 | |
| GRANGE SECURITIES "COOLANGATTA AA" * | Floating Rate CDO AA | | 20-Sep-14 | 1,000,000.00 | 3.37% | 0.00% | \$0.00 | \$0.00 | \$0.00 | -\$1,000,000.00 | |
| TOTAL GRANGE SECURITIES | | | | \$6,862,500.00 | 23.14% | | \$1,844,070.00 | \$1,652,890.00 | \$1,515,390.00 | (\$5,347,110.00) | |
| ABN AMRO MORGANS | | | | | | | | | | | |
| REMBRANDT ISOSCELES SERIES 1 | Floating Rate CDO AA | | 20-Sep-09 | \$2,000,000.00 | 6.74% | 0.00% | \$1,685,000.00 | \$1,646,200.00 | \$1,680,000.00 | -\$320,000.00 | |
| GLOBAL PROTECTED PROPERTY NOTES VII | Property Linked Note | | 17-Sep-11 | \$1,000,000.00 | 3.37% | 0.00% | \$902,700.00 | \$891,000.00 | \$849,100.00 | -\$150,900.00 | |
| BANK OF QLD FLOATING RATE NOTE | Floating Rate Note | | | \$0.00 | 0.00% | | \$991,110.00 | \$991,110.00 | \$0.00 | \$0.00 | |
| BANK OF QLD TERM DEPOSIT | Term Deposit | | 5-Sep-09 | \$750,000.00 | 2.53% | 4.65% | \$750,000.00 | \$750,000.00 | \$750,000.00 | \$0.00 | |
| TOTAL ABN AMRO MORGANS | | | | \$3,750,000.00 | 12.64% | | \$4,328,810.00 | \$4,278,310.00 | \$3,279,100.00 | (\$470,900.00) | |
| ANZ INVESTMENTS | | | | | | | | | | | |
| ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-" | Floating Rate CDO B | | 6-Apr-10 | \$500,000.00 | 1.69% | 5.19% | \$147,000.00 | \$88,000.00 | \$151,000.00 | -\$349,000.00 | |
| PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA" | Floating Rate CDO BBB- | | 30-Dec-11 | \$1,000,000.00 | 3.37% | 0.00% | \$266,100.00 | \$266,100.00 | \$266,100.00 | -\$733,900.00 | |
| MOTIF FINANCE (IRELAND) PLC | Floating Rate CDO A | | 1-Jun-17 | \$517,876.98 | 1.75% | 0.00% | \$620,904.95 | \$671,798.80 | \$671,798.80 | \$153,921.82 | |
| ADELAIDE BANK SENIOR DEBT | Floating Rate Depc BBB+ | | 22-May-09 | \$1,000,000.00 | 3.37% | 3.28% | \$996,030.00 | \$995,950.00 | \$997,430.00 | -\$2,570.00 | |
| TOTAL ANZ INVESTMENTS | | | | \$3,017,876.98 | 10.18% | | \$2,030,034.95 | \$2,021,848.80 | \$2,086,328.80 | (\$931,548.18) | |
| RIM SECURITIES | | | | | | | | | | | |
| GENERATOR INCOME NOTE AAA (2011) | Floating Rate CDO | | 29-Jul-13 | \$2,000,000.00 | 6.74% | 0.00% | \$426,480.00 | \$329,520.00 | \$520,020.00 | -\$1,479,980.00 | |
| ELDERS RURAL BANK (2011) | Floating Rate Sub Debt | | 8-Oct-11 | \$1,000,000.00 | 3.37% | 4.65% | \$943,464.00 | \$947,237.00 | \$853,395.00 | -\$146,605.00 | |
| QLD POLICE CREDIT UNION | Term Deposit | | 14-Apr-09 | \$500,000.00 | 1.69% | 4.30% | \$1,004,684.93 | \$500,000.00 | \$500,000.00 | \$0.00 | |
| AUSTRALIAN CENTRAL CREDIT UNION | Term Deposit | | | \$0.00 | 0.00% | | \$1,000,000.00 | \$0.00 | \$0.00 | \$0.00 | |
| HERITAGE BUILDING SOCIETY | Term Deposit | | 4-May-09 | \$1,000,000.00 | 3.37% | 5.15% | | \$1,000,000.00 | \$1,000,000.00 | \$0.00 | |
| POLICE AND NURSES CREDIT UNION | Term Deposit | | | | 0.00% | | | \$1,000,000.00 | \$0.00 | \$0.00 | |
| SAVINGS AND LOANS CREDIT UNION | Term Deposit | | 2-Apr-09 | \$1,000,000.00 | 3.37% | 4.38% | | | \$1,000,000.00 | \$0.00 | |
| TOTAL RIM SECURITIES | | | | \$5,500,000.00 | 18.55% | | \$3,374,628.93 | \$3,776,757.00 | \$3,873,415.00 | (\$1,626,585.00) | |
| WESTPAC INVESTMENT BANK | | | | | | | | | | | |
| HOME BUILDING SOCIETY (2010) | Floating Rate Sub Debt | | 27-Apr-10 | \$500,000.00 | 1.69% | 4.61% | \$486,315.00 | \$487,310.00 | \$434,075.00 | -\$65,925.00 | |
| MACKAY PERMANENT BUILDING SOCIETY | Floating Rate Sub Debt | | 20-Nov-11 | \$500,000.00 | 1.69% | 4.19% | \$440,385.00 | \$441,990.00 | \$443,105.00 | -\$56,895.00 | |
| TOTAL WESTPAC INV. BANK | | | | \$1,000,000.00 | 3.37% | | \$926,700.00 | \$929,300.00 | \$877,180.00 | (\$122,820.00) | |

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

ATTACHMENT 1

| | | | | | | | | | |
|---|--------------------------|-----------|------------------------|----------------|--------------|------------------------|------------------------|------------------------|-------------------------|
| LONGREACH CAPITAL MARKETS | | | | | | | | | |
| LONGREACH SERIES 16 PROPERTY LINKED NOTE | Property Linked No AA | 7-Mar-12 | \$500,000.00 | 1.69% | 0.00% | \$417,950.00 | \$396,600.00 | \$402,300.00 | -\$97,700.00 |
| LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE | Property Linked Note | 7-Sep-12 | \$500,000.00 | 1.69% | 0.00% | \$406,650.00 | \$402,800.00 | \$403,800.00 | -\$96,200.00 |
| TOTAL LONGREACH CAPITAL | | | \$1,000,000.00 | 3.37% | | \$824,600.00 | \$799,400.00 | \$806,100.00 | (\$193,900.00) |
| COMMONWEALTH BANK | | | | | | | | | |
| EQUITY LINKED DEPOSIT | Equity Linked Note | 20-Sep-11 | \$500,000.00 | 1.69% | 3.00% | \$493,100.00 | \$490,650.00 | \$491,400.00 | -\$8,600.00 |
| EQUITY LINKED DEPOSIT GH100 | Equity Linked Note | 03-Aug-10 | \$500,000.00 | 1.69% | 3.00% | \$501,650.00 | \$507,600.00 | \$507,150.00 | \$7,150.00 |
| EQUITY LINKED DEPOSIT ELN SERIES 2 | Equity Linked Note | 05-Nov-12 | \$500,000.00 | 1.69% | 3.00% | \$483,150.00 | \$481,700.00 | \$480,050.00 | -\$19,950.00 |
| BENDIGO BANK SUBORDINATED DEBT | Floating Rate Sub Debt | 09-Nov-12 | \$500,000.00 | 1.69% | 4.57% | \$432,215.00 | \$433,415.00 | \$434,880.00 | -\$65,120.00 |
| BANK OF QUEENSLAND | Term Deposit | 12-Aug-10 | \$1,000,000.00 | 3.37% | 4.80% | | \$1,000,000.00 | \$1,000,000.00 | \$0.00 |
| BANK OF QUEENSLAND BOND | Bond | 16-Mar-12 | \$1,000,000.00 | 3.37% | 5.35% | | | \$1,000,000.00 | \$0.00 |
| TOTAL COMMONWEALTH BANK | | | \$4,000,000.00 | 13.49% | | \$1,910,115.00 | \$2,913,365.00 | \$2,913,480.00 | (\$86,520.00) |
| FIGI SECURITIES | | | | | | | | | |
| CREDIT SUISSE PRINCIPAL PROTECTED NOTE | Principal Protected Note | 21-Jun-10 | \$1,000,000.00 | 3.37% | 0.00% | \$951,600.00 | \$951,300.00 | \$953,300.00 | -\$46,700.00 |
| AQUADUCT AA- | Principal Protected Note | 30-Nov-14 | \$500,000.00 | 1.69% | 4.16% | \$330,300.00 | \$188,950.00 | \$185,910.00 | -\$314,090.00 |
| TELSTRA LINKED DEPOSIT NOTE | Term Deposit | 27-Apr-09 | \$1,000,000.00 | 3.37% | 4.29% | \$1,000,000.00 | \$1,000,000.00 | \$1,000,000.00 | \$0.00 |
| AUSTRALIAN DEFENCE CREDIT UNION | Term Deposit | 09-Sep-09 | \$1,000,000.00 | 3.37% | 4.20% | | | \$1,000,000.00 | \$0.00 |
| TOTAL FIGI SECURITIES | | | \$3,500,000.00 | 11.80% | | \$2,281,900.00 | \$2,140,250.00 | \$2,139,210.00 | (\$360,790.00) |
| MAITLAND MUTUAL | | | | | | | | | |
| | Floating Rate Sub Debt | 30-Jun-13 | 500,000.00 | 1.69% | 4.64% | \$500,000.00 | \$500,000.00 | \$500,000.00 | \$0.00 |
| | Term Deposit | 25-May-09 | 556,584.50 | 1.88% | 4.30% | 548,292.61 | 556,584.50 | 556,584.50 | \$0.00 |
| | Floating Rate Sub Debt | 31-Dec-14 | 500,000.00 | 1.69% | 4.63% | \$500,000.00 | \$500,000.00 | \$500,000.00 | \$0.00 |
| TOTAL M'LAND MUTUAL | | | \$1,556,584.50 | 5.25% | | \$1,548,292.61 | \$1,556,584.50 | \$1,556,584.50 | \$0.00 |
| TOTAL INVESTMENTS | | | \$30,186,961.48 | 101.79% | | \$19,069,151.49 | \$20,068,705.30 | \$19,046,788.30 | (\$9,140,173.18) |
| AVERAGE RATE OF RETURN ON INVESTMENTS | | | | | 2.81% | | | | |
| CASH AT BANK | | | (\$530,586.50) | -1.79% | 3.20% | \$3,146,915.53 | \$2,363,722.41 | (\$530,586.50) | \$0.00 |
| AVERAGE RATE OF RETURN ON INVESTMENTS + CASH | | | | | 2.44% | | | | |
| TOTAL CASH & INVESTMENTS | | | \$29,656,374.98 | 100.00% | | \$22,216,067.02 | \$22,432,427.71 | \$18,516,201.80 | (\$9,140,173.18) |
| 3BSW FOR PREVIOUS 3 MONTHS | | | | | 3.34% | | | | |

* Lehman Brothers is the swap counterparty to these transactions and as such the deals are in the process of being unwound. No valuation information is available.

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.

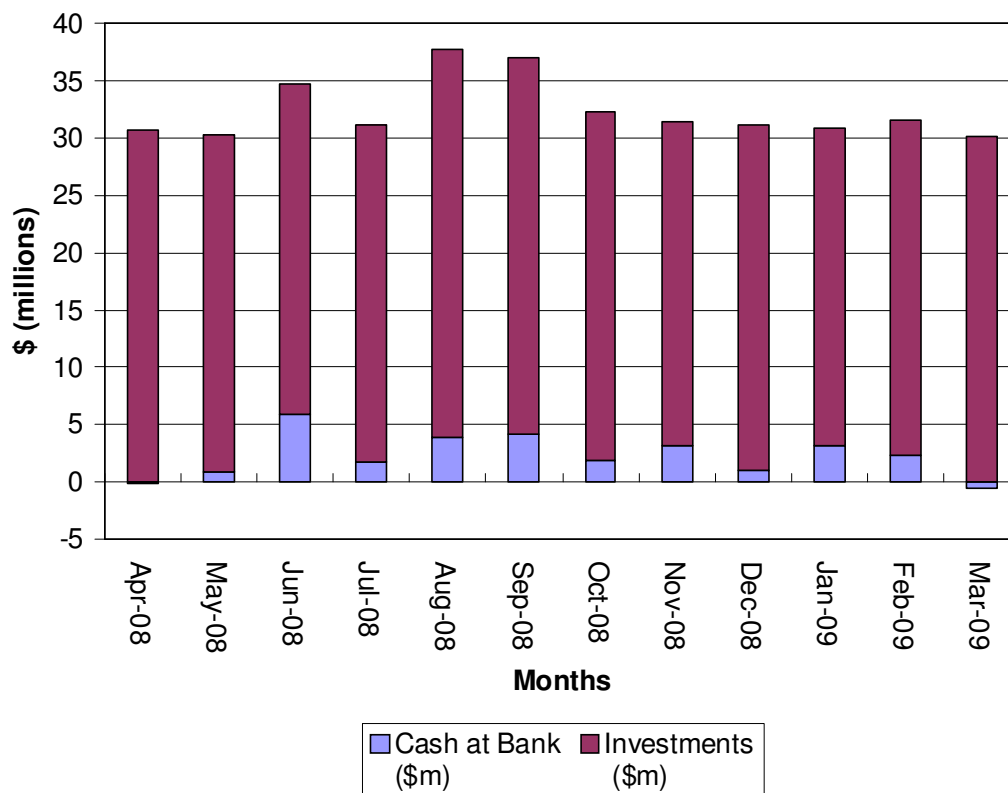
P GESLING

ATTACHMENT 2

Cash and Investments Held

| Date | Cash at Bank (\$m) | Investments (\$m) | Total Funds (\$m) |
|--------|--------------------|-------------------|-------------------|
| Apr-08 | 0.146 | 30.783 | 30.637 |
| May-08 | 0.889 | 29.407 | 30.296 |
| Jun-08 | 5.899 | 28.907 | 34.806 |
| Jul-08 | 1.780 | 29.407 | 31.187 |
| Aug-08 | 3.939 | 33.846 | 37.785 |
| Sep-08 | 4.141 | 32.918 | 37.059 |
| Oct-08 | 1.934 | 30.418 | 32.352 |
| Nov-08 | 3.234 | 28.179 | 31.412 |
| Dec-08 | 1.031 | 30.179 | 31.210 |
| Jan-09 | 3.147 | 27.683 | 30.830 |
| Feb-09 | 2.364 | 29.187 | 31.551 |
| Mar-09 | 0.531 | 30.187 | 29.656 |

Cash and Invested Funds for the Period ended 31/3/2009

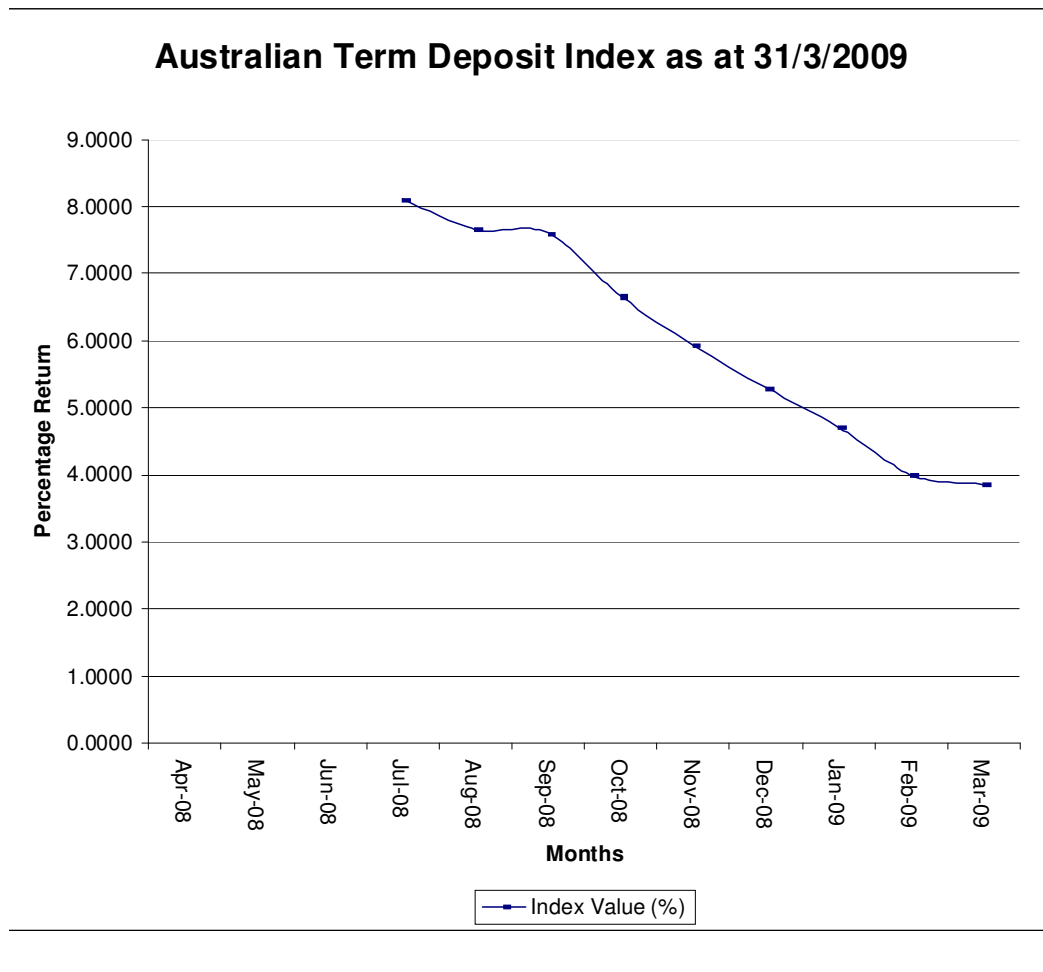


ATTACHMENT 2

Australian Term Deposit Accumulation Index

| Date | Index Value (%) |
|--------|-----------------|
| Apr-08 | |
| May-08 | |
| Jun-08 | |
| Jul-08 | 8.1102 |
| Aug-08 | 7.6563 |
| Sep-08 | 7.6020 |
| Oct-08 | 6.6626 |
| Nov-08 | 5.9328 |
| Dec-08 | 5.2972 |
| Jan-09 | 4.7113 |
| Feb-09 | 4.0024 |
| Mar-09 | 3.8542 |

Australian Term Deposit Index as at 31/3/2009



STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: PSC2007-1441

REZONING REQUEST FOR 60 PORT STEPHENS DRIVE

REPORT OF: TREVOR ALLEN – MANAGER INTEGRATED PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to prepare a draft amendment to the Port Stephens Local Environmental Plan 2000 to rezone Lot 100, DP 1121428, 60 Port Stephens Drive, Taylors Beach to 7(a) Environment Protection and 4(a) Industrial (**Attachment 1**).

COMBINED STRATEGIC & OPERATIONS COMMITTEE – 12TH May 2009

RECOMMENDATION:

| | | |
|--|---|---|
| | Councillor John Nell Councillor Geoff Dingle | That the draft amendment to the Port Stephens Local Environmental Plan 2000 to rezone Lot 100, DP 1121428, 60 Port Stephens Dr, Taylors Beach be refused. |
|--|---|---|

The motion on being put was lost.

| | | |
|--|--|-------------------------------------|
| | Councillor Bruce MacKenzie Councillor Shirley O'Brien | That the recommendation be adopted. |
|--|--|-------------------------------------|

In accordance with the Local Government Act 1993, a division is required for this item.

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

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

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|--|---|---|
| | Councillor John Nell Councillor Geoff Dingle | That the draft amendment to the Port Stephens Local Environmental Plan 2000 to rezone Lot 100, DP 1121428, 60 Port Stephens Dr, Taylors Beach be refused. |
|--|---|---|

In accordance with the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Councillors Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury, Sally Dover and Bruce MacKenzie.

The motion on being put was lost.

| | | |
|--|---|---|
| | Councillor Glenys Francis Councillor John Nell | That Council:- <ol style="list-style-type: none">1. That the recommendation be adopted.2. Direct the General Manager to insert clauses into this Draft LEP to require the future development of this site to include a dense landscaped screening along the boundary with the road reserve of Port Stephens Drive. |
|--|---|---|

In accordance with the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Councillors Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury, Sally Dover and Bruce MacKenzie.

The amendment on being put was lost.

| | | |
|-----|--|--|
| 157 | <p>Councillor Bruce MacKenzie Councillor Daniel Maher</p> | <p>It was resolved that Council prepare a draft amendment to the Port Stephens Local Environmental Plan 2000 to rezone Lot 100, DP 1121428, 60 Port Stephens Drive, Taylors Beach to 7(a) Environment Protection and 4(a) Industrial (Attachment 1).</p> |
|-----|--|--|

The motion on being put was carried.

In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury, Sally Dover and Bruce MacKenzie.

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

BACKGROUND

The purpose of this report is to advise Council of a request to rezone land at 60 Port Stephens Drive, Taylors Beach.

Owner: Eureka 1 Project 17 Pty Ltd

Proponent: As above

Date of Submission: December 2008

Subject Land: Lot 100 in DP 1121428

Current Zones: 4(a) Industrial and 1(a) Rural Agriculture (**Attachment 2**)

Proposed Zones: 4(a) Industrial and 7(a) Environment Protection (**Attachment 1**)

Council has received a request to rezone land at Taylors Beach industrial area. The majority of the site is already zoned for industrial development. The request is to rezone additional areas of land on the site to 4(a) Industrial, and rezone the remainder of the site to 7(a) Environment Protection. The proponent submits that the rezoning will facilitate an improved industrial subdivision.

It should be noted that a previous rezoning request for the site was lodged in April 2007 seeking to expand the area zoned 4(a) Industrial and retain some areas zoned

1(a) Rural Agriculture. Consideration of that request was delayed then stopped following the alleged illegal clearing of the land between August 2006 and April 2007. Council entered into negotiation with the landowner to rehabilitate the site and a Deed of Agreement has been made to ensure this occurs.

DEED OF AGREEMENT

The Deed of Agreement was exchanged on the 15th April 2009 and ensures that an important wildlife corridor on the southern boundary of the site is restored. Just as importantly the Deed also dictates that this corridor is dedicated to Council ensuring its long term survival. The ecological value of the corridor is recognised in the request to rezone this area to environmental protection. The size of this wildlife corridor is approximately 2.1ha, the same size of the original 1a land that was cleared without approval.

The Deed also contains detailed specifications as to how the wildlife corridor is to be restored and maintained and ensures that the restoration of the corridor is to occur before its transfer to Council. If this does not occur to an appropriate standard Council can call upon a bond already lodged with council.

In addition to the above public benefits the Deed ensures that the developer enter into a voluntary planning agreement to provide for a \$20,000 contribution to council to be applied to native vegetation regeneration works in the Port Stephens LGA. This contribution is additional to all section 94 contributions.

DEVELOPMENT APPLICATION 16-2007-1065-1

It is important to note that the majority of the site, approximately 7.9 hectares, is already zoned for industrial development and a development application is under assessment for 38 industrial lots on the site. The assessment and potential approval of the development application does not rely on the rezoning of the land.

FINANCIAL/RESOURCE IMPLICATIONS

Stage 1 rezoning fees have been paid. Stage 2 fees will be sought from the proponent if the rezoning request proceeds to public exhibition. Council staff time will be spent processing the proposed draft LEP.

LEGAL AND POLICY IMPLICATIONS

The request is consistent with the Deed of Agreement, exchanged between Council and the landowner on 15th April 2009, to rehabilitate that part of the site proposed to be zoned 7(a) Environment Protection.

The request is consistent with the intent of the Lower Hunter Regional Strategy 2006 and the Port Stephens Community Settlement and Infrastructure Strategy 2007. It is a comparatively minor adjustment to zone boundaries in an existing industrial area.

SUSTAINABILITY IMPLICATIONS

SOCIAL AND ECONOMIC IMPLICATIONS

The purpose of the rezoning request, as stated in the rezoning report submitted by the developer, is to "...facilitate improved land use outcomes and for the site and to facilitate efficient use of the land for industrial purposes". The draft LEP will facilitate industrial development immediately adjacent to Port Stephens Drive increasing its exposure to passing motorists and increasing economic benefits in the form of employment and the provision of products and services for the Tomaree Peninsula.

ENVIRONMENTAL IMPLICATIONS

The site was cleared without consent on between approximately August 2006 and April 2007. Part of the site adjacent to Port Stephens Drive is proposed for rezoning to 4(a) Industrial. Prior to being cleared approximately 2.1ha of the site comprised Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, an Endangered Ecological Community (ECC) listed under the Threatened Species Act 1995. It was also an area of preferred koala habitat identified under the Port Stephens Comprehensive Koala Plan of Management and a known wildlife corridor.

To account for the loss of the EEC 2.1 hectares of the site is proposed to be rezoned to 7(a) Environment Protection (**Attachment 2**) and be revegetated. The land owner has initiated the rehabilitation works of the 2.1ha in accordance with the Deed of Agreement. Although more than the 2.1ha was cleared the majority of the site already zoned 4a industrial and had relatively few less environmental constraints. The restoration and projection of the 2.1ha wildlife corridor ensures the corridors viability while still allowing for an effective sub division layout.

CONSULTATION

Council's Environment Services section supports the rezoning request on the basis that it is consistent with the Deed of Agreement.

Council officers met with representatives of the developer and DECC on 16th March 2009 to discuss the Deed of Agreement over the site. DECC advised at the meeting and via letter dated 25th March 2009 (**Attachment 4**) that it does not support the rezoning of lands along Port Stephens Drive due to likely adverse impacts on threatened species. DECC's opposition to the rezoning mainly relates to the agreed wildlife corridor not being identical in location to the original area occupied by the EEC and their concern that the new corridor layout will not completely counteract the vegetation that was lost. Although the size of the wildlife corridor is commensurate the layout has been amended to allow for a more effective sub division layout.

If Council resolves to prepare a draft LEP over the site and it receives the approval of the NSW Department of Planning's LEP Review Panel to progress, additional

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

consultation will occur with government authorities including the DECC. The draft LEP will also be placed on public exhibition.

OPTIONS

- 1) Not adopt the recommendations
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Proposed Zoning Map
- 2) Existing Zoning Map
- 3) Aerial photograph
- 4) Advice from DECC dated 25th March 2009

COUNCILLORS ROOM

- 1) Rezoning Report (Orogen Pty Ltd December 2008)

TABLED DOCUMENTS

Nil

ITEM NO. 2

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 12th May 2009.

| No: | Report Title | : |
|------------|---------------------------------------|----------|
| 1 | DEVELOPMENT OF MOBILE FOOD VAN POLICY | |

COMBINED STRATEGIC & OPERATIONS COMMITTEE – 12TH May 2009

RECOMMENDATION:

| | | |
|--|---|--|
| | Councillor John Nell Councillor Bob Westbury | That the recommendation be adopted and include nominations from Councillors at the Ordinary Council meeting in May 2009 for memberships on the proposed small working party. |
|--|---|--|

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|------------|--|---|
| 158 | Councillor Ken Jordan Councillor Glenys Francis | It was resolved that the recommendation be adopted and that Councillors Francis and Westbury be Council delegates on the small working party. |
|------------|--|---|

STRATEGIC COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

DEVELOPMENT OF A MOBILE FOOD VAN POLICY

**REPORT OF: BRUCE PETERSEN – MANAGER, ENVIRONMENTAL SERVICES
FILE: A2004-0217**

BACKGROUND

The purpose of this report is to provide an update on progress with the development of a Mobile Food Van Policy for this Council.

Mobile food vans operate within Port Stephens in a number of ways including:

- Food vans that visit private properties in industrial and commercial areas and provide drinks, sandwiches, and confectionary.
- Ice cream vans that work from road reserves, parks and private land.
- Coffee vans that mostly attend outdoor functions such as sporting and charity events.
- Food vans that are operated by not-for-profit groups such as Rotary and Lions Clubs.
- Food vans that serve hot and cold foods and operate in a number of locations including private land, parks, reserves and road reserves.
- Dedicated food vans associated with special events such as the circus.

When considering the issue of mobile food vans, a number of matters need to be investigated such as food hygiene matters, road safety (for vans parked on road reserves etc), the impact on existing commercial businesses operating in the area and the legitimate demand/ need for these types of services in some circumstances. The Policy should consider at least:

- Food hygiene requirements (operational and vehicle design). It should be noted that the NSW Food Authority is currently drafting guidelines for mobile food vending vehicles.
- The need to licence some vans under the Food Act.
- Road safety matters particularly on road reserves.
- The type of food vans that are permitted in certain areas.
- Possible restrictions on some types of food vans operating in areas that are considered inappropriate or that unfairly compete with existing commercial food outlets.

- The need to acknowledge the legitimate use of dedicated food vans in some circumstances.
- The need for a DA in some cases.

It is proposed that a small working group of staff and Councillors work on the development of a mobile Food van policy so that all relevant issues are covered. This approach has worked well with a number of projects including a recent example: the draft Parking Policy.

ATTACHMENTS

Nil

GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1

FILE NO: PSC2005-5185

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
 - a) Port Stephens Veterans Golfers Association – 2009 Golf Tournament Donation - \$1,000 – Mayoral
 - b) Cancer Council – Reimbursement of Facilities Fees - \$300 – East Ward
 - c) Tilligerry RSL & Sports Club - Cancer Council Fundraiser - \$500 – Mayoral
 - d) Rotary Club of Nelson Bay – Rotary Youth Driver Awareness Training - \$1,800 – East Ward
 - e) Tilligerry Tidy Town Landcare – Donation to assist with reconstruction works at Tilligerry Creek - \$5,000 – Central Ward

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|------------|--|---|
| 159 | Councillor John Nell Councillor Sally Dover | It was resolved that the recommendation be adopted with the inclusion of the donation to the Karuah Chamber of Commerce for the Music Festival in the amount of \$1200. |
|------------|--|---|

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.

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

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 listed below were considered by the former Ward Councillors and approved however these were not reported to Council prior to the Local Government election. Due to the timing Items (a) and (b) have been approved by the General Manager and are before Council for ratification by Council.

The requests for financial assistance are shown below:-

MAYORAL DONATIONS

| | | |
|--|-------------------------------|---------|
| Port Stephens Veterans Golfers Association | 2009 Golf Tournament Donation | \$1,000 |
| Tilligerry RSL & Sports Club | Cancer Council Fundraiser | \$500 |

EAST WARD – Councillors Nell, Westbury, Dover & Ward

| | | |
|---------------------------|--|---------|
| Cancer Council | Reimbursement of Facilities Fees | \$300 |
| Rotary Club of Nelson Bay | Rotary Youth Driver Awareness Training | \$1,800 |

CENTRAL WARD – Councillors Dingle, MacKenzie, O'Brien, Tucker

| | | |
|-------------------------------|--|---------|
| Tilligerry Tidy Town Landcare | Donation to assist with reconstruction works at Tilligerry Creek | \$5,000 |
|-------------------------------|--|---------|

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function which it, the Council, would otherwise undertake;
- b) the funding will directly benefit the community of Port Stephens;

- c) applicants do not act for private gain.

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

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

BUSINESS EXCELLENCE FRAMEWORK

This aligns with the following ABEF Principles.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Mayor
Councillors

OPTIONS

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

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 2

FILE NO: PSC2006-1228

GOODS AND SERVICES TAX CERTIFICATE

REPORT OF: DAMIEN JENKINS - FINANCIAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

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

ORDINARY COUNCIL – 19TH MAY 2009

| | | |
|------------|---|---|
| 160 | Councillor John Nell Councillor Ken Jordan | It was resolved that the recommendation be adopted. |
|------------|---|---|

BACKGROUND

The purpose of this report is to assist compliance with Section 114 of the Commonwealth Constitution; Council is required to provide a Goods and Services Tax Certificate certifying the following:

Voluntary GST has been paid by Port Stephens Council for the period 1 May 2008 to 30 April 2009.

Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.

No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

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

Accordingly, Councils are requested to provide the Department of Local Government with this Certificate before 1 June 2009 to enable the Department to

provide the advice to NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

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

LINKS TO CORPORATE PLANS

The links to the 2008-2012 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

Nil

LEGAL AND POLICY IMPLICATIONS

Nil

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 culture 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

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Nil

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Council Goods and Services Tax Certificate

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

PORT STEPHENS COUNCIL

GOODS AND SERVICES TAX CERTIFICATE

Payment of Voluntary GST 1 May 2008 to 30 April 2009

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

- Voluntary GST has been paid by Port Stephens Council for the period 1 May 2008 to 30 April 2009.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on 19 May 2009.

P Gesling
General Manager/
Responsible Accounting
Officer

B MacKenzie
Mayor

B Westbury
Councillor

ITEM NO. 3

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 19TH May, 2009.

No: Report Title

- 1 SUBMISSION TO THE AUSTRALIAN GOVERNMENT DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS – A NATIONAL WASTE POLICY: MANAGING WASTE TO 2020
-

ORDINARY COUNCIL – 19TH MAY 2009

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| 161 | Councillor Ken Jordan Councillor Shirley O'Brien | It was resolved that the recommendation be adopted. |
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GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

SUBMISSION TO THE AUSTRALIAN GOVERNMENT DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS – A NATIONAL WASTE POLICY: MANAGING WASTE TO 2020.

REPORT OF: MICK LOOMES - MANAGER ENGINEERING SERVICES
FILE: PSC2005-2662

BACKGROUND

Waste management in Australia is currently managed at the state and local level. Many states and territories have adopted their own strategies, objectives, targets, legislation and regulations for the management of waste.

The Australian Government is developing a national waste policy for Australia to introduce consistent principles and regulation for the municipal, commercial and industrial and construction and demolition waste streams. In this process it is seeking input on what are the priority issues and how these should be managed.

The Australian Government requested feedback on a number of questions to which responses have been prepared on Council's behalf and are included in Attachment 1.

ATTACHMENT

- 1) Submission to Australian Government Department of the Environment, Water, Heritage and the Arts "A National Waste Policy: Managing Waste to 2020"

ATTACHMENT 1

SUBMISSION TO AUSTRALIAN GOVERNMENT DEPARTMENT OF ENVIRONMENT, WATER, HERITAGE AND THE ARTS “A NATIONAL WASTE POLICY: MANAGING WASTE TO 2020”

Waste Policy Taskforce
Department of the Environment, Water, Heritage and the Arts
GPO Box 787
CANBERRA ACT 2601
Email: wastepolicy@environment.gov.au

Background

Port Stephens Council is located in New South Wales, approximately 200 kilometres north of Sydney.

The Council currently operates two waste transfer stations. It out-sources the collection of kerbside waste and recycling services and the processing of its municipal waste stream at Australia’s first advanced waste technology – SITA Bedminster Composting plant.

There are no longer any operating landfills owned by Port Stephens Council. The area is serviced by one privately owned landfill in Raymond Terrace.

1. Are there opportunities to further coordinate, harmonise or streamline approaches to waste management across jurisdictions?

1.1. Response:

1.1.1. Review and align definitions of waste types and classification across all states and territories.

1.1.2. Strategic development of infrastructure between states to process recycling and mixed municipal waste

1.1.3. Coordinate waste processing and disposal across groups of local government areas to create economies of scale for long term advanced waste technology contracts.

2. Are the categories, definitions and standards used to manage waste between and within the different levels of government effective and appropriate?

2.1. Response:

2.1.1. Australian Standards for mobile waste containers, AS 4123.6-2006 and AS 4123.7-2006 are adequate.

2.1.2. Definitions of waste types seem to differ between states.

3. Do the current waste management frameworks across jurisdictions:

3.1. Deliver an effective regulatory framework?

3.1.1. Response:

3.1.1.1. In NSW the regulatory framework for applying waste to land has caused significant additional operational cost to local government’s civil engineering operations. Specifically, by defining “waste” as just about anything that is not wanted after a process is complete, the process for local government civil engineers to stockpile and reuse road building materials has become cumbersome and costly. Once reusable

material is now classified as waste to be land filled only, therefore, ironically, creating more waste from this process. Consideration needs to be given to reducing this cost burden on local government in NSW in light of the inability of councils to raise rates above the rate cap to recover this extra cost in waste levy and disposal fees.

3.2. Provide an appropriate suite of approaches to address waste and resource recovery issues?

3.2.1. Response:

3.2.1.1.No comment.

3.3. Work effectively in conjunction with planning and other environmental legislation?

3.3.1. Response:

3.3.1.1.No comment.

3.4. Provide the right incentives to manage materials, products and waste sustainably and holistically?

3.4.1. Response:

3.4.1.1.In NSW the main incentive to manage materials sustainably is the avoidance of the waste levy. Evidence suggests that the NSW waste levy has provided a significant incentive to design new methods of recycling and new markets for recycled materials. Consideration should be given to returning more of the revenue from the NSW waste levy back to local government in order to bridge the intergenerational equity gap surrounding the full cost of remediation of old decommissioned landfill sites.

3.5. Need improving, and if so, how could this be done?

3.5.1. Response:

3.5.1.1.Consideration needs to be given to reducing the cost burden on local government from NSW waste regulations in NSW in light of the inability of councils to raise rates above rate cap to recover the extra cost in waste levy and disposal fees from stockpiled road materials.

3.5.1.2.Consideration should be given to returning more of the revenue from the NSW waste levy back to local government in order to bridge the intergenerational equity gap surrounding the full cost of remediation of old decommissioned landfill sites.

3.5.1.3.Consideration should be given to providing reward incentives to those local government bodies that achieve high levels of resource recovery.

4. In the 1992 National Strategy for Ecologically Sustainable Development COAG endorsed the strategies and objectives for a national approach to waste management. Looking ahead to the next decade, how could these strategies and objectives be updated to provide the basis for a national waste policy that responds to current and future challenges and opportunities?

4.1. Response:

4.1.1. Strong support of voluntary national Extender Producer Responsibility (EPR) Schemes for priority wastes of concern by a defined time frame. Specifically, electronic wastes, container deposit legislation, motor oils and lubricants, single use plastics.

5. What waste issues would most benefit from a national approach? What strategies could be considered and how could the need for local solutions be integrated with a national approach?

5.1. Response:

5.1.1. Introduce and regulate EPR (including Container Deposit Legislation) at a national level and deliver the results at a local level.

6. Are there waste management initiatives in operation overseas that could apply in the Australian context? If so, which ones and why?

6.1. Response:

6.1.1. There is an opportunity for more areas of Australia to use recovered organics from mixed waste in agriculture - if the regulatory criteria on compost quality are re-assessed. Specifically, areas with poor quality soils would benefit from greater access to these recovery organics.

7. Australia needs to safely manage hazardous waste and waste containing hazardous materials over the long term. Are there any changes to current arrangements that would improve Australia's capability to safely manage hazardous waste, for example, in regard to adequate infrastructure or disclosing the contents of goods and substances?

7.1. Response:

7.1.1. Review and align definitions of hazardous waste types across all states and territories.

8. There are a number of approaches to product stewardship operating in Australia. What, if any, role is there for a national approach and what would be the costs, benefits, opportunities and focus of such an approach?

8.1. Response:

8.1.1. EPR schemes appear to work best if coordinated at a national level. The benefits of coordinating EPR schemes at a national level are greater management of cradle to grave plans for materials that cross state and country borders.

8.1.2. National EPR schemes should be focused on those wastes and materials that are common and problematic across the majority or all states.

9. What models might work in Australia?

9.1. Response:

9.1.1. Examples of EPR schemes that have been successful and could be used as a model for a National EPR program include: Mobilemuster and drumMUSTER. It is important that industry has the opportunity to develop the EPR schemes voluntarily before it is enforced upon them.

9.1.2. The Australian Government's role should be to identify wastes of concern and task the specific manufacturing industry with a date by which they should develop a voluntary EPR scheme.

10. Are there any aspects of waste management that could be improved or streamlined through adopting national standards?

10.1. Response:

10.1.1. Efficiencies could be obtained by consolidating existing guidelines and standards developed at a state level into a National set of standards.

10.1.2. Currently there seems to be uncontrolled use of the mobious loop symbol which leads to confusion amongst the wider community. This confusion needs to be checked in order to maintain confidence in domestic recycling systems. It is recommended that a National approach to regulating the use of the “mobious loop” symbol be considered to ensure that there are markets for the product that display the symbol.

11. What fundamental data does Australia need to collect to better inform waste management policies, practices, investment, and business operations and to assess and manage risk?

11.1. Response:

11.1.1. Analysis of the composition of different waste streams before and after processing is available from local government in NSW through the annual returns to the NSW government.

11.1.2. A non exhaustive list of data required to develop well informed waste policies would include: waste types and quantities, where waste is generated, chemical and physical composition of waste types, current disposal and recycling practices, residual waste from recycling and processing and demographics of waste generation.

12. What, if any, place should there be for approaches that seek to avoid waste through changes in design, production processes and transport?

12.1. Response:

12.1.1. Local and state government have very little influence on the design and production of products to achieve waste avoidance. Greater influence on avoiding wastage and waste at the design phase of production would be better achieved through a National approach. Particularly through greater input into reducing planned obsolescence in electronic wastes.

13. What changes could be made to improve management of the municipal waste stream and those of the commercial and industrial sector and the construction and demolition sector?

13.1. Responses:

13.1.1.1. Municipal

13.1.1.1.1. Economies of scale are essential for the success of alternative waste technologies. Regional approaches to municipal waste treatment and processing are necessary and should be encouraged where synergies between local government areas can be found.

13.1.1.2. Commercial and Industrial

13.1.1.2.1. Support of innovation for the way in which food and paper waste is collected and processed for reuse and recycling from the commercial sector.

14. Landfill is currently the primary means of waste disposal. What, if any, changes need to be made to manage Australia’s waste stream in the long term given current trends in the volume and nature of the waste?

14.1. Response:

14.1.1. Increase reliance on advanced waste technologies for the recovery of organic matter.

14.1.2. Increase recovery of energy from waste streams that have suitable calorific value

14.1.3. Acquire sites for future landfilling of residual wastes.

14.1.4. Develop methods of ‘mining’ organic matter and other valuable materials from old landfill sites.

15. Reducing the amount of organic waste sent to landfill has the potential to contribute to reducing greenhouse gas emissions as well as other potential environmental and economic benefits. What are the benefits and opportunities, costs and disadvantage of increased diversion and/or recycling of organic wastes?

15.1. Response:

15.1.1. Refer to current research on this topic.

16. What, if any, changes are needed to the way e-waste is managed?

16.1. Response:

16.1.1. Given the high volumes and high level of toxicity of electronic wastes in landfill is it recommended that a National EPR be developed with relevant industries for 'e' wastes

17. The Carbon Pollution Reduction Scheme will apply to emissions from landfill. Are there related approaches that would complement the scheme and thus contribute to meeting the emissions targets and the timeframes set in the Australian Government's climate change policy?

17.1. Response:

17.1.1. No comment.

18. What are the opportunities to reduce water and energy use through the way waste is managed?

18.1. Response

18.1.1. No comment.

19. In what ways can waste management and resource recovery (including recycling, reprocessing, re-manufacturing) industries add further value to the economy and create employment?

19.1. Response

19.1.1. No comment

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 + A2004-0519

NAMING OF BASEBALL DIAMOND AT BRANDON PARK

COUNCILLOR: CR KEN JORDAN

THAT COUNCIL:

- 1) Support the naming of the baseball diamond at Brandon Park to be **lan** **"MACCA" McMurray Diamond**.
-

ORDINARY COUNCIL – 19TH MAY 2009

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| 162 | Councillor Ken Jordan Councillor Daniel Maher | It was resolved that there be no objection the Notice of Motion be adopted. |
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BACKGROUND REPORT OF: JASON LINNANE – RECREATION SERVICES MANAGER

BACKGROUND

The Storm Baseball Club submitted a proposal to Rural West Sports Council to name the baseball diamond at Brandon Park after the late Ian McMurray. Ian passed away last year.

He was a founding member of the Storm Baseball Club, a very active committee member and a committed, enthusiastic groundsman. He prided himself on having Brandon Park looking perfect for every game for juniors, minors and majors.

Rural West Sports Council unanimously agreed that the baseball diamond should be named Ian MACCA McMurray Field following consultation and approval from Ian's family.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217 + PSC2007-1441

REZONING REQUEST 60 PORT STEPHENS DRIVE

COUNCILLOR: FRANK WARD

THAT COUNCIL:

- 1) Resolve to include the prohibition of bulky goods retailing in the draft amendment to rezone Lot 100 DP 1121428, 60 Port Stephens to 7(a) Environmental Protection and 4 (a) Industrial.
-

ORDINARY COUNCIL – 19TH MAY 2009

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| | Councillor Frank Ward Councillor John Nell | That the Notice of Motion be adopted. |
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In accordance with the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury, Sally Dover and Bruce MacKenzie.

The motion on being put was lost.

BACKGROUND REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING

BACKGROUND

Council is currently considering a rezoning request for 60 Port Stephens Drive Taylors beach to change the boundary of the 4(a) Industrial zone on the site and zone part of the site 7(a) Environment Protection.

Bulky goods retailing falls under the definition of a bulky goods sales room or showroom under the Port Stephens Local Environmental Plan 2000 (the LEP). A bulky goods sales room or showroom is defined as:

a building or place used for the retail sale or auction, or the hire or display of goods or materials which are of a size, shape or weight requiring:

- (a) a large area for handling, storage or display, or*
- (b) direct vehicular access to the site by the public, for loading items into their vehicles after purchase,*

but does not include a building or place used for the sale of foodstuffs or clothing.

Bulky goods sales room or showrooms are permissible, with consent, within the 3(a) Business and 4(a) Industrial zone.

Clause 25 of the LEP requires that consent cannot be granted in the 4(a) zone unless the consent authority (Council) is satisfied that:

- (a) there is a need for development for that purpose in the zone,*
- (b) having regard to the objectives of the zone and the number of retail outlets that exist within (or are proposed for) the zone, the carrying out of the proposed development is appropriate, and*
- (c) the carrying out of the proposed development will not have a substantial adverse effect on existing business centres or on adjoining residential properties.*

Matters for consideration

The Notice of Motion raises the following matters for Council's consideration:

- Whether or not it is appropriate to exclude bulky goods sales rooms or showrooms from the 4(a) zone on a site specific basis and the potential impact on meeting future demands for bulking goods retailing.
- What particular circumstances give rise for the need to exclude bulking goods retailing from the subject site and how does this differ from other 4(a) zones.
- Potential implications relating to loss of existing development potential if bulky goods sales rooms or showrooms are prohibited on the site.
- Whether or not clause 25 of the LEP is effective to ensure bulky goods retailing is appropriately located on all land zoned 4(a) Industrial in Port Stephens.
- The need for a strategic policy framework that provides guidance to Council, the community, landowners and the development industry on how to accommodate; the current and future diversification of retailing formats within existing Business 3(a) and Industrial 4(a) zones across the LGA; the land take for future growth in retailing and employment relative to population growth; and, how to maintain and protect the financial viability of existing

business owners/operators within existing town centres across the LGA and hence the economic and social sustainability of these centres.

Planning Comments

The issues raised by the Notice of Motion indicate that a broader review of bulky goods retailing and its suitability in the 4(a) zone is warranted. Such a broader review will enable Council to make an informed decision as to the effects of excluding bulky goods from the subject land or the broader implications for satisfying current demand.

At present, the location of bulky goods in the 4(a) zone is reliant on the suitability test under clause 25 of the LEP. This clause enables Council to consider the appropriateness of a particular bulky goods sales rooms or showrooms at the development application stage. Recent experience is that this clause has not provided clear direction in decision making on bulky goods sales rooms or showrooms in the 4(a) zone.

Work currently being undertaken as part of the Port Stephens Comprehensive LEP process due by 2011 will address the issue of bulky goods retailing in the 4(a) Industrial zone and address the issues raised in the Background Report.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: A2004-0217; PSC2005-3544

REMOVE ACCESS GATE BLOCKING THE ACCESS TO MALLABULA WHARF

COUNCILLOR: STEVE TUCKER

THAT COUNCIL:

- 1) Undertake to remove the access gate blocking the access to Mallabula Wharf.
-

ORDINARY COUNCIL – 19TH MAY 2009

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| | Councillor Steve Tucker Councillor Daniel Maher | That the Notice of Motion be adopted. |
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AMENDMENT:

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| 163 | Councillor Glenys Francis Councillor Peter Kafer | It was resolved that the Notice of Motion be deferred to the Ordinary Meeting of Council in June 2009 to allow for a Works Inspection onsite and consultation with the community. |
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The motion on being put was carried.

COUNCILLORS COMMENTS

A Recreational Fishing Grant was received under the Commonwealth Community Grants Programme in 2006 to restore the Mallabula Wharf.

The stated basis for this project was:

“Completion of the project will provide the Mallabula and Tanilba Bay communities with a safe and accessible jetty from which fishing can continue to take place. In addition to the prime public benefit of enhancing sustainable recreational fishing in our communities, the project will also have the following public benefits:-

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

- Provide the only jetty on the Tanilba Bay and Mallabula foreshore at which small craft can transfer passengers.
- Provide a vital emergency services asset for the transfer of casualties from boat to land ambulance.
- Provide the only seaward evacuation point for Mallabula residents cut off by bushfire.
- As part of the planned system of coastal walks, enhance the tourist experience.
- Continue to provide a suitable location for automatic tide measuring equipment.
- Often used by local residents as a place of peace and contentment and to enjoy the views and sunsets.
- Has been used in the past by Department of Environment and Conservation for rescue of endangered sea life (turtles and other environmental and sustainable fishing research projects such as dolphin census).
- Land Department maps surveyed in February 1886 show a jetty of some sort at this location. While it is not claimed that the existing jetty circa 1886, the location has significant heritage value making it all the more important to restore the jetty"

The access road has now been blocked limiting access to the general public. Access by even moderately disabled people is all but impossible due to the steep grade and unsealed nature of the access road.

BACKGROUND REPORT OF: MIKE TRIGAR – GROUP MANAGER, FACILITIES AND SERVICES

BACKGROUND

The original wharf and existing boat ramp at this Mallabula location were both unauthorised and illegal. The wharf was also in dangerous disrepair. The boat ramp was not built to the appropriate standard making it a hazard and further it was dangerous to use in certain prevailing weather conditions. Access and parking to the wharf and boat ramp were also problematic. Both structures were not under the care and responsibility of Port Stephens Council but of NSW Crown Lands. When NSW Crown Lands originally approached Council to takeover the wharf, it was initially rejected because of these inherent problems.

However, some of the local community wished to retain the wharf so despite the serious ongoing concerns about the community's application for the recreational fishing grant as outlined above was finally sponsored. Some considerable funds from Council of around \$69,000 were added to the \$44,000 in Federal and State grants to construct the new wharf.

For the concerns above, it was never envisaged that the boat ramp would continue to be used, hence the access barrier at the top of the unsealed road leading to the new wharf and ramp. In fact, the closure of access to this area by road was part of

MINUTES FOR ORDINARY MEETING – 19 MAY 2009

the Development Approval (DA) for the wharf. It should be noted that Council received no comments on this at the time of the DA process.

Apart from the safety concerns, it is unlikely that approval for the ramp would be given by the Marine Parks Authority (MPA) due to the adjacent MPA sanctuary zone, sea grass beds and the very shallow water in the area. The two Licensed Boat Ramps in the area nearby are or the 1km to Tanilba Bay, 1 km away and Lemon Tree Passage, 4 km away.

The Mallabula Parks Committee is fully aware of the Council closing access and has encouraged this closure for a variety of reasons including inappropriate behaviour by visitors at night.

The new access gate is yet to be modified for facilitating disabled access to the wharf to unload and load only. There will be a disabled “Milak” lock and key provided to current local disabled users and additional keys will be made available for use and return from the local parks committee.

It is therefore recommended that Council retain the closure of access to the new Mallabula wharf except for disabled unloading and loading.

There being no further business the meeting closed at 7.20pm.

I certify that pages 1 to 151 of the Open Ordinary Minutes of Council 19 May 2009 were confirmed by Council at its meeting held on 30 June 2009.

.....
Cr Bruce MacKenzie
MAYOR