

MINUTES 25 JUNE 2013



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 25 June 2013, commencing at 6.03pm.

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

171	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that the apology from Cr John Nell be received and noted.
172	Councillor Steve Tucker Councillor Ken Jordan
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 11 June 2013 be confirmed.
	There were no declarations of interests received.

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COUNCIL REPORTS

ITEM NO. 1**FILE NO: 16-2012-715-1****DEVELOPMENT APPLICATION FOR CRUSHER, SCREEN AND
RELOCATION OF MACHINERY SHED/OFFICE AT NO. 176 WINSTON RD
EAGLETON****REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE
SECTION MANAGER****GROUP: DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

Refuse Development Application 16-2012-715-1 for the following reasons:

- 1) The development is proposed as being ancillary to an unauthorised activity on the land and is not suitable for the subject site.
-

**ORDINARY COUNCIL MEETING – 25 JUNE 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor John Morello
	It was resolved that Council move in Committee of the Whole.

	Councillor Ken Jordan Councillor Steve Tucker
	That Council: <ol style="list-style-type: none">1) Defer the development application for a crusher, screen and relocation of machinery shed/offie at No. 176 Winston Road, Eagleton; and2) Direct the Mayor and General Manager to seek a second legal opinion on the matter.

Cr Geoff Dingle left the meeting at 6.30pm prior to voting on Item 1, in Committee of the Whole.

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

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

Those against the Motion: Cr Peter Kafer.

MOTION

174	Councillor Ken Jordan Councillor Steve Tucker
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1. Defer the development application for a crusher, screen and relocation of machinery shed/office at No. 176 Winston Road, Eagleton; and2. Direct the Mayor and General Manager to seek a second legal opinion on the matter.

Cr Geoff Dingle left the meeting at 6.52pm prior to voting on Item 1, during the Open Council meeting.

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

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

Those against the Motion: Cr Peter Kafer.

Please note: Council considered this report at the Ordinary Council Meeting on 11 June 2013. Council resolved to defer until the next Ordinary Council meeting on 25 June 2013.

BACKGROUND

The purpose of this report is to present a development application to Council for determination at the request of the Mayor.

Development Application (DA) 16-2012-715-1 seeks approval to use a crusher and screen in conjunction with the existing quarry currently operating from the subject site. Whilst the subject of this report and recommendation relates solely to the development application under consideration, the various compliance issues are explained in this report for the benefit of Council.

Following consideration of legal advice received by Council on 4 October 2012, Council staff are of the opinion that the existing quarry does not have a current/valid development consent. Accordingly, the proposal as submitted, for a crusher and

screen that relies on an unauthorised activity, the recommendation of this report is for refusal.

Council staff raised concern regarding the validity of the approvals for the quarry with the applicant on 14 January 2013. At the time of drafting this report, there has been no request to include the quarry operation as part of this DA. Arguably, as a quarry operation relies on winning of product and can also involve processing via crushing and screening, Council approving this proposal, by default indicates a level of support for the existing operation onsite.

On 15 March 1978, Council approved the use of the subject land for an Extractive Industry – Gravel Removal (DA 413/77), following receipt of a letter on 24 February 1978 advising that the applicant would need *"permission to extract material for five years after which time the quarry would be restored with top soil, leaving a level building area and the block in general, unharmed for rural use."* It is considered that the information submitted to Council describing the development forms part of the consent, which therefore lapsed on 15 March 1983. The 1978 consent was limited to seven (7) conditions and did not refer to plans and documents submitted by the applicant.

In 1994, Council also approved the use of a screen (DA 226/94) for a period limited to two years, which lapsed in 1996.

More recently, from at least April 2005 Council has fielded complaints from residents on Winston Road relating to excessive noise alleged to being generated by the quarry operation.

On 22 April 2013 Council received a petition from residents of the area requesting that Council serve notice on the quarry operator requiring that all operations cease. The reasons cited are based on environmental and amenity issues. The petition was signed by 19 people from 10 properties in the nearby area (Seven (7) properties on Winston Road and Three (3) on Six Mile Road).

From 2007 to present staff have investigated various allegations that the quarry was generating offensive noise and dust which was affecting residents in the area. It was also alleged that a crusher was being used on site. On one (1) occasion the operator has confirmed that a crusher was being used.

During the initial investigations it was found that Council was sourcing products from the quarry. Once it was confirmed that a crusher was in operation, contrary to the conditions of development consent, Council immediately ceased using the quarry product.

One of the conditions of development consent specifically prohibited the use of a crusher on site and the operator was requested to cease the use of that machine to avoid enforcement action from Council.

In 2011, additional complaints were received by occupants of a dwelling in close proximity to the quarry alleging that the crusher was in operation at the site. Noise

and dust levels had increased and were impacting on the amenity, during rain periods sediment from the quarry would run across their land and into nearby watercourses.

Surveillance of the site was escalated and over a period between May 2011 and September 2012, three Penalty Infringement Notices (PINs) were issued to the operator for the use of the crusher. It was agreed by the operator they did not have development consent to operate a crusher, hence a development application was lodged for this use.

In September 2012, it was found that additional earthworks were being undertaken at the site. When the operator was questioned about the earthworks it was stated that they intended to move the extraction area further along the property, as they maintain the quarry approval does not limit the extraction and that quarrying is approved from the entire site. Staff advised of Council's position and advised that this is not consistent with the 1978 approval. Legal advice on the quarry extension was requested and a response was furnished to Council from our legal representatives, advising that, in their opinion, the quarry consent had lapsed five years from when it was approved in 1978. This is because the documentation provided by the applicant (additional information for DA 413/77 prior to approval) specified a timeframe of five years as the required timeframe to extract the material on site. The Document also identified an area of land and quantity of material to be extracted.

The recent legal advice differs to the legal advice obtained from a different legal firm in 1987 where they advised that the consent did not limit the development to 5 years. Council's records provide no indication as to why Council requested the 1987 legal advice but since that time, and until the most recent legal advice, staff have advised the quarry operator in writing and verbally that the quarry consent remained valid. Whilst advice provided is typically based on the information at the time and relevant point in time, this inconsistency or differing legal opinion conveyed to the owner/operator is of critical importance.

In March 2012, a development application to use a crusher and relocate a machinery shed (DA 161/12) was lodged as local development (the same DA in essence to what is being considered by Council via this report). This DA was later withdrawn, however as the application was found to be designated development as the site is within 250 metres of a dwelling on an adjoining property and the quantity proposed to be screened exceeds 30,000 tonnes.

In November 2012, a designated development application (requiring an Environmental Impact Statement) to use a crusher/ screen and relocate a machinery shed (DA 715/12) was received by Council.

In January 2013 Council wrote to the quarry operator and the applicant for the DA 715/12 and advised that Council had determined that the quarry consent had lapsed and that quarry operations should cease and the applicant should consider withdrawing the application as it relied on the existence of a current/valid quarry consent.

The quarry operator's solicitor responded to Council's advice and invited Council to initiate Class 4 action in the Land and Environment Court as they believed the quarry consent was still valid.

In February 2013, following an allegation relating to a water pollution event, Council staff attended an adjoining site and observed that discoloured water was flowing from the quarry site onto adjoining land. The following day Council staff entered the quarry to investigate, using powers of entry under the Protection of the Environment Operations Act 1997, section 196. Due to the extension to the quarry working area and arboreal screen construction, overland flow of water containing sediment was being channelled onto the adjoining land. The sediment and erosion control measures in place were not adequate to prevent sediment runoff. Due to the inadequate measures it was intended that a Prevention Notice be issued to address future potential pollution issues. The notice was issued on 12 April 2013 and the cause of the delay was due to negotiations with the owner and advisors regarding the lapsing of consent.

In March 2013 a meeting was held at Council with the quarry operator, their legal advisor and planning consultant. The meeting was to discuss the various stakeholders' positions around the legal status of the quarry operation. The quarry operators solicitor was invited to submit the legal authorities they relied upon to show the consent remained valid. The following week an open invitation was extended to all Councillors to discuss the outcomes from this meeting.

A response from the quarry operator's solicitor received on 9 April 2013 (dated 8 April 2013) was reviewed by Council's legal advisors who confirmed the opinion that the quarry consent had lapsed as nothing had been produced on behalf of the quarry operator to cause that opinion to be reviewed.

In April 2013, another water pollution event was reported and this time water samples were taken and sent for analysis at Hunter Water Corporation (which has a suitably qualified NATA laboratory). At the time of the site inspection it was observed that material was being extracted from the new/expanded (unauthorised) quarry area. The results of the analysis are provided in the following table.

Results	Sample PSC030413/1 (Location 1)	Sample PSC030413/2 (Location 2)	Sample PSC030413/3 (Location 3)
Total Suspended Solids (mg/L)	1990	2320	2360
Turbidity (NTU)	3500	3300	1400

The results of the analysis prompted Council to issue a Prevention Notice requiring that polluted water with more than 50 mg/L of Total Suspended Solids be prevented from leaving the site.

The Notice was appealed by the quarry operator and a directions hearing was set down for 27 May 2013. The notice has since been rescinded to allow further negotiations with the quarry operator to take place and to allow the appeal to be withdrawn.

Issues

There are legal issues with approving this DA in its current form. Without reliance on the existing quarry operation, storage of crushing and screening plant on site would be defined as a "depot" under *Port Stephens Local Environmental Plan 2000*, which is prohibited. Additionally, the DA has not yet been publicly exhibited, which is required by the Designated Development provisions in the Act. Any consent issued in this circumstance would likely be considered unlawful or "ultra vires" based on the legal advice furnished to Council.

The matter was discussed at an Executive Leadership Team (ELT) meeting on 8 May 2013, whereby it was determined to proceed to issue a Notice of Intent / Order to cease the unauthorised activity, based on the lack of any current approvals and resulting environmental impacts such as noise, dust and erosion and sediment control. The matter was again discussed at ELT on 15 May 2013, and given the interrelationships between this development application and the compliance history and the timing of the impending Council report on the Development Application, it was thought any compliance action should be consistent with Council's position on the development application and the notice was subsequently deferred.

Council's investigations and enforcement actions have been in response to significant community concern, including receipt of complaints since April 2005 and a petition from 10 nearby properties on 22 April 2013.

Council has not advertised this development application as until the Councillor call up was received, Council's approach based on legal advice was that the Application could not be processed. Although this DA has not been placed on public exhibition, residents who have either lodged complaints about the quarry or objected to DA 16-2012-161-1 (for crusher and screen on the site but was withdrawn on 13 November 2012) have been contacted by Council staff and advised of the

matter going to Council. This will provide them with the opportunity, as with the Applicant, to play a role in the DA process before Council.

A detailed assessment of the application pursuant to section 79C of the *Environmental Planning and Assessment Act 1979*, has not been undertaken to date due to the status of the existing quarry operation. It is noted that the proposed crusher and screen are considered to be Designated Development under the *Environmental Planning & Assessment Regulations*, as the site is within 250m of dwellings on adjoining properties, and the quantity proposed to be screened (65,000 tonnes) exceeds the 30,000 tonne threshold.

The site is zoned 1(a) Rural Agriculture) under *Port Stephens Local Environmental Plan 2000*, which permits "extractive industries" subject to development consent. The permissibility of "extractive industries" will not change under draft LEP 2013.

Following a brief review of the documentation submitted with this DA, it is considered that key concerns with the proposed crusher and screen would be additional noise impacts and a possible reduction in air quality, which may unreasonably reduce the amenity of existing residences along Winston Road.

Residents Concerns

The locality in which the quarry is situated consists of lots zoned 1(a) Rural Agriculture. The settlement of the land and the use of the lots (excluding the quarry) is more consistent with that of rural residential and is zoned RU2 Rural Landscape in the Draft LEP.

Residents in the area have raised concerns over many years regarding the noise and dust generated by the quarry by both its activity on site and off, including the number of truck movements along Winston Road and 6 Mile Road. Staff have investigated the concerns raised with the view that, until more recently, the quarry has development consent to operate.

The quarry operator has also undertaken works to extract material in a new area of the site which has already caused a pollution event with inadequately controlled sediment runoff. The new working area is not within the area of the original quarry footprint and can be seen by at least one neighbour where previously they were contained within an excavated area/face of the site.

Environmental Impact

The two incidents investigated this year regarding sediment runoff from the site did show that the new area for quarrying of the subject site does not have sufficient controls in place to protect adjoining properties and downstream waterways from sediment laden stormwater. Without implementing additional control measures to prevent sediment runoff it is very likely that further pollution events will occur during heavy or constant rain. In meetings with the Applicant/Owner they have indicated they are willing to take steps to control such sediment and erosion run off.

The Prevention Notice issued by Council requiring works to control sediment runoff has been challenged by the operator and a Land and Environment Court Directions Hearing is scheduled for 27 May 2013. This has since been revoked to allow further negotiations with the quarry owner.

Civil Claim by Quarry Operator

The quarry operator claims it has a case against Council, alleging Council provided information to it (prior to its purchase of the site in 1994) that the quarry consent was valid. Council has no information verifying this allegation.

A development application was lodged by the current operator and consent granted to allow the use of a gravel screen at the site in 1994. The application relied on the existence of current consent to quarry.

The operator also claims it has been financially disadvantaged since Council ceased purchasing its quarry and has alluded it will seek damages in the future. Whilst the possible civil claim aspects are not a planning consideration pursuant to section 79C of the *Environmental Planning and Assessment Act 1979*, such information is provided to Councillors for background and context.

These are not matters that should influence Council's determination of the current Development Application.

FINANCIAL/RESOURCE IMPLICATIONS

Refusal of the DA in accordance with the staff recommendation is likely to have financial and/or resource implications for Council. The applicant can appeal the determination of Council in the Land and Environment Court. Any appeal by the applicant is likely to be a combination of both the DA and ongoing/previous compliance matters.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Yes	Council has a budget allocation for legal services
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Approving the development application is not consistent with legal advice obtained by Council. A refusal of the DA as per the staff recommendation still may have significant legal, policy or risk implications.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that refusal of the DA may be subject to a LEC appeal by the applicant and also to a possible claim in damages by the operator.	High	Determine the DA in accordance with the recommendation and legal advice.	Yes
There is a risk that approval of the DA may be subject to a LEC appeal by a third party (an objector).	High	Determine the DA in accordance with the recommendation and legal advice.	Yes

Council may recall that it adopted a revised Corporate Risk Management Policy on 27 November 2012. The policy includes Council's 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."

A review of the assessment report and the legal advice presented outlines that a decision contrary to the recommendation presents an unacceptable risk to Council as per Council's standard risk management matrix. This unacceptable risk relates to Council approving a development application that is ultra vires. In this instance, a refusal of the application is the only viable or comprehensive risk treatment.

Other Risks

- Due to the history and interpretation of the status of the development consent, there is scope for Council to be criticised for the varying positions/interpretations at points in time. The understanding by staff that the consent remained valid was conveyed to the quarry operator verbally and in writing; it was also passed on to some of the complainants over the years.

- The fact that Council has in the past sourced product from the quarry may also be brought into question and a point of criticism. These different roles of Council have been kept distinctly separate.
- Council has been accused of harassment due to its investigation into both the quarry operation and pollution incidents. Council only entered the property when/where it was legally entitled to do so and was responding to the legitimate concerns raised by the public.
- Financial risks are present in terms of a civil claim possibly being commenced by the quarry operator for misinformation about the status of the quarry consent being current at the time of purchase in 1994.
- The cost of proceedings in the Land and Environment Court is high and there is a risk that Council may not prove its case and be liable for the defendant's assessed and agreed costs.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Determination of the DA in accordance with the recommendation (refusal) is unlikely to have a significant social, economic or environmental impact on the wider community.

The current issues associated with the quarry operation and environmental management are determined to have environmental implications.

CONSULTATION

The application has not been publicly exhibited to date. The proposal is considered to be Designated Development and must be publicly exhibited for a period of 30 days. Council did not commence public exhibition as it is of the view the DA relies on an invalid / expired DA and so cannot be progressed.

To ensure transparent and equitable decision making, the applicant and those residents who have previously lodged complaints or submissions regarding the quarry have been notified that the matter is being reported to Council.

OPTIONS

- 1) Refuse the DA as per the Recommendation;
- 2) Defer the matter pending the applicant addressing the outstanding quarry use issue (possibly amending or submitted a new DA for the quarry use) and a full assessment being undertaken of the proposal;
- 3) Approve the DA as submitted, however the application has not been exhibited as required, no assessment of the s.79C matters has been made and based on Council's legal advice that the consent to quarry has lapsed, such an approval would be ultra vires and void or voidable.

ATTACHMENTS

- 1) Locality Plan.

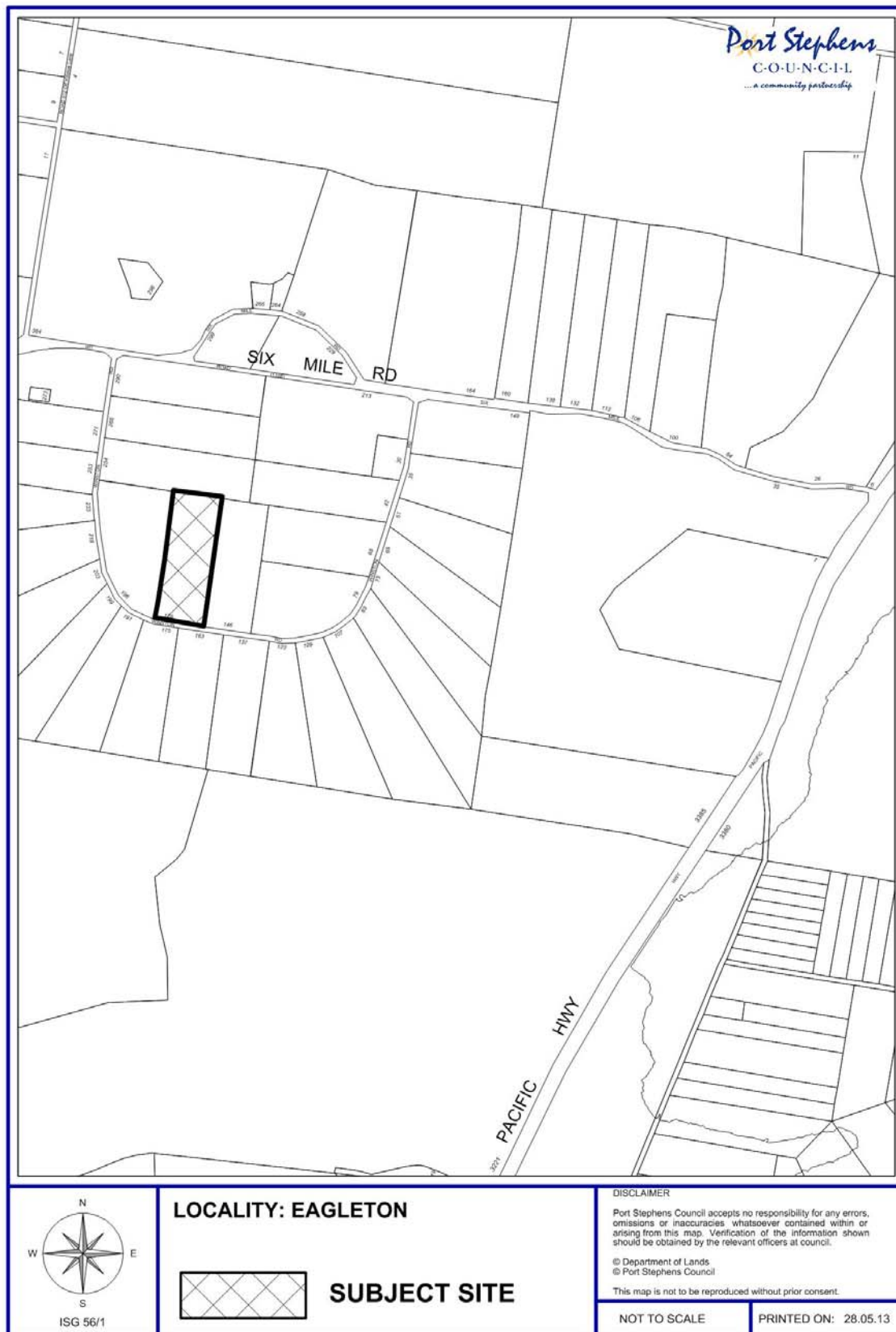
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1 LOCALITY PLAN



ITEM NO. 2**FILE NO: PSC2009-02488****NO SMOKING POLICY IN COUNCIL OWNED OR MANAGED BUILDINGS****REPORT OF: WAYNE WALLIS – GROUP MANAGER CORPORATE SERVICES****GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the No Smoking Policy in Council Owned or Managed Buildings adopted by Council on 22 August 2006, Minute No.651 noted as **(ATTACHMENT 1)**.
-

**ORDINARY COUNCIL MEETING – 25 JUNE 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

175	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

The purpose of this report is to revoke the No Smoking Policy in Council Owned or Managed Buildings adopted by Council on 22 August 2006, Minute No.651.

As of 7 January 2013, changes to legislation on smoke-free outdoor areas came into effect across NSW. These changes are a key strategy in reducing community exposure to second-hand smoke, tobacco-related harm and the taking up of smoking by (in particular) young people.

This policy is replaced by the No Smoking on Managed Council Land (defined as including structural improvements) management directive endorsed by the Executive Team on 4 June 2013. The intent of this management directive is to incorporate the Tobacco Legislation Amendment Act 2012 and subsequently

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replace the outdated No Smoking Policy in Council Owned or Management Buildings.

The management directive operationalises the Council's legal obligations to implement the Tobacco Legislation Amendment Act.

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's administrative processes remain outdated.	Low	<ul style="list-style-type: none">Revoke the No Smoking Policy in Council Owned or Managed Buildings as recommended and update Council's Policy register to reflect the change.Communicate to all staff.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Executive Team;
- 2) Section Managers;
- 3) Property Investment Coordinator;
- 4) Information flyer to be sent to Council user groups.

OPTIONS

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

ATTACHMENTS

- 1) No Smoking Policy in Council Owned or Managed Buildings.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



Adopted: 23/10/2001
Minute No: 442
Amended: 22/08/2006
Minute No: 651

FILE NO: A2004-0081

TITLE: NO SMOKING POLICY IN COUNCIL OWNED OR MANAGED BUILDINGS

BACKGROUND

No smoking restrictions have applied in Council workplace buildings since 1989. In 1998 (Min No 002), Council adopted a policy prohibiting smoking in all Council owned or managed community buildings. Since that time no smoking practises have been adopted throughout Council's operations including the Council's Holiday Parks and Commercial buildings.

The new Occupational Health and Safety Act states that we will ensure the health of all persons in and around buildings used as a place of work.

OBJECTIVE

To **ensure** a non-smoking environment within the confines of all buildings owned or managed by Council.

PRINCIPLES

- 1) Buildings provided by Council are for the use and enjoyment of the entire community. Smoking in these buildings constitutes a risk **to all that use the building/s**.
- 2) There are substantial health risks related to passive and active smoking.
- 3) There is a risk of accidental fire where smoking is prevalent.
- 4) Council seeks to minimise the risks for the community related to the use of its buildings.
- 5) *The majority of smokers, as well as non-smokers, agree that the health of non-smokers can be damaged by other people's tobacco smoke. (Study by Hill, Borland and Naccarella for the NSW Cancer Council – 1992)*

- 6) Council seeks to minimise the negative environmental impacts of the incorrect disposal of cigarette butts through the development and provision of educational programs.

POLICY STATEMENT

Smoking is not allowed within the confines of any buildings owned or managed by Council. For the purposes of this policy, the confines refers to any area under the roofline or the amenities area of any building.

RELATED POLICIES

Nil

REVIEW DATE

Every 2 years or as required.

RELEVANT LEGISLATIVE PROVISIONS

Occupational Health and Safety Act 2000 (NSW)

IMPLEMENTATION RESPONSIBILITY

All staff responsible for the management of Council owned or managed buildings

ITEM NO. 3

FILE NO:T231213HUN

T231213HUN - REGIONAL PROCUREMENT INITIATIVE TENDER - SUPPLY & DELIVERY OF TRAFFIC & SAFETY SIGNAGE, GALVANISED POSTS & CAPS

REPORT OF: PETER MURRAY – MANAGER OPERATIONS SECTION

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary Council agenda namely **REGIONAL PROCUREMENT INITIATIVE TENDER T231213HUN SUPPLY & DELIVERY OF TRAFFIC & SAFETY SIGNAGE, GALVANISED POSTS & CAPS.**
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **REGIONAL PROCUREMENT INITIATIVE TENDER T231213HUN SUPPLY & DELIVERY OF TRAFFIC & SAFETY SIGNAGE, GALVANISED POSTS & CAPS.**
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
- 5) Accept the following tenders, as panel tenders to Port Stephens Council for the period of 1 July 2013 to 30 June 2015, in order of preference:
 - a) Category 1 Supply & Delivery of Traffic & Safety Signage: Barrier Signs, RMS & HI-VIS.
 - b) Category 2 Supply & Delivery of Galvanised Posts & Caps: HI-VIS, RMS & Artcraft.
- 6) Provide for a 12 month extension to this contract based on satisfactory supplier performance which may extend this contract to 30 June 2016.

**ORDINARY COUNCIL MEETING – 25 JUNE 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Steve Tucker Councillor Sally Dover
	That Council: 1) Accept the following tenders, as panel tenders to Port Stephens Council for the period of 1 July 2013 to 30 June 2015, in order of preference: a. Category 1 Supply & Delivery of Traffic & Safety Signage: Barrier Signs, RMS & HI-VIS. b. Category 2 Supply & Delivery of Galvanised Posts & Caps: HI-VIS, RMS & Artcraft. 2) Provide for a 12 month extension to this contract based on satisfactory supplier performance which may extend this contract to 30 June 2016.

MOTION

176	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

The purpose of this report is for Council to consider and determine the preferred panel for the supply and delivery of traffic and safety signage, galvanised posts and caps that prevent the ingress of water into the top of the posts.

Council currently purchases these services through preferred suppliers engaged on a quotation basis. Council has traditionally used these suppliers based on cost and ability to provide products in a timely manner to suit operational timeframes. It is anticipated that purchasing these services via a bi-annual contract, with an option of a 12 month extension, ensures Council will receive the best market rate for these services. The granting of the contract extension would be based on the performance of the contractors over the initial contract period and Council being satisfied with the renegotiated schedule of rates for the extension period. This process is conducted in accordance with Councils Community Strategic Plan clause 5.1.3 "ensures Council's procurement activities achieve best value for money."

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

Port Stephens Council along with other Hunter Council members were approached by Regional Procurement to establish a group tender for the supply and delivery of traffic and safety signage, galvanised sign posts and caps. Based on experience with other tenders for various materials and services, participation was expected to provide an opportunity to gain cost benefits by utilising group purchasing power while still satisfying legislative requirements.

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

Regional Procurement called tenders across a number of local government areas that include Maitland, Dungog, Upper Hunter, Cessnock, Mid-Western Regional Council, Newcastle, Singleton, Muswellbrook and Port Stephens. Regional Procurement received seven (7) and five (5) conforming tenders for Traffic and Safety Signage and Galvanised Posts and Caps categories respectively across all areas.

Each of the bids were evaluated against "Value Selection" criteria and allocated a weighted score for each assessed criterion. This evaluation allows each bid to be ranked according to its performance against a pre determined set of criteria. The "Value Selection" method for the Supply and Delivery of Traffic and Safety Signage, Galvanised Posts and Caps were assessed against criteria that included tender price, quality assurance, previous experience and references regarding previous performance.

FINANCIAL/RESOURCE IMPLICATIONS

This tender represents a budget expenditure of approximately \$50,000 per annum for the Facilities and Services Group. The actual annual expenditure varies year to year and is dependent on the extent of work completed under Council's capital and recurrent works programs. The procurement of the "best value for money" services is critical to providing sustainable services to the community.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$50,000	Funded from existing recurrent and capital budgets.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that supply of traffic safety signage may not be available as required which may lead to works being delayed or diminished safety for road users.	Medium	Appoint only suitably qualified tenders with good work history and references. Appoint multiple providers as part of panel tender to guarantee supply.	Yes
There is a risk that the supply of posts and caps may not be available as required which may lead to works being delayed or diminished safety for road users.	Low	Appoint multiple providers as part of panel tender to guarantee supply.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

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

CONSULTATION

Procurement and Contracts Co-ordinator
Roadside & Drainage Co-ordinator
Facilities & Services Officer - Roadside & Drainage
Group Manager - Facilities and Services
Works Manager

OPTIONS

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

ATTACHMENTS – All listed below are provided under separate cover.

- 1) Table 1 – Category 1 Supply & Delivery of Traffic & Safety Signage - Regional Procurement Initiative Value Selection Method Summary.
- 2) Table 2 – Category 2 Supply & Delivery of Galvanised Posts & Caps - Regional Procurement Initiative Value Selection Method Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE REPORT – 4 JUNE 2013****REPORT OF: JOHN MARETICH – CIVIL ASSETS 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 June 2013.
-

**ORDINARY COUNCIL MEETING – 25 JUNE 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Geoff Dingle returned to the meeting at 6.33pm prior to voting on Item 4, in Committee of the Whole.

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

MOTION

177	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

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

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget of \$44 000 (\$25,000 grant from RMS and the balance from General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The construction of capital works such as traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in this funding and are to be listed within Council's "Forward Works Plan" for consideration in the annual budget process.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$25 765	Approximately 60% of annual budget spent
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

- 1) Local Traffic Committee minutes – 4/6/2013

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 4TH JUNE, 2013
AT 9:30AM**

Present:

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

Apologies:

Craig Baumann MP, Cr Peter Kafer, Mr Mark Newling – Port Stephens Coaches, Mr John Meldrum – Hunter Valley Buses,

- A. ADOPTION OF MINUTES OF MEETING HELD 7TH MAY, 2013**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
- D. INFORMAL MATTERS**
- E. GENERAL BUSINESS**

PORT STEPHENS LOCAL TRAFFIC COMMITTEE AGENDA

INDEX OF LISTED MATTERS
TUESDAY 4TH JUNE, 2013

- A. ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MINUTES OF 7TH MAY, 2013
- B. BUSINESS ARISING FROM PREVIOUS MEETING
- C. LISTED MATTERS
 - C.1 14_06/13 STURGEON STREET RAYMOND TERRACE - REQUEST FOR ACCESSIBLE PARKING AT CENTRELINK
 - C.2 15_06/13 KINDLEBARK DRIVE MEDOWIE - REQUEST FOR ACCESSIBLE PARKING AT THE MEDOWIE COMMUNITY PRESCHOOL
 - C.3 16_06/13 SCOTT CIRCUIT SALAMANDER BAY – REQUEST FOR ADDITIONAL ONE-WAY SIGNAGE
 - C.4 17_06/13 CORRIE PARADE CORLETTE – REQUEST FOR 'NO STOPPING' RESTRICTIONS AT CORRIE LANE INTERSECTION
 - C.5 18_06/13 NELSON STREET NELSON BAY – REQUEST FOR IMPROVED DELINEATION AT THE MOOROOBA CRESCENT INTERSECTION
 - C.6 19_06/13 GALOOLA DRIVE NELSON BAY – REQUEST FOR SPEED HUMPS
- D. INFORMAL MATTERS
- E. GENERAL BUSINESS
 - E.1 609_06/13 RICHARDSON ROAD FERODALE – SAFETY CONCERNS RELATING TO MEDOWIE SHARED PATH CROSSING
 - E.2 610_06/13 SOLDIERS POINT ROAD SALAMANDER BAY – SAFETY CONCERNS RELATING TO INCREASED HEAVY VEHICLE MOVEMENTS FROM THE DEVELOPMENT AT NO.155 SALAMANDER WAY
 - E.3 611_06/13 RAYMOND TERRACE ROAD NELSONS PLAINS – SAFETY CONCERNS RELATING TO THE INTERSECTION AT SEAHAM ROAD
 - E.4 612_06/13 PATERSON STREET HINTON – REVIEW OF SPEED ZONE

C. Listed Matters

C.1 Item: 14_06/13**STURGEON STREET RAYMOND TERRACE - REQUEST FOR ACCESSIBLE PARKING AT CENTRELINK**

Requested by: Cr Jordan -

File: 163650/2013

Background:

Medicare has recently relocated to the Centrelink Office in Sturgeon Street Raymond Terrace. This has resulted in increased demand for accessible parking from people with mobility permits wanting to park close by.

Comment:

Traffic Inspection Committee members noted that there is a disused driveway close to the Centrelink entrance which could be used as a ramp for accessible parking.

Legislation, Standards, Guidelines and Delegation:

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

AS2890.5 – Parking Facilities – On-street parking

RTA signs database – R5-1-3

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

Recommendation to the Committee:

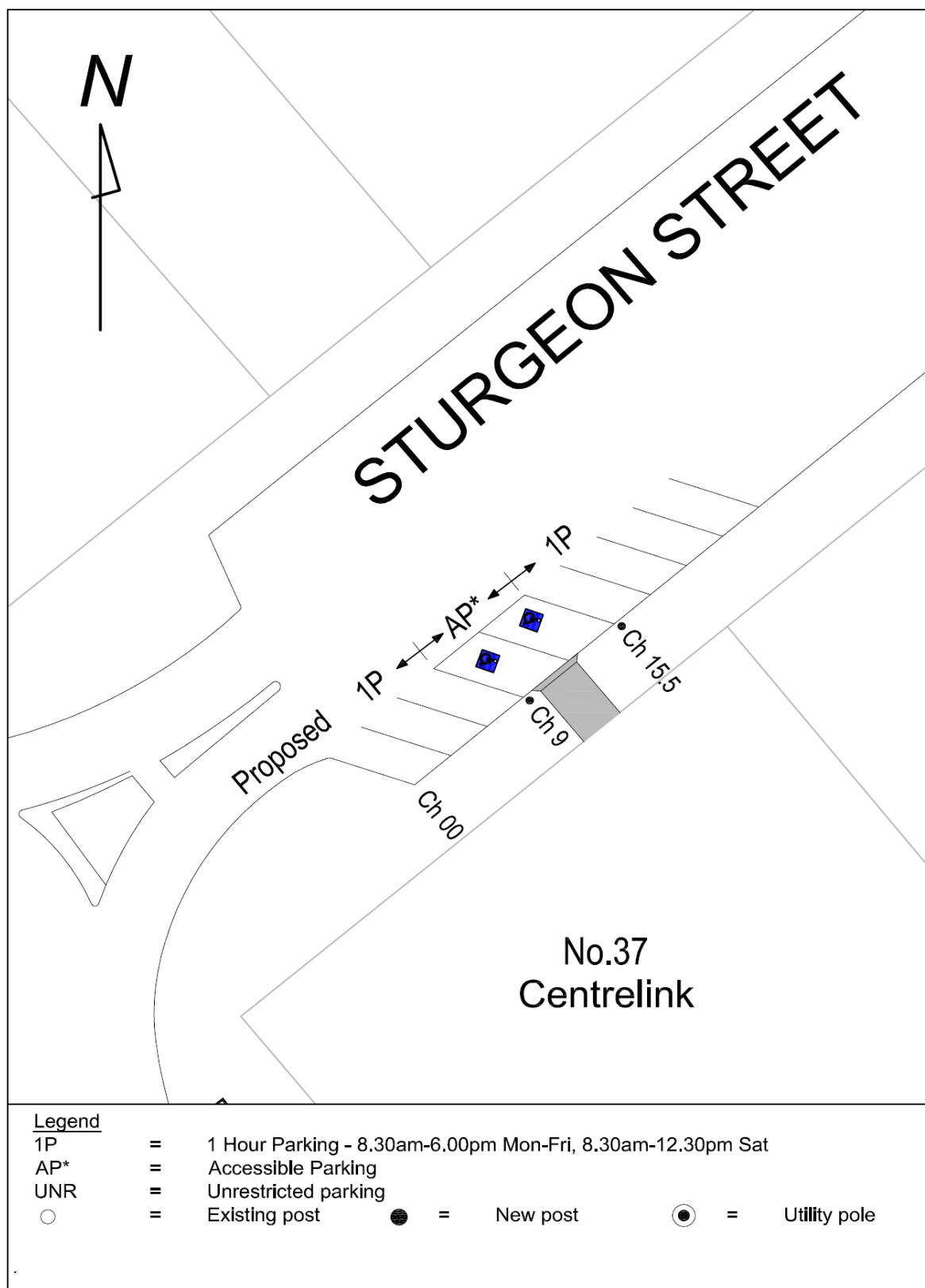
Install 2 accessible parking spaces at the Centrelink Office in Sturgeon Street Raymond Terrace, as shown on the attached sketch, Annexure A.

Discussion:

Committee members noted that the driveway will need to be modified to remove the driveway lip to ensure that the ramp complies with the Australian Standard.

Support for the recommendation:

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



C.2 Item: 15_06/13**KINDLEBARK DRIVE MEDOWIE - REQUEST FOR ACCESSIBLE PARKING AT THE MEDOWIE COMMUNITY PRESCHOOL**

Requested by: Medowie Community Pre-school

File:

Background:

A parent of a pre-schooler at Medowie has a mobility permit and has difficulty finding parking close enough to the pre-school to allow easy drop-off.

Comment:

Traffic Inspection Committee members noted that there is no footpath in the area to connect an accessible parking space to the pre-school. It is a requirement of the Australian Standard that a continuous, accessible path of travel is provided between the accessible parking space and the destination point.

Legislation, Standards, Guidelines and Delegation:

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

AS2890.5 – Parking Facilities – On-street parking

RTA signs database – R5-1-3

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

Discussion:

Committee members discussed the need for suitable infrastructure to be constructed to allow accessible parking to be provided at the pre-school combined with parking at the sports field.

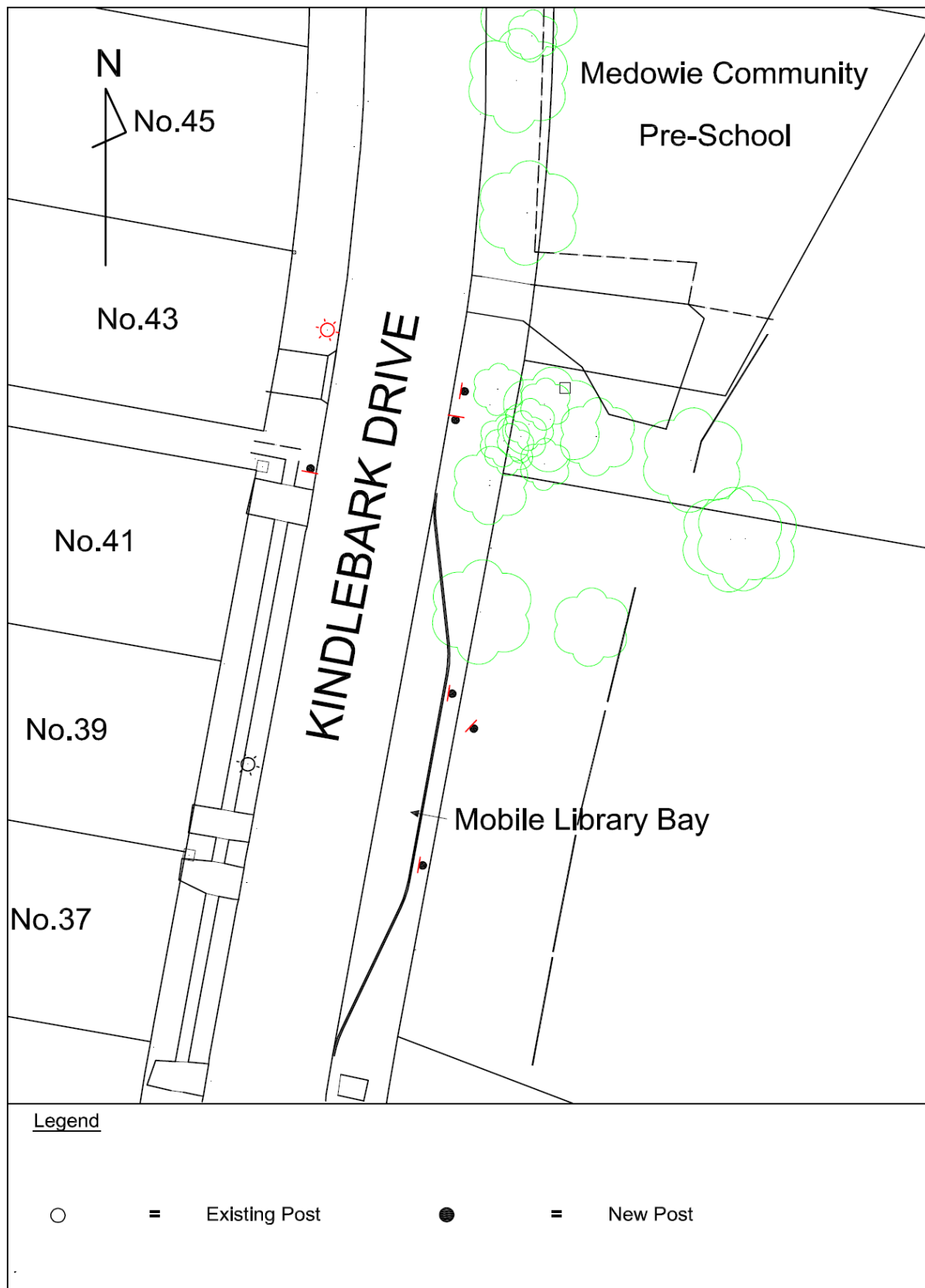
Committee's recommendation:

That Council prepare a plan that will determine what can be provided and at what cost in terms of improved accessibility in this location, and that funding be committed to allow this to be achieved.

Note: The Manager Civil Assets advises that the required works will be placed on Council's FWP upon approval rather than having funding committed outright.

Support for the recommendation:

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



C.3 Item: 16_06/13

SCOTT CIRCUIT SALAMANDER BAY – REQUEST FOR ADDITIONAL ONE-WAY SIGNAGE

Requested by: A resident
File: PSC2005-4019/440
Background:

A resident of Scott Circuit, which is a one-way street, has witnessed a number of vehicles driving the wrong way around the street recently.

Comment:

There is a need for some maintenance of existing signage, including vegetation management and replacement of missing signs, however some additional signs would be of benefit as well.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule88 & 89 – Left turn signs, right turn signs
RMS signs database – R2-14
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

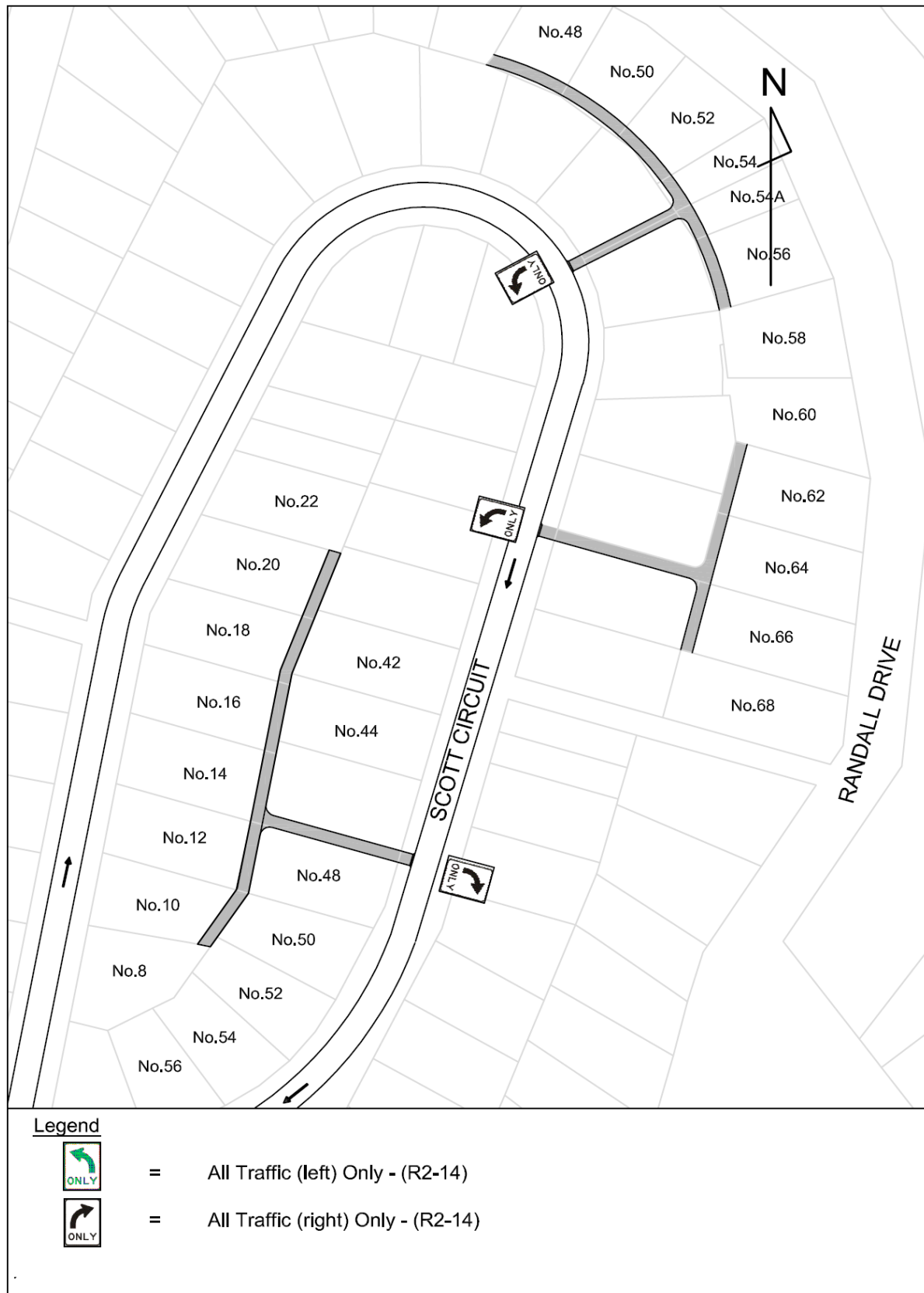
Install 'Left Only' signs at No.32 and No.36 and 'Right Only' at No.46-48 Scott Circuit Salamander Bay, as shown on the attached sketch, Annexure A.

Discussion:

Committee members noted the high number of residences that use the access driveways to gain access.

Support for the recommendation:

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



C.4 Item: 17_06/13

CORRIE PARADE CORLETTE – REQUEST FOR 'NO STOPPING' RESTRICTIONS AT CORRIE LANE INTERSECTION

Requested by: A resident
File: PSC2005-4019/430
Background:

A resident of Corrie Lane has complained about vehicles in Corrie Parade parking too close to the intersection, restricting sight distance for drivers exiting Corrie Lane.

Comment:

Corrie Lane is a narrow laneway with access via Corrie Parade. It is very difficult to see oncoming traffic when there is a car parked on the side of the road, directly in front of the house on the corner (on drivers right hand side).

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule167 – No stopping signs
RMS signs database – R5-400
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

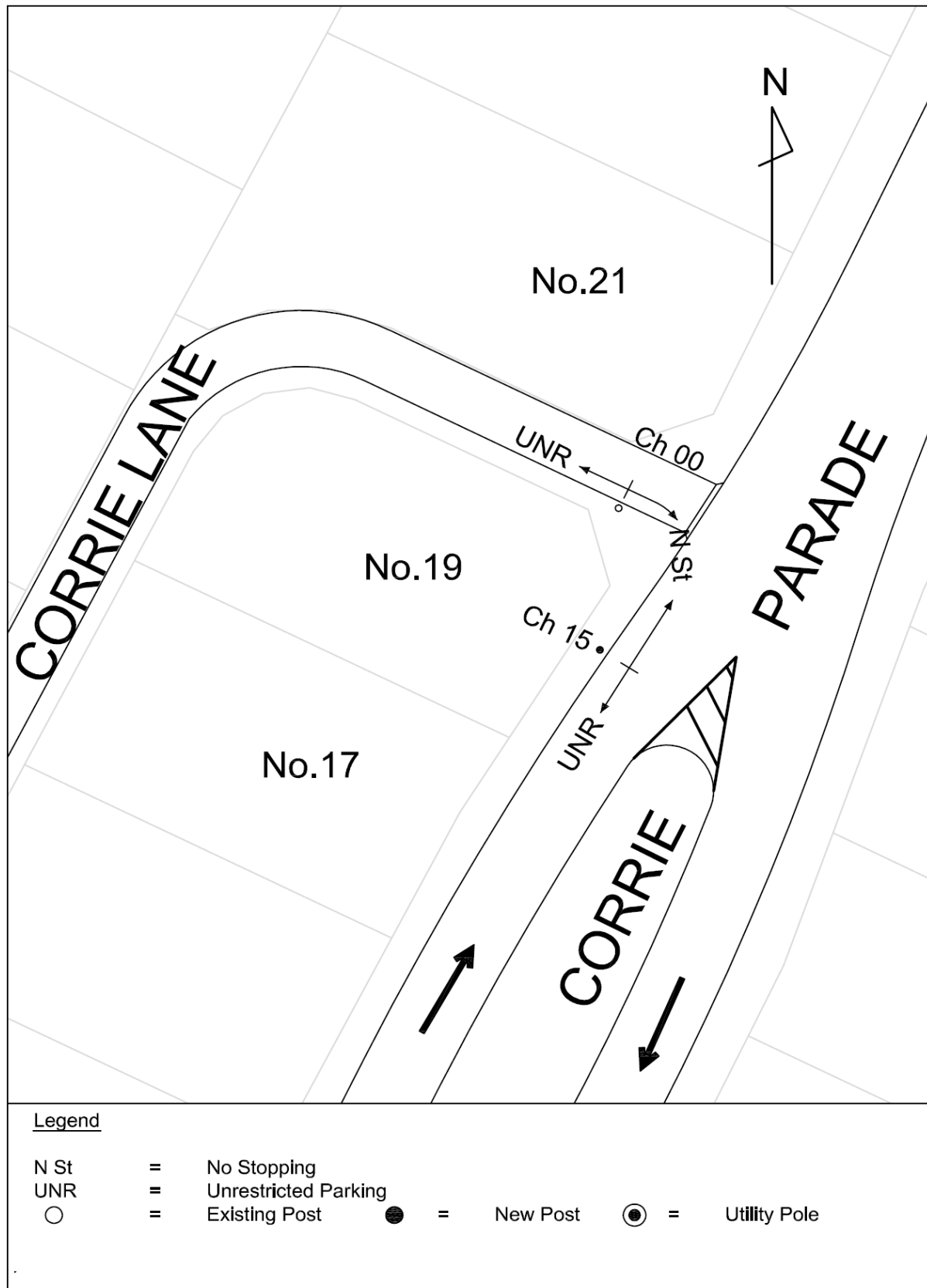
Recommendation to the Committee:

Install 'No stopping' 10m south of Corrie Lane intersection in Corrie Parade, Corlette, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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



C.5 Item: 18_06/13

NELSON STREET NELSON BAY – REQUEST FOR IMPROVED DELINEATION AT THE MOOROOPA CRESCENT INTERSECTION

Requested by: A resident
File: PSC2005-4019/429
Background:

A resident has complained to Council that the intersection of Mooroopa Crescent and Nelson Street is hazardous with many drivers cutting the corner when turning into Nelson Street on the way to St Michael's School.

Comment:

Traffic Inspection Committee members noted that the intersection does have existing give way control however the hold lines are not readily apparent. Re-marking of the missing lines and installation of barrier line in Nelson Street is required to bring the intersection up to standard.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 67 – Stopping and giving way at a stop sign or stop line at an intersection without traffic lights
AS 1742.2 – Manual of uniform traffic control devices – RMS Supplement
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

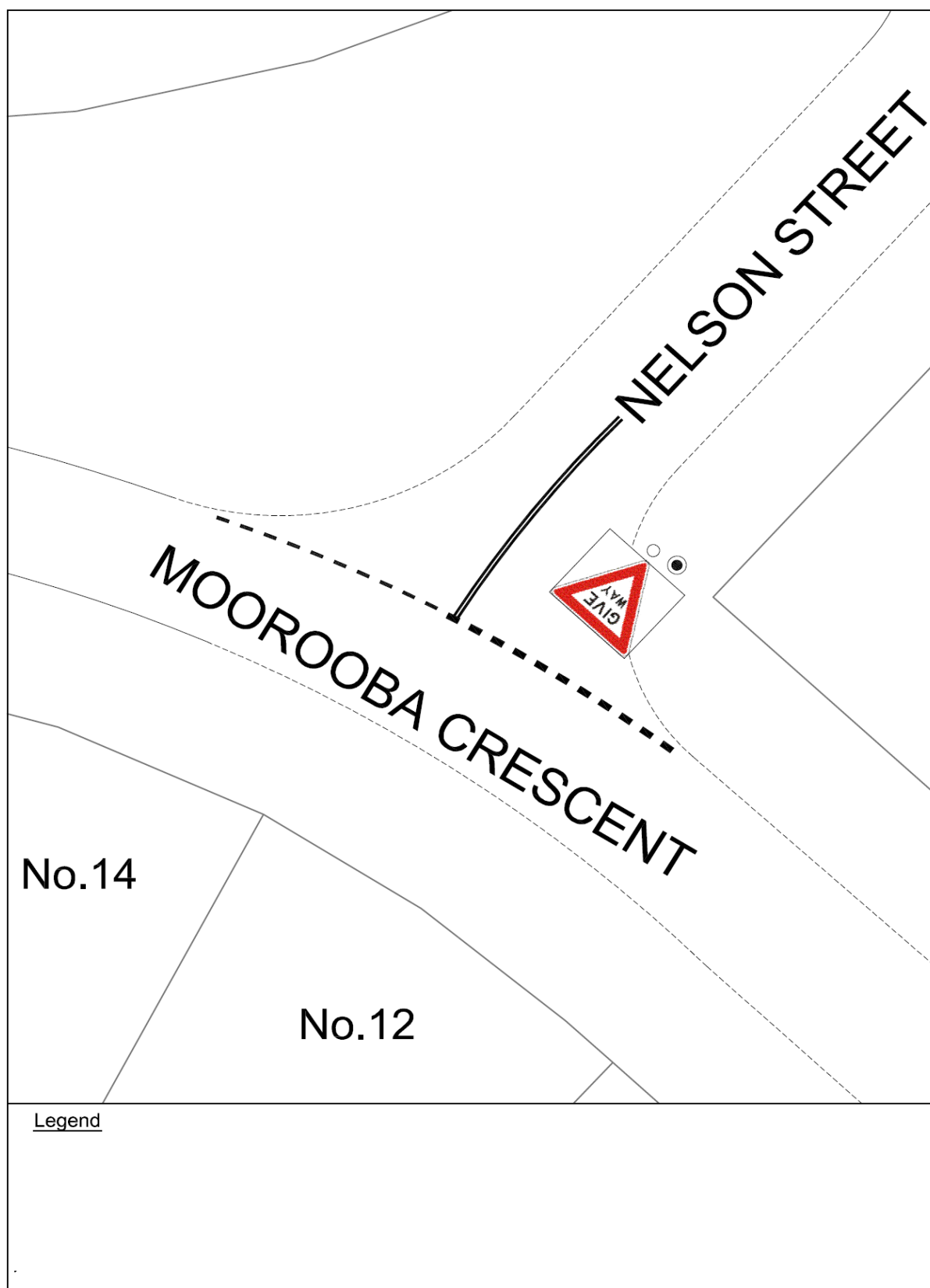
Recommendation to the Committee:

Install 10m of barrier line and reinstate missing 'TB' line marking at the intersection of Mooroopa Crescent and Nelson Street, Nelson Bay, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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



C.6 Item: 19_06/13**GALoola DRIVE NELSON BAY – REQUEST FOR SPEED HUMPS**

Requested by: A resident

File:

Background:

The resident has complained to Council that the volume of traffic along Galoola Drive is too high and travels too fast.

Comment:

Traffic Inspection Committee members requested an assessment be carried out for Galoola Drive against Council's adopted priority ranking criteria for Local Area Traffic Management proposals.

Annexure A shows the assessment which indicates a site with minor technical concerns. Recommendations for this situation include low-cost non-capital treatments such as signposting or linemarking. Traffic Inspection Committee members recommend remarking of edgelines to restrict the available lane width and assist in reducing travel speeds.

Legislation, Standards, Guidelines and Delegation:

Austroads – GTM Part 8 – Local area Traffic Management
Australian Standard -1742.13 Part 13: Local area traffic management

Recommendation to the Committee:

Request re-marking of faded edge lines

Discussion:

Council officers stated that the previous marking of edge lines in Galoola Drive, some 5-6 years ago, resulted in a 3% reduction in average speed. The edge lines have faded to a large extent and now need re-marking.

Support for the recommendation:

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

Priority System for ranking LATM proposals – Galoola Dive

Traffic Parameter	Observed value	Points for a street or road		
		Local street	Collector/distributor	Sub-Arterial
Traffic Speed as 85 th % 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
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

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

D. Informal Items

E. General Business

E.1 Item: 609_06/13

RICHARDSON ROAD FERODALE – SAFETY CONCERNS RELATING TO MEDOWIE SHARED PATH CROSSING

Requested by: Port Stephens Council

Background:

Council officers raised concerns regarding the Medowie shared path crossing on Richardson Road at the south-eastern corner of Grahamstown Dam. Recent Blackspot funded roadworks have seen wire rope installed along the middle of Richardson Road which has also necessitated road widening.

Discussion:

The safety issue has arisen because the area at the wire rope, in the centre of the road may appear as a refuge to path users. This may encourage cyclists and pedestrians to attempt a 2-stage crossing of the road when there is in fact no safe refuge in which to shelter.

Committee's recommendation:

That Council and Roads and Maritime Services staff liaise in order to develop a satisfactory solution to this situation.

E.2 Item: 610_06/13

SOLDIERS POINT ROAD SALAMANDER BAY – SAFETY CONCERNS RELATING TO INCREASED HEAVY VEHICLE MOVEMENTS FROM THE DEVELOPMENT AT NO.155 SALAMANDER WAY

Requested by: Cr Dingle

Background:

Cr Dingle raised concerns on behalf of the Tomaree Residents and Ratepayers Association regarding the large volume of sand to be removed from the Salamander Centre construction site now that the development application has been approved.

Discussion:

The sand will be taken by road to the Diemars Quarry site at Salamander Bay as well as other unspecified stockpile locations, meaning that there will be an increase in the number of heavy vehicles moving along Soldiers Point Road and through the Salamander shopping strip.

Committee's recommendation:

That Council ensure that there is a suitable Traffic Management Plan developed and strictly followed for all construction traffic to ensure the safety of the travelling public.

E.3 Item: 611_06/13

RAYMOND TERRACE ROAD NELSONS PLAINS – SAFETY CONCERNS RELATING TO THE INTERSECTION OF RAYMOND TERRACE ROAD AND SEAHAM ROAD

Requested by: A resident

Background:

A concerned resident met recently with the Port Stephens Mayor, requesting a review of traffic controls at the above intersection after the resident was recently involved in a crash there.

Discussion:

Police provided recent crash data for the intersection which indicated a high number of crashes occurring at this location. The crashes were predominantly rear-end crashes occurring on Raymond Terrace Road leading up to the intersection.

Committee's recommendation:

That Roads and Maritime Services investigate further the number and type of crash occurring and take action to reduce the crash risks.

E.4 Item: 612_06/13

PATERSON STREET HINTON – REVIEW OF SPEED ZONE

Requested by: Roads and Maritime Services

Background:

Roads and Maritime Services advised that there has been a review of the speed zone across the Hinton Bridge at Hinton, to Phoenix Park, in the Maitland Council area. The speed limit will be reduced from 60km/h to 50km/h across the bridge and will now match the speed limit through Hinton.

Committee's recommendation:

Noted.

ITEM NO. 5

FILE NO: T13-2013 & PSC2005-3701

T13-2013 – BIRUBI POINT SURF LIFE SAVING CLUB REDEVELOPMENT

REPORT OF: STEVEN BERNASCONI – COMMUNITY AND RECREATION SERVICES
MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 6 on the Ordinary Council agenda namely **T13-2013 – Birubi Point Surf Life Saving Club Redevelopment**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **T13-2013 – Birubi Point Surf Life Saving Club Redevelopment**
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
 - 5) Accepts the tender of Hansen Yuncken for the redevelopment of the Birubi Point Surf Life Saving Club and grounds to the value of \$4,081,151.
-

MINUTES FOR ORDINARY COUNCIL – 25 JUNE 2013**ORDINARY COUNCIL MEETING – 25 JUNE 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Steve Tucker
	That Council accepts the tender of Hansen Yuncken for the redevelopment of the Birubi Point Surf Life Saving Club and grounds to the value of \$4,081,151.

Note: That Council expressed its appreciation for the efforts of staff on this project.

MATTER ARISING

	Mayor Bruce MacKenzie Councillor Ken Jordan
	That Council write to the Hon. Anthony Albanese, Minister for Infrastructure & Transport and Minister for Regional Development & Local Government expressing its appreciation with regard to the funding provided by the Federal Government.

MOTION

178	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that the Committee of the Whole recommendation be adopted.

MATTER ARISING

179	Mayor Bruce MacKenzie Councillor Ken Jordan
	It was resolved that Council write to the Hon. Anthony Albanese, Minister for Infrastructure & Transport and Minister for Regional Development & Local Government expressing its appreciation with regard to the funding provided by the Federal Government.

BACKGROUND

The purpose of this report is to approve a tender for the works that includes the redevelopment of the Birubi Point Surf Life Saving Club and grounds.

The works comprise the provision of all resources and materials to:

- Demolish the existing structures and paving
- Construct two (2) new concrete, structural steel and brick facilities including a surf club building, café, kitchen and eating areas, care takers residence, public access viewing platform, observation tower, first aid room and public amenities
- Constructed landscaped areas, irrigation and rehabilitation of the site.

The two (2) building configuration has been designed with the visual amenity of the Birubi headland in mind. The redevelopment will meet the needs of the surf life saving club volunteers and paid life guards, improve public access to the site as well as provide a high quality tourism service for beach users and visitors to the adjacent Worimi Conservation Lands.

Expressions of Interest for the works were called on 13 April 2013 and submissions closed on 26 April 2013. Nineteen (19) submissions were received. An assessment of these nineteen (19) submissions was conducted on non price criteria alone. This assessment resulted in a short list of six companies to invite to make further submissions in the tender phase. Of these six invited companies, one declined to participate in the tender process the result of which was the next highest ranked company being invited to tender in its place.

Short listed companies where invited to submit tenders on 6 May 2013 and submissions closed 7 June 2013. Submissions were received from:

- Drayton Constructions
- Graph Building
- Hansen Yuncken
- Kingston Building Australia
- North Constructions
- Stronach Constructions

All tender submissions were assessed using the Council's Value Selection Methodology. Refer to Attachments 1 and 2 for details of the Value Selection results.

Based on the Value Selection Methodology Graph Building, Hansen Yuncken, and Kingston Building Australia were invited to attend interviews to clarify aspects of their submissions. Based on these post tender interviews and negotiations Hansen Yuncken was deemed to provide the best value offer.

FINANCIAL/RESOURCE IMPLICATIONS

Table1 details the funding model for the project.

Attachment 3 summarises the project costing for all stages of the project as at 14 June 2014.

Source of Funds	Confirmed Yes/No	Funding (\$)	Comment
Federal Government 2010 Election promise	No	\$2,200,000	<p>The compulsory value assessment of the project has been completed by the Department of Regional Australia, Local Government, Arts and Sport and has been submitted to the Minister for Regional Development and Local Government, The Hon. Anthony Albanese MP.</p> <p>The 2010 Election promise remains valid however it is subject to the Minister's approval. As at 14 June 2013 a funding agreement has not been received from the Department however advice from the Department suggests that it is imminent. Once the funding agreement is received Council will be required to execute it in order to receive the funds. The funds will be released according to the agreed project milestones being achieved.</p>
Internal borrowings from Section 94	Yes	\$1,179,750	Endorsed unanimously by Council resolution Minute 105, 23 rd April 2013.
Asset Rehabilitation Reserve (2013/14) Revotes from Operational items (2012/13) Capital Works (2012/13)	Yes	\$505,250	<p>Endorsed unanimously by Council resolution Minute 105, 23rd April 2013.</p> <p>Endorsed by agreement with NSW Trade and Investment (Crown Lands) on 14th May 2013.</p> <p>Endorsed by Port Stephens</p>

MINUTES FOR ORDINARY COUNCIL – 25 JUNE 2013

			Crown Reserve Holiday Park Trust on 7 th May 2013
Crown Reserve Holiday Parks Funds	Yes	\$500,000	Endorsed by agreement with NSW Trade and Investment (Crown Lands) on 14 th May 2013. Endorsed by Port Stephens Crown Reserve Holiday Park Trust on 7 th May 2013
External Grants	Yes	\$15,000	Dept. Primary Industries. Confirmed and receipted.
External Grants	No	\$300,000	Work in partnership with the Birubi Point Surf Life Saving Club Executive to make submissions and representation to New South Wales Surf Life Saving for Capital Infrastructure Program.
TOTAL		\$4,700,000	

Table 1 – Funding sources for Birubi Point SLSC redevelopment

LEGAL, POLICY AND RISK IMPLICATIONS

The tendering process complied with Council's Procurement and Contract Guidelines and the Local Government (General) Regulations 2005 and the Local Government Act 1993 (NSW). Contracts for the amount of \$150,000 (including GST) or more require Council approval.

The building works have been the subject of Development Application and Construction Certificate approval.

The Office of Environment and Heritage issued an Aboriginal Heritage Impact Permit AHIP #1132258 on 11 June 2013. This permit authorises the salvage excavations, community collection and harm to certain Aboriginal objects through the proposed works.

Staff have completed the mandatory Division of Local Government Capital Expenditure Review for Projects Over \$1,000,000. Refer to TABLED DOCUMENT 1.

All risks associated with adopting or rejecting the recommendations are detailed in Table 2.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
By rejecting the recommendation and not proceeding with the project there is a risk that the Council will receive heightened public criticism at a local and regional level resulting in reputation damage.	Extreme	Adopt the recommendation	Yes
There is a risk of financial short falls in the project if a submission for grant funding to NSW Surf Life Saving Infrastructure Program is not successful during the project resulting in Council having to fully fund the remainder of the project to the tune of some \$300,000.	High	<p>Adopt the recommendation and make representation to State Member for Port Stephens and the Minister for the Hunter for support.</p> <p>If not successful in sourcing these funds, scale back the finishes on the building to align with available funds.</p> <p>If scaling back the finishes to the reduced budget is not palatable, allocate the funding shortfall from within Council funds by removing or scaling back other 2013/14 projects.</p>	No
There is a risk that the recommended supplier may not complete the project as agreed resulting in financial and reputation damage to Council.	Medium	<p>The contract includes guarantees from the supplier that are linked to liquidated damages for non delivery to the agreed program.</p> <p>A project management plan is in place and this will be monitored and amended regularly during the project.</p>	Yes
There is a risk that the Federal Government Funding Agreement is not received within a	High	The construction contract will not be signed off prior to a signed Federal Government Funding Agreement. This	No.

timeframe that is sympathetic to the project program resulting in program delays.		may result in program changes which in turn may result in contract price variations.	
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Table 2: Risks associated with adopting the recommendations – T13-2013 Birubi Point Surf Life Saving Club redevelopment.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will result in the best value construction of the Birubi Point Surf Life Saving Club. The redevelopment will increase the capacity of the volunteer Surf Life Saving Club to recruit, train and retain active members. A volunteer surf life saving club with solid active membership will in turn benefit the wider community by creating opportunities for people to live a healthy lifestyle, undertake community service, represent Port Stephens local government area in competitive surf life saving events and maintain regular patrols of the beach during the surf season.

The management of cultural heritage is a high priority and condition of this development. All procedures required for the protection of cultural heritage will be followed during the construction phase. Registered Aboriginal Parties and the wider Worimi community have been engaged with the design and approvals phases of the project. This engagement will continue throughout the construction phase.

The redevelopment will provide a better 'place' experience for visitors, regular beach users and the small to medium sized tourism businesses that operate from the adjacent Worimi Conservation Lands. The building design includes a viewing area which will add to the tourist experience. The café/kitchen is designed to maximise the view whilst providing an indoor and outdoor dining experience.

The building works will comply with all relevant environmental codes. The finished development is not expected to have any adverse impacts on the local ecology.

CONSULTATION

The redevelopment of Birubi Point Surf Life Saving Club has been consulted on widely and these consultations have been reported to Council previously on 23 April 2013, 11 December 2012 and 26 June 2012.

In the context of the tender for construction of the surf club the following organisations and individuals have been consulted:

Port Stephens Council

Procurement and Contracts Coordinator (acting), Financial Services Section Manager, Structures and Landscapes Projects Team Leader, Property Development Coordinator, Group Manager Facilities and Services.

Primary Consultant

Peake Project Services Pty Ltd

Technical Consultants

EJE Architecture, RPS Australia Pty Ltd, NewCert Ltd, De Witt Consulting, Northrop Consulting Engineers, McCallum PFCA, Marline Newcastle Pty Ltd, Peak Land Management, Terras Landscape Architects, BJ Bradley and Associates, Sustainability Solutions, Lindsay Perry, Douglas Partners.

External Agencies and Organisations

Birubi Point Surf Life Saving Club, NSW Office of Environment and Heritage, NSW Trade and Investment (Crown Lands), members of the Stockton Bight Dune Operators Association (site meeting 3 June 2013), Registered Aboriginal Parties to the AHIP #1132258.

OPTIONS

- 1) Adopt the recommendation
- 2) Reject the recommendation and not proceed with the project

ATTACHMENTS – All listed below are provided under separate cover.

- 1) Confidential - T13–2013 Value Selection Methodology Summary
- 2) Confidential -T13–2013 Value Selection Methodology for each tender submitted
- 3) Confidential - Project cost summary as at 14 June 2013 – Birubi Point Surf Life Saving Club redevelopment

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Birubi Point Surf Life Saving Club Redevelopment – Report to NSW Division of Local Government – Capital Expenditure Review for projects over \$1,000,000

ITEM NO. 6

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 25 June, 2013.

No:	Report Title
1	LGMA NATIONAL CONGRESS & BUSINESS EXPO HOBART 19-21 MAY 2013 "GREAT SOCIETY – WHAT IS LOCAL GOVERNMENT'S ROLE"
2	CASH AND INVESTMENTS HELD AT 31 MAY 2013
3	PORT STEPHENS COMMUNITY SAFETY PRECINCT MEETING
4	PECUNIARY INTEREST RETURNS

ORDINARY COUNCIL MEETING – 25 JUNE 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

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

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

MOTION

180	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that the Committee of the Whole recommendation be adopted.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

**LGMA NATIONAL CONGRESS & BUSINESS EXPO HOBART 19-21 MAY
2013 "GREAT SOCIETY – WHAT IS LOCAL GOVERNMENT'S ROLE"**

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

FILE: PSC2010-04464

BACKGROUND

The purpose of this report is to provide an overview of the LGMA National Congress and Business Expo.

The LGMA National Congress and Business Expo was held in Hobart between 19-21 May 2013 and was attended by the Mayor Bruce MacKenzie, Cr Ken Jordan, Cr Steve Tucker, Cr Chris Doohan, Cr Paul Le Mottee, General Manager Peter Gesling and Group Manager Corporate Services Wayne Wallis. Congress attendance was a significant professional development opportunity for all attendees.

The theme of the congress was 'Great Society – What is local government's role?'

At a time when local government across Australia is undergoing significant reform and financial pressures, the congress provided a range of thought provoking speakers on topical and common issues. This gave participants a rare opportunity to consider the boarder context of issues facing local government and showcased how a number of communities across Australia are addressing these challenges.

The key speakers and topics were as follows:

Great Society – local government's role – Bob Brown

The former leader of the Greens and long-time advocate on a range of environmental, social and civic issues opened the congress and debate around great societies.

Key issues discussed included:

- Environmental management and global democracy
- Climate change and green capitalism
- Renewable energy opportunities and nuclear power issues
- Population growth challenges
- Universal public health care and the 'happiness' index
- Wilderness protection and economic pressures

Indicators of a Great Society – Dr Kathy Alexander, CEO City of Melbourne

At the helm of the city ranked the World's Most Liveable City for two years in a row by the Economist Intelligence Unit's (EIU) Global Liveability Survey, Dr Alexander shared her views on what is important in measuring greatness in societies and how Melbourne City Council goes about meeting these ideals.

Key issues discussed included:

- Civic engagement and the power of informed local networks
- Good planning and public realm revitalisation works
- Climate change and the creation of urban forests
- Continuous improvement of service delivery using LEAN
- Partnerships with the financial sector and building access to retrofit buildings

What the Future Looks Like? – Panel

Aging baby boomers, new immigrants, population growth, the new digital economy and digital democracy – few local governments will escape some kind of demographic or dynamic shift in the coming years. This session discussed the major trends anticipated over the next 20 years and various organisations shared their experiences in dealing with major changes in their communities.

Key issues discussed included:

- Aging population and demographic challenges
- Cultural diversity
- Higher density living and social issues
- Social media and the internet age
- Housing diversity

The Creation of a Great Society: local government's role - Panel

Local government is going through a period in which it is being asked to redefine itself. What is its role in enabling great societies, beyond collecting rates, maintaining roads and shifting rubbish? Various states have recently or are currently undertaking reviews to establish this, and the constitutional recognition debate continues. This session brought together a roundtable of key players in this process and representation from international organisations experiencing similar challenges.

Key issues discussed included:

- Regionalisation of society and local government reform
- Local democracy and communities of interest – big is not always beautiful
- Community engagement and the new social age
- Responding to adversity challenges
- Shared service delivery
- Local governance and representation of communities

Rebuilding and Redeveloping a Great Society – Bob Parker, Mayor City of Christchurch, New Zealand

Responding to one of the worst disaster events in recent history, Mayor Parker is the public face of an historic city coming to grips with the impact of a devastating earthquake two years ago. Mayor Parker took delegates through the event as it unfolded and spoke on the importance of social capital in rebuilding Christchurch, NZ.

Key issues discussed included:

- Using social media to engage the community and build resilience
- Supporting community groups to re-establish networks
- Economic stimulation to rebuild business confidence
- Unleashing human spirit and the strength of volunteerism
- Creating a positive legacy for future generations

Modern Democracy and Community Engagement – Mark Pesce, Futurist and New Inventor's judge

An understanding of community issues and needs is essential to great local government leadership and decision-making. This session explored how technology is influencing community engagement and public policy.

Key issues discussed included:

- New financial paradigms and crowd funding models
- Mobilising civic engagement through technology
- Creating new places for sharing experiences and knowledge through social media channels
- Connections, networks and leadership challenges in a fast changing technological environment

Raymond West Award and Australasian Management Challenge session

In this session, three stand-out performers from the 2013 Australasian Management Challenge put themselves through the ultimate professional development test and made independent presentations on community engagement strategies.

Congress delegates provided constructive feedback to the presenters on aspects of their presentations.

The Value of a CEO - Panel

What is, and should be, the role between executives and elected officials? This workshop explored the need for review of the current models of management in Australian local governments.

Current CEOs from a range of Councils discussed some of the problems they negotiate on a day-to-day basis, including issues like amalgamations, salary caps and political challenges. Representatives from international affiliates also presented on their relative models, such as executive mayor, city manager and CEO.

Key issues discussed included:

- CEO and the strong mayor model
- Building credibility and political behaviours
- Leadership in the community
- Building resilience and relationships
- Flexibility
- Trust
- No surprises

Rebuilding a Great Society; what's important from the local government perspective - Panel

Major upheavals, such as natural disasters, community riots or economic downturn, present a number of opportunities and challenges. Once infrastructure and service delivery are operating as normal and the streets are safe, what comes next? Unpacking these next steps is critical in identifying the ingredients of great societies.

This session featured presentations from local governments who have taken on this challenge at the highest level.

Key issues discussed included:

- Being prepared and resourced to deal with adversity
- Responding to the crisis and the aftermath
- Building community resilience
- Community networks and engagement

Community Engagement, Modern Democracy - Panel

Society today is a hyper connected place without geographical boundaries. More and more the community is engaged with the media, governments and commercial organisations in two-way 'real-time' communications. What does this mean for democracy and governance? Are local governments doing enough to listen to communities and are they responding appropriately?

This session featured the stand-out work of hundreds of local government professionals from across Australia and New Zealand who took part in the 2013

Australasian Management Challenge. Their task was to consider the issue of community engagement, review their organisation's mechanisms and policies for engagement, and develop improvement strategies.

Keynote speaker Mark Pesce provided expert advice to the congress, and Stonnington City Council, VIC provided an overview on its Community Jury and how it has evolved, particularly with the increasing use of social media.

The Value of a CEO – Therese Rein

Theresa Rein, one of Australia's most successful and awarded corporate CEOs with a long history on many non-for-profit boards, led discussions on the Value of a CEO.

Key issues discussed included:

- Leadership
- Relationships building
- Strategic planning
- Networking
- Social media and technology
- "the power of a story"

INFORMATION ITEM NO. 2

CASH AND INVESTMENTS HELD AT 31 MAY 2013

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 May 2013.

ATTACHMENTS

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

ATTACHMENT 1

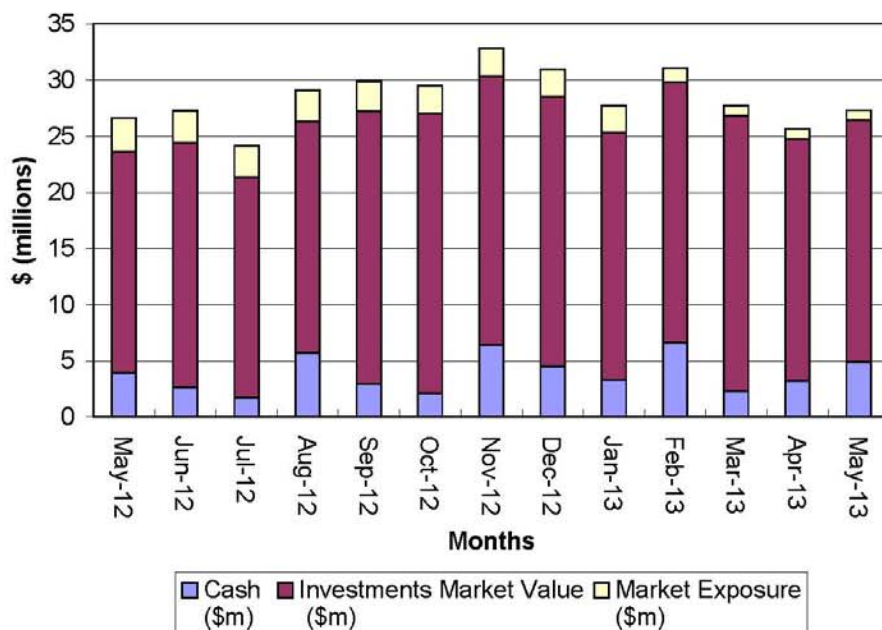
CASH AND INVESTMENTS HELD AS AT 31 MAY 2013								
ISSUER	BROKER	RATING	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
ME BANK	ME BANK	A2/BBB	TD	4.40%	93	19-Jun-13	1,000,000	1,000,000
ING BANK (AUSTRALIA) LTD	FIIG	A1/A	TD	4.30%	122	26-Jun-13	1,000,000	1,000,000
POLICE CREDIT UNION LTD	RIM	N/R	TD	4.15%	65	26-Jun-13	1,000,000	1,000,000
WAW CREDIT UNION COOPERATIVE LTD	FIIG	N/R	TD	4.38%	100	3-Jul-13	2,000,000	2,000,000
PEOPLES CHOICE CREDIT UNION	FARQUHARSON	A2/BBB+	TD	4.30%	128	17-Jul-13	1,000,000	1,000,000
BEIRUT HELLENIC BANK LTD	BHB	N/R	TD	4.50%	127	17-Jul-13	1,000,000	1,000,000
BEIRUT HELLENIC BANK LTD	BHB	N/R	TD	4.50%	121	17-Jul-13	1,000,000	1,000,000
ME BANK	ME BANK	A2/BBB	TD	4.40%	173	7-Aug-13	1,000,000	1,000,000
GOLDFIELDS MONEY LTD	CURVE	N/R	TD	4.40%	92	7-Aug-13	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	CURVE	A2/BBB+	TD	4.38%	124	21-Aug-13	1,000,000	1,000,000
INVESTEC BANK (AUSTRALIA) LTD	RIM	P-3/Baa3	TD	4.30%	181	28-Aug-13	1,000,000	1,000,000
INVESTEC BANK (AUSTRALIA) LTD	FIIG	P-3/Baa3	TD	4.42%	184	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
BANK OF QUEENSLAND LTD	BOQ	A2/BBB+	TD	4.50%	278	18-Dec-13	1,500,000	1,500,000
SUB TOTAL (\$)							18,500,000	18,500,000
OTHER INVESTMENTS								
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99%	10yrs	30-Jun-13	500,000	500,000
GRANGE SECURITIES "KAKADU AA"	GRANGE	CCC	CDO	4.35%	7yrs	20-Mar-14	1,000,000	330,100
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	364,568
ANZ ZERO COUPON BOND	ANZ	AA	BOND	0.00%	9yrs	1-Jun-17	1,017,876	850,883
SUB TOTAL (\$)							3,930,376	3,030,551
INVESTMENTS TOTAL (\$)							22,430,376	21,530,551
CASH AT BANK (\$)							4,870,212	4,870,212
TOTAL CASH AND INVESTMENTS (\$)							27,300,588	26,400,763
CASH AT BANK INTEREST RATE				2.70%				
BBSW FOR PREVIOUS 3 MONTHS				3.04%				
AVG. INVESTMENT RATE OF RETURN				4.12%				
TD = TERM DEPOSIT					FRN = FLOATING RATE NOTE			
CDO = COLLATERALISED DEBT OBLIGATION					FRSD = FLOATING RATE SUB 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)
May-12	3.931	19.700	2.981	26.611
Jun-12	2.597	21.774	2.906	27.277
Jul-12	1.724	19.576	2.854	24.154
Aug-12	5.655	20.655	2.775	29.086
Sep-12	2.945	24.263	2.667	29.875
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

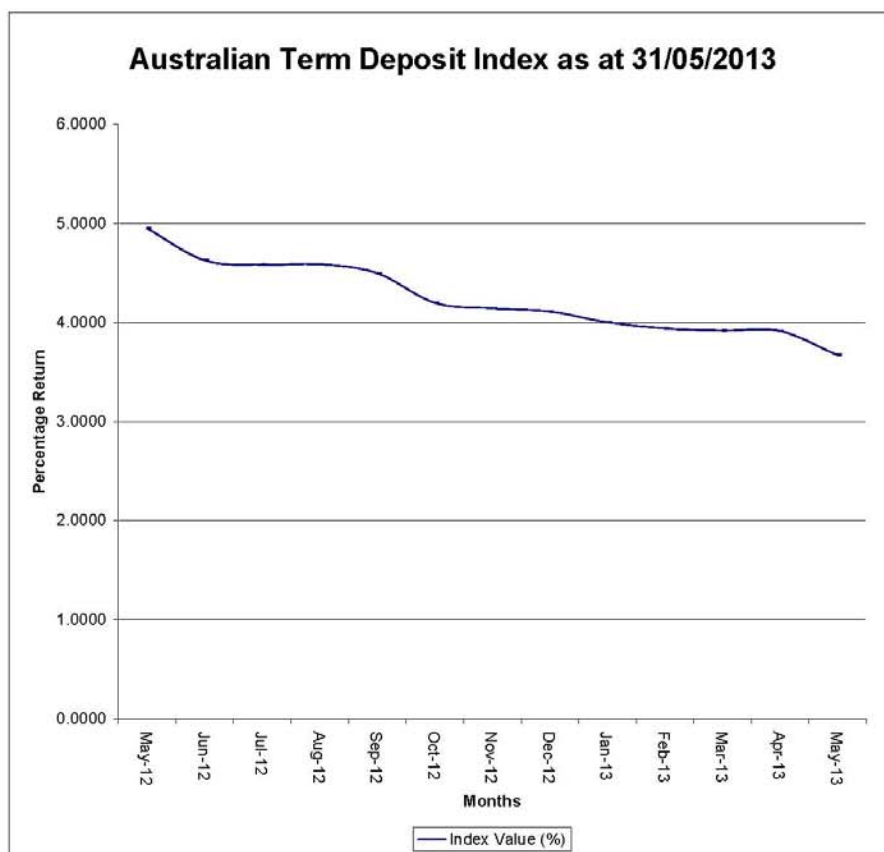
Cash and Invested Funds for the Period ended 31/05/2013



ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	Index Value (%)
May-12	4.9508
Jun-12	4.6252
Jul-12	4.5808
Aug-12	4.5858
Sep-12	4.4974
Oct-12	4.1994
Nov-12	4.1428
Dec-12	4.11
Jan-13	4.0025
Feb-13	3.94
Mar-13	3.9185
Apr-13	3.9119
May-13	3.6715



INFORMATION ITEM NO. 3

PORT STEPHENS COMMUNITY SAFETY PRECINCT MEETING

REPORT OF: BRUCE PETERSEN - MANAGER COMMUNITY PLANNING AND
ENVIRONMENTAL SERVICES SECTION
GROUP: DEVELOPMENT SERVICES
FILE: PSC2013-00487

BACKGROUND

The purpose of this report is to provide Council with the minutes from the Port Stephens Community Safety Precinct meeting held on 20 February 2013. This is in accordance with following resolution of Council ordinary meeting on 24 July 2012 (Minute No. 224):

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

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

- Ensure Local Area Commanders are communicating to their local communities;
- Encourage community partnerships to reduce crime and the fear of crime;
- Develop local solutions to local crime in partnership with local stakeholders;
- Improve public safety and reduce the fear of crime at a local level;
- Raise understanding of the relationship between policing and crime reduction; and
- Ensure Commanders take into account local community views on police visibility, police deployment and crime hotspots when deciding police tasking and deployment.

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

The key issues discussed at the meeting on 20 February included:

- Reported decrease in steal from motor vehicle offences with Police acknowledging a member of Council's Social Planning Team for their assistance in providing community safety educational material which was distributed to holiday parks to remind locals and visitors alike to 'not leave valuables in parked cars';
- Police efforts in targeting offences such as property crime in places such as Anna Bay, Tilligerry Peninsula and Raymond Terrace are proving successful;
- A number of significant arrests for supply of drugs;
- Recognition of overall efforts of Licencees in working with the Police to manage alcohol related crime;
- Commencement of new Police Officer on Tilligerry Peninsula;
- Overview of establishment of Project Eyewatch groups in Port Stephens. Project Eyewatch is an initiative of the NSW Police Force supported by the State Government. The aim of Eyewatch is to empower residents to actively voice community safety concerns and participate in crime prevention activities. This is achieved through the delivery of information to the community utilising Facebook as the network tool to create - 21st Century Neighbourhood Watch Communities. It gives community members the opportunity to participate in active crime prevention activities on line in their own homes 24 hours a day, 7 days a week.

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

ATTACHMENTS

- 1) Minutes of Port Stephens Community Safety Precinct meeting held 20 February 2013.

ATTACHMENT 1



**Port Stephens
Community Safety Precinct Meeting Minutes
Port Stephens LOCAL AREA COMMAND
Raymond Terrace Police Station
20 February 2013**

Meeting commenced: 10am

Attendance:

Acting Supt Trevor Shiels, Sgt Chris Egan, Senior Constable Russell McArthur, Graham Booth, Vicki Thompson, Michelle Page PSC Community Planner, Rebecca Young, RT Bus Assoc, Colleen Mulholland, Marketplace RT, Jarrad Hamilton, Rep. Craig Baumann MP, Phillip Townsend, Hunter Water Corp, David Series, PS G.A.T., Bruce Mackenzie, PSSC, Harold Johnston, Dungog SC, Tracey Lowery, Dungog SC.

Apologies: Senior Constable Nic Kaluski

Meeting Chair: Acting Superintendent Trevor Shiels

Meeting Minute Taker: Vicki Thompson

Crime and statistical Presentation by Analyst Graham Booth.

Decrease in Steal from motor vehicles due to HVP by police at beach car parks. Michelle Page congratulated by Snr Cst McArthur for her assistance with posters and fliers targeted at holiday parks and visitors reminding them not to leave valuables in their parked cars. Plans to do it again next year. Suggestion to target other car parks such as Marketplace Raymond Terrace.

LAC Shiels reported that Port Stephens Local Area Command was doing well in crime prevention and reduction. Areas of focus included Anna Bay and Tilligerry. Pro-Active team up and running targeting property crime including Raymond Terrace. A number of key targets arrested including young offenders.

Command had recently made a number of significant arrests for drug supply which would impact on general and volume crime. Alcohol related crime was being managed by police and overall Licencees were doing a pretty good job

to assist. Plans were being implemented to address the migration of patrons between the Shoal Bay Country Club and Nelson Bay Diggers. Facebook of great assistance to police to send messages to the community and receive information.

Community Safety Precinct Meeting has been revamped. Previous structure of meeting had been less effective because of meeting size and less focus on actions. The business of the meeting is to review what local police are doing, identifying challenges and developing opportunities and partnerships to address local issues. Focus on actions and goals.

Meeting to be supplemented by local Eyewatch groups to allow people to discuss local issues and vent about local issues. These groups are owned by the community but are closed and secure. Crime Prevention Officer Russell McArthur demonstrated Facebook functionality. In the future there will be meetings to develop closed Eyewatch groups within the Port Stephens LAC.

New Officer has commenced duty at Lemon Tree Passage. First shift on duty made arrest and worked overtime. He is keen to make a difference and is living in the area. There is a need for the community to respect his and his family's personal space.

Actions from last meeting:

Action	Member	Comments
CCTV link between Raymond Terrace and Police	Inspector David Matthews	Current IT structure does not allow this. Access to be arranged.
CCTV for Anna Bay submission	Cr Sally Dover	TBA
DA for Anna Bay Pie shop	Cr Sally Dover	DA is believed to allow late trading. Bruce Mackenzie to make further enquiries with council.
Unregistered trail bikes and tractors Dungog	Sgt Chris Egan	Out stations were tasked with some effect
Draft crime prevention plan	Michelle Page	Plan done and going through Council
Dungog hoodlum activity Thursday, Friday and Saturday nights	Tracey Lowrey	Tasked for action by Sgt Jeff Farmer

General Business:

Acting Commander Shiels paid tribute to the late Keith Brabham.

Quote: "Unfortunately in late December last year Keith Brabham died after a short illness. I know that many of you knew Keith as he was a stalwart who had been attending this committee for many years – both in his capacity on the Executive of the Eastern Tomaree Precinct committee, then on the committee of the Tomaree Ratepayers and Residents Association and more recently as convenor and chairman of the Port Stephens Graffiti action team, which he had the courage and foresight to found. Keith had a long term concern with crime in the community, organised forums attended by representatives of State Government, and wrote to Government representatives extensively on matters that concerned him. Keith was an energetic and committed man who only a few days before he died attended one of our meetings. I'm sure that on behalf of us all I can say the he will be greatly missed."

Bruce Mackenzie: We're travelling pretty well and job well done by local police. Good grip on crime given the circumstances.

David Series: New meeting format good and clearer. Eyewatch will be good.

Harold Johnston: Concerns that whilst Police are taking action against juveniles, current legislation is not very supportive.

Tracey Lowery: Locals have an expectation to have police at their beck and call. Community needs to support Police and provide information to allow action to be taken.

Jarrad Hamilton: Representing Mr Baumann MP

Rebecca Young: Trying to establish a Graffiti action team for Raymond Terrace. Intends to link in with Nelson Bay Graffiti Action Teams and Tidy Towns. Submission to Council coming. Funding and or sponsorship will be needed. Joe Young is the contact person at the Council.

David Series offered to help with advice re graffiti.

Commander Shiels: indicated that if there are any unusual or repeat graffiti tags to photograph them and forward them to local police via email to Crime Prevention Mailbox. Consideration of use of Facebook to identify offenders, however caution as to not encourage copy-cat activity.

Michelle Page: indicated that there were ongoing issues with anti social behaviour, dumping and graffiti around some laneways in Raymond Terrace. Consideration of additional lighting, and tree lopping. Noted that maybe beneficial for an Ausgrid representative to join the C.S.P.C.

Commander Shields: Police trail bikes and patrols will target the identified areas including Barillier Street and Brown Street.

Michelle Page: Council has an active Facebook page. Crime Prevention Plan before Council. Community Pride Program "Your Place" to encourage community ownership and protection of assets.

Phil Townsend: Ausgrid attendance at C.S.P.C meeting could assist with local issues. Has been assisting with Forum Sentencing as corporate representative. Attending Water Contamination Forum in Canberra as part of his portfolio of Asset Security.

Next meeting to be held:

10am Wednesday, 22 May 2013, at Raymond Terrace Police Station.

Meeting Closed: 11.10am

Actions for Next Meeting:

Action	Member	Comments
CCTV for Anna Bay submission	Cr Sally Dover	For update
DA for Anna Bay Pie shop	Cr Sally Dover/ Bruce McKenzie	DA is believed to allow late trading. Bruce Mackenzie to make further enquiries with council.
Unregistered trail bikes and tractors Dungog	Sgt Chris Egan	Further tasking results
Draft crime prevention plan	Michelle Page	Progress update
Dungog hoodlum activity Thursday, Friday and Saturday nights	Tracey Lowrey	Tasked for action by Sgt Jeff Farmer
Raymond Terrace Laneways	Michelle Page Michelle Page Sgt Chris Egan	Vegetation trimming result Ausgrid lighting Trailbike Tasking

INFORMATION ITEM NO. 4

DESIGNATED PERSONS – PECUNIARY INTEREST

REPORT OF: PETER GESLING - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2013-01815

BACKGROUND

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

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

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

- Environmental Officer (PSC471);
- Ranger (PSC020).

ATTACHMENTS

Nil.

TABLED DOCUMENTS

- 1) Pecuniary Interest Returns.

GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1

FILE NO: PSC2013-00765

ORGANISATION STRUCTURE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the proposed three group organisational structure as shown in **(ATTACHMENT 2)**.
 - 2) Endorse four senior staff positions in the structure consisting of General Manager, Group Manager Corporate Services, Group Manager Facilities and Services and Group Manager Development Services.
-

ORDINARY COUNCIL MEETING – 25 JUNE 2013**MOTION**

181	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to seek endorsement of the proposed changes to Port Stephens Council's organisational structure.

The current structure was adopted by Council on 14/02/2012 Minute No. 3 **(ATTACHMENT 1)**. This resulted in a move to a three group structure with four senior staff positions and the reduction of one senior staff position. Current senior staff positions are the General Manager, Group Manager Corporate Services, Group Manager Facilities and Services and Group Manager Development Services.

The Executive Team have recently discussed the most appropriate structure to support the future direction of the organisation. The changes identified to the proposed structure are contained within the Facilities and Services Group. No changes are proposed within Corporate Services or Development Services. The changes include:

1. an increase in sections from 3 to 4;
2. a stronger focus on planning, design and delivery of the capital works program;
3. an improved focus on maintenance service delivery;

4. process improvement driving structure change.

FINANCIAL/RESOURCE IMPLICATIONS

The number of section managers within the organisation would increase from 10 to 11. There are a number of positions that have been abolished and replaced with redesigned roles to reflect the functional requirements of the proposed structure. Existing staff will be given the opportunity to seek redeployment to these roles, therefore minimising any redundancy impact.

The proposed structure provides future savings that can be redirected to service provision.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$36M	Funds have been allocated in the 2013/2014 budget to fund salaries under the current organisation structure. No additional funds are required to meet the proposed changes to the new structure.
Reserve Funds	No	Nil.	
Section 94	No	Nil.	
External Grants	No	Nil.	
Other	No	Nil.	

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 332 of the Local Government Act, Council is required to determine an organisation structure and to identify positions within the structure that are deemed to be senior staff. A senior staff position is one where:

- The total remuneration package is to be at least equal to or greater than that of NSW Senior Executive Service (SES) Level 1 (currently \$163,000 - \$190,850).
- Senior staff are to be employed under performance based fixed-term contracts not less than 12 months and not exceeding five (5) years. These are standard contracts determined by the Division of Local Government.
- Minimum conditions of employment are governed by the Annual Holidays Act and the Long Service Leave Act.
- Council is required to publish the total package value of each senior staff's employment contract in the annual report.

Section 333 provides that the structure may be re-determined by the Council from time to time. It must be re-determined within 12 months after any ordinary election of the Council.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the organisation structure does not support the future strategic direction of Council resulting in failure to achieve Community Strategic Plan outcomes.	Medium	Align the organisation structure to Council's long term strategic direction.	Yes
There is a risk that redundancy costs may be incurred by Council.	Low	Redundant staff to be redeployed.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed structure assists Council to improve asset management capability by providing a greater link to long term financial planning and strategic planning. It will also improve service delivery efficiency for both routine maintenance and the capital works program.

CONSULTATION

- 1) Executive Leadership Team;
- 2) Section managers;
- 3) Staff directly affected;
- 4) Consultative Committee;
- 5) Unions.

OPTIONS

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

ATTACHMENTS

- 1) Current Organisation Structure;
- 2) Proposed Organisation Structure.

COUNCILLORS ROOM

Nil.

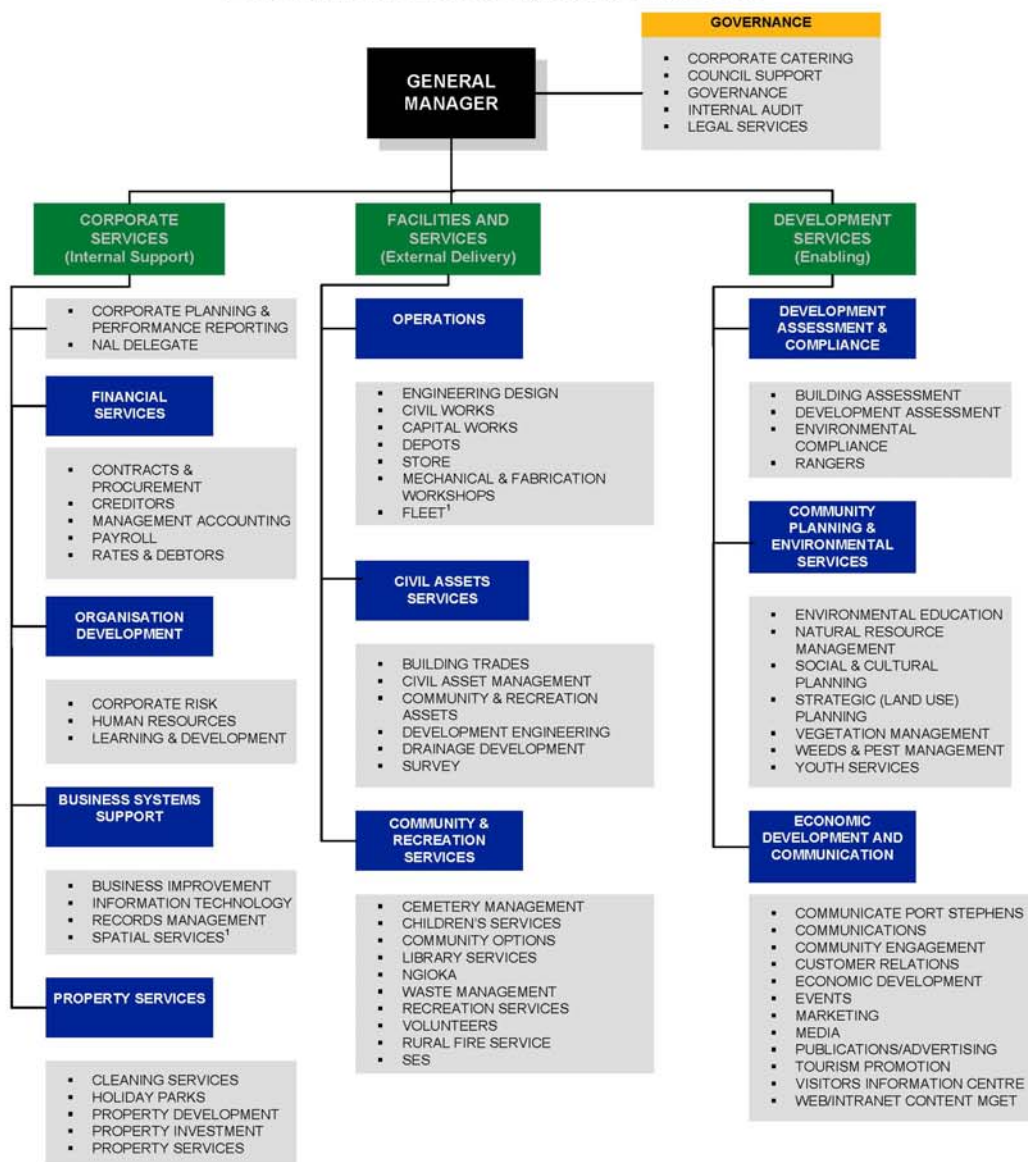
TABLED DOCUMENTS

Nil.

ATTACHMENT 1

ORGANISATION STRUCTURE FEBRUARY 2012

Port Stephens Council Organisation Structure



1. Final structure subject to outcome of Sustainability Review

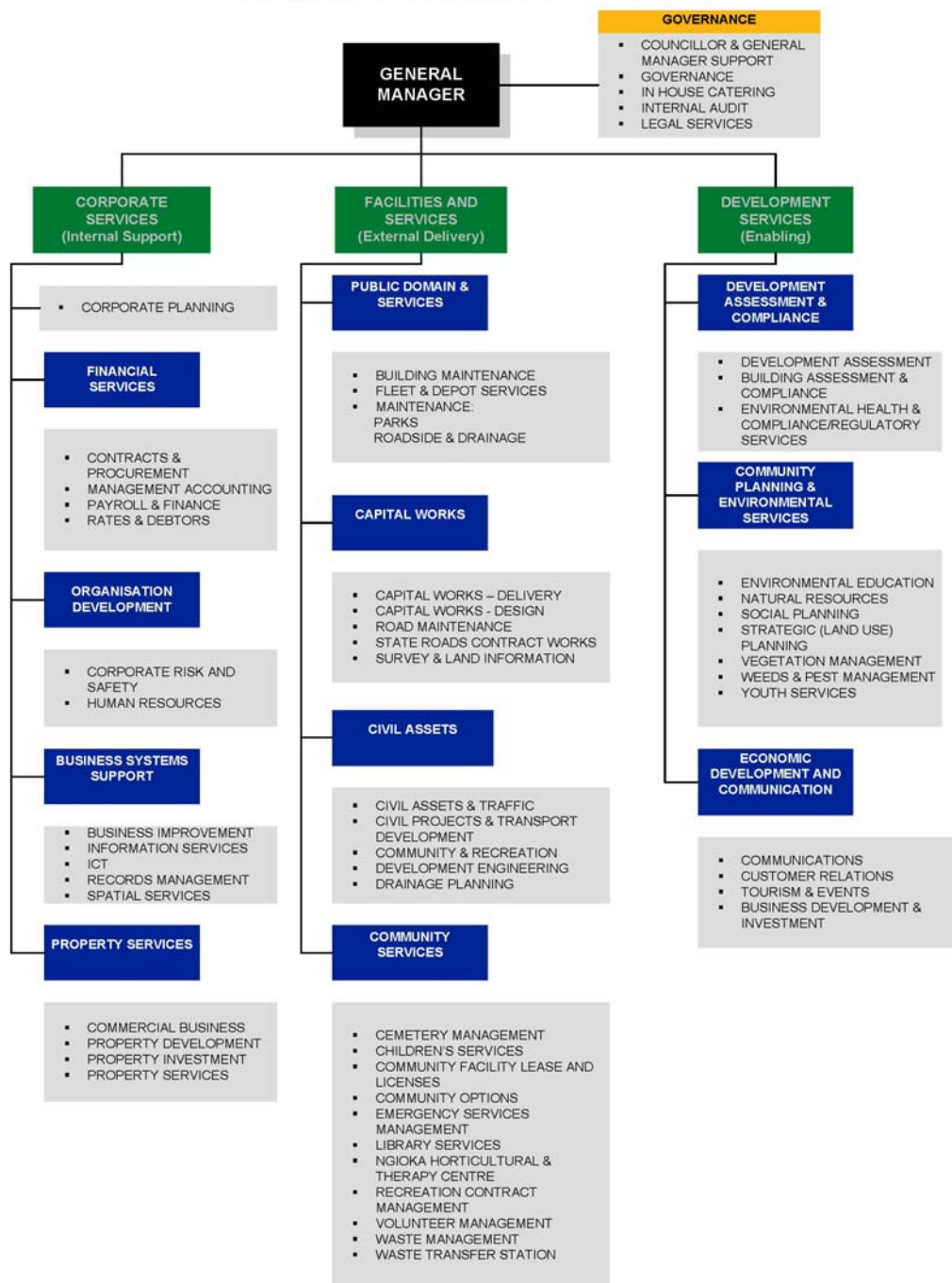
February 2012

Structure 14 February 2012v2.vsd

ATTACHMENT 2

ORGANISATION STRUCTURE JULY 2013

Port Stephens Council Organisation Structure



July 2013

Structure 1 July 2013.vsd

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

FEES FOR COMMUNITY EVENTS

COUNCILLOR: PETER KAFER

THAT COUNCIL:

- 1) Call upon the General Manager to prepare a report to Council for consideration of a category for waiving fees for community and not for profit groups when holding community events on Council land.

ORDINARY COUNCIL MEETING – 25 JUNE 2013

	The Notice of Motion was withdrawn at the request of Cr Peter Kafer.

There being no further business the meeting closed at 6.53pm.

I certify that pages 1 to 79 of the Open Ordinary Minutes of Council 25 June 2013 were confirmed by Council at its meeting held on 9 July 2013.

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Bruce MacKenzie
MAYOR