

Minutes 26 JUNE 2012



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 26 June 2012, commencing at 5.30pm.

PRESENT: Councillors R. Westbury (Mayor); G. Dingle; C. De Lyall; S. Dover; G. Francis; K. Jordan (Deputy Mayor); P. Kafer; B. MacKenzie; J. Nell; S. O'Brien; S. Tucker; F. Ward; General Manager; Corporate Services Group Manager; Facilities and Services Group Manager; Development Services Group Manager and Executive Officer.

	No apologies were received.

132	Councillor Bruce MacKenzie Councillor John Nell
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 29 May 2012 be confirmed.

	No Declaration of Interests were received.

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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: PSC2012-01059

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(g) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Port Stephens Council ats Towers**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information concerning advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
- 4) That the report of the closed part of the meeting remain confidential until the matter is settled.

Cr Bruce MacKenzie left the meeting at 5.32pm prior to voting on Item 1.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

133	Councillor Peter Kafer Councillor Geoff Dingle
	It was that Council deal with the report namely Port Stephens Council ats Towers in Open session of Council and that the item be dealt with prior to Item 1 of the agenda.

ITEM NO. 1

FILE NO: PSC2012-01059

PORT STEPHENS COUNCIL ATS TOWERS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Makes application to the Minister to recommend to the Governor that Council be permitted to rescind the compulsory acquisition notice.

ORDINARY COUNCIL MEETING - 2012

134	Councillor John Nell Councillor Sally Dover
	That Council make application to the Minister to recommend to the Governor that Council be permitted to rescind the compulsory acquisition notice.

The motion on being put was lost.

BACKGROUND

The purpose of this report is to provide Council with further information in relation to the current legal proceedings in the Land and Environment Court and to convey submissions received from the Towers and Mackenzie families and the Worimi Local Aboriginal Land Council (WLALC), pursuant to Council's resolution of 29 May 2012 (minute no: 130).

As Council is aware, two small parcels of land were acquired by compulsory acquisition from the Towers family to allow the re-routing of the Stockton Bight Track in two locations where the road reserve was unsuitable for the construction of a road, being a sand dune and a "V" bend, after the Towers refused to agree to a land swap for this purpose.

Council staff were aware that the construction of the Track was to regularise the access to isolated parcels of land and could be used for the purpose of a haulage road for a sand mine development. Council had resolved that all construction costs would be met by the developer, Council staff believed that it was the duty of the Council, as the Roads Authority for the Track, to regularise the road reserve, to allow construction of the road. It was believed that under the Roads Act only the Roads Authority had the power to compulsorily acquire the land.

Council relied on advice from its property department, as was the practice for many years and did not obtain formal legal advice.

Following the compulsory acquisition, the Towers claimed compensation of \$50 Million and did not accept that the Valuer General assessed the compensation payable at \$53,500. The Towers then appealed to the Land and Environment Court seeking compensation in excess of \$8.5 Million.

The basis for the Towers' claim is that the developer had previously entered into an agreement with them to haul the sand through their land at the rate of \$1 per tonne, which was calculated to produce income for the Towers at the rate of \$1 Million per year. The acquisition of the land to enable the construction of the Track, it is argued, means that the Towers will lose that royalty payment and hence are claiming that loss as compensation for the acquisition.

Prospects of Success and Costs

Comprehensive legal advice has been obtained from senior counsel. While it is possible that the Court could award the Towers a large amount of compensation as claimed, it is considered more likely that they will succeed in obtaining a greater amount of compensation than that assessed by the Valuer General, but considerably less than claimed. At this stage (to contain costs) Council has not received any valuation evidence from the Towers or obtained any on its own account, meaning no accurate assessment can be made.

Because of the complexity of the case, it is estimated that any hearing would last 10 days and the costs of each party, including the required experts [3 by each side], could be in the vicinity of \$800,000. If the Towers are successful even to a small extent, it is likely that the Council would have to pay its own costs and about 80% of the Towers costs as well, possibly amounting to \$1.4 Million, in addition to any compensation awarded.

Options

Council may choose to contest the proceedings or it may make an application to the Minister to recommend to the Governor that the Council be permitted to rescind the acquisition notice. Whilst Council's legal advice is that such an application would have good chances of success, it is not a certainty.

Continuing the Case

The basis of the Towers' claim is the loss of the benefits of their agreement with the Mackenzie family. Council is not a party to this agreement and had no involvement in it. The Council could be reliant upon the co-operation of the Mackenzie family to defend this part of the case. At the present time the Mackenzies have indicated they would co-operate with the Council.

Once valuation evidence has been obtained, Council could attempt to settle the proceedings by payment of a lump sum. However considerable extra costs would

be incurred to take the case to that point, as the valuation evidence is generally only served shortly prior to the hearing.

Rescission

Legal advice obtained indicates that Council would have good prospects of obtaining approval to rescind the acquisition notice. The fact that the Towers family do not oppose the rescission (see attachment 1) increases the likelihood that any application by the Council would be successful.

An adjournment has been granted by the Court for an application to be made, should the Council decide to do so.

There is a risk that the developer may make a claim for damages against the Council, should the rescission application be successful. The advice from senior counsel is that, as the developer may make an application to the Minister to acquire the land for the purpose of his development [any such application requiring the developer to pay the costs and any compensation ordered], any claim for damages would be limited, as this other option is open to him. Such a claim cannot however be ruled out.

Should Council rescind the notice, it will be required to pay all of the Towers' legal, valuation and other costs directly associated with the acquisition. It would also have to pay its own costs, which are currently \$140,000 (incl GST). There is no information available on the Towers' costs to date, but as they have engaged valuers and both senior and junior counsel, it could be anticipated that they might be equal to or greater than the Council's costs to date.

Submissions

Submissions have been received from the Towers family, the Mackenzie family and the WLALC. Copies of those submissions form attachment 1 to this report. The Towers family are not opposed to the application to rescind the acquisition notice, whereas the Mackenzie family and the WALC are opposed.

The Council is obliged to consider and take these submissions into account before making a decision.

FINANCIAL/RESOURCE IMPLICATIONS

If Council makes application to the Minister to rescind the acquisition notice and is successful in that application, it will be required to pay the Towers' costs which are likely to be equal to or greater than Council's costs to date (approximately \$140,000). There is also a risk that the developer may seek damages from Council if the rescission application is successful.

Should Council choose to continue to defend the current Land and Environment Court proceedings, its costs are likely to be \$800,000. In addition, it would have to pay the costs of the Applicants (Towers) should they be successful in their claim for

compensation. Those costs would be similar to Council's, meaning Council would be liable for legal costs in excess of \$1 million plus any compensation awarded.

LEGAL, POLICY AND RISK IMPLICATIONS

There are risks associated with continuing the case and making application to the Minister to rescind the acquisition notice.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Council continues to be involved in costly proceedings with no guarantee of outcome	High	Council consider legal advice obtained as to prospects of success and costs	Yes
Council is exposed to landowner costs as well as possible damages claim by the developer if Council makes application to the Minister to rescind the acquisition notice	High	Council consider submissions received from the Towers & Mackenzie families and the WLALC as well as legal advice in relation to making an application to the Minister	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Should Council choose to continue the current proceedings, legal costs are likely to exceed the annual legal budget and additional costs will need to be paid from funds otherwise used for other Council activities.

Should Council choose to make and be successful in an application to the Minister to rescind the acquisition notice, the landowner costs will also need to be funded from the annual legal budget. In addition, any claim by the developer for damages possibly would have to be met from the legal budget.

CONSULTATION

- 1) Harris Wheeler Lawyers;
- 2) Tim Robertson SC and Jason Lazarus of Counsel.

OPTIONS

- 1) Council makes application to the Minister for rescission of the Acquisition Notice;

- 2) Council continues to defend the current compensation proceedings in the Land and Environment Court.

ATTACHMENTS

- 1) Submissions received from the Towers and Mackenzie families and the Worimi Local Aboriginal Land Council.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

13/06/2012 11:23 AM From: Mallik Rees Lawyers To: 19016334 079421844 8/11/12



19016334 079421844
 ■ ENVIRONMENT & PLANNING ■ RESIDENTS & PROPERTY DEVELOPMENTS ■ ENVIRONMENTAL
 ■ CONSTRUCTION ■ TRANSPORT ■ BUSINESS & COMMERCIAL ■ CONSUMER LAW

13 June 2012

Mallik Rees Lawyers
 200 7814
 NEWCASTLE

FACSIMILE TRANSMISSION: 4901 6334 - *Robyn Jones*

Dear Sir YOUR REF: FUG 12015

Re: TOWERS FAMILY V PORT STEPHENS COUNCIL - LAND &
 ENVIRONMENT COURT CLASS 1 PROCEEDINGS NO 30219 OF
 2012

We refer to the above mentioned matter and enclose two (2) sets of documents in addition
 to the Acquisition Notice.

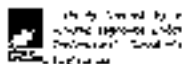
Could you please ensure that the enclosed documents are forwarded to your client so that
 they have it before the close of the day of the

Yours faithfully,
 MALLIK REES LAWYERS

Robyn Maullik
 Accredited Specialist
 Local Government & Planning Law

Use Ref: RM 51714

Enc.



PRINCIPAL: ROBIN P. MALLIK ACC SPEC LOCAL GOVT & PLANNING
 ASSOCIATE: TRENDS MULLIK ■ ASSOCIATE: MARLENE O'NEIL
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■ ENVIRONMENT & POLLUTION ■ BUSINESS & COMMERCIAL ■ GENERAL LAW

15 June 2012

The General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2124

Dear Sir

Re: **Proposed rescission of Compulsory Acquisition of Land at Stockton Bight Track Lots 3 & 5 DP1160092 Section 31 of the Land Acquisition (Just Terms Compensation) Act 1991 ("the Act")**

Section 31 of the Act relevantly provides:

31 Rescission of acquisition notice
(1) The Governor may, by notice published in the Gazette, rescind in whole or in part any acquisition notice.
(2) An acquisition notice may not be rescinded unless a Minister has certified that it is necessary to do so for the purpose of correcting a clerical error or obvious mistake or for other good cause or that the former owners of the land have agreed to the rescission.

We are instructed to inform Council that the Towers family, the former owners of the land acquired by compulsory acquisition, agree to the rescission.

Project Approval 08-0147 was sought by Mackas Sands and granted by the Minister for Planning, on the basis that:

1. Access would be over land owned by the Towers family; and that
2. An agreement had been reached with them giving that access.

Mackas Sands maintained this position right through until after the Project Approval issued.

It was not until early November 2009, that Mackas Sands began to represent that access would not be given by the Towers family to the sand extraction site at the end of Lavis Lane.

The Towers Family remain ready, willing and able to give Mackas Sands the access through their land as agreed in return for the payment of a royalty.



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a superior authority
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of the Law Society's
Act, 1986

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A Good Deal Better.

13 JUN 2012 10:01 AM FROM: A. Peter Lawrence TO: 18671777 0765967888 P. 1 1

- 2 -

The acquisition of the land by the Council has placed the Council in a position where it will be required to pay significant compensation under the Act. The acquisition will impose on the Council the net present day value of the royalty payments stream when the acquisition has had the effect of enabling Mineral Funds to avoid. This is a cost which should be borne by Mineral Funds and not the ratepayers in Port Stephens shire.

The Councils are content with their entitlement to the royalty stream as agreed and see no legal or public purpose being served by the acquisition.

Yours faithfully,
MAGGIE RILEY LAWTEPS

Robert Macle
Accredited Specialist
Local Government & Planning Law

Doc Ref: 04 21 1214

Correspondence
Council Administration
Private Office
10/1/12

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CFC By 21/06/2012
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10/1/12

10 June 2012

Mr John Dowling
Special Counsel
Marina 177, West Quay
PO Box 507
Newport, NS23 7XG

Correspondence
10/1/12
Email: john.dowling@portstephens.gov.uk
Tel: 01493 600000
Fax: 01493 600001

Dear Mr Dowling

Macka's Sand Project

We refer to your letter to Marina 177 and Robert Mackenzie, dated 26 May 2012 and your discussion with the Commercial Office on Friday 1 June 2012.

In response to paragraph 5 of your letter and further to your discussion with Mr Clements in a letter to you on 10 June 2012, we advise you that our clients strongly object to Council, in response to the application of the parties of and not previously accepted by Council, from the Toward family to create legal access to Lot 218 (091044658) from the site under right of way.

If you have any queries, please contact Louise Clements on 021 921 0552.

Yours faithfully
Gore Chambers Westgarth

Luís Jorge Domingos
Partner

020 8718 1500



WORIMI LOCAL ABORIGINAL LAND COUNCIL

4910 1010101

Melinda Gowing
Special Counsel
Harris Wrester Lawyers
PO Box 503
NEWCASTLE NSW 2300

23rd Floor, Bay West
100 Water Street, Newcastle

23rd Floor, Bay West
100 Water Street, Newcastle

Dear Mrs Gowing

RE: Towans Family v Port Stephens Council
Land Use Management Court Proceedings LC 00250 of 2012

Phone: 02 4922 7100
Fax: 02 4922 7101

We do not respond to your letter dated 01st June 2012 seeking a resolution from affected parties to the above-mentioned proceedings.

4910 1010101

The W/LALC granted Mapian Pty Ltd access to Lot 212 OP104428 (aka 'The Tongue') for the purpose of community housing usage. The successful commencement of this development leads to providing the Worimi LALC with economic sustainability. The very purpose of the Aboriginal Land Rights Act 1982, by which we are incorporated, is to provide a Community Land System that which contains a number of Social and Community Benefit schemes for our Members and the wider Port Stephens Aboriginal community.

Additionally, a pair of access easements in the W/LALC to enter our herhold lands (containing within the Stockin Light, via the Stockin Light Track, provides a valuable asset for a diverse Members and Community, when entering a high access to 'The Tongue' and other adjoining lands of cultural significance.

Understanding and respecting the contextual events leading up to the current proceedings between the Towans Family and Port Stephens Council, it is our position that Council do not regard the compulsory acquisition of two parcels of land from the Towans Family for the purpose of creating the Stockin Light Track.

We sincerely offer an action that may have avoided the social difficulty being experienced. It is our opinion that Council is the alternative to benefit all when affected and in good faith.

If you have any queries, please contact me on the numbers listed above.

Yours faithfully
Worimi Local Aboriginal Land Council

Andrew Smith
Chief Executive Officer

**COUNCIL
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: PSC2006-0191

PLANNING PROPOSAL TO AMEND THE PORT STEPHENS LOCAL ENVIRONMENTAL PLAN (KINGS HILL, NORTH RAYMOND TERRACE) 2010

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal to amend the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 at **Attachment 1** in accordance with Section 55 of the Environmental Planning and Assessment Act for the purposes of obtaining a Gateway determination and agreement for public exhibition from the Department of Planning and Infrastructure;
- 2) Exhibit the Planning Proposal for at least the minimum period specified following the Gateway determination.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	<p>Councillor Bob Westbury Councillor Sally Dover</p>
	<p>That the recommendation be adopted.</p>

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

Those for the motion: Crs Sally Dover, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, John Nell, Peter Kafer, Shirley O'Brien and Steve Tucker.

Those against the motion: Nil.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

135	<p>Councillor Steve Tucker Councillor Shirley O'Brien</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 Sally Dover, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, John Nell, Peter Kafer, Shirley O'Brien, Ken Jordan, Caroline De Lyall, and Steve Tucker.

Those against the motion: Nil.

BACKGROUND

The purpose of this report is to seek Council's agreement to progress a Planning Proposal to amend the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 in order to facilitate the development of the land.

Proposal details

Planning Proposal: Refer to Attachment 1.

Subject land: All land within the Kings Hill Urban Release Area.

Proponent: Various landowners.

Current zones: R1 Residential, B2 Local Centre, B4 Mixed Use, E2 Environmental Conservation, and E3 Environmental Management.

Proposed zones: No new zones. Change to the boundary of the E2 Environmental Conservation zone and a corresponding increase in the area of land zoned R1 Residential and B4 Mixed Use.

Other provisions:

Include additional land uses in the B4, E2 and E3 zones.

Provide additional flexibility in minimum lot sizes for dwellings.

Provide flexibility in the lot size of a residual area of land zoned E2 Environmental Conservation within a split zoned lot in a new subdivision.

Adjust the E2 Environmental Conservation Zone boundaries to more accurately reflect those areas of environmental significance and those areas which may provide biodiversity offsets, and to provide flexibility as detailed site planning proceeds.

Provide for a biodiversity map layer and associated "biodiversity protection" clause associated with the rezoning of narrow areas of E2 Environmental Conservation zoned land to R1 Residential and B4 Mixed Use Zones.

Address a number of other matters including additional land uses in the R1 Residential, B4 Mixed Use, and E3 Environmental Management zones.

The proposed amendments have been made necessary as a result of the draft Local Environmental Plan for Kings Hill submitted by Council in 2010 being amended by the Department of Planning and Infrastructure prior to its publication and to address a range of matters arising from more detailed site planning undertaken by the landholders.

Additional land uses

It is proposed to include the following uses as “permitted with consent”:

“*Car parking*” in the B4 Mixed Use zone. This is to permit standalone car parks or those in conjunction with development on the adjacent B2 Local Centre zoned sites in the Town Centre.

“*Ecotourist facilities*”, “*flood mitigation works*”, “*sewerage systems*”, and “*water supply systems*” in E3 Environmental Management Zone. This is to align the permitted uses with those in the E2 Environmental Conservation zone and to permit hydraulic utilities and flood mitigation works in the zone.

Additional Flexibility in Lot Sizes

This proposed clause applies to land in the R1 Residential, B2 Local Centre or B4 Mixed Use zones and permits development that incorporates lots smaller than the minimum permitted lot size where a single development application is received for both subdivision and residential or commercial development on the lots.

Subdivision of certain Split Zone lots containing E2 zoned land

The proposed clause addressing this matter permits the subdivision of lots that contain more than one zone (one of which is an E2 zone) to create a lot which contains less than the minimum permitted lot size for the E2 zoned land provided that the lot contains all the E2 zoned land in addition to the minimum permitted lot size in a residential or commercial zone.

An additional subclause to the above addressing this matter permits the subdivision of lots that contain more than one zone (one of which is an E2 zone) to create a lot which contains less than the minimum permitted lot size for the E2 zoned land provided that a satisfactory Vegetation Management Plan has been lodged in addition to arrangements for the ongoing management of the Vegetation Management Plan. The Vegetation Management Plan is necessary to provide a formal plan of how the biodiversity values of the land are to be conserved.

Ecotourism

This clause describes the circumstances under which consent may be granted for an ecotourism facility. The amendment to include development requirements for ecotourist facilities as an additional land use in the E2 and E3 zones arises because the Department of Planning and Infrastructure only permitted this land use in a land use table after the publication of the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010.

Biodiversity Protection

This clause seeks to provide a biodiversity map layer over the existing E2 Environmental Conservation zoned land proposed to be zoned to R1 Residential.

Rezoning the “fingers” of E2 Environmental Conservation land to R1 General Residential and other minor adjustments to the E2 Environmental Conservation zone boundary will provide flexibility to enable detailed subdivision planning to be undertaken and for service infrastructure and roads to be constructed. Recent detailed surveying and site investigation by landowners has shown that the boundaries of environmentally significant areas are inaccurate. The purpose of this component of the Proposal is to address these inaccuracies as well as to provide greater flexibility in detailed design. The qualities of riparian areas and related areas of environmental significance will be retained and protected by a “Biodiversity protection” clause in the Local Environmental Plan that specifies development considerations, and an associated map. This is consistent with the biodiversity offset arrangements agreed with the Office of Environment and Heritage.

Manufactured home estates

It is proposed to include manufactured home estates as an additional permitted land use in the R1 Residential zoned land on Lot 481 DP 804971 and Lot 4822 DP 852073 owned by Gwynvill. These lots are on the eastern side of Kings Hill, adjacent to the Pacific Highway.

Map amendments

The LEP maps will be amended to reflect changes to the E2 zone boundary. Consequential mapping changes to the Height of Buildings and Lot Size Maps to reflect the zone changes is necessary.

A biodiversity map layer is proposed which will define areas of environmental significance which will be protected by a “biodiversity protection” clause.

FINANCIAL/RESOURCE IMPLICATIONS

The Planning Proposal will be progressed using existing budget allocations and the rezoning fees for the Planning Proposal that have been paid by the landowners.

LEGAL, POLICY AND RISK IMPLICATIONS

The Planning Proposal is proposed to be progressed in a manner consistent with statutory and policy requirements. The Planning Proposal is consistent with the Port Stephens Planning Strategy and the Lower Hunter Regional Strategy. The risks associated with progressing the Planning Proposal are minimal.

From a development perspective, the Planning Proposal will provide greater flexibility and certainty in designing and implementing new urban development. Consequently, the Planning Proposal reduces development risk.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Due process not followed	Low	Care is taken to ensure due process is followed	Yes
Planning Proposal does not proceed	Low	Ensure that planning issues are identified during the Planning Proposal process are addressed efficiently and effectively	Yes
Planning proposal is amended during the decision making process	Low	Ensure that any amendments are consistent with ensuring that the objectives of the Planning Process are met	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Planning Proposal seeks to facilitate the development of the Kings Hill Urban Release Area. The development of Kings Hill will deliver a greater supply and greater diversity of housing to the area. It will create employment during the construction and operation of the Urban Release Area.

Rezoning a number of narrow corridors" of E2 Environmental Conservation land to R1 General Residential and other minor adjustments to the E2 Environmental Conservation zone boundary will provide flexibility to enable detailed subdivision planning to be undertaken and for service infrastructure and roads to be constructed. Recent detailed surveying and site investigation by landowners has shown that the boundaries of environmentally significant areas are inaccurate. The purpose of this component of the Proposal is to address these inaccuracies as well as to provide greater flexibility in detailed design. The qualities of riparian areas and related areas of environmental significance will be retained and protected by a "*Biodiversity protection*" clause in the Local Environmental Plan that specifies development considerations, and an associated map. This land is not proposed to be used for biodiversity offsets.

CONSULTATION

Should the Planning Proposal proceed to public exhibition, it will be notified in the newspaper and exhibited in the Administration Centre, the Raymond Terrace Library and on the Council website. The exhibition will take place for at least the minimum period specified in the Gateway determination.

Consultation with relevant Government agencies as specified by the Gateway determination will be undertaken. Consultation has already been held with the

Office of Environment and Heritage and the Department of Planning and Infrastructure. Additional consultation will be held with these agencies.

Submissions will be considered by Council officers in the finalisation of the Planning Proposal, and reported to Council.

OPTIONS

- 1) Adopt the recommendations of this Report to submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway determination, and henceforth a public exhibition. This is the recommended option.
- 2) Amend one or more of the provisions of the Planning Proposal prior to submitting the Planning Proposal to the Department of Planning and Infrastructure for a Gateway determination, and public exhibition. This is not recommended;
- 3) Amend the recommendations of this Report to submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway determination only. A further Council report would be necessary to seek agreement for a public exhibition of the Planning Proposal. This is not recommended because it is considered unnecessary unless substantive amendments are made to the Planning Proposal prior to exhibition.
- 4) Reject the recommendations of this Report and not initiate the rezoning process. This is not recommended because it will impede the development of Kings Hill.

ATTACHMENTS

- 1) Planning Proposal to amend the Local Environmental Plan (Kings Hill Raymond Terrace) 2010. (Under Separate Cover).

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**PLANNING PROPOSAL TO AMEND THE LOCAL ENVIRONMENTAL PLAN (KINGS HILL
RAYMOND TERRACE) 2010.**

PROVIDED UNDER SEPARATE COVER

ITEM NO. 2

FILE NO: PSC2005-4010

MEDOWIE FLOOD STUDY

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Medowie Flood Study (WMA Water 2012) as exhibited, with amendments.
-

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	<p>Councillor Geoff Dingle Councillor Peter Kafer</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 26 JUNE 2012

Cr Peter Kafer left the meeting at 5.44pm prior to voting on Item 2.
 Cr Peter Kafer returned to the meeting at 5.46pm prior to voting on Item 2.
 Cr Bruce MacKenzie returned to the meeting at 5.47pm prior to voting on Item 2.

136	<p>Councillor Geoff Dingle Councillor Caroline De Lyall</p>
	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to seek Council's adoption of the Medowie Flood Study (WMA Water 2012) following its public exhibition.

As part of the floodplain management process for the Campvale and Moffat's Swamp catchment areas, which are managed by Council, WMA Water was engaged to prepare a flood study of these catchments (known as Medowie Flood Study) in order to determine the extent and nature of the current flood problem. This study represents the first stage of the floodplain management process for these catchments.

At its meeting held on 13 September 2011, Council resolved to exhibit the Medowie Flood Study (WMA Water 2012). The Study was subsequently exhibited between 15 September 2011 and 15 October 2011. During this exhibition period four (4) submissions were received from the community. A copy of the submissions is located in the attachments to this report.

The next stage of this project is to prepare a floodplain risk management study and plan for the catchments.

Council received funding for the floodplain risk management study and plan within the current Floodplain Management Grants Program administered by the NSW Government's Office of Environment and Heritage and has applied for further funding in the next financial year. Work has commenced on this study with the first stage being a floor level survey of all flood prone buildings (estimated to be 400 buildings) in the catchment. A tender has been awarded to local survey firm Duggan Mather Pty Ltd to undertake this survey work, which commenced in late May and is expected to be completed by 30 June 2012.

A consultant's brief has also been prepared for the preparation of the floodplain risk management study and plan and upon advice from the Office of Environment and Heritage that Council has received additional funding for the project, Council will seek tenders from 5 suitable consultants. Notwithstanding, the preparation of a floodplain risk management study and plan is anticipated to take 18 months – 2 years before a draft document is finalised.

FINANCIAL/RESOURCE IMPLICATIONS

The Flood Study has been partly funded by the State Government's Floodplain Management Grants Program, while Council contributed one third of the total cost of the study. This study was funded within the 2009/2010 and 2010/2011 programs and Council has already received the grant funding for the project. Funding for the final consultant progress payment will be provided from existing budget allocations.

The total cost of the project was \$ 86,390, of which Council's overall contribution was \$ 28,796.67.

LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with the State Government's Floodplain Development Manual, Council must consider the adoption of flood studies following public exhibition and consideration of public submissions.

The preparation of a Flood Study is a vital element in the preparation and adoption of appropriate flood policy for the area covered by the Plan. Failure to adopt this Medowie flood study is likely to halt further progress in the preparation of the floodplain risk management study and plan for the catchment. This could lead to poor flood planning decisions resulting in possible future legal liability should new development or buildings be flooded during major flood events.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Flood Damages Liabilities	Medium	Future Development Applications assessed in terms of the adopted Flood Study e.g. floor levels	NA
External Criticism	High	Adoption of Flood Study may generate some public criticism but would be in accordance with current State Government Policy. Media releases may be required	Yes
Continued External Funding	Medium	Adoption of Flood Study would ensure future State Government Support	NA

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

As part of the floodplain management process, the flood study seeks to help Council and the state government manage and minimise impacts of future flooding events. In this respect, it is expected that a more informed knowledge of the flood risk will result in a reduction in flood losses in future flood events and minimise the social and economic impacts of these events.

CONSULTATION

The Medowie Flood Study (WMA Water 2012) was prepared in consultation with the Office of Environment and Heritage.

The Medowie Flood Study (WMA Water 2012) was publically exhibited between 15 September 2011 and 15 October 2011. Four submissions were received.

A number of relevant issues were raised in the public submissions. These matters have been addressed by the consultant in amendments made to the report.

Many of the issues raised involved correcting incorrect / misleading text in the report, issues with the format of the report and the presentation of results. A number of issues were also raised in that relate more to the work to be carried out within the floodplain risk management study and plan. A list of responses to the submissions has been included as Appendix E in the Medowie Flood Study (WMA Water 2012).

The Medowie Floodplain Management Committee recommended that a history of Medowie drainage and flooding prepared by a Council's former Principal Property Advisor, Mr. Cliff Johnson, be included as an Appendix to the report.

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

The Committee further resolved that upon amendments being made, Medowie Flood Study (WMA Water 2012) is satisfactory for adoption by Council.

The public submissions to the draft flood study have been addressed to the satisfaction of the Medowie Floodplain Management Committee. It is recommended that Council adopt the Medowie Flood Study (WMA Water 2012).

OPTIONS

- 1) Adopt the Medowie Flood Study (WMA Water 2012) which will allow Council to manage and minimise impacts of future flood events and to provide a basis for future planning decisions in the area covered by the study. This is the recommended action;
- 2) Do not adopt the Medowie Flood Study (WMA Water 2012) which will halt further progress in the preparation of the floodplain risk management study and plan for the catchment and lead to the possibility of poor planning decisions and liability. This is not the recommended action.

ATTACHMENTS

- 1) The Medowie Flood Study – Final Report (WMA Water 2012) – under separate cover.
- 2) Public submissions (4) received.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

THE MEDOWIE FLOOD STUDY – FINAL REPORT (WMA WATER 2012)

PROVIDED UNDER SEPARATE COVER

ATTACHMENT 2

The General Manager
Port Stephens Council
PO Box 47, RAYMOND TERRACE
NSW 2124

Dear Sir,

**Draft Meadow Drainage and Flood Study - Your Reference PSC 2006-0029
Submission - closing date 13 October 2011**

Thank you for the opportunity to comment on the above draft study.
I make the following observations:

1. The document is extremely large, particularly in digital form (5MB) and due to its length, I've yet to place the document on its website. The size also makes it very slow to load and requires a good computer. I suggest therefore that it be split into volumes with volume 2 containing Appendix B (the flood plain map), many of which are outdated and therefore of lesser value to the study.

2. Figures 16, 17, 18. The modelled height/observed depth legend is confusing. A possible interpretation is that orange shading (green in figure 16) on the numbers represents modelled height; 18 (130) (blue shading on the numbers possibly represents modelled depth. White shading on the numbers (where it appears) represents observed depth or sometimes height.

3. Figure 21 - The flood extent contours. The two dimension model that has been covered the whole of Meadow and water 'puddles' that can be seen by zooming in on the map. While the information is valuable it does not provide satisfactory clarity as to what should be classified as 'flood prone' (use in the Land Use Planning context). Detailed technical documentation and the RBM/C's criteria need to agree on a definition of 'flood prone' land. For example, only that water which is contained within the flood ways, gutters, creeks and the like, excluding water lying on streets and properties. This would also require some Engineering agreement.

4. The model required projections of flood levels for all these events. These are missing from the list of figures - Clause 4.11 - The Final Report of the model requires:

"Presentation of results and findings - The Report shall include the following information for the land owner, community and development events:

- Detailed depth contours and modelled flood extents showing all flood prone areas as applicable.
- Flood profiles along major roads and freeways.
- Flood projection plans at the flood way - include extent of inundation on each segment, extent of inundation on the property."

The information requested was not on the CD and I presume it will be submitted to Council with the final decision letter at the end of the study along with reports and GIS files.

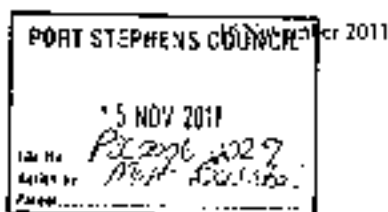
As indicated in comment 3, while the PSLs for an event has been mapped, the results have not been mapped as polygons. This is very important from both the GIS and SEI/SLI mapping perspective for informing landholders and for delineating those properties affected by Government road works. Flood extents must be delineated and polygons created as required by the brief. Delineations of flood extents may require agreement with adjacent sites. In addition while the other design extents have been delineated, the flood levels are not present in the report and should be similarly mapped as required by the brief.

I thank you once again for the opportunity to comment and would appreciate receiving your response in due course.

Kindest Regards

General Manager
Port Stephens Council
PO Box 42
Raymond Terrace 2324

Re Submission PSC 2006-0029
Meadowie Flood Study



I thank for the chance to comment on the Final Draft Meadowie Drainage and Flood Study Report.

As my past comments and letters have stated, most residents are pleased that the study has commenced.

1. The Study already completed and the workshop at Meadowie explained and discussed some of the findings. A much needed interaction between owners and Council, even if only a small number could attend on the day, but many caught up with those that attended and have been brought up to date on the process and its ways.

It was explained why we need to follow the process, BUT I along with many others, would like to see immediate action on the water flooding in the first sections of the study, that of the pinch. It is acting as a plug and stopping the draining of the water to the Pumps for clearing.

2. The next stage.

As was explained, the process will take at least 18 months for the next stage, then a further period of time to formulate and implement solutions for action. This process will take in excess of 2 years at the rate we are now moving.

This is too long for the owners who are suffering hardship and water inundation now and have been dealing with this situation for many years. We must allow for the draining of the area that has created the Carmichael Swamp!

Just by the clearing of the build up of silt and the banks collapse, would alleviate hardships down stream from stagnant waters lying over land that was always free of water prior to the silting up of the channel at the pinch.

The Pinch is limiting the flow, as is listed in the Consultants Report, by up to one eighth of the figure reported of the peak flow of approx. 180 m³/s. Council must seek approval from State Bodies to allow for the parallel action on the pinch and the processes to continue as planned, allowing for funding etc to be sought. This is also a major health risk, with airborne diseases carried by the heavy infestation of Mosquito, breeding in the waters, as has been advertised in Local Publications. Also tabled by Local Doctors that are treating the diseases in our residents.

3. Points raised in the Document

1. Page J states that without the pinch Carmichael WPS would likely flood in major events, presumably destroying the pumps and attendant infrastructure within the pump house. This is a direct conflict to statements that have been made by Hunter Water Representative, at a Presentation given by them to a Meadowie Progress Meeting. It was stated that "The Pump Station could handle all the water sent to it and that the major problem was the capacity of the Drain to deliver water to the pumps". This has also been explained in meetings of the Drainage Committee at its last technical meeting where it was explained that the pumps were actually cavitating due to the

luck of water around the pumps.

2. Page 51 states "Council should take care not to raise those sections of roads currently inundated as doing so will directly impact on peak flood levels. This is due to the fact that much of the 1% AEP flow moves over roads rather than through corresponding culverts"

The next question this raises is the re surfacing of Abundance Road and the inundation of the culverts at the properties, that all have major flood problems and drainage issues for many months after rain.

Similarly to Richardson Road and the resurfacing and laying of pipes that are not at the lowest point, allowing for the waters to find their natural ways under the road works onto the catchment areas behind the RAAF Base, the natural flow over Richardson Road in heavy rain periods, as well as the natural draining through the sub soils, has been blocked by the road works and created a dam wall and catchment not seen prior the roadworks undertaken by Council. That area now is seen as from the Roadway in a questionable state.

3. The report almost accepts the existing water flows, and does not give much hope, for future development in Medowie.

Solutions to include in the next phase of studies must address more far sighted projects similar to suggestions made at the Workshop, of diverting waters north of Boundary Road by way of drain and pipes through the ridge and into ponds etc for filtration of contaminants before they reached the Drain. This could

- i) reduce water flow through Campvale Drain
- ii) reduce the volume of the water to be pumped into Grahamstown Dam, also reducing the dollar costs.
- iii) reduce the contamination to areas of the Drain before it reaches the Pumps
- iv) reduce the risk to the pumps from peak flooding
- v) a simple control of the direction of flow could utilize the flushing out of the Drain System when needed or direct flow into the Dam

If this was seen to have merit, maybe similar ideas for other sections of Medowie might also be looked at and MUST be put before State Bodies as much needed Infrastructure and should be supported by our Local State and Federal Members.

In summary I can not find anything in this study re the impact from increasing the storage levels of Grahamstown Dam. Prior the last lifting of water levels, owners questioned the impact on the saturation of upstream lands. Could this not also be addressed in the modeling, the same as the flood levels of homes already built and those that will be built in the future. It all impacts on the water levels held in the man made swamps and the control of drainage of those waters prior heavy rains.

With all of this in the plan it will give a very accurate account of the water levels and control of them. As opposed to the future and present flood levels of both land and buildings and its effects over the existing owners and residents. Again the workshop was very rewarding and input from all will assist Medowie to grow in the future successfully.

Thank you for accepting my submission.

General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 1584

File No: 20168

SUBMISSIONS RE FLOODS, DRAINAGE AND FLOOD STUDY

Dear Sir/Madam,

Several points arising from the consultant's wording that at Kirrang Drive the floodwater moves from E to W

At number 7 Kirrang this certainly does not happen, the strong flow escaping the Campsie Drain moves from W to E as demonstrated by the gravel of our entrance drive finishing up on the road.

However, at other places along this road the water flow may indeed be as is suggested

Since I have been resident, the Yulong Oval sports fields have had fill placed on them and doubled in area – possibly this has raised the level of these playing fields too high?

Is the topping of Caradale Road higher than the lower slab level?

Most definitely back up water is a problem and this accounts for a E to W flow.

Yours faithfully,

16/06/12

The General Manager,
Port Stephens Council
PO Box 42
2435 MIDLAND TERRACE, NSW 2264

7502100-002
SULPHUR DIOXIDE EMISSIONS STUDY

Item 8 -

Thank you for the opportunity to comment on the Final Draft Medium Damage and Emission Study report (June 2012).

My comments are:

- 1) The forward of the document refers to 4 sequential stages. At the same time it was stipulated that it would take approximately 8 months to complete the next stage, and a detailed study including open air measurements. The implementation of all stages can be all stages will all will be at least two years away.

The problem with this timeline and process is that ignores the major findings of this study, which show a need for immediate action. NSW prefer #31, while the other relevant issues are being quantified, researched and refined.

In summary, Council should initiate panel of experts to speed up results, rather than slow everything with sequential activity.

- 2) Page 3 states "In the PM10 a peak flow of approximately 180-200 flows into the CDIF however the **pitch** flows to the discharge in comparison to approximately one eighth of this figure".

Page 54 states "The pitch is the most essential feature in monitoring both peak flow levels and a major component of the CDIF", and "It is highly recommended that the next stage of a PM10 review should be the impact of trees on the capacity of the pitch".

Therefore, work should commence immediately on identifying the deforestation impact of the pitch. Establish a 6-8m project to report on, and solve this problem, independent of other planning issues in Medowie, should be a priority.

On page 10, under the statement on Page 3 "It is noteworthy however that without the port Campbell WPS would likely face a major event, possibly destroying the bridge and attendant infrastructure at the pump house".

This statement appears contrary to that of a Hunter Water representative, who presented at the Medowie Progress Association meeting a few years ago and stated that "the Pumping Station could handle all the water sent there, and that the major problem was the capacity of the Hunter to send water to the pump".

At the same time, decisions should be assessed on how Medowie was allowed to develop to the point that it has without addressing drainage across the "pitch". This should ensure that similar situations do not occur in the future, in Medowie or elsewhere in Port Stephens.

- 3) The focus of the report appears to provide a comprehensive description of existing water flows, as they have been assessed, and address the impact of those flows, eg. install ponds, etc. (see development), etc. There appears to be no consideration to prevent run-off from over-arching the ponds where flooding is most severe, ie. prevention is better than cure.

As discussed at the Community Workshop, why were the run-off that is north of the nearby Rd directly into Cudjalong Dam? Would this not dilute the actual impact of flood impact that currently occurs?

If this solution was accepted, what would the modelling show in regards to the extent of the flood plain?

The up-sides of such a solution would be:

- i) reduce water flow through Cudjalong Dam,
- ii) reduce the volume of water to be pumped into Gwynstewea Dam, thus reducing operating costs of the Pumping Station,
- iii) improved water quality as less urban contaminants would be deposited via the Dam, and
- iv) reduce the risk of overflowing pumps (highlighted in 4)

- 4) Page 51 states – Council should take care not to raise more sections of roads currently inundated as doing so will directly impact on peak flood levels. This is due to the fact that much of the TNSAEP flow moves over roads rather than through conservation covelets.

Is it the way north of Richardson Rd near Campvale is now a permanent pond, breeding mosquitoes and a major source of rainfall due to its Meadows and Campvale?

Could a check be implemented to allow to restore the original flow that existed before Richardson Rd was raised?

Also, would this not reduce ground level run-off levels, thereby increasing run-off absorption potential, and thereby reduce the potential for storm duration flood events?

- 5) Further to 4), there appears to be no reference in the Study to the impact of increasing the water storage level in Cudjalong Dam and the impact on water that is upstream to be

should and if in part this be assessed and factored into any modelling?

Thank you for your consideration.

Sincerely,

ITEM NO. 3

FILE NO: PSC2006-0066

**AMENDMENT TO PORT STEPHENS SECTION 94 AND 94A
DEVELOPMENT CONTRIBUTIONS PLAN**

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the amendment to the Port Stephens Section 94 Development Contributions Plan (Amendment No. 8) **(TABLED DOCUMENT 1)**;
 - 2) Adopt the amendment to the Port Stephens Section 94A Development Contributions Plan (Amendment No. 4) **(TABLED DOCUMENT 2)**.
-

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	Councillor John Nell Councillor Bob Westbury
	That Council: 1) Adopt the amendment to the Port Stephens Section 94 Development Contributions Plan (Amendment No. 8) (COUNCILLORS ROOM DOCUMENT 1) ;
	2) Adopt the amendment to the Port Stephens Section 94A Development Contributions Plan (Amendment No. 4) (COUNCILLORS ROOM DOCUMENT 2) .

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

Those for the motion: Crs Sally Dover, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, John Nell, Peter Kafer and Steve Tucker.

Those against the motion: Nil.

MATTER ARISING

	Councillor Steve Tucker Councillor John Nell
	That further information be provided on the inclusion of drainage capital works in the Section 94 Contribution Plan.

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

Those for the motion: Crs Sally Dover, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, John Nell, Peter Kafer and Steve Tucker.

Those against the motion: Nil.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

137	Councillor Sally Dover Councillor John Nell
	It was resolved that Council: <ol style="list-style-type: none">1. The current amendments to the Section 94 and Section 94A Development Contributions Plans are the result of a minor review undertaken to ensure Council meets its legislative requirements. It is therefore recommended that Council resolve to adopt the draft amended Port Stephens Section 94 Development Contributions Plan and the draft amended Port Stephens Section 94A Development Contributions Plan as exhibited from 3 to 31 May 2012.2. An Interim Drainage Policy be prepared for Medowie.3. It is further recommend that Council investigate the cost of developing an LGA wide Strategic Drainage Plan to identify required drainage infrastructure and capital works costs to meet the needs of future population growth. This could enable Council to include a drainage levy in future contributions plans.

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

Those for the motion: Crs Sally Dover, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, John Nell, Peter Kafer, Bruce MacKenzie, Shirley O'Brien, Ken Jordan, Caroline De Lyall, and Steve Tucker.

Those against the motion: Nil.

Cr Sally Dover noted that cycleway funding will be included in the next review of the Section 94 Plan.

MATTER ARISING

138	Councillor Sally Dover Councillor John Nell
	It was resolved that further information be provided on the inclusion of drainage capital works in the Section 94 Contribution Plan.

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

Those for the motion: Crs Sally Dover, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, John Nell, Peter Kafer, Bruce MacKenzie, Shirley O'Brien, Ken Jordan, Caroline De Lyall, and Steve Tucker.

Those against the motion: Nil.

BACKGROUND

The purpose of this report is to inform Council of the outcomes of the exhibition of the draft amended Port Stephens Section 94 and Section 94A Development Contributions Plans. The amendments to Council's development contributions plans are part of the ongoing review of Council's development contributions processes that are necessary to ensure that provisions remain up-to-date, that work schedules remain current and that development contributions required of developers reflect Council's approach to achieving an equitable balance between encouraging activity and providing public facilities and services.

On 24th April 2012 Council resolved to place the draft Port Stephens Section 94 and Section 94A Development Contributions Plans on exhibition. Details of the exhibition are in the consultation section below.

There was one submissions received as a result of the exhibition.

FINANCIAL/RESOURCE IMPLICATIONS

The development contributions system provides a framework for identifying where development pressures will require additional public services and facilities. It also requires the preparation of a schedule of these works, including identifying their cost and resource implications for Council and it provides for some of those costs to be met by the development activity itself.

As development activity and Council's delivery of works are both ongoing activities it is crucial that the Contributions Plans always remain current. The key elements of this

review relates to keeping the Plans up-to-date so that they accurately reflect Council's current works program and Council's most recent resolutions about payment of contributions including discounts that may apply for certain development types.

LEGAL, POLICY AND RISK IMPLICATIONS

There are no additional legal, policy and risk implications related to the proposed amendments to the contributions plans. The works schedules contained within the development contributions plans are required to be reviewed and updated regularly. As funds collected under the plans are allocated in accordance with works schedules, it is important to review and update the contributions plans in order to avoid a legal and financial risk to Council.

Council should be aware that any person entitled to act on a development consent that contains a section 94 condition may bring proceedings to the Land and Environment Court on the grounds that such a condition is unreasonable in the particular circumstances of the case. The proposed amendments are, in part, directed at reducing that risk and are generally confined to adding clarity in the operation of the plans.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Any person entitled to act on a development consent that contains a section 94 condition may bring proceedings to the Land and Environment Court on the grounds that such a condition is unreasonable in the circumstances of the case	High	The proposed amendments to the development contributions plans are, in part, directed at lessening the risk of a s94 condition being challenged by providing a consistent decision making framework	Yes
If works schedules contained within Council's development contributions plans are not reviewed and updated regularly, and funds collected under these plans are not allocated in accordance with such works schedules, this would impose a legal risk to Council	High	The proposed amendments to the development contributions plans contain reviewed and updated works schedules to reflect Council's current plans for priority of proposed works and current cost estimates.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Applying development contributions effectively and equitably to facilitate the balanced economic management of Council finances and other resources are the main sustainability implications.

CONSULTATION

The draft amended Port Stephens Section 94 and Section 94A Development Contributions Plans were placed on public exhibition from 3 May 2012 until 31 May 2012. The documents were made available to the Council Administration Building, Raymond Terrace Library, Tomaree Library (Salamander) and Council's website.

The exhibition of the draft amended plans has provided an opportunity for the community, landowners and developers to review and comment on the contents. There was one submission received from Wirreanda Public School P&C Association. The submission seeks the inclusion of cycleways and/or footpaths in the Work Schedules and that priority be given to the construction of a cycleway/footpath on Brocklesby Rd (the section between Ferodale Rd and James Rd). This project has been identified in Council's Draft Footpath and Cycleways Strategy. If adopted, this Strategy will be used as a basis for inclusion of Footpaths and Cycleways in the proposed full review of Council's development contributions plans in 2013.

OPTIONS

- 1) Adopt the recommendations of this report;
- 2) Amend one or more of the provisions of the draft amended development control plans. The proposed amendments to the development control plans contain reviewed and updated work schedules to reflect Council's current plans for priority of proposed works and current cost estimations;
- 3) Reject the recommendations of the report.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

- 1) Draft Port Stephens Section 94 Development Contributions Plan 2007 (Amendment No. 8);
- 2) Draft Port Stephens Section 94A Development Contributions Plan (Amendment No. 4);
- 3) Port Stephens Section 94 Development Contributions Plan 2007 Incorporating Port Stephens, Great Lakes and Newcastle Cross Boundary Section 94 Contributions Plans;
- 4) Port Stephens S94A Development Contributions Plan.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

FILE NO: PSC2006-0066

RESCINDING OF COUNCIL POLICIES

REPORT OF: ROB NOBLE – ACTING GROUP MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Council rescind the policies referenced in the table below.
-

COUNCIL COMMITTEE MEETING – 12 JUNE 2012
RECOMMENDATION:

	Councillor John Nell Councillor Peter Kafer
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

139	Councillor John Nell Councillor Glenys Francis
	It was resolved that the recommendation be adopted.

BACKGROUND

Council has a program of systematically reviewing and updating its existing policies. Within the Development Services Group the aim is to review all existing policies with the view to rescind, amend or substantially update where required. This is a staged approach and the subject of this report includes the policies recommended to be rescinded/revoked only.

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

It is proposed to rescind the following policies due to the reasons outlined below;

	ID	POLICY	FILE NO	ADOPTED / AMENDED	MINUTE #	REASON FOR RESCINDING
1)	181	URBAN RAIN WATER TANK POLICY	4960-019	16/01/2003	527	This policy is outdated and BASIX and other state legislation now adequately covers the content of the policy.
2)	152	PROCEDURE FOR REQUESTS TO AMEND PORT STEPHENS LEP 2000	9740-039 & 5120-003	19/12/2000 Am 9/3/2004 Am 22/3/2005	712 098 073	This has been superseded by state government practice notes with the changing planning legislation.
3)	107	CONTAMINATED LAND				This policy is outdated and SEPP 55 and other state legislation now adequately covers the content of the policy.
4)	128	HAIRDRESSING BEAUTY & SKIN PENETRATION PREMISES		19/10/2004		This policy has been superseded by State and Regional Guidelines. It is no longer necessary for Council to have an individual policy.

FINANCIAL/RESOURCE IMPLICATIONS

There are minimal direct financial / resource implications.

LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal and risk implications as rescinding outdated and obsolete policies will facilitate more accurate and robust decision making.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Making poor decisions as a result of outdated and duplicated / inaccurate policies	High	Rescind old policies	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are minimal direct sustainability implications.

CONSULTATION

No consultation is required to rescind the outdated and obsolete policies

OPTIONS

- 1) Resolve to retain the policies;
- 2) Rescind the policies.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

- 1) Urban Rain Water Tank Policy;
- 2) Procedure for Requests to Amend Port Stephens LEP 2000;
- 3) Contaminated Land;
- 4) Hairdressing Beauty & Skin Penetration Premises.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

FILE NO: PSC2011-04364

SUSTAINABILITY REVIEW- ENVIRONMENTAL HEALTH

REPORT OF: MATTHEW BROWN - MANAGER DEVELOPMENT ASSESSMENT AND COMPLIANCE

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Service Strategy Environmental Health and endorse the findings of the review and potential total in kind savings of \$67,000 per year;
- 2) Discontinue addressing overgrowths of vegetation complaints at the current level to realize a saving of \$43,000 in kind;
- 3) Increase Onsite sewage Management and Food Surveillance fees by 5% above standard incremental increases in the 2013-14 budget with an estimated increase in fee income of \$23,000 per year; and
- 4) Discontinue the Indian Mynah trap hire program to save \$1000 per year.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	<p>Councillor John Nell Councillor Peter Kafer</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note the information contained in the Service Strategy Environmental Health and endorse the findings of the review and potential total in kind savings of \$24,000 per year; 2. Increase Onsite sewage Management and Food Surveillance fees by 5% above standard incremental increases in the 2013-14 budget with an estimated increase in fee income of \$23,000 per year; and 3. Discontinue the Indian Mynah trap hire program to save \$1000 per year.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

140	<p>Councillor John Nell Councillor Geoff Dingle</p>
	<p>It was resolved that the Council Committee recommendation be adopted.</p>

MATTER ARISING

141	Councillor Geoff Dingle Councillor Peter Kafer
	It was resolved that a report be provided to Council on the limitations of Council to take action on overgrown properties and the types of vegetation complaints being received.

BACKGROUND

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

The comprehensive review of this service package has been undertaken in line with the principles of Best Value and is in accordance with the delivery of the Community Strategic Plan 2021: Strategic Direction 1.1 – to "Use Council's regulatory powers and other initiatives to improve public health and community Safety".

By way of background, the sustainability review currently undertaken of Environmental Health Services comprised three key stages:

- Stage 1 Reviewing what is currently delivered;
- Stage 2 Reviewing what should be delivered; and
- Stage 3 Reviewing how it should best be delivered.

The findings of all stages of the review are documented in a comprehensive service strategy which is available as a tabled document.

It should be noted that 90% of functions performed within the Environmental Health Service area are non-discretionary meaning that Council has a legislative obligation or implied duty of care to provide them. Examples of these functions are Food Surveillance, Onsite sewage management, public health impacts due to other commercial premises e.g. public pools.

Discretionary Environmental Health functions have been identified as the maintenance of the Contaminated sites register, Indian Mynah Trap hire program, attending to overgrowth of vegetation complaints, community education, and various Environmental Health advices. The majority of these represent a small staff resource allocation and are considered to be routine services provided by all Councils in this functional area. The review revealed that whilst these services were discretionary, they were relevant and important services and benchmarking data indicated that Council currently provides these at a cost per capita basis that is competitive compared to other Councils.

Of all discretionary functions provided, the largest impost is addressing overgrowth of vegetation complaints which is estimated to cost Council \$43,000 per year with no income offset. It is considered that if the investigation of routine complaints relating to overgrowth of vegetation were to be discontinued, then the in-kind savings could be redistributed to build capacity to address looming Environmental Health issues. An example of this is the possible need for Council to establish a private swimming pools inspection program due to pending legislative change. There are currently no excess resources to address this. A survey of customers that included Councillors along with The General Manager and Group Manager showed that addressing overgrowth of vegetation issues was highly valued by the organisation.

FINANCIAL/RESOURCE IMPLICATIONS

The recommendations of this review recognise a potential real and in-kind saving of \$67,000 per year within this service area.

This consists of:

- \$43,000 in kind savings due to the discontinuation of Overgrowth of vegetation investigations. Savings relate to staff time that would be redistributed to address future environmental Health demands imposed by legislative change;
- \$1,000 due to the discontinuation of the Indian Mynah Trap hire program;
- \$23,000 due to a one off increase of fees in the Food Surveillance and Onsite sewage management programs which are the main source of income for this service area.

There are no proposals to change existing staff resources.

Benchmarking data was received from nine (9) other Councils where the type of functions and the costs of providing these was analysed. It was found that Council currently provides an extensive range of Environmental Health services at a cost of \$1.64 per head of population. This was the 2nd most cost effective with surveyed Councils providing similar services for a cost of between \$1.53 and \$8.24 per head of population.

LEGAL, POLICY AND RISK IMPLICATIONS

The Environmental Health service area is predominantly regulatory based and services provided mainly non discretionary. The costs of providing this service are mainly related to staff costs and income is received through fees and charges.

There is a high risk associated with not addressing functions which are prescribed in legislation or implied due to some kind of duty of care ie where Council has the ability to act but chooses not to.

The review has shown that the current service levels are relevant and satisfactory and are performed at a minimum level necessary to address Councils obligations. Any further reduction in service level, apart from the changes to discretionary services as recommended, would increase Councils risk.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Reduction in service levels of non discretionary services	High	Continue the current level of relevant nondiscretionary services	Yes
Reduction in service levels of discretionary services	Medium	Discontinue Indian Mynah trap hire and investigation of overgrowth of vegetation complaints	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

If Council considers alternative options to the recommendations within the Environmental Health Service Strategy, this may affect the ability to address nondiscretionary responsibilities and other services expected by the community. The Environmental Health Service provides an important response for Council in addressing environmental and social impacts in particular eg complaint resolution.

CONSULTATION

- Environmental Health staff
- Business Excellence Co-ordinator
- Survey of all Councillors
- Survey of Group Manager Development Services
- Survey of General Manager
- Benchmarking Survey of 9 Councils

OPTIONS

- 1) Adopt the recommendations contained in the Sustainability Review – Environmental Health Service Strategy;
- 2) Amend the recommendations contained in the Sustainability Review – Environmental Health Service Strategy; or
- 3) Council reject the recommendations contained in the Sustainability Review – Environmental Health.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Environmental Health Service Strategy.

ITEM NO. 6

FILE NO: PSC2011-04360

SUSTAINABILITY REVIEW -RANGER SERVICES

REPORT OF: MATTHEW BROWN - MANAGER DEVELOPMENT ASSESSMENT AND COMPLIANCE

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Service Strategy Ranger Services and endorse the findings of the review and potential total in kind savings of \$18,430 per year;
 - 2) Increase the contract fee for the provision of Ranger Services to Dungog by 5% with an estimated increase in income of \$15,000 per year (subject to discussion with Dungog Shire Council);
 - 3) Discontinue the Indian Mynah collection and euthanasia program to save \$1,000 per year;
 - 4) Discontinue the dog and cat hire program to save \$2,430 per year.
-

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	<p>Councillor John Nell Councillor Geoff Dingle</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 26 JUNE 2012

142	<p>Councillor John Nell Councillor Ken Jordan</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1. Note the information contained in the Service Strategy Ranger Services and endorse the findings of the review and potential total in kind savings of \$18,430 per year; 2. Increase the contract fee for the provision of Ranger Services to Dungog by 5% with an estimated increase in income of \$15,000 per year (subject to discussion with Dungog Shire Council); 3. Discontinue the Indian Mynah collection and euthanasia program to save \$1,000 per year; 4. Discontinue the dog and cat trap hire program to save \$2,430 per year.

BACKGROUND

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

The comprehensive review of this service package has been undertaken in line with the principles of Best Value and is in accordance with the delivery of the Community Strategic Plan 2021: Strategic Direction 1.1 – to "Use Council's regulatory powers and other initiatives to improve public health and community safety".

By way of background, the sustainability review undertaken of Ranger Services comprised three key stages:

- Stage 1 Reviewing what is currently delivered;
- Stage 2 Reviewing what should be delivered; and
- Stage 3 Reviewing how it should best be delivered.

The findings of all stages of the review are documented in a comprehensive service strategy which is available as a tabled document.

It should be noted that 75% of functions performed within the Rangers Service area are Non-discretionary meaning that Council has a legislative obligation or implied duty of care to provide them.

Discretionary Ranger functions have been identified as Dog and Cat trap hire, Indian Mynah bird collection/euthanasia, Aggressive bird control (magpies/ plovers), Community education eg Ranger Ralph, Heavy Vehicle weighing, Illegal dumping investigations, Parking Surveillance private property eg D'albora Marina, Patrol assets such as reserves and wharves and the Dungog Service agreement.

The majority of these represent a small staff resource allocation but support other enforcement activities. Some discretionary functions provide an income stream to support Ranger Services or are important environmental programs such as the investigation of illegal dumping.

The review revealed that whilst these services were discretionary, they were relevant and important services and benchmarking data indicated that Council currently provides these at a cost per capita basis with is competitive compared to other Councils.

Of all discretionary functions provided, the Service Level Agreement with Dungog Council represents a service where there is potential to offset the costs of the Ranger Service by adding a margin of 5% to the current hourly rate- which is calculated on a cost recovery basis. This will realise an additional income of \$15,000 per year. It is also proposed to discontinue the Indian Mynah collection and euthanasia service and the hire of dog and cat traps which are not considered to be core Council functions. The discontinuation of these services will realise a small saving of \$3,430 combined.

FINANCIAL/RESOURCE IMPLICATIONS

The recommendations of this review recognise a potential real and in-kind saving of \$18,430 per year within this service area.

This consists of:

- \$15,000 additional income from an increase in contract fees for the Dungog service agreement. \$1000 due to the discontinuation of the Indian Mynah Trap hire program;
- \$2,430 in kind due to the discontinuation of the Dog and Cat trap hire program; and
- \$1,000 in kind due to the discontinuation of the Indian Mynah collection and euthanasia service.

There are no proposals to change existing staff resources.

Benchmarking data was received from seven (7) other Councils where the type of functions and the costs of providing these was analysed. It was found that Council currently provides an extensive range of Ranger services at a cost of \$3.65 per head of population. This was the 2nd most cost effective with surveyed Councils providing similar services for a cost of between \$0.84 and \$6.98 per head of population.

LEGAL, POLICY AND RISK IMPLICATIONS

The Ranger service area is predominantly regulatory based and services provided mainly non discretionary. The costs of providing this service are mainly related to staff costs and the pound contract and the income supporting the service is received through fees, charges and fines.

There is a high risk associated with not addressing functions which are prescribed in legislation or implied due to some kind of duty of care i.e. where Council has the ability to act but chooses not to.

The review has shown that the current service levels are relevant and satisfactory and are performed at a level necessary to address Councils obligations whilst generating income to move towards a self funding service. Any further reduction in service level, apart from the changes to discretionary services as recommended, would increase Councils risk and also the income generating capacity necessary to fund non discretionary functions.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Reduction in service levels of non discretionary services	High	Continue the current level of relevant nondiscretionary services	Yes
Reduction in service levels of discretionary	Low	Discontinue Indian Mynah collection and euthanasia	Yes

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services.		program and dog and cat hire service	
Increase contract fee to Dungog service agreement	Low	Increase of 5% to be added to contract fee	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

If Council considers alternative options to the recommendations within the Rangers Service Strategy, this may affect the ability to address non-discretionary responsibilities and other services expected by the community. It could also impact on the ability of the Ranger service to move towards a self funded service.

The Ranger Service provides an important response for Council in addressing environmental and social impacts in particular eg impacts of Companion Animals and parking safety which no other local enforcement authority provides.

CONSULTATION

- Ranger Services staff;
- Business Excellence Co-ordinator;
- Survey of all Councillors;
- Survey of Group Manager Development Services;
- Survey of General Manager; and
- Benchmarking Survey of 7 Councils.

OPTIONS

- 1) Adopt the recommendations contained in the Sustainability Review – Ranger Service Strategy;
- 2) Amend the recommendations contained in the Sustainability Review – Ranger Service Strategy;
- 3) Council reject the recommendations contained in the Sustainability Review – Rangers Service Strategy.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Ranger Service Strategy.

ITEM NO. 7

FILE NO: PSC2011-04359

SUSTAINABILITY REVIEW – ECOLOGICAL ADVICE AND PLANNING AND CATCHMENT AND BIODIVERSITY PROGRAMS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Continue the function of Ecological Advice and Planning, however seek to continuously improve the service including by establishing a panel of consulting ecologists/ planners to provide ecological advice on DAs/rezonings and facilitate appropriate development;
- 2) Continue the function of Catchment and Biodiversity Programs, however seek to continuously improve the service including a reposition of the weeds officers to have a more on grounds focus and a cessation of the mosquito monitoring program.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	<p>Councillor John Nell Councillor Shirley O'Brien</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Continue the function of Ecological Advice and Planning, however seek to continuously improve the service including by establishing a panel of consulting ecologists/planners to provide ecological advice on DAs/rezonings and facilitate appropriate development; 2) Continue the function of Catchment and Biodiversity Programs, however seek to continuously improve the service including a reposition of the weeds officers to have a more on grounds focus and a cessation of the mosquito monitoring program; 3) Investigate the engagement of a dedicated grants officer as a Corporate Resource, to increase the external grant income for Council.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

143	<p>Councillor Shirley O'Brien Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Continue the function of Ecological Advice and Planning, however seek to continuously improve the service including by establishing a panel of consulting ecologists/planners to provide ecological advice on DAs/rezonings and facilitate appropriate development; 2) Continue the function of Catchment and Biodiversity Programs, however seek to continuously improve the service including a reposition of the weeds officers to have a more on grounds focus and a cessation of the mosquito monitoring program; 3) Investigate the engagement of a dedicated grants officer as a Corporate Resource, to increase the external grant income for Council.
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Cr Bruce MacKenzie recorded his vote against the resolution.

BACKGROUND

The purpose of this report is to inform Council on the outcomes of the Sustainability Review of the Ecological Advice and Planning, and Catchment and Biodiversity functions of Council.

The review of services included consideration of:

- The organisation's vision and values;
- Compliance
- The Market
- Customer needs.

Details of the service package under review

Service Package Name	Ecological Advice and Planning Catchment and Biodiversity Programs
Purpose of Service Package	<ul style="list-style-type: none"> ○ Meet legislative Requirements ○ Improved environmental outcomes ○ Assist community and developers to plan developments and projects with increased level of certainty ○ Assist landholders with land management issues

Link to the Community Strategic Plan (strategic measure and delivery program)

- 3.1 Maintain and Improve existing biodiversity levels through the development and implementation of conservation programs
- 3.4 Implement the provisions of the Noxious Weed Act 1993
- 3.5 Promote the sustainable use of primary industries through working with landholders, the State government, the rural community and extractive industries.
- 3.8 Develop strategic land use plans, including a community settlement strategy.
- 3.9 Implement development and building assessment regulations.
- 3.10 Prepare and maintain statutory planning instruments (Local Environment Plans), Development Control Plans and policies.

Key drivers to consider in relation to **why** the service package is currently delivered (requirement to financially, legally or operationally control the service):

- Council has legislative requirements under the Environmental Planning and Assessment Act 1979, the Noxious Weed Act 1993, the Local Government Act 1993, the Threatened Species Conservation Act 1995 and the Coastal Protection Act 1979 that are met by the delivery of the service package
- Running these services allows council to attract grants to expand the services and meet community needs and expectations. Without a base level of funding Council would not be able to meet the requirements of grant bodies matching funding.
- The Natural Resources Team provides in-house advice to other groups in Council on a range of Council projects.

Key drivers to consider in relation to **how** the service package is currently delivered:

- The ability to meet all legislative requirements, for example, the need to assess the ecological impacts of Development Applications and the need to control noxious weeds on Council land.
- The needs of other sections of Council, for example, work done for Facilities and Services sections or advice on Rezoning Requests.
- The economic least-cost delivery, for example, Council could delegate its noxious weed functions to another Local Control Authority however it would mean a decreased level of service for the community as only Noxious Weed Act 1993 functions (which have a more regulatory focus) would be delivered as opposed to having a broader focus on on-ground weed control – this approach may result in weeds getting out of control and would not save Council money in the medium to long term.
- Customer feedback indicates that the Community wants Council to deliver the service package because these functions are of concern and the work is highly valued.
- Several of the service package programs are already delivered by contracts or by partnerships with community groups, for example, bush regeneration.

Current mode of service (eg in-house/contracted out/partnerships, etc)

	Function	In-house/contracted out/partnerships.
Function 1	Ecological Advice and Planning	In house with more technical projects delivered through consultants, eg Port Stephens Conservation Assessment Tool.
Function 2	Catchment and Biodiversity Programs	Mix of In-house with contractors to deliver some of the larger on grounds programs, eg bush regeneration programs funded through grants are often delivered via contractors. Estuary Management Plans are written by consultants with appropriate technical expertise in the relevant area, eg coastal engineering.

As discussed in attachment 1 it is proposed to restructure the weeds team to ensure a greater focus on on-ground weed control. This will result in 3 officer level weeds staff as opposed to a Senior Weeds officer and 2 officer positions. The proposed change will allow an additional front-line officer level position and save \$16,000 per year which will be diverted to fast-track the provision of ecological advice on DAs/rezonings and facilitate appropriate development.

It is proposed to cease participation in the Hunter New England Health mosquito monitoring program which involves trapping mosquitoes which Hunter New England Health analyses for viruses. Due to adverse health impacts Council has not undertaken active fogging programs for many years and the proposed change does not alter the education message to the community (cover up, use repellent etc) and saves Council \$17,000 per year. This staff time saving will be re-allocated to on-ground weed control programs.

FINANCIAL/RESOURCE IMPLICATIONS

The proposed changes will result in more efficient delivery of services for both Ecological Advice and Planning as well as Catchment and Biodiversity Programs. Staff numbers are not proposed to be affected.

LEGAL, POLICY AND RISK IMPLICATIONS

There are legal requirements to run elements of the service package and the programs are very popular with the community. Staff have regular requests from the community to support community volunteer projects and demand exceeds supply for the environmental initiatives supported by these programs.

It is expected that there would be a risk to reputation if the service package were not to continue - based on feedback and demand, there is a considerable desire for the service to continue.

It is expected that there would be a legal risk to Council if the service package were not to continue to service other Council departments.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Council not meeting its legislative responsibilities regarding timeframes for Das/rezonings during peak work loads	High	Establish a panel of consulting ecologists/ planners to resource work load peaks for the provision of ecological advice on DAs/rezonings to ensure legislative timeframes are met and facilitate appropriate development	Yes
State Agencies disappointed that mosquito monitoring program will cease	Medium	Communication with agencies explaining resourcing constraints and give a commitment that Council will continue the educational aspects of the program	Yes
Community groups disappointed that they will have less support from Bushland and Vegetation Officer	Medium	Clear communication with community groups regarding who at Council should be their first point of contact and how to access support	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

A comparison of comparable Councils in our ACLG grouping that have similar natural characteristics, large natural areas with coasts and estuaries (Eurobodalla Shire Council, Great Lakes Council and Greater Taree City Council) reveals that:

- Council's staffing levels for the Natural Resources Management functions are similar to our comparable Councils, even though the average population growth rate in Port Stephens is approximately 50% higher
- The expense budget for the Natural Resources Management functions in Port Stephens is under-funded compared to our comparable Councils – ranging from \$0.3M to \$1.5M less – and this is substantially driven by external grants income
- The external grants income for the Natural Resources Management functions is somewhat less than our comparable Councils – ranging from \$0.45M to \$1.15M less – or up to one third of what comparable councils receive.
- The natural resources team is very efficient compared to comparable councils

It is proposed that a business case be developed for engaging a dedicated grants officer. It is proposed that any budgetary increase for the Natural Resources Management functions would be used to achieve efficiency gains (eg by using out-sourced panels), to specifically leverage external grants income or to achieve additional management outcomes in line with Council endorsed programs.

Adopting the recommendations in this report would improve the financial sustainability of the Natural Resources Management team and lead to more efficient delivery of services for both Ecological Advice and Planning as well as Catchment and Biodiversity Programs.

The longer term sustainability of the Natural Resources Management functions however would require additional income to deliver the required programs in the light of increased legislative, government, development and community pressure. Targeting available grant funding would be part of the solution. However, future consideration should be given to the re-introduction of an Environment Levy or some other similar mechanism (Special Rate Variation).

A re-introduced Environment Levy could be used to fund vital on-ground works implemented across Council. These works include

- stormwater quality improvement works identified in the Urban Stormwater and Rural Water Quality Management Plan (2003) and the Port Stephens and Myall Lakes Estuary Management Plan (2000);
- erosion control works identified in the Port Stephens Foreshore Management Plan (2009) and the Port Stephens and Myall Lakes Estuary Management Plan (2000), (eg works at Peace Park foreshore Tanilba Bay and Conroy Park/ Corlette area);
- energy savings measures identified in the Energy Savings Action Plan and through the Power Rangers program and works to address Highest Priority Climate Change Risks identified in the Port Stephens Climate Change Risk Assessment Adaptation Action Plan (2009);
- noxious weed eradication and bushland management actions in high priority conservation areas identified in the Port Stephens Foreshore Management Plan (2009) (eg Bagnalls Beach Reserve, Fly Point Reserve and Mambo Wetlands Reserve); and,
- implementing works identified in the Port Stephens Foreshore Management Plan (2009) (eg beach restoration/nourishment in specific areas, improvements to car parking and facilities for waterway access and improvements to existing sea walls and rock foreshore walls)

A re-introduced Environment Levy could be used to fund the updating of key Council documents and tools such as the 12 year old Port Stephens and Myall Lakes Estuary Management Plan (2000), the 10 year old Comprehensive Koala Plan of Management (2002) and the Port Stephens Conservation Assessment Tool (CAT) used across Council to assess and facilitate appropriate planning and development decisions.

CONSULTATION

Summary of key customer feedback:

Groups spoken with include Development Assessment, Building, Strategic Planning, Community and Recreation, Civil Assets, Hunter Water, Crown Lands Department, Regional Weeds Management Group and the community via the yearly customer survey.

The other sections of Council were consulted through the creation or revision of service level agreements. The Development Assessment, Building, and Strategic Planning teams rely on the Natural Resources team to give input on the ecological impact of planning proposals and policies. These teams consider the service provided to be at a high standard however it is noted that the demand for advice is increasing as environmental legislation is tightened, community expectations increase and development pressure seeks to impinge on areas of ecological value.

The Community and Recreation, and Civil Assets teams also value the work undertaken by the Natural Resources team, particularly the work done in bushland and on Estuary Management. It is noted that much of this work requires environmental expertise that either is not present within these teams or staff with the expertise do not have the capacity to perform this work and meet their own obligations. These teams have also expressed the desire for the Natural Resources team to further assist with environmental programs and obligations. Unfortunately this is unable to be resourced within existing staff levels and still meet the core legislative commitments.

Hunter Water, the Crown Lands Department, and the Regional Weeds Management Group all provide Port Stephens Council with funds to undertake environmental works that meet their organisational objectives/requirements. Hunter Water and Crown Lands provide the funds voluntarily and it assists Council to take a more strategic and regional approach to such programs as weed management, and natural area restoration.

Community feedback (via the community survey) indicated an average score for importance of 3.49 (out of 4) for environmental programs. Comments related to the concern about the ongoing threat of weeds, and the desire to see more environmental works undertaken.

OPTIONS

- 1) Accept;
- 2) Alter;
- 3) Reject Recommendation.

ATTACHMENTS

- 1) Recommended Changes.

COUNCILLORS ROOM

- 1) Service Strategy Documentation.

TABLED DOCUMENTS

- 1) Service Strategy Documentation.

ATTACHMENT 1
RECOMMENDED CHANGES

Recommendation	Costs	Benefits	Timetable for change	Rationale	Risks associated with the recommendation	Further consultation required	General comments
Restructure the weeds team and reinvest the savings to fast track DA advice and facilitate appropriate development	Staff time to review and alter positions descriptions and delegations	The proposed change will allow an additional front-line officer level position and save \$16,000 per year which will be diverted to fast-track the provision of ecological advice on DAs/rezonings and facilitate appropriate development	3 months from Council adoption	This will result in increased in more on grounds focus for the weeds team and more timely ecological advice on DAs/rezonings	Positions will need to be checked for grading once the position descriptions are reviewed. It is possible that regrading may occur eroding some of the savings. However efficiencies will still be achieved	Nil	There are already strong links to other sections of Council, i.e Planning and Operations
Cease participation in the Hunter New England Health mosquito monitoring program and re-allocate staff time to on-ground weed control programs	Staff time to inform relevant departments that the program will cease	The efficiency gains are estimated to be \$17,000 per annum of staff time which will be diverted to on ground weeds control programs	The change will commence from the 2012/13 monitoring program which will commence next summer.	This program involves trapping mosquitoes which Hunter New England Health analyse for viruses. However the education message to the community is the same regardless if viruses are present or not, ie cover up,	The relevant state government departments will be disappointed that PSC will not continue the program.	Nil – Relevant Government departments have been advised that stopping the program in 2012/13 may be an outcome of this review	Council will still run the education aspect of the program to ensure the community is aware of the health impacts from mosquito bites. Active control of mosquitoes via fogging is no longer

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Recommendation	Costs	Benefits	Timetable for change	Rationale	Risks associated with the recommendation	Further consultation required	General comments
				and use insect repellent			undertaken due to adverse health impacts on infants, asthmatics and the elderly, and adverse impacts on the environment as the insecticide kills all insects

ITEM NO. 8

FILE NO: A2004-0958

ACQUISITION FOR EASEMENTS FOR WATER MAINS OVER LOT 1 DP 1136350 AND LOT 681 DP 9165 AT NELSON BAY

**REPORT OF: STEVEN BERNASCONI - COMMUNITY AND RECREATION SERVICES
MANAGER**

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the creation of easements for water main services over Lot 1 DP1136350 and Lot 681 DP9165 at Nelson Bay;
- 2) Consents to, and grants authority to affix Council's Seal to the Transfer Granting Easements attached to the plan which will create the easements for water main services over Lot 1 DP1136350 and Lot 681 DP9165 Nelson Bay.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	<p>Councillor Bob Westbury Councillor John Nell</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 26 JUNE 2012

144	<p>Councillor John Nell Councillor Caroline De Lyall</p>
	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to recommend Council consents to the creation of easements for water main supply purposes over Lot 1 DP1136350 and Lot 681 DP9165 at Nelson Bay (see attachment 1) and authorises Councils Seal to be placed on the relevant documents to achieve this.

Hunter Water Corporation identified the need for an upgrade to their infrastructure in 2010 and therefore requires easements over the subject properties. Council has the authority to grant an easement for essential services under Section 46 (1) (g) of the Local Government Act 1993.

Plans of the proposed easements have been registered at Land and Property Information and are known as:

DP1155381 – Lot 1 DP1136350
DP1155384 - Lot 681 DP9165.

Construction of the works was completed in 2010 and the remaining action to be taken is lodgement and registration of the Transfer Granting Easement.

FINANCIAL/RESOURCE IMPLICATIONS

There are no resource implications. Council will be compensated \$2,275 by Hunter Water Corporate for the easements.

LEGAL, POLICY AND RISK IMPLICATIONS

Actions in this matter fall under the Local Government Act 1993, Conveyance Act 1919 and the Real Property Act 1900.

There are no Council Policies involved.

The following risks have been identified.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a legal risk of not formalising the property easement approvals where works have already been completed	Low	Adopt the recommendation	Yes
There is a risk of future uses of the land being in conflict with the actual water services in place if the easement is not formalised	Low	Adopt the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant social or economic implications that could arise from adopting the recommendation.

The easements are on Council reserves. The water mains are underground. It is not considered likely that the ecological systems of the area will be significantly affected.

CONSULTATION

Hunter Water Corporation;
Skelton Valuers (acting for Hunter Water Corporation);
Principal Property Advisor;
Property Officer;
Crown Lands.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map.

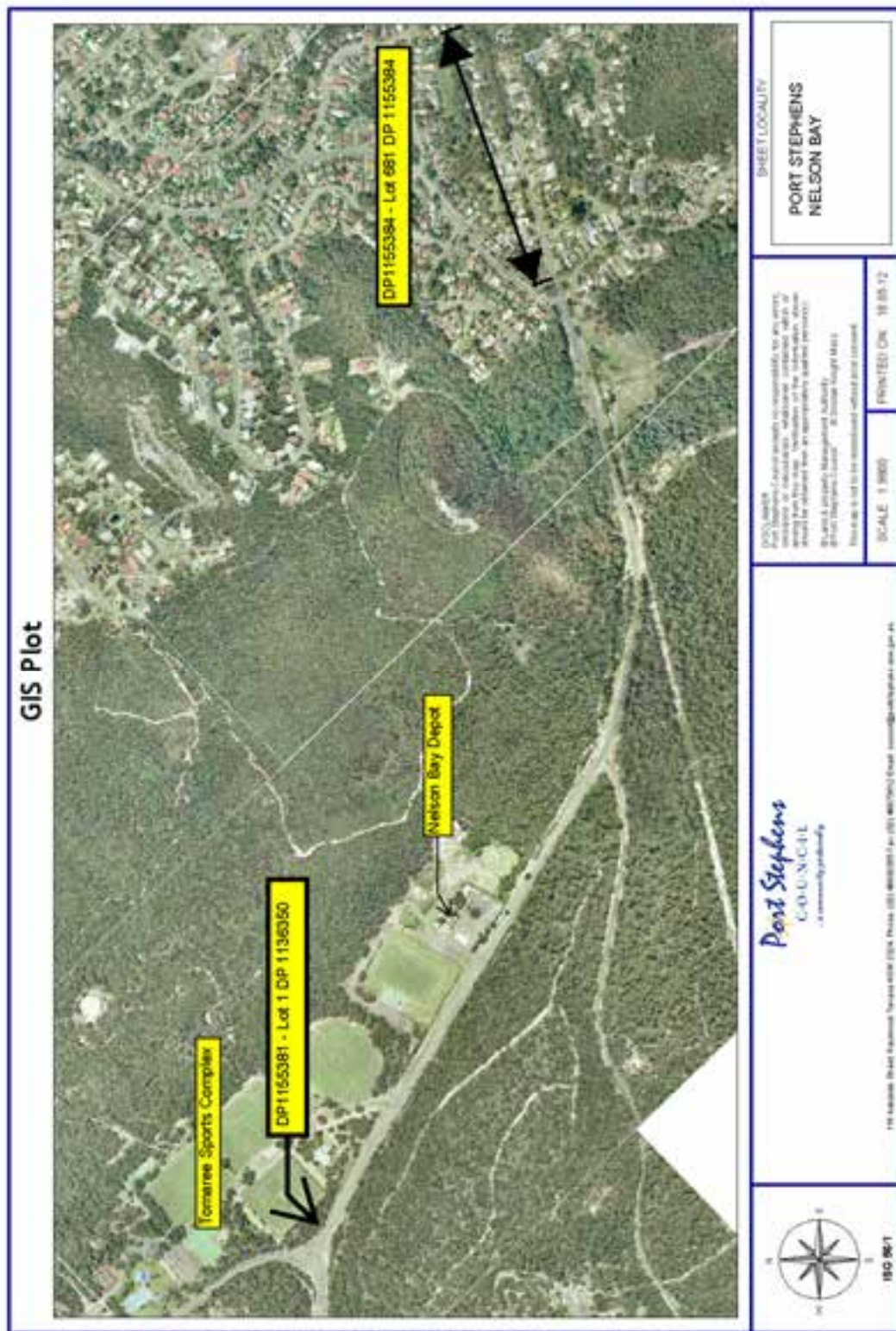
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY MAP



ITEM NO. 9

FILE NO: A2004-0964

ACQUISITION FOR EASEMENT FOR ELECTRICAL SERVICES OVER LOT 681 DP 9165 AT STOCKTON PONDS RESERVE NELSON BAY

**REPORT OF: STEVEN BERNASCONI - COMMUNITY AND RECREATION SERVICES
MANAGER**

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the creation of an easement for electrical services over Lot 681 DP9165 at Stockton Ponds Reserve Nelson Bay;
- 2) Consents to, and grants authority to affix Council's Seal to the Transfer Granting Easement attached to the plan which will create the easement for electricity service over Lot 681 DP9165 at Stockton Ponds Reserve Nelson Bay.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	<p>Councillor John Nell Councillor Bob Westbury</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 26 JUNE 2012

145	<p>Councillor John Nell Councillor Caroline De Lyall</p>
	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to recommend Council consents to the creation of an easement for electricity purposes over Lot 681 DP9165 at Stockton Pond Reserve Nelson Bay (also known as 112A Stockton Street) (see attachment 1) and authorises Councils Seal to be placed on the relevant documents to achieve this.

Ausgrid Pty Ltd identified the need for an upgrade to their infrastructure in 2010 and therefore requires an easement over the subject property. Council has the authority to grant an easement for essential services under Section 46 (1) (g) of the Local Government Act 1993.

A plan of proposed easement has been registered at Land and Property Information known as DP1147307

Construction of works is complete and the remaining action is lodgement and registration of the Transfer Granting Easement.

FINANCIAL/RESOURCE IMPLICATIONS

There are no resource implications. Council will be compensated \$21,000 by Ausgrid Pty Ltd for the easement.

LEGAL, POLICY AND RISK IMPLICATIONS

Actions in this matter fall under the Local Government Act 1993, Conveyancing Act 1919 and the Real Property Act 1900.

There are no Council Policies involved.

The following risks have been identified.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a legal risk of not formalising the property easement approvals where works have already been completed	Low	Adopt the recommendation	Yes
There is a risk of future uses of the land being in conflict with the actual electrical services in place if the easement is not formalised	Low	Adopt the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant social or economic implications that could arise from adopting the recommendation.

The easement is on a Council Reserve that is designated as drainage reserve. The services are underground. It is not considered likely that the ecological systems of the area will be significantly affected.

CONSULTATION

Ausgrid;
Sparke Helmore (acting on behalf of Ausgrid);
Principal Property Advisor;
Property Officer.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY MAP



ITEM NO. 10

FILE NO: PSC2005-2656

ACQUISITION OF EASEMENT TO DRAIN WATER AT 39 ANN STREET WALLALONG

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the creation of an easement to drain water 3 metres wide over Lot 204 DP 1006236 at 39 Ann Street Wallalong;
- 2) Finalises and registers the Transfer Granting Easement over the property in item 1 above.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012
RECOMMENDATION:

	<p>Councillor Steve Tucker Councillor Shirley O'Brien</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 26 JUNE 2012

146	<p>Councillor Glenys Francis Councillor Ken Jordan</p>
	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to recommend Council consent to the creation of a 3 metre wide easement to drain water over the subject property and registers the Transfer Granting Easement in favour of Council.

The subject property is located at the northern end of Ann Street Wallalong (see Attachment 1 – Locality Sketch). The proposed easement runs along part of the eastern boundary to meet with a proposed easement running east on the adjoining property Lot 101 DP 849759 (see Attachment 2 – Plan).

Problems with stormwater drainage at this end of Ann Street have existed for some time. Council has been waiting for the construction of piped drainage within Lot 101 DP 849759 before the installation of Council's piped drainage.

Construction through Lot 101 has been completed and an easement in favour of Council will be created upon the registration of the deposited plan for the subdivision of Lot 101. The owner of Lot 101 has consented to Council connection into the constructed stormwater drainage pending the creation of the easement.

FINANCIAL/RESOURCE IMPLICATIONS

The owners of the subject property have agreed to the creation of the easement without compensation in exchange for the construction and authorisation to drain into Council's piped drainage.

Administration and registration of the easement together with construction costs will be incurred by Council in the amount of approximately \$75,000 and has been allocated in the Facility and Services budget for this 2011/2012 financial year.

LEGAL, POLICY AND RISK IMPLICATIONS

The acquisition and construction will relieve the inundation of downstream properties and therefore reduce Council's risk.

Actions in this matter fall under the Local Government Act 1993, Roads Act 1993, Land Acquisition (Just Terms Compensation) Act 1991, Conveyancing Act 1919 and the Real Property Act 1900. There are no Council Policies involved. There are no risk implications as the owner has signed an agreement to the easement and construction.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Inundation of downstream properties	Medium	Construct stormwater drainage	Yes
Future owners of Lot 204 may not be aware of the piped drainage through the property	Medium	Create Easement	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social, economic or environmental Implications.

CONSULTATION

Consultation has involved the property owners, adjoining property owners and Council Staff.

OPTIONS

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

ATTACHMENTS

- 1) Locality Sketch;
- 2) Plan of Proposed Easement,

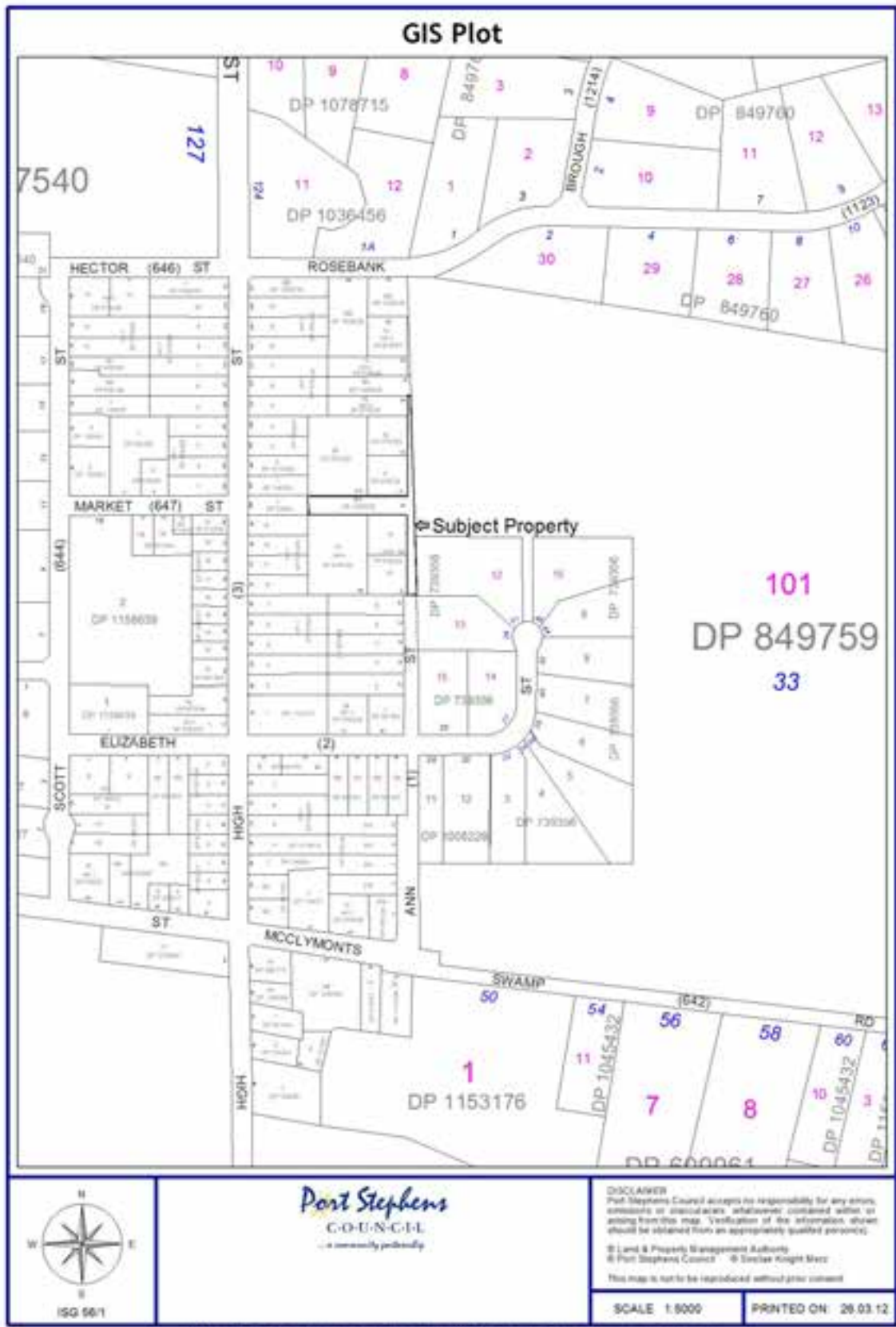
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



ITEM NO. 11

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 1 MAY 2012

REPORT OF: JOHN MARETICH – CIVIL ASSETS 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 1st May 2012.
-

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	Councillor Bob Westbury Councillor Peter Kafer
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

147	Councillor Peter Kafer Councillor Caroline De Lyall
	It was resolved that the recommendation be adopted.

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.

The full annual Local Traffic Committee budget allocation has been spent for 2011/2012 requiring that Traffic Committee recommendations will have to be deferred to the next financial year.

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	<u>Risk Ranking</u>	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 – 1/5/2012.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 1ST MAY 2012
AT 9:30AM**

Present:

Ms Michelle Mexon representing Craig Baumann MP, Cr Peter Kafer, Cr Geoff Dingle, Snr Const John Simmons - NSW Police, Mr Nick Trejevski – RMS, Mr Joe Gleeson (Chairperson), Mr Graham Orr – Port Stephens Council

Apologies:

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

A. ADOPTION OF MINUTES OF MEETING HELD 3RD APRIL, 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

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS
TUESDAY 1ST MAY, 2012**

- A. ADOPTION OF THE MINUTES OF 3RD APRIL, 2012**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
- C.1 12_05/12 SPINNAKER WAY CORLETTE - REQUEST FOR BARRIER LINE
INSTALLATION**
- C.2 13_05/12 COOK PARADE LEMON TREE PASSAGE - REQUEST FOR ACCESSIBLE
PARKING AT THE CHEMIST AND DOCTORS SURGERY**
- C.3 14_05/12 SPINNAKER WAY CORLETTE - REQUEST FOR INSTALLATION OF SPEED
HUMPS AT THE VANTAGE ESTATE**
- C.4 15_05/12 GILES ROAD SEAHAM - REQUEST FOR INSTALLATION OF
LOCABLE GATES**
- D. INFORMAL MATTERS**
- D.1 507_05/12 WILLIAM BAILEY STREET RAYMOND TERRACE - REQUEST FOR A
PEDESTRIAN CROSSING AT ROSS WALBRIDGE RESERVE**
- E. GENERAL BUSINESS**

B. BUSINESS ARISING FROM PREVIOUS MEETING

B.1 Item: 505_04/12

NELSON BAY ROAD ANNA BAY – CONCEPT PLAN FOR A BUS INTERCHANGE AS PART OF THE NELSON BAY ROAD UPGRADE

Requested by: Port Stephens Council

File: A2004-0511

Background:

This matter was listed as an informal item at the April Local Traffic Committee meeting. Council officers gave the Committee an update on feedback received from the RMS Project Manager.

Traffic Committee was advised that Initial feedback from the RMS Development Manager is that any proposal from Council regarding a park and ride facility utilising the residual road pavement must have access from the roundabout unnamed southern leg opposite Port Stephens Drive. It appears that partial acquisition from Lot 7 DP 729936 would be required to enable this. Direct access from Nelson Bay Road will not be considered.

Discussion:

This response from RMS places the emphasis for bus interchange facilities back onto the existing car park area at the old Anna Bay Oval. Traffic Committee members supported the need for any future redevelopment of the Anna Bay Oval to include bus interchange facilities. Committee members also noted that there may be opportunity for any improvement works to be at least partially developer funded.

C. Listed Matters

C.1 Item: 12_05/12

SPINNAKER WAY CORLETTE - REQUEST FOR BARRIER LINE INSTALLATION

Requested by: A resident
File: PSC2005-4020/081
Background:

The resident says: "There is a tendency for motorists to use the width of the road to cut the bend at the Breakwater to the inner side of the road, in spite of the lack of visibility ahead. This is made even worse if cars are parked on either the inner or outer side of the bend. The other area involves a blind crest of a hill, currently without even a centerline. Again, this hazard could be alleviated by the use of double centre lines running for about 400 metres over the crest of the hill."

Comment:

Traffic Inspection Committee members noted that the increased traffic volumes using Spinnaker Way now that the road is connected through the Vantage Estate, has increased the safety risk and that barrier lines are warranted in the locations requested.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules Part 11 – Rule 132 – Keeping to the left of a dividing line
RTA Delineation Manual – Section 4 – Longitudinal Markings
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

1. Install 120m of double barrier lines in Spinnaker Way Corlette, at the bend near The Breakwater, as shown on the attached sketch, Annexure A, page 1.
2. Install 130m of double barrier lines at the crest in Spinnaker Way between Mooring Avenue and Manung Terrace, Corlette, as shown on the attached sketch, Annexure A, page 2.

Discussion:

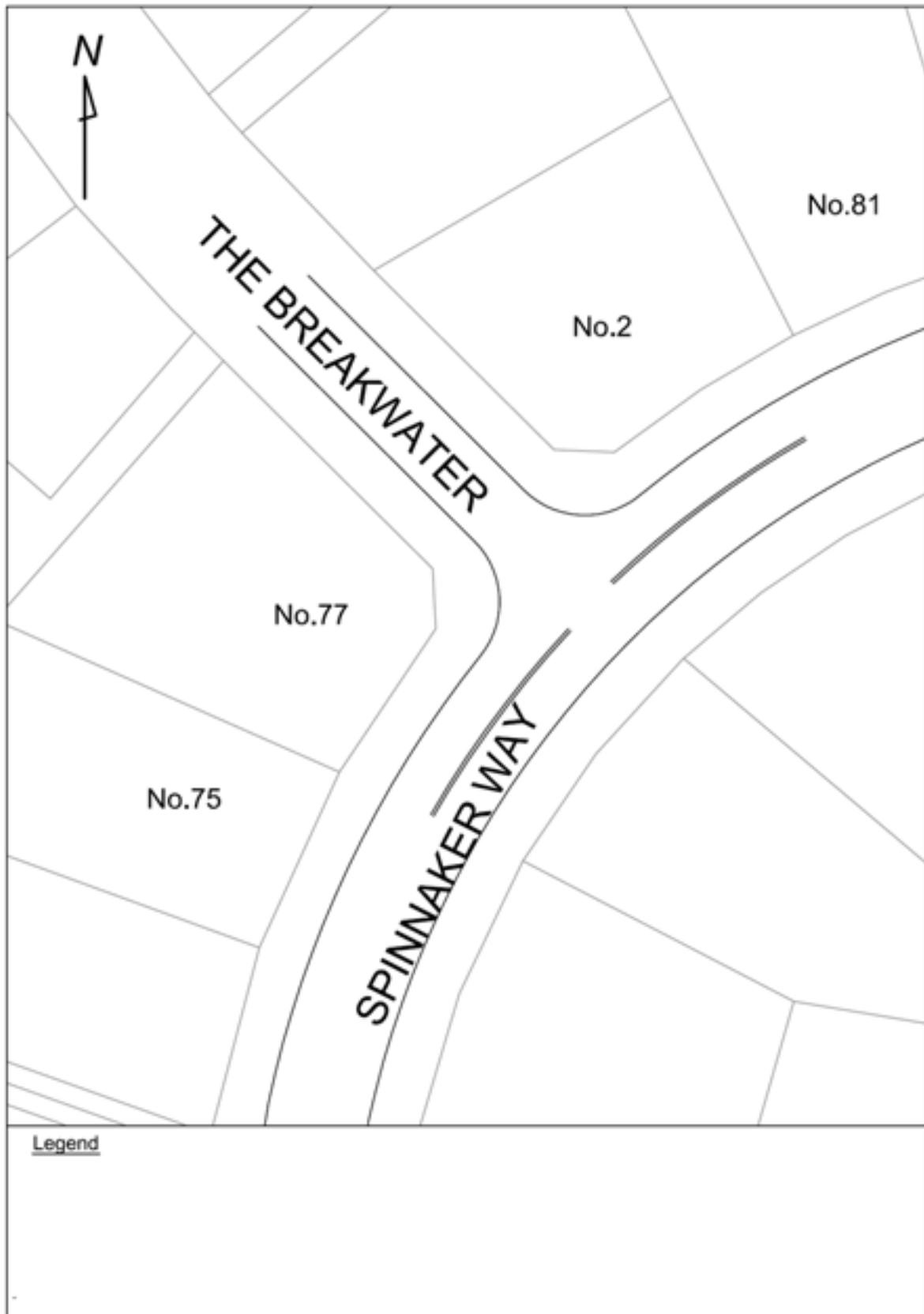
Traffic Committee members expressed concerns regarding the possible impact of barrier lines on resident parking. While the road is wide enough to allow vehicles to legally park adjacent to the proposed barrier lines it was noted that it is likely that buses would be forced to cross the barrier lines if vehicles were parked on-street. Committee members recommended that the barrier lines be reduced to be 20m either side of the Breakwater intersection and that consideration be given to installation of separation line to connect between the existing centreline and the new sections on Spinnaker Way. Council officers will check the warrant and enter a customer request accordingly.

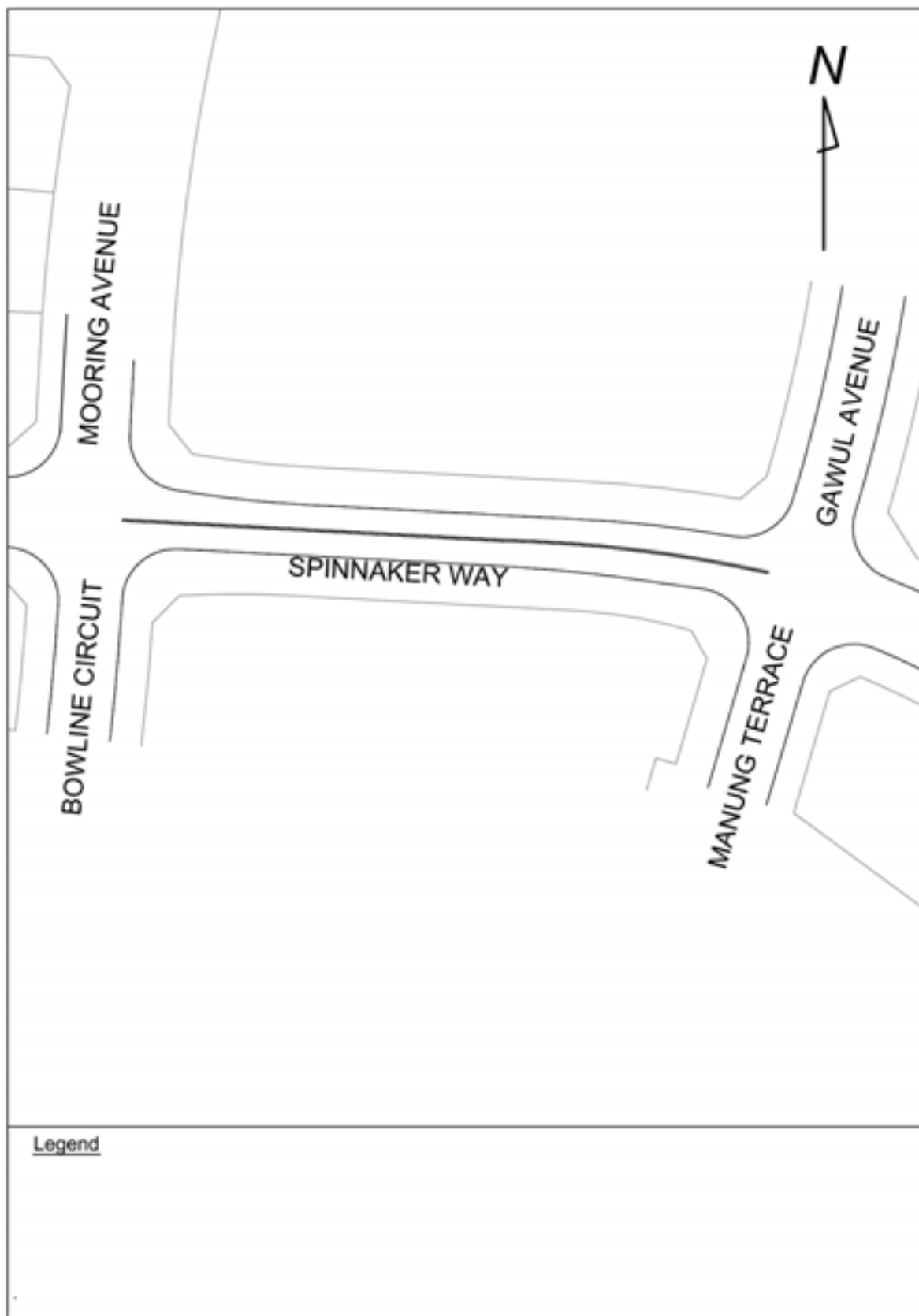
Committee's recommendation:

1. Install 40m of double barrier lines in Spinnaker Way Corlette, at the bend near The Breakwater, as shown on the attached sketch, Annexure A, page 1.
2. Install 130m of double barrier lines at the crest in Spinnaker Way between Mooring Avenue and Manung Terrace, Corlette, as shown on the attached sketch, Annexure A, page 2.

Support for the recommendation:

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





C.2 Item: 13_05/12

COOK PARADE LEMON TREE PASSAGE - REQUEST FOR ACCESSIBLE PARKING AT THE CHEMIST AND DOCTORS SURGERY

Requested by: A resident
File: PSC2005-4189/090
Background:

A resident contacted Council to request disabled parking at the pharmacy and doctors surgery in Cook Parade Lemon Tree Passage. The resident is able to walk only a very short distance due to a medical condition and often struggles to find parking close enough for his needs.

Comment:

There is ample parking in the area with the Foreshore car parks largely unoccupied outside of peak holiday times however this is too far from the pharmacy and shops for the resident.

Installation of accessible parking must meet the minimum standards required under the Australian Standard AS2890.5 – On-street parking. The standard requires parking spaces to be 3.2m minimum width and to have 2 pedestrian ramps provided to connect to an accessible pathway. These works will require capital funding and will have to go to the FWP for prioritisation, if supported.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 203 - Stopping in a parking area for people with disabilities
AS2890.5 – Parking Facilities – On-street parking
RTA signs database – R5-1-3
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

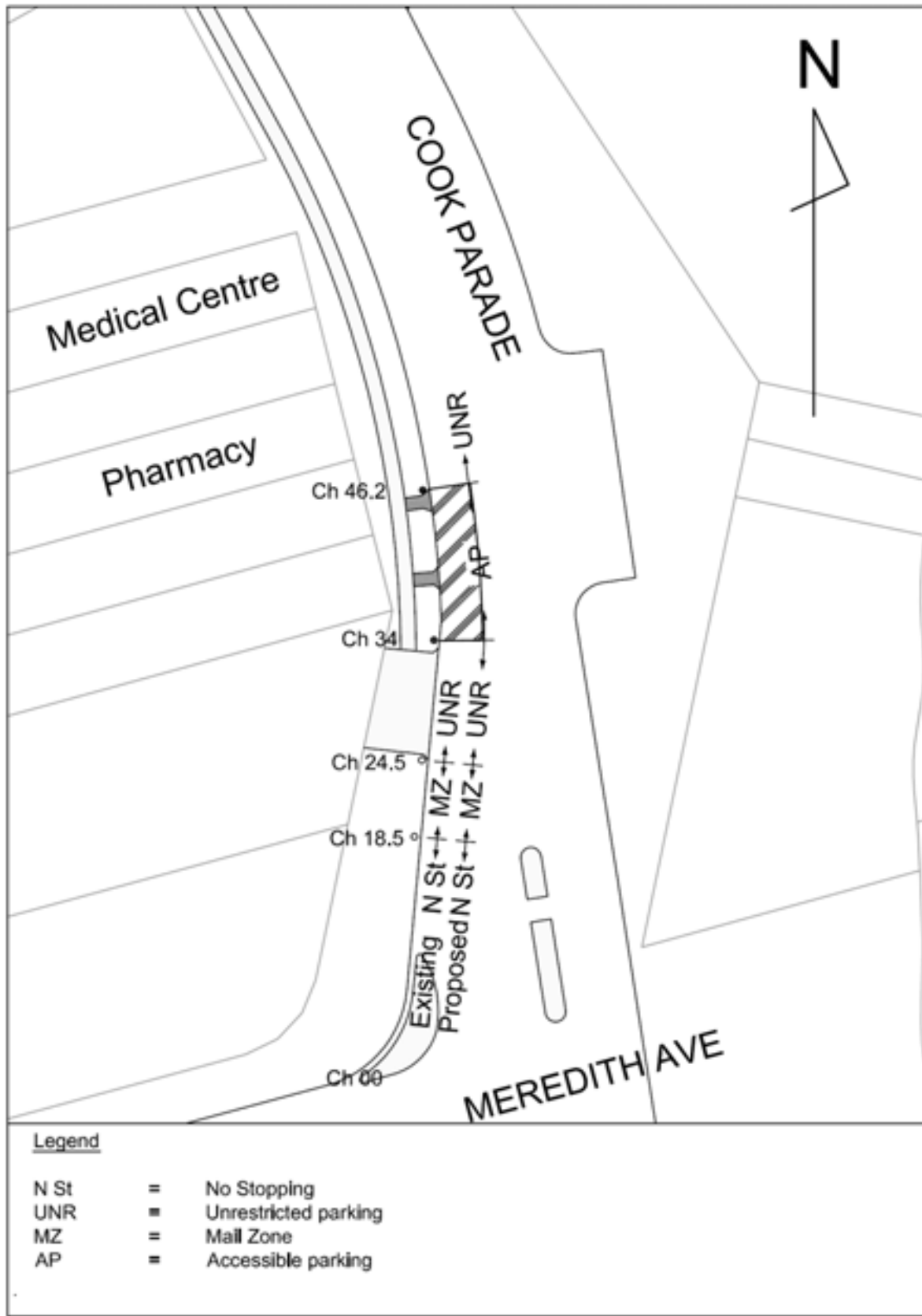
Recommendation to the Committee:

Approve installation of 2 accessible parking spaces in Cook Parade Lemon Tree Passage, as shown on the attached sketch, Annexure A. This work is to be placed on the Council's Forward Works Plan to await allocation of funding.

Discussion:

Support for the recommendation:

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



Legend

- | | | |
|------|---|----------------------|
| N St | = | No Stopping |
| UNR | = | Unrestricted parking |
| MZ | = | Mail Zone |
| AP | = | Accessible parking |

C.3 Item: 14_05/12

SPINNAKER WAY CORLETTE - REQUEST FOR INSTALLATION OF SPEED HUMPS AT THE VANTAGE ESTATE

Requested by: Landcom

File: 11/121

Background:

The latest stage of the Vantage Estate development, Stage 27, is nearing construction with the developer wanting to install raised platforms for traffic calming purposes on Spinnaker Way. Spinnaker Way has already been fully constructed and dedicated to Council.

Comment:

Spinnaker Way is the main road through the estate and now connects directly between Sandy Point Road and Bagnall Beach Road and beyond. Council officers are of the opinion that construction of 1 or more roundabouts at the intersections to the west of Bagnall Beach Road would be a far more effective form of traffic calming than raised platforms. Roundabouts would also address any future road safety issues at the 4-way intersections on Spinnaker Way. Raised platforms are effective in reducing vehicle speeds but can create noise nuisance for nearby residents.

Roundabouts are especially effective at reducing conflict at intersections with a typical 4-way intersection being reduced from 32 possible conflict points to just 8 possible conflict points at a 4 leg roundabout. In addition, lower operating speeds resulting from horizontal curvature and deflection at the entry points aid in reducing the severity of crashes at roundabouts.

Legislation, Standards, Guidelines and Delegation:

Austrroads – Guide to road design – Part 4B – Roundabouts

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

Recommendation to the Committee:

For discussion

Discussion:

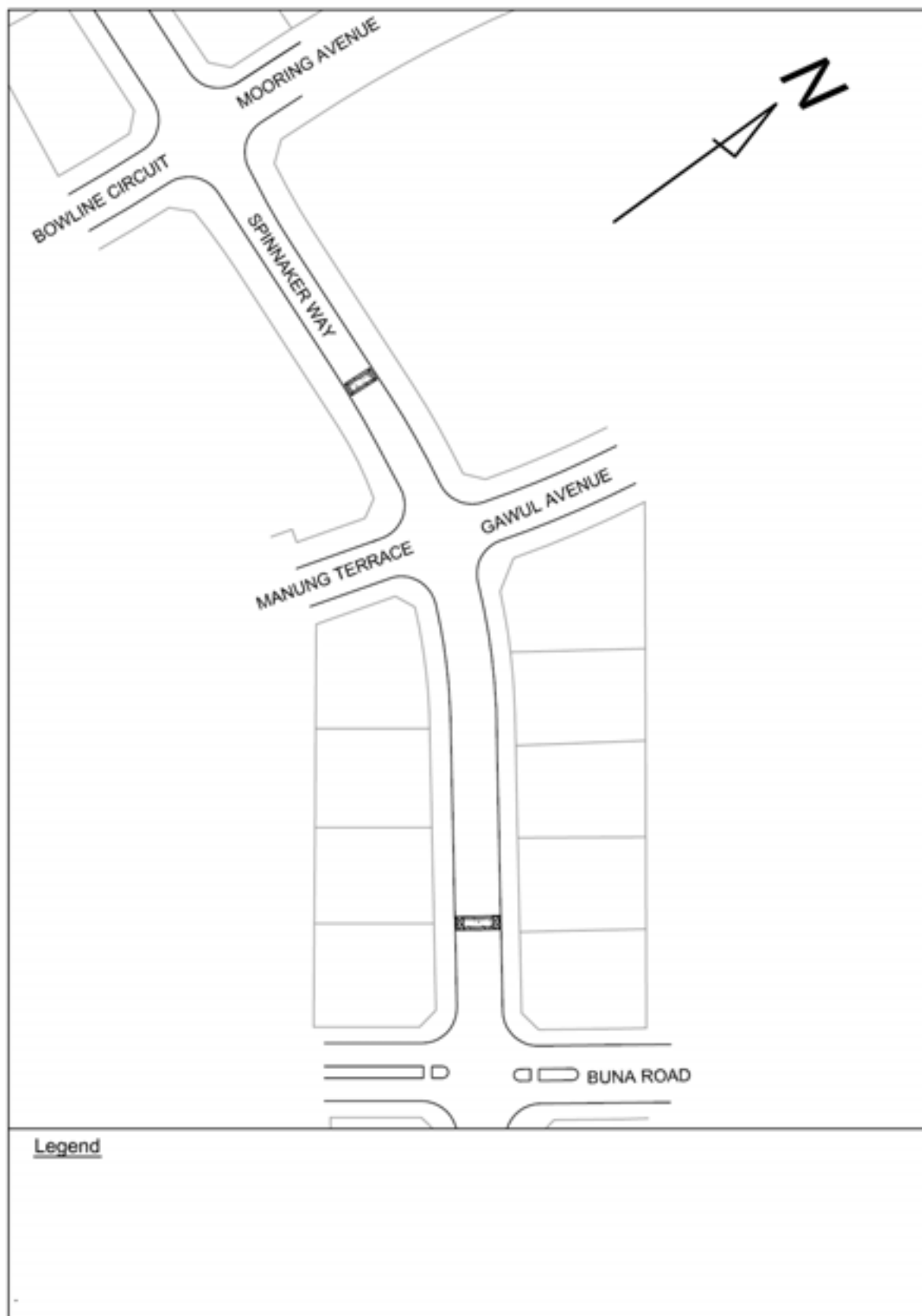
Traffic Committee members agreed unanimously that roundabouts were a much better traffic calming option than speed humps. It is clear from the move to retro-fit raised thresholds on Spinnaker Way that the developer believes that speed will become an issue for residents of Vantage Estate. There is a clear need to deal with the potential problems now by installing roundabouts at the 4-way intersections before the issues become reality through increased crash incidents and speed related complaints to Council.

Committee's recommendation:

The Traffic Committee recommended that Council's Development Engineers negotiate with the developer for the installation of roundabouts at the 4-way intersections on Spinnaker Way in preference to the proposed speed humps.

Support for the recommendation:

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



C.4 Item: 15_05/12

GILES ROAD SEAHAM – REQUEST FOR INSTALLATION OF LOCKABLE GATES

Requested by: Hanson Construction Materials Pty Ltd

File: PSC2012-01148

Background:

Hanson Construction Materials has contacted Council to request the closure of part of Giles Road Seaham. The request is a result of concerns Hanson's has with the anti-social behaviour and rubbish dumping that currently occurs on the eastern section of Giles Road.

Hanson's are seeking to install a lockable gate across Giles Road at the intersection with Croft Road that will block vehicular access.

Comment:

Hanson's own all the property to the north and east of the road with 1 other property owner bordering the southern side of Giles Road which also has frontage to Clarence town Road. The eastern section of Giles Road has no operational property access points and is a dead-end road.

The property owner on the southern side of the road has been contacted and is fully supportive of the proposal.

The Roads Act 1993, sets out specific requirements for the regulation of traffic by roads authorities. Port Stephens Council is the roads authority for Giles Road however the erection of a barrier on a public road requires the following:

- Application to Roads and Maritime Services for consent
- Publication of a notice in a local newspaper calling for submissions from the public

Following the 28 day consultation period and consideration of any submissions, RMS will make a decision on the application.

Legislation, Standards, Guidelines and Delegation:

Temporary Road Closure installed under Part 8 Div. 2, Section 116 of the Roads Act 1993

Recommendation to the Committee:

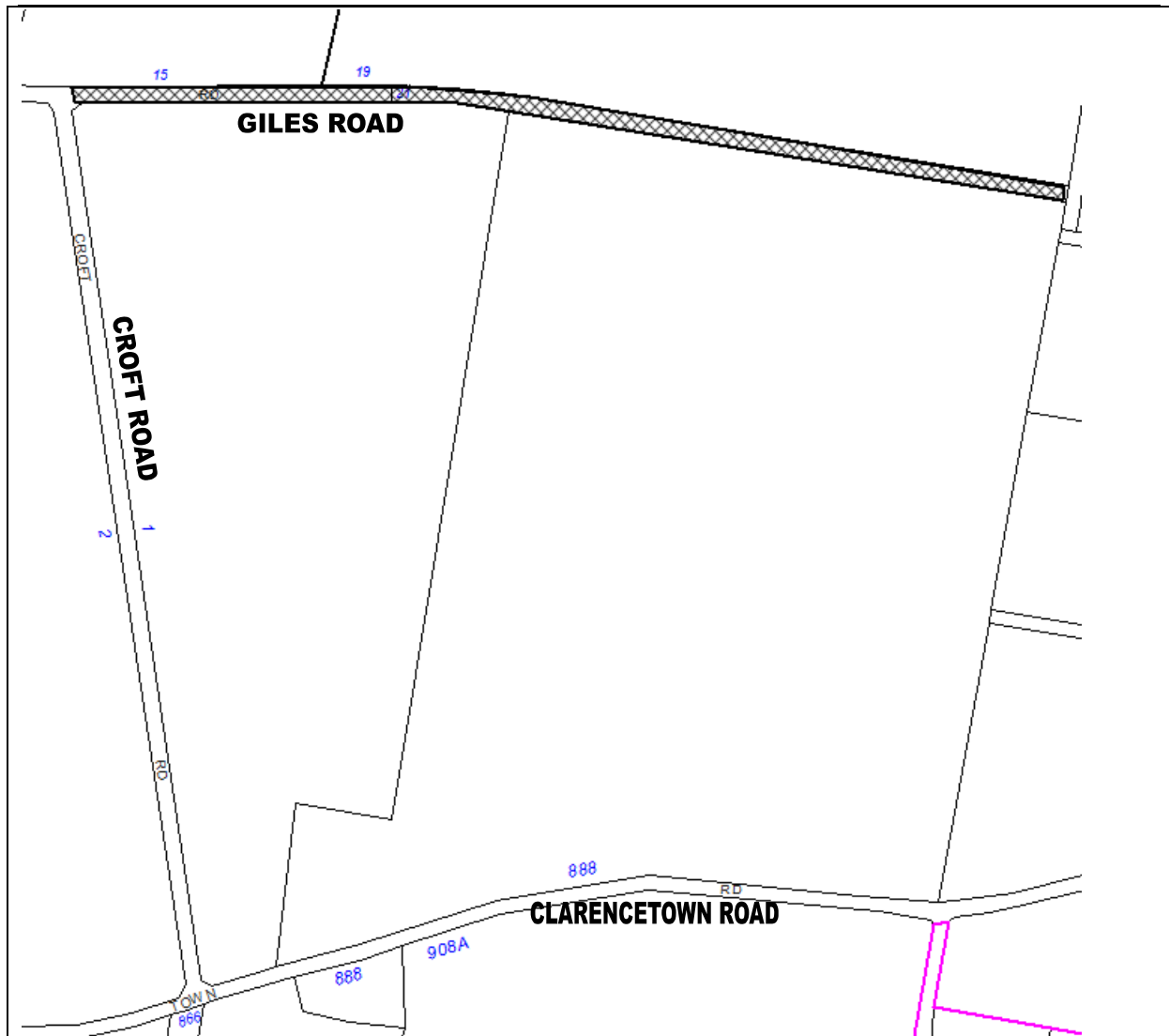
Approve the indefinite closure of the eastern section of Giles Road Seaham by the installation of lockable gates, as shown on the attached sketch, Annexure A. All works to be carried out at the applicant's expense.

Discussion:

Cr Kafer complained that one of the main reasons for illegal rubbish dumping is the high cost and lack of opportunity for residents to use the Newline Road Waste Facility. Dumping of old mattresses in particular has reached plague proportions. Committee members stressed the need for emergency services to be provided with keys to the gates for access when required.

Support for the recommendation:

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



D. Informal Items

D.1 Item: 507_05/12

WILLIAM BAILEY STREET RAYMOND TERRACE - REQUEST FOR A PEDESTRIAN CROSSING AT ROSS WALBRIDGE RESERVE

Requested by: Port Stephens Council

File: A2004-0511

Background:

The following council resolution was passed at the Council meeting held 27th March 2012: 'that Council requests the Local Traffic Committee to investigate the possibility of a pedestrian crossing in the vicinity of William Bailey Street and Ross Walbridge Park, Raymond Terrace.'

Comment:

William Bailey Street is a State road under the control of Roads and Maritime Services. Similar requests have been passed on to RMS previously and Council is now seeking that this matter be investigated and that Council is advised of the outcome.

Committee's advice:

For discussion

Discussion:

The RMS representative advised that options for provision of a crossing are currently being considered and that Council will be advised of any decision in due course.

E. General Business

E.1 Item: 612_05/12

JACARANDA AVENUE RAYMOND TERRACE – CONCERN REGARDING PARKING ISSUES

Requested by: Craig Baumann MP

File:

Background:

Jacaranda Avenue is relatively narrow with borders around the Jacaranda trees which are designed to protect the trees from damage by vehicles. Unfortunately the borders around the trees do not prevent parking and vehicles are often parked haphazardly between the trees and protruding onto the roadway.

Discussion:

The Traffic Committee members noted that signposting of parking restrictions is difficult because of the trees and the number of signs that would be required. A more effective way of controlling parking is required for road safety and to ensure that the trees are preserved and protected.

Committees Advice:

The Traffic Committee recommended that Council officers investigate possible parking solutions and discuss with asset owners.

ITEM NO. 12

FILE NO: PSC2011-04371

SUSTAINABILITY REVIEW – COMMUNITY OPTIONS

**REPORT OF: STEVEN BERNASCONI - COMMUNITY AND RECREATION SERVICES
MANAGER**

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Service Strategy – Community Options and endorse the findings of the review;
 - 2) Continues to auspice the Community Options, ComPacks and Attendant Care Programs at current levels with a focus on continuous improvement of processes.
-

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	<p>Councillor John Nell Councillor Bob Westbury</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 26 JUNE 2012

148	<p>Councillor Glenys Francis Councillor Ken Jordan</p>
	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

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

Port Stephens Community Options is a project to assist older people and people with disability to continue to live at home, in their community, despite increased difficulties. A detailed history of Port Stephens Community Options is provided in Attachment 1. The service links to the Community Strategic Plan specifically:

1.3 "Provide people with disabilities and the ageing population and their families support mechanisms and services in an accessible environment" and

1.3.4 "Support a range of programs to aged and disabled consumers and provide assessment and brokerage of services to facilitate healthy ageing through the Community Options program".

The details of the sustainability review as provided in Tabled Documents 1 and 2.

FINANCIAL/RESOURCE IMPLICATIONS

The Community Options program is funded by the Australian and State Governments. In the five years from 2006/07 to 2010/11 the program provided an operating surplus of on average \$18,000 per year. In 2011/12 corporate overheads were added to the program for the first time. On current projections the program will require a ratepayer subsidy of \$25,536 in 2011/12 in order to balance budget. However this also means that this service will recover \$26,338 of corporate overheads which helps to reduce the Council's underlying deficit.

Discounting corporate overheads from the equation, the program is on track to make an operational surplus of around \$8,500. With refinements to the processes involved in the delivery of the program it is expected that the program would be able to recover the full corporate overhead allocation in future years.

2011/12	
Operating Expenditure	\$567,342
Corporate Overheads	\$51,874
Total Expenditure	\$619,216
Capital Expenditure	Nil
Income – Grants and user fees	\$593,680 (95.9% cost recovery from income)
Income – General Revenue	\$25,536 (or 4.1% ratepayer subsidy)
Staffing (EFT)	2.68 EFT

LEGAL, POLICY AND RISK IMPLICATIONS

At present Port Stephens Council has a funding agreement with Department of Family and Community Services – Ageing, Disability and Homecare (ADHC) to deliver The Community Options and Attendant Care Programs, as well as a funding agreement with Ministry of Health to deliver the ComPacks program.

By signing the funding agreements Port Stephens Council is legally required to financially and operationally control the services.

The national reforms for aged and disability care have as one of its core objectives the need to provide services from a range of small, medium and large organisations. This objective is meant to encourage fair competition and affordability for the consumer. Port Stephens Community Options fills the small category well and does so as efficiently as the market can currently provide.

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The recommendations are in keeping with Council's Community Services Policy (MIN 363, 28 August 2001) which states that Council will directly deliver services to "help ensure that a full range of community services exists and is accessible to all members of the community".

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Reputation risk if service is outsourced and service quality is compromised	Low	Adopt the recommendation	Yes
Financial risk if service is outsourced as corporate overheads that are currently recovered by this service would fall back to general revenue	Medium	Adopt the recommendation and continue to apply manageable corporate overheads to this service	Yes
Safety risk if service is down sized to below current levels and lone worker practices are compromised	Medium	Adopt the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no foreseeable negative implications in adopting the recommendations.

Not adopting the recommendation and electing to outsource Community Options to another provider may result in less consumer choice for the 50 to 60 clients of the service. The flow on effect of fewer service providers can be a reduction in the responsiveness and adaptability of services to clients, the centralising of purchasing power to larger suppliers and the subsequent loss of local small business spend.

CONSULTATION

Consultation has included the Community Options Coordinator, Community Options Case Worker, Community Options Administrative Assistant, Business Excellence Coordinator, Business Improvement Manager, Community Options providers in Maitland, Great lakes and Queanbeyan Councils, Community Options Clients.

A Two Way Conversation was held with Councillors on Tuesday 29th May 2012.

OPTIONS

- 1) Adopt the recommendations contained in the Sustainability Review – Community Options – Service Strategy;
- 2) Amend the recommendations contained in the Sustainability Review – Community Options – Service Strategy;
- 3) Reject the recommendations contained in the Sustainability Review – Community Options – Service Strategy.

ATTACHMENTS

- 1) History of Port Stephens Community Options

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Community Options – Service Strategy;
- 2) Sustainability Review - Community Options – Annexure.

ATTACHMENT 1

HISTORY OF PORT STEPHENS COMMUNITY OPTIONS

Port Stephens Community Options began in 1990 as a combined program with Great Lakes Community Options. The service was fully funded, and continues to be, under the Home and Community Care Program, a State and Commonwealth initiative. When the combined program was offered to Port Stephens Council in 1990, the State Government believed administration efficiency would be achieved by administering services on a large geographical region, rather than within Local Government Areas. At that time Port Stephens Council was considered to be the most appropriate management structure for the project.

A review took place in 1995 indicating that a service restructure was both appropriate and timely. In April 1996, Port Stephens Community Options and Great Lakes Community Options were deemed separate entities, with Great Lakes Community Options being auspiced by Great Lakes Council.

Port Stephens Community Options is a project to assist older people and people with disability to continue to live at home, in their community, despite increased difficulties. It is a case management, service coordination and brokerage service that aims to provide care and support to people with complex care needs, whom otherwise would be at risk of premature residential care. Community Options works toward improving the quality of life for its consumers, whilst balancing social, economic and environmental concerns.

In 2009 Port Stephens Council entered into a contractual agreement with NSW Ministry of Health to provide a ComPacks Program. ComPacks is a non-clinical, up to six week, case management service available to people being discharged home from a participating NSW public hospital. It is recognised that Community Options have particular skills in assessment and case management to provide a non-clinical community service.

New reforms taking place at the Commonwealth and State government levels are moving towards the objective of a new model of service provision that encourages a mix of small, medium and large providers. The idea here is to encourage competition between providers whilst still ensuring consumer choice and flexibility of service delivery by having a diverse range of providers.

Port Stephens Community Options is a small provider and as such is able to offer high quality, responsive and adaptive services to its clients. This flexibility allows the brokerage funds to be used within other small businesses in the local community - which contributes positively to the local economy.

Another provider of community options services in Port Stephens area is one Non Government Organisation which fills the market as a large provider.

ITEM NO. 13

FILE NO: PSC 2011-04337

SUSTAINABILITY REVIEW – WASTE SERVICES

**REPORT OF: STEVEN BERNASCONI - COMMUNITY AND RECREATION SERVICES
MANAGER**

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Service Strategy – Waste Team and Salamander Bay Waste Transfer Station Service Strategies – and endorse the findings of these reviews;
- 2) Acknowledge the changes in service delivery and subsequent savings made by the Waste Team in 2011/12;
- 3) Continue to provide the Waste Team service as currently with a focus on continual improvement to all ancillary waste services;
- 4) Change the operating days of the Salamander Bay Waste Transfer Station to be closed every Saturday and on all Public Holidays with the exception of New Years Day and Easter Monday;
- 5) Endorse the Waste Team to run the Salamander Bay Waste Transfer Station for the next two years under the current structure, while seeking continual improvement towards:
 - a. 100% cost recovery;
 - b. 1:1 ratio of waste received and disposed;
- 6) Undertake a further review of the Salamander Bay Waste Transfer Station during 2014/15 and report back to Council on the findings.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	<p>Councillor Bob Westbury Councillor Sally Dover</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 26 JUNE 2012

149	<p>Councillor Steve Tucker Councillor Peter Kafer</p>
	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to present to Council the outcomes of the sustainability review for Waste Services and seek endorsement of the recommendations.

Waste Services links to the 2011 Community Strategic Plan through both:

- **Delivery Program 3.6** "Increase access to domestic waste and recycling services through price incentives and greater convenience for customers."
- **Delivery Program 3.7** "Increase resource recovery from domestic and non-domestic waste through education programs, use of technology, and advocacy for extended producer responsibility".

Waste Services consists of the two distinct areas i) The Waste Team and ii) The Salamander Bay Waste Transfer Station. Attachment 1 contains a detailed background of:

- Service outline;
- Current Assumptions Why These Services are Delivered;
- Services Delivered to Residents;
- Recent Improvement Initiatives.

Resources, Revenue and Expenditure

Waste Team

2011/12	
Operating Expenditure	\$11,782,266
Capital Expenditure	\$340,000
Income	\$12,146,880
Staffing (EFT)	2.6 EFT

The Salamander Bay Waste Transfer Station

Operating Expenditure	\$1.75M
Capital Expenditure	N/a – captured in Waste Team Capital
Income	\$1.31M (i.e. 80% cost recovery)
Staffing (EFT)	5 EFT

Public Holidays

Currently the Salamander Bay Waste Transfer station closes on Easter Sunday and Christmas day but is open on all other public holidays with a cost of \$4,000 per day to run the facility. The table below contains the average data for each public holiday over the last 3 years. This data shows that no public holiday generates enough revenue to cover costs and on six of the eight public holidays less than 20% of the operational costs are recovered.

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Public Holiday	Average Transactions	Average Tonnes Received	Average Revenue Collected
New Years Day	40	12.50	\$2,006.81
Australia Day	14	3.83	\$579.08
Anzac Day	28	6.00	\$755.51
Good Friday	15	3.26	\$455.60
Easter Monday	57	12.31	\$1,987.50
Queens Birthday	20	4.34	\$500.51
Labour Day	30	5.73	\$794.54
Boxing Day	31	4.61	\$700.18
Average	29	6.57	\$972.46

Alternate Service Delivery Options

As part of this sustainability review several alternate service delivery options were considered for both the Waste Team and Salamander Bay Waste Transfer Station and where relevant further investigation into these options was undertaken. Attachment 3 contains a detailed summary of the information regarding the alternate service delivery options considered.

Internal Efficiency Options

As part of this sustainability review several options for internal efficiencies were considered for the Waste Team and the Salamander Bay Waste Transfer Station, Attachment 4 contains a detailed summary of the information regarding internal efficiency options:

Benchmarking Data

As part of this sustainability review the services we deliver and the financial aspects of our services were benchmarked against other neighbouring Councils and this data is contained in Attachment 5.

Future Challenges

The future holds numerous challenges for both the Waste Team and the Salamander Bay Waste Transfer Station and these are outlined in Attachment 6.

FINANCIAL/RESOURCE IMPLICATIONS

Waste Team

A one off savings of \$52,394 will be made over the next two (2) years by the Waste Team through the redesign of roles within the waste team, the review of advertisement media used to promote events and the tendering of the environmental monitoring for Councils decommissioned landfills.

There are no other positive or negative financial implications associated with the approval of the recommendations made within this report.

There are no additional resource implications associated with the approval of the recommendations made within this report.

The Salamander Bay Waste Transfer Station

Based on the recommendations within this report there are no specific operational expenditure savings identified for the waste transfer station. However, it is anticipated that within two (2) years the facility will be run at 100% cost recovery. Running at 100% cost recovery means that a subsidy from the domestic waste budget towards running costs will no longer be required. This subsidy in 2010/11 was \$630,279 and this is forecasted to be \$356,577 in 2011/12.

By approving the closure of the facility on all public holidays with the exception of Easter Monday and New Years day a saving of approximately \$20,000 will be made per annum.

There are no additional resource implications associated with the approval of the recommendations made within this report.

LEGAL, POLICY AND RISK IMPLICATIONS

Waste Team

There are no legal or policy implications associated with the approval of the recommendations made within this report.

There are no risk implications associated with the approval of the recommendations made within this report. However, if the recommendations within this report were not approved and the EFT of the Waste Team was to be reduced the level of customer service to the residents and the management of the waste contracts would both diminish due to lack of resources.

The Salamander Bay Waste Transfer Station

There are no legal or policy implications associated with the approval of the recommendations made within this report.

There are a number of possible risk implications associated with not approving the recommendation of allowing the Waste Team to continue to control the facility. However, it also required to point out that there is both a financial risk and a reputation risk involved in the operation of a waste facility as there as with any business that requires a high volume of users to generate cash flow. All of these risks are outlined in the risk table below:

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Decreased resources in the Waste Team would create a reputation risk to Councils as it would result in decreasing levels of performance in the areas of	High	Approve the recommendation that the Waste Team continue with business as usual while seeking continuous	Yes

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customer service and contract management		improvement in services	
A private company would be looking to make a profit if they controlled the facility so would be required to increase gate fees at the facility. Increased waste disposal fees could produce an environmental risk in that illegal dumping rates would increase as residents attempt to avoid these fees	Medium	Approve the recommendation that the Waste Team run the facility under the current format	Yes
The operation of the Waste Transfer Station and environmental management of the decommissioned landfill is required to be performed in accordance to the EPA issued Licence and surrender notice. If the site was contracted out by Council the risks associated with non compliances would not be transfer and so Council would be liable for any breaches made by the contractor even though Council wouldn't be directly controlling the site.	High	Approve the recommendation that the Waste Team run the facility under the current format	Yes
The operation of the transfer station has risks involved with Work, Health & Safety as it involves the use of heavy plant, small tools, and a high volume of manual labour whilst interacting with the public. If the facility was contracted out Council would be relying on contracted workers to follow our WHS procedures.	High	Approve the Recommendation that the waste services team run the facility under the current format	Yes
Currently the transfer station diverts 45-50% of waste received at the facility from landfill. This has an environmental benefit and is a Council target, it is a risk that this would not be a high priority for a private contractor and this figure could decrease	Medium	Approve the Recommendation that the waste services team run the facility under the current format	Yes
The operation of the transfer station involves the contract management of small portions of Councils Waste disposal and collection contracts. There is a risk that these could be	Medium	Approve the Recommendation that the waste services team run the facility under the current format	Yes

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managed poorly by a contractor, which could have a negative effect on the overall contracts			
There is a financial risk with the operation of the waste transfer station as it requires a certain volume of waste and customer base to remain financially viable	Medium	Continue to seek continuous improvement in current processes while exploring options of new processes and other reuse of waste streams In addition to this we need to ensure we interact with the users on a regular basis to gain feedback for opportunities of improvement to ensure they continue as patrons	Yes
Due to the increasing number of government taxes and levies on waste disposal and the rate at which their dollar value is increasing the disposal fees at the facility are experiencing some large increases. This poses a reputation risk for Council as the public may be unaware of the levies and taxes making them feel that Council are gauging them with high fees	High	Continue to keep public informed on the portion of the fee that is paid to the government through levies and taxes	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Waste Team

There are no social, economical or environmental implications associated with the approval of the recommendations made within this report.

The Salamander Bay Waste Transfer Station

The location of the facility provides the residents and businesses of the Tomaree Peninsula with a convenient location for their waste disposal, which without they would be required to make the time consuming return trip to Raymond Terrace. In addition to this as Council is looking to run the facility as a cost recovery business it is able to keep the gate fees down in comparison to what a private company may be required to charge to make it a profitable business.

By approving the recommendation of maintaining the facility as a Council run operation allows the gate fees to be kept lower than what a private company would charge. This will result in the users of the facility being left with funds that they can spend elsewhere in the local economy.

There are no environmental implications associated with the approval of the recommendations made within this report. However, if the recommendation of maintaining the transfer station as a Council run facility was not approved the gate fees may become higher. The increases in fees a private company may need to make would be likely to increase the amount of illegal dumping in the area, which is a negative impact for the environment and will then cost Council to clean up the waste.

CONSULTATION

- 1) The Sustainability Review Team consisted of the Waste Management Coordinator, Transfer Station Coordinator and the Waste Management Officer;
- 2) Consultation was held between the sustainability review team and the Business Improvement Manager;
- 3) Consultation was carried out with customers of the Salamander Bay Waste Transfer Station via a survey at the tipping floor (see tabled document 4);
- 4) Consultation was held with surrounding Council representatives in order to gain benchmarking data;
- 5) A Two Way Conversation was held with Councillors on Tuesday 15th May 2012.

OPTIONS

- 1) Adopt the recommendations contained in the Sustainability Review – Waste Team and Salamander Bay Waste Transfer Station Service Strategies;
- 2) Amend the recommendations contained in the Sustainability Review – Waste Team and Salamander Bay Waste Transfer Station Service Strategies;
- 3) Council reject the recommendations contained in the Sustainability Review – Waste Team and Salamander Bay Waste Transfer Station Service Strategies.

ATTACHMENTS

- 1) Background information;
- 2) Financial Data;
- 3) Alternative service delivery options;
- 4) Internal efficiency options;
- 5) Benchmarking Data;
- 6) Future challenges.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Waste Team – Service Strategy;
- 2) Sustainability Review – Waste Team – Service Annexure;
- 3) Sustainability Review – Salamander Bay Waste Transfer Station – Service Strategy;
- 4) Sustainability Review – Salamander Bay Waste Transfer Station – Service Annexure.

ATTACHMENT 1

BACKGROUND INFORMATION

Service Information

The Waste Team

The Waste Team consists of 2.6 EFT staff and is part of the Community & Recreations Section within the Facilities & Services group. The Waste Team manages Council's two largest contracts and operates with annual budget in 2011/12 of \$ 12.1 million.

The Salamander Bay Waste Transfer Station

The Salamander Bay Waste Transfer Station is located on the old landfill site at 4 Tarrant Rd Salamander Bay and has recently become part of the Community & Recreations Section within the Facilities & Services group. The facility operates with an annual budget of ~\$ 1.7 million and is manned by 5 EFT staff, which is made up by one coordinator and 4 operators.

Current Assumptions Why These Services are Delivered

Waste Team

The collection of household waste from the kerbside is an essential public health service that residents expect Local Government to deliver. The assumption as to why Council delivers this service is that; Council provides a more convenient, safe and affordable service because of its economy of scale and control of logistics.

The Salamander Bay Waste Transfer Station

The Salamander Bay Waste Transfer Station is a service that is delivered on the Tomaree Peninsula to offer the residents & businesses a waste disposal site that is convenient, safe and affordable.

The underlying assumption in providing this service is convenience to residents and businesses on the Tomaree Peninsula who would otherwise have a long return trip to the only other waste disposal site in Port Stephens LGA, at Raymond Terrace.

There is also a secondary assumption that suggests the lack of a waste transfer station on the Tomaree Peninsula would result in an increase of illegal dumping.

Services Delivered to Residents

Waste Team

- Management of Kerbside Collection Contract

The kerbside collection of all household residential waste and disposal of recyclable materials is contracted to Solo Resource Recovery until June 30th 2015. A full review of these services provided via this contract will be reviewed for possible cost savings during 2012/13 when the specifications are prepared for the new contract.

- Management of Waste Disposal Contract

The disposal of the waste from the household residual bin (red bin) is contracted to Port Stephens Waste Management Group (PSWVG) until June 30th 2018. A full review

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of the services provided via this contract will be reviewed for possible cost savings in both 2012/13 when the waste strategy is reviewed and prior to the preparation of and new waste disposal contract.

- Provision of Ancillary Services

Council currently offers a number of ancillary waste services to the residents of Port Stephens. These are designed to be convenient and safe services where residents can dispose of items that have few if any resource recovery options or are hazardous in nature. The Waste Team constantly monitor these programs looking to improve them or reduce costs through continuous improvement.

These ancillary services include:

Service	Service level	2011/12 data fore cast to end of June 2012		
		Annual cost	Tonnes	Customers
Garden waste drop off days	Weekly service rotating between four different locations. No charge conditions apply.	~\$140,000	~1200	~5,500
E-waste drop off days	Two per year in Raymond Terrace New permanent drop off at Salamander Bay Waste Transfer Station.	~\$70,000	~120	~1250
Chemical drop off days	One in both Raymond Terrace and Salamander Bay each year	~\$30,000	~25	~500
Medical sharps Bins	Seven specially designed bins in public places for the safe disposal of domestic medical wastes and sharps	~\$10,000	No data	No data
Salamander Bay Waste Transfer Station	Open six days per week except Easter Sunday and Christmas Day. Disposal fee's Mixed Waste - \$189/T Sorted Recycling -\$100/T	~\$1.7M	~12,000	~25,000

- Environmental Monitoring of Decommissioned Landfills

Council is legally required to perform quarterly monitoring of all of their decommissioned landfill sites to monitor any effect they may be having on the local environment. This quarterly monitoring has to be continued until a site is shown to have become dormant, which could take a number of decades depending on the type and amount of waste that was buried in the landfill.

- Public Education Program and Clean up Events

The Waste Team runs public waste education programs and events which include a schools program, advertising campaigns and the promotion of community clean up events. These services are performed as there is a clear link between increased recycling rates and the consistent communication and public education strategies.

The Salamander Bay Waste Transfer Station

- Receival of waste

The waste transfer station receives, sorts, processes and disposes of all waste streams with the exception of asbestos, ammunition or hazardous chemicals.

The annual volumes of the different waste streams accepted at the facility are:

	2011/12	Percentage
Operating Hours	7:00am-3:30pm Monday-Friday 8:00am-2:00pm on Sunday	
Customer transactions	25,000	-
Total tonnes received	12,000 tonnes	-
Solid waste (inert)	5750	48%
Solid waste (putrescible)	2800	23.5%
Green waste	1600	13.5%
Concrete & Bricks	1250	10%
Domestic Recycling	250	2%
Scrap Metal	300	2.5%
Others	50	0.5%

Recent Improvement Initiatives

Waste Team

- Restructure of Waste Team

In February 2012 the Waste Team reviewed the staffing structure in relation to the duties and roles each position performed for the team. This review resulted in a change to the existing roles of the 5 day per week Waste Project Officer and a 3 day

per week Waste Minimisation Officer. The new structure involves a 5 day per week Waste Management Officer and a 3 day per week Waste Customer Liaison Officer.

- The redesign of these two roles resulted in a clearer focus on what each role was delivering to the Waste Team and Council as a whole. This redesign also provided a cost savings to general revenue of \$24,237 and an overall savings of \$2,394 on salaries

- Tender for the environmental monitoring of decommissioned landfill sites

In September 2011 a tender was released for a 2 year contract for the environmental monitoring of Council's four (4) decommissioned landfill sites. This tender was awarded to GHD Pty Ltd in December 2011 and resulted in a cost saving of \$40,000 over the next 2 years.

- Reduction in print advertisements and move to web based promotion.

Previously the Waste Team have used print media for promotion of event and educational programs, a review of these areas showed that web based advertisement would be more effective than print media for some of our activities, and this will result in a savings of \$10,000 per annum.

The Salamander Bay Waste Transfer Station

- The placement of a coordinator onsite

This provided leadership to the staff at the facility, resulted in multiple process improvements and allowed operational changes to occur.

The difference the placement of this coordinator has made in less than a year to the efficiency of the facility can be seen in the below table:

	2010/11 prior to the Placement of Coordinator	2011/12 months post the Placement of Coordinator
Average monthly Financial Efficiency (Revenue:Cost)	64.5%	80%
Ratio Between Tonnes of Waste Volumes In and Out	1:1.68 ¹	1:1.16
Scrap Metal Revenue	\$76,910	\$88,626

¹ This means that for every one tonne of waste we receive revenue for we pay for the disposal of 1.68 tonnes of waste.

- The installation of a second weighbridge

This was completed in March 2012 and has been operational during April 2012. It is expected that by using this second weighbridge to weigh all users in and out instead of charging a fixed cost dependant on the vehicle type will increase the revenue by about \$200,000 per annum. This increase in revenue is revenue that Council is currently missing out on by charging a fixed fee for an assumed weight based on a vehicle type, when customers are actually bringing in more than the assumed weights.

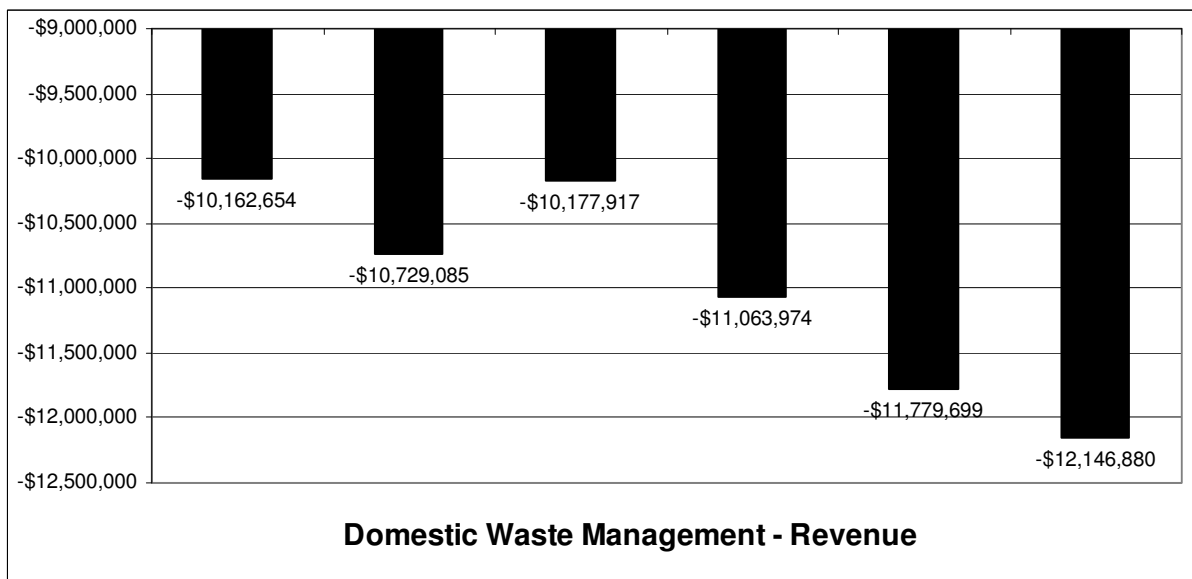
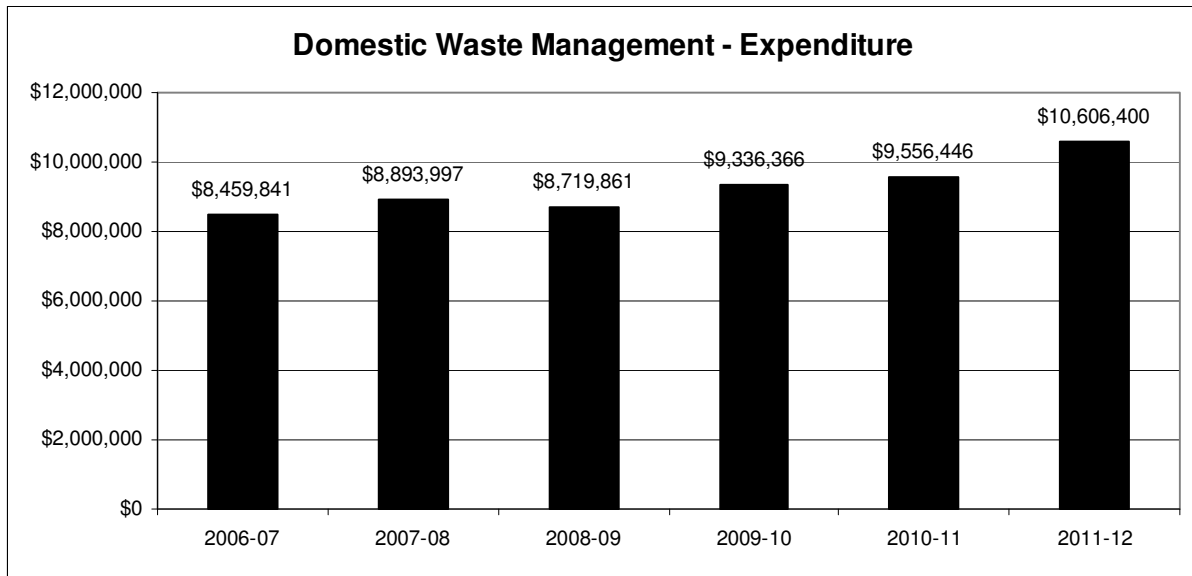
- The restructure of operational control to the Waste Team.

This has allowed the Waste Team to have full control of its asset and allows members of the Waste Team to use their expertise and technical experience to improve the facilities operations. This restructure also increases resilience across the two teams by increasing depth of technical skills within the teams.

ATTACHMENT 2

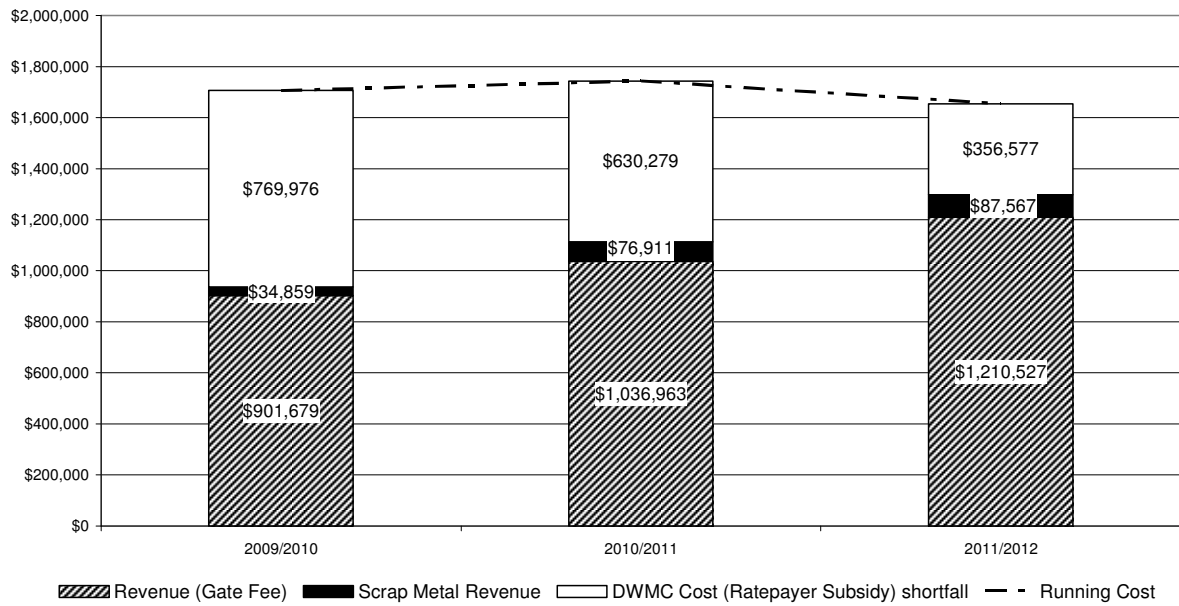
FINANCIAL DATA

Waste Team



The Salamander Bay Waste Transfer Station

Salamander Bay Waste Transfer Station Source of Funds 2011/12 (Inc GST)



ATTACHMENT 3

ALTERNATIVE SERVICE DELIVERY OPTIONS

Waste Team

- Sharing services and resources with other councils

Port Stephens Council currently shares services and resources with other Hunter Councils to perform some services and programs e.g. electronic waste and waste as art.

Previous discussions have occurred between Port Stephens Council and other Hunter Council members in regards to a regional domestic waste plan and a joint contract. However, these talks stalled in 2011 due to personnel changes but will recommence later in 2012.

In the future there is also a potential to share resources with other councils in the education management area and to jointly tender for mattress recycling and landfill monitoring services at the next contract renewal in 2015.

- Strategic relationships e.g. Hunter Councils

There is an argument that a Hunter Council's business unit would be well placed to coordinate and deliver a common waste service to its members. However, experience has shown that aligning existing contracts with differing levels of service and customer expectations across multiple local government areas is a slow and arduous process.

- 'Arms length entities' to manage the service

This is not a viable option for these services as there are too many legislative and operational parameters for an arms length entity to manage and accept liability for. The current waste team structure provides a direct contract management approach with the least amount of resources.

- Joint ventures or public private partnerships (PPP's)

The processing of the waste from the red lidded bin is already done by an early form of public private partnership. This is done using an Advanced Waste Technology (AWT) facility with Port Stephens Waste Management Group.

In regards to any of our other services they are either too small for a public private partnerships or it is not an appropriate delivery model for that service

- Community run services or enterprises

Engaging a third party to manage waste services is not a viable option as there are too many legislative and operational parameters for a community run service or enterprise to manage and accept liability for. The current Waste Team structure provides a direct contract management approach with the least amount of resources.

- Outsource service or activities to external providers

Port Stephens Council already outsources its waste collection and processing services with the contracts managed by the Waste Team. The other services including ancillary waste services and education are of a small scale so can be

run cost effectively by the Waste Team, outsourcing of these would most likely result in higher costs.

- New business enterprises to generate additional income

Under the current contract there is an opportunity to generate small amounts of revenue by expanding the take up of additional services, special event bin and holiday bin services.

In future contracts there is an opportunity to generate additional income by the addition of larger capacity bins for commercial services.

The Salamander Bay Waste Transfer Station

- Sharing services and resources with other councils

This is not a viable option as distance from other Councils discounts any potential efficiency.

- Strategic relationships e.g. Hunter Councils

This is not a viable option as distance from other Councils discounts any potential efficiency.

- 'Arms length entities' to manage the service

This is not a viable option for this service as there are too many legislative and operational parameters for an arms length entity to manage and accept liability for.

- Joint ventures or public private partnerships (PPP's)

A joint venture or PPP is not considered a useful model as these are best used for large scale infrastructure projects involving capital development and total operational control based on a profit making arrangement.

- Community run services or enterprises

The waste transfer station is a specialised service that requires;

The compliance with:

- NSW EPA waste license and landfill license surrender notice, including the management of the leachate pond and environmental monitoring.
- EPA and the Office of Fair Trading requirements to operate the weighbridge as well as make and keep weighbridge records for waste audit purposes.
- WHS legislation involving the handling of hazardous wastes, the operation of plant and equipment and safe work practises.

The contract management of:

- Haulage of waste contracted to Solo Resource Recovery until 2015
- Disposal of processable and inert waste which currently Council is contracted to SITA Australia until 2018.
- Green waste processing

Requires operation of:

- Specialised weighbridge software
- Heavy plant that is currently owned by Council and requires training and licenses to operate.

The associated risks of a community group not complying with the above legislative requirements, or poor management of the contracts that have Council as the principal could result in license beaches and potentially fines and prosecution. This combined with the fact that it is not anticipated that community groups would have the skill set to comply with the above legislative requirements, or management of the contracts which are required to run this facility suggests that this is not a viable option for this facility

- Outsource service or activities to external providers

There are three models under which this could be possible for the facility;

1) The complete float of whole business to the private sector

This is not seen as a viable option for the facility as the current level of ratepayer subsidy would require any private operator to increase gate fees to move the facility towards a profitable position as quickly as possible.

Council is able to maintain lower gate fees even without an operational subsidy as the service is run as a community service with the aim of a break even result.

In addition to this the return on capital investment of the dual weighbridge would not be returned to Council

2) Outsource the operation of the tipping floor and weighbridge

Council could call for tenders for the operation of the weighbridge and tipping floor. This would involve the contractor taking over the weighbridge operations as well as the receiving, sorting and processing of the waste. This contractor could be paid per tonne of waste received/sorted, per hour of operation or by an agreed set fee.

This option has all the same risks and issues around compliance with all legislative requirements, or management of the contracts which were raised in the section for a community group running the facility. Due to this it is not recommended that this is a viable option as the risks to Council associated with license or WHS beaches by the contractor would outweigh any cost savings.

3) Outsource the operation of the tipping floor

Council could call for tenders for the operation of the tipping floor only. This would involve the contractor taking over the receiving, sorting and processing of the waste. This contractor could be paid per tonne of waste received/sorted, per hour of operation or by an agreed set fee. Council would remain in control of operation of the weighbridge, haulage and waste disposal contracts, and licensing compliance.

While a small cost saving could be achieved by this option there would be little financial incentive for a contractor to increase resource recovery through sorting more waste on any given day. Additionally having Council staff

controlling the weighbridge but another company handling the waste at the tipping floor might confuse customers who have shown in recent customer research that they prefer Council to operate the whole service.

There is also a scenario whereby removing direct Council control of the tipping floor might result in a reduction in observance to WHS regulations and EPA licensing requirements.

- New business enterprises to generate additional income

Currently there are no options for large increases in income; however, there are some areas that could present minor income streams to the facility.

- Reuse or sale of crushed concrete - This would require licensing and testing to ensure compliance with standards as well as a sound business case that shows the competition effects from the existing mature market.
- Sale of firewood - Would require training/small asset purchase
- Resale of useable items - This would be in competition with the community recycle centre next door and the impact on this relationship would outweigh any modest financial gain.

ATTACHMENT 4
INTERNAL EFFICIENCY OPTIONS

Waste Team

As outlined earlier in the report under 'Recent Improvement Initiatives' the Waste Team underwent a restructure in early 2012 to improve efficiencies within the team. In addition to this, the restructure of the Salamander Bay Waste Transfer Station and subsequent placement of the staff within the Waste Team has reduced the potential for double handling of administrative duties.

In developing a new waste strategy and the subsequent preparation of the next collection contract the option of taking back all customer service processes will be explored. Experience between 2005 to now has shown that more than 60% of customer enquiries come directly through Council rather than the advertised contractor phone number.

The Salamander Bay Waste Transfer Station

As outlined earlier in the report under 'Recent Improvement Initiatives' the staffing structure and operational control of the facility underwent a review in early 2012. This involved the control of the facility moving to the Waste Team and the permanent placement of a coordinator at the facility. These changes allow for tighter control of the facility and removes the potential for double handling of administrative duties.

The productivity of the staff operating the facility could be optimised through further training such as customer service, waste related course and cash handling. The coordinator of the site is currently researching suitable training programs or courses for these employees, which will optimise their performance and productivity.

Funding Efficiency Options

Waste Team

The budget for the Waste Team is funded from the Domestic Waste Service Charge (DWMC) and the Domestic Waste Management Charge (DWMC). The calculation of these charges is governed by Sections 496 & 501 and the reasonable cost calculation process of the Local Government Act, so gaining additional funding by increasing these fees above what is considered reasonable is not possible.

As product stewardship matures there may be opportunity to reduce operational costs on ancillary recycling programs by industry funding some of these programs such as E-waste, these will be investigated by the Waste Team.

The Salamander Bay Waste Transfer Station

The Fees & Charges for the facility are reviewed annually and increased where required. Over inflation or large increases in these fees could result in user backlash and/or an increase in the amount of illegal dumping, which affects Council financially in other areas.

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

The current informal arrangements with the community run recycle centre next door needs to be reviewed with the prospect of formalising the service agreement between the two businesses with the goal of reducing the financial assistance for waste disposal provided to this group. Currently Council provides this group with between \$20,000 to \$25,000 p.a. in financial assistance for waste disposal.

ATTACHMENT 5

BENCHMARKING DATA

Waste Team

2011/12 Data	PSC	CCC	LMCC	NCC	MCC
Bin system and treatment	2 bins + AWT	2 bins + landfill	2 bins + landfill	3 bins + landfill	2 bins + landfill
Domestic Waste Management Charge	\$368.00	\$405.00	\$349.50	\$271.25	\$283.30
Resource Recovery Rate	57.1%	18.8%	25.8%	30.8%	25%
Recycling Contamination Rate	5.46%	3%	3%	5.46%	3%

The Salamander Bay Waste Transfer Station

Within the surrounding local councils there are very few that run waste transfer stations and those that do are on a much smaller scale than the Salamander Bay facility. This means that gaining data for direct comparison purposes was not possible. However one neighbouring council did provide data for a facility which receives around 1/30th of the waste of our facility.

Location of Waste Transfer Station	Ratepayer subsidy	Waste Materials Processed	Operational Hours	Current Staffing Levels	Resource Recovery Rate
Port Stephens Council – Salamander Bay	2009/10 - \$769,975 (45%) 2010/11 - \$630,278 (36%) 2011/12 - \$356,576 (20%)	~ 12,000 Tonnes per annum	Monday - Friday 7:30am - 3:30pm Sunday 8am – 2pm	1 Supervisor & 4 Operators	45% - 50%
Another Regional Council	Estimated to be \$50,000 per annum	~ 330 Tonnes per annum	Tuesday 1pm - 5pm Friday 12pm - 4pm Sunday 10am - 2pm	1 Operator	50% - 70%

ATTACHMENT 6

FUTURE CHALLENGES

Waste Team

- Alignment of a waste strategy for post 2015

With the waste collection and disposal contracts finishing in 2015 and 2018 respectively Council will need to align a waste strategy for the collection and processing of residents waste that suits expectations and needs of customers, but also aligns with legislation and requirements.

- Managing Public Perception of Fees

The popular opinion that Council should provide "free" waste disposal to the residents is a constant statement made when customer feedback is sought. It is a challenge to educate residents that while it may seem free as they would not be paying on the day, the reality is that they would still be paying as Council would need to recover the cost through higher rates.

In addition to this the push from the NSW Government in terms of resource recovery goals means that some waste streams that are hazardous to landfill can be recycled at a higher cost and the communication with the residents on value for money and resource recovery may become a challenge given the economic climate where people don't want to have to pay for more.

- Keeping up with technology

Technology in waste collection and disposal is an area that is constantly improving with such advances including such examples of Radio Frequency Identification Devices on bins, Global Positioning Systems on collection trucks, weighbridge operation software. As contracts for waste disposal and collection are for long periods it is important that we keep up with advances so that they can be introduced as part of new contracts as retro fitting mid contract is a more costly exercise.

The Salamander Bay Waste Transfer Station

- Public Perception of Fees

The fees and charges of the facility are aimed at recovering 100% of the cost to run the facility under a user pays process. With the scheduled increases in the NSW Government Waste Levy and the introduction of the Carbon Tax, fees and charges will continue to rise for the facility and in some case large increases will be required. Keeping the public informed as to why these fees and charges are increasing and managing their enquires will be managed closely.

- Installation of the Second Weighbridge

With the introduction of the second weighbridge all loads will be weighed in and out of the facility, this change in process could produce a number of issues in the short term until users become use to the system, which are;

- Customers may not have enough cash or available funds on them as previously they were charged a standard fee
- Customers may become abusive towards operator over increased fees

- Long term Viability of the Facility

To maintain long term viability the facility needs to continue to receive a healthy volume of incoming waste so that a cost recovery of 100% is experienced. The long term viability could be affected in two main ways;

- Competition from other waste disposal facilities in the region offering the businesses of the Tomaree Peninsula discounts to use their facility directly and by pass Salamander Bay.
- Government charges such as the Waste Levy and Carbon Tax will continue to rise under the current legislation. This will mean that the fees at the transfer station will also need to increase, which may see more people resort to illegal dumping or other means of disposal or reuse.

ITEM NO. 14

FILE NO: PSC 2011-04362

SUSTAINABILITY REVIEW – CHILDREN'S SERVICES

**REPORT OF: STEVEN BERNASCONI - COMMUNITY AND RECREATION SERVICES
MANAGER**

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Service Strategy – Children's Services and endorse the findings of the review;
 - 2) Seek an alternative organisation to take on the operation of the Medowie Children's Centre;
 - 3) Continue to deliver Outside School Hours Care, Port Stephens Activity Van and Family Day Care as currently with a focus on continuous improvement of processes;
 - 4) Improve the efficiency and business resilience of Children's Services Administration through the co-location of all administration staff at the Family Day Care Unit at 59 Port Stephens Street Raymond Terrace;
 - 5) Develop a business plan for the alignment of Port Stephens Family Day Care with other Hunter Region Family Day Care units and move towards a regional service delivery model.
-

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	<p>Councillor Bob Westbury Councillor Sally Dover</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 26 JUNE 2012

150	<p>Councillor Sally Dover Councillor Caroline De Lyall</p>
	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

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

Children's Services link to the 2011 Community Strategic Plan through the Delivery Program 1.4.1 – "Provide access to a range of social, educational and care programs for children through the Children's Services Program".

Children's Services consists of an administration unit and four teams:

- 1) Meadowie Children's Centre
- 2) Outside School Hour Care
- 3) Port Stephens Activity Van, and
- 4) Family Day Care.

Each of these teams delivers a distinct child care service, descriptions of which can be found in Attachment 1. A summary of the history of these services is provided in the Tabled Document 2.

Details of the current programs are as follows:

SERVICE COMPONENT	EFT	Total expenditure 2011/12	Number of families using the service	Council ratepayer subsidy 2011/12
Medowie Children's Centre	9.63	\$883,401	51	20%
Port Stephens Activity Van	1.71	\$190,445	35	0.5%
Family Day Care	6.11	\$546,590	415	10.5%
Outside School Hours care	3.87	\$790,441	350	8%
Children's Services Administration	2.72	(costs distributed)	n/a	n/a
Total	24.04	2,410,877	851	14.3%

The Sustainability Review measured service delivery against four key metrics: quality, customer satisfaction, affordability and accessibility. The detailed outcomes of this benchmarking are provided in Attachment 2.

FINANCIAL/RESOURCE IMPLICATIONS

The introduction, for the first time, of corporate overheads to the Children's Services budgets in 2011/12 has impacted significantly on fees. In some services this fee rise has led to a subsequent drop in utilisation.

Whereas some services have historically delivered a financial surplus back to general revenue this year, due to the introduction of corporate overheads this will not be the case in 2011/12.

Medowie Children's Centre has incurred operational losses over a period of years, averaging \$63,000 per year and peaking at \$170,000 in 2011/12. Losses were incurred even before corporate overheads were applied to the centre budget. The centre has been losing money and not been in a position to invest in equipment or

infrastructure. Council cannot deliver the service at a market competitive price and there are alternative providers in the immediate area with a lower fee.

It is estimated that if Council continues to manage this service there would need to be an increase of \$20,000 annually to maintain a basic level of service for equipment, grounds and building maintenance. With this in mind, and excluding the unrecoverable corporate overheads, it is expected that the ongoing average annual operating loss (i.e. the loss not including unrecoverable corporate overheads) for the centre would be around \$64,000.

The recommendation to find an alternative organisation to manage the Medowie Children's Centre has the potential to incur a one off cost of about \$325,000 in staff redundancy and entitlement payments. This one off cost would be recovered over five years by no longer carrying the annual operating loss of \$64,000 p.a.

The recommendation to co-locate administration staff with Family Day Care will provide recurrent savings and support business resilience.

The total number of equivalent fulltime employees (EFT) in the Family Day Care and Administration teams is 8.83. The recommendation to co-locate these teams and reduce administration hours will reduce the EFT to 8.57 with recurrent savings of \$8,000. Co-location will deliver an additional recurrent savings of \$11,200 in physical resources and rent. It is estimated that relocation of staff will incur a one off cost of \$10,000.

The recommendation to continue operating Outside School Hours and Port Stephens Activity Van in the current way with a continued focus on improvement will deliver ongoing savings. Identified opportunities for improvement in procedures around communication technology will deliver a recurrent savings between Family Day Care and the Administration unit of \$5,500.

Financial performance data for each service is shown in Attachment 3.

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal impediments to adopting the recommendations however the following legal matters must be considered:

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

The recommendations are in keeping with Council's Community Services Policy (MIN 363, 28 August 2001) which states that Council will directly deliver services to "help

ensure that a full range of community services exists and is accessible to all members of the community".

The recommendations mean that all current Children's Services programs continue to operate and provide a service to the community. The recommendation to seek an alternative management structure for the Medowie Children's centre is not intended to reduce the availability or accessibility of the service to community.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Reputational risk in relation to the recommendation to seek alternative management structure for MCC	Medium	Communication Plan developed and in operation	Yes
Financial risk in not taking action in relation to the long term future management of MCC	High	Seek alternative management structure	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Families want access to quality childcare at an affordable price. There is a challenge for Council, where it decides to deliver childcare services, to deliver quality services at a competitive price. This can only be achieved with continued focus on process improvement.

Families need a range of childcare services to support their lifestyle choices in raising their children. The challenge is to facilitate access to an appropriate range of services across the Local Government Area.

Adoption of the recommendations is meant to provide ongoing quality child care at affordable rates. The purpose of this is to enable families to engage fully in the life of their communities and contribute to the local and regional economy.

Family Day Care currently provides 55 Carer/ Educators with the opportunity to run their own locally based small business. A strong small business community plays an important part in the resilience of the local economy.

Adoption of the recommendations is not likely to result in any impacts on the local ecology.

CONSULTATION

Extensive consultation has been undertaken with staff, parents who use the services and Family Day Care Educators including written customer surveys for each service type and five focus groups. Key findings from this consultation are as follows:

- There is a high level of customer satisfaction with the existing model of service delivery.
- Customers prefer Port Stephens Council to continue managing these services. The Council management model is seen as delivering a reliable, trusted and quality service.
- Customers expect value for money and want fees to remain competitive.
- For centre based services such as Medowie Children's Centre and Raymond Terrace Before and After School Care customers were critical of the standard of maintenance of the buildings.

Results from the Port Stephens Council Customer satisfaction Survey conducted in 2011 may be used to gauge the view of Children's Services within the general community. Of the respondents to the survey 70% rated the importance of Children's services as moderate or high.

A Two Way Conversation was held with Councillors on Tuesday 8th May 2012.

OPTIONS

- 1) Adopt the recommendations contained in the Sustainability Review – Children's Services - Service Strategy;
- 2) Amend the recommendations contained in the Sustainability Review – Children's Services - Service Strategy relating to the management model for Medowie Children's Centre and continue to incur an annual operational loss for this Centre of approximately \$64,000 excluding corporate overheads;
- 3) Council reject the recommendations contained in the Sustainability Review – Children's Services service Strategy.

ATTACHMENTS

- 1) Children's Services – Component Descriptions;
- 2) Children's Services – Standards for Service Delivery;
- 3) Children's Services – Financial Performance Data.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Children's Services – Service Strategy;
- 2) Sustainability Review – Children's Services – Service Annexure.

**ATTACHMENT 1
CHILDREN'S SERVICES - COMPONENT DESCRIPTIONS**

MEDOWIE CHILDRENS CENTRE

Offers long day care for up to 39 children aged 6 weeks to 6 years. Operates from a purpose built facility in Medowie, 50 weeks per year, 7am – 6pm.

PORT STEPHENS ACTIVITY VAN MOBILE PRE SCHOOL

Offers pre-school sessions 3 times per week for up to 20 children aged 3 years to 6 years. Operates from various community halls and schools, 40 weeks per year, 9.30am -3pm.

FAMILY DAY CARE

Provides common administration, branding, marketing, referrals and compliance with regulations for Family Day Care Educators. Family Day Care Educators operate under their own ABN and provide child care in their own homes for children aged 6 weeks to 13 years.

**OUTSIDE SCHOOL HOURS
BEFORE AND AFTER SCHOOL CARE**

Offers care to school aged children in morning and afternoon sessions. Operates from a demountable building at Wirreanda Public School Medowie and from a building in Boomerang Park Raymond Terrace. Operates during school term and provides care for up to 45 children per day at Medowie and 55 children per day at Raymond Terrace.

VACATION CARE

Offers care to school aged children during 9 weeks of school vacation periods. Operates from the Medowie Public School hall and from the Before and After School Care building in Boomerang Park, Raymond Terrace. Provides care for up to 60 children per day at Medowie and 50 children per day at Raymond Terrace, 7am - 6pm.

CHILDRENS SERVICES ADMINISTRATION

Operates from an office in the Raymond Terrace CBD. Operates 51 weeks per year 8.30 am – 4.00pm. Provides administrative and management support for all children's services programs.

**ATTACHMENT 2
CHILDREN'S SERVICES - STANDARDS FOR SERVICE DELIVERY**

The key metrics used to measure the delivery of the individual services against the market were:

- 1) Service assessment against National Quality Standards and National Regulations;
- 2) Customer satisfaction;
- 3) Affordability within the local market;
- 4) Accessibility of service type within the local market.

The findings of the Sustainability Review have identified the following metrics for each service type.

SERVICE COMPONENT	METRIC	RESULT
Medowie Children's Centre	Quality	Consistently assessed as "High Quality" through external assessment against Childcare Standards
	Customer Satisfaction	69% Very Satisfied 31% Satisfied
	Affordability	Fees are at the top of the local market range
	Accessibility	There are other similar quality long day care services available in the same area
Port Stephens Activity Van	Quality	Consistently meets State government standards for licensing. Not currently in scope for National Standards.
	Customer Satisfaction	23% Very Satisfied 69% Satisfied
	Affordability	Fees are at the lower end of the local market range
	Accessibility	Only mobile pre-school in LGA
Family Day Care	Quality	Consistently assessed as "High Quality" through external assessment against Childcare Standards
	Family Satisfaction	63% Very Satisfied 37% Satisfied
	Educator Satisfaction	48% Very Satisfied 45% Satisfied
	Affordability	Fees are at the high end of the local market range
	Accessibility	Only Family Day Care unit in Port Stephens local government area

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Outside School Hours care	Quality	Consistently assessed as "High" through external assessment against Childcare Standards
	Customer Satisfaction BASC	74% Very Satisfied 26% Satisfied
	Customer Satisfaction VC	56% Very Satisfied 41 % Satisfied
	Affordability	Fees are at the middle of the local market range
	Accessibility	This is the only Outside of School Hours services in the Raymond Terrace and Medowie areas.

Benchmarking was undertaken against private, public, and not for profit Children's Services in the Hunter Region. Results indicated that whereas Medowie Children's Centre has fees at the top of the market, our other services – Outside of School Hours, Port Stephens Activity Van and Family Day Care have fees within the market range.

SERVICE	PORT STEPHENS COUNCIL HOURLY FEE	LOCAL MARKET RANGE
Medowie Children's Centre	\$8.27	\$5.80 - \$7.80
Port Stephens Activity Van	\$3.96	\$4.13 - \$5.67
Before and After School Care	\$7.24	\$5.04 - \$9.15
Vacation Care	\$5.40	\$3.54 - \$6.36
Family Day Care	\$1.05	\$0.70 - \$1.05

As well as comparing data about fees, other service components were benchmarked. For example, "does the service provide care on "pupil free days?", "what is the frequency of processing for child attendance record?", "what is the ratio of administration staff to hours of child care delivered?" This information is being used to identify areas where improvements and efficiencies can be made.

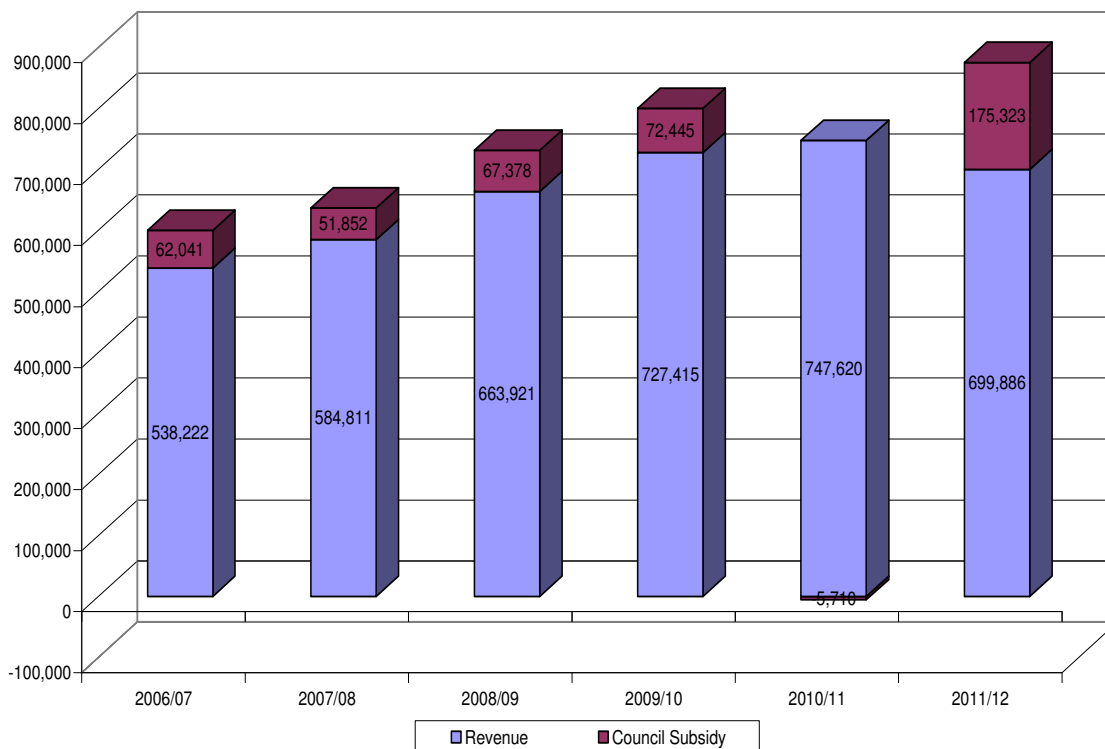
**ATTACHMENT 3
CHILDREN'S SERVICES - FINANCIAL PERFORMANCE DATA**

MEDOWIE CHILDREN'S CENTRE

This service has historically run at a loss and required a subsidy from Port Stephens Council. In the four years from 2006 to 2010 this subsidy totalled \$253,716. In 2011 a small surplus of \$5,710 was achieved through a combination of operational changes, minimising of expenditure, and increasing fees by 13.5%. This level of constraint is not sustainable in the long term as it does not allow for investment in equipment and infrastructure. Additionally annual fee increases over and above CPI are not sustainable in a competitive market.

The 2011/12 budget includes \$148,392 in corporate overheads; a total loss of \$175,000 is projected. This means that there will be no recovery of corporate overheads from this service in 2011/12. Fees at the centre are already above the market range of similar services in the area. Under Council's management it is an unrealistic expectation that this service achieve 100% cost recovery.

Medowie Children's Centre financial status

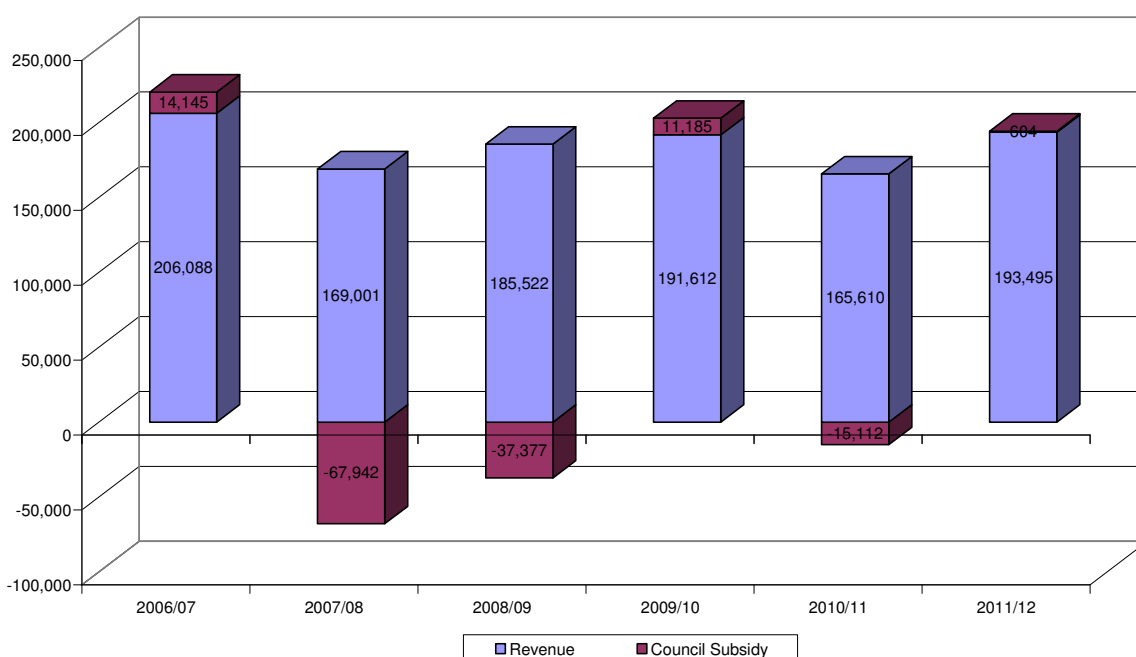


PORT STEPHENS ACTIVITY VAN

This service has historically generated a surplus. In the five years from 2006 to 2011 this totalled \$95,101.

The 2011/12 budget includes \$34,338 in corporate overheads; a small loss of \$600 is projected. This means that this service has recovered all of the corporate overheads which helps to reduce the Council's underlying deficit. Fees for the service are below the market range of similar services in the region. Under Council's management and with a continued focus on improvement, it is a realistic expectation for this service to achieve 100% cost recovery.

Activity Van Financial Status

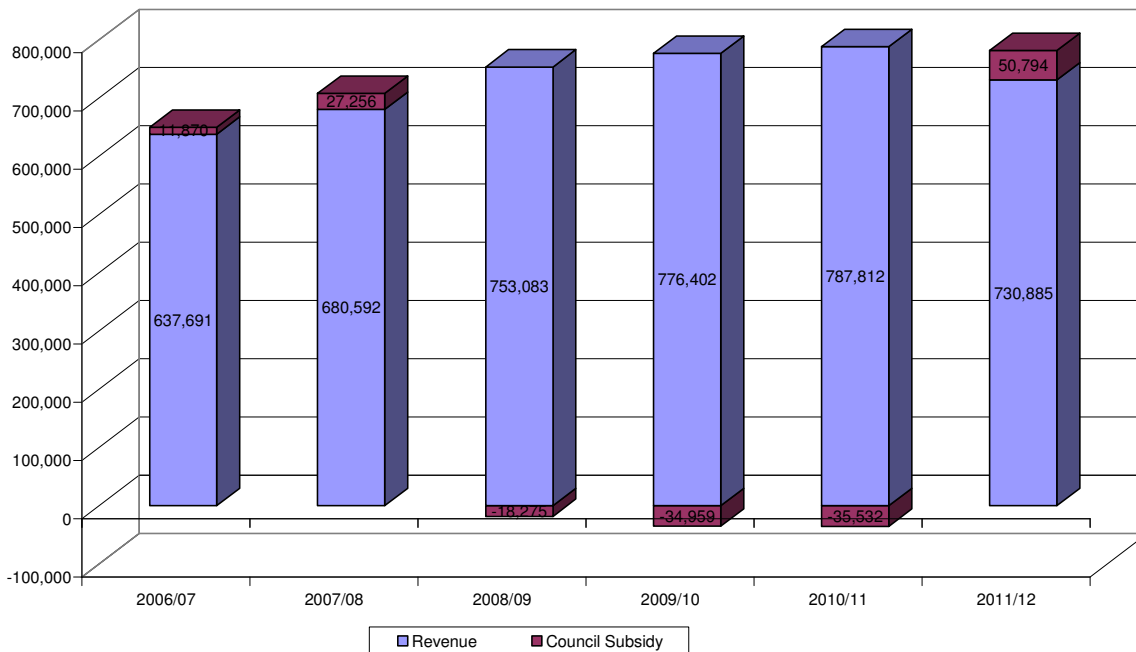


OUTSIDE SCHOOL HOURS

This service has historically generated a surplus. In the five years from 2006 to 2011 this totalled \$49,640.

The 2011/12 budget includes \$54,814 in corporate overheads; a loss of \$50,000 is projected. This means that this service will recover \$4,020 of corporate overheads which helps to reduce the Council's underlying deficit. Fees for the service are within the market range of similar services in the region. Under Council's management and with a continued focus on improvement, it is a realistic expectation for this service to achieve 100% cost recovery.

Outside School Hours Financial status



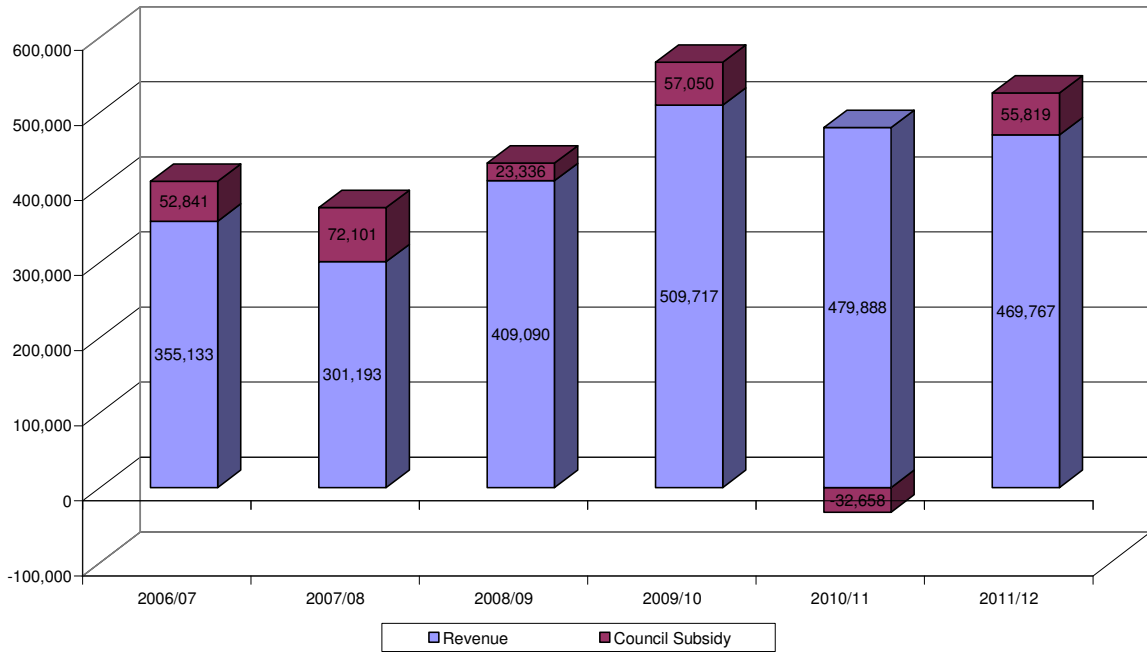
FAMILY DAY CARE

This service has historically run at a loss and required a subsidy from Port Stephens Council. In the four years from 2006 to 2010 this subsidy totalled \$205,328. In 2011 a surplus of \$32,658 was achieved through a combination of operational changes, minimising of expenditure, and an increase in utilisation.

The 2011/12 budget includes \$81,854 in corporate overheads; a loss of \$55,000 is projected. This means that this service will recover \$26,035 of corporate overheads which helps to reduce the Council's underlying deficit. Fees for Family Day Care are within the market range of similar services in the region. With a continued focus on operational improvements it is a realistic expectation that this service achieve 100% cost recovery.

Port Stephens Family Day Care is a member of 5 Star Family Day Care – a collaboration for marketing purposes of Hunter based Family Day Care Units. This regional model, initiated by Port Stephens Council Family Day Care, has the potential to form the basis of a new management model. There is reason to believe that a regional grouping of Family Day Care Units could spread management costs, including corporate overheads, over a broader business base. This possibility should be explored in detail to determine the financial benefit to Port Stephens Council and the likelihood of an improved service to our Family Day Care customers.

Family Day Care financial status



ITEM NO. 15

FILE NO: PSC2011-03519

INTEGRATED PLANS 2012-2022, FEES & CHARGES 2012-2013

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Delivery Program 2012-2016, the Operational Plan 2012-2013, the Resource Strategy 2012-2022 and the Fees & Charges 2012-2013 with the recommended changes as shown in Tabled Document 1 (Schedule of Submissions) and Tabled Document 2 (Schedule of Submissions – Fees & Charges).
- 2) Agrees to place the fees for building certificates and for appointment as a principal certifying authority for building on public exhibition for a period of 28 days.
- 3) Should no submissions be received after public exhibition that the exhibited fees be adopted.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012
RECOMMENDATION:

	<p>Councillor John Nell Councillor Shirley O'Brien</p>
	<p>That the recommendation be adopted.</p>

ORDINARY COUNCIL MEETING – 26 JUNE 2012

151	<p>Councillor Geoff Dingle Councillor John Nell</p>
	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to advise Council that, in accordance with its determination at the Council meeting on 24 April 2012 (Minute no. 082), the draft documents were placed on exhibition for the period 1 to 31 May 2012. This report brings before Council for consideration submissions received with respect to those draft documents. Submissions received with associated recommendations are contained in Tabled Documents 1 and 2 of this report.

FINANCIAL/RESOURCE IMPLICATIONS

The attached Schedule of Submissions (Tabled Document 1) contains a variation to the Statement of Waste Management attached to the Operational Plan 2012-2013 submitted by the General Manager. This aligns with the submissions for change to the waste management fees and charges 2012-2013 detailed in Tabled Document 2.

The increase in Waste Management fees is as a result of advice received from Council's supplier of the impact of the carbon tax on the cost to process waste for Port Stephens Local Government Area.

The Schedule of Submissions (Tabled Document 2) contains variations to the exhibited draft Fees & Charges submitted by the General Manager with recommendations that the variations be accepted. In March 2011 the State Government amended some Statutory Fees related to development and building. These were publicly exhibited in May 2011 and have not changed in the interim. As the pre-March 2011 fees were inadvertently exhibited in May 2012, it is proposed to restore the schedule of fees to reflect the correct statutory fees for these services. The Schedule also contains recommendations related to submissions received on fees and charges from members of the public that Councillors are asked to consider.

Tabled Document 1 contains 18 submissions related to Henderson Park, with specific reference to replacing play equipment. Council's fiscal situation does not allow it to always provide infrastructure to meet the community's expectations at all times. We continue to plan for infrastructure in line with our capacity to fund it.

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 406 of the Local Government (Integrated Planning & Reporting) Act 2009) councils are required to provide public notices of the draft plans in the form of public exhibition for a period of not less than 28 days. The draft documents were placed on public exhibition from 1 to 31 May 2012, a period of 31 days.

Section 610F of the Local Government Act 1993 provides that a council must not determine a fee until it has given public notice of a fee for the year in which the fee is to be made. The draft Fees & Charges 2012-2013 were placed on public exhibition for the period 1 to 31 May 2012.

Tabled Documents 1 and 2 are Schedules of Submissions received against the integrated plans and fees & charges respectively. All submissions were acknowledged within two working days in accordance with the requirements of Council's Customer Service Charter. A 34 page submission was received from the Tomaree Residents and Ratepayers Association Inc. which was also supplied directly to Councillors by the Association and is noted as Submission No. 21 in Tabled Document 1.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Draft integrated plans and fees & charges are not adopted prior to 30 June 2012	Low	Advise department and re-submit plans at next opportunity. Advise staff of expenditure restrictions pending adoption of integrated plans; and take steps to ensure that fees & charges are not made unless adopted by Council	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft integrated plans were formulated around the four pillars of sustainability and incorporate the principles of social equity as required by the Local Government (Integrated Planning & Reporting) Act 2009. There is also line of sight from the New South Wales State Plan and the Lower Hunter Strategy to the Community Strategic Plan – Port Stephens 2021. The Strategic Directions in that Plan were re-confirmed through community consultation at workshops held in each Ward during October 2010 and a Residents Panel forum held in November 2010.

The Delivery Program 2012-2016 and the Operational Plan 2012-2013 derive from the Community Strategic Plan and are organised under the five themes Our Citizens; Our Lifestyle; Our Environment; Our Economy; Our Council.

CONSULTATION

The draft integrated plans and the draft fees & charges 2012-2013 were advertised in the local media as being on public exhibition from 1 to 31 May 2012. Copies were placed on Council's web site, at Council libraries and at the Customer Service Counter in the Council's Administration Building in Raymond Terrace.

OPTIONS

- 1) Adopt the Delivery Program 2012-2016, the Operational Plan 2012-2013, the Resource Strategy 2012-2022 and the Fees & Charges 2012-2013 with the recommended changes as shown in Tabled Document 1 (Schedule of Submissions) and Tabled Document 2 (Schedule of Submissions – Fees & Charges);
- 2) Amend the Delivery Program 2012-2016, the Operational Plan 2012-2013, the Resource Strategy 2012-2022 and the Fees & Charges 2012-2013 with the recommended changes as shown in Tabled Document 1 (Schedule of Submissions) and Tabled Document 2 (Schedule of Submissions – Fees & Charges);

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

- 3) Reject the Delivery Program 2012-2016, the Operational Plan 2012-2013, the Resource Strategy 2012-2022 and the Fees & Charges 2012-2013 with the recommended changes as shown in Tabled Document 1 (Schedule of Submissions) and Tabled Document 2 (Schedule of Submissions – Fees & Charges).

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Schedule of Submissions – Integrated Plans (Delivery Program and Operational Plan, Resource Strategy);
- 2) Schedule of Submissions – Fees & Charges 2012-2013.

ITEM NO. 16

FILE NO: A2004-1311

CROWN RESERVE LICENCE TO TILIGERRY RSL SPORTS CLUB LIMITED

REPORT OF: CARMEL FOSTER – PROPERTY SERVICES MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorises the Mayor and the General Manager to sign and affix the Seal of the Council to the lease documentation at Part Lot 391, DP.1002768, 994 Lemon Tree Passage Road, Tanilba Bay.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012
RECOMMENDATION:

	Councillor Steve Tucker Councillor Shirley O'Brien
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

Cr Peter Kafer left the meeting at 6.29pm prior to voting on Item 16.
Cr Peter Kafer returned to the meeting at 6.30pm prior to voting on Item 16.

152	Councillor Steve Tucker Councillor Shirley O'Brien
	It was resolved that the recommendation be adopted.

BACKGROUND

This report has been prepared for Council as Corporate Manager of the Reserve Trust for the operation of Tanilba Recreation (R88869) Reserve Trust (Crown Reserve 88869). As Reserve Trust Manager Council is required to operate in the interests of the Trust and as such this report is to be considered separate from Council as the elected body representing Port Stephens' local government area.

The content and recommendations of this report link to the Council's Community Strategic Plan at point 2.1.3 - maintaining the performance, standard and appearance of leisure facilities.

The purpose of this report is to provide an update to Council on matters relating to the future amalgamation of the Tilligerry RSL Sports Club Limited and the Tanilba Bay

Golf Club and to recommend that Council as the Crown Reserve Trust Managers of the land upon which the golf course has been established enter into a long term licence with the new entity.

Council as Reserve Trust managers for the Tanilba Recreation (R88869) Reserve Trust historically has entered into a number of temporary licence agreements with Tanilba Bay Golf Club in respect of the reserve and which upon the golf course has been established. Tenure arrangements have been constrained to temporary arrangements in the past due to the persistence of an aboriginal land claim over the land being the subject of the Tanilba Recreation Trust.

The Golf Club have a long term lease direct with the Crown over the land adjacent upon which the Golf Clubhouse is erected and this lease expires on 26 December 2024.

As part of the proposed future amalgamation of the two Clubs they have entered into a Memorandum of Understanding ('MOU'). Fundamental to the amalgamation is the requirement that the newly formed (amalgamated) entity Tilligerry RSL Sports Club Limited ('TRSL') has surety of tenure over the course for at least three (3) years.

Property Services Section has met with representatives of both Clubs, the Crown and relevant other stakeholders and achieved an in-principle agreement from all parties to issue a long term licence over the Reserve Land to TRSL with a common expiry date of 26 December 2024, subject to the following conditions being met:

The Licence would attract an annual rental of \$2,000 per annum;
The Licence would be conditioned to ensure that the course was always available for public use.

A further condition would state that should the aboriginal land claim over the land succeed then tenure would be terminated.

The provisions of the Licence arrangement would enable the \$2,000 annual fees paid by the Club to be utilised by Council as the Trust Managers in maintaining the drainage, particularly at the Lemon Tree Passage Road frontage, costs which are currently borne by Council.

FINANCIAL/RESOURCE IMPLICATIONS

The income received by the Trust would be utilised to help maintain and improve the drainage of the land particularly at the Lemon Tree Passage Road frontage.

LEGAL, POLICY AND RISK IMPLICATIONS

The surety of long term tenure over the Golf Course is integral to the financial sustainability of the Golf Club.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Risk of financial sustainability for the Golf Club and therefore a risk to public recreation facilities and reputation	Medium	Accept the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Integrates directly with the Community Strategic Plan by assisting in maintaining the performance, standard and appearance of leisure facilities.

CONSULTATION

- 1) Community and Recreation Section Manager;
- 2) Crown Lands Division;
- 3) Tanilba Bay Golf Club;
- 4) Tilligerry RSL Sports Club Limited.

OPTIONS

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

ATTACHMENTS

- 1) Aerial Photograph.

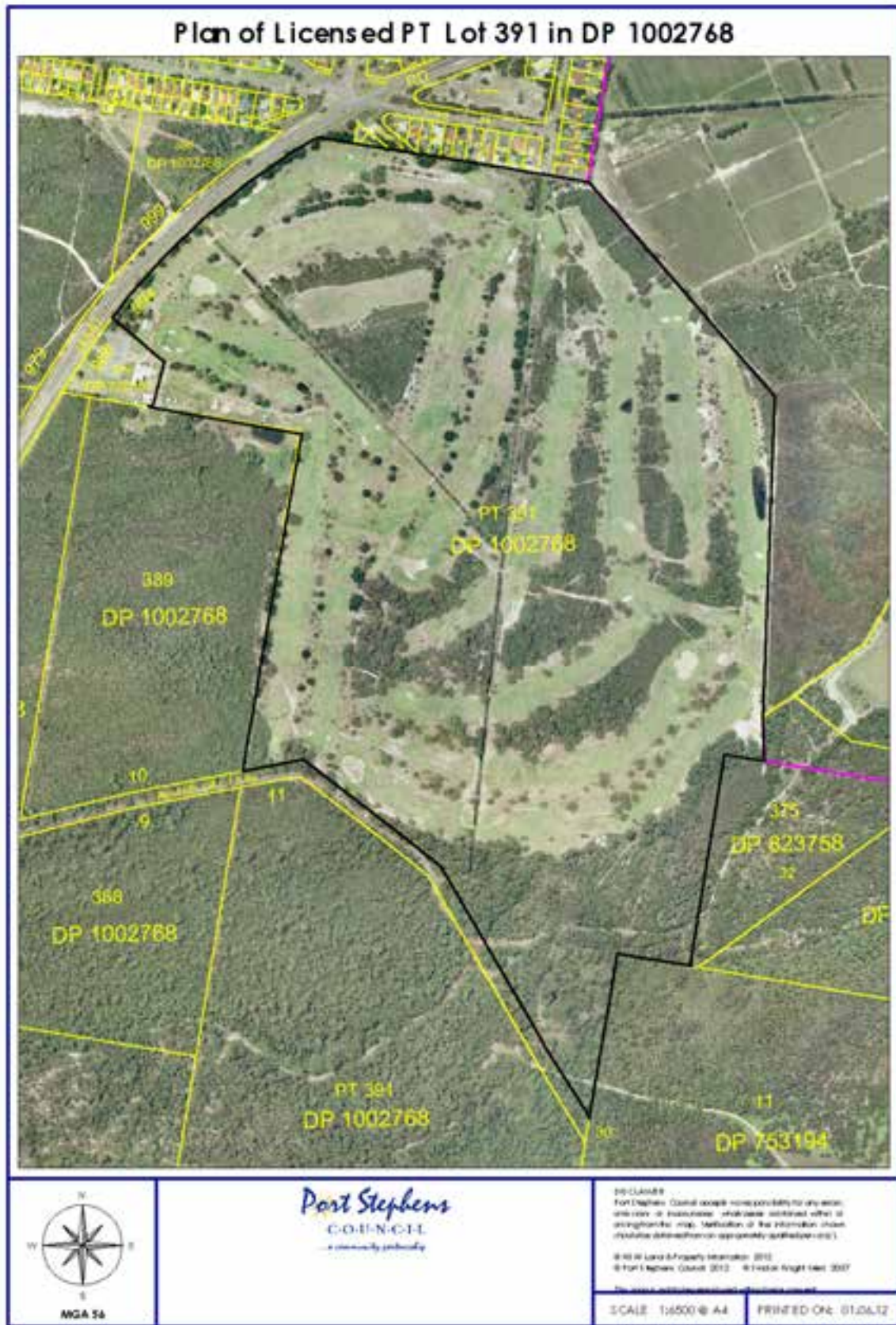
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



ITEM NO. 17

FILE NO: PSC2005-3645

NAMING RESERVES – TILLIGERRY PENINSULA

REPORT OF: CARMEL FOSTER – PROPERTY SERVICES MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Forward to the Geographical Names Board a letter and listing for application to officially name all recorded reserve names that have not yet been officially identified by the Board at Lemon Tree Passage, Tanilba Bay and Mallabula as shown in Tabled Document 2 (List of Reserves for Gazette);
 - 2) Once approved, the Geographical Names Board will prepare and advertise a Gazette Notice as required under Sections 7 & 7A of the Geographical Names Board Act 1966.
-

COUNCIL COMMITTEE MEETING – 12 JUNE 2012**RECOMMENDATION:**

	Councillor Geoff Dingle Councillor Shirley O'Brien
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

153	Councillor Steve Tucker Councillor Geoff Dingle
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to recommend Council apply to the Geographical Names Board (GNB) for the official naming of all recorded reserve names located in Lemon Tree Passage (LPT), Tanilba Bay and Mallabula that have not been recorded as their official name.

Council received requests from Tanilba Bay, Mallabula and Lemon Tree Passage Reserve Committees for all Public Reserves within their areas to be officially assigned names. Research of Council's current data recognised that quite a number of reserves had not been named due to process changes over the years and therefore reserves were not officially named although they have always been known or sign posted.

Council's Property Officer liaised with the Parks and Reserves Committee representatives who assisted in completing the details and created an agreed list of all reserve names within their respective areas refer Tabled Document 1. This has been an extensive process and all parties are now agreeable to the names listed. This listing is only of those reserves which have not been published in the Gazette previously.

Section 7 of the GNB Act 1966 states that; 'Where the Board approves that the recorded name of a place shall be its geographical name it shall cause notice of its approval to be published in the Gazette and upon publication of such notice the name shall become the geographical name of the place'.

Section 7A of the GNB Act 1966 states that; 'The Board may resolve to regard the name of a place as the recorded if the name appears in the same way on or in more than one map or other publication, or database, published or maintained by a Government agency'.

Sign posting of these reserves is complete in most cases and should extra signs be required this would be arranged by the respective Parks and Reserves Committee with the costs borne by them.

FINANCIAL/RESOURCE IMPLICATIONS

The application to the Geographical Names Board is at no cost to Council and no further costs should be associated with this matter.

LEGAL, POLICY AND RISK IMPLICATIONS

The official naming of the recorded reserves will assist internal and external customers of Council as well as emergency services and authorities when correct identification and location of these reserves is required. It relates to the various Park related Plans of Management which requires Council 'to ensure the sustainable management of assets which meet community needs'.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
If Reserves are left unidentified this can cause identification difficulties for not only the general public but also authorities such as Emergency Services	High	Gazette all Reserve names to avoid future identification issues	Yes
The Geographical Names Board does not recognise unofficially named reserves on their register	Low	Gazette all Reserve names	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

No adverse implications are expected due to more accurate and official names of these already recorded reserve names.

CONSULTATION

- 1) Property Officer;
- 2) Geographical Names Board;
- 3) GIS Technical Officer;
- 4) Park and Waterways Asset Co-ordinator;
- 5) Cemetery and Volunteers Co-ordinator;
- 6) Recreational Planning and Development Co-ordinator;
- 7) Parks and Reserves Committee Representatives.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Port Stephens Council Reserves Naming Process power point presentation of maps.
- 2) List of Reserves for Gazettal.

ITEM NO. 18

FILE NO: PSC2007-3076

RATES DONATIONS FOR COMMUNITY GROUPS POLICY REVIEW

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Rates Donations for Community Groups policy adopted by Council on 14 December 2010, Minute No. 402;
- 2) Adopt the revised Rates Donations for Community Groups policy attached to this report.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012**RECOMMENDATION:**

	Councillor Geoff Dingle Councillor John Nell
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

154	Councillor Geoff Dingle Councillor Caroline De Lyall
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to review the policy Rates Donations for Community Groups, which was originally adopted by Council in November 2007, Minute No. 330 and reviewed and adopted without substantive amendment in December 2010, Minute No.402.

The policy provides for Council to make a donation to specified organisations equivalent to their annual rates and catchment contributions.

Council has received one request from Masonic Holdings Limited to be included on the list of specified organisations in relation to the Nelson Bay Masonic Centre. Financial assistance to the amount of \$2,663 has been provided in 2011/2012.

The policy is effective and while no substantial amendment is considered necessary, it is proposed to increase the review period from twelve months to 2 years.

FINANCIAL/RESOURCE IMPLICATIONS

The annual cost of funding this policy is in the order of \$2,700 per annum.

LEGAL, POLICY AND RISK IMPLICATIONS

The policy provides a consistent approach to granting rate donations to land owning community organisations that do not qualify for a rate exemption.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
If this policy was abandoned there would be no adverse financial cost to Council	Low	Nil	Yes
If this policy was abandoned there may be adverse financial implications for affected community groups	Low	Nil	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Rate donations for land owning community groups assists with their financial sustainability contributing to the diversity of social services in Port Stephens.

CONSULTATION

- 1) Financial Services staff.

OPTIONS

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

ATTACHMENTS

- 1) Revised Rates Donations for Community Groups Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



Adopted: 27/11/2007
Minute No: 330
Amended: 14/12/2010
Minute No: 402

FILE NO: PSC2007-3076

TITLE: RATE DONATIONS FOR COMMUNITY GROUPS

REPORT OF: FINANCIAL SERVICES MANAGER

BACKGROUND

This policy identifies those community groups in Port Stephens that are subject to rates and charges to which Council will annually make a donation. Council may donate funds in accordance with section 356 of the Local Government Act, 1993 for the purpose of exercising its functions.

OBJECTIVE

To provide clear guidelines for donation of rates and charges to rateable community groups. To provide financial assistance for community groups that are unable to meet the cost of rates and charges.

PRINCIPLES

- 1) Council's policy towards making donations to rateable community groups for rates and charges will be documented and transparent
- 2) Council will recognise potential financial hardship in considering which community groups are to receive rates and charges donations
- 3) Groups seeking to access assistance under this policy must have a community service objective similar to Council's as their predominant aim or objective under their charter



POLICY STATEMENT

Organisations that are public charities or public benevolent institutions receive a rate exemption while other organisations that do good works to benefit the community do not enjoy an exemption.

Council will annually donate the rates and Hunter Central Rivers Catchment Management Authority Contribution for the organisations and properties specified in this policy. The organisations are still required to pay waste management charges, waste service charges and on-site sewage management fees if applicable.

The organisations are not required to make an annual application and this donation will be on-going, subject to normal policy reviews. Donations made under this policy will apply from the commencement of the rating year in which Council resolves to include the organisation in the list of specified organisations.

Should an organisation wish to be included on the list, contact is to be made with Council's Revenue Coordinator who will request the necessary information and make arrangements for a report to be submitted to Council for consideration.

Specified organisations:

- 1) Masonic Holdings Limited (Nelson Bay Masonic Centre)

RELATED POLICIES

Debt Recovery and Hardship Policy

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The provision of financial assistance for rates and charges assists community groups to survive financially and direct their financial resources towards their aims and objectives. Community groups act as a social binder for communities providing social opportunities, leadership, positive role models and structure within a community.

ECONOMIC IMPLICATIONS

There are very few community groups that are both liable for rates and are not a public charity or public benevolent institution. The cost of providing this annual assistance is not significant and has no economic implications for Council or Port Stephens.

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

ss.356, 556 Local Government Act, 1993

IMPLEMENTATION RESPONSIBILITY

Corporate Services Group – Financial Services Section

REVIEW DATE

May 2014 or due to receipt of application from community groups.

Delete "Commercial Services Group"
Add "Corporate Services Group"

Delete "12 months from the date of adoption or due to receipt of application from community groups"
Add "May 2014 or due to receipt of application from community groups"

ITEM NO. 19

FILE NO: PSC2007-2377

DRAFT PRICING POLICY

REPORT OF: WAYNE WALLIS – CORPORATE SERVICES GROUP MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Pricing policy attached to this report.
-

COUNCIL COMMITTEE MEETING – 12 JUNE 2012**RECOMMENDATION:**

	Councillor Bob Westbury Councillor Shirley O'Brien
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

155	Councillor Glenys Francis Councillor Steve Tucker
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to advise Council of the outcomes of the exhibition process for the draft Pricing Policy that Council voted to place on public exhibition for a period of 28 days to 24 May 2012. The draft Pricing Policy was advertised in the Port Stephens Examiner for a period of three weeks, and was placed on Council's website.

There were no submissions received related to the exhibition of this Policy.

FINANCIAL/RESOURCE IMPLICATIONS

The draft Pricing Policy provides guidelines for fee setting that ensures an appropriate return to effectively account for and manage the assets for which it is responsible. At the same time, it provides for equitable access to facilities and services and recognises Council's community service obligations. User fees and charges accounted for \$38.4 million in revenue to Council (2010-2011) so setting of fees and charges requires an appropriate and comprehensive framework, which this draft policy provides.

LEGAL, POLICY AND RISK IMPLICATIONS

Council has the authority under section 608 of the Local Government Act 1993 to recover approved fees and charges. To date, Council has operated within general guidelines in fee setting. A review of fees and charges was required under Action 5.2.3 of the Operational Plan 2011-2012, including moving where appropriate to full cost recovery. The draft Pricing Policy was an outcome of the review and requires full cost recovery as a default fee setting guideline. However, the Policy provides for Council's other obligations under its Charter, namely fair imposition of fees and equitable access to its facilities and services. The policy also recognises that in some instances, Council is a monopoly provider and has a duty to deliver value for money to ratepayers and residents.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
The policy fails to deliver appropriate returns to Council	Low	A review of the Pricing 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 Pricing policy will be undertaken as part of the 2013-2014 fee setting process	Yes
Council officers and/or committees fail to implement the policy	Low	Internal Audit and annual fees and charges setting processes will identify anomalies and require corrective action	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Pricing policy is designed to provide a return to Council and thus the community of Port Stephens on its assets. At the same time, it is designed to recognise Council's community service obligations and ensures – through a pricing mechanism – that there is equitable and affordable access to facilities and services.

The Pricing policy covers all of Council's operations across the sustainability pillars through the mechanism of fees and charges for services in all categories (ie. social, economic, environmental). It takes account of use of assets from staff time (human resources), community assets and commercial assets and activities.

CONSULTATION

The draft Pricing Policy was placed on public exhibition for 28 days to 24 May 2012 via advertising in the Port Stephens Examiner and on Council's website. No submissions related to the draft Pricing Policy were received.

OPTIONS

- 1) Adopt the Pricing Policy;
- 2) Amend the Pricing Policy;
- 3) Reject the Pricing Policy.

ATTACHMENTS

- 1) Pricing Policy – draft as exhibited.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
EXHIBITED DRAFT PRICING POLICY



POLICY

Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2007-2377

TITLE: PRICING POLICY

RESPONSIBLE OFFICER: GROUP MANAGER CORPORATE SERVICES

BACKGROUND

In accordance with Section 608 of the Local Government Act, 1993 and other relevant legislation, Council charges and recovers approved fees and charges for any services it provides as contained within Council's annual Fees & Charges document.

This policy outlines the principles to be used when setting fees and charges. It needs to be read in conjunction with Council's annual Fees & Charges document and any guidelines developed by Council's Financial Services Section to assist Council staff in calculating the amount of fees and charges.

OBJECTIVE

- 1) To provide a decision-making framework for the determination of fees and charges;
- 2) To enable determination of fees and charges that are equitable, consistent, timely and accountable;
- 3) To provide opportunities for cost recovery whilst meeting Council's community service obligations;
- 4) To meet Council's statutory requirements under the Local Government Act, 1993 and other relevant legislation in relation to setting fees and charges;
- 5) To assist Council staff, when reviewing existing fees and charges or considering new fees and charges.

PRINCIPLES

- 1) Council has a charter under the Local Government Act, 1993 of fair imposition of fees and charges;
- 2) Council has a charger under the Local Government Act, 1993 to effectively account for and manage the assets for which it is responsible;
- 3) Council will strive to provide equitable access to its facilities and services;
- 4) Council recognises that as a monopoly provider of some facilities and services it has a duty to deliver value for money to ratepayers and residents.

POLICY STATEMENT

General

Port Stephens Council recognises that it has community service obligations which are non-commercial requirements for identified social purposes, and that these obligations constitute a significant component of the social policies of Council. The concept of community service obligations informs the Council's Pricing Policy.

Pricing Policy

Section 608-610 of the Local Government Act, 1993 authorise Council to charge and recover fees for any service it provides apart from services for which the charging of a fee is prohibited. Council may waive all or part of a fee unless it is a fee regulated directly by the State Government. In determining whether a fee should be charged for a service Council will consider a number of principles, firstly, whether the service provides a public benefit or a private benefit.

A "public" service is one where there is a general benefit to the community and where there is limited opportunity of collecting a fee, for example, roads and parks.

A "private" service is one which provides a discernible private benefit to persons and which offers an opportunity of collecting a fee, for example processing a rezoning application. Where a service generates a private benefit then recovery of costs through a fee is appropriate.

In determining the cost of providing a service, Council will:

- Identify and quantify the fully absorbed cost including appropriate overheads which reflect the proportion of 'centralised' support cost that should be recovered;
- Consider any community service obligations (CSO) where there are clear social or equity objectives in the provision of the service. In assessing the existence and level of a CSO, Council will consider:
 - The social or community objectives achieved or assisted by the consumption of the service;
 - The social or community values promoted by wider availability of the service;

- Whether the direct consumers are unable to purchase a socially desirable level of service;
- Whether direct beneficiaries of the service are deserving of favourable pricing.
- If it is determined that a CSO is present, then Council will consider setting a fee below the level of full cost recovery. In determining the amount of discount or subsidy, Council will consider:
 - The level of CSO in the service;
 - The objectives of the service;
 - Consumers' ability to pay;
 - Price sensitivity of the service;
 - The application of a suggested industry reference price.

In the case of fees set by statute, the fee will be set in accordance with the relevant statute.

Pricing Methods

Fees and charges made by Council will be classified according to the pricing structures as outlined below. Full cost pricing will apply to all of Council's fees and charges, except in the circumstances outlined in the alternative pricing structures.

1) Full Cost Pricing

Council will recover all direct and indirect costs of the service (including on-costs, overheads and depreciation of assets employed).

2) Partial Cost Pricing

Council will recover less than the Full Cost (as defined above).

Partial Cost Pricing may be used if shared benefits are derived from the provision of the service that accrue to the community as a whole as well as to individual users. It may also be applied where charging full cost recovery pricing will result in widespread evasion.

The price structure may also be used to stimulate demand for a service in the short term, although foregoing full cost recovery must be for a defined term only.

3) Statutory Pricing

The price of this service is determined by legislation and dependent on that price, Council may or may not recover its full costs, but has no discretion to do so.

4) Market Pricing

The price of the service is determined by examining alternative prices of surrounding service providers (this also may or may not recover the full cost of the service).

This pricing structure should apply in cases where the service is in competition with that provided by another council, agency, or commercial provider and there is consequent pressure to set a price that will attract adequate usage of the service.

Market Pricing should also apply where a service is predominantly provided for Council's in-house use, but sale to external markets will defray costs.

5) Free (Zero Priced)

Some services may be provided free of charge and the whole cost determined as a community service obligation and may fall within the class of a public good. This price structure may be used where the services provide a broad community benefit; and/or it is impractical or inconceivable to charge for the service on a user basis.

The price structure may also apply where the service is a minor part of the overall operation of Council and the potential for revenue collection is so minor as to be outweighed by the cost of collection.

6) Rate of Return Pricing

This price includes the Full Cost Pricing as defined above, with the addition of a profit margin to factor in a return to Council for assets employed.

This pricing structure should be applied when the service is a profit-making activity and the price is paid by users. The pricing should recover an amount greater than full cost recovery for providing that service. This pricing structure should also be used when it is necessary to create a penalty that is to act as a pricing disincentive.

RELATED POLICIES

- 1) Budget Control and Authorisation Policy.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The policy allows for Council to exercise its community service obligations and to ensure equitable access to and consistent pricing of Council's services.

ECONOMIC IMPLICATIONS

The policy optimises returns to Council on the use of its assets and resources. At the same time, it recognises the principles associated with users' ability to pay, competition and market conditions.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this Policy.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act, 1993;
- 2) Division of Local Government Competitive Neutrality Guidelines;
- 3) (Federal) A New Tax System (**Goods** and **Services** Tax) **Act** 1999 and regulations.

IMPLEMENTATION RESPONSIBILITY

- 1) Manager Financial Services.

REVIEW DATE

- 1) Two years from the date of adoption of the Policy.

ITEM NO. 20

FILE NO: A2004-0266

MAYOR AND COUNCILLOR FEES 2012/13

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine the fees for the Mayor and Councillors for the period 1 July 2012 to 30 June 2013.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012
RECOMMENDATION:

	<p>Councillor Peter Kafer Councillor John Nell</p>
	<p>That Council adopt the maximum allowance for the Mayor and Councillors as per the Local Government Remuneration Tribunal determinations for the Regional Rural category Council.</p>

ORDINARY COUNCIL MEETING – 26 JUNE 2012

156	<p>Councillor John Nell Councillor Peter Kafer</p>
	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to determine the fees payable to the Mayor and Councillors for 2012/2013 financial year and to provide Council with the Report and Determination made by the Remuneration Tribunal.

The Local Government Remuneration Tribunal is required by Section 239 of the Local Government Act to review the categories of all Councils every 3 years. The previous reviews were completed in 2006 and 2009, with the latest review in 2012. A copy of the Tribunal's Report and Determination is provided at **ATTACHMENT 1**.

Pursuant to Section 241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories determined under Section 234 to Councillors and Mayors of Councils during the period 1 July 2012 to 30 June 2013.

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

Council should note that the fees have been capped at 2.5% in line with legislation passed by Parliament on 27 June 2011. The Government passed legislation capping the increase at the same level that applied to the government public sector.

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

	Minimum	Maximum		Minimum	Maximum
Councillor	\$7,740	\$17,060	Mayor	\$16,480	\$37,230

The Mayor receives the fee payable as a Councillor with the additional fee as the Mayor. (ie. Minimum \$24,220 - Maximum \$54,380).

Council's past practice has been to pay the maximum fees as determined by the Tribunal. In 2011/12 the fees were as shown in the table below.

	Minimum	Maximum		Minimum	Maximum
Councillor	\$7,550	\$16,640	Mayor	\$16,080	\$36,320

FINANCIAL/RESOURCE IMPLICATIONS

The 2012/13 draft Budget has allowed for the increase in Mayoral and Councillor Allowances.

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Council is required under the Local Government Act 1993, to adopt fees for the payment of Mayor & Councillors each financial year – if a resolution was not passed by Council the fees would not be payable.	Low	Adoption of the 2012-13 Mayor and Councillor.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

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

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

- 1) Local Government Remuneration Tribunal Report and Determination for 2012.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

cbd

REPORT

and

DETERMINATION

of

THE LOCAL GOVERNMENT REMUNERATION TRIBUNAL

under

SECTIONS 239 AND 241

of the

LOCAL GOVERNMENT ACT 1993

27 April 2012

LOCAL GOVERNMENT REMUNERATION TRIBUNAL

2012 ANNUAL REVIEW

REPORT

INTRODUCTION

Pursuant to Section 241 of the Local Government Act 1993 (the LG Act) the Local Government Remuneration Tribunal hereby determines in each category of Council, the maximum and minimum amount of fees to be paid to Mayors and Councillors of Councils, as well as Chairpersons and Members of County Councils.

On 14 November 2011 the Tribunal wrote to all Mayors advising of the commencement of the 2012 annual review. In respect of this review the Tribunal advised Councils that in addition to reviewing the minimum and maximum fee levels it would undertake a fundamental review of the categories. Section 239 of the LG Act requires the Tribunal to determine the categories of Councils and Mayoral offices at least once every 3 years.

AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993 ("LG Act").

On 27 June 2011, the Parliament passed amendments to the LG Act to apply the same government public sector wages cap that binds the Industrial Relations Commission to the determination of ranges of fees for Councillors and Mayors. Similar amendments have been made to other legislation so that a similar cap applies to Members of Parliament, statutory officers and public sector executives.

For the LG Act the amendments provide for the addition of a new Section 242A.

" 242A Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.

2

(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.

Section 146C of the Industrial Relations Act 1996 Act ("the IR Act") provides

"...146C Commission to give effect to certain aspects of government policy on public sector employment

- (1) The Commission must, when making or varying any award or order, give effect to any policy on conditions of employment of public sector employees:*
- (a) that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Commission, and*
 - (b) that applies to the matter to which the award or order relates.*
- (2) Any such regulation may declare a policy by setting out the policy in the regulation or by adopting a policy set out in a relevant document referred to in the regulation."*

The current policy on wages pursuant to section 146C (1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011.

Clause 6 of the Regulation provides;

"...Other policies

- (3) The following policies are also declared, but are subject to compliance with the declared paramount policies:*
- (a) Public sector employees may be awarded increases in remuneration or other conditions of employment that do not increase employee-related costs by more than 2.5% per annum.*
 - (b) Increases in remuneration or other conditions of employment that increase employee-related costs by more than 2.5% per annum can be awarded, but only if sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs. For this purpose:*
 - (i) whether relevant savings have been achieved is to be determined by agreement of the relevant parties or, in the absence of agreement, by the Commission, and*
 - (ii) increases may be awarded before the relevant savings have been achieved, but are not payable until they are achieved, and*

- (iii) *the full savings are not required to be awarded as increases in remuneration or other conditions of employment.*
- (c) *For the purposes of achieving employee-related cost savings, existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment may only be reduced with the agreement of the relevant parties in the proceedings.”*

On 31 October 2011 the Industrial Court of NSW determined that a challenge to the constitutional validity of the legislation amending the IR Act had failed.

Accordingly, subject to any successful challenge to the validity of the legislation amending the LG Act, and so far as the Tribunal is aware no such challenge has been lodged, the Tribunal when making a determination must now apply the same public sector wages cap that binds the Industrial Relations Commission.

Increases beyond 2.5 per cent per annum can be awarded by the Industrial Relations Commission but subject to the requirement that:

“...sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs.”

However no increase beyond 2.5 per cent may be applied by the Tribunal to the minimum and maximum amounts of fees to be paid to Councillors and Mayors, because although section 242A (1) of the LG Act requires the Tribunal to apply the same policies as those of the Industrial Relations Commission, section 242A (2) of the LG Act expressly provides:

(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.

This intent was confirmed by the Hon. Greg Pearce (Minister for Finance and Services, and Minister for the Illawarra) in the Minister’s Second reading speech: Legislative Council, *Parliamentary Debates (Hansard)*, 22 June 2011 at p. 3101 on the amendments to the Act where he stated;

“This bill will extend the Government’s public sector wages policy to elected officials, State parliamentarians and local mayors and councillors, senior executives in the public service and statutory office holders. The Government’s public sector wages policy is about delivering fair wage increases to hardworking public servants. It is also about ensuring that the State budget can be brought under control. This legislation means that we can get on with the business of delivering the infrastructure and services which this State needs and which its people deserve. Last week this Parliament passed the Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011. That legislation

requires the Industrial Relations Commission to give effect to the Government's wages policy when making decisions relating to public sector salaries. The reasons that bill was necessary are the very same reasons that it is now appropriate to extend the policy to other office holders who are paid from the public purse. If the policy is good enough for public servants it is certainly also good enough for senior executives and for elected officials. That is why, for the first time, the Government's wages policy will be formally extended to apply to elected officials and senior bureaucrats.

..Schedule 2 to the bill applies the same policy to elected officials at the local government level, to mayors and councillors. It provides that in future the Local Government Remuneration Tribunal will be required to give effect to the Government wages cap when setting the range of fees for mayors and councillors."

The intent of Parliament is clear. The 2.5 per cent cap on increases is to apply to the minimum and maximum fees that apply to Councillors and Mayors. The effect of the amendments to the LG Act is to remove the Tribunal's discretion to determine any increase in the minimum and maximum fees beyond 2.5 per cent.

2012 REVIEW OF CATEGORIES

Section 239 of the Act requires the Tribunal to determine categories for Councils and Mayoral offices for the purpose of determining fees, and Section 240 of the Act requires the Tribunal to determine categories according to the following matters:

"240 (1)

- the size of areas
- the physical terrain of areas
- the population of areas and the distribution of the population
- the nature and volume of business dealt with by each Council
- the nature and extent of the development of areas
- the diversity of communities served
- the regional, national and international significance of the Council
- such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government
- such other matters as may be prescribed by the regulations. "

Prior to undertaking its review of categories the Tribunal, as is its normal practice, invited submissions from Mayors. For the current review the Tribunal requested that any submissions made should address the following matters.

- Whether the existing categories should be reduced/expanded and if so on what

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basis

- Whether the current categorisation is appropriate for your Council. If not, where do you consider it should be categorised and on what basis do you consider this re-categorisation should be granted.
- Significant changes in the role and responsibilities of Councillors and Mayors since 2009.
- Other matters you may wish the Tribunal to consider as part of this review.

The Tribunal also wrote to the Presidents of the Local Government and Shires Associations (LGSA) in similar terms, and subsequently met with the President of the Shires Association and Deputy President of the Local Government Association. The Tribunal wishes to place on record its appreciation to the President and Deputy President for meeting with the Tribunal.

SUBMISSIONS RECEIVED

In response to this review the Tribunal received 19 submissions from individual Councils and a submission from the LGSA. The key points from those submissions are summarised below.

Metropolitan Major

Penrith supports the current system of categorisation for Councils. The Council considers it appropriate to reclassify Penrith from Metropolitan Major to Major City in view of the Council's identified regional planning and service delivery role.

Metropolitan Centre

Individual submissions have been received from Bankstown, Fairfield, Gosford, Randwick and Sutherland Shire Councils. All Councils in this group have sought recategorisation to the category of Metropolitan Major.

Bankstown has suggested that the Tribunal establish a minimum population threshold of 180,000 for those Councils within the category of Metropolitan Major. The Tribunal could also consider consolidating the current categories of Metropolitan Centre, Metropolitan Major and Major City into two categories to achieve a simpler and more equitable grouping of similar Councils.

The submission from Fairfield has argued for recategorisation to Metropolitan Major on the

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basis that its population exceeds that of Penrith which is categorised thus.

Gosford has sought recategorisation on the basis of its population increase, expanded budget and service delivery issues. The submission has also advised that Gosford has been identified (by the Department of Planning and Infrastructure) as one of six major regional cities around Sydney and the Central Coast is now recognised as a separate region by the Australian Bureau of Statistics (ABS).

Randwick City Council has sought recategorisation on the basis of its regional, state and national significance. The Council has indicated its support for the current categorisation system, but has suggested that the definition of Major Metropolitan be expanded to include a Council with a smaller population whose regional and national focus may be extensive.

The submission from Sutherland has again sought recategorisation to Metropolitan Major. The Council has argued that there is too great a disparity within the Metropolitan Centre Category between the larger Councils and the smaller Councils in the category. Sutherland suggests that the larger Councils in this category, including Sutherland, are as large as or larger than, and have responsibilities equal to or greater than, the Metropolitan Major Category and Major City Category Councils.

Metropolitan

Submissions have been received from Holroyd, Kogarah and Waverley Councils.

Holroyd Council seeks recategorisation to Metropolitan Centre. The submission states that Holroyd has both grown and changed dramatically in recent years and now finds itself to be a major industrial region. The submission argues that the Council is now a City of regional significance in the same way Councils such as Hurstville, North Sydney and Willoughby have grown into regionally dominant local government areas.

Kogarah seeks recategorisation to Metropolitan Centre. The Council's request is based on the growth and importance of Kogarah Town Centre and the impact this has had on the role and function of Councillors and Council.

Waverley has argued that the existing categorisation does not adequately reflect the strategic make up of the metropolitan area of Sydney or its future direction. The categorisation should take into account and be consistent with the strategic direction of Sydney as set out in the Metropolitan Plan for Sydney 2036. In accordance with the strategy Waverley would be categorised with Hurstville, Willoughby and Campbelltown for remuneration purposes.

The Tribunal has also received a submission from the LGSA which supports the recategorisation of Auburn City Council and Canada Bay City Council to the category of Metropolitan Centre. Both Auburn and Canada Bay were found to have experienced significant growth and, based on population, population growth, revenue and expenditure those Councils were found to be comparable to other Councils in the Metropolitan Centre Category.

Regional Rural

Submissions from Councils in this group were received from Albury, Hawkesbury, Shellharbour, Shoalhaven and Wagga Wagga.

The submission received from Albury has not sought a change to the current method of categorisation but instead requested that the Tribunal consider the provision of a separate allowance for Deputy Mayors in recognition of their additional ongoing responsibilities.

Hawkesbury Council has argued that the work of its elected representatives, and in particular the Mayor, is equivalent to that experienced in the adjoining Councils of Penrith, Blacktown and The Hills, which are classified in higher categories. Hawkesbury Council has requested that the Tribunal give consideration to placing Hawkesbury City Council in a higher category, or at the very least introduce a new category.

Shellharbour supports its current categorisation, however requests that the maximum for the range be increased to provide a realistic payment for those Councils considered at the top of the range.

Shoalhaven has argued that a case exists to differentiate the smaller Councils in category 3

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from the larger Councils like Shoalhaven. Shoalhaven has also suggested an alternative category structure which would provide for a base level of remuneration together with additional incremental payments based upon the level of Council responsibility i.e. water/sewerage, population density etc.

Wagga Wagga supports the current categorisation model. The submission also notes the significant changes in the role and responsibilities of Councillors and Mayors since 2009 including:

- Increase in community expectations of Council
- Increase in governance requirements and legislative requirements
- Reduction in Councillor numbers
- Growth in population.

The Tribunal has also received a submission from the LGSA which supports the recategorisation of Cessnock, Coffs Harbour, Queanbeyan, Port Macquarie Hastings, Maitland, Port Stephens and Tamworth Regional to the category of Metropolitan. Those Councils were found to have experienced significant growth and based on population, population growth, revenue and expenditure were found to be comparable to other Councils in the Metropolitan Category.

Rural

Submissions from Councils in this group were received from Cabonne, Kiama, Kyogle and Muswellbrook.

Cabonne Council have supported the submission of the LGSA.

Kiama Council has argued that the current categorisation is inappropriate. The Council has additional pressures associated with being part of the Sydney Metropolitan Regional Planning area. In addition, the Council has a larger population, budget and area than a number of Councils categorised as metropolitan, but the Councillors and Mayors receive lower fees.

The submission from Kyogle has argued that the maximum fees payable to the rural category should be increased to the regional rural level. In support of this the Council has argued that there is essentially no difference in the role and responsibilities of Councillors/Mayors between these categories. They all handle varied functions, update their knowledge to understand long term strategic, financial and asset management planning issues as well as juggling Council

workload.

Muswellbrook has also sought recategorisation to the category of regional rural. Muswellbrook submits that, notwithstanding its geographic area and population, it is the centre for the delivery of substantial regional services throughout the Upper Hunter Region.

CATEGORIES - FINDINGS

The Tribunal last undertook a fundamental review of the categories of Councils in 2009. In undertaking that review, the Tribunal found that there was no strong case to significantly alter the current categories of Councillor and Mayoral offices or to move individual Councils between categories. While the groupings remained unchanged, the Tribunal decided to apply descriptive titles to the categories to more accurately reflect the nature of the differences between the various groups.

While the majority of submissions indicated support for the existing categorisation framework, a number of submissions requested that the Tribunal have regard to the classification of metropolitan centres within Sydney as outlined in the "Metropolitan Plan for Sydney 2036" (Department of Planning and Infrastructure Dec 2010). The plan categorises suburbs within the Sydney metropolitan area as being Global Sydney, Regional Cities, Major Centres, Specialised Centres, Town Centres, Villages, and Neighbourhoods.

While those descriptors of the various categories are useful for comparative purposes, they do not present a relevant alternative to the current method of categorisation by the Tribunal which categorisation is purely for remuneration purposes. In addition, the categorisation of centres as outlined in the Metropolitan Plan is not based on local government boundaries and does not extend beyond the metropolitan area.

The categories as developed by the Tribunal are for the sole purpose of setting remuneration. In determining those categories the Tribunal is required to have regard to the matters outlined in section 240 of the Act. Those matters do not include having regard to plans or assumptions as to the future development of council areas. Having regard to the s.240 matters, the Tribunal has grouped Councils in categories on the basis that they have a

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large number of features in common. However, as each Council is different and has different challenges and opportunities, there will always be room for a difference of views as to the significance of differences between Councils in different categories while ever there is a requirement to categorise them.

In seeking recategorisation Councils often seek to draw a comparison between themselves and another Council in a category which provides a higher range of fees. These comparisons are usually based on one or two factors only, usually population or financial indicators. As outlined in the Act, the Tribunal is required to have regard to a range of factors when categorising Councils. In suggesting whether or not recategorisation is warranted Councils should ensure they have taken into account the range of matters outlined in the Act prior to submitting a case to the Tribunal.

Having regard to the submissions received, the findings of previous reviews, and issues raised by the LGSA and the Division of Local Government, the Tribunal finds that no change is warranted to the existing categorisation framework, or to the current categorisation of individual Councils. The characteristics of Councils categorised in each of the groups is outlined in detail in appendix A of the 2009 report and determination. The Tribunal has reviewed the characteristics of each of the categories and found that they continue to adequately reflect the differences between the various types of Councils, and the Tribunal has also reviewed the individual requests for recategorisation and found that no change in the categorisation of individual Councils is warranted.

The Tribunal's response to each of the requests for recategorisation is outlined in the following summary.

Major City

The Tribunal does not support Penrith's request to move from the category of Metropolitan Major to Major City. The Tribunal found, having regard to the definitions provided in the 2009 report and determination, the extent of regional services provided by Penrith is not

comparable to that provided by Councils in the category of Major City. In addition, the Tribunal notes that there would be no material gain for Councillors or Mayors in recategorisation to Major City as the fees are identical to those provided to Metropolitan Major. As outlined in the 2009 report and determination the descriptive titles were applied to avoid the perception of a ranking system and were designed to reflect the characteristics of Councils for the purposes of categorisation for remuneration purposes only.

Metropolitan Major

The Councils which sought recategorisation to Metropolitan Major did so on the basis of size of population, population growth and provision of regional services. A number of submissions also provided comparisons with Penrith as justification for their inclusion in this category.

Metropolitan Major (previously category 1A) was created in 2001 in recognition of Blacktown's significant population (264,799 in 2001). As outlined in the 2001 report and determination category 1A was to comprise category 1 Councils with a resident population of 250,000 (Blacktown) or more, or any other special feature of section 240 which the Tribunal considers distinguishes them from other Councils in category 1.

In 2002 the Tribunal determined that Penrith would also be categorised as category 1A. The recategorisation was based on Penrith's leading role in regional planning and providing services to greater western Sydney. The Tribunal also highlighted growth in the region and stated:

"It is anticipated that Penrith will continue to grow to about 200,000 in the next 10 years depending on the ebb and flow of urban development projects"

The Tribunal notes that Penrith's population is currently 186,221 (est. res. pop. 30 June 2010). The current population is well short of the Tribunal's estimate of 200,000 by 2012.

The Tribunal has considered many requests for recategorisation since the categories were first established in 1994 and has only moved Councils where there was considered to be significant reason for doing so. While the Tribunal's decision to re-categorise Penrith to category 1A was based on what were considered significant reasons at the time, the Tribunal made a number of assumptions about the long term development of the Council which have not been realised.

Fairfield, Bankstown, Gosford, Randwick and Sutherland Councils have provided submissions, but the Tribunal has found that their submissions did not demonstrate a significant case for recategorisation. While a number of these Councils have populations that exceed that of Penrith, it is clear that the Tribunal's earlier assumptions about projected growth in Penrith's population did not eventuate so that comparative population numbers are not relevant, and the relevant Councils do not provide or embody the same regional focus as does Penrith. In addition, while populations have increased overall, the ABS reveals that these Councils, like Penrith, have not experienced significant growth.

Metropolitan Centre

These Councils are defined typically as large multi-purpose organisations which serve as regional centres for the interests of a wider number of residents. They are characterised as having large populations, and support significant infrastructure, commercial/retail facilities and may host major recreational, health and education facilities.

Six Councils have sought recategorisation to Metropolitan Centre with an additional two Councils nominated for inclusion in this group by the LGSA. Reasons to seek recategorisation include population growth and provision of regional services. A number of submissions provided comparisons with Hurstville as justification for their inclusion in this category.

The Tribunal's 2001 determination recategorised Hurstville from category 2 (Metropolitan) to category 1 (Metropolitan Centre). The Tribunal's decision to recategorise Hurstville was based on expected population growth and its assessment that the Hurstville CBD is a regional growth centre for the St George region. The Tribunal also found that

"The three Category 1 Councils most directly comparable with Hurstville are Hornsby, Willoughby and North Sydney."

With the exception of North Sydney which has a large CBD, Willoughby and North Sydney Councils are the smallest within the category of Metropolitan Centre in respect of population and scope of operations. Their inclusion was based at the time on the particular circumstances which set them aside from other Councils in category 2 (Metropolitan).

Each Council has its own particular characteristics and it is not one but an aggregation of those which determines categorisation. The Tribunal has reviewed those Councils which have sought or been nominated for recategorisation to Metropolitan Centre having regard to the definitions for each category and the characteristics of the Councils within each group. Based on the information received the Tribunal found that those Councils did not demonstrate either the scale or diversity of operations of Metropolitan Centres and therefore recategorisation is not warranted at this time.

Metropolitan

A number of Councils categorised as Regional Rural were nominated by the LGSA for inclusion within the category of Metropolitan. That recommendation was based mainly on population and financial indicators.

In 2009 the Tribunal introduced descriptive titles for each of the categories to better differentiate the groups based on their particular characteristics. The descriptive titles replaced the previous number system which had created a perception of ranking. Regional Rural Councils are distinct from Metropolitan Councils in that they contain a mix of urban and rural settlements and provide regional services, such as airports, to communities throughout their region.

The range of fees payable to Councils within the categories of Metropolitan and Regional Rural is currently identical. While there is some comparability between these groups in regard to size of population and financial operations, when having regard to a wider range

of factors, Councils in the category of Regional Rural retain enough distinct characteristics to warrant a separate category.

Regional Rural

The Tribunal reviewed the arguments provided by both Muswellbrook and Kiama for recategorisation to regional rural. While these Councils are at the top end of the rural category, they do not presently provide the extent of regional services which would warrant reclassification to Regional Rural.

The Tribunal has also considered the submission from Kyogle which has argued that there is essentially no difference in the role and responsibilities of the Mayor and Councillors of Kyogle and those of Mayors and Councillors in surrounding Councils which are in a higher category. A not dissimilar submission was made by Hawkesbury. The LG Act outlines the role and responsibilities of Councillors (Part 2, Division 2) and Mayors (Part 2, Division 3). While all Councillors and Mayors are expected to undertake duties to comply with the statutory role and responsibilities, the workload and the complexity of the work required from individual elected officials will differ from Council to Council.

The Tribunal is required by the LG Act to categorise Councils for the purpose of determining remuneration and does so having regard to the matters outlined in section 240(1) of the LG Act. The scale or diversity of operations within Councils impacts upon the role and responsibilities of Councillors. Councils within the Rural Regional category are expected to have additional responsibilities associated with the provision of regional services and these additional responsibilities are reflected in a higher fee.

Shoalhaven has suggested that a new category be introduced to cater for the larger Regional Rural Councils. This category would also include Tweed, Port Macquarie and Coffs Harbour. Based on the information provided, Shoalhaven has not demonstrated, aside from size of population, that it is significantly different from other large Councils in the Regional

Rural group. On that basis the Tribunal does not support the creation of a new category at this time.

CONCLUSION

The Tribunal continues to monitor local government initiatives and inform itself of the Government's direction for local government. In particular the Tribunal welcomes proposals to improve local government such as those identified as part of the Destination2036 initiative.

The Minister for Local Government, the Hon Don Page MP, recently announced an independent review to identify options to improve the strength and effectiveness of local government in NSW. A strong and viable local government sector that is able to meet the service delivery and infrastructure needs of local communities is critical to the future prosperity of NSW.

Local government has been working with the NSW Government as part of the Destination2036 initiative to identify solutions to the challenges faced by the sector. The review will build on the Destination2036 initiative and identify options for governance models, structural arrangements and boundary changes. It will take into account the different nature and needs of regional, rural and metropolitan communities.

The review is to be undertaken by a three member panel comprising the Chairperson, Professor Graham Sansom, and Members, Ms Jude Munro AO and Mr Glenn Inglis. The panel will commence on 14 May 2012 and is expected to report back to the Minister for Local Government by July 2013. Any changes recommended by the panel will then need to be considered by Government.

The review panel will consult widely with the local government sector, the broader community and other key stakeholders. The terms of reference for the panel will result in consideration of and recommendations on many of the actions identified in the draft Destination2036 action plan. Councils have expressed strong support for the Destination

2036 initiative and the draft action plan. The work plan sets out the first steps in a long-term reform agenda.

The Tribunal supports initiatives which will bring about improvements in the local government sector. In addition, the Tribunal welcomes the collaborative approach taken by the Government and the local government sector to bring about reform. The Tribunal will monitor the progress of the panel over the coming year.

As outlined at the beginning of the report the Tribunal is now required to have regard to the Government's wages policy when determining the increase to apply to the minimum and maximum fees that apply to Councillors and Mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.

The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Labour Price Index, and finds that the full increase of 2.5 per cent available to it is warranted. On that basis, and having regard to the above, and after taking the views of the Assessors into account, the Tribunal considers that an increase of 2.5 per cent in the fees for Councillors and Mayors is appropriate and so determines

Local Government Remuneration Tribunal

(signed)

Helen Wright

Dated: 27 April 2012

DETERMINATION PURSUANT TO SECTION 239 OF CATEGORIES OF COUNCILS AND COUNTY COUNCILS EFFECTIVE FROM 1 JULY 2012

Category - Principal City (1)

Sydney

Category - Major City (3)

Newcastle

Parramatta

Wollongong

Category - Metropolitan Major (2)

Blacktown

Penrith

Category - Metropolitan Centre (16)

Bankstown

Campbelltown

Fairfield

Gosford

The Hills

Hornsby

Hurstville

Lake Macquarie

Liverpool

North Sydney

Randwick

Ryde

Sutherland

Warringah

Willoughby

Wyong

Category – Metropolitan (21)

Ashfield

Auburn

Botany

Burwood

Camden

Canada Bay

Canterbury

Holroyd

Hunters Hill

Kogarah

Ku-ring-gai

Lane Cove

Leichhardt

Manly

Marrickville

Mosman

Pittwater

Rockdale

Strathfield

Waverley

Woollahra

Category - Regional Rural (32)

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

Category - Rural (77)

Balranald	Gloucester	Narromine
Bellingen	Greater Hume	Palerang
Berrigan	Gundagai	Parkes
Bland	Gunnedah	Oberon
Blayney	Guyra	Richmond Valley
Bogan	Gwydir	Singleton
Bombala	Harden	Snowy River
Boorowa	Hay	Temora
Bourke	Inverell	Tenterfield
Brewarrina	Jerilderie	Tumbarumba
Cabonne	Junee	Tumut
Carrathool	Kiama	Upper Hunter
Central Darling	Kyogle	Upper Lachlan
Cobar	Lachlan	Uralla
Conargo	Leeton	Urana
Coolamon	Lithgow	Wakool
Cooma-Monaro	Liverpool Plains	Walcha
Coonamble	Lockhart	Walgett
Cootamundra	Mid-Western	Warren
Corowa	Moree Plains	Warrumbungle
Cowra	Murray	Weddin
Deniliquin	Murrumbidgee	Wellington
Dungog	Muswellbrook	Wentworth
Forbes	Nambucca	Yass Valley
Gilgandra	Narrabri	Young
Glen Innes Severn	Narrandera	

TOTAL GENERAL PURPOSE COUNCILS

152

Category - County Councils Water (5)

Central Tablelands	Riverina Water
Goldenfields Water	Rous
MidCoast	

Category - County Councils Other (9)

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

TOTAL COUNTY COUNCILS **14**

DETERMINATION PURSUANT TO SECTION 241 OF FEES FOR COUNCILLORS AND MAYORS

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2012 are determined as follows:

	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Principal City	23,250	34,100	142,250	187,180
Major City	15,490	25,580	32,940	74,530
Metropolitan Major	15,490	25,580	32,940	74,530
Metropolitan Centre	11,640	21,700	24,700	57,660
Metropolitan	7,740	17,060	16,480	37,230
Regional Rural	7,740	17,060	16,480	37,230
Rural	7,740	10,220	8,220	22,310
County Council – Water	1,540	8,530	3,300	14,000
County Council - Other	1,540	5,100	3,300	9,310

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

Local Government Remuneration Tribunal

(signed)

Helen Wright

Dated: 27 April 2012

ITEM NO. 21

FILE NO: PSC2011-01498

FINANCIAL ASSISTANCE - FIGHTERWORLD**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**
GROUP: GENERAL MANAGERS OFFICE**RECOMMENDATION IS THAT COUNCIL:**

- 1) Consider the request from Fighterworld to re-allocate funds.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012**RECOMMENDATION:**

	Councillor John Nell Councillor Bob Westbury
	That Council approve the re-allocation of \$1482.50 as outlined in the report.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

157	Councillor Ken Jordan Councillor Caroline De Lyall
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is for Council to consider the re-allocation of funds provided under the Financial Assistance Policy.

Fighterworld were successful in gaining financial assistance from Council in the September 2011 Round of funding, in the sum of \$1,482.50. These funds were to be used towards development application fees for the construction of a toilet block. However, Fighterworld have not been able to gain approval from the RAAF at this stage and wish to re-allocate the funds to another project.

The request is that Council grant approval for Fighterworld to retain the funds for the purpose of refurbishment costs for fencing and pathways for visitors to gain safe access to the second hangar.

FINANCIAL/RESOURCE IMPLICATIONS

These funds have already been allocated to Fighterworld. There would be no further financial implication for Council given the funds have been allocated.

LEGAL, POLICY AND RISK IMPLICATIONS

These funds were allocated in accordance with the Financial Assistance Policy under the grants program.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
These funds are available through the Grants program. It would set a precedent should Council wish to approve the re-allocation of funds	Low	Request that Fighterworld re-apply through the next Round of funds under the Financial Assistance Policy	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Mayor.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 22

FILE NO: PSC2005-1547

REQUEST FOR LEGAL ASSISTANCE – BLACKTOWN CITY COUNCIL

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Provide legal assistance to Blacktown City Council through the Local Government & Shires Association in the sum of \$183.68 in relation to the Administrative Decisions Tribunal matter.
-

COUNCIL COMMITTEE MEETING – 12 JUNE 2012
RECOMMENDATION:

	<p>Councillor Peter Kafer Councillor Sally Dover</p>
	<p>That Council not provide legal assistance to Blacktown City Council.</p>

ORDINARY COUNCIL MEETING – 26 JUNE 2012

	<p>Councillor John Nell Councillor Sally Dover</p>
	<p>That Council provide legal assistance to Blacktown City Council through the Local Government & Shires Association in the sum of \$183.68 in relation to the Administrative Decisions Tribunal matter.</p>

The motion on being put was lost.

158	<p>Councillor Peter Kafer Councillor Ken Jordan</p>
	<p>It was resolved that Council not provide legal assistance to Blacktown City Council.</p>

The motion on being put was carried.

BACKGROUND

The purpose of this report is to seek Councillor support for a financial contribution to Blacktown City Council to assist off-setting costs it incurred in the Administrative Decisions Hearing.

Council has received a request from Local Government and Shires Associations of NSW (LGSA) for assistance with legal costs incurred by Blacktown City Council in relation to an Administrative Decisions Tribunal (ADT) hearing where an applicant sought to access a copy of the report of the performance of their General Manager. Council's contribution has been calculated as \$183.68, in accordance with the usual formula used by LGSA to calculate contributions.

Blacktown City Council considered a request under the *Government Information (Public Access) Act 2009* for access to the report of Council for the performance of their General Manager. Access was refused to all personal details including comments made by the assessment panel and the individual ratings/scores.

The applicant was not satisfied with the outcome and lodged an application with the ADT.

Blacktown City Council has resolved to defend the matter in the ADT.

The release of Council employee performance records has the potential to restrict open and frank discussions between an employee and a council. This may also have further implications for all council employees.

FINANCIAL/RESOURCE IMPLICATIONS

The sum of \$183.68 has not been budgeted for in the 2011-12 financial year. However, these funds could be sourced from the General Managers Office operational budget.

LEGAL, POLICY AND RISK IMPLICATIONS

Council's Requests for Assistance – Legal Costs policy states that requests from the Local Government and Shires Associations for financial assistance for legal costs incurred by other Councils will only be granted if the issues arising from and/or the outcomes of legal proceedings involving those Councils directly benefit the Port Stephens Local Government area (27 November 2001, Min no: 492). Given this matter has an impact on all of local government it is recommended that Council agree to provide assistance to Blacktown City Council by payment of the amount calculated by the LGSA as this Council's contribution.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
By not providing assistance Council may restrict future opportunity to access similar policy provisions should the need arise	Low	That Council provide legal assistance in this matter	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) General Manager

OPTIONS

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

ATTACHMENTS

- 1) Letter from the LGSA.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

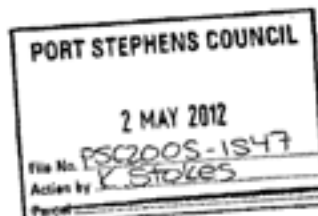
Local Government
Association of NSW



Shires Association
of NSW

Our ref: R90/0240 Out-20427
27 April 2012

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324



Dear Mr Gesling

Legal Assistance Blacktown City Council

The Local Government Association has resolved to assist Blacktown City Council by way of the Legal Assistance Policy and Guidelines in a matter before the Administrative Decisions Tribunal (the ADT).

The matter involves a request for access to the performance assessment report of Blacktown City Council's General Manager by way of the Government Information (Public Access) Act 2009 (the GIPA).

The applicant was granted access to a copy of the report to council of the performance of the General Manager including the performance criteria and a copy of the standard contract for the General Manager. Access was refused to all personal details including comments made by the assessment panel and the individual ratings/scores.

The applicant was not satisfied with this outcome and wants all documents and information associated with the performance review and has made application to the ADT in this regard.

The Office of the Information Commissioner (the OIC), which was established to provide assistance to applicants or respondents to requests for access to information under the GIPA, has also supported the applicants view that it is in the public interest to release all documents.

Blacktown City Council have resolved to defend the application in the ADT as it is concerned that the OIC considers that it is in the public interest to disclose the full performance review report of an employee including personal details.

Council is also concerned that the decision of the OIC will set a benchmark for similar applications and thereby establish a precedent which may have far reaching consequences for agencies including impacting on the integrity and basis of performance records. Council considers that to achieve effective and fair performance assessments, they must involve full and frank discussion between an employer and employee. Council is concerned that this situation may be compromised if an employer is compelled to release to the public any personal or confidential information emanating from that process.

The estimated costs of this matter are \$12,000 and your councils contribution is \$183.68.

By the terms of the Legal Assistance Policy and Guidelines your council is under no obligation to provide assistance.

If you have any questions in regards to this matter please do not hesitate to contact me direct on 02 9242 4125.

Yours sincerely

Frank Loveridge
Legal Officer

GPO Box 7003 Sydney NSW 2001
L8, 28 Margaret St Sydney NSW 2000
Tel: (02) 9242 4000 • Fax: (02) 9242 4111
www.lgaa.org.au • lgaa@lgaa.org.au
ABN 40 853 913 882

ITEM NO. 23

FILE NO: PSC2010-04382

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 – Mayor Bob Westbury – Anna Bay Public School - Donation to assist with costs for teachers to attend grief counselling - \$500.00;
 - b) Rapid Response – Cr Glenys Francis – Woodville School of Arts Inc. – Donation to assist with costs of council rate fees - \$500.00.
-

COUNCIL COMMITTEE MEETING – 12 JUNE 2012
RECOMMENDATION:

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

ORDINARY COUNCIL MEETING – 26 JUNE 2012

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

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)

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

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:-

MAYORAL FUNDS

Anna Bay Public School	Donation to assist with costs for teachers to attend grief counselling	\$500.00
------------------------	------------------------------------------------------------------------	----------

WEST WARD – Cr Francis, Cr Kafer, Cr De Lyall, Cr Kafer

Woodville School of Arts Inc	Donation to assist with costs of council rate fees	\$500.00
------------------------------	----------------------------------------------------	----------

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. 24

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 12 June 2012.

No:	Report Title	Page:
1	PROPOSED ROAD CLOSURE – LANEWAY BETWEEN ACHILLES STREET & NELSON BAY ROAD, NELSON BAY	
2	PETITION REQUESTING A FOOTPATH FOR THE AREA BETWEEN THE CORNER OF FARM ROAD & BOULDER BAY TOWARDS MARKET STREET, FINGAL BAY	
3	DESIGNATED PERSONS – PECUNIARY INTEREST	
4	PETITION FOR INSPECTION OF WHITE ANT INFESTED EUCALYPT BEHIND 109 JOHN PARADE, LEMON TREE PASSAGE	

COUNCIL COMMITTEE MEETING – 12 JUNE 2012

RECOMMENDATION:

	Councillor John Nell Councillor Steve Tucker
	That the recommendation be adopted.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

160	Councillor John Nell Councillor Sally Dover
	It was resolved that the recommendation be adopted.

COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

**PROPOSED ROAD CLOSURE – LANEWAY BETWEEN ACHILLES STREET &
NELSON BAY ROAD, NELSON BAY**

REPORT OF: CARMEL FOSTER – PROPERTY SERVICES MANAGER
GROUP: CORPORATE SERVICES

FILE: PSC2009-02795

BACKGROUND

The purpose of this report is to notify Council that a proposed Road Closure application made by Western Suburbs (Newcastle) Leagues Club Ltd (Wests) on 10 August 2009 has been withdrawn. Therefore, given that the applicant has withdrawn the application, Council's resolution of 9 March 2010, Minute No. 071 will not proceed.

A Western Suburbs (Newcastle) Leagues Club Ltd representative has contacted Council and advised that the proposed closure for the laneway located between Achilles Street and Nelson Bay Road at Nelson Bay is to be withdrawn. It is no longer a requirement of their development at this time. All costs already borne by Council associated with this matter have been invoiced and sent to Wests for payment. Wests have been notified that should they wish to reapply at a later date it would require a new application.

ATTACHMENTS

1) Minutes Ordinary Meeting of Council – 9 March 2010.

ATTACHMENT 1

MINUTES ORDINARY COUNCIL – 09 MARCH 2010

ITEM NO. 11

FILE NO: PSC2009-02795

PROPOSED ROAD CLOSURE – LANEWAY BETWEEN ACHILLES STREET & SHOAL BAY ROAD, NELSON BAY

REPORT OF: CARMEL FOSTER – COMMERCIAL PROPERTY MANAGER
 GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consent to the closure and sale of the laneway between lots 58 & 59 DP224365 and lots 31 & 32 DP213730.
- 2) Makes application under Section 34 Roads Act 1993 to the Land & Property Management Authority (LPMA) for the closure to be processed.
- 3) Obtains a valuation from a registered valuer of the proposed closure area and that valuation be utilised in establishing the purchase price.
- 4) Prepares a land Transfer on finalisation of the closure and payment of all costs including the purchase price by the applicant.
- 5) Requires the applicant to lodge a subdivision application with Council for the road closed lot as required by Land and Property Information NSW.
- 6) Requires the applicant to prepare a plan for the subject area to be consolidated with the adjoining lots and the proposed surrounding development, if the application is successful.
- 7) Allocate proceeds from the sale to road improvements in the vicinity.
- 8) Grants authority to affix the Council Seal and signatures to the road closure subdivision plan prior to lodging it at the office of Land and Property Information.
- 9) Grants authority to affix the Council Seal and Signatures to the future Transfer, if the matter is successfully concluded.

COMMITTEE MEETING – 09 MARCH 2010

RECOMMENDATION:

	Councillor Bruce MacKenzie Councillor Shirley O'Brien	That the recommendation be adopted.
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ORDINARY MEETING – 09 MARCH 2010

071	Councillor Bob Westbury Councillor Steve Tucker	it was resolved that the recommendation be adopted.
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COUNCIL COMMITTEE – 09 MARCH 2010

ITEM NO. 11

FILE NO: PSC2009-02795

PROPOSED ROAD CLOSURE – LANEWAY BETWEEN ACHILLES STREET & SHOAL BAY ROAD, NELSON BAY

REPORT OF: CARMEL FOSTER – COMMERCIAL PROPERTY MANAGER
GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consent to the closure and sale of the laneway between lots 58 & 59 DP224365 and lots 31 & 32 DP213730.
- 2) Makes application under Section 34 Roads Act 1993 to the Land & Property Management Authority (LPMA) for the closure to be processed.
- 3) Obtains a valuation from a registered valuer of the proposed closure area and that valuation be utilised in establishing the purchase price.
- 4) Prepares a land Transfer on finalisation of the closure and payment of all costs including the purchase price by the applicant.
- 5) Requires the applicant to lodge a subdivision application with Council for the road closed lot as required by Land and Property Information NSW.
- 6) Requires the applicant to prepare a plan for the subject area to be consolidated with the adjoining lots and the proposed surrounding development, if the application is successful.
- 7) Allocate proceeds from the sale to road improvements in the vicinity.
- 8) Grants authority to affix the Council Seal and signatures to the road closure subdivision plan prior to lodging it at the office of Land and Property Information.
- 9) Grants authority to affix the Council Seal and Signatures to the future Transfer, if the matter is successfully concluded.

BACKGROUND

The purpose of this report is to recommend consent to the closure of the laneway between Achilles Street & Shoal Bay Road, Nelson Bay and sale to the adjoining owner.

The applicant has a proposed large development over all of the lots adjoining the lane. The closure and sale of this lane will permit development to take place but provision must be made to maintain an access for public use between Achilles Street and Shoal Bay Road. Councils Facilities & Services Group has requested such an access to be maintained within the new development.

COUNCIL COMMITTEE – 09 MARCH 2010

The lane currently serves no other purpose since the applicant has purchased all of the adjoining properties. See ATTACHMENTS 1 & 2 for plan showing the area of the land.

FINANCIAL/RESOURCE IMPLICATIONS

The applicant must meet all costs associated with the closure process. If these costs are not met at different stages through the process the next stage is not commenced, until such payment is made. Closure of the road will result in no Council future funds having to be spent on the maintenance of it.

LEGAL, POLICY AND RISK IMPLICATIONS

All actions relating to road closure and purchases are controlled by the Roads Act 1993 with the application being made under Section 34. The Land & Property Management Authority is responsible for the process once Council consents to the closure. That Authority makes the final decision and gazettes the closure. The Conveyancing Act controls the actual sale process once the new Certificate of Title has been issued. Council's Road Closure Policy details the actions to be followed.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

A very small implication as public access by foot is to be catered for. The large proposed development will generate considerable benefit to the community.

CONSULTATION

Applicant; Land & Property Management Authority; Service Authorities; adjoining owners; Council's Facilities & Services staff; Development consultants; Surveyor and Principal Property Advisor.

OPTIONS

- 1) Accept recommendation
- 2) Refuse consent

ATTACHMENTS

- 1) Plan showing proposed closure
- 2) Locality plan

COUNCILLORS ROOM

NIL

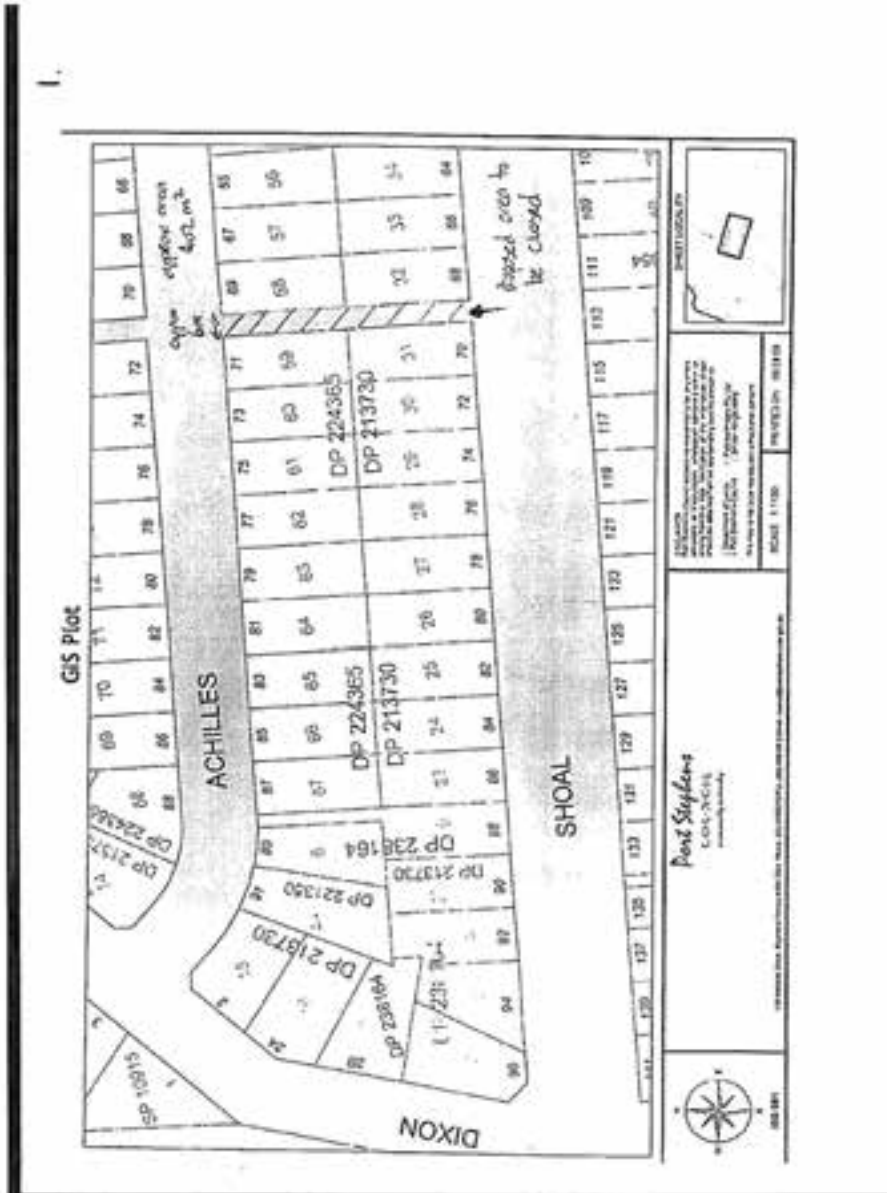
COUNCIL COMMITTEE – 09 MARCH 2010

TABLED DOCUMENTS

NIL

COUNCIL COMMITTEE – 09 MARCH 2010

ATTACHMENT 1



ATTACHMENT 2

2.



INFORMATION ITEM NO. 2

**PETITION REQUESTING A FOOTPATH FOR THE AREA BETWEEN THE
CORNER OF FARM ROAD & BOULDER BAY TOWARDS MARKET STREET,
FINGAL BAY**

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

FILE: PSC2012-01997

BACKGROUND

The purpose of this report is to advise Councillors that a Petition has been received by the General Manager from the residents of Fingal Haven Retirement Village requesting a footpath for the area between the corner of Farm Road & Boulder Bay Road towards Market Street Fingal Bay.

The petition contains 121 signatures.

ATTACHMENTS

- 1) Letter and Petition.
- 2) Map of Location.

TABLED DOCUMENTS

- 1) A3 copy of letter.

ATTACHMENT 1

 **Port Stephens
Veterans & Citizens
Aged Care Ltd.**
Community Lifestyle
Individualised Care

MAIN ADMINISTRATION
Shoal Bay Road
Shoal Bay NSW 2315
Phone (02) 4984 1811
Fax (02) 4984 1007
Email: email@harboursidehaven.com.au

TRADING AS HARBOURSIDE HAVEN VILLAGES. A.C.N. 902 242 895 A.B.N. 25 871 085 128

Located at: **SHOAL BAY** **FINGAL BAY** **SALAMANDER BAY** **NELSON BAY**
140 Donald Street

Mayor: The Hon. Lee Johnson A.M.
Geraine King
Jack Mees

21st May 2012

Port Stephens Council
PO Box 42
RAYMOND TERRACE
NSW 2324

Attention: Mr Rick Mackenzie, Design and Project Development Engineer

Re: Footpath request at Fingal Bay

Dear Mr Mackenzie

Please find attached a petition that has been signed by in excess of 110 residents from Fingal Haven Retirement Village requesting a footpath for the area between the corner of Farm Road & Boulder Bay Road towards Market Street, Fingal Bay. There is a section of around 25 – 30 metres with no footpath, where the ground is very uneven and the grass is long, making it difficult for elderly people as well as mothers pushing prams and carers pushing wheelchairs to negotiate. To walk on the road in this section is a dangerous alternative due to parked vehicles and a high volume of through traffic.

PSVCAC strongly supports the residents in this request as their safety is our paramount concern always, as is their wellbeing which is greatly improved when they are able to get out and go walking in the fresh air and the beautiful surrounds of Fingal Bay.

Should you require further information please do not hesitate to contact me on 4916-4203.

Yours sincerely

Louise Walters
Chief Executive Officer



Petition to Port Stephens Council

Petition from The Residents of Fingal Haven Village – May 2012:

Please help make the lives, of young mums with prams and toddlers, and the frail elderly with mobility aids and walkers safer, and less stressful.

A paved footpath is urgently needed from the corner of Farm Rd, and Boulder Bay Rd toward Market St, Fingal Bay. Currently the area has long and uneven grass, which is very difficult to negotiate. The option to walk on the road is not safe, because of the amount of traffic, and the number of cars regularly parked on both sides of Boulder Bay Rd.

We the undersigned, respectfully request the provision of a foot path in this area.

ATTACHMENT 2



INFORMATION ITEM NO. 3

DESIGNATED PERSONS – PECUNIARY INTEREST

REPORT OF: PETER GESLING - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2011-03647

BACKGROUND

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

Councillors

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

General Manager's Office

General Manager
Executive Officer
Legal Services Manager

Corporate Services

Group Manager Corporate Services
Information Management Section Manager
Organisation Development Section Manager
Group Manager Commercial Services (former)
Property Officer (former Principal Property Advisor)
Property Services Section Manager (former Commercial Property Manager)
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
Business Support Coordinator (former Corporate Clean Business Manager)

Development Services

Group Manager Development Services (former Sustainable Planning Group Manager)
Business & Community Relations Manager (former Economic Development Manager, former Communications and Customer Relations Manager)
Communicate Port Stephens Coordinator
Visitor Information & Events Coordinator
Economic Development Manager
Tourism Marketing Coordinator
Tourism Marketing Manager
Development Assessment & Compliance Section Manager (former Development Assessment and Environmental Health Manager)
Community Planning & Environmental Services Section Manager (former Manager Environmental & Development Planning)
Building Assessment Manager
Strategic Planning Coordinator
Senior Strategic Planner
Principal Strategic Planner
Strategic Planners (4)
Development Coordinator (former Development Assessment Coordinator)
Senior Development Planner (3)
Student Development Planner
Development Planners (2)
Development Assessment Officer – Customer Service
Senior Building Surveyor
Health & Building Surveyors (5)
Senior Health & Building Surveyors (2)
Senior Health & Building Surveyor Fire Safety (former Senior Fire Safety Officer)
Section 94 Officer (formerly Section 94 Developer Contributions Planner)

Development Services (cont'd)

Social Planning Coordinator
Coordinator Environmental Health and Regulation
Coordinator Natural Resources
Compliance Officer
Major Projects, Policy & Compliance Coordinator (formerly Executive Planner)
Environmental Health Team Leader
Rangers (4)
Ranger Team Leader
Vegetation Management Officer
Environmental Health Officers (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
Works Manager (2)
Drainage Engineer
Civil Assets Engineer
Design and Project Development Engineer
Coordinator – Construction
Coordinator – Roads
Coordinator – Roadside & Drainage – East
Coordinator – Roadside & Drainage - West
Coordinator – Parks – East
Coordinator – Parks - West
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 (formerly Project Services Manager)
Contracts & Services Coordinator

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 4

**PETITION FOR INSPECTION OF WHITE ANT INFESTED EUCALYPT BEHIND
109 JOHN PARADE, LEMON TREE PASSAGE**

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

FILE: PSC2012-00746

BACKGROUND

The purpose of this report is to advise Councillors that a Petition has been received by the General Manager from the Local Residents' Action Group regarding the white ant infested eucalypt behind 109 John Parade, Lemon Tree Passage.

The petition contains 16 signatures.

ATTACHMENTS

- 1) Letter & Petition.
- 2) Map of Location.

TABLED DOCUMENTS

- 1) A3 copy of letter.

ATTACHMENT 1

25 MAY 2012
POL2003-2633
Tamilka Bay NSW 2319
20th May 2012

The General Manager,
Port Stephens Council,
P.O. Box 42,
Raymond Terrace NSW 2224

Dear Sir,

Re: Water Front Reserve - John Parole Lemon Tree Passage
White ant infested "Huge Dead Eucalypt behind
LOT 143 - No 104 John Parole Lemon Tree Passage

Approximately 10 years ago the Parks and Gardens Section of your Council was informed about a badly white ant infested tree within 5 metres of the boundary of the above property.

Since then the tree has become totally ruined by white ants and they are very active to this day.

Regular pest control treatments have kept them from affecting our home but they have been detected in woodworks around the property.

The wet weather experienced over the past months has enabled them to spread to such an extent that all home owners along the reserve fear for their property.

Those who have signed the attached petition request that you arrange to have the tree inspected and treated or removed urgently.

Please note that in the event of our properties becoming affected by these white ants we will take every step possible to recover cost of repairs/replacement from Port Stephens Council.

Your early response and reply to this letter will be appreciated.

Yours sincerely

LOCAL RESIDENTS ACTION GROUP

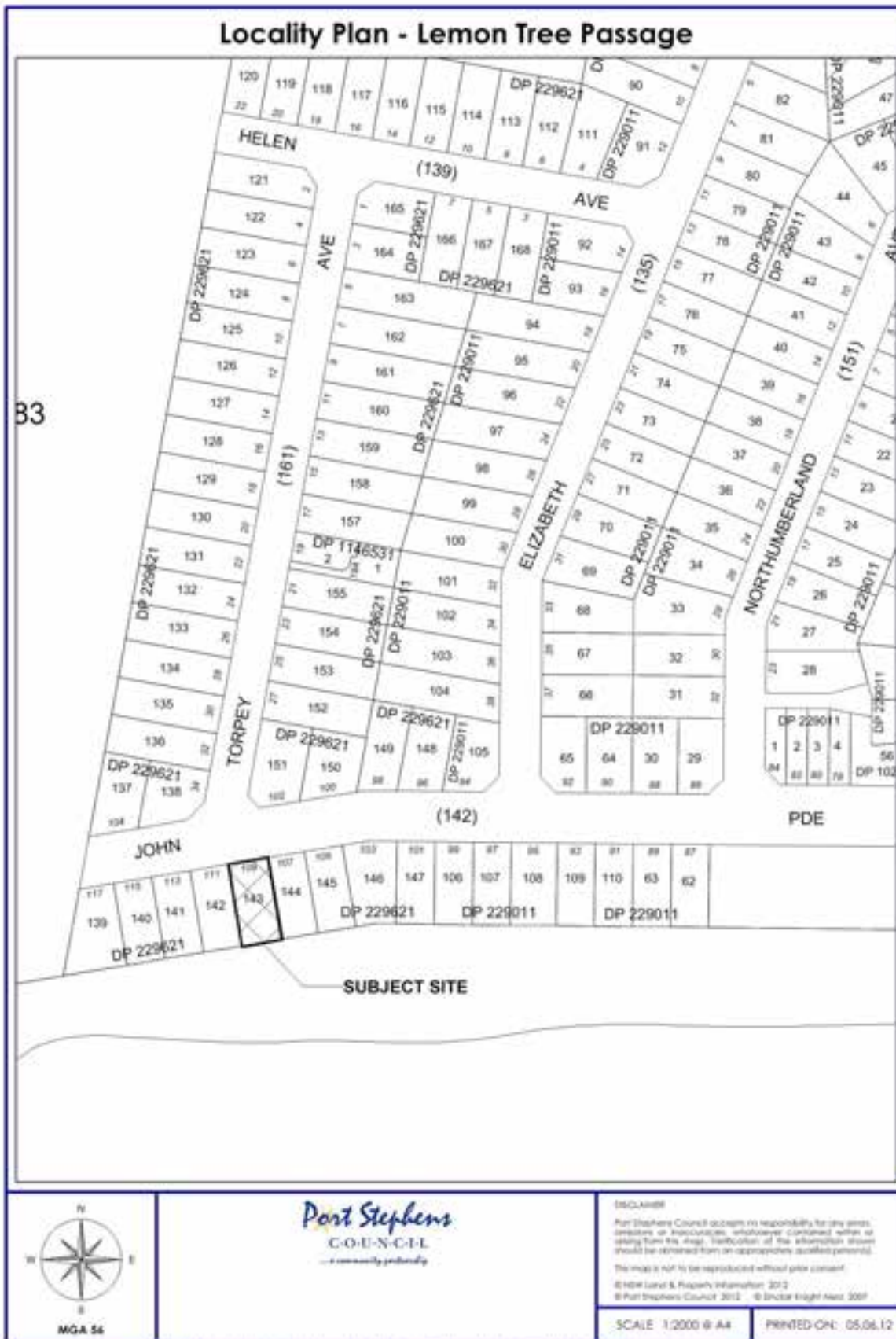
ATTACHMENT 1

WHITE ANT INFESTED EUCALYPT
BEHIND 109 JOHN PARADE LEMON TREE PASSAGE

*We, the undersigned, agree and support the action
outlined by Jan & Leonie Jacks.*

NAME	ADDRESS	SIGNATURE
------	---------	-----------

ATTACHMENT 2



GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1

FILE NO: PSC2012-00234

MAKING OF RATES AND CHARGES 2012-2013

REPORT OF: TIM HAZELL, FINANCIAL SERVICES MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Make rates and charges for 2012/2013 in accordance with Attachment 1.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

161	Councillor John Nell Councillor Shirley O'Brien
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to make rates and charges for 2012/2013. Council is required to make its rates and charges by resolution and serve rate notices before 1 August each year. The rates and charges included in the recommendation are those included in the Integrated Strategic Plans 2012/2013.

Council is required to calculate rates for 2012/2013 using the 1 July 2010 base date valuations provided by the NSW Valuer General.

FINANCIAL/RESOURCE IMPLICATIONS

The Independent Pricing and Regulatory Tribunal (IPART) has announced a general rate variation of 3.6% for New South Wales Councils for 2012/2013.

Council is required to post rate notices before 1 August 2012 so that they are properly served in time for the first rate instalment due date of 31 August 2012. If Council does not make rates and charges and serve notices before then the due date for the first rate instalment is extended until 30 November 2012 which may adversely impact on Council's cash flow and investment income. It may also impact on ratepayers who would have both instalments 1 and 2 due on the same date.

LEGAL, POLICY AND RISK IMPLICATIONS

Local Government Act requires rates to be made annually by Council resolution.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Council must not exceed the ratepegging limit without IPART approval	Medium	Draft notional income prior to levy to ensure ratepegging limit not exceeded	Yes
Council must make, levy & serve charges before 1 August	Medium	Make rates within prescribed timeframe	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Rate income is necessary for Council to deliver the services outlined in the Integrated Strategic Plans 2012/2013.

CONSULTATION

The appropriate coordination and corporate consultation has taken place. The rating and charging proposals were placed on public exhibition in the Integrated Strategic Plans 2012/2013.

OPTIONS

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

ATTACHMENTS

- 1) Schedule of Rates and Charges 2012/2013.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

- 1) Make ordinary rates in accordance with the following schedule for 2012/2013 using 2010 land values.

Rate Type	Rate Name	Land Category Rate Applies to	Ad Valorem Rate cents in \$	Base Amount \$	% of Yield from Base Amount
Ordinary	Residential	Residential	0.2979	323.00	35%
Ordinary	Farmland	Farmland	0.2979	323.00	20%
Ordinary	Business	Business	0.6532	1,349.00	35%
Ordinary	Mining	Mining	0.6532	nil	

- 2) Levy on behalf of Hunter-Central Rivers Catchment Management Authority a catchment contribution at the rate determined by the Authority for 2012/2013 on all rateable land with a land value of \$300 or more in the defined benefit area. The defined benefit area for the catchment contribution is shown on the Hunter Central Rivers Catchment Contribution Area Map.
- 3) Fix the interest rate to apply to overdue rates and charges in 2012/2013 at 10% the maximum rate as determined by the Minister for Local Government.
- 4) Make the following annual Domestic Waste Management Charges and Waste Management Charges for 2012/2013. All rateable assessments that are undeveloped (ie. have no buildings erected upon them) will be levied either a Domestic Waste Management Charge or a Waste Management Charge. All developed rateable assessments (ie. have a building/s erected upon them) will be levied either a Domestic Waste Management Service Charge or a Waste Management Service Charge in addition to the Domestic Waste Management Charge/Waste Management Charge

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

Charge Type	Charge Code	Charge Name	Land Category Charge Applies to	Amount of Charge
Domestic Waste Management (section 496 Local Government Act, 1993)	6-63	Domestic Waste Management Charge	All rateable land categorised as Residential except land that is levied a S.496 Domestic Waste Management Service Charge (7-73).	\$62.00 per assessment
Waste Management Charge (section 501 Local Government Act, 1993)	6-64	Waste Management Charge	All rateable land categorised as Mining or Business. All rateable land categorised as Farmland except land that is levied a S.501 Additional Farm Waste Management Charge (6-65). All rateable land categorised as Residential except land that is levied a S.496 Domestic Waste Management Charge (6-63). All non-rateable land that uses the Domestic Waste Management Service.	\$62.00 per assessment
Waste Management Charge (section 501 Local Government Act, 1993)	6-65	Additional Farm Waste Management Charge	All rateable land categorised as Farmland where more than one assessment is held in the same ownership and those assessments are operated as a single farming entity, then the Waste Management Charge (6-64) is to be levied on the first assessment and this Additional Farm Waste Management Charge (6-65) is to be levied on the second and subsequent assessments.	\$1.00 per assessment

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

Charge Type	Charge Code	Charge Name	Land Category Charge Applies to	Amount of Charge
Domestic Waste Management (section 496 Local Government Act, 1993)	7-73	Domestic Waste Management Service Charge	All developed rateable land categorised as Residential or Farmland, whether occupied or unoccupied. All non-rateable land that uses the Domestic Waste Management Service	\$336.00 per dual 240 litre bin service
Waste Management Charge (section 501 Local Government Act, 1993)	7-74	Waste Management Service Charge	All developed rateable land categorised as Mining or Business, whether occupied or unoccupied.	\$336.00 per dual 240 litre bin service
Waste Management Charge (section 501 Local Government Act, 1993)	3-74	Waste Service Charge – Additional Red Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$224.00 per additional waste (red lid) bin
Waste Management Charge (section 501 Local Government Act, 1993)	4-74	Waste Service Charge – Additional Yellow Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$112.00 per additional recycling (yellow lid) bin

ITEM NO. 2

FILE NO: T02-2012

CONTRACT FOR GARBAGE COLLECTION – PORT STEPHENS BEACHSIDE HOLIDAY PARKS, SAMURAI BEACH RESORT AND VARIOUS SITES T02-2012

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

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Attachment on the Ordinary Council agenda namely **Contract for Garbage Collection – Port Stephens Beachside Holiday Parks, Samurai Beach Resort and Various Sites T0-2012**
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Contract for Garbage Collection – Port Stephens Beachside Holiday Parks, Samurai Beach Resort and Various Sites T0-2012**.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the attachment to this report of the closed part of the meeting is to remain confidential.
- 5) Accept the tender received from JR & EG Richards (NSW) Pty Ltd for the provision of garbage collection services for Port Stephens Beachside Holiday Parks, Samurai Beach Resort and various sites.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

162	<p>Councillor Bruce MacKenzie Councillor Caroline De Lyall</p> <p>It was resolved that Council accept the tender received from JR & EG Richards (NSW) Pty Ltd for the provision of garbage collection services for Port Stephens Beachside Holiday Parks, Samurai Beach Resort and various sites.</p>
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BACKGROUND

The purpose of this report is to recommend the preferred tender for the provision of garbage collection services for Council commercial facilities including Holiday Parks, Samurai Beach Resort and sporting and recreational facilities across Port Stephens Local Government Area.

In March 2012 tender submissions for the provision of garbage collection services for Holiday Parks, Samurai Beach Resort and various sites were invited through public advertisement. The closing date for the tender submissions was 17 April 2012 resulting in three (3) tenders being received from the following companies:

JR & EG Richards (NSW) Pty Ltd
Transpacific Cleanaway Pty Ltd
Thiess Services Pty Ltd

In accordance with Council's Procurement Guidelines a staff panel was established to conduct a review of all tenders received and assessed each tender in accordance with the agreed weightings.

The evaluation criteria examined each tenders response to the areas of:

Criteria	% Weighting
Cost	30
Company Profile	5
Experience/Referees	10
Resource Recycling Capabilities	10
Quality Assurance Systems & Innovation	10
Work Health & Safety Risk Management Procedures	15
Environmental Responsibility	15
Conformance with the Tender	5
TOTALS	100

FINANCIAL/RESOURCE IMPLICATIONS

The resources and costs associated with the execution of this tender are able to be accommodated within existing and future budget allocations. The funding of these services is derived from income from the operations of the Holiday Parks and Resort and for the sporting and recreation facilities within the relevant recurrent budget allocations. The contract term is two (2) years with a further two year extension option as per clause 26 of the General Conditions of Contract.

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Environmental – Minimal environmental impact; isolated release only. May occur only in exceptional circumstances	Low	Monitor performance from site observations. Spill kits are accessible at each site and incidents reported immediately	Yes
Reputation – isolated internal or minimal adverse attention or complaint. May occur only in exceptional circumstances	Low	Monitor performance from site observations and complaints. Issues addressed promptly and reviewed at scheduled contract performance meetings	Yes
Value for Money – Financial – Minor financial loss; \$10,001 - \$50,000 i.e. contract terminates early resulting in going out to open market until new contract in place. May occur only in exceptional circumstances	Low	Interim action outsource alternative service provider until a new contract can be established	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

JR & EG Richards (NSW) Pty Ltd has nominated Bedminster Port Stephens as the nominated waste facility. This option will contribute to the local economy while the recycling component is managed at the JR & EG Richards (NSW) Pty Ltd Depot at Gateshead contributing the regional economy.

JR & EG Richards (NSW) Pty Ltd provides alternative options to the existing recycling system maximising recycling service and reducing general waste to landfill. Efficiencies in recycling will also contribute to the Holiday Parks and Resort environmental accreditation.

CONSULTATION

- 1) Holiday Park and Resort Managers;
- 2) Procurement & Contracts Coordinator;
- 3) Purchasing Officer;
- 4) Waste Management Coordinator;
- 5) Commercial Business Manager;
- 6) Property Investment Coordinator.

OPTIONS

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

ATTACHMENTS

- 1) **Confidential** – Garbage Collection Tender - Selection Summary – under separate cover.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

FILE NO: T06-2012

EMPLOYEE MEDIATION SERVICES TENDER T06-2012

REPORT OF: ANNE SCHMARR - ORGANISATION DEVELOPMENT MANAGER
GROUP: CORPORATE SERVICES GROUP

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Attachment on the Ordinary Council agenda namely **T6-2012 Mediation Services**.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **T6-2012 Mediation Services**.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the attachment to this report of the closed part of the meeting is to remain confidential.
- 5) Accept the tender from Injury and Mediation Interventions for the provision of employment mediation services.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

163	<p>Councillor Ken Jordan Councillor Bruce MacKenzie</p>
	<p>It was resolved that Council accept the tender from Injury and Mediation Interventions for the provision of employment mediation services.</p>

BACKGROUND

The purpose of this report is to seek approval for employment mediation services.

From time to time mediation is required within our workplace to deal with issues that are impacting on staff performance. Mediation brings people together with the aim of resolving the issues in dispute. It is a formal step in our grievance process if grievances cannot be resolved by discussion between the parties.

In February 2012, an Expression of Interest was sought to seek information on available employment mediation services available from registered Psychologists and Accredited Mediators to provide mediation/conflict resolution for:

- workplace conflict;
- staff within a common work group;
- staff from different work groups;
- supervisors/managers and their staff;
- organisational change Issues;
- performance management issues;
- workplace grievances.

These services have been provided to Council on an ad hoc per occurrence basis in the past through a variety of service providers.

A panel consisting of the Human Resources Manager, the Operations Manager, and the Human Resources Officer reviewed three (3) applications using the Value Selection Method to obtain further details of the services they could provide.

Expressions of interest were received from:

- Injury and Mediation Interventions;
- AusPsych;
- Mediate Today Pty Ltd.

All Expressions of Interest were compliant and none of the organisations has indicated any deviation from the contract documentation provided in the tender. Based on the Value Selection Methodology the tender selection panel concluded that the tender submitted from Injury and Mediation Interventions offered the best value for Council. Reference checks on Injury and Mediation Interventions were completed after the review.

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

The evaluation criteria for the tender were:

Evaluation criteria

	Weighting
Cost	30
Non Price Attributes	
Location – ability to service staff across LGA	10
Response times – ability to meet flexible response times which respond accordingly to severity of matter at hand	25
One stop shop – can provider facilitate all services	10
Demonstrated experience in mediation/conflict resolution for similar types of organisations	25
TOTALS	100

FINANCIAL/RESOURCE IMPLICATIONS

The funding for the mediation services is provided by each section from their salaries budget on an as needs basis, co-ordinated through the Organisation Development Section.

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to tender for services where the contract is for a period of two (2) years or more. This contract is for an initial period of two (2) years with an option to extend for a further period of two (2) years.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Mediation services are not available and difficult grievances are not resolved	High	Appoint Accredited Mediators to assist with difficult grievance matters	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Dysfunctional working relationships have an impact on an individual's ability to maintain healthy relationships outside of work. Assisting employees to improve their working relationships has a clear flow on to the broader community.

Dysfunctional working relationships have an impact on an individual's ability to perform well in their position at work.

There are no significant environmental implications from this recommendation.

CONSULTATION

The development of the Mediation Services Expression of Interest selection criteria following consultation with the Senior Leadership Team on usage of employment mediation services in each section and a review of known issues that had proceeded to formal mediation in recent years.

OPTIONS

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

ATTACHMENTS

- 1) **Confidential** – Mediation Services Tender – Selection Summary – under separate cover.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

FILE NO: T05-2012

**PRE-EMPLOYMENT MEDICAL AND INJURY MANAGEMENT TENDER
T05-2012**

REPORT OF: ANNE SCHMARR - ORGANISATION DEVELOPMENT MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Attachment on the Ordinary Council agenda namely **Pre-Employment Medical and Injury Management Tender T05-2012**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Pre-Employment Medical and Injury Management Tender T05-2012**.
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the attachment to this report of the closed part of the meeting is to remain confidential.
 - 5) Accept the tender from Attain Health Services and Humanomics for the provision of pre-employment medical services.
 - 6) Note that Council will re-tender for the provision of injury management services.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

164	Councillor Ken Jordan Councillor Bruce MacKenzie
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Accept the tender from Attain Health Services and Humanomics for the provision of pre-employment medical services. 2) Note that Council will re-tender for the provision of injury management services.

BACKGROUND

The purpose of this report is to seek Council's approval to accept the tenders from Attain Health Services and Humanomics for the provision of pre-employment medical services; and to re-tender for injury management services.

In April 2012, tenders were invited for the provision of pre-employment medical services and injury management services.

Pre-employment medicals are an important component of Council's recruitment and selection process. They allow Council to make informed decisions on a candidate's suitability for a position. This ensures that candidates are fit to undertake the inherent requirements of the position and helps to guard against work related illness and injury occurring subsequent to the candidate's appointment with Council.

Injury management allows Council to liaise directly with a medical provider who can provide assistance to allow injured workers to return to the workplace as safely and quickly as possible. Services that would be required include an assessment of injured workers, development of return to work plans and administering Council's immunisation programs.

A panel consisting of the Employment Coordinator, Human Resources Manager and Works Manager reviewed a total of three (3) tenders using the Value Selection Method. The evaluation criteria for the tender were:

Evaluation Criteria

	Weighting %
Cost	40
Non points attributes	
Quality of reporting	15
Timelines for response to bookings and results	20
Location of provider	10
Support for additional requirements including task intensity analysis or site specific assessments	15

FINANCIAL/RESOURCE IMPLICATIONS

Funding is available in the budget for pre-employment medicals.

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to tender for services where the contract is for a period of two (2) years or more. This contract is for an initial period of two (2) years with an option to extend for further period of two (2) years.

Ensuring that prospective employees are subject to a pre-employment medical significantly reduces Council's risk of employees sustaining injuries and incurring potential workers compensation costs.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that persons employed by Council with significant medical issues could increase the risk of injury to self and/or others and have the potential to significantly impact on Council's workers compensation premium	High	All prospective employees are to be subject to a pre-employment medical based on the inherent requirements of the role	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant social, economic and environmental implications from this recommendation.

CONSULTATION

- 1) Procurement and Contracts Coordinator;
- 2) Employment Coordinator;
- 3) WHS Manager;
- 4) Human Resources Manager;
- 5) Organisation Development Manager;
- 6) Executive Leadership Team.

OPTIONS

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

ATTACHMENTS

- 1) **Confidential** – Pre-Employment Medical Tender – Selection Summary – under separate cover.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

FILE NO: PSC2005-3701

REDEVELOPMENT OF BIRUBI POINT SURF LIFE SAVING CLUB BUILDING

**REPORT OF: STEVEN BERNASCONI - COMMUNITY AND RECREATION SERVICES
MANAGER**

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Confirm its intention to redevelop the Birubi Point Surf Life Saving Club building as a single level building including the full demolition of the existing building;
- 2) Confirm its intention to use the Federal Government 2010 Election commitment of \$2,200,000 as part of the funding of the redevelopment of the Birubi Point Surf Life Saving Club building;
- 3) Confirm the funding model for the redevelopment of the Birubi Point Surf Life Saving Club building as being Federal Government Election 2010 pledge \$2,200,000; Section 94 \$600,000; Grants \$365,000; with a total budget of \$3,165,000;
- 4) Acknowledge that a single level building design will not provide a viable commercial return on the capital investment and will require ongoing funding from general revenue to cover asset maintenance costs;
- 5) Acknowledge that a single level building design will be operated largely as a community asset and be funded accordingly from general revenue.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

165	Councillor John Nell Councillor Sally Dover
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to seek confirmation of Councils intention to proceed with plans to redevelop the Birubi Point Surf Life Saving Club building which involves demolition of the existing building and the building of a new single level facility.

In 2010 the Birubi Point Surf Life Saving Club was pledged \$2,200,000 for a redevelopment of the surf club by the current Federal Government. Planning commenced to redevelop the site which resulted in a second level extension and subsequent improvements moving to DA in December 2009 (DA 974/2009).

Objections to the two level development ensued and have resulted in the project being put on hold until conflict around visual and cultural impacts, building size and scale and commercial impacts on car park demand can be resolved.

Multiple stakeholder meetings from early 2011 to present have resulted in a consensus single level design for the site to take the place of the original two level plan.

A chronology of this matter including all known stakeholder meetings is provided in Attachment 1 and 2.

Attachment 3 is a sketch elevation of the original two level proposal.

Attachments 4, 5, 6 and 7 provide plan and perspective views of the consensus 27 March 2012 single level building design.

Attachment 8 shows a proposed project plan to deliver the construction of a single level building design.

FINANCIAL/RESOURCE IMPLICATIONS

The current financial model for this project is based on:

2010 Federal Government Election promise - confirmed	\$2,200,000
Section 94 – Tomaree Peninsula (SD98) - confirmed	\$600,000
Grant 1 – Dept. Primary Industries – confirmed and received	\$15,000
Other grants - not confirmed	\$350,000
TOTAL	\$3,165,000

Since this project began in 2006/07 approximately \$299,000 has been spent on concept plans, consultant reports and research to support the original DA.

Progressing this project now will require that these previously expended funds be accounted for separately from the new single level consensus design and that the full amount of \$3,165,000 be made available to complete the job.

The current single level design has been reviewed for its commercial return on investment. Based on the projections for this area and the size and scale of the single level design advice is that the proposed single level plan will not make a viable commercial return. This means that any commercial rent made from the single level plan would be neither (i) equal to or greater than any interest made from investing the same amount of capital nor (ii) equal to or greater than the amount required to cover annual reactive building maintenance and volunteer surf life saving support.

In comparison the original two level design did have a commercial aspect to it that external advice had suggested was well placed to return revenue to Council that would have offset the cost of running the building and the community based services from the building.

There is potential for this project to attract grant funding for the promotion of cultural heritage in the design of a new building. It should also be noted that \$15,000 has already been confirmed and received from Department of Primary Industries as a contribution towards the observation tower of a new building being for use as a safety and shark observation area.

Adopting the recommendation will result in the need to allocate project management resources from either within existing establishment numbers or from external suppliers. The cost of this would be born within the total funding model of the project.

LEGAL, POLICY AND RISK IMPLICATIONS

The current DA (DA 974/2009) for the two storey extension of the existing building will need to be cancelled. An application to amend this DA is not available as the proposal has changed significantly from the original DA.

Should council adopt the recommendations then it will be required to move quickly to complete the project management planning phase to enable the Federal Government 2010 Election commitment timelines to be met. The Federal Government’s funding component will need to be fully expended and acquitted by no later than 31 July 2014.

The funding model falls within the requirements of the Section 94 Contribution Plan for the Tomaree Peninsula specifically Section 94 Plan - SD98.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Financial risk if grants are not forthcoming during the project and Council is required to fully fund the remainder of the project to the tune of some \$350,000	High	Report to Council during the project on financial status and (i) seek Council funds to complete the project or (ii) reduce the size and scale of the project in response to available funds during construction phase	No.
Reputation risk of declining the Federal Government funding promise and not redeveloping the site	High	Adopt the recommendation	Yes
Reputation risk of pursuing the original two level proposal	High	Adopt the recommendation	Yes
Asset management risk of doing nothing and not doing any capital works on the surf club and	Medium	Adopt the recommendation	Yes

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surrounds in the near future			
Governance risk of a change in federal government before the substantial commencement of this project leading to expiration of original funding promise	High	Liaise with the local Federal Member of Parliament to determine bi-partisan government support for this project should there be a change in Federal government	Yes
People risk of not redeveloping the site resulting in the volunteer surf life saving club ending its services to the area	Medium	Adopt the recommendation	Yes
Safety risk of volunteer surf life saving club ending its services to the area	High	Extend the professional life guard service to Birubi beach at the annual <u>extra cost</u> of around \$45,000	No. This would require extra annual general rate funding.
Compliance risk of not completing the project within the timeframe of the Federal Government funding promise of July 2014	High	Liaise with Federal Government funding body and seek agreement on a project plan and the staged release of funding	Yes
Compliance risk of electing to modify and refurbish the existing building assets and not complying with Building Code of Australia or Disability Discrimination Act	High	Adopt the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The site has cultural and spiritual significance to the Worimi community which has been formally documented since at least 1971 (by Dyall L.K. "Aboriginal Occupation of the Newcastle Coastline" Hunter Natural History, August). Adopting the recommendation will result in an impact on the Birubi headland that, based on all stakeholder consultations to date, is as acceptable as reasonably possible on cultural and spiritual grounds.

The redevelopment proposal of a single floor design with a roof space as open public space will increase the areas for social interaction on this already confined headland. The integration of robust gardens as part of the roof design will also enable artefacts that maybe discovered on site during the development to be retained within the new development, therefore ensuring ongoing connection of these artefacts and their cultural significance to the site.

It is highly likely that during the construction phase that most if not all of the Birubi headland car park will need to be closed to the general public for building site safety. Managing this will prove difficult especially with the need to find alternative parking places for tourist coaches near the headland. A full parking management plan including alternative parking sites will need to be prepared in consultation with stakeholders during the planning phase of the project. The cost of this will also need to be included in the total cost of the project.

The redevelopment of the site will marginally increase the commercial potential of the overall site by creating a new café style eatery. Advice is that a redeveloped café style eatery would be keenly sought by the hospitality industry. As the site is a major drop off and gathering place for tourists this will add value to the local tourism industry.

Conversely, the single level design does not have the same commercial potential as the original two level proposal. The implications here are a trade off between the commercial viability and thus financial sustainability of providing this service long term against the social and environmental sustainability of the site.

All environmental impacts will be dealt with through the DA process.

The site is an awkward construction site due to the position of the car parking areas, the number of users of the headland, the challenges that come from excavating a hard rock base combined with high potential for aboriginal artefacts to be discovered on site.

CONSULTATION

This project has been consulted on widely. A detailed listing of all known consultations is provided in Attachment 2.

There have been three Councillor briefings on this matter; 12th June 2012, 6th March 2012 and 12th April 2011.

Professional advice has also been sought from:

- Tew Property Consultants – Feasibility analysis of two level design (July 2007);
- Tew Property Consultants – Review of feasibility analysis based on single level design (June 2012);
- RPS Group - Aboriginal Heritage Impact Assessment (January 2011);
- RPS Group – Visual and Cultural Impact Assessment (June 2011);
- deWitt Consulting – Statement of Environmental Effects (December 2009);

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

- Jackson Teece Architecture – architectural designs for original two level proposal (December 2009).

OPTIONS

- 1) Adopt the recommendations;
- 2) Amend the recommendations and redevelop the site through extensions to the existing building only;
- 3) Reject the recommendations and reconfirm actions to pursue the development plans lodged for a two storey design;
- 4) Reject the recommendations and elect not to redevelop the site at this time and decline the Federal Government 2010 Election commitment of \$2,200,000.

ATTACHMENTS

- 1) Background information: Redevelopment of Birubi Point Surf Life Saving Club Building;
- 2) Consultation: Redevelopment of Birubi Point Surf Life Saving Club Building;
- 3) Original two floor concept design sketch: Birubi Point Surf Life Saving Club Building;
- 4) Consensus 27 March 2012 single level plan;
- 5) Consensus 27 March 2012 single level roof plan with outline of current building marked with dotted line;
- 6) Consensus 27 March 2012 three dimension perspective of single level design (from car park);
- 7) Consensus 27 March 2012 three dimension perspective of single level design (from dunes).

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

BACKGROUND INFORMATION: REDEVELOPMENT OF BIRUBI POINT SURF LIFE SAVING CLUB BUILDING

Volunteer surf life saving at Birubi Point beach started from humble beginnings from the back of a truck in 1994. In 1999 Council built the first building on Birubi Point headland. The design of the original building was so that in future a second floor could be added to cater for future uses. This building was then added to in 2003-04 from donations and volunteer works to expand the public amenity areas.

Since this time membership of the club has grown from 8 patrolling members in 1994 to a peak of 142 patrolling members in 2010-11. Currently there are 110 patrolling members from the total membership of 328 (Nippers, parents etc).

Data from NSW SLSA for the 2011/12 season shows that Birubi Point SLSC has the highest number of members proficient in the two awards required for saving lives on the beach, these being; ARTC – 52 proficient members and Spinal Management 43 proficient members.

After researching building design options and assessing them against a financial sustainability model, a DA was lodged on 24 December 2009 for a two storey design. See Attachment 3 for a view of the two storey concept.

During the 2010 Federal Election campaign (23rd July 2010) the club was promised \$2,200,000 towards the development of a new club. This election promise remains valid until July 2014 when if it is not spent it must be relinquished.

In response to the election promise plans were undertaken to redevelop the building to increase surf club functionality, add space for a resident caretaker and provide for commercially viable restaurant and function areas. The goal of the redevelopment was to enable a new building to be designed to be commercial viable to enable the club to fund itself and provide an annual return to Council that would reduce the ratepayer burden to keep the building maintained and professional lifeguards supplied to the beach.

Since this time there was significant objection to the two storey design on the basis of cultural impacts, visual impacts, size, scale and lack of car parking capacity to cater for commercial events. Numerous meetings have been held with stakeholders to the proposed redevelopment all of which have been aimed to find a proposal to keep the redevelopment of the surf club moving towards a successful conclusion. Table X details the main meetings and their details.

Three meetings held on 8th March 2012, 26th March 2012 and 16th April 2012 resulted in a consensus on the size and scale of a single storey surf club design (see attachment 2, 3, 4 and 5). It is this floor plan that is proposed to continue to make plans for and scope up further to deliver a completed project by July 2014.

The concept of significantly extending the existing building has been considered and rejected on the basis that the existing floor plan was originally designed to be the

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

base for a two storey building, the existing design does not allow for safe or convenient handling of surf craft and vehicles, the existing building does not maximise the kiosk potential, the existing building cannot be redesigned to include a liveable caretakers residents, the existing building if substantially redesigned would not be able to comply with BCA for public buildings.

The proposal to demolish and rebuild is considered the better option as it will enable the four key areas of the building to be positioned for maximum effect. The four key areas are: surf club areas, café/kiosk, toilets/showers, and caretaker's residents

ATTACHMENT 2

CONSULTATION: REDEVELOPMENT OF BIRUBI POINT SURF LIFE SAVING CLUB

BUILDING (Disclaimer: all reasonable efforts have been made to validate this chronology of consultations events and attendees, however it is acknowledged that some meetings, presentations, discussions, teleconferences may not be recorded here.)

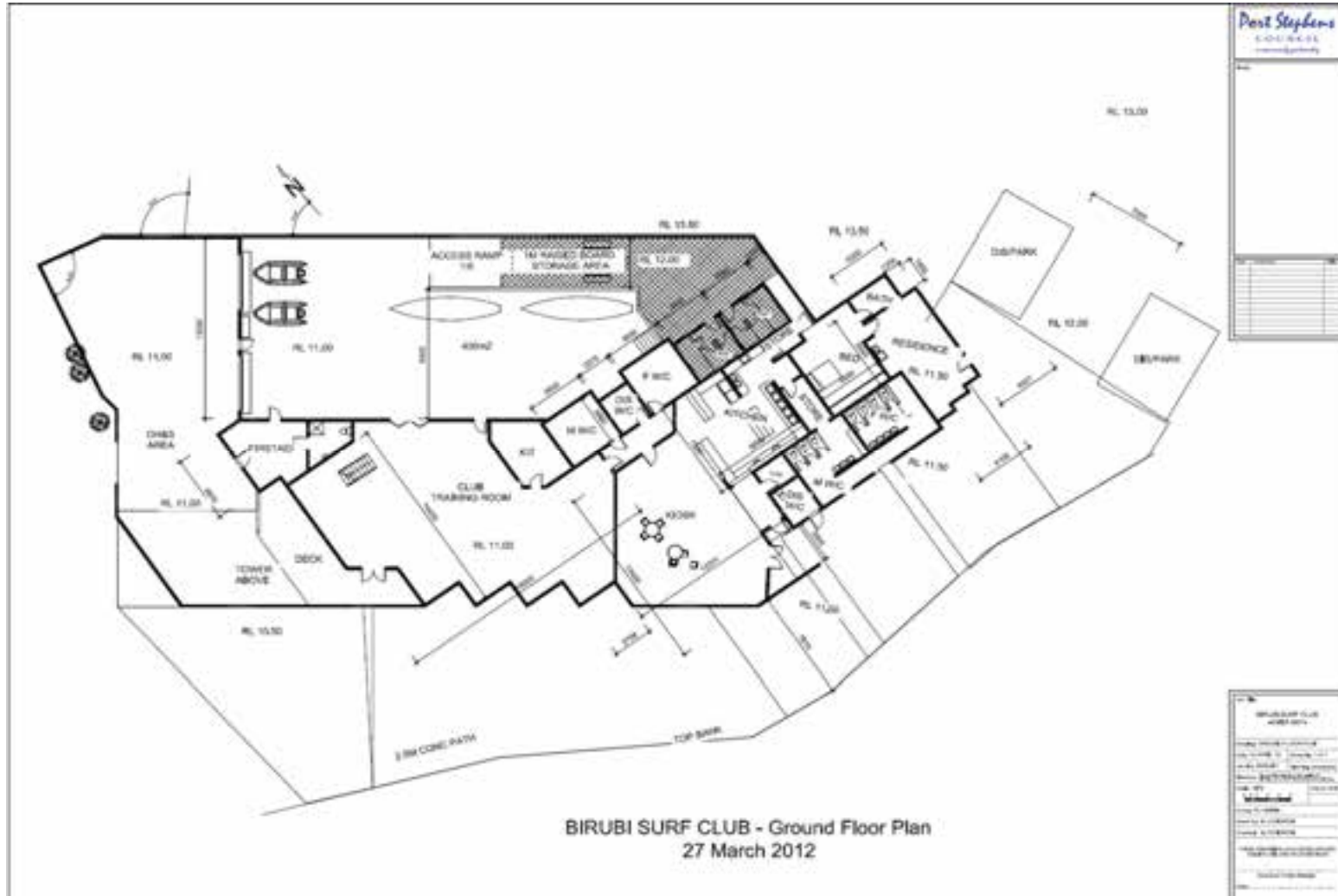
Date	Meeting objective	Attendees
16 April 2012	To reach consensus of a single floor design SLSC for Birubi headland	Consultation Team
26 March 2012	To reach consensus of a single floor design SLSC for Birubi headland	Consultation team
8 March 2012	To reach consensus of a single floor design SLSC for Birubi headland	Consultation team
	Discussion on proposed single floor design. Agreement on process to achieve consensus to progressing project.	Worimi Conservation Lands BOM
6 December 2011	Discussion on proposed single floor design	Worimi representatives, LALC Birubi Point SLSC.
	Site meeting to determine development boundary with surveyors	WLALC Birubi SLSC
7 July 2011	To resolve dispute over two storey design versus single storey design.	Minister for Environment and Heritage, Member for Port Stephens Mayor Westbury Cr Dover General Manager DG of OEH NPWS officers Worimi LALC Worimi Conservation Lands BOM members Worimi Elders Birubi Point SLSC
8 June 2011	Review Archaeological Assessment and Visual and Cultural Assessment Resolve dispute over two storey design versus single storey design.	Birubi Headland Steering Committee
18 March 2011	Discussion on two level design	Surf Club representatives and Worimi LALC representatives
24 February 2011	Discussion on two level design	Surf Club representatives and Worimi Conservation Lands Board of Management

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

23 July 2010	Anthony Albanese MP announces electoral promise funding of \$2.2M for the surf club.	N/A
25 May 2010	Presentation of a single level design alternative was opposed.	Birubi Point SLSC, Worimi elders and representatives
27 April 2010	Presentation of a single level design alternative for discussion.	Birubi Point SLSC, Worimi elders and representatives
24 December 2009	DA lodged for a second level building	N/A
2003/04	Extensions to original building completed	N/A
19 February 2000	Original building officially opened	N/A
12 December 1999	Original club house opened for use	N/A
December 1998	Birubi Point Surf Life Saving Club granted full club status by Surf Life Saving Association.	N/A
28 December 1994	Surf patrols commence at Birubi Point beach – total 8 patrol members	N/A
1991/92	Birubi Point Group commences training and patrol duties at Dixon Park Surf Life Saving Club.	N/A

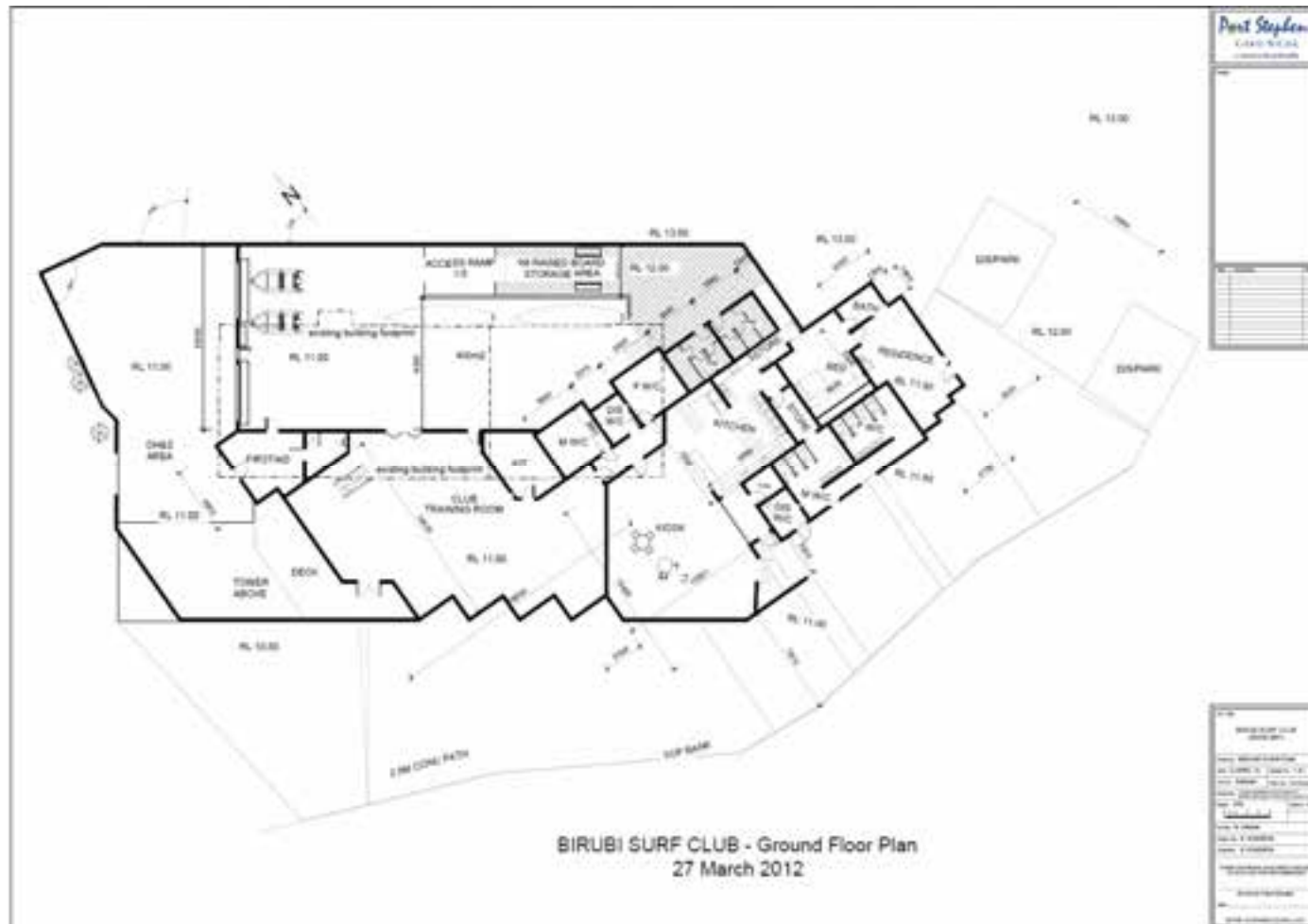
ATTACHMENT 4

PLAN VIEW OF PROPOSED BIRUBI POINT SURF LIFE SAVING – SINGLE LEVEL DESIGN 27 MARCH 2012



ATTACHMENT 5

PLAN VIEW OF PROPOSED BIRUBI POINT SURF LIFE SAVING – SHOWING EXISTING BUILDING DIMENSIONS AS DOTTED LINE



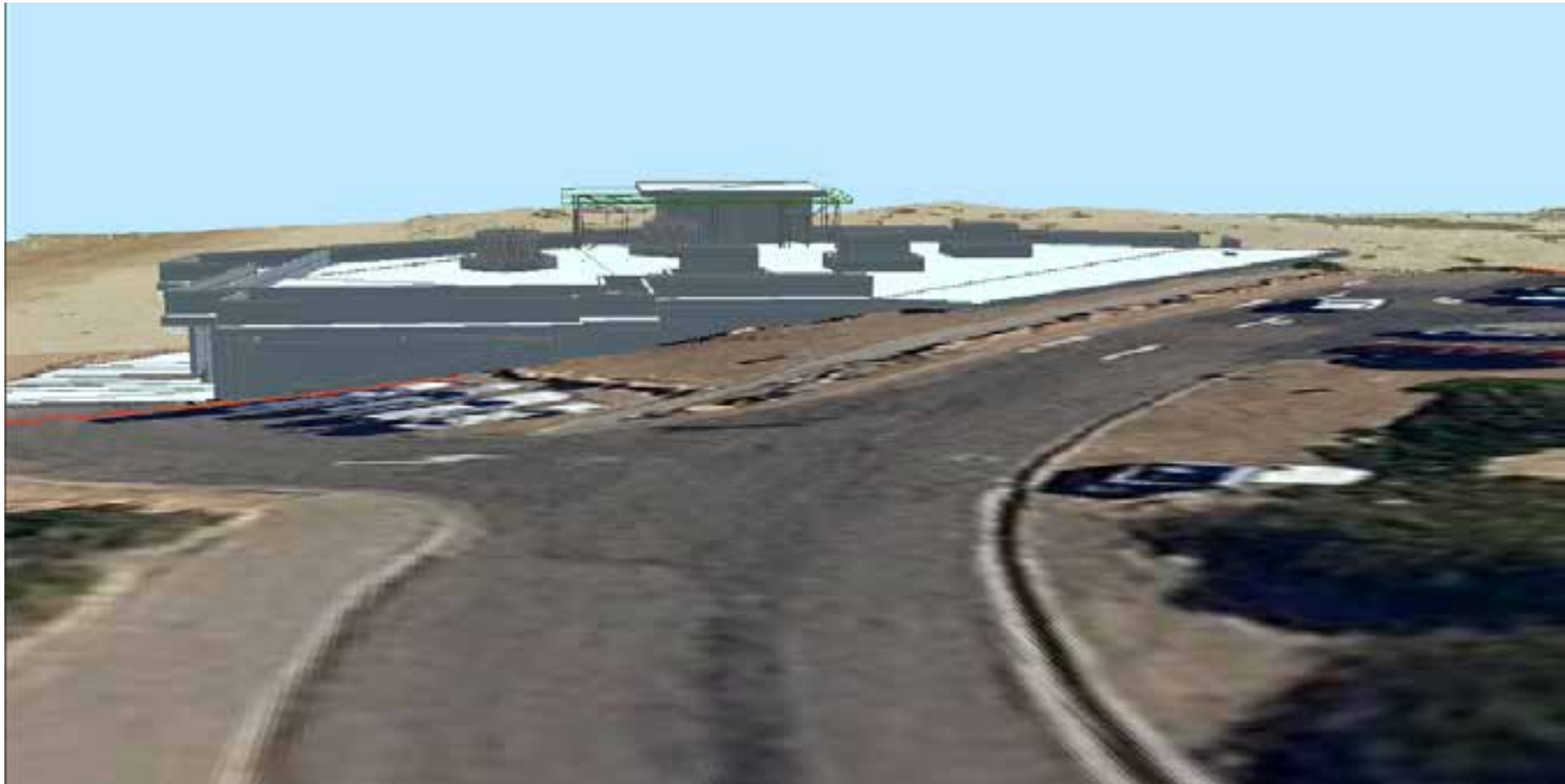
ATTACHMENT 6

PERPSECTIVE VIEW OF PROPOSED BIRUBI POINT SURF LIFE SAVING – LOOKING NORTH EAST FROM DUNES



ATTACHMENT 7

PERPSECTIVE VIEW OF PROPOSED BIRUBI POINT SURF LIFE SAVING – LOOKING SOUTH WEST FROM CAR PARK



ATTACHMENT 8

PROJECT PLAN: REDEVELOPMENT OF BIRUBI POINT SURF LIFE SAVING CLUB BUILDING

Birubi Point Surf Life Saving Club Re-development			
PROJECT PLAN as at 1 June 2012	Start	End	
Concept plan agreed with stakeholders & concept cost estimates determined	Mar-12	Mar-12	
Review funding strategy against concept estimate	Apr-12	Apr-12	
Revise commercial viability assessment for single level plan	May-12	May-12	
Report to Council on single level proposal	Jun-12	Jun-12	
Prepare DA	Jun-12	Aug-12	
DA process	Aug-12	Nov-12	
Detailed design and detailed cost estimate	Oct-12	Feb-13	
Review funding strategy against detailed estimate	Feb-13	Feb-13	
Construction Certificate approval process (including BCA assessment)	Mar-13	Apr-13	
Prepare Tender documents	May-13	May-13	
Tender period	Jun-13	Jun-13	
Tender Approval process and report to Council	Jul-13	Aug-13	
Federal Grant - Payment 1	Aug-13	Aug-13	
Construction phase	Sep-13	Jul-14	
Federal Grant - Payment 2 & Acquittal	Jun-14	Jun-14	
Hand over Building	Oct-14	Oct-14	
END			

ITEM NO. 6

FILE NO: PSC2012-00836

REGIONAL PROCUREMENT INITIATIVE TENDER T71112HUN – SUPPLY AND INSTALLATION OF AND SUPPLY ONLY OF ROAD BARRIER SAFETY SYSTEMS

REPORT OF: PETER MURRAY – OPERATIONS MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Attachment on the Ordinary Council agenda namely **Regional Procurement Initiative Tender T71112HUN – Supply & Installation of and Supply only of Road Barrier Safety Systems.**
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Regional Procurement Initiative Tender T71112HUN – Supply & Installation of and Supply only of Road Barrier Safety Systems.**
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the attachment to this report of the closed part of the meeting is to remain confidential.
- 5) Accept the tenders from Irwin Fencing, Associated Services Enterprises, Euro Civil, D & P Fencing, Guardrail Systems and Protection Barriers, as part of the Hunter Regional Procurement panel tender T51112HUN for the Supply and Installation of Road Safety Barrier Systems.
- 6) Accept the tenders from Ingal Civil Products, Australian Construction Products and Above and Beyond Concepts for the Supply Only of Road Safety Barrier Systems.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

166	Councillor Ken Jordan Councillor Bruce MacKenzie
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Accept the tenders from Irwin Fencing, Associated Services Enterprises, Euro Civil, D & P Fencing, Guardrail Systems and Protection Barriers, as part of the Hunter Regional Procurement panel tender T51112HUN for the Supply and Installation of Road Safety Barrier Systems.2) Accept the tenders from Ingal Civil Products, Australian Construction Products and Above and Beyond Concepts for the Supply Only of Road Safety Barrier Systems.

BACKGROUND

The purpose of this report is for Council to consider and determine the preferred panel for the Supply & Installation of and Supply Only of Road Safety Barrier Systems.

Council purchases these services as part of our road maintenance and construction activities. It is anticipated that purchasing these services via a bi-annual contract, with an option of a 12 month extension ensures Council will receive the best market rate for these services.

The granting of the contract extension would be based on the performance of the contractors over the initial contract period and being satisfied with the renegotiated schedule of rates for the extension period. This process is conducted in accordance with the requirements of Councils Community Strategic Plan clause 5.1.3 "ensure Councils procurement activities achieve best value for money."

Regional Procurement Initiative, a division of Hunter Councils Inc. has been established in response to a need for a collaborative approach to regional tendering and contracting. It is estimated the Regional Procurement Initiative members contribute upwards of 200 Million dollars to the region through their tenders and contracts. Port Stephens Council along with other Hunter Council members were approached by Regional Procurement to investigate if running a group tender for the supply of traffic control services was viable. It was established none of the member Council's had tenders in place which presented an opportunity for the smaller Councils to gain cost benefits while not necessarily requiring a tender and larger Council's to take advantage of group purchasing power while satisfying legislative requirements.

By utilising Regional Procurement to facilitate the tender process we support the Memorandum of Agreement signed by the General Managers of each of the Hunter

Council's that agrees to support Regional Procurement and accept the outcomes of tenders where there is an equal to or better outcome than alternative sources.

Regional Procurement called Tenders for the supply of these systems across a number of its members that included Dungog Shire Council, Singleton Council, Cessnock City Council, Wyong Shire, Upper Hunter Shire, Maitland City Council, Mid – Western Regional Council, Newcastle Airport Limited, Port Stephens Council and The City of Newcastle.

Regional Procurement received six (6) conforming tender submissions for the Supply & Installation of Road Safety Barrier Systems and three (3) conforming tenders for Supply Only of Road Safety Barrier Systems

Each bid was evaluated against "Value Selection" criteria and allocated a weighted score for each assessed criteria. This evaluation allows each bid to be ranked according to its performance against a pre determined set of criteria. The "Value Selection" method for the provision of traffic control services were assessed against criteria that included price across a range of services, Work Health & Safety, physical resources, referees, quality assurance and previous experience.

FINANCIAL/RESOURCE IMPLICATIONS

This tender represents a budget expenditure of approximately \$140,000 per annum for the Facilities and Services Group. The actual annual expenditure varies and is dependant on the extent of barrier safety systems specified in the road construction capital works programmes, Councils road maintenance program and what works the Roads and Maritime Authority purchase from us under the State Roads Maintenance Contract. The procurement of the "best value for money" services is critical to providing sustainable services to the community.

LEGAL, POLICY AND RISK IMPLICATIONS

This tender process complies with the Local Government Act 1993 and Local Government (tendering) Regulations. Each bid was assessed using a "Value Selection" method with weighted selection criteria.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Supply and Installation of Road Barrier Safety Systems not available	Medium	Appoint multiple providers as part of panel tender	Yes
Projects delayed or cancelled due to lack of available Road Barrier Safety Systems	Medium	Appoint multiple providers as part of panel tender	Yes
Road Barrier Safety Systems not completed to standard	High	Appoint only suitably qualified tenders from panel	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

A two (2) year annual contract also allows Council to program road safety barrier projects with known costs and thereby provides for improved project scheduling, cost accuracy, and budget management.

CONSULTATION

- 1) Procurement and Contracts Co-ordinator;
- 2) Roads and Construction Co-ordinators;
- 3) Works Manager.

OPTIONS

- 1) As Recommended;
- 2) Reject panel tender from Hunter Regional Procurement and recall tenders.

ATTACHMENTS

- 1) **Confidential** - "Value Selection" Methodology Summary: Supply and Installation of Road Barrier Safety System.
- 2) **Confidential** - "Value Selection" Methodology Summary: Supply Only of Road Barrier Safety System.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7

FILE NO: PSC2012-02328

NATIONAL TOURISM & EVENTS EXCELLENCE CONFERENCE – JULY 2012

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the attendance of Mayor Bob Westbury at the National Tourism & Events Excellence Conference, Melbourne 16-17 July 2012;
 - 2) Allow a "one-off" increase of the conference allowance under the Policy for Mayor Bob Westbury to attend the Conference.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

167	Councillor Sally Dover Councillor John Nell
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to inform Council of the National Tourism & Events Excellence Conference.

The Conference will be held from 16 – 17 July 2012.

The Conference Programme is shown at ATTACHMENT 1.

The Conference is open to all Councillors.

As Councillors would be aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Councils area.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration, travel and accommodation would be covered from the budget, subject to an individual Councillor not exceed the conference budget limits in the Policy.

LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside the Hunter Region. Councillors' conference costs are limited to \$3,500.00 per year under the Policy.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Potential for injury whilst attending at the conference	Low	Attendees to observe appropriate safety measures to avoid injury	Yes
Negative impact on Council's reputation	Low	Attendees to observe Council's Code of Conduct	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Port Stephens community would benefit from Councillors attending this Conference to ensure the Local Government Area has a voice in the national development of policy and initiatives.

CONSULTATION

Nil.

OPTIONS

Nil.

ATTACHMENTS

1) Conference Programme.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

16-17 July 2012

Conference Theme
Defining Excellence

The Australian tourism and events industry must aspire to excellence at all levels in order to be internationally competitive.

Australia is recognised as a leader in tourism and world renowned events. However, we must ensure we do not become complacent and rely on past successes as we must drive for future excellence and growth. Together we must aim for continuous improvement and development of a profitable, sustainable, innovative and professional tourism and events industry.

Venue
Melbourne Cricket Ground
Melbourne, Victoria

Contact Us
TEE Conference Secretariat
P: +61 7 3012 9575
F: +61 7 3210 0044
E: secretariat@teeconference.com

Stay Connected!

Facebook: facebook.com/teeconference
Twitter: twitter.com/teeconference
LinkedIn: linkedin.com/groups/tourism-events-excellence-conference-3439254

Brought to you by

vtic and **Tourism Queensland**

Registration now open at
www.teeconference.com

Conference Supporters

Principal Sponsor: Tourism Victoria

Partners & Supporters:

Row Marquis, The University of Queensland, MCGI, Victoria University, VLive, Melbourne, TravelTour, ifitt

National Tourism & Events Excellence Conference

Defining Excellence
16-17 July 2012
Melbourne Cricket Ground
Melbourne, Victoria

Conference Program

Register at
www.teeconference.com

Headline Speakers

 John Effen Managing Director, Tourism Australia	 Lisa Hill Executive Director, Tourism Queensland	 Richard Williams Executive Director, Tourism Victoria	 Lynne Thompson Executive Director, Tourism NSW	 Tony Brown Executive Director, Tourism NT	 David Thompson Executive Director, Tourism WA	 Mark Wilson Executive Director, Tourism ACT	 John Woodford Executive Director, Tourism SA
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MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

Conference Program		National Tourism & Events Excellence Conference																																																																																																			
Day 1 - Monday 16 July 2012		Day 2 - Tuesday 17 July 2012																																																																																																			
<p>08:30 Welcome to Country Amyli Stone Kerr, Project Officer, Worabandi Tribe Land & Conservation, Cultural Heritage Council Incorporated</p> <p>08:40 Governance' Building Stevie Smith, Chief Executive, Victoria Tourism Industry Council Tony Charters, Principal, Tony Charters & Associates</p> <p>08:50 Excellence in Tourism Policy: keys to building a more competitive tourism sector Tahiti Bial, Secretary General, United Nations World Tourism Organisation (UNWTO), Spain</p> <p>09:20 The Changing Landscape of the Australian Retail Economy Lachlan Smith, Director, Access Economics</p> <p>09:40 Opportunities for Domestic Tourism Nicholas Levine, Chief Executive Officer, Ray Morgan Research</p> <p>10:00 An Analysis of the Australia Brand using the F&T Group Research Best Brand Asset Valuation Russell Newcraft, Chief Executive Officer, F&T Group Australia and New Zealand</p> <p>10:30 Morning Tea</p> <p>10:40 The Summit that will define Gold Coast City Mark Peters, CEO, Gold Coast 2018 Commonwealth Games Corporation</p> <p>10:50 From the Ground Up: building world class festivals & events Gillian Minterford, Creative Director/Producer - Events, City of Sydney</p> <p>11:00 SPONSORED FUTURE SESSIONS Afternoon Walk With Us, Business Manager, MIMA Trevor John Hadden, CEO, Cricket World Cup Accommodation: Bob East, CEO, Marlin Group Julianne Justin Giddings, CEO, Austral Airport</p> <p>12:30 Discussion</p> <p>12:00 Lunch</p> <p>12:00 LEADERS FORUM The Hon. Bob Baldwin, Shadow Minister for Tourism & Regional Development Juliana Payne, CEO, National Tourism Alliance Tim Burgess, General Manager Australia, Tourism New Zealand</p> <p>13:00 State Tourism and Events Outlook The Hon. Louise Asher MP, Minister for Tourism and Major Events</p> <p>13:30 Afternoon Tea</p> <p>CONCURRENT SESSIONS</p> <table border="1"> <thead> <tr> <th>Innovative Marketing</th> <th>Event Management</th> <th>Education & Training</th> <th>Operator Workshop</th> </tr> </thead> <tbody> <tr> <td>13:00 Emmie Pulgione, Managing Director, FutureBrand Australia</td> <td>Nigel Jamieson, Principal Services, DFGA</td> <td>Prof. Brian King, Professor of Tourism, Victoria University</td> <td>Quality across Price – with the rise of group discounting deals, operators are facing the pressure to participate. An experienced panel will examine the pros and cons of group buying and discuss how quality service and experience can be maintained in a discounting environment. 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13:50	Kyle Johnston , Senior Consultant, Coffey Sports and Leisure	Michael Dwyer , Founder and CEO, Accessible Pty Limited	Gilda McCulloch , Workforce Coordinator, Queensland Community Health	Co-presenter: John Bartholomew , Community Activation Coordinator, Community Participation and Partnerships, Parks Victoria																																																																																																	
14:30 Discussion	Discussion	Discussion	Discussion																																																																																																		
15:00 Afternoon Tea																																																																																																					
A feature in Australia presenting a contemporary benchmark view and targeting activities for supply and distribution Prof. Dimitrios Balafoutis , President, International Federation for Information Technology in Travel and Tourism (IFIT), UK																																																																																																					
14:00 The Power of Cross-Sector Partnerships Gary Moore , President and CEO, Golden Gate National Parks Conservancy, USA																																																																																																					
14:30 Successful Partnership Marketing Kyle Kimball , Chief Financial Officer, New York City Economic Development Corporation (NYCEDC), USA																																																																																																					

ITEM NO. 8

FILE NO: PSC2011-00718

PROMOTING BETTER PRACTICE REVIEW

REPORT OF: PETER GESLING – GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the Report.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

168	Councillor Ken Jordan Councillor Shirley O'Brien
	It was resolved that the recommendation be adopted.

BACKGROUND

The purpose of this report is to provide Council with a quarterly report on Code of Conduct complaints relating to Councillors.

Council will recall in December 2011, the Promoting Better Practice (PBP) Review Final Report, prepared by the Division of Local Government was tabled at the Council.

Recommendation 20 of the PBP report requires a report be provided to Council regarding Code of Conduct complaints relating to Councillors on a quarterly basis rather than annually for the next twelve months after the release of the PBP Report.

Since the tabling of the PBP Report, no Code of Conduct complaints relating to Councillors have been received.

Council will be provided with further reports in September and December 2012.

FINANCIAL/RESOURCE IMPLICATIONS

Costs associated with this report are covered within the existing budget.

LEGAL, POLICY AND RISK IMPLICATIONS

Council has an obligation to respond to the Division of Local Government with respect to the Promoting Better Practice Review. These Reviews are linked to legislative processes under the Local Government Act 1993.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
That Council not respond to the Recommendations within the PBP Report.	Medium	That Council respond to all 36 Recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Mayor;
- 2) Councillors.

OPTIONS

- 1) Adopt the recommendation.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 9

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 26 June 2012.

No:	Report Title	Page:
1	CASH AND INVESTMENTS HELD AT 31 MAY 2012	

ORDINARY COUNCIL MEETING – 26 JUNE 2012

169	Councillor Steve Tucker Councillor Shirley O'Brien
	It was resolved that the recommendation be adopted.

GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

CASH AND INVESTMENTS HELD AT 31 MAY 2012

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

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 May 2012.

ATTACHMENTS

- 1) Cash and investments held at 31 May 2012;
- 2) Monthly cash and investments balance May 2011 – May 2012;
- 3) Monthly Australian term deposit index May 2011 – May 2012.

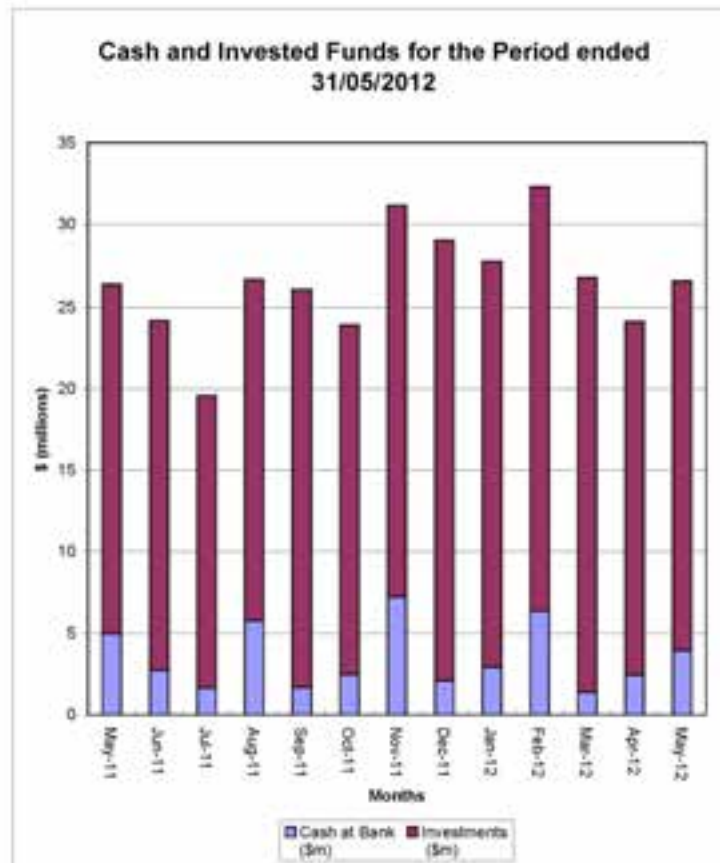
ATTACHMENT 1

CASH AND INVESTMENTS HELD AS AT 31 MAY 2012									
ISSUER	BROKER	RATING	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE	
TERM DEPOSITS									
MYSTATE FINANCIAL LTD	FARQUHARSON	A2/BBB	TD	5.80%	92	5-Jun-12	1,000,000	1,000,000	
THE ROCK BUILDING SOCIETY LTD	RIM	A3/BBB-	TD	5.94%	90	7-Jun-12	1,000,000	1,000,000	
AMP BANK LTD	CURVE	A1/A	TD	5.80%	119	22-Jun-12	1,000,000	1,000,000	
ING BANK AUSTRALIA LTD	FIG	A1/A	TD	5.81%	120	24-Jun-12	1,000,000	1,000,000	
THE ROCK BUILDING SOCIETY LTD	CURVE	A3/BBB-	TD	5.88%	120	4-Jul-12	1,000,000	1,000,000	
MYSTATE FINANCIAL LTD	FARQUHARSON	A2/BBB	TD	5.77%	120	11-Jul-12	1,000,000	1,000,000	
BEIRUT HELLENIC BANK LTD	N/A	N/R	TD	6.00%	90	11-Jul-12	250,000	250,000	
SUNCORP METWAY	RIM	A1	TD	5.82%	120	17-Jul-12	1,000,000	1,000,000	
BANK OF QUEENSLAND	FARQUHARSON	A2/BBB	TD	5.80%	120	20-Jul-12	1,000,000	1,000,000	
B & E LTD	CURVE	N/R	TD	5.80%	90	23-Jul-12	1,000,000	1,000,000	
POLICE CREDIT UNION LTD	RIM	N/R	TD	5.45%	90	6-Aug-12	1,000,000	1,000,000	
POLICE CREDIT UNION LTD	FARQUHARSON	N/R	TD	5.80%	120	10-Aug-12	1,000,000	1,000,000	
BANK OF CYPRUS AUSTRALIA LTD	CURVE	N/R	TD	5.55%	91	13-Aug-12	1,000,000	1,000,000	
BANK OF CYPRUS AUSTRALIA LTD	CURVE	N/R	TD	5.55%	90	13-Aug-12	1,000,000	1,000,000	
SUNCORP METWAY	FIG	A1/A+	TD	5.40%	120	11-Sep-12	1,000,000	1,000,000	
ME BANK	CURVE	A2/BBB	TD	5.35%	120	18-Sep-12	1,000,000	1,000,000	
SUB TOTAL \$							15,250,000	15,250,000	
OTHER INVESTMENTS									
LONGREACH SER. 19 PROP. LNK NOTE	LONGREACH	A+	FRN	0.00%	6yrs	7-Sep-12	500,000	492,800	
CTH BANK EQUITY LNK DEPOSIT SER. 2	CTH BANK	AA	FRN	3.00%	5yrs	5-Nov-12	500,000	494,300	
BENDIGO BANK	CTH BANK	BBB+	FRSD	5.57%	5yrs	9-Nov-12	500,000	495,930	
HELIUM CAP. LTD "ESPERANCE AA+"	GRANGE	CCC-(sf)	CDO	4.28%	7yrs	20-Mar-13	1,000,000	202,200	
THE MUTUAL	THE MUTUAL	N/R	FRSD	5.84%	10yrs	30-Jun-13	500,000	500,000	
GRANGE SECURITIES "KAKADU AA"	GRANGE	CCC	CDO	5.83%	7yrs	20-Mar-14	1,000,000	154,200	
GRANGE SEC. "COOLANGAITA AA" *	GRANGE	C	CDO	0.00%	7yrs	20-Sep-14	1,000,000	0	
DEUTSCHE BANK TELSTRA LNK DEP. NTE	FIG SECURITIES	A+	FRN	4.43%	7yrs	30-Nov-14	500,000	500,000	
THE MUTUAL	THE MUTUAL	N/R	FRSD	5.84%	10yrs	31-Dec-14	500,000	500,000	
NEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A+p	CDO	0.00%	10yrs	23-Jun-15	412,500	323,813	
ANZ ZERO COUPON BOND	ANZ	AA	BOND	0.00%	9yrs	1-Jun-17	1,017,874	782,441	
SUB TOTAL (\$)							7,430,374	4,447,684	
INVESTMENTS TOTAL (\$)							22,680,374	19,697,684	
CASH AT BANK (\$)							3,930,874	3,930,874	
TOTAL CASH AND INVESTMENTS (\$)							26,611,250	23,630,558	
CASH AT BANK INTEREST RATE									3.70%
BBSW FOR PREVIOUS 3 MONTHS									4.14%
AVG. INVESTMENT RATE OF RETURN									4.84%
TD = TERM DEPOSIT					FRN = FLOATING RATE NOTE				
CDO = COLLATERALISED DEBT OBLIGATION					FRSD = FLOATING RATE SUB DEBT				
* LEHMAN BROTHERS IS THE SWAP COUNTERPARTY TO THIS TRANSACTION AND AS SUCH THE DEAL IS BEING UNWOUND. NO VALUATION INFORMATION IS AVAILABLE.									
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER									
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 425 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY.									
F GESLING									

ATTACHMENT 2

Cash and Investments Held

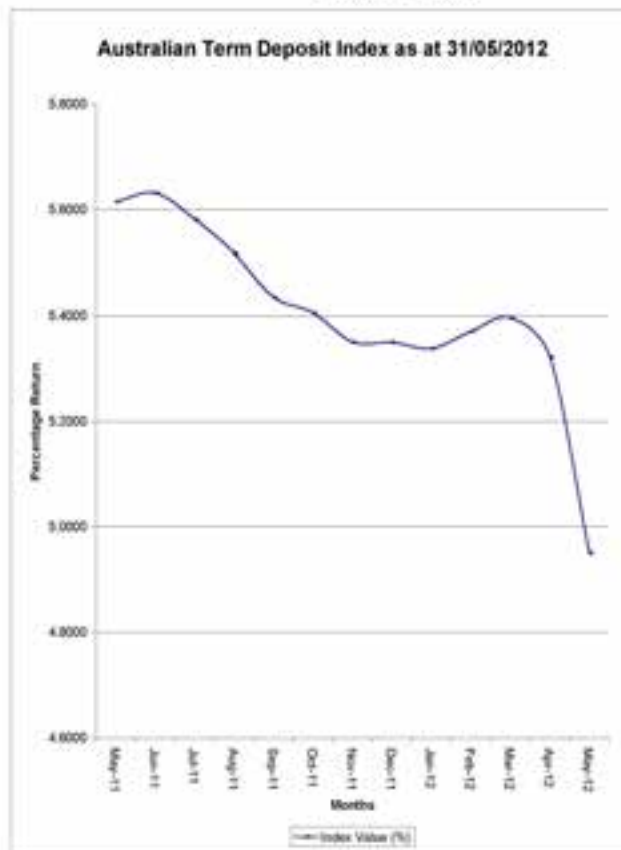
Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
May-11	4.976	21.430	26.406
Jun-11	2.752	21.430	24.182
Jul-11	1.657	17.930	19.588
Aug-11	5.767	20.930	26.697
Sep-11	1.676	24.430	26.106
Oct-11	2.476	21.430	23.906
Nov-11	7.240	23.930	31.171
Dec-11	2.101	26.930	29.032
Jan-12	2.909	24.930	27.839
Feb-12	6.372	25.930	32.303
Mar-12	1.391	25.430	26.821
Apr-12	2.441	21.680	24.121
May-12	3.931	22.680	26.611



ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	Index Value (%)
May-11	5.6147
Jun-11	5.6312
Jul-11	5.5814
Aug-11	5.5178
Sep-11	5.4358
Oct-11	5.4065
Nov-11	5.3510
Dec-11	5.3504
Jan-12	5.3389
Feb-12	5.3715
Mar-12	5.3972
Apr-12	5.3227
May-12	4.9508



NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217, PSC2005-5154

NATURE STRIP REBATE

COUNCILLOR: KA FER

THAT COUNCIL:

- 1) Calls upon the General Manager to investigate offering a once year Nature Strip rebate to the ratepayers of Port Stephens.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

170	Councillor Peter Kafer Councillor Ken Jordan
	It was resolved that Council calls upon the General Manager to investigate offering a once year Nature Strip rebate to the ratepayers of Port Stephens.

BACKGROUND REPORT OF: JASON LINNANE, FACILITIES AND SERVICES GROUP MANAGER

BACKGROUND

The intent of the proposal is to provide a mechanism whereby Council can recognise those who are providing excellence in public amenity by way of maintenance of the "nature strip" outside their property. Any proposal would be for a limited period on an annual basis.

The rebate scheme would be capped so as to ensure its sustainability and also manage the financial exposure to Council. As part of the investigation staff would need to ascertain any partnering options with the private sector that may exist to support the program. It is the author's understanding that similar programs exists in other local government areas in Sydney so benchmarking maybe possible.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217, PSC2005-2722

MEDOWIE ROAD AND PEPPERTREE ROAD ROUNDABOUT

COUNCILLOR: BRUCE MACKENZIE

THAT COUNCIL:

- 1) Authorise the General Manager to investigate with all other land owners to develop a plan to provide additional road entry access off Medowie Road into the proposed commercial land at Medowie to alleviate traffic congestion at the proposed Peppertree Road Roundabout.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

171	Councillor Bruce MacKenzie Councillor Ken Jordan
	It was resolved that Council authorise the General Manager to investigate with all other land owners to develop a plan to provide additional road entry access off Medowie Road into the proposed commercial land at Medowie to alleviate traffic congestion at the proposed Peppertree Road Roundabout.

BACKGROUND REPORT OF: CARMEL FOSTER, PROPERTY SERVICES MANAGER

BACKGROUND

The current Medowie Strategy identifies a road link directly opposite the Silver Wattle Drive and Medowie Road intersection linking into the proposed extension of Peppertree Road through Council owned land. The proposed link onto Medowie Road will affect four existing land owners and the proposed extension of Peppertree Road will affect another landowner and Council.

Should Council wish to progress the extension in the short term discussions with all landowners will need to be initiated. Other sections of Council will need to be involved from an infrastructure/engineering perspective.

Should the land identified in the strategy for the road be determined as the ideal location for the road link (given its location opposite Silver Wattle Drive) the dispossessed owners will be compensated under the provisions of the Land Acquisition (Just Terms) Compensation Act and depending on the structures this may be at a considerable cost.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: PSC2005-3690

CALICO FITNESS PROPOSAL

COUNCILLOR: BOB WESTBURY

THAT COUNCIL:

- 1) Authorise that the General Manager investigate the opportunities for implementing the Calico Fitness proposal as a means of assisting healthy lifestyles in our community and prepares a business case for Councils consideration.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

172	Councillor Bob Westbury Councillor John Nell
	It was resolved that Council authorise that the General Manager investigate the opportunities for implementing the Calico Fitness proposal as a means of assisting healthy lifestyles in our community and prepares a business case for Councils consideration.

BACKGROUND REPORT OF: JASON LINANE, FACILITIES AND SERVICES GROUP MANAGER

BACKGROUND

While attending the LGMA National Conference in Perth, the Mayor identified an opportunity for Council to pursue in respect to community participation in healthy lifestyles.

The proposal (Attachment 1) seems to be very low cost and takes advantage of information technology that is available with the product. It is a facility that could be used by people of all ages and fitness levels. Where used in Western Australia, it has been used to develop social networks and increase engagement levels in outdoor healthy activities. The assets that are provided would have little visual impact and on face value it would seem that there are footpath networks across Port Stephens that would be suitable for the proposal.

Noting the very heavy workloads of staff in the Community and Recreation Section and the need to undertake due diligence, it is suggest that at this stage we focus on gathering the data to build a business case for Council to consider in the future.

ATTACHMENT 1





CONCEPT; THE WA INVENTION THAT 'ACTIVATES PUBLIC SPACE'

Calico proposes to develop an outdoor fitness track available for the local community. Fitness Totems will be installed at 500m intervals along The Town Beach Coast & Lake Monger and this project will form part of our population health innovation currently under development with other Western Australian LGA's at this time. Calico.com.au will also provide online support that helps 'activate public space', free to the community. The online and mobile support is designed to make the already active more knowledgeable and the inactive more motivated.

Please see the enclosed maps. The actual site locations are subject to approval and comment.

We are very excited to propose this community health innovation to The Town of Cambridge. Our unique concept activates open space by using these Fitness Totems as an 'effort meter' to help gauge each individual's energy expenditure. Our free online service, www.calico.com.au uses this information (time and distance) with their personal biometrics to let each user know their own 'energy balance' data such as how much energy they need to consume to stay healthy, and how much activity they need to keep this in balance.

Some of the information provided to each member of the community on the website includes their:



Personalised Goals

Nutrition, Activity and 'Fitness Minutes' targets calculated by the individuals fitness/weight goal.



Fitness Totems to reach

Makes the users targets tangible and 'Activates Public Space', turning their local park into a private gym.



Calories to Burn

Calculates the calories burnt through exercise using the Fitness Totems in The Town of Cambridge as well as other activities, i.e. swimming or dancing.



Daily steps target

The steps the user should aim to take per day to achieve their goal. The 'Fitness Totem' to reach goal is the best method of achieving the steps target.



Nutrition targets & Support

The Calories (or Kilojoules) the user should aim to consume per day including nutritional breakdowns and meal suggestions.



Health Reporting

BMI, Waist to Hip Ratio, Lean Mass Percentage and more. Health metrics are tracked over time to show progression and improvement.

Using this unique support, the visitors, workforce and residents of The Town of Cambridge will know their individual exercise intensity and see how this affects their energy balance and activity targets. **This is the information they need to measure their progress and help them get results!**



It gives each member of the community the knowledge to maintain a healthy lifestyle and help get 'Life in Balance'.

The addition of an 'outdoor gym' that can actually interact with each user on a personal level and show real-time results will be a fantastic resource for The Town. This concerted effort is designed to engage the community, and help The Town of Cambridge lead the way for Western Australia to be seen on the world stage as innovators in population health by helping increase activity and reduce the burden of obesity.

CALICO 'FITNESS TOTEMS'



The Totems will provide an explanation of the Calico concept as well as health and fitness tips and the calico.com.au web address. They are not an advertising billboard and the sponsor logo is limited to a 7cm x 7cm space to match the Local Council.

The Totems are 'future proof' and designed for future technology to be installed, to work with our existing wireless devices, 'counters' and Smartphone technology.





OUR PROPOSAL

We propose a three-year agreement, and will remove the units at our cost at the end of our agreement subject to appropriate notice (TBC). The equipment will be gifted to The Town and covered by The Town's public liability and graffiti schedule, similar to a bench etc. Calico provides appropriate cover for the data services, public liability for staff on site, maintenance of the Fitness Totems and operational obligations.

CITY BEACH COAST & LAKE MONGER

CITY BEACH: 8 Fitness Totems, 3.5 kilometres



LAKE MONGER: 7 Fitness Totems, 3.5 kilometres





SPLIT OF RESPONSIBILITIES

The Town of Cambridge has a one off installation cost of \$100 plus gst per Calico Fitness Totem. The Town also is required to make any appropriate alterations to fencing etc relating to the landscape and public land.

The Town of Cambridge agrees (detail TBC) to assist the PR opportunities and develop the community engagement within existing email communications, website links and printed media (newsletters etc).

Calico will mark out the locations (subject to agreement) and assist in the groundwork supervision.

Calico will supply the outdoor equipment, and assist the installations as detailed in the agreed schedule of works. The works will be completed by Donegan Enterprises.

Calico will maintain the outdoor equipment for the life of the agreement, and ensure any damaged panels or complete structures are replaced within 7 working days. Calico will provide a maintenance team to ensure the equipment is kept clean, and to help this effort, The Town are to add the equipment onto their normal graffiti cleaning schedule.

Calico will develop the online support and allow the free use to The Town of Cambridge visitors and residents. We will also maintain the database and supply The Town with unique aggregate community health metrics. No personal data, identified data or email addresses are available from Calico.

SUMMARY

With your support of this innovative concept to activate public space, The Town of Cambridge will help increase the activity levels of the community and combat obesity. This track opens new PR and marketing opportunities for The Town of Cambridge as well as promoting The Town as fully committed to developing healthy living opportunities for its residents.

The pilot sites in Carine and Yokine have over 800 registered users, which equates to nearly 5% of Australia's biggest walking group, The Nationally organised 'Heart Foundation Walking'. We have achieved this from just two small parks with a limited PR budget and we feel this is indicative of the huge potential of this unique community service.

We are also starting to get some traction with the Public Sector. The Planning Institute of Australia, the lead body for development professionals, have a website to act as their benchmark for outdoor design. It is funded federally and can be found at www.healthypaces.org.au

Click on 'Making it Happen' > 'Partnerships' & you will see that Calico has been identified as an example of excellence.

We would be delighted if The Town of Cambridge could join us in a joint ambition to make WA the Healthiest State to live in.

Kevin Owens, Managing Director



NOTICE OF MOTION

ITEM NO. 4

FILE NO: A2004-0217

DINGHIES ON COUNCIL FORESHORE

COUNCILLORS: DOVER, NELL, WARD

THAT COUNCIL:

- 1) Call for a report to require that all dinghies taking up space on Council foreshore reserves be registered with Council and display a sticker of registration.

All dinghies not registered will be removed and owners will have an opportunity to claim them at Salamander recycle centre and pay the registration fee.

All dinghies not claimed will be sold by tender within three months.

This action has been prompted by dinghy owners who believe that our foreshore reserves are there for their convenience. Our foreshore reserves are for the residents of Port Stephens and visitors to enjoy our beautiful beaches and waterways. Roy Wood Reserve and Shoal Bay foreshore are only two of the reserves cluttered with abandoned dinghies, canoes and catamarans. Council needs to take this action to preserve the foreshore reserves for the enjoyment of all and not just for the convenience of dinghy owners.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

Cr Ken Jordan left the meeting at 7.38pm prior to voting on Item 4.

Cr Ken Jordan returned to the meeting at 7.42pm prior to voting on Item 4.

173	Councillor John Nell Councillor Sally Dover
	<p>It was resolved that Council call for a report to require that all dinghies taking up space on Council foreshore reserves be registered with Council and display a sticker of registration.</p> <p>All dinghies not registered will be removed and owners will have an opportunity to claim them at Salamander recycle centre and pay the registration fee.</p> <p>All dinghies not claimed will be sold by tender within three months.</p> <p>This action has been prompted by dinghy owners who believe that our foreshore reserves are there for their convenience. Our foreshore reserves are for the residents of Port Stephens and visitors to enjoy our</p>

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

	beautiful beaches and waterways. Roy Wood Reserve and Shoal Bay foreshore are only two of the reserves cluttered with abandoned dinghies, canoes and catamarans. Council needs to take this action to preserve the foreshore reserves for the enjoyment of all and not just for the convenience of dinghy owners.
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

MATTER ARISING

174	Councillor Peter Kafer Councillor Glenys Francis
	It was resolved that the report regarding dinghies on the Tomaree Foreshore also include vessels that using the Williams River at Raymond Terrace Foreshore.

BACKGROUND REPORT OF: STEVEN BERNASCONI, COMMUNITY AND RECREATION SERVICES MANAGER

BACKGROUND

The current approach to managing tenders and other water craft stored on public foreshores is reactive and done on the basis of safety risks to park users, demand for park space during peak seasons, potential damage to foreshores and available resources to implement this approach.

There are no specific resources allocated to the proposal in the Notice of Motion and as such the requested report will need to identify the administrative, compliance and labour costs with such a proposal.

Any proposal will require research from other councils who have undertaken this type of approach; input from the Roads and Maritime Service as the authority involved in the licensing of boats as well as Crown Lands as the foreshore owner.

NOTICE OF MOTION

ITEM NO. 5

FILE NO: A2004-0217

AUSTRALIA DAY FUNDING

COUNCILLOR: WESTBURY

THAT COUNCIL:

- 1) Increase the Nelson Bay Australia Day sub-committee funding from \$10,000 to \$12,000 to match the \$12,000 provided to the Raymond Terrace sub-committee and;
 - 2) All future funding for both Raymond Terrace and Nelson Bay Australia Day sub-committee be increased by the CPI each year.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

175	Councillor Bob Westbury Councillor Sally Dover
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1. Increase the Nelson Bay Australia Day sub-committee funding from \$10,000 to \$12,000 to match the \$12,000 provided to the Raymond Terrace sub-committee and;2. That Medowie & Tilligerry Australia Day committees be provided with \$2,000 each for activities held on Australia Day, as a "one off" contribution and;3. All future funding for both Raymond Terrace and Nelson Bay Australia Day sub-committee be increased by the CPI each year.

BACKGROUND REPORT OF: EMMA SHANKS, ACTING COMMUNICATIONS & CUSTOMER RELATIONS MANAGER

BACKGROUND

The current budget allocation for Australia Day 355c Committee in 2011/2012 was \$22,000 through the Communications and Customer Relations Sections Civic Events budget allocation.

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

Currently, the 2012/2013 the budget allocation for Australia Day celebrations is as follows:

- Raymond Terrace	\$12,000
- Nelson Bay	\$10,000
Total	\$22,000

These allocations do not currently receive any CPI increases.

An increase of \$2000 to the total budget would then entitle each event and its subcommittee to equal funding each year, as follows:

- Raymond Terrace	\$12,000 + CPI
- Nelson Bay	\$12,000 + CPI
Total	\$24,000 + CPI

This requested increase was raised at this year's Australia Day Coordinating Committee Annual meeting (7 May 2012) and was supported unanimously.

NOTICE OF MOTION

ITEM NO. 6

FILE NO: A2004-0217

ALLOCATION OF FUNDS

COUNCILLORS: MACKENZIE, CR TUCKER

THAT COUNCIL:

- 1) Prepare a report on the progress that has been made on the funds that Council allocated to the Shoal Bay waterfront and Birubi Point Sportsmens Club from the profits of the caravan park funds;
 - 2) That all correspondence to and from the NSW Department of Lands be also provided.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

176	Councillor Bruce MacKenzie Councillor Steve Tucker
	It was resolved that Council: <ol style="list-style-type: none">1) Prepare a report on the progress that has been made on the funds that Council allocated to the Shoal Bay waterfront and Birubi Point Sportsmens Club from the profits of the caravan park funds;2) That all correspondence to and from the NSW Department of Lands be also provided.

BACKGROUND REPORT OF: WAYNE WALLIS, GROUP MANAGER CORPORATE SERVICES

BACKGROUND

On 24 August 2010 at its Ordinary meeting Council adopted Notice of Motion (Minute No. 266) to seek the agreement of the Land and Property Management Authority to allocate accumulated Crown Holiday Park Trust surpluses to a number of key infrastructure projects on other Crown Reserves within the LGA.

On 16 February 2011, the General Manager wrote to the Regional Manager, Crown Lands Division, Land and Property Management Authority detailing Council's request. The projects and proposed funding required from the Holiday Parks Trust is detailed below:

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

- 1) Reserve No.R81389 – Shoal Bay Waterfront Project - \$1,500,000 (*Including the following proposed works: upgrade of boatramp; upgrade of wharf; upgrade of reserve drainage, access ways and carpark amenities; dunes and bushland regeneration; park furniture*);
- 2) Reserve No.R80621 – Anna Bay Recreation Facilities - \$500,000 (*Including the following: development of tennis courts, bowling rinks, bike track, half court basketball, adventure playground, bbq area, cycleway and pedestrian access, clubhouse facilities and carparking*);
- 3) Reserve No. R79059 – Fingal Bay Barry Park Public Amenities - \$80,000;
- 4) Reserve No.R86761 – Fingal Bay Surf Club - \$150,000 (*Contribution to construction of new Surf Club*).

Since that time, numerous requests (telephone, in-person and by email) were sought from Crown Lands seeking a response to the request.

In April 2012, Crown Lands provided verbal advice requesting Council to submit a *business case* for each of the projects listed above. The Facilities and Services Group prepared a detailed business case for the Shoal Bay Waterfront Project and this was delivered to the Regional Manager on Friday 11 May 2012 by the Group Manager Corporate Services and Property Services Manager.

Subsequent phone conversations have occurred however, Council is yet to receive a formal written response to either our initial request for proposed funding or a reply to the submission of the business case for the Shoal Bay Waterfront Project.

ATTACHMENT 1

Telephone Inquiries
Faye Johnstone
General Manager's Office
Tel : 4980 0246
Please Quote File No:
PSC2010-02992 & A2004-0217

Ms Karen Hembrow
Acting Regional Manager – Central Coast Hunter
Crown Lands Division
Land & Property Management Authority
P O Box 2185
DANGAR NSW 2309

Dear Karen,

Re: Proposed allocation of Crown Holiday Park Trust Funds

Council in its capacity as Corporate Trust Manager has resolved to seek agreement from the Land & Property Management Authority for the allocation of accumulated Crown Holiday Park surpluses to fund infrastructure projects on other Crown Reserves.

The projects and proposed funding required from the Holiday Parks Trust is as follows:-

1. Reserve No. R81389 - Shoal Bay Waterfront Project - \$1,500,000
(including the following proposed works: upgrade of boatramp; upgrade of wharf; upgrade of reserve drainage, access ways and carpark amenities; dunes and bushland regeneration; park furniture).
2. Reserve No. R80621 - Anna Bay Recreation Facilities - \$500,000
(including the following: development of tennis courts, bowling rinks, bike track, half court basketball, adventure playground, bbq area, cycleway and pedestrian access, clubhouse facilities and carparking).
3. Reserve No. R79059 - Fingal Bay Barry Park Public Amenities - \$80,000
4. Reserve No. R86761 - Fingal Bay Surf Club - \$150,000
(Contribution to construction of new Surf Club)

The Corporate Trust is seeking the Authority's consent to the allocation of \$2,230,000 from Crown Holiday Parks Trust towards funding these projects next financial year. I would appreciate your earliest possible consideration of this request.

Yours faithfully

PETER GESLNG
GENERAL MANAGER

16 February 2011

NOTICE OF MOTION

ITEM NO. 7

FILE NO: A2004-0217, PSC2012-01673

ALLOCATION OF MONIES

COUNCILLOR: MACKENZIE

THAT COUNCIL:

- 1) Write to the Member for Port Stephens, Craig Baumann MP, requesting details as to how much money has been allocated for Lemon Tree Passage Road during the term of this Government, when these funds will become available and if the Council cannot undertake the work given their current workforce then tenders be called to complete it.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

177	Councillor Bruce MacKenzie Councillor Ken Jordan
	It was resolved that Council write to the Member for Port Stephens, Craig Baumann MP, requesting details as to how much money has been allocated for Lemon Tree Passage Road during the term of this Government, when these funds will become available and if the Council cannot undertake the work given their current workforce then tenders be called to complete it.

BACKGROUND REPORT OF: JASON LINNANE, GROUP MANAGER FACILITIES AND SERVICES

BACKGROUND

It is Council's understanding that \$5M has been allocated to Lemon Tree Passage Road over a four (4) year period. Council staff are of the opinion that all of these works can be managed by Council through our Capital Works delivery process.

It is the intention of the Facilities and Services Group to complete all roadworks "in house" by supplementing existing resources with specialist subcontractors for road stabilisation and bituminous surfacing.

Staff will continue to keep Councillors informed of progress through the quarterly meetings that are held.

NOTICE OF MOTION

ITEM NO. 8

FILE NO: A2004-0217

CEMETERY PLOTS

COUNCILLOR: MACKENZIE

THAT COUNCIL:

- 1) Prepare a report on the legality of not charging late Clarence Dawson's estate for the cemetery plots that were obtained by him.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

178	Councillor Bruce MacKenzie Councillor Ken Jordan
	It was resolved that Council prepare a report on the legality of not charging late Clarence Dawson's estate for the cemetery plots that were obtained by him.

BACKGROUND REPORT OF: STEVEN BERNASCONI, COMMUNITY & RECREATION SECTION MANAGER

BACKGROUND

Due to the nature of cemetery records being old and sometimes lacking Council staff are on occasions required to investigate and make decisions on limited written information.

When these decisions are required enquiries are made from all available sources and where the information generally supports the claim being correct the decision is made in favour of the customer.

Council's written cemetery records show:

- Burial of Clarence Alfred Dawson in Karuah Cemetery Row 3 Plot 31;
- Reservations for four members of the late Mr Dawson's extended family in Karuah Cemetery Row 3 Plots 32-35.

Council staff were approached by the family of the late Mr Clarence Dawson to confirm the existence of reserved plots they felt were made for them in the past.

They advised that there was a family story surrounding the existence of these plots.

MINUTES FOR ORDINARY MEETING – 26 JUNE 2012

Council records show four reservations but due to the incomplete information available in the records further investigation was undertaken. The main concern was that the persons claiming the reservations were indeed the family of the late Mr Clarence Dawson.

Information was sought from an ex staff member who may have had knowledge of the early years of Karuah Cemetery and local Funeral Directors.

Both sources confirmed knowledge of the existence of the reservations and the funeral director's records showed "Graves reserved and paid for 29/4/2000" on information relating to the burial of the late Mr Clarence Dawson and listing the reservation numbers.

The investigation by staff proved sufficient for staff to make an informed decision about the confirmation of the reservations for the family.

When the reserved plots are used these reservations will incur the interment fee set at that time.

NOTICE OF MOTION

ITEM NO. 9

FILE NO: A2004-0217

CHANGE OF USE OF LAND AT TOMAREE

COUNCILLOR: MACKENZIE

THAT COUNCIL:

- 1) Write to the Premier with a copy sent to the Member for Port Stephens, Craig Baumann MP, requesting that the Premier give serious consideration to changing the use of the land at Tomaree known as Lot 453 DP 705463 currently used by the NSW Ministry of Health.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

Cr Peter Kafer left the meeting at 8.20pm prior to voting on Item 9.
 Cr Peter Kafer returned to the meeting at 8.23pm prior to voting on Item 9.
 Cr Geoff Dingle left the meeting at 8.31pm prior to voting on Item 9.
 Cr Geoff Dingle returned to the meeting at 8.37pm prior to voting on Item 9.
 Cr Shirley O'Brien left the meeting at 8.37pm prior to voting on Item 9.
 Cr Shirley O'Brien returned to the meeting at 8.39pm prior to voting on Item 9.

	<p>Councillor Bruce MacKenzie Councillor Steve Tucker</p>
	<p>That Council write to the Premier with a copy sent to the Member for Port Stephens, Craig Baumann MP, requesting that the Premier give serious consideration to changing the use of the land at Tomaree known as Lot 453 DP 705463 currently used by the NSW Ministry of Health.</p>

The motion on being put was lost.

AMENDMENT

	<p>Councillor John Nell Councillor Sally Dover</p>
	<p>That Council seeks to amend the draft Port Stephens LEP 2011 to impose a building height of 3 stories and/or 10.5 metres for the proposed to be zoned E2 Environmental Conservation, Tomaree Lodge site.</p>

The amendment on being put was lost.

BACKGROUND REPORT OF: JASON LINNANE, GROUP MANAGER FACILITIES AND SERVICES

BACKGROUND

The subject property is located at 4 Shoal Bay Road, Shoal Bay. It is currently zoned 7f(1) and its proposed zoning is E2 Environmental Conservation under Port Stephens Local Environmental Plan 2012. It is currently used by the NSW Ministry of Health for delivery of their services.

Council will need to confirm its suggested future use as part of any letter.

NOTICE OF MOTION

ITEM NO. 10

FILE NO: A2004-0217

SALT ASH PONY CLUB

COUNCILLORS: MACKENZIE, CR O'BRIEN, CR TUCKER

THAT:

- 1) The \$10,000 allocated for construction of stables at the Salt Ash Pony Club be transferred for top dressing and fertilising of the grounds.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

179	Councillor Bruce MacKenzie Councillor Ken Jordan
	It was resolved that Council transfer the \$10,000 allocated for construction of stables at the Salt Ash Pony Club to top dressing and fertilising of the grounds.

BACKGROUND REPORT OF: STEVEN BERNASCONI, COMMUNITY AND RECREATION SERVICES MANAGER

BACKGROUND

\$10,000 of Central Ward funds was allocated to the Salt Ash Equestrian Centre Holding Yards on 29 July 2011 (Min. 345). This allocation has not been spent to date and can be reallocated in accordance with this Notice of Motion.

NOTICE OF MOTION

ITEM NO. 11

FILE NO: A2004-0217

NELSON BAY AND PORT STEPHENS BRIDGE CLUBS

COUNCILLORS: NELL, DOVER, WARD, WESTBURY

THAT COUNCIL:

- 1) Assist the Nelson Bay and Port Stephens Bridge Clubs with the allocation of 300 m² parcel of land and 40 car parking spaces for the construction of a dedicated Bridge Playing facility.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

180	Councillor John Nell Councillor Sally Dover
	It was resolved that Council assist the Nelson Bay and Port Stephens Bridge Clubs with the allocation of 300 m ² parcel of land and 40 car parking spaces for the construction of a dedicated Bridge Playing facility.

BACKGROUND REPORT OF: STEVEN BERNASCONI, COMMUNITY AND RECREATION SERVICES MANAGER

BACKGROUND

Council staff have been liaising with the Nelson Bay and Port Stephens Bridge Clubs since the Matter Arising (Min 279, 9 August 2011).

A number of existing halls and community buildings have been reviewed for their suitability for the clubs of which one hall, with an internal floor area of approximately 320 square metres and car parking space on and off street, has shown the most potential to become a dedicated bridge playing facility under long term licence.

Further investigations on this hall and discussions with the clubs are required to create a memorandum of understanding on the progress of this proposal.

NOTICE OF MOTION

ITEM NO. 12

FILE NO: A2004-0217

TRAFFIC MANAGEMENT PLAN

COUNCILLOR: NELL

THAT COUNCIL:

- 1) Develop a Traffic Management Plan for Soldiers Point.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

181	Councillor John Nell Councillor Sally Dover
	It was resolved that Council develop a Traffic Management Plan for Soldiers Point.

BACKGROUND REPORT OF: JOHN MARETICH, CIVIL ASSETS MANAGER

BACKGROUND

Soldiers Point is a busy residential, recreational and holiday destination on the Tomaree Peninsula. Scarcity of parking appears to be one of the main issues raised by residents and visitors to the area.

This notice of motion is proposed look at opportunities for improvement of parking and traffic conditions. This may include measures such as implementation of parking restrictions in areas of high demand, augmentation of existing parking facilities where appropriate or improvements to directional and advisory signage.

The urgency for the development of a traffic management plan will have to be balanced against the current workload of staff, the availability of funding and the actual area concerned. At this time no specific resources have been allocated to the proposal in the Notice of Motion.

NOTICE OF MOTION

ITEM NO. 13

FILE NO: A2004-0217

RECOGNITION OF 175TH ANNIVERSARY OF NAMING OF RAYMOND TERRACE

COUNCILLOR: FRANCIS

THAT COUNCIL:

- 1) Acknowledge that on the 24 November 2012 it is the 175th anniversary of the naming of Raymond Terrace as a town. This is a significant event and one which deserves commemoration for Port Stephens;
 - 2) Support this event with civic assistance to the Raymond Terrace and District Historical Society to arrange and support events around that weekend;
 - 3) Support the event with funds from the Cultural budget (currently on hold due to the impending Council elections). It is to be noted that West Ward does have money available due to insufficient requests.
-

ORDINARY COUNCIL MEETING – 26 JUNE 2012

Cr Bruce MacKenzie left the meeting at 8.49pm prior to voting on Item 13.

182	Councillor Glenys Francis Councillor Peter Kafer
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1. Acknowledge that on the 24 November 2012 it is the 175th anniversary of the naming of Raymond Terrace as a town. This is a significant event and one which deserves commemoration for Port Stephens;2. Support this event with civic assistance to the Raymond Terrace and District Historical Society to arrange and support events around that weekend;3. Support the event with funds from the Cultural budget (currently on hold due to the impending Council elections). It is to be noted that West Ward does have money available due to insufficient requests.

BACKGROUND REPORT OF: BRUCE PETERSEN, ENVIRONMENTAL & DEVELOPMENT PLANNING MANAGER

BACKGROUND

This year marks 175 years since Raymond Terrace was gazetted as a town. Since 1837 Raymond Terrace has grown and evolved from a small riverside village and shipping port where economic activity centred predominantly on farming and agriculture. In the year 1841 the population of Raymond Terrace was only 364 people and comprised 47 houses and 105 convicts (**Source:** Raymond Terrace & District Historical Society). Today Raymond Terrace has grown to become a vibrant regional centre in the Hunter region with a population of approximately 13,000 people. It is characterised by diverse industries, businesses, sporting and community facilities and has a vibrant town centre. There is a strong sense of pride within the community with residents valuing the 'country town feel' of Raymond Terrace whilst enjoying the benefits of being in close proximity to Newcastle and centrally located to other parts of the Hunter region.

The Mayor extended Council's appreciation to Mr Rob Noble for his time with Council as Acting Group Manager Development Services.

There being no further business the meeting closed at 8.53pm.

I certify that pages 1 to 286 of the Open Ordinary Minutes of Council 26 June 2012 2010 were confirmed by Council at its meeting held on 24 July 2012.

.....
Cr Bob Westbury
MAYOR