

MINUTES 26 AUGUST 2014



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 26 August 2014, commencing at 5.31pm.

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

216	Councillor John Nell Councillor Geoff Dingle
	It was resolved that the apology from Councillor Peter Kafer be received and noted.
217	Councillor Sally Dover Councillor Ken Jordan
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 12 August 2014 be confirmed.
	There were no Declaration of Interest received.

INDEX

SUBJECT	PAGE NO
---------	---------

COUNCIL REPORTS	3
------------------------------	----------

1. DEVELOPMENT APPLICATION FOR STORAGE SHED AT NO. 69 FRANCIS AVE LEMON TREE PASSAGE.....	4
2. DEVELOPMENT APPLICATION FOR AN EARTH MOUND, SINGLE STOREY DWELLING AND FARM SHED AT LOT: 31 DP: 609041 NO. 218 SEAHAM ROAD, NELSONS PLAINS14	
3. DEVELOPMENT APPLICATION FOR AN EARTH MOUND, SINGLE STOREY DWELLING AND FARM SHED AT LOT 1 DP 194703 NO. 306 SEAHAM ROAD NELSONS PLAINS...	26
4. DEVELOPMENT APPLICATION FOR CARAVAN PARK AT NO. 4011 NELSON BAY ROAD, BOBS FARM.....	38
5. FEASIBILITY STUDY FOR A COMMUNITY EDUCATION SPACE IN RAYMOND TERRACE77	
6. POLICY REVIEW: MOBILE FOOD VEHICLES	85
7. POLICY: CHILD PROTECTION.....	115
8. POLICY: CASH HANDLING.....	120
9. 2014 CUSTOMER SATISFACTION SURVEY.....	126
10. POLICY REVIEW: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS	130
11. COMMUNITY GRANTS JULY 2014 – FINANCIAL ASSISTANCE	163
12. LOCAL GOVERNMENT NSW CONFERENCE – COFFS HARBOUR – 19-21 OCTOBER 2014.....	171
13. INFORMATION PAPERS.....	183

INFORMATION PAPERS	184
---------------------------------	------------

1. PROVISION & MANAGEMENT OF COUNCIL'S ANIMAL IMPOUNDMENT FACILITIES	185
2. CASH AND INVESTMENTS HELD AT 31 JULY 2014	186
3. DESIGNATED PERSONS – PECUNIARY INTEREST	190

COUNCIL REPORTS

ITEM NO. 1**FILE NO: 16-2014-41-1****DEVELOPMENT APPLICATION FOR STORAGE SHED AT NO. 69 FRANCIS AVE LEMON TREE PASSAGE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-41-1 for a Storage Shed at No. 69 Francis Avenue Lemon Tree Passage for the following reason:
- a) The development is inconsistent with the objectives of the 2 (a) Residential "A" Zone of Port Stephens Environmental Plan 2000, in regards to design, density, associated land use and is out of character with the immediate landscape and does not maintain an acceptable level of visual amenity.
 - b) The development does not comply with the following clauses of Port Stephens Councils Development Control Plan; Section 4.4- Setbacks; minimum front setback to garages 5.5m, be sympathetic to existing streetscape character and Section 6; side boundary setback of 900mm and a maximum height of 3.6m.

NOTE: This report was considered by Council at its meeting of 12 August 2014 which resulted in the adoption the recommendation with the incorrect development application included in the resolution. Council is asked to correct the resolution by adopting the above recommendation to allow the determination to be provided to the applicant.

**ORDINARY COUNCIL MEETING – 26 AUGUST 2014
MOTION**

218	Councillor Steve Tucker Councillor John Nell
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor Steve Tucker
	That Council defer Item 1 - Development Application 16-2014-41-1 for a Storage Shed at No. 69 Francis Avenue Lemon Tree Passage to allow for a site inspection.

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

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

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

Those against the Motion: Geoff Dingle.

MOTION

220	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council defer Item 1 - Development Application 16-2014-41-1 for a Storage Shed at No. 69 Francis Avenue Lemon Tree Passage to allow for a site inspection.

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

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

Those against the Motion: Geoff Dingle.

BACKGROUND

In accordance with the resolution of Councils meeting of 24 June 2014 a site meeting was organised and undertaken on 14 July 2014.

The meeting consisted of general discussions around the design parameters of the structure and the appropriate controls and side boundary setbacks from Councils development control plan. It was clarified on site, the approximate location of the applicant's side boundary in relation to the front of the subject shed (approximately 2m west from the location of the current fence/front of the shed) and the subsequent location of the open swale type drain diverting cross flow stormwater into Councils stormwater system. The remainder of the report and the recommendation remain the same.

The purpose of this report is to present a development application to Council for determination. The application was called to Council by Mayor MacKenzie.

Consent has been sought for the ongoing use of storage shed on Lot 74 DP: 214619, 69 Francis Ave Lemon Tree Passage. The subject site is zoned 2(a) – Residential Zone “A” which is described in Port Stephens Local Environment Plan 2000 (LEP). The application was lodged prior to LEP2013 being in force and subsequently the application has been primarily assessed under the objectives of LEP2000.

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

The applicant has constructed the storage shed to completion, including a concrete floor slab without seeking prior consent for the works.

The unauthorised works were originally referred to Council's Compliance Officer through Council's CRM system after a motorist had lodged a complaint about the bulk and scale and general size of the structure, its location in respect to the property boundary and the vehicular safe sight distances at the intersection of Moreton and Frances Ave Lemon Tree Passage.

In the context of the compliance investigation it was noted that the structural frame at the corner of the shed had been erected 0.15m from the boundary to an eave height of approximately 3.5 metres and ridge height of approximately 3.85 metres. The garage is noted as 10.4 metres in length with a width of 3.9 metres. This results in a floor area of 40.56 square metres.

A meeting with the owner and Council staff occurred on 10 October 2013 at this meeting the owner was advised that due to the large departures from Council development controls it would be unlikely to be supported by staff in its current form if an application had been lodged prior to the works being undertaken. During the meeting the owner advised that they would lodge an application seeking consent for the ongoing use of the structure. Council cannot retrospectively approve the structure however can approve its ongoing use in its current or a redesigned form.

A development application was received by Council for use the ongoing use of the structure. No other applications exist in relation to this particular development.

In assessment of this application it was determined that the built structure exceeds the scope of variation that might normally be applied to such a structure and in respect to its location coupled with its bulk and scale, officers have recommended that the structure is not suitable nor appropriate in the immediate location.

Given the bulk and scale of the unauthorised structure and its proximity to the property boundary it is considered to have an unacceptable environmental impact on the streetscape character of the area and an adverse impact upon the amenity of the streetscape in the immediate vicinity.

The owner has been advised in writing 11 March 2014 that the application as submitted is unlikely to be supported and was given the opportunity to redesign of the current proposal to bring it into line with more conventional dimensions and boundary setback of private residential sheds in close proximity to boundaries and traffic areas. Likely acceptable dimensions would be in the form of a carport with open sides and a maximum height of 3.6m to the ridge. It is however acknowledged that redesign is difficult as the structure has been completed.

If the applicant chooses to amend the design to a more appropriate design for the location they have been advised to provide amended plans showing the conversion to a carport and subsequently seek development consent and apply for a construction certificate for the amended building work. The applicant has indicated

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

that they do not wish to modify the design any further and would like Council to determine the application as submitted.

The following table outlines the key departures of the existing structure from Councils DCP.

DCP 2013 Control	Actual	Complies
Maximum Floor Area 72sq.m	40.5sq.m	Yes
Maximum Height 3.6m	3.85m	No
Front Setback (not less than 4.5m) plus additional 1m setback for a garage	1.35m	No
Side and Rear Setback 900mm	Varies from 150mm to approx. 2.0m	No

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications for Council resulting from the recommendation of this report.

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

LEGAL AND POLICY IMPLICATIONS

The development application is not consistent with Council's Local Environmental Plans and local policy including Development Control Plan 2007.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the Applicant may appeal against refusal.	Medium	Adopt recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is considered that there are potential economic impacts on adjoining property values given the location of the shed as it is considered to be out of character with

the immediate streetscape and does not maintain an acceptable level of visual amenity for the immediate community in regards to its bulk and overall scale within the front boundary setback and located in a prominent corner location.

There are positive social and economic impacts for the property owner if Council approve the ongoing use of the shed, as they won't have to modify the structure at a cost.

CONSULTATION

The application was advertised and notified in accordance with standard procedures and no submissions were received.

Assessment staff discussed the application with neighbours who raised no concerns with the structure.

OPTIONS

- 1) Adopt the recommendation and refuse the ongoing use of the structure (resulting in a demolition order);
- 2) Amend the recommendation and discuss options to minimise the streetscape impact with the applicant;
- 3) Refuse the recommendation and accept the "as built" structure.

ATTACHMENTS

- 1) Locality Plan;
- 2) Assessment;
- 3) Conditions of consent.

COUNCILLORS ROOM

- 1) A copy of the submitted plans and documentation.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Locality Plan



ATTACHMENT 2

Assessment

Report to Development Assessment Panel

Date: 17th February 2014

File No: 16-2014-41-1

Address: Lot 74 69 Francis Ave Lemon Tree Passage

Proposal: Storage shed.

Council is in receipt of a Development Application to approve the use of a storage shed erected without approval at the above mentioned allotment.

The site has a slight slope/ gradient towards to front of the allotment and a stormwater open drain running parallel on Morton St. The plans are been advertised in accordance with Port Stephens Development Control 2007 Policy.



Shed height
exceeds max
height by 285mm



Shed is located on the side boundary at rear.
Shed is located approx. 2.0m from side boundary at front.



The Location of the shed encroaches building line front setback by 2.65m, side setback and height are non-compliant with the Port Stephens DCP 2013.

The application does not comply with the following DCP controls

- B6 Cl. 4.4.1- Minimum setback of 4.5m
- B6 Cl. 6.2- Maximum height of 3.6m
- Minimum boundary setback of 900mm

Discussed with the applicant that Council would accept some variations to the current design; namely the reduction of bulk for the front half of the structure by changing to a carport and maintaining sight lines through the corner and would have the added benefit of reduction of the bulk of the structure that projects forward of the building line. These are the fundamental design changes we would have requested had this application been presented prior to construction.

The applicant has chosen not to amend his design and has requested the application of the as-built structure be determined by the elected Council.

ATTACHMENT 3

Conditions of consent

1. Development consent is granted for the ongoing use only; of the garage as indicated on the site plan and supporting documents with this application on Lot74 DP:214619 69 Francis Avenue Lemon Tree Passage.
2. The development has not been assessed against the provisions of the Building Code of Australia. An application under the Environmental Planning and Assessment Act 1979 may be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

ITEM NO. 2

FILE NO: 16-2014-122-1

DEVELOPMENT APPLICATION FOR AN EARTH MOUND, SINGLE STOREY DWELLING AND FARM SHED AT LOT: 31 DP: 609041 NO. 218 SEAHAM ROAD, NELSONS PLAINS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed subject to the following:
 - a. The subject land is located entirely in the Floodway and Excessive Depth Floodplain Management Zone. Due to the risk associated with velocities and/or depth which pose a risk to structures and/or the safety of persons the land is deemed unsuitable for residential development;
 - b. The development is inconsistent with the provisions of Port Stephens Local Environmental Plan 2013, in particular the objectives and planning considerations for development on flood prone land;
 - c. The development is considered an inappropriate land use under the NSW Floodplain Development Manual 2005;
 - d. The proposal is inconsistent with the following best practice guidelines for floodplain management: Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000);
 - e. It is inappropriate to place additional dwelling houses in high risk flood areas and placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.

**ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Chris Doohan
	That Council approve the Development Application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed at Lot: 31 DP: 609041 No. 218 Seaham Road, Nelsons Plains subject to the conditions contained in (ATTACHMENT 3) .

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

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

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

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

MOTION

221	Councillor Paul Le Mottee Councillor Chris Doohan
	It was resolved that Council approve the Development Application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed at Lot: 31 DP: 609041 No. 218 Seaham Road, Nelsons Plains subject to the conditions contained in (ATTACHMENT 3) .

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

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

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

BACKGROUND

The purpose of this report is to present a development application to Council for determination. The application has been called to Council by Cr. Le Mottee on the basis that there have been inconsistent determinations by staff in relation to dwellings in flood prone areas.

The proposal went before the Ordinary Council Meeting held the 12th August 2014 where by the Council Committee resolved "*that Council be provided with possible conditions of consent for the development application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed at the next Ordinary Council meeting held 26th August 2014*". Staff recommendations will stay the same.

It is acknowledged merit assessments have occurred for various developments on flood prone land. With such merit assessments no two situations are identical and variations can occur. Reference is made to the notice of motion at the June 2014 Council meeting where a policy is being developed to assist in this regard. This application needs to be assessed against the current legislation at that point in time. Apart from flooding issues there are no concerns regarding the proposed building designs.

The proposal is for the construction of a 4 bedroom dwelling, farm shed and associated earth mound at Lot 31 DP 609041 No.218 Seaham Rd, Nelsons Plains. The dwelling is a single storey structure with a wraparound veranda having a total

footprint of 355m². The associated shed would be 220m² with a height of 5.88m. The earth mound, dwelling and shed are located approximately 90m from the banks of the Williams River and 410m from Seaham Rd.

An existing approval was granted in 1998 for a cattle refuge mound which has been constructed. Based on the proposed flood planning level (FPL) of 5.3m AHD the applicant intends to increase the mound sizes from the original approval by an additional 2700m³ of VENM fill. Although this amount would be increased to approximately 3,700m³ if the development is constructed in accordance with the flood engineers FPL requirements below.

The existing site levels average at 1.1 to 1.2 AHD (±150mm), the required flood planning level for the site is 5.6m AHD(5.1m 2050 1% AEP + 500mm) referenced from the Williamstown Salt Ash Flood Study Review (2012) which provides the most current and accurate flood study information for this area. This will require approximately 4.5m of fill to achieve that level. The location of the mound should not be affected in the events up to the 10% AEP although may become isolated in larger events including the 5% AEP severing access to and from Seaham Rd.

Current mapping locates the development within a designated Floodway zone, the Floodplain Risk Management Guideline (NSW Department of Environment and Climate Change, 2007) states that "Floodway's are generally areas where development is undesirable due to:

- The potential to redirect flows;
- The level of potential danger to personal safety;
- Significant financial losses due to potential damage".

Additionally a draft version of an update to the above policy (Areas Affected by Flooding and/or Inundation Policy) in addition to the statements above also includes the following statement:

- "Development within areas designated as floodway is not permitted."

*(Refer to Council's Flooding Report in **(COUNCILLOR ROOM ITEM 1)** for full details for the above)*

The property is classified as a "Low Flood Island" in terms of Emergency Response Planning Classification of Communities as it will be surrounded by floodwaters in minor and major flooding and potentially inundated in times of extreme flooding. If floodwater continues to rise after it is isolated, the island/fill mound will eventually be completely covered leaving people stranded on the property.

*(Refer to Council's Flooding Report in **(COUNCILLOR ROOM ITEM 1)** for full details for the above)*

The Statement of Environmental Effects references a draft flood evacuation plan to be implemented when major flooding events are predicted. The intention of the

plan would be to provide advanced warning to occupants for when an event may lead to isolation although offers no mitigation measure for the direct impacts the flood will have on the property. In this scenario the mound could be used as a refuge or alternatively evacuate the site if possible. No draft evacuation plan was submitted with application to support the assessment.

The subject site requires an onsite sewer management system (OSMS) as it is not serviced by the Hunter Water Corporation. The site is classified as a high hazard according to the Port Stephens Council OSMS hazard classifications maps although due to the following factors it is understood that a suitable system could be provided to service the dwelling;

- Property is a large lot size,
- Sufficient land is provided on the proposed earth mound at a adequate height to accommodate a system,
- Is not a subdivision thus not increasing property loadings,
- The density of waste systems in proximity to the property is very low.

The proposal is not consistent with Port Stephens Council Local Environmental Plan 2013 for development on flood prone land and the draft "Areas Affected by Flooding and/or Inundation Policy" in regards to the nature of flooding, social impacts and suitability of the land. *Refer to Council's Flooding Report in (COUNCILLOR ROOM ITEM 1) for assessment details of the above.*

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

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

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

A review of the assessment report and the Applicant's submission details that a decision contrary to the recommendation presents an unacceptable risk to Council as per Council's standard risk management matrix. These unacceptable risks relate to Council and the local community in respect to public safety, Council reputation and legal exposure.

The site of the approved mound (which was originally intended for animal refuge only) is not suitable for a dwelling. The entire lot is located in a floodway and therefore construction of a mound for residential purposes is not deemed appropriate for this site. This application is considered not suitable due to the exposure to risks associated with flooding as outlined in the flooding assessment detailed in **(COUNCILLOR ROOM ITEM 1)**, furthermore the development is not in accordance with Council's management plans and policies of Australian best practice for the management of floodplains.

FINANCIAL/RESOURCE IMPLICATIONS

The application could be potentially challenged in the Land and Environment Court. Defending Council's determination could have financial implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Development Application is not consistent with relevant Flood development guidelines, studies and planning instruments including but not limited to: EP&A Act 1979, PSC LEP 2000 & Draft 2013, Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000), NSW Floodplain Development Manual (NSW Department of Infrastructure, Planning and Natural Resources, 2005) and the Draft Port Stephens Council Areas Affected by Flooding and/or Inundation Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination may be challenged in the Land and Environment Court.	Medium	Determine the application against recommendations.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is inappropriate placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.

CONSULTATION

Consultation has been carried out as required by the development assessment process.

OPTIONS

- 1) Adopt the recommendations for refusal;
- 2) Approve the development adopting the Conditions of Consent (**ATTACHMENT 3**);

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

- 3) Approve the development amending the Conditions of Consent (**ATTACHMENT 3**).

ATTACHMENTS

- 1) Locality Plan;
- 2) Comments for further consideration;
- 3) Conditions of Consent.

COUNCILLORS ROOM

- 1) Assessment;
- 2) Drawings: HTP-1405-001-SHT1/3, HTP-1405-001-SHT3/3 Rev A;
- 3) Statement of Environmental Effects: Prepared by Hill Top Planners Pty Ltd March 2014.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Locality Plan



ATTACHMENT 2
COMMENTS FOR FURTHER CONSIDERATION

In the event of further consideration of this proposal (which is not recommended):

1. A geotechnical assessment on the mounds should be undertaken to ensure the mounds are able to withstand the hydrostatic etc forces that are likely to be exerted on the mounds during flooding. An assessment on the impact of planting trees and shrubs on the mound would be required and compliance with the outcomes from the report would have to be adhered to.
2. The proposed FFL (5.1m AHD) is not compliant with Council's current advice for the area which is a FPL of 5.6m AHD. Unless the proponent is able to provide previous written advice from Council of a different FPL for the site dated within the last 12 months, the advised FPL of 5.6m AHD should be adhered to.
3. The mound has been placed at a location of most flood risk within the lot and any future consideration should consider a different location on the lot;
 - Velocities in 1% AEP are up to 1.4m/s where other location on the lot have maximum velocities of 0.6m/s
 - Natural ground level is approximately 1.4m AHD (1% AEP depth approx. 3.3m) at the site of the mound, there is a location located more centrally on the lot which has levels between RL 2.0m and 2.5m AHD (1% AEP depth approx. 3.1m to 2.6m)
 - Access from the mound to Seaham Road is approximately 300m and would be cut off 5% AEP
4. Condition to any consent issued should be added requiring an application for an on-site sewer management system (OSMS) be submitted prior to issue of a Construction Certificate and an approval to operate prior to the issuing of any Occupation Certificate.

ATTACHMENT 3
CONDITIONS OF CONSENT

1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
3. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
4. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
 - * Monday to Friday, 7am to 6pm;
 - * Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L₁₀ level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

5. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
6. Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council.
7. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
8. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site.

Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders may be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

Note: Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing Urban Stormwater – Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

9. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
10. The development shall take place in accordance with the stated values of the BASIX certificate submitted with the application. **Prior to the issue of any occupation certificate** an appropriately qualified person shall certify compliance with these requirements, as applicable. Where minor changes to the development occur (eg. colours and the like) these changes shall be referred to Council **prior to the changes being made**.
11. The principal certifying authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the principal certifying authority issues an Occupation Certificate. Note: if an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.
12. Collected stormwater runoff shall be piped to designated onsite stormwater tanks.
13. All collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.

The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.

14. **Prior to the issue of any Occupation Certificate** the proposed earth mound shall be fully turfed, the landscaping shall be maintained for the life of the development.
15. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill. The use of any material other than

VENM for land filling purposes, without prior approval of council is prohibited. Council will insist on the removal of any prohibited material.

16. The following measures shall be implemented to minimise soil erosion:
 - a) All available topsoil shall be stockpiled and re-used at the completion of the earthworks.
 - b) The area of disturbance shall be kept to a minimum.
 - c) All stockpiles shall be spread and compacted within 4 weeks of placement on site.
 - d) The fill shall be progressively rehabilitated and stabilised with any partially completed filling areas being rehabilitated and stabilised if left untouched for more than 3 months.
- 3) All disturbed areas shall be stabilised within 14 days of completion of the filling operations with topsoil being spread evenly and lightly rolled prior to grass cover by either turfing or seeding.
17. Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with the approved plans and documentation. Council will insist on the removal of excessive fill.
18. **Prior to the issue of the Construction Certificate** a separate wastewater application for the installation of a waste treatment device/human waste storage facility shall be approved by Council. The wastewater management system proposed for the development shall be in accordance with Councils On-site Sewage Management Policy and the Local Government Act, 1993. The application is to be accompanied by full details of the proposed system and site assessment complying with the relevant section of the Development Assessment Framework (DAF).
19. **Prior to the issue of the Occupation Certificate** an Approval to Operate shall be obtained by Council in accordance with the Local Government Act, 1993 (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.
20. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005).

The Flood Planning Level for this development is 5.3 metres AHD.

Flood Compatible Building Materials are listed in the attached Schedule #.

The following design precautions must be adhered to:-

- a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level.

- b. In sewered areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge.
 - c. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.
 - d. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible.
 - e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level.
 - f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.
 - g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
 - h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.
 - i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.
21. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.
22. A flood management plan which covers evacuation, a demonstrated practical understanding of predicted flood levels and impact to access to/from the site including flood level and duration of inundation, the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc. incorporating the State Emergency Services Business Floodsafe Toolkit, shall be submitted and approved by Council prior to the issue of the Construction Certificate.
23. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level.
24. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level.

ITEM NO. 3

FILE NO: 16-2014-71-1

DEVELOPMENT APPLICATION FOR AN EARTH MOUND, SINGLE STOREY DWELLING AND FARM SHED AT LOT 1 DP 194703 NO. 306 SEAHAM ROAD NELSONS PLAINS

**REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE
SECTION MANAGER**

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed subject to the following:
 - a. The subject land is located entirely in the Floodway and Excessive Depth Floodplain Management Zone. Due to the risk associated with velocities and/or depth which pose a risk to structures and/or the safety of persons the land is deemed unsuitable for residential development.
 - b. The development is inconsistent with the provisions of Port Stephens Local Environmental Plan 2000 & 2013, in particular the Rural 1a/RU1 zone objectives and planning considerations for development on flood prone land.
 - c. The development is considered an inappropriate land use under the NSW Floodplain Development Manual 2005.
 - d. The proposal is inconsistent with the following best practice guidelines for floodplain management: Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000)
 - e. It is inappropriate to place additional dwelling houses in high risk flood areas and placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.

**ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Chris Doohan
	That Council approve the Development Application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed at Lot 1 DP 194703, No. 306 Seaham Road, Nelsons Plains subject to the conditions contained in (ATTACHMENT 3) .

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

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

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

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

MOTION

222	Councillor Paul Le Mottee Councillor Chris Doohan
	It was resolved that Council approve the Development Application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed at Lot 1 DP 194703, No. 306 Seaham Road, Nelsons Plains subject to the conditions contained in (ATTACHMENT 3) .

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

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

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

BACKGROUND

The purpose of this report is to present a development application to Council for determination. The application has been called to Council by Cr. Le Mottee on the basis that there have been inconsistent determinations by staff in relation to dwellings in flood prone areas.

The proposal went before the Ordinary Council Meeting held the 12th August 2014 where by the Council Committee resolved "*that Council be provided with possible conditions of consent for the development application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed at the next Ordinary Council meeting held 26th August 2014*". Staff recommendations will stay the same.

It is acknowledged merit assessments have occurred for various developments on flood prone land. With such merit assessment, no two situations are identical and variations can occur. Reference is made to the notice of motion at the June 2014 Council meeting where a policy is being developed to assist in this regard. This application needs to be assessed against the current legislation at that point in time. Apart from flooding issues there are no concerns regarding the proposed building designs.

The proposal is for the construction of a 4 bedroom dwelling, farm shed and associated earth mound at Lot 1 DP 194703 No.306 Seaham Rd, Nelsons Plains. The

dwelling is a single storey structure with a wraparound veranda having a total footprint of 355m². The associated shed would be 200m² with a height of 5.9m. The earth mound, dwelling and shed are located approximately 50m from the banks of the Williams River and 275m from Seaham Rd.

An existing approval was granted on the 15th April 2013 for a cattle refuge mound. Based on the flood planning level (FPL) of 5.1m AHD the applicant intends to increase the mound size from the original approval requiring approximately 4000m³ of VENM fill to be placed on site. Although this amount would be increased to 5,100m³ if the development is constructed in accordance with the flood engineers FPL requirements below.

The existing site levels average at 1.4m AHD (±150mm), the required flood planning level for the site is 5.6m AHD(5.1m 2050 1% AEP + 500mm) referenced from the the Williamstown Salt Ash Flood Study Review (2012) which provides the most current and accurate flood study information for this area. This will require approximately 4.2m of fill to achieve that level. The location of the mound should not be affected in the events up to the 10% AEP although may become isolated in larger events including the 5% AEP severing access to and from Seaham Rd.

Current mapping locates the development within a designated Floodway Zone, the Floodplain Risk Management Guideline (NSW Department of Environment and Climate Change, 2007) states that "Floodway's are generally areas where development is undesirable due to:

- The potential to redirect flows
- The level of potential danger to personal safety
- Significant financial losses due to potential damage

Additionally a draft version of an update to the above policy (Areas Affected by Flooding and/or Inundation Policy) in addition to the statements above also includes the following statement:

- "Development within areas designated as floodway is not permitted."

(Refer to Council's Flooding Report in **(COUNCILLOR ROOM ITEM 1)** for full details for the above)

The property is classified as a "Low Flood Island" in terms of Emergency Response Planning Classification of Communities as it will be surrounded by floodwaters in minor and major flooding and potentially inundated in times of extreme flooding. If floodwater continues to rise after it is isolated, the island/fill mound will eventually be completely covered leaving people stranded on the property.

(Refer to Council's Flooding Report in **(COUNCILLOR ROOM ITEM 1)** for full details for the above)

The Statement of Environmental Effects references a draft flood evacuation plan to be implemented when major flooding events are predicted. The intention of the

plan would be to provide advanced warning to occupants for when an event may lead to isolation although offers no mitigation measure for the direct impacts the flood will have on the property. In this scenario the mound could be used as a refuge or alternatively evacuate the site if possible. No draft evacuation plan was submitted with application to support the assessment.

The subject site requires an onsite sewer management system (OSMS) as it is not serviced by the Hunter Water Corporation. The site is classified as a high hazard according to the Port Stephens Council OSMS hazard classifications maps although due to the following factors it is understood that a suitable system could be provided to service the dwelling;

- Property is a large lot size,
- Sufficient land is provided on the proposed earth mound at a adequate height to accommodate a system,
- Is not a subdivision thus not increasing property loadings,
- The density of waste systems in proximity to the property is very low.

The proposal is not consistent with Port Stephens Council Local Environmental Plan 2000 and Draft 2013 for development on flood prone land and the draft "Areas Affected by Flooding and/or Inundation Policy" in regards to the nature of flooding, social impacts and suitability of the land. Refer to Council's Flooding Report in Attachment 2 for assessment details of the above.

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

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

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

A review of the assessment report and the Applicant's submission details that a decision contrary to the recommendation presents an unacceptable risk to Council as per Council's standard risk management matrix. These unacceptable risks relate to Council and the local community in respect to public safety, Council reputation and legal exposure.

The site of the approved mound (which was originally intended for animal refuge only) is not suitable for a dwelling. The entire lot is located in a floodway and therefore construction of a mound for residential purposes is not deemed appropriate for this site. This application is considered not suitable due to the exposure to risks associated with flooding as outlined in the flooding assessment detailed in **(COUNCILLOR ROOM ITEM 1)**, furthermore the development is not in accordance with Council's management plans and policies of Australian best practice for the management of floodplains.

FINANCIAL/RESOURCE IMPLICATIONS

The application could be potentially challenged in the Land and Environment Court. Defending Council's determination could have financial implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Development Application is not consistent with relevant Flood development guidelines, studies and planning instruments including but not limited to: EP&A Act 1979, PSC LEP 2000 & Draft 2013, Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000), NSW Floodplain Development Manual (NSW Department of Infrastructure, Planning and Natural Resources, 2005) and the Draft Port Stephens Council Areas Affected by Flooding and/or Inundation Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination may be challenged in the Land and Environment Court	Medium	Determine the application against recommendations	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is inappropriate placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.

CONSULTATION

Consultation was carried out as required by the development assessment process.

OPTIONS

- 1) Adopt the recommendations;
- 2) Approve the development adopting the Conditions of Consent (**ATTACHMENT 3**);

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014
--

- 3) Approve the development amending the Conditions of Consent (**ATTACHMENT 3**).

ATTACHMENTS

- 1) Locality Plan;
- 2) Comments for further consideration.
- 3) Conditions of Consent

COUNCILLORS ROOM

- 1) Assessment;
- 2) Drawings: HTP-1405-001-SHT1/3, HTP-1405-001-SHT3/3 REV A;
- 3) Statement of Environmental Effects: Prepared by Hill Top Planners Pty Ltd February 2014.

TABLED DOCUMENTS

Nil.

Locality Plan



ATTACHMENT 2

Comments for Further Consideration

In the event of further consideration of this proposal (which is not recommended):

- 1) A geotechnical assessment on the mounds should be undertaken to ensure the mounds are able to withstand the hydrostatic etc forces that are likely to be exerted on the mounds during flooding. An assessment on the impact of planting trees and shrubs on the mound would be required and compliance with the outcomes from the report would have to be adhered to.
- 2) The proposed FFL (5.1m AHD) is not compliant with Council's current advice for the area which is a FPL of 5.6m AHD. Unless the proponent is able to provide previous written advice from Council of a different FPL for the site dated within the last 12 months, the advised FPL of 5.6m AHD should be adhered to.
- 3) The mound has been placed at a location of most flood risk within the lot and any future consideration should consider a different location on the lot;
 - i. Velocities in 1% AEP are up to 1.4m/s where other location on the lot have maximum velocities of 0.6m/s
 - ii. Natural ground level is approximately 1.4m AHD (1% AEP depth approx. 3.3m) at the site of the mound, there is a location located more centrally on the lot which has levels between RL 2.0m and 2.5m AHD (1% AEP depth approx. 3.1m to 2.6m)
 - iii. Access from the mound to Seaham Road is approximately 300m and would be cut off 5% AEP
- 4) A flood evacuation plans should be in place prior the consideration of determining the application
- 5) Conditions to any consent issued should be added requiring an application for an on-site sewer management system (OSMS) be submitted prior to issue of a Construction Certificate and an approval to operate prior to the issuing of any Occupation Certificate

ATTACHMENT 3
CONDITIONS OF CONSENT

- 1) A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
- 2) The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
- 3) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
- 4) Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
 - * Monday to Friday, 7am to 6pm;
 - * Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L₁₀ level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

- 5) It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
- 6) Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council.
- 7) A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
- 8) The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures

have the potential to pollute the waterways and degrade aquatic habitats. Offenders may be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

Note: Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing Urban Stormwater – Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

- 9) Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
- 10) The development shall take place in accordance with the stated values of the BASIX certificate submitted with the application. **Prior to the issue of any occupation certificate** an appropriately qualified person shall certify compliance with these requirements, as applicable. Where minor changes to the development occur (eg. colours and the like) these changes shall be referred to Council **prior to the changes being made**.
- 11) The principal certifying authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the principal certifying authority issues an Occupation Certificate. Note: if an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.
- 12) Collected stormwater runoff shall be piped to designated onsite stormwater tanks.
- 13) All collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.

The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.
- 14) **Prior to the issue of any Occupation Certificate** the proposed earth mound shall be fully turfed, the landscaping shall be maintained for the life of the development.
- 15) Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited. Council will insist on the removal of any prohibited material.

- 16) The following measures shall be implemented to minimise soil erosion:
- a) All available topsoil shall be stockpiled and re-used at the completion of the earthworks.
 - b) The area of disturbance shall be kept to a minimum.
 - c) All stockpiles shall be spread and compacted within 4 weeks of placement on site.
 - d) The fill shall be progressively rehabilitated and stabilised with any partially completed filling areas being rehabilitated and stabilised if left untouched for more than 3 months.
- 3) All disturbed areas shall be stabilised within 14 days of completion of the filling operations with topsoil being spread evenly and lightly rolled prior to grass cover by either turfing or seeding.
- 17) Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with the approved plans and documentation. Council will insist on the removal of excessive fill.
- 18) **Prior to the issue of the Construction Certificate** a separate wastewater application for the installation of a waste treatment device/human waste storage facility shall be approved by Council. The wastewater management system proposed for the development shall be in accordance with Councils On-site Sewage Management Policy and the Local Government Act, 1993. The application is to be accompanied by full details of the proposed system and site assessment complying with the relevant section of the Development Assessment Framework (DAF).
- 19) **Prior to the issue of the Occupation Certificate** an Approval to Operate shall be obtained by Council in accordance with the Local Government Act, 1993 (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.
- 20) The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005).
- i. The Flood Planning Level for this development is 5.6 metres AHD.
 - ii. Flood Compatible Building Materials are listed in the attached Schedule #.
 - iii. The following design precautions must be adhered to:-
 - a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level.
 - b. In sewered areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge.

- c. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.
 - d. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible.
 - e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level.
 - f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.
 - g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
 - h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.
 - i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.
- 21) The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate.
- 22) A flood management plan which covers evacuation, a demonstrated practical understanding of predicted flood levels and impact to access to/from the site including flood level and duration of inundation, the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc. incorporating the State Emergency Services Business Floodsafe Toolkit, shall be submitted and approved by Council prior to the issue of the Construction Certificate.
- 23) Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level.
- 24) Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level.

ITEM NO. 4**FILE NO: 16-2013-790-1****DEVELOPMENT APPLICATION FOR CARAVAN PARK AT NO. 4011
NELSON BAY ROAD, BOBS FARM**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2013-790-1 for a Caravan Park (Sunrise Caravan Park) subject to the conditions contained in **(ATTACHMENT 3)**.
-

**ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

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

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

Those against the Motion: Nil.

MOTION

223	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council approve Development Application 16-2013-790-1 for a Caravan Park (Sunrise Caravan Park) subject to the conditions contained in (ATTACHMENT 3) .

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

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present a development application to Council for determination. The application has been called to Council by Councillor Nell.

The proposed development is for 188 permanent caravan sites. The sites are to accommodate long term moveable dwellings including fully serviced self-contained relocatable homes and caravans. In addition, a community facility building, heated swimming pool, playground, bowling green, tennis courts, car parking and landscaping are proposed. The development is to be constructed in five stages.

The development application was lodged on 19 December 2013 under the provisions of Port Stephens Local Environmental Plan 2000 and is permissible in the zone with development consent. Through the assessment process additional information was provided relating to traffic, safety, bushfire and objector concerns to demonstrate that potential impacts can be satisfactorily mitigated.

A Two Way Conversation with Councillors took place on 15 July 2014 at which time it was indicated that significant RMS concerns including road safety, access and network efficiency concerns had been resolved.

The site will be connected to Hunter Water Infrastructure as a non standard private service. Common Pressure Sewer Main will be connect to Hunter Water Infrastructure at Anna Bay Waste Water pump station.

The site is located within close proximity to essential services and facilities in Anna Bay and Salamander Bay, with easy access also available to Nelson Bay. The site is suitable for long term accommodation and will provide a positive social impact and support the ageing population. The proposal will also generate a positive economic impact.

FINANCIAL/RESOURCE IMPLICATIONS

The application will attract Section 94 contributions of \$6,503.00 per moveable dwelling site equating to a total of \$1,222,564.00

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Section 94	Yes	6,503	Development Contributions will be levied of \$6,503.00 per moveable dwelling site.
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

The development application is consistent with Council's Local Environmental Plan 2000 and local policy including Development Control Plan 2007 and Section 94 Plan.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the development application is refused the applicant will appeal to the Land and Environment Court.	Medium	Support the recommendation and approve the development application subject to conditions of consent.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The development will provide a positive Social Impact. The development will provide residential development to support the ageing population.

The development will provide a positive economic impact. The Capital Investment Value as stated on the application is \$2M. The construction phase and ongoing operation will provide employment and cumulative economic benefit.

Additional jobs will be created as a result of employment creation as a result of the indirect and consumption effects.

The majority of existing vegetation on site will be maintained. The site will also be further complimented by additional landscaping.

It is acknowledged that Koala habitat is present on the site, however, referral to Council's Natural Resources Officer has not raised any objections to the proposal subject to conditions of consent.

CONSULTATION

In accordance with Council's Notification Policy the application was advertised and notified to adjoining neighbours on two occasions. 17 submissions were received to the first round of advertising (7 in support and 10 against). The second public exhibition resulted in only 4 objections. The key items raised in the objections are outlined as follows:

- Rural character;
- Density;
- Amenity and privacy;
- Zoning prohibitions and permissibility under LEP 2000.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan;
- 2) Assessment;
- 3) Conditions of Consent.

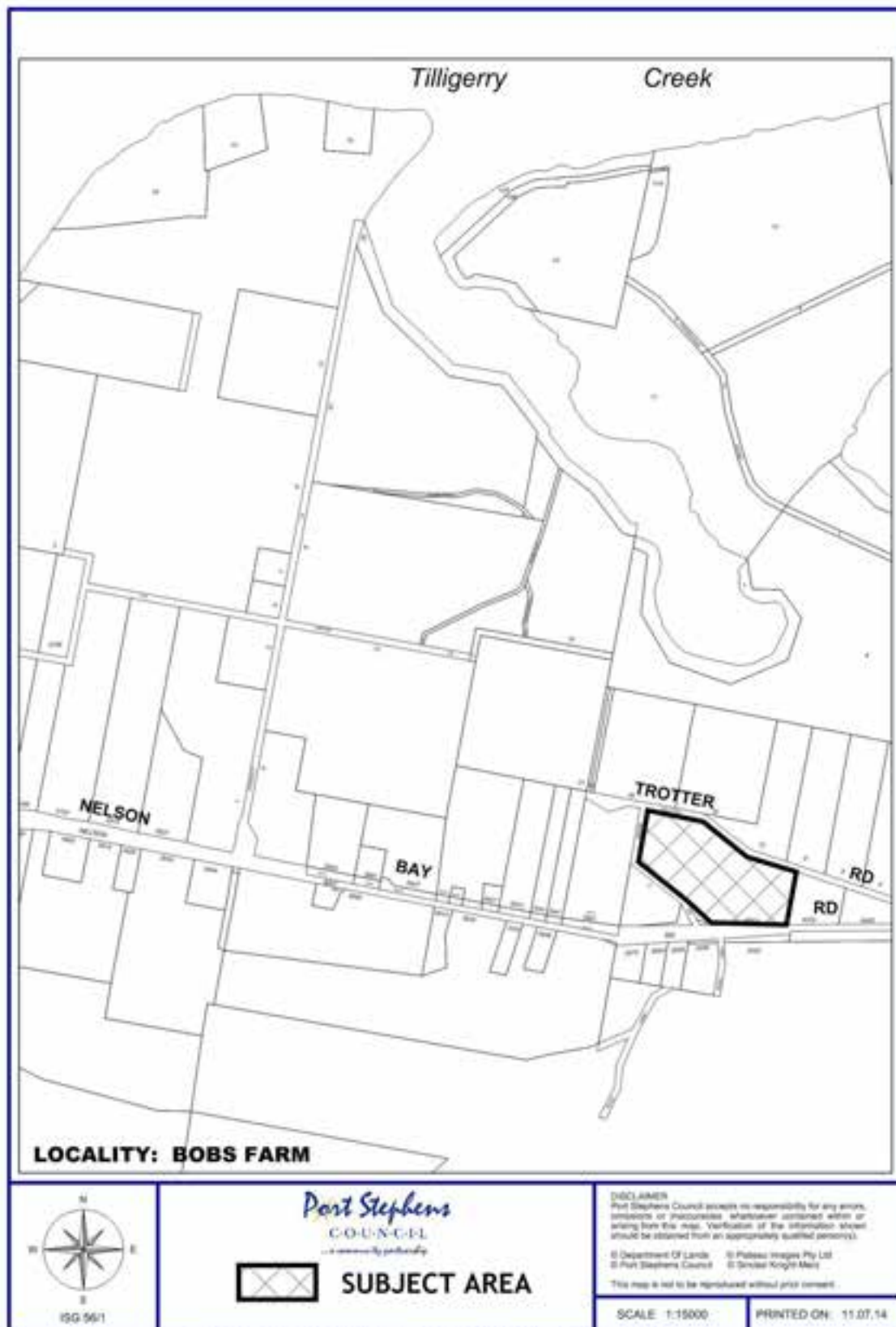
COUNCILLORS ROOM

- 1) Statement of Environmental Effects and Additional materials provided by Applicant;
- 2) Development Plans.

TABLED DOCUMENTS

- 1) Site Plan.

ATTACHMENT 1
LOCALITY PLAN



**ATTACHMENT 2
ASSESSMENT**

The application has been assessed pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979 (NSW)* and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

The application proposes a caravan park to be undertaken in five stages including the following:

- 188 fully serviced permanent caravan sites to accommodate long term moveable dwellings including fully serviced self-contained relocatable homes and caravans
- Community facility building incorporating a park management office at entry to the site (includes an indoor recreation area, small kitchen, laundry and toilet facilities)
- Community heated swimming pool
- Community playground
- Community bowling green
- Two community tennis courts
- Site entry boom gates and forecourt space
- 19 visitor car parks (including 2 disabled car parks)
- Internal shared pedestrian and vehicle sealed roads with grass verges
- Internal pedestrian pathways for site connectivity
- Internal access track to managers residence (using existing dwelling on site)
- Retention of existing shed for use as community work centre (Men's shed style proposal)
- Landscaped open space areas, utilising existing trees
- Removal of shrubby vegetation (both exotic and native regrowth, including weeds) to be replaced with landscape plant screening and grass to provide open space areas and mitigate bushfire risk
- Landscape screening and earth mounding to supplement existing boundary vegetation screening
- Asset Protection Zones, emergency exit and prefabricated moveable dwelling entry to site from Trotter Road (not for residential use)
- Entry from Binder Road into the site to avoid impacts on Binder Road and Trotter Road (concrete pathway is to be provided from the site entry to the new bus stop)

- Post and wire fencing
- Site establishment

Proposed site details

The average site is proposed at 240m², noting the minimum area for a long term moveable dwelling is 80m². The design for the proposal aims at the higher end of the long term caravan park market therefore larger sites are provided. On average each site is proposed in the vicinity of 12m wide and 20m long. Total site coverage of each future structure is approximately 52%.

Operation

Operation hours for park management are proposed from 6am to 10pm every day. Park access outside of management operations will be controlled by the site entry boom gate, which will require an entry code to operate. There will be 1 park manager, 4-5 administration staff and 6-8 grounds maintenance personnel. Signage is not proposed and will form part of a separate application.

STAGING

The development is to occur in five stages as follows:

Stage one (south-west corner)

- Construction soil and erosion protection and completed drainage infrastructure for the stage
- Connection to sewer pump station
- Stage 1A and B lot yield (as per staging plan) – 46 lots including community facilities
- Construction of Binder Lane access
- Connection to mains water
- Community function centre, administration and service and storage buildings

Stage two (north-west corner)

- Construction soil and erosion protection and completed drainage infrastructure for the stage
- Stage 2 lot yield (as per staging plan) – 31 lots
- Swimming pool and BBQ

Stage three (north)

- Construction soil and erosion protection and completed drainage infrastructure for the stage
- Stage 3A and B lot yield (as per staging plan) – 54 lots
- Provision of two internal intersections and one site entrance
- Lawn bowls and club house

Stage four (north-east corner)

- Construction soil and erosion protection and completed drainage infrastructure for the stage
- Stage 4A and B lot yield (as per staging plan) – 45 lots
- Tennis court

Stage five (south east corner)

- Construction soil and erosion protection and completed drainage infrastructure for the stage
- Stage 5 lot yield (as per staging plan) – 12 lots
- Second tennis court

THE APPLICATION

Applicant

RAY FAMILY HOLDINGS PTY LTD

Detail Submitted

Statement of Environmental Effects including: development plans, site design plans, landscape concept plan, site analysis plan, stage 1 environmental site assessment, Local Government Act compliance checklist, socioeconomic impact assessment, ecological assessment, cultural heritage assessment, geotechnical assessment, engineering design report, traffic impact assessment, bushfire threat assessment together with supplements to Statement.

THE LAND

Property Description

LOT: 51 DP: 1175028

Address

4011 Nelson Bay Road BOBS FARM

Area

10.4 hectares

Dimensions

The site is irregular in shape.

Characteristics

The following constraints affect the site:

- Bushfire prone land
- Acid Sulfate Soils (class 4)
- Koala habitat (clear)
- EEC – Blue Gum High forest
- Fauna (Wallum froglet)
- Little bentwing bat

- Eastern Freetail Bat
- Landscape habitat link
- Chinese violet (area of vines and existing car park)
- SEPP 71 Coastal Protection

THE ASSESSMENT

PLANNING PROVISIONS

Acts and Regulations

- *Environmental Planning & Assessment Act 1979*
- *Rural Fires Act 1997*
- *Roads Act 1993*
- *Conveyancing Act 1919*
- *Swimming Pools Act 1992*
- *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*

State Environmental Planning Policies (SEPP's)

- SEPP (Infrastructure) 2007
- SEPP (Rural Lands) 2008
- SEPP No.21 Caravan Parks
- SEPP No.36 Manufactured Home Estates
- SEPP No.44 – Koala Habitat Protection (and Port Stephens Comprehensive Koala Plan of Management)
- SEPP No.55 – Remediation of Land
- SEPP No.71 – Coast Protection

Port Stephens Local Environmental Plan 2000

- Cl.42 Development along arterial roads
- Cl.44 Appearance of land and buildings
- Cl.47 Services
- Cl.51A Acid Sulphate Soils

Port Stephens Local Environmental Plan 2013

- Zone RU2 Rural Landscape
- Cl.7.1 Acid sulfate soils
- Cl.7.2 Earthworks
- Cl.7.6 Essential services

Port Stephens Development Control Plan 2013

- B2 Environment and Construction Management
- B3 Parking and Traffic

Port Stephens Section 94 Plan

- S94 development contributions

Statutory Acts and Regulations

Environmental Planning and Assessment (EP&A) Act 1979

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

The proposal is classified as Integrated development under Section 91 of the EP&A Act 1979 as it requires approval under the *Rural Fires Act 1997*. An assessment under Section 79C of the Act has also been undertaken throughout this report.

Rural Fires Act 1997

The proposed development is located on bushfire prone land and is classified as a special fire protection purpose under Section 100B of the Rural Fires Act 1997, therefore the application was referred to the Rural Fire Service (RFS), who recommended approval of the application subject to General Terms of Approval which have been incorporated into the conditions of consent.

Conveyancing Act 1919

Division 3B Subdivisions allows the use of leases for caravan parks or mobile home estate purposes. A plan of subdivision for lease purposes means:

A plan of subdivision (within the meaning of Section 195) of land within a caravan park or a manufactured home estate (within the meaning of the Local Government Act 1993) that is marked, in accordance with the regulations, so as to indicate that development consent to the subdivision has been granted under the Environmental Planning & Assessment Act 1979 subject of the condition that the subdivision is a subdivision for lease purposes.

A subdivision plan for the purposes of lease operation has been provided and relevant conditions are incorporate into the schedule of conditions.

Swimming Pools Act 1992

The *Swimming Pools Act 1992* is relevant to the proposed swimming pool on the site and works in conjunction with the *Swimming Pools Regulation 2008*. The application has been appropriately conditioned to ensure requirements of the Act and Regulation are met.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

The Regulation allows manufactured homes to be placed on approved caravan sites and the proposal complies with the requirements as follows:

Division 2 – Approvals and Exemptions	
Subdivision 1 – Operation of Manufactured Home Estates	
Factors for consideration before approval is granted	
Will the caravan park be designed, constructed, maintained and operated in accordance with the relevant requirements of Subdivisions 1 – 8 of Division 3	Yes – see Conditions
If the development is on land that is flood liable land, has the	N/A

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

development addressed the principals contained in the floodplain Development manual?		
Matters to be specified in approval		
Does the approval specify, by reference to a plan, the number, size and location of the dwelling sites allowed by the approval?		Yes
Subdivision 2 – Installation of Moveable Dwellings and Associated Structures in Caravan Parks and Camping Grounds		
Installation on Flood Liable Land		
Has the application had regard to the floodplain Development Manual?		The land is not flood liable
Installation of relocatable home, rigid annex or associated structures of more than one storey.		
If the caravan park proposes structures greater than one story has the development had regard to the likely impacts of the amenity of the occupiers of the land adjoining that caravan park?		No dwellings are proposed to be greater than one storey
Division 3 Caravan Parks and Camping Grounds		
Clause	Comment	Comply
CI 83 – Minimum Size of Estate	The subject site has an area of 10.4ha which complies with the 1ha minimum	Yes
CI 84 – Community Amenities	10% of the area identified to be utilised for the purposes of a caravan park has been defined for community amenities	Yes
CI 85 – Size of dwelling sites and camp sites	The average site proposed is 240m ² which exceeds the 80m ² minimum requirement for a long term site. The average site is 12m wide and 20m long. Typical average size of moveable dwellings, associated car parking and decks will provide an average site coverage of approximately 52%. The proposal is compliant with this control.	Yes
CI 86 – Site Identification	The development does comply with this requirement.	Yes
CI 87- Dwelling sites to have road frontage	Each identified site has a direct frontage to an internal access road	Yes
CI 88 – Setbacks of community buildings	Appropriate setbacks are provided that exceed 10m	Yes
CI 89 – Setbacks of dwelling sites and camp sites from road frontages	Compliant setbacks are provided which are over 10m from roads and 3m from boundaries	Yes
CI 90 – Use of buffer zones	Satisfactory buffer zones are provided	Yes
CI 91 – Separation distances	Separation distances of over 3m can be achieved therefore the development complies.	Yes
CI 92 – Entrance	The application is compliant and provides a 7m wide	Yes

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

<i>and exit road</i>	entrance/exit road	
<i>CI 93 – Forecourt</i>	An appropriate forecourt has been provided of over 4m x 20m	Yes
<i>CI 94 – Width of roads</i>	6m wide two way access roads have been provided throughout the site	Yes
<i>CI 95 – Speed limits</i>	Speed limits will be identified appropriately on the site.	Yes
<i>CI 96 – Resident Parking</i>	Each site will have one identified parking space which complies with the Regulations.	Yes
<i>CI 97 – Visitor Parking</i>	19 car parking spaces and 2 disabled spaces have been provided to comply with the requirement of 1 visitor space per 10 sites	Yes
<i>CI 98 – Visitor parking for people with disabilities</i>	2 disabled spaces have been provided and conditions included to ensure they meet requirements of AS/NZS 2890.1	Yes
<i>CI 99 – Road surfaces</i>	All weather sealed access is provided.	Yes
<i>CI 100 – Lighting</i>	The lighting provided to the development will not direct glare on adjoining residences	Yes
<i>CI 101 – Water supply</i>	The proposal will provide for water supply as required by the Regulations.	Yes
<i>CI 102 – Sewerage</i>	The proposal will provide for sewerage as required by the Regulations.	Yes
<i>CI 103 – Drainage</i>	Comments have been provided by Council's Development Engineer, with drainage acceptable subject to conditions of consent.	Yes
<i>CI 104 – Electricity Supply</i>	An electricity connection shall be provided to each site	Yes
<i>CI 105 – Common trenches</i>	The proposal has been considered by Council's Development Engineers and is supported subject to conditions	Yes
<i>CI 107 – Number of showers and toilets to be provided</i>	Moveable dwellings are wholly self-contained with showers and toilets	Yes
<i>CI 108 – Facilities for people with disabilities</i>	All moveable dwellings will be provided with individual shower and toilet facilities designed in accordance Australian standard AS 1428.1 which will form a condition of consent.	Yes
<i>CI 109 – Other facilities</i>	All moveable dwellings will have individual shower and toilet facilities	Yes
<i>CI 110 – Construction of shower block and toilet blocks</i>	All moveable dwellings will have individual shower and toilet facilities	Yes
<i>CI 111 – Proximity of dwelling sites to shower blocks and toilets</i>	All moveable dwellings will have individual shower and toilet facilities and will therefore be well under the minimum 75m requirement	Yes
<i>CI 113 – Washing machines</i>	A manufactured mobile dwelling is to be installed on each dwelling site which includes a laundry obviating the	Yes

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

	requirement for a communal laundry. However, a laundry with a small number of washing machines is to be provided within the community facilities.	
<i>CI 114 Laundry tubs</i>	A manufactured mobile dwelling is to be installed on each dwelling site which includes a laundry obviating the requirement for a communal laundry. However, a laundry with a small number of laundry tubs are to be provided within the community facilities.	Yes
<i>CI 115 – Clothes dryers</i>	A manufactured mobile dwelling is to be installed on each dwelling site which includes a laundry obviating the requirement for a communal laundry. However, a laundry with a small number of clothes dryers is to be provided within the community facilities.	Yes
<i>CI 116 – Drying areas</i>	Each dwelling shall be provided with 2m of clothes drying line.	Yes
<i>CI 119 – Construction of laundry blocks</i>	Each moveable dwelling will contain its own shower and toilet facilities. However, a laundry is to be located within the community facilities complex as indicated on the plans. This will form part of any s.68 approval to operate. See conditions of consent.	Yes
<i>CI 121 – Maximum number of persons per dwelling site or camp site</i>	No more than 12 persons may be allowed to stay overnight at a dwelling site or camp site at any one time. A condition ensuring compliance with the regulations has been included in this regard.	Yes
<i>CI 122 – Register of occupiers</i>	A condition ensuring compliance with the Regulations has been included in this regard.	Yes
<i>CI 123 – Information to be given to prospective occupiers</i>	A condition ensuring compliance with the Regulations has been included in this regard.	Yes
<i>CI 124 – Use of caravan parks and camping grounds</i>	<p>A caravan park or camping ground must not be used:</p> <ul style="list-style-type: none"> (a) for any commercial purpose other than a caravan park or camping ground or an associated purpose, or (b) for the manufacture, construction or reconstruction of moveable dwellings. <p>This does not prevent the carrying out of work on a moveable dwelling that is installed in a caravan park or camping ground for the purpose of its renovation, maintenance or repair (such as painting, replacement of wall cladding or roof sheeting and the like). The proposed development therefore complies with this clause.</p>	Yes
<i>CI 125 Community map</i>	Conditions to comply with the Regulations are imposed in this regard.	Yes

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

CI 126 – Access to approval and community map	<p>The holder of an approval to operate a caravan park or camping ground must ensure that copies of the following documents are readily available for inspection without cost in a location in the caravan park or camping ground specified in the approval for the caravan park or camping ground:</p> <p>(a) the approval for the caravan park or camping ground, (b) the current community map, (c) the Regulation.</p> <p>A copy of the current community map must also be displayed in a prominent position in the caravan park or camping ground. A condition ensuring compliance with the Regulations has been included in this regard.</p>	Yes
CI 127 – Garbage removal	Appropriate conditions are imposed to ensure satisfactory garbage removal provisions are in place	Yes
CI 128 – Fire hydrants	Conditions of consent are imposed in this regard	Yes
CI 129 – Fire Hose Reels	Conditions will be imposed in this regard	Yes
CI 130 – Car washing bay	This will form a condition of consent	Yes
CI 131 – Buildings	<p>(1) A building must not be erected in a caravan park or camping ground unless the approval for the caravan park or camping ground so allows</p> <p>(2) The approval for a caravan park or camping ground is to allow community buildings to be erected only in the caravan park or camping ground</p> <p>(3) The approval for a caravan park or camping ground is not to allow the erection of a community building (other than an ensuite facility) on a dwelling site or camp site</p> <p>The proposal complies with this clause.</p>	Yes
Division 4 – Relocatable Homes and Associated structures		
The proposal will comply with Clauses 133 – 160 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005</i> .		

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

This SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency through consistent planning regimes for infrastructure and the provision of services. The site entry is located on a road that

connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection.

The proposal was referred to RMS under clause 101 'Development with frontage to a classified road' and clause 104, 'Traffic generating development'. The objectives of clause 101 include ensuring that new development does not compromise the effective ongoing operation and function of classified roads, to prevent or reduce the potential impact of traffic noise and vehicle emissions and to ensure the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development. RMS have provided concurrence to the proposal subject to conditions, which have been incorporated into the schedule of conditions.

State Environmental Planning Policy No. 21 – Caravan Parks

The aims and objectives of this SEPP include the orderly and economic use and development of land used or intended to be used as a caravan park through provision of proper management whilst also promoting social and economic welfare of the community and ensuring protection of the environment. The policy allows both short term and long term residents and does not restrict the percentage of each type.

A caravan park is defined as land (including a camping ground) on which caravans (or other moveable dwellings) are, or are to be, installed or placed. A moveable dwelling is defined land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed. No defined percentage of moveable dwellings or caravans are stipulated.

The SEPP clearly states that nothing in State Environmental Planning Policy No 36 – Manufactured Home Estates prevents development consent from being granted pursuant to this Policy for the use of land as a caravan park in which manufactured homes are or are to be installed or placed.

Clause 8(2) requires Council to determine whether any sites are suitable for long term accommodation as defined in the *Local Government (Manufactured Home Estates, Caravan Parks and Camping Grounds and Moveable Dwellings Regulation 2005*

Clause 10 of the SEPP notes:

A Council may grant a development consent required by this Policy only after it has considered the following:

- (a) Whether because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long term residence;
- (b) Whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence;
- (c) Whether there is adequate low cost housing, or land available for low cost housing, in that locality;

- (d) Whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both) and whether those facilities and services are reasonably accessible to the occupants of the caravan park;
- (e) Any relevant guidelines issued by the Director; and
- (f) The provisions of the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993*.

Separate development consent is not required for the installation of moveable dwellings on land for which the consent allows. The development is compliant with the requirements of SEPP 21.

State Environmental Planning Policy No. 36 – Manufactured Home Estates

Caravan Parks containing Manufactured Homes on Rural land are excluded from the Rural zone (where the land is not adjacent to or adjoining land zoned for urban use). Therefore this policy is not applicable to this site.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:

- By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat;
- By encouraging the identification of areas of core koala habitat; and
- By encouraging the inclusion of areas of core koala habitat in environment protection zones.

The proposal has been referred to Council's Natural Resources Officer who holds no objection to the proposal subject to conditions of consent.

State Environmental Planning Policy No. 55 – Remediation of Land

This SEPP notes a Consent Authority must not consent to carrying out any development on land unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. The Applicant provided a report by Consulting Earth Scientists which noted the site generally presents a low risk to human health and the environment, however some materials noted on site were recommended to be further investigated. The report noted:

For the purposes of providing indicative information on the subsurface conditions with respect to contamination at the site, it is recommended to carry out a small scale targeted investigation where the three potential impact areas were identified:

- *Surface sampling should be conducted on the white crystalline material;*

- *Intrusive sampling should be undertaken in the areas of the fly tipped debris, particularly surrounding the empty drums in the central western part of the site; and*
- *In the area of identified fill material immediately north of the process shed.*

Council raised the issue of site contamination in its letter to the Applicant dated 26 February 2014 and requested that further information be provided in relation to the previous operation of the vineyard including details of the former operation and the chemicals that may have been used (eg. pesticides, sprays, fertilisers and related products), as well as the activities that may have led to contamination of the land as indicated in the report from Consulting Earth Scientists. The Applicant has provided the following additional response:

As per Table 1 to the Contaminated Planning Guidelines the site has a history of vineyard activity which is categorised as an agricultural/horticultural activity, which may have utilised fertiliser, herbicides or pesticides that may cause land contamination. Given the broad understanding of agricultural activities and the chemicals that may have been utilised and the likelihood of these contributing to the sites of contamination, Consulting Earth Scientists have confirmed that the potential presence of contamination that would render the site unsuitable for the proposal is highly unlikely.

The desk study and site walkover determined that the subject site and its history generally presented a low risk to human health and the environment. It is considered that any appropriate level of investigation for the sites potential contamination has been undertaken to determine the proposal in accordance with the requirements of SEPP55.

To provide indicative information on the subsurface conditions with respect to contamination at the site, it was recommended that small scale targeted soil investigations at three identified potential impact areas upon the site should be undertaken. It is proposed that Council will impose a condition under s.80A(4) of the Environmental Planning & Assessment Act, 1979, that targeted sampling to confirm subsurface site contamination and (if necessary) remediation of the site, to a standard that meets the requirements of SEPP55 be undertaken prior to the occupation of the site.

This is considered appropriate for the site given the low risk of potential contamination and if the site was identified as contaminated, it is unlikely that it would be of a level that is unsuitable or incapable of rehabilitation to be undertaken as part of the initial construction works.

The Contaminated Planning Guidelines are to provide a best practice approach for managing land contamination through planning and development control processes. The site is not contained on the EPA website of potentially contaminated sites nor on Council's register of contaminated sites. It is considered to fall into category 1 of the Contaminated Planning Guidelines under agricultural/horticultural activities. The findings of the report by Earth Scientists noted the location of a small area of white crystalline material, an area of fly tipped debris (close to the empty

drums in the central west area of the site) and some unidentified fill material immediately north of the process shed. It is however considered that the materials were unlikely to pose no more than a very low risk to human health and environment and as such, sampling was suggested to be undertaken to provide indicative information on subsurface conditions. Council has discussed this matter further with its Environmental Health Officer and it is considered that testing of the site be undertaken prior to issue of any Occupation Certificate.

State Environmental Planning Policy (Rural Lands) 2008

The proposal complies with the aims of this State Policy which include:

- (a) To facilitate the orderly and economic use and development of rural lands for rural and related purposes;
- (b) To identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the property management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State;
- (c) To implement measures designed to reduce land use conflicts;
- (d) To identify State Significant agricultural land for the purpose of ensuring the ongoing viability of agricultural on that land, having regard to the social, economic and environmental considerations;
- (e) To amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

State Environmental Planning Policy No. 71 – Coastal Protection

This application has been assessed having regard to the aims of the SEPP. The proposal generally complies with the provisions, particularly the matters for consideration under Clause 8. The proposal will not significantly impact upon the coast given its geographic distance from the closest coastal boundary and as such will not compromise upon its scenic quality or amenity. Furthermore, there are no significant impacts anticipated to flora and fauna or archaeology.

Port Stephens Local Environmental Plan (2000)

1(a) Rural Agriculture 'A' Zone

The land is zoned 1(a) Rural Agriculture and the proposal is permissible in the zone with consent. The development is consistent with the objective of the Rural Agriculture "A" Zone, which is to maintain the rural character of the area and to promote the efficient and sustainable utilisation of rural land and resources. The existing vineyard is no longer viable on the site and the development will ensure that social and economic benefit is provided to the community through a development that provides additional accommodation which is of high quality and design, as well as minimising the potential impacts against the environment through soil stability, control of acid sulphate soils, minimising tree removal, connection to reticulated sewer and provision of rainwater tanks and drainage infrastructure to protect water quality.

Surrounding land uses are primarily rural residential as opposed to large lot intensive agriculture and there are no established rural activities which would be impacted upon by the proposed development. The development will not result in the fragmentation of agricultural land or result in an additional cost to the community in relation to the extension or maintenance of amenities or services. Steps have been taken to ameliorate noise and visual amenity concerns on the site with the provision of landscape screening and acoustic fencing to enhance privacy and mitigate noise concerns.

Community facilities are compliant with Council's height requirements.

Clause 42 Development along arterial roads

The application has been referred to RMS who supported the development subject to conditions.

Clause 44 Appearance of land and buildings

The development of land adjacent to any main or arterial road may only take place if it takes into consideration the probable aesthetic appearance of the proposed building, work or use. The site will be of low impact given the retention of most existing larger trees. There will also be additional landscape planting along the Nelson Bay Road frontage and along the boundary to provide screening for the eastern adjoining neighbour.

Clause 47 Services

Services will be provided to the site including reticulated water, sewer, electricity and telecommunications.

Clause 51A Development on land identified on Acid Sulfate Soils Planning Map

The site is mapped as containing Acid Sulphate soils (class 4). Suitable measures shall be put in place during construction works to ensure acid sulphate soils are appropriately treated and the water table is not lowered.

Division 3 Heritage provisions

One Aboriginal site and places of cultural significance (including Birubi Point Aboriginal place) are within proximity to the subject site. Referral to OEH has taken place and approval provided. Subject to conditions to mitigate any potential impact, the proposed development is satisfactory with regards to division 3 heritage provisions.

Port Stephens Local Environmental Plan (2013)

Port Stephens Local Environmental Plan 2013 (PSLEP2013) commenced 22 February 2014. The development is prohibited in the RU2 Zone. However, the proposal is generally consistent with the objectives of the zone. Further, cl. 1.8A PSLEP2013 applies

to this application as it was lodged prior to commencement of the Plan. The can be determined as if the Plan had not commenced.

The development has been assessed under Port Stephens Local Environmental Plan 2000 (PSLEP2000) as the instrument in force at the time of lodgement. The provisions of the PSLEP2013 as a draft instrument do not affect the outcome of this assessment report.

Port Stephens Development Control Plan 2007

B2 Environmental and Construction Management

The application has been assessed against the provisions of Development Control Plan 2013 (DCP2013), B2 – Environmental and Construction Management and is satisfactory subject to conditions. The proposed development requires minimal cut/fill and vegetation removal. Further, it has been demonstrated that adequate waste water management and treatment systems can be provided for on-site to cater for the development. Council's Natural Resource Section and Environmental Health Officer have assessed the proposed development and determined that the proposal does not result in adverse impacts to the environment.

B3 Parking and Traffic

The application has been assessed against the provisions of B3 Parking and Traffic and is satisfactory subject to conditions of consent.

The proposal provides parking to each dwelling site and 19 visitor car parking spaces plus 2 disabled parking spaces.

Adequate provision for future car parking can also be facilitated upon the site.

The existing access to the site is satisfactory and has been referred to RMS who have provided their concurrence subject to conditions of consent. The site can cater for emergency vehicles to access the site and support for the proposal has also been provided by RFS in this regard.

Whilst the development will result in some increased traffic generation upgraded controls at the intersection of Nelson Bay Road for Binder Road and Trotter Road will allow safe access between the site and the regional road network. Extensive liaison has taken place with RMS who have provided their support for the proposal.

Port Stephens Section 94 Contributions Plan

The proposed development attracts an s.94 contribution under Council's s.94 Contributions Plan. In relation to caravan parks and moveable dwellings a 50% discount of a standard site/dwelling unit contributed is applied. The roadwork levy is charged at 33% of the standard rate.

Despite this the applicant has submitted as part of their application a request for a variation to the applicable s.94 contribution on the basis that the proposal provides greater amenity and community facilities than a typical caravan park. The applicant further states that the development involves upgrades to Binder Road.

The application was referred to Council's s.94 Panel for consideration and it was determined that the proposed development does not warrant a reduction in s.94 contributions in this instance given the proposal will create a demand for public amenities and services within the area. The requirement by RMS to upgrade Binder Road is also not considered to warrant a reduction in contributions as the upgrade works service the development directly and do not benefit the wider community. The Applicant has requested an offset against the s.94 contributions for State Infrastructure contributions that will be funded by the Owner of the site for the intersection upgrade of Binder Road. State Infrastructure contributions are collected by the Department of Planning and Council is unable to offset these contributions. Given the Applicant's additional request for Strategic Planning to review the s.94 contributions for a second time, Strategic Planning have confirmed that they will not support a further reduction in s.94 fees and maintain the applicable fees as set out below.

The following calculation of s.94 levies for 188 sites is applicable to the development.
Note: the s.94 contribution has been broken down into five stages (see conditions – **ATTACHMENT 3**).

	Per moveable dwelling site	Total
Civic Administration	\$563.50	\$105,938.00
Public Open Space, Parks and Reserves	\$1,168.50	\$219,678.00
Sports and Leisure Facilities	\$2,755.50	\$518,034.00
Cultural and Community Facilities	\$1,384.50	\$260,286.00
Roadworks	\$519.00	\$97,572.00
Fire & Emergency Services	\$112.00	\$21,056.00
	Total \$6,503.00	\$1,222,564.00

COMMUNITY CONSULTATION

In accordance with Council's Notification Policy the application was advertised and notified to adjoining neighbours on two occasions. 17 submissions were received to the first round of advertising (7 in support and 10 against). The second round advertising/notification resulted in 4 objections. The matters raised are addressed as follows:

Matter raised	Response
Loss of amenity/rural character/landscape	The development will not result in any significant amenity issues and the proposed development is compatible and sympathetic with the existing and future rural character of the local area. The applicant has also worked with objectors to provide additional landscaping and acoustic rural style fencing to maintain the amenity of the area.
Privacy	The layout and design ensure protection of privacy. Existing and future landscaping will enhance privacy. The entrance and exit points have been placed to avoid existing dwellings and minimise disturbance. In addition, the applicant has worked with neighbours to ensure their privacy is maintained by provision of acoustic fencing along part of the eastern boundary.
Visual impact	The development is set back from the road and well screened by the existing large trees on the site. Impacts will also be minimised by the incorporation of additional landscaping to the site which will blend with existing trees and provide a park like setting.
Shed and garbage storage areas	The shed and compound areas originally proposed for the north western location of the site have been removed to maintain amenity and reduce visual impact. Site waste will be removed by commercial contractors on a regular basis.
Density	The density of the development exceeds the minimum provisions of the <i>Local Government Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable dwellings Regulation) 2005</i> .
Traffic and safety	Traffic and safety concerns have been addressed through the course of the assessment. RMS have supported the proposal subject to conditions.
Emergency and bushfire exits	Conditions will be imposed to ensure that emergency exits are gated and signed as emergency exits only.
Noise impacts	The proposal is not likely to result in unreasonable noise impacts to adjoining properties. The applicant is providing acoustic fencing to part of the eastern boundary.
Bushfire	The application was referred to the RFS and GTA's were provided confirming the proposal is acceptable with regards to bushfire requirements.

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

Crown road	<p>Several discussions with Crown regarding the status of the Crown Reserve/Crown Road area of Binder Road. An up to date Title search revealed the land excluded the road and it appeared that this amendment was made by LPI to correct a previous error noting inclusion of the road on the Deposited Plan.</p> <p>The boundary of the property has not changed due to unilateral exclusion of this area. This matter has been referred to RFS who have provided their approval (excluding the Crown Road).</p>
Provision of infrastructure/stormwater	<p>Services will be provided to the site including connection to Hunter Water reticulated water and sewer. Telecommunications and power will also be provided to the site. Infrastructure will be provided prior to issue of the Construction Certificate.</p> <p>The stormwater proposal has been assessed by Council Engineers and is supported. No significant impacts are anticipated with respect to groundwater impacts or cumulative run off.</p>
Social and Economic Benefits of the Proposal	<p>Referral has been made to Council's Social Planning Team and Economic Development Officer who support the proposal noting the positive social and economic impacts for the local area.</p>
Non-conformance with legislation and planning policies/inconsistency with zone objectives	<p>The proposal is not inconsistent with zone objectives in the 1(a) Rural Agriculture zone. Savings provisions within LEP 2013 allow for applications lodged prior to the coming into effect of the new plan to be determined pursuant to the provisions of the plan under which the Development Application was lodged. Therefore the application will be determined under LEP 2000. As outlined in this report the proposal is compliant with all relevant policies and legislation.</p>
Flora/Fauna impacts	<p>Referral has been undertaken to Council's Natural Resources Officer who holds no objection to the proposal subject to conditions of consent. The proposal is considered to be of low impact to flora and fauna and much of the existing vegetation on site will be retained to facilitate a park like setting and allow for the continued existence of fauna within the park.</p>
Consultation and public comment	<p>The proposal has been advertised/notified on two occasions. The applicant has also personally met with many of the objectors to ensure their concerns are met. The applicant has provided a table detailing the meetings with objectors which formed part of Council's consideration of this assessment.</p>

External referrals

Rural Fire Service

The proposed development occurs on bushfire prone land. The application was referred to the RFS under s.91 *Environmental Planning and Assessment Act 1979* and s.100B *Rural Fires Act 1979*. RFS have supported the proposal subject to General Terms of Approval.

Roads and Maritime Services

The development proposes access from Binder Land off Nelson Bay Road. The application was referred to RMS and conditions of approval have been issued.

Office of Environment & Heritage

The Heritage Due Diligence Assessment submitted with the proposal was referred to OEH for review. OEH confirmed the existence of one (1) Aboriginal site registered with the Aboriginal Heritage Management Information System (AHIMS Site 38-5-0362) (RPS NBR ASI) and places of significance in the locality, including the Birubi Point Aboriginal place. OEH also acknowledges that the project area contains landforms which have yielded evidence of Aboriginal occupation in the immediate local area, including artefact scatters, camp sites, ceremonial and dreaming sites, middens, potential artefact deposits and isolated finds. This is important as additional, currently undetected, cultural material may be contained within the project area. The General Terms of Approval issued by OEH shall be incorporated into the consent to ensure any potential impacts to Aboriginal cultural heritage are appropriately mitigated.

Internal referrals

Building

Referral has been undertaken to Council's Health & Building Surveyor who holds no objection to the proposal subject to conditions of consent.

Natural Resources

Referral has been undertaken to Council's Natural Resources division who holds no objection to this proposal subject to conditions of consent.

Facilities & Services (Property)

Referral has been undertaken to Council's Property Officer who holds no objection to this proposal subject to conditions of consent.

Engineering

Referral has been undertaken to Council's Development Engineer who holds no objection to the proposal subject to conditions of consent.

Environmental Health

Referral has been undertaken to Council's Wastewater Officer who holds no objection to the proposal subject to connection to reticulated sewer and water.

Social Impact/Disability Access/Safer by Design

Referral of the application to Council's Social Planning Team has been undertaken. Social Planning hold no objections to the proposal but have recommended inclusion of equipment in the proposed children's playground area.

Economic Impact

Referral has been undertaken to Council's Economic Development Officer who raises no objection to the proposal.

Likely impacts of the development

The assessment has considered the likely impact of the development by identifying the potential impacts of the proposal, available measures to ameliorate impacts and frequency/severity of impacts. The development can be undertaken on site without significant adverse impacts to the environment or surrounding residential amenity subject to the conditions included in **ATTACHMENT 3**.

The proposed development is consistent with the provisions of *Local Government Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable dwellings Regulation) 2005*, as well as the relevant LEP and DCP. The proposal is compatible and sympathetic with the existing and envisaged future rural character of the locality.

Suitability of the site

The proposed development is permissible under the provisions of *Local Government Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable dwellings Regulation) 2005*. Essential services can be provided and there are no physical constraints that make the land unsuitable for the proposed development. The site is therefore suitable for the proposed development.

Public interest

The development will result in positive social, economic and environmental outcomes to the subject site and the surrounding rural locality. The concerns raised during public exhibition have been addressed. The proposal for long term moveable dwellings with high quality facilities and landscaping will assist the housing market by providing long term affordable housing options in the area. The development also provides an economic benefit to the community through provision of additional jobs and expenditure.

**ATTACHMENT 3
CONDITIONS OF CONSENT**

SCHEDULE 2

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

1. Development consent is granted for 188 Permanent Caravan Sites at 4011 Nelson Bay Road, Bobs Farm.

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Stamped plans:

Park Layout and communal buildings base plans dated 16 April 2014 – i-Site Sustainable Solutions – C-01 and C-00

Preliminary Communal Buildings Base Plan dated 16 April 2014, i-Site Sustainable Solutions – C-02

Proposed Community Facilities Floor Plan, dated July 2014, i-Site Sustainable Solutions – CB-01

Proposed Club House and Barbeque floor plans and elevations, dated July 2014 – i-Site Solutions – CB-03

Proposed Community Facilities Elevations, dated July 2014 – i-Site Solutions – CB-02

Proposed Subdivision for Lease purposes/community map dated 24 April 2014

Asset Protection Zone Tree, i-site sustainable solutions plan dated 16 April 2014 – C06

Tree Removal Plan, Environmental Property Services 17 April 2014 – V01, Drawing 1

Typical Landscaping Planting Layout – Type 1 including Plant Selection list, i-Site Sustainable Solutions dated 16 April 2014

Typical Landscaping Plant Layout – Type 2 including Plant Selection list, i-Site Sustainable solutions dated 16 April 2014

Staging plan overlaid on Park layout, Environmental Property Services, dated 22 July 2014, V01, Drawing 1 of 2

Staging Plan also indicating drainage, Environmental Property Services dated 22 July 2014, V01, Drawing 2 of 2

Stable Plan Table, Environmental Property Services dated 22 July 2014 (3 pages)

-Northrop Newcastle – concept Sediment & Erosion Control Plans CO1_DA A

-Northrop Newcastle – Catchment Schedule C02_ DA A

-Concept Stormwater Management Plan C03_DA A

2. The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and a Final or Interim Occupation Certificate and/or Section 68 Approval to Operate has been issued. Where an Interim Occupation Certificate and/or Section 68 Approval to Operate has been issued, only that part of the building to which the Certificate and/or approval applies may be occupied or used.
3. The development shall be undertaken in accordance with the general terms of approval and conditions issued by:
 - NSW Rural Fire Service dated 22 July 2014
 - Office of Environment and Heritage dated 11 February 2014
 - Roads and Maritime Services dated 7 July 2014

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

GENERAL

4. Prior to the commencement of any development or excavation works, the person having the benefit of this consent must appoint a Principal Certifying Authority for the development, pursuant to Section 81A of the *Environmental Planning and Assessment Act 1979*, and advise Council in writing of that appointment.
5. At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the Principal Certifying Authority form shall be submitted to Council.
6. The site has been identified as a Potential Acid Sulphate soils class 4 area. Should any excavation exceed 2 metres in depth below natural ground level for a volume greater than one tonne it is the responsibility of the Applicant to ensure that such measures are implemented to comply with the NSW Potential Acid Sulfate Soils Manual and Port Stephens Local Environmental Plan.
7. Prior to any construction work commencing, a waste containment facility shall be provided on the construction site immediately after the first concrete pour and is to be regularly serviced. Containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.
8. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the road to the development site under construction for the delivery of materials and trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all-weather vehicle access.

ENGINEERING

9. Prior to any work commencing on site, erosion and sediment control measures shall be put in place to prevent the movement of soil by wind, water or vehicles onto any adjoining property, drainage line, easement, natural watercourse, reserve or road surface, in accordance with *Managing Urban Stormwater – Soils and Construction, Volume 1* (Landcom, 2004).

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

GENERAL

10. In accordance with Section 109F(i) of the *Environmental Planning and Assessment Act* an Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, any instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.
11. The person having the benefit of the development consent, builder, developer or person, who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the person having the benefit of the development consent, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12, 000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of work).

12. The developer shall be responsible for the provision of any additional road signage and any adjustments required to existing road signage, as a consequence of the development. All works to be carried out at no cost to Council and in accordance with Council requirements. Such signage modifications shall be referred to Port Stephens Local Traffic Committee for approval prior to issue of the construction certificate (allow at least 3 months).

PLANNING

13. A landscaping plan, prepared by a suitably qualified person in accordance with the principles of Crime Prevention through Environmental Design and Planning for Bush Fire Protection, covering the entire site shall be submitted to and approved by Council prior to the release of any Construction Certificate. Plantings should be of a endemic native species currently found within the area

The plan shall indicate all existing trees, specifying those trees to be retained and those proposed to be removed. The plan shall also include:-

- a. Acoustic Fencing at a height of at least 1.8 metres shall be provided to the eastern boundary of the site and extend along the boundary of sites 45/46 and return around the perimeter of site 52 to site 54 and include landscape screening in order to achieve privacy, visual amenity, security and noise attenuation.
- b. Landscaping along the frontage to Nelson Bay Road is to include screening plants, medium and large trees (varying between 6m – 20m in height) using species endemic to the area
- c. any proposed front entry treatments,
- d. location of trees identified for retention in the development application plans,
- e. proposed location for planted shrubs and trees,
- f. botanical name of shrubs and trees to be planted and be primarily composed of locally occurring native (indigenous) plants,
- g. mature height of trees to be planted,
- h. location of grassed and paved areas,
- i. screening of clothes drying areas and garbage receptacles from public view,
- j. an effective physical barrier between public spaces, vehicles, accessways, parking areas and the surrounding landscaped area,

Note: The use of turf for landscaping must be a non-invasive variety such as native grass or a soft leaf buffalo. The use of Kikuyu and Couch is strictly prohibited.

14. Carparking spaces shall be provided to all moveable dwellings together with 19 visitor car parking spaces and 2 disabled spaces, in accordance with the approved plans. Carparking is to be in accordance with Australian and New Zealand Standard AS 2890.1
15. Consideration must be given to the means of access from disabled car parking spaces to the footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate.
16. Prior to the issue of any construction certificate construction details shall be provided to the Principal Certifying Authority in relation to the garbage storage area. The following requirements shall be met:
 - a. The garbage washing and bin storage area shall be constructed of, or lined with materials that are durable, impervious to moisture, and capable of being easily cleaned.

- b. The storage area shall be supplied with hot and cold water, roofed and the floor bunded, graded and drained to a sump, which shall be connected to the sewer in accordance with the requirements of the Hunter Water Corporation.
- c. Adequate facilities shall be provided in a screened location within the premises for the separate storage of recyclable and non-recyclable material and arrangements shall be made for the regular removal and disposal of those materials.
- d. All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- e. Include provision for the separation and storage in appropriate categories of material suitable for recycling;
- f. And include provision for separate storage and collection of organic/food waste.

The Certifying Authority must ensure that the building plans and specifications submitted by the person having the benefit of the development consent, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition

- 17. Prior to the issue of the Construction Certificate, an operation plan of management is to be formulated and submitted to Council. The plan of management shall incorporate the following:
 - a) All the measures to be implemented on the premises in terms of safety and security and amenity of surrounding residential properties.
- 18. Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991. Such evidence shall be submitted to Council **prior to the release of the Construction Certificate.**

ENGINEERING

- 19. **No construction Certificate shall be issued prior** to the execution of a Deed Containing Agreement (DCA) between the proponent and the Roads and Maritime Services (RMS) for the purposes of providing satisfactory access arrangements from Binder Lane to the development including any works as outlined in RMS letter SF2014/004218 dated 7 July 2014 - *NELSON BAY ROAD (B63): PROPOSED CARAVAN PARK, LOT 51 DP 1175028, 4011 NELSON BAY ROAD, BOBS FARM (DA 16-2013-790-1).*
- 20. The stormwater infiltration system shall be designed and built in accordance with the approved concept plan and shall be employed to restrict discharge from the site to that of pre-development flows, for the 100 year Average Recurrence

Interval (equivalent to the 1% Annual Exceedence Probability) critical duration storm event. All runoff from impervious areas, including (but not limited to) roof water, shall be discharged into the infiltration drainage system.

A Construction Certificate cannot be issued until a stormwater drainage plan has been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority. A stormwater drainage plan must include all engineering details relevant to the collection, management and disposal of stormwater from the site. The plan must include pit sizes, infiltration system details, existing site surface levels, finished site surface levels, pipeline sizes, invert levels, pipe grades and supporting calculations.

CONDITIONS TO BE SATISFIED IN RELATION TO ROADS ACT APPROVALS

21. Works associated with the approved plans and specifications located within the existing Road Reserve shall not commence until:

- a) a Roads Act Approval has been issued; and
- b) all conditions of the Roads Act Approval have been complied with to Council's satisfaction

22. All civil engineering works associated with the Roads Act Approval shall be carried out to the satisfaction of Council (with a letter of practical completion issued) **prior to issue of the Occupation Certificate.**

All works associated with the Roads Act Approval shall be at no cost to Council.

23. Works associated with the Roads Act Approval are subject to:

- a. inspection by Council,
- b. testing by a registered NATA Laboratory and
- c. Approval by Council at each construction stage as determined by Council.

24. Submission of Works-As-Executed plans and accompanying report prepared and certified by a suitability qualified drainage engineer confirming all drainage works (including volume, discharge, levels, location, etc.) have been constructed in accordance with conditions of consent and the approved plan. Minor variations can be accepted provided that they are clearly identified in the report and the engineer certifies that the overland flow paths will not be altered, discharge rates will not be increased, and no additional negative effects are imparted on any dwellings or property. Minor variations can only be certified where it can be demonstrated that the ease of maintenance and monitoring of the system has not been negatively affected.

An Occupancy Certificate cannot be issued until the Works-As-Executed stormwater drainage plans have been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES

GENERAL

25. The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication "Interim Construction Noise Guideline" July 2009.

Construction Time Restrictions

Monday to Friday, 7.00am to 6.00pm.

Saturday, 8.00am to 1.00pm.

No construction work to take place on Sundays or Public Holidays.

When the construction site is in operation the L₁₀ level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

26. It is the responsibility of the applicant to erect a PCA sign and to ensure the PCA sign remains in position for the duration of works.
27. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
28. During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment. Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Principal Certifying Authority.
29. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.
30. Throughout the course of building or demolition works on the site, toilet facilities shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
31. Construction site safety fencing and/or hoarding shall be provided in accordance with WorkCover requirements. Such fencing and/or hoarding shall be erected wholly within the property boundary unless prior approval from Council is obtained.

32. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
33. No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hording fence must be erected between the construction site and the public place.
34. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with AS2601-2001 and Workcover Authority requirements. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
35. All stockpiled materials shall be retained within the property boundaries. Stockpiles of topsoil, sand, aggregate, spoil or other materials shall be stored clear of the all-weather vehicle access and drainage lines.
36. If asbestos is encountered during construction or demolition work, even if the works are partial demolition (eg. one wall), measures must be in place in accordance with WorkCover NSW guidelines and the *Occupational Health & Safety Regulations 2001* NSW. Work shall not commence or continue until all the necessary safeguards required by WorkCover NSW are fully in place. The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

NATURAL RESOURCES

37. A suitably qualified and experienced ecological consultant must inspect all native trees that have been approved for removal before they are felled. If there are any threatened species or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. If it is likely that hollows are providing habitat for native species, traps are to be set for several nights and any native species found must be relocated to an appropriate nearby location.
38. During the construction phase, the following shall be provided:
 - a) A program of works to treat the weeds on site, including weed controls methods specific to each weed, in particular Chinese Violet is to be addressed,
 - b) Controls to prevent the spread of weeds on machinery used during construction including a disposal and wash down area,
 - c) A designated area for storage of contaminated spoil generated during construction that is separate from clean material,
 - d) Certification that any soil, mulch and plants bought onto site is free of weeds and weed seeds,
 - e) A site induction for all personnel and visitors that includes weed management practices, and
 - f) A monitoring/maintenance program to prevention of the spread of weeds.

Evidence shall be submitted to Council that the above measures have been implemented.

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE
AND/OR SECTION 68 APPROVAL TO OPERATE

GENERAL

39. Targeted sampling to confirm subsurface site contamination and (if necessary) remediation of the site to a standard that meets the requirements of State Environmental Planning Policy 55 is to be undertaken prior to the Occupation of the site.
40. Road Safety barriers (crash gating) is to be provided to the emergency exits. Signage is also to be displayed on the gates indicating use as emergency exit only.
41. Prior to commencement a contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Port Stephens Section 94 Contributions Plan for the services detailed in column A and for the amount detailed in columns B and C is required. Section 94 fees will be paid on a stage by stage basis in accordance with the Staging Plan, Environmental Property Services dated 22 July 2014 (Drawings 1 and 2).

Stage 1 – 46 lots including Community Facilities

	Amount per site	Total
Civic Administration	\$563.50	\$25,921.00
Public Open Space, Parks and Reserves	\$1,168.50	\$53,751.00
Sports and Leisure Facilities	\$2,755.50	\$126,753.00
Cultural and Community Facilities	\$1,384.50	\$63,687.00
Fire & Emergency Services	\$112.00	\$5,152.00
Roadworks	\$519.00	\$23,874.00
Total Stage	\$6,503.00	\$299,138.00

Stage 2 – 31 lots

	Amount per site	Total
Civic Administration	\$563.50	\$17,468.50
Public Open Space, Parks and Reserves	\$1,168.50	\$36,223.50
Sports and Leisure Facilities	\$2,755.50	\$85,420.50
Cultural and Community Facilities	\$1,384.50	\$42,919.50
Fire & Emergency Services	\$112.00	\$3,472.00
Roadworks	\$519.00	\$16,089.00
Total Stage	\$6,503.00	\$201,593.00

Stage 3 – 54 lots

	Amount per site	Total
Civic Administration	\$563.50	\$30,429.00
Public Open Space, Parks and Reserves	\$1,168.50	\$63,099.00
Sports and Leisure Facilities	\$2,755.50	\$148,797.00
Cultural and Community Facilities	\$1,384.50	\$74,763.00
Fire & Emergency Services	\$112.00	\$6,048.00
Roadworks	\$519.00	\$28,026.00
Total Stage	\$6,503.00	\$351,162.00

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

Stage 4 – 45 lots

	Amount per site	Total
Civic Administration	\$563.50	\$25,357.50
Public Open Space, Parks and Reserves	\$1,168.50	\$52,582.50
Sports and Leisure Facilities	\$2,755.50	\$123,997.50
Cultural and Community Facilities	\$1,384.50	\$62,302.50
Fire & Emergency Services	\$112.00	\$5,040.00
Roadworks	\$519.00	\$23,355.00
Total Stage	\$6,503.00	\$292,635.00

Stage 5 – 12 lots

	Amount per site	Total
Civic Administration	\$563.50	\$6,762.00
Public Open Space, Parks and Reserves	\$1,168.50	\$14,022.00
Sports and Leisure Facilities	\$2,755.50	\$33,066.00
Cultural and Community Facilities	\$1,384.50	\$16,614.00
Fire & Emergency Services	\$112.00	\$1,344.00
Roadworks	\$519.00	\$6,228.00
Total Stage	\$6,503.00	\$78,036.00

The contribution shall be paid to Council prior to the issue of the approval to operate under Section 68 of the Local Government Act or release of the Occupation Certificate, whichever occurs first. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs, and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

42. The principal certifying authority shall only issue an occupation certificate when the buildings subject to this approval have been constructed in accordance with the approved plans, specifications and condition of consent. No occupation or use is permitted until the principal certifying authority issues an occupation certificate. If an accredited certifier approves occupation, the accredited certifier is to immediately notify Council in writing.

ENGINEERING

43. Works-As-Executed plans shall be prepared by a suitably qualified person detailing all roads and drainage works in accordance with Council's Design and Construction Specifications, policies and standards. This shall be submitted to, and accepted by the Certifying Authority, **prior to issue of the Occupation Certificate or section 68 approval to operate.**

FIRE SAFETY

44. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded

to Council; If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.

PLANNING

45. An approval to operate a caravan park under Section 86 of the Local Government Act shall be obtained from Council **prior to occupation of any building and following completion of all construction works.**
46. The premises are to be designed, constructed and operated in accordance with the requirements of the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. Confirmation that all works comply with the regulations is to be provided to Council **prior to the issue of an approval to operate the caravan park.**
47. All building work (including community building and facilities, visitor parking, amenities and provision of services) and civil engineering works (including internal and external roads and stormwater infrastructure) for the respective stages are to be completed **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied for that stage.**
48. A bushfire report certifying compliance with the Bushfire Safety Authority conditions imposed by the Rural Fire Service shall be submitted to Council **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied.**
49. The development shall be serviced by the Hunter Water Corporation with reticulated water and sewerage facilities. Details of the provision of these services shall be submitted to Council **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied.**
50. To ensure that privacy and visual amenity is maintained to adjoining properties the following measure(s) shall be implemented:

a) mature native trees and shrubs, a minimum 1m high, shall be planted along the eastern boundary. These trees and shrubs are to be maintained to maturity through use of mulch and watering to achieve their natural height.

The Principal Certifying Authority is to be satisfied that all landscape works have been undertaken prior to issue of the Occupation Certificate.

51. In areas that are disturbed for site filling, all available topsoil shall be stockpiled and re-used at the completion of the earthworks. The topsoil shall be spread evenly and lightly rolled. All disturbed areas shall be stabilised within 14 days of completion of filling operations with grass cover by turf to the satisfaction of the Certifying Authority prior to the issue of the Occupation Certificate.
52. Prior to the issue of the Occupation Certificate/Section 68 Approval to Operate, a notification letter shall be forwarded to Council and neighbours providing contact details for the manager so that any surrounding property owner/occupier wishing to raise issues regarding the operation of the premises etc. can access the management of the premises promptly. Evidence of this

letter being forwarded as required by this condition shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

53. The relocated home is to be constructed and installed in accordance with the provisions of Division 4 of Part 3 Local Government (Manufactured Home Estate, Caravan Parks, and Camping Grounds) Regulation 2005.

NATURAL RESOURCES

54. A low fence is to be installed close to the end of sites bordering highly vegetated areas to reduce the potential for possible encroachment by residents into adjoining areas of environmental significance.

CONDITIONS TO BE SATISFIED AT ALL TIMES

FIRE SAFETY

55. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

PLANNING

56. Manufactured homes shall not be constructed on site, in accordance with requirements of the Local Government (Caravan Parks, Camping Grounds, and Moveable Dwellings) Regulation 1995.
57. Access and facilities for persons with disabilities to and within all community buildings and community areas of the development shall be provided at all times in accordance with AS1428.1 – *Design for Access and Mobility* and Part D3 the *Building Code of Australia*.
58. The caravan park is to be designed, constructed, maintained and operated in accordance with the requirements of Subdivisions 1 – 8 of Division 3 (Caravan parks and camping grounds) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2005.
59. All lighting should meet the minimum Australian and New Zealand Standards. The lights should be low glare, vandal resistant and free from obstructions. Security and sensor lighting is to be provided within the proposed visitor car park and around the building in accordance with AS1158 – *Public Lighting Code for streets*,

car parks and pedestrian areas. Lighting should provide a well lit line of site from car parks to the amenity building to ensure no entrapment areas and should be maintained by the Operator at all times.

60. The operation of the Facility shall not exceed an Laeq, 15 minute rating of 5dB(A) above background level.
61. All deliveries (including waste collection) must not occur prior to 7am or after 8pm every day.

ENGINEERING

62. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.
63. The following fees and / or bonds are to be paid as part of this consent:
- a) Subdivision construction certificate/plan approval fee, prior to approval of construction certificate or plans;
 - b) PCA/inspection fee, prior to approval of construction certificate or plans;
 - c) Long Service Levy, prior to issue of construction certificate (verification of payment is required if paid directly to Long Service Board); and
 - d) Maintenance Bond, prior to release of subdivision certificate.

The rates are as listed in Council's fees and charges available from the Port Stephens Council web page (www.portstephens.nsw.gov.au). Contact Council's Subdivision Engineer prior to payment.

ADVICES

64. Retaining walls not clearly noted on the approved plans and nor identified as 'exempt development', are subject to separate development consent. Such application shall be lodged and approved prior to any works relating to the retaining wall taking place.
65. Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
66. This approval relates to **Development Consent** only and does not infer any approval to commence excavations or building works upon the land. **A Construction Certificate should be obtained prior to works commencing.**
67. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

68. Prior to occupying the site, contact Council's Mapping Section on 49800304 to obtain the correct address numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purpose only.
69. Should any Aboriginal relics be discovered then all excavations or disturbance to the area shall cease immediately and the NSW Office of Environment and Heritage, shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

ITEM NO. 5

FILE NO: PSC2014-02141

FEASIBILITY STUDY FOR A COMMUNITY EDUCATION SPACE IN RAYMOND TERRACE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the *Feasibility study for establishing a Community Education Space in Raymond Terrace- Final Report*;
- 2) Endorse the implementation of a short term approach to improving learning outcomes and employment prospects for residents of Raymond Terrace including:
 - a. Undertake an audit of current programs, providers and existing spaces suitable for learning (ideally a quantitative and qualitative analysis involving discussions with existing providers in the region) and making this information available to the community. This work would be undertaken by Council staff with a projected time frame of September to December 2014;
 - a. Establish an education and employment interagency group in 2015 to develop a learning community framework that guarantees a consistent, sustainable approach to lifelong learning in Port Stephens.

ORDINARY COUNCIL MEETING – 26 AUGUST 2014 COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

224	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council: <ol style="list-style-type: none"> 1) Note the <i>Feasibility study for establishing a Community Education Space in Raymond Terrace- Final Report</i>; 2) Endorse the implementation of a short term approach to improving learning outcomes and employment prospects for residents of Raymond Terrace including: <ol style="list-style-type: none"> a. Undertake an audit of current programs, providers and existing spaces suitable for learning (ideally a quantitative

	<p>and qualitative analysis involving discussions with existing providers in the region) and making this information available to the community. This work would be undertaken by Council staff with a projected time frame of September to December 2014;</p> <p>b. Establish an education and employment interagency group in 2015 to develop a learning community framework that guarantees a consistent, sustainable approach to lifelong learning in Port Stephens.</p>
--	--

BACKGROUND

The purpose of this report is to brief Council on the content of the feasibility study undertaken into the establishment of a community education space in Raymond Terrace, as well as to seek its endorsement for the implementation of a short term approach to solving the most pressing issues highlighted within the study's final report.

Item 14.1.1.1 of the Port Stephens Council Operational Plan 2013-14 stated that staff conduct a feasibility study for establishing a Community Education space in Raymond Terrace. To satisfy this item, Council commissioned Gleeson Consulting Services to undertake the study, the executive summary of which is included as **(ATTACHMENT 1)**.

The brief was to:

- Assess current and future learning needs for a community education space in Raymond Terrace;
- Demonstrate the level of support and commitment for a learning facility by existing stakeholders involved in the delivery of learning programs;
- Develop a community education space model that best suited to the local community; and
- Provide Council with recommendations based on community need, industry best practice and available resources.

The study featured extensive consultation with training providers and highlighted the need for a coordinated approach to the provision of education and training in the Raymond Terrace area.

The study also considered a broad range of demographic data pertaining to Raymond Terrace, including school retention rates, unemployment, social disadvantage, access to economic resources, and access to post-school training and education programs. In addition, with 67% of jobs in Raymond Terrace filled by workers from outside the area, providing equitable access for residents to locally-based learning and skill development opportunities was considered essential to addressing this imbalance.

Key findings of the study include:

- Inadequate local alternatives to mainstream education, and limited access to vocational or community education;
- A strong need to improve overall coordination of existing providers and program;
- A need for better links between providers and business; and
- A strong desire for Council to establish a community education space, but limited capacity on the part of education providers to contribute to the cost of establishing such a space, or to its ongoing use (via rent etc.)

The study also found there is scope to improve the coordination and promotion of those providers, programs, and venues currently delivering education and training in Raymond Terrace, as well as improved sharing of resources.

The study concluded that currently there is no clear justification for the establishment of a stand-alone education space in Raymond Terrace. However, easier access to entry level, technical training would support young people to enter the work force locally.

The report also outlines short, medium and long term recommendations. In line with Council's 2014-2015 Operational Plan, it is proposed that, in the short term, Council undertake the following short-term approach:

- 1) Undertake an audit of current programs, providers and existing spaces suitable for learning (ideally a quantitative and qualitative analysis involving discussions with existing providers in the region) and make this information available to the community. This work would be undertaken by Council staff with a projected time frame of September to December 2014.
- 2) Establish an education and employment interagency group in 2015 to develop a learning community framework that guarantees a consistent, sustainable approach to lifelong learning in Port Stephens, including:
 - Review the Gleeson report and audit;
 - Increase collaboration and communication between educational providers and employers;
 - Facilitate information sharing and encourage better use of existing spaces by providers;
 - Identify existing spaces that may be suitable for development into learning spaces at some point in the future;
 - Develop programs and activities such as a Careers Expo and short local learning and skills development workshops to support community learning in Raymond Terrace and the LGA; and

Membership of the interagency would be by invitation and include key education and training providers, business representatives and employers (as identified in the audit).

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

In February 2017, Council consider the work of the Education and Employment Interagency and recommendations made by the group for the future.

FINANCIAL/RESOURCE IMPLICATIONS

In the short term, many of the identified actions align to current work programs within Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		From 2014-2015 operational budget.
Reserve Funds	No		
Section 94	No		
External Grants	Yes	15,000	Approved State Government funding until 30 June, 2016.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Unless Council takes a leadership role in facilitating the development of these resources, it is unlikely that the economic and social return generated by improved learning opportunities will be realised. It is important to note that the report recommended against the establishment of a new physical space in the short term.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the inefficiency of existing networks and lack of strategic identification of key issues, may lead to an increased reliance on Council and other training providers.	Medium	Endorse report and commence implementation of short term actions.	Yes
There is a risk that if no action is taken, future potential for future social and economic growth in Raymond Terrace will not be realised.	Low	Endorse report and commence implementation of short term actions.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Future economic and social prosperity and wellbeing is improved by access to lifelong learning opportunities. One of Port Stephens' greatest long-term economic challenges is to nurture businesses and so increase job opportunities for the resident workforce. Improved access to and range of career entry educational opportunities will assist local businesses to develop and expand capabilities.

CONSULTATION

In undertaking this research, one on one and group interviews were held with thirty separate community bodies, including job network providers, Indigenous services, not for profit training providers and support services, Newcastle University, TAFE NSW, and local high schools, primary schools, and pre-schools.

Outcomes of the study and suggested actions were the subject to a two-way conversation with Councillors in July 2014.

OPTIONS

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

ATTACHMENTS

- 1) Executive Summary of *Feasibility study for establishing a Community Education Space in Raymond Terrace: Final Report*, prepared by Gleeson Consulting Services.

COUNCILLORS ROOM

- 1) Feasibility study for establishing a Community Education Space in Raymond Terrace- Final Report.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Executive Summary of Feasibility study for establishing a Community Education Space in Raymond Terrace: Final Report, prepared by Gleeson Consulting Services.



This report investigates the feasibility of establishing a Community Education space in Raymond Terrace. The terms of reference for the study are to:

- assess the current and future needs and demands for a Community Education space in Raymond Terrace with reference to the lifelong learning needs and aspirations of the community and reference to existing education, training and learning programs;
- demonstrate the level of support and commitment by key stakeholders for a Community Education space, outlining their support for the concept and commitment through in-kind and/or financial support;
- develop a Community Education space model most suited to responding to the needs of all residents, schools, industry and the business community, inclusive of all the associated services, functions and activities of the education space and the prospective partners; and
- provide Council with clear recommendations and direction based on community need, industry best practice and available resources both within the community and Council.

Findings

Key findings from the research study are that:

1. analysis of demographic data, key development indicators and stakeholder feedback clearly identifies a need for lifelong learning programs for the Raymond Terrace community.
2. current learning and related service provision has a strong focus on early childhood learning and development, consistent with a community that has a high proportion of families with children under primary school age.
3. young people who cannot maintain attendance and participation in mainstream schooling do not have adequate local access to alternate learning programs.
4. limited opportunities exist for community members to participate in vocational and community education in the local area.

5. there is strong support for improving the overall coordination of existing learning programs and building better links between learning providers, support agencies and the business community.
6. learning providers, support agencies and the business community advocate for Council to establish and coordinate a Community Education space that provides access to appropriate learning spaces in which to deliver their programs, however learning providers and support agencies declare limited capacity to contribute to the cost of establishing and operating a physical facility.
7. stakeholders clearly prefer a model that provides a multi-function facility which incorporates learning spaces, technology, cooking facilities, outdoor areas and access to support functions and welfare agencies.
8. learning providers and support agencies do not support the use of online technology as a primary delivery mechanism for learning in this community. Stakeholders do not perceive an online education space as a model that would improve outcomes for the Raymond Terrace community at this time.

Recommendations

The following is a summary of recommendations from this feasibility study. Further information appears in the Recommendations section of this report from page 54. When considering these recommendations, it is important to note that Council's brief did not limit the study to only examining physical education spaces as an option, as well as that the study consider both Council's and the community's financial capability to support any recommendations.

As a result of the study, Gleeson Consulting Services recommends that:

1. Council endorse this report and the need to improve lifelong learning opportunities for residents in the Port Stephens LGA, commencing in Raymond Terrace.
2. Council adopt a short, medium and long term approach to improving outcomes for the residents of Raymond Terrace, allocating lifelong learning development responsibilities to the appropriate Council functional area.
3. In the short term [1-2 years], Council provide resources to :
 - o identify the existing network of physical spaces in Raymond Terrace, including those that are government, community and privately owned, that are suitable for delivery of learning programs.
 - o document what venues are available, including any access costs.

- o publish the information and proactively distribute it to existing providers and potential/new market entrants, encouraging use of existing spaces and assisting providers to access those spaces.
 - o monitor and evaluate use of the existing spaces to identify any further need over time.
4. In the short term (1-2 years), Council provide resources to coordinate local learning provision including:
- o facilitating the formation of a collaborative Learning Network, with a charter to grow existing learning opportunities in Raymond Terrace.
 - o documenting available learning programs and mapping locations of existing support services relevant to lifelong learning.
 - o proactively sharing the information with existing providers and the community.
 - o encouraging existing and new providers to offer programs through subsidised room hire to support further learning opportunities, with a clear focus on the key areas from stakeholder feedback (for example, parenting programs).
 - o supporting better links between schools and the business community to improve relationships.
 - o ensuring information is easily accessible and kept up to date.
5. In the medium term (2-4 years), Council adopt a learning community framework to develop a consistent, sustainable approach to lifelong learning in the LGA, incorporating the views and needs of residents, learning providers, business and industry.
6. In the long term, Council complete an economic appraisal to demonstrate the value of lifelong learning to the community if:
- o implementing the short and medium term recommendations of this study leads to identifying future need for additional hard infrastructure to support learning, and
 - o Council wishes to pursue options for securing funding to establish a learning centre from state and/or federal government or other funding sources.

ITEM NO. 6

FILE NO: PSC2009-05304

POLICY REVIEW: MOBILE FOOD VEHICLES

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Mobile Food Vehicle policy and guideline shown at **(ATTACHMENT 1)**;
- 2) Place the Mobile Food Vehicle 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 Mobile Food Vehicle policy and guidelines dated 22 November 2011 (Min No. 396) **(ATTACHMENT 2)**, should no submissions be received.

ORDINARY COUNCIL MEETING – 26 AUGUST 2014 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor John Morello
	That the recommendation be adopted.

MOTION

225	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council: <ol style="list-style-type: none"> 1) Endorse the revised Mobile Food Vehicle policy and guideline shown at (ATTACHMENT 1); 2) Place the Mobile Food Vehicle 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 Mobile Food Vehicle policy and guidelines dated 22 November 2011 (Min No. 396) (ATTACHMENT 2), should no submissions be received.

BACKGROUND

The purpose of this report is to recommend revoking Council's Mobile Food Vehicle Policy and to adopt an amended Mobile Food Vehicle policy in its place.

The current policy was first adopted by Council on 22 November 2011 with associated Guidelines (**ATTACHMENT 2**). The policy provides the overarching position of Council on the subject of Mobile Food Vehicles whilst the guidelines establish an effective framework in which mobile food vending vehicles may operate within the Port Stephens Local Government Area. The guidelines also acknowledge that if not appropriately regulated, mobile food vendors could unduly affect the financial viability of land based food business.

Accordingly, a number of criteria have been developed within the policy that defines where mobile vendors are able to operate. This provides a level of protection for community safety, amenity and equity for land based businesses and will assist in maintaining their long term viability.

During the review of the policy consideration was also given to limiting the total number of mobile food vans approved for operation as a mechanism for reducing the potential impact on land based food businesses. A check of Council records over the last 2 years identified a single incident where a land based food business made a complaint about the operation of a mobile food van. It was decided that limiting the number of approvals was not warranted due to the small number of complaints and possible restriction of trade implications. It was also considered likely that this type of activity would be "self-regulated" through seasonal, financial and market forces resulting in an ebb and flow of mobile food vans moving in and out of the industry. Council's business database indicates that there are currently 31 registered mobile food vendors. Responsibility for maintaining current approval is reliant on the food vendors contacting Council to arrange an inspection.

The amended policy is recommended for adoption and is provided as (**ATTACHMENT 1**).

In respect of content the document is largely the same however it has been updated to reflect changes in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) and a revised policy by NSW Transport Roads and Maritime (RMS). Additionally, information relating to the application, approval, construction and operation of mobile food vehicles, previously included in an associated guideline document, has been included within the policy document itself.

FINANCIAL/RESOURCE IMPLICATIONS

There are minimal financial/resource implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal, policy and risk implications in reviewing and updating policies to the community and facilitating more accurate and robust decision making by Council staff.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that poor decisions will be made as a result of the out-dated /obsolete policy.	Medium	Adopt revised Policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation to update the Mobile Food Vehicle Policy will not result in any adverse sustainability implications.

CONSULTATION

Consultation has been undertaken with the respective internal staff.

OPTIONS

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

ATTACHMENTS

- 1) Revised Mobile Food Vehicle Policy and Guideline;
- 2) Existing Mobile Food Vending Vehicle Policy & Guidelines dated 22 November 2011 (min No. 396).

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
REVISED MOBILE FOOD VEHICLE POLICY



POLICY

Adopted: 22/11/2011
Minute No: 396
Amended:
Minute No:

FILE NO: PSC2009-05304
TITLE: MOBILE FOOD VEHICLE POLICY
RESPONSIBLE OFFICER: DEVELOPMENT ASSESSMENT AND COMPLIANCE
SECTION MANAGER

BACKGROUND

The purpose of this policy is to provide clarity around Council's position with respect to the operation and management of Mobile Food Vehicles across the Local Government Area (LGA) as well as to provide a clear framework in which mobile food vehicles may expect to operate across the LGA.

Mobile food vehicles and street vending has become common practice in today's experience of commercial and tourist destinations, often filling a need in the market that is otherwise not met by existing retail and service offerings.

Mobile food vehicles are not normally subject to development approval as they fall outside the Environmental Planning and Assessment Act. However, this type of business still needs to be regulated as they are: serving food to the public similar to traditional land based food outlets; their location may pose a safety risk to road users; and there is a need to ensure existing land based operators are not impacted by their service offering. For these reasons, there is the need for a clear policy that provides for food safety, pedestrian and traffic safety and equity for existing local businesses.

This Policy does not relate to permanent land based food vans that may be subject of a development application under the Environmental Planning and Assessment Act. The policy does however place a number of operational restrictions on mobile food businesses to afford a level of protection to the viability of land based food businesses and to ensure that both types of businesses can mutually co-exist.

OBJECTIVE

There are a number of objectives of this policy. They are:

- 1) To ensure pedestrian and road safety at all times;
- 2) To ensure food safety and hygiene standards are met at all times;
- 3) To ensure consistency in the operation and construction requirements for mobile food vehicles;
- 4) To ensure consistency and equity in the approval, application assessment and inspection process for mobile food vehicle operators; and
- 5) To ensure existing local land based business operators are not unreasonably compromised by the operation of mobile food vehicle operations throughout the Local Government Area.

PRINCIPLES

- 1) **Legislation and Guidelines:** Owners and operators shall comply with prescribed legislative instruments relating to the operation of mobile food vehicles and the processing of food for retail sale as outlined within the Port Stephens Council Mobile Food Vehicle Guidelines (Guidelines).
- 2) **Performance Objectives:** Owners and operators of mobile food vehicles shall meet minimum performance standards having regard to:
 - Protection of pedestrians and road users;
 - Food safety and good hygiene practises to ensure the retail sale of safe and suitable food;
 - Consistency in the construction requirements for mobile food vehicles;
 - The minimisation of any adverse impacts on existing land based business operators in or around areas in which the vehicles operating.
- 3) **Operational Assessment and Management Framework:** Council will follow the operational framework outlined within the Guidelines to provide consistency and equity in the approval, application assessment and inspection process for existing and future mobile food vendors. Mobile food vehicles must not be permitted to detrimentally impact on the financial viability of land based food businesses.
- 4) **Resourcing:** The Mobile Food Vehicle program is managed within the Development Services Group. The program is self-funded via the fees and charges collected through the service.
- 5) **Education and Advice:** The Mobile Food Vehicle program will be included within Council's existing food surveillance and education program as necessary to ensure compliance and standards are achieved.

POLICY STATEMENT

Council supports the operation of Mobile Food Vehicles within appropriate areas throughout the Local Government Area in accordance with its Mobile Food Vehicle Guidelines.

RELATED POLICIES

Port Stephens Council Mobile Food Vehicle Guidelines 2014.

SUSTAINABILITY IMPLICATIONS

The provision of the Mobile Food Vehicle service meets a number of social, economic and environmental needs throughout the community.

SOCIAL IMPLICATIONS

The Mobile Food Vehicle service aims to meet consumer demands in the community where existing services currently do not exist. From the traditional Ice Cream vendor through to more sophisticated restaurant offerings, the service aims to have a positive social impact particularly in areas in the LGA where there is community demand in isolated locations, sporting events, tourist locations and social events where there are no other food services available. This Policy will enable those demands to be serviced.

ECONOMIC IMPLICATIONS

The Mobile Food Vehicle service aims to provide a positive economic impact on the existing community through the provision of complimentary service offerings to residents and visitors alike.

The challenge is to ensure there is balance between existing land-based food operators and Mobile Food Vehicle operators. Land based food businesses are also an integral contributor to the success of the regions tourist industry and are also a valued and important source of stable employment.

Typically land based food businesses operate under a higher cost structure than mobile food vehicles due to additional expenses including rent, labour and utilities.

Council will always consider the viability of existing land based businesses in the first instance when assessing the merits of any Mobile Food Vehicle application. The Mobile Food Vehicle Guidelines define clear criteria around the where mobile food vehicles are permitted to operate to ensure existing businesses are not compromised.

ENVIRONMENTAL IMPLICATIONS

The Mobile Food Vehicle service aims to ensure the environmental impact of the operators is managed at all times. All operators are required to provide detail around their noise and litter management practices via the application process. A waste management plan is also requested as part of the application process.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act 1993 (s68, F7);
- 2) Food Act 2003, Food Regulation 2010 and Food Standards Codes;

- 3) Roads Act 1993 and Roads Regulation 2008;
- 4) Road Transport (Safety and Traffic Management) Act 1999 and Road Transport (Safety and Management) Regulation 1999 and Australian Road Rules 2008;
- 5) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Subdivision 27A – Mobile food and drink outlets).

The Government Authorities that have regulatory responsibility for Mobile Food Vehicle operations are:

- The Roads and Maritime Services ;
- The Police Service;
- Port Stephens Council.

IMPLEMENTATION RESPONSIBILITY

- 1) Environmental Health and Compliance Coordinator.

PROCESS OWNER

- 1) Development Assessment & Compliance Section Manager.

REVIEW DATE

- 1) Every four years from date of adoption.



MOBILE FOOD VEHICLE GUIDELINES 2014

To be used in conjunction with Council's Mobile Food Vehicle Policy

1. INTRODUCTION

The Mobile Food Vehicle Guidelines (Guidelines) provide Council and Mobile Food Vehicle operators with guidance to effectively and consistently control and operate Mobile Food operations and street vending activities within public roads or within public and private places. The Guidelines identify the responsibilities and requirements for Mobile Food Vehicle operators. The Guidelines also establish criteria for the construction of vehicles, vans, vessels so that appropriate standards associated with street vending and food sales are regulated. The Guidelines are mandatory for all street vending activities carried out within the Port Stephens Local Government Area.

2. APPLICATION OF THE GUIDELINES

- 2.1 These Guidelines shall apply to all Mobile Food operators and street vending vehicles within the Port Stephens Local Government area (LGA).
- 2.2 Operators are required to comply with all applicable legislation including the Local Government Act, 1993, the Roads Act, 1993, the Road (Safety and Traffic Management) Act, 1999 including the Road Rules 2008, the Food Act, 2003 and FSANZ Food Standards Codes [as amended from time to time].
- 2.3 Council must take the provisions of its Mobile Food Vehicle Policy and these Guidelines into account when determining whether to give or refuse an approval for the operation of a Mobile Food vendor.
- 2.4 Council will take all relevant matters into consideration when determining an application.

3. MOBILE FOOD VEHICLE ASSESSMENT AND OPERATIONAL CRITERIA

3.1 Mobile Food Vehicle Standards

- a. The design, construction and operation of mobile food vehicles shall comply with the NSW Food Authority guideline - Mobile Food Vending Vehicles - Operation, Construction and Food Handling Guidelines, August 2009.
- b. Food handling and hygiene requirements shall comply with the Food Act 2003, Food Regulation and Food Standards Codes [as amended from time to time].

- c. Mobile food vehicles must be of a size, design and construction appropriate for the type and scale of food being prepared and sold.

3.2 Trading Areas, Trading Times and Other Information

To ensure mobile food vehicles do not unreasonably impact on the operation of existing businesses the following standards apply:

- a. Mobile food vehicles must not trade within 350 metres of an existing trading land based food business (This minimum distance requirement is measured in a straight line from the closest point of the Mobile Food Vehicle (location) to the main entrance of the land based food business);
- b. Mobile food vehicles must not trade on any road or street regulated by the Roads and Maritime Service (RMS) without the prior approval of the RMS;
- c. Mobile food vehicles must not trade on any street deemed by Council as being unsuitable by virtue of its location, traffic condition or other safety issue.
- d. Mobile Food Vendors shall only occupy a permitted selling location for such a period of time whilst engaged in the actual setting up and serving of a customer and shall after serving all customers move on and not return to the same location within one (1) hour.
- e. Mobile Food Vendors shall at all times comply with the relevant parking restrictions.
- f. Mobile food vehicles must not trade as a roadside stall or as a stall to sell food to the public on any site that first requires development consent for that use.
- g. Approved mobile food vehicles shall not trade between sunset and sunrise unless stated in the approval. Council may limit operating hours to particular days or dates or shorter trading times. An authorised officer may require a mobile food van to move if necessary and may also require a van to leave the area.

4. APPLICATION PROCESS AND ASSESSMENT

4.1 General

- a. Applications shall be made to Council in writing to operate any mobile food vehicle for the vending of food in the Port Stephens LGA. Not for profit and charitable organisations are not exempt from this policy.
- b. New Mobile Food Vehicles: New vehicles are those that do not hold a current approval with Council or with any other Council. The application shall be subject to an administration fee and initial inspection (fee applicable). The vehicle will be subject to on-going annual inspections (fee applicable).
- c. Existing Mobile Food Vehicles: Existing vehicles are those that hold a current approval with Council or hold an approval (in-force) with another Council. Operators of existing mobile food vehicles holding an approval with another Local Council and wishing to operate in the Port Stephens LGA shall make application in writing to Council. The application shall be subject to an administration fee and provision of a copy of a current and satisfactory inspection report from another Council. The vehicle will be subject to on-going annual inspections (fee applicable) or alternatively the provision of a copy of a current and satisfactory inspection report from another Council.

4.2 Required Information

The following information is required from the applicant when submitting an application:

- a. A completed Mobile Food Vehicle Application Form. **Note:** Incomplete application forms will not be processed.
- b. A current certificate of currency (Public Liability Insurance) for a minimum \$10,000,000.

4.3 Assessment

- a. Following receipt of a complete application Council will undertake an assessment against relevant legislation and guidelines. If approved and once all fees have been received an approval to operate will be released allowing operation of the mobile food vehicle.

5. APPROVALS

- 5.1 The Policy applies to approvals for an activity in accordance with Local Government Act, 1993 [section 68, F7]: Use a standing vehicle or any article for the purpose of selling any article in a public place.
- 5.2 Approvals shall take effect from the date stated thereon and shall expire 12 months after the date of the approval or any other time as stated on the approval no greater than 12 months. Continuation for the operation of the mobile food vehicle is only permitted after re-inspection and payment of fees.
- 5.3 Food Vendors must not hawk or sell any article of food away/separate from the mobile food vehicle.
- 5.4 Mobile food vendors must maintain registration of their business with the NSW Food Authority (www.foodnolify.nsw.gov.au).
- 5.5 The vehicle/vessel shall be maintained, registered and comply with the relevant provisions of the Motor Traffic or Maritime Regulations.
- 5.6 NSW Transport Roads and Maritime Service (RMS) is an approval authority for road related and marine vessels. Operators of vessels are to obtain prior consent of NSW RMS as part of the Council application process.
- 5.7 The operation of a mobile food vehicle approved under this policy does not extinguish other legislative responsibilities that may be applicable (i.e. Approvals required under the Environmental Planning and Assessment Act, Local Government Act, Food Act).

6. INSPECTIONS

- 6.1 Mobile food vehicles shall be subject to an annual inspection by Councils Environmental Health Officers for which a fee is applicable.
- 6.2 All vehicles subject to an inspection shall be presented at a designated location convenient to both the Environmental Health Officer and the operator on a mutually acceptable date and time.
- 6.3 Operators of approved vehicles that are able to provide a copy of an inspection report for the nominated vehicle performed by a Council other than Port Stephens Council will not require an annual inspection. The provided inspection report must have been performed within the previous 12-months and must indicate a satisfactory result with no critical non-compliances. The provided report must be on letterhead of the issuing Council.

7. FEES AND CHARGES

- 7.1 Fees applicable to mobile food vending vehicles are presented in Council's Schedule of Fees and Charges.
- 7.2 Mobile food vehicles are subject to both administrative and inspection fees depending on the circumstances.
- 7.3 Mobile food vending vehicles owned by not-for-profit, charitable or community organisations may make application for a refund of inspection fees. Applications shall be addressed to Council's Public Officer (or Ward Councillors for amounts under \$250).

8. COMMUNITY AMENITY, SAFETY AND CLEANLINESS

The operation of mobile food vehicles must give consideration to impacts on the community amenity, other businesses and the environment through the following standards:

- 8.1 The location and operation of mobile food vehicles must not have a detrimental impact on the safety of pedestrians and other road users.
- 8.2 Access to a mobile food vehicle must be via an adjacent pedestrian walkway and not a roadway.
- 8.3 Mobile food vehicles must comply with parking restrictions and applicable road rules.
- 8.4 The operation of mobile food vehicles must ensure compliance with *Protection of the Environment and Operations Act, 1997* having regard to noise and litter.
- 8.5 All operators of mobile food vehicles must outline a clear waste management plan ensuring the litter created from the operations of the mobile food vehicle do not adversely impact on the surrounding environment or Council's existing waste management service in the surrounding area.
- 8.6 Residential amenity must not be unreasonably affected by the operation of a mobile food vehicle.

**ATTACHMENT 2
EXISTING MOBILE FOOD
VENDING POLICY DATED 22 NOVEMBER 2011 (MIN NO. 396)**



POLICY

Adopted: 22/11/2011
Minute No: 396
Amended:
Minute No:

FILE NO: PSC2009-05304
TITLE: MOBILE FOOD VENDING VEHICLE POLICY
RESPONSIBLE OFFICER: MATTHEW BROWN

BACKGROUND

The purpose of this Policy is to provide a framework in which mobile food vending vehicles may operate within the Port Stephens Local Government Area.

Mobile food vending vehicles and street vending has become an integral part of modern society and often fill a niche in the market for convenience foods that are sometimes not met by traditional food outlets. In some cases, food vehicles are able to access remote locations not serviced by local food outlets or are able to deliver specialty foods directly to the customer.

Mobile food vehicles are not normally subject to Development Approval as they fall outside the Environmental Planning and Assessment Act. However, this type of business needs to be regulated as they are serving food to the public similar to traditional land based food outlets. Many mobile food vehicles park on road reserves and in other locations that at times may create a hazard for pedestrians and traffic. Due to the nature of mobile food vehicles, there is the need for a strong policy that provides for food safety, pedestrian and traffic safety.

This Policy does not relate to permanent land based food vans that may be subject of a development application under the Environmental Planning and Assessment Act.

OBJECTIVES

The purpose of this Policy is to establish the criteria which must be taken into consideration by Council when determining an application to operate a mobile food vending vehicle within the Port Stephens Local Government Area.

The Policy promotes:

- Pedestrian and driver safety;
- Food safety and good hygiene practises;
- Consistency in the construction requirements for mobile food vehicles;
- Consistency and equity in the approval, application assessment and inspection process for future and existing mobile food vehicle operators.

PRINCIPLES

Legislation and Guidelines: Owners and operators shall comply with prescribed legislative instruments relating to the operation of mobile food vending vehicles and the processing of food for retail sale. Legislation, standards and industry accepted guidelines will be used by staff to ensure appropriate approvals, design and operation of mobile food vending vehicles.

Performance Objectives: Owners and operators of mobile food vending vehicles shall meet minimum performance standards having regard to:

- Protection of pedestrians and other road users;
- Food safety and good hygiene practises to ensure the retail sale of safe and suitable food;
- Consistency in the construction requirements for mobile food vehicles;
- The minimisation of any adverse impacts on the public and the amenity of the environment in which the vehicles operate.

Operational Framework: The policy specifies an operational framework designed to provide consistency and equity in the approval, application assessment and inspection process for future and existing mobile food vehicle operators.

Resourcing: The mobile food vending vehicle program is managed within the Environmental Health and Regulation team. The costs of the program are funded through the fees collected from applications and inspections.

Education and Advice: An integral component of the food surveillance program involves the provision of advice and educational material to food vehicle operators as required or requested.

POLICY STATEMENT

This Policy will provide a consistent and equitable framework for all matters relating to the approval, operation and construction of mobile food vending vehicles within Port Stephens Local Government Area. It will allow food vending vehicles to operate legitimately in those locations where the Policy permits.

RELATED POLICIES

Nil

SUSTAINABILITY IMPLICATIONS

Mobile food vendors now form part of everyday modern society, resulting in freedom of choice for consumers and offer a variety of food choices. Advances in technology now enable food and beverages to be provided safely and hygienically to the consumer from mobile operators.

SOCIAL IMPLICATIONS

There is a demand from consumers for services at isolated locations, parks, beaches, car parks, sporting events, social events where there are no other food services available. This Policy will enable those demands to be serviced.

ECONOMIC IMPLICATIONS

Mobile food vehicles provide a service to tourists, visitors and some residents, which can enhance the appeal of the area and contribute to the economic success of this region. A number of mobile food vendors reside in the Port Stephens area therefore this has a positive economic on-flow effect.

ENVIRONMENTAL IMPLICATIONS

There are minimal environmental implications associated with mobile food vehicles. One issue may be littering adjacent to mobile food vehicles, however experience has shown that this is not significant compared to other food outlets.

RELEVANT LEGISLATIVE PROVISIONS

- Local Government Act 1993 (Section 68, D1 and F7)
- Food Act 2003, Food Regulation 2010 and Food Standards Codes
- Roads Act 1993 and Roads Regulation 2008
- Road Transport (Safety and Traffic Management) Act 1999 and Road Transport (Safety and Management) Regulation 1999 and Australian Road Rules 2008

GOVERNMENT AUTHORITIES

The Government Authorities that have regulatory responsibility for street vending operations are:

- The Roads and Traffic Authority
- The Police Service
- Council

IMPLEMENTATION RESPONSIBILITY

Environmental Health and Regulation Team

DEFINITIONS

"Mobile Food Vending Vehicle": includes all food vending vans, mobile trailers, carts and maritime vessels (whether registered or not) used for the purpose of selling any article of food on a public reserve or within public or private property.

"Mobile Food Vendor": includes a company or individual that operates a mobile food vending vehicle.

"Development Application": is a formal request for permission to carry out a development under the Environmental Assessment and Planning Act, 1979.

"Approved Vehicle": A mobile food vending vehicle holding an approval currently in-force with PSC or another local Council.

"Council": Port Stephens Council

"LGA": Local Government Area

REVIEW DATE

Four years from the date of adoption.

**GUIDELINE FOR THE
APPROVAL, OPERATION AND
CONSTRUCTION OF
MOBILE FOOD VENDING VEHICLES**



Guidelines for the Approval, Operation and Construction of Mobile Food Vending Vehicles

INTRODUCTION

This Guideline provides Council and mobile food vendors with guidance to effectively and consistently control and operate street vending activities within public roads or within public and private places. The Policy identifies the responsibilities and requirements for food van operators. The Guideline also sets criteria for the construction of vehicles, vans, vessels so that appropriate standards associated with street vending and food sales are regulated. The Guideline is mandatory for all street vending activities carried out within the Port Stephens Local Government Area.

APPLICATION OF THIS POLICY

1. This policy shall apply to all mobile food vending vehicles within the Port Stephens Local Government area (LGA).
2. Operators are required to comply with all applicable legislation including the *Local Government Act, 1993*, the *Roads Act, 1993*, the *Road (Safety and Traffic Management) Act, 1999* including the *Road Rules 2008*, the *Food Act, 2003* and *FSANZ Food Standards Codes* (as amended from time to time).
3. Council must take the provisions of this policy into account when determining whether to give or refuse an approval for the operation of a food vending vehicle.
4. Council will take all matters into consideration when determining an application.

ORGANISATION OF POLICY

This policy is divided into 3 sections.

Section 1: Exemptions from the need to obtain an approval under this policy

Section 2: Criteria to be considered by Council (when determining an application)

Section 3: Other Matters Relating to Approvals

Guidelines for the Approval, Operation and Construction of Mobile Food Vending Vehicles

SECTION 1: EXEMPTIONS FROM THE NEED TO OBTAIN AN APPROVAL

1. There are currently no exemptions from the requirement to obtain an approval to operate a mobile food vending vehicle in Port Stephens.
2. All operators of mobile food vending vehicles must obtain an approval from Council prior to operating and may only operate in accordance with all the conditions of that approval.
3. Not-for-profit, charitable and community organisations are not exempt from the requirements of this policy.
4. If it is proposed to operate any mobile food vending vehicle from private land, then development consent may be required prior to commencement of operations.
5. Food transport vehicles, such as those approved by the NSW Food Authority, are not exempt from the requirements of this policy if proposed to engage in the retail sale of food on public roads or public places.

SECTION 2: CRITERIA TO BE CONSIDERED BY COUNCIL

This section prescribes criteria to be considered by Council when determining whether to approve or refuse an application.

1. APPLICATIONS

- a. Applications shall be made to Council in writing to operate any mobile food vehicle for the vending of food on public roads or public places in the Port Stephens LGA.
- b. An application to Council shall only be made on Council's mobile food vending vehicle application form. The application form shall be fully completed and signed by all owners of the vehicle. Incomplete application forms will not be processed.
- c. **New Mobile Food Vending Vehicles:** New vehicles are those that do not hold a current approval with Council or with any other Council. Operators of new mobile food vending vehicles shall make application in writing to Council. The application shall be subject to an administration fee and initial inspection (fee applicable). The vehicle will be subject to annual inspections (fee applicable) (refer table 1).
- d. **Existing Mobile Food Vending Vehicles:** Existing vehicles are those that hold a current approval with Council or hold an approval (in-force) with another Council. Operators of existing mobile food vending vehicles holding an approval with another Local Council and wishing to operate in the Port Stephens LGA shall make application in writing to Council. The application shall be subject to an administration fee (refer table 1).

An initial inspection by Council may be required subject to the following criteria:

Guidelines for the Approval, Operation and Construction of Mobile Food Vending Vehicles

- i. Applicants able to provide a copy of a satisfactory inspection report performed by another Council for the mobile vending vehicle subject to the application will not require an initial inspection by Council. The provided inspection report must have been performed within the previous 12-months of the date of application and must indicate a satisfactory result with no critical non-compliances. The provided report must be on letterhead of the issuing Council.
- ii. Applicants not able to provide a copy of a satisfactory inspection report for the mobile vending vehicle subject to the application will be required to provide the vehicle for an initial inspection by Council.

Table 1: Application and Inspection Requirements

Situation	Initial Application	Initial Inspection	Annual Inspection
New food vending vehicle	✓	✓	✓
Existing food vending vehicle (current approval with another Council)	✓	Refer Section 2: clause 1 (d)	Refer Section 3: clause 3(d)
Existing food vending vehicle (current approval with Council)	✗	✗	✓

2. LEGISLATION

a. The Council must take into account, and ensure compliance with all relevant legislative provisions [as amended from time to time] including:

- i. Local Government Act 1993 (Sections 68 (D1: Engage in a trade or business) and (F7: Use a Standing Vehicle or any Article for the purpose of selling any article in a public place));
- ii. Food Act 2003, Food Regulation 2010 and the Australian/New Zealand Food Standards Codes;
- iii. Road Transport (Safety and Management) Act 1999, Road Transport (Safety and Management) Regulation 1999 and Australian Road Rules 2008 and Roads Act 1993 and Roads Regulation 2008.

b. The Council may consult with other government authorities that have regulatory responsibility for street vending operations including:

- i. The Roads and Traffic Authority (RTA); and
- ii. The Police Service

c. The Council must take into account the provisions of the Department of Local Government Guidelines for Street Vending Control No 96/46 prepared by the Department of Local Government in conjunction with the Local Government and Shires Association, the Roads and Traffic Authority and the Police Service. The guidelines provide criteria for:

- i. Operators associated with pedestrian traffic;
- ii. Passing traffic;
- iii. Lighting; and
- iv. Safety issues and general motor traffic regulations.

Guidelines for the Approval, Operation and Construction of Mobile Food Vending Vehicles

3. APPROVALS

- a. The use of any mobile food vehicle (and any area adjacent thereto) for the purpose of selling any article of food is prohibited without the approval of Council in writing.
- b. Food Vendors must not hawk or sell any article of food away/separate from the Mobile Food Vending Vehicle.
- c. When food premises within or outside the Port Stephens LGA are used for the preparation of food to be sold from a mobile food vending vehicle (in the Port Stephens LGA), those premises must be licensed with the NSW Food Authority for the manufacture of food or if a retail outlet then hold an approval with the Local Council.
- d. Mobile food vendors must maintain registration of their business / vehicles with the NSW Food Authority (www.foodauthority.nsw.gov.au).
- e. The vehicle/vessel shall be maintained, registered and comply with the relevant provisions of the Motor Traffic or Maritime Regulations.
- f. NSW Maritime is an approval authority for marine vessels. Operators of vessels are to obtain prior consent of NSW Maritime as part of the Council application process.
- g. The operation of a mobile food vending vehicle approved under this policy does not extinguish other legislative responsibilities that may be applicable (i.e. Approvals required under the Environmental Planning and Assessment Act, Local Government Act, Food Act etc).

4. CONSTRUCTION AND FOOD HANDLING REQUIREMENTS

- a. The design and construction of mobile food vending vehicles shall comply with the NSW Food Authority guideline - Mobile Food Vending Vehicles - Operation, Construction and Food Handling Guidelines [as amended from time to time].
- b. Food handling and hygiene requirements shall comply with the Food Act 2003, Food Regulation and Food Standards Codes [as amended from time to time].

5. SIGNAGE

- a. Warning signs are to be displayed to alert motorists to the likelihood of pedestrians and children and the need for caution. One sign shall face motorists approaching the front of the vehicle and one sign shall face motorists approaching from behind.
- b. The design of the signs is to contain the words "Caution Children". The lettering should be bold faced, sans serif styled to have a minimum height of 120mm. The lettering is to be white on a red background.
- c. Position of signs – signs should be secured to the vehicle so they are as high as practical on the vehicle. If possible, the front facing sign mounted above windscreen level and the rear facing sign at a similar elevation. No part of the sign is to impede the drivers visibility or the operation of mirrors, indicators and such like.
- d. Signage design, construction materials, colour, size and fixing location shall comply with the relevant Australian Standard.

6. TRADING TIMES

Approved mobile food vendors shall not trade between sunset and sunrise unless stated in the approval. Council may limit operating hours to particular days or dates or shorter trading times.

7. TRADING AREAS

a. Mobile Food Vending Vehicles shall not trade within a zoned business area or within 350 metres of a land based food business or any street deemed by Council as being unsuitable by virtue of its location or traffic condition (as identified in clause b below).

b. In considering whether a trading area is suitable Council must consider:

- i. The need for and availability of parking;
- ii. Entry and exit for street vending locations;
- iii. Location of advertising signs;
- iv. Sufficient room for the availability of pedestrians, especially people with disabilities and those in wheelchairs or with prams;
- v. Applicable street speed limits;
- vi. The volume of traffic and pedestrians;
- vii. Visibility;
- viii. Width of any footpath or road shoulder;
- ix. The effect of any traffic or other regulatory signs;
- x. The position of driveways and entrances;
- xi. Placement of traffic warning signs;
- xii. Lighting (if applicable);
- xiii. Impacts on other users in the area.

c. Mobile Food Vendors shall only occupy a permitted selling location for such a period of time whilst engaged in the actual setting up and

Guidelines for the Approval, Operation and Construction of Mobile Food Vending Vehicles

serving of a customer and shall after serving all customers move on and not return to the same location within one (1) hour.

d. Approval is for the operation of a mobile food vending vehicle within public reserves, on public roads or on other public land.

e. Mobile Food Vending Vehicles must not operate:

- i. As a roadside stall.
- ii. As a stall to sell food to the public on any site that first requires development consent for that use.

SECTION 3: OTHER MATTERS RELATING TO APPROVALS

Unless stated otherwise in an approval the following conditions will relate to any approval issued by Council.

1. USE OF VEHICLES

- a. A mobile food vending vehicle shall not be used for sleeping purposes.
- b. Every person engaged in the preparation or delivery of food for sale shall keep, at all times, receptacles, utensils and vehicles used in connection with food for sale clean, free from dust, dirt, odours, and vermin.
- c. Every person engaged in the preparation or delivery of food for sale shall, when so engaged, maintain his/her clothing and his/her body clean.
- d. No person shall use any vehicle for the carriage or containing any matter or thing whereby the wholesomeness, cleanliness and freedom from contamination of any food for sale contained or usually carried in the vehicle might be endangered.
- e. The vehicle shall be used for the vending and delivery of food only and shall, at all times, be maintained in a satisfactory standard of cleanliness.
- f. All equipment and signage shall at all times be kept within the confines of the vehicle.

2. INSPECTIONS

- a. Mobile food vending vehicles shall be subject to an annual inspection by Council's Environmental Health Officers for which a fee is applicable (except in accordance with clause 3c below).
- b. All vehicles subject to an inspection shall be presented at a designated location convenient to both the Environmental Health Officer and the operator on a mutually acceptable date and time.
- c. Operators of approved vehicles that are able to provide a copy of an inspection report for the nominated vehicle performed by a Council other than Port Stephens Council will not require an annual inspection. The provided inspection report must have been performed within the previous 12-months and must indicate a satisfactory result with no critical non-compliances. The provided report must be on letterhead of the issuing Council.

3. FEES AND CHARGES

- a. The fees applicable to mobile food vending vehicles are presented in Council's Schedule of Fees and Charges. These are reviewed annually.
- b. Mobile food vending vehicles are subject to both administrative and inspection fees depending on the circumstances.
- c. Mobile food vending vehicles owned by not-for-profit, charitable or community organisations may make application for a refund of inspection fees. Applications shall be addressed to Council's Public Officer (or Ward Councillors for amounts under \$250).

4. OTHER REGULATORY REQUIREMENTS

- a. The use of liquid petroleum gas shall comply with the relevant standards currently in-force and appropriate authority requirements. Gas fired appliances should not have a gas bottle greater than 9kg capacity.
- b. A fire extinguisher and fire blanket shall be supplied in every vehicle where cooking or heating processes are undertaken.
- c. Fire safety equipment shall be easily accessible in the event of a fire. The extinguisher should be suitable for dealing with the type of combustible materials present.
- d. Noise from the operation of the vehicle/vessel shall be limited to comply with the requirements of Noise Control Legislation.
- e. Port Stephens Council may require all Food Vendors to supply evidence of compliance with any condition of their approval if reasonably asked to do so.

ITEM NO. 7**FILE NO: PSC2013-03006****POLICY: CHILD PROTECTION**

**REPORT OF: MICHELLE GILLIVER-SMITH – ACTING ORGANISATION DEVELOPMENT
SECTION MANAGER
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the CHILD PROTECTION policy dated 15 August 2000 (Minute No. 439) noted as **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

226	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council revoke the CHILD PROTECTION policy dated 15 August 2000 (Minute No. 439) noted as (ATTACHMENT 1) .

BACKGROUND

The purpose of this report is to provide information to Council to support the revocation of the Child Protection Policy.

In 1998 the New South Wales government introduced a number of legislative changes relating to the employment of people working with children and to the handling of complaints against staff working with children. These legislative changes apply to staff, contractors and volunteers of Council. This was primarily through the *Child Protection (Prohibited Employment) Act 1998* and associated legislation.

As a result of this change, Council introduced a Child Protection Policy to assist with the implementation of the requirements of the Act.

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

Since this time, the obligations of the Act have been embedded into Council's recruitment processes for employed staff, contractors and volunteers and it is now unnecessary to have a policy which deals with these matters.

All positions within Council undergo a number of pre-employment screen processes once preferred candidates have been identified. Any positions which are required to have a criminal check or a working with children check by the legislation are identified as part of this process and the relevant checks are completed before employment with Council commences. Council also runs training for relevant supervisors and staff on the requirements of the legislation on a regular basis.

FINANCIAL/RESOURCE IMPLICATIONS

The current processes are accommodated within the current Organisation Development budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Salaries	The current processes are accommodated within the current Organisation Development budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council has a legal obligation to comply with the requirements of the *Child Protection (Working with Children) Act 2012* and the *Children and Young Persons (Care and Protection) Act 1998*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that children and young people will be at risk if the policy is revoked.	Low	Continue applying requirements of the various legislation in relation to child protection.	Yes
There is a risk that there will be a public perception that Council do not care about child protection.	Low	Continue applying requirements of the various legislation in relation to child protection.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will remove out-dated information and continue to ensure that Council operates to protect children within its care.

CONSULTATION

- 1) Human Resources Manager;
- 2) Executive Officer;
- 3) Children's Services Coordinator.

OPTIONS

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

ATTACHMENTS

- 1) Child Protection Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



Adopted : 15/8/00
Minute No. 439
Amended: #
Minute No. #

FILE NO: R7160-004

TITLE: CHILD PROTECTION POLICY

BACKGROUND

The New South Wales government has introduced a number of legislative changes relating to the employment of people working with children and to the handling of complaints against staff working with children. These legislative changes apply to staff, contractors and volunteers of Council. Under the legislation, a child is a person under 16 years of age and a young person is a person aged 16 or 17 years.

OBJECTIVE

To ensure that Council provides a safe, caring and nurturing environment for children and young people using Council's services and to comply with the requirements of the legislative framework covering the protection of children and young people.

PRINCIPLES

The community of Port Stephens has a right to expect that when using any of the services of Port Stephens Council, Council will ensure a safe, caring and nurturing environment for their children. They expect that while using Council's services, their children and young people will be protected from all forms of abuse, including sexual, physical and emotional abuse and neglect. It also expects that Council will take all possible precautions to ensure that persons employed in any capacity associated with the care of children have undergone appropriate probity checks, are suitable to work with children and are not Prohibited Persons as described in the Child Protection (Prohibited Employment) Act 1998.

POLICY STATEMENT

Council will adopt procedures that:

- Ensure that staff working with children are not "Prohibited Persons" within the meaning of the relevant legislation.
- Ensure that staff recruited to work with children are suitable for that work.
- Ensure that Council's recruitment processes meet with the requirements of the relevant legislation.

- Put in place systems for investigating any allegations of child abuse or neglect against staff in the course of their employment.

RELATED POLICIES

The Privacy Management Plan.
The Accessing Information Policy

REVIEW DATE

August 2001

RELEVANT LEGISLATIVE PROVISIONS

- Ombudsman Amendment (Child Protection & Community Services) Act 1998
- Commission For Children And Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Children and Young Persons (Care and Protection) Act 1998

IMPLEMENTATION RESPONSIBILITY

The Human Resources Section will have broad responsibility for the implementation of this policy.

ITEM NO. 8**FILE NO: PSC2012-00281****POLICY: CASH HANDLING****REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER****GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the current Cash Handling Policy adopted by Council 24 April 2012, Minute No. 83 noted as **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

227	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council revoke the current Cash Handling Policy adopted by Council 24 April 2012, Minute No. 83 noted as (ATTACHMENT 1) .

BACKGROUND

The purpose of this report is to recommend Council revoke the Cash Handling Policy adopted by Council 24 April 2012, Minute No. 83.

This Policy is no longer relevant as the subject matter is covered by the Cash Handling management directive adopted by the Executive Leadership Team on 14 June 2013, which is sufficient and appropriate as the General Manager is responsible for Council's day to day operations.

FINANCIAL/RESOURCE IMPLICATIONS

Costs associated with Policy review are covered in the 2014-2015 Budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's administrative processes remain outdated.	Low	<ul style="list-style-type: none"> Revoke the Cash Handling Policy as recommended and update Councils Policy register to reflect the change. Communicate to all staff. 	Yes
There is a risk of not having appropriate cash handling practices in place.	Low	<ul style="list-style-type: none"> Practices are included in Council's Cash Handling Management Directive. 	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Financial Services Section.

OPTIONS

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

ATTACHMENTS

- 1) Cash Handling Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

Adopted: 24/04/2012
Minute No: 83
Amended:
Minute No:

FILE NO: PSC2012-00281
TITLE: CASH HANDLING POLICY
RESPONSIBLE OFFICER: FINANCIAL SERVICES MANAGER

BACKGROUND

Port Stephens Council recognises that cash handling is a high-risk function, the most serious and obvious risk being that of misappropriation or theft. It is important that these risks are minimised and that proper processes are in place and regularly reviewed.

Definitions

Cash – is defined as currency, coins, cheques, money orders, electronic and credit card transactions and fund-raising

Council official – refers to all employees, contractors and volunteers engaged by Council

OBJECTIVE

- 1) To ensure all monies received by Council are fully accounted for, receipted and deposited into Council's bank account.
- 2) To ensure consistency in standards in cash handling across all Council sites and services.
- 3) To establish and maintain accountability for the flow of cash through Council.
- 4) To provide a framework for cash handling processes and the security of cash.

PRINCIPLES

- 1) Cash receipting systems appropriate for each site will be installed and maintained.
- 2) Access to computer systems involved in cash handling will be monitored and restricted to delegated Council officials.
- 3) Cash received at each location shall be adequately safeguarded at all times, and properly receipted and/or documented in accordance with the approved receipting procedure using the installed Council system or official receipt books. Each such receipt is to be dated and numbered in sequential order.
- 4) All cash received must be banked on the next banking day, unless formal prior arrangements have been made.
- 5) All discrepancies as a result of cash handling processes, must be recorded, processed and reported.

- 6) Cash handling errors or eftpos errors of \$20.00 or more will be documented and investigated by a supervisor.
- 7) If continuous cash handling errors or eftpos errors occur, the employee may be warned formally in writing by the appropriate officer of Council and/or counselled.
- 8) Until deposited all cash must be kept secured in a locked drawer, container or safe and not left unattended.
- 9) Only Council cash may be stored in Council's safe keeping devices.
- 10) Safes are to be locked at all times (when not in use) and are to be located in a place not obvious to customers.
- 11) A register with the identity and position of employees with access to safes, cash registers or cash/card operated machines is to be maintained by Council.
- 12) Cash will be collected from specific sites by Council's authorised collection agent and transported in a secure manner to ensure all funds are adequately safeguarded.
- 13) Managers responsible for designated sites must maintain current documentation including a daily record and reconciliation of cash taken and received, including cash register total slips.
- 14) The borrowing or taking of cash from any float, till or safe for personal benefit is prohibited.
- 15) Non-compliance with this cash handling policy or site-specific cash handling procedures may result in disciplinary action.

POLICY STATEMENT

- 1) The policy intent is to protect Council funds, maintain the integrity, security and reputation of Council and its staff and the mitigation of the risks associated with cash handling.
- 2) This policy applies to all Council officials involved with the handling of cash and/or eftpos.

RELATED POLICIES

- 1) Code of Conduct – Port Stephens Council
- 2) Fraud and Corruption Control policy – Port Stephens Council

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

The risk of misappropriation or theft of cash will be reduced.

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act 1993 – s439
- 2) Independent Commission Against Corrupt Act 1988

IMPLEMENTATION RESPONSIBILITY

- 1) Financial Services Manager

REVIEW DATE

- 1) 1 July 2014

ITEM NO. 9**FILE NO: PSC2014-00613****2014 CUSTOMER SATISFACTION SURVEY****REPORT OF: CARMEL FOSTER – GROUP MANAGER****GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained the Customer Satisfaction Survey 2014 Report noted as **(TABLED DOCUMENT 1)**.
-

**ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Chris Doohan left the meeting at 6.12pm prior to voting.

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

MOTION

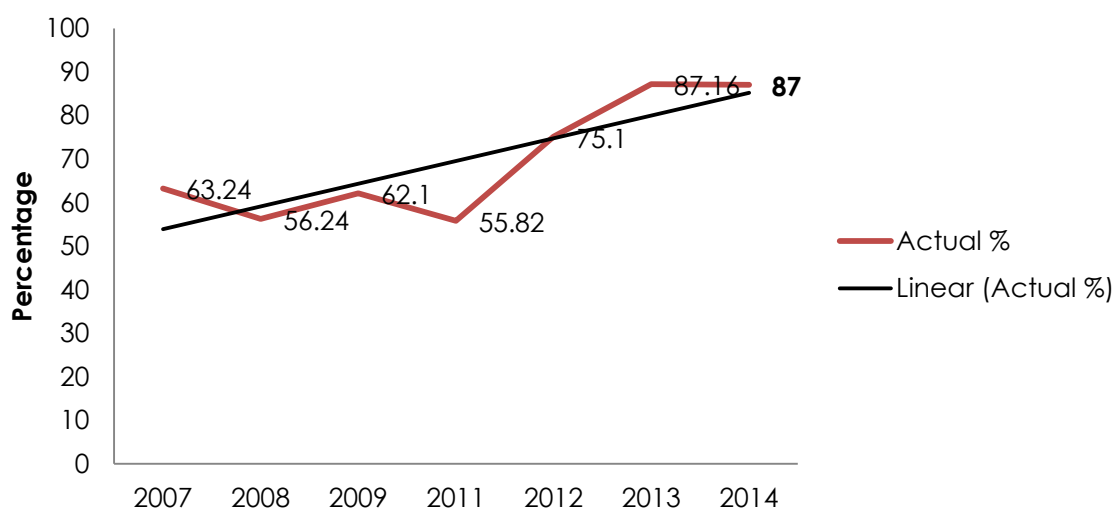
228	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council note the information contained the Customer Satisfaction Survey 2014 Report noted as (TABLED DOCUMENT 1) .

BACKGROUND

The purpose of this report is to present to Council the findings of the Customer Satisfaction survey conducted in April and May 2014, as required by Operational Plan 2013-2014 (18.1.1.6). The overall satisfaction rating for 2014 was 87% (unchanged from 2013).

Trend details are shown in the graph below.

Overall Satisfaction Trend



Maintenance of local roads, maintaining parks and gardens, and access to waste depots and waste transfer stations, and development and building services showed statistically significant improvement (>5%). Satisfaction with libraries fell significantly. Otherwise there were no areas where the changes – positive or negative – were statistically significant (+/- 5%). The table below shows the changes across key service areas.

Key Service Area	2014	2013	Movement
Maintaining local roads	64.0	52.37	↑
Roadside maintenance (eg. trees, litter, slashing)	60.7	58.68	↑
Maintaining footpaths	55.3	53.99	↑
Maintaining cycleways/walking tracks	54.2	58.84	–
Managing street trees	60.8	57.87	↑
Managing traffic flow (eg. lights, roundabouts, street signs)	77.8	76.50	↑
Managing storm water drainage systems	58.7	53.93	↑
Managing illegal dumping	47.0	N/A	–
Maintaining parks and gardens	77.6	72.89	↑
Managing operational cemeteries	43.4	N/A	–
Managing historic cemeteries	37.3	N/A	–
Managing nature reserves, wetlands, beaches & foreshores	64.5	67.89	–
Controlling weeds	48.8	46.28	↑

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

Key Service Area	2014	2013	Movement
Public toilet amenities (Council-owned park/community amenities - not those in shopping centres)	82.5	81.52	↑
Playground equipment	87.6	88.15	–
Community Public Halls	91.6	91.14	–
Sport & Recreational Facilities	92.1	93.77	–
Swimming Pools	93.8	91.38	↑
Ranger Services (eg Animal Management)	63.6	60.37	↑
Rangers Services (Parking)	60.1	61.62	–
Garbage Collection Services	93.3	92.71	↑
Access to waste depots and waste transfer stations	82.1	76.53	↑
Libraries	87.1	93.4	↘
Development and building services	86.6	60.0	↑

FINANCIAL/RESOURCE IMPLICATIONS

The Customer Satisfaction Survey comprised a general survey of ratepayers and residents; leveraged existing surveys in Children and Library services; and specific surveys for customers of services within the Development Services Group operations that were not included in the general survey, including customers who accessed development application services, and health inspection services.

The survey was designed and implemented in-house using existing resources.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Costs associated with the development, distribution and analysis of the Customer Satisfaction survey are covered within the Corporate Strategy & Planning operational budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	no		

LEGAL, POLICY AND RISK IMPLICATIONS

Although customer satisfaction surveys are not mandated by legislation, the Office of Local Government recommends in its Integrated Planning & Reporting Manual (page 32) such surveys as a valuable tool to gauge the community's views on how councils are performing in areas such as service delivery and provision of facilities and governance.

Port Stephens Council commenced formal customer satisfaction surveys in 2007 using external providers until 2011, when as a result of the sustainability review the decision was made to continue the survey but to conduct it in-house. Since then the survey methodology has been enhanced increasing the depth of the research and expanding the reach of the survey.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the statistical sample is inadequate to support the findings in the Report of the Survey.	Low	The National Statistical Service recommended response rate for the Port Stephens population should be 718 with 95% confidence level – the actual response was 1,144.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Customer Satisfaction Survey 2014 was designed to ensure that Council uncovered any community concerns and areas for improvement. The Report of the Survey demonstrates overall satisfaction but also where there are opportunities to enhance Council's operations and service delivery sustainably.

CONSULTATION

- 1) The Community Engagement Panel was consulted prior to design and implementation of the Survey instrument;
- 2) A two-way conversation will be held with Councillors on the outcomes of the survey on 23 August 2014.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) 2014 Customer Satisfaction Survey Report

ITEM NO. 10**FILE NO: A2004-0284****POLICY REVIEW: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the increase of the seminars, conferences and training expenses at clause 2.8.1 from \$3,500 to \$5,000 per year of Council term in the Payment of Expenses and Provision of Facilities to Councillors' Policy, for the purposes of public consultation;
- 2) Place the Payment of Expenses and Provision of Facilities to Councillors' Policy, as amended on public exhibition for a period of 28 days, and should no submission be received, the policy be adopted as amended, without a further report to Council;
- 3) Revoke the Payment of Expenses and Provision of Facilities to Councillors' policy dated 26 November 2013 (Min No.345), should no submissions be received.

**ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Chris Doohan returned to the meeting at 6.14pm prior to voting.

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

MOTION

229	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council: <ol style="list-style-type: none">1) Endorse the increase of the seminars, conferences and training expenses at clause 2.8.1 from \$3,500 to \$5,000 per year of Council term in the Payment of Expenses and Provision of Facilities to Councillors' Policy, for the purposes of public consultation;2) Place the Payment of Expenses and Provision of Facilities to Councillors' Policy, as amended on public exhibition for a period of 28 days, and should no submission be received, the policy be adopted as amended, without a further report to Council;3) Revoke the Payment of Expenses and Provision of Facilities to Councillors' policy dated 26 November 2013 (Min No.345),

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

should no submissions be received.

BACKGROUND

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

Council last adopted the policy on 26 November 2013, following public consultation as required by legislation.

A copy of Council's current policy is shown at **(ATTACHMENT 1)**.

It is proposed to increase the yearly seminars, conferences and training expenses at clause 2.8.1 from \$3,500 to \$5,000 per year of Council term.

FINANCIAL/RESOURCE IMPLICATIONS

Expenditure associated with this policy is included in the 2014-15 budget allocation, however the upper limits are not fully budgeted, given some Councillor do not reach these limits. Councillors will be advised should the upper budget limits be achieved.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of Section 252 & 253 of the Local	Low	Adopt a revised policy	Yes

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

Government Act 1993, should this policy not be adopted.			
---	--	--	--

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

- 1) Mayor and Councillors

OPTIONS

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

ATTACHMENTS

- 1) Current Payment of Expenses & Provision of Facilities to Councillors Policy

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



Payment of Expenses and Provision of
Facilities to Councillors Policy
(Section 252, Local Government Act 1993)

Adopted 28 June 1994
Minute No. 342
Amended 13 December 1994
Minute No. 691
Amended 14/11/95
Minute No. 562
Amended 10/9/96
Minute No. 528
Amended 23/12/97
Minute No. 1471
Amended 09/03/04
Minute No. 107
Amended 31/01/06
Minute No. 398
Amended 27/11/06
Minute No. 738
Amended 25/03/08
Minute No. 069
Amended 16/12/08
Minute No. 398
Amended 24/11/09
Minute No. 399
Amended 23/11/10
Minute No. 373
Amended 18/10/11
Minute No. 385
Amended 27/11/2012
Minute No. 323
Amended 26/11/2013
Minute No. 345

Part 1 – Introduction

1.1 Title, commencement and definitions of the Policy

1.1.1 The Policy shall be known as the "Councillors Payment of Expenses and Provision of Facilities".

1.1.2 The Policy is effective from 26 November 2013.

1.1.3 Definitions

In this Policy, unless otherwise stated:

- a) **Councillor** means a Councillor elected to Port Stephens Council, including the Mayor.
- b) **Official Business of Council** means:
 - Meeting of Council;
 - Meetings of Committees of the Whole
 - Site inspection where resolved by Council;
 - Meetings of committees where Council has endorsed the Councillor's membership;
 - Civic receptions hosted or sponsored by Council;
 - Meetings or functions to which the Councillors attendance has been approved by the General Manager and/or the Mayor.
 - Functions or meetings where the invitation to attend arises only as a result of the Councillor's position as a Councillor.
- c) **Council Term** means period of elected Council (generally 4 years under the Local Government Act 1993).
- d) **Port Stephens Local Government Area** means the local government area of Port Stephens Council.
- e) **The Act** means the *Local Government Act 1993*.
- f) **The Regulations** means the *Local Government (General) Regulation 2005*.

1.2 Purpose of the Policy

1.2.1 The purpose of the policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

1.3 Objectives and scope of the Policy.

1.3.1 The objective of this Policy is to detail those Councillor expenses and facilities the cost of which shall be met by Council.

1.3.2 This Policy also aims to ensure compliance of the Port Stephens Council Code of Conduct.

1.4 Making, adoption and reporting of the Policy

- 1.4.1 This Policy is made under the Local Government Act, 1993, including Sections 248 to 254 and 731 and having regard to the provisions of the Division of Local Government Circular No. 09-36, 7 October 2009.
- 1.4.2 The Act requires that the Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.
- 1.4.3 This Policy is to be adopted by Council annually, within five months after the end of the year.
- 1.4.4 Prior to adoption public notice must be given and public submissions invited for 28 days. Council must then consider all submissions received and make any appropriate changes to the Policy.
- 1.4.5 Council need not give public notice of a proposed amendment if Council is of the opinion that the proposed amendments are not substantial. The term "not substantial" should be taken to mean minor changes to wording of the policy or changes to monetary provisions or rates that are less than 5% or changes to the standard of equipment and facilities to be provided. Public notice is required prior to each annual adoption of the policy even if there are no proposed changes.
- 1.4.6 Section 428 of the Act and Clause 271 of the Regulation requires Councils to include detailed information in their annual reports about the payments of expenses and facilities to Councillors.

1.5 Legislative provisions

- 1.5.1 The relevant legislative provisions are the Local Government Act 1993 and the Local Government (General) Regulations 2005.

Local Government Act 1993

248 FIXING AND PAYMENT OF ANNUAL FEES FOR COUNCILLORS

- (1) A council must pay each councillor an annual fee.
- (2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (3) The annual fee so fixed must be the same for each councillor.
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

248A ANNUAL FEES OR OTHER REMUNERATION NOT TO BE PAID DURING PERIOD OF SUSPENSION

A council must not at any time pay any fee or other remuneration, to which a councillor would otherwise be entitled as the holder of a civic office, in respect of any period during which:

- (a) the councillor is suspended from civic office under this Act, or*
- (b) the councillor's right to be paid any fee or other remuneration is suspended under this Act, unless another provision of this Act specifically authorises payment to be made, or specifically permits a person to authorise payment to be made, when the suspension is terminated.*

249 FIXING AND PAYMENT OF ANNUAL FEES FOR THE MAYOR

- (1) A council must pay the mayor an annual fee.*
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

252 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) A council may from time to time amend a policy under this section.*
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 REQUIREMENTS BEFORE POLICY CONCERNING EXPENSES AND FACILITIES CAN BE ADOPTED OR AMENDED

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
 - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and
 - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and
 - (c) a copy of the notice given under subsection (1).
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

254 DECISION TO BE MADE IN OPEN MEETING

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

254A CIRCUMSTANCES IN WHICH ANNUAL FEES MAY BE WITHHELD

- (1) Despite this Division, a council may resolve that an annual fee will not be paid to a councillor or that a councillor will be paid a reduced annual fee determined by the council:
 - (a) for any period of not more than 3 months for which the councillor is absent, with or without leave, from an ordinary meeting or ordinary meetings of the council, or
 - (b) in any other circumstances prescribed by the regulations.
- (2) Despite this Division, if a councillor is absent, with or without leave of the council, from ordinary meetings of the council for any period of more than 3 months, the council must not pay any annual fee, or part of an annual fee, to that councillor that relates to the period of absence that is in excess of 3 months.

428 ANNUAL REPORTS

- (1) *Within 5 months after the end of each year, a council must prepare a report (its "annual report") for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.*

Local Government (General) Regulations 2005

217 ADDITIONAL INFORMATION FOR INCLUSION IN ANNUAL REPORT

- (1) *For the purposes of [section 428](#) (4) (b) of [the Act](#), an annual report of a council is to include the following information:*
- (a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),*
 - (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
 - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
 - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
 - (iii) the attendance of councillors at conferences and seminars,*
 - (iv) the training of councillors and the provision of skill development for councillors,*
 - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*

(vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,

(vii) the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,

(viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions

403 Payment of expenses and provision of facilities

A policy under [section 252 of the Act](#) must not include any provision enabling a council:

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.

404 CIRCUMSTANCES IN WHICH COUNCILLORS' ANNUAL FEES MAY BE REDUCED OR NOT PAID

For the purposes of [section 254 of the Act](#), a prescribed circumstance for the non-payment or reduction of a councillor's annual fee is the circumstance where both of the following conditions are satisfied:

- (a) the payment of the annual fee adversely affects the councillor's entitlement to a pension, benefit or allowance under any legislation of the Commonwealth, a Territory or a State (including New South Wales),
- (b) the councillor agrees to the non-payment or reduction.

1.6 Other Government policy provisions

- Division of Local Government Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors.
- Port Stephens Council Code of Conduct, as amended.
- Division of Local Government Model Code of Conduct – as amended.
- ICAC Publications.

Part 2 – Payment of Expenses

2.1 General Provisions

- 2.1.1 Council will determine an annual allowance, to be paid monthly in arrears, in accordance with Section 248 - 251 of the Local Government Act and the determination of the Local Government Remuneration Tribunal.
- 2.1.2 This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office. The annual fees paid to each Councillors is generally not intended to offset those costs.
- 2.1.3 All allowances and reimbursements of expenses made under this Policy shall be in respect to costs directly associated with the functions of civic office.
- 2.1.4 Councillors are not permitted to claim expenses in connection with political activities, including political fundraising as this is considered a personal interest.
- 2.1.5 Councillors will not be provided with general expense allowance. A general expense allowance is a sum of money paid by a Council to a Councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe

2.2 Reimbursement and reconciliation of expenses processes

- 2.2.1 All claims for reimbursement must be made within three (3) months of incurring the expense and shall be subject to the General Manager or delegated officer discretion.
- 2.2.2 All claims shall be submitted to the General Manager and the delegated officer for assessment against the policy on **FORM 1.**
- 2.2.3 All claims must be supplied with a tax invoice or receipt to support the claim. If a Councillor is not able to provide a tax invoice or receipt then a Statutory Declaration is to be provided.
- 2.2.4 Claims for travel under this Policy shall be lodged using travel **FORM 2.** Include:
 - Date
 - Place of departure and arrival
 - Distance travelled
 - Fare and parking fees paid

- 2.2.5 The kilometre rate payable to Councillors who travel in their own vehicle shall be the rate payable under the Local Government State Award.
- 2.2.6 Where travel is outside the Hunter Councils Area, Council shall as appropriate meet or reimbursement the lesser amount of the following expenses:-
- a) The cost of an economy class air ticket and associated taxi transfers.
 - b) The cost of a first class rail ticket and associated taxi transfers.
 - c) Transportation expenses using a Councillor's own vehicle (calculated under clause 2.2.5).
 - d) Transportation using a Council-owned vehicles, actual costs incurred.
- 2.2.7 Where possible Council will pay all expenses directly by account or through use of a corporate credit card. In some instance it may be necessary for Councillors to pay unexpected costs and seek reimbursement.
- 2.2.8 Once expenses of attending conferences, seminars or training course have been finalised, an invoice shall be forwarded to Councillors for any expenses payable by them.
- 2.3 Approval and Dispute resolution**
- 2.3.1 The Executive Assistant – Councillor Support shall assess all claims against this Policy and provide the assessed documentation to the General Manager **and** Executive Officer for approval.
- 2.3.2 Claims will be paid on a monthly basis, generally the first Friday of the month.
- 2.3.3 Should the General Manager **and** Executive Officer determine that a claim should not be paid, the Councillor should be advised in writing. Should the Councillor still believe that the claim should be paid, in part or full, it shall be considered that a dispute exists.
- 2.3.4 In the event of a dispute at any time regarding payment of a claim or anything else under this Policy, the parties to this dispute shall each provide a written report on the nature of the dispute. The General Manager shall submit such reports to the next open meeting of Council. The dispute shall then be determined by a resolution of Council having regard to the reports, this Policy, Act and any other relevant laws.
- 2.3.5 The decision of Council pursuant to clause 2.3.4 shall be binding on all parties.
- 2.4 Payment in advance**

- 2.4.1 Councillors may require advance payment for an anticipated expense associated with attendance at a conference, seminar and training course. The amount is **\$200** per Councillor per event.
- 2.4.2 In the event of a payment being made in advance, Councillors must full reconcile all expenses against the amount of the advance and submit the reconciliation to Council with **30 days** of the event.

2.5 Monetary Limits

- 2.5.1 Monetary limits set out in this Policy are the maximum amount payable in respect of any facility or expense. Any additional costs above the limit will be incurred by the Councillor. All monetary limits are exclusive of GST.
- 2.5.2 Monetary limits may only be waived by a resolution of Council in exceptional circumstances. Any waiver of a monetary limit will apply to a particular event or circumstance and will not constitute an amendment to this Policy.

Spouse and Partner Expenses

- 2.6.1 Accompanying person means a person who has a close relationship with a Councillor and/or provides carer support to the Councillor.
- 2.6.2 In limited circumstances, Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person which is properly and directly related to accompanying the Councillor when the Councillor is performing his or her official functions with the Port Stephens Local Government Area, including but not limited to costs associated with attendance at official Council functions that are of a formal or ceremonial nature. Each Councillor is entitled to a maximum of **\$500.00** per year of term, not including the Local Government NSW annual conference.
- 2.6.3 Costs and expense incurred by the Councillor on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function.
- 2.6.4 In limited circumstances, Council shall meet certain costs incurred by the Mayor on behalf of their spouse, partner or accompanying person which is properly and directly related to accompanying the Mayor within the State of New South Wales or as resolved by Council when performing his or her official functions, including but not limited to costs associated with attendance at official Council functions that are of a formal or ceremonial nature. Each Mayor is entitled to a maximum of **\$1000.00** per year of term, not including the Local Government NSW annual conference.

- 2.6.5 Council shall meet limited expenses of spouse, partner or accompanying person associated with attendance at the Local Government NSW annual conference. These expenses are limited to the costs of registration and the official conference dinner. Expenses such as travel expenses, any additional accommodation expenses and the cost of any accompanying persons program shall not be met by Council.
- 2.6.6 Costs associated with spouse, partner or accompanying person associated with attendance conferences other than the Local Government NSW annual conference, or any seminars or training shall not be met by Council.
- 2.6.7 In no circumstances will the peripheral expenses of spouse, partner or accompanying person, such as grooming, special clothing and transport be considered reimbursable expenses.

Specific Expenses for Councillors

2.7 Attendance at seminars, conferences, training and educational expenses

- 2.7.1 Council shall meet expenses incurred by Councillors in attending conferences and seminars or undertaking training and educational courses when the attendance is:
- a) To the Local Government NSW annual conference; or
 - b) Authorised by resolution of an open meeting of Council.
- 2.7.2 Councillors should generally have their attendance at a conference, seminar or participation in a training course authorised by Council in accordance with clause 2.7.1 (b).
- 2.7.3 Where it is impractical to have a Councillor's attendance or participation authorised by Council in accordance with clause 2.7.1 (b), Councillors wishing to claim expenses incurred due to their attendance or participation shall obtain the approval of the Mayor and the General Manager prior to attendance. Where the Mayor is seeking approval to claim his or her attendance or participation expenses under this clause, he or she shall obtain the approval of the Deputy Mayor and the General Manager.
- 2.7.4 Councillors shall submit their request for attendance in writing with the appropriate notice detailing the costs and benefits to the Councillor, to Council and the community.
- 2.7.5 In making its decision, the General Manager/Mayor or Council should consider:-
- a) The relevance of the seminar, conference, training or educational expenses to Council and the potential benefit that may result from attendance;
 - b) The special interest of the Councillor/s wishing to attend;
 - c) The total cost to Council of attendance relative to the Program budget;
 - d) The fair and equitable division of opportunity for Councillors to attend conferences/seminars.
- 2.7.6 Councillors shall at the conclusion of their attendance at the seminar, conference, or training provide a written report to Council on the aspects of the seminar, conference or training. This report should be submitted to Council within one month of their attendance. Attendance at the Local Government NSW annual conference will not require a report to Council.

- 2.7.7 The General Manager's Office will make all arrangements for the attendance of Councillors and accompanying persons, where required at a conference, seminar or training.

2.8 Seminars, Conferences and Training Expenses

- 2.8.1 Council will meet the costs for attendance at approved conferences and seminars, training and educational courses to a maximum of **\$3,500.00** per Councillor per year of term, excluding the costs associated with attendance at the Local Government NSW annual conference:

- a) **Registration fees** – Council will meet the cost of the registration fee set by the organiser, including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of Council.
- b) **Accommodation** – where a conference, seminar or training course is not located within the Port Stephens Local Government Area, Councillors shall where required be accommodated in the hotel where the event is being held or the nearest hotel to it that is of a similar standard, or as arranged by the conference organiser. Accommodation shall be provided at the rate of a double room. Any additional nights prior to or following the conference, seminar or training course Council will not be included in the expenses paid by Council. **Note:** Movie hire and Mini Bar Facilities will be paid for by the Councillor.
- c) **Transportation** – Councillors attending a conference, seminar or training course shall travel by the most appropriate route, subject to any personal medical requirements. Any costs incurred in undertaking activities not related to attendance at the conference, seminar or training course shall not be included in any expenses paid by Council.
- d) **Educational Materials** – where a Councillor is participating in an approved training or educational course and specific reference materials are required (for example, prescribed text books), Council shall purchase such educational materials on the Councillor's behalf. At the completion of the relevant training or educational course, educational materials purchased pursuant to this clause shall be returned to Council and be available for the use of all Councillors in the Councillor's Room

- 2.8.2 Conferences, seminars and training held outside the Port Stephens Local Government Area, Council shall as appropriate (having regard to availability, time/cost effectiveness of the transport options) meet or reimburse the lesser amount of the following transportation expenses:

- a) The cost of an economy class air ticket and associated taxi transfers.
- b) The cost of a first-class rail ticket and associated taxi transfers.
- c) Transportation expenses by a Councillor with the Councillor's own vehicle (refer to clause 2.2.5).

2.8.3. If a Council-owned vehicle utilised that cost will be determined by way of actual costs incurred.

2.9 Meals

2.9.1 Council shall meet the cost of breakfast, lunch and dinner for Councillors attending a conference, seminar or training course where any such meal is not provided by the organiser. Council shall also meet the reasonable cost of drinks accompanying the meals.

2.9.2 Costs payable by Council under clauses 2.9.1 and 2.9.2 shall be capped at a maximum of **\$100.00** per Councillor per day inclusive. Councillors will be paid actual costs if under **\$100.00** per day.

2.9.3 Council shall meet the reasonable cost of Councillors' meals where due to their attendance to Official Business of Council the Councillor is reasonably unable to partake of a meal at their residence and so incurs additional expense.

2.9.4 Costs payable by Council under clause 2.9.3 shall be capped at a maximum of **\$50.00** per Councillor per day or actual costs, whichever is less.

2.10 Local Travel Arrangements and Associated Expenses

2.10.1 Travelling expenses shall be reimbursed to Councillors for travel by public transport or private vehicle on Official Business of Council in the Hunter Councils area, to a maximum amount of **\$6,000.00** per Councillor per year of term.

2.10.2 Councillors may, where available, use Council owned vehicles to attend to Official Business of Council.

2.10.3 Council shall meet the cost of parking fees and road tolls but not the cost of traffic or parking fines, which shall remain the sole responsibility of the Councillor.

2.10.4 Claims for reimbursement under this clause 2.10 shall be made in accordance with clause 2.2.

2.11 Travel outside the HROC Area including Interstate and Overseas Travel

2.11.1 Payment of any travel expenses to a Councillor, incurred on Council related business outside of the Hunter Councils area and not otherwise

addressed in clause 2.8 requires approval by resolution of Council in an open meeting.

- 2.11.2 Approval for payment of travel expenses under clause 2.11.1 may be granted subject to any conditions Council so determines, and Council shall meet only those expenses that Council so determines.

2.12 Communication Device Costs and Expenses

- 2.12.1 Council shall reimburse Councillors to a maximum of **\$3,000.00** per term for the purchase of a personal computer/laptop, multifunction device, peripherals and Microsoft office software.

- 2.12.2 Council shall not purchase the equipment in item 2.12.1 on a Councillors behalf.

- 2.12.3 Council shall reimburse Councillors for all maintenance and repairs which are to be arranged by individual Councillors.

- 2.12.4 Council shall reimburse Councillors for all consumables such as ink cartridges and reasonable supply of paper for official Council business.

- 2.12.5 Council shall reimburse Councillors for their communication device costs (including mobile phone, landline rental, landline telephone and facsimile) incurred in attending to Council business to a maximum cost of **\$200.00** per Councillor per month of term. All communication device costs incurred above this maximum are at the Councillors own expense.

- 2.12.6 As an alternative to clause 2.12.5, Council shall reimburse Councillors for their communication device costs where it is part of a bundle plan. This would include landline costs and internet where costs were incurred in attending to Council business to a maximum cost of **\$120.00** per Councillor per month of term. The maximum cost for a mobile phone plan would be **\$100.00** per Councillor per month of term.

All communication device costs incurred above this maximum are at the Councillors own expense.

- 2.12.7 If a Councillor does not have a telephone line or internet connection at their home, Council shall meet the installation costs.

- 2.12.8 Council shall meet the cost of providing and maintaining an internet connection at the residence of the Councillor to a maximum of **\$60.00** per Councillor per month of term. Any internet costs incurred above this maximum are at the Councillors own expense.

2.13 Care and Other Related Expenses.

2.13.1 In this clause, "relative" shall have the same meaning as set out in the Dictionary in the Act, being at the date of this policy:

"Relative, in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a)."*

2.13.2 Where a Councillor has sole responsibility for the care and support of any relative, Council shall reimburse expenses for carer arrangements, where expenses relate to a relative as defined under clause 2.13.1 and are payable when a Councillor is required to attend the following to discharge the functions of civic office:

- a) Council meetings, committee meetings, inspections, formal briefings, civic and ceremonial functions relating to civic office;
- b) Meetings scheduled by Council and/or the Mayor;
- c) Meetings arising as a result of a Councillor being appointed by Council to an outside body or committee;
- d) A meeting, function or other official role as a representative of the Mayor or Council.

2.13.3 The total amount paid to a Councillor under this clause 2.13 shall not exceed **\$2,000.00** per year of term.

2.13.4 Claims for reimbursement under this clause 2.13 shall be made in accordance with clause 2.2.

2.14 Insurance Expenses

Councillors shall receive the benefit of insurance cover for:

2.14.1 Personal Accident - Personal Accident insurance covers personal injury which is caused by violent, accidental external and visible means that solely and independently of any other cause results in a Councillor's death or disablement. The cover applies anywhere in the world during and while travelling to and from Council business. The capital benefit for the death of a Councillor is \$500,000. The cover does not include medical expenses.

2.14.2 Professional Indemnity - Professional Indemnity insurance covers Council where Council becomes legally liable to pay compensation for financial loss as a result of any negligent act, error or omission in the conduct of Council's business activities arising from a breach of professional duty. Cover is subject to any limitations or conditions set

out in the NSW Local Government (Jardine) Mutual Liability Scheme wording.

- 2.14.3 Public Liability - Public Liability Insurance covers Council's legal liability to pay compensation to third parties arising in connection with the business activities of Council. Matters arising from Councillors' performance of civic duties or exercise of their functions as Councillors are covered subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme policy wording.

- 2.14.4 Councillors' & Officers' Liability - Councillors' & Officers' Liability insurance protects Councillors and officers from the costs incurred in defending themselves against legal actions that arise from honest mistakes in the management of Council. It covers Councillors for personal liabilities as a result of wrongful acts subject to any limitations or conditions set out in the policy of insurance.

Full details of the abovementioned insurance policies are available in Council's Insurance Handbook held by the Risk Management Co-ordinator.

2.15 Legal Expenses

- 2.15.1 Councillors may be entitled to indemnity for an enquiry, investigation or hearing commenced by or official body.

Legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor (with the exception of defamation proceedings). Council shall reimburse such a Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:

The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.

The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper (Section 731 of the Act).

The amount of such reimbursement be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's Hunter based Solicitors will be paid ie. any portion of the expenses representing any hourly charge rate higher than the hourly rate charge rate of Council's Hunter based Solicitors will not be reimbursed.

Defamation proceedings or other proceedings arising from the making of a public statement, where a Councillor is a defendant or anticipated defendant in such proceedings.

Note: Council may not meet the costs of any action in defamation taken by a Councillor as plaintiff in any circumstances (DLG Circular 00/22).

To ensure that indemnity or reimbursement in respect of costs of defending an action in defamation or other action is only available in circumstances where the person to be indemnified or reimbursed was acting properly when making the statement complained of, the threshold criteria for the application of the indemnity or reimbursement will apply.

Council may indemnify or reimburse the reasonable legal expenses of a councillor for proceedings before the Local Government Pecuniary Interest Tribunal or an investigative body PROVIDED the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.

Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something which a councillor has done during his or her term of office. An example of the latter is expenses arising from an investigation as to whether a councillor acted corruptly by using knowledge of a proposed rezoning for private gain.

In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach has occurred may not necessarily be considered a substantially unfavourable outcome.

- 2.15.2 Council shall not meet any Councillor's costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.

POLICY

General

Where proceedings have been foreshadowed or commenced against any of the Mayor and Councillors arising from a public statement or statements made or acts done by any of them and, in the opinion of Council's appointed solicitor the following "Three Criteria" are satisfied through the required procedure set out below namely:

- (a) The statement was made or the act was done in relation to discharging the functions of civic office;
- (b) The Councillor concerned was acting in good faith; and
- (c) The statement or the act in question was reasonable in the circumstances and not made or done maliciously or frivolously and, in the case of a statement, was not made with knowledge of its falsity or with recklessness as to whether it was true or false,

then Council will indemnify or reimburse the Councillor for:

- (a) all legal expenses properly and reasonably incurred, given the nature of the legal services provided; and
- (b) any other fees, expense, liability or cost incurred (including without limitation any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Councillor),

In responding to or defending such proceeding **PROVIDED THAT** the amount of such indemnity or reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.

Engagement of Legal Representatives – Required Procedure

1. The Councillor must, as soon as practicable after they become aware that a claim may be forthcoming or aware that they may have made a statement or action which may give rise to a claim, notify either the General Manager, Public Officer or Mayor that there is a possibility of a claim against the Councillor. This notification must:
 - i. be in written form;
 - ii. include all details including any correspondence from the alleged injured party concerning the possible claim; and
 - iii. include the Councillor's comments on whether the Councillor considers that the Three Criteria are satisfied.
2. The Councillor must not respond to any allegations made or accept any liability in respect to any allegations made unless authorised to do so by council or its solicitor or the insurer or its solicitor. The Councillor must at all times without undue delay keep Council fully informed of any oral or

written communications made to the Councillor by the alleged injured party or the injured party's agents or legal representative in respect of the claim,

3. The General Manager must immediately upon becoming aware that a claim may be forthcoming or aware that a statement has been made which may give rise to a claim, notify and forward to Council's insurer any information relating to the matter with a view to obtaining the insurer's acceptance and carriage of the claim should the three criteria be satisfied.
4.
 - i. If proceedings are threatened (and not commenced), the General Manager must without undue delay inform Council's appointed Solicitor and Council's insurer of the notification. The Council's solicitor at Council's cost must form a view as to whether the Three Criteria are satisfied, and must notify the General Manager who will in turn notify the Councillor concerned in written form of that view.
 - ii. If the Council's solicitor considers that the Three Criteria are satisfied, the General Manager will either instruct Council's solicitors or if Council's Insurers have accepted the matter as a possible claim then it will represent the Councillor concerned.
5. If Council's solicitor forms the view that the Three Criteria are not satisfied under clause (4); the Councillor may request a review of that advice from an independent legal practitioner as agreed in advance between the Councillor concerned and the General Manager and failing agreement as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.
6. If the proceedings are commenced and the Three Criteria are satisfied then the following procedure must be followed:
 - In the case that the claim is accepted by Council's insurer it will have carriage of the matter subject to consultation with the General Manager and the Councillor will be required to abide by any reasonable instruction of the insurer or its nominated lawyer.
 - If the insurer does not accept the claim as it is of the opinion that the matter is outside the policy then the General Manager in consultation with Council's solicitor will nominate a legal practitioner that they consider should represent the Councillor. If the Councillor considers that such representation is appropriate then the procedures in clause 7 must be followed. If Council's solicitors are not of the same opinion as the insurers the General Manager in consultation with Council's solicitors will take whatever action is necessary (without unduly holding up the defamation proceedings) to have the question determined.

- If the Councillor considers that the legal practitioner nominated is not appropriate then the Councillor concerned and the General Manager must attempt to reach agreement on an alternative legal practitioner, and failing agreement the legal practitioner must be as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.
7. If Council's Insurers have not accepted the claim the General Manager must contact the proposed legal practitioner and must require that an agreement be entered into between the legal practitioner and the Council which will include such terms and conditions as the General Manager sees fit including:
- i. Terms and conditions as to costs and disbursements including procedures for costs estimates to be given at appropriate times; and
 - ii. Accounts being considered and approved by the General Manager prior to payment; and
 - iii. All instructions provided to the legal representatives by the Councillor concerned to be subject to the concurrence of the General Manager.
8. Notwithstanding the provisions of paragraph 5.1 (ii) and 5 above, once proceedings have actually been commenced then the procedures set out in paragraph 5 above must be followed. (Note: The General Manager should regularly review Council's insurance policies with respect to the application of them to the Council's possible liability pursuant to this policy.)

Exclusion from Policy

This policy will not apply to any defamation or other action brought by any Councillor or Council employee against any Councillor, arising from the making of a statement by any of the latter of and concerning any of the former, unless in addition to the Three Criteria set out above:

- i. the statement complained of is made to a person or body in circumstances where it is likely to be subject to qualified privilege or absolute privilege (including without limitation statements made in good faith to the Police or Director of Public Prosecutions, the Department of Local Government, statements made ancillary to, and in giving evidence to, a Court or Tribunal or other body conducting any inquiry, investigation or hearing, statements made to the Office of the Ombudsman and statements made to any Parliamentary Committee) (but in such circumstances the policy will only apply to the extent of the publication of the statement in these circumstances, and not to any other publication of the statement); or
- ii. The statement:

- is made at a meeting of Council, a briefing of Councillors or a meeting of a Committee of Council in respect of an item on the agenda for that meeting or briefing; and
- is in accordance with the Local Government (General) Regulations 2005 and Council's Code of Meeting Practice current at the time the statement was alleged to have been made; and
- Does not breach any other law.

Part 3 Provision of Facilities

3.1 Provision of Facilities Generally

- 3.1.1 Unless otherwise stated, where a facility may be provided by Council in accordance with this Policy and a Councillor chooses to accept the facility, it shall be provided by Council with all establishment, routine maintenance, operating, training, replacement and insurance costs being met by Council, subject to any limits specified and adequate funds being allocated and available in Council's adopted Integrated Strategic Plans.
- 3.1.2 All facilities provided shall be of adequate capacity and functionality to allow the role of Councillor to be fully undertaken.

3.2 Private Use of Equipment and Facilities

- 3.2.1 Councillors shall not generally obtain private benefit from the provision of equipment and facilities. This includes benefits such as a travel bonus or other benefit arising from a loyalty scheme. However, incidental personal use of Council equipment and facilities may occur from time to time. No entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.
- 3.2.2 If a Councillor does obtain a private benefit for the use of a facility provided by Council being more than incidental use, the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms.
- 3.2.3 The value of a private benefit to be invoiced under this clause 3.2 shall be determined by the General Manager or, at the request of the Councillor in receipt of the private benefit, the General Manager, or any two Councillors, by resolution of an open meeting of Council.
- 3.2.4 Equipment, facilities and services provided under this Policy shall not be used to produce election material or for any other political purposes.

3.3 Councillors' Room

- 3.3.1 Councillors shall be provided with equipment and facilities at the Raymond Terrace Administration Building. Equipment provided under this clause remains the property of Council.
- 3.3.2 The Councillors' Room furnished for use by all Councillors shall be provided with:
 - a) A telephone, computer with internet access, multifunction device and computer peripherals for use by all Councillors.

- b) A library including Council policies, relevant legislation, reports on Development Applications and other relevant documents.

3.4 Administration Support, Stationery, Postage & Business Cards

- 3.4.1 Council shall provide the support services of Councillor Support Executive Assistant with suitable experience and skills to support Councillors.
- 3.4.2 Council shall post all correspondence for Councillors relative to the discharge of the functions of civic office.
- 3.4.3 Council shall provide appropriate letterhead stationery, business cards and Christmas cards for use by Councillors.
- 3.4.4 Correspondence by Councillors relative to the discharge of the functions of civic office is considered official correspondence of Council where the matter is referred to the General Manager for attention. The correspondence shall be attached to the appropriate Council file for registration, attention and reply.
- 3.4.5 Under no circumstances shall Councillors use the administration services, staff or other facilities provided in association with Local, State or Federal Government Elections.
- 3.4.6 Under no circumstances shall Councillors use the administration services or other facilities provided for the initiation of circular type letters without prior authority of the Council being obtained.
- 3.4.7 Council shall provide Councillors with official name badges indicating the wearer holds the office of Councillor, to wear at Civic functions.

3.5 Meals

- 3.5.1 Councillors will be provided with meals and refreshments following Committee and Council meetings and at other times considered appropriate by the Mayor and General Manager. The standard of the meal will be determined by the Mayor and/or the General Manager.
- 3.5.2 Light refreshments such as biscuits, health bars and beverages will be provided in the Councillors Room.

3.6 Transport Facilities

- 3.6.1 Four designated car parking spaces shall be provided for Councillors in the Council car park at the Council administration building, to be shared amongst Councillors.
- 3.6.2 Councillors will be reimbursed for all transport costs (taxi, use of private vehicle, etc) in accordance with clause 2.2 for their attendance at official Council functions. This includes deputising for the Mayor.

3.7 Corporate Uniform

- 3.7.1 Councillors may choose from a selection of Corporate Uniform provided by Council's approved supplier. Council will contribute a subsidy to 35% of the initial cost to a maximum of \$250 per annum. A sundry debtor account will then be forwarded to the Councillor for payment of the balance. Alternatively, a deduction can be made from the Councillor's monthly allowance.

3.8 Superannuation

- 3.8.1 Councillors may elect to contribute all or part of their Councillor Allowance into an approved Superannuation Scheme by completing **FORM 3**.

3.9 Health & Wellbeing Initiative

- 3.9.1 Councillors shall be able to access a Health Initiative program which includes gym membership at local facilities. The program requires a minimum six (6) month membership with a payment to be made in advance for three (3) months – non refundable.
- 3.9.2 Councillors shall investigate any taxation implications for individual councillors as a result of the membership.
- 3.9.3 Further details can be obtained through Council's Councillor Support Executive Assistant.

3.10 Provision of Safety equipment

- 3.10.1 Councillors shall be provided with the following Protective Apparel:
- hard hat;
 - safety vest;
 - safety footwear;
 - safety glasses and;
 - hearing protection

to accord with the NSW Workplace Health & Safety Act, for on-site inspections.

Provision of Additional Expenses, Equipment and Facilities for the Mayor

3.11 Additional Expenses, Equipment and Facilities

- 3.11.1 The Mayor is paid an additional annual fee. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- 3.11.2 This Policy is intended to cover most situations where the Mayor reasonably incurs additional expenses in discharging the functions of Mayoral office. The annual fee paid to the Mayor is generally not intended to offset those costs.

3.12 Equipment and Facilities

- 3.12.1 The Mayor shall be provided with additional equipment and facilities. Equipment provided under this clause remains the property of Council.
- 3.12.2 The following facilities and equipment shall be provided to the Mayor:
 - 3.12.3 A furnished office with computer, printer, internet access, phone, facsimile and computer peripherals.
 - 3.12.4 Office refreshments.
 - 3.12.5 Mayoral letterhead.
 - 3.12.6 A corporate credit card, to be used only to pay expenses allowed under this policy.
 - 3.12.7 All items provided to the Mayor under this clause 3.12 must be returned to Council when the Mayor ceases to hold office.

3.13 Mayor's Staff

- 3.13.1 Council shall provide the services of the Councillor Support Executive Assistant with suitable experience and skills to support the Mayor.
- 3.13.2 The Councillor Support Executive Assistant shall provide support to the Deputy Mayor in the absence of the Mayor.

3.14 Mayoral Motor Vehicle

- 3.14.1 The Mayor shall be provided with:
 - 3.14.2 A fully maintained motor vehicle, of a standard appropriate to the Office of the Mayor for the use of discharging function of the Mayor.
 - 3.14.3 A fuel card, to be used for official Council business.

3.14.4 A car parking space at the Raymond Terrace Administration Building.

3.14.5 All items provided to the Mayor under this clause 3.14 must be returned to Council when the Mayor ceases to hold office.

Part 4 Other Matters

4.1 Status of the Policy

4.1.1 This Policy replaces the previous version of the Policy adopted by Council on 26 November 2013.

4.2.2 This Policy shall only be amended by resolution of Council.



COUNCILLORS' EXPENSES CLAIM FORM

116 Adelaide Street, Raymond Terrace NSW 2304
PO Box 42, Raymond Terrace NSW 2304



Form 1

COUNCILLOR.....

MONTH.....

DATE	PURPOSE	\$	POLICY LIMITS	Kms TRAVELLED	TOTAL CLAIM \$ (Office Use Only)
	Phone Call Claim		\$200/month (for landline rental and calls, facsimile, mobile phone calls and rental plans)		
	Line Rental				
	Fax Expenses				
	Mobile Claim				
	Internet Claim				
	Bundle Plan (alternate to claiming the above)		\$120/month (landline rental, calls, facsimile and internet)		
	Mobile Claim (alternate to claiming the above)		\$100/month (when claiming the bundle plan)		
	Internet Claim		\$60.00/month		
	Travel (log required)		\$6,000/year		
	Conference/Seminars		\$3,500/year		
	Partner Expenses		\$500/year for Councillor & \$1,000/year for Mayor		
	Computer/laptop, multifunction devices, peripherals and software		\$3,000/term of Council		
TOTAL					

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

Signature of Claimant..... Date

Councillors - Please note that ALL Councillor's reimbursement claims will be paid the **first Friday** of each month. Therefore Councillors are required to lodge their claims with the Executive Assistant Councillor Support at the end of each month at the **Ordinary Council meeting** for payment the following week.



**COUNCILLORS' MOTOR VEHICLE
LOG BOOK CLAIM FORM**

116 Adelaide Street, Raymond Terrace NSW
2324
PO Box 42, Raymond Terrace NSW 2324



Form 2

COUNCILLOR _____ MONTH _____ YEAR _____

[illegible]

Signature of Claimant _____ Date _____



**COUNCILLORS' REMUNERATION
SACRIFICE ELECTION FORM –
SUPERANNUATION**

116 Adelaide Street, Raymond Terrace NSW
2324
PO Box 42, Raymond Terrace NSW 2324



Form 3

Councillor Name: _____

Date to commence arrangement _____

Annual Remuneration _____

Annual Sacrifice Amount _____

Your Superannuation Fund Details:

Fund Name _____

Membership No (if applicable) _____

Account Name _____

Super Fund ABN (if applicable) _____

Superannuation Product

Identification Number (if applicable) _____

DECLARATION OF COUNCILLOR

I, _____ hereby certify that I have not relied on information or advice gathered through sources or resources from Port Stephens Council to make the decision to enter into a sacrifice arrangement.

I certify that I have obtained independent financial advice or made the decision based on my own investigation in relation to this sacrifice election.

I understand that at all times it remains my responsibility as a Councillor to notify Finance in writing of any change to the benefits sacrificed.

I have attached:

- A letter from the trustee stating that this is a complying fund and (for a self managed superannuation fund) a copy of documentation from the Tax Office confirming the fund is regulated
- Written evidence from the fund that they will accept contributions from Council, and
- Details about how Council can make contributions to this fund

Signed: _____

Councillor

Date: _____

Signed: _____

Finance Officer

Date: _____

ITEM NO. 11

FILE NO: PSC2013-05253

COMMUNITY GRANTS JULY 2014 – 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 Mayoral and Ward Funds as detailed below:

EAST WARD

- a) Lions Club of Soldiers Point Inc. – contribution towards alterations to local bus shelters - \$1,340.
- b) Port Stephens Third Age Learning – contribution towards a new computer - \$1,344.
- c) Port Stephens Citizens Youth Club (PCYC) – contribution towards the 35 year anniversary in 2015 - \$1,340.
- d) Tomaree Family History Group – contribution towards publishing a book - \$1,343.
- e) Hunter Care Ltd. (Life Education) – contribution towards program costs - \$633.

CENTRAL WARD

- a) Rotary Club of Williamstown Inc. – contribution towards a new sound system - \$1,000.
- b) Sailability NSW Port Stephens – contribution towards new equipment - \$1,027.
- c) Port Stephens Church of Christ – contribution towards food containers for Friendship Centre - \$721.
- d) Tilligerry Boot Scooters – contribution towards a new computer and speakers - \$950.
- e) The Combined Probus Club of Medowie Inc. – contribution towards a new public address system - \$1,500.
- f) Hunter Care Ltd. (Life Education) – contribution towards program costs - \$634.

WEST WARD

- a) St Johns Anglican Church Raymond Terrace – contribution towards repairs - \$500.
- b) Karuah Senior Citizens Club – contribution towards insurance costs - \$800.
- c) Karuah Community Hall Committee – contribution towards the purchase of new chairs - \$2,000.

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

- d) Karuah & District Golf Club Ltd – contribution towards grounds maintenance equipment - \$1,000.
- e) Raymond Terrace Art Space – contribution towards the purchase of equipment - \$1,000.
- f) Hunter Care Ltd. (Life Education) – contribution towards program costs - \$633.

**ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Steve Tucker Councillor Paul Le Mottee
	That the recommendation be adopted.

MOTION

230	Councillor Paul Le Mottee Councillor John Nell
	<p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act from Mayoral and Ward Funds as detailed below:</p> <p>EAST WARD</p> <ul style="list-style-type: none">a) Lions Club of Soldiers Point Inc. – contribution towards alterations to local bus shelters - \$1,340.b) Port Stephens Third Age Learning – contribution towards a new computer - \$1,344.c) Port Stephens Citizens Youth Club (PCYC) – contribution towards the 35 year anniversary in 2015 - \$1,340.d) Tomaree Family History Group – contribution towards publishing a book - \$1,343.e) Hunter Care Ltd. (Life Education) – contribution towards program costs - \$633. <p>CENTRAL WARD</p> <ul style="list-style-type: none">a) Rotary Club of Williamtown Inc. – contribution towards a new sound system - \$1,000.b) Sailability NSW Port Stephens – contribution towards new equipment - \$1,027.c) Port Stephens Church of Christ – contribution towards food containers for Friendship Centre - \$721.d) Tilligerry Boot Scooters – contribution towards a new computer and speakers - \$950.e) The Combined Probus Club of Medowie Inc. – contribution towards a new public address system - \$1,500.

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2014

	<p>f) Hunter Care Ltd. (Life Education) – contribution towards program costs - \$634.</p> <p>WEST WARD</p> <p>a) St Johns Anglican Church Raymond Terrace – contribution towards repairs - \$500.</p> <p>b) Karuah Senior Citizens Club – contribution towards insurance costs - \$800.</p> <p>c) Karuah Community Hall Committee – contribution towards the purchase of new chairs - \$2,000.</p> <p>d) Karuah & District Golf Club Ltd – contribution towards grounds maintenance equipment - \$1,000.</p> <p>e) Raymond Terrace Art Space – contribution towards the purchase of equipment - \$1,000.</p> <p>f) Hunter Care Ltd. (Life Education) – contribution towards program costs - \$633.</p>
--	---

BACKGROUND

Council's Financial Assistance Policy provides for Community Grants to be called in July and January each year.

Council called for Community Grant applications from 3 July 2014 to 31 July 2014. All applications received are shown at **(ATTACHMENT 1)**. A total of 18 applications were received.

The total value of the Grants received is:

East Ward	\$ 7,763.10 – shown in blue in attachment
Central Ward	\$ 10,197.72 – shown in yellow in attachment
West Ward	\$ 13,000.00 - shown in green in attachment
Whole of LGA	<u>\$ 1,900.00</u> – shown in white in attachment
	\$ 32,860.82

The applications received were assessed by the panel comprising of Councillors Dover, Doohan, Jordan, in accordance with the criteria under the Financial Assistance Policy.

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 Community Strategic Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The Financial Assistance policy will be reviewed in line with the other grant program.

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward Funds are the funding source for all financial assistance. Council has provided for \$36,000 per year, with \$18,000 being available on each occasion Grants are called. These Grants are limited to \$2000 per grant.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	18,000	
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK 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	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be liable for capital projects on land other than community land should Council provide funding for such works.	Low	Council's current policy restricts such provision of funding.	Yes
There is a risk that Council will not comply with Section 356 of the Local Government Act 1993	Low	Council's current policy provides specific requirements for compliance.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The provision of the Community Grants allows organisations and groups to build relationships and provide events to the local community whilst further developing the cultural, social and economic aspects of the local government area.

CONSULTATION

- 1) Mayor;
- 2) Councillors;
- 3) General Manager;
- 4) Council staff;
- 5) Port Stephens community.

OPTIONS

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

ATTACHMENTS

- 1) Community Grants applications received.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Item No. & Page No.	Organisation Name	What is the total amount of your request (exclusive of GST)?	What is the total cost of the project (exclusive of GST)?	Please provide details of how you and/or your organisation intends to expend the funds.
1 - page 1	St John's Anglican Church Raymond Terrace	\$2,000	\$2,000	South Elevation of the Church 1. Saw cut the entrance to the Ministry Centre, remove dirt and digged clay storm water pipes and replace with poly pipe and then re-concrete the entrance and replace tiles. 2. Follow and dig up seven metres of old clay pipe to the junction of the new storm water drain. 3. Dig pit and employ up to 20 m of opolion to relieve the moisture along the Church wall. 4. Reopen 8 external vents to the below floor area to relieve rising damp.
2 - page 4	Karuah Working Together Inc	\$2,000	\$2,000	Karuah Working Together Inc produces a 3-5 page newsletter each month (not January) and volunteers deliver to our community. Each month our local computer/printing company Thilica prints the newsletter for us. A \$2000 grant would see our paper be printed for 10 months.
3 - page 7	Karuah Senior Citizens Club	\$2,000	\$3800 approximately	To cover costs of insurance, hire of hall (e.g. food and social outings in the Port Stephens Area). There is no membership fee and members contribute \$8.00 for morning tea and lunch. Hence the money raised does not meet the cost of providing this invaluable service to the seniors in the area.
4 - page 10	Karuah Community Hall Committee 356c Committee of Port Stephens Council	\$2,000	\$2,250	The hall can seat 100 people, at this present time the hall has 50 chairs that meet WHS. (The rest are collapsible) purchase 50 (black) new high quality padded and durable stackable visitors chairs that match existing hall chairs to meet Work, Health and Safety and Australian Standards.
5 - page 14	Karuah and District Golf Club Limited	\$2,000.00	\$3,000.00	Funds will provide for the purchase of a refurbished cutting deck for a John Deere Front Mower.
6 - page 17	Raymond Terrace Art Space	\$1,200.00	\$1,350.00	The artspace could display more art if we can purchase more hanging wires and hooks. Cost of paper and ink in printing catalogues and advertising materials. Purchase of sandwich board to advertise exhibitions. Purchase printed large scale banner to advertise the RT Art Space. Post flyers to distribute to interested people in the community. Cover administration costs, phone calls, printing etc. Personal development of members eg. visiting workshop, labelling and catalog development.

ORDINARY COUNCIL – 26 AUGUST 2014

7- page 21	The Food War Incorporated	\$1,500.00	\$1,500.00	The Food War Inc. has been given time to meet all health and safety standards. We needed to go ahead and purchase equipment to upgrade our kitchen and storeroom so that a final inspection could be done as soon as possible by the council's food surveillance officer prior to issue of occupation certificate to The Food War Inc. We have enclosed a receipt from Burness's Salamander Bay to the amount of \$989.74 Dated 24/07/14 for purchase of New Kitchen Pantry Cabinets for storage of kitchen items and cleaning products Ryobi Wet and Dry vacuum cleaner Rubber Floor Mats Point and paint blue/white Hooded BBQ Quater The Good Guys East Maitland Printer- \$89.00 Shredder- \$89.00 Clarke Rubber Maitland Carpet/Rubber Backed Safety Mats 2pk x 2 mtr- \$275.50
8- page 25	Rotary Club of Williamstown Incorporated	\$1,000.00	\$7,500.00	Funds will be used to help cover the cost of hiring a sound system (\$3836.00 in 2013) for the event.
9- page 28	Sailability NSW / Port Stephens Branch	\$1,027.00	\$1,027.00	A pie warmer, is required for improving kitchen facilities for members and clients alike. Hand Held Radios , enabling better communications between members & client in on water activities. Buoyancy Jackets , improving all on water activities for all clients.
10- page 31	Port Stephens Church of Christ	720.72	720.72	We wish to buy food containers from Port Stephens Packaging for provision of take home meals by our Friendship Centre to people who are not able to get out easily.
11- page 34	Tilligerry Boat Scooters	\$950.00	\$950.00	We wish to purchase a Laptop and speakers to play music for our line dancing
12- page 37	The Combined Probus Club of Medowie Inc.	\$1,500	\$1,500	The Club intends to purchase a Public Address System with a remote microphone, and an A3 printer. The PA System will enhance the presentation by guest speakers, with the advantage of a remote microphone enabling participation of members and visitors when question time follows the presentation. It will also allow the speaker to move unhindered by the need to have a wired microphone, this will be a particular advantage when the speaker is using a Power Point presentation. It should be noted that the facility to have Power Point and other video presentations has been enabled with funding from Council in January 2013. Members and visitors are very favourably impressed with this facility and other Clubs (Medowie Seniors, Medowie CWA and Medowie Garden Club) have all had use of the laptop and projector. The printer will be used to to print the Newsletter, an important method of keeping members and visitors
13- page 41	Lemon Tree Passage Newsagent	5000	5000	I want to produce a Photography book covering the Tilligerry Peninsula. This book would be made available to customers through the Lemon Tree Passage Newsagent/Information Centre and will also be made available through other business's on the Peninsula, along with the Information Centre at Nelson bay and other tourist business within Port Stephens

ORDINARY COUNCIL – 26 AUGUST 2014

14- page 44	LIONS CLUB OF SOLDIERS POINT INC.	\$2,000.00	\$6,000.00	COMPLETE ALTERATIONS TO LOCAL BUS SHELTERS FOR WHICH THE CLUB IS RESPONSIBLE. THIS WILL MAKE THEM COMPLY WITH THE RELEVANT AUSTRALIAN DISABILITY STANDARDS. CARRY OUT URGENT STRUCTURAL REPAIRS TO THE SHELTER ROOFS. REPAINT THE INTERIOR OF THE SHELTERS TO REMOVE GRAFFITI.
15- page 47	PORT STEPHENS THIRD AGE LEARNING	\$1,763.10	\$1,763.10	A quote will be emailed from Leading Edge Nelson Bay, relating to a new computer that our organisation badly needs to enable us to provide on-going community education, services and administration to our local seniors.
16- page 51	Port Stephens Citizens Youth Club (PCYC)	\$2,000	\$10,000	Next year the Club plans to celebrate 35 years of operating in Nelson Bay. Plans are already well in train to make this occasion a special event with promotions, open days and a range of other activities. Money received from this grant will be used to promote the event through local media.
17- page 55	TOMAREE FAMILY HISTORY GROUP	\$2,000	\$15,500	Cost of publishing the book: 100 copies @ \$30 per copy \$3000 Printing, postage phone calls 500-480 hours of volunteer's research @ \$25/hr \$12000
18- page 64	Hunter Care Ltd, Trading as Life Education Australia Hunter Region	1900		Hunter Life Education has identified that some children in the Port Stephens LGA do not participate in our preventive health and wellbeing programs due to social and economic disadvantage. The Adopt a Class program aims to make Life Education available to all children enrolled in Primary Schools in the Port Stephens Local Government area by offering subsidised places to children experiencing social and economic disadvantage. The project aims to ensure that the program is offered to all eligible children through subsidised program fees. The project aims to provide up to 100 subsidies of varying levels depending on need for disadvantaged children in Port Stephens to attend the Life Education program. Research has shown, supporting children's education and learning is one of the most effective means of breaking the cycle of disadvantage and ensuring all children have the same opportunity to realise their potential. That's why Hunter Life Education focuses on helping disadvantaged children get the

ITEM NO. 12**FILE NO: PSC2012-02371****LOCAL GOVERNMENT NSW CONFERENCE – COFFS HARBOUR – 19-21 OCTOBER 2014****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**
GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate four (4) voting delegates for the Local Government NSW Conference;
- 2) Nominate Mayor and Councillors who wish to attend the Local Government NSW Conference.

ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor John Nell
	That Council: <ol style="list-style-type: none">1) Nominate Mayor Bruce MacKenzie, Crs Paul Le Mottee, Sally Dover and Steve Tucker as voting delegates at the Local Government NSW Conference; and2) Cr Ken Jordan be approved to attend the conference.

MOTION

231	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council: <ol style="list-style-type: none">1) Mayor Bruce MacKenzie, Crs Paul Le Mottee, Sally Dover, Steve Tucker and Ken Jordan be approved to attend the Local Government NSW conference; and2) Nominate Mayor Bruce MacKenzie, Crs Paul Le Mottee, Sally Dover and Steve Tucker as Council's voting delegates at the Local Government NSW Conference.

BACKGROUND

ORDINARY COUNCIL – 26 AUGUST 2014

The purpose of this report is to inform Council of the 2014 Local Government NSW Conference which will be held in Coffs Harbour from 19-21 October 2014 at the C.ex Coffs (formerly Ex-Services Club).

As a member of the LGNSW, Council is eligible to have four voting delegates attend and vote on behalf of Council from items listed in the conference business paper. Council is asked to nominate the four voting delegates.

All Councillors wishing to attend this conference are asked to nominate at the time of considering this report to allow the 'early bird' registration.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	880/ delegate	Registration cost is \$880/delegate (early bird) or \$990/delegate (after 9 September). Accommodation and transport is an additional cost. These costs are covered under the policy and the existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may have its' reputation damaged by not attending and not participating in the debate on key Local Government matters.	Low	That the Mayor and Councillors represent the Port Stephens local government area.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's involvement in this conference allows Port Stephens Council to have a voice in policy matters for the Local Government industry.

CONSULTATION

General Manager

OPTIONS

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

ATTACHMENTS

- 1) Conference Program.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



REGISTRATION

LGNSW ANNUAL CONFERENCE
Sunday 19 – Tuesday 21 October 2014

Supported by



LGNSW.ORG.AU

WELCOME FROM THE PRESIDENT

LGNNSW ANNUAL
CONFERENCE
REGISTRATION 2014

2



Welcome from the President Cr Keith Rhodes AFSM

The Local Government NSW (LGNNSW) Annual Conference returns to Coffs Harbour from 19 – 21 October 2014 and I invite all delegates to attend.

Attending the Conference has never been so important for council delegates given the significant changes to government and the ongoing review affecting Local Government in NSW. The Conference offers an opportunity to discuss and tackle these issues, confirm policies for the coming year and engage in healthy debate in developing appropriate solutions to challenges faced.

A number of important topics will feature in the Conference, including the NSW Government's response to the Independent Local Government Review Panel's final report, the Local Government Acts Taskforce, and the proposed Planning System reforms, which will undoubtedly foster healthy discussion amongst delegates.

Cr Denise Knight, Mayor of our host city, Coffs Harbour, will open the Conference, which will also feature the new NSW Premier, the Hon Mike Baird MP and the Minister for Local Government, the Hon Paul Toole MP.

Keynote speakers will include Claire Madden, Research Director of McCrindle Research, discussing demographic change; and Paul Ciorheroe AM, Director of Ipc Securities, Chairman Financial Literacy Foundation and Chairman of Money Magazine, who will highlight economic trends in Australia.

We encourage you all to make the trip to the beautiful Coffs Coast for the LGNSW Annual Conference and look forward to seeing you all there.



Welcome to Coffs Harbour

Cr Denise Knight
Mayor, Coffs Harbour City Council

It's with very great pleasure that I welcome you to Coffs Harbour for the 2014 LGNSW Conference. Local Government is always a fascinating place to work and the last couple of years have presented us with some major challenges. So this Conference will be a great opportunity to share thoughts, ideas and experiences – as well as a fantastic chance to learn from our peers and experts in the sector. Hopefully, we'll also have some laughs too.

And you couldn't have chosen to visit a more beautiful or welcoming part of the world. It will be very hard to tear yourself away from the Conference, but while you're here, I'd urge you to make the most of any free time you have to explore the wonderful Coffs Coast. We have something for everyone – and if you can't find something that appeals to you, let me know!

I am confident that you will find the 2014 LGNSW Conference useful and informative and that you'll leave with valuable knowledge – and also some great memories. I look forward to welcoming you, in person, to Coffs Harbour.

CONFERENCE VENUE

LGNOW ANNUAL
CONFERENCE
REGISTRATION 2014

3

Coffs Harbour Ex-Services Club

Coffs Harbour Ex-Services Club (Cex Coffs) is located in the heart of the Coffs Harbour CBD, opposite the newly renovated Coffs Central Shopping Centre and just three kilometres from Coffs Harbour Regional Airport, making it easily accessible by public transport.

Cex Coffs offers complimentary parking in the on-site multi-storey car park. Entry to the car park is via Castle Street. There are multiple disabled car parks throughout the Cex Coffs car park, particularly at both entrances to Vernon Street and Castle Street Receptions.

Entry to Cex Coffs can be via the Castle Street or Vernon Street Receptions. Both entrances will be open for the LGNSW Conference.

Cex Coffs has a great range of facilities, including two dining outlets, a 250-seat brasserie, a 50-seat coffee shop, two bar areas, three lounge areas, two courtesy buses, disabled access, a bottle shop, travel agent and a recently refurbished TAB. Cex Coffs has nine purpose-built function rooms, earning Best Club Function Venue at the 2012 Clubs NSW Awards for Excellence Ceremony.

The opening hours of Cex Coffs and the full range of services and sports they offer can be found online at: www.cex.com.au.

Free Wi-Fi will be available to all delegates whilst in the Cex Coffs venue. The password will be provided at the time of registration.



If you are tweeting about the LGNSW Annual Conference, please use the hashtag #lgnsw2014 to continue the conversation.

Conference Overview

Full program details are available on the LGNSW website lgnsw.org.au

EVENT	LOCATION
Sunday 19 October	
Trade Exhibition set up	Entertainment and Vista Lounge, ground floor
Delegate Registration	Blue Room, first floor off auditorium
President's Welcome Reception	Entertainment and Vista Lounge, ground floor
Monday 20 October	
Trade Exhibition	Entertainment and Vista Lounge, ground floor
Partners' Tour: Hinterland Tour to Dorrigo and Bellington	Meet at Cex Coffs at 9.45am for 10am start
Business Sessions	Grand Auditorium, first floor
Sponsors Happy Hour	Entertainment and Vista Lounge, ground floor
Conference Gala Dinner	Bonville Golf Resort
Tuesday 21 October	
Trade Exhibition	Entertainment and Vista Lounge, ground floor
Partners' Tour: Coffs Coastal Tour	Meet at Cex Coffs at 9.45am for 10am start
Business Sessions	Grand Auditorium, first floor
Sponsors Happy Hour	Entertainment and Vista Lounge, ground floor

REGISTRATION DETAILS

LGNOW ANNUAL
CONFERENCE
REGISTRATION 2014

4

Registrations are invited from councillors and staff of LGNSW member councils (including associate members, Land Councils, County Councils and Regional Organisations of Councils). All delegates need to be pre-registered, and partners are required to book for optional tours and functions. It is recommended that you book your accommodation prior to registration, as you need to indicate your accommodation in order to book complimentary transfers in the registration process.

Sponsors of the Conference will also need to register online and check their sponsorship packages for inclusions.

Early Bird Registration Deadline:
Monday 8 September 2014

Full Registration Deadline:
Monday 8 October 2014

Register online at lgnsw.org.au

Online registration is conducted through a secure site which accepts credit cards (Visa or Mastercard with a 2.5 per cent surcharge), cheque and direct deposit payments. Bank account details are part of the online registration form.

Once you have registered, you should receive a confirmation email within 15 minutes and a tax invoice will be automatically emailed to you for all payments. Your registration will not be confirmed until full payment is received.

Delegate Registration Fees

Delegate registration fees include business papers, the President's Welcome Reception, two days of Conference business sessions (including morning and afternoon tea), lunch, the Gala Dinner, name badge and a satchel. The cost to attend the Conference is heavily subsidised by LGNSW and our successful sponsor relationships.

This fee does not cover accommodation, partner attendance and functions, or other events held in conjunction with the Conference. There is no charge for partners unless they attend social functions or the partners' program, which can be booked as part of the online booking process.

Sponsors' Registration Fees

Each sponsorship level includes a certain number of registrations included in the sponsored fee. If you wish to register additional staff, there is a special rate of \$440. Inclusions are the same as the delegate rate.

Registration fees

(inclusive of GST)

DELEGATES	FEES
Early Bird Registration (paid by Monday 8 September 2014)	\$880
Full Registration	\$990
Sponsors Extra Staff Registrations	\$440
PARTNERS AND EXTRA GUESTS	
President's Welcome Reception	\$77
Conference Gala Dinner	\$154
Partners' Tour Monday	\$70
Partners' Tour Tuesday	\$55

SPEAKERS AND SPECIAL GUESTS

If you are an invited guest, or are a part of the Conference program, and would like to attend the Conference (in full or a portion), please contact the LGNSW events team directly at events@lgnsw.org.au

REGISTRATION DETAILS

LGNHSW ANNUAL
CONFERENCE
REGISTRATION 2014

Confirmation, Cancellation Policy and Enquiries

Should you be unable to attend once registered, a substitute delegate is welcome to attend on the day at no additional charge. All cancellations and amendments must be advised in writing to the Conference Secretariat, Bradley Hayden (contact details below). Cancellations made by 5pm Monday 29 September 2014 will be eligible for a full refund, less a \$110 administration fee per registration. Cancellations made after 5pm Monday 29 September 2014 will not be entitled to any refund. Any changes to registrations must be made by emailing the Conference Secretariat, Bradley Hayden, on lgnsww2014@ccem.com.au by Monday 12 October 2014.

Special Requirements

If you have any special dietary requirements, access or impairment issues, please ensure you complete the appropriate section of the online registration form. Every effort will be made to ensure the Conference catering is varied, nutritional and inclusive of differing tastes.

Privacy

LGNHSW is the organiser of the Local Government NSW Annual Conference 2014 and is bound by and committed to supporting the principals set out in the Privacy and Personal Information Act 1998 and the Australian Privacy Principles. LGNSW will collect and store information you provide in the registration process for the purpose of enabling us to register your attendance at the Conference. With your permission, LGNSW may disclose some of the information whereby it is reasonably expected that such purpose be related to the offer, provision and improvement of Conferences and services; this is part of the online registration process.

Liability for your Registration

In the event of unforeseen circumstances, LGNSW and the Conference Secretariat does not accept responsibility or liability for the loss of expenses incurred by delay, cancellation, or miscommunication. By completing and submitting the online registration form, you are deemed to have read and accepted the cancellation and privacy information.

Contact

LGNHSW manages arrangements for delegates, observers and partners attending this year's Conference in relation to:

- Business Papers and Conference material
- Application for Service Awards (now presented as part of the Conference Gala Dinner)
- All general enquiries regarding the business program.

Email:
events@lgnsww.org.au

Phone:
02 9242 4000

Address:
GPO Box 7003, Sydney NSW 2001

The Conference Secretariat, Bradley Hayden, Countrywide Conference and Event Management, is your contact for:

- All registration and function enquiries for delegates, sponsors and partners including payments and inclusions.
- Sponsorship enquiries, bookings and the trade exhibition.

Email:
bradley@ccem.com.au

Phone:
02 6023 6000 or 0412 461 392

Fax:
02 6023 6355

Address:
PO Box 5013, Albury NSW 2709

5

BUSINESS PROGRAM

LGNOW ANNUAL
CONFERENCE
REGISTRATION 2014

6

A copy of the draft program is available on LGNSW's website. Following feedback from delegates at last year's LGNSW Annual Conference in Sydney, the LGNSW Board has decided to try to balance specific motions and discussion of overarching issues. Subsequently, the first full day of the Conference has been set as the primary time to discuss all issues and motions, and a session

time will be put aside to ask you how you wish to deal with motions and issues in the future.

The second day of the Conference will be dedicated to keynote speakers covering a range of issues pertinent to all councils.

LGNOW has invited the following keynotes:



The NSW Premier, the Hon Mike Baird MP
Premier Baird was elected leader of the NSW Liberal Party on Thursday 17 April 2014 and was sworn in as the state's 44th Premier on Wednesday 23 April 2014. He is also the Minister for Western Sydney and the Minister for Infrastructure.



The Minister for Local Government, the Hon Paul Toole MP
The Hon Paul Toole MR, Member for Bathurst, was appointed Minister for Local Government in April 2014. He has been committed to community affairs within Local Government for almost 20 years.



Paul Citherse AM
Director of Ipsc Securities, one of Australia's largest specialist financial advisory firms, leading media commentator on financial issues, author, radio commentator and government advisor.



Ellen Fanning
Ellen Fanning is an award-winning current affairs journalist, with a wealth of experience in communications, politics, social, cultural and business issues.



Claire Madden
Claire Madden is the Director of Research at the internationally recognised McGrindle Research. She is a media commentator on TV, radio and print, a business speaker and an engaging communicator.

BUSINESS PROGRAM

LGNSW ANNUAL
CONFERENCE
REGISTRATION 2014

Voting at the Conference

If you are the voting representative for your council, you must be in the main auditorium on Monday 20 October 2014 so that a quorum can be achieved.

All voting at the Conference will be by electronic handsets and a delegate plastic voting card will be distributed at registration. The plastic voting card must be returned at the end of the voting day or a fee of \$100 will be invoiced to councils. Electronic handsets will be distributed at accessible points in the main auditorium and a demonstration of the cards and units will be given prior to business motion voting.

For information relating to councils voting entitlements please contact LGNSW Director - Corporate Services, Peter Coulton, on 02 9242 4000. For further details, including how to change your voting delegate's name, please refer to the LGNSW website.

Business Papers

Member councils will receive printed copies of the Business Papers one month before the Conference. Papers will also be available in draft form and to download from the LGNSW website. Councils may also view the Record of Decisions from the 2013 Conference on the LGNSW website.

7

SOCIAL PROGRAM

President's Welcome Reception

Sunday 19 October 2014, 5pm – 7pm

Cox Cofts, 1 Vernon St, Cofts Harbour

Dress Code: Smart Casual

Join special guests, your fellow councillors, the LGNSW Board, general managers, sponsors and speakers at an informal cocktail party in the Trade Exhibition.

Registration opens upstairs from 3pm for you to pick up your voting card. A cocktail reception will then be held from 5 – 7pm. Following the reception, please make your own arrangements to sample the best food and wine that Cofts Harbour restaurants have to offer.

We suggest you book a table at a local restaurant if you wish to eat out. A restaurant guide is available on the LGNSW website.

Conference Gala Dinner

Sponsored by Statewide Mutual

Monday 20 October 2014, 7pm – 11pm
(Transfers for 7.30pm arrival)

Bonville Golf Resort, North Bonville Road, Bonville.

Dress Code: Black, white, red and sparkling
(Bring a warm coat or wrap).

The evening will be hosted in a state-of-the-art marquee on the beautiful grounds of Bonville Golf Resort.

Guests will arrive to a bespoke dinner designed by Michael Urquhart, Bonville's own two hat chef. Join us for a roving entrée and entertainment by Soulman O'Gaia, followed by a sit-down dinner of local produce under the stars.

We will recognise some of our own Local Government stars with the presentation of LGNSW's Outstanding Service Medals. This will be followed by the sheer talent of Lisa Hunt and her blues band, Forever Soul.



Soulman O'Gaia

From Jamaica via the UK, Soulman O'Gaia now calls Byron Shire home. He is fast becoming recognised as one of the region's most uplifting musical and spoken word exports.



Lisa Hunt

From America via Byron Bay, Lisa is a singer, songwriter, actress and performer of motown, rhythm and blues, disco, funk and soul.

PARTNERS' PROGRAM

LNSW ANNUAL
CONFERENCE
REGISTRATION 2014

8

Monday 20 October 2014, 10am – 4pm Hinterland Tour of Dorrigo and Bellingen

This tour will meet at 9.45am at Cex Coffs to board the bus, and costs \$70 including morning tea. Lunch is at your own expense.

Maximum attendees: 20 people.

A full-day guided tour of the scenic waterway, including the laid back town of Bellingen and the town of Dorrigo perched high on the plateau. Visit Honey Place, Dangar Falls and the Dorrigo Skywalk with breathtaking views of this World Heritage national park. Buy your own lunch in Bellingen and enjoy the shopping before visiting the Yellow Shed, a century old butter factory converted into a boutique shopping village of art and craft.



Tuesday 21 October 2014, 10am – 2pm Coffs Coastal Tour

This tour will meet at 9.45am at Cex Coffs to board the bus, and costs \$55 including morning tea. Lunch is at your own expense.

Maximum attendees: 20 people.

Discover the local vantage points of the beautiful beaches and waterways on this half-day tour of Coffs Coast. First stop is Woolgoolga Headland, which is one

of the best land locations for whale watching, then Emerald Beach, Sealy Lookout and the 21-metre elevated Sky Pier. Next stop is Sawtell, a charming beach village with boutique shopping, and finally the Coffs Harbour International Marina with the man-made breakwater leading to Muttonbird Island. The tour concludes with lunch at the Surf Club overlooking Park Beach. The bus will return you to Cex Coffs.

A full description of these tours is available on the LNSW website. Book online as part of your registration.



OTHER INFORMATION

LGNOW ANNUAL
CONFERENCE
REGISTRATION 2014

Service Awards

Outstanding Service Awards and Emeritus Mayor Certificates will be presented at the Conference Gala Dinner at Bonville Golf Resort on Monday 20 October 2014. To enable the processing of awards, councils are asked to advise LGNSW whether or not nominees for the award will be attending the Conference. The application deadline for Outstanding Service Awards and Emeritus Mayor Certificates is Monday 18 August 2014.

A letter confirming the presentation will be sent to your general manager. If you do not receive confirmation by Monday 1 September 2014, please contact Karen Rolis on 02 9242 4050.

The online nomination form is available on the LGNSW website at lgnew.org.au.

Accommodation

Delegates must book their accommodation through Coffs Coast Visitor Information Centre as they have the best and closest accommodation options to the Conference venue within a varied price range. Phone 02 6648 4990 or toll free on 1300 369 070. Alternatively, email tourism@coffscoast.com.au to book accommodation.

The Conference will only provide transfers to and from accommodation that has been booked from the preferred supplier list available from the Coffs Coast Visitor Information Centre.

Supporting Charity

The two coffee stations at the Conference, sponsored by StateCover, will charge a gold coin donation to support the work of the 'Buy a Bale' campaign, which provides resources and assistance to farmers in need.

Childcare Arrangements

If delegates require childcare facilities in order to attend the Conference or the Social Program, please contact a Coffs Harbour childcare centre:

- Caterpillar House – Occasional Childcare
Phone: 02 6651 2377
Address: 205 Harbour Drive
- Little Monkeys – Occasional Childcare (located at Pacific Bay Resort)
Phone: 02 6659 7041
Website: www.pacificbayresort.com.au/kids-club.html

Sponsorships and Partnerships

If you are interested in sponsoring the Conference, giving support or taking part in our trade display, please contact the Conference Secretariat, Bradley Hayden, Countrywide Conference and Event Management, via email: bradley@ccem.com.au

Environmental Sustainability Commitment

LGNSW is committed to ensuring the LGNSW Annual Conference 2014 is organised and conducted in a sustainable manner to reduce the impact on the planet. The event will adhere to LGNSW Principles and Guidelines for Event Sustainability (version 4). A full list of sustainability measures is on the LGNSW website.

9



ITEM NO. 13**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 26 August, 2014.

No: Report Title

- | | |
|---|---|
| 1 | Provision and Management of Council's Animal Impoundment Facilities |
| 2 | Cash and Investments Held at 31 July 2014 |
| 3 | Designated Persons – Pecuniary Interest |

ORDINARY COUNCIL MEETING – 26 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

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

219	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that Council move out Committee of the Whole.

MOTION

232	Councillor Paul Le Mottee Councillor John Nell
	It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 26 August, 2014.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

PROVISION & MANAGEMENT OF COUNCIL'S ANIMAL IMPOUNDMENT FACILITIES

**REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE
SECTION MANAGER**

GROUP: DEVELOPMENT SERVICES GROUP

FILE: PSC2005-4481

BACKGROUND

Port Stephens Council requires the services of a reliable contractor with a suitable facility to manage Council's Animal Impoundment operation. There is currently a contract in effect between Mr Jim P Hickie, Director of Belmont Park (Williamstown) and Council to provide such service. The contract commenced on 1 October 2009 and is due to conclude on 1 October 2014.

Within the contract there is an Annexure derived from the Hunter Region of Councils (HROC) General Conditions of Contract containing a clause (26) indicating that the contract can be extended for a maximum period of 12 months. Council has historically rolled contracts forward or exercised the contract provisions to extend the contract for an additional 12 months where it is satisfied with the agreed level of service provided.

Funding for the Animal Impoundment service is secured through Council's approved annual operating budget. The current annual cost to Council of providing these services is \$171,000.

There is a potential social implication that not rolling the contract forward could damage Council's reputation because the provision of an efficient, effective and convenient Animal Impoundment Facility is a service that is expected by the community.

There is a potential economic implication that travelling to an impoundment facility outside of the Local Government Area (LGA) would result in a decrease in the level of service provided and an increased demand on Council's resources.

Having regard to the above, the Ranger Services team have carried out an evaluation of the current contractor's performance, are satisfied that the contract terms and conditions are being met and have advised the Mr Jim Hickie that the option to extend the contract for an additional 12 months has been exercised.

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 2

CASH AND INVESTMENTS HELD AT 31 JULY 2014

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 July 2014.

ATTACHMENTS

- 1) Cash and investments held at 31 July 2014;
- 2) Monthly cash and investments balance July 2013 to July 2014;
- 3) Monthly Australian term deposit index July 2013 to July 2014.

ATTACHMENT 1

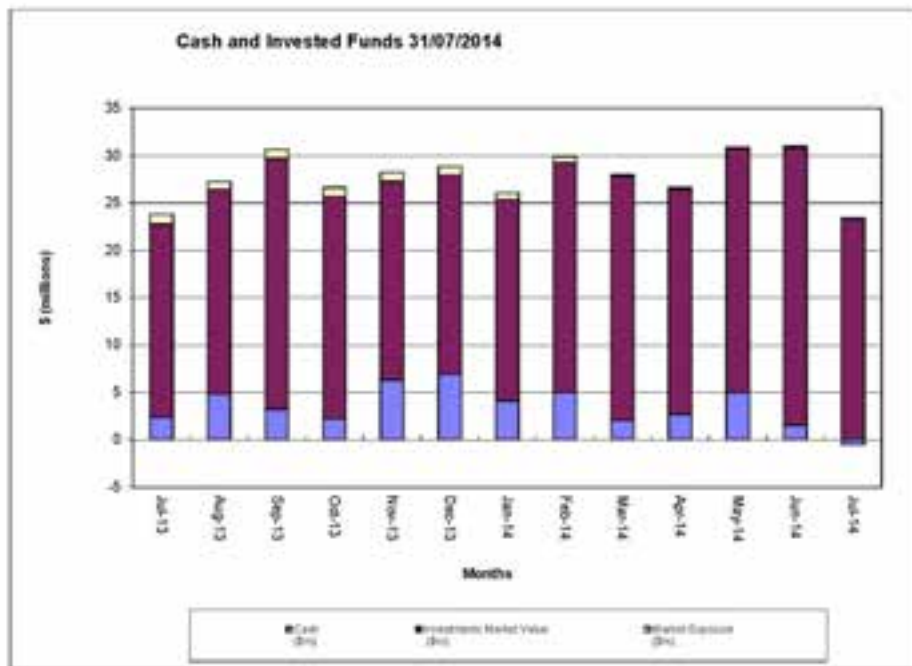
CASH AND INVESTMENTS HELD AT 31 JULY 2014

CASH AND INVESTMENTS HELD AS AT 31 JULY 2014								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
INVESTEC BANK (AUSTRALIA) LTD	CURVE	BBB-	TD	3.88%	182	13-Aug-14	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	RIM	BB+	TD	3.75%	182	13-Aug-14	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.90%	244	10-Sep-14	1,500,000	1,500,000
AMP BANK LTD	CURVE	A+	TD	3.90%	244	10-Sep-14	1,000,000	1,000,000
ME BANK	ME BANK	BBB+	TD	3.80%	183	24-Sep-14	2,000,000	2,000,000
RURAL BANK LTD	CURVE	A-	TD	3.72%	194	8-Oct-14	2,000,000	2,000,000
THE MUTUAL	THE MUTUAL	N/R	TD	3.80%	182	22-Oct-14	1,000,000	1,000,000
WIDE BAY AUSTRALIA LTD	CURVE	BBB	TD	3.75%	182	5-Nov-14	1,000,000	1,000,000
WIDE BAY AUSTRALIA LTD	CURVE	BBB	TD	3.75%	182	5-Nov-14	1,000,000	1,000,000
BANANACOAST CREDIT UNION LTD	FARGUHARSON	N/R	TD	3.70%	189	19-Nov-14	2,000,000	2,000,000
BANK OF SYDNEY LTD	FIG	N/R	TD	3.75%	194	3-Dec-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.74%	244	17-Dec-14	1,005,894	1,005,894
ING BANK (AUSTRALIA)	CURVE	A	TD	3.45%	182	17-Dec-14	1,000,000	1,000,000
BANK OF SYDNEY LTD	RIM	N/R	TD	3.75%	210	14-Jan-15	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	RIM	BB+	TD	3.90%	271	11-Mar-15	1,500,000	1,500,000
POLICE CREDIT UNION LTD (SA)	FARGUHARSON	N/R	TD	3.45%	224	14-May-15	2,000,000	2,000,000
SUB TOTAL (\$)							21,005,894	21,005,894
OTHER INVESTMENTS								
DEUTSCHE BANK TELSTRA LINK DEF. NTE	FIG SECURITIES	A	FRN	4.43% 7yrs		30-Nov-14	500,000	485,000
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99% 10yrs		31-Dec-14	500,000	500,000
NEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A	CDO	0.00% 10yrs		23-Jun-15	412,800	373,317
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00% 7yrs		1-Jun-17	1,017,877	925,340
SUB TOTAL (\$)							2,430,377	2,283,679
INVESTMENTS TOTAL (\$)							23,436,273	23,289,573
CASH AT BANK (\$)							-531,732	-531,732
TOTAL CASH AND INVESTMENTS (\$)							22,904,541	22,757,841
CASH AT BANK INTEREST RATE				2.50%				
BBBW FOR PREVIOUS 3 MONTHS				2.73%				
AVG. INVESTMENT RATE OF RETURN				3.58%				
TD = TERM DEPOSIT				FRN = FLOATING RATE NOTE				
CDO = COLLATERALISED DEBT OBLIGATION				FRSD = FLOATING RATE SUBORDINATED DEBT				
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 425 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
W WALLIS								

ATTACHMENT 2
MONTHLY CASH AND INVESTMENTS BALANCE JULY 2013 TO JULY 2014

Cash and Investments Held

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Jul-13	2.366	20.426	1.005	23.797
Aug-13	4.847	21.578	0.882	27.278
Sep-13	3.221	26.489	0.941	30.652
Oct-13	2.193	23.484	0.946	26.623
Nov-13	6.305	20.992	0.939	28.236
Dec-13	6.932	20.992	0.939	28.863
Jan-14	4.122	21.271	0.659	26.052
Feb-14	5.006	24.274	0.656	29.936
Mar-14	2.048	25.759	0.171	27.978
Apr-14	2.692	23.761	0.169	26.622
May-14	4.964	25.775	0.154	30.895
Jun-14	1.572	29.276	0.155	31.002
Jul-14	- 0.532	23.290	0.167	22.905



**ATTACHMENT 3
MONTHLY AUSTRALIAN TERM DEPOSIT INDEX JULY 2013 TO JULY 2014**

Australian Term Deposit Accumulation Index

Date	90 Day Term Deposit Index	PSC
Jul-13	3.6774	4.05
Aug-13	3.4506	3.96
Sep-13	3.3163	3.84
Oct-13	3.27	3.77
Nov-13	3.1212	3.71
Dec-13	3.3007	3.67
Jan-14	3.2797	3.63
Feb-14	3.2527	3.64
Mar-14	3.2397	3.62
Apr-14	3.2216	3.61
May-14	3.1931	3.62
Jun-14	3.1897	3.62
Jul-14	3.1369	3.58



INFORMATION ITEM NO. 3

DESIGNATED PERSONS – PECUNIARY INTEREST

REPORT OF: WAYNE WALLIS – GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2012-02853

BACKGROUND

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

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

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

Development Planner (PSC768)
Strategy & Environment Section Manager (PSC755)
Planning and Developer Relations Coordinator (PSC761)

ATTACHMENTS

Nil.

TABLED DOCUMENTS

- 1) Pecuniary Interest Returns.

There being no further business the meeting closed at 6.18pm.

I certify that pages 1 to 190 of the Open Ordinary Minutes of Council 26 August 2014 were confirmed by Council at its meeting held on 23 September 2014.

.....
Bruce MacKenzie
MAYOR