

Minutes 22 September 2009



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 22 September 2009, commencing at 6.00 pm.

PRESENT: Councillors B. MacKenzie (Mayor); R. Westbury (Deputy Mayor); G. Dingle; D Maher, S. Dover, G. Francis; P. Kafer; K. Jordan; J. Nell; S. O'Brien; S. Tucker, F. Ward; General Manager; Corporate Services Group Manager, Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager.

305	Councillor Ken Jordan Councillor Peter Kafer	It was resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 25 August 2009, 8 & 15 September 2009 be confirmed.
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No Declaration of Interests were received.

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MAYORAL & DEPUTY MAYORAL ELECTION

ELECTION OF MAYOR AND DEPUTY MAYOR

1. BACKGROUND

The election of the Mayor and Deputy Mayor is to be held in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005. The General Manager has appointed Council's Executive Officer as Returning Officer for the election.

2. NOMINATIONS FOR THE OFFICE OF MAYOR

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

3. DETERMINE METHOD OF VOTING FOR ELECTION OF MAYOR

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

4. STATEMENT FROM MAYORAL CANDIDATES (OPTIONAL)

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

5. ELECTION OF MAYOR**6. NOMINATIONS FOR THE OFFICE OF DEPUTY MAYOR**

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

7. DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR

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

8. ELECTION OF DEPUTY MAYOR

ORDINARY COUNCIL – 22 September 2009

MAYORAL ELECTION

	Councillor Daniel Maher Councillor Ken Jordan	It was resolved that the voting be by Open Vote.
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Nominations for Office of Mayor were;

Cr Francis
Cr MacKenzie

Election of Mayor

Cr Francis 5 vote
Cr MacKenzie 7 votes

Following the first round of voting, Cr Francis was eliminated. Cr MacKenzie was elected Mayor.

DEPUTY MAYOR ELECTION

	Councillor Frank Ward Councillor John Nell	That the voting be by Ordinary Ballot.
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AMENDMENT

	Councillor Ken Jordan Councillor Daniel Maher	That the voting be by Open Vote.
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The Motion on being put was lost. The Amendment on being put became the Motion and was carried.

Nominations for Deputy Mayor were;

Cr Nell
Cr Westbury

Election of Deputy Mayor

Cr Nell	5 votes
Cr Westbury	7 votes

Following the first round of voting Cr Nell was eliminated. Cr Bob Westbury was elected Deputy Mayor.

Mayor, Cr Bruce MacKenzie chaired the meeting from the conclusion of the elections.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: A2004-0028

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

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

ORDINARY COUNCIL – 22 September 2009

306	Councillor John Nell Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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ITEM NO. 2

FILE NO: 1600-001

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

5. 1) That pursuant to section 10A(2)(d) (i) (ii) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Combined Strategic/Operations Committee agenda namely **Supply of Electricity Contract**.
6. 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include:
 7. a) details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
 8. b) confer a commercial advantage on a competitor of the council.
9. 3) That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as it may prejudice Council's commercial position and Council should have the same protection for its confidential commercial activities as that applying to other persons.
10. 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.

ORDINARY COUNCIL – 22 September 2009

307	Councillor John Nell Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: 16-2008-682-1

DEVELOPMENT APPLICATION FOR URBAN HOUSING (12 DWELLINGS) AND FIVE (5) INTO TWO (2) LOT SUBDIVISION AT NO. 66 IRRAWANG STREET AND NO'S. 31, 31A, 33, 33A GLENELG STREET RAYMOND TERRACE.

**REPORT OF: ANTHONY RANDALL – ACTING MANAGER DEVELOPMENT AND BUILDING
GROUP: SUSTAINABLE PLANNING**

THIS ITEM WAS DEALT WITH AT THE ORDINARY COUNCIL MEETING ON 8 SEPTEMBER 2009.

ITEM NO. 2**FILE NO: PSC2009-00647****PARKING ENFORCEMENT POLICY****REPORT OF: BRUCE PETERSEN – MANAGER, ENVIRONMENTAL SERVICES****GROUP: SUSTAINABLE PLANNING**

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to place the draft Parking Enforcement Policy (Attachment 1) on public exhibition for a period of 28 days;
 - 2) That after the exhibition period the draft Policy be adopted in its current form if no submissions are received, or referred back to Council for consideration if significant submissions are received.
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OPERATIONS COMMITTEE – 08 SEPTEMBER 2009

	Councillor Ken Jordan Councillor John Nell	That the recommendation be adopted.
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ORDINARY COUNCIL – 22 September 2009

308	Councillor Ken Jordan Councillor John Nell	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek Council's support of the draft Parking Policy.

The purpose of the Parking Enforcement Policy is to provide standard procedures to be followed by staff in parking enforcement, to establish good practice and to enable the public to become aware of Council's parking enforcement policy and procedures.

The Draft Policy and associated guideline (Attachment 1) has been prepared after consultation with Councillors and key staff and through analysis of other Council Policies.

FINANCIAL/RESOURCE IMPLICATIONS

The adoption of the Parking Enforcement Policy is not expected to have either financial or resource implications for Council. Council officers are already engaged in the parking enforcement function having regard to a responsibility to enforce the Australian Road Rules for safety and also to ensure fair and equitable turnover of parking spaces to support commerce.

Whilst it is not expected that the adoption of the recommended Parking Enforcement Policy would have significant financial impacts, it must be recognised that changes in focus, priorities and resourcing of this function can have budget implications.

LEGAL AND POLICY IMPLICATIONS

The draft Policy has been prepared having regard to the applicable legislation relevant to parking enforcement and does not go beyond the legislation or established parking principles. It also refers to issues such as safety, duty of care and the discretion of officers, which Council should always consider when developing enforcement policies.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The community benefits from safe and fair parking enforcement with the most important objective of Council being the preservation of safety of pedestrians and drivers.

Council's parking enforcement function can have economic impacts for Council, the general public and business. Business's benefit from parking enforcement which stimulates turnover of parking spaces and access to central business districts (CBDs). It is therefore important that Council apply parking legislation consistently and fairly.

Nil Environmental implications.

CONSULTATION

A parking policy consultative group consisting of Councillors Westbury, Francis and Tucker was formed to consider the development of a Parking Policy. The group met once and provided valuable input to the draft Policy.

All Councillors have had the opportunity to provide input during a two way conversation on 7 April 2009.

Parking enforcement policies of Newcastle Council, City of Melbourne and ACT Government were analysed to assist in the preparation of the draft Policy.

OPTIONS

- 1) Adopt draft in principle and place on public exhibition
- 2) Request redraft of policy
- 3) Reject policy.

ATTACHMENTS

- 1) Draft Parking Enforcement Policy and associated Parking Guidelines.

ATTACHMENT 1

DRAFT POLICY



POLICY

Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2009-00647

TITLE: PARKING ENFORCEMENT POLICY

REPORT OF MANAGER ENVIRONMENTAL SERVICES

BACKGROUND

Council has prepared this Policy (and associated Guidelines) to guide parking enforcement (under the Australian Road Rules) in Port Stephens. The Policy and Guidelines were prepared after consultation with Councillors and key staff.

OBJECTIVES

The overriding purpose of the Policy and Guidelines is to provide Council with a means to guide Parking Enforcement.

The Parking Enforcement Policy and Guidelines promote:

Safety

Good customer service

Standard procedures to be followed by staff in parking enforcement

Good practice in parking enforcement

Transparency so the public is aware of Council's approach to parking enforcement and associated procedures

Consistency in parking enforcement

Equity in the way the Australian Road Rules are enforced.

PRINCIPLES

- 1) Council is the primary responsible regulatory authority for parking enforcement in Port Stephens.
- 2) Council has a duty of care to reasonably enforce parking legislation in order to maintain pedestrian and driver safety, promote commerce through

turnover of parking spaces and to enable fair and equitable access to parking for special groups of motorists.

- 3) Council's Parking Enforcement Policy and Guidelines cannot modify or exceed or fall short of legislative requirements but can set the culture and priorities of this organisation in relation to the enforcement of the Australian Road Rules.
- 4) In applying the Policy, Council must have regard to local issues and available resources.

POLICY STATEMENT

Council will encourage the community to adhere to the Australian Road Rules and to consider the safety and convenience of other drivers and pedestrians when parking in Port Stephens.

Council will encourage a spirit of cooperation between all parties and provide educational materials to the community where appropriate.

In enforcing this Policy, Council will place a high priority on driver and pedestrian safety.

RELATED POLICIES

Compliance Policy
Prosecution Policy

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The community benefits from safe and fair parking enforcement with the most important objective being the preservation of safety of pedestrians and drivers.

ECONOMIC IMPLICATIONS

Council's parking enforcement function can have economic impacts for Council and the general public and business. Business benefits from enforcement which stimulates turnover of parking spaces and access to central business districts (CBDs). It is therefore important that Council apply parking legislation consistently and fairly.

Whilst it is not expected that the adoption of a Parking Enforcement Policy would have significant financial impacts, it must be recognised that changes in focus, priorities and resourcing of this function can have budget implications.

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

Australian Road Rules
Local Government Act

IMPLEMENTATION RESPONSIBILITY

Co-ordinator Environmental Health and Regulation
Rangers Team

REVIEW DATE

3 years from adoption



PARKING
ENFORCEMENT
GUIDELINES
JUNE 2009

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Part 1 - Objectives

Vision

We value safe parking practices and the provision of equitable and fair access to parking facilities for all Port Stephens residents and visitors.

1. *The purpose of the Policy*

- Provide standard procedures to be followed by all Officers.
- Provide guidelines so that all Officers can carry out their duties to the same standard and avoid using different interpretations.
- Act as an ongoing reference document for Officers, Managers and Council so that all stakeholders apply a consistent approach to parking enforcement.
- Aid new Officers during their initial training period.
- To enable the public to become aware of Council's parking enforcement procedures and policies.

2. *What is the Purpose of Parking Surveillance?*

- Monitor and promote road and pedestrian safety.
- Ensure the equitable use of kerbside parking spaces.
- Ensure parking turnover to assist commerce and trade or access to areas of high demand.
- Ensure compliance with the Australian Road Rules 1999 and associated Regulations.
- To improve vehicular and pedestrian access for residents, workers shoppers and visitors to the LGA.
- Provide Civic information.
- Investigate and act on complaints.
 - Represent Port Stephens Council in a professional and courteous manner.

• Part 2 – Officer's Responsibilities

3. *Officer's obligations*

- Officers conduct activities with the highest standards of ethics and integrity
- Officers ensure policies and procedures are followed and internal controls are adhered to.
- Officers take responsibility for their own decisions, performance and achievements.
- Officers support an equitable working environment by treating colleagues and customers fairly and with dignity and respect.
- Officers work within the team to achieve team goals.
- Officers embrace new ideas, technology, systems and processes.
- Officers recognise the efforts, contributions and achievements of others within the Team.
- Officers respect the diversity of individuals and value their contribution to Port Stephens Council.
- Officers must be consistent.
- Officers should be courteous and polite.
- When new signs are installed a minimum period of 1 day is to be given as a grace period unless otherwise informed by the Coordinator Environmental Health and Regulation. If an officer is unsure or notices any new installation they are to contact the Facilities and Services Group for verification of when the signs were installed.
- All signs that are missing, damaged or obscured by foliage are to be reported to the Facilities and Services Group.
- Port Stephens Council is Smoke Free workplace. There is to be no smoking in any Council building or vehicle. An Officer should not smoke while actively engaged in Council functions.

4. Officers Checklist

It is the Officers responsibility to ensure they have all equipment necessary to carry out their daily duties.

All necessary PPE equipment including Hat and Vest

- Pinforce handheld and printer
- Mobile Phone
- Digital Camera
- Notebook
- Complaint List
- Pen
- Chalk
- Offence booklet
- Business Cards
- Uniform clean and tidy
- Equipment clean and working
- Test Token

It is the Officer's responsibility to ensure that their uniform is clean and tidy, that all their equipment is charged and operational and that they are carrying enough Parking Penalty Notices.

5. Uniform and Issued Equipment

First impressions have the greatest impact and are lasting impressions

The Officer's uniform is intended to present a smart efficient appearance.

Officers should be conscious that the image projected by one Officer will influence the overall picture of how Officers are regarded or viewed in general.

Port Stephens Council issues each Officer with an allotment of uniforms sufficient to allow for frequent changing.

Uniforms are to be maintained in a neat, clean and presentable condition.

Hats or caps are to be worn at all times when an officer is in the field.

- Shoes/boots – As issued by Council.
- Safety Vests are to be worn at all times when working within a road related area This is a Workcover and Council requirement.
- Only long sleeve shirts are to be worn without a jumper or jacket in accordance with Council's Sunsafe Policy.

5a. Official Notebooks

Storage and maintenance of notebooks is the officer's responsibility. Daily entries are to be made e.g. day, date, work activities. These notebooks are to be used to record incidents, conversations or other unusual events that may take place during a shift. These entries may or may not be used in any proceedings at a later date. All entries must be made neatly and concisely. Commencing with page 1, all entries should be in order of date and time. A line should be ruled under each entry and a one line space left before commencing the next entry. When an error occurs put a line through and the wording inserted in such a manner as to leave the original legible. Note book storage is the Officers responsibility.

Notebooks are to be used as a supplement to the Pinforce hand held device. All notes that are relevant to a Parking Penalty Notice are to be recorded on the Pinforce handheld device.

5b. Mobile Phones

Mobile Phones are the property of Port Stephens Council. They are to be used for work related matters in accordance with Council's Code of Conduct and any Management Directive issued in relation to the use of mobile phones.

It is the responsibility of the Parking Officer to have their issued mobile phone fully charged at the commencement of their shift.

Note: Mobile phones are not to be placed on loud speaker or hands free by an officer while on the street.

5c. Camera

Each officer has been provided with a digital camera. Cameras are to be used in accordance with the Code of Conduct.

6. Issuing an Infringement Notice

6a .Relevant Acts

1) Local Government Act 1993

Parking can be enforced on land that is owned by the Local Authority, entrusted or controlled by the Local Authority, or where Council has entered into an agreement with private property owners to enforce parking restrictions applicable to free carparks.

Council owns time limited free carparking areas in Raymond Terrace and Nelson bay.

Council has also entered into agreements to patrol time limited carparks at Raymond Terrace Marketplace, Salamander Shopping Centre and the D'albora Marina private carparks.

2) Roads Act and Australian Road Rules

The Australian Road Rules (ARR) were adopted in NSW in December 1999. The rules govern parking on roads and road related areas and are consistent nationally. Council Officers are authorised to enforce the Australian Road Rules within all road related areas within Port Stephens. The following legislation is also applicable to Councils parking surveillance activities.

- Road Transport (Safety and Traffic Management)
- Road Rules Regulation 1999
- Road Transport (General) Act 1999

6b. What an Officer should consider before issuing a Parking Penalty Notice

An Officer should:

- Be in full view of the public and in full uniform when issuing a Parking Penalty Notice. An exemption to this is where an Officer witnesses an offence that represents a significant risk to the health and safety of the public whether the officer is on duty or not. Evidence relating to such an offence may be collected whether or not the officer is within view of the public or irrespective as to whether the officer is in official uniform or on duty.
- Form an opinion based on facts-if in doubt don't issue.
- Identify the offence vehicle is committing.
- Examine the signage, markings, ticket machine or chalk mark.
- Consult with Supervisor if necessary.

Part 3 - Specific Parking Offences

7. Procedures to be followed for Specific Parking Offences

7a. Ticket Parking Offences

During patrols of the Nelson Bay foreshore area, machines within the patrolled area are to be checked for the following:

- Correct time.
- Any lights flashing, or Out Of Order Display.
- Any visible damage to the machine.
- Or any other Indiscretion.

Where faults are detected they are to be reported to the appointed contractor immediately for repair.

Officer discretion is to be used in determining whether patrols of the area should continue having regard to the number of machines out of order and the fair and reasonable capability of drivers to access alternative machines within a short distance of the faulty machine.

7a.1 Park without Current ticket or Expired Ticket

- Check vehicles for tickets that have expired or vehicles that do not have tickets. Checking is to involve a complete view of all possible display surfaces including the front dash, car seats, and rear dash.
- If no ticket displayed or time has expired by the grace period. - **a Parking Penalty Notice is to be issued. (for grace period see Part 12)**
- If a ticket is upside down (face down) and the ticket is unable to be read, issue a Parking Penalty Notice and make a note describing the position of the ticket. Take a photo when possible.
- If two tickets are on the dashboard and were purchased within a short period of time, total the two tickets to arrive at a correct time of expiry.
- Photographs are to be taken, if possible, of the registration plate along with sufficient photographs to demonstrate that a ticket has expired or is not reasonably displayed.

7b. Permissive Parking (time limited)

A driver may park a vehicle for the period indicated on a permissive parking sign.

A number immediately to the left of the letter **P** indicates that a driver must not park on the length of road, or in the area continuously for longer than the number of hours or minutes shown.

A number together with the word minute, immediately to the right of the letter **P** indicates that a driver must not park on the length of road, or in the area continuously for longer than the number of minutes or hours shown.

If a vehicle is parked for longer than the time indicated (with the addition of the grace period) **-a Parking Penalty Notice is to be issued.**

7b.1 Exceeding Time

Vehicles suspected of being parked in a ticket or time limited parking area should be issued with a parking penalty notice if it is determined that they have exceeded time.

Various methods can be used to mark vehicles to establish that time has been exceeded. These include -

- Electronic marks or valve stemming. (not available at present time)
- Chalk mark across the tyre tread in a location which can be verified by the Officer.
- If doubt exists as to whether or not the vehicle has moved no penalty notice is to be issued.

7b.2 Exclusions

Vehicles found committing a ticket or exceed time offence are to be checked for the following permits:

- Mobility Parking Scheme - Check expired date
- Special event authority that may be issued from time to time.
- Any other note or message left by the driver to indicate that the vehicle is incapacitated or providing any other sustainable reason why the vehicle has not complied with parking requirements.

7c No Stopping

The enforcement of No Stopping Zones is important as these zones are invariably placed in locations to preserve pedestrian and driver lines of sight with the objective of preserving safety.

If a vehicle stops in an area clearly sign posted as No stopping - **a penalty notice is to be issued.**

7d No Parking

In accordance with the Australian Road Rules, the driver of a vehicle parked in a No Parking zone must be within 3 metres of the vehicle and must not exceed a stay of 2 minutes.

If an officer observes that a vehicle is unattended in accordance with the above Rule or stays in location longer than 2 minutes with the driver in attendance- **a penalty notice is to be issued.**

7e Loading Zone

The enforcement of Loading Zones is important to ensure that commercial vehicles can access central business districts for the loading and unloading of goods and passengers. When these areas are used illegally, dangerous parking practices can occur.

The New South Wales Road Rules (Road Transport - Safety and Traffic Management) indicate that in a Loading Zone the following rules apply:

- Sedans are not permitted unless they are setting down/picking up passengers
- Station Wagons or a motor bike that has 3 wheels and is constructed principally for the conveyance of goods are permitted to park for a period of up to 15 minutes
- If the vehicle is constructed principally for the conveyance of goods other than a station wagon or a 3 wheel bike you may park for a period of up to 30 minutes
- If a sedan vehicle is unattended in a loading zone,- **a parking penalty notice is to be issued.**
- **If a sedan is attended, the Officer should advise the driver to move off the loading zone immediately.** If the driver does not comply then a Parking Penalty Notice is to be issued for Stop in Loading Zone. Vehicles must not be simply waived on, but driver spoken to.

For vehicles that are permitted to park in a Loading Zone (Road Transport - Safety and Traffic Management) they are to be chalked or observed for the nominated periods (time limit plus Grace period) and issued with a Parking Penalty Notice if they exceed this time.

7f Taxi Zone

If a vehicle other than a taxi is unattended, it is to be issued with a parking penalty notice. If a person is approaching the vehicle and the officer has not commenced the parking penalty notice, the Officer should advise the driver that they are not permitted to park in a taxi zone. If the parking penalty notice has been commenced, the penalty notice is to be issued.

If the vehicle is attended, verify with the driver that the vehicle is not disabled. If the vehicle is drivable request the driver to move on immediately. If the driver refuses issue a Parking Penalty Notice for Stop in Taxi Zone.

7g Bus Zone

If a vehicle other than a bus, stops in a bus zone, a parking penalty notice is to be issued.

A vehicle, other than a bus cannot set down or pick up passengers in a bus zone. If a vehicle is observed using a bus zone in this manner, a Parking Penalty Notice is to be issued.

Buses must only use bus zones for the setting down and picking up of passengers. Where a bus is observed to be unattended (parked) in a bus zone it is to be issued with a penalty notice. If the bus is attended, the driver is to be requested to move out of the bus zone immediately. If the driver does not do this then a penalty notice is to be issued.

7h Disobey Clearway sign

If a vehicle stops on a Clearway a Parking Penalty Notice is to be issued.

7i Work Zone

Works Zones are created to allow for the delivery of materials to construction or building sites or to allow access for vehicles which are related to the building activity. The Australian Road Rules do not specify which class of vehicle is permitted to use Work Zones and therefore enforcement is difficult as the Officer needs to determine whether or not the vehicle is related to the activities on the adjacent site. Therefore Work Zones are enforced based largely upon complaint or if an Officer witnesses the parking offence. In these cases a Parking Penalty Notice is to be issued to the offending vehicles.

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7j Mail Zone

Mail Zones are design so that only Australia Post vehicles may stop no other vehicles are permitted at any time. If a vehicle other than an Australia Post Vehicle is stopped or parked a Parking Penalty Notice is to be issued.

7k Truck Zone

Any vehicle *under* 4.5 tonne is not permitted to stop in a Truck Zone, however a driver is permitted to drop off or pick up passengers. If a vehicle is unattended a Parking Penalty Notice is to be issued.

7l Parking across driveway access to/from land

If a vehicle is parked across a driveway and is unattended, the Officer is to allow 2 minutes and if the vehicle remains unattended a Parking Penalty Notice is to be issued.

7m Pedestrian Crossing/Children Crossing

Vehicles are not permitted to stop on or near a Pedestrian Crossing /Children Crossing under any circumstances; a Parking Penalty Notice is to be issued. There is zero tolerance for this offence in school zones.

7n Obstruct Traffic

A vehicle parked in a manner so as to obstruct traffic is to be issued with a Parking Penalty Notice, unless the vehicle is disabled or has been involved in a collision.

7o Park on path or strip in a built up area

If a vehicle is parked across a formed footpath **a penalty notice is to be issued.**

If a vehicle is parked or partly parked on a strip or road reserve (without a formed footpath) in a manner that is ,or is likely to obstruct the movement of pedestrians or the line of site of pedestrians or drivers, the Parking Officer is to **issue a Parking Warning Notice on the first occasion.**

If the vehicle is observed to be parked on the same path or strip on subsequent occasions, a penalty notice may be issued.

7p Park on Medium Strip

If a vehicle is parked or partly parked on a median strip, the Parking Officer is to issue a Parking Penalty Notice.

7q Park across marking of space or to close to front/back of vehicle

When vehicle/s are parked in this manner, before issuing a penalty notice it has to be determined beyond reasonable doubt which vehicle was parked first. This can be determined by the officer witnessing the parking event. In this case the

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Officer would advise the driver of the parking regulations and request that the driver corrects their position. If the driver corrects his/her position, no further action is to be taken. If the driver leaves the vehicle and ignores your caution a Parking Penalty Notice is to be issued.

7r Stop on/near intersection

The regulation states that a vehicle should not be parked within 10 metres of an intersection with the exception of areas indicated by a sign. Vehicles parked within 10 metres of an intersection (No Traffic Lights) are to be issued with a Parking Penalty Notice as such parking creates a safety hazard to pedestrians and other motorists.

A vehicle must not stop or Park within 20 metres of the nearest point of an intersecting road at an intersection with *traffic lights* with the exception of an area indicated by a sign.

Vehicles parked within 20 metres of an intersection (Traffic Lights) are to be issued with a Parking Penalty Notice

7s Double Park

A driver must not stop on a road:

- If the road is a two-way road between the centre of the road and another vehicle that is parked at the side of the road. If this is witnessed by an Officer then a Penalty Notice is to be issued.
- If the road is a one-way road-between the far side of the road and another vehicle that is parked at the side of road. If this is witnessed by an officer then a Parking Penalty Notice is to issued.

A vehicle can be considered to be double parked whether or not it is attended Eg double parking to drop off or pick up a passenger is an offence.

7t Parking in marked bays

A driver must not park on a length of road, or in an area, to which a "park in bays only" sign applies, except within a parking bay.

If a vehicle is parked outside a marked bay and unattended a Parking Penalty Notice is to be issued for the offence of "Not park wholly within parking bay".

7u Position of vehicle in relation to kerb

Vehicles must be parked in accordance with directions provided on signage applicable to each parking space. Eg, rear to kerb, nose to kerb. These requirements are imposed having regard to safe parking manoeuvring and traffic safety and must be complied with whether or not all surrounding parking spaces are occupied. A vehicle parked not in accordance with signage requirements may cause a dangerous traffic hazard when entering or leaving its parking spot.

Where a vehicle is unattended and has been identified as not complying with signage directing the parking position, a penalty notice is to be issued. When the driver is present, a direction shall be given for the driver to safely reposition the vehicle to comply with signage.

Officers must ensure that reasonable visibility of signage describing vehicle position is available from the parking space.

7v Not Park in the Direction of Travel

Vehicles (including trailers, boats, caravans) must be parked in the direction of travel in accordance with Australian Road Rule 208.

Vehicles that are parked against the flow of traffic (and subsequently on the wrong side of the road in most instances) have been parked in a manner that has required crossing onto the wrong side of the roadway and departure from the parking place in all likelihood will require the same dangerous driving practice.

Vehicles parked in the wrong direction are also dangerous at night time because the reflective devices on most vehicles are prevalent on the rear and not the front and visibility of these vehicles by other drivers is compromised during periods of low visibility eg night time, rain, dawn, dusk.

The practice of parking in the wrong direction is one which is usually done for convenience and has become informally accepted due to lack of enforcement in the past.

Where a registered vehicle is noticed to have parked not in the direction of travel and is unattended, a warning notice may be issued. If the vehicle is observed to be parked in the same manner on a subsequent occasion, a penalty notice may be issued.

Where the driver is present, a direction shall be given for the vehicle to be repositioned so that it is parked correctly. If the driver does not comply with this direction immediately, then a penalty notice may be issued.

8 Mobility Parking Scheme Authority (Disabled parking)

Mobility Parking spaces are in various locations in Port Stephens.

When carrying out parking surveillance, the following action should be taken in relation to clearly signposted disabled parking areas:

- A Parking Penalty Notice should be issued to a vehicle not displaying a valid Mobility Permit in a designated Mobility Zone.
- Mobility Permit Holders who have parked over the time allowed by the Mobility Parking Scheme concession will receive a Parking Penalty Notice for exceeding time.
- Where parking is limited to more than 30 minutes the vehicle can park for an unlimited time.
- Where parking limit is 30 minutes the vehicle can park for 2 hours.
- Where the parking is limited to less than 30 minutes the vehicle can park to a maximum of 30 minutes.
- Where the Mobility Parking Symbol is displayed with a time limit on the same parking control sign, a driver must not exceed the time stipulated.
- A 7 day grace period will be given for an Expired Mobility Parking Scheme Authority.

Officers must carry out an extensive check of the vehicle prior to issuing any penalty notice. This should include checks of the dash (front and rear) seats and floor of the vehicle to determine whether a mobility parking permit is present within the vehicle and that may have been dislodged from the required display location.

Part 4 - General Procedures

9. Procedure for chalking tyres

Chalk marking of tyres is a fundamental process in policing parking controls in relation to time limits.

When marking tyres, the Officer must ensure that part of the mark is placed across the tread of the tyre and not only on the edge of the tread or side wall.

A Parking Officer must mark the tyres with the time the vehicle is initially observed correctly by using chalk.



If the mark is placed on the edge of the tyre, the mark may remain even if the vehicle is moved, because the edge of the tread may not come in contact with the road surface.

It is inappropriate to rely on any mark made on the edge of a tyre for evidence that a vehicle has parked for longer than the permitted time..

The officer must ensure that the mark is in the same place and condition when it was marked. Take a photo of the chalk mark when possible. If there is any concern don't infringe.

9a Valve Stemming

Using the location of valve stems to determine if a vehicle has moved or not is the most effective method of detecting vehicles that overstay the signposted time limits. Recording valve stems should be done in lieu of using chalk marks whenever possible.

Valve stemming is not available at present to Port Stephens officers but may be introduced in the future.

10 Road Related Area

A road related area is any of the following:-

- an area that divides a road
- a footpath or nature strip adjacent to a road
- an area that is not a road and that is open to the public and designated for use by cyclists or animals
- an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles.

11. Patrolling at Schools Zones

When patrolling a school zone the primary objective is to promote/preserve child safety. Children are vulnerable because they are small, harder to see and behave unpredictably. Parking and traffic conditions around schools are designed to preserve lines of sight and the safe set down and pick up of children.

A Zero tolerance policy applies to all parking offences detected within school zones.

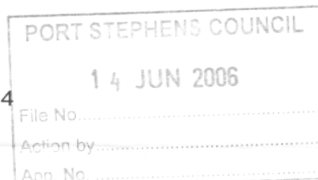
In June 2006, the then Minister for Local Government issued a circular to all Councils advocating a zero tolerance policy in school zones.



The Hon. Kerry Hickey MP
Minister for Local Government

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Ref: 05/1226
MIN: 06/3242
Doc ID: A55030



07 JUN 2006

Dear Mr Gesling

I am writing to all New South Wales councils about the important issue of road safety, particularly around school zones.

I am reminding councils and their authorised officers of their responsibility to understand and enforce the applicable provisions of the Australian Road Rules.

In particular, I encourage councils to focus their efforts on patrolling school zones on school days to enhance road safety and the safety of children, particularly near schools.

Authorised officers have some level of discretion in enforcing these Rules. However, I am aware that some officers do not patrol school zones or routinely use their discretion to issue warnings rather than penalty notices to drivers who breach the Rules, for example by double-parking or stopping on or too close to a crossing.

The routine issuing of warnings for offences is unacceptable and contrary to the ultimate aim of ensuring pedestrian safety.

I accept that the issuing of penalty notices can sometimes lead to unpleasantness. However, avoiding these situations should never be at the expense of ensuring the safety of pedestrians and particularly children. Given the recent spate of accidents and severe injury involving children in school zones or on pedestrian crossings, this has never been more obvious.

Please ensure that council reviews its priorities and this message is made clear to the management and authorised officers of your council.

Yours sincerely

Kerry Hickey MP
Minister

Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Phone: (61 2) 9228 3333 • Fax: (61 2) 9228 5551

- If a vehicle parks in an illegal manner, a parking penalty notice is to be issued.
- Where an Officer cannot issue the parking penalty notice on the spot, the details of the offence and the vehicle are to be noted in order that the parking penalty notice can be posted to the registered owner of the vehicle.
- An Officer or vehicle must be in full view of the public when patrolling school zones. It is appropriate for the officer to remain within a legally parked vehicle for the purposes of surveillance of school zones.
- Photographs may be taken of vehicles for enforcement purposes in school zones. Care should be taken to ensure that wherever possible, persons are not readily identifiable if they appear in photographs. (see section "Taking and storage of photographs") However the fact that a person may appear in a photograph does not prohibit the taking of that photograph for evidentiary purposes.

12 Grace Periods

Council acknowledges that sometimes drivers can be unavoidably delayed in returning to their vehicle within time and therefore the following periods of "Grace" apply for various offences.

Zone	Grace Period
4P, 2P and 1P Ticket or Permissive Parking	10 Minutes
1/2P or 1/4P Meter, Ticket or Permissive Parking	5 Minutes
5 Minute Parking	2 Minutes
Loading Zones – Motor Lorries, Vehicles Designed for carrying Goods	5 Minutes
Loading Zones – Station Wagons	2 Minutes
No Parking	2 Minutes

13. Infringing Trailers and Caravans.

Caravans and Trailers are considered to be vehicles, and are treated as such in accordance with the Australian Road Rules.

Parking Penalty Notices issued to Trailers or Caravans are to be posted to the registered owners.

14. Reporting damaged or Missing Sign

Where Officers notice that parking signage is damaged, missing ,out of date or requires improvement, the matter is to be referred immediately to the Facilities and Services Group.

Enforcement of parking requirements is to be suspended immediately if it is considered by the Officer that enforcement is not fair and reasonable due to inadequate signage.

15. Taking and Storage of Photographs

Photographs are an important evidentiary tool in parking enforcement. Officers must consider which photographs are necessary in supporting any parking offence and where possible take appropriate photographs for each offence. When issuing a Parking Penalty Notice, photographs showing the following must always be considered –

- A photo of the registration plate in order to ensure that there is no dispute over the attendance of the vehicle.
- A photo of the vehicle's location.
- A photo of the vehicle showing its proximity to relevant signage and road markings.
- A photo of any chalk marks should also be taken for permissible time limited offences.

Photographs may not be taken from vehicles whilst in motion.

15a Storage of Photographs

Photographs may be taken with either the PINFORCE handheld device or the officer's digital camera.

All Officers are responsible for ensuring that date and time stamps on devices are correct at the beginning of each shift.

Photographs taken with the PINFORCE handheld devices are attached automatically to the infringement and uploaded to the PINFORCE database when the handheld is synchronised. These photographs are not to be otherwise downloaded or stored on any other database or personal computer.

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Photographs taken on digital cameras shall be transferred to handheld devices and attached to applicable infringement records prior to handheld devices being synchronised. Once successfully transferred, photographs are to be deleted from digital cameras and any personal computer drive.

The PINFORCE database is only accessible by Officers having security classification.

Part 5 – Occupational Health and Safety

16. Occupational Health and Safety

Confrontation at Work

Council's objective is to ensure, so far as is reasonable and practicable, that all employees are safe and without risk to health whilst at work. Council takes all reasonable steps to minimise the likelihood of conflict and confrontation and any trauma that results from work functions.

Parking Surveillance is considered a high risk area where confrontation and conflict with the public is common. Officers must be aware of this risk and have regard to the following survival rules -

16a Survival Rules

In most instances, violence at work happens without any provocation of the offender. Officers can mitigate the risk of serious confrontation by practicing the following-

Controlling your own reaction

Stay calm, pause and think about your reaction.

Be aware of your body language

Don't act defensively. Don't raise your voice. Act in accordance with the Code of Conduct at all times.

Being aware of the other person's body language

Pay attention to their body language, facial expressions, physical appearance. Anticipate any aggressive or physical action towards you and plan evasion action and an escape route.

Pay attention to verbal signs of aggression

Actively listen, take threats seriously, listen for tone & volume of voice and do not enter a person's personal space. Be careful not to aggravate the situation through your own words.

Use assertive communication techniques

Request the behaviour to stop. Be direct, concise, and confident.

Walk Away

To prevent confrontation between customers and Parking Officers, it is imperative that Parking Officers recognise the importance of **walking away** from the confrontation. Council supports its Officers when they walk away from potentially dangerous situations.

16b Identifying the Offender

If an Officer lays a complaint to the Police about an incident, the police will require a detailed re-construction of the events and description of the offender. You will be asked to identify the offender.

When identifying the Offender, any small detail may be of assistance to the police. Things to watch for are:-

Physical Appearance:

- Height
- Age
- Build
- Colouring
- Hair
- Tattoos, scars, prominent or unusual features
- Clothing
-

Behaviour:

- Speech - accents, language used, actions
- Body Language –Behaviour
-

Other Aspects:

- Vehicle Description
- Direction of travel when left the area

16c Post Conflict Resolution

- Injured and/or traumatised officers should be reassured and medical attention sought if needed
- For all confrontations verbal or physical, an incident report form must be completed by the Officer and provided to the Co-ordinator Environmental Health and Regulation and the Occupational Health and Safety Officer.
- Council offers an Employee Assistance Program (EAP) which is an independent and completely confidential service, offering free professional guidance and counselling.

Things to remember when carrying out parking patrols.

- Be aware of your position as a provider of Customer Services.
- If a customer becomes verbally abusive or aggressive, Officers must avoid engaging in a verbal argument with the customer. Acting in accordance with the Code of Conduct Policy at all times.

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- If a member of the public asks for an Officer's name, it is the officer's choice whether or not to provide their name.

Part 6 - Officer Discretion

17. Discretion of Officers

Rangers have been advised to use their discretion in applying the Australian Road Rules having regard to the following risk concepts-

- The impact of the parking offence on safety of pedestrians and motorists.
- Local conditions such as width of roadways i.e. what are the practical matters that need to be taken into consideration?
- The volume of traffic flow and estimated risk involved.

17a Fettering Discretion

- Whilst Council officers are offered some discretion in enforcement matters there are some interesting legal opinions relating to the matter
- The Pedestrian Council of Australia believes that Councillors and Management need to tread carefully if considering directing or “fettering” officer discretion.
- The following is a legal opinion from Mallesons Legal (obtained by Sydney City Council but used by the Pedestrian Council)

“Any discretion must be exercised lawfully. It must not be exercised (or not exercised) for any improper or irrelevant reason or the exercise (or non exercise) is unlawful conduct and indeed may be even corrupt conduct depending on the circumstances.

As a consequence, it is our opinion that while the statute confers a power (rather than imposes a duty), an authorised officer, if satisfied that the offence has been committed, would only be able to exercise discretion not to issue the penalty notice in very limited circumstances. To do otherwise runs the real risk of having acted unlawfully (because of a miscarriage of the exercise of discretion)

The Authorised officer should also appreciate that a failure to issue a penalty notice, in circumstances where the offence appears to have been committed, may not only run the risk of improperly exercising discretion but may also expose the Council and the officer to claims for damages if harm is caused by the breach.

Accordingly while we are satisfied that there is a power to issue warnings rather than penalty notices, it is our view that this power is very limited.”

- Legal opinions express the view that officers have limited discretion in issuing infringements when offences are detected.

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

- Not issuing infringements, particularly for safety related offences can increase Councils liability and risk in the event of an event occurring eg an accident or fatality in the area.
- Councillors and Managers must consider legal/risk ramifications of directing authorised officers to enforce or not to enforce various offences
- Fettering of discretion is referred to in Councils Compliance Policy

Part 7 - Adjudication

18. Adjudication of Representations

Council has entered into a PREMIUM servicing agreement with the State Debt Recovery Office (SDRO) for the processing and adjudication of all infringements.

A copy of the SDRO's service agreement with Council (November 2007) can be found on file PSC2007-4136.

Generally the SDRO accepts and processes all representations in accordance with their review guidelines. The SDRO review guidelines can be found at www.sdرو.nsw.gov.au. There is a link to this site on Council's website.

Under the Premium Servicing agreement, Council has the right to consider direct representations and advise the SDRO of decisions made. Council's decision is final notwithstanding whether the decision has had regard to the SDRO guidelines.

Where direct representations are made in relation to Parking Enforcement matters, the following procedure applies-

- The representation will be considered by the Co-ordinator Environmental Health and Regulation.
- Details of the offence will be obtained by the Co-ordinator from the PINFORCE database and the issuing officer.
- The Co-ordinator may consult other staff to determine the representation.
- The Co-ordinator advises SDRO by email of the decision.
- The Co-ordinator advises the defendant of the decision.
- The Co-ordinator advises the issuing officer of the decision.

Where Parking infringements are Court elected, the matter is dealt with by the Police Prosecutor to conclusion under Council's Premium agreement with SDRO. Council officers co-operate with the Police prosecutor as requested to provide evidence for Court elected matters.

ITEM NO. 3**FILE NO: A2004-0511****LOCAL TRAFFIC COMMITTEE MEETING – 4TH AUGUST 2009****REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER****GROUP: SUSTAINABLE PLANNING**
-----**RECOMMENDATION IS THAT COUNCIL:**

Adopt the recommendations contained in the minutes of the Port Stephens Local Traffic Committee meeting held on 4th August 2009.

-----**OPERATIONS COMMITTEE – 08 SEPTEMBER 2009**

	Councillor Ken Jordan Councillor John Nell	That the recommendation be adopted.
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ORDINARY COUNCIL – 22 September 2009

309	Councillor Ken Jordan Councillor Daniel Maher	It was resolved that the recommendation be adopted.
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-----**BACKGROUND**

The purpose of this report is to bring to Council's attention traffic issues raised and detailed in the Traffic Committee minutes and to meet the legislative requirements for the installation of any regulatory traffic control devices associated with Traffic Committee recommendations.

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget of \$41 000 (\$25 000 grant from the RTA and General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The construction of traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in this funding and are listed within Council's "Forward Works Program" for consideration in the annual budget process.

The local Traffic Committee procedure provides a mechanism to respond to and remedy problems in accordance with Council's "Best Value Services" Policy. The recommendations contained within the local Traffic Committee Minutes can be completed within the current Traffic Committee budget allocations and without additional impact on staff or the way Council's services are delivered.

SAFETY PRIORITIES

The installation of regulatory traffic controls or traffic control devices that are noted as having a Safety Priority shall be attended to before other works undertaken by Council. These works are generally of an urgent nature requiring immediate action.

The items with a Safety Priority are listed as follows:

NIL

LEGAL AND POLICY IMPLICATIONS

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

A safer road environment reduces costs to the Council and community by reducing the number and severity of accidents on our roads.

Transport efficiency and road user safety; contribute positively to the quality of life for residents and visitors to Port Stephens. Improved road user safety distributes benefits to all road users including commercial and private motorists, cyclists and pedestrians. These benefits include improved accessibility, mobility and safer road environment.

CONSULTATION

The Committee's technical representatives are the Police, RTA, and Council Officers; they investigate issues brought to the attention of the Committee and suggest draft recommendations for further discussion during the scheduled meeting. One week prior to the local Traffic Committee meeting copies of the agenda are forwarded to

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

the Committee members, Councillors, Facilities and Services Group Manager, Integrated Planning Manager and Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Traffic Committee meeting.

No additional consultation was required for the meeting of 4th August 2009.

OPTIONS

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

ATTACHMENTS

- 1) The minutes of the local Traffic Committee meeting held on 4th August 2009 are contained in ATTACHMENT 1.

TABLED DOCUMENTS

Nil

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS
TUESDAY 4th August, 2009**

A. ADOPTION OF THE MINUTES OF 7TH JULY 2009

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

**31_08/09 JAMES ROAD MEDOWIE - REQUEST FOR INSTALLATION OF HAZARD
SIGNAGE AT INTERSECTION OF BOYD BOULEVARD**

**32_08/09 STOCKTON STREET NELSON BAY - REQUEST TO RE-INSTATE PARKING
RESTRICTIONS AT THE SHELL SERVICE STATION**

**33_08/09 STURGEON STREET RAYMOND TERRACE - REQUEST TO INVESTIGATE
CONFUSING SIGNAGE AT THE COUNCIL ADMINISTRATION
BUILDING/SHOPPING CENTRE ACCESS ROADS**

**34_08/09 SWAN STREET RAYMOND TERRACE – INSTALLATION OF A
CHILDREN'S CROSSING AT THE EXISTING PEDESTRIAN CROSSING AT
RAYMOND TERRACE PUBLIC SCHOOL**

D. INFORMAL MATTERS

**505_08/09 SOUTH STREET AND JAMES ROAD MEDOWIE - REQUEST FOR A
REVIEW OF SPEED ZONES**

E. GENERAL BUSINESS

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 4th August, 2009
AT 9:30AM**

Present:

Cr Peter Kafer, Const. Dean Jenner – NSW Police, Mr Bill Butler – RTA, Mr Brian Mosley – Hunter Valley Buses, Ms Michelle Mexon – representing Craig Baumann MP, Mr Graham Orr (Chairperson) Mr Scott Page - Port Stephens Council

Apologies:

Joe Gleeson

A. ADOPTION OF MINUTES OF MEETING HELD 7TH JULY, 2009

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. Listed Matters

C1 Item: 31_08/09**JAMES ROAD MEDOWIE - REQUEST FOR INSTALLATION OF HAZARD SIGNAGE AT INTERSECTION OF BOYD BOULEVARD****Requested by:** A resident**File:****Background:**

A resident contacted Council to request installation of hazard signage and street lighting at the intersection of James Road and Boyd Boulevard. He said there have been 5 near misses recently with people not realising that the road ends and there are a lot of skid marks.

Comment:

The Inspection Committee noted the skid marks through the intersection and agreed that this intersection could benefit from installation of a bi-directional hazard marker on the terminating end of Boyd Boulevard.

The RTA signs database however states that the required hazard marker sign (D4-2-3) is not delegated to Council for approval.

Legislation, Standards, Guidelines and Delegation:

AS 1742.2 – Traffic control devices for general use

RTA signs database – D4-2-3

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

Recommendation to the Committee:

Install a hazard marker sign (D4-2-3) on the terminating leg of the intersection of Boyd Boulevard and James Road Medowie, as shown on the attached sketch.

Discussion:

Nil

Support for the recommendation:

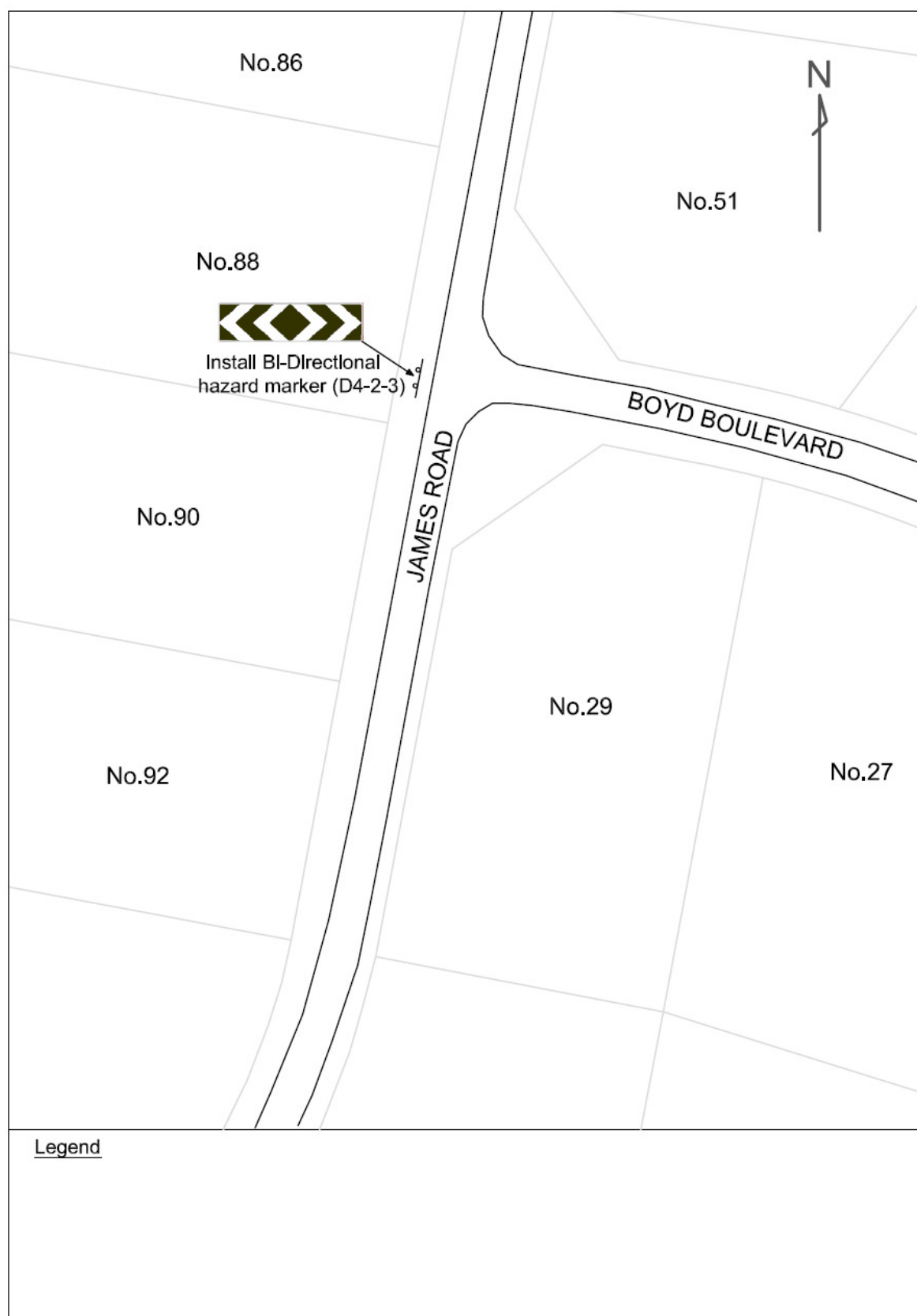
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 4 August 2009

ITEM NO. 31_08/09
Street: James Road

ANNEXURE A
Page 1 of 1



C2 Item: 32_08/09**STOCKTON STREET NELSON BAY - REQUEST TO RE-INSTATE PARKING RESTRICTIONS AT THE SHELL SERVICE STATION**

Requested by: Nelson Bay Town Management

File:

Background:

The majority of the Nelson Bay town centre is covered by 1 hour parking restrictions. The area in front of the Shell Service Station currently has no parking restrictions at all. It is suspected that the signs have been removed by construction workers in the area and have not been replaced. No record can be found of the previous Traffic Committee approval for these signs in Council's Traffic Committee database, so this item is to formalise the approval to allow enforcement of parking restrictions in this area.

Comment:

The Inspection Committee members support making the area in question 1P to match surrounding parking restrictions.

Legislation, Standards, Guidelines and Delegation:

ARR Part 12 Div.2 – Rule 205 – Parking for longer than indicated

AS 2890.5 – On street parking

RTA Regulatory Signs Database – R5-1

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

Recommendation to the Committee:

Install 1 Hour parking restrictions in Stockton Street Nelson Bay, as shown on the attached sketch.

Discussion:

Nil

Support for the recommendation:

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

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 4 August 2009

ITEM NO. 32_08/09
Street: Stockton Street

ANNEXURE A
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C3 Item: 33_08/09

STURGEON STREET RAYMOND TERRACE - REQUEST TO INVESTIGATE CONFUSING SIGNAGE AT THE COUNCIL ADMINISTRATION BUILDING/SHOPPING CENTRE ACCESS ROADS

Requested by: Mr John Maretich - PSC

File:

Background:

Council has received complaints regarding the confusing placement of the give-way and pedestrian crossing signs at the intersection where Sturgeon Street enters the Council and shopping centre car park. Some drivers report confusion regarding who should give way.

Comment:

Inspection Committee noted that this is a low speed area. The suggestion was that some options be provided regarding a change of priorities for the intersection or rearrangement of the existing signs.

Consideration needs to be given to the access to the car parking once Police operations are relocated to the existing Leisure Centre. It is likely that Highway Patrol, as well as general duty vehicles will require emergency access to and from the site.

The site is complicated by the presence of the pedestrian crossings. And the required signage for them. It is easy for give way signs and holding lines to become lost in all the existing paint and concrete.

Legislation, Standards, Guidelines and Delegation:

AS 1742.2 – Traffic control devices for general use

RTA Delineation Manual

RTA Regulatory Signs Database – R1-2, R3-1

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

Recommendation to the Committee:

Sturgeon St is made the priority road at the intersection by installing give way signs and hold lines at car park exits.

Pedestrian crossing signage be upgraded as per TDT 2007/01

Council design an education strategy to notify both staff and general public of the changes to the intersection.

Discussion:

Committee discussed existing use by Council and Child Care and future police vehicles exiting the area on emergency calls, pedestrian usage changes, peak times and parking requirements during police station location at this facility.

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Discussion included change of use of Port Stephens Council's Leisure Centre to temporary location for Port Stephens Local Area Command Headquarters. Committee also discussed longer term future use of area including Sturgeon Street connection to Bourke St regarding intersection and pedestrian priority.

Police parking requirements added to general business to be addressed at next traffic committee meeting.

Cr Kafer added that Council should inform the public of the changes to the intersection. Signage should not be relied upon as drivers disregard signage.

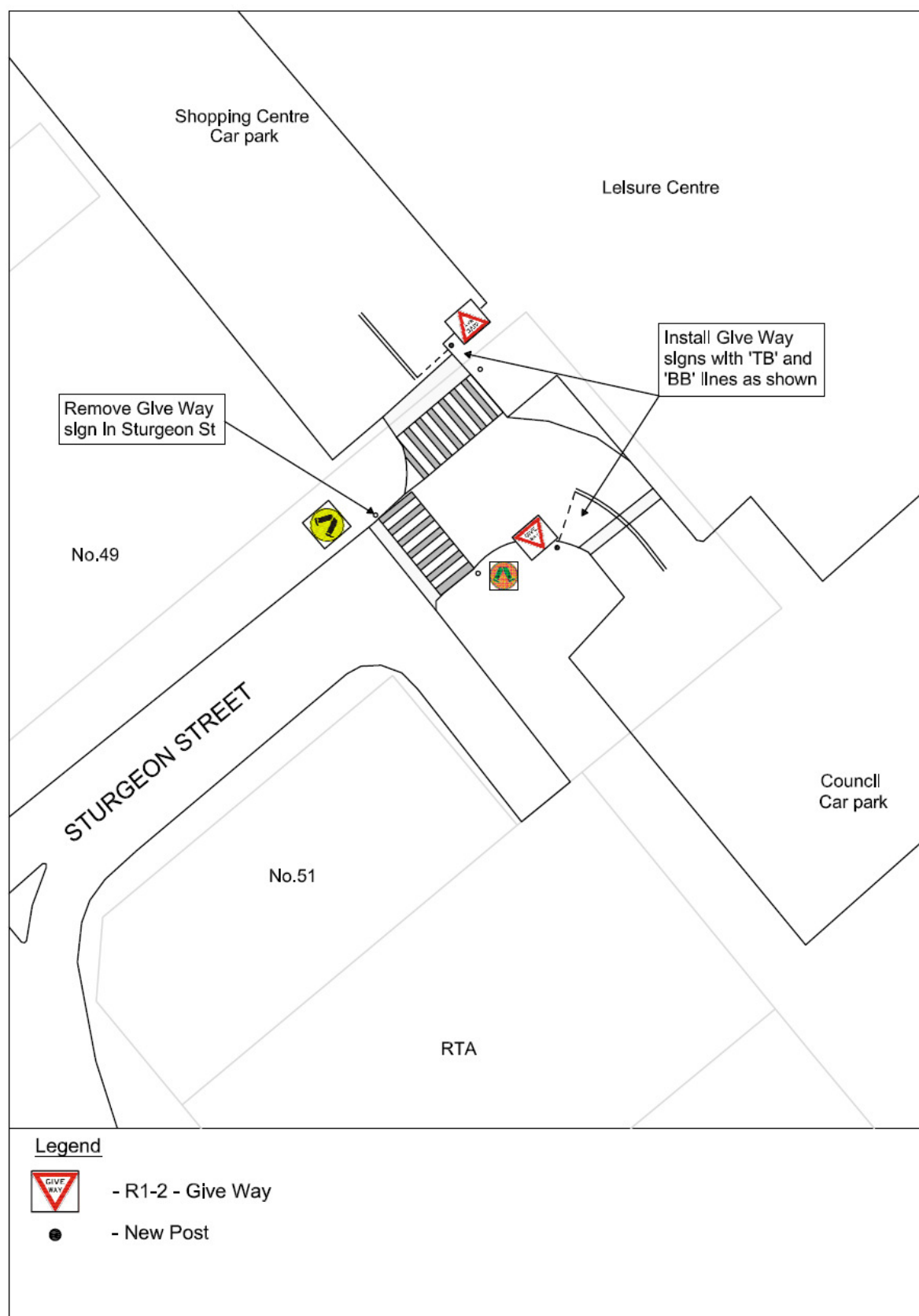
Support for the recommendation:

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

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

PORT STEPHENS TRAFFIC COMMITTEE MINUTE **ITEM NO. 33_08/09**
Tuesday 4 August 2009 **Street: Sturgeon Street**

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C4 Item: 34_08/09**SWAN STREET RAYMOND TERRACE – INSTALLATION OF A CHILDRENS CROSSING AT THE EXISTING PEDESTRIAN CROSSING AT RAYMOND TERRACE PUBLIC SCHOOL**

Requested by: Mr John Picton – Principal of Raymond Terrace Public School

File:

Background:

Mr Picton contacted Council to request the upgrading of the pedestrian crossing in Swan Street, Raymond Terrace to allow display of Children's crossing flags.

Comment:

The crossing is currently a raised, marked pedestrian crossing that has a school crossing supervisor provided by the RTA, however the crossing cannot operate as a children's crossing without the flags being displayed. This also requires installation of the required posts and line marking.

Legislation, Standards, Guidelines and Delegation:

AS 1742.13 – Local Area Traffic management

RTA Delineation Manual section 7 – Transverse lines

Regulatory Signs Database – R3-3, W6-3, W8-210

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

Recommendation to the Committee:

Install Children's crossing posts, crossing warning signs and linemarking in Swan Street at the Raymond Terrace Public School, to comply with the RTA standard.

Discussion:

The Traffic Committee discussed a range of issues at this location including:

- The width of the speed hump in relation to road width as cars were reported as going around humps at non-school times.
- The possible opening of Swan Street to allow traffic to turn right on to Adelaide St and how this may increase traffic past school area.

The Infrastructure Planning team is assessing the Swan Street area to improve safety at peak school times.

Support for the recommendation:

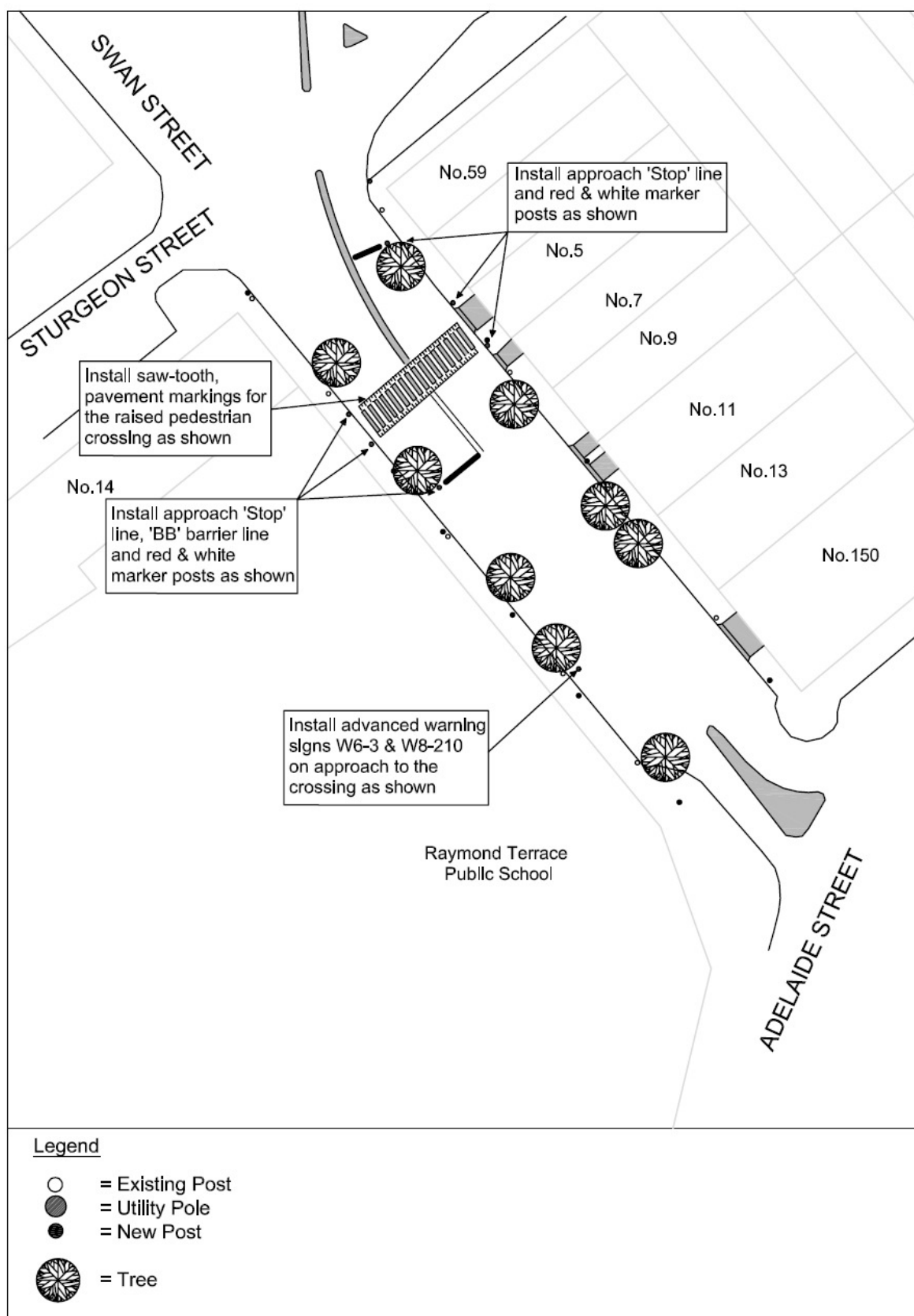
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 4 August 2009

ITEM NO. 34_08/09
Street: Swan Street

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D. Informal Matters

D1 Item: 505_08/09

SOUTH STREET AND JAMES ROAD MEDOWIE - REQUEST FOR A REVIEW OF SPEED ZONES

Requested by: A resident

File:

Background:

A Medowie resident contacted Council to complain about the inconsistencies of the speed zones in the Medowie area. He said that his street was an urban, residential street yet had a posted speed limit of 60km/h.

Comment:

The Inspection Committee noted that the existing '60' speed zone on entry to South Street from Medowie Road is not appropriate for the residential nature of this subdivision.

This area is closely settled with kerb & gutter and street lighting and should be '50'. The area of James Road is slightly different with a more rural residential feel but weighing against this is the lack of footpaths and street lighting and the presence of buses. This means that pedestrians and cyclists are more likely to travel on-road and these factors combine to make an area-wide '50' speed limit a more reasonable option.

Committee's Advice:

Committee agreed with the inspection committee that 50km/h was a more appropriate speed limit for South Street, Medowie and that this matter is to be referred to RTA for a review of speed limits of roads in Medowie that are both urban and rural residential in nature.

Discussion:

The representative for the member for Port Stephens submitted comments by C Baumann MP that South Street was designed by Port Stephens Council as an 80 Km/h road and traffic travelled on James Road up to 80Km/h in the 60km/h zone.

Police asked about the future connection of South Street sections, Scott Page added that the connection of South Street is dependant on the staging of developments at that location.

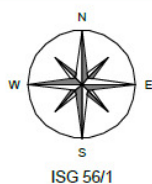
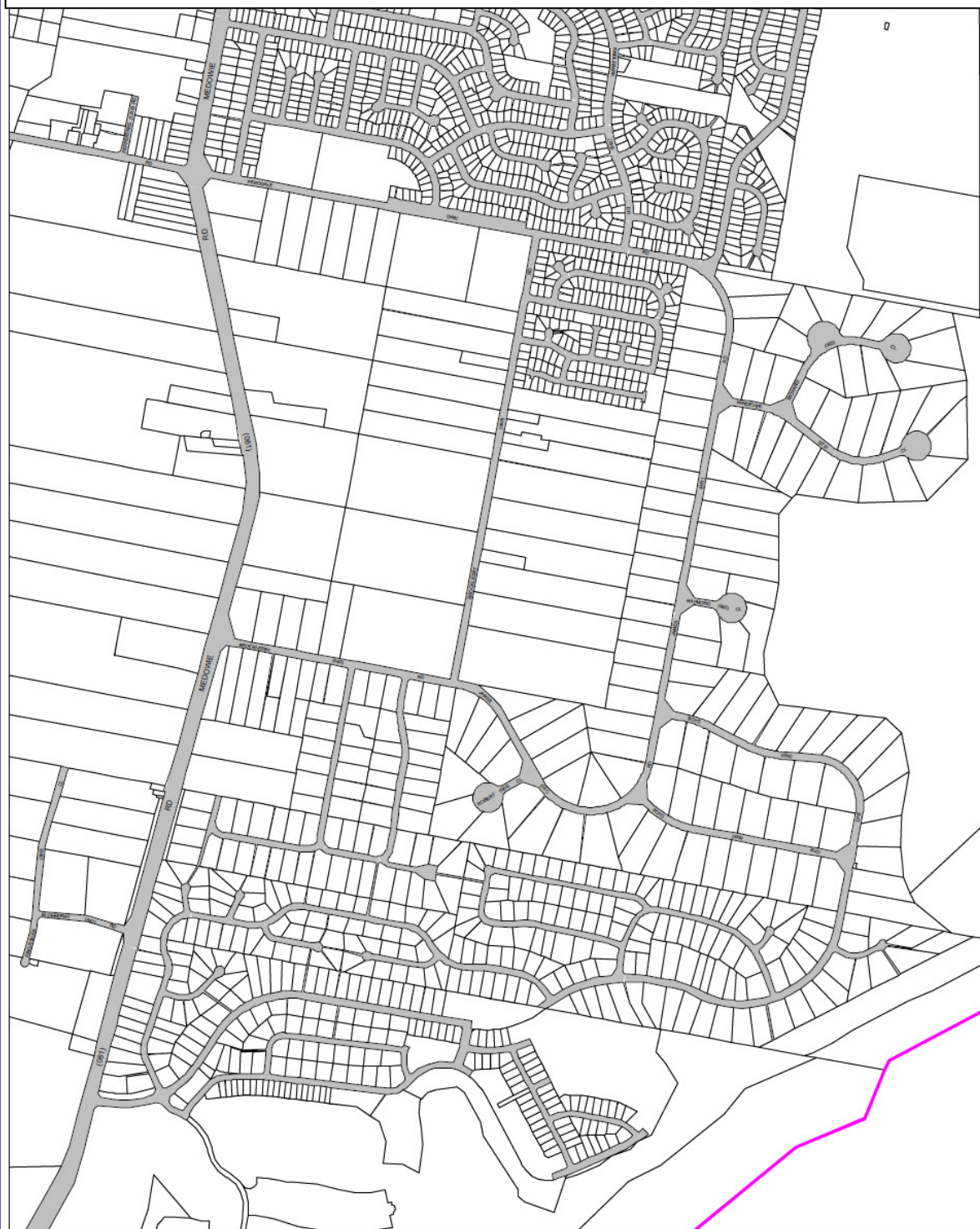
The implementation of Port Stephens Council's Medowie Strategy will ultimately necessitate the planning of slower speed environments and better definition of 50km/h built up areas than exists at present. The creation of the infrastructure document to supplement the Medowie Strategy will set up a strategy for speed environments along Medowie Road.

Cr Kafer commented that lower speed zones are better for encouraging cycling in the community.

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 4 August 2009

ITEM 505_08/09
South Street

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Port Stephens
C.O.U.N.C.I.L.
... a community partnership

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E. General Business

E1 Hunter Valley Buses

The Hunter Valley Buses representative noted the issue regarding the bus stop at the Pacific Highway at Heatherbrae.

Mr Moseley advised that drivers are directed to pick up waiting passengers near Elkin Street Heatherbrae, so that passengers are not required to cross the highway to catch southbound buses.

The Traffic Committee asked if signs and timetables could be located at the Elkin Street location to advise passengers of this option.

E2 Cr Kafer

Cr Kafer asked that the Traffic Committee list Police parking requirements for the temporary Police station on the agenda for September.

E3 Police

Police have asked that the entry/ exit of Coles supermarket at Tanilba Bay be investigated to prevent illegal right turns onto Lemon Tree Passage Road.

E4 Police have again raised the ongoing issue of speed limits confusion on Old Punt Road Tomago. The RTA advised that the new speed limit will be in place during August 2009.

ITEM NO. 4**FILE NO: PSC2005-4161****TEMPORARY SUSPENSION OF SECTION OF NELSON BAY ALCOHOL-FREE ZONE (AFZ)****REPORT OF: TREVOR ALLEN - INTEGRATED PLANNING MANAGER**
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

11. 1) Approves the temporary suspension of a section of the Nelson Bay Alcohol-Free Zone on 6 November 2009 between 12 noon and 11.00pm, 7 November 2009 between 9.00 am and 11.00 pm and 8 November 2009 between 9.00 am and 10.00 pm in the area shown in Attachments 1 & 2 of this report, for the facilitation of the *9th Annual Tastes at the Bay Food, Wine and Jazz Festival*.

OPERATIONS COMMITTEE – 08 SEPTEMBER 2009

	Councillor Bob Westbury Councillor John Nell	That the recommendation be adopted.
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ORDINARY COUNCIL – 22 September 2009

310	Councillor Bob Westbury Councillor Sally Dover	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to inform Council that a request has been received from Nelson Bay Town Management Inc to temporarily suspend a specific area of the Nelson Bay Alcohol-Free Zone (AFZ) during this year's *Annual Tastes of the Bay Food, Wine and Jazz Festival*.

The area for which approval is sought is:

- the d'Albora Marina foreshore area to *Noakes Boat & Shipyard* on the west side, and to 'Cruise In' east of the Marina boundary on the foreshore;

- Apex Park;

The hours of suspension would be between 12.00 noon and 11.00pm on 6 November 2009, between 9.00am and 11.00pm on 7 November 2009 and between 9.00am and 10.00pm on 8 November 2009. At all other times the area would operate as an AFZ.

Nelson Bay Town Management Inc and d'Albora Marinas have undertaken to employ security staff to patrol these areas during the suspension of the AFZ. These staff will also supervise the exiting of the areas at the end of the requested times to ensure that people are aware that AFZ conditions should be observed. All staff and volunteers involved in the handling of alcohol will be required to have *Responsible Service of Alcohol* training.

As required, Council will inform the public of the proposed area and hours of the suspension by notice published in the local paper at least 7 days before the event.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL, POLICY AND RISK IMPLICATIONS

Suspensions of AFZ are guided by Section 645 of the *Department of Local Government's Ministerial Guidelines on AFZ*, which state: -

A Council is not limited in the reasons for which it may suspend... an alcohol-free zone. A suspension would not usually be appropriate for any period longer than one month, and generally would be of a much shorter duration (eg. to accommodate a specific event).

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The AFZ will support the *Annual Tastes of the Bay Food, Wine and Jazz Festival* and hence will have positive social and economic implications.

CONSULTATION

The local Police have been notified and support the proposal subject to the presence of security guards who will monitor the event for the duration of the suspension.

OPTIONS

- 1) To accept the recommendation
- 2) To reject the recommendation

ATTACHMENTS

- 1) Map identifying proposed area affected by the temporary suspension of the Nelson Bay AFZ – Apex Park.
- 2) Map identifying proposed area affected by the temporary suspension of the Nelson Bay AFZ – Nelson Bay foreshore.

COUNCILLORS ROOM

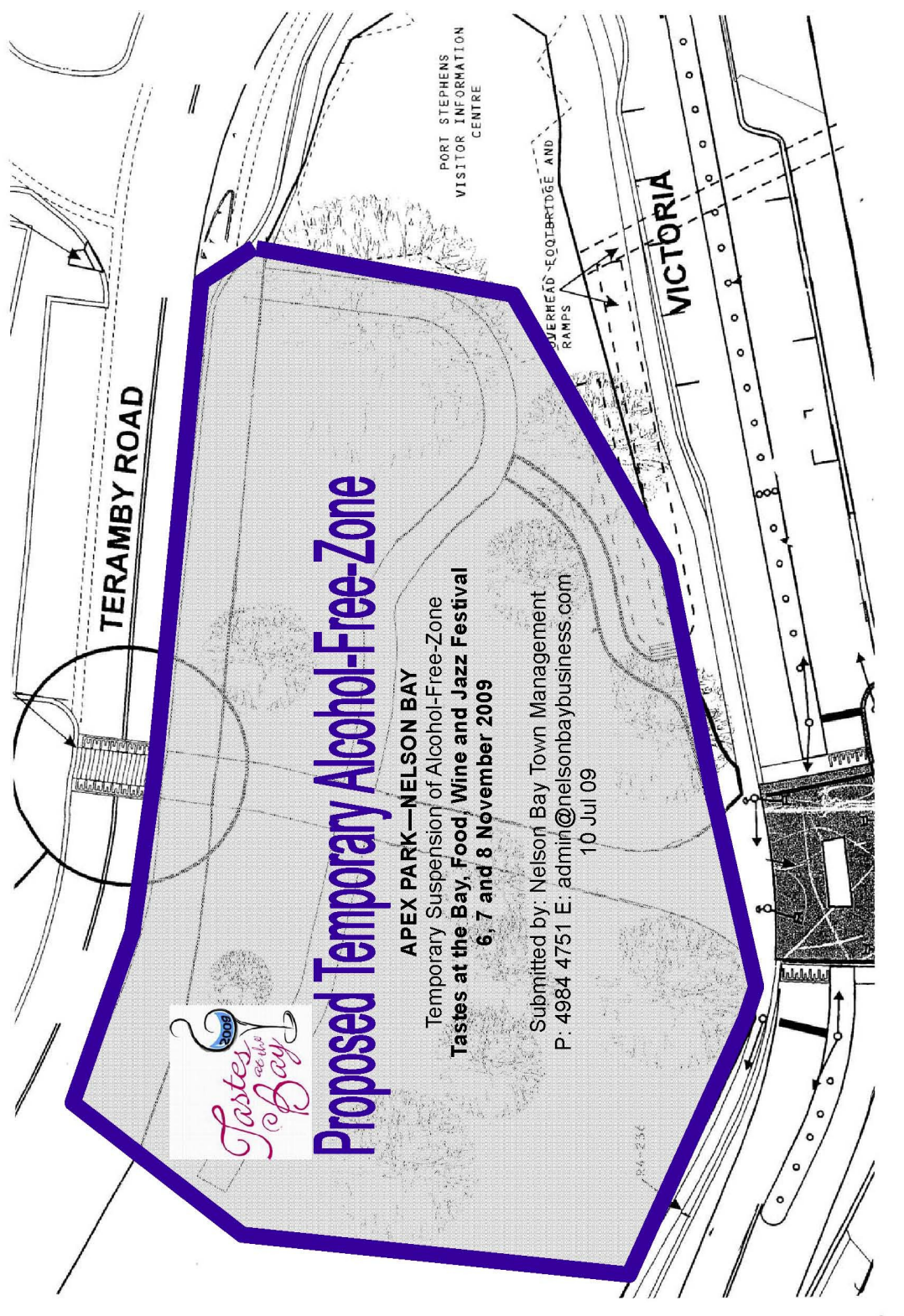
Nil

TABLED DOCUMENTS

Nil

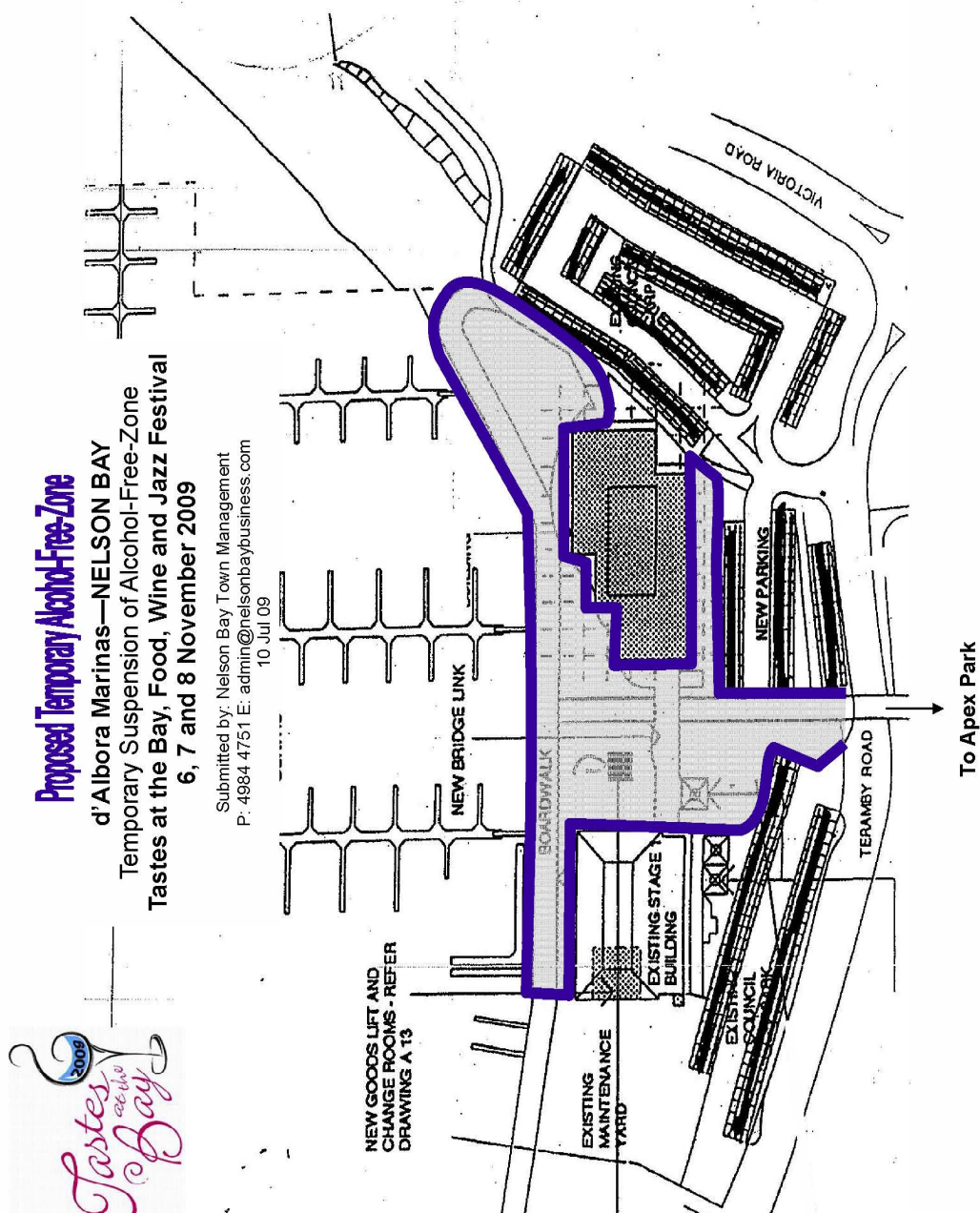
ATTACHMENT 1

MAP IDENTIFYING PROPOSED AREA AFFECTED BY THE TEMPORARY SUSPENSION
OF THE NELSON BAY AFZ – APEX PARK



ATTACHMENT 2

MAP IDENTIFYING PROPOSED AREA AFFECTED BY THE TEMPORARY SUSPENSION
OF THE NELSON BAY AFZ – NELSON BAY FORESHORE



ITEM NO. 5

FILE NO: PSC2007-2394

PROPOSED 'CULTURE PORT STEPHENS NETWORK'

REPORT OF: TREVOR ALLEN - INTEGRATED PLANNING MANAGER
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

12. 1) Establish a section 355b Committee called the 'Culture Port Stephens Strategic committee', to:
- 13.
- Advice Council on cultural matters
 - Partner in the delivery of Council's new Cultural Plan once adopted
 - Facilitate communications between cultural organisations and the broader community
 - Assist with strategic and facility planning
 - Provide training to member organisations
 - Form project and strategy based working groups on an as-needs basis to assist in the delivery of the Cultural Plan
 - Advocate to other levels of Government on cultural matters
 - Provide an umbrella for cultural organisations where, by mutual agreement between the group and Council, they are incorporated as part of Council and be covered under Council's insurance
 - Establish an Event Organisers Network and Galleries Network as sub-committees of the 'Cultural Port Stephens Strategic Committee'.
- 14.
15. 2) Nominate and elect 2 Councillors to participate in the 355b 'Culture Port Stephens Strategic Committee'.
- 16.
17. 3) Establish 7 local Arts Councils as sub-committees to the 'Culture Port Stephens Strategic Committee' covering Western Area, Medowie, Tilligerry Peninsula, Tomaree Peninsula, Rural East, Raymond Terrace and Karuah as outlined in **Attachment 2** of this report.

OPERATIONS COMMITTEE – 08 SEPTEMBER 2009

	Councillor John Nell Councillor Bruce MacKenzie	That the recommendation be adopted.
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ORDINARY COUNCIL – 22 September 2009

311	Councillor John Nell Councillor Glenys Francis	It was resolved that the recommendation be adopted with Councillors John Nell, Steve Tucker, Glenys Francis and Ken Jordan as Council delegates.
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BACKGROUND

The purpose of this report is to seek endorsement of a new cultural planning and administrative framework which will engage local and regional cultural stakeholders as partners in the delivery of Council's cultural program in accordance with Council's Draft Cultural Plan.

This report relates to Section 4 of the Council Plan 2009-2013 'Contribute to building the cultural life of Port Stephens'.

Organisations with an interest in culture have indicated a desire for Council to demonstrate leadership and facilitate coordination of cultural initiatives, specifically through establishment of a Cultural Committee as shown in **Attachment 1** of this report.

1. The Draft Cultural Plan in Context

Since the Draft Cultural Plan 2009-2013 was placed on public exhibition earlier this year; a new Community Planner for Cultural Development has been recruited. They have reviewed and assessed existing local cultural processes against current best practice in cultural planning and development. Following this review and assessment, the Draft Cultural Plan is being revised to ensure that it is consistent, and integrated with:-

- The draft Futures Strategy which includes culture as one of five pillars; and
- The Community Strategic Plan recently legislated as an amendment to the Local Government Act.

The Draft Cultural Plan informs the plans and direction of partner organisations, acknowledging their agreed roles in the cultural development program. It is based on a community partnership, where various organisations have a role to plan in delivering the identified priorities for the community. Therefore, relationships between Council and these organisations need to be maintained for it to be effectively delivered. Currently there is no mechanism for cultural organisations to advise Council on cultural matters. This report recommends that a cultural 355b committee be established to facilitate this and the scope of the committee be established in the Draft Cultural Plan.

2. The Current status of relationship with cultural stakeholders

Operating across the LGA are numerous community organisations, service providers, businesses, government agencies and sections of Council, each with an interest in culture and the arts. To date contact with these stakeholders, with regard to cultural planning has been ad hoc, resulting in duplication, missed opportunities and lacking direction.

A Cultural Forum is proposed to be held 25 September 2009 to bring the stakeholders together, At the Forum the Cultural Port Stephens Network would be established and provide input into the finalisation of the Draft Cultural Plan. The Forum will provide an opportunity for all key stakeholders to negotiate agreements with regard to implementing the plan. The Draft cultural Plan will be presented to Council for consideration in late 2009.

Some established 355b committees led by other sections of council could also link across, such as the Port Stephens Independent Youth Network, Halls Network, Heritage Committee and the Economic Development Advisory Panel.

3. Establishing project based sub-committees under the banner of Council's Cultural Committee

Delivery of the Draft Cultural Plan's key strategies will involve sub-committees including relevant Council Officers. These would be established on an as-needs basis, and vary in duration and membership. Examples include:

- 'Cultural Infrastructure Working Group' advising on the development of facilities including libraries, galleries, museums and performing art centres.
- 'Public Art Advisory Committee' which would make recommendations on public art master plans and approvals.
- 'Create Industries and Cultural Tourism Working Group' to develop employment opportunities and capacity.

Currently organisations receive support from Council separately rather than collectively. For example, Council staff working with event organisers one-on-one rather than bringing event organisers together to share information, experiences and resources. This will maximise benefits such as cross-promotion and minimise duplication of resources. Therefore, it is recommended that two networks be established as sub-committees, these being:

- Event Organisers Network
- Galleries Network

4. Establishing locality-based sub-committees under the banner of Council's Cultural Committee

The Draft Cultural Plan has a focus on place-making, recognising that communities across Port Stephens have individual character and sense of identity. Locality-based arts councils will bring together the local stakeholders for local cultural planning while also feeding in the LGA-wide cultural planning process as outlined in **Attachment 2** of this report.

This proposal is consistent with Council's network of Sports Councils where local committees operate in five localities and are linked by an LGA-wide committee.

The membership of the proposed seven local arts sub-committees will comprise of representatives from cultural groups, community groups, business interests, schools, special interest groups, elected Councillors and community representatives in each of the localities as show in **Attachment 2** of this report.

FINANCIAL/RESOURCE IMPLICATIONS

The Culture Port Stephens Network will be coordinated by the Community Planner for Cultural Development. It will be funded from existing budget allocations for cultural planning and development. The Draft Cultural Plan will have cost implications which will be included within the report when the Draft Plan is submitted to Council for consideration later this year.

LEGAL, POLICY AND RISK IMPLICATIONS

The recommendations of this report are in accordance and integrated with Council's existing and future legal and policy framework. The risk implications of the report recommendations are low.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The report recommendations propose a co-ordinated & collaborative approach to:-

- Development of community spirit and sense of place
- Improving the quality of life experienced by the community
- Engaging people of all ages and abilities in the arts and culture
- Development of creative industries, cultural tourism and events
- Cultural programming through cross-promotion and resource sharing
- The use of the arts as a method of influencing the lifestyles of the community
- Development of culture and the arts across the LGA
- Increasing awareness of opportunities to participate in the cultural life of Port Stephens.

CONSULTATION

Survey of Organisations with an interest in culture and the arts
Local cultural organisations have been surveyed to determine how they would prefer to interact with Council regarding cultural matters. Survey respondents indicate a preference for quarterly strategic cultural committee meetings. According to the cultural stakeholders, the following communication channels are preferred: -

- Quarterly meetings of the Council Cultural Committee (The Cultural Port Stephens Network)
- Monthly e-mail bulletins

Ensuring website content is current

An annual cultural forum

Frequency of meetings of the Local Arts Councils and other sub-committees would be negotiated with participants.

According to survey respondents, Council's roles are considered to be focused around strategic rather than operational activities. Cultural organisations do not see it be Council's role to be delivering cultural projects, working directly with artists or organising events, but to be assisting those who are. Council is recognised as having a role in providing financial and marketing support as show in **Attachment 1** of this report.

A 2-way conversation was also held with Councillors on 25 August 2009 on the proposed 355b Committee, local Arts sub-committees and framework.

Futures Forum and Community Workshops

Through the Futures Project, a 'collaborative cultural sector' was identified as one of 5 priority directions in the 'arts and culture' theme. Establishment of a Council led Cultural Committee was identified as the key to achieving a collaborative cultural sector.

Draft Cultural Plan Submissions

Submissions on the Draft Cultural Plan strongly favoured all strategies relating to improved communications i.e. annual cultural forum, e-mail bulletins, etc.

OPTIONS

To accept recommendations.

To reject the recommendations

To defer the recommendations and call for further information to support the report and/or consider a revised community engagement and organisational committee.

Nominate and elect councillors to each of the 7 local Arts sub-committees.

ATTACHMENTS

- 1) Survey results from cultural organisations
- 2) Proposed 'Culture Port Stephens Network' structure

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

**ATTACHMENT 1
SURVEY RESULTS FROM CULTURAL ORGANISATIONS**

(Based on responses collected by 21 August 2009)

Cultural stakeholders were asked how they would like to interact with Council regarding Culture

Order of priority for communications regarding cultural matters:

1. Email
2. A Committee of Council focusing on cultural matters
3. Website
4. Meet with cultural groups from across the Council area
5. One-on-one
6. A Cultural Forum bringing all the stakeholders together
7. Meet with cultural groups in the same community
8. Postal
9. Residents Panel

While ad hoc contact (as required) was identified as a popular frequency for all methods of contact, the following preferences related:

	First Preference	Second Preference
Post	As needed	Not at all
Email	As needed	Monthly
Web	Monthly	As needed
One-on-one	As needed	Monthly
Resident's panel	Not at all	As needed
Meet with groups in same community	As needed	Quarterly
Meet with groups across LGA	As needed	Quarterly
Council cultural committee	Quarterly	As needed
Cultural Forum	As needed	Annually

Prioritising communications regarding cultural matters

The responses for the different Council roles have been weighted, based on level of Council control (as below), to identify the stakeholders' priorities for Council's focus.

- Monthly = 4 points for every response
- Quarterly = 3 points for every response
- Annually = 2 points for every response
- As required = 1 point for every response
- Not at all = 0 points for every response

Recommended communication channels are:

- Quarterly meetings of the Council Cultural Committee (The Cultural Port Stephens Network)
- Monthly email bulleting
- Ensuring website content is current
- An annual cultural forum
- Frequency of meetings for the Local Arts Councils and other sub-committees would be negotiated with the participants.

Cultural organisations have indicated that post and the resident's panel are not desirable communication channels.

Cultural organisations were asked to indicate what they believe Council's role/s are in the delivery of a range of cultural development areas

The main areas where Council is believed to be primarily responsible for delivery (rather than another organisation having the responsibility) are:

- Provision of performing arts spaces (61.1%)
- Cultural planning (47.2%)
- Promotion of cultural opportunities to the broader community (44.4%)
- Provision of gallery space (41.7%)
- Cultural tourism (41.7%)
- Providing funding to cultural projects (38.9%)

	Council's Primary Role	Council's Secondary Role
Festivals	Shared responsibility with others	Assisting others who are responsible
Public Art	Shared responsibility with others	Assisting others who are responsible
Provision of gallery space	Shared responsibility with others	Responsible for it
Provision of performing arts spaces	Responsible for it	Shared responsibility with others
Heritage and cultural trails	Shared responsibility with other	Responsible for it
Cultural tourism	Tied first: <ul style="list-style-type: none"> ▪ Responsible for it ▪ Shared responsibility with others 	
Cultural projects	Shared responsibility with others	Responsible for it
Cultural planning	Responsible for it	Shared responsibility with others
Networking opportunities for cultural organisations	Shared responsibility with others	Responsible for it
Promotion of cultural opportunities to the broader community	Tied first: <ul style="list-style-type: none"> ▪ Responsible for it ▪ Shared responsibility with others 	

Developing the skills of artists	Assisting others who are responsible	Shared responsibility with others
Building the capacity of cultural organisations	Shared responsibility with others	Assisting others who are responsible
Providing funding to cultural projects	Shared responsibility with others	Responsible for it

Prioritising Council's cultural roles

The responses for the different council roles have been weighted, based on level of Council control (as below), to identify the stakeholders' priorities for Council's focus.

- Responsible for it - lead role = 4 points for every response
- Shared responsibility with others = 3 points for every response
- Assisting others who are responsible = 2 points for every response
- Encouraging those responsible to do it = 1 point for every response

Order of priority for council's cultural roles:

1. Provision of performing arts spaces
2. Promotion of cultural opportunities to the broader community
3. Cultural planning
4. Providing funding to cultural projects
5. Provision of gallery space
6. Cultural tourism
7. Networking opportunities for cultural organisations
8. Heritage and cultural trails
9. Cultural projects
10. Public art
11. Building the capacity of cultural organisations
12. Festivals
13. Developing the skills of artists

Recommended council focus in delivery of cultural priorities:

Council's roles are considered to be focused around strategic rather than operational activities.

Cultural organisations do not see it to be council's role to be delivering cultural projects, working directly with artists or organising events, but to be assisting those who are. Council is recognised as having a role in providing financial and marketing support.

Council is considered to be responsible for cultural planning, facilitating the development of Port Stephens as a cultural place.

Council's roles are considered to be focused primarily on the provision of cultural infrastructure, with the top two priorities being to provide venues accommodating the needs of both the visual and performing arts.

**ATTACHMENT 2
PROPOSED STRUCTURE**

Provided under separate cover

ITEM NO. 6**FILE NO: A2004-0242****2009-2010 CARRY FORWARD AND REVOTES****REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER****GROUP: COMMERCIAL SERVICES**

RECOMMENDATION IS THAT COUNCIL:

18. 1) Notes the votes to be carried forward to the 2009/2010 Estimates as shown in **TABLE 1** of **ATTACHMENT 1**.
19. 2) Approves the revotes from the 2008/2009 Estimates as detailed in **TABLE 2** of **ATTACHMENT 1** to this report and vote the necessary funds to meet expenditure.
20. 3) Notes that the figures for the Carry Forwards and Revotes are only an Estimate and a further report will be tabled to Council after the Annual Financial Statements for 2008/2009 financial year have been audited.

OPERATIONS COMMITTEE – 08 SEPTEMBER 2009

	Councillor Bruce MacKenzie Councillor John Nell	That the recommendation be adopted.
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ORDINARY COUNCIL – 22 September 2009

312	Councillor Ken Jordan Councillor John Nell	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to amend the Budget and bring to Council's attention the value of carry forwards and revotes for review and adoption.

On the 23rd June 2009 Council adopted its Council Plan and Budget 2009/2012 (Council minute 169/2009). This included budget estimates for the 2009/2010 financial year.

FINANCIAL/RESOURCE IMPLICATIONS

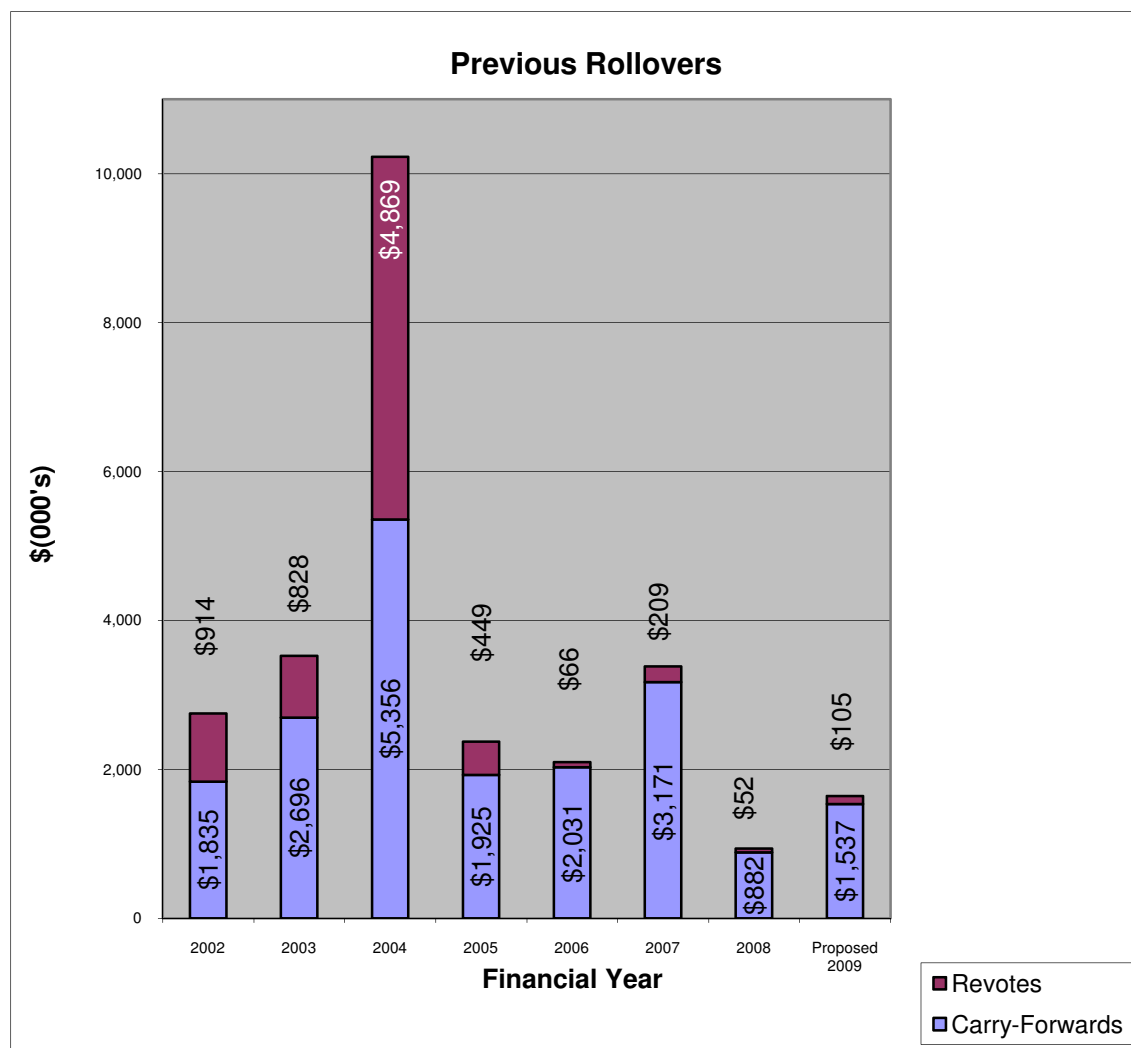
Council's original 2009/2010 Budget estimate is a \$1,557,806 cash deficit after internal transfers and before depreciation of \$14.0 million. TABLE 1 OF ATTACHMENT 1 details works committed or in progress at the end of the 2008/2009 financial year. Typically, these funds are legally committed but remain partially or wholly unexpended at the end of the financial year. The funds are not automatically carried forward to the new financial year, Council is required to review the funds carried forward. Other unexpended funds may remain uncommitted and such votes lapse unless specifically revoked by Council.

The following table is a summary of the amounts recommended to be rolled forward from 2008/2009.

	Total	Recurrent	Capital
Carry Forwards – Table 1	\$1,537,240	\$25,165	\$1,512,075
Revotes – Table 2	\$105,151	\$30,151	\$75,000
Total	\$1,642,391	\$55,316	\$1,587,075

For comparative purposes the following table is a summary of the amounts rolled forward from 2007/2008.

	Total	Recurrent	Capital
Carry Forwards	\$881,576	\$89,227	\$792,349
Revotes	\$51,688	\$43,031	\$8,657
Total	\$933,264	\$132,258	\$801,006



LEGAL, POLICY AND RISK IMPLICATIONS

The Carry Forwards and Revotes Report is a public document and as such is available for inspection on request.

Under Division 5 - 211 of the Local Government (Financial Management) Regulation 1999 all approvals and votes lapse at the end of the financial year unless previously committee. Once an approval or vote has lapsed it can only be reinstated by a resolution of Council. In the case of votes being unexpended at the end of the financial year a report is submitted to Council itemising those lapsed votes that in the opinion of the General Manager should be revoted to the next financial year.

The General Manager has the delegated authority to approve changes up to \$10,000 within a Group

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Council's Budget is fundamental for operational sustainability and to the provision of facilities and services to the community.

CONSULTATION

Executive Group
Section Managers

OPTIONS

Council adopts the Carry Forwards and Revotes detailed in this report.

Council amends the Carry Forwards and Revotes detailed in this report.

Council rejects the Carry Forwards and Revotes detailed in this report.

ATTACHMENTS

- 1) Table 1 – Identified Votes to be carried forward from 2008/2009 (Attachment 1)
- 2) Table 2 – Identified Revotes elected from 2008/2009 (Attachment 1)

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

TABLE 1 –IDENTIFIED VOTES TO BE CARRIED FORWARD FROM 2008/2009

COMMERCIAL SERVICES

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
COMMERCIAL OPERATIONS						
Fingal Bay Holiday Park	Street lighting, 7 Surf Villas	\$608,746	\$0	\$608,746	Business Operations Restricted Fund	Work in progress
Halifax Holiday Park	Children's play equipment, amenities upgrade	\$51, 511	\$0	\$51,511	Business Operations Restricted Fund	Work in progress
Soldiers Point Holiday Park	Playground bbq area embankment rehabilitation	\$11,287	\$0	\$11,287	Business Operations Restricted Fund	Work in progress
	TOTAL	\$671,544	\$0	\$671,544		

SUSTAINABLE PLANNING

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
INTEGRATED PLANNING						
NAIDOC Week	Sundry Office Expenditure	\$0	\$8,285	\$0	Revenue	As per Council resolution minute 102 on 28/04/09
Cultural Development	Cultural Events	\$0	\$3,000	\$0	Revenue	As per Council resolution minute 227 on 28/07/09
ENVIRONMENTAL SERVICES						
Regulatory Services	Water Quality Monitoring	\$0	\$11,892	\$0	Restricted Cash	Unspent funds to be incorporated into 2008/2009 program. Contribution received and taken to Restricted Cash.
Environmental Services – Natural Resources	Environmental Projects, Weeds and Mosquitoes	\$0	\$1,988	\$0	Restricted Cash	Grant received in 2008, costs committed and projects to be finalised in 2009.
	TOTAL	\$25,165	\$25,165	\$0		

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

FACILITIES AND SERVICES

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
RECREATION SERVICES						
Leisure Centres	Lakeside Energy Efficiency	\$48,496	\$0	\$48,496	Grants	Work in progress.
Leisure Centres	Tilligerry Energy Efficiency	\$14,019	\$0	\$14,019	Grants	Work in progress.
Leisure Centres	Tomaree Energy Efficiency	\$51,261	\$0	\$51,261	Grants	Work in progress.
TRANSPORT						
Transport Capital	Infrastructure Grant bus shelters	\$126,856	\$0	\$126,856	Revenue, Grants	Infrastructure Grant over 2 years and is to be completed by Sep 2009.
Transport Capital	Disabled access improvements	\$40,576	\$0	\$40,576	Grants	Infrastructure Grant over 2 years and is to be completed by Sep 2009.
Transport Capital	MR301 Dixon and Warren streets Seaham	\$257,525	\$0	\$257,525	Environmental Restricted Fund, Grants	Commenced but not completed.
Transport Capital	Footpaths various	\$11,475	\$0	\$11,475	Grants	Commenced but not completed.
Transport Capital	Karuah Main Street	\$51,150	\$0	\$51,150	Revenue	Commenced but not completed.
Transport Capital	Traffic facilities	\$16,458	\$0	\$16,458	Revenue	Commenced but not completed.
Transport Capital	Halloran Way	\$49,661	\$0	\$49,661	Revenue	Commenced but not completed.
Transport Capital	Victoria Pde 40kmph zone	\$173,054	\$0	\$173,054	Grants	Commenced but not completed.
TOTAL		\$840,531	\$0	\$840,531		

TOTAL FOR TABLE 1 – CARRY FORWARDS

Total	Recurrent	Capital
\$1,537,240	\$25,165	\$1,512,075

ATTACHMENT 2

TABLE 2 – IDENTIFIED VOTES TO BE REVOTED FROM 2008/2009

COMMERCIAL SERVICES

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
COMMERCIAL OPERATIONS						
HP - Halifax Holiday Park	Office refurbishment	\$15,000	\$0	\$15,000	Business Operations Restricted Fund	To be completed in 2009/2010
HP - Halifax Holiday Park	Workshop maintenance	\$10,000	\$0	\$10,000	Business Operations Restricted Fund	To be completed in 2009/2010
HS - Shoal Bay Holiday Park	Footpath reconstruction - amenities	\$50,000	\$0	\$50,000	Business Operations Restricted Fund	To be completed in 2009/2010
	TOTAL	\$75,000	\$0	\$75,000		

GENERAL MANAGERS OFFICE

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
AG – Councillors Services	Minor Works & Sec 356 Grants for Community Assistance	\$30,151	\$30,151	\$0	Revenue	Council decision that funds roll forward each year
	TOTAL	\$30,151	\$30,151	\$0		

TOTAL FOR TABLE 2 – REVOTES

Total	Recurrent	Capital
\$105,151	\$30,151	\$75,000

ITEM NO. 7**FILE NO: PSC 2009-02747****ORGANISATION STRUCTURE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the organisation structure as outlined in Attachment 1
- 2) Reaffirm senior staff positions as the General Manager, Group Manager Sustainable Planning, Group Manager Facilities and Services, Group Manager Commercial Services and Group Manager Corporate Services.

OPERATIONS COMMITTEE – 08 SEPTEMBER 2009

	Councillor Ken Jordan Councillor Shirley O'Brien	That the recommendation be adopted.
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ORDINARY COUNCIL – 22 September 2009

313	Councillor Bob Westbury Councillor John Nell	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the organisation structure as shown in Appendix 1.

Following a comprehensive review of the organisation structure in 2008, the Council at its meeting on 22 July 2008, resolved to adopt a new organisation structure. This resulted in the formation of four groups consisting of Commercial Services, Facilities and Services, Sustainable Planning and Corporate Services. Five senior staff positions were designated in the structure as the General Manager and the four Group Managers.

In determining the structure, extensive consultation with staff and Council took place to consider the current and future issues facing the organisation, and the best way of delivering services into the future. The new structure addressed the need to guide

change and manage resources, have clear lines of accountability, improved communication channels and a focus on commercial operations.

FINANCIAL/RESOURCE IMPLICATIONS

Funds have been allocated in the 2009/10 budget to cover the structure shown in Attachment 1.

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 332 of the Local Government Act, Council is required to determine an organisation structure, the resources to be allocated towards the employment of staff, and those positions within the structure that are senior staff positions.

Section 333 provides that the structure may be re-determined by the Council from time to time. It must be re-determined within 12 months after any ordinary election of the Council.

SUSTAINABILITY IMPLICATIONS

The organisation structure addresses the major external influences of the economy, together with social and environmental issues that are impacting on our organisation.

CONSULTATION

In determining the current structure, extensive consultation took place with:
Council
Staff
Unions

OPTIONS

- 1) Adopt the current structure
- 2) Amend the current structure
- 3) Reject the current structure

ATTACHMENTS

- 1) Current Organisation Structure

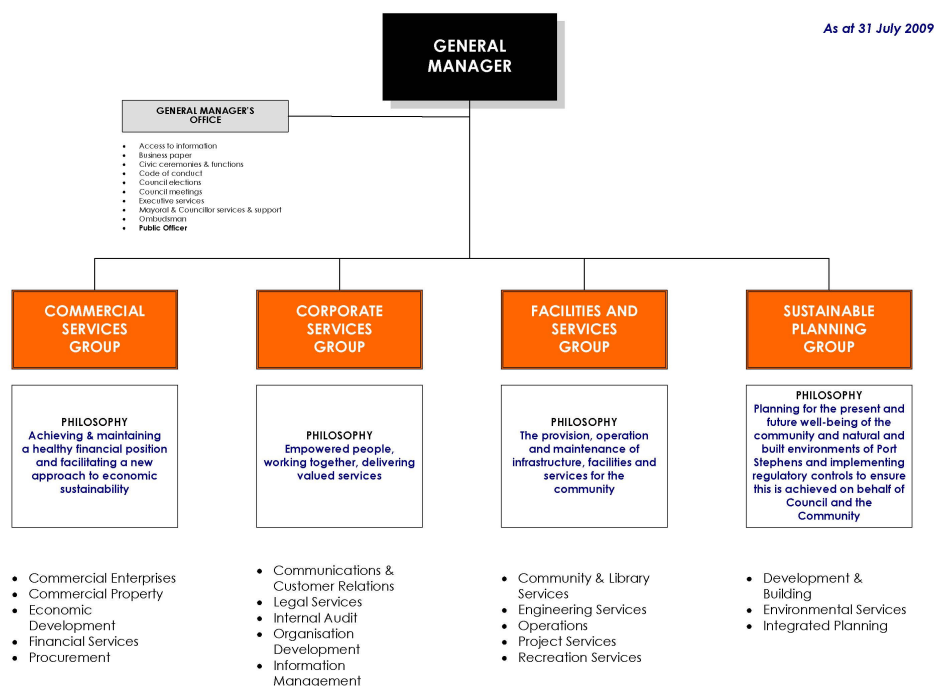
COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1



ITEM NO. 8**FILE NO: PSC2005-3572****355 (B) COMMITTEES ANNUAL FINANCIAL STATEMENT****REPORT OF: JASON LINNANE – RECREATION SERVICES MANAGER****GROUP: FACILITIES AND SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the 355(b) Committees Annual Financial Statement for the period 1 January 2008 to 31 December 2008.
-

OPERATIONS COMMITTEE – 08 SEPTEMBER 2009

	Councillor Bob Westbury Councillor Ken Jordan	That the recommendation be adopted.
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ORDINARY COUNCIL – 22 September 2009

314	Councillor Ken Jordan Councillor Bob Westbury	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend to Council the receipt of the 355(b) Committees Annual Financial Statement for 2008 allowing \$1,000 subsidies to be paid to eligible committees.

Executive Summary

The Annual Financial Statement Spreadsheet for 1 January 2008 to 31 December 2008 for 355(b) Committees can be found in (ATTACHMENT 1).

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

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

The links to the 2009-2013 Council Plan are:-

SOCIAL SUSTAINABILITY – Council will preserve and strengthen the fabric of the community, building on community strengths.

ECONOMIC SUSTAINABILITY – Council will support the economic sustainability of its communities while not compromising its environmental and social well being.

FINANCIAL/RESOURCE IMPLICATIONS

The total amount of funds held by committees at 30 December 2008 was \$747,804.00. Out of this total amount \$464,514.00 (62.1%) was held by 10 committees.

The majority of these funds were allocated by sports councils for projects underway or contributions to scheduled construction/improvements of facilities by hall committees. It should be noted that these committees are now contributing over \$150,000 per annum to asset management and renewal programs.

All of the funds that were held by Karuah Community Centre Committee are now held in restricted reserve by Council. These funds and new income will be used for asset management and renewal requirements.

The remaining funds totalled \$283,290.00 (37.8%).

The total funds held are \$32,465.00 more than at 30 December 2007

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

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

The system was developed in line with recommendations/requirements of Council's auditors to provide a uniform format and transparent auditing of committee financial transactions, which meet the requirements for accountability and GST reporting. The

system provides committees with a simplified financial process and staff support through the Facilities & Services Finance Co-ordinator. The Cash Book System provides a process that minimises risk to both Council and committees.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council establishes community committees to undertake projects, and to assist in the management of parks, reserves, services and facilities. This is part of Council's commitment to community partnerships and provides opportunities for the community to be involved with the management of the facilities they use.

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

CONSULTATION

Facilities & Services Finance Co-ordinator
Volunteer Strategy Co-ordinator

OPTIONS

- 1) Recommendation
- 2) Reject financial statements

COUNCILLORS ROOM

- 1) 355(b) Committees Annual Financial Statement Spreadsheet for 2008

TABLED DOCUMENTS

- 1) 355(b) Committees Annual Financial Statement Spreadsheet for 2008

ITEM NO. 9**FILE NO: PSC2009-02486****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 Ward funds as detailed in **ATTACHMENT 2**.
-

OPERATIONS COMMITTEE – 08 SEPTEMBER 2009

	Councillor Bob Westbury Councillor Ken Jordan	That the recommendation be adopted.
--	--	-------------------------------------

ORDINARY COUNCIL – 22 September 2009

315	Councillor Sally Dover Councillor Bob Westbury	It was resolved that the recommendation be adopted.
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BACKGROUND

The new Financial Assistance Policy adopted by Council 19 May 2009, to commence from 1 July 2009, provides for Community Grants to be called in July and January each year.

At the time of adopting the new Policy, Council nominated a Councillor from each Ward to form part of a Community Grants Review Panel which also comprises the Mayor, General Manager and the Executive Officer as the convenor.

Council called for Community Grants from 24 July 2009 to 7 August 2009. All applications received are shown at ATTACHMENT 1.

The Community Grants Review panel met on Monday 31 August 2009 to consider the applications and the recommendation from the Panel are shown at ATTACHMENT 2.

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.

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward Funds are the funding source for all financial assistance. Council has provided for \$36,000 per year, with \$18,000 being available on each occasion Grants are called. These Grants are limited to \$2000 per grant.

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The provision of the Community Grants allows organisations and groups to build relationships and provide events to the local community whilst further developing the cultural, social and economic aspects of the local government area.

CONSULTATION

Mayor
Councillors
General Manager
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

- 1) All Community Grants applications submitted.

- 2) Community Grants Review Panel recommendations to Council.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

2009 COMMUNITY GRANTS SUMMARY FOR CENTRAL WARD

No.	APPLICANT	CONTACT	PURPOSE	FUNDING SOUGHT FROM COUNCIL	TOTAL COST	FUNDS FROM BY COUNCIL IN LAST 3 years	OTHER GRANTS PROVIDED	COMPLIES WITH POLICY YES/NO.
1	Medowie Uniting Church – Craft Group	Cheryl Riley	Cost to hold a Craft & Quilt Show	\$500	\$1,000	Nil	Nil	Yes
2	West Tilligerry Tidy Towns	Fran Corner	Construction of a path along the foreshore	\$2,000	\$30,000	\$3,000 355b committee	Nil	Community Capacity Building more appropriate
3	Tanilba Bay Parks Reserves and Hall Committee	Fran Corner	Recoup DA fees and costs paid to Dept Environment & Climate Change	\$650	\$22,000	\$5,000 plus \$3,000 355b Committee	Nil	Yes
4	Williamstown School Reunion Group	Susan Latimer	Costs associated with the reunion event	\$500	\$500	Nil	Nil	Yes
5	1 st Tilligerry Scout Group	Ross Kalie	To refurbish the existing boys & girls toilets and upgrade	\$2,000	\$5,000	DA fees	\$4,770	Yes
6	Port Stephens Family History Society	Nanette Hill/Lorraine Cotam/Densie Gavidon	Purchase of a second computer	\$1,200	\$1,200	\$1,000	Nil	Yes
	TOTAL			\$6,850	\$59,700	\$12,000	\$4,770	

2009 COMMUNITY GRANTS SUMMARY FOR EAST WARD

No.	APPLICANT	CONTACT	PURPOSE	FUNDING SOUGHT FROM COUNCIL	TOTAL COST	FUNDS FROM BY COUNCIL IN LAST 3 years	OTHER GRANTS PROVIDED	COMPLIES WITH POLICY YES/NO.
1	Salamander Haven Retirement Village	Tom Harding	To purchase crockery & cutlery	\$2,000	\$2,400			Yes
2	Corlette Hall Parks & Reserves Committee	Margaret Wilkinson	Installation of combined public water bubbler and lockable tap on public reserve adjacent to Yawl Close, Corlette	\$2,000	\$2,734	\$1,595 PLUS \$3,000 355b Committee		Community Capacity Building more appropriate
3	Corlette Hall Parks & Reserves Committee	Margaret Wilkinson	Installation of combined public water bubbler and lockable tap on public reserve at Lorikeet Reserve, Spinnaker Way	\$2,000	\$2,982	\$1,595 PLUS \$3,000 355b Committee		Community Capacity Building more appropriate
4	Port Stephens Community Arts Centre Inc	Dr Diane Hart	Purchase and installation of an air conditioner	\$2,000	\$2,542	\$3,600	\$11,250	Yes
5	Taylors Beach Reserves, Tidy Towns and Landcare Committee	Lynne Hamilton	Purchase, deliver and install 6 separate playground components with soft fall, mulch and timber surround	\$11,000	\$11,000	\$6,360 plus \$3,000 355 b Committee	Nil	Community Capacity Building more appropriate
6	Quit Education Services – based at Edgecliff	James McLennan Resides in Shoal Bay	Quit smoking program to residents in LGA	\$2,000	\$2,000	Nil	Nil	No
7	Karingal Preschool Nelson Bay	Carly Stephen	Provision of a hearing assessment program at	\$1,050	\$1,050	Nil	Nil	Yes

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

			the Preschool for 70 children					
8	Nelson Bay Croquet Club Inc	Alison Tate	Purchase ride on green roller for croquet lawns maintenance	\$2,000	\$10,000 new \$6,000 2 nd hand	Nil	Nil	Yes
9	Rotary Club of Nelson Bay	Ian Faulkner	Support for the Annual Charity Golf Day	\$1000	\$1000			Yes
10	Combined Churches on the Tomaree	Cr Dover Request to come	Support for the Carols at the Bay	\$4000	\$4000			Yes
	TOTAL			\$29,050	\$35,708	\$22,150	\$11,250	

2009 COMMUNITY GRANTS SUMMARY FOR WEST WARD

No.	APPLICANT	CONTACT	PURPOSE	FUNDING SOUGHT FROM COUNCIL	TOTAL COST	FUNDS FROM BY COUNCIL IN LAST 3 years	OTHER GRANTS PROVIDED	COMPLIES WITH POLICY YES/NO.
1	Raymond Terrace Mens Probus Club	E Fogarty	Purchase of quality printer and consumables	TBA	TBA	Nil	Nil	Yes
2	St Brigids Netball Club	Kathy Ingram	Purchase of new uniforms	\$2,000	\$6,000	Nil	\$2,000	Yes
3	Hunter Region Botanic Gardens	Jan Noble	Replacement of café tables	\$1,200	\$1,600	\$12,781	\$78,406	Yes
4	Hunter Region Botanic Gardens	Jan Noble	Purchase of a high pressure cleaner	\$675	\$675	\$12,781	\$78,406	Yes
5	Wallalong Preschool – Wallalong Multipurpose Centre	Nicole Frost	Purchase and installation of a water tank and pump	\$2,000	\$8,236.16	\$1,000	Nil	Yes
6	Port Stephens Community Choir	Rachel Montgomery	Purchase of new music and payment of some operating costs	\$2,000	\$2,000	\$3,000 355 b committee	Nil	Yes
7	Saint Andrews Anglican Church – Seaham	Victoria Gardiner	Roof restoration costs	\$2,000	\$5,830	Nil	Nil	Yes
8	Riding for the Disabled	Judith Oliver	Operating costs in provision of a program for children with a disability – purchase of saddle cloth bags,	\$1,189.50	\$5,089.50	\$1,000	Nil	Yes

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

			postage letter box game, padded flags with rings, safety riding helmets.					
9	Thou-Walla Family Centre	Gina Ascott-Evans	Provision of a series of exercise classes to hard to reach families	\$1,200	\$1,200	\$4,700	\$2,700	Yes
10	Woodville School of Arts	Allison Cox	Purchase of a new ride on mower for grounds	\$2,000	\$2,200 - \$4,300	Nil	Nil	Yes
11	St Brigid's School	Kristen Jones	Support for the Spring Fair Fete					Yes
12	Grahamstown Public School	Jason Ellem	Support for the 007 Leadership and Personal Development Program	Up to \$1200	\$1200			Yes
	TOTAL			\$16,464.50	\$36,130.6,	\$22,481	\$83,106	

ATTACHMENT 2

2009 COMMUNITY GRANTS SUMMARY FOR CENTRAL WARD

No.	APPLICANT	CONTACT	PURPOSE	FUNDING SOUGHT FROM COUNCIL	TOTAL COST	FUNDS FROM BY COUNCIL IN LAST 3 years	OTHER GRANTS PROVIDED	COMPLIES WITH POLICY YES/NO.
1	Medowie Uniting Church – Craft Group	Cheryl Riley	Cost to hold a Craft & Quilt Show	\$500	\$1,000	Nil	Nil	Yes
2	Williamtown School Reunion Group	Susan Latimer	Costs associated with the reunion event	\$500	\$500	Nil	Nil	Yes
3	1 st Tilligerry Scout Group	Ross Kalie	To refurbish the existing boys & girls toilets and upgrade	\$2,000	\$5,000	DA fees	\$4,770	Yes
4	Port Stephens Family History Society	Nanette Hill/Lorraine Cotam/Densie Gavidon	Purchase of a second computer	\$1,200	\$1,200	\$1,000	Nil	Yes
5	Hunter Region Botanic Gardens	Jan Noble	Replacement of café chairs	\$400	\$1,600	\$12,871	\$78,406	Yes
6	Hunter Region Botanic Gardens	Jan Noble	Purchase of a high pressure cleaner	\$225	\$675	\$12,871	\$78,406	Yes
7	Port Stephens Community Choir	Rachel Montgomery	Purchase of new music and payment of some operating costs	\$667	\$2,000	\$3,000 355 b committee	Nil	Yes
	TOTAL			\$5,492	\$11,975			

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009
2009 COMMUNITY GRANTS SUMMARY FOR EAST WARD

No.	APPLICANT	CONTACT	PURPOSE	FUNDING SOUGHT FROM COUNCIL	TOTAL COST	FUNDS FROM BY COUNCIL IN LAST 3 years	OTHER GRANTS PROVIDED	COMPLIES WITH POLICY YES/NO.
1	Corlette Hall Parks & Reserves Committee	Margaret Wilkinson	Installation of combined public water bubbler and lockable tap on public reserve adjacent to Yawl Close, Corlette	\$1,000	\$2,734	\$1,595 PLUS \$3,000 355b Committee		Community Capacity Building more appropriate
2	Port Stephens Community Arts Centre Inc	Dr Diane Hart	Purchase and installation of an air conditioner	\$1,000	\$2,542	\$3,600	\$11,250	Yes
3	Karingal Preschool Nelson Bay	Carly Stephen	Provision of a hearing assessment program at the Preschool for 70 children	\$1,050	\$1,050	Nil	Nil	Yes
4	Nelson Bay Croquet Club Inc	Alison Tate	Purchase ride on green roller for croquet lawns maintenance	\$1,000	\$10,000 new.\$6,000 2nd hand	Nil	Nil	Yes
6	Combined Churches on the Tomaree	Cr Dover	Support for the Carols at the Bay	\$1000	\$4000			Yes
7	Hunter Region Botanic Gardens	Jan Noble	Replacement of café chairs	\$400	\$1,600	\$12,871	\$78,406	Yes
8	Hunter Region Botanic Gardens	Jan Noble	Purchase of a high pressure cleaner	\$225	\$675	\$12,871	\$78,406	Yes
9	Port Stephens Community Choir	Rachel Montgomery	Purchase of new music and payment of some operating costs	\$666	\$2,000	\$3,000 355 b committee	Nil	Yes
	TOTAL			\$6,341	\$24,601			

2009 COMMUNITY GRANTS SUMMARY FOR WEST WARD

No.	APPLICANT	CONTACT	PURPOSE	FUNDING SOUGHT FROM COUNCIL	TOTAL COST	FUNDS FROM BY COUNCIL IN LAST 3 years	OTHER GRANTS PROVIDED	COMPLIES WITH POLICY YES/NO.
2	St Brigids Netball Club	Kathy Ingram	Purchase of new uniforms	\$600	\$6,000	Nil	\$2,000	Yes
3	Hunter Region Botanic Gardens	Jan Noble	Replacement of café tables	\$400	\$1,600	\$12,781	\$78,406	Yes
4	Hunter Region Botanic Gardens	Jan Noble	Purchase of a high pressure cleaner	\$225	\$675	\$12,781	\$78,406	Yes
5	Wallalong Preschool – Wallalong Multipurpose Centre	Nicole Frost	Purchase and installation of a water tank and pump	\$1,000	\$8,236.16	\$1,000	Nil	Yes
6	Port Stephens Community Choir	Rachel Montgomery	Purchase of new music and payment of some operating costs	\$667	\$2,000	\$3,000 355 b committee	Nil	Yes
7	Saint Andrews Anglican Church – Seaham	Victoria Gardiner	Roof restoration costs	\$1,000	\$5,830	Nil	Nil	Yes
8	Riding for the Disabled	Judith Oliver	Operating costs in provision of a program for children with a disability – purchase of saddle cloth bags, postage letter box game, padded flags with rings, safety riding helmets.	\$1,000	\$5,089.50	\$1,000	Nil	Yes

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009								
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9	Thou-Walla Family Centre	Gina Ascott-Evans	Provision of a series of exercise classes to hard to reach families	\$200	\$1,200	\$4,700	\$2,700	Yes
10	Woodville School of Arts	Allison Cox	Purchase of a new ride on mower for grounds	\$900	\$2,200 - \$4,300	Nil	Nil	Yes
12	Grahamstown Public School	Jason Ellem	Support for the 007 Leadership and Personal Development Program	\$300	\$1200			Yes
	TOTAL			\$6,292	\$36,130.6,			

ITEM NO. 10**INFORMATION PAPERS**

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 8 September, 2009.

No:	Report Title	Page:
1	DETERMINED AND UNDETERMINED DEVELOPMENT APPLICATIONS	
2	COMMUNITY DEVELOPMENT AND SUPPORT EXPENDITURE SCHEME	
3	ABORIGINAL STRATEGIC COMMITTEE	
4	2008-09 AREA ASSISTANCE SCHEME FUNDING ROUND ANNOUNCEMENTS	
5	STATEMENT OF SUPPORT FOR COUNCILS CHILD FRIENDLY INITIATIVES	
6	CITIES FOR CLIMATE PROTECTION (CCP) PROGRAM - MILESTONE 5	
7	CASH AND INVESTMENTS HELD AT 31 JULY 2009	

OPERATIONS COMMITTEE – 08 SEPTEMBER 2009

	Councillor Glenys Francis Councillor Ken Jordan	1. That the recommendation be adopted. 2. That future reports on the Determined and Undetermined Development Applications be provided to Council on a quarterly basis.
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ORDINARY COUNCIL – 22 September 2009

316	Councillor Ken Jordan Councillor Sally Dover	It was resolved that the Operations Committee recommendation be adopted.
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OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

DETERMINED AND UNDETERMINED DEVELOPMENT APPLICATIONS

**REPORT OF: ANTHONY RANDALL –ACTING MANAGER, DEVELOPMENT & BUILDING
GROUP: SUSTAINABLE PLANNING**

FILE: PSC2007-3153

BACKGROUND

The purpose of this report is to provide Councillors with information on determined and undetermined development applications currently with Council, at the request of Cr Tucker.

As it is considered more convenient for Councillors if the reports are run on the last day of the month, and it is not possible to meet the necessary deadline for the Business Paper, the information will be provided under separate cover.

ATTACHMENTS

Nil

INFORMATION ITEM NO. 2

COMMUNITY DEVELOPMENT AND SUPPORT EXPENDITURE SCHEME

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-3942

BACKGROUND

The purpose of this report is inform Council of the community projects funded by the Port Stephens Community Development and Support Expenditure Scheme Committee in the 2009 funding round.

Each year, registered clubs in Port Stephens, that generate more than \$1 million in gaming machine revenue, fund a range of community projects through the Community Development Support Expenditure (CDSE) scheme. There are 8 clubs in Port Stephens that participate in the local CDSE Scheme including Lemon Tree Passage Bowling Club, Tilligerry RSL Club, Soldiers Point Bowling Club, Nelson Bay Bowling Club, Fingal Bay Sport and Rec. Club, Nelson Bay Diggers, Raymond Terrace Bowling Club and Karuah RSL.

Council's role is to convene the local CDSE committee, coordinate and administer the scheme, and provide advice to Clubs to ensure that funding aligns with identified social and community priorities and the prescribed CDSE funding guidelines. Projects that were able to address the following local priorities were considered for funding:

- **Young People** - programs that build the skills of young people to enhance their ability to secure employment in the local community and to contribute positively to their community as active citizens.
- **Ageing Population** - cross-generational programs that provide senior citizens with the opportunity to share their skills with the younger generation and to actively participate in community capacity building.
- **Family Violence** - programs that utilise a whole of community approach to address the high incidence of family violence.
- **Drug and Alcohol Abuse** - programs that provide support, training and awareness, ensuring long term prevention.

In 2009 the Port Stephens CDSE Committee allocated \$42,340 for community projects. The CDSE Guidelines state that eligible projects must focus on community

welfare and social services, community development, community health services and employment assistance activities.

ATTACHMENTS

1. Table of Port Stephens Projects Funded under 2009 round of the Clubs NSW Community Development Support Expenditure Scheme.

ATTACHMENT 1

Clubs NSW Community Development Support Expenditure Scheme – 2009 Funded
Port Stephens Projects

Funded Project	Project Overview	Amount Funded
Autism Spectrum Australia (Aspect) – The Shortland School	Assist with the purchase of teaching aides, including interactive white boards and laptop computers.	\$4200
Gan Gan Family Centre	Provide early literacy and language programs, including screening and early intervention to accelerate language learning in pre-Kindergarten aged children.	\$4000
Karingal Preschool Nelson Bay Inc.	Support the implementation of a Intergenerational Visiting Program - Preschool children will visit 4 aged care facilities and participate in activities with the residents	\$1640
Port Stephens Domestic Violence Committee	Funding to be used to hold White Ribbon Breakfast in Port Stephens. This Anti-Violence Project will include yr 10/11 & 12 Males from local High Schools. High profile guest speakers with a focus on the message of non-violence and valuing women.	\$5000
Raymond Terrace Historical Society	A 10 week job skills program to provide Life Skills students with hands on learning experiences at Sketchely Cottage. Partnership with Hunter River High School.	\$5000
Tripartite Trading Pty Ltd - Beacon Foundation	Polish-Life skills and job readiness training program at Tomaree High School and St Phillips.	\$6000
Yacaaba Centre Information and Counselling Service	Assist men/women/children escape domestic violence by providing additional emergency accommodation options.	\$7500
1st Medowie Scout Group	Purchase new tents and camping equipment.	\$3000
Tomaree Neighbourhood Centre	Life skills and employment/study/training prep program, building self confidence, life skills in women who have been socially isolated/victims of abuse, and out of the workforce for extended periods. Working in partnership with Gan Gan Family Centre.	\$6000

INFORMATION ITEM NO. 3

ABORIGINAL STRATEGIC COMMITTEE

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER
GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meetings held on 21 July 2009 and 4 August 2009 respectively.

The Aboriginal Strategic Committee is aligned with the following social and cultural directions stated in Council Plan 2009 – 2013: -

SOCIAL RESPONSIBILITY - DIRECTIONAL STATEMENT

Council will preserve and strengthen the fabric of the community, building on community strengths by:

- Supporting and providing opportunities to enhance individual and community well-being and welfare;
- Providing opportunities for people to participate in community decision-making.

CULTURAL RESPONSIBILITY - DIRECTIONAL STATEMENT

Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity by:

- Providing and supporting opportunities for the expression of community values;
- Promoting the celebration of natural heritage, national days of significance and local indigenous culture;
- Providing the catalyst for the realisation of values, spirit, vitality and expression through cultural activities;

ATTACHMENTS

1. Minutes of Aboriginal Strategic Committee meeting held 21 July 2009.
2. Minutes of Aboriginal Strategic Committee meeting held 4 August 2009.

ATTACHMENT 1



Aboriginal Strategic Committee Joint Meeting



MINUTES

Minutes of meeting held on 21 July 2009 at Murrook Cultural & Leisure Centre

Chair: Cr Bruce MacKenzie

Minute taker: Paul Procter

Present:

Cr Bruce MacKenzie
Cr Peter Kafer
Cr John Nell
Cr Steve Tucker
Cr Geoff Dingle
Cr Sally Dover
Cr Shirley O'Brien
David Broyd
Paul Procter
Cliff Johnson
Chloe Beevers
Jason Linnane
Wayne Wallis
Tony Wickham
Bev Manton
Kevin Manton
Fiona Manton
Len Roberts
Andrew Smith
Jamie Tarrant
Grace Kinsella
Elaine Larkins
Leigh Ridgeway
Jacqueline Henderson
Val Merrick
Neville Lilly
John Ridgeway
Lorraine Lilly
Kyle Finlay
Adam Sampson
Stephen Ping
Ji Stamp-Cook
Dr William Jonas

[illegible]

Apologies:

David Feeney
Cr Glenys Francis
Cr Frank Ward
Cr Daniel Maher
Peter Gesling
Mike Triggar
Jeff Smith
Philip Crowe

Karuah Local Aboriginal Land Council
Port Stephens Council
Port Stephens Council
Port Stephens Council
Port Stephens Council
Port Stephens Council
Port Stephens Council
Port Stephens Council

Meeting opened at 6:25pm

1. WELCOME TO COUNTRY (John Ridgeway – Worimi Elder)

Worimi Elder, John Ridgeway welcomed people to the Murrook Cultural & Leisure Centre and brought the traditional welcome.

2. MAYORAL ADDRESS, CR BRUCE MACKENZIE

The Mayor welcomed the Elders and members of the Worimi and Karuah Local Aboriginal Land Councils along with fellow Councillors and members of staff. He also thanked Worimi Local Aboriginal Land Council for hosting the meeting at Murrook. He thanked the Land Councils for their ongoing support and commitment to Council's Aboriginal Strategic Committee and on the recent success of NAIDOC Week.

He welcomed guest speaker, Dr William Jonas AM (former Aboriginal & Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission).

3. GUEST SPEAKER ADDRESS

Dr William Jonas AM acknowledged the traditional land owners before speaking about his childhood memories growing up in the vicinity of Port Stephens and attending school at Raymond Terrace. He spoke about his working life which culminated in his appointment in 1999 as Aboriginal and Torres Strait Islander Social Justice Commissioner until 2004.

4. ADDRESS BY BEV MANTON, CHAIRPERSON NSW ABORIGINAL LAND COUNCIL

Bev Manton acknowledged the traditional Land owners, elders past and present. She gave an overview of current activities of the NSW State Aboriginal Land Council including the Aboriginal Land Rights Amendment Bill, and outcomes of 2009 State Conference.

5. ADDRESS BY WORIMI LOCAL ABORIGINAL LAND COUNCIL (WLALC CEO, ANDREW SMITH)

Andrew Smith acknowledged the traditional Land owners, elders past and present. He gave an overview of current Land Council activities, their vision and Board. He made reference to the State recognition WLALC have received for their Community & Business Plan. He noted the success of this year's NAIDOC Week Celebrations and the efforts and contributions of all partners.

6. ADDRESS BY KARUAH LOCAL ABORIGINAL LAND COUNCIL (KLALC)

No address was given due to KLALC CEO being unable to attend. Noted.

Meeting closed at 8:25pm

ATTACHMENT 2



Aboriginal Strategic Committee
Meeting with Worimi Local
Aboriginal Land Council



MINUTES

Minutes of meeting held on 4 August 2009 at Murrook Cultural & Leisure Centre

Chair: Cr Peter Kafer

Minute taker: Paul Procter

Present:

Cr Peter Kafer
Cr Sally Dover
Cr Shirley O'Brien
Paul Procter
Cliff Johnson
Andrew Smith
Elaine Larkins
Val Merrick

Port Stephens Council
Port Stephens Council
Port Stephens Council
Port Stephens Council
Port Stephens Council
Worimi Local Aboriginal Land Council
Worimi Local Aboriginal Land Council
Worimi Local Aboriginal Land Council

Apologies:

Cr Bruce MacKenzie
Peter Gesling
Mike Triggar
Jamie Tarrant
Grace Kinsella

Port Stephens Council
Port Stephens Council
Port Stephens Council
Worimi Local Aboriginal Land Council
Worimi Local Aboriginal Land Council

Meeting opened at 1:20pm

1. WELCOME TO COUNTRY

Worimi Elder, Val Merrick welcomed everyone on behalf of the Traditional Land Owners.

2. DECLARATION OF CONFLICTS OF INTEREST

Nil

3. MINUTES OF PREVIOUS MEETING

The minutes of previous meeting held 11 May 2009 were adopted with the following amendment:

Item 1: Fitzroy Street Midden and Birubi Aboriginal Place Matters

Recreation Services Manager indicated that he has asked NPWS to arrange a meeting with the WCL Board to discuss the surf club draft plans as concepts are now available and have just been approved by East and Central Ward Councillors for further engagement.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

The following items of business arising from the meeting held on 11 May 2009 were discussed:

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Item 1: Fitzroy Street Midden and Birubi Aboriginal Place Matters

Work has commenced on the sites with assistance from Worimi's Green Corps Team, following engagement with key stakeholders.

Item 2: Soldiers Point Boatramp Improvements

Deferred until next meeting.

Item 3: Cultural Mapping – Development Assessment

Council's Principle Property Adviser is progressing work on a preamble to the proposed memorandum of understanding between Council and WLALC pertaining to Aboriginal Impact Assessment.

Item 4: WLALC Representation on Aboriginal Strategic Committee (ASC):

ASC mailing list has been updated and letters of appreciation sent to former WLALC representatives for their service during the Committee's previous term.

Item 5: ABORIGINAL PROJECT FUND UPDATE

Stage 1 completed. Seven shortlisted applicants invited to submit Stage 2 proposal. ASC will meet on 18 Aug 2009 to assess and form recommendations to Council on the allocation of available Aboriginal Project Funds.

Item 6: 2009 JOINT MEETING

July joint meeting was a great success with notable mention of guest speaker Dr William Jonas AM, former Social Justice Commissioner, and to WLALC for hosting the meeting at Murrook.

Item 7: NAIDOC WEEK 2009

Activities held throughout NAIDOC Week were a great success and a credit to all partners involved.

5. GENERAL BUSINESS

5.1 UPDATE ON CURRENT COUNCIL PLANS & SUPPORT

WLALC CEO requested a briefing to WLALC Board by relevant Council Officers on the status of the following plans and opportunities (ongoing and/or new) for WLALC involvement:

- Port Stephens Futures
- Draft Cultural Plan
- LEP Review
- Non-Council Community Development Funding Opportunities

Action:	1. Council's Social Planning Co-ordinator to organise briefing.
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5.2 ILLEGAL DUMPING

WLALC CEO reported ongoing incidents of illegal dumping on Worimi Lands which is incurring financial costs upon the Land Council for waste removal and disposal.

Actions:	1. Council's Social Planning Co-ordinator to refer this matter onto Council's Waste Services to review with regards to Council's guidelines for the issuing of tipping permits.
	2. Council's Social Planning Co-ordinator to discuss with relevant Council

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Officers options for the policing and issuing of infringement notices to illegal dumpers on Worimi Land.
--	--

5.3 MURROOK SITE PLANS

WLALC CEO briefed the ASC on site and landscaping plans they are developing for the parkland area at Murrook.

5.4 KATTANG LANGUAGE PROMOTION

WLALC are running workshops to promote the Kattang language. They are seeking opportunities (eg; Council's website) to promote the language.

5.5 PROPOSED DEVELOPMENTS - BIRBUI POINT

WLALC CEO enquired about proposed development plans in the vicinity of the Gan Gan Rd access to Birbui Point.

Action:	1. Council's Principle Property Advisor will provide WLALC with a map of the associated area.
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5.6 BOAT REQUEST

WLALC CEO stated they are still seeking a boat, and requested this remain on ASC agenda.

6. DETAILS OF NEXT MEETING

Special meeting on Aboriginal Project Fund: 18 Aug 2009 at 1pm at Port Stephens Council.

Next ordinary meeting with WLALC is 6 Oct 2009 at 1pm at Murrook.

Meeting closed 2:25pm

INFORMATION ITEM NO. 4**2008/2009 AREA ASSISTANCE SCHEME FUNDING ROUND
ANNOUNCEMENTS**

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER
GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-3943

BACKGROUND

The purpose of this report is to inform Council of the successful Port Stephens projects funded under the 2008/2009 funding round of the Area Assistance Scheme.

The Area Assistance Scheme (AAS) is a regional community development grants program funded by the NSW Department of Community Services. Council receives an annual salary subsidy from the Department for the employment of a Community Planner – Community Development to administer the scheme.

The purpose of AAS is to support community development and the integrated provision of services. The scheme funds projects that improve community wellbeing, build community capacity and improve how communities function. The scheme focuses on the following three outcomes:

- Communities connected through partnerships
- Building community leadership and capacity
- Promoting safe communities

The Department has announced the successfully funded projects for the 2008/2009 funding round, with Port Stephens receiving funding for two projects as outlined below: -

Project 1 Kup-Poon-Dee Community Services - Multi-Purpose Activity Space	
Organisation	Warlga Ngurra Family Services Inc.
Location	Sherman Ave, Raymond Terrace
Funding Received	\$100,170.00
Project Overview	<ul style="list-style-type: none">• Kup-Poon-Dee Family Services is located in Irrawang Social Housing Estate, providing social, community development and welfare services for Aboriginal and non-Aboriginal families with complex needs. Kup-Poon-Dee is championing the re-connection to traditional values, empowerment and hope.• Kup-Poon-Dee Family Services is working in partnerships with

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	<p>Worimi Land Council, Murrook Business Enterprise Centre, Awabakal, Thou-Walla Family Centre, Birra-Li Health Services, Irrawang High School, Hunter River High School, Port Stephens Family Support Service, Department of Lands, Department of Housing, Probation & Parole, Wesley Employment Networks, and TAFE.</p> <ul style="list-style-type: none"> The funding will be used to construct a large extension to the building, providing a multipurpose and all-weather activity space and programs to be conducted in a more comfortable environment.
Project 2	Riding for the Disabled Association Australia
Location	3219 Pacific Hwy, Raymond Terrace
Funding Received	\$23,807.00
Project Overview	<ul style="list-style-type: none"> Riding for the Disabled is a voluntary, non-profit organisation which provides opportunities for anyone with a disability to enjoy safe, healthy stimulating, therapeutic, horse-related activities. RDA enables people with disabilities and volunteers to participate in equestrian activities, resulting in the development of life skills, improved quality of life and attainment of personal goals. The funding will be used to construct covered shelters and walkways to enable the programs to operate in all weather conditions.

For further information on the Area Assistance Scheme please contact Council's Social Planning Team's Community Planner – Community Development on 4980 0288.

INFORMATION ITEM NO. 5

STATEMENT OF SUPPORT FOR COUNCILS CHILD FRIENDLY INITIATIVES

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-03607

BACKGROUND

The purpose of this report is advise that Council's Child Friendly Communities initiatives have been recognised by Gillian Calvert, NSW Commissioner for Children and Young People.

In 2006 Council commenced implementation of a 3 year federally funded Child Friendly Communities initiative, with a focus on the communities of Raymond Terrace and Karuah. The aim of the Child Friendly Communities Program was to deliver a number of strategic and community based initiatives aimed at improving the lives of children. Many of the program initiative are now complete and Council has now received praise and recognition from the Commissioner for the programs success.

Council's achievements include:

- Partnership with the *Commission for Children and Young people* in the development of the new **BUILT4Kids** - *A good practice guide to creating child friendly built environments*. The guide is a tool for Councils and other organisations involved in the planning, design and maintenance of built environments. The guide includes a 2 page Case Study on Port Stephens Council' Child Friendly initiatives.
- Completed the construction of **2 Child Friendly Playgrounds**, Longworth Park Karuah and Kitty Hawk Park, Raymond Terrace. .
- Facilitated a consultation process with 120 children from Karuah regarding the design & development of Longworth Park as a '**Child Friendly Space**'.
- Completion of the **Child Friendly Environment REPORT– an urban design case study on Salamander Town Centre**: Integrating Child Friendly Built Environment Indicators into Council's Existing Policy and Practice Frameworks. This case study was the subject of a Two Way Conversation with Councillors in May 2009, and was lead by Gabriella Morrish from GMU Architects & Urban Designers.
- Development and publication of Councils "**Child friendly Community Map**",

The NSW Commissioner for Children and Young People, Gillian Calvert, has provided Council with a statement of support in an email to council dated 3rd August 2009. It reads as follows:

"I would like to congratulate Port Stephens Council on its many Child Friendly initiatives.

Over the past few years, Port Stephens Council has become a leading example in NSW of how Councils can support local communities to be child-centred and inclusive.

From strategies introduced within Council so that the organisation itself is more child-safe and child-friendly, to the construction of safe and fun facilities for children in the community, the Council has made a significant contribution to improving the lives of children and young people in the Port Stephens area.

The Commission looks forward to continuing our work with Port Stephens Council in making NSW a better place for children and young people. “

*Gillian Calvert
NSW Commissioner for Children and Young People*

COUNCILLORS WORKROOM

Copy of Built 4 Kids – A good practice guide to creating child-friendly built environments, 2009 NSW Commission for Children and Young People

INFORMATION ITEM NO. 6

CITIES FOR CLIMATE PROTECTION (CCP) PROGRAM - MILESTONE 5

REPORT OF: BRUCE PETERSEN, ENVIRONMENTAL SERVICES MANAGER

GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-4472

BACKGROUND

The purpose of this report is to provide an update on Council's achievement in completing 5th and final Milestone of the Cities for Climate Protection (CCP) Program.

Port Stephens Council has been a member of the CCP Program since 1999 and has progressed through Milestones 1 to 4.

The CCP Program was developed and coordinated by ICLEI (International Council for Local Environmental Initiatives) specifically for Local Government as a tool to enable the measurement, monitoring, and reporting of Greenhouse Gas (GHG) emissions in a centralised and consistent manner.

Milestone 5 of the CCP Program involved undertaking a re-inventory of Council's GHG emissions, comparing baseline emissions (1996) with the re-inventory year (2006/07), outline emissions abatement activities, and assess how Council is tracking against its emissions reduction target. Port Stephens Council set itself a target of reducing GHG emissions by 20% below 1996 levels by 2010.

Port Stephens Council's Milestone 5 Report for the Cities for Climate Protection Program is included as an attachment to this report including an Executive Summary however there are a number of observations that can be made.

A number of observations can be made regarding the CCP Program at it relates to Port Stephens Council:

1. The CCP Program was a leader in the field of Climate Change Mitigation in the 1990's and early 2000's, however with the fast changing landscape of GHG emissions mitigation, the CCP Program has been challenged to remain relevant and up to date. In particular, the CCP Program has struggled to remain consistent with emerging carbon accounting methods and in particular with the introduction of the *National Greenhouse Energy Reporting System (NGERS)* and the proposed *Carbon Pollution Reduction Scheme (CPRS)*.
2. The Federal Government's recent withdrawal of funding for the CCP Program is very disappointing as it has provided a consistent approach for Local Governments throughout Australia. The Program was in need of significant

- upgrading and refinement (likely requiring significant additional resources) to remain relevant, however the Program's termination will leave a significant hole in the local government GHG emissions mitigation landscape.
3. Council's GHG emissions reduction target of 20% below 1996 levels by 2010 was ambitious, and very much in line with what the science of climate change was suggesting needed to be achieved, however it was not embedded as a core commitment of successive Councils.
 4. Council's baseline emissions inventory in 1996 was inadequate to allow for effective comparison of emissions between the baseline year and the re-inventory year (2006/07).
 5. The selective comparisons that can be made clearly demonstrate that Council's GHG emissions have increased significantly (despite the adopted emissions reduction target of 20% by 2010), in particular in the Buildings Sector (namely electricity consumption).
 6. Measurement, monitoring and management practices were not effectively integrated into Council operations to ensure that GHG emissions were managed effectively and could be accurately accounted for.
 7. The complexity involved in effectively accounting for GHG emissions, including changes in emissions over time, far exceeded the capacity and scope of the CCP Program.
 8. In more recent years (namely 2007/08 & 2008/09) real achievements have been made with respects to increased energy efficiency, and reduced GHG emissions in some areas of Council operations, most notably relating to electricity consumption at Council 11 major facilities. However, as an organisation there is a long way to go in managing and reducing Council's GHG emissions to play our part in limiting the impact of climate change both here in Port Stephens and around the world.

More information on these recent gains will be reported to Council in the Sustainable Energy Panel quarterly report.

CLIMATE SCIENCE UPDATE

The science of climate change is, as we are continually told, a very complex undertaking for an extremely wide range of scientists. There now remains very little doubt amongst scientists around the world that human impacts and activities are the underlying driving force behind observed increases in global temperatures and sea level rise (amongst other phenomenon).

Given the complexity of climate science, it is difficult for people to grasp the changing and evolving nature of our scientific understanding of climate change. The often cited Intergovernmental Panel on Climate Change (IPPC) 2007 Synthesis Report, whilst recognised as the most rigorous and credible body of work on climate change, is now based on a scientific understanding up to 4 years old (given the long

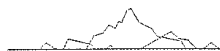
lead time required for submission of scientific papers for consideration in IPCC reports). With this in mind, an International Scientific Congress on climate change (Climate Change: Global Risks, Challenges and Decisions, 10-12 March 2009 in Copenhagen, Denmark) was held to provide a synthesis of existing and emerging scientific knowledge necessary in order to make intelligent societal decisions concerning application of mitigation and adaptation strategies in response to climate change. The findings should be seen as a supplementary to the work of the IPCC, where the congress provides a summary of existing scientific knowledge two years after the last IPCC report.

A copy of the Synthesis Report from the Congress has been included as an attachment to this report, provided under separate cover, and full details of the Congress can be found at www.climatecongress.ku.dk. This report is important in that it not only further demonstrates the reality of climate change, it highlights the urgent need for real action and that inaction is inexcusable. A copy of the Executive Summary is included at Attachment 1.

ATTACHMENTS

- 1) Executive Summary
- 2) Port Stephens Council's Milestone 5 Report for the Cities for Climate Protection Program
- 3) Climate Change: Global Risks, Challenges and Decisions (Synthesis Report)

ATTACHMENT 1 EXECUTIVE SUMMARY



EXECUTIVE SUMMARY

Past societies have reacted when they understood that their own activities were causing deleterious environmental change by controlling or modifying the offending activities. The scientific evidence has now become overwhelming that human activities, especially the combustion of fossil fuels, are influencing the climate in ways that threaten the well-being and continued development of human society. If humanity is to learn from history and to limit these threats, the time has come for stronger control of the human activities that are changing the fundamental conditions for life on Earth.

To decide on effective control measures, an understanding of how human activities are changing the climate, and of the implications of

unchecked climate change, needs to be widespread among world and national leaders, as well as in the public.

The purpose of this report is to provide, for a broad range of audiences, an update of the newest understanding of climate change caused by human activities, the social and environmental implications of this change, and the options available for society to respond to the challenges posed by climate change.

This understanding is communicated through six key messages:

KEY MESSAGE 1:

CLIMATIC TRENDS

Recent observations show that greenhouse gas emissions and many aspects of the climate are changing near the upper boundary of the IPCC range of projections. Many key climate indicators are already moving beyond the patterns of natural variability within which contemporary society and economy have developed and thrived. These indicators include global mean surface temperature, sea-level rise, global ocean temperature, Arctic sea ice extent, ocean acidification, and extreme climatic events. With unabated emissions, many trends in climate will likely accelerate, leading to an increasing risk of abrupt or irreversible climatic shifts.

KEY MESSAGE 2:

SOCIAL AND ENVIRONMENTAL DISRUPTION

The research community provides much information to support discussions on "dangerous climate change". Recent observations show that societies and ecosystems are highly vulnerable to even modest levels of climate change, with poor nations and communities, ecosystem services and biodiversity particularly at risk. Temperature rises above 2°C will be difficult for contemporary societies to cope with, and are likely to cause major societal and environmental disruptions through the rest of the century and beyond.

KEY MESSAGE 3:

LONG-TERM STRATEGY: GLOBAL TARGETS AND TIMETABLES

Rapid, sustained, and effective mitigation based on coordinated global and regional action is required to avoid "dangerous climate change" regardless of how it is defined. Weaker targets for 2020 increase the risk of serious impacts, including the crossing of tipping points, and make the task of meeting 2050 targets more difficult and costly. Setting a credible long-term price for carbon and the adoption of policies that promote energy efficiency and low-carbon technologies are central to effective mitigation.

KEY MESSAGE 4:

EQUITY DIMENSIONS

Climate change is having, and will have, strongly differential effects on people within and between countries and regions, on this generation and future generations, and on human societies and the natural world. An effective, well-funded adaptation safety net is required for those people least capable of coping with climate change impacts, and equitable mitigation strategies are needed to protect the poor and most vulnerable. Tackling climate change should be seen as integral to the broader goals of enhancing socioeconomic development and equity throughout the world.

KEY MESSAGE 5:

INACTION IS INEXCUSABLE

Society already has many tools and approaches – economic, technological, behavioural, and managerial – to deal effectively with the climate change challenge. If these tools are not vigorously and widely implemented, adaptation to the unavoidable climate change and the societal transformation required to decarbonise economies will not be achieved. A wide range of benefits will flow from a concerted effort to achieve effective and rapid adaptation and mitigation. These include job growth in the sustainable energy sector; reductions in the health, social, economic and environmental costs of climate change; and the repair of ecosystems and revitalisation of ecosystem services.

KEY MESSAGE 6:

MEETING THE CHALLENGE

If the societal transformation required to meet the climate change challenge is to be achieved, then a number of significant constraints must be overcome and critical opportunities seized. These include reducing inertia in social and economic systems; building on a growing public desire for governments to act on climate change; reducing activities that increase greenhouse gas emissions and reduce resilience (e.g. subsidies); and enabling the shifts from ineffective governance and weak institutions to innovative leadership in government, the private sector and civil society. Linking climate change with broader sustainable consumption and production concerns, human rights issues and democratic values is crucial for shifting societies towards more sustainable development pathways.

**ATTACHMENT 2
PORT STEPHENS COUNCIL'S MILESTONE 5 REPORT FOR THE CITIES FOR CLIMATE
PROTECTION PROGRAM**

PROVIDED UNDER SEPARATE COVER

**ATTACHMENT 3
CLIMATE CHANGE: GLOBAL RISKS, CHALLENGES AND DECISIONS
(SYNTHESIS REPORT)**

PROVIDED UNDER SEPARATE COVER

INFORMATION ITEM NO. 7

CASH AND INVESTMENTS HELD AT 31 JULY 2009

REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER
GROUP: COMMERCIAL SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of Cash and Investments Held at 31 July 2009.

ATTACHMENTS

- 1) Cash and Investments Held at 31 July 2009.
- 2) Monthly Cash and Investments Balance August 2008 – July 2009
- 3) Monthly Australian Term Deposit Index August 2008 – July 2009

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009
ATTACHMENT 1
CASH & INVESTMENTS HELD -AS AT 31 July 2009

INVESTED WITH	INV. TYPE	CURRENT RATING	MATURITY DATE	AMOUNT INVESTED	% of Total Portfolio	Current Int Rate	Market Value May	Market Value June	Market Value July	Current Mark to Market Exposure
GRANGE SECURITIES										
AA"	Floating Rate CDO	AA	20-Mar-12	1,000,000.00	3.95%	4.75%	\$485,600.00	\$699,000.00	\$699,000.00	-\$301,000.00
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	AA-	23-Jun-15	412,500.00	1.63%	5.74%	\$206,250.00	\$231,000.00	\$231,000.00	-\$181,500.00
HERALD LTD "QUARTZ AA"	Floating Rate CDO	BB+	20-Dec-10	450,000.00	1.78%	4.75%	\$191,340.00	\$203,130.00	\$203,130.00	-\$246,870.00
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO		22-Jun-13	1,000,000.00	3.95%	4.65%	\$100.00	\$100.00	\$100.00	-\$999,900.00
HELIUM CAPITAL LTD "ESPERANCE AA+" *	Floating Rate CDO	A-	20-Mar-13	1,000,000.00	3.95%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
HOME BUILDING SOCIETY	Floating Rate Sub Debt		25-Jul-11	500,000.00	1.97%	4.11%	\$426,376.41	\$428,180.00	\$428,180.00	-\$71,820.00
YIELD CURVE NOTE	Yield Curve Note		18-Oct-11	500,000.00	1.97%	5.36%	\$492,500.00	\$500,000.00	\$500,000.00	\$0.00
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	AA-	20-Mar-14	1,000,000.00	3.95%	4.25%	\$209,200.00	\$248,200.00	\$248,200.00	-\$751,800.00
GRANGE SECURITIES "COOLANGATTA AA" *	Floating Rate CDO	AA	20-Sep-14	1,000,000.00	3.95%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
TOTAL GRANGE SECURITIES				\$6,862,500.00	27.10%		\$2,011,366.41	\$2,309,610.00	\$2,309,610.00	(\$4,552,890.00)
ABN AMRO MORGANS										
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	AA	20-Sep-09	\$2,000,000.00	7.90%	0.00%	\$1,940,000.00	\$1,950,000.00	\$1,971,000.00	-\$29,000.00
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note		17-Sep-11	\$1,000,000.00	3.95%	0.00%	\$865,100.00	\$865,400.00	\$863,600.00	-\$136,400.00
BANK OF QLD TERM DEPOSIT	Term Deposit		5-Sep-09	\$750,000.00	2.96%	4.65%	\$750,000.00	\$750,000.00	\$750,000.00	\$0.00
TOTAL ABN AMRO MORGANS				\$3,750,000.00	14.81%		\$3,555,100.00	\$3,565,400.00	\$3,584,600.00	(\$165,400.00)
ANZ INVESTMENTS										
PILLARS AA-"	Floating Rate CDO	B	6-Apr-10	\$500,000.00	1.97%	4.32%	\$257,500.00	\$319,000.00	\$319,000.00	-\$181,000.00
AAA"	Floating Rate CDO	BB	30-Dec-11	\$1,000,000.00	3.95%	0.00%	\$360,000.00	\$370,300.00	\$370,300.00	-\$629,700.00
ANZ ZERO COUPON BOND	Zero Coupon Bond	AA	1-Jun-17	\$1,017,876.98	4.02%	0.00%	\$600,252.23	\$593,401.92	\$593,401.92	-\$424,475.06
TOTAL ANZ INVESTMENTS				\$2,517,876.98	9.94%		\$1,217,752.23	\$1,282,701.92	\$1,282,701.92	(\$1,235,175.06)
RIM SECURITIES										
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO		29-Jul-13	\$2,000,000.00	7.90%	0.00%	\$701,844.00	\$680,006.00	\$680,006.00	-\$1,319,994.00
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt		8-Oct-11	\$1,000,000.00	3.95%	3.94%	\$849,439.00	\$858,980.00	\$859,703.00	-\$140,297.00
SAVINGS AND LOANS CREDIT UNION	Term Deposit							\$1,000,000.00		\$0.00
SAVINGS AND LOANS CREDIT UNION	Term Deposit							\$1,000,000.00		\$0.00
TOTAL RIM SECURITIES				\$3,000,000.00	11.85%		\$1,551,283.00	\$3,538,986.00	\$1,539,709.00	(\$1,460,291.00)
WESTPAC INVESTMENT BANK										
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt		27-Apr-10	\$500,000.00	1.97%	4.26%	\$443,545.00	\$448,475.00	\$453,835.00	-\$46,165.00
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt		20-Nov-11	\$500,000.00	1.97%	4.21%	\$426,995.00	\$429,555.00	\$432,240.00	-\$67,760.00
TOTAL WESTPAC INV. BANK				\$1,000,000.00	3.95%		\$870,540.00	\$878,030.00	\$886,075.00	(\$113,925.00)
CURVE SECURITIES										
POLICE AND NURSES CREDIT UNION	Term Deposit						\$1,000,000.00	\$1,000,000.00		
SAVINGS AND LOANS CREDIT UNION	Term Deposit						\$1,000,000.00	\$1,000,000.00		
TOTAL CURVE SECURITIES				\$0.00	0.00%		\$2,000,000.00	\$2,000,000.00	\$0.00	\$0.00

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

ATTACHMENT 1

DEFENCE CREDIT UNION											
DEFENCE CREDIT UNION TERM DEPOSIT		Term Deposit					\$1,000,000.00	\$1,000,000.00			
TOTAL DEFENCE CREDIT UNION				\$0.00	0.00%		\$1,000,000.00	\$1,000,000.00	\$0.00	\$0.00	
LONGREACH CAPITAL MARKETS											
LONGREACH SERIES 16 PROPERTY LINKED NO		Property Linked Note	AA	7-Mar-12	\$500,000.00	1.97%	0.00%	\$406,800.00	\$409,900.00	\$408,245.00	-\$91,755.00
LINKED NOTE		Property Linked Note		7-Sep-12	\$500,000.00	1.97%	0.00%	\$393,850.00	\$389,950.00	\$395,950.00	-\$104,050.00
TOTAL LONGREACH CAPITAL				\$1,000,000.00	3.95%		\$800,650.00	\$799,850.00	\$804,195.00	(\$195,805.00)	
COMMONWEALTH BANK											
EQUITY LINKED DEPOSIT		Equity Linked Note		20-Sep-11	\$500,000.00	1.97%	3.00%	\$488,850.00	\$483,900.00	\$481,550.00	-\$18,450.00
EQUITY LINKED DEPOSIT GI100		Equity Linked Note		03-Aug-10	\$500,000.00	1.97%	3.00%	\$510,100.00	\$508,200.00	\$500,100.00	\$100.00
EQUITY LINKED DEPOSIT ELN SERIES 2		Equity Linked Note		05-Nov-12	\$500,000.00	1.97%	3.00%	\$474,400.00	\$466,300.00	\$464,350.00	-\$35,650.00
BENDIGO BANK SUBORDINATED DEBT		floating Rate Sub Debt		09-Nov-12	\$500,000.00	1.97%	4.36%	\$441,215.00	\$446,315.00	\$467,550.00	-\$32,450.00
BANK OF QUEENSLAND		Term Deposit		12-Aug-10	\$1,000,000.00	3.95%	4.80%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00
BANK OF QUEENSLAND BOND		Bond		16-Mar-12	\$1,000,000.00	3.95%	5.35%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00
TOTAL COMMONWEALTH BANK				\$4,000,000.00	15.80%		\$3,914,565.00	\$3,904,715.00	\$3,913,550.00	(\$86,450.00)	
FIG SECURITIES											
AQUADUCT AA-		Principal Protected Note		21-Jun-10	\$1,000,000.00	3.95%	0.00%	\$953,300.00	\$956,000.00	\$957,300.00	-\$42,700.00
TELSTRA LINKED DEPOSIT NOTE		Principal Protected Note		30-Nov-14	\$500,000.00	1.97%	4.19%	\$385,000.00	\$412,570.00	\$478,370.00	-\$21,630.00
TOTAL FIG SECURITIES				\$1,500,000.00	5.92%		\$1,338,300.00	\$1,368,570.00	\$1,435,670.00	(\$64,330.00)	
MAITLAND MUTUAL											
MAITLAND MUTUAL SUB DEBT		floating Rate Sub Debt		30-Jun-13	500,000.00	1.97%	4.19%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
MAITLAND MUTUAL TERM DEPOSIT		Term Deposit		25-Aug-09	562,420.35	2.22%	3.99%	562,420.35	562,420.35	562,420.35	\$0.00
MAITLAND MUTUAL SUB DEBT		floating Rate Sub Debt		31-Dec-14	500,000.00	1.97%	4.19%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
TOTAL M'LAND MUTUAL				\$1,562,420.35	6.17%		\$1,562,420.35	\$1,562,420.35	\$1,562,420.35	\$0.00	
TOTAL INVESTMENTS				\$25,192,797.33	99.50%		\$16,821,976.99	\$22,210,283.27	\$17,318,531.27	(\$7,874,266.06)	
AVERAGE RATE OF RETURN ON INVESTMENTS				2.46%							
CASH AT BANK				\$126,821.10	0.50%	2.95%	\$3,160,255.19	\$1,947,443.30	\$126,821.10	\$0.00	
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH				2.55%							
TOTAL CASH & INVESTMENTS				\$25,319,618.43	100.00%		\$19,982,232.18	\$24,157,726.57	\$17,445,352.37	(\$7,874,266.06)	
BBSW FOR PREVIOUS 3 MONTHS				3.22%							

* Lehman Brothers is the swap counterparty to theses transactions and as such the deals are in the process of being unwound. No valuation information is available.

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

I, Peter Gesling, being the Responsible Accounting Officer of Council, hereby certify that the Investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's investment policy.

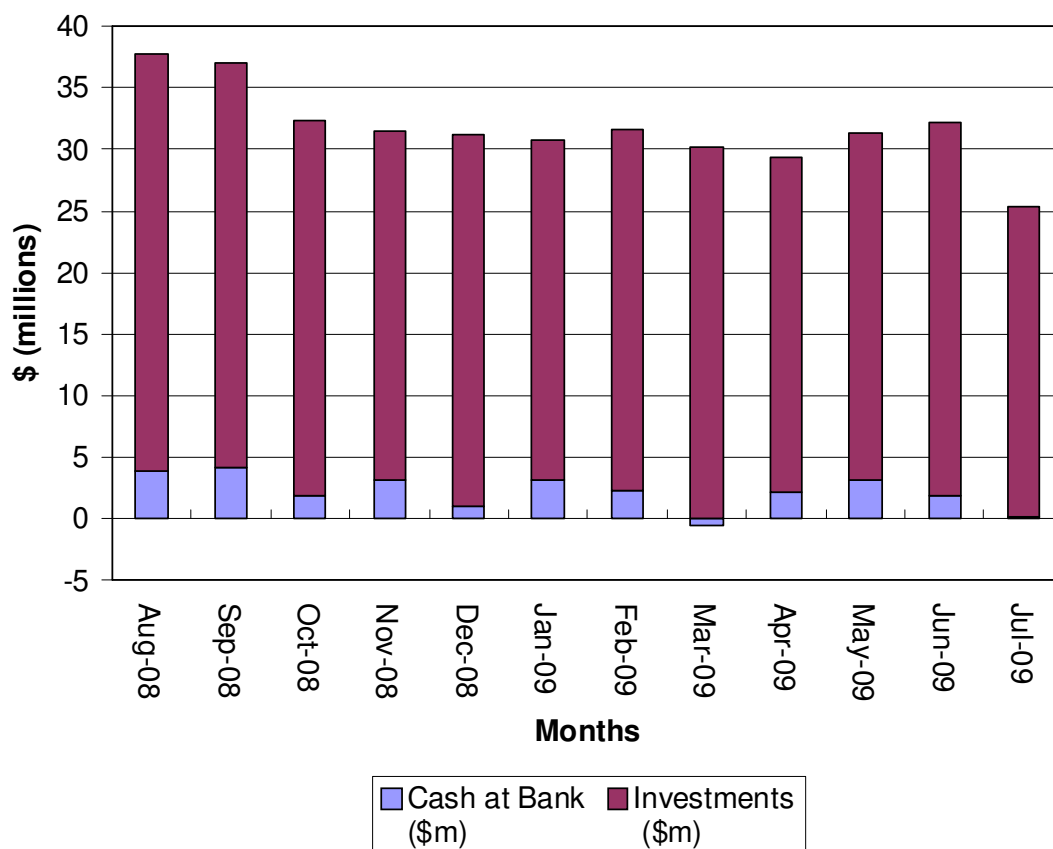
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Aug-08	3.939	33.846	37.785
Sep-08	4.141	32.918	37.059
Oct-08	1.934	30.418	32.352
Nov-08	3.234	28.179	31.412
Dec-08	1.031	30.179	31.210
Jan-09	3.147	27.683	30.830
Feb-09	2.364	29.187	31.551
Mar-09	0.531	30.187	29.656
Apr-09	2.234	27.187	29.421
May-09	3.160	28.193	31.353
Jun-09	1.947	30.193	32.140
Jul-09	0.127	25.193	25.320

**Cash and Invested Funds for the Period ended
31/7/2009**

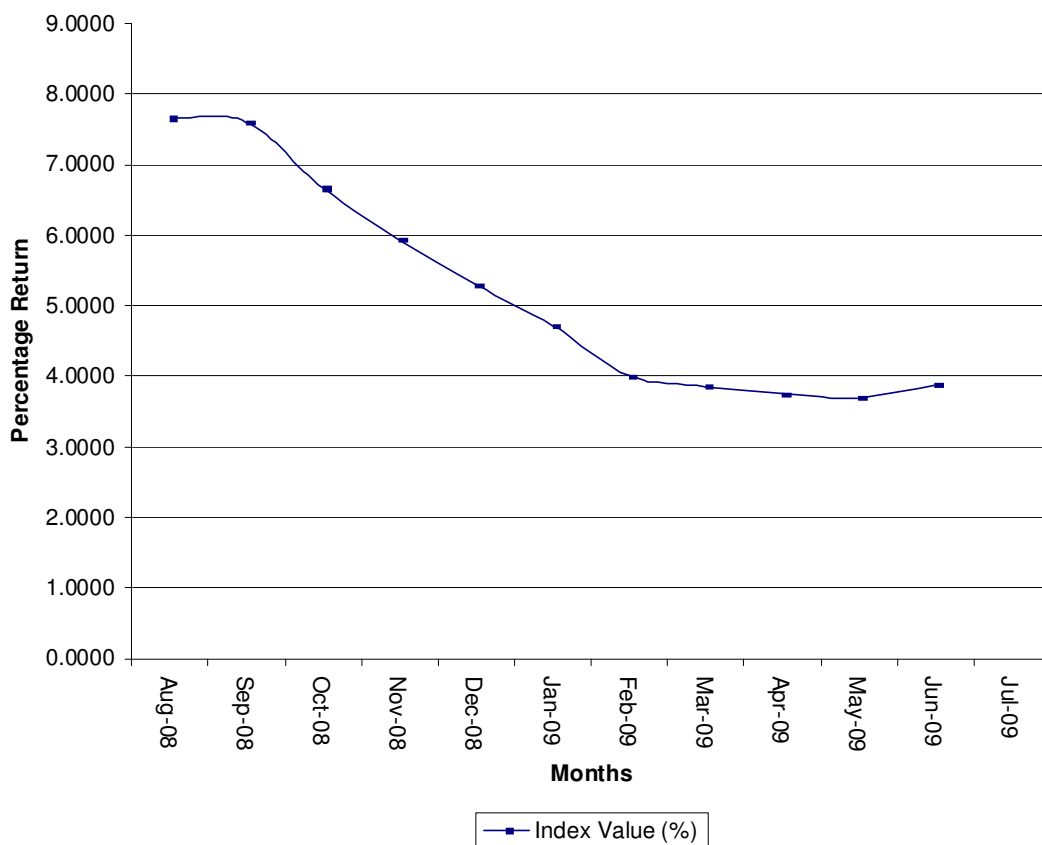


ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Aug-08	7.6563
Sep-08	7.6020
Oct-08	6.6626
Nov-08	5.9328
Dec-08	5.2972
Jan-09	4.7113
Feb-09	4.0024
Mar-09	3.8542
Apr-09	3.7513
May-09	3.6960
Jun-09	3.8699
Jul-09	

Australian Term Deposit Index as at 31/7/2009



STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: A2004-0284****COUNCILLOR REIMBURSEMENT POLICY REVIEW****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Councillors' Reimbursement Policy at **ATTACHMENT 1**.
 - 2) Place the amended Councillors' Reimbursement Policy on public exhibition for a period of 28 days.
-

STRATEGIC COMMITTEE – 08 September 2009**RECOMMENDATION:**

Councillor John Nell Councillor Bruce MacKenzie	21. That the recommendation be adopted with an increase to the internet expenses to \$60 per month.
--	---

ORDINARY COUNCIL – 22 September 2009

317	Councillor John Nell Councillor Geoff Dingle	It was resolved that the Strategic Committee recommendation be adopted.
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BACKGROUND

The purpose of this report is to review the Councillors' Reimbursement Policy.

Council last adopted the policy on the 16th December 2008, after public consultation as required by legislation.

Minor changes to the Policy are shown in **ATTACHMENT 1** with respect to the legal section of the Policy.

Council is required to give 28 days public notice of the Policy changes prior to the final adoption of the amended Policy and revoking the previous Policy.

FINANCIAL/RESOURCE IMPLICATIONS

Council's 2009-10 budget allocation provides for the inclusions covered in the Policy.

LEGAL AND POLICY IMPLICATIONS

Under Section 252 and 253 of the Local Government Act, Council must adopt a policy concerning the payment of expenses incurred by Councillors in relation to discharging the functions of civic office. It is a requirement of the Local Government Act that Council adopt the policy after June 30 each year and lodge the adopted policy with the Department prior to November 30 each year and provide a copy to the Department of Local Government.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

General Manager
Councillors
Council's Legal Services Manager
Council's Risk Coordinator

OPTIONS

- 1) Adopt the recommendation
- 2) Amend the draft policy

ATTACHMENTS

- 1) Councillors Reimbursement Policy

TABLED DOCUMENTS

Nil

ATTACHMENT 1



Councillors Reimbursement Policy

(Section 252, Local Government Act 1993)

Councillors Expenses Reimbursement Procedures Travel Allowance Conference & Seminar Attendance

Adopted 28 June 1994
Minute No 342
Amended 13 December 1994
Minute No. 691
Amended 14/11/95
Minute No. 562
Amended 10/9/96
Minute No. 528
Amended 23/12/97
Minute No. 1471
Amended 09/03/04
Minute No. 107
Amended 31/01/06
Minute No.398
Amended 27/11/06
Minute No. 758
Amended 25/03/08
Minute No. 069
Amended 16/12/08
Minute No. 398

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INTRODUCTION

This policy is made under the Local Government Act, 1993, including Sections 248 to 254 and 731 and having regard to the provisions of the Department of Local Government Circular to Councils number 07-22, 28 May 2007.

The Act requires that the Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and other Councillors.

Section 428 (2)(f) requires a Council to include in its Annual Report:

- Total amount of money expended during the year on Mayoral fees and Councillors fees
- Council's policy on the provision of facilities for, and the payment of expenses to Councillors
- Total amount of money expended during the year on providing those facilities and paying those expenses.

Section 12 of the Local Government Act provides that the public is entitled to inspect the Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors, free of charge, and may obtain a copy, either free of charge or on payment of reasonable copying charges.

Section 253 of the Act requires Council to give at least 28 days notice of the proposed policy and the policy must be adopted in Open Council (Section 254).

OBJECTIVES

PART 1 – Fees, Expenses & Facilities

1. To ensure Councillors are able to effectively carry out their responsibilities as members of the Council & as community representatives without suffering financial hardship.

PART 2 – Attendance at Conferences & Seminars

2. To be accountable for Council's performance to the community and ensure effective communication including the identification of changing needs and expectations.

PART 3 – Travel Arrangements

3. To determine the method of reimbursement of expenses incurred by Councillors for travel costs.

The objectives will be achieved if:-

- (a) Reasonable expenses are paid to Councillors to compensate them for costs incurred in carrying out their duties;
- (b) No Councillor suffers financial hardship as a direct result of performing their functions;
- (c) No expenses are paid for activities that are not essential for Councillors to perform their functions effectively.
- (d) Councillors are provided with an opportunity through training to improve their knowledge and skills;
- (e) Councillors are adequately informed of issues relevant to them;
- (f) Community expectations are observed by not sending more representatives than are necessary.

PART 4 – Insurance – Councillors

To provide appropriate insurance coverage for Councillors in the areas of Personal Accident, Professional Indemnity, Public Liability and Councillors' and Officers' Liability.

PART 5 – Legal Assistance for Councillors

To provide legal assistance to Councillors for functions carried out during the Council term.

PART 1

COUNCILLORS FEES, EXPENSES & FACILITIES

Part 1 is in accordance with Section 252 of the Local Government Act 1993 - Council is to pay expenses incurred or to be incurred, and provide facilities for the Mayor, Deputy Mayor and Councillors to enable them to discharge their functions of Civic Office; and

Includes the provision of annual fees paid to the Mayor, Deputy Mayor and Councillors as determined by Council in accordance with Section 248 - 251 of the Local Government Act and subject to the Local Government Remuneration Tribunal.

1.1 PAYMENT OF EXPENSES

1.1.1 Annual Allowance

Council will determine an annual allowance, to be paid monthly in arrears, in accordance with Section 248 - 251 of the Local Government Act and the determination of the Local Government Remuneration Tribunal.

The following expenses incurred or likely to be incurred will be paid by the Council in accordance with the standards and procedures set out below:-

1.1.2 Sustenance

- a) Councillors will be reimbursed for sustenance expenses if the Councillor is unable to partake of a meal at his or her usual place to partake of meals.
- b) The maximum level of reimbursement will be appropriate to the circumstances of attendance and will be determined by the General Manager.
- c) Councillors seeking reimbursement for sustenance expenses should complete **Form 1A** and provide receipts.
- d) Expenses will be reimbursed with the monthly allowance and itemised.

1.1.3 Travel

- a) Councillors will be reimbursed for travel to activities that directly relate to a Councillors civic function for example - Council and Committee Meetings (including 355b Committees), public meetings and Council site inspections.
- b) See Part 3 - Travel Arrangements.

c)

1.1.4 Telephone Expenses

- a) Council will reimburse the telephone service and equipment charges for a Councillor's private phone number.
- b) Council will reimburse up to \$40.00 per month towards Councillors telephone calls. Claims in excess of \$40.00 will require proof of expense incurred.

1.1.5 Mobile Phone Expenses

- a) Council Mobile Phone Accounts are automatically referred to the Executive Manager-Corporate Management. The telephone rental and all calls will be paid by the Council provided the phone is used exclusively for a Councillor to carry out his/her responsibilities as a member of the Council and as a community representative. Should the phone be used for a dual purpose such as private and Council then all calls should be recorded in a log book/diary and submitted with the account.
- b) Council will reimburse Council related calls on individual Councillors private mobile upon production of paid account and evidence that the calls were Council related. However Council will not reimburse Councillors for calls where the mobile phone plan includes the cost of calls (ie. bundled plans).

1.1.6 Child Care

Reasonable expenses incurred for childcare while attending Council or Committee Meetings, only. Councillors seeking to use child care facilities should

notify the General Manager prior to making arrangements.

1.1.7 Internet Expenses

Council will reimburse the monthly cost of internet connection for Councillors up to \$40.00 per month upon production of the paid account. Claims in excess of \$40.00 will require proof of expense incurred.

1.1.8 Time Limit for Submitting Claims

All claims for reimbursement of expenses and travel must be made on the approved form, supported by documents and receipts, within three (3) months of incurring the expense.

1.2. PROVISION OF FACILITIES

The following facilities will be provided in accordance with Section 252 of the Local Government Act to assist Councillors discharge their functions of Civic Office.

1.2.1 Mayor

Motor Vehicle

- a) A fully serviced and maintained motor vehicle for the purposes of discharging the functions of civic office.
- b) Private use of the motor vehicle in accordance with Council's Use of Council Vehicle Agreement.

Office

A furnished office suite located in the Administration Building.

Communication Systems

A mobile telephone with car kit is provided, serviced and maintained.

Motor Vehicle Parking Space

A permanent parking space in the Administration Building carpark will be provided.

1.2.2 Deputy Mayor

Motor Vehicle

- a) A fully serviced and maintained eco-environmental sensitive motor vehicle for the purposes of discharging the functions of civic office.

1.2.3 Councillors

Motor Vehicle

- a) A Council motor vehicle may be arranged under special circumstances and where no other alternative means of travel is available for attendance at conferences and seminars.
- b) When a Council vehicle is allocated to a Councillor for use on Council business, **only** a Councillor or a staff member are permitted to operate the vehicle.

Office

A furnished Councillors' room is provided in the Administration Building, shared by all Councillors.

Motor Vehicle Parking Spaces

Four permanent parking spaces in the Administration Building carpark will be provided.

1.2.4 All Councillors

(a) Administration Support

For the Mayor

Administration support shall be provided as determined by the Council and the General Manager.

For all Councillors

Staff assistance will be provided as required for matters pertaining to Council business. Assistance may be in the form of administration support to answer constituent's requests; delivery of material from Council and catering for meetings; send and receive facsimiles.

Note:

- i. under no circumstances shall Councillors use the administration services or other facilities provided in association with Local, State or Federal Government election material.
- ii. under no circumstances shall Councillors use the administration services or other facilities provided for the initiation of circular type letters without prior authority of the Council being obtained.

(b) Stationery/Postage

Council will provide each Councillor with stationery, business cards, Christmas cards, and postage for associated mailing. Personal mail will be posted provided the appropriate postage stamp/s are included on the envelope/package.

(c) Refreshments

Beverage and sustenance will be available in the Councillors' Room as required.

(d) Meals

Meals and beverage will be provided after each Council and Committee meetings.

(e) Deliveries

The business paper will be delivered to all Councillors at least three days (*number of days will include weekends*) prior to the Council or Committee Meeting and general correspondence will be delivered each week, regardless of whether there is a Council or Committee Meeting.

(f) Insignia of Office

Provision of badges, name plates, indicating the wearer holds the office of Councillor, to wear at Civic functions.

(g) Disabilities

In line with Anti-Discrimination Guidelines any Councillor with a special disability or special need

may notify the General Manager for adjustments to be made.

(h) Communication Equipment

Councillors will be given the option of a computer (PC or laptop), facsimile, answering machine, modem and mobile phone as their means of communication with Council and the community.

At the beginning of a quadrennium, an allowance will be paid to each Councillor to enable them to purchase the equipment nominated by them. The equipment must be at least to a standard specified by Council. Councillor's will submit a claim for all servicing and maintenance for communications equipment.

In accordance with the DLG guidelines Councillors will be required to return all communication equipment to Council at the end of the Council term unless Councillors elect to purchase at market/written down value.

(i) Corporate Uniform

Councillors may choose from a selection of Corporate Uniform provided by Council's approved supplier. Council will contribute a subsidy to 35% of the initial cost to a maximum of \$220 per annum. A sundry debtor account will then be forwarded to the Councillor for payment of the balance. Alternatively, a deduction can be made from the Councillor's monthly allowance.

(j) Protective Apparel

Provision of Protective Apparel, including hard hat, safety vest and safety footwear, safety glasses and hearing protection to accord with the NSW Occupational Health & Safety Act, for on-site inspections.

(k) Acts & Regulations

Updated Local Government Act, Regulations and other Acts may be viewed on www.austlii.edu.au or by contacting Council.

(l) Superannuation

Councillors may elected to contribute all or part of their Councillor Allowance into an approved Superannuation Scheme by completing the appropriate form.

(m) Health Initiative

Councillors are able to access a Health Initiative program which includes gym membership at local facilities. The program requires a minimum six (6) month membership with a payment to be made in advance for three (3) months – non refundable.

Councillors need to be aware that there maybe taxation implications for individual councillors.

Further details can be obtain through Council's Recreation Services Section at Council.

Nil Changes

Nil Changes

1.3 PRIVATE BENEFIT

- (a) Fees payable to the Mayor, Deputy Mayor and Councillors will not be reduced for any private benefit gained from the private use of facilities;
- (b) Councillors are required to make payment for any private use of Council facilities in accordance with Council's Code of Conduct and Guidelines.
- (c) Councillors must use Council resources effectively and economically in the course of his or her public or professional duties, and must not use them for private purposes unless such use is lawfully authorised and proper payment is made.
- (d) Councillors must not convert any property of the Council for his or her own use.

PART 2

ATTENDANCE AT CONFERENCES AND SEMINARS

Part 2 stipulates the relevant authorisation required to attend Conferences/Seminars; provides that Council will meet all reasonable out of pocket expenses; and indicates the standard of accommodation to be provided.

2.1 AUTHORISATION

- a) Councillors will be notified of all relevant conferences.
- b) All Councillor expenses and reimbursements will be reported in Council's Annual Report in accordance with the requirements of the Local Government Act 1993.
- c) Councillors interested in attending a conference/seminar should contact the Executive Assistant-Councillor Support. Automatic approval will be granted to attend a conference/seminar within the budget allocation (as determined by Council).
- d) Approval to attend Conferences/Seminars over and above an individual Councillor's budget allocation will be determined by the General Manager and Mayor in accordance with their concurrent delegated authority.
- e) Requests to exceed the total budget allocation for the financial year will be submitted to Council for determination and re-allocation of funds.
- f) In making its decision, the General Manager/Mayor or Council should consider:-
 - i. The relevance of the conference to Council and the potential benefit that may result from attendance;
 - ii. The special interest of the Councillor/s wishing to attend;
 - iii. The total cost to Council of attendance relative to the Program budget;
 - iv. The fair and equitable division of opportunity for Councillors to attend conferences/seminars.

2.2 REIMBURSEMENT OF COSTS

(a) All costs associated with Conferences/Seminars will be paid to the Conference Organiser in advance by Council:- ie.

- Registration and associated documentation
- Travel (see Part 3);
- Accommodation (See clause 6) and
- Sustenance (See Part 1)

(b) Councillors seeking to extend their stay in conjunction with Council business shall notify the General Manager prior to making arrangements.

(c) Councillors Partners may accompany them on Council business trips subject to all expenses incurred by partners being paid for by the Councillor or by Council if approved under Council's Accompanying Persons Policy, if it is deemed to be appropriate for their attendance. Note: An account system can be organised by prior arrangement with the Executive Assistant – Councillor Support - accounts are payable within thirty days or can be deducted from a Councillors monthly allowance.

2.3 ACCOMMODATION

(a) Accommodation will be booked and paid for by Council at accommodation where government rates apply. Additional expenses incurred in respect of personal services at the place of accommodation will be paid for by the Council, such as valet parking and laundry (dry cleaning). Note: Video Hire and Mini Bar Facilities will be paid for by the Councillor.

(b) Accommodation booked for attendance at a conference will be at the venues suggested by the conference organiser.

(c) Reimbursement of Accommodation expenses shall be paid where the representative is unable to reside at the place where he/she ordinarily resides and incurs additional expense.

(d) Accommodation shall be paid on a per night basis, based on reimbursement for actual costs involved.

(e) The standard of Accommodation is not to exceed four stars except where a conference or seminar venue exceeds four stars, or as determined by the General Manager.

PART 3

TRAVEL ARRANGEMENTS

Part 3 provides that Council will meet all reasonable out of pocket expenses for travel incurred by Councillors to attend activities that directly relate to a Councillors civic function; and standard of travel to and from Conferences/Seminars.

3.1 OVERSEAS TRAVEL

- (a) This policy will apply to all Council sponsored attendance conducted within Australia.
- (b) Overseas travel arrangements shall be subject to an itinerary approved by the Council (in open Council) and the standard of travel shall be as stated below regardless of destination.
- (c) Any proposed overseas travel should be included in Council's Council Plan and Budget Review for community input. (Min 562 14/11/95) Council must report any overseas travel in the Annual Report [Section 428 Local Government Act].

3.2 PRIVATELY SPONSORED TRAVEL

- (a) Any company wishing to privately sponsor travel should be in accordance with the guidelines of ICAC; pecuniary interest provisions and Council's Code of Conduct. Council approval and disclosure of all details should be made known in open Council. (Min 562 14/11/95).

3.3 STANDARD OF TRAVEL

Councillors should advise the General Manager of their normal mode of travel.

3.3.1 Travel

- (a) Councillors will be reimbursed for reasonable travel expenses to:-
 - Attend Council Meetings, Committee Meetings (including 355b Committees) Public Meetings and Council Site Inspections;
 - Attend Conferences and Seminars where the Councillor elects to use his/her private vehicle.

Nil Changes

- Attend at any duly convened meeting of any organization to which a Councillor has been nominated or elected by specific resolution of Council as an official Council representative and such organization does not provide a travel allowance.

(b) Claims including *back payment* for travelling expenses by Councillors must show amounts incurred for:- [Min 528 10/9/96].

- Air, train, coach and taxi - (receipts to be provided with Form 1A)
- Hire car costs - (receipts to be provided with Form 1A)
- Parking and tolls (receipts to be provided with Form 1A)

(c) Travelling allowance per kilometre as provided in the Local Government State Award:- (complete Form 1A or Log Book Form 1).

The General Manager will use his discretion to reimburse Councillors for attendance at activities other than specified above where the Councillor has attended as a designated delegate for Council.

In making his decision the General Manager considers:-

- i. The relevance of the activity to Council and the potential benefit that may result from attendance;
- ii. The special interest of the Councillor/s wishing to attend;
- iii. The total cost to Council of attendance relative to the Program budget;
- iv. The fair and equitable division of opportunity between Councillors.

3.3.2 Transfers

Transfers from transport terminals to accommodation can be arranged by Council prior to departure, alternatively expenses incurred will be reimbursed with Councillors monthly allowance.

3.3.3 Cash Advances

Cash advances will not be made unless under **special** circumstances and require the General Manager's approval.

Nil Changes

Upon return all remaining monies are to be re-banked with Council.

3.3.4 Air Travel

In all cases the most economical fares will be sought to ensure the best possible price for Council, whether it be Economy or Business Class.

Where Air Travel exceeds more than five (5) hours, Business Class Air Travel will be provided.

3.3.5 Hire Car

A Hire Car will only be provided where no other means of travel is available and is to be equivalent to Council's standard vehicle.

3.3.6 Private Vehicle

Councillors who use a private vehicle for travel in excess of 1,000 kilometres will be reimbursed the equivalent cost of an economy class air fare.

- (a) Printed itineraries of arranged travel will be supplied at least one week prior to departure.
- (b) Council has in effect a personal accident cover for Councillors covering them 24 hours per day 7 days per week, if the accident causing the injury occurs whilst engaged in or at any activity which directly or indirectly relates to Council business, including travel to and from the activity.

Nil Changes

PART 4

INSURANCE - COUNCILLORS

That Councillors are to receive the benefit of insurance cover for:

4.1 Personal Accident

Personal Accident insurance covers personal injury which is caused by violent, accidental external and visible means that solely and independently of any other cause results in a Councillor's death or disablement. The cover applies anywhere in the world during and while travelling to and from Council business. The capital benefit for the death of a Councillor is \$500,000. The cover does not include medical expenses.

4.2 Professional Indemnity

Professional Indemnity insurance covers Council where Council becomes legally liable to pay compensation for financial loss as a result of any negligent act, error or omission in the conduct of Council's business activities arising from a breach of professional duty. Cover is subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme wording.

4.3 Public Liability

Public Liability insurance covers Council's legal liability to pay compensation to third parties arising in connection with the business activities of Council. Matters arising from Councillors' performance of civic duties or exercise of their functions as Councillors are covered subject to any limitations or conditions set out in the NSW Local Government (Jardine) Mutual Liability Scheme policy wording.

4.4 Councillors' & Officers' Liability

Councillors' & Officers' Liability insurance protects Councillors and officers from the costs incurred in defending themselves against legal actions that arise from honest mistakes in the management of Council. It covers Councillors for personal liabilities as a result of

wrongful acts subject to any limitations or conditions set out in the policy of insurance.

Full details of the abovementioned insurance policies are available in Council's Insurance Handbook held by the Risk Management Co-ordinator.

Nil Changes

PART 5

LEGAL ASSISTANCE FOR COUNCILLORS

5.1 LEGAL ASSISTANCE FOR COUNCILLORS

That in the event of:

(a) An enquiry, investigation or hearing by any of:

- The Independent Commission Against Corruption;
- The Office of the Ombudsman;
- Department of Local Government;
- The Police;
- The Director of Public Prosecutions;
- or
- The Local Government Pecuniary Interest Tribunal,

into the conduct of a Councillor; or

(b) Legal proceedings being taken by or against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor (with the exception of defamation proceedings), Council shall reimburse such a Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:

- i. The amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.
- ii. The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper.
- iii. the amount of such reimbursement be limited to the extent that only fees charged at a rate equivalent to the hourly

rate then being charged by Council's Hunter based Solicitors will be paid ie. any portion of the expenses representing any hourly charge rate higher than the hourly rate charge rate of Council's Hunter based Solicitors will not be reimbursed.

- (c) Defamation proceedings or other proceedings arising from the making of a public statement, where a Councillor is a defendant or anticipated defendant in such proceedings.

Note: Council may not meet the costs of any action in defamation taken by a Councillor as plaintiff in any circumstances (DLG Circular 00/22).

To ensure that indemnity or reimbursement in respect of costs of defending an action in defamation or other action is only available in circumstances where the person to be indemnified or reimbursed was acting properly when making the statement complained of, the threshold criteria for the application of the indemnity or reimbursement will apply.

- (d) Council may indemnify or reimburse the reasonable legal expenses of a councillor for proceedings before the Local Government Pecuniary Interest Tribunal or an investigative body PROVIDED the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.
- (e) Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something which a councillor has done during his or her term of office. An example of the latter is expenses arising from an investigation as to whether a councillor acted corruptly by using knowledge of a proposed rezoning for private gain.

POLICY

General

Where proceedings have been foreshadowed or commenced against any of the Mayor and Councillors arising from a public statement or statements made or acts done by any of them and, in the opinion of Council's appointed solicitor the following "Three Criteria" are satisfied through the required procedure set out below namely:

- (a) The statement was made or the act was done in relation to discharging the functions of civic office;
- (b) The Councillor concerned was acting in good faith; and
- (c) The statement or the act in question was reasonable in the circumstances and not made or done maliciously or frivolously and, in the case of a statement, was not made with knowledge of its falsity or with recklessness as to whether it was true or false,

then Council will indemnify or reimburse the Councillor for:

- (a) all legal expenses properly and reasonably incurred, given the nature of the legal services provided; and
- (b) any other less, expense, liability or cost incurred (including without limitation any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Councillor),

In responding to or defending such proceeding **PROVIDED THAT** the amount of such indemnity or reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.

Engagement of Legal Representatives – Required Procedure

1. The Councillor must, as soon as practicable after they become aware that a claim may be forthcoming or aware that they may have made a statement or action which may give rise to a claim, notify either the General Manager, Public Officer or Mayor that there is a possibility of a claim against the Councillor. This notification must;

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- i. be in written or electronic form;
 - ii. include all details including any correspondence from the alleged injured party concerning the possible claim; and
 - iii. Include the Councillor's comments on whether the Councillor considers that the Three Criteria are satisfied.
2. The Councillor must not respond to any allegations made or accept any liability in respect to any allegations made unless authorised to do so by council or its solicitor or the insurer or its solicitor. The Councillor must at all times without undue delay keep Council fully informed of any oral or written communications made to the Councillor by the alleged injured party or the injured party's agents or legal representative in respect of the claim.
3. The General Manager must immediately upon becoming aware that a claim may be forthcoming or aware that a statement has been made which may give rise to a claim, notify and forward to Council's insurer any information relating to the matter with a view to obtaining the Insurer's acceptance and carriage of the claim should the three criteria be satisfied.
4.
 - i. If proceedings are threatened (and not commenced), the General Manager must without undue delay inform Council's appointed Solicitor and Council's insurer of the notification. The Council's solicitor at Council's cost must form a view as to whether the Three Criteria are satisfied, and must notify the General Manager who will in turn notify the Councillor concerned in written or electronic form of that view.
 - ii. If the Council's solicitor considers that the Three Criteria are satisfied, the General Manager will either instruct Council's solicitors or if Council's Insurers have accepted the matter as a possible claim then it will represent the Councillor concerned.
5. If Council's solicitor forms the view that the Three Criteria are not satisfied under clause (d)(i); the Councillor may request a review of that advice from an independent legal practitioner as agreed in advance between the Councillor concerned and the General Manager and

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electronic"

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electronic"

Delete – (d)
Insert – (4)

failing agreement as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.

6. If the proceedings are commenced and the Three Criteria are satisfied then the following procedure must be followed:

- In the case that the claim is accepted by Council's insurer it will have carriage of the matter subject to consultation with the General Manager and the Councillor will be required to abide by any reasonable instruction of the insurer or its nominated lawyer.
- If the Insurer does not accept the claim as it is of the opinion that the matter is outside the policy then the General Manager in consultation with Council's solicitor will nominate a legal practitioner that they consider should represent the Councillor. If the Councillor considers that such representation is appropriate then the procedures in clause 7 must be followed. If Council's solicitors are not of the same opinion as the insurers the General Manager in consultation with Council's solicitors will take whatever action is necessary (without unduly holding up the defamation proceedings) to have the question determined.
- If the Councillor considers that the legal practitioner nominated is not appropriate then the Councillor concerned and the General Manager must attempt to reach agreement on an alternative legal practitioner, and failing agreement the legal practitioner must be as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.

Nil Changes

7. If Council's insurers have not accepted the claim the General Manager must contact the proposed legal practitioner and must require that an agreement be entered into between the legal practitioner and the Council which will include such terms and conditions as the General Manager sees fit including:
- i. Terms and conditions as to costs and disbursements including procedures for costs estimates to be given at appropriate times; and
 - ii. Accounts being considered and approved by the General Manager prior to payment; and
 - iii. All instructions provided to the legal representatives by the Councillor concerned to be subject to the concurrence of the General Manager.
8. Notwithstanding the provisions of paragraph 5.1 (ii) and 5 above, once proceedings have actually been commenced then the procedures set out in paragraph 5 above must be followed. (Note: The General Manager should regularly review Council's insurance policies with respect to the application of them to the Council's possible liability pursuant to this policy.)

Exclusion from Policy

This policy will not apply to any defamation or other action brought by any Councillor or Council employee against any Councillor, arising from the making of a statement by any of the latter of and concerning any of the former, unless in addition to the Three Criteria set out above:

- i. the statement complained of is made to a person or body in circumstances where it is likely to be subject to qualified privilege or absolute privilege (including without limitation statements made in good faith to the Police or Director of Public Prosecutions, the Department of Local Government, statements made ancillary to, and in giving evidence to, a Court or Tribunal or other body conducting any inquiry, investigation or hearing, statements made to the Office of the Ombudsman and statements made to any Parliamentary Committee) (but in such circumstances the policy will only apply to the extent of the publication of the statement

in these circumstances, and not to any other publication of the statement); or

ii. The statement:

- is made at a meeting of Council, a briefing of Councillors or a meeting of a Committee of Council in respect of an item on the agenda for that meeting or briefing; and
- is in accordance with the Local Government (General) Regulations 2005 and Council's Code of Meeting Practice current at the time the statement was alleged to have been made; and
- Does not breach any other law.



Form 1A

CLAIM FOR EXPENSES INCURRED

COUNCILLOR.....

MONTH.....

DATE	PURPOSE	\$	Klms TRAVELLED	TOTAL CLAIM \$ (Office Use Only)
	Minimum Phone Call Claim (min.\$40.00)			
	Minimum Internet Claim (min.\$40.00)			
	Addit. Phone Call Claim (documentation reqd)			
	Addit. Internet Claim (documentation reqd)			
	Line Rental			
	Fax Expenses (documentation reqd)			
	Mobile Claim			
	Travel			
	Conference/Seminars (receipts reqd)			
	Partner Expenses (receipts reqd)			
TOTAL				

*** PAYMENT WILL ONLY BE MADE WHERE RECEIPTS AND VEHICLE LOG IS PROVIDED.**

Signature of Claimant..... **Date**.....

Councillors – Please note that ALL Councillor's reimbursement claims will be paid the **first Friday** of each month. Therefore Councillors are required to lodge their claims with the Executive Assistant Councillor Support at the end of each month at the **Ordinary Council meeting** for payment the following week.



MOTOR VEHICLE LOG BOOK

COUNCILLORMONTH.....YEAR.....

DATE	PURPOSE	START	FINISH	TOTAL KILOMETRES
TOTAL				

Signature of Claimant..... Date



**COUNCILLOR REMUNERATION SACRIFICE ELECTION
FORM – SUPERANNUATION**

Councillor Name: _____

Date to commence arrangement _____

Annual Remuneration _____

Annual Sacrifice Amount _____

Your Superannuation Fund Details:

Fund Name _____

Membership No (if applicable) _____

Account Name _____

Super Fund ABN (if applicable) _____

Superannuation Product
Identification Number (if applicable) _____

DECLARATION OF COUNCILLOR

I, _____ hereby certify that I have not relied on information or advice gathered through sources or resources from Port Stephens Council to make the decision to enter into a sacrifice arrangement.

I certify that I have obtained independent financial advice or made the decision based on my own investigation in relation to this sacrifice election.

I understand that at all times it remains my responsibility as a Councillor to notify Finance in writing of any change to the benefits sacrificed.

I have attached:

- A letter from the trustee stating that this is a complying fund and (for a self managed superannuation fund) a copy of documentation from the Tax Office confirming the fund is regulated
- Written evidence from the fund that they will accept contributions from Council, and
- Details about how Council can make contributions to this fund

Signed: _____ Councillor Date: _____

Signed: _____ Finance Officer Date: _____

ITEM NO. 2**FILE NO: PSC2007-2001****REVISED COMMUNITY ENGAGEMENT POLICY****REPORT OF: STEPHEN CROWE, MANAGER COMMUNICATIONS & CUSTOMER RELATIONS
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the current Community Engagement Policy adopted 18 December 2007 Minute NO: 392 (Attachment 1)
- 2) Adopt the proposed amendments to the Community Engagement Policy (Attachment 2)

STRATEGIC COMMITTEE – 08 September 2009**RECOMMENDATION:**

Councillor Bob Westbury Councillor Bruce MacKenzie	That the recommendation be adopted.
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ORDINARY COUNCIL – 22 September 2009

318	Councillor Daniel Maher Councillor Steve Tucker	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to present recommended amendments to the Community Engagement Policy that was adopted on 18 December 2007.

A review of the Policy determined that in its current form it was lengthy and contained operational aspects that would be better dealt with in a Management Directive.

That review also revealed that the Policy was deficient in covering the commitment of Council to engagement with children and young people.

Specifically it is proposed here that the current policy, also known as the Community Engagement Framework, be amended by:

1. Addition of a clause in the Policy Position Statement to address Council's commitment to children and young people by providing them with an opportunity to participate appropriately in Council's community engagement processes;
2. Removal of detailed references to the engagement and associated processes, as well as other operational items. These are to be included in a Management Directive. This increases the clarity of the Policy and substantially reduces its length, making it more accessible.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications in the proposed amendments.

LEGAL, POLICY AND RISK IMPLICATIONS

This is 'housekeeping' and updating of the current Policy. Council's procedures on working with children and young people apply and are embedded in the Management Directive to staff that enables implementation of this Policy.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The proposed amendment embeds Council's commitment to child-friendly communities in the operations of its engagement and consultation practices.

ECONOMIC IMPLICATIONS

There are no economic implications in the proposed policy amendments.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications in the proposed policy amendments.

CONSULTATION

The existing Policy was developed after a review of consultation practices at Council by the Centre for Local Government at the University of Technology, Sydney. The outcomes of that review were extensively debated by Councillors and the Policy was developed after extensive feedback.

As part of the policy review process, the Community Engagement Panel consulted with staff actively working with the community. It was determined that the existing policy was cumbersome and that clear directions were hampered by the unnecessary length of the document.

The Social Planning team provided advice on embedding the principle of consulting with children and young people in a number of Council's policies and procedures, of which this revised draft Policy is an example.

OPTIONS

- 1) Adopt the draft revised Community Engagement Policy;
- 2) Amend the draft revised Community Engagement Policy;
- 3) Reject the draft revised Community Engagement Policy.

ATTACHMENTS

- 1) Community Engagement Policy
- 2) Draft revised Community Engagement Policy

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1



POLICY

Adopted: 18 December 2007

Minute No: 392

Amended:

Minute No:

FILE NO: PSC2007-2001

TITLE: COMMUNITY ENGAGEMENT

REPORT OF: GROUP MANAGER CORPORATE SERVICES

BACKGROUND

The *Local Government Act 1993* has a clear commitment to community participation and consultation in major planning and decision-making processes of councils. Section 8 (3) (1) sets out the Council's Charter and includes that Council is required to:

facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and coordination of local government; and,

keep the local community and the State government (and through it the wider community) informed about its activities.

Port Stephens Council has a responsibility to ensure that it consults in an effective manner, that it demonstrates a commitment to meaningful consultation and that consultative processes are consistent across the Council. Goal 12 of the Council Plan 2008-2012 provides:

The community of Port Stephens will have relevant input into all Council decisions that affect them.

This Policy has two components. Firstly, it sets out a policy position statement identifying the key elements for effective consultation between the Council and its community and stakeholders. Secondly, it contains a matrix which provides a series of strategies to guide Council staff in developing processes and practices which will ensure inclusive consultation and where appropriate, collaboration.

OBJECTIVE

This policy is intended to:

- confirm the Council's commitment to engage with its community;
- help guide Council practice in its engagement with its community;
- inform the community about what it can reasonably expect of the Council in terms of consultation over different issues; and
- contribute to the quality of information gathered to inform planning, policy development and decision-making.

VALUES

Port Stephens Council supports the following values:

- Community engagement is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process
- Community engagement includes the promise that the public's contribution will influence the decision
- Community engagement seeks out and facilitates the involvement of those potentially affected by or who are interested in a decision
- Community engagement provides participants with the information they need to participate in a meaningful way.
- Children and young people are the future and should be included in decision making that affects the future.

PRINCIPLES

The guiding principles that apply to the initiatives undertaken by the Council are:

1. **Commitment (participation)**
Leadership and strong commitment to information, consultation and active participation of the community in planning and decision-making. The Council is committed to actively overcoming barriers that may exclude some parts of the community from engaging with Council.
2. **Rights**
The people of Port Stephens have the right to access information, provide feedback, be consulted and actively participate in planning and decision-making.
3. **Clarity**
Objectives for, and limits to, information, consultation and active participation during planning should be well defined from the outset. The respective roles and responsibilities of community members, Councillors and Council staff, and the Council (in making decisions for which they are accountable) must be clear to all.

In general, community engagement is undertaken on behalf of Councillors but may or may not include all or individual Councillors in the process.

- 4. Time**
Public consultation and active participation should be undertaken as early in the planning process as possible to allow a greater range of options and solutions to emerge and to raise the chances of successful implementation. Adequate time must be available for community engagement – as consultation or as collaboration – to be effective.
- 5. Objectivity**
Information provided by the Council during planning should be objective, complete and accessible. Consultative activities must provide opportunities for community members to contribute and be heard.
- 6. Resources**
Adequate financial, human and technical resources are needed if public information, consultation and active collaboration in planning are to be effective. Meaningful participation may require training, information and resources to meet the costs of participating.
- 7. Coordination**
Initiatives to inform, request feedback from and consult the community, will be coordinated across Council by its Community Engagement Panel to enhance knowledge management, ensure coherence and avoid duplication.
- 8. Accountability**
The Council has an obligation to account for the use it makes of inputs received through feedback, public consultation and active participation.
- 9. Evaluation**
The Council, through the Community Engagement Panel will have the tools, information and capacity to evaluate Council's performance in providing information, consultation and engaging citizens in order to adapt to new requirements and changing conditions for planning and community engagement.
- 10. Positive Consultation**
The Council benefits from the positive consultation with its community and other stakeholders. The process facilitates access to information and participation, raises awareness, strengthens community education and supports capacity building.
- 11. Recognition of Expertise**
The community of Port Stephens recognises the expertise of Council staff and their commitment to the sustainable welfare of the community.

POLICY POSITION STATEMENT

Providing opportunities for the expression of views about Council's operations, services and programs is a fundamental component of the values and conduct of business of Port Stephens Council.

Directional Statement 5 of the Council's strategic direction stipulates that Council will operate under the Australian Business Excellence Framework. Principle 3 of this Framework specifically states:

Understanding what customers value, now and in the future, influences the organisation's directions, strategy and actions.

The Port Stephens Council Integrated Planning Process incorporates strategies to embed community input to all Council's plans through The Planning Panel process.

Port Stephens Council will ensure that adequate and appropriate opportunity is provided to groups representing particular interests or stakeholders, to also have a voice on issues, planning and decision-making.

Port Stephens Council will include children and young people in all engagements on projects that affect them now, or will affect them in the future.

Port Stephens Council has adopted the consultation matrix (Appendix 1) to inform its processes.

DEFINITIONS

The concepts of community participation and consultation are closely linked. For the purposes of this Policy, the following definitions apply.

Collaboration is defined as:

- *people who use services have the right to play an active and powerful role in making decisions about the way the services they use affect their lives on an individual basis and are planned, managed, delivered and evaluated.*

Consultation is defined as:

- *referring to those formal structures and processes through which views are sought from stakeholders with the objective of informing planning and decision-making.*

Community is defined as:

- Residents
- Rate payers
- Children
- Young People
- Business
- Staff

Some issues such as the development of the Council's Strategic Plan necessitate a wide-ranging and comprehensive consultative approach. Other consultations may be more targeted in their focus and seek the involvement of a small group of people on one or two occasions.

The development of Council's plans and policies often requires the recognition and reconciling of competing and disparate needs. Issues under consideration may be complex and multifaceted. At times participants within consultative activities may express dissatisfaction that a position or opinion has not been supported. Participants need to be well informed about the impact of their involvement and that the role may be one of informing decision making, not necessarily making decisions.

RESOURCES

The Community Engagement Panel will assist staff to identify the optimal ways of providing, accessing and receiving information using alternative formats. The Panel is available to provide advice about methods of consultation and provide technical assistance with respect to appropriate research methodology (for example, surveys and questionnaires).

PROCESS OF CONSULTATION

Coordination of all community engagement resides in the Community Engagement Panel of Council, convened by Council's Corporate Services Group through the Communications & Community Relations Section. All staff who are required to consult with, or collaborate with the community of Port Stephens must arrange to meet with the Panel prior to commencing any consultative activities. In addition, the Community Engagement Panel must be convened to facilitate any referrals from Council's Planning Panel.

Consultation with children and young people will be organised through the Community Engagement Panel.

The responsibility for effective community engagement remains with the Section undertaking the process. The Community Engagement Panel is a resource available to assist the Section but does not abrogate any Section's responsibility for effective community engagement.

The Community Engagement Panel will establish and maintain a register of all consultations and other community engagement activities undertaken by Council. The Panel is responsible for ensuring that Sections provide appropriate feedback to the community or its constituent parts that were involved in the process.

EVALUATION

Community engagement must be evaluated at its conclusion and that evaluation will be included in reports to Council.

Evaluation criteria include but are not limited to:

Integrity

- Openness and honesty about scope and purpose
- Appreciation of respective roles and responsibilities

Inclusion

- Opportunities for a diverse range of values and perspectives to be freely expressed and heard
- Representative of population
- Appropriate and equitable opportunity for all to participate
- Safe and genuine inclusion of children and young people

Deliberation

- Sufficient and credible information for dialogue
- Space to weigh options, movement to shared understanding and common ground

Influence

- People have input into how they participate
- Policies and services reflect their involvement, and their impact is apparent

Capacity

- Were barriers to participation addressed

Sustainable Decisions

- Transparency of process
- Decision makers find the output useful and have sufficient confidence to act on the community's recommendations

Council's Report template provides for the author(s) to give a description and evaluation of the engagement process to enable Councillors to consider the Report in the light of the community input measured against these criteria.

CONCLUSION

The Council is committed to ensuring the participation and inclusion of its community. It is also committed to adopting an approach to community engagement across the Council that ensures greater consistency and equitable share of voice. It is committed to providing staff with the skills and resources necessary to effectively capture the voice of the community.

IMPLEMENTATION RESPONSIBILITY

Manager – Communications & Community Relations

REVIEW PERIOD

This policy is to be reviewed annually.

Appendix 1 - Community Engagement Matrix

Level	Aim	Promise to Communities	Examples
Inform	To provide the community with balanced, objective information to assist them to understand Council issues, alternatives and decisions.	Council will keep you informed	<ul style="list-style-type: none"> Public notices Notification letters
Consult	To obtain community feedback on issues, analysis, alternatives and decisions being considered by Council	Council will keep you informed, listen to and acknowledge your aspirations, concerns and issues, and provide feedback on how your input influenced the decision	<ul style="list-style-type: none"> Public Exhibition Process Development Application process
Involve	To work directly with communities throughout the process to ensure that community aspirations, concerns and issues are consistently understood and considered	Council will work directly with you to ensure that your aspirations, concerns and issues are directly reflected in the alternatives developed and provide feedback on how your input influenced the decision.	<ul style="list-style-type: none"> Facilitated workshops Facilitated workshops using Council's children and young people's networks
Collaborate	To partner with communities in each aspect of the decision including the development of alternatives and the identification of a preferred solution.	Council will look to you for direct advice and innovation in formulating issues, alternatives and solutions and incorporate your advice and recommendations into Council decisions to the	<ul style="list-style-type: none"> Charettes Advisory Committees Community Renewal Projects Town Centre Projects

Level	Aim	Promise to Communities	Examples
		maximum extent possible.	
Delegate	To delegate certain functions to community representatives.	Council will enable you to exercise the delegated function within agreed charters	<ul style="list-style-type: none"> ▪ Joint ventures ▪ Facility Management Committees

ATTACHMENT 2



DRAFT POLICY

Adopted: 18 December 2007

Minute No: 392

Amended: #

Minute No: #

Amended: #

Minute No: #

FILE NO: PSC 2007-2001

TITLE: COMMUNITY ENGAGEMENT

RESPONSIBLE OFFICER: MANAGER COMMUNICATIONS
AND CUSTOMER RELATIONS

BACKGROUND

The purpose of this report is to present recommended amendments to the Community Engagement Policy that was adopted on 18 December 2007.

A review of the Policy determined that in its current form it was lengthy and contained operational aspects that would be better dealt with in a Management Directive.

That review also revealed that the Policy was deficient in covering the commitment of Council to engagement with children and young people.

This Policy has two components. Firstly, it sets out a position statement for Council identifying the key elements for effective consultation. Secondly, it contains a matrix which will guide Council staff in developing effective consultation processes.

OBJECTIVE

This policy is intended to:

- confirm the Council's commitment to engagement with its community;
- help guide Council practice in its engagement with its community; or
- inform the community about

Changes

1) Removal of detailed references to the engagement and associated processes, as well as other operational items. These are to be included in a separate Management Directive. This increases the clarity of the Policy and substantially reduces its length, making it more accessible.

These operational items include:

- Resources within Council to support consultation
- Processes of consultation

2) Addition of a clause in the Policy Position Statement to address Council's commitment to children and young people by providing them with an opportunity to participate appropriately in Council's community engagement processes;

what it can reasonably expect of the Council in terms of consultation; and

- contribute to the quality of information gathered to inform planning, policy development and decision-making.

VALUES

Port Stephens Council supports the following values:

- Community engagement is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process
- Community engagement includes the promise that the public's contribution will influence the decision
- Community engagement seeks out and facilitates the involvement of those potentially affected by or who are interested in a decision
- Community engagement provides participants with the information they need to participate in a meaningful way.
- Children and young people should be included in decision making that affects the future.

PRINCIPLES

The guiding principles that apply to the initiatives undertaken by the Council are:

1. *Commitment to community participation*

Leadership and strong commitment to information, consultation and active participation of the community in planning and decision-making. The Council is committed to actively overcoming barriers that may exclude some parts of the community from engaging with Council.

2. *Rights*

The people of Port Stephens have the right to access information, provide feedback, be consulted and actively participate in planning and decision-making.

3. *Clarity*

Consultation objectives for Council should be well defined from the outset. The respective roles and responsibilities of community members, Councillors and Council staff must be clear to all.

In general, community engagement is undertaken on behalf of Councillors but may or may not include all or individual Councillors in the process.

4. *Time*

Public consultation should be undertaken as early in the planning process as possible to allow a greater range of options and solutions to emerge. Adequate time must be available for community engagement to be effective.

5. Objectivity

Information provided by the Council during planning should be objective, complete and accessible. Consultative activities must provide opportunities for community members to contribute and be heard.

6. Resources

Adequate financial, human and technical resources are needed if public information and consultation are to be effective. Meaningful participation may require training, information and resources to meet the costs of participating.

7. Coordination

Initiatives to consult the community will be coordinated across Council by its Community Engagement Panel. This will enhance knowledge management, ensure coherence and avoid duplication.

8. Accountability

The Council has an obligation to account for the use it makes of inputs received through feedback, public consultation and active participation.

9. Evaluation

The Council, through the Community Engagement Panel will have the tools, information and capacity to evaluate Council's performance in providing information, consultation and engaging with citizens.

10. Positive Consultation

The Council benefits from the positive consultation with its community and other stakeholders. The process facilitates access to information and participation, raises awareness, strengthens community education and supports capacity building.

11. Recognition of Expertise

The community of Port Stephens recognises the expertise of Council staff and their commitment to the sustainable welfare of the community.

POLICY POSITION STATEMENT

Providing opportunities for the expression of views about Council's operations, services and programs is a fundamental component of the values and conduct of business of Port Stephens Council.

Principle 3 of the Australian Business Excellence Framework states:

'Understanding what customers value, now and in the future, influences the organisation's directions, strategy and actions.'

Port Stephens Council will ensure that adequate and appropriate opportunity is also provided to groups representing particular interests or stakeholders, to ensure they have a voice on issues, planning and decision-making.

Port Stephens Council will include children and young people in all engagements on projects that affect them now, or will affect them in the future.

Port Stephens Council has adopted the consultation matrix (Appendix 1) to inform its processes.

DEFINITIONS

The concepts of community participation and consultation are closely linked. For the purposes of this Policy, the following definitions apply.

Collaboration is defined as:

- people who use services have the right to play an active and powerful role in making decisions about the way the services they use affect their lives. This includes how they are planned, managed, delivered and evaluated.

Consultation is defined as:

- *referring to those formal structures and processes through which views are sought from stakeholders with the objective of informing planning and decision-making.*

Community is defined as:

- Residents
- Rate payers
- Children
- Young People
- Business
- Staff

Some issues such as the development of the Council's Strategic Plan necessitate a wide-ranging and comprehensive consultative approach. Other consultations may be more targeted in their focus and seek the involvement of a small group of people on one or two occasions.

At times participants within consultative activities may express dissatisfaction that a position or opinion has not been supported. Participants need to be well informed about the impact of their involvement and that the role may be one of informing decision making, not necessarily making decisions.

RESOURCES

The Community Engagement Panel will assist staff to identify the optimal ways of providing, accessing and receiving information using alternative formats. The Panel is available to provide advice about methods of consultation and provide technical assistance.

PROCESS OF CONSULTATION

Coordination of all community engagement resides in the Community Engagement Panel of Council, through the Communications & Customer Relations Section. All staff who are required to consult with, or collaborate with the community of Port Stephens must arrange to meet with the Panel prior to commencing any consultative activities. Consultation with children and young people will also be organised through the Community Engagement Panel.

The responsibility for effective community engagement remains with the Section undertaking the process. The Community Engagement Panel is a resource available to assist the Section but does not abrogate any Section's responsibility for effective community engagement.

The Community Engagement Panel will establish and maintain a register of all consultations and other community engagement activities undertaken by Council. The Panel is responsible for ensuring that Sections provide appropriate feedback to the community.

EVALUATION

Community engagement must be evaluated at its conclusion and that evaluation will be included in reports to Council.

Council's Report template provides for the author(s) to give a description and evaluation of the engagement process to enable Councillors to consider the Report in the light of the community input measured against these criteria.

CONCLUSION

The Council is committed to ensuring the participation and inclusion of its community. It is also committed to adopting an approach to community engagement across the Council that ensures greater consistency and equitable share of voice. It is committed to providing staff with the skills and resources necessary to effectively capture the voice of the community.

IMPLEMENTATION RESPONSIBILITY

Manager – Communications & Customer Relations

REVIEW PERIOD

This policy is to be reviewed every three (3) years.

ITEM NO. 3**FILE NO: A2004-0230****CASH INVESTMENTS POLICY****REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER****GROUP: COMMERCIAL SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke Cash Investment Policy adopted on 20 December 2005 minute no. 382
 - 2) Adopt the amended Cash Investments Policy shown in Attachment 2
-

STRATEGIC COMMITTEE – 08 September 2009**RECOMMENDATION:**

Councillor John Nell Councillor Bruce MacKenzie	That the recommendation be adopted.
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ORDINARY COUNCIL – 22 September 2009

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

The purpose of this report is to amend Councils Cash Investments Policy taking into account the Investment Policy Guidelines published by the Department of Local Government.

A review of NSW Council investments was conducted under the direction of a Steering Committee chaired by the Department of Local Government with representatives from the Department of Premier and Cabinet and NSW Treasury.

The Review investigated the impact on councils that had invested in structured credit products. The recommendations from the Review include:

Amendments to the Ministerial Investment Order

Grandfathering existing investments that are excluded by the proposed changes to the Ministerial Order

Excluding the manufacturers and distributors of investment products from acting as investment advisors to councils

Suspending investments with specific credit ratings until December 2009 and

Issuing investment policy guidelines for councils

The NSW Government has adopted all the recommendations from the report. A new Ministerial Order and Investment Policy Guidelines have resulted.

The new Guidelines have been taken into account when amending Councils Cash Investment Policy to ensure that council officers that are involved in selecting, reviewing and/or monitoring investment products understand the parameters, risks and expectations that council is required to take when creating an investment policy.

Refer to **ATTACHMENT 2** for amended Cash Investment Policy.

FINANCIAL/RESOURCE IMPLICATIONS

A modified investment policy has the potential to increase (or decrease) investment return.

LEGAL, POLICY AND RISK IMPLICATIONS

Section 625 of the Local Government Act 1993 (the Act) refers to how a council may invest. It states that a council may invest money that is not, for the time being, required for any other purpose and that it may only be invested in a form that is notified by order of the Minister as published in the Gazette.

Section 413 of the Act outlines the reporting requirements of council in regards to the annual financial reports. Councils should recognise measure and disclose the investments in accordance with the publications issued by the Australian Accounting Standards Board.

Section 12 of the Act outlines the information council is required to make publicly available including a register of investments and copies of council and committee meetings business papers and minutes that record information on investments.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil

CONSULTATION

Council
Group Manager Commercial Services
Department of Local Government

OPTIONS

- 1) That Council adopts the amended Cash Investments Policy
- 2) That Council amends the amended Cash Investment Policy
- 3) That Council rejects the amended Cash Investment Policy

ATTACHMENTS

- 1) Current Cash Investment Policy adopted 20/12/05
- 2) Amended Cash Investment Policy

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1



POLICY

Adopted: 27/01/2004
Minute No: 009
Amended: 19/10/2004
Minute No: 376
Amended: 20/12/2005
Minute No: 382

FILE NO: 1130-006

TITLE: CASH INVESTMENT POLICY

RESPONSIBLE OFFICER: FINANCE AND ADMINISTRATION MANAGER

BACKGROUND

This policy introduces a set of standards that will apply to Council's cash investments.

OBJECTIVE

- 1) To undertake authorised investment of surplus funds after assessing credit risk and diversification limits.
- 2) To maximise earnings from authorised investments and ensure the security of Council Funds

PRINCIPLES

- 1) Council has an obligation under its Charter as the custodian and trustee of public assets, to effectively account for and manage the assets for which it is responsible.
- 2) All investments are to be made in accordance with:
 - Local Government Act 1993 - Section 625
 - Local Government Act 1993 - Order (of the Minister) as made from time to time.
 - The Trustee Act 1925 – Section 14. Powers of Investment
 - The Trustee Act 1925 - Regulation
 - Local Government (Financial Management) Regulation 1999 – Section 16

POLICY STATEMENT

1) Quotations on Investments

- Not less than three (3) quotations shall be obtained from authorised institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the diversification limits of this policy.

2) Term to Maturity

- The term to maturity of any of Council's direct investments must not exceed ten years. When the term to maturity of an investment exceeds one year, Council must ensure that a secondary market exists for the investment type to enable disposal of the investment prior to maturity if necessary.***

3) Investments with Fund Managers - Regulatory Requirements

- Council may deposit funds with an approved fund manager, provided the fund manager reinvests (so that Council retains beneficial ownership) in a security authorised by s.625 of the Local Government Act 1925. This will include managed funds rated either at least "A" by Standard and Poor's, "A2" by Moody's Investor Service **or "A" by Fitch Ratings**. Products will only include cash funds, cash-plus/cash enhanced funds or fixed interest funds.
- The fund manager must be approved by the Department of Local Government and its controlled parent entity (immediate or ultimate) should maintain a minimum long term rating of "A" from Standard & Poor's, "A2" from Moody's Investor Service **or "A" from Fitch Ratings**.
- Approved Investments with Fund Managers would include:

Fund Type	Minimum Investment Time Period	Exposure Range as % of Total Investment Portfolio
Cash Funds (at call)	0-180 days	0-100
Cash Plus / Cash Enhanced / Fixed Interest Funds or Equivalent	3-12 months	0-95

4) General Policy Guidelines

Diversification/Credit risk

- The amount invested with any one financial institution or managed fund should not exceed the following percentages of average annual funds invested. When placing investments, consideration should be given to the relationship between credit rating and interest rate. These percentages also relate to the equivalent ratings provided by Moody's Investor Service **and Fitch Ratings**.

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Long Term Rating (Standard & Poor's)	Short Term Rating (Standard & Poor's)	Maximum Percentage of Total Investments
AAA to AA-	A1+ to A1	45%
A+ to A-	A1	30%
BBB+ to BBB-	A2	10%

Unrated Building Societies / Credit Unions

- Deposits with Building Societies / Credit Unions which do not have a credit rating, shall be limited to the lesser of 10% of Council's total portfolio or a maximum of \$3 million.

Credit Ratings

- If any of the funds / securities held are downgraded such that they no longer fall within Council's Investment Policy guidelines, they will be divested within 30 days or as soon as is practicable.

The short term rating order 0-365 days (as defined by Standard & Poor's Australian Ratings) is:

A1+	extremely strong degree of safety regarding timely payment
A1	a strong degree of safety for timely payment
A2	a satisfactory capacity for timely payment

Long Term Rating Order is:

AAA to AAA-	an extremely strong capacity to repay
AA+ to AA-	a very strong capacity to repay
A+ to A-	a strong capacity to repay
BBB+ to BBB-	an adequate capacity to repay

Reporting

- In accordance with the Financial Management Regulation, a monthly report should be provided to Council, detailing the investment portfolio in terms of performance and counter party percentage exposure of total portfolio.
- For audit purposes, certificates must be obtained from the banks/fund managers confirming the amounts of investment held on Council's behalf at 30th June each year.

Performance Benchmarks

Investment	Performance Benchmark
Cash / Cash Plus / Direct Investments	11am and UBSWA Bank Bill Index

RELATED POLICIES

Restricted Funds Policy
Property Investment and Development Policy
Business Development Funding Policy

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order (of the Minister) as made from time to time.
- The Trustee Act 1925 – Section 14. Powers of Investment
- The Trustee Act 1925 - Regulation
- Local Government (Financial Management) Regulation 1999 – Section 16

IMPLEMENTATION RESPONSIBILITY

Finance and Administration

REVIEW DATE

12 months after adoption

ATTACHMENT 2



POLICY

Adopted: 20/12/2005
Minute No: 382
Amended:
Minute No:

FILE NO: A2004-0230

TITLE: CASH INVESTMENT POLICY

REPORT OF DAMIEN JENKINS, FINANCIAL SERVICES MANAGER

BACKGROUND

This policy introduces a set of standards that will apply to Council's cash investments.

OBJECTIVE

The purpose of this policy is to establish the investment risk management guidelines that Port Stephens Council adopts in investing surplus funds that are not immediately required for any other purpose. The objectives are to ensure the security of Council funds by adopting appropriate credit and duration limits and to maximise earnings subject to those limits, Council's liquidity requirements and its investment time horizon.

PRINCIPLES

- 1) Council has an obligation under its charter as the custodian and trustee of public assets to effectively account for and manage the assets for which it is responsible.
- 2) All investments are to be made in accordance with:
 - Local Government Act 1993 – Section 625
 - Local Government Act 1993 – Order (of the Minister) as made from time to time.
 - The Trustee Act 1925 – Section 14. Powers of Investment.
 - The Trustee Act 1925 – Regulation.

- Local Government (General) Regulation 2005 – Clause 212
- Review of NSW Local Government Investments Report (Cole Inquiry Report, April 2008)

POLICY STATEMENT

1. Quotations on Investments

Not less than three (3) quotations shall be obtained from authorised institutions whenever an investment is proposed. The best quote for the day shall be accepted after allowing for administrative costs and also allowing for the diversification limits of this policy

2. Authorised Investments

All investments must be denominated in Australian Dollars (AUD). Authorised investments are limited to:

2.1. Open to New Investments

- Local/State/Commonwealth Government bonds, debentures or securities
- Interest bearing deposits / senior securities issued by a licensed bank, building society or credit union
- Investments with NSW Treasury Corp / Hourglass Investment facility; and
- Deposits with the Local Government Financial Services (“LGFS”)

2.2. Closed to New Investments

The following investments were suspended by the Cole report until December 2009 and maybe reopened pending a review in 2010

- Deposits in prescribed securities that either have a minimum long term credit rating of ‘A’ or a short term rating of ‘A1’ from Standard and Poor’s (S&P) or Fitch Ratings / Moody Investor Services (Moody’s) equivalent (where not otherwise open – for example, where they are issued from a bank);
- Managed Funds with a minimum long term S&P credit rating of ‘A’ or better, or Fitch or Moody’s equivalent.

All existing investments by NSW Councils that may be excluded by any changes to the Investment Order are to be grandfathered. For the avoidance of doubt, existing securities that become ultra vires under the changed Investment Order can continue to be held to maturity, redeemed or sold, but any new investments must comply with the new Investment Order.

2.3. Prohibited Investments

This investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- Derivative based instruments
- Principal only investments or securities that provide potentially nil or negative cash flow and
- Stand alone securities issued that have underlying futures, options forward contracts or swaps if any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an instrument. However, nothing in this previous paragraph will limit the grandfathering clause pertaining to already purchased investments

3. Term to Maturity

The term to maturity of any of Council's direct investments must not exceed ten (10) years. When the term to maturity exceeds one (1) year, Council must ensure that a secondary market exists for the investment to enable the disposal of the investment prior to maturity if necessary.

Council is also exposed to liquidity risk. This is defined as the risk Council is exposed to, by not being able to gain access to invested funds in a timely manner. To help manage this risk Council's investment portfolio should be limited to the following term to maturity thresholds.

TERM	MINIMUM PERCENTAGE	MAXIMUM PERCENTAGE
< 1 year	30%	100%
> 1 year	0%	70%
> 3 years	0%	40%
> 5 years	0%	30%

The maturity thresholds above are to be assessed at the time of making a new investment

4. Diversification / Credit Risk

Funds invested through any one broker shall be limited to the lesser of 25% of Council's total portfolio or a maximum of \$10 million

Funds invested in financial products that have an explicit government guarantee shall be limited to the lesser of 50% of Council's total portfolio or a maximum of \$20 million. All other investments in a particular class of asset shall be limited to the lesser of 25% or \$10 million.

Deposits with any one financial institution shall be limited to the lesser of 10% of Council's total portfolio or a maximum of \$3 million

The Diversification / credit risk benchmarks above shall be assessed at the time of making a new investment. If, during subsequent reporting periods the diversification limits are breached, then the Finance and Assets Coordinator, in consultation with the Financial Services Manager will assess the portfolio and decide whether an investment shall be divested. If the decision is made to divest an investment then this will be done as soon as practicable.

5. Reporting

In accordance with the Local Government (General) 2005 regulation, a monthly report shall be provided to Council, detailing the investment portfolio in terms of performance and counter party percentage exposure. (exposure within the total portfolio)

For audit purposes certificates must be obtained from the banks/ investment brokers confirming the amounts of investments held on Council's behalf and their current market value as at the 30th June each year.

6. Performance Benchmarks

Council seeks to gain a return on investment at least equal to the following measures.

Investment	Performance Benchmark
Cash	11am Cash Rate
Term Deposits	Australian Term Deposit index as published daily
Enhanced Investments	90 day BBSW

RELATED POLICIES

Restricted Funds Policy
Property Investment and Development Policy
Business Development Funding Policy

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

- Local Government Act 1993 – Section 625
- Local Government Act 1993 – Order (of the Minister) as made from time to time.
- The Trustee Act 1925 – Section 14. Powers of Investment.
- The Trustee Act 1925 – Regulation.
- Local Government (General) Regulation 2005 – Clause 212

IMPLEMENTATION RESPONSIBILITY

Finance and Assets Coordinator

REVIEW DATE

12 months after adoption

ITEM NO. 4**FILE NO: PSC2007-2791****PORT STEPHENS FUTURES STRATEGY**

REPORT OF: DAVID BROYD – GROUP MANAGER, SUSTAINABLE PLANNING
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

22. 1) Adopt the Port Stephens Futures Draft Strategy (Attachment 1 provided under separate cover) – acknowledging that further discussions will occur with Councillors and the Reference Group before the Ordinary Meeting of Council on 22 September 2009.

STRATEGIC COMMITTEE – 08 September 2009**RECOMMENDATION:**

Councillor Ken Jordan Councillor Bruce MacKenzie	That the matter be deferred to a future committee meeting.
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ORDINARY COUNCIL – 22 September 2009

320	Councillor John Nell Councillor Steve Tucker	It was resolved that the Strategic Committee recommendation be adopted.
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BACKGROUND

Preparation of the Port Stephens Futures Draft Strategy is based upon extensive community consultation since November 2008, culminating in a Community Forum that took place on 15 May and 21 May 2009.

Preparation of the draft Strategy has been a 'whole of Council' commitment and is now presented for recommended endorsement.

Port Stephens Futures Strategy is:

- a) a set of strategic directions recommended for endorsement by this Council to give expression to the outcomes being sought and the means of achieving them; and
- b) a draft Strategy that is solidly based upon collective engagement and ownership across the broad community, State agencies and other stakeholders.

Principles

The directions and actions in the document are based upon the SMART approach, i.e. to be **S**pecific, **M**easurable, **O**btainable, **R**ealistic and **T**imed.

The implementation responsibilities are divided into four streams:

- a) where Council has direct control and responsibility (budget allocation, staff allocation etc.);
- b) where Council will work collaboratively with other stakeholders (e.g. State agencies to achieve;
- c) where Council takes an advocacy/lobbying role; and
- d) where certain stakeholders or sectors of the community have an advocacy, lobbying or direct actioning role.

Timeframes

The actions are divided into the following timeframes:

Immediate – 1 year
Short term – 1-4 years
Medium term- 4-12 years
Long term – 12 years+

These timeframes align with budgeting and Section Plans; the delivery program and Community Strategic Plan that are to be legislated as part of the Integrated Planning Framework promoted by the NSW Department of Local Government.

FINANCIAL/RESOURCE IMPLICATIONS

These implications are highly significant as consequences of recommended directions and actions.

Financial and resource feasibility have underpinned recommended directions and actions. Many of the actions will not be considered amongst other competing interests for inclusion in future budgets and delivery programs.

LEGAL, POLICY AND RISK IMPLICATIONS

Port Stephens Futures Strategy is the foundation for:

- a) A major revision of the Council Plan for 2010-14 and the related delivery program and budgeting – preparation of which is about to commence within the organisation;
- b) The Community Strategic Plan for which Council is seeking to be a “Category 1 Council” and complete such a draft Plan by March 2010; and
- c) The new Comprehensive Port Stephens Local Environmental Plan and related development and environmental planning framework.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Sustainability is the foundation of the draft Strategy in that the draft Strategy:

- Enables a long-term statement of desired outcomes to guide short term decisions and their related consequences;
- Records our “customers” as being future generations who need housing, jobs and a maintained/improved natural environment etc. and
- Embodies plans and tradeoffs between various elements of the social, cultural, economic, environmental and governance pillars of sustainability.

CONSULTATION

This is explained at some length within the draft Strategy (Chapter 3) and has been a highly extensive and successful process of community engagement. At the Association’s request, two meetings have been held with representatives of the Tomaree Residents and Ratepayers Association during the finalisation of the draft Strategy.

Because of the extensive lead up, the community engagement to recommending this draft Strategy and the work that is about to commence on the Community Strategic Plan, exhibition of the draft Strategy itself is not recommended prior to Council’s endorsement.

OPTIONS

- 1) Adopt the draft Port Stephens Futures Strategy as recommended;
- 2) Endorse the draft Strategy for public exhibition for say 28 or 42 days before Council considers its endorsement, or
- 3) Defer the adoption of the draft Strategy pending further consultation and/or “Two Way Conversations” with Councillors.

CONCLUSION

The Futures Strategy will be a major statement of future directions and desired outcomes for Port Stephens – for which Council will have high level accountability in political and administrative terms.

The recommendation is made in acknowledgement that extensive discussions will occur with Councillors and the Reference Group between Strategic Committee and the Ordinary Council meeting on 22 September 2009.

ATTACHMENTS

- 1) Draft Port Stephens Futures Strategy (under separate cover)

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

**ATTACHMENT 1
PORT STEPHENS FUTURES STRATEGY**

PROVIDED UNDER SEPARATE COVER

ITEM NO. 5**INFORMATION PAPERS****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 1 SEPTEMBER, 2009.

No:	Report Title	Page:
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1	MID NORTH COAST REGIONAL STRATEGY	
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STRATEGIC COMMITTEE – 08 September 2009**RECOMMENDATION:**

Councillor Ken Jordan Councillor Bruce MacKenzie	That the recommendation be adopted.
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ORDINARY COUNCIL – 22 September 2009

321	Councillor Ken Jordan Councillor Shirley O'Brien	It was resolved that the recommendation be adopted.
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STRATEGIC COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

MID NORTH COAST REGIONAL STRATEGY

BACKGROUND

The purpose of this report is to inform Council of the Department of Planning's recently adopted Mid-North Coast Regional Strategy.

On 6th March 2009 the Hon. Kristina Keneally, Minister for Planning, launched the Mid North Coast Regional Strategy 2009 (MNCRS) covering areas north of Port Stephens including Great Lakes, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Port Macquarie-Hastings and Greater Taree local government areas.

The MNCRS plays a similar role to that of the Department's Lower Hunter Regional Strategy 2007 and its application to the Lower Hunter region. The purpose of the MNCRS is to ensure adequate land is available and appropriately located to accommodate projected housing and employment needs of the Mid North Coast regions. The Strategy provides for a predicted population increase of 94 000, housing demand of 59,600 new dwellings and 48,500 new jobs by 2031. Four major regional centres are identified (Taree, Port Macquarie, Coffs Harbour and Grafton) and six major towns (Forster-Tuncurry, Kempsey, Macksville, Bellingen, Woolgoolga and Maclean).

A copy of the MNCRS is available in the Councillors Room.

HOW IT AFFECTS PORT STEPHENS

The MNCRS applies to those locations identified in the Strategy and within the above 8 local government areas.

A number of areas on the northern shores of Port Stephens are identified for very limited growth. However, more directly affecting the Port Stephens LGA, the Strategy also includes lands at North Karuah. The Strategy acknowledges there are significant issues that need resolution prior to development occurring in Karuah, including the need for joint planning between Port Stephens and Great Lakes Councils to consider the extent and footprint of development and infrastructure provision in the area,

In addition Port Stephens and Great Lakes Council have made a joint application for funding a Karuah Study in the current round of the Planning Reform Fund program. The outcomes of this application are unknown at this stage, and if successful will need to be prioritised against other work in the Integrated Planning Team.

ATTACHMENTS

Nil

COUNCILLORS ROOM

- 1) Mid-North Coast Regional Strategy

TABLED DOCUMENTS

- 1) Mid North Coast Regional Strategy

GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

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

- 1) That Council continue with the current Prayer and Traditional Welcome at Council meetings.

ORDINARY COUNCIL – 22 September 2009

322	Councillor Ken Jordan Councillor Bob Westbury	It was resolved that the recommendation be adopted.
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BACKGROUND

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

Port Stephens Council in the past commenced Council meetings with the following prayer –

"We ask Almighty God to help us serve the community to the best of our ability, and make Port Stephens a happy and healthy place in which to live, work and visit. Amen."

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

The Traditional Welcome is as follows:-

"I would like to acknowledge and pay respect to the Worimi People of Port Stephens, who are the traditional owners of

this land on which we stand/meet today".

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil

CONSULTATION

Nil

OPTIONS

- 1) Adopt the recommendation
- 2) Resolve to cease having the prayer and/or the traditional welcome at Council meetings

ATTACHMENTS

Nil

TABLED DOCUMENTS

Nil

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the meeting cycle contained in ATTACHMENT 3.
 - 2) The Ordinary Council Meeting to be held on 27 October 2009 be transferred to the 20 October 2009 due to the Local Government & Shires Conference being held from 25-28 October 2009.
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ORDINARY COUNCIL – 22 September 2009

323	Councillor Ken Jordan Councillor Steve Tucker	It was resolved that the recommendation be adopted with inclusion of a Council Committee meeting prior to the Ordinary Council meeting on Weeks 2 and 4 for a six (6) month trial and the 2-way conversations to commence at 4.00pm.
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MATTER ARISING

324	Councillor Glenys Francis Councillor Ken Jordan	It was resolved that the General Manager prepare a list of Committee dates for the next 12 months.
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BACKGROUND

The purpose of this report is to inform Council of the current Council and Committee meetings cycle and provide alternative Council and Committee cycle options.

Council at its meeting in September 2008 adopted this meeting cycle. Council established two Standing Committees and a number of Joint Committees. The Standing Committees are Committees of the Whole as follows:

Operations Committee – dealing with all present matters in the current work program of Council;

Strategic Committee – dealing with all future proposals or strategies.

The above Committees meet on Tuesdays in accord with the meeting cycle.

1) Week 1

Inspections and/or 2 way conversations as required

Followed by public access and Strategic Committee, if the business paper warrants a Committee meeting. Should there not be sufficient matters to form an agenda the General Manager may convene a briefing evening for Councillors to attend. This will be at the discretion of the General Manager in accordance with the Local Government Act

1) Week 2

Inspections and/or 2 way conversations as required

Followed by public access, Operations Committee and Ordinary Meeting (if required)

Note: As a general rule the Ordinary Meeting that may follow an Operations Committee meeting is to allow Council to deal with property matters and tenders that require a resolution of Council, which are unable to wait until the end of the month Ordinary meeting. There is also occasion when matters (such as development applications) can be considered at this time due to the nature or urgency of the development application for a particular reason. This can be brought forward by the Mayor and/or placed on the agenda by the General Manager.

2) Week 3

Inspections and/or 2 way conversations as required. Several meetings will be scheduled to occur on this Tuesday throughout the twelve month period, including Joint Venture Aboriginal Liaison Committees.

3) Week 4

2 way conversations followed by Council meeting.

4) Week 5

2 way conversations, if required.

It is proposed to provide Council with 3 options with respect to the Council and Committee cycles. As Council is aware there have been a number of occasions where a Strategic Committee meeting has not been held due to insufficient reports to warrant a meeting. On these occasions the Strategic Committee meetings have been held as a combined meeting with the Operations Committee.

In an effort to provide Council with more acceptable agendas, in terms of volume and to allow improved communication with the community, three (3) options have been provided to Council for consideration.

Option 1 – Status quo will remain.

Option 2 – **Week 1** would be a Committee meeting to deal with all matters listed on the agenda, whether they are of a Strategic or Operations Committee nature or not. Should the agenda not be dealt with by 9pm then all matters will be adjourned until Week 2, subject to a Committee recommendation to do so.

Week 2 – any agenda items not dealt with in Week 1 and the Ordinary Council meeting, if required.

Week 3 – would remain available for Joint Venture Committee meetings with the Access and Aboriginal Liaison Committees, etc.

Week 4 – would be the Ordinary Council Meeting.

Week 5 – would be 2 way conversations, if required.

Option 2 would allow public access on Weeks 1 and 2.

Option 3 – **Week 1** - would be inspections, 2 way conversations and public access, if required.

Week 2 – Ordinary Council with Council resolve into Committee of the Whole to debate matters.

Week 3 - would be inspections, 2 way conversations and public access if required.

Week 4 – Ordinary Council with Council resolve into Committee of the Whole to debate matters.

Week 5 - would be inspections and 2 way conversations, if required.

Option 3 provides the opportunity for matters to be addressed by Council in a more efficient timeframe, particularly tenders, sale and purchase of land and development applications.

FINANCIAL/RESOURCE IMPLICATIONS

All financial implications are provided for within the existing budget. Option 3 has less resource implications than options 1 and 2 and also would reduce the budget allocation required.

LEGAL AND POLICY IMPLICATIONS

All financial implications are provided for within the existing budget. Option 3 has less resource implications than options 1 and 2 and also would reduce the budget allocation required.

SUSTAINABILITY IMPLICATIONS SOCIAL IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil

CONSULTATION

General Manager
Executive Team

OPTIONS

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

ATTACHMENTS

- 1) Option 1 - Meeting cycle
- 2) Option 2 –Meeting cycle
- 3) Option 3 – Meeting cycle

TABLED DOCUMENTS

Nil

ATTACHMENT 1

Meeting Cycle for Tuesdays – Current Practice - Option 1

Week 1

Inspections and/or 2 way Conversation Program as required followed by public access and Strategic Committee meeting as determined by the General Manager.

4.30 – 5.30pm	2 way Conversation Program
6.00pm	Public Access
Followed by	Strategic Committee
Followed by	Dinner with Councillors & Staff

Week 2

Inspections and/or 2 way Conversation Program as required followed by public access and Operations Committee meeting.

4.30 – 5.30pm	2 way Conversation Program
6.00pm	Public Access
Followed by	Operations Committee
Followed by (if required)	Ordinary meeting of Council to deal with recommendations from the Operations Committee relating to tender, property matters and development applications
Followed by	Dinner with Councillors & Staff

Week 3

4.30pm Inspections and/or 2 way Conversation Program as required.

Note: Several meetings will be scheduled to occur on this Tuesday throughout the 12 month period.

Week 4

2 way Conversation Program if required followed by Council meeting.

4.30 – 5.30 pm	2 way Conversation Program
6.00pm	Council meeting to consider Mayoral Minutes, Committee recommendations and General Manager's reports. To be preceded by any formal presentations
Followed by	Dinner with Councillors & Staff

5) Week 5

6) 2 way Conversation Program if and when required

ATTACHMENT 2

Meeting Cycle for Tuesdays – Option 2

Week 1

Inspections and/or 2 way Conversation Program as required followed by public access, the Operations and Strategic Committee meetings as determined by the General Manager.

4.30 – 5.30 pm	2 way Conversation Program
6.00pm	Public Access
Followed by	Operations & Strategic Committees
Followed by	Dinner with Councillors & Staff

Week 2

Inspections and/or 2 way Conversation Program as required followed by public access and a Committee, if required.

4.30 – 5.30 pm	2 way Conversation Program
6.00 pm	Public Access
Followed by	Consideration of remaining matters from Week 1, if required.
Followed by (if required)	Ordinary meeting of Council
Followed by	Dinner with Councillors & Staff

Week 3

4.30pm Inspections and/or 2 way Conversation Program as required.

Note: Several meetings will be scheduled to occur on this Tuesday throughout the 12 month period.

Week 4

2 way Conversation Program if required followed by Council meeting.

4.30 – 5.30 pm	2 way Conversation Program
6.00 pm	Council meeting to consider Mayoral Minutes, Committee recommendations and General Manager's reports. To be preceded by any formal presentations.
Followed by	Dinner with Councillors & Staff

7) Week 5

8) 2 way Conversation Program if and when required

ATTACHMENT 3

Meeting Cycle for Tuesdays – Option 3

Week 1

Inspections and/or 2 way Conversation Program as required followed by public access,

4.30 – 5.30 pm	2 way Conversation Program
6.00pm	Public Access
Followed by	Dinner with Councillors & Staff

Week 2

Inspections and/or 2 way Conversation Program as required followed by an Ordinary Council meeting.

4.30 – 5.30 pm	2 way Conversation Program
6.00pm	Council meeting to consider Mayoral Minutes, Agenda items and General Manager's reports. To be preceded by any formal presentations.
Followed by	Dinner with Councillors & Staff

Week 3

4.30pm Inspections and/or 2 way Conversation Program as required. 6.00pm Public Access.

***Note:** Several meetings will be scheduled to occur on this Tuesday throughout the 12 month period.*

Week 4

2 way Conversation Program if required followed by Council meeting.

4.30 – 5.30 pm	2 way Conversation Program
6.00 pm	Council meeting to consider Mayoral Minutes, Agenda items and General Manager's reports. To be preceded by any formal presentations.
Followed by	Dinner with Councillors & Staff

Week 5

2 way Conversation Program if and when required

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

- 1) Nominates membership of Standing Committees, if required;
 - 2) Elects the Chair and Deputy Chair of each Standing Committee (if required);
 - 3) Determines the quorum for Committee meetings;
 - 4) Nominates membership of Council Committees, 355(b) Committees and Regional Committees and Groups, and amends the constitutions to include new membership where applicable.
 - 5) Remove the following committees/groups from the listing as the committees are either not operating or no longer require a councillor representative:
 - a) Karuah Community Centre Committee
 - b) Hunter Coast & Estuary Management Committee
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ORDINARY COUNCIL – 22 September 2009

325	Councillor Ken Jordan Councillor Daniel Maher	It was resolved that: <ol style="list-style-type: none">1. The membership of the new Standing Committee be all 12 Councillors.2. Cr Daniel Maher be elected as Chair of the Standing Committee.3. The quorum be 7.4. The Council delegates be elected to various Committees and Groups as shown below.5. The Karuah Community Centre Committee and the Hunter Coast & Estuary Management Committee be removed.
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**ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND
REGIONAL COMMITTEES AND GROUPS**

The 2009/10 membership.

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
1 Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	<i>Monthly Meetings held alternatively with Worimi Land Council & Karuah Land Council</i>	Sustainable Planning	Cr O'Brien Cr Kafer Cr Dover Mayor (Cr MacKenzie) *
2 Anna Bay, Birubi Pt Reserves, Hall & Tidy Towns Committee	To assist Council in the management of Anna Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr O'Brien
3 Boat Harbour Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Westbury
4 Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr O'Brien
5 Communicate Port Stephens <i>Formerly Port Stephens Telecentre Advisory Committee</i>	To assist Council in the management and promotion of the Telecentre.		Commercial Services	Cr Francis Cr Ward

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
6 Corlette Headland Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	East Ward Councillors to advise Executive Officer
7 Corlette Reserves & Hall 355(b) Committee	To assist Council in the management of Corlette Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Ward Cr Dover
8 Fern Bay Public Hall, Reserves and Tidy Towns Committee	To assist Council in the management of Fern Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dingle Cr O'Brien
9 Fingal Bay Parks & Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Nell
10 Hinton School of Arts Committee	To assist Council in the management of Hinton School of Arts.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Jordan
11 Karuah Tidy Towns, Parks Reserves & Wetlands Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Kafer Cr Francis

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
12 Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
13 Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
14 Mambo Wanda Wetlands, Reserves & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Nell
15 Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dingle Cr Tucker
16 Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October 1 st Monday	Facilities & Services	Cr Tucker Cr Dingle
17 Medowie Tidy Towns & Cycleway Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dingle

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
18 Nelson Bay Senior Citizens Hall Committee	To assist Council in the management of Nelson Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dover Cr Ward
19 Nelson Bay West Parkcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Nell
20 Ngioka Centre Committee	To assist in the care and management of the Ngioka Centre (a facility to provide for education and therapy focusing on people with a disability and disadvantaged people)	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dover
21 Port Stephens Access Committee	<p>To raise awareness of and provide advice to Council and the community on universal access issues.</p> <p>To promote the integration of the entire community through universal access.</p> <p>To contribute to the development of council policies on access and monitor their implementation</p>	<i>Monthly Meetings held alternately in Raymond Terrace & Tomaree</i>	Sustainable Planning	Cr Dover
22 Port Stephens Adult Choir Committee	<p>To promote, organise and train the Port Stephens Choir.</p> <p>To develop a sense of community identity and belonging by involving participants in community cultural projects.</p>	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Sustainable Planning	Cr Tucker Cr O'Brien

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
23 Port Stephens Australia Day Celebrations Coordinating Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council. To organise the Citizen of the Year and the Junior Citizen of the Year activity.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Sustainable Planning	Cr Westbury Cr Francis Cr Tucker Cr Jordan
24 Port Stephens Sister Cities Committee	To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Corporate Services	All Councillors
25 Port Stephens Community Band Committee	To promote, organise and train the Port Stephens Community Band. To develop a sense of community identity and belonging by involving youth and adults in community cultural projects.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	Cr Tucker
26 Port Stephens Economic Development Advisory Panel	Act as a communication and advisory mechanism to Council on relevant Economic Development issues. Oversee the review and implementation of the Economic Development Strategy.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Commercial Services	See Committee No. 74.
27 Port Stephens Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	Cr Francis Cr Kafer

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
28 Port Stephens Native Flora Garden Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Quarterly	Facilities & Services	Cr Nell
29 Port Stephens Sports Council	To provide input and forward planning, from a Council wide basis, on facilities, sporting statistics, policies and recommendations on future needs. To administer the Sportsperson of the Year Award.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee	Facilities & Services	Cr MacKenzie
30 Raymond Terrace Parks, Reserves & Tidy Towns Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services /Sustainable Planning	Cr Francis
31 Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Cr Francis
32 Raymond Terrace Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October 2 nd Monday	Facilities & Services	Cr Jordan Cr Francis Cr Kafer Cr Maher
33 Rural West Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those	Every 4 months– February, June, October 2 nd Wednesday	Facilities & Services	Cr Jordan Cr Maher Cr Kafer

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
	persons participating and administrating sports are accurately identified and brought to the attention of Council.			
34 Salamander Ecology Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Nell
35 Salt Ash Community Hall, Reserves and Tennis Courts Committee Request from the Committee to change the name to Salt Ash Community Hall Committee	To assist Council in the management of Salt Ash Community Hall & Tennis Courts. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie Note: Committee name change adopted.
36 Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Oval.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
37 Seaham School of Arts and Community Hall Committee	To assist Council in the management of: Seaham School of Arts Seaham Community Hall	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Maher

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
38	Shoal Bay Beach Preservation Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Westbury
39	Soldiers Point-Salamander Bay Parks, Reserves and Hall Committee	To assist Council in the management of Soldiers Point Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dover
40	Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Dover
41	Tanilba Bay Parks, Reserves & Hall Committee	To assist Council in the management of Tanilba Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
42	Tanilba Bay Senior Citizens Hall Management Committee	To assist Council in the management of Tanilba Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
43 Taylors Beach Reserves, Tidy Towns & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Nell
44 Tilligerry Aquatic Centre Advisory Committee	To promote the Tilligerry Aquatic Centre within the community. To establish and promote links with local primary, secondary schools and the community.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
45 Tilligerry Community Centre Committee	To assist Council in the management of Tilligerry Community Centre and surrounds.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
46 Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October</i> <i>3rd Monday</i>	Facilities & Services	Cr Tucker Cr MacKenzie
47 Tomaree Education Complex Multi Purpose Centre Committee	To assist Council with the care, management and promotion of the facility. To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi Purpose Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Westbury

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
48	Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 3rd Wednesday</i>	Facilities & Services	Cr Dover Cr Nell Cr Ward Cr Westbury
49	West Tilligerry Tidy Towns and Landcare Committee Request from the committee for a name change to Tilligerry Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Tucker Note: New committee name adopted.
50	West Ward Cemeteries Committee	To undertake maintenance and improvements to cemeteries in West Ward.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Francis
51	Williamstown Public Hall Committee	To assist Council in the management of Williamstown Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dingle Cr O'Brien
52	Seaham Hall Committee	To assist Council in the management, maintenance and improvements to the Park.		Facilities & Services	Cr Jordan Cr Kafer

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

REGIONAL COMMITTEES AND GROUPS

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
52	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Sustainable Planning	Cr Dingle
53	Country Public Libraries Association & Joint Library Advisory Committee	Country Public Libraries Association constitution requires a Councillor representative. This Association provides support for country public libraries. The Joint Library Advisory Committee's constitution also requires a Councillor representative in line with the Newcastle Regional Library agreement.	Facilities & Services	Cr Maher
54	Gloucester Coal Seam Gas Project – Community Consultative Committee	The purpose of the Committee is to provide a forum for representatives to discuss the Project with the Company (Lucas Energy)	Sustainable Planning	Cr MacKenzie Cr Maher
55	Hunter Area Assistance Scheme – Port Stephens Local Ranking Committee	The purpose of the committee is to play a part in the Hunter Area Assistance Scheme for Port Stephens	Sustainable Planning	Cr Ward Cr Nell
56	Hunter Coast & Estuary Management Committee	This Committee includes representatives from Port Stephens, Maitland and Newcastle Councils and is responsible for long term planning for the estuary and Newcastle coastline.	Sustainable Planning	No longer exists
57	Hunter Councils	To discuss regional issues in the Hunter	General Manager's Office	Mayor (Cr MacKenzie)
58	Hunter Councils Board Advisory Groups. 1. Economic Development & Infrastructure 2. Community & Cultural. 3. Environment. Note: New Group	Each of the Advisory Group have input into the development and implementation of strategic and regional positions that will enhance the Hunter Region.	General Manager's Office	Cr Westbury Cr Tucker Cr Nell

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
59	Hunter Community Reference Group of the Central Rivers Catchment Management Authority Note: New Group with the appointment for an 18 month period with extension options.	This Group allows Local Government have presentation on the sub-committee to operate in an advisory capacity providing information and recommendations to the Catchment Management Authority Board.		Cr Nell
60	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.	General Manager's Office	Cr Nell
61	Karuah Working Together Inc.	The Committee is a peak group comprising representation of key organisations, businesses and industry representatives in Karuah. The Committee is responsible for ensuring community and economic development activities are co-ordinated in accordance with local needs, trends and opportunities in accordance with Council's Economic Development Strategy and as specified in the <i>Karuah Strategic Plan – Beyond 2008</i> which was produced by the Committee in consultation with the community and the Dept of State & Regional Development.	Sustainable Planning/Commercial Services	Cr Francis
62	Local Development Committee	Local Traffic Committee (see 83) providing advice to Council on development.	Sustainable Planning	Cr Kafer
63	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Sustainable Planning	Cr Kafer
64	Lower Hunter Councils Transport Group	This is a working party that coordinates projects and transport issues across local government boundaries.	Sustainable Planning	Cr Francis

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
65	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Sustainable Planning	Cr MacKenzie
66	Lower Hunter Zone Liaison Committee	To review the progress of the Service Level Agreement between Port Stephens Council and NSW Rural Fire Service in the Local Government Area.	Facilities & Services	Cr MacKenzie
67	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment	Sustainable Planning	Cr MacKenzie Cr Tucker
68	Marine Parks Advisory Panel <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens	Sustainable Planning	Cr Nell
69	National Parks & Wildlife Service Regional Advisory Committee <i>Ministerial Appointment</i>	This is a community reference group run by National Parks & Wildlife Service. It is not a Council committee.	Sustainable Planning	Cr Nell <i>Mrs Helen Brown is the local government representative appointed by the Minister.</i>
70	Nelson Bay Adult Education Committee	This committee is an advisory committee for Adult Education.	Corporate Services	Cr Westbury
71	Newcastle Airport Joint Sub-Committee	The purpose of this committee is to allow Port Stephens and Newcastle City Councils the opportunity to discuss the future direction of the Airport.	Corporate Services	Cr Ward Cr Westbury Cr MacKenzie Cr Jordan
72	North Coast NSW Regional Tourism Board	To work with Tourism bodies and groups on a regional basis.	Commercial Services	Cr Westbury
73	Police Accountability Community Team <i>Formerly Police Action Community Team</i>	To provide a forum for local community members, service providers and the police to discuss issues and appropriate strategies relating to crime and community safety.	Sustainable Planning	Cr MacKenzie

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
74	Port Stephens Economic Development Advisory Panel	Act as a communication and advisory mechanism to Council on relevant Economic Development issues. Oversee the review and implementation of the Economic Development Strategy.	Commercial Services	Cr Tucker Cr Westbury (1 Councillor from each Ward)
75	Port Stephens Futures Strategy – Reference Group	Advise Council on the progressive preparation of the Futures Strategy which is a foundation for the new Comprehensive LEP for Port Stephens and expresses long term outcomes and directions for the Local Government Area.	Sustainable Planning	Cr Tucker Cr Westbury
76	Port Stephens Transport Forum	The Ministry for Transport convenes these forums which have been established in most LGAs throughout NSW. It provides the opportunity for local transport providers (eg; community transport, bus and taxi operators) and local residents to discuss local and regional transport related issues and to formulate appropriate strategies to more effectively improve the delivery of existing public transport services in meeting the community's transport needs.	Sustainable Planning	Cr MacKenzie
77	Newcastle Road Freight Group	This group is coordinated by the RTA and provides Local Government the opportunity to meet with the heavy vehicle industry.	Sustainable Planning	Cr Francis
78	Port Stephens Domestic Violence Committee	To raise the awareness of the issues surrounding domestic violence and enhance service provision to victims by developing and maintaining effective interagency strategies.	Sustainable Planning	Cr Francis Cr Kafer
79	Port Stephens East Local Health Advisory Committee	To ensure that the population of the Tomaree Peninsula has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Sustainable Planning	Cr Dover Cr Ward

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
80	Port Stephens West Local Health Advisory Committee	To ensure that the population of the Western area of Port Stephens (ie; east of Tomaree Peninsula) has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Sustainable Planning	Cr Francis Cr Dingle
81	Port Stephens Tourism Joint Venture Committee	<p>This Committee is the liaison between Port Stephens Council and Port Stephens Tourism for the promotion of tourism in the Port Stephens Shire.</p> <p>Note: A Tourism Strategy is currently being developed which may influence the nature of Council's relationship with the tourism sector in the future.</p>	Commercial Services	Cr Westbury Cr Tucker Cr Jordan
82	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	Sustainable Planning	Cr Nell
83	Regional Mosquito Management Working Group	This is a regional committee initiated by the Premiers Department to develop strategies to manage our interaction with mosquitoes.	Sustainable Planning	Cr MacKenzie
84	Sabre Jet Committee	The purpose of the committee is to assist with planning for a response to the future of the Sabre Jet. This committee has a sunset clause	Facilities & Services	Cr Francis Cr Maher Cr Jordan Cr Kafer
85	Urban Animal Management Committee	This committee seeks to develop local strategies to better manage domestic dogs.	Sustainable Planning	Cr Dingle
86	Williams River Floodplain Risk Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire	Sustainable Planning	Cr Maher
87	Tilligerry Creek Catchment Committee	To develop and implement the Tilligerry Catchment management Plan which will result in improved water quality in Tilligerry Creek.	Sustainable Planning	Cr Nell Cr MacKenzie

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
88	Windeyers Creek Catchment Committee	To develop catchment plans that when implemented, result in catchment improvements.	Sustainable Planning	Cr Maher
89	Worimi Conservation Lands Board of Management <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	Corporate Services	Cr MacKenzie Cr Dover
90	Joint Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area. The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member, commencing July 2009.	Sustainable Planning	Cr MacKenzie Cr Westbury
91	Medowie Floodplain Management Committee	This Committee will provide advice and recommendations to Council	Sustainable Planning	Cr Tucker Cr Dingle Cr O'Brien Cr MacKenzie

BACKGROUND

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

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

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

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

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

Council has approximately fifty 355(b) committees with about 500 – 600 members in total.

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

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

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

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

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

Regional Committees and Groups

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

Note: The previous list of Committees and Groups are shown below with previous delegates shown in *italics*.

ELECTION OF REPRESENTATIVES ON COUNCIL'S STANDING COMMITTEES, (if required)

Membership:

OPERATIONS COMMITTEE

- Committee of the Whole
Current Chair: *Cr Dover*
Current Deputy Chair: *Cr Jordan*

STRATEGIC COMMITTEE

- Committee of the Whole
Current Chair: *Cr Tucker*
Current Deputy Chair: *Cr Francis*

ELECTION OF CHAIR AND DEPUTY CHAIR OF COMMITTEES

Clause 10.7 of Council's Code of Meeting Practice provides as follows:

- a) The Chair of each Committee must be:-
 - i) The Mayor; or
 - ii) If he/she prefers, the Council may elect a Chair; or
 - iii) If the **Council** does not elect a Chair, the **Committee** may elect a Chair.
- b) A Council or Committee may elect a Deputy Chair.

QUORUM FOR COMMITTEE MEETINGS

Clause 10.2(c) of Council's Code of Meeting Practice provides as follows:-

The quorum for a meeting of a Committee of the Council is to be:-

- i) Such number of members as the Council decides; or
- ii) If the Council has not decided, then the majority of the members of the Committee.

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

The previous 2008/09 membership is listed below
(previous delegates are denoted in italics)

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
1 Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	<i>Monthly Meetings held alternatively with Worimi Land Council & Karuah Land Council</i>	Sustainable Planning	Cr O'Brien Cr Kafer Cr Dover Mayor (Cr MacKenzie) *
2 Anna Bay, Birubi Pt Reserves, Hall & Tidy Towns Committee	To assist Council in the management of Anna Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr O'Brien
3 Boat Harbour Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Westbury
4 Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr O'Brien
5 Communicate Port Stephens <i>Formerly Port Stephens Telecentre Advisory Committee</i>	To assist Council in the management and promotion of the Telecentre.		Commercial Services	Cr Francis Cr Ward

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
6 Corlette Headland Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Ward Cr Dover
7 Corlette Reserves & Hall 355(b) Committee	To assist Council in the management of Corlette Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Ward
8 Fern Bay Public Hall, Reserves and Tidy Towns Committee	To assist Council in the management of Fern Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dingle Cr O'Brien
9 Fingal Bay Parks & Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Nell Cr Dover
10 Hinton School of Arts Committee	To assist Council in the management of Hinton School of Arts.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Jordan
11 Karuah Tidy Towns, Parks Reserves & Wetlands Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Kafer Cr Francis

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
12 Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
13 Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
14 Mambo Wanda Wetlands, Reserves & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Nell Cr Dover
15 Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dingle Cr Tucker
16 Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October 1 st Monday	Facilities & Services	Cr Tucker Cr Dingle
17 Medowie Tidy Towns & Cycleway Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dingle

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
18	Nelson Bay Senior Citizens Hall Committee	To assist Council in the management of Nelson Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dover Cr Ward
19	Nelson Bay West Parkcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Nell
20	Ngioka Centre Committee	To assist in the care and management of the Ngioka Centre (a facility to provide for education and therapy focusing on people with a disability and disadvantaged people)	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dover
21	Port Stephens Access Committee	<p>To raise awareness of and provide advice to Council and the community on universal access issues.</p> <p>To promote the integration of the entire community through universal access.</p> <p>To contribute to the development of council policies on access and monitor their implementation</p>	<i>Monthly Meetings held alternately in Raymond Terrace & Tomaree</i>	Sustainable Planning	Cr Dover
22	Port Stephens Adult Choir Committee	<p>To promote, organise and train the Port Stephens Choir.</p> <p>To develop a sense of community identity and belonging by involving participants in community cultural projects.</p>	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Sustainable Planning	Cr Tucker Cr O'Brien

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
23 Port Stephens Australia Day Celebrations Coordinating Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council. To organise the Citizen of the Year and the Junior Citizen of the Year activity.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Sustainable Planning	Cr Westbury Cr Francis Cr Tucker
24 Port Stephens Sister Cities Committee	To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Corporate Services	All Councillors
25 Port Stephens Community Band Committee	To promote, organise and train the Port Stephens Community Band. To develop a sense of community identity and belonging by involving youth and adults in community cultural projects.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	Cr MacKenzie
26 Port Stephens Economic Development Advisory Panel	Act as a communication and advisory mechanism to Council on relevant Economic Development issues. Oversee the review and implementation of the Economic Development Strategy.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Commercial Services	Cr Tucker Cr Westbury Cr Maher
27 Port Stephens Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	Cr Francis Cr Kafer

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
28 Port Stephens Native Flora Garden Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Quarterly	Facilities & Services	Cr Nell
29 Port Stephens Sports Council	To provide input and forward planning, from a Council wide basis, on facilities, sporting statistics, policies and recommendations on future needs. To administer the Sports person of the Year Award.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee	Facilities & Services	Cr MacKenzie
30 Raymond Terrace Parks, Reserves & Tidy Towns Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services /Sustainable Planning	Cr Francis
31 Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	Cr Francis
32 Raymond Terrace Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October 2 nd Monday	Facilities & Services	Cr Jordan Cr Francis Cr Kafer Cr Maher
33 Rural West Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those	Every 4 months– February, June, October 2 nd Wednesday	Facilities & Services	Cr Jordan Cr Maher Cr Kafer

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
	persons participating and administrating sports are accurately identified and brought to the attention of Council.			
34 Salamander Ecology Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Nell
35 Salt Ash Community Hall, Reserves and Tennis Courts Committee Request from the Committee to change the name to Salt Ash Community Hall Committee	To assist Council in the management of Salt Ash Community Hall & Tennis Courts. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
36 Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Oval.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
37 Seaham School of Arts and Community Hall Committee	To assist Council in the management of: Seaham School of Arts Seaham Community Hall	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Maher

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
38	Shoal Bay Beach Preservation Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Westbury
39	Soldiers Point-Salamander Bay Parks, Reserves and Hall Committee	To assist Council in the management of Soldiers Point Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dover
40	Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Dover
41	Tanilba Bay Parks, Reserves & Hall Committee	To assist Council in the management of Tanilba Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr Maher
42	Tanilba Bay Senior Citizens Hall Management Committee	To assist Council in the management of Tanilba Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr Maher

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
43 Taylors Beach Reserves, Tidy Towns & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Nell
44 Tilligerry Aquatic Centre Advisory Committee	To promote the Tilligerry Aquatic Centre within the community. To establish and promote links with local primary, secondary schools and the community.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
45 Tilligerry Community Centre Committee	To assist Council in the management of Tilligerry Community Centre and surrounds.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr MacKenzie
46 Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October</i> <i>3rd Monday</i>	Facilities & Services	Cr Tucker Cr MacKenzie
47 Tomaree Education Complex Multi Purpose Centre Committee	To assist Council with the care, management and promotion of the facility. To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi Purpose Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Westbury

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
48 Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Every 4 months– <i>February, June, October</i> <i>3rd Wednesday</i>	Facilities & Services	Cr Dover Cr Nell Cr Ward Cr Westbury
49 West Tilligerry Tidy Towns and Landcare Committee Request from the committee for a name change to Tilligerry Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Tucker
50 West Ward Cemeteries Committee	To undertake maintenance and improvements to cemeteries in West Ward.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Francis
51 Williamstown Public Hall Committee	To assist Council in the management of Williamstown Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dingle Cr O'Brien

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

REGIONAL COMMITTEES AND GROUPS

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
52	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Sustainable Planning	Cr Dingle
53	Country Public Libraries Association & Joint Library Advisory Committee	Country Public Libraries Association constitution requires a Councillor representative. This Association provides support for country public libraries. The Joint Library Advisory Committee's constitution also requires a Councillor representative in line with the Newcastle Regional Library agreement.	Facilities & Services	Cr Maher
54	Gloucester Coal Seam Gas Project – Community Consultative Committee	The purpose of the Committee is to provide a forum for representatives to discuss the Project with the Company (Lucas Energy)	Sustainable Planning	Cr MacKenzie Cr Maher
55	Hunter Area Assistance Scheme – Port Stephens Local Ranking Committee	The purpose of the committee is to play a part in the Hunter Area Assistance Scheme for Port Stephens	Sustainable Planning	Cr Ward Cr Nell
56	Hunter Coast & Estuary Management Committee	This Committee includes representatives from Port Stephens, Maitland and Newcastle Councils and is responsible for long term planning for the estuary and Newcastle coastline.	Sustainable Planning	Cr Kafer
57	Hunter Councils	To discuss regional issues in the Hunter	Corporate Services	Cr Maher Mayor (Cr MacKenzie) Cr Westbury
58	Hunter Councils Board Advisory Groups. 4. Economic Development & Infrastructure 5. Community & Cultural. 6. Environment. Note: New Group	Each of the Advisory Group have input into the development and implementation of strategic and regional positions that will enhance the Hunter Region.	General Manager's Office	Cr Westbury Cr Tucker Cr Nell

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
59	Hunter Community Reference Group of the Central Rivers Catchment Management Authority Note: New Group with the appointment for an 18 month period with extension options.	This Group allows Local Government have presentation on the sub-committee to operate in an advisory capacity providing information and recommendations to the Catchment Management Authority Board.		Cr Nell
60	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.	Corporate Services	Cr Nell
61	Karuah Working Together Inc.	The Committee is a peak group comprising representation of key organisations, businesses and industry representatives in Karuah. The Committee is responsible for ensuring community and economic development activities are co-ordinated in accordance with local needs, trends and opportunities in accordance with Council's Economic Development Strategy and as specified in the <i>Karuah Strategic Plan – Beyond 2008</i> which was produced by the Committee in consultation with the community and the Dept of State & Regional Development.	Sustainable Planning/Commercial Services	Cr Jordan Cr Kafer Cr Maher Cr Francis
62	Local Development Committee	Local Traffic Committee (see 83) providing advice to Council on development.	Sustainable Planning	Cr Kafer
63	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Sustainable Planning	Cr Kafer
64	Lower Hunter Councils Transport Group	This is a working party that coordinates projects and transport issues across local government boundaries.	Sustainable Planning	Cr Francis

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
65	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Sustainable Planning	Cr MacKenzie
66	Lower Hunter Zone Liaison Committee	To review the progress of the Service Level Agreement between Port Stephens Council and NSW Rural Fire Service in the Local Government Area.	Facilities & Services	Cr MacKenzie
67	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment	Sustainable Planning	Cr MacKenzie Cr Tucker
68	Marine Parks Advisory Panel <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens	Sustainable Planning	Cr Westbury Cr Nell
69	National Parks & Wildlife Service Regional Advisory Committee <i>Ministerial Appointment</i>	This is a community reference group run by National Parks & Wildlife Service. It is not a Council committee.	Sustainable Planning	Cr Nell <i>Mrs Helen Brown is the local government representative appointed by the Minister.</i>
70	Nelson Bay Adult Education Committee	This committee is an advisory committee for Adult Education.	Corporate Services	Cr Westbury
71	Newcastle Airport Joint Sub-Committee	The purpose of this committee is to allow Port Stephens and Newcastle City Councils the opportunity to discuss the future direction of the Airport.	Corporate Services	Cr Ward Cr Westbury Cr MacKenzie
72	North Coast NSW Regional Tourism Board	To work with Tourism bodies and groups on a regional basis.	Commercial Services	Cr Westbury
73	Police Accountability Community Team <i>Formerly Police Action Community Team</i>	To provide a forum for local community members, service providers and the police to discuss issues and appropriate strategies relating to crime and community safety.	Sustainable Planning	Cr MacKenzie

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
74	Port Stephens Economic Development Advisory Panel	Act as a communication and advisory mechanism to Council on relevant Economic Development issues. Oversee the review and implementation of the Economic Development Strategy.	Commercial Services	Cr Tucker Cr Westbury Cr Maher
75	Port Stephens Futures Strategy – Reference Group	Advise Council on the progressive preparation of the Futures Strategy which is a foundation for the new Comprehensive LEP for Port Stephens and expresses long term outcomes and directions for the Local Government Area.	Sustainable Planning	Cr Nell Cr Maher Cr Tucker
76	Port Stephens Transport Forum	The Ministry for Transport convenes these forums which have been established in most LGAs throughout NSW. It provides the opportunity for local transport providers (eg; community transport, bus and taxi operators) and local residents to discuss local and regional transport related issues and to formulate appropriate strategies to more effectively improve the delivery of existing public transport services in meeting the community's transport needs.	Sustainable Planning	Cr MacKenzie
77	Newcastle Road Freight Group	This group is coordinated by the RTA and provides Local Government the opportunity to meet with the heavy vehicle industry.	Sustainable Planning	Cr Francis
78	Port Stephens Domestic Violence Committee	To raise the awareness of the issues surrounding domestic violence and enhance service provision to victims by developing and maintaining effective interagency strategies.	Sustainable Planning	Cr Francis
79	Port Stephens East Local Health Advisory Committee	To ensure that the population of the Tomaree Peninsula has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Sustainable Planning	Cr Dover Cr Ward

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
80	Port Stephens West Local Health Advisory Committee	To ensure that the population of the Western area of Port Stephens (ie; east of Tomaree Peninsula) has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Sustainable Planning	Cr Francis Cr Dingle
81	Port Stephens Tourism Joint Venture Committee	This Committee is the liaison between Port Stephens Council and Port Stephens Tourism for the promotion of tourism in the Port Stephens Shire. Note: A Tourism Strategy is currently being developed which may influence the nature of Council's relationship with the tourism sector in the future.	Commercial Services	Cr Westbury Cr Tucker Cr Jordan
82	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	Sustainable Planning	Cr Nell
83	Regional Mosquito Management Working Group	This is a regional committee initiated by the Premiers Department to develop strategies to manage our interaction with mosquitoes.	Sustainable Planning	No Longer Exists. To be removed
84	Sabre Jet Committee	The purpose of the committee is to assist with planning for a response to the future of the Sabre Jet. This committee has a sunset clause	Facilities & Services	Cr Francis
85	Urban Animal Management Committee	This committee seeks to develop local strategies to better manage domestic dogs.	Sustainable Planning	No delegate
86	Williams River Floodplain Risk Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire	Sustainable Planning	Cr Maher
87	Tilligerry Creek Catchment Committee	To develop and implement the Tilligerry Catchment management Plan which will result in improved water quality in Tilligerry Creek.	Sustainable Planning	Cr Nell Cr MacKenzie

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
88	Windeyers Creek Catchment Committee	To develop catchment plans that when implemented, result in catchment improvements.	Sustainable Planning	Cr Maher
89	Worimi Conservation Lands Board of Management <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	Corporate Services	Cr MacKenzie Cr Dover
90	Joint Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area. The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member, commencing July 2009.	Sustainable Planning	Cr MacKenzie Cr Westbury

Committees to be removed from listing by Council:-

- 1) Karuah Community Centre Committee – This Committee has been disbanded due to resignation of Committee members.
- 2) Hunter Coast & Estuary Management Committee – This Committee is convened by Newcastle Council and was recently disbanded as the Committee was in favour of a working party. No Councillor representation is required. A report will be presented to Council in November 2009.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil

CONSULTATION

General Manager

OPTIONS

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

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 4**FILE NO: 1190-001****REQUEST FOR FINANCIAL ASSISTANCE**

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

RECOMMENDATION IS THAT COUNCIL:

- 2) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
- a) A Redman Electrical – Electrical works to Tilligerry Soccer Club - \$1,835.00 – Requisition for Funds – Mayoral Funds.
 - b) Yacaaba Centre – Donation for stand at Fundraiser Event - \$200.00 – Rapid Response – Cr Dover.
 - c) Oxfam – Hunter Heroes Team – Donation for participation in Oxfam 100KM trail - \$200 – Rapid Response – Mayoral Funds.
 - d) Tynan Wood – Donation toward competing in the Ballet Championships in Canada - \$200 – Mayoral Funds.
 - e) Alix Jones Donation toward competing in the World Youth Endurance Championships - \$200 – Mayoral Funds.
 - f) Breast Cancer Australia – AVON Race - \$500 – Mayoral Funds.
 - g) Woolworths Fresh Food Kids Hospital Appeal “Bandage Bear” – reimbursement of costs for fundraiser - \$112 – Rapid Response – Cr Westbury.
-

ORDINARY COUNCIL – 22 September 2009

326	Councillor Ken Jordan Councillor John Nell	It was resolved that the recommendation be adopted.
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BACKGROUND

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 new Financial Assistance Policy adopted by Council 19 May 2009, to commence from 1 July 2009, gives Councillors a wide discretion to either grant or to refuse any requests.

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

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

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

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

Council at its meeting on 30 June and 28 July 2009, resolved to place on public exhibition donations to Tynan Wood and Alix Jones for a period of 28 days. No submissions were received from the public exhibition period.

The requests for financial assistance are shown below:-

MAYORAL FUND

A Redman Electrical	Electrical works to Tilligerry Soccer Club	\$1,835.00
Oxfam	Donation towards 100KM participation	\$200.00
Alex Jones	Donation towards World Youth Endurance Championships	\$200.00
Tynan Wood	Donation towards a trip to Canada to compete in the Ballet Championships	\$200.00
Breast Cancer Australia	Donation towards AVON Race	\$500.00

EAST WARD – Councillors Nell, Westbury, Dover & Ward

Yacaaba Centre	Donation for fundraising stand	\$200.00
Woolworths Fresh Food Kids Hospital Appeal "Bandage Bear"	Reimbursement of costs for fundraiser	\$112.00

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil

CONSULTATION

Mayor
Councillors
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

^{23.}
Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 5**FILE NO: PSC2005-4217****2008/2009 GENERAL PURPOSE FINANCIAL REPORTS AND SPECIAL PURPOSE FINANCIAL REPORTS****REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER**
GROUP: COMMERCIAL SERVICES GROUP

RECOMMENDATION IS THAT COUNCIL:

- 1) Ratify the referring of the draft 2008/2009 General Purpose Financial Reports and Special Purpose Financial Reports for audit.
- 2) Sign the Statement on the General Purpose Financial Reports.
- 3) Sign the Statement on the Special Purpose Financial Reports

ORDINARY COUNCIL – 22 September 2009

327	Councillor John Nell Councillor Bob Westbury	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to advise that the draft General Purpose Financial Reports and Special Purpose Financial Reports for the period ended 30th June 2009 have been prepared and the audit is due to commence Monday 28th September.

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

The Local Government Code of Accounting Practice and Financial Reporting requires that commencing from the 1998/99 reporting period Council shall complete a Special Purpose Financial Report for all business activities declared by Council.

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

FINANCIAL/RESOURCE IMPLICATIONS

The 2008/2009 General Purpose Financial Reports have been prepared in

compliance with the Local Government Act 1993, the Local Government Code of Accounting Practice and Financial Reporting, the Australian Accounting Standards and the Asset Accounting Manual.

All revenues received for 2008/2009 has been recognised together with any revenues due but not received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.

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

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

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

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

The 2008/2009 Special Purpose Financial Reports are being prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting.

LEGAL, POLICY AND RISK IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

NIL

CONSULTATION

PriceWaterhouseCoopers, Council's External Auditor, in providing advice on accounting concepts and standards.

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

OPTIONS

- 1) Ratify the referring of the draft 2008/2009 General Purpose Financial Reports and Special Purpose Financial Reports for audit and sign the Statements.
- 2) Reject the referring of the draft 2008/2009 General Purpose Financial Reports and Special Purpose Financial Reports for audit and not sign the Statements

ATTACHMENTS

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

COUNCILLORS ROOM

NIL

TABLED DOCUMENTS

NIL

ATTACHMENT 1

Financial Report 2009

Port Stephens Council

General Purpose Financial Report
for the financial year ended 30 June 2009

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

The attached General Purpose Financial Report has been prepared in accordance with:

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

To the best of our knowledge and belief, this Report:

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

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

Signed in accordance with a resolution of Council made on 22 September 2009.

Bruce Mackenzie
MAYOR

Bob Westbury
COUNCILLOR

Peter Gesling
**GENERAL MANAGER and
RESPONSIBLE ACCOUNTING OFFICER**

page 2

ATTACHMENT 2

SPFR 2009

Port Stephens Council

Special Purpose Financial Reports

for the financial year ended 30 June 2009

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

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

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

To the best of our knowledge and belief, these Reports:

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

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

Signed in accordance with a resolution of Council made on 22 September 2009.

Bruce Mackenzie
MAYOR

Bob Westbury
COUNCILLOR

Peter Gesling
**GENERAL MANAGER &
RESPONSIBLE ACCOUNTING OFFICER**

page 2

ITEM NO. 6**FILE NO: PSC2006-0066****PROPOSED VARIATION OF DEVELOPER CONTRIBUTIONS (S94) TO BE LEVIED FOR SENIORS HOUSING UNDER STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004****REPORT OF: TREVOR ALLEN - INTEGRATED PLANNING MANAGER**
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

1) Adopt the amendment to the Port Stephens Section 94 Development Contributions Plan, to vary the contribution levy for seniors housing permitted with consent under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (**Attachment 1**).

ORDINARY COUNCIL – 22 September 2009

328	Councillor Ken Jordan Councillor Bruce MacKenzie	It was resolved that the recommendation be adopted.
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Councillors Peter Kafer, Glenys Francis, Ken Jordan, Daniel Maher, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Bruce MacKenzie.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to advise Council of the exhibition of the draft amendment to Councils S94 Development Contributions Plan to reduce the levy for seniors housing under state environmental planning policy (housing for seniors or people with a disability) 2004.

Following a report on the draft amendment to Councils S94 Plan, Council resolved at its meeting of 28 July 2009 (min 243) to:

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

1. Endorse for public exhibition a draft amendment to the Port Stephens Section 94 Development Contributions Plan, to vary the contribution levy for seniors housing permitted with consent under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Attachment 1).

The draft amendment was exhibited from Thursday 6th August 2009 to Monday 7th September 2009 at Council's Administration Building and on Council's web site.

One submission was received during exhibition as provided in Attachment 2. The responses to the Submission follow:

Submission	Response
<p>Sports & Leisure Facilities</p> <p>As the average age of residents in the units is over 75 years, the following facilities listed at 4.3.3 of the Plan would not be utilised by the occupants of the retirement village:</p> <p>Netball Courts; BMX Track; Tennis Courts; Skate Parks (10-19 year olds); surf lifesaving clubs, and Sports Fields (5 - 39 year olds)</p> <p>The proposal to reduce the figure by 50% is too simplistic and the figure should be based on a nexus between the proposed facility and the target age group.</p> <p>Community facilities</p> <p>Multipurpose childrens space</p> <p>This facility meets the needs of children. There is no nexus between the retirement village and this facility.</p>	<p>The housing needs, physical mobility and wealth of "seniors" that the SEPP is targeting (over the age of 55 years) is diverse and becoming increasingly diverse with an aging population that is generally retiring wealthier and healthier than previous generations.</p> <p>Determining the amount of levies based upon what a current or future resident may or may not use is not considered an equitable, pragmatic and defensible policy. This is particularly so when the submission narrowly defines the age of the proposed occupants yet the SEPP accommodates a much broader age range. Future residents could be younger (in accordance with the SEPP) and make greater use of facilities that the submission states will not be used.</p> <p>The exhibited draft Plan proposes a reduction of the Section 94 levy by 50% reflecting that the average occupancy ratio of this type of dwelling is 1.3 persons per dwelling as opposed to 2.6 persons for typical residential dwellings. This is reasonable and equitable and not based upon the age and facility usage variables that are inherent with housing under the SEPP yet the submission does not acknowledge.</p> <p>No further reduction is recommended.</p>

The amendment to the Port Stephens Section 94 Development Contributions Plan will substantially reduce the contribution levy for development permitted with consent

under the SEPP (collectively known as *seniors housing*). Presently seniors housing is levied the same as normal residential development unless they qualify as a Social Housing Provider and are exempt pursuant to Ministerial direction.

FINANCIAL/RESOURCE IMPLICATIONS

There are no additional revenue costs to Council. S94 staff will amend the accounting records and processes. S94 Levies will be significantly reduced but will be on an equitable basis in accordance with the average reduced occupancy ratio for seniors housing (50% less than standard residential dwellings).

LEGAL AND POLICY IMPLICATIONS

Proposals to reduce or be exempt from all or certain levies under the Port Stephens Section 94 Contributions Plan for differing types of residential development should be considered against equity between the current and future individual resident and the current and future broader community and the need to maintain a contributions plan that is a simple, defensible and efficiently administered. Furthermore, the housing needs, physical mobility, health and wealth of seniors that the SEPP is targetting (people over the age of 55) is diverse and will become increasingly diverse with an aging population that is generally retiring wealthier than previous generations. Determining the amount of levies based upon what a current or future resident may or may not use is not considered an equitable, pragmatic and defensible policy. However, determining the amount of contributions based upon an average dwelling occupancy ratio for seniors housing that is significantly less than the average occupancy ratio for standard residential dwellings is a sound and defensible policy.

Public notice of Councils decision is required to be placed in a local newspaper within 28 days after the decision is made and the contributions plan comes into effect on the date that public notice of its approval is given, or on a later date specified in the notice.

SUSTAINABILITY IMPLICATIONS

SOCIAL AND ECONOMIC IMPLICATIONS

The proposed reduction in contributions for seniors housing under the SEPP is significant and will contribute to making this type of development on greenfield and infill land more financially attractive to the housing industry and, in turn, provide more diversified housing product in the market to meet the current and future housing needs of an aging population.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Other Council Development Contributions coordinators, Sustainable Planning Staff.

OPTIONS

- 1) To accept the recommendation
- 2) To amend the recommendation.
- 3) To reject the recommendation.

ATTACHMENTS

- 1) Proposed Seniors Housing Clause in Council's S94 Plan
- 2) Submission received

ATTACHMENT 1

Proposed Seniors Housing Clause in Council's S94 Plan

*Port Stephens Section 94 Development Contributions Plan 2007
Incorporating Port Stephens and Great Lakes Cross Boundary Section 94 Contributions Plan 2008*

2. Administration Provisions

2.1.3 DISCOUNT OF CONTRIBUTION - Housing for Seniors or People with a Disability permitted with consent under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

All new development, including housing for seniors and people with disabilities, intensifies the use of the existing resources and adds incrementally to the demand for public amenities and services. In this regard, development for the purposes of retirement housing for seniors or people with a disability, including residential care facilities or those approved under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 will be levied development contributions under this Plan.

The 2006 Census of Population and Housing Customised Data Report, Dwellings & Persons in Retirement Village (Self care) indicated an average occupancy rate of 1.3. The Developer Contribution Levy will therefore be 50% of the general levy for the above categories excluding roadworks.

The RTA Manual, Guide to Traffic Generating Developments indicates an average traffic generating rate of 1-2 vehicles per day for housing for aged and disabled persons. This compares to 9 vehicles per day for a residential dwelling. The Developer Contribution Levy will therefore be 20% of the general levy for roadworks.

Calculation of Developer Contribution:

Category	Contribution – General (additional lot or dwelling)	Seniors Contribution per unit
Civic Administration	\$377	\$189
Public Open Space, Parks and Reserves	\$2,046	\$1,023
Sports and Leisure Facilities	\$4,821	\$2,411
Cultural and Community Facilities	\$2,424	\$1,212
Roadworks	\$1,370	\$274
Fire & Emergency Services	\$188	\$94
TOTAL	\$11,226	\$5,203

The Developer Contribution (S94) per additional Unit is \$5,203.

**ATTACHMENT 2
Submission received**

From: Richard Bennett [mailto:hilltop@hunterlink.net.au]
Sent: Monday, 7 September 2009 11:04 AM
To: SwitchPC
Subject: SECTION 94 CHARGES - RETIREMENT VILLAGES - SUBMISSION TO DRAFT AMENDMENT

General Manager

I have examined the draft Council's Section 94 Plan and I am supportive of the proposal to recognise the occupancy ratio of 1.3 persons per unit. The draft contributions for Civic Administration, Public Open Space, Roadworks and Fire & Emergency Services are supported.

However, in relation to the contributions for Sports & Leisure & Culture 7 Community facilities, I suggest that a simple halving of the existing levy is somewhat simplistic. I am of the opinion that some elements of the Plan should be reduced in order to recognise that some facilities have no nexus with the target group. These being:

Sports & Leisure Facilities

As the average age of residents in the units is over 75 years, the following facilities listed at 4.3.3 of the Plan would not be utilised by the occupants of the retirement village:

Netball Courts; BMX Track; Tennis Courts; Skate Parks (10-19 year olds); surf lifesaving clubs, and Sports Fields (5 - 39 year olds)

This results in a reduction to \$460.64 per person. This equates to \$598.83

The proposal to reduce the figure by 50% is too simplistic and the figure should be based on a nexus between the proposed facility and the target age group.

COMMUNITY FACILITIES

Multipurpose childrens space

This facility meets the needs of children. There is no nexus between the retirement village and this facility.

The figure for Community Facilities should be reduced by \$157.77 per person. This equates to \$941.53

I would appreciate if the above submission could be duly considered.

Regards
Richard Bennett

Hill Top Planners Phone 02 - 49300288
PO Box 469 Fax 02 - 49300290
MAITLAND NSW 2320 Mobile 0427 938250

ITEM NO. 7

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 22 September, 2009.

No:	Report Title	Page:
1	LOCAL GOVERNMENT ASSOCIATION OF NSW SURVEY	
2	PETITION – HAZARDOUS INTERSECTION AT SOLDIERS POINT	
3	2009 NATIONAL GENERAL ASSEMBLY RESOLUTIONS	
4	PETITION – CHANGES TO HOUSE NUMBERS AT SWAN BAY	

ORDINARY COUNCIL – 22 September 2009

329	Councillor Steve Tucker Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

LOCAL GOVERNMENT ASSOCIATION OF NSW SURVEY

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2005-1547

BACKGROUND

The purpose of this report is to inform Council of a survey the Mayor was requested by the Local Government Association to complete.


ATTACHMENTS

1. Local Government Association Survey response.

ATTACHMENT 1

LOCAL GOVERNMENT ASSOCIATION OF NSW
ONE ASSOCIATION - SURVEY

1. Do you support the idea of having one Association to represent Local Government in NSW? Yes ☐ No ☒
2. If so, is this best achieved by Shires Association member councils joining the Local Government Association as full members under its present Constitution and rules? Yes ☐ No ☐
3. Alternatively, do you believe that one Association is best achieved by the creation of a completely new Association? Yes ☐ No ☒
4. What are some of the things you would like to see in a new Association? In particular:
 - A. A Divisional Structure, at least for rural and regional NSW? Yes ☐ No ☒
 - B. If the answer to A is Yes, should the representation for each Division:
 - i. Be elected by members of that Division only? Yes ☐ No ☐
 - or
 - ii. Be elected by all member councils in rural and regional NSW? Yes ☐ No ☐
 - or
 - iii. Be elected by all members of the Association, both metropolitan and country? Yes ☐ No ☐
5. For the purposes of voting to elect office bearers, and for voting on motions at the annual conference of the Association, what voting entitlement should exist? In particular:
 - i. Should each member council have one vote irrespective of its size? Yes ☐ No ☐
 - ii. Alternatively, should a member council have a number of votes depending on –
 - its population? Yes ☐ No ☐
 - its geographical size? Yes ☐ No ☐
6. You are invited to briefly detail any other comment you wish to make on the issue of one Association (if space insufficient, please attach additional sheets) :-


.....
(Signature of Mayor)

PORT STEPHENS COUNCIL
.....
(Council)

Please fax back to (02) 9242 4022, or scan and e-mail to Christine.horrocks@lgsa.org.au

INFORMATION ITEM NO. 2

PETITION – HAZARDOUS INTERSECTION AT SOLDIERS POINT

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

FILE: PSC2005-3069

BACKGROUND

The purpose of this report is to advise Council that a petition has been received with approximately forty (40) signatures and reads as follows:

"We, as concerned citizens and ratepayers of Salamander Bay/Soldiers Point area, wish to bring to Council's attention the hazardous nature of the turn from Soldiers Point Road into Bagnall Avenue.

The overgrown vegetation on the roadside from Salamander Shores Hotel to the reserve at Seaview Crescent creates a "blind-spot" for vehicles turning into Bagnall Avenue from the direction of Soldiers Point. In the present situation, drivers have to overpass the actual "turning point" at the corner and stop completely to check for any oncoming traffic.

We would like to suggest that the overgrowing vegetation along this complete section be cleared back for at least one metre from the gutter to allow drivers a clearer view of oncoming traffic.

We thank you for your attention to this matter for the safety of our area."

ATTACHMENTS:

1. Petition

28th July 2009

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



Dear Sir,

We, as concerned citizens and ratepayers of Salamander Bay/Soldiers Point area, wish to bring to Council's attention the hazardous nature of the turn from Soldiers Point Road into Bagnall Avenue.

The overgrown vegetation on the roadside from Salamander Shores Hotel to the reserve at Seaview Crescent creates a "blind-spot" for vehicles turning into Bagnall Avenue from the direction of Soldiers Point. In the present situation, drivers have to overpass the actual "turning-point" at the corner and stop completely to check for any oncoming traffic.

We would like to suggest that the overgrowing vegetation along this complete section be cleared back for at least one metre from the gutter to allow drivers a clearer view of oncoming traffic.

We thank you for your attention to this matter for the safety of our area.

INFORMATION ITEM NO. 3

2009 NATIONAL GENERAL ASSEMBLY RESOLUTIONS

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

FILE: A2004-0667

BACKGROUND

The purpose of this report is to inform Council of Australian Local Government Association's response to the motions submitted by Council to the 2009 National General Assembly.

ATTACHMENTS

- 1) Mayoral Minute from Extra Ordinary Meeting held 5th May 2009
- 2) Letter from ALGA dated 20th August and received at Council on 25th August, 2009.

ATTACHMENT 1

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0667

COUNCIL RESOLUTION – SUBMISSION OF MOTIONS TO 2009 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

THAT COUNCIL:

Resolve to submit the following motions to the Australian Local Government Association for inclusion in the business paper for the 2009 National General Assembly of Local Government to be held in Canberra between 21 and 24 June, 2009.

EXTRA-ORDINARY COUNCIL – 05TH MAY 2009

136	Councillor Bruce MacKenzie	There being no objection the Mayoral Minute was adopted.
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BACKGROUND

The 2009 National General Assembly of Local Government (NGA) theme is *Rising to the Challenge – Infrastructure, Financing, Climate Change*. The NGA is Council's opportunity to contribute to the development of the national local government policy.

The Australian Government is increasingly looking to local government to play a role as a partner in tackling the major issues facing the nation and the NGA is an opportunity to make sure that Council's views are represented. Australian Local Government Association has called for motions to be submitted for the business paper to be presented in Canberra in June. The following are proposed:

Climate Change:

That the Commonwealth Government establishes a National scientifically based Policy regarding prediction of sea level rise impacts for years 2050 and 2100 to enable a National approach to Planning for Coastal Development and Management in a consistent manner.

Infrastructure:

That the Federal Government continue to provide significant funding towards Infrastructure Programmes that directly benefit Local Government through the

provision of Community Infrastructure that have efficiencies in service delivery and beneficial, social and economic outcomes. This Infrastructure programme should become more integrated with an enhanced role by the Federal Government in planning for the development expansion and development management of the major metropolitan and regional centres.

Local Government Financing:

That the Commonwealth, through Council of Australian Governments, review funding constraints applied by the State Governments to Local Governments where these restrict community's discretion. That penalties be applied by the Federal Government to State financial grants.

ATTACHMENT 2

20 August 2009



Ms Deborah John
Executive Assistant General Manager's Office
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

PORT STEPHENS COUNCIL

25 AUG 2009

File No.
Action by
Parcel

Dear Ms John

2009 National General Assembly Resolutions

Thank you for your Council's participation in this year's National General Assembly of Local Government (NGA). I also want to thank you for taking the time to submit a motion for consideration at the NGA.

I am writing to you to:

- a) inform you of how the ALGA deals with resolutions from the NGA; and
- b) convey the ALGA Board's decision on how your motion will be pursued.

ALGA places a high degree of importance on the resolutions passed by the NGA which provide an insight into broad council views on important issues. While the ALGA Board sets ALGA policy, the resolutions provide an important context for the Board's considerations.

Each year after the NGA the ALGA Board assesses each resolution to determine whether it is consistent with existing ALGA policy and the policies of state and territory associations. ALGA also considers the resource implications of adopting resolutions and how the proposed course of action fits with ALGA's existing priorities.

On 23 June 2009 the ALGA Board met to consider the resolutions from the NGA and to determine the most appropriate way to pursue them.

In relation to your Council's motion it was carried at the NGA as Resolution 1 and Resolution 40.

In relation to climate change resolution, Resolution 1, the Board felt that as this is a relatively new and evolving policy area at the national level, it was important to:

- a) support in principle and convey all of the resolutions to the Australian Government to provide them with an understanding of the NGA delegate's views on the range of matters considered; and
- b) seek the Government's comments and response to each of these resolutions.

Following the receipt of the Government's response to these resolutions, the ALGA Board will further consider its national policy position and the most appropriate way to progress local government's interest in these important policy areas.

Resolution 1 reads:

That this National General Assembly calls upon the Australian Government to work closely with the State and Territory Governments and local government to develop appropriate legislative policy and implementation frameworks, together with the necessary technical guidance and funding on mitigation and adaptation (including planning and development) to

enable the effective and consistent management of the range of potential climate change impacts likely to affect communities, economies and the environment of Australia.

On Resolution 40 the Board agreed the resolution is consistent with ALGA policy and as such the ALGA Board agreed with this resolutions. The Board will write to the Australian Government welcoming the additional funding annouced at the Australian Council of Local Government and will raise the need for continuity of funding.

Resolution 40 reads:

That this National General Assembly:

- 1. Welcomes the Australian Government's injection of \$800m into community facilities at local level through the fiscal stimulus packages;*
- 2. Encourages all levels of government to recognise the importance of community infrastructure - social, educational, cultural, sporting - in the achievement of the Australian Government's social inclusion, preventative health, and economic stimulus agendas;*
- 3. Calls on the Australian Government to develop an intergovernmental strategy to develop national standards for the funding of community infrastructure, in the first instance to address the enormous backlog of infrastructure identified in the PricewaterhouseCoopers report in 2006 as a \$14.5 billion dollar underspend on community infrastructure renewals; and*
- 4. Seeks to extend the establishment of the Regional and Local Community Infrastructure Fund to support the continuation of the provision, up-grade and maintenance community infrastructure at a minimum level of \$300m per annum for the next 4 years.*

Thank you for your Council's support for the NGA and for taking the time to submit a motion to the NGA.

Yours sincerely



Adrian Beresford-Wylie

Chief Executive

INFORMATION ITEM NO. 4

PETITION – CHANGES TO HOUSE NUMBERS AT SWAN BAY

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

FILE: PSC2006-0204

BACKGROUND

The purpose of this report is to advise Council that a petition has been received with approximately eighteen (18) signatures and reads as follows:

"A petition from the residents of Waterfront Road, Swan Bay. The issue being notice of change of house numbers and the associated problems and costs to the residents for the benefit of the developer who is making money out of it.

Let the developer use letters instead of numbers and the corner house can be known as corner of Swan Bay & Waterfront Roads. And the two subdivisions off Swan Bay Road could be numbered Swan Bay Road.

Let the residents of Waterfront Road retain their original numbers and save them a lot of unnecessary worry, stress and expense. We are confident that Council will understand our situation and see reason and let us get back to our original numbers. And many of us have been here for a long-time with the original numbers. There are many places that have letters instead of numbers and there is no reason for it to be any different here."

ATTACHMENTS:

- 1) Petition

Parcel
The General Manager
Mr. Peter Geisling

Swan Bay, Karuah 2324

a petition from the residents of Waterfront Road, Swan Bay.
The issue being, notice of change of house numbers and the associated problems and costs to the residents, for the benefit of the developer, who is making money out of it.

Let the developer use letters instead of numbers, and the corner house can be known as Corner of Swan Bay & Waterfront Roads. And the two subdivisions off Swan Bay Road could be numbered Swan Bay Road.

Let the residents of Waterfront Road retain their original numbers and save them a lot of unnecessary worry, stress and expense.

We are confident that Council will understand our situation and see reason, and let us get back to our original numbers. and many of us have been here for a long time, with the original numbers.

There are many places that have letters instead of numbers and there is no reason for it to be any different here

Name

Address

Signature

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 & PSC2009-4473

EXTENDING THE NELSON BAY CYCLE WAY

COUNCILLOR: FRANK WARD

THAT COUNCIL:

1) In view, of the growing number of cyclists and the unfortunate increase in accidents, the Manager of Facilities & Services prepare an urgent report to council on the costs and plans for extending the Nelson Bay cycle way from the entrance to the Sports Ground to the swim centre and the High School in order to encourage residents and students to ride to the Swimming Centre and High School in safety.

ORDINARY COUNCIL – 22 September 2009

330	Councillor Frank Ward Councillor John Nell	It was resolved that the Notice of Motion be adopted.
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BACKGROUND REPORT OF: MIKE TRIGAR – GROUP MANAGER, FACILITIES & SERVICES

BACKGROUND

Cycleways were constructed some years ago along Nelson Bay Road between Galoola Drive and the entrance to the sports grounds and from the high school past the swimming pool and along to the netball courts. There is a gap in the cycleway between the netball courts and the access road into the sports grounds and pedestrians and cyclists need to use the sealed road or grassed verge in this area.

Council has recently applied for a grant to build this "missing link" in the cycleway. The grant was submitted in June under the Federal Government's "Local Jobs Fund" but at this time there has not been any announcements on whether Council's application has been successful or not.

If the grant is eventually successful, Council will need to find half of the funding. At the moment, Council has not yet budgeted for its half share of the \$150,000 needed to build this project, nor has a detailed design commenced as yet.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217

GRAFFITI MANAGEMENT PLAN ADOPT INCENTIVE INITIATIVE

COUNCILLOR: SALLY DOVER

THAT COUNCIL:

- 1) That Council introduce a Vandalism Reward Scheme along the lines of Sutherland Council's Scheme (details provided under separate cover) to be incorporated in Port Stephens Graffiti Management Plan with a prompt report to Council.
-

ORDINARY COUNCIL – 22 September 2009

331	Councillor John Nell Councillor Frank Ward	It was resolved that the Notice of Motion deferred to allow a further report to come back to Council.
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BACKGROUND REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

BACKGROUND

The Graffiti Management Plan adopted by Council in May 2009 specifies a range of proactive initiatives aimed at responding to graffiti such as the establishment of a graffiti hotline to encourage residents to report any acts of graffiti. Sutherland Shire Council has taken the proactive step of establishing a Vandalism Reward Scheme to help combat vandalism by calling on the community to 'Come Clean' about graffiti and vandalism. Details provided by Sutherland Shire Council indicate that their initiative centres around a reward scheme for information leading to criminal proceedings against a person found guilty of a graffiti or vandalism offence to Council property.

There is merit in considering the introduction of a similar scheme in Port Stephens bearing in mind that vandalism to Council property through graffiti is only one aspect of vandalism which includes any unauthorised acts wilful destruction or defacement of property. Research into the overall effectiveness, financial and legal implications of the Sutherland scheme and similar schemes at other Councils would assist in determining the feasibility of introducing a similar program in Port Stephens.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: A2004-0217

TREE PRESERVATION ORDER

COUNCILLOR: DANIEL MAHER

THAT COUNCIL:

That Council resolve to amend the existing Tree Preservation Order adopted by Council on the 27 March 2007 to give certainty and clarity to the enforcement of the TPO as follows:

- a) Under the heading **POLICY STATEMENT**, delete the whole of that paragraph and instead insert:

This Tree Preservation Order prohibits the ringbarking, cutting down, topping, lopping, pruning, removing, injuring or wilful destruction of any tree or trees specified below, except with the consent of Council. Consent to carry out any of the above must be given where the applicant shows on balance that the proposal meets or exceeds the objectives of this Tree Preservation order considering equally; technical issues, maintenance issues, and any reasonable apprehension held by the applicant with respect to the size and proximity of the tree or trees. Council may give partial consent or impose conditions only in so far as it would allow the objectives of this Tree Preservation Order to be met.

- b) Under the heading “**The Tree Preservation Order applies to:-**” at part I...
(a) the **girth** of the tree or shrub exceeds 300mm when measured one (1) metre above the ground; **and/or**

Substitute the word “**girth**” with the word “circumference” and substitute the words “**and/or**” with the word “or”.

- c) Under the heading “**Exemptions**” at part III...

Any tree or shrubs within three (3) metres of an external boundary fence on lands zoned Rural 1(a).

Remove the whole of that sentence and instead insert;

The clearing of native vegetation that is authorised by a development consent or Property Vegetation Plan (PVP) under the Native Vegetation Act 2003 or that is a routine agricultural management activity within the meaning of that Act carried out on land to which that Act applies. (Approval under

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

the Native Vegetation Act must be sought from Hunter - Central Rivers Catchment Management Authority)

- d) Under the heading “**Exemptions**” at part VI...

Trees which have been the subject of an **application** to construct an asset protection zone or clearing permitted by a bush fire hazard reduction certificate under the *Rural Fires Act 1997*;

Substitute the word “**application**” with the word “approval”.

ORDINARY COUNCIL – 22 September 2009

332	Councillor Daniel Maher Councillor Ken Jordan	<p>It was resolved that Council resolve to amend the existing Tree Preservation Order adopted by Council on the 27 March 2007 to give certainty and clarity to the enforcement of the TPO as follows:</p> <p>a) Under the heading “The Tree Preservation Order applies to:-” at part I. (a) the girth of the tree or shrub exceeds 300mm when measured one (1) metre above the ground; and/or</p> <p>Substitute the word “girth” with the word “<u>circumference</u>” and substitute the words “and/or” with the word “<u>or</u>”.</p> <p>b) Under the heading “Exemptions” at part III...</p> <p>Any tree or shrubs within three (3) metres of an external boundary fence on lands zoned Rural 1(a).</p> <p>Remove the whole of that sentence and instead insert; <i>The clearing of native vegetation that is authorised by a development consent or Property Vegetation Plan (PVP) under the Native Vegetation Act 2003 or that is a routine agricultural management activity within the meaning of that Act</i></p>
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MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

		<p><i>carried out on land to which that Act applies. (Approval under the Native Vegetation Act must be sought from Hunter - Central Rivers Catchment Management Authority)</i></p> <p>c) Under the heading “Exemptions” at part VI...</p> <p>Trees which have been the subject of an application to construct an asset protection zone or clearing permitted by a bush fire hazard reduction certificate under the <i>Rural Fires Act 1997</i>;</p> <p>Substitute the word “application” with the word “<u>approval</u>”.</p>
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AMENDMENT

	<p>Councillor John Nell Councillor Frank Ward</p>	<p>That Council resolve to review the existing Tree Preservation Order adopted by Council on the 27 March 2007 to give certainty and clarity to the enforcement of the TPO as follows:</p> <p>a) Under the heading “The Tree Preservation Order applies to:-” at part I. (a) the girth of the tree or shrub exceeds 300mm when measured one (1) metre above the ground; and/or</p> <p>Substitute the word “girth” with the word “<u>circumference</u>” and substitute the words “and/or” with the word “<u>or</u>”.</p> <p>b) Under the heading “Exemptions” at part III...</p> <p>Any tree or shrubs within three (3) metres of an external boundary fence on lands zoned Rural 1(a).</p>
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		<p>Remove the whole of that sentence and instead insert; <i>The clearing of native vegetation that is authorised by a development consent or Property Vegetation Plan (PVP) under the Native Vegetation Act 2003 or that is a routine agricultural management activity within the meaning of that Act carried out on land to which that Act applies. (Approval under the Native Vegetation Act must be sought from Hunter - Central Rivers Catchment Management Authority)</i></p> <p>c) Under the heading “Exemptions” at 9) part VI...</p> <p>Trees which have been the subject of an application to construct an asset protection zone or clearing permitted by a bush fire hazard reduction certificate under the <i>Rural Fires Act 1997</i>;</p> <p>Substitute the word “application” with the word “<u>approval</u>”.</p>
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The Amendment on being put was lost. The Motion on being put was carried.

BACKGROUND REPORT OF: BRUCE PETERSEN – MANAGER, ENVIRONMENTAL SERVICES

BACKGROUND

Port Stephens Council adopted a new Tree Preservation Order (TPO) on 27 March 2007.

A recommendation to adopt the Standard Instrument Principal Local Environmental Plan (LEP) will be made to Council by mid/late 2010. Part 5 of the Miscellaneous Provisions provides a standard clause for the preservation of trees and vegetation. The Standard Instrument does not allow for changes to the provision. The new LEP will also require changes to the Consolidated Development Control Plan (DCP) 2007.

MINUTES FOR ORDINARY MEETING – 22 SEPTEMBER 2009

Work on vegetation management aspects within the new LEP and DCP is well underway.

Any interim changes made to the TPO, such as those suggested within this Notice of Motion, will need to be adjusted with the adoption of the Standard Instrument Principal LEP within the next 12 months. In addition any interim changes will also require the modification and readoption of the Tree Management Policy 1998.

In relation to point 'A' as raised in the Notice of Motion, these proposed changes will require additional control mechanisms to ensure the equity and transparency of the TPO as a number of terms used in the suggested alternative are open to interpretation.

In relation to point 'B' as raised in the Notice of Motion, the new DCP will address height and girth issues.

The adoption of the Standard LEP Instrument will address the point "C" outlined in the Notice of Motion, by removing the need for dual consents. This issue is centred on the existing dual consent to clear vegetation requiring consent from both Port Stephens Council and the Catchment Management Authority.

The suggestion made in point 'D' is valid.

RESCISSION MOTIONS

RECISSION MOTION

ITEM NO. 1

FILE NO: A2004-0523, PSC2009-02962

REVIEW COUNCILS POLICY TO CHARGE PROPERTY OWNERS 50% OF COST OF INSTALLING CONCRETE FOOTPATHS ON COUNCIL OWNED VERGE AREAS

COUNCILLORS: JORDAN, MAHER AND WESTBURY

That Council rescind its decision of 25 August 2009 on Notice of Motion, Item 3 of the Ordinary Council Meeting Report, namely Review Councils Policy to Charge Property Owners 50% of Cost of installing concrete footpaths on council owned verge areas.

ORDINARY COUNCIL – 22 September 2009

333	Councillor Ken Jordan Councillor Daniel Maher	That Council rescind its decision of 25 August 2009 on Notice of Motion, Item 3 of the Ordinary Council Meeting Report, namely Review Councils Policy to Charge Property Owners 50% of Cost of installing concrete footpaths on council owned verge areas.
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The Rescission Motion on being put was lost.

ITEM NO. 3

FILE NO: A2004-0217; PSC2009-02962

REVIEW COUNCILS POLICY TO CHARGE PROPERTY OWNERS 50% OF COST OF INSTALLING CONCRETE FOOTPATHS ON COUNCIL OWNED VERGE AREAS.

COUNCILLORS: GEOFF DINGLE & PETER KAER

THAT COUNCIL:

24. 1) Review its policy on the charging of residents for a proportion of the

installation of footpaths on verges surrounding private properties.

25. a) That Council cease charging residents for the installation of footpaths on the Council owned verge areas and instead use section 94 funding and capital grant to carry out these works. That Council determines a fairer way to distribute the cost to the community members who will benefit from the installation of this infrastructure.

ORDINARY COUNCIL – 25 August 2009

287	Councillor Geoff Dingle Councillor Peter Kafer	It was resolved that the Notice of Motion be adopted.
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26.

27. COUNCILLORS BACKGROUND

28. While collection of a proportion of fees for the construction of footpaths is part of Councils current policy, and State legislation allows Councils to charge residents up to half the cost of footpaths bordering their properties, it is not compulsory. Many of these footpaths are the connecting sections between new estates and existing residential areas, the cost of this infrastructure in new estates is covered by developer contributions and costs adsorbed into the purchase of property.

29. Residents are often completely unaware of these charges until they receive the invoice. For self funded retirees or pensioners, it is a shock to them that they have to find between \$1000 and \$2000 dollars without warning. Many residents have complained they are given no warning and not part of any discussion about these arrangements and the first thing they know about it is when the bill arrives, at that point it is a fait accompli. The suggestion that they can pay this off is no consolation as they are often have very restricted incomes and little in the way of disposable reserves.

30. These people are often very upset and angry that they are expected to pay 50% of the cost of infrastructure that every other member of the community will benefit from yet the costs are not distributed evenly. While less grass has to be mowed with installation of these paths, it also make it more difficult to maintain with more edges and grass patches to access, the verge is after all Council property and we know that Council will never have the resources to maintain property verges.

BACKGROUND REPORT OF: MICK LOOMES – MANAGER, ENGINEERING SERVICES**BACKGROUND**

Over the years, Council has considered several reports regarding the levying of contributions for footpath paving, kerb and guttering. The policy was confirmed on 18 July 2000 and more recently the 2009-13 Council Plan and “Fees and Charges” were adopted which puts this policy into practice for 2009/10.

Council's policy for footpath contributions limits them to being applied to properties in residential 2a and 2c, business 3a, industrial 4a and special urban 5 zonings only. Footpaths constructed in rural and other zonings do not attract a contribution from adjoining landowners. The policy also provides delegation to the Group Manager of Facilities and Services to exempt certain properties in the urban and business zonings if there is no direct benefit to the adjoining property.

Legislation

Section 217 of the Road Act 1993 allows the Roads Authority (Council) to recover up to 50% of the costs of footpath paving if Council has resolved to do so.

Procedures and Notification

In urban road reconstruction, in older settled areas, Council has routinely included footpath paving as part of major upgrades of the roads. As plans and specifications are being prepared, Council provides advance notification to adjacent property owners of the likely cost of any footpath or kerb and guttering contributions. The construction work is then carried out, often weeks or months later and only when the works are completed does Council send out the accurate invoice requesting payment. It would be most unusual for any landowner to not receive a prior notification of the works and likely contribution prior to an invoice being raised.

Funding Alternatives

Council's Section 94 plans do not contain a footpath component within them for footpath or cyclepath contributions. Developers are required to fund this infrastructure as part of new development. Council predominantly only builds “infill” footpaths within already established areas where footpath infrastructure was not provided in earlier decades when estates were developed. Footpaths can be funded from Section 94A contributions, however, in reality, S94A funds actually received by Council over the last 2 years are minimal. Grant funds are occasionally available for footpath construction and generally they require matching funds from Council and any adjoining landowner contributions can provide a proportion of Council's share in those cases.

Implications for 2009/10 Budget

- There are a number of projects which have recently been completed and for which invoices for footpath contributions have been issued and some owners have already paid their contributions or have made arrangements to do so over time.
- There are a number of projects currently underway where the advance notifications have been sent out but the work has not yet been completed.
- There are a number of projects which have not yet been fully designed and

where advance notification has yet to be issued to the landowners.

- If Council decides to change its footpath contributions policy following the NOM then there will be a \$170,000 shortfall in funding in 2009/10 and Council will need to either increase its deficit or review its current works program and reduce the number of projects it can undertake in the year.

In effect, the current practices mean that property owners in new subdivisions share between them 10% of the cost of all infrastructure including adjacent footpaths. Some adjoining property owners share 50% of the cost of footpaths (only) retro-fitted in the older subdivisions with the general ratepayer base providing the other 50% of funds.

CONFIDENTIAL ITEMS



In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

The Mayor sought Council's agreement to deal with the Confidential item in Open Council on the basis there would be no discussion, except to move and second the recommendations of Confidential Items 1 and 2. Councillors were in agreement and the recommendations were carried.

CONFIDENTIAL

ITEM NO. 1

FILE NO: A2004-0028

NEWCASTLE AIRPORT – TENDER FOR EXTERNAL AUDIT SERVICES

REPORT OF: PETER GESLING - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

334	Councillor Ken Jordan Councillor Daniel Maher	It was resolved that Council award the contract for the provision of external audit services to Lawler Partners.
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CONFIDENTIAL

ITEM NO. 2

FILE NO: 1600-001

SUPPLY OF ELECTRICITY CONTRACT

REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER
GROUP: COMMERCIAL SERVICES

335	Councillor Ken Jordan Councillor Daniel Maher	It was resolved to delegate authority for the General Manager to act on behalf of Council if satisfied with the outcome of the reverse auction tender as conducted by Regional Procurement.
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There being no further business the meeting closed at 7.55pm.

I certify that pages 1 to 290 of the Open Ordinary Minutes of Council 22 September 2009 and the pages 291 to 298 of the Confidential Ordinary Minutes of Council 22 September 2009 were confirmed by Council at its meeting held on 13 October 2009.

.....
Cr Bruce MacKenzie
MAYOR