

## MINUTES 24 SEPTEMBER 2013



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 24 September 2013, commencing at 5.45pm.

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

257	<b>Councillor Chris Doohan</b> <b>Councillor Ken Jordan</b>
	It was resolved that apologies from Cr Paul Le Mottee and Cr Peter Kafer be received and noted.
258	<b>Councillor Sally Dover</b> <b>Councillor Steve Tucker</b>
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 10 September 2013 be confirmed.
	No Declarations of Interest were received.

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# MAYORAL MINUTES

# MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2009-08122

## TATEYAMA CITY MARATHON SISTER CITIES EXCHANGE

### THAT COUNCIL:

- 1) Seek nominations from the residents of Port Stephens to represent the area to take part in the Marathon exchange in Tateyama; and
- 2) Provide \$1,000 from Mayoral funds as a contribution towards the costs associated for both participants (\$500 each).

### ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013 MOTION

259	Mayor Bruce MacKenzie
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1. Seek nominations from the residents of Port Stephens to represent the area to take part in the Marathon exchange in Tateyama; and</li><li>2. Provide \$1,000 from Mayoral funds as a contribution towards the costs associated for both participants (\$500 each).</li></ol>

### BACKGROUND

The Mayor of the City of Tateyama and the President of Tateyama International Exchange Society have extended an invitation for two (2) residents of Port Stephens to participant in a Marathon Exchange in Tateyama.

The City of Tateyama will conduct the 34<sup>th</sup> Wakashio Marathon on Sunday, 26 January 2014. The Marathon will include a full marathon race, a 10km marathon race and a 2km family marathon. Last years' marathon attracted about 9,000 participants.

It is proposed that the visit would be from 24 January to 28 January 2014.

The program would include:

Accommodation through the homestay program  
Participants would be collected from Narita airport  
Entry fee for the marathon

Japanese cultural experience  
Two hour marathon class

All other costs (airfare costs, etc) associated with the visit would be at the expense of the participants.

Should Council proceed to accept the invitation, an expression of interest would be placed in the local media and on the website with appropriate selection criteria.

# **COUNCIL REPORTS**

**ITEM NO. 1****FILE NO: A2004-0372****COUNCIL MEETINGS CYCLE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Determine the meeting cycle for Ordinary Council meetings;
  - 2) Make the relevant changes to the Code of Meeting Practice, should Council elect to make changes to the meeting cycle and publicly exhibit for 28 days;
  - 3) Should there be no submissions, the Code of Meeting Practice be adopted as exhibited without a further back to Council.
- 

**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013**  
**MOTION**

260	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that Council move into Committee of the Whole.

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Steve Tucker</b> <b>Councillor Ken Jordan</b>
	That Council continue with the current meeting cycle.

**MOTION**

262	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

The purpose of this report is to inform Council of the current Council meetings cycle.

## MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013

Council at its meeting in September 2012, adopted its current meeting cycle to meet on the second and fourth Tuesday of each month.

The adopted meeting and inspection cycle for each month is shown below:

1) **Week 1**

No meetings, inspections and/or 2 way conversations.

2) **Week 2**

Inspections and/or 2 way conversations as required. Followed by public access, if required and then the Ordinary Meeting of Council.

3) **Week 3**

Inspections and/or 2 way conversations as required.

4) **Week 4**

Inspections and/or 2 way conversations as required. Followed by public access, if required and then the Ordinary Meeting of Council.

5) **Week 5**

No meetings, inspections and/or 2 way conversations.

### FINANCIAL/RESOURCE IMPLICATIONS

All financial implications are provided for within the existing budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	20,948	Options 1 & 2 are provided for in the existing budget. The budget allows for the printing and distribution of business papers and minutes only. Other costs include staff time & catering. If Council elects to move towards a different meeting cycle additional cost implication would need to be provided.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

## LEGAL AND POLICY IMPLICATIONS

Section 365 of the Local Government Act requires Council to meet at least **10 times** per year in different months. The Local Government (General) Regulation provides for Council to establish such committees as it considers necessary. Council must specify the functions of such committees.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk of would be in breach of the <i>Local Government Act 1993</i> if it failed to meet at least 10 times a year.	Low	That Council holds at least 10 meeting per year.	Yes

## SUSTAINABILITY IMPLICATIONS SOCIAL IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

## CONSULTATION

- 1) General Manager.

## OPTIONS

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

## ATTACHMENTS

- 1) Meeting Cycle Options.

## TABLED DOCUMENTS

Nil.

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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# ATTACHMENT 1

WEEK	OPTION 1 Current meeting cycle	OPTION 2	OPTION 3
1	No meetings or inspections	4.00pm to 5.30pm 2-way conversation Program	4.00pm to 5.30pm 2-way conversation Program  5.30pm Public Access, if required  Followed by Council Committee Meeting
2	4.00pm to 5.00pm 2-way conversation Program  5.30pm Public Access, if required  <b>followed by Ordinary Council Meeting (Committee of the Whole with "block" adoption of recommendations)</b>	4.00pm to 5.30pm 2-way conversation Program  5.30pm Public Access, if required  Followed by Council Committee Meeting	4.00pm to 5.30pm 2-way conversation Program  5.30pm Ordinary Council Meeting
3	4.00pm to 5.00pm 2-way conversation Program  Presentations and Workshops as required.	4.00pm to 5.30pm 2-way conversation Program  5.30pm Public Access, if required	4.00pm to 5.30pm 2-way conversation Program  5.30pm Public Access, if required  followed by Council Committee Meeting
4	4.00pm to 5.30pm 2-way conversation Program  5.30pm Public Access, if required  <b>followed by Ordinary Council Meeting (Committee of the Whole with "block" adoption of recommendations)</b>	4.00pm to 5.30pm 2-way conversation Program  5.30pm Ordinary Council Meeting	4.00pm to 5.30pm 2-way conversation Program  5.30pm Ordinary Council Meeting
5	No meetings or inspections	4.00pm to 5.30pm 2-way conversation Program  5.30pm Presentations and Workshops as required.	4.00pm to 5.30pm 2-way conversation Program  5.30pm Presentations and Workshops as required.

ITEM NO. 2

FILE NO: A2004-0370

## MEMBERSHIP OF COMMITTEES & GROUPS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

### RECOMMENDATION IS THAT COUNCIL:

- 1) Nominates membership of Council Committees, 355(c) Committees and Regional Committees and Groups, and amends the constitutions to include new membership where applicable (**ATTACHMENT 1**);
- 2) Re-name the following Committee/s:
  - Tanilba Bay Parks, Reserves & Hall Committee to Tanilba Bay Parks, Reserves, Foreshore & Hall Committee;
- 3) Remove the following Committees/Groups from the listing as memberships are no longer required:
  - Tanilba Bay Senior Citizens Hall Management Committee;
  - Tilligerry Aquatic Centre Advisory Committee;
  - Aircraft Noise Reference Panel;
  - North Coast NSW Regional Tourism Board;
  - Sabre Jet Committee;
  - Strategic Arts & Cultural Committee;
  - Tilligerry Creek Catchment Committee;
  - Hunter Councils Board Advisory Groups.
  - Ngoika Centre Committee.

### ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p><b>Councillor Steve Tucker</b> <b>Councillor Ken Jordan</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1) Continue with the current committee memberships and include Cr Chris Doohan to the Audit Committee;</li> <li>2) Re-name the following Committee/s:                     <ul style="list-style-type: none"> <li>• Tanilba Bay Parks, Reserves &amp; Hall Committee to Tanilba Bay Parks, Reserves, Foreshore &amp; Hall Committee;</li> </ul> </li> <li>3) Remove the following Committees/Groups from the listing as memberships are no longer required:                     <ul style="list-style-type: none"> <li>• Tanilba Bay Senior Citizens Hall Management Committee;</li> <li>• Tilligerry Aquatic Centre Advisory Committee;</li> <li>• North Coast NSW Regional Tourism Board;</li> <li>• Sabre Jet Committee;</li> </ul> </li> </ol>
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	<ul style="list-style-type: none"><li>• Strategic Arts &amp; Cultural Committee;</li><li>• Tilligerry Creek Catchment Committee;</li><li>• Hunter Councils Board Advisory Groups;</li><li>• Newcastle Airport Joint sub-committee;</li><li>• Ngoika Centre Committee.</li></ul>
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## **MOTION**

<b>263</b>	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

## **BACKGROUND**

In accordance with legislation Council is required to nominate delegates and adopt the list of 355(c) Committees.

As part of Council's commitment to community partnerships it provides opportunities for the community to be involved with the management of the facilities they use. Council has established over 50 community committees, which are involved in the care and management of Council's parks, reserves, services and facilities.

These committees are allowable under Section 355 and Section 377 of the Local Government Act, which allow Council to delegate certain functions.

For a 355(c) committee, the written record of delegations is contained in the **committee constitution** as prepared and adopted by Council. Functions that cannot be delegated (under Section 377) are listed in the constitution. Any change to delegations to a 355(c) committee must be effected by resolution of Council.

The key concept is that a 355(c) committee is a **Council** committee. Committees include Councillor representation and a Council staff member responsible for liaison. A 355(c) committee operates as an entity of Port Stephens Council and not as a separate entity in a commercial sense. This means that these committees use Council's Australian Business Number (ABN) when trading goods and services and are also required to report on a monthly basis as is required of Council.

Council has in excess of 50, 355(c) committees with over 800 members in total.

A number of 355(c) Committees undertake work in areas such as dune stabilisation, weed eradication, litter removal, Tidy Towns program participation and providing environmental information and support to Council. These groups work under direction from Council staff to ensure these activities are performed in accordance with recognised practices.

## MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013

The activities and projects undertaken by committees are often those not financially possible for Council without this volunteer assistance. *Examples include:*

FACILITY MANAGEMENT	MAINTENANCE & IMPROVEMENTS TO RESERVES	OTHER
Community Halls	Parks & Reserves	Band
Sporting Ovals	Foreshore Reserves	Choir
Cemeteries		Advisory Committees
		Sports Council

Council can delegate certain functions to a committee: these are listed in the committee's schedule, which forms part of their constitution. A 355(c) committee constitution consists of a standard constitution, which is applicable to all committees and a schedule customised for each individual committee. This provides the framework of how a 355(c) committee operates and is supported by procedures, systems and reporting requirements.

Council has the same responsibilities for 355(c) committee members as they do for staff including Workplace Health & Safety (WH&S), Code of Conduct and responsibility for activities.

### Regional Committees and Groups

In addition to the 355(c) Committees, Councillors and Council staff participate in, and are members of a number of regional committees and groups established to promote an integrated approach to delivering and managing services and addressing issues across the Local Government Area.

Note: The previous list of Committees and Groups are shown at **(ATTACHMENT 1)** with previous delegates shown in *italics*.

### FINANCIAL/RESOURCE IMPLICATIONS

Financial and Resource implications are provided for within the existing budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The costs associated with Councillor attendance is included as part of the Councillor allowance.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Council has a legal obligation under the Local Government Act 1993.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council could be in breach of the Local Government Act 1993, if its failed to appoint the Committees/groups/organisations as listed in <b>(ATTACHMENT 1)</b> .	Low	Council appoint elected representatives as outlines in the report and adopt the Committees/groups/organisations as listed in <b>(ATTACHMENT 1)</b> .	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

- 1) General Manager;
- 2) Council employees.

**OPTIONS**

- 1) Note the report and endorse existing appointments;
- 2) Review committee appointments.

**ATTACHMENTS**

- 1) Election of Representatives on Council Committees and Regional Committees and Groups.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## ATTACHMENT 1

## **ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS**

Ref	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegates
1	Aboriginal Strategic Committee	<p>To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people.</p> <p>To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.</p> <p>To make recommendations to Council on the allocation of available Aboriginal Projects Funds.</p>	Meeting cycle is quarterly.	Development Services	Cr Peter Kafer Cr Sally Dover
2	Anna Bay, Birubi Pt Reserves, Hall & Tidy Towns Committee	<p>To assist Council in the management of Anna Bay Hall.</p> <p>To undertake maintenance and improvements to designated parks &amp; reserves (as per map included in committee constitution).</p>	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Cr Steve Tucker

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegates
3	Audit Committee	<p>The Audit Committee is an advisory committee of Council comprising of the Council representatives and two external representatives.</p> <p>The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.</p>	<i>At least four times a year or when necessary</i>	General Manager's Office	<p>Cr Ken Jordan Cr Peter Kafer</p> <p><i>Note: DLG guidelines preclude the Mayor from being a member of the Committee.</i></p>
4	Boat Harbour Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<p>Cr Geoff Dingle Cr Sally Dover Cr John Morello</p>
5	Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Steve Tucker
6	Communicate Port Stephens	To assist Council in the management and promotion of Communicate Port Stephens.	<i>Meetings are held quarterly</i>	Development Services	<p>Cr Ken Jordan Cr Peter Kafer</p>
7	Corlette Headland Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr John Morello

<b>MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013</b>
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	<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegates</b>
8	Corlette Reserves & Hall 355(c) Committee	To assist Council in the management of Corlette Hall.  To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Cr John Morello
9	Fern Bay Public Hall, Reserves and Tidy Towns Committee	To assist Council in the management of Fern Bay Hall.  To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Cr Geoff Dingle
10	Financial Assistance Community Grants Panel	To make recommendations to Council on applications received through the Grants process	Twice a year	General Manager's Office	Mayor Bruce MacKenzie Cr Ken Jordan Cr Chris Doohan Cr John Nell (1 Councillor from each Ward).  Alternative Cr Geoff Dingle
11	Fingal Bay Parks & Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Cr John Nell
12	Hinton School of Arts, Parks & Foreshore Committee	To assist Council in the management of Hinton School of Arts.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Cr Ken Jordan
13	Karuah Hall Committee	To assist Council in the management of Karuah Community Centre Committee.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Cr Peter Kafer Cr Ken Jordan

<b>MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013</b>
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	<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegates</b>
14	Karuah Tidy Towns, Parks Reserves & Wetlands Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Cr Ken Jordan Cr Paul Le Mottee
15	Lemon Tree Passage Parks and Reserves 355 (c) Committee	To undertake maintenance and improvements to parks in Lemon Tree Passage	Committees are required to hold meetings at least quarterly at a time to be decided by the committee	Facilities & Services	Mayor Bruce MacKenzie Cr Steve Tucker
16	Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Mayor Bruce MacKenzie Cr Steve Tucker
17	Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Mayor Bruce MacKenzie Cr Steve Tucker
18	Mambo Wanda Wetlands, Reserves & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Cr John Nell
19	Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Cr Geoff Dingle Cr Chris Doohan Cr Steve Tucker
20	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October  1 <sup>st</sup> Monday	Facilities & Services	Cr Geoff Dingle Cr Chris Doohan Cr Steve Tucker

**MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013**

	<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegates</b>
21	Medowie Tidy Towns & Cycleway Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Geoff Dingle Cr Steve Tucker Cr Chris Doohan
22	Nelson Bay Senior Citizens Hall Committee	To assist Council in the management of Nelson Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Sally Dover
23	Nelson Bay West Parkcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr John Nell
24	Ngioka Horticultural Therapy Centre Business Advisory Panel	To assist in the care and management of the Ngioka Centre (a facility to provide for education and therapy focusing on people with a disability and disadvantaged people).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Sally Dover
25	Port Stephens Adult Choir Committee	To promote, organise and train the Port Stephens Choir.  To develop a sense of community identity and belonging by involving participants in community cultural projects.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Development Services	Cr Steve Tucker
26	Port Stephens Australia Day Celebrations Coordinating Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Development Services	Cr Sally Dover Cr John Morello Cr Ken Jordan
27	Port Stephens Sister Cities Committee	To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	General Manager's Office	All Councillors

# MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013

	<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegates</b>
28	Port Stephens Community Band Committee	To promote, organise and train the Port Stephens Community Band.  To develop a sense of community identity and belonging by involving youth and adults in community cultural projects.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Development Services	Cr Steve Tucker
29	Port Stephens Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Development Services	Cr Paul Le Mottee
30	Port Stephens Native Flora Garden Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Quarterly	Facilities & Services	Cr John Nell
31	Port Stephens Sports Council	To provide input and forward planning, from a Council wide basis, on facilities, sporting statistics, policies and recommendations on future needs.  To administer the Sportsperson of the Year Award.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Facilities & Services	Mayor Bruce MacKenzie Cr Ken Jordan
32	Port Stephens Strategic Arts & Cultural Committee	To undertake an initial review of grant applications under Council's Cultural Projects Funds. A sub group of this Committee is the 'Cultural Grants Review Panel'. This panel which includes representatives from the Strategic Arts & Cultural Committee makes the final recommendations to Council based on their assessment of applications received.	Meets bi-monthly	Development Services	Cr John Nell Cr Steve Tucker Cr Paul Le Mottee  (1 from each Ward)

<b>MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013</b>
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	<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegates</b>
33	Raymond Terrace Parks, Reserves & Tidy Towns Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Peter Kafer Cr Ken Jordan Cr Paul Le Mottee</i>
34	Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee Cr Peter Kafer</i>
35	Raymond Terrace Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October  <i>2<sup>nd</sup> Monday</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee Cr Peter Kafer</i>
36	Rural West Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October  <i>2<sup>nd</sup> Wednesday</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee Cr Peter Kafer</i>
37	Salt Ash Community Hall, Committee	To assist Council in the management of Salt Ash Community Hall & Tennis Courts.  To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Mayor Bruce MacKenzie Cr Steve Tucker</i>

<b>MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013</b>
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	<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegates</b>
38	Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Oval.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Mayor Bruce MacKenzie Cr Steve Tucker
39	Seaham School of Arts and Community Hall Committee	To assist Council in the management of:  Seaham School of Arts Seaham Community Hall	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Ken Jordan
40	Seaham Park & Wetlands Committee  <i>Name change from Seaham Hall</i>	To assist Council in the management, maintenance and improvements to the Park.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Ken Jordan Cr Peter Kafer Cr Paul Le Mottee
41	Section 94 Panel	Oversee the allocation of Section 94 contributions.	<i>Bi monthly</i>	Development Services	Mayor Cr Bruce Mackenzie Cr Ken Jordan Cr Steve Tucker
42	Shoal Bay Beach Preservation Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr John Morello
43	Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Sally Dover

# MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013

	<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegates</b>
44	Tanilba Bay Parks, Reserves & Hall Committee  <b>Committee Request to change the Committee name to: Tanilba Bay Parks, Reserves &amp; Foreshore Hall Committee</b>	To assist Council in the management of Tanilba Bay Hall.  To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Mayor Bruce MacKenzie Cr Steve Tucker
45	Tilligerry Aquatic Centre Advisory Committee	To promote the Tilligerry Aquatic Centre within the community.  To establish and promote links with local primary, secondary schools and the community.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Mayor Bruce MacKenzie Cr Steve Tucker
46	Lemon Tree Passage Old School Centre Committee  Name changed from Tilligerry Community Centre Committee	To assist Council in the management of Tilligerry Community Centre and surrounds.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Mayor Bruce MacKenzie Cr Steve Tucker
47	Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October  3 <sup>rd</sup> Monday	Facilities & Services	Mayor Bruce MacKenzie Cr Steve Tucker

<b>MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013</b>
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	<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegates</b>
48	Tomaree Education Complex Multi Purpose Centre Committee	To assist Council with the care, management and promotion of the facility.  To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi Purpose Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Sally Dover
49	Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October  3<sup>rd</sup> Wednesday</i>	Facilities & Services	Cr John Nell Cr John Morello Cr Sally Dover
50	Tomaree Cemeteries Committee	To undertake maintenance and improvements to cemeteries on Tomaree Peninsula.	<i>.Meet Quarterly</i>	Facilities & Services	Cr John Nell
51	Tilligerry Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Steve Tucker
52	West Ward Cemeteries Committee	To undertake maintenance and improvements to cemeteries in West Ward.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Peter Kafer
53	Williamstown Public Hall Committee	To assist Council in the management of Williamstown Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Geoff Dingle

## REGIONAL COMMITTEES AND GROUPS

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Current Delegates
54	Port Stephens Community Safety Precinct Committee	<p>To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety.</p> <p><b>** Attendees will be by invitation only, one representative will be invited by the Police from each peak body/organisation e.g. Hunter Water / Housing NSW). Council will hold two positions, one will be Community Planner Crime, and the other will be the Mayor or his/her representative if unable to attend.</b></p>	Meets quarterly	Development Services	Mayor Bruce MacKenzie
55	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Meets every 2 months	Development Services	Cr Geoff Dingle Cr Peter Kafer
56	Public Libraries NSW Association	<p>Country Public Libraries Association constitution requires a Councillor representative. This Association provides support for country public libraries.</p> <p>The Joint Library Advisory Committee's constitution also requires a Councillor representative in line with the Newcastle Regional Library agreement.</p>	Meets 3 times per year	Facilities & Services	<p>Vacant</p> <p><b>Note: Council is required to appoint a delegate.</b></p>

<b>MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013</b>
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	<b>Name of Organisation</b>	<b>Purpose of Committee</b>	<b>Meeting cycles</b>	<b>Group</b>	<b>Current Delegates</b>
57	Gloucester Coal Seam Gas Project – Community Consultative Committee	The purpose of the Committee is to provide a forum for representatives to discuss the Project with the Company (Lucas Energy)		Development Services	<i>To be left open for all Councillors to attend.</i>
58	Hexham Swamp-Koorangang Wetland Rehabilitation Project Steering Committee  Term: 3 years from 27 November 2012.	The purpose of the Committee is to oversee project at the Hexham Swamp Koorangang Wetland. The Committee is a sub-committee of the Catchment Management Authority	Meets 4 times per year with annual site inspection	Development Services	<i>Cr John Nell</i>
59	Hunter Councils	To discuss regional issues in the Hunter.		General Manager's Office	<i>Mayor Cr Bruce MacKenzie</i>
60	Hunter Community Reference Group of the Central Rivers Catchment Management Authority  Note: New Group with the appointment for an 18 month period with extension options	This Group allows Local Government have presentation on the sub-committee to operate in an advisory capacity providing information and recommendations to the Catchment Management Authority Board.		Development Services	<i>Cr John Nell Cr Paul Le Mottee</i>
61	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.  Note: Cr Nell is appointed to this Committee by Hunter Water.		General Manager's Office	<i>Cr Geoff Dingle</i>

<b>MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013</b>
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	<b>Name of Organisation</b>	<b>Purpose of Committee</b>	<b>Meeting cycles</b>	<b>Group</b>	<b>Current Delegates</b>
62	Joint Regional Planning Panel	<p>To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area.</p> <p>The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member, commencing July 2009 and re-appointed in July 2012.</p>	As required	Development Services	<p>Mayor Cr Bruce MacKenzie Cr Ken Jordan</p> <p>Alternates Cr Paul Le Mottee Cr John Nell Cr Geoff Dingle</p>
63	Karuah Working Together Inc.	<p>The Committee is a peak group comprising representation of key organisations, businesses and industry representatives in Karuah.</p> <p>The Committee is responsible for ensuring community and economic development activities are co-ordinated in accordance with local needs, trends and opportunities in accordance with Council's Economic Development Strategy and as specified in the <i>Karuah Strategic Plan</i>.</p>	3 <sup>rd</sup> Monday evening of the month	Development Services	<p>Cr Peter Kafer Cr Paul Le Mottee Cr Ken Jordan</p>
64	Local Development Committee	Local Traffic Committee (see 65) providing advice to Council on development.		Facilities & Services	Cr Peter Kafer
65	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Meets 1 <sup>st</sup> Tuesday of the month	Facilities & Services	<p>Cr Peter Kafer Cr Geoff Dingle</p>

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Current Delegates
66	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Meets quarterly	Facilities & Services	Mayor Bruce MacKenzie
67	Lower Hunter Zone Liaison Committee	To review the progress of the Service Level Agreement between Port Stephens Council and NSW Rural Fire Service in the Local Government Area.	Meets quarterly	Facilities & Services	Mayor Bruce MacKenzie
68	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment.		Development Services	Mayor Bruce MacKenzie Cr Steve Tucker
69	Marine Parks Advisory Panel  <b>Ministerial Appointment</b>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.		Development Services	Cr John Nell
70	Medowie Floodplain Management Committee	This Committee will provide advice and recommendations to Council.		Development Services	Cr Geoff Dingle Cr Steve Tucker Cr Chris Doohan Cr Peter Kafer
71	National Parks & Wildlife Service Regional Advisory Committee  <b>Ministerial Appointment</b>	This is a community reference group run by National Parks & Wildlife Service. It is not a Council committee.		Development Services	Cr John Nell  <b>Note: Council does not have a ministerial appointment at this time. Current term expires 31 December 2013</b>
72	Nelson Bay Community College	This committee is an advisory committee for Adult Education.		General Manager's Office	Cr Sally Dover Cr John Morello

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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	Name of Organisation	Purpose of Committee	Meeting cycles	Group	Current Delegates
73	Newcastle Airport Joint Sub-Committee	The purpose of this committee is to allow Port Stephens and Newcastle City Councils the opportunity to discuss the future direction of the Airport.		General Manager's Office	Mayor Bruce MacKenzie Cr Ken Jordan Cr Chris Doohan
74	Port Stephens Council Depot re-development committee	<ul style="list-style-type: none"> <li>To explore the options available for re-development of the Council depot at Raymond Terrace.</li> <li></li> </ul>	Bi-annual	Facilities & Services	Mayor Bruce MacKenzie Cr Ken Jordan Cr John Nell
75	Port Stephens Economic Development Advisory Panel	<ul style="list-style-type: none"> <li>Act as a communication and advisory mechanism to Council on relevant Economic Development issues.</li> <li>Oversee the implementation of the Economic Development Strategy. 2012 ED Strategy review has occurred.</li> </ul>	Quarterly	Development Services	Mayor Bruce MacKenzie Cr Chris Doohan Cr Ken Jordan Cr Paul Le Mottee  (1 Councillor from each Ward)
76	Port Stephens Transport Forum	The Transport for NSW convenes these forums which have been established in most LGAs throughout NSW. It provides the opportunity for local transport providers (eg: community transport, bus and taxi operators) and local residents to discuss local and regional transport related issues and to formulate appropriate strategies to more effectively improve the delivery of existing public transport services in meeting the community's transport needs.	Every 2 months convened by Ministry of Transport	Facilities & Services	Cr Sally Dover  All councillors to be notified of this meeting.

**MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013**

	<b>Name of Organisation</b>	<b>Purpose of Committee</b>	<b>Meeting cycles</b>	<b>Group</b>	<b>Current Delegates</b>
77	Port Stephens Domestic Violence Committee	To raise the awareness of the issues surrounding domestic violence and enhance service provision to victims by developing and maintaining effective interagency strategies.  Note: Council staff no longer regularly attend this Committee following outcomes of sustainability review of Council's social planning service package.	Meet every 2 months	Development Services	<i>Cr Peter Kafer</i>
78	Port Stephens East Local Health Committee	To ensure that the population of the Tomaree Peninsula has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Meets on 2 <sup>nd</sup> Wed every 2 months	Development Services	<i>Cr Sally Dover</i>
79	Port Stephens West Local Health Committee	To ensure that the population of the Western area of Port Stephens (ie: east of Tomaree Peninsula) has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Meets on 3 <sup>rd</sup> Wed every 2 months	Development Services	<i>Cr Geoff Dingle Cr Peter Kafer</i>
80	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.		Development Services	<i>Cr John Nell Cr Paul Le Mottee Cr John Morello</i>
81	Williams River Floodplain Risk Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire.			

	<b>Name of Organisation</b>	<b>Purpose of Committee</b>	<b>Meeting cycles</b>	<b>Group</b>	<b>Current Delegates</b>
82	Worimi Conservation Lands Board of Management  <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	4 times a year	General Manager's Office	<i>Cr Sally Dover</i>  <i>Alternate:</i> <i>Cr Peter Kafer</i>

ITEM NO. 3

FILE NO: A2004-0373

## COUNCIL PRAYER AND TRADITIONAL WELCOME AT COUNCIL MEETINGS

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

### RECOMMENDATION IS THAT COUNCIL:

- 1) Continue with the Traditional Welcome at Council meetings;
- 2) Continue with the Council prayer and amend it to read:  
*"We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen".*

### ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p><b>Councillor Sally Dover</b> <b>Councillor John Morello</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1) Continue with the Traditional Welcome at Council meetings; and</li> <li>2) Continue with the current Council prayer at Council meetings.</li> </ol>
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The recommendation was carried on the casting vote of the Mayor.

### MOTION

264	<p><b>Councillor Ken Jordan</b> <b>Councillor John Morello</b></p> <p>It was resolved that the Committee of the Whole recommendation be adopted.</p>
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Cr John Nell recorded his name against Item 3.

## BACKGROUND

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

Port Stephens Council made amendments to the Council prayer at its meeting in 2012 to read as follows:

*"We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens, in Jesus' name. Amen"*

Council's previous prayer was worded as follows:

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

Following the changes to the prayer, the issue of Council potentially being in breach of Section 9 of the *Racial Discrimination Act 1975*, was raised. A legal opinion was sought from Council's Legal Services Manager on the matter, and it was concluded that Council would be in breach of the legislation should it continue to refer to Jesus.

The suggestion is that Council amend the wording as follows:

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

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

The Traditional Welcome is as follows:-

*"Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow"*

## FINANCIAL/RESOURCE IMPLICATIONS

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

## LEGAL AND POLICY IMPLICATIONS

In accordance with the provisions of the *Racial Discrimination Act 1975*, Council would be in breach of the legislation should it elect to continue to use the reference to Jesus.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk associated with this recommendation that relates to reputation.	Low	Adopt the recommendation.	Yes
There is a risk that Council is in breach of the Racial Discrimination Act 1975 if it fails to amend the wording of the Council prayer	High	Adopt the recommendation.	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

With respect to the Council prayer, the continuing use of the word "Jesus" is potentially discriminatory to some members of the community.

## CONSULTATION

Nil.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 4****FILE NO: 16-2012-639-1****DEVELOPMENT APPLICATION FOR PROPOSED DWELLING AT NO. 14  
RUTILE ROAD, OYSTER COVE**

**REPORT OF: MATHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE  
SECTION MANAGER**  
**GROUP: DEVELOPMENT SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

Refuse the development application (DA 16-2012-639-1) for the erection of a Single Storey Dwelling (Manufactured Home) Lot 3 DP 364923, 14 Rutile Road, Oyster Cove for the following reasons:

- 1) The development does not comply with the requirements of Planning for Bushfire Construction 2006, the Building Code of Australia and Australian Standard AS 3959-2009 – Construction of Buildings in Bushfire Prone Areas;
- 2) The proposal as submitted does not, to the degree necessary, reduce the risk of ignition from a bushfire, for the potential for ignition caused by burning embers, radiant heat or flame generated by a bushfire; and intensity of the bushfire attack on the proposed building;
- 3) The proposal is not supported by the NSW Rural Fire Service;
- 4) The development is inconsistent with the provisions of clauses 32 2(d), 35, Zone 7 (a) Environment Protection "A" Zone of Councils Local Environmental Plan 2000, namely to encourage development compatible with, sympathetic to, the preservation of the natural environment and based on the principles of ecologically sustainable development.

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**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>
	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.

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

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

## **MOTION**

265	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

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, Sally Dover and John Morello.

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

## **BACKGROUND**

This application was called to Council by Mayor MacKenzie. The reason for this call up is as stipulated on the call up form is "Conditions of RFS." The purpose of this report is to present a development application to Council for determination. Council considered the development application at the meeting of 12<sup>th</sup> February 2013 and resolved:

That Council:

1. *Defer the report to allow for consultation with the NSW State Government;*
2. *Write to the NSW State Government (Office of Environment & Heritage) and request provision of an Asset Protection Zone surrounding 14 Rutile Road, Oyster Cove within 3 months or Council will undertake the work.*

Development consent has been sought for the erection of a Single Storey Dwelling (Manufactured Home) dated the 18 October 2012 at Lot 3 DP 364923, 14 Rutile Road, Oyster Cove.

Compliance with the Bush Fire Legislation is a primary issue with this Application as ultimately all other standard building and planning requirements for this dwelling can be adhered to.

The Lot is zoned 1(a) Rural Agriculture "A"/Part 7(a)-Environmental Protection "A" which is defined in Port Stephens Local Environmental Plan 2000 (LEP). The land is zoned Zone E2 and RU1 under the Draft Local Environmental Plan 2013. The location of the proposed dwelling is within the 7(a) zoned land and a dwelling house is permissible with consent subject to compliance with the relevant provisions of the

LEP. The Draft LEP 2013 Zone E2 also permits a dwelling to be constructed with consent.

The lot is subject to bushfire attack, classified as bushfire prone land which is a significant site constraint. Due to the lot configuration, location and size a dwelling construction standard for a Bushfire Attack Level (BAL)–Flame Zone is required in accordance with the requirements of Planning for Bushfire Construction 2006, the Building Code of Australia and Australian Standard AS 3959-2009 – Construction of Buildings in Bushfire Prone Areas. The development Lot is not sufficiently wide enough to provide the required asset protection zone (APZ). It is not possible to use the adjoining National Park as part of the APZ. The site location plan is attached **(ATTACHMENTS 1 & 2)**

The applicant has submitted a Bushfire Threat Assessment report dated November 2012 with the Development Application submission **(ATTACHMENT 3)**, indicating a Bushfire Attack Level 29 (BAL 29) which was referred to the NSW Rural Fire Service (RFS) for comment in accordance with Section 79BA of The Environmental Planning and Assessment Act 1979.

In addition to the bushfire threat assessment report the applicant submitted additional supporting documentation **(ATTACHMENT 7)** titled 'Recommendations & Conclusions item 6' which was also forwarded to the RFS dated 27 November 2012.

The Rural Fire Service response dated 3 January 2012 indicated that the RFS does not support the proposal and in summary advised: **(ATTACHMENT 4)**

"The Rural Fire Service does not support the determination of Bushfire Attack Level (BAL) on the eastern aspect as outlined in the 'Bushfire Threat Assessment' prepared by North Point Surveys (NSW) PTL LTD dated November 2012. It has been determined that the proposed dwelling is located in the Flame Zone.

The RFS requires the applicant to demonstrate that a Plan of Management exists on the Crown Lands to the east of the subject land to establish and ensure the management of any Asset Protection Zone offsite in perpetuity. Please refer to Fast Fact 6/07:Plans of Management at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) for further details."

Council wrote to the State Government as required by the Resolution and a subsequent meeting was organised on the 2 April 2013 and attended by the Mayor, Councillors, Council staff, National Parks & Wildlife Service, Crown Lands, The Rural Fire Service (RFS), the property owner and his consultants.

Subsequently the Office of Environment & Heritage (NSW National Parks & Wildlife Service) responded in writing, received on 14 June 2013 not supporting the application as proposed in summary advised: **(ATTACHMENT 5)**

"The APZ for the subject proposal should not extend into National Park or rely on actions being undertaken by NPWS. It is therefore recommended that Council consult with NSW Rural Fire Service about investigating alternative bushfire protection measures.

From the foregoing, and having considered the matter in detail, please be advised that NPWS will oppose the establishment of an APZ for this development proposal on the National Park."

The RFS has not changed its position following the site meeting. The site is flame zone and should be developed according to the current Australian Standard. This is based on extensive policy and science with the intent of reducing the risk to life and property.

The RFS also stated that their primary aim was to make sure that people are safe, as the property may be on-sold in the future, and there is an expectation from future purchasers that the product they purchase is safe and complies with the standards at the time. The RFS advised if the dwelling was not built to the current Australian Standard, Council would be inheriting a significant risk.

It is acknowledged that the proposal consists of a set of unusual circumstances of which have been validly raised by the Applicant. For example, the allotment is essentially a vacant rural lot on bushfire prone land; zoned environmental protection 7(a) and the Draft Local Environmental Plan 2013 as Zone E2 which is a challenge to develop sustainably. The applicant may be seen to be disadvantaged by the timing of changing legislation at a point in time, whereby the costs of construction to comply with the current and long standing standards place significant restrictions on development and the form of construction. Whilst this information is appreciated and provided for Councillors information to form a balanced view, it does not negate Council's role as the planning authority to correctly apply the legislation at this point in time. It is also reasonable for the applicant to build the proposed dwelling with a more appropriate level of bushfire protection (BAL – Flame Zone) than that proposed (BAL - 29).

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed dwelling is unsatisfactory due to the unreasonable risk it presents to property and the future occupants and adjoining properties. Therefore, it is recommended that the application be refused for the reasons as listed.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Should the Council decision be a refusal in accordance with the recommendation the Applicant may choose to significantly amend their design to be more compliant with the relevant construction standards for the bushfire prone site, however the development costs will be increased. The Applicant also has the option to appeal Council's decision in the Land and Environment Court, defending such would have financial implications for Council.

Should the Council decision be to approve the application contrary to the recommendation, consideration should be given to the impacts on the locality and Councils ability to service the community in a financially/socially responsible manner. In the worst case scenario, the Council may need to be represented at a Coronial

enquiry/court should a significant bushfire result in damage to the local community, death of occupants and/or damages to the proposed building, adjoining or adjacent buildings. It is also important to note the associated risk exists for the life of the building not just the current applicant/owner/tenant.

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

## **LEGAL, POLICY AND RISK IMPLICATIONS**

Under the provisions of 79BA and 79C of the Environmental Planning and Assessment Act Council has the legal capacity to approve the application as submitted. Whilst the RFS, and professional assessment staff advice recommend refusal of the application, ultimately it is a decision for Council.

The development application is inconsistent with Council Policy *clause 32 2(d), 35 Zone 7 (a) Environment Protection "A" Zone of Councils Local Environmental Plan 2000 and the zone objectives of Draft Local Environmental Plan 2013 as Zone E2*. The development does also not comply with the requirements of Planning for Bushfire Construction 2006, the Building Code of Australia and Australian Standard AS 3959-2009.

The RFS have stated in similar development applications that in their view, a decision contrary to their advice may waiver the good faith provisions in the *Local Government Act 1993*. This could result in individual Councillors being personally accountable/responsible for any subsequent implications resulting from the decision. Further, discussions with Councils Corporate Risk Unit confirmed that it is likely Council's insurers may not cover Council should a decision be made contrary to state government agency advice (the RFS who are the recognised experts in their field) and relevant standards etc.

A review of the assessment under the provisions of the EP&A Act coupled with the potential risk indicated in the below table identify a decision contrary to the recommendation presents an unacceptable risk to Council as per Council's risk management matrix. There are unacceptable risks to council in relation to public safety, Council reputation and legal exposure such that a refusal of the application is the only viable risk treatment.

Council may recall that it adopted a revised Corporate Risk Management Policy on 27 November 2012. The Policy includes Councils risk appetite statement that explicitly states:

*"Council has no appetite for risks that may compromise the safety and welfare of staff, volunteers, contractors and/or members of the public."*

*"Council will not accept a risk that has potentially catastrophic consequences, regardless of the likelihood of that risk eventuating."*

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may increase its legal risk by approving development not in accordance with RFS advice and relevant Australian Standards	High	Determining by way of Refusal will contribute to reduce the risk.	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. Council must recognise this responsibility and apply current standards.

Whilst empathy is shown towards the Applicant and the situation, the proposal effectively lowers the construction standards the community can reasonably expect to be provided under the provisions of the NSW state policies and the Building Code of Australia and as such is not in the public interest.

Should the Application be approved there may be a possible economic benefit for the existing/current landowner and a small increase in the provision of affordable housing provision. However this is largely offset by the possible adverse impacts on adjoining properties and the wider community, including future owners who would rightly expect that a dwelling approved and constructed in 2013 would incorporate the appropriate bushfire construction requirements of the legislation at the time.

## **CONSULTATION**

The application was not required to be notified or otherwise exhibited in accordance with Council Policy being a single storey dwelling and located on rural zoned land.

The RFS were consulted in relation to this application. As referred to elsewhere in this report they do not support the application.

## **OPTIONS**

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

**ATTACHMENTS** – All listed below provided under separate cover.

- 1) Locality Plan;
- 2) Aerial photograph locality plan;
- 3) Bushfire Threat Assessment Report;
- 4) Rural Fire Service response letter;
- 5) Letter from Office of Environment & Heritage (NSW National Parks & Wildlife Service).
- 6) DA assessment report;
- 7) GK Lindsay additional supporting letter.

## **COUNCILLORS ROOM**

- 1) Application plans & North Point Surveys (NSW) Bushfire Assessment Report.

## **TABLED DOCUMENTS**

Nil.

ITEM NO. 5

FILE NO: PSC2008-1019

**PLUMBING AND DRAINAGE DELEGATIONS**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND COMPLIANCE  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES GROUP

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Decline the offer of plumbing and drainage delegations under section 21 of the *Plumbing and Drainage Act, 2011*;
  - 2) Writes to the Department of Fair Trading advising of Councils position on the delegations.
- 

**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Mayor Bruce MacKenzie Councillor John Nell
	That the recommendation be adopted.

**MOTION**

266	Councillor Ken Jordan Councillor John Morello
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

Amendments to the *Plumbing and Drainage Act, 2011* were passed by the NSW Parliament in November 2011. The changes commenced a staged implementation whereby a single Plumbing Code (Plumbing Code of Australia) and a single regulator would result.

The new regulator is the Department of Fair Trading. Fair Trading became responsible for the regulation of water and sewer matters within the area of operation of Sydney Water Corporation, Hunter Water Corporation (HWC) and other licenced utility operators. Fair Trading employ qualified plumbing inspectors.

The Plumbing and Drainage Act allows the plumbing regulator, Fair Trading, to delegate any plumbing regulators functions to a local council. In November 2012 Fair Trading wrote to all local councils in NSW that operate outside of the Sydney and Hunter Water area of operations asking that those councils accept these plumbing delegations. Delegating plumbing and drainage functions to local Councils does not extinguish Fair Tradings ability to continue to regulate within these areas if required.

Port Stephens Council local government area is wholly located within Hunter Water Corporations area of operation. This means that Fair Trading is the regulator for plumbing and drainage works on properties provided with reticulated water and sewer services. Fair Trading are advising that local councils located within an area of operation of Sydney or Hunter Water, will become the regulator for plumbing and drainage works on un-sewered properties and properties not provided with a reticulated water supply.

The instrument of delegation put forward by Fair Trading provides the following functions;

- 1) Monitor compliance with the Plumbing and Drainage Act;
- 2) Ensure that any plumbing and drainage work does not threaten public health or safety;
- 3) Undertake any other functions conferred or imposed on the plumbing regulator by the Plumbing and Drainage Act other than receiving notices of work and other documentation, authorising fittings for use in plumbing work; and initiating criminal or other proceedings.

Historically Port Stephens Council (PSC) has been reliant on HWC as the plumbing regulator. PSC has never undertaken inspections of plumbing and drainage works even in areas not provided a reticulated sewer or water supply. Council's role in these areas has been and continues to be the regulation of On-site Sewage Management Systems (OSMS). Council performs this role under the *Local Government Act, 1993 (the LG Act)*. Under the LG Act approvals for activities involving water supply, sewerage and stormwater works (Part B) are also required but the LG Act also advises that these works are not relevant to the land of those Councils located within the area of operations of either Hunter Water or Sydney Water. Preliminary legal advice obtained by Council in 2008 supports this position and determined that Part B is not available to Port Stephens Council because of the reason stated above.

Prior to the recent changes HWC employed plumbing inspectors to perform plumbing and drainage inspections. Advice from the Department of Fair Trading suggested that inspections by HWC inspectors were limited to protection of their assets with inspections of plumbing and sanitary drainage works on private properties rarely performed.

A review of other Councils positions with the delegations has identified the following Councils accepting the delegations; Maitland, Dungog, Lake Macquarie. Newcastle Council has declined to accept the delegations.

Declining the delegations would result in;

- The status quo remaining whereby Council will continue to implement an informal framework of regulation via appropriate conditioning of OSMS approvals and DA's and reliance on self certification of plumbing works by plumbers;
- No additional risk than what has existed historically or currently;
- No new costs for resourcing and training officers. Currently PSC does not have any qualified plumbing inspectors or staff suitably experienced in plumbing inspections;
- No new fees and charges for developers and property owners;
- The possibility of not meeting the expectations of some people in the community that this type of work should be regulated by an authority. This could have a potential impact on Councils reputation though the community and industry are generally seeking less regulation and "red tape" not more.
- A potential higher level of risk through not having an active program resulting in non-compliant plumbing and drainage works. The likelihood of this occurring is considered extremely low with a lack of recorded incidents involving plumbing and drainage supporting this premise.

The recommendation to decline the delegations is a position that could be re-visited should changes occur with community and industry expectations or other compelling reasons.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Declining the delegations would not realise any changes to budget or resourcing.

If Council was to accept the delegations, the likely costs could be in the vicinity of \$40,000 per annum. This includes the staff time for the additional inspections and associated required training.

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

## **LEGAL, POLICY AND RISK IMPLICATIONS**

The Plumbing regulator may delegate any of the plumbing regulators functions to a local council in accordance with section 21 of the *Plumbing and Drainage Act* but

there is no implicit requirement in the legislation for Council to accept those delegations.

As previously discussed the *Local Government Act* provides local Councils the ability to regulate water supply, sewerage and stormwater drainage works but because the Port Stephens LGA is encapsulated within HWC's area of operations this part is not applicable. This premise has also been tested in preliminary legal advice obtained in 2008.

Plumbing works are presently informally regulated through self certification by plumbers undertaking those works. This method of regulation is also commonly used in other trades and activities (e.g electrical works). Other less onerous regulatory controls are already in place such as Approvals and Development Consents are conditioned requiring that plumbing and drainage works must be undertaken in accordance with the relevant code. As a condition of an approval Council can also require that a copy of a certificate of compliance be provided putting ownership for the works on the plumber undertaking those works.

The Local Environment Plan and the Development Control Plan do not specifically reference plumbing and drainage works or require inspections but do require that satisfactory arrangements are made for the provision of water and sewage.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that rejecting the delegations will result in non-compliant plumbing and drainage work not being identified and rectified. Risk to the environment and public health.	Low	Accept the delegations and implement an active plumbing/drainage inspection program	No, would require additional fees, additional training for staff and possibly additional administrative staff.
There is a risk that accepting the delegations will result in negative community reaction to increased fees and regulation.	Moderate	Decline the delegations. Engage community on the benefits of implementing an inspection program	
There is a risk that accepting the delegations would require Council to train staff or engage qualified plumbing inspectors. Not	High	Decline the delegations and maintain status quo	

having suitably qualified and experienced staff to undertake inspections and provide advice increases Councils risk.			
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## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

There is a general expectation by property owners that building and plumbing works will be carried out in accordance with prescribed standards. In the first instance the expectation by owners is that their builder or tradesperson is the person responsible in ensuring works are completed according to code. It is only when a problem becomes evident that property owners seek advice from other sources. It is possible that Council may be contacted in these situations to which the inquiry could be forwarded to Department of Fair Trading for investigation.

Declining the delegations will not result in any economic implications either to Council or the community.

Sanitary drainage works not performed to code could as a worst case scenario result in the discharge of human effluent resulting in environmental harm or risk to public health. The likelihood of this scenario is considered extremely low and is supported by the lack of recorded data on this issue. Council is not aware of any recent situations involving non-compliant sanitary drainage works resulting in environmental harm or increased public health issues. Other legislation is already available to Council officers should a situation develop resulting in risk to the environment or public health.

In cases where Council is contacted on a plumbing or technical matter then the enquiry could be forwarded to Fair Trading staff.

## **CONSULTATION**

Other local Councils have been contacted to determine their position with the delegations. Maitland, Dungog and Lake Macquarie Councils have accepted the delegations though it should be noted that Maitland has always maintained an inspection program. Newcastle Council has declined the delegations.

## **OPTIONS**

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

## **ATTACHMENTS**

Nil.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ITEM NO. 6

FILE NO: 16-2010-22-2

**SECTION 96 MODIFICATION INVOLVING DESIGN INCREASE IN ROOF CONSTRUCTION FLOOR AREA AND BUILDING LINE SETBACKS FOR PROPOSED TWO (2) STOREY DWELLING AT 227 FORESHORE DRIVE CORLETTE**

REPORT OF: PETER GESLING – GENERAL MANAGER  
GROUP: GROUP MANAGERS OFFICE

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft conditions of consent for the construction of a two storey dwelling at Lot 340 DP 27845 No 227 Foreshore Drive Corlette in accordance with the original and updated conditions set out in the DA-2010-22-1 (ATTACHMENT 1).

**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

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, Geoff Dingle, John Nell, Sally Dover and John Morello.

Those against the Motion: Nil.

**MOTION**

267	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

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, Geoff Dingle, John Nell, Sally Dover and John Morello.

Those against the Motion: Nil.

## **BACKGROUND**

The purpose of this report is to present to Council the draft conditions of consent for the Development Application (DA) to modify DA 16-2010-22-2 to increase its floor area and size.

At the Ordinary Council meeting on 10 September 2013, Council resolved;

*That Council approve the development application 16-2010-22-2 for a s96 modification for an increase in roof construction floor area and building line setback for the proposed two storey dwelling, in principle, and request the General Manager to provide appropriate conditions of consent to Council for consideration.*

## **FINANCIAL/RESOURCE IMPLICATIONS**

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

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

## **LEGAL, POLICY AND RISK IMPLICATIONS**

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

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that inappropriate conditions could be challenged in the Land & Environment Court.	Low	Impose reasonable conditions as proposed.	yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

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

### **CONSULTATION**

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

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Draft Conditions of Consent.

### **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. The existing access ramp (and as proposed on Plan No. 1101055 dated 5/5/2011) forms no part of this approval. If the existing ramp on the foreshore reserve is removed, such works should be in consultation with Council's Park and Waterways Assets Coordinator

**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.

**During Construction**

6. Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete.
7. 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.
8. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment, the person undertaking the excavation must preserve and protect the building from damage, which may involve underpinning and

supporting the building in an approved manner. In this condition, allotment of land includes a public road and any other public place.

9. 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.
10. 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 3.4 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.

J A collapsible style retaining wall to retain the existing site levels shall be constructed along the beachfront boundary designed by a suitably qualified engineer experienced in coastal matters and certified, **prior to the issue of Construction Certificate** to take into account the impact and erosion effects of storm surge on the subject and adjacent properties, and be compatible with the objectives of the NSW Coastal Policy.

11. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-

- \* Monday to Friday, 7am to 6pm;
- \* Saturday, 8am to 1pm;
- \* No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the  $L_{10}$  level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A).

12. The development shall be constructed to **BAL29 under AS3959 – 2009** 'Construction of Buildings in bushfire prone areas'.
13. Building demolition shall be carried out in accordance with Australian Standard AS2601-2001 - The Demolition of Structures.
14. Collected stormwater runoff shall be piped to an infiltration trench located in the landscaped area(s) in accordance with **Council's Standard Drawing S 136**, with an overflow pipe connected to the existing easement/system.

#### **Prior to Occupation Certificate**

15. Certification is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:
- a. On completion of ground floor construction, confirmation that the floor levels are in accordance with the Reduced Levels indicated on the approved plan.
  - b. On completion of each subsequent floor level, confirming that the floor levels are in accordance with Reduce Levels indicated on the approved plan.
  - c. When the roof has been completed, confirmation that the building and collapsible seawall does not exceed the Reduced Levels as indicated on the approved plan.
  - d. On completion of the work confirming that existing ground levels have been maintained behold the building footprint.

ITEM NO. 7

FILE NO: PSC2006-0063

**PORT STEPHENS SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN 2007 (DRAFT AMENDMENT NO. 10)**

**REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES MANAGER**  
**GROUP: DEVELOPMENT SERVICES**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Publicly exhibit amendments to the draft Port Stephens Section 94 Development Contributions Plan 2007 (Draft Amendment No. 10) (**ATTACHMENT 1**) for a minimum of 28 days in accordance with clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000 to:
  - a. update the standards guiding the provision of community and recreational facilities and Consumer price Index to increase contribution costs per additional lot or dwelling to \$13,892 outside an urban release area and \$16,251 within an urban release area;
- 2) Should no submissions be made, the amendments be adopted following exhibition.

**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013**  
**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

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, Geoff Dingle, John Nell, Sally Dover and John Morello.

Those against the Motion: Nil.

**MOTION**

268	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

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, Geoff Dingle, John Nell, Sally Dover and John Morello.

Those against the Motion: Nil.

## **BACKGROUND**

The purpose of this Report is to recommend that Council amend the current Port Stephens Section 94 Contributions Plan 2007 (Section 94 Plan) as outlined in **(ATTACHMENT 1)** to:

- update standards guiding the provision of Council's community and recreational facilities; and
- update costs in line with Consumer Price Index (CPI).

### **Port Stephens Section 94 Contributions Plan**

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.

### **Standards Guiding the Provision of Council's Community and Recreational Facilities**

Council engaged AEC Group (AEC) in 2006 specialist in economics planning to identify benchmarks for the provision of community and recreational facilities in the Port Stephens Local Government Area (LGA) and assess the cost per person of providing these facilities.

Since 2006 the population of the LGA has increased and is projected to continue to record population growth over the next 20 years. As a result Council engaged AEC to provide an update of the original 2006 study to ensure that its community and recreational facilities continue to meet the changing needs of the population now and into the future.

The updated costs take into consideration:

- population projections and forecast demand for services;
- comparable LGAs; and
- construction costs for each community and recreational facilities.

Findings from the updated report *'Review of Standards Guiding the Provision of Council's Community & Recreational Facilities 2013' (AEC Report)*, have been included in the draft Section 94 Contributions Plan available in the Councillors Room. A copy of the AEC Report is also available in the Councillors Room.

#### Consumer Price Index (CPI)

The Section 94 Plan contributions are adjusted every quarter for CPI. CPI has increased 0.4% from the last adjustment in March 2013. This increase has been added to the overall contribution costs.

#### Proposed Amendments to Section 94 Plan

As a result of updates in line with AEC Report and CPI, the following contribution costs have been amended:

to increase per additional lot or dwelling other than an urban release area by \$808 from \$13,084 to \$13,892; and

as a result of the creation of new urban release areas including Kings Hill and Boundary Road, a new contribution for urban release areas (as defined by the draft Port Stephens Local Environmental Plan 2013 or its successors) has also been included in the draft Plan. The cost for a new release area has been increased by \$3,167 from \$13,084 to \$16,261 which is reflective of the cost of land acquisition costs for facilities.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Updating the benchmarks for the provision of community and recreational facilities ensures that Council's community and recreational facilities are adequately costed and funded to meet the changing needs of the population now and into the future.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes	500	Cost to exhibit Section 94 Plan.
External Grants	No		
Other	No		

### **LEGAL, POLICY AND RISK IMPLICATIONS**

Section 94 development contributions are imposed by way of condition of development consent or complying development. Section 94 contributions are targeted to new development and incoming population rather than being a general tax across the wider community.

The AEC report establishes a legal nexus between the expected types of development in the area and the demonstrated need for additional public facilities created by those developments. The requirement to satisfy nexus is one of the core components of a valid development contributions plan and is a specific requirement of clause 27(1)(C) of the EP&A Regulation.

Under Clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000, any changes to a Section 94 Contributions Plan is required to be placed on public exhibition for a minimum of 28 days.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the draft Plan is not adopted with updated benchmarks and CPI outdated 2006 benchmarks will continue to be applied at a potential cost to Council.	Medium	Adopt updated benchmarks for the provision of community and recreational facilities to be sought by Section 94 Contributions Plans.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications.

The amended Section 94 Contributions Plan ensures that Council receives revenue for associated facilities inline with updated census data, construction and land acquisition costs commensurate with increased demand associated with development.

## **CONSULTATION**

- 1) The draft plan would be placed on public exhibition and submission invited from the general community to provide feedback to Council;
- 2) The proposed exhibition of the draft Plans includes placing copies of the documents in Salamander Bay Library, Medowie Community Centre and Council Chambers, on Councils website and placing advertisements in a local paper; and
- 3) A further report will be prepared for Council's consideration should submissions be received during public exhibition.

## **OPTIONS**

- 1) Adopt the recommended draft Contributions Plans for exhibition as proposed in this Report;

- 2) Make further alterations to the recommended draft Contributions Plan. Any alterations would require justification and establish a nexus against development to satisfy legal requirements; or
- 3) Reject the recommended draft Contributions Plan updating the benchmarks for the provision of community and recreational facilities. If Council reject these changes, Council will continue to levy lower fees in comparison to standard costs of construction which will result in a financial loss to Council.

## **ATTACHMENTS**

- 1) Summary of proposed amendments to contribution costs.

## **COUNCILLORS ROOM**

- 1) Draft Port Stephens Council Section 94 Contributions Plan (Amendment No. 10); and
- 2) Review of Standards Guiding the Provision of Council's Community & Recreational Facilities 2013.

## **TABLED DOCUMENTS**

Nil.

## ATTACHMENT 1

Summary of proposed amendments to contribution costs

Attachment 1 - Amending table outlining proposed amendments to Draft Port Stephens Council Section 94 Contributions Plan (Amendment No. 9).

Page	Amendment																																																
Various	Formatting and grammatical changes throughout document.																																																
ii	Update of Amendments table to include summary of this amendment.																																																
<b>Section 1 – Plan Summary</b>																																																	
1-1	<p>Table 1: Dwelling Contribution Rates – Dwellings</p> <p>- Updated with new contributions costs and infrastructure types in line with 'Review of Standards Guiding the Provision of Councils Community and Recreational Facilities 2013' (AEC report) and CPI.</p> <table><tr><th>Infrastructure type</th><th>Development Contribution per additional lot or dwelling (rate at date plan was first made)</th><th>Development Contribution per additional lot or dwelling (indexed contribution rate)</th><th>Development Contribution per additional lot or dwelling (indexed contribution rate)</th><th>Development Contribution per additional lot or dwelling in other than Urban Release Areas</th><th>Development Contribution per additional lot or dwellings in Urban Release Areas</th></tr><tr><td>Consumer Price Index (CPI)</td><td>87.7</td><td>102.4 (March 2013)</td><td>102.8 (June 2013)</td><td>102.8 (June 2013)</td><td>102.8 (June 2013)</td></tr><tr><td>LGA-WIDE CONTRIBUTIONS</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Civic Administration-Plan Management Works Depots</td><td>\$577 \$356</td><td>\$673 \$416</td><td>\$675 \$418</td><td>\$676 \$403</td><td>\$676 \$483</td></tr><tr><td>Community Services</td><td>\$2,293</td><td>\$2,677</td><td>\$2,687</td><td>\$1,201</td><td>\$1,442</td></tr><tr><td>Cultural Facilities</td><td></td><td></td><td></td><td>\$1,087</td><td>\$1,304</td></tr><tr><td>Recreational Facilities</td><td></td><td></td><td></td><td>\$710</td><td>\$851</td></tr><tr><td>Parks and Reserves</td><td>\$1,935</td><td>\$2,259</td><td>\$2,268</td><td>\$1,667</td><td>\$2,001</td></tr></table>	Infrastructure type	Development Contribution per additional lot or dwelling (rate at date plan was first made)	Development Contribution per additional lot or dwelling (indexed contribution rate)	Development Contribution per additional lot or dwelling (indexed contribution rate)	Development Contribution per additional lot or dwelling in other than Urban Release Areas	Development Contribution per additional lot or dwellings in Urban Release Areas	Consumer Price Index (CPI)	87.7	102.4 (March 2013)	102.8 (June 2013)	102.8 (June 2013)	102.8 (June 2013)	LGA-WIDE CONTRIBUTIONS						Civic Administration-Plan Management Works Depots	\$577 \$356	\$673 \$416	\$675 \$418	\$676 \$403	\$676 \$483	Community Services	\$2,293	\$2,677	\$2,687	\$1,201	\$1,442	Cultural Facilities				\$1,087	\$1,304	Recreational Facilities				\$710	\$851	Parks and Reserves	\$1,935	\$2,259	\$2,268	\$1,667	\$2,001
Infrastructure type	Development Contribution per additional lot or dwelling (rate at date plan was first made)	Development Contribution per additional lot or dwelling (indexed contribution rate)	Development Contribution per additional lot or dwelling (indexed contribution rate)	Development Contribution per additional lot or dwelling in other than Urban Release Areas	Development Contribution per additional lot or dwellings in Urban Release Areas																																												
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Parks and Reserves	\$1,935	\$2,259	\$2,268	\$1,667	\$2,001																																												

	Sport and Leisure Facilities	\$4,561	\$5,327	\$5,348	\$6,416	\$7,719
	Roadworks	\$1,296	\$1,515	\$1,521	\$1,523	\$1,523
	Fire & Emergency Services	\$186	\$217	\$218	\$210	\$252
	TOTAL LGA-WIDE CONTRIBUTION	\$11,204 (To be superceded)	\$13,084 (To be superceded)	\$13,135 (To be superceded)	\$13,892 (Proposed)	\$16,251 (Proposed)
	ADDITIONAL LOCAL AREA CONTRIBUTIONS					
	Richardson Road North, Raymond Terrace	\$1,923	\$2,245	\$2,254		\$2,254
	Fern Bay Bus Shelters	\$125	\$146	\$147		\$147
	Boat Harbour And Anna Bay Catchment – Drainage Upgrade	\$600	\$700	\$703		\$703
	CONTRIBUTIONS IN CROSS BOUNDARY AREAS					
	Karuah Cross Boundary	\$9,403 (CPI base = 92.7)	\$10,386	\$10,427	\$12,068	
	Fern Bay Cross Boundary	\$11,226 (CPI base = 94.3)	\$12,150	\$12,197	\$11,226	
1-2	Table 2: Development Contribution Rates – Percentage discounted rates for certain residential development types - New table relating to secondary dwellings, caravan parks and movable dwellings, tourist accommodation, bed and breakfast accommodation and Seniors Living.					
1-2	Table 3: Development Contribution Rates – Discounted rates for certain residential development types in localities other than Urban Release Areas - Development contributions increased from \$6,538 to \$6,946 for Secondary dwellings, \$6,281 to \$6,688 for Caravan parks and moveable dwellings, \$4,964 to \$5,296 for Tourist accommodation, \$2,474 to \$2,759 for Bed and breakfast accommodation and \$6,084 to \$6,427 for Seniors Living in line with AEC Report and CPI.					
1-3	Table 4: Development Contribution Rates - Discounted rates for certain residential development types in Urban Release					

	Areas	- New table outlining contribution rates in urban release areas for secondary dwellings \$7,871, caravan parks and moveable dwellings \$7,618, Tourist accommodation \$6,245, Bed and breakfast accommodation \$3,223 and Seniors Living \$7,219 in line with AEC report and CPI.
1-3	Table 5: Development contributions – non residential development - Development contribution per parking space increased in Raymond Terrace Commercial/ Retail Area Carparking from \$17,515 to \$17,583 and Nelson Bay Commercial/ Retail and Foreshore Area Carparking from \$13,678 to \$17,731 as a result of updated CPI.	
<b>Section 2 – Administrative Provisions</b>		
2-6	2.2.2 Assessment of Contribution - include addition consideration to determine contribution 'the nature of development; new development in an urban release area has a higher average number of occupants in each dwellings; and accordingly attracts a high contribution rate per dwelling or lot'.	
2-6	Section 2.2.4 Urban Release Areas and the balance of the LGA - New section regarding urban release areas which has been included in the Plan.	
2-7	Tourist accommodation - 2007-11 figures for Annual overnight visitors included (680,000) and annual visitor nights (2,375,000) - Average expenditure up from \$341 to \$384 million based on Destination NSW Local Area Profile 2012.	
2-8	Caravan parks and moveable dwellings - updated occupancy rate for dwellings from 2.6 to 2.5 based on 2011 census data. For caravan moveable down to 1.5 or 60% of the overall rate from 1.7 persons or 65%.	
2-8	Development in accordance with state environmental planning policy (seniors living ) 2004 updated to reflect new legislation SEPP (Housing for Seniors or People with a Disability) 2004 The 2011 Census found there were 550 people living in 461 dwelling in self care dwellings in retirement villages in Port Stephens LGA, or an occupancy rate of 1.19 people per dwelling. Occupancy rate previously 1.3.	
<b>Section 3 - Strategy</b>		
3-1	- Inserted new wording 'Port Stephens Council delivers a range of public services including civic administration, community services, recreational facilities, sports and leisure facilities, roads, and drainage, and provides ongoing infrastructure related support to the local provision of the Rural Fire Service and State Emergency Service. New development creates additional demand for these services and facilities.'	
<b>Section 4 - Contributions</b>		
4-1	- The Plan provides separate Section 94 Contributions for Community Services and Cultural Facilities which was previously considered under one contribution cost, a new contribution cost for recreational facilities has been included	

	and public open space, parks and reserves is now considered under Parks and reserves in line with AEC report.
4-3	<p>4.1.1 S94 Plan Management</p> <ul style="list-style-type: none"> <li>- Update occupancy rate from 2.6 to 2.5 in line with census data resulting in new contribution rate per lot/dwelling to \$154.63 from \$160.81 and new contribution per additional lot or dwelling from \$356.49 to \$350.</li> <li>- Inclusion of new urban release area contribution of \$381 per additional lot or dwelling.</li> </ul>
4-4	<p>4.2 Community Services</p> <ul style="list-style-type: none"> <li>- New section outlining contributions for Cemeteries and Multipurpose Community Space in line with AEC Report. (Included in Section 4.4 Cultural and Community Facilities under current Section 94 Plan).</li> <li>- Cost of provision of; Burials increased per person from \$91.39 to \$113.90, Niches decreased from \$43.86 to \$10.80, Multipurpose Community Space replaces Multipurpose Children's Space increasing costs from \$157.77 to \$353.80.</li> </ul>
4-4	<p>4.3 Cultural Facilities</p> <ul style="list-style-type: none"> <li>- New section outlining contributions Libraries and Exhibition Space in line with AEC report. (Included in Section 4.4 Cultural and Community Facilities under current Section 94 Plan).</li> <li>- Cost of provision of; branch libraries increased per person from \$134.64 to \$252.40, library lounges from \$50.02 to \$70.50, exhibition space decreased from \$117.50 to \$110.10.</li> </ul>
4-6	<p>4.4 Recreational Facilities</p> <ul style="list-style-type: none"> <li>- New Section outlining contributions for Surf Life Saving Clubs, Boating, Parks and Reserves, Local Parks, District Parks, Regional Parks and Tidal Pools in line with AEC report. (Included in Section 4.2 Public Open Space, Parks and Reserves under current Section 94 Plan.</li> <li>- Cost of provision of; surf life saving clubs increased from \$49.13 to \$68.20, boat ramps from \$71.40 to \$88.30, wharves/jetties/pontoons from \$84.32 to \$126.20, local parks decreased from \$155.55 to \$138.70, district parks from \$174.17 to \$366.90, a new contribution for regional parks of \$99.70, tidal pools from \$31.45 to \$59.10.</li> </ul>
4-8	<p>4.5 Sports and Leisure Facilities</p> <ul style="list-style-type: none"> <li>- Inclusion of 4.5.1 Sports and Leisure Centre and 4.5.2 Netball Courts, 4.5.5 Local Sports Fields, 4.5.6 District Sports Fields</li> <li>4.5.7 Regional Sports Fields, 4.5.8 Tennis Courts and 4.5.9 Crouquet Courts.</li> <li>- Cost of provision of; Leisure centres increased from \$248.80 to \$468.40, netball courts from \$66.47 to \$93.70, BMX park from \$23.18 to \$33.16 for areas outside of an URA and \$40.03 for areas within an URA, sportfields local \$270.70, sportfields district \$4487.20, sportfield regional \$1,015.50, Tennis courts from \$172.21 to \$183.30 and crouquet courts from \$2.94 to \$4.20.</li> </ul>
4-16	<p>4.7 Fire and Emergency Services</p> <ul style="list-style-type: none"> <li>- Cost per lot/dwelling for localities other than an urban release area decreased from \$186.16 to \$179.</li> <li>- New contribution cost per lot/dwelling in an urban release area of \$214.80.</li> </ul>
4-23	<p>4.9.1 Port Stephens and Great Lakes Councils Cross Boundary Section 94 Development Contributions Plan – Karuah</p> <ul style="list-style-type: none"> <li>- Public open space, parks and reserves cost/person increased from \$660.11 to \$791.62, sports and Leisure facilities</li> </ul>

	increased from \$1,702.12 to \$2,593.51, Cultural and community facilities from \$770.52 to \$850.23, Fire and emergency services from \$539.88 to \$547.30. - Total contribution cost increased from \$9,403 to \$12,067.56.
4-25	- Total apportionment for Port Stephens increased from \$7,222 to \$9,887.

**ITEM NO. 8****FILE NO: PSC2005-4217****2012/2013 GENERAL PURPOSE FINANCIAL REPORTS AND SPECIAL PURPOSE FINANCIAL REPORTS****REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER****GROUP: CORPORATE SERVICES GROUP**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Ratify the referring of the draft 2012/2013 General Purpose Financial Reports and Special Purpose Financial Reports for audit;
- 2) Sign the Statement on the General Purpose Financial Reports;
- 3) Sign the Statement on the Special Purpose Financial Reports.

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**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013****COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Morello</b> <b>Councillor Chris Doohan</b>
	That the recommendation be adopted.

**MOTION**

<b>269</b>	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

The purpose of this report is to advise that the draft General Purpose Financial Reports and Special Purpose Financial Reports for the period ended 30th June 2013 have been prepared and the audit is due to commence Tuesday 8th October 2013.

Under Section 413 of the Local Government Act 1993, Council is required to submit, with the General Purpose Financial Reports, a Statement by Councillors and Management as to its opinion on the reports refer **(ATTACHMENT 1)**.

The Local Government Code of Accounting Practice and Financial Reporting require Council to complete a set of Special Purpose Financial Reports for all business activities declared by Council.

The Code requires a Statement by Council indicating whether or not the Council's Special Purpose Financial Reports have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting refer **(ATTACHMENT 2)**.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The 2012-2013 General Purpose Financial Reports have been prepared in compliance with the Local Government Act 1993, the Local Government Code of Accounting Practice and Financial Reporting, the Australian Accounting Standards and the Asset Accounting Manual.

All revenues received for 2012-2013 have been recognised together with any revenues due but not yet received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.

Funds received for specific purposes but not expended during the period have been identified as either an external or internal restriction.

All known assets acquired during the period have been recognised at actual cost, or at fair value in line with the staged implementation of Fair Value Accounting for assets.

All known liabilities incurred during the period have been recognised at actual or committed cost.

All known assets of Council have been recognised and brought to account.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		All activities managed within existing resources.
Reserve funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Signing of the Statement giving Council's opinion on the financial reports will comply with Section 413 of the Local Government Act 1993

<b>Risk</b>	<b>Risk Ranking</b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that failure to sign the Financial Statements will result in non-compliance with legislative requirements leading to potential reputational and financial loss.	Low	Adopt the recommendations and sign the Financial Statements.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

- 1) Price Waterhouse Coopers, Council's External Auditor, in providing advice on accounting concepts and standards;
- 2) The Division of Local Government in providing advice on recent changes to the Code of Accounting Practice.

**OPTIONS**

- 1) Ratify the referring of the draft 2012/2013 General Purpose Financial Reports and Special Purpose Financial Reports for audit and sign the Statements;
- 2) Reject the referring of the draft 2012/2013 General Purpose Financial Reports and Special Purpose Financial Reports for audit and not sign the Statements.

**ATTACHMENTS**

- 1) General Purpose Financial Statements – Statement by Councillors and Management;
- 2) Special Purpose Financial Statements – Statement by Councillors and Management.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ATTACHMENT 1

Financial Statements 2013

Port Stephens

General Purpose Financial Statements  
for the financial year ended 30 June 2013

Statement by Councillors and Management  
made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

**The attached General Purpose Financial Statements have been prepared in accordance with:**

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

**To the best of our knowledge and belief, these Financial Statements:**

- present fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

**We are not aware of any matter that would render the Reports false or misleading in any way.**

**Signed in accordance with a resolution of Council made on 24 September 2013.**

\_\_\_\_\_  
Bruce MacKenzie  
MAYOR

\_\_\_\_\_  
Sally Dover  
COUNCILLOR

\_\_\_\_\_  
Peter Gesling  
GENERAL MANAGER AND  
RESPONSIBLE ACCOUNTING OFFICER

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ATTACHMENT 2

SPFS 2013

Port Stephens

Special Purpose Financial Statements  
for the financial year ended 30 June 2013

Statement by Councillors and Management  
made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

**The attached Special Purpose Financial Statements have been prepared in accordance with:**

- The NSW Government Policy Statement "Application of National Competition Policy to Local Government".
- The Division of Local Government Guidelines "Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality".
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines - "Best Practice Management of Water and Sewerage".

**To the best of our knowledge and belief, these Financial Statements:**

- Present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

**We are not aware of any matter that would render these Statements false or misleading in any way.**

**Signed in accordance with a resolution of Council made on 24 September 2013.**

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Bruce MacKenzie  
MAYOR

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Sally Dover  
COUNCILLOR

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Peter Gesling  
GENERAL MANAGER AND  
RESPONSIBLE ACCOUNTING OFFICER

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**ITEM NO. 9****FILE NO: PSC2011-04373****SUSTAINABILITY REVIEW – ROUND TWO - VOLUNTEER STRATEGY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the information contained in the Service Strategy – Volunteers Strategy and endorse the findings of this review;
- 2) Continue to work with all volunteers to create an environment where volunteering is easy, safe, adds value and complies with legislation;
- 3) Continue the service provision and work towards the full implementation of the Volunteer Strategy within existing resources;
- 4) Undertake continuous improvement of all process and procedures in consultation with volunteers;
- 5) Create a process that enables committees to directly engage contractors to undertake agreed low risk works on council facilities;
- 6) Consult with committees to develop asset management plans that balance user demand with asset requirements and agreed funding contributions from facility income;
- 7) Amend the allocation of annual subsidies to committees to be \$1000 per year for committees that generate less than \$5000 annual income, zero subsidy for committees that generate more than \$5000 per year and reallocate the savings to committees that generate less than \$5000 annual income;
- 8) Reduce the number of committees over time through a combination of voluntary amalgamation and natural attrition;
- 9) Consult with committees to ensure bank account names are correct, Council is noted in the account name and two Council staff signatories are added to each account.

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**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013**  
**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan</b> <b>Councillor John Nell</b>
	That Council defer Item 9 to allow further discussion with Councillors.

**MOTION**

270	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

The purpose of this report is to present to Council the outcomes of the second sustainability review for the Volunteer Strategy and seek endorsement of the recommendations contained in the Volunteers Service Strategy.

The service relates to the Community Strategic Plan:

- 6.1 "The community is a partner in developing the future of the local government area".
- 6.1.1 "Council will engage its citizens in developing plans for the future of Port Stephens local government area".

The Port Stephens Council Volunteer Strategy was adopted by Council in 2009. The strategy was developed to recognise the contribution of volunteers to the local community and to provide a framework, strategic directions and guidelines for management and support of volunteers. The Volunteer Strategy provides the guidelines to ensure volunteer management meets corporate and legal requirements.

The Volunteer Strategy Sustainability Review was adopted by Council 11 December 2012, Minute 346 with the following resolutions.

1. "Note the information contained in the Service Strategy – Volunteer Strategy and endorses the findings of this review".
2. "Continue to work with all volunteers to create an environment where volunteering is easy, safe, adds value and complies with legislation".
3. "Review all committees and report back to Council with details on those committees that can be amalgamated or wound up".
4. "Review 355c Committees to assess sustainability of these important voluntary groups and their ability to manage current requirements with the skills and manpower to meet their commitments and ongoing viability".
5. "Review the funding model for 355c Committee recognising that the annual stipend model is neither equitable nor fair dependant on a committee's access to income streams".

As part of the second Volunteer Strategy Sustainability Review further consultation was undertaken with volunteers, 355(c) committee members and staff. The majority of this was during Forums and identifying opportunities for improvement that arose from the data collected in the first sustainability review. The gap analysis of volunteer

requirements and expectations has been reviewed and opportunities for improvement have been included in the continuous improvement program.

## FINANCIAL/RESOURCE IMPLICATIONS

The current provision of support to volunteers and committees under the Volunteer Strategy is provided within current resources. Whilst the only direct budget item for volunteers is the annual subsidy of \$80,000 there is a further \$518,150 per year in direct and indirect funding of volunteer support and management (refer to Table 1 and **ATTACHMENT 1**).

Adopting the recommendations is likely to have the following implications for finances and resources:

- More value added services delivered by volunteers will positively impact on Council's budgets.
- Increased potential to fund asset renewal works whilst keeping downward pressure on general revenue as a main source of funds.
- A more strategic approach to asset renewal using committee and Council funds.
- A fairer distribution of annual subsidies that enables committees to deliver their services.
- Improvement of financial management of Council funds held by committees.
- Greater demand on staff resources as improvements to the Volunteer Strategy are made and delivered.
- Free up committees to directly engage suppliers in line with agreed processes that manage risk.

Table 1 shows the sources of funds for the support and management of volunteers

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	298,150	<b>Direct funding</b> includes: <ul style="list-style-type: none"> <li>• Salaries (0.6 EFT) Community Services Section \$60,400</li> <li>• Salaries (2 EFT) Public Domain Section for direct supervision \$157,750</li> <li>• Annual subsidy payments \$80,000</li> </ul>
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	300,000	Estimated <b>indirect funding</b> of wages to support and manage volunteers from existing budgets.

*Table 1: Sources of funds and expenses for volunteer support and management (Port Stephens Council)*

## LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal impediments by adopting the recommendations.

Adopting the recommendations would result in a change to the Volunteer Strategy by way of:

- The reallocation of annual subsidy to committees.
- The requirement of bank accounts held by committees being noted as part of Port Stephens Council.
- Improved integration of committee and Council funding of asset management.

There is a potential reputation risk if volunteers are upset by the changes. Some volunteers will be happy by the increase in subsidy but others may see this as a Council cost cutting action.

The changes to committee bank accounts would reduce Council's risk in having a large amount of funds held in individual bank account.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that funds held by 355(c) committee bank accounts may be subject to fraudulent acts resulting in legal, financial and reputation damage.	Medium	This risk will be reduced by ensuring Council is noted on individual bank accounts.  This will also assist committees to demonstrate transparent and compliant management of Council funds.  This risk is already managed through a monthly and annual financial and audit reporting process.	Yes
There is a risk that funds held in 355c committee bank accounts are not used to contribute to cost of asset renewal resulting in greater drain on ratepayer revenue.	Medium	Adopt the recommendations and commence consultation with committees to form agreements on appropriate use of committee funds for asset renewal	Yes
There is a risk that changing the current 'one in all in' allocation of 355(c) annual subsidies may result in reputation damage from divisions between	Medium	Adopt the recommendations and create processes and procedures that provide the best outcome for the majority of volunteers and Council.	Yes

committees.			
There is a risk that freeing up committees to engage contractors directly may result in safety, compliance and governance breaches resulting in financial, legal, and reputation damage.	Medium	Adopt the recommendations and create an agreed process and procedures that ensure compliance with local government requirements for procurement, safety and asset management.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The benefits of volunteers to Port Stephens Council and the local community cannot be overstated. Volunteers not only add value to the services that Council provides, volunteering helps to build social cohesion, sense of ownership, civic pride and well being. Adopting the recommendations will add to this social benefit by increasing options for volunteers, reducing risk to volunteers and improving community and recreational asset condition and service delivery.

Adopting the recommendations will ensure that Council can continue to provide the facilities and services that the community desires in the best possible way. This in turn creates and fills a gap in the market for low cost facilities for small scale events, activities and small businesses to operate and contribute to the local economy.

Environmental management and civic improvement is a big focus for many 355c committees. Adopting the recommendations will ensure that the ecology of the area continues to be protected, improved and developed under the auspice of 355c Committees.

## **CONSULTATION**

Consultation has occurred with Hall Committees and Parks and Reserve Committees at the following forums:

Halls Forum – 6 June 2013

Parks Forum – 19 June 2013

Consultation with Sports Council has not yet been undertaken. The \$1,000 subsidy is one of the two subsidies Sports Council's receive. They also receive an \$8,000 subsidy. Sports Councils also receive income from sporting group users and attract annual income of greater than \$5000 per year (refer to ATTACHMENT 1).

Consultation has not been undertaken with specific purpose committees as yet. Proposed changes to subsidies only affects four (4) committees of the total of specific purpose committees who have access to income streams.

The following staff have been involved in the preparation of the details and

recommendations of this report and sustainability review:

- Volunteer Strategy Coordinator
- Contracts and Services Coordinator.

## **OPTIONS**

- 1) Adopt the recommendations contained in the Sustainability Review – Volunteer Strategy Service;
- 2) Amend the recommendations contained in the Sustainability Review – Volunteer Strategy Service;
- 3) Reject the recommendations contained in the Sustainability Review – Volunteer Strategy Service.

## **ATTACHMENTS**

- 1) Sustainability Review – Round Two – Volunteer Strategy – Financial Information – (Tables 2 and 3).

## **COUNCILLORS ROOM**

- 1) Nil.

## **TABLED DOCUMENTS**

- 1) Sustainability Review - Volunteer Service Strategy, Level of Service and Annexure.

## ATTACHMENT 1

## SUSTAINABILITY REVIEW – ROUND TWO - VOLUNTEER STRATEGY – FINANCIAL INFORMATION (TABLES 2 AND 3)

Table 2 shows the total funds held by 355c committees and the comparison of these figures for the 31 December 2011 and 31 December 2012 by committees.

Summary	Working A/C	Investment A/C	Total
<b>Closing Balance 31/12/2011</b>	\$487,263	\$275,539	<b>\$762,802</b>
<b>Closing Balance 31/12/2012</b>	\$634,263	\$283,123	<b>\$917,386</b>
<b>Variance</b>	\$147,000	\$ 7,584	<b>\$154,584</b>
<i>Table 2: Total funds held by committees as at 31 December 2012.</i>			

Tables 3 itemises the funds held by committees as at 31 December 2012.

Summary	Working A/C	Investment A/C	Total	Percentage of total
<b>Sports Councils (5)</b>	\$196,759	\$137,385	\$334,144	36%
<b>Halls (15)</b>	\$163,257	\$95,433	\$258,690	28%
<b>Specific Purpose (10)</b>	\$195,783	\$37,305	\$233,088	25%
<b>Parks/Reserves (16)</b>	\$78,464	\$13,000	\$91,464	10%
<b>Total</b>	<b>\$634,263</b>	<b>\$283,123</b>	<b>\$917,386</b>	<b>100%</b>

*Table 3: Itemised funds held by committees as at 31 December 2012*

NOTE: Specific Purpose Committees include Ngioka Centre, Port Stephens Adult Choir, Port Stephens Community Bands, Nelson Bay Australia Day Committee, Salt Ash Sports Ground, Sister Cities, Tomaree Education Complex and Multipurpose Centre, Tilligerry Aquatic Advisory Committee, West Ward Cemeteries (including Karuah Church Columbarium Committee), Tomaree Cemeteries Committee.

ITEM NO. 10

FILE NO: PSC2013-00679

**SUSTAINABILITY REVIEW – INTERNAL AUDIT**

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the information contained in the Service Strategy – Internal Audit and endorse the findings of the review.

**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

271	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

The purpose of this report is to present to Council the outcome of the sustainability review for the Internal Audit function and seek endorsement of the recommendations contained in the Internal Audit Service Strategy.

The service links to the Community Strategic Plan 2023 in the following areas:

- 15.1.3.10 – Review options related to Internal Audit services
- 15.1.3.11 – Conduct an Internal Audit program

The key drivers for these services are legal and operational.

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

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

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

The function of Internal Audit provides Council and the management team with an independent review of its functions through the Internal Audit Program.

As part of its functions, the Internal Audit provides:

- 1) A program of audits as part of the Internal Audit Strategic Plan;
- 2) One off audits as required;
- 3) Advice and policy direction on internal audit matters;

Resources available during the current financial year for the Internal Audit comprise:

Operating Expenditure	\$52,500
Capital Expenditure	Nil.
Revenue	Nil.
Staffing (EFT)	0.02

The breakdown for each service area is:

Service/Activity	Key Metrics Eg financial cost for specified service level
Internal Audit	\$45,500 (contract) - \$7,000 staff time
Internal Audits (one-offs)	As quoted
Internal Audit advice/policy	As quoted

## **SERVICE REVIEW FINDINGS**

### **Benchmarking**

As part of Stage 3 of the review, a survey was undertaken of all NSW Councils. A total of 41 response from 152 Councils were received.

The benchmarking showed that there was a varied approach to the provision of audit services. These ranged from a shared service amongst Councils, to direct employment of staff, contracted arrangements to no internal audit programs.

The staff numbers in the audit area of Councils ranges from 1 to 6. At Council this function forms part of the Executive Officer's role.

### Internal Efficiencies and Options

Further improvement to processes will be developed over time in consultation with stakeholders. The process improvement will include engagement of independent audit committee members at the draft report stage and improved time lines for staff.

Given the current organisational structure allocates very small part of an existing role, it is not envisage that any further efficiencies can be achieved at this time.

It is considered that Council's current contract arrangement provides value for money and with satisfactory results. By engaging an independent contractor to conduct internal audit a greater level of transparency is achieved with all internal audits as opposed to directly employing a Council officer to conduct audits.

### SERVICE REVIEW RECOMMENDATIONS

The review resulted in the following recommendations:

- A. Continue to provide the internal audit functions by contract.

### FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	52,500	
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

Council is legally required to control this function. The Division of Local Government provide guidelines on the establishment and management of audit committees.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that without a structure audit program inappropriate activities may occur. The audit program provides an independent review of Council functions and activities.	Low	Adopt the recommendation.	Yes

## **SUSTAINABILITY IMPLICATIONS**

The structured internal audit program provides evidence to Council and management where improvements are required on particular functions and also how well other functions are performing. In the long term in many instances efficiencies are gained and therefore provides a better return to the ratepayer.

## **CONSULTATION**

- 1) Survey of all NSW Councils;
- 2) General Manager;
- 3) Mayor and Councillors at a two way conversation 17 September 2013.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Sustainability Review – Internal Audit.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

## ATTACHMENT 1

### SERVICE STRATEGY

Service Package name: Internal Audit

Group: General Manager's Office

Section: General Manager's Office

#### STAGE 1 INFORMATION:

##### 1) Service Description

Service/Activity/Function	Outputs	Link to the Community Strategic Plan
Internal Audits	To provide a program of Internal Audits as part of the Internal Audit & Strategic Plan	15.1.3.10 – Review options related to Internal Audit services 15.1.3.11 – Conduct an Internal Audit program
Internal Audits (one offs)	To provide internal audits as required outside the adopted Internal Audit & Strategic Plan	
Internal Audit advice/policy	To provide advice and policy direction on Internal audit matters	

##### 2) Requirement for PSC to control the service (key drivers for control)

Service/Activity	Is PSC legally required to control the service	Is PSC required to financially control the service?	Is PSC required to operationally control the service?
	please list the Act or regulation which specifies that Council must control the service	please provide evidence as to the driver to financially control the service, ie. revenue generation that allows other specific services to occur	Can the service be controlled through either contract, direct labour, partnerships, etc so that PSC controls the level of output and /or has the ability to change the systems that deliver the service?

Service/Activity	Is PSC legally required to control the service  please list the Act or regulation which specifies that Council must control the service	Is PSC required to financially control the service?  please provide evidence as to the driver to financially control the service, ie. revenue generation that allows other specific services to occur	Is PSC required to operationally control the service?  Can the service be controlled through either contract, direct labour, partnerships, etc so that PSC controls the level of output and /or has the ability to change the systems that deliver the service?
Internal Audits	Local Government Act (LGA)	No	Yes, Council can either directly employ an internal auditor or through contract
Internal Audits (one offs)	LGA	Yes, due to link to the LGA	No, Council can either directly employ an internal auditor or through contract
Internal Audit advice/policy	LGA	Yes, due to link to the LGA	No, Council can either directly employ an internal auditor or through contract

**STAGE 2 INFORMATION:**

**3) Agreed level of service.**

- Attached SLA and costs

**4) Resources**

Operating Expenditure	\$52,500
Capital Expenditure	Nil
Income	Nil
Staffing (EFT)	0.02

**5) Key metrics/KPIs that will be used to measure delivery of the service against the market.**

Service/Activity	Key Metrics
	Eg. financial cost for specified service level
Internal Audits	\$45,000 (contract)
Internal Audits (one offs)	As quoted at the time of engagement
Internal Audit advice/policy	As quoted at the time of engagement

#### 6) Emerging Trends

Service/Activity	Emerging Trends Eg. Technology; impending changes to legislation; workforce changes	Issues associated with the emerging trend	Opportunities associated with the emerging trend
Internal Audits	Changes to local government areas/council amalgamations		
Internal Audits (one offs)			
Internal Audit advice/policy			

### STAGE 3 INFORMATION:

#### 7) Alternate Service Delivery Options:

Options	Relevant Function/Activity	Details, issues and implications using key metrics
Sharing services and resources with other councils	A number of Council in NSW share an internal auditor	
Strategic relationships eg. Hunter Councils	In the future there is potential for Hunter Councils to develop a framework for internal audit services	
'Arms length entities' to manage the service	N/A	

<b>MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013</b>
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Options	Relevant Function/Activity	Details, issues and implications using key metrics
Joint ventures or public private partnerships (PPP's)	N/A	
Community run services or enterprises	N/A	
Outsource service or activities to external providers	Currently contracted out	
New business enterprises to generate additional income	N/A	
Other		

#### 8) Internal Efficiency Options:

Activity	Outline suggested options
Organisational structure	The Internal Audit program is coordinated by the Executive Officer at present
Processes, procedures, work practices and tools	Further improvement to processes will be developed over time in consultation with stakeholders. The process improvement will include engagement of independent audit committee members at the draft report stage and improved time lines for staff.
Optimise or reduce resource usage	Current structure is at the lowest level at present. No further improvement possible.
Optimise staff productivity	Current structure is at the lowest level at present. No further improvement possible.
Regulatory controls	Division of Local Government Guidelines
Other	N/A

8) Funding Efficiency Options:

Activity	Outline suggested options
Consider opportunities for shifting costs of services to other levels of government, for example charging government agencies for services or facilities provided by the council.	N/A
Add or modify user charges	N/A
Explore ways to increase usage of services to increase income from user charges	N/A
Other	

9) Benchmarking Data

Service item	Benchmarking Details (cost per service standard)
Internal Audits	<p>A summary was conducted of the 152 NSW Councils with 41 responses received.</p> <p>34 of the 41 have an internal audit program with 19 employing staff directly. While 20 conduct the program via contract.</p> <p>Of the Councils that employ staff directly, most Councils employ between 1-2 staff to manage the program.</p> <p>The budgets for the internal audit programs ranges from \$10K to \$500K.</p> <p>The cost for Council to employ an internal auditor in-house the salary would range \$94,430 to \$111,720.</p>
Internal Audits (one offs)	
Internal Audit advice/policy	

## MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013

### SUMMARY OF OPTIONS:

Option 1	Details	Prioritisation (refer matrix)
Continue on, however seek to continuously improve the service	It is recommended that Council continue with the existing service and review as appropriate to achieve increase compliance. Continuing with the existing service provides a level of transparency and independence and provides value for dollar to Council.	
Option 2	Details	Prioritisation (refer matrix)
Change the way the service is delivered (ie. process or supplier improvement)	Review prior to the expiration of the current contract.	
Option 3	Details	Prioritisation (refer matrix)
Spin off or restructure	Not an option	
Option 4	Details	Prioritisation (refer matrix)
Cease the service altogether	Not an option	

### RECOMMENDATION:

Service	Details	Net One off costs/savings	Recurrent costs/savings
Internal Audits	Continue to provide the internal audit program via contract.	Nil	\$52,500
Internal Audits (one offs)	Continue to provide the internal audit program via contract.	Nil	Included in above
Internal Audit advice/policy	Continue to provide the internal audit program via contract.	Nil	Included in above
Completed by:	Tony Wickham	Position:	Executive Officer
Review Team involved:	Executive Officer	Date:	8 August 2013

ITEM NO. 11

FILE NO: PSC2009-04981

## WALLAWA ROAD NELSON BAY – REQUEST FOR TRAFFIC CALMING

REPORT OF: JOHN MARETICH – CIVIL ASSETS MANAGER

GROUP: FACILITIES AND SERVICES

### RECOMMENDATION IS THAT COUNCIL:

- 1) Rescind Item 5 of the Council resolution (minute 17-2013) of 12<sup>th</sup> February 2013 (Attachment 1) *"That a viable alternative traffic calming device be installed instead of the speed cushions and that this point be referred to the Local Traffic Committee for consideration."*;
- 2) Take no further action with regard to installation of traffic calming devices in Wallawa Road;
- 3) Provide information to the local community to explain the rationale for Council's position as attached in the report.

### ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p><b>Councillor John Nell</b> <b>Councillor Sally Dover</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1) Develop a footpath plan for Wallawa Road;</li> <li>2) Conduct a parking study for Wallawa Road;</li> <li>3) Conduct an education program to inform residents of their rights and obligations with regard to on-street parking and parking on the footpath; and</li> <li>4) Conduct an enforcement campaign with regard to vehicles being parked on the footpath of Wallawa Road, once the above points have been enacted.</li> </ol>
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### MOTION

272	<p><b>Councillor Ken Jordan</b> <b>Councillor John Morello</b></p> <p>It was resolved that the Committee of the Whole recommendation be adopted.</p>
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## BACKGROUND

The purpose of this report is to rescind the previous resolution and to provide information in relation to Council's request for further investigation of alternative traffic calming devices along Wallawa Road (**ATTACHMENT 2**). The traffic issues at Wallawa Road have been to both Local Traffic Committee and Council on many occasions (**ATTACHMENT 3**). This report aims to clarify the investigation of the alternative traffic calming options following removal of the speed cushions.

In April 2010, following extensive consultation with residents and stakeholders, a six (6) month trial installation of speed cushions was approved in Wallawa Road. The speed cushions achieved a reduction in average speed from approximately 60km/h to around 51km/h and a reduction in the volume of traffic from approximately 1,800 vehicles per day to around 1,500 vehicles per day in Wallawa Road.

Following the trial, the November 2010 meeting of the Port Stephens Local Traffic Committee recommended that the speed cushions should remain indefinitely due to the good results that were achieved in speed reduction and reduced number of vehicles recorded in Wallawa Road since the speed cushions were installed.

After the Traffic Committee made this recommendation, an acoustic engineering investigation was commissioned by a Wallawa Road resident alleging that vehicles travelling over the speed cushions were creating vibrations that could result in property damage. The resident provided this report to Council and called for the speed cushions to be removed.

The Local Traffic Committee (4<sup>th</sup> December 2012) subsequently recommended removal of the speed cushions and on 12<sup>th</sup> February 2013, this recommendation was adopted by Council. Council resolution #17-2013 of 12<sup>th</sup> February 2013 also included item 5: *"That a viable alternative traffic calming device be installed instead of the speed cushions and that this point be referred to the Local Traffic Committee for consideration"*.

The speed cushions have since been removed resulting in mixed reactions from residents of Wallawa Road and surrounding streets. Some residents are happy that the speed cushions are gone and don't want them replaced. Others are anxious that the speed cushions be replaced by other traffic calming devices as soon as possible.

The Wallawa Road location has many constraints for a viable traffic calming replacement. The experience with the speed cushions has shown that vertical deflection devices such as speed humps are unsuitable in this location, causing vibrations in houses. Horizontal deflection devices, such as slow points or chicanes, which reduce the road to a single vehicle width over a short distance, are the only remaining option and will create new issues. The disadvantages and advantages of slow points or chicanes are:

Disadvantages:

- Technical guidelines, including the Austroads Guide to Local Area Traffic Management, do not recommend slow points or chicanes where traffic volumes are likely to exceed 1000 vehicle per day (vpd). Wallawa Road has a current

average traffic volume of around 1500vpd. This means that technical guidelines will not be met.

- Slow points or chicanes are not recommended on bus routes. Wallawa Road is on a school and public bus route. Chicanes designed to cater for buses will only slow vehicle speeds when there is opposing traffic. At times when traffic volumes are low, drivers would be able to negotiate the chicanes without reducing speed.
- The number, angles and grades of driveways in Wallawa Road would make positioning of slow points or chicanes difficult and would mean that possibly only two (2) devices could be located along the length of Wallawa Road. This in turn would have little impact on traffic speeds or in deterring through-traffic.
- Chicanes would possibly restrict access or response times for emergency vehicles
- Chicanes would possibly increase traffic noise due to braking and acceleration
- Chicanes restrict the ability of residents to park in front of their residences
- Confrontations between opposing drivers may occur when arriving simultaneously and it is unclear who should give way
- Chicanes can be hazardous for cyclists by forcing them into the traffic stream

**Advantages:**

- A reduction in vehicle speeds in the vicinity of the device when there is opposing traffic.
- Provide pedestrians with a shorter distance to cross the street.

The issue of vehicles exceeding posted speed limits in residential streets is widespread and not unique to Wallawa Road. The installation of only two (2) traffic calming devices in a relatively long street will have little impact on traffic speeds and may inconvenience residents more than passing traffic.

## **FINANCIAL/RESOURCE IMPLICATIONS**

There is currently no allocated funding for installation of traffic calming in Wallawa Road. If Council decides to uphold the current resolution for installation of traffic calming in Wallawa Road the work will be placed on Council's Forward Works Plan and will be prioritised alongside other identified traffic facilities such as pedestrian refuges, pedestrian crossings and shared paths. The estimated cost of a series of chicanes and associated signs and linemarking could be approximately \$20 000.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No		Proposing to do nothing.
Reserve Funds	No		Proposing to do nothing.
Section 94	No		Proposing to do nothing.
External Grants	No		Proposing to do nothing.
Other	No		Proposing to do nothing.

**LEGAL, POLICY AND RISK IMPLICATIONS**

Assessment of Wallawa Road using Port Stephens Council's system for ranking local area traffic management proposals gives a low score (**ATTACHMENT 4**).

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk to Council's reputation as some residents will be dissatisfied with Council's approach	High	Council staff to contact residents and explain the reasons for not installing traffic calming devices	Yes
There is a risk that road safety in Wallawa Road will be compromised if traffic calming is not installed	Low	Surveys without traffic calming indicated vehicle speeds comparable to many local streets throughout the LGA as well as a low crash history	Yes
There is a risk that chicanes would cause traffic congestion at peak times leading to driver frustration	Medium	Do not install traffic calming devices	Yes
There is a risk that if chicanes are installed, police and emergency response times will be compromised	Medium	Do not install traffic calming devices	Yes
There is a risk that driver dissatisfaction could lead to vandalism of signs and devices resulting in costly maintenance and replacement of signs	Medium	Do not install traffic calming devices	Yes
There is a risk that traffic calming devices will not comply with current standards and guidelines	High	Do not install traffic calming devices	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

A decision to not install further traffic calming devices in Wallawa Road will preserve the visual amenity of the area. There will be no additional signs or road infrastructure to detract from the streetscape. Not installing further traffic calming devices will mean that Police and emergency services response times will be unaffected. Public transport services will also be unaffected and those families with children who rely on school buses will be able to continue to do so.

Not installing further traffic calming devices will allow Council to direct traffic facilities funding to more urgent projects, such as improving pedestrian facilities in the town centres. As well, there will be no ongoing costs in maintenance and replacement of damaged signs and bollards. The costs to motorists will also be reduced by removing the need for constant braking and accelerating and potential damage to vehicle tyres and suspension.

Without further traffic calming devices, traffic noise from braking and accelerating will not increase and safety for cyclists using Wallawa Road will not be reduced. Resident access to properties will not be impacted, nor will existing resident parking. Amenity for pedestrians will not be improved but this would only happen if a footpath was provided which is practically impossible given the narrow road reserve, existing property driveways and the steep terrain in this area.

## **CONSULTATION**

- 1) Consultation was carried out in Wallawa Road and surrounding areas before the trial installation of speed cushions. Approximately 300 consultation leaflets were distributed and less than 100 were returned with 84% of respondents supporting installation of traffic calming devices in Wallawa Road;
- 2) Further consultation was conducted following the trial installation of speed cushions. 108 responses were received from 300 surveys distributed, with 54% of respondents opposed to traffic calming;
- 3) The Wallawa Road Action Group, the residents group who initiated the movement to have traffic calming devices installed in Wallawa Road, have recently contacted residents. They report that of 60 residences in the eastern end of Wallawa Road, between Galoola Drive and Canomii Close, that 40 have been contacted and of these 38 are in favour of installing chicanes as a replacement for the speed cushions (**ATTACHMENT 4**).

## **OPTIONS**

- 1) Rescind Item 5 of the Council resolution, Minute number 17-2013 of 12<sup>th</sup> February 2013;
- 2) Support the existing Council resolution, Minute number 17-2013 of 12<sup>th</sup> February 2013, and place the installation of traffic calming devices on Council's Forward Works Plan.

**ATTACHMENTS**

- 1) Council Resolution 12 February 2013;
- 2) Locality plan;
- 3) Chronology of events;
- 4) Priority system for ranking LATM proposals – Wallawa Road;
- 5) Submission from the Wallawa Road Action Group.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

# ATTACHMENT 1

## ORDINARY COUNCIL – 12 FEBRUARY 2013

ITEM NO. 11

FILE NO: A2004-0511

### LOCAL TRAFFIC COMMITTEE MEETING – 4 DECEMBER 2012

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

#### RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held on 4<sup>th</sup> December 2012.

#### COMMITTEE OF THE WHOLE RECOMMENDATION

	<b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b>
	That the recommendation be adopted subject to the following:  <ol style="list-style-type: none"><li>1) A fifth point be added to Item 15_06/12 – "5. <i>That a viable alternative traffic calming device be installed instead of the speed cushions</i>" and that this point be referred to the Local Traffic Committee for consideration.</li><li>2) Item 34_12/12 – refer matter back to the Local Traffic Committee for further consideration.</li><li>3) Item 36_12/12 - refer matter back to the Local Traffic Committee for further consideration with respect to the removal of parking with no alternative parking.</li></ol>

## ORDINARY COUNCIL MEETING – 12 FEBRUARY 2013

#### MOTION

017	<b>Councillor John Nell</b> <b>Councillor Sally Dover</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

ORDINARY COUNCIL – 12 FEBRUARY 2013

**B. Business arising from previous meeting**

**Item:** 15\_06/12

**WALLAWA ROAD NELSON BAY – REQUEST FOR REMOVAL OF SPEED CUSHIONS**

**Requested by:** Cr Nell  
**File:** PSC2005-4020/086  
**Background:**

The ordinary Council meeting held on 27<sup>th</sup> November 2012 passed the following resolution: "That Council refer the following recommendation to the Local Traffic Committee for consideration:

1. Make Wallawa Road a one-way street with traffic moving only in an easterly direction from Spinnaker Way to Galoola Drive
2. Line-mark Wallawa Road to provide car parking on the northern side of the street and a shared cycleway/footpath on the southern side of the street.
3. Place a 3 Tonne load limit on Wallawa Road.
4. Remove existing speed cushions."

This matter was raised at short notice at the December Local Traffic Committee meeting where Wallawa Road residents and East Ward Councillors attended to contribute to the discussion.

**Discussion:**

Cr Nell made the following points:

- The recommendations are in response to concerns of residents who are fed-up with the situation in Wallawa Road. He said that the road is too narrow for the volume of traffic using it.
- There is an informal arrangement whereby residents park their vehicles partly on the footpath which forces pedestrians onto the road. Pedestrians need to be better catered for to allow people to walk in safety and that one-way traffic and cars parked on the road will go a long way to achieving this.

Wallawa Road residents made the following points:

- The road is not capable of handling the current traffic flows. Had Spinnaker Way not been connected, Wallawa Road would be able to cope with current traffic. The development of the Vantage Estate will increase traffic volumes with potentially 600 more homes to be constructed.
- This proposal is a compromise that addresses traffic and pedestrian issues. The parking is currently illegal and needs to be addressed and the traffic issues resolved.
- One-way traffic will halve the volume and moving parked cars off the footpath onto the road will assist in slowing traffic speed.
- Other residents in the area may not support one-way traffic but any inconvenience will be minor.

Cr Dingle made the following points:

ORDINARY COUNCIL – 12 FEBRUARY 2013

- The current situation is the result of poor planning in terms of inadequate road width and poor pedestrian connectivity which is not unique to Wallawa Road.
- His concern is that while this proposal addresses the traffic volume and pedestrian safety issues, the speed problem will be made much worse. A wider travel lane with no traffic conflict will increase speeds.
- There are 100's of other streets in the LGA with similar width and speed issues and that there are many underlying issues that need to be considered.

Mark Newling of Port Stephens Coaches made the following points:

- Port Stephens Coaches is contracted by Transport for NSW to provide community access to Port Stephens residents and visitors. They currently provide public bus services in Wallawa Road as well as school bus services.
- Public transport provides access that meets the requirements of the Disability Discrimination Act which cannot be enhanced by reducing services.
- To his knowledge there have been no major traffic incidents in Wallawa Road. Making Wallawa Road into a one-way street will effectively remove bus services from a much wider area than just Wallawa Road.
- Consultants from Transport for NSW have investigated all possible alternatives and concluded that there is no viable alternative route that will service the same area.
- One way bus services do not work as bus patrons need to be able to have a return journey. Removal of buses from Wallawa Road will cause more children to have to walk on the road and will decrease safety.
- Taree Street is not considered suitable for bus use due to the very steep road and intersection. Full community consultation is required before any action is taken to remove bus services.

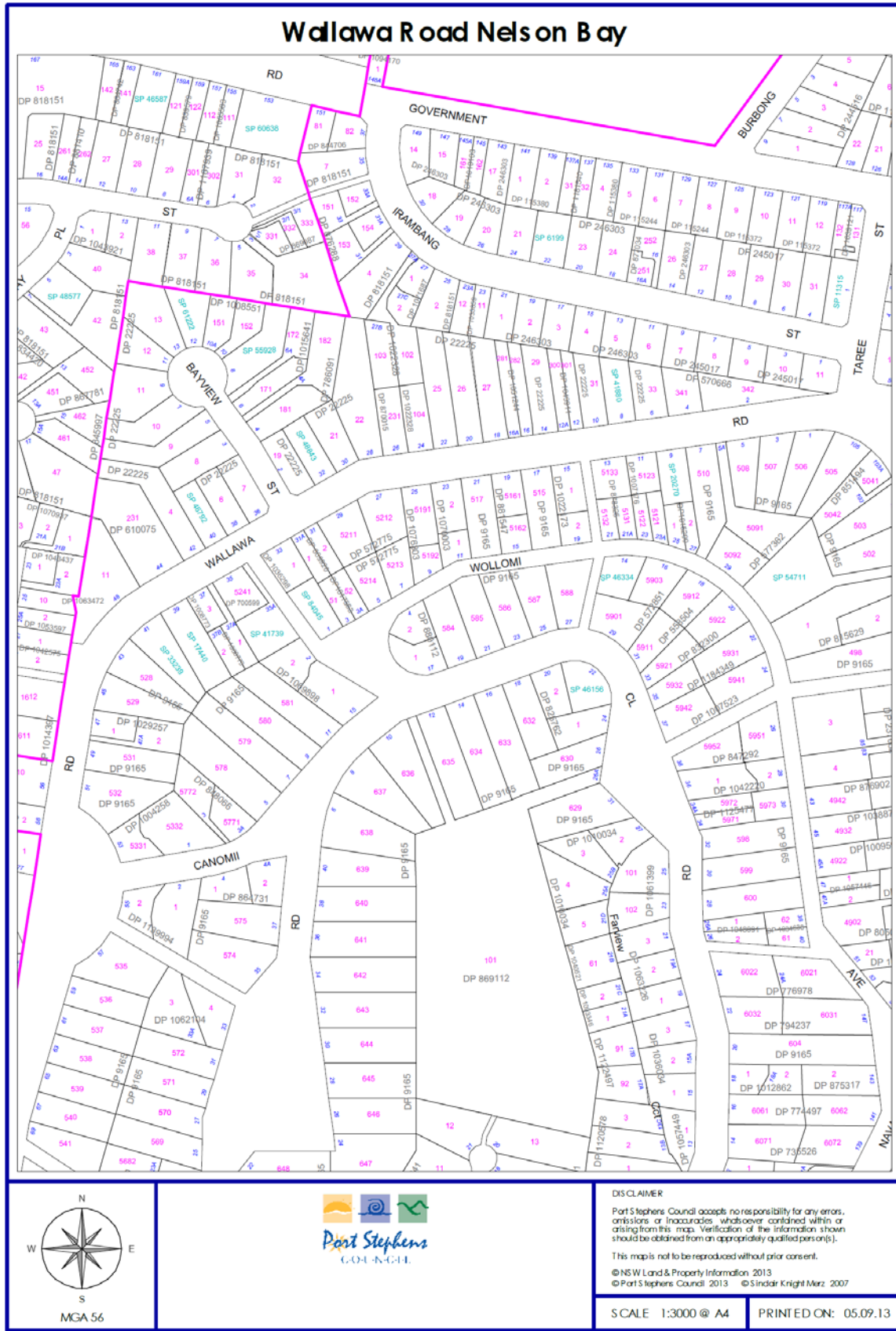
Council's Traffic Engineer made the following points:

- Council must consult with Transport for NSW prior to making any decision that may impact on public transport services.
- One-way traffic over the full length of Wallawa Road between Spinnaker Way and Galoola Drive would have serious implications for residents in Wollomi Avenue where traffic would be diverted.
- A 3 tonne load limit is not appropriate but that a truck prohibition sign (R6-10-2) would allow trucks servicing properties to enter, as well as buses, but excludes all other heavy vehicles.

**Committee's recommendation:**

1. That Council seek an official report from Transport for NSW with regard to bus services in the Wallawa Road area.
2. That Council conduct a review of parking in Wallawa Road and provide a report with recommendations to the Local Traffic Committee
3. That Council provide the Local Traffic Committee with a review of previous community consultations carried out with regard to Wallawa Road
4. Removal of the speed cushions from Wallawa Road

ATTACHMENT 2



### ATTACHMENT 3

#### Chronology of events

- August 2009 -** A speeding driver crashes into a parked vehicle in Wallawa Road and the Wallawa Road Action Group (WRAG) is formed to lobby for road safety improvements in Wallawa Road.
- October 2009 -** Community consultation survey results indicate 84% of respondents are in favour of some form of traffic calming.
- April 2010 -** Port Stephens Local Traffic Committee recommends and Council approves a trial installation of speed cushions in Wallawa Road
- September 2010 -** An evaluation survey of Wallawa Road residents and affected stakeholders results in 54% of respondents opposed to traffic calming in Wallawa Road
- November 2010 -** Port Stephens Local Traffic Committee recommends that the speed cushions remain in Wallawa Road indefinitely
- March 2011 -** Port Stephens Council resolves to refer the matter of replacement of the speed cushions to the Local Traffic Committee
- April 2011 -** Port Stephens Local Traffic Committee recommends that the existing speed cushions be retained with the addition of suitable measures to stop drivers avoiding the humps by driving down the centre of the road.
- April 2012 -** Wallawa Road resident provides Council with an acoustic engineering report alleging that vibrations associated with the speed cushions are causing damage to his property
- June 2012 -** Local Traffic Committee recommends that Council develop suitable alternative traffic calming options for Wallawa Road
- October 2012 -** Port Stephens Council adopts a resolution that the following matters be referred to the Local Traffic Committee:  
a) the temporary cushion located in the vicinity of 22 Wallawa Road be replaced with a full width speed hump, similar to those installed in Foreshore Drive;  
b) a vibration trial be undertaken in Wallawa Road;  
c) a 3 tonne weight limit be implemented in Wallawa Road; and  
d) the bus route be diverted around Wallawa Road.
- December 2012 -** Port Stephens Local Traffic Committee recommends removal of the speed cushions due to liability concerns from potential property damage

**February 2013 -** Port Stephens Council adopts the recommendation to remove the speed cushions with a further resolution to replace them with a viable traffic-calming alternative.

ATTACHMENT 4

**Priority System for ranking LATM proposals – Wallawa Road**

Traffic Parameter	Observed value	Points for a street or road		
		Local street	Collector/distributor	Sub-Arterial
Traffic Speed as 85 <sup>th</sup> % speed	50-54	3	0	0
	55-59	9	1	0
	60-64	15	6	1
	65-69	24	12	4
	70-74	33	18	7
	75-79	45	27	15
	Over 80	60	40	25
Traffic Volume (V/day)	1000-1499	4	0	0
	1500-1999	7	0	0
	2000-2499	10	2	0
	2500-2999	15	3	0
	3000-3999	20	4	0
	4000-4999	30	7	0
Rat-run Traffic As peak hour percent of 24 hour volume	10-11%	0	0	0
	11-12%	2	1	0
	Over 12%	4+2 per%	2+1%	0
Crash data Per fatal crash Per Casualty crash Per non-injury crash	Points per crash	5	5	5
		2	2	2
		0.5	0.5	0.5
Heavy vehicles	Points per %			
	Above 3%	2	1	0
Topography (add scores together)	Restricted sight	4	5	6
	Grade over 3%	3	2	1
	Long Straight	5	2	0
	Tight bend	3	2	3
Activity generators (add scores for all uses in the street)	Passive reserve	1	1	1
	Active playground	7	5	1
	Industrial	2	0	0
	Residential	2	2	1
	Primary School	10	8	8
	Secondary School	8	6	6
	Tertiary College	6	4	4
	Small retail	8	6	6
	Large retail	10	8	8

31.5

**Action response table**

Decision	Total Point score	Action response
Denoted as technical problem site	More than 50	Considered to be a site that has problems. Suitable solutions to be considered for funding and implementation
Denoted as minor technical problem	30 to 50 points	Consider low cost, non-capital works solutions (e.g. signing and linemarking) if appropriate. Review again after 2 years
Denoted as a site with low safety and amenity concerns	Under 30 points	No further action required

## ATTACHMENT 5

Submission from the Wallawa Road Action Group

### WALLAWA ROAD TRAFFIC: ONGOING PROBLEMS

To the Traffic Engineer:

Your recent email is much appreciated. As you have been asked to make a report to Council regarding Wallawa Road, we ask that you consider our submission to you.

It is a clear message from 95% of the householders who will be affected by Council's action on your report.

The Wallawa Road Action Group has now completed their face-to-face survey of residents of the "original" Wallawa Road. We have made contact with 40 of the homeowners. Thirty-eight are in favour the Wallawa Road Action Group's recommendations set out below.

#### BACKGROUND TO THIS SUBMISSION

Council's first survey of traffic in Wallawa Road showed that 85% of all vehicles averaged 59kph (speed limit is 50kph). Council also counted 1800 traffic movements a day: more than double the figure acceptable for our 7m wide carriageway.

Residents are again very concerned since the temporary calmers were removed before alternative, permanent traffic calming was ready for installation. Once again we have excessive traffic speed and traffic numbers that are back to the unacceptable, original figures.

#### OUR RECOMMENDATIONS TO COUNCIL:

- The road must have replacement physical traffic calming devices. Leaving it in the present free-for-all state is unacceptable to the residents.
- Chicanes were the overwhelming choice of householders (38 of 40: – 95%) that we met face-to-face.
- This solution will mean that the road remains open to two-way traffic and that the local bus service can continue (both conditions were emphasized by the people surveyed)
- During the time prior to the installation of permanent traffic calming devices, the speed limit of the road should be reposted as 40kph to enhance resident safety.

- We respectfully request that two representatives of the Wallawa Road Action Group be allowed input during planning stages regarding the style and location of the calming devices

Both Council and residents are well aware of the time and effort both parties have invested in gathering the data about Wallawa Road traffic, discussing it at Council and meeting with each other. The time to make a permanent, effective and safe solution to this problem is now.

(Name withheld)

For the 8 members of Wallawa Road Action Group

ITEM NO. 12

FILE NO: PSC2005-2681

## FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS POLICY

REPORT OF: STEVEN BERNASCONI – COMMUNITY SERVICES MANAGER  
 GROUP: FACILITIES & SERVICES

### RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Financial Assistance for the Disposal of Waste in Port Stephens Policy dated 24 April 2007, minute number 106 effective 30 September 2013;
- 2) Adopt the draft Financial Assistance for the Disposal of Waste in Port Stephens Policy to be effective from 1 October 2013.

### ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor Steve Tucker
	That the recommendation be adopted.

### MOTION

273	Councillor Ken Jordan Councillor John Morello
	It was resolved that the Committee of the Whole recommendation be adopted.

### BACKGROUND

The purpose of this report is to provide Council with a reviewed Financial Assistance for the Disposal of Waste in Port Stephens Policy following public exhibition.

The draft policy was placed on exhibition from the 28 February to 27 March 2013. There were no submissions received.

The reviewed Policy is shown in **(ATTACHMENT 1)** for Council's consideration.

Financial Year	2008/09	2009/10	2010/11	2011/12
Budget for	\$50,000	\$50,000	\$50,000	\$50,000

# MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013

Program				
Program Spend	\$49,626	\$65,733	\$94,598	\$71,809

**Table 1.** The spend of the financial assistance program over the past 4 financial years

As can be seen from Table 1 the budget for this financial assistance program has historically been \$50,000 per annum. It is funded by the revenue from the Salamander Bay Waste Transfer Station. Over the past three financial years the program has exceeded the budget by a total of \$82,000 with 2010/11 being the financial year with the highest spend, where the budget was exceeded by \$44,000. As a result of this the budget for the program was increased to \$70,000 for the 2012/13 financial year. Based on the current usage rate this programs budget will again be exceeded this year by approximately \$10,000 – \$15,000.

Currently there are twenty two registered (22) users of the program. A 4 year usage history for each user is shown in **(ATTACHMENT 2)**. Approximately 95% of the material is disposed of by just nine (9) of these users and this is shown in Table 2.

Organisation	2008/09 Tonnes	2009/10 Tonnes	2010/11 Tonnes	2011/12 Tonnes	Average Tonnes p/a
Salamander Bay Recycling	125.76	118.93	153.76	120.65	<b>129.77</b>
The Salvation Army – Raymond Terrace	27.38	31.80	101.47	77.13	<b>89.3*</b>
The Salvation Army – Port Stephens	40.38	68.10	98.38	60.58	<b>66.86</b>
St. Vincent De Paul – Nelson Bay	47.28	60.01	80.44	40.03	<b>56.94</b>
St. Vincent De Paul – Anna Bay	8.12	54.95	56.87	28.30	<b>37.06</b>
St. Vincent De Paul – Raymond Terrace	34.68	32.08	38.57	46.16	<b>37.87</b>
St. Vincent De Paul – Tanilba Bay	25.10	33.85	37.47	18.21	<b>28.66</b>
Medowie Assembly of God (Opportunity Knocks)	7.33	17.13	25.91	26.26	<b>19.15</b>
Port Stephens Home Modification Service	13.48	19.11	12.67	19.89	<b>16.29</b>
Other 14 Groups Combined	88.97	13.70	25.03	24.53	<b>38.06</b>

**Table 2.** Tonnage data for the 9 largest users of the financial assistance program

\* Average is for the past 2 years only as a major operational change occurred for this organisation which results in previous years data not being representative.

During the 2011/12 financial year discussions with the Environmental Protection Authority and Sita Australia allowed Council to gain exemption from the NSW State Government Waste Levy for the waste delivered direct to the Sita Australia facility, this saved approximately \$10,000 in 2011/12.

Then in July 2012 Council was granted an exemption from the NSW State Government Waste Levy for the waste delivered by the Tomaree based charities to the Salamander Bay Waste Transfer Station. Prior to this Council has payed the waste levy on this waste and gaining the exemption will save Council a further \$10,000 pa on the disposal of this waste.

Despite the savings gained by the exemptions from the waste levy the program continues to go over budget, so to maintain the program within budget it is proposed that the changes outlined in **(ATTACHMENT 1)** are made to the Financial Assistance for Waste Disposal in Port Stephens Policy.

The proposed change involves the introduction of a partial payment in 2013/14 for the disposal once the organisations have disposed of over 20 tonnes of waste as shown in Table 3. It is also proposed that the fee will be added to the Fees and Charges for the Salamander Bay Waste Transfer Station for following financial years and increased by CPI until the next review of this policy.

Tonnes Delivered	Partial Payment Per Tonne 2013/14	Proposed 2013/14 Fee per Tonne at Waste Transfer Station
0 to 20	No Charge	\$229
>20 to 60	\$32.50	
>60 to 150	\$65.00	
>150	Full Gate Fee at Waste Facility Less Waste Levy	

**Table 3.** Proposed changes to policy for payment by member organisations

## FINANCIAL/RESOURCE IMPLICATIONS

Based on historical data for the program adopting the recommendation will have financial implications for eight (8) of the current users. The level of financial implications for these 8 organisations is summarised in Table 4.

Financial Implication	Nº of Organisations
\$1- \$1,250	5
\$1,250 - \$2,500	1
\$2,500 - \$5,000	1
\$5,000 - \$7,500	1

**Table 4.** Summary of financial implication for organisations

Rejecting the recommendation will have financial implications for both Council and rate payers, as to continue to fund this program in full will require a further increase in the programs budget.

Adopting the recommendation will add a minor amount of administration work for the Waste Team as approximately 20-30 invoices will need to be sent out each year

once the larger users exceed the 20 tonne threshold. This minor addition in administration duties can be covered within existing resources.

Rejecting the recommendation has no foreseeable additional resource implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	500	The costs associated with the implementation of the policy will be covered within existing budgets.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

## LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal impediments with either adopting or rejecting the recommendation.

Adopting the recommendation will involve changes to the Financial Assistance for Waste Disposal in Port Stephens Policy as outlined in **(ATTACHMENT 1)**.

Rejecting the recommendation will have no policy implications as it will mean business as usual.

Risks associated with either adopting or rejecting the recommendation are outlined in the risk table below.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the recommendation will affect ability of the Salamander Bay Waste Transfer Station to become financially sustainable as the funding for the program comes from the facilities revenue.	Low	Adopt the recommendation	Yes
There is a risk that not adopting the recommendation will	Low	Adopt the recommendation	Yes

result in an increase in the rate payer's subsidy for this program, which may have an associated risk around public perception within some parts of the community as they may not want to be paying for the increased costs of these charities waste disposal.			
There is a risk that adopting the recommendation may have an associated risk around public perception within some parts of the community that believe Council is being miserly by not supporting these charities in full.	Low	No such comments were made during public exhibition. If made in the future we will communicate to these members of the public the reason for the decision and the actual financial benefit gained by the organisations supported by this policy.	Yes
There is a risk that adopting the policy may have an affect on the finances of some of these organisations as they will be required to pay for a portion of their waste disposal costs once they pass 20 tonnes for the financial year, which could affect their ability to perform their work in the community.	Low	<p>Waste Staff will work with these organisations to help them reduce the volume of waste they have to dispose.</p> <p>Also</p> <p>The sizes of the payments that will be required to be made by the larger users are deemed to be at an acceptable level, which will allow them to continue their work in the community.</p> <p>All organisations were made aware of the public exhibition period and none of them made submissions to express concerns in this area.</p>	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation may result in some social and economic implications as effected organisations will now pay for some of their waste disposal through

directing funds from other operational aspects of their business. However, the size of the payments that will be required to be made by the larger users are deemed to be at an acceptable level as a majority of their waste disposal fees will still be covered by the program meaning that they will still be able to focus their activities and funds on other community programs.

In support of this is the fact that all organisations were made aware of the public exhibition period and given a copy of the proposed draft policy. None of the organisations made submissions opposing the policy change.

Not adopting the recommendation will have both social and economic implications as the increase in costs for the program will be offset and recovered from increased fees and charges at the Salamander Bay Waste Transfer Station.

There are no foreseeable environmental implications associated with either adopting or rejecting the recommendation.

## **CONSULTATION**

A Public Exhibition period was conducted between the 28<sup>th</sup> of February and the 27<sup>th</sup> of March 2013, no responses were received during this exhibition period. Prior to the exhibition period all users of the program were notified of the upcoming Public Exhibition period and supplied with a copy of the proposed Draft Policy.

Prior to this Public exhibition period an ongoing consultation period was held for 18 months between the organisations that have been identified as the large users of the financial assistance program and the Waste Management Coordinator.

As part of the consultation, major users were asked for feedback on why they have seen such a rapid growth in the amount of waste they have to dispose of over the past couple of years and the main points from these discussion are;

- i. All put forward that they are having material such as furniture and whitegoods dumped on their doorstep over night and on weekends.
- ii. Also they are receiving donations that are not able to be sold.
- iii. One group said that they feel the "A to Z" of Waste brochure that council has published is to blame for some of the unfit clothing donations they receive as it tells the public to donate clothes rather than put them in the bin.

Within the consultation period these major users were told that we will be reviewing the program and that a council officer will meet with them again before any new system is adopted.

Also as part of this consultation major users were encouraged to reduce their waste disposal burden by;

- i. Segregating the metal items and take them to the transfer station as a separate load as it is a free disposal as we recycle these wastes.
- ii. To be selective of material they take in as donations.

To be able to compare our level of support offered of this type of organisations to that of our surrounding Council areas a benchmarking exercise was undertaken and the data is shown in Table 5 below.

Council	Support
Newcastle	Free Waste Disposal up to \$10,000 then full fee – Waste Levy
Lake Macquarie	\$34 per tonne Charge
Maitland	No Financial Assistance
Cessnock	No Financial Assistance

**Table 5.** Support offered by other Council's to not for profit organisations

Two-way conversation was held with Councillors on 10<sup>th</sup> of September 2013

### **OPTIONS**

- 1) Adopt the recommendation;
- 2) Amend the recommendation
  - a. The tonnage thresholds, or
  - b. The amount payable per tonne within the proposed thresholds;
- 3) Reject the recommendation.

### **ATTACHMENTS**

- 1) Financial Assistance for the Disposal of Waste in Port Stephens Policy;
- 2) Data for last 5 years spend by groups using the financial assistance program.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1



Adopted: 24/4/2007  
Minute No: 106  
Amended:  
Minute No:

FILE NO: PSC2005-2681

TITLE: **FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS**

**BACKGROUND**

The financial assistance program allows charitable, not for profit and benevolent organisations to dispose of waste as Salamander Bay and Lemon Tree Passage Waste Transfer Stations and the Bedminster Waste Processing Plant at no cost to the organisation.

The program was developed and adopted in 2000 under the Donations Policy and Section 356 of the Local Government Act.

The intent of this policy is to formalise the program.

**OBJECTIVE**

To lessen the financial burden of waste disposal for charitable organisations that provide bona fide community services.

**PRINCIPLES**

- The Council is a publicly accountable statutory authority. While its funds are finite, the demands on it are unlimited.
- In all areas of expenditure, the Council needs to achieve the best value and return to all residents and ratepayers.

**Changes**

Change Title to – [FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS POLICY 2013](#)

Change word – as to at

Remove words - and Lemon Tree Passage

Change word – Stations to Station

Change words - Bedminster Waste Processing Plant to - [SITA Newline Road waste facility at Raymond Terrace](#)

After the words - at no cost to the organisation add the words - [up until 20 tonnes of waste after which a cost per tonne will be payable as shown in the below table for 2013/14.](#)

Tonnage	Cost per Tonne
0 - 20	Free
>20 - 60	\$32.50
>60 - 150	\$65.00
>150	Full Gate Fee at Waste Facility – Waste Levy

[Charges for following financial years will be added to the Annual Fees and Charges for the Salamander Bay Waste Transfer Station with increases being limited to increases in CPI.](#)

Remove words - The intent of this policy is to formalise the program and replace with - [The program was formalised as a specific policy in 2007 and was amended in 2009.](#)

## POLICY STATEMENT

Port Stephens Council will provide Financial Assistance for the disposal of waste. To qualify for the financial assistance program, organisations must fulfil the following requirements:

- ◆ Organisations must be registered as a charitable, not for profit or a benevolent organisation. Supporting documentation is required.
- ◆ Organisations must apply for an exemption of the waste levy from the NSW Department of Environment and Conservation and supply this information to Council for use in determining requests for assistance.
- ◆ The waste generated by the organisation for disposal must be generated by a community service and that service must be considered a bona fide function of Council.
- ◆ Organisations are required to reduce waste to landfill and meet waste recovery targets by sorting waste into recyclable and non recyclable items and by adopting procedures to reduce the amount of waste they generate or receive.
- ◆ Schools which conduct volunteer working bees may be approved for one off waste disposal vouchers.

## RELATED POLICIES

Nil

## SUSTAINABILITY IMPLICATIONS

## SOCIAL IMPLICATIONS

This policy enables Council to provide a service to charitable, not for profit, and benevolent organisations. By relieving these organisations of the cost burden of waste

## Changes

Change Words - NSW Department of Environment and Conservation to - NSW Environment and Protection Authority

After the words - function of Council add - as described in the Local Government Act 1993.

Replace word – Nil with - Port Stephens Council Waste Management and Resource Recovery Policy 2009 (24/11/2009, Min: 396)

After the words - these organisations of – add the words – a major portion of.

Change word – of to associated with.

disposal, they will be able to focus more of their activities on other community programs.

## ECONOMIC IMPLICATIONS

Approved organisations will be able to direct costs savings back into other aspects of their organisation.

## ENVIRONMENTAL IMPLICATIONS

This policy enables organisations to dispose of waste which is illegally dumped on their premises or around clothing bins in various areas of Port Stephens.

## RELEVANT LEGISLATIVE PROVISIONS

The Financial Assistance Program for the Disposal of Waste in Port Stephens is required to comply with section 356 of the Local Government Act 1993. This section of the act allows Council to grant financial assistance for the purpose of carrying out its functions.

## IMPLEMENTATION RESPONSIBILITY

The Waste Services team is responsible for the implementation of the financial assistance program.

## REVIEW DATE

This policy will be reviewed within the first year of a new Council term.

### Changes

Replace current wording – The Waste Services team is responsible for the implementation of the financial assistance program with - [Waste Management Coordinator, Community & Recreation Services Section and Facilities & Services Group](#)

Delete words - This policy will be reviewed

**ATTACHMENT 2**

Organisation	2008/2009		2009/2010		2010/2011		2011/2012	
	Tonnes	Spend (\$)	Tonnes	Spend (\$)	Tonnes	Spend (\$)	Tonnes	Spend (\$)
Salamander Bay Recycling	125.76	\$17,984.00	118.93	\$19,623.00	153.76	\$27,522.44	120.65	\$22,803.00
The Salvation Army - Raymond Terrace	27.38	\$2,205.00	31.80	\$2,784.00	101.47	\$9,716.77	77.13	\$7,984.00
The Salvation Army - Port Stephens	40.38	\$5,775.00	68.10	\$11,236.50	98.38	\$17,610.00	60.58	\$11,450.00
St. Vincent De Paul (Nelson Bay)	47.28	\$6,761.00	60.01	\$9,901.56	80.44	\$14,398.94	40.03	\$7,566.00
St. Vincent De Paul (Anna Bay)	8.12	\$1,161.00	54.95	\$9,066.94	56.87	\$10,179.54	28.30	\$5,349.00
St. Vincent De Paul (Raymond Terrace)	34.68	\$2,793.00	32.08	\$2,808.00	38.57	\$3,693.39	46.16	\$4,778.00
St. Vincent De Paul (Tanilba Bay)	25.10	\$2,021.00	33.85	\$2,963.50	37.47	\$3,588.47	18.21	\$1,885.00
Port Stephens Home Modification Service	13.48	\$1,927.00	19.11	\$3,153.00	12.67	\$2,267.94	19.89	\$3,760.00
Medowie Assembly of God (Opportunity Knocks)	7.33	\$590.00	17.13	\$1,499.50	25.91	\$2,480.90	26.26	\$2,718.00
Port Stephens Uniting Church	0.00	\$0.00	1.20	\$198.00	5.32	\$952.54	0.89	\$169.00
Tilligerry Habitat Association	8.82	\$710.00	4.73	\$413.96	0.00	\$0.00	0.00	\$0.00
Williamstown Pre-School	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
Native Animal Trust (Koala Care)	6.50	\$943.00	8.51	\$1,405.00	3.60	\$644.33	9.04	\$1708
Lemon Tree Passage Rural Fire Service	1.90	\$153.00	0.57	\$49.50	0.00	\$0.00	0.00	\$0.00
NSW State Emergency Service	2.69	\$384.00	0.00	\$0.00	0.00	\$0.00	0.37	\$69.00
Anna Bay Cubs & Scouts	2.13	\$305.00	0.00	\$0.00	0.00	\$0.00	0.69	\$131.00
Raymond Terrace Early Education Centre	0.58	\$47.00	1.27	\$111.00	1.93	\$185.29	1.78	\$184.00
Australian Volunteer Coast Guard Inc	72.11	\$5,807.00	0.00	\$0.00	0.57	\$54.17	5.63	\$583.00
Terrace Tenants & Assoc Inc	0.75	\$60.00	5.94	\$519.99	5.12	\$490.56	4.47	\$463.00
Terrace Christian Life Centre	0.00	\$0.00	0.00	\$0.00	8.49	\$812.98	0.00	\$0.00
Terrace Care	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.67	\$69.00
Samaritans Foundation	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.24	\$25.00
<b>Total</b>	<b>424.28</b>	<b>\$49,626.00</b>	<b>458.17</b>	<b>\$65,733.45</b>	<b>630.57</b>	<b>\$94,598.26</b>	<b>461.74</b>	<b>\$71,809.00</b>

ITEM NO. 13

FILE NO: PSC2005-1196

**ACCOMPANYING PERSONS REIMBURSEMENT –  
CONFERENCES/SEMINAR POLICY**

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the Accompanying Persons Reimbursement – Conference/Seminars policy, adopted 22 November 2005, Minute No. 342.

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**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013****COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	That the recommendation be adopted.

**MOTION**

<b>274</b>	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

The purpose of this report is to request Council to revoke the Accompanying Persons Reimbursement – Conference/Seminars policy.

Prior to the adoption of the current Payment of Expenses and Provision of Facilities policy, Councillors were not able to seek reimbursement or incur costs associated with the a person accompanying them on Council business, under Section 252 of the Local Government Act 1993. Council was required to develop a separate policy for this purpose. However this requirement changed with the introduction of a guideline by the Division of Local Government and the subsequent adoption of the current policy.

Council is requested to revoke the policy as all elected members reimbursements are managed under the Payment of Expenses and Provision of Facilities policy. All staff costs are managed through the organisation, under a separate process.

## FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications.

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

## LEGAL, POLICY AND RISK IMPLICATIONS

This policy has been made redundant with the adoption of the Payment of Expenses and Provision of Facilities policy.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is no risk associated with this recommendation.	N/A	Adopt the recommendation	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

## CONSULTATION

- 1) General Manager.

## OPTIONS

- 1) Adopt the recommendation.

## ATTACHMENTS

- 1) Accompanying Persons Reimbursement – Conference/Seminars policy.

## COUNCILLORS ROOM

Nil.

## TABLED DOCUMENTS

Nil.

ATTACHMENT 1

*Port Stephens*  
C·O·U·N·C·I·L  
**POLICY**

Adopted: 22/11/2005  
Minute No: 342  
Amended 25/02/2008  
Minute No: 036

**FILE NO:** PSC2005-1196

**TITLE:** ACCOMPANYING PERSONS REIMBURSEMENT –  
CONFERENCE/SEMINARS

**RESPONSIBLE OFFICER:** EXECUTIVE OFFICER

**BACKGROUND**

In the past there has been occasion for Councillors and staff to have their partners accompany them at conferences, seminars and other official functions representing Council. Given that Councillors have access to reimbursement of cost under Council's "Councillors Reimbursement Policy" – Section 252, Local Government Act 1993, there is a need to consider a provision for reimbursement of accompanying persons. The policy developed under Section 252 does not have the power to provide reimbursement for any person other than a Councillor.

**OBJECTIVE**

To provide reimbursement costs for accompanying persons of Councillors and Staff, who attend conferences, seminars or other official functions, where it is deemed appropriate that the Councillor or staff member represent Council with their partner.

**PRINCIPLES**

Council has a responsibility to ensure costs for all official functions and for all persons officially representing Council, are met by Council.

**POLICY STATEMENT**

In accordance with the Department of Local Government Guidelines, Council will provide limited reimbursement of expenses for person accompanying a councillor or staff member on official Council business. i.e. conferences, seminars or other official functions. The reimbursement will be limited to registration costs and any official conference dinners – all other costs are to be borne by the councillor or staff member.

Councillors and staff members should NOT automatically assume that because they are required to attend a function that their partners are also able to attend at the cost of Council. Approval should be sought prior to any registration or confirmation of attendance at conferences, seminars or other official functions if Council is to be responsible for the costs.

The approval process will be as follows:

#### **COUNCILLORS**

1. Councillors are to submit a written request to the Mayor and/or General Manager for approval, through the Executive Assistant – Councillor Support.
2. Councillor will be advised of the approval and the level of reimbursement that will be provided for the accompanying person.

#### **EMPLOYEE**

1. The General Manager will be required to submit a written request to the Mayor for approval.
2. All other staff will require the General Manager's approval.
3. Staff members will be advised of the approval and the level of reimbursement that will be provided for the accompanying person.

#### **COSTS**

An accompanying person will be reimbursed expenses where there is determined to be a reasonable need to accompany a Councillor or staff member in completing the civic functions of the Council. These will generally be limited to sustenance and travel costs. Claims to be in accordance with the requirements of the Councillors reimbursement policy or the relevant employment contract.

#### **Time Limit for Submitting Claims**

1. All claims for reimbursement of expenses and travel, must be made on the approved form, supported by documents and receipts, within three (3) months of incurring the expense.
2. No claims can be made for attendance prior to the adoption of this policy.

#### **RELATED POLICIES**

Councillors Reimbursement Policy

#### **SUSTAINABILITY IMPLICATIONS**

#### **SOCIAL IMPLICATIONS**

This policy recognises that there are occasions that partners accompany councillors or staff at civic functions

#### **ECONOMIC IMPLICATIONS**

There will be impacts on the budget for the current financial year that may not have been anticipated.

6. 2

**ENVIRONMENTAL IMPLICATIONS**

Nil

**RELEVANT LEGISLATIVE PROVISIONS**

Nil

**IMPLEMENTATION RESPONSIBILITY**

Corporate Management

**REVIEW DATE**

12 months from the date of adoption

Port Stephens  
C.O.U.N.C.I.L  
... a community partnership

Form 1A

### **CLAIM FOR EXPENSES INCURRED**

**ACCOMPANYING PERSON.....**

MONTH.....

<b>DATE</b>	<b>PURPOSE</b>	<b>DELEGATE EXPENSES (EG. <i>Taxi's, Sustenance)</i> <i>Receipts required</i></b>	<b>TELEPHONE / INTERNET  <i>Copy of account required</i></b>	<b>TOTAL CLAIM  \$ (Office Use Only)</b>
			<b>TOTAL</b>	

**Please note: PAYMENT WILL ONLY BE MADE WHERE RECEIPTS AND VEHICLE LOG IS PROVIDED.**

Signature of Claimant.....Date .....

**ITEM NO. 14****FILE NO: PSC2011-02442****WORKING TOGETHER AND PROVISION OF INFORMATION POLICY****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the draft Working Together and Provision of Information policy (ATTACHMENT 1).

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**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

<b>275</b>	<b>Councillor Ken Jordan Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

The purpose of this report is present the draft Working Together and Provision of Information policy.

In accordance with Section 6.2 (c) of the Code of Conduct, the Mayor and Councillors must not contact a member of staff on Council related business unless in accordance with the policy and procedures governing the interaction that have been authorised by Council and the General Manager.

The draft policy was public exhibited from 1 August 2013 to 30 August 2013, following endorsement of Council at its meeting on 23 July 2013. No submissions were received as a result of the public consultation.

It should be noted that minor amendments have been made to the staff contacts at the end of the policy. Additional staff contacts have been included under the Manager Development Assessment and Compliance Section.

Mayor and Councillors should note from time to time the incumbent in the roles will change, however the policy will allow interaction with the staff member in the role at the time of contact.

#### FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Costs relate staff education. This will be conducted as part of normal team meetings.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

#### LEGAL, POLICY AND RISK IMPLICATIONS

Adoption of the policy would provide a framework for the Mayor, Councillors and staff to work within to ensure compliance with the Code of Conduct.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that without a policy, council officials maybe in breach of the Code of Conduct when interacting.	Low	Adopt the recommendation.	Yes

#### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

## **CONSULTATION**

- 1) Mayor and Councillors – via a two way conversation and Council meeting;
- 2) General Manager;
- 3) Group and Section Managers;
- 4) Consultative Committee;
- 5) Port Stephens Community.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Draft Working Together and Provision of Information policy.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1



POLICY

Adopted:  
Minute No:  
Amended:  
Minute No:

**FILE NO: PSC2011-02442**

**TITLE: WORKING TOGETHER AND PROVISION OF INFORMATION**

**REPORT OF: EXECUTIVE OFFICER**

**BACKGROUND**

Council is committed to providing an environment where the Mayor, all Councillors, employees, contractors, volunteers and customers are treated with respect, dignity and courtesy. As such we have the right to be in an environment that is free from unacceptable behaviours and we all have a responsibility to ensure this happens.

To this end, the *Local Government Act 1993* and the Model Code of Conduct requires appropriate interaction between Council officials. The Mayor, Councillors and Council staff have very different roles to play within Council.

The elected Council is responsible for policy making and strategic direction. The General Manager is responsible for the day to day administration of Council. Under the leadership of the General Manager, the Executive Team provide assistance to the General Manager in managing their respective areas of responsibility.

This policy is not intended to limit any statutory and common law rights of the Mayor and Councillors' access to information. Nor to limit their obligations as elected official but to provide an appropriate framework to work within.

Council is committed to a community partnership.

**OBJECTIVE**

The objectives of this policy are to:

- Provide a documented process on how the Mayor and Councillors can access Council records;
- Ensure the Mayor and Councillors receive advice to help them to perform their civic duty in an orderly and regulated manner;

- Ensure the Mayor and Councillors have access to all records necessary for them to exercise their statutory roles;
- Provide direction on the Mayor and Councillors' rights of access to Council buildings;
- Provide a clear and consistent framework for the reporting of, and appropriate application of sanctions for breaches of this policy;
- Foster an environment where the following positive behaviours are promoted:
  - ❖ Combining a balance between concerns for people and tasks
  - ❖ Encouraging and supporting others
  - ❖ Valuing diversity and creativity
  - ❖ Achieving our respective roles
  - ❖ Resolving conflicts constructively.
- Stress that behaviours involving anger, threats, aggression, violence and assault will not be tolerated;
- Raise awareness as to what constitutes unacceptable behaviours and encourage professional behaviours;
- Achieve and comply with Council's legal obligation pursuant to Workplace Health & Safety legislation and relevant anti-discrimination legislation.

## **PRINCIPLES**

This policy seeks to provide Council officials with clarity in respect to their respective obligations and responsibilities in dealing with each other.

It is recognised that interaction between Council officials may in certain circumstances, have the potential to lead to unacceptable behaviours and it is necessary to document an understanding about what to do if this occurs.

Employees should be aware that the Mayor/Councillors are elected to represent the community, to provide community leadership and guidance, and to facilitate communication between the community and Council. Employees should provide assistance to the Mayor/Councillors in fulfilling their role in accordance with this policy and the Code of Conduct.

The Mayor and Councillors should be aware that employees have a legitimate right and responsibility to maintain professional integrity and should not be subject to undue pressure. The Mayor and Councillors should avoid placing employees in difficult positions with requests for information and action.

## **Definitions**

**Mayor** - In accordance with Section 226 of the Local Government Act.

**Councillor** – In accordance with Sections 232(1) and (2) of the Local Government Act 1993.

**Council official** – is the mayor, an elected councillor, council employee, contractor and volunteer.

**Council staff/employee** – An employee of Port Stephens Council performing duties in accordance with their role or under delegation.

**Record** – Is any document that is written or printed material, a sound recording, plan, map, film, photograph, storage device, model, painting, disc or any other form a document that is held by Port Stephens Council.

## **POLICY STATEMENT**

The Mayor and Councillors as elected persons will at times be involved in obtaining information from, make representations to, or facilitate communication with, Council staff on behalf of constituents.

The General Manager has nominated particular roles within Council which the Mayor and Councillors are able to liaise directly with to undertake their civic role. It is noted that Councillors are delegates on various committees such as 355 (c) Committees and as such will come into contact with staff other than those nominated. On such occasions Councillors will be permitted to liaise with operational staff to assist with the operation of Committees and groups however contact should only be for the purpose of fulfilling your Committee obligations and not general operational matters.

### **Accessing Information by a Councillor**

The Mayor or a Councillor will be provided with access to all relevant information relating to any matter before Council to ensure consideration can be given to any matter requiring a Council resolution. This will be conducted within the limits of the law such as copyright and privacy provisions.

The General Manager has the right to refuse access to any documents the Mayor or a Councillor requests to view or obtain a copy. Some of the limitations of access to certain Council records will be due to:

- a record that has been provided on a confidential basis and has been explicitly marked “confidential” or is confidential under the Public Interests Disclosure Act 1994, Independent Commission Against Corruption (ICAC) Act or other legislation.
- The General Manager has reason to believe that there may be a potential conflict of interest; or
- Access would violate the right to privacy of a particular individual/s.

If the General Manager refuses to allow the Mayor or a Councillor to inspect or be provided with a copy of a Council record, a written reason for the refusal will be provided.

If the Mayor or a Councillor seeks access to information outside their civic role, the request will be considered an application under the Government Information (Public Access) Act 2009.

If staff are unsure whether to provide the Mayor or a Councillor with information requested, or whether the request for action should proceed, staff should direct the matter to their Group Manager, the Executive Officer/Public Officer or the General Manager for direction. Alternatively the Mayor or the Councillor may be requested to direct their request through the General Manager's Office.

Should the Mayor or a Councillor be requested to direct their request through the General Manager's Office, the Mayor or a Councillor should not persist with their request through staff.

### **Mayor/Councillor Requests**

The Mayor and Councillors receive a large number of requests from residents seeking assistance of the Mayor/Councillors regarding a variety of Council functions. The Mayor and Councillors also at times seek further information on matters relating to their civic duties.

The Mayor and Councillors are able to lodge these requests verbally, by email, fax or in writing. All requests will be logged in the Councillor Request System (CRM). This enables the request to be tracked and actions recorded. Generally all requests should be directed to the Executive Assistant-Councillor Support to ensure the request is logged and forwarded to the appropriate staff for action.

The Mayor and Councillors are responsible to ensure that they comply with any legislation that is imposed on Council such as (but not limited to), the *Local Government Act 1993*, the *Privacy & Personal Information Protection Act 1998* and *Copyright Act 1968* (Cth), *Government Information (Public Access) Act 2009* and *State Records Act 1998*.

Only those employees nominated by the General Manager shall provide information to the Mayor/Councillors.

Generally the Mayor or Councillors seeking to meet with nominated staff do so by way of an appointment and should not expect that staff are readily available. The General Manager has the discretion to require the Mayor/Councillors to put requests in writing, or to lodge a Notice of Motion at a Council meeting.

The Mayor and Councillors should generally lodge requests for information or advice in writing to enable a response by the General Manager or a nominated person. All requests will form part of Council's records and will be filed/stored in accordance with the State Records Act.

Any request for information or advice that is refused, a reason for the refusal will be provided in writing. If the Mayor or a Councillor is concerned about the refusal to provide the information or advice the Mayor or Councillor can raise the matter with

the General Manager (or the Mayor if the General Manager refused to provide the information). If the Mayor or Councillor continues to be concerned after enquiries they should lodge a legal Notice of Motion at a Council meeting.

The Mayor and Councillors must not seek to direct Council staff in the performance of their duties. Should the Mayor or a Councillor behave in this manner the staff member should direct the Mayor or Councillor to the Group Manager or the General Manager.

No Council official should take advantage of their official position to improperly influence the Mayor, Councillors, Council staff or delegates in the performance of their public or professional duties.

The Mayor or Councillors should only enter staff only areas by invitation or by prior arrangements for the purpose of official business.

Employees nominated by the General Manager to communicate with the Mayor or Councillors are shown at Appendix 1 to the policy.

#### **Acceptable behaviours**

- Treat everyone with respect, courtesy and dignity;
- Open and balanced communications;
- Respecting the roles of the other person;
- Be inclusive on all matters;
- Always seek to problem solve rather than placing blame.

#### **Unacceptable behaviours**

- Mayor/Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
- Council staff approaching Mayor/Councillors and administrators to discuss individual staff matters and not broader industrial policy issues.
- Council staff refusing to give information that is available to the Mayor or other Councillors to a particular councillor.
- Mayor/Councillors and administrators who have lodged a development application with Council, discussing the matter with council staff in staff-only areas of the council.
- Mayor/Councillors and administrators being overbearing or threatening to Council staff.
- Mayor/Councillors and administrators making personal attacks on Council staff in a public forum.
- Mayor/Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.
- Council staff providing ad hoc advice to the Mayor or Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.

- Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
- Mayor or Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

*(Extract from the Code of Conduct)*

All reports of unacceptable behaviours will be dealt with in accordance with the Code of Conduct.

### **Access to Council Buildings**

The Mayor and Councillors will be provided with 24 hour access to the Councillors room within the Administration Building. The Mayor will have 24 hour access to the Mayor's Office.

Mayor/Councillors will be provided with access to the Administration Building public areas during business hours. Mayor/Councillors will only be provided with access to staff areas during business hours and in the presence of a staff member.

Mayor/Councillors will only be provided with access to the Committee rooms and training room after hours where a staff member is present.

### **RELATED POLICIES**

- Code of Conduct
- Code of Meeting Practice

### **SUSTAINABILITY IMPLICATIONS**

Nil.

### **SOCIAL IMPLICATIONS**

Nil.

### **ECONOMIC IMPLICATIONS**

Nil.

### **ENVIRONMENTAL IMPLICATIONS**

Nil.

### **RELEVANT LEGISLATIVE PROVISIONS**

- Local Government Act 1993

- Government Information (Public Access) Act 2009
- State Records Act 1998
- Copyright Act 1968 (Cth)
- Independent Commission Against Corruption Act

**IMPLEMENTATION RESPONSIBILITY**

General Manager  
Executive Team  
Section Managers

**PROCESS OWNER**

Executive Officer

**REVIEW DATE**

October 2015

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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NAME	POSITION & AREA OF RESPONSIBILITY	CONTACT DETAILS
<b>General Manager's Office</b>		
Peter Gesling	General Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• The day to day administration of Council.</li> <li>• Management of staff.</li> <li>• Legal Services</li> </ul>	P: 49800246 E: <a href="mailto:peter.gesling@portstephens.nsw.gov.au">peter.gesling@portstephens.nsw.gov.au</a>
Kathy Stokes	Executive Assistant – General Manager	P: 49800246 E: <a href="mailto:Kathy.stokes@portstephens.nsw.gov.au">Kathy.stokes@portstephens.nsw.gov.au</a>
Faye Johnstone and Roxanne Gwyn-Kabayama	Executive Assistant – Councillor Support	P: 49800245 E: <a href="mailto:councillor@portstephens.nsw.gov.au">councillor@portstephens.nsw.gov.au</a>
Tony Wickham	Executive Officer  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Councillor Services</li> <li>• Public Officer</li> <li>• Code of Conduct</li> <li>• Policy</li> <li>• Council/Committee meetings</li> <li>• Corporate Catering</li> <li>• Internal Audit</li> </ul>	P: 49800187 E: <a href="mailto:tony.wickham@portstephens.nsw.gov.au">tony.wickham@portstephens.nsw.gov.au</a>

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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Corporate Services		
Wayne Wallis	<p>Corporate Services Group Manager (Group Focus: Internal Support)</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> <li>• Organisation Development</li> <li>• Business Systems Support (includes Business Excellence, Records Management &amp; ICT)</li> <li>• Corporate Strategy &amp; Planning</li> <li>• Property Services</li> <li>• Financial Services</li> <li>• Newcastle Airport delegate</li> </ul>	<p>P: 49800461 E: <a href="mailto:wayne.wallis@portstephens.nsw.gov.au">wayne.wallis@portstephens.nsw.gov.au</a></p>
Julie Gallagher	Executive Assistant	<p>P: 49800461 E: <a href="mailto:Julie.gallagher@portstephens.nsw.gov.au">Julie.gallagher@portstephens.nsw.gov.au</a></p>
Fran Flavel	Corporate Strategy & Planning Coordinator	<p>P: 49800398 E: <a href="mailto:fran.flavel@portstephens.nsw.gov.au">fran.flavel@portstephens.nsw.gov.au</a></p>
Anne Schmarr	<p>Organisation Development Section Manager</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> <li>• Human Resources</li> <li>• Learning &amp; Development</li> <li>• Corporate Risk</li> </ul>	<p>P: 49800285 E: <a href="mailto:anne.schmarr@portstephens.nsw.gov.au">anne.schmarr@portstephens.nsw.gov.au</a></p>

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013

Zoe Pattison	Acting Business Systems Support Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Information Services and Records Management</li> <li>• Information and Communications Technology</li> <li>• Business Improvements</li> <li>• Spatial Support Services (GIS)</li> </ul>	P: 49800371 E: <a href="mailto:zoe.pattison@portstephens.nsw.gov.au">zoe.pattison@portstephens.nsw.gov.au</a>
Carmel Foster	Property Services Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Property Investment</li> <li>• Property Development</li> <li>• Statutory Property Matters</li> <li>• Administration Building</li> <li>• Commercial Business</li> </ul>	P: 49800395 E: <a href="mailto:carmel.foster@portstephens.nsw.gov.au">carmel.foster@portstephens.nsw.gov.au</a>
<b>Officer contacts:</b> Phil Buchan	Commercial Business Manager <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Holiday Parks &amp; Commercial Business</li> </ul>	P: 49164014 E: <a href="mailto:phil.buchan@portstephens.nsw.gov.au">phil.buchan@portstephens.nsw.gov.au</a>
Brett Field	Property Investment Coordinator <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Property Investments &amp; Administration Building</li> </ul>	P: 49800307 E: <a href="mailto:brett.field@portstephens.nsw.gov.au">brett.field@portstephens.nsw.gov.au</a>
Norm Barnes	Property Development Coordinator	P: 49800389 E: <a href="mailto:norm.barnes@portstephens.nsw.gov.au">norm.barnes@portstephens.nsw.gov.au</a>
		P: 49800309

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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Jackie Howard	<i>Responsible for:</i> <ul style="list-style-type: none"> <li>Property Development</li> </ul> Property Officer <i>Responsible for:</i> <ul style="list-style-type: none"> <li>Statutory Property Matters</li> </ul>	E: <a href="mailto:jackie.howard@portstephens.nsw.gov.au">jackie.howard@portstephens.nsw.gov.au</a>
Tim Hazell	Financial Services Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>Financial Services</li> <li>Procurement</li> <li>Payroll</li> </ul>	P: 49800259 E: <a href="mailto:tim.hazell@portstephens.nsw.gov.au">tim.hazell@portstephens.nsw.gov.au</a>
<b>Development Services</b>		
Mike McIntosh	Development Services Group Manager ( <i>Group Focus: Enabling Development</i> )  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>Development Assessment &amp; Compliance</li> <li>Community Planning &amp; Environmental Services</li> <li>Economic Development &amp; Communications</li> </ul>	P: 49800324 E: <a href="mailto:mike.mcintosh@portstephens.nsw.gov.au">mike.mcintosh@portstephens.nsw.gov.au</a>
Sasha Buckley	Executive Assistant	P: 49800324 E: <a href="mailto:sasha.buckley@portstephens.nsw.gov.au">sasha.buckley@portstephens.nsw.gov.au</a>
Matthew Brown	Development Assessment & Compliance Section Manager	P: 49800214 E: <a href="mailto:matthew.brown@portstephens.nsw.gov.au">matthew.brown@portstephens.nsw.gov.au</a>

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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<b>Officer contacts:</b>	<i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Environmental Health Inspections</li> <li>• Companion Animals</li> <li>• Building Inspections/Services</li> <li>• Development Planning</li> </ul>	
	Environmental Health & Compliance Coordinator	P: 49800137 E: <a href="mailto:marc.goodall@portstephens.nsw.gov.au">marc.goodall@portstephens.nsw.gov.au</a>
	Development Coordinator	P: 49800129 E: <a href="mailto:amanda.gale@portstephens.nsw.gov.au">amanda.gale@portstephens.nsw.gov.au</a>
	Building Assessment Coordinator	P: 49800306 E: <a href="mailto:ken.solman@portstephens.nsw.gov.au">ken.solman@portstephens.nsw.gov.au</a>
	Administration Assistant to Manager Development Assessment & Compliance	P: 49800303 E: <a href="mailto:karen.fenwick@portstephens.nsw.gov.au">karen.fenwick@portstephens.nsw.gov.au</a>
Bruce Petersen	Community Planning & Environmental Services Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Social Planning</li> <li>• Strategic Planning</li> </ul>	P: 49800223 E: <a href="mailto:bruce.petersen@portstephens.nsw.gov.au">bruce.petersen@portstephens.nsw.gov.au</a>

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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<b>Officer contacts:</b> Peter Marler	<ul style="list-style-type: none"> <li>Natural Resources</li> </ul> Strategic Planning Coordinator <i>Responsible for:</i> <ul style="list-style-type: none"> <li>Strategic Planning</li> </ul>	P: 49800383 E: <a href="mailto:peter.marler@portstephens.nsw.gov.au">peter.marler@portstephens.nsw.gov.au</a>
Ross Smart	Economic Development & Communications Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>Communications</li> <li>Customer Relations</li> <li>Publications</li> <li>Economic Development &amp; Tourism</li> </ul>	P: 49800284 E: <a href="mailto:ross.smart@portstephens.nsw.gov.au">ross.smart@portstephens.nsw.gov.au</a>
Emma Shanks	Communications & Marketing Coordinator	P: 49800238 E: <a href="mailto:emma.shanks@portstephens.nsw.gov.au">emma.shanks@portstephens.nsw.gov.au</a>
Kim Latham	Visitor Information and Events Coordinator	P: 49806906 E: <a href="mailto:kim.latham@portstephens.nsw.gov.au">kim.latham@portstephens.nsw.gov.au</a>
Andrew Powrie	Business Development and Investment Manager	P: 49832549 E: <a href="mailto:Andrew.powrie@portstephens.nsw.gov.au">Andrew.powrie@portstephens.nsw.gov.au</a>

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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Facilities & Services		
Jason Linnane	Facilities & Services Group Manager (Group Focus: External Delivery)  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Community Services</li> <li>• Civil Assets</li> <li>• Capital Works</li> <li>• Public Domain &amp; Services</li> </ul>	P: 49800266 E: <a href="mailto:Jason.linnane@portstephens.nsw.gov.au">Jason.linnane@portstephens.nsw.gov.au</a>
Debbie Turner	Executive Assistant	P: 49800266 E: <a href="mailto:Debbie.turner@portstephens.nsw.gov.au">Debbie.turner@portstephens.nsw.gov.au</a>
Wonona Christian	Infrastructure Planning Coordinator	P: 49800274 E: <a href="mailto:Wonona.christian@portstephens.nsw.gov.au">Wonona.christian@portstephens.nsw.gov.au</a>
John Maretich	Civil Assets Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Engineering Services</li> <li>• Community &amp; Recreation</li> <li>• Asset Management</li> <li>• Community &amp; Recreation Planning (sports councils, user management, policy for open space)</li> <li>• Drainage &amp; Flooding</li> </ul>	P: 49800241 E: <a href="mailto:john.maretich@portstephens.nsw.gov.au">john.maretich@portstephens.nsw.gov.au</a>
<b>Officer contacts:</b>		
Michelle Viola	Civil Assets Engineer	P: 49800262 E: <a href="mailto:michelle.viola@portstephens.nsw.gov.au">michelle.viola@portstephens.nsw.gov.au</a>

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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Scott Page	Development Engineering Coordinator	P: 49800366 E: <a href="mailto:scott.page@portstephens.nsw.gov.au">scott.page@portstephens.nsw.gov.au</a>
Joe Gleeson	Traffic Engineer	P: 49800207 E: <a href="mailto:joe.gleeson@portstephens.nsw.gov.au">joe.gleeson@portstephens.nsw.gov.au</a>
Brendan Callander	Community & Recreation Coordinator	P: 49800243 E: <a href="mailto:Brendan.callander@portstephens.nsw.gov.au">Brendan.callander@portstephens.nsw.gov.au</a>
Steven Bernasconi	Community Services Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Waste Management</li> <li>• Recreation Operations (pools, bushfire management and Ngioka)</li> <li>• Library Services</li> <li>• Children's Services</li> <li>• Halls and Volunteering</li> </ul>	P: 49800162 E: <a href="mailto:steve.bernasconi@portstephens.nsw.gov.au">steve.bernasconi@portstephens.nsw.gov.au</a>
<b>Officer contacts:</b>		
Aaron Malloy	Waste Management Coordinator	P: 49800217 E: <a href="mailto:aaron.malloy@portstephens.nsw.gov.au">aaron.malloy@portstephens.nsw.gov.au</a>
Ian Crawford	Contracts & Services Coordinator	P: 49800206 E: <a href="mailto:ian.crawford@portstephens.nsw.gov.au">ian.crawford@portstephens.nsw.gov.au</a>
Don Thorn	Community Options Coordinator	P: 49800216 E: <a href="mailto:don.thorn@portstephens.nsw.gov.au">don.thorn@portstephens.nsw.gov.au</a>

MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013
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Kris Abbott	Library Services Manager	P: 49800221 E: <a href="mailto:kris.abbott@portstephens.nsw.gov.au">kris.abbott@portstephens.nsw.gov.au</a>
Lynette Fitz Henry	Children's Services Coordinator	P: 49800301 E: <a href="mailto:lynette.fitzhenry@portstephens.nsw.gov.au">lynette.fitzhenry@portstephens.nsw.gov.au</a>
Greg Kable	Capital Works Section Manager <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Roads</li> <li>• Engineering &amp; Design</li> <li>• Construction works</li> <li>• Capital Works delivery</li> <li>• Surveying</li> </ul> <b>Officer contacts:</b>	P: 49800254 E: <a href="mailto:greg.kable@portstephens.nsw.gov.au">greg.kable@portstephens.nsw.gov.au</a>
Ian Gilkes	Projects Management Coordinator <i>Responsible for:</i> Capital works delivery	P: 49800302 E: <a href="mailto:ian.gilkes@portstephens.nsw.gov.au">ian.gilkes@portstephens.nsw.gov.au</a>
Michael Boyd	Coordinator - Construction <i>Responsible for:</i> Capital works design/delivery	P: 49800341 E: <a href="mailto:michael.boyd@portstephens.nsw.gov.au">michael.boyd@portstephens.nsw.gov.au</a>
Craig Dews	Coordinator - Construction <i>Responsible for:</i> Construction coordination	P: 49800140 E: <a href="mailto:craig.dews@portstephens.nsw.gov.au">craig.dews@portstephens.nsw.gov.au</a>
Trevor Mann	Coordinator - Roads <i>Responsible for:</i> Roads	P: 49800267 E: <a href="mailto:trevor.mann@portstephens.nsw.gov.au">trevor.mann@portstephens.nsw.gov.au</a>

# MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013

Peter Matwijow	Public Domain & Services Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Roadside &amp; Drainage</li> <li>• Parks</li> <li>• Building Trades</li> <li>• Fleet &amp; Depot Services</li> </ul>	P: 49800480 E: <a href="mailto:peter.matwijow@portstephens.nsw.gov.au">peter.matwijow@portstephens.nsw.gov.au</a>
<b>Officer contacts:</b> Michael Reay	Coordinator Parks <i>Responsible for:</i> Parks & sportsfields	P: 49874971 E: <a href="mailto:michael.reay@portstephens.nsw.gov.au">michael.reay@portstephens.nsw.gov.au</a>
Darren McSpadden	Coordinator Roads & drainage <i>Responsible for:</i> Roadside & drainage	P: 49800478 E: <a href="mailto:darren.mcspadden@portstephens.nsw.gov.au">darren.mcspadden@portstephens.nsw.gov.au</a>
Craig Harris	Coordinator Building Trades <i>Responsible for:</i> Building trades	P: 49800135 E: <a href="mailto:craig.harris@portstephens.nsw.gov.au">craig.harris@portstephens.nsw.gov.au</a>

ITEM NO. 15

FILE NO: A2004-0284

## PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

### RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the Payment of Expenses and Provision of Facilities to Councillors' Policy shown at **(ATTACHMENT 1)**, for the purposes of public consultation;
- 2) Place the Payment of Expenses and Provision of Facilities to Councillors' Policy, as amended on public exhibition for a period of 28 days;
- 3) Should no submission be received, the policy be adopted as amended, without a further report to Council.

### ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

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

### MOTION

276	Councillor Ken Jordan Councillor John Morello
	It was resolved that the Committee of the Whole recommendation be adopted.

### BACKGROUND

The purpose of this report is to provide Council with the reviewed Payment of Expenses & Provision of Facilities to Councillors Policy in accordance with Section 252 of the *Local Government Act 1993* and the Division of Local Government's Guideline.

Council last adopted the policy on 27 November 2012, following public consultation as required by legislation.

A copy of Council's current policy is shown at **(ATTACHMENT 2)**. The proposed amendments to the policy are shown in **(ATTACHMENT 1)**.

Council is required to give 28 days public notice of the proposed policy changes.

### **FINANCIAL/RESOURCE IMPLICATIONS**

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	93,330	
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

### **LEGAL, POLICY AND RISK IMPLICATIONS**

Under Section 252 and 253 of the Local Government Act, Council must adopt a policy concerning the payment of expenses incurred by Councillors in relation to discharging the functions of civic office. It is a requirement of the Local Government Act that Council adopt the policy after June 30 each year and lodge the adopted policy with the Department prior to November 30 each year and provide a copy to the Department of Local Government.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of Section 252 & 253 of the Local Government Act 1993, should this policy not be adopted.	Low	Adopt a revised policy	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

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

### **CONSULTATION**

- 1) Mayor and Councillors at a 2-way conversation on 13 August 2013;
- 2) General Manager.

## OPTIONS

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

## ATTACHMENTS

- 1) Proposed amendments to the Policy;
- 2) Draft Payment of Expenses & Provision of Facilities to Councillors Policy  
(Provided under separate cover).

## TABLED DOCUMENTS

Nil.

ATTACHMENT 1  
PROPOSED AMENDMENTS TO THE POLICY

Clause	Proposed amendments
1.1.12	Change adopted date to 2013 date once adopted.
1.6	<p>Delete</p> <ul style="list-style-type: none"> <li>Division of Local Government Model Code of Conduct – June 2008.</li> </ul> <p>Insert</p> <ul style="list-style-type: none"> <li>Division of Local Government Model Code of Conduct, as amended</li> </ul>
2.6.2	<p>Delete - NSW Local Government and Shires Association.</p> <p>Insert - Local Government NSW</p>
2.6.4	<p>Delete - Each Councillor is entitled to a maximum of <b>\$1000.00</b> per year of term.</p> <p>Insert - The Mayor is entitled to a maximum of <b>\$1000.00</b> per year of term.</p> <p>Delete - NSW Local Government and Shires Association.</p> <p>Insert - Local Government NSW</p>
2.6.5	<p>Delete - NSW Local Government and Shires Association.</p> <p>Insert - Local Government NSW</p>
2.6.6	<p>Delete - NSW Local Government and Shires Association.</p> <p>Insert - Local Government NSW</p>
2.7.1	<p>Delete - a) NSW Local Government and Shires Association.</p> <p>Insert – a) Local Government NSW</p>
2.7.6	<p>Delete - NSW Local Government and Shires Association.</p> <p>Insert - Local Government NSW</p>
2.8.1	Delete - NSW Local Government and Shires Association.

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

	<p>Where a Councillor has responsibilities for the care and support of any relative, Council shall reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor (acting reasonably) in order for the Councillor to discharge the functions of civic office.</p> <p>Insert</p> <p>Where a Councillor has sole responsibility for the care and support of any relative, Council shall reimburse expenses for carer arrangements, where expenses relate to a relative as defined under clause 2.13.1 and are payable when a Councillor is required to attend the following to discharge the functions of civic office:</p> <ul style="list-style-type: none"> <li>a) Council meetings, committee meetings, inspections, formal briefings, civic and ceremonial functions relating to civic office;</li> <li>b) Meetings scheduled by Council and/or the Mayor;</li> <li>c) Meetings arising as a result of a Councillor being appointed by Council to an outside body or committee;</li> <li>d) A meeting, function or other official role as a representative of the Mayor or Council.</li> </ul>
2.15.1	<p>Delete</p> <p>Councillors shall receive legal expenses, in the event of:</p> <p>(a) An enquiry, investigation or hearing by any of:</p> <ul style="list-style-type: none"> <li>• The Independent Commission Against Corruption;</li> <li>• The Office of the Ombudsman;</li> <li>• Division of Local Government;</li> <li>• The Police;</li> <li>• The Director of Public Prosecutions;</li> <li>• The Local Government Pecuniary Interest Tribunal; or</li> <li>• Council's Conduct Review Committee/Reviewer.</li> </ul> <p>into the conduct of a Councillor; or</p> <p>Insert</p> <p>Councillors may be entitled to indemnity for an enquiry, investigation or hearing commenced by of official body.</p>
3.1.1	<p>Delete</p> <p>Council's adopted Management Plan.</p>

<b>MINUTES FOR ORDINARY COUNCIL – 24 SEPTEMBER 2013</b>
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	Insert Council's adopted Integrated Strategic Plans.
3.3.3	Delete – (this is a duplication with Clause 3.5.2)  Light refreshments such as biscuits, health bars and beverages.
3.7.1	Increase the fee from \$220 to \$250 per annum.
3.9.3	Delete Further details can be obtained through Council's Recreation Services Section at Council.  Insert Further details can be obtained through the Councillor Support Executive Assistant.
3.10.1	Delete NSW Occupational Health & Safety Act  Insert NSW Workplace Health & Safety Act
3.12.7	Delete  A mobile phone for the use of the Mayor in discharge of their formal duties, the cost of which shall be fully met by Council.  Also, renumber clause 3.12.8.
4.1 & 4.1.1	Delete – (This clause is no longer relevant as Councillors are required to purchase their own device and seek reimbursement).  Upon ceasing to hold office a Councillor may purchase any Council equipment held by the Councillor at the market value of the equipment at the time of ceasing to hold office as approved by the General Manager.
4.2.1	Insert the replacement date of the policy.
	Update FORM 1 of the Policy to reflect changes

**ITEM NO. 16****FILE NO: A2004-0284****REVIEW OF THE CODE OF MEETING PRACTICE****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT:**

- 1) Place the draft Code of Meeting Practice on public exhibition for a period of 28 days seeking public comment;
- 2) Should there be no submissions, the Code be adopted as exhibited without a further back to Council.

**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013****COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell</b> <b>Councillor Geoff Dingle</b>
	That the recommendation be adopted.

**MOTION**

<b>277</b>	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

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

An administrative review of the Code has been undertaken and a number of amendments were identified. The amendments include:

- Clarifying the means in which a business paper can be distributed ie. hardcopy or electronic.
- Change to the deadline for Notice of Motion lodgement.
- Deletion of the reference to the annual election of the Mayor.
- Updated references to Division of Local Government Guidelines.
- Updated the Order of Business listing.
- Inclusion of a definition of "block" style voting.
- Updated forms at the end of the Code.

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

The Code will be implemented within current human resources.

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	300	Advertising costs
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

## **LEGAL, POLICY AND RISK IMPLICATIONS**

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

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Local Government Act if the Code is not maintained.	Low	Adopt the recommendation.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

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

**CONSULTATION**

- 1) General Manager.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Summary of Amendments.

**TABLED DOCUMENTS**

- 1) Draft Code of Meeting Practice.

ATTACHMENT 1

SUMMARY OF AMENDMENTS TO THE CODE OF MEETING PRACTICE

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

**ITEM NO. 17****FILE NO: PSC2013-04236****APPOINTMENT OF CONDUCT REVIEWERS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the companies and/or persons listed within the report as members of the Port Stephens Council panel of conduct reviewers for a period of 4 years from 24 September 2013.

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**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013**  
**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	That the recommendation be adopted.

**MOTION**

<b>278</b>	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

The purpose of this report is to adopt the panel of conduct reviewers required under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures).

The Division of Local Government introduced a new Model Code of Conduct from 1 March 2013. The new Model Code of Conduct was released in two parts: the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

As part of the requirements of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, Council must resolve to appoint members to the panel of conduct reviewers. Council is required to have the panel in place by 30 September 2013.

Previously, Council adopted the Conduct Review Committee following the expression of interest (EOI) process coordinated by Hunter Councils. Hunter Councils

have recently finalised the current round of EOI's and provided Council with the results. Hunter Councils Incorporated have recommended the memberships as detailed below.

The eligibility criteria for membership on the conduct reviewers' panel is shown at **(ATTACHMENT 1)**.

The following organisations/person/s are recommended for the panel of conduct reviewers for Port Stephens Council:-

- Greg Waters – MSM (International) Pty Ltd
- Lloyd Graham
- Cameron Dean – McCullough Robertson
- Brian Kirk – Planning Urban Earth Pty Ltd
- Steve Kent – BDO
- Sharon Hanstein
- Rob Ryan – Strategic Risk Solutions
- David Crofts
- Jeremy Kennedy - McCullough Robertson
- Monica Kelly – Prevention Partners NSW
- SINC Solutions
- Alex Irving
- Bruce Clarke
- Christopher Gallagher
- John Turner
- John Kleem
- Shane Boyd
- LKA Group Pty Ltd
- Linda Pettersson Consulting Pty Ltd
- Peter Taylor
- Shane White – Pinnacle Integrity
- Terrence Healey
- Kathy Thane – Train Reaction Pty Ltd
- Woodward Legal
- Robert Lopich – Mediate Today Pty Ltd

All candidates have met the eligibility criteria.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Conduct Review panel members will only be engaged as required under the provision of the Procedures. All costs will be incurred as per the costings provided in the EOI's for each member.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		There is no cost associated with the adoption of the recommendation
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

## LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to appoint a panel of conduct reviewers to be engaged as and when required under Procedures.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, should it not adopt the report.	Low	Adopt the recommendation	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

## CONSULTATION

- 1) Hunter Councils;
- 2) Public consultation through EOI process;
- 3) General Manager.

## OPTIONS

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

**ATTACHMENTS**

- 1) Extract from the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ATTACHMENT 1**

**PART 3 ADMINISTRATIVE FRAMEWORK - The establishment of a panel of conduct reviewers**

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations, or
    - ii) law, or
    - iii) public administration, or
    - iv) public sector ethics, or
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not be eligible to be a member of the panel of conduct reviewers if they are:
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.

- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council.

**ITEM NO. 18****FILE NO: 1190-001****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE**  
-----**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:
    - a) Rapid Response – Cr Chris Doohan – Central Ward - Salamander Screen Printing for Performability Dance Group - \$500;
    - b) Rapid Response – Cr Sally Dover – East Ward – Rotary Club of Nelson Bay – Installation of Plaque for Workmanship Programme - \$500.
- 
- 

**ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b>
	That the recommendation be adopted.

**MOTION**

<b>279</b>	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Financial Assistance Policy gives Councillors a wide discretion to either grant or to refuse any requests.

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

1. Mayoral Funds

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

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

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

**CENTRAL WARD – Councillors Dingle, Doohan & Tucker**

Salamander Screen Printing for Performability Dance Group	Donation for screen printing t-shirts.	\$500
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**EAST WARD – Councillors Dover, Morello & Nell**

Rotary Club of Nelson Bay	Installation of Plaque for Workmanship Programme	\$500
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**FINANCIAL/RESOURCE IMPLICATIONS**

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	1,000	From Ward funds
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL AND POLICY IMPLICATIONS**

To qualify for assistance under Section 356(1) of the Local Government Act, 1993, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function which it, the Council, would otherwise undertake;
- b) the funding will directly benefit the community of Port Stephens;
- c) applicants do not act for private gain.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may set a precedent when allocating funds to the community and an expectation that funds will always be available.	Low	Adopt the recommendation	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

### CONSULTATION

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

### OPTIONS

- 1) Adopt the recommendation;
- 2) Vary the dollar amount before granting each or any request;
- 3) Decline to fund all the requests.

### ATTACHMENTS

Nil.

### COUNCILLORS ROOM

Nil.

### TABLED DOCUMENTS

Nil.

ITEM NO. 19

## INFORMATION PAPERS

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

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### RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 24 September, 2013.

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

- |   |  |
|---|--|
| 1 | National Disability Strategy – NSW Implementation Plan |
| 2 | Cash and Investments held as at 31 August 2013         |
- 

### ORDINARY COUNCIL MEETING – 24 SEPTEMBER 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	<b>Councillor John Nell</b> <b>Councillor Chris Doohan</b>
	That the recommendation be adopted.

261	<b>Councillor Steve Tucker</b> <b>Councillor Sally Dover</b>
	It was resolved that Council move out Committee of the Whole.

### MOTION

280	<b>Councillor Ken Jordan</b> <b>Councillor John Morello</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

# INFORMATION PAPERS



INFORMATION ITEM NO. 1

**NATIONAL DISABILITY STRATEGY – NSW IMPLEMENTATION PLAN**

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REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL  
SERVICES SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

FILE: PSC2013-00488

**BACKGROUND**

The purpose of this report is to inform Council of its roles and responsibilities under the National Disability Strategy 2010- 2020.

The National Disability Strategy is a 10 year plan to improve the lives of Australians with disabilities. The Council of Australian Governments (COAG) endorsed the Strategy in 2011. The Strategy consists of six policy areas:

- 1) Inclusive and accessible communities;
- 2) Rights, protection, justice and legislation;
- 3) Economic security;
- 4) Personal and community support;
- 5) Learning and skills;
- 6) Health and wellbeing.

Local Government is a critical player in the successful implementation of the National Disability Strategy in NSW. The actions that involve Local Government have been grouped into three general areas below. A full table of actions is also provided.

**1) Priority Actions**

Priority actions will be dependant on Local Government support for effective implementation. Actions relate to community facilities, housing and the built environment, arts and culture, transport, planning & employment (e.g. accessible buildings and planning codes and people with disabilities contributing to the planning and decision making of Local Government).

**2) Linkages with the local community and community participation**

A number of action areas within the plan highlight the role Local Government will play in supporting local services to become accessible to everyone (e.g. people with disabilities making use of local Government provided services or accessing other community services through the networks created by Council).

**3) Planning & information**

Non-government organisations and Local Government need to take a collaborative approach regarding planning and information sharing. This involves Council identifying opportunities for improved planning and service linkages for people with disabilities.

**The practical implications for Local Government**

Examples of actions that could be commenced by Council include:

- Planners and management being aware of their role in the implementation of the NSW Plan and relevant action areas.
- Reviewing the principles of the National Disability Strategy, UN convention and NSW Plan and embedding these principles in Council's Strategic Plans.
- Identify potential issues and consulting with community on the impact of continuing reforms in the disability sector.

**4) Specific actions involving Local Government**

The National Disability Strategy and Local Government Information Sheet, June 2013 outlines a suite of actions involving local government. The following table outlines the specific actions for Local Government within the National Disability Strategy:

**Actions involving Local Government in the National Disability Strategy (NSW Plan)**

Universal building design guidelines  
 Advice and monitoring of DS 2010 Access to Premises  
 Universal standards social housing  
 Toilet location information  
 Standardising toilet keys  
 National Implementation Plan incorporation in Community Plans  
 Web based disability planning resource for Local Government  
 Increasing Arts participation for people with disability  
 Development of artists with disability  
 Employment of volunteers in arts and culture  
 Sport information and Gateway to sport  
 Local sport directories  
 Sporting events calendar  
 Research barriers to mainstream sport participation  
 Supporting officiating in State sports  
 Supporting participation in State sports  
 Phase 2 of "you're in the game"  
 "Sports links" schools program  
 "Return2sport" forum  
 Identification of local needs  
 Self directed supports and individual budgets  
 Local actions supporting access to mainstream services  
 Local Government partnerships  
 LG Election participation  
 Incorporation of National Disability Strategy principles  
 EmployABILITY Implementation public sector

Strategies for local government

Table 1.1

**5) Disability Action Plan**

Councils are now required to add additional actions from this Strategy to their respective Disability Action Plans.

Council Social Planning Team is currently drafting a new Disability Action Plan which will incorporate the new actions outlined in this report. Once finalised the Draft will be presented to Council for consideration.

**ATTACHMENTS**

Nil.

INFORMATION ITEM NO. 2

**CASH AND INVESTMENTS HELD AS AT 31 AUGUST 2013**

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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 31 August 2013.

**ATTACHMENTS**

- 1) Cash and investments held at 31 August 2013;
- 2) Monthly cash and investments balance August 2012 to August 2013;
- 3) Monthly Australian term deposit index August 2012 to August 2013.

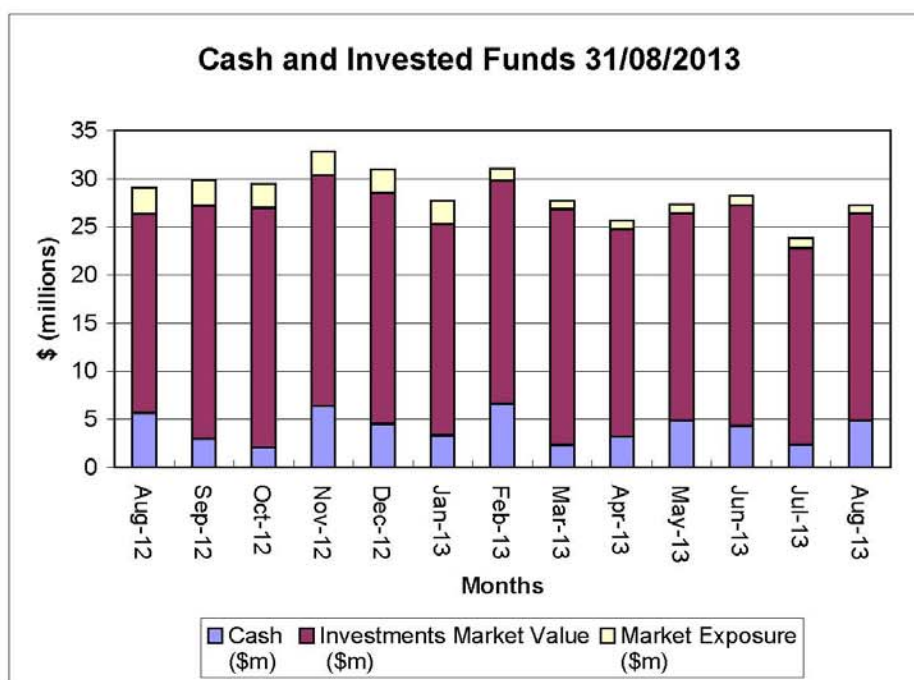
## ATTACHMENT 1

CASH AND INVESTMENTS HELD AS AT 31 AUGUST 2013								
ISSUER	BROKER	RATING	DESC	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
INVESTEC BANK (AUSTRALIA) LTD	FIIG	P-3/Baa3	TD	4.42%	184	11-Sep-13	1,000,000	1,000,000
ING BANK (AUSTRALIA) LTD	CURVE	A1/A	TD	4.29%	97	11-Sep-13	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	A1+/AA-	TD	4.37%	184	15-Sep-13	1,000,000	1,000,000
SGE CREDIT UNION	FIIG	N/R	TD	4.38%	141	25-Sep-13	1,000,000	1,000,000
SGE CREDIT UNION	FIIG	N/R	TD	4.38%	134	25-Sep-13	1,000,000	1,000,000
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
GOLDIELDS 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
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
SUB TOTAL (\$)							19,000,000	19,000,000
OTHER INVESTMENTS								
GRANGE SECURITIES "KAKADU AA"	GRANGE	CCC	CDO	4.35% 7yrs		20-Mar-14	1,000,000	342,200
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	372,281
ANZ ZERO COUPON BOND	ANZ	AA	BOND	0.00% 9yrs		1-Jun-17	1,017,876	878,885
SUB TOTAL (\$)							3,430,376	2,578,366
INVESTMENTS TOTAL (\$)							22,430,376	21,578,366
CASH AT BANK (\$)							4,847,418	4,847,418
TOTAL CASH AND INVESTMENTS (\$)							27,277,794	26,425,784
CASH AT BANK INTEREST RATE				2.70%				
BBSW FOR PREVIOUS 3 MONTHS				2.78%				
AVG. INVESTMENT RATE OF RETURN				3.96%				
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

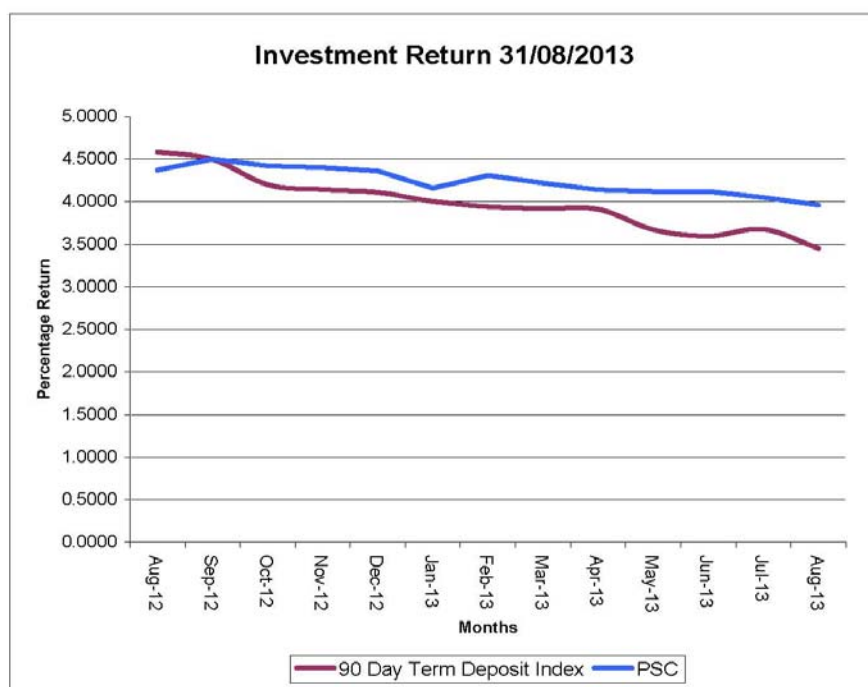
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Aug-12	5.655	20.655	2.775	29.086
Sep-12	2.945	24.263	2.667	29.875
Oct-12	2.066	24.918	2.512	29.496
Nov-12	6.388	23.962	2.468	32.818
Dec-12	4.524	24.003	2.427	30.955
Jan-13	3.291	21.993	2.438	27.721
Feb-13	6.608	23.191	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



ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	90 Day Term Deposit Index	PSC
Aug-12	4.5858	4.37
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	3.94	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



There being no further business the meeting closed at 6.49pm.

*I certify that pages 1 to 167 of the Open Ordinary Minutes of Council 24 September 2013 were confirmed by Council at its meeting held on 8 October 2013.*

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Bruce MacKenzie MAYOR