

# MINUTES 9 OCTOBER 2012



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 9 October 2012, commencing at 5.31pm.

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

	No apologies were received.
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249	<b>Councillor Steve Tucker</b> <b>Councillor Ken Jordan</b>
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 25 September 2012 be confirmed, subject to Item 6 being amended as follows: Council adopt the draft Payment of Expenses and Provision of Facilities to Councillors' policy at ATTACHMENT 1.

Cr Ken Jordan declared a less than significant non-pecuniary conflict of interest in Item 1. The nature of the interest is the owner is Cr Jordan's brother's girlfriend's son.

Cr Paul Le Mottee declared a pecuniary interest conflict of interest in Item 2. The nature of the interest is Cr Le Mottee has previously undertaken work on this site and may do more work.

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# MAYORAL MINUTES

# MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2012-03811

## LOCAL GOVERNMENT ASSOCIATION NSW CONFERENCE 2012 DUBBO

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### THAT COUNCIL:

- 1) Nominate a fourth delegate for the Local Government Association of NSW Conference.
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### BACKGROUND

Council at its meeting on 25 September 2012, appointed four (4) voting delegates for the upcoming Local Government & Shires Association conference to be held in Dubbo.

The four (4) voting delegates are:

Mayor, Cr Bruce MacKenzie  
Cr Ken Jordan  
Cr Steve Tucker  
Cr Paul Le Mottee

Cr Ken Jordan has advised that he is unavailable to attend the conference, therefore a fourth voting delegate is required.

Council is requested to nominate a fourth voting delegate to represent Council at the conference.

### ORDINARY COUNCIL MEETING – 9 OCTOBER 2012

### MOTION

250	<b>Councillor Bruce Mackenzie</b>
	It was resolved that Cr Sally Dover be nominated as the fourth voting delegate at the local government association conference.

# MAYORAL MINUTE

ITEM NO. 2

FILE NO: PSC2009-08122

## TATEYAMA CITY MARATHON SISTER CITIES EXCHANGE

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### THAT COUNCIL:

- 1) Seek nominations from the residents of Port Stephens to represent the area to take part in the Marathon exchange in Tateyama; and
  - 2) That \$1,000 be provided from Mayoral funds as a contribution towards the costs associated for both participants (\$500 each).
- 

### BACKGROUND

**The Mayor of the City of Tateyama and the President of Tateyama International Exchange Society have extended an invitation for two (2) residents of Port Stephens to participant in a Marathon Exchange in Tateyama.**

The City of Tateyama will conduct the 33<sup>rd</sup> Wakashio Marathon on Sunday, 27 January 2013. The Marathon will include a full marathon race, a 10km marathon race and a 2km family marathon. Last years' marathon attracted about 9,000 participants.

It is proposed that the visit would be from 25 January to 30 January 2013.

The program would include:

- Accommodation through the homestay program
- Participants would be collected from Narita airport
- Entry fee for the marathon
- Japanese cultural experience
- Two hour marathon class

All other costs (airfare costs, etc) associated with the visit would be at the expense of the participants.

Should Council proceed to accept the invitation, an expression of interest would be placed in the local media and on the website with appropriate selection criteria.

ORDINARY COUNCIL MEETING – 9 OCTOBER 2012

MOTION

251	<b>Councillor Bruce Mackenzie</b>
	<p>It was resolved that council:</p> <ol style="list-style-type: none"><li data-bbox="344 667 1375 770">1) Seek nominations from the residents of Port Stephens to represent the area to take part in the marathon exchange in Tateyama; and</li><li data-bbox="344 792 1375 869">2) That \$1,000 be provided from Mayoral funds as a contribution towards the costs associated for both participants (\$500 each).</li></ol>

# COUNCIL REPORTS



ITEM NO. 1

FILE NO: 16-2012-88-1

**DEVELOPMENT APPLICATION FOR THE DEMOLITION OF A GARAGE AND THE ERECTION OF A NEW GARAGE AND ASSOCIATED CARPORT**

REPORT OF: **MATHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE  
MANAGER**

GROUP: **DEVELOPMENT SERVICES**

**RECOMMENDATION IS THAT COUNCIL:**

The development application 16-2012-88-1 for the demolition of an existing weatherboard garage and the erection of a new Colorbond garage with an attached carport at Lot 19 DP 1057659, No 340 Hinton Road, Hinton, be approved subject to the Conditions of Consent listed in **Attachment 3** for the following reason:

- 1) The proposed development is permissible and appropriate, subject external building materials being sympathetic to the heritage conservation area.

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE**

<b>252</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b></p>
	<p>It was resolved that Council move into Committee of the Whole.</p>

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b></p>
	<p><b>That the recommendation be adopted subject to the deletion of Condition 14 and an amendment to Condition 13 in the Consent as follows:</b></p> <p style="padding-left: 40px;"><i>13. The following external materials must be used;</i></p> <ul style="list-style-type: none"> <li>• <i>External cladding is to be a timber or fibre cement or colourbond style weatherboard (with similar profiles to traditional weather board profiles used in the area and not to be a hardiplank or similar profile), or</i></li> </ul> <p style="padding-left: 40px;"><i>Corrugated zincalumne/iron (custom orb profile) sheeting</i></p>

	<p><i>ran horizontally to reflect traditional styles.</i></p> <ul style="list-style-type: none"> <li>• <i>Corrugated zincalumne/iron roof sheeting is to be used.</i></li> </ul>
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

**MOTION**

<b>253</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b></p>
	<p>It was resolved that the recommendation be adopted.</p>

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

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

Those against the Motion: Nil.

**MATTER ARISING**

<b>254</b>	<p><b>Councillor Geoff Dingle</b> <b>Councillor Ken Jordan</b></p>
	<p>It was resolved that Council review the Hinton heritage conservation area.</p>

**BACKGROUND**

This application has been called to Council by Councillor Jordan citing concerns relating to heritage requirements.

The purpose of this report is to present a development application to Council for determination.

It's important to note that Council is supportive of the proposed garage and attached carport regarding the height, size and location however this is subject to

suitable treatment of the external building materials being sympathetic to the heritage conservation area.

Consent has been sought for the erection of a new double Colorbond garage and attached double carport replacing an existing single weatherboard clad and iron roof garage in the Hinton conservation area as identified in the *Port Stephens Local Environmental Plan 2000 (LEP)*. The intent of Council policy in this heritage conservation area requires heritage respectful designs using appropriate materials and treatments. Clause 60 of the PSC LEP requires that calls for council *"must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area or archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity"*.

The subject land is located at Lot: 19 DP: 1057659 340 Hinton Rd, Hinton; within the Hinton Heritage conservation area as described in the LEP. Directly adjacent the property is Prospect House (including outbuildings and landscape setting) a Local heritage listed item which is in direct sight of the proposed building. The proposed garage would be located well behind the front setback although still visible from both Prospect house and Hinton road. Accordingly, to comply with the provisions of the LEP the appearance of the new structure should be sympathetic to the existing streetscape and compliment the local heritage conservation area.

The application was referred to Council's Heritage advisor who provided advice on the proposed design. The applicant claims that the suggested materials listed in the Councils heritage advice would increase the building cost and increase the potential long term maintenance (ie painting) required.

Staff have endeavoured to explore a range of alternatives with the applicant and multiple options have been investigated. Refer to the 79c assessment report in **Attachment 2** for the detailed discussion log with both the Council Heritage advisor and applicant.

The final design (cladding type suggested by the applicant) of vertically clad zincalume walls, zincalume roof and panel type garage door are very close in basic structure and design of the originally proposed structure, with the exception of a colour treated cladding material. The main departure from the original proposal would be the replacement of a garage roller door with a panel type garage door. Refer to **Attachment 3** Condition 13 for the recommended materials option for Council approval.

The conditions above were sent to the applicant on the 30/08/2012. After several attempts to contact the applicant no response was received and the matter is now called to Council for determination as per attached plans.

**FINANCIAL/RESOURCE IMPLICATIONS**

In the context of the application there would be no foreseen financial implications for Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Budget	As per existing section Budget Allocation
Reserve Funds	N/A		
Section 94	N/A		
External Grants	N/A		
Other	N/A		

**LEGAL, POLICY AND RISK IMPLICATIONS**

No are no significant legal issues considered to be pertinent to this application.

If the application is approved as proposed it is considered that policy risks exist due to the potential of approving "intrusive" elements into a conservation area contrary to existing policy statements, contained in the policy documents adopted by Council.

The intent of the Heritage Conservation Area is to protect and preserve existing heritage items and improve the heritage aesthetics of the area. The consistent inclusion of intrusive elements erodes the intent of the policy and reduces the significant heritage value the controls sought to protect.

The more non heritage elements that are introduced into the conservation area the potentially devalue the heritage precinct. Well maintained heritage items and heritage conservation areas have well documented socioeconomic and town benefits that are highly valued by local communities.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
Reputation of upholding Council policies and community expectations	Medium	Minor amendments to design as suggested by way of conditional approval	Yes

## SUSTAINABILITY IMPLICATIONS

The devaluation of visual amenity for local residents and the general community by introducing non heritage elements having a direct impact on heritage listed items and the conservation area as a whole is a potential implication should the requirements of heritage elements be ignored.

It is important not to prevent the introduction of unsympathetic or visually intrusive design elements which may detract from the local heritage landscape. There could be effects on both the value of the properties adjacent to the proposal and the core heritage values within Hinton itself. Whilst in isolation this may not appear to be the case, it is the cumulative impact of such changes over time that will likely lead to the erosion of the heritage significance of the area.

Indications of heritage compliance are evident along Hinton Rd since the Heritage Conservation Area was introduced; to approve structures showing little regard to heritage, design and materials of the structure gives rise to inequities across the community.

## CONSULTATION

The application was notified only with no objections being received.

## OPTIONS

- 1) Approve proposal as submitted;
- 2) Approve the proposal subject the conditions of approval listed in **Attachment 3** incorporating the Council's Heritage advisor's recommendations;
- 3) The application be deferred to provide an additional opportunity for the Applicant to modify the building design to better protect and preserve existing heritage items and improve the heritage aesthetics of the area;
- 4) Refuse application.

## ATTACHMENTS

- 1) Location Plan;
- 2) The assessment;
- 3) Schedule of Conditions;
- 4) Hinton Heritage Conservation Area map.

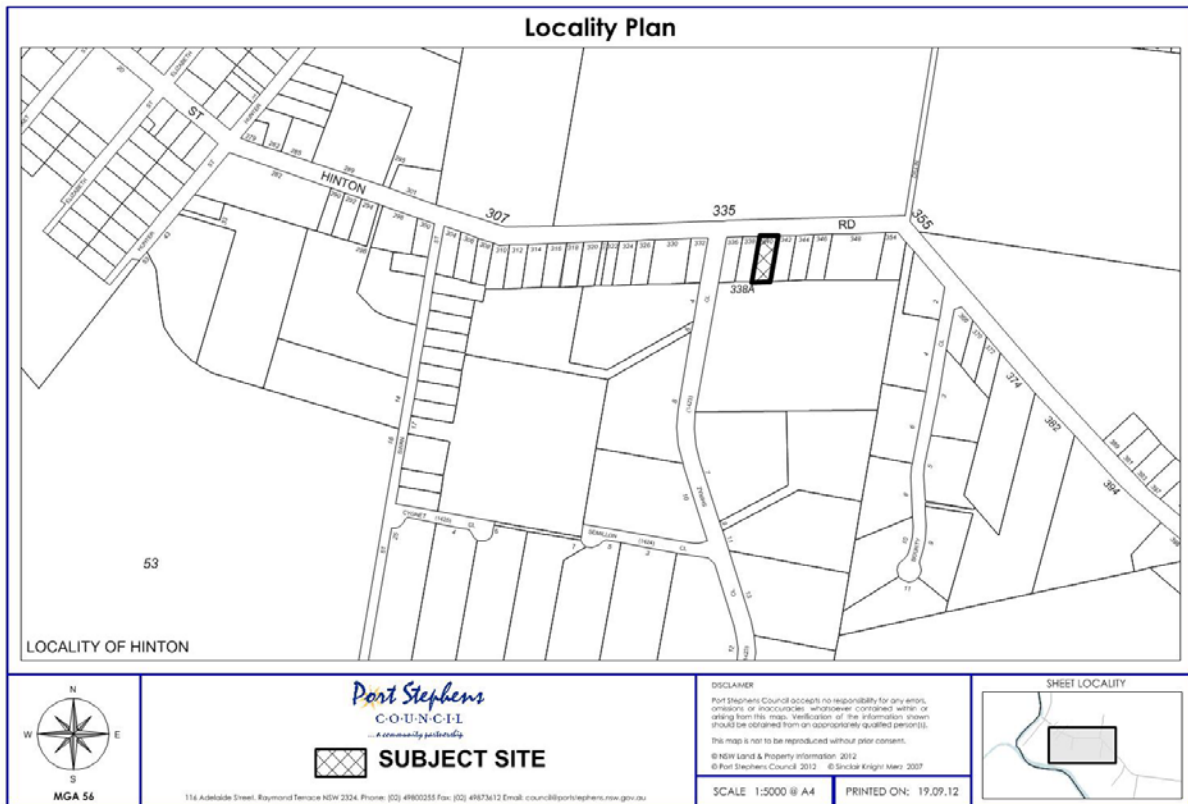
## COUNCILLORS ROOM

- 1) Original Plans;
- 2) Revised Plans;
- 3) Statements of Environmental Effects.

## TABLED DOCUMENTS

Nil.

ATTACHMENT 1  
LOCATION PLAN



**ATTACHMENT 2  
ASSESSMENT**

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 application seeks the approval for the demolition of an existing weatherboard clad garage and iron roof and the erection of a new Colorbond garage and carport.

**THE APPLICATION**

Owner	MR T J RICE
Applicant	MR T J RICE
Detail Submitted	Development plans Statement of environmental effects

**THE LAND**

Property Description	Lot 19 DP 1057659
Address	340 Hinton Road, Hinton
Dimensions	20.115m wide x 50.19m long (and variable)
Characteristics	Existing developed residential dwelling and single garage

**THE ASSESSMENT**

**1. Planning Provisions**

LEP 2000 – Zoning	1(c3) (Rural Small Holding)
Relevant Clauses	10, 11 and 55
Development Control Plan	B6 – Single Dwellings, Dual Occupancy Dwellings and Ancillary Structures
State Environmental Planning Policies	Nil

Discussion

*heritage conservation area* means land shown edged by a heavy black broken line on the map and listed in Part 2 of Schedule 2 and includes buildings, works, relics, trees and places situated on or within that land.

The proposed development site is within the Hinton Heritage conservation area.

## Relevant extracts of the PSLEP 2000

### Division 3 Heritage provisions

#### 55 Protection of heritage items, heritage conservation areas and relics

- (1) The following development may be carried out only with development consent:
  - (a) demolishing, defacing, damaging or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,
  - (b) altering a heritage item or a building, work or relic within a heritage conservation area by making structural changes to its exterior,
  - (c) altering a heritage item or a building, work or relic within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance,
  - (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic,
  - (e) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.
- (2) Development consent is not required by this clause if the consent authority is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area.
- (3) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

- (4) The consent authority may refuse to grant consent to a development application required by this clause unless it has considered a conservation plan that assesses the impact of the proposal on the heritage significance of the item and its setting, or of the heritage conservation area. A **conservation plan** is a document establishing the heritage significance of a heritage item or a heritage conservation area and identifying conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

#### 56 (Repealed)

#### 57 Notice of certain heritage development applications

Section 79 of the Act (which provides for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to the demolishing, defacing or damaging of a heritage item or a building, work, relic, tree or place within a heritage conservation area (and to the use of a building or land



referred to in clause 61 for a purpose which, but for that clause, would be prohibited by this plan) in the same way as that provision applies to designated development.

**58 (Repealed)**

**59 Development of archaeological sites**

- (1) The consent authority may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic, within the meaning of the *National Parks and Wildlife Act 1974*) only if:
  - (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site, being an assessment prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and
  - (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
  - (c) it is satisfied that any necessary consent or permission required under the *National Parks and Wildlife Act 1974* has been granted.
- (2) The consent authority may grant consent to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance only if:
  - (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site, being an assessment prepared in accordance with any guidelines for the time being notified to it by the Heritage Council, and
  - (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**60 Development in the vicinity of heritage items, heritage conservation areas or archaeological sites**

The consent authority must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area or archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

**61 Conservation incentives**

- (1) The consent authority may grant consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:
  - (a) the proposed use would not adversely affect the heritage significance of the item or heritage conservation area, and
  - (b) the conservation of the building depends on the granting of the consent.
- (2) When considering an application for consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, the consent authority may, for the purpose of determining:
  - (a) the floor space ratio, and

- (b) the number of parking spaces to be provided on the site, exclude the floor space of the building from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the building depends on it making the exclusion.

The original proposal was to erect a 13.95m x 6.16m garage with approximately a third of that being an open carport facing towards Hinton Rd. The footprint of the garage/carport would increase from 28.7m<sup>2</sup> to 85.9m<sup>2</sup> (a 299% increase in size) positioned 600mm (breaching the minimum 900mm in the DCP) off the adjoining neighbours boundary.

The existing garage is clad in traditional timber weatherboards with an iron clad (similar to zincalume) roof reflecting the materials used within the heritage conservation area. It is important to construct the new building with an equally sympathetic design to maintain and increase the heritage value of the area and promote future heritage conservation, and reinforce Council's policies.

The application has been referred to our heritage advisor with the following advices received:

- 1. It must be noted that colorbond materials are not suitable for use within the Heritage Conservation Area. These proposed external materials do not reflect the traditional material used in this area. It is recommended that weatherboard cladding (similar to existing) or a weathertex profile be utilised and corrugated iron roofing be used as the external materials on this project.*

*The proposed roller door to the Hinton Road garage elevation is to be substituted for segmented or paneled type.*

*The following information is also required to be provided:*

- 2. The proposed colour scheme for the project is to be nominated, with manufacturers paint sample chips and details provided. Location of proposed colours are to be indicated on a drawing.*

*A Statement of Heritage Impact is to be prepared for this project where it is intended to differ from requirements in item 1 above. The impact statement is to be prepared by a qualified Heritage Professional and in accordance with the NSW Heritage Branch "Statements of Heritage Impact"*

These comments were presented to the applicant who in response perused a different shed manufacturer providing a revised proposal. The response was to use a Colorbond weatherboard cladding and a double roller door. Although more sympathetic than the original proposal the materials were not suitable. It was suggested that removing the cladding adjacent to the boundary for the carport section to both decrease material cost and reduce the visual impact.

A second referral to the heritage advisor was made with the following advice received:

- 1. I concur with your comment in your email below at 1. in respect to the removal of the enclosed section, this will achieve a better visual transparency. Further to the comments made by the shed manufacturers regarding the use of Colorbond materials and roller door, I stand by the provided heritage advice of 19/04/12:*
- 2. It must be noted that Colorbond materials are not suitable for use within the Heritage Conservation Area. These proposed external materials do not reflect the traditional material used in this area. It is recommended that weatherboard cladding (similar to existing) or a weathertex profile be utilised and corrugated iron roofing be used as the external materials on this project.*

*The proposed roller door to the Hinton Road garage elevation is to be substituted for segmented or panelled type.*

In negotiations with the applicant another option was proposed which would substantially reduce the building costs. The proposal was to use standard corrugated zincalumine sheets for both the walls (ran horizontally) and roof responding to the local galvanised clad farm building seen around Hinton. It was also explained to the applicant that running the cladding vertically would be more cost effective due to the structure of the shed.

With concurrence of the Heritage advisor the following conditions were agreed on to present to the applicant to determine the application:

- 1. Corrugated iron or zincalumine is an acceptable solution, in lieu of weatherboard type cladding, for the external material to the new shed. However, the cladding profile is to be vertically orientated, in preference to horizontal, as this is traditionally a more typical arrangement,*
- 2. The proposed roller door to the Hinton Road garage elevation is to be substituted for segmented or panelled type panel lift door\* to the street face (as noted in advice provided 19/4/12),*
- 3. The proposed colour scheme for the project is to be nominated*

The proposal was forwarded to the applicant which Council has received no response.

## 2. Likely Impact of the Development

The development will have minimal impact on the adjoining properties regarding the location of the garage. Although only located 600mm off the boundary (300mm less than the minimum requirement in B6 of the DCP) the neighbouring dwelling and well set back eliminating any overshadowing, privacy or noise issues. The garage has a large front setback helping reduce the street impact. Although due to the openness of the property careful consideration should still be given as the garage is highly visible.

The development is located within a Heritage conservation and within the curtilage of a local listed item (Prospect House). It is important that the proposed development in no way detracts from or has a negative impact the heritage significance of these items.

The proposed external materials do not reflect traditional materials used and are not considered sympathetic to the surrounding heritage conservation area. Potential impacts of a non sympathetic design could be:

- Visually intrusive to a locally listed item (Prospect House) detracting from its heritage value.
- Decreasing the prospective significance of Hinton as a Heritage Conservation Area by providing non consistent designs.
- Provide an arguable point of contention for further non compliance with future application. It is important to implement the heritage provision to promote and encourage conservation within Hinton.

The development is considered suitable in regards to height, bulk and scale and its proximity to boundaries. Consideration must be given in response to the heritage advises received to complement the traditional materials used within the Hinton Conservation Area.

The extent of materials also needs to be considered. The proposal shows a full lengths clad wall adjacent the boundary; this produces a large monolithic façade which is highly undesirable. It is recommended that the clad section of the carport adjacent the boundary be removed to minimise the impact.

## 3. Suitability of the Site

The application is permissible under the current zoning and has no major impacts regarding its location. Consideration needs to be given to the external material selections and the extent of materials.

#### **4. Submissions**

No submissions have been received.

#### **5. Public Interest**

The public interest considerations are activated in the context of the impact the application will have on the visual heritage of Hinton. If Council were to support the development as submitted it has the potential to impact from the local heritage and continuing conservation of Hinton as a conservation area.

**ATTACHMENT 3  
SCHEDULE OF CONDITIONS**

1. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
2. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
3. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
4. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
5. This consent only permits the removal of the trees situated within the physical perimeter of any structure for which a construction certificate or building approval has been issued and/or within five (5) metres of the perimeter of such structure (measured to the outside trunk of the tree); NB: Tree clearing for any other purpose requires separate approval under the **Tree Preservation Order**. A copy is attached (and is available on the Council website).
6. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

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

7. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.
8. The Principal Certifying Authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is

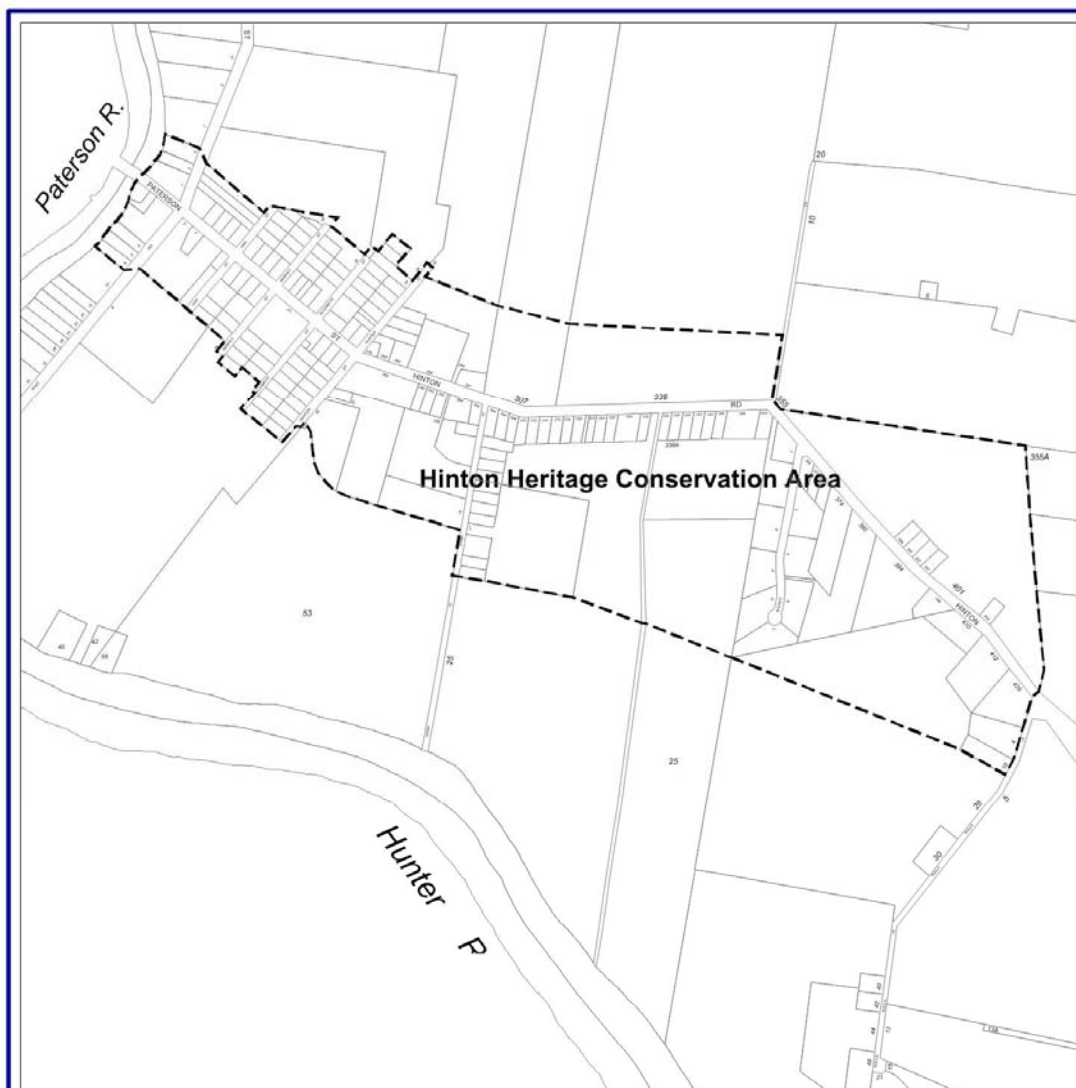
permitted until the Principal Certifying Authority issues an occupation certificate. NOTE: If an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.

9. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
10. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
  - \* Monday to Friday, 7am to 6pm;
  - \* Saturday, 8am to 1pm;
  - \* No construction work to take place on Sunday or Public Holidays.

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

11. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
12. Collected stormwater runoff shall be piped to an infiltration trench located in the front landscaped area(s), in accordance with **Council's Standard Drawing S 136** with an overflow pipe to the street.
13. The following external materials must be used as per the Heritages advices in lieu of those on the approved plans;
  - External cladding is to be a timber or fibre cement weatherboard (with similar profiles to traditional weather board profiles used in the area and not to be a hardiplank or similar profile), or Corrugated zincalumne/iron (custom orb profile) sheeting ran vertically to reflect traditional styles.
  - The garage doors are to be a segmented or panelled type , rollers doors are not to be used.
  - Corrugated zincalumne/iron roof sheeting is to be used
14. Remove the cladding adjacent the western boundary for the carport section of the development
15. Building demolition shall be carried out in accordance with Australian Standard AS2601-2001 - The Demolition of Structures.

ATTACHMENT 4  
HINTON HERITAGE CONSERVATIONS AREA MAP



SHEET 3 OF 3

 **Hinton Heritage Conservation Area**

SCALE 1:7000 LOCALITY: RAYMOND TERRACE PARISH: ELDON COUNTY OF GLOUCESTER

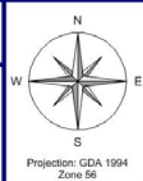
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000**

**AMENDMENT No. 34**

DRAWN BY: KG	DATE: 28/01/2011
PLANNING OFFICER: W Christian	
COUNCIL FILE No.: 2008-3522	
DEPT. FILE No.	
CERTIFICATE PLAN No. DATED:	
CERTIFICATE ISSUED UNDER EPA ACT	
NSW LEGISLATION WEBSITE DATE:	

STATEMENT OF RELATIONSHIP WITH OTHER PLANS	
<b>AMENDS PORT STEPHENS LEP 2000 PLANNING SCHEME</b>	
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS AS AMENDED	
AUTHORISED COUNCIL EMPLOYEE	DATE



Projection: GDA 1994 Zone 56



**ITEM NO. 2**

**FILE NO: PSC2012-02054**

**SECTION 96 APPLICATION SEEKING REDUCED SECTION 94 CONTRIBUTIONS FOR AFFORDABLE HOUSING DEVELOPMENT**

**REPORT OF: MATHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE MANAGER**

**GROUP: DEVELOPMENT SERVICES**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Section 96 Application 16-2007-541-3, subject to amended condition 8 and new condition 65;
- 2) Issue a refund of development contributions to Bamreta Pty Ltd in the amount of \$126,810.50.

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Paul Le Mottee left the meeting at 5.38pm prior to voting on Item 2.

	<p><b>Councillor Ken Jordan</b> <b>Councillor Peter Kafer</b></p>
	<p>That the recommendation be adopted.</p>

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

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

Those against the Motion: Nil.

**MOTION**

Cr Paul Le Mottee left the meeting at 6.33pm prior to voting on Item 2.

<b>255</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b></p>
	<p>It was resolved that the recommendation be adopted.</p>

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

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

Those against the Motion: Nil.

## **BACKGROUND**

**The purpose of this report is to present a request to vary the requirements of Council's Section 94 Contributions Plan for consideration.**

On 18 September 2012, a Section 96 Application was lodged seeking to reduce the developer contributions required for the Urban Housing development (24 units) approved by DA 16-2007-541-2, on the basis that the development will be used for Affordable Housing.

The proposal is considered acceptable, subject to amended condition 18 and new condition 65, as described below:

18. 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:-

1-2 Bedroom Units (15)

	Per Lot	Total
Civic Administration	(\$184)	(\$2753)
Public Open Space, Parks and Reserves	(\$997)	(\$14948)
Sports and Leisure Facilities	(\$2349)	(\$35228)
Cultural and Community Facilities	(\$1181)	(\$17708)
Roadworks	(\$333)	(\$4995)
Fire & Emergency Services	(\$72)	(\$1080)
<b>Total</b>	<b>\$5,116</b>	<b>\$76,712</b>

3 plus Bedroom Units (8)

	Per Lot	Total
Civic Administration	(\$184)	(\$1468)
Public Open Space, Parks and Reserves	(\$997)	(\$7972)
Sports and Leisure Facilities	(\$2349)	(\$18788)
Cultural and Community Facilities	(\$1181)	(\$9444)
Roadworks	(\$333)	(\$2664)
Fire & Emergency Services	(\$72)	(\$576)
<b>Total</b>	<b>\$5,116</b>	<b>\$40,912</b>

Note:

- a) The above contributions have been determined in accordance with Port Stephens Section 94 Development Contributions 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 Construction Certificate.

c) The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of the 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.

65. The development shall be operated in accordance with the Agreement between Bamreta Pty Ltd and Compass Housing submitted to Council in respect of Section 96 Application 16-2007-541-3. A restriction to this effect is to be created on the title under Section 88B of the Conveyancing Act 1919.

### **History**

On 11 August 2008 Council issued Development Consent 16-2007-541-1 to approve an urban housing development at 43 Richardson Road, Raymond Terrace.

On 10 August 2010 the property owner, Bamreta Pty Ltd submitted a letter to Council via email, requesting a reduction of the Section 94 development contribution fees payable on the basis that the development was designed with specific provisions to provide affordable housing in the Raymond Terrace area (fifteen 1-2 bedroom units and eight 3 bedroom units). The property owner was subsequently advised that their request to reduce the development contribution fees (\$94 fees) based on affordable housing grounds was not supported due to insufficient information presented at the time.

On 18 September 2012 a Section 96 application was presented to Council requesting the modification of Condition 17 of Development Consent 16-2007-541-1 to reduce the development contributions of \$253,621.00 paid to Council by fifty per cent (50%). The supporting documentation for the Section 96 Application is an Agreement between Bamreta Pty Ltd and Compass Housing, a Registered Community Housing provider, where all of the dwellings are leased as affordable housing for a period of ten (10) years from 19 December 2011, under the terms of the National Rental Housing Scheme ("the Scheme"), at eighty per cent (80%) of market rent to approved community housing tenants.

It should be noted that the development has now been completed and the applicable development contributions have been paid to Council. If Council should resolve to approve the subject Section 96 application, this would constitute a refund in \$94 fees to Bamreta Pty Ltd in the amount of \$126,810.50.

### **Affordable Housing**

In 2008 the Commonwealth Government introduced the National Rental Affordability Scheme 2008 ("the Scheme") and in 2009 the NSW Government

introduced State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP). The AHSEPP covers a variety of housing types including villas, townhouses and apartments which contain an affordable rental housing component, along with secondary dwellings (also referred to as Granny Flats), new generation boarding houses, group homes, social (community) housing and supportive accommodation.

The objectives of the both "the Scheme" and the AHSEPP is to increase the supply and diversity of affordable rental and social housing for low and moderate income households by encouraging home owners, social housing providers and developers to invest in affordable housing.

#### Development Contributions

The Development Contributions Plan which applies to residential development in Port Stephens LGA is Port Stephens Section 94 Development Contributions Plan, 2007 (Incorporating Port Stephens, Great Lakes and Newcastle Cross Boundary Section 94 Contributions Plans) (the Plan). On 26 June 2012 Council adopted amendments to the Plan to include a reduced rate of development contributions (50% of the general contribution rate) for 'Secondary Dwelling' or 'Granny Flat' developments approved in accordance with the AHSEPP. The 2012 amendment did not include a reduced rate of development contributions for the additional types of affordable housing developments (such as urban housing developments), however this will be reviewed as part of a planned comprehensive review of these plans, pending the outcome of the NSW government's current planning reforms.

It should be noted that neither the NRAS nor the AHSEPP provide any directions regarding the levying of development contributions under Section 94 of the Environmental Planning & Assessment Act 1979 and as a result the provisions set out within the Plan were correctly applied to this particular urban housing development.

#### Reduced infrastructure requirements for Urban Housing Developments

To be consistent with Council's existing provision for reduced S94 contribution rates in the Plan for Permanent Caravans/Mobile Homes, Tourist Accommodation, Bed and Breakfast establishments, Seniors Living developments (which includes housing for people with disabilities) and Secondary Dwelling developments, there is merit in considering a discount in contribution fees for further types of affordable housing. It is considered that affordable housing developments are generally smaller in size and that the level of occupation would usually not create the same level of demand on Council's infrastructure and services as would the occupation of a standard family home.

Further justification that reduced infrastructure requirements apply to affordable housing developments is outlined in the RTA Manual, Guide to Traffic Generating Developments, which indicates an average traffic generating rate of 4-5 vehicles per day for smaller units and flats (up to 2 bedrooms). This compares to 9 vehicles per day for a standard residential dwelling. The AHSEPP also requires that affordable housing developments must be well served by public transport. Therefore, determining the amount of roadwork contributions based upon an average dwelling

ratio for a small residential dwelling unit that is significantly less than the average occupancy ratio for standard residential dwellings is a sound and defensible rationale for applying a 50% reduction in the general contribution rate for affordable housing developments.

It should be noted that although this particular urban housing development has not been assessed under the AHSEPP, it has met the provisions of the National Rental Affordability Housing Scheme. This means that for a period of ten (10) years from 17 January 2012, the units will be leased to community housing tenants through Compass Housing, a Registered Community Housing Provider, at eighty per cent (80%) of market rent.

**FINANCIAL/RESOURCE IMPLICATIONS**

The AHSEPP nor the NRAS affect the levying of development contributions under Section 94 of the Environmental Planning and Assessment Act 1979. Therefore, if Council does resolve to approve a Section 96 modification to reduce the s94 fees paid by Bamreta Pty Ltd and issue a refund fifty per cent (\$126,810.50) it is then required to bear the full cost of the refund as contributions that are foregone through exemption cannot be sought through higher charges on other developments (as outlined in the Practice Notes issued by the Department of Planning & Infrastructure in 2005), i.e. this means that the shortfall in s94 funding of infrastructure incurred as a result of Council's decision to approve exemptions or refunds, must be funded by Council from other revenue sources.

Under the Department of Planning & Infrastructure's Development Practice Note on Exemptions, Discounts, Credits and Refunds (July 2005):

"A Council may elect to exempt particular types of development or class of development from payment of development contributions on the basis of strategic planning, economic or social purposes...Where exemptions are granted, Council should not factor this exempt development into the assessment of demand for the purposes of a Section 94 development contributions plan. Where the exempted development will create future demand, and the Council intends to cater for this demand through the provision of facilities, it must specify the amount of apportionment that will be applied to the development which is exempted."

This means that if Council resolves to refund any S94 contribution fees this could jeopardise the timing and delivery of infrastructure works and community facilities identified in the works schedule of the Plan.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	N/A		
Reserve Funds	N/A		
Section 94	Yes	- \$126,810.50	The negative figure indicates money that would otherwise be available in the Raymond Terrace Section 94 Catchment.

**MINUTES FOR ORDINARY COUNCIL – 9 OCTOBER 2012**

External Grants	N/A		
Other	N/A		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Requests to reduce or be exempt from all or a portion of contribution rates under the Port Stephens Section 94 Contributions Plan for differing types of residential development should be considered against the need for and the delivery of infrastructure and community facilities for the future broader community. Determining the amount of contribution fees based upon what a current or future resident may or may not use is not considered an equitable, pragmatic and defensible policy. However, determining the amount of contributions based upon an average dwelling ratio for a small residential dwelling unit that is significantly less than the average occupancy ratio for a standard residential dwelling is a sound and defensible policy.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
The approval of a reduction in Section 94 contributions is a decision that exposes Council to the risk of delayed delivery of infrastructure required to cater for future population growth	Medium	Council's Development Contributions Plans are under constant review by Council staff and this includes reviewing the works schedules contained within the Plans to amend items of infrastructure and community facilities required as a result of changing demographic requirements and projected population growth. Items of infrastructure can be removed from the works schedule without amending.	Yes
There is a risk of setting a precedent for reducing Section 94 contributions where Council has no legal obligation to do so	Medium	Council could resolve to amend its Contributions Plans to include further types of affordable housing developments however this would require further research	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

A reduction in developer contributions on the basis of affordable housing is significant and approval of a refund of \$126,810.50 may delay the timing of and

delivery of community facilities and infrastructure identified in Council's Section 94 Plan. While this affordable housing development has made a contribution to helping increase the supply and diversity of affordable rental housing in Raymond Terrace, there has been no supporting documentation provided to Council to justify the need for affordable housing in the area.

There are no environmental implications.

## **CONSULTATION**

Other Councils have adopted a variety of policies in relation to affordable housing:

- Newcastle City Council  
Newcastle Council cannot levy affordable housing developments due to the Newcastle City Council Section 94A Development Contributions Plan 2009 applying to all residential land within the LGA apart from the Blue Gum Hills area. A Ministerial direction issued under Section 94E(1)(d) of the EP&A Act prevents a consent authority from applying a Section 94A levy on development for the sole purpose of affordable housing.
- Lake Macquarie City Council  
Lake Macquarie City Council makes no allowances for exemption or discount of development contributions on affordable housing developments.
- Maitland City Council  
Maitland City Council may consider a reassessment of contributions payable for specific types of development but not those development types specifically identified in the AHSEPP.

## **OPTIONS**

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

## **ATTACHMENTS**

Nil.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM NO. 3**

**FILE NO: PSC2008-3583**

**CAMPVALE LANDSCAPE SUPPLIES - COMPLIANCE INVESTIGATION**

**REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSEMNT AND COMPLIANCE  
MANAGER**

**GROUP: DEVELOPMENT SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Take no further compliance action pending the adoption of the New Port Stephens Local Environment Plan 2012 in relation to Campvale Landscape Supplies.
- 

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Paul Le Mottee returned to the meeting at 5.43 pm.

	<b>Councillor Ken Jordan</b> <b>Councillor Peter Kafer</b>
	That the recommendation be adopted.

**MOTION**

<b>256</b>	<b>Councillor Ken Jordan</b> <b>Councillor Peter Kafer</b>
	It was resolved that the recommendation be adopted.

Cr Paul Le Mottee returned to the meeting at 6.35 pm.

**BACKGROUND**

The purpose of this report is to address an outstanding resolution relating to a Compliance investigation involving Campvale Landscape Supplies at 917 Richardson Road, Campvale.

Council considered a report (Confidential Item No. 1) at its Ordinary meeting of 23<sup>rd</sup> February 2010 in which it was advised that Campvale Landscape supplies appeared to be operating not in accordance with a development consent issued in 1993 ( DA 85/93). The area of potential non compliance was that the usage had expanded in



scale beyond that approved by the development consent. This included the sale of hardware items and gifts.

The report recommended legal action be considered in relation to the matter.

Council resolved as follows (meeting 23/2/2010 Minute No. 047):

- 1) *Allow the operator to continue the business at the site due to the social and economic benefits and take no action in relation to the subject Site at this stage; and*
- 2) *That Council be provided with a report investigating zoning and conditions for a development application that could be approved.*

In relation to this matter, Council are advised that the business has continued to operate without any further Compliance action to date.

Council are also advised that the zoning of the land parcel, currently 1(a), is proposed to be changed to zoning RU2- Rural Landscape, in the new Port Stephens Local Environment Plan 2012 (LEP). The draft LEP is expected to be placed on exhibition in the near future.

It is anticipated that once the new LEP is adopted, the changed zoning will permit the operation of landscape and nursery supplies of the scale currently associated with Campvale Landscape supplies in the location.

Council are therefore advised that, pending the adoption of the new LEP and zoning change associated with the land parcel, that no further Compliance action is considered necessary in relation to Campvale Landscape supplies.

The zoning change will permit the current operation to continue without the requirement for a new development consent or additional conditions to be applied.

#### **FINANCIAL/RESOURCE IMPLICATIONS**

The above information along with the fact that there has been no new compliance issues since early 2010 provide support and justification to close this matter. This has a positive implication of financial / resource matters.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	Nil	No further action recommended therefore no budget implications
Reserve Funds	N/A		
Section 94	N/A		
External Grants	N/A		
Other	N/A		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The anomalies identified in the original Compliance investigations appear to be able to be rectified through a change in zoning and this is proposed after a robust design of the new Local Environment Plan. Whilst it is acknowledged that the scale of the current operation exceeds the existing consent and it could be argued that enforcement action should be taken immediately, Council has resolved to permit the existing operation to continue having regard to the social and economic benefits associated with the business.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
Adverse environmental and safety impacts from operation	Low	No treatment proposed. Existing operation considered to be consistent with similar operations in the area	Yes
Operation does not comply with current development consent	Medium	New LEP to change zoning of land. Whilst operation will still not comply with consent, it will comply with the objectives of the zoning. This is a technical breach which does not warrant action under Council's Compliance Policy.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no direct sustainability implications however given the arrangements are consistent with the future LEP it is considered the sustainability implications are positive.

**CONSULTATION**

Occurred with Council's Senior Strategic Planner in respect to the future LEP. Consultation has also occurred over time with Councillors, the land owner, and various Council staff.

**OPTIONS**

- 1) Adopt recommendation;
- 2) Reject recommendation and seek further investigation regarding Development Compliance at the property.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 4**

**FILE NO: PSC2010-01705**

**DRAFT AMENDMENT NO 38 TO THE PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 – PART LOT 1202 DP 1174968, MASONITE ROAD, HEATHERBRAE**

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

**GROUP: COMMUNITY AND DEVELOPMENT PLANNING**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Resolve upon receipt of the final Conservation Management Plan (CMP) to proceed with the draft planning proposal (Attachment 1) to rezone Lot 1202 in DP 1174968 from 7 (a) Environmental Protection "A" to 4 (a) Industrial General "A" and request the Minister for Planning make the plan under Section 59 of the Environmental Planning and Assessment Act 1979.

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

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

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

Those against the Motion: Nil.

**MOTION**

<b>257</b>	<b>Councillor Ken Jordan Councillor Chris Doohan</b>
	<b>It was resolved that the recommendation be adopted.</b>

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

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

Those against the Motion: Nil.

## **BACKGROUND**

<b>Subject land</b>	Part Lot 1202 DP 1174968, 343 Masonite Road, Heatherbrae
<b>Land Owner</b>	CABP Group Pty Ltd
<b>Proponent</b>	ADW Johnson Pty Ltd
<b>Date of Submission</b>	
<b>Existing zone</b>	7 (a) Environmental Protection – Port Stephens LEP 2000
<b>Planning Proposal</b>	To enable subject to development consent industrial purposes by rezoning the land.
<b>Proposed Zone</b>	4(a) Industrial general

A copy of the exhibited Planning Proposal is at **Attachment 1**, the February 2011 Council report outlining the proposal is at **Attachment 2**, the proposed zoning map as exhibited is at **Attachment 3** and a locality map is at **Attachment 4**.

It is noted that previous documentation refers to the subject site as Lot 99 in DP 1092660. This is due to a subdivision realignment in May 2012 that resulted in the subject land being renumbered.

### **Purpose**

The purpose of this report is to advise Council of the public exhibition and consultations of the planning proposal and comments received from relevant government authorities and other bodies. This report recommends that Council proceed with the planning proposal as exhibited without alterations subject to the proponent preparing a Conservation Management Plan, as requested by the Office of Environment and Heritage (OEH).

### **Council resolution**

At its meeting on 8<sup>th</sup> February 2011, Council resolved to prepare a Planning Proposal under Part 3 of the Environmental Planning and Assessment Act 1979 subject to rezone the subject land from 7 (a) Environmental Protection to 4 (a) Industrial general and to forward it to the NSW Department of Planning and Infrastructure (DoPI) for a Gateway determination.

### **Gateway Determination**

DoPI issued a Gateway determination on 4<sup>th</sup> April 2011 allowing the Planning Proposal to be publicly exhibited, subject to consultation with the Office of Environment and Heritage, Hunter Water Corporation and the Roads and Maritimes Authority.

The Department advised that the site is located within the Watagan Stockton Green Corridor as identified by the Lower Hunter regional Strategy, which prohibits industrial development. However, also recognised that the mapping of the green corridor was adopted prior to the finalisation of the F3 Freeway Corridor and the proposal is seen as a logical extension of the Industrial Zone to the north. As a result, the Department allowed the Proposal to proceed subject to additional consultation with the following:

- Local Community;
- Office of Environment and Heritage;
- Hunter Water Corporation;
- Roads and Maritimes Services.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Stage 1 rezoning fees were paid on 8<sup>th</sup> September 2010.

Stage 2 rezoning fees paid on 13<sup>th</sup> May 2011.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	YES		Staff costs relating to the assessment of the proposal is resourced through existing budget.
Reserve Funds	N/A		
Section 94	N/A		
External Grants	N/A		
Other	N/A		

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

#### **Lower Hunter Regional Strategy**

The planning proposal is consistent with the LHRS by providing logical employment land opportunities for the future growth of the projected population in the local government area.

The LHRS states that by focusing a greater proportion of development within the identified major regional centres and surrounding neighbourhoods, a more sustainable balance of infill development will be achieved.

The planning proposal will facilitate additional employment lands and economic opportunities by integrating with an existing industrial area and maximising the use of existing infrastructure and road network connections.

**Port Stephens Planning Strategy (PSPS)**

Heatherbrae has been identified within the PSPS as an Enterprise Corridor suggesting the location is appropriate for future employment growth.

The proposal is seen as contributing to the wider Primary Growth Corridor of the LGA and the objectives of the long term strategy.

**Port Stephens Economic Development Strategy 2007**

The Economic Development Strategy identifies the need to build foundations for growth by ensuring adequate employment lands are available to support future industry growth. Further, stating the need to promote sustainable development in key locations such as Heatherbrae.

The proposal supports the recommendations identified within the Economic Development Strategy by providing new opportunities for employment uses within the Heatherbrae industrial area. Additionally, the proposal supports sustainable development principles by providing new opportunities on land that would be otherwise cut off from the proposed F3 by pass alignment adjacent and to the north of Heatherbrae.

**Port Stephens Local Environmental Plan 2000**

The draft LEP proposes to rezone the subject land consisting of 5.481ha from 7(a) Environmental Protection to 4 (a) Industrial General.

If the land is rezoned, development will be permissible, subject to consent, in accordance with 4 (a) Industrial General zone under Port Stephens LEP 2000.

The proposal is regarded as a logical extension to the existing industrial area bounded by the proposed F3 by pass alignment adjacent and to the north of Heatherbrae.

**Port Stephens Development Control Plan (DCP) 2007**

If the land is rezoned, the provisions for Industrial development in the Port Stephens Development Control Plan 2007 will apply. All future development will need to be assessed against the relevant provisions of the DCP.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
Environmental impact	Low	Offset agreement due to the loss of vegetation being undertaken with OEH	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Amending the LEP to permit industrial land use will enable the site to provide employment land opportunities for the future growth of the population projected within the LHRS, and PSPS, and will provide economic opportunities specifically within the local government area.

Due to the realignment of the F3 reserve, the resultant isolation of the subject site will reduce its environmental value as it will be severed from environmental land to the south. As such it is considered that the proposal will have minimal strategic environmental impacts subject to development assessment.

## **CONSULTATION**

Internal consultation with Councils Natural Resources Coordinator and Drainage Engineer occurred prior to gateway determination. Both referrals hold no objection to the proposal subject to conditions of consent at the development application stage. Further details can be found within the February 2011 Council report at Attachment 2.

All consultations required by the Gateway determination have been conducted and are outlined as follows.

### **Public Consultation**

The Planning Proposal was placed on public exhibition from 5<sup>th</sup> May 2011 to 12<sup>th</sup> June 2011 (39 days). No comments were received.

### **Agency consultation**

#### Office of Environment and Heritage

The Office of Environment and Heritage (OEH) objected to the planning proposal within their initial correspondence (3 June 2011) advising that within green corridors, the LHRS provides for ongoing uses, but does not foreshadow an intensification of land use. Of which the proposal will facilitate.

However, OEH also acknowledged the subject land is likely to become isolated between industrial land and the proposed F3 Freeway bypass recommending the green corridor boundaries be amended, under the LHRS review, to exclude the site. Also a future a Plan of Management should be developed for the biodiversity offset site, including details of rehabilitation.

Following OEH DoPI further advised on 22<sup>nd</sup> November 2011 – "... *the proponent is authorised to proceed with the Planning Proposal, including assessment of environmental values of the site; how they propose to 'improve or maintain' biodiversity outcomes; and if required negotiate biodiversity offsetting and mechanisms for offsets to be maintained in perpetuity*". Further stating that this



arrangement be to the satisfaction of OEH and finalised prior to the Planning Proposal being gazetted, or a planning agreement under section 93F of the Environmental Planning and Assessment Act (EPA Act 1979) be entered into.

The proponent subsequently submitted a draft Conservation Agreement under Section 93F of the National Parks and Wildlife Act 1974 to OEH satisfaction.

At the time of preparing this report, the Conservation Agreement details are currently being finalised by the proponent with the assistance of OEH.

#### Hunter Water Corporation

Hunter Water advised on 31 May 2011 no objection to the proposal. The existing water supply and waste water systems should have capacity to service the proposed 5.48ha development. This matter can be addressed through the development application process. Hunter Water would assess any subsequent development of the site under Section 50 'Notice of Requirements' of the *Hunter Water Act 1991* (Hunter Water Corporation, 2012).

#### Roads and Maritime Services

The Roads and Maritimes Services advised 5 May 2011 no objection to the planning proposal. There will be no significant impacts on the road network. The agency provides comments regarding vehicular access and future development and its relationship with the F3 however it is appropriate that these issues are considered at the development assessment stage.

#### **OPTIONS**

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

**ATTACHMENTS** – *All listed below provided under separate cover.*

- 1) Planning Proposal (as exhibited);
- 2) Council report 1<sup>st</sup> February 2011;
- 3) Proposed zoning map (as exhibited); and
- 4) Locality map

#### **COUNCILLORS ROOM**

- 1) Planning proposal;
- 2) Council report 1<sup>st</sup> February 2011;
- 3) Government agency comments;
- 4) Port Stephens LEP 2000; and
- 5) Port Stephens DCP 2007 – Chapter B5 Industrial development.

#### **TABLED DOCUMENTS**

Nil.

ITEM NO. 5

FILE NO: PSC2011-04146

**PLANNING PROPOSAL – RESIDENTIAL DEVELOPMENT AT NELSON BAY ROAD, EASTERN ENTRANCE TO NELSON BAY**

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL AND DEVELOPMENT PLANNING  
MANAGER

GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal at **Attachment 1** in respect of Lot 3542 DP 1044499, Lot 3551 DP 622263 and Lot 392 DP 753204 for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 to facilitate further investigations into rezoning to part 2(a) Residential and part 7(a) Environment Protection under the Port Stephens Local Environmental Plan 2000.
  - 2) Resolve to proceed with the Planning Proposal on the basis that the Proponent will investigate biodiversity offsets under the NSW Biodiversity Banking and Offsets Scheme following a Gateway Determination.
  - 3) Resolve to report the Planning Proposal to Council prior to any public exhibition in the event of a positive Gateway Determination from the NSW Department of Planning and Infrastructure, which would require the submission of all relevant studies.
- 

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell</b> <b>Councillor Geoff Dingle</b></p>
	<p><b>That Item 5 be deferred to allow for resolution of the environmental issues.</b></p>

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

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

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

	<p><b>Councillor Ken Jordan</b>  <b>Councillor Sally Dover</b></p>
	<p><b>That the recommendation be adopted.</b></p>

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

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

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

**MOTION**

<b>258</b>	<p><b>Councillor Ken Jordan</b>  <b>Councillor Steve Tucker</b></p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Adopt the Planning Proposal at <b>Attachment 1</b> in respect of Lot 3542 DP 1044499, Lot 3551 DP 622263 and Lot 392 DP 753204 for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 to facilitate further investigations into rezoning to part 2(a) Residential and part 7(a) Environment Protection under the Port Stephens Local Environmental Plan 2000.</li> <li>2) Resolve to proceed with the Planning Proposal on the basis that the Proponent will investigate biodiversity offsets under the NSW Biodiversity Banking and Offsets Scheme following a Gateway Determination.</li> <li>3) Resolve to report the Planning Proposal to Council prior to any public exhibition in the event of a positive Gateway Determination from the NSW Department of Planning and Infrastructure, which would require the submission of all relevant studies.</li> </ol>

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

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

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

## BACKGROUND

The purpose of this report is to recommend that Council rezone land at Nelson Bay for part residential development and part environmental protection, subject to satisfactory resolution of biodiversity constraints.

<b>Planning Proposal:</b>	Refer to Attachment 1
<b>Subject Land &amp; Owners:</b>	Lot 3542 DP 1044499 (Crown Land, 8 hectares), Lot 3551 DP 622263 (Christmas Bush Property Management Pty Ltd, 8 hectares), Lot 392 DP 753204 (Port Stephens Council, 0.3 hectares)
<b>Land Area:</b>	16.3 hectares
<b>Current Zone:</b>	1(a) Rural Agriculture "A" Zone
<b>Proposed Zones:</b>	2(a) Residential "A" Zone (approximately 14 hectares) and 7(a) Environment Protection "A" Zone (approximately 2 hectares)
<b>Potential Yield:</b>	168 dwellings at 12 dwellings per hectare (preliminary estimate only).

The Proponent requests the subject land be rezoned from 1(a) Rural Agriculture to part 2(a) Residential and part 7(a) Environment Protection in accordance with the Planning Proposal at **Attachment 1**. A Location Map and Draft Zoning Map are at **Attachment 2** and **Attachment 3** respectively.

It is intended to review the Planning Proposal in the event of a Council resolution and Gateway Determination from the NSW Department of Planning and Infrastructure allowing detailed investigations to proceed. These investigations will inform a revised Planning Proposal.

The Planning Proposal is not the direct result of any particular planning strategy. The Proponent is requesting that the subject land be considered for rezoning on its own merits as below:

- Provision of 14 hectares of additional land for residential development at Nelson Bay;
- Distance to the Nelson Bay Town Centre (approximately 1.2 km);
- Location immediately adjacent to an existing residential area;
- Strategic location between Nelson Bay Road (immediately to the west) and the proposed Fingal Bay Link Road (to be located 200m to the south – land for the Link Road has been reserved however the road itself has not been constructed); and
- Proximity to infrastructure (water, sewer, power and telecommunications).

There are potential negative environmental impacts associated with pursuing rezoning of the land with a potential loss of 11 hectares of Coastal Sand Apple-Blackbutt Forest for residential development.

The Proponent has requested to demonstrate the merits of investigating the subject land for rezoning at a broader strategic level prior to committing more financial

resources at this early stage of the planning process. The Proponent is to provide more detailed studies in the event of a 'positive' Council resolution and Gateway Determination from the NSW Department of Planning and Infrastructure. These detailed studies will include but not be limited to:

- Flora and Fauna (to supplement a preliminary report submitted by Wildthing Environmental Consultants);
- Utilities Servicing;
- Stormwater and Drainage;
- Visual Amenity;
- Geotechnical;
- Bushfire;
- Cultural Heritage; and
- Traffic.

The findings of these studies will inform with greater certainty a suitable zoning footprint and facilitate the preparation of a draft planning proposal for public exhibition.

Due to the range of issues involved the Planning Proposal will be reported back to Council prior to being placed on public exhibition. This will also provide the Proponent greater clarity regarding the next stage of the Planning Proposal as determined by the Gateway Determination.

#### **FINANCIAL/RESOURCE IMPLICATIONS**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	\$39,963	Stage 1 Rezoning Fee

#### **Section 94 Development Contributions**

Council's Section 94 Development Contributions Plan has not been amended at this time to account for any specific additional infrastructure required as a result of the Planning Proposal. Further investigation is required to determine the appropriate timing and mechanism for the Proponent to contribute towards covering the cost of any additional infrastructure that may be required as a result of the Planning Proposal. It is anticipated that this will be resolved in parallel to the rezoning process.

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

### **Strategic Planning Position**

The subject land is identified as Rural and Resource land within the Lower Hunter Regional Strategy (LHRS). Rural and Resource Land is open for consideration for rezoning under the Lower Hunter Regional Strategy on its merits.

The Lower Hunter Regional Strategy projects an additional 1,500 jobs and 1,200 dwellings in the Nelson Bay 'Specialised Centre' by 2031. The LHRS does not define the precise boundaries within which these additional dwellings and jobs will be located, however it is understood to apply to the wider Tomaree Tourism and Lifestyle Growth Area incorporating Nelson Bay, Salamander Bay, Corlette, Soldiers Point and Taylors Beach. The Planning Proposal will assist in meeting these projections.

The Port Stephens Planning Strategy (PSPS) identifies a potential yield for the Tomaree Tourism and Lifestyle Growth Area of 1034 dwellings as infill development (land already zoned for development). Combined with the estimated yield of 168 dwellings under the Planning Proposal, the total yield aligns with the 1,200 dwellings projected for Nelson Bay in the LHRS.

The PSPS provides consideration for rezoning on merit, when outside the LHRS Green Corridor, and of only local strategic planning significance. The Planning Proposal is a logical extension of the existing residential area. It is local in scale, will have a positive impact on the established commercial hierarchy, and would have a localised impact on the urban growth footprint (the environmental impacts of that footprint are subject to further assessment and biodiversity offsets).

A key element for the economic growth and revitalisation of Nelson Bay identified in the PSPS is the need to intensify residential development in the town centre, and provision of diverse housing choice, to attract permanent residents to the area and support the town centre outside of the peak tourism season. The Planning Proposal will support this Strategic Direction because it provides opportunity for more permanent dwellings and housing options close to Nelson Bay Town Centre.

The Nelson Bay Strategy reflects the other higher order strategic plans. The Nelson Bay Strategy focuses on the Nelson Bay Town Centre and foreshore, and the subject land sites outside the study area. It reinforces a key issue that there is a need to achieve an appropriate balance between permanent residential and tourist accommodation, and that future urban potential will come from intensification of development, primarily within existing zoned areas as medium density and multi-unit development. The subject land sits outside the scope of the Nelson Bay Strategy and its rezoning is being considered on its own merits. However it can contribute towards greater support for the Nelson Bay Town Centre, consistent with the aims of the Nelson Bay Strategy.

**Port Stephens Local Environmental Plan 2000**

The Planning Proposal is seeking to rezone the subject land from 1(a) Rural Agriculture to part 2(a) Residential and part 7(a) Environment Protection under the Port Stephens Local Environmental Plan 2000.

Council is also in the process of preparing the Draft Port Stephens Local Environmental Plan 2012. Under this new local environmental plan the equivalent proposed zones are R2 Low Density Residential and E2 Environmental Conservation. The equivalent of the subject land's current 1(a) Rural Agriculture zone is RU2 Rural Landscape.

**Port Stephens Development Control Plan 2007**

A site-specific development control plan chapter will be prepared to guide development of the subject land and will be subject to a future report to Council if the Planning Proposal proceeds.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
The subject land is restricted due to vegetation conservation legislation	High	Require the Proponent to provide a biodiversity offset as part of the Planning Proposal	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The subject land is not flood prone and will not be impacted by sea level rise. There are local drainage issues that will need to be considered. The majority of the subject land slopes in an easterly direction towards adjacent land that is managed by the National Parks and Wildlife Service. There is also currently no legal discharge point available from the land sought for rezoning and the need to maintain water quality is required. A stormwater management strategy to address this has not been provided by the Proponent at this stage of the planning process. A stormwater strategy will be required to demonstrate that this issue can be appropriately managed.

A traffic study has not been provided by the Proponent at this stage of the planning process, however will be required at a future stage to identify traffic impacts.

Initial advice from review of the Planning Proposal is:

- Direct access to the subject land from Nelson Bay Road is unlikely to be supported;

- Access to the subject land from Talleen Road would be a preferred option with an appropriate intersection treatment; and
- The level of treatment for the Talleen Road and Nelson Bay Road intersection will require investigation.

The subject land has a total area of approximately 16 hectares. Vegetation on the subject land comprises 13 hectares of Coastal Sand Apple – Blackbutt Forest. The remaining 3 hectares is cleared.

Under the submitted Planning Proposal a wildlife movement corridor 50 metres wide and 2 hectares in area is proposed at the western side of the subject land and proposed to be zoned 7(a) Environment Protection.

Approximately 11 hectares of Coastal Sand Apple – Blackbutt Forest (Supplementary Koala Habitat) would be zoned 2(a) Residential and likely subject to clearing. This loss of vegetation is significant and is a primary constraint on the rezoning of the land. For this reason it is a recommendation of this Report that the rezoning process continues on the basis that the Proponent is prepared to investigate biodiversity offsets under the NSW Biodiversity Banking and Offsets Scheme, clarify consistency with the Port Stephens Comprehensive Koala Plan of Management, and further investigate flora and fauna impacts and amelioration measures following a Gateway Determination.

The Planning Proposal has potential to provide positive social and economic impacts through the provision of additional land for residential development. It is estimated that the Planning Proposal will yield approximately 168 dwellings (based on 14 hectares of land at 12 dwellings per hectare). This will contribute towards the provision of housing opportunities. The additional housing choice and population will assist in attracting permanent residents to the area and support the Nelson Bay Town Centre outside of the peak tourism season. This is a key element of the Strategic Direction for Nelson Bay identified in the Port Stephens Planning Strategy.

## **CONSULTATION**

The Planning Proposal will be referred to relevant authorities for comment in the event of a Council resolution and Gateway Determination allowing it to proceed. It is anticipated that the main authorities will be the Office of Environment and Heritage, Roads and Maritime Services, Rural Fire Service and utility providers.

In the event of public exhibition the Planning Proposal should be placed on exhibition for a period of at least 28 days. Notice will be placed in the local newspaper and adjacent landowners will be notified in writing. Copies of the Planning Proposal will be available in local libraries, on Council's website and at Council's Administration Building in Raymond Terrace.



**OPTIONS**

- 1) Adopt the recommendations of this Report and resolve to initiate the rezoning process for the subject land. This is the recommended option;
- 2) Amend the recommendations of this Report and resolve to initiate the rezoning process with separate conditions. This is not the recommended option; or
- 3) Reject the recommendations of this Report and not initiate the rezoning process. This is not the recommended option.

**ATTACHMENTS** – All listed below provided under separate cover.

- 1) Planning Proposal;
- 2) Location Map; and
- 3) Draft Zoning Map.

**COUNCILLORS ROOM**

- 1) Proponent's Planning Proposal; and
- 2) Report Attachments.

**TABLED DOCUMENTS**

Nil.

ITEM NO. 6

FILE NO: A2005-0629

**PROPOSED AMENDMENTS TO CONSTITUTION SCHEDULE OF ABORIGINAL STRATEGIC COMMITTEE**

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL AND DEVELOPMENT PLANNING  
MANAGER

GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the amended Constitution Schedule for Council's Aboriginal Strategic Committee as shown in **Attachment 2** of this report.
- 

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Peter Kafer Councillor Ken Jordan
	That the recommendation be adopted.

**MOTION**

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

**BACKGROUND**

The purpose of this report is to recommend to Council the adoption of the amended Constitution Schedule of Council's S355(c) Aboriginal Strategic Committee as per **Attachment 2**.

The purpose of Council's Aboriginal Strategic Committee (ASC) is:

- 1) To advise Council in relation to issues of concern between Council and the Aboriginal community;
- 2) To promote a positive public image with respect to issues for Aboriginal people in Port Stephens;
- 3) To provide a consultative mechanism with respect to development issues;
- 4) To improve relations between the Aboriginal and non Aboriginal community of Port Stephens;

- 5) To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people;
- 6) To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities; and
- 7) To promote an increased awareness of the needs of Aboriginal communities and to assist with the development of programs to address those needs where possible and appropriate.

The Aboriginal Strategic Committee plays a key role in assisting Council to fulfil the following actions in Council's 2021 Community Strategic Plan, 2012/2013 Operational Plan:

- 2.4.1 Promote opportunities to celebrate Aboriginal culture and local cultural Diversity.
- 2.4.4 Provide cultural consultation forums to strengthen the development and Delivery of cultural services and infrastructure.

Since its inception the Committee's meeting format has changed in accordance with the needs and expectations of its members. The table shown in **Attachment 1** summarises the changes which have occurred to the Committee's meeting format since its inception.

During the last 12 months competing demands upon some Committee members have made it difficult to have a quorum which in turn has hindered the Committee. Secondly there is an increase in the number of matters being considered by the Committee which have relevance and/or implications to both Local Aboriginal Land Councils. These issues are difficult to manage under the current meeting format of separate meetings with each Local Aboriginal Land Council.

Consequently discussions have been held with the Committee members and Council's Executive Leadership Team which support the Committee reverting back to having combined meetings, less frequent (ie; quarterly) held at Council's Administration Building with meeting time being extended marginally. It is anticipated that these changes will be far more conducive to enabling the Committee to giving appropriate consideration to a range of issues whilst also having time to strategically focus on projects and potential partnership opportunities.

These proposed meeting changes form the basis of this report. The Constitution Schedule of the Aboriginal Strategic Committee has been amended to reflect these proposed changes along some minor updating of content as per **Attachment 2**.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no additional financial implications due to these proposed changes. Any activities of the Aboriginal Strategic Committee requiring financial and/or in-kind resources shall (where appropriate) be sourced from Council's Social Planning Team.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$3,000	Funds allocated from general revenue to fund the operation and activities of the Committee
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Under Section 355(c) of the Local Government Act, 1993, Council may exercise its functions itself or by delegation to another person or persons. Council must approve the constitution of such delegated committees.

The constitution of Council's Aboriginal Strategic Committee consists of the Standard 355(b) Committee Constitution adopted by Council, 24 June 2003, Minute No 251, and a customised schedule of the committee's individual activities. The constitution contains the delegation from Council to undertake specified activities and the framework of how the committee will operate.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
Reputation risk if we don't manage the way we deal with the Committee appropriately	Medium	<ul style="list-style-type: none"> <li>Work with the Committee on an ongoing basis to ensure its structure and format continues to meet the needs and aspirations of all members</li> </ul>	Yes
Non compliance by volunteers with Council requirements for a 355(c) committee with potential legal, financial and reputation risk	Medium	<ul style="list-style-type: none"> <li>Requirements documented in committee constitution, Volunteer Strategy, 355(c) Committee information Handbook</li> <li>Code of Conduct training prior to commencing duties</li> <li>Annual Works Plan developed</li> <li>Regular liaison with the Committee regarding its responsibilities</li> </ul>	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Council establishes community committees to undertake agreed works and to provide a link between Council and the community. This is part of Council's commitment to community partnerships. Council's support of the Aboriginal Strategic Committee provides this link with the community.

The activities and projects undertaken by committees are often those not financially possible for Council without volunteer assistance.

The Aboriginal Strategic Committee operates under guidance from Council staff to ensure their activities are performed in accordance with recognised practices that provide long term benefits. This Committee helps to build and strengthen the community and Council's capacity to respond to Aboriginal issues in a timely and culturally appropriate manner.

## **CONSULTATION**

Discussions have been held with the CEOs of Karuah and Worimi LALCs to gauge their views on the current meeting format and to seek their ideas concerning potential improvements. The outcomes of these discussions and suggestions from relevant Council staff have formed the basis of the proposed changes.

The annual joint meeting Council's Aboriginal Strategic Committee on 31 July 2012 Committee members and Council were informed of these proposed changes which were well received and supported.

## **OPTIONS**

- 1) To adopt the recommendation;
- 2) To reject the recommendation; or
- 3) To reject the recommendation calling for more information to support the report.

## **ATTACHMENTS**

- 1) Summary of Aboriginal Strategic Committee's meeting format since its inception including proposed format reforms; and
- 2) Amended Constitution Schedule of Council's S355(c) Aboriginal Strategic Committee.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1

Summary of Aboriginal Strategic Committee's meeting format since its inception including proposed format reforms

Item	Original Meeting Format (until 2003)	Meeting format (2003 – present)	Proposed Meeting Format (Oct 2012 onwards)
<b>Meeting composition</b>	Combined meeting of representatives from Worimi and Karuah Local Aboriginal Land Councils, Port Stephens Council elected representative delegates to this Committee, Council staff delegates	Moved away from combined meeting to separate meeting with each LALC, alternating between Worimi Local Aboriginal Land Council and Karuah Local Aboriginal Land Council.	Revert to a combined meeting of representatives from Worimi and Karuah Local Aboriginal Land Councils, Port Stephens Council elected representative delegates to this Committee, Council staff delegates
<b>Meeting Frequency</b>	Monthly	Monthly	Quarterly
<b>Meeting Venue &amp; Location</b>	Council's Administration Building	Meetings with Worimi LALC held at their offices at the Murrook Centre, Williamstown and;  Meetings with Karuah LALC held at their offices located on Mustons Rd, Karuah	Council's Administration Building
<b>Meeting duration</b>	2 hrs	2 hrs	3 hrs
<b>Advantages</b>	Desire by each LALC to meet separately with Council  Desire by each LALC to meet at their respective offices as a number of matters being discussed by the Committee at the time were site specific to their premises and/or surrounding area (eg WLALC had just acquired former Tomteland site)	Less formal meeting environment with relaxed atmosphere  Enabled each LALC to give ASC members first hand insight and experience into locality specific issues (ie site specific to the area occupied and surrounding their LALC offices)  Closer proximity to work and/or place of residence has made	Strengthening of relationships  Enhanced credibility of Council's commitment to the Aboriginal community  Enhanced customer service  Enhanced utilisation of members time and resources  Reduce and/or eliminate risk of meetings being postponed/cancelled

**MINUTES FOR ORDINARY COUNCIL – 9 OCTOBER 2012**

		<p>meetings easier to attend several of the respective LALC Board Members and LALCs CEOs</p>	<p>Provide greater opportunity and time for Committee to be more proactive in moving beyond being generally issues focused and reactive to a more strategic and proactive focus. This is in accordance with its roles and responsibilities as per attached Constitution Schedule</p> <p>Increased meeting attendance</p>
<p><b>Disadvantages</b></p>	<p>Provided insufficient time for adequate discussion and consideration to the various matters raised by each LALC</p>	<p>On occasions competing demands on LALC CEOs have resulted in meetings being cancelled or postponed</p> <p>On occasions designated Council Officers and Council's delegated elected representatives have been unable to attend meetings and/or send a delegate. This can be potentially detrimental to the credibility of the long standing strong working partnership of collaboration between Council and the LALCs. At times it has created the necessity for the Committee to defer consideration and/or response to certain matters. As the Committee only meets every 2 months with each LALC</p> <p>On occasions low representation from key stakeholders has resulted in meetings being cancelled or where</p>	<p>Potential that meetings being held at Council may hinder attendance by LALC Board members. However discussions with the LALCS CEOs concerning this matter indicated that attendance will not be hindered</p> <p>Potential for one LALC to dominate discussion at meetings. It is believed this can be avoided through ASC setting a clear agenda for meetings, along with strong Chairing of meetings. Also the strong working relationship and respect between Council and all stakeholders will also help to mitigate this risk.</p>

		<p>attendance has been low and a quorum not established, the Committee has been hindered in fulfilling its role</p> <p>As the Committee only meets every 2 months which each of the two LALCs a meeting cancellation can result consideration of various matters being drawn out</p> <p>Separate meetings with each LALC have sometimes resulted in conversations on common issues between the two LALCs being disjointed and/or duplicated.</p> <p>Inefficient use of staff resources through duplication of time and work.</p>	
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**Note:** The Aboriginal Strategic Committee holds a joint meeting each year which is attended by all Committee members, LALC Board members, and open to all interested Port Stephens Council Councillors, and Senior Management Team. This joint meeting is highly regarded and valued by all parties and will continue.

The joint meeting is now the only occasion which brings the two LALCS together with Council. This joint meeting is highly regarded for the value it adds to all participants in maintaining and building relationships.



ATTACHMENT 2

Amended Constitution Schedule of Council's S355(c) Aboriginal Strategic Committee

To be read in conjunction with 355(c) Committee Standard Constitution

Item 1	Name of Committee	Aboriginal Strategic Committee
Item 2	Name of Council Group/Team	<del>Integrated Planning</del>
Item 3	Functions delegated by Council to committee	<ol style="list-style-type: none"> <li>1. To advise Council in relation to issues of concern between Council and the Aboriginal community,</li> <li>2. To promote a positive public image with respect to issues for Aboriginal people in Port Stephens,</li> <li>3. To provide a consultative mechanism with respect to development issues,</li> <li>4. To improve relations between the Aboriginal and non Aboriginal community of Port Stephens,</li> <li>5. To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people,</li> <li>6. To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities, and</li> <li>7. To promote an increased awareness of the needs of Aboriginal communities and to assist with the development of programs to address those needs where possible and appropriate.</li> </ol>
Item 4	Restrictions on functions delegated	The committee may only resolve to undertake actions outlined within this constitution.
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies &amp; legislation include:</p> <p><del>OH&amp;S, 2000</del>  <del>OH&amp;S Regulations, 2001</del>                      Local Government Act &amp; Regulations 1993</p>

**Delete:**

- Integrated Planning

**Insert:**

- Development Services, Social Planning Team

**Delete:**

- OH&S 2000
- OH&S Regulations 2001

**Insert:**

- Work, Health and Safety Act 2011

		<ul style="list-style-type: none"> <li>● <del>PIIPA 1988</del></li>   <li>● Code of Conduct</li> <li>● Code of Meeting Practice</li> <li>● Accessing Information Policy</li> <li>● Child Protection Policy</li>   <li>● <del>Volunteers Policy</del></li> </ul>
Item 6	Date on which constitution concludes	September of Council Election each four years. Council to re adopt constitution within three months following election.

<p><b>Delete:</b></p> <ul style="list-style-type: none"> <li>● PPIPA 1998</li> </ul> <p><b>Insert:</b></p> <ul style="list-style-type: none"> <li>● Privacy and Person Information Act 1998</li> </ul> <p><b>Insert:</b></p> <ul style="list-style-type: none"> <li>● State Records Act</li> </ul> <p><b>Delete:</b></p> <ul style="list-style-type: none"> <li>● Volunteers Policy</li> </ul> <p><b>Insert:</b></p> <ul style="list-style-type: none"> <li>● Volunteers Strategy</li> </ul> <p><b>Insert:</b></p> <ul style="list-style-type: none"> <li>● Government Information Act 2009 (GIPAA)</li> </ul>
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MINUTES FOR ORDINARY COUNCIL – 9 OCTOBER 2012

Item 7	Maximum number and make up of committee members	<p>1) The Committee is to consist of up to eleven (11) Aboriginal Community Representatives.</p> <p>2) The Committee is to also consist of the following ex-officio members: the Manager Sustainable Planning, or their delegates.</p> <p>3) Decisions of the Committee shall be by consensus.</p> <p>4) Non members may attend meetings of the Committee and may speak to the Committee.</p> <p>5) Aboriginal Community members will be nominated according to the following formula:-</p> <p>a. Three representatives nominated by the Karuah Local Aboriginal Land Council (LALC),</p> <p>b. Three representatives nominated by the Worimi LALC,</p> <p>c. Two elders nominated jointly by the Karuah and Worimi LALC's.</p> <p>6) Casual vacancies may be filled by the Committee according to the formula outlined above.</p>	<p><b>Delete:</b></p> <ul style="list-style-type: none"> <li>• (11)</li> </ul> <p><b>Insert:</b></p> <ul style="list-style-type: none"> <li>• (8)</li> </ul> <p><b>Delete:</b></p> <ul style="list-style-type: none"> <li>• Manager Sustainable Planning</li> </ul> <p><b>Insert:</b></p> <ul style="list-style-type: none"> <li>• Group Manager Development Services</li> </ul>
Item 8	Councillors	As resolved by Council.	<p><b>Delete:</b></p>
Item 9	Council employees	<del>Integrated Planning Manager</del>	<p><b>Delete:</b></p> <ul style="list-style-type: none"> <li>• Integrated Planning Manager</li> </ul> <p><b>Insert:</b></p> <ul style="list-style-type: none"> <li>• Social Planning Co-ordinator or delegate and other related staff, attending on an as needed / advisory basis</li> </ul>

MINUTES FOR ORDINARY COUNCIL – 9 OCTOBER 2012

Item 10	Name of financial institution and type of account	Not applicable
Item 11	Name of any account operated by the committee	Not applicable
Item 12	Area assigned to committee and/or map	Not applicable
Item 13	<p>Additional clauses or amendments to Standard Constitution or Schedule.</p> <p><i>To be listed in full - body of constitution not to be altered.</i></p>	<p>AMENDMENTS TO STANDARD CONSTITUTION</p> <p><i>The Aboriginal Strategic Committee is an Advisory Committee which means that some clauses of the Standard 355(b) Committee Constitution require amendment to reflect the operation of the committee.</i></p> <p><i>The general operating functions of the Aboriginal Strategic Committee are undertaken by Council Officers.</i></p> <p><b>Clause 4. Functions of the Committee</b></p> <p style="padding-left: 40px;">Additional Sub Clause</p> <p>4.7 Confidentiality And Conflict Of Interest</p> <p style="padding-left: 40px;">According to Councils Code of Conduct:-</p> <p style="padding-left: 80px;">“A conflict of interest arises if a person with a private or personal interest could be influenced in the performance of his or her public or professional duties”.</p> <p>4.7 a) Committee members are to declare any conflicts of interest at the commencement of the meeting or as the relevant item is raised in General Business.</p> <p>4.7 b) Conflicts of interest will be noted reported in minutes and the Chairperson may request the parties involved to leave the room while the matter is decided.</p> <p>4.7 c) A majority of members may decide at any time to close the meeting and begin confidential discussions. Participants excluded from the meeting should be provided with reasons for moving into confidential session.</p> <p>4.7 d) Breach of confidentiality is</p>

**Delete:**

- (b)

**Insert:**

- (c)



		<p><del>At all ordinary meetings with the Karuah Local Aboriginal Land Council, four members consisting of three nominated representatives from the Karuah Local Aboriginal Land Council (LALC), and one Councillor shall constitute a quorum.</del></p> <p><del>At all ordinary meetings with the Worimi Local Aboriginal Land Council, four members consisting of three nominated representatives from the Worimi Local Aboriginal Land Council (LALC), and one Councillor shall constitute a quorum.</del></p> <p>The committee shall hold ordinary meetings at least six times a year at a time and frequency to be determined by the committee.</p> <p><b>Clauses 10 Finances, 11 Records, 12 Reports</b> Not applicable</p> <p>The Social Planning Co-ordinator shall be responsible for the correct recording of all proceedings of the Committee, conduct all correspondence on behalf of the Committee, the receipt of monies and payments of accounts and all other things necessary for the proper control of the Committee's affairs.</p>
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<p><b>Delete:</b></p> <ul style="list-style-type: none"> <li>At all ordinary meetings with the Karuah Local Aboriginal Land Council, four members consisting of three nominated representatives from the Karuah Local Aboriginal Land Council (LALC), and one Councillor shall constitute a quorum.</li> <li>At all ordinary meetings with the Worimi Local Aboriginal Land Council, four members consisting of three nominated representatives from the Worimi Local Aboriginal Land Council (LALC), and one Councillor shall constitute a quorum.</li> </ul> <p><b>Insert:</b></p> <ul style="list-style-type: none"> <li>At all ordinary meetings five members consisting two nominated representatives from the Worimi Local Aboriginal Land Council (LALC), and two nominated representatives from the Karuah Local Aboriginal Land Council (LALC), and one Councillor shall constitute a quorum.</li> </ul> <p><b>Delete:</b></p> <ul style="list-style-type: none"> <li>Six</li> </ul> <p><b>Insert:</b></p> <ul style="list-style-type: none"> <li>four</li> </ul>
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MINUTES FOR ORDINARY COUNCIL – 9 OCTOBER 2012

Item 14	Changes to constitution or Schedule – Adopted by Council: Meeting Date: Minute No: Resolution:	N/A  Adopted by Council 24 <sup>th</sup> April 2007 Min No.
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**ITEM NO. 7**

**FILE NO: PSC2009-02488**

**SUSTAINABLE PROCUREMENT POLICY REVIEW**

**REPORT OF: TIM HAZELL – FINANCIAL SERVICES MANAGER**  
**GROUP: CORPORATE SERVICES**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the revised Sustainable Procurement policy presented to Council as Attachment 1.

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Ken Jordan</b>  <b>Councillor Peter Kafer</b></p>
	<p>That the recommendation be adopted.</p>

**MOTION**

<b>260</b>	<p><b>Councillor Ken Jordan</b>  <b>Councillor Chris Doohan</b></p>
	<p><b>It was resolved that the recommendation be adopted.</b></p>

**BACKGROUND**

The purpose of this report is to present recommended amendments to the current Sustainable Procurement policy adopted by Council on 14 June 2011, Minute No. 202.

The current policy complements Council's Sustainability policy, the Community Strategic plan and Procurement guidelines. It sets out Council's commitment to sustainability through its procurement principles. Council recognises its responsibility to encourage our suppliers and contractors to minimise any negative effect, environmental, economic or social associated with the products and services they provide.

The objective of this policy remains current within the document and the proposed changes recommended in keeping the content clear and concise and in line with Council's vision.



**FINANCIAL/RESOURCE IMPLICATIONS**

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Nil	Costs associated with the review of this policy are covered in the budget of the Group Manager Corporate Services. Ongoing costs associated with the implementation of the policy are managed through Council's budget process.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Sustainable Procurement should be seen as part of the process of managing business risk. In introducing environmental, social and economic assessment criteria to the process of acquiring goods and services, Council needs to integrate these issues as closely as possible into routine business practice.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
Obsolete policy leading to low staff compliance and acceptance	Low	Adopt the revised policy. A review of the policy can be undertaken at any time but in any case every two years.	Yes
The policy is not applied as intended	Low	A review of the application of the policy can be undertaken at any time but in any case every two years	

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Sustainable Procurement policy is a public statement of the Council's commitment to environmental, economic and socially sustainable procurement. This policy has been produced to meet the Council's commitment to sustainable procurement.

**CONSULTATION**

- 1) Group Manager Corporate Services;
- 2) Financial Services Manager;
- 3) Procurement & Contracts Coordinator.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Sustainable Procurement Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ATTACHMENT 1



POLICY

Adopted: 14.6.2011  
Minute No: 202  
Amended:  
Minute No:

**FILE NO:** PSC2010-03722  
**TITLE:** SUSTAINABLE PROCUREMENT POLICY  
**REPORT OF:** FINANCIAL SERVICES MANAGER

**BACKGROUND**

This policy complements Council's Sustainability policy, the Council Community Strategic plan and Procurement guidelines. It sets out Council's commitment to sustainability through its procurement principles. ~~We recognise that it is our~~ Council recognises its responsibility to encourage our suppliers and contractors to minimise any negative effect, environmental, economic or social associated with the products and services they provide.

Currently within New South Wales, many Councils have begun to embrace sustainable purchasing practices and Port Stephens Council sees this as an excellent opportunity to work with other councils to further our regional approach to procurement.

**DEFINING SUSTAINABILITY**

Council shall define Sustainable Procurement as 'a process whereby Council will meet its needs for goods, works and utilities in a way that achieves value for money on a whole life basis. It shall generate benefits not only for the Council but also to the community and the economy, whilst minimising damage to the environment.'

Sustainability is a state in which activities provide good quality of life for all through a just and healthy community, without jeopardising the environmental system that enables our survival. The transition towards this state includes social, economic and environmental components.

Delete: Council  
Insert: Community Strategic

Delete: We recognise that it is our  
Insert: Council recognises its

Insert: many

Procurement therefore has a broader meaning than purchasing, buying or commissioning. It is about securing purchases and products that best meet the needs of users and the local community in its widest sense. The Council takes sustainability as well as cost and quality into account when choosing suppliers.

Local government expenditure on goods, works & and services can have significant economic, social and environmental impacts. Minimising any negative impact in these areas and, where possible having a positive influence helps to improve local quality of life & and promote sustainable development. The cornerstone of sustainability is achieving development & and progress that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Finally, Council recognises that improving our procurement performance is an ongoing process and that our suppliers, both large and small, are important partners in our journey to become more sustainable.

#### **OBJECTIVE**

Council will endeavour to:

- Develop clear guidelines and tools, with all our stakeholders, to minimise the environmental, social and economic effects associated with the products and services we purchase.
- Identify the mechanisms that we intend to use to incorporate environmental, social and economic factors into our procurement process.
- Develop a process to measure our progress.
- Clearly specify the role that procurement will play in the identification and selection of sustainable products and services.
- Identify and implement necessary changes to the procurement process and specifications to ensure non-discrimination against smaller and/or local suppliers.

Delete: &  
Insert: and

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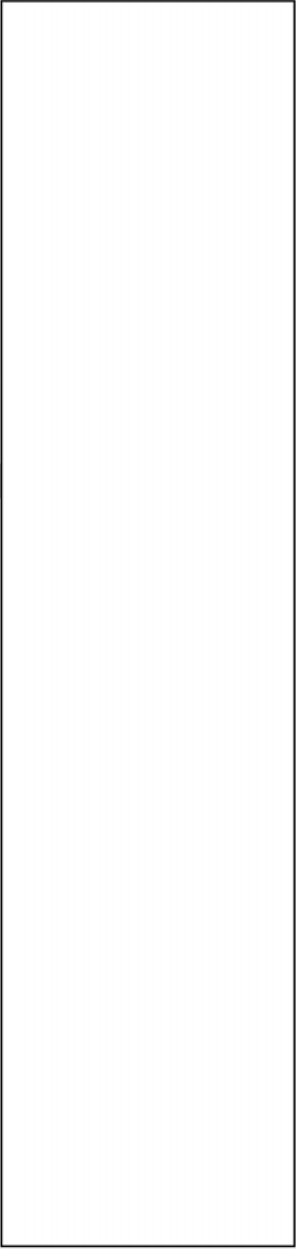
**PRINCIPLES**

- 1) Encourage all internal purchasers to review their consumption of goods and services in order to reduce usage where possible and develop business cases based on sustainable principles.
- 2) Give preference to products and services that can be manufactured, used, and disposed of in an environmentally and socially responsible way.
- 3) Ensure that sustainability criteria are included in specifications to suppliers and encourage alternative offers from suppliers, which take into account principles of sustainability.
- 4) Ensure that sustainability criteria are used in the award of contracts.
- 5) Adopt a life cycle (total cost of ownership or whole of life) costing approach when assessing quotations/tenders and in the award of contracts.
- 6) Enhance employee awareness of relevant environmental and social effects of purchases through appropriate training exercises.
- 7) Provide guidance and relevant product information to staff members to allow them to select sustainable products and services.
- 8) Encourage and persuade existing and potential suppliers to investigate and introduce environmentally friendly processes and products.
- 9) Ensure that suppliers' environmental credentials are considered in the Supplier Appraisal process.
- 10) Work with other bodies to share experiences and adopt best practice.

**POLICY STATEMENT**

The Sustainable Procurement policy is a public statement of the Council's commitment to environmental, economic and socially sustainable procurement. This policy has been produced to meet the Council's commitment to sustainable procurement.

Sustainable procurement should be seen as part of the process of managing business risk. In introducing environmental, social and economic assessment criteria to the process of acquiring goods and services, Council needs to integrate these issues as closely as possible into routine business practice.



Success will only be achieved when all of Council is working towards meeting the objectives of this policy.

**RELATED POLICIES**

- 1) Sustainability policy;
- 2) Procurement guidelines;
- 3) Community Strategic plan.

**SUSTAINABILITY IMPLICATIONS**

**SOCIAL IMPLICATIONS**

Without positive communication of this policy and its objectives, Council will not meet the future requirements of managing and measuring sustainable procurement. This will have a direct effect on community confidence in the ability of Council and its management to meet Council plan objectives in regards to sustainability.

**ECONOMIC IMPLICATIONS**

Council will endeavour to work with suppliers at a local level, with the intention of improving their ability to bid for Council contracts. In particular providing direction and understanding of Council's focus towards 'whole of life' cost analysis.

**ENVIRONMENTAL IMPLICATIONS**

Environmental criteria will be a key component of any specification. It can be classified as having a high or low 'environmental risk' in terms of:

- Sustainability of the raw materials used;
- Energy consumed in the conversion process;
- Environmental impact 'in use';
- Ability to be reduce, reused or recycled; and
- Biodegradability at the end of its useful life.

**RELEVANT LEGISLATIVE PROVISIONS**

- 1) Local Government (General) Regulation 2005.

**IMPLEMENTATION RESPONSIBILITY**

- 1) Procurement & Contracts Co-ordinator;
- 2) Section managers.

**REVIEW DATE**

~~June 2012~~ 31 October 2014

Delete: out  
Delete: not

Delete: June 2012  
Insert: 31 October 2014

**ITEM NO. 8**

**FILE NO: PSC2011-04425**

**FEES & CHARGES 2012-2013 – EXHIBITION**

**REPORT OF: WAYNE WALLIS - GROUP MANAGER CORPORATE SERVICES**  
**GROUP: CORPORATE SERVICES**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Agrees to place the Archiving fee and Section 68 (installation of manufactured home) inspection fee on public exhibition for a period of 28 days from 18 October 2012;
- 2) Should no submissions be received adopt the Archiving fee and Section 68 inspection fee as presented to Council.

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

<b>261</b>	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that the recommendation be adopted.

**BACKGROUND**

The purpose of this report is to seek approval from Council to exhibit the Archiving fee and Section 68 (installation of manufactured home) inspection fee.

**FINANCIAL/RESOURCE IMPLICATIONS**

Both these fees were omitted from the exhibited fees and charges in May 2012. They are part of the budget for the Development Assessment & Compliance Section. The revenue derived from these fees is estimated to exceed \$50,000 p.a.

When development applications are archived Council is charged for that service by the supplier. The Archiving fee is the cost partially recovered from applicants when a development application is lodged to recoup some of the cost of archiving the application. The recommended fee is \$55.00 inclusive of GST.

The Section 68 fee relates to manufactured homes, movable dwellings or associated structures on land. These dwelling types are constructed off site and hence a Construction Certificate does not apply. However, inspections are required to ensure compliance once a dwelling is installed on the property and development consent conditions are met. The proposed inspection fee is \$350.00 inclusive of GST. It is anticipated that revenue from this source will increase over time as affordable housing initiatives are implemented.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Nil	Advertising expense for exhibition is in the recurrent budget of Corporate Strategy & Planning
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	\$50,000	Potential income

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

Section 610F of the Local Government Act 1993 requires all fees and charges to be levied in any year to be placed on public exhibition for a period of 28 days and submissions invited from the public.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
Failure to adopt these fees will result in loss of potential revenue yet work will still be required to be done	Low	Place fees on public exhibition for 28 days from 25 October 2012 – provides Council with feedback from public	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

If fees are exhibited and then adopted, Council will generate revenue in excess of \$50,000 p.a. to partially recoup the costs incurred.



**CONSULTATION**

The Archiving fee and the Section 68 (installation of manufactured home) inspection fee will be placed on public exhibition for a period of 28 days from 25 October 2012. Feedback will be provided to Council at its November 2012 meeting.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 9**

**FILE NO: PSC2005-4217**

**2011-2012 GENERAL PURPOSE FINANCIAL REPORTS AND SPECIAL PURPOSE FINANCIAL REPORTS**

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

**GROUP: CORPORATE SERVICES GROUP**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the action taken to refer the draft 2011-2012 General Purpose Financial reports and Special Purpose Financial reports for audit;
- 2) Sign the Statement on the General Purpose Financial Reports;
- 3) Sign the Statement on the Special Purpose Financial Reports.

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Peter Kafer</b> <b>Councillor Steve Tucker</b>
	That the recommendation be adopted.

**MOTION**

<b>262</b>	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that the recommendation be adopted.

**BACKGROUND**

The purpose of this report is to advise that the draft General Purpose Financial reports and Special Purpose Financial reports for the period ended 30 June 2012 have been prepared and the audit is due to commence Monday 8 October 2012.

Under Section 413 of the Local Government Act 1993 Council is required to submit, with the General Purpose Financial reports, a Statement as to its opinion on the reports (refer Attachment 1).

The Local Government Code of Accounting Practice and Financial Reporting requires that commencing from the 1998-1999 reporting period Council shall complete a Special Purpose Financial report for all business activities declared by Council.

The Code requires a Statement by Council indicating whether or not the Council's Special Purpose Financial reports have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting (refer Attachment 2).

### **FINANCIAL/RESOURCE IMPLICATIONS**

The 2011-2012 General Purpose Financial reports have been prepared in compliance with the Local Government Act 1993, the Local Government Code of Accounting Practice and Financial Reporting, the Australian Accounting Standards and the Asset Accounting Manual.

All revenues received for 2011-2012 have been recognised together with any revenues due but not received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.

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

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

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

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

The 2011-2012 Special Purpose Financial reports are being prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting.

There is no Source of Funds implications involved, as the preparation of the annual Statements is a business as usual activity.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		This is part of business as usual activities
Reserve Funds		No	
Section 94		No	
External Grants		No	
Other		No	

## LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
Failure to sign the Financial Statements	Low	Subject of report and audit	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

## CONSULTATION

- 1) PriceWaterhouseCoopers;
- 2) Council's External Auditor in providing advice on accounting concepts and standards.

The Division of Local Government in providing advice on recent changes to the Code of Accounting Practice.

## OPTIONS

- 1) Endorse the referring of the draft 2011-2012 General Purpose Financial reports and Special Purpose Financial reports for audit and sign the Statements;
- 2) Reject the referring of the draft 2011-2012 General Purpose Financial reports and Special Purpose Financial reports for audit and not sign the Statements.

## ATTACHMENTS

- 1) Statement by Council as to its opinion on the General Purpose Financial reports;
- 2) Statement by Council as to its opinion on the Special Purpose Financial reports.

## COUNCILLORS ROOM

Nil.

## TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Financial Statements 2012

Port Stephens Council

General Purpose Financial Statements  
for the financial year ended 30 June 2012

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

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

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

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

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

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

Signed in accordance with a resolution of Council made on 09 October 2012.

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

\_\_\_\_\_  
Sally Dover  
COUNCILLOR

\_\_\_\_\_  
Peter Gesling  
GENERAL MANAGER  
RESPONSIBLE ACCOUNTING OFFICER

ATTACHMENT 2

SPFS 2012

Port Stephens Council

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**Special Purpose Financial Statements**  
for the financial year ended 30 June 2012

**Statement by Councillors and Management**  
made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

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

- The NSW Government Policy Statement "Application of National Competition Policy to Local Government".
- The Division of Local Government Guidelines "Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality".
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines - "Best Practice Management of Water and Sewerage".

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

- Present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

**We are not aware of any matter that would render these Statements false or misleading in any way.**

Signed in accordance with a resolution of Council made on 09 October 2012.

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

\_\_\_\_\_  
Sally Dover  
COUNCILLOR

\_\_\_\_\_  
Peter Gesling  
GENERAL MANAGER

page 2

**ITEM NO. 10**

**FILE NO: PSC2012-03228**

**NAMING AND RENAMING OF RESERVES POLICY**

**REPORT OF: CARMEL FOSTER – PROPERTY SERVICES SECTION MANAGER**  
**GROUP: PROPERTY SERVICES**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the Naming and Renaming of Reserves Policy;
- 2) Place the Naming and Renaming of Reserves Policy on public exhibition for 28 days;
- 3) Should no submissions be received adopt the Naming and Renaming of Reserves Policy presented to Council as Attachment 1.

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Steve Tucker</b> <b>Councillor Ken Jordan</b>
	That the recommendation be adopted.

**MOTION**

<b>263</b>	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that the recommendation be adopted.

**BACKGROUND**

The purpose of this report is to provide consistency in the process of naming and renaming Council owned reserves or Crown lands over which Council has been appointed as Trust Manager. The Naming and Renaming of Reserves policy (Attachment 1) outlines a process which involves consultation with the community, Historical Society and Local Aboriginal Land Council (where applicable) and must comply with the guidelines endorsed by the Geographical Names Board (GNB).

**FINANCIAL/RESOURCE IMPLICATIONS**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Nil	<ul style="list-style-type: none"> <li>The Facilities and Services – Community and Recreation budget would fund costs within existing budget in partnership with relevant 355B Parks and Reserves Committees.</li> <li>Advertising costs within existing budget.</li> </ul>
Reserve Funds	No		
Section 94	No		
External Grants	Yes		Opportunistic grants
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The policy must conform to the requirements of the Geographical Names Board and where applicable the requirements of the Historical Society and Aboriginal Land Council. Review of the policy would be required should Geographical Names Board procedures alter, which would affect Council's policy.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
Changes in GNB procedures and guidelines	Low	Property Officer to keep informed of any changes to GNB procedures	Yes
Unnamed reserves could create confusion when emergency services or public utilities are trying to locate a particular reserve	High	Council adopts the Naming and Renaming Reserves policy	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Implementation of this policy with adoption of uniform guidelines endorsed by the Geographical Names Board will enable rate payers, public authorities and emergency services to more easily find specified reserves.



**CONSULTATION**

- 1) Hastings Shire Council, Geographical Names Board, Property Officer;
- 2) Property Officer.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Naming and Renaming of Reserves Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ATTACHMENT 1



POLICY

Adopted: #  
Minute No: #  
Amended:  
Minute No:

**FILE NO:** PSC2012-03228  
**TITLE:** NAMING AND RENAMING OF RESERVES POLICY  
**RESPONSIBLE OFFICER:** PROPERTY OFFICER

**BACKGROUND**

The naming and renaming of reserves is a process that involves consultation with the community, Historical Society and Local Aboriginal Land Council (where applicable) and must comply with the guidelines endorsed by the Geographical Names Board (GNB).

The purpose of this policy is to provide consistency in the process of naming and renaming reserves.

**OBJECTIVE**

- 1) To provide for consistency in the process of naming and renaming of Council owned reserves or Crown land over which Council has been appointed Trust Manager.

**PRINCIPLES**

Note: This policy applies to the naming and renaming of Council owned reserves (either public reserves or drainage reserves) and Crown land over which Council has been appointed Trust Manager. Requests for the naming of other Crown lands should be referred back to the applicant with the advice they should contact the relevant Crown office directly.

**POLICY STATEMENT**

- 1) It is Council's intent that this policy specify the requirements of naming and renaming a Council owned reserve or Crown land over which Council has been appointed Trust Manager.

PART A - THE NAMING OF COUNCIL OWNED RESERVES

(ie. Council holds freehold title)

1. Requests for the naming of reserves are to comply with the guidelines for the determination of place names endorsed by the GNB on 17 October 1996. A copy of the guidelines is annexed to this policy at Schedule 1. Where an application is received seeking commemoration of a living person, the application shall be refused.
2. Public consultation shall occur in the following manner:
  - a) The proposed name shall be advertised in a newspaper circulating in the area of the reserve proposed to be named/renamed with a copy of the advertisement to be placed in each Councillors mail tray.
  - b) If the reserve is located in an urban area, all landowners within a radius of 400 metres of the central point of the reserve shall be notified by mail of the proposal.
  - c) If the reserve is in a non-urban area, adjoining owners shall be notified by mail of the proposal.
  - d) The relevant local progress association shall be notified by mail of the proposal.
  - e) Where the proposed name has an historical connotation, the relevant local Historical Society shall be notified by mail of the proposal and requested to comment on the historical suitability of the name.
  - f) Where the proposed name has an Aboriginal connotation, the relevant Local Aboriginal Land Council shall be notified by mail of the proposal and requested to comment on the suitability of the name.
3. The advertisement and letters of notification shall include the following: "*That comments and submissions on the proposal shall be in writing and will be received by Council for a period of one month from the date of advertisement/written notification*".
4. At the close of the advertising/public consultation period and if objection(s) have been received, the proposal shall be reported to the Ordinary Council meeting. Copies of all objections shall be provided to the meeting. If the Council resolves to proceed with a naming proposal and agrees upon a name(s), application shall be made to the GNB for formal approval of the name(s) resolved by the Council.

5. At the close of the advertising/public consultation period and if no objection is received, application shall be made to the GNB for formal approval of the name(s).
6. The reserve(s) are taken to be officially named upon publication of a notice by the GNB in the New South Wales Government Gazette.
7. That the persons/organisations listed in Schedule 2 be advised of the naming.
8. Suitable signage to be erected upon the reserve(s) at such position(s) as determined by the Manager Parks & Gardens or his/her nominated representative.

PART B - THE NAMING OF CROWN RESERVES OVER WHICH COUNCIL HAS BEEN APPOINTED TRUST MANAGER

1. Requests are to comply with Point 1 Part A of this policy.
2. Approval shall be obtained from the District Office of the Department of Lands prior to advertising/public consultation.
3. If approval is obtained, compliance with Points 2 to 8 inclusive of Part A of this policy.

**RELATED POLICIES**

Nil.

**SUSTAINABILITY IMPLICATIONS**

**SOCIAL IMPLICATIONS**

- 1) Implementation of this policy with adoption of uniform guidelines endorsed by the GNB will enable ratepayers to more easily find specified reserves.

**ECONOMIC IMPLICATIONS**

Nil.

**ENVIRONMENTAL IMPLICATIONS**

Nil.

**RELEVANT LEGISLATIVE PROVISIONS**

- 1) This policy must conform with the requirements of the Historical Society and Aboriginal Land Council where applicable and ultimately the requirements of the GNB.

3

**IMPLEMENTATION RESPONSIBILITY**

- 1) Roles and responsibilities – the Property Officer is responsible for the implementation of this policy.
- 2) Support and advice – can be obtained from the GNB, Historical Society and Aboriginal Land Council where applicable.
- 3) Communication – Council staff and the community will be kept informed via local newspapers and the mail for the consultation period and after the name is finalised, the GNB will publish the name in the NSW Government Gazette.

**REVIEW DATE**

- 1) Immediate review of this policy by the Property Officer should any changes to GNB procedures occur;
- 2) Two years from the date of adoption by Council – October 2014.

DRAFT

**ANNEXURE 1**

SCHEDULE 1

GUIDELINES FOR THE DETERMINATION OF PLACE NAMES

1. When a name is suggested that owes its origin to the peculiarity of a topographic feature such as shape, vegetation and animal life etc, care should be exercised in avoiding duplication of names already used for other features. The GNB prefers to avoid the repetition of commonly used names. Sugar Loaf, Sandy, Back, Bald, Deep, Long, Kangaroo, Reedy, Rocky, Spring and Stony are examples of such names.
2. Easily pronounced names should, as far as possible, be used.
3. Names of Aboriginal origin or with a historical background are preferred.
4. Names acknowledging the multicultural nature of our society are encouraged.
5. The changing of long established names is generally not preferred, except where necessary to avoid ambiguity or duplication.
6.
  - a) If considered appropriate, names may perpetuate the names of eminent persons, particularly those of early explorers, settlers and naturalists.
  - b) Name of persons should normally only be given posthumously and only then when their contribution to the local community has been of outstanding benefit to the community. Ownership of land is not sufficient reason for the application of the owner's name.
  - c) Use of a first or given name may only be used where it is necessary to appropriately honour the person referred to or where it is necessary to avoid duplication.
7. Long and clumsily constructed names and names composed of two or more words should be avoided.
8. The use of cardinal points of the compass as a prefix or suffix is not favoured. However, well established names, which carry such a prefix, may be approved.
9. Where names have been changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original form; that spelling which is sanctioned by general usage should be adopted.
10. The possessive form should be avoided wherever possible without destroying the sound of the name e.g. Smith's Reserve should ideally be Smith Reserve.
11. The use of hyphens in connecting parts of names should be avoided.
12. Names considered offensive or likely to give offence should be avoided, as should names that have a commercial or company trading name.

**ANNEXURE 2**

SCHEDULE 2

PERSONS OR ORGANISATIONS TO BE NOTIFIED ONCE A NAME  
HAS BEEN ADOPTED

1. The person/organisation making the initial request.
2. All persons/organisation who made submissions (whether objection or in support).
3. The Taree District Office of the Department of Lands (if Crown land has been named).
4. The relevant Progress Association.
5. The relevant Local Historical Society (if the name has historical connotations).
6. The relevant Local Aboriginal Land Council (if the name has Aboriginal connotations).

DRAFT

ITEM NO. 11

FILE NO: A2004-0511

**LOCAL TRAFFIC COMMITTEE MEETING – 5 JUNE 2012**

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION MANAGER  
 GROUP: FACILITIES AND SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held on 5<sup>th</sup> June 2012.

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell</b>  <b>Councillor Sally Dover</b></p>
	<p>That the Minutes of the Local Traffic Committee meeting held on 5<sup>th</sup> June 2012, be adopted subject to the following:</p> <ol style="list-style-type: none"> <li>1) Item 15-06/12 – Wallawa Road be referred to the Local Traffic for further consideration with the following recommendations:                     <ol style="list-style-type: none"> <li>a) the temporary cushion located in the vicinity of 22 Wallawa Road be replaced with a full width speed hump, similar to those installed in Foreshore Drive;</li> <li>b) that a vibration trial be undertaken in Wallawa Road;</li> <li>c) that a 3 tonne weight limit be implemented in Wallawa Road; and</li> <li>d) the bus route be divert around Wallawa Road.</li> </ol> </li> <li>2) Item 17-06/12 - Lily Hill Road Nelson Bay be deferred to allow for a report on costings and options to manage vandalism.</li> </ol>

**MOTION**

264	<p><b>Councillor Ken Jordan</b>  <b>Councillor Chris Doohan</b></p>
	<p>It was resolved that the recommendation be adopted.</p>



**BACKGROUND**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

Council has an annual budget of \$41 000 (\$25 000 grant from the RMS and General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. This allocation has remained unchanged since the 2007/08 financial year. The construction of capital works such as traffic control devices and intersection improvements resulting from the Committee’s recommendations are not included in this funding and are to be listed within Council’s “Forward Works Plan” for consideration in the annual budget process.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Annual allocation unchanged since 2007/08
Reserve Funds			
Section 94			
External Grants			
Other			

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

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

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
Recommendations may not meet community expectations	Medium	Ensure proper consultation is carried out when required, prior to meetings	Yes
Recommendations may not meet required standards and guidelines	Medium	Traffic Engineer to ensure that all relevant standards and guidelines are applied	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

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

### **CONSULTATION**

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

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Local Traffic Committee Minutes – 5/6/2012.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1

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LOCAL TRAFFIC COMMITTEE MEETING  
HELD ON TUESDAY 5<sup>TH</sup> JUNE 2012  
AT 9:30AM

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**Present:**

Craig Baumann MP, Cr Bob Westbury – Mayor, Cr Peter Kafer, Cr Geoff Dingle, Cr John Nell, Snr Const John Simmons - NSW Police, Mr Nick Trejevski – RMS, Mr Joe Gleeson (Chairperson), Mr Graham Orr, Ms Lisa Lovegrove, – Port Stephens Council

**Apologies:**

Mr Bill Butler – RMS, Mr John Meldrum – Hunter Valley Buses, Mr Mark Newling - Port Stephens Coaches, Mr Dave Davies – Busways, Ms Michelle Page – Port Stephens Council

**A. ADOPTION OF MINUTES OF MEETING HELD 1<sup>ST</sup> MAY, 2012**

The minutes of the previous Local Traffic Committee Meeting were adopted.

**B. BUSINESS ARISING FROM PREVIOUS MEETING**

**C. LISTED MATTERS**

**D. INFORMAL MATTERS**

**E. GENERAL BUSINESS**

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**PORT STEPHENS  
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS  
TUESDAY 5<sup>TH</sup> JUNE, 2012**

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- A. ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MINUTES OF 1<sup>ST</sup> MAY, 2012
- B. BUSINESS ARISING FROM PREVIOUS MEETING
- 08\_03/12 PORT STEPHENS STREET RAYMOND TERRACE - REQUEST FOR  
REMOVAL OF PARKING RESTRICTIONS
- C. LISTED MATTERS
- 15\_06/12 WALLAWA ROAD NELSON BAY - REQUEST FOR REMOVAL OF SPEED  
CUSHIONS
- 16\_06/12 LAVERICK AVENUE TOMAGO - REQUEST FOR REVERSAL OF  
INTERSECTION PRIORITIES
- 17\_06/12 LILY HILL ROAD NELSON BAY - REQUEST TO INSTALL LOCKABLE  
BOOM GATES ON THE ENTRANCE ROAD TO GAN GAN LOOKOUT
- D. INFORMAL MATTERS
- E. GENERAL BUSINESS
- 614\_06/12 STURGEON STREET RAYMOND TERRACE – NO PARKING SIGNS AT  
NO.29
- 615\_06/12 NELSON BAY ROAD FERN BAY – ROADWORKS TO IMPROVE ROAD  
SAFETY AT BAYWAY VILLAGE

**B. BUSINESS ARISING FROM PREVIOUS MEETINGS**

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**Item:** 08\_03/12

**PORT STEPHENS STREET RAYMOND TERRACE - REQUEST FOR REMOVAL OF PARKING RESTRICTIONS**

**Requested by:** Raymond Terrace MarketPlace

**File:** PSC2005-4189/070

**Background:**

Raymond Terrace MarketPlace management requested in March 2012, that Council review parking in Raymond Terrace. The request arises because of the impacts of all-day parkers utilising the MarketPlace undercover parking, denying spaces for legitimate customers of the centre. Council has consulted with property owners and residents along Port Stephens Street regarding a proposal for removal of parking restrictions between William and Bourke Streets.

**Comment:**

The results of the consultation are mixed. Only 4 responses were received from letters and leaflets distributed to the owners and occupiers of 14 properties immediately affected. Most of the properties do have off-street parking or access to King Street. Of the responses received, 2 raised no objection to removal of the parking restrictions and 2 were opposed. The responses opposing the removal of parking restrictions came from businesses on either end of the block and expressed concerns regarding the potential loss of parking for customers.

Another aspect to be considered is the use of this part of Port Stephens Street as an unofficial layover area for Buses. If all-day parking were allowed it is likely that there would be insufficient room to allow buses to park as is now the case.

**Legislation, Standards, Guidelines and Delegation:**

NSW Road Rules –Part 12 Div.2 – Rule 205 – Parking for longer than indicated  
AS 1742.11 – Parking Controls

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

**Recommendation to the Committee:**

No action

**Discussion:**

Traffic Committee members discussed the need for MarketPlace to deal with their own parking problems rather than pushing the problems onto the local community. It is clear that better and more consistent enforcement is needed to deter the problem of all-day parking at the centre.

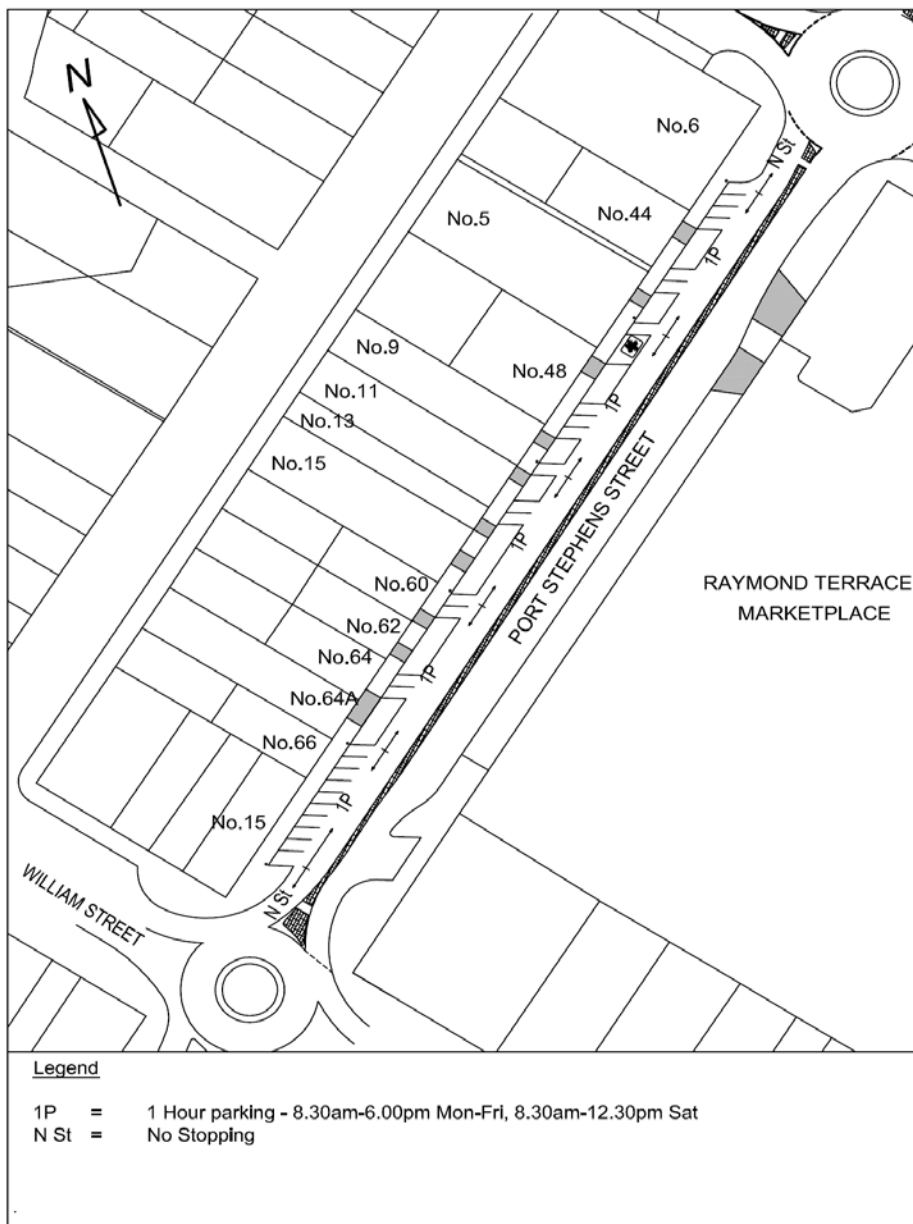
Support for the recommendation:

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

PORT STEPHENS TRAFFIC COMMITTEE  
Tuesday 5 May 2012

ITEM NO. 08\_03/12  
Street: Port Stephens Street

ANNEXURE A  
Page 1 of 1



Listed Matters

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Item: 15\_06/12

**WALLAWA ROAD NELSON BAY - REQUEST FOR REMOVAL OF SPEED CUSHIONS**

**Requested by:** A resident  
**File:** PSC2005-4020/086  
**Background:**

A Wallawa Road resident has engaged the services of an acoustic engineer to investigate vibration levels in his house caused by the speed cushions. The report indicates that vibration levels regularly occur in excess of those recommended by EPA guidelines. The resident states that the level of vibration created whenever a heavy vehicle crosses the speed cushions closest to their house is having a serious impact on the lives of people living in Wallawa Road.

**Comment:**

An on-site meeting was held with some Wallawa Road residents, the Mayor, Cr Nell and Council's Traffic Engineer. It was agreed that an agenda item would be tabled at the next Traffic Committee meeting to discuss the best course of action for Wallawa Road.

Calls to install full-width speed humps similar to those in Foreshore Drive have not been supported due principally to the possibility that these would result in vibrations being felt in Wallawa Road residences. The fact that the speed cushions are a temporary installation means that they can be removed without major cost or impact on road infrastructure. The removal of the speed cushions would remove the cause of the vibrations but would also allow vehicle speeds and volumes to return to the previous unacceptable levels.

The on-site meeting in Wallawa Road called for other options to be considered that would deter speeding drivers but without the impacts on local residents.

Effective alternatives are limited and were canvassed as part of the original community consultation.

The community consultation letter distributed in September 2009, offered 4 different traffic calming options for the consideration of residents and other stakeholders. These 4 options were:

1. Road cushions
2. Slow points
3. Half-closure (One-way traffic flow)
4. Full closure

The fourth option for full road closure was included only at the specific request of Councillors via some of the residents. A full road closure would have serious impacts on the delivery of essential services and would result in increased emergency response times. As well, a full road closure would require construction of a turnaround area suitable for heavy vehicles. This would inflate the cost and may not be practically possible given the terrain in the area.

Practical options available are listed below together with a brief discussion of each:

**1. Removal of the speed cushions and a return to previous conditions**

Removal of the speed cushions will remove the noise and vibration nuisance for residents but will allow traffic speed and volumes to return to previous levels

**2. Removal of all cushions and installation of a part road closure with slow points**

Installation of a part-road closure will reduce traffic volumes substantially by allowing only one-way traffic flow and would effectively halve the number of buses. Traffic speeds will not be reduced without infrastructure such as slow points. There may be opportunity to improve safety for pedestrians and cyclists in combination with this option. Contra-flow cycling would be permitted to encourage active transport. There is a choice of direction and length of one-way section bearing in mind the following points:

- Most driveways on the high side of the street are angled to the east
- One-way flow westbound will encourage traffic heading toward Nelson Bay to use Wollomi Avenue, an even narrower road than Wallawa Road.
- One-way flow eastbound will force more Newcastle-bound traffic to use the Galoola/Nelson Bay Road intersection
- A shorter length of one-way traffic flow may encourage a lower level of compliance.
- Access to public transport would be restricted including for school children

**3. Combination of these with a reduced speed limit**

A reduced speed limit will have little effect without physical traffic calming devices. A lower speed environment would improve safety for pedestrians and cyclists. Speed limits in NSW are determined by RMS, not local Councils.

It should be noted that no funding has been allocated in the current budget for any works in Wallawa Road and that any changes to Wallawa Road will be a lengthy process involving extensive community consultation and input from affected stakeholders.

**Recommendation to the Committee:**

For discussion

**Discussion:**

Traffic Committee members discussed the history of traffic calming in Wallawa Road and expressed their opinions on the best way forward.

Cr Nell stated that full-width speed humps would be better than the rubber speed cushions as all vehicles are forced to slow down to negotiate them. Council's geotechnical advice however is that full-width speed humps may pose a risk of unacceptable vibration levels in nearby residences. Cr Nell also stated that some form of speed reduction is necessary to allow residents safe access in and out of the steep driveways on Wallawa Road and because parking on-street also forces pedestrians and cyclists onto the roadway and that a return to pre-speed cushion conditions would not be acceptable.



The Mayor, Cr Westbury stated that buses are the problem and need to be excluded from Wallawa Road. His preferred option is for a 40km/h speed limit with a one-way traffic flow. Cr Westbury expressed his objection to the inclusion of chicanes as a means of reducing traffic speeds due to them being an unsafe treatment.

Cr Dingle stated that Council needs to utilise an objective assessment process of the need for traffic calming for all speed hump requests.

It was noted that Wallawa Road is different to other areas where speed humps are in use, such as Sergeant Baker Drive, as there is no easy alternative route. The options presented to Traffic Committee for a one-way traffic flow do provide an opportunity for improvement in safety for pedestrians and cyclists and this needs to be further refined in consultation with the asset owner and engineering designers. It was discussed that a staged approach may be possible to allow ongoing implementation of traffic calming measures as funding becomes available.

**Committee's recommendation:**

The Traffic Committee recommended that Council's Traffic Engineer further develop the preferred option for one-way traffic in Wallawa Road prior to commencing a public consultation regarding this issue.

A concept sketch of the preferred option is attached as Annexure A.

**Support for the recommendation:**

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



Option 2: One way eastbound - with slow points

DATE: June 2012

LOCATION: Wallawa Road

Item: 16\_06/12

**LAVERICK AVENUE TOMAGO - REQUEST FOR REVERSAL OF INTERSECTION PRIORITIES**

**Requested by:** Forgacs  
**File:** PSC2005-4019/361  
**Background:**

Forgacs have requested that council review the traffic signs at the end of Old Punt Road Tomago. The intersection priorities were altered following a Traffic Committee recommendation in October 2008, with Laverick Avenue being made the priority road. At that time the Tomago Forgacs shipyard was not fully operational and virtually all traffic used Laverick Avenue. Forgacs now advise: "There are now 653 employees at the Forgacs site and we have high volumes of vehicles travelling on this road between 5.30am – 7.30am, lunch break at the 12.30 – 13.00pm, change of shift at 15.15 -17.00pm and again at the completion of afternoon shift approx 22.30 – 01.00am. There are also large numbers of heavy vehicles travelling on this road to service the Forgacs Tomago site throughout the day."

**Comment:**

Port Stephens Council has conducted intersection counts to determine the numbers of traffic turning and going through the intersection of Old Punt Road and Laverick Avenue. The surveys indicate that there are substantial volumes of traffic entering and leaving the Forgacs site at the start and end of shifts. However, it was also observed that the volume of traffic is such that Old Punt Road becomes saturated quickly with traffic queuing back from the Tomago Road roundabout and that traffic through the intersection is moving quite slowly. In addition, the volume of traffic coming from Forgacs is such that it dominates the intersection and if the priorities were reversed the traffic from Laverick Avenue would be effectively blocked for the 10-15 minute peak period.

Traffic on Laverick Avenue is more consistent throughout the day and there is a high percentage of heavy vehicles that enter and exit to Laverick Avenue. Causing them to give way when exiting would make life difficult for them due to the uphill gradient at the intersection. In order to make Old Punt Road the priority, Improvement works would be required on the southern side of the intersection to make it look more like a continuing road as the road currently narrows with a sharp drop-off in the pavement. A summary of the traffic counts conducted as attached as Annexure A.

Forgacs management have also raised concerns regarding the traffic congestion on Tomago Road. At the end of afternoon shift in particular, Tomago Road has traffic queues all the way back from the Pacific Highway through the Old Punt Road roundabout and beyond. This is only expected to become worse as Westrac and other industrial developments come on-line.

**Legislation, Standards, Guidelines and Delegation:**

ARR Part 7 Div.1 – Rule 69 – Giving way at a give way sign or give way line at an intersection (except at a roundabout)

RTA Regulatory Signs Manual – R1-2

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

**Recommendation to the Committee:**

No action - refer the complaint regarding traffic congestion on Tomago Road to RMS

**Discussion:**

The NSW Police representative concurred with the observations of Council staff that the intersection is currently operating in a safe and satisfactory manner and that altering priorities would reduce safety for users of the Laverick Avenue leg of the intersection.

**Support for the recommendation:**

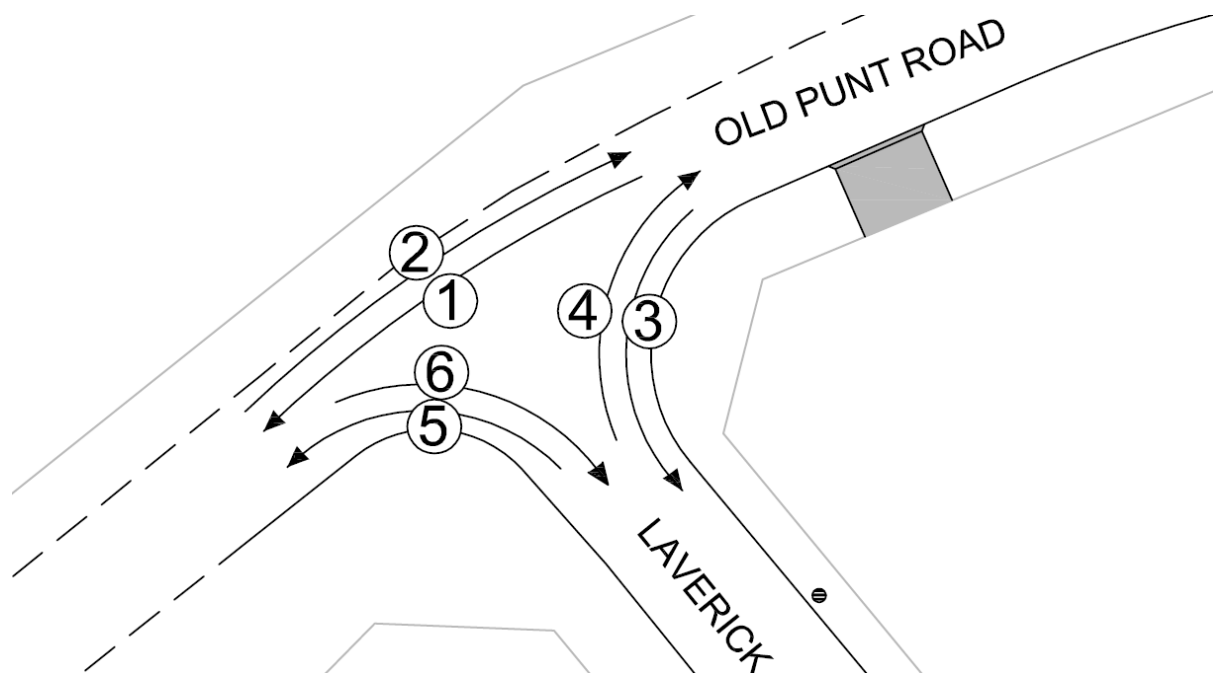
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

**MINUTES FOR ORDINARY COUNCIL – 9 OCTOBER 2012**

PORT STEPHENS TRAFFIC COMMITTEE  
 Tuesday 5 June 2012

ITEM NO.16\_06/12  
 Street: Laverick Avenue

ANNEXURE A  
 Page 1 of 1



Thursday 24/5/2012 – early morning

Traffic movement	1	2	3	4	5	6
7.15-7.30	10	1	20	5	0	0
7.31-7.45	11	5	7	7	0	0
7.46-8.00	7	3	19	8	0	0
8.01-8.15	7	1	31	6	0	0
<b>Totals</b>	<b>35</b>	<b>10</b>	<b>77</b>	<b>26</b>	<b>0</b>	<b>0</b>

Thursday 24/5/2012 - lunch

Traffic movement	1	2	3	4	5	6
12.00-12.15	1	2	11	20	0	0
12.16-12.30	2	7	11	7	0	1
12.31-12.45	8	16	23	11	1	0
12.46-1300	18	9	15	16	0	0
<b>Totals</b>	<b>29</b>	<b>34</b>	<b>60</b>	<b>54</b>	<b>1</b>	<b>1</b>

Friday 25/5/2012 - afternoon

Traffic movement	1	2	3	4	5	6
15.00-15.15	3	8	8	12	0	0
15.16-15.30	7	10	9	32	0	0
15.31-15.45	4	193	6	36	0	0
15.46-1600	4	36	5	26	0	0
16.01-16.15	0	28	2	18	0	0
<b>Totals</b>	<b>18</b>	<b>275</b>	<b>30</b>	<b>124</b>	<b>0</b>	<b>0</b>

Item: 17\_06/12

**LILY HILL ROAD NELSON BAY - REQUEST TO INSTALL LOCKABLE BOOM GATES ON THE ENTRANCE ROAD TO GAN GAN LOOKOUT**

Requested by: Port Stephens Council

File: A2004-0511/184

Background:

Nelson Bay Rotary Club wish to pursue the erection of lockable gates on Lily Hill Road to restrict access to Gan Gan Lookout. The Rotary Club want to carry out works to improve the appearance and functionality of the lookout but first want to reduce night time vandalism at the lookout by restricting the hours of vehiclular access. The Rotary Club states that they have addressed the previous Traffic Committee concerns.

Comment:

This matter was first considered by Traffic Committee in July 2009 and again in October 2009. At that time the Traffic Committee concerns raised were:

- The narrow road and lack of road shoulder meaning that anyone opening or closing the gate would be parked on the roundabout or its approaches.
- Danger to vehicles running into the locked gates after dark.
- The poor sight distance available on approach to the roundabout when travelling toward the lookout
- The lack of street lighting
- The restriction of public access to a community facility such as the lookout.
- The fact that the night time views of the Nelson Bay area are almost as popular and spectacular as the day time was raised.
- The question was raised as to who would have responsibility to open and close the boom gates and whether a Council employee would be required to do this. Would this become another cost that Council would have to bear?
- The requirement of other utility authorities to have access to the lookout at all times.

In October 2009 Traffic Committee made the following recommendations:

1. Traffic Committee recommended that a report be prepared by Facilities and Services, as the main proponent for the project, to determine Councillor's support prior to a public consultation.
2. Council to install traffic classifiers to determine the number of vehicles using the road and the times of day when it is used.
3. The Committee also recommended that a full costing of the proposal be included in the Council report to assist Councillor's in their decision.

Council installed traffic classifiers in Lily Hill Road, during the period December 2009 - January 2010, to assess the traffic volumes at different times of the day. The results indicated that average daily traffic was 130 vehicles with only 5 vehicles on average accessing the lookout between 9pm and 6am (Annexure A).

Legislation, Standards, Guidelines and Delegation:

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act  
Regulation of traffic under Part 8 Div.1 Sect. 115 of the Roads Act 1993

**Recommendation to the Committee:**

For discussion

**Discussion:**

Traffic Committee members again expressed opposition to the proposal. Concerns were raised about excluding members of the public from a public area. Members questioned the extent of vandalism and whether locking people out was the answer. It was noted that the installation of gates would be seen as a challenge to certain people as has been seen elsewhere where gates have been removed forcibly or broken.

**Committee's recommendation:**

Traffic Committee are opposed to the part time closure of Lily Hill Road, to deny access to Gan Gan Lookout.

**Support for the recommendation:**

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

**MetroCount Traffic Executive**  
**Vehicle Counts (Virtual Day)**

**VirtVehicleCount-129 -- English (ENA)**

**Datasets:**

**Site:** [Lily Hill Rd] above mid point roundabout  
**Direction:** 7 - North bound A>B, South bound B>A. **Lane:** 0  
**Survey Duration:** 17:12 Thursday, 10 December 2009 => 10:19 Wednesday, 13 January 2010  
**Zone:**  
**File:** Lily Hill Rd Nelson Bay13Jan2010.EC0 (Plus)

**Profile:**

**Filter time:** 17:13 Thursday, 10 December 2009 => 10:19 Wednesday, 13 January 2010  
**Included classes:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12  
**Speed range:** 10 - 160 km/h.  
**Direction:** South (bound)  
**Separation:** All - (Headway)  
**Name:** Default Profile  
**Scheme:** Vehicle classification (AustRoads94)  
**Units:** Metric (meter, kilometer, m/s, km/h, kg, tonne)  
**In profile:** Vehicles = 4317 / 8687 (49.69%)

\* Virtual Day - Total=129, 15 minute drops

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300
1	0	0	0	0	0	1	1	2	6	10	12	12	13	13	13	13	9	7	6	4	2	1	1
0	0	0	0	0	0	0	0	0	1	3	2	3	4	4	3	4	2	2	1	1	1	1	0
0	0	0	0	0	0	0	0	0	1	3	3	3	3	4	3	3	2	2	1	1	1	0	0
0	0	0	0	0	0	0	0	1	2	2	3	3	3	3	4	3	3	2	2	1	0	0	0
0	0	0	0	0	0	0	0	1	2	3	3	3	3	3	3	3	2	1	1	1	0	0	0

AM Peak 1145 - 1245 (13), AM PHF=0.93 PM Peak 1515 - 1615 (14), PM PHF=0.95

Numbers have been rounded to the nearest integer.



D. Informal Items

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E. General Business

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Item: 613\_06/12

**STURGEON STREET RAYMOND TERRACE – NO PARKING SIGNS AT NO.29**

Requested by: Cr Kafer

File:

Background:

Cr Kafer raised concerns that 'No Parking' signs have been erected on the Lifeline building at 29 Sturgeon Street. The signs have not been approved by the Local Traffic Committee and are being ignored by staff at the premises.

Discussion:

Council's Property Section advises that the land in question forms part of a leased lot over which the lessee has exclusive use. That land provides access to the rear loading dock and provides car parking for their staff and or customers on invitation.

Committees Advice:

Traffic Committee members are advised that this issue is the subject of a supplementary information paper to go to Councillors in the near future.

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Item: 614\_06/12

**NELSON BAY ROAD FERN BAY – ROADWORKS TO IMPROVE ROAD SAFETY AT BAYWAY VILLAGE**

Requested by: Cr Dingle

File:

Background:

It was announced on local radio that roadworks were soon to commence at Bayway Village, Fern Bay to improve safety for bus passengers. This follows an allocation of funding by the NSW Government in the wake of a serious accident that occurred when a school child ran out from behind a bus, onto Nelson Bay Road and was struck by a passing vehicle.

Discussion:

Committees Advice:

The RMS representative was requested to provide an update on what was planned.

**ITEM NO. 12**

**FILE NO: A2004-0511**

**LOCAL TRAFFIC COMMITTEE MEETING – 7 AUGUST 2012**

**REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION MANAGER**  
**GROUP: FACILITIES AND SERVICES**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held on 7<sup>th</sup> August 2012

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Ken Jordan</b>  <b>Councillor Steve Tucker</b></p>
	<p>That the recommendation be adopted.</p>

**MOTION**

<b>265</b>	<p><b>Councillor Ken Jordan</b>  <b>Councillor Chris Doohan</b></p>
	<p>It was resolved that the recommendation be adopted.</p>

**BACKGROUND**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

Council has an annual budget of \$41 000 (\$25 000 grant from the RMS and General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. This allocation has remained unchanged since the 2007/08 financial year. The construction of capital works such as traffic control devices and intersection improvements resulting from the Committee’s recommendations are not included in this funding and are to be listed within Council’s “Forward Works Plan” for consideration in the annual budget process.

## MINUTES FOR ORDINARY COUNCIL – 9 OCTOBER 2012

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Annual allocation unchanged since 2007/08
Reserve Funds			
Section 94			
External Grants			
Other			

### LEGAL, POLICY AND RISK IMPLICATIONS

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

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

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
Recommendations may not meet community expectations	Medium	Ensure proper consultation is carried out when required, prior to meetings	Yes
Recommendations may not meet required standards and guidelines	Medium	Traffic Engineer to ensure that all relevant standards and guidelines are applied	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

### CONSULTATION

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

**OPTIONS**

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

**ATTACHMENTS**

- 1) Local Traffic Committee Minutes – 7/8/2012.

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

Nil.

**ATTACHMENT 1**

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**LOCAL TRAFFIC COMMITTEE MEETING  
HELD ON TUESDAY 7<sup>TH</sup> AUGUST 2012  
AT 9:30AM**

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**Present:**

Ms Michelle Mexon representing Craig Baumann MP, Cr Bob Westbury – Mayor, Snr Const John Simmons - NSW Police, Mr Nick Trejevski – RMS, Mr John Meldrum – Hunter Valley Buses, Mr Joe Gleeson (Chairperson), Mr Graham Orr, – Port Stephens Council

**Apologies:**

Cr Peter Kafer, Cr Geoff Dingle, Mr Mark Newling - Port Stephens Coaches, Mr Dave Davies – Busways, Ms Lisa Lovegrove, Ms Michelle Page – Port Stephens Council

**A. ADOPTION OF MINUTES OF MEETING HELD 5<sup>TH</sup> JUNE 2012**

The minutes of the previous Local Traffic Committee Meeting were adopted.

**F. BUSINESS ARISING FROM PREVIOUS MEETING**

**G. LISTED MATTERS**

**H. INFORMAL MATTERS**

**I. GENERAL BUSINESS**

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**PORT STEPHENS  
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS  
TUESDAY 7<sup>TH</sup> AUGUST, 2012**

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- A. ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MINUTES OF 5<sup>TH</sup> JUNE, 2012
- C. BUSINESS ARISING FROM PREVIOUS MEETING
- C. LISTED MATTERS
- 18\_08/12 ELKIN AVENUE HEATHERBRAE - REQUEST FOR PROVISION OF A MORNING DROP-OFF AREA AT HUNTER RIVER HIGH SCHOOL
- 19\_08/12 WILLIAM STREET RAYMOND TERRACE - REQUEST FOR ALTERATIONS TO PARKING AT ST BRIGIDS SCHOOL
- 20\_08/12 TERAMBY ROAD NELSON BAY – REQUEST FOR SHORT TERM PARKING
- 21\_08/12 STOCKTON STREET NELSON BAY – REQUEST FOR RESIDENT PARKING
- D. INFORMAL MATTERS
- E. GENERAL BUSINESS
- 615\_08/12 ROADS PORT STEPHENS - PROPOSAL FOR ADVERTISING ON TRAFFIC SIGNS
- 616\_08/12 SOLDIERS POINT ROAD SOLDIERS POINT – CONTINUATION OF TOMAREE TRIATHLON CLUB EVENTS FOR 2012/2013
- 617\_08/12 PACIFIC HIGHWAY FERODALE – CONCERNS REGARDING SAFETY OF THE MEDOWIE ROAD INTERSECTION

**C. Listed Matters**

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**Item: 18\_08/12**

**ELKIN AVENUE HEATHERBRAE - REQUEST FOR PROVISION OF A MORNING DROP-OFF AREA AT HUNTER RIVER HIGH SCHOOL**

**Requested by:** The principal - Hunter River High School

**File:** PSC2005-4189/101

**Background:**

Parents of school students continue to complain about a lack of a safe area for parents to drop-off students in the morning at Hunter River High School.

**Comment:**

Traffic Inspection Committee members expressed concern about mixing buses and cars at school times. The requested drop-off zone would operate in the mornings only with the afternoon pick-up being exclusively for buses.

The school principal has requested that a drop-off zone be provided at the southern pedestrian gate which would allow buses to still use the area adjacent to the car park entry gate.

There is ample room within the turnaround area for buses to access and drop-off students while allowing cars to drop-off as well.

**Legislation, Standards, Guidelines and Delegation:**

NSW Road Rules – Rule 168 – No parking signs

RTA Regulatory Signs Manual – R5-41

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

**Recommendation to the Committee:**

Install 'No Parking - 8.00-9.30am, Bus Zone – 2.30-4.00pm' in the North-West section of the bus loop area at Hunter River High School, as shown on the attached sketch (Annexure A).

**Discussion:**

Cr Westbury told the committee about recent visits to the school where he witnessed the mayhem that occurs in the morning. He also spoke about representations he has received from parents regarding this issue. He noted that there is nowhere for parents to drop-off students and that this needs to be addressed.

Hunter Valley Buses representative stated his strong opposition to allowing cars to access the bus turnaround area as proposed. He noted that the footpath, kerb and gutters are in poor condition in the bus turnaround area and this would make it difficult for access particularly in wet weather. He stated that he had observed up to 6 buses at one time dropping-off students in the morning. Mixing cars and buses will

not work as parents inevitably trespass into the bus zone and block access for buses. This is the case at other schools where cars are allowed to mix with buses. He suggested that a compromise could be a second access to the car park that would allow for circulation of traffic.

The Traffic Committee proposed a trial of a modified drop-off zone within the bus turnaround. This would allow for 5 buses at the head of the zone with a morning-only 'No Parking' area directly behind. It was suggested that a drop-off area be provided in the eastern section of Elkin Avenue as well which may reduce the number of vehicles entering the more congested sections of Elkin Avenue. This will be investigated.

**Committee's recommendation:**

Install a 'Bus zone – 8.00-9.30am, 2.30-4.00pm School Days and 'No Parking - 8.00-9.30am, Bus Zone – 2.30-4.00pm' in the bus loop area at Hunter River High School, as shown on the attached sketch (Annexure A). This installation is for a 3 month trial only, to be reviewed by Traffic Committee.

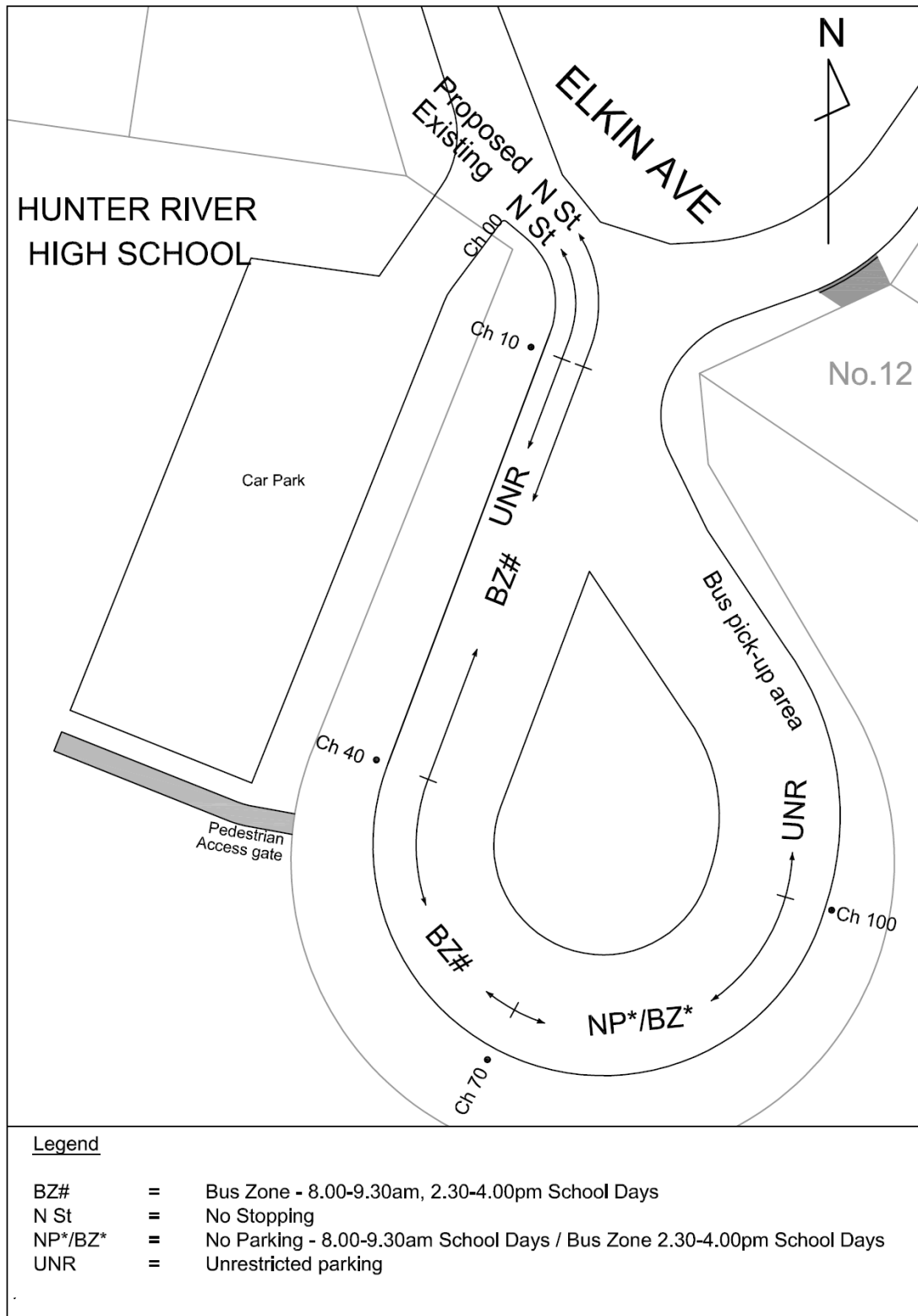
Council is to liaise closely with Hunter River High School to ensure that parents are informed of the parking changes and that Council Rangers are on hand to ensure compliance with the new restrictions.

Note: Hunter Valley Buses representative asked for his opposition to the recommendation to be recorded in the meeting minutes.

**Support for the recommendation:**

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





Item: 19\_08/12

**WILLIAM STREET RAYMOND TERRACE - REQUEST FOR ALTERATIONS TO PARKING AT ST BRIGIDS SCHOOL**

**Requested by:** St Brigids Parish  
**File:** PSC2008-9420/015  
**Background:**

Port Stephens Council has received further representations regarding safety concerns with vehicles overhanging the presbytery driveway and blocking vision for cars exiting the driveway. They ask for the end angle parking space to be removed

**Comment:**

Traffic Inspection Committee members noted that the presence of 4wd's parked in the end parking space does increase difficulty for cars exiting the car park. It was agreed that removing the end parking space would improve sight distance.

**Legislation, Standards, Guidelines and Delegation:**

ARR Part 12 Div.9 – Rule 210 – Angle parking  
RTA Regulatory Signs Manual – R5-500  
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

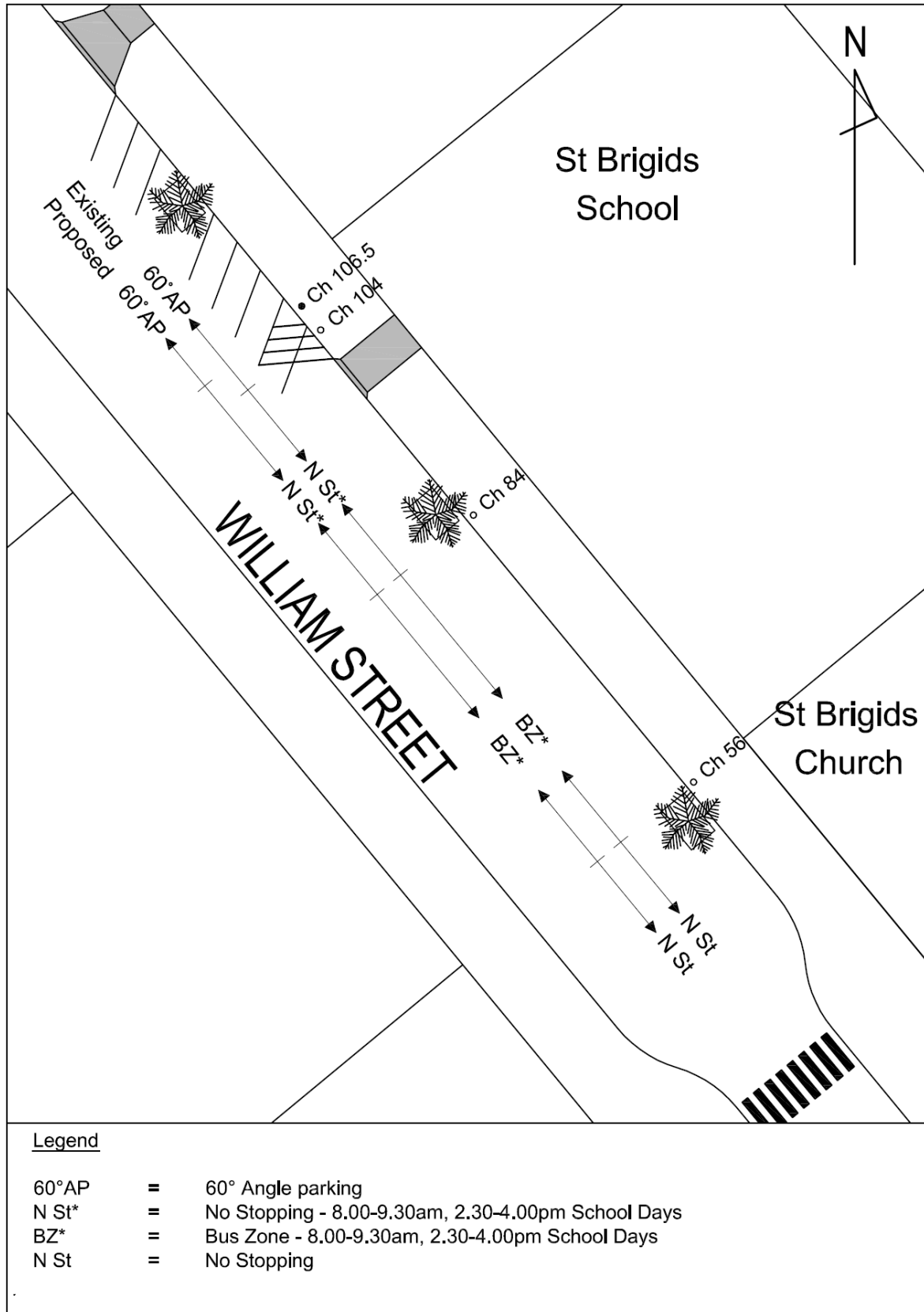
**Recommendation to the Committee:**

Relocate the angle parking post and sign 2.5 metres to the north and install hatch markings on the pavement, so as to remove 1 angle parking space at St Brigids School, Raymond Terrace, as shown on the attached sketch, Annexure A.

**Discussion:**

**Support for the recommendation:**

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



Item: 20\_08/12

**TERAMBY ROAD NELSON BAY – REQUEST FOR SHORT TERM PARKING**

**Requested by:** A business operator

**File:** PSC2005-4189/095

**Background:**

Council has been contacted by a business operator in Teramby Road Nelson Bay, requesting that the last 3 ticket parking spaces at the northern end of Teramby Road, be changed to 15 minute parking. The current parking restrictions allow vehicles to park for up to 4 hours with a valid ticket, which is too long to provide the necessary turnover for business customers.

**Comment:**

Removal of the ticket parking restrictions will reduce revenue to Council from the ticket parking machines. Council's Civil Assets Engineer has stated that she has no objection to the proposal provided that the signs are installed at no cost to Council.

**Legislation, Standards, Guidelines and Delegation:**

NSW Road Rules –Part 12 Div.2 – Rule 205 – Parking for longer than indicated

AS 1742.11 – Parking Controls

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

**Recommendation to the Committee:**

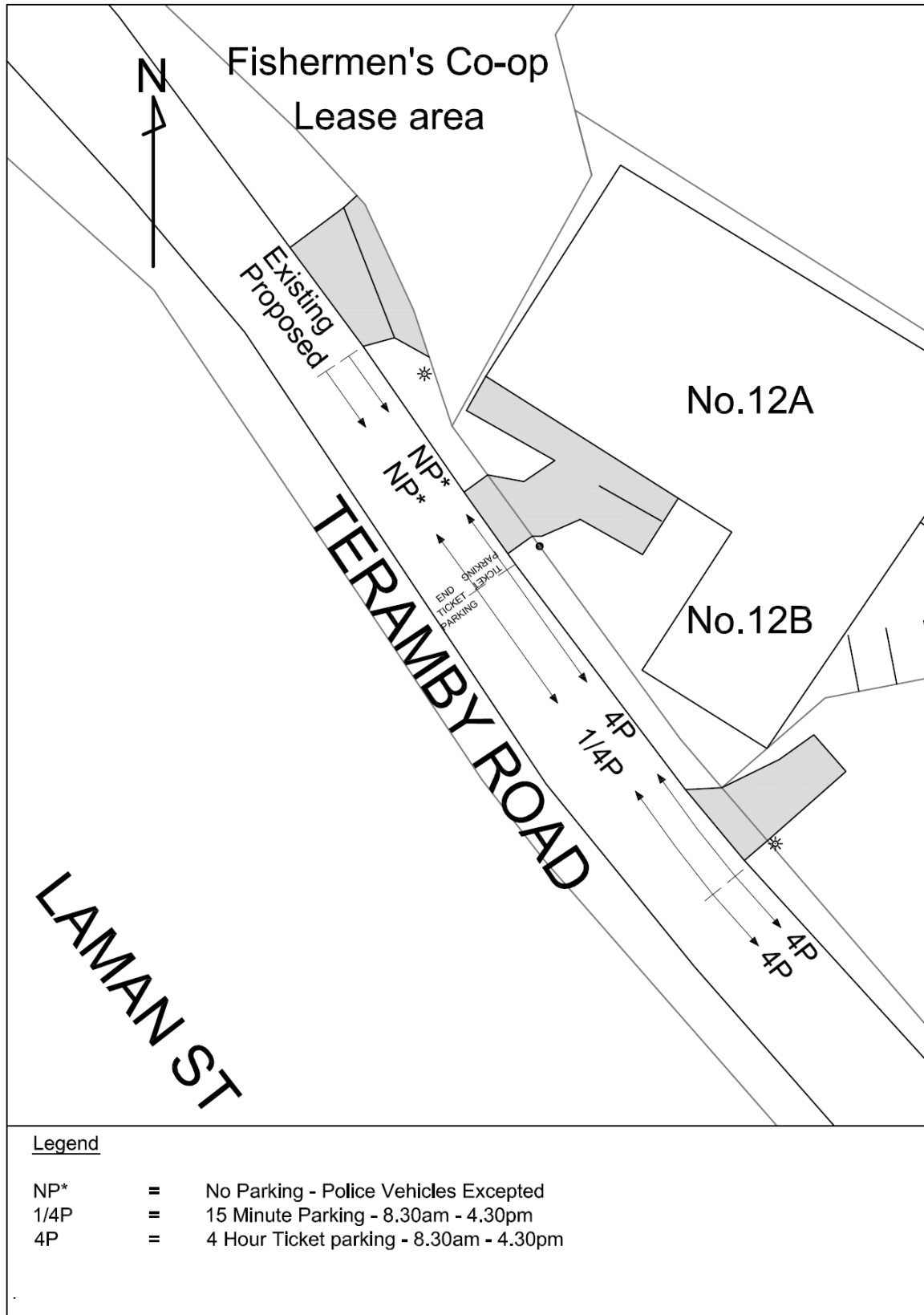
Change the existing ticket parking restrictions to 15 minute parking in the last 3 parking spaces in Teramby Road Nelson Bay, as shown on the attached sketch (Annexure A). The changes are to be implemented at full cost to the applicant.

**Discussion:**

Traffic Committee members discussed the need for suitable parking restrictions to support businesses in the building at No.12 Teramby Road.

**Support for the recommendation:**

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



**Item:** 21\_08/12

**STOCKTON STREET NELSON BAY – REQUEST FOR RESIDENT PARKING AT LOUISA COURT**

**Requested by:** A resident  
**File:** PSC2010-06015/025  
**Background:**

Council has been contacted by a resident of units at No.49 Donald Street, 'Louisa Court', requesting that resident parking be provided for them.

**Comment:**

The building at No. 49 Donald Street is an older style, mixed use development with no provision for on-site parking and no unrestricted on-street parking in the vicinity. As such, the residents may meet the criteria for residential parking as set-out in the Permit Parking Guidelines.

Council is mindful of potential impacts on the operation of nearby businesses which may result from the provision of resident parking. Resident parking permits allow authorised permit holders to park without restriction in designated zones. The on-street parking in the vicinity of Louisa Court is limited with loading zones fronting the property on Donald Street however there are some potential spaces on Stockton Street fronting Louisa Court which is currently 1 hour parking.

**Legislation, Standards, Guidelines and Delegation:**

NSW Road Rules – Rule 204  
 AS 1742.11 (Parking Controls)  
 Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

**Recommendation to the Committee:**

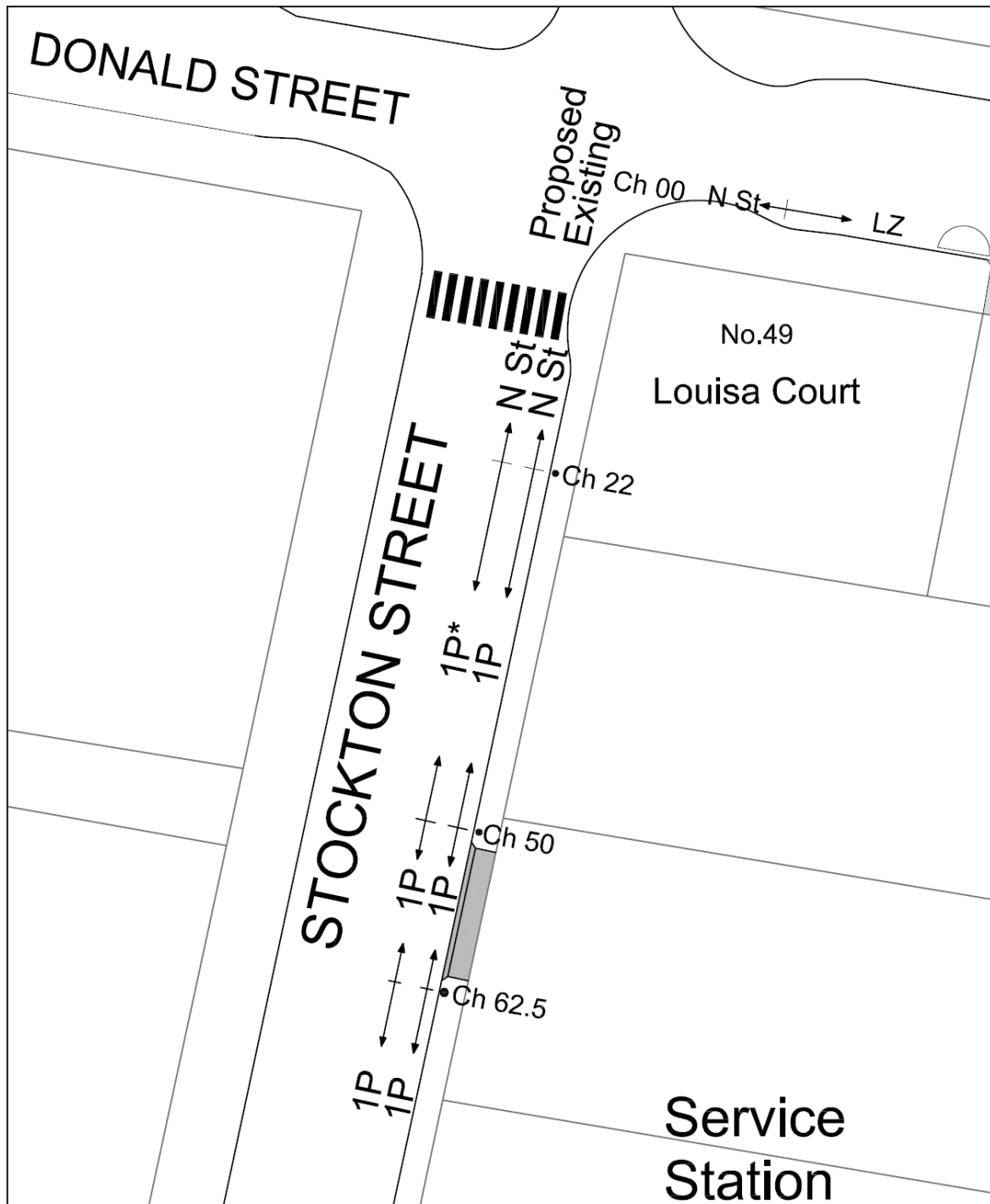
Install 'Permit Holders Excepted' on the existing 1 hour parking signs in Stockton Street Nelson Bay, as shown on the attached sketch, Annexure A.

**Discussion:**

Traffic Committee noted that there is limited on-street parking within the Nelson Bay Town Centre and that allowing residents to park without restriction would seriously impact on the operation of businesses. There is unrestricted parking available within easy walking distance of the Louisa Court building within the Donald Street car park.

**Support for the recommendation:**

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



Legend

- N St = No Stopping
- 1P = 1 Hour Parking - 8.30am - 6.00pm, Mon- Fri, 8.30am - 12.30pm Sat
- 1P\* = 1 Hour Parking - 8.30am - 6.00pm, Mon- Fri, 8.30am - 12.30pm Sat -  
 Permit Holders Excepted
- LZ = Loading Zone - 6.00am - 6.00pm Mon - Fri, 6.00am - 12.30pm Sat

E. General Business

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**ITEM:** 615\_08/12

**ROADS PORT STEPHENS - PROPOSAL FOR ADVERTISING ON TRAFFIC SIGNS**

**Requested by:** Heritage Studios - Cronulla NSW 2230

**File:** A2004-0646/009

**Background:**

Port Stephens Council has received a proposal from an organisation called Heritage Studios seeking Council approval for advertising on existing sign infrastructure. A copy of the proposal letter is attached for information.

**Comment:**

**Recommendation to the Committee:**

For discussion

**Discussion:**

Traffic Committee members expressed a range of views including that advertising on regulatory signs may detract from the message of the signs. It may also encourage vandalism of signs or unauthorised use of signs.

The idea was generally not supported.



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Dear Sir

I would like to make an appointment to see you to discuss the submission of a proposal to Port Stephens Council to use currently installed infrastructure as a means of sourcing a substantial financial return to Council for no Council expenditure. The infrastructure I refer to is the "parking", "no parking", "no standing" signs on Council streets. These are the 45cm.x23 cm steel pole mounted signs as per the attached rough sketch. Being traffic signs, it would only involve the rear of the signs which face pedestrians, (for selective advertising), NOT THE FRONT OF THE SIGN, and so would not affect the prime function of the sign, i.e. traffic information. Used selectively there would be no clutter, and according to the RMS Parramatta legal and statutory offices, so long as it did not interfere with the prime function of the sign, it's use would be a Council decision. Council has many of these signs in parks, public places, and shopping centres and the income potential from a selected amount of signs is enormous.

If only 30% of signs were used, with charged rentals from \$5.00 to \$30.00 per week, the suggested income would approximate as follows;

Council area has 7200 signs.....utilise say 30%.....=2400 signs as follows;

800 at \$5.00 per week = \$4,000.00 pw x 52 = \$208,000 p.a.

800 at \$15.00 per week = \$12,000.00 pw x 52 = \$624,000 p.a.

800 at \$30.00 per week = \$24,000.00 pw x 52 = \$1,248,000 p.a.

Our research has suggested that, particularly in these hard financial times, local businesses, soft drink companies, airlines, tourist companies, sporting groups etc. would be keen to participate. Most importantly, it would cost Council nothing to set up and yet get cash returns. Discussions with Councils have been very positive, and a 12 month trial period has been suggested. Very briefly, we see it operating on a contractual basis with Heritage Studios P/L supplying the sign face, fittings, for existing Council owned metal poles, and all installations, installers, advertisers, maintenance and administration handled by Heritage Studios. Every 3 months, Heritage Studios would pay Council an agreed % fee of the net totals paid by advertisers, with accompanying administrative paperwork. As mentioned earlier, selectivity would be a very important factor, both as to the site and the actual ads, so as to not create community problems.

We believe it would be an excellent way for Councils to gain extra monies in these harsh financial times. I look forward to meeting with you to discuss this further.

Many thanks  
Greg Lipman  
Managing Director, Heritage Studios P/L  
02 9527 7067  
0417 557 315  
Gregremy19@optusnet.com.au

**ITEM:** 616\_08/12

**SOLDIERS POINT ROAD SOLDIERS POINT – CONTINUATION OF TOMAREE TRIATHLON CLUB EVENTS FOR 2012/2013**

**Requested by:** Tomaree Triathlon Club -

**File:** PSC2005-3681/492

**Background:**

Port Stephens Council has received application from Tomaree Triathlon Club for the continuation of triathlon events at Soldiers Point for the 2012/2013 season.

**Comment:**

Council has received no complaints from the public regarding these events. The events are run professionally and have been without incident as far as Council is aware.

**Recommendation to the Committee:**

Approve the continuation of this event.

**Discussion:**

**Support for the recommendation:**

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

**MINUTES FOR ORDINARY MEETING – 9 OCTOBER 2012**

PORT STEPHENS TRAFFIC COMMITTEE  
 Tuesday 7 August 2012

ITEM NO.616\_08/12  
 Street: Soldiers Point Road

ANNEXURE A  
 Page 1 of 1



**2012-13 RACE CALENDAR**

For further information/membership/updates go to: [www.tomareetriathlonclub.org.au](http://www.tomareetriathlonclub.org.au)

Race Location	All races at Soldiers Point – Adjacent to Salamander Shores Hotel					
Race Distance	Short Course		Long Course		Junior Aquathon	
Swim	250 m	Swim	500 m	Swim	150 or 300 m	
Ride	11 km	Ride	22 km	Run	1.5 or 3 km	
Run	3 km	Run	6 km			
DATE	Races			Time		
<b>2012</b>						
16 <sup>th</sup> September	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse		
14 <sup>th</sup> October	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse		
11 <sup>th</sup> November	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse		
9 <sup>th</sup> December	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse		
<b>2013</b>						
13 <sup>th</sup> January	AQUATHON ONLY Novice: Swim: 250m / Run: 1.5km Short: Swim: 500m/ Run: 3km Long: Swim: 1km/ Run: 6km Format subject to change			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse		
10 <sup>th</sup> February	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse		
10 <sup>th</sup> March	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse		
14 <sup>th</sup> April	Short Course Long Course Junior Aquathon			6.00am: Registration Opens 6:30am: Registration Closes 7:00am: Race Start – SHARP! 8:30am: Junior/Novice Aquathon 9:00am Breakfast @ Clubhouse		

ITEM: 617\_08/12

**PACIFIC HIGHWAY FERODALE – CONCERNS REGARDING SAFETY OF THE MEDOWIE ROAD INTERSECTION**

Requested by: NSW Police

File:

Background:

The NSW Police representative raised concerns about the safety of the intersection of Medowie Road and the Pacific Highway. Police have attended a number of recent accidents and enquired what was being done to address the issue.

Discussion:

The RMS representative informed the Traffic Committee that the intersection is currently under review with various safety improvements being considered including extension of the deceleration lane on the Pacific Highway southbound, change of intersection control from give way to stop signs and relocation of signs which may restrict sight distance.

ITEM NO. 13

FILE NO: PSC2010-03194

**AUDIT COMMITTEE 2011-2012 ANNUAL REPORT**

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER  
 GROUP: GENERAL MANAGER'S OFFICE

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Audit Committee 2011-2012 Annual Report as presented.
- 

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

<b>266</b>	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that the recommendation be adopted.

**BACKGROUND**

The purpose of this report is to present to Council the Audit Committee's Annual Report for the period 2011-2012.

The Audit Committee has been established in accordance with the Division of Local Government *Best Practice Guidelines 08/64*.

The Annual Report to Council summarises the Audit Committees activities for the 2011-2012 period in accordance with the Audit Committee Charter, Item 5.1 *Reporting to Council*.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications arising from the annual report.

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**

Audit Committee activities remain consistent with the Audit Committee Charter, all relative legislative requirements and DLG Guidelines.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
That Council is not compliant with the Audit Committee Charter and relevant legislation.	Low	Adoption of this report	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

It is considered that the Audit Committee will continue to add significant rigour to Council's governance framework, risk control, compliance and financial reporting and will enhance Council's reputation, operations and financial sustainability.

**CONSULTATION**

- 1) Audit Committee;
- 2) Executive Leadership Team;
- 3) Internal Auditors;
- 4) External Auditors.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Audit Committee 2011-2012 Annual Report.



**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ATTACHMENT 1

	<p>116 Adelaide Street, Raymond Terrace NSW 2324 PO Box 42, Raymond Terrace NSW 2324</p> <p>DX 21406   ABN 16 744 377 876</p>	
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## Report

Date: 20 July 2012  
File No: PSC2009-02637  
Subject: Audit Committee 2011-2012 Annual Report

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### Background:

At its meeting held on 9 February 2010, Port Stephens Council resolved to establish a Section 355c Audit Committee (Committee) in accordance with Division of Local Government *best practice guidelines* 08/64. The objective of the Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee has no executive powers and assists Council by providing independent assurance and critical review on the organisation's governance, financial, risk control and compliance frameworks.

The Committee's Charter includes a requirement to report annually to Council on the Committee's achievements. Accordingly, the Committee is pleased to present this report on its activities for the 2011/2012 financial year.

Management by Council of governance and risk activities is a crucial requirement for business success. The Audit Committee in its first year of operation has taken up the challenge to guide Council in managing risk as an integral part of management practices and as a safe guard to ensuring continuity of business.

### Audit Committee structure

The Committee has four voting members. Two are independent members in accordance with the Division of Local Government's *best practice guidelines*, and two Councillors represent Council on the committee. Non-voting members include the General Manager, Group Managers and the Executive Officer. Representatives from Council's internal audit provider, Lawler Partners and external audit provider, PricewaterhouseCoopers also attend meetings as required.

Audit Committee members 2011/2012 are:

Mr David Wheeler (independent Chair)  
Mr Bob Urry (independent member)  
Councillor Ken Jordan  
Councillor Peter Kafer



## MINUTES FOR ORDINARY MEETING – 9 OCTOBER 2012

Substitute delegates are:

Councillor Caroline De Lyall  
Councillor Glenys Francis

Committee meetings were held on the following dates:  
The Committee has met a further four (4) times since –

- 4 August 2011
- 27 October 2011
- 23 February 2012
- 24 May 2012

The budget for the Audit Committee enables a minimum of four meetings (held quarterly) per year; however, the actual number held is dependent on the committee and the extent of issues awaiting review.

Attendance at the four meetings held to 30 June 2012 is as follows

David Wheeler	1	
Bob Urry		2
Councillor Kafer		1
Councillor Jordan		4
General Manager		2
Group Manager Corporate Services		4
Group Manager Commercial Services (or representative)		2
Group Manager Facilities and Services (or representative)		4
Group Manager Sustainable Planning (or representative)		4
Executive Officer (commenced 24.5.12)		1
Internal Auditor representative		4
External Auditor representative		2

It should be noted that representation by the external auditor is only required twice per annum, reflecting key stages of the external audit scope.

### Cost of audit activities to Council

The following provides an estimate of the cost of audit related activities to Council for 2011/2012:

Internal Audit contract fees	\$45,490
2010/2011 External Audit fee	\$175,000
2011/2012 External Audit fee	\$75,000
Audit Committee attendance fees	\$300
<b>TOTAL</b>	<b>\$295,790</b>

### Engagement with external auditors

The Audit Committee undertakes a general oversight role of the external auditor's audit scope, approach and reliance on internal audit activity. The committee also monitors management's implementation of recommendations identified within the external auditor's management letters.

During 2011/2012 the identified management issues were monitored and discussed.

Actions to address outstanding matters have been established and responsibilities assigned by management. Issues before the committee include:

- Segregation of duties of identified staff processing and reviewing transactions
- Authorisation of purchases by senior staff
- Tip income reconciliation
- Master file reporting data changes
- Long outstanding bonds held for third parties

The Committee also has a role in the oversight of Council's financial statements. During the year the Committee considered Council's 2010/11 financial statements and external audit focus areas.

### **Risk management**

A key role of the committee is to review and monitor the effectiveness of the key controls in place to manage and mitigate the risks encountered by Council. These matters include operational, strategic, financial and fraud control environments, as well as ensuring adequate insurance coverage and business continuity planning.

During 2011/2012, the committee considered the high priority risks facing the organisation and monitored risk treatment plans established by management to reduce or mitigate those risk exposures.

Current high priority risks include:

Governance: Political decisions being made contrary to professional advice, policy or legislation

Financial: Financial performance impacting on achievement of community strategic plan objectives

Financial: Cash investment portfolio potential for loss of principle

People: Health and safety systems ensuring a safe work environment

People: Leadership impacting on efficiency and effectiveness of projects and service delivery

Environment: Environmental and planning legislation breaches impacting on biodiversity

Environment: Town planning controls being outdated or inadequate leading to poor urban design

Compliance: Application of documented policies, procedures, processes and strategies impacting on achievement of community strategic plan objectives

Compliance: Records management compliance with State legislation

Resilience: Meeting service and project commitments in the event of a major disaster

### **Legal matters**

By nature of its legislative compliance role, Council has a history of various legal actions over time. Legal matters can have a significant impact on the financial and resource capacity of the organisation. Management considers the merits of all legal action and seeks to mediate and settle matters where appropriate. The committee has an oversight role on key litigation and compliance matters before the Council.

During 2011/2012 the committee considered the following significant legal matters:

## MINUTES FOR ORDINARY MEETING – 9 OCTOBER 2012

- Lawrence Waterhouse Pty Ltd (in liquidation) – Council seeking to recover significant legal costs awarded by the Courts
- MM Constructions (Australia) Pty Ltd – insurance liability matter in Supreme Court
- Melaleuca Estate Pty Ltd (in liquidation) – claim against Council in the Supreme Court seeking damages over drainage
- EPA (Medowie Quarry) – breach of environmental protection legislation
- Motto Farm Hotel – development application appeal
- Ausgrid – objection to payment of rate on Crown Land by Ausgrid
- Tunwish Pty Ltd – development application appeal
- CMA Corporation Limited – development application appeal
- Fitzgerald – alleged unfair dismissal claim

### Internal audit

The Audit Committee at its first meeting of the year held on 4 August 2012, the Audit Committee endorsed the Internal Audit Program 2011-2013. This document represents the forward program for the Internal Auditor for the coming financial year, together with an estimated timing and risk rating of future audits across Council.

The Audit Committee has identified 17 auditable areas across Council for the period of the Internal Audit plan 2011-2013. Given the resources available auditable areas of highest risk have been prioritised.

The table below lists internal audit reports examined by the Audit Committee at the four meetings held since 1 July 2011:

Report	Risk Rating	Area/s of Council where applicable
Waste Management	High/Moderate	Community & Recreation Services
Key findings: The overall results of the audit indicate that existing controls in relation to cash handling procedures and visitors to the site need to be improved, in particular the movements of visitors whilst onsite.		
Purchasing and procurement	High/Moderate	Financial Services
Key findings: The overall results of the audit indicate that improvements should be made to the use of the Authority system for procurement of goods and services, and that limits be set within Authority for placing orders.		
Project management		Civil Assets
Key findings: The response from the Audit is as follows: Given the current phase of the "rollout" of the project management process for Council, no areas for improvement could be identified to date. The key to any project management process is the consistent application of the policies and procedures across Council for all tasks which meet the definition of a project. This aspect of the project management process will be assessed as part of our detailed internal audit procedures, to be completed during the 2012 financial year.		

**MINUTES FOR ORDINARY MEETING – 9 OCTOBER 2012**

Financial Sustainability & Planning	Low	Financial Services
<p>Key findings:</p> <p>The overall results of the audit indicate that the risk was assessed as low. The improvements identified were to update the finance manual and advise staff, review the role of the Financial Services area in the budget process and the audit trial off draft budget movements be maintained.</p>		
Development applications	Extreme - Low	Development Assessment & Compliance
<p>Key findings:</p> <p>The overall result of the audit showed that the majority of areas for improvement being of a low or moderate risk rating. However, one extreme risk area was identified during our audit. This matter relates to the manual nature of application assessments and retention of manual records for each development application. This area has been identified by Management and various models for improvement are being considered. Although DA records are processed by the Development Assessment and Environmental Health Section at Council, it was agreed at a recent meeting that Information Management (IM) is the process owner for capturing DA records online. To this end, work has recently commenced on mapping the DA process to understand the 'as is' process as opposed to the desired future state of 'to be'.</p>		
Investments	Moderate	Financial Services
<p>Key findings:</p> <p>The overall results of the audit indicated a number of positive aspects;</p> <ul style="list-style-type: none"> <li>• The Council has a comprehensive Cash Investments Policy in place which meets key legislative requirements;</li> <li>• Multiple term and rate quotes are considered for all investments;</li> <li>• Maturity and cash flow requirements are considered when investment decision are made;</li> <li>• A signed and authorised 'Authority to Invest' form is required for all investments; and</li> <li>• Adequate segregation of duties is maintained through the separation of the investment decision and the payment of funds.</li> </ul> <p>An overall summary of the key areas for improvement are as follows:</p> <ul style="list-style-type: none"> <li>• deficiencies in the procedures surrounding the appointment and use of advisors;</li> <li>• deficiencies in the retention of documentation surrounding both interest/return rate quotes obtained and evidence of the final decision with authorisation;</li> <li>• deficiencies in the review processes surrounding investment reconciliations and Authority transaction entry;</li> <li>• deficiencies in the implementation and design of the adopted investment policy;</li> <li>• non-compliance with the legislative reporting requirements for investments; and</li> <li>• inappropriate and inadequate delegations of authority and a lack of review of these delegations.</li> </ul>		
Government Information (Public Access) Act	Low	General Manager's Officer
<p>Key findings:</p> <p>The overall results of the audit indicate that the risk was assessed as low. The audit identified that general Council complied with the legislation with the expectation of the area of</p>		

## MINUTES FOR ORDINARY MEETING – 9 OCTOBER 2012

proactive release and maintenance of the contracts register.

Purchasing and Procurement

High

Financial Services

Key findings:

The overall results of the audit indicates improvements are required to better manage purchasing and procurement through the Authority system by establishing delegations, establish variance audit of orders vs invoices, improve creditor masterfile maintenance and improvement order management by managers.

Action plans to address the Internal Audit findings have been established by management and are maintained by the Committee.

The following table details the area of activity scheduled for internal audit during 2012/2013:

Area of activity	Timing for completion
Capital projects/works management	Rolled out from 2011-12
Section 94 contributions	Rolled out from 2011-12
Succession planning	Rolled out from 2011-12
Asset maintenance	Rolled out from 2011-12
Fraud & Corruption Prevention Controls	May 2012
Councillors Expense	October 2012
Administration and Reporting for Grants	October 2012
Contractors and Temporary Personnel	February 2013
Exercising Delegations	February 2013
Sundry revenue & cash handling procedures	February 2013
Payroll and Leave Management	May 2013
Property Management	May 2013

## MINUTES FOR ORDINARY MEETING – 9 OCTOBER 2012

### General activities of the Audit Committee

The following represents a summary against the Audit Committee Charter of matters discussed at the Committee meetings held during 2011/2012:

TASK	4/8/2011	27/10/2011	23/2/2012	24/5/2012
Receive presentations and reports from auditors				
Internal	✓	✓	✓	✓
External		✓		✓
Review implementation of internal and external audit recommendations	✓	✓	✓	✓
Review risk register actions and implementation	✓	✓	✓	✓
Review Fraud and corruption prevention plan		✓		
Review Risk management framework	✓	✓	✓	✓
Approve annual internal audit program	✓			
Determine Audit Committee meeting schedule	✓			
Review Audit Committee's performance	✓			
Review Audit Committee Charter	✓			
Review and approve the Audit Committee's annual report to Council		✓		
Review annual financial statements		✓		

### Conclusion

The Committee looks forward to the opportunity to continue to provide input to Council's governance and audit processes over the coming year.

### Recommendations:

- 1) Accept the Audit Committee 2011/2012 Annual Report as presented.

**David Wheeler**

CHAIR – AUDIT COMMITTEE

Communication method

- ✓ Post on myPort
- ✓ Post on PSC website
- Memo to section managers
- Presentation to SLT
- Snapshot article
- All staff memo from General Manager
- 2 way conversation with Councillors
- Councillors weekly PS newsletter
- ✓ Report to Council
- Media release
- Other \_\_\_\_\_

**ITEM NO. 14**

**FILE NO: 1190-001**

**REQUEST FOR FINANCIAL ASSISTANCE**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**  
**GROUP: GENERAL MANAGER’S OFFICE**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:
  - a) Rapid Response – Cr Geoff Dingle – Central Ward – Medowie Football Club - Donation towards uniform - \$250.00;
  - b) Rapid Response – Cr Geoff Dingle – Central Ward – Medowie Public School - Donation towards annual kindergarten to year 6 presentation day ceremony - \$250.00.

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

<b>267</b>	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that the recommendation be adopted.

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

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



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

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

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

**CENTRAL WARD – Councillors Dingle, Tucker & Doohan**

Medowie Football Club	Donation towards uniform	\$250.00
Medowie Public School	Donation towards annual kindergarten to year 6 presentation day ceremony	\$250.00

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**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.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM NO. 15

**INFORMATION PAPERS**

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS OFFICE

**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 9<sup>th</sup> October 2012.

No:	Report Title	Page:
1	DESIGNATED PERSONS – PECUNIARY INTEREST	141
1	AUDIT COMMITTEE CHARTER	144
2	2012 JOINT MEETING ABORIGINAL STRATEGIC COMMITTEE, COUNCILLORS AND SENIOR MANAGEMENT OF COUNCIL	155

**ORDINARY COUNCIL MEETING – 9 OCTOBER 2012**

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Peter Kafer</b> <b>Councillor Chris Doohan</b>
	That the recommendation be adopted.

268	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>
	It was resolved that Council move out of Committee of the Whole into Ordinary Council.

**MOTION**

269	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that the recommendation be adopted.

# INFORMATION PAPERS



INFORMATION ITEM NO. 1

**DESIGNATED PERSONS – PECUNIARY INTEREST**

---

**REPORT OF:** PETER GESLING - GENERAL MANAGER

**GROUP:** GENERAL MANAGER'S OFFICE

**FILE:** PSC2012-02853

**BACKGROUND**

The purpose of this report is to advise Council of designated persons who have submitted returns.

**Councillors**

Cr Geoff Dingle  
Cr Sally Dover  
Cr Ken Jordan  
Cr Peter Kafer  
Cr Bruce MacKenzie  
Cr John Nell  
Cr Steve Tucker  
former Cr Shirley O'Brien  
former Cr Bob Westbury  
former Cr Frank Ward  
former Cr Caroline De Lyall (yet to be received)  
former Cr Glenys Francis (yet to be received)

**General Manager's Office**

General Manager  
Executive Officer  
Legal Services Manager

**Corporate Services**

Group Manager Commercial Services  
Group Manager Corporate Services  
Information Management Section Manager  
Organisation Development Section Manager  
Group Manager Commercial Services (former)  
Property Officer (former Principal Property Advisor)  
Commercial Business Manager (former Commercial Enterprises Manager)  
Financial Services Section Manager  
Finance & Assets Coordinator  
Management Accountant

Procurement & Contracts Coordinator  
Property Development Coordinator  
Property Investment Coordinator  
Property Services Section Manager (former Commercial Property Manager)

### **Development Services**

Group Manager Development Services (former Sustainable Planning Manager)  
Business and Community Relations Manager (former Economic Development Manager, Communications & Customers Relations Manager)  
Communicate Port Stephens Coordinator  
Visitor Information & Events Coordinator  
Economic Development Manager  
Tourism Marketing Manager  
Tourism Marketing Coordinator  
Development Assessment & Compliance Section Manager (former Development Assessment & Environmental Health)  
Community Planning & Environmental Services Section Manager (former Environmental & Development Planning)  
Building Assessment Manager  
Strategic Planning Coordinator  
Senior Strategic Planner  
Strategic Planner (3)  
Development Coordinator (former Development Assessment Coordinator)  
Senior Development Planner (3)  
Development Planner  
Development Assessment Officer - Customer Service  
Senior Building Surveyor  
Health & Building Surveyor (5)  
Senior Health & Building Surveyor (2)  
Senior Health & Building Surveyor Fire Safety (former Senior Fire Safety Officer)  
Section 94 Officer (formerly Section 94 Development Contributions Planner)  
Social Planning Coordinator  
Coordinator Environmental Health & Regulation  
Coordinator Natural Resources (2)  
Compliance Officer  
Major Projects, Policy & Compliance Coordinator (former Executive Planner)  
Environmental Health Team Leader  
Ranger (3)  
Ranger Team Leader  
Vegetation Management Officer  
Environmental Health Officer (3)

**Facilities & Services**

Group Manager Facilities & Services  
Community & Recreation Services Manager  
Civil Assets Section Manager  
Operations Section Manager  
Recreation Planning & Development Coordinator  
Parks & Waterways Assets Coordinator  
Community & Recreation Assets Coordinator  
Contracts & Services Coordinator  
Works Manager (2)  
Drainage Engineer  
Civil Assets Engineer  
Design & Project Development Engineer  
Coordinator - Construction  
Coordinator - Roads  
Coordinator - Roadside & Drainage - East  
Coordinator - Roadside & Drainage - West  
Coordinator - Parks - East  
Coordinator - Parks – West (yet to be received)  
Project Management Coordinator  
Development Engineering Coordinator  
Library Services Manager  
Childrens' Services Coordinator  
Community Options Coordinator  
Waste Management Coordinator  
Fleet Management Supervisor  
Fleet & Depot Services Coordinator  
Strategic & Projects Management Engineer  
(former Property Services Manager)  
Senior Development Engineer  
Development Engineer  
Student Development Engineer

**ATTACHMENTS**

Nil.

**TABLED DOCUMENTS**

- 1) Pecuniary Interest Returns 1 July 2011 – 30 June 2012

INFORMATION ITEM NO. 2

**AUDIT COMMITTEE CHARTER**

---

**REPORT OF:** TONY WICKHAM – EXECUTIVE OFFICER  
**GROUP:** GENERAL MANAGER'S OFFICE

**FILE:** PSCPSC2010-03194

**BACKGROUND**

The purpose of this report is to inform the newly elected Council of the Audit Committee Charter.

The Charter is reviewed annually by the Audit Committee and any changes are reported to Council.

The Audit Committee have reviewed the Charter and no changes are recommended to Council.

**ATTACHMENTS**

- 1) Audit Committee Charter.



ATTACHMENT 1

PORT STEPHENS COUNCIL



# AUDIT COMMITTEE CHARTER

Adopted by Council on 9 February 2010  
(Amended by Council on 19 October 2010)  
(Amended by Council on 13 September 2011)  
(Amended by Council on 20 December 2011)

*Port Stephens*  
COUNCIL

PORT STEPHENS COUNCIL



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## 1. OBJECTIVE

The objective of the Audit Committee (Committee) is to enhance the corporate governance of Port Stephens Council (Council) through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.

In fulfilling its objective, the ability of the Committee to maintain independent and objective judgement is vital.

The Committee will report to Council and provide independent advice and recommendations on matters relevant to the Committee's Charter. The Committee will also act as a forum for communication between Council, General Manager; senior management, internal audit and external audit.

## 2. AUTHORITY

Port Stephens Council will establish the Audit Committee to operate as an independent and objective advisory committee to Council. The Committee is established as an advisory committee of Council pursuant to Section 355C of the Local Government Act 1993 (as amended).

The Council authorises the Committee, within the scope of its roles and responsibilities, to:

- obtain information it needs from any employee or external party (subject to their legal obligations to protect information and with prior consultation with the General Manager);
- discuss any matters with the internal and external auditors or other external parties (subject to confidentiality considerations);
- request the attendance of any employee at Committee meetings (subject to prior consultation with the General Manager); and
- obtain external legal or other professional advice considered necessary to meet its responsibilities (in accordance with Council procurement arrangements and subject to prior consultation with the General Manager).

The Committee does not have any delegations or authority to implement actions not otherwise specified or authorised by Council. The Committee does not have any management functions and is independent of management.

## 3. COMPOSITION AND TENURE

The Committee will consist of four voting members – two elected members of Council (excluding the Mayor) and two external independent members.

The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to Council's operations.



### **3.1 Elected Member of Council**

The elected member of Council (excluding the Mayor) appointed to the Committee will have relevant and appropriate experience in business, risk, law and financial management.

Appointment of the elected member to the Committee will be determined by Council as resolved from time to time.

Council may resolve to appoint an elected member for consecutive terms.

### **3.2 Independent External Member**

The two independent external members will have relevant and appropriate experience in business, risk, law and financial management.

The independent external members will be appointed on the terms and conditions determined by Council.

Council may resolve to appoint an independent external member for consecutive terms.

### **3.3 Invitees (non-voting)**

Unless the Committee determines otherwise, the following Council officers and representatives will be required to attend meetings of the Committee for specific agenda items:

- General Manager
- Group Managers
- Manager Financial Services
- Manager Legal Services
- Executive Officer
- Corporate Risk Manager
- Representatives of the external auditor
- Representatives of the internal auditor
- Other officers may attend by invitation as requested by the Chair of the Committee.

The Council officers and representatives will have no voting entitlements.

### **3.4 Independent Chair**

An independent external member will be the Chair of the Committee.

Appointment of the independent external member Chair to the Committee will be determined by the Committee as resolved from time to time.

The Committee may resolve to appoint an independent external member as Chair for consecutive terms.

In the absence of the Chair the members present at the meeting will elect an acting Chair.



#### 4. ROLES AND RESPONSIBILITIES

The Committee has no executive powers, but may from time to time be delegated specific powers by Council.

In carrying out its responsibilities, the Committee, must at all times, recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act.

Council or the General Manager may refer any matter to the Committee within the scope of its roles and responsibilities.

The responsibilities of the Committee may be revised or expanded by the Council from time to time.

The Committee's specific responsibilities include:

##### **4.1 Risk Management**

- Review Council's risk management framework to ensure comprehensive processes exist to identify operational, strategic, financial and fraud risks. Review controls to ensure effective processes to reduce risks to an acceptable residual level.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.
- Review the impact of the risk management framework on its control environment and insurance arrangements.
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.
- Review and endorse the Risk management (and related) policies and procedures.

##### **4.2 Control Framework**

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors.
- Review whether management has in place relevant directives and procedures, and these are periodically reviewed and updated.
- Progressively review whether appropriate processes are in place to ensure adequate compliance to policies and procedures.
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations.
- Review the Code of Conduct as it applies to ethical and lawful behaviour.

##### **4.3 External Accountability**

- In consultation with management ensure the annual financial reports comply with applicable Australian Accounting Standards and Department of Local Government Guidelines.
- Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.



- Consider responses on contentious financial reporting matters in conjunction with Council's management and external consultants.
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.
- Ensure timely and accurate publishing of the annual report to include the signed financial statements as per Australian Accounting Standards and Department of Local Government Guidelines.
- Ensure appropriate controls are in place to satisfy compliance to State Government reports and recommendations.
- Ensure management has in place an appropriate framework to link organisational objectives and outcomes meet Council expectations.

#### **4.4 Legislative Compliance**

- Ensure an appropriate compliance framework exists to identify risks and controls over legislative compliance to relevant laws, regulations and associated government policies.

#### **4.5 Internal Audit**

- Ensure the Internal Audit Plan meets the objectives of management and recommend adoption as required.
- Consider the adequacy of internal audit resources to carry out its responsibilities, including completion and compliance of the approved Internal Audit Plan within the designated timeframe.
- Provide input (but not decision) into the tender, remuneration and appointment of the internal auditor.
- Ensure the existence and provide input into an effective long-term internal audit strategic plan.
- Receive audit reports and consider significant issues that have been identified. Review recommendations and ensure appropriate follow up of issues is effected within a timely manner.
- Review and endorse the Internal Audit Charter.
- Periodically review the performance of Internal Audit.

#### **4.6 External Audit**

- Note the external auditor's scope and approach, including any reliance on internal auditor activity.
- Review and ensure management implement recommendations contained within the external auditor's management letter as appropriate.
- Provide input (but not decision) into the tender, remuneration and appointment of the external auditor.



#### **4.7 Responsibilities of Members**

Members of the Committee are expected to:

- have a good understanding of the Committee's position within the Council's governance framework;
- understand the regulatory and legislative requirements appropriate to Council;
- understand and ensure clearly defined roles and responsibilities for audit related positions and consultancies exist;
- ensure effective communication exists between the Committee, management and key stakeholders;
- provide professional competency to be able to meet the objectives of the Committee; and
- contribute effectively to the quality assurance and continuous improvement process as it relates to the objectives.

### **5. REPORTING**

#### **5.1 Reporting to Council**

The Committee, through the Chair, will report regularly to Council on significant governance, risk and internal control issues including:

- significant control weaknesses or breakdowns in critical controls;
- fraudulent or illegal activities;
- evaluation of the effectiveness of the internal and external audit functions; and
- endorsement of the financial statements.

The Committee will also report immediately to the General Manager any matter it deems of sufficient importance.

Where the Committee makes a recommendation to Council on a matter within the scope of its Charter, the matter will be listed as an agenda item for consideration by Council.

The Committee will submit an annual report to Council summarising its activities for the previous year.

#### **5.2 Internal Audit Reporting**

At the first Committee meeting after 30 June each year, Internal Audit will provide a performance report of:

- the performance of Internal Audit for the financial year as measured against agreed key performance indicators; and
- the approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.



## 6. ADMINISTRATIVE ARRANGEMENTS

### **6.1 Meeting Practice**

Unless otherwise specified in this Charter and in accordance with any Local Government Act requirements, the Committee will determine its meeting practice, processes and protocols.

### **6.2 Voting**

Matters under consideration by the Committee will be determined by consensus whenever possible. In the event that consensus cannot be achieved, an item is adopted by the Committee where a majority of members vote for the subject. If the voting is tied the Chair has a second (casting) vote which is used to break the deadlock.

### **6.3 Meeting Schedule**

The Committee will meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though the Council, General Manager or other Committee members may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit Committee Charter (refer attachment A).

### **6.4 Attendance at Meetings and Quorums**

A quorum will consist of a majority of Committee members, including at least one independent external member.

### **6.5 Secretariat**

The General Manager will ensure that appropriate secretariat support is provided to the Committee. The secretariat is the liaison between the Committee and the day to day operations and staff of Council.

### **6.6 Agenda**

The secretariat will ensure the agenda for each meeting and supporting papers are circulated to members in sufficient time (at least three working days) before the meeting.

Circulation of the agenda will be by normal postal services or electronic means as determined by the Committee.

### **6.7 Minutes**

Minutes of Committee meetings will be recorded by the secretariat and reviewed by the Chair prior to circulation to members for information and action arising.

The minutes will be circulated within three weeks of the meeting being held.





### **6.8 Implementation of Auditor Recommendations**

The Committee will maintain a register to track the implementation of both internal and external audit recommendations. The register will include all audit recommendations, together with management responses, that have yet to be implemented or where implementation is in progress. The status of recommendations will be reviewed by the Committee at each meeting.

### **6.9 Code of Conduct**

Committee members are bound by the terms and conditions of the Port Stephens Council Code of Conduct.

Committee members must declare any conflicts of interest at the start of each meeting. Details of any conflicts of interest must be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist.

### **6.10 Induction**

The General Manager will ensure that new Committee members receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

### **6.11 Performance Assessment**

The Chair of the Committee will initiate an annual review of the performance of the Committee. The review will be conducted on a self-assessment basis (unless otherwise determined by the Committee), with appropriate input from management and any other relevant stakeholders, as determined by the Committee.

### **6.12 Review of Audit Committee Charter**

The Committee will review the Audit Committee Charter on an annual basis and make recommendation on any changes to Council for its determination.

Any changes to the Audit Committee Charter must be approved by Council.

<b>Approved:</b>	Port Stephens Council Meeting	Date: 9 February 2010
<b>Amended:</b>	Port Stephens Council Meeting	Date: 19 October 2010
<b>Reviewed:</b>	Audit Committee meeting	Date: 4 August 2011
<b>Amended:</b>	Port Stephens Council Meeting	Date: 13 September 2011
<b>Amended:</b>	Port Stephens Council Meeting	Date: 20 December 2011



ATTACHMENT A

**Audit Committee –Work Plan**

<b>TASK</b>	<b>TIMING</b>
Receive presentations and reports from internal and external auditors	Standing item
Review implementation of internal and external audit recommendations	Standing item
Review risk register actions and implementation	Standing item
Review Fraud and corruption prevention plan	February
Review Risk management framework	February
Approve annual internal audit program	May
Determine Audit Committee meeting schedule	May
Review Audit Committee's performance	July
Review Audit Committee Charter	July
Review and approve the Audit Committee's annual report to Council	October
Review annual financial statements	October

**Audit Committee – Proposed Meeting Schedule**

July  
 October (Financial Statements)  
 February  
 May

INFORMATION ITEM NO. 3

2012 JOINT MEETING ABORIGINAL STRATEGIC COMMITTEE,  
COUNCILLORS AND SENIOR MANAGEMENT OF COUNCIL

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REPORT OF: BRUCE PETERSEN - MANAGER COMMUNITY PLANNING &  
ENVIRONMENTAL SERVICES

GROUP: DEVELOPMENT SERVICES

FILE: PSC2005-0629

**BACKGROUND**

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee joint meeting held 31 July 2012.

The role of Council's Aboriginal Strategic Committee is:

- 1) To advise Council in relation to issues of concern between Council and the Aboriginal community;
- 2) To promote a positive public image with respect to issues for Aboriginal people in Port Stephens;
- 3) To provide a consultative mechanism with respect to development issues;
- 4) To improve relations between the Aboriginal and non Aboriginal community of Port Stephens;
- 5) To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people;
- 6) To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities; and
- 7) To promote an increased awareness of the needs of Aboriginal communities and to assist with the development of programs to address those needs where possible and appropriate.

**ATTACHMENTS**

- 1) Minutes of Aboriginal Strategic Committee Joint Meeting held on 31 July 2012.

ATTACHMENT 1



Aboriginal Strategic Committee  
2012 Joint Meeting



MINUTES

Minutes of meeting held on 31 July 2012 at Port Stephens Council

Chair: Cr Bob Westbury

Minute taker: Paul Procter

**Present:**

Cr Bob Westbury	Port Stephens Council
Cr Sally Dover	Port Stephens Council
Cr Shirley O'Brien	Port Stephens Council
Cr Glenys Francis	Port Stephens Council
Cr Bruce MacKenzie	Port Stephens Council
Cr Ken Jordan	Port Stephens Council
Peter Gesling	Port Stephens Council
Mike McIntosh	Port Stephens Council
Wayne Wallis	Port Stephens Council
Carmel Foster	Port Stephens Council
Tim Hazell	Port Stephens Council
Paul Procter	Port Stephens Council
Peter McMurray	Port Stephens Council
Tony Wickham	Port Stephens Council
David Feeney	Karuah Local Aboriginal Land Council
Sharon Feeney	Karuah Local Aboriginal Land Council
Colleen Perry	Karuah Local Aboriginal Land Council
Bev Manton	Karuah Local Aboriginal Land Council
Kevin Manton	Karuah Local Aboriginal Land Council
Joanne Simms	Karuah Local Aboriginal Land Council
Travis Cobb	Karuah Local Aboriginal Land Council
Andrew Smith	Worimi Local Aboriginal Land Council
Amanda Smith	Worimi Local Aboriginal Land Council
Neville Lilly	Worimi Local Aboriginal Land Council
Lorraine Lilly	Worimi Local Aboriginal Land Council
Valerie Merrick	Worimi Local Aboriginal Land Council
Noel John Ridgeway OAM	Worimi Local Aboriginal Land Council
Leigh Ridgeway	Worimi Local Aboriginal Land Council
Sandra Ridgeway	Worimi Local Aboriginal Land Council
Janene Ridgeway	Worimi Local Aboriginal Land Council
Kelly Drury	Worimi Local Aboriginal Land Council
Rhonda Finlay	Worimi Local Aboriginal Land Council
Kyle Finlay	Worimi Local Aboriginal Land Council
Christine Weatherley	Worimi Local Aboriginal Land Council
Brian Weatherley	Worimi Local Aboriginal Land Council
Cliff Johnson	Community member
Gabriella Johnson	Community member

**Apologies:**

Cr Peter Kafer	Port Stephens Council
Cr Geoff Dingle	Port Stephens Council
Cr Frank Ward	Port Stephens Council
Cr Caroline DeLlyall	Port Stephens Council
Cr John Nell	Port Stephens Council
Cr Steve Tucker	Port Stephens Council
Jason Linnane	Port Stephens Council
Steve Bernasconi	Port Stephens Council
Matthew Brown	Port Stephens Council

Meeting opened at 5:45pm

**1. Welcome and Introductions:**

Council's Social Planning Co-ordinator welcomed everyone to the annual joint meeting of Council's Aboriginal Strategic Committee.

Cr invited Worimi Elder Neville Lilly to bring the 'Welcome to Country'. The 'Welcome to Country' acknowledged the traditional land owners, Elders past and present and made reference to the magnificence of Port Stephens as demonstrated by its port, sand dunes, beaches, rivers and mountains.

**2. Mayoral Address:**

Cr Westbury welcomed the Elders and members of the Worimi and Karuah Local Aboriginal Land Councils along with fellow Councillors and members of staff to the annual joint meeting of Council's Aboriginal Strategic Committee.

He acknowledged and welcomed Bev Manton commending her for serving the Aboriginal community of Port Stephens and NSW during her term on the NSW State Land Council as Chairperson. He acknowledged her work and contributions during her time on the State Land Council. Her work has been recognised as making a difference to protecting and enhancing the rights and well-being of our Traditional landowners both now and in the future. He wished her and her family best wishes on their future endeavours and ongoing service to the community and presented her with a Mayoral Certificate of recognition.

Cr Westbury went on to congratulate the 12 Worimi Wuburay Elders who recently won at the 2012 Elders Olympics at Taree hosted by the 2011 Champions the "Biripi Elders". He mentioned that Worimi CEO Andrew Smith had informed him that this is the eleventh year this event has been run, but the first year our local Elders have competed. The event saw over 20 Aboriginal communities participate from around NSW. As a result of winning Port Stephens now has the honor of holding the event next year (March 2013) in Port Stephens, consisting of approximately 250-300 competitors. This will be a great opportunity to showcase Port Stephens (Worimi country). Cr Westbury presented each of the Worimi Wuburay Elders with certificates of recognition for their outstanding achievements in representing Port Stephens, Land of the Worimi Nation at the 2012 Elders Olympics. As part of the

presentation Worimi Elder John Ridgeway spoke briefly about the Elders Olympics Games and acknowledged their efforts of the Elders and the honor of hosting the games in Port Stephens next year.

In closing Cr Westbury acknowledged the upcoming annual NSW Aboriginal knockout rugby league competition coming up this October which Port Stephens has the honour of hosting out at Lakeside, Raymond Terrace. He mentioned that he recently saw a story in the Examiner indicating that over 10,000 people from across NSW are expected to attend throughout the overall course of the event which will have significant cultural and economic benefits to our area. On behalf of Council he extended his best wishes to our local Team who will be competing.

### **3. Address by Andrew Smith, CEO Worimi Local Aboriginal Land Council:**

WLALC CEO acknowledged the Traditional land owners, Elders past and present, Board members and all representatives present. He commended everyone on the great turn out for this joint meeting. He went on to commend the Elders on their recent success in the Elders Olympics and the wonderful opportunity to host next year's games here in Port Stephens on 21 March 2013. He also mentioned briefly the upcoming NSW Aboriginal knockout rugby league competition in October 2012 which will be a large scale event for Port Stephens.

As part of his address he mentioned that: -

- WLALC continues to have an excellent relationship with Council through the Aboriginal Strategic Committee
- WLALC is completely debt free and is now moving forward
- Commended WLALC Board on their work and support
- Made reference to various WLALC initiatives including a cultural & education unit they will be running for schools which will include a sand dune experience, and Sand Dune Adventures continuing to grow
- WLALC are currently in the process of reviewing their 'Community & Business Plan'.
- Commended Council on the review of Council's Local Environmental Plan and the inclusive manner in which the review was undertaken including consultation with WLALC

In closing they are looking forward to continuing to work with Council in the future acknowledging that Council has an ongoing role to play in ensuring that Aboriginal culture is protected in Port Stephens.

#### **4. Address by David Feeney, CEO Karuah Local Aboriginal Land Council:**

KLALC CEO acknowledged the Worimi Elders past and present along with his Board members. He went on to thank Bev Manton for her attendance along with the Mayor, Councillors and Council staff.

He spoke briefly about the Land Rights Act and the associated reforms and commended Bev Manton on her work in this area. He also indicated that KLALC is continuing to do well and move forward.

#### **5. Showcase of Council's Aboriginal Projects Fund:**

Council's Social Planning Co-ordinator gave a brief presentation on Council's Aboriginal Projects Fund as follows:

##### **Background:**

- In 1999 Council established a two-year pilot grants program known as the 'Aboriginal Projects Fund'. Purpose was to encourage local organisations to develop projects to meet needs identified within the Aboriginal community
- Following the success of the two-year pilot, Council has retained the 'Aboriginal Projects Fund'
- Current annual budget allocation of \$35,000 per annum

##### **Benefits:**

- Provided local community organisations with access to a funding pool aimed specifically at funding projects that address priority needs within the Aboriginal community.
- Provided organisations with the opportunity to decide what projects are important to their community.
- Demonstrated Council's commitment to recognising, valuing and supporting well-being of Port Stephens Aboriginal community.

##### **Snapshot of process:**

- Annually call for expressions of interest – 2 stage process
- Aboriginal Strategic Committee (ASC) assesses all applications, formulates shortlist of desirable funding proposals
- Short-listed applicants are invited to submit a detailed funding submission and make verbal presentation to ASC
- ASC makes recommendations to Council on allocation of available funds
- Funded projects are monitored and reviewed by ASC and Council's Social Planning Team.

Council's Social Planning Co-ordinator along with our two LALC CEOs showcased some examples of projects which have been funded in last 12 months or so explaining what each project was, what difference it had made etc.

## **6. Presentation Special DVD Presentation: Stockton Conservation Lands:**

The attendees at the meeting viewed a screening of the 30 min DVD titled "Celebration on the Sands" which captures the handing over of the Stockton Conservation Lands to the Traditional Landowners. After the screening Cr Westbury indicated the ceremony was a great day, a fabulous part in the history of Port Stephens.

## **7. General Business:**

### **7.1 Combined Aboriginal Strategic Committee Meetings:**

WLALC CEO indicated that Council's Social Planning Co-ordinator had held discussions with KLALC CEO and himself pertaining to the operating of the Aboriginal Strategic committee. As a result it is proposed that the two LALCs join together again for the meetings of the Aboriginal Strategic Committee which is welcomed and highly anticipated.

### **7.2 Elders Olympics 2013:**

Bev Manton mentioned that this event will be staged during Seniors Week next year. She mentioned that any in-kind assistance (eg; shade shelters, seating) for this event and the upcoming NSW Aboriginal knockout rugby league competition would be greatly appreciated.

There being no further business Cr Westbury thanked everyone for attending the meeting.

Meeting closed at 7:15pm



# NOTICES OF MOTION

# NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

## REPLACEMENT OF HARD COPY PAPERS WITH ELECTRONIC MEDIA

COUNCILLORS: DINGLE, KAfer

### THAT COUNCIL:

- 1) Replace hard copies of Councillors papers and briefing documents with electronic files and that Councillors use appropriate laptop computers and/or IPAD tablets to download and follow appropriate Council meeting agenda and reports covering Committee and Council meetings and briefings;
- 2) Offer any Councillor who desires or requires training in the basic through to advanced skills to take full advantage of the electronic file access system.

### ORDINARY COUNCIL MEETING – 9 OCTOBER 2012

### MOTION

	<p><b>Councillor Geoff Dingle</b> <b>Councillor Peter Kafer</b></p>
	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Replace hard copies of Councillors papers and briefing documents with electronic files and that Councillors use appropriate laptop computers and/or IPAD tablets to download and follow appropriate Council meeting agenda and reports covering Committee and Council meetings and briefings;</li> <li>2. Offer any Councillor who desires or requires training in the basic through to advanced skills to take full advantage of the electronic file access system.</li> </ol>

### AMENDMENT

270	<p><b>Councillor Ken Jordan</b> <b>Councillor Paul Le Mottee</b></p>
	<p>It was resolved:</p> <ol style="list-style-type: none"> <li>1) Replace hard copies of Councillors papers and briefing documents with electronic files, if they choose to do so and that Councillors use appropriate laptop computers and/or IPAD tablets to download and follow appropriate Council meeting agenda and reports covering</li> </ol>

**MINUTES FOR ORDINARY MEETING – 9 OCTOBER 2012**

	Committee and Council meetings and briefings;  2) Offer any Councillor who desires or requires training in the basic through to advanced skills to take full advantage of the electronic file access system.
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The amendment on being put became the motion which was carried.

**BACKGROUND REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER, GENERAL MANAGER'S OFFICE**

**BACKGROUND**

This facility is already available to any Councillor who wishes to access business papers at Council meetings via the Council website, or by requesting an electronic copy of the business paper.

The costs associated with the purchase of laptop computers/computer tablets is funded from the Payment of Expenses and Provision of Facilities policy. This policy allows Councillors to claim up to \$3,000 per Council term for such devices.

There being no further business the meeting closed at 6.58pm.

*I certify that pages 1 to 163 of the Open Ordinary Minutes of Council 9 October 2012 were confirmed by Council at its meeting held on 23 October 2012.*

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**Bruce MacKenzie**  
**MAYOR**