

## MINUTES 23 SEPTEMBER 2014



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 23 September 2014, commencing at 5.31pm.

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

233	<b>Councillor Chris Doohan</b> <b>Councillor John Nell</b>
	It was resolved that the apologies from Councillors Geoff Dingle, Ken Jordan, Peter Kafer and Paul Le Mottee be received and noted.
234	<b>Councillor Sally Dover</b> <b>Councillor Steve Tucker</b>
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 26 <sup>th</sup> August 2014 be confirmed.
	There were no Declaration of Interest received.

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# DEPUTY MAYOR ELECTION

Mayor Bruce MacKenzie requested the General Manager conduct the election of the Deputy Mayor, at which time the General Manager delegated to the Returning Officer, Council's Executive Officer to conduct the election.

## **ELECTION OF DEPUTY MAYOR**

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### **1. BACKGROUND**

The election of the Deputy Mayor is to be held in accordance with the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, should Council wish to proceed with the election of Deputy Mayor. The role of Deputy Mayor is not required under the *Local Government Act 1993*.

The General Manager has appointed Council's Executive Officer as Returning Officer for the election, should Council wish to proceed.

The current term of the Deputy Mayor is two (2) years. Council may fix the Deputy Mayor term for a period not greater than the Mayoral role, which is four (4) years.

### **2. NOMINATIONS FOR THE OFFICE OF DEPUTY MAYOR**

Nominations may be made without notice and should be made in writing by two (2) or more Councillors (one of whom may be the nominee) or the Mayor. A nomination is not valid unless the nominee has indicated consent in writing. The Returning Officer will announce the name(s) of the nominee(s) at the Council meeting at which the election is to be held. If more than one Councillor is nominated an election will take place.

### **3. DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR**

- a). Preferential Ballot;
- b). Ordinary Ballot;
- c). Open Voting.

### **4. STATEMENT FROM DEPUTY MAYORAL CANDIDATES (OPTIONAL)**

A time limit of five minutes per candidate will apply in accordance with Council's Code of Meeting Practice.



**5. ELECTION OF DEPUTY MAYOR**

**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014**

**MOTION**

235	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that the Deputy Mayoral term be for a period of one (1) year.
	At the close of nominations only one (1) nomination was received. The nomination was received from Cr Steve Tucker. Cr Tucker was elected unopposed as Deputy Mayor for a period of one (1) year.

# COUNCIL REPORTS

**ITEM NO. 1****FILE NO: A2004-0373****COUNCIL PRAYER AND TRADITIONAL WELCOME AT COUNCIL MEETINGS****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Continue with the Traditional Welcome at Council meetings;
  - 2) Continue with the Council prayer.
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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014  
MOTION**

<b>236</b>	<b>Councillor Sally Dover</b> <b>Councillor Chris Doohan</b>
	It was resolved that Council move into Committee of the Whole.

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Sally Dover</b> <b>Councillor Chris Doohan</b>
	That the recommendation be adopted.

**MOTION**

<b>238</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council: <ol style="list-style-type: none"><li>1) Continue with the Traditional Welcome at Council meetings;</li><li>2) Continue with the Council prayer.</li></ol>

**BACKGROUND**

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

The current Council prayer is as follows:

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

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

The Traditional Welcome is as follows:

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

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**LEGAL AND POLICY IMPLICATIONS**

There is no legal requirement to include the prayer or traditional welcome in Council meeting proceedings.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk associated with this recommendation that relates to reputation.	Low	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

Nil.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 2****FILE NO: A2004-0372****COUNCIL MEETING CYCLE****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Continue with the current meeting cycle in Option 1, shown at **(ATTACHMENT 1)**;
- 2) Make the relevant changes to the Code of Meeting Practice, should Council elect to make changes to the meeting cycle and publicly exhibit for 28 days;
- 3) Should there be no submissions, the Code of Meeting Practice be adopted as exhibited without a further back to Council.

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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014****COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Sally Dover</b> <b>Councillor Steve Tucker</b>
	That Council continue with the current meeting cycle in Option 1, shown at <b>(ATTACHMENT 1)</b> .

**MOTION**

<b>239</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council continue with the current meeting cycle in Option 1, shown at <b>(ATTACHMENT 1)</b> .

**BACKGROUND**

The purpose of this report is to inform Council of the current Council meeting cycle and consider the future Council meeting cycle.

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

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

## MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

### 1) Week 1

No meetings, inspections and/or 2 way conversations.

### 2) Week 2

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

### 3) Week 3

Inspections and/or 2 way conversations as required.

### 4) Week 4

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

### 5) Week 5

No meetings, inspections and/or 2 way conversations.

## FINANCIAL/RESOURCE IMPLICATIONS

All financial implications are provided for within the existing budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	21,534	Options 1 & 2 are provided for in the existing budget. The budget allows for the printing and distribution of business papers and minutes only. Other costs include staff time & catering. If Council elects to move towards a different meeting cycle additional cost implication would need to be provided.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL AND POLICY IMPLICATIONS**

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

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

**SUSTAINABILITY IMPLICATIONS SOCIAL IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

- 1) General Manager.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Meeting Cycle Options.

**TABLED DOCUMENTS**

Nil.



<b>MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014</b>
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### ATTACHMENT 1

WEEK	OPTION 1 Current meeting cycle	OPTION 2	OPTION 3
1	No meetings or inspections	4.00pm to 5.30pm 2-way conversation Program	4.00pm to 5.30pm 2-way conversation Program  5.30pm Public Access, if required  Followed by Council Committee Meeting
2	4.30pm to 5.00pm 2-way conversation Program  5.30pm Public Access, if required  <b>followed by Ordinary Council Meeting</b>	4.00pm to 5.30pm 2-way conversation Program  5.30pm Public Access, if required  Followed by Council Committee Meeting	4.00pm to 5.30pm 2-way conversation Program  5.30pm Ordinary Council Meeting
3	4.30pm to 6.30pm 2-way conversation Program  Presentations and Workshops as required.	4.00pm to 5.30pm 2-way conversation Program  5.30pm Public Access, if required	4.00pm to 5.30pm 2-way conversation Program  5.30pm Public Access, if required  followed by Council Committee Meeting
4	4.30pm to 5.00pm 2-way conversation Program  5.30pm Public Access, if required  <b>followed by Ordinary Council Meeting</b>	4.00pm to 5.30pm 2-way conversation Program  5.30pm Ordinary Council Meeting	4.00pm to 5.30pm 2-way conversation Program  5.30pm Ordinary Council Meeting
5	No meetings or inspections	4.00pm to 5.30pm 2-way conversation Program  5.30pm Presentations and Workshops as required.	4.00pm to 5.30pm 2-way conversation Program  5.30pm Presentations and Workshops as required.

**ITEM NO. 3****FILE NO: A2004-0370****MEMBERSHIP OF COMMITTEES & GROUPS****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Nominates membership of Council Committees, 355(c) Committees and Regional Committees and Groups, and amends the constitutions to include new membership where applicable (**ATTACHMENT 1**);
- 2) Re-name the following Committee/s:
  - Tilligerry Community Centre Committee to Lemon Tree Passage Old School Centre Committee;
  - Raymond Terrace Sports Council & Rural West Sports Council to West Ward Sports Council;
  - Nelson Bay Senior Citizens Hall Committee to Nelson Bay Community Hall Committee;
- 3) Remove the following Committees/Groups from the listing as memberships are no longer required:
  - Hunter Community Reference Group of Catchment Management Authority;
  - National Parks & Wildlife Service Regional Advisory Committee;
  - Communicate Port Stephens.

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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Chris Doohan</b> <b>Councillor John Nell</b>
	That Council: <ol style="list-style-type: none"><li>1) Re-appoint all Council delegates as shown in (<b>ATTACHMENT 1</b>) and appoint further delegates to the following Committees:<ol style="list-style-type: none"><li>a) Item 1 - Aboriginal Strategic Committee – Cr Steve Tucker (alternate delegate);</li><li>b) Item 2 – Anna Bay, Birubi Point, Reserves, Hall and Tidy Towns Committee – Cr John Morello;</li><li>c) Item 3 - Audit Committee – Cr Chris Doohan (alternate delegate);</li><li>d) Item 6 – Corlette Headland &amp; Hall Committee – remove Cr John Morello and appoint Cr John Nell;</li><li>e) Item 55 - Public Libraries NSW Association – Cr Steve Tucker;</li><li>f) Item 63 - Local Traffic Committee – Cr John Nell; and</li><li>g) General Manager's Performance Review Panel – Cr Chris</li></ol></li></ol>

## MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	<p>Doohan.</p> <p>2) Re-name the following Committee/s:</p> <ul style="list-style-type: none"> <li>a) Tilligerry Community Centre Committee to Lemon Tree Passage Old School Centre Committee;</li> <li>b) Raymond Terrace Sports Council &amp; Rural West Sports Council to West Ward Sports Council;</li> <li>c) Nelson Bay Senior Citizens Hall Committee to Nelson Bay Community Hall Committee;</li> </ul> <p>3) Remove the following Committees/Groups from the listing as memberships are no longer required:</p> <ul style="list-style-type: none"> <li>a) Hunter Community Reference Group of Catchment Management Authority;</li> <li>b) National Parks &amp; Wildlife Service Regional Advisory Committee;</li> <li>c) Communicate Port Stephens.</li> </ul>
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### MOTION

<b>240</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor John Morello</b></p> <p>It was resolved that Council:</p> <p>1) Re-appoint all Council delegates as shown in <b>ATTACHMENT 1</b> and appoint further delegates to the following Committees:</p> <ul style="list-style-type: none"> <li>a) Item 1 - Aboriginal Strategic Committee – Cr Steve Tucker (alternate delegate);</li> <li>b) Item 2 – Anna Bay, Birubi Point, Reserves, Hall and Tidy Towns Committee – Cr John Morello;</li> <li>c) Item 3 - Audit Committee – Cr Chris Doohan (alternate delegate);</li> <li>d) Item 6 – Corlette Headland &amp; Hall Committee – remove Cr John Morello and appoint Cr John Nell;</li> <li>e) Item 55 - Public Libraries NSW Association – Cr Steve Tucker;</li> <li>f) Item 63 - Local Traffic Committee – Cr John Nell; and</li> <li>g) General Manager's Performance Review Panel – Cr Chris Doohan.</li> </ul> <p>2) Re-name the following Committee/s:</p> <ul style="list-style-type: none"> <li>a) Tilligerry Community Centre Committee to Lemon Tree Passage Old School Centre Committee;</li> <li>b) Raymond Terrace Sports Council &amp; Rural West Sports Council to West Ward Sports Council;</li> <li>c) Nelson Bay Senior Citizens Hall Committee to Nelson Bay Community Hall Committee.</li> </ul> <p>3) Remove the following Committees/Groups from the listing as memberships are no longer required:</p> <ul style="list-style-type: none"> <li>a) Hunter Community Reference Group of Catchment Management Authority;</li> </ul>
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- |  |
|--|
| b) National Parks & Wildlife Service Regional Advisory Committee;<br>c) Communicate Port Stephens. |
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## BACKGROUND

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

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

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

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

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

Council has in excess of 50, 355(c) committees with over 600 members in total.

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

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

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

## MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

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

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

### Regional Committees and Groups

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

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

The following Committees/Groups are no longer required at this stage:

- Hunter Community Reference Group of Catchment Management Authority [to be reformed under a new committee, further report to be presented to Council];
- National Parks & Wildlife Service Regional Advisory Committee – Ministerial Appointment [current member is a community representative, Council will nominate when nominations are open];
- Communicate Port Stephens.

### FINANCIAL/RESOURCE IMPLICATIONS

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

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

**OPTIONS**

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

**ATTACHMENTS**

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

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ATTACHMENT 1**

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

The proposed 2014/15 membership is listed below.

Ref	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegates
1	Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people.  To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	Quarterly	Development Services	Cr Peter Kafer Cr Sally Dover  <u>Alternate required</u>
2	Anna Bay, Birubi Pt Reserves, Hall & Tidy Towns Committee	To assist Council in the management of Anna Bay Hall.  To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	
3	Audit Committee	The Audit Committee is an advisory committee of Council comprising of the Council representatives and two external representatives.  The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.	At least four times a year or when necessary	General Manager's Office	Cr Ken Jordan Cr John Morello  <u>Alternate required</u>  DLG guidelines preclude the Mayor from being a member of the Committee.

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	Committee Name	Purpose of Committee	Meeting Cycle	Group	New Delegates
4	Boat Harbour Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Geoff Dingle Cr Sally Dover Cr John Morello</i>
5	Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Steve Tucker</i>
6	Corlette Headland & Hall Committee	To assist Council in the management of Corlette Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr John Morello</i>
7	Corlette Parks, Reserves & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution)	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr John Morello</i>
8	Fern Bay Public Hall, Reserves and Tidy Towns Committee	To assist Council in the management of Fern Bay Hall.  To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Geoff Dingle</i>
9	Financial Assistance Community Grants Panel	To make recommendations to Council on applications received through the Grants process	<i>Twice a year</i>	General Manager's Office	<i>Mayor Bruce MacKenzie Cr Ken Jordan Cr Chris Doohan Cr John Nell (1 Councillor from each Ward).  Alternative Cr Geoff Dingle</i>



# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>New Delegates</b>
10	Fingal Bay Parks & Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr John Nell</i>
11	Hinton School of Arts, Parks & Foreshore Committee	To assist Council in the management of Hinton School of Arts.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Ken Jordan</i>
12	Karuah Hall Committee	To assist Council in the management of Karuah Community Centre Committee.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Peter Kafer Cr Ken Jordan</i>
13	Karuah Tidy Towns, Parks Reserves & Wetlands Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee</i>
14	Lemon Tree Passage Parks and Reserves 355C Committee	To undertake maintenance and improvements to parks in Lemon Tree Passage	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Steve Tucker Mayor Bruce MacKenzie</i>
15	Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Steve Tucker Mayor Bruce MacKenzie</i>
16	Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Steve Tucker Mayor Bruce MacKenzie</i>

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	Committee Name	Purpose of Committee	Meeting Cycle	Group	New Delegates
19	Mambo Wanda Wetlands, Reserves & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr John Nell</i>
20	Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Geoff Dingle Cr Chris Doohan Cr Steve Tucker</i>
21	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 1<sup>st</sup> Monday</i>	Facilities & Services	<i>Cr Geoff Dingle Cr Chris Doohan Cr Steve Tucker</i>
22	Medowie Tidy Towns & Cycleway Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Geoff Dingle Cr Steve Tucker Cr Chris Doohan</i>
23	Nelson Bay Senior Citizens Hall Committee	To assist Council in the management of Nelson Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Sally Dover</i>
24	Nelson Bay West Parkcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr John Nell</i>
25	Ngioka Centre Advisory Panel	To assist and provide feedback on the future development and planning of the Ngioka Centre.		Facilities & Services	<i>Cr Sally Dover</i>

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	Committee Name	Purpose of Committee	Meeting Cycle	Group	New Delegates
26	Port Stephens Adult Choir Committee	To promote, organise and train the Port Stephens Choir.  To develop a sense of community identity and belonging by involving participants in community cultural projects.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Development Services	<i>Cr Steve Tucker</i>
27	Port Stephens Australia Day Celebrations Coordinating Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Development Services	<i>Cr Sally Dover Cr John Morello Cr Ken Jordan</i>
28	Port Stephens Sister Cities Committee	To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	General Manager's Office	<i>All Councillors</i>
29	Port Stephens Community Band Committee	To promote, organise and train the Port Stephens Community Band.  To develop a sense of community identity and belonging by involving youth and adults in community cultural projects.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Development Services	<i>Cr Steve Tucker</i>
30	Port Stephens Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Development Services	<i>Cr Paul Le Mottee</i>
31	Port Stephens Native Flora Garden Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Quarterly</i>	Facilities & Services	<i>Cr John Nell</i>

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

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

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

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

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	Committee Name	Purpose of Committee	Meeting Cycle	Group	New Delegates
44	Lemon Tree Passage Old School Centre Committee  <i>Name changed from Tilligerry Community Centre Committee</i>	To assist Council in the management of Tilligerry Community Centre and surrounds.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Steve Tucker Mayor Bruce MacKenzie</i>
45	Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October  3<sup>rd</sup> Monday</i>	Facilities & Services	<i>Cr Steve Tucker Mayor Bruce MacKenzie</i>
46	Tomaree Education Complex Multi Purpose Centre Committee	To assist Council with the care, management and promotion of the facility.  To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi Purpose Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Sally Dover</i>
47	Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October  3<sup>rd</sup> Wednesday</i>	Facilities & Services	<i>Cr John Nell Cr John Morello Cr Sally Dover</i>

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>New Delegates</b>
48	Tomaree Cemeteries Committee	To undertake maintenance and improvements to cemeteries on Tomaree Peninsula.	<i>Meet Quarterly</i>	Facilities & Services	<i>Cr John Nell</i>
49	Tilligerry Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Steve Tucker</i>
50	West Ward Cemeteries Committee	To undertake maintenance and improvements to cemeteries in West Ward.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Peter Kafer</i>
51	Williamstown Public Hall Committee	To assist Council in the management of Williamstown Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Geoff Dingle</i>

## REGIONAL COMMITTEES AND GROUPS

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	New Delegates
52	Port Stephens Community Safety Precinct Committee  <b>Note:</b> <i>This is a Committee of the Port Stephens Local Area Command. Membership is by invitation from the Local Area Commander. Council's delegate is the Mayor.</i>	To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety.  ** Attendees will be by invitation only, one representative will be invited by the Police from each peak body/organisation e.g. Hunter Water / Housing NSW). Council will hold two positions, one will be Community Planner Crime, and the other will be the Mayor or his/her representative if unable to attend.	Meets quarterly	Development Services	Mayor Bruce MacKenzie
53	Birubi Point Cultural Heritage Advisory panel	To advise Port Stephens Council on the management plan required to protect the Worimi cultural and spiritual heritage and enhance the environment of the Birubi Point Crown Reserve and Birubi Point Aboriginal Place	Meets 3 times per year	Facilities & Services	Cr Sally Dover
54	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Meets every 2 months	Development Services	Cr Geoff Dingle Cr Peter Kafer



# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	New Delegates
55	Public Libraries NSW Association	Country Public Libraries Association constitution requires a Councillor representative. This Association provides support for country public libraries. The Joint Library Advisory Committee's constitution also requires a Councillor representative in line with the Newcastle Regional Library agreement.	Meets 3 times per year	Facilities & Services	<i>To be left open for all Councillors to attend.</i>  <i>Note: Council is required to appoint a delegate.</i>
56	Gloucester Coal Seam Gas Project – Community Consultative Committee	The purpose of the Committee is to provide a forum for representatives to discuss the Project with the Company (Lucas Energy)		Development Services	<i>To be left open for all Councillors to attend.</i>
57	Hexham Swamp-Kooragang Wetland Rehabilitation Project Steering Committee  Term: 3 years from 27 November 2012.	The purpose of the Committee is to oversee project at the Hexham Swamp Kooragang Wetland. The Committee is a sub-committee of the Catchment Management Authority	Meets 2-3 times per year with annual site inspection	Development Services	<i>Cr John Nell</i>
58	Hunter Councils	To discuss regional issues in the Hunter.		General Manager's Office	<i>Mayor Cr Bruce MacKenzie</i>  <i>Delegate must be the Mayor</i>
59	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.  Note: Cr Nell is appointed to this Committee by Hunter Water.		General Manager's Office	<i>Cr Geoff Dingle</i>

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	<b>Name of Organisation</b>	<b>Purpose of Committee</b>	<b>Meeting cycles</b>	<b>Group</b>	<b>New Delegates</b>
60	Joint Regional Planning Panel	<p>To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area.</p> <p>The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member, commencing 2012 and re-appointed in 2015.</p>	As required	Development Services	<p><i>Mayor Bruce MacKenzie</i> <i>Cr Ken Jordan</i></p> <p><i>Alternates</i> <i>Cr Paul Le Mottee</i> <i>Cr John Nell</i> <i>Cr Geoff Dingle</i></p>
61	Karuah Working Together Inc.	<p>The Committee is a peak group comprising representation of key organisations, businesses and industry representatives in Karuah.</p> <p>The Committee is responsible for ensuring community and economic development activities are co-ordinated in accordance with local needs, trends and opportunities in accordance with Council's Economic Development Strategy and as specified in the <i>Karuah Strategic Plan</i>.</p>	3 <sup>rd</sup> Monday evening of the month	Development Services	<p><i>Cr Peter Kafer</i> <i>Cr Paul Le Mottee</i> <i>Cr Ken Jordan</i></p>
62	Local Development Committee	Local Traffic Committee providing advice to Council on development.	As and when needed.	Facilities & Services	<i>Cr Peter Kafer</i>
63	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Meets 1 <sup>st</sup> Tuesday of the month	Facilities & Services	<i>Cr Peter Kafer</i>

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	New Delegates
64	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Meets quarterly	Facilities & Services	Mayor Bruce MacKenzie
65	Lower Hunter Zone Liaison Committee	To review the progress of the Service Level Agreement between Port Stephens Council and NSW Rural Fire Service in the Local Government Area.	Meets quarterly	Facilities & Services	Mayor Bruce MacKenzie
66	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment.		Development Services	Cr Steve Tucker Mayor Bruce MacKenzie
67	Marine Parks Advisory Panel <b>Ministerial Appointment</b>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.		Development Services	Cr John Nell
68	Medowie Floodplain Management Committee	This Committee will provide advice and recommendations to Council.		Development Services	Cr Geoff Dingle Cr Steve Tucker Cr Chris Doohan Cr Peter Kafer
69	Nelson Bay Community College	This committee is an advisory committee for Adult Education.		General Manager's Office	Cr Sally Dover Cr John Morello
70	Newcastle Airport Partnership Company No. 3 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.		General Manager's Office	Mayor Bruce MacKenzie (General Manager)
71	Newcastle Airport Partnership Company No. 4 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.		General Manager's Office	Mayor Bruce MacKenzie (General Manager)
72	Newcastle Airport Partnership	The partnership is responsible for the development and management of Newcastle Airport and related infrastructure.		General Manager's Office	Mayor Bruce MacKenzie (General Manager)
73	Newcastle Airport Pty Ltd	To manage the operations of Newcastle Airport.		General Manager's Office	General Manager

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	New Delegates
74	Port Stephens Council Depot re-development committee	To explore the options available for re-development of the Council depot at Raymond Terrace.	Bi-annual	Facilities & Services	<i>Cr Ken Jordan Cr John Nell Mayor Bruce MacKenzie</i>
75	Port Stephens Economic Development Advisory Panel	<ul style="list-style-type: none"> <li>• Act as a communication and advisory mechanism to Council on relevant Economic Development issues.</li> <li>• Oversee the implementation of the Economic Development Strategy. 2012 ED Strategy review has occurred.</li> </ul>	Quarterly	Development Services	<i>Cr Chris Doohan Mayor Bruce MacKenzie Cr Ken Jordan Cr Paul Le Mottee</i>  <i>(1 Councillor from each Ward)</i>
76	Port Stephens Holiday Parks Reserve Trust	<ul style="list-style-type: none"> <li>• To act as Trust Managers of the Crown land and Holiday Parks.</li> </ul>	Quarterly	Corporate Services	<i>All Councillors</i>
77	Port Stephens Transport Forum	The Transport for NSW convenes these forums which have been established in most LGAs throughout NSW. It provides the opportunity for local transport providers (eg: community transport, bus and taxi operators) and local residents to discuss local and regional transport related issues and to formulate appropriate strategies to more effectively improve the delivery of existing public transport services in meeting the community's transport needs.	Every 3 months convened by Ministry of Transport	Facilities & Services	<i>Cr Sally Dover</i>  <i>All councillors to be notified of this meeting.</i>

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

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

# MINUTES FOR ORDINARY MEETING – 23 SEPTEMBER 2014

	Name of Organisation	Purpose of Committee	Meeting cycles	Group	New Delegates
84	Worimi Conservation Lands Board of Management  <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	4 times a year	General Manager's Office	<i>Cr Sally Dover</i>  <i>Alternate:</i> <i>Cr Peter Kafer</i>
85	General Manager Performance Review Panel	To conduct evaluation of the performance of the General Manager.	Twice a year	Mayor's Office	<i>Mayor</i> <i>Deputy Mayor</i> <i>Councillor</i> <i>(nominated by the Council)</i> <i>Councillor</i> <i>(nominated by the General Manager)</i>

**ITEM NO. 4****FILE NO: PSC2013- 02399****DRAFT SOCIAL IMPACT POLICY**

**REPORT OF: TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION MANAGER**  
**GROUP: DEVELOPMENT SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the draft Social Impact Policy and Guidelines as exhibited **(ATTACHMENT 1 & 2)**;
- 2) Revoke the Social Policy dated 27 May 2003 **(ATTACHMENT 4)**.

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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014**  
**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

<b>241</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council:  1) Adopt the draft Social Impact Policy and Guidelines as exhibited <b>(ATTACHMENT 1 &amp; 2)</b> ; 2) Revoke the Social Policy dated 27 May 2003 <b>(ATTACHMENT 4)</b> .

**BACKGROUND**

At its Ordinary meeting of 8 April 2014, Council resolved to exhibit the draft Social Impact Policy (the draft Policy) and associated guidelines for 28 days to invite public submissions.

The purpose of this report is to advise Council that one submission **(ATTACHMENT 3)** was received during exhibition. This report provides consideration of the issues raised in the submission. Based on this consideration it is recommend that the policy be adopted as exhibited without amendment.

The draft Policy aims to provide Council with a framework for the assessment of potential social impacts when considering Council activities and development

proposals (**ATTACHMENT 1**). Such decisions may have the potential for positive or negative implications for social issues facing the community. The draft Social Impact Assessment Guidelines supports the implementation of the draft Policy (**ATTACHMENT 2**).

The submission received during the exhibition period raised issues associated with consideration of social impacts on the applicant in the development application process. As detailed further in this report, the issues raised in the submission are not consistent with the intent of the draft Policy.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The adoption of the draft Policy will not have any significant financial or resource implications for Council. Copies of the adopted Policy will be made available on Council's website.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	500	Implementation is undertaken as part of the development assessment process and funded from existing and future budgets
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

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

The draft Policy is intended to replace Council's existing Social Policy dated 27 May 2003 (**ATTACHMENT 4**).

Adoption of the draft Policy satisfies Council's obligations under the Local Government Act 1993 Section 8 (1) and the Port Stephens Community Strategic Plan, which requires Council to take social issues into consideration as part of decision making.

A key risk area for Council in relation to social impacts is during the development assessment process. Under Section 79c of the *Environmental Planning and Assessment Act 1979*, Council is required to consider the potential social impacts of development.

Council may be legally exposed if it does not adequately assess the social impacts of development before a determination is made. The adoption of a clear and consistent framework will assist Council to minimise its risks in the area of social impact assessment by providing objective impartial framework to consider potential social impacts of development applications.



<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the absence of a clear policy and guidelines may result in an inconsistent approach to assessing social impacts associated with development applications and planning proposals.	Medium	Adoption of the Social Impact Policy	Yes
There is a risk that potential social impacts are not adequately considered when determining development applications.	Medium	Adoption of the Social Impact Policy	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The adoption of the draft Social Impact Policy and the associated guidelines will assist the development industry and Council planners to better assess the social impacts of developments and planning proposals. It will help to balance the economic, social and environmental elements of proposals and provide some certainty around social impact assessment. A clear Policy and Guidelines will also help to reduce confusion around Social Impact Assessment and save time in the assessment process.

The draft Social Impact Policy can result in more informed decisions that can contribute to job creation and community safety benefits which in turn can be a catalyst to economic activity and growth.

The draft Social Impact Policy will provide Council a platform to consider social impacts in conjunction with environmental considerations, providing a balance of the principles of Sustainable Development.

## **CONSULTATION**

The draft Policy was placed on public exhibition for 28 days from 24 April 2014 to 22 May 2014 inviting submissions. Copies were placed on Council's website, in libraries and at the Council Administration Building. Advertisements were placed in the Port Stephens Examiner prior to and during the exhibition period. One submission was

received during exhibition. A full copy of the submission is included in **(ATTACHMENT 3)**.

Key Issues raised in the submission were:

- The policy focus is solely on the social impact of a proposal on residents and broader community. The policy does not address any potential impacts on the applicant.
- The policy also requires the inclusion of the social impact consideration of the developer/applicant. This will particularly be the case when the applicant is facing some hardship (or other difficulty) that needs to be taken into account when the application is being assessed.

Typically, social impact assessment and potential impacts are measured in relation to issues of collective broader community interest rather than at an individual level. 'Social' by definition relates to human society, social issues and matters affecting community welfare. Social impact on the developer generally would not arise in the context of undertaking social impact assessment.

Assessing the potential social impact on the developer(s) arising from their own development proposal would be contrary to the intent the policy. By definition issues such as hardship faced by the developer would fall outside the context of social impact assessment.

The draft Policy and Guidelines are intended to provide a consistent framework for the assessment of social impacts. Once identified, the weight placed on potential social impacts needs to be considered against other relevant matters (e.g. environmental and economic) based on the individual circumstances of the case.

## **OPTIONS**

- 1) Adopt the draft Social Impact Assessment Policy as exhibited. This is the recommended option providing Council a consistent approach to consider the social impacts;
- 2) Amend draft Social Impact Policy due to submission. This option however would be inconsistent with the intent of the Social Impact Assessment and broader public interest;
- 3) Reject the draft Social Impact Policy. This is not recommended as Social Impact assessment would occur in an inconsistent manner.

## **ATTACHMENTS**

- 1) Draft Social Impact Policy (as exhibited);
- 2) Draft Social Impact Assessment Guidelines 2014 (as exhibited);
- 3) Copy of Submission received;
- 4) Social Policy dated 27 May 2003.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ATTACHMENT 1  
DRAFT SOCIAL IMPACT POLICY (AS EXHIBITED)



POLICY

Adopted: "[CLICK HERE, INSERT DATE]"

Minute No: "[CLICK HERE, INSERT MINUTE NO.]"

Amended:

Minute No:

**FILE NO:** PSC2013- 02399

**TITLE:** SOCIAL IMPACT POLICY

**RESPONSIBLE OFFICER:** STRATEGY & ENVIRONMENT SECTION MANAGER

**BACKGROUND**

The purpose of this Policy is to provide a consistent, transparent and equitable framework for analysing, monitoring and managing intended and unintended social impacts of Council activities and development proposals.

A Social Impact Assessment (SIA) refers to the assessment of the social consequences of a proposed decision or action e.g. development proposals, plans and projects. An action or decision can positively and/or negatively contribute to social issues and this in turn could result in a social impact.

Social impacts are changes to the status quo (and capacity to sustain these) in groups of people and/or community in one or more of the following ways:

- *'Liveability:* people's way of life, life chances, housing, recreation, open space, lifestyles;
- *Community cohesion and connectedness;*
- *Cultural traditions, shared beliefs and customs;*
- *Health and wellbeing:* physical and mental health, safety, personal and community aspirations;
- *Economic prosperity:* jobs, income, business opportunities; and
- *Human rights and participatory democracy'.*

Port Stephens Council Community Strategic Plan 2013-2023 specifies the following strategic direction for Sustainable Development: -

*11.1 Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.*

To deliver this, Council develops strategic land use plans, infrastructure plans and prepares and maintains statutory planning instruments including local environmental plans, development control plans and policies.

Council also has a statutory obligation under Section 79C of the Environmental Planning and Assessment Act 1979 to consider the social impact of a proposal when assessing a specific development application.

Key aims of the draft Port Stephens Local Environmental Plan (LEP) 2013 are:

- 1.2 (2) (b) 'To cultivate a sense of place that promotes community well being and quality of life'
- 1.2 (2) (j) 'Seek to achieve effective inter-generational equity by managing the integration of environmental, social and economic goals in a sustainable and accountable manner'

This Policy will play a key role in supporting the achievement of the strategic outcomes, as stated above, through an integrated and informed approach to considering social impacts across Council.

**OBJECTIVE**

- 1) To ensure potential social impacts are balanced with environmental and economic impacts in the consideration of all relevant Council activities including planning, policy and strategy development, decision making and resource allocation.
- 2) To facilitate the preparation and assessment of developments with respect to social considerations in the interests of the developer, the broader community and the future of Port Stephens.

**PRINCIPLES**

- **Equity:** Social impacts should not fall disproportionately on certain groups of the population, in particular children and women, the disabled and socially excluded certain generations or certain religions. The needs of the present generation should be met without compromising the ability of future generations to meet their own needs. Both the needs of the community and the applicant (particularly where there are hardship issues involved) need to be taken into account when considering the social impacts of a proposal.
- **Precaution:** Lack of certainty about potential impacts should not be used as a reason to approve planning decisions or not require mitigation measures and monitoring.

- **Prevention:** It is preferable and cheaper in the long run to prevent negative social impacts from happening than having to restore or rectify damage after the event.
- **Diversity:** Communities are demographically structured (age and generation), and they comprise of different groups with various value systems and different skills. Planning decisions should not lead to a loss of social diversity or cohesion in a community.
- **Good Governance:** Consistent processes that are supported by policies are the mechanism for local government to ensure the realisation of human rights.

*Adapted from: Alison Ziller, 2012: 'The new social impact assessment handbook.'*

#### **POLICY STATEMENT**

The purpose of this Policy is to establish a framework under which Port Stephens Council will effectively and efficiently manage social impacts ensuring:

- Council officers, applicants, developers, or consultants who are required to consider the social impacts of a proposed development, planning proposal, or project will be required to prepare either a Social Impact Comment or a Social Impact Assessment.
- The Social Impact Assessment Guidelines provide the process and describe the two types of social assessment. The guidelines will describe the development proposal types which require assessment and provide details on the information that should be included in social assessments. The guidelines will provide consistency with relevant statutory requirements and will assist in the application of this policy.

#### **RELATED POLICIES**

- 1) Disability Policy
- 2) Community Engagement Policy
- 3) Community Services Policy
- 4) Asset Management Policy

#### **SUSTAINABILITY IMPLICATIONS**

##### **SOCIAL IMPLICATIONS**

The Social Impact Policy facilitates Council's ability to determine, with accurate researched findings, appropriate modifications to developments, infrastructure and plans, where necessary.

##### **ECONOMIC IMPLICATIONS**

The Social Impact Policy can result in socially favourable development that can contribute to job creation and community safety benefits which in turn can be a catalyst to economic activity and growth.

**ENVIRONMENTAL IMPLICATIONS**

The Social Impact Policy can contribute to protecting and/or enhancing the built and natural environment. This Policy will provide Council a platform to consider social impacts in conjunction with environmental considerations, providing a greater balance of the principles of Ecological Sustainable Development.

**RELEVANT LEGISLATIVE PROVISIONS**

Environmental Planning and Assessment Act 1979  
Disability Discrimination Act 1992  
NSW Disability and Services Act 1993  
Local Government Act 1993  
NSW Gaming Machines Act 2001  
Liquor Legislation Amendment Act 2008  
State Environmental Planning Policy  
Premises Standards 2011

**IMPLEMENTATION RESPONSIBILITY**

Strategic Planning

**PROCESS OWNER**

Strategy and Environment Manager

**REVIEW DATE**

March 2016

ATTACHMENT 2  
DRAFT SOCIAL IMPACT ASSESSMENT GUIDELINES 2014 (AS EXHIBITED)

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Social Impact Assessment Guidelines



**SOCIAL IMPACT ASSESSMENT  
GUIDELINES  
2014**



**SOCIAL IMPACT ASSESSMENT GUIDELINES**

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**1.0 INTRODUCTION**

These guidelines have been developed according to international and national best practice in social impact assessment, and are to be used as a resource to ensure Council and the community benefit from socially responsible decision making.

These guidelines outline the information and processes required for a proposed development.

The guidelines describe:

- what a social impact is,
- the two types of social assessment,
- the development types which require assessment, and
- the information to be included within social assessments.

**1.1 Defining Social Impact**

A Social Impact Assessment (SIA) refers to the assessment of the social consequences of a proposed decision or action e.g. development proposals, plans and projects. An action or decision can positively and/or negatively contribute to social issues and this in turn could result in a social impact.

Social impacts are changes to the status quo (and capacity to sustain these) in groups of people and/or community in one or more of the following ways:

- *'Liveability: people's way of life, life chances, housing, recreation, open space, lifestyles;*
- *Community cohesion and connectedness;*
- *Cultural traditions, shared beliefs and customs;*
- *Health and wellbeing: physical and mental health, safety, personal and community aspirations;*
- *Economic prosperity: jobs, income, business opportunities; and*
- *Human rights and participatory democracy'.*

**1.2 Purpose of Guide**

This guide aims to:

- Assist applicants and Council to identify and quantify social impacts;

- Provide best practice guidelines so to ensure that social issues are considered at the earliest stage of a development;
- Ensure consistency and transparency in assessing and commenting on the social impacts of development applications;
- To enhance positive social changes and either mitigate or eliminate negative social changes to achieve a more sustainable and equitable environment

### **1.3 Legislative Context**

#### Environmental Planning and Assessment Act 1979

Council has a statutory obligation under Section 79C of the Environmental Planning and Assessment Act 1979 to consider the social impact of a proposal, where relevant, when assessing a development application and planning proposal.

#### Port Stephens Community Strategic Plan 2013-2023

Council's Integrated Community Strategic Plan 2023 and the 2013-2017 Delivery Program, outlines sustainable development as a key objective to *balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.*

#### Draft Port Stephens Local Environmental Plan (LEP) 2013

The key aims of the Draft Port Stephens Local Environmental Plan (LEP) 2013 assist in explaining the need for the guidelines:

- 1.2 (2) (b) *'To cultivate a sense of place that promotes community well being and quality of life'*
- 1.2 (2) (i) *'Seek to achieve effective inter-generational equity by managing the integration of environmental, social and economic goals in a sustainable and accountable manner'*

These guidelines should also be read in conjunction with other relevant legislation, statutory plans, Council reports and policies. Such as:

Disability Discrimination Act 1992  
Premises Standards 2010  
Liquor Act 2007  
NSW Liquor Regulation 2008  
Gaming Machines Act 2001

## **2.0 LEVELS OF SOCIAL IMPACT ASSESSMENT**

Two levels of social impact assessment for developments apply including:

- i) Social Impact Comment - This is a basic level of assessment that is a part of the environmental effect.
- ii) Social Impact Assessment - When significant social impacts are anticipated or likely due to the scale and type of development or proposal a social impact assessment is required to be submitted. This is a standalone more detailed assessment.

### **2.1 Social Impact Comment**

#### **2.1.1 Where it applies?**

The Social Impact Comment process is triggered by the submission of a development application.

A Social Impact Comment will **not** be required for the following:

- development types listed for Social Impact Assessment; or
- minor DAs such as: minor building works, alterations, additions, outbuildings;

#### **2.1.2 Types of impacts to consider**

Below provides some broad examples of social impacts that may be relevant and require analysis in the SIC (particularly comparative examples on existing social conditions and predicted impacts from the proposed development). Note the assessment checklist and mitigation strategies appendix 4.2 and 4.3).

Demographic change (population size and characteristics)	Economic Impacts
Interaction between new development, surrounding and existing community	Health Impacts
Accessibility	Public safety and crime
Accommodation & housing	Social equity
Community identity & cohesion	Recreation facilities & open space
Community services & facilities	Employment
Community values	Impact on future generations
Cultural Impacts	Groups with particular needs (women, men, elderly, people with disabilities, children, youth, indigenous, and people from

culturally and linguistically diverse  
backgrounds)

### 2.1.3 What a Social Impact Comment should include?

For the majority of cases the anticipated social impacts can be adequately addressed by a social impact comment in the Statement of Environmental Effects which is required to be lodged with all Development Applications.

The social impact comment should:

- identify and describe any potential social impacts of a proposal (positive and negative/ benefits and losses);
- provide basic information and details about the community likely to be impacted by the proposal (i.e. likely affected groups and individuals);
- include community consultation with key stakeholders and immediate neighbours; and
- consider how to enhance positive social impacts and mitigate negative social impacts.

## 2.2 Social Impact Assessment

### 2.2.1 Where it applies?

The Social Impact Assessment process is triggered by the submission of a development application for the following, but not limited to:

- Controversial and sensitive uses (e.g. sex service premises, drug rehabilitation centres, gaming or liquor outlets, licensed premises, registered clubs and restricted premises);
- Boarding houses, hostels, student housing, caravan parks, backpacker accommodation, seniors housing, group homes and manufactured home estates; or
- Applications for new development for entertainment facilities and large scale tourist accommodation.

In addition to the triggers above, an application may require a Social Impact Assessment depending on the answer to the following questions.

If the answer to any of the following questions is YES (or LIKELY) the issue needs to be appropriately addressed in a SIA, when a development type is not automatically triggered.

1. Is the proposal likely to give rise to a significant increase or reduction in the number of persons living or working on or visiting the locality?
2. Is the proposal likely to disadvantage or benefit any particular social group?
3. Is the proposal likely to give rise to an increase or decrease in employment opportunities in the locality?
4. Is the proposal likely to have a significant impact on the existing housing stock in the locality, particularly low rental housing?
5. Is the proposal likely to have an impact upon existing community meeting places or give rise to an increased demand for community facilities or services in the locality?
6. Will on-site support services be required?
7. Does the proposal have the potential to give rise to increased conflict in the community?
8. Is the proposal likely to adversely impact upon community identity?
9. Is the proposal likely to enhance or detract from the cultural life of the community?
10. Will the proposal create areas of risk for occupants or pedestrians within or adjacent to the development?
11. Is the proposal likely to give rise to increased community concern regarding public safety?

The above list is indicative only. Council reserves the right to request a Social Impact Assessment when it determines it necessary, depending upon the circumstance, scale and nature of the proposal.

### **2.2.2 Types of impacts to consider**

Below provides some broad examples of social impacts that may be relevant and require analysis in the SIA (particularly comparative examples on existing social conditions and predicted impacts from the proposed development). Note the assessment checklist and mitigation strategies appendix 4.2 and 4.3).

Demographic change (population size and characteristics)

Interaction between new development, surrounding and existing community

Accessibility

Accommodation & housing

Community identity & cohesion

Community services & facilities

Community values	Employment
Cultural Impacts	Impact on future generations
Economic Impacts	Groups with particular needs (women, men, elderly, people with disabilities, children, youth,
Health Impacts	indigenous, and people from culturally and linguistically diverse backgrounds)
Public safety and crime	
Social equity	
Recreation facilities & open space	

### 2.2.3 What a SIA should include?

As impacts are diverse and vary with the circumstances, the social impact assessment should be tailored to the proposed development issues and should be prepared by a qualified professional.

Generally an SIA should contain the following information:

Scoping and Profiling	<ol style="list-style-type: none"> <li>1. <b>Scope of Assessment</b> – The breadth of the SIA should be defined including: the geographical boundaries of the study area; examination of the surrounding land uses; stakeholders including the developer, affected individuals, groups or communities and the way in which they are to be included in the assessment process.</li> <li>2. <b>Proposal</b> – A description of the proposed development and scope of change. Maps and drawings may be utilised where relevant.</li> <li>3. <b>Community/social profile</b> – A detailed description of the current community affected by the proposal (includes residents and workers). As a minimum, the profile should describe the existing social characteristics of the affected community and preliminary investigation of possible issues.</li> </ol>
Prediction and Identification of impacts	<ol style="list-style-type: none"> <li>1. <b>Social Changes</b> – Identification of social changes that may occur as a result of the proposal, including significant change, positive and negative, long term and short term, temporary and cumulative changes.</li> <li>2. <b>Probable Impact</b> – The probable impact of the change and who is likely to be affected by the development. This should include who will be advantaged or disadvantaged, indicating whether the group impacted are identifiable by their income levels, race, cultural affiliations, gender, age, physical or mental ability, and place of residence.</li> <li>3. <b>Comparative Impact</b> – The proposal should be examined in relation to available alternatives. An assessment must examine and compare alternatives and their social impacts (including the 'no go' option and an option that includes significant modification of the proposal).</li> </ol>
Assessment and evaluation	<ol style="list-style-type: none"> <li>1. <b>Relative Equity</b> – Identification of the relative equity of the impacts and how benefits and losses will be distributed to different sections of the community (i.e. describe if many</li> </ol>

	<p>or few people will experience the benefits and losses). It should include the long-term risks and impact on future generations.</p> <p>2. <b>Consultation</b> - The type of consultation used will depend upon the type of proposed development and its potential impacts. Consultation should identify public values and concerns. It should occur with the community, stakeholders, relevant groups and experts (e.g. local Police for crime statistics). It can include personal contact, focus groups, surveys and workshops. Feedback from stakeholders should be discussed.</p> <p>3. <b>Analysis</b> - Analysis of the negative and positive impacts, direct and indirect impacts, likelihood to affect minority groups, marginalised groups, different ages, income and cultural groups, and future generations.</p>
Recommendations and mitigation strategies	<p>1. <b>Recommendations</b> - Outlines overall benefits and costs of the proposal, including the level of importance of the predicted impacts. This should outline the responses or conditions that should be implemented to help mitigate or avoid any social impacts, and to enhance the social benefits. A review mechanism should be included where appropriate and include a review of effectiveness of mitigation methods.</p> <p>2. <b>Mitigation Strategies</b> - Where an assessment identifies negative impacts, mitigation measures must be investigated. The measures (both short term and long term) should aim to minimise the impact of the proposal where possible so that impacts are acceptable within the context of the proposal. The proposal should demonstrate an overall net benefit to the community (see appendix 4.3 for information on mitigation strategies).</p> <p>3. <b>SIA Author</b> - Description of the report author, their qualifications and capacity to complete assessment.</p>

#### 2.2.4 Determining levels of impact significance

Consideration of the significance of social impacts should include:

- The degree of change likely to arise relative to existing circumstances;
- The number of people likely to be affected;
- The likelihood of controversy that the development will cause, in relation to perceived negative social impacts;
- The type and duration of impact (either benefit or cost, direct or indirect, short-term or long-term or cumulative impact); and
- How the impact will affect the community (both in the short-term or long-term) with regards to social justice principles of equity, access, fairness, participation) and inter-generational impacts?

#### 2.2.5 Competency to undertake Social Impact Assessment



To identify potential impacts early in the process and ensure better decisions can be made about how to proceed with mitigation measure; it is important to ensure assessments are completed by technically skilled or qualified impact assessors.

An appropriately qualified professional will have:

- Qualifications in social or urban/town planning;
- Referees (in the profession or within Government) who can validate the relevant experience within the SIA field;
- Demonstrated competent experience in undertaking SIA and provide evidence of similar technical reports for other agencies; and
- Be a member, or be eligible to be a member, of the Social Planning Chapter of the Planning Institute of Australia.

#### 2.2.6 Monitoring

An applicant should identify any impacts that need monitoring and how monitoring will be achieved. Council may require regular reports to be provided on specific impacts. If it is established by a condition of development consent that monitoring is a requirement, the onus will be on the developer/ owner to undertake and submit to Council, at the nominated frequencies.

Compliance with these conditions of development consent will be monitored by Council. If the conditions are not complied with (e.g. if not provided at the appropriate time or found to contain the required information), Council may initiate action for failing to comply with the conditions of development consent. This will be administered in accordance with the NSW Ombudsman: *Enforcement guidelines for councils*, June 2002.

### 3.0 REFERENCES AND ADVICE

#### 3.1 Council Advice

Applicants should consult with Council early in the development stage on social assessment requirements and issues.

Council staff are available to discuss particular matters and provide guidance in completing the Social Impact Assessment that are relevant to the proposal.

Please contact Council for further assistance on when and how to prepare a Social Impact Assessment:

- Duty Planner (9am-12pm) on (02) 4980 0440;
- Strategic Planning on (02) 4980 0197; or
- visit Council's Administrative Building at 116 Adelaide Street, Raymond Terrace during business hours.

### 3.2 Helpful Resources & Data Sources

Alison Ziller. (2012) 'The new social impact assessment handbook'  
 Australian Bureau of Statistics, available at: [www.abs.gov.au/](http://www.abs.gov.au/)  
 Centrelink- Department of Human Services, available at:  
[www.humanservices.gov.au/customer/information/centrelink-website](http://www.humanservices.gov.au/customer/information/centrelink-website)  
 Department of Education, Employment and Workplace Relations, available  
 at: [deewr.gov.au/](http://deewr.gov.au/)  
 Department of Education and Training- NSW Government, available at:  
[www.det.nsw.edu.au/](http://www.det.nsw.edu.au/)  
 Department of Planning and Infrastructure - NSW Government, available at:  
[www.planning.nsw.gov.au/](http://www.planning.nsw.gov.au/)  
 Destination NSW, available at: [www.destinationnsw.com.au/](http://www.destinationnsw.com.au/)  
 Family & Community Services- NSW Government, available at:  
[www.community.nsw.gov.au/](http://www.community.nsw.gov.au/)  
 Health- NSW Government, available at: [www.health.nsw.gov.au/](http://www.health.nsw.gov.au/)  
 Health- NSW Government South Western Sydney Local Health District, Healthy  
 Urban Development Checklist, available at:  
[www.sswahs.nsw.gov.au/populationhealth/healthy\\_urban\\_development\\_che  
 cklist.html](http://www.sswahs.nsw.gov.au/populationhealth/healthy_urban_development_checklist.html)  
 Hunter New England Population Health. (2007) Building Liveable Communities  
 in the Lower Hunter Region  
 Housing NSW, available at: [www.housing.nsw.gov.au/](http://www.housing.nsw.gov.au/)  
 International Association for Impact Assessment. (2003) International Principles  
 for Social Impact Assessment, available at: [www.iaia.org](http://www.iaia.org)  
 NSW Bureau of Crime Statistics and Research, available at:  
[www.bocsar.nsw.gov.au/](http://www.bocsar.nsw.gov.au/)  
 NSW Department of Urban Affairs and Planning. (2001) Crime Prevention and  
 the Assessment of Development Applications  
 NSW Police, available at: [www.police.nsw.gov.au/](http://www.police.nsw.gov.au/)  
 Planning Institute of Australia – NSW Branch. (2010) Social Impact Assessment  
 National Position Statement, PIA: Kingston, ACT  
 Port Stephens Council, Integrated Plans (Community Strategic Plan 2013-2023)  
 Transport for NSW – NSW Government, available at:  
[www.transport.nsw.gov.au/](http://www.transport.nsw.gov.au/)  
 Griffiths University Urban Research Program (URP) Toolbox  
<https://app.secure.griffith.edu.au/03/toolbox/>

### 3.3 Acknowledgements and References

Byron Shire Council, 2009, Policy No. 09/008 Social Impact Assessment Policy  
 City of Newcastle, 1999, Social Impact Assessment Policy for development  
 applications  
 Holroyd City Council, 2012, Social Impact Assessment Policy  
 Lake Macquarie City Council, 2012, Social Impact Assessment Guideline  
 Leichhardt Council, 2009, Guidelines for Council Officers for completing social  
 impact assessments for significant projects, policies, or plans  
 Leichhardt Council, 2009, Social Impact Assessment Policy

Leichhardt Council, 2009, Social Impact Guidelines for Development Applicants  
Port Macquarie- Hastings, 2009, Social Impact Assessment Policy  
Randwick City Council, 2006, Social Impact Assessment Guidelines for Assessing Development Applications  
Cessnock Council, 2010, Development Control Plan Chapter 8 Social Impact Assessment and Crime Prevention Through Environmental Design Guidelines for a Proposed Development  
NSW Ombudsman, 2002, Enforcement guidelines for councils

## **4.0 APPENDICIES**

### **4.1 Glossary**

#### **Assessment**

An opinion, a judgement, an appraisal, an evaluation, an analysis of the worth or value of something

#### **Equity**

The state, quality or ideal of being just, impartial, and fair

#### **Social**

'Of or relating to human society and its modes of organisation: social classes, social problems; a social issue' and 'of relating to, or occupied with matters affecting human welfare: social programs'

#### **Social Impact Assessment**

A Social Impact Assessment (SIA) refers to the assessment of the social consequences of a proposed decision or action e.g. development proposals, plans and projects. An action or decision can positively and/or negatively contribute to social issues and this in turn could result in a social impact.

#### **Social Impact Comment**

Is a statement which can be addressed in the Statement of Environmental Effects and is required to be lodged with all Development Applications. The social impact comment briefly identifies any potential social impacts of a proposal; basic information about the community likely to be impacted; and consideration of how to enhance or mitigate social impacts.

#### **Social Wellbeing**

A society that is healthy and well educated, in which unemployment and poverty are insignificant and the benefits and resources of the society are equitable distributed. Social wellbeing is a relative concept and is often discussed in terms of indicators, for example mortality rates

and unemployment rates. Indicators are attempts to measure aspects of wellbeing, but are not the phenomenon itself.

## 4.2 Assessment Reference Checklist

Social Impact Checklist			
Impact	Likely to result from the proposed development		Comments: (impact analysis and mitigation strategies)
	Yes	No	
<i>Demographic change</i> <ul style="list-style-type: none"> <li>Changing population size and characteristics</li> </ul>			
<i>Accommodation &amp; housing</i> <ul style="list-style-type: none"> <li>Low income housing, affordable housing, housing for special needs groups, housing for older people and those with a disability</li> </ul>			
<i>Access</i> <ul style="list-style-type: none"> <li>Equitable access for all</li> <li>Easy access to surrounding development and community</li> <li>Public transport needs</li> </ul>			
<i>Needs of older people</i> <ul style="list-style-type: none"> <li>Access issues</li> <li>Availability of support services</li> </ul>			
<i>Needs of people with a disability</i> <ul style="list-style-type: none"> <li>Access issues</li> <li>Availability of support services</li> </ul>			
<i>Needs of young people</i> <ul style="list-style-type: none"> <li>Children, youth and childcare needs</li> </ul>			
<i>Community identity, cohesion and values</i>			

<ul style="list-style-type: none"> <li>changing community needs, equity and expectations</li> <li>public safety and crime prevention strategies</li> <li>opportunities for social interactions</li> <li>connectivity and interaction between developments (new and old)</li> <li>enhance or detract cultural heritage or cultural life</li> </ul>			
<i>Facility and infrastructure needs</i> <ul style="list-style-type: none"> <li>recreational and open space needs</li> <li>on-site community/support facilities</li> <li>transport needs (public and private)</li> <li>social/community services and facilities</li> <li>state government provided facilities (education and health)</li> <li>local meeting places</li> </ul>			
<i>Cultural Impacts</i> <ul style="list-style-type: none"> <li>needs of Aboriginal and Torres Strait Islander issues</li> <li>people from culturally and linguistically diverse backgrounds</li> <li>religious needs</li> </ul>			
<i>Economic Impacts</i> <ul style="list-style-type: none"> <li>local employment generation</li> <li>unemployment</li> <li>business development</li> </ul>			
<i>Health Impacts</i> <ul style="list-style-type: none"> <li>physical activity and connectivity</li> <li>air and water quality</li> <li>noise, odour and light pollution</li> </ul>			

<ul style="list-style-type: none"> <li>potential for hazards (both natural and man made)</li> <li>risk perceptions in community</li> </ul>			
<i>Impact on future generations</i> <ul style="list-style-type: none"> <li>Affects of similar types of developments in the locality</li> <li>Redundant facilities and possible re-use</li> <li>Social equity - displacement</li> </ul>			

### 4.3 Mitigation Strategies

Information on mitigation strategies can be found in the following publications:

For social impact mitigation measures	<ul style="list-style-type: none"> <li>Health Urban Development Checklist (2009) from the NSW Department of Health, North Sydney. Strategies for: <ul style="list-style-type: none"> <li>Health and Urban Development</li> <li>Physical Activity</li> <li>Housing and affordable housing</li> <li>Transport and Physical connectivity</li> <li>Employment</li> <li>Public open space</li> <li>Social infrastructure</li> <li>Social cohesion and social connectivity</li> </ul> </li> <li>Building Liveable Communities in the Lower Hunter Region (2007) from Hunter New England Population Health. Strategies for: <ul style="list-style-type: none"> <li>Connectivity</li> <li>Sustainability</li> <li>Accessibility</li> <li>Flexibility</li> </ul> </li> <li>Port Stephens Liveable Communities Assessment: Final Report 2011</li> </ul>
For crime prevention measures	<ul style="list-style-type: none"> <li>Crime Prevention and the Assessment of Development Applications (2001) from the NSW Department of Urban Affairs and Planning. Strategies for: <ul style="list-style-type: none"> <li>Surveillance</li> <li>Access control</li> <li>Territorial reinforcement</li> <li>Space management</li> </ul> </li> </ul>

DRAFT

ATTACHMENT 3  
COPY OF SUBMISSION RECEIVED



SURVEYING | CIVIL ENGINEERING | TOWN PLANNING | PROJECT MANAGEMENT  
STRATA CERTIFICATION | ECOLOGY | BUSHFIRE ASSESSMENT

Thursday, 29 May 2014

The General Manager  
Port Stephens Council  
PO Box 42  
RAYMOND TERRACE NSW 2324

Your Ref:  
Our Ref:

Dear Sir,

**Submission on the Draft Social Impact Policy PSC2013-02399**

This submission is in relation to the above mentioned draft policy placed recently on exhibition.

Overall, the undersigned is of the view that the intent and wording of the Policy and associated Guidelines are satisfactory. However, the undersigned is also of the view that there is an important element missing from the policy. This policy (like many others) focuses almost exclusively on the social impact of a proposal on residents and the broader community. Conversely, it does not address any social impacts that may occur during the assessment process on the applicant.

I believe that the policy and guidelines need to include a requirement that the social impact of the development or planning proposal assessment process on the applicant(s) be considered as well as the impact on the community. This will particularly be the case when the applicant is facing some hardship (or other difficulty) that needs to be taken into account when the application is being assessed.

Yours faithfully

Managing Director  
Accredited Strata Certifier Registration No: BPB 1735



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ATTACHMENT 4  
SOCIAL POLICY DATED 27 MAY 2003



Adopted: 27/5/2003  
Minute No: 186  
Amended:  
Minute No:

FILE NO: 7120.016

TITLE: SOCIAL POLICY

RESPONSIBLE OFFICER: SOCIAL PLANNING CO-ORDINATOR

**BACKGROUND**

The term 'Social' is generally used to describe the interaction of people, participation in communal activities, civic engagement, cultural traditions and practices, and quality of life of all citizens.

In recent years the term 'Social Capital' has been used to describe the social cohesion that binds people together as a community. A number of indicators such as connectedness and trust are commonly used to measure the social capital within a community. The Author Robert Putnam who coined the term 'Social Capital' argues that social capital is equally important for the public good as economic well-being.

Council recognises the inter-connection between responsible economic development and the protection and enhancement of the community's core social values. This is reflected in Council's 'Story of Sustainability' which portrays life in the year 2030 as follows: -

*"Socially, Port Stephens is considered a good place to live. There are a variety of housing, work and transport options. There is access to quality educational and medical services. There is good community infrastructure giving people access to childcare, youth programs, aged services and support networks. There are few homeless, people have access to quality food and they feel safe. Crime rates are well below the state average and when asked, residents say they feel connected to the community through their pursuit of interests and involvement in decision making. They believe there is a strong feeling of community spirit within their area. Honesty, fairness, friendliness and tolerance are all considered important community values on which Council and the broader community base their decision making".*

The aim of this policy is to ensure that the community's social values are recognised, protected and promoted in all Council's activities. The policy will be used to guide Council's decision making, policy setting, planning and the

allocation of resources. This will ensure that Council is moving towards achieving its social vision as outlined in the '*Story of Sustainability*'.

#### **POLICY OBJECTIVE**

To ensure the impacts on people are considered on equal terms with environmental and economic considerations by raising the awareness and consideration of the likely social implications on all Council activities including planning, policy development, decision making and resource allocation.

#### **PRINCIPLES**

The following principles have been developed based on the results of community consultation with residents. Council will aim to both abide by and encourage these principle values within the community:

##### **People:**

- A community where individuals and families are valued regardless of differences such as age, gender, race, religion, culture, ability, income level or place of residence
- A community where people's basic needs of having a roof over their head, access to food, water, clothing, education and health care are met

##### **Opportunity:**

- An empowered community where there are opportunities for people to genuinely participate in community life and in decisions that affect their lives.
- A community where people can get around to where they want to go, and can access appropriate paid and unpaid work
- A community where there are opportunities for potential community leaders to obtain and develop skills in community leadership
- A community where people can create opportunities to better themselves by participating in lifelong learning and by building upon their community's assets and gifts

##### **Sustainability:**

- A community where through our actions, we leave it for our children and grandchildren as good or better than it is now

##### **Support & Connectedness:**

- A community where people can develop good relationships, give support and encouragement to each other, have someone to turn to in times of difficulty
- A community where there are things to do and places to meet that will enable people to participate

**Equity:**

- A community where residents under stress are cared for by providing equitable access to resources for disadvantaged and marginalised groups

**Community Spirit:**

- A community where people have the opportunity to contribute positively and endeavour to make things better for everybody

**Safety:**

- A community where people feel safe at home, at work, and when they are out and about

**POLICY STATEMENT**

**Decision Making:**

- Council planning, policy development, budget setting and decision-making shall give due regard to the above principles when making decisions.
- Council reports shall include an identification and assessment of likely social impacts.
- Council's forward works program shall give recognition and an appropriate weighting to social considerations.
- Council will encourage opportunities for community members to actively participate in the membership of Council committees.
- Council will understand, document and respond to the social needs of the community and establish priorities for community service provision.
- Council's consultative and decision making processes will recognise and encourage broad based community participation reflective of the community's demographic profile

**Community Services & Facilities:**

- Council will plan for, and support the development and provision of a range of community services and facilities that will assist in meeting the community's needs and aspirations.
- Council will where possible support the development and maintenance of a range of external community services delivered by the community sector
- Council will develop a co-operative relationship with all levels of government, acting as an advocate on identified high needs to ensure the highest quality of service and facilities to residents.
- Council will where appropriate seek and encourage partnerships amongst local community service providers, residents and Local/State/Federal Government bodies.
- Council will endeavour to ensure all residents have equitable access to Council services and facilities.

**Socially Responsible Development:**

- Council will where possible encourage the development of a range of housing types in appropriate locations to suit different lifestyles, mobility, age and incomes.
- Council will develop a framework to ensure that the assessment of social impacts of development and decision-making is conducted in a systematic and transparent manner, which is understandable, relevant and embraced by Council staff and the development industry.

**Strengthening Communities:**

- Council will where possible place an emphasis on supporting people under stress.
- Council will encourage the development of a community based skills register to ensure the skills and talents of community members are identified and connected with opportunities to fully utilise these skills in response to community needs.
- Council will where possible encourage opportunities for growth in the number and choice of local employment opportunities.
- Council will where possible encourage the provision of relevant skills based training programs aimed at addressing the training needs of local residents.
- Council will employ community development staff to work with communities in the planning, establishment and maintenance of services.

- Council will encourage programs and activities that celebrate the community's cultural heritage and diversity.
- Council will endeavour to identify, understand and document the communities safety concerns and will where appropriate develop and implement programs and initiatives designed to address these issues.
- Council will endeavour to ensure the Port Stephens community is serviced by an integrated transport network that is safe for all users and encourages choice in modes of travel.
- Council will where possible support initiatives aimed at developing and strengthening social capital, building of community networks and the creation of opportunities for community participation in Council activities and decision-making.
- Council will encourage individual localities to identify and promote their history, unique qualities, lifestyle and the development of these assets.
- Council will where possible promote up to date information on Council and non-Council services and facilities that are available to the community.
- Council will endeavour to identify and promote appropriate opportunities for members of the community to gain skills and experience in community leadership.

#### **RELATED POLICIES**

- Multicultural Affairs Policy
- Community Services Policy
- Equal Employment Opportunity Policy
- Tenancy Policy
- Community Information & Communication Policy

#### **REVIEW DATE**

December 2004

#### **RELEVANT LEGISLATIVE PROVISIONS**

- Local Government Act (1993)
- Local Government Amendment (Community and Social Plans) Regulation (1998)
- NSW Anti-Discrimination Act (1977)

#### **IMPLEMENTATION RESPONSIBILITY**

The policy shall be implemented on an organisational wide basis.

**ITEM NO. 5****FILE NO: PSC2011-02442****POLICY REVIEW: WORKING TOGETHER****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the amendments to the Working Together policy shown at **(ATTACHMENT 1)**;
- 2) Place the Working Together policy, as amended on public exhibition of 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 Working Together policy dated 24 September 2013 (Min No. 275, should no submissions be received.

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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

<b>242</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the amendments to the Working Together policy shown at <b>(ATTACHMENT 1)</b>;</li><li>2) Place the Working Together policy, as amended on public exhibition of a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council;</li><li>3) Revoke the Working Together policy dated 24 September 2013 (Min No. 275, should no submissions be received.</li></ol>

**BACKGROUND**

The purpose of this report is to provide Council with be reviewed Working Together policy.

This policy provides a framework for council officials to operate within to ensure compliance with the Code of Conduct. This policy only applies to council officials.

The original policy provided a list of staff that may be contacted by the elected Council and in turn, those staff that were authorised to make contact with the Mayor and Councillors. This listing has become out dated and requires regular updating. It is proposed that the list will be separated from the policy to allow to the General Manager to maintain the authorised personnel as needed, without the need for a report to Council. This list will be made available to the Mayor and Councillors as updates occur.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The Code of Conduct requires Council to have a framework in place that allows interaction between council officials.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without the policy Council is in breach of the provisions of the Code of Conduct.	Low	Adopt the recommendation	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

- 1) General Manager;
- 2) Section Managers.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Working Together policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



ATTACHMENT 1



POLICY

Adopted: 24/09/13

Minute No: 275

Amended:

Minute No:

**FILE NO: PSC2011-02442**

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

**REPORT OF: EXECUTIVE OFFICER**

**BACKGROUND**

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

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

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

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

Council is committed to a community partnership.

Changes

## **OBJECTIVE**

The objectives of this policy are to:

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

## **PRINCIPLES**

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

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

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

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

### **Definitions**

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

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

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

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

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

### **POLICY STATEMENT**

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

The General Manager has nominated particular roles within Council which the Mayor and Councillors are able to liaise directly with to undertake their civic role. It is noted that Councillors are delegates on various committees such as 355 (c) Committees and as such will come into contact with staff other than those nominated. On such occasions Councillors will be permitted to liaise with operational staff

to assist with the operation of Committees and groups however contact should only be for the purpose of fulfilling your Committee obligations and not general operational matters.

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

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

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

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

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

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

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

Should the Mayor or a Councillor be requested to direct

**Delete:**  
Executive Officer

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

### **Mayor/Councillor Requests**

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

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

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

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

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

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

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

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

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

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

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

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

#### **Acceptable behaviours**

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

#### **Unacceptable behaviours**

- Mayor/Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
- Council staff approaching Mayor/Councillors and administrators to discuss individual staff matters and not broader industrial policy issues.
- Council staff refusing to give information that is available to the Mayor or other Councillors to a particular councillor.
- Mayor/Councillors and administrators who have lodged a development application with Council, discussing the matter with council staff in staff-only areas of the council.

#### **Delete:**

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

#### **Insert:**

A listing of employees nominated by the General Manager to communicate with the Mayor or Councillors will be maintained and a copy will be provided to the elected Council.

- Mayor/Councillors and administrators being overbearing or threatening to Council staff.
- Mayor/Councillors and administrators making personal attacks on Council staff in a public forum.
- Mayor/Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.
- Council staff providing ad hoc advice to the Mayor or Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
- Mayor or Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

*(Extract from the Code of Conduct)*

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

### **Access to Council Buildings**

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

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

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

### **RELATED POLICIES**

- Code of Conduct

- Code of Meeting Practice

### **SUSTAINABILITY IMPLICATIONS**

Nil.

### **SOCIAL IMPLICATIONS**

Nil.

### **ECONOMIC IMPLICATIONS**

Nil.

### **ENVIRONMENTAL IMPLICATIONS**

Nil.

### **RELEVANT LEGISLATIVE PROVISIONS**

- Local Government Act 1993
- Government Information (Public Access) Act 2009
- State Records Act 1998
- Copyright Act 1968 (Cth)
- Independent Commission Against Corruption Act

### **IMPLEMENTATION RESPONSIBILITY**

General Manager  
Executive Team  
Section Managers

### **PROCESS OWNER**

Executive Officer

### **REVIEW DATE**

October 2015

**Delete:** Appendix 1, staff listing.



## APPENDIX 1

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

**ORDINARY COUNCIL – 23 SEPTEMBER 2014**

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

# ORDINARY COUNCIL – 23 SEPTEMBER 2014

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

**ORDINARY COUNCIL – 23 SEPTEMBER 2014**

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

**ORDINARY COUNCIL – 23 SEPTEMBER 2014**

	<p><i>Responsible for:</i></p> <ul style="list-style-type: none"> <li>• Environmental Health Inspections</li> <li>• Companion Animals</li> <li>• Building Inspections/Services</li> <li>• Development Planning</li> </ul>	
<p><b>Officer contacts:</b></p> <p>Marc Goodall</p>	<p>Environmental Health &amp; Compliance Coordinator</p>	<p>P: 49800137 E: <a href="mailto:marc.goodall@portstephens.nsw.gov.au">marc.goodall@portstephens.nsw.gov.au</a></p>
<p>Amanda Gale</p>	<p>Development Coordinator</p>	<p>P: 49800129 E: <a href="mailto:amanda.gale@portstephens.nsw.gov.au">amanda.gale@portstephens.nsw.gov.au</a></p>
<p>Ken Solman</p>	<p>Building Assessment Coordinator</p>	<p>P: 49800306 E: <a href="mailto:ken.solman@portstephens.nsw.gov.au">ken.solman@portstephens.nsw.gov.au</a></p>
<p>Karen Fenwick</p>	<p>Administration Assistant to Manager Development Assessment &amp; Compliance</p>	<p>P: 49800303 E: <a href="mailto:karen.fenwick@portstephens.nsw.gov.au">karen.fenwick@portstephens.nsw.gov.au</a></p>
<p>Bruce Petersen</p>	<p>Community Planning &amp; Environmental Services Section Manager</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> <li>• Social Planning</li> <li>• Strategic Planning</li> <li>• Natural Resources</li> </ul>	<p>P: 49800223 E: <a href="mailto:bruce.petersen@portstephens.nsw.gov.au">bruce.petersen@portstephens.nsw.gov.au</a></p>

## ORDINARY COUNCIL – 23 SEPTEMBER 2014

<b>Officer contacts:</b> Peter Marler	Strategic Planning Coordinator <i>Responsible for:</i> <ul style="list-style-type: none"><li>• Strategic Planning</li></ul>	P: 49800383 E: <a href="mailto:peter.marler@portstephens.nsw.gov.au">peter.marler@portstephens.nsw.gov.au</a>
Ross Smart	Economic Development & Communications Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"><li>• Communications</li><li>• Customer Relations</li><li>• Publications</li><li>• Economic Development &amp; Tourism</li></ul>	P: 49800284 E: <a href="mailto:ross.smart@portstephens.nsw.gov.au">ross.smart@portstephens.nsw.gov.au</a>
Emma Shanks	Communications & Marketing Coordinator	P: 49800238 E: <a href="mailto:emma.shanks@portstephens.nsw.gov.au">emma.shanks@portstephens.nsw.gov.au</a>
Kim Latham	Visitor Information and Events Coordinator	P: 49806906 E: <a href="mailto:kim.latham@portstephens.nsw.gov.au">kim.latham@portstephens.nsw.gov.au</a>
Andrew Powrie	Business Development and Investment Manager	P: 49832549 E: <a href="mailto:Andrew.powrie@portstephens.nsw.gov.au">Andrew.powrie@portstephens.nsw.gov.au</a>
<b>Facilities &amp; Services</b>		
Jason Linnane	Facilities & Services Group Manager (Group Focus: External Delivery)  <i>Responsible for:</i> <ul style="list-style-type: none"><li>• Community Services</li><li>• Civil Assets</li></ul>	P: 49800266 E: <a href="mailto:Jason.linnane@portstephens.nsw.gov.au">Jason.linnane@portstephens.nsw.gov.au</a>

**ORDINARY COUNCIL – 23 SEPTEMBER 2014**

Debbie Turner	<ul style="list-style-type: none"> <li>• Capital Works</li> <li>• Public Domain &amp; Services</li> </ul>	P: 49800266 E: <a href="mailto:Debbie.turner@portstephens.nsw.gov.au">Debbie.turner@portstephens.nsw.gov.au</a>
Wonona Christian	Executive Assistant Infrastructure Planning Coordinator	P: 49800274 E: <a href="mailto:Wonona.christian@portstephens.nsw.gov.au">Wonona.christian@portstephens.nsw.gov.au</a>
John Maretich	Civil Assets Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Engineering Services</li> <li>• Community &amp; Recreation</li> <li>• Asset Management</li> <li>• Community &amp; Recreation Planning (sports councils, user management, policy for open space)</li> <li>• Drainage &amp; Flooding</li> </ul>	P: 49800241 E: <a href="mailto:john.maretich@portstephens.nsw.gov.au">john.maretich@portstephens.nsw.gov.au</a>
<b>Officer contacts:</b>		
Michelle Viola	Civil Assets Engineer	P: 49800262 E: <a href="mailto:michelle.viola@portstephens.nsw.gov.au">michelle.viola@portstephens.nsw.gov.au</a>
Scott Page	Development Engineering Coordinator	P: 49800366 E: <a href="mailto:scott.page@portstephens.nsw.gov.au">scott.page@portstephens.nsw.gov.au</a>
Joe Gleeson	Traffic Engineer	P: 49800207 E: <a href="mailto:joe.gleeson@portstephens.nsw.gov.au">joe.gleeson@portstephens.nsw.gov.au</a>
Brendan Callander	Community & Recreation Coordinator	P: 49800243 E: <a href="mailto:Brendan.callander@portstephens.nsw.gov.au">Brendan.callander@portstephens.nsw.gov.au</a>

## ORDINARY COUNCIL – 23 SEPTEMBER 2014

Steven Bernasconi	Community Services Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Waste Management</li> <li>• Recreation Operations (pools, bushfire management and Ngioka)</li> <li>• Library Services</li> <li>• Children's Services</li> <li>• Halls and Volunteering</li> </ul>	P: 49800162 E: <a href="mailto:steve.bernasconi@portstephens.nsw.gov.au">steve.bernasconi@portstephens.nsw.gov.au</a>
<b>Officer contacts:</b>		
Aaron Malloy	Waste Management Coordinator	P: 49800217 E: <a href="mailto:aaron.malloy@portstephens.nsw.gov.au">aaron.malloy@portstephens.nsw.gov.au</a>
Ian Crawford	Contracts & Services Coordinator	P: 49800206 E: <a href="mailto:ian.crawford@portstephens.nsw.gov.au">ian.crawford@portstephens.nsw.gov.au</a>
Don Thorn	Community Options Coordinator	P: 49800216 E: <a href="mailto:don.thorn@portstephens.nsw.gov.au">don.thorn@portstephens.nsw.gov.au</a>
Kris Abbott	Library Services Manager	P: 49800221 E: <a href="mailto:kris.abbott@portstephens.nsw.gov.au">kris.abbott@portstephens.nsw.gov.au</a>
Lynette Fitz Henry	Children's Services Coordinator	P: 49800301 E: <a href="mailto:lynette.fitzhenry@portstephens.nsw.gov.au">lynette.fitzhenry@portstephens.nsw.gov.au</a>
Greg Kable	Capital Works Section Manager  <i>Responsible for:</i> <ul style="list-style-type: none"> <li>• Roads</li> <li>• Engineering &amp; Design</li> </ul>	P: 49800254 E: <a href="mailto:greg.kable@portstephens.nsw.gov.au">greg.kable@portstephens.nsw.gov.au</a>



# ORDINARY COUNCIL – 23 SEPTEMBER 2014

<p><b>Officer contacts:</b></p> <p>Ian Gilkes</p> <p>Michael Boyd</p> <p>Craig Dews</p> <p>Trevor Mann</p>	<ul style="list-style-type: none"> <li>• Construction works</li> <li>• Capital Works delivery</li> <li>• Surveying</li> </ul> <p>Projects Management Coordinator <i>Responsible for:</i> Capital works delivery</p> <p>Coordinator - Construction <i>Responsible for:</i> Capital works design/delivery</p> <p>Coordinator - Construction <i>Responsible for:</i> Construction coordination</p> <p>Coordinator - Roads <i>Responsible for:</i> Roads</p>	<p>P: 49800302 E: <a href="mailto:ian.gilkes@portstephens.nsw.gov.au">ian.gilkes@portstephens.nsw.gov.au</a></p> <p>P: 49800341 E: <a href="mailto:michael.boyd@portstephens.nsw.gov.au">michael.boyd@portstephens.nsw.gov.au</a></p> <p>P: 49800140 E: <a href="mailto:craig.dews@portstephens.nsw.gov.au">craig.dews@portstephens.nsw.gov.au</a></p> <p>P: 49800267 E: <a href="mailto:trevor.mann@portstephens.nsw.gov.au">trevor.mann@portstephens.nsw.gov.au</a></p>
<p>Peter Matwijow</p> <p><b>Officer contacts:</b> Michael Reay</p>	<p>Public Domain &amp; Services Section Manager</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> <li>• Roadside &amp; Drainage</li> <li>• Parks</li> <li>• Building Trades</li> <li>• Fleet &amp; Depot Services</li> </ul> <p>Coordinator Parks <i>Responsible for:</i> Parks &amp; sportsfields</p>	<p>P: 49800480 E: <a href="mailto:peter.matwijow@portstephens.nsw.gov.au">peter.matwijow@portstephens.nsw.gov.au</a></p> <p>P: 49874971 E: <a href="mailto:michael.reay@portstephens.nsw.gov.au">michael.reay@portstephens.nsw.gov.au</a></p>

**ORDINARY COUNCIL – 23 SEPTEMBER 2014**

Darren McSpadden	Coordinator Roads & drainage <i>Responsible for:</i> Roadside & drainage	P: 49800478 E: <a href="mailto:darren.mcspadden@portstephens.nsw.gov.au">darren.mcspadden@portstephens.nsw.gov.au</a>
Craig Harris	Coordinator Building Trades <i>Responsible for:</i> Building trades	P: 49800135 E: <a href="mailto:craig.harris@portstephens.nsw.gov.au">craig.harris@portstephens.nsw.gov.au</a>

**ITEM NO. 6****FILE NO: PSC2005-2522****SALAMANDER BAY WASTE TRANSFER STATION FEES & CHARGES****REPORT OF: STEVEN BERNASCONI – COMMUNITY SERVICES SECTION MANAGER****GROUP: FACILITIES & SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Place on public exhibition for a period of 28 days new reduced waste disposal fees for inert and mixed waste streams at Salamander Bay Waste Transfer Station;
- 2) Subject to there being no written opposition to the proposed reduced waste fees during the public exhibition period, commence using the new fees at Salamander Bay Waste Transfer Station at the close of the exhibition period without further report to Council.

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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014****COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Sally Dover</b> <b>Councillor John Morello</b>
	That the recommendation be adopted.

**MOTION**

<b>243</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council:  <ol style="list-style-type: none"><li>1) Place on public exhibition for a period of 28 days new reduced waste disposal fees for inert and mixed waste streams at Salamander Bay Waste Transfer Station;</li><li>2) Subject to there being no written opposition to the proposed reduced waste fees during the public exhibition period, commence using the new fees at Salamander Bay Waste Transfer Station at the close of the exhibition period without further report to Council.</li></ol>

**BACKGROUND**

Under the Clean Energy Legislation (Carbon Tax) that was introduced by the previous Australian Government in 2011 the disposal of waste to landfill attracted an additional tax.

The Clean Energy Legislation (Carbon Tax) was repealed by the current Australian Government. The repealing of this tax has removed this portion of the cost to dispose waste to landfill.

In May 2014 Council adopted waste disposal fees for inert and mixed waste streams at the Salamander Bay Transfer Station. These fees included a \$15 per tonne component for the collection of the Carbon Tax. Now that the Carbon Tax has been repealed Council no longer needs to collect this \$15 per tonne and can therefore reduce these fees accordingly.

The new proposed fees are;

Waste Stream	Current disposal fee per tonne Including Carbon Tax	Proposed new disposal fee per tonne
Inert Waste	\$249	\$234
Mixed Waste	\$249	\$234

All other disposal fees at the Salamander Bay Waste Transfer Station do not contain a portion for Carbon Tax as these materials have always been recycled and not disposed to landfill. These waste streams include green waste, bricks and concrete, recycling and problem wastes such as mattresses and tyres.

## **FINANCIAL/RESOURCE IMPLICATIONS**

There will be no financial or resource implications if these recommendations are endorsed. The revenue forgone from collecting the Carbon tax is balanced by the reduced costs of paying that same tax to the Australian Government.

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**

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

Adopting the recommendations comes with the following risk(s).

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that not endorsing the recommendations will cause reputation damage to Council as Council will continue to collect money for a charge we no longer have to pay.	Low	Adopt the recommendations and promote that the Carbon Tax has been removed from the waste disposal fees at Salamander Bay Waste Transfer Station	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no foreseeable negative social, economic or environmental implications if these recommendations are adopted.

Adopting the recommendations will lower the cost of waste disposal for the users of Salamander Bay Waste Transfer Station allowing them additional money to spend elsewhere within the community.

**CONSULTATION**

- 1) Waste Management Coordinator;
- 2) Financial Services Section Manager.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 7****FILE NO: PSC2005-3572****355(C) COMMITTEES ANNUAL FINANCIAL STATEMENTS 2013****REPORT OF: STEVEN BERNASCONI – COMMUNITY SERVICES SECTION MANAGER****GROUP: FACILITIES AND SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive the 355(c) Committees Annual Financial Statement for the period 1 January 2013 to 31 December 2013;
- 2) Note that all eligible 355(c) Committees have received the annual operating subsidy.

---

**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell</b> <b>Councillor Steve Tucker</b>
	That the recommendation be adopted.

**MOTION**

<b>244</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council:  <ol style="list-style-type: none"><li>1) Receive the 355(c) Committees Annual Financial Statement for the period 1 January 2013 to 31 December 2013;</li><li>2) Note that all eligible 355(c) Committees have received the annual operating subsidy.</li></ol>

**BACKGROUND**

The purpose of this report is to recommend to Council the receipt of the 355(c) Committees Annual Financial Statements for 2013 and to note the disbursement of the annual operating subsidies to eligible committees.

The 355(c) Committees Annual Financial Statement for the period 1 January 2013 to 31 December 2013 (**ATTACHMENT 1**) is a summary of closing balances of all committees. (**TABLED DOCUMENT 1**) shows the detailed financial statements of committee cashbooks for the same period.

This links to Council's Community Strategic Plan 2014-2024 6.1 – The community is a partner in developing the future of the local government area – Council's Partners in community planning: Volunteers – Council's 355(c) Committees.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The total amount of funds held by committees as at 31 December 2013 was \$968,229. This is an increase on last year of \$50,841.

Out of the total amount:

- Twelve (12) committees held over \$20,000 (total value \$689,090)
- Three (3) committees held between \$15,000 and \$20,000 (total value \$55,333)
- Thirty-one (31) committees held less than \$15,000 (total value \$223,806)

The use of these funds should be in line with Council's strategic directions and be committed to the objectives of each committee's constitution. A focus on maintenance and renewal of facilities will ensure the long term sustainability of these community facilities.

Council's Civil Assets Section is currently working with the Community Halls and Sports Council Section 355(c) Committees to allocate Committee funds to projects that assist in maintaining or upgrading Council's assets. It should also be noted that the figures shown are current as at 31 December 2013 and since this date there has been approximately \$120,000 of Sports Council funds expended or allocated to asset improvement projects. For example Medowie Sports Council has allocated \$70,000 to six projects and Tomaree Sports Council has allocated \$50,000 to the Tomaree Sports Complex field lighting upgrades.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	86,500	Total cost of the Operational Subsidy for 355c Committees from the 2014/15 budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	968,229	Funds held in individual bank accounts by 355(c) committees as at 31 December 2013

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

Section 355(c) of the Local Government Act 1993, allows Council to delegate certain functions. A 355(c) Committee is an entity of Port Stephens Council and as such is subject to the same legislation, accountability and probity requirements as Council.

All funds and assets held by the Committee belong to Council. The Committee is responsible for the care and control of these funds.

Funds administered by 355(c) Committees must meet Council's standards of compliance, management and transparency and committees are required to comply with standard record keeping practices, including submission of reports by due dates.

355(c) Committees use a cash book style financial record keeping system (format supplied by Council in the form or a carbonised book or Microsoft Excel spreadsheet). The cash book is completed each month and the totals of each month are entered into the Annual Summary Reporting page, which is forwarded to Council annually.

The system was developed in line with recommendations of Council's auditors to provide a uniform format and transparent auditing of committee financial transactions, which meet the requirements for accountability and GST reporting. The system provides committees with a simplified financial process and staff support through the Facilities & Services Projects Officer and Finance Co-ordinator.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that funds held in 355(c) Committee bank accounts may be subject to fraudulent acts resulting in legal, financial and reputation damage.	Medium	This risk will be reduced by ensuring Council is noted on individual bank accounts. This will also assist committees to demonstrate transparent and compliant management of Council funds.	Yes
There is a risk that funds held in 355(c) Committee bank accounts are not used to contribute to the cost of asset renewal resulting in a greater drain on ratepayer revenue.	Low	This risk will be reduced as Civil Assets staff work with committees to combine asset and community input to develop asset management plans with agreed funding contributions from the facility income.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Adoption of the recommendations will enable 355(c) Committees to continue to manage and maintain community owned facilities. Society as a whole benefits when people are engaged in meaningful and resourced volunteering services.

The delivery of community facilities and open space by 355(c) Committees ensures that Council is providing safe, convenient, reliable and affordable facilities and



services that the community values. The use of these funds will be used in the local area through local contractors and the like, thus adding to the local economy.

The use of the funds for Parks and Reserves Committees is generally directed back into environmental improvement projects.

## **CONSULTATION**

- 1) Facilities & Services Finance Co-ordinator;
- 2) Facilities & Services Projects Officer;
- 3) Community and Recreation Assets Coordinator.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Summary of Funds held by 355(c) Committees as at 31 December 2013.

## **COUNCILLORS ROOM**

- 1) 355(c) Committees Annual Financial Statement Spreadsheet for 2013.

## **TABLED DOCUMENTS**

- 1) 355(c) Committees Annual Financial Statement Spreadsheet for 2013.

**ATTACHMENT 1**

## Summary of Funds held by 355(c) Committees 2013

<b>355(c) Committee</b>	<b>Opening Balance incl Investments 1/1/2013 \$</b>	<b>Closing Balance incl Investments 31/12/2013 \$</b>	<b>Annual Operating Subsidy to be paid in 2014</b>
Anna Bay , Birubi Point Reserves, Hall and Tidy Town Committee	5,002.17	6,261.33	1,500
Boat Harbour Parks & Reserves Committee	6,591.15	7,356.00	1,500
Bobs Farm Public Hall Committee	6,696.93	7,034.53	1,000
Corlette Headland Committee <sup>1</sup>	2,723.20	4,223.47	1,000
Corlette Reserves & Hall 355(b) Committee <sup>1</sup>	9,184.95	12,029.72	1,500
Fern Bay Public Hall, Reserves and Tidy Towns Committee	5,497.77	6,205.52	1,500
Fingal Bay Parks & Reserves Committee	2,841.03	3,685.23	1,500
Hinton School of Arts Committee	14,321.04	14,969.63	1,000
Karuah Community Centre Committee	17,315.95	12,425.89	1,000
Karuah Tidy Towns / Parks / Reserves and Wetlands Committee	7,019.44	8,050.64	1,500
LTP Parks & Reserves Committee	7,450.82	8,510.64	1,500
Mallabula Community Centre Committee	21,966.67	27,070.22	1,000
Mallabula Parks & Reserves Committee	6,126.66	7,056.44	1,500
Mambo Wanda Wetlands, Reserves & Landcare 355(b) Committee	4,469.78	8,392.92	1,500
Medowie Community Centre Committee	43,350.45	45,938.05	1,000
Medowie Sports Council	88,573.73	111,957.77	9,000
Medowie Tidy Town & Cycleway Committee	3,194.39	2,095.66	1,500
Nelson Bay Australia Day 355(c) Committee	12,528.97	14,699.69	Not applicable
Raymond Terrace Australia Day 355(c) Committee <sup>2</sup>	12,302.33	-	Not applicable
Nelson Bay Senior Citizens Hall Committee	34,885.13	40,102.73	1,000
Nelson Bay West Parkcare Committee	5,456.35	5,732.77	1,500
Ngioka Centre Committee	32,033.14	25,208.68	Not applicable

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Port Stephens Adult Choir Committee	6,533.14	5,734.62	1,000
Port Stephens Community Bands Committee	5,291.91	6,670.80	1,000
Port Stephens Native Flora Garden Committee	1,288.48	2,032.88	1,500
Port Stephens Sister Cities Committee	24,330.51	22,853.42	1,000
Raymond Terrace Parks, Reserves & Tidy Towns Committee	15,288.85	16,904.26	1,500
Raymond Terrace Senior Citizens Hall Management Committee	51,684.41	47,841.10	1,000
Raymond Terrace Sports Council <sup>3</sup>	16,552.04	24,807.28	Not applicable
Rural West Sports Council <sup>3</sup>	22,458.02	19,578.93	Not applicable
West Ward Sports Council <sup>3</sup>	Not applicable	Not applicable	14,000
Salt Ash Community Hall, Reserves and Tennis Courts Committee	1,225.74	1,926.42	1,500
Salt Ash Sports Ground Committee	97,808.69	92,286.27	1,000
Seaham Park and Wetlands Committee	2,833.92	9,294.72	1,500
Seaham School of Arts and Community Hall Committee	6,541.87	13,742.80	1,000
Shoal Bay Beach Preservation Committee	13,953.11	10,820.96	1,500
Soldiers Point / Salamander Bay Tidy Towns and Landcare Committee	4,579.41	8,522.43	1,500
Tanilba Bay Parks, Reserves and Hall Committee	13,954.61	6,489.49	1,500
Tomaree Education Complex Multi-Purpose Centre Committee	15,754.47	18,849.86	Not applicable
Tilligerry Aquatic Centre Advisory Committee	19,682.15	1,682.15	Not applicable
Lemon Tree Passage Old School Centre	17,371.51	20,504.71	1,000
Tilligerry Sports Council	36,975.39	38,288.54	9,000
Tomaree Cemetery Committee	-	1,183.05	1,000
Tomaree Sports Council	169,585.41	192,231.49	9,000
West Tilligerry Tidy Towns and Landcare Committee	7,648.06	7,457.83	1,500
West Ward Cemeteries Committee	3,664.23	4,999.34	1,000
WW-subcommittee Karuah Columbarium	3,160.85	3,310.85	Not applicable
Williamstown Public Hall Committee	9,689.88	11,208.20	1,000
<b>TOTALS</b>	<b>917,388.71</b>	<b>\$968,229.93</b>	<b>86,500</b>

<b>ORDINARY COUNCIL – 23 SEPTEMBER 2014</b>
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NOTE - <sup>1</sup> Corlette Headland Committee and Corlette Parks Reserves and Hall Committee have changed status in 2014 and these changes will be reported in the 2014 Annual Financial Statement report.

NOTE - <sup>2</sup> Changes to the Raymond Terrace Australia Day 355(c) Committee resulted in the funds being managed from the Councils Communications Section operating budget and not through a separate bank account.

NOTE - <sup>3</sup> Raymond Terrace Sports Council and Rural West Sports Council merged in early 2014. In 2014 the new West Ward Sports Council will receive the combined Operating Subsidy of \$14,000 that used to be shared between the two former Sports Councils.

**ITEM NO. 8****FILE NO: PSC2005-4217****2013-2014 GENERAL PURPOSE FINANCIAL REPORTS****REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER****GROUP: CORPORATE SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Ratify the referring of the draft 2013-2014 General Purpose Financial Reports for audit;
- 2) Sign the statement on the General Purpose Financial Reports.

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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

<b>245</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council:  <ol style="list-style-type: none"><li>1) Ratify the referring of the draft 2013-2014 General Purpose Financial Reports for audit;</li><li>2) Sign the statement on the General Purpose Financial Reports.</li></ol>

**BACKGROUND**

The purpose of this report is to advise that the draft General Purpose Financial Reports for the period ended 30 June 2014 have been prepared and the audit is due to commence Monday 29 September 2014.

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

**FINANCIAL/RESOURCE IMPLICATIONS**

The 2013-2014 General Purpose Financial Reports have been prepared in compliance with the *Local Government Act 1993*, the *Local Government Code of*

## ORDINARY COUNCIL – 23 SEPTEMBER 2014

*Accounting Practice and Financial Reporting and the Australian Accounting Standards.*

All revenues received for 2013-2014 have been recognised together with any revenues due but not yet received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.

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

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

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

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

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

## LEGAL, POLICY AND RISK IMPLICATIONS

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

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

- 1) Pitcher Partners - Council's External Auditor;
- 2) The Office of Local Government.

**OPTIONS**

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

**ATTACHMENTS**

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

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ATTACHMENT 1**

**General Purpose Financial Statements – Statement by Councillors and Management**

Financial Statements 2014

Port Stephens

General Purpose Financial Statements  
for the financial year ended 30 June 2014

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

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

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

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

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

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

Signed in accordance with a resolution of Council made on 23 September 2014.

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

\_\_\_\_\_  
COUNCILLOR

\_\_\_\_\_  
Wayne Wallis  
GENERAL MANAGER AND  
RESPONSIBLE ACCOUNTING OFFICER

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**ITEM NO. 9****FILE NO: T11-2014****T11-2014 - HUMAN RESOURCES INFORMATION SYSTEM****REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER****GROUP: CORPORATE SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 9 on the Ordinary Council agenda namely **TENDER T11-2014 – HUMAN RESOURCES INFORMATION SYSTEM;**
- 2) That the reasons for closing the meeting to the public to consider this item be that:
  - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers;
  - ii) In particular, the report includes confidential pricing information in respect of the **TENDER T11-2014 – HUMAN RESOURCES INFORMATION SYSTEM;**
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts;
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005;
- 5) Award the Tender T11-2014 for Cornerstone Ondemand Australia Pty Ltd and reject all other tenders.

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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014**  
**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell</b> <b>Councillor Sally Dover</b>
	That Council award the Tender T11-2014 for Cornerstone Ondemand Australia Pty Ltd and reject all other tenders.

**MOTION**

<b>246</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council award the Tender T11-2014 for Cornerstone Ondemand Australia Pty Ltd and reject all other tenders.

**BACKGROUND**

Council currently employs a large and diverse workforce in excess of 500 people. Effective management of the employee lifecycle is crucial to Council's ongoing success. Management of a large and diverse workforce can be very draining on resources. Ensuring resources are maximised using affordable technology systems are the best way to gain efficiencies. A well-functioning Human Resources Information System ('HRIS') will cover all areas of the employee lifecycle being:

Claims Management  
Corporate Risk  
Employee Contact and Emergency Contact Details  
General Ledger Integration  
Health Surveillance  
Injury Management  
Inspections, Safety Observations and Audits  
Learning and Development Management including online training  
Leave Management  
Organisation Structure  
Payroll  
Performance Management  
Recruitment  
Remuneration Management  
Rosters  
Skills Register  
Succession Planning  
Work Health and Safety  
Workforce Planning

Many of these systems are not integrated currently or are paper-based and therefore inefficient in the way they are managed and deployed.

In January 2013 the Human Resource Information System Discovery Project team was formed to identify software options to deliver an integrated solution for management of the total employee lifecycle. Council currently has a HRIS as part of its main enterprise system provided by Civica Pty Ltd but it does not deliver a complete employee lifecycle solution.

The aim of this project was to improve the functionality of the HRIS system whilst maintaining the overall needs of easy integration and interfacing with the financial system.

The project has undertaken extensive review of the needs of the organisation and then proceeded to assess available affordable solutions within the market place through a tender for software providers.

iPlatinum Pty Ltd were engaged to assist in the scoping of the tender and to provide specialist support to Council staff in the evaluation process.

Tenderers were invited to provide either:

- 1) a 'complete' response to functional requirements of the various RFT components; or
- 2) a response to risk management only; or
- 3) a response to work health and safety only; or
- 4) a response to performance/talent management/workforce planning only; or
- 5) a combination of the above.

Six submissions were received, three of which were either non-conforming or unaffordable.

Tender evaluation of the remaining three submissions took place over a number of days and involved a team of subject matter specialists from Council to evaluate the functionality of the various systems. Evaluation included:

- a review of each system against a detailed list of identified requirements; and/or
- a progression to onsite demonstrations against a set list of specified requirements; and/or
- a progression to site visits with existing customers.

This detailed evaluation process took a total of four months to complete. A summary of the findings is attached in the Confidential **(ATTACHMENT 1)** - Human Resources Information System Tender T11-2014 Tender Evaluation Summary.

Of the three systems that were reviewed, one provided a total solution but the investment in resources to implement that solution is substantial to achieve the desired outcome and ultimately, not best value.

Best value for Council is represented by a continuation with the current HRIS provided by the enterprise wide system with a new integrated component addressing the areas where the current system is unable to provide an effective, integrated solution.

**FINANCIAL/RESOURCE IMPLICATIONS**

Funding for this work was anticipated and included in the 2014-2015 budget.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	170,000	Funding available through Business Improvement Technology Fund.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Employment in Australia is complex and requires compliance with a number of pieces of legislation including:

*Annual Holidays Act 1944 (NSW)*  
*Anti-Discrimination Act 1977 (NSW)*  
*Apprenticeship and Traineeship Act 2001 (NSW)*  
*Carers (Recognition) Act 2010*  
*Children and Young People Act 1998 (NSW)*  
*Children and Young Persons (Care and Protection) Act 1998 (NSW)*  
*Employees Liability Act 1991 (NSW)*  
*Employment Protection Act 1982 (NSW)*  
*Fair Work Act 2009 (Fed)*  
*Government Information (Public Access) Act 2009 (NSW)*  
*Health Records & Information Privacy Act (HRIPA) 2002 (NSW)*  
*Industrial Relations (Child Employment) Act 2006 (NSW)*  
*Industrial Relations Act 1996 (NSW)*  
*Local Government Act 1993 (NSW)*  
*Long Service Leave Act 1955 (NSW)*  
*Privacy Act 1988 (Cth)*  
*Privacy and Personal Information Act 1998 (NSW)*  
*Public Interest Disclosures Act 1994 (NSW)*  
*Public Holidays Act 2010*  
*Racial Discrimination Act 1975 (Cth)*  
*State Records Act 1998 (NSW)*  
*Vocational Education and Training Act 2005 (NSW)*  
*Workers Compensation Act 1987 (NSW)*  
*Work Health and Safety Act 2010 (NSW)*  
*Workplace Injury Management and Workers Compensation Act 1998 (NSW)*  
*Workplace Surveillance Act 2005 (NSW)*

Failure to comply with legislative requirements can expose Council to legal action.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that inadequate human resources information management systems (HRIS) may lead to insufficient and inaccurate reporting and compliance.	High	Implement an integrated Human Resources Information System.	Yes
There is a risk that poor systems may lead to staff underperformance and low staff engagement.	High	Implement an integrated Human Resources Information System.	Yes
There is a risk that poor information systems will lead to incomplete implementation of the Workforce Strategy.	High	Implement an integrated Human Resources Information System.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Continuously improving the way we manage and interact with our workforce will ensure continued appropriate workforce resourcing as well as ensuring legislative compliance.

## **CONSULTATION**

- 1) General Manager;
- 2) Group Managers;
- 3) Section Managers;
- 4) Organisation Development Manager;
- 5) Human Resources Manager;
- 6) Workforce Development Coordinator;
- 7) Work Health and Safety Manager;
- 8) Risk Coordinator;
- 9) Payroll Specialist;
- 10) Business Improvement Coordinator;
- 11) ICT Maintenance and Support Coordinator;
- 12) Enterprise Architect.

## **OPTIONS**

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

**ATTACHMENTS – Confidential (Provided Under Separate Cover)**

- 1) Human Resources Information System Tender T11-2014 Tender Evaluation Summary.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil..

ITEM NO. 10

FILE NO: PSC2014-00361

## TENDER – LABOUR HIRE SERVICES

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

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### RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 10 on the Ordinary Council agenda namely **Labour Hire Tender**;
- 2) That the reasons for closing the meeting to the public to consider this item be that:
  - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
  - ii) In particular, the report includes confidential pricing information in respect of the **Labour Hire Tender**;
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts;
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005;
- 5) Accept the tenders of the following organisations who offered the best value and to be appointed as Panel Service Providers to Port Stephens Council for the period 1 July 2015 to 30 September 2016:

#### **Category 1: Blue Collar Labour Hire**

Forsythes Recruitment (Newcastle) Pty Limited

JHA Recruitment and Staff @ Work Pty Ltd

Labourpower Recruitment Services

#### **Category 2: White Collar Labour Hire**

Forsythes Recruitment (Newcastle) Pty Limited

peoplefusion Pty Ltd ATF The Recruitment Unit Trust

Labourpower Recruitment Services

**Category 3(a): Recruitment Services – Fixed Fee or Percentage of Salary Rate**

JHA Recruitment and Staff @ Work Pty Ltd

peoplefusion Pty Ltd ATF The Recruitment Unit Trust

**Category 3(b): Recruitment Services - Hourly Rate (Assist with Culling, Sit on Recruitment Panel etc.)**

JHA Recruitment and Staff @ Work Pty Ltd

Labourpower Recruitment Services;

- 6) That provision is allowed for three by one year extensions based on satisfactory supplier performance which may take the contract through to 30 September 2019.

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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Mayor Bruce MacKenzie</b> <b>Councillor Steve Tucker</b></p> <p>That Council:</p> <p>1) Accept the tenders of the following organisations who offered the best value and to be appointed as Panel Service Providers to Port Stephens Council for the period 1 July 2015 to 30 September 2016:</p> <p><b>Category 1: Blue Collar Labour Hire</b></p> <p>Forsythes Recruitment (Newcastle) Pty Limited JHA Recruitment and Staff @ Work Pty Ltd Labourpower Recruitment Services</p> <p><b>Category 2: White Collar Labour Hire</b></p> <p>Forsythes Recruitment (Newcastle) Pty Limited peoplefusion Pty Ltd ATF The Recruitment Unit Trust Labourpower Recruitment Services</p> <p><b>Category 3(a): Recruitment Services – Fixed Fee or Percentage of Salary Rate</b></p> <p>JHA Recruitment and Staff @ Work Pty Ltd peoplefusion Pty Ltd ATF The Recruitment Unit Trust</p> <p><b>Category 3(b): Recruitment Services - Hourly Rate (Assist with Culling, Sit on Recruitment Panel etc.)</b></p> <p>JHA Recruitment and Staff @ Work Pty Ltd Labourpower Recruitment Services;</p>
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	2) That provision is allowed for three by one year extensions based on satisfactory supplier performance which may take the contract through to 30 September 2019.
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**MOTION**

<b>247</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor John Morello</b></p> <p>It was resolved that Council:</p> <p>1) Accept the tenders of the following organisations who offered the best value and to be appointed as Panel Service Providers to Port Stephens Council for the period 1 July 2015 to 30 September 2016:</p> <p><b>Category 1: Blue Collar Labour Hire</b></p> <p>Forsythes Recruitment (Newcastle) Pty Limited JHA Recruitment and Staff @ Work Pty Ltd Labourpower Recruitment Services</p> <p><b>Category 2: White Collar Labour Hire</b></p> <p>Forsythes Recruitment (Newcastle) Pty Limited peoplefusion Pty Ltd ATF The Recruitment Unit Trust Labourpower Recruitment Services</p> <p><b>Category 3(a): Recruitment Services – Fixed Fee or Percentage of Salary Rate</b></p> <p>JHA Recruitment and Staff @ Work Pty Ltd peoplefusion Pty Ltd ATF The Recruitment Unit Trust</p> <p><b>Category 3(b): Recruitment Services - Hourly Rate (Assist with Culling, Sit on Recruitment Panel etc.)</b></p> <p>JHA Recruitment and Staff @ Work Pty Ltd Labourpower Recruitment Services;</p> <p>2) That provision is allowed for three by one year extensions based on satisfactory supplier performance which may take the contract through to 30 September 2019.</p>
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## **BACKGROUND**

The purpose of this report is to recommend to Council the preferred tenderers for the provision of labour hire services.

At the Council meeting on 5 March 2005 a process was adopted for dealing with increases in our staff establishment numbers in accordance with Chapter 11 of the *Local Government Act 1993* (NSW), including the appointment of temporary staff.

Temporary staff form an essential and significant part of our workforce, covering both short and long term permanent staff absences, as well as fixed term projects. There are three ways for a temporary employee to be appointed within Council:

- a) If a position within the organisation structure is temporarily vacant or the job holder is on leave, and there is no additional increase to establishment;
- b) if a position is fully funded, project based, for a fixed term period, for existing services, and the position has been identified within the annual report to Council on organisation structure; or
- c) where Council has granted approval for a new service within the organisation, or where additional funds are to be allocated to employ staff and an increase in establishment would occur.

Agency employed temporary staff are utilised:

- a) after an initial internal Expression of Interest has been unsuccessful; or
- b) there is no capacity to fill the positions with Council employed staff.

Permanent placement of staff through Agencies may be utilised:

- a) if recruitment directly by Council has been unsuccessful; or
- b) for senior staff appointments.

Labour hire agencies are also utilised from time to time to assist with peaks and troughs where additional support is required to assist with human resource specialist functions associated with recruitment and selection.

### Tender process

Traditionally, Port Stephens Council has undertaken a tender for these services however, following the successful regional tendering for Alcohol and Other Drugs Testing Services undertaken in 2013, the Regional Human Resources Managers Group recommended a Regional Tender be undertaken for the provision of Labour Hire Services. Council's current contract expires on 30 June 2015.

Following this recommendation regional tenders were invited as part of a wider Hunter Council procurement initiative, closing on 17 June 2014. Regional Procurement called for tenders for the provision of labour hire services on behalf of eleven (11) participating member councils.

Submissions were received from 31 companies, 20 of these submissions were considered non-conforming. The remaining 11 submissions were evaluated using the standard value selection method.

The evaluation result was determined by:

Adding the total dollar value of the work classifications as nominated by each participating member council to determine the lowest overall price using the following components:

1. Ordinary rate dollar/s per hour (excl. GST) – column C in the Tender Price Schedule plus;
2. Location Premium (where applicable) – column D in the Tender Price Schedule plus;
3. Year 1 'on-costs' – column E in the Tender Price Schedule.

The lowest overall amount was awarded the full Criteria % for each Category, as shown in the Evaluation Results Table on the following page.

Each subsequent total dollar value was then divided into the lowest total amount to obtain a score.

Other Evaluation Criteria was evaluated based on the following factors:

1. If the tenderer provided the required evidence to meet the benchmark, eg. ISO 9001:2008 certificate and QMS document contents page, the Evaluation Panel awarded full marks (5) for that category.
2. If the tenderer provided partial evidence to meet the benchmark, eg. Provided a QMS document contents page but they are not ISO certified, the Panel determined a lower score between 2-4, subject to the evidence provided.
3. If the tenderer failed to meet the benchmark completely, eg. They demonstrated no ability to meet the criteria and did not provide any evidence, the Panel awarded 0 points to the tenderer for that evaluation criteria.

For Categories 1 and 2 only:

1. Each Tenderer's Previous Experience Score was calculated by adding the total scores obtained from the Tenderer's three nominated contacts (each totalling up to 25 points) and dividing this total by the maximum possible score of 75, then multiplying this number by the allocated matrix Weighting value ie. 5%.

#### Tender Evaluation

The tender evaluation was conducted on Thursday 24 July 2014 at Hunter Councils Administration centre by:

- Cessnock City Council
- Maitland City Council
- City of Newcastle

- Singleton Council
- Upper Hunter Shire Council
- Wyong Shire Council
- Port Stephens Council
- Lake Macquarie City Council
- Regional Procurement (facilitator)

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement® Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.

Conflict of Interest Declarations were signed by all participating evaluation panel members including the Regional Procurement® facilitator. The declarations are available to be viewed if required.

#### Evaluation Methodology:

The evaluation criteria, % weightings and criteria were agreed upon by all participating member councils prior to the tender closing.

Mandatory pass/fail = WHS Management System and/or Plan in place and operational.

As the timing of the provision of temporary staff and services is critical to ensure the continued efficient operations of Council, it is recommended that three tenderers be appointed to the panel of providers rather than a single tenderer. This will ensure that adequate capacity is available when required.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Each section manager is responsible for funding labour hire in their area of responsibility. Funds are available in each section manager's budget.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Included in operational salaries budgets.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Section 351 of the Local Government Act deals with temporary appointments. The Act limits temporary appointments to 12 months except in the case of a parental leave vacancy which limits temporary appointments to 24 months.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that no access to temporary labour will result in work required by the operational plan not being completed.	High	<ul style="list-style-type: none"> <li>▪ Appoint multiple providers.</li> <li>▪ Reduction in risk ranking to Low.</li> </ul>	Yes
There is a risk that no access to specialist human resource recruitment services to manage peaks in demand would lead to a delay in the appointment of suitably qualified staff.	High	<ul style="list-style-type: none"> <li>▪ Appoint multiple providers.</li> <li>▪ Reduction in risk ranking to Low.</li> </ul>	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Where possible the temporary employment of locally based personnel will be requested from the appointed agencies.

**CONSULTATION**

- 1) Procurement and Tender Officer;
- 2) Employment Coordinator;
- 3) Human Resources Manager;
- 4) Section Managers;
- 5) Corporate Services Group Manager;
- 6) General Manager.

**OPTIONS**

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

**ATTACHMENTS – Confidential (Provided Under Separate Cover)**

- 1) Tender Evaluation Summary.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM NO. 11

FILE NO: PSC2014-02033

**TENDER – SUPPLY OF ELECTRICITY – SMALL SITES****REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER****GROUP: CORPORATE SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 11 on the Ordinary Council agenda namely **Supply of electricity to Council's small sites;**
- 2) That the reasons for closing the meeting to the public to consider this item be that:
  - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
  - ii) In particular, the report includes confidential pricing information in respect of **Supply of electricity to Council's small sites;**
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts;
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005;
- 5) Reject all tenders and sign with State Government 776 Contract with ERM as the electricity retailer. The contract is to commence on the next meter reading and to expire on 31 August 2016 with the possibility of two (2) further one (1) year extension options.

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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Mayor Bruce MacKenzie</b> <b>Councillor Chris Doohan</b>
	That Council reject all tenders and sign with State Government 776 Contract with ERM as the electricity retailer. The contract is to commence on the next meter reading and to expire on 31 August 2016 with the possibility of two (2) further one (1) year extension options.

**MOTION**

<b>248</b>	<b>Councillor Chris Doohan Councillor John Morello</b>
	It was resolved that Council reject all tenders and sign with State Government 776 Contract with ERM as the electricity retailer. The contract is to commence on the next meter reading and to expire on 31 August 2016 with the possibility of two (2) further one (1) year extension options.

**BACKGROUND**

In July 2011 Regional Procurement (a division of Hunter Councils) in conjunction with Energy Action, who are an energy management consultancy firm, ran a formal tender for Council for the purpose of supplying electricity for Small to Medium Enterprises (SME) using less than 160MWh (megawatt hours – unit of measure) of electricity per annum. After the evaluation of the tenders Powerdirect were contracted as Council's retail electricity supplier to 31 August 2014.

On 12 June 2014 Council agreed to participate with Regional Procurement and Energy Action to run another tender for the supply of electricity to small sites.

Regional Procurement has a formal partnership agreement with Energy Action who has the expertise and knowledge of the ever volatile energy market. This partnership was formed to ensure the most competitive price for the supply of electricity was available to local government.

The Tender Process:

11.06.14	Regional Procurement sent Letter of Participation requesting formal participation.
12.06.14	Participation letter signed and returned.
17.06.14	Tender advertisement placed in Sydney Morning Herald and uploaded to Tenderlink.
21.06.14	Tender advertisement placed in Newcastle Herald.
15.07.14	Tender's closed 10am.
16.07.14	Tender responses collated by Energy Action and tabulated for comparison purposes.
17.07.14	Conflict of Interest Declaration signed by evaluation panel members.
17.07.14	Tender evaluation to be conducted at Port Stephens Council meeting room from 11am.
18.07.14	Review by Finance Officer of the State Supply 776 Contract rates and discounts available.



**ORDINARY COUNCIL – 23 SEPTEMBER 2014**

05.08.14	SME Tender review by Finance Services Section Manager, Finance Officer, Contract Manager, Sustainability Officer.
20.08.14	Supply of Electricity Small Sites recommendation prepared for next Council meeting on 9 September 2014.
10.09.14	Retail Supply Agreement to be signed by authorised Council delegate.
12.09.14	Energy Action to advise all unsuccessful tenderers.

The evaluation was conducted on 17 July 2014 and facilitated by Regional Procurement in conjunction with Energy Action.

Energy Action invited all retailers of electricity to submit tenders for the supply of electricity to all Port Stephens Council's Small Sites using less than 160MWh. The closing date for this was 15 July 2014. The following retailers provided a submission:

- ERM;
- Origin Energy;
- Powerdirect;
- Covau;
- Q Energy.

Energy Australia and Blue NRG advised that they were not in a position to provide a submission within the timeframe required and were unable to comply with some of the evaluation criteria.

Energy Action and Regional Procurement's recommendation was to sign with ERM. If Council accepted the submission from ERM the potential savings would be \$107,944.97 p/a, a 23.20% p/a reduction from the benchmark tariff total cost of \$465,278.14 p/a from current retailer Powerdirect. It is noted that ERM rates were not based on a percentage discount, rather the contract offer has been set at a fixed rate.

Council had also requested Energy Action to include the State Supply 776 Government Contract in the comparison, however this was not provided by Energy Action or Regional Procurement as only public bodies are able to purchase from NSW Government contracts. A review by the Finance Officer of the current State Supply 776 Government Contract with ERM as the electricity retailer confirmed that the current discount rate offered is 17.92% with an estimated saving of \$118,641.21 p/a, a 25.49% p/a reduction from the benchmark tariff total cost of \$465,278.14 p/a from current retailer Powerdirect.

The below table is a comparison between ERM Market Contract and ERM State Supply:

	<b>ERM Market Contract Cost</b>	<b>ERM State Supply Cost</b>
Number of sites	162	162
Equivalent Benchmark Total p/a (\$)	465,278.14	465,278.14
Total estimated Costs p/a (\$)	357,333.17	346,636.93
Total estimated savings from benchmark p/a (\$)	107,944.97	118,641.21
Total estimated savings from benchmark (%)	23.20	25.49

The tendered percentage savings ranged from 17.96% to 23.2% with a spread of scores from the weighted evaluation criteria between 78.96 and 90. Three (3) firms were very close (a spread of 84.89, 85.32 and 90). ERM was the best scoring submission after rigorous and diligent analysis of the selection criteria.

The evaluation criteria, % weightings and criteria were agreed upon by all participating members.

Reference checks have returned positive responses from a variety of government and industry sources.

## **FINANCIAL/RESOURCE IMPLICATIONS**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Included in annual operating budgets.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

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

The tender has been conducted according to Port Stephens Council Procurement Guideline – Tendering and meets the requirements of the Local Government (General) Regulation 2005.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may have to pay the full retail price for electricity to small sites.	Medium	Adopt the recommendations.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Council will also have the option to purchase a percentage of renewable energy known as Greenpower.

## **CONSULTATION**

- 1) Energy Action;
- 2) Regional Procurement;
- 3) Procurement and Contracts Coordinator;
- 4) Finance Officer - Energy/Assets;
- 5) Sustainability Officer;
- 6) Power Rangers.

## **OPTIONS**

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

## **ATTACHMENTS – Confidential (Provided Under Separate Cover)**

- 1) Tender Evaluation Summary;
- 2) Energy Action Cost Comparison Report and Savings Report;
- 3) Electricity Tender Evaluation - Memorandum.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM NO. 12****FILE NO: PSC2013-00685****SUSTAINABILITY REVIEW – LEGAL SERVICES****REPORT OF: WAYNE WALLIS, GENERAL MANAGER****GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the information contained in the Service Strategy – Legal Services;
- 2) Increases the allocation for the Paralegal role to 1.0 EFT;
- 3) Endorses the structural alignment of Legal Services and Governance functions within the General Manager's Office.

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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Steve Tucker</b> <b>Councillor John Morello</b>
	That the recommendation be adopted.

**MOTION**

<b>249</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council:  <ol style="list-style-type: none"><li>1) Notes the information contained in the Service Strategy – Legal Services;</li><li>2) Increases the allocation for the Paralegal role to 1.0 EFT;</li><li>3) Endorses the structural alignment of Legal Services and Governance functions within the General Manager's Office.</li></ol>

**BACKGROUND**

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

The service links to Strategic Direction 5 in the Community Strategic Plan 2024 (A Sustainable Council), in particular 15.1.3.6 – management of risks across Council through coordination and delivery of legal services. The key driver for service is operational.

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

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

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

### **Legal Services**

As part of its function, Legal Services:

- Provides legal advice and advocacy.
- Coordinates the Legal Services contract, manages Council's legal budget and applies triage & prioritisation to the use of legal services resources.
- Establishes and improves processes.
- Co-ordinates litigation.
- Oversees legislative compliance, legislative review and provides advice on legislative interpretation & impact.
- Provides legal briefings and in-house information sessions.
- Coordinates Council response to subpoenas and other forms of discovery.
- Provides back-up to the governance function when required.

Emerging trends facing legal services include:

- Increased legislative compliance obligations across all areas of Council – staff need to be aware of changing obligations and what that means in terms of their responsibilities at Council.
- Expanding roles and responsibilities of Council – ever-increasing ambit of Council.
- Litigious environment – the nature of Council functions and its profile in the local community make it a highly visible target of litigation.
- Increasing complexity of day-to-day legal issues – impacts services across Council.

Resources available during the current financial year for Legal Services comprise:

Operating Expenditure	\$1,124,446
Capital Expenditure	Nil
Revenue	\$212,846
Staffing (EFT)	1.5

## **SERVICE REVIEW FINDINGS**

### **Benchmarking**

As was the case when the 2007 and 2011 reviews were conducted, the approach to provision of legal services varies greatly across local government in NSW.

Some of the larger councils have in-house services, though this is not consistent. Others have no central coordination of legal services, leaving it entirely up to each respective division/group to liaise directly with external legal services providers. A further group of Councils have an officer(s) who deals with external legal providers on the Council's behalf in an administrative capacity only. Often these offices are located in governance or risk management units.

Given the variety of staffing it is perhaps not surprising that the percentage usage of external legal providers varies from 5% of legal matters through to 100%.

As part of the benchmarking for the current review, a survey was undertaken of all Hunter Councils and others outside the Hunter area, totalling 18 Councils. The survey focused on functions incorporated in General Managers' Offices with particular questions pertaining to legal services functions at those Councils.

The benchmarking showed there is a wide variance of functions conducted within the General Managers' Offices (GMO). Functions include executive support, governance, legal services, human resources, communications/PR, risk management, internal audit and corporate planning.

The number of staff in the GMO Unit range from 1.6 to 29 employees. While the number of lawyers in-house varies, all are supported by at least one paralegal or legal administration officer.

### **Internal Efficiencies and Options**

The centralised legal (gatekeeper) function at Port Stephens Council has seen a significant decrease in legal expenditure during the past seven (7) years.

During the past year, legal services has doubled the number of advices provided in-house and halved those for which external legal advice has been sought. While the employment of a paralegal 17.5 hours per week following the 2011 Sustainability Review has contributed significantly to this increase in internal efficiencies, there is still a need for further resourcing to help optimise the legal services function and assist with the increasing workload. Increasing the Paralegal resource allocation would enable legal services to continue working on processes and practices as well as to identify proactive and preventative approaches to legal risk management across Council.

The General Manager is proposing to merge Governance and Legal Services which will provide improved business alignment. Currently the Paralegal role is a shared resource between Governance and Legal Services. It is proposed that the current

Paralegal role be dedicated full time to legal services matters and that Council investigate employing a Governance Officer full time with 17.5 hours available within existing budget allocations. The increase in salary costs against the legal budget would be well and truly offset by the associated savings in annual external legal provider expenditure

This improvement in business alignment with continue to improve the legal expenditure and allow the in-house legal advice service to add to the growth of matters being dealt with by the Legal Services Manager instead of using external providers.

### **SERVICE REVIEW RECOMMENDATIONS**

The review resulted in the following recommendations:

- Continue with the current gatekeeper model for the delivery of legal services.
- Increase the EFT allocation for the Paralegal role to 1.0
- Proceed with the General Manager's proposed restructure to achieve administration efficiencies and improved alignment of roles between the governance and legal services functions

### **FINANCIAL/RESOURCE IMPLICATIONS**

Current EFT in Legal Services is 1.5. Any increase in EFT allocation (dedication of paralegal roles full time to legal services) would be off-set against savings in external legal expenditure.

Should Council adopt a recommendation to reduce or cease the internal provision of legal services then the conditions of the Port Stephens Council Enterprise Agreement Clause 28 will come into effect. This clause establishes Council's duty to notify affected staff and relevant Unions regarding an intention to introduce major changes to programs, sets out the duties of the parties, establishes procedures to be followed and conditions relating to staff redeployment or redundancies. Redundancies could incur costs of up to 39 weeks ordinary pay for each employee displaced.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Increase of EFT allocation for paralegal role to 1.0 will be funded from existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

A return to the pre-2007 model whereby each Group/Section is responsible for its own legal matters and costs would mean there would be no central co-ordination of matters and no central control over costs.

An increase in resourcing would enable the Legal Services Manager to better focus on process improvement, strategic planning and case assessment and provision of more advice in-house. This in turn would enhance efficiency and assist containing Council's legal costs.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk no increase in resourcing for legal services will result in increasing legal costs & risk.	Medium	Adopt the recommendation	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Better utilisation of skills in-house has provided more sustainable outcomes at other nearby councils.

**CONSULTATION**

- 1) General Manager;
- 2) Group Managers;
- 3) Relevant staff stakeholders;
- 4) Other NSW Councils.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Sustainability Review – Legal Services Service Strategy.



**ITEM NO. 13****FILE NO: PSC2014-02436****SUSTAINABILITY REVIEW – GENERAL MANAGER'S OFFICE****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the information contained in the Service Strategy – General Manager's Office;
- 2) Further investigate the employment of a Governance Officer and the additional hours for the Councillor Support Executive Assistant role.

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**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

<b>250</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council:  <ol style="list-style-type: none"><li>1) Notes the information contained in the Service Strategy – General Manager's Office;</li><li>2) Further investigate the employment of a Governance Officer and the additional hours for the Councillor Support Executive Assistant role.</li></ol>

**BACKGROUND**

The purpose of this report is to present to Council the outcomes of the sustainability review for the General Managers Office and seek endorsement of the recommendations contained in the General Manager's Office Service Strategy.

The service links to the Community Strategic Plan 2024 in the following areas:

- Strategic Direction – Community Safety – Use Council's regulatory powers and government legislation to enhance public safety.

1.1.1.5 – Convene the local emergency management committee.

- Strategic Direction – Community Planning & Partnerships – Council will engage its citizens in developing plans for the future of the Port Stephens local government area.

6.1.1.5 – Conduct citizenship ceremonies.

- Strategic Direction – Transport – Promote sustainable and improved, accessible and flexible transport modes.

13.1.1.2 – Lobby the state government to improve transport linkages across the LGA and the region.

- Strategic Direction – A Sustainable Council – Council will increase its revenue from non-rates sources.

15.1.2.5 – Work with Newcastle Airport partnership to grow shareholder value through the effective governance, operation and development of Newcastle Airport.

- Strategic Direction – A Sustainable Council – Manage risks across Council.

15.1.3.7- Conduct an internal audit program.

15.1.3.8-Facilitate the audit committee.

The key drivers for these services are legal and operational.

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

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

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

### **General Manager's Office (GMO)**

As part of its functions, the GMO:

- 1) Provide Councillor Support;
- 2) Provide Executive Support;

**ORDINARY COUNCIL – 23 SEPTEMBER 2014**

- 3) Provide Access to Information;
- 4) Provide direction to staff on matters;
- 5) Provide advice governance requirements;
- 6) Provide legislative & policy advice;
- 7) Provides back-up to the legal service function when required.

Resources available during the current financial year for the GMO comprise:

Operating Expenditure	\$1,111,854
Capital Expenditure	Nil.
Revenue	\$1,088
Staffing (EFT)	3.5

The breakdown for each service area is:

Service/Activity	Key Metrics
	Eg. financial cost for specified service level
Provision of Councillor Support	\$ 600,563
Provision of Executive Support	\$ 168,080
Access to Information	\$ 82,332
Provision of direction on matters	\$ 17,775
Provision of governance requirements	\$ 225,328
Provision of legislative & policy advice	\$ 17,775

**SERVICE REVIEW FINDINGS****Benchmarking**

As part of Stage 3 of the review, a survey was undertaken of all Hunter Councils and others outside the Hunter area, totalling 18 Councils.

This benchmarking showed that there was a varied approach to provision of these services, in particular governance. Some of those Councils benchmarked have governance within the General Managers Office (GMO) whilst other are within the Corporate Services area.

The GMO staff numbers range from 1.6 to 29 EFT across all Councils surveyed.

Due to the varied approaches to staffing of these services and what functions are within each area it is difficult to compare exactly between Councils. Some of those Councils benchmarked included risk, legal, insurance, Corporate Integrated Planning and Records in Governance.

**Internal Efficiencies and Options**

The General Manager is proposing to merge Governance and Legal Services which will provide improved business alignment. Currently the Paralegal role is a shared resource between Governance and Legal Services. It is proposed that the current Paralegal role be dedicated full time on legal services matters and that Council

investigate employing a Governance Officer full time with 17.5 hours available within existing budget allocations.

This improvement in business alignment will continue to improve the legal expenditure and allow the in-house legal advice service to add to the growth of matters being dealt with by the Legal Services Manager instead of using external providers.

It has been identified that there is a growing need for regular training and awareness sessions under various legislation, such as Code of Conduct, Public Interest Disclosure Act, Privacy and Personal Information Protection Act, Government Information (Public Access) Act to name a few. All of those items of legislation require Council to have on-going training/awareness in place for staff, councillors and volunteers.

### **SERVICE REVIEW RECOMMENDATIONS**

The review resulted in the following recommendations:

- A. Maintain the current functions within the General Managers Office.
- B. Further investigate the cost benefit of employing a Governance Officer.
- C. Proceed with the General Manager's proposed restructure to achieve administration efficiencies.
- D. Further investigate additional hours for the Councillor Support Executive Assistant role.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Current EFT in the General Managers Office is 3.5.

Should Council adopt a recommendation to reduce or cease the internal provision of this service then the conditions of the Port Stephens Council Enterprise Agreement Clause 28 will come into effect. This clause establishes Council's duty to notify affected staff and relevant Unions regarding an intention to introduce major changes to programs, sets out the duties of the parties, establishes procedures to be followed and conditions relating to staff redeployment or redundancies. Redundancies could incur costs of up to 39 weeks ordinary pay for each employee displaced.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Employment of a governance officer for 17.5 hrs will be funded from existing budget. Additional Governance Officer hours of 17.5 hrs and Councillor Support EA hours will be funded from existing budget.
Reserve Funds	No		
Section 94	No		

**ORDINARY COUNCIL – 23 SEPTEMBER 2014**

External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Council is legally required to establish a legislative framework to ensure it meets its obligations of approximately 140 pieces of legislation identified in the Compliance Register. Without the appropriate governance frameworks in place, Council could see raising legal costs.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that without the appropriate governance/legal structure in place Council could be in breach of various legislation if staffing levels are insufficient to keep abreast of the changes.	Low	Adopt the recommendation	In part.

**SUSTAINABILITY IMPLICATIONS**

Better utilisation of skills in-house has provided more sustainable outcomes at other nearby councils.

**CONSULTATION**

- 1) General Manager;
- 2) Group Managers;
- 3) Mayor and Councillors;
- 4) Other NSW Councils.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Sustainability Review – General Managers Office Service Strategy.

ITEM NO. 14

FILE NO: PSC2008-04223

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

- 1) Appoint those positions identified within the Port Stephens Council organisational structure responsible for Noxious Weeds functions, as an "Inspector" under the Noxious Weeds Act 1993;
- 2) Delegate the powers of Council as a Local Control Authority under the Noxious Weeds Act 1993 to the following positions:
  - General Manager (PSC001)
  - Group Manager Development Services (PSC013)
  - Development Assessment and Compliance Section Manager (PSC624)
  - Strategy and Environment Section Manager (PSC755)
  - Legal Services Manager (PSC007)
  - Coordinator Natural Resources (PSC023)
  - Bushland Management Officer (PSC472)
  - Invasive Species Officers (PSC028, PSC069 and PSC644).

**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014****COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

<b>251</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Appoint those positions identified within the Port Stephens Council organisational structure responsible for Noxious Weeds functions, as an "Inspector" under the Noxious Weeds Act 1993;</li> <li>2) Delegate the powers of Council as a Local Control Authority under the Noxious Weeds Act 1993 to the following positions:               <ul style="list-style-type: none"> <li>• General Manager (PSC001)</li> <li>• Group Manager Development Services (PSC013)</li> <li>• Development Assessment and Compliance Section</li> </ul> </li> </ol>

	Manager (PSC624) <ul style="list-style-type: none"> <li>• Strategy and Environment Section Manager (PSC755)</li> <li>• Legal Services Manager(PSC007)</li> <li>• Coordinator Natural Resources (PSC023)</li> <li>• Bushland Management Officer (PSC472)</li> <li>• Invasive Species Officers (PSC028, PSC069 and PSC644).</li> </ul>
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## BACKGROUND

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

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

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

Council is requested to delegate the powers/functions of Council as a Local Control Authority under the Act to the following positions:

- General Manager (PSC001)
- Group Manager Development Services (PSC013)
- Development Assessment and Compliance Section Manager (PSC624)
- Strategy and Environment Section Manager (PSC755)
- Legal Services Manager (PSC007)
- Coordinator Natural Resources (PSC023)
- Bushland Management Officer (PSC472)
- Invasive Species Officers (PSC028, PSC069 and PSC644)

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

## FINANCIAL/RESOURCE IMPLICATIONS

These changes will be incorporated into the existing delegation processes.

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



**ORDINARY COUNCIL – 23 SEPTEMBER 2014**

Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

- 1) Legal Services Manager.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 15****FILE NO: 1190-001 / PSC2014-02832  
PSC2014-02283 PSC2014-03203****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the Mayoral Fund to the following:-
- a) Mayoral Funds – Mayor Bruce MacKenzie – Wheeling & Able – Donation towards hospital bed at Corlette unit - \$250.00;
  - b) Mayoral Funds – Mayor Bruce MacKenzie – Hunter River High School – 2015 ANZAC Centenary Tour to Gallipoli - \$500.00;
  - c) Mayoral Funds – Mayor Bruce MacKenzie – Naval Association of Australia, Port Stephens Sub Section - HMAS Psyche' Memorial construction at Roy Wood Reserve, Salamander Bay - \$500.00;
  - d) East Ward Funds – Cr John Nell – Rotary Club, Salamander Bay – Cost of Park Administration Fees for Contemplation Bench Launch at Boat Harbour - \$149.00.

**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

<b>252</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council approve provision of financial assistance under Section 356 of the Local Government Act from the Mayoral Fund to the following:- <ul style="list-style-type: none"><li>a) Mayoral Funds – Mayor Bruce MacKenzie – Wheeling &amp; Able – Donation towards hospital bed at Corlette unit - \$250.00;</li><li>b) Mayoral Funds – Mayor Bruce MacKenzie – Hunter River High School – 2015 ANZAC Centenary Tour to Gallipoli - \$500.00;</li></ul>

**ORDINARY COUNCIL – 23 SEPTEMBER 2014**

	<p>c) Mayoral Funds – Mayor Bruce MacKenzie – Naval Association of Australia, Port Stephens Sub Section - HMAS Psyche' Memorial construction at Roy Wood Reserve, Salamander Bay - \$500.00;</p> <p>d) East Ward Funds – Cr John Nell – Rotary Club, Salamander Bay – Cost of Park Administration Fees for Contemplation Bench Launch at Boat Harbour - \$149.00.</p>
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The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Financial Assistance Policy gives Councillors a wide discretion to either grant or to refuse any requests.

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

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

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

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

**EAST WARD – Councillors Dover, Morello & Nell**

Rotary Club, Salamander Bay	Parks Administration Fee for Contemplation Bench Launch at Boat Harbour	\$149.00
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**MAYORAL FUNDS – Mayor MacKenzie**

Wheeling & Able	Donation towards Hospital Bed for Corlette Unit	\$250.00
Hunter River High School	2015 ANZAC Centenary Tour to Gallipoli	\$500.00
Naval Association of Australia – PS Sub Section	HMAS Psyche' Memorial Construction contribution	\$500.00

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ORDINARY COUNCIL – 23 SEPTEMBER 2014**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	1,399	\$1,250.00 (Mayoral Funds) \$149.00 (East Ward Funds)
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL AND POLICY IMPLICATIONS**

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

The policy interpretation required is whether the Council believes that:

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

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 16****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 23 September, 2014.

**No: Report Title**

- 1 Draft Environmental Impact Statement For Flying Operations Of The Joint Strike Fighter
- 2 Extension of Contracts
- 3 Cash and Investments Held at 31 August 2014

**ORDINARY COUNCIL MEETING – 23 SEPTEMBER 2014  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

<b>237</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council move out Committee of the Whole.

**MOTION**

<b>253</b>	<b>Councillor Chris Doohan</b> <b>Councillor John Morello</b>
	It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 23 September, 2014.

# INFORMATION PAPERS





INFORMATION ITEM NO. 1

**DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR FLYING  
OPERATIONS OF THE JOINT STRIKE FIGHTER**

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**REPORT OF:** TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION MANAGER  
**GROUP:** DEVELOPMENT SERVICES

**FILE:** PSC2012-00804

**BACKGROUND**

The purpose of this report is to advise Council the Draft Environmental Impact Statement (Draft EIS) for the flying operations of the Joint Strike Fighter (JSF) was on public exhibition until 19 September 2014 and that a submission by Council has been made to the Department of Defence (DoD) on the Draft EIS.

The Commonwealth Government has committed to the purchase of the JSF to gradually replace the F/A 18 Hornet (Hornet) from the year 2018. The JSF will operate from the RAAF Base Williamtown and use the Salt Ash Air Weapons Range (the JSF will also operate from a number of other locations in Australia).

The proposed flying operations of the JSF require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The DoD is the designated proponent and the Commonwealth Minister for the Environment is the relevant approval authority. As part of the EIS process, the DoD is required to take into account the issues raised in public submissions in the Final EIS which will be submitted to the Minister for determination.

It is important to note that the Draft EIS is for flying operations only. There is a separate approval process for associated on-ground works including the proposed extension to the runway which is not addressed in this report. Accordingly, the key issues identified within the Draft EIS relate to the predicted noise impacts on the community.

The key issues identified as part of the review of the Draft EIS relate to land use planning impacts, predicted noise level impacts and the proposed mitigation measures committed to by DoD. These key issues have been raised in Council's submission on the Draft EIS as outlined further in the following sections.

Land Use Planning Impacts

Council currently has a range of land use planning controls that it implements in making land use planning decisions relating to areas affected by aircraft noise. Primarily this is contained in the Port Stephens Local Environmental Plan 2013, which has been developed in accordance with relevant State Government guidelines and

requirements and is reflective of the land use controls that are permissible to the extent of NSW legislation. In addition, Council provides further guidance on land use planning in aircraft noise areas through the Development Control Plan 2013 and Council's Aircraft Noise Policy 2010.

Central to these land use planning controls is the application of an Aircraft Noise Exposure Forecast (ANEF) map which is developed by DoD. The current applicable ANEF is the 2025 ANEF (promulgated on 10 August 2011), which is reflected in Council's existing land use controls. The 2025 ANEF map is based on the operations of the JSF as the primary military aircraft at RAAF Base Williamtown.

Importantly, the Draft EIS is based upon the 2025 ANEF noise map and it is not proposed to produce a new ANEF map through the Draft EIS. Accordingly, the land use planning impacts predicted in the Draft EIS are consistent with Council's current land use controls relating to areas affected by aircraft noise.

Notwithstanding, there are a number of issues identified in the draft EIS which have been made in Council's submission, including:

- Reaffirming that there remains a significant number of properties impacted by the 2025 ANEF (areas in proximity to RAAF Base Williamtown are particularly affected);
- Request assistance for noise attenuation for those landowners whose properties will be impacted by the operation of the JSF through the application of the 2025 ANEF; and
- Request further investigation into operating aircraft in a way to facilitate the development of land that is already zoned R2 Low Density Residential and within the 2025 ANEF contours (for example in and around Raymond Terrace).

#### Predicted Noise Impacts and Mitigation

The Draft EIS includes the prediction of noise impacts in the areas surrounding RAAF Base Williamtown and Salt Ash Air Weapons Range in relation to high impact noise levels (above 70 dB(A) and 85 dB(A)) and the number of events predicted to exceed these criteria (N70 and N85). Whilst it is acknowledged that there is a net reduction in noise impacts (relative to current Hornet operations) across the LGA, there remain a number of areas that will experience increased noise impacts.

Areas within and surrounding Medowie are predicted to experience noise levels above 70 dB(A) and will also experience an additional 5-10 noise events above 70dB(A) through the operation of the JSF. In addition there are areas within the Tilligerry and Tomaree areas that are predicted to experience noise levels above 70 dB(A).

DoD do not commit to any specific controls to mitigate or attenuate the predicted noise impacts in these areas, other than through the appropriate operation of the aircraft and adherence to specific noise management policies.

On this basis there are a number of issues identified in the Draft EIS which have been made in Council's submission, including:

- Request that DoD implement additional noise attenuation and mitigation measures to reduce predicted noise at Medowie, and areas of Tilligerry and Tomaree;
- Request assistance for noise attenuation for those landowners whose properties will be impacted by the operation of the JSF;
- Request that DoD continue to actively engage with the affected communities surrounding RAAF Base Williamstown and Salt Ash Air Weapons Range; and
- Establish any noise impacts from on-ground engine testing and detail within the Final EIS.

In addition, Council has acknowledged that detailed submissions have been made by Community Members and has requested that the DoD give due consideration to the issues raised in these submissions.

Further to the identified noise impacts from the JSF operations, Council has also requested that DoD establish the risk of and impact from fallout of any unburnt engine fuel as part of the Final EIS.

#### **ATTACHMENTS**

Nil.

INFORMATION ITEM NO. 3

EXTENSION OF CONTRACTS

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

**GROUP:** CORPORATE SERVICES

**FILE:** PSC2010-03190

**BACKGROUND**

The purpose of this report is to advise Council that the following contracts have been extended for a one year period. A review of present contracts has been conducted and it is appropriate to extend the contracts in accordance with the terms and conditions of each contract.

**T02-2009: Belmont Park Pty Ltd**

Provision and Management of Council's Animal Impoundment Facilities.  
Extended until 30 September 2015.

**T05-2012: Attain Health Services Pty Ltd; Humanomics Pty Ltd**

Appointment of a preferred pre-employment and health provider for the referral of Council employees and potential employees for a range of pre-employment 'fit for work' medical assessments.  
Extended until 30 June 2015.

**T07-2012: BARRC Pty Ltd and Trees in Newcastle Pty Ltd**

Appointment of a suitably qualified and capable company to provide expert bush regeneration services.  
Extended until 30 June 2015.

**T17-2012 Flynn haulage and Earth Moving**

Supply of hired haulage vehicles.  
Extended until 30 June 2015.

**ATTACHMENTS**

Nil.

**INFORMATION ITEM NO. 4**

**CASH AND INVESTMENTS HELD AT 31 AUGUST 2014**

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

**GROUP:** CORPORATE SERVICES

**FILE:** PSC2006-6531

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 31 August 2014.

**ATTACHMENTS**

- 1) Cash and investments held at 31 August 2014;
- 2) Monthly cash and investment balance August 2013 to August 2014;
- 3) Monthly Australian term deposit index August 2013 to August 2014.

# ATTACHMENT 1

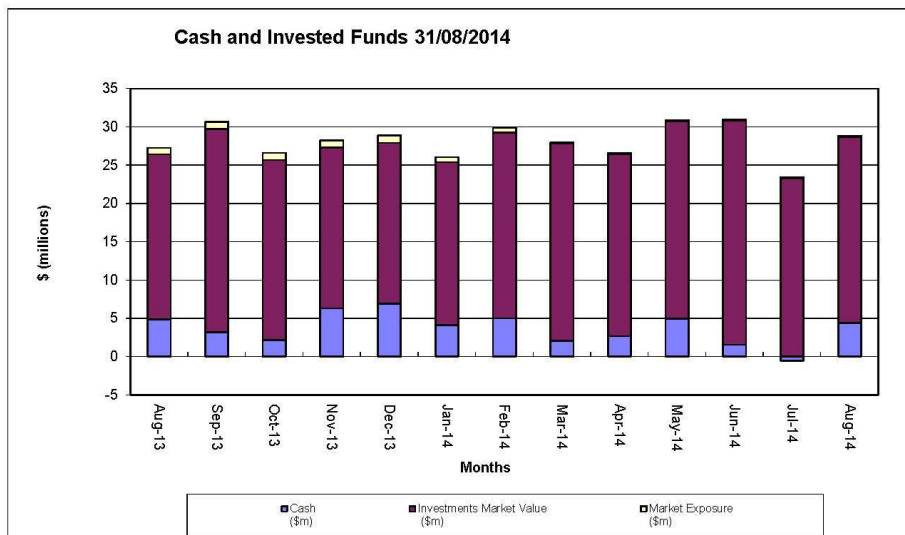
## Cash and Investments held at 31 August 2014

CASH AND INVESTMENTS HELD AS AT 31 AUGUST 2014								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
<b>TERM DEPOSITS</b>								
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.90%	266	10-Sep-14	1,500,000	1,500,000
AMP BANK LTD	CURVE	A+	TD	3.90%	266	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%	196	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
BANANACOST CREDIT UNION LTD	FARQUHARSON	N/R	TD	3.70%	189	19-Nov-14	2,000,000	2,000,000
BANK OF SYDNEY LTD	FIIG	N/R	TD	3.75%	196	3-Dec-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.74%	266	17-Dec-14	1,005,896	1,005,896
ING BANK (AUSTRALIA)	CURVE	A	TD	3.65%	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
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.65%	182	11-Feb-15	1,000,000	1,000,000
ING BANK (AUSTRALIA)	FIIG	A	TD	3.56%	182	25-Feb-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
ARAB BANK AUSTRALIA LTD	RIM	BB+	TD	3.85%	266	6-May-15	500,000	500,000
POUCE CREDIT UNION LTD (SA)	FARQUHARSON	N/R	TD	3.65%	224	14-May-15	2,000,000	2,000,000
AMP BANK LTD	FARQUHARSON	A+	TD	3.50%	275	29-May-15	1,000,000	1,000,000
<b>SUB TOTAL (\$)</b>							<b>22,505,896</b>	<b>22,505,896</b>
<b>OTHER INVESTMENTS</b>								
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	412,500	373,317
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	925,362
<b>SUB TOTAL (\$)</b>							<b>1,930,377</b>	<b>1,798,679</b>
<b>INVESTMENTS TOTAL (\$)</b>							<b>24,436,273</b>	<b>24,304,575</b>
<b>CASH AT BANK (\$)</b>							<b>4,374,909</b>	<b>4,374,909</b>
<b>TOTAL CASH AND INVESTMENTS (\$)</b>							<b>28,811,182</b>	<b>28,679,484</b>
CASH AT BANK INTEREST RATE				2.50%				
BBSW FOR PREVIOUS 3 MONTHS				2.70%				
AVG. INVESTMENT RATE OF RETURN				3.55%				
TD = TERM DEPOSIT								
CDO = COLLATERALISED DEBT OBLIGATION								
*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 625 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 Investment Balance August 2013 to August 2014**

**Cash and Investments Held**

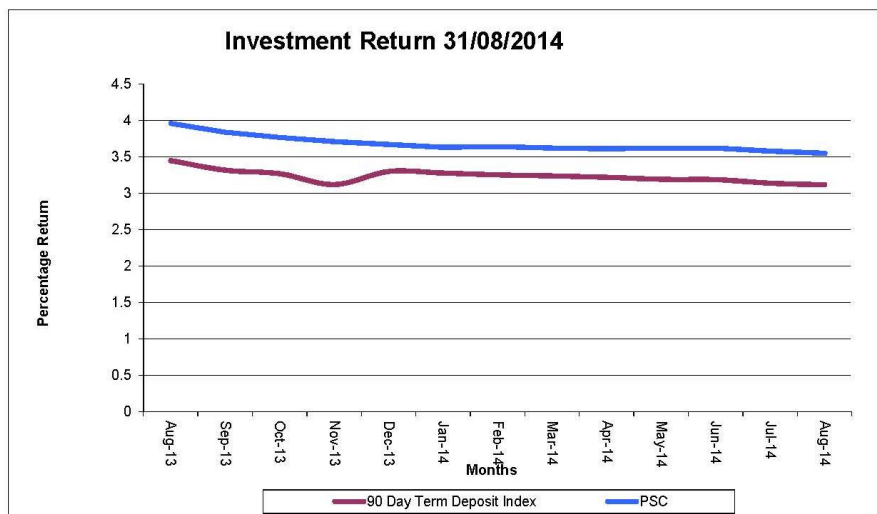
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Aug-13	4.847	21.578	0.852	23.797
Sep-13	3.221	26.489	0.941	27.278
Oct-13	2.193	23.484	0.946	30.652
Nov-13	6.305	20.992	0.939	28.236
Dec-13	6.932	20.992	0.939	28.863
Jan-14	4.122	21.271	0.659	26.052
Feb-14	5.006	24.274	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	0.156	30.895
Jun-14	1.572	29.276	0.155	31.002
Jul-14	- 0.532	23.290	0.147	22.905
Aug-14	4.375	24.305	0.132	28.811



**ATTACHMENT 3**  
**Monthly Australian Term Deposit Index August 2013 to August 2014**

*Australian Term Deposit Accumulation Index*

Date	90 Day Term Deposit Index	PSC
Aug-13	3.4506	3.96
Sep-13	3.3183	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	3.1389	3.58
Aug-14	3.1182	3.55



There being no further business the meeting closed at 5.49pm.

*I certify that pages 1 to 148 of the Open Ordinary Minutes of Council 23 September 2014 were confirmed by Council at its meeting held on 14 October 2014.*

.....  
**Bruce MacKenzie**  
**MAYOR**