

Minutes 28 February 2012



Minutes of Ordinary Meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 28 February 2012, commencing at 5.41pm.

PRESENT: Councillors R. Westbury (Mayor); G. Dingle; C. De Lyall; S. Dover; G. Francis; K. Jordan (Deputy Mayor); B. MacKenzie; J. Nell; S. O'Brien; S. Tucker; F. Ward; General Manager; Corporate Services Group Manager; Facilities and Services Group Manager; Development Services Group Manager and Executive Officer.

006	Councillor Ken Jordan Councillor Caroline De Lyall
	It was resolved that the apology from Cr P Kafer be received and noted.

007	Councillor Ken Jordan Councillor Shirley O'Brien
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 20 December 2011 and the Minutes of the Extra-Ordinary Meeting held on 14 February 2012 be confirmed.

	Cr Geoff Dingle declared a less than significant non pecuniary in Item 5. The nature of the interest is that Cr Dingle is currently a member of the Scout Association (not holding any active position).
	Cr Dingle declared that he is not a member of the Raymond Terrace Scout Group. He has no financial interest in the property listed. Cr Dingle declared that his interest is in supporting the Scout Association at the request of the Regional Commissioner for H&C.

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**COUNCIL
COMMITTEE
RECOMMENDATIONS**

Cr Sally Dover moved and seconded by Cr Glenys Francis that Item 5 be brought forward and dealt with prior to Item 1.

ITEM NO. 5

FILE NO: PSC2008-0204

COMPULSORY ACQUISITION OF EASEMENT FOR FOOTPATH/CYCLEWAY OVER LOT 2 IN DP 867862 AND LOT 1 IN DP 862816 - KING STREET, RAYMOND TERRACE

REPORT OF: CARMEL FOSTER – COMMERCIAL PROPERTY MANAGER
GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Compulsorily acquire easements over Lot 2 DP867862 and Lot 1 DP862816 for the purposes of providing a combined footpath / cycleway.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012

RECOMMENDATION:

	Councillor Ken Jordan Councillor Bob Westbury
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

008	Councillor Ken Jordan Councillor Glenys Francis
	It was resolved that Council defer Item 5 to the March Ordinary Council meeting to allow for public access and a site inspection.

BACKGROUND

The purpose of this report is to seek Council's consent for the compulsory acquisition of an easement over two parcels of land located at 26 King Street and 24A King Street, Raymond Terrace (**Attachment 1**).

In recent years Council has undertaken the construction of a combined footpath/cycleway commencing at the boat ramp adjacent to King Park, underneath the Fitzgerald Bridge, then along the levy bank of the Hunter River and terminating in a dead end at Barrier Lane.

The intention is to complete the construction of the footpath/cycleway along the remaining section of levy bank in a south westerly direction in order to complete the

connection to Riverside Park thus providing continuous access of travel of pedestrians and cyclists from the sport fields through to Riverside Park in either direction.

Council owns the remaining properties between Barnier Lane and the subject properties and an easement exists over the land occupied by the Defence Housing building.

Ownership of the subject properties extends to the high water mark of the Hunter River. Consultation with both property owners over a significant time to have them agree to the creation of an easement has been unsuccessful, therefore Council has been unable to complete the infrastructure project.

FINANCIAL/RESOURCE IMPLICATIONS

The compulsory acquisition will require a valuation to be undertaken by the Valuer General's Office after gazettal of the easement in Council's ownership. The Valuation will be prepared in accordance with recognised valuation principles and under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. This will determine the compensation payable to the respective landowners.

The creation of new infrastructure is a financial impost on Council. Notwithstanding that whilst the proposal comes at a cost to Council by way of compensation there is a significant overall benefit to the community to complete the footpath/cycleway link.

LEGAL, POLICY AND RISK IMPLICATIONS

Council is empowered to compulsorily acquire land for the construction of infrastructure through provisions in the Local Government Act. The compulsory acquisition process is a Statutory procedure and requires Minister's consent.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources ?
The valuation of the interest to be acquired will be assessed by a Property Valuer appointed by the Valuer General's Office. The value will be assessed by appropriate valuation methodology and the report will need to be assessed to ensure the correct approach and sales evidence is provided.	High	Assessment of the Report provided by the Valuer General to ensure appropriate methodology and sales evidence is provided in the report so that a correct assessment of value has been provided to Council.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The benefits to the community by the completion of the infrastructure will allow continuous access along the river frontage for approximately 1.4 kilometres. This will link two recreation areas of Raymond Terrace, the sports fields and associated recreation areas in the north east and the picnic areas of Riverside Park in the south west. The interaction of walkers and riders utilising the infrastructure is a positive, healthy and social outcome.

There are no environmental implications involved in the construction of this infrastructure as it is proposed to be constructed along the ridge of the existing levy bank.

CONSULTATION

- 1) There has been considerable consultation between Council and both property owners over a lengthy period of time;
- 2) Group Manager Commercial Services;
- 3) Property Advisory Panel;
- 4) Civil Assets Manager.

OPTIONS

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

ATTACHMENTS

- 1) Aerial photograph;
- 2) Cadastral plan.

COUNCILLORS ROOM

Nil.

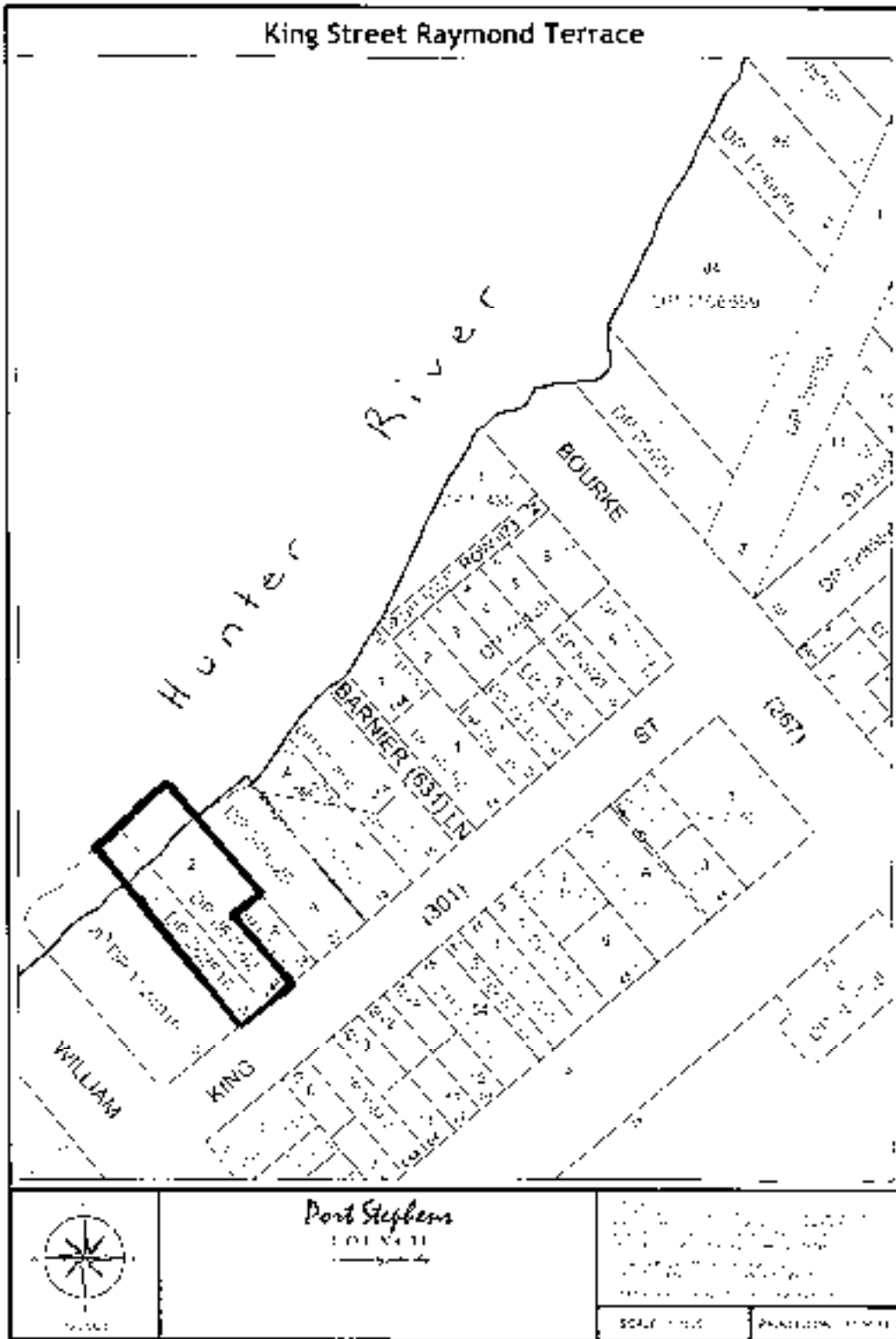
TABLED DOCUMENTS

Nil.

ATTACHMENT 1



ATTACHMENT 2



ITEM NO. 1

FILE NO: 16-2011-543-1

**DEVELOPMENT APPLICATION FOR THE COMPLETION OF A PARTLY
CONSTRUCTED RURAL SHED AND ONGOING USE AT 2209 PACIFIC
HIGHWAY HEATHERBRAE**

**REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND ENVIRONMENTAL
HEALTH MANAGER**

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

The development application 16-2011-543-1 for the completion of the partly constructed rural shed and ongoing use is refused for the following reasons:

- 1) The development is inconsistent with the provisions and 1(a) Rural zone objectives of Port Stephens Local Environmental Plan 2000;
- 2) The development is out of character with the immediate landscape and does not maintain an acceptable level of amenity;
- 3) The development is considered to be incompatible with the immediate landscape in terms of height, bulk, scale and distance from the boundary and poses and unacceptable impact on adjoining premises in terms of solar access.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012

RECOMMENDATION:

	Councillor Ken Jordan Councillor Caroline De Lyall
	That Item 1 be deferred to allow for a site inspection.

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

Those for the Motion: Crs Bob Westbury, Glenys Francis, Ken Jordan, John Nell, Caroline De Lyall, Shirley O'Brien, Geoff Dingle, Sally Dover and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

009	Councillor Ken Jordan Councillor John Nell
	It was resolved that Council defer Item 1 for a month to allow for public access by the applicant and the objectors.

In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Bob Westbury, Glenys Francis, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward and Sally Dover.

Those against the Motion: Nil.

BACKGROUND

This application has been called to Council by Councillor Jordan "to have Councillors look at this DA".

The purpose of this report is to present a Development Application to Council for determination.

Consent has been sought for the completion of construction and ongoing use of machinery shed on Lot 512 DP: 587997, 2209 Pacific Highway Heatherbrae. The subject site is zoned 1(a) – Rural Agriculture "A" which is described in Port Stephens Local Environment Plan 2000 (LEP). The subject site is identified as flood prone land on the lower portions of the block.

The Applicant has constructed the machinery shed to frame stage, including a significant concrete floor slab without seeking prior consent for the works.

The illegal works were originally referred to Council's Compliance Officer through Council's CRM system after an adjoining property owner had lodged a complaint about the bulk and scale and general size of the structure, it's location in respect to the property boundary and the resultant use of the structure.

In the context of the compliance investigation it was noted that the structural frame of a shed had been erected 0.2m from the boundary to an eave height of approximately six (6) metres and ridge height of approximately seven (7) metres. The area of the shed is noted as twenty seven and a half (27.5) metres in length with a width of twelve (12) metres. This results in a floor area of three hundred and thirty (330m²) square metres.

In addition to the above the owner's consultant also advised that there were other structures on the site where prior consent had not been obtained. A large shed to the rear of the dwelling was said to be constructed under state exempt provisions, and a

Studio building that was unauthorised. A carport was also erected next to the Studio building which was said to be consistent with exempt development provisions by the consultant.

In responding to the Consultant on the matter of the unauthorised shed and Studio (accepting that the other shed and carport could be exempt development) the following advice was provided:

"In regards to the unauthorised shed and studio building Council will not request the owners to lodge an application for a building certificate as this is not seen as an appropriate means of remedying the breaches of the Environmental Planning and Assessment Act 1979. The burden of finding a remedy will rest with the owners in the first instance. If no remedy is found Council may require the structures to be removed."

A meeting was arranged at the site with the consultant, owners and Council staff. During the meeting the owners advised that they would lodge an application regarding the large unauthorised shed seeking consent to use and complete its construction. The prohibited land use (storage of materials associated with the home occupation and shed erection) issue was discussed and the owners advised that the use of the land was now scaled back to that of "Home Occupation" restricted to office activities. The vehicles located at the premises would be restricted to those used by the occupants only (no other employees come to the site to collect work vehicles).

"Home occupation means an occupation carried on in a dwelling-house or in a dwelling in urban housing by the permanent residents of the dwelling-house or dwelling which does not involve:

- (a) registration of the building under the Factories, Shops and Industries Act 1962, or
- (b) the employment of persons other than those residents, or
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste waters, waste products or grit or oil or otherwise, or
- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house, dwelling, front fence or a pole within the property boundary such that the height of the sign is not more than 1.5m, to indicate the name and occupation of the resident), or
- (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail."

The owners advised that they had intentions to remove the Studio building from the site and would not include this in their application to council. The owners and their consultant were advised that if they could not regularise the unauthorised shed Council would take steps to require the unauthorised structures to be removed in accordance with Council's compliance policy.

An Application was received by Council to complete the partially constructed structure and ongoing use as a private Rural Shed. NB The *Environmental Planning and Assessment Act 1979* does not provide for the retrospective approval of illegal building works hence this development application is for the completion of the illegal built building and the ongoing use of that building as a private rural shed.

The Development Application is inconsistent with Council Policy and it is inconsistent with the objectives of the Rural 1(a) zoning within the *Port Stephens Local Environmental Plan 2007*.

In the context of assessing this Application the assessing officer applied the principles of Council's Development Control Plan in determining whether a structure of this size and location from boundaries would be considered appropriate. There are no specific "development controls" contained with the PSC DCP 2007 to restrict the construction of a rural shed, hence this application is assessed on its merits with due and proper consideration of the Principles as listed in B6.18 of the DCP and the objectives of the Rural 1(a) zoning within the *Port Stephens Local Environmental Plan 2007*.

"PSC DCP 2007 PRINCIPLES

B6.C103 Sheds in a residential or rural residential area should be located and designed to minimise adverse impacts on street or landscape character, neighbouring amenity, and stormwater drainage.

B6.C104 Sheds in a residential area should be located and designed to retain deep soil planting areas and existing vegetation at the rear of the lot."

Given the bulk and scale of the structure as proposed and partially illegally erected and its proximity to the adjoining property boundary it is considered to have an unacceptable environmental impact on the landscape character of the area and an adverse impact upon the amenity of the adjoining property.

The owner has been advised in writing and verbally from a practitioner/professional perspective on several occasions that the application as submitted can not be supported and given the opportunity to redesign the current proposal to bring it into line with more conventional dimensions and boundary setback of private rural sheds in close proximity to residential buildings. (Likely acceptable dimensions would be in the order of 4.2 metres overall height, maximum floor area of 200m² and a minimum side boundary setback of 5 metres – source the draft PSC DCP currently under exhibition and the underlying intent of the current DCP2007 in regards to similar structures).

To address this, the applicant has submitted sketch plans showing only a minor and insignificant reduction in the ridge height of one (1) metre, with no reduction in overall floor area or increase of boundary setback. The applicant has indicated that they do not wish to modify the design any further and would like Council to determine the application as submitted.

FINANCIAL/RESOURCE IMPLICATIONS

In the context of a submission, the adjoining property owner has strongly objected to the proposal and also expressed an intention to challenge any approval through the

provisions of a Land and Environment Court appeal. Should the decision be contrary to the recommendation there must be consideration given to the financial implications of defending such a decision possibly in the Land and Environment Court context.

Conversely, consideration should also be given to the applicant challenging any refusal. However, the risk is considered less and in the context of the works being largely illegally constructed without prior lawful consent. Furthermore such works as illegally erected, if a development application were to have been lodged prior to works commencing, would be unlikely to have gained consent under delegation without significant amendment to reduce bulk, scale and impact upon adjoining premises.

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is inconsistent with Council Policy and it is inconsistent with the objectives of the Rural 1(a) zoning within the *Port Stephens Local Environmental Plan 2007*.

No specific numerical standard exists within the LEP2000 or DCP2007 in the context of addressing overall size of sheds in this zoning. The assessment falls in the category of merit assessment with the principles in the existing controls used to guide and inform this assessment.

In this regard, consideration has been given to the parameters set within the draft DCP currently under exhibition and the underlying intent of the current DCP2007 in regards to similar structures. The draft policy indicates that a floor area of 200m² with a maximum height of 4.2m with a side boundary setback of 5m. Further, the proposal is also well in excess of the provisions of the State Housing Code for complying development.

The works have been constructed without lawful consent and proper regard to the amenity of adjoining property owners. The merit based assessment considering amenity, bulk and scale, height and solar access, coupled with the potential risk indicated in the below table identify a decision contrary to the recommendation presents an unacceptable risk to Council as per Council's risk management matrix.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Third party (adjoining owner) litigation	High	Adopt recommendation to refuse the application. Follow-up the illegal works in accordance with Council's Compliance Policy.	Yes
Applicant appeal against refusal	Medium	Adopt recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is considered that there may be potential impacts given the reduction of amenity to adjoining property owners. The current proposal is akin to an industrial size and design, which in turn can erode the character of the zoning in the immediate vicinity.

The objectives of the rural zone is to provide land for present and future agricultural activities while preserving the sense of space which remains a key attribute of these zonings. The current proposal (with consideration to other development on the site and the size of the lot) does not present a true need for a structure of this size given the limited agricultural activity being undertaken on this site.

The implications lead to a potential redesign of the use of the site from agricultural land to a pseudo industrial site. This promotes the fragmentation of agricultural land for uses contrary to the objective of the zone.

Should the Development application be approved there may be a possible economic benefit for the existing landowners which is largely offset by the likely adverse impacts on the adjoining property.

If the application is refused as recommended the illegally constructed works are likely to be fully or partially demolished which, as a compliance function, will be determined by staff under delegation.

CONSULTATION

The application was exhibited in accordance with Council policy and one (1) submission was received. The illegal works were also brought to Councils by an adjoining property owner.

The formal submission was received from an adjoining property owner who objects to the overall bulk and scale of the development, stating an overdevelopment of the land with a resultant lowering of property values and an impact on amenity; going further to discuss the structure being out of character with the adjoining development.

The terms of the objections with the exception of the comment regarding overdevelopment of the site are agreed with by the assessing officer. The site has sufficient space to adequately support this proposal and existing sheds with minimal impact on adjoining property. This proposal is in the wrong location to maintain the area amenity. It is however noted that with the prime use of this land being agriculture use it is questionable that sufficient agricultural activities are taking place on site to justify the amount of overall shed space on this property.

The public interest considerations are activated in the context of a large proportion of this development has been erected with no appropriate consent in place. If Council were to support this development it may be seen to be condoning illegal activities, giving those in the community that wish to break the laws encouragement. It appears that the applicants efforts to effort to reconcile this has only come about because of

the non-compliances being raised and the owners of this land being caught in the act of the erection of an illegal structure.

This development would have been unlikely to gain support in the first instance had it been presented to Council prior to construction. It could be reasonably assumed that public expectation would warrant that the application for approval after construction be refused and appropriate compliance action implemented.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan;
- 2) Photographs taken from the Statement of Environmental Effects;
- 3) Assessment;
- 4) Conditions/Reasons for Refusal.

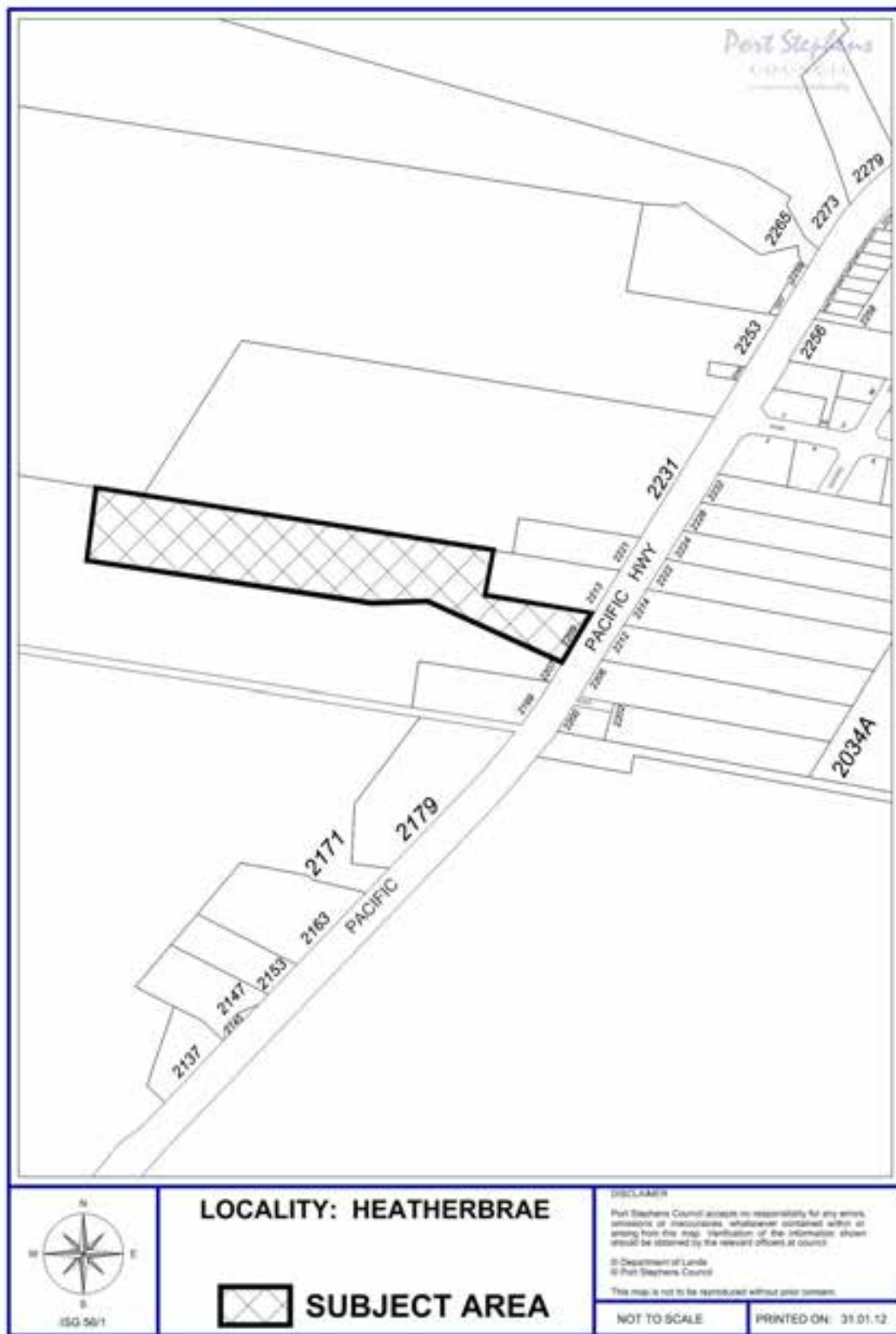
COUNCILLORS ROOM

- 1) Plans, specifications and Statement of Environmental Effects as submitted with the Development Application; and
- 2) Copy of the letter of objection.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY PLAN



**ATTACHMENT 2
PHOTOGRAPHS TAKEN FROM THE STATEMENT OF ENVIRONMENTAL EFFECTS**

Statement of Environmental Effects – 2209 Pacific Highway Heatherbrae



Photo 1 – The steel framework of the partially constructed rural shed viewed from the rear of the existing residence.



Photo 2 – Close-up view of the partially constructed shed.

**ATTACHMENT 3
ASSESSMENT**

The application has been assessed pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

The development application seeks consent for ongoing use of an already erected structure and the completion of the unauthorised works. The completed works will consist of a 28m long, 12m wide (336m² of floor area) with an overall height of 7m situated 0.2m off the side boundary.

It should be noted that the applicant has submitted sketch plans that consist of a 1m reduction in overall height only. It is considered to not be a significant reduction in the context of the bulk and scale or overall impacts as discussed.

THE APPLICATION

Owner	MR A M & MRS A L DUHRING
Applicant	MR A M DUHRING
Detail Submitted	Development plans Statement of environmental effects

THE LAND

Property Description	Lot 512 DP 587997
Address	2209 Pacific Highway HEATHERBRAE
Area	4.79ha
Dimensions	88.75m wide x 462.91m long (and variable)
Characteristics	Existing developed residential dwelling, swimming pool, home office (associated with home occupation business) and six (6) machinery sheds (not including this structure)

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	1(a) (Rural Agriculture)
Relevant Clauses	10 and 11
Development Control Plan	B2 – Environmental and Construction Management
State Environmental Planning Policies	Nil

Discussion

The area occupying the current structure has had previous approval of many smaller sheds (3 in total) occupying the same area. The applicant has built 1 shed covering the total area of the three sheds.

While this has some minor aesthetic benefits in reducing the visual clutter of three (3) sheds with 1, the applicant has increased the height contrary to the original consent of 3.6m to 7m in total height. This prompted adjacent property owners to advise Councils Compliance section of the structure.

In assessing all the relevant information contained in this application, compliance investigations on the site and reviewing previous applications (16-2000-1309-1; 16-2001-35-1) the proposal is considered inappropriate for the following reasons.

- The applicant has sought to apply for the development after substantial amounts of the works were completed.
- The proximity to the boundary (200mm) of the structure in conjunction with the height and overall area is such, that it is considered contrary to the zone objectives, not in the public interest and exhibits an undesirable impact on adjacent property owners.
- The structure as presented would not be considered appropriate if presented prior to any works being undertaken. The height, boundary setback and overall size would have been considered inappropriate.
- Adjoining property owners' complaints regarding the bulk and scale of the structure are well founded.
- It is considered that the height presents as a major factor in this structures domination of the space.

2. Likely Impact of the Development

The development is considered excessive in regards to height bulk and scale and its proximity to the boundary exacerbates this impact. It is considered that the adjoining owner would be negatively impacted in regards to the amenity of his use of his land, the outlook to the rural pastureland and overshadowing.

The development is akin to an industrial shed in appearance and dimension.

3. Suitability of the Site

While large rural sheds are a commonality within this zoning the impacts are greatly reduced by more skilful orientation of the structures within the landscape. The site is suitable for the proposed development but its current placement has given no consideration to adjoining property owners and as such in a refusal recommendation.

4. Submissions

One (1) submission was received from the adjoining property owner. This same owner also brought to Council's attention the erection of the structure without the prior consent of Council. The owner objects to the overall bulk and scale of the development, stating an overdevelopment of the land with a resultant lowering of property values and an impact on amenity; going further to discuss the structure being out of character with the adjoining development.

Comment:

The terms of the objections with the exception of the comment regarding overdevelopment of the site are agreed with by the assessing officer. The site has sufficient space to adequately support this proposal and existing sheds with minimal impact on adjoining property. This proposal is in the wrong location to maintain the area amenity. It is however noted that with the prime use of this land being agriculture use it is questionable that sufficient agricultural activities are taking place on site to justify the amount of overall shed space on this property.

5. Public Interest

The public interest considerations are activated in the context of a large proportion of this development has been erected with no appropriate consent in place. If Council were to support this development it may be seen to be condoning illegal activities, giving those in the community that wish to break the laws encouragement. Any effort to reconcile this has only come about because of the non-compliances being raised and the owners of this land being caught in the act of the erection of an illegal structure.

This development would have been unlikely to gain support in the first instance had it been presented to Council prior to construction it could reasonably be assumed that public expectation would warrant that the application for approval after construction to be inappropriate.

ATTACHMENT 4

REASONS FOR REFUSAL

1. The development is inconsistent with the provisions and 1(a) Rural zone objectives of Port Stephens Local Environmental Plan 2000.
2. The development is out of character with the immediate landscape and does not maintain an acceptable level of amenity.
3. The development is considered to be incompatible with the immediate landscape in terms of height, bulk, scale and distance from the boundary and poses an unacceptable impact on adjoining premises in terms of solar access.

ITEM NO. 2

FILE NO: PSC2011-03487

NSW PLANNING LEGISLATION AND SYSTEM REVIEW

REPORT OF: DAVID BROYD – GROUP MANAGER

GROUP: SUSTAINABLE PLANNING

THIS MATTER WAS DEALT WITH AT THE EXTRA-ORDINARY COUNCIL MEETING HELD ON **14 FEBRUARY 2012.**

BACKGROUND

The purpose of this report is to recommend the submission by Council in response to the *"Issues Paper of the NSW Planning System Review: The Way Ahead for Planning in NSW?"* incorporating a Port Stephens Council emphasis.

The Environmental Planning & Assessment Act (as amended) 1979) has had over 140 amendments during its almost 33 years of operation.

On 6 December 2011 the Minister for Planning & Infrastructure the Honourable Brad Hazzard formally published the *"Issues Paper of the NSW Planning System Review" – "The Way Ahead for Planning in NSW?"* prepared by co-chairs for the Planning System Review: Messrs Tim Moore and Ron Dyer. Submissions in response to the Issues Paper are to be received by the Secretariat of the Planning System Review by close of business on 17 February 2012.

During the preparation of the Issues Paper, Messrs Moore and Dyer conducted 91 community forums in 44 locations in NSW and these forums were attended by almost 2000 people. Additionally, 70 stakeholder meetings have been held and 330 written submissions were received from the public and interested parties.

The co chairs of the Review Team, Mr Tim Moore and Mr Ron Dyer will produce a "Policy Options Green Paper" by the end of April 2012. This Green Paper will set out the recommended preferred structure for a new planning system. Subsequently, a "White Paper" and draft legislation will be released for exhibition before a Bill is submitted to the NSW Parliament – details of timing will be published in due course.

On Friday 10 February 2012, the Hunter Council's Board considered a recommended submission to the Issues Paper on the NSW Planning Legislation and System Review. That submission was drafted by Group Manager Sustainable Planning David Broyd at the request of the General Manager of Great Lakes Council, Glenn Handford who was given the task by the General Manager's Advisory Council of Hunter Council's to submit a recommended submission to the Hunter Council's Board.

The most important issues / questions for Port Stephens Council

Below are what is suggested as the most important issues / questions for this Council based upon previous Council resolutions, issues which Council has dealt with and discussions around the NSW Planning Legislation and System:

- 1) What should be the objectives of the new legislation?;
- 2) What should be the role and composition of Joint Regional Planning Panels based upon a general improvement in clarification in roles for decision making on development applications between the Minister for Planning and Infrastructure, the Planning Assessment Commission, Joint Regional Planning Panels and Councils;
- 3) Achieving a meaningful Regional Strategy – particularly given the issues that Council has had to deal with relating to the Green Corridor and the lack of integration of environmental and infrastructure planning into the Regional Strategy;
- 4) Should strategic planning be given more weight – indeed be given statutory status?
- 5) Development contributions – how should such levies be calculated;
 - How to deal with the confusion between State Infrastructure Levies and Developer Contributions?;
 - How to enable development to occur in the context of significant land and housing affordability issues and how should the allocation of costs for new infrastructure be considered given the limitations on Council's financial capacity to allocate expenditure for capital works, infrastructure and asset management and lifecycle costing to support growth and development?;
- 6) What should be the changes to Private Certification and how should Private Certifiers be made more accountable?;
- 7) Local Environmental Plans:
 - Should they be subject to periodic review and be integrated with the obligations upon Local Government to prepare and review Community Strategic Plans, Delivery Programs and Operational Plans (under amendments from the Local Government Act)?;
 - Should there be a Standardised LEP and if so what should be the format, structure and content;
 - How do the unacceptable delays in the processing of Standard Comprehensive LEP's and Draft LEP Amendments be addressed?;
- 8) What should be the involvement of Local Government in regional planning?;
- 9) How should Local and State Government working relationships generally be improved - and particularly in terms of the working relationships within Port Stephens and the NSW State Government?;
- 10) Should there be a right for a landholder to seek compensation from the consequences of a rezoning of their land?;
- 11) How do we generally make the legislation and system simpler, clearer, more outcome focused and provide more certainty to all involved?;
- 12) What should be the role of Councils in implementing a new Planning System?;
- 13) What checks and balances should be put in place to ensure probity in the Planning System?; and
- 14) How do we generally de complicate and speed up development assessment?

Mr Tim Moore and Mr Ron Dyer posed 238 questions in the Issues Paper. Attachment 2, which is recommended to be part of Council's submission, seeks to address most of the questions that are of relevance to this Council.

FINANCIAL/RESOURCE IMPLICATIONS

The new legislation and system that will result from this Review could, and should, have major implications for financial and resource commitments of Local Government. There is substantial rework and delays in the current system that the Review outcome should seek to address to inject more efficiency.

Also, greater emphasis on quality of outcomes and the assets accepted by Local Government as a consequence of approvals is another key issue for managing the financial implications for Local Government.

Perhaps most importantly, new legislative provisions and systems / processes to deal with local development contributions in the context of Local Government capacity to fund capital works, infrastructure maintenance and lifecycle costing associated with such public assets and facilities need major changes. This has to be addressed in the context of land and housing affordability issues that are very significant in NSW – particularly in Sydney and parts of the Hunter.

LEGAL, POLICY AND RISK IMPLICATIONS

This is a major overhaul of the NSW Planning Legislation and System. Hence it has fundamental and major implications for legal, policy and risk management by this Council, all Council's in NSW and State agencies / departments.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Changes to Legislation and System do not deliver improvements needed.	Medium	Political lobbying and further review.	Yes but could benefit from increased resources.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The objectives of the Environmental Assessment Planning Act (1979) do not currently refer to sustainable development. Other related legislation including the Local Government Act make specific references to Councils responsibilities for sustainable development / ecologically sustainable development. Hence, it would be appropriate for an additional objective to be incorporated into the new legislation to enable balanced judgement by decision makers in the planning system – giving emphasis to social, economic or environmental depending upon the merits of plans being prepared or development proposals for which decisions are being made.

CONSULTATION

The Minister for Planning and Infrastructure appointed Mr Tim Moore and Mr Ron Dyer as co-chairs for the NSW Planning System Review. Messrs Moore and Dyer conducted 91 Community Forums in 44 locations in NSW (these forums were attended by almost 2,000 people) in the preparation of the Issues Paper. Additionally, 70 stakeholder meetings have been held and 330 written submissions were received from the public and interested parties.

Relating to the preparation of this report and the recommended submission, a 2-Way Conversation was held with Councillors on 7 February 2012. Also, Council's Group Manager Sustainable Planning facilitated a workshop of Director's of Council's in the Hunter, Central Coast and Mid North Coast Regions in the process of drafting a report to the Hunter Council's Board (which was considered by the Board on February 10 2012). Also the Group Manager Sustainable Planning convened and facilitated a workshop of interested staff in the Sustainable Planning Group plus other interested staff in the organisation.

OPTIONS

- 1) Endorse the submission recommended to be forwarded to the NSW Planning Review Team which is contained in **Attachments 1 & 2**; or
- 2) Amend and modify any content of the submission which is recommended to be forwarded to the Planning System Review Team as is currently drafted as **Attachments 1 & 2** to this report.

ATTACHMENTS

- 1) Recommended submission by Council to the Review Team responsible for making recommendations to the Minister of Planning and Infrastructure for the reform of the NSW Planning Legislation and System - under separate cover; and
- 2) Responses to the 238 questions posed by Messrs Moore and Dyer for inclusion into the submission we recommended to be forwarded to the Planning Review Team - under separate cover.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**RECOMMENDED SUBMISSION BY COUNCIL TO THE REVIEW TEAM RESPONSIBLE
FOR MAKING RECOMMENDATIONS TO THE MINISTER OF PLANNING AND
INFRASTRUCTURE FOR THE REFORM OF THE NSW PLANNING LEGISLATION AND
SYSTEM**

PROVIDED UNDER SEPARATE COVER

ATTACHMENT 2

**RESPONSES TO THE 238 QUESTIONS POSED BY MESSRS MOORE AND DYER FOR
INCLUSION INTO THE SUBMISSION WE RECOMMENDED TO BE FORWARDED TO THE
PLANNING REVIEW TEAM**

PROVIDED UNDER SEPARATE COVER

ITEM NO. 3

FILE NO: PSC2011-03249

ON-SITE SEWAGE MANAGEMENT POLICY**REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND ENVIRONMENTAL
HEALTH MANAGER****GROUP: SUSTAINABLE PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- a. Revoke the On-site Sewage Management Strategy adopted by Council on 19 October 2004 (Min No. 375);
- b. Adopt the On-site Sewage Management Policy.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012**RECOMMENDATION:**

	Councillor John Nell Councillor Geoff Dingle
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012**RESOLUTION:**

010	Councillor John Nell Councillor Geoff Dingle
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to inform Council of proposed changes to the On-site Sewage Management (OSMS) Policy which provides a formal framework for the management and regulation of On-site Sewage Systems in Port Stephens LGA. Council regulates On-site Sewage Systems with a capacity of less than 2500 equivalent persons or 750kL per day capacity. If not appropriately managed and regulated, On-site Sewage Systems, have the potential to detrimentally impact on the area's pristine waterways, tourism and aquaculture industries, degrade lands and increase the health risks to the public.

This draft Policy has been updated to reflect advances and improvements in the knowledge and science of On-site Sewage Management systems, processes and environmental assessment methods. The following amendments are briefly explained:

Installation Applications: An alternative method of assessing installation applications is proposed titled the Development Assessment Framework (DAF). The DAF is the outcome of a broad scale, risk based environmental study of the LGA resulting in the production of a hazard class map that assign a sewage management risk or hazard class to each land parcel. Based on the assigned hazard class the DAF defines the level of investigation required, provides best practise resources for consultants, provides minimum design standards for systems and disposal areas and when applicable provides minimum disposal area sizes. It will provide a comprehensive resource for applicants, system installers, consultants and Council staff.

Treatment System Inspections: Inspections of On-site Sewage Management Systems are routinely undertaken according to an assigned risk and inspection frequency classification (ie every 1, 2, 3 or 5 years). Domestic mechanical type treatment systems are required to be routinely serviced by a third party company with a service report submitted to Council. It is proposed to only inspect these types of systems on an exception basis according to prescribed criteria as defined in the Policy.

Identification of Failing Systems: To ensure an appropriate and timely level of response by Council staff a formal methodology has been prepared for prioritising complaints for identified failing systems. The methodology prescribes situations, responses, tools and examples for guidance of Council staff.

The adoption of this draft Policy will provide property owners, system installers, environmental consultants and Council officers a clear and unambiguous management document resulting in cost effective, consistent and timely operational programs whilst ensuring long term sustainability, environmental and public health outcomes.

Public Exhibition

At the Ordinary Council Meeting of 18 October 2011 it was resolved to place the draft On-site Sewage Management Policy on public exhibition for a period of twenty-eight days. The public exhibition period was between 4 November 2011 and 2 December 2011.

The result of the public exhibition period was that there were no written submissions received.

No changes have been made to the On-site Sewage Management Policy (as attached) from that exhibited.

FINANCIAL/RESOURCE IMPLICATIONS

There are no additional financial implications for Council associated with implementation of this policy. The OSMS policy and programs will be neutrally funded through collection of fees for the approval to operate and installation applications.

LEGAL, POLICY AND RISK IMPLICATIONS

There have been no changes to the assessed legal and risk implications. The role of local Council in managing and regulating On-site Sewage Management Systems remains non-discretionary. Adoption of this policy will assist Council officers in this role.

The Council Operation Risk Matrix was used to assess the potential risk associated with the implementation of the policy (refer table 1). Implementation of the Policy will assist in managing potential consequences such as environmental harm, impact on Council's reputation, impact on the reputation of the local area, harm to human health (people) and legal risks. An assessed risk of low (D4) has been determined based on a consequence of negligible (C1) and likelihood of possible (F3). The risk falls well below the ALARP line and is in the acceptable region.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
<u>Adopting Policy:</u> Nil	Low	Implementation of policy by existing Environmental Health team	Yes
<u>Not adopting policy:</u> Increased risk of environmental harm. Increased exposure of Council to legal action. Potential increase in risk to human health. Detrimental impact on Councils reputation. Detrimental impact on aquaculture industries, water quality and recreational waterways	High	Adopt policy Employment of sufficient suitably qualified and trained staff to implement policy	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

On-site Sewage Management Systems can detrimentally impact on the environment and public health with flow on effects to the tourism and aquaculture industries. This Policy will ensure that Council defines and implements a measured and appropriate level of management and regulation of On-site Management Systems to meet sound sustainability, environmental and public health outcomes.

CONSULTATION

- 1) Public exhibition for a period of twenty-eight days.

OPTIONS

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

ATTACHMENTS

- 1) On-site Sewage Management Policy – Under Separate Cover.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

ON-SITE SEWAGE MANAGEMENT POLICY

PROVIDED UNDER SEPARATE COVER

ITEM NO. 4

FILE NO: PSC2009-07013

PLANNING PROPOSAL TO PERMIT A MEDICAL CENTRE AT 2 KEEL STREET, SALAMANDER BAY

REPORT OF: BRUCE PETERSEN - MANAGER ENVIRONMENTAL AND DEVELOPMENT PLANNING

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Forward the exhibited Planning Proposal (**Attachment 1**) to the NSW Minister for Planning and Infrastructure under Section 59 of the *Environmental Planning and Assessment Act 1979* requesting that the *Port Stephens Local Environmental Plan 2000* be amended to allow (with consent) medical centres as a permissible use at 2 Keel Street Salamander Bay (Lot 101 in DP 880861).

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012

RECOMMENDATION:

	<p>Councillor John Nell Councillor Sally Dover</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Forward the exhibited Planning Proposal (Attachment 1) to the NSW Minister for Planning and Infrastructure under Section 59 of the <i>Environmental Planning and Assessment Act 1979</i> requesting that the <i>Port Stephens Local Environmental Plan 2000</i> be amended to allow (with consent) medical centres as a permissible use at 2 Keel Street Salamander Bay (Lot 101 in DP 880861); and 2) Supports this rezoning on the basis only to legitimise the current operation and this does not in any way imply Council's support for any expansion of buildings, services and/or car parking areas on this site.

In accordance with Section 375A of the Local Government Act, a division is required for this item.

Those for the Motion: Crs Bob Westbury, Glenys Francis, John Nell, Ken Jordan, Caroline De Lyall, Shirley O'Brien, Geoff Dingle, Sally Dover and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

Cr Ken Jordan left the meeting at 6.01pm prior to voting on Item 4.

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

In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Bob Westbury, Glenys Francis, Caroline De Lyall, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward and Sally Dover.

Those against the Motion: Nil.

PROPOSAL DETAILS

Subject Land: 2 Keel Street Salamander Bay (Lot 101 in DP 880861)

Owners: SK & SI Pty Ltd (submission by EPS Pty Ltd)

Current Zone: 2(a) Residential (to be retained)

Proposed Zone: Allow (with consent) "medical centres" as a site-specific use on the subject land.

BACKGROUND

The purpose of this report is to advise Council on the public exhibition of a Planning Proposal to allow (with consent) medical centres as a site-specific use on the subject land and to recommend that Council forward the Planning Proposal to the NSW Minister for Planning and Infrastructure requesting that the *Port Stephens Local Environmental Plan 2000* (the LEP) be amended accordingly.

A copy of the exhibited Planning Proposal is at **Attachment 1**.

The location of the site is shown in **Attachment 2**.

Council Resolutions

Council initially considered the Planning Proposal at its meeting on 9th February 2010 and resolved not to proceed.

Council reconsidered the Planning Proposal at the request of the applicant at its meeting on 23rd August 2011 and resolved to forward it to the NSW Department of Planning and Infrastructure for a Gateway Determination. Council also resolved to charge the full relevant Stage 1 rezoning fee of \$4,000.

Gateway Determination

The NSW Department of Planning and Infrastructure issued a Gateway Determination on 11th October 2011 allowing the Planning Proposal to be publicly exhibited (**Attachment 3**). The Department advised that it does not generally support the use of a site-specific enabling clause to achieve amendments to local environmental plans however notes the merits of this particular circumstance, and encourages Council to ensure the land is appropriately zoned with its forthcoming Standard Instrument Local Environmental Plan. It also required the Planning Proposal to be updated to incorporate an assessment against relevant State Environmental Planning Policies (in this instance *State Environmental Planning Policy (Infrastructure) 2007*).

Public Exhibition

The Planning Proposal was placed on public exhibition from 17th November 2011 to 14th December 2011. No submissions were received.

Site History and Context

The existing premise was approved under the *Port Stephens Local Environmental Plan 1987* as "professional consulting rooms". The definition of professional consulting rooms is limited to three health care professionals and three associated employees (refer to DA 7-1998-60693).

For a "medical centre" to be permissible on the subject land an amendment to the LEP has been requested.

The applicant has previously provided the following advice concerning the operation of the business:

- 6 permanent employees and 1 casual;
- 4 permanent doctors and 1 part time; and
- Services include general medicine, pathology, childhood and adult immunisation, counselling, women's and men's health and aviation medicals.

(Port Stephens Medical Centre 14th January 2010)

The site is located at the corner at the northern corner of Bagnalls Beach Road and Keel Street, Salamander Bay. To the north, east, south and south is residential development. Salamander Bay Shopping Centre and a variety of other businesses are located on the opposite side of Bagnalls Beach Road on land zoned for commercial development.

Keel Street is residential in character and surrounding dwellings are predominantly single storey. The business operates from a building that has the appearance of a two storey dwelling.

The proximity of the site to a major commercial centre and Bagnalls Beach Road presents an opportunity to provide ongoing medical services with relatively easy access to public and private transport and commercial services.

Vehicle access is provided to the site by a single entry and exit located on Keel Street. No access is provided from Bagnalls Beach Road. Because the site is located at the entrance to Keel Street there is little or no need for vehicles to travel beyond the medical centre along Keel Street.

To date reports on this matter have dealt with whether it is appropriate to make a medical centre permissible on the subject land under the LEP as a land use. Compliance with the existing development consent or the merits of any particular development application for the site is subject to any future development application.

In the event that the Planning Proposal proceeds and "medical centre" is made a permissible use on the site, the business owners may lodge a development application to operate in accordance with that definition. As an indication of likely expansion of the business it is useful to refer to a development application refused for the site (DA 16-2010-333-1) on 18th February 2011. It proposed:

- Additions to the existing building to provide six additional practitioner rooms;
- Two additional offices;
- Increased waiting room area;
- A lift capable of transferring a stretcher to the first floor;
- The proposed additions would result in the requirement of another two general practitioners and a need for one more registered nurse plus two reception staff; and
- Hours of operation Monday – Friday 7:00am to 7:00pm, Saturday 8:00am to 5:00pm, Sundays & after hours for emergency service only as required.

FINANCIAL/RESOURCE IMPLICATIONS

The Proponent has paid the relevant Stage 2 rezoning fee of \$10,500 set down in *Council's Fees and Charges Schedule 2011-2012*.

The Proponent requests that Council consider refunding part of the Stage 2 rezoning fee to be more reflective of the amount of work associated with assessing and processing the Planning Proposal (**Attachment 4**).

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
The Planning Proposal does not proceed resulting in reduced opportunity for medical facilities	High	Proceed with the Planning Proposal	Yes

Strategic Planning for Medical Centres

Population growth and aging are relevant issues to consider in assessing the Planning Proposal. These issues are discussed generally in the *Port Stephens Planning Strategy (PSPS)* as follows:

- Ageing of the population is a challenge;
- Port Stephens LGA has experienced continuing high population growth compared to the Hunter Statistical Division (annual growth rate 1.41% from 2001-2006) and a larger percentage of people aged over 60 years (22.9% compared to 21.2%);
- The Tomaree Peninsula is the second fastest growing Planning District (40% between 1996 and 2006); and
- Healthy communities are a NSW State Plan priority including: improving and maintaining access to quality healthcare in the face of increasing demand; improve survival rates and quality of life for people with potential fatal or chronic illness, promote healthy lifestyles; reduce potentially preventable hospital admissions; and improve outcomes in mental health.

Proceeding with the Planning Proposal will assist in addressing these issues.

State Environmental Planning Policy (Infrastructure) 2007

The proponent had intended to resolve the matter through the provisions of this SEPP, which permits a range of health services facilities (including medical centres) in a variety of zones, regardless of a prohibition in a council local environmental plan. A NSW Department of Planning review of the SEPP in 2010 recommended the inclusion of medical centres as a permissible use in the R2 Low Density Residential zone (the equivalent of the 2(a) Residential zone in the Port Stephens LEP). The SEPP equivalent does not allow medical centres under the equivalent zone. As a result the proponent cannot utilise the SEPP.

The NSW Department of Planning and Infrastructure wrote to a representative of Port Stephens Medical Centre on 21st March 2011 encouraging them to seek reconsideration of the Planning Proposal by Council.

Definitions

A "medical centre" is defined under the LEP as "*a building or place used for the purpose of providing professional health services (such as preventative care, diagnosis, medical or surgical treatment of counselling) to out-patients only*".

"Professional consulting rooms" are defined under the *Port Stephens Local Environmental Plan 1987* as "*a room or number of rooms forming either the whole of or part, attached to or within the curtilage of a dwelling-house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the Dentists Act 1934, or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care respectively, and if more than one, practise in partnership, and who employ not more than three employees in connection with that practice*".

The important difference between the two definitions is that a medical centre is not limited in scale. Professional consulting rooms are deliberately smaller in scale and generally compatible with the residential character of the 2(a) Residential zone. As such, medical centres are not permissible within the 2(a) Residential zone and usually permissible within commercial zones.

Amending the Port Stephens Local Environmental Plan 2000 – Enabling Clause

The most appropriate mechanism for permitting a medical centre on the subject land is a site specific enabling clause. This will restrict commercial use of the site to a medical centre only and continue to prohibit other types of commercial use within the 2(a) residential zone generally, which may have the potential for significantly greater adverse impacts on the residential amenity of an area.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Amending the LEP to permit a medical centre on the site will enable a development application to be submitted for a medical centre on the subject land within the 2(a) Residential zone. Any future development application will need to demonstrate that it meets the requirements of the *Building Code of Australia* and the matters for consideration listed under section 79C of the *Environmental Planning and Assessment Act 1979*.

CONSULTATION

The Planning Proposal was placed on public exhibition from 17th November to 14th December 2011. No submissions were received.

OPTIONS

- 1) Adopt the recommendations of this report and forward the Planning Proposal to the NSW Minister for Planning and Infrastructure requesting that the Proposal be made – a medical centre will be permissible with consent on the site; or
- 2) Reject the recommendations of this report and not proceed with the Planning Proposal – a medical centre will not be permissible on the site.

ATTACHMENTS

- 1) Planning Proposal – under separate cover;
- 2) Location Map;
- 3) NSW Department of Planning and Infrastructure Gateway Determination; and
- 4) Request for Fee Reduction.

COUNCILLORS ROOM

- 1) Folder including Attachments.

TABLED DOCUMENTS

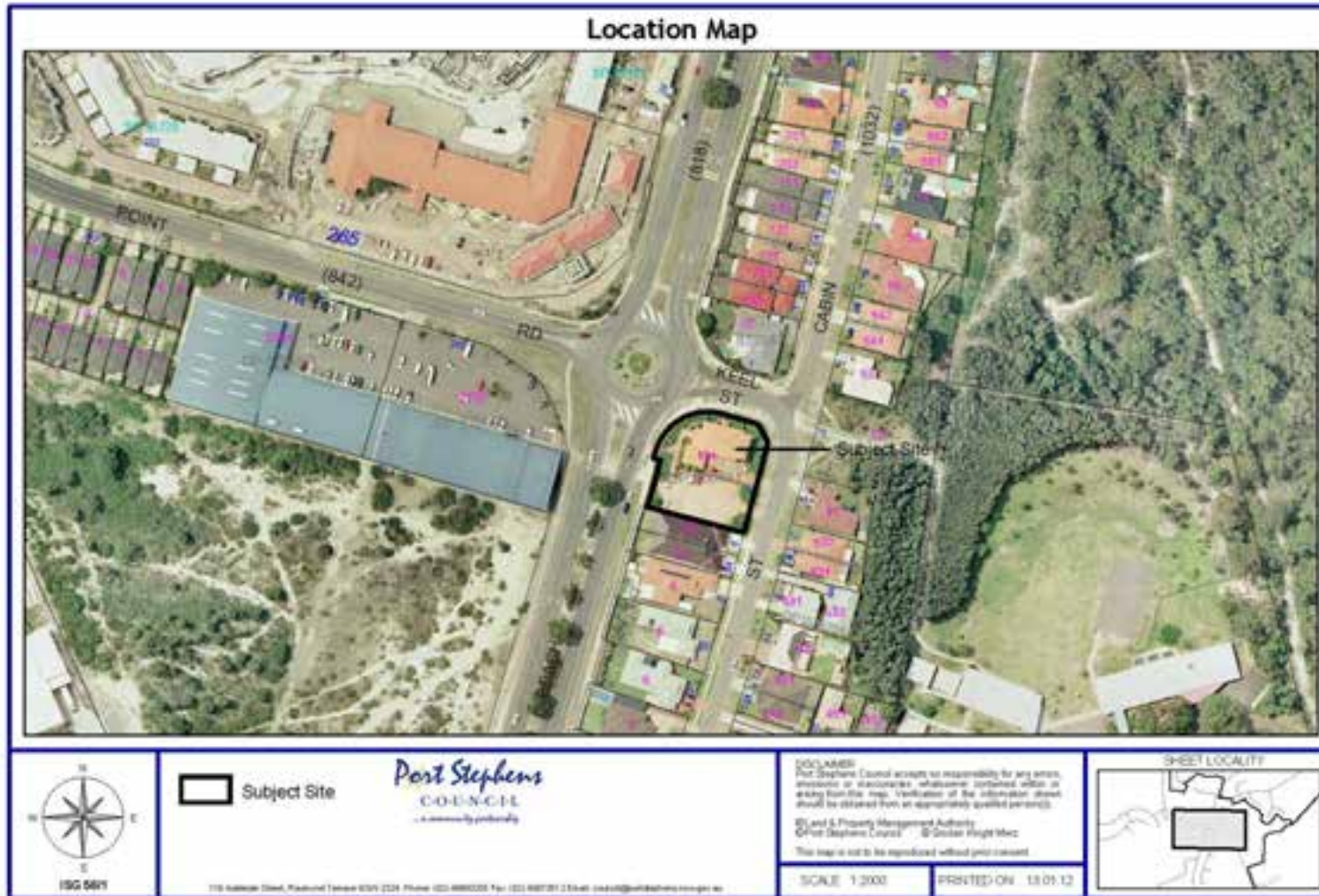
Nil.

ATTACHMENT 1

PLANNING PROPOSAL

PROVIDED UNDER SEPARATE COVER

ATTACHMENT 2
LOCATION MAP



ATTACHMENT 3

NSW DEPARTMENT OF PLANNING & INFRASTRUCTURE GATEWAY DETERMINATION



qB178667
11/18253

Department Generated Correspondence (Y)

Contact: Dylan Meade
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Dylan.Meade@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2011_PORTS_006_00 (11/18850)

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Gesling,

Re: **Planning Proposal to insert an enabling clause for Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit "medical centres" as a use permissible with consent**

I am writing in response to your Council's letter requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Port Stephens Local Environmental Plan 2000 to insert an enabling clause for Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit "medical centres" as a use permissible with consent.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Generally, the Department does not support the use of a site specific enabling clause as the mechanism to achieve LEP amendments. In this particular circumstance, Council's concerns regarding the implications of a 3a Business 'A' zoning on the site are noted and there is considered to be merit in this planning proposal which will facilitate the provision of medical services to the growing and ageing population of Salamander Bay, on an appropriate site located adjacent to the Salamander Bay centre and in close proximity to public transport. However, Council is encouraged to ensure that the land is appropriately zoned in its Standard Instrument comprehensive LEP so that site specific provisions will not be required.

The planning proposal does not include consideration of applicable SEPPs. Council is to update the planning proposal prior to exhibition to incorporate an assessment of the relevant SEPPs.

It is noted that the 'Explanation of Provisions' section of the planning proposal has been drafted in the form of the written instrument. This section is to be re-worded to 'explain' in statement form how the objectives are to be achieved through the LEP amendment, in accordance with the Department's Guide to Preparing Planning Proposals. Council is to ensure the revision to the planning proposal is undertaken prior to the commencement of community consultation.

The Director General's delegate has determined that the planning proposal's inconsistency with S117 Directions 3.1 Residential Zones and 6.3 Site Specific Provisions is of minor significance considering the proposal is in line with the Lower Hunter Regional Strategy and involves the expansion of an existing professional consulting room to a medical centre.

The Director General's delegate has further agreed that the planning proposal is consistent with S117 Directions 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies and 6.1 Approval and Referral Requirements. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within **6 months** of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Dylan Meade of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,


Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal



Gateway Determination

Planning Proposal (Department Ref: PP_2011_PORTS_006_00): to insert an enabling clause for Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit "medical centres" as a use permissible with consent.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan 2000 to insert an enabling clause for Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit "medical centres" as a use permissible with consent should proceed subject to the following conditions:

1. Council is to update the planning proposal prior to exhibition to incorporate an assessment of the relevant SEPPs.
2. The 'Explanation of Provisions' section of the planning proposal is to be re-worded to 'explain' in statement form how the objectives are to be achieved through the LEP amendment prior to the commencement of community consultation.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 11th day of October 2011.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure

Port Stephens PP_2011_PORTS_006_00 (11/16850)

ATTACHMENT 4
REQUEST FOR FEE REDUCTION

EPS



7th November 2011

MR MATTHEW BORSATO
STRATEGIC PLANNER
116 ADELAIDE STREET
RAYMOND TERRACE NSW 2324
Via email: matthew.borsato@portstephens.nsw.gov.au

PORT STEPHENS COUNCIL	
8 NOV 2011	
File No. _____	
Action by _____	
Period _____	

Dear Matthew,

**RE: PORT STEPHENS MEDICAL CENTRE PLANNING PROPOSAL – STAGE 2
REZONING LODGMENT AND PAYMENT OF FEE**

In accordance with your email correspondence dated 25th October 2011, we have amended the Port Stephens Medical Centre Planning Proposal to incorporate your comments and the document is now ready for public exhibition. Please find a hard copy of the Planning Proposal attached with this letter. An electronic copy has also been forwarded via email.

Pursuit to Council's Schedule of Fees and Charges 2011-2012 please find enclosed a cheque addressed to Port Stephens Council in the amount of \$10,500 for the Stage 2 Rezoning Fees.

Our client greatly appreciates Council's recent decision to reduce the Stage 1 rezoning fees based on an equivalent nexus of work required for Council to complete Stage 1 of the rezoning. Again, we request that Council consider a fee reduction for the Stage 2 works to an appropriate level equivalent to the nexus of works required for this Planning Proposal for Stage 2. I have discussed this matter with Bruce Peterson from Port Stephens Council and it is considered that a disparity exists between Council's Schedule of Fees and Charges versus the fees legitimately required to finalise the Planning Proposal. Council has previously advised that any reduction in fees is a matter for the elected Council. The Local Government Act 1993 states:

610E Council may waive or reduce fees

(1) A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.

Given that the Planning Proposal only requires administration measures relating to exhibition and gazettal, the level of assessment/work should be relatively straight forward and the associated cost significantly less than the full Stage 2 fee. Therefore, we respectfully request Council to again consider a fee reduction in this circumstance that would be proportional to the work for the finalisation of the Planning Proposal.

ENVIRONMENTAL PROPERTY SERVICES

Level 23, 200 George St, Sydney NSW 2000
Level 1, 10 Mackinnon St, Nelson Bay, NSW 2316

Telephone (Sydney) 92 9238 1985
Telephone (Nelson Bay) 42 4541 9888

APNS 07 143 486 527
Website www.portstephens.nsw.gov.au

EPS



Our client has paid the full fee "under protest" to allow the rezoning process to continue without delay while Council considers our request for a fee reduction.

We would greatly appreciate if you could confirm the following:

- exhibition period dates;
- the timeline to gazettal of the Local Environmental Plan amendment; and
- whether any more fees are required by our client with regards to the rezoning process.

If you have any questions in relation to this matter or require further information, please contact me on 02 4981 1600.

Yours faithfully

ENVIRONMENTAL PROPERTY SERVICES

Steve McCall
Principal
steve.mccall@enviroprop.com.au

ITEM NO. 6

FILE NO: PSC2005-4305

PURCHASE OF CROWN ROAD, PART LOT 1 DP 552739 AND PART LOT 2 DP 573068 KARUAH

REPORT OF: CARMEL FOSTER – COMMERCIAL PROPERTY MANAGER
 GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Agree to the closure and purchase of a former Crown Road being Lots 1 & 2 DP1167919 which is currently under an Enclosure Permit between Port Stephens Council and Department of Primary Industries Catchment & Lands;
- 2) Consents to grant authority to affix Council's seal and signatures to all relevant legal documentation required to complete the closure purchase from the Department of Primary Industries Catchment & Lands (DPI).

**COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012
 RECOMMENDATION:**

	<p>Councillor Ken Jordan Councillor Caroline De Lyall</p>
	<p>That the recommendation be adopted.</p>

**ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012
 RESOLUTION:**

012	<p>Councillor Glenys Francis Councillor Shirley O'Brien</p>
	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to recommend that Council agrees to the cancellation of the current Enclosure Permit over a former crown road now known as Lots 1 & 2 D.P.1167919, **Attachment 1**, to enable the closure and purchase of this road at a cost of \$9325. The road, which is within Lot 2 D.P.552739 and Lot 2 D.P.573068 off Tarean Road at Karuah, is predominantly inaccessible and if closed will be consolidated with Council's adjoining freehold land of approximately 244 hectares, see **Attachment 2** for location map.

The NSW Government, in approx 2005, started the process of rationalising the outdated network of crown public roads that crossed land in private ownership and is not required for either crown or public access over the land. Numerous letters

were sent to landholders for their consideration of purchasing the road that essentially divided their land. The Crown would create lots to enable the land to be purchased by the adjoining land holder for consolidation. Port Stephens Council was contacted by the Crown in July 2010 in regard to a potential purchase of road or alternatively Council would need to commence the payment of the annual fee for an Enclosure Permit.

The Enclosure Permit fee will need to be paid whilst the land is in Crown ownership and is currently \$432 per year. This amount is the minimum statutory amount and will increase annually and potentially be reviewed and increased substantially over the Consumer Price Index. If the Council purchases the Crown road the payment of this fee will cease.

DPI has supplied an Agreement for endorsement by a representative of Port Stephens Council regarding acceptance, or otherwise of the Crown road
Attachment 3.

FINANCIAL/RESOURCE IMPLICATIONS

The purchase price of the land of \$9,325.00 will be funded from Council's restricted Property Reserve. The purchase will negate the annual payment to the Crown of \$432.00.

LEGAL, POLICY AND RISK IMPLICATIONS

This is a statutory process under Section 34 of the Roads Act 1993 to complete the process of the road closure, purchase and consolidation by Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Annual payments may be subject to increases above CPI	Low	Purchase closed road	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The majority of the Crown road is heavily vegetated. The road will be consolidated with Council's adjoining parcels that are currently under assessment for bio banking credits.

CONSULTATION

- 1) Department of Primary Industries Catchments & Lands (Newcastle and East Maitland offices);
- 2) Principal Property Advisor;
- 3) Property Officer;
- 4) Commercial Property Manager; and
- 5) Property Development Co-ordinator.

OPTIONS

- 1) Accept the recommendations;
- 2) Reject the recommendations.

ATTACHMENTS

- 1) DP1167919;
- 2) Locality Map;
- 3) Agreement from DPI.

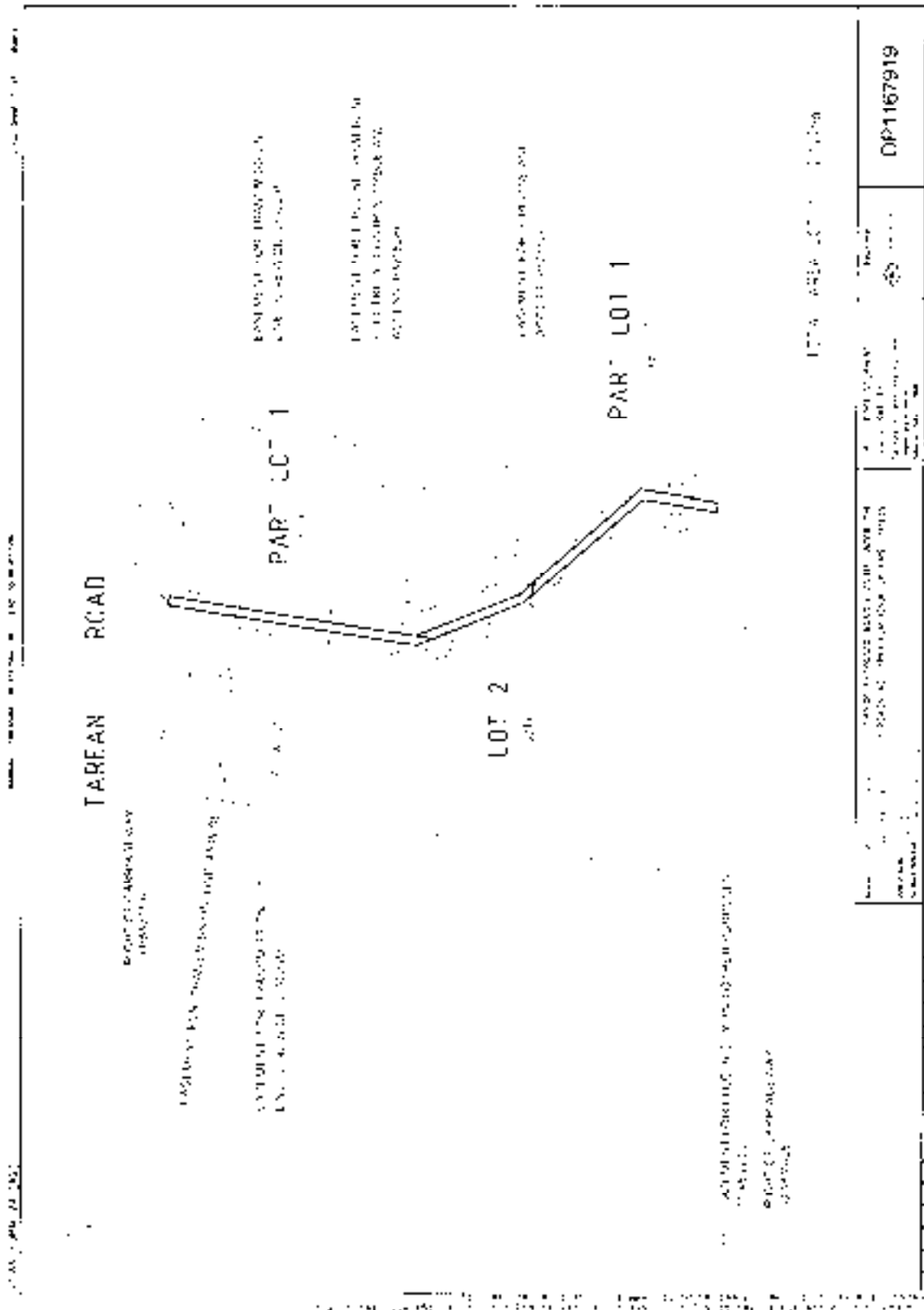
COUNCILLORS ROOM

Nil.

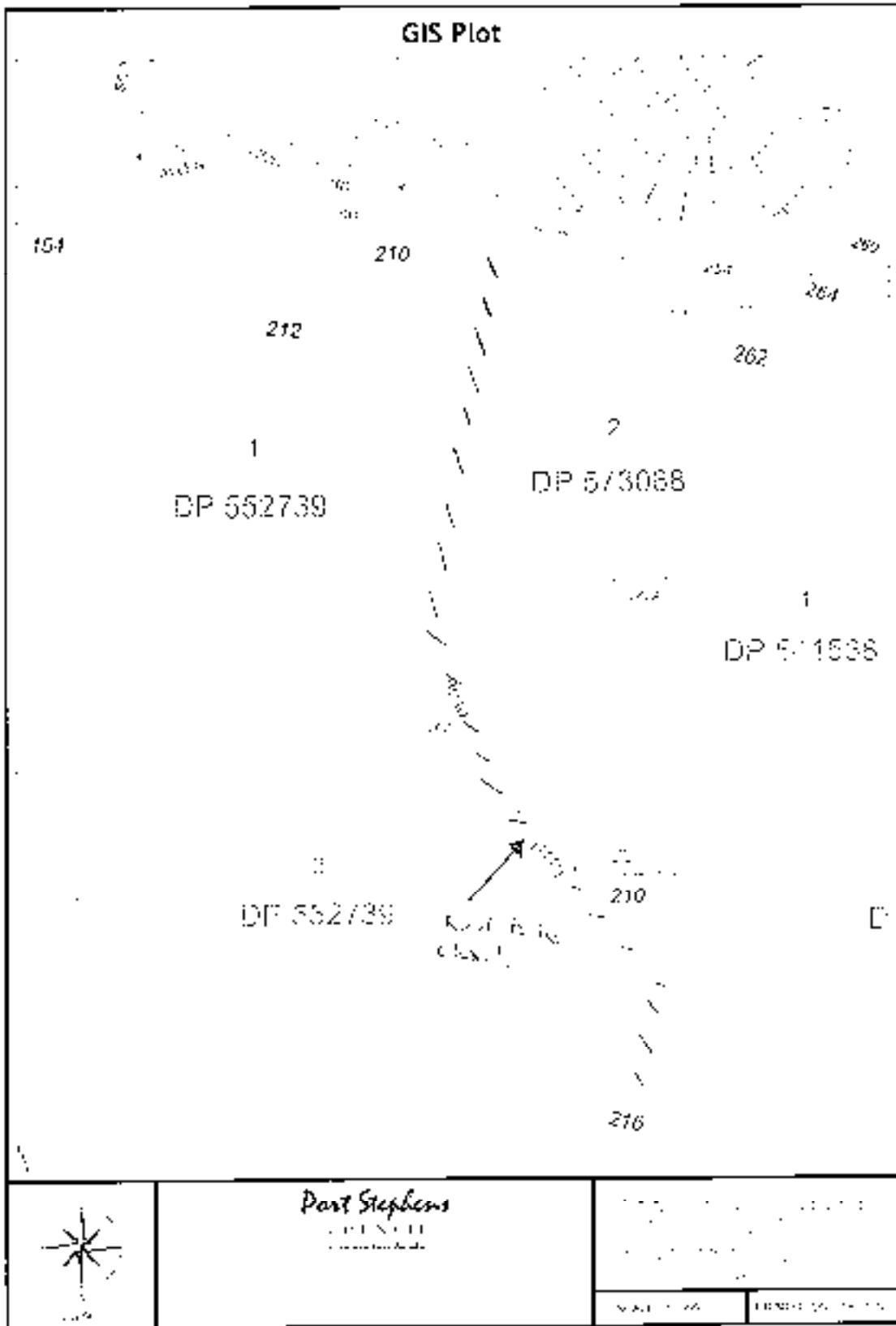
TABLED DOCUMENTS

Nil.

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3

File Reference: 07/191
Account No: 465450

Business Centre (Roads)
PO Box 2215
DANGAR NSW 2309

The Port Stephens Council

1. Agree / Do not agree to proceed with purchase of the land under the terms and conditions as stated. (Please delete whichever option does NOT apply)

If you do not wish to proceed with the purchase of the land, formal withdrawal of the application is to be requested in writing. Withdrawal may be requested on this letter or by separate letter. If the application for purchase of the road is withdrawn, the road will not be closed and any Enclosure Permits will remain in force.

SIGNED _____
(Name of the Applicant/Authorised Representative of the Applicant) ABA Company Ltd

DATE _____

PLEASE RETURN THIS PAGE TO THE CROWN LANDS OFFICE WITHIN 28 DAYS.

ITEM NO. 7

FILE NO: A2004-0877

LEASE OF LOT 321 DP 636840 2A RIDGEWAY AVENUE SOLDIERS POINT

REPORT OF: CARMEL FOSTER - COMMERCIAL PROPERTY MANAGER
GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the signing and affixing the seal of Council to the proposed lease documentation.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012
RECOMMENDATION:

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

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012
RESOLUTION:

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

BACKGROUND

The purpose of this report is to advise Council that Commercial Property have negotiated a long term lease of Lot 321 in Deposited Plan 636840 known as 2A Ridgeway Avenue.

D'Albora Marina has held a lease and utilised the land located at 2A Ridgeway Avenue since 2002. The lease expired in November 2011 and the Marina is continuing to utilise the land under the "holding over" provisions of the previous lease. The allotment is classified "Operational" under the provisions of the Local Government Act 1993, comprises an area 133m² and adjoins the Marina site to the north and west.

The Marina owners have approached Council to enter into a long term lease or to purchase the land to ensure the continued operation of the slipway which occupies part of the site. Due to the small size of the lot there is limited potential and the highest and best use of the land is its current use by the Marina. A lease has been

prepared with a clause that will enable the sale of the land should Council and the owners of the Marina agree on a purchase price. Property has engaged an independent Valuer to determine a current market value of the site however it is important to note that there is no obligation on Council to sell the land.

The current rental payable by the Marina is \$6,887.00 per annum (plus GST) and the terms of the lease are as follows:

Commencement: 1 December 2011
 Term: 25 years
 Options: Nil
 Outgoings: Payable by tenant
 Rent: \$6,887.00 per annum (current rent)
 Review: to CPI annually.

FINANCIAL/RESOURCE IMPLICATIONS

The current rental payment of \$6,877.00 per annum is considered reasonable for the size and location of the parcel and provides Council with an additional revenue stream for a constrained allotment with one adjoining owner to lease or sell the land to.

LEGAL, POLICY AND RISK IMPLICATIONS

It is a requirement of the Real Property Act that leases in excess of three years duration must be registered upon the title of land. If the lease is to be registered the seal must be affixed upon signing. The seal of a Council must not be affixed to a document unless the document relates to the business of a Council and the Council has resolved (by way of a resolution specifically referring to the document that the seal be affixed).

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
A registered lease forms a public record and protects lessee's interests in the land and protects the lessor's rights under the terms of the lease.	Low	Register lease with LPI	Yes, the lessee is responsible for the cost associated with preparing and registering the lease.
If a lease agreement between Council and the marina is not agreed to there is a loss of revenue and there are no other current suitable uses for the land	Low	Enter into a lease with d'Albora Marina	Yes, as above.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The site has been utilised by d'Albora Marina for 9 years. The use of the land is the highest and best use of the site and the Marina is an important economic driver and tourist attraction for the area. The lease of the site provides the Marina with security of tenure, enables the continuation of the slipway and provides Council with a legal agreement for the utilisation of the site and ongoing revenue for a small parcel of land with limited potential.

CONSULTATION

- 1) Harris Wheeler Solicitors;
- 2) Group Manager, Facilities and Services;
- 3) Property Development Co-ordinator;
- 4) Property Investment Co-ordinator.

OPTIONS

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

ATTACHMENTS

- 1) Aerial photograph.
- 2) Locality Map

COUNCILLORS ROOM

Nil.

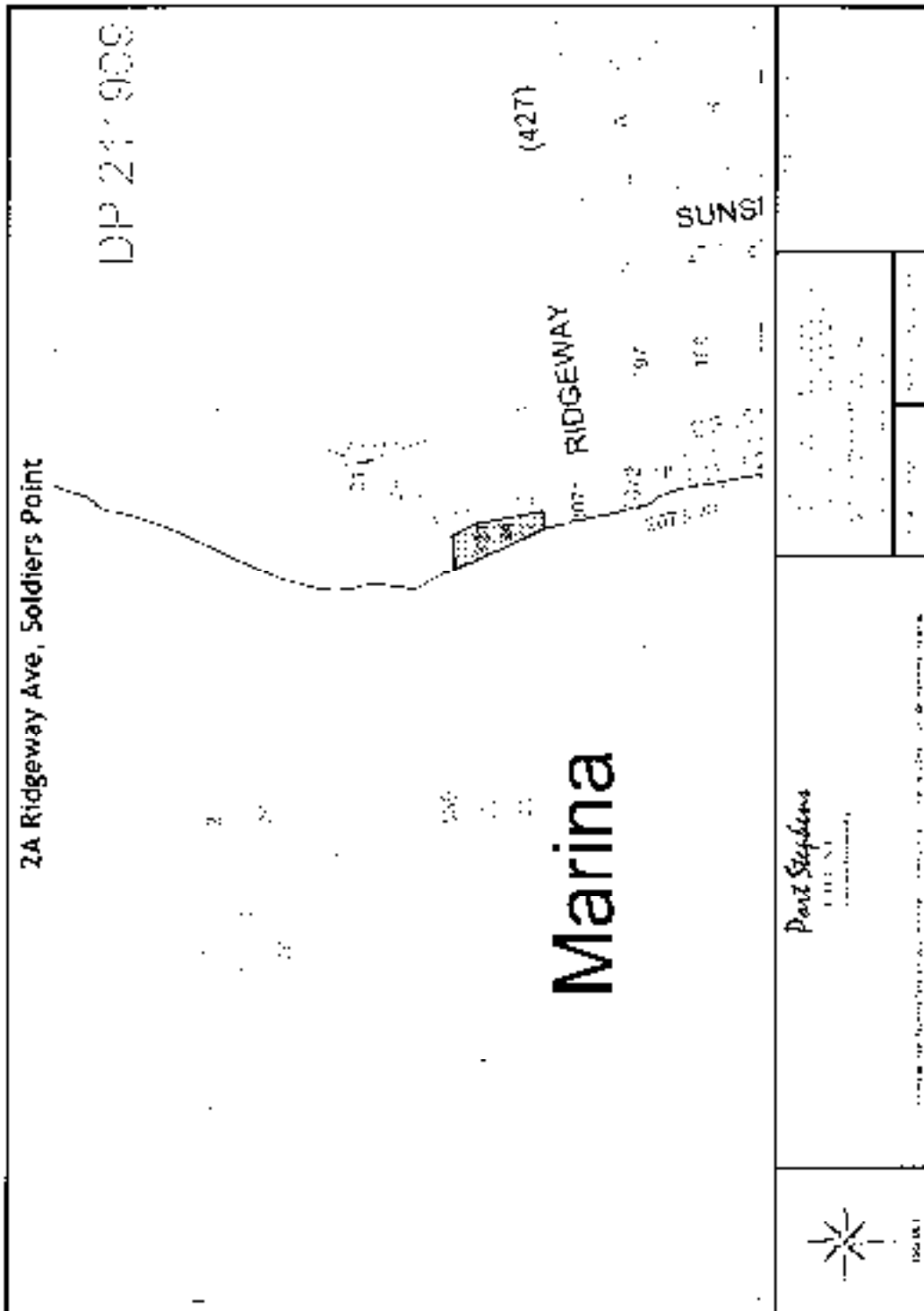
TABLED DOCUMENTS

Nil.

ATTACHMENT 1



ATTACHMENT 2



ITEM NO. 8

FILE NO: PSC2011-02657

REPORT FOR PERIOD JULY TO DECEMBER 2011 AGAINST OPERATIONAL PLAN 2011-2012 AND DELIVERY PROGRAM 2011-2015

REPORT OF: WAYNE WALLIS - GROUP MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Six-Monthly Report July to December 2011 against the Operational Plan 2011-2012 and Delivery Program 2011-2015.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012

RECOMMENDATION:

	Councillor Ken Jordan Councillor Caroline De Lyall
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

014	Councillor Caroline De Lyall Councillor Shirley O'Brien
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to present a brief on the progress of Council in achieving the objectives and actions outlined in the Integrated Plans for the period July to December 2011.

The Local Government Act, 1993 (as amended), Section 404(5) requires the General Manager to make six monthly reports to Council on progress against the Integrated Plans.

The Six Monthly Report fulfils the requirement of Section 5.10.1 of the Port Stephens Council Operational Plan 2011-2012: Monitor and report on the implementation of all plans and strategies.

FINANCIAL/RESOURCE IMPLICATIONS

The Six Monthly Report provides a summary of financial performance and the General Manager's message indicates exceptions and variances if they occurred.

LEGAL, POLICY AND RISK IMPLICATIONS

The Report for July to December 2011 complies with Section 404(5) of the Local Government Act 1993.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Inaccurate information in the Report leading to loss of reputation and confidence in Council's commitment to transparency.	Low	The draft of this Report was circulated to the Council's Executive Leadership Team prior to finalisation.	Yes
Failure to produce the report in the statutory timeframe, leading to breach of the Local Government Act 1993 and consequent damage to Council's reputation.	Low	The process for production of this Report commenced and concluded in the specified timeframe.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Integrated Plans are structured under the headings:

- Our Citizens
- Our Lifestyle
- Our Environment
- Our Economy
- Our Council

and were developed within the four pillars of sustainability and under the principles of equity and social justice.

This Report addresses specifically progress under the sustainability headings of:

- Social Sustainability
- Environmental Sustainability
- Economic Sustainability
- Governance and Civic Leadership.

CONSULTATION

The Report July to December 2011 was constructed from information provided by all sections of Council.

OPTIONS

- 1) Adopt the July to December 2011 Report against the Delivery Program 2011-2015 and the Operational Plan 2011-2012;
- 2) Reject the July to December 2011 Report against the Delivery Program 2011-2015 and the Operational Plan 2011-2012;
- 3) Amend the July to December 2011 Report against the Delivery Program 2011-2015 and the Operational Plan 2011-2012.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) July to December 2011 Report against the Delivery Program 2011-2015 and the Operational Plan 2011-2012.

ITEM NO. 9

FILE NO: PSC2011-04351 &
PSC2011-04352

SUSTAINABILITY REVIEW – COMMUNICATIONS AND CUSTOMER RELATIONS

REPORT OF: STEPHEN CROWE – MANAGER COMMUNICATIONS & CUSTOMER RELATIONS
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the two Service Strategies – a) Communications and b) Customer Relations;
- 2) Endorse the Service Delivery Review findings nos. (a) – (k) detailed below:
 - a. That the Customer Service Team, through the introduction of a new telecommunications system, seek more effective means of measuring the performance of Council's Customer Service Standards across the organisation;
 - b. That the Customer Service Team review the current after hours answering contract with a view to providing a more comprehensive service including dealing with business hour 'overflow' calls;
 - c. That the Customer Service Team review the resource requirements for delivering higher quality customer focus across Council after full implementation of Customer Request Management (CRM) project (August 2012);
 - d. That the Communications Team reduce the Communications sponsorship budget by 40%, in response to lower importance rating from customers, resulting in savings of \$5,000.00;
 - e. That the Communications Team finalise and implement Council's Social Media Strategy, including clear objectives and measures for enhancing community engagement;
 - f. That the Communications Team work with LMCC (Lake Macquarie City Council) Printing to secure \$6,000.00 cost savings in publications across the organisation;
 - g. That the Communications Team share costs with Port Stephens Tourism to reduce overall organisational spend and secure an enhanced media monitoring and reporting service;
 - h. That the Communications Team simplify the advertising booking process function to create more time for the Publications Coordinator;
 - i. That the current 7 hour pw Advertising Assistant role in the Communications Team ceases and a modified service delivered resulting in savings of approx \$10,000.00 p.a.
 - j. That the Position Description of Publications Coordinator be revised to include 'webmaster' activities, overseeing all PSC website content;

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

- k. That the Communications Team seek sponsorship income of \$5,000.00 for civic events such as Australia Day and/or Port Stephens Community Awards.
- 3) Note the efficiency mechanisms to be implemented in delivering the service as detailed under the Financial/Resource Implications section of this report.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012

RECOMMENDATION:

	Councillor Bob Westbury Councillor Sally Dover
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

015	Councillor Bruce MacKenzie Councillor Shirley O'Brien
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to present to Council the outcomes of the Sustainability Review for the Communications and Customer Relations Section (C&CR) (stage 3) and to seek endorsement of the recommendations contained in the Service Strategy.

The comprehensive review of this service is in line with the principles of Best Value and are in accordance with the delivery of Council's Operational Plan 2011/2012, Item 5.3.4: Implement the Sustainability Review of Council's Levels of Services and Delivery.

By way of background, the Sustainability Reviews currently being undertaken across all Council services comprise three key stages:

Stage 1 Reviewing what is currently delivered – ie service drivers (legal, financial, operational).

Stage 2 Reviewing what should be delivered – ie service levels (at what standard and at what cost).

Stage 3 Reviewing how it should best be delivered – ie service delivery method (delivery model).

The findings of all stages of the review are documented into a comprehensive service strategy, with recommendations on the way forward.

A brief overview of these two Service Strategies is provided as follows:

1) Customer Relations

Services:

Manage switchboard – phone calls and emails
Manage front desk enquiries
Process applications
Process financial transactions
Manage customer request management (CRM) system
Residents Panel administration.

Key points:

Staffing levels (EFT) are 5.5 - Significantly less staff than similar sized Councils
Budget \$486,133 (approx 0.5% of Council budget)
Customer Survey results for this team have been consistently good over a period of time.
Telecommunications technology is outdated
Further development of CRM will provide the real opportunities for improvement
90% of external customers are satisfied or very satisfied with overall level of service
69% are satisfied with how CRM is managed
63% feel Customer Relations (CR) staff should deal with ALL actionable requests and complaints
Further development of CRM will provide the real opportunities for improvement.

Benchmarking:

Port Stephens Council (category 4) - 5.5 staff
Hunter category 4 Council - 8 staff
Hunter category 4 Council – 8 staff
Sydney category 4 Council – 10 staff.

Emerging issues:

Significant CRM system development is scheduled for 2012, including automatic letter generation, direct electronic communication with customers (including Councillors)
New Telecommunications system is scheduled for implementation in mid 2012.

Review findings:

No 'fat' in current budget, resulting in no significant dollar savings
A number of process improvements are recommended, including alternative after hours answering service, altered financial transactions process to reduce re-work
Need to drive CRM development
Need to review potential staff efficiency savings across the organisation after full CRM roll out (August 2012).

2) Communications

Services

Media management
Issues management
Internal communications
Corporate branding
Events
Community consultation
Website
Social media and other electronic communications
Advertising
Publications
Graphic design

Key Points:

Staff – EFT 2.5

Budget \$464,303.00. This includes budget for all civic and corporate events, Council uniforms, consultation expenses etc (approx 0.5% of total Council budget)

PSC has less specialised positions than other Councils – more multi-skilling

It is extremely expensive to outsource PR, design and website management skills

There is a growing demand for more effective management of Council's website and other electronic communication channels

Social media engagement will continue to grow

Community consultation is now a legislated requirement

100% of surveyed customers said Council's social media initiatives were either important or very important

85% rate the service received from the Communications Unit as good or excellent

There is universal acceptance by staff/community that electronic media needs to be a component of our communications plan

Our ability to monitor and report on our media outcomes effectively is limited.

Benchmarking

Port Stephens Council (category 4) - 2.5 staff

Hunter category 4 Council - 5.2 staff

Hunter category 4 Council - 2 staff

Regional category 4 Council - 4 staff

Hunter category 5 Council - 6 staff

Sydney category 3 Council - 9 staff.

Review findings

A number of financial savings were identified:

Collaboration with LMCC Printing – save \$6,000.00

Share media monitoring costs with Port Stephens tourism – save \$3,500.00

Reduce sponsorship budget – save \$5,000.00

Secure sponsorship for Australia Day and/or Port Stephens Community Awards – increased income \$5,000.00

Cease 7 hour per week Advertising Assistant role – save \$10,000.00

Total of financial savings \$29,500.00.

Process/structural improvements
 Improved media monitoring/reporting (at less cost) for electronic, print and social media
 Create webmaster role to oversee all website content (from existing staff resources)
 Shift focus away from internal publications to allow this to occur
 Regular reporting back to Residents panel.

FINANCIAL/RESOURCE IMPLICATIONS

The current staffing level of the Communications and Customer Relations Section is 8 (EFT). It is proposed that this be reduced to 7.8 with the cessation of a 7 hour per week Advertising Assistant role.

Additionally, there are identified savings/increased income amounting to \$29,500.00.

Should Council adopt a recommendation to reduce or cease the internal provision of this service then the conditions of the Port Stephens Council Enterprise Agreement Clause 28 will come into effect. This Clause establishes Council's duty to notify affected staff and relevant Unions regarding an intention to introduce major changes to programs, sets out the duties of the parties, establishes procedures to be followed and conditions relating to staff redeployment or redundancies.

Redundancies could incur costs of up to 39 weeks ordinary pay for each employee displaced.

LEGAL, POLICY AND RISK IMPLICATIONS

Section 402(4) of the Local Government Act requires councils to have a community engagement plan. As part of ongoing dialogue with our community, and to facilitate prioritising and allocation of resources, the Customer satisfaction survey is conducted.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Failure to implement recommendations contained in service strategy leading to: 1) reputation risk 2) failure to meet customer service standards 3) lack of effective performance measures	High High Medium	Implementation of recommendations contained in this report	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

If Council considers alternative options to the recommendations within the Communications and Customer Relations Service Strategy, a Risk Plan should be considered regarding the implications to the organisation's reputation and long term ability to meet its consultation and communications obligations.

CONSULTATION

Extensive consultation has been undertaken with customers and stakeholders (both internal and external) regarding the services provided by the Communications and Customer Relations Section.

Staff and community members were surveyed over a range of qualitative and quantitative criteria to allow a determination on these services and their delivery.

A benchmarking exercise was undertaken with Maitland, Cessnock, Coffs Harbour, Ku-ring-gai, Lake Macquarie and Willoughby Councils.

OPTIONS

- 1) Council adopt the recommendations;
- 2) Council amend the recommendations;
- 3) Council reject the recommendations.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Communications Service Strategy;
- 2) Sustainability Review – Customer Relations Service Strategy.

ITEM NO. 10

FILE NO: PSC2004-0242

QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2011

REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER

GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the discretionary changes to the adopted budget as detailed in **ATTACHMENT 1**;
- 2) Notes the estimated surplus from ordinary activities before Capital amounts of \$683,000.00;
- 3) Notes the estimated underlying operating deficit of \$5.067 million.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012

RECOMMENDATION:

	<p>Councillor Bob Westbury Councillor Caroline De Lyall</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

016	<p>Councillor Frank Ward Councillor Sally Dover</p>
	<p>It was resolved that the recommendation be adopted.</p>

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 2011/12 budget which are detailed in the Quarterly Budget Review Statement – December 2011. This statement sets out the details of variations between Council's original budget and the proposed budget as part of the December Quarterly Budget Review.

Council adopted its Integrated Strategic Plans on 28 June 2011 (Council Minute 222), these Plans include the budget estimates for the 2011/12 financial year.

FINANCIAL/RESOURCE IMPLICATIONS

Council's Underlying Operating result is expected to improve by \$53,000 and Council's General Revenue Result is expected to improve by \$109,000 with the adoption of the recommended changes.

LEGAL, POLICY AND RISK IMPLICATIONS

Clause 203(1) of the Local Government (General) Regulation 2005 requires Council's Responsible Accounting Officer to prepare and submit a Quarterly Budget Review Statement (QBRs) to Council.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Underlying operating result is in deficit	High	Long term financial plan established to reach break even point by 2015	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

- 1) Financial Analysis Team;
- 2) Executive Leadership Team;
- 3) Senior Leadership Team.

OPTIONS

- 1) Accept the recommendation;
- 2) Reject the recommendation.

ATTACHMENTS

- 1) Quarterly Budget Review Statement – December 2011.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



**Quarterly Budget Review
Statement – December 2011**

1. Introduction

Clause 203(1) of the Local Government (General) Regulation 2005 requires council's responsible accounting officer to prepare and submit a Quarterly Budget Review Statement (QBRS) to Council. The QBRS must show, by reference to the estimated income & expenditure that is set out in the operational plan, a revised estimate of income and expenditure for the year.

It also requires the QBRS to include a report by the responsible accounting officer as to whether or not the statement indicates Council to be in a satisfactory financial position, with regard to Council's original budget.

Council's operational plan sets out the achievements, goals and revenue policy, including estimates of income and expenditure. The QBRS plays an important role in monitoring Council's progress against the plan and ongoing management of the annual budget.

The QBRS is the mechanism whereby Councillors and the community are informed of Council's progress against the operational plan (original budget) and the recommended changes and reasons for major variances.

The QBRS is composed of the following components:

- Responsible Accounting Officer Statement;
- Income & Expenses Budget Review Statement;
- Capital Budget Review Statement;
- Cash & Investments Budget Review Statement;
- Key Performance Indicators Budget Review Statement; and
- Budget Review Contracts and Other Expenses
- Financial Risks

The QBRS provides sufficient information to alert Councillors to any issues or potential problems that may impact its ability to achieve the stated financial targets, agreed strategies, objectives that are set out in the operational plan and delivery program and to maintain its targeted financial position.

2. Responsible Accounting Officer's Statement

The Regulations require that a budget review statement must include or be accompanied by a report as to whether or not the Responsible Accounting Officer (ROA) believes that the QBRS indicates that Council's financial position is satisfactory, having regard to the original estimate of income and expenditure. If Council's financial position is considered by the RAO to be unsatisfactory, then recommendations for remedial action must be included.

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2005.

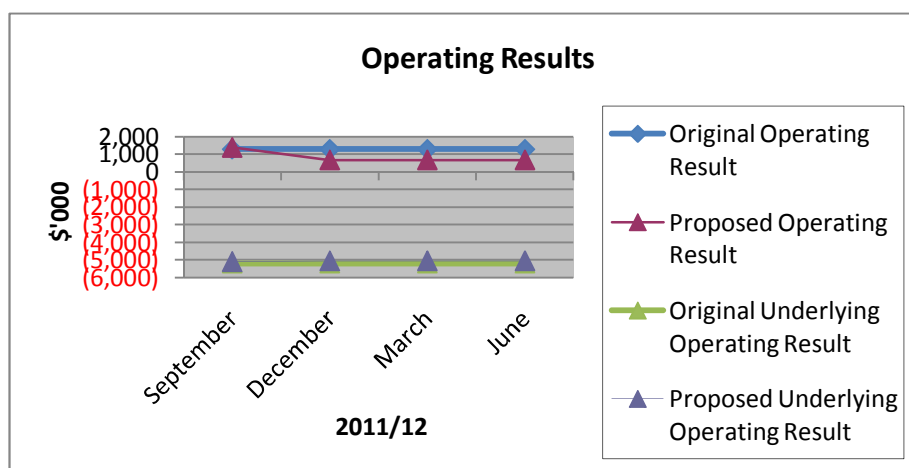
It is my opinion that the Quarterly Budget Review Statement for Port Stephens Council for the quarter end 31/12/2011 indicates that Council's projected financial position at 30/06/2012 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Name: Peter Gesling

Responsible Accounting Officer, Port Stephens Council

3. Income & Expenses Budget Review Statement

	Original Budget	Revised Budget ¹	Actual	Recommended Changes for Council Resolution	Proposed Budget ²
	\$'000	\$'000	\$'000	\$'000	\$'000
Income from Continuing Operations					
Revenue:					
Grants & Contributions provided for Operating Purposes	10,655	10,090	4,349	28	10,118
Interest & Investment Revenue	1,452	1,417	715	(92)	1,325
Other Revenues	5,014	4,049	2,224	(78)	3,972
Rates & Annual Charges	42,772	43,171	43,250	89	43,260
User Charges & Fees	30,517	30,612	14,303	(36)	30,576
Grants & Contributions provided for Capital Purposes	9,686	9,933	4,035	469	10,402
Other Income:					
Net gains from the disposal of assets	4,507	4,507	87	90	4,597
Total Income from Continuing Operations	104,604	103,780	68,963	469	104,249
Expenses from Continuing Operations					
Borrowing Costs	2,137	2,077	737	0	2,077
Depreciation & Amortisation	18,669	18,669	9,335	0	18,669
Employee Benefits & On-Costs	31,818	31,721	17,375	(169)	31,552
Materials & Contracts	32,738	31,239	14,600	893	32,133
Other Expenses	8,259	8,759	5,466	(27)	8,732
Net Losses from the Disposal of Assets					
Total Expenses from Continuing Operations	93,621	92,466	47,512	698	93,163
Net Operating Result for the Year	10,983	11,314	21,451	(229)	11,086
Net Operating Result for the year before Grants and Contributions provided for Capital Purposes	1,296	1,381	17,416	(697)	683
<hr/>					
Underlying Operating Result³	(5,204)	(5,119)	16,515	53	(5,067)
General Revenue Result⁴	330	957	24,953	109	1,067



Notes:

1. Revised Budget = Original Budget +/- approved budget changes in previous quarters. Revised Budget includes revotes and carry forwards and Central Ward Funds allocation adopted by Council.
2. Proposed Budget = Revised Budget +/- recommended changes this quarter.
3. Underlying Operating Result = net operating result for the year before capital grants & contributions less profits from Newcastle Airport, land sales and one-off Melaleuca settlement payment.
4. General Revenue Result = Operating Result less transfers to/from reserves and depreciation.

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

Council's original operating budget for 2011/12 was incorporated as part of the Integrated Plans and was adopted by Council on 28 June 2011 (Council Minute 222).

This statement sets out the details of variations between Council's revised operating budget and the proposed budget as part of the December Quarterly Budget Review. Whilst there are a number of minor budgetary changes proposed across the Council budget which has delivered an overall decrease in the Operating Result of \$697,000 (refer to Recommended Changes for Council Resolution column in Income and Expenses Budget Review Statement), the material amendments are detailed below under each income and expenditure category.

Council's Underlying Operating result, which excludes profit from both land sales and Newcastle Airport, has improved by \$53,000 from a projected deficit of \$5.11 million to a projected deficit of \$5.07 million.

The General Revenue result has improved by \$109,000 mainly due to the decreased expenditure of \$131,650 in Social and Cultural Planning Component after the Sustainability Review.

Note that for budgetary changes: **F** = favourable budget change, **U** = unfavourable budget change

	Budget Change	
	\$'000	F/U
REVENUE		
Grants and Contributions provided for Operating Purposes	28	F
The major variance is in relation to grants to be received from the Rural Fire Service for reimbursement of expenses incurred by Council		
Interest and Investment Revenue	(92)	U
Reduction in interest forecasted to be received on cash investments due to financial market interest rates on term deposits decreasing during the year.		
Other Revenues	(78)	U
Lower than originally anticipated sales commission from day trips, cruise bookings & accommodation at Nelson Bay VIC		
Rates and Annual Charges	89	F
Additional income being received for garbage collection service.		
Grants and Contributions provided for Capital Purposes	469	F
Grant funding has been approved for black spots on Newline Road and Marsh Road. Council will receive additional funding through RLCIP for new Lemon Tree Passage boardwalk.		

	Budget Change	
	\$'000	F/U
User Charges and Fees	(36)	U
Reduced income from direct training services being provided at Communicate Port Stephens.		
Lower than anticipated fee income from vacation care provided at Medowie & Raymond Terrace		
EXPENDITURE		
Borrowing Costs	-	-
Nil change.		
Depreciation and Amortisation	-	-
Nil change.		
Employee Benefits and On-Costs	(169)	F
Decreased costs due to reflect sustainability review savings in the Environmental & Development Planning Section.		
Materials and Contracts	893	U
Settlement of Melaleuca legal matter and consultants costs for Nelson Bay community survey.		
Other Expenses	(27)	F
Decreased corporate subscriptions, publications and telephone costs.		

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

4. Capital Budget Review Statement

	Original Budget	Revised Budget ¹	Actual	Recommended Changes for Council Resolution	Proposed Budget ²
	\$'000	\$'000	\$'000	\$'000	\$'000
Capital Funding					
Rates & other untied funding	171	224	-	-	224
Capital Grants & Contributions	2,335	2,582	862	469	3,050
Internal Restrictions	8,403	13,490	(0)	264	13,754
External Restrictions					
Domestic Waste Management	-	-	-	-	-
Section 94	3,159	3,159	-	559	3,718
Crown Holiday Parks	4,186	5,773	-	-	5,773
Restricted Cash	820	1,308	-	-	1,308
Loans	-	-	-	-	-
Total Capital Funding	19,073	26,535	862	1,292	27,827
Capital Expenditure					
Commercial Services Group					
Commercial Enterprises					
Fingal Bay Holiday Park	1,520	2,806	4	-	2,806
Halifax Holiday Park	440	633	-	-	633
Marketing & Administration	-	275	-	-	275
Samurai Beach Resort	-	55	(0)	-	55
Shoal Bay Holiday Park	416	726	175	-	726
Soldiers Point Holiday Park	-	7	0	-	7
Commercial Enterprises Total	2,376	4,502	179	-	4,502
Commercial Property					
Office and Chambers	349	349	13	-	349
Property Development	-	1,875	169	-	1,875
Property Investments	-	375	12	-	375
Commercial Property Total	349	2,599	194	-	2,599
Financial Services					
Depots	-	-	1	93	93
Fleet Administration	3,859	3,859	1,054	-	3,859
Financial Services Total	3,859	3,859	1,054	93	3,951
Commercial Services Group Total	6,584	10,959	1,428	93	11,052
Corporate Services Group					
Corporate Services Group Manager's Office					
Legal Services	-	14	24	35	49
Corporate Services Group Manager's Office Total	-	14	24	35	49
Corporate Services Group Total	-	14	24	35	49
Facilities and Services					
Civil Assets					
Community and Recreational Assets	7,589	8,670	421	520	9,190
Design and Project Development	3,573	5,017	2,563	638	5,654
Drainage	1,050	1,597	59	(249)	1,349
Civil Assets Total	12,212	15,284	3,043	909	16,193
Community and Recreation					
Domestic Waste	-	-	14	250	250
Library Services	278	278	58	-	278
Ngioka Centre	-	-	0	5	5
Community and Recreation Total	278	278	72	255	533
Facilities and Services Total	12,489	15,562	3,115	1,164	16,726
Total	19,073	26,535	4,566	1,292	27,827

Notes:

1. Revised Budget = Original Budget +/- approved budget changes in previous quarters. Revised Budget includes revotes and carry forwards and Central Ward Funds allocations adopted by Council on 27 September 2011.
2. Proposed Budget = Revised Budget +/- recommended changes this quarter.

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

Council's original capital budget for 2011/12 was incorporated as part of the Integrated Plans and was adopted by Council on 28 June 2011.

This statement sets out the details of variations between Council's revised capital budget and the September Quarterly Budget Review. There are budgetary changes proposed which require an increase in capital expenditure of \$1,292,000 which is funded from funds held in reserve and grants & contributions. The amendments to the capital program are detailed below under each Section.

Note that for budgetary changes: F = favourable budget change, U = unfavourable budget change.

	Budget Change	
	\$'000	F/U
CAPITAL EXPENDITURE		
Financial Services	93	U
Increased funding required to decommission underground unleaded fuel tanks and install above ground tanks to at both Nelson Bay & Raymond terrace depots to comply with new environmental restrictions.		
Planning & consultancy work in preparation for possible redevelopment of the Raymond Terrace works depot. Both items funded from depot reserve.		
<hr/>		
Corporate Services Group Manager's Office	35	U
Additional funding to cover legal costs for various property development matters.		
<hr/>		
Community & Recreational Assets	520	U
Additional funding required for skate park at Medowie, new Lemon Tree Passage Boardwalk, Apex Park improvement project, and works to be completed on Karuah jetty & wharf. These projects are funded through additional grants (Medowie Skate Park), allocation of Section 94 in addition to existing grants (Lemon Tree Passage Boardwalk), allocation of funds from existing reserves to improve safety (Karuah Jetty)		
<hr/>		
Design & Project Development	638	U
Various changes to the design & project development capital budget are proposed with the material variations being; Seaham Road Nelsons Plain rehabilitation, Lemon Tree Passage kerb & gutter, black spots on Marsh Road and Newline Road from William Bailey to Beaton Avenue. The projects are funded through additional grants gained and changes to the Capital Works Program communicated to Councillors during the year.		
<hr/>		
Drainage	(249)	F
Decreased funding in drainage works required for Glenelg Street Raymond Terrace and the Nelson Bay CBD drainage project has been deferred.		
<hr/>		
Domestic Waste	250	U
Funds required for installation of a second weighbridge at Salamander Bay Waste Transfer Station, funded from Domestic and Other Waste Reserves. Return on investment will be realised in operating budget in 2012/13 through reduction in operating subsidy.		
<hr/>		

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

Ngioka Centre 5 U
 Upgrade existing pathway at Ngioka Centre funded from RLCIP grant in 2010/11
 and completed in 2011/12.

5. Cash and Investments Budget Review Statement

This statement shows the original budgeted cash and investment position and projected year end position. This statement also includes detail on transfers to and from Council's reserves.

	Opening Balance (000's)	Transfers To	From	Closing Balance ² (000's)	Nominal Balance ³ (000's)
Externally Restricted					
Externally Restricted					
Developer Contributions - General	8,351		(1,430)	6,921	6,921
Specific Purpose Unexpended Grants	1,078		(1,078)	0	0
Domestic Waste Management	737	255		992	992
Crown Holiday Parks	5,577		(4,184)	1,393	1,393
Total Externally Restricted	15,743	255	(6,692)	9,306	9,306
Internally Restricted					
Administration Building Sinking Fund	116	95		211	1,560
Asset Rehabilitation Reserve	954		(954)	0	1,314
Bonds held for Developer's Works	61		0	61	61
Builder's Security Deposits	7		0	7	7
Drainage Reserve	44		(44)	0	509
Election Reserve	146	100		246	246
Employees Leave Entitlements	2,588	0		2,588	6,341
Information Technology Strategy	38		(9)	29	471
Investment Properties Depreciation Fund	16	254		270	457
Investment Properties Reserve	0	3,160		3,160	3,160
Levies and Special Rates	0	0		0	0
Other Waste Reserve	146		(146)	0	2,205
Parking Meter Reserve	38	105		143	582
Plant and Vehicle Replacement	238	1,312		1,550	4,312
Rehabilitation Quarry	58	6		64	738
Road and Environment Asset Rehab	30		(30)	0	340
RTA Bypass	143		(143)	0	1,676
RTA Contributions	57	0	0	57	57
Ward Funds	135		(135)	0	1,534
Works Depot Reserve	113	188		301	1,619
Newcastle Airport Limited	6,771	3,607		10,378	10,378
Sustainable Energy and Water Reserve	18	0		18	225
Sec 355c Committees	673			673	673
Total Internally Restricted	12,390	8,827	(1,461)	19,756	38,465
Total Restricted	28,133			29,062	47,771
Total Cash & Investments	28,133			29,062	
Available Cash¹	0			0	0

Notes:

1. The available cash position excludes restricted funds. External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations. Internal restrictions are funds that Council has determined will be used for a specific future purpose.
2. Closing Balance is the forecasted cash balance to support restrictions.
3. Nominal Value is forecasted cumulative balance of restrictions.

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

Further details on the funding being provided by the following external restrictions:

- Section 94 contributions
- Crown Holiday Parks.

This information is outlined in the tables below:

Section 94 Contributions	\$'000
Opening Balance	8,351
<i>Plus Income</i>	2,000
<i>Less Capital Expenditure</i>	
- Shoal Bay foreshore	500
- Anna Bay recreation facilities	200
- Fingal Bay surf club	1,984
- Parks & reserves	130
- Libraries	57
- Design and Project Development	449
- Community and Recreation Assets	110
Equals Closing Balance	6,921

Crown Holiday Parks	\$'000
Opening Balance	5,577
<i>Plus Income</i>	6,400
<i>Less Operating Expenditure</i>	4,011
<i>Less Capital Expenditure</i>	
- Fingal Bay recreation room upgrade	326
- Fingal Bay garden villas	960
- Fingal Bay reconstruct amenities	1,500
- Fingal Bay convert van sites to tourist sites	20
- Halifax – install 5 bay villas	168
- Halifax office refurbishment	15
- Halifax workshop upgrade	10
- Halifax upgrade existing amenities	318
- Halifax relocate cleaning shed & construct 2 bedroom cabin	122
- Shoal Bay footpath reconstruction	2
- Shoal Bay refurbish recreation room & kitchen	27
- Shoal Bay construct 5 ensuite units	116
- Barry Park public amenities	80
- Anna Bay recreation areas	500
- Shoal Bay foreshore	1,500
<i>Less loan repayments</i>	909
Equals Closing Balance	1,393

6. Key Performance Indicators (KPIs) Budget Review Statement

The KPIs are intended to be indicative of the financial health and presence of business management practices being conducted at Council. The KPIs included in the QBRs are:

- Debt Service Ratio
- Building & Infrastructure Renewal Ratio
- Collection Performance.

A colour coding 'traffic light' system has been developed to rate and present the relative position of the KPIs, using:

Green

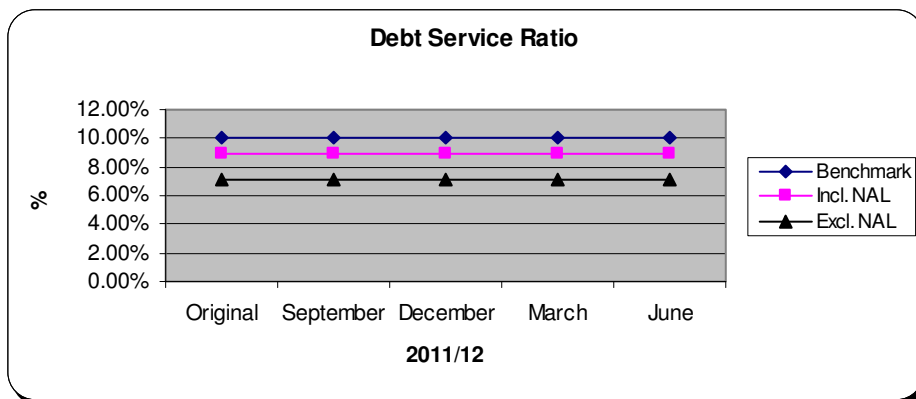
Amber

Red

KPI Summary	Original Budget	Revised Budget	Recommended Changes for Council Resolution	Proposed Budget
Debt Service Ratio	8.95%	8.97%	- 0.03%	8.94%
Buildings Renewal Ratio	67.56%	67.56%	-	67.56%
Collection Performance	4.96%	4.96%	-	4.96%

Debt Service Ratio (DSR)

This ratio demonstrates the cost of servicing Council's debt obligations (principal + interest) with available revenue from ordinary activities.



The Gauge

- Greater than 15%
- Between 10 – 15%
- Less than 10%



Comment

The DSR is expected to decrease by 0.03% from 8.97% to 8.94% as a result of budgeted income increasing. This has little impact and indicates that Council

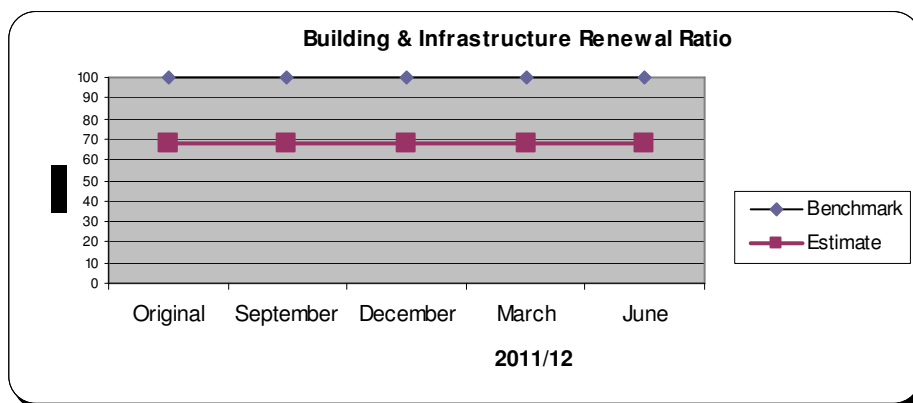
remains in a stable position to cover interest charges and principal payable on borrowings with budgeted income. Council's debt position remains manageable

The DSR excluding the loans made to the Newcastle Airport is forecasted to be 6.43%.

A DSR of less than 10% is an industry accepted measure.

Building & Infrastructure Renewal Ratio

This measure is intended to reflect the extent to which Council is maintaining the condition of its assets. This is a longer term indicator of the condition and cost to maintain public infrastructure assets which assessed against annual depreciation.



The Gauge

Less than 100%

Greater than 100%

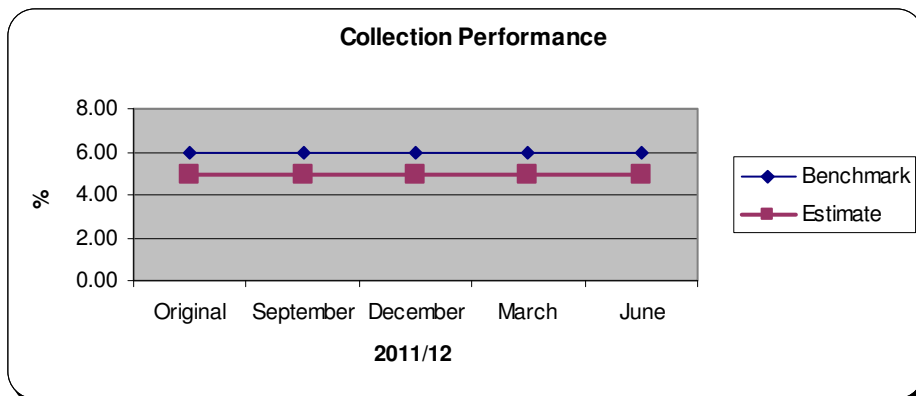


Comment

The Building & Infrastructure Renewal Ratio remains unchanged and highlights that insufficient funds are currently being spent on renewing existing assets to maintain them in an 'as new' condition.

Collection Performance

Council in conducting its business is entitled to the receipt of fees and rates which need to be collected efficiently. A measure of its success in this regard is the amount of legally receivable proceeds that are still outstanding at the end of the financial year, in comparison to the total fees receivable for the year.



The Gauge

Greater than 9%
 Between 6 – 9%
 Less than 6%



Comment

Council has a sound record in collecting outstanding rates and this is expected to continue in 2011/12.

7. Budget Review Contracts and Other Expenses

Councillors are currently made aware of tenders of \$150,000 or more in accordance with legislation. However, Councillors should be made aware of other material contracts entered into by Council and details of other expenses that are of particular interest. To this end a contract listing and details of legal fees and consultancy expenses are included in the QBRs.

Part A lists contracts (other than employment contracts and contracts entered into from Council's preferred suppliers list) that:

- Were entered into during the quarter ending 31 December 2011; and
- Have a value equal to or more than \$50,000

Part B of the report shows expenditure as at 31 December 2011 for:

- Consultancies
- Legal fees

For the purposes of this report, a consultancy is defined as a person or organisation engaged under contract on a temporary basis to provide recommendation or high level specialist or professional advice to assist decision-making by management.

**Part A
Contracts Listing**

Contractor	Contract Detail & Purpose	Contract Value (\$)	Commencement Date	Duration of Contract	Budgeted (Y/N)
Stabilised Pavements of Australia	Lemon Tree Passage Road, Salt Ash rehabilitation	51,630	14/11/2011	3 weeks	Y
Marijan Constructions Pty Ltd	Supply and install concrete skate components Ferodale Road, Medowie	51,600	07/12/2011	2 weeks	Y
Marijan Constructions Pty Ltd	Seaham skate park construction	94,800	07/12/2011	2 weeks	Y

**Part B
Consultancy & Legal Expenses**

Expense	Annual Budget (\$)	Expenditure YTD (\$)	Budgeted (Y/N)
Consultancies	803,622	437,889	Y
Legal Fees	976,220	627,550	Y

8. Financial Risks

Issues that have been identified which may pose financial risks are detailed in the table below:

IDENTIFIED ISSUES	RESPONSIBILITY	ACTION REQUIRED	EXPECTED COMPLETION DATE
Fingal Bay Link Road – Acquisition of road reserve and final design.	Civil Assets, with assistance from Property Section.	Negotiations are in progress with Worimi to purchase part of the road reserve. Acquisition of parts of two blocks of land at Shoal Bay has been put on hold pending outcome with Worimi	Further reports will be submitted to Council in due course as issues are concluded. Completion of action cannot be predicted.
Medowie Community Preschool Building	Community and Recreation	Cracking in building became evident in March 2010. Commenced investigation process and monitoring site and building. Awaiting comprehensive Geotech report before considering remediation options. Expected cost for interim treatment is \$10,000 to \$15,000 at this stage pending recommendations and report.	Remediation work completed in November 2010. May be a possibility of further works required. Further inspection to take place in February 2012.

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

IDENTIFIED ISSUES	RESPONSIBILITY	ACTION REQUIRED	EXPECTED COMPLETION DATE
<p>Contract review of (1) Waste Levy cost sharing and (2) take or pay methodology in Waste Disposal Agreement with Port Stephens Waste Management Group. Potential impact modelled on 2010/2011 is an extra \$1,580,000 on Waste Reserve. Potential total impact from 2012 to 2018 is \$16,700,000 in extra contract payments.</p>	<p>Community and Recreation/Waste Team.</p>	<p>Dispute resolution process in Waste Disposal Agreement commenced September 2010. Legal Advice Request activated 20 October 2010 with Harris Wheeler. Legal strategy being prepared. Modelling of options for negotiated outcomes is progressing. Letter to Department of Environment, Climate Change and Water sent 19 October 2010 to advise of intention to use revenue from Waste and Sustainability Improvement Payment Program to part fund potential cost impact from take or pay methodology issue should negotiations fails to deflect entire claim.</p> <p>Issue 1 – Waste Levy claim has been rejected by PSC on legal advice. Sita advised of this position.</p> <p>Issue 2 – PSC made offer to resolve issue in 2011/12. No response from Sita as at 7/3/11. Future impact has been budgeted for in 2011/12 budget.</p>	<p>12/12/11 – Verbal agreement reached with Port Stephens Waste Management Group. Deed of Amendment being prepared with a report to Council planned for February 2012.</p>

ITEM NO. 11

FILE NO: PSC2011-04356

SUSTAINABILITY REVIEW – ORGANISATION DEVELOPMENT SECTION

REPORT OF: ANNE SCHMARR - ORGANISATION DEVELOPMENT MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Service Strategy – Organisation Development Section and endorse the findings of the review;
- 2) Reduce the EFT in the Organisation Development Organisation Structure by 1 resulting in savings of \$137,644.00 to the recurrent budget;
- 3) Note further additional savings of \$52,482.00 to the recurrent budget;
- 4) Note the commitment to explore shared services with other Hunter Councils as opportunities present.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012

RECOMMENDATION:

	<p>Councillor John Nell Councillor Ken Jordan</p>
	<p>That the recommendation be adopted.</p>

MATTER ARISING

	<p>Councillor Geoff Dingle Councillor Ken Jordan</p>
	<p>That Council be provided with a table in the individual sustainability review reports showing the details of the savings and also a table showing the cumulative savings for the sustainability review program as a whole.</p>

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

Cr Ken Jordan returned to the meeting at 6.07pm prior to voting on Item 11.

017	<p>Councillor John Nell Councillor Steve Tucker</p>
	<p>It was resolved that the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

MATTER ARISING RESOLUTION:

018	Councillor John Nell Councillor Steve Tucker
	It was resolved that the Matter Arising be adopted.

BACKGROUND

The purpose of this report is to present to Council the outcomes of the Sustainability Review for the Organisation Development Section (stage 3) and seek endorsement of the recommendations contained in the Service Strategy.

The comprehensive review of this service package has been undertaken in line with the principles of Best Value and is in accordance with the delivery of the Community Strategic Plan 2021: Strategic Direction 5 – Governance and Civic Leadership.

By way of background, the sustainability review currently undertaken by Organisation Development comprised three key stages:

- Stage 1 Reviewing what is currently delivered – ie Service drivers (legal, financial, operational)
- Stage 2 Reviewing what should be delivered – ie Service levels (at what standard and at what cost).
- Stage 3 Reviewing how it should best be delivered – ie Service delivery method (delivery model).

The findings of all stages of the review are documented in a comprehensive service strategy, with recommendations on the way forward.

Organisation Development Services

The Organisation Development Section is part of the Corporate Services Group of Council and was formed in 2002. It brought together a number of functions previously located within the Business and Support Group and Corporate Development Unit.

Today, the Section is structured around the 4 main areas of:

- human resources
- learning and development
- corporate risk and safety
- business improvement and sustainability.

Council has adopted a centralised and shared service approach for its organisation development functions. This helps to ensure consistency in the deployment of

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

systems and processes across the various business units and the development of a common culture within the organisation.

The services within the section entail:

- 1) Staffing – 14.43 EFT;
- 2) Funding – recurrent annual budget of \$3.1M;

The Organisation Development Section has responsibility for development and implementation of the Workforce Strategy to support Council's vision for Port Stephens and the community into the future. This ensures that our organisation has the capacity and capability to deliver efficient, effective and responsive services to the community.

In addition to development of this key strategy, other primary roles of the Section are to:

- Strategically managing human resourcing;
- Helping leaders manage large-scale change;
- Providing practical and usable learning and development programs to improve and accelerate performance ;
- Staying on top of current and emerging business trends and assessing what might block the organisation's progress;
- Ensuring a consistent, holistic approach to the management of risk and safety and continually improving our systems;
- Ensuring we continually improve the way we go about our business.

Excellence in the way an organisation manages its human resources, risk and continuous improvement makes the difference between long-lasting success and failure.

Service Review Findings

The Organisation Development Sustainability Review undertook an examination of all activities provided by the section. These individual activities were consolidated into four primary service packages:

Service Packages			
Human Resources	Learning and Development	Risk and Safety	Business Improvement & Sustainability
Employee Benefits	Coordination of all training including delivery of internal training programs	Business Continuity	Coordination of Business Excellence Journey
Employee Relations	Coordination of Workplace Equity and Diversity Strategies	Management of Insurance Portfolio	Sustainability Review

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

Recruitment	Education Assistance	Corporate Management	Risk
Salary System	Workforce Planning	Health and Safety Management	
Performance Management		Injury Management	

The findings of the Sustainability Review have identified the following metrics:

Human Resources

Function Budget

- Data on the Australian workforce shows that the operational budget for the human resources function for an organisation of Council's size is \$1.04 million per annum. Council's annual Human Resources operational budget is \$473,054.

Percentage of Revenue

- When compared with like organisations, the percentage of revenue spent by Port Stephens Council on the provision of Human Resources services is 0.43% compared to 1.41% for the public sector and 1.45% for all industries.

Staff Ratios – Human Resources

- Data on the Australian workforce shows staff ratios for the Human Resources function are 1.45% of staff. Based on our current EFT of 471.66 this equates to 6.8 staff. Council currently employs 3 staff in the Human Resources Services.

Learning and Development

NSW Regional Council expenditure on learning and development

- Structured classroom learning and development programs for staff is 1.03% of total salaries and wages. Council current spends 0.89%;
- Per staff member this is \$679 per annum. Council currently spends \$558 per annum;
- Regional Centre Councils staff receiving study assistance is 4.96%. Council current provides study assistance at a rate of 4.83%.

Corporate Risk & Safety

Risk Management & Insurance Portfolio

- A survey conducted of Australian local government authorities indicated an average 2.2 risk staff for Councils of our size. Council current employs 2 staff.

Work Health & Safety Management

- A survey of Australian local government authorities indicated an average of 3.53 health and safety staff for Councils of our size. Council current employs 3.4 staff.

Claims Cost Ratio (measures the cost of worker's compensation claims over the past 3 years/total salaries and wages over the past 3 years)

- Cost of claims for Regional Centre councils is 0.97%. Council's current ratio is 1.1%.

Workers Compensation Premium Rate (measures what Council pays in premium as a percentage of total salaries and wages)

- StateCover average is 3.4%. Division of Local Government Group average is 3.8%. Council's current rate is 3.82%, a reduction from 5.66% in 2010.

Business Improvement & Sustainability

Business Improvement

- On average Australian Councils employ 1.9 business improvement staff. Council currently employs 1.

Sustainability Review

- 1 additional EFT was included in the structure to assist with coordination of the sustainability project to be funded until December 2012. However, from 1/7/2012 this position will be absorbed by the Business Excellence Coordinator.

Service Priorities

Throughout the Sustainability Review, the following service priorities have been identified:

- Continue to participate in regional approaches for shared services;
- Review the option for sharing apprentices/trainees/students across Hunter Regional Councils;
- Continue to participate in regional shared training services including provision of majority of statutory training;
- Investigate employment of apprentices and trainees through a group training arrangement;
- Continue to outsource Council's Employee Assistance Program;
- Consider option to provide employee relations and recruitment processes for the smaller Council's within the Hunter Region;
- Investigate the implications of becoming a delivery partner for SAI Global to undertake business improvement initiatives;
- Continue to investigate the feasibility of an improved HRIS;
- Market test delivery of in-house training provision;
- Market test delivery of injury management services;

- Outsource auditing of business continuity process.

FINANCIAL/RESOURCE IMPLICATIONS

The total number of effective fulltime employees (EFT) within the Organisation Development Section is 14.43. The Service Strategy proposes to delete one position from the Organisation Structure.

This will result in savings in recurrent expenditure of \$137,644.00.

Other savings identified in the service strategy will result in further reductions of \$52,482.00.

LEGAL, POLICY AND RISK IMPLICATIONS

Council's obligations to employees and other workers come from a variety of sources - Federal, State and Territory laws, Industrial Awards and Agreements, Tribunal Decisions and Contracts of Employment. Council has a legal responsibility to comply with these various pieces of employment legislation that are identified in the Organisation Development Level 4 Systems Views. There are various offences and penalties that apply for breaches of the legislation through non compliance.

An important role of the Organisation Development Section is to ensure that Council minimises its risks of various offences and penalties that apply through non compliance of these pieces of legislation.

If Council considers alternative options to the recommendations within the Service Strategy, the following risks should be considered:

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Reduction in staff numbers within the Section may lead to customer dissatisfaction with level of service	High	Agreed levels of service meet customer requirements	Yes
Reduction in levels of service may lead to inadequate risk, safety & human resource management systems	High	Service levels are supported by adequate numbers of qualified professional & specialist staff	Yes
Reduction in provision of specialist advice may lead to non compliance with legislative requirements resulting in fines and reputation damage	High	Organisation Development continue to provide managers and staff with specialist advice to inform decision making	Yes
A further reduction in business improvement staffing would result in significant costs in	High	Maintain an EFT of 1 position in staffing levels for Business Improvement	Yes

resourcing of continuous improvement initiatives and meeting Council's sustainability review project commitments			
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SUSTAINABILITY IMPLICATIONS

If Council considers alternative options to the recommendations within the Organisation Development Section Service Strategy, this may affect any increase in service levels identified in the Sustainability Review.

CONSULTATION

Extensive consultation has been undertaken with stakeholders to determine if Council should continue to deliver services provided by Organisation Development in the future, and, if so, at what level and at what cost. Feedback has indicated that current service levels and delivery meet customer requirements. Our customers were unable to identify any services which they did not require.

Benchmarking was undertaken with both private and public sector organisations. The results indicated that resourcing levels within the Organisation Development Section were below that of other organisations with similar staff numbers.

OPTIONS

- 1) Adopt the recommendations contained in the Sustainability Review – Organisation Development Service Strategy;
- 2) Amend the recommendations contained in the Sustainability Review – Organisation Development Service Strategy;
- 3) Council reject the recommendations contained in the Sustainability Review – Organisation Development.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Organisation Development Service Strategy.

ITEM NO. 12

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 6 DECEMBER 2011

REPORT OF: JOHN MARETICH – CIVIL ASSETS MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held on 6th December 2011.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012

RECOMMENDATION:

	<p>Councillor John Nell Councillor Steve Tucker</p>
	<p>That the recommendation be adopted.</p>

MATTER ARISING

	<p>Councillor John Nell Councillor Sally Dover</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Investigate the possibility of placing the pedestrian and cycleway stencil on both sides of the roadway in Salamander Way; 2) That Council review the entry/exit sign Nelson Bay Bowling Club on Dowling Street, Nelson Bay; and 3) A report be provided to Council on the options for making the area around the Soldier Point Primary School safer for pedestrians.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

019	<p>Councillor John Nell Councillor Ken Jordan</p>
	<p>It was resolved that the recommendation be adopted.</p>

**ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012
MATTER ARISING RESOLUTION:**

020	Councillor John Nell Councillor Ken Jordan
	It was resolved that the Matter Arising 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 (Community Strategic Plan Section 5.4).

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget of \$41 000.00 (\$25 000.00 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 capital works such as traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in this funding and are to be listed within Council's "Forward Works Plan" for consideration in the annual budget process.

The recommendations relating to the installation of regulatory traffic controls 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 of the Traffic Committee 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 under the Transport Administration (General) Act furthermore there are no policy implications resulting from any of the Committee's recommendations.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Recommendations may not meet community expectations	High	Ensure proper consultation is carried out when required, prior to meetings	Yes
Recommendations may not meet required standards and guidelines	High	Traffic Engineer to ensure that all relevant standards and guidelines are applied	Yes

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 and Council's Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Traffic Committee meeting.

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 other than that recommended by the Traffic Committee for a particular item. In which case Council must first notify 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 Meeting Minutes – 6/12/11.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 6TH DECEMBER 2011
AT 9:30AM**

Present:

Cr Bob Westbury – Mayor, Ms Michelle Mexon representing Craig Baumann MP, Cr Peter Kafer, Cr Geoff Dingle, Snr Const Shane Dawes - NSW Police, Mr Joe Gleeson (Chairperson), Mr Graham Orr, Ms Michelle Page, Ms Lisa Lovegrove – Port Stephens Council

Apologies:

Mr Bill Butler – RMS, Mr John Meldrum – Hunter Valley Buses, Mr Dave Davies – Busways, Mr Mark Newling - Port Stephens Coaches

A. ADOPTION OF MINUTES OF MEETING HELD 1ST NOVEMBER, 2011

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

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

D. INFORMAL MATTERS

E. GENERAL BUSINESS

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS
TUESDAY 6TH DECEMBER, 2011**

- A. ADOPTION OF THE MINUTES OF 1ST NOVEMBER, 2011**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
- 44_12/11 WARREN STREET SEAHAM – UPGRADE OF THE CHILDREN'S CROSSING AT SEAHAM PUBLIC SCHOOL
- 45_12/11 TOWN CENTRE CIRCUIT SALAMANDER BAY – REQUEST FOR AMBULANCE PARKING AT THE RELOCATED MEDICAL CENTRE
- D. INFORMAL MATTERS**
- 508_12/11 SHOAL BAY ROAD NELSON BAY – REQUEST FOR ESTABLISHMENT OF A 10KM/H SHARED ZONE AT NELSON BAY DIGGER'S CLUB
- 509_12/11 LEMON TREE PASSAGE ROAD TANILBA BAY – COMPLAINT REGARDING PROPERTY ACCESS TO NO.1059
- E. GENERAL BUSINESS**
- 622_12/11 RICHARDSON ROAD CAMPVALE – CONGRATULATIONS TO NSW POLICE ON RECENT SPEED ENFORCEMENT PROGRAM
- 623_12/11 MEDOWIE ROAD WILLIAMTOWN – CONCERN REGARDING THE PROPOSED RAAF BASE ACCESS CONSTRUCTION WORKS

C. Listed Matters

Item: 44_12/11

WARREN STREET SEAHAM – UPGRADE OF THE CHILDREN'S CROSSING AT SEAHAM PUBLIC SCHOOL

Requested by: Port Stephens Council

File:

Background:

Port Stephens Council has received complaints regarding the disregard by drivers of the children's crossing at Seaham school.

Comment:

There are a number of issues with the position of the hold lines and marker posts due to adjacent driveways, as well as problems with posts being continually knocked over by vehicles.

Traffic Inspection Committee members noted that the part-time 'No Stopping' signs do not comply with NSW current standards for children's crossings. The signs need to be changed to full-time 'No Stopping' or part-time 'No Parking' and the flag posts need to be better shielded to prevent them being knocked over by vehicles.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules –Part 12 Div.2 – Rule 205 – Parking for longer than indicated

AS 1742.11 – Parking Controls

RTA signs database – R5-15, R5-400

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

Recommendation to the Committee:

Approve alteration of the part-time 'No Stopping' signs to become full-time 'No Stopping' and part-time 'No Parking' and re-marking of the hold lines at the children's crossing, as shown on the attached sketch, Annexure A.

Discussion:

Council officers advised that Seaham Public School does not qualify for a crossing supervisor. Cr Dingle enquired about the flashing light program at schools. Council officers advised that RMS do have a priority list for installation of flashing lights based upon traffic volumes, speed, accident history and spread of available funding across the state.

Support for the recommendation:

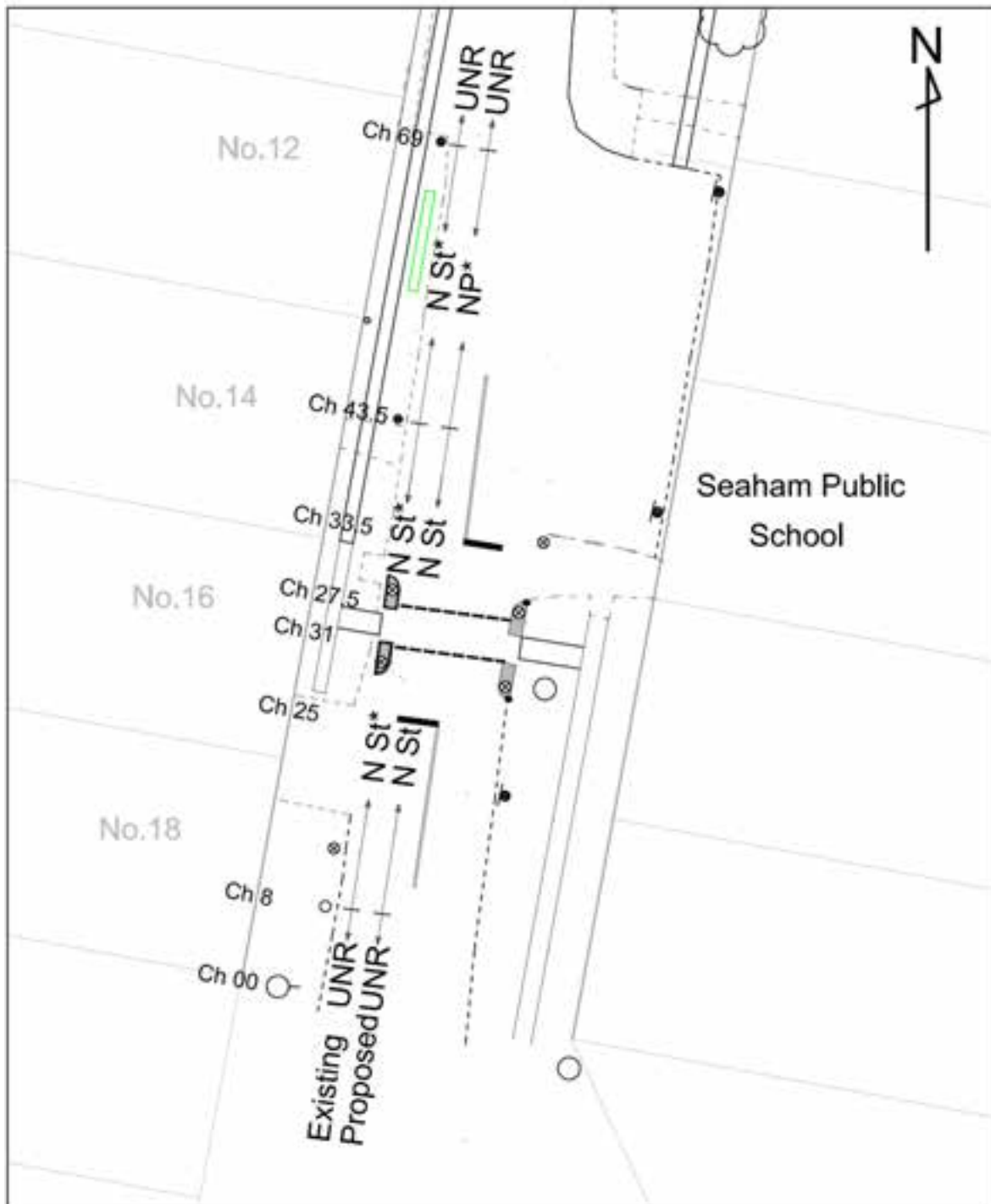
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

PORT STEPHENS TRAFFIC COMMITTEE
 Tuesday 6 December 2011

ITEM NO. 44_12/11
 Street: Warren Street

ANNEXURE A
 Page 1 of 1



Legend

- UNR = Unrestricted parking
- N St = No Stopping
- N St* = No Stopping - 8.00-9.30am, 2.30-4.00pm School Days
- NP* = No Parking - 8.00-9.30am, 2.30-4.00pm School Days

Item: 45_12/11

TOWN CENTRE CIRCUIT SALAMANDER BAY – REQUEST FOR AMBULANCE PARKING AT THE RELOCATED MEDICAL CENTRE

Requested by: Cr Dover

File:

Background:

Nelson Bay Medical Group are relocating to different premises within the Salamander shopping centre and request that ambulance parking be provided in the unused bus zone on Town Centre Circuit.

Comment:

This was not inspected by the Traffic Inspection Committee. There is an existing bus zone on Town Centre Circuit that is currently not used by route buses as the public bus routes don't go past this point currently.

Port Stephens Coaches were contacted for comment and state that they would prefer a shared zone that would allow both buses and ambulances to park. Buses still use the zone on occasion during layovers for driver rest breaks so as not to occupy the busy bus top at the Salamander Centre entrance. There may also be a requirement in future for the bus stop to be used during construction works at the centre.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule168 – No Parking signs, Rule 307 - Stopping and parking exemption for police and emergency vehicles and authorised persons

RTA signs database – R5-40

AS 1742.11 – Parking Controls

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

Recommendation to the Committee:

Change existing part-time bus zone to 'No Parking – Buses and Ambulance vehicles excepted' in Town Centre Circuit as shown on the attached sketch (Annexure A).

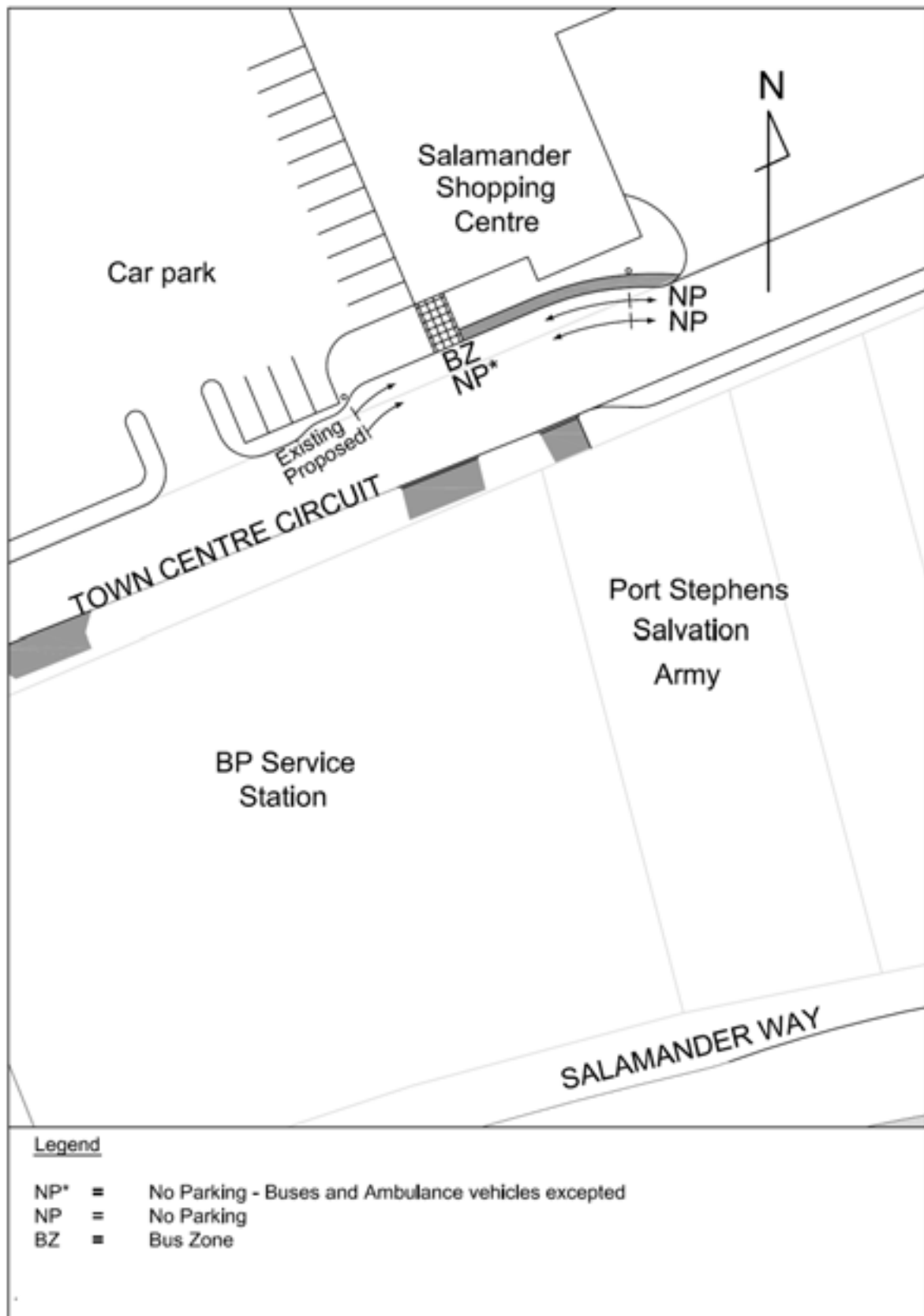
Discussion:

Traffic Committee members supported the requirement for a convenient drop-off and pick-up area to be available adjacent to the premises. The shared use of the bus lay-by was supported as a fair compromise.

It was discussed that the bus lay-by is actually situated on the shopping centre property and so any provision of pedestrian ramps and connections will need to be made by the property owner. This needs to be communicated to the applicant as soon as possible.

Support for the recommendation:

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



D. Informal Items

Item: 508_12/11

SHOAL BAY ROAD NELSON BAY – REQUEST FOR ESTABLISHMENT OF A 10KM/H SHARED ZONE AT NELSON BAY DIGGER'S CLUB

Requested by: Port Stephens Council

File:

Background:

Nelson Bay Diggers is undergoing some development construction works involving upgrades to the service road and club entry. These works include landscaping, changes to parking and new footpath connections.

Comment:

These development works have provided an opportunity to improve access for cyclists and pedestrians in this area. Currently there is a major missing link in the shared path between Strong Oval and the Shoal Bay shared path network. The provision of shared path connections and a 10km/h shared zone would allow cyclists to use the service road beside the Nelson Bay Diggers club in safety.

Committee's advice:

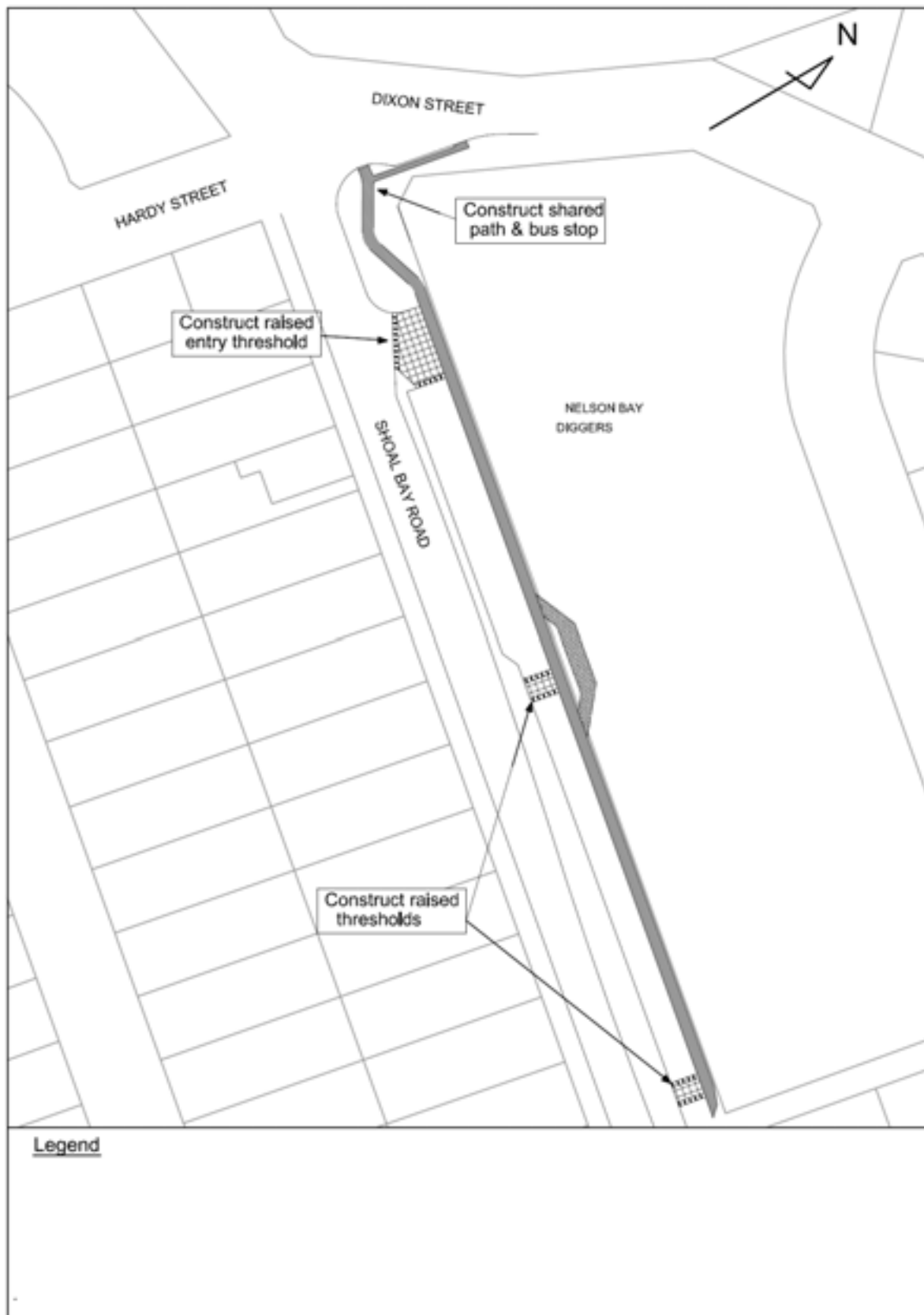
For discussion

Discussion:

Traffic Committee discussed that the proposed changes would be a big improvement to the community facilities in the area. The implementation of a 10km/h shared zone would improve safety for club patrons as well as for the wider community.

Advice to the Committee:

The Traffic Committee supports the introduction of a 10km/h shared zone in the service road at Nelson Bay Diggers and requests the RMS to conduct the required speed zone review to allow this to happen.



Item: 509_12/11

LEMON TREE PASSAGE ROAD TANILBA BAY – COMPLAINT REGARDING PROPERTY ACCESS TO NO.1059

Requested by: A business operator

File:

Background:

The proprietor of the Tanilba Bay video store at 1059 Lemon Tree Passage Road has complained about access to her business following recent kerb and gutter construction works.

Comment:

Although the driveways along Lemon Tree Passage Road have been formalised there has been no real change to their location. Business patrons travelling from the east are still able to u-turn on Lemon Tree Passage Road and enter the driveway safely.

Committee's advice:

No further action at this time

Discussion:

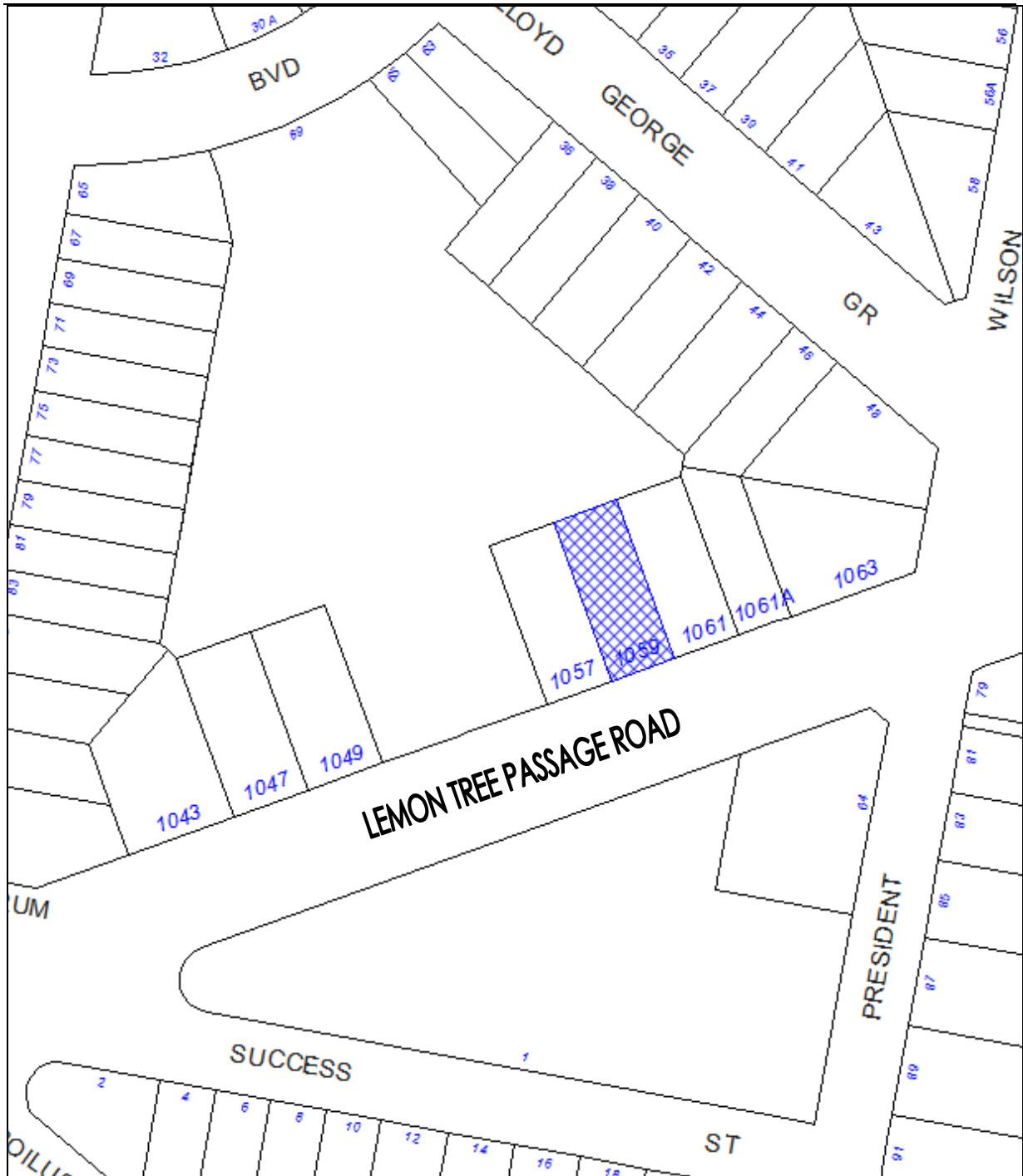
Traffic Committee discussed the recent construction works on Lemon Tree Passage Road and any possible impacts on local businesses. Council's Traffic Engineer stated that although driveways have been formalised along with the installation of kerb and gutter that there has been minimal change to property access as a result.

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 6 December 2011

ITEM NO.509_12/11
Street: LTP Road

ANNEXURE A
Page 1 of 1



E. General Business

Item: 622_12/11

RICHARDSON ROAD CAMPVALE – CONGRATULATIONS TO NSW POLICE ON RECENT SPEED ENFORCEMENT PROGRAM

Requested by: Cr Dingle

File:

Background:

Cr Dingle congratulated Police on the results of recent speed enforcement programs on Richardson Road and Grahamstown Road. Cr Dingle said that the increased presence of Police patrolling the roads in recent weeks had led to a noticeable reduction in speeding traffic on the roads and improved safety for all road users.

Discussion:

The NSW Police representative noted that the good information supplied by Council had contributed to improved results through the ability to target specific times when speeding drivers were most prevalent.

Committees Advice:

Noted

Item: 623_12/11

MEDOWIE ROAD WILLIAMTOWN – CONCERN REGARDING THE PROPOSED RAAF BASE ACCESS CONSTRUCTION WORKS

Requested by: Cr Dingle

File:

Background:

Cr Dingle raised concerns regarding the proposed changes to Medowie Road and the access gates to the RAAF base at Williamtown. He said that Councilors' had been briefed by the project manager recently and that plans had virtually been finalised for the changes to Medowie Road and the base entrances. The plans that he had seen did not adequately address the safety concerns that had been raised by the Traffic Committee at last months meeting.

Discussion:

The Traffic Committee members noted that several critical issues had been identified at last months Traffic Committee meeting that needed to be addressed as part of any base upgrades and changes to Medowie Road. These issues included the need to reduce the impacts of queuing traffic on Medowie Road, the need to reduce speed limits on Medowie Road and the need to improve facilities for pedestrians and cyclists as part of any construction works at the base.

Committees Advice:

Cr Westbury advised that he would contact base representatives to ensure that Port Stephens Council and the Traffic Committee were informed and had input into any proposals for works that impacted on Medowie Road.

ITEM NO. 13

FILE NO: A2004-0284

REVIEW OF THE CODE OF MEETING PRACTICE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the draft Code of Meeting Practice on public exhibition for a period of 28 days seeking public comment.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012

RECOMMENDATION:

	Councillor Bob Westbury Councillor Shirley O'Brien
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

021	Councillor Ken Jordan Councillor Caroline De Lyall
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of the report is to provide Council with a draft of the reviewed Code of Meeting Practice (Code).

The Code has been reviewed as a result of the Division of Local Government Promoting Better Practice Report (PBP).

A number of amendments were required as part of the PBP. The amendments are summarised as follows:

- Deletion of references to repealed legislation such as the 1998 and 1999 Local Government Regulations and Section 12 of the Local Government Act;
- Changes to Council and Committee meeting cycles;
- Remove the confusion between pecuniary and non pecuniary interests; and
- General administrative changes to reflect the correct regulations.

The amendments are shown in the separate copy of the Code of Meeting Practice provided to Council. Amendments being deleted are shaded in grey with insertion being shown in blue text. A summary is shown at **ATTACHMENT 1**.

FINANCIAL/RESOURCE IMPLICATIONS

The Code will be implemented within current human resources, however there will be additional costs associated with the installation of equipment to facilitate the webcasting as previously advised.

Once adopted, the Code of meeting practice must be available for public inspection free of charge at the office of the Council during ordinary office hours. Copies of the Code must be available free of charge or, if the Council determines, on payment of the approved fee.

LEGAL AND POLICY IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Council is required under the Local Government Act to have a Code of Meeting Practice. The Code should be current and in line with current legislation	Low	Staff ensure that the Code of Meeting Practice is current at all times.	Yes

Under Section 361 of the Local Government Act, the draft Code must be placed on public exhibition for not less than 28 days. The council must consider all submissions received before determining the Code.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Code allows Councillors to effectively carry out their responsibilities at meetings of the Council and Committees of which all the members are Councillors.

CONSULTATION

- 1) General Manager;
- 2) Division of Local Government.

OPTIONS

- 1) Adopt the recommendation;
- 2) Retain the existing Code of Meeting Practice.

ATTACHMENTS

- 1) Summary of Amendments.

TABLED DOCUMENTS

- 1) Draft Code of Meeting Practice.

ATTACHMENT 1

SUMMARY OF AMENDMENTS TO THE CODE OF MEETING PRACTICE

Page Number	Amendment
5	Delete reference to 1998 and 1999 Regulations which have been replaced
8	Insert "2005" at Clause 2.1 a
9	Insert "2005" at Clause 2.1 d
9	Insert additional wording to include website
12	Insert "2005" at Clause 3.2e
13	Insert "2005" at Clause 3.4a
13	Insert "2005" at Clause 3.5
14	Delete reference to Executive Manager and insert Executive Officer
18	Insert "2005" at Clause 4.8
18	Insert "2005" at Clause 4.9(2)
20	Clause 5.2 – change meeting cycle from 1 st and 3 rd to 2 nd Tuesday
20	Delete reference to (2) public access nights
21	Insert "2005" at Clause 6 (5)
23	Insert "2005" at Clause 6.1 (5)
23	Insert "2005" at Clause 6.2 (3)
24	Insert "2005" at Clause 6.3 (c)
25	Insert "2005" at Clause 6.4
26	Insert "2005" at Clause 7
26	Delete reference to a councillor speaking to a notice of motion where an objection is raised by another councillor. This is not required as a councillor has a right to speak on any motion before the Chair.
27	Insert "2005" at Clause 7.5
27	Insert "2005" at Clause 7.7 (3)
28	Insert "2005" at Clause 7.9 (d)
29	Insert "2005" at Clause 7.10 (e)
30	Insert "2005" at Clause 7.11 (e)
31	Insert "2005" at Clause 8.1 (b)
31	Insert "2005" at Clause 8.2 (a)
32	Insert "2005" at Clause 8.3
32	Insert "2005" at Clause 8.4 (2)
32	8.5 - Delete reference to Section 12 of the Local Government Act as it has been repealed and replace with reference to the Government Information (Public Access) Act 2009
34	Reword Clause 8.7 (2) a)
36	Insert "2005" at Clause 9.1 (d)
37	Insert "2005" at Clause 9.2 (c)
37	Insert "2005" at Clause 9.3 (b)
37	Insert "2005" at Clause 9.4
38	Insert "2005" at Clause 10.1 (3)
38	10.2 (b)

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

Page Number	Amendment
39	Insert "2005" at Clause 10.3 (c)
39	Insert "2005" at Clause 10.4 (a)
39	Insert "2005" at Clause 10.5. (2)
39	Insert "2005" at Clause 10.6 (a)
40	Insert "2005" at Clause 10.7 (a)
40	Insert "2005" at Clause 10.8 (c)
40	Insert "2005" at Clause 10.9 (c)
41	Insert "2005" at Clause 10.10 (b)
41	Insert "2005" at Clause 10.11 (3) (b)
41	Insert "2005" at Clause 10.12
41	Insert "2005" at Clause 10.13 (2)
42	Delete the word "if" and insert the word "is"
43	Delete 11.5 and transfer to 11.13. This is to remove any confusion between pecuniary and non pecuniary interests
43	Re-number clause 11.6 to 11.5
44	Re-number clause 11.7 to 11.6
44	Change the refer to clause 11.7.1 to 11.6.1 under current clause 11.7
44	Delete wording "and non pecuniary interest"
45	Re-number clause 11.8 to 11.7
45	Re-number clause 11.8.1 to 11.7.1
45	Re-number clause 11.8.2 to 11.7.2
45	Re-number clause 11.9 to 11.8
45	Re-number clause 11.10 to 11.9
45	Delete reference to clause 11.3 in current clause 11.10 and replace with reference to section 451 or 456 of the Act and include (LGA Cl 457)
45	Re-number clause 11.11 to 10.10
46	Re-number clause 11.12 to 11.11.
46	Insert the word "pecuniary" in current clause 11.12
46	Insert "pecuniary" at 11.11 (a)
47	Re-number clause 11.13 to 11.12
48	Insert clause 11.13 transferred from 11.5
48	Insert clause 11.14
49	Insert "2005" at Clause 12 (e)
50	Insert "2005" at Clause 13
51	Delete reference to Section 12 of the Local Government Act as it has been repealed
51	Insert reference to the Government Information (Public Access) Act 2009
53	Insert the wording "less than significant"
55	Delete the definition of non pecuniary as shaded in grey
55	Insert new definition as shown in blue text
56	Delete grey shaded areas in "Closed Session" and insert the blue text
57	Insert the words "significant" and "less than significant non pecuniary interest"

ITEM NO. 14

FILE NO: A2004-0284

REVIEW OF THE CODE OF MEETING PRACTICE – WEBCASTING

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER’S OFFICE

RECOMMENDATION IS THAT:

- 1) Revoke the previous Code of Meeting Practice dated 22 November 2011, Min No. 411;
- 2) Adopt the revised Code of Meeting Practice including changes to Section 13 of the Code of Meeting Practice with the minor amendment in **ATTACHMENT 3**.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012

RECOMMENDATION:

	<p>Councillor John Nell Councillor Steve Tucker</p>
	<p>That the recommendation be adopted.</p>

AMENDMENT

	<p>Councillor Bob Westbury Councillor Sally Dover</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1. Revoke the previous Code of Meeting Practice dated 22 November 2011, Min No. 411; 2. Adopt the revised Code of Meeting Practice.

The amendment on being put became the motion which was carried.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

022	<p>Councillor Glenys Francis Councillor Geoff Dingle</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1. Revoke the previous Code of Meeting Practice dated 22 November 2011, Min No. 411; 2. Adopt the revised Code of Meeting Practice including changes to Section 13 of the Code of Meeting Practice with the minor amendment in ATTACHMENT 3.

BACKGROUND

The purpose of the report is to provide Council with any response received from the community following public exhibition of the Code of Meeting Practice concerning the introduction of webcasting.

Council at its meeting on 22 November 2011 resolved to place the Code of Meeting Practice on public exhibition. Public exhibition was from 8 December 2011 to 6 January 2012. One submission was received and is shown at **ATTACHMENT 1**.

The submission raised two points:

- 1) That Council also webcast Committee meetings;
- 2) That Section 13 of the Code of Meeting Practice requires further amendment.

Point 1 raised in the submission is for Council's consideration. Council should be aware that additional costs would be incurred if Council was to resolve to webcast Committee meetings as well.

Point 2 raised the matter of further amendments to Section 13 of the Code of Meeting Practice.

The proposed/advertised amendment to the Code of Meeting Practice is shown at **ATTACHMENT 2**.

Section 13 was not amended at the time of advertising as it would still apply to ensure that any person/s recording in the Council meeting does not interfere with the meeting proceedings. To clarify this further a minor amendment of Section 13 (a) has been drafted for Council's consideration at **ATTACHMENT 3**.

Council is now asked to consider the adoption of the Code.

FINANCIAL/RESOURCE IMPLICATIONS

The Code will be implemented within current human resources, however there will be additional costs associated with the installation of equipment to facilitate the webcasting as previously advised.

Once adopted, the Code of Meeting Practice must be available for public inspection free of charge at the office of the Council during ordinary office hours. Copies of the Code must be available free of charge or, if the Council determines, on payment of the approved fee.

LEGAL AND POLICY IMPLICATIONS

The Risk Matrix identifies those risks associated with the adoption of the Code of Meeting Practice for webcasting.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Potential legal action against speakers at a Council for defamatory comments.	Medium	All speakers at a Council meeting are required to adhere to the Code of Conduct.	Yes
Reputation damage	Medium	All speakers at a Council meeting are required to adhere to the Code of Conduct.	Yes

Under Section 361 of the Local Government Act, the draft Code must be placed on public exhibition for not less than 28 days. The Council must consider all submissions received before determining the Code.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Code allows Councillors to effectively carry out their responsibilities at meetings of the Council and committees of which all the members are councillors.

CONSULTATION

- 1) General Manager;
- 2) Councillors;
- 3) Port Stephens Community.

OPTIONS

- 1) Adopt the recommendation;
- 2) Retain the existing Code of Meeting Practice.

ATTACHMENTS

- 1) Submission;
- 2) Advertised Draft Amendment
- 3) Minor amendment to Section 13.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



By email: tony.wickham@portstephens.nsw.gov.au

6 January 2011

The General Manager
Port Stephens Council

Re: Council Meeting Code of Practice - Webcasting

Council proposes to modify its Meeting Code of Practice on page 49, to add the following text:

“Note: Port Stephens Council now broadcasts its Ordinary Meetings of Council over the internet to provide a greater level of openness, transparent and access to the decision making process. This does not include the confidential session of the Ordinary Council meeting.

Port Stephens Council accepts no liability for any defamatory remarks that are made during the course of the meeting. The quality of the webcast will depend on the viewers memory and internet connection bandwidth.”

TRRA welcomes the policy decision to provide for webcasting of Council meetings. This will be a major improvement in accountability, allowing ordinary citizens and other interested parties to follow the proceedings of Council remotely. Until now, it has been necessary to travel to Raymond Terrace and physically sit in the public gallery – for most ratepayers and residents, the travel time far exceeds the time taken for Council to discuss a particular item of interest, and presents a significant barrier to community engagement.

Ordinary vs Committee meetings

TRRA submits that Council Committee meetings should also be routinely webcast. Committee meetings are generally where controversial issues are first debated in detail, giving observers the opportunity to then make submissions before a final decision is made at a subsequent Ordinary meeting.

Section 4.4 of the Code reads:

- (i) “Everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors, except as provided in this Code.

- (ii) Council must ensure that all meetings of the Council and of such Committees are open to the public.

This section draws no distinction between Ordinary meetings and Committee meetings, and there is no good reason to make such a distinction in relation to webcasting.

While webcasting of Ordinary meetings will make a very valuable contribution to the accountability objective, it will only have a limited impact on participation, whereas webcasting of Committee meetings would facilitate community input and engagement.

Need for consequential changes re recording

TRRA submits that webcasting will make the preceding Section 13 of the Code (prohibition on recording without permission) redundant, as there will be no control over users' ability to capture and store a webcast (unless some technical limitation is proposed?)

We had expected the webcasting decision to result in a more comprehensive change to Section 13. Apart from anything else, Section 13 includes a Note

“Tape recorder includes a video camera and any electronic device capable of recording speech whether magnetic tape is used to record or not”.

Without further changes, there will be an internal inconsistency if someone uses a portable device to access the webcast (and capture it) while sitting in the public gallery.

Council needs to accept that a policy decision to webcast proceedings effectively means that Council relinquishes control over the storage, use and dissemination of the images and sound. Whilst this may be uncomfortable for some, it is a small price to pay for the additional transparency, accountability, and opportunity for greater community engagement.

In providing for webcasting, Council is simply 'catching up' with best practice at all levels of government, but needs to ensure that all relevant sections of the Code of Practice, and other documentation, fully reflect the consequences.

Yours sincerely,

Geoffrey Washington
Chairman
Tomaree Ratepayers and Residents Association

ATTACHMENT 2

13. TAPE RECORDING OF COUNCIL/COMMITTEE MEETINGS

- a) A person who wishes to record (including photographs) the proceedings of a Council or Committee meeting must have the written authority of the Council, Committee or the Mayor and the General Manager conjointly. [Refer to Schedule 1 for current authority.]
- b) A person may be expelled from a meeting of a Council or Committee Meeting for using or having used a tape recorder in contravention of this clause as provided by section 10 (2) (a) or (b) of the Act. (Also see Expulsion Clause 9.4)
- c) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

Note: Tape recorder includes a video camera and any electronic device capable of recording speech whether magnetic tape is used to record or not.

(LG (Gen) Reg Cl 273 & Min 871 25/2/97)

Note: Port Stephens Council now broadcasts its Ordinary Meetings of Council over the internet to provide a greater level of openness, transparent and access to the decision making process. This does not include the confidential session of the Ordinary Council meeting.

Port Stephens Council accepts no liability for any defamatory remarks that are made during the course of the meeting. The quality of the webcast will depend on the viewers memory and internet connection bandwidth.

ATTACHMENT 3

13. TAPE RECORDING OF COUNCIL/COMMITTEE MEETINGS

- a) A person who wishes to record (including photographs) the proceedings of a Council or Committee meeting **that may interfere with the meeting proceedings** must have the written authority of the Council, Committee or the Mayor and the General Manager conjointly. [Refer to Schedule 1 for current authority.]
- b) A person may be expelled from a meeting of a Council or Committee Meeting for using or having used a tape recorder in contravention of this clause as provided by section 10 (2) (a) or (b) of the Act. (Also see Expulsion Clause 9.4)
- c) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

Note: Tape recorder includes a video camera and any electronic device capable of recording speech whether magnetic tape is used to record or not.

(LG (Gen) Reg Cl 273 & Min 871 25/2/97)

Note: Port Stephens Council now broadcasts its Ordinary Meetings of Council over the internet to provide a greater level of openness, transparent and access to the decision making process. This does not include the confidential session of the Ordinary Council meeting.

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ITEM NO. 15

FILE NO: PSC2006-2327

LGSA TOURISM CONFERENCE 2012

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the attendance of Cr Bob Westbury at the 2012 Local Government & Shires Association Tourism Conference.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012
RECOMMENDATION:

	Councillor Ken Jordan Councillor John Nell
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012
RESOLUTION:

023	Councillor Bruce MacKenzie Councillor Steve Tucker
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to inform Council of the 8th Local Government & Shires Association Tourism Conference.

The Conference will be held from 12-14 March 2012 in Gunnedah, NSW.

The Conference programme is shown at **ATTACHMENT 1**.

The Conference is open to all Councillors.

As Councillors would be aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Councils area.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration, travel and accommodation would be covered from the budget.

LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside the Hunter Region. Councillors' conference costs are limited to \$3,500.00 per year under the Policy.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Potential for injury whilst attending at the conference.	Low	Attendees to observe appropriate safety measures to avoid injury.	Yes
Negative impact on Council's reputation.	Low	Attendees to observe Council's Code of Conduct.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Port Stephens community would benefit from Councillors attending this Conference to ensure the Local Government Area has a voice in the national development of policy and initiatives.

CONSULTATION

Nil.

OPTIONS

Nil.

ATTACHMENTS

1) Conference Programme.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

LGSA Tourism Conference 2012 <i>Check In or Check Out! Does your service meet your visitors' expectations?</i> 12 - 14 March 2012, Gunnedah Civic Centre, Cnr Conadilly & Chandos Street, Gunnedah		
DRAFT PROGRAM as of 14 December 2011		
Conference MC: Mandy Nolan Correct at the time of printing changes may occur.		
Monday 12 March		
Pre Conference Seminars		
12.00pm - 5.00pm	Registration opens at Gunnedah Civic Centre	
2.00pm - 5.00pm	Tourism Managers Exchange (free optional session) TIC forum for discussion with tourism operators, supported by Destination NSW	
2.00pm - 5.00pm	Check In and explore Gunnedah Your opportunity to visit town as a tourist and eat and shop locally	
6.00pm - 9.00pm	Welcome Reception and Barefoot Bowls at the Gunnedah Services and Bowling Club. Welcome from Cr Keith Rhoades President LGA. BBQ Dinner included. Delegate registration will be available at this event.	
Tuesday 13 March		
6.30am - 7.45am	Sunrise Tour Koala Spotting Tour - guided walk through Gunnedah's Bindea Walking Track in the bush setting of Porcupine Hill	Optional event organised by Gunnedah Shire Council
8.15am	Trade exhibition opens	
9.00am	Welcome to Country Welcome to Gunnedah	Elder of the Kamilaroi Tribe Cr Adam Marshall, Mayor, Gunnedah Shire Council
9.10am	President's Welcome	Cr Ray Donald, President, Shires Association of NSW
9.20am	Tourism Keynote Address	Hon George Souris MP, Minister for Tourism Major Events Hospitality and Racing and Minister for the Arts (invited)
9.50am	Tourism Keynote Address: Perception is Reality – it's not about you, its about your customers!	Ms Penny Burke, Director, Author, Speaker and Brand Advertiser
10.40am	Morning Tea	
11.00am	Tourism Keynote Address	Ms Sandra Chipchase, CEO, Destination NSW
11.30am	How does an industry impact on a town and its economy? How do you manage the conflict?	Mr Neil McGarry, Director, Economic Development, Liverpool Plains Shire Council
12.00pm	How does Tourism and Mining sit side by side? What are the challenges and benefits?	Panel discussion chaired by: Cr Bruce Miller, Immediate Past President, Shires Association of NSW Cr Adam Marshall, Mayor of Gunnedah Shire Council ****Speaker to be confirmed Mr Rick Wilkinson, Chief Operating Officer, Eastern Australia, Australian Petroleum Production & Exploration Association (invited)
1.00pm	Lunch	
2.00pm	Site Visit and guided tour including Afternoon Tea: This tour will take all delegates to the Waterways Wildlife Park, Indigenous Tourism, Cumbo Gunnerah Gallery, the Wallaby Trap with local Elders, and Gunnedah's Water Tower Museum, a volunteer operated museum housing historical memorabilia in three rotating groups.	The conference goes on tour
5.00pm	Bus Transfer return to accommodation	
7.30pm	Conference Dinner Starry Starry Night (Big Sky Country) Quirang Country Gardens Function and Conference Centre) sponsored by CountryLink.	
10.30pm	Bus Transfers return to accommodation	

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

Wednesday 14 March		
8.15am	Trade exhibition opens	
9.00am	Tourism Keynote Address Visitor Economy Taskforce Strategy and observations on stakeholder engagement	Russell Balding, Chairman of the Visitor Economy Taskforce and Deputy Chair of Destination NSW (invited)
9.30am	Destination Planning: national perspectives and local agendas	Tracey Valenzisi, Executive Officer, Australian Regional Tourism Network Mr John Bates, Group Manager, Department of Trade & Investment, Regional Infrastructure and Services (invited)
10.15am	Tourism Participation within NSW Local Governments - Survey Results	Neisha Turner, Student Industry Project, UTS, Bachelor Of Management in Tourism and LGSA
10.30am	Product Review	David Oliver, Bookeasy
10.35am	Morning Tea	
11.00am – 1.00pm	Topic streams and case studies: Meeting or Changing Expectations Understanding the market and getting it right!	
11.00am - 11.30pm	Nailing the Market: Active Attractions vs Me-too Museums	Neil Druce, Managing Director, Junees Licorice and Chocolate Factory
11.30am – 12.00pm	Aligning Everything we do to the customer.	Graham Perry, CEO, Inland NSW Tourism
12.00pm – 12.30pm	"A Whole New Ballgame?" – Are traditional recreation/leisure patterns changing affecting how all businesses must approach tourism? A case study in changing expectations and possible responses	Dan Cove, Manager Cave Operations, Jenolan Caves
12.30pm – 1.00pm	Changing Visitor Expectations: Are You Being Served? Research on current consumer tourism perceptions, the factors influencing satisfaction of service quality and a case study of a tourism business that 'got it right'	John Larkin, Managing Director, Aurora Research
11.00am – 1.00pm	How do you Measure Visitor Satisfaction?	Panel: Richard Munro, CEO, Accommodation Association of Australia and Carol Giuseppi, Director, Australian Hotels Association (NSW) and Chris Pattas, Group GM, Sales and Marketing, AAA Tourism (invited)
11.00am - 12.00pm	How do you find out what a visitor thinks about your destination?	
12.00pm – 12.30pm	Measure for Success	Ray Jeffery, KPI Hospitality Services
12.30pm – 1.00pm	'Understanding your Animal Attraction...' Visitor research and evaluation for any destination...	Matt Fuller, General Manager, Taronga Western Plains Zoo and Chris Rumble – Vision XS South Africa and Australia
11.00am – 1.00pm	Engaging the Community - Building access and availability with volunteers and getting the community on board: Volunteering: an innovative program	Fiona Ferguson, Manager, Age of Fishes Museum Canowindra
11.00am - 11.30pm		
11.30am – 12.00pm	CMCA Rally Deniliquin: Making your visitors your ambassadors	Greg Lawrence, Manager, Economic Development and Tourism
12.00pm – 12.30pm	Bondi's Yin and Yang	Lorna Bussell, Divisional Manager, Bondi and Beaches, Recreational, Customer and Community Services, Waverley Council
12.30pm – 1.00pm	Aggulp case study – Home Hosting program	Chris Friend, Manager Economic Development and Tourism, Gunnedah Shire Council
1.00pm	Resolutions and close /drawing of prizes	
1.30pm	Lunch	
2.30pm	End of conference	
3.00pm	Leave for transfers to airport for flights out of Tamworth at 5.05pm return to Sydney	

ITEM NO. 16

FILE NO: A2004-1405

AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (NSW)

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse Cr Glenys Francis' attendance at the Australian Local Government Women's Association in Dubbo.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012
RECOMMENDATION:

	Councillor Ken Jordan Councillor John Nell
	That Council endorse Cr Glenys Francis and Cr Caroline De Lyall's attendance at the Australian Local Government Women's Association in Dubbo.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012
RESOLUTION:

024	Councillor Bruce MacKenzie Councillor Ken Jordan
	It was resolved that the Council Committee recommendation be adopted.

BACKGROUND

The purpose of this report is to inform Council of the 60th Annual Conference of the Australian Local Government Women's Association.

The Conference will be held from 22-24 March 2012 in Dubbo, New South Wales.

The Conference programme is shown at **ATTACHMENT 1**.

The Conference is open to all Councillors.

As Councillors would be aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Councils area.

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

Council's Commercial Property Manager and the Visitor Information and Events Coordinator will also attend the conference.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration, travel and accommodation would be covered from the budget.

LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside the Hunter Region. Councillors' conference costs are limited to \$3,500 per year under the policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Potential for injury whilst attending at the conference	Low	Attendees to observe appropriate safety measures to avoid injury	Yes
Negative impact on Council's reputation	Low	Attendees to observe Council's Code of Conduct	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Port Stephens community would benefit from Councillors attending this Conference to ensure the Local Government Area has a voice in the national development of policy and initiatives.

CONSULTATION

Nil.

OPTIONS

Nil.

ATTACHMENTS

1) Conference Programme.

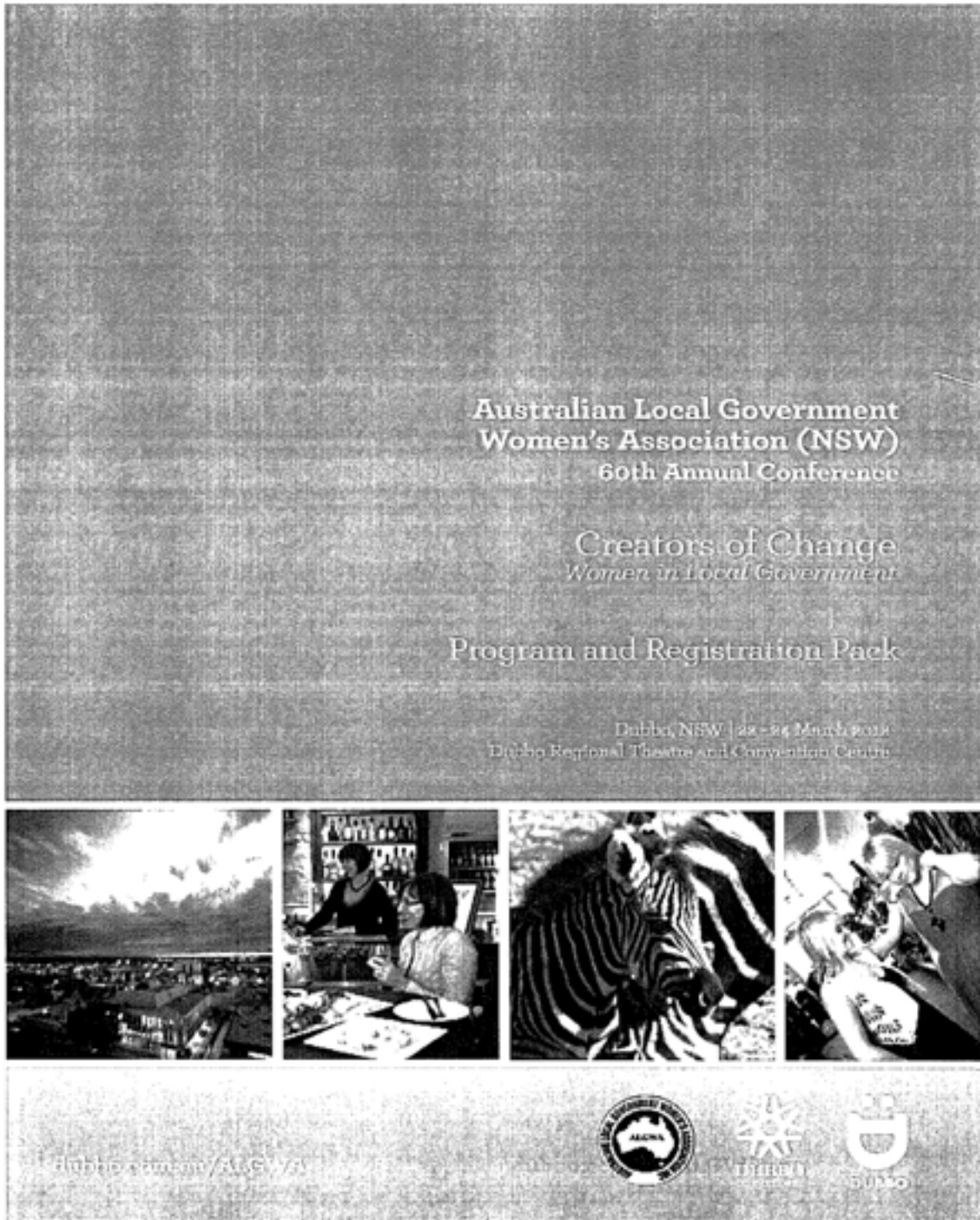
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



Open invitation



**President,
Clr Julie
Griffiths**

On behalf of the executive of the Australian Local Government Women's Association (ALGWA) NSW Branch, I extend an open invitation to all women interested or involved in Local Government to attend the 60th Annual Conference in Dubbo, 22 - 24 March 2012.

The 2012 theme, *Creators of Change*, aptly reflects not only the level of influence achieved by women in local government, but opportunities for the future. Delegates will be treated to a showcase of inspirational women who have made a difference to their communities. No matter the stage of your career, or the length of time in the Chamber, the conference will be relevant to career advancement, life transitions and changes in the way we communicate. *Creators of Change* will connect and challenge you.

I recommend the 2012 Australian Local Government Women's Association (NSW) Conference to elected members and staff of councils throughout the State. In fact, I recommend the Conference to any organisation or individual who has an interest in how women make a difference at grass roots level.

Join us in the "City of Smiles" at Dubbo in March 2012.

Councillor Julie Griffiths

President, Australian Local Government Women's Association (NSW)



**Mayor of Dubbo,
Clr Mathew
Dickerson**

Welcome to the City of Dubbo for the 60th Annual Australian Local Government Women's Association Conference.

The recognition of women in our society as equal and fully participating members of our community is essential as we move forward as a community; conferences like this one seek to further enhance the role of women in our level of government.

Women make up a majority of our society (51 per cent) yet women are under-represented in a range of leadership positions. Although 55 per cent of all tertiary students are women, only nine per cent of directors in this country are women. Government fares slightly better with 28 per cent of our federal politicians coming from the fairer sex, while in Local Government, 27 per cent of Councillors are women and 23 per cent of our mayors are women with only 23 per cent of all candidates being female.

These levels of inequity are slowly being addressed and with further presentations from impressive speakers at conferences such as this one, as well as the opportunity to network with other women in Local Government, I believe we can aim towards female representation at Local Government matching the general population percentage.

I look forward to welcoming delegates to Dubbo and showcasing our wonderful City. Please enjoy the ambience while you learn as much as you can about creating the change you desire.

Clr Mathew Dickerson

Mayor of the City of Dubbo



2012 Australian Local Government Women's Association (NSW) 80th Annual Conference

Conference program

The Conference will be held at Dubbo Regional Theatre and Convention Centre, Darling Street, Dubbo (including registration and all sessions).

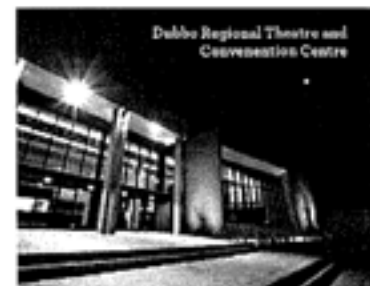
Day one	Thursday 22 March
3.00pm - 5.00pm	Registrations Open - Dubbo Regional Theatre and Convention Centre
5.30pm - 7.30pm	Mayor's Welcome Reception - Old Dubbo Gaol
8.00pm - 10.00pm	Optional: Petula Clark in Concert - Dubbo Regional Theatre and Convention Centre (Not included in registration fee)

Petula Clark

The legendary film and theatre music star and two-time Grammy Award winner Petula Clark returns for an Australian tour in March 2012. Internationally known for her popular upbeat hits that included *Downtown*, *I Know A Place*, *My Love*, *Colour My World*, *A Sign Of The Times*, *Don't Sleep In The Subway*, *This Is My Song* (written for her by the great Charles Chaplin) and many others.



Day two	Friday 23 March
8.00am - 9.00am	Registrations
9.00am - 9.15am	Welcome to Country - Diane McNaboe
9.15am - 9.30am	President, Australian Local Government Women's Association (NSW) Clr Julie Griffiths
9.30am - 9.45am	Mayor of Dubbo - Clr Matlew Dickerson
9.45am - 10.15am	Department of Planning and Infrastructure - Rachel Cumming (TBC) Local Environmental Plans - State Government perspective
10.15am - 10.45am	Morning tea
10.45am	Nominations close for Office Bearers/Voting for Office Bearers commences
10.45am - 11.00am	Returning Officer announces nominations for executives
11.00am - 11.30am	Minister for Local Government - The Honourable Minister Don Page
11.30am - 12.00pm	CEO, Destination NSW - Sandra Chipchase (TBC) Executive Officer, Association of Mining Related Councils'
12.00pm - 12.30pm	Margaret McDonald - Hill Reflections from a Glass Ceiling
12.30pm - 1.30pm	Lunch
1.30pm	Voting for Office Bearers closes
1.30pm - 2.30pm	First State Super - Jean Turner Chapman "Close the Gender Gap"
2.30pm - 3.00pm	Leadership Coach and Author - Kerrie Phipps Insightful Leadership
3.00pm	Office Bearers declared / Nominations for Executive Committee opens
3.00pm - 3.30pm	Afternoon tea
3.30pm - 4.30pm	Open Forum - facilitated by Kerrie Phipps (Hot Spot)
4.30pm	Nominations for Executive Committee close
4.30pm - 5.00pm	Introduction of candidates for Executive Committee
5.00pm	Close of Day 2
7.00pm	Casual Dinner - Taronga Western Plains Zoo



Conference program continued overleaf



Conference program (continued)



Day three	Saturday 24 March
8.00am	Voting for Executive Committee commences
9.00am - 9.15am	President, Australian Local Government Women's Association (NSW) -Clr Julie Griffiths
9.15am - 9.45am	Director Environmental Services, Dubbo City Council - Melissa Watkins Dubbo 2036 - Community Strategic Plan
9.45am - 10.15am	Manager Marketing and Communications, Dubbo City Council Natasha Comber Creating a brand - creating opportunities
10.15am - 10.45am	Morning tea
10.45am	Voting for candidates closes - 10.45am
10.45am - 11.15am	Economic Development Manager, Bathurst City Council Gretchen Armitage Evocities - Local Government Collaborative - The City Change
11.15am - 12.15pm	Presentations - Bidding Councils for the 2014 Conference
12.15pm - 1.15pm	Army Reserve - Sergeant Warwick Campbell Explosive Demonstration
1.15pm - 2.15pm	Lunch
2.15pm	Voting for Executive Committee closes / Voting for 2014 Host Council closes
2.15pm - 3.15pm	Director, Bosweb Systems - Leanne Sullivan The Social Media Explosion
3.15pm - 3.45pm	Open Forum - Facilitated by Leanne Sullivan and Natasha Comber (Hot Spot)
3.45pm - 4.15pm	Afternoon tea
4.15pm	Executive Committee declared
4.15pm - 5.00pm	Australian Local Government Women's Association (NSW) Annual General Meeting
5.00pm	Close of Day 3
7.00pm	Conference Dinner - Dubbo Regional Theatre and Convention Centre Featuring Kitty Flanagan

Kitty Flanagan

Kitty Flanagan is one of Australia's most popular stand-up comedians and is also a successful TV writer & performer.

Well known for sketch comedy as well as stand-up, Kitty has appeared in several successful TV shows both in Australia and the UK, most notably Full Frontal (AUS), The Micallef Show (AUS), and The Sketch Show (UK) and is now a regular member of Channel 10's 'The Project'. There have also been numerous TV stand-up appearances, including The World Stands Up on Comedy Central (US).

Kitty has performed at comedy clubs around the world and regularly tours the biggest theatres in Australia to sold out audiences.

Kitty will feature at the Conference Dinner on Saturday evening.

The program may be subject to change without notice

ITEM NO. 17

FILE NO: PSC2012-00043

ORGANISATION STRUCTURE

REPORT OF: PETER GESLING – GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

THIS MATTER WAS DEALT WITH AT THE EXTRA-ORDINARY COUNCIL MEETING HELD ON **14 FEBRUARY 2012.**

BACKGROUND

The purpose of this report is to seek endorsement of changes to Port Stephens Council's organisational structure.

By way of background, the current structure was adopted by Council on 22 July 2008, Minute Number 192. That change saw a move to a four group structure with five executive staff positions. These being the General Manager, Group Manager Commercial Services, Group Manager Facilities and Services, Group Manager Corporate Services and Group Manager Sustainable Planning.

With the recent resignation of the Group Manager Commercial Services, the Executive Leadership Team has held a number of discussions regarding the most appropriate structure to support the agreed future strategies of the organisation.

The objectives of these discussions were to:

- a) Focus on council's longer term strategic direction;
- b) Streamline the organisation and maximise efficiencies;
- c) Save costs in line with stated objective of reducing council's underlying deficit;
- d) Improve management of the capital works program;
- e) Consider the outcomes, thus far, of Council's sustainability review.

A two way conversation with held with councillors on the 31st January 2012 to discuss various options to restructure the organisation. These included:

- a) Continuing with the current 4 group structure;
- b) Combining the current Commercial and Corporate Services groups;
- c) Three group structure based on the alignment of service packages;
- d) Two group structure including a support and enabling group and a delivery group.

As a result of this discussion, councillors supported the 3 group structure and discarded the remaining options.

In essence the key aspects of the recommended structure are as follows:

- 1) A reduction in groups from four to three
- 2) A reduction in sections from 13 to 10
- 3) Sections falling under these groups to be aligned according to the following principal activities:
 - a. Group 1 Support: Provision of organisation wide corporate support activities necessary to support service delivery;
 - b. Group 2 Delivery: Planning and delivering services and assets to the community;
 - c. Group 3 Enabling: Planning and implementing the community's priorities to enable balanced growth

In order to deliver on our purpose of "delivering services valued by our community in the best possible way" Council is committed to using the Business Excellence Principles to guide our decision making and ensure our future state of:

- Clear direction and mutually agreed plans;
- Understanding what customers and other stakeholders value, now and in the future;
- Understanding that all parts of Council's systems contribute to the overall purpose of the organisation
- Engaging people's enthusiasm, resourcefulness and participation;
- Innovation and learning;
- Effective use of facts, data and knowledge;
- Understanding the variability of work in planning and problem solving;
- Delivering value for all stakeholders in an ethically, socially and environmentally responsible manner;
- Leaders determining the culture and value system of the organisation through their decisions and behaviours.

Utilising these principles, the Executive Team has sought to reduce costs and streamline activities without a reduction in services.

The major changes to the proposed structure include:

- 1) Communications & Customer Relations Section and Economic Development & Tourism Section to be combined;
- 2) Commercial Property and Commercial Enterprises Sections to be combined;
- 3) Cleaning services to be reassigned to their functional areas within Council's overall business;
- 4) Project Services to be absorbed into both the Operations and Civil Assets Sections;
- 5) Consideration given to the most efficient manner to manage Council's vehicle fleet;

- 6) Workshop, store and depot activities to move from Financial Services Section to Operations Section;
- 7) Legal Services and the internal audit function to move to the General Managers Office;
- 8) Alignment of spacial (GIS) services into the Information and Communication Technology Section.

FINANCIAL/RESOURCE IMPLICATIONS

The number of Group Manager positions would reduce from four to three while the number of Section Managers would reduce from 13 to 10. Where possible, staff will be redeployed to other positions within the structure to minimise any redundancy impact. Some positions would need to be re-evaluated under Council's job evaluation process due to increases or decreases in responsibilities. This may result in changes to remuneration levels.

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 332 of the Local Government Act, Council is required to determine an organisation structure and to identify positions within the structure that are deemed to be senior staff. A senior staff position is one where:

- The total remuneration package is to be at least equal to or greater than that of NSW Senior Executive Service (SES) Level 1 (currently \$159,000 - \$186,000);
- Senior Staff are to be employed under performance based fixed-term contracts not less than 12 months and not exceeding 5 years. These are standard contracts determined by the Department of Local Government;
- Minimum conditions of employment are governed by the Annual Holidays Act and the Long Service Leave Act;
- Council is required to publish the total package value of each senior staff's employment contract in the Annual Report.

Section 333 provides that the structure may be re-determined by the Council from time to time. It must be re-determined within 12 months after any ordinary election of the Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
A risk that the organisation structure does not support the future strategic direction of Council resulting in failure to achieve Community Strategic Plan outcomes	High	Align the organisation structure to Council's long term strategic direction	Yes
Risk associated with greater span of control for Group Managers and	Medium	Recruit managers with a high level of capability and capacity	Yes

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

some Section Managers			
Risk that redundancy costs may be incurred by Council	Medium	New or redesigned positions to be offered internally in the first instance	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed structure assists Council to reduce its underlying deficit by streamlining its management structure and focusing on more effective service delivery.

CONSULTATION

- 1) Councillors;
- 2) Executive Leadership Team;
- 3) Section Managers;
- 4) Staff directly affected;
- 5) Consultative Committee;
- 6) Unions.

OPTIONS

- 1) Adopt the proposed structure;
- 2) Adopt an alternative structure;
- 3) Retain the current structure.

ATTACHMENTS

- 1) Proposed Organisation Structure.

COUNCILLORS ROOM

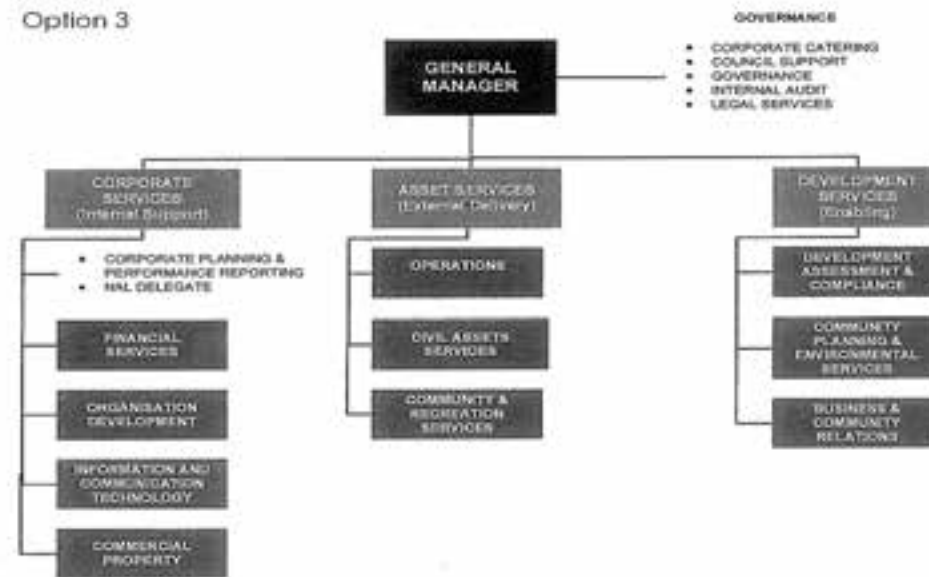
Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

DRAFT STRUCTURE
Option 3



January 2012

Mini Version Option 3 Group Structure 31 January 2012.vslf

ITEM NO. 18

FILE NO: 1190-001

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER’S OFFICE

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) Rapid Response – Cr Tucker – Lemon Tree Passage Old School 355c Committee – Reimbursement of part cost of Centre signage - \$500.00.

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012

RECOMMENDATION:

	<p>Councillor Steve Tucker Councillor Geoff Dingle</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

025	<p>Councillor Ken Jordan Councillor Glenys Francis</p>
	<p>It was resolved that Council approve the provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-</p> <ul style="list-style-type: none"> a) Rapid Response – Cr Tucker – Lemon Tree Passage Old School 355c Committee – Reimbursement of part cost of Centre signage - \$500.00; b) Hinton Hall – contribution to the restoration of a painting – West Ward - \$2,000.00; c) Karuah Golf Club – contribution towards the purchase of a mower – West Ward - \$2,000.00.

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 Financial Assistance Policy gives Councillors a wide discretion to either grant or to refuse any requests.

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

The new Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building.

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.

The requests for financial assistance are shown below is provide through Mayoral Funds, Rapid Response or Community Capacity Building:-

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

Lemon Tree Passage Old School 355c Committee	Reimbursement of part cost of Centre signage	\$500.00
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FINANCIAL/RESOURCE IMPLICATIONS

Council Ward, Minor Works and Mayoral 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.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Mayor;
- 2) Councillors;
- 3) Port Stephens Community.

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. 19

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 14 February 2012.

No:	Report Title	Page:
1	CASH AND INVESTMENTS HELD AT 31 DECEMBER 2011	
2	CASH AND INVESTMENTS HELD AT 31 JANUARY 2012	
2	PLANNING INSTITUTE OF AUSTRALIA STATE CONFERENCE (PIA)	
3	AUSTRALIAN CONSTITUTIONAL RECOGNITION FOR LOCAL GOVERNMENT	

COUNCIL COMMITTEE MEETING – 14 FEBRUARY 2012
RECOMMENDATION:

	<p>Councillor Sally Dover Councillor Ken Jordan</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012
RESOLUTION:

026	<p>Councillor Ken Jordan Councillor John Nell</p>
	<p>It was resolved that the recommendation be adopted.</p>

COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

CASH AND INVESTMENTS HELD AT 31 DECEMBER 2011

REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER
GROUP: COMMERCIAL SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 December 2011.

ATTACHMENTS

- 1) Cash and Investments held at 31 December 2011;
- 2) Monthly Cash and Investments Balance December 2010 – December 2011 and Monthly Australian Term Deposit Index December 2010 – December 2011.

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

ATTACHMENT 1

CASH & INVESTMENTS HELD AS AT 31 DECEMBER 2011										
INVESTED WITH	INV. TYPE	CURRENT RATING	MATURITY DATE	AMOUNT INVESTED	% of Total Portfolio	Current Int Rate	Market Value October	Market Value November	Market Value December	Current Mark to Market Exposure
<u>GRANGE SECURITIES</u>										
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	NR	20-Mar-12	\$1,000,000	3.44%	6.49%	\$871,990	\$871,990	\$952,500	-\$47,500
NEXUS BONDS LTD "TOPAZ AA"	Floating Rate CDO	A+p	23-Jun-15	\$412,500	1.42%	0.00%	\$288,960	\$294,113	\$294,113	-\$118,387
HELIUM CAPITAL LTD "ESPERANCE AA+" *	Floating Rate CDO	CCC-(sf)	20-Mar-13	\$1,000,000	3.44%	0.00%	\$0	\$0	\$0	-\$1,000,000
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	CCC	20-Mar-14	\$1,000,000	3.44%	6.11%	\$210,200	\$203,200	\$126,300	-\$873,700
GRANGE SECURITIES "COOLANGATTA AA" *	Floating Rate CDO	C	20-Sep-14	\$1,000,000	3.44%	0.00%	\$0	\$0	\$0	-\$1,000,000
TOTAL GRANGE SECURITIES				\$4,412,500	15.20%		\$1,371,150	\$1,369,303	\$1,372,913	-\$3,039,587
<u>ANZ INVESTMENTS</u>										
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	BB+	30-Dec-11	\$1,000,000	3.44%	0.00%	\$914,200	\$923,700	\$959,200	-\$40,800
ANZ ZERO COUPON BOND	Zero Coupon Bond	AA	1-Jun-17	\$1,017,876	3.51%	0.00%	\$742,704	\$733,828	\$757,555	-\$260,321
TOTAL ANZ INVESTMENTS				\$2,017,876	6.95%		\$1,656,904	\$1,657,528	\$1,716,755	-\$301,121
<u>RIM SECURITIES</u>										
COMMUNITY CPS CREDIT UNION	Term Deposit	N/R	13-Mar-12	\$1,000,000	3.44%	5.65%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
SUNCORP METWAY	Term Deposit	A1	9-Feb-12	\$1,000,000	3.44%	5.88%		\$1,000,000	\$1,000,000	\$0
QUEENSLAND COUNTRY CREDIT UNION	Term Deposit	withdrawn					\$1,000,000	\$1,000,000		
BEIRUT HELLENIC BANK LTD	Term Deposit	N/R	13-Jan-12	\$1,000,000	3.44%	5.95%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
POLICE CREDIT UNION LIMITED	Term Deposit	N/R	9-Jan-12	\$1,000,000	3.44%	5.82%		\$1,000,000	\$1,000,000	\$0
WIDE BAY AUSTRALIA LTD	Term Deposit	A3	6-Mar-12	\$1,000,000	3.44%	5.70%			\$1,000,000	\$0
CITIGROUP PTY LTD	Term Deposit	A2	13-Jan-12	\$1,000,000	3.44%	5.36%			\$1,000,000	\$0
NATIONAL AUSTRALIA BANK LIMITED	Term Deposit	A1+	18-Apr-12	\$1,000,000	3.44%	5.65%			\$1,000,000	\$0
INVESTEC BANK AUSTRALIA LIMITED	Term Deposit	P3 (Moody)	19-Mar-12	\$1,000,000	3.44%	5.93%			\$1,000,000	\$0
TOTAL RIM SECURITIES				\$8,000,000	27.56%		\$3,000,000	\$5,000,000	\$8,000,000	\$0
<u>WESTPAC INVESTMENT BANK</u>										
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt	matured					\$498,200			
TOTAL WESTPAC INV. BANK				\$0	0.00%		\$498,200	\$0	\$0	\$0

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

ATTACHMENT 1

<u>CURVE SECURITIES</u>										
BANK OF CYPRUS AUSTRALIA LIMITED	Term Deposit	N/R	14-Feb-12	\$1,000,000	3.44%	5.85%		\$1,000,000	\$1,000,000	\$0
CITIGROUP PTY LTD	Term Deposit	withdrawn					\$1,000,000			
DEFENCE FORCE CREDIT UNION	Term Deposit	N/R	5-Mar-12	\$1,000,000	3.44%	5.70%			\$1,000,000	\$0
ME BANK	Term Deposit	BBB	10-Apr-12	\$1,000,000	3.44%	5.95%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
ING BANK AUSTRALIA	Term Deposit	A1	25-Jan-12	\$1,000,000	3.44%	6.00%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
PEOPLES CHOICE CREDIT UNION	Term Deposit	NR	21-Feb-12	\$1,000,000	3.44%	5.72%		\$1,000,000	\$1,000,000	\$0
TOTAL CURVE SECURITIES				\$5,000,000	17.22%		\$3,000,000	\$4,000,000	\$5,000,000	\$0
<u>LONGREACH CAPITAL MARKETS</u>										
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	A+	7-Mar-12	\$500,000	1.72%	0.00%	\$490,300	\$491,795	\$493,800	-\$6,200
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	A+	7-Sep-12	\$500,000	1.72%	0.00%	\$477,700	\$462,400	\$481,700	-\$18,300
TOTAL LONGREACH CAPITAL				\$1,000,000	3.44%		\$968,000	\$954,195	\$975,500	-\$24,500
<u>COMMONWEALTH BANK</u>										
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note	AA	05-Nov-12	\$500,000	1.72%	3.00%	\$489,750	\$488,450	\$488,050	-\$11,950
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt	BBB+	09-Nov-12	\$500,000	1.72%	5.90%	\$493,645	\$492,460	\$493,035	-\$6,965
BANK OF QUEENSLAND BOND	Bond	BBB+	16-Mar-12	\$1,000,000	3.44%	5.35%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
TOTAL COMMONWEALTH BANK				\$2,000,000	6.89%		\$1,983,395	\$1,980,910	\$1,981,085	-\$18,915
<u>FIGI SECURITIES</u>										
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note	A+	30-Nov-14	\$500,000	1.72%	5.60%	\$500,000	\$500,000	\$500,000	\$0
GATEWAY CREDIT UNION LIMITED	Term Deposit	withdrawn					\$1,000,000	\$1,000,000		
TOTAL FIGI SECURITIES				\$500,000	1.72%		\$1,500,000	\$1,500,000	\$500,000	\$0
<u>MAITLAND MUTUAL</u>										
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	30-Jun-13	\$500,000	1.72%	6.30%	\$500,000	\$500,000	\$500,000	\$0
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	31-Dec-14	\$500,000	1.72%	6.30%	\$500,000	\$500,000	\$500,000	\$0
MAITLAND MUTUAL	Term Deposit	N/R	06-Apr-12	\$1,000,000	3.44%	5.90%			\$1,000,000	\$0
TOTAL M'LAND MUTUAL				\$2,000,000	6.89%		\$1,000,000	\$1,000,000	\$2,000,000	\$0

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

ATTACHMENT 1

<u>FARQUHARSON SECURITIES</u>										
PEOPLES CHOICE CREDIT UNION	Term Deposit	withdrawn					\$1,000,000			
RAILWAYS CREDIT UNION	Term Deposit	N/R	27-Feb-12	\$1,000,000	3.44%	5.85%		\$1,000,000	\$1,000,000	\$0
TEACHERS CREDIT UNION	Term Deposit	withdrawn			0.00%	5.82%	\$1,000,000	\$1,000,000		
BANK OF QUEENSLAND	Term Deposit	BBB+	9-Jan-12	\$1,000,000	3.44%	5.95%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
TOTAL FARQUHARSON SECURITIES				\$2,000,000	6.89%		\$3,000,000	\$3,000,000	\$2,000,000	\$0
TOTAL INVESTMENTS				\$26,930,376	92.76%		\$17,977,649	\$20,461,936	\$23,546,253	-\$3,384,123
AVERAGE RATE OF RETURN ON INVESTMENTS						4.62%				
CASH AT BANK				\$2,101,173	7.24%	4.20%	\$2,476,060	\$7,240,253	\$2,101,173	\$0
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH						4.59%				
TOTAL CASH & INVESTMENTS				\$29,031,549	100.00%		\$20,453,709	\$27,702,189	\$25,647,426	-\$3,384,123
BBSW FOR PREVIOUS 3 MONTHS						4.69%				

* 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.

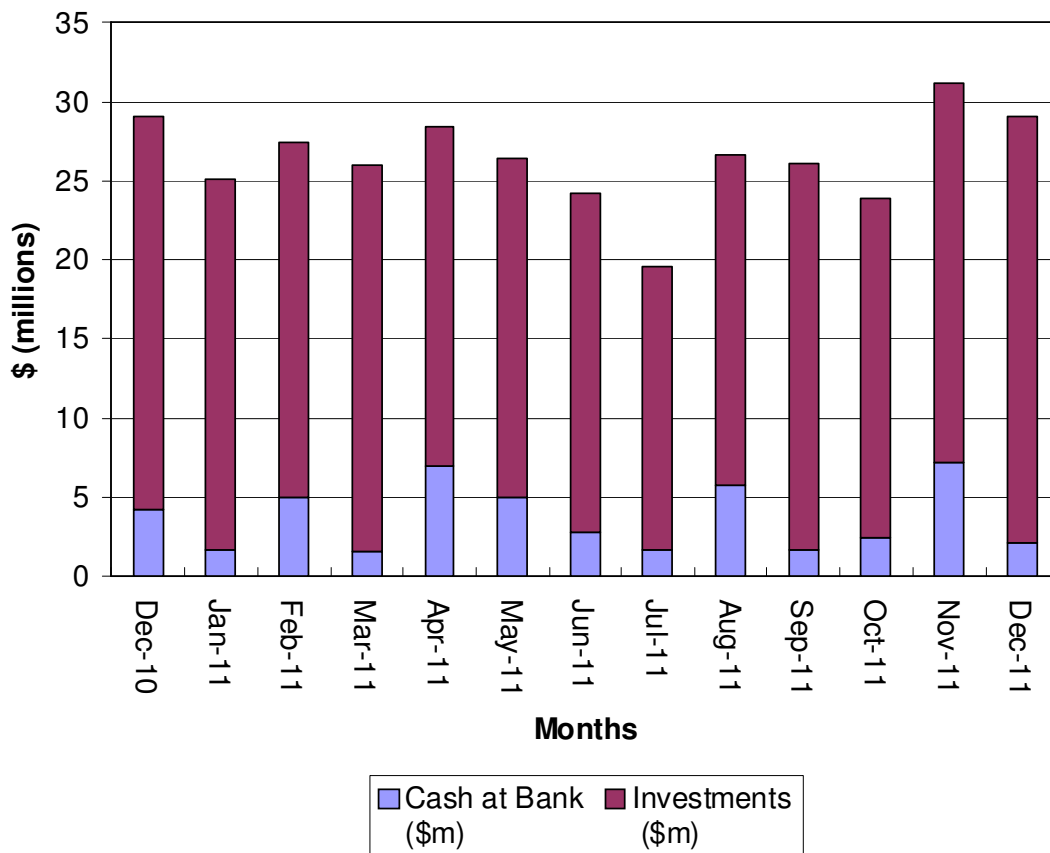
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Dec-10	4.175	24.930	29.106
Jan-11	1.690	23.430	25.120
Feb-11	4.988	22.430	27.419
Mar-11	1.604	24.430	26.035
Apr-11	6.975	21.430	28.406
May-11	4.976	21.430	26.406
Jun-11	2.752	21.430	24.182
Jul-11	1.657	17.930	19.588
Aug-11	5.767	20.930	26.697
Sep-11	1.676	24.430	26.106
Oct-11	2.476	21.430	23.906
Nov-11	7.240	23.930	31.171
Dec-11	2.101	26.930	29.032

Cash and Invested Funds for the Period ended 31/12/2011

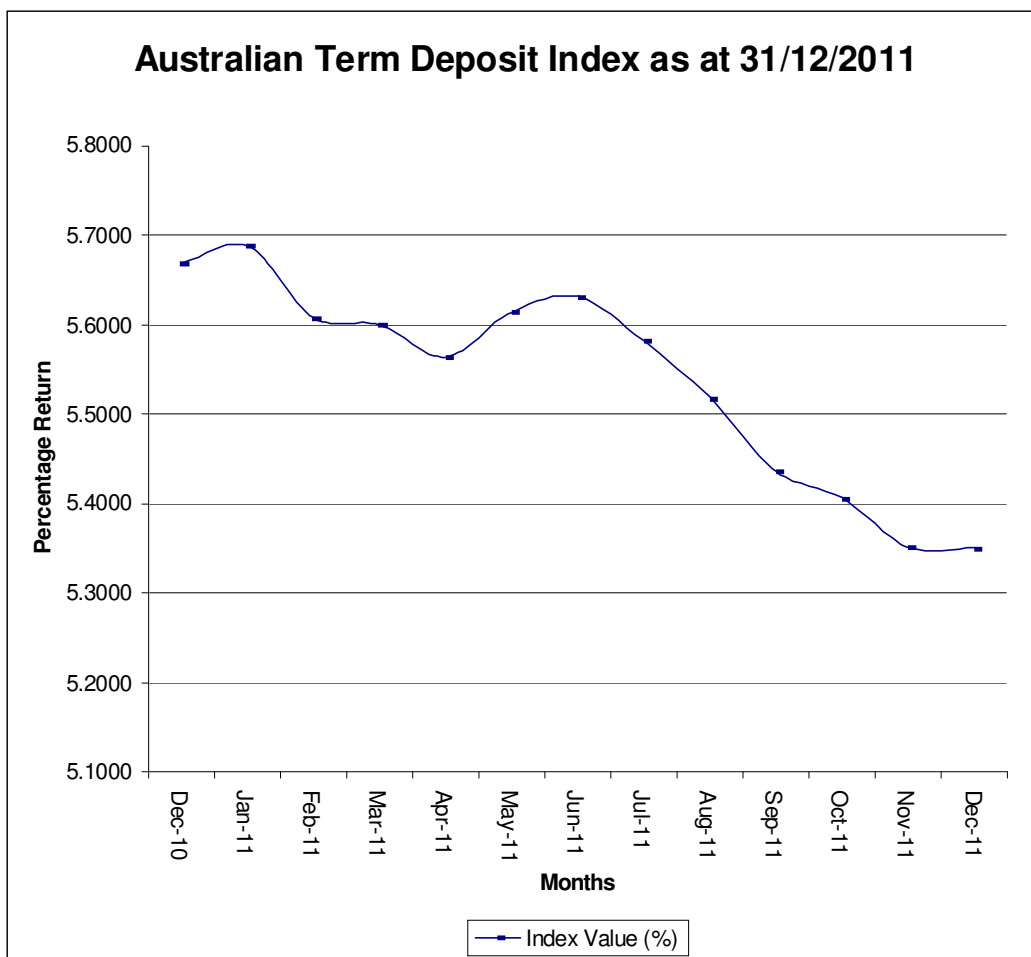


ATTACHMENT 2

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Dec-10	5.6675
Jan-11	5.6877
Feb-11	5.6079
Mar-11	5.6000
Apr-11	5.5637
May-11	5.6147
Jun-11	5.6312
Jul-11	5.5814
Aug-11	5.5178
Sep-11	5.4358
Oct-11	5.4065
Nov-11	5.351
Dec-11	5.3501

Australian Term Deposit Index as at 31/12/2011



INFORMATION ITEM NO. 2

CASH AND INVESTMENTS HELD AT 31 JANUARY 2012

REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER
GROUP: COMMERCIAL SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 January 2012.

ATTACHMENTS

- 1) Cash and Investments held at 31 December 2012;
- 2) Monthly Cash and Investments Balance January 2011 – January 2012 and Monthly Australian Term Deposit Index January 2011 – January 2012.

ATTACHMENT 1

CASH & INVESTMENTS HELD AS AT 31 January 2012										
INVESTED WITH	INV. TYPE	CURRENT RATING	MATURITY DATE	AMOUNT INVESTED	% of Total Portfolio	Current Int Rate	Market Value November	Market Value December	Market Value January	Current Mark to Market Exposure
GRANGE SECURITIES										
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	NR	20-Mar-12	\$1,000,000	3.59%	5.93%	\$871,990	\$952,500	\$952,500	-\$47,500
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	A+p	23-Jun-15	\$412,500	1.48%	0.00%	\$294,113	\$294,113	\$305,250	-\$107,250
HELIUM CAPITAL LTD "ESPERANCE AA+" *	Floating Rate CDO	CCC-(sf)	20-Mar-13	\$1,000,000	3.59%	4.47%	\$0	\$0	\$185,200	-\$814,800
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	CCC	20-Mar-14	\$1,000,000	3.59%	5.83%	\$203,200	\$126,300	\$122,900	-\$877,100
GRANGE SECURITIES "COOLANGATTA AA" *	Floating Rate CDO	C	20-Sep-14	\$1,000,000	3.59%	0.00%	\$0	\$0	\$0	\$1,000,000
TOTAL GRANGE SECURITIES				\$4,412,500	15.85%		\$1,369,303	\$1,372,913	\$1,565,850	\$2,846,650
ANZ INVESTMENTS										
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	matured					\$923,700	\$959,200		
ANZ ZERO COUPON BOND	Zero Coupon Bond	AA	1-Jun-17	\$1,017,876	3.66%	0.00%	\$733,828	\$757,555	\$750,043	-\$267,833
TOTAL ANZ INVESTMENTS				\$1,017,876	3.66%		\$1,657,528	\$1,716,755	\$750,043	-\$267,833
RIM SECURITIES										
COMMUNITY CPS CREDIT UNION	Term Deposit	N/R	13-Mar-12	\$1,000,000	3.59%	5.65%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
SUNCORP METWAY	Term Deposit	A1	9-Feb-12	\$1,000,000	3.59%	5.88%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
QUEENSLAND COUNTRY CREDIT UNION	Term Deposit	matured					\$1,000,000			
BEIRUT HELLENIC BANK LTD	Term Deposit	matured					\$1,000,000	\$1,000,000		
POLICE CREDIT UNION LIMITED	Term Deposit	N/R	9-Jan-12	\$1,000,000	3.59%	5.82%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
WIDE BAY AUSTRALIA LTD	Term Deposit	A3	6-Mar-12	\$1,000,000	3.59%	5.70%		\$1,000,000	\$1,000,000	\$0
CITIGROUP PTY LTD	Term Deposit	matured						\$1,000,000		
NATIONAL AUSTRALIA BANK LIMITED	Term Deposit	A1+ P3	18-Apr-12	\$1,000,000	3.59%	5.65%		\$1,000,000	\$1,000,000	\$0
INVESTEC BANK AUSTRALIA LIMITED	Term Deposit	(Moody)	19-Mar-12	\$1,000,000	3.59%	5.93%		\$1,000,000	\$1,000,000	\$0
TOTAL RIM SECURITIES				\$6,000,000	21.55%		\$5,000,000	\$8,000,000	\$6,000,000	\$0
CURVE SECURITIES										
BANK OF CYPRUS AUSTRALIA LIMITED	Term Deposit	N/R	14-Feb-12	\$1,000,000	3.59%	5.85%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
DEFENCE FORCE CREDIT UNION	Term Deposit	N/R	5-Mar-12	\$1,000,000	3.59%	5.70%		\$1,000,000	\$1,000,000	\$0
ME BANK	Term Deposit	BBB	10-Apr-12	\$1,000,000	3.59%	5.95%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
ING BANK AUSTRALIA	Term Deposit	A1	24-Apr-12	\$1,000,000	3.59%	5.60%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
PEOPLES CHOICE CREDIT UNION	Term Deposit	NR	21-Feb-12	\$1,000,000	3.59%	5.72%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
TOTAL CURVE SECURITIES				\$5,000,000	17.96%		\$4,000,000	\$5,000,000	\$5,000,000	\$0

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

ATTACHMENT 1

LONGREACH CAPITAL MARKETS										
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	A+	7-Mar-12	\$500,000	1.80%	0.00%	\$491,795	\$493,800	\$495,550	-\$4,450
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	A+	7-Sep-12	\$500,000	1.80%	0.00%	\$462,400	\$481,700	\$483,300	-\$16,700
TOTAL LONGREACH CAPITAL				\$1,000,000	3.59%		\$954,195	\$975,500	\$978,850	-\$21,150
COMMONWEALTH BANK										
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note Floating Rate Sub	AA	05-Nov-12	\$500,000	1.80%	3.00%	\$488,450	\$488,050	\$492,250	-\$7,750
BENDIGO BANK SUBORDINATED DEBT	Debt	BBB+	09-Nov-12	\$500,000	1.80%	5.90%	\$492,460	\$493,035	\$493,645	-\$6,355
BANK OF QUEENSLAND BOND	Bond	BBB+	16-Mar-12	\$1,000,000	3.59%	5.35%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
TOTAL COMMONWEALTH BANK				\$2,000,000	7.18%		\$1,980,910	\$1,981,085	\$1,985,895	-\$14,105
FIG SECURITIES										
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note	A+	30-Nov-14	\$500,000	1.80%	5.60%	\$500,000	\$500,000	\$500,000	\$0
GATEWAY CREDIT UNION LIMITED	Term Deposit	matured					\$1,000,000			
TOTAL FIG SECURITIES				\$500,000	1.80%		\$1,500,000	\$500,000	\$500,000	\$0
MAITLAND MUTUAL										
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	30-Jun-13	\$500,000	1.80%	5.98%	\$500,000	\$500,000	\$500,000	\$0
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	31-Dec-14	\$500,000	1.80%	5.98%	\$500,000	\$500,000	\$500,000	\$0
MAITLAND MUTUAL	Term Deposit	N/R	06-Apr-12	\$1,000,000	3.59%	5.90%		\$1,000,000	\$1,000,000	\$0
TOTAL M'LAND MUTUAL				\$2,000,000	7.18%		\$1,000,000	\$2,000,000	\$2,000,000	\$0
FARQUHARSON SECURITIES										
RAILWAYS CREDIT UNION	Term Deposit	N/R	27-Feb-12	\$1,000,000	3.59%	5.85%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
TEACHERS CREDIT UNION	Term Deposit	matured					\$1,000,000			
BANK OF QUEENSLAND	Term Deposit	A2	15-May-12	\$1,000,000	3.59%	5.85%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
BENDIGO AND ADELAIDE BANK LTD	Term Deposit	A2	16-Apr-12	\$1,000,000	3.59%	5.70%			\$1,000,000	\$0
TOTAL FARQUHARSON SECURITIES				\$3,000,000	10.78%		\$3,000,000	\$2,000,000	\$3,000,000	\$0
TOTAL INVESTMENTS				\$24,930,376	89.55%		\$20,461,936	\$23,546,253	\$21,780,638	\$3,149,738
AVERAGE RATE OF RETURN ON INVESTMENTS						4.88%				
CASH AT BANK				\$2,908,690	10.45%	4.20%	\$7,240,253	\$2,101,173	\$2,908,690	\$0
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH						4.81%				
TOTAL CASH & INVESTMENTS				\$27,839,066	100.00%		\$27,702,189	\$25,647,426	\$24,689,328	\$3,149,738
BBSW FOR PREVIOUS 3 MONTHS						4.57%				

ATTACHMENT 1

* 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.

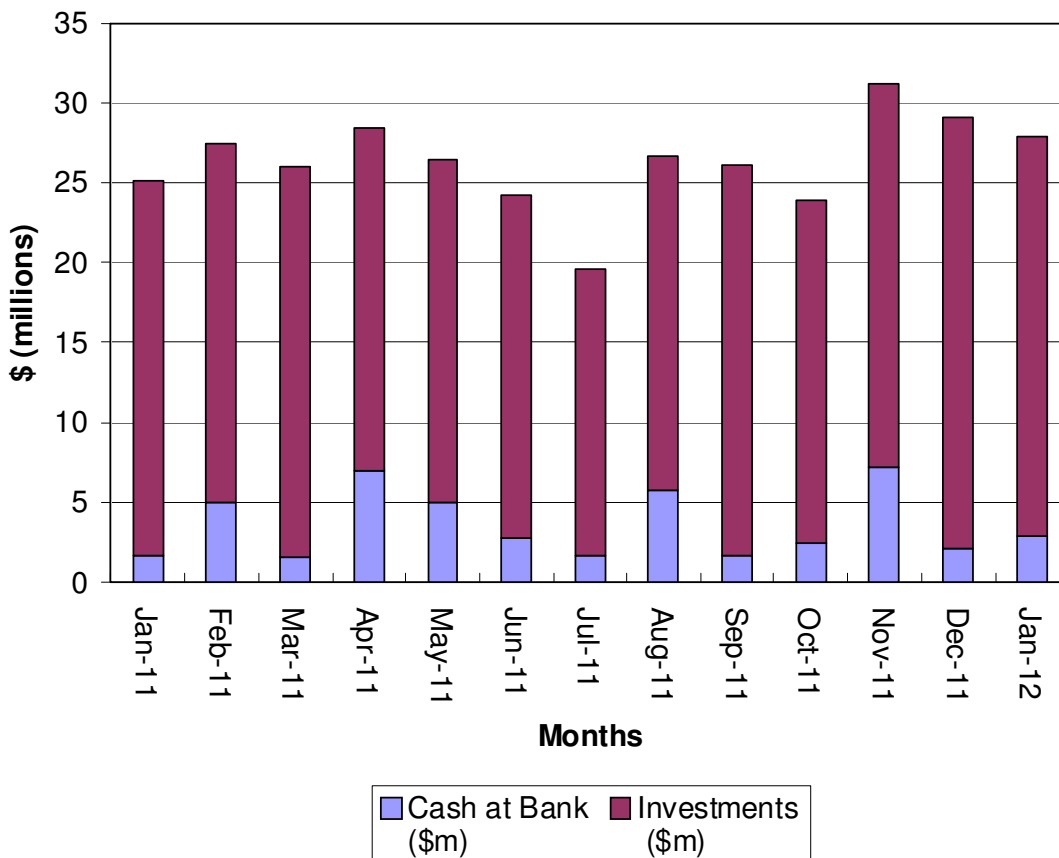
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Jan-11	1.690	23.430	25.120
Feb-11	4.988	22.430	27.419
Mar-11	1.604	24.430	26.035
Apr-11	6.975	21.430	28.406
May-11	4.976	21.430	26.406
Jun-11	2.752	21.430	24.182
Jul-11	1.657	17.930	19.588
Aug-11	5.767	20.930	26.697
Sep-11	1.676	24.430	26.106
Oct-11	2.476	21.430	23.906
Nov-11	7.240	23.930	31.171
Dec-11	2.101	26.930	29.032
Jan-12	2.909	24.930	27.839

Cash and Invested Funds for the Period ended 31/01/2012

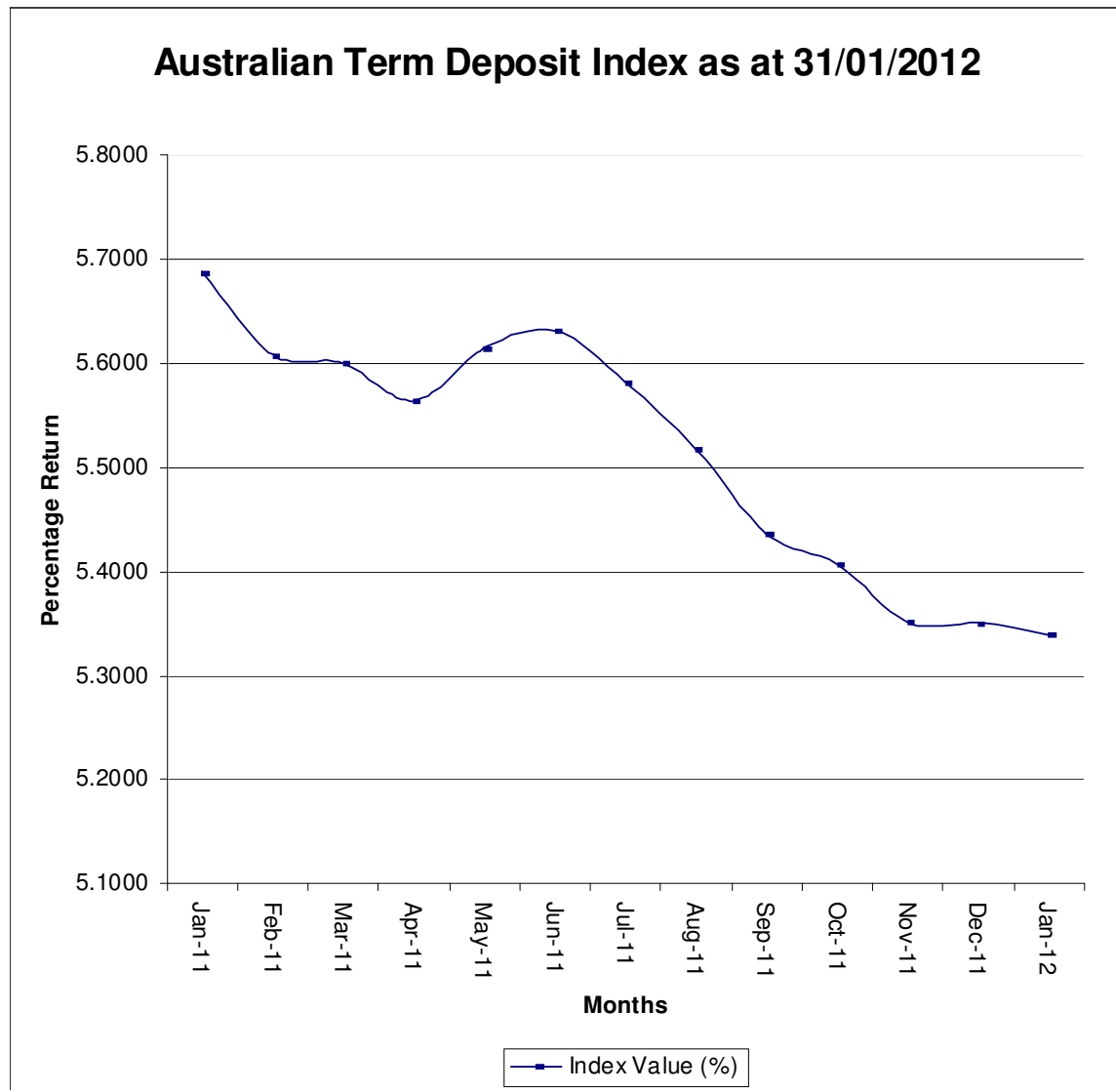


ATTACHMENT 2

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Jan-11	5.6877
Feb-11	5.6079
Mar-11	5.6000
Apr-11	5.5637
May-11	5.6147
Jun-11	5.6312
Jul-11	5.5814
Aug-11	5.5178
Sep-11	5.4358
Oct-11	5.4065
Nov-11	5.351
Dec-11	5.3504
Jan-12	5.3389

Australian Term Deposit Index as at 31/01/2012



INFORMATION ITEM NO. 3

PLANNING INSTITUTE OF AUSTRALIA STATE CONFERENCE (PIA)

REPORT OF: CR SALLY DOVER
FILE: PSC2010-05525

BACKGROUND

The purpose of this report is to provide background to Council on the Planning Institute of Australia (PIA) Conference that was attended by Cr Sally Dover.

The conference was held on 28, 29 and 30 September 2011 and the venue was Novotel, Wollongong.

Attached for your information is a copy of the program for the Conference.

It was a privilege to attend this Conference for Port Stephens Council and to have the opportunity to learn more about planning. The briefing in respect of the Conference follows below.

After the opening address by Mark Pesce, David Broyd took part in a panel discussing the positive outcomes from the Wollongong crisis. Mr Broyd commented that although the stakes are high it is most important not to lose your integrity. Planning processes need to be stronger and Councils need to work harder to build trust in the community. Both David Farmer, the General Manager of Wollongong Council, and Antony Pedroza, of the ICAC, the other members of the panel, supported the concept that good policy results in good development.

The morning speakers of Andrew Wisdom, ARUP, and Dr. Mark Elliott led into the keynote address by Tom Gellibrand, Deputy Director, NSW Department of Planning and Infrastructure, who encouraged councils to innovate, to listen more to their community and finished with a quote from John F. Kennedy "The basis of effective government is public confidence".

After lunch the concurrent session I attended was "Engaging the Community" which recommended that Council's will have a greater chance of success if we engage early with the community before decisions are made. Timing is critical, the earlier the better. Consultation saves money and time and builds sincerity, respect and transparency. Gary Shiels, of GSA Planning, spoke in relation to the challenges to our current philosophy of planning for aged populations.

Due to a family commitment I was unable to attend the formal Conference Dinner.

On Friday morning Wesley Folitarik, John Whitehouse, Andrew Kelly and Gary White formed a very interesting panel discussing the Brave New Planning Act for New South

MINUTES FOR ORDINARY MEETING – 28 FEBRUARY 2012

Wales, before the keynote speaker of the morning Craig Baumann MP, Member for Port Stephens.

Mr Baumann spoke of his work with Brad Hazzard MP, Minister for Planning, and their determination to bring much needed changes. In order to build infrastructure and strengthen communities, good strategic planning is essential. He assured us that regional representatives will be consulted on all levels.

The Friday concurrent session I attended was Reforming the NSW Planning Legislation. Dr. Robyn Bartel spoke of how people value fairness and justice and that trust needs to be constantly built and Karen Jones, from Pulse Planning, spoke of their efforts to reduce costs and get planners back into planning.

The first afternoon speaker was Gary Bowditch from the Wollongong University Centre for innovation who encouraged us to build for the future and how infrastructure needs more visualization. He used photos of the opening of the Sydney Harbour Bridge in 1932 to illustrate how those planners planned for the future by building a bridge which looked so enormous then but how we are so grateful that they did.

He was followed by Timothy Horton, Commissioner Integrated Design Commission in South Australia, Monica Barone and lastly Allan Jones who spoke about moving Sydney towards a sustainable low carbon future.

The speakers were all excellent encouraging us all to plan ahead for a bright future.

ATTACHMENTS

- 1) Conference Program.

ATTACHMENT 1

Innovation & Inspiration | | **PIA NSW State Conference 2011**

Preliminary Program
Wednesday 28 – Friday 30 September 2011
Novotel Wollongong Northbeach

The Planning Institute of Australia 2011 NSW Division Conference will

- // Challenge the way we think about planning by looking at innovative ideas, projects and processes
- // Showcase best practice in planning through case studies and workshops on how leading organisations are achieving excellence
- // Arm planners and related professionals with the tools and the thinking to work with new systems and technologies.

PIA Planning Institute of Australia
New South Wales Division

Innovation & Inspiration

PIA NSW State Conference 2011

Invitation

Wollongong City Council is delighted to welcome delegates to the 2011 Planning Institute of Australia NSW Division Conference. Innovation and inspiration are here at your feet in our wonderful city.

We enjoy a clean, blue, and green city with world class facilities and services – take your time to enjoy your conference, the city and all it has to offer.



wollongong
city of innovation

The Planning Institute of Australia

The Planning Institute of Australia was founded in 1921 and is the only national professional representing qualified urban and regional planners and other related disciplines in Australia. PIA NSW supports its members through many endeavours to promote and maintain professional standards, such as the Annual Conference, fieldwork and professional development events, and training programs. Contact us today at www.pia.org.au or 02 9211 2200.



NSW Division President's Welcome

The last time the Planning Institute held a State Conference in Wollongong was in 2004. It was the Year of the Built Environment and PIA NSW responded with a conference entitled "Managing change – imagining the future".

We are now preparing for a new planning act and a regime focused on delivering strategic outcomes – the more things change, the more they stay the same – or do they? What have we learnt and what can we learn? The theme of our 2011 conference aims to bring new, innovative and challenging ideas to the table – and we invite you to join us in putting ideas into actions.

In selecting Wollongong as our conference venue, we seek to showcase the city, and its proud heritage in steel making and coal mining, as a city of innovation which is now emerging as an important knowledge services centre, international trade hub and leading University City.

We look forward to seeing you in Wollongong for another great conference experience – to learn, network and share the challenges and opportunities for the year ahead.

Tony McNamara

Welcome message from Conference Convenor

Mention planning and Wollongong in the same sentence and most people will naturally react...oh yeah! Planning put Wollongong on the map for all the wrong reasons – or was it vice versa. Whatever happened, the sordid tale of events were played out on most evening news bulletins and have left a scar on this City that will take decades to heal.

The ICAC events certainly highlighted that planning is about managing conflict, which is inevitable in a city of 300,000 people an hour away from Sydney. Conflict comes from the obvious tension between those that want to grow Australia's ninth largest City to be more independent of Sydney and those that prefer it to remain as a country town. Conflict comes from having some of the best coking coal reserves in the world located under water catchment areas and towns and having the largest steelworks in Australia and rapidly expanding port of Port Kembla (car handling facilities), which shares the same road and rail network as adjoining suburbs. Conflict comes from having a highly successful University and Innovation Campus and a struggling downtown and from having new release areas expanding into farmland and houses being located on the majestic Illawarra Escarpment. Conflict comes from significant physical barriers and hazards to development and a limited supply that puts home ownership and rental out of the reach of those that most need it. Conflict comes from an untapped tourism potential of spectacular coastal scenery and the attitudes of some who "like it just the way it is". Above all, it comes from empowering elected decision-makers with the responsibility of managing conflict. Some would say that conflict in Wollongong was inevitable.

The role of planning (and of planners) is therefore how to manage this conflict and bring the greatest benefit to the greatest number. This year's state planning conference will bring a range of experts together who will share their innovative ideas, projects and processes as to how they manage conflict. The 2011 State Conference Team has done a great in putting together a programme of best practice in case studies and workshops as to how leading organisations are achieving excellence.

We look forward to seeing you in Wollongong and would welcome you to stay these few extra days and take advantage of the many sights the region has to offer and the tourism packages that the conference team has arranged for you.

David Laing
Senior Principal and NSW Planning Manager at Cardno
Chair 2011 State Planning Conference

Preliminary Conference Program



WEDNESDAY 28 SEPTEMBER 2011

- 12.00-5.00pm Pre conference tours
 // Tourism and coastal settlements
 // Urban sprawl v food security
- 6.00pm Welcome Reception at the Bluescope Steel Gallery, Wollongong City Gallery
 Sponsored by Wollongong City Council
- 7.00pm Free evening with dinner available at Novotel or experience local restaurants

THURSDAY 29 SEPTEMBER 2011

- 8.00am Conference registration
- 8.50am Conference Opening and Welcome to Country
- 9.00am Opening Address - to be confirmed
- 9.40am Wollongong post the ICAC Inquiry: Presentation and Panel
- 10.40am Cardno coffee break. Sponsored by Cardno
- 11.10am The 21st century city: the Christchurch rebuild experience - Andrew Wisdom, Principal - Planning, Arup
- 11.50am Engaging the Community - Dr Mark Elliott, Director, Collablonge
- 12.30pm Keynote presentation: Sam Haddad, Director General, NSW Department of Planning & Infrastructure
- 1.10pm Lunch break
- 2.10pm **Concurrent sessions**
- | | | |
|---|--|--|
| Next Gen technology in planning | Engaging the community—when & how | Tours - depart at 2pm, returning 4.30pm |
| ePlanning – Malcolm Ryan, Warringah Council | Rules of engagement—Michala Lander & Barbara Campana, GHD | • Coal & industry |
| Urban feasibility model – Geoff Thompson, Department of Planning & Infrastructure | Designing community involvement for improved planning –Shay Gill, Shay Gill Consulting | • Education |
| | | • Downtown |
- 3.10pm Cardno Coffee Break. Sponsored by Cardno
- 3.40pm Practitioner workshops – Hot Topics
- Hot Topic 1:** It's on for young and old: planning for all segments of our community
 // Challenging the current philosophy of planning for ageing. Gary Shiels, GSA Planning
 // How are we planning for our next generation? Margot Black, Stockland
- Hot Topic 2:** to be advised
- 4.40pm Close of Day 1 sessions
- 4.45-5.30pm LGPN Networking session
- 7.00-11.00pm Conference dinner, The Grand Ballroom, Novotel Wollongong Northbeach.

FRIDAY 30 SEPTEMBER 2011

- 7.00am Ride the Blue Mile: cycle tour of NSW Cycleways Project
- 8.30am Registration & Arrival tea/coffee
- 8.50am Introduction to the day's program
- 9.00am Plenary: Transport – Philip Davies, AECOM Industry Director- Strategic Planning & Advisory
- 9.40am Panel: A Brave New Planning Act for NSW: experiences from other jurisdictions.
 Facilitated by Dr Andrew Kelly, Faculty of Law, University of Wollongong
- 10.20am Minister's Address (invited)
- 11.00am Cardno coffee break. Sponsored by Cardno
- 11.30am **Concurrent sessions**
- | | | |
|---|--|--|
| Transport & Cities | A Brave New Act | Balancing Environment & Growth in the Regions |
| Sydney's emerging high rise suburban centres – Bernard Gallagher, JBA | Reforming the NSW planning legislation – Dr Robyn Bartel, UNE | Biodiversity offsets – Martin Falding, |
| The networked transport city - David Wilson, Leichhardt Council | Governance & appeal rights – Michael Mantel, The Planning Lawyer | Land & Environment Planning |
| Active transport & co-production – Dr Richard Griffiths, Dept Planning & Infrastructure | The golden opportunity – Karen Jones, Pulse Planning | Land use lessons from Oregon – Paul McFarland, UNE |
| | | Planning in three dimensions – David Laing, Cardno |
- 1.00pm Lunch
- 2.00pm Plenary: Innovation, Dr Gary Bowdich, Chief Executive Director, SMART Infrastructure Facility, University of Wollongong
- 2.40pm Plenary: Inspiration, Timothy Horton, Commissioner, Integrated Design Commission, South Australia
- Continuous tea/coffee from 3.00pm Cardno coffee breaks.
- 3.10pm Plenary –Delivery, Morica Barone & Allan Jones MBE, City of Sydney Council
- 3.50pm Closing Remarks by PIA NSW President Elect
- 4.00pm Conference close

Please note: this is a preliminary program and is subject to change without notice.

Innovation & Inspiration

PLANNING & INFRASTRUCTURE



Special thanks to our sponsors



AZCOM

ARIIP

NORTON ROSE

The Venue

Novotel Wollongong Northbeach is perfectly positioned to offer panoramic ocean and mountain views and easy access to the beach. The hotel is a 60 minute drive from Sydney Airport and is connected to Wollongong train station by a free shuttle service. Special conference accommodation rates extend through the weekend. Accommodation bookings should be made direct with the hotel.

Wollongong also offers a range of other accommodation in a range of prices. Visit our website for a look.



Conference tours

The Conference Organising Committee of the PIA Illawarra South Coast Branch has arranged a number of local tours some of which will run as pre-conference tours and some during the conference program on Thursday.

- // **Tour 1:** Tourism: Northern suburbs including the Escarpment, Seal B Bridge and refreshments at the Scarborough Hotel.
- // **Tour 2:** Education: The University of Wollongong, SMART Infrastructure facility and the Innovation Campus.
- // **Tour 3:** Downtown Wollongong City Centre, the City Centre Action Plan and the Blue Mile.
- // **Tour 4:** Coal and industry covering coal mining, road and rail to the port, a tour of the port and the coal loader.
- // **Tour 5:** Urban sprawl & food security including touring agriculture, visit to farms and urban release areas.

Getting There

From Sydney, head down the Southern Freeway past the Bulli Pass exit where the road becomes Mt Druzy Road. Descend down the mountains then take the Wollongong exit on the left. Continue to the roundabout and turn right. Move into the left lane and continue along the road. Turn right at traffic lights into Boncker Street. Hotel is at the end of the street.

Parking: Private indoor parking (limited)

Parking: Public (Wollongong)

For more information visit www.planning.org.au/nsw or email nswconference@planning.org.au

INFORMATION ITEM NO. 4

**AUSTRALIAN CONSTITUTIONAL RECOGNITION FOR LOCAL
GOVERNMENT**

REPORT OF: PETER GESLING – GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2008-4044

BACKGROUND

The purpose of this report is to inform Council of the contribution of funds towards the national campaign for the constitutional recognition for local government.

Council has previously been provided with details concerning the Federal Government commitment to holding a referendum in conjunction with the next Federal election.

The Australian Local Government Association is proposing to conduct a national campaign which is estimated to cost in excess of \$10 million. NSW is expected to contribute \$2.7 million towards this amount.

The Local Government & Shires Association has calculated a special levy based on a standard formula which is used when calculating other similar levies such as the legal assistance requests.

Council's contribution is \$26,783.24 plus GST which is payable over three (3) years. This will be funded from general revenue.

ATTACHMENTS

- 1) Correspondence from the Local Government & Shires Association dated 9 January 2012.

ATTACHMENT 1

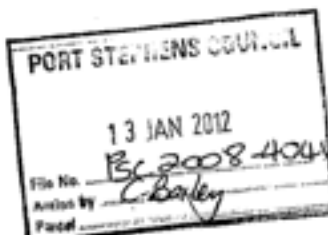
Local Government
Association of NSW



Shires Association
of NSW

9 January 2012

Cr Bob Westbury
Mayor
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324



Dear Cr Westbury,

Constitutional Recognition of Local Government – contribution of funds

We write to update you on the process and progress for achieving Constitutional Recognition of Local Government, and to provide an indication as to what we believe your council's financial contribution to a national advertising campaign will be.

As you are aware, in 2010 in response to some strong ground work by the Australian Local Government Association (ALGA) and the LGSA, the Prime Minister of Australia, the Hon. Julia Gillard MP, committed to holding a referendum in conjunction with the next Federal election to include recognition of Local Government in the Australian Constitution.

In mid 2011 the Prime Minister set up an Expert Panel on Constitutional Recognition of Local Government. The Expert Panel released its findings on 22 December 2011. A copy of the Expert Panel's findings and all submissions can be found at <http://www.localgovrecognition.gov.au/content/final-report>

ALGA is leading the campaign on behalf of Local Government across the country, and to date more than 85 percent of councils in Australia have moved motions in support of Constitutional Recognition of Local Government.

In addition to all councils continuing to actively lobby for this important issue at a local level, ALGA will be asking all State and Territory Associations and their member councils to contribute financially to a large scale national advertising campaign to gain public support for a 'yes vote' when the time for a referendum comes. In order for the referendum to be successful it requires a 'double majority', which is a majority of 'yes votes' from a majority of voters, and a majority of states. As ours is the most populated state, success in NSW is critical to the success of a national campaign.

ALGA's planning for this national campaign is in the early stages, as they were waiting to review the response from the Expert Panel, however we do know that substantial funds will be required to execute this campaign. From previous ALGA research it is estimated that a national advertising campaign will cost in excess of \$10 million, and that NSW councils, based on size and population, will be expected to contribute approximately \$2.7million of this amount. This will be contributed to ALGA through the LGSA to coordinate a national advertising campaign.

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

Whilst ALGA and the State and Territory Associations are yet to determine the scope and content of a national advertising campaign, we do know that funds will be required from each council in NSW, and we hope by alerting you early in your current budget cycle it will allow you to factor this contribution into your budgets for the 2012/2013 and subsequent financial years.

In addition to the national advertising campaign, ALGA has recommended that each State and Territory Association commence their own local 'profile raising' activities, to promote locally the good work Local Government does in their state. The LGSA committed \$100,000 to this profile raising project in 2010/2011 and \$200,000 in the current financial year. This project, including toolkits, will be rolled out in 2012 in NSW.

At our December 2011 Board Meetings, it was agreed that the LGSA budget a further \$1,000,000 over the next two financial years on NSW specific 'profile raising' and promotional activities, in addition to the national advertising campaign. These funds will be drawn from the LGSA's current investments.

It was also resolved that the \$2.7 million required by ALGA for the national advertising campaign be sought from members by way of a special levy. Each councils' share of the levy will be payable in three equal instalments over a three year period, commencing 1 July 2012.

Councils should note that should the referendum or the national advertising campaign not go ahead for any reason, instalments paid to the LGSA will be refunded.

The levy has been calculated using the standard formula used when calculating other similar levies, such as legal assistance calls.

Your council's special levy will be \$26,783.24 plus GST. The Executives of both Associations resolved that this levy will be payable in three equal instalments over three financial years, in order to reduce the financial burden on councils.

We will be in contact with you with an update on the next steps required, following an assessment of Government's response to the report from the Expert Panel on Constitutional Recognition of Local Government. In the meantime, ALGA has developed background information for your council to use, and you are encouraged to view these at their website on <http://www.councilreferendum.com.au> for more information.

In addition to your council's valued financial contribution, there will be supplementary work for all councils to do for this campaign at a local level, and further information will be provided to you in early 2012. In the interim, for more details please call the LGSA's Director, Communications and Campaigns, Megan Graham on 02 9242 4015.

Yours sincerely



Cr Keith Rhoades AFSM
President
Local Government Association of NSW



Cr Ray Donald
President
Shires Association of NSW

GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1

FILE NO: PSC2011-04468

DART ENERGY COAL SEAM GAS FULLERTON COVE PILOT PROJECT

REPORT OF: MATTHEW BROWN – MANAGER DEVELOPMENT ASSESSMENT AND ENVIRONMENTAL HEALTH
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider nominations, and if necessary elect a Councillor, to be a representative on the Community Reference Group for the DART Energy Coal Seam Gas Fullerton Cove Pilot Project; and
- 2) Note that a suitable time will be arranged for DART Energy to meet with Council and relevant senior staff to update Council on the Coal Seam Gas Fullerton Cove Pilot Project.

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

027	<p>Councillor Glenys Francis Councillor Sally Dover</p>
	<p>It was resolved that a Council employee be nominated by the General Manager to represent Council on the Community Reference Group, as well as the Mayor or the Mayor's nominee.</p>

BACKGROUND

The purpose of this report is respond to a recent invitation from DART Energy for a Council representative to be nominated for the Community Reference Group and for DART Energy to present to and update Council on the project.

The Terms of Reference and Invitation were received by Council on 13 February 2012 (**Attachment 1 & 2**).

FINANCIAL/RESOURCE IMPLICATIONS

Apart from the staff time and involvement in the subject meetings, there are no direct financial implications. Regardless, Council's commitment is warranted for a project such as this.

LEGAL, POLICY AND RISK IMPLICATIONS

Being informed of the project and having representation on the community reference group will contribute to reduce Councils legal and risk implications.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
If no attendance or not adequately informed, risks of environmental implications, Council not having important knowledge of the project, reputational damage and ensuring wider community interest is considered are all potentially applicable .	Medium	Nominate a community reference group member and accept DARTs offer for a further briefing	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The project has potentially a range of Social, Economic and Environmental Implications – accordingly its critical Council is actively involved.

CONSULTATION

The proposal is part of DARTs ongoing consultation program.

OPTIONS

- 1) Accept the offer, nominate and if necessary elect, a Council representative on the Community Reference Group and accept the briefing offer;
- 2) Decline one or both of the offers of representation and briefing; and
- 3) Delegate to the General Manager to nominate a management / professional representative on the Community Reference Group.

ATTACHMENTS

- 1) Terms of Reference;
- 2) Invitation for Community Reference Group;
- 3) Email Invitation to update Council.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
TERMS OF REFERENCE



Dart Energy Community Reference Group – Fullerton Cove

Terms of Reference

1. Background

Dart Energy is undertaking coal seam gas exploration activities in, and around, Fullerton Cove area under petroleum exploration licence (PEL) 458.

Dart Energy places significant value on working with the community and is establishing a Community Reference Group as one of the ways to communicate and interact with the community. This Reference Group would represent the cross-section of views and interests of the local community.

2. Objectives

The objectives of the Reference Group are to:

- Establish a forum for open discussion between Dart Energy and the local community.
- Keep the community informed of Dart's exploration activities and findings.
- Collectively and individually, identify community issues.
- Provide feedback from the community.
- Provide an opportunity for advice on community initiatives.
- Facilitate positive working relationships between Dart Energy and the local community.

3. Membership

Membership of the Reference Group is voluntary and will comprise representatives from a cross section of the local community.

The Reference Group will include:

- An independent Chairperson.
- A representative from the Port Stephens Council.
- Local community representative(s).
- Landowner(s) who have had activities on their land.
- Representative(s) from special interest groups.
- Representative(s) from local industry including a representative from Maria's Farm Veggies.

There will also be two representatives from Dart Energy.

4. Appointment

Members will be appointed by Dart Energy through a nomination process advertised in the local media and by direct invitation to key stakeholders such as the local Council.

Appointment to the Reference Group will be for an initial period of twelve months, but may extend for longer depending on mutual consideration by members and Dart Energy.



5. Attendance

In addition to nominated Reference Group members, meetings will be attended by two representatives from Dart Energy who will sit on the Reference Group as members. An additional member of Dart Energy will attend meetings to record minutes but will not be an active member.

At certain times, specialist representatives or consultants may be invited to attend meetings, at the request of the Chairperson in consultation with the Reference Group.

The meetings are not public meetings, and therefore are not open to the public.

Members may appoint a proxy to attend up to two meetings each year, as agreed by the Reference Group.

A member will cease to be a member if they:

- Resign from the Reference Group
- Fail to attend three consecutive meetings without appropriate apologies to the Chairperson
- Resign from the local industry or group they represent
- Breach confidentiality as considered appropriate by both Dart Energy and the Reference Group, itself.

Any vacant position will be filled on a casual basis until the 12 month term of office has expired.

6. Responsibilities of Dart Energy

Dart Energy will:

- Organise meeting venues, equipment, presentations and other audio-visual aids.
- Organise administrative support at meetings, including recording of minutes and posting of minutes, as appropriate, on the Dart Energy website.
- Nominate representatives to attend all meetings of the Reference Group and provide specialist company representatives or consultants as required.
- Provide open, accurate and timely information and responses about their exploration activities.
- Ensure that members are provided with adequate information to assist them in contributing to Reference Group discussions.
- Seek community feedback on proposed activities.
- Consider community issues while making decisions.
- Follow up on actions agreed during the Reference Group meetings.
- Adhere to privacy requirements agreed to in meetings.

7. Responsibilities of the Independent Chairperson

The Independent Chairperson will:

- Manage the Reference Group and facilitate discussions.
- Convene the Reference Group meetings in a fair and independent manner.
- Facilitate discussion to ensure all participants have their say.
- Work with the Reference Group to set meeting agendas.
- Circulate the meeting agenda to all participants at least one week prior to each meeting.
- Ensure specialists are present as required to provide information and answer questions.
- Review and approve the minutes and circulate to members within one week of each meeting.
- Monitor the progress of action items to ensure they are completed within agreed timeframes.

- Review membership as required to ensure continued representation of key stakeholders and interests.
- Identify any items of a confidential nature and ensure members understand how such information may, or may not, be used.

8. Responsibilities of Reference Group members

Reference Group members are expected to:

- Regularly attend and participate in meetings.
- Represent their communities, organisations or interest groups by bringing forward issues and ideas raised by their members.
- Provide a conduit between Dart Energy and the community by disseminating information from the Committee and bringing community feedback to meetings.
- Contribute to an open discussion of community issues.
- Respect the views of other members.
- Suggest agenda items for discussion at meetings.
- Advise the Chairperson in advance if they are not able to attend a meeting and/or are sending a proxy in their place.
- Respect and maintain the confidentiality of discussions and materials presented to meetings, as agreed by the Committee.
- Abide by the media protocol for the Committee.
- Abide by the directions of the Chairperson.
- Advise the Chairperson of any potential or actual conflict of interest relating to matters for discussion.

Robust discussion should be encouraged whilst still respecting each other's position and ideas.

9. Code of Conduct

All Committee members will:

- Respect the views of all Committee members contributing to an open discussion.
- Behave honestly and openly.
- Refrain from any threatening or intimidating behaviour and maintain order at the meeting.

10. Timing and frequency of meetings

The first two Reference Group meetings will be held monthly, and then meetings will be held every two months. The regular meeting time of the Reference Group meetings will be discussed and agreed at the first meeting. It is expected that meetings will run for approximately two hours. Meetings will be held at a venue in the local community that is accessible and convenient for members.

A special or extraordinary meeting may be called by Dart Energy in consultation with the Independent Chair.

11. Limitations of the Reference Group

The Reference Group is a reference and consultation forum and not a decision-making forum. It does not hold decision making powers on behalf of Dart Energy and cannot commit to activities requiring expenditure that must be approved by Dart Energy.

ATTACHMENT 2
INVITATION FOR COMMUNITY REFERENCE GROUP



Brisbane (Registered Office)

T +61 7 3149 2100 F +61 7 3149 2101
Level 11, Waterfront Plaza, 1 Eagle Street, Brisbane, Qld 4000
GPO Box 3120, Brisbane, Qld 4001, Australia

ASX CODE DTE ABN 21 122 588 305

Sydney

T +61 2 9146 0330 F +61 2 8088 7140
Suite G2, 54 Talavera Road
North Ryde NSW 2113, Australia

dartenergy.com.au

Thursday, 9th February 2012

Ref: PR60-12-001

Mayor of Port Stephens
Councillor Bob Westbury
Port Stephens Council
PO BOX 42
Raymond Terrace NSW 2324

Dear Lord Mayor

Subject: Fullerton Cove Community Reference Group – Letter of Invitation

Dart Energy will shortly commence exploring for coal seam gas in, and around, Fullerton Cove.

Dart Energy places significant value on working with the community. A key means by which we can achieve this, is by establishing a Community Reference Group (CRG).

The CRG will enable representative bodies from a cross section of the community to work constructively with Dart Energy in providing a forum for open discussion of Dart's exploration activities and findings.

Your organization has been identified as being an important stakeholder in the Fullerton Cove community. As such, Dart Energy would like to invite a representative from your organization to become an active member of the Fullerton Cove CRG.

The CRG would meet monthly for the first two meetings then every two months. An independent chairperson has been appointed who will help guide the CRG under the Terms of Reference (attached). The first meeting of the CRG is scheduled for the 29th February at 6pm.

Please advise by Friday 17 February, 2012 if you would like to be a member of the Fullerton Cove CRG.

Yours sincerely

Denzil Cross
Development Manager

cc: if applicable

ATTACHMENT 3
EMAIL INVITATION TO UPDATE COUNCIL

Page 1 of 1

Sasha Buckley

From: Deniz Cross [mailto:deniz@dartenergy.com]
Sent: Monday, 13 February 2012 4:04 PM
To: Matthew Brown
Cc: Robert de Weijer; Andrew Collins
Subject: Community Reference Group (CRG) Invitation and Meeting with Council
Attachments: CRG_ToR.pdf; DRBO-12-005 -CRG_Letter+of+invitation_2012+02+07.pdf
Mat,

It was great catching up the other day.

As discussed with yourself and David please find attached the invitation to attend the CRG along with the Terms of Reference (ToR).

Also, we would like to update the Port Stephens Council on the Fullerton Cove pilot project status and highlight some opportunities of CSG in the Fullerton Cove area. Please let me know when would be the best time to see the relevant people. If convenient we would like to possibly visit next week some time.

Thanks,

Deniz Cross

Development Manager

DART ENERGY

DART ENERGY LTD

Street Address: Level 11, Waterford Place, 1 Eagle Street, Brisbane QLD 4000

Postal Address: GPO Box 3120, Brisbane QLD 4001

T:

F:

M:

E: deniz@dartenergy.com

www.dartenergy.com.au

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Please think of the environment before printing this email.

15/02/2012

ITEM NO. 2

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 28 February 2012.

No:	Report Title	Page:
1	PETITION FOR TILLIGERRY PLAZA SHOPPING MALL, TANILBA BAY, ABANDONED CONDITION	
2	DESTINATION 2036 DRAFT ACTION PLAN - PORT STEPHENS COUNCIL SUBMISSION	

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

028	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that the recommendation be adopted.

GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

**PETITION FOR TILLIGERRY PLAZA SHOPPING MALL, TANILBA BAY,
ABANDONED CONDITION**

REPORT OF: PETER GESLING - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2012-00746

BACKGROUND

The purpose of this report is to advise Councillors that a Petition has been received by the General Manager from the residents of the Tilligerry Peninsular regarding the abandoned condition of Tilligerry Plaza Shopping Mall Tanilba Bay.

The petition contains approximately 2944 signatures.

ATTACHMENTS

- 1) Petition - Tilligerry Plaza Shopping Mall Tanilba Bay Abandoned Condition.

ATTACHMENT 1

We the undersigned residents of the Tilligerry Peninsula, wish to draw to the Attention of Port Stephens Council, the following issue

Tilligerry Plaza Shopping Mall Tanilba Bay - the abandoned condition

The building has become a magnet for vandalism and offensive graffiti.

The building is dangerously unsafe. One youth has sustained a broken arm falling from the roof. Another has had 22 stitches in a severe laceration at the site.

The building has poor security and there is evidence of drug taking on the site.

(Needles etc)

The Building has been vacant for several years. The state of the building and the anti social behaviour it generates degrades our village.

If it is not demolished in the immediate future, it must be properly cleaned up &

Secure din the interest of public safety

NAME

ADDRESS

SIGNATURE

INFORMATION ITEM NO. 2

**DESTINATION 2036 DRAFT ACTION PLAN - PORT STEPHENS COUNCIL
SUBMISSION**

REPORT OF: PETER GESLING
GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2011-02317

BACKGROUND

The purpose of this report is to provide Councillors with a copy of Council's Draft Destination 2036 Action Plan submission, developed after consultation with the Mayor, Councillors and General Manager.

"What is Destination 2036?"

Over the next 10, 20 and 25 years, our population, technologies and economy are going to change dramatically. As the providers of core services to our communities, it is incumbent upon local government to consider what these changes will mean, both for our communities and for the councils that serve them.

Destination 2036 provides a process and a forum for local government to explore these issues and to consider and develop structures and approaches to local government in NSW that will allow the sector to meet the needs and expectations of our communities of the future.

Destination 2036 is the start of a new way of planning which moves local government in NSW from talking about and reacting to change, to managing change to create a preferred future. In effect, it will begin the strategic plan and delivery program for NSW local government, mirroring key elements of the integrated planning and reporting frameworks which individual councils are implementing.

Destination 2036 reflects the NSW Government's commitment to work constructively with local government and to recognise local government as a partner.

Destination 2036 is being developed with the help of the Local Government and Shires Associations (LGSA), the Local Government Managers Australia (NSW) (LGMA) and the Australian Centre of Excellence for Local Government (ACELG)."

http://www.dlg.nsw.gov.au/dlg/dlghome/dlg_generalindex.asp?sectionid=1&mi=6&ml=21&AreaIndex=PRS

SUMMARY

Port Stephens Council expressed overall support for the Destination 2036 initiative; the resulting draft Action Plan; and the process to achieve reform. This is an historic opportunity to improve local government in the State and thus to improve the wellbeing of the communities it serves. The Minister, the Division of Local Government and the Implementation Steering Committee (ISC) are to be commended for putting together the Action Plan in a relatively tight timeframe.

Port Stephens Council is very supportive of the work done by the ISC in developing this Action Plan and thanks them for providing us with an opportunity for comment. The remarks included are designed to assist the ISC to refine the Key Activities to achieve the outcomes of Destination 2036 and we hope they are received in that spirit.

A full copy of the submission is attached.

ATTACHMENTS

- 1) Port Stephens Council Response to Destination 2036 Draft Action Plan – "*A Path Together*".

ATTACHMENT 1

PORT STEPHENS COUNCIL RESPONSE TO DESTINATION 2036 ACTION PLAN

Summary

Port Stephens Council wishes to express overall support for the Destination 2036 initiative the resulting draft Action Plan and the process to achieve reform. This is an historic opportunity to improve local government in the State and thus to improve the wellbeing of the communities it serves. The Minister, the Division of Local Government and the Implementation Steering Committee (ISC) are to be commended for putting together the Action Plan in a relatively tight timeframe.

Council would like to make some observations which it is our belief should underpin the Action Plan:

- Unless the financial sustainability of councils is addressed first, none of the other actions are viable. Financial sustainability is fundamental to all other aspects of the Action Plan. The problem has been documented, researched and discussed for at least the last 10 years, so rather than any more "reviews", action should be taken in this area as the number one priority.
- All councils are not alike and it is necessary to get away from the 'one size fits all' approach that has prevailed in the past. Options for changes must be available that suit the needs of individual councils. There has been some progress in this area: for example, the phased approach to implementation of the Integrated Planning & Reporting requirements recognised that all councils were not in a similar position and, most importantly let the councils choose the option that suited their capacity. These two elements of option choice with selection of option by the councils should be two core principles underpinning any outputs from the Action Plan.

Although Council believes that the case for needing comparisons (i.e. comparative data) between councils is not made, if such comparisons are to be used, then a new set of indicators based on statistically valid parameters should be developed. (Refer to our detailed response to initiative 3 below.)

The best indicator of the performance of councils is the ability to meet the goals of its community as is predicated in the Integrated Planning and Reporting framework.

- Council strongly supports the active role of Regional Organisations of Councils (ROC), however we believe the flexibility that is currently available to maximise outcomes for councils would be compromised if a legislated role was proposed. *There are approximately 60 ROCs across Australia that vary greatly in size, structure and operation. For example, some ROCs are small unstaffed groupings of councils which concentrate on a handful of issues and projects while others are large organisations that play substantial roles in council shared service delivery and procurement, regional advocacy and even aspects of regional governance.*¹

Port Stephens Council is a member of Hunter Councils which has a core membership of all Hunter Region councils; however it has the flexibility to make alliances with councils in other regions for mutual advantage and depending upon the judgement of the councils to participate in any/all proposals depending up on their capacity and/or interest in doing so.

¹ Australian Centre of Excellence for Local Government *A Comparative Analysis of Regional Organisations of Councils in NSW and Western Australia*, January 2012 p.3

This flexibility has allowed from time to time for Central Coast councils, Taree and others to work with Hunter Councils on specific projects. We strongly believe that ROCs should continue to operate within the existing frameworks to suit the needs of their councils. We caution against overstating their potential to represent their councils in any/all matters without reference to those councils.

- The "combined service owner" concept of State and local government to the NSW community has been somewhat undermined by an adversarial level of relationships between the two levels of government – particularly over the last 10 years or so. The adversarial characteristic of these working relationships needs to shift to a more collaborative approach so that a whole range of services, reputation and performance of both levels of government can be improved.

There is an interesting comparison to be made between the approaches to Destination 2036 for reforming local government compared to the State government's approach on planning reform. The former is characterised by a workshop of the Mayors and General Managers leading to statements of vision, strategic directions and consequent actions based upon collaborative involvement of the Division of Local Government, LGMA, and the Local Government Association and Shires Association. In contrast, the planning reform approach has been characterised by a consultative program of the co-chairs of the reform team, Tim Moore and Ron Dyer visiting 44 locations and conducting 91 consultations involving 2000 people, but has not been characterised by the same integrated engagement of the Mayors and General Managers/Directors of Planning in local government to date. The planning reform is also characterised by a "Where are we now?" issues paper rather than focusing on "Where we want to be?" derived from such consultation.

The adverse working relationships with local government have been particularly potent in relation to planning issues eg. Part 3A. In attempting to achieve higher production of housing land and housing it appears that State government may be working "around the system" and bypassing local government. The State government needs to "walk the talk" on such State and local government working relationships in order to ensure the credibility of implementing Destination 2036. This is where Initiative 14 applies, in terms of renegotiating the inter-government agreement to be more encompassing to improve the working relationships between State and local government.

- Council believes that the concept of a coordinating agency is a good idea and we would like to see the Implementation Steering Committee continue to operate in the longer term. However with 41 actions to be implemented there is a requirement under the existing model for 41 coordinating agencies. We believe that this places a great burden on the resources of the nominated agencies and that a case can be made for moving to a model which 'clusters' actions/agencies to maximise leverage of resources and extract additional value from synergies already apparent in some actions, for example at Initiatives 3 and 4.

Action Plan Feedback

Initiative 1: Key Activities 1a – 1c

Please refer to the Council's views expressed above in the summary in relation to ROCs. Council suggests that the ISC also consults with the Australian Centre of Excellence for Local Government (ACELG) whose in-depth study of ROCs has just been published²; and with Hunter Councils which

² Ibid.

typifies an organisation that can achieve the stated outcome *Facilitate greater resource sharing and cooperation between councils.*²

Council encourages increased support for ROCs however is against any form of legislative intervention which would, by its nature constraint the very strengths that make ROCs successful.

Initiative 2: Key Activities 2a – 2d

LGSA and LGMA (NSW) are not local government employers and therefore we believe that any initiatives in this area should involve some individual council representatives and not just associations. Councils collectively have more capacity to participate in developing these actions. We also believe that the ISC should include unions and ROCs at the table.

In relation to 2c particularly, Port Stephens Council's Enterprise Agreement could work as a starting point for the Coordinating Agency. The Hon. Deputy President Harrison of the NSW Industrial Relations Commission acknowledged the Port Stephens Council Enterprise Agreement as being the leading edge of a new way of negotiating enterprise agreements that he felt was exciting and innovative as it had moved away from the traditional dispute settlement model. The Enterprise Agreement won an LGMA NSW Leadership & Management Excellence Award. Council is happy to assist the ISC in this area.

Initiative 3: Key Activities 3a – 3c

In relation to 3a Council believes that the Local Government Business Excellence Network (LGBEN) and the ACELG should be at the table. This will bring to the activity access to SAI Global and add international expertise to any conversation regarding excellence and standards.

In relation to 3c Council is aware that the Division had commissioned a study into consistent performance measures for councils that concluded that the preferred model was Community Indicators Victoria (CIV) for the measurement of community outcomes. The Division is also aware that Port Stephens Council is coordinating a project endorsed by Hunter Councils to deliver community indicators for the Hunter and Central Coast regions. ISC should consider bringing to this Key Activity the Australian Community Indicators Network and specialists from CIV.

In the matter of the performance of individual councils a consistent performance measurement approach is not likely to be possible because each council is unique and anything that is 'one size fits all' is likely to be too generic to be meaningful or to be statistically invalid. This is evidenced by the DLG's own Comparative Data (CD) which are statistically poorly constructed, and with a flawed methodology which means the CD has no credibility as a tool for councils to use. This is because they arbitrarily lump councils into categories (we are category 4, along with councils such as, Deniliquin, Broken Hill and Queanbeyan with which we have little in common). This is done on the basis of population of the whole LGA of each council being roughly the same. Then they take the members of this group's statistical data – all 30+ councils – and make comparisons amongst the councils. They don't distinguish between the LGA and the organisation or rather they muddle the concepts, and then base comparisons on a group average (mean) not even a median. Councils fall above or below this group mean and either get (perhaps undeservedly) labeled best practice or hammered in the press. The CD methodology takes absolutely no account of the uniqueness of each council. Port Stephens is not the same as Queanbeyan or Broken Hill – we are unique with own history, culture, councilors, staff and structure, our own business operating system and our own, unique financial paradigm.

² Destination 2036 Initiative 1: p18

The danger inherent in 3c is that another set of improbable measures will be developed that take no account of this uniqueness of individual councils. It is the view of Port Stephens Council that the only appropriate measure of councils' performances is the extent to which they meet their respective communities' expectations. A percentage-based indicator – locally designated – would better meet the case.

Initiative 4: Key Activities 4a -4b

This initiative is not just about resource sharing but involves research capacity and due diligence on the part of councils contemplating entering into resource sharing. Council believes that the Coordinating Agency should include ACELG and the Centre for Local Government at University of Technology, Sydney as well as ROCs. It should also consider individual councils who have experience in these types of contractual arrangements such as Newcastle City Council and Port Stephens (Newcastle Airport is a jointly owned entity) as an example of one type of arrangement. The DLG will be aware of others across the State.

Alternative service delivery models must be suited to local councils and not legislated as they need to provide the best solutions for their individual communities.

Initiative 5: Key Activities 5a

In reviewing the Act, ISC should have regard to the Destination 2036 Outcomes: a measure of the success will be that the legislation enables rather than constrains individual councils within the bounds of good governance. An opportunity exists in the review to examine the effects of other legislation on local government and to ensure that revisions do not result in further cost shifting or responsibility shifting. We refer also to our comments in the Summary regarding choices for councils rather than a 'one size fits all' approach.

Initiative 6: Key Activities 6a -6b

Council endorses these actions and suggests that to progress these activities ROCs should have a seat at the table.

Initiative 7: Key Activities 7a - 7d

The current system is overly bureaucratic and expensive for councils to administer. Council believes that ISC should consider that an independent authority be part of any overall improvement to the Model Code of Conduct.

Council believes that there should be additional requirements on Mayors to call councillors to account when they do behave outside of the Code of Conduct. A specific educational program relating to councillors' responsibilities for planning, development and environment is crucially important.

Initiative B: Key Activities Ba -Bc

Financial sustainability is the primary issue for local government in NSW and unless it is addressed first, then nothing else happens. The scope of the financial considerations under this Action Plan should be wide-ranging and not confined to ways of sharing out the existing Federal Assistance Grants or attempting to get more of that pie. This is too narrowly focussed and Council believes that all topics should be on the table, including State entities paying rates; local Government share of GST revenue; rate-pegging; and Section 94 funds, to name a few areas.

The Local Government Cost Index (LGC) is ludicrous and the system needs to be overhauled for which IPART needs to be at the table, together with the NSW Grants Commission. In relation to 8a, the LGC and IPART as arbiter of rating didn't exist when the Allen Report was published; nor did the Integrated Planning & Reporting Act with its emphasis on long term financial planning, so its conclusions would be sufficiently out of date to suggest that a review is a waste of resources. More emphasis should be placed on 8b and 8c.

If the State Government is to maintain its priority for economic growth and investment together with production of housing land, then a greatly improved coordination of funding sources from both local and State governments – including the coordination of State infrastructure levies with Section 94 (Developer Contributions) needs to be initiated and carried through.

Initiative 9: Key Activities 9a – 9d

A change to the Australian Constitution to recognise local government is 'very unlikely'⁴ and therefore Council believes that the emphasis should be placed on achieving a capacity for the Federal Government to direct funds to local government as in the Roads to Recovery, which has been the most effective grants program in Australia. This should be the focus of 9b and also when reviewing the Act.

Key Activity 9a should make sure to include NSW Treasury as well as the DLG in the implementation.

Key Activity 9c appears to be redundant as councils work diligently to attain a share of any grant funding from other levels of government. There may be a case for more capacity building for some councils in this area of activity but the underlying premise of 9c appears flawed.

Key Activity 9d should include LGBEN at the table. The language of this Key Activity is typical of metropolitan-centric thinking that makes assumptions about rural and regional councils without reference to the skills and capacities within individual councils, or their capacity to collaborate to achieve successful outcomes. Port Stephens would agree that some rural and regional councils lack the knowledge or capacity to achieve better grant outcomes, but we are sure that the same can be said of urban councils too. To generalise about all rural and regional councils in this way is patronising and unhelpful.

Initiative 10: Key Activities 10a – 10d

The Local Infrastructure Renewal Scheme is a new initiative with strong support across the State. It is targeted to address Council's financial position and the backlog in infrastructure maintenance. A concern is the lack of long term commitment and if this does not eventuate, Councils will still be financially insecure.

Initiative 11: Key Activities 11a – 11d

11a: Council believes that there is much research already available and refers the ISC and DLG to ACELG, Centre for Local Government (UTS) and UNE Centre for Local Government (University of New England) – all have access to national and international research on alternative structural models for local government.

⁴ Report of the Expert Panel on Constitutional Recognition of Local Government Report (Chair J Spiegelman) p.25

Initiative 12: Key Activities 12

With respect to boundary changes particularly, Council agrees that the present system is cumbersome and suggests that any remedial work should involve the Department of Lands, ROCs and ACELG.

With respect to amalgamations, caution should be exercised in deeming these are always beneficial because the underlying assumption of 'savings' in economies of scale is rarely proven, especially in rural and regional councils where levels of service can actually decline. In formulating this work Council suggests that a council like Upper Hunter Shire Council be at least consulted as it has recent experience in amalgamation.⁵

Initiative 13: Key Activities 13a – 13b

These key activities assume that there are existing criteria by which the desktop research will be able to identify those functions which are State and those which are local government responsibilities. Council suggests that it would be useful for ACELG or one of the Centres for Local Government to compile criteria to assist these activities using their international and national capacities.

Whilst examining the functions it would be worthwhile to examine the statutory fees associated with some functions eg Development Application fees did not move until recently in 20 years.

Initiative 14: Key Activities 14a – 14d

A review of the EP&A Act in relation to local government should include at the table the Planning Institute of Australia (NSW).

Key activity 14b should look also at the timing of consultations – local government wants to participate but State agencies which give very short notice for submissions is a recurring theme which is not very respectful of local government and the communities they represent. An example is the State Transport Plan with a November to February timeframe. It is also naive to suggest that ROCs can represent councils in regard to issues such as this.

Councils are required to align with the State Plan. We would like to see more frequent reporting of performance against that plan and the Regional plans which fall from it. A number of State agencies should review their attitude to local government – in our experience they do not know how to relate to or use local government, so relationship improvement is very desirable.

In relation to 14d, all ROCs could/should be part of this work.

Initiative 15: Key Activities 15

Council strongly supports this activity.

Initiative 16: Key Activities 16

The Report of the Expert Panel on Constitutional Recognition for Local Government documents the attitudes of various State and Federal governments and elements of the parliamentary system that are very lukewarm to most forms of constitutional recognition, including the NSW State Government.⁶ Therefore supporting and promotion as suggested in Key Activity 16 is not enough.

⁵ Upper Hunter Shire was formed in May 2004 from Scone Shire and parts of Murrumbidgee and Merriwa shires.

⁶ Report of the Expert Panel on Constitutional Recognition of Local Government Report (Chair J Spigelman) <http://localgovrecognition.gov.au/sites/localgovrecognition.gov.au/files/ExpertPanel-FinalReport.doc> accessed 23 January 2012.

The overwhelming community support needed to make a positive result in a referendum will be unlikely to occur with some State governments even promising to actively campaign against it.⁷

Port Stephens Council supports constitutional recognition but being pragmatic in the light of the work done by the Expert Panel the emphasis of the Coordinating Agency should be placed on ways to work towards a model of direct relationship between local and Federal governments rather than putting all the eggs in the constitutional recognition basket.

Conclusion

Port Stephens Council is very supportive of the work done by the ISC in developing this Action Plan and thanks them for providing us with an opportunity for comment. The remarks we have included here are designed to assist the ISC to refine the Key Activities to achieve the outcomes of Destination 2036 and we hope they are received in that spirit.

Responsibility for this submission is taken by the Mayor, Councillor Bob Westbury and the General Manager, Peter Gesling on behalf of Port Stephens Council.

8 February 2012

⁷ Ibid. p2

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

DOGS ON LEADS

COUNCILLOR: NELL

THAT COUNCIL:

- 1) Prepare a report on allowing dogs on lead on footpaths going through "Dogs Prohibited Reserves" such as those at Dutchies and the Nelson Bay Waterfront, Victoria Parade, Nelson Bay.
-

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

029	Councillor John Nell Councillor Steve Tucker
	It was resolved that the Notice of Motion be adopted.

MATTER ARISING

030	Councillor Geoff Dingle Councillor Steve Tucker
	It was resolved that Council investigate the use of the land on Grahamstown Road opposite the Old Farm Nursery for a dog off lead area.

BACKGROUND REPORT OF: RICK MACKENZIE, ACTING CIVIL ASSETS MANAGER, FACILITIES AND SERVICES MANAGER

BACKGROUND

The NSW Companion Animal Act is the overall guide and statutory basis in Councils development of the Companion Animal Management Plan. This Act sets down a guide for the provision of exercise areas, where Companion Animals exercise areas are permitted and also prohibits companion animals from certain areas eg schools and playground areas.

Port Stephens Council has then developed the Companion Animal Management Plan setting out which reserves are designated as exercise areas. The Act designates all road reserves within NSW, as on lead exercise areas. At present Council exceeds all requirements set down in the Act, for the provision of Companion Animal exercise areas in the Port Stephens LGA.

The Companion Animal Act allows Council to designate either sections of reserves or the whole of reserves as on lead exercise areas. Both Dutchies and Nelson Bay Foreshore reserves are presently designated as no dog areas by Councils management plan.

Two sections of the Companion Animal Act must be considered when reviewing the above proposal.

"14 *Dogs prohibited in some public places*

(1) *Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):*

(a) *Children's play areas (meaning any public place, or part of a public place, that is within 10 metres of any playing apparatus provided in that public place or part for the use of children).*

(d) *Public bathing areas where dogs are prohibited (meaning any public place or any part of a public place that is used for or in conjunction with public bathing or public recreation (including a beach), in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place)."*

Both Dutchies and Nelson Bay Foreshore reserves +have playgrounds which are located within ten metres of the pathways and also recognised bathing areas.

Under state Government Legislation the location of the playgrounds would not allow Council to change the designation of the surrounding areas to animal on lead exercise areas. Significant signage would have to be installed in the rest of the reserve to allow for the change in designation as set out in relation to bathing areas.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217

SAFEGUARD THE LONG-TERM FUTURE OF PIPIS

COUNCILLORS: NELL, DOVER, WESTBURY, WARD, DINGLE, O'BRIEN, TUCKER, MACKENZIE, JORDAN, DE LYALL, FRANCIS AND KAHER

THAT COUNCIL:

- 1) Call upon the NSW Minister for Primary Industries, the Honourable Katrina Hodgkinson MP, the member for Port Stephens, Mr Craig Baumann MP, the A/Executive Director, Fisheries NSW, Dr Geoff Allan to ensure that no harvesting of pipis on any Port Stephens beaches is recommenced and allowed until for each individual beach:
 - a. A population survey to assess the total population, size and age distribution is completed;
 - b. A long-term management plan to safeguard:
 - i) the long-term biological viability of the pipi populations;
 - ii) the long term commercially viability of the pipi fishery; is completed;
 - c. All data in relation to the above and all other results of previous studies and internal reports of pipis on beaches in Port Stephens have been made public.
-

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

031	Councillor John Nell Councillor Bruce MacKenzie
	It was resolved that the Notice of Motion be adopted.

Cr John Nell called for a division.

Those for the Motion: Crs Bob Westbury, Glenys Francis, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward and Sally Dover.

Those against the Motion: Nil.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: A2004-0217

AMENDMENT TO SECTION 94 PLAN

COUNCILLOR: DOVER

THAT COUNCIL:

- 1) Amend the Section 94 Plan to include a section for shared pathways.
-

ORDINARY COUNCIL MEETING – 28 FEBRUARY 2012

RESOLUTION:

032	Councillor Sally Dover Councillor John Nell
	That Council amend the Section 94 Plan to include a section for shared pathways by way of a specific amendment.

Cr Bruce MacKenzie left the meeting at 7.02pm prior to voting on the Notice of Motion.

Those for the Motion: Crs Bob Westbury, Glenys Francis, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward and Sally Dover.

Those against the Motion: Nil.

BACKGROUND REPORT OF: DAVID BROYD, GROUP MANAGER SUSTAINABLE PLANNING

It is intended that the new draft Developer Contributions Plan under Section 94 of the Environmental Planning and Assessment Act include provisions and required contributions for the construction of shared pathways. The proposed contributions would align with a Footpath and Cycling Strategy which is due to be submitted to Council during the next six (6) months with a recommendation for adoption. If Council determines higher priority, then the inclusion of the proposed shared pathways in the Section 94 Plan could be undertaken by way of a specific amendment.

There being no further business the meeting closed at 7.03 pm.

I certify that pages 1 to 189 of the Open Ordinary Minutes of Council 28 February 2012 were confirmed by Council at its meeting held on 27 March 2012.

.....
Cr Bob Westbury
MAYOR