

Minutes 9 NOVEMBER 2010



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 9 November 2010, commencing at 5.30pm.

PRESENT: Councillors R. Westbury (Mayor); S. Dover (Deputy Mayor); G. Dingle; C. De Lyall, G. Francis; J. Nell; S. O'Brien; S. Tucker, F. Ward; General Manager; Corporate Services Group Manager, Acting Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager and Executive Officer.

354	Councillor Steve Tucker Councillor Shirley O'Brien	It was resolved that the apologies from Councillors Kafer and MacKenzie be received and noted.
355	Councillor John Nell Councillor Shirley O'Brien	It was resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 19 October 2010 and 2 November 2010 be confirmed.
		No Declaration of Interest were received.

INDEX

SUBJECT

PAGE NO

COUNCIL COMMITTEE RECOMMENDATIONS..... 3

1. LOCAL TRAFFIC COMMITTEE MEETING – 5 OCTOBER 2010 4
2. RATES FINANCIAL ASSISTANCE – TILLIGERRY CREEK OYSTER FARMERS 19
3. PROPOSED FEE CHANGES, BEFORE AND AFTER SCHOOL CARE AND FAMILY DAY CARE 22
4. 355(B) COMMITTEES ANNUAL FINANCIAL STATEMENT 26
5. PROPOSAL FOR PROGRAM FEES AT TILLIGERRY & TOMAREE AQUATIC CENTRES.... 29
6. INFORMATION PAPERS..... 35

COUNCIL COMMITTEE INFORMATION PAPERS..... 36

1. NSW COASTAL PLANNING GUIDELINE: ADAPTING TO SEA LEVEL RISE – DEPARTMENT OF PLANNING 37
2. HUNTER COUNCILS INCORPORATED BOARD MEETING..... 43

NOTICES OF MOTION 44

1. INDOOR PROGRAM POOL AT THE TOMAREE AQUATIC CENTRE..... 45

**COUNCIL
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 5 OCTOBER 2010

REPORT OF: PAUL PROCTER – INTEGRATED PLANNING, ACTING MANAGER
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 5th October 2010.

COUNCIL COMMITTEE MEETING – 2 NOVEMBER 2010

RECOMMENDATION:

	Councillor Bob Westbury Councillor John Nell	That Council: 1. Adopt the recommendation with the exception of C3. Item 31_10/10. 2. Item C3. Item 31_10/10 be deferred for further information. 3. Council consider extending its current road safety education program to include use of roundabouts.
--	---	---

ORDINARY COUNCIL MEETING – 9 NOVEMBER 2010

356	Councillor John Nell Councillor Sally Dover	It was resolved that the Council Committee recommendation be adopted.
------------	--	---

BACKGROUND

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

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 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.

LEGAL, POLICY AND RISK 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, the Roads & Traffic Authority and Port Stephens Council.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

The Committee's technical representatives are the Police, Roads and Traffic Authority, 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 was undertaken for the items contained in this report.

OPTIONS

- 1) Adopt all or part of the recommendations.
- 2) Reject all or part of the recommendations.
- 3) Council may choose to adopt a course of action for a particular item other than that recommended by the Traffic Committee. In which case Council must first notify both the RTA and NSW Police representatives in writing. The RTA or Police may then lodge an appeal to the Regional Traffic Committee.

ATTACHMENTS

- 1) Local Traffic Committee Agenda 5 October 2010.

ATTACHMENT 1

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS
TUESDAY 5TH OCTOBER, 2010**

-
- A. ADOPTION OF THE MINUTES OF 7TH SEPTEMBER, 2010**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
- C.1 29_10/10 MAGNUS STREET NELSON BAY – REQUEST FOR INSTALLATION OF 'NO STOPPING' ACROSS THE DRIVEWAY OF NO.132**
- C.2 30_10/10 LEISURE WAY AND AQUATIC CLOSE NELSON BAY – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS TO PROHIBIT VEHICLES BEING PARKED ON THE NATURE STRIP**
- C.3 31_10/10 SOLDIERS POINT ROAD SALAMANDER BAY – REQUEST FOR INSTALLATION OF A DROP OFF ZONE AT THE SALAMANDER HAVEN APARTMENTS**
- C.4 32_10/10 ELKIN AVENUE HEATHERBRAE – REQUEST FOR INSTALLATION OF ADDITIONAL NO STOPPING RESTRICTIONS ADJACENT TO HUNTER RIVER HIGH SCHOOL**
- D. INFORMAL MATTERS**
- E. GENERAL BUSINESS**

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 5TH OCTOBER, 2010
AT 9:30AM**

Present:

Cr Bob Westbury – Mayor, Cr Peter Kafer - Port Stephens Council, Mr Craig Baumann MP, Snr Cnst John Simmons NSW Police, Mr Ian Jenkins – RTA, Mr Joe Gleeson (Chairperson), Mr Graham Orr, - Port Stephens Council

Apologies:

The Hon. Mr Frank Terenzini MP, Brian Moseley – Hunter Valley Buses, Mr Mark Newling – Port Stephens Coaches, Ms Michelle Page – Port Stephens Council,

A. ADOPTION OF MINUTES OF MEETING HELD 7TH SEPTEMBER, 2010

B. BUSINESS ARISING FROM PREVIOUS MEETING

Nil

C. LISTED MATTERS

C.1 Item: 29_10/10

MAGNUS STREET NELSON BAY – REQUEST FOR INSTALLATION OF 'NO STOPPING' ACROSS THE DRIVEWAY OF NO.132

Requested by: Council Rangers

File:

Background:

There is an area of Magnus Street adjacent to a loading zone that encompasses a driveway and a garden bed. Vehicles often park across the driveway, blocking access.

Comment:

The Traffic Inspection Committee noted that there is room for a vehicle to squeeze in between the loading zone and the street tree. Drivers may not recognise it as a driveway.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule167 – No Stopping signs

RTA signs database – R5-400

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

Recommendation to the Committee:

Approve installation of 'No Stopping' in Magnus Street Nelson Bay, as shown on the attached sketch, Annexure A.

Discussion:

The RTA representative recommended removing the 'No Parking' pavement marking to avoid any confusion or difficulty with enforcement.

Support for the recommendation:

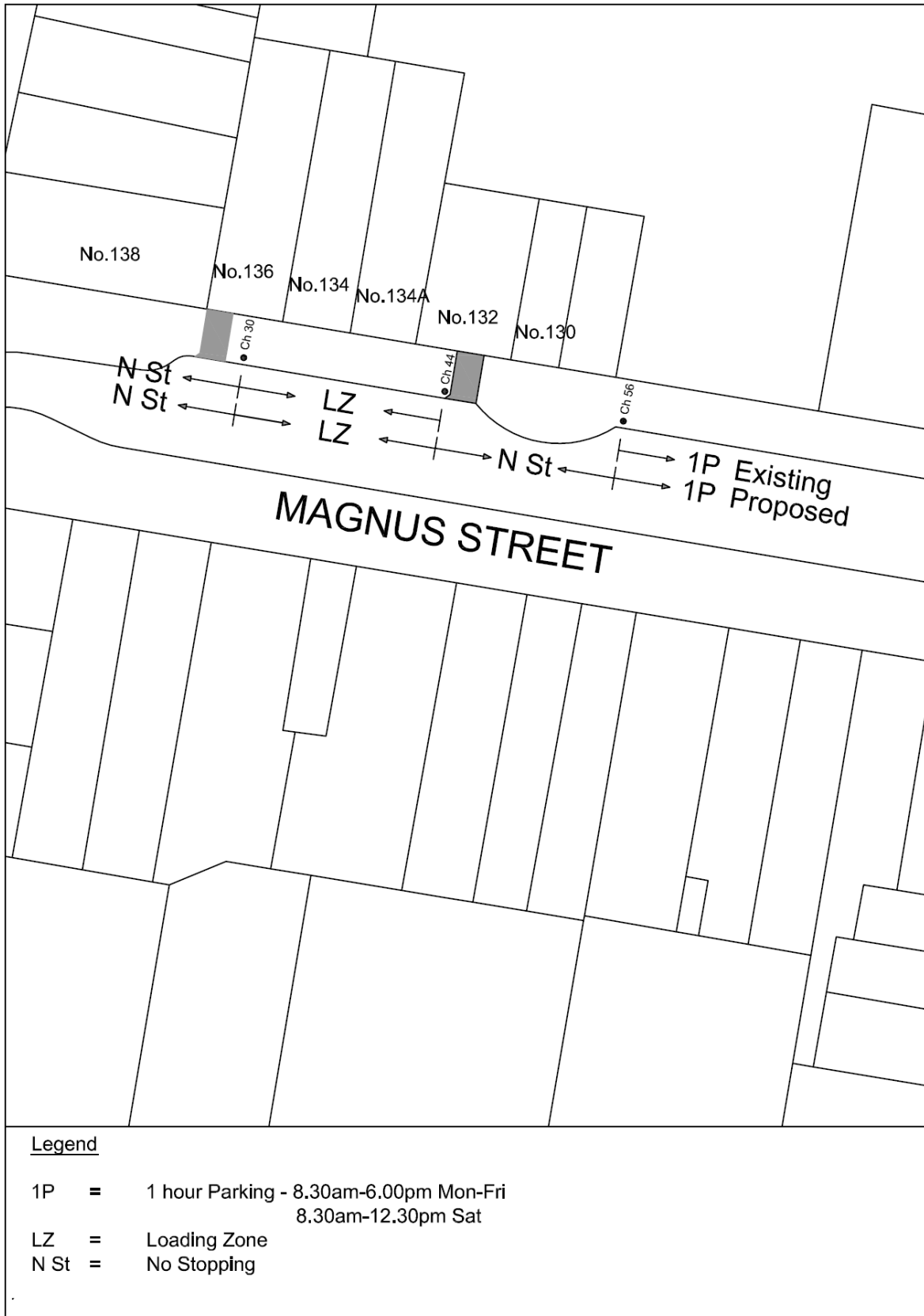
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 9 NOVEMBER 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 October 2010

ITEM NO. 29_10/10
Street: Magnus Street

ANNEXURE A
Page 1 of 1



C.2 Item: 30_10/10

LEISURE DRIVE AND AQUATIC CLOSE NELSON BAY – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS TO PROHIBIT VEHICLES BEING PARKED ON THE NATURE STRIP

Requested by: Cr Nell
File: CRM 122618
Background:

Towards the end of the school year the number of vehicles being driven by students tends to increase. Generally vehicles driven to school can be contained within the Tomaree Education Centre car parks however any overflow of vehicles is often parked in the bush surrounding the aquatic centre. Cr Nell has raised concerns that the vehicles being parked off-road are destroying the grassed areas.

Comment:

The Traffic Inspection Committee noted that on the day of inspections there were numerous vehicles parked all over the area in front of the aquatic centre and along the sides of the roads. The car park at the swimming pool was however only about half full. Year 12 has now effectively finished school for the year and it is likely that the parking won't be a problem until the new school year.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule168-1 – Restricted Parking areas
RTA signs database – R5-541
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

Approve installation of 'Restricted Parking Area' entry and exit signs at the entrance to Leisure Way from Salamander Way, as shown on the attached sketch, Annexure A.

Discussion:

Cr Westbury noted that the parking area adjacent to the swimming pool was purpose-built to accommodate overflow parking from the school. The Committee members agreed that there needs to be an information program through the school bulletin to warn drivers prior to any enforcement.

Support for the recommendation:

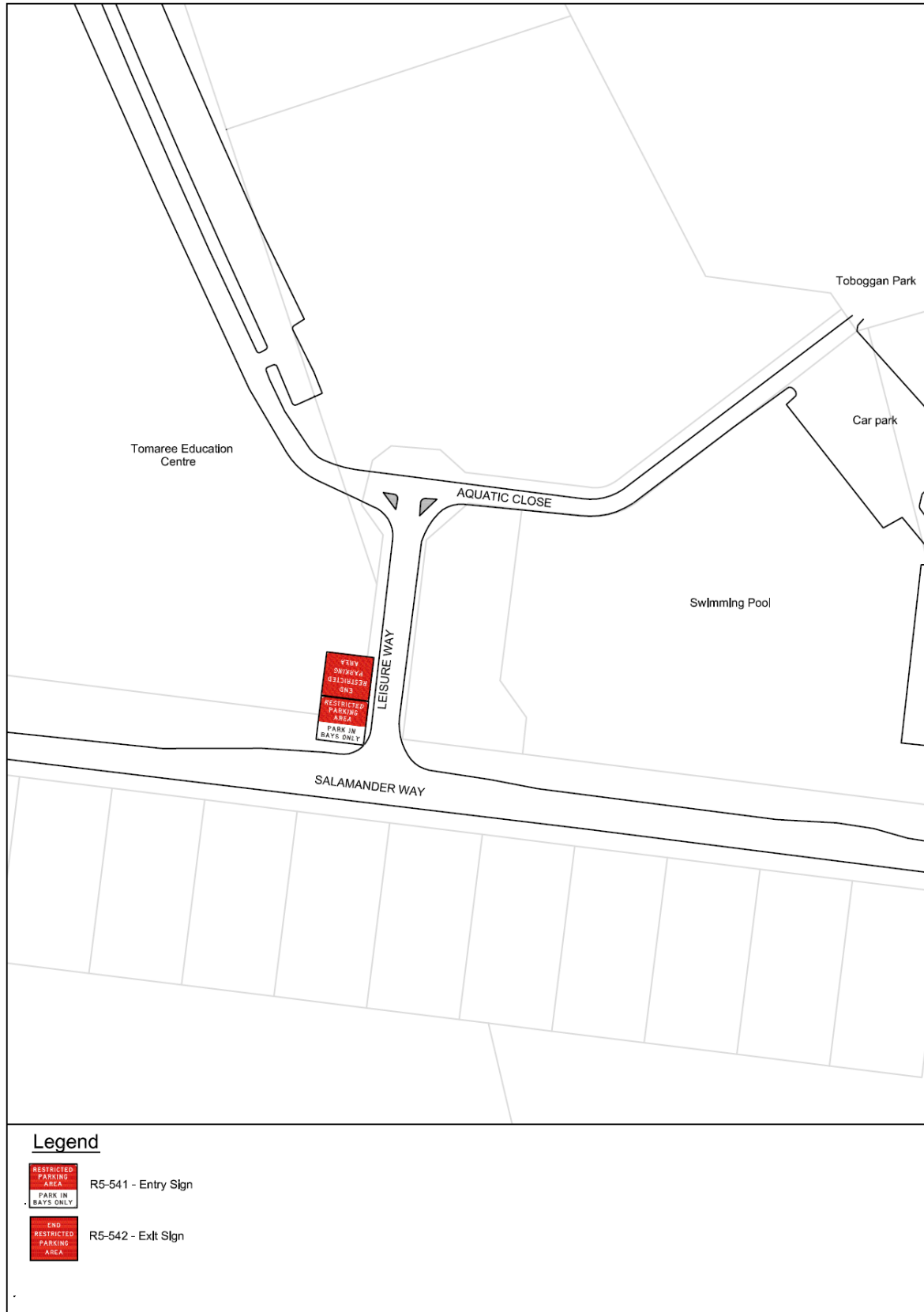
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 9 NOVEMBER 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 October 2010

ITEM NO. 30_10/10
Street: Leisure Way

ANNEXURE A
Page 1 of 1



C.3 Item: 31_10/10

SOLDIERS POINT ROAD SALAMANDER BAY – REQUEST FOR INSTALLATION OF A DROP OFF ZONE AT THE SALAMANDER HAVEN APARTMENTS

Requested by: Port Stephens Veterans & Citizens Aged Care Ltd

File: PSC2005-4020/051

Background:

Residents of Salamander Haven have complained that vehicles from neighbouring properties are often parked in front of the pedestrian access gate at the Salamander Haven apartments. They complain that this makes access to the apartments difficult and creates a safety hazard when crossing the road.

Comment:

The Traffic Inspection Committee noted that vehicles are entitled to park on-road provided that they are registered and legally parked. However, there is ample parking available along Soldiers Point Road and the provision of a drop-off area adjacent to the entry gates of Salamander Haven would be of benefit to residents.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule168 – No Parking signs

RTA signs database – R5-40

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

Recommendation to the Committee:

Approve installation of 10 metres of No Parking at the entrance to Salamander Haven apartments, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

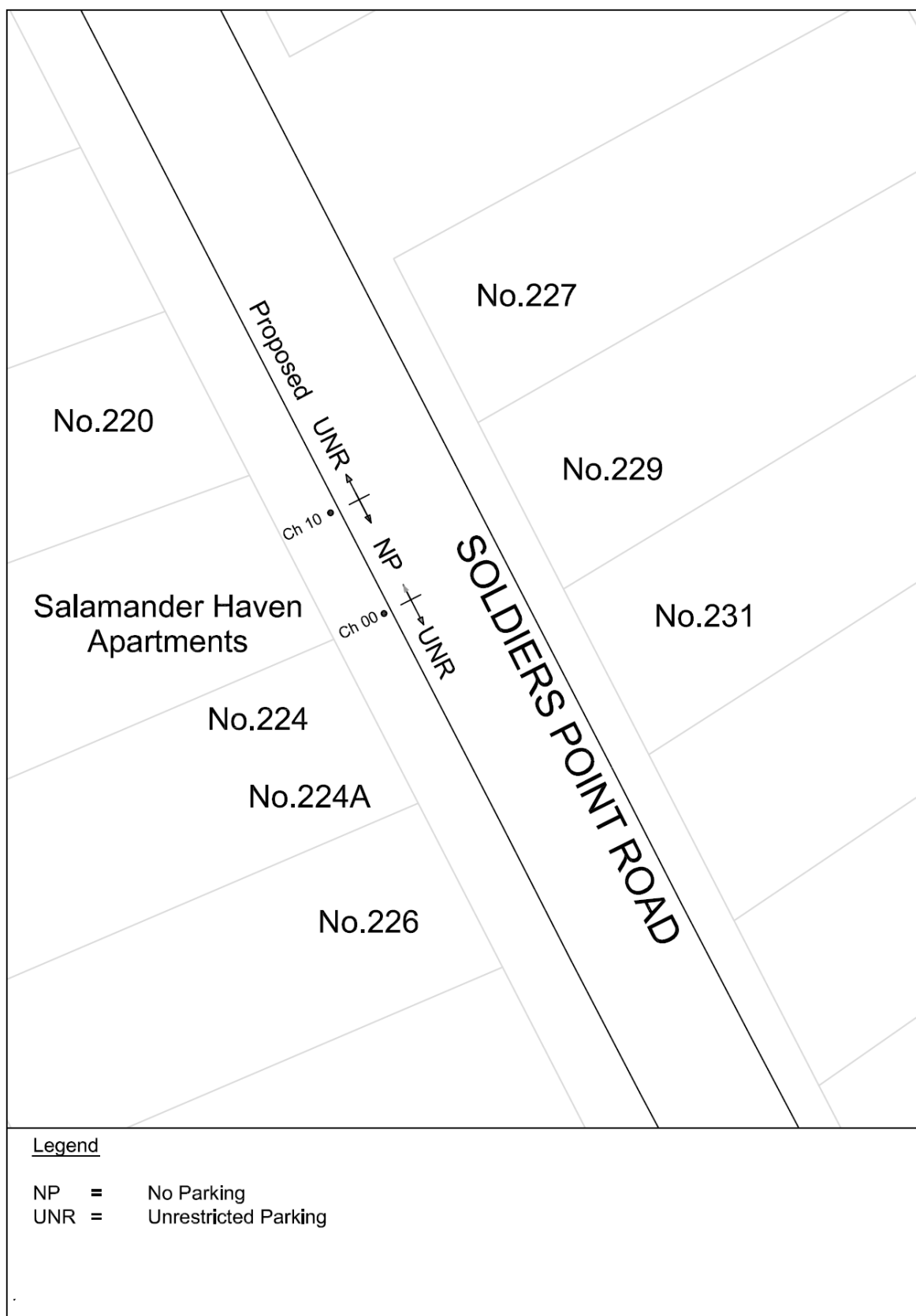
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 9 NOVEMBER 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 October 2010

ITEM NO. 31_10/10
Street: Soldiers Point Road

ANNEXURE A
Page 1 of 1



C.4 Item: 32_10/10

ELKIN AVENUE HEATHERBRAE – REQUEST FOR INSTALLATION OF ADDITIONAL NO STOPPING RESTRICTIONS ADJACENT TO HUNTER RIVER HIGH SCHOOL

Requested by: Council Rangers

File:

Background:

Council Rangers have requested installation of further 'No Stopping' around the corner of Elkin Ave, adjacent to the central island. Cars are parked constantly at the corner, making it very difficult for buses to access the high school. The problem occurs mainly at school pick-up time so the 'No Stopping' restrictions can be timed.

Comment:

The Traffic Inspection Committee noted that this is an ongoing problem and installation of 'No Stopping' is supported around the corner.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule167 – No Stopping signs

RTA signs database – R5-400

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

Recommendation to the Committee:

Install 'No Stopping' signs in Elkin Avenue at the corner adjacent to the roundabout, as shown on the attached sketch, Annexure A.

Discussion:

Police advise that they have received complaints regarding this issue also. The Committee discussed the need for the restrictions to be time-limited and whether this would confuse drivers. Council officers advised that the goal is for standardisation of time restrictions around schools to coincide with school zone timing and that time-limiting the restrictions would allow residents and their visitors to park on-street at other times.

Support for the recommendation:

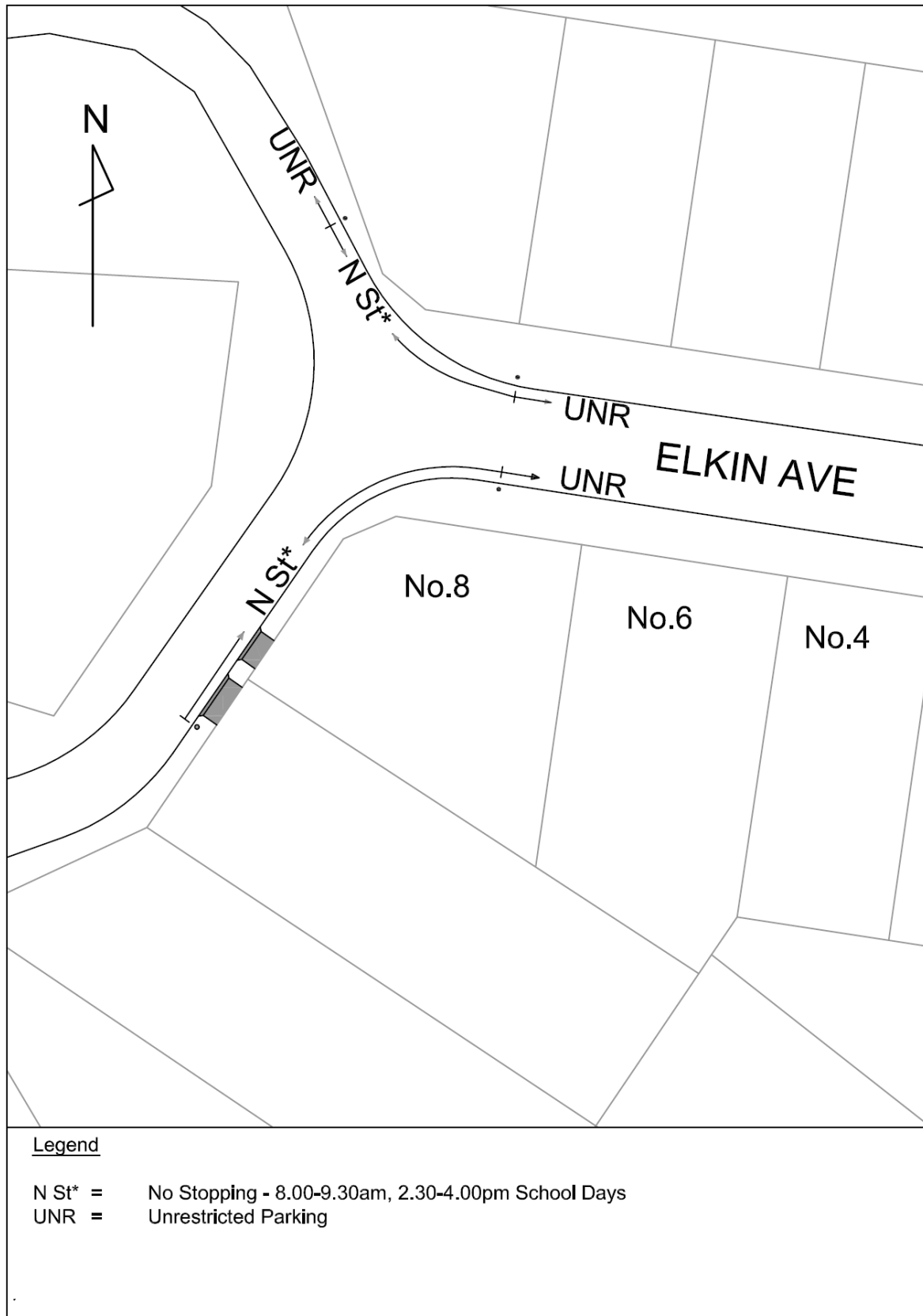
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 9 NOVEMBER 2010

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 October 2010

ITEM NO. 32_10/10
Street: Elkin Avenue

ANNEXURE A
Page 1 of 1



D. INFORMAL MATTERS

NIL

E. GENERAL BUSINESS

E.1 Item: 605_10/10

GOVERNMENT ROAD SHOAL BAY – CONCERNS REGARDING DANGEROUS BEND

Requested by: Craig Baumann MP

File:

Background:

A constituent of Craig Baumann MP raised an issue with regard to a dangerous bend in Government Road Shoal Bay. These concerns have also been raised directly with Council and with NSW Police. The issue is with the bend adjacent to property no. 122 Government Road. Concerns have been raised that drivers travel too fast around the bend and that there have been a number of run-off road type accidents as a result.

Discussion:

The Committee members discussed that there are a high proportion of drivers during holiday times that may not be familiar with the road.

Council officers advise that this issue was inspected with Police and RTA recently and the advice is to install additional CAM's (Curve Alignment Markers) on approach to the bend and to replace missing and damaged curve and speed advisory signs. Council will also arrange for an assessment of the street lighting to be undertaken to determine if more or better lighting is required to improve safety.

Committee's advice:

The Committee members noted that this bend will be upgraded when the Fingal Bay by-pass is eventually constructed and will become the major intersection connecting the by-pass on the eastern end.

E.2 Item: 606_10/10

BAGNALL BEACH ROAD SALAMANDER BAY – COMPLAINT REGARDING LANDSCAPING PLANTING INTERFERING WITH THE SAFETY OF ROAD USERS

Requested by: Cr Westbury

File:

Background:

Cr Westbury raised concerns regarding the size and type of vegetation growing along the centre of Bagnall Beach Road. The plants have grown to a height that blocks vision for drivers of the many cyclists and pedestrians who use this area.

Discussion:

The Committee members noted that this area is popular with joggers and recreational cyclists and that there will be an increase in the number of pedestrians and cyclists crossing Bagnall Beach Road as the Vantage Estate is developed. Council and Landcom have recently constructed landscaping and paths around the area adjacent to 'The Gardens' retirement complex which will be an attractor for local residents and visitors.

Committee's advice:

That Council maintains the vegetation along Bagnall Beach Road to a safe height that allows for drivers to see pedestrians and cyclists using the road.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

FILE NO: PSC2005-0829

RATES FINANCIAL ASSISTANCE – TILLIGERRY CREEK OYSTER FARMERS

REPORT OF: DAMIEN JENKINS - FINANCIAL SERVICES, MANAGER

GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the proposal to provide means tested rates financial assistance to Tilligerry Creek oyster farmers who meet hardship criteria on public display for 28 days.
- 2) Report to Council on any submissions received, and in the absence of any submissions, approve provision of the financial assistance without further reference to Council.

COUNCIL COMMITTEE MEETING – 2 NOVEMBER 2010

RECOMMENDATION:

	Councillor John Nell Councillor Peter Kafer	That the recommendation be adopted.
--	--	-------------------------------------

ORDINARY COUNCIL MEETING – 9 NOVEMBER 2010

357	Councillor John Nell Councillor Glenys Francis	It was resolved that the recommendation be adopted.
------------	---	---

BACKGROUND

The purpose of this report is to consider providing means tested rates hardship assistance in 2010/2011 to oyster farmers affected by the closure of Tilligerry Creek to oyster harvesting.

Part of Zone 5B remains closed to oyster harvesting. Last year Council received one application for hardship assistance with Council rates on a land based oyster shed. The applicants met the hardship criteria and assistance of \$637.95 was provided. No other applications for hardship assistance were received.

It is proposed to retain the hardship criteria utilised in previous years, which is aligned with Australian Government Drought Assistance.

FINANCIAL/RESOURCE IMPLICATIONS

The amount involved represents a very small component of Council's annual expenditure.

LEGAL, POLICY AND RISK IMPLICATIONS

To qualify for assistance under Section 356 of the Local Government Act, 1993, the purpose must assist the Council in the exercise of its functions. Oyster farmers in Port Stephens directly fund the Port Stephens Shellfish Quality Assurance Program. This pays for independent water sampling and analysis and the farmers are also required to conduct their own sampling monthly and during rain events. This information is provided to the NSW Food Authority and Council. The water monitoring assists Council in the exercise of its functions as the oyster industry is an early indicator of water quality issues (reflecting catchment health), and also a measure of the effectiveness of Council's On-Site Sewage Management System monitoring program specifically and the impact of development on the environment generally. Although Council's financial assistance policy is to provide assistance to community groups rather than individuals, this is an exceptional situation.

Council proposes to comply with the requirements of section 356 (2) of the Local Government Act by placing a notice in the Port Stephens Examiner and calling for public submissions for 28 days.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's Hardship Panel grants assistance from time to time writing off interest charges on rates in cases of hardship. It also provides a mechanism for ratepayers suffering hardship to access interest free loans to upgrade defective On-Site Sewage Management Systems or connect to the sewer. The proposed relief for farmers is an appropriate response to a special circumstance.

The measure supports the continuation of the local oyster industry.

The oyster growing industry is a measure of the health of Port Stephens waterways. Through the Water Monitoring Program the oyster industry assists Council in its function to conserve the environment in a manner that promotes ecologically sustainable development.

CONSULTATION

Environmental Services Manager

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

FILE NO: PSC2005-3888; 3889; 3933

PROPOSED FEE CHANGES, BEFORE AND AFTER SCHOOL CARE AND FAMILY DAY CARE

REPORT OF: PHILIP CROWE - COMMUNITY & LIBRARY SERVICES, MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves that submissions be invited from the community on amended Fees and Charges for Council's Before and After School Care and Family Day Care programs by placing these proposed changes on exhibition for a period from 10 November 2010 to 7 December 2010.

COUNCIL COMMITTEE MEETING – 2 NOVEMBER 2010**RECOMMENDATION:**

	Councillor John Nell Councillor Sally Dover	That the recommendation be adopted.
--	--	-------------------------------------

ORDINARY COUNCIL MEETING – 9 NOVEMBER 2010

358	Councillor Sally Dover Councillor John Nell	It was resolved that the recommendation be adopted.
------------	--	---

BACKGROUND

The purpose of this report is to ensure that Council provides an opportunity to consult with the community and services users regarding a proposal to amend the fees for the Before and After School Care and Family Day Care programs. Council is required to place the proposed changes on public exhibition for a period of no less than 28 days and to consider any submissions from the community prior to consideration of the adoption of the amended fee structure.

A review of the operations of both the Before and After School Care and Family Day Care services indicates that we need to address the issue of fees for the new calendar year as these services will be experiencing a range of changes during 2011

which will adversely impact on costs. As a result we are recommending that a modest increase in one fee in the Family Day Care Scheme and in the two fees in the Before and After School Care Programs. If adopted by Council the fees will be increased from 1st January 2011.

FINANCIAL/RESOURCE IMPLICATIONS

The introduction of new national service accreditation standards for children's services, commencing in 2011, will impact on costs in the operations of children's services. The proposed fee changes will help offset some of the expected cost increases.

LEGAL, POLICY AND RISK IMPLICATIONS

Under the requirements of the Local Government (Integrated Planning and Reporting) Act 2009, Council must develop and implement a resource strategy including proposed fees and charges, changes in fees and charges. These must be placed on public exhibition for a period of at least 28 days.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Council Delivery Program adopted by Council in June 2010, states that Council will :

"3.4.1 – Provide access to a range of social and educational programs for children."

As a result Council currently offers a number of children's services including a Family Day Care Scheme and the Before and After School Care programs at Raymond Terrace and Medowie. These proposed fee changes address the issues of the financial sustainability of these programs in the short and long term.

There are no environmental implications related to the proposed fee changes.

CONSULTATION

It is proposed that current users of the Before and After School Care and Family Day Care Programs will be directly notified through newsletters of the proposed fees changes and invited to make comment. Advertisements will also be placed in the local press, on Council's website, at Council libraries and at the service and administration outlets of both the Before and After School Care services and Family Day Care. Submissions will be invited for the period from 10 November 2010 to 7 December 2010.

OPTIONS

- 1) Approves the recommendation
- 2) Amends the recommendation
- 3) Rejects the Recommendation

ATTACHMENTS

- 1) Proposed Fee Changes Before and After School Care and Family Day Care.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Proposed Fee Changes Before and After School Care and Family Day Care

	Current Fee			Proposed Fee as of 1 January 2011		
	Prescribed Fee	GST	Total Fee	Prescribed Fee	GST	Total Fee
Family Day Care Administration Fee (per child per hour)	\$0.70	\$0.00	\$0.70	\$0.75	\$0.00	\$0.75
Before School Care – 2 hours	\$13.40	\$0.00	\$13.40	\$14.25	\$0.00	\$14.25
After School Care – 3 hours	\$20.10	\$0.00	\$20.10	\$21.50	\$0.00	\$21.50

ITEM NO. 4

FILE NO: PSC2005-3572

355(B) COMMITTEES ANNUAL FINANCIAL STATEMENT

REPORT OF: IAN CRAWFORD – RECREATION SERVICES, ACTING MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the 355(b) Committees Annual Financial Statement for the period 1 January 2009 to 31 December 2009.
-

COUNCIL COMMITTEE MEETING – 2 NOVEMBER 2010

RECOMMENDATION:

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

ORDINARY COUNCIL MEETING – 9 NOVEMBER 2010

359	Councillor John Nell Councillor Glenys Francis	It was resolved that the recommendation be adopted.
------------	---	---

BACKGROUND

The purpose of this report is the receipt of the 355(b) Committees Annual Financial Statement for 2009 allowing \$1,000 subsidies to be paid to eligible committees.

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

Committees financial activities are held to the same scrutiny, auditing, tax requirements as Council. Funds administered by 355(b) committees must be recorded and reported according to a pre set Council format which includes an annual financial summary.

The 355(b) Committees Annual Financial Statement for the period 1 January 2009 to 31 December 2009 (ATTACHMENT 1) is a summary of all committees' annual financial summaries.

This links to Council's Community Strategic Plan 15.3 Community Involvement & Engagement. Involve the community in service delivery where appropriate through volunteer and community groups.

FINANCIAL/RESOURCE IMPLICATIONS

The total amount of funds held by committees at 30 December 2009 was \$699,560.84. Out of this total amount \$426,084.93 (60.9%) was held by 10 committees.

The majority of these funds were allocated by sports councils for projects underway or contributions to scheduled construction/improvements of facilities by hall committees.

The remaining funds totalled \$ 273,475.91 (39.1%).

The total funds held are \$48,243.99 more than at 30 December 2008

LEGAL, POLICY AND RISK IMPLICATIONS

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

All funds and assets held by the Committee belong to Council. The Committee is responsible for the care and control of these funds.

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

355(b) committees use a cash book style financial record keeping system (format supplied by Council in the form of a carbonised book or Excel Spreadsheet). The cash book is completed each month and the totals of each month are entered into the Annual Summary Reporting page, which is forwarded to Council annually.

The system was developed in line with recommendations/requirements of Council's auditors to provide a uniform format and transparent auditing of committee financial transactions, which meet the requirements for accountability and GST reporting. The system provides committees with a simplified financial process and staff support through the Facilities & Services Finance Co-ordinator.

The Cash Book System provides a process that minimises risk to both Council and committees.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

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

CONSULTATION

Facilities & Services Finance Co-ordinator
Volunteer Strategy Co-ordinator
355(b) Committees

OPTIONS

- 1) Recommendation
- 2) Reject financial statements

ATTACHMENTS

Nil.

COUNCILLORS ROOM

- 1) 355(b) Committees Annual Financial Statement Spreadsheet for 2009.

TABLED DOCUMENTS

- 1) 355(b) Committees Annual Financial Statement Spreadsheet for 2009.

ITEM NO. 5

FILE NO: PSC2010-03281

PROPOSAL FOR PROGRAM FEES AT TILLIGERRY & TOMAREE AQUATIC CENTRES

REPORT OF: JASON LINNANE – FACILITIES & SERVICES, ACTING GROUP MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Places on public exhibition the proposed changes to program fees (Aquatic Education, Aqua Fitness and squads) for Tilligerry and Tomaree Aquatic Centres (**ATTACHMENT 1**).
- 2) Considers a report subsequent to the exhibition period on the proposed fees and charges.

COUNCIL COMMITTEE MEETING – 2 NOVEMBER 2010

RECOMMENDATION:

	<p>Councillor John Nell Councillor Shirley O'Brien</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt the recommendation. 2. That provision be made in the fees & charges allowing free access to carers when accessing the Aquatic Centres in their role as a carer.
--	---	--

ORDINARY COUNCIL MEETING – 9 NOVEMBER 2010

360	<p>Councillor Steve Tucker Councillor Geoff Dingle</p>	<p>It was resolved that the Council Committee recommendation be adopted.</p>
------------	---	--

BACKGROUND

The purpose of this report is to have council place on public exhibition proposed changes to program fees (Aquatic Education, Aqua Fitness and squads) for Tilligerry and Tomaree Aquatic Centres. The changes that are being proposed are highlighted in yellow in Attachment 1. The deletions are highlighted in blue.

When Council provided the request for tender in December 2009 the documents included the fees and charges that Council was proposing to apply in 2010-11. The documentation was deficient in that it did not cover all of the fees and charges for programs at the two (2) of the three (3) sites.

Aquatic Education, Aqua Fitness and Squad fees for Tilligerry and Tomaree Aquatic Centres were not listed in the tender documentation. At that point in time the pool operators were running these programs and were setting the fees for such.

Council subsequently adopted fees for all programs at both Lakeside and Tomaree as part of our normal budgetary process. Council, by administration oversight, missed the opportunity to set the appropriate fees for programs at Tilligerry Aquatic Centre.

The adopted fees and charges for programs at Tomaree were not presented at any time during the tender process and appear to have been based on the previous Contract Operators prices. Given that the YMCA programs are completely different to the previous operators programs, this would suggest that the current program activities & fee structure is inappropriate.

If this fee structure were to remain in place swimming lessons (aquatic education) would be 25% more expensive at Tomaree than at Lakeside. All other programs would be charged at a higher rate as well except one (1) form of Aqua Fitness which is 50cents more expensive. It is unknown what the change would be at Tilligerry as we do not have the data to make the comparisons.

The YMCA of Sydney has provided council with a proposal to help address this situation (**ATTACHMENT 2**). The proposal is an amendment of the fee structure for the programs listed above which would:

- Provide a fairer and more affordable pricing structure for community members
- Bring program fees into line across the 3 sites
- Encourage family participation by providing small discounts for families with siblings in the programs
- Have no negative impact on Councils financial commitment to the sites.

The aquatic centre operator, YMCA of Sydney, wishes to implement the same program fees and charges that are currently operating at Lakeside Leisure Centre at both Tilligerry and Tomaree. The Aquatic Education Program at Lakeside is regarded as one of the most successful programs within the YMCA of Sydney. Currently there are 1300 children enrolled in the program at Lakeside which is operating at 200 enrolments ahead of budget. This year at Lakeside we estimate an annual turnover of \$500,000 in Aquatic Education alone – more than \$80,000 than budgeted income.

FINANCIAL/RESOURCE IMPLICATIONS

The proposed changes to the fees and charges will not negatively impact on Councils financial commitment to the centres. This is safeguarded by the contract arrangements that are in place.

Council would benefit if the changes assist in positively increasing the financial result of the overall contract as we share in any betterment that is derived.

Experiences from Lakeside and more broader with the YMCA of Sydney would suggest that the changes proposed will provide a positive impact to the centres financial performance.

LEGAL, POLICY AND RISK IMPLICATIONS

Any changes to fees and charges require Council to fulfil its obligations as per the Local Government Act 1993. The recommendation of this report and subsequent exhibition of the proposed changes caters for this.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposal will assist in creating equity across the local government area for pool users.

It will also lessen the costs to access such programs for Tomaree users. It is not possible to commit to the impact at Tilligerry as it is unknown what the previous operator charged for the programs they ran.

CONSULTATION

Recreation Contract and Halls Coordinator
YMCA of Sydney

OPTIONS

- 1) Accepts the recommendation.
- 2) Rejects the recommendation, sets new fees and places on public exhibition.
- 3) Rejects the recommendation and does not set program fees for Tilligerry Aquatic Centre.

ATTACHMENTS

- 1) Proposed new fees and comparison with current fees.
- 2) Proposal from YMCA of Sydney.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

PROVIDED UNDER SEPARATE COVER

ATTACHMENT 2

PROVIDED UNDER SEPARATE COVER

ITEM NO. 6

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 2 November 2010.

No:	Report Title	Page:
1	NSW COASTAL PLANNING GUIDELINE; ADAPTING TO SEA LEVEL RISE – DEPARTMENT OF PLANNING	
2	HUNTER COUNCILS INCORPORATED BOARD MEETING	

COUNCIL COMMITTEE MEETING – 2 NOVEMBER 2010
RECOMMENDATION:

	Councillor John Nell Councillor Shirley O'Brien	That the recommendation be adopted.
--	--	-------------------------------------

ORDINARY COUNCIL MEETING – 9 NOVEMBER 2010

361	Councillor Steve Tucker Councillor John Nell	It was resolved that the recommendation be adopted.
------------	---	---

COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

**NSW COASTAL PLANNING GUIDELINE: ADAPTING TO SEA LEVEL RISE
– DEPARTMENT OF PLANNING**

REPORT OF: PAUL PROCTER – INTEGRATED PLANNING, ACTING MANAGER
GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-4473

BACKGROUND

The purpose of this report is to report on the recently released NSW Department of Planning Guideline – NSW Coastal Planning Guideline: Adapting to Sea Level Rise.

This planning guideline was released in August 2010 to provide guidance on how sea level rise is to be considered in land use planning and development assessment in coastal NSW. It further reinforces the NSW Government's Sea Level Rise Policy Statement previously released in October 2009.

The Guideline applies to all coastal areas of NSW. Coastal areas is used broadly to include all land fronting tidal waters and includes the coastline, beaches, coastal lakes, bays and estuaries as well as tidal sections of coastal rivers. It also includes other low lying land surrounding these areas that may be subject to coastal processes in the future as a consequence of sea level rise.

The Guideline defines 'coastal risks' as to include coastal erosion, tidal inundation and coastal flooding, including the impacts of sea level rise.

Of note coastal flooding in lowland areas will be of particular concern in the future as a result of sea level rise, including increased likely frequency, duration and height of flooding and consequent emergency evacuations as well as likely property and infrastructure damage.

The guidelines promote a precautionary risk based approach to planning and development in coastal areas. Six coastal planning principles are adopted for sea level rise adaption which should be used in the decision making processes for land use planning and development assessment in coastal areas. These are;

Principle 1 – Assess and evaluate coastal risks taking into account the NSW sea level rise planning benchmarks (0.4 m by 2050 & 0.9 m by 2100).

Principle 2 – Advise the public of coastal risks to ensure that informed land use planning and development decision-making can occur.

Principle 3 – Avoid intensifying land use in coastal risk areas through appropriate strategic and land use planning.

Principle 4 – Consider options to reduce land use intensity in coastal risk areas where feasible.

Principle 5 – Minimise the exposure of development to coastal risks.

Principle 6 – Implement appropriate management responses and adaption strategies, with consideration for the environmental, social and economic impacts of each option.

Principle's 1 and 2 relate specifically to identifying coastal risk areas, principles 3 and 4 relate specifically to strategic and statutory land use planning while principles 5 and 6 relate specifically to development assessment.

In regard to principles 1 and 2 the guide recommends Council's prepare coastal hazard studies that define coastal hazard zones in areas most at risk from coastal erosion and recession. Flood studies should be prepared such that areas projected to be at future risk of flooding due to sea level rise are identified. These areas will then need to be taken into consideration when undertaking strategic land use planning and development assessment. However as these studies take time to prepare the guideline recommends that Council's immediately identify sea level rise investigation areas for the purposes of informing strategic land use planning. Examples of possible investigation areas would include;

- Projected coastal erosion and recession distances along relatively long and straight sandy coastlines – 90 cm sea level rise may result in coastal recession of 45 to 90 metres landward.
- Projected tidal inundation in the lower reaches of a coastal waterway.
- Projected extension of flood prone land in tidal river reaches – additional freeboard added to the mapped flood planning area; and
- Coastal areas below a set elevation in metres (AHD).

The Guideline suggests all relevant studies be made available to the public, that coastal risk areas be identified on Section 149 certificates and that other measures such as brochures and maps be distributed to the public to inform them of the coastal risks associated with sea level rise.

In order to implement principles 3 and 4 of the coastal planning guidelines Council will be required to consider the following matters as part of any strategic planning process such as preparation of LEP's and DCP's.

- Incorporating coastal risk studies into strategic planning e.g. risk mapping;
- Considering the effects of protection works on land use capability;
- Accommodating appropriate new growth in coastal communities;
- Maintaining foreshore access, amenity and open space and protecting coastal environments.

Principle 3 discourages the intensification of development in coastal risk areas, particularly in 'greenfield' sites where the potential impacts of sea level rise cannot be effectively mitigated.

Principle 4 encourages the reduction of land use intensity in coastal risk areas where feasible and where potential impacts of sea level rise cannot be effectively mitigated. This may be difficult to achieve and the following factors need to be considered;

- Land tenure – public or private ownership;
- Current land uses and existing use rights;
- The availability, effectiveness and feasibility of impact mitigation options;
- Existing environmental constraints on development, such as, bushfire and coastal erosion hazards, flood risks, slope stability constraints, vegetation, threatened species and acid sulphate soils;
- Other planning constraints on development, such as distance to community services, access to transport, sewage, water and utilities and aboriginal culture heritage; and
- The potential for requiring land acquisition.

Rather than prohibiting infill or redevelopment in existing areas, the guide suggests Council's could consider measures that would allow ongoing sustainable occupation of coastal areas until such times as coastal risks threaten life and property. This may include the use of time and/or trigger limited development consent conditions. Council's and/or landowners could also consider the use of long term coastal protection works. Sea level rise is likely to reduce the protection provided by levees in lower coastal waterways. Strategic planning needs to consider plans for future flood risk protection. Flood risk protection will not only be for private property but also for Council's assets including roads as well as services to private properties. It is no use protecting properties by requiring the dwellings to be designed to accommodate sea level rise when roads and services to the properties will be flooded by sea level rise. There are a number of Council roads in this position and one of Council's first strategic planning jobs is going to be to determine whether or not to protect these roads and how?

Principle 5 requires that proposed developments should seek to minimise exposure to coastal risks. For development sites that are located within coastal risk areas, pre DA consultation with the consent authorities and relevant State agencies will be an important part of the DA process.

Principle 6 requires that implementation of appropriate management responses and adaption strategies will be an important component of any new development in coastal areas. Such strategies could include;

- Ensuring buildings and infrastructure are located in low risk areas;
- Installing and maintaining protection works;
- Constructing buildings or structures that are easily decommissioned, dis-assembled or relocatable either on-site or off-site as required;
- Providing for safe evacuation routes during storm or flood events;
- Designing buildings with all habitable floors above flood planning levels; and
- Designing buildings to be structurally sound in the planning flood.
- A development consent should include conditions relating to the management responses and adaption actions necessary for the development to meet the planning criteria. Time limited consents could

provide a renewal option in the event that conditions at that time still provide for safe occupation.

It is important to note that Council can not ignore sea level rise in strategic and statutory land use planning and development assessment. The NSW Government has ensured this by incorporating climate change into the following planning policies, manuals, plans, strategies and directions including the following key documents;

- **NSW Sea Level Rise Policy Statement (2009)**
- **NSW Coastal Policy (1997)**
- **Coastal Regional Strategies**
- **Coastal Management Manual (1990) and Floodplain Development Manual (2005)**
- **State Environmental Planning Policy 71 – Coastal Protection**
- **Section 117 Direction 2.2 – Coastal Protection**
- **Section 117 Direction 4.3 – Flood Prone Land**
- **Standard Instrument: Principal Local Environmental Plan.**

In regard to compliance with these guidelines it is advised that Council staff are currently undertaking the following actions utilising existing available resources;

1. Incorporating sea level rise scenarios into its floodplain risk management studies for the Port Stephens foreshore and Williamtown / Salt Ash areas.
2. Providing revised flood planning levels to incorporate sea level rise in 2100 (i.e. 900 mm) based on available data and adopting the precautionary principle.
3. Identifying and mapping coastal risk investigation areas.
4. Undertaken Port Stephens Design Flood Levels – Climate Change Review to incorporate sea level rise benchmarks into flood levels.
5. Converting the results of 4) above into a more meaningful presentation format through GIS mapping. Once complete, the resultant maps will be presented to Council with a view to initiate and implement a public awareness and consultation process.
6. Obtain funding under the floodplain management grants program administered by the Department of Environment, Climate Change & Water (DECCW) to update and review the Williamtown/Salt Ash Flood study to incorporate the impacts of the sea level rise benchmarks set by the State Government.
7. Preparing a Draft (DCP) Development Control Plan in association with the GIS mapping and public awareness process

Future work that will need to be carried out includes;

1. Coastal risk hazard study for the LGA;
2. Coastal risk hazard mapping including incorporation into LEP and DCP's;
3. Future revision of Anna Bay flood study;
4. Strategic planning for Council assets such as coastal roads, parks and open spaces to determine extent and feasibility of protection or adaption works.

In summary Council has two options being;

1. Do Nothing (i.e. not consider sea level rise in strategic planning and development assessment. – This will expose Council to possible current and future litigation and result in many low lying areas in the LGA being unable to be accessed due to flooded roads. Council may wish to seek a legal opinion from their solicitors on the implications for Council of a recent court case in Victoria (VCAT) *L Taip v East Gippsland Shire Council* before considering this option.
2. Initiate a precautionary approach to assessments and prepare now for sea level rise by carrying out the appropriate strategic and statutory planning actions both for land use planning and asset protection to ensure any future litigation risk is minimised and that appropriate, sustainable development occurs within the coastal hazard risk areas.

Flooding Staff are currently applying option 2 to Development Applications and rezoning/planning matters in order to reduce council's exposure to litigation.

ATTACHMENTS

- 1) NSW Department of Planning – *NSW Coastal Planning Guideline – Adapting to Sea Level Rise* (August 2010)

**ATTACHMENT 1
NSW DEPARTMENT OF PLANNING – NSW COASTAL PLANNING GUIDELINE –
ADAPTING TO SEA LEVEL RISE (AUGUST 2010)**

PROVIDED UNDER SEPARATE COVER

INFORMATION ITEM NO. 2

HUNTER COUNCILS INCORPORATED BOARD MEETING

REPORT OF: PETER GESLING - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: A2004-0500

BACKGROUND

The purpose of this report is to provide Councillors with an overview of the Hunter Council's Bi Annual Board meeting held on 30 September 2010.

- Mayoral appointments at Port Stephens and Dungog Councils have changed at recent elections. The previous Mayor of Dungog was the Chairman and a vote determined that Cr Martin Rush of Muswellbrook Council will fill the role of Chairman until the Annual General Meeting in November.
- A presentation from Hunter Valley Research Foundation on the Regional Well-Being Index was enlightening. This included a request to assist in its publication. The Board will consider this at its November meeting.
- The Chief Executive Officer briefed the Board on recent changes to the NSW Association's Incorporation Act and Regulations which applied from the 1 July 2010. These changes necessitate Hunter Council reviewing its Constitution and considering the future direction of the organisation. A further report will be considered by the Board after legal and financial advice is obtained.
- Financial statements for the organisation indicate a positive start to the year with a healthy outcome predicted. Hunter Council's Ltd storage business continues to trade profitably and is installing new racking to accommodate the expansion of the business.
- Local Government Training Institute continues to expand its programs to Local Government and to offer training to persons seeking work with a public agency.
- Regional Procurement has achieved 3rd Party Quality Assurance and continues to expand its operations.

Maitland City Council was supported in seeking a regional approach to recent street lighting increases for the cost of energy and maintenance. Port Stephens Council along with many others has been working with the Street Lighting Improvement Program initiated by South Sydney Regional Organisation of Councils (SSROC) and have contributed many submissions provided to the Government and IPART to challenge the street lighting regime. While initial improvements were made these were challenged by the energy industry which saw the reductions overturned. A late motion will be submitted to the Local Government Association Conference on this subject.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

INDOOR PROGRAM POOL AT THE TOMAREE AQUATIC CENTRE

COUNCILLOR: DOVER

THAT COUNCIL:

- 1) Prepare an urgent report on the construction of a Indoor program pool at the Tomaree Aquatic Centre. This facility is desperately needed by residents who would be able to contribute to the running costs. Figures available suggest that the facility would be financial viable operating from 9 to 5pm each day. Partnerships with qualified health professionals should be included in the investigation. Both State and Federal Funding should be explored.

ORDINARY COUNCIL MEETING – 9 NOVEMBER 2010

Councillor Steve Tucker objected to the motion.

362	Councillor Sally Dover Councillor Steve Tucker	It was resolved that the Notice of Motion be adopted.
-----	---	---

BACKGROUND REPORT OF: JASON LINNANE – FACILITIES AND SERVICES, ACTING GROUP MANAGER

BACKGROUND

Council staff are working with the current contractors, YMCA of Sydney, in preparing options for possible capital development at this site.

It is expected that a briefing with interested Councillors will be held December 2010. The construction on an indoor program pool is certainly one (1) of the options that will be considered as part of this process.

Any new capital development will need a strong business case to support the expenditure of funds at the site. The proposal around an indoor pool for this site is included in Councils strategic asset management for the leisure centre port folio.

There being no further business the meeting closed at 5.55pm.

MINUTES FOR ORDINARY MEETING – 9 NOVEMBER 2010

I certify that pages 1 to 46 of the Open Ordinary Minutes of Council 9 November 2010 and were confirmed by Council at its meeting held on 23 November 2010.

.....
Cr Bob Westbury
MAYOR