

DRAFT

MINUTES – 23 JUNE 2015



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 23 June 2015, commencing at 5.58pm.

PRESENT:

Mayor B MacKenzie, Councillors G. Dingle, C. Doohan, S. Dover, K. Jordan, P. Le Mottee, J Nell, S. Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

161	Councillor Ken Jordan Councillor Chris Doohan It was resolved that the apologies from Crs John Nell, John Morello and Peter Kafer be received and noted.
162	Councillor Sally Dover Councillor Steve Tucker It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 9 June 2015 be confirmed.

MINUTES ORDINARY COUNCIL - 23 JUNE 2015
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	Cr Chris Doohan declared a less than significant non pecuniary conflict of interest for Item 7. The nature of the interest is Cr Doohan is the ex-president of Medowie Sport and Recreational Club.
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COUNCIL REPORTS

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

ORDINARY COUNCIL MEETING - 23 JUNE 2015 MOTION

163	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council move into Committee of the Whole.
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ORDINARY COUNCIL MEETING - 23 JUNE 2015 MOTION

164	Councillor Chris Doohan Councillor Ken Jordan It was resolved that Council bring Item 7 forward and that it be dealt with prior to Item 1.
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ITEM NO. 7

FILE NO: PSC2015-01000/323
TRIM REF NO: PSC2011-02341

FERODALE SPORTS COMPLEX, MEDOWIE - DRAFT MASTERPLAN

REPORT OF: JOHN MARETICH - CIVIL ASSETS SECTION MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider the public submissions received during the public exhibition period.
 - 2) Adopt the Draft Ferodale Sports Complex Master Plan (**ATTACHMENT 1 and TABLED DOCUMENT 1**).
 - 3) Endorse the proposed funding strategy as shown in (**ATTACHMENT 2**).
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ORDINARY COUNCIL MEETING - 23 JUNE 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor Steve Tucker That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION

165	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: 1) Receive and note the public submissions received during the public exhibition period. 2) Adopt the Draft Ferodale Sports Complex Master Plan (ATTACHMENT 1 and TABLED DOCUMENT 1) . 3) Endorse the proposed funding strategy as shown in (ATTACHMENT 2) .
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BACKGROUND

The purpose of this report is to consider submissions made during the public exhibition of the draft Master Plan for Ferodale Sports Complex, to adopt the amended draft Master Plan and endorse the proposed funding strategy.

Ferodale Sporting Complex is located in Medowie with access provided via Ferodale Road. The sporting facility comprises 9.85 hectares and contains a sporting oval, four netball courts, an amenities building and informal car parking. Council also has a small maintenance shed on the facility which is utilised for the operations of parks maintenance. It is Council owned land that is classified as Operational. The Ferodale Sporting Complex site is zoned RE1 and the parcel of land currently under license to the Medowie Sport and Community Club is zoned RE2 under the 2013 Local Environment Plan.

On 24 March 2015, Council resolved to:

- 1) Place the Ferodale Sports Complex Masterplan **(ATTACHMENT 3)** on public exhibition until 30 April 2015.*
- 2) Receive a report after the public exhibition period that outlines submissions received, and details of a funding and staging strategy for implementation of the works.*

A draft Master Plan was developed and exhibited for public comment between 1 April 2015 and 10 May 2015. This public exhibition period was extended for an extra 10 days from the original date of 30 April 2015 due to the April storm event that occurred in the Hunter region. Feedback received from the community consultation, during the exhibition period, has been used to further develop the design for the Ferodale Sports Complex. The refined master plan **(ATTACHMENT 1 and TABLED DOCUMENT 1)** has now been prepared for Councils consideration.

The initial draft Master Plan proposed two soccer fields and no changes to the existing amenities building. The amended Master Plan propose three soccer fields and an extension to the amenities building to incorporate additional change rooms. These amendments are due to the demonstrated need shown by the growth of soccer in the Medowie area that was raised through the consultation process.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Provide passive and active recreation and leisure services and facilities.	Maintain and develop recreational facilities for residents and visitors.

FINANCIAL/RESOURCE IMPLICATIONS

Councils Capital Works Section has prepared a cost estimate for all works proposed in the Master Plan (**ATTACHMENT 4**). The estimate to complete all of the proposed works is \$6.02M, which includes a construction contingency and project management fees. Prior to any works, detailed plans would be prepared and the required procurement process undertaken.

The size of investment required to complete the draft master plan works has required a funding strategy to be developed. As a development of this nature could not be solely funded through Council's existing funding sources, a funding strategy (**ATTACHMENT 2**) totalling \$6.02M was developed to investigate potential funding sources that would allow Council to complete some of the prioritised works. The funding strategy (**ATTACHMENT 2**) takes into account the funding streams that are available to Council for this type of development. It should be noted that the funding strategy assumes the availability and success of the grants. The works in the funding strategy have also been prioritised to acknowledge the remaining useful life of the existing assets, the benefit to the community and the benefit to the overall sporting facility.

It is assumed that the works proposed be funded through Section 94 within the funding strategy could be completed utilising a Voluntary Planning Agreement (VPA) from nearby developments. A VPA is an agreement entered into by a planning authority (such as Council) and a developer. Under the agreement a developer agrees to provide or fund public infrastructure. This model is currently being used for the construction of the Anna Bay Recreation Area.

The total of proposed works shown in the table below is \$5,232,880. This figure differs from the total of cost estimate (\$6,022,510) as there is a list of unfunded works within the funding strategy (**ATTACHMENT 2**) which includes landscaping, storage buildings and pathways.

Before a VPA can be entered into, a developer must submit an offer to Council for review and an agreement made in regards to the works or the contribution proposed. The VPA must then be publicly advertised before it is formally agreed.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	186,150	
Section 94	Yes	4,496,730	Dependent on the successful negotiation of VPAs with surrounding developers.
External Grants	Yes	550,000	External grant funding has not been approved and would be subject to the relevant application process.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy implications to adopting the recommendation. There is no Plan of Management relating to Ferodale Sporting Complex as the parcel of land is classified operational. Under the *Local Government Act 1993*, there is no requirement for a Plan of Management for land classified as operational.

The risks associated with adopting the recommendations are listed below:

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources
There is a risk that without planning and investigation studies completed, Council's ability to make informed sustainable decisions will be affected leading to re-work and unidentified costs.	Low	Adopt the Recommendation to allow for the appropriate planning and investigation studies to be undertaken, so that Council is able to make informed and sustainable decisions. Completing the planning provides greater chance to access funding grants.	Yes
There is a risk that the local koala population may be impacted by the development leading to a reduced number of koalas in the Medowie area.	Low	Any future development will be subject to the development application process which will assess the proposal against threatened species legislation.	Yes

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources
This is a risk that the estimate based on the master plan is not accurate leading to an over or under budget allocation for the proposed works.	Med	Acknowledge that the estimate is based on preliminary conceptual master plan and further investigations will be required to obtain detailed designs and estimates. These detailed designs and estimates will need to be undertaken prior to the allocation of budget through the Council's budget and project management processes.	Yes
There is a risk that collected s94 funds will not match the required funds to undertake works leading to a shortfall in required budget and community expectations not being met.	High	Adopt the recommended funding strategy acknowledging that as grants are available the mix of funds may change AND that a VPA may be an option to fund the works as noted in this report.	Yes

SUSTAINABILITY IMPLICATIONS

The draft Master Plan will enable greater public use and enjoyment of the Sports Complex through the provision of new infrastructure and facilities. The proposal expands the opportunity for organised sporting events as well as informal community interaction at a range of scales.

The proposed works within the Master Plan will contribute to the ongoing development of Ferodale Sporting Complex, delivering an improved sporting, recreation and community asset to sustain an increasing population in Medowie and surrounds. Currently the Ferodale Sporting Complex is regularly used by the Medowie Cricket Club, Medowie Netball Club and the Port Stephens Junior AFL Club. These clubs combined comprise over 500 members based on their current registrations. The Medowie Sport and Community Club also currently has 88 members and is licensed a one (1) hectare parcel of land at the front of the Ferodale Sporting Complex.

The draft Master Plan also proposes to include three (3) soccer fields which is based on the growth of this sport in Medowie. The Medowie Football Club has increased its numbers from 237 members in 2009 to now have 514 members in 2015. With this continued growth the club will require additional facilities to be able to continue to provide training and competition games for its members.

The public consultation also highlighted that during the recent April storm event experienced in the Hunter region that Medowie could be at risk of not meeting community needs in terms of evacuation and recovery centres. The proposal would accommodate this need through the construction of the Recreation Building which could fulfil the need of a community evacuation and recovery centre.

CONSULTATION

A first round of consultation was undertaken during the development of the draft Master Plan with the Medowie Sports Council and the committee of the Medowie Sport and Community Club. This consultation aimed to ensure that members of each of the sporting clubs presently operating in Medowie had the chance to provide input for the review. Due to the draft master plan's potential environmental implications, preliminary consultation with Council's Strategy and Environment Section has been completed. The aim of this consultation is to ensure a balance is found between the potential community usages of the proposed works and the natural environment of the area.

The draft Master Plan was publicly exhibited from 1 April 2015 to 10 May 2015 on Council's website and copies were also available for viewing at Council's Administration Building, Tomaree Library and Tilligerry Library.

Notification of the exhibition was advertised in the Examiner and details were also posted on Council's website.

A face-to-face community consultation session was held on 4 May 2015 at the Ferodale Sports Complex. Notification of the consultation session was advertised on Council's website, invitations emailed to the Sports Council delegates and flyers distributed to Ferodale Sports Complex, the Medowie Community Centre, Medowie post office and bakery. No members of the community attended this session.

During the exhibition period the community were able to give feedback via written submissions or taking part in Council's on-line survey. Council received a total of thirteen (13) written submissions and received a total of forty-three (43) respondents for the survey.

Overall the feedback and submissions received were complimentary of the proposal with some minor amendments suggested which have been included where possible. Some feedback suggested that athletics facilities could be included within the master plan. These were not included as there is not sufficient room to be able to accommodate them.

A summary of the written submissions and feedback received through the on-line survey is attached as **(ATTACHMENT 5)**.

Council did receive 22 late submissions on the 9 June 2015. These submissions have not been included within the Community Consultation Report (**ATTACHMENT 5**). The submissions were broadly supportive of the recreation building and bowling green proposed in the master plan. They also mentioned the possibility of this facility being utilised as a community evacuation and recovery centre during times of need.

OPTIONS

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

ATTACHMENTS

- 1) Ferodale Sports Complex Draft Master Plan proposed for adoption.
- 2) Funding Strategy.
- 3) Ferodale Sports Complex Exhibited Draft Master Plan.
- 4) Cost Estimate.
- 5) Community Consultation Report.

COUNCILLORS ROOM

- 1) Ferodale Sports Complex Draft Master Plan proposed for adoption.

TABLED DOCUMENTS

- 1) Ferodale Sports Complex Draft Master Plan proposed for adoption.

**MASTER PLAN NOTES****EXISTING ELEMENTS**

- ① HUNTER WATER CORPORATION PUMP STATION
- ② MAUNDIA DRAIN
- ③ SPORTS CLUB AND AMENITIES
- ④ SHELTER
- ⑤ NETBALL COURTS (4)
- ⑥ CRICKET NETS
- ⑦ COUNCIL DEPOT
- ⑧ EXISTING BUSHLAND CORRIDOR
Retention of existing trees where possible. Supplement existing bush land corridor with native tree planting, with specific focus on koala preferred habitat and feed trees species.
- ⑨ COMMUNICATION TOWER

PROPOSED ELEMENTS

- ⑩ ENTRY / AVENUE PLANTING
Proposed feature tree avenue planting along main entry road. New signage visible from the intersection.
- ⑪ CAR PARKING
Proposed car park area with perimeter shade tree planting to service the Recreation Club facilities.
- ⑫ RECREATION BUILDING
Proposed community building to include function rooms and an outdoor deck area.
- ⑬ PROPOSED BOWLING GREEN
- ⑭ PLAYGROUND
Develop a new children's play space area
- ⑮ CAR PARKING
Proposed car park with perimeter shade tree planting to service users of the sports ground facilities
- ⑯ GRASS TERRACE SEATING AREA
Create informal stadium with a grassed terraced and sandstone seating wall area
- ⑰ CAR PARKING
Proposed car park with perimeter shade tree planting to service users of the sports ground
- ⑱ ACCESS ROAD
Re-align access road to Eastern boundary to maximise space available for additional sporting facilities. Continue feature tree avenue planting to improve the interface with the recreation area.
- ⑲ ADDITIONAL NETBALL COURTS
Develop two (2) additional netball courts
- ⑳ SPORTS OVALS
Upgrade the existing northern sporting field to ensure size of field can accommodate senior AFL, soccer and cricket field dimensions. Create a new southern sports field to accommodate senior AFL, two soccer fields and cricket.
- ㉑ CIRCUIT PATH
Create new circuit footpath, with future potential to include fitness stations at regular intervals.
- ㉒ EASTERN BOUNDARY
Supplement eastern boundary with native tree planting, with particular focus on planting koala preferred habitat and feed tree species. Improve amenity for visitors and spectators with additional picnic facilities. Investigate opportunities for storm water management.
- ㉓ STORAGE SHED
Provide a new storage shed of an adequate size to house maintenance and sporting equipment.
- ㉔ CAR PARKING
Proposed car park with perimeter shade tree planting to service users of the sports ground.

SCALE 1:2000 @A3

FERODALE SPORTS COMPLEX MASTER PLAN

FERODALE ROAD, MEDOWIE



ITEM 7 - ATTACHMENT 2 FUNDING STRATEGY.

Attachment 2 – Funding Strategy

The below table outlines the major proposed projects and proposed funding strategy.

Project	Year	Total Projected Cost	Proposed Funding	Grants	Section 94	Asset Rehab Reserve	Surplus Land Sales
Recreation building	2016/17	\$2,206,750	\$2,206,750		\$2,206,750		
Car parking and road way improvements	2016/17	\$742,040	\$742,040		\$742,040		
Bowling green	2015/16	\$296,400	\$296,400		\$296,400		
Second sporting oval	2017/18	\$1,801,540	\$1,801,540	\$400,000	\$1,151,540		\$250,000
Additional netball courts	2018/19	\$338,650	\$338,650	\$100,000	\$100,000	\$138,650	
Playground	2019/20	\$97,500	\$97,500	\$50,000		\$47,500	
Pathway Network		\$280,800	Unfunded				
Landscaping		\$78,000	Unfunded				
Terracing		\$57,330	Unfunded				
Storage facilities		\$123,500	Unfunded				
Total		\$6,022,510.00	\$4,444,440	\$550,000	\$4,496,730	\$186,150	\$250,000

The funding streams for each project have been identified based on a range of factors including:

- The projects eligibility for existing grant opportunities
- The projects potential to attract grant funding for example a skate park or playground is a more attractive project to grant funding bodies than construction of a pathway network
- The projects eligibility under Councils Section 94 plan

**MASTER PLAN NOTES****EXISTING ELEMENTS**

- ① HUNTER WATER CORPORATION PUMP STATION
- ② MAUNDIA DRAIN
- ③ SPORTS CLUB AND AMENITIES
- ④ SHELTER
- ⑤ NETBALL COURTS (4)
- ⑥ CRICKET NETS
- ⑦ COUNCIL DEPOT
- ⑧ EXISTING BUSHLAND CORRIDOR
Retention of existing trees where possible. Supplement existing bush land corridor with native tree planting, with specific focus on koala preferred habitat and feed trees species.

PROPOSED ELEMENTS

- ⑨ ENTRY / AVENUE PLANTING
Proposed feature tree avenue planting along main entry road. New signage visible from the intersection.
- ⑩ CAR PARKING
Proposed car park area with perimeter shade tree planting to service the Recreation Club facilities.
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Proposed community building to include function rooms and an outdoor deck area.
- ⑫ PROPOSED BOWLING GREEN
- ⑬ PLAYGROUND
Develop a new children's play space area
- ⑭ CAR PARKING
Proposed car park with perimeter shade tree planting to service users of the sports ground facilities
- ⑮ GRASS TERRACE SEATING AREA
Create informal stadium with a grassed terraced and sandstone seating wall area
- ⑯ CAR PARKING
Proposed car park with perimeter shade tree planting to service users of the sports ground
- ⑰ ACCESS ROAD
Re-align access road to Eastern boundary to maximise space available for additional sporting facilities. Continue feature tree avenue planting to improve the interface with the recreation area.
- ⑱ ADDITIONAL NETBALL COURTS
Develop two (2) additional netball courts
- ⑲ SPORTS OVALS
Upgrade the existing northern sporting field to ensure size of field can accommodate senior AFL, soccer and cricket field dimensions. Create a new southern sports field with matching specifications to the proposed northern field.
- ⑳ CIRCUIT PATH
Create new circuit footpath, with future potential to include fitness stations at regular intervals.
- ㉑ EASTERN BOUNDARY
Supplement eastern boundary with native tree planting, with particular focus on planting koala preferred habitat and feed tree species. Improve amenity for visitors and spectators with additional picnic facilities. Investigate opportunities for storm water management.
- ㉒ STORAGE SHED
Provide a new storage shed of an adequate size to house maintenance and sporting equipment.
- ㉓ CAR PARKING
Proposed car park with perimeter shade tree planting to service users of the sports ground.

SCALE 1:2000 @A3

FERODALE SPORTS COMPLEX MASTER PLAN

FERODALE ROAD, MEDOWIE



MINUTES ORDINARY COUNCIL - 23 JUNE 2015

ITEM 7 - ATTACHMENT 4 COST ESTIMATE.

ATTACHMENT 4 FERODALE OVAL STRATEGIC PLAN ESTIMATE

NO	ITEM	QUANTITY	UNIT	COST	TOTAL
1 CONSTRUCT 2ND OVAL					
1.1	CLEARING	28000	M2	\$ 7.00	\$ 196,000.00
1.2	EARTHWORKS	28000	M2	\$ 10.00	\$ 280,000.00
1.3	DRAINAGE	2	ITEM	\$ 75,000.00	\$ 150,000.00
1.4	IRRIGATION	1	ITEM	\$ 75,000.00	\$ 75,000.00
1.5	REVEGETATE	28000	M2	\$ 8.00	\$ 224,000.00
1.6	FIELD LIGHTING	2	ITEM	\$ 180,000.00	\$ 360,000.00
1.7	REGRADE DRAIN END OF FIELD ONE	1	ITEM	\$ 40,000.00	\$ 40,000.00
1.8	FIELD FENCING FOR 2 FIELDS - 380LM EACH	760	LM	\$ 80.00	\$ 60,800.00
TOTAL					\$ 1,385,800.00

ESTIMATE
ESTIMATE
ESTIMATE PER FIELD
ESTIMATE
ESTIMATE
ESTIMATE BASED ON DON WARING - NO ALLOWANCE TO UPGRADE POWER SUPPLY IF REQUIRED
ESTIMATE
ESTIMATE

2 TERRACING					
2.1	EARTHWORKS	24	HOURS	\$ 250.00	\$ 6,000.00
2.2	FORMWORK & REO - LABOUR * 3 * 1 WEEK	120	HOURS	\$ 70.00	\$ 8,400.00
2.3	FORMWORK - MATERIALS	1	ITEM	\$ 2,500.00	\$ 2,500.00
2.4	POUR - LABOUR * 3 * 1 WEEK	120	HOURS	\$ 70.00	\$ 8,400.00
2.5	POUR MATERIALS	30	M3	\$ 280.00	\$ 8,400.00
2.6	STRIP FORM- LABOUR * 3 * 1 WEEK - INC MAKE GOOD	120	HOURS	\$ 70.00	\$ 8,400.00
2.7	MAKE GOOD TURFING ETC	1	ITEM	\$ 2,000.00	\$ 2,000.00
TOTAL					\$ 44,100.00

ALLOW FOR 20T DIGGER AND 2*TRUCKS
ALLOW 3*LABOUR*\$70/HR
ESTIMATE
ESTIMATE
ESTIMATE
ESTIMATE
ESTIMATE

3 NETBALL COURTS					
3.1	STRIP SITE	2450	M2	\$ 15.00	\$ 36,750.00
3.2	CONSTRUCT COURTS	2450	M2	\$ 75.00	\$ 183,750.00
3.3	LIGHTING	1	ITEM	\$ 35,000.00	\$ 35,000.00
3.4	LINEMARK	1	ITEM	\$ 2,500.00	\$ 2,500.00
3.5	MAKE GOOD TURFING ETC	1	ITEM	\$ 2,500.00	\$ 2,500.00
TOTAL					\$ 260,500.00

ROAD RATES/ESTIMATE
ROAD RATES/ESTIMATE
ESTIMATE
ALLOWANCE
ALLOWANCE

4 CAR PARKING AND ROAD CONSTRUCTION					
4.1	STRIP AND PREPARE SUBGRADE	6900	M2	\$ 7.00	\$ 48,300.00
4.2	CONSTRUCT WITH 2 COAT SEAL	6900	M2	\$ 75.00	\$ 517,500.00
4.3	MAKE GOOD	1	ITEM	\$ 5,000.00	\$ 5,000.00
TOTAL					\$ 570,800.00

BASED ON PREVIOUS CONSTRUCTIONS
BASED ON PREVIOUS CONSTRUCTIONS
FULL CONSTRUCTION - DOESN'T ALLOW FOR EXISTING GRAVEL

5 BOWLING GREEN					
5.1	CONSTRUCTION	1	ITEM	\$ 228,000.00	\$ 228,000.00
TOTAL					\$ 228,000.00

BASED ON ANNA BAY REC AREA ESTIMATE

6 PATHWAYS					
6.1	STRIP, PREP & CONSTRUCT - 1000M*1. WIDE	1800	M2	\$ 120.00	\$ 216,000.00
TOTAL					\$ 216,000.00

BASED ON CYCLEWAY CONSTRUCTIONS 2014-15 FINANCIAL YEAR

7 PLAYGROUND					
7.1	SUPPLY AND INSTALL PLAYGROUND	1	ITEM	\$ 75,000.00	\$ 75,000.00
TOTAL					\$ 75,000.00

ALLOWANCE BASED ON PREVIOUS INSTALLATIONS

8 LANDSCAPING					
8.1	LANDSCAPING	1	ITEM	\$ 60,000.00	\$ 60,000.00
TOTAL					\$ 60,000.00

ALLOWANCE - VEGETATION, HARD LANDSCAPING, FURNITURE, BINS & ANCILLIARY

9 RECREATION BUILDING					
9.1	STRIP/PREP SITE	1	ITEM	\$ 10,000.00	\$ 10,000.00
9.2	CONSTRUCT	750	M2	\$ 2,250.00	\$ 1,687,500.00
TOTAL					\$ 1,697,500.00

ALLOWANCE
ALLOWANCE BASED ON PREVIOUS CONSTRUCTIONS - BASIC KITCHEN/CANTEEN ONLY

10 STORORAGE FACILITIES * 2					
10.1	STRIP SITE	1	ITEM	\$ 5,000.00	\$ 5,000.00
10.2	CONSTRUCT @ 6.0M * 10.0M EACH	120	M2	\$ 750.00	\$ 90,000.00
TOTAL					\$ 95,000.00

ALLOWANCE
ALLOWANCE

TOTAL \$ 4,632,700.00

CONTINGENCY - 15% 1 ITEM 15% \$ 694,905.00

DESIGN AND SUPERVISION - 15% 1 ITEM 15% \$ 694,905.00

TOTAL \$ 6,022,510.00

ALLOWANCE FOR VERY BASIC INFORMATION
COULD BE 20%
ALLOWANCE FOR VERY BASIC INFORMATION
COULD BE 20%

**FERODALE SPORTS COMPLEX
DRAFT MASTER PLAN
COMMUNITY CONSULTATION REPORT**

Background:

Ferodale Oval is located in Medowie, with access provided via Ferodale Road. The sporting facility comprises 9.85 hectares and contains a sporting oval, four netball courts, an amenities building and informal car parking. Council also has a small depot on the facility which is utilised for the operations of parks maintenance.

A first round of consultation was held with the Medowie Sports Council and the Committee of the Medowie Sport and Recreation Club, which informed the development of a draft master plan.

The aim of the second round of consultation is to ensure that the draft master plan addresses the needs of not only these key stakeholders but also the needs and interests of the broader local community and users of the sporting facility.

Consultation:

The draft master plan was advertised on Council's website, at Council's Administration Building in Raymond Terrace, Tilligerry Library and Tomaree Library between 1 April 2015 and 10 May 2015. A

Notification of the exhibition was advertised in the Examiner and details were also posted on Council's website.

A face-to-face community consultation session was held on 4 May 2015 at the Ferodale Sports Complex. Notification of the consultation session was advertised on Council's website, invitations emailed to the Sports Council delegates and flyers distributed to Ferodale Sports Complex, the Medowie Community Centre, Medowie post office and bakery. No members of the community attended this session.

During the exhibition period the community were able to give feedback via written submissions or taking part in Council's on-line survey. Council received a total of thirteen (13) written submissions and received a total of forty-three (43) respondents for the survey.

Summary of written submissions:

A summary of the thirteen (13) written submissions and feedback received from the forty-three (43) respondents to the on-line survey is below.

These comments have resulted in the following amendments to the master plan:

- to incorporate two soccer fields on the second AFL fields
- proposal to extend the existing club house change rooms to incorporate both male and female change rooms.

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.

No.	Submission made by:	Content of Submission	Recommendation
1	Resident 1	<p>Overall Committee agrees with the strategy. Comments as per follow:</p> <ol style="list-style-type: none"> 1. Bowling green and central axes of the meeting room/club structure should be parallel to enable future extension or expansion of meeting room easier and not intrude on bowling green. 2. Large meeting area/room with modest kitchen could be hired out 3. If large meeting area/room is embraced a new bowling green could be established in the North-East corner of block and old bowling green be used as the base slab for expansion of building structure 4. Meeting rooms/club should be positioned in about the same area as is now is to gain those few extra decibels of noise comfort to nearby residents 5. Wheelchair friendly lawn bowls facility (concrete slab with ramp) will enhance integration and socialisation of people 6. Club and meeting rooms should be a priority as the Club is willing to enter into a percentage of profits. 7. Synergies to be gained by having the playground/play area within the confines of the Sport & Rec club land for ease of general maintenance 8. Significant issue with parking for the whole complex. 9. Entry into and out of the Ferodale precinct is geometrically tight especially at the first right hand bend. 	<ol style="list-style-type: none"> 1. (Points 1. – 7.) Noted and there will be an opportunity for these suggestions to be given further consideration during the detailed design phase for this area. 8. Managing the potential demand for car parking with the use of the area for sporting facilities is a critical consideration. An increased provision of parking on site has been incorporated into the master plan. Detailed design of these areas will need to investigate any further potential for on-site parking. 9. Noted.

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.

No.	Submission made by:	Content of Submission	Recommendation
2	Resident 2	<p>Personal submission lodged with following comments:</p> <ol style="list-style-type: none"> 1. Site budget allocated for next 5 to 10 years and reported on annually 2. Sports club should include income generated facilities eg: bowling greens, meeting rooms, kitchen that can be hired out 3. Additional soils from developments to provide view berms for better aspect over the oval 4. Play area (no 13) could be incorporated into the sports club site for regular maintenance 5. Public BBQ & toilets be included near club site 6. Consideration to number of vehicles that will need to use the access road to gain access to courts & field. 7. Insufficient parking right across the area 8. Dimensions of sports ovals should be overlaid on the drawing to demonstrate they can fit 9. Telecommunication tower is at site but not on drawing. 10. Campvale Drain needs maintenance 11. Fencing around ovals to allow advertising to be installed 12. Eastern side drain not shown 13. Additional oval could allow cricket to be moved from Boyd Oval. 	<ol style="list-style-type: none"> 1. A funding strategy for this master plan has been prepared and attached to the Council Report. Annual reporting occurs through the Strategic Asset Management Plan process which details the 10 year Capital Works Program. 2. Noted. 3. Noted. 4. Noted and there will be an opportunity for these suggestions to be given further consideration during the detailed design phase for this area. 5. Noted and there will be an opportunity for these suggestions to be given further consideration during the detailed design phase for this area. 6. Noted and upgrades to the car parking and roadway have been included in the Master Plan. 7. Managing the potential demand for car parking with the use of the area for sporting facilities is a critical consideration. An increased provision of parking on site has been incorporated into the master plan. Detailed design of these areas will need to investigate any further potential for on-site parking. 8. Noted 9. Tower has been included on refined master plan 10. Noted 11. Advertising on site will be subject to the relevant Council Policy 12. Noted 13. Noted

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.

No.	Submission made by:	Content of Submission	Recommendation
3	Resident 3	<ol style="list-style-type: none"> Priorities should be chosen in order for Ferodale Sport field upgrades as follows: <ul style="list-style-type: none"> A second playing field and associated amenities and services. Two additional net ball courts are urgently required. Road access and car parking need to be addressed. Footpaths and cycleway and refuge on Ferodale installed. Bowling green's dependent on State funding may requires temporary facility in the short term ire. Portables for admin and toilet amenities. Sports Amenity expansion based on demand for facilities and feedback potentially another meeting room and additional toilets and showers. Sports Club house this is dependent on the club negotiating with Council; on a lease and potential VPA which would preclude liquor and gambling licensing. Change to the current DA would require a compete rethink of this project. 	<ol style="list-style-type: none"> Noted. A funding strategy with priority works is attached to the Council Report.
4	Resident 4	<ol style="list-style-type: none"> Currently there is no room for extra netball courts at Ferodale unless it they can go across the road into the other land council owns. The second ground would need to be big enough to fit a competition 400m running track on and it would also be needed to be able to be aligned to fit 2 square winter sports in, which will mean cutting into the embankment behind the netball courts. It is fine to look at being another AFL field but it need to be able to accommodate soccer. There needs to be about 95% less trees around the facility as shown as we need to be able to put in long jump pits, discuss, shot put and javelin cages in away from playing surfaces. The storage sheds need to be at least a 6 car garage in size and brick with roller doors. I also believe part of it should be 2 stories to allow for score boards to both grounds/timekeepers room etc. Cricket will need at the minimum a 3 car garage which would then allow netball to have storage near the courts and the others 3 would be for little A's Fences etc. are nice but a dream at this stage 	<ol style="list-style-type: none"> Noted and agreed. The master plan has proposed additional netball courts on site The area available on site does not support the area required for a competition size 400m running track The master pan supports a number of different sporting codes and uses, however these elements are not proposed as there is a limit to the uses it can support Noted Noted

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.

No.	Submission made by:	Content of Submission	Recommendation
5	Resident 5	<ol style="list-style-type: none"> 1. Council should consider incorporating a soccer pitch into an athletics running track. 2. Suggestion to extend the existing AFL by 30m, railway sleeper retaining wall for seating and access; extra seating for home and away teams; saw problems with athletics having a field at Ferodale- if they were moved then Kindlebark should be converted into full size soccer field; additional public toilet; drive way large enough for emergency vehicles; mountain bike track; fencing around field; koala signage; re-naming of ovals; undercover areas on field 2; medium-large children's playground; large storage sheds; entry signage; BBQ area. 	<ol style="list-style-type: none"> 1. Soccer fields have been accommodated in the master plan. The available area of land cannot accommodate an athletics track. 2. Noted and suggestions have been largely accommodated by the proposed plan where possible.
6	Resident 6	<ol style="list-style-type: none"> 1. Netball Club needs more storage. 2. Concern that there are no more courts planned. Club is rapidly growing with 70 new players this year. With 30 teams it's getting almost impossible to accommodate all the teams at training each year. Council has previously promised 4 more courts would be attached to the courts we have at the moment. Unsure if this could occur. 3. Everything else looks great. 	<ol style="list-style-type: none"> 1. Noted and agreed. Additional storage has been included in the proposed plan. 2. Noted and agreed. Additional courts have been proposed in the master plan. 3. Noted.
7	Resident 7	<ol style="list-style-type: none"> 1. Netball Club is continuing to expand in numbers and requires additional storage. 2. Netball Club would like to put forward to increase the amount of courts from 4 to 8 courts. 	<ol style="list-style-type: none"> 1. Noted and agreed. Additional storage has been included in the proposed plan. 2. An additional two (2) courts have been proposed in the master plan.
8	Resident 8	<ol style="list-style-type: none"> 1. Request to include provision for soccer fields in the proposal with a clubhouse similar to the existing AFL / Cricket complex 2. Request for provision grandstand style seating. 	<ol style="list-style-type: none"> 1. Noted. The refined master plan has been amended to include an extension to this facility for additional change rooms, which will accommodate soccer club. 2. Grass terrace seating has been proposed in the master plan to facilitate grand stand seating.

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.

No.	Submission made by:	Content of Submission	Recommendation
9	Resident 9	<ol style="list-style-type: none"> 1. Ensure there is enough change rooms available for at least 4 teams (2 teams on each field at a time) as well as 2 change rooms specifically allocated to females. 2. Fencing around ground with the option of attaching sponsorship to the fences. 3. Ovals large enough to encourage high-level cricket and AFL associations to use the facility 4. Parking around the perimeter of the ovals. There doesn't appear to be a huge amount of parking available so parking around the ground creates extra parking spaces as well as increasing the atmosphere of the venue. 5. On a different note, our club has a no smoking policy and I believe council adopts the same policy. One of our members was informed that although this policy exists it is difficult to enforce because there is not adequate signage displayed. Can you clarify this information for me and point me in the direction of where to find it? Is it council responsibility to ensure the signs are in place? 	<ol style="list-style-type: none"> 1. Noted and agreed. The refined master plan has been amended to enable the extension of the existing sports club building to allow for additional change rooms. 2. Noted. Fencing will be considered during the detail design of the fields 3. Noted and agreed. The master plan has included fields which are adequate in size to accommodate high-level cricket and AFL 4. Noted and agreed. Managing the potential demand for car parking with the use of the area for sporting facilities is a critical consideration. An increased provision of parking on site has been incorporated into the master plan. Detailed design of these areas will need to investigate any further potential for on-site parking. 5. Noted. Council will endeavour to provide appropriate compliance signage on site
10	Resident 10	<ol style="list-style-type: none"> 1. For Little Athletics on second oval there need toilets, Long jump pits, Shot put circles, Discus cages, Storage shed with roller doors to be a least 3m to 4m high with excess to fit high jump mats, hurdles trailer, mower, gater wagon also shade sheds. 2. More parking. 	<ol style="list-style-type: none"> 1. The master plan does not propose athletics facilities at this location as there is insufficient room to fit the required facilities for athletics. 2. Noted and agreed. Managing the potential demand for car parking with the use of the area for sporting facilities is a critical consideration. An increased provision of parking on site has been incorporated into the master plan. Detailed design of these areas will need to investigate any further potential for on-site parking.

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.

No.	Submission made by:	Content of Submission	Recommendation
11	Resident 11	1. Concern that the plan has not incorporated enough parking on-site.	1. Noted and agreed. Managing the potential demand for car parking with the use of the area for sporting facilities is a critical consideration. An increased provision of parking on site has been incorporated into the master plan. Detailed design of these areas will need to investigate any further potential for on-site parking.
12	Resident 12	1. Consideration is to be given to increasing the number of player change rooms at Ferodale Oval to include male, female and umpire change rooms.	1. Noted and agreed. The refined master plan has been amended to enable the extension of the existing sports club building to allow for additional change rooms, including female change rooms.
13	Resident 13	1. Two soccer fields should be incorporated on the proposed second AFL field. They can run North/South direction, on either side of cricket wicket. The existing building should be extended.	1. Noted and agreed. The refined master plan has been amended to accommodate two soccer fields on the second AFL field.

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.**Summary of on-line survey feedback:**

The online survey received 43 respondents. Below is a summary of the survey responses:

Question 1:

Do you currently use the Ferodale Sports Complex? If yes, what activities do you use it for? (You can answer more than one).

Answer Choices	Responses
Community Events (i.e. Christmas Carols)	56.25%
Sports Club and Amenities	43.75%
Netball Courts	37.50%
Cricket Nets	21.88%
Shelter	12.50%
Total respondents	32

Other responses: Passive recreation- kick ball with kids, BBQs; sport and recreation club needed; I do not use Ferodale; sometimes yoga; facility needed in Anna Bay.

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.**Question 2:**

Do you use another similar facility? If so, which one? (e.g. Tomaree Sporting Complex, Maitland Park Sporting complex)

Summary of responses	Number of responses
Other Medowie Sports Facilities: Boyd Oval, Kindlebark Oval, Yulong Oval	7
No	4
Raymond Terrace Netball	3
Newcastle Facilities/ Lake Macquarie	3
Yulong and Raymond Terrace Netball	1
Lakeside	1
Tomaree Sport Complex	1
Yes	1
No, but would use them in Anna Bay.	1
Total respondents	23

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.

Question 3:

What do you like most about the concept design? Please refer to the attached plan.

Answer Choices	Responses
Recreation Building #11	41.03%
Playground #13	20.51%
Additional Netball Courts #18	12.82%
Bowling green #12	10.26%
Sports Ovals #19 and Storage Shed #21	10.26%
Access Road #17 and Car Parking #10, #14, #16, #23	2.56%
Landscaping Elements #9, #15, #20, #21	2.56%
Total respondents	23

Additional comments: Circuit pathway- two responses; netball requires 8 courts not 6 as it is the biggest netball club around; would like rugby union field and BMX track- cricket and AFL should share a field; highest priority should be the club and bowling green; car parking; this is something sadly lacking in Medowie.

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.

Question 4:

What do you like least about the concept design? Please refer to the attached plan

Answer Choices	Responses
Sports Ovals #19 and Storage Shed #21	26.92%
Access Road #17 and Car Parking #10, #14, #16, #23	26.92%
Bowling green #12	15.38%
Recreation Building #11	11.54%
Playground #13	7.69%
Additional Netball Courts #18	7.69%
Landscaping Elements #9, #15, #20, #21	3.85%
Total respondents	23

Additional comments: Concept plan looks good- *two responses*; fix rugby field first as AFL ranks poorly in this area; current access needs improving; car parking 16 and 23 may be difficult to access; car parking may be insufficient- *three responses*; more amenities needed to accommodate large numbers of players; playground could be located closer to shelter; lack of consultation as storage shed is in wrong location and there is no 400m track; this is not Anna Bay; very disappointed that the fitness track is future proposal we need to catch up to other councils that do things all at once not in the future or we could say we are going to have anything in the future but it never happens.

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.
Question 5:

Is there anything missing from the concept design that you would like considered? (For example: Public Stage)

Summary of Responses	Number of responses
A public stage visible from the road. May encourage outdoor events. Amphitheatre. Public stage/concert bowl like Newcastle entertainment centre or USA.	4
Kids bike track	2
More car parking.	2
Coffee shop or canteens	2
400m running track. There was meant to be a Little Athletics complex in this, this plan is inadequate.	2
Licensed club and bistro.	2
Velodrome for cycling	1
Additional amenities near the southern side	1
Improved lighting of fields and courts	1
Fitness stations around circuit path with initial works	1
Against a public stage as it may encourage anti-social activity	1
Fitness track. Spectator mounds. 2nd access rd.	1
Recreation building	1
BMX track	1
Community swimming pool	1
Playground closer to shelter, less trees on entry, possibly more car parking	1
Total respondents	24

ITEM 7 - ATTACHMENT 5 COMMUNITY CONSULTATION REPORT.
Question 6: Any other comments?

Summary of Responses	Number of responses
Great concept- love the recreation building, playground, bowling green and running track. It's about time Medowie had consideration to provide amenities- resident will not have to travel away from Medowie. Terrific start- much needed improvement. Faster this is built the better Medowie will be. This would be fantastic for the Medowie community- would love to see Council follow through with this plan.	5
Great idea- Medowie is a big sporting town and we currently use all our facilities available/ We need more function rooms for yoga, karate, dancing etc.	1
More consultation with general community and not just sport council members.	1
Recreation building is too small.	1
Survey seems a little basic.	1
A bike path would be beneficial as bike riding is coming back into fashion.	1
Netball day comps are winter sports - with extra thought as to lighting and shelter from heat/rain plus tables and seating the courts could be used all year round 6 courts would cater for our needs now!	1
Sports Council will not support in current form.	1
Anna Bay has no amenities compared to other towns. Money seems to be poured into "favourite" towns and forgotten about others. Birubi Beach is one of the biggest tourist attractions but there isn't much else there apart from the surf club. BBQs areas, grassy areas, more picnic tables and better playgrounds needed.	1
Do it right and do it all in one project not have some bits now and other later if we have spare money it never happens and community is over false promises.	1
Medowie is continuing to grow at a fast rate. Medowie rugby union facilities are old and run down. It has a highly dedicated committee that wants the club to grow. Having new rugby facilities would be a step in the right direction for the community. This would allow extra room for the BMX track that kids in Medowie want. The closest BMX Track is Maitland. Give our kids something to do between Saturdays, BMX track would be great.	1
A Canteen/Club House, toilet block etc. need to be closer and accessible to the ovals	1
There are many other sports facilities around Port Stephens that would be better served by upgrading their current facilities.	1
Total respondents	17

ITEM NO. 1**FILE NO: PSC2015-01000/401
TRIM REF NO: 14/907****DA 16-2014-799-1 CHANGE OF USE (DUAL OCCUPANCY), ALTERATIONS AND ADDITIONS, AND RELOCATION OF MANAGERS RESIDENCE AT 254 TAREAN ROAD, KARUAH (LOT 1 DP507141)****REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-799-1 for a change of use to a dual occupancy, alterations and additions, and relocation of managers residence at 254 Tarean Road, Karuah (Lot 1 DP507141) subject to the conditions contained in **(ATTACHMENT 3)**.
-

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Mayor Bruce MacKenzie That Council approve Development Application 16-2014-799-1 for a change of use to a dual occupancy, alterations and additions and relocation of managers residence at 254 Tarean Road, Karuah (Lot 1 DP 507141) subject to the conditions in (ATTACHMENT 3) , except for condition 2 that relates to the Section 94 contribution of which is removed.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION**

166	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council approve Development Application 16-2014-799-1 for a change of use to a dual occupancy, alterations and additions
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MINUTES ORDINARY COUNCIL - 23 JUNE 2015

	and relocation of managers residence at 254 Tarean Road, Karuah (Lot 1 DP 507141) subject to the conditions in (Attachment 3) , except for condition 2 that relates to the Section 94 contribution of which is removed.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present to Council for determination, development application 16-2014-799-1. The application has been called to Council by Mayor McKenzie due to Section 94 Contributions not being equitable. A copy of the call up form is included as **(ATTACHMENT 4)**.

The applicant proposes alterations and additions to an existing building, a change of use of a portion of the building to a dual occupancy and relocation of a manager's residence within the building.

The subject building was previously approved as a service station. Subsequent applications were lodged for a manager's residence and a change of use for a portion of the building to a restaurant.

The Karuah highway bypass has significantly impacted on the existing businesses feasibility, hence the owner is looking at other options to effectively utilise the site.

The applicant proposes to undertake building alterations and additions to relocate the manager's residence to a previous office, conversion of the existing manager's residence to a dwelling and conversion of existing storerooms to an additional dwelling (resulting in a dual occupancy on the site). The proposal complies with relevant legislation and is an appropriate adaptive re-use of the site.

The applicant has requested the section 94 fee applicable (\$13,612.00) under the Section 94 Plan to be waived due to financial hardship endured following the Karuah bypass of the Pacific Highway. Compared to the previous use of the property, the proposed use is anticipated to result in a far lower reliance on local facilities and services traditionally funded by section 94 payments. The payment of section 94 contributions is however required under the currently adopted Section 94 plan, therefore, Council officers are not able to support this request and accordingly have incorporated a condition imposing contributions. Council has the discretion to not apply section 94 contributions where deemed appropriate.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

It is acknowledged that the proposed use of the site has less impact on local infrastructure, services and facilities than the previous use of the site as a service station. This report however recommends that section 94 contributions be applied to the development given the provisions within the current adopted Section 94 Plan.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Within existing operating budget.
Reserve Funds	No		No impact on reserve funds.
Section 94	Yes		Condition recommended.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with Council's Local Environmental Plan 2013 and the requirements of Section 79C(a) of the *Environmental Planning & Assessment Act 1979*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination may be challenged in the Land and Environment Court.	Low	Council is confident the assessment is robust and refusal is not recommended.	Yes
There is a risk that Council will not realise all available section 94 monies.	Medium	Determine the application in accordance with the recommendation.	Yes
There is a risk that by Council strictly imposing the section 94 contributions as per the	Medium	Council resolve to relax the section 94 contributions.	Yes

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

section 94 plan, the existing business will not be able to operate.			
There is a risk that Council reducing or waiving the section 94 contributions could set a precedent.	Medium	Council consider the application on its merits and precedent only exists in very similar situations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Part of Council's role is to provide services and make decisions that enhance quality of life. The proposal seeks to return a viable use to the land and there are no social and/or economic implications for Council by allowing for provision of housing within buildings that currently exist on the land. The applicant advises that the current existing use was rendered inoperable as a result of the Karuah bypass of the Pacific Highway.

The proposal represents a lower use of facilities and services than previous uses on the site. It will improve the economic sustainability of the property into the future. Additionally, the improved economic input will improve the wider economic sustainability of the township of Karuah.

CONSULTATION

The application did not require public notification in accordance with Council's policies. The application was referred to Council's building surveyors in accordance with Council's service level agreements. Consultation with the applicant and site inspection with the owners has taken place.

OPTIONS

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

ATTACHMENTS

- 1) Locality plan.
- 2) Assessment report.
- 3) Conditions of consent.
- 4) Call to Council form.

COUNCILLORS ROOM

- 1) Development Plans.

TABLED DOCUMENTS

Nil.



ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

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

THE PROPOSAL

The proposal includes building alterations and additions, change of use of a portion of the building to a dual occupancy and the relocation of a manager's residence within the building. The manager's residence is associated with the approved restaurant on the site.

THE APPLICATION

Applicant	MRS P GALANIS
Owners	MR P AND MRS P AND MR V GALANIS
Details Submitted	Statement of Environmental Effects Development Plans

THE LAND

Property Description	LOT 1 DP507141
Address	254 Tarean Road, KARUAH
Site Constraints	Bushfire Prone Land Marginal Koala Habitat Incidental Koala Sighting Landscape Habitat Link Local Link
Site Area	1.665Ha

PLANNING PROVISIONS

<i>Environmental Planning Assessment Act 1979</i>	s79C Planning Provisions s79BA Bushfire Prone Land
State Environmental Planning Policies (SEPP)	SEPP Rural Lands 2007 SEPP44- Koala Habitat Protection
Port Stephens Local Environmental Plan 2013	Zone RU2 Rural Landscape cl4.2B Erection of dwellings in rural zones cl7.15 Dual occupancies on rural zoned land
Port Stephens Development Control Plan	Chapter B6 – Single and Dual Occupancy Dwellings Chapter C12 – Karuah Locality Provisions
Port Stephens Section 94 Plan	Section 94 contributions applicable

STATUTORY ACTS AND REGULATIONS

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**Environmental Planning and Assessment (EP&A) Act 1979****Section 79BA – Consideration of Bushfire Prone Land**

The proposed development is located on bushfire prone land, however the development is proposed within an existing building. Dual occupancies are not a special fire protection purpose and accordingly, the development does not require referral to the RFS. A bushfire assessment of the development has demonstrated that the proposed dual occupancies are located sufficiently far away from the bushfire threat that no construction requirements apply to the development.

Section 79C – Planning Assessment

An assessment under Section 79C of the EP&A Act 1979 has been undertaken throughout this report.

State Environmental Planning Policies**State Environmental Planning Policy (Rural Lands) 2007**

The proposal complies with the aims of this State Policy which include the facilitation of the orderly and economic use and development of rural lands for rural and related purposes. The approved use on the site is no longer viable and conversion of the site to a dual occupancy and manager's residence use will ensure the ongoing viability of land use having regard to social, economic and environmental considerations.

State Environmental Planning Policy No. 44 – Koala Habitat Protection and Port Stephens Comprehensive Koala Plan of Management (CKPoM)

State Environmental Planning Policy No.44 – Koala Habitat Protection aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. The site is mapped as mainly cleared. The proposed development is not considered to pose a threat to any koala population or habitat.

Port Stephens Local Environmental Plan (2013)**Zone RU2 Rural Landscape**

The proposed development is considered to meet the objectives of the RU2 Rural Landscape zone as it does not increase the density of development of the site and results in reuse of an existing building.

Clause 4.2B Erections of Dwellings in Rural Zones

The proposed development meets the requirements of clause 4.2B(3)(b) of the LEP as the land exceeds 4000m² and the erection of a dwelling was permissible on the land immediately prior to the current LEP coming into force.

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.Clause 7.15 Dual Occupancies on Land in Certain Rural Zones

The proposed development complies with the clause as the dual occupancy portion of the development is located in a single existing building. The development uses a single driveway to access the dual occupancy portion of the development and there are no significant environmental impacts anticipated.

Port Stephens Development Control Plan (2013)Chapter B6 – Single and Dual Occupancy Dwellings

The proposed development is for building alterations and additions and the change of use of a portion of an existing building to relocate a manager's residence (creating a dual occupancy). A portion of the building already contains an existing manager's residence and the current proposal represents a separate dual occupancy on the site. Sufficient parking and private open space exists on the subject site. The change of use represents an acceptable reuse of this portion of the building which is currently vacant. The proposal meets the requirements of the DCP Chapter.

Chapter C12 – Karuah Locality Provisions

The proposed development is located on the fringe of the township of Karuah and is proposed in an existing building that has previously been used as a service station. The service station was closed following the freeway by-pass of the town and the majority of the building is currently vacant. It is considered that the change of use will reuse an existing building and provide additional accommodation to the locality. Further, the development will not impinge on the rural riverside character of the township and is considered to support the existing commercial operators.

Section 94 Contributions Plan

The application attracts section 94 contributions in accordance with the table below:

Category	Amount
Civic Administration	\$1,134.00
Public Open Space, Parks and Reserves	\$2,352.00
Sports and Leisure Facilities	\$5,548.00
Cultural and Community Facilities	\$2,787.00
Road Haulage	\$1,566.00
Fire & Emergency Services	\$225.00
Total	\$13,612.00

Although the subject development will result in a new use of the building that has far less reliance on local services and facilities (representing a significant decrease in the intensity of the use of the land), contributions have been levied given there is no discretion within the current plan for Council officers to use their discretion in applying the requirements of the plan. It is acknowledged that the objective of the plan is to:

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

'Provide an administrative framework for Council to obtain a contribution from developers towards the provision, extension or augmentation of public amenities and services that will, or are likely to be required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development'.

There is no requirement for provision, extension or augmentation of existing public amenities and services as a result of the proposed development.

COMMUNITY CONSULTATION

Advertising and notification was not undertaken in this instance as the land surrounding the subject site is owned by Council and there are no anticipated negative impacts as a result of the development. Consultation with the applicant/owner and site inspection has taken place.

LIKELY IMPACTS OF THE DEVELOPMENT

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

The proposed development is consistent with the relevant clauses of Council's LEP and DCP. It is compatible and sympathetic with the existing and envisaged future character of the locality.

SUITABILITY OF THE SITE

The subject site is of sufficient size to cater for the proposed development and necessary car parking and open space. The proposal is consistent with the context of the locality and represents a positive adaptive reuse of an existing building. The subject site is suitable for the proposed development.

PUBLIC INTEREST

The development will result in positive social and economic outcomes to the surrounding local community and will prevent an existing building from becoming derelict. The development is in the public interest.

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.

**ATTACHMENT 3
CONDITIONS OF CONSENT**

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

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

Plan Title	Plan Ref. No.	Date	Drawn By
Proposed Caretakers Residence (as amended in red)	A.14-10	Feb '14	D. Mitsopoulos & Associates Pty Ltd

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent development shall prevail to the extent of any inconsistency.

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

2. A monetary contribution is to be paid to Council, pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Section 94 of the *Environmental Planning and Assessment Act 1979* towards the provision of the following public facilities:

	Per lot	Total
Civic Administration	\$1,134	\$1,134
Public Open Space, Parks and Reserves	\$2,352	\$2,352
Sports and Leisure Facilities	\$5,548	\$5,548
Cultural and Community Facilities	\$2,787	\$2,787
Road Haulage	\$1,566	\$1,566
Fire & Emergency Services	\$225	\$225
Total		\$13,612

Note:

- a) The above contributions have been determined in accordance with Port Stephens Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Customer Service Counter, 116 Adelaide Street, Raymond Terrace.
- b) Contributions are to be paid **prior to issue of a construction certificate**.
- c) The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of original consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for twelve months from the date of original consent.

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.

3. A construction certificate is to be obtained for all outstanding building works.

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

4. Demolition work shall be carried out in accordance with the provisions of Australian Standard AS2601:2001 The Demolition of Structures.
5. All work must be carried out in accordance with the requirements of the Building Code of Australia (National Construction Code).
6. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.
7. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- a) In the case of work for which a principal contract is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that act
 - b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
8. It is the responsibility of the applicant to erect a PCA sign and to ensure the PCA sign remains in position for the duration of works.
9. During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the person having the benefit of the development consent/owner/builder, as the case may be.
10. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

11. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have access to an external clothes line located in common open space or have a mechanical clothes dryer installed.

ITEM 1 - ATTACHMENT 4 CALL TO COUNCIL FORM.



CALL TO COUNCIL FORM
DEVELOPMENT APPLICATION



I, Councillor Mayor Bruce Mackenzie

require Development Application Number 16-2014-759-1

for 254 Tarean Road, Kavan

change of use to residential of an existing commercial
at premises

to be subject of a report to Council for determination by Council.

Reason:

The reason for this call-up to Council is That the Section 94 Contributions
were not equitable

Declaration of Interest:

I have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this development application on my part or an associated person. **I have a conflict of interest?** ~~Yes~~/No (delete the response not applicable).

If **yes**, please provide the nature of the interest and reasons why further action should be taken to bring this matter to Council:

Signed:  Date: 12-5-2015

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

ITEM NO. 2

FILE NO: PSC2015-01000/344

TRIM REF NO: PSC2014-03937

PROPOSED NEW SUBURB NAME - 'KINGS HILL'

REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine the new suburb name for the Raymond Terrace North Urban Release Area as 'Kings Hill'.
 - 2) The name 'Kings Hill' be exhibited for 28 days for public notice and consultation be undertaken with Australia Post and affected residents within this timeframe.
 - 3) Should no submissions be made, Council make application to Geographical Names Board to name a new suburb located between Raymond Terrace and Eagleton as 'Kings Hill' as shown in **(ATTACHMENT 1)**.
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ORDINARY COUNCIL MEETING - 23 JUNE 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor Chris Doohan That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 23 JUNE 2015 MOTION

167	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) The new suburb name for the Raymond Terrace North Urban Release Area be named 'Kings Hill'.2) The name 'Kings Hill' be exhibited for 28 days for public notice and consultation be undertaken with Australia Post and affected residents within this timeframe.3) Should no submissions be made, Council make application to Geographical Names Board to name a new suburb located between Raymond Terrace and Eagleton as 'Kings Hill' as shown in (ATTACHMENT 1).
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BACKGROUND

The purpose of this report is to adopt the place name 'Kings Hill' for the new residential community north of Raymond Terrace. Council and staff have unofficially supported the name Kings Hill for many years when referring to the Raymond Terrace North Urban Release Area. The area to be affected by the proposed name change is shown in **(ATTACHMENT 1 – Kings Hill Proposed Suburb Boundary Map)**. It is important to note that this includes existing rural residential properties within Eagleton and Raymond Terrace.

The developer, Kings Hill Developments (KHD), have engaged JW Planning Pty Ltd (JWP) to commence the process of naming the new suburb following Geographical Names Board (GNB) Policy and Procedures. A requirement of GNB is for the applicant to obtain Local Council approval prior to lodging the Place Name Application form. JWP therefore seek adoption and request Council make application to the GNB with the proposal to formally name 'Kings Hill'.

Whilst developers will prepare marketing campaigns to distinguish their product from other similar subdivisions, it is opportune for Council to determine the new name for the urban release area north of Raymond Terrace.

As part of this process, letters will be sent to all properties affected by the proposed change and 28 days will be provided for any submissions. Objections and comments will need to be considered and overcome before application is made to GNB. If accepted by GNB that department will prepare the required advertising and Gazette Notice as part of their policy and procedures. Council will be advised the outcome in due course.

Should the name not be approved by GNB, JWP will be advised to negotiate with the Board to overcome the objection(s). If this cannot be overcome, GNB will request JWP submit another proposal, which will then require another report to Council.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
The community is a partner in developing the future of the local government area.	Council will engage its citizens in developing plans for the future of the Port Stephens local government area.

FINANCIAL/RESOURCE IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

This matter has no particular policy implications for Council as the GNB are the naming authority and its Policy and Procedures are to be followed as part of Council's statutory requirements.

The proposed new geographical boundary for 'Kings Hill' is consistent with the urban release area under the Port Stephens Planning Strategy and Port Stephens Local Environmental Plan 2013.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Geographical Names Board will reject the name 'Kings Hill'.	Low	Council approve the name to support JW Planning & Kings Hill Development application. If rejected JWP to overcome objections with GNB and if not achieved a new name be proposed by JWP	Yes
There is a risk that effected land owners will have concerns.	Low	Consult all affected land owners and place on exhibition for broader community comment	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed naming of the geographical area of 'Kings Hill' reflects the proposed new population of the area in accordance with Council Strategic Planning Policy. The new release area will create its own unique identity and the proposed official naming of the suburb will have a positive social and economic impact of a new place name.

CONSULTATION

- 1) Geographical Names Board.
- 2) Property Officer.
- 3) Land Acquisition and Development Manager.
- 4) Strategic Planning Coordinator.
- 5) JW Planning Pty Ltd.

MINUTES ORDINARY COUNCIL - 23 JUNE 2015
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- 6) Kings Hill Development.
- 7) Adjoining property owners.
- 8) Maitland City Council – Senior Strategic Planner.

OPTIONS

- 1) Accept recommendations.
- 2) Amend recommendations.
- 3) Reject recommendation.

ATTACHMENTS

- 1) Kings Hill proposed suburb boundary map.

COUNCILLORS ROOM

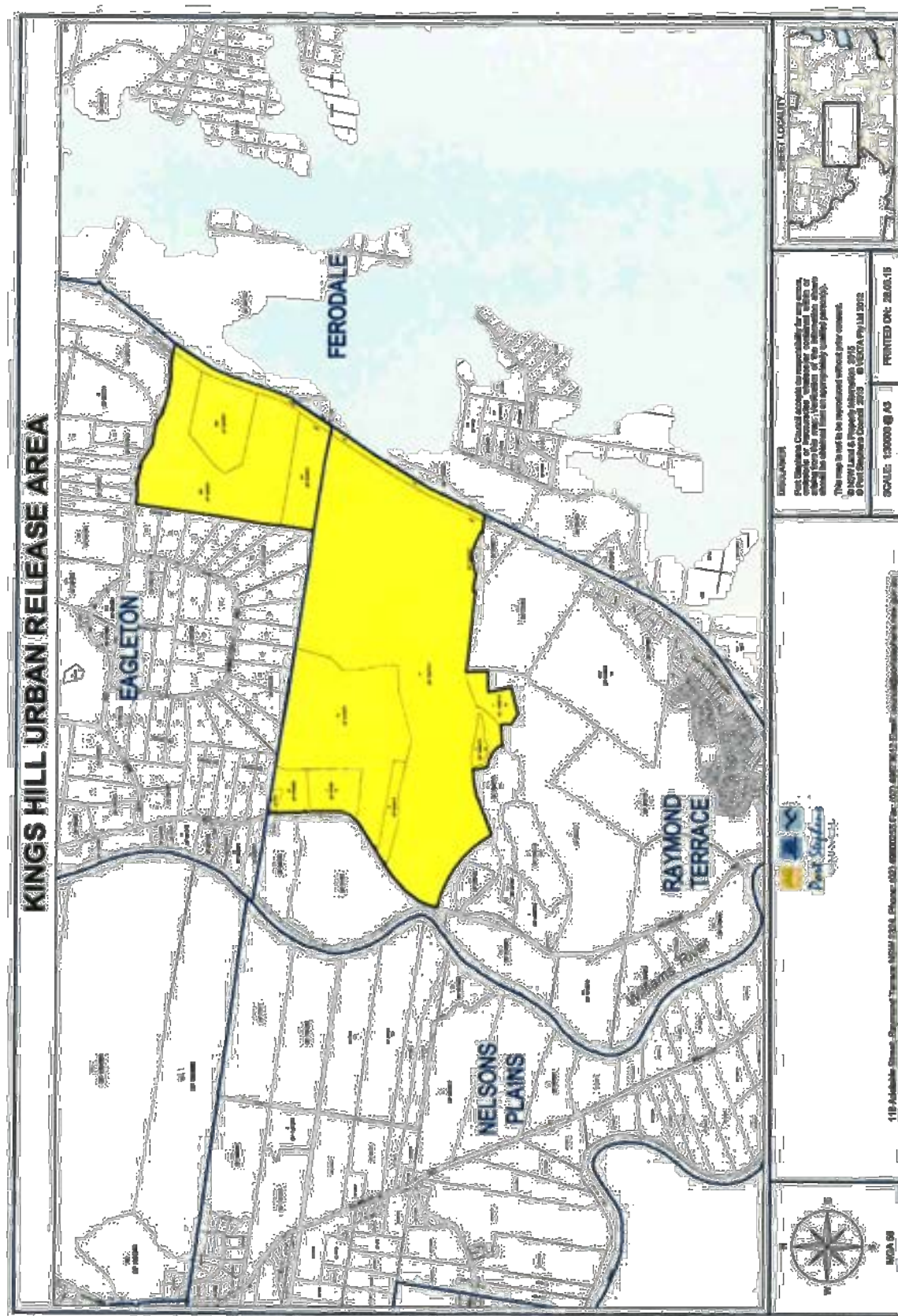
Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1
MAP.

KINGS HILL PROPOSED SUBURB BOUNDARY



ITEM NO. 3

FILE NO: PSC2015-01000/326

TRIM REF NO: PSC2005-1826

FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Acknowledges the importance of Federal funding through the Financial Assistance Grants program for the continued delivery of Council services and infrastructure.
 - 2) Acknowledges that the Council will receive \$6.2M in 2014-15.
 - 3) Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.
-

**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Steve Tucker Councillor Geoff Dingle That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION**

168	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Acknowledges the importance of Federal funding through the Financial Assistance Grants program for the continued delivery of Council services and infrastructure.2) Acknowledges that the Council will receive \$6.2M in 2014-15.3) Ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.
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MINUTES ORDINARY COUNCIL - 23 JUNE 2015

BACKGROUND

The purpose of this report is to assist the Australian Local Government Association in a campaign to lobby the Federal Government to reverse 2014-2015 budget decisions on Federal Grants. As Council may be aware, the Federal Government as part of the 2014-2015 budget measures froze the annual Financial Assistance grants and did not provide any annual CPI movements in the Grants.

The Financial Assistance Grant program is an annual grant from the Federal Government, designed as a distribution of funds that enable local authorities to carry out works. The grant is provided to the State Government who then distribute to local councils. There are two components to the grant, the general component and a roads component. While the grant is technically called an untied grant and can therefore be spent as a local authority would determine, it has been usual practice to utilise the roads component on local road infrastructure.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2014-2015 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

Council presently receives a total of \$6.2M per annum from the Financial Assistance Grant program. By freezing grant levels for the next three (3) years it is estimated that Council will be foregoing an additional \$473,000.

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

Nil.

Risk	<u>Risk</u>	Proposed Treatments	Within
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MINUTES ORDINARY COUNCIL - 23 JUNE 2015

	<u>Ranking</u>		Existing Resources?
There is a risk that Council will not support this action.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Financial Services Section Manager.
- 2) Corporate Services Group Manager.
- 3) General Manager.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

FILE NO: PSC2015-01000/325

TRIM REF NO: T12-2015

T12-2015 PEPPERTREE ROAD EXTENSION MEDOWIE

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 1 on the Ordinary Council agenda namely T12-2015 Peppertree Road Extension Medowie.
- 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 T12-2015 Peppertree Road Extension Medowie.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the *Local Government (General) Regulation 2005*.
- 5) Accept the Tender offered by Keller Civil Engineering Pty Ltd for \$691,120 (ex GST) for construction of the extension to Peppertree Road, including link road between Peppertree and Medowie Roads, plus associated drainage.
- 6) Adopt the overall budget of \$1 million for this project being \$600,000 from existing asset rehabilitation restricted asset and \$400,000 from the voluntary planning agreement.

**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	RECOMMENDATION:
	That Council:
	<ol style="list-style-type: none">1) Accept the Tender offered by Keller Civil Engineering Pty Ltd for \$691,120 (ex GST) for construction of the extension to Peppertree

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

	Road, including link road between Peppertree and Medowie Roads, plus associated drainage.
2)	Adopt the overall budget of \$1 million for this project being \$600,000 from existing asset rehabilitation restricted asset and \$400,000 from the voluntary planning agreement.

ORDINARY COUNCIL MEETING - 23 JUNE 2015 MOTION

169	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: 1) Accept the Tender offered by Keller Civil Engineering Pty Ltd for \$691,120 (ex GST) for construction of the extension to Peppertree Road, including link road between Peppertree and Medowie Roads, plus associated drainage. 2) Adopt the overall budget of \$1 million for this project being \$600,000 from existing asset rehabilitation restricted asset and \$400,000 from the voluntary planning agreement.
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BACKGROUND

The purpose of this report is to approve a tender for construction of an extension to Peppertree Road and a link road to intersect with Medowie Road between properties 791 and 797.

Council approved a section 96 modification to Development Consent 16-2010-291-4, for Woolworths at Ferodale Road Medowie and entered into a Voluntary Planning Agreement (VPA) with the developer for \$400,000 to construct a new road between Peppertree Road and Medowie Road.

Following survey and investigation the decision was made to construct an extension to Peppertree Road (approximately 100m) and a new link road perpendicular, to intersect with Medowie Road between properties 791 and 797 Medowie Road.

The tender comprises the provision of all resources and materials to:

- Establish the site and set up erosion and sediment control.
- Clear, trim and consolidate the area in preparation for construction.
- Excavate, supply and lay stormwater pipes, pits, headwalls and lintels.
- Excavate and construct swales on adjoining lands.
- Supply and compact, in layers, select fill material, subgrade and base course material as specified. Also, supply and lay asphalt to the required specification.

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

- Construct footpath on the southern side of the link road to connect to existing path on Peppertree Road. Construct a traffic island at the intersection of the link road and Medowie Road.
- Install a bus zone on the western side of the Peppertree Road extension and construct footpath to connect.

While this tender is for a total of \$691,120 it is anticipated that ancillary works associated with design costs, supervision, street lighting, site remediation and contingencies will bring the total cost of the project to approximately \$1M.

The tender was advertised and closed on 21 April with six (6) submissions received at the close of the tender period, a summary that is included as **(ATTACHMENT 1)**.

The tenders were evaluated by a team comprising three (3) staff members, drawn from Facilities and Services and the Project Manager from the specific technical area.

The weightings agreed for this Tender evaluation were:

Criteria	Weighting %
Price	60
Experience/Referees	10
Management Systems	30

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens' infrastructure and utilities meet the needs of all sections of the community.	Reduce the infrastructure backlog on all Council assets.

FINANCIAL/RESOURCE IMPLICATIONS

As Council would be aware, a sum of \$400,000 was made available from the developer as part of the Voluntary Planning Agreement for the supermarket development in Medowie. Council has previously set aside a sum of \$600,000 in the asset rehabilitation restricted asset for general civil asset works and it is suggested this be allocated to this project. Any savings on the project will be realised in future quarterly budget reviews.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopting the recommendations. The procurement of this service was conducted under the provisions of the *Local Government Act 1993* tendering guidelines.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the contract is awarded to the lowest tender price the project will go over budget with variations or over the allocated timeframe.	High	Endorse the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The extension of Peppertree Road and construction of a link road to Medowie Road will have a positive impact on access and egress to shopping and other facilities in Medowie.

The new road will open the land for future development thus providing the potential to increase facilities to residents within the Medowie area.

CONSULTATION

- 1) Capital Works Design Project Manager.
- 2) Capital Works Section Manager.
- 3) Group Manager - Facilities and Services.
- 4) Financial Services Section Manager.
- 5) Property Services Section Manager.

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL Weighted Criteria Methodology Statement.

COUNCILLORS ROOM

- 1) Plan of Peppertree Road Extension/T Intersection.

TABLED DOCUMENTS

Nil.

**ITEM 1 - ATTACHMENT 1 WEIGHTED CRITERIA METHODOLOGY
STATEMENT.**

ITEM NO. 5

FILE NO: PSC2015-01000/342

TRIM REF NO: T14-2015

T14-2015 ESSENTIAL FIRE SERVICES

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 2 on the Ordinary Council agenda namely T14-2015 Essential Fire Services.
- 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 T14-2015 Essential Fire Services.
- 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) That Council accept the tender submitted from Total Fire Solutions (Aust) Pty Ltd for \$26,019 p.a. for the Essential Fire Services Contract.

**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Steve Tucker Councillor Sally Dover</p> <p>That Council accept the tender submitted from Total Fire Solutions (Aust) Pty Ltd for \$26,019 p.a. for the Essential Fire Services Contract.</p>
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ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION

170	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council accept the tender submitted from Total Fire Solutions (Aust) Pty Ltd for \$26,019 p.a. for the Essential Fire Services Contract.
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BACKGROUND

The purpose of this report is to recommend the acceptance of a tender received from Essential Fire Services for the provision of programmed preventative maintenance, servicing and breakdown maintenance of fire services equipment incorporated in Council's properties.

The properties consist of public halls, libraries, administration building, sporting facilities, works depots and holiday parks.

The proposed agreement is for a two (2) year period as from 1 July 2015 until 30 June 2017, with an option of a two (2) plus two (2) year extension at Council's instigation.

The tender was advertised and closed on 17 April 2015 with 11 submissions received. A summary is included as **(ATTACHMENT 1)**.

The tenders were evaluated by a team comprising three (3) staff members drawn from Financial Services and the Project Manager from the specific technical area.

The weightings agreed for this tender were:

Criteria	Weighting (%)
Price	35
Compliance	15
Capability	15
Experience	25
Referees	10

Total Fire Solutions is the current contractor for this service and met the conditions of the previous contract with a customer focused service. The existing contract is due to expire 30 June 2015.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2014-2015 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to undertake the Essential Fire Services inspection and testing to comply with the *Environment Planning and Assessment Regulation 2010* and in accordance with AS 1851, AS 2444 and AS/NZS 2293.2.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk Council does not meet its obligations in undertaking the essential fire inspection on our assets as per the Environmental Planning Assessment Regulation leading to non compliance and unsafe assets.	High	Implement the recommendations and the service schedules included in this contract.	Yes

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

There is a risk the essential fire inspections on our assets are not scheduled in accordance with relevant Australian Standards leading to non compliance and unsafe assets.	Medium	Implement the recommendations and the service schedules included in this contract.	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Completion of these inspection and testing schedules will provide safe and compliant facilities in relation to fire services – there are 99 inspections in total across the Community Services and Property Services sections of Council.

CONSULTATION

- 1) Facilities Officer (Property Services).
- 2) Building Asset Officer.
- 3) Financial Services Section Manager.

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL Weighted Criteria Methodology Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

FILE NO: PSC2015-01000/341

TRIM REF NO: T15-2015

T15-2015 POOL PLANT PREVENTATIVE MAINTENANCE

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 3 on the Ordinary Council agenda namely T15-2015 Pool Plant Preventative Maintenance.
- 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 T15-2015 Pool Plant Preventative Maintenance.
- 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) That Council accept the tender submitted from Trisley's Hydraulic Services Pty Ltd for \$75,900 p.a. for the Pool Plant Preventative Maintenance Contract.

**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>That Council accept the tender submitted from Trisley's Hydraulic Services Pty Ltd for \$75,900 p.a. for the Pool Plant Preventative Maintenance Contract.</p>
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION**

171	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council accept the tender submitted from Trisley's Hydraulic Services Pty Ltd for \$75,900 p.a. for the Pool Plant Preventative Maintenance Contract.
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BACKGROUND

The purpose of this report is to recommend the acceptance of a tender received from Trisley's Hydraulic Services Pty Ltd for the provision of Programmed Preventative Maintenance of public swimming pool water treatment and plant equipment.

Items covered under this contract include pool shell, balance tanks, heat pumps, chemical dosing units, solar heating, boilers, filtration pumps, UV and sand filters.

The proposed agreement is for a two (2) year period as from 1 July 2015 until 30 June 2017, with an option of a two (2) plus two (2) year extension at Council's instigation.

The tender was advertised and closed on 21 April 2015 with one (1) submission received. A summary is included as **(ATTACHMENT 1)**.

The tenders were evaluated by a team comprising three (3) staff members drawn from Financial Services and the Project Manager from the specific technical area.

The weightings agreed for this tender were:

Criteria	Weighting (%)
Price	35
Compliance	15
Capability	15
Experience	25
Referees	10

The commercial pool industry has limited companies in the marketplace. Four (4) companies attended the compulsory site inspections however several had limited capabilities to deliver the contract.

Trisley's Hydraulic Services Pty Ltd is the current contractor for this service and met the conditions of the previous contract with a customer focused service. The existing contract is due to expire on 30 June 2015.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Provide passive and active recreation and leisure services and facilities.	Maintain and develop recreational facilities for residents and visitors.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Programmed maintenance allocated within existing community and recreation assets recurrent budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to undertake the works in accordance with the Public Swimming Pool and Spa Pool Advisory Document (to meet best practice).

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that a lack of preventative maintenance of plant will lead to asset failure and a higher future repair cost on assets.	Low	Adopt the recommendation and implement the service schedules included in this contract.	Yes
There is a risk that no servicing of the swimming pool water treatment equipment will result in poor water quality leading to unsatisfied customers and a reduction in income from pool users.	Low	Adopt the recommendation and implement the service schedules included in this contract.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Completion of the Preventative Maintenance programs will ensure lower reactive maintenance and operational costs for the sustainability of the facility, while providing high water quality for patrons.

CONSULTATION

- 1) Community and Recreation Assets Coordinator.
- 2) Financial Services Section Manager.

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL Weighted Criteria Methodology Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Item - 7. FERODALE SPORTS COMPLEX, MEDOWIE - DRAFT MASTERPLAN - has been moved to another part of the document.

ITEM NO. 8

FILE NO: PSC2015-01000/402
TRIM REF NO: PSC2013-04879

POLICY REVIEW - ASBESTOS MANAGEMENT

REPORT OF: MICHAEL MCINTOSH - GROUP MANAGER DEVELOPMENT
SERVICES

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Asbestos Management Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the Asbestos Management policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
 - 3) Revoke the Asbestos Management policy dated 26 November 2013 (Min No. 343) **(ATTACHMENT 2)**, should no submissions be received.
-

ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor Geoff Dingle That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION

172	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Asbestos Management Policy shown at (ATTACHMENT 1).2) Place the Asbestos Management policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.3) Revoke the Asbestos Management policy dated 26 November 2013 (Min No. 343) (ATTACHMENT 2), should no submissions be received.
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BACKGROUND

The purpose of this report is to review the Asbestos Management Policy adopted by Council on 26 November 2013 (Minute No. 343).

Like many councils across Australia, a number of our buildings, structures and assets were built or refurbished at a time when asbestos containing materials may have been used during construction. The presence of asbestos containing materials in itself does not constitute a danger. However, there is a potential risk to health if asbestos containing material is damaged or disturbed.

In response to growing community concern related to the dangers associated with exposure to asbestos, a Model Asbestos Policy and Guide has been developed by the Local Government NSW with input from industry reference groups.

An Asbestos Management Project Team with representation from across the organisation was formed to review the Model Policy and Guide and tailor it to our local area. As asbestos and its safe disposal is regulated under numerous pieces of legislation, it is often difficult to determine who is the responsible authority in certain asbestos-related scenarios, when to contact WorkCover or when Council should take the lead role in providing asbestos advice. This can be confusing for the community when dealing with asbestos related matters.

The adoption of an Asbestos Management Policy formalises Council's approach and will ensure that the organisation is equipped to safely manage asbestos and any associated legislative obligations.

The review of the Asbestos Management Policy results in no fundamental changes to the original policy adopted in 2013. There have been no major legislative changes that require a revised position of Council. The key changes largely include greater detail around the roles and responsibilities of key service units across Council.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens is a community where people feel safe.	Use Council's regulatory powers and Government legislation to enhance public safety.

FINANCIAL/RESOURCE IMPLICATIONS

While the long term objective is for all council controlled buildings to be free of asbestos related material, it is estimated that the cost to achieve this objective is far beyond the financial reach of Council.

Given the highly regulated nature of asbestos and the many existing mechanisms in place to address risks, a full scale program to remove asbestos is prohibitively expensive and is out of step with both Australian and international practice.

In accordance with asbestos management practices across Australia, Council will continue to pursue a risk management approach, which is designed to safeguard those persons who occupy, service and visit council buildings from exposure to asbestos fibres.

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

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- As a responsible employer
- Educating residents
- Contaminated land management
- Council land, building and asset management
- Emergency response
- Land use planning (including development approvals and demolition)
- Waste management and regulation

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council fails to meet its obligations in relation to the management of asbestos leading to injury and reputation damage and litigation costs.	Medium	Adopt the revised policy	Yes
There is a risk that Council fails to heighten community awareness	Medium	Adopt the revised policy	Yes

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

on the identification and safe removal of asbestos leading to increased exposure to risk in the LGA.			
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council has an important dual role in maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for both:

- a) residents and the public; and
- b) workers (employees, volunteers and contractors) in council workplaces.

The community has particular sensitivities to the health risks associated with exposure to asbestos fibres. The high incidence of mesothelioma in Australia and significant media attention generated by the James Hardie matter, have all served to reinforce a cautionary attitude towards asbestos related matters.

An Asbestos Procedure is in place to provide direction to Council workers to minimise risks associated with exposure to asbestos in the workplace. The procedure ensures that workers are involved in the development of safe systems of work and a safe environment with respect to asbestos management issues.

CONSULTATION

- 1) Port Stephens Council Asbestos Management Project Team.
- 2) Executive Risk Management Committee.
- 3) Executive Team.

OPTIONS

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

ATTACHMENTS

- 1) Revised Asbestos Management policy.
- 2) Asbestos Management policy dated 26 November 2013 (Min No. 343).

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2013-04879
TITLE: ASBESTOS MANAGEMENT
POLICY OWNER: GROUP MANAGER DEVELOPMENT SERVICES

PURPOSE:

The purpose of this policy is outline Council's commitment to maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for local residents, the wider public and workers (employees, volunteers and contractors) in Council workplaces.

This policy aligns with the following initiatives outlined within the 2015-2019 Operational Plan;

- Our Citizens: Community Safety: Port Stephens is a community where people feel safe:
 - 1.1.1 Use Councils regulatory powers and government legislation to enhance public safety.
- Our Council: A Sustainable Council: Port Stephens Council's services and assets are sustainable in the longer term:
 - 15.1.3 Manage risks across Council.

The long term objective is for all buildings on Council owned land to be free of asbestos containing material. The presence of asbestos in premises on Council owned or managed land will be identified and the risk to health evaluated.

Council also aims to heighten awareness within the community on the identification and safe removal of asbestos to minimise the risk of exposure across the local government area.

CONTEXT/BACKGROUND:

Asbestos was used widely in Australian buildings and structures between the 1940's and 1980's because of its durability, fire resistance and excellent insulating properties. Heightened public awareness of asbestos related diseases has increased public concern over the handling

Policy

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Policy



and ongoing management of asbestos containing material. However, it was not until 2003 that asbestos was banned in Australia.

Council has no insurance coverage under its Public Liability Policy relating to asbestos matters. The policy excludes any actual or alleged liability arising directly or indirectly out of, resulting from or in consequence of, or in any way involving asbestos, or any materials containing asbestos in whatever form or quantity.

For sites that are significantly contaminated, the Environment Protection Authority (EPA) and WorkCover are the lead regulatory authorities. The EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste.

WorkCover has a major role in ensuring that removal of asbestos is carried out in accordance with legislative requirements and, where necessary, by registered contractors. Legislation, however, only applies to:

- A workplace, or
- Where the type or quantity of asbestos being removed, repaired or disturbed requires the work to be carried out by an asbestos licensed contractor.

Note: A workplace includes a residential property if any person is being employed there, but not if the works are carried out solely by an owner builder who does not employ anyone.

For matters outside of the the EPA and Workcover responsibilities, Council is the appropriate regulatory authority, which typically include demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

The Policy is underpinned by the following principles:

- The Policy is consistent with and supports the requirements of the Model Asbestos Policy for NSW Councils developed by the Local Government NSW;
- Council will take all necessary steps to protect the health and safety of workers, contractors and the community from the risks associated with asbestos containing material (ACM) within Council controlled and managed buildings;
- A risk management approach will be adopted for the management and control of ACM;
- Council should not permit the use of Council owned or controlled buildings and/or other structures, including open spaces, where it is known they contain ACM's unless all reasonable risks have been considered which may include an asbestos management plan developed to address the assessed risk.

Council aims to manage the risks from ACM and provide a record of actions undertaken with the ultimate aim being to:

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The logo for Port Stephens Council, featuring a stylized graphic of a harbor or bay to the left of the text "PORT STEPHENS COUNCIL".

Policy



- Increase awareness;
- Prevent airborne asbestos fibre exposure;
- Prevent the spread of asbestos fibres;
- Increase its competency and experience; and
- Control works likely to disturb ACM in Council owned or managed buildings.

SCOPE:

Council is committed to complying with the Model Asbestos Policy and Guide (links to document under "RELATED DOCUMENTS" section below) developed by Local Government NSW in partnership with the NSW Government and input from industry reference groups.

Council's responsibilities for asbestos management apply in various scenarios including:

As a responsible employer

Council has responsibilities to workers under the Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulations (NSW) in maintaining a safe work environment through Council's:

- General responsibilities;
- Education, training and information for workers;
- Health monitoring for workers;
- Procedures for identifying and managing asbestos containing materials in Council premises.

As part of the Integrated Risk Management System, an Asbestos Procedure is in place to ensure that workers are involved in the development of safe systems of work and a safe environment to manage any asbestos related risks.

Educating residents

Providing education for the community on the identification and safe removal of asbestos is the joint responsibility of Councils and State Government agencies. Council, however, is often the first point of contact for residents who believe they have identified asbestos in their homes or have a concern or complaint regarding a public health hazard. Council also has a role in proactively offering useful information to the community to minimise avoidable incidents that present asbestos health hazards.

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Policy



Contaminated land management

Council has a responsibility to provide information about land contamination on planning certificates issued under section 149 of the EPA Act. For sites that are significantly contaminated and require a major remediation program independent of any rezoning or development applications, the EPA and WorkCover are the lead regulatory authorities.

Responsibility for cleaning up contaminated land lies with the person responsible for the contamination or the relevant landowner.

Council land, building and asset management

Council has a responsibility to ensure that risk assessments are carried out on any Council owned buildings or assets that may contain asbestos materials. Like many Councils across Australia, a number of our buildings, structures and assets were built or refurbished at a time when asbestos containing materials may have been used during construction. Control measures are in place to manage these assets.

Emergency response

Council may play a role in ensuring that ACM's are cleaned up after an emergency or incident. If the incident occurs at a workplace, WorkCover is the lead agency.

Council may issue a clean up, prevention, cost compliance or penalty infringement notice. Alternatively, Council may act under the EPA Act. Council will determine an appropriate response depending on the nature of the situation.

Land use planning (including development approvals and demolition)

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously used as a landfill or on-site burial of asbestos waste).

Council is the consent authority for the majority of development applications in the Local Government Area (LGA) and may impose conditions of consent and a waste disposal guide in development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Policy

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Policy



Waste management and regulation

It is illegal to dispose of asbestos waste in kerbside garbage bins or via the kerbside bulky waste collections, it is also illegal to recycle, reuse, bury or illegally dump asbestos waste. Asbestos waste (in any form) must only be disposed of at a facility that is licensed to lawfully receive asbestos waste. Within Port Stephens LGA the only licensed waste facility that can accept asbestos waste is the landfill facility on Newline Road Raymond Terrace. The Salamander Bay Waste Transfer Station is not licensed to accept asbestos waste.

DEFINITIONS:

Model Asbestos Policy for NSW Councils: The Model Asbestos Policy provides councils with the basis for the preparation of a comprehensive and compliant asbestos policy. It outlines important legislative obligations of councils and provides useful additional information.

Asbestos: includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

Asbestos-containing material (ACM): means any material containing more than 1% asbestos.

POLICY STATEMENT:

Council has an important dual role in maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public; and
- workers (employees, volunteers and contractors) in Council workplaces.

Council is committed to ensuring that asbestos containing material in Council owned buildings is managed and controlled to protect the health and wellbeing of workers, contractors and the community in accordance with the Model Asbestos Policy and Guide developed by Local Government NSW in partnership with the NSW Government and input from industry reference groups..

POLICY RESPONSIBILITIES:

Executive Team: Responsible for the overall implementation and review of the policy.

Development Services Group Manager: Responsible for the ongoing communications and engagement of asbestos awareness within the organisation and throughout the community.

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The logo for Port Stephens Council, featuring a stylized graphic of three curved lines forming a shape reminiscent of a seashell or a stylized 'P', followed by the text 'PORT STEPHENS COUNCIL' in a bold, sans-serif font.

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Policy



Section Managers: Responsible for compliance with the overall objectives and policy statement as outlined within this document as relevant to their section.

Organisation Development: Responsible for maintaining safe systems of work and establishing an environment where staff and their supervisors minimise the risks of exposure to asbestos in accordance with the Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulations (NSW).

Asset owners (Assets, Property & Community Services): Responsible for ensuring that risk assessments are carried out on any Council owned buildings or assets that may contain asbestos materials and that appropriate control measures are in place to manage these assets.

Strategic Land Use Planning: Responsible for providing information about land contamination on planning certificates issued under section 149 of the EPA Act.

Development and Assessment: Responsible for imposing conditions of consent and a waste disposal guide in development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Environmental Health & Compliance: Responsible for coordinating Councils response to Asbestos related issues such as land contamination, illegal dumping and pollution.

RELATED DOCUMENTS:

- 1) Port Stephens Council Guide to the Management of Asbestos Risks.
- 2) Port Stephens Council Asbestos Procedure.
- 3) Model Asbestos Policy for NSW Councils (LGNSW)
- 4) Guide to the Model Asbestos Policy for NSW councils (LGNSW)
- 5) Australian Standard AS2601-2001 : The Demolition of Structures.
- 6) Contaminated Land Management Act 1997. (NSW)
- 7) Environmental Planning and Assessment Act 1979. (NSW)
- 8) Environmental Planning and Assessment Regulation 2000. (NSW)
- 9) Local Government Act 1993. (NSW)
- 10) Protection of the Environment Operations Act 1997. (NSW)
- 11) Protection of the Environment Operations (General) Regulation 2009. (NSW)
- 12) Protection of the Environment Operations (Waste) Regulation 2005. (NSW)
- 13) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. (NSW)
- 14) State Environmental Planning Policy No. 55 – Remediation of Land. (NSW)
- 15) Workers Compensation (Dust Diseases) Act 1942. (NSW)

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TRIM container No	PSC2013-04879	TRIM record No	024
Audience	Employees, Volunteers and Contractors		
Process owner	Group Manager Development Services		
Author	Mike McIntosh		
Review timeframe	Biennial	Next review date	26 June 2017
Adoption date	26 November 2013		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	26/11/2013	Mike McIntosh		343
2	26/6/2015	Mike McIntosh		

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ITEM 8 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY DATED 26 NOVEMBER 2013 (MIN NO. 343).

Port Stephens
C.O.U.N.C.I.L

POLICY

Adopted: 26 November 2013

Minute No: 343

Amended:

Minute No:

FILE NO: PSC2013-04879

TITLE: ASBESTOS MANAGEMENT

RESPONSIBLE OFFICER: GROUP MANAGER, DEVELOPMENT SERVICES

BACKGROUND

Port Stephens Council has an important dual role in maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public; and
- workers (employees, volunteers and contractors) in Council workplaces.

Council is committed to complying with the Model Asbestos Policy and Guide recently developed by the Local Government and Shires Associations of NSW with input from industry reference groups.

Council's responsibilities for asbestos management apply in various scenarios including:

As a Responsible Employer

Council has responsibilities to workers under the NSW Work Health and Safety Act 2011 and NSW Work Health and Safety Regulations in maintaining a safe work environment through Council's:

- General responsibilities;
- Education, training and information for workers;
- Health monitoring for workers;
- Procedures for identifying and managing asbestos containing materials in Council premises.

As part of the Integrated Risk Management System, an Asbestos Procedure is in place to ensure that workers are involved in the development of safe systems of work and a safe environment to manage any asbestos related risks.

ITEM 8 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY DATED 26 NOVEMBER 2013 (MIN NO. 343).

Educating Residents

Providing education for the community on the identification and safe removal of asbestos is the joint responsibility of Councils and State Government agencies. Council, however, is often the first point of contact for residents who believe they have identified asbestos in their homes or have a concern or complaint regarding a public health hazard. Council also has a role in proactively offering useful information to the community to minimise avoidable incidents that present asbestos health hazards.

WorkCover has a major role in ensuring that removal of asbestos is carried out in accordance with legislative requirements and, where necessary, by registered contractors. WorkCover legislation, however, only applies to:

- A workplace, or
- Where the type or quantity of asbestos being removed, repaired or disturbed requires the work to be carried out by an asbestos licensed contractor.

Note: A workplace includes a residential property if any person is being employed there, but not if the works are carried out solely by an owner builder who does not employ anyone.

Contaminated Land Management

Council has a responsibility to provide information about land contamination on planning certificates issued under section 149 of the EPA Act. For sites that are significantly contaminated and require a major remediation program independent of any rezoning or development applications, the EPA and WorkCover are the lead regulatory authorities.

Responsibility for cleaning up contaminated land lies with the person responsible for the contamination or the relevant landowner.

Council Land, Building and Asset Management

Council has a responsibility to ensure that risk assessments are carried out on any Council owned buildings or assets that may contain asbestos materials. Like many Councils across Australia, a number of our buildings, structures and assets were built or refurbished at a time when asbestos containing materials may have been used during construction. Control measures are in place to manage these assets.

Emergency Response

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the incident occurs at a workplace, WorkCover is the lead agency.

Council may issue a clean up, prevention, cost compliance or penalty infringement notice. Alternatively, Council may act under the EPA Act. Council will determine an appropriate response depending on the nature of the situation.

ITEM 8 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY DATED 26 NOVEMBER 2013 (MIN NO. 343).

Land Use Planning (including development approvals and demolition)

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously used as a landfill or on-site burial of asbestos waste).

Council is the consent authority for the majority of development applications in the LGA and may impose conditions of consent and a waste disposal guide in development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Waste Management and Regulation

It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse, bury or illegally dump asbestos waste. Asbestos waste (in any form) must only be disposed of at a landfill site that may lawfully receive asbestos waste. The Salamander Bay Waste Transfer Station does not accept asbestos waste. Newline Road Landfill operation is the only licensed facility in the Port Stephens LGA.

OBJECTIVE

- 1) Council's long term objective is for all buildings on Council owned land to be free of asbestos containing material. The presence of asbestos in premises on Council owned or managed land will be identified and the risk to health evaluated.
- 2) Council aims to heighten awareness within the community on the identification and safe removal of asbestos to minimise the risk of exposure in the LGA. Education information and website links for educational materials can be found on Council's external website.

PRINCIPLES

- 1) The Policy is underpinned by the following principles:
 - The Policy is consistent with and supports the requirements of the Model Asbestos Policy for NSW Councils developed by the Local Government Association of NSW;
 - Council will take all necessary steps to protect the health and safety of workers, contractors and the community from the risks associated with ACM within Council controlled buildings;
 - A risk management approach will be adopted for the management and control of asbestos containing material;
 - Council should not permit the use of Council owned or controlled buildings and/or other structures, including open spaces, where it is known they contain asbestos containing materials unless all alternatives have been considered and an asbestos management plan has been developed to address the assessed risk.
- 2) Council will manage the risks from ACM and provide a record of actions undertaken with the ultimate aim being to:

ITEM 8 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY DATED 26 NOVEMBER 2013 (MIN NO. 343).

- Increase awareness;
- Prevent airborne asbestos fibre exposure;
- Prevent the spread of asbestos fibres;
- Increase competency and experience; and
- Control works likely to disturb ACM.

POLICY STATEMENT

- 1) Council has an important dual role in maintaining a safe environment and minimising the risks of exposure to asbestos, as far as is reasonably practicable, for both:
 - residents and the public; and
 - workers (employees, volunteers and contractors) in Council workplaces.
- 2) Council is committed to ensuring that asbestos containing material in Council owned buildings is managed and controlled to protect the health and wellbeing of workers, contractors and the community.
- 3) Detailed procedures and responsibilities for the management of asbestos are included in the Port Stephens Council Guide to the Management of Asbestos Risks and the Asbestos Procedure.

RELATED POLICIES

- 1) PSC Guide to the Management of Asbestos Risks.
- 2) Asbestos Procedure.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Asbestos was used widely in Australian buildings and structures between the 1940's and 1980's because of its durability, fire resistance and excellent insulating properties. Heightened public awareness of asbestos related diseases has increased public concern over the handling and ongoing management of asbestos containing material.

ECONOMIC IMPLICATIONS

Council has no insurance coverage under its Public Liability Policy relating to asbestos matters. The policy excludes any actual or alleged liability arising directly or indirectly out of, resulting from or in consequence of, or in any way involving asbestos, or any materials containing asbestos in whatever form or quantity.

ITEM 8 - ATTACHMENT 2 ASBESTOS MANAGEMENT POLICY DATED 26 NOVEMBER 2013 (MIN NO. 343).

ENVIRONMENTAL IMPLICATIONS

For sites that are significantly contaminated, the EPA and WorkCover are the lead regulatory authorities. The EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste.

Council is the appropriate regulatory authority for activities that are not regulated by the EPA, which typically include demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Australian Standard AS2601-2001 : The Demolition of Structures.
- 2) Contaminated Land Management Act 1997.
- 3) Environmental Planning and Assessment Act 1979.
- 4) Environmental Planning and Assessment Regulation 2000.
- 5) Local Government Act 1993.
- 6) Protection of the Environment Operations Act 1997.
- 7) Protection of the Environment Operations (General) Regulation 2009.
- 8) Protection of the Environment Operations (Waste) Regulation 2005.
- 9) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 10) State Environmental Planning Policy No. 55 – Remediation of Land.
- 11) Codes of Practice.
- 12) Workers Compensation (Dust Diseases) Act 1942.

IMPLEMENTATION RESPONSIBILITY

Organisation Development, Civil Assets, Property Services, Development and Assessment, Waste.

PROCESS OWNER

Group Manager, Development Services

REVIEW DATE

July 2015.

ITEM NO. 9**FILE NO: PSC2015-01000/390
TRIM REF NO: PSC2010-09412****COMMUNITY LEASING AND TENANCY POLICY****REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the draft Community Leasing and Tenancy Policy and note the associated Guideline document shown at **(ATTACHMENT 1)**.
 - 2) Place the draft Community Leasing and Tenancy Policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, adopt the Policy as amended without a further report to Council.
 - 3) Revoke the Port Stephens Council Community Leasing Policy shown at **(ATTACHMENT 2)** dated 9 April 2013 (Minute Number 085).
 - 4) Revoke the Port Stephens Council Tenancy Policy for Buildings, Sports and Recreational Areas Managed by the Community and Recreation Services Department shown at **(ATTACHMENT 3)** dated 18 April 2000 (Minute Number 217).
-

**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Chris Doohan Councillor Sally Dover That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION**

173	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Endorse the amendments to the draft Community Leasing and Tenancy Policy and note the associated Guideline document shown at (ATTACHMENT 1).2) Place the draft Community Leasing and Tenancy Policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, adopt the Policy as amended without a
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MINUTES ORDINARY COUNCIL - 23 JUNE 2015

	further report to Council.
3)	Revoke the Port Stephens Council Community Leasing Policy shown at (ATTACHMENT 2) dated 9 April 2013 (Minute Number 085).
4)	Revoke the Port Stephens Council Tenancy Policy for Buildings, Sports and Recreational Areas Managed by the Community and Recreation Services Department shown at (ATTACHMENT 3) dated 18 April 2000 (Minute Number 217).

BACKGROUND

The purpose of this report is to endorse the reviewed Community Leasing and Tenancy Policy **(ATTACHMENT 1)** and resolve to place the draft Policy on public exhibition for a period of 28 days.

Across Council, efforts have been concentrated on reducing the total number of Policy documents and where possible incorporating like provisions into consolidated documents thereby streamlining Council processes.

This report also recommends revoking two current Policies, the Community Leasing Policy and Tenancy Policy for Buildings, Sports and Recreational Areas Managed by the Community and Recreation Services Department.

The provisions of these two Policies have all been successfully incorporated into the draft Policy and the associated Guideline document.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Provide passive and active recreation and leisure services and facilities.	Maintain and develop recreational facilities for residents and visitors.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications in relation to adopting the recommendations other than the costs of placing the Policy on public exhibition, which are anticipated to be approximately \$500.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Advertising funds to place the draft Policy on exhibition.
Reserve Funds	No		
Section 94	No		
External Grants	No		

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

Other	No		
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LEGAL, POLICY AND RISK IMPLICATIONS

There are various Legal implications in formalising tenure over Council owned or controlled lands. The most significant are the provisions of the Local Government Act and these provisions are addressed under the draft Policy and associated guideline document.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that by not having a transparent framework under which to administer the large quantity of Community based and Sports related tenures across all sections of Council that there could be some perceived inequity in the Community.	Low	Accept the recommendations.	Yes
There is a risk that by not formalising tenures over Community Land, Council would be in breach of the provisions of the Local Government Act.	Medium	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations ensures that Council has a streamlined framework for the Leasing and Licensing of Community and Operational Land to Community Sports Groups and Community Service Providers ensuring equity and the avoidance of doubt.

CONSULTATION

- 1) Executive Team.
- 2) Property Services Section Manager.
- 3) Community Services Section Manager.
- 4) Investment and Asset Manager.
- 5) Contract and Services Coordinator.

OPTIONS

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

ATTACHMENTS

- 1) Community Leasing and Tenancy Policy and Associated Guideline Document.
- 2) Community Leasing Policy Adopted 9 April 2013.
- 3) Tenancy Policy for Buildings, Sports and Recreational Areas Managed by the Community and Recreation Services Section Adopted 18 April 2000.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 9 - ATTACHMENT 1 COMMUNITY LEASING AND TENANCY POLICY
AND ASSOCIATED GUIDELINE DOCUMENT.**

Policy



FILE NO: PSC2010-09412
TITLE: COMMUNITY LEASING AND TENANCY POLICY
POLICY OWNER: PROPERTY SERVICES MANAGER

PURPOSE:

The objective of this policy is to provide Council with a structured, transparent framework, for dealing with leases and licences to Community Service Providers and Community Sporting Groups over Council owned or controlled property.

This Policy is to be read in conjunction with the associated Guideline document – "Guideline – Assessment and Rental Provisions for the Community Leasing and Tenancy Policy".

CONTEXT/BACKGROUND:

Council's Property Service's section maintains a significant portfolio of leases and licences to various Community Service Providers and Community Sporting Groups generally on behalf of other sections of Council being the asset owners. This Policy seeks to establish a formalised process for the assessment of the contribution of such groups relative to Council's Community Strategic Plan.

The Policy further seeks to establish a formalised system to readily quantify Council's contribution to such groups by way of provision of discounted rents.

SCOPE:

The provisions of this Policy apply to all land owned or controlled by Council (under Trust or similar arrangements) which is either leased or licensed to Community Service Providers or Community Sporting Groups.

DEFINITIONS:

The definitions applicable to this Policy are detailed within the associated Guideline document – "Guideline – Assessment and Rental Provisions for the Community Leasing and Tenancy Policy".

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: xx/xx/xxxx

Printed: 29/05/2015

Review Date: xx/xx/xxxx

Page: 1 of 3

**ITEM 9 - ATTACHMENT 1 COMMUNITY LEASING AND TENANCY POLICY
AND ASSOCIATED GUIDELINE DOCUMENT.**

Policy



POLICY STATEMENT:

1. The licensing or leasing of community sporting and recreation facilities is governed by the Community Strategic Plan and associated Council resources.
2. Council is committed to providing facilities, and partnering with community sporting and service providers to enable the stand alone community management of these facilities.
3. Council is committed to an open and transparent licensing and leasing framework to ensure fair and equitable dealings with all sporting and community groups.
4. Council will encourage multiple uses of Community Sporting and Recreational Facilities wherever appropriate, maximising the use of capital infrastructure and encouraging cooperation between groups and organisations.
5. Community Sporting Groups ('CSGs') seeking exclusivity of use must be able to demonstrate significant social and community benefit and ongoing financial viability of the facility and their service. They must also demonstrate a high level of usage and occupancy of the facilities.
6. The assessment and apportioning of rents and Licence fees under this Policy is in accordance with the Port Stephens Council Guideline document "Assessment and Rental Provisions for the Community Leasing and Tenancy Policy".

POLICY RESPONSIBILITIES:

Council's Investment and Asset Manager and Community Services Section Manager are responsible for the implementation and review of this policy.

RELATED DOCUMENTS:

This policy is designed to support and complement the following existing policies:

- Guideline – Assessment and Rental Provisions for the Community Leasing and Tenancy Policy;
- Financial Assistance under Section 356 of The Local Government Act 1993;
- Community Group Loans Policy.

Policy

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Issue Date: xx/xx/xxxx

Printed: 29/05/2015

Review Date: xx/xx/xxxx

Page: 2 of 3

**ITEM 9 - ATTACHMENT 1 COMMUNITY LEASING AND TENANCY POLICY
AND ASSOCIATED GUIDELINE DOCUMENT.****Policy****CONTROLLED DOCUMENT INFORMATION:**

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TRIM container No	PSC2010-09412	TRIM record No	
Audience	Staff, management, Councillors, prospective community service providers and prospective sporting groups.		
Process owner	Property Services Section Manager.		
Author	Investment and Asset Manager.		
Review timeframe	Two years from adoption.	Next review date	
Adoption date			

VERSION HISTORY:

Version	Date	Author	Details	Minute No.

Policy

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Issue Date: xx/xx/xxxx

Printed: 29/05/2015

Review Date: xx/xx/xxxx

Page: 3 of 3

**ITEM 9 - ATTACHMENT 1 COMMUNITY LEASING AND TENANCY POLICY
AND ASSOCIATED GUIDELINE DOCUMENT.**



GUIDELINE

**Assessment and Rental Provisions for the
Community Leasing and Tenancy Policy**

Author: Brett Field – Investment and Asset Manager

Date: 15 May 2015

Procedure Ref: #

Background information/Situation

- Port Stephens Council is party to a large portfolio of lease and/or licence transactions with various community groups in respect of Council owned land or land for which Council is (by virtue of legislative provisions) the trustee.
- This guideline supports the Community Leasing and Tenancy Policy to ensure that all such transactions are transparent and mutually equitable and provide for recognition by publication of Council's contribution to community groups in the form of discounted rents (primarily) in return for contribution to community outcomes in accordance with Council's Community Strategic plan.

Target Audience/Users

- Council Officers, Management and Prospective Lessees or Licensees over Council owned or controlled land.

Definitions

- Lease
A contract granting use or occupation of property during a specified period in exchange for a specified rent or other form of payment.
- License
Council permission to engage or conduct a regulated activity on Council owned land or within a Council owned building.
- Community sporting groups (CSG's)
A sporting group, club or association providing recreational or sporting activities to the community.
- Community sporting and recreational facilities
A Council owned or provided facility for community recreational or sporting activities.
- Community service provider
An organised group, club or association that provides a benefit or service for the good of the community.

Applicable Standards

- Nil.

ITEM 9 - ATTACHMENT 1 COMMUNITY LEASING AND TENANCY POLICY AND ASSOCIATED GUIDELINE DOCUMENT.**Procedure Description**

- Council will enter into formal Leases, Licenses and/or Management Agreements with Community Sporting Groups ('CSGs') in relation to their tenancy arrangements. The form of agreement will be determined by taking into account:
 - Exclusivity of use;
 - Length of tenure;
 - Land classification and zoning;
 - Land management provisions of the Local Government Act;
 - Other Legislative requirements;
 - Social and community benefit;
 - The cost of entering agreements is to be borne by the lessee or licensee.
- Rents, fees or charges made by Council will be determined by taking into account:
 - Council's annual schedule of fees and charges;
 - The total annual cost of maintaining the facility at agreed levels;
 - Capital cost to Council of providing the facility;
 - Exclusivity of use;
 - Length of tenure;
 - Contribution made by the community, sporting or recreational group to the capital costs or level of intended investment in the capital infrastructure;
 - Assessment of social and community benefit.
- CSGs as prospective tenants may be required to develop a Business Plan according to Council's guidelines for the use of facilities, which will include:
 - Clear objectives for the management and use of the facility including the links to Council's Community Strategic Plan and any relevant Plans of Management;
 - A demonstrated commitment to community input into the operations of the facility;
 - Financial planning and accounting processes;
 - Asset Maintenance plans and schedules, including proposed improvements;
 - Review strategies.
- Vacant facilities will be advertised, specifying the purpose for which they are available and inviting submissions for use or occupation. Submissions may be sought by Council directly from specific community groups where appropriate.
- Submissions will be required to meet an established deadline and are to be assessed on established criteria. Criteria will include, but not necessarily be restricted to the following:
 - Proposed use of facility;
 - Structure of organisation making the submission;
 - Willingness to meet formalised conditions of use, including shared usage where appropriate;
 - Appropriate officers will assess submissions.

ITEM 9 - ATTACHMENT 1 COMMUNITY LEASING AND TENANCY POLICY AND ASSOCIATED GUIDELINE DOCUMENT.

- Prior to occupation all relevant documentation (including Business Plans where required) relating to the use of the facility will be provided to Council.

LEASE DOCUMENT FORMAT

- Leases less than three (3) years – all leases determined under this Guideline for community groups which are less than 3 (three) years in duration inclusive of the term of any option and therefore not requiring registration, are to be in the form of the Real Estate Institute of New South Wales Commercial Lease (FM00900).
- Leases exceeding three (3) Years – all leases determined under this Guideline for community groups which are for terms in excess of three (3) years in duration will be drafted by the Property Investment Coordinator Services Section or Council's retained law firm under instruction via the standard Legal template process.

LICENCE FORMAT

- All licences implemented in accordance with this guideline are to be in the standard Licence format adopted by Council's Commercial Property section.

MANAGEMENT AGREEMENTS

- Management Agreements required to formalise other obligations in regard to Asset Maintenance and the like will be negotiated and structured on a needs basis having regard to the documented Principles herein.

ITEM 9 - ATTACHMENT 1 COMMUNITY LEASING AND TENANCY POLICY AND ASSOCIATED GUIDELINE DOCUMENT.
COMMUNITY SERVICE PROVIDERS ('CSP's) ASSESSMENT CRITERIA

- For the purposes of determining an equitable schedule of rents, Community Service Providers are to be assessed in accordance with the following Property/Lease and Organisational specific Assessment Criteria.

CSP - ASSESSMENT SCALE

Community Leasing Policy / Lease Specific Assessment Based on Rating Criteria					POINTS ('PTS') ASSESSED
Criteria	Assessment Scale (Points)				
	1	2	3	4	
Land Classification and status (Net or Gross)	Operational / Gross	Operational / Net	Community / Gross	Community / Net	PTS
Lease Security	0 - 1 Months Bond	2 Months Bond	3 Months Bond	3 Months Bank Guarantee	PTS
Total Council Contribution to Fitout	>= \$5,000	\$3000 - \$4,999	< \$2,999	Nil required	PTS
Organisational Specific Assessment					
Criteria	Assessment Scale				
	1	2	3	4	
Community Benefit / Link to Council Community Strategic Plan	Little or no direct or integrated link or targets within the Council Community Strategic Plan.	Services provided do not integrate into the current Council Community Strategic Plan but do provide significant benefits to the community.	Services provided do not integrate into the current Council Community Strategic Plan but do provide significant benefits to the community which are considered to reduce the burden on Council budgets.	Integrates directly into the Council Community Strategic Plan.	PTS
Organisational Structure	The organisation is a locally based service, outlet or project that forms part of a larger not for profit organisation. There is limited or no local area representation on the advisory committee or management structure.	The organisation is a locally based service, outlet or project that forms part of a larger not for profit organisation. It has a voluntary management committee, comprised partly of local area representatives.	The organisation is locally based; has a regional focus, is stand alone and not for profit. It has a voluntary management committee, comprised partly of local area representatives.	The organisation is locally based, stand alone and not for profit. It has a voluntary management committee, comprised mainly of local area representatives.	PTS
Number of Providers	Meets Social or Recreational needs only	One of a number of providers meeting needs outside of those identified in Council Community Plan	One of a number of providers providing Community Services	Unique service provided of great benefit and linked to Council identified Community Strategic Plan targets	PTS
Competition	Provide in entirety direct Competition to Commercial operators	Partly competing with Commercial Operators	Direct Competition but also with added or differentiated benefits to service users	Main activities do not compete with Commercial providers	PTS
Ability to raise income	Commercial (profit) operation	Has ability to charge fees and raise revenue	Some ability to raise revenue and charge fees which are varied in line with respective client's abilities to pay.	Little or no opportunity for raising income	PTS
Access to Grant or similar funding	Access to State or Federal funding generally being Long term arrangements or which guarantee > 40% funding.	Access to State or Local funding generally being Long term arrangements or which guarantee > 40% funding.	Some (but generally) limited access to funding	No access to other funding sources	PTS
POINTS TOTAL					PTS

ITEM 9 - ATTACHMENT 1 COMMUNITY LEASING AND TENANCY POLICY AND ASSOCIATED GUIDELINE DOCUMENT.**POINTS SCORES FROM ASSESSMENT SCALE**

- In order to determine the appropriate rental to be applied to an eligible CSP, the total assessment points are to be arrived at by using the assessment scale above and then by reference to the points score data below, an appropriate discount from a market rental can be determined.

Point score Range	Discount from Market Rental to be Applied
< 9 pts	Nil
9 to 14 pts	5%
15 to 24 pts	40%
25 to 36 pts	60%

ARRIVING AT MARKET RENTS FOR THE PURPOSE OF THIS GUIDELINE

- Market rents can be determined by utilising registered Valuers from within Council's Property Services section. In the case of contentious rents or where other external factors may dictate, external Valuers may be engaged to appropriately determine a market rent with the associated fees for such valuations to be borne by the prospective tenant(s). In such situations, Council reserves its right to contest external valuation and seek/rely upon their own opinion.
- This guideline assumes that any valuations obtained for the purpose of arriving at lease terms, are to be undertaken by appropriately qualified members of the Australian Property Institute with Certified Practising Valuer status.

APPORTIONING APPROPRIATE LICENCE FEES FOR THE PURPOSE OF THIS GUIDELINE

- Having regard for the fact that a licence differs from a lease in that it does not provide an exclusive use and generally only provides a limited use for a specific time and purpose, licence fees will generally (but not always) be set at a lower level than a rent.
- Licences may be issued for a wide range of uses including temporary access or occupation, communication towers and or antennae and temporary right of way.
- Licences over Community Classified Land – in respect to licence fees applied under this guideline, the fees will generally reflect an apportionment of projected costs in terms of maintaining the licence terms in addition to a standard administration fee charged at commencement.
- Licences over Operational Land – for licences to CSP's over operational land; the licence fees will reflect an appropriate return to the asset manager/owner and will be set by the responsible officer in consultation with the asset manager/owner.

Port Stephens
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POLICY

Adopted: 9 April 2013

Minute No: 085

Amended:

Minute No:

FILE NO: PSC2010-09412

TITLE: COMMUNITY LEASING POLICY

RESPONSIBLE OFFICER: PROPERTY SERVICES MANAGER

BACKGROUND

Council's Property Service's section maintains a significant portfolio of leases and licences to various community groups generally on behalf of other sections of Council being the asset owners. Historically there has not been a formalised process for the assessment of the contribution of the community groups relative to Council's Community Strategic plan. Accordingly there has also not been a formalised system to readily quantify Council's contribution to such groups by way of provision of discounted rents.

OBJECTIVE

- 1) The objective of this policy is to provide Council with a structured, transparent framework, for dealing with leases and licences to community groups over Council owned property. The policy seeks to take into account all aspects of the transactions including classification of community groups in order to establish and maintain a mutually equitable schedule of rents to be applied to such properties.

PRINCIPLES

- 1) Port Stephens Council is committed to the following principles regarding the leasing and licensing of Council owned properties (or properties for which Council is the trustee in accordance with various legislative provisions) to community groups;
 - Classification of community groups in order to assess the relative discounts to be provided in respect to leases and licences in accordance with the benefits provided to the community;
 - Transparent dealings in all assessment;

ITEM 9 - ATTACHMENT 2 COMMUNITY LEASING POLICY ADOPTED 9 APRIL 2013.

- Having regard to market rents thereby quantifying Council's contribution to rental assistance in all dealings;
- Ensuring that assessment of rents and licence fees in accordance with this policy have fundamental regard in all cases to relevant contributions to the objectives of Council's Community Strategic plan;
- The requirement of both Council and individual community groups to report the value of contributions made in accordance with this policy.

POLICY STATEMENT

- 1) Port Stephens Council is party to a large portfolio of lease and/or licence transactions with various community groups in respect of Council owned land or land for which Council is (by virtue of legislative provisions) the trustee;
- 2) This policy seeks to ensure that all such transactions are transparent, mutually equitable and provide for recognition by publication of Council's contribution to community groups in the form of discounted rents (primarily) in return for contribution to community outcomes in accordance with Council's Community Strategic plan.

RELATED POLICIES

- 1) This policy is designed to support and complement the following existing policies;
 - Financial Assistance under Section 356 of The Local Government Act 1993;
 - Community Group Loans policy

DEFINITIONS

assessment criteria	assessment criteria forming part of this policy included herein under separate heading
community groups	means organisations or groups that provide a community service as defined by this policy.
community land	means land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the Local Government Act 1993.
community service	means;
(a)	a service rendered under the Community Welfare legislation;

ITEM 9 - ATTACHMENT 2 COMMUNITY LEASING POLICY ADOPTED 9 APRIL 2013.

(b)	any other service deemed by the Responsible Officer (in consultation and as assessed) to be of relevant benefit to the local community.
Council Community Strategic plan	Port Stephens Council – Community plan
Council owned property	all real property, the title of which vests in Port Stephens Council and all other real property managed under Trust arrangements or other arrangements on behalf of the Crown or other parties by Port Stephens Council.
operational land	means land that is classified as operational land under Division 1 of Part 2 of Chapter 6 the Local Government Act 1993.
responsible officer	means the Port Stephens Council Property Investment Coordinator.

LEASE DOCUMENT FORMAT – (EFFECTIVE 1 JUNE 2010)

Leases less than three (3) years – all leases for community groups which are less than 3 (three) years in duration inclusive of the term of any option and therefore not requiring registration, are to be in the form of the Real Estate Institute of New South Wales Commercial Lease (FM00900).

Leases Exceeding three (3) Years – all leases for community groups which are in excess of three (3) years in duration will be drafted by the Property Investment Coordinator or Council's retained law firm under instruction via the standard Legal template process.

LICENCE FORMAT (EFFECTIVE 1 JUNE 2010)

All licences implemented in accordance with this policy are to be in the standard Licence format adopted by Council's Commercial Property section.

ASSESSMENT CRITERIA

For the purposes of determining an equitable schedule of rents, community groups are to be assessed in accordance with the following Property/Lease and Organisational specific Assessment Criteria;

ITEM 9 - ATTACHMENT 2 COMMUNITY LEASING POLICY ADOPTED 9 APRIL 2013.

ASSESSMENT SCALE

Community Leasing Policy / Lease Specific Assessment Based on Rating Criteria					POINTS (PTS) ASSESSED
Criteria	Assessment Scale (Points)				
	1	2	3	4	
Land Classification and status (Net or Gross)	Operational / Gross	Operational / Net	Community / Gross	Community / Net	PTS
Lease Security	0 1 Months Bond	2 Months Bond	3 Months Bond	3 Months Bank Guarantee	PTS
Total Council Contribution to Fitout	>= \$5,000	\$3000 - \$4,999	< \$2,999	Nil required	PTS
Organisational Specific Assessment					
Criteria	Assessment Scale				
	1	2	3	4	
Community Benefit / Link to Council Community Strategic Plan	Little or no direct or integrated link or targets within the Council Community Strategic Plan.	Services provided do not integrate into the current Council Community Strategic Plan but do provide significant benefits to the community	Services provided do not integrate into the current Council Community Strategic Plan but do provide significant benefits to the community which are considered to reduce the burden on Council budgets	Integrates directly into the Council Community Strategic Plan	PTS
Organisational Structure	The organisation is a locally based service, outlet or project that forms part of a larger not for profit organisation. There is limited or no local area representation on the advisory committee or management structure.	The organisation is a locally based service, outlet or project that forms part of a larger not for profit organisation. It has a voluntary management committee, comprised partly of local area representatives.	The organisation is locally based, has a regional focus, is stand alone and not for profit. It has a voluntary management committee, comprised partly of local area representatives.	The organisation is locally based, stand alone and not for profit. It has a voluntary management committee, comprised mainly of local area representatives.	PTS
Number of Providers	Meets Social or Recreational needs only	One of a number of providers meeting needs outside of those identified in Council Community Plan	One of a number of providers providing Community Services	Unique service provided of great benefit and linked to Council identified Community Strategic Plan targets	PTS
Competition	Provide in entirety direct Competition to Commercial operators	Partly competing with Commercial Operators	Direct Competition but also with added or differentiated benefits to service users	Main activities do not compete with Commercial providers	PTS
Ability to raise income	Commercial (profit) operation	Has ability to charge fees and raise revenue	Some ability to raise revenue and charge fees which are varied in line with respective client's abilities to pay.	Little or no opportunity for raising income	PTS
Access to Grant or similar funding	Access to State or Federal funding generally being Long term arrangements or which guarantee > 40% funding.	Access to State or Local funding generally being Long term arrangements or which guarantee > 40% funding.	Some (but generally) limited access to funding	No access to other funding sources	PTS
POINTS TOTAL					PTS

ITEM 9 - ATTACHMENT 2 COMMUNITY LEASING POLICY ADOPTED 9 APRIL 2013.**POINTS SCORES FROM ASSESSMENT SCALE**

In order to determine the appropriate rental to be applied to an eligible community group, the total assessment points are to be arrived at by using the assessment scale above and then by reference to the points score data below, an appropriate discount from a market rental can be determined.

Point score Range	Discount from Market Rental to be Applied
< 9 pts	Nil
9 to 14 pts	5%
15 to 24 pts	40%
25 to 36 pts	60%

ARRIVING AT MARKET RENTS FOR THE PURPOSE OF THIS POLICY

Market rents can be determined by utilising registered Valuers from within Council's Property Services section. In the case of contentious rents or where other external factors may dictate, external Valuers may be engaged to appropriately determine a market rent with the associated fees for such valuations to be borne by the prospective tenant(s). In such situations, Council reserves its right to contest external valuation and seek/rely upon their own opinion.

This policy assumes that any valuations obtained for the purpose of arriving at lease terms, are to be undertaken by appropriately qualified members of the Australian Property Institute with Certified Practising Valuer status.

APPORTIONING APPROPRIATE LICENCE FEES FOR THE PURPOSE OF THIS POLICY

Having regard for the fact that a licence differs from a lease in that it does not provide an exclusive use and generally only provides a limited use for a specific time and purpose, licence fees will generally (but not always) be set at a lower level than a rent.

Licences may be issued for a wide range of uses including temporary access or occupation, communication towers and or antennae and temporary right of way.

Licences over Community Classified Land – in respect to licence fees applied under this policy, the fees will generally reflect an apportionment of projected costs in terms of maintaining the licence terms in addition to a standard administration fee charged at commencement.

Licences over Operational Land – for licences to community groups over operational land; the licence fees will reflect an appropriate return to the asset manager/owner and will be set by the responsible officer in consultation with the asset manager/owner.

ITEM 9 - ATTACHMENT 2 COMMUNITY LEASING POLICY ADOPTED 9 APRIL 2013.**POLICY IMPLEMENTATION**

Implementation of this policy may affect some existing leases or licences and in recognition of this factor, this policy is to be applied to those existing arrangements on the following basis;

LEASES AND LICENCES EXCEEDING 1 (ONE) YEAR

For current leases and licences where the term is for a period of two (2) years or more and there is more than two (2) years to expiry from the date this policy is implemented, then the policy applies for the next renewal.

For current leases and licences where the term is for a period of two years or more and there is less than two (2) years to expiry from the date this policy is implemented, a further term not exceeding two years will be entered into at expiry with the rental applied to be 50% of the figure calculated in accordance with this policy. Following expiry of this further term, the full provisions of this policy will apply to subsequent terms.

ANNUAL LEASES AND LICENCES

For current (annual) leases and licences where there is more than six (6) calendar months to expiry from the date the policy is implemented, then the policy provisions apply from the next renewal.

For current (annual) leases and licences where there is less than six (6) calendar months to expiry from the date the policy is implemented, then the existing arrangements will be kept in place for a further six (6) months with the policy provisions apply from the subsequent renewal.

SUSTAINABILITY IMPLICATIONS

Nil.

SOCIAL IMPLICATIONS

This policy will ensure that Council can more accurately quantify contributions by way of rental discounts to Community groups based upon direct contributions to the objectives of the Council Community Strategic Plan and other relevant factors.

ECONOMIC IMPLICATIONS

Nil.

ITEM 9 - ATTACHMENT 2 COMMUNITY LEASING POLICY ADOPTED 9 APRIL 2013.

ENVIRONMENTAL IMPLICATIONS

Nil.

RELEVANT LEGISLATIVE PROVISIONS

Nil.

IMPLEMENTATION RESPONSIBILITY

- 1) Property Investment Coordinator.

PROCESS OWNER

- 1) Property Investment Coordinator.

REVIEW DATE

- 1) April 2015.

ITEM 9 - ATTACHMENT 3 TENANCY POLICY FOR BUILDINGS, SPORTS AND RECREATIONAL AREAS MANAGED BY THE COMMUNITY AND RECREATION SERVICES SECTION ADOPTED 18 APRIL 2000.

Port Stephens
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POLICY

Adopted: 18/04/2000
Minute No. 217
Amended: #
Minute No. #

FILE NO: 7100-083

**TITLE: TENANCY POLICY FOR BUILDINGS, SPORTS AND RECREATIONAL AREAS
MANAGED BY THE COMMUNITY AND RECREATION SERVICES
DEPARTMENT.**

OBJECTIVE

To provide fair and equitable access to Community, Sport and Recreational Services and Facilities for residents of Port Stephens and to enable facilities to be maintained and developed to meet the future needs of the community.

PRINCIPLES

1. The Community Services and Facilities Strategy, the Forward Works Plan and the Section 94 Plan guide the provision by Council of Community and Recreation Facilities.
2. Provision of accommodation in Council owned buildings, sports and recreational areas reflects a commitment to entering into partnership with community, sporting and recreational groups to ensure that community and recreational services are provided within the Port Stephens LGA. It also reflects a commitment by Council to have the community manage its facilities.
3. Council's commitment to providing accommodation is dependent on available resources.
4. Council will encourage multiple use of buildings and recreational areas wherever appropriate, maximising the use of capital infrastructure and encouraging cooperation between groups and organisations.
5. Groups seeking exclusivity of use must be able to demonstrate the social and community benefit and ongoing financial viability of the facility and their service. They must also demonstrate a high level of usage and occupancy of the facility.
6. Council will enter into written Leases, Licenses or Accommodation or Management Agreements with community, sporting and recreational groups in relation to their tenancy arrangements. The form of agreement will be determined by taking into account;
 - Exclusivity of use
 - Length of tenure

ITEM 9 - ATTACHMENT 3 TENANCY POLICY FOR BUILDINGS, SPORTS AND RECREATIONAL AREAS MANAGED BY THE COMMUNITY AND RECREATION SERVICES SECTION ADOPTED 18 APRIL 2000.

- Land classification and zoning
- Land management provisions of the Local Government Act
- Other Legislative requirements
- Social and community benefit

The cost of entering agreements is to be borne by the lessee or licensee.

7. All new facilities are to have an agreement prior to occupancy.
8. Groups may seek a donation from Council to cover rental costs. Applications for rental assistance must proceed via Council's Donations Policy.
9. Rents, fees or charges made by Council will be determined by taking into account:
 - Council's annual schedule of fees and charges.
 - The total annual cost of maintaining the facility at desired levels.
 - Capital cost to Council of providing the facility.
 - Exclusivity of use.
 - Length of tenure.
 - Contribution made by the community, sporting or recreational group to the capital costs or level of intended investment in the capital infrastructure.
 - Intended purpose of use.
 - Assessment of social and community benefit.
10. Prospective tenants may be required to develop a Business Plan according to Council's guidelines for the use of facilities, which will include:
 - Clear objectives for the management and use of the facility including the links to Council's aims and any relevant Plans of Management.
 - A demonstrated commitment to community input into the operations of the facility.
 - Financial planning and accounting processes.
 - Maintenance plans and schedules, including proposed improvements.
 - Review strategies.

POLICY STATEMENT

1. Vacant facilities will be advertised, specifying the purpose for which they are available and inviting submissions for use or occupation. Submissions may be sought directly from specific community groups where appropriate.
2. Submissions will be required to meet an established deadline and are to be assessed on established criteria. Criteria will include, but not necessarily be restricted to the following;
 - Proposed use of facility.
 - Type of service to be provided.
 - Established need for service and fit with existing Council plans and strategies.
 - Structure and nature of organisation making the submission.
 - Willingness to meet conditions of usage, including shared usage where appropriate.

ITEM 9 - ATTACHMENT 3 TENANCY POLICY FOR BUILDINGS, SPORTS AND RECREATIONAL AREAS MANAGED BY THE COMMUNITY AND RECREATION SERVICES SECTION ADOPTED 18 APRIL 2000.

- Willingness to enter into a formal agreement with Council and establish a Business Plan.
- 3. Appropriate officers will assess submissions. Recommendations, taking into account any statutory obligations, will be made by the Community and Cultural Services Manager or the Sports & Recreation Manager to the Departmental Manager.
- 4. Councillors will be advised regarding recommended tenant, prior to the negotiation of an agreement.
- 5. When the agreement is finalised the successful group will have a period of 6 months to develop a Business Plan for the use of the facility for final approval by Council.

Note: Click on the following hyperlink to go to the Flowchart for this policy

[Flowchart](#)

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

ITEM NO. 10

FILE NO: PSC2015-01000/292

TRIM REF NO: PSC2009-02962

POLICY REVIEW: CONTRIBUTION TO WORKS FOR FOOTPATH PAVING AND CYCLEWAY CONSTRUCTION

REPORT OF: JOHN MARETICH - CIVIL ASSETS SECTION MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Contributions to Works for Footpath Paving & Cycleway Construction 2010 policy dated 09 February 2010 (Min No. 020) as of 1 July 2014 shown at **(ATTACHMENT 1)**.
 - 2) Continue to collect Contribution to Works for Footpath, Paving and Cycleway construction for accounts opened before 1 July 2014 until finalised.
-

ORDINARY COUNCIL MEETING - 23 JUNE 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor Ken Jordan That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 23 JUNE 2015 MOTION

174	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Revoke the Contributions to Works for Footpath Paving & Cycleway Construction 2010 policy dated 09 February 2010 (Min No. 020) as of 1 July 2014 shown at (ATTACHMENT 1).2) Continue to collect Contribution to Works for Footpath, Paving and Cycleway construction for accounts opened before 1 July 2014 until finalised.
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BACKGROUND

The purpose of this report is to seek Council's endorsement to revoke the current Contributions to Works for Footpath Paving and Cycleway Construction 2010 Policy shown at **(ATTACHMENT 1)**.

The purpose of this policy is to allow Council to charge residents a contribution to works for the construction of new footpaths and cycleways built adjacent to their property. The applicability of any contribution to works is based on the land zoning of the property, with the maximum rate being up to 50% of the average construction cost.

The policy was last reviewed in February 2010 following a Notice of Motion presented to Council's Ordinary Meeting on 25 August 2009. After the exhibition period the policy was adopted on 9 February 2010.

Reasons for the recommendation to revoke this policy are:

- The footpath is regarded by the community as Council infrastructure with no direct benefit to landowners.
- The additional contribution imposes a cost to landowners without any benefit being provided.
- The income received is low compared to the cost of construction.

The time required to administer and recoup the contributions makes it an inefficient expense of resources.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has an integrated, connected transport system.	Promote sustainable and improved, accessible and flexible transport modes.

FINANCIAL/RESOURCE IMPLICATIONS

The total cost of construction of new footpaths and cycleways since 2010 is \$1,501,864 to date. Income from collecting footpath contributions has been \$39,225 in total since the policy was reviewed in 2010. The majority of footpaths and shared paths constructed in recent years have been exempt from contributions to works as these paths have been built alongside or within Council land or land not zoned applicable for contributions. These include shared paths around the Tomaree Sports Complex, Salamander, Shoal Bay Road east of the boat ramp, a path connection from Ferodale Road to Yulong Oval, Medowie, and The Hub in Raymond Terrace.

The current financial year has one project being the construction of a footpath on Tomaree Street in Nelson Bay with an estimated contribution to works amount of \$2,200. These invoices have not been sent out to date, and the project is under budget with the ability to cover this amount. The proposed 2015-2016 capital works plan has no projects which will attribute contributions to works for paths. The 2016-2017 financial year has only one project at this stage which has contribution to works for paths associated to it being stage 1 of the Tomaree Rd, Shoal Bay reconstruction. This project has a preliminary estimate of approximately \$30,000 for contributions to works for footpaths out of a budget of \$890,000, which equates to 3% of the value of works.

Future projects in the Strategic Asset Management Plan have the costs for the construction of new paths covered in the budget estimate without contributions to works as the calculations for the contribution to works have not yet been performed.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Additional funds will be covered in existing budgets.
Reserve Funds	No		
Section 94	No		
External Grants	Yes		Grants sought will have the total cost of project attributed to the estimate not a percentage to take into account contribution to works for paths.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council does not have to collect contributions to works. Section 217 of the Roads Act 1993 states "*..Roads authority may recover cost of paving, kerbing and guttering footways...*".

The contribution to works for kerb and guttering is a separate policy and will be reported to Council on 26 May 2015.

Many recent paths have also been shared paths with the width being 2.4m or wider. The current policy states that Council can only charge property owners at an amount equal to the construction of a 1.2m wide path. This effectively reduces income from contributions to 25% or less.

Council still has 15 landowners with contribution to works for footpath accounts not finalised to date to a value of \$3,900. Revoking the policy as of 01 July 2014 would still result in these 15 landowners finalising their current contributions to works under the old policy arrangements to maintain equitability under the previous arrangements.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that revoking the policy will not allow the collection of contribution to works for footpaths and cycleways, leading to a financial shortfall in the budget allocation towards projects.	Low	Adopt the recommendations. Actual contributions to works for paving collected are low with the existing budget able to absorb the shortfall.	Yes
There is a risk that collecting contributions to works for paving will impose greater financial burden for landowners.	Low	Adopt the recommendations.	Yes
There is a risk that collecting Contribution to Works for footpath paving and cycleway construction will impose additional costs to landowners leading to community dissatisfaction and reputation damage.	Med	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Collecting contributions to works for paths causes the most number of complaints when Council construct new paths. Generally footpaths are considered unfavourable by most landowners as they believe the cost should be borne by Council due to the path being viewed as community infrastructure. Also path users are directed to walk along the front of a property leaving property owners feeling less secure. A footpath does not tend to add to the visual or functional improvements to a property unlike kerb and guttering contributions to works.

The main complaint received is in relation to the inequity that owners on the opposite side of the road do not contribute towards the path which is a current condition of Section 217 of the *Roads Act 1993*.

The additional cost of a footpath contribution on top of a kerb and gutter contribution is of financial concern for land owners. The average contribution to works exceeds \$2,000 when land owners are required to contribute towards both kerb and guttering and a path.

Additional administration duties are required to ensure contributions are being paid. Since the introduction of an interest free repayment, the number of referrals to debt collection agencies has reduced but is still required.

CONSULTATION

- 1) Financial Services Section.
- 2) Facilities and Services Group.

OPTIONS

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

ATTACHMENTS

- 1) Contributions to Works for Footpath Paving & Cycleway Construction 2010 Policy 9 February 2010 (Minute No. 020).

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 10 - ATTACHMENT 1 CONTRIBUTIONS TO WORKS FOR FOOTPATH
PAVING & CYCLEWAY CONSTRUCTION 2010 POLICY 9 FEBRUARY 2010
(MINUTE NO. 020).**

Port Stephens
C·O·U·N·C·I·L

POLICY

Adopted: 09/02/2010

Minute No: 020

Amended:

Minute No:

FILE NO: PSC2009-02962

**TITLE: CONTRIBUTION TO WORKS FOR FOOTPATH PAVING & CYCLEWAY
CONSTRUCTION 2010**

RESPONSIBLE OFFICER: DESIGN & PROJECT DEVELOPMENT ENGINEER

BACKGROUND

Over the years Council has considered several reports regarding the levying of contributions to works for footpath paving (as well as kerb & guttering) which sought to clarify when and how contributions should apply. Some of the more significant reports have been listed and the adopted recommendations summarised below:

- 24/04/79 - Minute No. 372 Contribution rate be 50% of the rate.
- 11/07/95 - Minute No. 287 - Council continue charging adjoining property owners for footpath construction.
- 30/01/96 - Minute No. 26 – Method for charging be amended by adding a provision for corner lots to pay $\frac{2}{3}$ of the frontage rate for the length of construction.
- 20/07/99 - Minute No. 324 – Council continue charging owner kerb and gutter and footpath paving when notified prior to works. The second recommendation to charge when no prior notice given, was deferred for further consideration.
- 18/07/2000 - Minute No. 360 - Policy document adopted by Council for contribution to work for kerb & gutter construction & footpath/cycleway construction.
- 25/08/09 - Notice of Motion no.3: Council review its policy on the charging for footpath paving.

This policy has been prepared to separate out the "footpath and cycleway" component of the previous policy adopted on 18/07/00 which was for contributions to both footpath paving and kerb and gutter. This policy deals only with contributions towards footpaths and cycleways. It has been prepared to ensure that Council is able to apply a contribution criteria and costing structure that is easily understood and

ITEM 10 - ATTACHMENT 1 CONTRIBUTIONS TO WORKS FOR FOOTPATH PAVING & CYCLEWAY CONSTRUCTION 2010 POLICY 9 FEBRUARY 2010 (MINUTE NO. 020).

ensures equity and consistency in its application with respect to contributions by adjoining owners towards the cost of footpath paving/cycleway construction.

OBJECTIVE

- This policy is related to Council's goal of success and sustainability in asset management which seeks to *"provide quality facilities and services to the community"*.
- Funds generated under this policy will assist in achieving other objectives in its plans *"achieve additional external income from fees and charges"*.

PRINCIPLES

1. That the contribution structure be fair and equitable and accepted by the general community.
2. When constructing new footpaths or cycleways within a public road, Council will require a contribution from those adjoining property owners that benefit from the facilities.
3. Council endeavours to notify all property owners affected prior to commencing the work, providing details of the work and the approximate amount of the contribution to be paid.

POLICY STATEMENT

- Maximum fees are to be reviewed annually and must be approved by Council.
- The amount charged is not to be more than half of the actual cost of construction.
- The owner of the property becomes liable to pay the amount on receiving the notice. If the property is sold after notification has been given, the liability to pay the contribution will be the responsibility of the new owner.
- Council will advise potential new property owners by indicating what liabilities exist when issuing a certificate under section 603.
- Contributions are not applicable when the Group Manager of Facilities & Services determines that no direct benefit can be derived from the construction work.
- Contributions may be repaid over a period of time provided payments are made fortnightly in accordance with the following schedule:

Non Pensioners

Contribution amount (\$)	≤\$500	>\$500 to \$1,000	>\$1,000
Time to Pay	Up to 12 months	Up to 2 years	Up to 4 years
Minimum fortnightly repayments	\$20	\$20	\$20

ITEM 10 - ATTACHMENT 1 CONTRIBUTIONS TO WORKS FOR FOOTPATH PAVING & CYCLEWAY CONSTRUCTION 2010 POLICY 9 FEBRUARY 2010 (MINUTE NO. 020).

Pensioners

Contribution amount (\$)	≤\$500	>\$500 to \$1,000	>\$1,000
Time to Pay	Up to 2 years	Up to 4 years	Up to 5 years
Minimum fortnightly repayments	\$10	\$10	\$10

- In the absence of a fortnightly repayment arranged as above, contributions are payable in full within 30 days from issue of Council's invoice.
- Regardless of the original source of funding for the construction of footpath/cycleway (*original source must be less than 100% of the total cost of construction*), Council will require owners' contribution in all cases where such construction fronts privately owned land as zoned below.
- Aged Pensioners who satisfy the eligibility criteria may make application to defer any contribution towards footpath paving & cycleway construction under Council's Debt Recovery & Hardship Policy.

ASSESSING THE APPLICATION BASED ON LAND ZONING

The applicability of any contribution is based on the land zoning of the property. List of land zones where a contribution is *applicable* for footpath/cycleway construction:

- Residential 2(a) and 2(c);
- Business 3(a);
- Industrial 4(a); and
- Special Urban 5(g).

BOUNDARY LOCATION & CALCULATIONS OF CONSTRUCTION COSTS

There are three different rate structures to be applied once the zone applicability has been established:

1. Front boundaries 50.0% of the average construction cost
2. Corner Lots - Side & Front boundaries 33.3% of the average construction cost
3. Rear boundaries 25.0% of the average construction cost

- The **length** used in the calculations is the length of the property boundary, but not more than the actual length of the footpath or cycleway being constructed.
- The **width** used in the calculation of footpath or cycleway construction (total construction width of shared footpath/cycleways is normally 2.4m) will be charged to property owners at an amount equal to the construction of 1.2m wide, which is considered as the footpath component.

ITEM 10 - ATTACHMENT 1 CONTRIBUTIONS TO WORKS FOR FOOTPATH PAVING & CYCLEWAY CONSTRUCTION 2010 POLICY 9 FEBRUARY 2010 (MINUTE NO. 020).

In the case of properties with strata title or community title the cost shall be shared equally between all strata title or community title holders.

RELATED POLICIES

That Council maintains consistency with Council's Subdivision Code and other relevant policies including Council's Local Environmental Plan and Schedule of Fees for the current period.

RELEVANT LEGISLATIVE PROVISIONS

To comply with the provisions of Section 217 of the Roads Act 1993.

SECTION 217 OF THE ROADS ACT 1993

DIVISION 3 KERBING AND GUTTERING ETC BY ROADS AUTHORITIES

217 Roads authority may recover cost of paving, kerbing and guttering footways

- (1) The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.*
- (2) The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine...[except as provided by S217].*

IMPLEMENTATION RESPONSIBILITY

- Engineering Services Section's Design & Project Development Engineer is responsible for the implementation and administration of the policy and procedures (notification of work notices to property owners, calculation of fees etc).
- Commercial Services Group's Revenue Co-ordinator is responsible for the invoicing and collection of contributions for the works.

REVIEW DATE

This policy will be reviewed after twelve months of its implementation to ensure that it is operating effectively and achieving its objectives. After implementation, this policy will be reviewed every two years.

ITEM NO. 11

FILE NO: PSC2015-01000/291

TRIM REF NO: PSC2009-06551

POLICY REVIEW: CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION

REPORT OF: JOHN MARETICH - CIVIL ASSETS SECTION MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Contribution to Works for Kerb and Gutter Construction policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Contribution to works for Kerb and Gutter Construction policy on public exhibition for a period of 28 days, and should no submissions be received, adopt the policy.
- 3) Revoke the Contribution to Works for Kerb and Gutter Construction 2010 policy shown at **(ATTACHMENT 2)** dated 09 February 2010 (Minute No. 018).

**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Steve Tucker Councillor Ken Jordan That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION**

175	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Contribution to Works for Kerb and Gutter Construction policy shown at (ATTACHMENT 1).2) Place the revised Contribution to works for Kerb and Gutter Construction policy on public exhibition for a period of 28 days, and should no submissions be received, adopt the policy.3) Revoke the Contribution to Works for Kerb and Gutter Construction 2010 policy shown at (ATTACHMENT 2) dated 09 February 2010 (Minute No. 018).
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BACKGROUND

The purpose of this report is to gain Council's endorsement of the revised Contribution to Works for Kerb and Gutter Construction policy shown as **(ATTACHMENT 1)**.

The intent of this policy is to allow Council to charge residents a contribution to works for the construction of new kerb and guttering built adjacent to their property.

The revised Contributions to Works for Kerb and Gutter Construction Policy does not change the intent of the policy. The revised policy is an update to reflect the changes in Council's LEP 2013 zones and to update the policy to the new format.

The policy was last reviewed in February 2010 following a Notice of Motion presented to Council's Ordinary Meeting on 25 August 2009. After the exhibition period the policy was adopted on 09 February 2010.

Reasons for the recommendation to endorse this policy are:

- Kerb and guttering is regarded by the community as having a direct benefit to landowners
- Kerb and guttering provides improved stormwater runoff control and quality
- The contribution creates an additional source of income for projects allowing more kerb and guttering to be constructed.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens' infrastructure and utilities meet the needs of all sections of the community.	Reduce the infrastructure backlog on all Council assets.

FINANCIAL/RESOURCE IMPLICATIONS

The total cost of construction for kerb and guttering since 2010 has been \$354,974 to date of which \$104,335 of contribution to works has been collected. A number of projects have been exempt from contributions to works which include Ferodale Road from Medowie Public School to Waropara Road, Shoal Bay Road east of the boat ramp and smaller projects around Council owned land to control stormwater. These projects were exempt as they did not meet the Land Zoning Criteria as noted in the Policy.

Council's capital works program has projects in each financial year that includes the construction of new kerb and guttering. The contribution amount varies from year to year and adds an additional \$80,000-\$100,000 of income into this program.

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes		Contribution to Works for Kerb and Guttering.

LEGAL, POLICY AND RISK IMPLICATIONS

Council elects whether to collect contributions to works. Section 217 of the Roads Act 1993 states "... Roads authority may recover cost of paving, kerbing and guttering footways.."

The contribution to works for footpath paving & cycleway construction is a separate policy currently under review. Should Council decide to discontinue seeking contributions towards kerb and gutter construction, the capital works program in the Strategic Asset Management Plan will need to be adjusted to take into account the reduced income.

Income from contribution to works for kerb and guttering over the next three financial years is estimated at \$215,000. If this income was not available and there was a desired to complete the kerb and gutter program at its current level, then the proposed capital works program would require the postponing of projects or the reduction in scope to the value of \$215,000. This quantum is equivalent to one road pavement rehabilitation project or three (3) playground reconstructions from the capital works program over this period.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that revoking the policy will not allow the collection of contribution to works for kerb and guttering, leading to a financial shortfall in the budget allocation towards projects.	Low	Adopt the recommendations. Not collecting contribution to works for kerb and guttering will reduce income required for the capital works program. This reduction in additional income will require Council to either review its current works program to reduce the number of projects it can undertake or obtain additional income from an alternative source.	Yes

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that collecting Contribution to Works for Kerb and Guttering will impose additional costs to landowners leading to community dissatisfaction and financial hardship.	Medium	Adopt the recommendations. The policy includes repayment options including the ability for aged pensioners to defer payment under Councils Debt Recovery & Hardship policy. Council has been collecting Contribution to works for kerb and gutter construction prior to 1979 and is common practice amongst other Councils to collect kerb and gutter contributions.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

To date a majority of land owners are willing to pay for the physical improvement to their property frontage as it improves the aesthetic and functionality.
Anecdotally, this will increase a property's resale value.

The current and draft policy has a repayment system implemented to allow landowners to repay over a period of time should they not afford the lump sum payment. The time limit is based on the amount owing and is broken into pensioner and non-pensioner schedules. Aged pensioners who satisfy the eligibility criteria can also make application to defer any contributions to works under Councils Debt Recovery and Hardship Policy. This repayment system has been working well since its introduced into a previous review of this policy.

Kerb and gutter reduces scouring and water ponding on the road shoulder and verge area reducing the pavement failure. Kerb and gutter also improves stormwater runoff water quality by reducing gravel washing into the stormwater drainage systems and subsequent water catchments.

Providing a kerbed edge to the road helps to delineate the edge of the road formation. This aids in the location of services, position for vehicles to uniformly park alongside and clearly define the 'nature strip' of the road.

CONSULTATION

- 1) Financial Services Section.
- 2) Facilities and Services Group.

OPTIONS

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

ATTACHMENTS

- 1) Proposed Contribution to Works for Kerb and Gutter Construction Policy.
- 2) Current Contribution to Works for Kerb and Gutter Construction Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 11 - ATTACHMENT 1 PROPOSED CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



FILE NO: PSC2009-06551

TITLE: CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION

POLICY OWNER: ASSETS SECTION MANAGER

PURPOSE:

The purpose of this policy is to allow Council to charge residents a contribution to works for the construction of new kerb and guttering built adjacent to their property.

This policy provides a framework to apply a contribution based on land zoning.

CONTEXT/BACKGROUND:

Kerb and gutter provides a clear boundary between the road pavement and the footpath reserve. It functions to collect and control stormwater runoff from both private properties and the roadway. Landowners, especially in urban areas, consider kerb and gutter an integral and necessary part of any road network.

Kerb and gutter improves the environment by reducing sediment transfer to improve water quality. Kerb and gutter reduces road shoulder scouring as well as the ability for water to pond on the road shoulder and roadside verge area which allows water to penetrate the pavement causing road failure.

The Roads Act allows Council to recoup the cost of installing kerb and gutter from the adjacent property owner. A repayment system outlined in the policy statement enables property owners to repay contributions to works over a period of time if they cannot afford the lump sum payment. This is time limited based on the amount owing and is broken into pensioner and non-pensioner schedules. Aged pensioners who satisfy to eligibility criteria can also make application to defer any contributions to works under Councils Debt Recovery and Hardship Policy.

Policy

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Issue Date: 23/06/2015

Printed: 11/06/2015

Review Date: 23/06/2019

Page: 1 of 6

ITEM 11 - ATTACHMENT 1 PROPOSED CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



SCOPE:

- 1) That the contribution structure be fair and equitable and accepted by the general community.
- 2) When constructing new kerb and gutter for the community within a public road, Council will require a contribution from those adjoining property owners that benefit directly from these facilities.
- 3) That Council makes every endeavour to notify the property owners affected prior to commencing the work and provides details of work to be carried out and an approximate amount of any contribution to be paid. In exceptional circumstances when Council is unable to notify property owners prior to works and of costs, the owners are still liable to pay the contribution.
- 4) That this policy details all of the different situations and that contributions are consistently applied, to prevent any exceptions occurring.
- 5) Fees are to be reviewed annually through the fees and charges process reviewed by Council.
- 6) The amount charged is not to be more than half of the actual cost of construction.
- 7) The owner of the property becomes liable to pay the amount on receiving the notice. If the property is sold after notification has been given, the liability to pay the contribution will be the responsibility of the new owner.
- 8) Council will advise potential new property owners by indicating what liabilities exist when issuing a certificate under section 603.
- 9) Contributions are not applicable when the Group Manager of Facilities & Services determines that no direct benefit can be derived from the construction.

Policy

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Printed: 11/06/2015

Review Date: 23/06/2019

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ITEM 11 - ATTACHMENT 1 PROPOSED CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



Contributions may be repaid over a period of time provided payments are made fortnightly in accordance with the following schedule:

Non Pensioners

Contribution amount (\$)	≤\$500	>\$500 to \$1,000	>\$1,000
Time to Pay	Up to 12 months	Up to 2 years	Up to 4 years
Minimum fortnightly repayments	\$20	\$20	\$20

Pensioners

Contribution amount (\$)	≤\$500	>\$500 to \$1,000	>\$1,000
Time to Pay	Up to 2 years	Up to 4 years	Up to 5 years
Minimum fortnightly repayments	\$10	\$10	\$10

Regardless of the original source of funding for the construction of kerb and gutter (original source must be less than 100% of the total cost of construction), Council will require owners' contribution in all cases where such construction fronts privately owned land as zoned below.

Aged Pensioners who satisfy the eligibility criteria may make application to defer any contribution towards kerb & gutter construction under Council's Debt Recovery & Hardship Policy.

ASSESSING THE APPLICATION BASED ON LAND ZONING

The applicability of any contribution is based on the land zoning of the property.

List of land zones where a contribution is applicable for Kerb and Gutter:

R1 General Residential
 R2 Low Density Residential
 R3 Medium Density Residential
 R5 Large Lot Residential
 B1 Neighbourhood Centre
 B2 Local Centre
 B3 Commercial Core
 B4 Mixed Use
 B5 Business Development
 B7 Business Park
 IN1 General Industrial

Policy

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ITEM 11 - ATTACHMENT 1 PROPOSED CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



IN2 Light Industrial
IN4 Working Waterfront
E4 Environmental Living
RE2 Private Recreation
SP2 Infrastructure
RU5 Village

BOUNDARY LOCATION & CALCULATIONS OF CONSTRUCTION COSTS

There are three different rate structures to be applied once the zone applicability has been established:

Front boundaries:	50.0% of the average construction cost
Corner Lots - Side & Front boundaries:	33.3% of the average construction cost
Rear boundaries:	25.0% of the average construction cost

The length used in the calculations is the length of the property boundary, but not more than the actual length of the kerb and gutter being constructed.

In the case of properties with strata title or community title the cost shall be shared equally between all strata title or community title holders.

DEFINITIONS:

Kerb and Guttering - A concrete barrier used to define the edge of a road and drainage purposes.

Land Zone - As prescribed in Councils Local Environmental Plan (LEP) 2013. This Plan aims to make local environmental planning provisions for land in Port Stephens in accordance with the relevant standard environmental planning instrument under section 33A of the Environmental Planning and Assessment Act 1979.

Contribution - A payment or levy to give in order to help achieve or provide something.

POLICY STATEMENT:

The contribution of works for Kerb and Gutter Policy is to:

- 1) To improve stormwater runoff water quality and control.
- 2) Improve the character of the area in which kerb and gutter is being installed.

Policy

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ITEM 11 - ATTACHMENT 1 PROPOSED CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



- 3) Create an additional source of income for projects allowing more kerb and guttering to be constructed.
- 4) To be fair and equitable for the ratepayers of Port Stephens Council.

POLICY RESPONSIBILITIES:

- 1) Assets Section Manager is responsible for the implementation and administration of the policy and procedures (notification of work notices to property owners, calculation of fees etc).
- 2) Financial Services Section Manager is responsible for the invoicing and collection of contributions for the works

RELATED DOCUMENTS:

That Council maintains consistency with other relevant policies including Council's Local Environmental Plan and Schedule of Fees for the current period.

- 1) To comply with the provisions of Section 217 of the Roads Act 1993.

Section 217 of the Roads Act 1993

Division 3 Kerbing and guttering etc by roads authorities

217 Roads authority may recover cost of paving, kerbing and guttering footways

- (1) *The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.*
- (2) *The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine...[except as provided by S217].*

Policy

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ITEM 11 - ATTACHMENT 1 PROPOSED CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.**Policy****CONTROLLED DOCUMENT INFORMATION:**

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TRIM container No	PSC2015-01000	TRIM record No	291
Audience	Port Stephens Residents, Assets and Financial Services Sections		
Process owner	Assets Section Manager		
Author	John Maretich		
Review timeframe	Every 4 Years	Next review date	23/06/2019
Adoption date	23/06/2015		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	09/02/2010	John Maretich		018

Policy

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Issue Date: 23/06/2015

Printed: 11/06/2015

Review Date: 23/06/2019

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ITEM 11 - ATTACHMENT 2 CURRENT CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.



POLICY

Adopted: 09/02/2010

Minute No: 018

Amended:

Minute No:

FILE NO: PSC2009-06551

TITLE: CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION 2010

RESPONSIBLE OFFICER: DESIGN & PROJECT DEVELOPMENT ENGINEER

BACKGROUND

Over the years, Council has considered several reports regarding the levying of contributions to work for kerb and gutter and footpath construction, which sought to clarify when and how contributions should apply. Some of the more significant reports are listed as follows:

- 24/04/79 - Minute No. 372 – Contribution rate be 50% of the rate.
- 11/07/95 - Minute No. 287 - Council continue charging adjoining property owners for footpath construction.
- 30/01/96 - Minute No. 26 – Method for charging be amended by adding a provision for corner lots to pay $\frac{2}{3}$ of the frontage rate for the length of construction.
- 20/07/99 - Minute No. 324 – Council continue charging owner kerb and gutter and footpath paving when notified prior to works. The second recommendation to charge when no prior notice given, was deferred for further consideration.
- 18/07/2000 - Minute No. 360 - Policy document adopted by Council for contribution to work for kerb & gutter construction & footpath/cycleway construction.
- 25/08/09 - Notice of Motion no.3: Council review its policy on the charging for footpath paving.

This policy has been prepared to separate out the “*kerb and gutter*” component of the previous policy adopted on 18/7/00 which was for contributions to both footpath paving and kerb and gutter. This policy deals only with contributions for kerb and gutter. It has been prepared to ensure that Council is able to apply a contribution criteria and costing structure that is easily understood and ensures equity and consistency in its application with respect to contributions by adjoining property owners towards the cost of kerb and gutter construction.

ITEM 11 - ATTACHMENT 2 CURRENT CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

OBJECTIVE

- This policy is related to Council's goal of success & sustainability in asset management which seeks to: "provide quality facilities & services to the community".
- Funds generated under this policy will assist in achieving other objectives in its plans: "achieve additional external income from fees & charges"

PRINCIPLES

- 1) That the contribution structure be fair and equitable and accepted by the general community.
- 2) When constructing new kerb and gutter for the community within a public road, Council will require a contribution from those adjoining property owners that benefit directly from these facilities.
- 3) That Council makes every endeavour to notify the property owners affected prior to commencing the work and provides details of work to be carried out and an approximate amount of any contribution to be paid. In exceptional circumstances when Council is unable to notify property owners prior to works and of costs, the owners are still liable to pay the contribution. That this policy details all of the different situations and that contributions are consistently applied, to prevent any exceptions occurring.

POLICY STATEMENT

- Maximum fees are to be reviewed annually and must be approved by Council.
- The amount charged is not to be more than half of the actual cost of construction.
- The owner of the property becomes liable to pay the amount on receiving the notice. If the property is sold after notification has been given, the liability to pay the contribution will be the responsibility of the new owner.
- Council will advise potential new property owners by indicating what liabilities exist when issuing a certificate under section 603.
- Contributions are not applicable when the Group Manager of Facilities & Services determines that no direct benefit can be derived from the construction, i.e. no feasible access or significant difference in level between property boundary and kerb and gutter to be constructed.
- Contributions may be repaid over a period of time provided payments are made fortnightly in accordance with the following schedule:

ITEM 11 - ATTACHMENT 2 CURRENT CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.**Non Pensioners**

Contribution amount (\$)	≤\$500	>\$500 to \$1,000	>\$1,000
Time to Pay	Up to 12 months	Up to 2 years	Up to 4 years
Minimum fortnightly repayments	\$20	\$20	\$20

Pensioners

Contribution amount (\$)	≤\$500	>\$500 to \$1,000	>\$1,000
Time to Pay	Up to 2 years	Up to 4 years	Up to 5 years
Minimum fortnightly repayments	\$10	\$10	\$10

- In the absence of a fortnightly repayment arranged as above, contributions are payable in full within 30 days from issue of Council's invoice.
- Regardless of the original source of funding for the construction of kerb and gutter (original source must be less than 100% of the total cost of construction), Council will require owners' contribution in all cases where such construction fronts privately owned land as zoned below.
- Aged Pensioners who satisfy the eligibility criteria may make application to defer any contribution towards kerb & gutter construction under Council's Debt Recovery & Hardship Policy.

ASSESSING THE APPLICATION BASED ON LAND ZONING

The applicability of any contribution is based on the land zoning of the property.

List of land zones where a contribution is applicable for Kerb and Gutter:

- Rural 1(c4) and 1(c5);
- Residential 2(a) and 2(c);
- Business 3(a);
- Industrial 4(a); and
- Special Urban 5(g).

BOUNDARY LOCATION & CALCULATIONS OF CONSTRUCTION COSTS

There are three different rate structures to be applied once the zone applicability has been established:

Front boundaries:	50.0% of the average construction cost
Corner Lots - Side & Front boundaries:	33.3% of the average construction cost
Rear boundaries:	25.0% of the average construction cost

The length used in the calculations is the length of the property boundary, but not more than the actual length of the kerb and gutter being constructed.

ITEM 11 - ATTACHMENT 2 CURRENT CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

In the case of properties with strata title or community title the cost shall be shared equally between all strata title or community title holders.

RELATED POLICIES

That Council maintains consistency with Council's Subdivision Code and other relevant policies including Council's Local Environmental Plan and Schedule of Fees for the current period.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

SOCIAL IMPLICATIONS

Kerb and gutter provides a clear boundary between the road pavement and the footpath reserve. It functions to collect and control stormwater runoff from both private properties and the roadway. Landowners, especially in urban areas, consider kerb and gutter an integral and necessary part of any road network.

ECONOMIC IMPLICATIONS

Kerb and gutter contributions for an "average" property in an urban area in 2009/10 will amount to approximately \$940 for a property with one frontage. Some landowners have difficulty meeting one-off levies of this amount so Council has adopted a practice of allowing landowners to progressively pay off their debt over a number of years. Most landowners accept that kerb and gutter adds to the value of their property.

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

To comply with the provisions of Section 217 of the Roads Act 1993.

Section 217 of the Roads Act 1993

Division 3 Kerbing and guttering etc by roads authorities

217 Roads authority may recover cost of paving, kerbing and guttering footways

- (1) *The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.*
- (2) *The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine...[except as provided by S217].*

ITEM 11 - ATTACHMENT 2 CURRENT CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

IMPLEMENTATION RESPONSIBILITY

- Engineering Services Section's Design & Project Development Engineer is responsible for the implementation and administration of the policy and procedures (notification of work notices to property owners, calculation of fees etc).
- Commercial Services Group's Revenue Co-ordinator is responsible for the invoicing and collection of contributions for the works

REVIEW DATE

This policy will be reviewed after twelve months of its implementation to ensure that it is operating effectively and achieving its objectives. After implementation, this policy will be reviewed every two years.

ITEM NO. 12

FILE NO: PSC2015-01000/321

TRIM REF NO: PSC2007-3163

**POLICY REVIEW - WASTE MANAGEMENT AND RESOURCE RECOVERY
POLICY**

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the revised Waste Management and Resource Recovery policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Waste Management and Resource Recovery policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, adopt the policy as amended without a further report to Council.
- 3) Revoke the Port Stephens Council Waste Management and Resource Recovery policy, shown at **(ATTACHMENT 2)** dated 24 November 2009 (Minute Number 396).

**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Geoff Dingle That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION**

176	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Endorse the amendments to the revised Waste Management and Resource Recovery policy shown at (ATTACHMENT 1).2) Place the revised Waste Management and Resource Recovery policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, adopt the policy as amended without a further report to Council.
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MINUTES ORDINARY COUNCIL - 23 JUNE 2015

	3) Revoke the Port Stephens Council Waste Management and Resource Recovery policy, shown at (ATTACHMENT 2) dated 24 November 2009 (Minute Number 396).
--	---

BACKGROUND

The purpose of this report is to endorse the revised Waste Management and Resource Recovery policy **(ATTACHMENT 1)** and resolve to place the draft policy on public exhibition for a period of 28 days.

Council's existing policy was adopted on 27 November 2007 and amended on 24 November 2009. The policy defines Council's position on solid waste management and resource recovery as well as outlining the waste services that are provided to the residents, business and visitors of Port Stephens.

The changes to the policy relate to amendments to dates and legislation names, position titles, waste services that have changed in the course of time since 2009 through new waste contracts and the policy template format.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has a highly valued, affordable and convenient waste and recycling system.	Provide waste and recycling services.

FINANCIAL/RESOURCE IMPLICATIONS

Adopting the resolution has no financial or resource implications other than the cost of advertising the public exhibition notice. The revised policy does not commit Council to any new waste services.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Cost to advertise public notice.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopting the recommendations. Whilst there is no legal requirement to have a specific policy on solid waste management and resource recovery, the size, scale and cost of all of Councils waste services warrants a clear policy position to ensure corporate knowledge on this topic is captured in one place.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not having a policy position on solid waste management and resource recovery may lead to misinformed decision making in the future resulting in waste services that do not meet the needs of the community or costs, which are unable to be reasonably recovered.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation ensures an overarching focus on sustainable solid waste management and resource recovery. The sustainable management of solid waste ensures that community health remains at the forefront of thinking in designing waste services and that the long term environmental implications of solid waste management are given due consideration in any decision making about such services.

CONSULTATION

- 1) Executive Leadership Team.
- 2) Waste Management Coordinator.
- 3) Waste Services Team.
- 4) Workplace Health and Safety Team.
- 5) Environmental Health and Compliance Team.

OPTIONS

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

ATTACHMENTS

- 1) Waste Management and Resource Recovery Policy.
- 2) Port Stephens Council Waste Management and Resource Recovery Policy 2009.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 12 - ATTACHMENT 1 WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY.**Policy**

FILE NO: PSC2007-3163
TITLE: WASTE MANAGEMENT AND RESOURCE RECOVERY
POLICY OWNER: COMMUNITY SERVICES SECTION MANAGER

PURPOSE:

The purpose of this policy is to detail Council's position on solid waste management within Port Stephens Local Government area in order to facilitate the delivery of a Waste Management and Resource Recovery Plan.

CONTEXT/BACKGROUND:

Port Stephens Council currently provides domestic and non-domestic waste services in accordance with sections 496 and 501 of the Local Government Act 1993. These services include:

- the provision of mobile garbage bins;
- a weekly waste collection service;
- a fortnightly recycling collection service;
- on-call bulky and green waste collection;
- 4 green waste drop off days per month;
- the processing of recyclables;
- processing of residual waste via an Advanced Resource Recovery Technology (ARRT) Facility;
- and where required, the land filling of residual wastes.

Port Stephens Council also coordinates the collection of certain hazardous wastes not suitable for collection in either waste or recycling household bins. Examples of these include provision of permanent sites of drop of events for the collection of household chemical, electronic waste, mattresses, tyres car and household batteries, mobile phone, printer cartridges and fluorescent tubes.

Port Stephens Council also provides waste and recycling services in public places like parks and streets where Council's asset owners have determined the need for this service.

Residents and businesses of Port Stephens have access to one Council-owned Waste Transfer Station at Salamander Bay. Waste is delivered there and separated for reuse, recycling or disposal.

Council has four decommissioned landfills where the health of the surrounding environment continues to be monitored.

Council's role in waste management also extends to the education of the community about its waste services and how waste generation can be reduced.

Policy

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Issue Date: 23/06/2015

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ITEM 12 - ATTACHMENT 1 WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY.

Policy



The management of waste provides significant outcomes for human health and for the quality of our environment. Since the mid 1990's Council's approach to waste management has moved from simple land filling of all wastes to kerbside recycling and the utilisation of technology designed to efficiently collect and sort waste for maximum resource recovery. Through these actions Port Stephens Council has improved the sustainability of its waste management services to the community.

SCOPE:

This policy outlines what services are provided to the residents, ratepayers and businesses of Port Stephens as well as Council's position on solid waste management.

DEFINITIONS:

Domestic Waste Management – the collection, processing and disposal of solid waste collected from the kerbside of residential properties.

Non-domestic Waste Management – the collection, processing and disposal of solid waste collected from non-domestic (commercial) properties.

Public Place Waste Management – the collection, processing and disposal of waste collected from streets, parks and central business districts.

POLICY STATEMENT:

Council provides the following waste management to the residents, ratepayers and businesses of Port Stephens.

1. Domestic and Non-domestic (Commercial) Waste Management.

1.1. Council is committed to:

- 1.1.1. Providing convenient and accessible waste services that meet the needs of the community.
- 1.1.2. Reasonable costing of waste services in accordance with sections 496 and 501 of the *Local Government Act 1993*.
- 1.1.3. The source separation of commercially viable recyclables from residual waste both in its kerbside collections and bulk waste collections.
- 1.1.4. Processing residual waste via Advanced Resource Recovery Technology (ARRT) Facility until at least 2019.
- 1.1.5. The disposal of inert domestic waste to licensed landfill sites.
- 1.1.6. The provision of waste collection services via contracts with commercial operators.
- 1.1.7. The provision of alternative waste technology via contracts with commercial operators.
- 1.1.8. Supporting the introduction of Container Deposit Legislation.
- 1.1.9. Continually educating the community about its range of waste services.

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ITEM 12 - ATTACHMENT 1 WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY.

Policy



2. Toxic / Hazardous / Medical Waste.

2.1. Council is committed to:

- 2.1.1. Solutions that source separate these wastes from the domestic / commercial waste streams.
- 2.1.2. Supporting extended producer responsibility schemes for the collection and disposal of hazardous and medical wastes.

3. Public Place Waste Management.

3.1. Council is committed to:

- 3.1.1. Providing mobile garbage bins and bulk containers in public places where the need is determined by Council's asset owners (ie Facilities and Services Group).
- 3.1.2. The source separation of commercially viable recyclables in locations where trials have deemed it successful.
- 3.1.3. The provision of waste services for special events where Council has approved the waste management plans for these events.

4. Management of Waste Transfer Stations.

4.1. Council is committed to:

- 4.1.1. The provision of the waste transfer station at Salamander Bay as per Council's Community Strategic Plan.

5. Landfill Management.

5.1. Council is committed to:

- 5.1.1. The rehabilitation of decommissioned landfills to meet or exceed the licence requirements.
- 5.1.2. The continued monitoring of decommissioned landfill sites for due diligence purposes so that the environmental impacts are known.
- 5.1.3. Reducing the community's reliance on land filling as the primary waste management method.

6. Financial Assistance for the Disposal of Waste in Port Stephens.

6.1. Council is committed to:

- 6.1.1. The provision of financial assistance for the disposal of waste in Port Stephens. Financial assistance will be provided in accordance with Council's Policy "Financial Assistance for the Disposal of Waste in Port Stephens" under section 356 of the Local Government Act 1993.

7. Illegal Dumping.

7.1. Council is committed to:

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ITEM 12 - ATTACHMENT 1 WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY.

Policy



- 7.1.1. Minimising illegal dumping as it is an offence under the NSW Protection of the Environment Operations Act 2001 and those carrying out such activities may be fined. Council's Compliance Policy addresses the issues surrounding illegal dumping, in terms of its regulation and the need to prioritise activities that educate the community.

8. Information / Education.

8.1. Council is committed to:

- 8.1.1. Providing clear and concise information on the range, cost and availability of waste services provided.
8.1.2. Providing education to residents and visitors to the area in order to maximise the potential of its services.
8.1.3. Working with Environmental Services to educate the community via its association with community groups, schools and other interest groups.

9. Development Planning.

9.1. Council is committed to:

- 9.1.1. Ensuring that waste management issues are managed in the Local Environment Plan and related Development Control Plan's.

10. In pursuing Council's policy we will comply with legislation, specifically.

- 10.1. In the management of waste services Council will observe the principles of ecological sustainable development (as defined in the Local Government Amendment (Ecologically Sustainable Development) Act 1997) specifically; inter-generational equity; improved valuation, pricing and incentive mechanisms (e.g.: polluter pays & full life cycle costing); the precautionary principle and the conservation of ecological integrity.
10.2. Council will comply with NSW Environment Protection Licences for waste transfer stations and the surrender notices for decommissioned landfill sites.
10.3. Council will comply with the Local Government Act 1993 by continuing to provide waste services to domestic and non-domestic properties under sections 496 and 501 of the Act.
10.4. Council will comply with the Work Health and Safety Act 2011 (NSW).
10.5. Council will give due consideration to state and commonwealth guidelines and strategies including but not limited to:

10.5.1. NSW Waste Avoidance and Resource Recovery Act 2001.
10.5.2. NSW Waste Avoidance and Recovery Strategy 2014-21.

10.6. The NSW Waste Hierarchy of Avoid, Reuse, Recycle, Dispose, will guide decision making processes (Waste Avoidance & Resource Recovery Act 2001)

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ITEM 12 - ATTACHMENT 1 WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY.

Policy



- 10.7. Council will comply with Australian Standards relating to mobile garbage bin design and standard colours (AS4123.6 2006 and AS4123.7 2006).
- 10.8. Council will provide services and education material that is consistent with regional, state and national strategies and programs.
- 10.9. Where opportunities exist, Council will participate in local and regional initiatives to address waste issues.

POLICY RESPONSIBILITIES:

Overall review and evaluation of this policy lies with the Community Services Section Manager.

Key areas for implementation are delegated to the following positions:

- Waste Management Coordinator – Domestic and non-domestic waste management; toxic, hazardous and medical wastes; public place waste management; landfill management; Financial Assistance for the Disposal of Waste in Port Stephens.
- Waste Transfer Station Coordinator – Management of waste transfer stations.
- Waste Management Officer – Information/education.
- Environmental Health and Compliance Coordinator – Illegal dumping.
- Strategy and Environment Section Manager – Development planning.

RELATED DOCUMENTS:

- Financial Assistance for the disposal of waste in Port Stephens Policy 2013 (Adopted 24/4/07, Minute No. 268 - Amended 24/09/2013, Minute No. 273).
- Compliance Policy (Adopted 28/8/07, Minute No. 235 – Amended 29/11/2013, Minute No. 344).

Policy

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Page: 5 of 6

ITEM 12 - ATTACHMENT 1 WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY.**Policy****CONTROLLED DOCUMENT INFORMATION:**

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TRIM container No	PSC2007-3163	TRIM record No	
Audience	Residents, ratepayers and businesses of Port Stephens.		
Process owner	Steven Bernasconi – Community Services Section Manager		
Author	Aaron Malloy – Waste Management Coordinator		
Review timeframe	2 years	Next review date	June 2017
Adoption date			

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	27/11/07	Steven Bernasconi	Policy adopted.	337
2	24/11/09	Steven Bernasconi	Amended policy adopted.	396
2.1	01/06/15	Aaron Malloy	Revised draft for Executive Leadership Team endorsement.	

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ITEM 12 - ATTACHMENT 2 PORT STEPHENS COUNCIL WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY 2009.

Port Stephens
C.O.U.N.C.I.L
POLICY

Adopted: 27/11/07
Minute No: 337
Amended: 24/11/09
Minute No: 396

FILE NO: PSC2007-3163

**TITLE: PORT STEPHENS COUNCIL WASTE MANAGEMENT AND
RESOURCE RECOVERY POLICY 2009**

REPORT OF: MICK LOOMES, MANAGER ENGINEERING SERVICES

BACKGROUND

Port Stephens Council currently provides domestic and non-domestic waste services in accordance with sections 496 and 501 of the Local Government Act 1993. These services include the provision of mobile garbage bins, a weekly waste collection service, a fortnightly recycling collection service, an annual bulk and green waste collection, a monthly mobile green waste drop-off service, the processing of recyclables, an alternative waste technology for the processing of residual waste, and where required, the land filling of residual wastes. Port Stephens Council also coordinates the collection of certain hazardous wastes not suitable for collection in either waste or recycling household bins. Examples of these include chemical collections, electronic waste collections, battery collections, mobile phone collections and fluorescent tube collections.

Port Stephens Council also provides waste services in public places where Council's asset owners have determined this need.

Residents and businesses of Port Stephens have access to one Council-owned Waste Transfer Station. Waste is delivered here and separated for reuse, recycling or disposal.

Council has six decommissioned landfills where the health of the surrounding environment continues to be monitored.

Council's role in waste management also extends to the education of the community about its waste services and how waste generation can be reduced.

The management of waste provides significant outcomes for human health and for the quality of our environment. Since the mid 1990's Council's approach to waste management has moved from simple land filling of all wastes to kerbside recycling and the utilisation of technology designed to efficiently collect and sort waste for maximum resource recovery. Through these actions Port Stephens Council has improved the sustainability of its waste management services and the community.

OBJECTIVE

The objective of this policy is to define Council's positions on solid waste management within Port Stephens local government area in order to determine a Waste Management and Resource Recovery Plan for the future delivery of waste management services.

ITEM 12 - ATTACHMENT 2 PORT STEPHENS COUNCIL WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY 2009.**PRINCIPLES**

The following principles guide sustainable waste management in Port Stephens. They are derived from legislation and guidelines affecting Port Stephens Council waste services, and Council's desire to increase the sustainability of all activities.

- 1) Council will protect and enhance the environment while considering the social and economic ramifications of decisions
- 2) In the management of waste services Council will observe the principles of ecological sustainable development (as defined in the Local Government Amendment (Ecologically Sustainable Development) Act 1997) specifically; inter-generational equity; improved valuation, pricing and incentive mechanisms (eg: polluter pays & full life cycle costing); the precautionary principle and the conservation of ecological integrity
- 3) Council will comply with NSW Environment Protection Licences for waste transfer stations and landfill sites
- 4) Council will comply with the Local Government Act 1993 by continuing to provide waste services to domestic and non-domestic properties under sections 496 and 501 of the Act
- 5) Council will comply with the Occupational Health & Safety Act 2000 and Occupation Health & Safety Regulation 2001
- 6) Council will give due consideration to state and commonwealth guidelines and strategies including but not limited to:
 - a. "NSW Waste Avoidance and Resource Recovery Strategy" (ISBN: 0-9580364-2-X)
 - b. "Preferred Resource Recovery Practices by Local Councils" (ISBN: 1741378311)
 - c. "Better Practice Guide for Public Place Recycling" (ISBN: 1741373271)
 - d. "Waste Wise Events Guide" (ISBN: 9781741224903)
 - e. "Handbook for the Design and Operation of Rural and Regional Transfer Stations" (ISBN: 1741379547)
- 7) The NSW Waste Hierarchy of Avoid, Reuse, Recycle, Dispose, will guide decision making processes (Waste Avoidance & Resource Recovery Act 2001)
- 8) Council will comply with Australian Standards relating to mobile garbage bin design and standard colours (AS4123.6 2006 and AS4123.7 2006)
- 9) Council will provide services and education material that is consistent with regional, state and national strategies and programs
- 10) Where opportunities exist, Council will participate in local and regional initiatives to address waste issues.

POLICY STATEMENTS

- 1) *Domestic and Non-domestic (Commercial) Waste Management*

Council is committed to:

ITEM 12 - ATTACHMENT 2 PORT STEPHENS COUNCIL WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY 2009.

- Providing convenient and accessible waste services that meet the needs of the community
- Reasonable costing of waste services in accordance with sections 496 and 501 of the Local Government Act 1993
- The source separation of commercially viable recyclables from residual waste both in its kerbside collections and bulk waste collections
- Processing residual waste via alternative waste technology (Bedminster Composting Plant) until at least 2018
- The disposal of domestic waste to licensed landfill sites
- The provision of waste collection services via contracts with commercial operators
- The provision of alternative waste technology via contracts with commercial operators
- Supporting the introduction of Container Deposit Legislation
- Continually educating the community about its range of waste services

2) *Toxic / Hazardous / Medical Waste*

Council is committed to:

- Solutions that source separate these wastes from the domestic / commercial waste streams
- Supporting extended producer responsibility schemes for the collection and disposal of hazardous and medical wastes

3) *Public Place Waste Management*

Council is committed to:

- Providing mobile garbage bins and bulk containers in public places where the need is determined by Council's asset owners (ie: Facilities and Services Group)
- The source separation of commercially viable recyclables in locations where trials have deemed it successful
- The provision of waste services for special events where Council has approved the waste management plans for these events

4) *Management of Waste Transfer Stations*

Council is committed to:

- The provision of waste transfer stations in Port Stephens Council is based on the Asset Management Plan for Waste Transfer Stations and Landfill Sites and recommendations outlined in the "Handbook for the Design and Operation of Rural and Regional Transfer Stations".

5) *Landfill Management*

Council is committed to:

- The rehabilitation of decommissioned landfills to meet or exceed the licence requirements
- The continued monitoring of decommissioned landfill sites for due diligence purposes so that the environmental impacts are known
- Reducing the community's reliance on land filling as the primary waste management method

ITEM 12 - ATTACHMENT 2 PORT STEPHENS COUNCIL WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY 2009.

6) *Financial Assistance for the Disposal of Waste in Port Stephens*

Council is committed to:

- The provision of financial assistance for the disposal of waste in Port Stephens. Financial assistance will be provided in accordance with Council's Policy "Financial Assistance for the Disposal of Waste in Port Stephens" under section 356 of the Local Government Act 1993.

7) *Illegal Dumping*

Council is committed to:

- Minimising illegal dumping as it is an offence under the NSW Protection of the Environment Operations Act 2001 and those carrying out such activities may be fined. Council's Compliance Policy addresses the issues surrounding illegal dumping, in terms of its regulation and the need to prioritise activities that educate the community.

8) *Information / Education*

Council is committed to:

- Providing clear and concise information on the range, cost and availability of waste services provided
- Providing education to residents and visitors to the area in order to maximise the potential of its services
- Working with Environmental Services to educate the community via its association with community groups, schools and other interest groups.

8) *Development Planning*

Council is committed to:

- Ensuring that waste management issues are managed in the Local Environment Plan and related Development Control Plan's.

**ITEM 12 - ATTACHMENT 2 PORT STEPHENS COUNCIL WASTE
MANAGEMENT AND RESOURCE RECOVERY POLICY 2009.**

RELATED POLICIES

- “Financial Assistance for the disposal of waste in Port Stephens Council” (Adopted 24/4/07, minute number 268)
- “Compliance Policy” (Adopted 28/8/07, minute number 235)

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Efficient and effective waste management maintains the health and aesthetic qualities of our environment. The adoption of this policy formalises and documents existing services.

ECONOMIC IMPLICATIONS

The adoption of this policy will not affect general economic activity within Port Stephens in the short term, nor will it affect Council's resources to manage waste services. This policy formalises and documents existing services only. Where existing services are changed and/or new services introduced, a specific Council report will detail the economic implications for these.

ENVIRONMENTAL IMPLICATIONS

Efficient and effective waste management maintains the health and aesthetic qualities of our environment. The adoption of this policy formalises and documents existing services.

RELEVANT LEGISLATIVE PROVISIONS

NSW Local Government Act 1993
Local Government Amendment (Ecologically Sustainable Development) Act 1997
NSW Waste Avoidance and Resource Recovery Act 2001
Protection of the Environment Operations Act 2001
Occupational Health and Safety Act 2000

IMPLEMENTATION RESPONSIBILITY

Waste Management Co-ordinator

REVIEW DATE

November 2013

ITEM NO. 13

FILE NO: PSC2015-01000/400
TRIM REF NO: PSC2012-04090

DEVELOPMENT ASSESSMENT AND COMPLIANCE SUSTAINABILITY REVIEW

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in *the Service Strategy – Development Assessment and Compliance Section* (**TABLED DOCUMENT 1**).
 - 2) Endorse the recommendations of the sustainability review contained within the tabled *Service Strategy – Development Assessment and Compliance Section*.
-

ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Sally Dover Councillor Paul Le Mottee That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION

177	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Note the information contained in the <i>Service Strategy – Development Assessment and Compliance Section</i> (TABLED DOCUMENT 1).2) Endorse the recommendations of the sustainability review contained within the tabled <i>Service Strategy – Development Assessment and Compliance Section</i>.
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BACKGROUND

The purpose of this report is to present to Council the outcomes of the sustainability review for the Development Assessment and Compliance (DAC) Section and seek endorsement of the recommendations contained within document known as the Development Assessment and Compliance Section Service Strategy.

The DAC Section (formerly known as Development Assessment and Environmental Health) was formed in 2010 and contains three business units being Environmental Health and Compliance, Building and Developer Relations and Building and Developer Relations.

In accordance with Council's rolling program of sustainability reviews across the organisation, the DAC Section's sustainability review is presented to Council for consideration.

The overall approach to the sustainability review has been to complete the review of services at business unit level which has informed the identification of strategic directions at a section level. Accordingly, the sustainability review has necessarily focussed on the key directions that can be implemented at a section level to enhance the achievement of the stated purpose and direction of these key services.

This current review is the second sustainability review program for the DAC section. The process has been an excellent reflection, in relation to how further advanced or mature the business systems now are. For example, with the sustainability review version 1, we went through a process of collecting data on customer satisfaction and determining key metrics etc. With sustainability review version 2, some two (2) years on, we have systems engrained with the section to routinely collect and report this data as part of normal business practice.

Integral to the completion of the sustainability review program and strategic directions has been both the one-on-one sessions the Section Manager held with all staff and also the ongoing work for the previous 6 months with the DAC Section Leadership Team to define and clarify our purpose and key services. This has been achieved through the comprehensive review of the Section Systems View (included in **TABLED DOCUMENT 1**) and creating greater alignment around our key services and 'what success looks like' for DAC.

DAC Section key metrics are included in **(TABLED DOCUMENT 1)**. This document links the DAC key outputs, key processes and process measures, all aligned to the operational plan and systems view.

Fundamental to the DAC sustainability review process is the concurrent process of the DAC 4 year business plan. Whilst it's an optimistic target, with a 10% increase in income for the next 4-5 years, the DAC section could be carrying out service to the community at NIL cost. The DAC 4 year business plan final draft is included in **(TABLED DOCUMENT 1)**.

The service strategy for the DAC Section is provided in **(TABLED DOCUMENT 1)**.

The key areas of the Operational Plan that relates to the DAC sustainability review include;

Community Safety – 1.1.1 Use Councils regulatory powers and government legislation to enhance public safety.

1.1.1.7 - Conduct the building fire safety program.

1.1.1.8 – Conduct food and commercial premises surveillance.

1.1.1.9 – Conduct onsite sewerage management surveillance.

1.1.1.10 – Conduct Swimming Pool Safety Programs.

Our Environment – 11.1.2 – Provide development assessment and building certification services.

11.1.2.1 – Manage development assessment process.

11.1.2. 2 – Conduct building certification.

11.1.2.3 – Manage the development compliance program.

The key drivers for Council's delivery of these services are legal, operational and financial.

By way of background, sustainability reviews across 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 – i.e. 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.

SERVICE REVIEW FINDINGS

Opportunity to consolidate administration support staff

It is proposed to alter who the business and customer support staff in DAC report to.

Currently, administration support staff are distributed across the three (3) business units and provide the service to the respective teams. A key benefit of this is that, the support staff theoretically, as they work within the teams, develop their skill set and can answer more technically based queries over time. This has not developed to the extent it was initially envisaged and this model/structure comes with significant

challenges as experienced over the last 12 months. These challenges are outlined in the DAC Service Strategy.

It is proposed to change the business and customer support staff to report to the newly created Coordinator of Business Systems and Administration. In consolidating this internal service efficiencies would result in the reduction of one equivalent full-time (EFT) position.

New role - Coordinator of Business Systems and Administration

It is proposed to create a new role entitled; Coordinator of Business Systems and Administration. The role would be funded or developed from an existing position within the DAC section and implemented via a staged approach.

The primary purpose of this role is to provide leadership, business improvement capacity and direction to the administration roles in the section. This role would bring more technical and day to day staff management capacity to the teams and free up the respective coordinators in DAC. This role would lead one large pool of administration support that had staff with specialist skills, but ultimately have a team of generalists able to handle all administration functions in the team.

Customer Service Planner

It is proposed to abolish the Customer Service Planner Role from the structure. This role no longer meets the DAC section's business needs.

The role was originally created to assist with the duty counter arrangements and create a bridging role between a planner and administration support.

This has proved very challenging; with practice determining that the priority for this role is to provide administration support. This is largely attributed to the development of other transitional roles like the Trainee Building Surveyor and Cadet Planner Roles filling that void with support from other planning and building staff. Despite best efforts, it has proved difficult to juggle the administration functions of the role with the planning advice and duty arrangements.

Cadet Environmental Health Officer – (Aboriginal Designated Role)

As part of the DAC workforce planning framework, we are acutely aware of balancing skills, experience and diversity across the section's workforce. To this end we have recently aligned our structure and business model to include a trainee or cadet in each unit respectively, with the exception of the Environmental Health and Compliance Unit.

A new EFT is proposed for a Cadet Environmental Health Officer – (Aboriginal Designated Role). The net cost to the section would be approximately \$25,000.

NSW Health established the Aboriginal Environmental Health Officer Training Program in 1997. The aim of the program is to develop an Aboriginal workforce with the leadership and technical skills to progress environmental health issues into the future. The program supports Aboriginal people through university studies and workplace training to become qualified and competent Environmental Health Officers (EHOs).

The background to the program is that the NSW Health Aboriginal Environmental Health Unit manages and administers the Program and invites Expressions of Interest from Local Public Health Unit and Local Government for partnerships to fund and support Aboriginal Trainee Environmental Health Officers.

The program has been running for over a decade and offers 50/50 partnerships with Local Government to employ, educate, train and support Aboriginal Trainee EHOs). NSW Health funds 50% of all salary, education and training costs over the 6 years required for Trainees to complete a Bachelor of Natural Sciences (Environment and Health) by distance-learning. To date there are 13 Training Program Graduates and 10 current Trainees (6 employed and/or placed in Local Government).

The benefits to the DAC Section and Port Stephens Council include;

- Strengthening the working relationship with the broad NSW Health Service and Aboriginal organisations and communities. It is a critical statement that Council is serious about continuing to develop our relationship with the aboriginal community. The role would be very active and prominent in the community.
- Accessing a highly subsidised program – 50% funded solution to EH workforce demand and Aboriginal employment targets. This enables us to further deliver the environmental health program and minimal cost. This is because the role itself is income generating i.e. after a year or so, the role will be able to carry out inspections etc. autonomously which attract a fee for service.
- Timely and economical solution to environmental health team succession planning – this accords with our succession planning in the other units in DAC.
- Provides more capacity in our growing Environmental Health services.
- Training Program is well supported by NSW Health - Local Public Health Units provide assistance with training in NSW Health environmental health competencies. The Aboriginal Environmental Health Unit coordinates 1 to 2 times per year Face-to-Face training, skill-share and peer support meetings with all Trainees, Supervisors and some Program graduates.

SERVICE REVIEW RECOMMENDATIONS

The DAC sustainability review has three (3) structural changes proposed:

- 1) The proposed abolishment of the Customer Service Planner Role and the creation of a new role known as Coordinator Business Systems and Administration.

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

- 2) Consolidating business support services ensuring relevant staff report through to a single Coordinator of Business Systems and Administration.
- 3) The creation of a new role being a Designated Aboriginal Environmental Health Cadet.

The net increase is 1 additional full time staff; however as per the treasury model this can be funded by DAC and the NSW Health funds.

An extensive list of operational efficiencies are proposed as part of the DAC 4 year business plan included in **(TABLED DOCUMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

The Service Strategy details the key metrics that have been established and monitored to measure the effectiveness of our services to our customers. In addition, there are a range of emerging trends that are a critical consideration in this review of our services. Notable emerging trends include:

Service delivery expectations – whilst this encompasses all of Council operations specific emerging trends for further expectations exist in the expected ongoing devolvement of services including specialist development related advice.

Risk management – there is increasing regulatory and community expectations on the management of risks from Council operations as this relates to the environment. This necessitates Council improving its processes on informing itself of these risks and implementing appropriate management actions, this includes maximising opportunity, being aware of risk but not being crippled by it.

Growth in contestable services - Council competes with the private sector in relation to certification work. Growth is positive 5% annually and market share is currently at an all-time high of 81%. In order to run a highly successful certification business all certification staff need to be developed in the areas of sales and business acumen.

Education before enforcement in Rangers and Development Compliance - The need for a more formalised approach in a practical sense of education to drive behaviour change as opposed to strictly enforcement. A significant body of work is underway in relation to this, in particular the development of communications and engagement plans.

FINANCIAL/RESOURCE IMPLICATIONS

The recommendations will result in the substantial change of one of the existing positions in Council. This would be managed in accordance with established Council processes as outlined in the Enterprise Agreement (EA).

There will be additional staff salary expenses as part of the DAC sustainability review. However, due to the growth in DAC's competitive services works, these works can be offset and provided for within the treasury model.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	Yes		NSW Health funding for designated aboriginal trainee role.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The services delivered through the DAC Section have a legal, financial and operational basis. For those services that are legally based, without the current resources, Council may not be able to meet these legislative obligations.

The sustainability review has established that the risk of alternative models for operational and financially based services would increase Council's risk exposure.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the most efficient and section structure will result in financial and reputational loss	Medium	Adopt the recommendations of the DAC service strategy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The recommendations of the sustainability review seek to provide a more efficient approach to the delivery of existing services whilst achieving the proposed future direction of this service.

CONSULTATION

- 1) General Manager.
- 2) Executive Leadership Team.
- 3) Mayor and Councillors.
- 4) Section Managers.
- 5) Development Assessment and Compliance Section.
- 6) The Industry Reference Group.
- 7) Other Councils.
- 8) Customers of specific DAC services.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Development Assessment and Compliance Service Strategy.

ITEM NO. 14

FILE NO: PSC2015-01000/106

SUSTAINABILITY REVIEW - FINANCIAL SERVICES SECTION

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Sustainability Review – Financial Services Section Service Strategy and endorse the findings of the review.
-

**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Chris Doohan Councillor Sally Dover That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION**

178	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council note the information contained in the Sustainability Review – Financial Services Section Service Strategy and endorse the findings of the review.
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BACKGROUND

The purpose of this report is to present to Council the outcomes of the Sustainability Review for the Financial Services Section and seek endorsement of the recommendations contained in the Service Strategy.

The comprehensive review of this package has been undertaken in accordance with Clause 15.1 of the Community Strategic Plan to ensure that services and assets delivered to the community are sustainable in the longer term.

The Sustainability Review comprises three key stages:

- Stage 1 – reviewing what is currently delivered (service drivers);
Stage 2 – reviewing what should be delivered (service levels);

Stage 3 – reviewing how services should best be delivered (service delivery method).

Financial Services Section Services

The Financial Services Section forms part of the Corporate Services Group. Its purpose is to support internal customers in the delivery of best value services to the community. The Section is structured around the key areas of Revenue, Expenditure and Reporting. The section not only delivers an operational service it also ensures legislative compliance over a number of significant areas which supports delivery of a 'one council' approach to business improvement.

Council has adopted a centralised and shared service approach for its Financial Services functions. This helps to ensure consistency in the deployment of systems and processes across the various business units and the development of a common culture across the organisation.

The Financial Services Section has responsibility for the revenue, expenditure and reporting functions, which support Council's vision for Port Stephens and the community into the future. This ensures the organisation has the capacity and capability to deliver efficient, effective and responsive services to the community. The services offered by Financial Services Section are listed below:

- Rates and debtors
- Investments
- Payroll
- Accounts payable
- Procurement and contractor management
- Assets/energy/utilities
- Annual accounts
- Long Term Financial Plan
- Budgets
- Management accounting

Emerging Trends

Relevant trends impacting on Council are significant shifts in:

- Council amalgamations;
- Constant revision of guiding legislation including Accounting standards and reporting requirements from the Office of Local Government;
- Online processing through mobile computing;
- Expanding payment options via the internet;
- More user-friendly financial information.

It is important that the organisation has in place a strategy and associated structure to deliver a service that will enable staff and Councillors to deliver valued services to our community through the use of technology.

Benchmarking

In considering the benchmarking data, the Finance Section of Port Stephens Council compares favourably against other similar sized Councils across the State in terms of effective full time equivalent staff numbers.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2014-2015 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

The total number of employees within the Financial Services Section is currently 21.06. The service strategy proposes to investigate redesigning a number of these roles to ensure that the focus is on developing and supporting improved customer facing systems and processes such as the internet and mobile working.

Given the importance of ensuring that Council has functions that enable best value service delivery there is strong support from the Executive Leadership Team for this proposal.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Current Financial Services policies are based on a low risk appetite. The Financial Services team is in place to allow a 'one council' approach to continuous improvement. This ensures that the right processes, systems and people are in place to deliver on the Community Strategic Plan.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's Financial Services systems and processes will restrict the organisation from delivering valued services to the community.	High	Ensure that the strategy, structure, systems and processes are in place and agile enough to enable the organisation to deliver the agreed level of service in the best possible way both now and into the future.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Financial Services Section plays a key role in supporting the organisation to develop its capacity to ensure there is alignment with Council's strategic direction.

CONSULTATION

- 1) Executive Leadership Team.
- 2) Group Managers.
- 3) Section Managers.

OPTIONS

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

ATTACHMENTS

- 1) Excerpt of service strategy: Summary of options and recommendations.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Financial Services Section Service Strategy.

ITEM 14 - ATTACHMENT 1 EXCERPT OF SERVICE STRATEGY: SUMMARY OF OPTIONS AND RECOMMENDATIONS.
RECOMMENDATION:

Service	Details	Net One off costs/savings	Recurrent costs/savings
Continue to support regional collaboration through Hunter Councils	PSC will continue to support beneficial Hunter Councils collaboration initiatives.	Unknown	Unknown
Endorse the proposed changes to the Financial Services Section	The focus on the proposed change is based on the need to deliver better business solutions to our clients. The attached organisation chart will be implemented.	Nil	Estimated saving of \$55,000 p.a.
Proposal to rotate staff positions	Institute a program of staff rotation through a number of positions to provide a greater skill set and career opportunities for staff.	Nil	Nil
Combine Finance Officers to maintain consistency across the organisation	That the positions of Finance Officers attached to the Facilities and Services Group, and the Property Services Section be relocated to the Reporting Team and report to the Financial Reporting Coordinator. This is consistent with the recent move of the Finance Officer Fleet to the Financial Services team. The three positions are to be re-organised to be Finance Officers – Organisational Support.	Nil	Nil
Other	That the position of Finance Coordinator be formalised to a five day per week position with funding available from the existing finance budget.	Nil	Nil
Other	That the two positions of Finance Officer Management Accounting be re-designed to allow for flexibility within the team and coverage of key roles.	Nil	Included in point 2

SUMMARY OF OPTIONS:

Option 1	Details	Prioritisation (refer matrix)
Continue on, however seek to continuously improve the service.	Continue to support regional collaboration; Continue to map processes, refine procedures to reduce time lags in information; Succession planning and support to critical positions.	Medium Medium Medium
Option 2	Details	Prioritisation (refer matrix)

ITEM 14 - ATTACHMENT 1 EXCERPT OF SERVICE STRATEGY: SUMMARY OF OPTIONS AND RECOMMENDATIONS.

Option 2	Details	Prioritisation (refer matrix)
Change the way the service is delivered (ie. process or supplier improvement).	Refine online management accounting reporting to provide real time information; Online timesheets; Devolve purchasing to individual cost centres through online requisitioning/responsibility structure; Implement approved supplier listings for purchasing.	High Medium High High
Option 3	Details	Prioritisation (refer matrix)
Spin off or restructure.	Proposed restructure to form three (3) separate teams, being the Revenue team, Expenditure team and the Reporting team, to align our people with our business; Continued staff rotations to provide support to critical positions and provide for succession planning within the section; Bring Finance Officers into a central point in the Reporting team.	High High High
Option 4	Details	Prioritisation (refer matrix)
Cease the service altogether.	Nil.	N/A

ITEM NO. 15

FILE NO: PSC2015-01000/072

TRIM REF NO: PSC2011-04371

SUSTAINABILITY REVIEW - NGIOKA HORTICULTURAL THERAPY CENTREREPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the recommendations contained within the Service Strategy for the Sustainability Review of the Ngioka Horticultural Therapy Centre **(ATTACHMENT 1)**.
 - 2) Continue to provide and continuously improve the Ngioka Horticultural Therapy Centre until June 2017 with a focus on reducing the ratepayer operational subsidy.
 - 3) Conduct a further sustainability review of the Ngioka Horticultural Therapy Centre by December 2017.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Sally Dover That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION**

179	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Endorse the recommendations contained within the Service Strategy for the Sustainability Review of the Ngioka Horticultural Therapy Centre (ATTACHMENT 1).2) Continue to provide and continuously improve the Ngioka Horticultural Therapy Centre until June 2017 with a focus on reducing the ratepayer operational subsidy.3) Conduct a further sustainability review of the Ngioka Horticultural
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MINUTES ORDINARY COUNCIL - 23 JUNE 2015

Therapy Centre by December 2017.

BACKGROUND

The purpose of this report is to seek Council endorsement of the recommendations from the Ngioka Horticultural Therapy Centre ("The Ngioka Centre") sustainability review.

Council endorsed the recommendations of the first sustainability review of the Ngioka Centre in 2012. The result was a two year window to reduce the ratepayer subsidy and a further review after that two year period. The result of the last two years of business at the Ngioka Centre is a forecast 24% (or \$28,000) reduction in the ratepayer subsidy in 2014/15 (compared to 2012/13 results) and a 96% initial compliance with the NSW Disability Services Standards as at March 2015. The Ngioka Centre is on track to be 100% compliant with NSW Disability Services Standards by 30 June 2015.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Improve the built environment, advocate and provide services for people with disabilities.	Make future provision for people with disabilities, their families and carers.

FINANCIAL/RESOURCE IMPLICATIONS

Adopting the recommendations will reduce the ratepayer subsidy by around a further 22% (or \$20,000) by June 2017 by increasing revenue from transition to National Disability Insurance Scheme (NDIS) and increased sale and pricing of plants.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	20,000	Forecast reduction in ratepayer subsidy.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

Council will continue to hold a contract with the NSW Department of Ageing, Disabilities and Home Care (ADHC) until June 2018.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that adopting the recommendations may result in the public perception that direct delivery of disability services is a core function of Council resulting in increased expectations to expand this service.	Low	Make clear in any communications around the delivery of the result of the Ngioka Centre sustainability review that this is Council's only direct delivery service for people with disabilities and that any expansion into the disability services sector would only be considered on sound business principles.	Yes
There is a risk that not adopting the recommendation and ceasing the service altogether will attract reputation damage.	Low	Adopt the recommendation.	Yes
There is a risk that the NDIS may not roll out to the Port Stephens area by 2018 resulting in the inability to realise future revenue streams as predicted.	Low	Adopt the recommendation.	Yes
There is a risk that not adopting the recommendation and continuing on as business as usual without a focus on continuous improvement may result in a growth in the ratepayer subsidy for the service.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Ngioka Centre provides a unique venue and experience for people with disabilities. Adopting the recommendations ensures that these clients receive the same experience with the service, which is an important factor for some clients who require a high degree of predictability in their routine.

Adopting the recommendation may have a modest positive effect on the local economy by way of providing a new supply of fresh 'micro-herbs' to the local restaurant market.

From an ecological perspective, adopting the recommendations ensures that endemic native plant species continue to be grown and sold in the area thus contributing to biodiversity.

CONSULTATION

- 1) Contracts and Services Coordinator.
- 2) Ngioka Centre Coordinator.
- 3) Ngioka Centre Program Supervisor.
- 4) Ngioka Centre Business Advisory Panel.
- 5) Executive Leadership Team.

A Two Way conversation was held with the Mayor and Councillors on Tuesday 16 June 2015.

OPTIONS

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

ATTACHMENTS

- 1) Excerpt of Service Strategy: Summary of Options and Recommendations - Ngioka Horticultural Therapy Centre.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review: Service Strategy – Ngioka Horticultural Therapy Centre.

ITEM 15 - ATTACHMENT 1 EXCERPT OF SERVICE STRATEGY: SUMMARY OF OPTIONS AND RECOMMENDATIONS - NGIOKA HORTICULTURAL THERAPY CENTRE.

**SUSTAINABILITY
REVIEW**



SUMMARY OF OPTIONS:

Option 1	Details	Prioritisation (refer matrix)
Continue on, however seek to continuously improve the service	<p>Continue to operate Ngioka as a Council run service that aims to increase income and reduce the ratepayer subsidy to an agreed level. Changes to the business include:</p> <ol style="list-style-type: none"> 1. Transition to NDIS to provide greater access to disability sector and a greater financial return by charging scheduled service user fees 2. Increase client time at Centre through more diverse or extension to existing services 3. Increase in plant prices to align with benchmark prices, 4. Annual CPI Increase to licensed floor space and function room hire, 5. Increase volunteer numbers to improve operating efficiencies and reduce the call on Council revenue, 6. Increase exposure through marketing and online presence 7. Continue to Investigate business diversification opportunities as a means of increasing income 	High

ITEM 15 - ATTACHMENT 1 EXCERPT OF SERVICE STRATEGY: SUMMARY OF OPTIONS AND RECOMMENDATIONS - NGIOKA HORTICULTURAL THERAPY CENTRE.

**SUSTAINABILITY
REVIEW**



Option 2	Details	Prioritisation (refer matrix)
Outsource the service to external providers	<p>There is potential to outsource the service to external providers. Whilst there is some interest from external providers to take on the site and service as a going concern in part or in whole, the relatively low value of the ADHC grant against the total cost of running the service makes for some uncertainty around the success of this option.</p> <p>Outsourcing the service would enable Council to direct ratepayer funding to the likes of increased staffing for the Parks and Gardens teams. The qualifications and skill set of the existing Ngioka Centre staff align well with Parks and Gardens work making redeployment a viable option.</p>	Medium
Option 3	Details	Prioritisation (refer matrix)
Spin off or restructure	<p>This is not a viable option as the Ngioka Centre has a funding agreement with ADHC until 2018 and as such it is for ADHC to determine if Port Stephens Council is to continue to provide the service or if the service is to be contracted to another provider.</p>	Low

ITEM 15 - ATTACHMENT 1 EXCERPT OF SERVICE STRATEGY: SUMMARY OF OPTIONS AND RECOMMENDATIONS - NGIOKA HORTICULTURAL THERAPY CENTRE.

SUSTAINABILITY
REVIEW



Option 4	Details	Prioritisation (refer matrix)
Cease the service altogether	<p>Ceasing the service altogether is an option that would result in operational cost savings of around \$100,000 per year.</p> <p>This annual operational saving could be used to partial defray the cost of increasing Parks and Gardens Team staffing levels should council wish to increase resources to Parks and Gardens. The qualifications and skill set of the existing Ngioka Centre staff align well with Parks and Gardens work making redeployment a viable option.</p> <p>However, there is reputation risk in ending outright an admired disability service like Ngioka Centre.</p>	Low

ITEM 15 - ATTACHMENT 1 EXCERPT OF SERVICE STRATEGY: SUMMARY OF OPTIONS AND RECOMMENDATIONS - NGIOKA HORTICULTURAL THERAPY CENTRE.

**SUSTAINABILITY
REVIEW**



RECOMMENDATION:

Service	Details	Net One off costs/savings	Recurrent costs/savings
1. Centre based activities: a. Horticultural Therapy b. Arts and Craft c. Music and Dance	<p>Continue to provide the service under the current model with improvements to internal processes until June 2017 thereafter conduct a further sustainability review to determine businesses readiness for NDIS transition from July 2018.</p> <p>Increase volunteer labour component of the business to be equal to or greater than 2.0 EFT. This will free up paid staff to pursue other business diversification opportunities by:</p> <ul style="list-style-type: none"> • increase marketing and promotion of the business to increase client attendances, • improve processes around work scheduling and risk management, • increase attention to maintenance 	Nil	\$10,000 saving by way of increased revenue from increased clients from NDIS areas between 2015 and 2017.
2. Licensed Floor space	Business as usual - Continue to rent the two rooms for highest market	Nil	Nil

ITEM 15 - ATTACHMENT 1 EXCERPT OF SERVICE STRATEGY: SUMMARY OF OPTIONS AND RECOMMENDATIONS - NGIOKA HORTICULTURAL THERAPY CENTRE.

**SUSTAINABILITY
REVIEW**



Service	Details	Net One off costs/savings	Recurrent costs/savings
3. Plant Sales	Increase unit fees to be at top end of the market prices.	Nil	\$5,000 saving by way of increased revenue
	Commence mirco herbs sales with aim to sell 2500 punnets per year	Nil	\$5,000 saving by way of increased revenue
4. Function Room Hire	Promote the rental of the function room	Nil	\$1,000 saving by way of increased revenue

Completed by: Ian Crawford
Position: Contracts & Services Coordinator
Review Team involved: Steve Crooks, Jenny Megson and Steven Bemasconi
Date: 2 April 2015

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

ITEM NO. 16

FILE NO: PSC2015-01000/276

TRIM REF NO: PSC2011-04337

SUSTAINABILITY REVIEW - WASTE SERVICES

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Sustainability Review – Waste Services, Service Strategy and endorse the findings of the review (**ATTACHMENT 1**).
-

ORDINARY COUNCIL MEETING - 23 JUNE 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor Ken Jordan That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 23 JUNE 2015 MOTION

180	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council note the information contained in the Sustainability Review – Waste Services, Service Strategy and endorse the findings of the review (ATTACHMENT 1).
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the recommendations from the Waste Services Sustainability Review.

Council endorsed the recommendations of the first sustainability review of the Waste Services and the Salamander Bay Waste Transfer Station in 2012. The result was to continuously improve processes/service delivery and to run the Salamander Bay Waste Transfer Station for two years with a view to 100% cost recovery. The result since then has been:

- A growth in ancillary waste services delivered to our community to now be the most diverse in the Lower Hunter region.
- The reduction in the ratepayer subsidy for the Salamander Bay Waste Transfer Station from \$455,000 (or 62% cost recovery) in 2011/12 to \$22,160 (or 99% cost recovery) in 2013/14.
- Domestic resource recovery rates of 58.1% which is the highest in the Lower Hunter region.
- The second lowest domestic waste service charge in the Lower Hunter region.

The five (5) service packages delivered by the Waste Services' area include:

1) Domestic Waste Management

- Kerbside bin collection (red and yellow lids).
- Kerbside bulky waste collection.
- Waste recycling, composting and disposal.

2) Ancillary Waste Services

- Public place litter management.
- Drop off days for mattresses, E-waste, chemicals, tyres and recycling.
- Sites for medical sharps disposal.
- Permanent drop off site for E-waste and household chemicals.

3) Waste Education and Clean-up events

- Schools program.
- Attendance at community forums.
- Public education.
- Promotion of Clean-up Australia Day and Stockton Beach Clean-up.
- Promotion of drop off days.

4) Environmental monitoring of decommissioned landfills.

5) Salamander Bay Waste Transfer Station.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has a highly valued, affordable and convenient waste and recycling system.	Provide waste and recycling services.

FINANCIAL/RESOURCE IMPLICATIONS

Adopting the recommendation in the Service Strategy will reduce the ratepayer subsidy for the Salamander Bay Waste Transfer Station by around \$1,500 per year through reduced losses from being open for trade on New Year's Day public holiday.

Adopting the recommendation also improves the work life balance of staff that are required to work every year on New Year's Day – a traditionally very slow business day at the Waste Transfer Station.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No	1,500	Proposed saving in operational costs to be absorbed by the Waste Transfer Station budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy implications associated with the recommendations.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that customers will not be satisfied with the closure of the Salamander Bay Waste Transfer Station on New Year's Day public holiday resulting in reputation damage and illegal dumping of waste.	Low	Adopt the recommendations and advise the few customers who frequent the Waste Transfer Station of closure so alternative arrangements can be made.	Yes
There is a risk that keeping the Waste Transfer Station open on New Year Day public holiday will have a negative impact on staff as their work life balance is impacted negatively for what is a very slow	Low	Adopt the recommendation.	Yes

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

business day for the Waste Transfer Station.			
There is a risk that increasing services at the Salamander Bay Waste Transfer Station may result in increased ratepayer subsidy to deliver service.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Service Strategy benchmarking data for Waste Services shows that Port Stephens Council offers an extensive array of ancillary waste services at a very competitive rate. The Domestic Waste Service Charge is at the lower end of the spectrum in the region. The resource recovery rate is the highest in the Hunter region. The per tonne gate rate at the Waste Transfer Station is at the lower end of the comparable market. The combination of these points demonstrates that on social, economic and environmental grounds Council's complete waste service package is a sustainable service package.

CONSULTATION

- 1) A two way conversation was held with the Mayor and Councillors on Tuesday 16 June 2015.
- 2) Executive Leadership Team.
- 3) Waste Management Coordinator.
- 4) Waste Service Team Staff.
- 5) Other Hunter based Councils.

OPTIONS

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

ATTACHMENTS

- 1) Excerpt of Service Strategy: Summary of Options and Recommendations Waste Services.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Service Strategy Waste Services.

ITEM 16 - ATTACHMENT 1 EXCERPT OF SERVICE STRATEGY: SUMMARY OF OPTIONS AND RECOMMENDATIONS WASTE SERVICES.
SUMMARY OF OPTIONS: WASTE SERVICES REVIEW

Option 1	Details	Prioritisation (refer matrix)
Continue on, however seek to continuously improve the service	Due to multiple long term contracts this is the only viable option. However, the waste team will continue to seek improvements within any uncontracted services that it provides.	High
Option 2	Details	Prioritisation (refer matrix)
Change the way the service is delivered (ie. process or supplier improvement)	Due to long term contracts this is not an option. However, changes to the major waste services were considered and the ones desired by Council were included in the new contract specification, which is due to commence 1 st of July 2015.	Low
Option 3	Details	Prioritisation (refer matrix)
Spin off or restructure	Not a viable option. A re-structure of the Waste Services Team occurred in September 2014 to accommodate new conditions associated with Education and contract delivery under the new contract due to commence 1 st of July 2015.	Low
Option 4	Details	Prioritisation (refer matrix)
Cease the service altogether	Not a viable option. Waste collection and recycling is an essential public health service that also derives environmental and intergenerational benefits. Not providing a team of professionals in house to manage this service would expose Council to reputation, health and environmental risks.	Low

ITEM 16 - ATTACHMENT 1 EXCERPT OF SERVICE STRATEGY: SUMMARY OF OPTIONS AND RECOMMENDATIONS WASTE SERVICES.

RECOMMENDATION:

Service	Details	Net One off costs/savings	Recurrent costs/savings
Domestic Waste Management	<ol style="list-style-type: none"> 1) Acknowledge the result of the Waste Services Tender from October 2014, which offers the residents and business of the LGA with a more convenient service at a reasonable cost. 2) Endorse the Waste Services Team to continue to provide this service to the residents while continuously seeking Improvements to ensure they are run in the best way possible at the best value for money. 	Nil	Nil
Provision of Ancillary Waste Services	<ol style="list-style-type: none"> 1) Endorse the Waste Services Team to continue to provide these services to the residents while continuously seeking Improvements to ensure they are run in the best way possible at the best value for money. 	Nil	Nil

ITEM 16 - ATTACHMENT 1 EXCERPT OF SERVICE STRATEGY: SUMMARY OF OPTIONS AND RECOMMENDATIONS WASTE SERVICES.

Service	Details	Net One off costs/savings	Recurrent costs/savings
Education Programs and Clean-up Events	1) Endorse the Waste Services Team to continue to provide the education programs and assistance with clean up days while continuously seeking improvements to ensure they are run in the best way possible at the best value for money.	Nil	Nil
Environmental Monitoring of Decommissioned Landfills	1) Acknowledge the result of the recent tender providing best value for money In regards to the provision of this service that was awarded to GHD by Council on the 10 th of February 2015.	Nil	Nil
Waste Transfer Station	1) Acknowledge that the Salamander Bay Waste Transfer Station In 2013/14 achieved a 99% cost recovery 2) Endorse the closure of the facility on New Year's Day	Nil	\$1,500 per annum.

ITEM NO. 17**FILE NO: PSC2015-01000/398
TRIM REF NO: PSC2014-01404****LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2015****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate Council delegates to attend the Local Government NSW Annual Conference 2015 which is to be held on 11-13 October 2015 at Rosehill Gardens Racecourse, James Ruse Drive, Rosehill.
 - 2) Allow a "one-off" increase of the Conference allowances under the Policy for Councillors nominated to attend this Conference.
-

**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Mayor Bruce MacKenzie Councillor Ken Jordan That Council: <ol style="list-style-type: none">1) The four (4) voting delegates at the Local Government NSW Annual Conference 2015 be Mayor Bruce MacKenzie, Cr Paul Le Mottee, Cr Chris Doohan Cr Steve Tucker, and that Cr Ken Jordan also be registered for the conference.2) Allow a "one-off" increase of the Conference allowances under the Policy for Councillors nominated to attend this Conference.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION**

181	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) The four (4) voting delegates at the Local Government NSW Annual Conference 2015 be Mayor Bruce MacKenzie, Cr Paul Le Mottee, Cr Chris Doohan Cr Steve Tucker, and that Cr Ken Jordan also be registered for the conference.2) Allow a "one-off" increase of the Conference allowances under the
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MINUTES ORDINARY COUNCIL - 23 JUNE 2015

Policy for Councillors nominated to attend this Conference.

BACKGROUND

The purpose of this report is to inform Council of the Local Government NSW Annual Conference 2015 which is to be held on 11-13 October 2015 at Rosehill Gardens Racecourse, James Ruse Drive, Rosehill.

The Conference Program is shown at **(ATTACHMENT 1)**.

The Conference is open to all Councillors.

As Councillors would be aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Councils area.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration, travel and accommodation would be covered from the budget, subject to an individual Councillor not exceed the conference budget limits in the Policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Registration costs are not known at this stage. These costs are covered under the policy and the existing budget. Travel and accommodation shall be additional.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside the Hunter Region. Councillors' conference costs are limited to \$3,500.00 per year under the Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may have its' reputation damaged by not attending and not participating in the national debate on key Local Government matters.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Port Stephens community would benefit from Councillors attending this Conference to ensure the Local Government Area has a voice in the national development of policy and initiatives.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

- 1) LG NSW Annual Conference 2015 - Draft Program.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 17 - ATTACHMENT 1 LG NSW ANNUAL CONFERENCE 2015 - DRAFT PROGRAM.



Local Government NSW Annual Conference 2015

DRAFT PROGRAM Sunday 11 – Tuesday 13 October, 2015 (as of 2 May 2015)

Main conference venue is Rosehill Gardens Racecourse, Grand Pavillion, James Ruse Drive, Rosehill 2142

This program is correct at the time of printing; speakers and program details may have changed due to unforeseen circumstances.

Sunday 11 October

- | | |
|------------------|---|
| 11.00am - 3.00pm | Bump in sponsors to Grand Pavilion Level 1 |
| 3.00pm – 7.00pm | Registration opens in the Grand Pavilion Level 1 |
| 4.30pm – 5.00pm | Prebooked local Transfer buses |
| 5.00pm – 7.00pm | President's Opening Reception in the Grand Pavilion Level 1 <ul style="list-style-type: none"> • Welcome To Country • Welcome from Lord Mayor of Parramatta, Cr Scott Lloyd • Opening from Cr Keith Rhoades AFSM, President, LGNSW • Premier Sponsor's speech |
| 7.00pm | Prebooked local Transfer buses |

Monday 12 October

Business Session Day 1 - chaired by Cr Keith Rhoades AFSM, Grand Pavilion Level 2

- | | |
|-------------------|---|
| 8.00am – 5.00pm | Registration opens in Ground Floor in the Grand Pavilion Level 1. Distribution of voting materials and electronic handsets |
| | Trade Exhibition opens in Grand Pavilion Level 1. |
| | Prebooked local Transfer buses |
| 8.00am – 10.00am | Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (voting for all positions at the one time) |
| 9.15am – 9.45am | Address from The Hon Mike Baird MP, Premier of New South Wales |
| 9.45am – 10.00am | Address from Cr Keith Rhoades AFSM, President LGNSW. |
| 10.00am – 11.00am | Opening and closing of the Federal Conference, Opening of the State Conference and start of the Business session, Adoption of Standing Orders. Demonstration of voting units and Consideration of Motions chaired by Cr Keith Rhoades AFSM. (1 hour) |
| 11.00am – 11.30am | Morning tea in Trade Exhibition sponsored by TBC.
Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (voting for all positions at the one time) |
| 11.30am – 1.00pm | Consideration of Conference business continued chaired by the President. (1.5 hours) |
| 1.00pm – 2.00pm | Lunch in Trade Exhibition sponsored by TBC.

Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (voting for all positions at the one time) |
| 2.00pm – 3.30pm | Consideration of Conference Business continued, chaired by the President. (1.5 hours) |

ITEM 17 - ATTACHMENT 1 LG NSW ANNUAL CONFERENCE 2015 - DRAFT PROGRAM.

3.30 – 4.00pm	Afternoon tea in Trade Exhibition sponsored by TBC Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (voting for all positions at the one time)
4.00pm – 5.30pm	Consideration of Conference Business continued, chaired by the President (1.5 hours) Collection of all electronic handsets and voting cards
5.30pm – 6.30pm	Delegate networking function and afternoon tea in Trade Exhibition sponsored by TBC. Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (voting for all positions at the one time)
6.30pm	Trade Exhibition Closes.
5.30pm – 6.30pm	Prebooked local Transfer buses Free night for all delegates

Tuesday 13 October**Business Session Day 2 - chaired by Cr Keith Rhoades AFSM, Grand Pavilion Level 2**

8.00am – 5.00pm	Registration opens in Grand Pavilion Level 1 Prebooked local Transfer buses
8.15am – 5.30pm	Trade Exhibition opens in Grand Pavilion Level 1
9.00am – 9.05am	Introduction by Master of Ceremonies, Ellen Fanning
9.05am – 10.45am	Ellen Fanning presents Reform Q and A Debate: Hon Paul Toole MP , Minister for Local Government (invited), Hon Peter Primrose MP (invited), Shadow Minister for Local Government, Professor Brian Dollery (invited), University of New England Business School, Professor Percy Allan AM , Principal, Percy Allan & Associates (invited)
10.45am – 11.15am	Morning tea in Trade Exhibition sponsored by TBC
11.15am – 11.45pm	Address: Hon Paul Toole MP , Minister for Local Government
11.45am – 12.00am	Presentation of the AR Bluett Awards
12.00 – 12.30pm	Address: Hon Peter Primrose MP , Shadow Minister for Local Government
12.30pm – 1.00pm	Messages from Elite and Distinguished Sponsors
1.00pm – 2.00pm	Lunch sponsored by TBC
2.00pm – 3.30pm	Federation and Constitutional Issues with David de Carvalho , First Assistant Secretary, Federalism White Paper Taskforce at Department of the Prime Minister and Cabinet (invited), Assistant Professor Tracy Beck Fenwick , Director of the Australian Centre for Federalism at ANU, Tim Gartrell , Campaign Director, RECOGNISE (invited)
3.30pm - 3.45pm	Address on Association Business from Cr Keith Rhoades AFSM, President, LGNSW
3.45pm – 4.00pm	Presentation of the Treasurer's Report

ITEM 17 - ATTACHMENT 1 LG NSW ANNUAL CONFERENCE 2015 - DRAFT PROGRAM.

4.00pm – 5.30pm Association Business chaired by **Cr Keith Rhoades AFSM, President, LGNSW**

4.30pm – 5.30pm Afternoon tea and Delegate Networking Function in Trade Exhibition sponsored by TBC

Prebooked local Transfer buses

Cloak room facilities for those not returning home to change for dinner

Conference Dinner

7.00pm Arrival drinks on the outside terrace of the Exhibition Building
Prebooked local Transfer buses

7.45pm Delegates seated and entrée served

8.00pm President introduces Elite Sponsor

8.10pm President and Elite Sponsor present the Outstanding Service Awards
Announcement of Incoming LGNSW Board

8.30pm Main Course served

9.00pm Entertainment and dancing

10.00pm First Prebooked local Transfer buses

11.00pm Function finishes, final transfer buses

Close of Conference.

ITEM NO. 18

FILE NO: PSC2015-01000/324

TRIM REF NO: PSC2014-02089

PORT STEPHENS COUNCIL ENTERPRISE AGREEMENT 2015

REPORT OF: WAYNE WALLIS - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the making of a Union Enterprise Agreement under Section 146A of the NSW Industrial Relations Act.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Chris Doohan Councillor Sally Dover That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION**

182	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council endorse the making of a Union Enterprise Agreement under Section 146A of the NSW Industrial Relations Act.
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BACKGROUND

The purpose of this report is to seek Council's endorsement to the making of a Union Enterprise Agreement covering the terms and conditions of employment of all Port Stephens Council staff (excluding the General Manager and Group Managers) under Section 146A of the *NSW Industrial Relations Act*.

This includes the provision of annual wage increases for staff under the agreement for the next three (3) years of 2.7%, 2.8% and 2.8% (or NSW State Award variation if greater). This is in line with the NSW State Local Government Award and maintains a market equalisation condition, which has been in place at Port Stephens Council since 2008.

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

In 2008, Council developed its own Enterprise Agreement and moved from the NSW Local Government (State) Award.

The agreement aims to provide a sustainable set of conditions of employment that allows Council to attract, retain and develop staff to meet current and future needs.

It does this by providing conditions which support a flexible working environment and which remunerate staff at the median of the market. These means that salary and wages of all employees, both current and future, are linked to the median amount paid to local government employees in similar roles in councils across Australia.

The Agreement has given Council a competitive advantage in the region and enabled it to attract and retain staff in a financially sustainable manner.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2014-2015 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

The costs of the wage increases and implementation of this Agreement are fully funded under Council's existing operational budget and long term financial plan.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The *Industrial Relations Act 1996 [NSW]* and the *Fair Work Act 2009 [Cth]* require minimum terms and conditions of employment to be in place for all Australian workers. Without an Enterprise Agreement, Port Stephens Council will revert to the

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

Local Government (State) Award, removing many conditions, which allow Council to support a workplace that attracts, develops and retains the right staff to deliver the agreed outcomes for the Port Stephens Community as articulated in the Community Strategic Plan.

Following endorsement by Council, a number of steps need to be completed to ensure staff are fully informed of the conditions of the Agreement. These include the General Manager holding various staff meetings to present the proposed Agreement and answer questions from staff; the Unions to hold meetings of members to seek their approval for the making of the Agreement; and a general ballot of all staff to be undertaken by the Australian Electoral Commission.

The Ballot will close on 9 July 2015 and be counted and declared subsequent to this date with the aim of the Agreement being in place with effect from 1 July 2015. Formal ratification of the Agreement will take place in the Industrial Relations Commission of NSW following the anticipated successful ballot.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the return to the Local Government (State) Award will have a negative impact on Council's ability to attract and retain staff.	High	Renew the Port Stephens Enterprise Agreement for a further term of three (3) years.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The long-term sustainability of Port Stephens Council requires that we effectively manage our operational expenditure, a large proportion of which is employment costs.

Employment costs continue to increase, even with relatively stable staffing levels, due to annual salary increases largely dictated by the NSW Industrial Relations system. Port Stephens Council is in competition for skilled workers within a market that is continuing to tighten.

Expenditure \$'000s	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Employment costs (including on-costs)	31,313	34,376	35,428	35,832	34,326	36,037
Total rates and annual charges	38,347	40,344	41,507	43,262	45,941	47,489
Employment costs	82%	85%	85%	83%	75%	76%

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

Expenditure \$'000s	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
as a % of total rates						
Total expenses from continuing operations	91,587	93,552	95,072	98,104	102,139	99,262
Employment costs as a % of total expenses	34.2%	36.7%	37.3%	36.5%	33.6%	36.3%
% Increase in actual employment costs	15.3%	9.8%	3.1%	1.1%	-4.2%	5.0%
Total EFT	467.90	471.01	468.67	470.66	460.08	465.14

Council's salary system and conditions of employment are based on the concept of a fair day's work for a fair day's pay. The salary system provides for increase above the minimum prescribed by the Agreement based on the Mercer annual survey of the local government sector in Australia. This provides access to the most current and up to date salary information available in the local government sector.

Our salary system has adopted the median of the local government market represented as the normal maximum remuneration for each grade. This is a sustainable position for Council. This is adjusted annually based on the annual survey results. Critical positions are also market tested on an individual basis each year and may receive up to an additional 15% above the median rate if the market median for the individual position is higher than the median for the grade.

Having a robust and well thought out approach to the provision of salary increases ensures that we can remain competitive in the market place whilst also remaining sustainable into the future as we are provided with certainty around our employment costs.

CONSULTATION

- 1) Consultative Committee.
- 2) Development and Environmental Professionals' Association.
- 3) Enterprise Agreement Committee.
- 4) Executive Leadership Team.
- 5) Local Government Engineers' Association.
- 6) New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 19**FILE NO: PSC2015-01000/396
TRIM REF NO: PSC2015-00381****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:
 - a. Medowie Football Club – Donation for communications equipment – Central Ward Funds – Cr Chris Doohan – \$500.
 - b. Northern Settlement Services – Donation for assistance with luncheon and printing material in relation to the Migration History project – East Ward Funds – Cr John Nell – \$300.
 - c. Wahroonga Aboriginal Corporation Raymond Terrace – Cultural Celebration NAIDOC Week – West Ward funds – Councillor Peter Kafer – \$1,500.00.
 - d. Mambo Wanda Committee – Donation toward cost of picnic table shelter in Redman Reserve – East Ward Funds – Cr John Nell - \$2,000.00.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

183	Councillor Ken Jordan Councillor Steve Tucker That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2015
MOTION**

184	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Ward Funds to the following:<ol style="list-style-type: none">a. Medowie Football Club – Donation for communications equipment – Central Ward Funds – Cr Chris Doohan – \$500.b. Northern Settlement Services – Donation for assistance with
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MINUTES ORDINARY COUNCIL - 23 JUNE 2015

	<p>luncheon and printing material in relation to the Migration History project – East Ward Funds – Cr John Nell – \$300.</p> <p>c. Wahroonga Aboriginal Corporation Raymond Terrace – Cultural Celebration NAIDOC Week – West Ward funds – Councillor Peter Kafer – \$1,500.00.</p> <p>d. Mambo Wanda Committee – Donation toward cost of picnic table shelter in Redman Reserve – East Ward Funds – Cr John Nell - \$2,000.00.</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 shown below are provided through Mayoral Funds, Rapid Response or Community Capacity Building:

CENTRAL WARD – Councillors Dingle, Doohan and Tucker

Medowie Football Club.	Donation for communications equipment.	\$500.00
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EAST WARD – Councillors Dover, Morello and Nell

Northern Settlement Services.	Donation for assistance with luncheon and printing material in relation to the Migration History project.	\$300.00
Mambo Wanda Committee.	Donation toward cost of picnic table shelter in Redman Reserve.	\$2,000.00

MINUTES ORDINARY COUNCIL - 23 JUNE 2015**WEST WARD – Councillors Jordan, Kafer and Le Mottee**

Wahroonga Aboriginal Corporation Raymond Terrace.	Cultural Celebration NAIDOC Week.	\$1,500.00
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	4,300	Within existing 2014-2015 budget.
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 recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

OPTIONS

- 1) Accept the recommendations.
- 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.

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

ITEM NO. 20

FILE NO: PSC2015-01000/425
TRIM REF NO: PSC201501022

INFORMATION PAPERS

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 23 June 2015.

No:	Report Title	Page:
1	LGMA Conference Darwin 2015	205
2	Cash and Investments held as at 31 May 2015	201

ORDINARY COUNCIL MEETING - 23 JUNE 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor Sally Dover That the recommendation be adopted.
	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council move out of Committee of the Whole.

ORDINARY COUNCIL MEETING - 23 JUNE 2015 MOTION

185	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 23 June 2015. <hr/> No: Report Title
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MINUTES ORDINARY COUNCIL - 23 JUNE 2015
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	1	LGMA Conference Darwin 2015
	2	Cash and Investments held as at 31 May 2015

INFORMATION PAPERS

ITEM NO. 1

FILE NO: PSC2015-01000/362

TRIM REF NO: PSC2006-6531

CASH AND INVESTMENTS HELD AS AT 31 MAY 2015

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 May 2015.

ATTACHMENTS

- 1) Cash and Investments Held at 31 May 2015.
- 2) Monthly Cash and Investments Balance May 2014 to May 2015.
- 3) Monthly Australian Term Deposit Index May 2014 to May 2015.

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 31 MAY 2015.

CASH AND INVESTMENTS HELD AS AT 31 MAY 2015

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
ERM DEPOSITS								
ANK OF QUEENSLAND LTD	BOQ	A-	TD	3.60%	266	3-Jun-15	2,500,000	2,500,000
MP BANK LTD	CURVE	A+	TD	3.50%	266	3-Jun-15	1,000,000	1,000,000
ANK OF QUEENSLAND LTD	BOQ	A-	TD	3.60%	196	17-Jun-15	1,500,000	1,500,000
IATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.58%	182	17-Jun-15	2,000,000	2,000,000
AW CREDIT UNION CO-OPERATIVE	CURVE	N/R	TD	3.65%	301	1-Jul-15	2,000,000	2,000,000
ANK OF SYDNEY LTD	RIM	N/R	TD	3.58%	182	15-Jul-15	2,000,000	2,000,000
IATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.50%	182	29-Jul-15	1,000,000	1,000,000
IE BANK	ME	BBB+	TD	3.45%	182	29-Jul-15	1,000,000	1,000,000
MP BANK LTD	FARQUHARSON	A+	TD	3.50%	266	12-Aug-15	2,000,000	2,000,000
AITLAND MUTUAL BUILDING SOCIETY	RIM	NR	TD	3.10%	182	9-Sep-15	1,500,000	1,500,000
IATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.11%	182	23-Sep-15	2,000,000	2,000,000
IATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	2.99%	182	7-Oct-15	2,000,000	2,000,000
MB	IMB	BBB+	TD	2.80%	182	21-Oct-15	1,500,000	1,500,000
ANKWEST	BANKWEST	A-	TD	3.00%	153	21-Oct-15	2,000,000	2,000,000
ANKWEST	BANKWEST	A-	TD	3.00%	159	4-Nov-15	2,000,000	2,000,000
IATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.20%	266	18-Nov-15	1,000,000	1,000,000
SUB TOTAL (\$)							27,000,000	27,000,000
OTHER INVESTMENTS								
LEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A	CDO	0.00%	10yrs	23-Jun-15	412,500	407,591
NZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	966,983
SUB TOTAL (\$)							1,430,377	1,374,574
INVESTMENTS TOTAL (\$)							28,430,377	28,374,574
CASH AT BANK (\$)							2,301,421	2,301,421
TOTAL CASH AND INVESTMENTS (\$)							30,731,798	30,675,996
CASH AT BANK INTEREST RATE				2.20%				
BBSW FOR PREVIOUS 3 MONTHS				2.28%				
AVG. INVESTMENT RATE OF RETURN				3.16%				

D = TERM DEPOSIT

FRN = FLOATING RATE NOTE

CDO = COLLATERALISED DEBT OBLIGATION

STANDARD AND POORS LONG TERM RATING

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

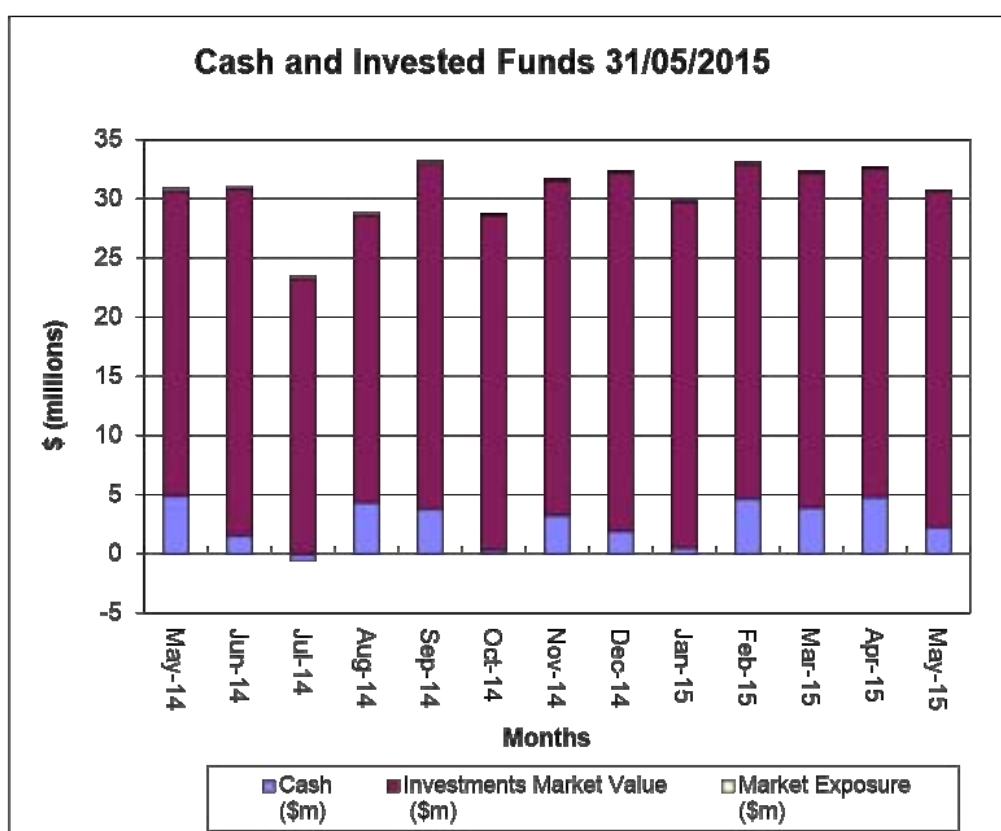
HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY

WALLIS

ITEM 1 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE
MAY 2014 TO MAY 2015.

CASH AND INVESTMENTS BALANCE

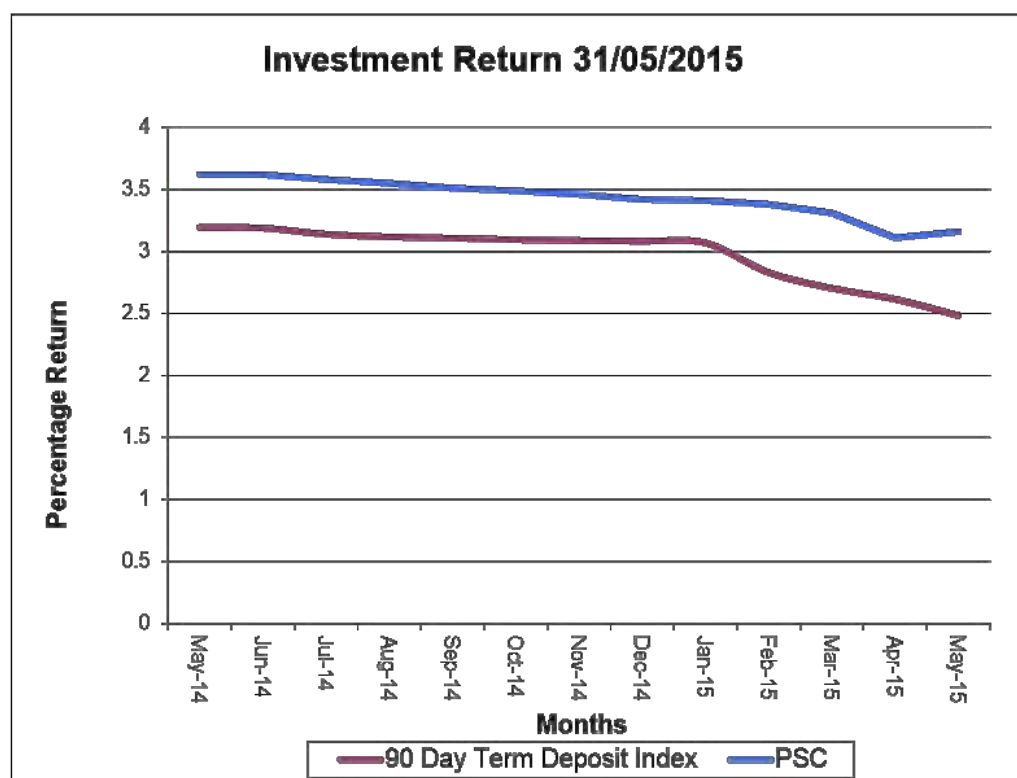
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
May-14	4.964	25.775	0.156	30.895
Jun-14	1.572	29.276	0.155	31.002
Jul-14	- 0.532	23.290	0.147	22.905
Aug-14	4.375	24.305	0.132	28.811
Sep-14	3.793	29.310	0.126	33.230
Oct-14	0.350	28.313	0.123	28.786
Nov-14	3.293	28.313	0.123	31.729
Dec-14	1.959	30.317	0.113	32.389
Jan-15	0.527	29.323	0.107	29.957
Feb-15	4.691	28.328	0.103	33.122
Mar-15	3.937	28.332	0.098	32.367
Apr-15	4.793	27.867	0.064	32.723
May-15	2.301	28.375	0.056	30.732



ITEM 1 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX
MAY 2014 TO MAY 2015.

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 Day Term Deposit Index	PSC
May-14	3.1931	3.62
Jun-14	3.1897	3.62
Jul-14	3.1389	3.58
Aug-14	3.1182	3.55
Sep-14	3.1082	3.51
Oct-14	3.0955	3.49
Nov-14	3.0886	3.46
Dec-14	3.0832	3.42
Jan-15	3.0697	3.41
Feb-15	2.8301	3.38
Mar-15	2.7035	3.31
Apr-15	2.6157	3.11
May-15	2.4841	3.16



ITEM NO. 2

**FILE NO: PSC2015-01000/346
TRIM REF NO: PSC2014-01525**

LGMA CONFERENCE - DARWIN 2015

REPORT OF: PAUL LE MOTTEE - COUNCILLOR
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to provide an overview of the LGMA National Congress and Business Expo conference held in Darwin on 28 April 2015 – 1 May 2015.

The conference was attended by General Manager – Wayne Wallis, Deputy Mayor – Cr Steve Tucker, Cr Paul Le Mottee, Cr John Morello, Cr Sally Dover, Cr Ken Jordan and Cr Chris Doohan.

The hosts of any conference are always keen to show off their part of the world and Darwin City Council was no different. A full day inspection of the City and surrounds was conducted on the Wednesday and was particularly interesting given Darwin's history of having been largely destroyed twice, firstly by Japanese Bombers and secondly by Cyclone Tracy in 1974.

In view of the fact Port Stephens had just experienced a storm that had wind speeds equalling that of a Category 2 cyclone, it was particularly interesting to hear what measures were put in place in Darwin to prevent such devastation again.

Amazingly, we were able to talk to a gentleman who was a Policeman at the time and is now a Councillor. He explained that the immediate reaction was to ask for designs of houses that could withstand such wind speeds and the impacts of flying debris such as cars and other large objects that are not usually tied down. Unfortunately, the designs that came back were effectively bunkers made of concrete walls with very small or no windows. Obviously such designs were inordinately expensive, ugly and completely unsuitable for Darwin's climate. It forced the decision makers to accept that Cyclone Tracy was a rare event and that people would have to be allowed to build houses that were stronger than they were before but still would not necessarily be strong enough to withstand the forces applied by a Category 5 cyclone.

He went on to explain that as time passed, little in the way of housing was being built in Darwin, primarily owing to the very high cost of meeting the design standards put in place (even though these were much less than the bunkers first mooted) and the distance materials needed to be transported.

As a result, he told us the design standards continued to be relaxed to the point where the design standards in force today aren't all that much different to those that were in force in 1974. The single biggest exception being the humble "tech screw" which was apparently invented as a result of forensic examination of Darwin after the cyclone.

In comparatively recent times, new housing in Darwin has reached epic levels. A 3 bedroom house in Port Stephens that might sell for \$400,000 would sell for \$800,000 or \$900,000 in an equivalent location in Darwin and rents in Port Stephens that would be \$400 per week are \$1,400 per week in Darwin. This is mainly due to the gas plant that is being built at a cost of \$35 billion dollars. Unless further major projects are found, there could be a severe lowering of prices when all the contractors leave town.

The General Manager of Darwin City Council pointed out that the Council did not like one bit how modern houses were being built. He was referring to houses that looked identical to what we would expect to see in a new estate around Port Stephens. That is, brick houses built on concrete slabs. He said, "people build these southerner houses, turn the air conditioners on and lock themselves inside watching Foxtel". He described this as unhealthy for people and caused massive social isolation even though they were living within metres of other people. Power is very expensive and not very climate friendly as electricity is generated by diesel in Darwin. As a result, they are pushing for a return to elevated houses using natural ventilation.

Darwin has a significant indigenous population and there is a significant and obvious gap in the quality of life between indigenous people and those of European or Asian descent. I took the time to speak with a number of indigenous people and they don't portray that they are unhappy with their situation but there is nonetheless a gap. The NT Government and Darwin Council are running several programs to close this gap but there appears to be no magic solution and time is likely to be the main ingredient in eventually closing the gap.

On Thursday 30 April 2015, the conference began with the first keynote speaker being George Negus. George told us that he felt we were over governed and should do away with the states. George's speech lacked any substance as to why that level of government should be abolished (other than he thought it was a good idea), demonstrated that George had absolutely no idea why the state borders are where they are and mainly set about deriding the people that created our states in the first place. Subsequent questioning of George resulted in robust debate and George finally admitted that he had achieved his objective of making the audience think about fighting back because the states were trying to force amalgamation of Councils so if they were trying to abolish (some of) us, should we be trying to abolish them instead? It was an interesting way to go about sparking a debate but it worked and I'm sure most were enlightened.

The next keynote speaker was Professor Mark Evans. The professor regaled us with a litany of problems facing local government. He went on to describe in some detail why we have these problems. His intention was to enlighten the audience as to the cause of problems so that that the Local Government Managers are armed with the

information they need to solve the problems. That is, the professor believes you can't solve a problem unless you fully understand what causes it.

In the afternoon, there were various talks to choose from. I chose the talk on "The Alternatives to Council". I had taken this to mean a talk on how Australia would work if there were no local government. Unfortunately, it wasn't about that. It was more about alternative ways of doing things. I found it very refreshing to find that all the alternatives discussed were either in place at Port Stephens or had been previously discussed and rejected as unsuitable for our LGA. It gave me great confidence that Port Stephens is at the forefront of modern Local Government and the issues at hand.

Friday began with Dr Barry Jones giving a keynote address. Dr Jones was a former member of Federal Parliament during the Hawke/Keating era. He was very entertaining, very informative and well worth listening to. However, it was clear that no matter how smart you are and no matter how important you were in a Federal Government, you still don't have much idea what it's like to be in Local Government. Notwithstanding that obvious disconnect, Dr Jones is very inspirational and makes you feel like you want to go and help people. I recommend taking the opportunity to listen to him should you ever get the chance.

We then had various Local Government speakers from the US, the UK and New Zealand telling us what challenges faced Local Government in those countries. Basically, it was identical to what we face but just with a different accent. Essentially, people's expectations are ever increasing, cost shifting by higher government levels, increasing litigation and potholes. I again got the impression that Port Stephens was preeminent in dealing with these issues. Nothing that was discussed and drew consensus as being a good idea wasn't already in place at Port Stephens.

The afternoon was again a variety of topics. I chose the 'Big Ideas World Café'. The idea was that a few invited speakers enlightened us with their big ideas and then people from the floor could do the same. The part of this session that resonates with me most is the speaker that said "If you say the 'Council' to people, they get a mental image of a bunch of underperforming bureaucrats making people's lives difficult whereas if you say the word 'Coke' to people they get a mental image of scantily clad young people enjoying themselves on a beach somewhere and yet Council is collecting the rubbish, fixing their roads and mowing their parks and Coke is making those same people obese and rotting their teeth! So why doesn't local government advertise what it does more? It obviously works?

The conference reinforced that Port Stephens was adhering to 'Best Practice' and 'Business Excellence' guidelines and yet this is an ongoing process that needs to be monitored by networking, attendance at conferences like this one and other forms of professional development for both Councillors and Managers.

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

The Councillors that gave up their jobs and family to attend felt the sacrifice was well worth the gain. It should be noted that Mayor MacKenzie did not attend owing to the ongoing situation with the April 2015 storm. It was appropriate that he did so, but he was sorely missed at the conference as he is highly regarded by his contemporaries and many asked after him.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

There being no further business the meeting closed at 6.56pm.