MINUTES 12 NOVEMBER 2013



Minutes of Ordinary meeting of the Port Stephens Council held in the Council

PRESENT: Councillors S. Dover (Chair); G. Dingle; C. Doohan;

Chambers, Raymond Terrace on 12 November 2013, commencing at 5.30pm.

K. Jordan; P. Kafer; P. Le Mottee; J. Morello; J Nell; S. Tucker; Acting General Manager; Acting Corporate Services Group Manager; Facilities and Services Group Manager; Development Services

Group Manager and Executive Officer.

Cr Peter Kafer left the meeting at 5.30pm.

312	Councillor Ken Jordan Councillor Chris Doohan			
	It was resolved that the apology from Mayor Bruce MacKenzie be received and noted.			

,	313	Councillor John Morello Councillor Ken Jordan				
		It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 22 October 2013 be confirmed.				

There were no Declaration of Interests received.

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COUNCIL REPORTS

MINUTES FOR ORDINARY MEETING – 12 NOVEMBER 2013

ITEM NO. 1 FILE NO: 16-2011-404-1

DEVELOPMENT APPLICATION - PROPOSED SUBDIVISION AT 20 ALBERT STREET, TAYLORS BEACH

REPORT OF: PETER GESLING - GENERAL MANAGER

GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

1) Approve Development Application DA 16-2011-404-1, subject to the attached conditions of consent for a five lot subdivision and boundary alignment at 20 Albert St, Taylors Beach (Lot 1 and 2 DP 111507).

ORDINARY COUNCIL MEETING – 12 NOVEMBER 2013 MOTION

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

COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Steve Tucker

Cr Peter Kafer returned to the meeting during Item 1 at 5.32pm.

	Councillor Ken Jordan That Council:					
	1)	Approve Development Application DA 16-2011-404-1, subject to the attached conditions of consent for a five lot subdivision and boundary alignment at 20 Albert St, Taylors Beach (Lot 1 and 2 DP 111507);				
	2)	Condition 46(a) be deleted and the following additional condition relating to offsets be placed on the consent:				

Prior to the commencement of works a 3Ha offset area should be surveyed and a positive covenant shall be created under Section 88B of the Conveyancing Act 1919 on the title of the land. The location of the offset area is to be determined between Council and the owner.

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

Those for the Motion: Crs Sally Dover, Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Nil.

MOTION

316 Councillor Ken Jordan Councillor Steve Tucker

It was resolved that Council:

- 1) Approve Development Application DA 16-2011-404-1, subject to the attached conditions of consent for a five lot subdivision and boundary alignment at 20 Albert St, Taylors Beach (Lot 1 and 2 DP 111507);
- 2) Condition 46(a) be deleted and the following additional condition relating to offsets be placed on the consent:

Prior to the commencement of works a 3Ha offset area should be surveyed and a positive covenant shall be created under Section 88B of the Conveyancing Act 1919 on the title of the land. The location of the offset area is to be determined between Council and the owner.

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

Those for the Motion: Crs Sally Dover, Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present to Council the draft conditions of consent for the Development Application DA 16-2011-404-1 for the five lot subdivision and boundary alignment at 20 Albert St, Taylors Beach (Lot 1 and 2 DP 111507).

The application was supported in principle by Council on the 10 September 2013 and it was requested that the appropriate conditions of consent be provided to Council for consideration.

MINUTES FOR ORDINARY MEETING - 12 NOVEMBER 2013

The integrated referral conditions included in the draft conditions are General Terms of Approval issued by the NSW Office of Water and Rural Fire Service. These conditions are required to be included verbatim.

ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2013

The following Motion (No. 252) was adopted at the Council meeting.

'It was resolved that Council support the development application 16-2011-404-1 for a subdivision and boundary alignment, in principle, and request the General Manager to provide appropriate conditions of consent to Council for consideration.

Accordingly, conditions of consent have been prepared and are presented to Council for consideration (ATTACHMENT 1).

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications should the recommendation be supported for the proposed conditions.

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

LEGAL AND POLICY IMPLICATIONS

As Council has resolved to support the proposal, this report is simply putting forward conditions of which there is no significant legal, policy or risk implication.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that inappropriate conditions could be challenged in the Land & Environment	Low	Impose reasonable conditions as proposed.	Yes
Court.			

MINUTES FOR ORDINARY MEETING – 12 NOVEMBER 2013

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

As Council has resolved to support the proposal, this report is simply putting forward conditions of which there is no significant sustainability implications.

CONSULTATION

The conditions have been prepared by Council staff and provided to Council for review and endorsement.

OPTIONS

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

ATTACHMENTS

1) Draft Conditions of Consent.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Draft Conditions of Consent

SCHEDULE OF CONDITIONS

Conditions that identify approved plans and limitations of consent

- Development consent is granted for Subdivision five (5) lot Torrens Title and boundary alignment over 20 Albert St, Taylors Beach (Lot 1 DP 1115507 and Lot 2 DP115507).
 - The lot layout is to be in accordance with the Proposed Subdivision Plan (Drawings numbered 1 and 2) prepared by Walker dated 13 August 2013.
 - Note: All previous layouts submitted as part of the development application and contained in the approved documentation are superseded (layouts only).
- The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.

Conditions to be satisfied prior to construction

- 3. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
- Details of any proposed work within a Public Reserve shall be submitted to and approved by Council prior to commencement of that work within the reserve.
- Works associated with the approved plans and specifications located within the existing Road Reserve shall not commence until:
 - a. a Roads Act Approval (under Section 138 of the Roads Act 1993) has been issued; and
 - b. all conditions of the Roads Act Approval have been complied with to Council's satisfaction.

Conditions to be satisfied during construction

6. The developer shall restore, replace or reconstruct any damage caused to road pavements, cycleway, footpath, kerb and guttering, surfaces, street furniture, roadside drainage, stormwater, or any other public infrastructure, street lighting or underground facilities on the haulage routes used for the construction of the subdivision or located within the Road Reserve, that occur as a result of construction

activities, as determined by Council's Development Engineers or Civil Assets Engineer The developer will bear all of the associated costs involved in these works.

- 7. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill and further Council approval.
- 8. In areas that are disturbed for site filling, all available topsoil shall be stockpiled and re-used at the completion of the earthworks. The topsoil shall be spread evenly and lightly rolled. All disturbed areas shall be stabilised within 14 days of completion of filling operations with grass cover by either turfing or seeding.
- 9. Filling shall not obstruct any natural drainage path or water drainage system. Neither shall the fill encroach into any adjoining property nor have batter slopes steeper than 1 (vertical) to 6 (horizontal). The toe of batters shall be a minimum of 3 metres from the adjoining property and provision made (if necessary) within that 3 metres for overland flow paths to relieve runoff from both the subject property and adjoining properties.
- 10. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
- Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
 - * Monday to Friday, 7am to 6pm;
 - Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L_{10} level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

12. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.

Conditions to be satisfied at all times

- The Vegetation Management Plan prepared by RPS dated March 2013 is to be complied with at all times. In addition:
 - a. The maintenance of the rehabilitation work must occur as per Chapter 4.0 (excluding 4.2 Maintenance of the Revegetation Works) and must continue for 5 years following the issue of the Subdivision Certificate.
 - b. Monitoring and Reporting should be carried out as per Chapter 5.0. However, the monitoring report as detailed in the Vegetation Management Plan must be submitted to Port Stephens Council every 6 months following issue of the Construction Certificate with the final report due 12 months following issue of the Subdivision Certificate.
 - All clearing must be consistent with Chapter 2.0 and Port Stephens Council Vegetation Technical Specification Clearing Protocols.

Integrated referral conditions

- 14. The following General Terms of Approval have been issued by the NSW Rural Fire Service on 24 September 2013 and shall be complied with:
 - Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - Public road access shall comply with section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.
- 15. The General Terms of Approval (GTA) issued by the NSW Office of Water on 12 June 2012 shall be complied with. The GTA's only apply to the controlled activities described in the plans and associated documentation relating to DA 16-2011-404-1 and provided by Council to NSW Office of Water:
 - a. Statement of Environmental Effects prepared by RPS dated June 2011 and amended by RPS dated December 2011 and 4 May 2012.
 - Proposed Subdivision Plan Drawing numbers 1 and 2, prepared by Walker dated 13 August 2013
 - Note: Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
- Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this application is land and material in or within 40m of the top of the bank or shore of the estuary identified.
- 17. The consent holder must prepare or commission the preparation of:

- a. Vegetation Management Plan
- b. Works Schedule
- c. Erosion and Sediment Control Plan
- d. Soil and Water Management Plan
- 18. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-

Licensing/Approvals/default.aspx

- a. Vegetation Management Plans
- b. Laying pipes and cables in watercourses
- c. Riparian Corridors
- d. In-stream works
- e. Outlet structures
- f. Watercourse crossings
- 19. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
- 20. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
- The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
- The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
- 23. The consent holder must provide a security deposit (bank guarantee or cash bond) equal to the sum of the cost of complying with the obligations under any approval to the NSW Office of Water as and when required.
- 24. The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or

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- banks of the estuary or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
- 25. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
- 26. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- 27. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
- The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
- 29. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
- The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- 31. The consent holder must ensure that any excavation does not result in (i) diversion of any estuary (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
- 32. The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor and wetland buffer zone for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.

Conditions to be satisfied prior to the issue of a Construction Certificate

- The Construction Certificate will not be issued over any part of the site requiring a
 controlled activity approval (CAA) from the NSW Office of Water until a copy of the
 CAA has been provided to Council.
- 34. The Vegetation Management Areas in Figure 1 of the Vegetation Management Plan, prepared by RPS dated March 2013, shall be amended to reflect the final approved lot layout showing areas to be rehabilitated. This revised plan is to be submitted to Council prior to the issue of the Construction Certificate.
- 35. An amended landscape plan is to be submitted to Council prior to the issue of the Construction Certificate. The species to be used on site are to only include plants specified in the Vegetation Management Plan prepared by RPS dated March 2013, section 3.5 "Plant Stock". Turf Swale species are to be endemic to the site and no exotic species are to be used.
- 36. A monetary contribution is to be paid to Council, pursuant to section 80A(1) of the Environmental Planning and Assessment Act, 1979 and Section 94 of the Environmental Planning and Assessment Act, 1979 towards the provision of the following public facilities:-

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- . .

	Per Lot	lotal
Civic Administration	(\$1089)	(\$4356)
Public Open Space, Parks and Reserves	(\$2259)	(\$9036)
Sports and Leisure Facilities	(\$5327)	(\$21308)
Cultural and Community Facilities	(\$2677)	(\$10708)
Fire & Emergency Services	(\$217)	(\$868)
Roadworks	(\$1512)	(\$6048)

Note:

- a. The above contributions have been determined in accordance with Port Stephens Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Customer Service Counter, 116 Adelaide Street, Raymond Terrace.
- b. Contributions are to be paid prior to issue of Construction Certificate.
- c. The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of original consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for twelve months from the date of original consent.

- 37. A soil and water management plan in accordance with Managing Urban Stormwater Soils and Construction, Volume 1 (Landcom, 2004) shall be created and implemented for the site. Details shall be submitted to and approved by the Certifying Authority prior to the issue of Construction Certificate.
- 38. Engineering details, in accordance with Council's Design and Construction Specification, policies and standards, of proposed road and drainage works shall be submitted to Council for approval prior to issue of the Construction Certificate.

Prior to the road design being undertaken, a full geotechnical investigation shall be undertaken to determine road base, sub-base, surface treatments and material requirements. Engineering plans for the following subdivision works within the private property must be designed by a suitably qualified professional, in accordance with Council's 'Infrastructure Design Specification – AUS Spec', and Section B of Development Control Plan 2007 **prior to the issue of a Construction Certificate**.

- a. Footpath 1.2m in accordance with Council standard drawing \$151 for the full south west boundary of proposed lot 5 (from Albert Street to the Beach frontage).
- b. A stormwater collection pit shall be constructed within the road reserve just opposite the lowest point in each lot frontage. The pits shall be connected and then piped under the road pavement to surcharge into the drainage swale on the opposite side of the road reserve. A connection stub shall be provided within the pits for the future connection of the lots.
- All pipes that are to be dedicated as public stormwater infrastructure shall be marine class pipes.
- Full width road including subsoil drainage, drainage and a minimum width of 6 metres wide road pavement.
- e. Water quality modelling with a computer program (ie. MUSIC) with consideration to the pollutants addressed in Section 8.4 of Council's Urban Stormwater & Rural Water Quality Management Plan. A report shall be submitted to the Principal Certifying Authority demonstrating the pollutants relevant to the development type are adequately addressed. Construction details for the necessary water quality measures shall also be provided.

The engineering plans and any associated reports for the above requirements **must** form part of the Construction Certificate.

 Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's 'Infrastructure Design and Construction Specification – AUS Spec', and Section B of Development Control Plan 2007. The required works to be designed are as follows:

- a. A Condition assessment and capacity analysis of the existing pipe along Albert Street that is proposed for connection shall be undertaken by a suitably qualified engineer. If it is determined that the pipe does not contain sufficient capacity to safely convey the post development flows from the proposed works, the applicant shall be required to upgrade the pipe at no cost to Council. The drainage analysis shall be submitted to Certifying Authority prior to the issue of Construction Certificate.
 - If upgrades works are required, full details of the works shall be submitted to and approved by Council **prior to the issue of Construction Certificate**.
- b. The upgrade of existing Albert Street turning head to allow for the smooth transition for the extension of Albert Street.
- Signage and line marking. The signage and line marking plan shall be approved by the Council Traffic Committee.
- Traffic control plans in accordance with the Roads and Traffic Authority Traffic Control at Worksites Manual;
- e. Payment of applicable fees and bonds; and
- f. Contractor's public liability insurances to a minimum value of \$10 million dollars.

The engineering plans must be approved by Council **prior to the issuing of a Construction Certificate** required under this consent.

- 40. The following plans and / or CAD files shall be provided to Council:
 - Road construction plans in CAD format prior to commencement of road works;
 - Works-as-executed drawings and CAD files of all engineering works prior to the issue of any Subdivision Certificate(s); and
 - CAD files which include all lot and road boundaries, lot numbers and easements, prior to the issue of the Subdivision Certificate.

All CAD files shall be supplied in AutoCAD or compatible format in a known coordinate system (preferably GDA94 or MGA56).

Conditions to be satisfied prior to the issue of a Subdivision Certificate

- 41. The fence along the common boundary between the subject site and 22 Albert Street shall be replaced at the cost of the developer with a 1.8m high lapped and capped hardwood fence. This is to be replaced prior to the issue of the Subdivision Certificate.
- 42. Prior to the issue of the Subdivision Certificate a solid fence should be erected on the boundary of lot 2 DP 1115507 adjoining 21A Albert St (Lot 52 DP 875835) and all other fencing installed as per section 3.7 of the Vegetation Management Plan prepared by RPS dated March 2013.
- 43. The rehabilitation of the areas marked in Figure 1 of the Vegetation Management Plan prepared by RPS dated March 2013 must occur as per Chapter 3.0 of the Vegetation Management Plan prior to issue of the Subdivision Certificate.
- 44. The following details must be submitted with the plan of subdivision (plus six (6) copies):
 - a. the endorsement fee current at the time of lodgement
 - b. the 88B instrument plus six (6) copies
 - all surveyor's and/or consulting engineers' certification(s) required under the subdivision consent
 - d. the Section 50 (Hunter Water) Compliance Certificate for the subdivision
 - e. Proof of payment of Section 94 contribution
- 45. **Prior to issue of the Subdivision Certificate**, separate underground electricity, gas and telecommunications, or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experience engineer or surveyor is to provide certification that all new lots have ready underground access to services of electricity, gas an phone. Alternatively, a letter from the relevant supply authorities stating the same maybe submitted to satisfy this condition.
- 46. The person having the benefit of the development consent shall create the following restrictions on use, on the title of the subject property under Section 88B of the Conveyancing Act 1919.
 - A restriction is to be placed on Lot 2 1115507 for the lot to be used only for conservation purposes.
 - b. A restriction is to be placed on Lots 1 to 5, stating that the installation of an Onsite Sewage Management System shall be in accordance with the Wastewater

Management Plan prepared by Whitehead and Associates dated 17 April 2013.

- c. A restriction is to be placed on Lots 1 to 5, restricting the use of the effluent management areas to any form of development other than the intended purpose, ie a covenant or easement for disposal of sewerage. No physical structures such as sheds, garages, cabanas or pools or the like are to be built in this area.
- d. A restriction is to be placed on Lots 1 to 5, whereby all On-site Sewage Management Systems are to be fitted with both conventional and telemetry based alarm systems to notify an all hours service agent and Council of impending system overflow due to system failure or emergency conditions.
- e. A restriction is to be placed on Lots 1 to 5, restricting future dwellings to four bedrooms in size. NB: A study or utility room of a reasonable size that on the floor plan includes a 'built in robe' is classified as a bedroom.
- f. A restriction is to be placed on Lots 1 to 5, stating that all future dwellings on the lots will be required to be constructed with a minimum habitable floor level of RL 2.7 m AHD.
- g. A restriction is to be placed on Lots 1 to 5, restricting residential development to single storey and prohibiting dual occupancies.

The title of these properties shall be endorsed under Section 88B of the Conveyancing Act 1919 to give effect to this condition. Council shall be nominated as the prescribed authority permitted to release, vary or modify the instrument. Full details are to be provided to Council **prior to issue of the Subdivision Certificate**.

- 47. Upon completion of the landfill activities, a survey plan is to be submitted and prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with the approved plans and documentation. Council will insist on the removal of excessive fill. The fill is to be placed on site prior to the issue of the Subdivision Certificate.
- 48. Prior to the issue of the Subdivision Certificate please contact Council's Mapping Section via email at: addressing@portstephens.nsw.gov.au stating your Development Approval number, address of the property and the assessing officer to obtain the correct lot numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.
- 49. All works associated with the development shall be completed in accordance with the relevant approval process (CC, Roads Act, etc.) and deemed satisfactory by the relevant agency/provider prior to issue of the Subdivision Certificate.
- 50. Works-As-Executed plans shall be prepared by a suitability qualified person detailing all roads and drainage works in accordance with Council's Design and Construction

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- Specifications, policies and standards. This shall be submitted to Port Stephens Council and the Certifying Authority and deemed acceptable **prior to issue of the Subdivision Certificate**.
- 51. The proposed building pads are to be filled to a minimum level of RL 2.4 m AHD. The building pads are to be designed and certified by a suitably qualified engineer prior to the issue of Subdivision Certificate.

GENERAL ADVICES

SCHEDULE 3 - APPROVED PLANS AND DOCUMENTATION

Statement of Environmental Effects prepared by RPS dated June 2011 and amended by RPS dated December 2011 and 4 May 2012.

Proposed Subdivision Plan Drawing number 1 prepared by Walker dated 13 August 2013

Proposed Subdivision Plan Drawing number 2 prepared by Walker dated 13 August 2013

Detailed Design Drawing number 3 prepared by Walker dated 13 August 2013

SEPP 14 Wetland Boundary Assessment prepared by RPS dated December 2011

Vegetation Management Plan prepared by RPS dated March 2013

Landscape Drawings prepared by Terras Landscape Architects dated March 2013

Flora and Fauna Assessment prepared by RPS dated 1 June 2011

Wastewater Management Plan prepared by Whitehead & Associates dated 17 April 2013

Stormwater Drainage Concept Plan prepared by Peter Sullivan & Associates dated June 2011

Flood Impact Assessment prepared by Worsley Parsons dated 18 May 2011

Geotechnical review prepared by Cardno Geotech solutions dated 26 March 2013

Bushfire Assessment prepared by RPS dated 1 June 2011

Aboriginal Heritage Due Diligence Report prepared by RPS dated May 2011

Water Quality Analysis prepared by BG&E dated 5 April 2013

Biobanking Assessment prepared by RPS dated 21 November 2013

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ITEM NO. 2 FILE NO: PSC2013-00406

REVOKE OBSOLETE POLICIES – CONTROL OF OPEN BURNING POLICY (AMENDMENT) 2002 AND TELECOMMUNICATION FACILITIES IN PORT STEPHENS 2003

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND COMPLIANCE

SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

1) Revoke the Control of Open Burning Policy (Amendment) 2002, dated 26/03/2002 (Minute No. 101);

2) Revoke the Telecommunication Facilities in Port Stephens Policy, dated 16/12/2003 (Minute No. 522).

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Councillor Ken Jordan Councillor Chris Doohan
That the recommendation be adopted.

MOTION

317	Councillor Ken Jordan Councillor Steve Tucker					
	It wa	as resolved that Council:				
	1)	Revoke the Control of Open Burning Policy (Amendment) 2002, dated 26/03/2002 (Minute No. 101);				
	2)	Revoke the Telecommunication Facilities in Port Stephens Policy, dated 16/12/2003 (Minute No. 522).				

BACKGROUND

The purpose of this report is to forward to Council a report to revoke the listed policies.

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Council has a program of systematically reviewing and updating its existing policies. The current policies are provided in (ATTACHMENTS 1 AND 2).

In respect to the *Control of Open Burning Policy (Amendment) 2002*, this policy outlines in what situations either Council or the Rural Fire Service provide approval for open burning. A policy is not needed as these matters and directions are outlined in state legislation. A fact sheet is now considered the best format to assist/advise the community on this topic. This fact sheet will ensure that the public have access to accurate and current information with regard to the control of open burning.

In respect to the *Telecommunication Facilities in Port Stephens Policy 2003* this policy aimed to regulate telecommunication facilities within Port Stephens Local Government Area through land use zoning provisions. This policy is now obsolete as Councils Local Environmental Plan and other state legislation now carries out this exact function.

FINANCIAL/RESOURCE IMPLICATIONS

There are minimal direct financial / resource implications.

Source of Funds	Yes/No	Funding	Comment	
		(\$)		
Existing budget	Yes		Policy update & implementation within existing budget	
Reserve Funds	No			
Section 94	No			
External Grants	No			
Other	No			

LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal, policy and risk implications in reviewing existing policies and determining the appropriateness of policy to assist in providing advice to the community and facilitating more accurate and robust decision making by Council staff. There are no foreseeable legal, policy or risk implications resulting from the recommendation before Council

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that poor decisions may be made as a result of outdated / obsolete policy	Medium	Revoke current policies and rely on existing local and State controls	Yes

MINUTES FOR ORDINARY MEETING - 12 NOVEMBER 2013

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation to revoke both policies will not result in any adverse sustainability implications.

The issues mentioned in the existing policies are addressed in other legislation or guides.

CONSULTATION

Consultation has been undertaken with the respective internal staff.

OPTIONS

- 1) Resolve to retain the existing policy;
- 2) Resolve to amend the existing policy;
- 3) Resolve to revoke the existing policy.

ATTACHMENTS

- 1) Control of Open Burning Policy (amendment) 2002 (i.e. Original policy);
- 2) Telecommunication Facilities in Port Stephens 2003.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Control of Open Burning Policy (Amendment) 2002



Adopted: 26/03/2002 Minute No: 101 Amended: Minute No:

FILE NO: 9160-006

TITLE: CONTROL OF OPEN BURNING POLICY (AMENDMENT)

2002

BACKGROUND

The protection of the Environment Operations (Control of Burning) Regulation 2000 gives certain councils the authority to issue approvals to burn dead and dry vegetative matter to 'any particular person' and to any 'class of persons'. This Policy identifies the 'classes of person' that will be given consideration when seeking approval to burn approved materials in the open.

OBJECTIVE

This policy aims to provide Council with direction on the issuing of approvals to burn dead and dry vegetative material in the open to classes of persons. In particular the policy aims to:

- define the class of persons that have approval to burn dead and dry vegetative materials under the Protection of the Environment Operations (Control of Burning) Regulation 2000 Schedule 1 Part 2 and Part 3.
- outline under what conditions an approval to burn dead and dry vegetative materials in the open will be granted.

PRINCIPLES

The burning of anything in Port Stephens Council local government area is prohibited except in accordance with an approval under Schedule 1 Part 2 and Part 3 of the Protection of the Environment Operations (Control of Burning) Regulation 2000 or the Rural Fire Act 1997 and Regulation.

Council will provide approval for the open burning of dead and dry vegetative material to parcels of land that meet the prescribed criteria. Such approval is intended for properties of the prescribed criteria that have a large number of mature trees that are likely to generate larger than average quantities of vegetative debris.

Approval to burn under this Policy is only for the purpose of waste disposal of dead and dry vegetative material, which accumulates on the prescribed parcels of land during the normal use of that land. An 'approval to burn' does not mean approval to burn for bushfire hazard reduction or clearing of vegetation other than clearing for agricultural purposes as prescribed in the Protection of the Environment Operations (Control of Burning) Regulation 2000.

MINUTES FOR ORDINARY MEETING - 12 NOVEMBER 2013

Before granting an approval for open burning of dead and dry vegetative material council shall take into consideration the following issues:

- The impact on regional air quality
- · The impact on local air quality
- The feasibility of re-use, recycling or other alternative means of disposal
- The views of the sector of the public likely to be affected by the proposed approval
- The views of the Environment Protection Authority in relation to a proposed approval to any class of persons.

POLICY STATEMENT

Open burning is prohibited in the Port Stephens Council local government area except if permitted in this policy or under the Protection of the Environment Operations (Control of Burning) Regulation 2000 or under the Rural Fires Act 1997 and Regulation.

Council gives approval for the burning of dead and dry vegetative material in the open on parcels of land not less that 4000 square metres in area and zoned 1(a), 1(c1), 1(c2), 1(c3) and 1(c4) in the Port Stephens Council Local Environment Plan 2000, on which the vegetation grew.

Approvals are subject to the following conditions: -

- · An open fire must not be less than 25 metres from any dwelling.
- Adjacent property owners must be given 24 hours notice (verbal or written) of an intention to burn.
- An open fire must be supervised at all times.
- All combustible material within a 4.5 metre radius of the fire must be removed.
- Burning should only take place when weather conditions are calm and predicted to remain so.
- Burning should not cause a smoke hazard.
- The lighting of open fires is not permitted before 8.00am or after 4.00pm.
- Approval to burn does not apply during proclaimed 'No Burn Days' and a 'Total Fire Ban'.
- Land managers/owners must contact the Rural Fire Service prior to lighting.
- Approval to burning in the open during the Statutory Bush Fire Danger Period is subject to a permit from the New South Wales Rural Fire Service.

REVIEW DATE

October 2005.

RELATED POLICIES

Port Stephens Council Local Environment Plan 2000.

ATTACHMENT 2

Telecommunication Facilities in Port Stephens 2003



Adopted: 20/10/1998 Minute No: 492 Amended: 27/11/2001 Minute No: 501 Amended: 26/08/2003 Minute No: 339 Amended 16/12/2003 Minute No: 522

FILE NO: 9880 - 050

TITLE: TELECOMMUNICATION FACILITIES IN PORT STEPHENS

BACKGROUND

The Telecommunications Act 1997 and its related legislation gives authority to local Councils to regulate, through the Environmental Planning and Assessment Act 1979, where telecommunication facilities would be permitted or prohibited in their local government areas.

Council is the consent authority for facilities that require development consent under the terms of the EPA & Act 1979. Facilities that require consent from Council are referred to as "not low impact facilities".

Facilities that are described in the Telecommunications (Low Impact) Determination 1997, as amended, exempts low impact facilities from state and territory planning and environmental laws, therefore consent is not required for development of these facilities.

As the following flow chart indicates, Council only has regulatory control over 'not low impact facilities'. This is the prime purpose for the development of this policy.





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OBJECTIVE

To regulate the location of telecommunication facilities within Port Stephens Local Government Area through land use zoning provisions and provide planning controls and notification procedures for consideration in the siting of any facilities where permitted.

PRINCIPLES

The Policy must be considered when dealing with any proposals for telecommunication facilities within Port Stephens LGA, in conjunction with the requirements of Port Stephens LEP 2000.

POLICY STATEMENT

This Policy applies to all land located within the Port Stephens Local Government Area. Where a proposed telecommunication facility is not considered to be a 'low impact facility', as determined under the Telecommunications Act 1997, development consent is required for the installation of any telecommunications facilities under the provisions of the Environmental Planning and Assessment Act 1979.

This policy is consistent with the Commonwealth Communications legislation under which the carriers are bound, and sets additional requirements for consideration by the carriers in the siting of telecommunication facilities.

Land Use Zones

In accordance with Port Stephens LEP 2000,

"telecommunication 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.

Telecommunication facilities are permitted, with development consent, on land zoned Rural Agriculture 1(a), Rural Small Holdings 1(c1) – 1(c5), Business General 3(a), Industrial General 4(a), Special Urban (Flood Affected) 5(g), General Recreation 6(a), Special Recreation 6(c), and Environment Protection (Waterways) 7(w).

In addition to the requirements specified in this policy, each Development Application lodged is required to be assessed on its merits in accordance with the matters for consideration under section 79C of the Environmental Planning and Assessment Act 1979.

Planning Controls

The following attached Telecommunications and Radiocommunications Guidelines document provides planning controls that shall be complied with for the siting of any proposed facilities. The guidelines must be incorporated in the implementation of this policy.

Council encourages proposed carriers of 'not low impact facilities' to meet with the development assessment panel before lodging a development application. It is councils opinion that community consultation must be carried out for facilities within 300m of a sensitive location before the development application is lodged. A comprehensive report of the consultation process and results must accompany the Development Application.

Notification of Proposed Facilities

All proposed telecommunication facilities which require development consent to be obtained, shall be notified to the adjoining landowners and exhibited in the local paper for a minimum period of 21 days.

RELATED POLICIES

This policy is to be utilised in the assessment of development applications through Section 79C of the Environmental Planning and Assessment Act 1979.

REVIEW DATE

Three years

RELEVANT LEGISLATIVE PROVISIONS

The telecommunication carriers are subject to the requirements of the Telecommunications Act 1997, the Telecommunications Code of Practice 1997 and the Telecommunications (Low Impact) Determination 1997, as amended. The carrier shall conform to the requirements of this legislation, as amended, in relation to their responsibilities and reporting for the installation of all telecommunication facilities.

IMPLEMENTATION RESPONSIBILITY

Sustainable Planning Group

TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS GUIDELINES

Port Stephens Council

August 2003

These guidelines are to be interpreted in conjunction with Port Stephens Council Telecommunications Policy

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1.0 Introduction

These guidelines apply to telecommunications and radiocommunications infrastructure (including broadcasting infrastructure covered under the *Telecommunications Act 1997* and the *Radiocommunications Act 1992*). Councils are the consent authority for facilities that require development consent under the terms of the *Environmental Planning and Assessment Act 1979*. These are the facilities that are referred to as "not low impact facilities". Councils do not have regulatory control over "low impact facilities". These are facilities described in the *Telecommunications (Low Impact Facilities) Determination 1997* (LIF Determination) which exempts low impact facilities from State and Territory planning and environmental laws.

These guidelines provide controls for the siting, design and installation of telecommunications and radiocommunications facilities that require development consent from Council.

2.0 What is the purpose of these guidelines?

The purpose of these guidelines is:

- to provide a consistent and integrated planning framework that addresses the community's interests in the effective and efficient provision of telecommunications and radiocommunications infrastructure so that it achieves environmental, economic and social sustainability in the short, medium and long term;
- to provide a consistency of approach which benefits carriers, community and councils;
- to balance the needs of different stakeholders, including the community/industry/local, state and federal governments, and
- · to provide guidance to carriers about council's requirements for:
 - site selection
 - lodging an application
 - conducting community consultation.

3.0 What are the objectives of these guidelines?

The objectives of these guidelines are:

3.1 Social

- to apply a precautionary approach to the deployment of radiocommunications infrastructure;
- to minimise EMR exposure to the public;
- to avoid community sensitive locations;
- to ensure that the general public and local communities have access to telecommunications technology;
- to achieve equity for the various stakeholders by endeavouring to balance their various needs:
- to enable members of the public to adequately identify infrastructure and the agencies responsible for them;
- to provide mechanisms by which information can be disseminated to ensure that the community is adequately informed and empowered to participate in the planning/decision-making process;

3.2 Environmental

- to help implement principles of urban design in respect to telecommunications and radiocommunications infrastructure;
- · to promote good industrial design of infrastructure;
- to provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons:
- to minimise adverse impacts on the natural environment;
- to assess whether the proposed infrastructure is consistent with the amenity of the area.
- to restore the site after discontinuation or removal of infrastructure;

3.3 Economic

- to identify the type of land use areas suitable for infrastructure in a local government area;
- · to accommodate the planning requirements of new technology;
- · to provide equitable availability of locations to carriers;
- to assess whether the proposed infrastructure is consistent with permitted development in adjacent areas;
- to ensure reasonable access to telecommunications technology;
- to provide certainty for stakeholders and a consistent approach to the implementation/assessment of telecommunications infrastructure, and

3.4 Administrative

 to ensure that Council obtains information about existing and proposed infrastructure to assist with strategic planning.

4.0 How do these guidelines relate to other plans/legislation?

4.1 Commonwealth legislation

4.1.1 Telecommunications Act 1997

The Telecommunications Act establishes a regime for Carriers' rights and responsibilities when inspecting, maintaining or installing telecommunications facilities.

These guidelines clarify the expectations of Council on carriers who operate under the Act.

4.1.2 Radiocommunications Act 1992

The Radiocommunications Act 1992 regulates radiocommunications transmitters. It provides for the licensing of radiocommunications equipment and applies mandatory standards to its use.

These guidelines clarify the expectations of Council on carriers who operate under the Act.

4.1.3 Telecommunications Code of Practice 1997

The *Telecommunications Code of Practice 1997* establishes obligations on carriers in land-access situations such as when inspecting land, installing low-impact facilities and maintaining facilities. It also requires carriers to comply with recognised industry codes and standards.

These guidelines clarify and standardises the expectations of Council in respect to land-access situations.

4.1.4 Telecommunications (Low-impact Facilities) Determination 1997

The Telecommunications (Low-impact) Facilities Determination 1997 exempts telecommunications infrastructure classified as "low impact" from compliance with

state and local government regulations. This classification relates primarily to visual appearance and size, rather than emissions.

These guidelines apply to both low impact and not-low-impact facilities. While the guidelines do not have the authority to override the LIF Determination, it nevertheless provides advice to carriers about the expectations of Council and requests their voluntary co-operation.

4.1.5 Code for the Deployment of Radiocommunications Infrastructure (ACIF, 2002) This Code derives its authority from the *Telecommunications Act 1997* and applies only to telecommunications carriers and their infrastructure. It does not apply to other broadcasters, councils or other agencies. It requires carriers to apply a precautionary approach to site selection and the design and operation of infrastructure; to consult with councils and communities regarding siting; to provide information to the public and to implement a complaints handling procedure. It applies to both low impact and not-low-impact facilities.

These guidelines broaden the scope of the ACIF Code by applying consistently not only to carriers and their agents, but also to builders and operators of all EMR-emitting infrastructure, including those operating under the Radiocommunications Act 1992.

4.2 New South Wales State Government

4.2.1 Environmental Planning and Assessment Act 1979 (as amended)

To meet Council's obligations to achieve environmental, economic and social sustainability.

4.2.2 Local Government Act 1993 (as amended)

These guidelines assist Council to fulfil its obligations under the *Local Government Act 1993* by having regard to the principles of ecologically sustainable development, including application of the precautionary principle.

4.3 NSW Local Government

4.3.1 Council's planning instruments, codes, policies and statutory requirements Under Council's planning instruments, codes, policies and statutory requirements, consent for certain types of telecommunications or radiocommunications facilities is required.

In accordance with Port Stephens Council Local Environment Plan (LEP) 2000 telecommunication facilities are permitted, with consent, on land zoned Rural Agriculture 1(a), Rural Small Holdings 1(c1) – 1(c5), Business General 3(a), Industrial General 4(a), Special Urban (Flood Affected) 5(g), General Recreation 6 (a), Special Recreation 6(c) and Environment Protection (Waterways) 7(w).

4.4 Relevant standards

Facilities are required under these guidelines to comply with relevant Australian standards.

5.0 Does your proposal need council consent?

- By law, new infrastructure requires Council approval unless it is exempted by other legislation such as the LIF Determination or is classified as exempt or complying development in Council's Local Environmental Plan.
- Development consent is not required for low-impact facilities. In such circumstances carriers are obliged to comply with relevant sections of the ACIF code.

6.0 Making an application Lodgement Requirements

- The infrastructure provider is to provide information as requested by Council about the applicant's existing infrastructure in the area to assist with consideration of this application.
- The applicant is to provide Council with:
 - its rationale for deciding whether the proposal is low or a non-low-impact
 - an EMR assessment in accordance with the ARPANSA prediction methodology and report format as described in the ACIF Code;
 - photo montage of the proposed facility in context of the location.
 - statement of environmental effects
 - site analysis.
- An assessment of the likelihood of the site being within, or in close proximity to a community sensitive location (by way of guidance, proposals within 300m of a community sensitive location listed in section 5.1.4(c) of the ACIF code are deemed to be in close proximity).
- Where assessed as a community sensitive location, or for other sites on request, the applicant is also to provide Council with:
 - a 360° prediction map of exposure levels at 1.5m above publicly accessible surfaces within 300 m
 - the information listed in the checklist (see Appendix 1)
- the results of any community consultation process, consistent with requirements in the ACIF Code for a new facility
- Upon request, the applicant is to provide extra documentation such as a heritage report/impact statement, should the site be identified as located within an area of environmental significance
- The Mobile providers must provide compliance evidence that indicates that exposure details contained in the application are true and accurate, consistent provide an EMR compliance certificate as to exposure details in the application.

 6.2 Site Analysis with the ACIF Code. Other radiocommunication infrastructure providers must

A site analysis identifies the key features of the site and its surroundings so as to assist in understanding how the development will relate to the locality. The preparation of a site analysis will assist in ensuring that telecommunication development proposals are designed and located to minimise visual impact and exposure levels to sensitive land uses.

A site analysis plan is to be submitted with all applications and should indicate:

- In relation to the site:
- existing vegetation
- site boundaries and dimensions
- topography
- location of existing buildings
- In relation to the surrounding locality:
- views to and from the proposed site; and
- location of any sensitive land use within the adjacent area.

The site and locality analysis must be to scale.

Statement of Environmental Effects

A written statement is to be prepared and must explain how the proposed radiocommunications or telecommunications facility has responded to the site analysis and the objectives of these guidelines.

This statement is to demonstrate how the precautionary principle has been applied in the siting, design and operation of the proposed facility, included in Sections 5.1, 5.2 and 5.7 of the ACIF Code.

7.0 Public notification/consultation

- Development applications should comply with Council's requirements on notification and signage.
- For facilities covered by the LIF Determination, the carrier is to consult with affected community, irrespective of Council boundaries, as required by the ACIF Code.
- The applicant is to consult with Council about a consultation strategy.
- Consultation must be commensurate with the anticipated impact of the facility.
- The applicant must make reasonable endeavours to conduct consultation in such a way that local ethnic communities are informed about the proposal and able to comment on it.
- For each facility, a permanent and legible weatherproof sign must be publicly
 visible in the immediate proximity of the facility and visible to the general public, to
 identify the name and contact details of the operator or site manager, consistent
 with the ACIF Code.
- For each facility, a sign must be erected notifying the intention of the carrier to
 erect infrastructure on site and providing the name and contact details of the
 carrier, consistent with the ACIF code.
- The applicant must provide council with the results of its community consultation undertaken for facilities covered by the LIF Determination.

8.0 Design Controls

8.1 Visual amenity

- Carriers are to design antennas and supporting infrastructure in such a way as to minimise or reduce the visual and cumulative visual impact from the public domain and adjacent areas.
- Within the local context, the infrastructure design must take account of:
 - colour;
 - texture;
 - form:
 - bulk and scale.
- Infrastructure must:
 - be well-designed;
 - be integrated with the existing building structure unless otherwise justified in writing to Council;
 - have concealed cables where practical and appropriate;
 - be unobtrusive where possible, and
 - be consistent with the character of the surrounding area.

A discussion on facility design can be found in Low Impact Facilities for Better Visual Outcomes that can be accessed at www.amta.org.au/mcf

- Infrastructure must be removed when no longer being used.
- The site must be restored following construction of the infrastructure.

8.2 Co-location

- Co-location is the practice of locating a number of different telecommunication facilities, often owned by different carriers, on one facility or structure.
- · Co-location may not always be a desirable option where:
 - cumulative emissions are a consideration;
 - it may be visually unacceptable;
 - there are physical and technical limits to the amount of infrastructure that structures are able to support, or
 - the required coverage cannot be achieved from the location.
- Carriers should demonstrate a precautionary approach and effective measures to minimise the negative impacts of co-location.

8.3 Location

- The applicant should demonstrate that, in selecting a site, it has adopted a
 precautionary approach in regards to minimising EMR exposures consistent with
 Section 5.1 of the ACIF Code.
- Preferred land uses (as determined by this council) include:
 - industrial areas;
 - rural areas:
 - low-use open space, and
 - commercial centres.
- The applicant should demonstrate particular consideration of likely sensitive land uses. Sensitive land uses may include areas:
 - Where occupants are located for long periods of time (e.g. residences);
 - that are frequented by children (eg schools, child care centres), and
 - where there are people with particular health problems (eg hospitals, aged care facilities).

Further information can be found in the ACIF Code at Section 5.1.4.

8.4 Heritage and Environment

Infrastructure proposed for areas of environmental significance (as defined in LIF Determination) require:

- development consent under the LIF Determination and Council's LEP;
- the applicant to have regard to avoiding or minimising the visual impact of any proposed facility on the heritage significance of adjacent/adjoining/surrounding heritage items and conservation areas;
- the applicant is to provide a heritage report/impact statement in accordance with Council's LEP/GUIDELINES, and
- the applicant to have regard to avoiding or minimising the physical impact of any proposed facility on endemic flora and fauna.

8.5 Facility physical design controls

- Infrastructure must be of high quality design and construction.
- Proposals should consider the range of available alternate infrastructure including new technologies, to minimise unnecessary or incidental EMR emissions and exposures, as required under Section 5.2.3 of the ACIF Code.

- The plan for the facility must include measures to restrict public access to the antenna(s). Approaches to the antenna(s) must contain appropriate signs warning of EMR and providing contact details for the facility(ies) owner/manager.
- The minimum requisites that shall apply where relevant are the BCA for purposes
 of construction and the relevant exposure levels as directed by the Australian
 Communications Authority (ACA). The applicant must provide Council with
 certification about the standards with which the facility will comply.

8.6 Facility health controls

- The applicant is to demonstrate the precautions it has taken to minimise EMR exposures to the public.
- The applicant is to provide documentation to show that the proposed facility complies with the relevant Australian exposure standard as specified by the ACA.
- The applicant is to provide a mapped analysis of cumulative EMR effect of the proposal (as per Section 9.0 - Making an Application).

9.0 Conditions of DA approval

The applicant is advised that the approval may be subject to a number of conditions, including but not restricted to the following:

- the applicant is responsible for the maintenance and upgrading of infrastructure and the maintenance of the site;
- the applicant, should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure, is to notify Council and the EPA and to recommend a preferred strategy of amelioration;
- infrastructure must be removed when it is no longer in use;
- For each facility, a permanent and legible weatherproof sign must be publicly visible in the immediate proximity of the facility to identify the name and contact details of the operator or site manager.

Appendix 1 Compliance checklist

Appendix 1 Compliance checklis	it	
	Required	Supplied
Making an application		
Has the proponent provided council with its information on		_
infrastructure in this council's jurisdiction?		
Is the proposal low impact or not low impact?		
Has adequate justification been provided for this decision?		
Has the proponent provided a map of predicted exposure levels at		
1.5m above publicly accessible surfaces within 300m and listed as a likely community sensitive location at 5.1© in the ACIF Code?		
Has the proponent provided cross sectional diagrams?		
Has the proponent provided a photo montage of the facility in context		1
of the location?		
Has the proponent provided a community consultation proposal where		
required under the ACIF Code?		
Has the proponent provided a heritage report/impact statement in		
accordance with Council's LEP (if required)? Has the proponent provided professional certification that exposure		_
details contained in the application are true and accurate?		
Site analysis		
Has the proponent submitted a scaled site and adjacent locality		
analysis plan showing:		
Existing vegetation;		
Site boundaries and dimensions		
Topography		
location of existing buildings;		
views to and from the proposed site;		
location of sensitive land uses?		
Public notification/consultation		
Has the proponent consulted with affected adjoining councils (where relevant)?		
Has the proponent consulted with council about how best to conduct		
community consultation?		
Does the application provide for visible permanent signage on site?		
Has the proponent advised relevant community groups?		
Has the proponent placed an advertisement in the local paper (if		
appropriate)? Has the proponent conducted a public meeting (if appropriate)?	_	_
Has the proponent provided council with the results of its community	 	_
consultation process?		
Has the proponent adequately considered the issue of ethnic		
language?		
Has the proponent erected a sign on site notifying of its intention to		
construct that provides its contact details for facilities covered by the LIF Determination?		
Design Controls/Council's requirements		
1. Visual amenity		
Has the facility been designed so as to minimise visual impact	_	_
has the facility been designed so as to minimise visual impact		

from the public domain?	
from the public domain? Does the design minimise or reduce the cumulative visual	
impact from the public domain?	
Does the design take account of	
colour:	
• texture:	
• form;	
bulk and scale?	
Is the infrastructure:	
well designed;	
integrated with existing building structure;	
incorporating concealed cables;	
 integrating the shelters with building structure; 	
unobtrusive;	
 consistent with the character of the surrounding area? 	
Does the plan include removal of the infrastructure when it is	
redundant?	
Does the plan include restoration of the site following	
construction of the infrastructure?	
1. Co-location	
Does the plan require co-location? If so,	
Does it result in an unacceptable visual impact?	
Does it minimise cumulative emissions for neighbouring	
residents or other sensitive land uses?	
3. Location	
Has the proponent demonstrated that, in selecting a site, it has	
adopted a precautionary approach in regards to minimising EMR	
exposures?	
Is the facility in a preferred land use area?	
If the facility is in a sensitive area has it considered ACIF 5.1.4?	
4. Environment and heritage	
Is the infrastructure in a heritage area/on a heritage building/in the	
vicinity of heritage items requiring development consent?	
Have measures been implemented to reduce visual impact on the	
heritage item or conservation area? Has the proponent provided a heritage report/impact statement?	
Has the proponent considered minimising physical impact on flora &	
fauna?	
Are any emissions other than electromagnetic expected?	
5. Facility physical design controls	
Has the carrier demonstrated that the infrastructure is of high quality	
design and construction?	
Does the plan include measures to restrict public access to the	
antenna(s)?	
Does the facility comply with the Building Code of Australia (not	
relevant for facilities covered by the LIF Determination) and other	
relevant Australian standards? 6. Facility health controls	
Has the proponent demonstrated the measures it has taken to minimise EMR exposures in the adjacent area?	
Has the proponent provided a statement that the proposed facility	
complies with the relevant Australian exposure standard?	

ITEM NO. 3 FILE NO: PSC2013-04882

SEPTIC TANK INSPECTION AND RECTIFICATION PROJECT (SIRP) – A PARTNERSHIP WITH HUNTER WATER CORPORATION, PORT STEPHENS COUNCIL AND DUNGOG SHIRE COUNCIL

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT & COMPLIANCE SECTION

MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

1) Actively participate in the Septic Tank Inspection and Rectification Project including the accommodation of a project officer with associated delegations.

ORDINARY COUNCIL MEETING – 12 NOVEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Paul Le Mottee Councillor Ken Jordan
That the recommendation be adopted.

MOTION

318	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that Council actively participate in the Septic Tank Inspection and Rectification Project including the accommodation of a project officer with associated delegations.

BACKGROUND

In November 2012 Hunter Water released their Catchment Improvement Program (CIP) 2013-17. The document outlined a program for how drinking water catchments would be protected and enhanced over a five year period and identified high risk areas of concern.

Three priority issues were identified as:

Reducing impacts from dairy waste and farming practices;

- Improved Riparian zone management in the Tillegra landholdings;
- Rectifying Onsite Sewage Management Systems (OSSMS).

In relation to On-site Sewage Management Systems, the CIP identified high risk areas surrounding Medowie and Seaham in Port Stephens LGA and Clarence Town and Gresford in Dungog LGA which could have an impact on drinking water catchments. The CIP theorises that such risks are associated with constraints such as small existing allotments with poor capability to adequately dispose of effluent along with operational failure of septic systems due to inadequate maintenance, system age or overloading.

Hunter Water's CIP, whilst recognizing that Port Stephens and Dungog Councils have applied extensive On Site Sewage Management programs for over a decade (and Port Stephens Councils Development Assessment Framework is regarded as state wide best practice), proposes to enable additional resources to be applied to the surveillance of septic systems within the drinking water catchment areas across both Council areas.

The SIRP program proposes to employ an officer who will be dedicated to the inspection of septic systems within the Hunter Water drinking catchment areas in Port Stephens and Dungog Council areas. This officer will be in addition to, and is aimed to supplement, both Council's existing On Site Sewage Management programs in these areas.

It is proposed that the SIRP Officer be accommodated at Port Stephens Council but the work program be set by a committee consisting of Port Stephens Council, Dungog Council and Hunter Water Managers. Although situated at Port Stephens Council the project is fully funded by Hunter Water Corporation.

There is a need for the committee to establish consistent work flow across both Council areas along with enabling the policies and procedures of the three organisations to be applied without compromising the existing Onsite Sewage Management programs. It is anticipated that the officer will be issued with cross delegations from both Councils to enable inspections of OSSMS across boundaries.

A number of stakeholder meetings have been attended by the Coordinator Environmental Health and Compliance and the Team Leader Environmental Health in order to establish the SIRP project.

FINANCIAL/RESOURCE IMPLICATIONS

There are minimal direct financial / resource implications.

Source of Funds	Yes/No	Funding	Comment
		(\$)	
Existing budget	Yes		In-kind contributions (details below).
Reserve Funds	No		
Section 94	No		
External Grants	No		Funded by Hunter Water
Other	No		

The SIRP is fully funded by Hunter Water. There will be in-kind contributions by Council in respect to office space, management, liaison and advice. The SIRP will complement Council's existing OSSM program enabling inspectorial resources to be reallocated to areas within the shire that fall outside of Hunter Water's drinking catchment area. Council staff will assist and play an active role in the service of notices for upgrades and maintenance of OSSMS as required.

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the community may have an expectation the service is ongoing.	Low	Clarify expectation for extent of programme.	Yes

The SIRP will be operated as a partnership between Port Stephens Council, Dungog Council and Hunter Water. The project will be funded by Hunter Water however delegations under the Local Government Act are required to be issued by each Council to enable entry to properties and for inspections to be carried out.

The SIRP will complement Council's existing OSSM program enabling inspectorial resources to be reallocated to areas within the shire that fall outside of Hunter Water's drinking catchment area. Council staff will assist and play an active role in the service of notices for upgrades and maintenance of OSSMS as required.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is anticipated that the SIRP will commence in December 2013 after the recruitment of the SIRP officer. The project will continue until mid 2017.

There are clear social implications that relate directly to poorly performing OSSMS and their impact on neighbouring properties and the environment. There are no perceived Social implications related to this policy.

There are no perceived economic implications associated with this policy.

The owners of systems within the SIRP area will still be required to obtain an annual approval to operate their OSSMS from Council. Accordingly, there will be no impact on Council's OSSM revenue as a result of the project. There will also be no additional fees levied on owners of OSSMs in the SIRP area as a result of the project.

The demand on Council enforcement resources are not expected to increase as a result of the SIRP.

There are direct environmental benefits from additional attention being provided to OSSMS in sensitive Hunter Water Catchment Areas across both Council areas. The potential for OSSMS to contaminate water catchments will be further mitigated by the additional surveillance resources

CONSULTATION

- 1) Consultation has been undertaken with the Environmental Health Team who will directly implement this program;
- 2) Consultation has also been undertaken with the Organisation Development Section of Council in relation to future human resource and staffing implications.

OPTIONS

1) Endorse Council's continued participation in the Septic Tank Inspection and Rectification Project.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4 FILE NO: PSC2013-03818

MEDOWIE STRATEGY REVIEW - PROPOSED CONSULTATIVE PANEL

REPORT OF: BRUCE PETERSEN - COMMUNITY PLANNING AND ENVIRONMENTAL

SERVICES SECTION MANGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

1) Endorse the revised Terms of Reference as at (ATTACHMENT 2);

- 2) Nominate 8 community representatives to sit on the Medowie Strategy Review Consultative Panel from those nominations outlined in (ATTACHMENT 1);
- 3) Nominate 3 Councillors to sit on the Medowie Strategy Review Consultative Panel.

ORDINARY COUNCIL MEETING – 12 NOVEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Peter Kafer Councillor John Nell

That Council:

- Endorse the revised Terms of Reference as at (ATTACHMENT 2);
- 2) Nominate 9 community representatives to sit on the Medowie Strategy Review Consultative Panel from those nominations outlined in (ATTACHMENT 1);
- 3) All Central Ward Councillors be nominated to sit on the Medowie Strategy Review Consultative Panel.

MOTION

319 Councillor Ken Jordan Councillor Steve Tucker

It was resolved that Council:

- 1) Endorse the revised Terms of Reference as at (ATTACHMENT 2);
- 2) Nominate 9 community representatives to sit on the Medowie Strategy Review Consultative Panel from those nominations outlined in (ATTACHMENT 1);
- 3) All Central Ward Councillors be nominated to sit on the Medowie Strategy Review Consultative Panel.

BACKGROUND

The purpose of this report is to provide a summary of all expressions of interests received from residents to sit on the Medowie Strategy Review – Consultative Panel and to seek Council's nomination of suitable community representatives to sit on the Consultative Panel.

On 27 August 2013, Council was informed of an upcoming review of the Medowie Strategy and resolved to:

- 1) Adopt the Medowie Strategy Review Consultative Panel Terms of Reference; and
- 2) Nominate three Councillors to sit on the Medowie Strategy Review Consultative Panel.

The Medowie Strategy (the Strategy) was adopted in 2009. The purpose of the strategy is to 'identify how to manage urban growth and build communities in Medowie and deliver the desired outcomes of the Lower Hunter Regional Strategy, the draft Lower Hunter regional Conservation Plan and the Port Stephens Community Settlement and Infrastructure Strategy 2007.' The strategy provides a structure plan identifying future potential land use and the need for further infrastructure studies and is the key guiding document for Council in its consideration of rezoning requests for urban development in Medowie.

Since adoption of the plan, a number of issues have been identified that have potential to impact on the delivery of the structure plan as originally envisaged. As a result a review of the strategy is being undertaken.

It is anticipated (subject to Council's nomination of Panel membership) that the first meeting of the Panel will be in December this year.

Proposed Medowie Strategy Review - Consultative Panel

The purpose of the panel is to:

- assist Council in identifying current and emerging issues within Medowie;
- provide a forum for information sharing between Council and the community;
 and
- provide comment and feedback on the Medowie Strategy review.

Whilst it's input into the Strategy will be valuable and will be incorporated (where relevant and possible), the group is not a formal committee of Council (advisory body only) and will not have a formal decision making role.

The adopted terms of reference requires that the Panel be made up of:

- 1 2 staff member from Strategic Planning and other staff on an as needs basis depending on the issues being discussed;
- 3 Councillors: and

• 6 community representatives (1 local business representative, 2 local residents, 1 education/school representative, 1 early childhood/young families representative, 1 sporting group representative).

Public Exhibition

Expressions of Interest for membership of the Panel were sought through advertising in the local paper for 28 days between Thursday 5th September 2013 and Thursday 3rd October 2013.

During this time a total of eight (8) nominations were received. A summary of each submission received and assessment against the terms of reference criteria is included as at (ATTACHMENT 1).

It is noted that the Terms of Reference requires; 1 local business representative, 2 local residents, 1 education/school representative, 1 early childhood/young families representative and 1 sporting group representative. However, given the wide range of overlapping experience and knowledge of the individuals nominated, it is recommended that the terms of reference be amended to reflect this (ATTACHMENT 2).

FINANCIAL/RESOURCE IMPLICATIONS

Costs associated with staff time and resources to administer the Panel will depend on the number and duration of meetings held for the length of the strategy review. However it is anticipated that it will not exceed \$5,000 in staff time.

Source of Funds	Yes/No	Funding	Comment	
		(\$)		
Existing budget	Yes	5,000	Estimated costs of staff time and resources to administer the panel.	
Reserve Funds	No			
Section 94	No			
External Grants	No			
Other	No			

LEGAL, POLICY AND RISK IMPLICATIONS

The Panel will provide advice to Council on current and emerging issues within the Medowie area from within the local community to inform the review of the Medowie Strategy. The group is not a formal committee of Council and will not have a formal role in decision making, policy direction or delegating additional work to be carried out by Council as part of the strategy review. The Panel has a "sunset" and will cease to function once the strategy review is completed.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the panel will expect greater decision making powers to direct the strategy review resulting in the review taking longer and be more costly than anticipated.	Low	Council follow the Terms of Reference outlining the roles and scope of the panel.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The creation of a Medowie Strategy Review - Consultative Panel will ensure the Medowie Strategy Review has a high level of community input so that it is reflective of community needs and provides for the sustained growth of Medowie in a structured and balanced way.

CONSULTATION

- 1) Expressions of Interest for membership were sought through advertising in the local paper for 28 days between Thursday 5th September 2013 and Thursday 3rd October 2013. A number of conversations were also held with interested community members during this period;
- 2) Internal Planning and Facilities & Services staff were consulted prior to seeking expressions of interest from the community.

OPTIONS

- 1) Nominate 8 community representatives to sit on the Medowie Consultative Panel and amend the Terms of Reference to support this change;
- 2) Nominate 8 community representatives to sit on the Medowie Strategy Review Consultative Panel from those nominations outlined in (ATTACHMENT 1);
- Reject the proposed creation of the Medowie Strategy Review Consultative Panel and proceed with the Medowie Strategy Review without the creation of a Consultative Panel. The implications of adopting this option are that consultation with Medowie residents and local businesses may not be as effective without the creation of a panel;
- 4) Nominate one Councillor to chair the Panel.

ATTACHMENTS

- 1) Summary of each nomination received;
- 2) Medowie Strategy Review Consultative Panel Amended Terms of Reference.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Summary of each nomination received

Nomination		Assessment Criteria	
	Demonstrated knowledge of local issues	Demonstrated ability to represent broad community interests	Demonstrated commitment/availability to attend meetings.
Ben Niland	 Lived in Medowie since 1994. Believes Medowie is well positioned to support the expansion of Newcastle airport, RAAF and other industries. Challenge is to plan infrastructure locations and expansions to ensure the competing interests of development and responsible environmental management are met. 	 Civil engineer specialising in road infrastructure and background in Government. In the committee executive for Medowie Sports and Recreation Club, Medowie Rugby Union Club and Medowie Sports Council for around 10 years. Also served on many other small committees in and out of Medowie. Recent appointed to the Councils Audit Committee. 	- Available to attend briefings and willingness to disseminate information.
Bob Dein	 Lived in Medowie for 25 years. Current multiple commercial and residential rate payer. Children educated in Medowie schools. Entire family have participated in local and social sporting clubs. 	 Current business owner of 30 years Support local schools and sporting groups. As a Developer have been instrumental in the planning building and ongoing development on the commercial area including the current construction of the Peppertree Road Centre. 	Did not indicate availability
Roderick Kerr	 Lived in Medowie since 1985. Raised 3 children in Medowie. Believe the challenge ahead for Council and its representatives is to plan and ensure infrastructure and essential social requirements are in keeping with the pressures of inevitable growth and demands for development. 	 Was the founding president of the Medowie Sports and Recreation Club, Executive member of the Rugby Union Club and many years as a representative on the Medowie Sports Council. Also served on many other small committees in and out of Medowie. 	- Available to attend meetings and briefings and willingness to participate.

Pauline Avery	- Lived in Medowie since 1986 Key issues facing Medowie include; aircraft noise, town centre single land roundabout; progress of Woolworths building site; location of bus stops between community centre and Bull and Bush Hotel; and provision of/ or access to water tap or drinking fountain in Skate Park near Boyd Oval.	 Chairperson of Medowie Tidy Towns. Member of Medowie Progress Association (MPS) and represented MPA on the traffic committee. Member of Community Hall Management Committee. Committee. Committee representative at the Halls Forum and Parks Forum. Mentor at both High schools in Raymond Terrace. 	 Available to attend meetings during business hours and at other times provided sufficient notice is given. not available Tuesday during school term.
John Robinson	 Local resident for past 30 years. Own and operate local hardware store for past 30 years. 	- Council elected representative in the past regarding Medowie Strategy Panel for Small Businesses - An elected representative for the Medowie Flood Study Review Panel.	Did not indicate availability
Scott Broadhead	- Lived in Medowie since 2003. - Children attend Medowie Christian School. - Children involved in community sports and my business has been a sponsor. Secondary School Schoo	 President of Medowie Progress Association (MPA) resulting in involvement in a number of Council panels. Engaged in the development issues for Medowie through the draft (1&2) Medowie Strategy process Treasurer, Secretary & Chair of the Parents and Friends Association at Medowie Christian School for 5 years. Coordinator of the Medowie Community Website Attendance at meeting of the Medowie & Williamtown Business Association and Medowie Business Owners Crime Forum. Involved in formative stages of Medowie Club House Co-founded and led the Medowie-West aircraft "noise" lobby group and involved in the 	Did not indicate availability

MINUTES FOR	ORDINARY MEETING – 12 NOVEMBER 2013		
		Williamtown Advisory Group.- Attended the Medowie Flood Study workshop.- Member of Ports Stephens Residents Panel.	
Steve McPherson	- Lived in Medowie for 1 year - Own business, Medowie Event Management and therefore aware of the facilities, the local businesses and services offered in Medowie.	- Member of Medowie Lions Club - Secretary of NSW Ambulance Superintendents Association for over 10 years until 2007 - Membership of working parties around the state including emergency service committees.	- Available to attend meetings given advance notice is given.
Jon Spencer	- Development Manager of Pacific Dunes Residential Golf Estate for past 3 years.	 Position on the Executive Committees of the Pacific Dunes Community Association and Precinct Associations. Oversee the management of the Pacific Dunes Golf Club. 	- Willing to attend the 6 proposed meetings.

ATTACHMENT 2

Medowie Strategy Review Consultative Panel - Amended Terms of Reference

PURPOSE

The Medowie Strategy Consultative Panel (the Panel) has been established to provide community advice to Council on current and emerging issues within the Medowie area to inform the review of the Medowie Strategy. Issues may include but are not limited to:

- Infrastructure Planning;
- Strategic landuse planning;
- Ecological issues;
- Economic development;
- Flooding and drainage;
- Traffic and transport;
- Community and social issues;
- Emergency services; and
- Recreation.

OBJECTIVES

- To assist Council in identifying current and emerging issues within Medowie.
- To provide a forum for information sharing between Council and the community.
- To provide comment and feedback on key stages of the Medowie Strategy review.

TERMS OF REFERENCE

The Panel provides advice as requested by Council to assist the Medowie strategy review. The Panel is not a formal committee of Council and will not have a formal role in decision making, policy direction or delegating additional work to be carried out by Council as part of the Strategy Review.

STRUCTURE

- 1 2 staff member from Strategic Planning and other staff on an as needs basis depending on the issues being discussed.
- 3 Councillors.
- 8 community representatives.

Council will administer the panel.

A nominated Councillor will chair the meeting to be determined at the Panel's first meeting.

Minutes will be taken of each meeting.

SELECTION OF PANEL MEMBERS

Expressions of Interest for membership will be sought through advertising in the local paper.

Selection of membership will be based on the following:

- demonstrated knowledge of local issues;
- demonstrated ability to represent broad community interests; and
- demonstrated commitment/availability to attend meetings.

All nominations received will be reported to Council for their consideration and final recommendation.

FREQUENCY

The panel will meet at key consultation milestones of the Strategy including:

- Meeting 1: Provide advice to Council on key issues facing Medowie for inclusion in an issues paper.
- Meeting 2: Provide advice to Council on draft issues paper for public exhibition.
- Meeting 3: Provide advice on comments received on issues paper.
- Meeting 4: Advice on draft strategy options.
- Meeting 5: Advice on comments received on revised strategy during public exhibition.
- Meeting 6: Advice on revised strategy for Council consideration.

Further meetings maybe held on a needs basis, however the panel has a "sunset" and will cease to function once the strategy review is completed.

EXPECTED OUTCOMES

- Community engagement at key stages of the review.
- Community advice to assist Council making decisions concerning the future planning of Medowie.
- The creation of a Strategy that has a high level of community input so that it is reflective of community needs.
- An amended strategy that provides for the sustained growth of Medowie in a structured and balanced way.

ITEM NO. 5 FILE NO: T021314HUN

TO21314HUN REGIONAL PROCUREMENT INVITIATIVE TENDER SUPPLY & DELIVERY CONCRETE/FRC PIPES & ANCILLARY ITEMS

REPORT OF: GREG KABLE - CAPITAL WORKS SECTION MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

1) Accept the following tenders as a single source supplier per category tender to Port Stephens Council for the period 18 November 2013 to 30 September 2015;

- (a) Category 1 Supply and Delivery of Concrete Pipes and Ancillary Items Holcim (Australia) Pty Ltd T/a Humes;
- (b) Category 2 Supply and Delivery of Fibre Reinforced Pipes and Ancillary Items James Hardie Australia Pty Ltd.
- 2) Provide for a 12 month extension to this contract based on satisfactory supplier performance which may extend this contract to 30 September 2016.

ORDINARY COUNCIL MEETING – 12 NOVEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor John Nell	
Councillor Ken Jordan	

That the recommendation be adopted.

MOTION

320 Councillor Ken Jordan Councillor Steve Tucker

It was resolved that Council:

- Accept the following tenders as a single source supplier per category tender to Port Stephens Council for the period 18 November 2013 to 30 September 2015;
 - (a) Category 1 Supply and Delivery of Concrete Pipes and Ancillary Items Holcim (Australia) Pty Ltd T/a Humes;
 - (b) Category 2 Supply and Delivery of Fibre Reinforced Pipes and Ancillary Items James Hardie Australia Pty Ltd.

2) Provide for a 12 month extension to this contract based on satisfactory supplier performance which may extend this contract to 30 September 2016.

BACKGROUND

The purpose of this report is for Council to accept single contractors for the supply and delivery of concrete pipes and ancillary items and fibre reinforced pipes and ancillary items.

Council currently purchases these services through preferred suppliers engaged on a quotation basis. Council has traditionally used these suppliers based on cost and ability to provide products in a timely manner which suites operational timeframes.

It is anticipated purchasing these services via a bi-annual contract, with an option of a 12 month extension ensures Council will receive the best market rate for these services. The granting of the contract extension would be based on the performance of the contractors over the initial contract period and Council being satisfied with the renegotiated schedule of rates for the extension period.

This process is conducted in accordance with Councils Community Strategic Plan clause 5.1.3 "ensures Council's procurement activities achieve best value for money."

Regional Procurement Initiative, a division of Hunter Councils Inc. has been established in response to a need for a collaborative approach to regional tendering and contracting. It is estimated the Regional Procurement Initiative members contribute upwards of 200 Million dollars to the region through their tenders and contracts.

Port Stephens Council along with other Hunter Council members were approached by Regional Procurement to establish a single source by category tender for the Supply and Delivery of Concrete Pipes and ancillary items and Supply and Delivery of Fibre Reinforced Pipes and ancillary items. Based on experience with other tenders for various materials and services, participation would provide an opportunity to gain cost benefits by utilising group purchasing power while satisfying legislative requirements.

By using Regional Procurement we support the Memorandum of Agreement signed by the General Managers of each of the Hunter Councils that agrees to support a regional approach and accept the outcomes of tenders where there is an equal to or better outcome than alternate sources.

Regional Procurement called tenders across a number of local government areas that include Maitland City Council, Dungog Shire Council, Upper Hunter Shire Council, Cessnock City Council, Lake Macquarie Council and Port Stephens Council. Regional Procurement received two (2) tenders for Supply and Delivery of Concrete Pipes and ancillary items and two (2) tenders for Supply and Delivery of Fibre Reinforced Pipes and ancillary items.

Each of the bids were evaluated against "Value Selection" criteria and allocated a weighted score for each assessed criteria. This evaluation allows each bid to be ranked according to its performance against a pre determined set of criteria.

The "Value Selection" method for the Supply and Delivery of Concrete Pipes and ancillary items and Supply and delivery of Fibre Reinforced Pipes and ancillary items were assessed against criteria that included tender price, quality assurance, previous experience and referees.

FINANCIAL/RESOURCE IMPLICATIONS

This tender represents a budget expenditure of approximately \$200,000 per annum for the Facilities and Services Group. The actual annual expenditure varies year to year and is dependent on the extent of maintenance scheduled in Councils capital and recurrent works programs. The procurement of the "best value for money" services is critical to providing sustainable services to the community.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	200,000	Funded from existing budgets
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

This tender process complies with the Local Government Act 1993 and Local Government (Tendering) Regulations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Supply and Delivery of Concrete Pipes and ancillary items may not be available as required, which may lead to works being delayed or cancelled.	Medium	Appoint only suitably qualified tender with good work history and references. Monitor & report non conformance	Yes
There is a risk that the Supply and Delivery of Fibre Reinforced Pipes and ancillary	Medium	Appoint only suitably qualified tender with good work history and references.	Yes

	items may not be available as required, which may lead to works being delayed or cancelled.		Monitor & report non conformance	
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

A bi-annual contract with provision for a 12 month extension allows Council to program works with known costs, known availability of products and thereby provides for improved project scheduling, cost accuracy and budget management.

All supplied services are undertaken to current industry risk management standards and legislation to mitigate possible environmental impacts.

CONSULTATION

- 1) Procurement and Contracts Co-ordinator;
- 2) Roadside & Drainage Co-ordinator;
- 3) Construction Co-ordinator;
- 4) Section Manager Capital Works;
- 5) Group Manager Facilities and Services.

OPTIONS

- 1) As recommended;
- 2) Reject all submissions and recall tenders.

ATTACHMENTS

1) Value Selection Methodology Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Category One

CRITERIA	%	ADS	HUMES
Price	70		
TABLE 1.1 PRODUCTS - STORMWATER PIPES (RRJ) RMS	20		
<u>COMPLIANT</u>			20
TABLE 1.2 PRODUCTS - STORMWATER PIPES (FLUSH JOINT) RMS	5		
<u>COMPLIANT</u>			5
TABLE1.3 PRODUCTS - HEADWALLS SINGLE PIPE (ATTACH		_	
DRAWING)	10	de	10
TABLE 1.4 PRODUCT- PRECAST SLOPING HEADWALL (ATTACH		len	
DRAWING)	5	<u> </u>	5
TABLE 1.5 PRODUCT - PRECAST LINTELS (ATTACH DRAWING)	10	Non Conforming tender	10
TABLE 1.6 PRODUCT – PRECAST KERB ENTRY UNITS (ATTACH		orr	
DRAWINGS)	10	onf	10
TABLE 1.7 PRODUCT - PRECAST BOX CULVERTS SMALL (ATTACH	5	Ŭ	
DRAWING)		lon	5
TABLE 1.8 PRODUCT - PRECAST BOX CULVERTS LARGE (ATTACH	5	Z	
DRAWING)			5
Quality Assurance	10		10
WH&S	10		8
Freight	10		10
Total	100		98

Category Two

CRITERIA	%	ADS	James Hardie
Price TABLE 2.1 VARIOUS <u>PRODUCTS - FIBRE REINFORCED</u> CONCRETE (FRC) RRJ	70	tender	
CLASS 2	25	ter	25
CLASS 3	25	ing	25
CLASS 4	20	onforming	20
Quality Assurance	10	nfo	10
WH&S	10	Co	10
Freight	10	Non	10
Total	100	Ž	100

ITEM NO. 6 FILE NO: PSC2005-3572

355(C) COMMITTEES ANNUAL FINANCIAL STATEMENTS 2012

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

1) Receive the 355(c) Committees Annual Financial Statement 2012 information for the period 1 January 2012 to 31 December 2012;

2) Allocate the annual \$1,000 operating subsidy to eligible 355c committees listed in the 355(c) Committees Annual Financial Statement 2012.

ORDINARY COUNCIL MEETING – 12 NOVEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor John Nell Councillor Ken Jordan

That Council:

- 1) Receive the 355(c) Committees Annual Financial Statement 2012 information for the period 1 January 2012 to 31 December 2012;
- 2) Allocate the annual \$1,000 operating subsidy to eligible 355c committees listed in the 355(c) Committees Annual Financial Statement 2012.
- 3) All Parks, Reserves and Tidy Towns Committees be allocated \$1,500 in this financial year.

MOTION

321 Councillor Ken Jordan Councillor Steve Tucker

It was resolved that Council:

- 1) Receive the 355(c) Committees Annual Financial Statement 2012 information for the period 1 January 2012 to 31 December 2012:
- 2) Allocate the annual \$1,000 operating subsidy to eligible 355c committees listed in the 355(c) Committees Annual Financial Statement 2012;

3) All Parks, Reserves and Tidy Towns Committees be allocated \$1,500 in this financial year.

BACKGROUND

The purpose of this report is to recommend to Council the receipt of the 355(c) Committees Annual Financial Statement for 2012 allowing \$1,000 annual operating subsidies to be paid to eligible committees.

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

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

The 355(c) Committees Annual Financial Statement for the period 1 January 2012 to 31 December 2012 (ATTACHMENT 1) is a summary of all committee's annual financial summaries. Tabled Document 1 shows the detailed summary of committee cashbooks for the same period.

As part of Sustainability Review – Round Two – Volunteer Strategy the provision of the \$1,000 annual subsidy to 355(c) committees was reviewed. Council at its meeting 8 October 2013 (Minute 292) resolved to "Increase all Parks and Reserves Committee annual subsidy to \$1500 per year commencing 2014/15".

The recommendations of this report link directly to Council's Community Strategic Plan:

6.1.1.8 "Review funds held by 355c committees in bank and investment accounts".

6.1.1.9 "Review the provision of annual subsidies paid to 355c committees".

FINANCIAL/RESOURCE IMPLICATIONS

The total amount of funds held by committees at 31 December 2012 was \$917,388. This is an increase on last year of \$154,585.

Out of the total amount:

Eleven (11) committees held over \$20,000 (total value \$623,651) Six (6) committees held between \$15,000 and \$20,000 (total value \$101,962) Thirty (30) committees held less than \$15,000 (total value \$191,775)

The use of these funds should be in line with Councils strategic directions and be committed to the objectives of each committee's constitution. A focus on

maintenance and renewal of facilities will ensure the long term sustainability of these community facilities.

Source of Funds	Yes/No	Funding	Comment
		(\$)	
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	917,388	Funds held in 46 individual bank accounts held by 355(c) committees

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

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

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

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that funds held in 355(c) committee bank accounts may be subject to fraudulent acts resulting in legal, financial and reputation damage.	Medium	This risk will be reduced by ensuring Council is noted on individual bank accounts. This will also assist committees to demonstrate transparent and compliant management of Council funds.	Yes
There is a risk that funds held in 355c committee bank accounts are not used to contribute to cost of asset renewal resulting in greater drain on ratepayer revenue.	Low	This risk will be reduced as staff work with committees to combine asset and community input to develop asset management plans with agreed funding contributions from the facility income.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adoption of the recommendations will enable 355c committees to continue to manage and maintain community owned facilities. Society as a whole benefits when people are engaged in meaningful and resourced volunteering services.

The delivery of community facilities and open spaces by 355c committees ensures that Council is providing safe, convenient, reliable and affordable facilities and services that the community values. The use of these funds will be used in the local area through local contractors and the like, thus adding to the local economy.

The use of the funds for Parks and Reserves Committees is generally directly back into environmental improvement projects.

CONSULTATION

- 1) Facilities & Services Finance Co-ordinator;
- 2) Volunteer Strategy Co-ordinator;
- 3) 355(c) Committees.

OPTIONS

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

ATTACHMENTS

1) Summary of Funds held by 355(c) Committees as at 31 December 2012.

COUNCILLORS ROOM

1) 355(c) Committees Annual Financial Statement Spreadsheet for 2012.

TABLED DOCUMENTS

1) 355(c) Committees Annual Financial Statement Spreadsheet for 2012.

ATTACHMENT 1

Summary of Funds held by 355(c) Committees 2012

355(c) Committee	Opening Balance incl Investments	Closing Balance incl Investments
	1/1/2012	31/12/2012
Anna Bay , Birubi Point Reserves, Hall and Tidy Town		
Committee	4,488.16	5,002.17
Boat Harbour Parks & Reserves Committee	7,962.54	6,591.15
Bobs Farm Public Hall Committee	6,173.50	6,696.93
Corlette Headland Committee	3,442.57	2,723.20
Corlette Reserves & Hall 355(b) Committee	7,988.27	9,184.95
Fern Bay Public Hall, Reserves and Tidy Towns Committee	2,279.02	5,497.77
Fingal Bay Parks & Reserves Committee	2,860.38	2,841.03
Hinton School of Arts & Foreshore Committee	16,289.88	14,321.04
Karuah Hall Committee	15,001.01	17,315.95
Karuah Tidy Towns / Parks / Reserves and Wetlands	, , , , , ,	7.010.11
Committee	6,203.93	7,019.44
Lemon Tree Passage Parks & Reserves Committee	2,712.38	7,450.82
Mallabula Community Centre Committee Mallabula Parks & Reserves Committee	16,864.54	21,966.67
Mambo Wanda Wetlands, Reserves & Landcare	5,729.75	6,126.66
355(c) Committee	6,609.07	4,469.78
Medowie Community Centre Committee	29,091.26	43,350.45
Medowie Sports Council	75,595.19	88,573.73
Medowie Tidy Town & Cycleway Committee	3,133.45	3,194.39
Nelson Bay Senior Citizens Hall Committee	27,251.58	34,885.13
Nelson Bay West Parkcare Committee	5,661.44	5,456.35
Ngioka Centre Committee	39,876.10	32,033.14
Port Stephens Adult Choir Committee	7,231.28	6,533.14
Port Stephens Australian Day Nelson Bay Committee	Nil	12,528.97
Port Stephens Australian Day Raymond Terrace Committee	Nil	12,302.33
Port Stephens Community Bands Committee	6,225.53	5,291.91
Port Stephens Native Flora Garden Committee	678.89	1,288.48
Port Stephens Sister Cities Committee	22,564.30	24,330.51
Raymond Terrace Parks, Reserves & Tidy Towns	11.100.05	45,000,05
Committee Reymand Torrage Senior Citizens Hall Management	14,400.25	15,288.85
Raymond Terrace Senior Citizens Hall Management Committee	54,867.29	51,684.41
Raymond Terrace Sports Council	31,154.54	16,552.04
Rural West Sports Council	13,588.59	22,458.02
Salt Ash Community Hall, Reserves and Tennis Courts Committee	5,656.91	1,225.74
Salt Ash Sports Ground Committee	50,994.47	97,808.69

Seaham Park and Wetlands Committee	5,896.32	2,833.92
Seaham School of Arts and Community Hall		
Committee	5,842.60	6,541.87
Shoal Bay Beach Preservation Committee	11,784.97	13,953.11
Soldiers Point / Salamander Bay Tidy Towns and		
Landcare Committee	3,393.57	4,579.41
Tanilba Bay Parks, Reserves and Hall Committee	8,657.54	13,954.61
Taylors Beach Reserves, Tidy Town and Landcare		
Committee	11,299.21	Nil
Tomaree Education Complex Multi-Purpose Centre		
Committee	10,824.38	15,754.47
Tilligerry Aquatic Centre Advisory Committee	17,990.76	19,682.15
Lemon Tree Passage Old School Centre Committee	18,980.90	17,371.51
Tilligerry Sports Council	26,404.72	36,975.39
Tomaree Sports Council	119,123.18	169,585.41
Tilligerry Tidy Towns and Landcare Committee	9,508.93	7,648.06
West Ward Cemeteries Committee	2,677.44	3,664.23
WW-subcommittee Karuah Columbarium	6,063.29	3,160.85
Williamtown Public Hall Committee	11,779.58	9,689.88
TOTALS	\$762,803.46	917,388.71

ITEM NO. 7 FILE NO: A2004-0284

REVIEW OF THE CODE OF MEETING PRACTICE

REPORT OF: TONY WICKHAM - EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT:

1) Revoke the Code of Meeting Practice dated 5 March 2013 (Min No. 55);

2) Adopt the revised Code of Meeting Practice as advertised.

ORDINARY COUNCIL MEETING – 12 NOVEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor John Nell Councillor Paul Le Mottee
That the recommendation be adopted.

MOTION

,	322	Councillor Ken Jordan Councillor Steve Tucker			
		It was resolved that Council: 1) Revoke the Code of Meeting Practice dated 5 March 2013 (Min No. 55); 2) Adopt the revised Code of Meeting Practice as advertised.			

BACKGROUND

The purpose of the report is to provide Council with any submissions received from the community following public exhibition of the Code of Meeting Practice (Code).

Council has publicly exhibited the Code for 28 days. Public exhibition was from 3 October 2013 to 31 October 2013. No submissions were received.

Council is now asked to consider the adoption of the Code amendments as advertised.

FINANCIAL/RESOURCE IMPLICATIONS

The Code will be implemented within current human resources.

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The costs directly related to this resolution are covered within the existing budget
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No	_	

LEGAL AND POLICY IMPLICATIONS

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

Risk	<u>Risk</u>	Proposed Treatments	Within
	Ranking		Existing
			Resources?
There is a risk that the	Low	Adopt the amended Code	Yes
Local Government Act			
1993 may be breached if			
Council does not adopt			
a Code of Meeting			
Practice in accordance			
with the Act and			
Regulations.			

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

Amendments to the Code. 1)

TABLED DOCUMENTS

1) Code of Meeting Practice.

ATTACHMENT 1

SUMMARY OF AMENDMENTS TO THE CODE OF MEETING PRACTICE

Page Number	Amendment
8	Insert a clause to clarify different means of distributing business papers ie. electronic and hardcopy.
8	Change the Notice of Motion deadline from Wednesday prior to the meeting to Tuesday prior to the meeting. This will allow staff to prepare the background more effectively.
12	Delete the reference to the annual election of the Mayor.
14	Delete the reference to a standard form for leave of absence requests. This is done by way of a letter or email.
17	Delete the reference to the DLG Open Meeting Guidelines
	Insert "Meetings Practice Note No. 16, Part 7
24	Amendments to the order of business
26	Change the Notice of Motion deadline from Wednesday prior to the meeting to Tuesday prior to the meeting. This will allow staff to prepare the background more effectively.
30	Insert the definition of a "block" vote.
53	Updated the Declaration of Interest form.
54	Delete the Leave of Absence application.
	Insert the Part 3A Special Disclosure of Interest form, as an attachment.

ITEM NO. 8 FILE NO: PSC2013-04570

POLICY REVIEW: MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS

REPORT OF: TONY WICKHAM - EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

1) Endorse the amendments to the Management of Competitive Neutrality Complaints policy shown at (ATTACHMENT 1);

- 2) Place the Management of Competitive Neutrality Complaints policy, as amended on public exhibition of a period of 28 days;
- 3) Should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 4) Revoke the Management of Competitive Neutrality Complaints policy, dated 23 December 1997, (Min No. 1472), should no submissions be received.

ORDINARY COUNCIL MEETING – 12 NOVEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Paul Le Mottee Councillor Chris Doohan	
That the recommendation k	e adopted.

MOTION

323 Councillor Ken Jordan Councillor Steve Tucker

It was resolved Council:

- 1) Endorse the amendments to the Management of Competitive Neutrality Complaints policy shown at (ATTACHMENT 1);
- 2) Place the Management of Competitive Neutrality Complaints policy, as amended on public exhibition of a period of 28 days;
- 3) Should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 4) Revoke the Management of Competitive Neutrality Complaints policy, dated 23 December 1997, (Min No. 1472), should no submissions be received.

BACKGROUND

The purpose of this report is to provide Council with the revised Management of Competitive Neutrality Complaints policy (policy) shown at **(ATTACHMENT 1)**.

This policy was developed in the late 1990's to manage complaints received in respect to Council's commercial operations where Council is in competition with the private sector. The policy only deals with specific complaints with all other complaints concerning other functions of Council being managed under the Complaints Handling policy.

Council receives very few complaints that would fall under this policy.

The reviewed policy has been reworded to comply with the format of all Council policies. The current policy in force is shown at **(ATTACHMENT 2)**.

The policy is for Council's consideration.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	200	Advertising costs
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No	-	

LEGAL, POLICY AND RISK IMPLICATIONS

There is a requirement under the guidelines for Council to have a policy on management of Competitive Neutrality Complaints.

Council is required to give public notice for all policies for a period of 28 days o

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that by not adopting the revised policy Council would not have an appropriate framework in place to manage complaints that fall under this policy.	Low	Adopt the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

This policy allows the business community, in particular, to raise concerns with Council in respect to the commercial operations of Council where there is direct competition with the private sector.

CONSULTATION

1) General Manager.

OPTIONS

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

ATTACHMENTS

- 1) Revised Management of Competitive Neutrality Complaints policy;
- 2) Current Management of Competitive Neutrality Complaints policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

Adopted: 23/12/97 Minute No: 1472 Amended: Minute No:

FILE NO: PSC2013-04570

TITLE: MANAGEMENT OF COMPETITIVE NEUTRALITY

COMPLAINTS

RESPONSIBLE OFFICER: EXECUTIVE OFFICER

BACKGROUND

Port Stephens Council (Council) first adopted its policy for the Management of Competitive Neutrality Complaints on 23 December 1997. This policy was adopted to comply with the Division of Local Government requirements.

Council recognises that the market has changed somewhat since the first adoption of the policy, and now has a number of business units actively operating in competition with the private sector. Council looks to ensure that the operations of Council are open and transparent when conducting commercial activities within the limits of the law, whilst maintaining a commercial business approach.

OBJECTIVE

- 1) To ensure Council has a framework to manage complaints received concerning competitive neutrality.
- 2) Investigate any complaint received that falls within the limits of this policy (all other complaints will be managed under Council's Complaints Handling policy).

PRINCIPLES

Council is committed to:

- Taking all reasonable steps to ensure that when conducting business in the market place it will not use its public position to gain an unfair advantage over a private sector competitor.
- 2) Exercising its powers appropriately within the market.

- 3) Be responsive to the complaints from the community.
- 4) Resolving, without delay, all proven complaints.

POLICY STATEMENT

Council is committed to the aims and objective of the National Competition Policy.

1. Definitions

A complaint regarding competitive neutrality is:-

- A complaint that council has not met its requirements under the Policy or "Pricing and Costing for Council Business – A Guide to Competitive Neutrality". This includes a concern that Council has not established an effective complaints handling mechanism; and
- A complaint that council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

A competitive neutrality complaint is not:

- A complaint regarding the level of service provided by a business activity (ie. reserve requiring maintenance, a garbage bin not collected);
- A complaint regarding the cost of the service, unless it is that council has not costed its service to take competitive neutrality into account;
- A complaint regarding the trade practices laws and their application to councils. Such complaints should be managed under Council's Complaint Handling Policy.

Council will remain accountable for its business to the community. The elected Council and staff will continue to have responsibility for ensuring that a service is being conducted effectively and that the Rates are being used responsibly.

All complaints should be forwarded to the General Manager. Complaints will generally be managed by the Executive Officer, subject to the General Manager direction. Should a complaint be investigated, a report will be prepared for the General Manager.

Staff investigating competitive neutrality complaints will not be involved in the area subject to the complaint.

A full response will be provided to the complainant following an investigation, providing details of the findings.

Should an investigation not be required a response will be provided, giving details of why an investigation did not proceed.

Alternative avenues are available for making competitive neutrality complaints – such as the Independent Commission Against Corruption (ICAC), the NSW Ombudsman or the Australian Competition and Consumer Commission (ACCC).

RELATED POLICIES

1) Complaints Handling policy

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil.

ECONOMIC IMPLICATIONS

This policy will ensure Council is able to operate in competition with the private sector and manage complaints within appropriate framework whilst providing an alternate revenue stream to the ratepayers.

ENVIRONMENTAL IMPLICATIONS

Nil.

RELEVANT LEGISLATIVE PROVISIONS

1) Competition and Consumer Act 2010.

IMPLEMENTATION RESPONSIBILITY

1) All Council staff.

PROCESS OWNER

1) Executive Officer.

REVIEW DATE

October 2017

ATTACHMENT 2

Post Stephens C·O·U·N·C·I·L POLICY

> Adopted:23/12/97 Minute No. 1472 Amended: # Minute No. #

FILE NO: C1410-11

TITLE: MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS

1. POLICY STATEMENT

The Port Stephens Council is committed to the aims and objectives of the National Competition Policy.

The Port Stephens Council will take all reasonable steps to ensure that when conducting business in the market place it will not use its public position to gain an unfair advantage over a private sector competitor.

PURPOSE OF THE POLICY

This policy establishes a system to manage complaints regarding Council's competitive neutrality. Complaints are to be directed to the Assistant General Manager or Corporate Development Officer for investigation.

3. OBJECT OF THE ACT

The Trade Practices Act (Cth) 1974 applies to Local Government as at 1 July 1996. The object of Act is to enhance the welfare of Australians through the promotion of competition and fair trading and provision for consumer protection.

The National Competition Policy is aimed at creating an overall business environment conducive to improving Australia's international competitiveness.

The principle of competitive neutrality is based on the concept of a 'level playing field' between persons competing in a market place, particularly between private and public sector competitors.

4. **DEFINITIONS**

A complaint regarding competitive neutrality is:-

- ☑ A complaint that council has not met is requirements under the Policy Statement or "Pricing and Costing for Council Business A Guide to Competitive Neutrality". This includes a concern that Council has not established effective complaints handling mechanism.
- ☑ A complaint that council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

5. **EXEMPTIONS**

A competitive neutrality complaint is not:-

- a complaint regarding the level of service provided by a business activity (eg reserve requiring maintenance, garbage bin not collected);
- a complaint regarding the cost of the service, unless it is that council has not costed its service to take competitive neutrality into account;
- a complaint regarding the trade practices laws and their application to councils. Complaints which centre on the Trade Practices Act, 1974 and related issues can be dealt with by the council but are not competitive neutrality complaints. They may also be referred to the Australian Competition and Consumer Commission.

Refer to Council's Complaints/Request Handing Policy amended/updated 16/2/99 Min No. 69.

6. ROLES AND RESPONSIBILITIES

This Policy places responsibilities upon people at all levels within the Port Stephens Council.

6.1 EMPLOYEES

Council will always remain accountable for its business to the community. Council members and staff will continue to have responsibility for ensuring that a service is being carried out effectively, or that ratepayers' funds are being used responsibly.

Staff investigating competitive neutrality complaints will not be involved in Council's business activities.

6.2 CORPORATE DEVELOPMENT OFFICER

The Corporate Development Officer is responsible for receiving, forwarding and/or acting upon complaints in accordance with the Policy. The Corporate Development Officer will:-

- a) clearly explain to persons making the complaint what will happen in relation to the information received;
- b) reduce to writing and date any complaint received orally (and have the person making the complaint sign the document);
- c) deal with complaints impartially;
- d) liaise with the Assistant General Manager for assessment;

6.3 ASSISTANT GENERAL MANAGER

The Assistant General Manager will:-

- a) consult with the General Manager;
- b) be responsible for carrying out or co-ordinating any internal investigation arising out of a complaint, subject to the direction of the General Manager in carrying out his/her functions;
- c) report to the General Manager on the findings of any investigation and recommended remedial action;

7. ALTERNATIVE AVENUES FOR COMPLAINTS

Alternative avenues available for making competitive neutrality complaints are as follows:-

- to the General Manager; or
- to one of the investigating authorities under the Act (eg. The ICAC and Ombudsman or The Australian Competition and Consumer Commission (ACCC)

8. RESPONSE TIME

Council will aim to respond to the complaint within one month.

9. PROCEDURE

a) Where a member of the public, staff member or Councillor suspects that Council has not met its requirements under the Policy Statement or "Pricing and Costing for Council Business - A Guide to Competitive Neutrality" they may submit, in writing, a letter addressed to the General Manager.

- b) The complaint will be acknowledged in accordance with Council's Actioning Correspondence policy.
- c) Upon examination of all the facts appropriate action will be taken to resolve the matter. If no action is to be taken reasons will be given for the decision.
- d) The complainant and the person complained about will be informed of the outcome.

10. REMEDIES

The Corporate Development Officer or Assistant Manager may:-

- a) provide more information to the complainant for a more accurate understanding of competition policy;
- b) investigate/review council's business activity if a legitimate complaint is made;
- c) change council's business practice where a complaint is justified.

11. REVIEW

This policy shall be reviewed annually to ensure that it meets the object of the legislation, and Policy Statement.

ITEM NO. 9 FILE NO: 1190-001

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM - EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-

- a) Rapid Response Cr Geoff Dingle Central Ward Funds Tanilba Bay Parks and Reserves Hall Committee - Donation towards upgrading of hall gardens - \$500.00;
- b) Rapid Response Cr John Nell East Ward Funds Mambo Wanda Wetlands Committee Shelter for Redman Reserve Picnic Tables \$2,000.

ORDINARY COUNCIL MEETING – 12 NOVEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor	Chris	Doohan
Councillor	Ken I	ordan

That the recommendation be adopted, including the supplementary information.

MOTION

324 Councillor Ken Jordan Councillor Steve Tucker

It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-

- a) Rapid Response Cr Geoff Dingle Central Ward Funds Tanilba Bay Parks and Reserves Hall Committee Donation towards upgrading of hall gardens \$500.00;
- b) Requisition for Funds Cr John Nell, Cr Sally Dover, Cr John Morello East Ward Funds Mambo Wanda Wetlands Committee Shelter for Redman Reserve Picnic Tables \$2,000

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:

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

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act. This would mean that the financial assistance would need to be included in the Management Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

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

CENTRAL WARD - Councillors Dingle, Doohan & Tucker

Tanilba Bay Parks And	Donation Towards Upgrading Of Hall	\$500
Reserves Hall Committee	Gardens	

EAST WARD - Councillors Dover, Morello & Nell

Mambo Wanda Wetlands, Reserves & Landcare Committee	Donation Towards Shelter For Picnic Tables	\$2,000
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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	2,500	\$500 from Central Ward funds and
			\$2000 from East Ward funds
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?
There is a risk that Council may set a precedent when allocating funds to the community and an expectation that funds will always be available.	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. 10 FILE NO: A2004-0284

PAYMENT OF EXPENSES & PROVISION OF FACILITIES TO COUNCILLORS POLICY REVIEW

REPORT OF: TONY WICKHAM - EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

1) Revoke the Payment of Expenses & Provision of Facilities to Councillor Policy dated 27 November 2012 (Min No. 323);

2) Adopt the Payment of Expenses and Provision of Facilities to Councillors Policy as amendment as advertised (ATTACHMENT 1).

.....

ORDINARY COUNCIL MEETING – 12 NOVEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor John Nell Councillor Ken Jordan
That Council defer Item 10 to the next Council meeting.

MOTION

325	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that Item 10 be deferred to the next Council meeting.

BACKGROUND

The purpose of this report is to provide Council with any response received from the community following public exhibition of the Payment of Expenses and Provision of Facilities to Councillors Policy.

Council has publicly exhibited the Payment of Expenses and Provision of Facilities to Councillors Policy for 28 days. Public exhibition was from 3 October 2013 to 31 October 2013. No submissions were received.

Council is now asked to consider the adoption of the policy amendments as advertised.

FINANCIAL/RESOURCE IMPLICATIONS

Expenditure associated with this policy is included in the 2013-14 budget allocation, however the upper limits are not fully budgeted, given some Councillor do not reach these limits. Councillors will be advised should the upper budget limits be achieved.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	93,330	This is the total cost allocated under this policy
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 252 Council must adopt a policy concerning the payment of expenses incurred by Councillors in relation to discharging the functions of civic office. It is a requirement of the Local Government Act that Council adopt the policy after June 30 each year and lodge the adopted policy with the Department prior to November 30 each year.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of Section 252 & 253 of the Local Government Act 1993, should this policy not be adopted and reimbursement made to Councillors.	Low	Adopt a revised policy	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy allows Councillors to effectively carry out their responsibilities as members of the Council and as community representatives without suffering personal financial hardship.

CONSULTATION

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

OPTIONS

- 1) Adopt the recommendation;
- 2) Amend the draft policy.

ATTACHMENTS

1) The proposed amendments to the policy.

TABLED DOCUMENTS

1) Payment of Expenses and Provision of Facilities to Councillors Policy as amended.

ATTACHMENT 1 PROPOSED AMENDMENTS TO THE POLICY

Clause	Proposed amendments
1.1.12	Change adopted date to 2013 date once adopted.
1.6	Delete- Division of Local Government Model Code of Conduct – June 2008.
	Insert -Division of Local Government Model Code of Conduct, as amended.
2.6.2	Delete - NSW Local Government and Shires Association.
	Insert - Local Government NSW
2.6.4	Delete - Each Councillor is entitled to a maximum of \$1000.00 per year of term.
	Insert - The Mayor is entitled to a maximum of \$1000.00 per year of term.
	Delete - NSW Local Government and Shires Association.
	Insert - Local Government NSW
2.6.5	Delete - NSW Local Government and Shires Association.
	Insert - Local Government NSW
2.6.6	Delete - NSW Local Government and Shires Association.
	Insert - Local Government NSW
2.7.1	Delete - a) NSW Local Government and Shires Association.
	Insert - a) Local Government NSW
2.7.6	Delete - NSW Local Government and Shires Association.
	Insert - Local Government NSW
2.8.1	Delete - NSW Local Government and Shires Association.
	Insert - Local Government NSW
2.12	Insert a new sub-clause to accommodate bundle plans for phone and

	internet and separate mobile phone plans. This clause would be an alternate option to sub-clause 2.12.5
	Draft sub-clause
	As an alternative to clause 2.12.5, Council shall reimburse Councillors for their communication device costs where it is part of a bundle plan. This would include landline costs and internet where costs were incurred in attending to Council business to a maximum cost of \$120.00 per Councillor per month of term. The maximum cost for a mobile phone plan would be \$100.00 per Councillor per month of term.
	All communication device costs incurred above this maximum are at the Councillors own expense.
2.12.6	Delete – (This clause is no longer relevant as Councillors are required to purchase their own device and seek reimbursement).
	If a Councillor so elects, Council will provide the Councillor with a mobile phone instead of paying a contribution towards the Councillor's expenses on their existing mobile phone, however the maximum amount of mobile phone expenses incurred by Council must not exceed the amount set out in clause 2.12.5. All communication device costs incurred above this maximum must be reimbursed to Council by the Councillor. Councillors are encourage to purchase their own mobile phone and seek reimbursement under clause 2.12.5.
	Renumber the following clauses as a result of deleting 2.12.6
	2.12.7
	2.12.8
	2.12.9
2.12.9	Delete -(This clause is no longer relevant as Councillors are required to purchase their own device and seek reimbursement).
	Upon a Councillor ceasing to hold office, that Councillor must return to Council any items provided to him or her under this clause. Generally Council does not provide such equipment as Councillors are required to by such equipment under 2.12 and seek reimbursement.
2.13.2	Delete
	Where a Councillor has responsibilities for the care and support of any relative, Council shall reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor (acting reasonably) in order for the Councillor to discharge the functions of civic office.

Insert Where a Councillor has sole responsibility for the care and support of any relative, Council shall reimburse expenses for carer arrangements, where expenses relate to a relative as defined under clause 2.13.1 and are payable when a Councillor is required to attend the following to discharge the functions of civic office: a) Council meetings, committee meetings, inspections, formal briefings, civic and ceremonial functions relating to civic office; b) Meetings scheduled by Council and/or the Mayor; c) Meetings arising as a result of a Councillor being appointed by Council to an outside body or committee; d) A meeting, function or other official role as a representative of the Mayor or Council. 2.15.1 Delete Councillors shall receive legal expenses, in the event of: An enquiry, investigation or hearing by any of: (a) The Independent Commission Against Corruption; The Office of the Ombudsman: Division of Local Government: The Police: The Director of Public Prosecutions: The Local Government Pecuniary Interest Tribunal; or Council's Conduct Review Committee/Reviewer. into the conduct of a Councillor; or Insert Councillors may be entitled to indemnity for an enquiry, investigation or hearing commenced by of official body. 3.1.1 Delete Council's adopted Management Plan.

	Insert
	Council's adopted Integrated Strategic Plans.
3.3.3	Delete – (this is a duplication with Clause 3.5.2)
	Light refreshments such as biscuits, health bars and beverages.
3.7.1	Increase the fee from \$220 to \$250 per annum.
3.9.3	Delete
	Further details can be obtained through Council's Recreation Services Section at Council.
	Insert
	Further details can be obtained through the Councillor Support Executive Assistant.
3.10.1	Delete
	NSW Occupational Health & Safety Act
	Insert
	NSW Workplace Health & Safety Act
3.12.7	Delete
	A mobile phone for the use of the Mayor in discharge of their formal duties, the cost of which shall be fully met by Council.
	Also, renumber clause 3.12.8.
4.1 & 4.1.1	Delete – (This clause is no longer relevant as Councillors are required to purchase their own device and seek reimbursement).
	Upon ceasing to hold office a Councillor may purchase any Council equipment held by the Councillor at the market value of the equipment at the time of ceasing to hold office as approved by the General Manager.
4.2.1	Insert the replacement date of the policy.
	Update FORM 1 of the Policy to reflect changes

ITEM NO. 11 FILE NO: A2004-0255

POLICY REVIEW: RECEIPT OF PETITIONS

REPORT OF: TONY WICKHAM - EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

1) Endorse the amendments to the Receipt of Petitions policy shown at **(ATTACHMENT 1)**;

- 2) Place the Receipt of Petitions policy, as amended on public exhibition for a period of 28 days;
- 3) Should no submissions be received, the policy be adopted as amended, without a further report to Council;
- 4) Revoke the Receipt of Petitions policy dated 19 October 2004 (Min No. 375), should no submissions be received.

ORDINARY COUNCIL MEETING – 12 NOVEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Ken Jordan Councillor Chris Doohan
That the recommendation be adopted.

MOTION

326 Councillor Ken Jordan **Councillor Steve Tucker** It was resolved that Council: 1) Endorse the amendments to the Receipt of Petitions policy shown at (ATTACHMENT 1); Place the Receipt of Petitions policy, as amended on public 2) exhibition for a period of 28 days; Should no submissions be received, the policy be adopted as 3) amended, without a further report to Council; 4) Revoke the Receipt of Petitions policy dated 19 October 2004 (Min No. 375), should no submissions be received.

BACKGROUND

The purpose of this report is to provide the revised Receipt of Petitions policy (Policy) to Council for consideration.

This Policy allows Council to be informed on matters of community interest.

The changes are minor in nature with minimal impact on the community. It is proposed to change the number of signatures required to enable the petition to be tabled at a Council meeting. The number of signatures will increase from 10 to 20.

The reviewed Policy is for Council's consideration.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	200	Advertising costs
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement for Council to retain this policy.

Should Council wish to retain the policy, Council is required to give public notice for a period of 28 days.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Local Government Act 1993, should the Policy not be place on public exhibition.	Low	Adopt the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

This policy provides the community with an avenue to inform Council directly with concerns that impact on a large number of residents. While Council may elect to take no action, the community views are considered through the existence of the Policy.

CONSULTATION

1) General Manager.

OPTIONS

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

ATTACHMENTS

1) Revised Receipt of Petitions policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Port Stephens C·O·U·N·C·I·L Changes

FILE NO: A2004-0255

TITLE: RECEIPT OF PETITIONS

RESPONSIBLE OFFICER: GENERAL

MANAGER'S EXECUTIVE ASSISTANT

BACKGROUND

Council, in the past has received petitions from the community as a way of expressing their concern on many and varied interests of which Council is the responsible authority. The community often lodge petitions as a way of informing Council of the communities general concern, as a whole, with respect to issues before Council.

OBJECTIVE

- To ensure that petitions are dealt with in an appropriate manner
- To ensure that all Councillors are advised of all petitions upon receipt

PRINCIPLES

Petitions are an avenue for the community to express their opinions to Council on matters of significant community interest and /or impact. **Delete:** General Manager's

Executive Assistant Insert: Executive Officer

Delete: least 10 or more

persons

Insert: least 20 or more

persons

POLICY STATEMENT

A petition is a written document including the name, address and signature of at least 10 or more persons seeking some form of action of the Council. It may be in the form of a request, complaint or expression of interest in a matter of significance to Council signed by ratepayers/residents. The Mayor shall be the final arbiter as to whether the document constitutes a petition.

- 1. Upon receipt of a petition the relevant Group will register the petition and refer the original copy to the General Manager's Office.
- 2. The General Manager's Executive Assistant will include the matter as an information paper to Council.
- 3. The General Manager's Executive Assistant will acknowledge receipt by return mail to the representative who has lodged the petition on behalf of all signatories.
- 4. The relevant Group will keep the representative informed of the progress.
- 5. Objections to Building or Development Applications will not normally be considered as petitions under this policy.

RELATED POLICIES

Nil

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

Changes

Delete: The Mayor

Insert: The General Manager

Delete:

- The General Manager's Executive Assistant will include the matter as an information paper to Council.
- 3. The General Manager's Executive Assistant will acknowledge receipt by return mail to the representative who has lodged the petition on behalf of all signatories.

Insert:

- 2. The General Manager's Executive Assistant will:
 - a) Forward an acknowledgement to the representative who lodged the petition; and
 - b) Provide an Information Paper to a Council meeting

Delete: 5. Objections to Building or Development Applications will not normally be considered as petitions under this policy.

Insert: 5. Objections to Building or Development Applications will not normally be considered as petitions under this policy. However, they will be considered as part of the application assessment.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

Nil

IMPLEMENTATION RESPONSIBILITY

Corporate Management

PROCESS OWNER

REVIEW DATE

November 2015

Changes

Delete: Corporate Management

Insert: All Groups and General Manager's Office

Insert: Process Owner General Manager's Office

ITEM NO. 12

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 12 November, 2013.

No:	Report Title
1	Response to Notice of Motion (Min 236) – Online DA Information
2	Aboriginal Strategic Committee
3	Community Safety Precinct Meeting Minutes
4	T16-2013 Contract Management of Soldiers Point Holiday Park
5	Business Improvement Quarterly Report
6	Pecuniary Interest

ORDINARY COUNCIL MEETING – 12 NOVEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

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

315	Councillor Steve Tucker Councillor Ken Jordan
	It was resolved that Council move out Committee of the Whole.

MOTION

327	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 12 November 2013.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

RESPONSE TO NOTICE OF MOTION (MIN 236) – ONLINE DA INFORMATION

REPORT OF: MIKE MCINTOSH – GROUP MANAGER DEVELOPMENT SERVICES

GROUP: DEVELOPMENT SERVICES

FILE: PSC2013-01271

BACKGROUND

The purpose of this report is to provide an update to Council in response to the Notice of Motion (NOM) (Min 236) – Online Development Application Information at the 13 August 2013 Ordinary Council meeting that stated:

"It was resolved that Council investigate making full Development Application information available via the on-line enquiry portal and reconsider its stance regarding copyright issues associated with this application" (Min 236)

There are a number of issues to consider in relation to the requested investigation. The primary aim is to ensure planning and development services are open, transparent and accessible to the community which it impacts upon.

Online Planning Framework

Currently Council has a DA tracker program link from Council's website however this is more an information and tracking tool for the public rather than a tool offering online lodgement services or provision of DA related material.

Council has identified the project known as 'eplanning' in its business improvement program schedule of works. This is currently being scoped and is considered a significant project with a likely timeframe for delivery within 3-5 years. No funding has been allocated to this project as yet. Should additional resources become available there is scope for the priority and timing of this project to be escalated.

The Department of Planning and Infrastructure define 'ePlanning' as:

ePlanning is the use of electronic processes in delivering planning and development services, such as:

- online lodgement,
- processing of development applications,
- provision of web based information such as maps, regulations and policies.

EPlanning tools provide new ways for stakeholders to effectively engage with planning through online visualisation of development proposals and to provide comment.

consultation with other leading 'eplanning' Councils suggest the investment is significant and in some cases requires taking multiple staff 'offline' for up to a year, creating dedicated and specific 'eplanning' roles, and million dollar plus investment to deliver the full 'eplanning' suite of services. Port Stephens Council is currently in the process of upgrading its website and it is envisaged the future website will be conducive to enable 'eplanning' in the future.

Whilst the broader concept of eplanning is in its infancy as a project at Port Stephens Council, there are a number of sub-projects that are currently being completed that are necessary to enable a smoother transition to 'eplanning' in the future. These include:

The DA digitisation project to set up the information technology architecture in a manner that will enable DA information to be stored and fully utilised electronically in Councils system rather than the current paper based system.

The GIS data cleaning work being carried out as part of a \$30,000 Department of Planning and Infrastructure grant.

Availability of Plans for review by Councillors

While the project scoping of 'eplanning' continues, it is proposed to provide DA plans and information to Councillors for development applications that are being considered by Council. Currently, Development Application plans provided to Council by the Applicant or an architect/draftsperson/survey etc on their behalf, and are placed in the Councillors room for viewing by the Councillors prior to the Council meeting and not provided to Councillors due to copyright limitations.

It was been determined that there will be modifications to the Business Paper process so that Councillors can be provided with a copy of development application plans and accompanying information under separate cover prior to a Council meeting at which the DA(s) are to be considered. Such plans will be clearly labelled with a disclaimer as being the subject of copyright.

The Department of Local Government, Meeting Practice Note Part 1 obviously reinforces that Copyright is not to be breached but does suggests that additional information in business papers can be provided to Councillors under separate cover.

1.4.5 Can additional information to that in the business papers be provided to councillors?

Yes. A council may direct its general manager to provide its councillors with additional information. If this is done, it is suggested that the additional papers be marked separately from the business papers so as to avoid any confusion. Additional information won't be automatically available to the public like the business papers.

Any information given to a particular councillor in the performance of that councillor's duties must also be available to any other councillor who requests it in accordance with council procedures (Clause 10.4 Model Code).

Staff investigations will continue to explore the most timely and cost effective method to deliver eplanning services to Council and the community. However, as noted above the delivery of a comprehensive eplanning service package is unlikely to occur within the next 3 years due to availability of resources and irrespective of the Councils position on Copyright issues.

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 2

ABORIGINAL STRATEGIC COMMITTEE

REPORT OF: BRUCE PETERSEN - COMMUNITY PLANNING & ENVIRONMENTAL SERVICES

SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting held 27 August 2013.

The role of Council's Aboriginal Strategic Committee is:

- 1) To advise Council in relation to issues of concern between Council and the Aboriginal community;
- 2) To promote a positive public image with respect to issues for Aboriginal people in Port Stephens;
- 3) To provide a consultative mechanism with respect to development issues;
- 4) To improve relations between the Aboriginal and non Aboriginal community of Port Stephens;
- 5) To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people;
- 6) To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities; and
- 7) To promote an increased awareness of the needs of Aboriginal communities and to assist with the development of programs to address those needs where possible and appropriate.

The keys discussed at the meeting included:

- Outcomes of NAIDOC Week 2013 celebrations;
- Evaluation of Cultural Awareness Training;
- Consultation on draft Ageing Strategy, and draft Cultural Plan;
- October joint meeting of Committee and Council;
- Reporting illegal dumping activity.

ATTACHMENTS

1) Minutes of Aboriginal Strategic Committee meeting held on 27 August 2013.

ATTACHMENT 1



Aboriginal Strategic Committee Combined Meeting



MINUTES

Minutes of meeting held on 27 August 2013 at Port Stephens Council

Acting Chair: Paul Procter Minute taker: Paul Procter

Present:

Cr Sally Dover
Paul Procter
David Feeney
Sharon Feeney
Joanne Simms
Andrew Smith
Neville Lilley
Lorraine Lilley
Valerie Merrick
Steven Bernasconi

Apologies:

Cr Peter Kafer Peter Gesling Jason Linnane Dale Greentree

Guest Speakers:

Michelle Page Lauren Green James Campbell Nicholas Jones

Meeting opened at 9:30am

Port Stephens Council Port Stephens Council

Karuah Local Aboriginal Land Council Karuah Local Aboriginal Land Council Karuah Local Aboriginal Land Council Worimi Local Aboriginal Land Council

Port Stephens Council

Port Stephens Council Port Stephens Council Port Stephens Council

Karuah Local Aboriginal Land Council

Port Stephens Council Port Stephens Council Port Stephens Council Port Stephens Council

1. WELCOME TO COUNTRY:

Worimi Elder Neville Lilley acknowledged the land we are meeting on today, Worimi land and paid respects to Elders past/present.

2. BUSINESS ARISING FROM PREVIOUS MEETING:

Item 1: HealthOne Raymond Terrace

A representative from HealthOne Raymond Terrace has contacted WLALC as requested to further discuss the new facility and associated services to the local

Aboriginal community. They plan to contact KLALC and pursue these discussions further.

Action: 1. Council's Social Planning Co-ordinator to follow up.

Item 2: Childcare

KLALC CEO indicated that the mobile preschool does not service Karuah. Subsequent Committee discussions around childcare indicated a need to explore opportunities to increase the delivery of childcare services to Karuah and to other Aboriginal families located throughout Port Stephens.

Actions: 1. Council's Social Planning Co-ordinator to organise for Council's Family Day Care Team to:

- provide WLALC and KLALC with information on Council's Family Day Care program;
- organise an information session for interested Aboriginal community members on how to establish a family day care service from home.
- 2. Council's Social Planning Co-ordinator to investigate the expansion of the Mobile Preschool Service to Karuah.

Item 3: Aboriginal Cultural Heritage Checklist

Committee agreed to defer consideration of this issue until further advised by the two LALCs.

Item 4: Karuah Sports Oval

KLALC CEO expressed their appreciation for the works Council has carried out on improving the club amenities building. They indicated that playing on the oval is hindered at times due to problems with water not running off the oval.

Action:

1. KLALC CEO will provide advice to the football club to discuss with the Raymond Terrace Sports Council concerning the need for the football club to have this problem rectified.

Item 5: Geographical Names Board of NSW - Port Stephen Reserves Audit

WLALC CEO indicated that they have checked their records to ascertain the cultural significance of the name of one of the reserves identified in a recent audit undertaken by the Geographical Names Board. WLALC CEO indicated that they have been unable to resolve this and hence require further research. The wording does indicate linkages with the traditional language of the Worimi Nation.

Action:

1. WLALC CEO to investigate further and will advise Council's Property Officer accordingly.

Item 6: NAIDOC Week 2013

The Committee felt that this year's local and regional celebrations were great. Regionally some representatives from Worimi LALC joined in with 1,500 people at the celebrations held in Newcastle. Also KLALC CEO indicated they their celebrations included a movie night and a bbq which went well.

Item 7: Aboriginal Projects Fund 2013/2014 funding round

Council's Social Planning Co-ordinator indicated that Council resolved on 23 July 2013 to allocate the Aboriginal Projects Funds as per the recommendations of the Committee.

WLALC CEO spoke about the project they have received funding for which includes the creation of an amphitheatre for approximately 300 people with a fire pit for cultural celebrations.

WLALC representatives attended the launch of the Irrawang High community garden project funded under the Aboriginal Projects Fund. The project is linked to the school's Aboriginal studies program.

Item 8: Committee Membership at Meetings:

Council's Social Planning Coordinator indicated that he along with Council's Community Services Section Manager are the designated representatives of Council's management team on the Committee.

Item 9: Nomination of Aboriginal Place - Bagnalls Beach:

Council's Community Services Section Manager indicated that he had written to the Office of Environment and Heritage advising of Council's non endorsement of the nomination of Aboriginal Place for Bagnalls Beach.

Item 10: Clarification of Ownership of Access Rd into Worimi Property, Tanilba Bay:

Council's Social Planning Coordinator indicated the access road is a private access route owned by WLALC. It therefore comes under their care and responsibility.

Item 11: Tarean Rd, Karuah - Review of Specified Speed Limit:

Council's Social Planning Co-ordinator reported that the request lodged sometime ago to have the speed limit on Tarean Rd; Karuah reviewed down to 50km/h is being followed up with Roads & Maritime Services.

Item 12: Status of planned footpath extension on Mustons Rd, Karuah:

Council's Social Planning Co-ordinator reported that the proposed works are listed as a high priority in Council's forward works program. Council Officers are continuing to seek external funding towards this project to enable the works to be carried out.

3. ABORIGINAL STRATEGIC COMMITTEE SCHEDULE TO CONSTITUTION:

Council's Social Planning Coordinator tabled copies of the Schedule as requested by the Committee as a special meeting on 16 July 2013.

Action: 1. Place on the agenda to review and discuss at next meeting.

4. ABORIGINAL STRATEGIC COMMITTEE BUDGET:

Council's Social Planning Coordinator indicated that Council has allocated in the 2013/2014 budget \$2,000 for NAIDOC Week and \$2,500 towards Committee related activities.

5. COUNCIL AGEING STRATEGY - ENGAGEMENT OF ELDERS:

Council's Community Development & Planning Officer briefly attended the meeting and gave an overview of the Draft Ageing Strategy Council is developing for residents aged 50 years and over. The strategy will inform Council of what its role is in responding to population ageing.

Council is consulting with the community as part of the development of this strategy. Advice from the Committee is sought on the best way to engage older members of the local Aboriginal community.

The Committee agreed to WLALC hosting a meeting at Murook with local Elders on Wednesday 16 October 2013 at 10am. KLALC agreed to bring their members across for this meeting.

Action: 1. Council's Community Development & Planning Officer will liaise with WLALC CEO on arrangements.

6. CULTURAL AWARENESS EVALUATION:

Council's Human Resources Officer presented a summary of the evaluation completed by Council staff who participated in the cultural awareness training hosted by WLALC at Murook on 9 July 2013.

Overall the general consensus of staff was quite positive with staff feeling the training was beneficial to their respective roles. They enjoyed the outdoor experiential activities, the opportunities provided for informal discussions, liked the resources and the knowledge of the trainer.

Being a pilot program suggestions were made for further enhancing the training in the future including: -

- Run more structured activities and tie in with discussion around specific sites with an emphasis upon cultural learning;
- Allocate more time for discussion

The Committee discussed further the training and suggested that besides the suggestions made by staff, it would be beneficial to also take into consideration the following in planning any further cultural awareness training: -

- More preplanning between Council and WLALC;
- Look at how learning can be linked more to the context of local government;
- Given the competing commitments and demands placed on the LALCs during NAIDOC Week consider alternate options to scheduling this training in the future.

Action:	1.	Council's Social Planning Co-ordinator to facilitate a meeting with				
		WLALC and Council's Workforce Development Coordinator in				
		relation to the development of further potential cultural awareness				
		training initiatives for staff.				

7. ABORIGINAL TRAINEESHIPS:

Council's Human Resources Officer indicated that Council was successful in seeking funding under the Elsa Dixon Foundation to employ a Graduate Engineer for 3 months and a school based trainee Admin Officer Cert 2.

8. NEW ELECTRONIC NEWSLETTER FOR COUNCIL COMMITTEES:

Council's Social Planning Co-ordinator advised the Committee of the new newsletter being introduced by Council as a communication tool between Council's Committees and Council.

9. ANNUAL JOINT MEETING 15 OCTOBER 2013:

The Committee discussed the meeting and potential guest speakers. Discussion centred on a local author who recently spoke at a Port Stephens Historical Society Event as being a suitable potential guest speaker. The Committee agreed to extend an invitation to this person to be guest speaker at the Oct 2013 joint meeting.

Action:	1.	Council's	Social	Planning	Co-ordinator	to	discuss	and	look	at
	extending an invitation to the proposed guest speaker.									

10. NEW CULTURAL PLAN:

Council's Community Development & Planning Officer, Team Leader gave an overview of the new Draft Cultural Plan Council is developing. The content of the plan will be in line with previous draft plans and the cultural objectives specified in Council's 2013/2023 Community Strategic Plan.

An overview of the draft was given to the Committee and feedback invited to Council's Community Development & Planning Officer, Team Leader in the coming weeks.

The plan is being drafted in collaboration with Council's S355C Strategic Arts and Cultural Committee, and the Port Stephens Cultural Interagency. The Cultural Plan will guide Council's cultural activities and will also help to inform the future allocation of available Cultural Projects Funds.

Action:	1.	Committee members to review and forward comments to Council's
		Community Development & Planning Officer, Team Leader by late
		October 2013.

11. ABORIGINAL PROJECTS FUND 2013:

Council's Social Planning Co-ordinator indicated that in the coming months a review will be undertaken of the trial improvements introduced to the Aboriginal Projects Fund. A report will be presented to Council outlining the outcomes of the changes and making recommendation on future directions.

12. ILLEGAL DUMPING:

Council's Waste Compliance Officer gave an overview of his role which relates to responding and investigating incidents of alleged illegal dumping. They also outlined the associated process for the community to report incidences to Council.

He indicated that Council is planning to apply for available government funding for cleaning up illegally dumped items on Aboriginal owned lands and would like to consult with the Committee further on this in the future.

Action:	1. Council's Social Planning Co-ordinator to provide details of Council's
	Waste Compliance Officer to the LALCs to report directly incidents
	of alleged illegal dumping.

13. GENERAL BUSINESS:

13.1 Indigenous Football Knockout

Council's Social Planning Co-ordinator indicated that planning is well in hand for this year's October event. Relevant Council Officers are meeting regularly with the event organisers to ensure all aspects are fully addressed.

WLALC representatives commented on how good the football grounds at Lakeside, Raymond Terrace look, which will be the venue for this event.

13.2 Nomination of Aboriginal Place - Wanda Wetlands

WLALC CEO enquired about the wetlands and associated land classification. Council's Community Services Section Manager advised that the land is Council land classified as 'community'. Council's Community Services Section Manager also indicated that he had written to the Office of Environment and Heritage advising of Council's non endorsement of the nomination of Aboriginal Place for Wanda Wetlands.

13.3 Soldiers Point Marina Development Application

WLALC CEO enquired about the status of the Development Application. Council's Community Services Section Manager indicated that it is with the Regional Planning Authority. WLALC CEO indicated that they would like to receive further information on this proposed development when available. WLALC CEO indicated that WLALC would like to participate in the 'hearing' given the significance of the site.

Action:	1.	Council's Social Planning Co-ordinator to follow up and ad	vise
		WLALC CEO accordingly.	

13.4 Soldiers Point Midden

Council's Community Services Section Manager indicated that Council has some funding available which could be allocated towards carrying out works to protect the midden site.

However what is required firstly is to scope out the works required and consider the potential options. This may result in the basis for Council seeking additional external grant funding to cover the full costs associated with undertaking the scoped works.

13.5 Soldiers Point Caravan Park Management Service Tender

WLALC CEO enquired about the current tender for the caravan park. Council's Community Services Section Manager indicated that based on considerations such as the Park's financial viability, Council is currently calling for expressions of interest for the provision of management services to the Soldiers Point Holiday Park.

13.6 Former Samurai Resort - Future Directions

WLALC asked about plans for the future of the former resort and would appreciate any information which may be available.

Action:	1.	Council's Social Planning Co-ordinator to follow up status and will
		pass onto WLALC any details (where appropriate).

13.7 "Hippy" Program

Council's Community Services Section Manager indicated that Council is planning to lodge a funding submission for external funding for the Home Interaction Program for Parents and Youngsters "Hippy" Program as an extension to Council's Family Day Care Program. The program centres on building the learning capacity of preschool aged children in the home.

The demographics show Port Stephens has a number of Aboriginal children aged 0-4 years which would demonstrate support for this proposed program.

Support for the grant application from the LALCs would be appreciated. The Committee supported this request.

Action:	1.	Council to request written support from LALCs
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13.8 Karuah Rural Fire Service

KLALC CEO enquired about the maintenance of the facility with specific reference to upkeep of outdoor areas.

Action:	Social Planning Co-ordinator to follow up with Council's Emergency
	Service Coordinator.

13.9 Street Cleaning

KLALC CEO requested that Council's gutter sweeper clean the street gutters on Mustons Rd and on the reserve.

Action: 1. Council's Social Planning Co-ordinator to lodge request for street	t
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sweeper as requested.

13.10 Sister City Visit

WLALC indicated that they hosted last week at Murook a visit from 12 Japanese students on a sister city visit. It was a great day.

13.11 Birbui Point Headland

Council's Community Services Section Manager indicated that Council is in the process of establishing a Community Advisory Panel with respect to the headland which would meet 3 – 4 times a year. Invitations have been sent to Worimi LALC, and Worimi Conservation Lands Board of Management.

14. NEXT MEETING:

Will be joint meeting on Tuesday 15 October 2013 at Council's Admin Building in the Committee Rooms commencing at 5:30pm.

COMMUNITY SAFETY PRECINCT MEETING MINUTES

REPORT OF: BRUCE PETERSEN - COMMUNITY PLANNING & ENVIRONMENTAL SERVICES

SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

FILE: PSC2013-00487

BACKGROUND

The purpose of this report is to provide Council with the minutes from the Port Stephens Community Safety Precinct meeting held on 22 May 2013. This is in accordance with following resolution of Council ordinary meeting on 24 July 2012 (Minute No. 224):

It was resolved that Council ask the General Manager to supply councillors with copies of minutes of the Community Safety Precinct Committees that the Mayor and other Councillors attend in the information paper section of the Council Business papers so that Councillors are aware of what is occurring in Port Stephens with regards to crime and crime prevention.

The minutes are reported to Council once they have been issued by the Local Area Command.

Community Safety Precinct Committees across NSW provide an opportunity for local Councils and community members to meet with Police Local Area Commands and their Commanders to share their perspective on local crime and safety issues. It provides the opportunity for community members and business owners to get involved in strategies designed to address local crime concerns. It also provides an opportunity for Local Area Commanders to promote accurate local crime information and raise awareness of crime prevention approaches. Meetings are held bimonthly by invitation and as decided by the respective Local Area Commander.

The purpose of Community Safety Precinct Committees is to:

- Ensure Local Area Commanders are communicating to their local communities;
- Encourage community partnerships to reduce crime and the fear of crime;
- Develop local solutions to local crime in partnership with local stakeholders;
- Improve public safety and reduce the fear of crime at a local level;
- Raise understanding of the relationship between policing and crime reduction;
 and

 Ensure Commanders take into account local community views on police visibility, police deployment and crime hotspots when deciding police tasking and deployment.

Minutes of the Port Stephens Community Safety Precinct meeting are forwarded to Council after each meeting once finalised by the Port Stephens Local Area Command.

The key issues discussed at the meeting included:

- Introduction of new Port Stephens Commander;
- Car number plate security program;
- Graffiti management.

For further information concerning the Port Stephens Community Safety Precinct meeting or items in the attached minutes please contact Council's Community Development & Planning Officer on 4980 0260.

ATTACHMENTS

1) Minutes of Port Stephens Community Safety Precinct meeting held 22 May 2013.

ATTACHMENT 1

Minutes of Port Stephens Community Safety Precinct meeting held 22 May 2013.

Port Stephens Community Safety Precinct Meeting Port Stephens Local Area Command

22 May 2013

Meeting commenced: 10am

Attendance:

Commander Rae, Detective Inspector Moroney, Inspector Matthews, Sgt Rod Harrison, Senior Constable Stewart, Sgt Chris Egan, Vicki Thompson, Michelle Page PSC Community Planner, Rebecca Young RT Bus Assoc, Colleen Mulholland, Marketplace RT, Jarrad Hamilton Rep. Craig Baumann, Harold Johnston, Dungog SC, Tracey Lowery, Dungog SC, Doreen Bradley Tilligerry Rep.

Apologies:

Meeting Chair: Commander Craig Rae

Meeting Minute Taker: Vicki Thompson

Meeting was opened by Sgt Egan who introduced the new Port Stephens Commander Craig Rae and also introduced Sgt Rod Harrison who will be relieving in Sgt Egan's position.

Superintendent Rae then gave a run down on his work history and his plans for the LAC:

- Big on pro activity Actively targeting known offenders
- · Strategic side-engagement with community
- Crime prevention

Sgt Egan then gave a presentation on the crime statistics for the LAC for the period February, March, April, 2013, compared to the same period last year.

Commander Rae advised that he has a strong focus on alcohol related crime and will closely monitor alcohol related crime issues. He requires all hotels in the Command to run their businesses responsibly or expect an increase in police presence.

Mr Johnston, Dungog Mayor wanted to officially congratulate Snr Cst Mitch Parker on the wonderful job he is doing in the local community.

Colleen Mulholland - inquired about the number plates screws initiative and whether it could be organised to run one at the Marketplace at Raymond Terrace. Action: Colleen Mulholland/Sgt Egan to liaise re conduct of initiative at Marketplace.

David Series: advised that as far as graffiti at the Bay is concerned they are on top of it. Problem in town centre getting very clear hit areas in Church Street to skate park every week. The vandal track app collates tags — copy of article handed to Police. **Action: Sgt Egan to task CPO to add Port Stephens LAC to the program.**

Actions from last meeting

Action	Member	Comments
CCTV for Anna Bay submission	Cr Sally Dover	Sgt Egan to email Cr Dover re update - ongoing
DA for Anna Bay Pie shop	Cr Sally Dover/Bruce McKenzie	Sgt Egan to email Cr Dover re update - ongoing
Unregistered trail bikes and tractors Dungog	Sgt Chris Egan	Update from Snr Cst Parker – has been actioned – complete
Draft crime prevention plan	Michelle Page	Draft submitted and completed until 29/5/13 – complete
Dungog hoodlum activity Thursday, Friday and Saturday nights	Tracey Lowrey	Snr Cst Parker is doing HVP with help from patrols – ongoing by Snr Cst Parker
Raymond Terrace Laneways	Michelle Page Sgt Chris Egan	Trees cut back and more lighting in laneways is being discussed – one op has been conducted on trail bikes – extra taskings and work to be done in that area – ongoing

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General Business:

Rebecca Young - 17/11/13 is Christmas parade. **Action: Rebecca Young to liaise with Sgt Egan re planning.**

Doreen Bradley – commented on trail bikes being an issue and also wanted to advise that the new police officer was doing a good job.

Michelle Page – requested Port Stephens LAC become involved in vandal track.

NARLA – feedback re last year's event re drinking in alcohol free zones.

Action: Inspectors Flaherty and Moroney to contact Council re a preliminary meeting regarding same.

Tracey Lowrey – questioned whether police have a "homeless protocol". Dungog having issues with homeless people – answer from a law enforcement perspective they are not breaking the law. Michelle Page can provide information. Action: Michelle Page can provide Council information. Sgt Chris Egan to resource police policy.

David Series – unreg mini bikes causing problems – Premier's Dept putting a paper together - gone to Government based on success of Victorian model. Inspector Moroney advised the command runs a lot of trail bike ops and they have been a real asset to the Command.

Hunter Water – Snr Cst McArthur and Egan- thanks to them helping out with infringement issue processes.

Tracey Lowrey – employing full time Ranger who is not a local should assist in smaller incidents.

The Commander thanked everyone for working together collaboratively to improve the community.

Next meeting to be held:

10am Wednesday, 21 August 2013, at Raymond Terrace Police Station.

Meeting Closed: 11.10am

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T16 -2013 CONTRACT MANAGEMENT OF SOLDIERS POINT HOLIDAY PARK

REPORT OF: CARMEL FOSTER - PROPERTY SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

FILE: T16 -2013

BACKGROUND

The purpose of this report is to inform the Council of an administrative error in the Business Paper Item No 5 at the Ordinary Council meeting held on the 22 October 2013. The Business Paper stated that the preferred tenderers company name was Wilfrey Pty Ltd, the correct company's name is Wilfey Pty Ltd.

All the legal documentation has been prepared and executed in the correct company name.

ATTACHMENTS

Nil.

BUSINESS IMPROVEMENT QUARTERLY REPORT

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 attached Business Improvement Process Quarterly Report 1July- 30 September 2013.

Council is committed to work both "in" the system (delivering services) and "on" the system (continuous improvement). Opportunities for improvement are identified, prioritised and executed based on an alignment with the organisation's business objectives, risk appetite and return on investment.

The Business Improvement report lists a number of Council's improvement activities. Through the reduction of waste and an improvement in the flow of work these efficiencies contribute directly to the organisations ability improved service delivery to our community.

ATTACHMENTS

1) Business Improvement Quarterly Report: 1 July – 30 September 2013.

ATTACHMENT 1

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Development Services	Development Assessment and Compliance	BA team Field WHS	A process improvement, A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	1/07/2013
Deverlopment	and implmementation of improvement	ogram incorporating new SWAT forms fo ts and documentation of appropriate rev AT'S) - Development Services - Developm	cords on the TRIM SWAT WHS review		
evelopment Services	Development Assessment and Compliance	Development Assessment	A people/relationship improvement	An improved, expanded or more efficient service	8/07/2013
without interu		uilding staff avialable before 12 noon has rtant to all clients and staff are now avia ervice our community expects			
Development Services	Development Assessment and Compliance	General DAC operations	A process improvement	An improved, expanded or more efficient service	8/07/2013
	rship group agenda has been amended nd that all important topics are being o	to be consistent with that of the group overed.	GLT, and the applicable SLT and ELT a	agenda items. This ensures consistency	within the
Development Services	Development Assessment and Compliance	Development Assessment	A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	8/07/2013
that everyone		a presentation entitled 'transforming d e right development assessment culture			
Development Services	Development Assessment and Compliance	Development Application processing	A process improvement, A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	8/07/2013
		t Applications has been undertaken with Manager tool will chart and report the			icture on where
Development Services	Development Assessment and Compliance	Development Application/ Linen release	A process improvement, A people/relationship improvement	An improved, expanded or more efficient service	8/07/2013
	and implemented for 2013/14 on the r is is in line with feedback and services	elease of Subdivision Certificates with a provided by the private sector.	n aim to provide a faster turnaround t	ime frame for applicants who wish/ ne	ed to expedite
Development Services	Development Assessment and Compliance	Creation of 'key projects' team	A process improvement, A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	8/07/2013

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Development Services	Development Assessment and Compliance	Preparation of consent documents.	A process improvement	A saving in time	8/07/2013
		the correct superseding of plans and do ate the risk of incorrect plans being stan		pment applications. Assessing officers/ busing	ness support sta
Development Services	Development Assessment and Compliance	Legal Matters/ Appeals	A process improvement	A saving in time, A financial saving, An improved, expanded or more efficient service	8/07/2013
structure of the	e planning team modified. This modific			tive Planner role. This role has been reviewe peals. This improves skills and evidence gath	
Development Services	Development Assessment and Compliance	Fire Safety Administration	A process improvement	A financial saving, An improved, expanded or more efficient service	8/07/2013
Fire safety adm utilising special		ek to assist Council's Fire Safety Officer v	with paperwork and system requ	irements. Fire Safety Officer spending more	time in the field
Corporate Services	Financial Services	Payroll - Automatic allocation of disability allowance to relevant employees' timesheets	A process improvement	A saving in time, A financial saving, An improved, expanded or more efficient service	10/07/2013
several employ		reduces the time spent reviewing and c		he need for data entry of the allowance mul time spent entering data into timesheets. Sa	1.00
Corporate Services	Financial Services	Payroll - Pay Rates & Service Percentages	A process improvement	A saving in time, An improved, expanded or more efficient service	10/07/2013
processing of e	mployees receiving higher grade simpl	er, saving time and reducing the risk of	error. From now the pay rate his	ervice percentage allowance on pay rates. T story for an employee will be accurate, as pr rate at only certain times during the process	reviously the pay
Corporate Services	Financial Services	Payroll - Timesheets & Data Entry	A process improvement	An improved, expanded or more efficient service	10/07/2013
Reviewed orde depleted.	r of paper timesheet to match the data	a entry screen, to allow for more fluent	data entry. New timesheets hav	e been ordered and should be in use as the	older stock is

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Corporate Services	Financial Services	Payroll - Superannuation Processing	A process improvement	A saving in time, An improved, expanded or more efficient service	15/07/2013
reduced the nu	imber of eft payments and cheques fro	Super Clearing House. By processing thom 63 to 3 eft payments and no cheques me has been reduced from about 6 hour.	. Processing through a portal will be n	nandatory by 1 Jul 2014, however by co	
Corporate Services	Business Systems Support	Archival Storage and retrieval	A process improvement	A saving in time, An improved, expanded or more efficient service	17/07/2013
	ew process for retrieval of offsite recor potential risk of loss of records in the	ds to create a more efficient process and event of a disaster	d additionally minimise the amount of	physcial records held onsite at any one	time effective
Development Services	Development Assessment and Compliance	Joint Regional Planning Panel applications	A process improvement	A saving in time, An improved, expanded or more efficient service	17/07/2013
The DA&C proj	ect officer will be involved where requ	ired to assist with any element of a JRPP	application.		
Development Services	Development Assessment and Compliance	Development Assessment Panel review of application	A process improvement	A saving in time	17/07/2013
	bers to read full reports prior to meeting among staff assessment.	ng ensuring that sufficient review of the	application has been undertaken. Also	o highlighting any areas for improveme	nt or
Development Services	Development Assessment and Compliance	Statement of Environmental Effects	A process improvement	A saving in time, An improved, expanded or more efficient service	17/07/2013
		I will be fully implemented when the nev lodgement saving further information be			on supporting a
Development Services	Development Assessment and Compliance	Integration between planning, engineering and building	A process improvement, A people/relationship improvement	An improved, expanded or more efficient service	17/07/2013
Planners are ac	companying Building Surveyors and E	ngineers on site inspections to improve s	kill base.		
Development Services	Development Assessment and Compliance	Mobile Computing	A process improvement	A saving in time, An improved, expanded or more efficient service	17/07/2013
The potential f		and tested via field trial for 3 month per	iod. The use of mobile computers alo	ng with training can now be implement	ed among the

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Development Services	Development Assessment and Compliance	Plan requests	A process improvement	An improved, expanded or more efficient service	17/07/2013
		n that fees could be charged to support rvice is to be provided free of charge. Re		and dedication of officer to tend requ	ests. Legal advi
Development Services	Development Assessment and Compliance	External referrals	A process improvement, A people/relationship improvement	A saving in time	17/07/2013
	elopment applications should not be a has been accepted delaying the assess	ccepted until full fees are paid and detail sment.	led information supplied. This will mir	nimise requests for further information	and fees once
Development Services	Development Assessment and Compliance	Building Certificate Assessment Form	A process improvement	A saving in time	17/07/2013
A review of the if any.	current Building Certificate assessmen	nt form has been undertaken by Kris Whi	te and will be discussed with the wide	er Building Assessment Team members	for final chang
orporate Services	Organisation Development	Human Resources	A process improvement	A saving in time, An improved, expanded or more efficient service	17/07/2013
The developme . incubments . Vacant Roles .Temporary rol .Staff acting in .Vacant EFT.		rt in Authority that tracks:			
Removes the n	eed for duplication with a Excel spread	Isheet.			
Development Services	Development Assessment and Compliance	Notice of determination to objectors	A people/relationship improvement	An improved, expanded or more efficient service	18/07/2013
The template r	eview undertaken uses a more friendly	tone when advising objectors of determ	ninations. New template implemented	I and is use.	
evelopment Services	Development Assessment and Compliance	Subdivision Certificates	A process improvement, A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	18/07/2013
		ity to sign subdivision certificate docume ences of any kind. Implemented and wor		o allow this function to be undertaken	by a wider
	Development Assessment and	A JRPP notation and link created	A process improvement, A	A saving in time, An improved,	18/07/2013
Development Services	Compliance	on PSC website.	people/relationship improvement	expanded or more efficient service	

Group	Section	Service or Function	Improvement cause	Improvements result	Created
orporate Services	Financial Services	Meeting efficiency	A people/relationship improvement	A saving in time	19/07/2013
Review of the	Financial Analysis Team, the Financial	Officers Team and the Capital Works Ana	lysis Team representation has saved t	he organisation approximately 14 man	hours per mo
orporate Services	Financial Services	Accounts Payable	A process improvement	A saving in time	22/07/2013
Control of the Contro	ble are using the updated Utilities Dat electricity accounts.	abase spreadsheet created by Duncan Jin	ıks and vertical lookups in excel has in	nproved the accuracy and decreased th	ne time taken t
Corporate Services	Financial Services	Accounts Payable	A process improvement	A saving in time	22/07/2013
The Accounts	ectricity Invoices for Council's twleve la Payable team now scan electricity invo kept as a hard copy in one area and th	ices and save them in the public drive in	separate folders to allow for easy acco	ess for the Managers of the sites. Previ	ously these
evelopment Services	Development Assessment and Compliance	Planning determinations	A process improvement, A people/relationship improvement	An improved, expanded or more efficient service	22/07/2013
The planning o	checklist updated to ensure objectors t	o Development Applications are notified	of a determination.		
evelopment Services	Development Assessment and Compliance	Development Control Plan - Notification	A people/relationship improvement	An improved, expanded or more efficient service	22/07/2013
	w included an amendment of Councils appeals can be lodged.	notification of s82A and 96AB reviews. TI	His is supported by the creation of a fa	act sheet for staff and applicants with i	nformation on
evelopment Services	Development Assessment and Compliance	GIPA requests	A process improvement	An improved, expanded or more efficient service	22/07/2013
		nined when GIPA requests can and shoulest practice outcome for Business Suppor			nce. Valuable
evelopment Services	Development Assessment and Compliance	Performance Monitoring Report	A process improvement	A saving in time, An improved, expanded or more efficient service	22/07/2013
	terly returns to the Department of Plar rting to the Department of Planning.	nning are time consuming and identify en	ros. These reports are now produced	monthly to early identify common err	ors and ensure
accurate repo			CARCESTED AND AND AND AND AND AND AND AND AND AN	A saving in time, An improved,	25/07/2013
Corporate Services	Organisation Development	Payroll	A process improvement	expanded or more efficient service	23/07/2013

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Corporate Services	Organisation Development	WHS Procedure - Isolation of Plant and Equipment	A process improvement	An improved, expanded or more efficient service	26/07/2013
	of Plant and Equipment procedure prov dertake the service, repair or maintenar	ides information on the processes to be nee of plant and equipment.	followed to protect workers from the	unexpected energisation, start-up, or	elease of ener
Corporate Services	Organisation Development	WHS Procedure - Reviewed and updated the exisiting Electrical Safety Procedure	A process improvement	An improved, expanded or more efficient service	26/07/2013
The state of the s		f electrical equipment or installations ow associated with the use, repair and main		equipment.	
Development Services	Development Assessment and Compliance	Delivery of Workplans / Roadmaps	A process improvement	A saving in time, An improved, expanded or more efficient service	29/07/2013
	updating our systems views, business p orkplan and priorities of the DAC section	plans and IWDPs we have created a speci on for the next 12 months.	fic road map for the DAC section for t	he next 12 months. This provide clarity	and direction
Development Services	Development Assessment and Compliance	Management of re-occuring tasks	A process improvement	A saving in time, An improved, expanded or more efficient service	29/07/2013
		services group have now been all identifi portant task dates are located in one spo		es section managers can effectively ens	ure tasks are
completed. Th					
completed. Th	Business Systems Support	Creation of OD Business Classification & TRIM Containers	A process improvement	An improved, expanded or more efficient service	1/08/2013
Corporate Services Completion of should ensure	Business Classification Scheme for the more efficient and effective recordkee		t Team. 337 new TRIM containers wei t team. This improvement should ensi	efficient service re created in addition to existing contains	ners which
Corporate Services Completion of should ensure Development to	Business Classification Scheme for the more efficient and effective recordkee	Classification & TRIM Containers Human Resources and Risk Managemen ping from the Organisation Developmen	t Team. 337 new TRIM containers wei t team. This improvement should ensi	efficient service re created in addition to existing contains	ners which
Completion of should ensure Development	Business Classification Scheme for the more efficient and effective recordkee team are able to be captured in council Development Assessment and Compliance	Classification & TRIM Containers Human Resources and Risk Managemen ping from the Organisation Developmen Is designated records management syste	t Team. 337 new TRIM containers wei t team. This improvement should ensi m instead of the network drives. A people/relationship improvement	efficient service re created in addition to existing container that ALL records from the Organisa A saving in time, An improved, expanded or more efficient service	ners which tion 5/08/2013
Corporate Services Completion of should ensure Development Services	Business Classification Scheme for the more efficient and effective recordkee team are able to be captured in council Development Assessment and Compliance	Classification & TRIM Containers Human Resources and Risk Managemen ping from the Organisation Developmen s designated records management syste Negotiation and Discretion	t Team. 337 new TRIM containers wei t team. This improvement should ensi m instead of the network drives. A people/relationship improvement	efficient service re created in addition to existing container that ALL records from the Organisa A saving in time, An improved, expanded or more efficient service	ners which tion 5/08/2013

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Corporate Services	Property Services	Transfer of Crown Roads to Council after Approved Developments	A process improvement, A people/relationship improvement	An improved, expanded or more efficient service	5/08/2013
		xecuted by both Council and Crown Land ps making it clearer for property owners,	[10] [10] [10] [10] [10] [10] [10] [10]	일 등에 가지하다 이 하나지도 할 때 이 하다 하다 하나 가지 않는데 그렇게 되었다.	als where Crown
Development Services	Community Planning and Environmental Services	Updates to the Local Environmental Plans (LEP) processes	A process improvement	An improved, expanded or more efficient service	28/08/2013
new process s	steps & new forms for customers war	age Rezoning Requests / Planning Propos nting to make Rezoning Requests and oth ther changes to the LEP prior to their app	ner changes to the LEP. In addition, custo	omers are now required to attend a Pr	
Corporate Services	Business Systems Support	Business Improvement	A process improvement, A people/relationship improvement	A saving in time	28/08/2013
The Sustainab	oiltiy Review process and associated s	service strategy template has been impro	ved to better consider resourcing implic	cations in a timely manner	
Corporate Services	Business Systems Support	Business Improvement	A process improvement	An improved, expanded or more efficient service	28/08/2013
The BI Unit is	ensuring that the efficiency savings t	hat result from continuous improvement	initiatives are captured including tracki	ng how these savings are being harves	sted.
Corporate Services	Financial Services	Council's Financials	A process improvement	An improved, expanded or more efficient service	29/08/2013
The Long Tern for the organi		and Quarterly Budget Review processes	were inconsistent and have now been fo	ormalised providing direction and sour	nd financial advic
Corporate Services	Financial Services	Council's Financial Services	A people/relationship improvement	An improved, expanded or more efficient service	29/08/2013
	nancial processes and procedures hig nmon goal. This restructure will supp	shlighted a number of areas that needed port same.	to be addressed including the need to u	nite small teams into a collective mov	ement working
	Business Systems Support	ICT		A financial saving	4/09/2013
Corporate Services	business systems support	101		The conversion of the conversi	The state of the s

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Corporate Services	Business Systems Support	ICT - Learning & Developmen	t	An improved, expanded or more efficient service	4/09/2013
	t of a dedicated computer training fac nd data stores dependant on the offic		computers (1 Instructor + 16 Studen	ts). Full access to all Council enterprise syste	ems, corporate

our processes with our business, improve cross functional awareness and provide efficiencies across the whole of Council. Migration of Processes is to be concluded by December 2013.

DESIGNATED PERSONS – PECUNIARY INTEREST

REPORT OF: PETER GESLING - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2012-02853

BACKGROUND

The purpose of this report is to advise Council of those new Council staff who have submitted Returns.

In accordance with Section 450A of the Local Government 1993, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted Return/s:

Development Planner (PSC081).

ATTACHMENTS

Nil.

TABLED DOCUMENTS

1) Pecuniary Interest Returns.

There being no further business the meeting closed at 6.25pm.

I certify that pages 1 to 124 of the Ordinary Minutes of Council 12 November 2013 were confirmed by Council at its meeting held on 26 November 2013.

Bruce MacKenzie MAYOR	