

MINUTES 10 JUNE 2014

Port Stephens

C·O·U·N·C·I·L

... a community partnership

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 10 June 2014, commencing at 5.46pm.

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

128	Councillor Peter Kafer Councillor Chris Doohan
	It was resolved that the apologies from Cr Ken Jordan and Cr John Morello be received and noted.
129	Councillor Peter Kafer Councillor Chris Doohan
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 27 May 2014 be confirmed.
	Cr John Nell declared a less than significant pecuniary conflict of interest in Item 7. The nature of the interest is a long standing friendship.

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COUNCIL REPORTS

ITEM NO. 1

FILE NO: 13/803 (16-2009-889-6)

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

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Exhibit draft amendments to the draft Port Stephens Section 94 and S94A Development Contributions Plans 2007 (Draft Amendment No.10) (**ATTACHMENT 1**) for a minimum of 28 days in accordance with clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000 to:
 - a. include Ash Street/Oasis Close, Soldiers Point Walkway in the works schedule as a priority 1;
 - b. Identify the Ash Street/Oasis Close, Soldiers Point Walkway on the works schedule map.
- 2) Should no submissions be made, the amendments be adopted following exhibition.

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MOTION

130	Councillor Steve Tucker Councillor Paul Le Mottee
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

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

	Councillor Peter Kafer Councillor Chris Doohan
	That the Motion be put.

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

Those for the Motion: Mayor Bruce MacKenzie Cr Peter Kafer, Paul Le Mottee, Chris Doohan, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Cr Steve Tucker.

MOTION

132	Councillor John Nell Councillor Sally Dover
	It was resolved that Council: 1) Exhibit draft amendments to the draft Port Stephens Section 94 and S94A Development Contributions Plans 2007 (Draft Amendment No.10) (ATTACHMENT 1) for a minimum of 28 days in accordance with clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000 to: <ul style="list-style-type: none">a. include Ash Street/Oasis Close, Soldiers Point Walkway in the works schedule as a priority 1;b. Identify the Ash Street/Oasis Close, Soldiers Point Walkway on the works schedule map. 2) Should no submissions be made, the amendments be adopted following exhibition.

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, Cr Paul Le Mottee, Chris Doohan, John Nell and Sally Dover.

Those against the Motion: Cr Peter Kafer, Steve Tucker and Geoff Dingle.

133	Councillor Chris Doohan Councillor John Nell
	It was resolved that Item 5 be brought forward and dealt with prior to Item 2.

BACKGROUND

The purpose of this report is to commence implementation of Point 2 of Council's Resolution of 15 April 2014 (Extra Ordinary Council Item 2) with respect to Ash Street/Oasis Close Soldiers Point Walkway, which states:

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2) Endorse a contribution respectively for \$34,000 for the owners of 3 Oasis Close; \$34,000 for the owners of Soldiers Point Bowling Club; and the balance being \$66,000 to be funded via Section 94 contributions (subject to a relevant memorandum of understanding and/or voluntary planning agreements as necessary);

The Resolution specifically requires \$66,000 to be funded from Section 94 contributions; the walkway is not a listed item in the Port Stephens S94 and S94A Development Contributions Plan 2007 Work Schedule. An amendment to both the Section 94 and Section 94A Plans is necessary to implement the Resolution by including the works as a priority within the works schedule. Section 94 fees can only be used for the purpose collected and therefore an amendment to the works schedule is required.

Amendments required to Section 94 Plans to Implement Council Resolution

To implement the Council Resolution the following amendments are required to the Plans:

- Insert into both the Section 94 and 94A Plans Works Schedules Ash Street/Oasis Close Soldiers Point Walkway;
- Identify the project as a Priority 1 in the Works Schedules;
- Insert notation onto the Map S14;
- Amend the contribution total for the works schedule as appropriate.

FINANCIAL/RESOURCE IMPLICATIONS

The implementation of the Council resolution will require administrative costs associated with the amendments to the plans.

Prioritising the Ash Street /Oasis Close Soldiers Point walkway as number one may give lower priority to other key works.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000

The Environmental Planning and Assessment Act 1979 (S94(1)) and Environmental Planning and Assessment Regulation 2000 (Division 1C27) require Section 94 plans to establish the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that demand.

Port Stephens Section 94 Contributions Plan

Section 94 of the Environmental Planning and Assessment Act 1979 enables Councils to impose a condition of development consent requiring a monetary contribution, dedication of land or both towards the provision, extension or augmentation of public amenities and services that will, or are likely to be required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development. Council obtains these contributions through its Section 94 Contributions Plan.

Council's Section 94 Plan identifies public services and amenities to meet the demand of development and applies a development contribution rate per additional lot or dwelling. Council's Section 94A Plan applies a contribution levy of a maximum of 1% of the cost of development to all commercial, retail and other employment based development or development including mixed use, which would create a demand for public amenities and services where the proposed cost of carrying out the development is greater than \$100,000.

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the draft works schedule is not adopted, the Ash Street/Oasis Close walkway works will not be funded.	High	Adopt the works schedule.	Yes
There is a risk that if the exhibition of the plan is approved Council may face legal challenge.	Low	Ensure transparency of process.	Yes
There is a risk that the walkway does not have adequate nexus to collect funds for.	Medium	Satisfy the risk nexus criteria.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The amended Section 94 ensures that the works schedule is updated to reflect Councils' resolution dated 15 April 2014 to funding new works including the Ash Street/Oasis Close Soldiers Point, which were not in the plan at the time of the resolution.

CONSULTATION

- 1) The preparation of the draft Plans have been prepared in consultation with staff from Strategic Planning and Community Services Section and Civil Assets Section;
- 2) The draft Plan is to be placed on public exhibition and submission invited from the general community to provide feedback to Council;
- 3) The proposed exhibition of the draft Plans includes placing copies of the documents in the Raymond Terrace Library, Tomaree Library, Medowie Community Centre and Council Chambers, on Councils website and placing advertisements in a local paper;
- 4) If submissions are received during the exhibition process a further report will be prepared for Council's consideration on submissions received during public exhibition.

OPTIONS

- 1) Adopt the recommended draft Contributions Plans as proposed in this Report for exhibition;
- 2) Make further alterations to the recommended draft Contributions Plans. Any changes would need to be considered in relation to the prioritisation of Ash Street/Oasis Close Soldiers Point Walkway which has the prior endorsement of Council;
- 3) Not adopt the plan and find alternative funding sources for the construction of the walkway.

ATTACHMENTS - All attachments listed below are provided under separate cover

- 1) Proposed amendments to Port Stephens Development Contributions Plan 2007 (Amendment 10);
- 2) Proposed amendments to Port Stephens Development Contributions Plan 2007 Section 94A (Amendment 10);
- 3) 15 April 2014 Council Report on Ash Street/Oasis Close Walkway - Soldiers Point.

COUNCILLORS ROOM

- 1) Port Stephens Development Contributions Plan 2007 Amendment 10;
- 2) Port Stephens Development Contributions Plan 2007 Section 94A Amendment 10;

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Proposed amendments to Port Stephens Development Contributions Plan 2007
(Amendment 10)

ATTACHMENT 2

Proposed amendments to Port Stephens Development Contributions Plan 2007
Section 94A (Amendment 10)

ATTACHMENT 3

15 April 2014 Council Report on Ash Street/Oasis Close Walkway - Soldiers Point.

ITEM NO. 2

FILE NO: PSC2014-00891

SPONSORSHIP REQUEST: 2014 NSW ABORIGINAL RUGBY LEAGUE KNOCKOUT, RAYMOND TERRACE

REPORT OF: ROSS SMART - COMMUNICATIONS SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the General Manager to approve \$30,000 in Council sponsorship for the Newcastle Yowies Sports Club, to assist them in hosting the 2014 NSW Aboriginal Rugby League Knockout at the Lakeside Sporting Complex, Raymond Terrace.

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COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Mayor Bruce MacKenzie Councillor John Nell</p>
	<p>That the recommendation be adopted.</p>

MOTION

134	<p>Councillor Peter Kafer Councillor Chris Doohan</p>
	<p>It was resolved that Council authorise the General Manager to approve \$30,000 in Council sponsorship for the Newcastle Yowies Sports Club, to assist them in hosting the 2014 NSW Aboriginal Rugby League Knockout at the Lakeside Sporting Complex, Raymond Terrace.</p>

BACKGROUND

The purpose of this report is to confirm Port Stephens Council's support for the 2014 NSW Aboriginal Rugby League Knockout, which will again be held at Lakeside Sports Complex, Raymond Terrace in October.

Hosting major events such as the Aboriginal Rugby League Knockout fulfils objective 12.1.1.4 in Council's operational plan 2013-2014: "Economic Development & Tourism to assist event providers and attract major events to the area".

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The NSW Aboriginal Rugby League Knockout is recognised as the largest annual gathering of indigenous people in Australia. 2014 will be the third straight year the event has been hosted in Raymond Terrace, with the Newcastle Yowies Sports Club once again choosing to utilise the Lakeside Sporting Complex for the event, the 44th time the knockout has been held.

Council has provided funding and administrative support for the event each time it has been held in Raymond Terrace. In 2013, Council provided \$25,000 in sponsorship to the Newcastle Yowies to offset costs related to running the event, both cash and in kind. The 2013 event attracted over 20 thousand attendees and resulted in \$1 million worth of direct economic benefit to the local community over four days of competition.

In light of the economic benefit the event brings to Port Stephens, it is proposed to increase Council's sponsorship by \$5,000 in 2014. Council sponsorship of the event ensures the event is hosted within the local government area while also providing financial support that assists organisers to deliver a safe, sustainable event.

Council's Tourism & Events team has been working closely with the Newcastle Yowies since the decision to bring the event back to Raymond Terrace and will continue to do so in the lead up to the event, to ensure the event is conducted in accordance with Council requirements.

FINANCIAL/RESOURCE IMPLICATIONS

Approval of the proposed sponsorship of \$30,000 will reduce Council's risk, both financial and in terms of staff resources.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	30,000	Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseeable legal implications associated to this recommendation, which is consistent with Council's Corporate Sponsorship Policy.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may miss an economic opportunity if sponsorship support is not	Low	Council provides sponsorship as per the recommendation.	Yes

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forthcoming.			
There is a risk to Council's reputation if sponsorship support is not forthcoming.	Low	Council provides sponsorship as per the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Economic benefits of the event will be far reaching with teams and supporters not only staying in Port Stephens but the wider Hunter region. We predict the 2014 event will inject over \$1 million into the local economy in direct spend based on actual figures supplied by Tourism Research Australia (TRA).

Social benefits of the event are significant, with cooperative relationships existing between the Knockout itself and NSW Health. The 2013 event was sponsored in part by NSW Health and a number of stalls were staffed across the event promoting a wide range of health and community based initiatives to the indigenous community.

CONSULTATION

- 1) Internal council stakeholders including the General Manager and Mayor;
- 2) External stakeholders included Roads & Maritime Services, NSW Police, the Newcastle Yowies, and the local sports council;
- 3) Regular committee meetings featuring internal and external stakeholders will be held in the lead up to the event.

OPTIONS

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

ATTACHMENTS

- 1) Draft letter of agreement.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
Draft letter of agreement



SPONSORSHIP AGREEMENT

THIS AGREEMENT is made on May 2014

BETWEEN

PORT STEPHENS COUNCIL ABN 16 744 377 876
of 116 Adelaide Street, Raymond Terrace (Council)

AND

NEWCASTLE YOWIES SPORTS CLUB
of 71 Prospect Road, Garden Suburb (Organiser)

RECITALS

- A. The Organiser is a sports club which organises, controls and arranges for aboriginal rugby league players to compete as a team in the annual New South Wales Aboriginal Knockout Competition (**Event**).
- B. The 2014 Event will be held at Lakeside Sports Complex, Raymond Terrace, in October 2014.
- C. The Organiser is responsible for managing the Event.
- D. The Council has agreed to provide sponsorship (a mixture of both cash and in-kind support if deemed appropriate) in respect of the Event and the Organiser has agreed to grant Council the right to sponsor the competition upon the terms and conditions and for the consideration hereinafter expressed.
- E. In consideration of the sponsorship payment, the Organiser agrees to position Council as a Support Partner of the Event.



THE PARTIES AGREE:

1. In this agreement the term 'sponsorship rights' shall mean:
 - a) The right of sponsorship of all matches which comprise the competition.
 - b) Sponsorship recognition in the use of Council's logo in advertising and marketing promotions as well as signage on the fields of play;
 - c) Recognition in respect of any media publication or broadcasting of competition matches on television or radio, whether direct or delayed broadcasts.
 - d) The right to present prizes in respect of winning teams during the course of the competition.
2. The Organiser covenants and agrees with Council that it will extensively promote the competition through various media outlets throughout the term.
3. The Organiser will adhere to and comply with all consent conditions applied by Council and external stakeholders in respect of the Event.
4. The Council guarantees to provide sponsorship in the sum of thirty thousand dollars (\$30,000.00) comprised of both in-kind support and funding to be used for the purpose of paying contractors in respect of the Event.
5. In return for Council sponsorship the Organiser agrees to either provide, or allow Council the opportunity to make arrangements for the display of Council signage, as follows:
 - (a) Grass signage – Council's logo is to be displayed in a prominent and visible position on all fields of play, either on the fifty (50) metre line or in another position agreed to by both parties;
 - (b) Perimeter Fencing Signage – Council's logo or other branding is to be displayed at regular intervals on the perimeter fence of all grounds used (within the TV arc).
6. The Council will provide support and advice to the Organiser in the development of a Management Plan in respect of the Event.
7. The Council will convene regular meetings with key stakeholders to ensure the successful delivery of the Event in conjunction with the Organiser.
8. **Acquittal**

The Organiser agrees to submit to Council a final Event Report which evaluates the outcomes and contribution of the event to the local economy, including a full Financial Report no later than eight (8) weeks after the conclusion of the event.



9. **Relationship**

Nothing expressed or implied in this Contract constitutes either party as the partner, agent, employee or officer of, or as a joint venture with, the other party, and neither party may make any contrary representation to any third person.

10. **Intellectual Property**

Each party acknowledges the other party's Intellectual Property is the Property of the owning party, and it has no right, title or interest in or to the Intellectual Property of the other party.

11. **Confidentiality**

Neither party may disclose any Confidential Information of the other party without obtaining the prior written consent of the other party.

12. **Warranty**

Both parties warrant to the other that they have full power, capacity and authority to enter into and perform their respective obligations under this Agreement.

13. **Indemnities**

(a) The Organiser agrees to indemnify and keep indemnified the Council against any liability, actions, claims, demands, damages, costs and expenses incurred or suffered by the Council in connection with or arising in any way out of the sponsorship or a breach by the Organiser of the provisions of this Agreement.

(b) Notwithstanding any other provision of this Agreement, neither party shall be liable to the other for indirect, incidental, special, consequential or punitive loss or damages howsoever.

14. **Termination**

Either party may terminate this Agreement should either party default in the performance of any obligation on its part to be performed and should such default, being capable of remedy, continue for fourteen (14) days after service upon such party of notice to remedy such default in writing.

15. **Notices**

(a) All notices to be given under this Agreement are to be in writing addressed as follows:

To the Organiser:

Mr Jim Wright, Newcastle Yowies Sports Club, 71 Prospect Rd Garden Suburb NSW 2289. Ph: 0418 687810.

To the Council:

Port Stephens Council, PO Box 42, Raymond Terrace NSW 2324, Telephone: 02 4980 0255, Facsimile: 02 4987 3612, Attn: Kim Latham.



- (b) Notices must be forwarded to the other party by prepaid post or registered mail to the addresses set out in this Agreement or otherwise as notified in writing to the other party from time to time.
- (c) All notices served under this Agreement will be considered to have been received 3 business days after posting, unless sent by facsimile in which case the notice shall be deemed to have been received on the date shown on the sender's transmission report.

16. **Severability**

If any part of this Agreement is held to be invalid or unenforceable in any way, the remaining provisions will not be affected and remain in full force for the Term.

17. **Assignment**

Neither party may assign its rights or obligations under this Agreement without the prior consent of the other party.

18. **Waiver**

No waiver by either party of any provisions of this Agreement will amount to a waiver of any other provision of this Agreement unless made in writing and signed by the party against whom the waiver would have been enforced.

19. **Variation**

Any variation to this Agreement must be in writing and signed by both parties.

20. **Governing Law**

This Agreement will be governed by the laws of New South Wales, and the parties irrevocably submit to the non-exclusive jurisdiction of the courts in that State.

21. **Entire Agreement**

This Agreement constitutes the entire agreement between the parties in respect of the sponsorship and supersedes all prior agreements, representations, negotiations and correspondence.



EXECUTED as an Agreement

SIGNED for and on behalf of **PORT STEPHENS COUNCIL** ABN 16 744 377 876
by its authorised representative in the presence of:

Signature of witness

Signature of authorised representative

Print name of witness

Print name of authorised representative

Print address

SIGNED for and on behalf of **NEWCASTLE YOWIES SPORTS CLUB** by its authorised representative in the presence of:

Signature of witness

Signature of authorised representative

Print name of witness

Print name of authorised representative

Print address

ITEM NO. 3

FILE NO: PSC2012-04581

POLICY REVIEW: INTEGRATED RISK MANAGEMENT POLICY

**REPORT OF: MICHELLE GILLIVER-SMITH – ORGANISATION DEVELOPMENT SECTION
MANAGER**

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Integrated Risk Management policy shown at **(ATTACHMENT 1)**;
- 2) Place the Integrated Risk Management policy, as amended on public exhibition for a period of 28 days, and should no submissions be received, the policy be adopted as amended, without a further report to Council;
- 3) Revoke the Corporate Risk Management policy shown at **(ATTACHMENT 2)** dated 27 November 2012 (Min No. 302) should no submissions be received.

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COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Paul Le Mottee Councillor Sally Dover</p>
	<p>That the recommendation be adopted.</p>

MOTION

135	<p>Councillor Chris Doohan Councillor Steve Tucker</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the Integrated Risk Management policy shown at (ATTACHMENT 1); 2) Place the Integrated Risk Management policy, as amended on public exhibition for a period of 28 days, and should no submissions be received, the policy be adopted as amended, without a further report to Council; 3) Revoke the Corporate Risk Management policy shown at (ATTACHMENT 2) dated 27 November 2012 (Min No. 302) should no submissions be received.

BACKGROUND

The purpose of this report is to revoke the existing Corporate Risk Management policy and seek to adopt an Integrated Risk Management policy to reflect Council's move

toward integrating risk management, work health and safety and environmental management into an Integrated Risk Management System. The Integrated Risk Management policy is critical to achieving item 15.1.3 of Council's Delivery Program 2013 - 2017, 'Manage risks across Council' and item 15.1.3.1 of the Operational Plan 2013 - 2014, 'Develop an Integrated Risk Management System on Council's intranet to include the work, health and safety, corporate risk and environmental management documentation'.

In 2009 a Corporate Risk Management team was established to bring together the various disciplines of risk management into the Organisation Development Section. Integrating Work Health and Safety, Risk Management and Claims Management provided a more effective outcome for risk and safety management by ensuring a coordinated, corporate and systematic approach to risk. Since then, Council has been progressively developing, implementing and refining a Corporate Risk Management System.

In 2013 Council commenced development of an Integrated Risk Management System (IRMS) that combines the key elements of the corporate risk management, work, health and safety and environmental management systems. Early work on the IRMS began with development of a suitable framework and the collation of an IRMS page on Council's intranet. As the system becomes progressively more sophisticated, there is a need to begin amalgamating the documents that form each of the existing systems to create a straightforward, user friendly system that provides a consistent, holistic approach to the management of all risks. The Integrated Risk Management policy drives this approach and outlines the direction of the system at the highest level.

The Integrated Risk Management policy also reflects on Council's image as it presents itself as a well organised and capable organisation with a comprehensive, well documented and coherent risk management system that demonstrates Council's regard for its duty of care to staff, the community and the environment for now and for future generations.

Both the current and proposed policies are attached to this report. In summary, the changes include:

- incorporation of the Work Health and Safety management directive and Work Health and Safety Statement of Commitment ;
- incorporation of the Environmental Management management directive;
- incorporate changes to risk appetite assessment;
- revisions to reflect Council's progress in implementing risk management to date.

FINANCIAL/RESOURCE IMPLICATIONS

Sound project and program planning and implementation based on risk management principles will reduce the exposure of the community to losses. A more structured approach to managing the risks associated with provision of services and facilities will reduce the cost of claims and optimise the economic benefit to Council.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council's proposed Integrated Risk Management System will be compliant with AS/NZS ISO 31000:2009; Work Health & Safety Act 2011, Protection of the Environment Operations Act 1997 and the Local Government Act 1993 (NSW).

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the Corporate Risk Management policy is now obsolete leading to low staff compliance and acceptance.	Low	Adopt IRMS policy.	Yes
There is a risk that failure to adopt the Integrated Risk Management policy will inhibit the development and stifle continuous improvement of the Integrated Risk Management System.	Low	Adopt IRMS policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Part of Council's mission is to provide services and make decisions to enhance our quality of life, our economy and our natural environment. The identification, measurement and control of risks to protect the community, the Council, its assets and the environment against loss will help to ensure the sustainability of Council services and facilities. The Integrated Risk Management System supports Council's focus on environmental sustainability and addressing the impacts of climate change by including consideration of environmental impacts as part of the risk assessment process.

The principles of risk management require staff to make informed judgements concerning the level and cost of risk involved in achieving cost-effective outcomes.

CONSULTATION

- 1) Audit Committee;
- 2) Executive Leadership team.

OPTIONS

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

ATTACHMENTS

- 1) Integrated Risk Management policy;
- 2) Corporate Risk Management policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

Adopted: ##
Minute No: ##

FILE NO: PSC2012-04581
TITLE: INTEGRATED RISK MANAGEMENT
RESPONSIBLE OFFICER: ORGANISATION DEVELOPMENT MANAGER

BACKGROUND

Port Stephens Council has a responsible approach to risk management, seeking to recognise and manage our exposure to risk in accordance with our vision, purpose and values.

We are committed to managing risk on a systematic, organisation-wide basis consistent with AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*, AS/NZS 4801:2001 *Occupational Health & Safety Management Systems* and AS/NZS ISO 14000:2005 *Environmental Management Standards*. This methodology will create sustainable value by both minimising risks to the achievement of our objectives and by identifying potential opportunities, by ensuring the health and safety of our workers and by protecting our environment through the prevention of pollution.

Our corporate risk management system will comprehensively integrate all risks, including safety, environmental risks and business risks (financial, property, security, commercial, etc), into our decision making, business planning and reporting at all levels. A consistent, holistic approach to risk management strengthens our ability to deliver more efficient and effective services to our community.

Our Integrated Risk Management System will also align with Council's Business Excellence Framework by facilitating continuous improvement.

OBJECTIVE

- 1) Council aims to promote an holistic approach to risk management and to develop an Integrated Risk Management System that incorporates corporate risk management, work health and safety management and environmental management. All risks that could affect the achievement of our objectives, the health and safety of our workers and the integrity and sustainability of our environment will be identified, assessed and treated to an acceptable level.

- 2) The integration of risk management into our decision-making process helps us to make informed choices for the benefit of Council, our community and our stakeholders. Our risk management approach will be systematically incorporated into our strategic planning and day to day business operations. We will facilitate consultation and communication for employees and stakeholders alike and provide information, supervision and training for all workers.

PRINCIPLES

- 1) Corporate Risk Management will be led by the Senior Leadership Team, ie. The General Manager, group managers and section managers with support from the Corporate Risk Management Team. The Senior Leadership Team is committed to guiding effective risk management by the application of the principles detailed in AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*.
- 2) Every staff member is responsible to implement and embed risk management by:
 - identifying, managing and monitoring risks in their areas of accountability;
 - communicating these areas of risk to their manager or supervisor;
 - taking measures to ensure their own safety, that of other employees, customers and other workers; and by
 - acting to reduce the change of serious environmental harm and conserving biological and ecological integrity.
- 3) The key steps for implementing an Integrated Risk Management System across the organisation include:
 - i. Centralising all corporate risk, work health and safety and environmental management documents on the Integrated Risk Management System on Council's intranet
 - ii. Progressively combining common documents to provide a simpler, more focused management system, a reduction in duplication, more effective audit management and a greater demonstration of due diligence.
 - iii. Implementing a communication strategy for the Integrated Risk Management system
- 4) By implementing an Integrated Risk Management System throughout Council, we will be better positioned to meet our objectives and deliver services and infrastructure in a way that is sustainable and meets our customers' needs.

POLICY STATEMENT

- 1) Port Stephens Council is committed to developing an effective Corporate Risk Management system that clearly considers all major risks integrated into one common framework. Our integrated risk management system will focus on continually improving comprehensive risk management processes consistent with AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*, AS/NZS 4801:2001 *Occupational Health & Safety Management Systems* and AS/NZS ISO 14000:2005 *Environmental Management Standards*.

- 2) In pursuing the achievement of its objectives and governance responsibilities, Council will accept a degree of risk commensurate with both the potential reward and with Council's role in the community. Our categories of risk and current risk appetite are set out in the table below:

Willingness to Accept Risk				
Low		Medium		High
Averse	Minimalist	Cautious	Open	Hungry
Preference for options that avoid risk	Preference for ultra safe options with low inherent risk	Preference for safe options with low degree of residual risk and limited potential for reward	Willing to consider all options with a preference for prudent options and an acceptable level of reward	Enthusiasm for innovation leading to preference for higher rewards despite greater inherent risk
Asset		✓		
Governance	✓			
Financial		✓		
Knowledge	✓			
Resilience	✓			
Environment	✓			
Reputation		✓		
Compliance		✓		
People	✓			
Technology			✓	

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

In consideration of our commitment to our stakeholders and community, Council has no appetite for risks that impinge on our transparency and integrity of decision making.

We have no appetite for risks that may have a significant adverse impact on our long term financial sustainability. However, Council encourages entrepreneurship and has a reasonable appetite for risks arising from property and economic development opportunities.

Reflecting our conservative approach to knowledge management, resilience and conservation of the environment, Council has little appetite for risks in these areas. We have a moderate appetite for risk in normal business operations and accept that there is an element of reputation risk inherent in the delivery of our services.

Understanding the role of technology in enabling and innovating core business operations, we are open to technology risks that improve service delivery and efficiency of operations.

Notwithstanding the above, Council will not accept a risk that has potentially catastrophic consequences, regardless of the likelihood of that risk eventuating, and will actively manage all risks with an extreme or high residual risk ranking.

- 3) Council is committed to empowering employees to assume accountability and responsibility for risk management in the workplace by creating and promoting a culture of participation and by providing a robust process to monitor and review the effectiveness of risk management across Council.

RELATED POLICIES

- 1) Work Health and Safety Statement of Commitment
- 2) Injury Management Management Directive
- 3) Work, Health and Safety Responsibilities Guideline
- 4) Supervisors accompanying injured employees to initial medical treatment following work injury Management Directive
- 5) Injury Management and Return to Work Procedure
- 6) Council Prosecutions Policy
- 7) Compliance Policy
- 8) Corporate Risk Management Framework
- 9) Audit Committee

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Council's purpose is to provide services and make decisions to enhance our quality of life, our economy and our natural environment. The identification, measurement and control of risks to protect the community, the Council and its assets against loss helps to ensure the sustainability of Council services and facilities and ensure the safety of workers, residents and visitors alike.

ECONOMIC IMPLICATIONS

The principles of risk management require staff to make informed judgements based on best available information concerning the level and cost of risk involved in achieving cost-effective outcomes.

ENVIRONMENTAL IMPLICATIONS

Council recognises that the environmental, social and economic importance of operating in a sustainable manner, ensuring a high level of environmental compliance and performance through continuous improvement and the implementation of our Environmental Management system. Our focus on environmental sustainability is supported by the Integrated Risk Management system that includes consideration of environmental impacts such as pollution, inter-generational equity and conservation of biological and ecological integrity as part of the risk assessment process.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act, 1993
- 2) Work Health & Safety Act, 2011
- 3) NSW Work Health and Safety Act, 2011
- 4) Work Health and Safety Regulation, 2011
- 5) Civil Liability Act, 2002
- 6) Protection of the Environment Operations Act, 1997
- 7) Coastal Protection Act, 1979
- 8) Native Vegetation Act, 2003
- 9) Threatened Species Conservation Act, 1995
- 10) Environmental Planning & Assessment Act, 1979
- 11) National Parks & Wildlife Act, 1974
- 12) Heritage Act, 1999
- 13) Contaminated Land Management Act, 1997
- 14) Pesticides Act, 1999
- 15) Environmentally Hazardous Chemicals Act, 1985
- 16) Crown Lands Act, 1989
- 17) Dangerous Goods (Road & Rail Transport), 2008
- 18) Soil Conservation Act, 1938
- 19) Wilderness Act, 1987
- 20) Waste Avoidance & Resource Recovery Act, 2001
- 21) Noxious Weeds Act, 1993
- 22) Fisheries Management Act, 1994
- 23) Australian Environmental Protection & Biodiversity Act, 1999

IMPLEMENTATION RESPONSIBILITY

- 1) General Manager.

PROCESS OWNER

- 1) Organisation Development Manager.

REVIEW DATE

- 1) 1 October 2015.

ATTACHMENT 2



POLICY

Adopted: 27 November 2012
Minute No: 302

FILE NO: PSC2006-6848
TITLE: CORPORATE RISK MANAGEMENT
RESPONSIBLE OFFICER: ORGANISATION DEVELOPMENT MANAGER

BACKGROUND

Port Stephens Council has a responsible approach to risk management, seeking to recognise and manage our exposure to risks in accordance with our vision, purpose and values.

We are committed to managing risk on a systematic, organisation-wide basis consistent with AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*. This methodology will create sustainable value by both minimising risks to the achievement of our objectives and by identifying potential opportunities.

Our corporate risk management system will comprehensively integrate all risks, including safety, environmental risks and business risks (financial, property, security, commercial, etc), into our decision making, business planning and reporting at all levels. A consistent, holistic approach to risk management strengthens our ability to deliver more efficient and effective services to our community.

Our system will also align with Council's Business Excellence Framework by facilitating continuous improvement.

OBJECTIVE

- 1) The purpose of this policy is to promote an integrated, holistic approach to corporate risk management and to ensure that all risks that could affect the achievement of our objectives are identified, assessed and treated to an acceptable level. The integration of corporate risk management into our decision-making process helps us to make informed choices for the benefit of Council, our community and our stakeholders.

PRINCIPLES

- 1) Corporate Risk Management will be led by the Senior Leadership Team, ie. The General Manager, group managers and section managers with support from the Corporate Risk Management team. The Senior Leadership Team is committed to guiding effective risk management by the application of the principles detailed in AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*.
- 2) Every staff member is responsible to implement and embed Corporate Risk Management by:
 - identifying, managing and monitoring risks in their areas of accountability;
 - communicating these areas of risk to their manager or supervisor; and by
 - taking measures to ensure their own safety, that of other employees, customers and other workers.
- 3) The key steps for implementing Corporate Risk Management across the organisation include:
 - iv. Establishing and maintaining Risk Registers
 - v. Establishing and supporting an Enterprise Risk Management Committee and Group Risk Management Committees
 - vi. Implementing the communication strategy for the Corporate Risk Management Framework
 - vii. Completing the development and implementation of an Integrated Risk System, incorporating the Work Health and Safety, Corporate Risk and Environmental Management Systems
- 5) By implementing Corporate Risk Management throughout Council, we will be better positioned to meet our objectives and deliver services and infrastructure in a way that is sustainable and meets our customers' needs.

POLICY STATEMENT

- 1) Port Stephens Council is committed to developing an effective Corporate Risk Management system that clearly considers all major risks integrated into one common framework. Our system will focus on continually improving comprehensive risk management processes consistent with AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*.
- 2) In pursuing the achievement of its objectives and governance responsibilities, Council will accept a degree of risk commensurate with both the potential reward and with Council's role in the community. Our categories of risk and current risk appetite are set out in the table below:

	Willingness to Accept Risk				
	Low		Medium		High
	<i>Averse</i>	<i>Minimalist</i>	<i>Cautious</i>	<i>Open</i>	<i>Hungry</i>
	Preference for options that avoid risk	Preference for ultra safe options with low inherent risk	Preference for safe options with low degree of residual risk and limited potential for reward	Willing to consider all options with a preference for prudent options and an acceptable level of reward	Enthusiasm for innovation leading to preference for higher rewards despite greater inherent risk
Asset			✓		
Governance	✓				
Financial			✓		
Knowledge		✓			
Resilience		✓			
Environment		✓			
Reputation			✓		
Compliance			✓		
People	✓				
Technology				✓	

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

In consideration of our commitment to our stakeholders and community, Council has no appetite for risks that impinge on our governance, transparency and integrity of decision making.

We have no appetite for risks that may have a significant adverse impact on our long term financial sustainability. However, Council encourages entrepreneurship and has a reasonable appetite for risks arising from property and economic development opportunities.

Reflecting our conservative approach to knowledge management, resilience and conservation of the environment, Council has little appetite for risks in these areas. We have a moderate appetite for risk in normal business operations and accept that there is an element of reputation risk inherent in the delivery of our services.

Understanding the role of technology in enabling and innovating core business operations, we are open to technology risks that improve service delivery and efficiency of operations.

Notwithstanding the above, Council will not accept a risk that has potentially catastrophic consequences, regardless of the likelihood of that risk eventuating, and will actively manage all risks with an extreme or high residual risk ranking.

- 3) Council is committed to empowering employees to assume accountability and responsibility for risk management in the workplace by creating and promoting a culture of participation and by providing a robust process to monitor and review the effectiveness of risk management across Council.

RELATED POLICIES

- 1) Work Health & Safety management directive;
- 2) Work Health & Safety statement of commitment.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Council's purpose is to provide services and make decisions to enhance our quality of life, our economy and our natural environment. The identification, measurement and control of risks to protect the community, the Council and its assets against loss helps to ensure the sustainability of Council services and facilities and ensure the safety of residents, visitors and employees alike.

ECONOMIC IMPLICATIONS

The principles of risk management require staff to make informed judgements based on best available information concerning the level and cost of risk involved in achieving cost-effective outcomes.

ENVIRONMENTAL IMPLICATIONS

Our focus on environmental sustainability is supported by the Corporate Risk Management system that includes consideration of environmental impacts as part of the risk assessment process.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act, 1993;
- 2) Work Health & Safety Act, 2011;
- 3) Civil Liability Act, 2002.

IMPLEMENTATION RESPONSIBILITY

- 1) General Manager.

PROCESS OWNER

- 1) Risk Management Coordinator.

REVIEW DATE

- 1) October 2014.

ITEM NO. 4

FILE NO: T10-2014

T10-2014 SUPPLY OF GARBAGE SERVICES TO PORT STEPHENS BEACHSIDE HOLIDAY PARKS AND VARIOUS AREAS

REPORT OF: **TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER**

GROUP: **CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 4 on the Ordinary Council agenda namely **T10-2014 Supply of Garbage Services to Port Stephens Beachside Holiday Parks and Various Areas**.
- 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 **Supply of Garbage Services to Port Stephens Beachside Holiday Parks and Various Areas**.
- 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) Endorse Remondis as the successful tenderer.

ORDINARY COUNCIL MEETING –10 JUNE 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor John Nell
	That Council endorse Remondis as the successful tenderer.

MOTION

136	Councillor Chris Doohan Councillor Steve Tucker
	It was resolved that Council endorse Remondis as the successful tenderer.

BACKGROUND

The purpose of this report is to recommend the preferred tenderer for the provision of garbage collection services to the Port Stephens Holiday Parks and various areas.

The current contract for provision of garbage services to Port Stephens Beachside Holiday Parks and various areas expires on 30 June 2014. In March 2014 tender submissions for the provision of garbage collection services were invited through public advertisement. The closing date for the submissions was 25 April 2014 resulting in five (5) tenders being received from the following companies.

- JR Richards
- Transpacific Cleanaway
- Remondis
- Veolia
- Sita

FINANCIAL/RESOURCE IMPLICATIONS

The resources and costs associated with the execution of this tender are able to be accommodated within existing and future budget allocations. The funding of these services is derived from income from the operations of the Holiday Parks and for the sporting and recreation facilities within the recurrent budget allocations. The contract term is two (2) years from 1 July 2014 to 30 June 2016 with a further two year extension based upon satisfactory supplier service.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	250,000 pa	Historical cost as the actual charge is dependent on volume.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The tender process has been conducted in accordance with the Local Government (General) Regulations and is to be awarded under the conditions of contract prescribed in the Councils Conditions of contract.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that failure to recover waste appropriately will create hygiene and presentation issues for the park, with the potential for loss of revenue and reputation.	Low	Adopt the recommendation.	Yes
There is a risk that as the waste receptacles are located within Fingal Bay and Shoal Bay parks there are pedestrian safety issues.	Low	Ensure the contractor is inducted to the sites and a risk assessment is undertaken and a risk treatment plan developed.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adequate and efficient removal of waste from tourist accommodation and sporting and recreation facilities improves the community access, safety and enjoyment of these areas.

The recommended tenderer has demonstrated environmental sensitivity as part of their processes.

CONSULTATION

- 1) Holiday Park managers;
- 2) Holiday Park groundsmen;
- 3) Contracts Coordinator;
- 4) Facilities Coordinator;
- 5) Procurement and Tender Officer;
- 6) Fleet and Depot Services Coordinator;
- 7) Coordinator Parks West;
- 8) Business Support Coordinator.

OPTIONS

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

ATTACHMENTS - Confidential Provided Under Separate Cover

- 1) Tender Evaluation Summary – T10-2014 Evaluation Garbage.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

FILE NO: PSC2005-0051

2014/2015 WORKS PROGRAM - ASH STREET/OASIS CLOSE SOLDIERS POINT WALKWAY

REPORT OF: JOHN MARETICH – CIVIL ASSETS MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the Ash Street/Oasis Close Soldiers Point Walkway in the Council's Capital Works Program.
- 2) Exhibit the project Ash Street/Oasis Close Soldiers Point Walkway for a period of 28 days.

ORDINARY COUNCIL MEETING –10 JUNE 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

137	<p>Councillor John Nell Councillor Sally Dover</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Place the Ash Street/Oasis Close Soldiers Point Walkway in the Council's Capital Works Program. 2) Exhibit the project Ash Street/Oasis Close Soldiers Point Walkway for a period of 28 days.

BACKGROUND

The purpose of this report is to introduce the Ash Street/Oasis Close Soldiers Point Walkway project into the Council's Capital Works Program. This project was instigated through Council's resolution of 15 April 2014 (Extra Ordinary Item 2).

It was resolved that Council:

"1) Amend its resolution from 25 February 2014 requiring a 50% split of contributions for construction of walkway Option B;

2)Endorse a contribution respectively for \$34,000 for the owners of 3 Oasis Close; \$34,000 for the owners of Soldiers Point Bowling Club; and the balance being \$66,000 to be funded via Section 94 contributions (subject to a relevant memorandum of understanding and/or voluntary planning agreements as necessary);

3)Upon the finalisation of the negotiations and respective payments, Council commence construction of the Walkway."

The placement of Ash Street/Oasis Close Soldiers Point Walkway project into the Council's Capital Works Program is linked to the Community Strategic Plan through the Asset Management Plan – Works Program.

Additions to the Capital Works Program 2014 – 2024 need to be exhibited for a minimum of 28 days before works can commence.

It is proposed that the works will be undertaken in the 2014/2015 financial year.

FINANCIAL/RESOURCE IMPLICATIONS

The project is being funded through a number of sources of funds including contributions to works from the owners of 3 Oasis Close (\$34,000) and Soldiers Point Bowling Club (\$34,000). The total project is estimated at \$134,000 leaving a shortfall of \$66,000 to be funded from another source. It is proposed through another Council Report that the remaining funds (\$66,000) are to be funded through Section 94.

Should the Section 94 not be used as a source of funds and if the project is still to be completed, then a project within the existing Capital Works Program will need to be postponed so funds can be released to fund the Ash Street/Oasis Close Soldiers Point Walkway project.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	34,000 34,000 66,000	Owner of 3 Oasis Close Soldiers Point Bowling Club Another source of funds to be determined through another Council report

LEGAL, POLICY AND RISK IMPLICATIONS

Additions to the Council's Capital Works Program 2014 – 2024 must be exhibited to the Community for 28days.

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that approval of inadequate asset designs may affect Council's objective to manage assets in accordance with asset lifecycle best practice leading to rework, cost to Council, and assets that do not meet the needs of the community.	Medium	Adopt the recommendation to place the proposed works in the Capital Works Program so the correct Capital Works Process can be followed	Yes
There is a risk that the community are unaware of the proposed works leading to community dissatisfaction with Council delivering the Capital Works Program.	Low	Adopt the recommendation to place the proposed works in the Capital Works Program and exhibit the project for a minimum of 28 days.	Yes
There is a risk that Council may undertake works without notifying the community resulting in Council being in breach of the Local Government Act.		Adopt the recommendation to place the proposed works in the Capital Works Program and exhibit the project for a minimum of 28 days.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Council's Capital Works Program has been developed to rehabilitate, upgrade, or create assets for the benefit of the Community and to reduce the long term financial burden for future generations.

CONSULTATION

Executive Leadership Team
 Capital Works Section Manager
 Development Assessment and Compliance Section Manager

OPTIONS

- 1) Adopt recommendation to place the Ash Street/Oasis Close Soldiers Point Walkway project in the Council's Capital Works Program.

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

- 2) Modify recommendation.
- 3) Not adopt the recommendation and do not place the Ash Street/Oasis Close Soldiers Point Walkway project in the Council's Capital Works Program.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

FILE NO: T021415HUN

T021415HUN – TENDER FOR THE SUPPLY AND DELIVERY OF INDUSTRIAL HARDWARE AND ASSOCIATED PRODUCTS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 5 on the Ordinary Council agenda namely **T021415HUN – Tender for the supply and delivery of industrial hardware and associated products.**
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **tender for the supply and delivery of industrial hardware and associated products.**
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
- 5) Accept the tender submitted by J. Blackwood & Son Pty Limited for the supply and delivery of industrial hardware and associated products for distribution from Raymond Terrace and Nelson Bay Stores for a period of two years commencing 1 July 2014 with a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30 June 2017.

ORDINARY COUNCIL MEETING –10 JUNE 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

	Councillor John Nell Mayor Bruce MacKenzie
	That Council accept the tender submitted by J. Blackwood & Son Pty Limited for the supply and delivery of industrial hardware and associated products for distribution from Raymond Terrace and Nelson Bay Stores for a period of two years commencing 1 July 2014 with a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30 June 2017.

MOTION

138	Councillor Chris Doohan Councillor Steve Tucker
	It was resolved that Council accept the tender submitted by J. Blackwood & Son Pty Limited for the supply and delivery of industrial hardware and associated products for distribution from Raymond Terrace and Nelson Bay Stores for a period of two years commencing 1 July 2014 with a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30 June 2017.

BACKGROUND

The purpose of this report is to seek approval from Council to accept the tender for the supply and delivery of industrial hardware and associated products such as personal protective equipment, sustenance, nuts and bolts and hand tools.

The requirement for the distribution of cost effective provisions is imperative to the continuation of Council activities. An evaluation process was conducted by Regional Procurement to ensure quality assurance was guaranteed.

Regional procurement Initiative, a division of the 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 industrial hardware and associated products. Based on experience with other tenders for various materials and services, participation was expected to provide an opportunity to gain cost benefits by utilising group purchasing power while satisfying legislative requirements.

By using Regional Procurement we support the Memorandum of Agreement signed by the General Managers of each of the Hunter Councils that agree to support a

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

regional approach to 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 Cessnock City, Dungog, Maitland City, Mid-Western Regional, Muswellbrook Shire, Port Stephens and Upper Hunter Shire.

The tender was advertised in the Newcastle Morning Herald and uploaded on TenderLink on the 22nd of February 2014, in the Sydney Morning Herald on the 25th February 2014 and the tender closed on Tuesday the 18th March 2014 at 10:00am.

Nine (9) tenders were sold and five (5) tender submissions in total were received from;

- J. Blackwood & Son Pty Limited
- Fentarian Pty Ltd trading as Sullivans Mining & Hardware
- CDAETS (CDA Eastland) – Non Conforming Tender not considered further
- Safe 1 Safety Products – Non Conforming Tender insufficient pricing response
- Wurth Australia Pty Ltd – late Tender not considered further

The tender evaluations were conducted on the 26th of March 2014 at the Hunter Councils administration centre.

FINANCIAL/RESOURCE IMPLICATIONS

The financial implications refer to the purchase of industrial hardware and associated products outside of the preferred contracted rate at an inflated recommended retail price from retail outlets. This would add additional cost to Council considering the large volumes of provisions purchased by employees on a daily basis. Council purchases approximately \$100,000 per year from J. Blackwood & Son Pty Limited.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The supply and delivery of industrial hardware and associated products was tendered and appointed by Regional Procurement by a panel evaluation team to ensure legal compliance and the prevention of bias.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the supply and delivery of industrial hardware and associated products may not be available within the contracted timeframe which may lead to sourcing provisions elsewhere at an inflated rate.	Low	Appoint only suitably qualified tenderers with a good work history and references as per the tendering specification evaluation process assessed by Regional Procurement.	Yes
There is a risk that the delayed contract approval for the supply and delivery of industrial hardware and associated products may restrict the purchase of provisions at the contracted rate provided by the Regional Procurement evaluation and a non-contracted rate would be allocated to the purchase.	Low	Timely approval of the tender to ensure contract commencement timeframes are adhered to preventing non-contracted rates being sourced.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social or environmental implications.

CONSULTATION

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

OPTIONS

- 1) Accept recommendation and award contract to J. Blackwood & Son Pty Limited;
- 2) Reject recommendation;
- 3) Recall tenders.

ATTACHMENTS – Confidential Provided Under Separate Cover

- 1) Tender Cost Evaluation Matrix.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7

FILE NO: PSC2010-05311

LEASE OF THE BOCCE FACILITY AT TOMAREE SPORTS COMPLEX TO NELSON BAY CROATIAN FISHERMAN'S SPORTS CLUB INC.

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Advertise by way of Public Notice for 28 days the details of the proposed lease for the bocce facility at Tomaree Sports Complex to Nelson Bay Croatian Fisherman's Sports Club Inc.
- 2) Authorise the Mayor and the General Manager to sign and affix the Seal of the Council to the lease documentation for the bocce facility at Tomaree Sports Complex to the Nelson Bay Croatian Fisherman's Sports Club Inc. subject to there being no submissions objecting to the proposed lease received during the Public Notice period.

ORDINARY COUNCIL MEETING –10 JUNE 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

139	<p>Councillor Chris Doohan Councillor Steve Tucker</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Advertise by way of Public Notice for 28 days the details of the proposed lease for the bocce facility at Tomaree Sports Complex to Nelson Bay Croatian Fisherman's Sports Club Inc. 2) Authorise the Mayor and the General Manager to sign and affix the Seal of the Council to the lease documentation for the bocce facility at Tomaree Sports Complex to the Nelson Bay Croatian Fisherman's Sports Club Inc. subject to there being no submissions objecting to the proposed lease received during the Public Notice period.

BACKGROUND

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

The bocce facility located at Tomaree Sports Complex Nelson Bay (Part Lot 1, DP 1136350 known as 20 Aquatic Close, known as parcel 43930) is a purpose built facility with a single user group. The land is Council owned land and classified as community land.

Historically, the facility has been solely occupied by the Nelson Bay Croatian Fisherman's Sports Club Inc. ("the Club"). Over time the Club has invested more than \$50,000 in maintenance and improvements to the facility. The Club keeps the facility in a high standard of presentation and hosts many community events in addition to regular scheduled bocce fixtures.

The Club seeks a formalised long term lease over the premises to provide surety of tenure for the Club and its members.

Being a purpose built facility there are no immediate alternative uses planned for this facility.

The recommendations relate specifically to the Operational Plan 2013/14, item 8.1.1.3 being "Provide areas of Council managed land for community based and commercial leisure operators".

FINANCIAL/RESOURCE IMPLICATIONS

The preparation and registration of the Lease will be paid for by the Club.

The lease will be four sequential leases of a term of five years each. Total lease term shall not exceed 20 years. The rent for the facility will be one Australian dollar (\$1.00) for each five year lease. The decision to accept a 100% community service obligation subsidy for the rent is based on the community benefit gained by the Club reducing Councils exposure to asset maintenance expenditure at this site. Electricity accounts are rendered in the Club's name directly to the premises and therefore Council is not burdened with this cost. Council will continue to fund the asset management of the building; however any improvements to the building or site will be the responsibility of the Club.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	1.00	Rent payment for each five year lease.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with s. 47 of the Local Government Act 1993 ("the Act") Council shall advertise the proposed lease details by way of Public Notice for not less than 28 days. Should there be any submissions objecting to the proposed lease then Council

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

shall give due consideration to the submissions and submit the proposed lease to the Minister for consideration of consent. Council is not able to lease community land without Ministerial consent following receipt of a submission.

Further, s.74 of the Conveyancing Act requires subdivision of a part Lot for total lease terms exceeding 5 years. The proposed method of leasing this land is by way of four sequential five year leases thus negating the need for subdivision.

By way of historical note this agreement was negotiated some time ago with the Lease arrangements to commence from March 1, 2011 and accordingly the Lease documentation was executed by the Club as at that date. However, due to circumstances including departure of staff and loss of corporate knowledge, Council has to date not executed the document. In 2013 Council adopted the Community Leasing Policy (as at April 9, 2013). The proposed Lease and negotiations pre-date the formalisation of the Community Leasing Policy and accordingly whilst the Policy is recognised, the provisions do not apply to this Lease negotiation.

The table below defines the risks associated with the recommendation.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that by not formalising a long term lease this could lead to a reputation risk for Council by not supporting the user group who have made a significant cultural contribution to the Tomaree community and who have invested financially and maintained the facility to a high standard over many years.	Low	Adopt the recommendation	Yes
There is a risk that by not formalising a long term lease Council could find it difficult to find new and suitable tenants based on the building being purpose built. This may require having to spend additional funds to modify the facility to	Low	Adopt the recommendation	Yes

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

meet the expectation of any new user.			
There is a risk that the sequential leases might not be accepted for registration by Land and Property Information NSW resulting in a requirement for subdivision of the part lot and resubmission of the lease documents.	Medium	Part lot subdivision for lease purposes is costly given the lease will return \$1.00 in rent income. Should this risk eventuate the alternative is to licence the use of the site annually. A licence is not as absolute as a lease, but given the Club has operated from the site for many years under no formal agreement and has been a good tenant, this alternative is deemed as acceptable.	Yes
There is a risk that submissions objecting to the proposed lease are received during the Public Notice period resulting in legal, financial and reputational damage caused by the extra work and time associated with preparing a submission for Ministerial consent.	Medium	Follow the process and hold discussions with the Club as to whether it is acceptable to defer to a licence agreement in lieu of the lease or to pursue the Ministerial consent for a lease.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no economic or environmental implications. Adopting the recommendation will secure the venue for a community group that makes a positive difference to cultural diversity on the Tomaree Peninsula.

CONSULTATION

Croatian Fisherman's Sport Club members; Harris Wheeler Lawyers; Property Investment Co-ordinator; Community & Recreation Assets Co-ordinator; Contracts and Services Co-ordinator.

OPTIONS

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

ATTACHMENTS

1) Aerial photo of the location of the proposed leased area for the Nelson Bay Croatian Fisherman's Sports Club at Tomaree Sports Complex.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



ITEM NO. 8

FILE NO: PSC2011-02308

BOOMERANG PARK, RAYMOND TERRACE – DRAFT MASTERPLAN

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the Boomerang Park Draft Master Plan (**TABLED DOCUMENT 1**) on public exhibition for a minimum period of 28 Days and accept public submissions on the document.

ORDINARY COUNCIL MEETING –10 JUNE 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p>
	<p>That the recommendation be adopted.</p>

MOTION

140	<p>Councillor Peter Kafer Councillor Chris Doohan</p>
	<p>It was resolved that Council place the Boomerang Park Draft Master Plan (TABLED DOCUMENT 1) on public exhibition for a minimum period of 28 Days and accept public submissions on the document.</p>

BACKGROUND

The purpose of this report is to seek support to place the Draft Master Plan for Boomerang Park, Raymond Terrace on public exhibition.

Boomerang Park is located in Raymond Terrace, bound by Irrawang, Elizabeth and Kangaroo Streets.

The park comprises 21.5 hectares and contains a large passive recreation area, a set of swings, the senior citizens centre, an after school care centre, 2 rectangular sports fields used for dog training and a small clubhouse. Located immediately adjacent to the south-eastern and eastern sections of the site are the Raymond Terrace Historic Cemetery, the Muree Golf Course and Port Stephens Council's Raymond Terrace Depot.

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

Given the size and number of activities that take place at Boomerang Park a Master Plan is required to set the overall layout and form of the proposed park and facilities.

Council appointed consultants GHD to develop a Master Plan for Boomerang Park in October 2013.

Community consultation was undertaken in the preparation of the Boomerang Park master Plan which included a Community Workshop, a session with the Youth Advisory Panel and several key stakeholder meetings.

The draft Master Plan (**TABLED DOCUMENT 1**) has been developed in consultation with the local community and in accordance with the principles established in the Plan of Management, which was adopted in November 2000.

The draft Master Plan proposes six (6) new key components:

- Proposed Men's Shed building and car park
- Proposed Croquet Courts
- Proposed Community Gardens
- Proposed playground and skate park with associated BBQ and picnic facilities
- Activity trail circumnavigating the park with equipment stations
- Possible multi-purpose event space

The draft Master Plan also identifies three parcels of land within this Park that are proposed to be further investigated for future reclassification and rezoning. This proposal is currently being investigated and will be subject to a future separate report to Council.

Following the public exhibition period a further report will be submitted to Council detailing the submission and any changes. An implementation programme for the range of works identified in the Master Plan will then be prepared to determine the priority of works as funding becomes available. Detailed resolution of the design, materials and finishes, for each of these works, will be undertaken in future stages.

FINANCIAL/RESOURCE IMPLICATIONS

A cost estimate for all works proposed in the Master Plan and a funding strategy will be reported back to the Council following the exhibition period.

Should Council adopt the recommendations and the re-classification process is successful, this may result in possible additional funding for future works in the park.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy implications to adopting the recommendation. The risks associated with adopting the recommendation are listed below:

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that some parts of the community will not support the proposed re-classification process resulting in reputation damage to Council.	Low	Ensure that proper consultation is carried out when required during the re-classification process	Yes
There is a risk that without having planning and investigation studies completed, Council's ability to make informed sustainable decisions will be affected leading to re-work and unidentified costs.	Low	Adopt the Recommendation to allow for the appropriate planning and investigation studies to be undertaken, so that Council is able to make informed and sustainable decisions.	Yes
There is a risk that the proposed Master Plan may have inadequate design proposals that do not meet the needs of the community leading to the asset not being valued by the community.	Low	Adopt the Recommendation to invite the community to provide their feedback on the future vision for Boomerang Park, which is consistent with the adopted Plan of Management	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft Master Plan will enable greater public use and enjoyment of the site through the provision of new infrastructure and facilities.

As the master plan is implemented, it can be anticipated that this will enable greater community use and enjoyment of the site. The proposal expands the opportunities for informal community interaction as well as organised events and gatherings at a range of scales.

The proposed works within the Master Plan will contribute to the ongoing development of Boomerang Park, delivering an improved landscape, recreation

and community asset to sustain an increasing population in Raymond Terrace and surrounds.

CONSULTATION

A Community Workshop was held at the Senior Citizens Hall in Boomerang Park on 18 November 2013. This workshop involved the local community and also a number of Councillors. A total of 17 community members were in attendance at this workshop.

A consultation session was also held with the Youth Advisory Panel on 16 January 2014.

Stakeholder meetings have also been held with the Raymond Terrace Men's Shed, the After School Care centre and Muree Golf Club.

Where possible, the specific suggestions and ideas gained from these consultation meetings for Boomerang Park have been incorporated into the Master Plan.

The recommendation is to place the Draft Master Plan on public exhibition to allow the general community an opportunity to comment on the proposed plan.

OPTIONS

- 1) Place the Draft Master Plan for Boomerang Park, Raymond Terrace on public exhibition for a period of 28 days;
- 2) Amend the Master Plan for Boomerang Park, Raymond Terrace and place the amended Draft Master Plan on public exhibition;
- 3) Reject the recommendation.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Boomerang Park, Raymond Terrace Draft Master Plan.

TABLED DOCUMENTS

- 1) Boomerang Park, Raymond Terrace Draft Master Plan.

ITEM NO. 9

FILE NO: PSC2008-04223

DELEGATIONS: NOXIOUS WEEDS ACT 1993**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Appoint those positions identified within the Port Stephens Council organisational structure responsible for Noxious Weeds functions, as an "Inspector" under the Noxious Weeds Act 1993.

ORDINARY COUNCIL MEETING –10 JUNE 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

141	Councillor Chris Doohan Councillor Steve Tucker
	It was resolved that Council appoint those positions identified within the Port Stephens Council organisational structure responsible for Noxious Weeds functions, as an "Inspector" under the Noxious Weeds Act 1993.

BACKGROUND

The purpose of this report is to request Council to exercise its power of delegation under the *Noxious Weed Act 1993 (Act)*.

Under the Act, Council is defined as "local control authority", not a Council and the legislation requires particular functions (such as issuing certificates for noxious weeds) to be delegated directly from Council to the responsible Council officers. This function cannot be delegated to the General Manager and then sub-delegated to staff.

Most legislation requires Council to delegate to the General Manager and for the General Manager to exercise his power of sub-delegation to staff. The Noxious Weeds Act differs from this.

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

Council is requested to sub-delegate the powers of an "Inspector" under the Act to staff identified in the organisational structure as responsible officers for the function of the Act.

FINANCIAL/RESOURCE IMPLICATIONS

These changes will be incorporated into the existing delegation processes.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		This is included in the existing budgets.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Part 5, Division 1 of the *Noxious Weeds Act 1993*, requires Council staff to be delegated authority to conduct the functions under the Act.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that unauthorised Council officers would be in breach of the Act should they conduct functions without the appropriate delegations.	Low	Adopt the recommendation.	Yes
There is a risk that Council may be subject to legal action should an unauthorised Council officer issue a noxious weed certificate which is invalid due to delegations not being in place.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Legal Services Manager.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 10

FILE NO: A2004-0266

MAYOR AND COUNCILLOR FEES**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Determine the fees for the Mayor and Councillors in accordance with the annual Local Government Remuneration Tribunal fee structure.
- 2) The fees determined by Council remain in force until such time as the newly elected Council resolves otherwise.

ORDINARY COUNCIL MEETING –10 JUNE 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

142	Councillor Chris Doohan Councillor Steve Tucker
	It was resolved that Council: <ol style="list-style-type: none"> 1) Determine the fees for the Mayor and Councillors in accordance with the annual Local Government Remuneration Tribunal fee structure. 2) The fees determined by Council remain in force until such time as the newly elected Council resolves otherwise.

BACKGROUND

The purpose of this report is to determine the fees payable to the Mayor and Councillors for 2014/2015 financial year and to provide Council with the Report and Determination made by the Remuneration Tribunal.

The Local Government Remuneration Tribunal is required by Section 239 of the Local Government Act to review the categories of all Councils every 3 years, the next being due in 2015.

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

Pursuant to Section 241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories determined under Section 234 to Councillors and Mayors of Councils during the period 1 July 2014 to 30 June 2015, is shown at **(ATTACHMENT 1)**.

Council should note that the fees have been capped at 2.5% which is consistent with the NSW Wages Policy. In determining the increase a number of factors have been taken into account, including the appointment of the Independent Local Government Review Panel, the appointment of the Local Government Acts Taskforce and the NSW Treasury Corporation Report (TCorp).

The Tribunal does not set fees for the position of Deputy Mayor, nor Acting Mayor. Council at its meeting on 8 April 2014, adopted an acting Mayor fees payable to the Deputy Mayor when in the acting capacity. This fees is payable to the acting Mayor for periods greater than one week (7 days) on a pro-rata basis. The fee is deducted from the Mayoral allowance.

It is proposed that Council adopt the fees for the remainder of this term of Council in accordance with the Council category and upper and lower limits set by Local Government Remuneration Tribunal.

Port Stephens Council is currently classified a Regional Rural category and the Tribunal has determined the range of fees payable as those in the following table.

	Minimum	Maximum		Minimum	Maximum
Councillor	\$8,130	\$17,930	Mayor	\$17,310	\$39,110

The Mayor receives the fee payable as a Councillor with the additional fee as the Mayor. (ie. Minimum \$25,440 - Maximum \$57,110).

Council's past practice has been to pay the maximum fees as determined by the Tribunal. In 2013/14 the fees were as shown in the table below.

	Minimum	Maximum		Minimum	Maximum
Councillor	\$7,930	\$17,490	Mayor	\$16,890	\$38,160

FINANCIAL/RESOURCE IMPLICATIONS

The 2014/15 draft Budget has allowed for the increase in Mayoral and Councillor Allowances to the maximum limits.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	218,480	Mayoral fee \$57,110 and Councillors fees \$161,370
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Annual fees must be paid to Councillors and Mayors in accordance with Section 241 of the Local Government Act, 1993. Council may set the fees anywhere between the minimum and maximum determined by the Tribunal.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may not have the applicable fees in place prior to 1 July 2014, if this resolution is not passed before 30 June 2014.	Low	That Council adopt fees for the 2014-2015 financial year.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Remuneration Tribunal's Report takes into account the current financial situation and the overall impact that increase costs have on Local Government and the social implications.

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

CONSULTATION

- 1) General Manager;
- 2) Local Government Remuneration Tribunal.

OPTIONS

- 1) Adopt the maximum allowance for the Mayor and Councillors as per the Local Government Remuneration Tribunal determinations for the Regional Rural category Council;
- 2) Choose to pay fees within the range set by the Local Government Remuneration Tribunal for the Regional Rural category.

ATTACHMENTS

- 1) Local Government Remuneration Tribunal Report and Determination for 2014.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

REPORT

and

DETERMINATION

of

THE LOCAL GOVERNMENT REMUNERATION TRIBUNAL

under

SECTIONS 239 AND 241

of the

LOCAL GOVERNMENT ACT 1993

24 April 2014

Local Government Remuneration Tribunal
2014 Report

Introduction

The role of Assessor to the Tribunal (pursuant to section 236(1)(b) of the *Local Government Act 1993*) was undertaken by Ms Helen L'Orange from 1 March 2004 until the expiration of her appointment on 11 December 2013. The Tribunal wishes to express its appreciation of Ms L'Orange's contributions over the last several years. This position is currently vacant.

Section 1 Background

1. Pursuant to Section 241 of the *Local Government Act 1993* (the LG Act) the Local Government Remuneration Tribunal hereby determines in each category of council, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
2. The Tribunal is also required, pursuant to section 239 of the LG Act, to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a fundamental review of the categories of councils in 2012 and will next consider this matter in 2015.
3. In determining the minimum and maximum fees payable to each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996*, when making or varying awards or orders relating to the conditions of employment of public sector employees.
4. The current policy on wages pursuant to section 146(1)(a) of the *Industrial Relations Act 1996* is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent, and this includes the minimum and maximum fees payable to councillors and mayors.

Local Government Remuneration Tribunal
2014 Report

Section 2 2013 Review

5. In undertaking the 2013 review the Tribunal noted that a number of initiatives were under way to improve the strength and effectiveness of local government in NSW.

These included:

- the work of the Independent Local Government Review Panel to drive key strategic directions identified in the Destination 2036 initiative
- the work of the Local Government Acts Taskforce to review the *Local Government Act 1993* and the *City of Sydney Act 1988*
- the engagement of the NSW Treasury Corporation (TCorp) to report on the financial sustainability of Local Government in NSW.

6. Given the significant work being undertaken by both the NSW Government and local councils to drive and deliver local government reform, the Tribunal did not call for general submissions from individual councils as part of the 2013 Annual Review.

7. The Tribunal's Report and Determination of 2013 provided a general increase of 2.5 per cent which was consistent with the NSW Wages Policy. The Tribunal advised that it would monitor the progress of these initiatives over the coming year.

Section 3 2014 Annual Review

8. On 20 January 2014, the Tribunal wrote to all mayors advising of the commencement of the 2014 Annual Review.
9. In writing to mayors the Tribunal noted that the final reports of the Independent Local Government Review Panel and the Local Government Acts Taskforce were released on 8 January 2014. These reports make a series of recommendations for reform, some of which address remuneration for councillors and mayors.

Local Government Remuneration Tribunal
2014 Report

10. At the time of commencing the annual review it was not expected that a decision on, or implementation of, any proposed reforms would be finalised prior to the Tribunal making its determination on or before 30 April 2014. For that reason the Tribunal, as it did in 2013, did not call for general submissions from individual councils for the 2014 review.
11. While general submissions were not requested, councils were welcome to raise with the Tribunal any issues of concern. The Tribunal received two submissions from individual Councils. The submissions sought consideration of the following matters:
- the Tribunal to determine the maximum statutory increase of 2.5 percent as permitted by the legislation
 - the Tribunal to benchmark mayoral and councillor fees with that of a State Member of Parliament
 - the Tribunal to introduce a professional remuneration structure for councillors to improve accountability and performance.
12. The Tribunal also received a submission and met with representatives of Local Government NSW (LGNSW). Given the statutory limitations in place LGNSW has requested that councillor and mayoral remuneration should be increased by the full 2.5 per cent for 2013-14.
13. In addition to requesting the maximum increase of 2.5 percent, LGNSW has sought a professional remuneration structure to ensure that local government attracts appropriately qualified people. LGNSW continues to advocate that elected representatives face increasing challenges, associated with managing council workload, family responsibilities and paid work, and that the significant time involvement is not appropriately recompensed through the current remuneration levels.
14. LGNSW also provided the Tribunal with an overview of the current reform initiatives and their expected impact on the role and responsibilities of councillors and mayors. The anticipated changes will, in the opinion of LGNSW, warrant a review of the remuneration structure, and a subsequent increase in fees.

Local Government Remuneration Tribunal
2014 Report

15. The Tribunal wishes to place on record its appreciation to LGNSW for its participation and assistance during the 2014 Annual Review process.

Section 4 Comments

16. The Independent Local Government Review Panel and the Local Government Acts Taskforce make a broad range of recommendations which, if adopted in full or in part, could deliver significant reforms across local government in NSW.
17. The Government has called for public submissions and Councils have been encouraged to provide comment on the final reports of the Panel and the Taskforce by 4 April 2014. The Government has indicated that it will consider the final reports, including submissions received, and prepare its response. That response has not been available to the Tribunal at the date by which it must make its determination for 2014.
18. The Tribunal notes that the Panel has made a number of comments in relation to the adequacy of the existing remuneration arrangements and has proposed structural changes which may have an impact on the roles and responsibilities of councillors and mayors. Suggested changes include amendments to the LG Act to provide greater clarity in relation to the role of councillors and mayors. It has been proposed that in larger councils and in major regional councils, the role of mayor, and in some instances that of the deputy mayor, should be expanded to a full time office and remunerated accordingly. The Panel has also suggested that professional development programs be made available to councillors and that remuneration should be increased in recognition of enhanced skills.
19. In making its determinations the Tribunal is required to have regard to the provisions of the existing LG Act. The LG Act prevents the Tribunal from determining any fees for Deputy Mayors and also requires that the Tribunal apply the Government's wages policy, which currently provides for a cap on increases of 2.5 per cent.

Local Government Remuneration Tribunal
2014 Report

20. The Tribunal currently has regard to the role of councillors and mayors in determining the fees that apply to each of the categories of councils. The existing remuneration model is based on that first determined by the Tribunal in 1995. While there have been adjustments in both the categories of councils and the level of fees, these have not been significant. This in part recognises that the roles and responsibilities of councillors and mayors, as outlined in the legislation, have also not changed significantly since the commencement of the LG Act in 1993, notwithstanding any increases in workload.
21. The Panel has proposed that the roles and responsibilities of councillors and mayors be broadened. These additional functions, if introduced, are likely to have an impact upon the workload, and the skills and capabilities required of elected representatives.
22. The Tribunal continues to support initiatives which will bring about improvements in the local government sector. Further reforms such as council amalgamations and steps to increase resource sharing and joint planning, have previously received and will continue to receive the support of the Tribunal, in that those reforms should result in greater structural efficiencies and should contribute to the long term viability of local government in NSW.
23. The Tribunal will continue to monitor the progress of reform.

Fees

24. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the minimum and maximum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
25. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and finds that the full increase of 2.5 per cent available to it is warranted. On that basis, having regard to the above, and after taking the views of the Assessor into account, the Tribunal considers that an increase

Local Government Remuneration Tribunal
2014 Report

of 2.5 per cent in the fees for councillors and mayors is appropriate and so determines.

Local Government Remuneration Tribunal

(signed)

Helen Wright

Dated: 24 April 2014

Determinations of the Local Government Remuneration Tribunal effective on and from 1 July 2014

Determination No 1- Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2014

Category - Principal City (1)
Sydney

Category - Major City (3)
Newcastle
Parramatta
Wollongong

Category - Metropolitan Major (2)
Blacktown
Penrith

Category - Metropolitan Centre (16)		
Bankstown	Hurstville	Sutherland
Campbelltown	Lake Macquarie	Warringah
Fairfield	Liverpool	Willoughby
Gosford	North Sydney	Wyong
The Hills	Randwick	
Hornsby	Ryde	

Category – Metropolitan (21)		
Ashfield	Holroyd	Marrickville
Auburn	Hunters Hill	Mosman
Botany	Kogarah	Pittwater
Burwood	Ku-ring-gai	Rockdale
Camden	Lane Cove	Strathfield
Canada Bay	Leichhardt	Waverley

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

Determinations of the Local Government Remuneration Tribunal effective on and
from 1 July 2014

Canterbury	Manly	Woollahra
Category - Regional Rural (32)		
Albury	Dubbo	Orange
Armidale Dumaresq	Eurobodalla	Port Macquarie-Hastings
Ballina	Great Lakes	Port Stephens
Bathurst	Goulburn Mulwaree	Shellharbour
Bega Valley	Queanbeyan	Shoalhaven
Blue Mountains	Greater Taree	Tamworth
Broken Hill	Griffith	Tweed
Byron	Hawkesbury	Wagga Wagga
Cessnock	Kempsey	Wingecarribee
Clarence Valley	Lismore	Wollondilly
Coffs Harbour	Maitland	

Category - Rural (77)		
Balranald	Gloucester	Narromine
Bellingen	Greater Hume	Palerang
Berrigan	Gundagai	Parkes
Bland	Gunnedah	Oberon
Blayney	Guyra	Richmond Valley
Bogan	Gwydir	Singleton
Bombala	Harden	Snowy River
Boorowa	Hay	Temora
Bourke	Inverell	Tenterfield
Brewarrina	Jerilderie	Tumbarumba
Cabonne	Junee	Tumut
Carrathool	Kiama	Upper Hunter
Central Darling	Kyogle	Upper Lachlan
Cobar	Lachlan	Uralla
Conargo	Leeton	Urana

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

Determinations of the Local Government Remuneration Tribunal effective on and
from 1 July 2014

Coolamon	Lithgow	Wakool
Cooma-Monaro	Liverpool Plains	Walcha
Coonamble	Lockhart	Walgett
Cootamundra	Mid-Western	Warren
Corowa	Moree Plains	Warrumbungle
Cowra	Murray	Weddin
Deniliquin	Murrumbidgee	Wellington
Dungog	Muswellbrook	Wentworth
Forbes	Nambucca	Yass Valley
Gilgandra	Narrabri	Young
Glen Innes Severn	Narrandera	

TOTAL GENERAL PURPOSE COUNCILS 152

Category - County Councils Water (5)

Central Tablelands	Riverina Water
Goldenfields Water	Rous
MidCoast	

Category - County Councils Other (9)

Castlereagh – Macquarie	Richmond River
Central Murray	Southern Slopes
Far North Coast	Upper Hunter
Hawkesbury River	Upper Macquarie
New England Tablelands	

TOTAL COUNTY COUNCILS 14

Determinations of the Local Government Remuneration Tribunal effective on and from 1 July 2014

Determination 2 - Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to councillors, mayors, members and chairpersons of county councils effective on and from 1 July 2014 are determined as follows:

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Principal City	\$24,430	\$35,820	\$149,460	\$196,660
Major City	\$16,280	\$26,880	\$34,600	\$78,300
Metropolitan Major	\$16,280	\$26,880	\$34,600	\$78,300
Metropolitan Centre	\$12,210	\$22,800	\$25,950	\$60,580
Metropolitan	\$8,130	\$17,930	\$17,310	\$39,110
Regional Rural	\$8,130	\$17,930	\$17,310	\$39,110
Rural	\$8,130	\$10,740	\$8,640	\$23,440
County Council – Water	\$1,620	\$8,960	\$3,460	\$14,710
County Council - Other	\$1,620	\$5,360	\$3,460	\$9,780

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Local Government Remuneration Tribunal

(signed)

Helen Wright

Dated: 24 April 2014

ITEM NO. 11

FILE NO: 1190-001

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
 - a) Mayoral Funds – Mayor Bruce MacKenzie – Hunter Region Botanic Gardens - Reimbursement of DA Fees – \$1,199.00;
 - b) Mayoral Funds – Mayor Bruce MacKenzie – Michael Weir and Brooke Walker – Reimbursement of DA Fees - \$475.00;
 - c) West Ward Funds – Cr's Le Mottee, Jordan & Kafer – Aled Siever & Corey Hollaway – Australian Futsal Team – Contribution to costs to represent Australia - \$500.00 (\$250.00 each);
- 2) Advertise the proposals to provide funding to Michael Weir and Brooke Walker in the amount of \$475.00, and Aled Siever & Corey Hollaway in the amount of \$500.00 (\$250.00 each), for a period of 28 days seeking submissions from the public;
- 3) Should no submissions be received as a result of the public exhibition period, Council provide the funding in accordance with the recommendation.

ORDINARY COUNCIL MEETING –10 JUNE 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Peter Kafer Councillor Paul Le Mottee</p> <p>That Council:</p> <ol style="list-style-type: none"> 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:- <ol style="list-style-type: none"> a. Mayoral Funds – Mayor Bruce MacKenzie – Hunter Region Botanic Gardens - Reimbursement of DA Fees – \$1,199.00; b. Mayoral Funds – Mayor Bruce MacKenzie – Michael Weir and Brooke Walker – Reimbursement of DA Fees - \$475.00; c. West Ward Funds – Cr's Le Mottee, Jordan & Kafer – Aled Siever & Corey Hollaway – Australian Futsal Team – Contribution to costs to represent Australia - \$2,000.00 (\$1,000.00 each); 2) Advertise the proposals to provide funding to Michael Weir and Brooke Walker in the amount of \$475.00, and Aled Siever & Corey
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MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

	<p>Hollaway in the amount of \$2,000.00 (\$1,000.00 each), for a period of 28 days seeking submissions from the public;</p> <p>3) Should no submissions be received as a result of the public exhibition period, Council provide the funding in accordance with the recommendation.</p>
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MOTION

143	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-<ol style="list-style-type: none">a. Mayoral Funds – Mayor Bruce MacKenzie – Hunter Region Botanic Gardens - Reimbursement of DA Fees – \$1,199.00;b. Mayoral Funds – Mayor Bruce MacKenzie – Michael Weir and Brooke Walker – Reimbursement of DA Fees - \$475.00;c. West Ward Funds – Cr's Le Mottee, Jordan & Kafer – Aled Siever & Corey Hollaway – Australian Futsal Team – Contribution to costs to represent Australia - \$2,000.00 (\$1,000.00 each);2) Advertise the proposals to provide funding to Michael Weir and Brooke Walker in the amount of \$475.00, and Aled Siever & Corey Hollaway in the amount of \$2,000.00 (\$1,000.00 each), for a period of 28 days seeking submissions from the public;3) Should no submissions be received as a result of the public exhibition period, Council provide the funding in accordance with the recommendation.
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BACKGROUND

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

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

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

MINUTES FOR ORDINARY MEETING – 10 JUNE 2014

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

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

WEST WARD – Councillors Jordan, Kafer & Le Mottee

Australian Futsal Representatives Aled Siever & Corey Hollaway	Contribution towards costs to represent Australia	\$500.00 (\$250.00 each)
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MAYORAL FUNDS – Mayor MacKenzie

Hunter Region Botanic Gardens Weir Family	Reimbursement of DA Fees Reimbursement of DA Fees	\$1,199 \$475
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FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	2,174.00	Mayoral Funds \$1,674.00 West Ward Funds \$500.00
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

OPTIONS

- 1) Adopt the recommendation;
- 2) Vary the dollar amount before granting each or any request;
- 3) Reject the recommendation.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 12

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 10 June, 2014.

No: Report Title

- 1 LGMA National Congress & Business Expo Melbourne 30 April – 2 May 2014
Productive Communities
- 2 2014 Port Stephens Mayoral Academic Scholarships
- 3 Designated Persons – Pecuniary Interest

ORDINARY COUNCIL MEETING –10 JUNE 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

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

131	Councillor Chris Doohan Councillor Steve Tucker
	It was resolved that Council move into open Council.

MOTION

144	Councillor Chris Doohan Councillor Steve Tucker
	It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 10 June, 2014.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

**LGMA NATIONAL CONGRESS & BUSINESS EXPO MELBOURNE 30
APRIL – 2 MAY 2014 PRODUCTIVE COMMUNITIES**

REPORT OF: WAYNE WALLIS – GROUP MANAGER

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 Melbourne between 30 April and 2 May 2014. The Congress was attended by General Manager Peter Gesling and Group Manager Corporate Services Wayne Wallis. Congress attendance was a professional development opportunity for attendees.

The theme of the Congress was 'Productive Communities – Why we need to care about productivity'.

With the mining boom in retreat and one third of Australia's local government workforce looking forward to retirement in the next ten years, productivity is more important than ever. It's big news in the private sector and among local government's abroad, but thinking around productivity has only received limited attention in many Australian councils.

The Congress allowed participants to explore concepts, leading practice and impacts of productivity and what it might look like for Australian councils.

The key speakers and topics were as follows:

What is Productivity and Why Should We Care about It? – Dr Nicholas Gruen

With a long and distinguished career in public policy and ideas, prominent economist Dr Nicholas Gruen opened the congress and debate around productivity – what it is, and why should be care about it.

Key issues discussed included:

- Technology as the productivity interface;
- Government 2.0;
- Harnessing social capital to create productive communities.

Council in Focus – Mark Hynes, Director of Corporate Affairs, London borough of Lambeth Council UK

Mark shared his experience of the austerity measures which changed the face of local government in the UK, resulting in a more productive and self-sufficient community.

Key issues discussed included:

- Reduction of demand for services;
- Alternative funding (rate caps);
- Red tape reduction;
- Outsourcing;
- Social enterprise and volunteers;
- Community collaboration.

Simon Says – Simon Farbrother, City Manager & ICMA President

Based in Canada, Simon is one of the sector's great innovators. Turning his mind to the Australian context, he looked at the importance of human capital in enabling productive communities.

Key issues discussed included:

- Strategic alignment of goals and community aspirations;
- Continuous improvement approaches;
- Communication, culture and leadership;
- Technology.

Innovation; what is it and why does it matter? – Professor Roy Green

Innovation is synonymous with productivity, but it is not a word commonly used in the local government context. Well-known for his productivity to-do list, Professor Green turned his mind to what councils might do to improve in this area.

Key issues discussed included:

- Human capital and social outcomes
- Public good and alternative providers

Productivity and People – Jane-Frances Kelly, Grattan Institute

Where people live, work and how they get around are key factors in productive communities. But there are inherent strains in these; Jane-Frances Kelly explained what these are, and how local government can play a role addressing them.

Key issues discussed included:

- Improving the ability of people and business to connect with one another
 - Moving jobs so they are closer to where people live;
 - Bringing people to live closer to jobs;
 - Improving transport links between people and jobs.

Personal Productivity – Andrew Demetriou, CEO Australian Football League

With an impressive track record of achievements, both on and off the field, Andrew shares his personal tips for boosting day-to-day individual productivity.

Key issues discussed included:

- Maintaining focus amidst distraction
- Social media - its benefits and pitfalls
- Maintaining a fresh approach to old problems

Gary Throws down the Gauntlet! – Professor Gary Banks, AO

Having spent most of his life working on improving policy outcomes for society, Gary challenged delegates to do better in creating productive communities.

Key issues discussed included:

- Incentives:
 - Abolish remaining tariffs and terminate selective industry assistance that fails a 'net benefit test';
 - Phase out government local procurement preferences;
 - Conduct a (follow-up) NCP style review of anti-competitive regulations.
- Capabilities:
 - Human capital;
 - Innovation system;
 - Infrastructure;
 - Government services.
- Flexibility:
 - Workplace regulation balance;
 - Environmental regulation;
 - Transaction taxes;
 - Occupational licensing;
 - Zoning, development approvals;
 - Sectoral red tape;
 - Strengthen 'mutual recognition'.

SUMMARY

All in all, the speakers were very informative and discussed many varying aspects associated with improving productivity across the local government sector.

The Port Stephens Council business excellence approach and business model stacked up very well when compared to the various models presented by the speakers.

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 2

2014 PORT STEPHENS MAYORAL ACADEMIC SCHOLARSHIPS

REPORT OF: ROSS SMART – COMMUNICATIONS SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

FILE: PSC2013-01725

BACKGROUND

The purpose of this report is to update Council on the 2014 Port Stephens Mayoral Academic Scholarships and acknowledge Port Stephens businesses for their involvement in the program.

The Port Stephens Mayoral Academic Scholarships is an ongoing and successful partnership supporting Port Stephens students undertaking tertiary education.

The program recognises academic achievement, with 2014 recipients studying in a range of fields, including medical specialties and research, teaching, law, and environmental sciences.

In 2014, Council received 34 applications for eight \$2000 scholarships. Selection was based on academic results, community involvement and performance at interview. The selection panel comprised Dyan Thyais from the Beacon Foundation, and Andrew Powrie and Andrew Arnott from Council's Economic Development unit.

Scholarship recipients for 2014 were:

- Brady Cooper, of Wallalong (attended All Saints College, St Mary's Campus)
- Elizabeth Haynes, of Boat Harbour (attended Tomaree High School)
- Cherelynn Holmes, of Salamander Bay (attended Newcastle Grammar School)
- Brooke Nicholson-Lake, of Tanilba Bay (attended Hunter River High School)
- William Reay, of Hinton (attended All Saints College, St Mary's Campus)
- Corinne Shields, of Butterwick (attended Hunter Valley Grammar School)
- Lauren Smith, of Medowie (attended Saint Francis Xavier's College)
- Hayden Spearpoint, of East Seaham (attended Hunter Valley Grammar School)

Program sponsors in 2014 included Weathertex, the Wests Group, Tomago Aluminium, Moonshadow Cruises and Port Stephens 4WD Tours, Macka's Sand and

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Soil, Destination Port Stephens, Newcastle Airport, Hunter Land and the YMCA Port Stephens.

Sixty people attended a special presentation ceremony in the Council Chambers on Monday, 7 April 2014.


Since the program was introduced six years ago, more than 50 students have benefited from a significant cash contribution to their studies.

ATTACHMENTS

- 1) 2014 Port Stephens Mayoral Academic Scholarships presentation flyer.

ATTACHMENT 1

2014 Port Stephens Mayoral Academic Scholarships presentation flyer











C-O-U-N-C-I-L

*Welcome to the
presentation of the*

Port Stephens
**Mayoral
Academic
Scholarships**

Port Stephens Council Chamber
Monday, 7 April 2014

THE 2014 PORT STEPHENS MAYORAL ACADEMIC SCHOLARSHIPS ARE PROUDLY SUPPORTED BY:

 Newcastle Airport
 DC
 Port Stephens COUNCIL

 HUNTER LAND
 weathertex
 YMCA
 WESTS
 SAND & SOIL



Mayor's Message

I am continually amazed by the talents, determination and aspirations of the next generation of community leaders that come to light every year as part of the Port Stephens Mayoral Academic Scholarships, and 2014 has been no exception. While eight young people will be recognised as the recipients in this year's program, it was no easy task to make a selection from an impressive field of worthy applicants from across our local government area, each striving to make their mark on the world – and a difference in people's lives – in a range of fields.

The recipients in this year's program are, as always, pursuing careers in a vast array of industries, from medicine to IT and teaching to business. Interestingly, they have been inspired by a diversity of sources: Hayden Spearpoint, for example, is embarking on a grueling 12 years of study to become a medical practitioner after he was touched by the story of Professor Chris O'Brien, whose goal was to develop a comprehensive cancer centre – while Professor O'Brien himself battled an aggressive brain tumor. Brooke Nicholson-Lake has paid her teachers at Hunter River High School the ultimate compliment by looking to pass on the support and encouragement she received to a new generation of students when she qualifies as a history teacher. Lauren Smith has chosen to study midwifery to emulate the care and compassion of the nurses at John Hunter Hospital.

As they take their inspiration to work towards their goals and achieve their ambitions, we in turn cannot help but be inspired by them. This is a group of people who are undeterred by hard work, who see adversities as challenges and setbacks as opportunities. In her application, Chere Lynn Holmes said she has learned that "no matter how many times I fail or didn't get the results I wanted, it is important to never give up trying to achieve your dream".

I hope that Port Stephens Council, in partnership with local businesses, will never give up supporting our talented young people in pursuit of their dreams. The Port Stephens Mayoral Academic Scholarships program is one that is dear to my heart and I commend and thank this year's sponsors – Weatherex, the Wests Group, Moonshadow Cruises and Port Stephens 4WD Tours, Hunter Land, Destination Port Stephens, Mack's Sand and Soil Supplies, Newcastle Airport, Tomago Aluminium and the YMCA Port Stephens for their involvement. This program is an investment not only in the future of the young people who receive the scholarships, but an investment in the future of our community. Because as we go about our day-to-day business, there is a multitude of young people right here in Port Stephens who are quietly and determinedly working towards making a difference to the world, and ultimately making our lives better.

Bruce MacKenzie
Mayor, Port Stephens

2014 Port Stephens Mayoral Academic Scholarships Honour Roll



William Reay
Bachelor of Medical Science (University of Newcastle)
All Saints College, St Mary's Campus, Maitland
A fascination with how the human body works inspired William to pursue a career in medical research and innovation, specialising in cancer research.



Brady Cooper
Bachelor of Information Technology (University of Newcastle)
All Saints College, St Mary's Campus, Maitland
Movie-editing, web design and animation are just some of the fields that Brady has set his sights on with a career in the IT industry.



Elizabeth Haynes
Bachelor of Speech Pathology (University of Newcastle)
Tomaree High School
The importance of communication to a person's wellbeing propelled Elizabeth's career choice, marrying her passion for children with a desire to help others.



Hayden Spearpoint
Bachelor of Medical Science (University of Sydney)
Hunter Valley Grammar School
With a long-held ambition to be a medical practitioner, Hayden has taken the first steps in 12 years of study to work in a "dynamic and diverse profession".



Cherelynn Holmes
Bachelor of Medical Science (University of Newcastle)
Newcastle Grammar School
Cherelynn's ambition to work as a pediatric surgeon was influenced by a love of working with children, and a desire to improve people's lives.



Lauren Smith
Bachelor of Midwifery (University of Newcastle)
Saint Francis Xavier's College
Inspired by the nurses and midwives at John Hunter Hospital, Lauren chose to pursue a career as a midwife to be part of the miracle of new life on a daily basis.



Brooke Nicholson-Lake
Bachelor of Teaching/Arts (University of Newcastle)
Hunter River High School
Brooke was inspired by her own teachers to become a history teacher in hope of impressing the same positive influence on a new generation of students.



Corinne Shields
Bachelor of Business/Arts (University of Sydney)
Hunter Valley Grammar School
While her organised and methodical nature led Corinne to pursue a career in business, she added a little flamboyance with an arts degree to master Spanish.





INFORMATION ITEM NO. 3

DESIGNATED PERSONS – PECUNIARY INTEREST

REPORT OF: PETER GESLING – GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2014-00081

BACKGROUND

The purpose of this report is to advise Council of the persons designated for the submissions of Pecuniary Interest Returns.

Councillors

Cr Bruce MacKenzie
Cr Geoffrey Dingle
Cr Christopher Doohan
Cr Sally Dover
Cr Kenneth Jordan
Cr Peter Kafer
Cr Paul Le Mottee
Cr John Morello
Cr John Nell
Cr Steve Tucker

General Manager's Office

General Manager
Executive Officer
Legal Services Manager

Corporate Services

Group Manager Corporate Services
Business Systems Support Section Manager
Business Development Manager
Contracts Coordinator
Financial Services Section Manager
Investment and Asset Manager
Organisation Development Section Manager
Property Development Coordinator
Property Officer
Property Services Section Manager
Facilities Coordinator
Land Acquisition and Development Manager

Development Services

Assistant Development Planner
Economic Development Manager
Building & Developer Relations Coordinator
Communicate Port Stephens Coordinator
Compliance Officer
Environmental Health & Compliance Coordinator
Natural Resources Coordinator (2)
Development Assessment & Compliance Section Manager
Development Planner (3)
Development Contributions Analyst
Communication Section Manager
Environmental Health Officer (2)
Environment Health & Compliance Project Officer
Environmental Health Team Leader
Environmental Officer
Group Manager Development Services
Health & Building Surveyor (5)
Major Project Liaison
Planning & Developer Relations Coordinator
Planning - Customer Service
Principal Strategic Planner
Ranger (4)
Ranger Contract
Ranger Team Leader and Compliance
Senior Building Surveyor (2)
Senior Development Planner (3)
Senior Environmental Health Officer
Senior Health & Building Surveyor Fire Safety
Senior Ranger
Senior Strategic Planner (2)
Senior Social Planning Officer
Strategy & Environment Section Manager
Strategic Planner (3)
Strategic Planning Coordinator
Tourism & Events Coordinator
Trainee Building Surveyor
Vegetation Management Officer
Waste Compliance and Strategy Coordinator

Facilities & Services

Capital Works Manager
Childrens' Services Coordinator
Civil Assets Engineer
Civil Assets Section Manager
Community & Recreation Assets Coordinator

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Community & Recreation Coordinator
Community & Recreation Services Manager
Community Options Coordinator (2)
Coordinator - Construction
Coordinator - Construction (Acting)
Coordinator - Parks – East
Coordinator - Parks – West
Coordinator – Roads
Coordinator - Roadside & Drainage – East
Coordinator - Roadside & Drainage – West
Design & Project Development Engineer
Development Engineer (2)
Development Engineering Coordinator
Drainage and Flooding Coordinator
Facilities & Services Officer
Fleet & Depot Services Coordinator
Fleet Management Supervisor
Group Manager Facilities & Services
Library Services Manager
Operations Section Manager
Parks & Waterways Officer
Public Domain and Services Manager
Project Manager Civil/Landscape
Senior Development Engineer
Strategic & Projects Management Engineer
Student Development Engineer
Transport Project Officer
Waste Management Coordinator

ATTACHMENTS

Nil.

GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1

FILE NO: PSC2014-01452

REPEALED SECTION 94 FUNDS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the additional of Repealed Section 94 funds as shown in **(ATTACHMENT 1)** in accordance with the categories outlined in the report.

ORDINARY COUNCIL MEETING –10 JUNE 2014

MOTION

145	<p>Councillor John Nell Councillor Sally Dover</p>
	<p>It was resolved that Council adopt the additional of Repealed Section 94 funds as shown in (ATTACHMENT 1) in accordance with the categories outlined in the report.</p>

BACKGROUND

The purpose of this report is to respond to Council's resolution of 13 August 2013. Councillors from each Ward have been consulted with in the development the list at **(ATTACHMENT 1)**.

Before the release of funds can occur Council is required to undertake a number of steps in accordance with the Local Government Act 1993, which include public exhibition of the proposals to ensure compliance with the Integrated Planning and Reporting requirements.

The proposals listed at **(ATTACHMENT 1)** are classified into four (4) categories:

- A. Capital works within the existing Council's Asset Management Plan "Works Program".
- B. Capital works not in the current Council's Asset Management Plan "Works Program".
- C. Expenditure (donations) on private assets to "not for profit" organisations: and
- D. Expenditure (donation) to an individual.

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Most of the items are not within the existing Works Program and will require exhibition and consideration of any submissions. A few items are proposing expenditure on non-Council assets or to individuals in the community.

Council may make donations to "not for profit" organisations and has adopted the financial assistance policy to guide such donations which limits community assistance to a maximum of \$2000 and capacity building grants to a maximum of \$10,000.

All expenditure on capital assets have to be placed on public exhibitions and written submissions sought. If a project is not in the Integrated Program, it must be separately exhibited after a resolution to add them to the Integrated Program.

ATTACHMENT 1 provides a full list of proposals which total \$300,000. Each of the identified categories result in different actions to achieve the proposed contribution:

- A) Within the existing Works Program; a resolution by Council with inclusion in the next budget review with works able to be scheduled at the next Facilities and Services quarterly meeting in July 2014.
- B) Not in the current Works Program , a resolution by council, public exhibition for 28 days, consideration of submissions, resolution to proceed or not to proceed, and if proceeding inclusion in the next budget review, estimated November 2014 with works scheduled in the next Facilities & Services quarterly meeting in October 2014.
- C) Expenditure on private assets; a resolution by Council and payment of relevant finance to identified "not for profit" organisations.
- D) Expenditure to individual: resolution of Council, exhibition for 28 days, consideration of submissions, resolution to proceed or not to proceed and if proceeding include in the next budget review. Estimated November 2014.

FINANCIAL/RESOURCE IMPLICATIONS

The funds will be sourced from Repealed Section 94 funds.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	Yes	300,000	Repealed funds
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to comply with the Local Government Act 1993 and ensure proposals are placed on public exhibition for a period of 28 days.

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Council's Section 94 Plans collects funds for road works, parks and reserves, cultural and community services and facilities, emergency services, drainage and civic administration.

Donations to private individuals can arouse concerns of precedent, equity and probity. In the last reallocation of repealed funds, a private donation to a preschool was supported by Council, but did not proceed with the funding retained by Council. Donations to individuals have occurred, from other funding sources, after exhibition and consideration of submissions, but to date only for support of sporting or cultural endeavours.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Local Government Act 1993, if public exhibition does not occur.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Most of the proposals provide a benefit to the ratepayer where the funds have been allocated to the Council's Works Program.

CONSULTATION

- 1) Mayor;
- 2) All Councillors.

OPTIONS

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

ATTACHMENTS

- 1) Listing of proposed expenditure

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Ward	Project	Cost \$	Comments	Classification (see discussion paper)
East Ward	Nelson Bay Road Cycleway: Contribution to construction costs	\$30,000	There are two projects currently on exhibition that could be this project and could be brought forward. These are 2016/17 Shared path at Tomaree Sports Complex (\$200,000); 2022/23 Shared path Nelson Bay Road: Frost Road to Salamander Way.	A
East Ward	Corlette Parks and Reserves Committee: Contribution to Committee's parks projects.	\$15,000	There are three projects on exhibition currently: 2014/15 rehabilitation of sewer at Corlette Hall (\$6,250); 2015/16 replace pavers with concrete at Corlette Hall (\$20,000); 2016/17 Corlette Hall replace playground (\$50,000). The funds could be applied to any of these projects. Note that there are no projects related to Parks/Reserve assets that involve the Corlette committee currently on exhibition.	A or B
East Ward	Little Beach - installation of park furniture.	\$15,000	There is no project on exhibition that would equate to this item so it would need to be exhibited. An alternative could be to contribute to the annual removal of sand from Little Beach boat ramp (\$45,000). Or bring forward from 2016/17: repaint handrails and replace decking and girders on the disabled jetty (\$15,000).	A
East Ward	Nelson Bay town centre - replacement of street furniture.	\$10,000	There is nothing currently on exhibition that could be equated with this so it would need to be exhibited.	B
East Ward	Tomaree Street - construction of a footpath.	\$20,000	There is nothing currently on exhibition that could be equated with this so it would need to be exhibited.	B
East Ward	Nelson Bay Skate Park - expansion	\$10,000	There is nothing currently on exhibition that could be equated with this so it would need to be exhibited.	B

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Central Ward	Medowie Community Centre: contribution to solar panel system.	\$2,000	There is one project on exhibition: 2017/18 Energy efficiency projects at various sites. That would probably cover this proposed project. Perhaps requires a change to the list of projects to bring it forward. The total sum allowed for Community Hall assets is \$11,000.	A
Central Ward	Coachwood Reserve: dog off leash park.	\$15,000	There is nothing currently on exhibition that could be equated with this so it would need to be exhibited.	B
Central Ward	Fern Bay Hall: contribution to window replacement.	\$8,000	There is no project on exhibition for window replacement. However there is on exhibition a project for internal painting of the hall in 2021/22 (\$8,500) that would be an alternative and could possibly be brought forward. Otherwise this will need to be exhibited and the source of the rest of the funds identified.	A
Central Ward	Tilligerry Tidy Towns: Tanilba Bay Boardwalk Extension.	\$7,000	There is a project on exhibition: 2017/18 to replace the timber on this Boardwalk (\$8,000). This could possibly be brought forward. There is no project for extension of the Boardwalk so it would need to go on exhibition.	A
Central Ward	Tanilba Bay Sailing Club: sealing of entrance way.	\$3,000	There are other, larger projects related to the facility currently on exhibition. If this proposed project is to go ahead it will need to be placed on public exhibition.	B
Central Ward	Lemon Tree Passage Old School Centre: fit out sewing room.	\$5,000	There are eight largish projects on exhibition however none relate to this proposed project. It would need to go on exhibition.	B
Central Ward	Lemon Tree Passage Road: roundabout landscaping upgrade.	\$1,500	There is nothing currently on exhibition that could be equated with this so it would need to be exhibited.	B

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Central Ward	Yulong Oval: public address system	\$5,000	There is no project on exhibition for this sports asset that equates to this proposed project so it will have to be exhibited publicly. (Note - if the pa system is to be provided for the football and cricket clubs' exclusive use then it might not be a council asset but rather a donation to those clubs: either way it needs to be exhibited).	B
Central Ward	Ferodale Oval: air conditioning for function room.	\$5,000	There is one project on exhibition: 2017/18 Ferodale Sports Complex: installation of stair access to fields and footpath. However there is nothing regarding the function room so this needs to be placed on exhibition.	B
Central Ward	Medowie & District Tennis Club: signage	\$1,000	There are four large projects scheduled in 2022/23 for this asset which could incorporate signage. However as a stand alone proposed project it will require to be exhibited.	A
Central Ward	Fern Bay Parks and Reserves	\$500	The proposal is for purchase of materials for the park: depending on what the purchase comprises (ie asset or maintenance) this would come under S406 or S356 of the LG Act. If an asset it should be exhibited publicly.	A
Central Ward	Medowie Tidy Towns	\$500	The proposal is for purchase of materials for the park: depending on what the purchase comprises (ie asset or maintenance) this would come under S406 or S356 of the LG Act. If an asset it should be exhibited publicly.	A
Central Ward	Mallabula Parks and Reserves	\$500	The proposal is for purchase of materials for the park: depending on what the purchase comprises (ie asset or maintenance) this would come under S406 or S356 of the LG Act. If an asset it should be exhibited publicly.	A
Central Ward	Anna Bay Parks and Reserves	\$500	The proposal is for purchase of materials for the park: depending on what the purchase comprises (ie asset or maintenance) this would come under S406 or S356 of the LG Act. If an asset it should be exhibited publicly.	A

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Central Ward	Lemon Tree Passage Parks and Reserves	\$500	The proposal is for purchase of materials for the park: depending on what the purchase comprises (ie asset or maintenance) this would come under S406 or S356 of the LG Act. If an asset it should be exhibited publicly.	A
Central Ward	Boyd Oval (Medowie Rugby Club): repaint with members to do the work.	\$,1,000	There is a project on exhibition to replace the amenities building (\$500,000) in 2021/22 but there is nothing that could equate to this proposal. So it needs to go on exhibition - it is not an S356 donation because it is maintenance of a council asset.	B
Central Ward	Ferodale Oval: spectator seating for netball courts	\$1,000	There are no projects on exhibition that would equate to this proposal so will require exhibition.	B
Central Ward	Medowie Skate Park: purchase of bubbler/ fountain.	\$900	This is within the bounds of the Financial Assistance policy and meets CSP Goal 5.1 <i>Young people have safe and appropriate places to learn, develop and interact.</i> This project is required to be acquitted and the source of the balance of the project funding if any, identified.	B
Central Ward	Fighter World: tree replacement project.	\$2,000	This is within the bounds of the Financial Assistance policy and meets CSP Goal 9.1 <i>Manager the natural environment for existing and future generations.</i> This project is required to be acquitted and the source of the balance of the project funding if any, identified.	C
Central Ward	Birubi Point Surf Club: purchase a flammable locker.	\$1,600	Assuming that this is a purchase for the purposes of enhancing public safety and is a proposed donation to fund in whole or in part this purchase, then it is within the bounds of the Financial Assistance Policy and contributes to CSP Goal 1.1 <i>Port Stephens is a community where people feel safe.</i> The project is required to be acquitted and the source of the balance of the funding, if any, identified.	C

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Central Ward	Bayway Village Mens' Shed Fern Bay: fitout of the new shed.	\$1,000	This is within the bounds of the Financial Assistance policy and is a proposed donation to fund in whole or in part the fitout. It contributes to CSP Goal 2.1 <i>Improve facilities and services for an ageing population</i> . The project is required to be acquitted and the source of the balance of the funding, if any, identified.	C
Central Ward	Kindlebark Oval Medowie Little Athletics: replace or improve equipment.	\$1,500	Although Kindlebark Oval is a council asset, this appears to be a proposed donation to the Little Athletics. As such it meets the Financial Assistance policy requirements and contributes to CSP Goal 4.1 <i>Children have safe places to play, learn and grow</i> . The project is required to be acquitted and the source of the balance of the funding, if any, identified.	C
Central Ward	Sailability: contribution to the disabled sailing programme.	\$1,000	This is within the bounds of the Financial Assistance policy and is a proposed donation to fund in whole or in part the fitout. It contributes to CSP Goal 3.1 <i>Improve the built environment, advocate and provide services for people with disabilities</i> . The project is required to be acquitted and the source of the balance of the funding, if any, identified. NOTE: Council provides other support for this programme.	C
Central Ward	Performability Dance Group: accessible dance equipment.	\$1,500	As for the previous project although Council does not otherwise contribute to this group.	D
Central Ward	Tilligerry Youth Centre: contribution to Skate Park improvements.	\$5,000	This is within the bounds of the Financial Assistance policy and meets CSP Goal 5.1 <i>Young people have safe and appropriate places to learn, develop and interact</i> . This project is required to be acquitted and the source of the balance of the project funding identified.	B

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Central Ward	Fighter World: contribution to mounting of sabre jet.	\$2,500	This is within the bounds of the Financial Assistance policy and may be considered to contribute to CSP Goal 7.1 <i>Port Stephens has a vibrant cultural life</i> . This project is required to be acquitted and the source of the balance of the project funding identified.	C
Central Ward	Medowie Anglican Church: contribution to community garden.	\$1,000	This is within the bounds of the Financial Assistance policy and may be considered to contribute to CSP Goal 8.1 <i>Provide passive and active recreation and leisure services and facilities</i> . This project is required to be acquitted and the source of the balance of the project funding identified.	C
Central Ward	Henderson Park: irrigation.	\$17,000	There is a project on exhibition currently that relates to the public amenities: 2015/16 internal/external painting and repairs, replace stormwater and repair paths. The proposed expenditure could be redirected to fund this project; or Council when considering submissions at its May meeting, amend the description and amount and add to this project; otherwise it will require to be placed on public exhibition.	B
West Ward	Boomerang Park: construction of fitness trail.	\$11,500	There is no project on exhibition that would equate to this proposed project so it will need to be exhibited.	B
West Ward	Seaham Park: irrigation system for trees	\$4,000	There is no project on exhibition that would equate to this proposed project so it will need to be exhibited.	B
West Ward	Brandon Park: construct cricket net.	\$6,000	There are four projects for this asset currently on exhibition. The only one related to cricket is in 206/17 to replace the cricket sight board (\$5,000). Unless funds were redirected to this project and it was brought forward, then the proposed net construction would require to be placed on exhibition.	A

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West Ward	Raymond Terrace Men's Shed: contribution to construction of the new facility.	\$11,000	This is outside policy as the maximum amount under the Financial Assistance policy is \$5,000. The proposal does contribute to CSP Goal 2.1 <i>Improve facilities and services for an ageing population</i> . This proposal would be required to be placed on public exhibition as a special resolution of Council. The project would be required to be acquitted and the balance of the project funding identified. Alternatively the quantum could be reduced to comply with Council's policy.	B
West Ward	Ross Walridge Reserve: clean up vegetation to improve access.	\$5,000	There is no project on exhibition that would equate to this proposed project so it will need to be exhibited.	A
West Ward	Hinton Foreshore: installation of three picnic tables.	\$2,000	IF this is Riverside Park at Hinton, then it will need to be exhibited as there is nothing currently on exhibition.	B
West Ward	Kuppoondee Men's Group: contribution to works in local Aboriginal community.	\$5,500	This is proposed donation fits within the bounds of the Financial Assistance policy and contributes to Delivery Program Objective 7.1.1 <i>Plan for and promote multiculturalism and Port Stephens' heritage, arts and culture</i> . The funding would be required to be acquitted. This proposal may work better through the provisions of Council's Aboriginal Project Fund.	C

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West Ward	Donation to Mem Hockley as a contribution to her work in the local community.	\$1,000	This proposed donation falls within but does not meet the provisions of Section 356 (2) and (3): <i>A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.</i> (3) <i>However, public notice is not required if:(a) the financial assistance is part of a specific program, and(b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and(c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and(d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.</i> The attribution as it currently stands has the potential to create a precedent as there are many members of the community who make significant contributions to the local community and would, under section 356 (3)(d) be entitled to similar funding.	D
West Ward	Seaham Scouts: contribution to works on the Scouts' Shed.	\$5,000	This is within the bounds of the Financial Assistance policy and meets CSP Goal 5.1 <i>Young people have safe and appropriate places to learn, develop and interact.</i> This project is required to be acquitted and the source of the balance of the project funding identified.	C
West Ward	Hinton Foreshore: replace fence.	\$4,000	This is a complex proposal: the fence is privately owned and abuts the foreshore which belongs to Council. However the owners of the fence refuse to cover the full cost to fix what is apparently an eyesore. It appears to fall within Section 356 (2) and requires to be exhibited for a period of 28 days; and under Council's Financial Assistance policy it would require to be acquitted and the source of the balance of the project funding identified.	B

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West Ward	Raymond Terrace town centre: contribution to banner poles.	\$11,000	There were two items: retro fitting of light poles in Raymond Terrace (\$30,000) and removal of dangerous trees (\$20,000). Both these items have already been exhibited but not reported to Council. A submission objecting to the expenditure of repealed funds in this manner has been received. The expenditure is outside the Financial Assistance policy maximum amount and as it forms part of a larger project expenditure would require to be considered separately by Council.	A
West Ward	Woodville Hall: patch and repaint hall interior.	\$30,000	This hall is not a Council asset and is privately held. It is outside the Financial Assistance policy maximum amount. It does fall under the provisions of Section 356 (2) and (3) and would require a special resolution of Council and public exhibition. It may also set a precedent for other privately-held assets.	C
West Ward	Karuah Progress Association: contribution to projects.	\$4,000	This falls within the specified amounts in Council's Financial Assistance policy. However as the projects are unspecified it is difficult to assess whether or not the proposal contributes to the CSP. In any case it would be required to be acquitted and details of projects and other funding if any, supplied.	A or B
TOTAL		\$300,000		

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 [TBA]

INSTALLATION OF TRAFFIC LIGHT - TOWN CIRCUIT AND BAGNALL BEACH ROAD, SALAMANDER BAY

COUNCILLORS: JOHN NELL, SALLY DOVER AND JOHN MORELLO

THAT COUNCIL:

- 1) Install traffic light with pedestrian crossing at the intersection of Town Circuit and Bagnall Beach Road, Salamander Bay;
- 2) That the installation of the lights be funded from future Salamander Commercial Land Sales.

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MOTION

	<p>Councillor John Nell Councillor Sally Dover</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Install traffic light with pedestrian crossing at the intersection of Town Circuit and Bagnall Beach Road, Salamander Bay; 2) That the installation of the lights be funded from future Salamander Commercial Land Sales.

AMENDMENT

146	<p>Councillor Steve Tucker Councillor John Nell</p>
	<p>It was resolved that Council request the General Manager to arrange for the Traffic Engineer to meet with the P&C and concerned residents to investigate options to alleviate pedestrian/traffic conflicts in Bagnalls Beach Road, Salamander Bay.</p>

The amendment on being put became the motion which was carried.

BACKGROUND REPORT OF: CARMEL FOSTER – PROPERTY SERVICES MANAGER

BACKGROUND

Development consent was approved on 23 April 2013 for a three lot subdivision of Lot 284 DP806310 at 155 Salamander Way, Salamander Bay – DA 16-2012-720-1. As part of the approval for the subdivisional works the Council has issued Condition of Consent. One of the conditions of consent requires Council to install traffic lights at the intersection of Town Centre Circuit and Bagnalls Beach Road. There are however additional works that will be required as part of the installation of the traffic lights which are detailed below.

- Installation of traffic lights at the intersection of Town Centre Circuit and Bagnall Beach Road.
- Installation of 3 pedestrian crossings and associated pram ramps at this intersection.
- Reduction of medians on north and south side of the existing intersection.
- Remove power pole adjacent to McDonalds and undergrown power from eastern side of Bagnall Beach Road.
- Construct 90 metre left turn lane on southern end of Bagnall Beach Road.
- Construct shared footpath adjacent to left turn lane.
- Widening of Town Centre Circuit to 4 lanes from Bagnall Beach Road to the existing roundabout.
- Installation of shared footpath on the northern side of Town Centre Circuit.
- Increase the length of the right turn lane for approximately 180 metres on northern end of Bagnall Beach Road.
- Construct a shared footpath on the western side of Bagnall Beach Road from Town Centre Circuit to Sandy Point Road roundabout.
- Construct left turn lane on western side of Bagnall Beach Road to connect with new road, Central Avenue, adjacent to the southern side of the existing Rigby Centre.
- Relocate a number of existing street lights in the median on the northern section of Bagnall Beach Road.
- Provide landscaping as per the approved landscape plans.
- Provide all signage and line marking in accordance with the approved plans.

A cost estimate for all of the above works has been extracted from the tender documents recently received for the entire subdivision works. It is estimated that all external works including landscaping would be circa \$750K. It is Council's intention to

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fund infrastructure works for the subdivision from any sale proceeds from Lots 1 and 2. Council is currently preparing documents for the Request for Proposal process for Lots 1 and 2.

There being no further business the meeting closed at 7.07pm.

I certify that pages 1 to 110 of the Open Ordinary Minutes of Council 10 June 2014 were confirmed by Council at its meeting held on 24 June 2014.

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Bruce MacKenzie
MAYOR