

MINUTES 14 MAY 2013



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 14 May 2013, commencing at 5.30pm.

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

117	<p>Councillor John Nell Councillor Sally Dover</p> <p>It was resolved that the apologies from Councillors Chris Doohan and Ken Jordan be received and noted.</p>
118	<p>Mayor Bruce MacKenzie Councillor Peter Kafer</p> <p>It was resolved that leave of absence be granted to Cr John Nell from 17 June 2013 to 12 September 2013.</p>
119	<p>Councillor John Morello Councillor Sally Dover</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 23 April 2013 be confirmed.</p>
	<p>Cr Peter Kafer declared a significant non-pecuniary conflict of interest in Item 3. The nature of the interest is Cr Kafer is an Executive member on the Committee of the Worimi Dolphins Rugby League Team.</p>

INDEX

SUBJECT

PAGE NO

MAYORAL MINUTES..... 3

1. HUNTER WESTPAC RESCUE HELICOPTER SERVICE 4

COUNCIL REPORTS 5

1. DEVELOPMENT APPLICATION FOR REDEVELOPMENT OF BIRUBI SURF CLUB AT NO. 73 JAMES PATERSON STREET, ANNA BAY 6
2. DEVELOPMENT APPLICATION FOR FIFTY THREE (53) LOT RESIDENTIAL SUBDIVISION AT NO. 2 HALLORAN WAY, 153 RICHARDSON ROAD, RAYMOND TERRACE 24
3. SPONSORSHIP REQUEST: 2013 NSW ABORIGINAL RUGBY LEAGUE KNOCKOUT, RAYMOND TERRACE 43
4. PORT STEPHENS COUNCIL WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY 2007 51
5. FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS POLICY ..60
6. PORT STEPHENS COUNCIL WASTE REDUCTION AND PROCUREMENT POLICY..... 71
7. ROADSIDE VEGETATION MANAGEMENT PLAN 77
8. REQUEST FOR FINANCIAL ASSISTANCE 81
9. MAYOR AND COUNCILLOR FEES 2013/14 84
10. INFORMATION PAPERS..... 97

INFORMATION PAPERS 98

1. PROVISION OF INTERNAL AUDIT SERVICES 99
2. DESIGNATED PERSONS – PECUNIARY INTEREST 100

MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2006-0749

HUNTER WESTPAC RESCUE HELICOPTER SERVICE

THAT COUNCIL:

- 1) Call on the NSW State Government to fund a dedicated medical team consisting of a doctor and a paramedic for the Hunter Westpac Rescue Helicopter Service in the upcoming State Budget.
-

BACKGROUND

The purpose of this Mayoral Minute is for Council to consider writing to the NSW State Government to provide funding to support the Hunter Westpac Rescue Helicopter Service.

Council is in receipt of a request from the City of Newcastle calling for support of all Lower Hunter Councils in writing to the NSW State Government seeking the Government to fund a dedicated medical team consisting of a doctor and a paramedic for the Hunter Westpac Rescue Helicopter Service in the upcoming State Budget.

This organisation provides a vital service to the Hunter Region. It is important that Council calls on the Government to provide funding to ensure the service remains in the Hunter and continues to provide this valuable service to the community.

ORDINARY COUNCIL MEETING – 14 MAY 2013 MOTION

	Mayor Bruce MacKenzie Councillor John Nell
120	It was resolved that the recommendation be adopted.

COUNCIL REPORTS

ITEM NO. 1

FILE NO: 16-2013-127-1

DEVELOPMENT APPLICATION FOR REDEVELOPMENT OF BIRUBI SURF CLUB AT NO. 73 JAMES PATERSON STREET, ANNA BAY

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application subject to the conditions contained in (ATTACHMENT 3).
-

**ORDINARY COUNCIL MEETING – 14 MAY 2013
MOTION**

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

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Sally Dover Councillor Geoff Dingle
	That the recommendation be adopted.

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

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

Those against the Motion: Nil.

MOTION

123	Councillor Geoff Dingle Councillor Paul Le Mottee
	It was resolved that the Committee of the Whole recommendation be adopted.

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

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present the Development Application (DA) for the redevelopment of the Birubi Surf Club at 73 James Paterson Street, Anna Bay to Council for determination.

In accordance with Council's commitment to open and transparent decision making and in line with standard industry practice, the DA is before the Council given Council is both the Land Trustee (under ownership of the Crown) and Determining Authority.

The proposed development will include demolition of the existing surf club and construction of a new single storey surf club, containing amenities, equipment storage, patrol tower, club room, café, caretakers residence and a viewing deck.

The key issues for the development include Aboriginal Heritage, parking and traffic and visual amenity. Following assessment of the application, it is considered that the proposal suitably addresses the key issues.

The applicant has submitted an Aboriginal Heritage Impact Assessment in support of the proposal and provides evidence that extensive stakeholder consultation has been undertaken prior to DA lodgement. Both NSW Office of Environment and Heritage (OEH) and Registered Aboriginal Parties (RAPs) have reviewed the proposal and not raised any concerns.

With regard to parking and traffic, although the existing formal parking available (56 spaces) does not strictly comply with DCP 2007 (which requires 73 spaces), it is considered that the development is unlikely to generate a significant amount of additional traffic and that the total amount of parking (157 total formal and informal spaces) is generally consistent with the principles of the DCP controls.

It is noted that existing parking and traffic demand associated with beach visitors is an issue during peak periods, however it is not considered reasonable to refuse the application on this basis, and the community benefit outweighs the DCP variation for car parking allocation in this instance.

The development has a single storey design with a neutral grey/beige colour scheme and fibre cement, concrete panel and metal finishes. It is considered that this is suitable for the site and is unlikely to have a significant impact on the visual amenity of the area when viewed from the beach or the entry road.

The application has been advertised and notified in accordance with Council policy. One (1) submission was received supporting the proposal, but raised a number of concerns.

Following review of the DA and submission, the proposal is recommended for approval subject to attached conditions as it is considered that the proposal is consistent with Council's LEP and DCP, and is suitably designed for the site with regard to Aboriginal Heritage, visual amenity and parking/traffic.

FINANCIAL/RESOURCE IMPLICATIONS

Approval of the DA will likely have finance and resource implications for Council associated with funding construction of the surf club development. However, this is not a matter for this DA report, and will likely be subject of a separate report to Council.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The proposal is consistent with Council Policy, and approval of DA in accordance with the recommendation is unlikely to have any significant legal or policy risks.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that a 3 rd party may appeal the approval	Low	Determination of the DA in accordance with the legislation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The development is unlikely to have any adverse social, economic or environmental implications. The development will provide a general benefit to the community through the provision of improved surf club and lifesaving facilities.

CONSULTATION

The application was exhibited in accordance with Council policy and one (1) submission was received supporting the proposal. Despite this, the submission raised concern regarding Aboriginal stakeholder consultation, parking and traffic, lack of a Master Plan and project funding. These are discussed in the Attachments.

OPTIONS

- 1) Approve the DA as per the recommendation; or
- 2) Reject or amend the Recommendation.

ATTACHMENTS

- 1) Locality Plan;
- 2) Assessment; and
- 3) Conditions.

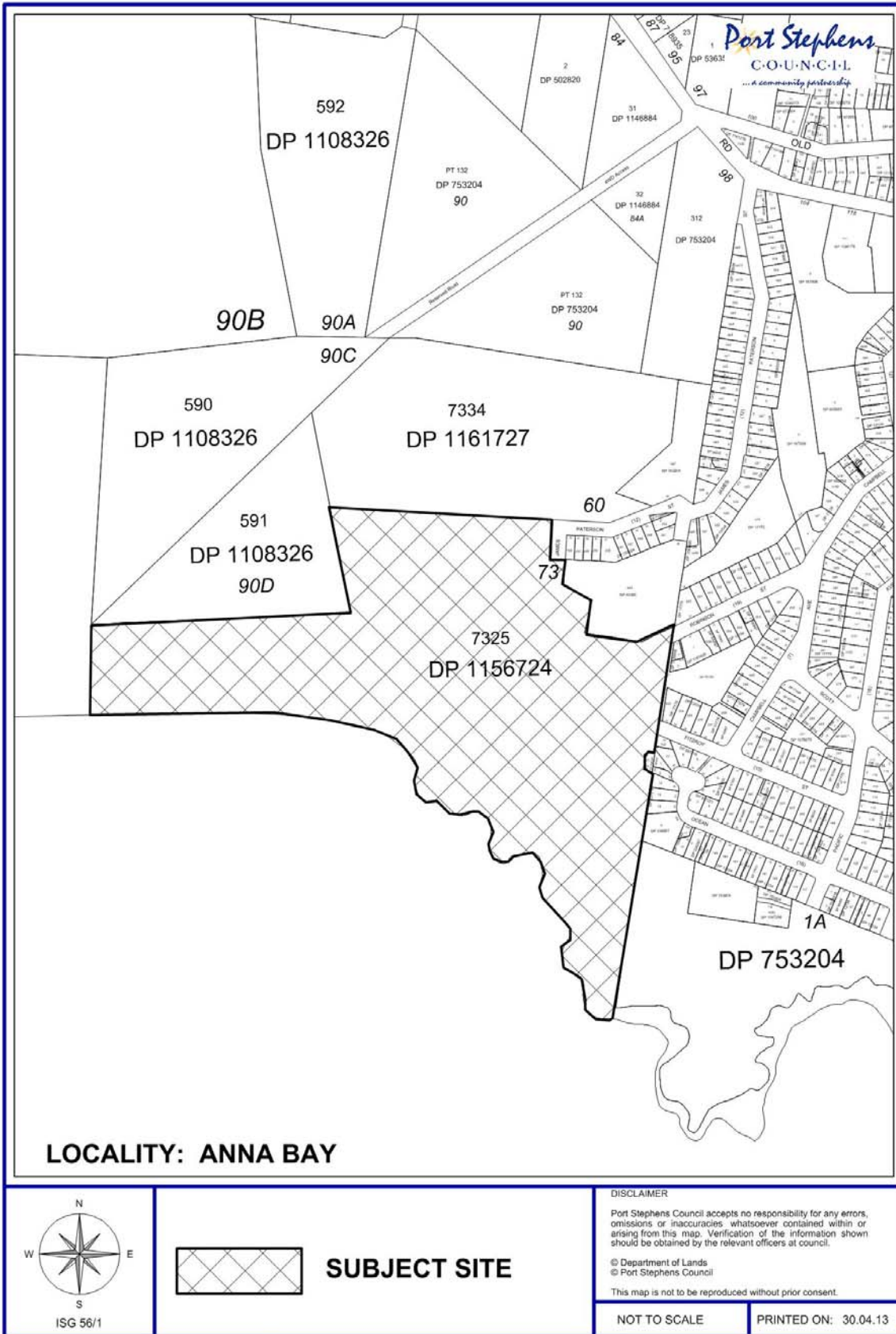
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY PLAN



ATTACHMENT 2 ASSESSMENT

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

THE PROPOSAL

Consent is sought for demolition of the existing club and construction of a new surf club consisting of 2 separate buildings. The new surf club will provide amenities, equipment storage, patrol tower, club room, café, caretakers residence and a viewing deck.

The proposed surf club has an estimated value of \$3,000,000, and does not trigger any of the legislative provisions for the Joint Regional Planning Panel, Designated or Advertised development.

THE APPLICATION

Owner	The State of NSW (Port Stephens Council trustee)
Applicant	Port Stephens Council
Detail Submitted	SoEE, Plans, Aboriginal Heritage Impact Assessment

THE LAND

Property Description	Lot 7325 DP 1156724
Address	73 James Paterson Street, Anna Bay
Area	Approx 26 hectares
Characteristics	The existing surf club is located on top of a sandy knoll. The new club will be in the same location. The site is known as the Birubi Point Aboriginal Place under National Parks & Wildlife Act 1974, and contains aboriginal middens, one of which is located west of the existing club and will be impacted by the development. GIS shows site constrained by bushfire and Class 4 Acid Sulphate Soils, Nelson Bay West (Hill Tops)

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	7(f1) Environmental Protection (Coastal Lands)
Relevant Clauses	32 – Environmental Protection Zonings 44 – Appearance of land and buildings 47 – Services 51A – Acid Sulphate Soils

Development Control Plan	B2 – Environmental & Construction Management B3 – Parking & Traffic
National Parks & Wildlife Act	Section 90
Environmental Planning & Assessment Act	Section 79BA
State Environmental Planning Policy	71 – Coastal Protection
Section 94 Contributions Plan	

1.1 Port Stephens Local Environmental Plan 2000

The site is zoned 7(f1) Environmental Protection "F1" Zone under LEP 2000. It is also noted that the development area will be zoned E2 – Environmental Protection under draft LEP 2013.

Clause 32 – Environmental Protection Zonings

It is considered that the principal function of the development, being the surf club operation, is consistent with both the definition of a "recreation facility" and "community facility" which are listed as permissible uses in the zone. The proposed dwelling (caretakers residence) is also listed as a permissible use in the zone.

Although restaurants are not listed as permissible use within the zone, it is considered that the proposed café is a minor and ancillary part of the overall surf club development.

It is considered that the development is consistent with the zone objectives. Objectives (b) and (c) are particularly relevant, and are listed below:

(b) to safeguard sections of the coast which are significant tourist and recreational areas and to promote only environmentally and aesthetically sympathetic development

The design of the proposed surf club is considered to be acceptable both from an environmental and visual amenity perspective.

(c) to regulate development so that it does not adversely affect and is not adversely affected by coastal processes, in both the short and long term

The development site is located on top of a sand hill, and it is considered that the proposed surf club is unlikely to be unreasonably impacted by any coastal process, particularly sand dune movement, in the short or long term.

Clause 44 – Appearance of land and buildings

The proposed development will be clearly visible from Birubi Beach. The design and scale of the development is considered suitable for the site, and it is unlikely that the proposal will detrimentally impact the visual amenity of the beach area.

Clause 47 – Services

Necessary services, including water, sewer, electricity, are available to the site.

Clause 51A – Development on land identified on Acid Sulphate Soils Planning Map

The site is shown as Class 4 on the Planning Map. The proposed development will be located on the site of the existing surf club, which will minimise the amount of excavation required and the potential for exposure of acid sulphate soils. However, given the existing disturbance to the natural ground level and nature of the proposed demolition and excavation works, it is considered reasonable to require submission of an Acid Sulphate Management Plan as part of any approval.

1.2 Development Control Plan 2007

The application has been assessed against the relevant provisions of Port Stephens Development Control Plan, 2007, as follows:

Section B2 - Environmental and Construction Management

The development will be consistent with the relevant requirements of this section, subject to inclusion of standard erosion and sediment control and construction waste management conditions.

Section B3 – Parking & Traffic

The following standard rates from the DCP apply to the proposed development.

Activity	Standard Rate	Required
Clubs (Club room – 178sqm)	1 space per 4sqm NFA	44.5 spaces
Restaurant (Café – 121sqm)	1 space per 3 seats, or 15 spaces per 100sqm GFA, whichever is greater	25.3 spaces
Dwelling (Caretakers Residence – 1 brm)	1 space per dwelling	1 space
Warehouse (Storage – 291sqm)	1 space per 200sqm	1.45 spaces
Total		72.25 spaces

Existing formal parking around the surf club includes the main car park (approx 41 spaces) and angled parking around the entry to the surf club (approx 15 spaces). As such, the development is 17spaces short of the DCP requirements.

However, the applicant has submitted a Traffic Impact Statement (TIS) in support of the proposed development, which identifies the availability of approximately 157 spaces (both formal and informal) in the vicinity of the surf club, which includes the lower unformed car park (approx 50 spaces) and capacity for on-street parking along the entry (approx 15). The total amount of available parking around the surf club far exceeds the total number of parking spaces required by DCP 2007.

Although the development does not provide the necessary number of formal parking spaces required by DCP 2007, it is considered that the development satisfies the principle of the DCP controls and that the DCP variation does not warrant refusal of the application in this instance.

It is noted that existing parking demand for the beach and existing surf club is an issue during peak summer periods, which is a situation likely to continue irrespective of the proposed development. This is considered under consideration of Traffic later in the report as it is not strictly related to compliance with the DCP.

1.3 National Parks & Wildlife Act 1974 - Section 90

The site is known as the Birubi Point Aboriginal Place, and the development will impact a known midden site, located west of the existing surf club. The proposal is considered to be integrated development as it will require an Aboriginal Heritage Impact Permit (AHIP) under the National Parks & Wildlife Act (NPW Act).

The DA has been referred to the NSW Office of Environment & Heritage (OEH) for their general terms of approval.

At the time of writing this report, Council assessment staff have discussed the referral with OEH who has not raised any significant concerns with the nature of the proposal, and has advised that they are in the process of finalising their response in consultation with the applicant's Aboriginal heritage consultant (RPS). Further, Council has written evidence from the relevant Registered Aboriginal Parties that there are no objections to the proposed development.

In this regard, it is considered reasonable to recommend approval for the development subject to a condition requiring an AHIP to be obtained from OEH for the development prior to the issue of a Construction Certificate for the surf club.

1.4 Environmental Planning & Assessment Act – Section 79BA Bushfire Protection

The site is mapped as bushfire prone, however the proposed development is not considered to be a Special Protection Use under the Rural Fire Act and does not require referral to the NSW Rural Fire Service. The issue of bushfire protection has been assessed by Council under Section 79BA of the Environmental Planning & Assessment Act.

The applicant's Bushfire Report recommends a construction level of BAL 12.5, and provision of a 25m Inner Protection Area. Following assessment of the proposal, it is considered that these measures are appropriate, and conditions of consent will be recommended in this regard.

1.5 State Environmental Planning Policy 71 - Coastal Protection

The proposal is considered to be consistent with the matters for consideration in Clause 8. The relevant matters include suitability, visual/amenity impact, access and environmental impact.

After reviewing the plans and documentation, it is considered that:

- A surf club is suitable for the site
- The design (single storey) and finishes are considered unlikely to have a detrimental or significant visual impact when viewed from the beach
- Access from the car park will be significantly improved as a result of the additional stairs, accessibility ramp and parking as well as maintenance and/or extension of the existing driveway and footpath.

1.4 Port Stephens Section 94 Plan

The proposal fits the definition of both a recreation and community facility under LEP 2000, and will receive Section 94 funding for construction. The proposed development is unlikely to have a significant commercial component and does not require Section 94 contributions in this instance.

2. Likely Impact of the Development

2.1 Built Environment

Redevelopment of the surf club is unlikely to have any significant impact on adjoining properties. The nearest development is the Birubi Beach Caravan park, which is located 250m east of the existing surf club.

The development has been reviewed by a Council's Building Surveyor, who has not raised any objections in relation to compliance with the Building Code of Australia subject to inclusion of standard conditions.

2.2 Natural Environment

Water

It is considered that the development is unlikely to have a significant impact on stormwater disposal or water quality in and around the site.

Roof water from the development will be collected in a rainwater tank with overflow to an infiltration trench. The remaining stormwater from the development is proposed to be pre-treated prior to discharge to the existing Council infrastructure.

The development has been reviewed by a Council Development Engineer, who did not raise any objection subject to inclusion of conditions requiring submission of additional details regarding sheet flow direction and stormwater infiltration trenches prior to the issue of a Construction Certificate, maintaining the stormwater system for the life of the development and repairing any damaged infrastructure.

Flora and Fauna

The development will not require removal of any significant vegetation. The application has been reviewed by Council's Natural Resources section, who have not raised any concerns with the proposal.

2.3 Traffic & Access

Following review of the proposal, it is considered that the new surf club is unlikely to unreasonably increase traffic or parking demand in and around the site. In particular, it is noted that the main traffic generating feature of the development is the café, whose customers will predominantly be beach visitors and is unlikely to independently generate significant amounts of traffic.

However, the Traffic Impact Statement (TIS) submitted with the DA identifies existing and ongoing issues with parking and traffic flow around the site, particularly when parking demand exceeds the available number of spaces during peak periods and delays at nearby intersections (James Paterson and Gan Gan Rd).

The development does not include any features to significantly improve the situation, but it is considered that these are not sufficient basis for refusing the redevelopment of the surf club, given the existing nature of the issues and scale/likely traffic generation of the proposed development.

2.3 Social & Economic Impacts

The proposal has been designed to reduce the potential for any anti social behaviour around the proposed club house, and it is considered that the manager's residence will provide additional supervision in this regard. The application has also been reviewed by Council's Community Planning section, who recommended advice for the applicant which will be included in any approval.

It is considered that the proposed development is unlikely to have any adverse social or economic impacts, and will provide benefits to the community through improved surf club facilities.

3. Suitability of the Site

The proposed surf club will be located in the same position as the existing and does not raise any significant or additional issues. As such, the site is considered suitable for the proposed development.

4. Submissions

The DA has been advertised in the local paper (Examiner) and notified to adjoining neighbours in accordance with Council's standard practice and the requirements of the Environmental Planning & Assessment Act for a period of fourteen (14) days, which ended on 3 April 2013.

The proposal is not considered to be advertised or designated development, and is not subject to any extended notification period.

Council received one (1) submission during the submission period. The submission was supportive of the DA, but raised the matters listed below.

- Car parking and access
- Aboriginal Heritage and consultation
- Need for a Master Plan
- Funding

Comment

The issues raised in the submission do not warrant refusal of the application in this instance. The need for a Master Plan and project funding are considered to be outside the scope of this planning assessment under Section 79C.

The submission raised concern regarding Aboriginal stakeholder consultation and the developments lack of improvement to existing parking and traffic arrangements.

The DA has been referred to the NSW Office of Environment & Heritage (OEH) for general terms of approval as required by legislation. The Aboriginal Heritage Impact Assessment submitted with the DA provides evidence of extensive stakeholder consultation prior to DA lodgement, and includes evidence of Registered Aboriginal Parties supporting the current proposal.

With regard to parking and traffic, this assessment and the Traffic Impact Statement has identified that the amount of available parking is consistent with the intent of DCP 2007, and it is considered that the likely traffic generation of the development does not warrant a review of existing traffic treatments along James Paterson Road.

5. Public Interest

The proposed development is unlikely to significantly impact the wider public interest.

**ATTACHMENT 3
CONDITIONS**

STANDARD CONDITIONS

1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.

PLANNING

3. The development shall comply with any General Terms of Approval issued by the NSW Office of Environment & Heritage, and an Aboriginal Heritage Impact Permit shall be obtained from the NSW Office of Environment & Heritage **prior to the issue of a Construction Certificate** for the surf club development.
4. An Acid Sulphate Soils Management Plan prepared in accordance with the Acid Sulphate Soils Manual shall be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
5. The development shall be constructed in accordance with the bushfire report prepared by Peak Land Management dated February 2013.
6. The development shall be constructed to BAL 12.5 under AS3959 – 2009 'Construction of Buildings in bushfire prone areas'.
7. A 25 metre 'Inner Protection Area' (IPA) as outlined in Planning for Bushfire Protection 2006 shall be provided around the proposed development.
8. The development shall be provided with services in accordance with the requirements of Planning for Bushfire Protection 2006.
9. An Evacuation and Bushfire Survival Plan shall be submitted to Principal Certifying Authority as per the recommendations of the Bushfire Report Prepared by Peak Land Management **prior to the issue of an Occupation Certificate**.
10. A bushfire report certifying compliance with the relevant bushfire protection conditions shall be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

11. The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia.
12. Landscaping shall be carried out in accordance with the details submitted. The landscaping must be completed **prior to issue of Occupation Certificate**.
13. A Construction Management Plan shall be submitted and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate**. The construction management plan shall specify operational details to minimise any potential impact to public areas. The construction management plan should include but not limited to the following information:- Construction techniques, noise and vibration management, storage of equipment and building materials, hours of work:, primary route for truck movements, etc.

FOOD SAFETY

14. The fit out of food preparation, storage and service areas are to be designed and constructed to comply with standard 3.2.3 of the Australia New Zealand Food Standards Code and Australian Standard AS 4674-2004 for the construction and fit out of food premises.
15. If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications for the construction certificate. Where Council is not nominated as the Principal Certifying Authority detailed plans showing compliance with these standards must be provided to Council.
17. A certificate from an appropriately qualified person confirming compliance with the above legislation and guidelines must also be forwarded to Council **before the issue of the Occupation Certificate**.
18. The business is to notify the NSW Food Authority of their activities prior to commencing operation and must also register the food business with Council.
19. The Environmental Health Officer shall be given 48 hours notice to inspect the premises prior to commencement of the business.

ENGINEERING

20. Collected stormwater runoff shall be piped to an infiltration trench in accordance with Council's Standard Drawing S136 (without overflow pipe).
21. The infiltration trench cannot be located under hardstand areas, nor can trees with a mature height of more than 1.5 metres be located within the Zone of Influence of the infiltration trench.

A Construction Certificate cannot be issued until details of the infiltration trench are provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.

22. Details shall be given of existing surface levels and proposed finished levels that demonstrate that sheet flow will be directed toward grassed and/or sand areas. Details are to be approved by the Principal Certifying Authority or Council **prior to issue of a Construction Certificate**.
23. The applicant shall restore, replace or reconstruct any sections of footpath, cycleway, kerb and guttering, road pavement, stormwater, or any other public infrastructure located within the Road Reserve that occur as a result of construction activities, as determined by Council's Development Engineers or Civil Assets Engineer. The applicant shall bear all associated costs with restoring the public infrastructure to satisfaction of the Council.

An Occupation Certificate shall not be issued until all necessary remediation and repair works have been completed to the satisfaction of Council.

24. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.

BUILDING

25. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
26. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
27. It is the responsibility of the applicant to erect a PCA sign. The applicant is to ensure the PCA sign remains in position for the duration of works.
28. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
29. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:

- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.
30. Building demolition shall be carried out in accordance with Australian Standard AS2601-2001 - The Demolition of Structures. The demolition and disposal of materials containing asbestos should be carried out in accordance with Workcover Authority Guidelines. Material should be disposed of at a licenced landfill facility.
32. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.
- Note: Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing Urban Stormwater – Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.
33. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
34. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced.
35. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
36. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
- * Monday to Friday, 7am to 6pm;
 - * Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.

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

37. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.

ITEM NO. 2

FILE NO: 16-2011-603-1

DEVELOPMENT APPLICATION FOR FIFTY THREE (53) LOT RESIDENTIAL SUBDIVISION AT NO. 2 HALLORAN WAY, 153 RICHARDSON ROAD, RAYMOND TERRACE

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2011-603-1 for a fifty three lot residential subdivision at 2 Halloran Way and 153 Richardson Road for the following reasons:
 - The development is inconsistent with Section B15 – Aircraft Noise of Development Control Plan 2007;
 - The development is inconsistent with Table 2.1 of Australian Standard 2021-2000 which outlines the site acceptability criteria;
 - The development is inconsistent with the zone objectives for the Residential 2(a) zone under the Port Stephens Local Environmental Plan 2000;
 - The development will result in the creation of allotments subject to unacceptable levels of aircraft noise and associated community impacts;
 - Any applications for dwellings on the proposed allotments will be inconsistent with the requirements of Australian Standard 2021-2000 in that dwellings will be "unacceptable" development.

**ORDINARY COUNCIL MEETING – 14 MAY 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Paul Le Mottee Councillor John Morello</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Subject to the outstanding additional information required (as outlined in Attachment 2 of item No 2 in 14 May 2013 business paper) being submitted and assessed, that Council indicate its support for the Development Application 16-2011-603-1. Conditions of development consent be brought back to Council when available. 2) In accordance with note 4, Table 2.1 (building site acceptability of

	<p>ANEF zones) of AS 2021-2000 the site be deemed 'infill' development or 'within an existing built up area' and Council notes that all future development on the site shall achieve the required ANR (Aircraft Noise Reduction) according to Clause 3.2 of AS 2021-2000.</p> <p>3) The requirement for future dwellings to provide the required ANR (Aircraft Noise Reduction) according to Clause 3.2 (the noise reduction requirements) of AS 2021-2000, shall be made aware to the prospective purchasers via a notation on the 149 Certificate.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

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

MOTION

124	<p>Mayor Bruce MacKenzie Councillor Steve Tucker</p>
	<p>It was resolved that the recommendation be adopted.</p>

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

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

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

BACKGROUND

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

The development application proposes a two (2) into fifty three (53) lot residential subdivision (incorporating two drainage reserve lots) at 2 Halloran Way and 153 Richardson Road Raymond Terrace. The subdivision is proposed to be staged.

The proposed subdivision will require the demolition of the existing structures on Lot 1 and the construction of a new road.

The key issues relevant to the proposal are aircraft noise, drainage and zone objectives.

Aircraft Noise

The development site is located within the following aircraft noise zones:

Noise Map	Noise Contour	Acceptable Development (subdivision of residential land)
ANEF 2025	20-25, and 25-30	Conditionally Acceptable Unacceptable
ANEF 2012	20-25, and 25-30	Conditionally Acceptable Unacceptable

Control C2 states;

Development must satisfy the indoor design levels must comply with the indoor design levels specified by Table 3.3 of AS2021-2000 based on average maximum noise levels.

The provisions of Australian Standard 2021-2000 and Section B15 of DCP 2007 do not expressly discuss development for the purposes of subdivision, however they do define dwellings in the 25-30 noise contour as “unacceptable”. Given that the development seeks approval for allotments to be used for residential purposes and the siting of a dwelling, it is considered to be unacceptable to approve a subdivision in this noise zone.

It is noted that Australian Standard 2021-2000 does not recommend development in unacceptable areas. However where the planning authority determines that any development may be necessary within existing built up areas (areas zoned residential) designated as unacceptable, it is recommended that such development should achieve the aircraft noise reduction (ANR) in accordance with Australian Standard 2021-2000 through noise attenuation of dwellings.

It is considered that the green field development does not constitute an existing built up area and that the creation of 53 new residential allotments in an area “unacceptable” would result in the creation of allotments with poor residential amenity that are unable to be build on due to aircraft noise constraints.

Given the ANEF 2025 noise contours it is recommended that the application be refused. Any approval of the subdivision would result in the creation of fifty three (53) allotments intended for residential dwellings that could not have a dwelling built upon them due to aircraft noise constraints relating to the ANEF 2025 charts.

The development plans indicate that a portion of the site is located within the 20-25 ANEF Noise Contour. Within this noise zone dwellings are conditionally acceptable. It

is considered that of the 53 allotments proposed, approximately 10 allotments would be classified as conditionally acceptable under the ANEF 2012 maps.

Should the application be approved in its current form, subject to the 23-30 ANEF noise zone, Council would be in the future position of having to assess approximately 43 applications for dwellings on sites where both the DCP 2007 and Australian Standard 2021-2000 classify the dwellings as unacceptable forms of development. Strict adherence to these policies would result in recommendations for refusal.

Drainage

To enable a full assessment of the impacts of the development on stormwater flow in the general locality, Council requires additional detail to be submitted.

While these outstanding details are not seen as reasons to refuse the application, it is recommended that they be addressed prior to any approval.

A full assessment of the outstanding detail is contained within Attachment 2.

Residential 2(a) Zone Objectives

The development is not consistent with clause 16(2)(e) of the Port Stephens Local Environmental Plan in that the development has not adequately taken into account the Aircraft Noise constraint that is present on the site.

Clause 16(2)(e) requires; *"that the design of residential areas takes into account environmental constraints including soil erosion, flooding and bushfire risk."*

Aircraft Noise is considered to be an environmental constraint and in this instance it is not considered to be appropriate to create 53 new allotments in an aircraft noise zone within which dwellings are an unacceptable form of development.

FINANCIAL/RESOURCE IMPLICATIONS

Should Council adopt the recommendation and refuse the development application, the applicant may appeal to the Land and Environment Court. Defending the Council's determination would have financial implications.

If council enables the creation of 53 allotments for the purpose of a dwelling, by way of approving the application, it may incur a legal liability, costs of which are difficult to determine, but may be significant.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is inconsistent with the following Council Policy.

- Port Stephens Local Environmental Plan 2000, specifically the residential 2(a) zone description.
- Port Stephens Development Control Plan 2007, Section B15 – Aircraft Noise
- Australian Standard 2021-2000 – Aircraft Noise.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be held liable for the creation of noise affected allotments by future owners or builders.	High	Refuse application	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Despite the aircraft noise non compliance, it is considered that the approval of 53 new residential allotments would generally present a positive social and economic outcome for the community through the increased opportunity for housing, the flow on employment generation in construction of the subdivision and of subsequent dwellings.

In this instance however, approval of the subdivision would result in the creation of fifty-three (53) allotments intended for the future development of residential dwellings that are subject to aircraft noise constraints. Under the provisions of DCP2007 and Australian Standard 2021-2000 the allotments could not have a dwelling built upon them due to aircraft noise constraints relating to the ANEF 2025 charts.

Whilst the aircraft noise issue may change in the future and have an element of uncertainty, Council is required to make planning decisions based on legislation at the time of the application. For these reasons it is considered that any approval

would create an unreasonable expectation that the allotments could be built upon for residential purposes. Further it is considered that the noise pollution levels on the site are such that it would have significant adverse impacts on future occupants within any future dwellings and also in areas of private open space.

It is considered that the site does not present any Environmental Issues, native vegetation or flora and fauna that would render the site unsuitable for the proposed development.

CONSULTATION

The application was exhibited in accordance with Council policy and one (1) submission was received in support of the proposal.

OPTIONS

- 1) Adopt the recommendation; or
- 2) Reject or amend the Recommendation. Noting the outstanding drainage detail that needs to be resolved prior to issuing a determination.

ATTACHMENTS

- 1) Locality Plan; and
- 2) Assessment.

COUNCILLORS ROOM

- 1) Subdivision Plans;
- 2) Statement of Environmental Effects;
- 3) Acoustic Report; and
- 4) Aircraft Noise Maps.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY PLAN



**ATTACHMENT 2
ASSESSMENT**

Site Description:

The subject site is known as Lots 1 & 2 DP 239141 or 2 Halloran Way and 153 Richardson Road Raymond Terrace.

Historically, 2 Halloran Way contained the Anseline plant nursery. Currently the site contains a residential dwelling and associated residential infrastructure.

153 Richardson Road is currently vacant and is heavily vegetated.

The allotments contain the following site areas;

- Lot 1 – 1.629 ha
- Lot 2 – 3.623 ha

To the west of the site is a residential subdivision known as Halloran Way. To the north of the site is Hunter Water land forming part of the Grahamstown Dam catchment. Richardson Road bounds the site to the south and rural residential dwellings are located to the east.

Site Constraints:

The site is constrained by;

- Aircraft Noise

CONSULTATION – COMMUNITY

In accordance with Council's Notification Policy, adjoining neighbours were notified of the proposed development. In response, one (1) submission was received supporting the proposal.

STATUTORY PROVISIONS

Environmental Planning and Assessment Act 1979.

Clause 91 – The development is identified as integrated under these provisions. A referral was made under the Rural Fires Act 197.

State Environmental Planning Policies (SEPP)

SEPP 55 – Contaminated Land

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Given the sites history as a plant nursery, an Environmental Site Assessment was undertaken by Coffey (Ref: ENAUWARA04271AA-R01a, dated: 25 May 2012).

The report concluded that three Areas of Environmental Concern (AEC) were identified. These were;

- Potential use of pesticides or insecticides in the former plant nursery areas and in run off to the site dam,
- Potential use of asbestos containing materials in buildings,
- Potential storage of chemicals and fuels and maintenance of small machinery in sheds.

It is concluded in this report that should the development proceed, further investigations should be undertaken to assess the potential impact of the AEC's on the development.

Should approval be granted, a phase 2 Environmental Site Assessment should be undertaken to satisfy SEPP55 and demonstrate the potential impacts of AEC on the development.

This assessment would include but not be limited to;

- Collection of surface soil samples in the former plant nursery areas, around the buildings and sheds.
- Collection of fibre board fragments,
- Analysis of the Chemicals of Concern identified,
- Sample of dam water and sediments.

SEPP (Infrastructure) 2007

SEPP (infrastructure) 2007 aims to facilitate the effective delivery of infrastructure across NSW. Of relevance to this proposal is Division 17 – Roads and Traffic.

Clause 101 references development with a frontage to a classified road. The subject site fronts Richardson Road which is identified as a Classified Road.

Clause 101 seeks to ensure that new developments do not compromise the effective and ongoing operation and function of classified roads, and to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads.

Clause 101 states;

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The development proposes to utilise the existing intersection of Halloran Way and Richardson Road. The development will gain access of Halloran Way and no new access points with Richardson Road will be created.

As the development was referred to RMS under Clause 104, the safety and efficiency of the classified road has been addressed in the RMS referral.

Clause 104 and Schedule 3 – Traffic generating Development, sets the thresholds for developments that require referral to Roads and Maritime Services. The subdivision accesses Halloran Way at a distance of approximately 65m from the intersection with Richardson Road. Under the provisions of State Environmental Planning Policy (infrastructure) 2007, the development is identified within table 1 of Schedule 3, being the subdivision of land of 50 or more allotments with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road).

Port Stephens Local Environmental Plan 2000 (PSLEP 2000)

Clause 16 – Zone No 2(a) Residential “A” Zone

The 2(a) zone description states;

(1) Description of the zone

The Residential “A” Zone is characterised by one and two storey dwelling-houses and dual occupancy housing. Townhouses, flats and units up to two storeys may occur throughout the zone. Dwellings may also be erected on small lots in specially designed subdivisions. Small-scale commercial activities compatible with a residential neighbourhood and a variety of community uses may also be present in this zone.

It is considered that, notwithstanding the aircraft noise constraints, the allotment sizes to be created are consistent with the zone objectives and any subsequent development would also satisfy these objectives.

The 2(a) zone objectives state;

(2) Objectives of the zone

The objectives of the Residential “A” Zone are:

- (a) to encourage a range of residential development providing for a variety of housing types and designs, densities and associated land uses, with adequate levels of privacy, solar access, open space, visual amenity and services, and*
- (b) to ensure that infill development has regard to the character of the area in which it is proposed and does not have an unacceptable effect on adjoining land by way of shading, invasion of privacy, noise and the like, and*
- (c) to provide for non-residential uses that are compatible with the area and service local residents, and*
- (d) to facilitate an ecologically sustainable approach to residential development by minimising fossil fuel use, protecting environmental assets and providing for a more efficient use of existing infrastructure and services, and*
- (e) to ensure that the design of residential areas takes into account environmental constraints including soil erosion, flooding and bushfire risk.*

It is considered that the development is inconsistent with clause 16(2)(e) in that the development has not adequately taken into account the Aircraft Noise constraint that is present on the site.

It is not considered to be appropriate to create 53 new allotments in an aircraft noise zone within which dwellings are an unacceptable form of development.

Clause 41 – Direct access to certain roads is restricted.

The application does not propose any direct access to Richardson Road and as such is consistent with the requirements of clause 41.

Clause 42 – Development along arterial roads

Clause 42 states;

- The consent authority shall not consent to an application to carry out development on land which has frontage to an arterial road unless:*
- (a) access to the land is provided by a road other than the arterial road, wherever practicable, and*
 - (b) in the opinion of the consent authority, the safety and efficiency of the arterial road will not be adversely affected by the carrying out of the proposed development because of:
 - (i) the nature of the access to the land concerned, or*
 - (ii) the emission of smoke or dust from that land, or*
 - (iii) the nature, volume or frequency of vehicles gaining access to the land, and**
 - (c) the proposed development will meet any relevant road traffic noise standards of the State or the Council.*

The subject site does not gain direct access to Richardson Road, instead access is gained via Halloran Way.

Notwithstanding this, the application does trigger the requirements of SEPP (Infrastructure) 2007 in terms of Traffic Generating development. The application was referred to the Roads and Maritime Service under this legislation and General Terms of Approval granted.

It is considered that the development is consistent with Clause 42 of LEP 2000.

Clause 44 - Appearance of land and buildings

The proposed development, following consideration of constraints, is not considered to result in any adverse visual impacts and is consistent with clause 44.

Clause 47 – Services

The site is currently serviced by all essential services.

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

The site is identified as being in Class 5 Acid Sulfate Soils. In class 5 Acid Sulfate Soils any works within 500m of class 1, 2, 3 or 4 land which are likely to lower the water table below 1m AHD on the adjoining class 1, 2, 3, or 4 land would require further assessment and the submission of an Acid Sulfate Soils Assessment.

The works proposed are not within 500m of adjoining class 1, 2, 3 or 4 land, nor will it lower the water table. As such no further assessment is warranted under clause 51A.

Port Stephens Development Control Plan 2007

The application has been assessed against the relevant provisions of Port Stephens Development Control Plan, 2007, as follows:

B1 – Subdivision and Streets

The application has been assessed against the applicable provisions of Port Stephens Development Control Plan, 2007 – Environmental and Construction Management and is considered satisfactory with regards to B1 – Subdivision and Streets.

B2 - Environmental and Construction Management

The application has been assessed against the applicable provisions of Port Stephens Development Control Plan, 2007 – Environmental and Construction Management and is considered satisfactory with regards to B2 – Environmental and Construction Management.

Section B15 – Aircraft Noise

Section B15 outlines the requirements of developments in relation to aircraft noise and attenuation.

The development site is located within the following aircraft noise zones

Noise Map	Noise Contour	Acceptable Development (subdivision of residential land)
ANEF 2025	20-25, and 25-30	Acceptable Unacceptable
ANEF 2012	20-25, and 25-30	Acceptable Unacceptable

In its ordinary meeting dated 23 November 2010, Council resolved that assessment weight be given to the ANEC 2025 Maps (dated 1st September 2010).

Control C2 sets that all indoor design levels must comply with the indoor design levels specified by Table 2.1 and 3.3 of AS2021-2000 based on average maximum noise levels. The provisions of Australian Standard 2021-2000 and Section B15 of DCP 2007 do not expressly discuss development for the purposes of subdivision, however they do define dwellings in the 25-30 noise contour as “unacceptable”. Given that the development seeks approval for allotments to be used for residential purposes and the siting of a dwelling, it is considered to be unacceptable to approve a subdivision in this noise zone.

It is noted that Australian Standard 2021-2000 does not recommend development in unacceptable areas. However where the planning authority determines that any development may be necessary within existing built up areas (areas zoned residential) designated as unacceptable, it is recommended that such development should achieve the aircraft noise reduction (ANR) in accordance with Australian Standard 2021-2000.

It is considered that the green field development does not constitute an existing built up area and that the creation of 53 new residential allotments in an area “unacceptable” would result in the creation of allotments with poor residential amenity that are unable to be build on due to aircraft noise constraints.

Given the ANEF 2025 noise contours it is recommended that the application be refused. Any approval of the subdivision would result in the creation of fifty three (53) allotments intended for residential dwellings that could not have a dwelling built upon them due to aircraft noise constraints relating to the ANEF 2025 charts.

INTERNAL REFERRALS

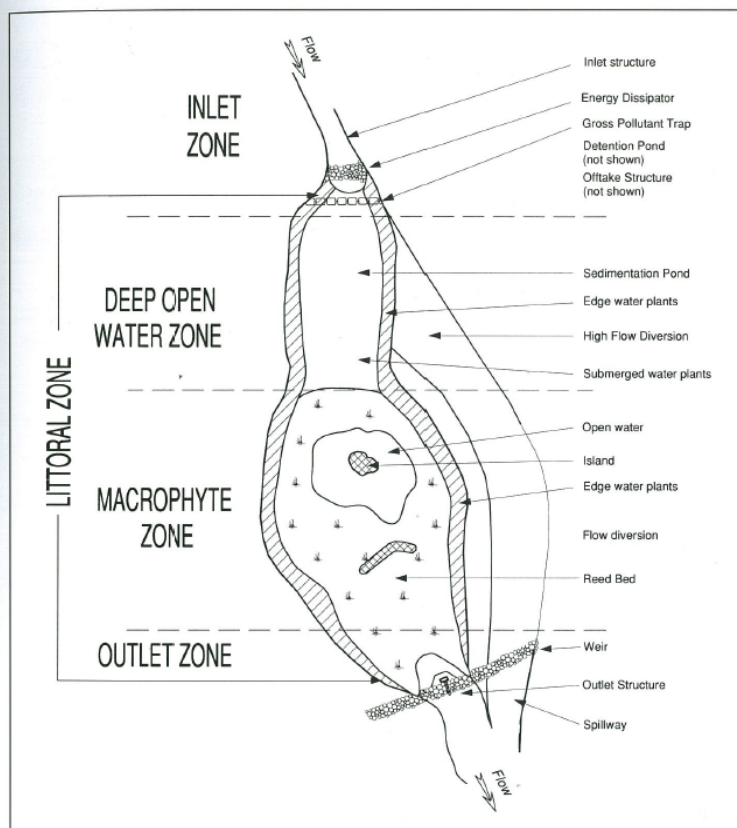
Engineering

Comments: received 20/02/2013

Following a review of the most recently submitted information, the following detail is required to allow continued assessment of the application from an Engineering/Drainage context.

- o It is noted that the storm water report recognises the need for directing storm water to the existing Halloran Way detention basin and is seen as a positive approach.
- o From the submitted report and drawings, it is difficult to assess the impact of this development on the existing drainage system and the properties. The following items are required:
 - Existing catchment size contributing runoff to the existing Halloran Way Basin.
 - Catchment size proposed to be re-directed to the existing basin
 - Demonstrate how all flows up to the 100yr ARI event are directed to the proposed basin and adequately conveyed to the existing basin
 - Provide details to demonstrate the existing detention basin along with the proposed detention basin have sufficient capacity.
 - Demonstrate how machinery access is gained to carry out maintenance on both the existing and proposed basins. Access is required to both basins and all inlet and outlet structures. Please provide details including cross-sections of the two basins.
 - There are concerns that the basins may create safety hazards to the general public and as such fencing shall be installed around the basins to minimise the risk. Please provide a concept plan as to how this will be incorporated into maintenance access points.
 - There is no proposed sediment and erosion control for inlet pipes discharging into the basins. Please demonstrate that sediment and erosion control is in accordance with the 'Erosion and Sediment Control Regional Policy and Code of Practice for Managing Urban Storm water – Soils and Construction (Landcom 2004).
- o The existing and proposed storm water basins are proposed to be used for the combination of water quality treatment and detention. This is not designed in accordance with the 'Constructed Wetlands Manual' by the Department of Lands and Water Conservation of NSW. As seen below in figure 16-1 there are a number of critical components missing from the current design.

Figure 16-1 Typical on-stream urban stormwater wetland.



Development Engineering's view is that the existing basin be modified and used as a dry basin solely for detention purposes. Reason for this is there is insufficient width to create sufficient depth for a wet basin.

Council requires the following modification to the existing detention basin (sheet 7 dated 2/11/12):

- Excavate the base of the basin to RL 14.75 as proposed to be utilised as a dry basin
- Remove the existing low flow pipe
- Delete both proposed timber walls
- Reconstruct the existing outlet pit as proposed however, the orifice size will need to be redesigned for the concept of detention as opposed to water quality treatment

The proposed basin is required to be re-designed in accordance with 'The Constructed Wetlands Manual' and should include features such as; a offline from the high flow path, deep open water zone , etc. Stage 1 lots, south of Halloran Way may need to be re-configured as to allow for the re-design of the basin. The long, skinny nature of the proposed drainage reserve does not appear practical to allow for a re-design in accordance with 'The Constructed Wetlands Manual'. It should be noted a minimum depth for the deep open water zone should be between 1.5m – 2.5m.

Please provide amended plans for review.

- Two storm water lines are proposed beneath Halloran Way (High flow and low flow pipes) conveying water from the proposed basin to the existing basin. A single pipe line is the preferred option where low flows are governed by an orifice plate and high flows overflow into the grated inlet pit. Please provide amended details.

- Please provide a preliminary geotechnical analysis for the suitability of roads, drainage and other structures including indicative road pavement designs. As the roads and drainage structures will be dedicated to Council, Council needs to have some certainty that the proposed infrastructure is suitable in their proposed locations. The following are items that are of concern:
 - The suitability of drainage structures (storm water basin) on the top of a road cutting and any considerations that will need to be addressed at Construction stage.
 - Whether the site has any history of landslips or instability
 - Whether the proposed development will alter the present state of stability of the site
 - Whether any portion of the site should be excluded from the development and included in natural, undisturbed or rehabilitated area
 - Whether the proposed development will adversely affect the current state of stability of adjoining land
 - Whether the proposed development should allow cuts and fills and if so, to what depth
 - Whether retaining structures are required and if so, provide necessary preliminary foundation design parameters, including drainage requirements
 - Whether any special surface and/or subsurface drainage measures need to be taken to improve or maintain the stability of the site, or portions of the site
 - Whether the proposed roadworks, services development earthworks will not adversely affect the natural seepage of water from the slopes; and
 - Each roadway cutting or fill can be retained or treated to maintain long-term stability;
 - All necessary services (water mains, stormwater drains and sewer lines and the like) can be installed within the natural slopes or fills without detrimentally affecting the long-term stability of the natural or altered slopes;

- LATM provisions are still required as per council's last correspondence. Given the curve is an isolated curve in an otherwise straight road network the justification that council specification recommends such a tight curve is not shared by council. Please provide proposed location and typical detail of LATM's.

- The development is proposed as a 5 stage subdivision. The following items were requested previously but not supplied. Please provide the items below:
 - Drainage catchment plans and indicative staging of drainage works i.e. required timing and delivery of storm water basin works

Recommendation: deferred

Building

Comments: received

Recommendation: Approved

Traffic

Comments: Received 26 July 2012

Recommendation: Approve subject to conditions.

EXTERNAL REFERRALS

Roads and Maritime Service

The application was referred to the Roads and Maritime Service under the provisions of SEPP (Infrastructure) 2007.

RMS provided General Terms of Approval on the 21st June 2012

Rural Fires Act 1997

Under the provisions of clause 91 of the Environmental Planning and Assessment Act 1979, the application is considered to be "Integrated Development". A referral to the NSW Rural Fire Service was made on the 19/05/2011 under s100B of the Rural Fires Act 2000.

A Bushfire Safety Authority was issued on 13 June 2012 indicating support from the Rural Fire Service.

Section 94 Contribution

The application will attract Section 94 Contributions and will be conditioned accordingly should an approval be issued.

Likely Impact of the Development

The development as proposed is not considered to result in any adverse environmental impacts.

Of particular concern though is the impact on potential future lot owners of the aircraft noise contours should the development be approved. Approval of the subdivision would result in the creation of fifty three (53) allotments intended for the

future development of residential dwellings. Under the provisions of DCP2007 and Australian Standard 2021-2000 the allotments could not have a dwelling built upon them due to aircraft noise constraints relating to the ANEF 2025 charts.

It is considered that any approval would create an unreasonable expectation that the allotments could be built upon for residential purposes.

Suitability of the Site

The development site is not considered to be suitable for the proposed subdivision given the constraints on the site in relation to Aircraft Noise. The site is identified as being within the 25-30ANEF noise contour under the ANEF 2025 maps. Within this noise zone, subdivision is classified as an “unacceptable” form of development under the Australian Standard 2012-2000.

The provisions of Australian Standard 2021-2000 do not expressly discuss development for the purposes of subdivision, however they do define dwellings in the 25-30 noise contour as “unacceptable”. Given that the development seeks approval for allotments to be used for residential purposes and the siting of a dwelling, it is considered to be unacceptable to approve a subdivision in this noise zone.

Given the ANEF 2025 noise contours it is recommended that the application be refused. Any approval of the subdivision would result in the creation of fifty three (53) allotments intended for residential dwellings that could not have a dwelling built upon them due to aircraft noise constraints relating to the ANEF 2025 charts and the Australian Standard 2021-2000.

Public Interest

It is considered to be contrary to the public interest to create additional allotments of Residential land that will be constrained by the 25-30 ANEF Noise Contour. Under the provisions of the Port Stephens Development Control Plan 2007 and Australian Standard 2021-2000, dwellings are “unacceptable” on land constrained by the 25-30 ANEF noise contour.

Approval of the development would create an unreasonable expectation that dwellings could be constructed on the proposed allotments.

Conclusion

It is recommended that the application be refused. The creation of 53 additional allotments of Residential land that will be constrained by the 25-30 ANEF Noise Contour.

Under the provisions of the Port Stephens Development Control Plan 2007 and Australian Standard 2021-2000, dwellings are “unacceptable” on land constrained by the 25-30 ANEF noise contour.

Approval of the development would create an unreasonable expectation that dwellings could be constructed on the proposed allotments.

Cr Peter Kafer left the meeting at 6.13pm prior to Item 3 in Committee of the Whole and did not return to the meeting.

ITEM NO. 3

FILE NO: PSC2013-01615

SPONSORSHIP REQUEST: 2013 NSW ABORIGINAL RUGBY LEAGUE KNOCKOUT, RAYMOND TERRACE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Give in principle support to the allocation of \$25,000 in Council sponsorship for the Newcastle Yowies Sports Club, to assist them in hosting the 2013 NSW Aboriginal Rugby League Knockout at the Lakeside Sporting Complex, Raymond Terrace subject to confirmation in the 2013/14 Draft Budget.
-

ORDINARY COUNCIL MEETING – 14 MAY 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	Mayor Bruce MacKenzie Councillor Sally Dover
	That Council allocate \$25,000 in Council sponsorship for the Newcastle Yowies Sports Club, to assist them in hosting the 2013 NSW Aboriginal Rugby League Knockout at the Lakeside Sporting Complex, Raymond Terrace.

MOTION

125	Councillor Geoff Dingle Councillor Paul Le Mottee
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

The purpose of this report is to confirm Port Stephens Council's support for the 2013 NSW Aboriginal Rugby League Knockout, which will be held at Lakeside Sports Complex, Raymond Terrace in October.

MINUTES FOR ORDINARY COUNCIL – 14 MAY 2013

Hosting major events such as the Aboriginal Rugby League Knockout fulfils objective 4.1.2 in Council's operational plan 2012-2013: "Economic Development & Tourism to assist event providers and attract major events to the area".

The Aboriginal Rugby League Knockout was hosted for the first time in Raymond Terrace in October 2012, by the Mindaribba Local Aboriginal Land Council. The knockout was won by the Newcastle Yowies, who earned the right to host the 2013 event as a result of their win. The Newcastle Yowies Sports Club have subsequently decided to utilise the Lakeside Sporting Complex for the 2013 event, the 43rd time the knockout has been held.

The NSW Aboriginal Rugby League Knockout is recognised as the largest annual gathering of indigenous people in Australia. The 2012 event attracted over 20-thousand attendees and resulted in \$1Million in direct economic benefit to the local community over four days of competition.

Council provided significant in-kind support to the 2012 event. The delivery of this support was provided on an ad hoc basis and was largely reactive in nature, and payment to offset a share of this cost has been received by Council from the event organiser. The recommended up front sponsorship for 2013 is designed to reduce uncertainty around Council's contribution whilst also delivering an event that is sustainable and within Council's operating budget.

Council's Tourism & Events team has been working closely with the Newcastle Yowies since the decision to bring the event back to Raymond Terrace and will continue to do so in the lead up to the event, to ensure the event is conducted in accordance with Council requirements.

FINANCIAL/RESOURCE IMPLICATIONS

Lessons learned from the 2012 Aboriginal Rugby League Knockout suggest that approval of the proposed sponsorship of \$25,000 will ultimately reduce Council's risk, both financial and in terms of staff resources, ahead of the 2013 event.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		It is recommended funds be set aside to service this sponsorship request during 2013/14 budget deliberations.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal implications associated to this recommendation though risk is a factor.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council refuses to fund this sponsorship request.	Medium	Adopt the recommendation.	Yes
There is a risk that not supporting the event financially may cause loss of control over the important infrastructure required to deliver the event safely.	Medium	Consent conditions applied to license agreement for use of this council reserve.	Yes
There is a risk that Council could incur unexpected costs if the Yowies fail to adhere to imposed consent conditions.	Medium	Council engaging contractors on behalf of the Yowies to deliver the appropriate level of services and providing direct payment from the agreed sponsorship.	Yes
There is a risk to Council's reputation if sponsorship support is not forthcoming.	Low	Council provides sponsorship as per the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Economic benefits of the event will be far reaching with teams and supporters not only staying in Port Stephens but the wider Hunter region. We predict that this event will inject several million dollars into our economy in direct spend based on actual figures supplied by Tourism Research Australia (TRA).

Social benefits of the event are significant, with cooperative relationships existing between the Knockout itself and NSW Health. The 2012 event was sponsored in part by NSW Health and a number of stalls were staffed across the event promoting a wide range of health and community based initiatives to the indigenous community.

CONSULTATION

Internal council stakeholders including the General Manager and Mayor.

External stakeholders included Roads & Maritime Services, NSW Police, the Newcastle Yowies, and the Raymond Terrace sports council.

A monthly organising committee meeting featuring internal and external stakeholders will be held in the lead up to the event.

OPTIONS

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

ATTACHMENTS

- 1) Draft sponsorship agreement.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
DRAFT SPONSORSHIP AGREEMENT

SPONSORSHIP AGREEMENT

THIS AGREEMENT is made on [date]

BETWEEN

PORT STEPHENS COUNCIL ABN 16 744 377 876

of 116 Adelaide Street, Raymond Terrace

(Council)

AND

NEWCASTLE YOWIES SPORTS CLUB [ABN]

of [address]

(Organiser)

RECITALS

- A. The Organiser is a sports club which organises, controls and arranges for aboriginal rugby league players to compete as a team in the annual New South Wales Aboriginal Knockout Competition (**Event**).
- B. The 2013 Event will be held at Lakeside Sports Complex, Raymond Terrace, in October 2013.
- C. The Organiser is responsible for managing the Event.
- D. The Council has agreed to provide sponsorship (a mixture of both cash and in-kind support) in respect of the Event and the Organiser has agreed to grant Council the right to sponsor the competition upon the terms and conditions and for the consideration hereinafter expressed.
- E. In consideration of the sponsorship payment, the Organiser agrees to position Council as a Support Partner of the Event.

THE PARTIES AGREE:

1. In this agreement the term 'sponsorship rights' shall mean:
 - a) The right of sponsorship of all matches which comprise the competition.
 - b) Sponsorship recognition in the use of Council's logo in advertising and marketing promotions;
 - c) Recognition in respect of any media publication or broadcasting of competition matches on television or radio, whether direct or delayed broadcasts.
 - d) The right to present prizes in respect of winning teams during the course of the competition.

2. The Organiser covenants and agrees with Council that it will extensively promote the competition through various media outlets throughout the term.
3. The Organiser will adhere to and comply with all consent conditions applied by Council and external stakeholders in respect of the Event.
4. The Council guarantees to provide sponsorship in the sum of twenty five thousand dollars (\$25,000.00) comprised of both in-kind support and funding to be used for the purpose of paying contractors in respect of the Event.
5. The Council will provide support and advice to the Organiser in the development of a Management Plan in respect of the Event.
6. The Council will convene monthly meeting with key stakeholders to ensure the successful delivery of the Event in conjunction with the Organiser.
7. **Relationship**
Nothing contained or implied in this Agreement constitutes a party the partner, agent or legal representative of the other party for any purpose, or creates any partnership, employment, agency or trust. Neither party has the authority to bind the other party in any way.
8. **Intellectual Property**
Each party acknowledges the other party's Intellectual Property is the Property of the owning party, and it has no right, title or interest in or to the Intellectual Property of the other party.
9. **Confidentiality**
Neither party may disclose any Confidential Information of the other party without obtaining the prior written consent of the other party.
10. **Warranty**
Both parties warrant to the other that they have full power, capacity and authority to enter into and perform their respective obligations under this Agreement.
11. **Indemnities**
 - (a) The Organiser agrees to indemnify and keep indemnified the Council against any liability, actions, claims, demands, damages, costs and expenses incurred or suffered by the Council in connection with or arising in any way out of the Sponsorship or a breach by the Organiser of the provisions of this Agreement.
 - (b) Notwithstanding any other provision of this Agreement, neither party shall be liable to the other for indirect, incidental, special, consequential or punitive loss or damages howsoever.
12. **Termination**
Either party may terminate this Agreement should either party default in the performance of any obligation on its part to be performed and should such default, being capable of remedy, continue for fourteen

(14) days after service upon such party of notice to remedy such default in writing.

13. **Notices**

(a) All notices to be given under this Agreement are to be in writing addressed as follows:

To the Organiser:

[insert Organiser details including name, address, phone number, fax number, name of representative]

To the Council:

Port Stephens Council, PO Box 42, Raymond Terrace NSW 2324, Telephone: 02 4980 0255, Facsimile: 02 4987 3612, [name of representative].

(b) Notices must be forwarded to the other party by prepaid post or registered mail to the addresses set out in this Agreement or otherwise as notified in writing to the other party from time to time.

(c) All notices served under this Agreement will be considered to have been received 3 business days after posting, unless sent by facsimile in which case the notice shall be deemed to have been received on the date shown on the sender's transmission report.

14. **Severability**

If any part of this Agreement is held to be invalid or unenforceable in any way, the remaining provisions will not be affected and remain in full force for the Term

15. **Assignment**

Neither party may assign its rights or obligations under this Agreement without the prior consent of the other party.

16. **Waiver**

No waiver by either party of any provisions of this Agreement will amount to a waiver of any other provision of this Agreement unless made in writing and signed by the party against whom the waiver would have been enforced.

17. **Variation**

Any variation to this Agreement must be in writing and signed by both parties.

18. **Governing Law**

This Agreement will be governed by the laws of New South Wales, and the parties irrevocably submit to the non-exclusive jurisdiction of the courts in that State.

19. **Entire Agreement**

This Agreement constitutes the entire agreement between the parties in respect of the Sponsorship and supersedes all prior agreements, representations, negotiations and correspondence.

EXECUTED as an Agreement

SIGNED for and on behalf of PORT
STEPHENS COUNCIL ABN 16 744 377
876 by its authorised representative in the
presence of:

Signature of witness

Signature of authorised representative

Print name of witness

Print name of authorised representative

Print address

SIGNED for and on behalf of NEWCASTLE
YOWIES SPORTS CLUB ABN
by its authorised representative in the
presence of:

Signature of witness

Signature of authorised representative

Print name of witness

Print name of authorised representative

Print address

ITEM NO. 4

FILE NO: PSC2007 - 3163

PORT STEPHENS COUNCIL WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY 2007**REPORT OF: STEVEN BERNASCONI - COMMUNITY & RECREATION SERVICES MANAGER**
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Port Stephens Council Waste Management and Resource Recovery Policy 2007 dated 27 November 2007, minute number 337.
-

ORDINARY COUNCIL MEETING – 14 MAY 2013
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Steve Tucker
	That the recommendation be adopted.

MOTION

126	Councillor Geoff Dingle Councillor Paul Le Mottee
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

The purpose of this report is to revoke the Port Stephens Council Waste Management and Resource Recovery Policy 2007. This policy became obsolete when Council adopted the Port Stephens Council Waste Management and Resource Recovery Policy 2009 on the 24 November 2009, minute number 396.

The 2007 Policy had the objective of defining Council's position on solid waste management in order to determine a waste management and resource recovery plan.

The 24 November 2009 report however failed to specifically recommend that the 2007 Policy be revoked. Adopting the recommendation of this report resolves this technicality.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications associated with accepting the recommendation of this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The costs associated with the implementation of the recommendation will be covered within existing budgets.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal, policy or risk implications associated with this report as this policy became obsolete with the adoption of the Port Stephens Council Waste Management and Resource Recovery Policy 2009 on 24 November 2009.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that revoking this Policy might be seen as a lessening of Council's commitment to waste management resulting in reputation damage.	Low	Adopt recommendation and communicate to objectors that the current policy fills this role.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social, economic or environmental implications associated with accepting the recommendation of this report.

CONSULTATION

Waste Management Coordinator.

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Council Waste Management and Resource Recovery Policy 2007.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



Adopted: 27/11/2007
Minute No: 337
Amended:
Minute No:

FILE NO: PSC2007-3163

**TITLE: PORT STEPHENS COUNCIL WASTE MANAGEMENT AND
RESOURCE RECOVERY POLICY 2007**

REPORT OF: MANAGER ENGINEERING SERVICES

BACKGROUND

Port Stephens Council currently provides domestic and non-domestic waste services in accordance with sections 496 and 501 of the Local Government Act 1993. These services include the provision of mobile garbage bins, a weekly waste collection service, a fortnightly recycling collection service, an annual bulk and green waste collection, the processing of recyclables, an alternative waste technology for the processing of residual waste, and where required, the land filling of residual wastes.

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

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

Council operates one active landfill at Salamander Bay, and has five decommissioned landfills where the health of the surrounding environment continues to be monitored.

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

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

OBJECTIVE

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

PRINCIPLES

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

- 1) Council will protect and enhance the environment while considering the social and economic ramifications of decisions
- 2) In the management of waste services Council will observe the principles of ecological sustainable development (as defined in the Local Government Amendment (Ecologically Sustainable Development) Act 1997) specifically; inter-generational equity; improved valuation, pricing and incentive mechanisms (eg: polluter pays & full life cycle costing); the precautionary principle and the conservation of ecological integrity
- 3) Council will comply with NSW Environment Protection Licences for waste transfer stations and landfill sites
- 4) Council will comply with the Local Government Act 1993 by continuing to provide waste services to domestic and non-domestic properties under sections 496 and 501 of the Act
- 5) Council will comply with the Occupational Health & Safety Act 2000 and Occupation Health & Safety Regulation 2001
- 6) Council will give due consideration to state and commonwealth guidelines and strategies including but not limited to:
 - "NSW Waste Avoidance and Resource Recovery Strategy" (ISBN: 0-9580364-2-X)
 - "Preferred Resource Recovery Practices by Local Councils" (ISBN: 1741378311)
 - "Better Practice Guide for Public Place Recycling" (ISBN: 1741373271)
 - "Waste Wise Events Guide" (ISBN: 9781741224903)
 - "Handbook for the Design and Operation of Rural and Regional Transfer Stations" (ISBN: 1741379547)

- 7) The NSW Waste Hierarchy of Avoid, Reuse, Recycle, Dispose, will guide decision making processes (Waste Avoidance & Resource Recovery Act 2001)
- 8) Council will comply with Australian Standards relating to mobile garbage bin design and standard colours (AS4123.6 2006 and AS4123.7 2006)
- 9) Council will provide services and education material that is consistent with regional, state and national strategies and programs
- 10) Where opportunities exist, Council will participate in local and regional initiatives to address waste issues.

POLICY STATEMENTS

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

Council is committed to:

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

2) Toxic / Hazardous / Medical Waste

Council is committed to:

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

3) Public Place Waste Management

Council is committed to:

- Providing mobile garbage bins and bulk containers in public places where the need is determined by Council's asset owners (ie: Facilities and Services Group)

- The source separation of commercially viable recyclables in locations where trials have deemed it successful
- The provision of waste services for special events where Council has approved the waste management plans for these events

4) *Management of Waste Transfer Stations*

Council is committed to:

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

5) *Landfill Management*

Council is committed to:

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

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

Council is committed to:

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

7) *Illegal Dumping*

Council is committed to:

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

8) *Information / Education*

Council is committed to:

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

9) *Development Planning*

Council is committed to:

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

RELATED POLICIES

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

Waste management fees are at present slightly higher in the Port Stephens local government area compared with the surrounding local government areas. This is due to the higher costs of processing waste into compost. The increase in the sustainability of waste management operations and the community justifies this higher rate.

The adoption of this policy will not affect general economic activity within Port Stephens in the short term, nor will it affect Council's resources to manage waste services. This policy formalises and documents existing services only. The proposed Waste Management Plan will detail any economic implications for new services proposed.

ENVIRONMENTAL IMPLICATIONS

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

RELEVANT LEGISLATIVE PROVISIONS

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

IMPLEMENTATION RESPONSIBILITY

Waste Services Co-ordinator.

REVIEW DATE

After twelve months from adoption of the policy.

ITEM NO. 5

FILE NO: PSC2005-2681

FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS POLICY

REPORT OF: STEVEN BERNASCONI – COMMUNITY & RECREATION SERVICES MANAGER
 GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Financial Assistance for the Disposal of Waste in Port Stephens Policy dated 24 April 2007, minute number 106; and
 - 2) Adopt the draft Financial Assistance for the Disposal of Waste in Port Stephens Policy.
-

**ORDINARY COUNCIL MEETING – 14 MAY 2013
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Sally Dover Councillor John Nell</p>
	<p>That Item 5 be deferred to allow for a two way conversation with Councillors.</p>

MOTION

127	<p>Councillor Geoff Dingle Councillor Paul Le Mottee</p>
	<p>It was resolved that the Committee of the Whole recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to provide Council with a reviewed Financial Assistance for the Disposal of Waste in Port Stephens Policy following public exhibition.

The draft policy was placed on exhibition from the 28 February to 27 March 2013. There were no submissions received.

The reviewed Policy is shown in **(ATTACHMENT 1)** for Council's consideration.

MINUTES FOR ORDINARY COUNCIL – 14 MAY 2013

Financial Year	2008/09	2009/10	2010/11	2011/12
Budget for Program	\$50,000	\$50,000	\$50,000	\$50,000
Program Spend	\$49,626	\$65,733	\$94,598	\$71,809

Table 1. The spend of the financial assistance program over the past 4 financial years

As can be seen from Table 1 the budget for this financial assistance program has historically been \$50,000 per annum. It is funded by the revenue from the Salamander Bay Waste Transfer Station. Over the past three financial years the program has exceeded the budget by a total of \$82,000 with 2010/11 being the financial year with the highest spend, where the budget was exceeded by \$44,000. As a result of this the budget for the program was increased to \$70,000 for the 2012/13 financial year. Based on the current usage rate this programs budget will again be exceeded this year by approximately \$10,000 – \$15,000.

Currently there are twenty two (22) registered users of the program. A four (4) year usage history for each user is shown in **(ATTACHMENT 2)**. Approximately 95% of the material is disposed of by just nine (9) of these users and this is shown in Table 2.

Organisation	2008/09 Tonnes	2009/10 Tonnes	2010/11 Tonnes	2011/12 Tonnes	Average Tonnes p/a
Salamander Bay Recycling	125.76	118.93	153.76	120.65	129.77
The Salvation Army – Raymond Terrace	27.38	31.80	101.47	77.13	89.3*
The Salvation Army – Port Stephens	40.38	68.10	98.38	60.58	66.86
St. Vincent De Paul – Nelson Bay	47.28	60.01	80.44	40.03	56.94
St. Vincent De Paul – Anna Bay	8.12	54.95	56.87	28.30	37.06
St. Vincent De Paul – Raymond Terrace	34.68	32.08	38.57	46.16	37.87
St. Vincent De Paul – Tanilba Bay	25.10	33.85	37.47	18.21	28.66
Medowie Assembly of God (Opportunity Knocks)	7.33	17.13	25.91	26.26	19.15
Port Stephens Home Modification Service	13.48	19.11	12.67	19.89	16.29
Other 14 Groups Combined	88.97	13.70	25.03	24.53	38.06

Table 2. Tonnage data for the 9 largest users of the financial assistance program

* Average is for the past 2 years only as a major operational change occurred for this organisation which results in previous years data not being representative.

During the 2011/12 financial year discussions with the Environmental Protection Authority and Sita Australia allowed Council to gain exemption from the NSW State Government Waste Levy for the waste delivered direct to the Sita Australia facility, this saved approximately \$10,000 in 2011/12.

Then in July 2012 Council was granted an exemption from the NSW State Government Waste Levy for the waste delivered by the Tomaree based charities to the Salamander Bay Waste Transfer Station. Prior to this Council has payed the waste levy on this waste and gaining the exemption will save Council a further \$10,000 pa on the disposal of this waste.

Despite the savings gained by the exemptions from the waste levy the program continues to go over budget, so to maintain the program within budget it is proposed that the changes outlined in **(ATTACHMENT 1)** are made to the Financial Assistance for Waste Disposal in Port Stephens Policy.

The proposed change involves the introduction of a partial payment in 2013/14 for the disposal once the organisations have disposed of over 20 tonnes of waste as shown in Table 3. It is also proposed that the fee will be added to the Fees and Charges for the Salamander Bay Waste Transfer Station for following financial years and increased by CPI until the next review of this policy.

Tonnes Delivered	Partial Payment Per Tonne 2013/14	Proposed 2013/14 Fee per Tonne at Waste Transfer Station
0 - 20	No Charge	\$229
20 – 60	\$32.50	
60 and over	\$65.00	

Table 3. Proposed changes to policy for payment by member organisations

FINANCIAL/RESOURCE IMPLICATIONS

Based on historical data for the program adopting the recommendation will have financial implications for eight (8) of the current users. The level of financial implications for these eight (8) organisations is summarised in Table 4.

Financial Implication	Nº of Organisations
\$1- \$1,250	5
\$1,250 - \$2,500	1
\$2,500 - \$5,000	1
\$5,000 - \$7,500	1

Table 4. Summary of financial implication for organisations

Rejecting the recommendation will have financial implications for both Council and rate payers, as to continue to fund this program in full will require a further increase in the programs budget.

Adopting the recommendation will add a minor amount of administration work for the Waste Team as approximately 20-30 invoices will need to be sent out each year once the larger users exceed the 20 tonne threshold. This minor addition in administration duties can be covered within existing resources.

Rejecting the recommendation has no foreseeable additional resource implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	500	The costs associated with the implementation of the policy will be covered within existing budgets.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal impediments with either adopting or rejecting the recommendation.

Adopting the recommendation will involve changes to the Financial Assistance for Waste Disposal in Port Stephens Policy as outlined in **(ATTACHMENT 1)**.

Rejecting the recommendation will have no policy implications as it will mean business as usual.

Risks associated with either adopting or rejecting the recommendation are outlined in the risk table below.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the recommendation will affect ability of the Salamander Bay Waste Transfer Station to become financially sustainable as the funding for the program comes from the facilities revenue.	Low	Adopt the recommendation	Yes
There is a risk that not	Low	Adopt the recommendation	Yes

MINUTES FOR ORDINARY COUNCIL – 14 MAY 2013

<p>adopting the recommendation will result in an increase in the rate payer's subsidy for this program, which may have an associated risk around public perception within some parts of the community as they may not want to be paying for the increased costs of these charities waste disposal.</p>			
<p>There is a risk that adopting the recommendation may have an associated risk around public perception within some parts of the community that believe Council is being miserly by not supporting these charities in full.</p>	<p>Low</p>	<p>No such comments were made during public exhibition. If made in the future we will communicate to these members of the public the reason for the decision and the actual financial benefit gained by the organisations supported by this policy.</p>	<p>Yes</p>
<p>There is a risk that adopting the policy may have an affect on the finances of some of these organisations as they will be required to pay for a portion of their waste disposal costs once they pass 20 tonnes for the financial year, which could affect their ability to perform their work in the community.</p>	<p>Low</p>	<p>Waste Staff will work with these organisations to help them reduce the volume of waste they have to dispose.</p> <p>Also</p> <p>The sizes of the payments that will be required to be made by the larger users are deemed to be at an acceptable level, which will allow them to continue their work in the community.</p> <p>All organisations were made aware of the public exhibition period and none of them made submissions to express concerns in this area.</p>	<p>Yes</p>

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation may result in some social and economic implications as effected organisations will now pay for some of their waste disposal through directing funds from other operational aspects of their business. However, the size of the payments that will be required to be made by the larger users are deemed to be at an acceptable level as a majority of their waste disposal fees will still be covered by the program meaning that they will still be able to focus their activities and funds on other community programs.

In support of this is the fact that all organisations were made aware of the public exhibition period and given a copy of the proposed draft policy. None of the organisations made submissions opposing the policy change.

Not adopting the recommendation will have both social and economic implications as the increase in costs for the program will be offset and recovered from increased fees and charges at the Salamander Bay Waste Transfer Station.

There are no foreseeable environmental implications associated with either adopting or rejecting the recommendation.

CONSULTATION

A Public Exhibition period was conducted between the 28th of February and the 27th of March 2013, no responses were received during this exhibition period. Prior to the exhibition period all users of the program were notified of the upcoming Public Exhibition period and supplied with a copy of the proposed Draft Policy.

Prior to this Public Exhibition period an ongoing consultation process was held for 18 months between the organisations that have been identified as the large users of the financial assistance program and the Waste Management Coordinator.

As part of the consultation, major users were asked for feedback on why they have seen such a rapid growth in the amount of waste they have to dispose of over the past couple of years and the main points from these discussion are;

- All put forward that they are having material such as furniture and whitegoods dumped on their doorstep over night and on weekends.
- Also they are receiving donations that are not able to be sold.
- One group said that they feel the "A to Z" of Waste brochure that Council has published is to blame for some of the unfit clothing donations they receive as it tells the public to donate clothes rather than put them in the bin.

Within the consultation period these major users were told that we will be reviewing the program and that a council officer will meet with them again before any new system is adopted.

Also as part of this consultation major users were encouraged to reduce their waste disposal burden by;

MINUTES FOR ORDINARY COUNCIL – 14 MAY 2013

- Segregating the metal items and take them to the transfer station as a separate load as it is a free disposal as we recycle these wastes.
- To be selective of material they take in as donations.

To be able to compare our level of support offered of this type of organisations to that of our surrounding Council areas a benchmarking exercise was undertaken and the data is shown in Table 5 below.

Council	Support
Newcastle	Free Waste Disposal
Great Lakes	Free Waste Disposal
Lake Macquarie	\$33 per tonne Charge
Maitland	No Financial Assistance
Cessnock	No Financial Assistance

Table 5. Support offered by other Council's to not for profit organisations

Implementing this Policy will include a mix of direct correspondence to all current organisations that benefit from the Policy as well as face to face contact with the eight highest users that will be most impacted on.

OPTIONS

- 1) Adopt the recommendation
- 2) Amend the recommendation
 - a. The tonnage thresholds, or
 - b. The amount payable per tonne within the proposed thresholds.
- 3) Reject the recommendation

ATTACHMENTS

- 1) Financial Assistance for the Disposal of Waste in Port Stephens Policy;
- 2) Data for last 5 years spend by groups using the financial assistance program

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



Adopted: 24/4/2007
 Minute No: 106
 Amended:
 Minute No:

FILE NO: PSC2005-2681

TITLE: FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS

BACKGROUND

The financial assistance program allows charitable, not for profit and benevolent organisations to dispose of waste as Salamander Bay and Lemon Tree Passage Waste Transfer Stations and the Bedminster Waste Processing Plant at no cost to the organisation.

The program was developed and adopted in 2000 under the Donations Policy and Section 356 of the Local Government Act.

The intent of this policy is to formalise the program.

OBJECTIVE

To lessen the financial burden of waste disposal for charitable organisations that provide bona fide community services.

PRINCIPLES

- The Council is a publicly accountable statutory authority. While its funds are finite, the demands on it are unlimited.
- In all areas of expenditure, the Council needs to achieve the best value and return to all residents and ratepayers.

Changes

Change Title to – [FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE IN PORT STEPHENS POLICY 2012](#)

Change word – as to [at](#)

Remove words - and Lemon Tree Passage

Change word – Stations to [Station](#)

Change words - Bedminster Waste Processing Plant to - [SITA Newline Road waste facility at Raymond Terrace](#)

After the words - at no cost to the organisation add the words - [up until 20 tonnes of waste after which a cost per tonne will be payable as shown in the below table for 2013/14.](#)

Tonnage	Cost per Tonne
20-60	\$32.50
60 and over	\$65.00

[Charges for following financial years will be added to the Annual Fees and Charges for the Salamander Bay Waste Transfer Station with increases being limited to increases in CPI.](#)

Remove words - The intent of this policy is to formalise the program and replace with - [The program was formalised as a specific policy in 2007 and was amended in 2009.](#)

POLICY STATEMENT

Port Stephens Council will provide Financial Assistance for the disposal of waste. To qualify for the financial assistance program, organisations must fulfil the following requirements:

- ◆ Organisations must be registered as a charitable, not for profit or a benevolent organisation. Supporting documentation is required.
- ◆ Organisations must apply for an exemption of the waste levy from the NSW Department of Environment and Conservation and supply this information to Council for use in determining requests for assistance.
- ◆ The waste generated by the organisation for disposal must be generated by a community service and that service must be considered a bona fide function of Council.
- ◆ Organisations are required to reduce waste to landfill and meet waste recovery targets by sorting waste into recyclable and non recyclable items and by adopting procedures to reduce the amount of waste they generate or receive.
- ◆ Schools which conduct volunteer working bees may be approved for one off waste disposal vouchers.

RELATED POLICIES

Nil

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

This policy enables Council to provide a service to charitable, not for profit, and benevolent organisations. By relieving these organisations of the cost burden of waste

Changes

Change Words - NSW Department of Environment and Conservation to - NSW Environment and Protection Authority

After the words - function of Council add - as described in the Local Government Act 1993.

Replace word – Nil with - Port Stephens Council Waste Management and Resource Recovery Policy 2009 (24/11/2009, Min: 396)

After the words - these organisations of – add the words – a major portion of.

Change word – of to associated with.

disposal, they will be able to focus more of their activities on other community programs.

ECONOMIC IMPLICATIONS

Approved organisations will be able to direct costs savings back into other aspects of their organisation.

ENVIRONMENTAL IMPLICATIONS

This policy enables organisations to dispose of waste which is illegally dumped on their premises or around clothing bins in various areas of Port Stephens.

RELEVANT LEGISLATIVE PROVISIONS

The Financial Assistance Program for the Disposal of Waste in Port Stephens is required to comply with section 356 of the Local Government Act 1993. This section of the act allows Council to grant financial assistance for the purpose of carrying out its functions.

IMPLEMENTATION RESPONSIBILITY

The Waste Services team is responsible for the implementation of the financial assistance program.

REVIEW DATE

This policy will be reviewed within the first year of a new Council term.

Changes

Replace current wording – The Waste Services team is responsible for the implementation of the financial assistance program with - Waste Management Coordinator, Community & Recreation Services Section and Facilities & Services Group

Delete words - This policy will be reviewed

ATTACHMENT 2

Organisation	2008/2009		2009/2010		2010/2011		2011/2012	
	Tonnes	Spend (\$)	Tonnes	Spend (\$)	Tonnes	Spend (\$)	Tonnes	Spend (\$)
Salamander Bay Recycling	125.76	\$17,984.00	118.93	\$19,623.00	153.76	\$27,522.44	120.65	\$22,803.00
The Salvation Army - Raymond Terrace	27.38	\$2,205.00	31.80	\$2,784.00	101.47	\$9,716.77	77.13	\$7,984.00
The Salvation Army - Port Stephens	40.38	\$5,775.00	68.10	\$11,236.50	98.38	\$17,610.00	60.58	\$11,450.00
St. Vincent De Paul (Nelson Bay)	47.28	\$6,761.00	60.01	\$9,901.56	80.44	\$14,398.94	40.03	\$7,566.00
St. Vincent De Paul (Anna Bay)	8.12	\$1,161.00	54.95	\$9,066.94	56.87	\$10,179.54	28.30	\$5,349.00
St. Vincent De Paul (Raymond Terrace)	34.68	\$2,793.00	32.08	\$2,808.00	38.57	\$3,693.39	46.16	\$4,778.00
St. Vincent De Paul (Tanilba Bay)	25.10	\$2,021.00	33.85	\$2,963.50	37.47	\$3,588.47	18.21	\$1,885.00
Port Stephens Home Modification Service	13.48	\$1,927.00	19.11	\$3,153.00	12.67	\$2,267.94	19.89	\$3,760.00
Medowie Assembly of God (Opportunity Knocks)	7.33	\$590.00	17.13	\$1,499.50	25.91	\$2,480.90	26.26	\$2,718.00
Port Stephens Uniting Church	0.00	\$0.00	1.20	\$198.00	5.32	\$952.54	0.89	\$169.00
Tilligerry Habitat Association	8.82	\$710.00	4.73	\$413.96	0.00	\$0.00	0.00	\$0.00
Williamtown Pre-School	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
Native Animal Trust (Koala Care)	6.50	\$943.00	8.51	\$1,405.00	3.60	\$644.33	9.04	\$1708
Lemon Tree Passage Rural Fire Service	1.90	\$153.00	0.57	\$49.50	0.00	\$0.00	0.00	\$0.00
NSW State Emergency Service	2.69	\$384.00	0.00	\$0.00	0.00	\$0.00	0.37	\$69.00
Anna Bay Cubs & Scouts	2.13	\$305.00	0.00	\$0.00	0.00	\$0.00	0.69	\$131.00
Raymond Terrace Early Education Centre	0.58	\$47.00	1.27	\$111.00	1.93	\$185.29	1.78	\$184.00
Australian Volunteer Coast Guard Inc	72.11	\$5,807.00	0.00	\$0.00	0.57	\$54.17	5.63	\$583.00
Terrace Tenants & Assoc Inc	0.75	\$60.00	5.94	\$519.99	5.12	\$490.56	4.47	\$463.00
Terrace Christian Life Centre	0.00	\$0.00	0.00	\$0.00	8.49	\$812.98	0.00	\$0.00
Terrace Care	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.67	\$69.00
Samaritans Foundation	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.24	\$25.00
Total	424.28	49,626.00	458.17	65,733.45	630.57	94,598.26	461.74	71,809.00

ITEM NO. 6

FILE NO: PSC2007-3163

PORT STEPHENS COUNCIL WASTE REDUCTION AND PROCUREMENT POLICY

REPORT OF: STEVEN BERNASCONI – COMMUNITY & RECREATION SERVICES MANAGER
 GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Port Stephens Council Waste Reduction and Procurement Policy, which was adopted 30 January 2001 and amended 19 October 2004, Minute Number 375.
-

**ORDINARY COUNCIL MEETING – 14 MAY 2013
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Mayor Bruce MacKenzie Councillor Paul Le Mottee</p>
	<p>That the recommendation be adopted.</p>

MOTION

128	<p>Councillor Geoff Dingle Councillor Paul Le Mottee</p>
	<p>It was resolved that the Committee of the Whole recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to revoke the Port Stephens Council Waste Reduction and Procurement Policy. The objective of this Policy is to provide a structure and procedure within Council for the reduction and minimisation of waste and the support of recycling initiatives through the procurement of supplies containing recycled materials content.

This policy became obsolete through the Council adoption of;
 The Port Stephens Council Waste Management and Resource Recovery Policy 2009 on the 24 November 2009, minute number 396.
 The Sustainable Procurement Policy on 14 June 2011, Minute Number 202.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications associated with accepting the recommendation of this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The costs associated with the implementation of the recommendation will be covered within existing budgets.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal, policy or risk implications associated with this report as this policy became obsolete with the adoption of the Port Stephens Council Waste Management and Resource Recovery Policy 2009 on 24 November 2009 and the Sustainable Procurement Policy on 14 June 2011, minute number 202

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the revoking of this Policy might be seen as a lessening of Council's commitment to waste management resulting in reputation damage.	Low	Adopt recommendation and communicate to objectors that other policies fill this role.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social, economic or environmental implications associated with accepting the recommendation of this report.

CONSULTATION

Consultation was held between the Waste Management Coordinator and the Contracts & Procurement Coordinator.

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Council Waste Reduction and Procurement Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Port Stephens
C·O·U·N·C·I·L
POLICY

Adopted:30/01/2001
Minute No: 069
Amended: 19/10/2004
Minute No: 375

FILE NO: S9570-009

TITLE: PORT STEPHENS COUNCIL WASTE REDUCTION AND PROCUREMENT POLICY

BACKGROUND

The Hunter Waste Planning and Management Board require all constituent councils to prepare and adopt a Waste Reduction and Procurement Policy. The policy is designed to provide councils with a guide to ecologically sustainable waste management in council operations.

OBJECTIVE

The objective of the Policy is to provide a structure and procedure within Council for the reduction and minimisation of waste generated, and the support of recycling initiatives through the procurement of supplies containing recycled materials content.

PRINCIPLES

The Policy is based on the principles of the New South Wales Waste Hierarchy. The hierarchy ranks strategies for dealing with waste according to how well they conserve natural resources. The hierarchy is outlined in Figure 1.

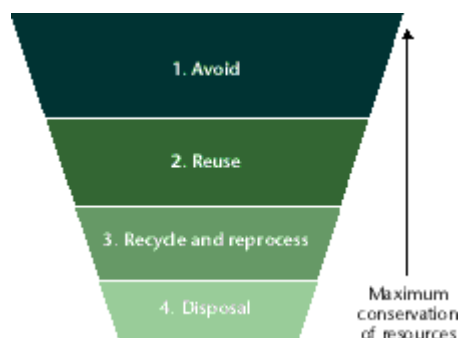


Figure 1 – The New South Wales Waste Hierarchy

POLICY

A policy has been developed as part of the *Waste Reduction and Procurement Policy and Guidelines for Local Government*, which Councils, in consultation with their respective Regional Waste Board are expected to adopt and integrate into their processes and operations. Council will also develop a Waste Reduction Plan.

The policies are:

WASTE REDUCTION

Council recognises the need to reduce waste as a means of promoting ecological sustainability. Council will target a number of key waste types through the development of waste reduction strategies in accordance with the Hunter Regional Waste Plan and the New South Wales Waste Management Hierarchy - avoid, re-use, recycle/reprocess, dispose.

PROCUREMENT

Council will base procurement decisions on the principle of 'value for money' over the life cycle of products rather than 'lowest cost' and will give preference to, and purchase products that have identifiable environmental attributes, through the utilisation of reused or recycled materials.

CONTRACTING

When assessing the engagement of contractors, Council will ensure that independent contractors can demonstrate commitment to effective waste management practices. Preference will be given to bids incorporating appropriate waste reduction strategies and use of recycled and low-waste products.

EDUCATING AND INVOLVING STAFF

Council is committed to training and educating staff to promote the principles of ecological sustainability as defined in the Local Government Amendment (Ecologically Sustainable Development) Act 1997. Council is dedicated to the development of an effective communication process to ensure staff understands the Waste Reduction and Procurement Policy and the Waste Minimisation Plan.

MONITORING, REPORTING AND REVIEW

Council will actively pursue ways to monitor, review and report on the Waste Reduction and Procurement Policy in conjunction with the Hunter Waste Planning and Management Board. Council will strive for continual improvement to meet waste reduction targets as specified in the Waste Reduction Plan. Council will report waste reduction results to the community.

RELATED POLICIES

Purchasing Policy and Procedures

REVIEW DATE

The Review Date will be twelve months after adoption of the Policy

RELEVANT LEGISLATIVE PROVISIONS

Waste Minimisation and Management Act 1995
 Local Government Act 1993 (covers the procurement of all goods and services and is binding on all Local Government Authorities.)
 Local Government Amendment (Ecologically Sustainable Development) Act 1997
 Local Government (Tendering) Regulation 1993
 Trade Practices Act 1974

IMPLEMENTATION RESPONSIBILITY

The responsibility to implement the policy is outlined in Table 1.

SECTION OF POLICY	IMPLEMENTATION RESPONSIBILITY
Waste Reduction (a) Waste Reduction Plan	Environment Officer – Waste Education
Procurement and Contracting (a) Waste reduction policy in Purchasing Manual (b) Waste reduction principles included into purchasing and contracting specifications. (c) A preference given to the purchasing of product and material containing reused or recycled components. Based on “value for money” principle.	Purchasing and Supply Section
Educating and Involving Staff (a) Education Strategy	Environment Officer – Waste Education
Performance Reporting (a) State of the Environment Report	Environment Officer – Waste Education

Table 1 – Implementation Responsibility for Waste Reduction and Procurement Policy

ITEM NO. 7

FILE NO: PSC2005-2811

ROADSIDE VEGETATION MANAGEMENT PLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Roadside Vegetation Management Plan.
-

ORDINARY COUNCIL MEETING – 14 MAY 2013
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor Geoff Dingle
	That the recommendation be adopted.

MOTION

129	Councillor Geoff Dingle Councillor Paul Le Mottee
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

The purpose of this report is to adopt the Port Stephens Council Roadside Vegetation Management Plan December 2012.

The purpose of the Roadside Vegetation Management Plan is to ensure Council's road maintenance activities are undertaken in accordance with environmental considerations.

This Roadside Vegetation Management Plan has been compiled using the Hunter Central Coast Regional Environmental Management Strategy (HCCREMS) produced Regional Roadside Vegetation Management Plan, the NSW Roadside Environmental Committee's Roadside Vegetation Management Guidelines for Authorities, and the NSW Roadside Environmental Committee Roadside Handbook.

Council has used the Draft Version of the Roadside Vegetation Management Plan to obtain two grants from the Local Government NSW for Roadside Vegetation

Implementation Projects. A condition of accepting these grants is that Council adopt Council's Roadside Vegetation Management Plan to ensure an ongoing commitment to roadside vegetation management.

The two projects that Council have received funding are;

1. Rehabilitation of Roadside Endangered Ecological Communities (EECs) through removal of African Olives - \$41,265
2. Marking of High Conservation Value Roadside Vegetation - \$8,800

These projects will improve the value of our roadside vegetation and will support the sustainable management of these areas into the future.

By Council obtaining the above mentioned funding through the adoption of this plan we will have financial support to undertake some actions from the Roadside Vegetation Management Plan (RVMP). Further implementation of the RVMP will be dependent on Council's future budget allocation and the availability of further grants. The adoption of this Plan will allow Council to apply for more funding for these projects in the future.

While it is acknowledged that many parts of this plan have been applied in Port Stephens LGA for some time through individual roadside management plans, there is a need to implement a co-ordinated approach across the whole of the Port Stephens Council area.

The objectives and aims of this RVMP are:

lead to a balance between the often conflicting needs of efficient maintenance of roads infrastructure and conservation of the environment,
protect significant vegetation in the road reserves and conserve / enhance the flora and fauna habitat,
maximise the habitat connectivity within the Local Government Area,
mitigation of erosion and sediment spill into natural water courses,
filtration of road sourced pollutants,
provide an aesthetically pleasing driving experience for motorists, encourage tourism, reduce the impacts of noise and dust on adjoining land, and
reduced maintenance costs through weed suppression.

FINANCIAL/RESOURCE IMPLICATIONS

Council is currently trying to manage the removal of African Olive vegetation through our recurrent maintenance budget. Receiving grants for these projects will accelerate this program and allowing recurrent funds to be spent on recurrent activities on the roadside.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	-\$35,000	Savings from our Recurrent budget to be spent on other roadside projects
Reserve Funds	No		
Section 94	No		
External Grants	Yes	(\$50,065)	Roadside Vegetation Implementation Project Scheme from Local Government NSW
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Port Stephens Council has an individual roadside management plan for Lemon Tree Passage Road that is being used. A complete Roadside Vegetation Management Plan will ensure that all roadsides in the Port Stephens Council area are managed with consistent environment considerations.

This plan does not prevent works from being undertaken in the roadside, but manages how we assess the environmental considerations. Any proposed capital works will not be covered by this plan and will need to have a Review of Environmental Factors (REF) done for each particular project.

This plan will form part of Councils Environmental Integrated Risk Management Plan.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that maintenance may be undertaken in an environmentally sensitive area, resulting in Council being litigated against.	High	Implementation of this Roadside Vegetation Management Plan and training staff to use the field guide	Grant funded
There is a risk that Council will not be able to keep the grant funding because it does not the conditions of agreement and will be required to use Council revenue to undertake these works.	Medium	Adopt this Roadside Vegetation Management Plan	Nil
There is a risk that	Medium	Implementation of this	Grant

MINUTES FOR ORDINARY COUNCIL – 14 MAY 2013

maintenance may be undertaken in an environmentally sensitive area causing environmental damage.		Roadside Vegetation Management Plan and training of staff to use the field guide.	funded
There is a risk that this plan will be used to prevent works from being undertaken on our road reserves.	Low	The Roadside Vegetation Management Plan is for the recurrent maintenance of roadside vegetation. Additional works required in the roadside that are environmental sensitive require other typical environmental assessments.	Nil

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

This roadside vegetation management plan identifies High, Medium and Low conservation value vegetation that needs to be sustainably maintained. With the implementation of this plan we can promote sustainable maintenance practices in Endangered Ecological Communities (EEC's) in our high value conservation areas, while still meeting Councils obligations for roadside maintenance.

CONSULTATION

The need for this roadside management plan has been determined through the Review of Environmental Factors for maintenance practices along our roadsides. Other Hunter Councils have undertaken a similar approach for the region. The environmental information in the HCCREMS Roadside Vegetation Management Plan is identical, though maintenance practices have been tailored for the Port Stephens Council area.

Council has engaged an Ecologist (consultant) to prepare this Plan as requested by the Civil Assets Engineer. Council's environmental staff have also been consulted through the HCCREMS Roadside Vegetation Management Planning process and concur with this Plan.

ATTACHMENTS

Nil.

COUNCILLOR'S ROOM

Nil.

TABLED DOCUMENTS

- 1) Port Stephens Council Roadside Vegetation Management Plan, Dec 2012.

ITEM NO. 8

FILE NO: 1190-001

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER’S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
 - a) Seaham Park & Wetlands Committee – Reimburse the cost of timber, bolts and paint to replace table tops at Seaham Park – West Ward Funds - \$500;
 - b) Guns & Hoses Surf Challenge – Reimburse fees for the hire of One Mile Beach for Guns & Hoses Surf Challenge Event 7-8 May 2013 – Mayoral Funds - \$298;

**ORDINARY COUNCIL MEETING – 14 MAY 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Geoff Dingle Councillor Steve Tucker</p>
	<p>That the recommendation be adopted.</p>

MOTION

130	<p>Councillor Geoff Dingle Councillor Paul Le Mottee</p>
	<p>It was resolved that the Committee of the Whole 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

MINUTES FOR ORDINARY COUNCIL – 14 MAY 2013

3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

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

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

MAYORAL FUNDS – Mayor MacKenzie

Guns & Hoses Surf Challenge	Reimburse fees for the hire of One Mile Beach for Guns & Hoses Surf Challenge Event 7-8 May 2013	\$298
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WARD FUNDS – West Ward

Seaham Park & Wetlands Committee	Reimburse the cost of timber, bolts and paint to replace table tops at Seaham Park	\$500
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FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	798	Mayoral funds \$298 and Ward funds \$500.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
The only risk associated with this recommendation relates to reputation	Low	Adopt the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 9

FILE NO: A2004-0266

MAYOR AND COUNCILLOR FEES 2013/14

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 2013 to 30 June 2014.
-

ORDINARY COUNCIL MEETING – 14 MAY 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor John Nell Councillor Paul Le Mottee</p>
	<p>That Council adopt the maximum allowance for the Mayor and Councillors in accordance with the Local Government Remuneration Tribunal determinations for the Regional Rural category Council.</p>

MOTION

131	<p>Councillor Geoff Dingle Councillor Paul Le Mottee</p>
	<p>It was resolved that the Committee of the Whole recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to determine the fees payable to the Mayor and Councillors for 2013/2014 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, 2009 and 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 2013 to 30 June 2014.

MINUTES FOR ORDINARY COUNCIL – 14 MAY 2013

Council should note that the fees have been capped at 2.5% which is consistent with the NSW Wages Policy. In determining the increase a number of factors have been taken into account, including the appointment of the Independent Local Government Review Panel, the appointment of the Local Government Acts Taskforce and the NSW Treasury Corporation Report (TCorp).

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	\$7,930	\$17,490	Mayor	\$16,890	\$38,160

The Mayor receives the fee payable as a Councillor with the additional fee as the Mayor. (ie. Minimum \$24,820 - Maximum \$55,650).

Council's past practice has been to pay the maximum fees as determined by the Tribunal. In 2012/13 the fees were as shown in the table below.

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

FINANCIAL/RESOURCE IMPLICATIONS

The 2013/14 draft Budget has allowed for the increase in Mayoral and Councillor Allowances to the maximum limits.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	213,060	Mayoral fee \$55,650 & Councillor fees \$157,410.
Reserve Funds			
Section 94			
External Grants			
Other			

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?
There is a risk that Council may not have the applicable fees in place prior to 1 July 2013, if this resolution is not passed before 30 June 2013.	Low	Adoption of the 2013-14 Mayor and Councillors.	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 2013.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

REPORT

and

DETERMINATION

of

THE LOCAL GOVERNMENT REMUNERATION TRIBUNAL

under

SECTIONS 239 AND 241

of the

LOCAL GOVERNMENT ACT 1993

8 April 2013

Local Government Remuneration Tribunal
2013 Report

Section 1 Background

1. 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.
2. On 3 December 2012 the Tribunal wrote to all mayors advising of the commencement of the 2013 Annual Review. In respect of this Review the Tribunal advised councils that it would be undertaking a review of the minimum and maximum fee levels for each category.
3. In determining the minimum and maximum fees payable to each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, 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.
4. The current policy on wages pursuant to section 146(1)(a) of the *Industrial Relations Act 1996* is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent, and this includes the minimum and maximum fees payable to councillors and mayors.
5. The Tribunal's Report and Determination of 2012 provided a general increase of 2.5 per cent which was consistent with the NSW Wages Policy.
6. The Tribunal also advised councils that it would not be reviewing the categories of councils during the 2013 Review. In accordance with Section 239 of the LG Act the Tribunal is required to determine the categories of councils and mayoral offices at

Local Government Remuneration Tribunal
2013 Report

least once every 3 years. The Tribunal last undertook a fundamental review of the categories of councils in 2012. In undertaking that review the Tribunal found that there was no strong case to significantly alter the current categories of councillor and mayoral office or to move individual councils between categories.

Section 2 2013 Annual Review

7. The Tribunal is aware that a number of initiatives are currently under way to improve the strength and effectiveness of local government in NSW. These include:
 - the appointment of the Independent Local Government Review Panel to drive key strategic directions identified in the Destination 2036 initiative
 - the appointment of the Local Government Acts Taskforce to review the *Local Government Act 1993* and the *City of Sydney Act 1988*
 - the engagement of the NSW Treasury Corporation (TCorp) to report on the financial sustainability of Local Government in NSW.
8. Given the significant work being undertaken by both the NSW Government and local councils to drive and deliver local government reform, and the limitations placed on the Tribunal in respect of determining increases in fees, the Tribunal did not call for general submissions from individual councils as part of the 2013 Annual Review. While general submissions were not required, the Tribunal advised councils that they were still able to raise any issues of concern relevant to the review.
9. The Tribunal also wrote to the Presidents of the Local Government and Shires Associations (the Associations merged on 1 March 2013 to become Local Government NSW (LGNSW)) in similar terms.

Local Government Remuneration Tribunal
2013 Report

10. The Tribunal received three submissions from individual Councils. The submissions sought consideration of the following matters:
- the Tribunal to determine the maximum statutory increase of 2.5 percent as permitted by the legislation
 - the Tribunal to benchmark mayoral and councillor fees with that of a State Member of Parliament
 - the Tribunal to introduce a professional remuneration structure for councillors to improve accountability and performance.
11. The Tribunal also received a submission and met with representatives of LGNSW. Given the statutory limitations in place LGNSW has requested that councillor and mayoral remuneration should be increased by the full 2.5 per cent for 2013-14.
12. In addition to requesting the maximum increase of 2.5 percent, LGNSW has sought a professional remuneration structure to ensure that local government attracts appropriately qualified people. LGNSW continues to advocate that elected representatives face increasing challenges, associated with managing council workload, family responsibilities and paid work, and that the significant time involvement is not appropriately recompensed through the current remuneration levels.
13. LGNSW also provided the Tribunal with an overview of the current reform initiatives and their expected impact on the role and responsibilities of councillors and mayors. The anticipated changes will, in the opinion of LGNSW, warrant a review of the remuneration structure, and a subsequent increase in fees.
14. The Tribunal wishes to place on record its appreciation to LGNSW for its participation and assistance during the 2013 Annual Review process.

Local Government Remuneration Tribunal
2013 Report

Section 3 Findings

15. The Tribunal has been advised that significant progress has been made in developing proposals for local government reform in NSW.

16. The Independent Local Government Review Panel undertook an extensive consultation program with stakeholders across NSW during 2012. Its third discussion paper "Future Directions", which is due at the end of April, will include ideas for reform – including suggestions for better governance, improved financial management, stronger regions and boundary changes. The Panel is expected to make its final report to the Minister for Local Government, the Hon Don Page MP, in July/August 2013.

17. During 2012 the Minister for Local Government also announced that the legislative framework for local government in NSW would be rewritten and modernised. A Local Government Acts Taskforce was appointed to consult with stakeholders and the public to make recommendations for a new Local Government Act that is responsive to the current and future needs of the community. The Taskforce will take into account the outcomes and recommendation of the Independent Local Government Review Panel and is expected to release a discussion paper in late April with further consultation to occur throughout the year.

18. The Tribunal continues to support 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 notes that the Panel's discussion paper "Future Directions" and the reports of the Taskforce and TCorp, which are expected to be published in April 2013, were not available as at the time of the Tribunal making the 2013 annual determination. The Tribunal will monitor the progress of these initiatives over the coming year.

Local Government Remuneration Tribunal
2013 Report

19. 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.
20. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage 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: 8 April 2013

Determinations of the Local Government Remuneration Tribunal effective on and from 1 July 2013

Determination No 1- Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2013

Category - Principal City (1)

Sydney

Category - Major City (3)

Newcastle

Parramatta

Wollongong

Category - Metropolitan Major (2)

Blacktown

Penrith

Category - Metropolitan Centre (16)

Bankstown	Hurstville	Sutherland
Campbelltown	Lake Macquarie	Warringah
Fairfield	Liverpool	Willoughby
Gosford	North Sydney	Wyong
The Hills	Randwick	
Hornsby	Ryde	

Category – Metropolitan (21)

Ashfield	Holroyd	Marrickville
Auburn	Hunters Hill	Mosman
Botany	Kogarah	Pittwater
Burwood	Ku-ring-gai	Rockdale
Camden	Lane Cove	Strathfield
Canada Bay	Leichhardt	Waverley
Canterbury	Manly	Woollahra

Determinations of the Local Government Remuneration Tribunal effective on and from 1 July 2013

Category - Regional Rural (32)

Albury	Dubbo	Orange
Armidale Dumaresq	Eurobodalla	Port Macquarie-Hastings
Ballina	Great Lakes	Port Stephens
Bathurst	Goulburn Mulwaree	Shellharbour
Bega Valley	Queanbeyan	Shoalhaven
Blue Mountains	Greater Taree	Tamworth
Broken Hill	Griffith	Tweed
Byron	Hawkesbury	Wagga Wagga
Cessnock	Kempsey	Wingecarribee
Clarence Valley	Lismore	Wollondilly
Coffs Harbour	Maitland	

Category - Rural (77)

Bairnald	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

Determinations of the Local Government Remuneration Tribunal effective on and from 1 July 2013

Category - Rural (77) - Cont

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

Determinations of the Local Government Remuneration Tribunal effective on and from 1 July 2013

Determination 2 - 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 2013 are determined as follows:

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Principal City	\$23,830	\$34,950	\$145,810	\$191,860
Major City	\$15,880	\$26,220	\$33,760	\$76,390
Metropolitan Major	\$15,880	\$26,220	\$33,760	\$76,390
Metropolitan Centre	\$11,910	\$22,240	\$25,320	\$59,100
Metropolitan	\$7,930	\$17,490	\$16,890	\$38,160
Regional Rural	\$7,930	\$17,490	\$16,890	\$38,160
Rural	\$7,930	\$10,480	\$8,430	\$22,870
County Council – Water	\$1,580	\$8,740	\$3,380	\$14,350
County Council - Other	\$1,580	\$5,230	\$3,380	\$9,540

*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: 8 April 2013

ITEM NO. 10

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 14 May, 2013.

No:	Report Title
1	Provision of Internal Audit Services
2	Designated Persons – Pecuniary Interest

**ORDINARY COUNCIL MEETING – 14 MAY 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

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

MOTION

132	Councillor Geoff Dingle Councillor Paul Le Mottee
	It was resolved that the Committee of the Whole recommendation be adopted.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

PROVISION OF INTERNAL AUDIT SERVICES

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

FILE: T06-2010

BACKGROUND

The purpose of this report is to inform Councillors that the option to extend the provision of internal audit services contract T06-2010 has been taken up.

Council entered into a contract with Lawler Partners effective 1 August 2010 from a period of 3 years with an option of a further 2 years subject to performance and contract provisions.

The extension of the contract is by mutual agreement between Lawler Partners and Council and is based upon the original terms and conditions of contract. Lawler Partners have agreed to the extension.

Following a successful review of the performance of the contractor against the Audit Committee endorsed Audit Plan, it is proposed to extend the contract for a further 2 years.

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 2

DESIGNATED PERSONS – PECUNIARY INTEREST

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

FILE: PSC2012-02853

BACKGROUND

The purpose of this report is to advise Council of those new Council staff who have submitted Returns.

In accordance with Section 450A of the Local Government 1993, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted Return/s:

Ranger (PSC019),
Principal Strategic Planner (PSC044).

ATTACHMENTS

Nil.

TABLED DOCUMENTS

- 1) Pecuniary Interest Returns.

There being no further business the meeting closed at 6.48pm.

I certify that pages 1 to 100 of the Open Ordinary Minutes of Council 14 May 2013 were confirmed by Council at its meeting held on 28 May 2013.

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Bruce MacKenzie
MAYOR