



NOTICE OF MEETING

Notice is hereby given that a meeting of the

STRATEGIC COMMITTEE

Will be held at the Council Chambers, Breese Parade, Forster on

TUESDAY 11 AUGUST 2009 AT 10.00AM
at the conclusion of the Aboriginal Liaison Committee

The order of the business will be as detailed below (subject to variation by Council)

1. Apologies
 2. Declarations of Pecuniary & Non-Pecuniary Conflicts of Interest
 3. Confirmation of the Minutes from previously held meetings:
Strategic Committee Meeting 14 July 2009
 4. Consideration of Officers' Reports:
General Manager
Director Planning & Environmental Services
Director of Engineering Services
Director Corporate & Community Services.
- 10.00am Presentation from AGL - Gas Extraction Gloucester
- 10.30am - 11.30am Seal Rocks DCP (Alexandra Macvean)
- 11.30am - 12.00 noon Camping on Islands Report
- 12.00 noon - 12.45pm LUNCH
- 12.45pm - 3.00pm Civic Precinct Landuse
- 3.00pm - 3.30pm Stroud RSL Project Survey Results (Chris Jones)
5. Urgent Business
 6. Close of Meeting

Glenn Handford
Acting General Manager

GREAT LAKES COUNCIL

COUNCIL STRATEGIC DIRECTION

Council has adopted a Vision, Mission and five Strategic Objectives to guide the overall direction of Great Lakes Council.

VISION

Great Lakes.....

A leader in the provision of infrastructure and services which sustain and enhance the natural environment and achieve a quality lifestyle for residents and visitors.

MISSION

Providing governance which is:

- *Effective*
- *Efficient*
- *Socially Just*
- *Transparent*
- *Visionary*

STRATEGIC OBJECTIVES

1. *Natural and Built Environment*

To plan for future growth while ensuring a healthy well managed natural environment.

2. *Community and Social Wellbeing*

To provide opportunities for recreation and culture for all and to foster a safe and caring community.

3. *Economic Development*

To plan for sustainable economic and tourism development.

4. *Infrastructure Management*

To plan and manage infrastructure and assets to meet community needs.

5. *Corporate Governance*

To ensure Council management and practices provide effective, efficient, socially just, transparent and visionary governance. To create long term financial viability while responding to the needs and demands of the community.

The following is extracted from Council's adopted Code of Conduct. The Code applies to Councillors, members of staff and delegates of Council and also includes contractors and volunteers

GREAT LAKES COUNCIL

CODE OF CONDUCT PRINCIPLES AND ETHICAL DECISION MAKING

- **Integrity** – You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.
- **Leadership** – You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of Council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*
- **Selflessness** – You have a duty to make decisions solely in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*
- **Objectivity** – You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*
- **Accountability** – You are accountable to the public for your decisions and actions and must consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*
- **Openness** – You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*
- **Honesty** – You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*
- **Respect** – You must treat others with respect at all times. This means not using derogatory terms toward others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.

Ethical Decision Making

Consider the following points when assessing a potential action or decision.

- Is the decision or conduct legal?
- Is it consistent with Council policy, Council's objectives and Council's Code of Conduct?
- What will the outcome be for yourself, your colleagues, Council and other interested parties?
- Does it raise a conflict of interest?
- Do you stand to privately gain or lose at the public expense?
- Can the decision be justified in terms of the public interest?
- Would the decision withstand public scrutiny?

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CONSIDERATION OF OFFICERS' REPORTS:

GENERAL MANAGER

Item-1 GM - IPART Draft Report - Revenue Framework for Local Government 2009

Index: Media Releases - LGSA; Financial Management - Management Plan
Author: Acting General Manager - Steve Embry
Strategic Committee Meeting: 11 August 2009

SUMMARY OF REPORT:

To report to Council on the release of the IPART Draft Report - Revenue Framework for Local Government 2009.

SUMMARY OF RECOMMENDATION:

1. That a detailed submission in response to the IPART Report be drafted for Council's consideration to enable the submission to be lodged prior to the closing date of 18 September 2009.
2. That Council consider submitting a late Motion to the Local Government Association Conference as outlined in the Report, following the preparation of the detailed submission.

FINANCIAL/RESOURCE IMPLICATION:

Nil.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

Nil.

LIST OF ANNEXURES:

Nil.

LIST OF ATTACHMENTS:

A Hard copy of the Draft Report (269 pages) will be provided to Councillors on request. The Report is available on the IPART Website www.ipart.nsw.gov.au

REPORT:

Background

In May 2008 the NSW Premier requested the Independent Regulatory Tribunal of NSW (IPART) to assist the Department of Local Government by conducting a review of the regulation of Council Rates and Charges.

The review called for recommendations on the following three matters:-

1. An appropriate inter-governmental and regulatory framework for setting rates and charges that facilitates the effective and efficient provision of local government services.
2. A role for IPART in setting rates and charges in future years.
3. A framework for setting the charges levied by certain public authorities, such as Sydney Harbour Foreshore Authority (SHFA), Redfern Waterloo Authority (RWA), Sydney Olympic Park Authority (SOPA) and the Growth Centres Commission (GCC), to enable these authorities to recover costs for the provision of services that are normally provided by local government.

IPART conducted the review having regard to the following matters:

- the role of local government in delivering infrastructure and services to the community
- the current and future financial position of local government and the scope for efficiencies
- all the revenue sources available to local government
- the socio-economic impacts of rates and charges, including the ability of families and pensioners to meet their rate obligations
- differences between metropolitan, regional and rural councils
- the findings of recent reviews of local government
- the matters in Section 15 of the IPART Act.

The process followed by IPART in carrying out the review is summarised below:

- released an issues paper and invited submissions from all interested parties
- conducted a series of Public Workshops in Sydney (on 29 September 2008) and in regional centres (during October and November 2008)
- considered all the submissions and analysed the information it received
- undertaken analysis of available data on council revenues, expenditures and financial positions in NSW and other states
- undertaken analysis of eleven case study councils
- submitted this draft report to the Minister for Local Government prior to making it publicly available.

The Draft Report is detailed, contains 269 pages, and 45 recommendations. It requires detailed analysis to ensure that a considered submission is made to represent Councils interests.

The basis of IPART's recommendations are contained in the Fact Sheet which they have issued on the release of the report. The Fact Sheet contains the following assessment of the impact of rate pegging.

- *Overall revenue and expenditure growth has been strong in NSW; debt levels of most councils have been contained; and the average financial position of councils in NSW is not worse than in other states.*
- *Capital expenditure by NSW councils on new infrastructure assets is lower and has grown more slowly than that of councils in other states and there appears to be a backlog of council infrastructure works. However, backlogs also exist in other states and the evidence suggests that this is no worse in NSW than elsewhere.*
- *Councils in NSW have generated larger surpluses and have tended to accumulate less debt (on a per capita basis) than councils in most other states. This may suggest some scope for debt financing of infrastructure programs within the current rate pegging framework.*

- *There is significant variation between councils and their financial capacities, specifically, rural and remote councils have lower capacity to generate revenues and have less flexibility than metropolitan councils.*

Comments on above IPART Points

The above four points are interesting in that they tend to suggest that the backlog of infrastructure works in NSW is no worse than other states. There have been other reports that suggest otherwise. The Price Waterhouse Coopers National Financial Sustainability Study of Local Government 2006 when referring to the temporary use of rate pegging in Victoria during local government reforms in the 1990's stated "since the abolition of rate pegging in 1998/99 which was linked to performance indicators rates in Victoria have been growing faster than in other states suggesting the original rate cut may not have been sustainable. In addition this finding also suggests that the reduction in Capital Expenditure [which occurred during the rate pegging period] largely created an infrastructure backlog which can transfer the burden of renewing infrastructure to current and future generations of ratepayers". The analysis should really look at regional and rural NSW when compared to other states as metropolitan councils clearly have more flexible revenue raising options as acknowledged in the report. Averaging infrastructure backlogs across all councils may obscure the obvious difficulties rural and regional councils are facing.

Clearly there are infrastructure backlog issues across all of Australia, which indicates the challenges of local government to raise sufficient revenue. NSW revenue is severely constrained by the centralised "one size fits all" rate pegging system. The fact that other states all have infrastructure backlogs merely demonstrates that even without a centralist rate pegging system the democratic process works to constrain rating levels to what the community will reasonably pay. Other states also know they should be spending more on infrastructure but they strike a balance between that and what the community is prepared to pay. They do this without centralised intervention and it shows the democratic process works without the need for rates to be set by the State Government on a one size fits all basis.

The lower rate of capital expenditure in NSW Councils further demonstrates how councils in NSW are constrained in meeting genuine community needs. The communities of NSW are the big losers in this as clearly the longer this occurs the further NSW communities will lag behind other states in the services which they are provided with, and the greater the burden will be on future ratepayers.

While the report shows NSW Councils have generated larger surpluses and less debt per capita than most other states, it fails to identify the most obvious reason for this. Councils in NSW have limited ability to plan their revenue stream as rates are pegged and determined annually by the Minister for Local Government. The pegged amount is usually not announced until April each year. The accumulation of large levels of debt without the certainty of required levels of revenue would be financially irresponsible which is why debt levels are kept comparatively low. The Percy Allan review clearly identified that Great Lakes Council should consider higher debt levels but only when accompanied by adequate levels of revenue to service the debt. The uncertainty of the rate pegging system contributes to this.

The report clearly acknowledges the significant variation in the financial capacities of various councils with significantly lower revenue generating capacities in rural and remote councils. However the recommendations contain nothing to address this.

IPART Recommendations

The recommendations are detailed however a summary of the key aspects are shown below:

Recommendations to improve the current revenue framework

IPART supports the recent introduction of the Government's Integrated Planning and Reporting Framework. IPART's recommendations improve the link between rate setting and the strategic planning and reporting framework. IPART recommends that the current rate pegging arrangements should be improved by:

- *adopting a multi-year approach to revenue raising, as has been adopted for strategic planning, with the Integrated Planning and Reporting Framework*
- *linking the revenue framework to councils' strategic planning process*
- *adopting a more independent, rigorous and transparent approach to rate setting*
- *using an explicit and independently calculated input price index, to link revenue requirements to movements in costs from year to year*
- *adopting productivity adjustment factors to encourage efficiency gains.*

IPART is proposing a revised framework for regulating local government rate increases. IPART has developed two options, Option A and Option B.

Option A

Option A is the minimum or default option for all councils under the framework. It maintains the essential ratepayer protection elements of the current system while improving the rigour, transparency and independence of the rate pegging process by introducing:

- *a local government cost index (adjusted for productivity)*
- *a new, multi-year medium term rate path (eligibility based on council compliance with the Integrated Planning and Reporting Framework).*

Option B

Option B would operate in conjunction with Option A. Option B provides greater council flexibility, but with higher standards of accountability. Councils would seek autonomy in setting revenue requirements and annual rate increases above the regulated rate of annual increase. However, councils would need to earn their independence by demonstrating a track record of sound financial management and a community mandate for the council's proposed medium term revenue plan.

Timetable

IPART recommends that:

- *the proposed methodology for the Option A Local government cost index based regulated annual rate increase come into effect in 2010/11*
- *the proposed medium term (special variations) under Options A and B come into affect following the conclusion of the 2011/12 financial year, prior to council elections*
- *IPART undertake a survey of councils' costs in 2009/10 to determine the weightings for the cost index model to apply from 2010/11.*

While a detailed analysis needs to be undertaken and a detailed submission developed, it is clear that the IPART recommendations are rate pegging in another form. Some brief observations on the recommendations are:-

- IPART Local Government Cost Index - this is a positive move and should be supported. The obvious question is why not use the cost index as it is used in other states. Publish it widely and enable Councils to justify to their community (not the Minister) any need to go above the index.

The productivity adjustment contains no detail of how this will operate. Does IPART apply this to all other utilities for which it determines charging levels.

- Community Mandate for medium term revenue plans - the IPART proposal will enable councils to go outside the Option A (or new form of rate pegging). Option B would allow councils to set its own rating levels for 4 years but only under the following circumstances:
 - *a community survey on a summary of the council's revenue and expenditure plans or*
 - *election of councillors based on councillors' expressed views on proposals at the council election*

Note that the guidelines suggested by IPART for the survey option would be:

- at least 25 per cent to 30 per cent of ratepayers would be required to participate in the survey
- at least 50 per cent to 60 per cent support for the proposal in order for it to pass.

The voting option referred to is based on the following:-

An alternative approach for councils who meet the eligibility requirements for Option B, is that the program of works is used as a platform for debate at the council elections.

There are obvious practical and cost issues associated with the survey option.

Some brief further observations on the Report are shown below:

- The Report says that councils have supplemented rates by increasing fees and charges - parking revenue is the obvious and greatest source of alternative revenue and for regional and rural councils this amounts to limited or nil revenue.
- The Report says that alternative revenue sources appear to be exhausted now.
- The Minister can override IPART as he/she has the final say, so there is still a question of transparency in the process as occurs under the current rate pegging system.
- The idea of an election campaign on a program of works and rates increases is impractical because Local Government doesn't operate like state and federal where there is a dominant party elected. Each Councillor runs individually or as a group. There will be no clear mandate identifiable.
- The Report refers to the impact of water/sewer but there is no recommendation to address this anomaly for Councils without water and sewer functions Great Lakes Council has the worst case scenario

Conclusion

While a more detailed analysis is required, it is clear that the IPART report is suggesting a rate pegging system in another form. The system they are proposing is complex and will require significant Council resources across NSW to meet these requirements and significant monitoring resources in the Department of Local Government. A complex, and resource hungry centralised control system is being proposed rather than a system whereby a well thought out cost index is constructed by IPART and then the local democratic process is used to regulate rating levels. The latter system is used effectively in all other Australian States.

The rate pegging system has failed NSW communities by holding back legitimate capital expenditure in infrastructure expansion (as acknowledged by IPART) and severely constraining maintenance to infrastructure particularly in regional and rural areas.

Should Council wish to submit a late motion to the Local Government Association Conference it is recommended that Council await a more detailed analysis, noting that late motions can be submitted up to 10 October.

RECOMMENDATION:

1. That a detailed submission in response to the IPART Report be drafted for Council's consideration to enable the submission to be lodged prior to the closing date of 18 September 2009.
2. That Council consider submitting a late Motion to the Local Government Association Conference as outlined in the Report, following the preparation of the detailed submission.

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Item-2 PES - Draft DCP No.45 - Seal Rocks Coastal Hamlet

Index: DP-DCU-45; DCU Review 2007 Review

Author: Senior Strategic Land Use Planner - Alexandra Macvean

Strategic Committee Meeting: 11 August 2009

SUMMARY OF REPORT:

This report is to be read in conjunction with the Draft DCP No.45 - Seal Rocks Coastal Hamlet. The draft DCP is presented for Council's adoption for public exhibition.

SUMMARY OF RECOMMENDATION:

That Council adopt draft Development Control Plan No.45 - Seal Rocks Coastal Hamlet for public exhibition purposes.

FINANCIAL/RESOURCE IMPLICATION:

This DCP project is the subject of a Planning Reform Fund Memorandum of Understanding with the Department of Planning and can be accommodated in Council's Strategic Planning Budget.

POLICY IMPLICATIONS:

The draft DCP will provide detailed controls to guide future development within Seal Rocks, on land zoned 2 Village under Great Lakes Local Environmental Plan 1996.

LEGAL IMPLICATIONS:

Nil.

LIST OF ANNEXURES:

Nil.

LIST OF ATTACHMENTS:

A: Draft Development Control Plan No.45 - Seal Rocks Coastal Hamlet

Due to its large size, Attachment 'A' has been circulated in hard copy to Councillors and Senior Staff only as a paper conservation measure. However, this Attachment is publicly available on Council's Website and at Council offices and copies are available on request.

REPORT:

In June 2009 Council appointed Rick Bennell & Associates and Deicke Richards (the 'Consultants') to complete the DCP Review 2007 Project - Stage 1. The purpose of this project is to complete the preparation of the following new development control plans:

- Development Control Plan No.45 - Seal Rocks Coastal Hamlet; and
- Development Control Plan No.46 - Dwelling & Dual Occupancy Development; and
- Amended Development Control Plan No.33 - Stroud Heritage.

These documents were previously presented to Council on 11 March 2008 where Council resolved *'that the draft DCPs for single dwelling, Stroud and Seal Rocks be deferred to enable Councillors and staff to review the documents and that they be presented to a future workshop'*.

During the review of these documents a workshop between the 'Consultants' and representatives from Council's Strategic, Development, Building, Transport Assets and Natural Systems divisions was held to seek feedback on the DCP objectives and design controls.

The workshop also considered a range of issues including: the structure plan of each locality; existing controls, policies and legislative restrictions; environmental protection and conservation; and the provisions of the SEPP Exempt & Complying NSW Housing Code. The workshop was constructive and has largely driven the updated structure and content of these documents.

The review of draft DCP No.45 is now complete and the final draft document is presented to Council for adoption for public exhibition purposes. The other two draft DCP documents are to be presented in separate reports for Council's consideration.

Please note that local photographs obtained during Community Consultation meetings have been incorporated in the draft DCP and it is the officer's intention to seek property owner approval for the use of local photographs in the final versions of the development control plans.

Public Exhibition of Documents

Upon adoption of Draft DCP No.45 - Seal Rocks Coastal Hamlet for public exhibition, the plan shall be exhibited for a minimum period of 28 days in accordance with the *Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000*.

All land owners within the areas affected by the draft DCP shall be notified and invited to comment and make submissions on the draft documents. Public information sessions will also be held during the period of public exhibition.

Following public exhibition the draft DCP document (which may be amended) and key submission issues will be reported back to Council for final adoption and implementation.

RECOMMENDATION:

It is recommended that

- A. Pursuant to clause 18 of the Environmental Planning and Assessment Regulation 2000, Council adopt draft Development Control Plan No.45 - Seal Rocks Coastal Hamlet (as contained in Attachment 'A') for public exhibition purposes; and
- B. Notification of the exhibition of the document in Item 'A' be given in the manner prescribed under the Environmental Planning and Assessment Act 1979; and
- C. A copy of the document in Item 'A' be forwarded to the Department of Planning in accordance with the provisions of the Planning Reform Fund Memorandum of Understanding.

Item-3 PES - Forster Civic Precinct Master Plan - Land Use Workshop

Index: SP-STUD-7; CS-HALL-FORS-SA

Author: Senior Strategic Land Use Planner - Alexandra Macvean

Strategic Committee Meeting: 11 August 2009

SUMMARY OF REPORT:

This report is to be considered in conjunction with the Forster Civic Precinct Master Plan attachment and 12 May 2009 Strategic Committee Meeting annexures to this report.

SUMMARY OF RECOMMENDATION:

That Council determine the primary land uses and facilities to be incorporated into the Forster Civic Precinct competition brief.

FINANCIAL/RESOURCE IMPLICATION:

Council must determine the primary land use and facilities to be incorporated into the Forster Civic Precinct to enable further investigation into detailed floor area requirements and funding options for the undertaking of an architectural competition and towards realising this project in the future.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

Nil.

LIST OF ANNEXURES:

- A: Strategic Committee Meeting report from 12 May 2009
- B: Strategic Committee Meeting resolution from 12 May 2009

LIST OF ATTACHMENTS:

- A: Forster Civic Precinct Master Plan
- B: School Site Proposal

Due to their large size, Attachments 'A' and 'B' have been circulated in hard copy to Councillors and Senior Staff only as a paper conservation measure. However, these Attachments are publicly available on Council's Website and Council offices and copies are available on request.

REPORT:

In May 2009 a presentation was made to Council on the submissions received in response to the public exhibition of the draft Forster Civic Precinct Master Plan. During this meeting several members of the public made oral presentations on matters raised within their submission. A copy of the submissions report is provided in Annexure 'A' to this report.

One submission received during the exhibition period was received from representatives for the owners of the Old School site to the east of the identified study area and their presentation outlined an alternative proposal which would incorporate the Civic Precinct study area, the Old School site, and other allotments currently occupied by the Department of Education, Courthouse and Police Station.

At the conclusion of the presentations and Council's consideration of the matter it was resolved:

- A. That Council support in principle the Forster Civic Precinct Master Plan and thank City Plan for their work. Further that Council explore Option 3 being an expanded area to include the Old School Site, Department of Education Site, Courthouse and Police Station Site.
- B. Council schedule a workshop to determine the land uses and facilities to be incorporated into the Precinct Competition Brief.
- C. Following the workshop in item 'B', Council investigate funding options for the undertaking of an architectural competition as outlined in Section 3.6 Competition Brief in the Master Plan.
- D. That the owners of the Old School Site (included in Option 3) be asked to submit further detail on their alternative Master Plan concept within six months showing:
 - The benefit to Council and the public.
 - The model of ownership of the buildings as per their draft alternative Master Plan.
 - The relative value of the land involved.
 - A timeline.
 - Costing and financial contribution possibilities.
 - The funding model and income opportunities associated with the Botanical Gardens proposal.
 - Tourism potential of the Botanical Gardens proposal.
 - Potential for any Carbon Credits from the Botanical Gardens.
- E. That the General Manager facilitate a meeting with City Plan and the Old School Site Owners and their Architect to discuss the alternative Master Plan proposal.

A copy of both the Forster Civic Precinct Master Plan and the School Site Proposals are provided with this report as Attachments 'A' and 'B' respectively.

The purpose of this report is to undertake the tasks identified in Item 'B' of the above resolution.

Land Uses and Facilities identified in the Forster Civic Precinct Master Plan

As reported to the Strategic Committee meeting in May 'There are no cost estimates relating to the Civic Precinct Master Plan and it would be inappropriate to speculate on costs at this stage. Cost estimates could only be formulated following the specification of uses for the proposed buildings and the development of a detailed design.'

Once proposed uses have been established the development of a funding strategy could be commenced as the type of usage has an impact on the available sources of funding, for example: a Library can utilise Section 94 Funding, and other uses may attract Federal or State Government funding.'

Furthermore specific ideas from the community have been integrated into the Master Plan in many ways, these include:

- *Community hall space can be extended into the town square. This was a specific suggestion that came from the community and connects with the identity of Forster's mild climate and outdoor focus.*
- *The Library is a central part of the scheme. A wide range of community members and stakeholders expressed the importance of the library in community life. Its incorporation into the master plan also supports the objective of activating the civic centre with a diversity of community members.*
- *Proposal does not preclude retention of the exiting community garden; the community garden was established during the progress of the master plan. In the months that have followed it has flourished. This activity is considered entirely appropriate in the context of the plan.*
- *Proposal is able to accommodate youth facilities. Many people expressed the importance of positive activities to engage youth in the civic centre. The plan anticipates activities such as martial arts classes and performance space as well as public seating.*
- *Strategies to accommodate car parking demand were considered in detail. The plan incorporates a single basement level of car parking and improved street parking. Council is also considering options for additional structured car parking nearby.*
- *The preference for a medium scale scheme (i.e. Option 2);*
- *Community's connection with the water and the natural setting. The plan combines close relationship with the foreshore and the preservation of the natural setting of Penenton Creek.*
- *Buildings should reflect coastal town character. The plan presents a group of moderately scaled buildings with a good connection to the foreshore. The architectural expression of the civic precinct will be the subject of the stages that follow the master plan.*
- *Access by walking, car and sustainable transport. The plan places the civic centre of Forster on a very central and well-connected site. It preserves all circulation routes in the vicinity and proposes new pedestrian cycle links.*
- *Heritage and memory. The plan proposes a continuity of use of the historic site of the community hall. Furthermore the architectural design brief calls for integration and interpretation of the historic buildings and uses on the site.*
- *Community identity. A strong desire was expressed by many members of the community for a place to be created that is identifiable as the heart of the town and the community. The strong cluster of public buildings around an identifiable public square, closely linked to the water is a direct expression of this desire.'*

In consideration of the community ideas and input, the list of possible uses and activities outlined within the Final Master Plan includes:

Civic Functions:

- Community/flexible-use hall
- Library
- Gallery/exhibition space/museum
- Community offices/meeting rooms

Complementary commercial activities:

- Café
- Restaurant/hospitality

Town Square activities:

- Special events
- Performance
- Festivals
- Markets

Open Space:

- Community garden
- Public art
- Recreation spaces
- Pedestrian links with surrounding streets and recreation areas

Other Spaces:

- Car, bicycle and gopher parking
- Disabled access facilities
- Secure Storage facilities
- Amenities

In order to establish a Detailed Functional Brief, the Master Plan recommends that Council '*establish a complete and detailed list of functions to be accommodated within the new civic facilities based on community needs, potentially available floor area and feasibility. The brief for the architectural design of the civic centre will have to contain detailed information regarding all functions, including descriptions of operation, estimated capacity and floor area requirement.*'

To this end, the 12 May 2009 submissions report, provides additional information regarding the area and facility requests put forward by various community groups and organisations

Therefore, the purpose of this workshop is to examine the land uses and activities put forward in the Master Plan, School Site proposal and public submissions to determine a complete list of land uses and activities considered to be appropriate within the Forster Civic Precinct.

RECOMMENDATION:

That Council resolve to determine the primary land uses and facilities to be incorporated into the Forster Civic Precinct competition brief as outlined within the Master Plan.

DIRECTOR ENGINEERING SERVICES

Item-4 ES - Local Government Association of NSW Conference

Index: Governance - Council Meetings - Notice of Motions

Author: Director Engineering - Ron Hartley

Strategic Committee Meeting: 11 August 2009

SUMMARY OF REPORT:

A motion to the conference is proposed.

SUMMARY OF RECOMMENDATION:

That Council endorse the action to submit the attached motion to the 2009 State Conference.

FINANCIAL/RESOURCE IMPLICATION:

Nil

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

A: Conference Motion

LIST OF ATTACHMENTS:

Nil

REPORT:

Background

Motions for the 2009 NSW Local Government Association Conference must be submitted by 10 August 2009.

The motion which is the subject of this report has just come to light. In order to submit the motion, a resolution of Council is required.

As the motion must be submitted prior to the Strategic Committee Meeting, it has been submitted in anticipation of Council support. If such support is not received, the motion can be withdrawn.

Report

Council's area has a number of dedicated road reserves which do not serve any particular road function and are therefore surplus to Council's requirements.

Often these reserves are maintained by Council in some form, such as mowing, litter collection, bushfire suppression action and the like. As such they are a cost to Council and the community. In rural areas a road reserve may traverse a rural property but, as no formal road exists, it is often absorbed into the rural holding. This then lead to disputes over public liability, access, fencing maintenance and so on over the road reserve.

In the past, Council could take action to close these road reserves and sell the land, thereby relieving Council of the maintenance costs and making the land useable in some form. Council received the benefit of the land value to offset the cost of closure and the land became a unusable commodity.

Recently, The Lands Department has taken the view that, unless the road reserve is constructed to a standard applicable to a road, then the proceeds of the sale should return to the crown.

This action has removed any incentive for Councils to rationalise road reserves and leaves the disputes and public costs unresolved.

Under the Roads Act, Councils are the roads authorities for the majority of roads, yet when it comes to the disposal of the reserves, Council receives no benefit.

It is therefore recommended that the Local Government Association pursue a change to the Roads Act to ensure that, where Council is the Roads Authority, any proceeds from the disposal of Road Reserves remains with Council.

RECOMMENDATION:

That Council endorse the action to submit a motion to the Local Government of NSW Conference 2009 to request the Local Government Association to pursue changes to the Roads Act to ensure that any proceeds from the disposal of road reserve remains with the roads authority.

Item-5 ES - Monthly Works Progress Report

Index: Corporate Management - Administrative Matters - Works Depot

Author: Acting Operations Manager - Stuart Small

Strategic Committee Meeting: 11 August 2009

SUMMARY OF REPORT:

Provides information on the progress of Council Works.

SUMMARY OF RECOMMENDATION:

The information contained in the report be noted.

FINANCIAL/RESOURCE IMPLICATION:

Nil

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

A: Monthly Operations Report

LIST OF ATTACHMENTS:

Nil

REPORT:

The following items are works projects that have progressed since the last monthly report presented to the July Strategic Workshop of Council. Also a one-page summary of general maintenance activities for August is attached for Councillor information.

Major Projects Completed Include:

- **The Southern Parkway Footpath, Forster:** Extension of the footpath/cycleway network has been completed in the northern section of The Southern Parkway.
 - **Nabiac Boat Ramp, Nabiac:** A new concrete boat ramp has been constructed by Council's Stroud bridge crew. Improvement of access road works will be completed shortly.
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- **Brambles Wetland Refurbishment, Tuncurry:** Works were undertaken in May to install a new sediment basin upstream of the Bramble Parade Wetland. During July, fencing and landscaping was completed. The basin was installed in the existing drainage channel to the east of Bent Street. Later in 2009, the Bramble Parade Wetland will be refurbished to act as an Ephemeral Wetland.

Works have commenced to fill the existing wetland and this will be ongoing subject to the availability of fill sand. Works were undertaken by Tuncurry Depot Parks and Gardens and contractors.

Major Projects in Progress:

- **Kularoo Drive Pavement Rehabilitation, Forster:** Works were undertaken in June to rehabilitate the road pavement of Kularoo Drive immediately to the east of Macintosh Street for a length of approximately 250m. The works included stabilisation of the existing pavement and then sealing of the pavement. Asphalt surfacing works are planned to be undertaken in August subject to satisfactory pavement deflection testing. Works to date have been undertaken by the Tuncurry Depot Road Maintenance Crew and contractors.
- **Head Street Pedestrian Signals, Forster:** Works have been undertaken to install a new set of pedestrian crossing signals on Head Street immediately to the east of Beach Street. The pedestrian signals replace the existing zebra crossing at this location. The works are being undertaken to improve pedestrian safety and are at the direction (and full funding) of the RTA. The signals have been operating since 14 July. Landscaping works have commenced, with completion being reliant upon installation of fencing which is expected in mid August.
- **John Wright Park Upgrade, Tuncurry:** Works commenced in July to upgrade John Wright Park. The project will involve the upgrading of carpark areas, facilities and paths within the park. The facilities work is being funded through the Community Infrastructure grant. The carpark area will be fully reconstructed with new kerb and gutter and pavement to be placed. Works are planned to be completed in August.
- **Green Point Drive Drainage, Green Point:** Works to improve drainage along Green Point Drive commenced in July. Initial works will involve the installation of new drainage pipes and the placement of kerb and gutter. Works are being undertaken by the Tuncurry Depot Heavy Patching team.
- **Bulahdelah Post Office, Bulahdelah:** Works commenced in July to rehabilitate the paths and landscaping fronting the Bulahdelah Post Office. This location is regularly damaged by cars reversing into the roadside verge area. As part of the works, a retaining wall will be installed and landscaping and footpath works will be undertaken. Works are being undertaken by Bulahdelah Depot Operations staff.
- **Hawks Nest Cycleway, Hawks Nest:** Works are progressing on a new section of cycleway in Hawks Nest. The first stage along Yamba Street is complete and works are now underway on a section along Tuola Avenue to the north of Yamba Street. Works are being undertaken by Tea Gardens Depot Operations staff.
- **Simmsville Road Reconstruction, Stroud:** Works have been undertaken on the first stage of this project to upgrade an unsealed length of Simmsville Road. Works have been completed from the sealed end of Simmsville Road in Stroud to the Stroud Landfill Facility. Works completed include minor widening and reconstruction and sealing of the road pavement. Further consultation is now being undertaken with surrounding residents regarding the reconstruction of the section of Simmsville Road between the Landfill Facility and the Mid Coast Water site. Re-design is also underway to realign the road and reduce road widths to retain several trees along the road. The works are being partially funded by Mid Coast Water and are being undertaken by Stroud Depot Operations Staff.

Major Projects Proposed for the Next Month:

- **Palms Estate Water Treatment Devices, Forster:** Works are planned to commence in August to construct a series of stormwater filtration devices on pipe outlets into the drainage reserve in the Palms Estate between The Southern Parkway and Kularoo Drive. Design and Investigation works are currently being finalised. Works will be undertaken by Tuncurry Depot Parks and Gardens staff and will be partly funded by the Catchment Management Authority.
- **South/Bent Street Roundabout, Tuncurry:** Works are planned to commence on the construction of a roundabout at the intersection of South Street and Bent Street in Tuncurry in late August. The roundabout will be fully funded by the Roads and Traffic Authority with the purpose of the project to improve safety at the intersection. Design works are currently in progress for this project.
- **Smiths Lake Skatepark:** Works will commence in August to construct a skatepark in Smiths Lake. Initial works will involve earthworks for the site followed by the commencement of concrete works. Works will be undertaken by Tuncurry Depot Operations staff and contractors.
- **Jimmy's Beach, Hawks Nest:** Hall Contracting has re-established the site and will commence sand replenishment in early August of Jimmy's Beach. Pumping is programmed to be completed in early September with landscaping and fencing of the site to then be undertaken. Works are being undertaken by Tea Gardens Depot Operations staff and contractors.
- **The Lakes Way - Black Spot Project, Bulahdelah:** Council's design section is presently preparing a design for the widening of 1km of road approximately 1km north of Stoney Creek Road. This work is immediately to the south of road widening and pavement asphaltting which was completed in early 2006. Works will commence in September and is being funded by the Federal Government Auslink Black Spot Program. Works will be undertaken by Tuncurry Depot Operations staff and contractors.
- **Marine Drive, Tea Gardens:** Construction of cycleway an extension from the existing public wharf to Police station. Works are to be undertaken by Tea Gardens Depot Operations staff.

Community Infrastructure Program Update:

Council's work schedule under this program was approved on 23 March 2009 with works to be completed by 30 September 2009. All works are currently being programmed to meet this deadline.

The following projects have been completed:

- Civic Centre Disabled Access Upgrade, Forster
- Bulahdelah School of Arts External Rehabilitation
- Hawks Nest Community Centre Kitchen Upgrade
- Stroud Swimming Pool Shade Shelter Replacement
- Stroud Road Picnic Area Upgrade
- Allworth River Baths Picnic Shelter Construction
- Bunyah Hall Roof Upgrade
- Nabiac Boat Ramp Upgrade
- Minimbah Fire Shed Electricity Supply
- Soldiers Memorial Hall Upgrade, Booral

Works are currently in progress for the following projects:

- Council Administration Building Disabled Amenities Upgrade
- Ocean Baths Water Pump and Concrete Surrounds Upgrade, Forster (concrete work finished)

- John Wright Park Facilities Upgrade, Tuncurry (demolition commenced and replacements ordered)
- Wade Park Upgrade, Bulahdelah (playground equipment outstanding)
- Hall Extension, Coomba Park (commenced 6 July and up to level)
- Limeburners Creek Recreation Area (slab poured)
- Boomerang Beach Facilities (concrete work completed and observation tower renovated)
- Hawks Nest Community Centre amenities (order placed)

Works are due to commence in August on the following projects:

- Harry Elliot Oval Seating Upgrade, Tuncurry
- Tennis Court Construction, North Arm Cove
- Marine Drive Foreshore Development, Tea Gardens
- Bennett's Beach Facilities Replacement, Hawks Nest

All other projects to complete in this program are currently in the design/development phase.

Minimbah Landfill Management Centre Update:

Works have continued on the Landfill pit excavation and the construction of the access into Minimbah Landfill site. Drainage improvements along Glen Ora Road and Aerodrome Road have been completed and Telstra have finished relocating cabling for the new alignment along these roads. Council will have local contractors complete other cable relocations. Wet weather in July resulted in almost three weeks where earthworks were unable to occur. Works will continue in coming months to complete the following:

- Complete earthworks and drainage for the internal access road between the Landfill site and Aerodrome Road.
- Property boundary fencing at selected locations around the Landfill site and along the internal access road into the Landfill site.
- Remove and mulch cleared vegetation on the alignment for the upgrade of Glen Ora Road and Aerodrome Road

Once these works are complete further work is planned to be undertaken on Glen Ora Road and the internal access road to the Landfill site in 2010.

RECOMMENDATION:

The information contained in the report be noted.

DIRECTOR CORPORATE & COMMUNITY SERVICES

Item-6 CCS - Policy Review & Development

Index: Policy Register - General

Author: Manager Corporate Governance - Phil Brennan

Strategic Committee Meeting: 11 August 2009

SUMMARY OF REPORT:

To consider the adoption of 2 new policies.

SUMMARY OF RECOMMENDATION:

That the "Private Works / Sundry Debtor Pricing Methodology" Policy and the "Signs as Remote Supervision at Council Facilities" Policy as presented be adopted.

FINANCIAL/RESOURCE IMPLICATION:

The first policy sets out the methodology that Council will apply when determining charges for undertaking private works, ensuring transparency and consistency.

POLICY IMPLICATIONS:

Adoption of the recommendation will result in Council adopting 2 new policies.

LEGAL IMPLICATIONS:

The first policy ensures that Council complies with relevant sections of the Local Government Act 1993.

LIST OF ANNEXURES:

- A: PL-FIN-010 Private Works / Sundry Debtor Pricing Methodology
- B: PL-PRK-010 Signs as Remote Supervision at Council Facilities

LIST OF ATTACHMENTS:

Nil.

REPORT:

The following policies have been developed and are presented for Council's consideration.

PL-FIN-010 Private Works / Sundry Debtor Pricing Methodology

Section 67 of the Local Government Act 1993 allows Council to carry out works on private land with the agreement of the owner or occupier of that land. These works are typically known as Private Works and the owner / occupier is then billed for the cost of these works through Council's Sundry Debtor system. The amount to be charged for these works is to be an approved fee i.e. one included in Council's Fees and Charges Schedule adopted as part of the Management Plan.

While Council has had a longstanding adopted procedure that has dealt with the charging for private works a recent instance whereby it was proposed to charge a lesser fee highlighted the need to review the existing system. It should be noted that this instance was reported to Council and Council approved the charges to be levied.

The proposed policy sets out the relevant legislation that covers the undertaking of such works and the charging for such works. It identifies the various costs that will be included in estimating, quoting and charging for such works including specific rates that will apply for 2009/2010. In regard to the direct labour on-cost it is proposed that this figure will be included in the adopted Fees & Charges Schedule from 2010/2011 onwards.

The policy differentiates between private works and works carried out for public authorities and other councils and provides the Manager Operations & Director Engineering Services, acting jointly, with the ability to negotiate/agree to a lower warranty/risk return percentage where appropriate. This limited flexibility applies only where the proposed project is for a public authority or other council and does not apply to private works. Any proposal to charge a fee less than that adopted by Council must be reported to Council for consideration.

In effect there is little difference between the proposed policy and the current practice of Council however the policy represents an explicit statement of Council's pricing methodology and improves the transparency of how Council will undertake and charge for such works. The policy is recommended for adoption.

PL-PRK-010 Signs as Remote Supervision at Council Facilities

Signs play an important role in providing information to the public on matters relating to hazards, Council regulatory information and general public information pertaining to public spaces. Statewide Mutual, Council's insurers, developed a Best Practice Manual in response to results of an audit of council policies and practices conducted during 1994 and 1995. The area of signage i.e. no signs, not enough signs, wording of signs or location of signs has been the source of many complaints and claims to Statewide over a long period of time. This Manual is now in its third revision, amended to account for the directions taken by the Courts as the Civil Liability Act is tested.

The Best Practice Manual's methodology has been utilised by Council's Parks and Recreation section for a considerable period of time. The methodology is a six step process for the assessment, selection and placement of signs at beaches, swimming pools, parks and reserves with the signs being used to direct, advise, inform and warn the public of inherent dangers that may be encountered at that facility.

The system is a critical part of Council's risk management framework and has been relied upon recently in defending claims against Council. There are also numerous examples where councils have been held liable due to improper, inadequate or absent signage.

The annual public liability audit undertaken by Council for Statewide Mutual has highlighted the fact that Council has not formally adopted a policy in relation to its use of signage as remote supervision at Council facilities. The proposed policy formalises Council's commitment to follow the requirements of the Best Practice Manual, incorporates regular inspection of signage into other inspections being undertaken at Council facilities and formally assigns responsibility to the Director Engineering Services.

RECOMMENDATION:

That the "Private Works / Sundry Debtor Pricing Methodology" Policy and "Signs as Remote Supervision at Council Facilities" Policy as presented be adopted.

Keith O'Leary
General Manager