

MINUTES 23 OCTOBER 2012



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 23 October 2012, commencing at 5.31pm.

PRESENT:

Mayor B MacKenzie (Chair).

Councillors G. Dingle; S. Dover; P. Kafer; P. Le Mottee; J. Morello; J Nell; S. Tucker; General Manager; Corporate Services Group Manager; Facilities and Services Group Manager; Development Services Group Manager and Executive Officer.

271	Councillor John Nell Councillor Peter Kafer
	It was resolved that the apology from Crs Chris Doohan, Ken Jordan, Paul Le Mottee be received and noted.

Cr Paul Le Mottee entered the meeting at 5.33pm.

272	Councillor Steve Tucker Councillor John Morello
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 9 October 2012 be confirmed.

	Cr Paul Le Mottee declared a significant non-pecuniary conflict of interest Item 1 under the confidential section of the business paper. The nature of the interest is Cr Le Mottee's wife's aunty owns property nearby.
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MOTIONS TO CLOSE

MOTION TO CLOSE

ITEM NO. 1

FILE NO: A2004-0895

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(c) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary meeting agenda namely *Proposed Sale of 4 Clonmeen Circuit, Anna Bay*.
 - 2) That the reasons for closing the meeting to the public to consider this item be that it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business.
 - 3) In particular, the information and discussion concerns *Proposed Sale of 4 Clonmeen Circuit, Anna Bay*.
 - 4) On balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the information and discussion need to be carried out confidentially to protect the interests of both parties. Any breach of such confidentiality could prejudice Council's position.
 - 5) That the minutes relating to this item be made public.
-

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

Cr Paul Le Mottee left the meeting at 5.38pm.

	Councillor John Nell Councillor Peter Kafer
273	It was resolved that Council deal with Confidential Item No. 1 in Open Council.

MOTION TO CLOSE

ITEM NO. 2

FILE NO: A2004-0852

MOTION TO CLOSE MEETING TO THE PUBLIC

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(c) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary meeting agenda namely *Purchase of 108 Magnus Street, Nelson Bay*.
- 2) That the reasons for closing the meeting to the public to consider this item be that it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business.
- 3) In particular, the information and discussion concerns *Purchase of 108 Magnus Street, Nelson Bay*.
- 4) On balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the information and discussion need to be carried out confidentially to protect the interests of both parties. Any breach of such confidentiality could prejudice Council's position.
- 5) That the minutes relating to this item be made public.

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

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

Cr Paul Le Mottee returned to the meeting at 5.38pm.

COUNCIL REPORTS

ITEM NO. 1

FILE NO: 16-2012-507-1

DEVELOPMENT APPLICATION FOR DIGITAL TELEVISION TOWER AT 41 FISHERMANS BAY ROAD FISHERMANS BAY

REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

Refuse Development Application 16-2012-507-1 for the reason listed below:

- 1) The development is defined as a 'Telecommunication Facility'. In accordance with the Port Stephens Local Environmental Plan 2000, 'Telecommunication Facilities' are identified as prohibited development within the Zone No 7(f1) – Environment Protection "F1" (Coastal Lands) Zone.

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE

275	Councillor Steve Tucker Councillor Geoff Dingle
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Sally Dover
	That Council indicate its support in principle for approval of the development application for a digital television tower at 41 Fishermans Bay Road, Fishermans Bay and request the General Manager draft Conditions of Consent under delegated authority.

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

Those for the Motion: Crs Bruce MacKenzie, Peter Kafer, Paul Le Mottee, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

MOTION

	Councillor Sally Dover Councillor John Nell
277	It was resolved that the 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 Bruce MacKenzie, Peter Kafer, Paul Le Mottee, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present a development application to Council for determination, called to Council by Mayor MacKenzie.

The development application proposes to construct a 30m Monopole (and associated compound/infrastructure) to mount an antenna to provide digital television reception to over 4,000 households within the Anna Bay/Boat Harbour area.

The development site (41 Fishermans Bay Road, Fishermans Bay) is zoned 7(f1) – Environment Protection "F1" (Coastal Lands) within the Port Stephens Local Environmental Plan 2000 (PSLEP). The site is currently owned and utilised by the Hunter Water Corporation for an existing water tank. Access to the site is achieved via an existing access road through the Tomaree National Park. No formalised access arrangement through the National Park exists for the applicant to access the site.

Site Selection and Justification

A letter was received from RBA Holding Pty Ltd (company to operate the development) justifying the site's selection (**ATTACHMENT 2**). It was stated that the existing digital TV signals from towers on Gan Gan Hill do not reach into Anna Bay and that the development is required to service the Anna Bay/Boat Harbour area.

Development Application Assessment

Evaluation of the Development Application against the matters for consideration within 79C of the *Environmental Planning and Assessment Act 1979* has not commenced. This is due to the proposed use being identified as a 'Telecommunication Facility' which is 'prohibited development' on the subject site. Only once permissibility issues are resolved does the development assessment process typically occur. Therefore, the potential merit based issues associated with the development **have not** yet been investigated.

It should be noted however that Office of Environment & Heritage (National Parks and Wildlife Service) provided correspondence on the 10th October 2012, raising key issues (**ATTACHMENT 3**).

Key Dates Associated with Development Application

DA received by Council:	14/08/2012
Application referred to NPWS:	05/09/2012
Letter to Applicant advising of Permissibility Issue:	06/09/2012
Public Notification Period Concluded:	12/09/2012
Response received from Applicant regarding Permissibility:	14/09/2012
Notice of Intent to Refuse DA Issued to Applicant:	08/10/2012

Permissibility Issue

The use is defined as a '**Telecommunication Facility**' under the PSLEP which is not a permissible use within the 7(f1)zone. The applicant was asked to clarify the developments' permissibly. In response, the applicant stated that the development is in fact not a '**telecommunication facility**' as defined under the *Telecommunications Act 1997* as the tower is a '**broadcasting facility**' which is separately defined under the *Broadcasting Services Act 1992*. In their response it was stated that it can not be a '**telecommunication facility**' as the development is not to be used in connection with a telecommunications network.

There is no definition of a '**broadcasting facility**' in *PSLEP*. As such, the application must be aligned with the closest definition as outlined in the PSLEP. In this instance, the closest definition is 'telecommunications facility'.

The definition within the Port Stephens LEP for a '**telecommunications facility**' is:

' a tower, pole or mast for the purpose of providing communications by means of electromagnetic energy and includes the construction of the facility, the attachment of the facility to any building or structure, or any activity that is ancillary or incidental to the installation of the facility, but does not include an antenna.'

The proposed development is considered to satisfy the wording of this definition as:

- The proposed development is a pole; and
- Will provide communications by means of electromagnetic energy.

(It should be noted an Electromagnetic Energy Report was submitted with the Development Application)

Legal advice obtained on the 05/10/2012 supports this opinion (**ATTACHMENT 4**).

The applicant within their permissibility response also stated that the development should be considered as a 'Community Facility' or 'Public Utility' which are defined as:

***public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:*

- a) railway, road transport, water transport, air transport, wharf or river undertakings,*
- b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services, and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.*

***community facility** means a building or place operated by a public authority or by a corporation which provides for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place defined elsewhere in this Dictionary.*

The applicant stated that the development satisfied these definitions as it will provide the full range of digital television coverage for over 4,000 households which can be seen as an essential utility and community installation that will benefit the local community. It was also raised that the television tower will provide local residents with TV news and information services which provide a vital community service role in times of emergency.

Contrary to the applicants justification, it was considered that the development does not appropriately fit the '**community facility**' or '**public utility undertaking**' definition within the PSLEP and that the '**telecommunication facility**' definition of the PSLEP best characterises the proposed development. Legal advice was obtained on this matter which supported this opinion and concluded that the development is a clear prohibition.

FINANCIAL/RESOURCE IMPLICATIONS

Should Council adopt the recommendation and refuse the development application, the applicant may appeal to the Land and Environment Court. Defending the Council's determination would have financial implications.

If Council rejects the recommendation and supports the development contrary to the provisions of the PSLEP, the decision could be subject to challenge, via a Section 123 court appeal for a breach of the *Environmental Planning and Assessment Act, 1979*.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Any legal appeal to be funded from existing budget
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is inconsistent with the PSLEP, specifically Clause 32 – Zone No 7(f1) – Environment Protection "F1" (Coastal Lands) Zone – (5) – 'Development which is prohibited'.

Council does not have the power to support a proposal that is currently a prohibited form of development pursuant to Council's planning instrument.

Having regard to Council's standard risk Matrix, the risk of determining the application by way of approval, contrary to the provisions of the PSLEP, is calculated as high.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
If approved decision could be subject to challenge, via a Section 123 breach of the Environmental Planning and Assessment Act, 1979	High	<ul style="list-style-type: none"> Adopt the recommendation put forward and refuse the application. This action would remove the right of appeal via S123 	Yes
If refused the applicant may appeal to the Land and Environment Court	Medium	<ul style="list-style-type: none"> If appeal occurred, Council would be in a strong position (based on legal advice) to defend decision, vs. defending a S123 appeal 	Yes
If refused the local residents of Anna Bay and Boat Harbour will be without digital free to air television	Extreme	<ul style="list-style-type: none"> The proponent could find a new site to locate a tower within a permissible zone; Any new DA for an 	N/A Yes

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Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
reception after the 27 th November 2012		alternative site would be given priority assessment to minimise perspective impacts to community	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is noted that the development of the tower will provide residents of Anna Bay and Boat Harbour with digital television reception following the switch off of the current analogue network on the 27th November 2012. Without the timely construction of the tower, these residents may lose free to air television reception until such a time that an alternative is devised.

The community benefit of the development is considered to be substantial, providing residents with a reliable source of broadcasted information; however the proposal is prohibited under the PSLEP. Council should consider weighting the community benefit vs. the requirement for a robust planning consent.

CONSULTATION

In accordance with Section A1.9 of DCP 2007, adjoining property owners were notified and the application advertised. **Three submissions** were received opposing the development. The issues raised included concerns around health risks, visual impact, impact on property values, potential for more suitable site, lack of community engagement and discrepancies within development application report

OPTIONS

- 1) Adopt the recommendation and refuse the application on the grounds of it being prohibited pursuant to the PSLEP;
- 2) Applicant voluntarily withdraws the application and resubmits the Development Application for a site where the proposed development is considered permissible under the PSLEP;
- 3) Seek to amend PSLEP to make the proposal permissible. Timeframes associated with this approach would not allow the November switch off timeframe to be achieved; or
- 4) Council define the proposed development as a '**public utility undertaking**' or '**community facility**' and accept and indicate support for the current Development Application. The Manager of Development Assessment and Compliance is instructed to carry out the Section 79C assessment and issue approval subject to conditions.

ATTACHMENTS

- 1) Locality Plan;
- 2) Letter from RBA Holdings Pty Ltd dated 10/09/12 (Site Justification);
- 3) Letter from Office of Environment and Heritage (National Parks and Wildlife Service) dated 10/10/12; and
- 4) Legal Advice dated 05/10/12.

COUNCILLORS ROOM

- 1) Development Application Plans;
- 2) Statement of Environmental Effects.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY PLAN



ATTACHMENT 2

LETTER FROM RBA HOLDINGS PTY LTD DATED 10/09/12 (SITE JUSTIFICATION)



10 September 2012

Mr Andrejs Rubenis
Port Stephens City Council

Alan Butorac
General Manager

E alan@rba.org.au
P 1300 387 079
M +61 417 929 330

PO Box 743
JAMISON ACT 2614

Dear Mr Rubenis

Re: Proposed digital television retransmission facility – Fishermans Bay

As you will be aware, RBA Holdings, through our contractors Broadcast Transmission Services (BTS) have submitted a Development Application for construction of a low-power digital TV retransmission facility at Fishermans Bay.

I understand some reservations have been expressed in relation to the appropriateness of the site, including whether some alternative option might be preferable.

The communities at Anna Bay, Boat Harbour, One Mile and surrounding areas presently receive digital television signals from the main broadcast transmitter site at Mt Sugarloaf, while an existing retransmission facility at Gan Gan Hill covers Nelson Bay and surrounds.

Unfortunately, coastal interference from high-power transmitters at Knights Hill (Wollongong) often renders the Sugarloaf signals unwatchable in these communities. With analogue TV services mandated to switch off in November this year, the problem with the digital services will become much more significant, since at the moment, analogue services remain the "safety net" for affected digital viewers.

RBAH is in the process of upgrading the inputs to the existing Gan Gan broadcast transmitters, which will overcome the problem for Nelson Bay viewers. But the only solution for families in the Anna Bay / Boat Harbour region is the installation of a new local retransmission facility.

The Gan Gan signals do not reach into Anna Bay, and to significantly increase the transmission output power at Gan Gan in order to cover these communities would cause signal interference further south, which is understandably not acceptable to the licensing authorities at the ACMA.

Our engineers have thoroughly researched the local area, and tested a number of sites for viability. They have established that the chosen location at the Hunter Water site at Fishermans Bay is the only site that can provide the necessary coverage for the local communities.

The proposed transmitters are very low power, designed solely to cover the local area. As such, they pose absolutely no emission hazard to homes in the vicinity, even were they not

surrounded by a bushland buffer zone. Design emissions from such a low-power site are orders of magnitude below the safe standard as defined by ARPANZA for residential exposure. Similarly, the effect of the proposed monopole on visual amenity in the area would be negligible.

The community benefit, on the other hand, will be substantial, and represents the sole purpose for the proposed installation. This project is a community project, undertaken by RBAH as a non-profit venture on behalf of NBN Television; Prime Television; and Southern Cross Austereo. The commercial broadcasters receive no Government funding, but will also provide ABC and SBS services at the proposed site, along with the commercial TV services.

Aside from the importance to local residents of local TV news and information services, as well as popular entertainment programming, a properly functioning local TV service performs a vital community service role in times of emergency such as bushfires, storms etc. Such cover cannot be guaranteed for these communities once the analogue TV services are shut down.

In summary, if this proposed retransmission facility does not proceed, thousands of local viewers will suffer significant loss of amenity in their TV signals with the end of analogue television on 27 November this year; and the proposed site at Fishermans Bay is the only viable site at which the retransmission facility can be located.

On that basis, we seek your assistance in progressing our application. A further complication for RBAH and our contractors is that we cannot vary the date for analogue switchoff, which is mandated by the Commonwealth. Unfortunately, we will need to be in a position to proceed to site works by not later than the end of October if we are to meet the November 27th deadline. Any assistance you can offer in this regard would be greatly appreciated.

If I can provide any further information in support of our application, please do not hesitate to contact me.

Kind regards.

Alan Butorac
General Manager
RBA Holdings Pty Ltd

ATTACHMENT 3

LETTER FROM OFFICE OF ENVIRONMENT AND HERITAGE (NATIONAL PARKS AND WILDLIFE SERVICE) DATED 10/10/12



Office of
Environment
& Heritage



Your reference 16-2012-507-1
Our reference:
Contact R Ghamraoui, 4984 8205

Mr A J Rubenis
Port Stephens Council
116 Adelaide Street
Raymond Terrace
NSW 2324

Dear Mr Rubenis,

Re: Proposed telecommunication facility at LOT 1 DP 1094320.

I refer to notification of the proposed Digital Television Tower development received from Port Stephens Council 27th August 2012 (file no.16-2012-507-1). The National Parks and Wildlife Service (NPWS) notes that the proposed facility would be located on a small portion of land owned by Hunter Water Corporation (HWC) which is surrounded by Tomaree National Park. Current access to this 'in holding' is over Tomaree NP on an easement in favour of HWC.

Based on the information provided, there are a number of issues that the NPWS believes should be addressed as part of the assessment process.

Fire protection measures

The NSW Rural Fires Service, in *Development Control Practice Note 1/11 on Telecommunication Towers in Bush Fire Prone Areas* identifies the need for a fuel free 10 metre Asset Protection Zone around any built telecommunications infrastructure (towers and buildings). Further, if the site is classified as "critical telecommunications infrastructure", it is recommended that the materials be designed to withstand 40kWm² of radiant heat and to withstand ember penetration into the structure and associated infrastructure.

The current application appears to show the cleared APZ extending into the adjoining park, which is not permissible. This 10 metre APZ needs to be provided within the boundaries of the HWC land, and cannot extend onto the adjoining Tomaree National Park.

Whilst it is unclear whether this proposal is classified as critical infrastructure, the NPWS is concerned that the combination of adjoining slope and fuel type are such that the likelihood of radiant heat and ember attack under wildfire conditions is very high, and mitigating measures should be fully considered in the structure's design and approval.

The Department of Environment, Climate Change and Water is now known as the Office of Environment and Heritage, Department of Premier and Cabinet

Locked Bag 99
NELSON BAY NSW 2315
Tel: (02) 4984 8200 Fax: (02) 4981 5913
ABN 30 841 387 271
www.environment.nsw.gov.au

Formalising access to the proposed facility and environmental assessment

As the existing access easement is limited to the operations of Hunter Water Corporation, the applicant will be required to formalise access to the proposed facility through Tomaree NP for the works to be able to proceed. The applicant will be required to apply for either an Access Licence (where vehicle access only is required), or an Easement (if the applicant intends to install a new power line to the site from Gan Gan Rd) under the provisions of Section 15J of the *National Parks and Wildlife Act*. The information provided in the application is unclear about provision of power supply. If the applicant is proposing to install underground power through the national park on a future easement they will also be required to undertake a separate Review of Environmental Factors, as the existing Statement of Environmental Effects provided does not consider this issue.

While the applicant has not made any approach to the NPWS over an access agreement or easement, we have (based on the information available) confirmed its likely permissibility under the provisions of the relevant legislation, and would be happy to assist with processing such a request once received.

If you have any queries in relation to this, please contact Ranger Richard Ghamraoui on 4984 8205 or Richard.Ghamraoui@environment.nsw.gov.au

Yours sincerely,

Robert Quirk
Manager
Hunter Region

10/10/12

ATTACHMENT 4
LEGAL ADVICE DATED 05/10/12



LOCAL
GOVERNMENT
LEGAL

LOCAL GOVERNMENT LEGAL
ABN: 67 155 076 181
59 Bonville Ave | PO BOX 3137 THORNTON NSW 2322
t (02) 4978 4037
f (02) 4966 0588
e admin@lglegal.com.au
w lglegal.com.au

Our Ref: TP:bs:120075
Your Ref: PSC2012-04106

5 October 2012

The General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

ATTENTION: LISA MARSHALL

Dear Lisa

Advice regarding DA for Digital Television Broadcasting Tower at Fishermans Bay

1. Reference is made to your letter dated 28 September 2012 requesting that we provide advice in relation to the characterisation of Development Application No. 16-2012-507-1 which seeks consent for the erection of a digital television tower at Anna Bay (the DA).

Background

2. We are instructed that the DA was lodged and comprises the construction of a 30m monopole tower with antenna, equipment cabinet and connection to power (the Facility). It will occupy an area of approximately 16m² on land owned by Hunter Water Corporation at Lot 1 DP 7094320 known as 41 Fishermans Bay Road, Fishermans Bay (the Land).
3. Also situated on the Land adjacent to the Facility is a large existing water tank which is owned and utilised by the Hunter Water Corporation. A large retaining wall is also existing around this water tank. An existing sealed accessway will also provide access to the Facility.
4. The Land is zoned 7(f1) – Environmental Protection Coastal Lands under the Port Stephens Local Environmental Plan 2000 (the LEP). The Facility will be utilised to broadcast digital television. Under the 7(f1) zone, “community facilities” and “utility installations” are permissible uses, whilst “telecommunication facilities” are a prohibited use.

Advice

5. We have been requested to provide advice on the characterisation of the DA. By operation of the zoning table in Clause 32 of the LEP, a land use that is not specifically nominated as permissible with development consent is prohibited development.



Liability limited by a scheme approved under Professional Standards Legislation.
Legal practitioners employed by Local Government Legal are members of the scheme.

6. We note that the Council Planners have expressed an initial view that the proposed use in the DA would be categorised as a “telecommunication facility”. We also note that the Applicant’s Statement of Environmental Effects did not particularly address the categorisation of the use. However, Council subsequently wrote to the Applicant on 6 September 2012 and asked them to address that issue. We note that BTS Networks have subsequently indicated in a letter dated 14 September 2012 that the proposed use would be categorised as either a “community facility” or a “utility installation”.
7. Under the LEP, “telecommunication facility”, “community facilities” and “utility installations” are defined as follows:-

“telecommunications facility means a tower, pole or mast for the purpose of providing communications by means of electromagnetic energy and includes the construction of the facility, the attachment of the facility to any building or structure, or any activity that is ancillary or incidental to the installation of the facility, but does not include an antenna.

community facility means a building or place operated by a public authority or by a corporation which provides for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place defined elsewhere in this Dictionary.

utility installation means a building or work used for a public utility undertaking.”
8. As mentioned above, “telecommunications facility” is a prohibited use, whilst “community facility” and “utility installations” are permissible uses with development consent in the 7(f1) Zone. Therefore, if the proposed use is categorised as a “telecommunication facility” then it would not be able to be approved by the Council.
9. The proper approach to the characterisation of use has been the subject of much judicial consideration. In the case of *Chamwell Pty Ltd v Strathfield Council (2007) 151 LGERA 400*, Preston CJ has summarized the general principles to be applied, as follows:
 - a. In planning law, the use of land must be for a purpose.
 - b. The purpose is the end to which land is seen to serve. It describes the character which was imparted to the land at which the use is pursued.
 - c. In determining whether land is used for a particular purpose, an enquiry into how that purpose can be achieved is necessary. The use of land involves no more than the physical acts by which the land is made to serve some purpose.
 - d. The nature of the use needs to be distinguished from the purpose of the use. Uses of different natures can still be seen to serve the same purpose.
 - e. The characterisation of the purpose of a use of land should be done at a level of generality which is necessary and sufficient to cover the individual

activities, transactions and processes carried on, not in terms of the detailed activities, transactions or processes.

- f. The characterisation of the purpose of a development is an essential task for any consent authority in exercising the power to determine a development application. The task involves, largely, questions of fact and degree although it could also involve questions of law including determining what was the proper interpretation of relevant environmental planning instruments and the nominate purposes of development. In doing so, the use of the development as a whole should be considered.
 - g. The characterisation of the purpose of development must also be done in a common sense and practical way.
10. The definition of “telecommunications facility” has several elements. They are:
- a. a tower, pole or mast;
 - b. used to provide communications;
 - c. by way of electromagnetic energy.
11. We are of the view that these elements are involved in the DA. That is:
- a. the DA proposes the erection of a 30m monopole.
 - b. broadcasting of television is a means of communication. There is no specific definition of “communication” in the LEP. Where terms are not defined by an instrument, it is appropriate to consider their meaning in ordinary usage. To determine ordinary usage, for the purpose of construing planning instruments, recourse to dictionaries is permitted (see *House of Peace v Bankstown City Council (2000) 48 NSWLR 498*). The online Oxford Dictionary defines “communication” to include:
 - *The importing or exchanging of information by speaking, writing, or using some other medium;*
 - *Means sending or receiving information, such as telephone lines or computers;*
 - c. we understand that the broadcasting of digital television is done by way of radiofrequency electromagnetic radiation, which is a form of electromagnetic energy. In this regard we understand that holders of transmitter licences are required to comply with the Australian Communications and Media Authority (ACMA) regulatory requirements dealing with human exposure to electromagnetic radiations (see ACMA Website). We also note that the Applicant has included an Electromagnetic Energy Report as part of the DA documentation.
12. The letter from BTS Networks dated 14 September 2012 is arguing that the definition of “telecommunications facility” cannot apply because as a broadcast

facility they are not required to have a telecommunications carrier licence. We do not believe that this argument supports that proposition.

13. ACMA has been set up by the Commonwealth Government to regulate not only telecommunications but also broadcasting, the internet and radiofrequency spectrum. Broadcasters, as with telecommunications carriers are still required to be licenced and regulated, even if it is done by way of different legislation, ie *Broadcasting Services Act 1992 (Cth)*.
14. Having regard to the characterisation principles set out by Preston CJ above, we are of the view that the definition of "telecommunications facility" would not be construed so narrowly as to only apply to proposals that relate to telecommunications carriers. Arguably, telecommunications are only one type of facility that may fall within the definition. We consider that it would also capture other types of facilities such as towers that may be transmitting television or radio. In our view this is the common sense approach and no doubt what the drafter of the LEP had in mind in including the definition.
15. The BTS Networks letter has argued that the use is best characterised as either a "utility installation" or a "community facility". For the Facility to be a "utility installation" it must be used for a public utility undertaking, "Public utility undertaking" is defined in the LEP as:

"public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

(a) railway, road transport, water transport, air transport, wharf or river undertakings,

(b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking."

16. The Facility will not be used as a undertaking for railway, road transport, water transport, air transport, wharf or river undertaking or for the supply of water, hydraulic power, electricity, gas or the provision of sewerage or drainage services. Therefore, we are of the view that it is not a utility installation.
17. The definition of "community facility" is fairly wide and would no doubt capture many uses, including possibly, the proposed use of the DA. However, the definition also included the words "...but does not include a building or place defined elsewhere in the Dictionary". As we have already formed the view that the Facility is a "telecommunications facility", then it cannot be a "community facility".

Conclusion

18. We are of the view that the proper characterisation of the proposed use in the DA would be for the purposes of a telecommunications facility. As this is a

prohibited use in the 7(f1) Zone, Council does not have the power to approve the application and the DA should be refused.

19. Should you require any further information or wish to discuss the matter, please do not hesitate to contact me on (02) 4978 4003.

Yours faithfully
Local Government Legal

Tony Pickup
Principal Lawyer

ITEM NO. 2

FILE NO: PSC2012-04090

SUSTAINABILITY REVIEW DEVELOPMENT ASSESSMENT AND COMPLIANCE

REPORT OF: MATTHEW BROWN – MANAGER DEVELOPMENT ASSESSMENT AND COMPLIANCE

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the Service Strategy – Development Assessment, Building Assessment, Major Projects Policy and Compliance (TABLED DOCUMENT 1).

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Paul Le Mottee
	That the recommendation be adopted, subject to appropriate documentation being available to advise applicants of Council's requirements when lodging a development application.

MOTION

	Councillor Sally Dover Councillor Steve Tucker
278	It was resolved that Council adopt the recommendation, subject to appropriate documentation being available to advise applicants of Council's requirements when lodging a development application.

BACKGROUND

The purpose of this report is to present to Council the outcomes of the Sustainability Review for Development Assessment and Compliance (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.

By way of background, the sustainability review currently undertaken of Development Assessment and Compliance comprised three key stages:

- Stage 1 Reviewing what is currently delivered;
- Stage 2 Reviewing what should be delivered; and
- Stage 3 Reviewing how it should best be delivered.

The findings of all stages of the review are documented in a comprehensive service strategy which is available as a tabled document. There are also a range of documents attached to this service strategy that underpin the Sustainability review, in particular the End to End Road Map.

It should be noted that 76% of functions performed within the Development Assessment and Compliance Section are non-discretionary meaning that Council has a legislative obligation or implied duty of care to provide them. Examples of these functions are Development Assessment, Certification, Compliance, Pool and Fire Safety.

Discretionary Development Assessment and Compliance functions have been identified as the liquor licensing and major project responses and support services. The majority of these represent a small staff resource allocation and are considered to be routine services provided by all Councils in this functional area. Further the review revealed that whilst these services were discretionary, they were relevant and important services valued highly by our surveyed customers. In addition benchmarking data illustrated that all Councils surveyed carry out these discretionary services due to their ancillary function and importance.

FINANCIAL/RESOURCE IMPLICATIONS

The recommendations of this review recognise a potential saving of \$283,000 per year within this service area - \$228,000 real and \$55,000 in kind.

Please refer to the draft service strategy and recommendations above those details the specifics of the savings/improvements.

Benchmarking data was carried out with up to nineteen (19) other Councils where the type of functions and manner in which it was provided were analysed. Refer to the service strategy that details all the benchmarking results, however depending on the key metric, generally Port Stephens Council was performing average or well above average.

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	283,000	Recommendation includes a total of \$283,000 saving
Reserve funds	No		
Section 94	No		
External grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Development Assessment and Compliance Section is predominantly regulatory based and the services provided mainly non discretionary. The costs of providing this service are mainly related to staff costs and income is received through fees and charges. The income is also largely market driven i.e. the number of development applications received annually and subsequent income is largely outside the control of Council.

There is a high risk associated with not addressing functions which are prescribed in legislation or implied due to some kind of duty of care ie where Council has the ability to act but chooses not to.

The review has shown that the current service levels are relevant and generally well above that of similar Councils. Any reduction in service level would increase Councils legal, financial and reputational risk.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Reduction in service levels of non-discretionary services	High	Continue the current level of relevant non-discretionary services	Yes
Reduction in service levels of discretionary services	High	Discontinue liquor license and major project responses and support services	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

If Council considers alternative options to the recommendations within the Development Assessment and Compliance Service Strategy, this may affect the ability to address nondiscretionary responsibilities and other services expected by the community.

The Development Assessment and Compliance Section provides an important response for Council in addressing development, building and compliance related matters in particular complaint resolution.

CONSULTATION

- Business Excellence Co-ordinator;
- Executive Leadership Team;
- Organisational Development Committee;
- Consultative Civil Assets Section;
- Community Planning and Environmental Services Section;
- All staff in Development Assessment and Compliance;
- Survey of general customers at Duty Counter;
- Survey of all Councillors;
- Survey of Group Manager Development Services;
- Survey of General Manager;
- Presentation to and Survey of Industry Reference Group; and
- Benchmarking Survey of 19 Councils.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Development Assessment and Compliance Service Strategy;
- 2) End to End Road Map for Improvement.

ITEM NO. 3

FILE NO: PSC2011-04353

SUSTAINABILITY REVIEW – MANAGEMENT ACCOUNTING AND FINANCIAL ACCOUNTING

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
 GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the information contained in the Service Strategy – Management Accounting and Financial Accounting **(TABLED DOCUMENT 1)**.

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

	Councillor Sally Dover Councillor Steve Tucker
279	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 Management Accounting and Financial Accounting teams (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 Management Accounting and Financial Accounting comprised three key stages:

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

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

The findings of the sustainability review have identified the following:

- 1) After consulting with our internal customers, it was suggested that improvements could be made to the current service levels and processes.
 - It has been recommended that the team review the following processes:
 - o Annual budget
 - o Revotes and rollovers
 - o Quarterly budget review
 - o Overhead reallocations
 - o Accounting for capital works
 - o Accounting for assets
 - o Accounting for grants and contributions
 - o End of year annual statements;
- 2) Outsourcing the payroll function will be further analysed to investigate whether it is a viable option;
- 3) Reallocate the accounts payable clerk position to ensure there is a suitable back up available for the payroll and accounts payable supervisor position.

FINANCIAL/RESOURCE IMPLICATIONS

Based on the recommendations identified in the Management Accounting and Financial Accounting unit service strategy, the two teams working closely together will provide a better service to customers.

The cost of implementing the findings of the Sustainability Review are cost neutral.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Sustainability review undertaken within existing resources
Reserve funds	No		
Section 94	No		
External grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

If Council were to adopt the recommendations identified in the Management Accounting and Financial Accounting Service Strategy all reporting and statutory compliance requirements would be met.

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Legal – Serious breach involving statutory authority or investigation	Medium	Leave in house	Yes
Financial - Serious breach involving statutory authority or investigation; prosecution or other action possible with significant financial impact	Medium	Leave in house	Yes
Compliance - Serious breach involving statutory authority or investigation; prosecution or other action possible with significant financial impact	High	Leave in house	Yes
Reputation – decline in reputation and confidence amongst the community of Council's ability to conduct business in a manner that reduces the possibility of risk	Medium	Leave in house	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

If Council considers alternative options to the recommendations within the Management Accounting and Financial Accounting team's Service Strategy this may affect the possibility of any increases in service levels and standards identified in the sustainability review.

If Council adopts the recommendations identified, this will increase the opportunities to ensure the Management Accounting and Financial Accounting team can continue to work towards a more sustainable model. This can be achieved through:

- Relationship building with internal customers;
- Education and advice to internal stakeholders of sustainable financial options;
- Ensure there are tools to measure whether Port Stephens Council is embracing the principles of sustainability.

CONSULTATION

Extensive consultation has been undertaken with stakeholders to determine if Council should continue to deliver the services provided by the Management Accounting and Financial Accounting team in the future, and if so, at what level and what cost. The feedback received indicates that the current service levels and delivery meet the external customer's needs. However, internal customers highlighted that they desired training and assistance in a number of areas.

Benchmarking of other councils within the State also showed that Port Stephens Council's resourcing levels within the Management Accounting and Financial Accounting team were equal to or less than other councils with similar output levels.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Service Strategy – Management Accounting and Financial Accounting.

ITEM NO. 4

FILE NO: PSC2011-04336

SUSTAINABILITY REVIEW - CIVIL ASSETS MANAGEMENT

REPORT OF: JOHN MARETICH - CIVIL ASSETS MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations documented in the Service Strategy - Civil Assets Management Strategy (**TABLED DOCUMENT 1**).
-

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

	Councillor Sally Dover Councillor Steve Tucker
280	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 Civil Assets Management and seek endorsement of the recommendations contained in the Service Strategy.

The sustainability review for the Civil Assets Management includes all the teams in the Civil Assets Section. The sustainability review was a key to assess the Section's ability to deliver against Council's asset management strategy and the Section's purpose statement "To deliver asset management services to our customers in the best possible way".

The 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. The sustainability review for Civil Assets Management comprised of three key questions:

- Stage 1 Are we delivering the right services?
Stage 2 Are we delivering the services at the correct level?
Stage 3 If the levels of service are to be changed, what is the Community/Customer willing to pay or forgo to change the service level.

These 3 stages were completed with the Community through Engagement Workshops in late 2011 and with internal Customers and Suppliers in 2012. Benchmarking data was carried out with other Councils, Commercial industries, professional bodies, and information collected internally. This collected data was the basis for which these recommendations are made.

The sustainability review has shown that the Civil Assets Section's focus and structure will need to be modified for the Section to deliver on the Council's Asset Management Strategy. These changes are documented in the service strategy which is available as a tabled document, but can be summarised as:

- Restructure the Section to centralise core asset management service and duties. This will also include changes in Operations and Business Support Systems Sections;
- Change in staff roles to address the shortfall in managing a Pavement Management System and a centralised asset management system;
- Implementation of a centralised asset management system;
- Resource Development Engineering Staff to increase level of service and introduce income streams;
- Resource Community and Recreation asset data collection and maintenance;
- Purchase of software and modern equipment to improve productivity, save costs, and reduce staff as part of a succession plan;
- Move administration activities to administration staff – subject to administration resources being available.

FINANCIAL/RESOURCE IMPLICATIONS

Implemented recommendations will result in an efficiency gain equivalent to a saving of \$88,500/year that will be used to improve the levels of service. In addition to these savings, the recommendations will optimise how assets renewals are managed, extending the life of our road network to an equivalent value of \$1,100,000/year. Details are documented in the tabled service strategy.

All of the proposed changes do have an initial cost to implement. These costs are to be managed within existing budgets or be covered through income generating activities made available with the changes in resources.

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Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	12,341,592 10,995,360 13,503,942	Operating Budget Capital Budget Income
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Civil Assets Section is guided by the Department of Local Government's Integrated Planning Framework – Asset Management Plan. The proposed changes documented in the service strategy allow the Section to deliver on the requirements under the Integrated Planning Framework.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Council not meeting the requirements under the Integrated Planning Framework. Including managing and reporting the assets condition, utilisation, finances, compliance, and risk	Medium	Adopt the sustainability review recommendation	Yes
Civil Assets Section not delivering on the Council Asset Management Strategy and Asset purpose statement	High	Adopt the sustainability review recommendation	Yes
Unaware of the condition of the Council assets. Assets deteriorate faster than expected and are no longer fit for purpose or are a hazard to the Community or asset user	High	Adopt the sustainability review recommendation	Yes
Monies spent on assets are not optimised	High	Adopt the sustainability review recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed changes documented in the Civil Assets Management service strategy will allow Council to adequately manage the Council's Civil and Community and Recreation Assets. Adequately managing these assets will reduce Council's risk exposure, optimise the way monies are allocated and spent on assets, prolong the

life of the overall asset base, and provide the Community facilities and services they can use. These assets are part of the social fabric that the Community lives and works in.

Better allocation of monies spent on assets such as the road network will reduce the road users own running costs on their vehicles. Reduction in costs to the road user will be a social and economic benefit as well as providing a better ride quality.

Improved management of the assets will reduce the effect that development and increasing assets base has on the environmental. Better monitoring of existing assets and taking actions where needed, and the creation of modern assets will lesson the impact on the natural environment in particular water quality into the rivers, creeks, and water bodies. These water bodies are a tourist focal point in this Council area providing social and economic growth.

CONSULTATION

- 1) 4 Community Workshops in Nov/Dec 2011;
- 2) Business Excellence Co-ordinator;
- 3) Executive Leadership Team;
- 4) Organisational Development;
- 5) Civil Assets Section Staff;
- 6) Community Planning and Environmental Services Manager;
- 7) Development Assessment and Compliance Manager.

OPTIONS

- 1) Adopt the recommendations contained in the Sustainability Review – Civil Assets Section;
- 2) Amend the recommendations contained in the Sustainability Review – Civil Assets Section;
- 3) Reject the recommendations contained in the Sustainability Review – Civil Assets Section.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Civil Assets Management Service Strategy.

ITEM NO. 5

FILE NO: PSC2012-03334

COMMUNITY STRATEGIC PLAN 2013-2023

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Consult the community of Port Stephens in relation to the Community Strategic Plan 2013-2023 in accordance with the Local Government Act 1993 [Section 402 (5) and (6)].

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

	Councillor Sally Dover Councillor Steve Tucker
281	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to seek Council's determination in relation to the options for proceeding with the development of the Community Strategic Plan 2013-2023.

The Local Government Act 1993 (section 402) states:

- (5) Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new community strategic plan, as appropriate to ensure that the area has a community strategic plan covering at least the next 10 years.
- (6) A draft community strategic plan or amendment of a community strategic plan must be placed on public exhibition for a period of at least 28 days and

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

submissions received by the council must be considered by the council before the plan or amendment is endorsed by the council.

The current Community Strategic Plan 2012-2022 was developed following a robust community consultation process. Whilst it is an option for Council to roll it forward for another four (4) years, with or without amendment, it is considered most productive to our community relationships to continue the dialogue with the community that led to the development of the existing Community Strategic plan, and the many subsequent conversations related to the sustainability review.

Accordingly, the proposal is to review the Community Strategic plan in consultation with the community, and that consultation takes a multi-pronged approach. This will include leveraging the Community survey done every four years for social planning purposes; facilitating our contacts with young people through the Port Stephens Independent Youth Network; leveraging the already-scheduled Inter-agencies Network meeting in November; encouraging participation through social media; and consulting the Residents Panel. The proposed community consultation program is shown as **(ATTACHMENT 1)**.

FINANCIAL/RESOURCE IMPLICATIONS

The proposed consultation, funded jointly by the Corporate Strategy & Planning and Social Planning Budgets, is sourced from recurrent funding.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	10,800	1. Includes \$7,500 for community survey which is already scheduled; 2. Does not include staff time – staff participate voluntarily as they have an interest in this area
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

As noted above, Council has a statutory obligation to review the Community Strategic plan under Section 402 of the Local Government Act 1993.

The Community Strategic plan is required to meet all the requirements of Section 402 regarding Economic, Environmental, Social and Governance/Civic Leadership and Social Equity principles mandated in the legislation [Section 402 (3)] and the then NSW State Plan [Section 402(4)]. The new State Plan (NSW 2021) does not so materially depart from the previous State plan.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Strategy does not yield representative samples	Low	Identify gaps in representation and re-do	Yes
Accident or incident at workshops or youth forum	Medium	Possibility of slips, trips and falls mediated by Council's safety processes – built into risk assessment for the events	Yes
Failure of venue	Low	Select another venue and reschedule; and incorporate outcomes of rescheduled event in exhibition draft with advice to Council if any variance	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Community Strategic Plan is predicated on the quadruple bottom line and specifically addresses these implications in its structure, as well as principles of social justice and equity.

CONSULTATION

It is proposed to consult with the community as outlined above and in accordance with Council's Community Engagement policy. In preparing the community engagement approach the Community Engagement Panel was consulted before a proposal was put to and adopted by the Executive Leadership Team.

OPTIONS

- 1) Adopt the recommendation and consult with the community and incorporate the changes arising from the consultation before voting to roll the Community Strategic plan over for a further four years;
- 2) Reject the recommendation to consult with the community and roll the Community Strategic plan forward for a further four years unchanged in any respect.

ATTACHMENTS

- 1) Community Engagement Schedule.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Community Strategic Plan – Community Engagement

What	When
Councillors' 2-way Community Strategic Plan process for the 4-year rollover	23 October 2012.
Community Survey	1 October to 2 November 2012. Results available to Councillors before 6 December 2012.
Youth World Cafe	Forum at Council – 1 day in second or third week of October (after school holidays – date being negotiated with schools) TBA.
Community Workshops	East Ward: Acacia Room, Tomaree Community Centre, Wednesday 24 October 2012 4:30-6:30pm. Central Ward: Salt Ash Community Hall, Friday 26 October 2012 4:30-6:30pm. West Ward: Raymond Terrace Senior Citizens Hall, Thursday 1 November 2012 4:30pm-6:30pm. Ideally, Mayor at all three; ward councillors at the one held in their ward. Light refreshments will be served. By invitation to the people who were invited to the previous workshops – to continue their involvement.
Residents' Panel	Email survey to commence 2 October finish 2 November 2012.
Councillors' Workshop	11 December 2012. Purpose is to develop the new 4-year Delivery Program 2013-2017. Draft will be supplied to start the discussion – developed by CLT.
Councillors' Workshop	February 2013 – date to be advised after consultation with Mayor. Purpose is to discuss proposed Long Term Financial plan and Budget for 2013-2014, with Fees & Charges 2013-2014. Also opportunity to discuss Asset Management plan and Workforce plan.
Exhibition and adoption of Plans/Resource Strategy etc	1. To Council for exhibition – March 2013 meeting. 2. Exhibition April 2013. 3. Council considers submissions and amend/adopt in May 2013.

ITEM NO. 6

FILE NO: PSC2009-02488

REVOKE RESTRICTED FUNDS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the current Restricted Funds policy adopted by Council 27 June 2006, Minute No. 575 noted as **(ATTACHMENT 1)**.

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

	<p>Councillor Sally Dover Councillor Steve Tucker</p>
282	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to revoke the Restricted Funds policy adopted by Council 27 June 2006, Minute No. 575.

This policy is no longer relevant as the legislative requirements for setting aside restricted funds is now contained within Council's Integrated Strategic plans – Long Term Financial plan. These documents are readily available to Councillors, staff and the community via Council's intranet and internet sites.

FINANCIAL/RESOURCE IMPLICATIONS

Costs associated with policy review are covered in the 2012/2013 budget.

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Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Resources required to review this policy are covered within existing budget
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is a risk that failure to properly manage Council's documented policies, management directives, strategies and processes may affect Council's objective to ensure the long-term sustainability of services and protect the community's assets.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Council's administrative processes remain outdated	Low	<ul style="list-style-type: none"> ▪ Revoke the Restricted Funds policy as recommended and update Council's Policy register to reflect the change ▪ Communicate to all staff 	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Financial Services Section Manager;
- 2) Finance and Assets Coordinator.

OPTIONS

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

ATTACHMENTS

- 1) Restricted Funds Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

Adopted: 19/10/2004
Minute No: 374
Amended: 27/06/2006
Minute No: 575

FILE NO: 1130-006

TITLE: RESTRICTED FUNDS POLICY

RESPONSIBLE OFFICER: FINANCE AND ASSETS CO-ORDINATOR

BACKGROUND

Local Government will continue into the foreseeable future, to be challenged by a tightening cash position through increasing demands for cash for daily operations, restricted rate income levels, increasing demands for expenditure on new infrastructure and the maintenance and rehabilitation of existing infrastructure. Port Stephens Council is certainly subject to these same pressures, exacerbated by high growth in population and development activity, significant environmental responsibilities and an added responsibility as a quality Tourist destination.

A strategic financial response to these pressures is necessary for Port Stephens Council to remain a sustainable community leader.

OBJECTIVE

Council will from time to time decide, or be required by legislation, to set aside funds for specific purposes for which clear guidelines are set to ensure Council's Cash Position and Investment Portfolio is adequate and managed responsibly.

PRINCIPLES

- (1) Council is the custodian of financial and built assets on behalf of the Port Stephens Community.
- (2) Council provides works, services and facilities to the Community through limited financial means.
- (3) Council is required to operate within the framework and supporting guidelines of:
 - The Local Government Act (NSW) 1993
 - The Local Government Code of Accounting Practice and Financial Reporting
 - The Local Government Asset Accounting Manual
 - The Australian Accounting Standards
- 4) A strategic financial plan and supporting policies are required to support Council's service delivery and asset management strategies, ensuring long term financial viability.

POLICY STATEMENT

- Council will set aside funds as required from time to time by specific legislation. These funds will be managed and accounted for so as to comply with the relevant legislation.
- Council will also from time to time set aside additional funds for Council specific purposes.
- Restricted Funds will be reported in the Annual Financial Statements and reviewed annually against the specified requirements of each fund.
- Restricted Funds will be reviewed at least quarterly against the Annual Budget by the Section Manager accountable for that fund.
- Each specific fund shall be approved by Council and must be supported by a statement which outlines the following:
 - Purpose of Restricted Funds
 - Source of funds
 - The proportion of the fund to be "Cash Backed"
 - The apportionment of interest earned on cash held for that fund.
 - A specific Statement including targets, sinking funds, timeframes for accumulation and expenditure of funds.
 - Accountability for the collection, management and expenditure of that fund.
 - Relevant legislation or Council Minute supporting the creation of the fund.
- Creation of all restricted funds shall be in accordance with this policy.
- Expenditure of Restricted Funds shall be in strict accordance with the approved Budget, and expenditure shall not exceed funds available without specific Council Resolution.
- Budgeting for the expenditure of profits from land development activities will only occur after the physical receipt of sale proceeds by Council.
- Unless specifically approved by Council, all Restricted Funds are to be 100% cash backed.

RELATED POLICIES

- Cash Investment Policy
- Property Investment and Development Policy
- Beach Vehicle Permit Policy
- Community and Recreation Loans Policy
- Business Development Funding Policy

REVIEW DATE

Review of this policy will be undertaken 12 months after the date of its adoption by Council. Should amendments to the relevant legislation occur within that 12 month period, review will take place as near as possible to the commencement of such amendments.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act (NSW) 1993
Code of Accounting Practice and Financial Reporting

Environmental Planning and Assessment Act (NSW) 1979
Crown Lands Act (NSW) 1989
Department of Lands – Crown Lands Caravan Park Policy (April 1990)

IMPLEMENTATION RESPONSIBILITY

Business and Support Group – Finance and Administration Section

DEFINITIONS

Restricted Funds refers to funds currently held by Council in reserve.

Externally Restricted Funds refers to those funds, which have an external restriction, whether by statute or otherwise, which governs the management of money held within the fund.

Internally Restricted Funds refers to those funds, which Council has adopted to set up, to hold monies for specific purposes. The operation of such funds is purely governed by Council.

Cash Backed refers to having an equivalent amount of funds available to match the specified value of the fund.

Internal Loans refers to those monies transferred within Council to cover identified projects, where the money is to be repaid to the restricted fund from a specified source. Internal Loans are subject to specific Council approval.

ITEM NO. 7

FILE NO: PSC2011-02863

PROPOSED ROAD CLOSURE – UNUSED SECTION OF OLD SWAN BAY ROAD, SWAN BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Consent to the road closure of part of an unnamed section of the former Swan Bay Road currently unused by the public and adjacent to Lot 2 DP1120213 at Swan Bay;
- 2) Make application to the Department of Primary Industries Catchments & Lands (DPI) for the closure to proceed under Section 34 Roads Act 1993;
- 3) Obtain a valuation from a registered valuer of the proposed closure area and that valuation be utilised in establishing the purchase price;
- 4) Lodge a subdivision application with Council to identify the separate section proposed to be closed as required by DPI;
- 5) Prepare a Transfer on finalisation of the closure and payments of all costs including the purchase price are received by the applicant;
- 6) Grant authority to affix Council Seal and Signatures to the road closure subdivision plan prior to lodgement at the office of Land & Property Information;
- 7) Grant authority to affix Council Seal and Signatures to the future Transfer if the matter is successfully concluded;
- 8) Requires the applicant to prepare a plan for the subject area to be consolidated with the newly created adjoining lot, if the application is successful.

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor Paul Le Mottee
	That the recommendation be adopted.

MOTION

	Councillor Sally Dover Councillor Steve Tucker
283	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to recommend consent to the closure of an unnamed Public road number 1138, formerly part of Swan Bay Road, Swan Bay and the sale to the adjoining owner for consolidation with Lot 2 DP1120213.

This road, which has been maintained by Council in the past, is not providing access to any properties since the realignment of the current Swan Bay Road. The area is no longer accessible by vehicle. The applicant intends to consolidate the closed area as shown on **(ATTACHMENT 1)**, which is approximately 9,850 metres square with his adjoining property.

Public Authorities, other adjoining property owners and Council staff have been notified of the proposed closure with no objections being received.

As is necessary in these matters, a registered valuer will be required to provide a valuation assessment for the closed road and this will be used to determine the purchase price. If the closure is successful, a Certificate of Title will issue in the Council's name ready for transfer to the applicant upon payment of the land and all associated costs.

FINANCIAL/RESOURCE IMPLICATIONS

The applicant must meet all costs associated with the closure process. If these costs are not met at different stages throughout the process, the next stage is not commenced until such payment is made.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Fees and charges cover administration costs
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

All actions relating to the road closure and purchase are controlled by the Roads Act 1993 with the application being made under Section 34. The DPI makes the final decision and gazettes the closure. The Conveyancing Act controls the actual sale process once the new Certificate of Title has been issued. Council's Road Closure Policy details the actions to be followed.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Failure to comply with legislative requirements	Low	Legislative requirements to be observed	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Department of Primary Industries Catchments & Lands, Property Officer;
- 2) Property Owner;
- 3) All adjoining property owners;
- 4) Public authorities.

OPTIONS

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

ATTACHMENTS

- 1) Locality map showing area of proposed closure.

COUNCILLORS ROOM

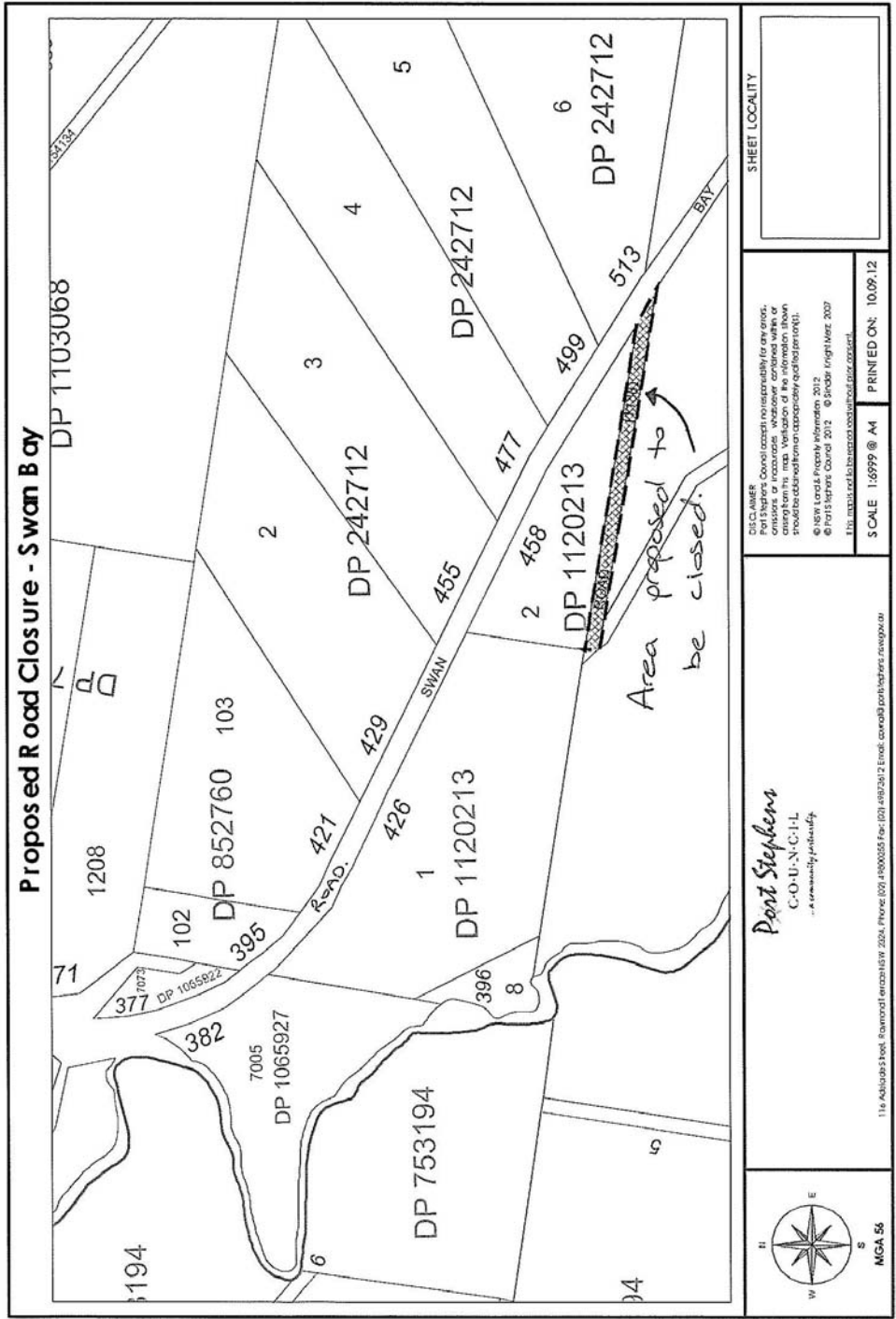
Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

#1



ITEM NO. 8

FILE NO: PSC2012-01622

TREASURY CORPORATION NEW SOUTH WALES FINANCIAL ASSESSMENT & BENCHMARKING REPORT

REPORT OF: TIM HAZELL – FINANCIAL SERVICES MANAGER
 GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the content of the New South Wales Treasury Corporation Financial Assessment and Benchmarking Report (**TABLED DOCUMENT 1**).

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor John Nell Councillor Sally Dover</p>
	<p>That the recommendation be adopted.</p>

MOTION

	<p>Councillor Sally Dover Councillor Steve Tucker</p>
284	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

The New South Wales State Government announced a Local Infrastructure Renewal Scheme (LIRS) whereby local government authorities throughout New South Wales could make an application to receive an interest subsidy (4% per annum) on loans taken out to enhance local infrastructure. As Council may be aware, considerable work has been undertaken in recent years to develop Strategic Asset Management Plans. These plans have continued to be refined as more data has been collected, to the extent that the Port Stephens Council area has an acknowledged asset backlog valued at around \$26 million.

While a sizeable sum, this considers favourably with other local government authorities within New South Wales. Given the announcement of the Infrastructure Scheme, the opportunity was taken to make application for a \$1 million loan to expand the road resealing program from \$500,000 to \$1,500,000. This project was selected as it would provide additional funds in a critical area that would ensure the

extension of the useful life of the road network. It was also identified that works in this area had been curtailed in recent times due to weather events.

As part of the initial application that was lodged in March 2012, all applicants had to be assessed by the New South Wales Treasury Corporation, as an independent body, to ascertain the financial capacity of the Council to undertake the works and repay the loan. This financial assessment, while required to be carried out on all Councils as part of the reform agenda, was to be conducted, in the first instance, on those Councils applying for consideration in this Scheme.

To facilitate this assessment Council was required to furnish documentation over the preceding three years, details from our Strategic Asset Management Plans and details from our Long Term Financial Plan. Treasury Corp was then charged with the responsibility of making the financial assessment and conducting a benchmarking project. This included an extensive review of the documentation, further discussions with key personnel and finally a site visit to discuss the application with Councils Executive and Senior Leaders.

As a result of this process Treasury Corp has now released the final version of the report to the Department of Local Government and have made the report available to Council for our purposes. The report supports our application for an additional \$1 million in loans funds for the reseal program and has assessed Council to have the financial capacity to borrow a further \$2 million for like purposes.

A snapshot of the report provides the following:

The purpose of the New South Wales Treasury Corporation (T Corp) Financial Assessment and Benchmarking Report is to:

Provide an independent assessment of Port Stephens Council's:
financial capability; and
ability to undertake additional borrowings as part of the Local Infrastructure Renewal Scheme (LIRS).
Perform an analysis based on a review of:
historical performance;
current financial position; and
long term financial forecasts.

The approach of T Corp's review includes:

Review the most recent three years of Council's consolidated audited accounts using financial ratio analysis.
Conduct a detailed review of the Council's 10 year financial forecasts including a review of the key assumptions that underpin the financial forecasts and conduct a high level review of the Council's IP&R documents for factors which could impact the Council's financial capacity & performance.

Financial results from the T Corp Financial Assessment and Benchmarking Report:

T Corp considers that Council has had effective financial management over the review period of the last three years.

Council has the capacity to undertake additional borrowings of \$2M in addition to the \$1M already requested for the Road Reseal Injection Program through Round One of the LIRS.

Council is not spending sufficient amounts to maintain its existing assets at an acceptable level – the quality of the existing asset base may decline if this trend continues.

Council are currently reviewing a number of potential low risk commercial projects, while these have not been included in their LTFP they are expected to generate significant revenue streams for the LGA in the future.

T Corp considers Council to be in a satisfactory financial position.

Benchmarking results from the T Corp Financial Assessment and Benchmarking Report:

Council's Operating Ratio (this measures a council's ability to contain operating expenditure within operating revenue) was below benchmark however, Council's operating results are forecast to improve substantially over the medium term, in contrast to most of the councils in the group.

Council's Own Sourced Revenue Ratio (this measures the degree of reliance on external funding sources) was strong over the past three years, well above benchmark, Council's sound fiscal flexibility is expected to continue over the medium term.

Council's Unrestricted Current Ratio (which measures Council's ability to meet debt payments as they fall due) was below benchmark over the review period.

Council's debt servicing capacity was sufficient over the review period.

LIRS Round 2

The New South Wales State Government has recently announced that round two of the Local Infrastructure Renewal Scheme has been released and is calling for applications:

The main purpose of LIRS is to assist in addressing Councils infrastructure backlog. Applications for loans in round two of the LIRS are to be made between 1 November 2012 and 31 December 2012.

The second round of the scheme will provide a 3% interest subsidy on loans taken out.

A council may submit an application for a maximum of two separate projects/programs.

Projects that will be considered include new works, upgrades, or renewal of infrastructure of the council that meets a core purpose of local government and is intended for community use.

Council's management is presently considering projects that may be considered appropriate for consideration in round two of the LIRS. Further details will be provided to Council as they become available in November and December 2012.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		No impact on existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Poor financial management inhibits Council's ability to deliver required services to the community	Low	Maintain current Long Term Financial Plan strategies	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The economic implications are that Port Stephens Council is in a financial position that permits further borrowing to renew infrastructure assets under round two of the Local Infrastructure Renewal Scheme.

CONSULTATION

- 1) Consultation with New South Wales Treasury Corporation.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) New South Wales Treasury Corporation Financial Assessment and Benchmarking Report.

ITEM NO. 9

FILE NO: T18-2012

TENDER FOR THE SUPPLY OF ONE (1) 8 TONNE EXCAVATOR – T18/2012

REPORT OF: PETER MURRAY – OPERATIONS SECTION MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item Tender for the Supply of one 8 Tonne Excavator on the Ordinary Council agenda namely **Tender for the Supply of One 8 Tonne Excavator T18/2012**.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Tender for the Supply of one 8 Tonne Excavator T18/2012**.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
- 5) Accept the tender submitted by Komatsu Australia for the supply of one (1) Komatsu PC88MR 8 Tonne excavator at the tendered price of \$129,035.37 (Excl. GST).
- 6) Accept the tender submitted by Komatsu Australia for the trade price of \$22,000 for Council's existing plant item.

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor John Morello
	That Council: 1) Accept the tender submitted by Komatsu Australia for the supply of one (1) Komatsu PC88MR 8 Tonne excavator at the tendered price of \$129,035.37 (Excl. GST); 2) Accept the tender submitted by Komatsu Australia for the trade price of \$22,000 for Council's existing plant item.

MOTION

	Councillor Sally Dover Councillor Steve Tucker
285	It was resolved that Council: 1) Accept the tender submitted by Komatsu Australia for the supply of one (1) Komatsu PC88MR 8 Tonne excavator at the tendered price of \$129,035.37 (Excl. GST); 2) Accept the tender submitted by Komatsu Australia for the trade price of \$22,000 for Council's existing plant item.

BACKGROUND

The purpose of this report is to ask Council to consider and accept the tender for one (1) 8 Tonne excavator.

In accordance with Council's plant replacement policy, tenders were called for one (1) excavator with an approximate operating weight of 8,000 kilograms. Eight tenders were received by the advertised closing date, Tuesday 7th August 2012:

- Eagle Equipment Australia Pty Ltd;
- Semco Equipment Sales;
- Komatsu Australia Pty Ltd;
- CJD Equipment Pty Ltd;
- Clark Equipment Sales Pty Ltd;
- Gato Sales Pty Ltd;
- Westrac Pty Ptd;

- Hitachi Construction Machinery Australia.

Three tenders were deemed non-conforming:

- Eagle Equipment Australia Pty Ltd due to incomplete tender documentation and schedules;
- CJD Equipment Pty Ltd also due to incomplete tender documentation and schedules;
- Hitachi Construction Machinery Australia stated that their machine would not accommodate Council's nominated Seppie flail mower attachment as stated in the tender specifications.

FINANCIAL/RESOURCE IMPLICATIONS

Allowance for the replacement of this plant has been made in the Council's Fleet Management Restricted Fund.

All conforming tendered items were evaluated and ranked by Fleet Management using:

- Financial Analysis, including Net Present Value methodology;
- Specification compliance and equipment performance;
- WHS compliance and supplied risk assessment.

The three highest ranking companies were considered the cut off point for further evaluation. As a result of further consultation with Council's excavator operator the decision was made to invite just two companies considered to be the preferred models to provide demonstrations. This was based on the fact that Council had previously owned and operated both of the following models and were very highly regarded in terms of quality and whole of life costing:

- Gato Sales Pty Ltd - Kobelco SK85MSR;
- Komatsu Australia Pty Ltd – Komatsu PC88MR-8.

Clark Equipment Sales Pty Ltd was the third company in the rankings.

Unfortunately, the tendered Kobelco is a newly released model and will not be available in Australia until late November. Added to this is the anticipated delivery time of a further 16 weeks after placement of order and estimated to be April next year if this company was successful. As this was considered undesirable, the evaluation team decided to conduct a one off demonstration pending the outcome. Komatsu Australia was invited to submit their model for evaluation.

The Komatsu model was evaluated by two qualified, experienced operators and a Council workshop mechanic, each completing an assessment on the item. The demonstration revealed that the Komatsu PC88MR-8 is the latest version just released from the Komatsu range. It provides the latest technology, excellent performance and outstanding operator ergonomics. Based on feed back from the operators and

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workshop staff, this item was considered an ideal option for Council and further demonstrations would not be required.

The tender price comparison table is detailed in Confidential Attachment provided under separate cover. The tender rankings are detailed in Confidential Attachment provided under separate cover.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	129,035.37	From Fleet Management Restricted Fund
Section 94	No		
External Grants	No		
Other	Yes	(22,000)	Returned to Fleet Management Restricted Fund

LEGAL, POLICY AND RISK IMPLICATIONS

The item is being replaced in accordance with the Council's Plant Replacement Policy. The recommended vehicle complies with all State and federal statutory authority requirements.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Procurement of unsuitable replacement plant item	Medium	Minimise risk by following a tendering and specification process that involves other stakeholders such as workshop and actual operator	Yes
Delayed replacement renders current item uneconomic to operate	High	Replace item before maintenance costs substantially increase by following plant replacement schedule	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social or sustainability implications.

The Economic Implication is that the existing plant item, Council Plant No. 327.02 has reached the end of its economic life and requires replacement in order to minimise the whole of life cost to Council for the vehicle entitlement.

The tendered trade price from Komatsu was selected as there were no tendered submissions for outright purchase price of Councils currently owned excavator.

Environmental Efficiency Features

In addition to manufacturing engines with green technology, Komatsu have introduced ways to make the machines more efficient:

- Variable displacement piston pumps, combined with closed-centre load sensing systems, deliver hydraulic flow, just as the job requires, helping to prevent waste while contributing to better fuel economy;
- Eco-gauge: Assists the operator to maintain engine speed at optimal efficiency;
- Hydraulically driven fan with electronic control to decrease fuel consumption by monitoring temperature of coolant and hydraulic oil;
- Electronically controlled hydrostatic transmission, adapted to small machines, provides maximum power, speed and efficiency;

CONSULTATION

- 1) Facilities and Services – Roadside & Drainage Coordinator and Operator;
- 2) Corporate Services – Procurement;
- 3) Facilities and Services – Fleet Operations.

OPTIONS

- 1) Accept recommendations;
- 2) Reject recommendations;
- 3) Recall tenders.

ATTACHMENTS – All listed below provided under separate cover.

- 1) Confidential - Tender Cost Analysis Table;
- 2) Confidential - Tender Ranking Chart.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 10

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 4 SEPTEMBER 2012

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION 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 4 September 2012.

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Sally Dover Councillor Steve Tucker</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held on 4th September 2012; 2) Give consideration to a further report that will detail the consultation process to be followed to install a lockable gate at Lilly Hill Road, Nelson Bay.

MOTION

	<p>Councillor Sally Dover Councillor Steve Tucker</p>
286	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held on 4th September 2012; 2) Give consideration to a further report that will detail the consultation process to be followed to install a lockable gate at Lilly Hill Road, Nelson Bay.

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 (\$25 000 grant from RMS and the balance from General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. This allocation has remained unchanged since the 2007/08 financial year. 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.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Annual budget allocation unchanged since 2007/08
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

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, Roads & Maritime Services 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	Risk Ranking	Proposed Treatments	Within Existing Resources?
Recommendations may not meet community expectations	Medium	Ensure proper consultation is carried out when required, prior to meetings	Yes
Recommendations may	Medium	Traffic Engineer to ensure that	Yes

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

not meet required standards and guidelines		all relevant standards and guidelines are applied	
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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 Maritime Services, 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 Local 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 recommended by the Traffic Committee for a particular item. In which case, Council must first notify the RMS and NSW Police representatives in writing. The RMS or Police may then lodge an appeal to the Regional Traffic Committee.

ATTACHMENTS

- 1) Local Traffic Committee Minutes – 4/9/2012.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS
TUESDAY 4TH SEPTEMBER, 2012**

- A. ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MINUTES OF 7TH AUGUST, 2012
- B. BUSINESS ARISING FROM PREVIOUS MEETING
- B.1 17_06/12 LILY HILL ROAD NELSON BAY - REQUEST TO INSTALL LOCKABLE BOOM GATES ON THE ENTRANCE ROAD TO GAN GAN LOOKOUT
- C. LISTED MATTERS
- C.1 22_09/12 FISHER ROAD MEDOWIE - REQUEST FOR INTERSECTION WARNING SIGNAGE AT KIRRANG DRIVE
- C.2 23_09/12 DIGGERS DRIVE TANILBA BAY - REQUEST FOR PEDESTRIAN FENCING AT THE SCHOOL EXIT GATE AND FOR 'NO STOPPING' ON THE EASTERN SIDE
- C.3 24_09/12 OLD MAIN ROAD ANNA BAY - REQUEST FOR 90° ANGLE PARKING AT ANNA BAY PUBLIC SCHOOL
- C.4 25_09/12 SWAN STREET RAYMOND TERRACE - REQUEST FOR CLOSURE OF SWAN STREET AT STURGEON STREET INTERSECTION
- D. INFORMAL MATTERS
- E. GENERAL BUSINESS

B. BUSINESS ARISING FROM PREVIOUS MEETING

B.1 Item: 17_06/12

LILY HILL ROAD NELSON BAY - REQUEST TO INSTALL LOCKABLE BOOM GATES ON THE ENTRANCE ROAD TO GAN GAN LOOKOUT

Requested by: Port Stephens Council

File: A2004-0511/184

Background:

Nelson Bay Rotary Club wish to pursue the erection of lockable gates on Lily Hill Road to restrict access to Gan Gan Lookout. The Rotary Club want to carry out works to improve the appearance and functionality of the lookout but first want to reduce night time vandalism at the lookout by restricting the hours of vehicular access. The Rotary Club has asked the Traffic Committee to again consider this request.

Comment:

This matter was first considered by Traffic Committee in July 2009, October 2009 and again in June 2012. At that time the Traffic Committee concerns raised were:

- The narrow road and lack of road shoulder meaning that anyone opening or closing the gate would be parked on the roundabout or its approaches.
- Danger to vehicles running into the locked gates after dark.
- The poor sight distance available on approach to the roundabout when travelling toward the lookout
- The lack of street lighting
- The restriction of public access to a community facility such as the lookout.
- The fact that the night time views of the Nelson Bay area are almost as popular and spectacular as the day time was raised.
- The question was raised as to who would have responsibility to open and close the boom gates and whether a Council employee would be required to do this. Would this become another cost that Council would have to bear?
- The requirement of other utility authorities to have access to the lookout at all times.

In October 2009 Traffic Committee made the following recommendations:

1. Traffic Committee recommended that a report be prepared by Facilities and Services, as the main proponent for the project, to determine Councillor's support prior to a public consultation.
2. Council to install traffic classifiers to determine the number of vehicles using the road and the times of day when it is used.
3. The Committee also recommended that a full costing of the proposal be included in the Council report to assist Councillor's in their decision.

In June 2012 Local Traffic Committee members again expressed opposition to the proposal. Concerns were raised about excluding members of the public from a public area. Members questioned the extent of vandalism and whether locking people out was the answer. It was noted that the installation of gates would be seen

as a challenge to certain people as has been seen elsewhere where gates have been removed forcibly or broken.

Legislation, Standards, Guidelines and Delegation:

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act
Regulation of traffic under Part 8 Div.1 Sect. 115 of the Roads Act 1993

Recommendation to the Committee:

The main issue for Traffic Committee with the proposal is the requirement to close a public road. The Traffic Committee received advice from Council's Property Section that Council does have the power to close a road. There is a procedure that must be followed to allow this to happen which includes a period of public consultation and a report to Council for the final decision.

Discussion:

Members of the Nelson Bay Rotary Club and Council's Community and Recreation Section Manager outlined the work that had been completed to date, the value of the work and the amount of vandalism and illegal dumping that occurs at the lookout.

The Community and Recreation Section Manager is in support of the gate being installed to protect the asset and will absorb the cost of the gate locking and unlocking into the existing contract.

It was re-iterated that the Traffic Committee could only consider the traffic implications of the proposal, and that a procedure must be followed for gating or closing of a public road, which includes a period of public consultation and a report to Council for the final decision.

Committee's recommendation:

That Nelson Bay Rotary discuss their application for a lockable gate on Lilly Hill Road with Council's Property Section, which will include a period of public consultation and a report to Council for the final decision.

Support for the recommendation:

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

C. Listed Matters

C.1 Item: 22_09/12

FISHER ROAD MEDOWIE - REQUEST FOR INTERSECTION WARNING SIGNAGE AT KIRRANG DRIVE

Requested by: A resident
File: PSC2005-4019/374
Background:

A resident of Kirrang Drive contacted Council with safety concerns regarding vehicles missing the intersection of Fisher Road and Kirrang Drive. This has happened on several occasions with vehicles ending up in the front yard of the residence.

Comment:

The intersection has no street lighting or warning signs installed. It is possible that drivers may not see it in the dark. However, it is in a residential area where traffic should be travelling at relatively low speed. Traffic Inspection Committee members noted that installation of a 'Give Way' sign on the Fisher Road leg would give a good warning of the presence of the intersection

Legislation, Standards, Guidelines and Delegation:

ARR Part 7 Div.1 – Rule 69 – Giving way at a give way sign or give way line at an intersection (except at a roundabout)
RTA Regulatory Signs Manual – R1-2
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Committee's recommendation:

Install a Give Way sign and line at the intersection of Fisher Road and Kirrang Drive Medowie, as shown on the attached sketch, Annexure A.

Support for the recommendation:

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



C.2 Item: 23_09/12

DIGGERS DRIVE TANILBA BAY - REQUEST FOR PEDESTRIAN FENCING AT THE SCHOOL EXIT GATE AND FOR 'NO STOPPING' ON THE EASTERN SIDE

Requested by: The principal - Tanilba Bay Public School

File: PSC2005-4019/373

Background:

The principal of Tanilba Bay Public School has contacted Council to request investigation of safety concerns at the rear of the school in Diggers Drive. The concerns relate to congestion of the area by parents parking to pick-up children after school and school children heading out from the school gate directly onto the road.

Comment:

Traffic Inspection Committee members observed a number of vehicles parked in Diggers Drive with cars parked on the southern side of the road preventing cars from legally using the signposted 'No Parking' areas on the northern side of the road. The southern side of Diggers Drive has no restrictions currently and cars do choke the entrance to the pick-up area during peak traffic times.

The school principal is investigating possible funding sources for the installation of a section of pedestrian fencing adjacent to the school exit gate. A fence at this location will improve safety by forcing children to slow down and look before crossing the road from the school or to stay on the footpath to a safer location.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule167 – No stopping signs

RTA signs database – R5-400

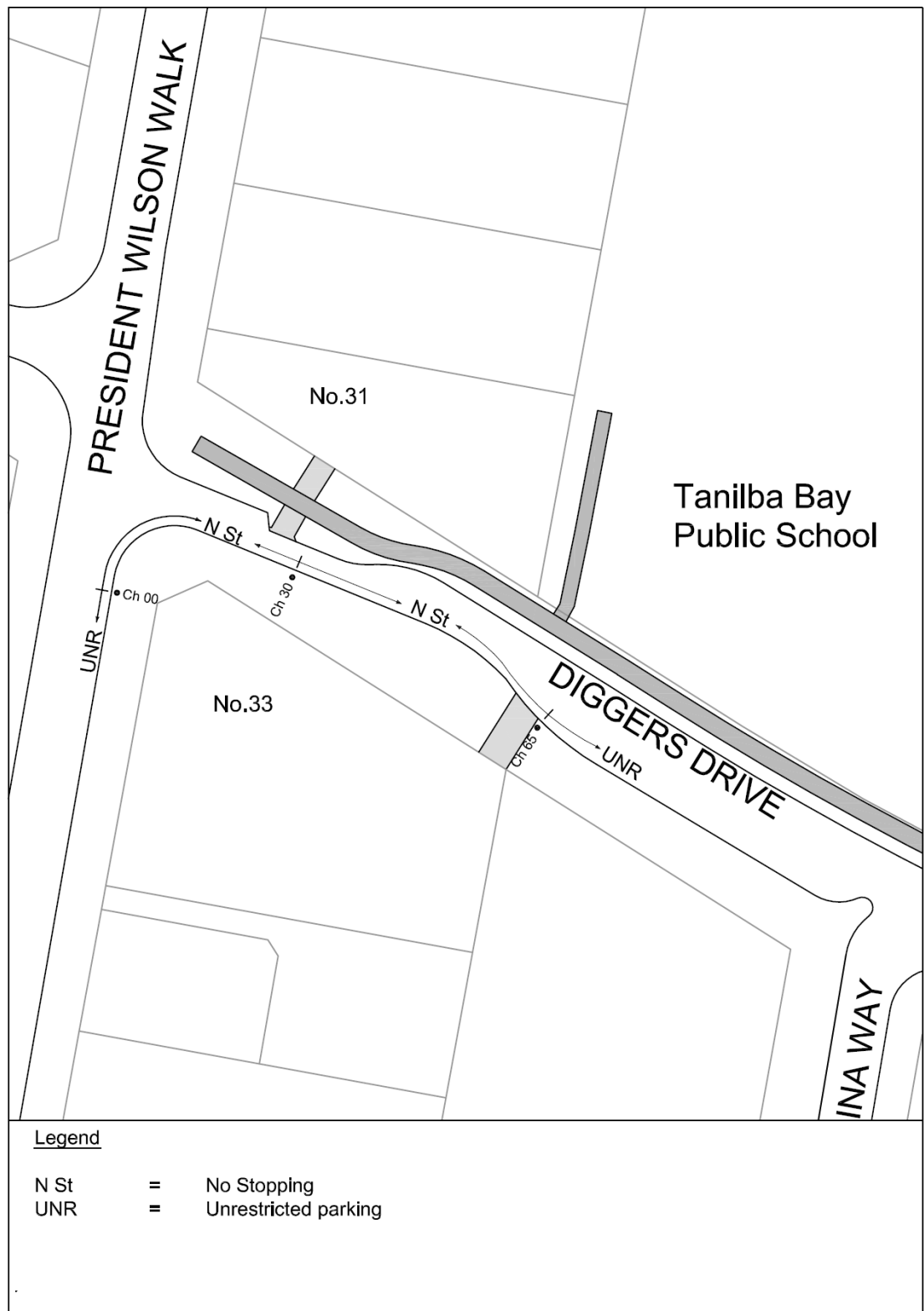
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Committee's recommendation:

Install 'No Stopping in Diggers Drive at President Wilson Walk, as shown on the attached sketch, Annexure A

Support for the recommendation:

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



C.3 Item: 24_09/12

OLD MAIN ROAD ANNA BAY - REQUEST FOR 90° ANGLE PARKING AT ANNA BAY PUBLIC SCHOOL

Requested by: Lisa Lovegrove - PSC

File:

Background:

The angle parking area opposite the rear of the school has no signs and no record of approval can be found in Traffic Committee records.

Comment:

It was noted by Traffic Inspection Committee members that vehicles were parked at 90° without signage directing them to do it. It was also noted that parallel parking is the default and that signage is required to formalise the arrangement.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 210 – Angle parking

AS 2890.5 – Parking facilities – On-street parking

RTA signs database – R5-500

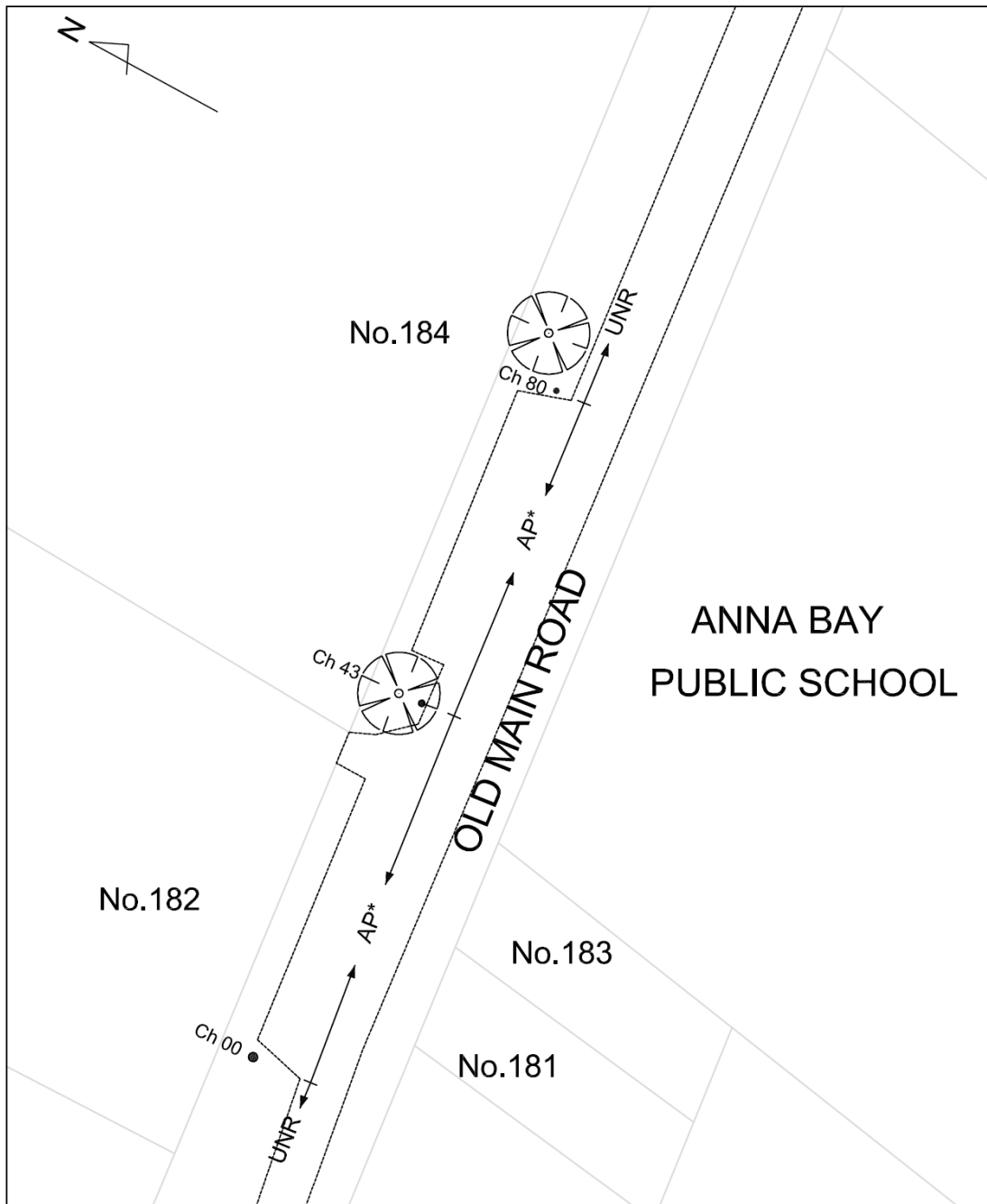
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Committee's recommendation:

Install '90° angle parking – Rear to kerb' signs in Old Main Road Anna Bay, as shown on the attached sketch, Annexure A.

Support for the recommendation:

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



LEGEND

- AP* = 90° Angle Parking - Rear to Kerb
- UNR = Unrestricted parking

C.4 Item: 25_09/12

SWAN STREET RAYMOND TERRACE - REQUEST FOR CLOSURE OF SWAN STREET AT STURGEON STREET INTERSECTION

Requested by: PSC -

File:

Background:

The construction of the Raymond Terrace Medical Centre is to start soon and as part of the works the intersection of Jacaranda Avenue and Swan Street is to be re-aligned. This will improve safety at this intersection and is an opportunity to investigate other road safety aspects in the area.

Comment:

Traffic Inspection Committee members noted that the intersection area will become busier once the medical facility is constructed on the old swimming pool site. The intersections are currently quite confusing and removal of one of the intersection legs will help in reducing conflict points.

This matter has been considered before by Traffic Committee with the following recommendation from Item C4 of April 2005 being approved by Council:

- To improve intersection safety, Council's Facilities & Services Section be requested to close the southern end of Swan Street at its intersection with Sturgeon Street.

Legislation, Standards, Guidelines and Delegation:

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

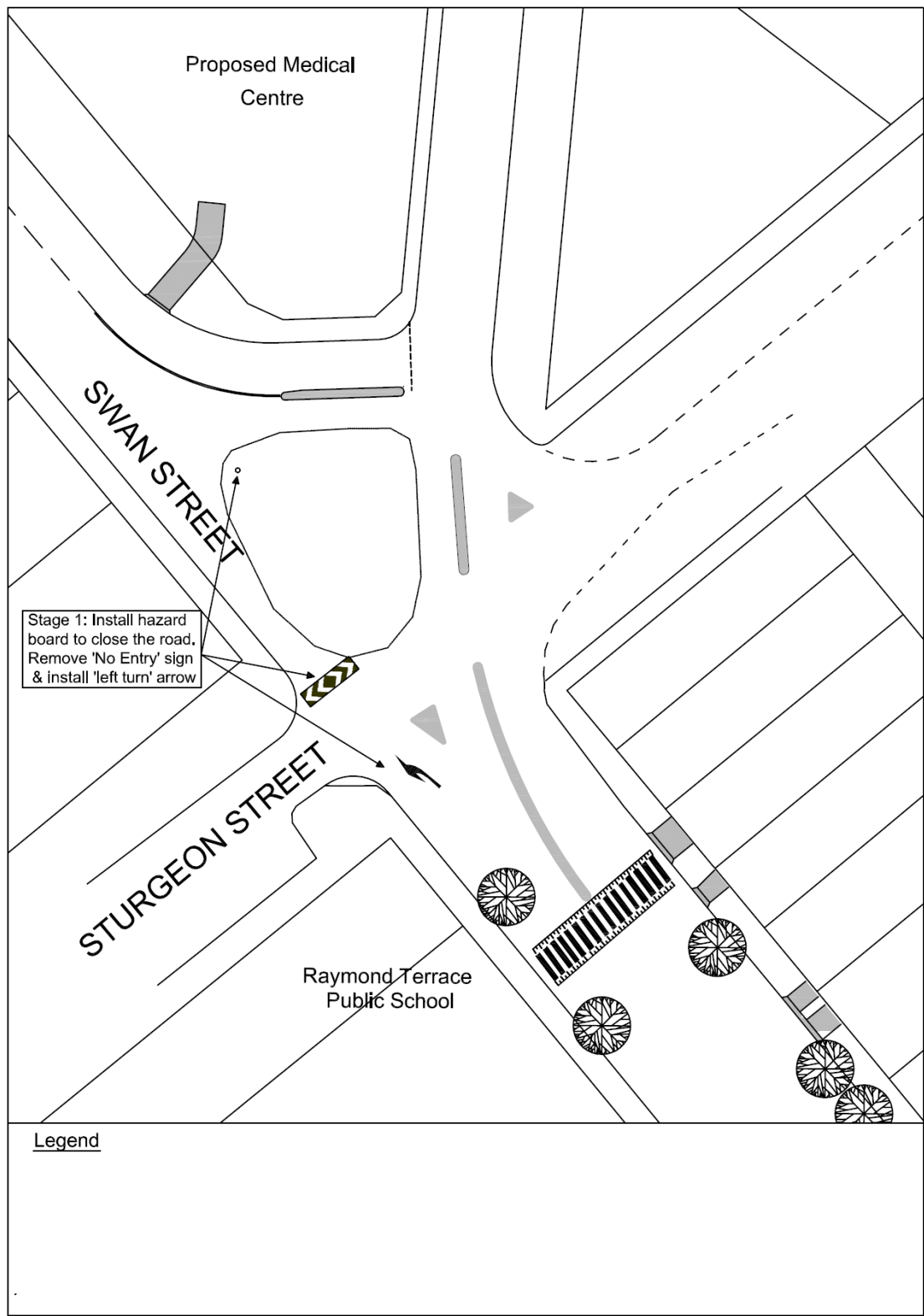
Committee's recommendation:

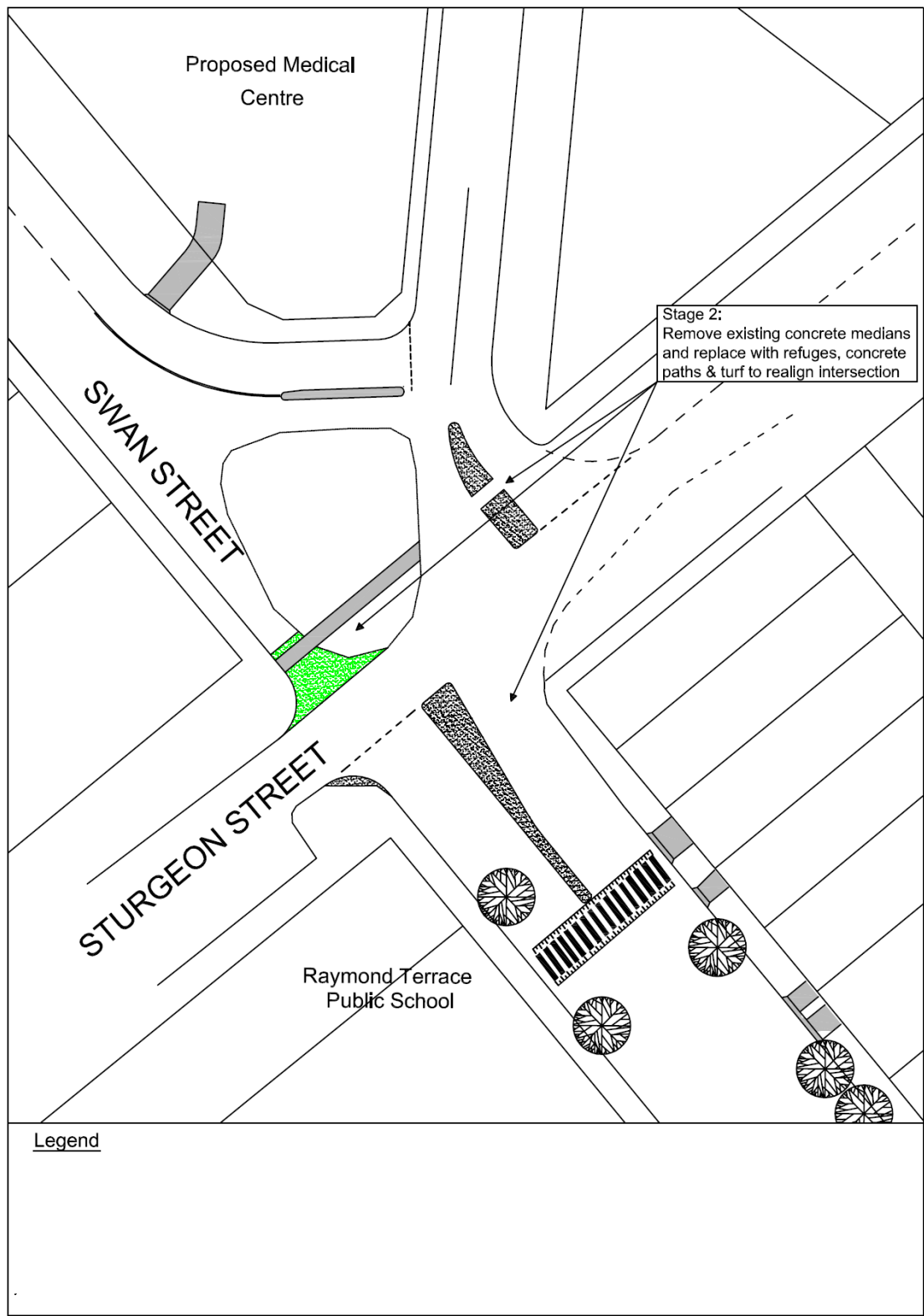
Council's Traffic Engineer is to consult with affected residents prior to implementing closure of the southern end of Swan Street, at the Sturgeon Street intersection. These works are to coincide with the proposed intersection and roadworks being undertaken as part of the Medical Centre construction.

Stage 2 works to be listed on Council's Forward Works Plan for prioritisation of funding

Support for the recommendation:

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





ITEM NO. 11

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 2 OCTOBER 2012

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION 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 2 October 2012.
-

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

	Councillor Sally Dover Councillor Steve Tucker
287	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to bring to Council’s attention traffic issues raised and detailed in the Traffic Committee minutes and to meet the legislative requirements for the installation of any regulatory traffic control devices associated with Traffic Committee recommendations. (Community Strategic Plan Section 5.4)

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget of \$41 000 (\$25 000 grant from RMS and the balance from General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. This allocation has remained unchanged since the 2007/08 financial year. 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

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

be listed within Council's "Forward Works Plan" for consideration in the annual budget process.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Annual budget allocation unchanged since 2007/08
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

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, Roads & Maritime Services 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	Risk Ranking	Proposed Treatments	Within Existing Resources?
Recommendations may not meet community expectations	Medium	Ensure proper consultation is carried out when required, prior to meetings	Yes
Recommendations may not meet required standards and guidelines	Medium	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 Maritime Services, 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

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

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

Additional consultation was undertaken for Item C.2 with leaflets distributed to affected stakeholders and letters sent to affected property owners.

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 recommended by the Traffic Committee for a particular item. In which case, Council must first notify the RMS and NSW Police representatives in writing. The RMS or Police may then lodge an appeal to the Regional Traffic Committee.

ATTACHMENTS

- 1) Local Traffic Committee minutes – 2/10/2012.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 2ND OCTOBER, 2012
AT 9:30AM**

Present:

Cr Peter Kafer, Cr Geoff Dingle, Mr John Meldrum – Hunter Valley Buses, Mr Joe Gleeson (Chairperson), Ms Lisa Lovegrove - Port Stephens Council

Apologies:

Craig Baumann MP, Cr Bruce MacKenzie, Senior Constable John Simmons – NSW Police, Mr Dean Simmonds – Roads and Maritime Services, Mr Mark Newling – Port Stephens Coaches, Mr Graham Orr- Port Stephens Council

A. ADOPTION OF MINUTES OF MEETING HELD 4TH SEPTEMBER, 2012

B. BUSINESS ARISING FROM PREVIOUS MEETING

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS
TUESDAY 2ND OCTOBER, 2012**

- A. ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MINUTES OF 4TH SEPTEMBER, 2012

- C. BUSINESS ARISING FROM PREVIOUS MEETING

- C. LISTED MATTERS
 - C.1 26_10/12 FERODALE ROAD MEDOWIE - REQUEST FOR ALTERATIONS TO PARKING RESTRICTIONS AT WIRREANDA PUBLIC SCHOOL

 - C.2 27_10/12 SOLDIERS POINT ROAD SALAMANDER BAY - REQUEST FOR TIMED PARKING RESTRICTIONS AT SALAMANDER VILLAGE SHOPS

- D. INFORMAL MATTERS

- E. GENERAL BUSINESS
 - E.1 618_10/12 BENJAMIN LEE DRIVE RAYMOND TERRACE – TRAFFIC CONGESTION CAUSED BY THE NSW ABORIGINAL RUGBY LEAGUE KNOCKOUT

D. **Listed Matters**

C.1 **Item:** 26_10/12

FERODALE ROAD MEDOWIE - REQUEST FOR ALTERATIONS TO PARKING RESTRICTIONS AT WIRREANDA PUBLIC SCHOOL

Requested by: Road Safety Officer

File:

Background:

The crossing supervisor at Wirreanda School has reported regular congestion of the school crossing area with vehicles trying to turn right into the side road across the crossing whilst vehicles are turning out of the side road. Legally he is not allowed to cross the children over if any part of a vehicle is on the crossing and this happens regularly.

Comment:

Parents have been observed parking and dropping off children on the northern side of Ferodale Road and letting children into and out of the car into the road, crossing the road at this point rather than using the school children's crossing. Encouraging parking on the side access road may see more parents choose to use the crossing rather than negotiate the table drain to cross the road.

There are existing part-time 'No Stopping' restrictions installed at the children's crossing that require replacement with standard 'No Stopping' signs as required to conform to RMS Technical Direction TDT 2002/12C. These signs are indicated on the attached sketch.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 167 – No stopping signs, Rule 96 – Keep clear markings, Rule 100 – No entry signs

RMS signs database – R5-400, R2-4

RMS Delineation manual – Section 9 – Pavement messages

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

Recommendation to the Committee:

Install 'Keep Clear' marking, 'No Entry' signs and part-time 'No Stopping' restrictions and replace existing part-time 'No Stopping' restrictions with full time 'No Stopping' restrictions in Ferodale Road Medowie, as shown on the attached sketch, Annexure A.

Discussion:

Traffic Committee members and advisors discussed the current situation and whether it would be preferable to make the side road one-way to prevent all turns onto Ferodale Road. It was noted that the issues with traffic congestion only occur at school times and that implementing changes that will impact on residents at all times may not be justified.

Input was received from Police and RMS prior to the meeting supporting the proposed changes.

Support for the recommendation:

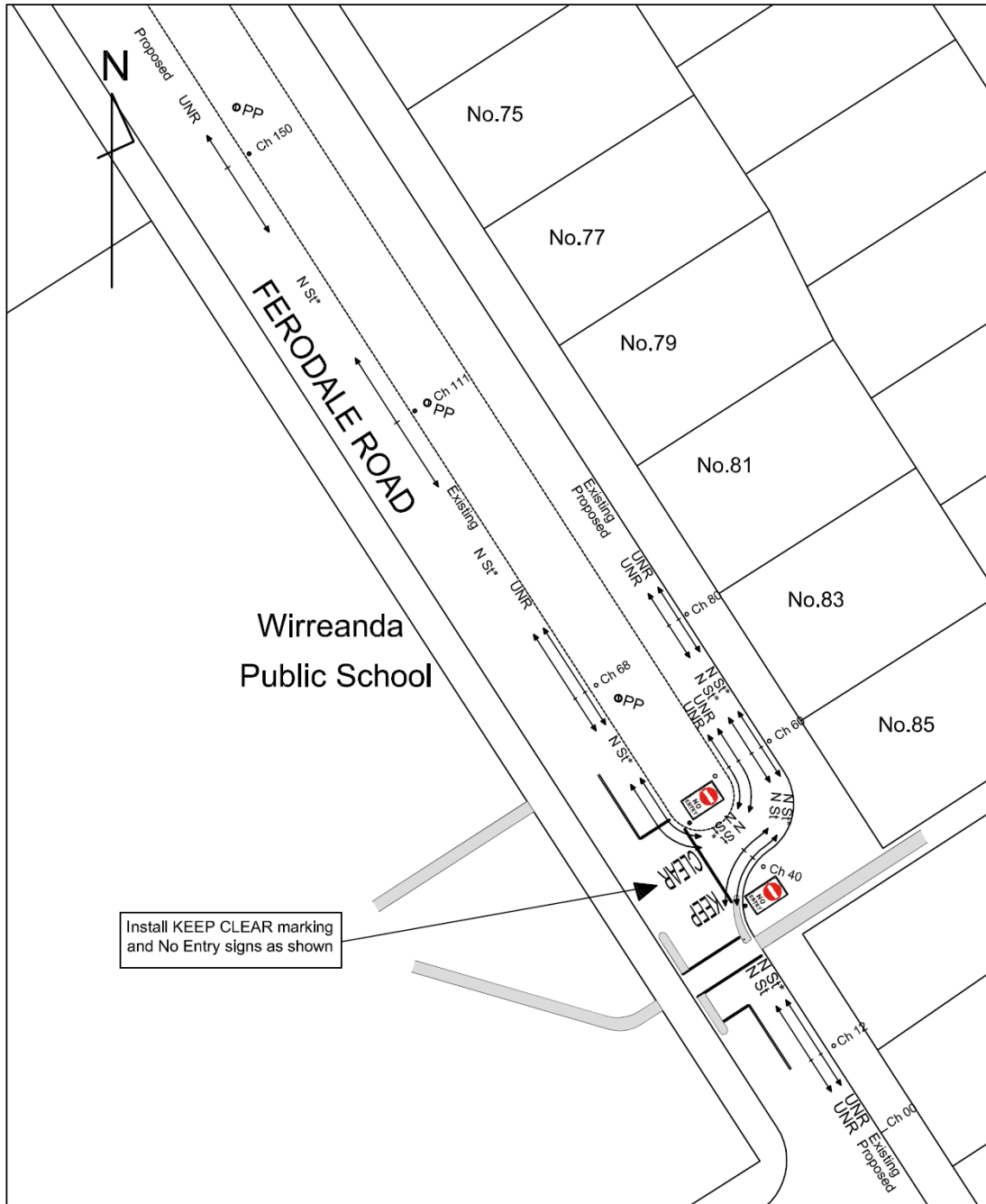
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

PORT STEPHENS TRAFFIC COMMITTEE
 Tuesday 2 October 2012

ITEM NO. 26_10/12
 Street: Ferodale Road

ANNEXURE A
 Page 1 of 1



Install KEEP CLEAR marking and No Entry signs as shown

Legend

- N St = No Stopping
- N St* = No Stopping - 8.00-9.30am, 2.30-4.00pm School Days
- UNR = Unrestricted parking
- = Existing post
- = New post

C.2 Item: 27_10/12

SOLDIERS POINT ROAD SALAMANDER BAY - REQUEST FOR TIMED PARKING RESTRICTIONS AT SALAMANDER VILLAGE SHOPS

Requested by: A business operator

File: PSC2005-4189/100

Background:

Port Stephens Council has been approached by a business operator at the Salamander Village shops requesting installation of parking restrictions to improve turnover of parking. Currently the area has no timed parking restrictions and the business operator complains that people park for extended periods, restricting available parking for customers.

Comment:

Traffic Inspection Committee members noted that the Salamander shopping area is possibly the only commercial area in Port Stephens without parking restrictions and recommended that Council undertake community consultation on this matter.

Council has since conducted a mailout to property owners and a leaflet distribution to affected properties seeking feedback on a proposal to install timed parking restrictions along Soldiers Point Road between Diemars Road and Scott Circuit.

Feedback received by Council was mixed with strong support for the proposal from some business operators while others are opposed to the concept. Feedback from residents in surrounding streets expressed concern that all-day parkers will park on grass verges in areas without kerb and gutter.

The leaflet distributed indicated a proposed blanket coverage of 1 hour parking however after consideration of the feedback received, it may be more appropriate to install a mix of parking restrictions over a reduced area, tailored to suit the needs of different businesses.

A summary of the responses received is attached as Annexure A.

Other points to consider include:

Businesses objecting to the proposal included hair dressers and medical providers who cited the need for people using their services to stay for longer than 1 hour. It should be noted that holders of mobility parking permits are exempt from parking restrictions in areas where parking is restricted to 1 hour or more.

Legislation, Standards, Guidelines and Delegation:

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

Australian Standard AS 1742.11 Parking Controls

RTA signs database – R5-1, R5-2

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

Recommendation to the Committee:

For discussion

Discussion:

Input was received from Police and RMS prior to the meeting supporting the proposed changes.

Committee's recommendation:

Install a section of 1 hour parking and 2 hour, timed parking restrictions on the eastern side of Soldiers Point Road, as shown on the attached sketch, Annexure A, page 2.

Support for the recommendation:

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

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 2 October 2012

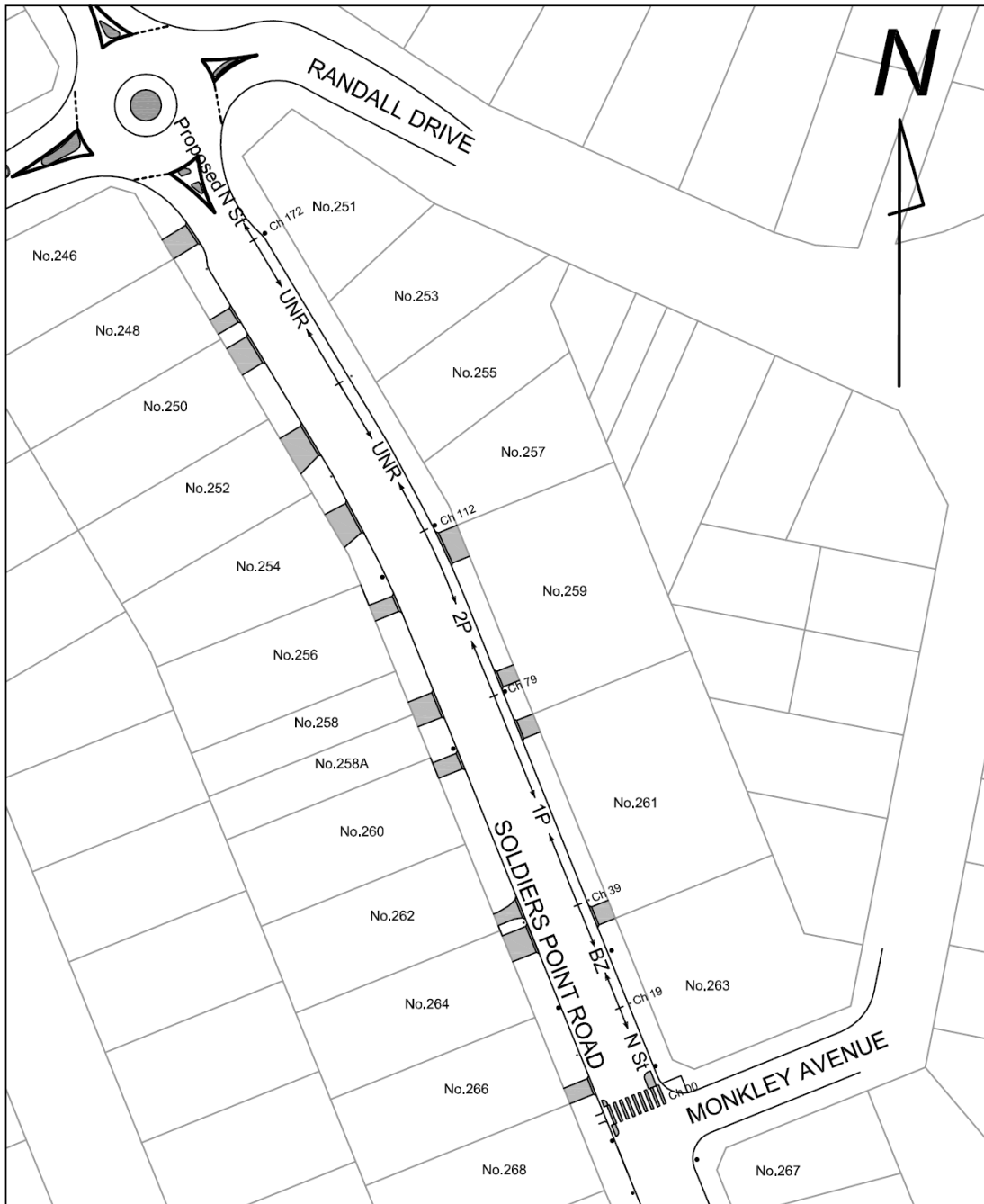
ITEM NO.27_10/12
Street: Soldiers Point Road

ANNEXURE A
Page 1 of 2

Response Category	Support	Oppose	Comment
Business operator		✓	Business operation takes 2-3 hours for most procedures
Property owner	✓		Supports parking restrictions
Business operator	✓		Would accept a mix of some 1/2 hour and some 2 hour restrictions
Business operator	✓		A lot of vehicles park all day making it difficult for customers of businesses to find convenient parking
Property owner	✓		Vehicles sometimes park across her driveway making access difficult
Business operator		✓	Her business requires much longer than 1 hour to service customers. She would accept a mix of parking with 4 hour parking to deter all-day parkers
Business operator		✓	His business requires much longer than 1 hour to service customers. He would accept a mix of parking with some short-term, some 2 hour and some 4 hour parking to deter all-day parkers. He has a petition with 100 signatures opposing parking restrictions
Business operator	✓		Supports 1 hour parking - customers that require longer stay can still park within a reasonable distance
Business operator		✓	Customers require longer than 1 hour - has a petition signed by 33 customers opposing parking restrictions
Resident	✓		It is becoming harder all the time to find parking in the area
Resident	✓		Parking is impossible to find at times
Business operator		✓	Her business requires much longer than 1 hour to service customers. She would accept a mix of short-term parking with 4 hour parking to deter all-day parkers
Resident	✓		Would support parking restrictions on the shop side only
Resident	✓		Parking is becoming increasingly difficult to find - restrictions are definitely needed
Business operator	✓		Other commercial areas have parking restrictions to ensure that everyone gets a fair go
Resident	✓		Her elderly aunt lives in the village and she often transports her to shops, doctors etc. Parking is very difficult to find
Business operator	✓		Would prefer a mix of parking restrictions with 2-3 hour parking on the resident side and shorter restrictions on the shop side
Resident	✓		Parking restrictions are required as well as a disabled parking space. Employees should be made to park at the back of the shops
Business operator		✓	Patients often require much longer than 1 hour to complete procedures. A mix of parking restrictions in front of the businesses requesting restrictions would be acceptable
Resident	✓		Parking restrictions are a good idea. Traffic is often congested with drivers circulating trying to find vacant spaces

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012			
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Property owner		✓	Kerb & gutter is required before any parking restrictions can be imposed. Drivers will park on the nature strip and create issues for Randall Drive residents
Resident	✓		Kerb & gutter is required before any parking restrictions can be imposed. Drivers will park on the nature strip and create issues for Randall Drive residents
Business operator	✓		Parking is impossible to find at times
Business operator		✓	Believes that parking restrictions will drive customers away from the shopping strip
Business operator	✓		Sees parking restrictions as necessary
Business operator	✓		A mix of parking restrictions would benefit businesses
Total	18	8	



Legend

- N St = No Stopping
- UNR = Unrestricted Parking
- 1P = 1 Hour parking - 8.30am - 6.00pm Mon-Fri, 8.30-12.30pm Sat
- 2P = 2 Hour parking - 8.30am - 6.00pm Mon-Fri, 8.30-12.30pm Sat
- BZ = Bus Zone

E. General Business

E.1 ITEM: 618_10/12

BENJAMIN LEE DRIVE RAYMOND TERRACE – TRAFFIC CONGESTION CAUSED BY THE NSW ABORIGINAL RUGBY LEAGUE KNOCKOUT

Requested by: Hunter Valley Buses

File:

Background:

The Hunter Valley Buses representative raised concerns following the staging of the NSW Aboriginal Rugby League Knockout competition at Lakeside sports grounds over the long weekend. The bus company complained that they were given only 2 days prior notice that the event was to be held and that their bus services were severely impacted over the weekend by traffic congestion and delays at intersections. Route buses on Benjamin Lee Drive experienced unacceptable delays when attempting to turn onto Richardson Road. This is a major issue given that this route is the link to the airport with bus patrons needing to connect to flights.

Hunter Valley Buses were only notified by Transport for NSW on Wednesday afternoon that there was funding available for them to provide shuttle buses for the event. This would have been a great help in relieving traffic congestion that resulted from people attending the event and trying to park wherever they could on the surrounding roads. There was insufficient time to allow for proper planning of remote parking areas and links to the event. As it was, they did put on 2 shuttle bus services to operate between the sports grounds and Raymond Terrace town centre and Finnan Park.

Cr Kafer also expressed his dissatisfaction and disappointment with the level of support that was given to the event by Port Stephens Council. He said that this event brought a lot of money into the area and provided national exposure for Raymond Terrace through the television coverage and the many visitors to the town. He believes that Council should have done much more to assist the organisers and improve the running of the event.

Discussion:

Council officers pointed out the difficulties experienced obtaining any information about the size of the event and the number of visitors that could be expected to attend. Council's Road Safety Officer invested a lot of time in ensuring that the organisers had a Traffic Management Plan in place for the safety of the travelling public and visitors to the event. The Traffic Control Plan that was approved for the event had input from Roads and Maritime Services and NSW Police.

Recommendation to the Committee:

Council officers have put together a file on the event including photos taken over the long weekend which will be invaluable should the Port Stephens area have the opportunity to host a similar event in future.

There will be a de-briefing held in the coming weeks to discuss any issues that arose from the conduct of the event and any ways that organisers can improve future events.

ITEM NO. 12

FILE NO: PSC2012-04185

21ST NSW COASTAL CONFERENCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse Cr John Nell's attendance at the 21st NSW Coastal Conference.
-

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Peter Kafer Councillor Steve Tucker
	That the recommendation be adopted.

MOTION

	Councillor Sally Dover Councillor Steve Tucker
288	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to inform Council of the 21st NSW Coastal Conference.

The State Conference will be held from 6 to 9 November 2012 in Kiama.

Other Councillors are also able to elect to attend this Conference.

The programme is shown at **(ATTACHMENT 1)**.

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.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	1,035	Registration costs – accommodation and travel costs will be additional
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
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



**Optional Pre-Conference
Estuary Technical Workshop**
(optional extra)

Tuesday 6th November 2012

9.30am – 9.55am **Workshop Registration and Morning Tea**

9.55am – 10.00am **Introduction**
Kerryn Stephens, OEH (facilitator)

10:00am – 12:00pm

Presenter:	<i>Dr Will Glamore</i>
Topic:	<i>A short introduction to hydrodynamic modelling</i>

12:00pm – 12:45pm Lunch

12:45pm – 2:45pm

Presenter:	<i>Dr Peter Scanes</i>
Topic:	<i>Estuarine ecosystem health assessment</i>

2:45pm – 3.30pm Afternoon Tea

3.30pm – 5.00pm

Presenter:	<i>David Hanslow</i>
Topic:	<i>Estuarine inundation (first pass, second pass...)</i>

5pm – 6pm **Optional Early Registration with an Arrival Drink**
Trade display set up and poster set up
The Pavilion, Kiama

Enjoy an evening at your leisure to experience the local restaurants

1



CONFERENCE PROGRAM OUTLINE

(at 7th September 2012, subject to change)

PROGRAM - Day 1 Wednesday 7th November

7.45am Registration

Session 1: Plenary 9.00am – 10.50am

8.45am Welcome to Country
 9.05am Welcome from the Host Council
 9.20am Conference Opening
 9.50am Keynote Presentation
 10.30am Local South Coast Keynote Presentation
 Bruce Elder, *Sydney Morning Herald*

10.50am – 11.20am Morning Tea

Session 2: Concurrent 11.20am – 12.45pm

	2A: The fine print – planning, legal, policy issues	2B: Outside the box – multidisciplinary approaches to coastal management	2C: Marine & estuarine environments – science and management
Location:	<i>The Norfolk Room</i>	<i>Saddleback/Surf Beach Room</i>	<i>Kendall Room</i>
Chair:			
11.20am – 11.45am	Public Trust Doctrine and the Coast Prof Bruce Thom, <i>Wentworth Group of Concerned Scientists</i>	Rock Fishing in NSW: An Evidenced Based Approach to Reduce Severe Injury and Drowning Risk Anthony Bradstreet, <i>Surf Life Saving Australia</i>	Monitoring the Canaries of Our Catchments Chelsea Nash, <i>Bega Coast Oysters Inc</i>
5 min	Changeover	Changeover	Changeover
11.50am - 12.15pm	NSW Planning Law Reforms – Implications for	Project Blue Print – State Wide Coastal Public	Oyster Information Portal- a User-group

2

	Best Practice Coastal Management Rachel Walmsley, EDO NSW	Safety Risk Assessment Program Adam Weir, Surf Life Saving Australia	Focused 'Coastal Goggle' for the Future Dr Ana Rubio, Shoalhaven Marine and Freshwater Centre, University of Wollongong
5 min	Changeover	Changeover	Changeover
12.20pm – 12.45pm	Low Tide for Non-government Interests in NSW Coastal Management John Corkill, Southern Cross University	Twenty One (and We Hold the Keys to the Future?) Dr Ian Armstrong, Sydney Coastal Councils Group	Monitoring the Ecosystem Health of Estuaries on the NSW South Coast Danny Wiecek, Office of Environment & Heritage

12.45pm – 1.45pm Lunch and Poster Session

Session 3: Concurrent

1.45pm – 3.10pm

	3A: Getting the message across – innovative approaches to education, media & engagement	3B: Innovations in the management of coastal hazards	3C: Marine & estuarine environments – science and management
Location:	<i>The Norfolk Room</i>	<i>Saddleback/Surf Beach Room</i>	<i>Kendall Room</i>
Chair:			
1.45pm – 2.10pm	Engaging Communities in Climate Change Adaptation: A Case Study from North East Victoria Dr Chris Riedy, Institute for Sustainable Futures	Decision Support for Adaptation in the Hunter, Central & Lower North Coast Region Steve Wilson, Hunter Councils	Tomago Wetland Rehabilitation Project: Integrated, Innovative Approaches Kylie Russell, Department of Primary Industries
5 min	Changeover	Changeover	Changeover
2.15pm – 2.40pm	Sea No Evil, Hear No Evil – Community Engagement on Adaptation to Sea Level Change Heather Stevens, Lake Macquarie City Council	Considering Tidal Modification When Mapping Inundation Hazard in NSW Estuaries David Hanslow, NSW Office of Environment & Heritage	Coastal Wetland Remediation in a Changing Climate: Process Understanding and Application Dr William Glamore, Water Research Laboratory
5 min	Changeover	Changeover	Changeover
2.45pm – 3.10pm	But How do we Tell the People? Mia Dalby-Ball, Dragonfly Environmental	Slip Sliding Away - Managing Coastal Geotechnical Hazards Angus Gordon, Coastal Zone Management and Planning	Challenges of Saltmarsh Rehabilitation in a Non Tidal Estuary – Perspectives on Delivery of on Ground Works Matthew Barnett, Wyong Shire Council

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

3.10pm – 3.40pm Afternoon Tea

Session 4: Concurrent 3.40pm – 5.05pm

	4A: Innovations in the management of coastal hazards	4B: Acting Local – people making a difference on the ground	4C: Outside the box – multidisciplinary approaches to coastal management
Location:	<i>The Norfolk Room</i>	<i>Saddleback/Surf Beach Room</i>	<i>Kendall Room</i>
Chair:			
3.40pm – 4.05pm	Two Dimensional Planning: the Application of Tidal Projections to Determine Risk Management Triggers Norman Lenehan, <i>Eurobodalla Shire Council</i>	Community Partnership Making a Difference at Gerroa Grant Merinuk, <i>Seven Mile Beach Landcare</i>	How Do You Price the Priceless? The Economics of the Coast in the UK and Australia Hineora Braddock, <i>Umwelt</i>
5 min	Changeover	Changeover	Changeover
4.10pm – 4.35pm	Towards a Typology of Rocky Coasts in the Context of Risk Assessment Dr David Kennedy, <i>Resource Management and Geography</i>	Back from the Brink - Water Quality in the Great Lakes Prue Tucker & Gerard Tuckerman, <i>Great Lakes Council</i>	Managing Aboriginal Heritage Sites Threatened by Projected Sea Level Rise – with a Case Study from Pambula Estuary Gabrielle Pietrini, <i>Office of Environment & Heritage</i>
5 min	Changeover	Changeover	Changeover
4.40pm – 5.05pm	Long-term Shoreface Response to Disequilibrium-Stress: A Conundrum for Climate Change Marc Daley, <i>NSW Office of Environment & Heritage</i>	National Surfing Reserves, a Concept Matured or an Initiative on the Edge? Chris Tola, <i>National Surfing Reserves</i>	Aboriginal Cultural Fishing in NSW and it's Rightful Place in Management of Coastal Resources A/Prof Stephan Schnierer, <i>Southern Cross University</i>

5.05pm **Close of Day One**

5.05pm Australian Coastal Society NSW Chapter Meeting

6.30pm – 9.00pm Welcome Reception
The Sebel Harbourside Kiama

PROGRAM - Day 2 Thursday 8th November

8.30am Registration (for 1 Day delegates)

Session 5: Plenary 9.00am – 10.05am

9.00am **Welcome to Day 2**

9.00am **Presentation Bids for 2013 Host Councils**

9.10am **Presentation by Silver Sponsor**
on behalf of all NSW Coastal CMA's

9.20am **Professor Stephen Dovers**
Australian National University

10.05am – 10.30am Morning Tea

Session 6: Concurrent 10.30am – 12.25pm

	6A: The fine print – planning, legal, policy issues	6B: Innovations in the management of coastal hazards	6C: Marine & estuarine environments – science and management
Location:	<i>The Norfolk Room</i>	<i>Saddleback/Surf Beach Room</i>	<i>Kendall Room</i>
Chair:			
10.30am – 10.55am	A Proposed Policy Framework for Coastal Australia Alan Stokes, National Sea Change Taskforce	Vulnerability to Sea Level Rise of 9 Beaches in Shoalhaven: A New Assessment Methodology Dr Abbas El-Zien, University of Sydney	To Open or Not to Open, that is the Question..... Kerryn Stephens, NSW Office of Environment & Heritage
5 min	Changeover	Changeover	Changeover
11.00am – 11.25am	Local Government at the Interface Between Federal and State Policy and Community Expectations for Coastal Hazard Management Lesley Scarlett, Southern Councils Group	Managing Coastal Hazards: Challenges Facing Implementation of Actions Verity Rollason, BMT WBM	Coastal Lagoon Entrance Management - What Can Models Tell Us? David Wainwright, BMT WBM / University of Queensland
5 min	Changeover	Changeover	Changeover
11.30am – 11.55am	Sea Level Rise and Local Government – What Goes Up Must Come Down.... Isabelle Gheti, Shoalhaven City Council	Integrated Hydrological and Ecological Modelling to Develop the Sydney Harbour Catchment Water Quality Improvement Plan Peter Freewater, Sydney Metro CMA	Preliminary Examination of Coastal and Catchment Flooding Interaction From the Data Leon Collins, Manly Hydraulics Laboratory

<i>5 min</i>	<i>Changeover</i>	<i>Changeover</i>	<i>Changeover</i>
12.00pm – 12.25pm	Removal of an Unlawful Seawall from a Sydney Open Coast Beach: The Steps to Success Peter Horton	Flow Modelling and 3D Visualisation to Better Understand Coastal Inundation Processes Mahesh Prakash, CSIRO <i>Mathematics, Informatics and Statistics</i>	Groundwater Impacts on a Mostly Closed, Displacement Dominated ICOLL Dr Philip Haines, BMT <i>WBM</i>

12.25pm – 1.25pm Lunch

Session 7: FIELD TRIPS

1.45pm – 5.00pm

	Description	Host / Tour Guide
FT1	KIAMA COASTAL WALK	
FT2	TOURISM IN THE COASTAL ZONE	
FT3	WORKING TOGETHER – COMMUNITY, BUSINESS AND GOVERNMENT AT CROOKED RIVER AND SEVEN MILE BEACH	
FT4	FROM THE RAINFOREST TO THE OCEAN – MINNAMURRA CATCHMENT MANAGEMENT	
FT5	LIVING ON A ROCKY COASTLINE	

Afternoon Tea included on the Field Trip

7pm for 7.30pm Conference Dinner & Annual NSW Coastal Management Awards
The Pavilion Kiama

PROGRAM - Day 3 Friday 9th November

8.30am Registration (for 1 Day delegates)

Session 8: Concurrent 9.00am – 10.55am

	8A: Getting the message across – innovative approaches to education, media & engagement	8B: Marine & estuarine environments – science and management	8C: Innovations in the management of coastal hazards
Location:	<i>The Norfolk Room</i>	<i>Saddleback/Surf Beach Room</i>	<i>Kendall Room</i>
Chair:			
9.00am – 9.25am	Clearing the Confusion - Clarifying Data on Sea Level Rise Dr David White	Sandy Beach Biological Research – Important Questions for Knowledge and Management Alan Jones, Australian Museum	Geotechnical Aspects of Seawall Stability with Climate Change Lex Nielsen
5 min	Changeover	Changeover	Changeover
9.30am– 9.55am	Healthy Waterways – Better Boating, More Fish Lesley Diver, Sydney Metropolitan Catchment Management Authority	Monitoring Marine Biodiversity, Invasive Species and Debris Loads in the Batemans Marine Park Andrew Green, Nature Coast Marine Group Inc	Application of a Model Framework for Assessing Risk to Climate Change on the South Coast of New South Wales Dr Amy Dougherty, University of Wollongong
5 min	Changeover	Changeover	Changeover
10.00am – 10.25am	Who Cares? How to Engage the Unaware Public Sheree Epe, Sapphire Coast Marine Discovery Centre	Augmenting the Utility of NSW Longest Tide Gauge Records with Continuous GNSS Technology Phil Watson, Office of Environment & Heritage	Adaptation by Design – Adapting New Buildings and Foreshore Protection Works to Sea Level Rise in Coastal Estuaries Greg Giles, Lake Macquarie City Council
5 min	Changeover	Changeover	Changeover
10.30am – 10.55am	Community Engagement Through Social Networking, Media and Innovative Approaches to Project Delivery – Engaging Our Youth Megan Rowlatt, Conservation Volunteers Australia	Incorporating Estuaries As a Source or Sink of Sediment Within Assessments of Coastline Risk and Adaptation to Climate Change Dr Kerrylee Rogers, University of Wollongong	Delivering Coastal Data: the New South Wales Coastal Information System Leander Wiseman, Office of Environment & Heritage

7

10.55am – 11.20am Morning Tea & Poster Display

Session 9: Plenary

11.20am – 12.45pm

11.20am – 12.05pm

Matt Perry

Founder and Partner, Republic of Everyone

Announcement for 2013NSW Coastal Conference host council; poster prize winner announced

12.30pm – 12.45pm

Summary and Wrap up of Conference

12.45pm – 1.45pm

Lunch

****Close of conference****

ITEM NO. 13

FILE NO: A2004-0373

COUNCIL PRAYER AND TRADITIONAL WELCOME AT COUNCIL MEETINGS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine the Prayer and Traditional Welcome at Council meetings.

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Sally Dover Councillor John Morello</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Amend the prayer as follows: <i>“We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens, in Jesus name. Amen.”;</i> 2) Adopt the existing Traditional Welcome.

The Motion was carried.

AMENDMENT

	<p>Councillor Peter Kafer Councillor Geoff Dingle</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Replace the current prayer with an affirmation as follows: <i>“We ask Almighty God to give us wisdom and courage so we can serve our community, in all our deliberations to ensure everyone is fairly represented regardless of Ethnicity, Creed, Social Economic status or political belief.”;</i> 2) Adopt the existing Traditional Welcome.

The amendment on being put was lost.

MOTION

	<p>Councillor Sally Dover Councillor Steve Tucker</p>
289	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Amend the prayer as follows: <i>“We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens, in Jesus' name. Amen.”;</i> 2) Adopt the existing Traditional Welcome.

BACKGROUND

The purpose of this report is allow Council the opportunity to consider whether to continue with the prayer and traditional welcome at Council meetings. Council's current Code of Meeting Practice makes provision for the prayer at the commencement of all Ordinary Meetings of Council.

Port Stephens Council in the past commenced Council meetings with the following prayer –

“We ask Almighty God to help us serve the community to the best of our ability, and make Port Stephens a happy and healthy place in which to live, work and visit. Amen.”

Council previously passed a resolution to include a Traditional Welcome at each Council meeting. The Traditional Welcome is to follow the Prayer at the commencement of each Council meeting.

The Traditional Welcome is as follows:-

“I would like to acknowledge and pay respect to the Worimi People of Port Stephens, who are the traditional owners of this land on which we stand/meet today”.

Council at its meeting on 25 September 2012, resolved to defer this matter to allow Councillors to provide alternatives to the prayer, should they choose to do so.

The following option has been suggested by Cr Dover.

“We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen.”

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		There are no direct costs from this recommendation.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

Nil.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
The only risk associated with this recommendation relates to reputation	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Nil.

OPTIONS

- 1) Adopt the recommendation;
- 2) Resolve to cease having the prayer and/or the traditional welcome at Council meetings.

ATTACHMENTS

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 14

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) Mayor Bruce MacKenzie – Rapid Response – Mayoral Funds – Karuah Progress Association – Donation towards Carols by Candlelight - \$600.00;
 - b) Cr Kafer – Rapid Response – West Ward Funds – Justin Ridgeway – Donation towards the cost of starting Elders Art Workshops - \$500.00;
 - c) Cr Kafer – Rapid Response – West Ward Funds – Justin Ridgeway – Donation towards the cost of Men’s Group continuation to assist in educating Men’s health, wellbeing and domestic violence within the Aboriginal Community of Port Stephens Local Government Area. - \$500.00

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor Sally Dover
	That the recommendation be adopted.

MOTION

	Councillor Sally Dover Councillor Steve Tucker
290	It was resolved that the recommendation be adopted.

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.

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

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

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:-

MAYORAL FUNDS – Mayor MacKenzie

Karuah Progress Association	Donation towards Carols by Candlelight	\$600.00
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WEST WARD FUNDS – Crs Jordan, Kafer, Le Mottee

Justin Ridgeway	Donation towards the cost of starting Elders Art Workshops	\$500.00
Justin Ridgeway	Donation towards the cost of Mens' Group continuation to assist in educating mens' health, wellbeing and domestic violence within the Aboriginal Community of Port Stephens Local Government Area	\$500.00

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward, Minor Works and Mayoral Funds are the funding source for all financial assistance.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	1,600	These costs are funded from Mayoral Funds (\$600) and Ward Funds (\$1,000)
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

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.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
The only risk associated with this recommendation relates to reputation	Low	Adopt the recommendation	Yes

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. 15

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 23 October, 2012.

No:	Report Title	Page:
1	Business Improvement	108
2	Cash and Investments Held at 30 September 2012	113

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor Sally Dover
	That the recommendation be adopted.

	Councillor John Nell Councillor John Morello
276	It was resolved that Council move out of Committee of the Whole into Ordinary Council.

MOTION

	Councillor Sally Dover Councillor Steve Tucker
291	It was resolved that Council adopt the recommendation.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

BUSINESS IMPROVEMENT

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

FILE: PSC2011-04300

BACKGROUND

The purpose of this report is for Council to receive and note the Business Improvement Process Quarterly Report July – September 2012.

Council has a long history of continuous improvement of its activities and issues. Data over the period 2004-2010 showed a trend of \$700,000 per annum improvement to Council's financial position.

To record this database was created in February 2011 where staff are encouraged to record all improvement delivered.

Attached for information is the July-September 2012 quarterly report. Further information is available from the nominated Section Manager of the relevant section shown on the data base.

ATTACHMENTS

- 1) Business Improvement Quarterly Report July – September 2012.

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

ATTACHMENT 1

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Corporate Services	Business Systems Support	Records Management, ICT and Business Improvement Services	A process improvement, A people/relationship improvement	An improved, expanded or more efficient service	11/09/2012
<p>A restructure of the Information Management Section to the Business Systems Support Section will achieve the following improvements: Combining the Corporate Systems and ICT Units will allow for better use of technical resources and simpler management arrangements. Seconding a coordinator to the temporary Records Management Remediation Programme Manager role will provide greater focus and capacity to progress this remediation work to completion. Creation of a Business Improvement Unit provides better focus and capacity on supporting all aspects of council implement business improvements.</p>					
Corporate Services	Business Systems Support	Telecommunications	A process improvement	A financial saving, An improved, expanded or more efficient service	13/09/2012
<p>The re-architecting of the ICT environment at Council's libraries has been completed which has allowed the disconnection of expensive ISDN telecommunications services. This change has resulted in savings of first year hardware replacement and professional services of approx \$15000 and ongoing carrier service costs of \$9200.</p> <p>The changes have also significantly reduced the risk of Council's enterprise ICT being penetrated by unauthorised persons and allows the ICT Coordinator and Library Services Manager to negotiate an extension to the inter-Council library services arrangement with Newcastle Council to include provision of specialised ICT support that is not available internally at PSC.</p>					
Corporate Services	Business Systems Support	Internet service upgrade	A process improvement	A saving in time, An improved, expanded or more efficient service	13/09/2012
<p>Council's internet service has been upgraded offering faster access to the internet by Council staff.</p>					
Corporate Services	Business Systems Support	Enterprise ICT Networking	A process improvement	A saving in time, An improved, expanded or more efficient service	13/09/2012
<p>The remediation of ICT infrastructure at Communicate Port Stephens, the Childrens Services Administration Office and the Economic Development Administration Office has been completed.</p> <p>Benefits include: - Significant time saving for ICT support staff as all structured cabling and other critical infrastructure has been remediated to industry standard. - Significantly reduced the risk of Council's enterprise ICT being penetrated by unauthorised persons as the infrastructure has been secured in line with the ICT Infrastructure management directive and the external public network and internal Council network has been separated.</p>					
Corporate Services	Business Systems Support	Enterprise ICT Networking	A process improvement	A saving in time, An improved, expanded or more efficient service	13/09/2012
<p>The remediation of ICT infrastructure at Tomaree Library has been completed.</p> <p>Benefits include: - Significant time saving for ICT support staff as all structured cabling and other critical infrastructure has been remediated to industry standard. - Significantly reduced the risk of Council's enterprise ICT being penetrated by unauthorised persons as the infrastructure has been secured in line with the ICT Infrastructure management directive and the external public network and internal Council network has been separated.</p>					

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Corporate Services	Business Systems Support	Telecommunications	A process improvement	A financial saving	14/09/2012
<p>An audit of telecommunications services at the Family Day Care Administration Office was undertaken as a preliminary step in the development of project plan to co-locate all Childrens Service Administration staff.</p> <p>A telephone service was identified as being double charged. An investigation by the carrier (Telstra) was undertaken resulting in a refund of \$2,398 (on top of a future annual saving of \$360).</p>					
Corporate Services	Business Systems Support	Recordkeeping	A process improvement	A saving in time, An improved, expanded or more efficient service	15/09/2012
<p>With effect from 02/01/2012, responsibility for review, distribution and TRIMING of incoming emails addressed to the Corporate Council email address (aka 'Switch Emails') was assumed by Information Services (IS). This has resulted in a number of improvements:</p> <ul style="list-style-type: none"> i) emails that are records are TRIMd by IS before distribution, removing the decision from recipients and the need to 'file' them; ii) 'junk' email is intercepted and not distributed; iii) subscriptions to email lists are reviewed and confirmed, with a significant reduction in email traffic; iv) initiators of emails are added to the NAR, where necessary, removing the creation of 'ghost' or 'unknown' locations in TRIM that require re-work; v) valid records are captured at source; vi) significant time-saving for Customer Service staff; vii) time-cost to IS staff, but overall net saving to organisation as a result of the process being conducted by the process owners (those with the expertise). 					
Corporate Services	Business Systems Support	Safe Mail Handling / Morning Mail Rounds	A process improvement	A saving in time, An improved, expanded or more efficient service	15/09/2012
<p>Commencing in March 2012, the Safe Mail Handling process was amended such that Council's external mail box is opened prior to commencement of Morning Mail Rounds (rather than as a task in that activity). This has removed the need for the Mail Officer to 'gown up' for a third time in the morning to safely open mail delivered to the external mail box.</p>					
Corporate Services	Business Systems Support	Safe Mail Handling / Morning Mail Rounds	A process improvement	A saving in time, An improved, expanded or more efficient service	15/09/2012
<p>Commencing in August 2012, the Safe Mail Handling process was amended such that mail handed over the counter to Customer Service is now collected when Council's external mail box is opened, prior to commencement of Morning Mail Rounds (rather than as a task in that activity). As a consequence, external mail received over the counter is now processed for action a day earlier than previously, as part of the general incoming mail, instead of following completion of Morning Mail Rounds. This has removed the need for the Mail Officer to 'gown up' for an additional time during the day to safely open mail delivered over the counter.</p>					

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Corporate Services	Business Systems Support	Telecommunications Billing	A process improvement	A saving in time, An improved, expanded or more efficient service	15/09/2012
<p>With effect from June 2012, Council's telecommunications billing has been processed through Telstra's new online billing portal MBRS. This is the culmination of 18 months work with Telstra. As a consequence, Council has been able to take advantage of Telstra-generated auto-reporting for detailed itemised mobile phone bills. Although this comes at a cost of \$2 per phone number per year, it represents a significant time-saving (and consequent labour cost) against the reporting previously generated by PSC staff using the prior version of Telstra's software. Previously, phone number required a one-off set-up process that took approximately 15 minutes, followed by approximately 2 days of processing to issue the reports to phone holders.</p> <p>See advice to staff: http://myport/Lists/Announcements/DispForm.aspx?ID=2733&Source=http%3A%2F%2Fmyport%2FLists%2FAnnouncements%2FArchived%2520News%2Easpx%3FView%3D%7B6335F2ED%2DC9EB%2D4770%2D9BD9%2DD5C8187DFC93%7D%26FilterField1%3DAuthor%26FilterValue1%3DKaren%2520Bradley</p>					
Corporate Services	Business Systems Support	TRIM Training	A process improvement	A saving in time, An improved, expanded or more efficient service	15/09/2012
<p>With effect from August 2011, TRIM Introduction & Navigation training has been available as a regular scheduled fortnightly 1.5 hour group session. This has resulted in a significant time saving for Information Services staff against the previous practice of 30-60 one-on-one training delivered at the desk to anyone requiring training. This also gives existing users the opportunity for a 'refresher' at regular intervals. This also provides some consistency of experience for those receiving TRIM training. This service offering is currently being enhanced. The Finance Team participated in a pilot 'hands-on' group training session conducted at Communic8 on 10/09/2012, to improve their understanding and use of TRIM and assisting in the development of this service.</p>					
Development Services	Development Assessment and Compliance	Website for Building and Construction	A process improvement, A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	18/09/2012
<p>Improvement to access of information on Council's website. More user friendly, therefore saving time for both customers and staff.</p>					

MINUTES FOR ORDINARY COUNCIL – 23 OCTOBER 2012

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Corporate Services	Property Services	Policy created between PSC and Lands office East Maitland when dealing with Crown Trust Land	A process improvement, A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	2/07/2012
<p>If Council is Trust Manager of a Crown Reserve and a public authority (such as electricity or water) is required to upgrade or increase its easement over that land and the improvement is only of benefit to the Crown Trust Land. A Policy, prepared by Maitland Lands Office has been created to allow Council to first gain approval, by way of email or letter, from Lands and then Council can complete the process of Transfer Granting Easement and Proposed Easement Plan. This will reduce time and costs associated with the lodgement of Proposed Plan at LPI.</p>					
Corporate Services	Business Systems Support	Flexitime System	A process improvement, A people/relationship improvement	An improved, expanded or more efficient service	27/07/2012
<p>The Flexitime system has now been upgraded to change the way users access the database. It is now centrally housed within Council's Citrix environment and staff access it via the Citrix 'XenApp' menu on their PC desktops. This removes the need to have it manually installed on approx. 40 individual PCs, which makes future upgrades easier & quicker as well as giving greater security control over which staff have access to it.</p>					
Corporate Services	Property Services	Internal / External Recruitment	A process improvement	An improved, expanded or more efficient service	31/07/2012
<p>Steve Paul initiated discussion with Cindy Vasconcelos regarding opportunities for internal staff to be made aware of potential internal / external recruitment opportunities to facilitate horizontal integration of talent throughout the organisation.</p>					
Corporate Services	Business Systems Support	Cemetery Management	A process improvement	A saving in time, An improved, expanded or more efficient service	16/08/2012
<p>On Mon 13 Aug 2012, the Corporate Systems Unit successfully facilitated the implementation of a new Cemetery Management module within Authority for the F&S Community & Recreation section. This was the culmination of an 8 month project, replacing an outdated internally-written Access database and has many key benefits including a more streamlined system for data capture, as well as integration with other modules of Authority (e.g. NAR, Responsible Officers, etc) and other systems (TRIM, GIS).</p>					
Corporate Services	Property Services	Road Closure Applications	A people/relationship improvement	An improved, expanded or more efficient service	3/09/2012
<p>The current application on Council's website has been updated and an extra page added explaining the process to potential applicants. This should cut down on phone call enquiries related to these matters.</p>					
Corporate Services	Business Systems Support	Telecommunications	A process improvement	A saving in time, A financial saving, An improved, expanded or more efficient service	4/09/2012
<p>A re-cable of the voice communication services in the Admin Building server room has been completed, achieving the following:</p> <ul style="list-style-type: none"> - Time Saving: ICT Support Staff can now identify voice services quickly (two "connection endpoints") when attending to staff re-locations or service difficulties, previously there were five undocumented unique "connection endpoints". Additionally, over 100 internal extensions have now been identified as available for allocation as required, and can be made available within a few minutes, previously, this activity took around 1 hour per request. - Financial Saving: 9 unique services with an annual operating cost of \$4872 were identified as being active and not required. These services have been disconnected. - Improved Service: The reduction in "connection endpoints" has removed 1600 unique and unnecessary points of failure in the telecommunications cabling at the Administration Building. 					

INFORMATION ITEM NO. 2

CASH AND INVESTMENTS HELD AT 30 SEPTEMBER 2012

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 September 2012.

ATTACHMENTS

- 1) Cash and investments held at 30 September 2012.
- 2) Monthly cash and investments balance September 2011 to September 2012.
- 3) Monthly Australian term deposit index September 2011 to September 2012.

ATTACHMENT 1

CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 2012									
ISSUER	BROKER	RATING	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE	
TERM DEPOSITS									
MYSTATE FINANCIAL LTD	FARQUHARSON	A2/BBB	TD	5.35%	120	3-Oct-12	1,000,000	1,000,000	
BANK OF QUEENSLAND	RIM	A2/BBB+	TD	5.26%	120	5-Oct-12	1,000,000	1,000,000	
PEOPLE'S CHOICE CREDIT UNION	CURVE	A2/BBB+	TD	5.17%	120	12-Oct-12	1,000,000	1,000,000	
RAILWAYS CREDIT UNION LTD	FIG	N/R	TD	5.14%	120	16-Oct-12	1,000,000	1,000,000	
WAW CREDIT UNION COOPERATIVE LTD	FIG	N/R	TD	5.15%	120	24-Oct-12	1,000,000	1,000,000	
SOUTH-WEST CREDIT UNION CO-OP LTD	FARQUHARSON	N/R	TD	5.05%	120	8-Nov-12	1,000,000	1,000,000	
SUNCORP-METWAY LTD	RIM	A1/A+	TD	4.96%	120	14-Nov-12	1,000,000	1,000,000	
BANK OF QUEENSLAND	CURVE	A2/BBB+	TD	5.11%	120	20-Nov-12	1,000,000	1,000,000	
POLICE CREDIT UNION LTD	FARQUHARSON	N/R	TD	5.00%	122	10-Dec-12	1,000,000	1,000,000	
INVESTEC BANK (AUSTRALIA) LTD	CURVE	F3/BBB-	TD	5.14%	120	11-Dec-12	1,000,000	1,000,000	
INVESTEC BANK (AUSTRALIA) LTD	RIM	F3/BBB-	TD	5.11%	120	18-Dec-12	1,000,000	1,000,000	
RURAL BANK LTD	FIG	A-/A2	TD	5.03%	122	4-Jan-13	1,000,000	1,000,000	
NATIONAL AUSTRALIA BANK LTD	NAB	A1+/AA-	TD	5.01%	120	5-Jan-13	1,000,000	1,000,000	
RURAL BANK LTD	FIG	A-/A2	TD	5.02%	120	9-Jan-13	1,000,000	1,000,000	
ING BANK (AUSTRALIA) LTD	CURVE	A1/A	TD	5.07%	150	10-Jan-13	1,000,000	1,000,000	
SUNCORP-METWAY LTD	SUNCORP	A1/A+	TD	5.10%	123	14-Jan-13	1,000,000	1,000,000	
ME BANK	CURVE	A2/BBB	TD	4.93%	120	22-Jan-13	1,000,000	1,000,000	
ING BANK (AUSTRALIA) LTD	CURVE	A1/A	TD	5.03%	150	25-Jan-13	1,000,000	1,000,000	
BENDIGO AND ADELAIDE BANK LTD	FARQUHARSON	A-/A2	TD	4.85%	150	15-Feb-13	1,000,000	1,000,000	
ME BANK	CURVE	A2/BBB	TD	5.01%	181	18-Mar-13	1,000,000	1,000,000	
SUB TOTAL (\$)							20,000,000	20,000,000	
OTHER INVESTMENTS									
CTH BANK EQUITY LNK DEPOSIT SER. 2	CTH BANK	AA	FRN	3.00%	5yrs	5-Nov-12	500,000	499,250	
BENDIGO BANK	CTH BANK	BBB+	FRSD	4.81%	5yrs	9-Nov-12	500,000	498,725	
HELIUM CAP. LTD "ESPERANCE AA+"	GRANGE	CCC-(sf)	CDO	4.28%	7yrs	20-Mar-13	1,000,000	433,100	
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99%	10yrs	30-Jun-13	500,000	500,000	
GRANGE SECURITIES "KAKADU AA"	GRANGE	CCC	CDO	4.35%	7yrs	20-Mar-14	1,000,000	184,400	
GRANGE SEC. "COOLANGATTA AA" *	GRANGE	C	CDO	0.00%	7yrs	20-Sep-14	1,000,000	0	
DEUTSCHE BANK TELSTRA LNK DEP. NTE	FIG SECURITIES	A+	FRN	4.43%	7yrs	30-Nov-14	500,000	500,000	
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99%	10yrs	31-Dec-14	500,000	500,000	
NEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A+p	CDO	0.00%	10yrs	23-Jun-15	412,500	342,379	
ANZ ZERO COUPON BOND	ANZ	AA	BOND	0.00%	9yrs	1-Jun-17	1,017,876	805,700	
SUB TOTAL (\$)							6,930,376	4,263,554	
INVESTMENTS TOTAL (\$)							26,930,376	24,263,554	
CASH AT BANK (\$)							2,945,026	2,945,026	
TOTAL CASH AND INVESTMENTS (\$)							29,875,402	27,208,580	
CASH AT BANK INTEREST RATE				3.45%					
BBSW FOR PREVIOUS 3 MONTHS				3.60%					
AVG. INVESTMENT RATE OF RETURN				4.50%					
TD = TERM DEPOSIT					FRN = FLOATING RATE NOTE				
CDO = COLLATERALISED DEBT OBLIGATION					FRSD = FLOATING RATE SUB DEBT				
* LEHMAN BROTHERS IS THE SWAP COUNTERPARTY TO THIS TRANSACTION AND AS SUCH THE DEAL IS BEING UNWOUND NO VALUATION INFORMATION IS AVAILABLE									
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER									
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY									
P GESLING									

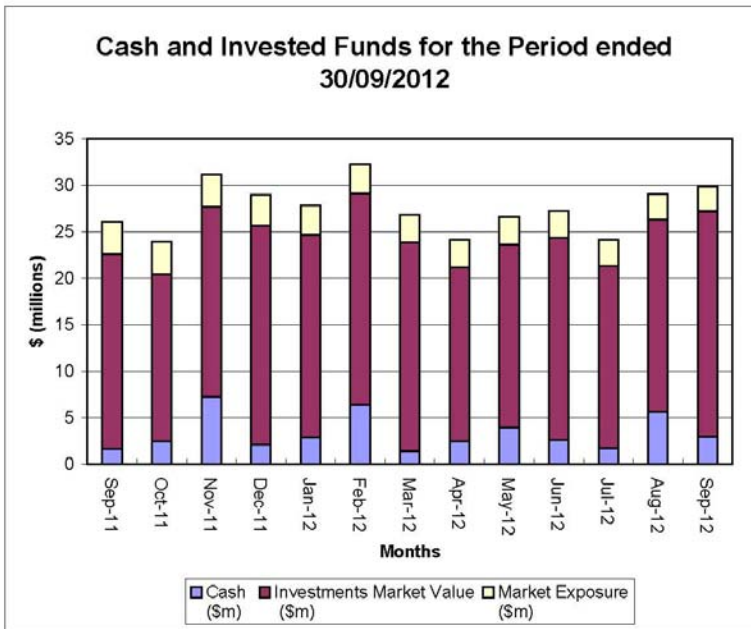
ATTACHMENT 2

Cash and Investments Held

Sep-12

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Sep-11	1.676	20.893	3.538	26.106
Oct-11	2.476	17.978	3.453	23.906
Nov-11	7.240	20.462	3.468	31.171
Dec-11	2.101	23.546	3.384	29.032
Jan-12	2.909	21.781	3.150	27.839
Feb-12	6.372	22.787	3.143	32.303
Mar-12	1.391	22.465	2.965	26.821
Apr-12	2.441	18.722	2.959	24.121
May-12	3.931	19.700	2.981	26.611
Jun-12	2.597	21.774	2.906	27.277
Jul-12	1.724	19.576	2.854	24.154
Aug-12	5.655	20.655	2.775	29.086
Sep-12	2.945	24.263	2.667	29.875

Cash and Invested Funds for the Period ended 30/09/2012

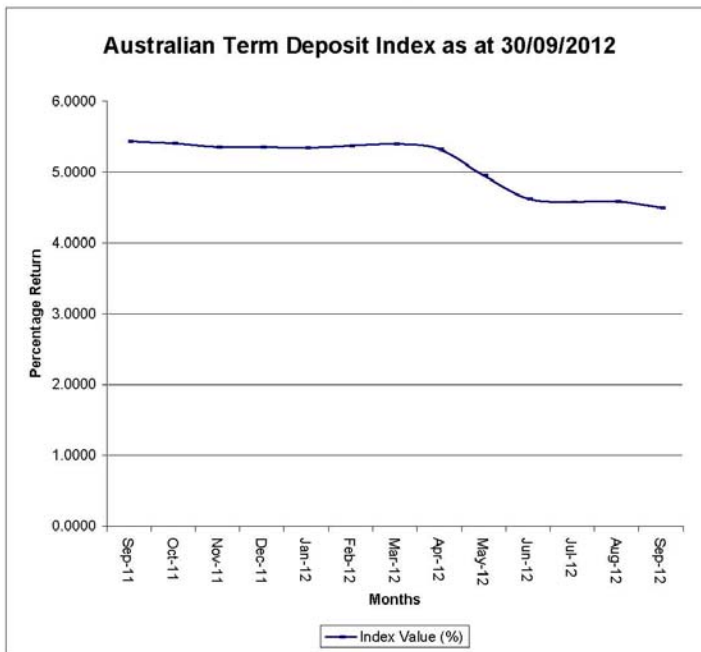


ATTACHMENT 3

Australian Term Deposit Accumulation Index

Sep-12

Date	Index Value (%)
Sep-11	5.4358
Oct-11	5.4065
Nov-11	5.3510
Dec-11	5.3504
Jan-12	5.3389
Feb-12	5.3715
Mar-12	5.3972
Apr-12	5.3227
May-12	4.9508
Jun-12	4.6252
Jul-12	4.5808
Aug-12	4.5858
Sep-12	4.4974



NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

TOMAREE NATIONAL PARK – PUBLIC HUNTING LAND

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) That Port Stephens Council call on the NSW State Government, the Minister for the Environment, the Hon. Robyn Parker, MP and the member for Port Stephens Mr Craig Baumann, MP to add the Tomaree National Park to the Schedule 3A List of Parks that cannot be declared as public hunting land.

BACKGROUND REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING & ENVIRONMENTAL SERVICES, SECTION MANAGER

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

MOTION

	Councillor John Nell Councillor Steve Tucker
292	It was resolved that Port Stephens Council call on the NSW State Government, the Minister for the Environment, the Hon. Robyn Parker, MP and the member for Port Stephens Mr Craig Baumann, MP to add the Tomaree National Park to the Schedule 3A List of Parks that cannot be declared as public hunting land.

The Motion was carried.

AMENDMENT

	Councillor Sally Dover Councillor John Morello
	That Council defer Notice of Motion No.1 to allow for the provision of additional information.

The amendment was lost.

BACKGROUND

The NSW Game and Feral Animal Control Amendment Bill 2012, (Schedule 3A), lists National Parks that cannot be declared as public hunting land.

These Parks are:

Blue Mountains, Bouddi, Brisbane Water, Cattai, Dharawal, Dharug, Garigal, Georges River, Heathcote, Kamay Botany Bay, Ku-ring-gai Chase, Lane Cove, Marramarra, Popran, Royal, Scheyville, Sydney Harbour, Thirlmere Lakes, Wollemi, and Yengo.

It is highly likely that these parks have been listed because they either adjoin, or are adjacent to, urban areas and licensed hunting in them would create a significant risk to public safety.

Tomaree National Park, located in the Port Stephens Shire, has an area of about 2318 hectares and either adjoins, or is adjacent to, the urban areas of Nelson Bay, Shoal Bay and Fingal Bay. It used extensively for public recreation and tourism. Therefore, licensed hunting in Tomaree National Park would create a significant risk to public safety.

CONFIDENTIAL ITEMS



In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

RECOMMENDATION:

294	Councillor Steve Tucker Councillor John Nell
	It was resolved that Council move into Confidential Session.

MINUTES FOR ORDINARY MEETING – 23 OCTOBER 2012

This item was dealt with in open Council.

ITEM NO. 1

FILE NO: A2004-0895

PROPOSED SALE OF 4 CLONMEEN CIRCUIT, ANNA BAY

REPORT OF: CARMEL FOSTER – PROPERTY SERVICES MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Agrees to the sale of 4 Clonmeen Circuit, Anna Bay to Landcom for the upper range value determined in the Valuation Report.

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

Cr Paul Le Mottee left the meeting at 6.34pm prior to voting on Item 1.

	Councillor John Nell Councillor Geoff Dingle
	That Council: 1. Defer Item 1 for consideration. 2. That the report be considered at the same time as the Landcom DA for Fishermans Bay.

The motion was lost on the casting vote of the Mayor.

	Councillor Sally Dover Councillor John Morello
293	It was resolved that Council agrees to the sale of 4 Clonmeen Circuit, Anna Bay to Landcom for the upper range value determined in the Valuation Report.

Councillors Nell and Kafer recorded their vote against the motion.

BACKGROUND

The purpose of this report is to recommend that Council sell 4 Clonmeen Circuit, Anna Bay Lot 132 in Deposited Plan 834467 (Attachment 1) to Landcom for a sale price of \$230,000 (two hundred and thirty thousand dollars).

MINUTES FOR ORDINARY MEETING – 23 OCTOBER 2012

Port Stephens Council owns the 660m² allotment that adjoins the proposed Landcom residential subdivision at Fishermans Bay. The lot was purchased by Council in March 1994 for \$61,500, is zoned residential and is classified Operational under the provisions of the Local Government Act 1993.

Landcom has approached Council regarding a potential purchase of the land to provide additional access into their Fishermans Bay Development. Landcom issued instructions to WPB Property Group a registered valuation firm in Newcastle to determine the current market value of the lot. The Valuer has assessed the market value of the property at \$215,000; however in the body of the valuation report a range of value from \$200,000 to \$230,000 was stated. Subsequent to a meeting with Council Landcom provided Council with a table of commitments which included the purchase of Lot 132 for \$230,000. Additionally a copy of the valuation report was provided to Council.

FINANCIAL/RESOURCE IMPLICATIONS

The sale of the land will provide Council with a profit of \$169,000. 30% will be directed to Ward Funds with the remaining 70% to be added to the Property Services Reserve in accordance with Council's Land Acquisition and Development policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The sale of the land will cover Council's documentation preparation and conveyancing costs for the transaction
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council will prepare the Contract for Sale of Land documentation and issue to Landcom. Standard terms and conditions of sale will apply. There are no encumbrances on the land.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Landcom does not progress to purchase the land	Low	Accept the valuation figure provided in the report and adopt the recommendation to sell the land	Yes
Council does not agree to sell the land to Landcom creating uncertainty that the proposed subdivision	Medium	Adopt the recommendation	Yes

MINUTES FOR ORDINARY MEETING – 23 OCTOBER 2012

can proceed impacting on the positive economic, social and financial outcomes of the development			
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The sale of the land will not have any Social, Economic or Environmental implications.

CONSULTATION

- 1) Group Manager, Corporate Services;
- 2) Property Development Coordinator;
- 3) Strategic and Project Management Planner;
- 4) Senior Development Planner;
- 5) Section 94 Officer;
- 6) Natural Resources Coordinator.

OPTIONS

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

ATTACHMENTS

- 1) Aerial View of 4 Clonmeen Circuit, Anna Bay.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



<p>MGA 54</p>	<p>Port Stephens COUNCIL — a community partnership —</p> <p>T/L: Ashleigh S. Hoek, R. Oymond T: 49802555 F: (02) 49873412 E: mail: council@portstephens.nsw.gov.au</p>	<p>THIS MAP: Port Stephens Council accepts responsibility for any errors, omissions or inaccuracies, which may be contained within or arise from this map. It is provided for your information only. It is not to be used for any other purpose without the prior written consent of Port Stephens Council. © Port Stephens Council 2012. © Google Earth March 2009</p>	<p>SHEET LOCALITY</p>
		<p>SCALE: 1:700 @ A3</p>	<p>PRINTED ON: 22/08/12</p>

ITEM NO. 2

FILE NO: A2004-0852

PURCHASE OF 108 MAGNUS STREET, NELSON BAY

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

ORDINARY COUNCIL MEETING – 23 OCTOBER 2012

Cr Paul Le Mottee returned to the meeting at 6.37pm prior to voting.

	Councillor Steve Tucker Councillor John Nell
295	It was resolved that Council: 1. Purchase Lot 71 in Deposited Plan 573006 being 108 Magnus Street, Nelson Bay to the value determined in the valuation report. 2. Authorise the General Manager and the Mayor to sign and affix the seal of Council to any related documentation.

There being no further business the meeting closed at 6.43pm.

I certify that pages 1 to 125 of the Open Ordinary Minutes of Council 23 October 2012 and the pages 126 to 133 of the Confidential Ordinary Minutes of Council 23 October 2012 were confirmed by Council at its meeting held on 27 November 2012.

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Bruce MacKenzie
MAYOR