

MINUTES 22 OCTOBER 2013



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 22 October 2013, commencing at 5.40pm.

PRESENT: Mayor B MacKenzie; Councillors G. Dingle; C. Doohan; S. Dover; K. Jordan; P. Le Mottee; J. Morello; J. Nell; S. Tucker; General Manager; Corporate Services Group Manager; Facilities and Services Group Manager; Development Services Group Manager and Executive Officer.

296	Councillor Paul Le Mottee Councillor Geoff Dingle
	It was resolved that the apology from Cr Peter Kafer be received and noted.
297	Councillor John Morello Councillor Ken Jordan
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 8 October 2013 be confirmed.
	Cr Paul Le Mottee declared a pecuniary conflict of interest in Item 4. the nature of the interest being his company has previously conducted survey work for the builder.

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2013-04665

MAYORAL FUND BUSHFIRE APPEAL

THAT COUNCIL:

- 1) Endorse the Mayoral Bushfire Appeal for Port Stephens;
- 2) Donation of \$500 to start Port Stephens Bushfire Appeal to be funded from the Mayoral Fund.

ORDINARY COUNCIL MEETING – 22 OCTOBER 2013 MOTION

298	Mayor Bruce MacKenzie
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the Mayoral Bushfire Appeal for Port Stephens;2) Donation of \$500 to start Port Stephens Bushfire Appeal to be funded from the Mayoral Fund.

MATTER ARISING

299	Cr Geoff Dingle Cr Paul Le Mottee
	<p>It was resolved that Council write to all emergency services and other agencies involved with the recent bushfires, extending its appreciation for their efforts during the recent bushfires.</p>

BACKGROUND

The purpose of this report is to inform Council and the Port Stephens Community of the Mayoral Bushfire Appeal that has been set up.

As Council is aware residents in Port Stephens experienced the terrible bushfires over the weekend of the 12th to 14th October 2013. A number of homes and other structures were lost as a result of the devastating bushfires, together with many personal possessions.

MINUTES FOR ORDINARY MEETING – 22 OCTOBER 2013

Whilst Council cannot give back the treasured possessions lost in the bushfires, Council and the broader community can assist with funds to help the residents re-build for the future.

I would encourage everyone to get behind the Bushfire Appeal and donate today!

Council has set up an account at the National Australia Bank for donations.

The details are:

BSB No: 082810

Account No. 392813974

COUNCIL REPORTS

ITEM NO. 1

FILE NO: PSC2013 - 01796

PORT STEPHENS COUNCIL SWIMMING POOL INSPECTION PROGRAM**REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE
SECTION MANAGER****GROUP: DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Port Stephens Council Swimming Pool Inspection Program **(ATTACHMENT 1)**;
 - 2) Allocate \$50,000 to the Port Stephens Council Swimming Pool Inspection Program for implementation (source of funds to be determined at the next quarterly budget review).
-

**ORDINARY COUNCIL MEETING – 22 OCTOBER 2013
MOTION**

300	Councillor John Morello Councillor Chris Doohan
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

302	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council: <ol style="list-style-type: none">1) Adopt the Port Stephens Council Swimming Pool Inspection Program (ATTACHMENT 1);2) Allocate \$50,000 to the Port Stephens Council Swimming Pool Inspection Program for implementation (source of funds to be

determined at the next quarterly budget review).
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BACKGROUND

The purpose of this report is to formally consider, adopt and implement the Port Stephens Council Swimming Pool Inspection Program (**ATTACHMENT 1**) to increase pool safety awareness; reduce infant drowning and near drowning events within the Port Stephens Local government area; and address Council's obligations under the NSW State Swimming Pools Act 1992 and Regulations.

The NSW State Government has introduced new pool safety compliance laws, aimed at reducing the incidence of childhood drowning and near-drowning events. Under this legislation Council is required to develop and implement a Swimming Pool Inspection Program in accordance with community expectations and legislation. The need to conduct a Swimming Pool Safety Program is also identified within the Port Stephens Community Strategic Plan 2013-14 and Operational Plan at 1.1.1.11 "conduct the swimming pools safety programs".

The Draft Port Stephens Council Swimming Pool Inspection Program is included as (**ATTACHMENT 1**) to this report. Its primary objectives are:

- 1) As of and from 29 April 2014, Council shall make provision for the inspection, at least once every 3 years, of any swimming pool situated on premises on which there is tourist and visitor accommodation or more than 2 dwellings;
- 2) The inspection of a swimming pool in paragraph (1), above, is not required within 3 years from the date of issue of a valid certificate of compliance in respect of the swimming pool or a relevant occupation certificate that authorises the use of the swimming pool;
- 3) Council may carry out an inspection of a swimming pool under Section 22C of the Swimming Pools Act 1992 where the owner of the premises on which a swimming pool is situated in Council's area requests Council to inspect the swimming pool;
- 4) Council must carry out an inspection of a swimming pool in its area under section 22C of the Swimming Pools Act 1992, and must carry out that inspection within a reasonable time, if the request to Council is in writing and states that the inspection is required to enable the sale or lease of the premises or part of the premises on which the swimming pool is situated. A reasonable time is within 10 business days after Council receives a request;
- 5) Council must determine applications for swimming Pool compliance Certificates under the provisions of the section 22D. Swimming Pool Certificates will be compulsory from April 2014 for all pools associated with property for sale and lease;
- 6) Council must investigate a complaint made to it in writing that alleges a contravention of the Swimming Pools Act 1992 in accordance with that Act.

The Draft Swimming Pool Inspection Program outlines both Council's and the community's responsibility's when it comes to the responsible management of pools

and necessary safety measures. The program has been developed in partnership with key government agencies as well as in consultation with the local community.

FINANCIAL/RESOURCE IMPLICATIONS

There are direct financial/resource implications in the Council adopting the draft Swimming Pool Program.

The 2013-14 budget estimates do not provide any amount for the implementation of the Swimming Pool Program to the minimum level required to comply with the recently introduced provisions of the NSW Swimming Pool Act 1992. An additional allocation of \$50,000 is required for the expanded governance role within the Building Assessment Team. This estimate is based on additional costs involved in the expanded compliance role for existing professional officers (around \$15,000 for an additional 50 investigations per annum at cost of \$300 each) and additional administrative assistance for multi unit developments, tourist and visitor accommodation sites governance (around \$35,000 per annum).

The Swimming Pool Compliance Certificate functions are to be managed on a full cost recovery basis using the statutory application fee on a full cost recovery basis.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No	50,000	The existing budget will need to be revised to provide an allocation of \$50,000.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	Nil	The Swimming Pool Compliance Certificate functions are proposed to be self-funding based on the statutory application fee on a full cost recovery basis.

LEGAL, POLICY AND RISK IMPLICATIONS

The primary legislation, regulations and standards that apply include the Swimming Pools Act 1992 and the Swimming Pools Regulation 1998.

By adopting the proposed recommendation Council will address its legal responsibilities around the ongoing inspection and management program for private swimming pools across the local government area.

MINUTES FOR ORDINARY MEETING – 22 OCTOBER 2013

The adoption of the draft program will enable Council to meet community expectations as identified within the Port Stephens Community Strategic Plan 2013-14 and Operational Plan at 1.1.1.11 "conduct the swimming pools safety programs".

There are legal, policy and risk implications in not fulfilling Council's statutory responsibilities of the NSW Swimming Pools Act, if Council fails to determine an appropriate and relevant swimming pool Inspection program to the community expectations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not fulfil its statutory obligations.	High	Adopt the Draft Port Stephens Council Swimming Pool Inspection Program	No
There is a risk that Council will not provide a service commensurate with Community expectations.	High	Adopt the Draft Port Stephens Council Swimming Pool Inspection Program	No

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are minimal direct sustainability implications. The proposed Port Stephens Council Swimming Pool Inspection Program enables an efficient transparent and cost effective method of Council fulfilling its statutory responsibilities and community expectations.

CONSULTATION

Consultation has been undertaken as part of the Port Stephens Community strategic planning process. Council has issued press releases, provided customer enquiry services, website and other information. Council continues in its building and development approvals role to determine construction certificates, swimming pool certificate applications and other statutory functions. Throughout this process community members are reminded of their obligations when it comes to private swimming pools and Council's inspection program.

As a consequence, swimming pool certification is ongoing and continues to experience increasing demand as the Certificates are becoming more popular with property conveyancers as they will be compulsory from April 2014 for all pools associated with property for sale and lease.

There has also been significant state-wide community consultation in relation to the NSW state-wide swimming pools register, the provisions of the NSW Swimming Pools Act 1992 via the Royal Life Saving Society, the NSW Department of Local Government, details of their websites:

NSW Swimming Pool Register on: www.swimmingpoolregister.nsw.gov.au and
Royal Life Saving Society: www.bepoolsafe.com.au

OPTIONS

- 1) Resolve to adopt the recommendation;
- 2) Resolve to defer consideration of the Draft Swimming Pool Inspection Program to enable further community consultation.

ATTACHMENTS

- 1) Draft Swimming Pool Inspection Program.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Port Stephens Council Swimming Pool Inspection Program

Port Stephens Council Swimming Pool Inspection Program

Building Assessment Team



Page 1 of 15, 9/10/2013, Building Assessment Team.

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1.0 Introduction

With about 4500 swimming pools in Port Stephens, pool safety is a big community issue. Backyard swimming pools can be great fun, however they are a significant responsibility for the landowner and occupier as drowning of young children can happen quickly and silently.

While fencing and barriers may help reduce drowning of young children in swimming pools, there is no protection or safety equipment that can replace **adequate supervision of children by a parent or another responsible adult**. Research on children drowning in backyard swimming pools indicates that the most common contributing factors are inadequately fenced pools and human error (for example, people leaving the gate open, or fences not being maintained in good condition).

It is the responsibility of the owner/occupier to keep the pool fence in a state of good repair, and ensure all gates providing access to the swimming area are maintained so they are self-closing and self-latching. Pool users and owners should be aware that if there is a death or injury in a pool, legal liability may fall on the person responsible for the pool at the time, even if a safety fence is installed.

Early in 2013 the NSW government introduced new laws affecting swimming pools which emphasize owners' responsibilities and improve safety. The new laws resulted in a number of changes to the Act including the creation of a state-wide web-based swimming pool register, increasing the roles and responsibilities of Council in relation to swimming pool inspections and the issue of compliance certificates.

Owners of swimming pools and spas must register their details on the NSW government swimming pool register - <http://www.swimmingpoolregister.nsw.gov.au/>. Offenders may be fined for an unregistered pool/spa after 29 October. Swimming pool registration is free. Please note that there are provisions in the legislation to fine owners who fail to register their swimming pool by 29 October 2013. (Penalty Notice of \$220).

2.0 Scope

This program applies to all swimming pools within the Port Stephens Local Government area.

Under Section 22B of the Act, Council is required to develop and implement a swimming pool inspection program in consultation with the community. The Act requires for Council to implement this program by the 29 October 2013. The need to conduct a Swimming Pool Safety Program is identified within the Port Stephens Community Strategic Plan and Operational Plan 2013-14 at 1.1.1.11 "conduct the swimming pools safety programs".

Under section 5 of the Act Council is also required promote registration of swimming pools within its area; and to promote awareness of the Act in relation to swimming pools; and to investigate complaints about breaches.

For the purposes of the Swimming Pool Act a;

"swimming pool" means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth greater than 300 millimetres, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of this Act.

Importantly, portable and/or inflatable swimming pools or children wading pools that are capable of being filled with water to a depth greater than 300 millimetres meet the definition of **"swimming pool"** under the Act and therefore temporary pool owners are subject to the same legislative requirements and obligations as those who have permanently installed pools.

3.0 Relevant Legislation and Standards

The legislation, regulations and standards that apply to this Swimming Pool Inspection Program include:

- ☐ Swimming Pools Act 1992
- ☐ Swimming Pools Regulation 1998 (repealed)
- ☐ Swimming Pools Regulations 2008
- ☐ Building Code of Australia
- ☐ Australian Standards
 - AS1926.1 – 1986

- AS1926.1 – 1993
- AS1926.1 – 2007
- AS1926.2 – 2007
- AS1926.1 – 2012

Each legislative article and standard specifically relate to a swimming pool dependant on when the pool was installed or constructed. The following table indicates what standard applies to which pools. It is important to note the relevant standard is when the swimming pool was constructed.

Date Constructed	Legislative Reference	Aspect Controlled	Applicable Standard
Prior to 1 August 1990	Act: s8(1)(a) and 8(2) Reg: cl 22 and 6	Child Resistant Barrier not required to separate pool from residential building (restricted access applies)	AS1926-1986
1 August 1990 to 31 August 2008	Act: s7(1)(a) and (b)	Child Resistant Barrier not required to separate pool from residential building (restricted access applies)	AS1926-1986
1 September 2008 to 30 April 2011	Act: s7(1)(a) and (b)	Child Resistant Barrier required to separate pool from residential building	AS1926.1-2007
1 May 2013 to date	Act: s7(1)(a) and (b) Reg: cl 5	Child Resistant Barrier required to separate pool from residential building	Building Code of Australia

It is also important to note that the Act provides exemptions in certain circumstances for existing swimming pools situated on small or large rural properties. These exemptions continue to apply unless the swimming pool has undergone significant alteration or rebuilding. Council however can still require the upgrading of these pools if the requirements of the Act are not being complied with.

4.0 Registration of swimming pools

All swimming pool owners must register their swimming pool on the **NSW state-wide web-based swimming pool register** (www.swimmingpoolregister.nsw.gov.au). Self registration of your swimming pool is free via the internet. Council will also register swimming pools for the statutory limited fee of \$10 on behalf of owners who do not

have access to the internet. A swimming pool registration application form is available from Council's website (www.portstephens.nsw.gov.au) or Council's administration building.

When registering a swimming pool, the property owner must identify the address of the property where the pool is located, the type of premises (eg residential or tourist accommodation etc) and the type of pool (eg inground or aboveground). After the 29 October 2013, it is an offence under the Act to have an unregistered swimming pool. Please note that there are provisions in the legislation to fine owners who fail to register their swimming pool by 29 October 2013. (Penalty Notice of \$220).

5.0 The Inspection Program

In accordance with Section 22B of the Act, Council has developed this inspection program based on Council and community affordability and risk. The need to conduct a Swimming Pool Safety Program is identified within the Port Stephens Community Strategic Plan 2013-14 and Operational Plan at 1.1.1.11 "conduct the swimming pools safety programs".

The primary objectives of the Port Stephens Council Swimming Pool Inspection Program are:-

- 1) As of and from 29 April 2014, Council shall make provision for the inspection, at least once every 3 years, of any swimming pool situated on premises on which there is **tourist and visitor accommodation or more than 2 dwellings**.
- 2) The inspection of a swimming pool in paragraph (1), above, is not required within 3 years from the date of issue of a valid **certificate of compliance** in respect of the swimming pool or a relevant occupation certificate that authorises the use of the swimming pool;
- 3) Council may carry out an inspection of a swimming pool under Section 22C of the Swimming Pools Act 1992 where the owner of the premises on which a swimming pool is situated in Council's area requests Council to inspect the swimming pool;
- 4) Council must carry out an inspection of a swimming pool in its area under section 22C of the Swimming Pools Act 1992, and must carry out that inspection within a reasonable time, if the request to Council is in writing and states that the inspection is required to enable the sale or lease of the premises or part of the premises on which the swimming

pool is situated. A reasonable time is within 10 business days after Council receives a request.

- 5) Council must determine applications for swimming Pool compliance Certificates under the provisions of the section 22D. Swimming Pool Certificates will be compulsory from April 2014 for all pools associated with property for sale and lease.
- 6) Council must investigate a complaint made to it in writing that alleges a contravention of the Swimming Pools Act 1992 in accordance with that Act.

5.1 Mandatory inspections

The following inspections are mandatory and therefore must be undertaken by Council.

5.1.1 Swimming Pool Complaints and compliance matters lodged with Council

Under Section 29A of the Act, Council must respond to complaints. All complaints received in writing must be commenced within 3 days of the complaint being received. All complaints received verbally are investigated based on the information available. This requirement for swimming pool complaint investigation is a continuation of Council's current functions under the Act and Council's current Compliance Policy.

Council will investigate all rectification notices for swimming pool compliance matters that pose a significant risk to public safety. Rectification notices for matters other than significant risk to public safety will be investigated in accordance with Council's current compliance policy.

5.1.2 Tourist/Visitor accommodation and Multi-unit developments

All tourist and visitor accommodation buildings and Multi-unit premises (i.e. more than 2 dwellings) within the local government area that have a swimming pool installed will be inspected once every three (3) years or upon receipt of any complaint. These buildings include motel/hotel accommodation, serviced apartments, boarding and guest houses, bed and breakfast, backpacker accommodation and the like.

Alternatively, premises that have a current swimming pool compliance certificate will not require an additional inspection but will remain subject to any complaint inspection.

5.1.3 Certificates of Compliance

A certificate of compliance issued by Council certifies that the pool is registered and complies with the requirements of the Act, Regulations and relevant Australian Standard. A certificate of compliance is valid for 3 years. It is important to note, however, that the swimming pool owner can be subject to Council inspection and legal action where the swimming pool and/or the child resistant barrier is not maintained during the 3 year validity period.

Council is required under clause 17 of the Regulation to undertake an inspection of a swimming pool associated with a property being sold or leased within 10 days after receiving the certificate of compliance application, subject to suitable access being provided.

Application forms for a certificate of compliance are available from Council's website (www.portstephens.nsw.gov.au) or administration office. A completed application form is submitted to Council and the required fee paid (statutory limited fee of \$150). Council officers will undertake an inspection of the swimming pool and provide a written notice as to the result of the inspection. In the case of defective matters requiring a reinspection, a fee applies (statutory limited fee of \$100).

5.1.4 Property Sales or Lease containing a swimming pool

It is a mandatory requirement of the State government legislation, effective from 29th April 2014, that a property cannot be sold or leased unless a valid certificate of compliance has been issued for the swimming pool.

6.0 Swimming Pool Education and Awareness

Section 5 of the Act requires Council to promote awareness of the requirements of Swimming Pools Act and associated Australian Standards. Council has over the years implemented swimming pool education campaigns aimed at increasing the awareness of the community regarding pool safety and legislative requirements. Swimming pool safety and awareness continues to remain a part of Council Swimming Pool Inspection Program. Education materials, information brochures, multimedia advertisements and website information will continue to be used by Council, the State government and the Royal Lifesaving Society.

Clause 21 of the Regulation requires Council to ensure that certain swimming pool related documents are made available and accessible to the community. These include the following:

- Australian Standard AS1926.1-2007 "Swimming pool safety – Location of safety barriers for swimming pools" (Hardcopy only)
- The Building Code of Australia (Hardcopy Only)
- Cardiopulmonary Resuscitation Guideline (Hardcopy and electronic on Council's website at www.portstephens.nsw.gov.au).

These documents are available for free public viewing at Council administration offices during normal business hours. Due to copyright laws, Council will not allow these documents to be taken away from the building, printed or copied.

The Australian Standards are available for purchase from SAI Global at www.saiglobal.com.

The Building Code of Australia is available for purchase from the Australian Building Codes Board at www.abcb.gov.au.

The Australian Resuscitation Council have the Cardiopulmonary Resuscitation Guideline (Guideline 8) available for viewing at www.resus.org.au. By registering at the website visitors can access and print the guideline free of charge.

7.0 Reporting

It is a requirement of the Section 22F of the Act that Council include in its annual report under Section 428 of the Local Government Act 1993 information in relation to swimming pool inspections undertaken by Council.

8.0 Program Review

Every 12 months the program will be subject to an internal review to enable amendments, modifications and the like to be incorporated into the program as required by changes to relevant legislation and/or standards or based on the needs and expectations of Council or the community.

9.0 Swimming Pool Inspection Program - Community Engagement

Clause 16 of the Swimming Pool Regulation requires Council to establish and implement a strategy for engagement with the local community when developing a program for the inspection of swimming pools in its area. This has been and will continue to be done on an ongoing basis as part of the integrated Port Stephens

community strategic planning process which is based on social justice principles of equity, access, participation and rights.

The need to conduct a Swimming Pool Safety Program has been identified within the current Port Stephens Community Strategic Plan and Operational Plan 2013-14 at 1.1.1.11 "conduct the swimming pools safety programs".

DRAFT

Attachment A

Port Stephens Council Website information as at 24/9/2013.

Swimming Pool Safety Fencing Requirements

Be aware!

Failing to fence your swimming pool in accordance with swimming pool legislation and an incident occurs, you may be charged with manslaughter.

[Find out more about the DLG Pool Register](#)

To help reduce backyard pool drownings and keep you informed Port Stephens Council is inviting all swimming pool owners of the Port Stephens Local Government Area to join a pool register.

Members of the pool register will be provided with current information about NSW swimming pool legislation to make sure their pool is safe.

Do I have to fence my pool?

Under the Swimming Pools Act 1992 the owner of a swimming pool has the responsibility to ensure that the pool is at all times surrounded by a complying child-resistant pool safety barrier.

Pool safety barriers must be maintained in a good state of repair as an effective and safe barrier restricting access to the pool.

More information on pool fencing requirements can be found on our [Swimming Pool Safety](#) webpage.

What is pool safety?

Pool safety is a system of child-resistant barriers that restrict access to the pool area by children complimented by adult supervision of young children. Two factors are

consistently identified with pool drownings and near drownings; access to the pool and adult supervision.

If access to the pool is restricted and maintained the child is more likely to be supervised as someone has to let the child into the pool area.

"It is a sad fact that for every drowning death victim there are three to four near drowning survivors and that over 22% of near drowning victims are left with severe or persisting consequences."

Samuel Morris Foundation Director, Michael Morris

Why is pool safety important?

Although child deaths in NSW fell almost 40% in the past decade, the number of child drownings in backyard pools has not changed.

The majority of child drownings occur in private pools/ spas.

The National Drowning Report 2011 records that there were 37 drownings at swimming pools. The most common age group were 0-14 year olds with 16 drownings - 12 of these were children aged 4 years and under.

If you own a pool or rent a property with a pool, you have a direct impact on pool safety. You are part of the Action Plan for Pool Safety.

Prefabricated and inflatable pools

Prefabricated and inflatable pools capable of being filled with water to a depth 300mm or more may require approval but more importantly, require child-resistant barriers to prevent access to the pool by children.

Pool safety barriers

Swimming pools must be separated from a residential dwelling by a child resistant barrier.

From 1st July 2010, swimming pools located on properties which are waterfront, on land over 2 hectares or on very small properties (230m² or less) can no longer use the automatic exemptions from the Swimming Pools Act 1992 (Act).

Previously, pools located on the abovementioned properties could use the dwelling as the swimming pool barrier. This required all doors and windows from the dwelling to be made child resistant in accordance with the Australian Standard. Existing exempt properties may continue to use the exemption but only if the barrier is continuously kept compliant with the Australian Standard. If the barrier is found to be non-compliant, the Council may remove the old exemption and require compliance with the current Australian Standard.

For swimming pools constructed or completed before 1st September 2008, the barrier must comply with Australian Standard 1926~1986 'Fences and gates for private swimming pools'.

Swimming pools that commenced construction from 1st September 2008, must have a barrier that complies with Australian Standard 1926.1~2007 'Part 1: Safety barriers for swimming pools'.

Hard copies of the Australian Standard AS1926.1-2007 "Swimming pool safety, Part 1: Safety barriers for swimming pools" are available online at Libraries and in hard copy at Councils administration centre located at Adelaide Street Raymond Terrace. Please note due to copyright restrictions, copies of the documents are unable to be made.

Fencing requirements

Pool fencing must comply with AS1926.1-2007. Some of the requirements are:

Minimum height 1200mm for the fencing between the pool and the house

Minimum height of 1800mm for boundary fencing

Minimum 900mm separation between the upper and lower horizontal members to maintain non-climbable zone

Maximum 100mm gap under the fence

Maximum 100mm gap in vertical members including any flex in material

Non-climbable zone extends from the barrier 300mm into pool area and 900mm outside pool area

Alternative boundary fence design is available where above can not be complied with. See Australian Standard for details.

Resuscitation / warning sign

All pools require a Resuscitation Chart/ Warning Notice to be displayed in a prominent position in the immediate vicinity of the pool.

The following warning statements must be contained within the Resuscitation Sign:

- "Young Children should be supervised when using this swimming pool"
- "Pool gates must be kept closed at all times"
- "Keep articles, objects and structures at least 900mm clear of the pool fence at all times".
- The Resuscitation sign:
- Must be legible from a distance of at least 3 metres
- Must be maintained in a clearly legible condition.

Resuscitation / warning signs can be purchased from most pool supply shops.

Any approved sign erected between 1 September 1995 and 31 August 2008 does not require replacement and may be retained. However it is recommended that

signs more than 3 years old be replaced, due to changes in best practice resuscitation techniques.

Pool gates

- Gates must be self-closing and self-latching and must be closed at all times
- Gates to open outwards from the pool area
- No double gates are permitted
- Latch release mechanism to be 1.5-metres above the ground except where a shield is used. If a shield is used the latch is positioned on the pool side near the top of the gate. The shield makes it necessary to reach over the gate to release the latch mechanism
- Gate width is to be kept to a minimum (no more than 1-metre) to minimise the possibility of the weight of the gate causing the gate to drop with the self-latching mechanism failing.

Spa pool safety

Spa pools are also covered by the legislation and should be separated by a child-resistant pool safety barrier in accordance with Australian Standard AS1926.1-2007. Alternatively, the spa pool must be covered and secured by a lockable child-safe structure (such as a door, lid, grille or mesh).

What can I do?

Check

- there are adequate pool safety barriers in place separating the pool from the residence, adjoining properties and the neighbourhood
- Are these barriers compliant with current legislation?
- Ensure all of the pool safety barriers are maintained and operating eg check gates are self-closing and self-latching
- Supervise children when using the swimming pool
- Make sure pool gates are kept closed at all times
- Keep articles, objects and structures at least 900mm clear of the pool fence at all times, eg chairs, pot plants.

Pool certificate of compliance

If purchasing a property with a pool, or you just want peace of mind, apply for a Pool [Certificate of Compliance](#) from Council - for a \$150 fee Council will inspect your pool for you.

Additional Information

The relevant legislative documents for pool safety are:

Swimming Pools Act 1992
Swimming Pools Regulations 2008
Australian Standard AS1926.1-2007
The Building Code of Australia.

NOTE: Refer to the Regulations to inform you of the requirements rather than solely relying on AS1926.1-2007 as the Regulation excludes/ restricts some clauses of AS1926.1-2007 for pools in NSW.

Other information

Information on water safety when around swimming pools and resuscitation:

[Fencing](#)

[Pool safety checklist](#)

[Guideline 7 Cardiopulmonary Resuscitation on the Australian Resuscitation Council website](#)

[Pool safety tips from the Royal Life Saving Society Australia](#)

Swimming pools regulation 2008

On 1 September 2008 the Swimming Pools Regulation 2008 came into effect, replacing the Swimming Pools Regulation 1998.

This new regulation states that "AS1926.1-2007 Swimming Pool Safety Part 1: Safety Barriers for Swimming Pools" is now the standard for all child-resistant barriers surrounding/ restricting access to a pool.

NOTE: You should rely on the Regulation to inform you rather than solely rely on "AS1926.1-2007" as the Regulation excludes/restricts some clauses of "AS1926.1-2007" for pools in NSW. Additional information can be obtained from your Council Building Surveyor.

See the [NSW Legislation website](#).

ITEM NO. 2

FILE NO: PSC2006-0191V2

DEVELOPMENT CONTROL PLAN AND SECTION 94 PLAN AMENDMENT - KINGS HILL

REPORT OF: BRUCE PETERSEN - COMMUNITY PLANNING AND ENVIRONMENTAL
SERVICES SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the proposed amendment to the Port Stephens Section 94 Development Contributions Plan 2007 in the form of an additional chapter relating to the Kings Hill Urban Release Area at **(ATTACHMENT 2)** for the purposes of public exhibition for a minimum of 28 days; and
 - 2) Adopt the proposed amendment to Clause 2.4.6 – Provision of Works in Kind or a Material Public Benefit of the Port Stephens Development Control Plan 2007 at **(ATTACHMENT 3)** for the purposes of public exhibition for a minimum of 28 days;
 - 3) Adopt the proposed amendment to the Port Stephens Development Control Plan 2007 in the form of draft Development Control Plan Chapter for Kings Hill at **(ATTACHMENT 4)** for the purposes of public exhibition for a minimum of 28 days;
 - 4) Should no submissions be received, adopt the exhibited amendments at **(ATTACHMENT 2, 3 and 4)**.
-

ORDINARY COUNCIL MEETING – 22 OCTOBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor Steve Tucker
	That the recommendation be adopted, including the supplementary information provided.

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

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

Those against the Motion: Nil.

MOTION

303	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1. Adopt the proposed amendment to the Port Stephens Section 94 Development Contributions Plan 2007 in the form of an additional chapter relating to the Kings Hill Urban Release Area at (ATTACHMENT 2) for the purposes of public exhibition for a minimum of 28 days; and 2. Adopt the proposed amendment to Clause 2.4.6 – Provision of Works in Kind or a Material Public Benefit of the Port Stephens Development Control Plan 2007 at (ATTACHMENT 3) for the purposes of public exhibition for a minimum of 28 days; 3. Adopt the proposed amendment to the Port Stephens Development Control Plan 2007 in the form of draft Development Control Plan Chapter for Kings Hill at (ATTACHMENT 4) for the purposes of public exhibition for a minimum of 28 days; 4. Should no submissions be received, adopt the exhibited amendments at (ATTACHMENT 2, 3 and 4). 5. Receive and note the supplementary information dated 23 October 2013.
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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: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

BACKGROUND

The purpose of this Report is to recommend that Council exhibit an amendment to the Port Stephens Development Control Plan 2007 in the form of a draft site specific Development Control Plan chapter for the Kings Hill Urban Release Area (the draft DCP), and an amendment to the Port Stephens Section 94 Development Contributions Plan 2007 (the draft s94 plan) to include site specific contributions for the Kings Hill Urban Release Area.

The report also seeks an additional amendment to *Clause 2.4.6 – Provision of Works in Kind or a Material Public Benefit* of the Port Stephens Development Control Plan 2007 which will apply to the whole LGA.

At the landholder's request, the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 (the Kings Hill LEP) was gazetted prior to a number of outstanding infrastructure matters being resolved. In order to satisfy the provisions of the Kings Hill LEP and allow development to occur at Kings Hill, Council has facilitated the following studies which were used in the preparation of the draft DCP and s94 plan amendments:

- Report for Kings Hill Residential Land Rezoning -Traffic and Transport Study (GHD 2013);
- Kings Hill Flood Free Access Study BMT WBM 2012;
- Kings Hill East Major Drainage Study BMT WBM 2013;
- Review of Standards guiding the Provision of Council's Community and Recreational Facilities (AEC 2013);
- Tew Property Consultants Land Valuations 2013.

These documents will be exhibited as background technical information with the draft DCP and s94 Plan amendments. The cost of these studies will be recovered through the proposed s94 plan.

Amendment to the Port Stephens Section 94 Development Contributions Plan 2007 – Kings Hill Urban Release Area

Clause 6.2 – Public Utility Infrastructure of the Kings Hill LEP requires Council to be satisfied that essential public utility infrastructure is available or that adequate arrangements have been made to make that infrastructure available when it is required.

Given the size and duration of the overall Kings Hill project, the provision of infrastructure requires a combination of S94, Planning Agreements and conditions of Development Consent to help provide the framework for the funding, timing and delivery of infrastructure.

As a first and necessary step, it is proposed to amend the Port Stephens Section 94 Development Contributions Plan 2007 to include specific contributions for development within the Kings Hill Urban Release Area. The City-wide s94 contributions will apply as well as the site specific contributions proposed in this amendment. The site specific contributions include:

- East west collector road (east): incremental increase to two travel lanes each way (750 m);
- Six Mile Road/ Pacific Highway intersection;
- Upgrade Six Mile Road to provide flood access;
- William Bailey Street/ New Line traffic signals;
- Shared cycleway along New Line;
- Upgrade mid block capacity of New Line Rd -Beaton St to William Bailey St;
- New Line Rd safety audit implementation;
- Strategic Traffic study;
- New Line Road safety audit;
- Kings Hill Flood Access Study;

- Kings Hill East Major Drainage Study (eastern Catchment only);
- Stormwater management system (eastern Catchment only);
- Multipurpose Community Space;
- Branch Library;
- Library Lounge;
- Exhibition Space;
- Local parks and playgrounds;
- District Parks;
- Regional Parks;
- Sport/Leisure Centre (incl aquatic);
- Local sports fields;
- District sports fields;
- Regional sports fields;
- Land valuation for community facilities;
- Costs to prepare plan.

The proposed s94 contributions may vary depending on the location within Kings Hill and the infrastructure required to service that development.

Amendment to the Port Stephens Contributions Plan 2007 Clause 2.4.6 – Provision of Works in Kind or a Material Public Benefit

Clause 2.4.6 of the Contributions Plan provides for a “Works in Kind” contribution from a developer, where the developer (at their own cost) will complete works on infrastructure in lieu of paying Section 94 fees. The Plan (subject to agreement) also allows the developer to provide other public benefits in lieu of paying Section 94 fees.

In the case of Works in Kind, more clarity is required around the allocation of costs for those works. The proposed Contributions Plan amendment seeks to make it clear that where the developer’s costs associated with a Works in Kind agreement exceeds the cost of the infrastructure as identified Contributions Plan, that the developer incurs that additional cost rather than Council.

The draft amendment at **(ATTACHMENT 3)** is applicable to all land to which the Port Stephens Development Control Plan 2007 applies.

Draft Kings Hill DCP Chapter

Clause 6.3 of the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 (the LEP), requires that a DCP containing certain content be prepared before consent can be granted for development in the Kings Hill urban release area.

A locality plan showing the land to which the draft DCP applies is at **(ATTACHMENT 1)**.

The draft DCP chapter seeks to satisfy the requirements of Clause 6.3 of the Kings Hill LEP by supplementing the other provisions of the Port Stephens Development Control Plan 2007. The draft DCP will form an amendment to Part C: Locality Controls of the Port Stephens Development Control Plan 2007 (PSDCP). Part A – Introduction of the

PSDCP will need to be amended to ensure that the DCP applies to land zoned under the Kings Hill LEP.

The draft DCP amendment provides supplementary development guidelines that are specific to development at Kings Hill. The majority of existing controls in the Port Stephens DCP will apply to development in the Kings Hill Urban Release Area. The Draft DCP amendment aims to ensure that development is carried out in a well-planned, logical manner consistent with the Kings Hill structure plan, to cater for the proposed lot yield.

The draft DCP chapter (**ATTACHMENT 3**) contains provisions relating to the following considerations:

- *Structure Plan and sequencing* – requiring consistency with the structure plan for the Kings Hill, sequencing and provision of services;
- *Transport structure* – includes a transport structure plan showing road hierarchy, cycle and pedestrian paths and public transport routes as well as specifications for transport infrastructure;
- *Infrastructure* – provides requirements for the provision of community infrastructure;
- *Water Management* – provides requirements for the eastern catchment drainage, in particularly the Grahamstown Dam catchment, and general requirements for environmentally sustainable and affordable water management;
- *Environment and Open space* – provides environmental considerations, landscaping, streetscape and open space requirements, including an open space structure plan;
- *Commercial and mixed use centres* – clarifies the role of the town centres and ensures that they are developed in an orderly, coherent, and consistent manner with a high quality of design, a high amenity public domain and connectivity to the adjacent residential areas;
- *Residential structure* – seeks to facilitate a diverse housing stock by ensuring that smaller lots and medium density housing is located around precinct centres;
- *Waste treatment facility* – provides controls for buildings within proximity to the waste treatment facility in order to minimise the risk of methane gas build up;
- *Natural hazards* – manages natural hazards such as flooding.

FINANCIAL/RESOURCE IMPLICATIONS

Section 94 of the Environmental Planning and Assessment Act 1979 enables Councils to impose a condition of development consent requiring a monetary contribution,

dedication of land or both towards the provision, extension or augmentation of public amenities and services that will, or are likely to be required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development. Council obtains these contributions through its Section 94 Contributions Plan.

There will be minimal financial and resource implication for Council associated with the adoption of the DCP and section 94 plan for Kings Hill.

If the section 94 plan amendments are not adopted, Council may be faced with significant infrastructure upgrade costs.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	Yes		Preparation of studies to be recouped by s94 plan
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council's Port Stephens Planning Strategy (PSPS) seeks to ensure a sufficient supply of a diverse range of housing in the Local Government Area (LGA). The Lower Hunter Regional Strategy projects 5300 additional dwellings in Port Stephens by 2031. The development of the land zoned for urban purposes at Kings Hill will assist in achieving this projection and the draft DCP and s94 amendments seek to facilitate the timely and efficient supply of residential development.

There are minimal risks for Council associated with the adoption of the DCP and Section 94 Plan. There will be opportunities to fine tune the DCP and Section 94 Plan over time as the Kings Hill project progresses.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the DCP does not achieve the desired outcomes	Low	The implementation of the DCP will be monitored and amendments made as required.	Yes
There is a risk that development consent may be delayed for development in Kings Hill because a DCP is not in place.	Low	Proceed with draft DCP as recommended in this report	Yes
There is a risk that the calculations in the s94 plan do not fully reflect the cost of infrastructure provision and insufficient funds will be collected for the provision of infrastructure.	Low	Development at Kings Hill will be monitored to ensure that lot yields and the cost of infrastructure are in line with the s94 plan. Amendments to the plan can be made as required.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft DCP and draft s94 plan amendments contain a number of requirements for the provision of community facilities, parks and recreation areas, a multi-purpose community centre, safe and efficient pedestrian and cycle paths, desirable public spaces and a mix of household types which will result in social diversity.

The provisions of the draft DCP and draft s94 plan amendments ensure that residents at Kings Hill will have sufficient social and community services to service the basic needs of the residents. Higher order services are located in Raymond Terrace.

If the draft DCP and s94 plan amendments are not progressed, the production of housing at Kings Hill may potentially be delayed, with consequential impacts on the supply of housing in the Raymond Terrace area.

Commercial areas will provide an economic base for the area which will serve the basic needs of the community. The DCP amendment provides clear guidelines for the development of the commercial centre, as well as for other development at Kings Hill. Infrastructure provisions of the DCP and s94 plan amendments will help ensure that the area is developed and can be maintained in an efficient and cost effective manner.

The establishment of a new residential area of this size at Kings Hill will also help to boost the economy of adjoining areas, including Raymond Terrace, as envisaged by the Kings Hill LEP.

If the draft DCP and s94 amendments are not progressed, the production of housing at Kings Hill may potentially be delayed, with consequential impacts on the construction activity in the housing section.

The draft DCP aims to ensure that areas of biodiversity significance (including riparian area, are managed to conserve their biodiversity values. The draft DCP also provides for a pedestrian and cycleway network as well as public transport routes which will help reduce dependence on the private motor vehicle.

CONSULTATION

The draft DCP and Draft s94 plan have been developed following considerable consultation with landowners, state agency representatives and internal staff.

Landholder consultation

Landholders were consulted with on the content of the draft DCP and s94 plan amendments at a meeting held on 15 August 2013.

Landholder comments have been considered and, where appropriate, included in the draft documents at **(ATTACHMENTS 2 & 3)**. The landholders will be given further opportunity to comment during the formal exhibition period.

The exhibition period will provide opportunity for landholders to review their development planning, comment on the draft plans and provide further detail regarding lot yields and development layout. Following receipt of these comments, the draft DCP and s94 plan amendments can be refined to reflect this detail.

Community consultation

Should the draft DCP and draft s94 plan proceed to public exhibition, it will be notified in the newspaper and exhibited in the Administration Centre, the Raymond Terrace Library and on the Council website. It is recommended that the exhibition takes place for at least 28 days in accordance with the Environmental Planning and Assessment Regulations, 2000.

Submissions will be considered by Council officers in the finalisation of the draft DCP and draft s94 plan amendments and reported to Council.

OPTIONS

- 1) Adopt the recommendations of this report and place the draft DCP and draft s94 plan amendments on public exhibition for a minimum of 28 days. This will enable public scrutiny of the draft documents and reporting to Council of the outcomes of the public exhibition;
- 2) Amend one or more of the provisions in the draft documents prior to placing them on public exhibition;
- 3) Do not proceed with the preparation of a DCP or s94 plan for the Kings Hill Urban Release Area until further information is received from the eastern landholder. This option would hinder Council's ability to grant consent for development within the Kings Hill Urban Release Area, delaying land and housing supply.

ATTACHMENTS – All listed below are provided Under Separate Cover.

- 1) Locality Plan;
- 2) Draft S94 amendment – Kings Hill Urban Release Area;
- 3) Draft S94 amendment to Clause 2.4.6 – Works in Kind or Material Public Benefit;
- 4) Draft DCP amendment.

COUNCILLORS ROOM

- 1) Review of Standards guiding the Provision of Council's Community and Recreational Facilities (AEC 2013);
- 2) Report for Kings Hill Residential Land Rezoning -Traffic and Transport Study (GHD 2013);
- 3) Kings Hill Flood Free Access Study BMT WBM 2012;
- 4) Kings Hill East Major Drainage Study BMT WBM 2013;
- 5) Tew Property Consultants Land Valuations (April and July 2013).

TABLED DOCUMENTS

Nil.

ITEM NO. 3

FILE NO: PSC2008-3373

NATURAL RESOURCES – ENERGY EFFICIENCY PROGRAM**REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL
SERVICES SECTION MANAGER****GROUP: DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse Option 2 of **(ATTACHMENT 2)** for a period of four years to improve the efficiency of utility data management and to realise further energy and water efficiency savings.
-

**ORDINARY COUNCIL MEETING – 22 OCTOBER 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

304	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council endorse Option 2 of (ATTACHMENT 2) for a period of four years to improve the efficiency of utility data management and to realise further energy and water efficiency savings.

BACKGROUND

The purpose of this report is to outline proposed changes to the way Council delivers its internal Energy Efficiency Programs (formerly titled Sustainability Programs), and further improve the efficiency of Council's utility data management.

The [Council Resolution of 18th October 2011](#) relating to the Sustainability Review – Energy, Water and Community Education required that a report be submitted to Council within 12 months to review the savings achieved in energy and water efficiency. The resolution also requested a detailed cost benefit analysis to determine

the value of any increase in resource allocation to this area. This cost benefit analysis was presented in a 2-Way Conversation on 13th August 2013.

The primary focus of Council's Energy Efficiency Program has been on exploring and delivering energy efficiency improvements across Council's 12 largest facilities. This initiative has delivered more than \$1.1million in cumulative savings over the past 4 years with minimal capital investment.

Further investigations will be undertaken to determine the feasibility of expanding the Energy Efficiency Program to include supporting the Port Stephens residential and business community through community education programs. The outcome of these investigations will be included within the Natural Resources Sustainability Review in February 2014.

Energy Efficiency Savings

Since 2008/2009 to 2011/2012 Council's electricity consumption across these facilities has declined by 11% due to the increased awareness, education and small capital investments resulting from the Energy Efficiency Program. Whilst this decline is a fantastic result, for the same period Council's electricity bill has increased by around 30%.

A summary of Council's Corporate Utility Data for electricity, gas and water is included as **(ATTACHMENT 1)** to this report.

In addition to the savings realised to date, Council's focus on this area has uncovered significant opportunities for further energy and water efficiencies and financial savings. These savings are likely to be realised without further investment. Specifically, two opportunities for investment have been identified to realise further financial savings:

- A dedicated and specialised resource for Corporate Utility Data Management, specifically energy, water and gas.
- A dedicated and specialised resource available to undertake initial scoping and design of cost effective energy/water efficiency and renewable energy projects/initiatives.

Council's Energy Efficiency Program has delivered some excellent results for both the community and the environment. The program illustrates Council's leadership in this space and provides a strong platform for Council to advocate and support the wider community to becoming more energy efficient and environmentally friendly.

Cost Benefit Analysis

The cost benefit analysis was carried out on three proposed options. Option One was to continue the program without any changes. Option Two looked at the engagement of two part time resources to manage energy and water data and to scope out and design energy and water efficiency projects. Option Three examined

the feasibility of providing a resource to conduct an energy and water advisory service for external customers.

The cost benefit analysis favoured Option Two as it provides a higher level of overall cost savings to Council with marginal additional expenditure. Option Two also best reflects Council's current capability and maturity in this space at this point in time. Subject to the ongoing success of the program it is anticipated that Option Three may be preferred in the future. Details of the estimated expenditure for each option is included as **(ATTACHMENT 2)**.

Sustainable Energy & Water Restricted Fund

In February 2011 Council resolved to establish a Sustainable Energy & Water Restricted Fund. The purpose of the fund was to serve as a revolving source of internal loans to Council asset owners to invest in resource conservation programs such as the current energy & water program. The scheme was to be funded by savings from energy and water costs resulting from projects completed under the energy and water forward works program.

The fund still exists however due to the lack of resources to identify, plan and coordinate energy and water saving initiatives, the fund has not yet been activated.

If the two part time positions proposed in this report are supported by Council, the fund will be used as originally intended to help fund new projects. The fund will be topped up each year with savings from energy and water projects.

The two proposed part time positions will be funded initially from salary savings identified in the end of year budget review.

FINANCIAL/RESOURCE IMPLICATIONS

Based on current projections it is estimated that Council could potentially save in the order of \$740,000/yr through a combination of further energy and water efficiency improvements, staff efficiencies, account closures and optimisations. To achieve these savings it is recommended that an increase of 1.2 EFT staff at an additional cost of \$120,000/yr be endorsed. Funds to resource this additional resource would be realised through the existing organisational budget program including the Sustainable Energy and Water Restricted Fund.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	120,000	To be realised through the existing budget review process and the Sustainable Energy and Water Restricted Fund.
Reserve Funds	No		
Section 94	No		

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External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseeable legal implications which result from the recommendations of this report.

This initiative aligns with the 2013-2014 Operational Plan, Action: 9-1-2-2, Reduce energy and water consumption in Council Asset Management Policy December 2011 PSC2005-3231.

Utility costs have risen sharply over recent years and it is reasonable to assume these costs will continue to increase into the future. Whilst efforts to reduce the unit cost of utilities are essential through effective purchasing processes, the financial risks associated with increasing unit price utility charges can be further minimised by reducing utility consumption. This measure has the dual benefit of reducing ongoing operational costs, whilst minimising exposure to future price increases.

The proposed recommendations to further resource Council's Energy Efficiency Program is considered the most appropriate measure to minimise exposure to future increases in utility charges.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be increasingly exposed to ongoing increases in utility charges.	Medium	Endorse the recommendations within this report to increase energy efficiencies and realise future opportunities.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Investing in energy and water efficiency is an excellent example of genuine triple bottom line sustainability as it offers positive economic, environmental and social returns, through reduced operating costs, reduced demand on natural resources, and improved service delivery.

Council currently sources the overwhelming majority of its energy from non-renewable fossil fuel sources (both directly and indirectly). By reducing energy consumption, Council is reducing the production of greenhouse gas emissions, as well as a range of other environmental impacts arising from the exploration, extraction, transportation and combustion of these resources. Electricity prices in particular and energy prices more broadly have increased significant over recent years, and therefore delivering energy efficiency improvements directly reduces

Council's ongoing operational costs. Furthermore, investing in energy efficient technologies in Council facilities to deliver an environmental and financial return to Council, presents an opportunity to enhance the quality of services offered to the community through those facilities.

CONSULTATION

- 1) Extensive internal consultation including:
 - a) Sustainable Energy Panel;
 - b) Natural Resource Team;
 - c) Community Planning and Environmental Services Section Manager;
 - d) Executive Leadership Team (24/7/13);
 - e) 2-Way Conversation (13/8/13).

OPTIONS

- 1) Endorse the proposed recommendation;
- 2) Amend the proposed recommendation of this report to either reduce or increase Council's efforts around improving the energy efficiency program in accordance with the options presented in **(ATTACHMENT 2)**;
- 3) Reject the proposed recommendation with a view to reviewing the program in further detail.

ATTACHMENTS

- 1) Detailed Corporate Utility Data Summary;
- 2) Detailed breakdown of the Cost/Benefit of each Option.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Detailed Corporate Utility Data Summary

Port Stephens Council spent approximately \$1.75 million on electricity, water and mains gas in 2011/12 (excluding street lighting) with electricity representing approximately two thirds of the total cost to Council as outlined in Figure A below.

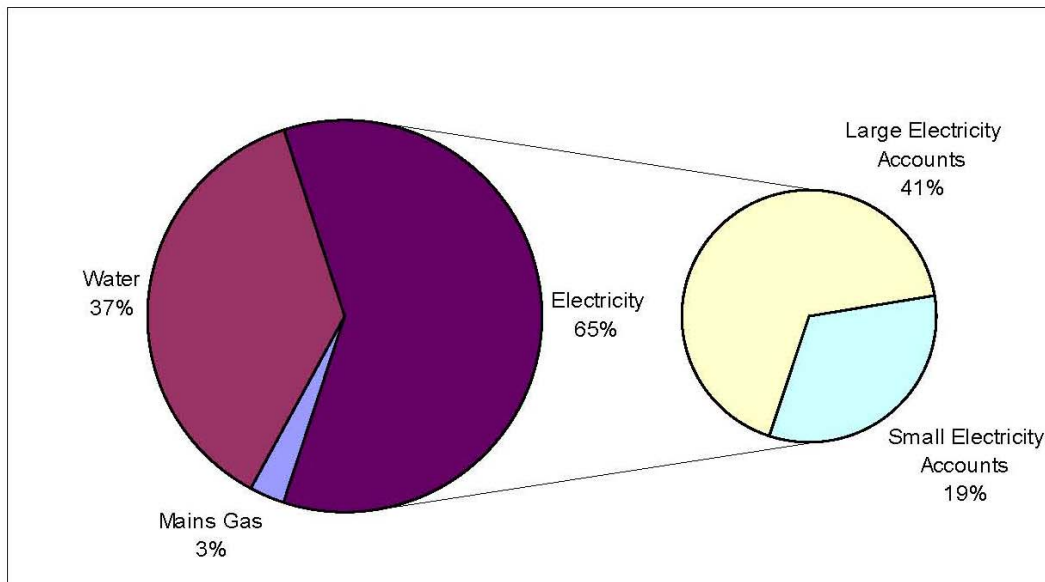


Figure A: Port Stephens Council utility (electricity, water and mains gas) costs (2008/09)

Port Stephens Council's electricity consumption declined by 11% from 2008/09 to 2011/12, yet Council's electricity bill increased by 30% over the same period due to an increase in the cost of electricity supplied to Council.

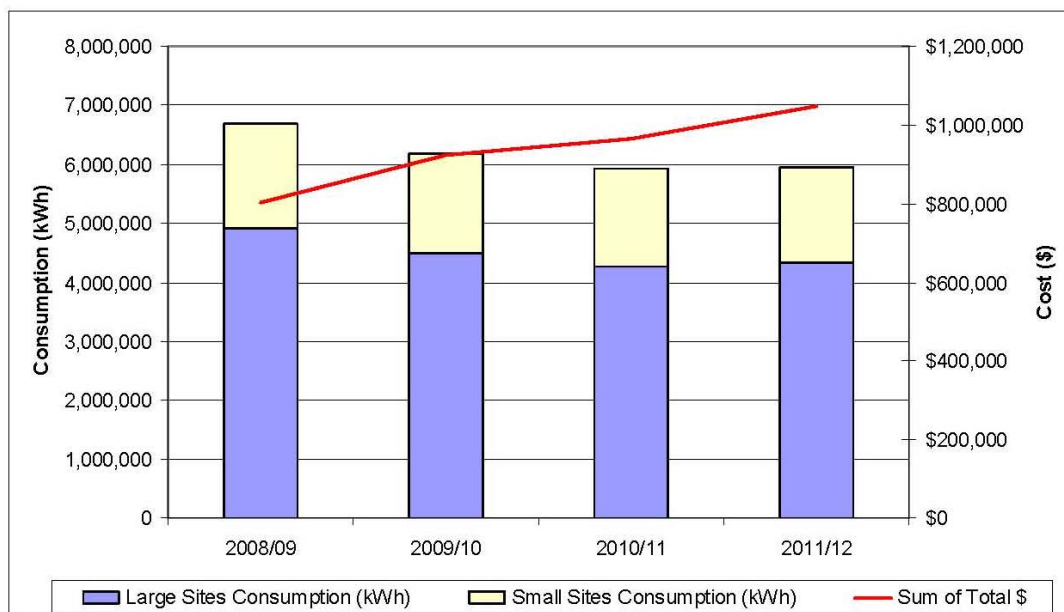


Figure B: Port Stephens Council Electricity Consumption v Cost (2008/09 - 2011/12)

Figure B above includes electricity consumption and costs data for all Council electricity accounts (excluding street lighting). Sites referred to as "Large Sites" include Council's 11 largest facilities as follows:

- Administration Building
- Lakeside Leisure Centre
- Tomaree Aquatic Centre
- Tilligerry Aquatic Centre
- Fingal Bay Holiday Park
- Shoal Bay Holiday Park
- Halifax Holiday Park
- Soldiers Point Holiday Park
- Raymond Terrace Community Care Centre
- Raymond Terrace Depot
- Tomaree Library and Community Centre

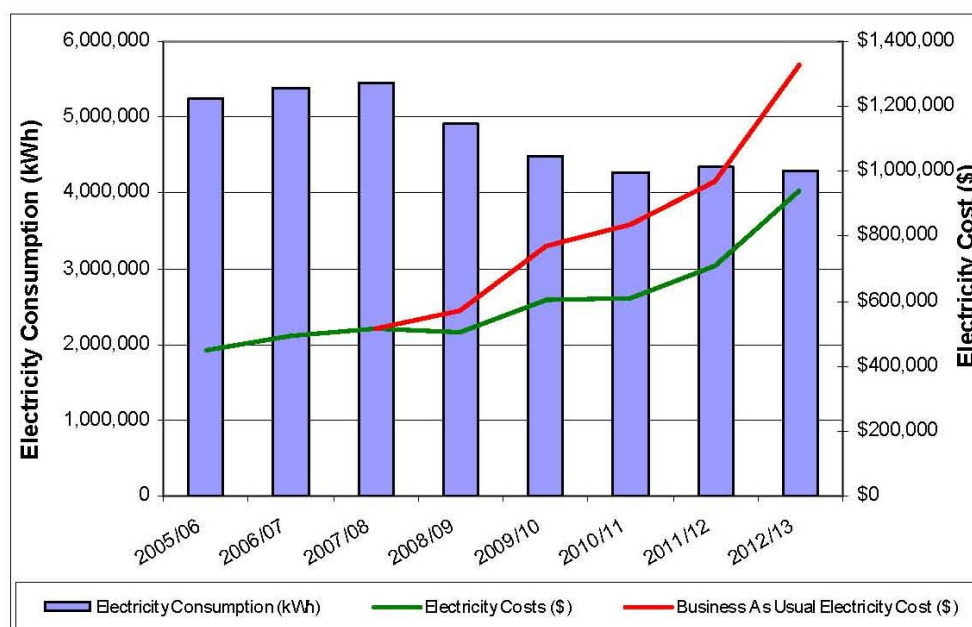


Figure C: Annual Electricity Consumption vs Electricity Cost (11 major facilities) 2005/06 - 2012/13

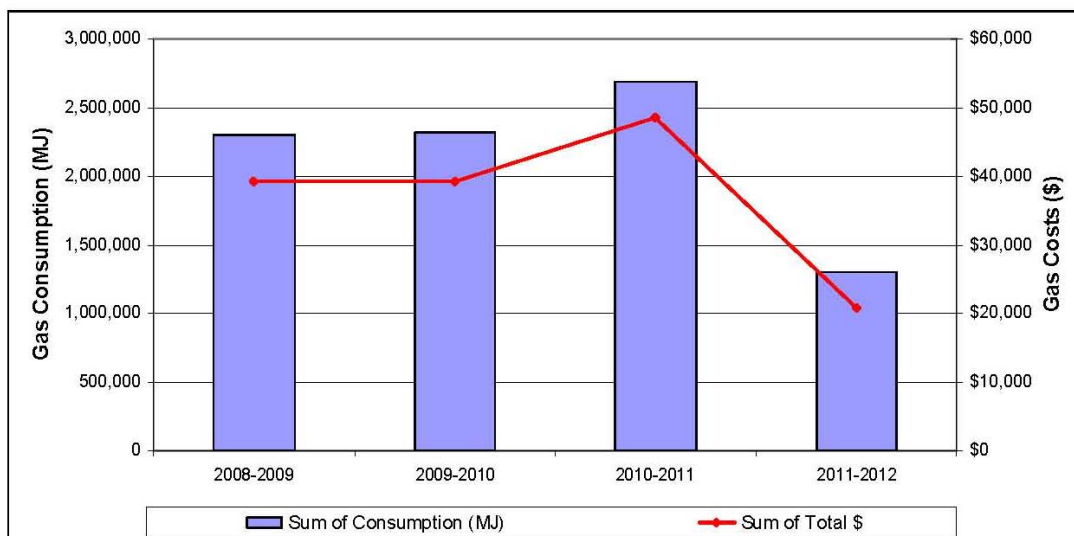


Figure D: Port Stephens Council Mains Gas Consumption v Cost (2008/09 - 2011/12).

The Port Stephens Local Government area has limited availability of mains gas. Figure D above illustrates the sum total of Port Stephens Council mains gas consumption at Lakeside Leisure Centre and Raymond Terrace Community Care Centre.

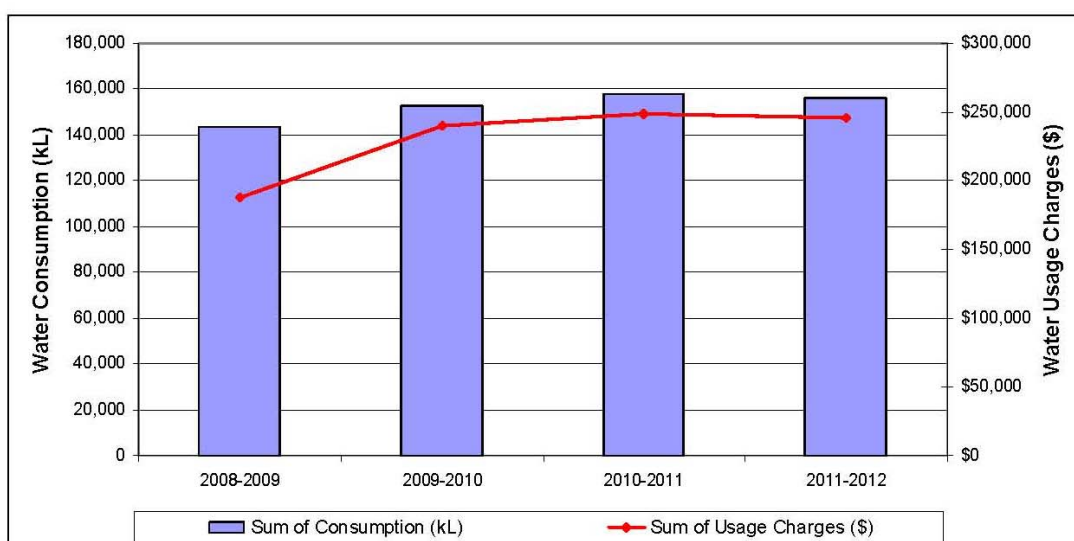


Figure E: Port Stephens Council Water Consumption v Usage Charges (2008/09 - 2011/12).

It is important to note that Figure E includes water usage charges only, and does not include water service charges as historical data was not available at the time of this report. In 2011/12 alone combined water usage and water service charges were approximately \$650,000.

ATTACHMENT 2

Detailed breakdown of the Cost/Benefit of each Option

Option 1			Annual		4-Yearly	
		EFT	Total Expenditure (Best Estimate)	Total Savings/Income (Best Estimate)	Total Expenditure (Best Estimate)	Total Savings/Income (Best Estimate)
	Strategic, Reporting, Continuous Improvement	0.6	\$65,000	-	\$275,000	-
	Energy & Water Efficiency	-	-	\$55,000	-	\$220,000
	Leak detection	-	-	\$15,000	-	\$60,000
	Grant Income	-	-	\$30,000	-	\$120,000
	TOTALS	0.6	\$65,000	\$100,000	\$275,000	\$400,000

Option 2			Annual		4-Yearly	
		EFT	Total Expenditure (Best Estimate)	Total Savings/Income (Best Estimate)	Total Expenditure (Best Estimate)	Total Savings/Income (Best Estimate)
	Strategic, Reporting, Continuous Improvement	0.6	\$65,000	-	\$275,000	-
	Utility Data Management	0.6	\$50,000	-	\$210,000	-
	Project Officer - Scoping & Business Cases	0.6	\$70,000	-	\$295,000	-
	Account Closures	-	-	\$14,000	-	\$56,000
	Account Optimisation	-	-	\$10,000	-	\$40,000
	Human Resource Efficiency Gains	-	-	\$37,500	-	\$150,000
	Increased Tenant/User Charges	-	-	\$92,500	-	\$370,000
	Energy & Water Efficiency	-	-	\$437,500	-	\$1,750,000
	Grant Income	-	-	\$150,000	-	\$600,000
	Project Capital Costs	-	\$440,000	-	\$1,760,000	-
	TOTALS	1.8	\$625,000	\$741,500	\$2,540,000	\$2,966,000

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Option 3			Annual		4-Yearly	
		EFT	Total Expenditure (Best Estimate)	Total Savings/Income (Best Estimate)	Total Expenditure (Best Estimate)	Total Savings/Income (Best Estimate)
	Strategic, Reporting, Continuous Improvement	0.6	\$65,000	-	\$275,000	-
	Utility Data Management	0.6	\$50,000	-	\$210,000	-
	Project Officer - Scoping & Business Cases	0.6	\$70,000	-	\$295,000	-
	Business Sustainability Engagement	0.6	\$50,000	-	\$210,000	-
	Community Sustainability Engagement	0.4	\$35,000	-	\$145,000	-
	Account Closures	-	-	\$14,000	-	\$56,000
	Account Optimisation	-	-	\$10,000	-	\$40,000
	Human Resource Efficiency Gains	-	-	\$37,500	-	\$150,000
	Increased Tenant/User Charges	-	-	\$92,500	-	\$370,000
	Energy & Water Efficiency	-	-	\$437,500	-	\$1,750,000
	Grant Income	-	-	\$150,000	-	\$600,000
	Income (Business Program)	-	-	\$37,500	-	\$150,000
	Project Capital Costs	-	\$440,000	-	\$1,760,000	-
	TOTALS	2.8	\$710,000	\$779,000	\$2,895,000	\$3,116,000

ITEM NO. 4**FILE NO: 16-2012-639-1****PROPOSED DWELLING AT NO. 14 RUTILE ROAD, OYSTER COVE****REPORT OF: PETER GESLING – GENERAL MANAGER**
GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development application, DA 16-2012-639-1, subject to the attached conditions of consent for the construction of a single storey dwelling at Lot 3 DP 364923, No 14 Rutile Road Oyster Cove.
-

ORDINARY COUNCIL MEETING – 22 OCTOBER 2013
COMMITTEE OF THE WHOLE RECOMMENDATION

Cr Paul Le Mottee left the meeting at 5.55pm, prior to Item 4 in Committee of the Whole.

	Mayor Bruce MacKenzie Councillor Ken Jordan
	That the recommendation be adopted, including the supplementary information provided.

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs John Nell and Geoff Dingle.

MOTION

Cr Paul Le Mottee left the meeting at 6.20pm, prior to Item 4 in Open Council and did not return to the meeting.

305	Councillor Steve Tucker Councillor Ken Jordan
	It was resolved that Council approve Development application, DA 16-2012-639-1, subject to the attached conditions of consent for the construction of a single storey dwelling at Lot 3 DP 364923, No 14 Rutile

MINUTES FOR ORDINARY MEETING – 22 OCTOBER 2013

	Road Oyster Cove and receive and note the supplementary information dated 21 October 2013.
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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: Mayor Bruce MacKenzie, Crs Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs John Nell and Geoff Dingle.

BACKGROUND

The purpose of this report is to present to Council the draft conditions of consent for the Development Application DA 16-2012-639-1 for the construction of a single storey dwelling at Lot 3 DP 364923, No 14 Rutile Road Oyster Cove. The application was called to Council by Mayor MacKenzie for the following reason: 'Conditions of the RFS'.

The key issue with the assessment of the DA is the construction of the proposed dwelling on a site significantly constrained by bushfire that does not comply with the requirements of "Planning for Bushfire Construction 2006", the Building Code of Australia and Australian Standard AS3959-2009- Construction of Buildings in Bushfire Prone Areas.

ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013

COMMITTEE OF THE WHOLE RECOMMENDATION:

'That Council support the development application 16-2012-639-1 for a dwelling, in principle, and request the General Manager to provide appropriate conditions of consent to Council for consideration.

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

MOTION 265

It was resolved that the Committee of the Whole recommendation be adopted.

Accordingly, conditions of consent as the subject of this development application are reconsidered against the applicable current planning controls within the current LEP (**ATTACHMENT 1**).

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen risk implications relating to the draft conditions outside of those previously documented and reported to Council on the 24th September 2013 at its Ordinary Meeting.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the draft conditions of consent will be subject of contestable action.	High	Council refuse the application as per the recommendation of the staff report to the 24 th September meeting of Council.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There may be potential adverse social, economic and environmental impact given the proposal does not adequately address the bushfire safety threat in the building construction design. One of the intentions of the Environmental Planning and Assessment Act and Regulations is that over time improved developments will provide a safer and higher quality built environment better able to cope with the known bushfire threat.

CONSULTATION

The most affected adjoining property, NSW Office of Environment and Heritage and the NSW Rural Fire Service both of whom opposed the approval of the application.

OPTIONS

- 1) Adopt the recommendation to approve the application subject to appropriate conditions;
- 2) Amend the recommendation;
- 3) Reject the recommendation.

ATTACHMENTS

- 1) Draft Conditions of Consent.

COUNCILLORS ROOM

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

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
DRAFT CONDITIONS OF CONSENT

CONDITIONS OF APPROVAL

General

1. 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.
2. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
3. 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.
4. This consent only permits the removal of the trees situated within the physical perimeter of any structure for which a construction certificate or building approval has been issued and/or within five (5) metres of the perimeter of such structure (measured to the outside trunk of the tree); NB: Tree clearing for any other purpose requires separate approval under the **Tree Preservation Order**. A copy is attached (and is available on the Council website).

Prior to the issue of a Construction Certificate

5. 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.
6. The Designated flood is the 1 % AEP Flood. A structural engineer shall design provide certification to Council that all building structures are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood **prior to the issue of the Construction Certificate**.
7. A flood management plan which covers evacuation and the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc incorporating the State Emergency Services Business Floodsafe Toolkit, shall be submitted and approved by Council **prior to the issue of the Construction Certificate**.

During Construction

8. Where the proposed development incorporates pile-driving activities associated with the construction process the applicant/beneficiary of the consent shall, prior to commencement of work associated with the piling system undertake the following actions:
 - a) For development incorporating pile-driving activities for a period of 5 days or more, be that consecutive or combined total:
 - i) An appropriately qualified Acoustic Engineer shall prepare an report on the impact on adjoining properties in relation to anticipated noise and vibration with reference to compliance with British Standard 6472 - 1996 Guide to evaluation of human exposure to vibration in buildings (1Hz to 80 Hz).
 - ii) Where the anticipated impacts exceed the prescribed performance standards of the noted Standard the consultant shall make recommendations on the method of minimising the noted impacts to meet the performance standards.
 - iii) For pile driving activities with a duration in excess of 5 days as noted above the applicant/beneficiary of the consent shall engage an Acoustic Engineer to undertake monitoring of the pile driving to verify the identified performance standards noted are not exceeded. Details to be forwarded to Principal Certifying Authority.
9. Pile driving shall only be carried out between the hours of 8.00am - 3.30pm Monday to Friday excluding public holidays. Development incorporating pile-driving activities for a period of less than five (5) days be that consecutive and a total combined throughout the construction process, shall comply with the provision of British Standard 6472- 1996.
10. The applicant or the person who is the beneficiary of the development consent incorporating pile-driving activities shall, prior to commencement of work prepare and submit for approval of a Construction Management Plan incorporating notification provisions for the pile-driving activities with practical measures taken to notify all adjoining property occupants of the commencement date and period of pile-driving works.
11. The notification shall be forwarded a minimum of 2 days prior to the commencement of works.
12. Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete.
13. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced.

14. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site.
Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats.
15. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). In particular; Flood Compatible Building Materials are listed in the attached Schedule 4.
The following design precautions must be adhered to:-
 - a. The floor level of any habitable room is to be located at a height not less than 2.8 AHD the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level.
 - b. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge.
 - c. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.
 - d. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible.
 - e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level.
 - f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.
 - g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
 - h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.
 - i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.
16. Certification is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority on completion of ground floor construction, confirmation that the floor levels are in accordance with the Reduced Levels indicated on the approved plan or higher up to 2.8 metres AHD.
17. 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 L10 level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A).

18. The development shall be constructed to **BAL29 under AS3959 – 2009** 'Construction of Buildings in bushfire prone areas' as proposed by the applicant.
19. Collected stormwater shall be connected to the existing 20,000 litre rainwater tank. The tank overflow shall be directed to an appropriate landscaped area constructed in a way that does not cause erosion and/or sedimentation problems, and protects people, building and other property from the adverse affects of re-directed surface water.
20. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the protection of the environment operations act 1997.

Note: erosion and sediment control measures prepared in accordance with the erosion and sediment control regional policy and code of practice or managing urban stormwater – soils and construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

21. A "keep Port Stephens waterways pollution free" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens council.

Prior to Occupation Certificate

22. The principal certifying authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the principal certifying authority issues an occupation certificate.
23. Prior to occupying the approved dwelling(s), 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 house numbering. Be advised that any

referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.

24. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.

ITEM NO. 5

FILE NO: : T16-2013

T16-2013 CONTRACT MANAGEMENT OF SOLDIERS POINT HOLIDAY PARK

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

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 5 on the Ordinary Council agenda namely **T16-2013 Contract Management of Soldiers Point Holiday Park**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **T16-2013 Contract Management of Soldiers Point Holiday Park**.
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
 - 5) Accept the Tender received from Wilfrey Pty Ltd for the Contract Management of Soldiers Point Holiday Park Contract T16-2013 for an initial three (3) year term with an option period for an additional two (2) years.
 - 6) Authorise the General Manager to execute the Contract Documents and sign any associated legal documentation.
-

MINUTES FOR ORDINARY MEETING – 22 OCTOBER 2013

ORDINARY COUNCIL MEETING – 22 OCTOBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

Cr Paul Le Mottee returned to the meeting at 6.18pm, during Item 5, in Committee of the Whole.

	Councillor John Nell Councillor Ken Jordan
	That Council: 1) Accept the Tender received from Wilfrey Pty Ltd for the Contract Management of Soldiers Point Holiday Park Contract T16-2013 for an initial three (3) year term with an option period for an additional two (2) years. 2) Authorise the General Manager to execute the Contract Documents and sign any associated legal documentation.

MOTION

306	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council: 1) Accept the Tender received from Wilfrey Pty Ltd for the Contract Management of Soldiers Point Holiday Park Contract T16-2013 for an initial three (3) year term with an option period for an additional two (2) years. 2) Authorise the General Manager to execute the Contract Documents and sign any associated legal documentation.

BACKGROUND

The purpose of this report is to recommend that Council accept the Tender submitted by Wilfrey Pty Ltd for the Contract Management of Soldiers Point Holiday Park.

Soldiers Point Holiday Park is a Council owned Holiday Park located on Community Land. Port Stephens Council purchased the land from the Commonwealth of Australia in 1955. The Holiday Park was developed in the early 1960s. In 2000 the park underwent a \$4.3 million dollar redevelopment and reopened in 2001 with 34 Cabins and 57 sites. Other development undertaken in recent years includes a pool and an

undercover BBQ area. An outstanding loan balance of \$165,512 will be finalised in June 2014. Further development of the park is restricted primarily due to the significance of the site to the Worimi Aboriginal people.

The current accommodation comprises 5 x 1 bedroom villas, 29 x 2 bedroom villas, 11 powered sites, 41 powered tent sites, 5 unpowered tent sites (including 2 permanent residents' sites).

The park is currently staffed by five equivalent full time positions. A sustainability review presented to Council in 2012 indicated that management of the parks by external contract may be more financially beneficial to Council.

At a Two Way Conversation held with Councillors on 25 June 2013 it was agreed to proceed to test the market for the management of the park and the Tender was advertised on 17 August 2013 closing on 20 September 2013.

In response, a total of five (5) Tenders were received. An internal Tender was one of the submissions and the current manager of Soldiers Point Holiday Park also declared an interest and submitted a tender as a director of an independent Company. When the interest was declared, the Park Manager submitted a Secondary Employment form and went on annual leave.

The Tenders were received from:

- Wilfrey Pty Ltd;
- Paulpep Pty Ltd;
- Port Stephens Council Internal Bid;
- KNG Management Services;
- Maraxx Pty Ltd.

In accordance with Council's Procurement Guidelines a tender panel was established to conduct a review of the tenders received and each tender was assessed in accordance with the agreed weightings. Due to the internal submission, Property Services engaged an independent panel member from Crown Lands to assist with the assessment of the submissions. The evaluation criteria examined each tenderers response to the areas of price, experience, WHS, quality assurance, financial capacity, industrial relations, innovation and resources.

The terms of the Contract are as follows:

- A three year contract with a two year option;
- A retainer amount to be paid to the Contractor monthly in arrears and;
- A percentage of gross takings paid to the contractor as represented in the table below.

Villas	20%
Tourist Sites	10%
Permanent Sites	5%
Other Charges	3%

The assessment criteria for the evaluation of the tender comprised:

Price (retainer)	30%
Experience	15%
WHS (Quality Assurance) & Risk Management	10%
Financial Capacity	15%
Industrial Relations	5%
Innovation	5%
Resources	20%

The preliminary assessment of the five tenders was undertaken on 26 September 2013. The Panel rated all five tenders in accordance with the evaluation criteria. A preferred Tenderer was not selected at this time as the Panel wished to interview all Tenderers. Meetings with all Tenderers were held on 2 October 2013 and 3 October 2013.

A brief summary of the Tender applicants is as follows:

Tender 1 – Wilfrey Pty Ltd

Andrew Daff and Rob Renfrey are Directors of Wilfrey Pty Ltd with extensive experience in the caravan, accommodation and tourism industry. Additionally they have experience in the operation of National Parks and Wildlife operated parks. They both have significant industry contacts in addition to academic qualifications.

Tender 2 – Paulpep

The current Soldiers Point Holiday Park Manager, Steve Paul declared an interest and formed a company with a practising accountant, Mark Pepper who is a director of Addison Accountants located in Dungog and Nelson Bay. Steve Paul has significant experience in managing Soldiers Point Holiday Park and indicated that the Park will operate in a similar fashion with targeted marketing to specific groups.

Tender 3 – Port Stephens Council

The Commercial Business Manager prepared an internal submission on behalf of the current staff. The submission and interview indicated that the park would continue under the current staffing structure with a focus on targeted marketing.

MINUTES FOR ORDINARY MEETING – 22 OCTOBER 2013

Tender 4 – KNG Management Services

Geoff Hutchinson and partner Karin Brownsdon (housekeeper at Halifax Holiday Park) have no experience in Holiday Park Management however have had other successful businesses and Karin has a working knowledge of the operation of Port Stephens Council managed Holiday Parks.

Tender 5 – Maraxx Pty Ltd

Company formed by husband and wife who both have significant experience in managing caravan parks together including Crown Land Holiday Parks.

After the interviews the Tender Panel unanimously agreed that the highest rating tender be accepted as the preferred Tenderer. The Tenders were rated out of an overall score of 100.00. The highest rating tender was 94.50 (refer confidential ATTACHMENT 1).

FINANCIAL/RESOURCE IMPLICATIONS

The 2012-2013 financial year resulted in an operating loss of \$103,463 to the Soldiers Point Holiday Park.

Assuming the same occupancy rates for Soldiers Point Holiday Park and subject to agreement of the final contract conditions; awarding the management tender to the preferred tenderer will result in an improved operating result (over 2012-2013) in excess of \$440K.

Adopting the recommendation may have resource implications in that the Redundancy and Entitlements conditions of the Enterprise Agreement are triggered. Over the past six months, any vacancies at the Holiday Parks have only been filled temporarily which will allow redeployment of Soldiers Point Holiday Park Staff, subject to availability of suitable roles.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	6,938.00	Legal Fees for the review and amendment of the Contract Documents were required.
Reserve Funds	No	Nil	
Section 94	No	Nil	
External Grants	No	Nil	
Other	No	Nil	

LEGAL, POLICY AND RISK IMPLICATIONS

Council's legal services provider Harris Wheeler has reviewed the contract documentation to ensure that the documentation is complete and accurate. Upon execution of the Contract both Council and the preferred Tenderer will be required to comply with their obligations under the terms of the Contract.

Adopting the recommendation may trigger Redundancy and Entitlement conditions of the Enterprise Agreement. Staff at Soldiers Point Holiday Park have been made aware of the recommendations of the 2012 sustainability review of the Holiday Parks and subsequently staff have been informed on a regular basis since Council announced this year that it would implement the recommendations of the sustainability review.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Soldiers Point Holiday Park will continue to incur financial losses without change to the current business model.	High	Adopt the recommendation.	Yes
There is a risk that there could be industrial relation risks associated with the redeployment of staff.	Medium	Capacity exists to redeploy staff to other parks.	Yes
There is a risk that selecting a company without sufficient financial capacity may lead to business failure with the potential of the park operation to be returned to Council.	Medium	Adopt the recommendation.	Yes
There is a risk that selecting a company without sufficient experience may deliver an unsatisfactory outcome resulting in reputation damage for Council.	Low	Adopt the recommendation.	Yes

MINUTES FOR ORDINARY MEETING – 22 OCTOBER 2013

There is a risk that selecting a company with unproven quality performance may lead to reputation damage for Council.	Low	Adopt the recommendation.	Yes
There is a risk that adopting the recommendation may result in reputation damage caused by the perception that the preferred tenderer is offering a business as usual model to manage the park.	Low	Adopt the recommendation and advise the detractors of the benefits of the preferred tenderers.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Soldiers Point Holiday Park contributes to the economic viability of the Port Stephens economy by attracting tourists and visitors to the locality. Local businesses benefit from the secondary spend of Holiday Park patrons on food, beverage and tourism activities.

Adopting the recommendation is not likely to result in any impacts on the local ecology.

CONSULTATION

Extensive consultation with staff, Councillors and key stakeholders was undertaken during the sustainability review for the Holiday Parks. In 2013, further consultation has been undertaken as outlined below:

- 1) Councillors Two Way Conversation 25 June 2013;
- 2) Group Manager Corporate Services;
- 3) Finance Services Section Manager;
- 4) Crown Lands Senior Manager, Hunter Area;
- 5) Harris Wheeler Lawyers;
- 6) Andrew Smith, CEO, Worimi Local Aboriginal Land Council;
- 7) Procurement Officer;
- 8) Soldiers Point Holiday Park staff.

OPTIONS

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

ATTACHMENTS – Confidential - All listed below are provided under separate cover.

- 1) Soldiers Point Holiday Park – Tender Evaluation.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

FILE NO: T061314HUN

T061314HUN – TENDER FOR THE SUPPLY AND DELIVERY OF BULK FUELS, OILS AND LUBRICANTS

REPORT OF: PETER MATWIJOW – PUBLIC DOMAIN AND SERVICES SECTION MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item Tender for the supply and delivery of bulk fuels, oils and lubricants on the Ordinary Council agenda namely **T061314HUN – Tender for the supply and delivery of bulk fuels, oils and lubricants;**
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Tender for the supply and delivery of bulk fuels, oils and lubricants;**
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts;
 - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005;
 - 5) Accept the tender submitted by Maxi-Tankers for the supply and delivery of bulk fuels, oils and lubricants to Raymond Terrace and Nelson Bay depots for a period of two years and that a provision be allowed for 12 month extension based on satisfactory supplier performance which may take this tender through to 23rd October 2016. The contract shall commence the 23rd October, 2013.
-

**ORDINARY COUNCIL MEETING – 22 OCTOBER 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Paul Le Mottee
	That Council accept the tender submitted by Maxi-Tankers for the supply and delivery of bulk fuels, oils and lubricants to Raymond Terrace and Nelson Bay depots for a period of two years and that a provision be allowed for 12 month extension based on satisfactory supplier performance which may take this tender through to 23 rd October 2016. The contract shall commence the 23 rd October, 2013.

MOTION

307	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council accept the tender submitted by Maxi-Tankers for the supply and delivery of bulk fuels, oils and lubricants to Raymond Terrace and Nelson Bay depots for a period of two years and that a provision be allowed for 12 month extension based on satisfactory supplier performance which may take this tender through to 23 rd October 2016. The contract shall commence the 23 rd October, 2013.

BACKGROUND

The purpose of this report is to seek approval from Council to accept the tender for the supply and delivery of bulk fuels, oils and lubricants.

The requirement for the operation of Council plant and subsequent supply and delivery of bulks fuels is imperative to the continuation of Council activities. An evaluation process was conducted by Regional Procurement to ensure quality assurance was guaranteed.

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 \$200M 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 group tender for the supply and delivery of bulk fuels, oils and lubricants. Based on experience with other tenders for various materials and services, participation was expected to 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 to accept the outcomes of tenders where there is an equal to or better outcome than alternatives sources.

Regional Procurement called tenders across a number of local government areas that include Maitland, Cessnock, Muswellbrook, Singleton, Dungog, Upper Hunter, Newcastle, Mid-Western and Port Stephens.

The tender was advertised in the Newcastle Morning Herald and uploaded on Tenderlink on 22 June 2013, in the Sydney Morning Herald on the 23 June 2013 and the tender closed on 16 July 2013 at 10:00am. Caltex and suppliers who made a submission to the previous tender were also contacted and invited to tender.

Seventeen (17) tenders were delivered and eleven (11) tender submissions in total were received back by the closing date from;

- Castrol Australia Pty Ltd;
- Centrel Pty Ltd trading as Reliance Petroleum BP;
- Freedom Fuels Australia Pty Ltd;
- Hastings Cooperative Ltd;
- Hi-Tec Oil Traders Pty Ltd;
- Maxi-Tankers Pty Ltd;
- Merriwa Petroleum and AG Supplies;
- Park Pty Ltd;
- Redpoint;
- United Petroleum Pty Ltd;
- Valvoline Australia Pty Ltd.

The tender evaluations were conducted on the 13 August 2013 at the offices of Regional Procurement. All submissions were conforming and no late tenders were received.

As Port Stephens Council purchase of fuels is 97% diesel and 3% unleaded, Regional Procurement focused primarily on the diesel evaluation matrix as diesel makes up \$603,703 of the \$622,897 total fuel spend.

FINANCIAL/RESOURCE IMPLICATIONS

1) The financial implications refer to the purchase of bulk fuels, oils and lubricants outside of the preferred contracted rate at an inflated price per litre. This could have a considerable impact to the budget due to the large volumes of fuel consumed by Council Plant on a daily basis.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	622,897	Plant running costs funded from the Fleet Management Restricted Fund
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The supply and delivery of bulk fuels, oils and lubricants was tendered and appointed by Regional Procurement by a panel evaluation team to ensure legal compliance and the prevention of bias.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the supply and delivery of bulk fuels, oils and lubricants may not be available as required which may lead to the immobilisation of Council plant.	Medium	Appoint only suitably qualified tenders with good work history and references as per the tendering and specification evaluation process evaluated by Regional Procurement.	Yes
There is a risk that the delayed contract approval of the supply and delivery of bulk fuels, oils and lubricants may restrict the purchase of fuel at the daily contracted rate provided	Medium	Timely approval of tender to ensure contract commencement timeframes are adhered to preventing non-contracted daily rate for the purchase of bulk fuels, oils and lubricants.	Yes

by the Regional Procurement evaluation and a non-contracted daily rate would be allocated to the supply.			
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social, economic or environmental implications.

CONSULTATION

- 1) Regional Procurement;
- 2) Corporate Services – Procurement;
- 3) Facilities & Services – Public Domain & Services Manager.

OPTIONS

- 1) Accept recommendation to appoint Maxi-Tankers;
- 2) Reject recommendation to appoint Maxi-Tankers;
- 3) Recall tenders.

ATTACHMENTS – Confidential - All listed below are provided under separate cover.

- 1) Tender Cost Evaluation Matrix

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7

FILE NO: PSC2005-3701

LEASE OF BIRUBI POINT SURF LIFE SAVING CLUB

REPORT OF: STEVEN BERNASCONI – COMMUNITY SERVICES SECTION MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Subject to the approval of the Minister for Crown Lands, issue a lease for the management and operation of Birubi Point Surf Life Club buildings and grounds to Birubi Point Surf Life Saving Club Inc;
- 2) Authorise the Mayor and General Manager to sign and affix the Seal of the Council to the lease documentation;
- 3) Authorise the Mayor and General Manager to sign and affix the Seal of the Council to the sub leases for the commercial operations of the café/kiosk and caretakers residence of the Birubi Point Surf Life Saving Club buildings.

ORDINARY COUNCIL MEETING – 22 OCTOBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

308	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council: <ol style="list-style-type: none"> 1) Subject to the approval of the Minister for Crown Lands, issue a lease for the management and operation of Birubi Point Surf Life Club buildings and grounds to Birubi Point Surf Life Saving Club Inc; 2) Authorise the Mayor and General Manager to sign and affix the Seal of the Council to the lease documentation; 3) Authorise the Mayor and General Manager to sign and affix the Seal of the Council to the sub leases for the commercial operations of the café/kiosk and caretakers residence of the Birubi Point Surf Life Saving Club buildings.

BACKGROUND

The purpose of this report is to confirm procedures for the signing and affixing of the Seal of Council to a lease document for the management and operation of the Birubi Point Surf Life Saving Club buildings and grounds.

The recommendations relate specifically to Operational Plan 2013/14 item 8.1.1.7 "Provide facilities for volunteer surf life saving clubs to operate at Fingal Beach and Birubi Point Beach".

Council is the corporate trust manager of the land on which Birubi Point Surf Life Saving Club is located (Lot 7325 DP 1156724 being 73 James Paterson Street Anna Bay). Construction of a new two building development is currently underway. One building will be used for surf club activities and the second building comprising public amenities, a caretaker's residence and a commercial café/kiosk. The development is scheduled for completion in November 2013.

Council has historically and successfully operated this site, in its former guise, through an annual licence with the Birubi Point Surf Life Saving Club Inc. The design of the new development will include greater commercial space for a café/kiosk as well as a resident caretaker's cottage, both of which will be sub leased by the Club on completion. Council needs to renew this operational agreement with the Club in the form of a new lease arrangement.

FINANCIAL/RESOURCE IMPLICATIONS

The provisions of the lease ensure that there are no changes to the terms and obligations of the two parties and thus no financial impacts on Council from variations mid term.

In having a valid and enforceable lease the Crown and Council are protected and Council is also able to reinvest proceeds from the agreement to the provision of asset management of the building that may otherwise require funding from general revenue.

The rental arrangement for the lease will be based on a revenue sharing arrangement after agreed expenses. In short this means the Club will recover all commercial revenue from the site as well as agree to certain asset and ground maintenance costs, after which the difference is shared equally between the Club and Council. The net value of this arrangement is not yet finalised as final figures are dependant on the Call for Proposals process and commercial negotiation for the café/kiosk. However this approach to the lease follows that of the Fingal Beach Surf Life Saving Club lease.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	15,000	Legal and marketing costs of the head lease and sub lease arrangements for the café/kiosk. Shared cost between Club and Council.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other – lease income	Yes	Yet to be determined	Lease will be a revenue sharing arrangement after agreed expenses. Net value to be determined after commercial negotiations for café/kiosk completed.

LEGAL, POLICY AND RISK IMPLICATIONS

The final position on the term of the lease is still subject to negotiation, but it is expected that the term will be greater than 10 years. Leases greater than 10 years require consent from the Minister for Crown Lands for the execution of the lease.

Prior to completion of the two buildings the Club will seek a sub lease for the commercial operations of the café/kiosk. This sub lease will also require affixing of the Seal of Council and execution by the General Manager and the Mayor.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that without a formal lease in place the Birubi Point Surf Life Saving Club Inc will not be able to attract suitable commercial interests in the café/kiosk resulting in the new building not functioning optimally.	Medium	Adopt the recommendation	Yes
There is a risk that without a formal lease in place Council may not be safeguarded against commercial operator expenses relating to the sub lease resulting in financial losses.	Medium	Adopt the recommendation	Yes

Councils Property Services Section is preparing the lease documentation in consultation with Harris Wheeler Lawyers and Crown Lands. There are no legal impediments for proceeding with a lease of this site.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The health, safety and traditions that surf life saving brings to the community will be preserved under this lease arrangement.

Adopting the recommendation will enable Council and Birubi Point Surf Life Saving Club Inc to complete marketing of the commercial aspects to the new building to maximise on the summer holiday customers.

CONSULTATION

Consultation has been held with the following people and organisations:

- 1) Birubi Point Surf Life Saving Club Inc;
- 2) Port Stephens Council – Property Services Section;
- 3) Crown Lands;
- 4) Harris Wheeler Lawyers;
- 5) Environmental Property Services Pty Ltd.

OPTIONS

Nil.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8

FILE NO: A2004-0194

REVOKE OBSOLETE POLICIES – BEACH VEHICLE POLICY, SENIOR CITIZENS CLUB POLICY, VOLUNTEERS POLICY, PORT STEPHENS LIBRARY USE OF PUBLIC INTERNET POLICY, COMMUNITY SERVICES POLICY.

REPORT OF: STEVEN BERNASCONI – COMMUNITY SERVICES SECTION MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Beach Vehicle Policy (Min.#152, 20/4/1999);
- 2) Revoke the Senior Citizens Club Policy (Min.#103, 13/2/1990);
- 3) Revoke the Volunteers Policy (Min.#440, 15/8/2000);
- 4) Revoke the Port Stephens Library Use of Public Internet Policy (Min.#649, 22/8/2006);
- 5) Revoke the Community Services Policy (Min.#363, 28/8/2001).

ORDINARY COUNCIL MEETING – 22 OCTOBER 2013
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor Chris Doohan
	That the recommendation be adopted.

MOTION

309	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council: <ol style="list-style-type: none"> 1) Revoke the Beach Vehicle Policy (Min.#152, 20/4/1999); 2) Revoke the Senior Citizens Club Policy (Min.#103, 13/2/1990); 3) Revoke the Volunteers Policy (Min.#440, 15/8/2000); 4) Revoke the Port Stephens Library Use of Public Internet Policy (Min.#649, 22/8/2006); 5) Revoke the Community Services Policy (Min.#363, 28/8/2001).

BACKGROUND

The purpose of this report is formally revoke obsolete Council policies specifically:

- Beach Vehicle Policy (Min.#152, 20/4/1999) **(ATTACHMENT 1)**
- Senior Citizens Club Policy (Min.#103, 13/2/1990) **(ATTACHMENT 2)**
- Volunteers Policy (Min.#440, 15/8/2000) **(ATTACHMENT 3)**
- Port Stephens Library Use of Public Internet Policy (Min.#649, 22/8/2006) **(ATTACHMENT 4)**
- Community Services Policy (Min.#363, 28/8/2001) **(ATTACHMENT 5)**

Table 1 details the policies being recommended for revocation and the reasons for this.

Policy Title	Objective	Minute Number and date adopted	Reason for revocation
Beach Vehicle Policy	To optimise the use of Stockton Beach for the general public and provide a safer recreational area for users.	Min. # 152, 20/4/1999	Policy is obsolete. Council ceased having operational control of Stockton Beach in 2005. Council no longer manages a beach vehicle permit system for Stockton Beach.
Senior Citizens Club Policy	To contribute to Senior Citizens' Clubs towards the cost of celebrating Senior Citizens' Week. The contribution will be combined with the grant from the Premier's Department and divided between the clubs as agreed at a meeting between representatives	Min. # 103, 13/2 1990	Policy superseded by Council Operational Plan 2013-14. Council's Operational Plan 2013-14 (Items 2.1.1.2 and 2.1.1.4) directly supports Senior Citizens Associations directly by (1) on line promotion of seniors activities and Seniors Week and (2) providing purpose built facilities to operate from. These Associations manage these facilities as 355(c) Committees of Council.

MINUTES FOR ORDINARY MEETING – 22 OCTOBER 2013
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	of the clubs and the Community Development Manager.		
Volunteers Policy	<p>To provide a framework to support community based volunteers undertaking community projects to Council or who provide assistance to Council operations.</p> <p>This is part of Council's commitment to community partnerships and involves many programs in Council's Management Plan.</p>	Min. # 440, 15/8/2000	Policy superseded by Volunteer Strategy Framework, Min. #214, 26/8/2008 which has subsequently been re-endorsed as part of the second round sustainability review for Volunteer Strategy on 8 October 2013.
Port Stephens Library Use of Public Internet Policy	<p>To manage the provision of public access services to the Internet in Port Stephens Library Branches</p> <p>To provide a clear statement of acceptable use of the Internet in Port</p>	Min. # 649, 22/8/2000	<p>Policy not required.</p> <p>This is an operational matter that can be dealt with as a Management Directive.</p>

MINUTES FOR ORDINARY MEETING – 22 OCTOBER 2013

	Stephens Library Branches.		
Community Services Policy	To enhance and support communities through the provision of a range of high quality and accessible services.	Min.# 363, 28/8/2001	Policy is obsolete. The planning for and provision of community services is a requirement of the Local Government Act 1993, the Local Government Charter and the Integrated Planning and Reporting requirements of the Act. The delivery and support of community services and their fees and charges is captured by Council's Sustainability Review process and Fees and Charges process. The provision of community facilities for other organisations to operate from is captured by the Community Leasing Policy.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications from adopting the recommendations as the policies have been either superseded or become obsolete over time. Adopting the recommendation has no effect on staffing levels or the provision of services to the community.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Adopting the recommendations has a nil effect on budgets for those matters that have been superseded by other mechanisms.
Reserve Funds	No		
Section 94	No		
External Grants	No		

Other	No		
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LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopting the recommendations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that members of community might see the revocation of these policies as a lessening of Council's commitment to these issues resulting in reputation damage.	Low	Adopt the recommendations and advise objectors of the reasons for revoking the policies.	Yes

SUSTAINABILITY IMPLICATIONS

Adopting the recommendations will have no effect on the local ecology, economy or society as the matters contained within the policy are either obsolete or managed by other policy mechanisms.

CONSULTATION

- 1) The relevant Council policy owners have been consulted on the appropriateness of revoking these policies, specifically;
 - a) Library Services Manager;
 - b) Volunteer Strategy Coordinator;
 - c) Contracts and Services Coordinator;
 - d) Social Planning Coordinator.

OPTIONS

Nil.

ATTACHMENTS

- 1) Beach Vehicle Policy (Min. #152, 20/4/1999);
- 2) Senior Citizens Club Policy (Min.#103, 13/2/1990);
- 3) Volunteers Policy (Min.#440, 15/8/2000);
- 4) Port Stephens Library Use of Public Internet Policy (Min.#649, 22/8/2006);
- 5) Community Services Policy (Min.#363, 28/8/2001).

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

ATTACHMENT 1 BEACH VEHICLE POLICY

PORT STEPHENS COUNCIL

POLICY NO: #

Title: BEACH VEHICLE POLICY

POLICY OBJECTIVE:

To optimise the use of Stockton Beach for the general public and provide a safer recreational area for users.

The policy will be achieved if:

- 1) *The public are educated and have an understanding of the beach vehicle permit policy.*
- 2) *The policy is enforced.*
- 3) *Administration of the policy is managed effectively.*

POLICY STATEMENT

- All vehicles using Stockton Beach must carry a current Port Stephens Council Beach Vehicle Permit.
- Vehicles must be registered with the Roads and Traffic Authority.
- Recreation Vehicles must be registered with the Roads and Traffic Authority under the Recreational Vehicles Act.
- State and Federal Government Authorities are exempted from the requirements under (1). (Police, Defence Departments, National Parks and Wildlife).
- All access points will be clearly signposted stating the requirement to hold a current permit in accordance with the policy.
- Vehicles must only use authorised access/egress points.
- Vehicles must remain in the areas for which they are permitted. eg Recreational Vehicles must remain in the Recreational Vehicle Area and can only access the Beach via Lavis Lane.
- Beach Vehicle Permits must be displayed adjacent to Roads and Traffic Authority registration label and must be produced when requested by an authorised officer.
- Recreation permits must be displayed in a place visible to an authorised officer and must be produced on request.

- A code of conduct has been developed for the use of Beach Vehicle Permit holders which is expected to be adhered to.

- Five specific permit types will be available:

Regular	All road registrable vehicles.
Disabled	All persons holding current RTA parking permits.
Recreation	All vehicles registered under the Recreation Vehicles Act.
Professional Fishing	All persons holding a professional fishing licence.
Day Permits	<i>Maximum of 2 days for all vehicles and public holiday long weekends eg Easter, June long weekend and October long weekend.</i>

- Vehicles registered for disabled access will only be permitted on approved nominated beaches.
- Vehicles registered for Professional Fishing will only be permitted on the beaches designated for that purpose.
- A Beach Vehicle Permit will extend from the 1 April to the 31 March of each year.
- Fees relating to Beach Vehicle Permits will be tabled in the annual schedule of fees and charges.

- Fees will include:

Annual	\$25.00
Half Year Fee from 30 Sept to 31 March	\$12.50
Replacement Sticker	\$5.00
Day Permit (including Long weekends)	\$5.00

- Permits will be available from Council Administration Centre, Council Tourist Information Centre and selected commercial outlets.
- Commercial outlets will be selected from expressions of interest and advertised. The number of Council outlets will be limited at the discretion of the Manager Community & Recreation Services.
- Council will issue Beach Vehicle Permit renewal notices in March of each year.
- Beach Vehicle Permit renewals will be required to be paid at Council Administration Centre.

- *A one month warning period will be implemented from the 1 April to 30 April*
- A \$100 fine will be issued for “Failing to Comply with a notice in a public place” for breach of this policy and code of conduct.
- Beach Vehicle Permit records will be held on a centralised database at the Council Administration Centre and will remain confidential.

PRINCIPLES

1. Public consultation has shown that there is agreement with the principles of implementing the Beach Vehicle Policy to negate conflict and improve public safety.
2. Port Stephens Council is committed to managing the environmental resources under its control in a responsible and sustainable manner. This can only be achieved with controlled management of activities.
3. The requirement to hold a Beach Vehicle Permit in conjunction with Rangers patrolling the area will provide the public with a safer and more attractive recreational space.
4. The revenue generated by the permit system will assist in providing improved recreational facilities and implementing sound environmental management strategies.

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ATTACHMENT 2

ATTACHMENT 2
SENIOR CITIZENS CLUB POLICY

POLICY NO:

FILE NO: 1225-00

TITLE: SENIOR CITIZENS' CLUBS

POLICY STATEMENT

To contribute to Senior Citizens' Clubs towards the cost of celebrating Senior Citizens' Week. The contribution will be combined with the grant from the Premier's Department and divided between the clubs as agreed at a meeting between representatives of the clubs and the Community Development Manager.

DECISION: 13/2/1990 Min 103

ATTACHMENT 3

ATTACHMENT 3 VOLUNTEER POLICY

Adopted :15/08/2000
Minute No. 440
Amended: #
Minute No. #

FILE NO: R7720-079

TITLE: VOLUNTEERS POLICY

BACKGROUND

The Volunteers Working Group, a corporate task group identified the need to consolidate provision for the support and management of volunteers throughout Council into one corporate policy.

OBJECTIVE

To provide a framework to support community based volunteers undertaking community projects to Council or who provide assistance to Council operations. This is part of Council's commitment to community partnerships and involves many programs in Council's Management Plan.

PRINCIPLES

The recruitment of volunteers by Council should related to the Council's capacity to provide volunteers with satisfying and suitable assignments, with due consideration being given to the personal preference and motivation of the volunteer.

Volunteers have a right to expect:

- Appropriate support and direction in relation to the tasks they are performing.
- Recognition of their efforts by Council.
- That Council will ensure that volunteers are covered for personal accident and public liability.

Council has a right to expect that:

- Volunteers will undertake their tasks in good faith and will respect Council's Code of Conduct as they apply to the volunteer role.
- Volunteers will comply with any Council policies that apply to their roles, including OH&S policies.

POLICY STATEMENT

All volunteers to Council programs will be:

- Given general training as to Council's policies and programs.
- Offered an orientation to the program or tasks they are to be involved in.
- Provided with appropriate training in relation to the tasks being undertaken.

Under certain circumstances, specific accredited training or an approved and current form of certification of competency to perform certain tasks (such as current driver's licence, first aid certificate and so on) will be required. Where specific qualifications or training are required Council will provide the training to ensure that the volunteers are suitably qualified.

In particular services, such as children's services or areas where the work will involve the volunteer having unsupervised contact with children, Council has statutory obligation to ensure the safety of children under its care. Potential volunteers for these services will be required to authorise a police check on their suitability to be involved in the program as part of the recruitment process.

Volunteers must be aged over 16 years unless the person is part of a group (supervised by an adult/s) which is covered by its own insurance and prepared to indemnify Council. Volunteers aged 16 years and under will be supervised in accordance with provision under the current child care and protection legislation.

It is reasonable for Council to expect that volunteers will only act within their area of responsibility and competence and will not exceed their authority to act on behalf of the program in which they are involved. It is also expected that volunteers will follow any lawful directives given by Council staff. Grievance procedures will apply as set out in Council's Section 355B Committees Constitution.

Engagement and service as a volunteer worker with Council will not be construed as providing any access to, or right for consideration for, future paid employment with Council.

Recruitment

It is the minimum requirement that volunteers names be recorded on a Council standard form that clearly designates them as being a volunteer with a program of Port Stephens Council and that the volunteer has participated in general OH&S training.

Orientation

As the nature of voluntary tasks varies from program to program, it will be the obligation of the program or task coordinator to arrange an appropriate orientation for volunteers to their programs. As a minimum, the program or task coordinator shall arrange an approved OH&S orientation induction, guidance in relation to Council's Code of Conduct, information about grievance procedures and any other specialised information that may pertain to the program concerned.

Training

Each program utilising volunteers will be responsible for establishing the training needs of volunteers and for developing an appropriate training program. It will also be the responsibility of program supervisors to ascertain if the training required is to be formally accredited and to ensure that an accurate record of training is kept where formal accredited training is a prerequisite for the volunteer role.

Recognition

As the motivation of people volunteering for different programs or tasks varies considerably, the type of recognition provided to volunteers will need to vary from program to program.

Program supervisors utilising volunteers in their programs will be required to submit a system of recognition to the Volunteer Working Group.

RELATED POLICIES

N/A

REVIEW DATE

Review of the policy will be undertaken 12 months after the date of its adoption by Council.

RELEVANT LEGISLATIVE PROVISIONS

Occupational Health and Safety Act 1983 (NSW)
Child Care Protection Legislation

IMPLEMENTATION RESPONSIBILITY

Council Officer's or Program Manager's responsible for the management of volunteers involved in their programs.

ATTACHMENT 4

ATTACHMENT 4
PORT STEPHENS LIBRARY USE OF PUBLIC INTERNET POLICY



Adopted: 22/08/2006
Minute No: 649

FILE NO: PSC2006-1590

TITLE: PORT STEPHENS LIBRARY PUBLIC INTERNET ACCESS POLICY

RESPONSIBLE OFFICER: LIBRARY SERVICES MANAGER

BACKGROUND

Port Stephens Library recognises the rapid advances in technology and the changing information needs of its community. The Internet has allowed the Library to expand its collection beyond the physical confines of its buildings, and to develop and offer new services. The Library provides free and equitable access to the Internet to all individuals and groups within the community in order to meet their information, education and recreation needs.

The policy is based on Public Internet Access Guidelines for Public Libraries, which were drafted by a working group comprising NSW State Library, Metropolitan Public Library Association (MPLA) and Country Public Library Association representatives (CPLA). The guidelines were formally adopted by both the MPLA and CPLA and are available online at http://www.cpla.asn.au/misc/net_guidelines.html

OBJECTIVE

- To manage the provision of public access services to the Internet in Port Stephens Library branches.
- To provide a clear statement of acceptable use of the Internet in Port Stephens Library branches.

PRINCIPLES

- 1) The Internet is an important information resource
- 2) Access to the Internet is provided free as a core library service
- 3) Public libraries have a role as an unbiased source of recorded knowledge and ideas
- 4) The Internet is an unregulated medium and the library cannot be held responsible for its content or use

POLICY STATEMENT

1. Access

1.1 General

- Access to the Internet is free to all library customers.

- The library does not accept responsibility for the accuracy of information on the Internet, or for any consequences that may arise from use of that information.
 - The library does not have control over information available on the Internet. As some Internet sources may cause offence to some people, users are asked to be sensitive to the values and beliefs of others when displaying potentially controversial information or images on computer screens located in public areas.
 - The library does not support the use of filtering or censorship technologies for Internet access. Public libraries have a role in promoting the free exchange of different points of view on current and historical issues.
 - *Playing online games is limited to half hour sessions and two computers.*
- 1.2 Children
- Parents and guardians are responsible for their children's access to library resources, including online information.
 - Children under the age of 16 must have the consent of their parent/guardian before using the Internet in the library.
 - Parents and guardians are encouraged to work with their children in using the Internet. Library staff are available to assist with children's information needs, however the library does not accept responsibility for monitoring their Internet access.
2. Illegal and inappropriate use
- Library customers must not use the Internet or email to transmit material and/or statements that are:
 - Illegal, fraudulent or part of an unlawful activity;
 - Slanderous, libellous or defamatory;
 - Offensive, obscene, pornographic or in bad taste;
 - Abusive or threatening of violence;
 - Indictment to break the law;
 - Harassment based on sex, age, race, disability or other protected status;
 - Anonymous or repeated messages designed to threaten, annoy or torment.
3. Copyright
- Users are responsible for complying with international and federal laws protecting copyrighted material.
 - The library has no liability or responsibility resulting from copyright infringement by users.
5. Privacy
- The library respects users' rights to privacy and does not monitor the information or sites accessed by clients. However, the library may be required to provide Internet logs to officers legally empowered to investigate use of the Internet where there are reasonable grounds for that officer to suspect illegal use.
6. Security
- Security in the electronic environment cannot be guaranteed. Clients are warned that all Internet transactions and communications are vulnerable to unauthorised use.
 - The library assumes no responsibility arising from a client's use of particular sites.
7. Assistance and Training
- Library staff will assist Internet users to locate information.
 - The library offers introductory Internet and Email courses as part of its role in facilitating information and computer literacy.
8. Conditions of use
- 8.1 Membership

- The library prefers Internet users to register as members, although it is not necessary to join the library to use this service.
- Users under the age of 16 require the signed permission of a parent or guardian.

8.2 Bookings and Time Allocation

- Users must make a booking with library staff before accessing the computers.
- Bookings may be cancelled and/or reallocated if the customer does not arrive within 10 minutes of the scheduled starting time.
- Bookings are limited to an initial one hour of Internet use per session. If there are no other bookings or requests to use the computer, the hour can be extended in half hour blocks depending on demand.
- Should another customer request to use the computer, the current user will be allowed up to 10 minutes to complete their session.

8.3 Using information

- Users may print, save or distribute information in accordance with copyright requirements.
- Downloading to disk is permitted if disks are purchased from the library.

8.3 Email

- The use of email as a means of receiving or distributing information qualifies it as a core library service which is available free of charge.

8.4 User responsibilities

- Users must not damage library equipment, or any other PC or software settings.
- Users must not knowingly propagate a computer virus.
- Users must not change security settings that protect the PC operating system.
- Library staff should be notified if any problems are experienced with Internet computers.

8.5 Infringement of conditions of use

- Users who do not comply with the library's conditions of use may have their Internet session terminated or be denied further access to the service. This is in accordance with Section 17 of the Library Regulation 2000, which states that:

A library staff member may direct any person to leave the library, and not to re-enter the library for such period as the staff member directs, if the staff member is of the opinion that the person has contravened any provision of the Library Regulation, or the person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.

- Access and display of pornographic material constitutes an offence punishable by law under Section 25 of the Classification (Publications, Films and Computer Games) Enforcement Act 1995, which states that:

A person must not leave in a public place, or display in such a manner as to be visible to persons in a public place: a submittable publication, or a publication classified Category 1 restricted, Category 2 restricted or RC.

9. Fees

- The library provides free access to the Internet, including Email, as part of its mission in meeting the information needs of the community. This complies with Section 10 of the Library Act (1939), which states that:

Any person (whether or not a member of the library) is entitled free of charge access to any book of the library, and to any information forming part of the information service of the library for use on library premises.

RELATED POLICIES

Nil

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Library's provision of equitable access to a broad range of information provides a basis for independent decision-making and constructive community participation.

ECONOMIC IMPLICATIONS

The Library provides equal opportunity to all individuals and groups within the community to access to information, regardless of financial status.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this policy.

RELEVANT LEGISLATIVE PROVISIONS

NSW Library Act 1939

NSW Library Regulation 2005

Broadcasting Services Amendment (Online Services) Act 1999

Classification (Publications, Films and Computer Games) Enforcement Act 1995

IMPLEMENTATION RESPONSIBILITY

Library Services staff

REVIEW DATE

September 2007

ATTACHMENT 5

ATTACHMENT 5 – COMMUNITY SERVICES POLICY

Adopted: 28/08/2001
Minute No: 363
Amended:
Minute No:

FILE NO: R7120-001

TITLE: COMMUNITY SERVICES POLICY

BACKGROUND

In 1992 a Community Services Policy was developed and adopted by Council. (November 24th, 1992; Min No 1057). Council's Community Services section and service provision have grown and developed since that time, so it is necessary to review the policy to reflect the current vision and role.

This policy and its procedures document are designed to provide guidance as to when and under what circumstances Council will directly operate community services. The policy also establishes the links between the planning processes required of Council to meet community needs and the actual delivery of services or facilities.

For the purposes of this policy, Community Services can be defined as services and facilities targeted to support the general community or particular groups within the community such as children, youth, older people, women, people with disabilities, people from non-English speaking backgrounds and Aboriginal people. Examples of such services and facilities include childcare centres, Home and Community Care services for older people and community centres.

OBJECTIVE

Council's goal for its Community Services is to enhance and support communities through the provision of a range of high quality and accessible services.

PRINCIPLES

- 1) To research and document the social needs of the community.
- 2) To directly deliver selected community services when Council resolves to do so.
- 3) To ensure an appropriate range of buildings exists to enable community services to develop and operate.
- 4) To support the development and maintenance of a range of external community services delivered by the community based sector.

POLICY STATEMENT

A wide range of government and community organisations undertake Community Services provision in Port Stephens. As an organisation involved in this partnership, Council's role in the development of social infrastructure involves or may involve the following:

COMMUNITY AND SOCIAL PLANNING

Through Community and Social Planning, Council will understand and respond to the social needs of the community. Social planning processes will be used to document needs and establish priorities for community service provision.

ADVOCACY

Staff and elected members of Port Stephens Council will raise the awareness of State and Federal Departments in regard to community service needs in Port Stephens.

DIRECT SERVICE OR FACILITY PROVISION AND MANAGEMENT

Council will directly deliver services or manage facilities where certain criteria established in the procedures to this policy are met. Direct service provision will help ensure that a full range of community services exists and is accessible to all members of the community.

PROVISION OF COMMUNITY BUILDINGS

Council will ensure an appropriate range of buildings exists to enable community services to develop and operate. The priority for the provision of facilities will be established in the procedures attached to this policy.

COMMUNITY DEVELOPMENT & SUPPORT

Council will employ community development staff to work with communities in the establishment and maintenance of services.

SUPPORT FOR COMMUNITY MANAGED GROUPS AND SERVICES

Council will encourage community-based management and offer support to community groups and services managed by community members in order to encourage groups in delivering high quality viable services

RELATED POLICIES

Tenancy Policy, Fees and Charges Policy, Community Access Policy

REVIEW DATE

December, 2003

RELEVANT LEGISLATIVE PROVISIONS

Under the Local Government Act (1993) Council has, among other things, the following charter:

“To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.”

and

"To promote and to provide and plan for the needs of children"

IMPLEMENTATION RESPONSIBILITY

The Community Planning Team is responsible for the implementation the planning and development components of the Policy. The Community Services Team is responsible for the direct service provision components.

ITEM NO. 9

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE REPORT – 3 SEPTEMBER 2013

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held 3 September 2013.
-

ORDINARY COUNCIL MEETING – 22 OCTOBER 2013
COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

310	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held 3 September 2013.

BACKGROUND

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

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget of \$44 000 (\$25 000 grant from RMS and the balance from General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The

MINUTES FOR ORDINARY MEETING – 22 OCTOBER 2013

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Local Traffic Committee is not a Committee of Council; it is a technical advisory body authorised to recommend regulatory traffic controls to the responsible Road Authority. The Committee's functions are prescribed by the Transport Administration Act with membership of the Local Traffic Committee extended to the following stakeholder representatives; the Local Member of Parliament, NSW Police, Roads & Maritime Services and Port Stephens Council.

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that recommendations may not meet community expectations	Medium	Ensure proper consultation is carried out when required, prior to meetings	
There is a risk that recommendations may not meet required standards and guidelines	Medium	Traffic Engineer to ensure that all relevant standards and guidelines are applied	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

The Committee's technical representatives are the Police, Roads and Maritime Services, and Council Officers; they investigate issues brought to the attention of the Committee and suggest draft recommendations for further discussion during the scheduled meeting. One week prior to the Local Traffic Committee meeting copies of the agenda are forwarded to the Committee members, Councillors, Facilities and Services Group Manager and Council's Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Local Traffic Committee meeting.

OPTIONS

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

ATTACHMENTS

- 1) Local Traffic Committee Minutes – 3/9/2013.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**MINUTES OF THE PORT STEPHENS
LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 3RD SEPTEMBER 2013
AT 9:30AM**

Present:

Cr Geoff Dingle, Senior Constable Shane Dawes – NSW Police, Mr Mark Morrison - Roads and Maritime Services, Mr Joe Gleeson (Chairperson), Ms Lisa Lovegrove - Port Stephens Council

Apologies:

Craig Baumann MP, Cr Peter Kafer, Mr John Meldrum – Hunter Valley Buses, Senior Constable John Simmons – NSW Police

A. ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MINUTES OF 2ND JULY, 2013

B. BUSINESS ARISING FROM PREVIOUS MEETING

**26_08/13 GAN GAN ROAD ANNA BAY – REQUEST FOR INSTALLATION OF A
TEMPORARY BUS ZONE ADJACENT TO THE PUBLIC TOILET**

C. LISTED MATTERS

27_09/13 FERODALE ROAD MEDOWIE - BUS STOP RELOCATION

28_09/13 FERODALE ROAD MEDOWIE - REQUEST FOR 'NO STOPPING'

**29_09/13 CORRIE LANE CORLETTE - REQUEST FOR STOP SIGN AT THE CORRIE
PARADE INTERSECTION**

**30_09/13 TOMAREE STREET NELSON BAY - REQUEST FOR STOP SIGNS AT THE
STOCKTON STREET INTERSECTION**

**31_09/13 KING ALBERT AVENUE TANILBA BAY - REQUEST FOR ALTERATION OF
'NO PARKING' TO 'NO STOPPING' AT TANILBA BAY PUBLIC SCHOOL**

**32_09/13 STURGEON STREET RAYMOND TERRACE - REQUEST FOR
INSTALLATION OF ACCESSIBLE PARKING AND ALTERATION OF
PARKING RESTRICTIONS AT THE NEW LIBRARY**

D. INFORMAL MATTERS

E. GENERAL BUSINESS

614_09/13 ROADS PORT STEPHENS – REFORM OF THE LOCAL TRAFFIC COMMITTEE PROCESS

615_09/13 SOLDIERS POINT ROAD SOLDIERS POINT- CONTINUATION OF TOMAREE TRIATHLON CLUB EVENTS FOR 2013/2014

616_09/13 NEWLINE ROAD RAYMOND TERRACE – REQUEST TO RELOCATE 60 SPEED LIMIT SIGNS

617_09/13 KINDLEBARK DRIVE MEDOWIE – REQUEST TO REVIEW THE SPEED LIMIT

618_09/13 LEISURE WAY RAYMOND TERRACE – TRAFFIC MANAGEMENT PLAN FOR THE NSW ABORIGINAL RUGBY LEAGUE KNOCKOUT

B. Business Arising

Item: 26_08/13

GAN GAN ROAD ANNA BAY – REQUEST FOR INSTALLATION OF A TEMPORARY BUS ZONE ADJACENT TO THE PUBLIC TOILET

Requested by: Port Stephens Council – Community & Recreation

File:

Background:

The old Birubi surf club has now been demolished and demountable, temporary toilets are being used for all visitors and beachgoers during construction of the new surf club. This has led to safety issues with long queues of people waiting to use the toilets, forming across the car park and trafficable areas.

A short term solution is to encourage the tourist coaches to use the public toilets adjacent to the IGA on Gan Gan Road in Anna Bay. There is an indented parking area that could be signposted as 'Bus Zone' until the construction of the new surf club is complete, around mid-November 2013.

This area is currently unrestricted and is not heavily used for parking by members of the public.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 183 – Stopping in a bus zone

RMS signs database – R5-20

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

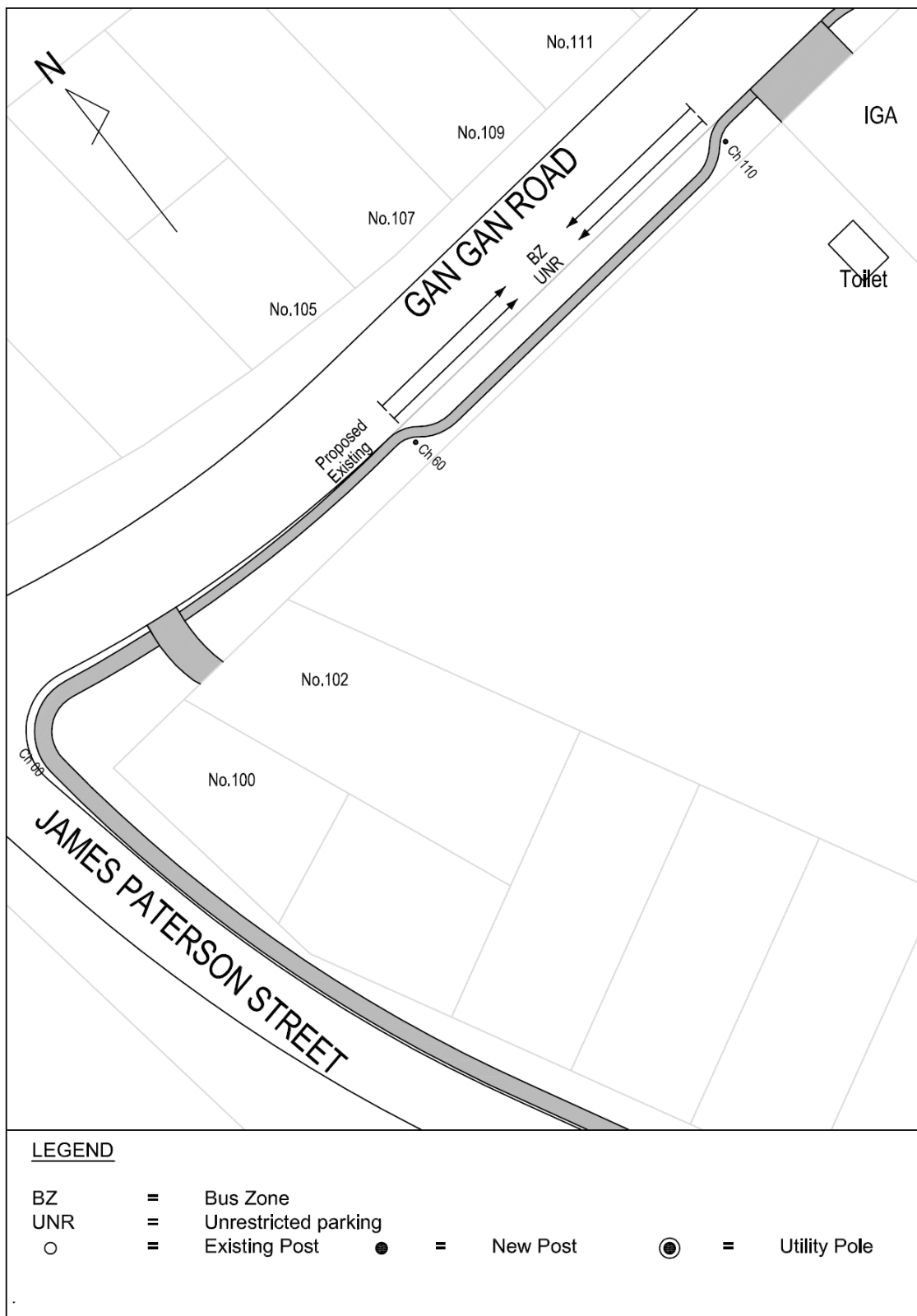
Recommendation to the Committee:

Install 'Bus Zone' restrictions in Gan Gan Road Anna Bay, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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



C. Listed Matters**Item:** 27_09/13**FERODALE ROAD MEDOWIE - BUS STOP RELOCATION****Requested by:** Port Stephens Council**File:****Background:**

Council has had to relocate the bus stop on Ferodale Road Medowie at the shopping centre in order to meet accessibility requirements. Funding was received under the Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) to upgrade nominated bus stops throughout the Port Stephens Council Local Government Area. The funding has been directed to providing bus stops that are compliant with the requirements of the Disability Discrimination Act.

Comment:

The existing 'No Stopping' restrictions need to be removed to allow buses to use the new location. The new bus stop location will be temporary until a new layby and bus shelter is constructed as part of the Woolworths development.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 183 – Stopping in a bus zone

RMS signs database – R5-20

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

Recommendation to the Committee:

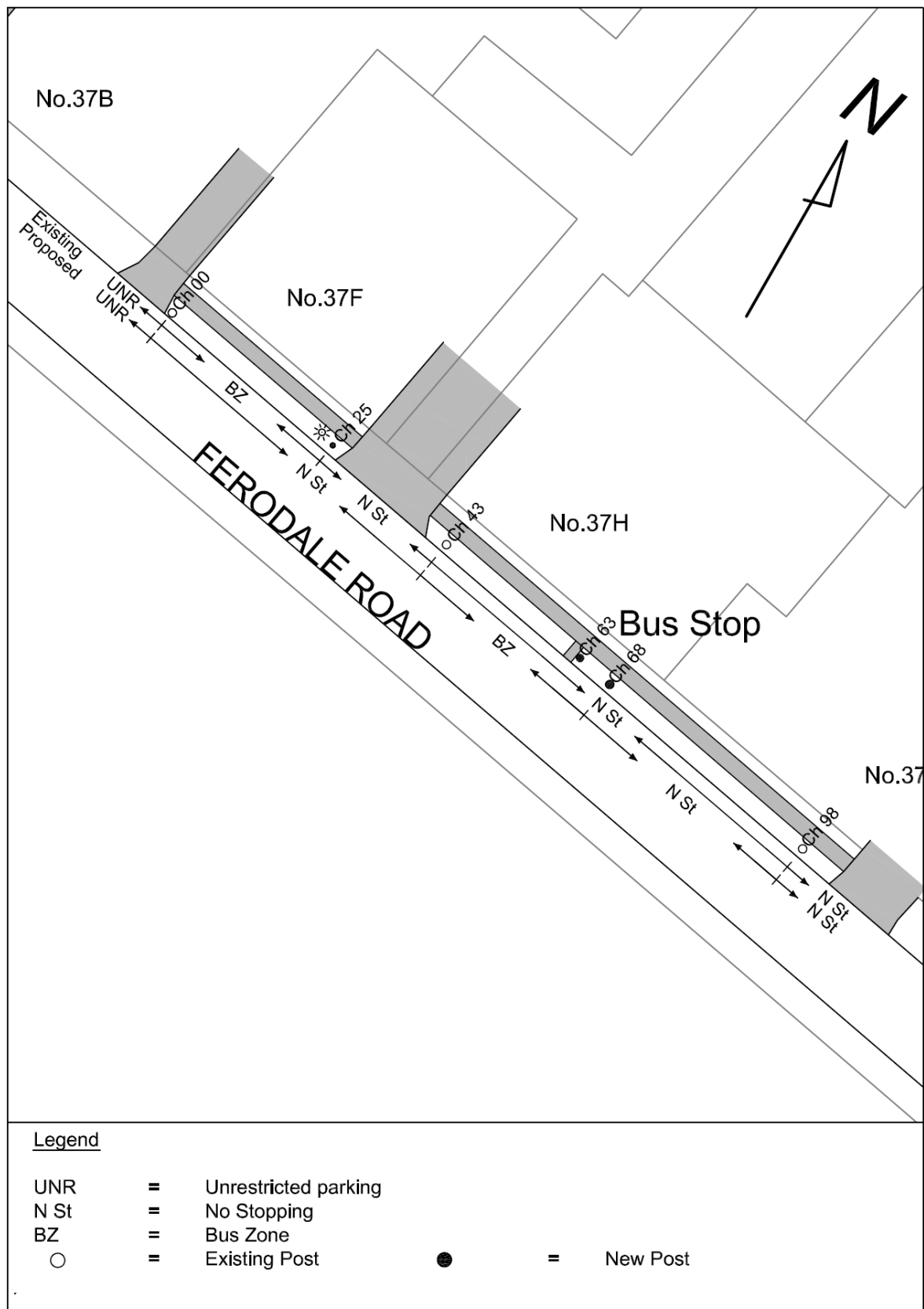
Remove the existing 'No Stopping' restrictions on Ferodale Road Medowie and replace with a bus zone, as shown on the attached sketch, Annexure A.

Discussion:

Cr Dingle enquired whether there had been any decision by Council on relocation of the bus shelter acquired by the Medowie Lions Club. Council officers advised that investigations are ongoing as to the best place for a permanent site for the shelter.

Support for the recommendation:

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



Item: 28_09/13

FERODALE ROAD MEDOWIE - REQUEST FOR 'NO STOPPING'

Requested by: Craig Baumann MP

File: PSC2005-4189/161

Background:

Council has recently completed road widening and installation of kerb and gutter along the southern side of Ferodale Road at Medowie. The road layout will change as a result and some 'No Stopping' restrictions are required.

Comment:

The Traffic Inspection Committee members noted that the road is now 11m wide and there is room to allow parking to the west of the turn bays to the shopping centre.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule167 – No stopping signs,

RTA signs database – R5-400

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

Recommendation to the Committee:

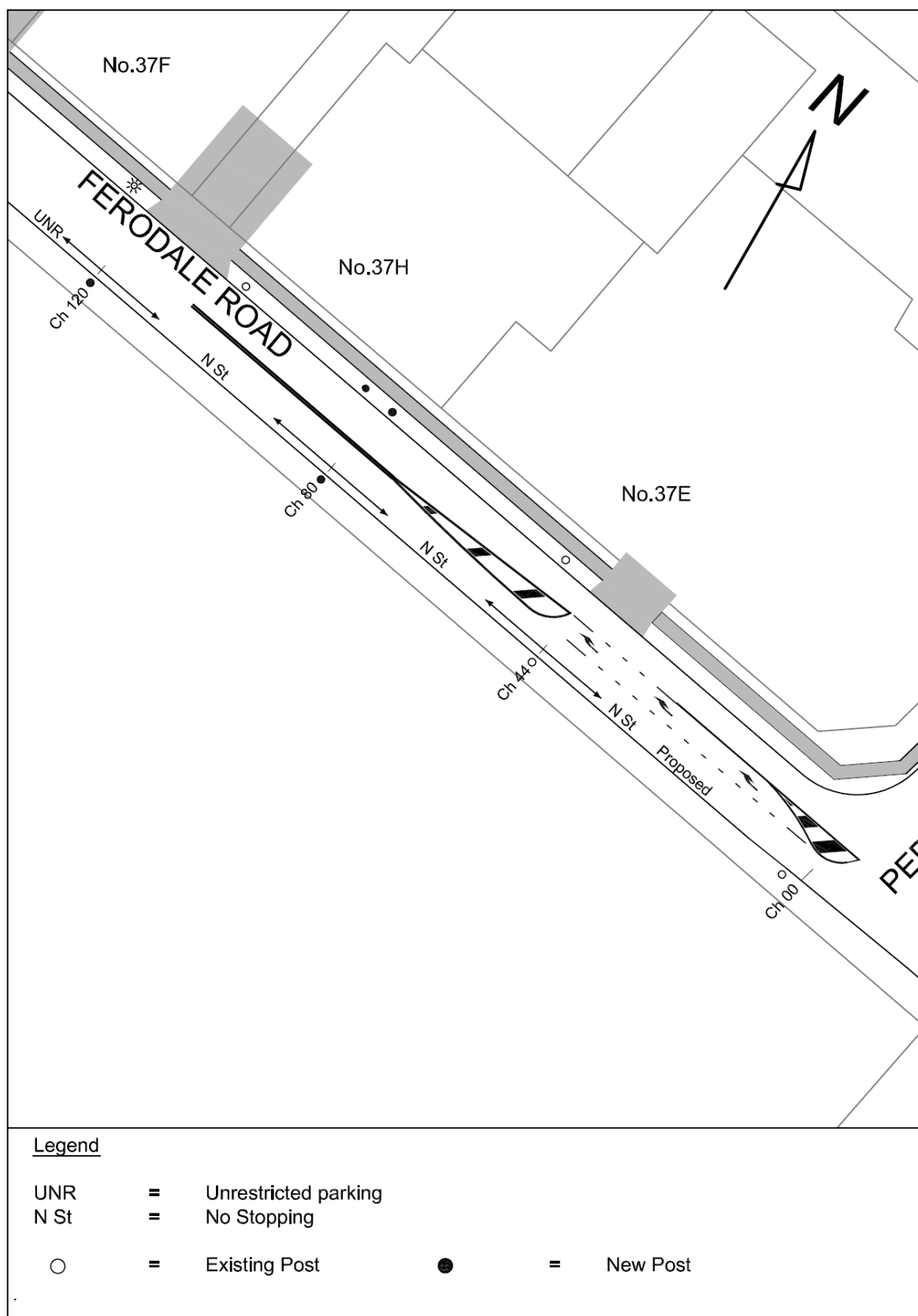
Install 'No Stopping' on the southern side of Ferodale Road Medowie as shown on the attached sketch, Annexure A.

Discussion:

Cr Dingle enquired whether there was still parking available on the southern side of Ferodale Road. Council officers advised that there is still approximately 140m available for parking between the 'No Stopping' signs and Campvale Drain.

Support for the recommendation:

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



Item: 29_09/13

CORRIE LANE CORLETTE - REQUEST FOR A STOP SIGN AT THE CORRIE PARADE INTERSECTION

Requested by: A resident
File: CRM166618-2013
Background:

A resident of Corrie Parade has requested that a 'Stop' sign be installed at the Corrie Lane intersection as cars exit Corrie Lane too fast and he has often heard the screech of tyres.

Comment:

The intersection meets the warrant for installation of a Stop sign due to the lack of sight distance for traffic exiting Corrie Lane.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 67 - Stopping and giving way at a stop sign or stop line at an intersection without traffic lights
RTA signs database – R1-1
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

Install Stop sign and lines in Corrie Parade Corlette, as shown on the attached sketch, Annexure A.

Discussion:

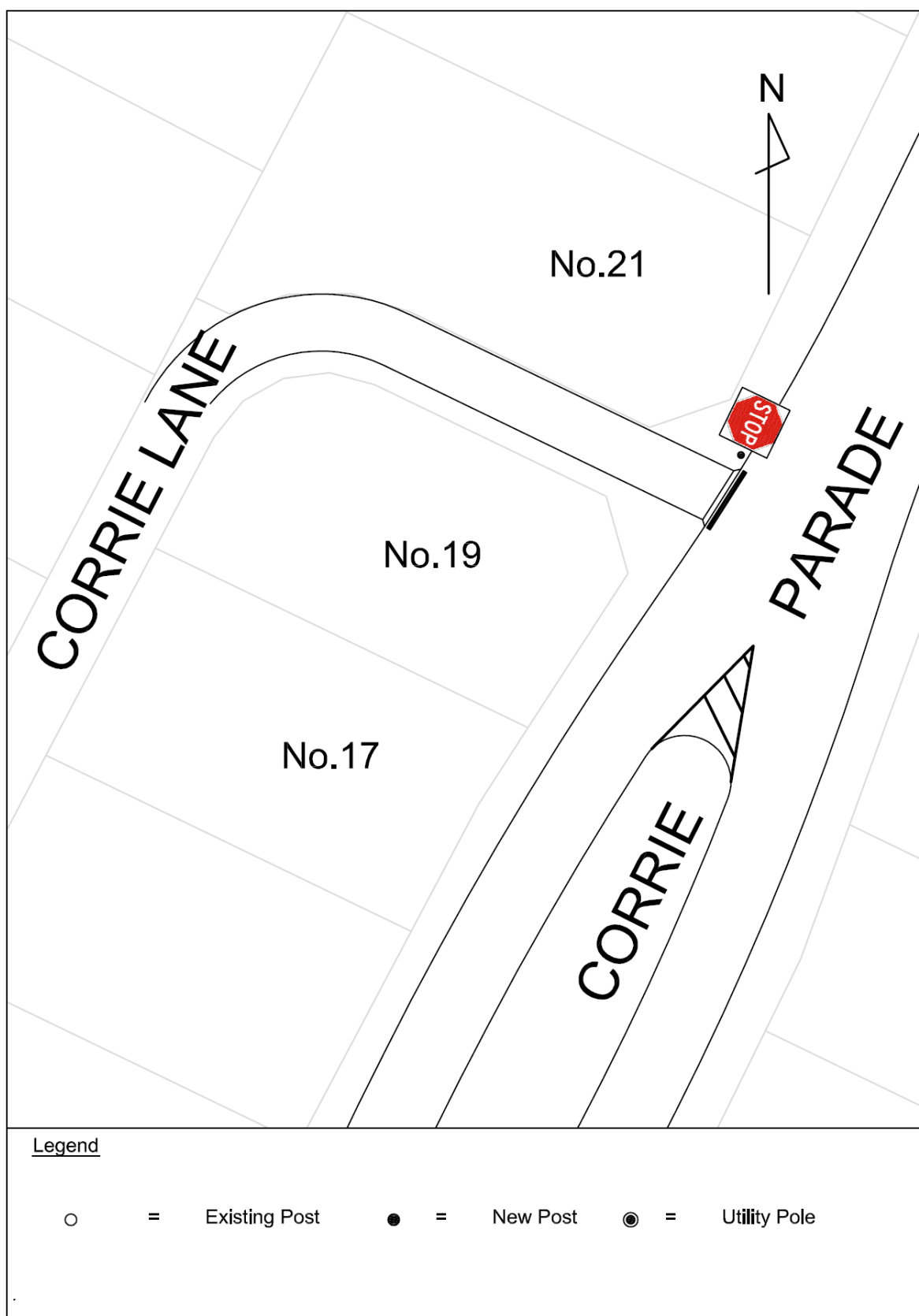
Support for the recommendation:

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

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 3 September 2013

ITEM NO. 29_09/13
Street: Corrie Lane

ANNEXURE A
Page 1 of 1



Item: 30_09/13

TOMAREE STREET NELSON BAY - REQUEST FOR STOP SIGNS AT THE STOCKTON STREET INTERSECTION

Requested by: Port Stephens Council

File: PSC2005-4024/179

Background:

Council has received funding for safety improvements at this intersection under the federally funded Nation Building Blackspot Program. The approved treatments include installation of raised medians, kerb extensions and 'Stop' signs and hold lines in Tomaree Street.

Comment:

The attached plan shows a concept of the works to be undertaken at the intersection. The stop signs and lines will be installed as part of the complete package.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 67 - Stopping and giving way at a stop sign or stop line at an intersection without traffic lights, Rule 99 – Keep left and keep right signs

RTA signs database – R1-1, R2-3

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

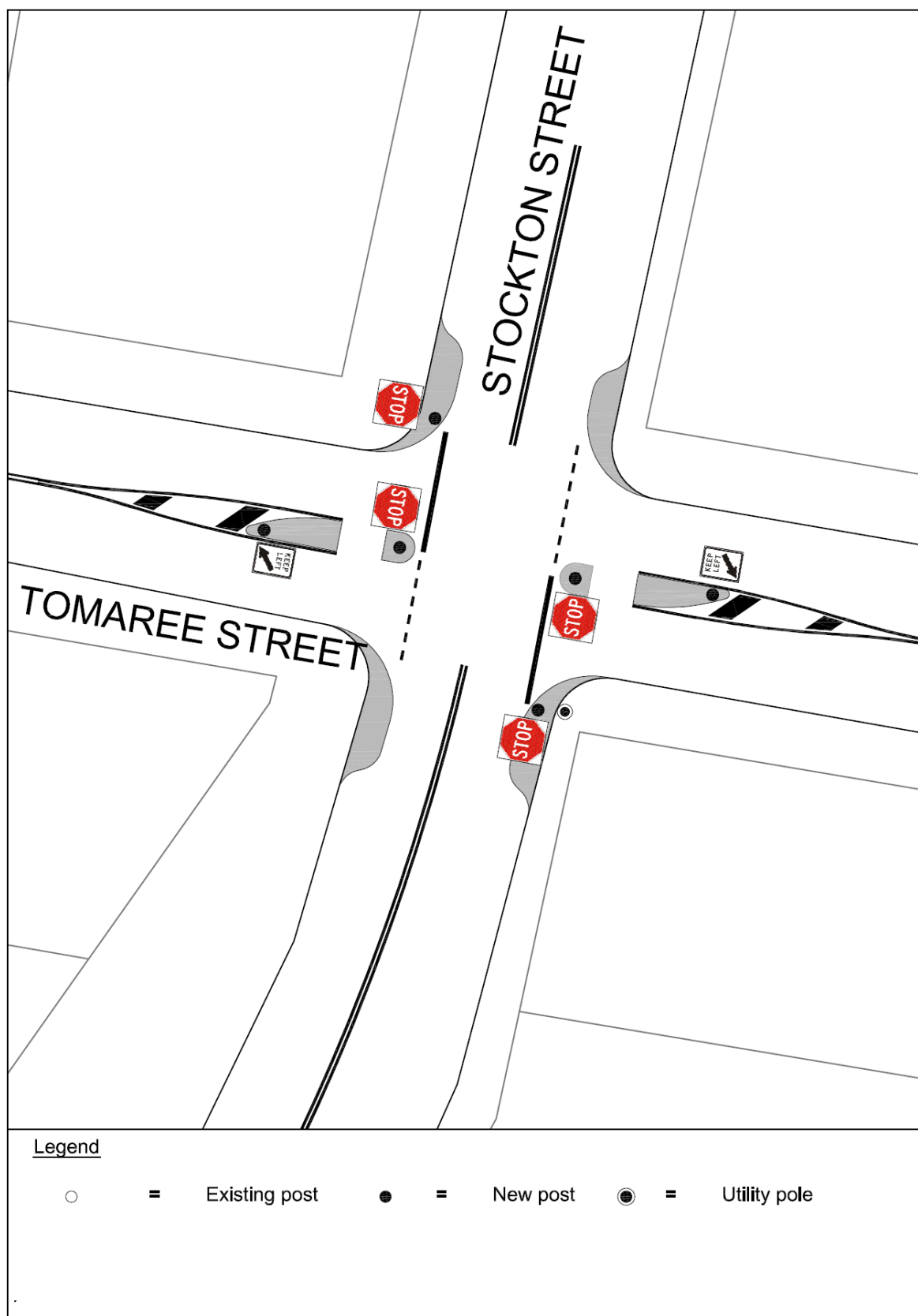
Recommendation to the Committee:

Install Stop signs and lines in Tomaree Street Nelson Bay, at the Stockton Street intersection, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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



Item: 31_09/13

KING ALBERT AVENUE TANILBA BAY - REQUEST FOR ALTERATION OF 'NO PARKING' TO 'NO STOPPING' AT TANILBA BAY PUBLIC SCHOOL

Requested by: Port Stephens Council – Rangers

File:

Background:

Council Rangers have requested alteration of the signage around the centre of the turnaround area at Tanilba Bay Public School, in King Albert Avenue. The signs are currently 'No Parking' and this allows parents to legally drop-off and pick-up children in an unsafe location.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule167 – No stopping signs,

RTA signs database – R5-400

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

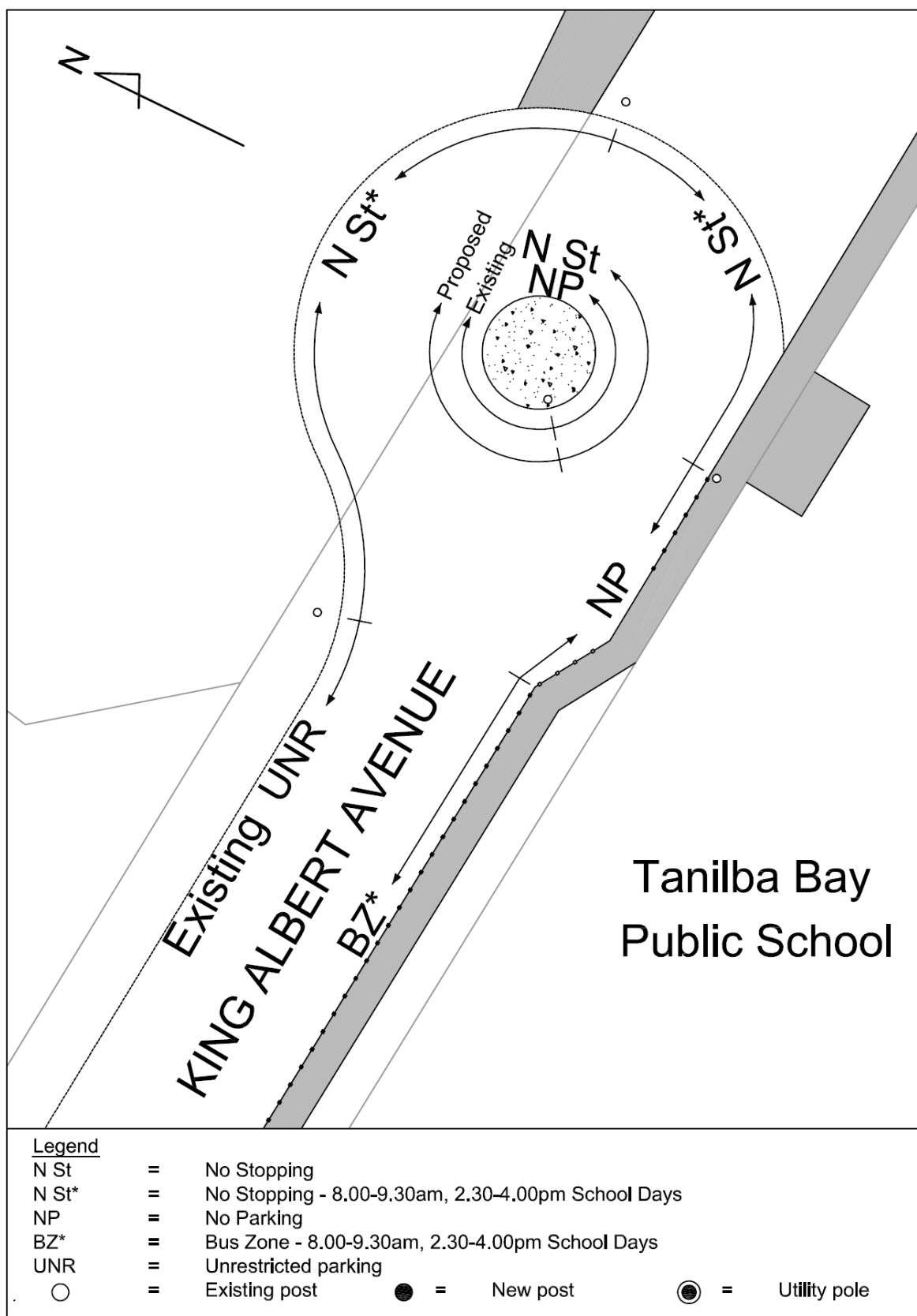
Recommendation to the Committee:

Replace existing 'No Parking' restrictions with 'No Stopping' restrictions in King Albert Avenue Tanilba Bay, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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



Item: 32_09/13

STURGEON STREET RAYMOND TERRACE - REQUEST FOR INSTALLATION OF ACCESSIBLE PARKING AND ALTERATION OF PARKING RESTRICTIONS AT THE NEW LIBRARY

Requested by: Port Stephens Council – Community Services

File: PSC2013-00902

Background:

Council officers have requested alterations to parking restrictions at the new Raymond Terrace Library. The alterations requested are for installation of accessible parking and alteration from the existing 3 hour parking to 2 hour parking.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 203 - Stopping in a parking area for people with disabilities,

Rule 205 – Parking for longer than indicated

AS2890.5 – Parking Facilities – On-street parking

RTA signs database – R5-1-3, R5-2

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

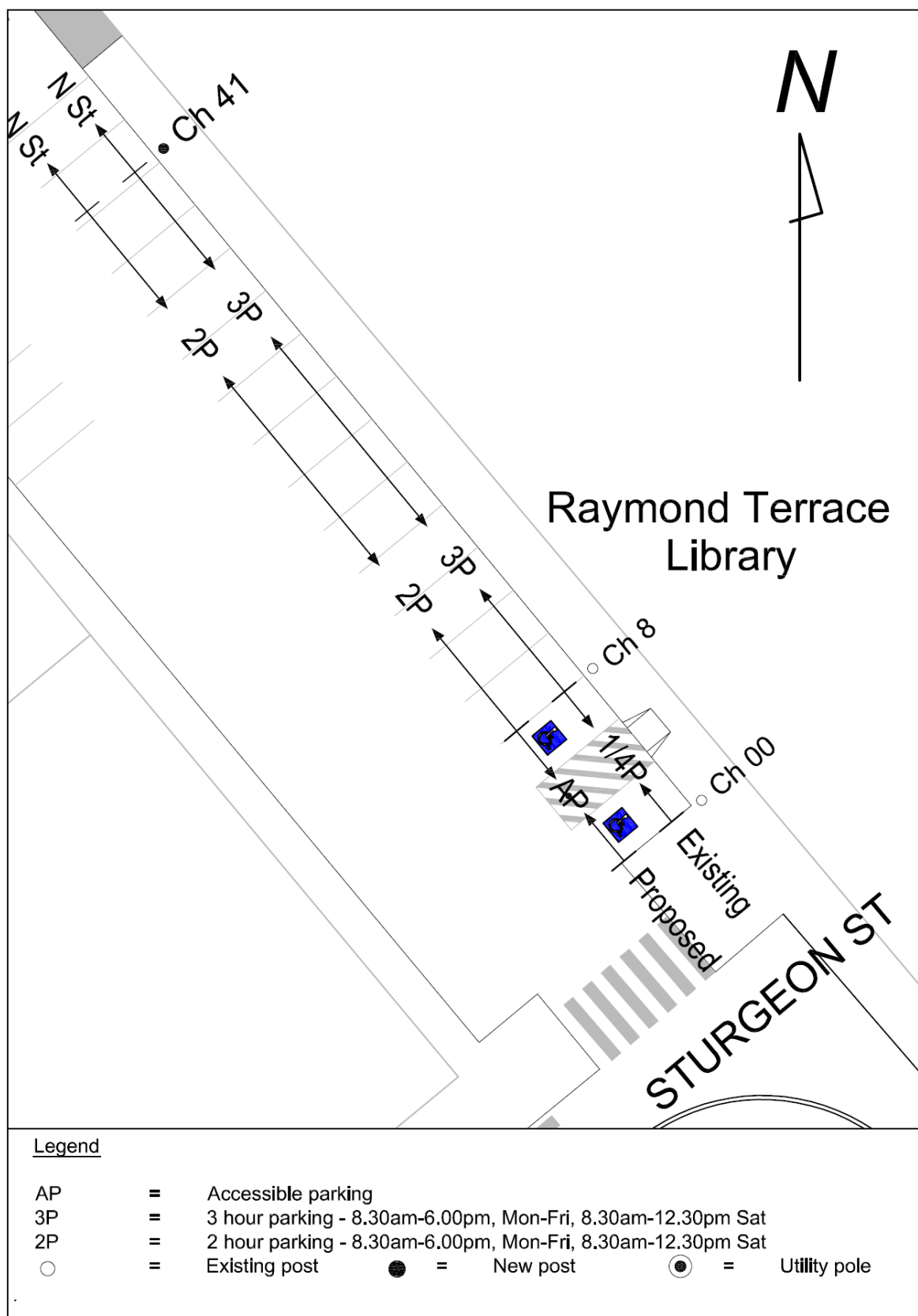
Recommendation to the Committee:

Replace existing '1/4P' restrictions with 'Disability' restrictions and replace existing '3P' restrictions with '2P' restrictions at the new Raymond Terrace Library, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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



D. Informal Items

E. General Business

E.1 Item: 614_09/13

ROADS PORT STEPHENS – REFORM OF THE LOCAL TRAFFIC COMMITTEE PROCESS

Requested by: Port Stephens Council

Background:

The current process for the implementation of Local Traffic Committee recommendations requires that the elected Council adopts the recommendations via a report in the Council business paper. This process is time consuming, requires additional staff resources and increases the size of the Council business paper.

Under the Roads and Maritime Services delegation to Council's for the operation of Local Traffic Committee's, Council's may elect to delegate authority to enact the recommendations of the Local Traffic Committee. This delegation can be to either the general manager, a member of staff or to a nominated Councillor.

This proposal is for the elected Councillors to delegate the authority for operation of the Local Traffic Committee to the general manager. The general manager would in turn sub-delegate to allow the Civil Assets Manager the authority to sign-off on Local Traffic Committee recommendations, following circulation of the minutes of the meeting and subject to any feedback from Councillors.

It is proposed that following each meeting of the Local Traffic Committee that the meeting minutes would be circulated to Committee members and advisors as well as to Councillors. Councillors would have an opportunity to discuss any items of interest with staff and if necessary to object to particular items. Any objections that could not be resolved would then be included in a report to Council, as happens now. Routine items could be adopted under delegated authority which would significantly reduce processing time, improve customer service and increase Council efficiency.

Discussion:

Traffic Committee members voiced their support for the proposed reform of the LTC process. It was noted that the proposed reform will speed up the implementation of Traffic Committee recommendations without reducing Councillor opportunity for input.

ITEM: 615_09/13

SOLDIERS POINT ROAD SOLDIERS POINT – CONTINUATION OF TOMAREE TRIATHLON CLUB EVENTS FOR 2013/2014

Requested by: Tomaree Triathlon Club -

File: PSC2005-3681V2/560

Background:

Port Stephens Council has received application from Tomaree Triathlon Club for the continuation of triathlon events at Soldiers Point for the 2013/2014 season. The schedule of event dates is attached as Annexure A.

Comment:

Council has received no complaints from the public regarding these events, which have run for a number of years at this location. The events are run professionally and have been without incident as far as Council is aware. NSW Police have also issued approval for the events.

Discussion:

Traffic Committee members noted that the event organisers are well organised and have been very cooperative with Council and Police.

MINUTES FOR ORDINARY MEETING – 22 OCTOBER 2013

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 3 September 2013

ITEM NO.615_09/13
Street: Soldiers Point Road

ANNEXURE A
Page 1 of 1

Race Location	All races at Soldiers Point – Adjacent to Salamander Shores Hotel				
Race Distance	Short Course		Long Course		Junior Aquathon
	Swim 250 m Ride 11 km Run 3 km		Swim 500 m Ride 22 km Run 6 km		Swim 150 or 300 m Run 1.5 or 3 km
DATE	Races			Time	
2013					
8 th September	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse	
13th October	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse	
10 th November	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse	
8 th December	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse	
2014					
12 th January	AQUATHON ONLY Novice: Swim: 250m / Run: 1.5km Short: Swim: 500m/ Run: 3km Long: Swim: 1km/ Run: 6km Format subject to change			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse	
9 th February	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse	
9 th March	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse	
13 th April	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse	

ITEM: 616_09/13

NEWLINE ROAD RAYMOND TERRACE – REQUEST TO RELOCATE 60 SPEED LIMIT SIGNS

Requested by: A resident
File: PSC2005-4031/166
Background:

Port Stephens Council has received representations from residents of Beaton Avenue requesting that the '60' speed limit signs on Newline Road be relocated.

Comment:

Currently the speed limit signs are located approximately 250m south of Beaton Avenue. This means that residents of the Riverview Ridge area travelling to Raymond Terrace, come from a 50km/h area, into an 80km/h area and back into a 60km/h zone within a short distance. Large numbers of heavy vehicles from the Waste Management Facility use this road, increasing crash risk at the intersection. Safety would be improved by relocating the change of speed limit to the north of the Beaton Avenue intersection.

Discussion:

ITEM: 617_09/13

KINDLEBARK DRIVE MEDOWIE – REQUEST TO REVIEW THE SPEED LIMIT

Requested by: Craig Baumann MP
File: PSC2005-3921/008
Background:

Port Stephens Council has received representations from Craig Baumann MP requesting that the speed limit on Kindlebark Drive be reviewed at the pre-school.

Comment:

The area is already 50km/h and does not meet the criteria required to have the speed limit further reduced.

Discussion:

Traffic Committee members noted that installation of edge-lines and improved delineation would have a positive effect on reducing vehicle speeds in this area. Similar work undertaken in Benjamin Lee Drive at Raymond Terrace and elsewhere has resulted in worthwhile speed reductions at those locations and should be trialled in Kindlebark Drive.

ITEM: 618_09/13

LEISURE WAY RAYMOND TERRACE – TRAFFIC MANAGEMENT PLAN FOR THE NSW ABORIGINAL RUGBY LEAGUE KNOCKOUT

Requested by: Newcastle Yowies

File: PSC2013-01615/012

Background:

Port Stephens Council has received a draft Traffic and Transport Management Plan for the upcoming NSW Aboriginal Rugby League Knockout event. This event is to be held on the long weekend from 4th – 7th October 2013 at Council's Lakeside sporting fields.

Comment:

Council officers have identified a number of omissions from the TMP that need to be addressed. The draft document has been forwarded to Police and Roads and Maritime Services for review and comment. Further meetings will be held with the applicant in the leadup to the event

Discussion:

ITEM NO. 10

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 22 October, 2013.

No:	Report Title
-----	--------------

- | | |
|---|---|
| 1 | Cash and Investments Held at 30 September 2013 |
| 2 | Quarterly Report of Mayor and Councillor Expenses |
-

ORDINARY COUNCIL MEETING – 22 OCTOBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

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

301	Councillor John Nell Councillor Paul Le Mottee
	It was resolved that Council move out Committee of the Whole.

MOTION

311	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 22 October, 2013.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 2013

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 September 2013.

ATTACHMENTS

- 1) Cash and investments held at 30 September 2013;
- 2) Monthly cash and investments balance September 2012 to September 2013;
- 3) Monthly Australian term deposit index September 2012 to September 2013.

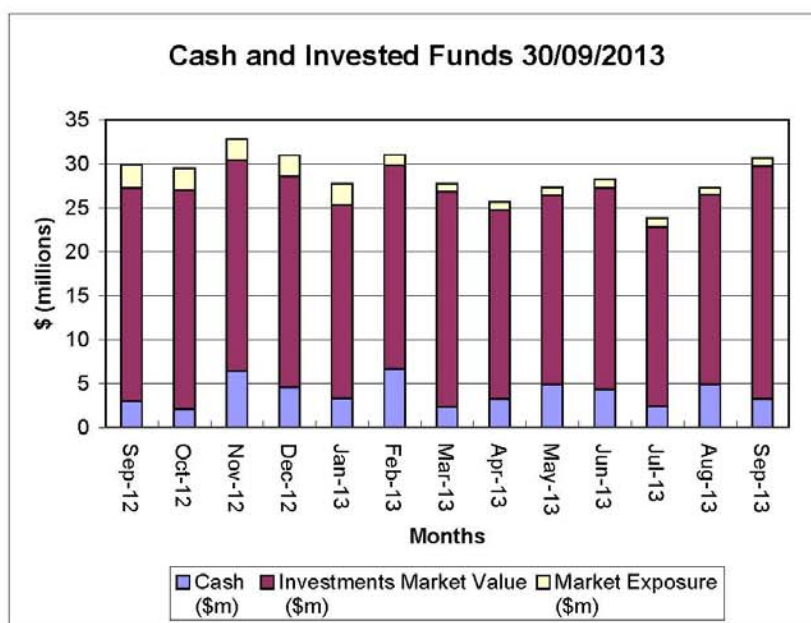
ATTACHMENT 1

CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 2013								
ISSUER	BROKER	RATING	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
HERITAGE BANK	CURVE	P-2/A3	TD	4.18%	135	9-Oct-13	1,000,000	1,000,000
HERITAGE BANK	FIIG	P-2/A3	TD	4.18%	118	9-Oct-13	1,000,000	1,000,000
ME BANK	ME BANK	A2/BBB	TD	4.25%	126	23-Oct-13	1,000,000	1,000,000
BANK OF SYDNEY LTD	BOS	N/R	TD	4.30%	98	23-Oct-13	1,000,000	1,000,000
BANK OF SYDNEY LTD	BOS	N/R	TD	4.30%	112	6-Nov-13	1,000,000	1,000,000
PEOPLES CHOICE CREDIT UNION	FARQUHARSON	A2/BBB+	TD	4.05%	112	6-Nov-13	1,000,000	1,000,000
ME BANK	CURVE	A2/BBB	TD	4.23%	159	20-Nov-13	500,000	500,000
COASTLINE CREDIT UNION	FIIG	N/R	TD	4.23%	159	20-Nov-13	1,000,000	1,000,000
ME BANK	ME BANK	A2/BBB	TD	4.05%	119	4-Dec-13	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	BOQ	A2/BBB+	TD	4.50%	278	18-Dec-13	1,500,000	1,500,000
GOLDFIELDS MONEY LTD	CURVE	N/R	TD	3.85%	92	18-Dec-13	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	RIM	B/BB+	TD	3.85%	127	2-Jan-14	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	FARQUHARSON	B/BB+	TD	3.85%	119	2-Jan-14	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	CURVE	A2/BBB+	TD	3.90%	147	15-Jan-14	1,000,000	1,000,000
THE MUTUAL	THE MUTUAL	N/R	TD	3.85%	147	15-Jan-14	1,000,000	1,000,000
SUNCORP BANK	SUNCORP	A1/A+	TD	4.03%	142	29-Jan-14	2,000,000	2,000,000
ING BANK (AUSTRALIA) LTD	RIM	A1/A	TD	3.85%	160	12-Feb-14	1,000,000	1,000,000
INVESTEK BANK (AUSTRALIA) LTD	CURVE	P-3/Baa3	TD	3.81%	154	12-Feb-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	A1+/AA-	TD	3.80%	163	26-Feb-14	1,000,000	1,000,000
INVESTEK BANK (AUSTRALIA) LTD	FIIG	P-3/Baa3	TD	3.87%	182	12-Mar-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	A1+/AA-	TD	3.80%	182	26-Mar-14	1,000,000	1,000,000
RURAL BANK LTD	CURVE	A2/A-	TD	3.75%	182	26-Mar-14	1,000,000	1,000,000
RURAL BANK LTD	CURVE	A2/A-	TD	3.75%	181	26-Mar-14	1,000,000	1,000,000
SUB TOTAL (\$)							24,000,000	24,000,000
OTHER INVESTMENTS								
GRANGE SECURITIES "KAKADU AA"	GRANGE	CCC	CDO	4.35% 7yrs		20-Mar-14	1,000,000	260,200
DEUTSCHE BANK TELSTRA LNK DEP. NTE	FIIG SECURITIES	A+	FRN	4.43% 7yrs		30-Nov-14	500,000	485,000
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99% 10yrs		31-Dec-14	500,000	500,000
NEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A+p	CDO	0.00% 10yrs		23-Jun-15	412,500	373,313
ANZ ZERO COUPON BOND	ANZ	AA	BOND	0.00% 9yrs		1-Jun-17	1,017,876	870,854
SUB TOTAL (\$)							3,430,376	2,489,367
INVESTMENTS TOTAL (\$)							27,430,376	26,489,367
CASH AT BANK (\$)							3,221,304	3,221,304
TOTAL CASH AND INVESTMENTS (\$)							30,651,680	29,710,671
CASH AT BANK INTEREST RATE				2.70%				
BBSW FOR PREVIOUS 3 MONTHS				2.72%				
AVG. INVESTMENT RATE OF RETURN				3.84%				
TD = TERM DEPOSIT				FRN = FLOATING RATE NOTE				
CDO = COLLATERALISED DEBT OBLIGATION				FRSD = FLOATING RATE SUBORDINATED DEBT				
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
P GESLING								

ATTACHMENT 2

Cash and Investments Held

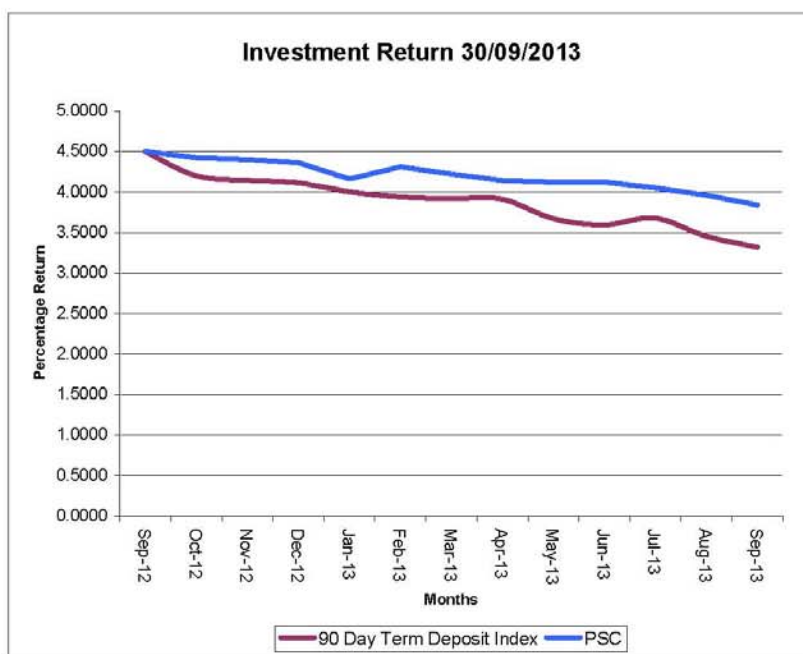
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Sep-12	2.945	24.263	2.667	29.875
Oct-12	2.066	24.918	2.512	29.496
Nov-12	6.388	23.962	2.468	32.818
Dec-12	4.524	24.003	2.427	30.955
Jan-13	3.291	21.993	2.438	27.721
Feb-13	6.608	23.191	1.240	31.038
Mar-13	2.301	24.525	0.906	27.731
Apr-13	3.192	21.527	0.903	25.623
May-13	4.870	21.531	0.900	27.301
Jun-13	4.302	22.926	1.005	28.232
Jul-13	2.366	20.426	1.005	23.797
Aug-13	4.847	21.578	0.852	27.278
Sep-13	3.221	26.489	0.941	30.652



ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	90 Day Term Deposit Index	PSC
Sep-12	4.4974	4.5
Oct-12	4.1994	4.42
Nov-12	4.1428	4.4
Dec-12	4.1100	4.36
Jan-13	4.0025	4.16
Feb-13	3.9400	4.31
Mar-13	3.9185	4.22
Apr-13	3.9119	4.14
May-13	3.6715	4.12
Jun-13	3.5944	4.12
Jul-13	3.6774	4.05
Aug-13	3.4506	3.96
Sep-13	3.3183	3.84



INFORMATION ITEM NO. 2

**QUARTERLY REPORT OF MAYOR AND COUNCILLOR EXPENSES
JULY 2013 – SEPTEMBER 2013**

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

FILE: PSC2010-04205

BACKGROUND

The purpose of this report is to provide the quarterly expenses of the Mayor and Councillors which have been incurred in accordance with the Payment of Expenses and Provision of Facilities to Councillors policy.

The table at **(ATTACHMENT 1)** also includes the total number of meetings attended during the period.

ATTACHMENTS

- 1) Quarterly Report of Mayor and Councillor Expenses.

MINUTES FOR ORDINARY MEETING – 22 OCTOBER 2013

ATTACHMENT 1 - QUARTERLY REPORT –JULY 2013 – SEPT 2013

			Cr Bruce MacKenzie	Cr Chris Doohan	Cr Geoff Dingle	Cr John Morello	Cr John Neill	Cr Ken Jordan	Cr Paul Le Mothee	Cr Peter Kater	Cr Sally Dover	Cr Steve Tucker	TOTALS
Total Council Meetings Attended (6 held)		Limits as per policy	6	5	5	4	1	5	4	4	6	6	46
Councillor Mobile Rental	802.123	\$200 per month	\$275.00	\$267.00	\$183.00	\$365.00	\$134.00	\$273.00	\$0.00	\$0.00	\$232.00	\$473.00	\$2,202.00
Councillor Mobile Calls	803.123		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$48.00	\$0.00	\$99.00	\$0.00	\$0.00	\$147.00
Councillor Landline Phone Rental	804.123		\$0.00	\$0.00	\$149.00	\$46.00	\$164.00	\$43.00	\$0.00	\$0.00	\$100.00	\$182.00	\$684.00
Councillor Landline Phone Calls	805.123		\$0.00	\$0.00	\$31.00	\$97.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6.00	\$0.00	\$134.00
Councillor Fax Rental	807.123		\$0.00	\$0.00	\$0.00	\$0.00	\$16.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$16.00
Councillor Fax Calls	808.123	\$60 per month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Internet	806.123		\$0.00	\$109.00	\$164.00	\$109.00	\$164.00	\$109.00	\$0.00	\$0.00	\$109.00	\$163.00	\$927.00
Councillor Intrastate Travel Expenses	801.123		\$836.00	\$157.00	\$391.00	\$325.00	\$12.00	\$371.00	\$0.00	\$0.00	\$1,554.00	\$1,139.00	\$4,785.00
Councillor Intrastate out of pocket expenses	809.123		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$85.00	\$0.00	\$85.00
Councillor Interstate Travel (out of NSW)	810.123		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18.00	\$18.00
Councillor Interstate out of pocket expenses	813.123	\$3,500 per year	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Interstate Accommodation (out of NSW)	811.123		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillors Intrastate Accommodation	812.123		\$391.00	\$0.00	\$0.00	\$0.00	\$406.00	\$829.00	\$0.00	\$0.00	\$232.00	\$0.00	\$1,858.00
Councillor Conferences	814.123		\$2,701.00	\$0.00	\$0.00	\$0.00	\$650.00	\$1,259.00	\$824.00	\$0.00	\$824.00	\$1,255.00	\$7,513.00
Councillor Training	815.123		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Partner Expenses	816.123	Mayor \$1,000 per term Crs \$500 per term	\$787.00	\$0.00	\$0.00	\$0.00	\$127.00	\$137.00	\$141.00	\$0.00	\$257.00	\$141.00	\$1,590.00
Councillor Computers	817.123	\$3,000 per term	\$631.00	\$0.00	\$0.00	\$0.00	\$0.00	\$30.00	\$0.00	\$0.00	\$0.00	\$0.00	\$601.00
Councillor Stationary	818.123	No limit.	\$0.00	\$30.00	\$30.00	\$30.00	\$30.00	\$0.00	\$30.00	\$30.00	\$112.00	\$30.00	\$322.00
Councillor Awards/Ceremonies/Diners	819.123	\$100 per day	\$627.00	\$0.00	\$0.00	\$35.00	\$0.00	\$0.00	\$36.00	\$18.00	\$340.00	\$271.00	\$1,327.00
Councillor Child Care Costs	820.123	\$2,000 per term	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Allowances		Mayor \$55,650 per annum. Crs - \$17,490 per annum	\$13,912.00	\$4,372.00	\$4,372.00	\$4,372.00	\$4,372.00	\$4,372.00	\$4,372.00	\$4,372.00	\$4,372.00	\$4,372.00	\$53,260.00
TOTALS			\$18,898.00	\$4,935.00	\$5,320.00	\$5,379.00	\$6,075.00	\$7,471.00	\$5,403.00	\$4,519.00	\$8,223.00	\$8,044.00	\$74,267.00

There being no further business the meeting closed at 6.30pm.

I certify that pages 1 to 124 of the Open Ordinary Minutes of Council 22 October 2013 were confirmed by Council at its meeting held on 12 November 2013.

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Bruce MacKenzie MAYOR