

Minutes 28 SEPTEMBER 2010



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 28 September 2010, commencing at 7.24pm.

PRESENT: Councillors R. Westbury (Mayor); S. Dover (Deputy Mayor); G. Dingle; C. De Lyall, G. Francis; B. MacKenzie; J. Nell; S. O'Brien; F. Ward; General Manager; Corporate Services Group Manager, Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager and Executive Officer.

299	Councillor John Nell Councillor Frank Ward	It was resolved that the apologies from Crs Steve Tucker, Peter Kafer and Ken Jordan be received and noted.
300	Councillor Glenys Francis Councillor Sally Dover	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 14 September 2010 be confirmed.
		No declaration of interest were received.

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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: T10-2010

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 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 **T10-2010; Tender for Supply, Delivery and Servicing of Tyres and Tubes**.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **T10-2010; Tender for Supply, Delivery and Servicing of Tyres and Tubes**.
- 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 MEETING – 28 SEPTEMBER 2010

301	Councillor John Nell Councillor Glenys Francis	It was resolved that the recommendation be adopted.
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COUNCIL COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: 16-2009-981-1****DEVELOPMENT APPLICATION FOR A BOUNDARY REALIGNMENT AT NO.7 & NO.9 CROMARTY LANE BOBS FARM****REPORT OF: KEN SOLMAN –DEVELOPMENT & BUILDING, ACTING MANAGER**
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

Refuse DA 16-2009-981-1 for the following reasons:

- 1) Insufficient information submitted to enable a comprehensive assessment under Section 79C of the Environmental Planning and Assessment Act, 1979.
- 2) The development is inconsistent with the 1(a) Rural Agriculture Zone objectives of Port Stephens Local Environmental Plan 2000.
- 3) The development potentially poses a significant impact on threatened species, populations, ecological communities, or their habitats.
- 4) The development is contrary to the public interests and expectations, of an orderly and predictable built environment.

COUNCIL COMMITTEE MEETING – 28 SEPTEMBER 2010
RECOMMENDATION:

	Councillor Bruce MacKenzie Councillor Sally Dover	That Council defer the matter to allow for further information to be provided to the next Council Committee meeting.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs John Nell, Bob Westbury, Sally Dover, Frank Ward, Bruce MacKenzie, Shirley O'Brien, Geoff Dingle, Glenys Francis and Caroline De Lyall

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

302	Councillor John Nell Councillor Glenys Francis	It was resolved that the Council Committee recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs John Nell, Bob Westbury, Sally Dover, Frank Ward, Bruce MacKenzie, Shirley O'Brien, Geoff Dingle, Glenys Francis and Caroline De Lyall

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present a development application to Council for determination at the request of Cr Bruce Mackenzie.

The applicant lodged the development application for proposed boundary realignment with Council on 23 December 2009. An assessment was undertaken and this revealed the need to request additional information regarding the purpose for which the boundary realignment was proposed and an assessment of vegetation on-site and the impacts of the proposal on this existing vegetation given the site constraints.

Council's mapping system identified the site as comprising Ecologically Endangered Communities (EEC) - Swamp Sclerophyll Forest/Swamp Mahogany Paperbark Forest and Coastal Salt Marsh. In addition, the mapping system identified the site as containing potential 'preferred koala habitat' under Council's Comprehensive Koala Plan of Management (CKPoM).

The land was also identified as bushfire prone land and the application triggered the integrated development provisions, requiring a Bushfire Safety Authority pursuant to Section 100B of the NSW Rural Fires Act be issued by the NSW Rural Fire Service (RFS). A Bushfire Safety Authority was granted from RFS and their 'general terms of approval' include the provision of an inner protection area (IPA) to be managed for both proposed lots. An (IPA) be managed around the existing dwelling on proposed Lot 1487, of north 35 metres, east and south 20 metres, and west 55 metres. An (IPA) be managed around the existing dwellings on proposed Lot 1488 of 20 metres.

As requested, additional information was submitted by the applicant advising of the intended purpose or use of the proposed lots and need for vegetation removal for future use and fencing. The applicant advised that the owner of the smaller lot is seeking to increase their lot area to provide an increase in land for two ponies to graze and exercise. Furthermore, that the new boundaries would be fenced, with approximately 3.0 metres of clearing to be undertaken either side of the proposed boundary/fence line to allow for construction and its future maintenance. The applicant did not provide any additional information at this stage that assessed the vegetation and potential impacts of the proposal on existing vegetation.

In the absence of the submission of a Flora and Fauna Assessment of vegetation on site and the impacts of the proposal on this existing vegetation being submitted by the applicant, Council's Environmental Projects Officer inspected the property on 21

April 2010 to determine whether Council's mapping system was accurate in identifying the existence of an EEC, and has advised that:-

"the site inspection revealed vegetation on site that is likely to comprise of an EEC. As the boundary adjustment will result in loss of vegetation in this area, a Flora and Fauna Assessment is needed to confirm or deny the existence of the EEC, and if it exists on site will require an assessment of significance (7 Part test) as per the Threatened Species Conservation Act 1995 to determine the impact on the endangered vegetation. The applicant is encouraged to re-align boundaries so as not to result in any vegetation removal."

Further, whilst on-site it was established that Council's Mapping System (which identifies the site as containing 'preferred koala habitat' under the provisions of Council's CKPoM) was not accurate in this instance. Therefore, there was no further information or assessment needed in relation to the provisions of Council's CKPoM and State Environmental Planning Policy 44 (SEPP 44) in this instance.

In response to the outstanding information request relating to the existence of EEC, the applicant submitted a Flora and Fauna Assessment Report that had previously been submitted for the assessment of Development Application 16-2000-572-1 (proposed three (3) lot boundary adjustment that created Lots 1479 and 1486). This report is only relevant to one (1) lot (Lot 1479) the subject of this development application and was prepared back in August 2000.

Whilst it was considered questionable as to the relevance and appropriateness of relying on this report for the subject development application, this additional information was referred for further assessment and Council's Consultant Ecologist advised that:-

"a site inspection on 1 June 2010 found that the site contains Swamp Oak Floodplain EEC. Since an EEC occurs on the site an Impact Assessment on the Swamp Oak Floodplain EEC is required. The Flora and Fauna Assessment Report for the previous boundary realignment that was provided is insufficient as it did not include the current site and is ten years old."

This advice was provided to the applicant on 16 June 2010, and reiterated on 7 July 2010 with notification that should the outstanding Flora and Fauna assessment not be received by 21 July 2010, the application would be determined based on the information submitted with the application, with a likely outcome of refusal. To date no further information has been received, addressing the above, in support of the proposal.

A Councillor inspection was scheduled and undertaken on 3 July 2010 at the request of Cr Bruce Mackenzie.

The requirement for lodgement of a Flora and Fauna Assessment Report is triggered due to the existence of Endangered Ecological Communities on-site, proposed vegetation removal and potential long-term degradation through land use activities (as proposed) and fragmentation of vegetation resulting from the boundary re-alignment in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (EP & A Act) and Threatened Species Conservation Act 2005 (TSC Act). A Flora and Fauna Assessment Report determines whether or not an EEC

exists and if exists, then undertakes an assessment of significance (7 Part Test) to determine the impact on the EEC in accordance with the TSC Act and EP&A Act. Note, in instances where an assessment determines that a proposal will likely have significant impact as a result of the development, then a Species Impact Study (SIS) is required under the same legislation.

Council as consent authority in determining a development application has a responsibility to adequately consider the environmental impacts resulting from development proposals in accordance with the provisions of the EP & A Act and TSC Act. Under the provisions of Section 5A of the EP&A Act Council must take into account in deciding whether there is likely to be a significant effect on an EEC, each of the factors listed in Part 5A(2), (which is known as the 7 part test) and the Threatened Species Assessment Guidelines.

With insufficient information submitted, the Section 79C assessment undertaken for this development application has not been able to give appropriate consideration to potential environmental impacts resulting from this proposal in accordance with the requirements of the Act. As a result the application must be recommended for refusal as outlined in the Recommendations of this report.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL, POLICY AND RISK IMPLICATIONS

The application seeks to remove vegetation that likely contains an EEC. Council assessment staff requested the submission of a current up-to-date Flora and Fauna Assessment Report over the site the subject of the application, addressing the removal of the vegetation indicated to be EEC and assessing the impact of this vegetation removal.

Failure to submit the necessary documentation would serve as a strong basis of defence of the recommendation for refusal if it were supported by Council and then challenged by the applicant in any Court proceedings.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed boundary realignment is considered to have no identifiable social or economic implications.

However significant adverse natural environmental implications are a relevant consideration of the proposal. The degree of potential environmental impact has previously been detailed and it is considered that approval of the boundary realignment, subsequent clearing and intended land use activities have the potential to adversely impact upon an EEC. It has been concluded that approval of the boundary realignment would not be in the public interest, and should only be considered after a Flora and Fauna assessment has been undertaken, that demonstrates that the development is satisfactory in terms of environmental considerations, and is considered unlikely to result in any environmental degradation or long term impacts on the EEC.

CONSULTATION

This development application was not exhibited given the proposed boundary realignment is not a form of development that requires public exhibition in accordance with Council policy.

OPTIONS

- 1) Adopt the recommendation.
- 2) Reject or amend the recommendation.

ATTACHMENTS

- 1) Locality Plan.
- 2) Assessment.

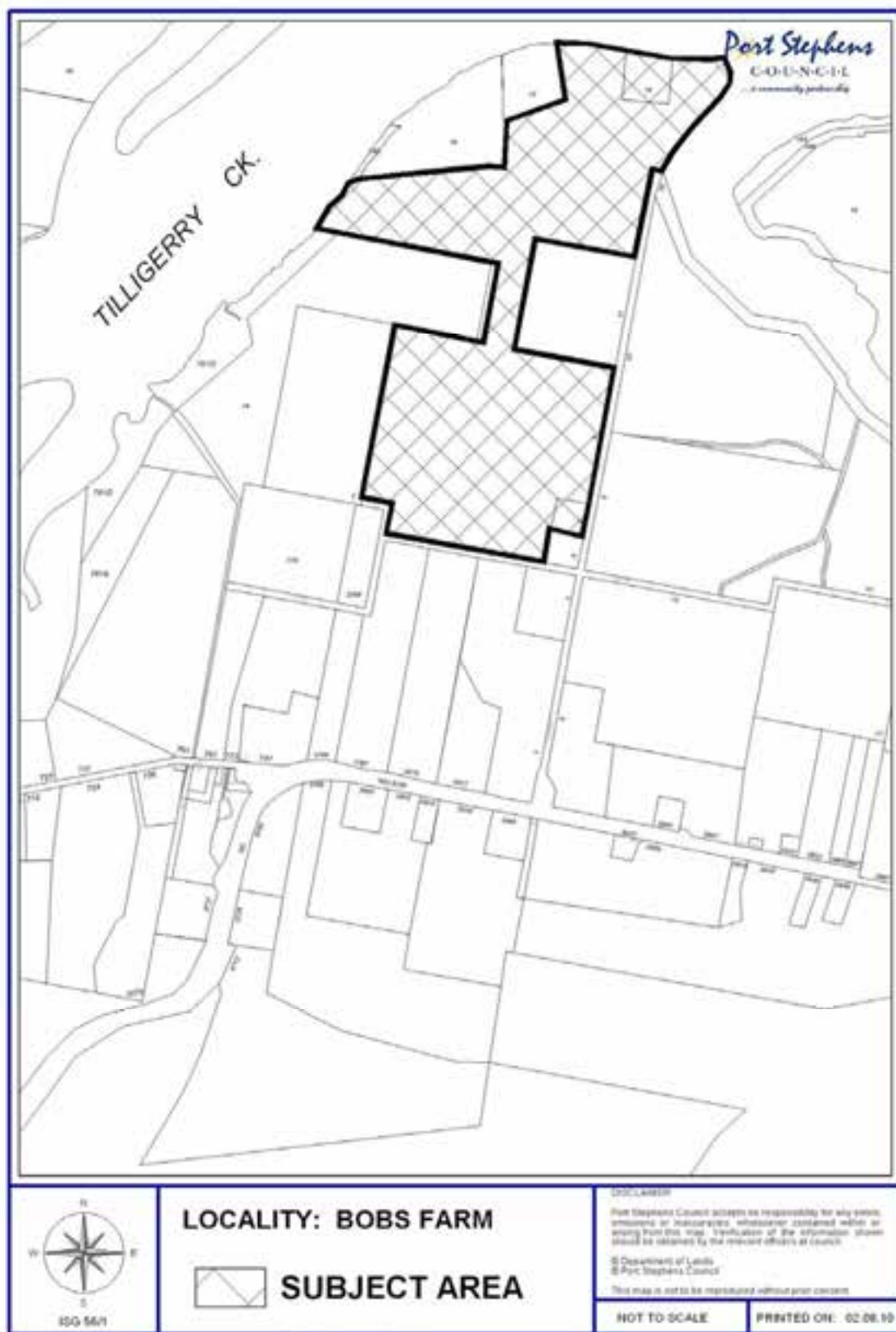
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1 LOCALITY PLAN



ATTACHMENT 2 ASSESSMENT

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

THE PROPOSAL

To proposal relates to the realignment of the northern and eastern boundaries of Lot 1479 DP 1106462. The northern boundary is to be moved approximately 230 metres to the north and the eastern boundary is to be moved approximately 90 metres further east, thereby increasing the total area of this allotment to 2.4 hectares.

The purpose of the boundary realignment is to increase the lot size of the smaller parcel (Lot 1479) to provide for an increase in land area to support two (2) ponies to graze and exercise. The realigned boundaries are proposed to be fenced, with 3.0 metres of clearing (either side of the boundary) to be undertaken to enable fence construction and future maintenance.

As a result Lot 1479 will increase in size from 1.0 hectare to 2.4 hectares and Lot 1486 will decrease in size from 76.4 hectares to 74.0 hectares.

THE APPLICATION

Owner	Mr B Cromarty, MR D Howes & Ms S Miller
Applicant	Mr B Cromarty
Detail submitted	Correspondence from Duggan Mather Surveyors (for applicant), Flora and Fauna assessment for 2000 subdivision of historical lots 1479 & 1480.

THE LAND

Property Description	Lot 1479 DP 1035435 & Lot 1486 DP 1106462
Address	7-9 Cromarty Lane Bobs Farm
Total Area	81.4ha (Lot 1479 – 1 ha and Lot 1486 – 76.4ha)
Characteristics	Lot 1479 – small rectangular shaped lot with a 100m frontage to Cromarty Lane. Lot 1486 – large irregular shaped lot with a 590m frontage to Cromarty Lane. The land overall is flat and has areas of vegetation, with frontage to both Cromarty and Upton Lanes, and access from Cromarty Lane.

THE ASSESSMENT

1. Planning Provisions

EP&A Act 1979

Relevant Clauses	Section 79C Section 5A
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Threatened Species Conservation Act 2005

State Environmental Planning Policies	SEPP 71 – Coastal Protection
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LEP 2000 – Zoning	1(a) Rural Agriculture
Relevant Clauses	Clause 11 Rural Zonings Clause 12 Subdivision within rural zones generally Clause 44 Appearance of land and buildings

Development Control Plan	Section B1 Subdivision and Streets Section B2 Construction and Environment Management
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Discussion

Environmental Planning and Assessment Act 1979

Section 5A, Clause 2 requires factors be taken into account in making a determination under this Section. For this application and based on the information submitted, the following factors are considered not to have been addressed:-

(2)(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that, its local occurrence is likely to be placed at risk of extinction, or

ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.

As part of the assessment, relevant site constraints were checked via Council's mapping system which identified the site as comprising Ecological Endangered

Communities (EEC) – Swamp Sclerophyll Forest / Swamp Mahogany Paperbark Forest and Coastal Salt Marsh.

Site inspections were undertaken that confirmed the existence of an EEC.

The requirement for lodgement of a current Flora and Fauna Assessment over the relevant allotments the subject of the application is triggered due to the existence of EEC on-site, proposed vegetation removal, potential long-term degradation through land use activities (as proposed) and the requirements of the Threatened Species Conservation Act and Environmental Planning and Assessment Act 1979.

Council as consent authority in undertaking an assessment of a development application has a responsibility to adequately consider the environmental impacts resulting from the subject proposal in accordance with provisions of Section 5A and Part 79C of the EP & A Act 1979.

Insufficient information has been submitted with the development application to adequately consider the provisions of the Act and therefore, it is recommended to refuse the application as outlined in the Recommendations of this report.

State Environmental Planning Policy 71 – Coastal Protection

The aims of SEPP 71 include both the protection and management of the natural, cultural, recreational and economic attributes of the New South Wales coast, and to protect and preserve native coastal vegetation. Specifically, the matters for consideration outlined in Clause 8 include measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats. The proposal is considered to be inconsistent with aims of the SEPP, and based on the information submitted to date, Council is unable to consider the necessary matters outlined in the SEPP.

Port Stephens Local Environmental Plan 2000

Clause 11 – Rural Zonings

The land is zoned 1(a) Rural Agriculture "A" Zone and the proposal for boundary re-alignment is a permissible form of subdivision as permitted by Clause 12 of LEP 2000. However, based on the information submitted, the proposal is considered to be inconsistent with the following zone objectives:-

- (a) regulating the development of rural land for purposes other than agriculture by ensuring that development is compatible with rural land uses and does not adversely affect the environment or the amenity of the locality,*
- (d) protecting or conserving (or both protecting and conserving) - trees and other vegetation in environmentally sensitive localities where the*

conservation of the vegetation is likely to reduce land degradation or biodiversity.

Clause 12 – Subdivision Within Rural Zones Generally

Subdivision is permissible in the 1(a) Rural Agriculture zone, to change a common boundary with an adjoining allotment, but not so as to create additional allotments. The proposal is therefore permissible pursuant to Clause 12 of LEP 2000.

The purpose of the boundary realignment is to increase the size of the smaller parcel to accommodate both grazing and exercising of two ponies. Whilst this use is consistent and compatible as an agricultural activity within the zone, the need to clear for boundary fencing (3.0 metres either side of boundary) and on-going maintenance and the likely potential for long term degradation of existing vegetation due to the intended grazing and exercising of horses is considered likely to pose a threat to existing vegetation and is considered inconsistent environmentally with the zone objectives as outlined above.

Clause 44 – Appearance of land and buildings

Based on the information submitted, it is difficult to consider in the assessment of the application the provisions of Clause 44 (3)(f) – *the likely extent and effect of carrying out the development on vegetation on the land concerned* and therefore, the proposal is considered inconsistent with the provisions of Clause 44 of LEP 2000.

Development Control Plan 2007

B1 Subdivision and Street and B2 Environment and Construction Management

Note, for the most part this Section B1 Subdivision and Streets is not of direct relevance to rural boundary re-alignments. That said, the proposed boundary re-alignment is considered generally consistent with the key principles around creating regular shaped lot boundaries and provision of access and services (both of which are, existing for both properties).

However, the proposal is inconsistent with the principle of creating allotments that maintain the significant natural site features, as the boundary realignment will result in vegetation removal for fencing of new boundaries, introduction of horse grazing and exercise within an area that contains an EEC and fragmentation of an EEC onto multiple land parcels, rather than retaining where possible a consolidated area of vegetation on one land holding.

Furthermore, Section B2 - vegetation management and tree management principles and controls are of relevance and based on the proposal and the information submitted in support of the application without inclusion of a Flora and Fauna Assessment, the proposal is considered inconsistent with Section B2 of DCP 2007.

2. Likely Impact of Development

As outlined, the proposal relates to a boundary realignment, resulting in clearing of an area 3.0 metres either side of boundary for fencing purposes and the on-going use of the land for the purposes of grazing and exercising horses. Initial clearing for the purposes of fencing and the on-going potential for degradation of existing vegetation due to the land use activity is likely to result in an unacceptable impact on vegetation identified as an Endangered Ecological Community.

3. Suitability of the Site

The subject site is zoned 1(a) – Rural Agriculture, and the proposed boundary realignment is permissible pursuant to Clause 12 of Local Environmental Plan 2000.

The land was also identified as bushfire prone land and the application triggered the integrated development provisions requiring a Bushfire Safety Authority (BSA) in accordance with Section 100B of the NSW Rural Fires Act. A BSA was granted by NSW Rural Fire Service and their 'general terms of approval' require the provision of an Inner Protection Area (IPA) to be managed for both proposed lots, an (IPA) be managed around the existing dwelling on proposed Lot 1487, of North 35.0 metres, East and South 20.0 metres, and West 55.0 metres, and an (IPA) be managed around the existing dwellings on Proposed Lot 1488 of 20.0 metres.

These requirements can be achieved on-site without further impact.

However, given that the subject site is identified as containing an EEC, and the proposal involves clearing of this vegetation, it is considered that the site is unsuitable for this development without an adequate assessment being undertaken of both existing vegetation on-site and likely impacts resulting from vegetation removal and long-term land use activities associated with the development proposal.

4. Submissions

The proposed boundary realignment was not required to be publicly exhibited in accordance with Council's Notification Policy.

5. Public Interest

The proposal is inconsistent with legislative requirements and as such it would not be in the public interest to support the application to realign the boundaries, resulting in removal of potential EEC without having made an adequate assessment of environmental impacts associated with the proposal.

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

Cr Geoff Dingle left the meeting at 7.25pm and returned at 7.29pm prior to voting on Item 2.

ITEM NO. 2

FILE NO: 16-2009-257-1

DEVELOPMENT APPLICATION 16-2009-257-1 FOR A 229 SITE CARAVAN PARK, MANAGERS RESIDENCE, COMMUNITY HALL, & RECREATION FACILITIES AT 19 & 20 ROAD 580 OFF PORT STEPHENS DRIVE, ANNA BAY

REPORT OF: KEN SOLMAN – DEVELOPMENT & BUILDING, ACTING MANAGER
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider the draft conditions of consent for DA 16-2009-257-1 are at Attachment 4.
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COUNCIL COMMITTEE MEETING – 28 SEPTEMBER 2010
RECOMMENDATION:

	Councillor John Nell Councillor Frank Ward	That Council approve Development Application 16-2009-257-1 for a 229 Site Caravan Park, Managers Residence, Community Hall & Recreation Facilities at 19 & 20 Road 580 Off Port Stephens Drive, Anna Bay with the conditions shown in Attachment 4.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs John Nell, Frank Ward, Caroline De Lyall, Glenys Francis and Geoff Dingle.

Those against the Motion: Crs Bruce MacKenzie, Bob Westbury, Sally Dover and Shirley O'Brien.

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

303	Councillor John Nell Councillor Geoff Dingle	It was resolved that the recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Glenys Francis, Caroline De Lyall, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Bob Westbury.

Those against the Motion: Crs Bruce MacKenzie and Shirley O'Brien.

BACKGROUND

This report was considered by Council on 13 July 2010 with the following Resolution:

That Council:

- 1. Approve DA 16-2009-257-1 for a 229 Site Caravan Park, Managers Residence, Community Hall and Recreation Facilities at 19 & 20 Road 580 off Port Stephens Drive, Anna Bay, in principle and;*
- 2. That staff provide draft conditions of consent for consideration by Council.*

The draft conditions of consent for DA 16-2009-257-1 are at Attachment 4.

Staff have sought legal advice regarding the validity or implications of issuing consent without necessary concurrences and integrated development approvals. Please note that the following conditions (drafted as deferred commencement consent) have taken this advice into consideration.

Councillors should also note that this matter was deferred for inspection at its meeting on 29 June 2010. A Councillor inspection was held on 3 July 2010.

The proposal is for 229 long term caravan sites, construction of a manager's residence, community hall and recreation facilities. Manufactured homes are to be installed on each caravan site.

The development was recommended for refusal because the location is considered unsuitable for 100% long term accommodation after assessing the proposal against the 1(a) zone objectives, SEPP 21 Caravan Parks and the Lower Hunter Regional Strategy. Further, RTA concurrence is required under SEPP infrastructure. The RTA advised Council in its letter of 23 June 2010 that concurrence would not be issued for development if access is from Nelson Bay Road.

Caravan parks are permissible in the 1(a) Rural Agriculture zone under LEP 2000 and SEPP 21 Caravan Parks, but most forms of development that provide long term accommodation are prohibited on the site.

Manufactured homes estates are strictly limited to sites within or adjoining urban zoned land under SEPP 36. Further, seniors living developments (SEPP Housing for Seniors), residential subdivision and urban housing are all prohibited on the site. The principal concern is that future residents will be disadvantaged by limited access to essential services and facilities. The applicant has sought to address this issue by

proposing to provide some recreational facilities onsite and a private bus to provide access to local centres.

No information has been provided on the availability or cost to residents for these services. It should also be noted that continued provision of these services cannot be conditioned or guaranteed. Any loss or reduction of services would result in long term residents having unreasonably low levels of access to essential services and facilities. The risk of this would likely be reduced if the development was in closer proximity to existing urban areas.

The original staff recommendation was consistent with the determination of a recent court case (*Wygiren v Kiama Council*, 2008), which refused a caravan park providing 100% long term accommodation on the basis that it was isolated residential development. It was also considered that such developments should be part of the strategic planning process in order to avoid the long term impacts associated with isolated residential development.

Councillors should be aware that any favourable determination of the application is normally deferred until necessary approvals from the RTA, DECCW and NSW Office of Water are obtained. These referrals remain outstanding due to the need for additional information and amended plans.

FINANCIAL/RESOURCE IMPLICATIONS

The development is unlikely to have any immediate financial or resource implications for Council.

LEGAL AND POLICY IMPLICATIONS

The development is inconsistent with Council's Local Environmental Plan 2000, State Environmental Planning Policy 21 Caravan Parks and the Lower Hunter Regional Strategy (2006).

Approval of this application would set an undesirable precedent under current environmental planning legislation.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The development is not consistent with the principles of sustainable urban growth identified in the Lower Hunter Regional Strategy.

CONSULTATION

The application was exhibited in accordance with Council policy and seven (7) submissions were received. These are discussed in the attached assessment.

OPTIONS

- 1) Consider the draft conditions and resolve to approve the development application DA 16-2009-257-4 for a 229 site Caravan Park, Managers Residence, Community Hall & Recreation facilities at 19 & 20 Road 580 off Port Stephens Drive, Anna Bay subject to the recommended conditions.
- 2) Reject the recommendation and defer the application DA 16-2009-257-4 for a 229 site Caravan Park, Managers Residence, Community Hall & Recreation facilities at 19 & 20 Road 580 off Port Stephens Drive, Anna Bay pending submission of required information for completion of the Section 79C assessment, resolution of stormwater and environmental issues and obtaining the necessary approvals from the RTA, DECCW and NSW Office of Water.
- 3) Adopt the original staff recommendation and refuse the development application DA 16-2009-257-4 for a 229 site Caravan Park, Managers Residence, Community Hall & Recreation facilities at 19 & 20 Road 580 off Port Stephens Drive, Anna Bay.

ATTACHMENTS

- 1) Locality Plan
- 2) Assessment
- 3) RTA Letter 23 June
- 4) Conditions of Consent

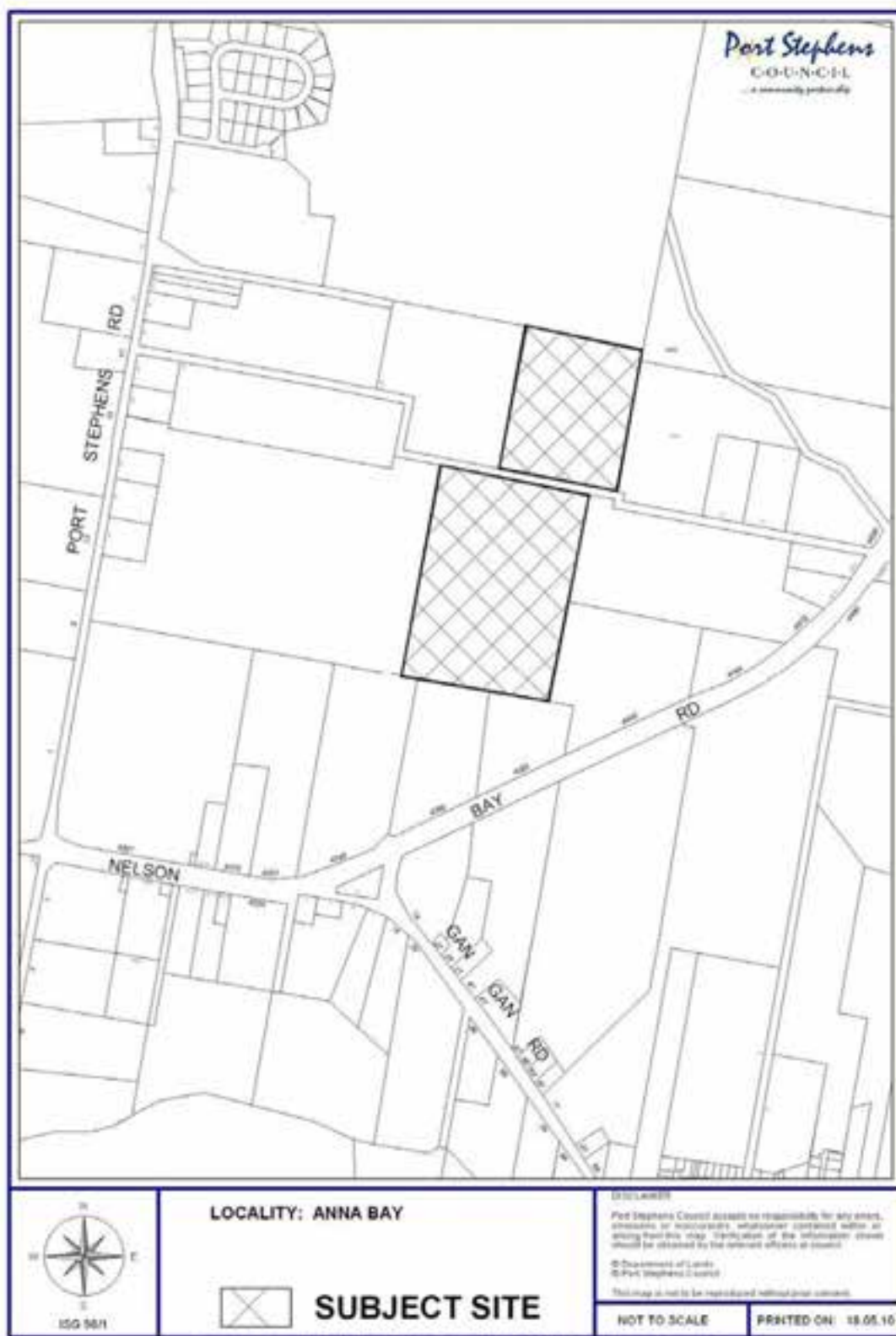
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1 LOCALITY PLAN



ATTACHMENT 2 ASSESSMENT

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

THE PROPOSAL

The proposal is for 229 long term caravan sites, construction of a manager's residence, community hall and recreation facilities. Manufactured homes are to be installed on each caravan site.

THE APPLICATION

Owner	Bodiam Properties Pty Ltd
Applicant	Mr P Malloch

THE LAND

Property Description	Lots 2 & 4 DP 398888
Address	19 & 20 Road 580 off Port Stephens Drive, Anna Bay
Area	30.3 hectares

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	1(a) Rural Agriculture
Relevant Clauses	Clause 11 Rural Zonings Clause 12 Subdivision in rural zones Clause 37 Development on flood prone land Clause 44 Appearance of land and buildings Clause 47 Services Clause 51A Development on land identified on Acid Sulphate Soil Maps
Development Control Plan	Section B2 Environment & Construction Section B3 Parking & Traffic
State Environmental Planning Policies	SEPP 21 Caravan Parks SEPP Infrastructure 2007
Lower Hunter Regional Strategy (2006)	

Port Stephens Local Environmental Plan 2000

Clause 11 Rural Zonings

- Permissibility

The proposal is primarily for the creation of 229 long term caravan sites and erection of manufactured homes on each of the sites. LEP 2000 defines a “camp or caravan site” as:

“a site used for the purpose of:

(a) placing moveable dwellings within the meaning of the Local Government Act 1993 for permanent accommodation, or for the accommodation of tourists, or

(b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.”

The proposal is consistent with the definition of “camp or caravan sites” in LEP 2000, as Manufactured homes are considered to be “moveable dwellings” under the Local Government Act.

The site is zoned 1(a) Rural Agriculture and camp or caravan sites are permissible with development consent. The proposed manager’s residence, community hall and recreation facilities are considered permissible as they are ancillary to the caravan park.

The erection of manufactured homes on caravan sites does not require consent under the provisions of SEPP 21 and the Local Government Regulations.

- Zone Objectives

The proposed development is not considered to be consistent with the general zone objective or objective (c), and is therefore recommended for refusal.

Consideration of the relevant zone objectives (general, (a), (c), (d) and (e)) are listed below:

The general objective of the 1(a) zone is to:

“maintain the rural character of the area and to promote the efficient and sustainable utilisation of rural land and resources”.

The area surrounding the site contains a variety of rural activities and is considered typical of 1(a) zoned land in the locality. Although the development is unlikely to be visible from Nelson Bay Rd or Port Stephens Dr, the caravan park will introduce a significant suburban element which is contrary to the existing character, particularly when viewed from adjoining properties.

- 1) The proposal will also set a precedent for provision of long term accommodation in the 1(a) zone, which is likely to contribute to the loss of rural land in the locality and further erosion of its rural character.

2)

- (a) regulating the development of rural land for purposes other than agriculture by ensuring that development is compatible with rural land uses and does not adversely affect the environment or the amenity of the locality*

The size and density of the caravan park is likely to impact the existing amenity, but should be reasonably compatible with the existing rural activities (predominantly grazing and single dwelling development) on nearby properties. However, it should be noted that there are a wide variety of land uses permissible in the 1(a) zone, the viability of which on any adjoining properties may be reduced as a result of the amenity impact from the development.

- (c) preventing the fragmentation of grazing or prime agricultural lands, protecting the agricultural potential of rural land not identified for alternative land use, and minimising the cost to the community of:*
 - (i) fragmented and isolated development of rural land, and*
 - (ii) providing, extending and maintaining public amenities and services*

The provision of 229 (100%) long term accommodation sites in the area is considered to be a fragmented and isolated development of rural land, as it is not located close to existing centres (Anna Bay, Salamander Bay and Nelson Bay) nor identified as an urban growth area in any strategic planning document.

An additional 480 residents will impose greater demand on existing infrastructure and services such as medical facilities, educational facilities, child care facilities, sporting facilities, libraries etc, in Anna Bay, Salamander Bay and Nelson Bay.

The cost to the community will be from maintenance of infrastructure and services to an isolated development, and a reduction in availability of local services and facilities, as it is unreasonable to expect that the necessary public funding will respond in time to meet the additional demand imposed by the development, particularly since it is not part of any strategic planning process.

- (d) protecting or conserving (or both protecting and conserving):*
 - (i) soil stability by controlling development in accordance with land capability*
 - (ii) trees and other vegetation in environmentally sensitive localities where the conservation of the vegetation is likely to reduce land degradation or biodiversity*
 - (iii) water resources, water quality and wetland areas, and their catchments and buffer areas*
 - (iv) land affected by acid sulphate soils by controlling development of that land likely to affect drainage or lower the water table or cause soil disturbance*
 - (v) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits*

Potential impacts to the environment have not yet been determined. The applicant will need to submit additional information relating to traffic, stormwater and environmental issues (as indicated in Council's letter on 11 December 2009) prior to

determining the extent of impacts from the development.

- (e) *reducing the incidence of loss of life and damage to property and the environment in localities subject to flooding and to enable uses and developments consistent with floodplain management practices.*

The proposal is consistent with the requirements of Clause 37 Development on Flood Prone Land in LEP 2000. Further, the application was reviewed by Council's Strategic Engineer, who had no objections subject to conditions regarding compensation for loss of flood storage and construction requirements.

Clause 12 Subdivision within rural zones

The proposal includes subdivision of the caravan sites for lease purposes, which is permissible under SEPP 21 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The development, however, proposes subdivision far exceeding what is normally permissible under Clause 12(b) and is not consistent with the intent of LEP 2000.

Clause 37 Development on flood prone land

The site is mapped as being flood prone. The development is consistent with the requirements of Clause 37, and will not unreasonably increase the incidence or severity of flood on site or adjoining properties or the risk to life and property.

Clause 44 Appearance of land and buildings

The proposal is unlikely to be visible from Nelson Bay Rd or any significant waterway or land zoned as public reserve or open space.

Clause 47 Services

The applicant proposes to connect the development to Hunter Water Corporation water and sewer services. A letter from HWC has been submitted with their indicative requirements.

Clause 51A Development on land identified on Acid Sulphate Soils Planning Maps

The site is mapped as Class 3 Acid Sulphate Soils. The applicant has submitted an acid sulphate management plan which provides recommendations for managing potential acid sulphate soils disturbed during works.

State Environmental Planning Policy 21 Caravan Parks

SEPP 21 is applicable to the development for 229 caravan sites and associated facilities.

Clause 6 – Definitions

SEPP 21 defines “caravan parks” as:

“land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.”

The proposal is not consistent with this definition. Although the definition allows for the installation of an undefined percentage of moveable dwellings, there are no caravans proposed to be installed or placed on the site as part of the development.

However, *Wygiren v Kiama* (2008, NSWLEC 56, File No. 11026 of 2007) found that the caravan park definition in SEPP 21 only ensures that references to caravan parks in LEPs include those specified in the SEPP. Nothing prevents a definition in a Local Environmental Plan being more inclusive than the definition in the SEPP.

The remaining clauses in SEPP 21 are still considered applicable to the proposal.

Clause 8 Development consent required for caravan parks

Clause 8(2) requires Council to determine whether any sites are suitable for long term accommodation, as defined in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The site is not considered suitable for a caravan park providing 100% long term accommodation due to its location.

The site is 1.2km from Anna Bay (3km by road), 3.5km from Salamander Bay and 7.5km from Nelson Bay. Further, the site is not within any urban growth areas identified in the Lower Hunter Regional Strategy (2006), Community Settlement and Infrastructure Strategy and Anna Bay Strategy.

The development is similar in nature to manufactured home estates and seniors living developments, both of which are prohibited unless within or adjoining existing urban areas.

A recent court case (*Wygiren v Kiama Council* 2008, NSWLEC 1233, File No. 11026 of 2007) noted that SEPP 36 Manufactured Home Estates and SEPP (Housing for Seniors or People with a Disability) 2004 provided a “sensible contemporary approach” and reflect the Department of Planning’s policy to locating developments for long term accommodation.

The application was referred to Council's Strategic and Community Planning Sections, who both objected to the development based on the location.

Clause 10 Matters to be considered by Councils

(a) *Whether the site is particularly suitable for a caravan park providing long term accommodation*

3) The site is not considered to be particularly suitable for long term accommodation.

4)

5) Residential development or subdivision is not permissible in the 1(a) zone. The site is not within any future urban growth area identified in the Lower Hunter Regional Strategy (2006), Community Settlement and Infrastructure Strategy and Anna Bay Strategy.

Similar style developments are prohibited under both SEPP 36 and SEPP Housing for Seniors, as these types of developments are restricted to land within or adjoining urban zoned areas.

It is considered that long term accommodation should be located in close proximity to existing urban areas, as it minimises costs associated with maintaining infrastructure and reduces the risk of future residents being unreasonably isolated from services and facilities.

The site also has value as rural land, and is identified in the applicant's flora and fauna report as having significant environmental value, despite the site being previously sand mined.

(b) Whether there is adequate provision of tourist accommodation in the locality and whether any tourist accommodation will be displaced by the proposed long term accommodation

The Tomaree Peninsula contains a large quantity and variety of tourist accommodation. The proposed 229 long term caravan sites are unlikely to have any impact on the availability or viability of tourist accommodation on the Tomaree Peninsula.

(c) Whether there is adequate low cost housing in the locality

There is no information available on the amount of low cost housing on the Tomaree Peninsula, but Council's Community Planning Section and State Environmental Planning Policy Affordable Rental Housing acknowledge the need for expansion of existing low cost housing stock.

The proposal will provide a significant increase in the quantity and variety of housing stock in the locality.

However, the applicant has not provided any information regarding the likely cost of sites in the development, so it cannot be determined to what extent the development can be considered low cost housing (in comparison to existing housing available on the Tomaree Peninsula).

(d) Whether necessary community facilities and services are available within the park or locality and whether they are accessible to occupants

A key concern with the development is its isolated location and distance to essential services and facilities provided in Anna Bay, Nelson Bay and Salamander Bay.

- 6) The proposal will include a community/recreation hall containing a medical room, hairdresser, small library, computer room, theatre, games and craft room, gymnasium and swimming pool.
- 7) Long term residents will require a wide range of services and facilities (medical, educational, sporting, commercial and shopping facilities etc) that will not be available within the development.

To address this issue, the applicant proposes to run a bus service from the development to local centres. No information has been provided on the frequency or cost of the bus service.

It should be acknowledged that Council cannot condition or require the continued provision of the bus service or proposed facilities. Given the sites location, any resident unable to access these services (either as a result of reduced provision, cost, access issues, location) would be unreasonably impacted and would not have equitable access to essential services.

SEPP 36 and SEPP Seniors Housing require similar style development to be located within or adjacent to existing urban areas, primarily so that future long term residents have equitable access to essential services and facilities. This is supported by the Lower Hunter Regional Strategy, Council's strategic planning policies and LEP 2000, which require residential development to be located close to existing urban areas.

(e) Guidelines issued by the Director

The proposal is not known to be contrary to any guidelines.

(f) Provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993

An assessment of the relevant requirements in the Local Government regulations has been undertaken by Council's Environmental Services. The proposal was considered consistent with the requirements of the regulations, subject to recommended conditions.

State Environmental Planning Policy 36 Manufactured Home Estates

The proposed development, which involves erection of 229 manufactured homes, fits the definition of a “manufactured home estate”, which means:

“land on which manufactured homes are, or are to be, erected.”

Schedule 2 prohibits manufactured homes in Port Stephens unless it is on land that is either zoned residential or identified for urban growth within a Regional Strategy.

Manufactured home estates are prohibited on the site, as it is zoned 1(a) Rural Agriculture and is not within any urban growth area identified in the Lower Hunter Regional Strategy.

The applicant however, contends that the development is a caravan park and thus permissible under LEP 2000 and SEPP 21.

8) State Environmental Planning Policy (Infrastructure) 2007

9) The development will have capacity for more than 200 cars and is captured by Schedule 3 Traffic generating development to be referred to the RTA.

Concurrence from the RTA has not been obtained at this stage. Referral to the RTA is pending submission of amended traffic information requested on 1/7/09 and 11 December 2009.

Lower Hunter Regional Strategy

Although the proposal is not for a rezoning, it is appropriate to consider the Strategy in this instance as the development will constitute a significant urban expansion for the locality. The Strategy provides a mechanism, via the Urban Development Program, to properly consider and designate appropriate areas for urban expansion on a regional basis.

The site is mapped as an area known for rural land and environmental assets (p32) and is not within existing or proposed urban areas (p13). Further the Strategy states an intention of limiting further dwelling entitlements in rural areas (p37).

The Strategy states that land use proposals outside the designated growth areas should only be considered where consistent with the Sustainability Criteria in Appendix 1. The proposal is inconsistent with criteria 1, 2, 6 and 8. Consideration of the proposal against the relevant criteria is listed below:

1. Infrastructure Provision

The proposal includes provision of some services and facilities within the caravan park. No detail has been provided on operation of these services. Further, continued operation of these services cannot be guaranteed or conditioned. Any loss or reduction in services will have a significant impact on residents in the caravan park. There is also a wide range of essential services and facilities that will not be provided onsite.

The location of the site increases the potential for residents to be isolated from essential services and facilities, which is less likely to be the case if the development were to be located within or adjacent to existing urban areas (as required by SEPP 36 and SEPP Housing for Seniors).

2. Access

Residents of the development would have a reduced level of access to essential services and facilities provided in local centres, and would be reliant on cars or the proposed private bus service for access.

No information has been provided on frequency or cost of the bus service. Any resident unable to access the private bus service or car for transport would result in unreasonable isolation that would not be the case if the development was within or adjoining existing urban areas.

3. Housing Diversity

It is considered that additional low cost housing stock is required on the Tomaree Peninsula, and that the proposal will increase the housing diversity currently available. However, no information has been provided to determine whether the development will actually provide a low cost housing option in comparison to housing already available in Nelson Bay, Anna Bay and Salamander Bay.

6. Natural Resources

The site is not considered to be high quality agricultural land. Although the proposal will result in the loss of some rural land, it is not likely to significantly reduce the amount available in the locality. However, this proposal will create a precedent in the 1(a) zone, which may result in continued and unsustainable loss of rural land in the area.

7. Environmental Protection

Additional information, particularly with regard to water quality (ground water) and flora and fauna, is required to determine whether the development will unreasonably impact the environment. This information, identified by Council on 11 December 2009, will need to be provided prior to these issues being resolved.

8. Quality and Equity in Services

Residents of the caravan park will not have the same level of access to essential services and facilities available to those residents located in existing urban areas. Residents in existing urban areas are likely to be impacted by the reduction in services and facilities as a result of the additional demand generated by residents of the caravan park. These impacts are likely to be exacerbated due to the caravan park not being part of Council strategic planning strategies.

Development Control Plan 2007

Section B2 Environment & Construction Management

- Section B2.4 Acid Sulphate Soils

The development has addressed the requirements of Clause 51A in LEP 2000. The applicant has submitted an Acid Sulphate management plan.

- Section B2.5 Landfill

The proposal includes some cut and fill, particularly around the southern end of the development, where lower areas are to be filled. The applicant has proposed to use soil excavated on site for earthworks, which would meet the VENM requirements.

- Section B2.9 Mosquito Control

10) The applicant has submitted a vector management strategy in accordance with DCP 2007.

11)

12) Section B3 Parking & Traffic

Caravan parks are required to provide 1 space per site and 1 space per 10 sites for visitor parking. The proposal includes parking for each site and 33 additional spaces, which complies with the requirement of Council's DCP.

Section 94 Contributions

It is recommended that Section 94 contributions be required as per Council policy.

The applicant has applied for a reduction in Section 94 contributions, arguing that the services and facilities provided within the caravan park will reduce demand on local services and facilities.

Following discussions with Council's Strategic and Community Planning Sections, it is considered that services and facilities provided on site will be of limited size and variety and will not significantly reduce the demand on services and facilities in Anna Bay, Salamander Bay and Nelson Bay.

The applicant's request to reduce the requirement for Section 94 contributions is not supported.

2. Likely Impact of the Development

Flora & Fauna

The site has been previously disturbed by sand mining, but still contains remnant vegetation in wetland areas, particularly in the southern part of the site. The entire site is mapped as containing Swamp Sclerophyll Forest and Swamp Oak Floodplain Forest.

It should be noted that the proposed development site has been cleared without approval. Following Council's investigation of this matter, the applicant, in consultation with Council's Environmental Services, is in the process of preparing a Property Vegetation Plan.

The applicant submitted a flora and fauna report which determined that there would be a "moderate" impact on threatened local flora and fauna species. As such, the application needs approval from the Department of Environment, Climate Change and Water under the Threatened Species Act.

Referral of this application to DECCW pending amended plans requested on 11 December 2009, addressing issues of encroachments on wildlife corridors and limiting cleared areas to the minimum amount required for the Asset Protection Zones required by the NSW RFS.

Context, Setting & Public Domain

13) The development will introduce a significant urban element, due to its size and density, which will not be consistent with the existing rural character of the area. The most likely impact from the development is likely to be increased traffic along road 580 and additional demand for services and facilities in Anna Bay, Salamander Bay and Nelson Bay.

The viability of existing activities on adjoining properties, predominantly rural dwellings and grazing, is unlikely to be reduced due to the proposed setbacks, landscaping and wildlife corridors.

The development will not be visible from public areas and will not impact the public domain.

Water Management

Council's Development Engineer and NSW Office of Water requested additional information regarding stormwater and groundwater management, respectively.

This information is required prior to determining what impact the development will have on water management around the site.

Access, Transport & Traffic

- Traffic

The proposal will require construction of Road 580 from the site to Nelson Bay Rd, and a Type C intersection at the Nelson Bay Rd intersection.

The applicant has submitted a Traffic Impact Statement, which estimates an additional 69 trips during peak hours (8am to 9am and 4pm to 5pm) and states that a Type C intersection is "theoretically unacceptable", but will only impact the intersection for a relatively short period of time.

Council's Traffic Engineer has requested additional traffic information, in particular design details for the Type C intersection and clarification on internal traffic flow. The application also needs to be referred to the RTA under SEPP Infrastructure following

receipt of this information.

- Transport

The site is not within reasonable walking distance (considered to be 400m in SEPP Housing for Seniors) of any public transport stops or stations.

The applicant proposed to run a private bus service for residents of the development. No information has been provided about the cost or frequency of this service. Any reduction or loss of this service would seriously disadvantage residents, due to the sites location.

3. Suitability of the Site

14) As previously discussed, the development provides 229 sites for long term accommodation, which is not considered suitable for the site given its isolation from existing urban areas.

15)

16) Environmental Constraints

The site is mapped as being prone to bushfire and flooding, and containing endangered ecological communities (see previous flora and fauna comments).

- Bushfire

The application was referred to the NSW Rural Fire Service, who issued a Bushfire Safety Authority on 11 December 2009, subject to recommended conditions.

- Flooding

The application was referred to Council's Strategic Engineer. No objection was raised subject to conditions regarding provision of additional flood storage and management of earthworks.

4. Submissions

17) The proposal was advertised and notified in accordance with Council policy. Seven

(7) submissions were received. The concerns raised are listed below, along with the relevant assessment comments:

- Nature of development, and whether it should be considered as a "caravan park"
- Need for additional information
- Impact regarding additional traffic and what speed limits will be imposed
- Impact of development on existing drainage system
- Impact on amenity/safety of adjoining properties
- Development unsuitable for the area due to large number of existing caravan parks
- Access to development has not been done with consultation with neighbours


As discussed in this assessment, the proposal is considered permissible on the site as a caravan park under LEP 2000. However, further information is necessary prior to resolving the concerns raised in the public submissions.

5. Public Interest

The development is not considered in the public interest. Although the development will provide additional low cost housing on the Tomaree Peninsula and associated social and economic benefits, it is not considered to be sustainable urban growth, due to its isolation.

18) Isolated residential development has the potential to generate a variety of detrimental impacts, such as disadvantaging future residents as a result of limited access to services and facilities, imposing an unplanned demand on infrastructure, services and facilities and a loss/fragmentation of rural land.

ATTACHMENT 3
RTA LETTER 23 JUNE

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PORT STEPHENS COUNCIL
24 JUN 2010
File No. 07-2236
Action by J Gleeson
Folio

General Manager
Port Stephens Council
DX 21406
RAYMOND TERRACE

Attention: Joe Gleeson

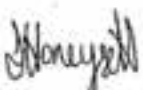
NELSON BAY ROAD (MR 108) - PROPOSED CARAVAN PARK, LOT 2 AND 4 DP 398888, PORT STEPHENS DRIVE, ANNA BAY

Dear Mr Gleeson

Attached is a copy of the RTA's letter to Mr Davey dated 23 June 2010, regarding the subject for your information.

Please contact me on 4924 0240 if you have any queries.

Yours sincerely


David Young
Manager, Land Use Development
Hunter Operations and Engineering Services

23 June 2010

Roads and Traffic Authority ABN 44 480 155 255

39 Darby Street Newcastle NSW 2300
Locked Bag 30 Newcastle NSW 2300 DX 7813
www.rta.nsw.gov.au | 13 17 82

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Mr Wayne Davey
PO Box 237
ANNA BAY NSW 2316

NELSON BAY ROAD (MR 108) ACCESS/DRIVEWAY ENTRANCE, 2985 NELSON BAY ROAD, SALT ASH (LOT 195 DP 753192).

Dear Mr Davey

I refer to your email dated 27 May 2010 regarding the subject proposed driveway/access for a proposed residence at the above site, forwarded to the Roads and Traffic Authority (RTA) for consideration.

The following preliminary advice is provided:

- 1 The RTA would support a direct vehicular access to/from Nelson Bay Road (MR108) to the site, generally as proposed in your site plan drawing number 29661, as a left in /left out access only. (It should be noted that this section of Nelson Bay road will ultimately be upgraded to dual carriageway, which will only provide for a left in /left out movements)
- 2 Adequate signage will need to be installed to reinforce the left in/left out restriction.
- 3 The driveway should be constructed with an adequate splay to facilitate the left turn in from Nelson Bay Road.
- 4 The driveway must be sealed from the edge of bitumen on Nelson Bay Road to the property boundary
- 5 The proposed access location off Nelson Bay Road shall have Safe Intersection Sight Distance (SISD) in compliance with the RTA's Road Design Guide for the prevailing speed limit.

Please note that this is preliminary advice only and is subject to a further assessment by the RTA. The RTA requirements may change when the development application is referred for comment. The RTA will provide further comments and respond to the development application when referred by Council.

Roads and Traffic Authority

20 York Street, Sydney, New South Wales 2000

Telephone: 02 958 96000 Fax: 02 958 96001

www.rta.nsw.gov.au | 13 17 82

If you require further advice please contact me on (02) 4924 0240.

Yours sincerely



Dave Young
Manager, Land Use Development
Hunter Operations & Engineering Services

23 June 2010

cc Joe Gleeson
Port Stephens Council

**ATTACHMENT 4
DRAFT CONDITIONS OF CONSENT**

Deferred Commencement Condition

1. Under Section 138 of the Roads Act 1993, the development requires concurrence from the NSW Roads & Traffic Authority prior to connecting to a classified road, being Nelson Bay Road. Concurrence from the RTA shall be provided to Council within the specified timeframe.

General Conditions

2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
3. Works shall not commence until such time as the necessary construction certificates and Roads Act approvals have been issued for the works approved by this application.
4. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
5. An amended site plan shall be submitted to and approved by Council **prior to the issue of any Construction Certificate**. The amended plan must be consistent with the recommendations of the Ecological Report submitted with the application, prepared by Peak Land Management dated February 2009, particularly regarding:
 - A wildlife corridor (minimum of 30m wide) must be provided along the western boundary. The corridor must not include any asset protection zones for bushfire protection, stormwater infrastructure or recreation areas.
 - A minimum 50m buffer area must be provided between the development and identified endangered ecological communities located north and south of the development area.
 - Asset protection zones for bushfire protection are to be reduced to the minimum amount required by the conditions imposed by the NSW Rural Fire Service. All other areas disturbed by clearing are to be rehabilitated.
6. An amended stormwater concept design shall be submitted to and approved by Council **prior to the issue of any Construction Certificate**. The amended concept must indicate the outlet point of the proposed drainage system, include supporting calculations and consideration of how the proposed works (including cut and fill) will impact on flooding and groundwater on and around the site.
7. The civil engineering design plans are to be in accordance with Council's Design and Construction Specification, policies and standards including road

widths, drainage, detention and works within the Crown Road and Nelson Bay Road. These plans shall be submitted to and approved by Council **prior to the issue of a Construction Certificate**. Note: The road will need to be a minimum 6m sealed width and include associated drainage. Pavement will need to be designed by a geotechnical engineer.

8. Comprehensive details regarding connection of water and sewer services shall be submitted to and approved by Council **prior to the issue of a Construction Certificate or Roads Act Approval**.
9. A bus shelter shall be provided on the eastern side of Port Stephens Drive. An all weather access is to be provided between the development and the bus shelter. Details are to be confirmed with Council's Integrated Planning Section **prior to the issue of a Construction Certificate**.
10. The construction of the general store shall comply with the requirements of Australia Standard AS4674. **Prior to the issue of the Construction Certificate**, full construction and fit-out details are to be provided to Council's Environmental Health Officer (Food Inspection) for approval.
11. An Acid Sulphate Soils Management Plan is to be submitted to Council for approval **prior to the issue of a Construction Certificate**.
12. A monetary contribution is to be paid to Council, pursuant to section 80A(1) of the Environmental Planning and Assessment Act, 1979 and Section 94 of the Environmental Planning and Assessment Act, 1979 towards the provision of the following public facilities:-

	Per Lot	Total
Civic Administration	(\$192)	(\$43,968)
Public Open Space, Parks and Reserves	(\$1,042)	(\$238,504)
Sports and Leisure Facilities	(\$2,454)	(\$561,966)
Cultural and Community Facilities	(\$1,234)	(\$282,586)
Fire & Emergency Services	(\$96)	(\$21,870)
Roadworks	(\$465)	(\$106,485)
Anna Bay/Boat Harbour S94 Drainage Catchment	(\$323)	(\$73,853)
Total	(\$5,805)	(\$1,329,231)

Note:

a) The above contributions have been determined in accordance with Port Stephens Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Customer Service Counter, 116 Adelaide Street, Raymond Terrace.

b) Contributions are to be paid **prior to issue of construction certificate**.

c) The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of original consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for twelve months from the date of original consent.

13. An approval to operate a caravan park under Section 68 of the Local Government Act shall be obtained from Council prior to occupation of any building and following completion of all construction works.
14. All building work (including the community hall, office buildings, visitor parking, amenities and provision of services) and civil engineering works (including internal and external roads, stormwater infrastructure) are to be completed prior to **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied**.
15. The community bus is to be available for use **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied**. The bus service shall be available for use whenever any caravan site is occupied.
16. Due to previous sand mining operations on the site and the potential for contamination, appropriate certification incorporating a preliminary investigation shall be submitted to Council demonstrating that the site is suitable for residential use in accordance with SEPP 55 Remediation of Land and Managing Contaminated Land Planning Guidelines **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied**.
17. The premises are to be designed, constructed and operated in accordance with the requirements of the Local Government (Caravan Parks, Camping grounds and Moveable Dwellings) Regulation 1995. Confirmation that all works comply with the regulations is to be provided to Council **prior to the issue of an approval to operate the caravan park**.
18. Manufactured homes shall not be constructed on site in accordance with the Local Government (Caravan Parks, Camping grounds and Moveable Dwellings) Regulation 1995.
19. The development shall be serviced by the Hunter Water Corporation with water and sewerage facilities.

20. A Compliance Certificate under Section 50 of the Hunter Water Corporation Act, 1991 shall be submitted to Council **prior to the issue of an Occupation Certificate**. Applications for Section 50 Certificates are to be made direct to the Hunter Water Corporation.
21. A bushfire report certifying compliance with the Bushfire Safety Authority conditions imposed by the Rural Fire Service shall be submitted to Council **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied**.
22. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited. Council will insist on the removal of any prohibited material.
23. Under the Water Management Act 2000, the development will require a controlled activity approval from the NSW Office of Water, and shall be obtained **prior to the issue of any construction certificate**.
24. The pedestrian/emergency access to Port Stephens Drive shall not be used by regular vehicular traffic from the development. Measures (such as gates) are to be implemented to ensure proper use of the secondary access.
25. The development has been granted a conditional approval from the NSW Rural Fire Service dated 11/12/09 under their relevant legislation. The development shall comply with the following conditions imposed by the authority with their general terms of approval.
26. At the commencement of building works and in perpetuity the property around the proposed development shall be managed as follows as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - North for a distance of 15 metres as an Inner Protection Area (IPA);
 - North-east for a distance of 15 metres as an IPA;
 - East for a distance of 10 metres as an IPA;
 - South East for a distance of 15 metres as an IPA;
 - South for a distance of 15 metres as an IPA;
 - West for a distance of 10 metres as an IPA.
27. Water electricity and gas are to comply with Section 4.1.3 and 4.2.7 of 'Planning for Bushfire Protection 2006'.
28. The proposed main access servicing the development from Nelson Bay Rd shall comply with Section 4.1.3(1) of 'Planning for Bushfire Protection 2006'.
29. Internal roads shall comply with Section 4.2.7 of 'Planning for Bushfire Protection 2006'.

30. The proposed emergency access to the west shall comply with the following requirements:
- Road(s) shall be two wheel drive, all weather roads.
 - Traffic management devices are constructed to facilitate unobstructed and unhindered access by emergency services vehicles.
 - The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.
31. Arrangements for emergency and evacuation are to comply with Section 4.2.7 of 'Planning for Bushfire Protection 2006'.
32. New construction on the northern, south-eastern and southern elevations between 16 and 23 metres shall comply with Australian Standard AS3959-2009 BAL 29.
- New construction on the northern, south-eastern and southern elevations between 23 and 32 metres shall comply with Australian Standard AS3959-2009 BAL 19.
- New construction on the northern, south-eastern and southern elevations between 32 and 100 metres shall comply with Australian Standard AS3959-2009 BAL 12.5.
33. New construction on the north-eastern elevations between 13 and 19 metres shall comply with Australian Standard AS3959-2009 BAL 29.
- New construction on the north-eastern elevations between 19 and 27 metres shall comply with Australian Standard AS3959-2009 BAL 19.
- New construction on the north-eastern elevations between 27 and 100 metres shall comply with Australian Standard AS3959-2009 BAL 12.5.
34. New construction on the eastern elevations between 10 and 50 metres shall comply with Australian Standard AS3959-2009 BAL 12.5.
35. New construction on the western elevations between 9 and 13 metres shall comply with Australian Standard AS3959-2009 BAL 29.
- New construction on the north-eastern elevations between 13 and 19 metres shall comply with Australian Standard AS3959-2009 BAL 19.
- New construction on the north-eastern elevations between 19 and 50 metres shall comply with Australian Standard AS3959-2009 BAL 12.5.
- Note: Distances from elevations are intended to be taken from the edge of the developed area.
36. Landscaping of the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

37. All works which are located in public roads are subject to approval under section 138 of the Roads Act 1993. Engineering details in accordance with Council's Subdivision and Development Code, of such works shall be submitted with a Roads Act application form and then approved by Council **prior to approval to commence these works and prior to issue of the Construction Certificates.**

The following items are also required to be approved by Council prior to approval being granted to commence works:

- a) Traffic control plans in accordance with the Roads and Traffic Authority – Traffic Control at Worksites Manual;
 - b) Payment of fees and bonds (same Principle Certifying Authority fees, inspection fees and maintenance bonds as relevant to subdivisions);
 - c) Contractors public liability insurances to a minimum value of \$10 million dollars.
38. The following fees and/or bonds are to be paid as part of this consent:
- a) Subdivision construction certificate/plan approval fee, prior to approval of construction certificate or plans.
 - b) PCA/Inspection fee, prior to approval of construction certificate or plans.
 - c) Long Service Levy, prior to issue of construction certificate (verification of payment is required if paid directly to Long Service Board)
 - d) Maintenance Bond, prior to release of subdivision certificate.

The rates are as listed in Council's fees and charges. Contact Council's Subdivision Engineer prior to payment.

39. Works associated with the approved plans and specifications located within the existing Road Reserve shall not commence until:
- i) a Roads Act Approval has been issued, and
 - ii) all conditions of the Roads Act Approval have been complied with to Council's satisfaction.
40. All civil engineering works shall be carried out in accordance with the Construction Certificate and Council's Subdivision & Development Code, to the satisfaction of Council or the Certifying Authority **prior to issue of an approval to operate the caravan park and prior to the occupation of any caravan site.**
41. All civil engineering works within the development site are subject to:
- a. inspection by Council, or the Certifying Authority
 - b. testing by a registered NATA Laboratory and
 - c. approval by Council or the Certifying Authority at each construction stage
- as determined by Council's Subdivision & Development Code.
42. Works associated with the Roads Act Approval are subject to:
- a. inspection by Council,

- b. testing by a registered NATA Laboratory and
 - c. approval by Council at each construction stage as determined by Council.
43. Civil construction of the crown road in accordance with Council's Subdivision & Development Code, including associated drainage shall be completed and dedicated to Port Stephens Council at no cost to Port Stephens Council **prior to issue of an approval to operate the caravan park and prior to the occupation of any caravan site.**
44. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
45. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
46. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
- * Monday to Friday, 7am to 6pm;
 - * Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.
- When the construction site is in operation the L10 level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.
47. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
48. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
49. No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.
50. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.

51. Retaining Walls, not clearly noted on the approved plans or not identified as "Exempt Development", are to be subject to a separate development consent.

Such application shall be lodged and approved prior to any works relating to the retaining wall taking place

52. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with AS2601-2001 and Workcover Authority requirements.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

53. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment, the person undertaking the excavation must preserve and protect the building from damage, which may involve underpinning and supporting the building in an approved manner.

The adjoining property owner shall be given 7 days notice before excavating below the level of the base of the footings of a building on an adjoining allotment of land. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place.

54. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

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

55. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.
56. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the road to the development site under construction for the

delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.

57. All stockpiled materials shall be retained within the property boundaries. Stockpiles of topsoil, sand, aggregate, spoil or other materials shall be stored clear of the all weather vehicle access and drainage lines.
58. The principal certifying authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the principal certifying authority issues an occupation certificate. Note: if an accredited certifier approves occupation, the accredited certifier is to immediately notify council in writing.
59. **Prior to occupying the site**, contact Council's Mapping Section on 49800304 to obtain the correct address numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.
60. **Prior to commencement of any works** within the road reserve for the provision of a driveway crossing, the applicant or their nominated contractor shall make application to Council and receive approval for the construction of the access road.

Application shall be made on Council's Driveway Construction Application form, a copy of which is attached to this consent for your convenience. For further information on this condition please contact Council's Facilities and Services Group.

61. To protect the occupants of the premises and to ensure that asset protection zones are maintained effectively, the following fire safety measures are considered to be essential fire safety measures and are to be installed throughout the property:
 - Fire hoses installed in accordance with AS2441- so that any temporary sites are covered by at least one (1) hose reel.
 - Fire hydrants installed in accordance with AS2419-2005 so that no site is more than 70m from a hydrant standpipe.
 - Bushfire asset protection zones are to be created and maintained for the life of the development in accordance with NSW Rural Fire Service's document 'Standard for Asset Protection Zones' to protect structures within the development and provide safety for fire fighters and occupants.
 - That all moveable dwellings satisfy the construction standards under AS3959-2009 and specified in this consent and attached schedule to provide ongoing protect to residents from the threat of bushfire.
 - That landscaping of the site is to be in accordance the conditions of this consent and Planning for Bushfire Protection 2009, to ensure that the risk of bushfire attack is not increased by inappropriate plantings.

A final fire safety certificate is to be provided to Council **prior to the issue of an approval to operate the caravan park and prior to any caravan site being occupied.**

62. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

GENERAL ADVICES

- a) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- b) This approval relates to Development Consent only and does not infer any approval to commence excavations or building works upon the land. A Construction Certificate should be obtained prior to works commencing.
- c) The subject site is located within the Anna Bay Drainage Union Catchment. Prior to commencement of work, consult the secretary of the Anna Bay Drainage Union, RMB 8aa Frost Road, Anna Bay NSW 2316 as required under the Water Management Act 2000.
- d) The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- e) Any tree clearance on the site will likely require approval from the local Catchment Management Authority under the Native Vegetation Act 2003. The CMA should be consulted prior to any works being undertaken.

ITEM NO. 3

FILE NO: PSC2010-04896

CULTURAL PROJECTS FUNDING ALLOCATIONS

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

RECOMMENDATION IS THAT COUNCIL:

19) Supply funds from Council's Cultural Project Fund for 2009/2010 the amounts, purposes and conditions as prescribed below:

- a. Raymond Terrace Senior Citizens Assn Inc for the 'Spring Art & Craft Expo' project, to the value of \$1000 during 2010-2011, on the condition that: "This is one-off funding and balance of profit to fund next year's event";
- b. Port Stephens Community Arts Centre for the 'Port Stephens Art Prize 2011' project, to the value of \$1000 during 2010-2011;
- c. Tilligerry Lions Club for the 'Tilligerry Community Australia Day Breakfast' project, to the value of \$2000 during 2010-2011, \$1750 during 2011-2012 and \$1500 during 2012-2013;
- d. Raymond Terrace Historical Society for the 'Re-establishment of Raymond Terrace Historic Walk' project, to the value of \$800 during 2010-2011, on the condition that: "funding not cover purchase of caps for volunteers";
- e. Karuah Progress Association Inc. for the 'Christmas Carols @ Karuah' project, to the value of \$600 during 2010-2011;
- f. Karuah Working Together for the 'Art on the wire' project, to the value of \$1000 during 2010-2011 on the condition that: "Balance of profit to fund next year's event";
- g. Communicate Port Stephens for the 'RT Camera Group' project, to the value of \$1000 during 2010-2011, on the condition that:
 - i. Equipment to be used to add value to the community - through working with other groups such as the historical society and exhibiting the photography in the Council Gallery.
 - ii. The photography group is available to document community and Council events;
- h. Tomaree Peninsula Photography Club Incorporated for the 'Photography Display Stands' project, to the value of \$450 during 2010-2011;
- i. Tomaree Neighbourhood Centre for the 'Tomaree Multicultural Friendship Group' project, to the value of \$1000 during 2010-2011, on the condition that: "Funding is tied to expanding the Harmony Day program to celebrate the diverse cultures with the broader community";
- j. Tomaree Musical Theatre Company Incorporated for the 'Hello Dolly musical' project, to the value of \$1000 during 2010-2011, on the condition that:
 - i. This funding is tied to development of the Young People's Theatre Group.
 - ii. The recipient advises how this will be developed and participates in the Culture Port Stephens Network.

- k. Hunter Region Botanic Gardens Ltd for the 'The Gardens Sculpture Prize' project, to the value of \$ 2400 during 2010-2011, \$2400 during 2011-2012 and \$2400 during 2012-2013, on the condition that: "Council receives naming rights";
- l. Bay Boot Scooters Line Dance Club for the 'Bay Boot scooters June 2011 Dance Festival' project, to the value of \$500 during 2010-2011;
- m. Medowie Baptist Community Church- Medowie Carols Committee for the 'Medowie Carols at the Dunes' project, to the value of \$1000 during 2010-2011, \$1000 during 2011-2012, and \$1000 during 2012-2013;
- n. Thou-Walla Family Centre (Irrawang School as a Community Centre Project) for the 'Families through the lens.' project, to the value of \$4380 during 2010-2011;
- o. Anglican church of Williamstown, Mallabula and Medowie, for the "'mainly music'" project, to the value of \$800 during 2010-2011;
- p. Tilligerry Arts Group Inc for the 'painting workshop and exhibition' project, to the value of \$400 during 2010-2011;
- q. Tomaree Family History Group Nelson Bay Inc. for the 'Pioneers of the Tomaree Peninsula Pioneer Index' project, to the value of \$1000 during 2010-2011;
- r. Tilligerry Community Association for the 'Tilligerry Festival - Foreshore Fun Day' project, to the value of \$3000 during 2010-2011, \$3000 during 2011-2012 and \$3000 during 2012-2013, on the condition that: "funding does not contribute to the fireworks";
- s. Nelson Bay Town Management Inc for the 'Sculptures by the Bay' project, to the value of \$4000 during 2010-2011, \$4000 during 2011-2012 and \$4000 during 2012-2013, on the condition that:
 - i. That the money is tied to the main prize, being acquisitive with the sculpture being installed on the foreshore. Foreshore asset owner approval to be granted and DA approved if assessed as required.
 - ii. The winning sculpture becomes part of Council's art collection;
- t. The Octapod Association for the 'Celebrating and Building Capacity of the Culture Port Stephens Network' project, to the value of \$2000 during 2010-2011, on the condition that: "The applicant work with the Strategic Cultural Committee to develop three cultural showcases - each featuring the cultural groups in each ward and supporting establishment of the 'Lifestyle Network' for each ward";
- u. Salamander Haven Men's Shed for the 'Salamander Men's Shed' project, to the value of \$700 during 2010-2011;
- v. Lions Club of Raymond Terrace for the 'Rhythm in the Rotunda' project, to the value of \$2000 during 2010-2011;
- w. Tilligerry Art, Craft and Quilting Show Committee for the 'Annual Tilligerry Art, Craft and Quilting Show' project, to the value of \$1500 during 2010-2011, \$2000 during 2011-2012 and \$2000 during 2012-2013, on the condition that:
 - i. Funds are tied to the main prize.
 - ii. The main prize becomes 'acquisitive from the second year onwards, with the winning painting to become part of the Council art collection."

- x. Port Stephens Sister Cities for the 'Face of a Sister City Photographic Exhibition' project, to the value of \$1000 during 2010-2011;
 - y. Tilligerry Adult & Community Education Inc. for the 'Port Stephens Examiner Literature Award' project, to the value of \$500 during 2010-2011, \$500 during 2011-2012 and \$500 during 2012-2013, on the condition that:
 - i. Council has joint naming rights with the Examiner. 'The Port Stephens Council and Examiner Literature Award'.
 - ii. The winning entry is published on the Culture Port Stephens website.
 - z. Nelson Bay Town Management Inc for the 'Christmas and Holiday Entertainment in Nelson Bay' project, to the value of \$1000 during 2010-2011, \$1000 during 2011-2012 and \$1000 during 2012-2013, on the condition that:
 - i. Sustainability of the program be developed, toward becoming an annual / ongoing program.
 - ii. To be promoted on the Tourism, Culture Port Stephens and other websites."
 - aa. Tilligerry Habitat Association for the 'Habitat Dream Path' project, to the value of \$1000 during 2010-2011;
 - bb. Raymond Terrace Annual Art Show Committee. for the 'Raymond Terrace Annual Art Show' project, to the value of \$2000 during 2010-2011, \$2000 during 2011-2012 and \$2000 during 2012-2013;
- 20) That a new framework for supporting choirs is established, involving:
- a. A 'Port Stephens Choir Development Program', to be jointly managed by choirs from across Port Stephens, with funds to be held by Council. Funding is the total value of two application received from Port Stephens Community Choir and SeaSide Singers Inc. to the value of \$1700 during 2010-2011, \$2000 during 2011-2012 and \$2000 during 2012-2013.
 - b. Council's 355b 'Port Stephens Community Choir Committee' is reviewed, with consideration to expanding from the operation of one choir to becoming a network of choirs across Port Stephens, with a report to Council presenting recommendations and implications.
 - c. A sub-committee of the Strategic Cultural Committee be formed, consisting of representatives from local choirs, to:
 - i. Design, deliver and participate in the 'Port Stephens Choir Development Program', &
 - ii. Develop recommendations to Council on how the current 'Port Stephens Community Choir Committee' could be adapted to function as a choir network.
- 21) That the priorities of the Cultural Projects Fund be the cultural priorities identified in Council's 'Port Stephens 2022 Strategy (as amended).
- 22) That the balance of the cultural budget be allocated to building the capacity of the Mezzanine Gallery to showcase these and other cultural projects from across Port Stephens through improvements.
- 23) Acknowledge the dedication and efforts of Council's Community Planner – Cultural Development in reforming and facilitating the Cultural Project Fund.

COUNCIL COMMITTEE MEETING – 28 SEPTEMBER 2010
RECOMMENDATION:

	Councillor Geoff Dingle Councillor Frank Ward	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

304	Councillor Glenys Francis Councillor Frank Ward	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is for Council to make recommendations for the allocation of money from Cultural Project Funds to the applications made under the Fund and assessed by the Councillors nominated to the Strategic Cultural Committee.

Refer to attachment 1 for background on the projects and the panel's rationale for the recommendations to Council.

Alignment with Council's strategic priorities

Cultural priorities are identified and adopted by Council through the *'Port Stephens 2022 Strategy'*:

- 6.1 Community partnerships where organisations work together
- 6.2 Community participation in cultural event and activities
- 6.3 Employment opportunities in cultural tourism & the creative industries
- 6.4 Promote and foster local Aboriginal culture
- 6.5 Preserving and promoting the heritage of Port Stephens
- 6.6 Places to experience culture - buildings (such as libraries, halls, galleries, museums) & public spaces (reflecting local identity and character)

Previously the Cultural Projects Fund had identified priorities, which are not consistent with Council's adopted cultural priorities, these being:

- Complement Council's own community and cultural objectives, strategies and programs;
- Contribute to a vibrant cultural and community life for Port Stephens and its permanent and visiting community;
- Extend or diversify knowledge or experience of cultural or artistic programs or skills of practitioners in the community and has the ability to attract new audiences;
- Increase opportunities to extend community capacity for cultural and/or artistic activity;

- Offer opportunities for employment generation.

Rather than applicants respond to two sets of priorities, it is recommended that priorities of the fund be the cultural priorities identified in Council's integrated plans. If the cultural priorities are reviewed in future, the priorities of the fund would automatically reflect these changes.

Choir applications and committee review

Local choirs receive different levels of support from Council, with one established as a 335b Council committee, receiving ongoing financial, insurance and governance support. Other local choirs do not have the benefit of this support and this has been raised as an inequity.

Applications from two choirs were received to the Cultural Projects Fund, each to deliver a choir development program to support the various local choirs across Port Stephens. Rather than creating a duplication, it was identified that one integrated 'Port Stephens Choir Development Program' would better serve the broader community. It is recommended that both requests are funded, however as one allocation jointly managed by local choirs.

Given Council has a 355b committee specialising in this area, the 'Port Stephens Community Choir Committee' is best situated to coordinate and support choirs across Port Stephens.

It is recommended that council consult choirs across Port Stephens in reviewing the purpose and structure of the committee to operate as a network of choirs and to design the 'Port Stephens Choir Development Program'. This addresses both the need for a choir network and the inequity of support Council provides to choirs.

Currently the committee operates as a single choir, so the continuation of the existing choir group in the new structure will be a key consideration.

The Choirs would be consulted on whether Council should auspice choirs or not:

- Choirs could all have the option to be included under Council's auspice
- The current choir group operating under Council's auspice is supported to become their own organisation, consistent with how other choirs operate.

There are a number of options for how the choir network could be structured, each involving representatives from choirs across Port Stephens:

- A separate 355b Choirs Committee
- A Choirs Network as a sub-committee under the Strategic Cultural Committee (along side the Galleries Network, Events Network, Lifestyles Network)

FINANCIAL/RESOURCE IMPLICATIONS

37 applications were received, up from 20 last year. Requests total \$61,578, with \$60,000 available. Internal assessment of eligibility completed with 35 deemed eligible for consideration. The recommendation of this report to Council supports thirty applications to the value of \$40,730 during 2010-2011.

There are ten multi-year projects recommended to receive cultural funding in the following two financial years:

\$19,650 during 2011-2012, and

\$19,400 during 2012-13.

All funded projects will be supported and monitored by Council's Community Planner for Cultural Development.

Recipients will provide acquittal reports on completion of their projects.

A total of \$60,000 is currently available in Council's 2010/2011 budget for the Cultural Project Fund. \$19,270 of the Cultural Projects Fund budget remains after the recommended allocations. It is recommended that the remaining funds be tied to building the capacity of the Mezzanine Gallery to showcase these and other cultural projects from across Port Stephens. This would include the purchase of display cases, as currently most 3D objects such as historical items, sculptures and craft items cannot be accommodated. Floor plans and quotes for the cases were approved in June 2010; however the approval process did not allow time for purchase in the 2009-2010 budget. Given funds had been put aside for this purpose, \$30000 was returned back to general revenue at the end of the 2009-2010 financial year.

LEGAL, POLICY AND RISK IMPLICATIONS

Recipients of funding under the Cultural Project Fund shall accept full responsibility for the liability of any programs or projects funded.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

These cultural projects aim to enhance community identity and sense of belonging. The projects also provide the opportunity for local community members to further develop the skill and creativity base of community members in Port Stephens.

Several of the projects recommended for funding will generate employment opportunities for local artists and industry practitioners. Funded projects will positively impact on local businesses and suppliers (eg; catering, accommodation, venue hire, printing, and advertising). Cultural activities not only enhance the lives of our existing permanent community but they also attract new community members, and visitors to the area.

CONSULTATION

The opportunity to apply for Cultural Project Funding was promoted across the community through mass media, key locations and established networks.

The process was open to applications for approximately two months to maximise the opportunity for groups to prepare and lodge their application.

Briefing sessions were held as part of ten 'Local Lifestyle Workshops' across Port Stephens in June/July 2010. The workshops were a catalyst to develop new initiatives and have been translated into applications for Council.

With the introduction of a new 'Cultural Partnerships' category, applicants have been able to apply for larger and longer term projects. Projects could secure up to three years of support from Council which helps groups with their forward planning.

Council introduced a new online application system which helps both Council and applicant to keep track of where each project is up to, throughout the duration of the funding process.

Eight grant writing workshops were held in July, supporting around fifty participants in how to put together quality applications and in how to use the new online system. Sessions were held in Raymond Terrace and Salamander, with both day and evening sessions offered.

All applications have been developed in consultation with Council's Community Planner – Cultural Development.

Councillors nominated to the Strategic Cultural Committee are the assessment panel for the grants. Councillors Francis, Nell, O'Brien and Tucker assessed the applications based on merit. Councillors met with the Cultural Planner to review the applications on three dates, being 25, 26 and 30 August 2010.

Staff responsible for administering other Council funding programs were consulted to ensure there was no 'double dipping' (multiple allocations to a single project) and no allocations to community groups with outstanding reports on their spending of public funds.

OPTIONS

- 1) To accept the recommendations.
- 2) To amend the recommendations.
- 3) To reject the recommendations.

ATTACHMENTS

- 1) Summary of projects.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Summary of Cultural Project Funding applications and Recommendations to Council

Project Summary				Recommendation to Council					
Project Name	Description	Why is this project a priority for your community?	Applicant	Decision	2010 2011 Fund	2011 2012 Fund	2012 2013 Fund	Conditions	Feedback to applicant
CPF1011-0001 Spring Art & Craft Expo	A community getting together to showcase many different arts and crafts including jewellery making, woodworking, art classes, quilting & sewing classes, scrapbooking. With local business's joining in providing a fashion show for both men and women. We are also inviting a school based Aboriginal Dance Group to perform. We have a local group to provide sausage sandwiches etc for lunch. This group has a disability and prove that they can provide a valuable service to the community.	This project will showcase the new community centre and hopefully encourage more of the community to participate in the arts and crafts and social activities that are right on their doorsteps. It will hopefully bring people of different cultures and backgrounds to join in and bring with them their ideas and cultural backgrounds so that we can all learn something together.	Raymond Terrace Senior Citizens Assn Inc	Support in full	1000			This is one-off funding and balance of profit to fund next year's event.	
CPF1011-0002 Connecting Koori Culture	The project is designed to provide adequate resources and a forum whereby local Aboriginal Youth are being reconnected to their culture, their history and their Elders. The project will support the traditional practice of Elders providing leadership, mentoring and guidance to our Youth, thus attempting to remove the negative influences imposed on Aboriginal Youth and their thought patterns on what it means to be an Aboriginal person. Maintaining cultural values, maintains cultural health & positive wellbeing.	This project is a priority for our community to reintroduce the trust and integrity of our youth and elders by sharing experiences which will alleviate the "stereotyping", whether it be through education, stories and demonstrations including but not limited to: basket weaving, boomerang making, cultural dance and music.	Worimi Local Aboriginal Land Council	Unsuccessful	0	0	0		This application is recommended to be considered under the Aboriginal Projects Fund which is designated for this sort of activity.
CPF1011-0003 Port Stephens Community Arts Prize 2011	Annual Art Competition and Exhibition with entries from local and interstate artists. Display of quality art work at the Port Stephens Community Arts Centre for a period of 10 days. Prizes totalling \$5000 awarded to winners of the 5 categories. PSC has supported this	Attracts some 400 entries from all over Australia, providing opportunities for artists to compete and display their work, as well as bringing many visitors to the gallery during this period. Entry fees and sales commission after exhibition costs contribute to the upkeep of this important local community arts and craft centre.	Port Stephens Community Arts Centre	Support in full	1000				Recommend the show apply for multi-year funding next time, with the funding tied to prize money for an "acquisitive" category. The

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	project for this Section category for the last 7 years,	which has a local membership of some 400 people.							winning painting would become part of Council Art Collection.
CPF1011-0005 Tilligerry Community Australia Day Breakfast	To organise and conduct an annual Australia Day celebration for the residents of the Tilligerry Peninsula. This takes the form of an Australia Day Breakfast and associated entertainment and amusements in Henderson Park, Lemon Tree Passage.	The Breakfast has continued to grow each year, it not only achieves its intended outcomes but exceeds them, meeting an ongoing need in our community. The community now expects it to happen and are keen to attend. The event now regularly attracts 300+ locals and visitors and is valued by the community being the only form of celebration of Australia Day on the Peninsula and therefore easily accessible. It provides access and participation for all ages, is conducted in a true sense of community spirit and harmony and promotes the values and cultural ideals of our national identity. Local services and resources are used exclusively and local businesses support the event with discounted prices and opening on a public holiday so that we can access ordered plus additional supplies if needed. The event promotes the ideals and objectives of the Port Stephens Council and local ward councillors attend and voice their appreciation and pride in the numbers attending and for the manner in which Lions conducts a successful celebration of our national history. The positive atmosphere evident on the day encourages people to relax and interact and join in a spirit of fun. The committee is not able to access Australia Day Council funds as Nelson bay and Raymond Terrace are "recognised" venues with associated awards and citizenship ceremonies. Twenty plus Lions provide volunteer service in organising the event prior to and on the day with an estimated 165 man hours. The organising committee and community value the support provided by the Council to Lions	Tilligerry Lions Club	Support in full	2000	1750	1500		At the other Australia Day events in Port Stephens, participants pay for the amusement rides with 20% going to the organisers. So it is set up as an income not an expense. This should help your sustainability. Also Tanilba Shores should be paying for their residents in future.

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		and thereby ensuring the event continues. To try and conduct the event without Council support would be impossible for the Lions club limited finances. It is our philosophy that the community should be able to celebrate their national day within their community without a great impact on their personal finances and life. This event has increased significantly over the 10 years that Lions has conducted it with 300+ local residents and others now attending. It is hoped that in the future we can continue to "grow" this event with additional activities and entertainment on the ground and thus continue to provide an opportunity for community interaction and harmony.							
CPF1011-0006 Re-establishment of Raymond Terrace Historic Walk	An Historic Walk, which will encompass the historic places and buildings that are located in the central Raymond Terrace precinct, will be established. The Pioneer families, who have maintained links with the district, will be asked to share their knowledge and personal family stories. These stories will be documented, and used to train a group of volunteers to conduct the walks, on a regular basis.	It is important to collect and document these stories of local history to ensure that this history stays alive and vibrant, well into the future. The community will benefit from the walks by having this history maintained. The walks will be of benefit to people within the community who choose to take part, to small business within the district, and also by bringing in people from outside the region, as a result of tourism.	Raymond Terrace Historical Society	Support in part	800			funding not cover purchase of caps for volunteers	
CPF1011-0007 Christmas Carols @ Karuah	Christmas Carols for the benefit of the wider community with the greater emphasis on the children of Karuah, particularly the children of the Karuah preschool, the Karuah public school, and the children involved in the Karuah kids Club, of the Uniting Church.	This event is a priority because it brings the community together, in particular the wider community and the aboriginal community.	Karuah Progress Association Inc.	Support in full	600				Recommend you apply for multi-year funding next year.
CPF1011-0009 Port Stephens Community Choir Workshops	Vocal workshop, including musicianship, choral presentation and instruction for individual choirsters, small ensembles and choirs.	There are no vocal workshops available especially for choirs in our community	Port Stephens Community Choir	Support in full	700			• A 'Port Stephens Choir Development Program', to be jointly managed by choirs from across Port Stephens, with funds to be held by Council. Funding is the total value of two application received from Port Stephens Community Choir	

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								<p>and SeaSide Singers Inc. to the value of \$1700 during 2010-2011, \$2000 during 2011-2012 and \$2000 during 2012-2013.</p> <ul style="list-style-type: none"> • Council's 355b 'Port Stephens Community Choir Committee' is reviewed, with consideration to expanding from the operation of one choir to becoming a network of choirs across Port Stephens, with a report to Council presenting recommendations and implications. • A sub-committee of the Strategic Cultural Committee be formed, consisting of representatives from local choirs, to: <ul style="list-style-type: none"> • Design, deliver and participate in the 'Port Stephens Choir Development Program', & • Develop recommendations to Council on how the current 'Port Stephens Community Choir Committee' could be adapted to function as a choir network.
CPF1011-0010 KARUAH WORKING TOGETHER INC "ART ON THE WIRE"	A celebration of the community of Karuah working together to overcome issues relating to the Highway by-pass of Karuah in 2004 through the creation of THE KARUAH CENTRE. This Centre was a project of the combined efforts of all major community groups in Karuah at the time. The original Art on the Wire was the brainchild of local residents to hide the derelict building. The Centre, now renovated and restored has been opened to the community and public since 2007.	Karuah has a number of issues to overcome. It was by passed by the highway and as a result many small businesses have either closed or struggle to survive. This has had an effect on school numbers as well. The combined result of these and other complications has resulted in the community loss of self image. This project is one of a number of projects to encourage community involvement and raise the level of self image.	Karuah Working Together	Support in full	1000			Balance of profit to fund next year's event

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	and is a hub of activity							
CPF1011-0012 RT Camera Group	To set up a portrait studio	it offers opportunity for local photographers to enhance and further develop their skills.	Communi cate Port Stephens	Support in full	1000		<ul style="list-style-type: none"> •Equipment to be used to add value to the community - through working with other groups such as the historical society and exhibiting the photography in the Council Gallery. •The photography group is available to document community and Council events; 	With little information provided, assessment was hindered. Development of postcards would support sustainability of the group.
CPF1011-0015 Photograph y Display Stands	In order to meet the display needs of the growing membership of the Tomaree Peninsula Photography Club (TPPC), we would like to construct six display stands. We currently have twelve display stands that TPPC members built for last year's Exhibition, held at our sponsor club, Soldiers Point Bowling Club. These twelve stands were barely "adequate" for our members to display two photographs each. Since that Exhibition, the membership has increased from 22 active members to 32.	TPPC is the ONLY photography club on the Tomaree Peninsula, and, as our membership expands, we are seeking to increase the number of venues in which we can exhibit photographic works. The Nelson Bay Cultural Centre is one such venue. TPCC is also eager to participate in local events, such as those put on and/or sponsored by Nelson Bay Town Management. BUT, without adequate display stands, we must place undue restrictions on the number of photographs each member may display.	Tomaree Peninsula Photograph y Club Incorporat ed	Support in full	450			
CPF1011-0017 Tomaree MultiCultural Friendship	This group aims to avert the social isolation of members of the Tomaree Community who come from a non English speaking background. The Tomaree Multicultural Friendship	Until the formation of the Tomaree Multicultural Group, there was no other group in the area for participants from a wide age group, including those with children that provided support for people	Tomaree Neighbour hood Centre	Support in part	1000		Funding is tied to expanding the Harmony Day program to celebrate the	

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Group	Group is a newly formed organisation that targets people from Tomaree district. The group provides activities that enable the participants to integrate into the wider community, strengthen cultural awareness as well as providing activities to promote friendship and support.	from a multicultural background. According to the Port Stephens community profile there is an increased number of people from a non English speaking background who now live in the area and these people need support and friendship. Some activities that the group provides is to organise speakers / visitors from organisations such as Centrelink, Northern Settlement Services, Health Members of the group are encouraged to share information and give an overview of their culture. Analysis of the country of birth of the population in Tomaree Planning District in 2006 compared to Port Stephens Council area shows that there was a larger proportion of people born overseas but a similar proportion of people from a non-English speaking background. Overall, 13.5% of the population was born overseas, and 4.9% were from a non-English speaking background, compared with 10.6% and 3.9% respectively for Port Stephens Council area. The dominant non-English speaking country of birth in Tomaree Planning District was Germany, where 0.6% of the population, or 127 people, were born.					diverse cultures with the broader community.	
CPF1011-0018 Hello Dolly (Funding request is for the construction and painting of several 'period' sets for this musical.)	The project will bring a much requested musical 'classic' to the stage for the residents of Port Stephens and surrounding areas. (Because of our reputation, some participants and patrons travel from Newcastle, Maitland and beyond.) The show will provide opportunity for people within the community to participate in a 'period' production that will require historical research into set design, language and costuming. People of all ages and levels of talent can become engaged in all facets of musical theatre and contribute to and/or be	This project is definitely a priority because as the ONLY Musical Theatre Company in the area we are committed to providing Quality, and although an 'Amateur Company', 'Professionally Run' shows. We also play a major part in providing a safe, nurturing, family like environment for like minded people of all ages to be able to come together to share and pursue their interests and passions which culminates in an 'on stage' production. We are also attracting many younger members and their families to the company and it is important to have ongoing productions that will ensure this growth with our future vision of 'A Young People's Theatre	Tomaree Musical Theatre Company Incorporated	Support in full	1000		<ul style="list-style-type: none"> This funding is tied to development of the Young People's Theatre Group. The recipient advises how this will be developed and participates in the Culture Port Stephens Network. 	

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	mentored in 'on' stage craft such as music, singing, acting, and dancing as well as 'behind the scenes' stage craft such as set design and construction, lighting, sound, stage hand work, make-up, costume design and making etc. The project also has the potential to bring together other community groups that can contribute to the productions. For Example: The Port Stephens Refused and Re-used Recycling Centre, The Men's Shed and Art Action at the Hub Aahli(Anna Bay) Also many charity and social and welfare organizations are invited to use our show as a 'Social Event' on their calendar. For Example: Included but not limited to, Busy Bees, Probus, View Club, World Vision, The Senior Citizen's Association and The Country Women's Association. In fact, our matinees cater especially for the more senior age groups.	Group' under our umbrella. It is also vital that this production is a priority and a success to ensure enough return to secure rights and licenses for the following production. (To be chosen by the next committee in 2011.) We have also found that a number of our participants are working towards careers in the music/musical theatre industry or are studying in these fields and our production will provide experience that will be included in their resumes or subject requirements. We also believe that our productions 'showcase' local talent to both residents and visitors alike in the Port Stephens area. Also, musical theatre for Port Stephens began here on the Tomaree Peninsula twenty three (23) years ago and we endeavour to continue with this important tradition for the area as well as to continue to lobby council for a purpose built performance space! Twenty three years is pretty long term!						
CPF1011-0019 Art Action At Hub.	provide venue and gallery for creative arts 2d 3d music youth to seniors and community groups hosting internet cafe for seniors @stage 3 will be in b4 opening Bay board riders, Birubi surf club, Yoga instruction ,Internet kiosk for seniors, information outlet for general enquiries as to what to do in this area ,referrals to culture hunter.org, Toilet facilities etc now amended to accommodate disabled persons Tomaree musical theatre company set construction concepts art and affordable sets also underpinned by doctors and psychologists for the mental health education and life navigation skills confronting all ages of the community. names of said practitioners will supply if necessary.	There is a need in this community for a hosted venue for children through to aged pensioners to have a safe and comfortable socially constructive and creative meeting place also indigenous artists have been approached and will be displaying ceramics and painting	Unsuccessful - due to being ineligible	0				Apply in the next round once DA approved and community organisation established. Private business interests must be separated from the community interests and not be included in the project application.

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CPF1011-0021 The Gardens Sculpture Prize	Offer amateur, experienced and youth age sculptors an opportunity to exhibit their work in the Annual Gardens Sculpture Prize at the Hunter Region Botanic Gardens. Prize money will be given for first and second prizes in each category: large works, for outdoor display on the Eucalyptus Lawn; small works for exhibition in the Visitors Centre. The exhibition is open to works in all mediums.	The Hunter Region Botanic Gardens is an ideal setting for the display of works by sculptors. In being held at the Gardens the event becomes part of the Gardens Calendar of Events and demonstrates a vibrant partnership between artisans and the Gardens while inviting a community partnership in cultural events and activities. This year the Hunter Region Botanic Gardens wishes to include a youth section.	Hunter Region Botanic Gardens Ltd	Support in part	2400	2400	2400	Council receives naming rights.	The funds awarded are based on the expenditure less income = 2400pa. Not 3500pa as requested.
CPF1011-0024 Aboriginal Cultural Day	To create an opportunity for students (K-12) to celebrate local Aboriginal culture through a variety of engaging activities and experiences. Students will be instructed on environmental issues and cultural history by Traditional Custodian and Knowledge Holder Carol Ridgeway. Students will also participate in Aboriginal dance, music and art-making activities led by local artists. In addition to this students will learn about and taste bush tucker foods unique to the Port Stephens area.	To promote understanding, acceptance and pride in our local Worimi and Karuah communities. To create partnerships with the Port Stephens Family Support Centre. To create an opportunity for the school community to participate in artistic activities that preserves and promotes Port Stephens unique Aboriginal heritage.	Port Stephens Family Support Service	Unsuccessful	0	0	0		Apply under Aboriginal Projects Fund which is designed for this sort of activity.
CPF1011-0025 Bay Boatscooters June 2011 Dance Festival	Talent Showcase ,dance workshop and social	The showcase is a great opportunity to promote dance groups and local talent. Also, we bring people into the area and introduce social interaction within the community. I.e. we entertain the residents of aged care facilities & community groups such as schools, fetes and charity events on a regular basis. Our club provides a healthy lifestyle and social interaction for our many members.	Bay Boatscooters Line Dance Club	Support in full	500				The application did not include a budget demonstrating the need for the funds. Support documentation is required for funding requests.
CPF1011-0026 Medowie Carols at the Dunes	The Medowie Carols at the Dunes is coordinated by a number of non-profit community organizations with Pacific Dunes Golf Club as the host venue. Each year on the first Friday in December the Medowie Carols at the Dunes are held for residents, families, friends and the local	From its inception this event has grown with our community. This event offers diverse cultural groups the opportunity to be represented and express themselves within and to the community. The project has been running for two years at Pacific Dunes and is the largest single gathering of community members in Medowie, with	Medowie Baptist Community Church-Medowie Carols Committee	Support in full	1000	1000	1000		

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	community to enjoy. A range of activities, community groups, local business sponsorship, security and safety measures are all put in to place to ensure a successful event. The evening includes entertainment by local groups and bands (including multiple schools), food & beverage provided by the local Rotary and Lions groups, glow sticks, song books, a gift giving tree to support unfortunate families in the local region, an appearance from Santa Claus provided by Medowie fire brigade and a fireworks display to end the evening. A greatly anticipated event organised together by the community for the community.	up to 3000 guests in attendance in 2009. The event sources performers from within Medowie, along with the encouragement of indigenous performers. It promotes youth performance and allows aspiring and seasoned performers from the local area to gain exposure to a new audience. It operates in partnership with local schools and churches strengthening and expanding the local community networks. This event encourages community members to see themselves and each other at a spiritual time of year outside of their own faiths, and to embrace each other in harmonious celebration.							
CPF1011-0027 Families through the lens.	The project includes engaging with local families with children 0-8 years, within the Port Stephens area, through the medium of photography. The aim is to raise the profile of families across the area and to highlight their strengths, struggles, dreams etc. This would initially include holding information sessions and engaging with families through playgroups, grandparent groups and other groups. Families would be encouraged to use a camera to reflect on their lives in particular their aspirations and needs and to discuss and provide a dialogue about their favourite image. A photographic exhibition will then take place during National Families Week 2011. It is hoped that it will also promote dialogue and discussion at a policy level about the values, concerns and identity of families across the area.	The project will highlight the lives of a major group in our community and foster a sense of community belonging and ownership and a sense of pride. In our role as facilitators of both Centres, we speak with many families who are facing challenges due to perceived lack of resources and supports across the area (such as medical and transport). It is a priority to give these families a voice and gain a greater insight into their lives. By using arts, it also provides an opportunity to engage with families in a non-threatening way. Previous art projects have demonstrated this approach being successful and that it often reaches some of our most vulnerable families.	Thou-Walla Family Centre (Inrawang School as a Community Centre Project)	Support in full	4380				
CPF1011-0028	"mainly music" is a fun music group for parents or primary care givers to	This project will help to promote a healthy, prosperous and safe community by	Anglican church of	Support in part	800				The budget reflected that the

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"mainly music"	<p>enjoy together with their young child. Designed to develop the physical, mental and social aspects of the child and to provide a time of connection and refreshment for the adults. Throughout the morning, children develop gross and fine motor skills, as well as socialise with others. Each mainly music session is run by volunteers from our local Anglican church. Children are introduced to music, creativity and more, plus families will be involved in extra "day out" type of activities occasionally. The children and parents/caregivers join together for a fun, thirty-minute music session, then afterwards enjoy morning tea in a relaxed setting. The group runs once a week on a Monday throughout the school terms, from 9:45am - 11:45am. Time is given before and after the music session for free play with the provided toys. We will establish a "toy library." This provides a place where parents or carers can go to borrow a large variety of educational toys, puzzles and games on a regular basis. The toy library would be run in conjunction with the "mainly music" session, providing a set time making easy access for the community. The money from the grant would be used to advertise mainly music, to buy carpeting and instruments and to set up the toy library. Also to enable us to organise "fun day outings" with hired equipment.</p>	<p>delivering a service which enables young mothers/ fathers/ caregivers of young children to achieve a balanced approach towards social values. We do this by respecting the valuable place young parents/caregivers have in promoting family values. We provide a safe environment where young children are safe to access a range of high quality sustainable recreation opportunities. (social/cultural sustainability summary of Port Stephens strategy 2022) We wish to promote, through use of the media, awareness of the opportunity our program (two hours of mainly music) and activities (toy library, day outings) offer the community. We are aware that the number of 0-4 year olds in the Medowie area in 2006 was 741 and the predicted number for 2013 is 1,218. (council data provided on the website) We know that "mainly music" will be of assistance to this large number of 0-4 year olds and their families, providing both a program and a venue for extending their community awareness. We also are aware of other playgroups in the area and make sure our selected day does not conflict with theirs, and will work together in co-operation with them. We feel that the establishment of "mainly music" and a toy library could build growing relationships across the community.</p>	Williamstown, Mallabula and Medowie,							full 1000 was not required for the program to operate.
CPF1011-0029 Painting workshop and exhibition	<p>Workshop with local artists being tutored by a professional artist focusing on the Tilligerry flora and fauna with a view to exhibiting the works produced in the Mezzanine Gallery at Port Stephens Council.</p>	<p>it meets Council's priorities, directions and objectives for Port Stephens Cultural Plan in the following ways: * Building creative skills in execution and display of work, * People of all ages and abilities have opportunities for creative expression, *</p>	Tilligerry Arts Group Inc	Support in part	400					Council will subsidise, however participants need to contribute

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		Creating a sense of place and local identity. * Practitioners with established careers in creative industries are showcased and engaged in mentoring programs. During the Mezzanine Gallery exhibition the Tilligerry Arts Group will display the group's details and information on the Art Show held during the Tilligerry Festival in November 20011. This assists in promoting a Tilligerry Peninsula community event to a wider market.						toward the workshop costs. You have your own venue therefore do not have to pay rent.
CPF1011-0030 SeaSide Singers Community Choir Development Plan	A project to continue, enhance and develop community music in Port Stephens including the professionalism and expertise of the SeaSide Singers Community Choir. 1. An Annual Variety Concert featuring local talent and using local technicians and businesses. 2. A Choral Fest of all Hunter and Port Stephens choirs to form partnerships, learn and sing together and increase the profile of choral music in Port Stephens. 3. A Choral Workshop - musical educational skills development for all choirs and singers in the area.	This is a priority because there is no organising body in the Peninsula to encourage and co-ordinate choral and other types of singing groups or to offer them ongoing musical development and opportunities to perform. The projects planned will develop skills, enhance culture and provide entertainment and employment for the Port Stephens Community. (see additional information in the Business Plan)	SeaSide Singers Inc. Community Choir	Support in full	1000	2000	2000	<ul style="list-style-type: none"> Jointly managed by choirs from across Port Stephens, with funds to be held by Council. Funding is the total value of two application received from Port Stephens Community Choir and SeaSide Singers Inc. to the value of \$1700 during 2010-2011, \$2000 during 2011-2012 and \$2000 during 2012-2013. Council's 355b 'Port Stephens Community Choir Committee' is reviewed, with consideration to expanding from the operation of one choir to becoming a network of choirs across Port Stephens, with a report to Council presenting recommendations and implications. A sub-committee of the Strategic Cultural Committee be formed, consisting of representatives from local choirs, to: <ul style="list-style-type: none"> Design, deliver and participate in the 'Port Stephens Choir Development Program', & Develop recommendations to Council on how the current 'Port Stephens Community Choir Committee' could be adapted to function as a choir

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								network.	
CPF1011-0033 Boomerang Park Fitness Track	To install various types of challenging gross motor activities along a jogging type exercise track. This track will be set out around Boomerang Park to attract more people to the area and increase use of the Park.	This Project will support the national Program to improve fitness levels and reduce obesity levels among all age groups in our community, particularly young people. It will also support development of "family" activities and encourage various groups to mix and communicate by providing a common facility for exercise that can be shared by all. As an added benefit, use of the Park will increase and providing consideration is given to the layout of the track will serve to monitor other attractions in the Park including the Historic Cemetery and the Historic Dam and Water Tower picnic Area. The intention is to incorporate the new retention pond wall being constructed at the intersection of Kangaroo and Krawang Streets also. The Track will be improved and various exercise stations added over time.	Raymond Terrace Parks Reserves and Tidy Towns Committee	Unsuccessful - due to being ineligible	0				The cultural benefits have not been demonstrated. Work with the asset owner and local sports council to progress this through the works program.
CPF1011-0043 Pioneers of the Tomaree Peninsula Pioneer Index	The Pioneers of the Tomaree Peninsula Pioneer Index is a project to collect and document the details of the early settlers of the Tomaree Peninsula. The project aims to document all the early pioneers of the area and collect information on the stories of their lives. Using sound research techniques, information is being collected from historical records and documents and compiled into a fully indexed publication to assist members of the community to obtain details of their family ancestors and the collect, in one publication, the relevant research sources for these people.	The project provides a consolidation of historical references and photographs for the community to provide them with information on the people who shaped the area from the commencement of European settlement.	Tomaree Family History Group Nelson Bay Inc.	Support in part	1000				Supporting the research phase, while the printing costs will be returned through sales. Consider online publication.
CPF1011-0045 Tilligerry Festival - Foreshore Fun Day	Foreshore Fun Day provides an opportunity for the community to participate in a signature event that defines the Tilligerry Peninsula. It focuses on family and child friendly activities. It gives the local	It is about building "place" within the Tilligerry community. A day to showcase our community groups. It shows how our community works together to bring about an event that is a positive for the Tilligerry Peninsula, for the visitors that come for the	Tilligerry Community Association	Support in part	3000	3000	3000	funding does not contribute to the fireworks	Without the \$5000 expenditure on fireworks the festival would be viable and the support would not be

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	community a day they can look forward to, participate in and promote local pride.	day and for the business that trade in our community. Each year the Festival project promotes the Tilligerry Peninsula together with local businesses and services; it is a collective celebration of local maritime history and environment; it is an event that encourages whole community integration between all diverse groups, specifically children and youth, either by participation or attendance; the festival is a showcase local talent and it also encourages visitors from other areas within the Port Stephens LGA thereby contributing to economic development.							needed.
CPF1011-0046 Sculptures by the Bay	'Sculptures by the Bay' is to provide an ongoing growing art resource in terms of public sculpture in the Port Stephens Foreshore areas. Starting in the Nelson Bay area and expanding throughout the foreshore. The program will encourage local and national artists to aspire to create a sculpture that speaks of the natural environment, and of fauna and flora of the region including marina life. Furthermore the program will see a growth in access to training workshops and the opportunity for well recognised and listed artists to visit the region to work with local artists. Sculptures by the Bay is an acquisition based arts program designed to develop the cultural aspects of the community creating a focal point for arts tourism and to develop a trail of sculptures throughout the area over time. Essentially the program is one which will bring assets to the community, and the tourism industry. In order to acquire the sculptures for the community we plan to hold annual sculpture competitions offering realistic prize monies for a range of categories and in return the winning	The community of Nelson Bay is made up of people who enjoy the natural aspects of our environment having an art focus in public places will enhance the environment and create talking points. It will create further opportunities for tourism and arts tourism which will inject money into the local economy and create jobs. The creation of arts tourism is important to the region as it can support the low season and give the local economy stability and help grow job opportunities. Art in the community is very important in Nelson Bay we have many local artists and many older people who participate in art workshops keeping them a part of the community addressing isolation and health issues.	Nelson Bay Town Management Inc	Support in full	4000	4000	4000	<ul style="list-style-type: none"> • That the money is tied to the main prize, being acquisitive with the sculpture being installed on the foreshore. Foreshore asset owner approval to be granted and DA approved if assessed as required. • The winning sculpture becomes part of Council's art collection. 	

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	entries will remain within the local landscape.								
CPF1011-0048 Raymond Terrace Arts & Crafts Workshop Tutor	Having a teacher/tutor to run art workshops at least once a month for the benefit of our members	Using a tutor to run workshops for the artists will help our membership and also encourage new members to join.	Raymond Terrace Arts & Crafts	Unsuccessful					Please apply again with a complete project application, outlining what the project would deliver to the broader community, and a detailed budget with the various income and costs of running the workshops / other project elements. There are opportunities to exhibit in the gallery in future, which could be incorporated into your project plan eg: the workshops developing skills toward presenting an exhibition.
CPF1011-0049 Celebrating and Building Capacity of the Culture Port Stephens Network	This fund will enable culturehunter.org and Hub Aaah to host a free event bringing together diverse cultural groups on the Culture Port Stephens site. Hub Aaah will host the event and bring isolated cultural groups together to share in a celebration of culture and aid greater integration of Culture Port Stephens. On-the-ground coordinator Rick Pettit will liaise with local networks to identify individuals and groups who have not worked together and would benefit from and be strengthened by a hosted community event. culturehunter.org will work with them, providing facilitation.	Priorities: - utilise the online network to facilitate a real life celebration, demonstrating tangible benefits of the site. - identify a collection of groups and individuals from the Port Stephens Network that would benefit from an event gathering - create an opportunity for the development of a collaborative showcase of Culture Port Stephens Network, in music and art - identify and host the event in an neutral/ independent venue - have as many of the event features managed and produced by community members from the Culture Port Stephens site	The Octapod Association (culturehunter.org)	Support in full	2000			The applicant work with the Strategic Cultural Committee to develop three cultural showcases - each featuring the cultural groups in each ward and supporting establishment of the Lifestyle	The budget did not reflect the income and expenditure of holding this event. Additional funding has been allocated, recognising the large scope reflected in the conditions.

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	<p>coordination and promotional assistance to create a collaborative event. The content of the event will be determined through engagement with members of Culture Port Stephens, but preliminary discussions with the local community have shaped the event to be a mini festival including: - group exhibition curated by a local artist, - community kitchen and shared meal, - musical performances from diverse genres, - a sandcastle building for children. Once Hub Aaah is open, we anticipate more ideas and opportunities will arise and be added to the list for the event. The Cultural Fund will allow Hub Aaah and culturehunter.org to support and promote the event and provide opportunities for integration of culture in Port Stephens, particularly Anna Bay and surrounding areas. This event will be a smorgasbord of culture in Port Stephens put on by the community for the community.</p>							Network' for each ward.	
<p>CPF1011-0051 Salamander Men's Shed</p>	<p>We are developing the men's shed as a place where we are encouraging the men of our village to undergo physical, mental and social interactions. We are setting up an area which will enable us to pass on skills and craftsmanship to each other, mainly in the field of woodwork. We aim to make items for our centre, toys and other useful projects for our community.</p>	<p>The Shed addresses the isolation faced by many of our retired men. We are looking to keep minds and bodies active longer and allow the men to lead a more interesting life. We hope to provide a meeting place for encouraging mateship by doing fun practical things or just having a yarn and a cuppa.</p>	<p>Salamander Haven Men's Shed</p>	<p>Support in full</p>	<p>700</p>				<p>This is one-off funding. The budget does not reflect the income and expenditure of delivering the men's shed project, just showing the cost of two items of equipment. You are required to report back on what the overall men's shed program has delivered to the participants and the broader</p>

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CPF1011-0053 Rhythm in the Rotunda	Organise musical entertainment in the Rotunda in Riverside park, Raymond Terrace one Sunday afternoon each month during summer. Food will be available through the Lions Club van. Volunteers from the club will organise the music, food and publicity. This project will offer free entertainment in a pleasant relaxed environment where people /families can enjoy a picnic & listen to music.	This project has already been run by the Lions Club 2 years ago on a Friday evening with some success. By changing to a Sunday it is hoped to attract more families. There are not a lot of opportunities in Raymond Terrace where families can attend cultural events without incurring costs. Many families are unable to afford to pay for live entertainment. This project aims to give families the opportunity to do so & become more involved in their community.	Lions Club of Raymond Terrace	Support in part	2000				community. You applied under the small grants category which has a maximum of \$1000. To apply for a larger sum requires a business plan and documentation of partners. There are many local community performing groups who would love the opportunity to perform and not command a performance fee. There could be other performances programmed in the rotunda which could be included in the promotions.
CPF1011-0055 Annual Tilligerry Art, Craft and Quilting Show	This is a major art, craft and quilting show which showcases the talents of local, intra and interstate artists and quilters. In excess of 300 art exhibits and 70 quilts as well as craft are displayed for 4 days as a part of the Tilligerry Festival.	With the lack of a cultural centre in Port Stephens this project promotes, attracts and presents a quality cultural experience to the local community. It provides an opportunity for local artists craft persons and quilters to display their talents and skills and to have them recognised. It is a celebration of the arts for the local and wider community. It has become accepted as a prestige event in the arts calendar and Port Stephens Council has recognised it worth and potential by being a major sponsor.	Tilligerry Art, Craft and Quilting Show Committee	Support in part	1500	2000	2000	<ul style="list-style-type: none"> Funds are tied to the main prize. The main prize becomes 'acquisitive from the second year onwards, with the winning painting to become part of the Council art collection." 	In future, please make the budget clearer as to what the items are for.
CPF1011-	The aim is to maintain meaningful	"Face of a Sister City" will be a result of	Port	Support	1000				

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0056 Face of a Sister City Photographic Exhibition	long term links with our sister cities and to bring awareness to the Port Stephens community of these mutually beneficial relationships. "Face of a Sister City" is an exhibition of photographs from Port Stephens and each of our 4 sister cities in Japan and the USA which will all be taken during the same 24 hour period. It will provide a snapshot of life and capture the essence and character of the different cultures.	partnerships between Port Stephens Sister Cities, Port Stephens Council (with funding) and various community groups eg youth and photographic groups and local businesses. We have active exchange relationships with our sister cities which have resulted in beneficial cultural understanding for all involved and brought economic benefit to Port Stephens. Recent exchanges visits have included the Major, Dep Major and General Manager of PSC. The sister city relationships are important and this project aims at strengthen these relationships and develop further understanding of our sister cities in our community.	Port Stephens Sister Cities	In full					
CPF1011-0057 Promotional Booklet for Port Stephens Sister Cities	Printing of 1000 x 12 page a5 size booklets outlining the benefits to the Port Stephens community of having sister cities: Detailing information on each of our S/C; and encouraging the community to become involved in our projects. Booklets will be distributed through libraries and other relevant places eg when members talk to service clubs. Examples of the type of information to go into the booklet are attached as files.	Sister cities brings many benefits to the local community not the least of which is economic benefit, cultural exchange and understanding. The more of our community that become involved then the better understanding of different cultures evolves.	Port Stephens Sister Cities	Unsuccessful	0				This is an operational activity of a council committee which receives council funding for it's operations. We recommend you access funding from the Tourism budget to attract visitors from the sister cities. Recommend you still design a brochure and print as required and make available as PDF on Council & Culture Port Stephens websites.
CPF1011-0058 Annual Sister Cities National Conference 2011	Delegate and Youth delegate to represent Port Stephens at the Annual Sister Cities Conference 2011 which is being held in Toowoomba Queensland in August 2011. This project has two objectives, 1. To provide an incentive to ACTIVELY	Our Port Stephens sister city relationships are currently managed by a small enthusiast group of community members and councillors. To ensure sustainability of the organisation it is desirable to have a broader age range of members. Involving youth gives us the best potential for the	Port Stephens Sister Cities	Unsuccessful	0	0			There needs to be a equitable process for selecting the youth delegate. There is a standing resolution of Council for the

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	involve youth in the Sister cities organisation by using funding to sponsor a youth delegate. The involvement of youth in Sister Cities will greatly enhance the relevance of Sister City relationships to our community. 2. Send 2 delegates (including 1 youth delegate) to the Annual Sister Cities Australia Conference. This enables Port Stephens community to actively contribute to the Australian Sister Cities Organisation and to further develop our Sister Cities through the ideas and networking opportunities provided by this conference. Port Stephens was awarded 2 significant National Awards at the 2010 conference. This achievement benefits Port Stephens acknowledging the effort and support of the Sister Cities Committee and PSC, and promoting Port Stephens to the national and international attendees. A requirement of the youth participation that they be chaperoned.	longevity of our organisation. Youth stand to gain the most from the cultural exchanges provided and relationships developed by our organisation. At these conferences the exposure the youth delegates have to other youth involvement in other sister city organisations either through council funded committees, community committees and youth councils provides great insight into the opportunities for youth involvement in both local governments and communities. For example, delegates of this year's conference included youth mayors of youth councils. These youth councils manage their own budgets. The youth delegate could be sourced from youth community groups and local schools. We currently have committee members who are students at St Phillips School and members of Robin Yvette Dance Studio who have recently participated in international exchange visits to Bellingham and Yugawara. The incentive of sponsored participation at conference could encourage some of these youth to be active members of the committee. Attendance at the annual conference provides a wonderful opportunity to promote Port Stephens. Attendees at this year's conference distributed the Port Stephens visitor guide and displayed promotional posters and video of Port Stephens. This exposure encourages visitation to the area and contributes to the overall economic development.							youth citizen of the year to be supported to attend at the cost of Council. The committee needs to act upon this in consultation with the Mayor.
CPF1011-0059 Port Stephens Examiner Literature Award	To build an opportunity for authors of high quality literature and showcase Port Stephens as a multi-arts destination.	These awards fill a much needed cultural gap in our area. To provide for the diverse cultural needs of the community these awards are a crucial link. As previous awards have shown whilst a lot of stories are submitted from all around Australia, we have a very high percentage of the winners. On a recent "Google" of the	Tilligerry Adult & Community Education Inc.	Support in full	500	500	500	• Council has joint naming rights with the Examiner. The Port Stephens Council and	While Council contributes significantly to the prize money, the organisation with naming rights does not make a financial

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		awards we found authors listing their placement in the "prestigious" Port Stephens Examiner Literature Awards. This proved to us that they fill a need for authors. The awards also provide a way for people in our community to volunteer by becoming a reader of stories. Our community has a high level of volunteering but there are still people who haven't found their niche. Being a reader can often fill that spot and we find that we never have any trouble finding readers. Our final judging panel is also made up of community members with an interest in literature.						Examiner Literature Award. •The winning entry is published on the Culture Port Stephens website.	contribution. This needs to be addressed.
CPF1011-0061 Christmas and Holiday Entertainment in Nelson Bay	A Program of entertainment to be held on the Town Centre Stage in the lead up to Christmas and in the peak season for tourism	The project is a priority as there is no activity to celebrate Christmas in the Township of Nelson Bay and the vibrancy of the town and lack of cultural input in relation to the festive season will see locals migrating away from the centre and to other venues where music and activities occur. For those who are unable to drive Nelson Bay is the location where the Christmas activity needs to occur. Tourists expect a vibrant community with activity in the township this program will deliver to this expectation. The children's program will specifically cater to this market.	Nelson Bay Town Management Inc	Support in full	1000	1000	1000	•Sustainability of the program is developed, toward becoming an annual / ongoing program. •To be promoted on the Tourism, Culture Port Stephens and other websites	Please provide details of program, dates etc.
CPF1011-0062 Port Stephens Festival of the Sea Art Competition	An art competition which embraces all aspects of life in Port Stephens and by the sea and how we as a community interact with our diverse environment.	Art is a great way for the community to express its link with the environment and to celebrate what we enjoy, how we live and what our region has to offer. We intend to take this competition from the east to the west of the LGA and involve the diversity of the environment and how we live within it. Artworks will be available for display at locations throughout the region.	Nelson Bay Town Management Inc	Unsuccessful	0				Timing not right, project over before funding distributed. Apply next year when the funding round will be brought forward and confirmed in time for promotion of project.
CPF1011-0063	This project is based on a frieze of 18 mosaic panels 550mm x 300mm	The frieze will enhance the Habitat building with a substantive art work that	Tilgery Habitat	Support in full	1000				Recommend you link with the Youth

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

Habitat Dream Path	each. Phase 1: construction of each mosaic panel has been completed. Phase 2: involves mounting the panels and the official opening. Phase 3: will be the production of a booklet with images and text documenting the project and a set of exercises for children. The concept for the frieze is a dream path which winds through the Habitat revealing flora, fauna, human interaction and natural features which abound. The dream motif allows for deeper connections and recognition of the essence of the Habitat. Created by Habitat Art group, the panels have fostered insight, friendships, collaboration and skills.	has the capacity for promoting the educational and interpretive aspects of the Habitat mission, meanings and stories. It also provides a unique resource for discussion with groups about the environmental and cultural aspects of the Tŷgerry Peninsula. It will provide another fascinating, quality attraction for visitors.	Association						Mosaic program being established by Council's Youth Services. Contact Jim Campbell.
CPF1011-0064 Raymond Terrace Annual Art Show	The Raymond Terrace Annual Art Show celebrated its 43rd year this year. Artists are invited to show their work, with the understanding that all works MUST be for sale. We had Artists this year as far South as Sydney and as far North as Taree showcasing their work as well as local talent. We received 370 paintings this year which was up on last years Art Show. Thanks to our sponsors we are able to make prize money available and we now will have 8 sections covering all mediums for 2011.	The Raymond Terrace Art Show raises not only awareness in the community of the fine artists that we have, but the profits raised from the Art Show are divided amongst three local schools. Those schools being Raymond Terrace, Irawang and Grahamstown Public schools. The Art Show is growing every year. We have a youth section and as of 2011, we will have a new section for Senior Citizens, giving us a total of 8 sections.	Raymond Terrace Annual Art Show Committee.	Support in part	2000	2000	2000		Council's Strategic Cultural Committee will be considering the philosophy of what Council would acquire for the Art Collection, to future acquisitions, including those through art shows.
TOTALS					40,730	17,450	17,400		

ITEM NO. 4

FILE NO: R7200-02

UPDATED DISABILITY ACCESS & INCLUSION POLICY

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING, MANAGER

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Disability Access & Inclusion Policy as specified in **Attachment 1**.

THE ITEM WAS WITHDRAWN PRIOR TO THE MEETING.

ITEM NO. 5

FILE NO: PSC2005-1530

**DRAFT AMENDMENT TO COUNCIL'S DEVELOPMENT CONTROL PLAN
TO INCLUDE INDEPENDENT DISABLED ACCESS AUDITS FOR RELEVANT
DEVELOPMENT PROPOSALS**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place on public exhibition for 28 days the draft amendment to Port Stephens Development Control Plan 2007 (**Attachment 1**) requiring Independent Access Audits for relevant development proposals.

THE ITEM WAS WITHDRAWN PRIOR TO THE MEETING.

ITEM NO. 6

FILE NO: PSC2006-0806

HUMAN ADVERTISEMENTS WITHIN THE ROAD RESERVE

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL SERVICES, MANAGER
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve that taking action to control the practice of Wobble Boarding within road reserves will only be considered if public safety risks are evident.

COUNCIL COMMITTEE MEETING – 28 SEPTEMBER 2010 RECOMMENDATION:

	Councillor Bruce MacKenzie Councillor Sally Dover	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

305	Councillor John Nell Councillor Geoff Dingle	It was resolved that the recommendation be adopted.
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BACKGROUND

At its meeting on 13th July 2010, it was resolved that Council-

1. *Defer the matter to allow Councillors to receive a copy of the information provided at public access.*
2. *Councillors be provided with details with respect to the possibility of establishing standards for advertising within road reserves such as development applications or other standards.*

The information provided at Public Access was a copy of the Dominoes Pizza Risk Assessment Plan for the Activity of Wobble Boarding. It is provided in Attachment 1 to this report.

The information requested in deferral issue 2 is provided in this report under "Legal, Policy and Risk Implications".

The purpose of this report is to seek Council's direction regarding businesses that engage in "wobble board" advertisement. This form of advertising usually involves

young employees being engaged to stand in prominent roadside locations to display advertising placards and gain the attention of passing motorists. It is an advertising strategy that is most commonly used by fast food businesses and is from time to time the subject of complaint to Council.

Recently, Council Rangers warned a fast food retailer in Raymond Terrace that the practice of wobble boarding was dangerous in that it distracted motorist's attention and did not comply with Council's planning legislation as advertising is an activity which requires development consent. The Ranger's action in this matter was prompted by a complaint from the public.

The retailer has had discussions with Council officers and the Cr Bruce MacKenzie regarding this matter and has indicated a desire to continue the practice.

FINANCIAL/RESOURCE IMPLICATIONS

Businesses who desire to carry out this type of advertising advise that it is an inexpensive and effective method of drawing attention to their business. The activity involves employment of young staff who would not be employed if Council prohibited the practice and chose enforcement.

This form of advertising is not widespread and is considered a low risk activity in most cases.

LEGAL, POLICY AND RISK IMPLICATIONS

Council has requested details with respect to the possibility of establishing standards for advertising within road reserves such as development applications or other standards that may permit the practice of wobble boarding.

1. Development Consent

The practice of wobble boarding fits the definition of advertisement in the LEP –

advertisement means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

The relevant provisions of the LEP 2000 can be used to determine whether wobble boarding is permissible in any particular location.

The activity of wobble boarding invariably occurs on unzoned road reserves and Section 45 of the LEP enables Council to consider consent for activities on unzoned land having regard to usages that would be permissible in the zonings of the adjoining parcel of land.

If Council were to agree as land owner to the submission of a DA for wobble boarding, consent could only be given on road reserves adjacent to zonings that permit advertisements. Advertisements are generally only permissible in commercial

and industrial zones and definitely not residential zones (where the current Dominoes favoured site is.)

Any development application would have to be assessed on merits in accordance with Section 79C of the Environmental Planning and Assessment Act.

Council as land owner V Council as Regulatory Authority

The submission of any development application requires the concurrence of the applicable land owner. In the case of road side advertising, the land is invariably owned or managed by Council and therefore Council would need to be signatory to any Development application lodged.

Notwithstanding any agreement to the lodgement of a Development application, Council as the regulatory authority must then assess the application on its merits.

Prior to endorsing general support for the practice of wobble boarding, Council needs to be cognisant of the types of issues that would be required to be considered in a responsible assessment of a development application under Section 79C of the Environmental Planning and Assessment Act. The major considerations include environmental, social and economic impacts, the suitability of the site, public submissions and whether the activity is in the public interest.

Limitations to Development consent

- Council (or the RTA for main roads) would need to endorse the lodgement of each Development Application.
- Consent would be required for each occurrence at each location.
- Development application fees could be prohibitive to operators as wobble boarding is otherwise seen as a free use of public land for a commercial activity.
- Consent could only be given in locations where advertising is ordinarily permitted. This would eliminate many of the most desired locations for the current advertiser.

Evaluation

The LEP appears as though it may be used to enable wobble boarding but its application is cumbersome. The LEP is primarily concerned with land use planning and is not intended to accommodate sporadic uses of public land by business of this kind.

2. Councils Policy for Temporary Structures on the Roadway

Council's policy for Temporary Structures on the Roadway is aimed at enabling activities such as the display of A-frame advertising within the road reserve. The legislative basis for this policy lies in Section 138 of the Roads Act which confers that a person may not erect a structure or carry out work on or over a public road otherwise than with consent of the relevant roads authority.

Wobble boarding does not fit the criteria stipulated in the Act in that it is neither "work" nor "erection of a structure". The activity does not fall within the scope of Council's Temporary Structures on the Roadway policy in relation to the wobble

board preferred locations, as the policy requires the relevant structure to be located adjacent to the subject business premises.

Evaluation

Council's Policy for Temporary Structures on the Roadway cannot be used to enable the practice of wobble boarding as the practice does not fit the requirements of Section 138 of the Roads Act.

3. Risk implications

The following matters have been identified as risks to Council.

- Permitting roadside advertising of this type under the LEP may create an undesirable precedent.
- Sect 79C of the EP&A Act would require Council to address the safety risks to the staff undertaking the wobble boarding within the road reserve and also risks to others such as motorists who may be distracted by it. This assessment and the enforcement of any conditions seem inherently problematic.
- Legitimising the activity of wobble boarding would logically lead to pressure on Council to develop policies to legitimise other road side activities such as the display of vehicles for sale, advertisements on vehicles and trailers and the setting up of temporary road side stalls.
- Council's Traffic Engineer has also provided the following advice -

"The traffic team certainly has concerns with the practice of 'wobble boarding' with regard to road safety, however each situation would need to be assessed and it may be that there are situations where it can be undertaken safely.

The following is taken from the RTA's policy on advertising on RTA infrastructure and could provide a good guidance for Council assessment.

The safety aspects of each advertising proposal must be assessed. A Proposal will not proceed if the RTA forms an opinion that any part of the proposal would represent a traffic hazard. An advertising proposal may be considered a traffic hazard for the following reasons:

- i) It interferes with the effectiveness of a traffic control device;
- ii) It distracts a driver at a critical time;
- iii) It obscures a driver's view of a road hazard;
- iv) It gives instructions to traffic such as "Stop" or "Halt";
- v) It attempts to imitate a traffic control device;
- vi) It distracts the driver's attention for too long a period;
- vii) It is a dangerous obstruction.

The above would mean that any wobble-boarding adjacent to intersections would not be allowable.

In addition the RTA Traffic Control at Worksites Manual defines requirements for work being undertaken within the road reserve. There is an obligation on organisations and contractors carrying out works on roads together with supervisors at all levels to maintain a safe workplace. This entails the prevention of injury to workers due to

hazards within the workplace, the protection of workers from oncoming and passing traffic and the protection of road users from hazards within the worksite. For a 60km/h road the minimum allowable clearance is 3m between workers and the nearest travelling lane"

- This matter was first brought to Councils attention through public complaint alleging a safety risk posed by wobble boarders. Since the first complaint a small number of complaints have been received. Recently an email was received from a resident advising that a car accident had occurred as a result of a driver being distracted by wobble boarders. This email is provided in Attachment 2.
- Dominoes have provided a Risk Assessment Plan for wobble Boarding (Attachment 1). It acknowledges the risk to staff of being hit by a vehicle. It does not acknowledge the risk of motorists being distracted and colliding with other motorists. There is evidence that Dominoes Raymond Terrace do not comply with their own Risk Assessment Plan as one of the risk controls stated to avoid possible impacts from vehicles requires wobble boarders to be positioned "on a straight stretch of road". The most common location for Dominoes in Raymond Terrace is adjacent to the roundabout located on Richardson Road/Benjamin Lee Drive. Roundabouts are potentially the most hazardous location for this type of activity and do not constitute a straight stretch of road.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It can be argued that this activity is of minor importance or priority in terms of compliance but has significant benefits in terms of employment of young people and supporting local business.

Council must however recognise the organisations potential liability in the event of an incident where Council has had some formal involvement with this type of activity.

CONSULTATION

- Cr Bruce MacKenzie
- Co-ordinator Environmental Health and Regulation
- Franchisee and employees of a fast food establishment engaged in wobble board advertisement.
- The following Hunter Councils have also been specifically contacted regarding their approach to this issue –
- Newcastle – Consider the practice to be unauthorised development and have requested businesses engaged in the activity to cease. They have no specific policy on the issue.

- Lake Macquarie – Consider the practice to be unsafe and constitutes Development without consent. Have requested the practice to cease in the past when carried out on public land but don't act when it occurs on private property. They have no specific policy on the issue.
- Maitland – Do not consider it an issue as they have never noticed the practice nor received complaints. They advise however that they would consider wobble boarding to be Development without consent and would act if the individual activity represented a safety risk. They have no specific policy on the issue.
- An email message has also been sent to all NSW Councils seeking information as to procedure and policy that may cover this matter. Only Seven (7) responses were received and these fell into the following categories:

Three (3) Councils responded that they didn't see this as an issue in their area. Two (2) Councils believed this was a police issue as it related to road safety. One (1) Council suggested that the practice was illegal under the Roads Act. One (1) Council has taken legal action for a breach under the EP&A Act (as has been the course of action taken in the past at Port Stephens).

It should be noted that this is a poor response from NSW Councils, but not unexpected as this is a complicated issue. There does not appear to be any existing policy, guideline or approach to this matter that can be consulted.

OPTIONS

- 1) Only consider taking action to control Wobble Boarding within road reserves if public safety risks are evident.
- 2) Take regulatory action against companies that undertake Wobble Boarding on road reserves.
- 3) Take no action against Wobble Boarding within road reserves.

ATTACHMENTS

- 1) Risk Assessment Plan for Wobble Boarding from Dominoes Pizza.
- 2) Copy of email from concerned resident.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Risk Assessment Plan for Wobble boarding from Dominoes Pizza

Risk Assessment – General Plant and Activity

Date: 30/06/2010 Risk Assessed: Wobble boarding

Workplace assessed: Raymond Terrace Assessors: Ian Taurimory/ Stuart Preston

Workplace applications: Local Signs Marketing (P&H) (H&A)

Task Description: Hold Advertising board to display current special to passing traffic

Is this a basic manual handling task? ☐ YES ☐ NO

Hazard Identification	Hazard Detail	Risk Priority	Risk Control (Injury Prevention)
Entanglement Can anyone's hair, clothing, gloves, necktie, jewellery, rings and other materials become entangled with moving parts of parts, or materials in motion? For example, is there a power switch to cut the power off when the machine is covered during operations?		N/A	
Yes No			

Dominoes Pizza Pty Ltd Page 2

Risk Assessment – General Plant and Activity

Hazard Identification	Hazard Detail	Risk Priority	Risk Control (Mitigation/Prevention)
Crushing Can anyone, or a part of any person, be crushed due to falling, uncontrolled or unexpected movement of plant or its load, lack of capacity to lift, stop or manoeuvre the plant, tipping or rolling over, parts of plant collapsing, contact with moving parts during loading, inspection, maintenance, cleaning or repair, overturning, under or trapped between plant and materials or fixed structures. Yes No	Possible impact from vehicle.	3	The position selected for Wobbling has a clear escape route. The team member has completed training to ensure they understand the following: 1. The escape route 2. They must remain at least 1m from the herb and preferable on a foot path. 3. They must maintain eye contact with the traffic and be looking for any danger at all times. 4. Employees must wear a high visibility vest. 5. See Photos in store for reference to stand safely
Cutting, Stabbing and Puncturing Can anyone be cut, stabbed or punctured by coming in contact with moving plant or parts, sharp or flying objects, work pieces ejected, work pieces disintegrated or other factors not mentioned for example, are all guards in place? Yes No			
Shearing Can anyone's body parts be cut off between two parts of the plant, or between a part of the plant and a work piece or structure? Yes No	Possible impact from vehicle.	3	The position selected for Wobbling has a clear escape route. The team member has completed training to ensure they understand the following: 1. The escape route 2. They must remain at least 1m from the herb and preferable on a foot path. 3. Positioned on a straight stretch of road. 4. They must never be positioned in the centre median strip 5. They must maintain eye contact with the traffic and be looking for any danger at all times. 6. Employees must wear a high visibility vest

Risk Assessment – General Plant and Activity

Hazard Identification	Hazard Detail	Risk Priority	Risk Control (Injury Prevention)
Electrical Can anyone be injured by electrical shock or burnt due to damaged or poorly maintained leads or switches, using non electrical equipment, working near or contact with live electrical conductors, lack of isolation procedures or other factors not mentioned? For example, are any switches broken, is there a red emergency stop? Can each machine be locked off for repair? Yes No			
Explosion Can anyone be injured by an explosion of gas, vapours, liquids, dusts or other substances, triggered by plant operation? For example, build up of dust under the table etc. Yes No			
Fricition Can anyone be burnt due to contact with moving parts or surfaces of the plant, or material handled by the plant? Yes No			

Risk Assessment – General Plant and Activity

Hazard Identification	Hazard Detail	Risk Priority	Risk Control (Injury Prevention)
Striking Can anyone be struck by moving objects due to plant or work pieces being ejected or dislodged, incoherently, uncontrolled or unexpected movement of the plant or other factors? Yes No	Possible impact from vehicle.	3	The position selected for Wobbling has a clear escape route. The team member has completed training to ensure they understand the following: 1. The escape route. 2. They must remain at least 1m from the herb and preferable on a foot path. 3. Positioned on a straight stretch of road. 4. They must never be positioned in the centre median strip. 5. They must maintain eye contact with the traffic and be looking for any danger at all times. 6. Employees must wear a high visibility vest.
Slipping, Tripping and Falling Can anyone using the plant or in the vicinity of the plant, slip, trip or fall due to the working environment or other factors i.e. poor housekeeping, dust on the floor around machines, slippery or uneven work surfaces or lack of guardrails? Yes No	Possible slip or trip due to loose objects or uneven ground.	2	1. The manager will inspect the designated area to ensure the area is free from objects and inform the employee of any potential hazards. 2. Staff non slip shoes 3. Stop if raining out side
Suffocation Can anyone be suffocated due to lack of oxygen, or atmospheric contaminants? Are there extraction systems in place? Yes No			

Risk Assessment – General Plant and Activity

Hazard Identification	Hazard/Detail	Risk Priority	Risk Control (Injury Prevention)
High Temperature (Burns) Can anyone suffer burns through coming into contact with objects at high temperature? Yes No	Sunburn	1	The team member has completed training to ensure they understand the following: <ul style="list-style-type: none"> Team members must apply the sunscreen provide when working during the day. Hats are worn at all times Sunglasses to be worn A drink must be taken with the employee when working during the day. A 5min break every 15 mins must be taken when temperature 35 degrees or higher. A jacket, gloves and other warm clothing should be worn as required during the winter months.
Temperature (Thermal Comfort) Can anyone suffer ill health due to exposure to high or low temperatures? Yes No	Sunburn or Dehydration or Hypothermia	2	The team member has completed training to ensure they understand the following: <ul style="list-style-type: none"> Team members must apply the sunscreen provide when working during the day. Hats are worn at all times A drink must be taken with the employee when working during the day. A 5min break must be taken when temperature 35 degrees or higher. A jacket, gloves and other warm clothing should be worn as required during the winter months.
Ergonomic Can anyone be injured due to seating design, repetitive body movement or posture, excessive effort, poor work place or plant design causing mental or physical stress. Is it of consideration for human behaviour, poor lighting or other factors not mentioned? Yes No	Possible repetitive strain injury	1	The team member has completed training to ensure they understand the following: <ul style="list-style-type: none"> To use a variety of movements Ensure that adequate rest breaks are taken. Wobble board held at a height so the employee can maintain eye contact with the traffic and be looking for any danger at all times. Regular breaks

Quinn's Active Pedestrians Ltd
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Risk Assessment – General Plant and Activity

Hazard Identification	Hazard Detail	Risk Priority	Risk Control (Injury Prevention)
Chemicals Can anyone be injured or suffer ill health from exposure to chemicals? Yes No			
Other Hazards Can anyone be injured or suffer ill health from exposure to: • Toxic Gases Or Vapours • Fumes • Dusts • Noise • Vibration or • Other Factors Not Mentioned? Yes No	Car fumes Noise from cars/buoys	1 1	1. Regular breaks 2. Move back if uncomfortable 3. Stop if noise it to loud

¹ Refer to Risk Assessment Matrix for rating selection

² Ref. Controls set out how the risk will be controlled or eliminated by a Control Measure.

Control Measures:

- Eliminate the Hazard
- Substitute the Hazard
- Isolate the Hazard
- Redesign to reduce or remove the hazard
- Administrative procedures to counter the hazard
- PPE (Personal Protective Equipment)

ATTACHMENT 2

Copy of email from concerned resident

From: email address removed
Sent: Friday, 16 July 2010 10:40 AM
To: mayor
Subject: TRIM: Dominos Wobble Boarders

Hello Bruce

I noticed the article in this week's Port Stephens Examiner regarding the push to stop kids from wobble boarding on the side of the road for Dominos Pizzas and how timely this is in our household.

I would like to bring to your attention that my son had a car accident last Sunday 11 July at the round about at Raymond Terrace because he was looking at a kid wobble boarding on the side of the road.

He was lucky that nobody was hurt in the car accident, however, he did run into the back of one car that was then pushed into another. He now has to find a large excess to be covered by insurance which is extremely hard for a second year apprentice and will not cover the cost to fix his car.

I have nothing against kids earning a buck (and my son was one of the original wobble boarders in Salamander), I just wonder how many other car accidents have been caused because of it. You yourself may not take any notice of them as you are older and possibly less likely to buy a pizza. The young kids look all the time.

I think you should re think your stance in this matter and look at it from a young person's perspective. I am sure Dominos can come up with a better way to advertise. Perhaps they should have the kids walk around the shopping centres and hand out vouchers.

Regards,

Name Removed

ITEM NO. 7**FILE NO: PSC2005-4217****2009/2010 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 2009/2010 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

COUNCIL COMMITTEE MEETING – 28 SEPTEMBER 2010
RECOMMENDATION:

	Councillor Bob Westbury Councillor Bruce MacKenzie	That the recommendation be adopted.
--	---	-------------------------------------

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

306	Councillor Bruce MacKenzie Councillor Glenys Francis	It was resolved that the recommendation be adopted.
------------	---	---

BACKGROUND

The purpose of this report is to advise that the draft General Purpose Financial Reports and Special Purpose Financial Reports for the period ended 30th June 2010 have been prepared and the audit is due to commence Tuesday 5th October.

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 (refer Attachment 2).

FINANCIAL/RESOURCE IMPLICATIONS

The 2009/2010 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 2009/2010 have been recognised together with any revenues due but not yet 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 2009/2010 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 Division of Local Government in providing advice on recent changes to the Code of Accounting Practice

OPTIONS

- 1) Ratify the referring of the draft 2009/2010 General Purpose Financial Reports and Special Purpose Financial Reports for audit and sign the Statements.
- 2) Reject the referring of the draft 2009/2010 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 2010

Port Stephens Council

General Purpose Financial Report
for the financial year ended 30 June 2010

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 28 September 2010.

Bob Westbury
MAYOR

Sally Dover
COUNCILLOR

Peter Gesling
GENERAL MANAGER AND
RESPONSIBLE ACCOUNTING OFFICER

page 2

ATTACHMENT 2

Special Purpose Financial Report 2010

Port Stephens Council

Special Purpose Financial Reports
for the financial year ended 30 June 2010

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 28 September 2010.

<p>_____ Bob Westbury MAYOR</p>	<p>_____ Sally Dover COUNCILLOR</p>
<p>_____ Peter Gesling GENERAL MANAGER AND RESPONSIBLE ACCOUNTING OFFICER</p>	

page 2

ITEM NO. 8

FILE NO: PSC2005-3687

SPLASH ZONE WATER PARK – APPLICATION FOR USE OF NELSON BAY FORESHORE RESERVE

REPORT OF: IAN CRAWFORD – ACTING RECREATION SERVICES MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Supports, in principle, the proposed use of Nelson Bay Foreshore by Splash Zone Water Park.
- 2) Seeks further information from the applicant to address the gaps identified in **Attachment 1**.
- 3) Advertises proposed changes to the existing Commercial Operators Policy to remove the number of site restrictions that are in the current policy and therefore allow for this proposal on Nelson Bay Foreshore.
- 4) Subject to the exhibition period amend the existing Commercial Operators Policy.
- 5) Subject to information being satisfactorily provided in line with item 2, delegate responsibility to the General Manager to approve a licence for the Splash Zone Water Park application.
- 6) Advise the applicant that a Development Consent is required for the lawful operation of the proposal under the provision of the Environmental Planning and Assessment Act and the Port Stephens Local Environmental Plan.

COUNCIL COMMITTEE MEETING – 28 SEPTEMBER 2010

RECOMMENDATION:

	Councillor John Nell Councillor Bob Westbury	That the recommendation be adopted.
--	---	-------------------------------------

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

307	Councillor John Nell Councillor Frank Ward	It was resolved that the recommendation be adopted.
------------	---	---

BACKGROUND

The purpose of this report is to seek Councils in principle support for the application, seek further information to address identified gaps, approve advertising of changes to current Commercial Operators policy, reconsider policy subsequent to exhibition, delegate responsibility to the General Manager to issue a licence subject to further information being provided by the applicant and advise the applicant that Development Consent is required for the proposal.

A first approach to Council was made 8 April 2010. **Attachment 2** outlines the formal advice from Council to the applicant in order to pursue with the application. This advice was emailed on 22 April 2010.

An application from Mr Terry Butler, Splash Zone Water Park, was received in writing 12 July 2010. **Attachment 3** is a copy of the application. The application was for use of Nelson Bay Foreshore to operate an inflatable water park with access from Council reserve required to enable access to the water park.

The applicant's proposal was reviewed by staff in line with Councils current Commercial Operators policy. As a result of this review, gaps in information were identified.

Advice was emailed to the applicant on 27 July 2010 requesting further information so that a proper assessment of the proposal could be undertaken in line with the Councils current Commercial Operators policy. **Attachment 4** is a copy of this advice.

In response to the advice dated 27 July 2010 the applicant requested a meeting with Cr Bruce McKenzie, Mayor of Port Stephens.

This meeting was held 3 August 2010 and the outcome of this meeting being that a site meeting be arranged.

A site meeting involving Cr Bruce McKenzie, Mayor of Port Stephens, Cr Sally Dover, Cr John Nell, Cr Frank Ward, NSW Maritime, Marine Parks Authority, Council staff and the applicants Mr Terry Butler and Mr Steve Garland was held 9 August 2010.

At this meeting it was agreed that :-

- 1) The applicant was to provide a detailed risk management plan for the land based component of the proposal.
- 2) Council staff were to provide a risk management plan template to the applicant to assist the applicant in preparing the document. The applicants were also advised that should they require assistance or clarification on the preparation of a risk management plan Council staff could be contacted.
- 3) Once the risk management plan had been received, Council staff would further assess the application and should it be determined that there were still concerns with regard to safety/risk management the application would then be brought before Council.

- 4) NSW Maritime and Marine Parks Authority would assess the water component of the application.

Communications with the Mayor and Cr Nell have indicated their desire to see this matter reported to Council for resolution.

The applicant provided an amended proposal to staff 17 August 2010. While this amended proposal included additional information pertaining to risk management, it is staff opinion that gaps still exist. The amended proposal received on 17th August 2010 is shown in **Attachment 5**.

Subsequent to the site meeting 9 August 2010 and following receipt of the amended proposal on 17 August 2010, Council staff provided further advice to the applicant. This advice is shown in **Attachment 6**.

A further meeting at the request of the applicant was held with the Mayor 31 August 2010. At this meeting it was agreed that a report would be prepared for the Council meeting to be held 28 September 2010.

Attachment 7 is a Chronology of Events that have taken place from 8 April 2010 until 31st August.

The link to the Council Plan is 16.2 : Develop strategies and identify opportunities for expanding Council's alternative revenue streams.

FINANCIAL/RESOURCE IMPLICATIONS

Approval of the application would increase Council's income streams by \$2000 per annum as a result of a new operator paying a licence fee. It should be noted that management of the licence does have indirect costs associated with this.

LEGAL, POLICY AND RISK IMPLICATIONS

The proposal does not fit within Council's current Commercial Operators policy. Council staff do not have delegation to alter Council policy. Approval of the proposal will require Council amendment to the current policy.

Approval of the proposal in its current form would increase Council's risk exposure. Completion and implementation of an adequate risk management plan and provision of information that is identified as a gap in **Attachment 1** would address this concern.

The applicant would be responsible for the gaining of all licences, insurances, permits and development consent, and all associated costs for the lawful operation of the proposed activities.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposal could provide extra tourism attraction for the local area. It will also provide additional recreational facilities for locals and visitors alike. The Marine Parks Authority will be addressing any environmental issues that they see as part of their permit system.

CONSULTATION

Marine Parks Authority
NSW Maritime
Sustainable Planning staff
Facilities and Services Group Manager
Recreation Services Officer
East Ward Councillors
Mayor of Port Stephens

OPTIONS

- 1) Accept recommendations.
- 2) Reject recommendations.

ATTACHMENTS

- 1) Gaps in Application.
- 2) Formal advice from Council to Applicant outlining process to pursue with application following initial approach to Council 22nd April 2010.
- 3) Business Plan/Application from Splash Zone Water Park 12th July 2010.
- 4) Further advice from Council to applicant following receipt of the formal Business Plan/Application 27th July 2010.
- 5) Amended Business Plan/Application following site meeting 17th August 2010
- 6) Formal advice from Council to applicant following receipt of amended Business Plan after site meeting 25th August 2010.
- 7) Chronology of Events.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) PSC Commercial Operators Policy.
- 2) Documentation relating to incidents associated with inflatable devices.

ATTACHMENT 1

Splash Zone Water Park

GAPS IDENTIFIED IN APPLICATION

COMMENTS

Unclear on proposed use of council land and proposed site set up	Detail is required on the proposed sun shade for sun screen application area, shelter from the sun and 1 st aid area. Also free water stall proposal and how the applicant is to manage life jacket storage, signage, meet and greet area. It is noted that at the meeting held 31/8/10 it was suggested that these are now not required.
Risk Management Plan lacking in detail in respect to water safety management and how the activities will comply with water safety guidelines	Practice Note 15 (Water Safety) assists Councils in exercising their water safety functions and outlines Council's responsibility for the effective implementation of risk management plans associated with water activities from Council foreshores, beaches and pools. Staff are suggesting that these guidelines being used to inform the applicants in demonstrating its approach to risk management and especially how water safety will be managed. Suggest the applicant look at Practice Note 15 and Royal Life Guidelines to assist in this respect
Risk Management Plan lacking in detail of the construction and pull down of the equipment	How will this be carried out in a safe manner on a daily basis? What risks have been identified in the set up of the equipment? What risks have been identified in any pull down or maintenance activities?
Proposed access method from reserve to water not clearly identified.	How will participants access the water park? Are any structures required? How will any structures affect other users?
Lifeguards	Amongst other things ,minimum qualifications, skills experiences and number per head need to be considered. Suggest the applicant look at Practice Note 15 and Royal Life Guidelines to assist in this respect
References of previous experiences	References to demonstrate skill, knowledge and expertise of applicants to operate the water park in a safe manner. It should be noted that these type of facilities have a record of incidences in pool environments across the Country.
Unclear on proposed commencement date and proposed term of operations.	Proposed commencement date not clearly identified or proposed term of license e.g. 1 year, 2 years, 5 years?
Is work cover authority necessary?	Does the water park fall into the category of Amusement Devices and is Workcover authority required?
Documentation to demonstrate Public Liability Insurance has been sought	Applicant has advised in application that Public Liability Insurance will be held however no documentation to support this statement has been provided.
Location of the proposed facility in the waterway	There needs to be some data and plans indicating where in the water body the proposed facility will be located

ATTACHMENT 2

Page 1 of 1

From: Rachel Wood
Sent: Thursday, 22 April 2010 2:25 PM
To: 'tez4boats@optusnet.com.au'
Cc: Ian Crawford; Bryce Cameron; Jason Linnane; Clayton Barr
Subject: Application for Inflatable Water Park, Shoal Bay and Nelson Bay Foreshores
Hi Terry,

Further to our meeting on 8th April with regard to your proposal for access to Nelson Bay and Shoal Bay foreshore reserves for an inflatable water park operation.

I have consulted with Ian Crawford, Acting Recreation Services Manager and Bryce Cameron, Parks and Facilities Co-ordinator and provide the following advice and steps required from here in order for you to pursue with your application:-

1. Complete and submit a full business plan to Port Stephens Council with regard to the land based component of your proposal. You will need to include:-
 - Proposed site
 - Proposed hours of operation
 - Proposed site set up (eg tent, signage, chairs, table, rescue craft)
 - Risk Management Plan including water safety management and how your operations will comply with the Water Safety Guidelines. You will also need to include the set up and set down methods in this risk management plan.
 - Proposed access method from reserve to water.
 - Rubbish control methods
 - Proposed car parking arrangements
 - Public Liability Insurance (min \$20 million and noting PSC rights and interests)
 - Other Authority Approvals
2. Once we have received all of the above information we will then proceed to:
 - a) Consult and seek comment from our East Ward Councillors
 - b) Consult with other commercial operators with an interest in your proposed sites

Pending the outcome from this process it is very likely you will need to submit an Integrated DA. This will require all interested parties (NSW Maritime, Marine Parks Authority and Port Stephens Council) to consent.

I understand that you have tight timeframes to meet in terms of manufacturing equipment and whilst we support the basic concept of your proposal we still need to ensure that we comply with due process and that detailed information is provided in order for us to thoroughly consider your application and determine the best possible outcome for use of PSC managed land.

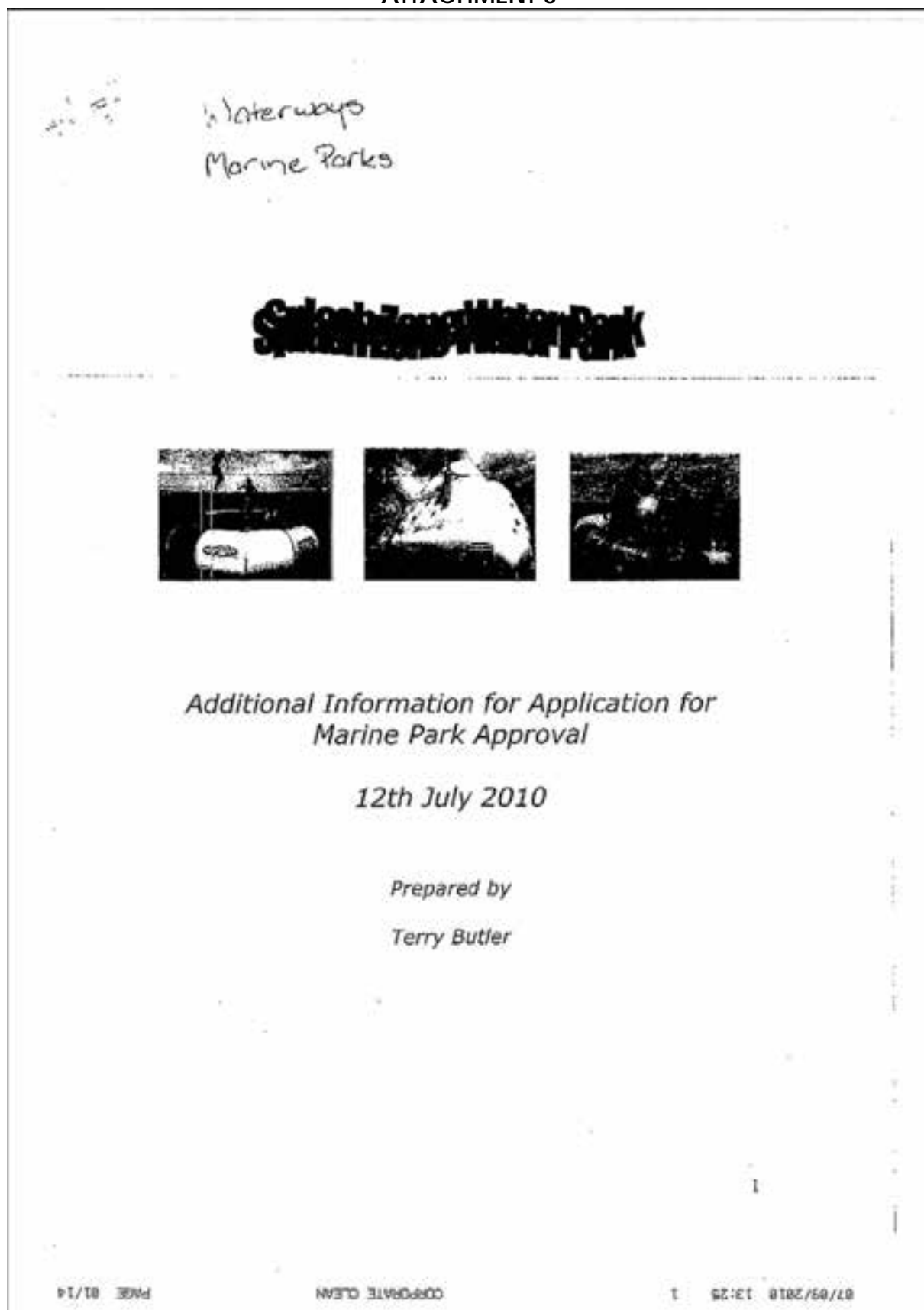
Please feel free to call and discuss further if you wish, look forward to hearing from you soon.

Cheers,

Rachel Wood
Recreation Services Officer
Ph 49163407 (Mon-Thurs 9am-2.30pm)
M. 0447 271 242
Email: rachel.wood@portstephens.nsw.gov.au

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ATTACHMENT 3



ATTACHMENT 3

Table of Contents

1.0 Applicant	3
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2.1 Site Inclusions	5 - 6
3.0 Council Interest	7
4.0 Fact Sheet on Water Toys	8 - 10
5.0 Staffing	11
6.0 Operational Methods	12
7.0 Emergency Management Plan	13 - 14

ATTACHMENT 3

1.0 Applicant

Name: Terrence William Butler

Business Address: Eastern Groin
40a Victoria Parade
Nelson Bay NSW 2315

Postal Address: 57 Boronia Drive
Salamander Bay NSW 2317

Contact Details: 0417 254 808

Owners of Business: Terrence William Butler

History: Commercial Pilot (Sea Planes)
Master V Fishing
Open Coxswain Trading
Open Water Dive Master
Certificate 3, Commercial Diver
Owner/Operator various water sport operations
Water sport contracts held with P&O Resorts
25 years on water experience

3

ATTACHMENT 3

2.0 Place of Business

Area of Operation:

Eastern Groyne (eastern side)
40a Victoria Parade
Nelson Bay NSW 2315
(photo below)



Location:

Nelson Bay

Hours of Operation:

8.00am to 6.00pm

Takeaway Service:

Cruise In Booking Office & Take Away

ATTACHMENT 3

2.1 Site Inclusions

Public Reserve:

Nelson Bay Foreshore (photo below)



Public Toilets:

Adjacent Cruise In Booking Office & Take Away (photo below)



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PAGE 05/14

CORPORATE CLEAN

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ATTACHMENT 3

Car Parking:

Victoria Pde, Nelson Bay (photo below)



Public Transport:

Buses, taxi's etc..

Pedestrian Access:

Victoria Parade
Nelson Bay NSW 2317
(located at front of Cruise In Booking Office
& Take Away)

Additional:

ATTACHMENT 3




3.0 Council Interest

<i>Council Name:</i>	Port Stephens Council
<i>Contact Name:</i>	Rachelle Wood
<i>Lease:</i>	Beach Operators Permit (TBA)
<i>Account Number:</i>	TBA
<i>Name of Account:</i>	TBA
<i>Location:</i>	TBA
<i>Additional:</i>	SLIP, SLOP, SLAP Splash Zone express permission to erect a portable sun-shade on beach area for applications of sunscreen, shelter from sun & for first aid equipment. Also, free water will be provided to all customers.

7





ATTACHMENT 3

5.0 Fact Sheet on Water Toys

Item No.	QTY	Description	Unit Price		Packing Info	Pic
			Inflatable			
Water Trampolins	2	Material: 0.9mm PVC Tarpsail, enforced PVC Size: 7.6m Dia*1.2m H Handle: 4 pcs Ladder: 2pcs Repair kit Color: Blue and White		Weight: 80KG MEAS: CTN: 160*5 8*44CM		
Iceberg	1	Material: 0.9mm PVC Tarpsail, enforced PVC Size: 6.1m L*4.2m W*4.2m H Repair kit Color: Blue and White		Weight: 120KG MEAS: CTN: 200*7 9*55CM		
Saturn	1	Material: 0.9mm PVC Tarpsail, enforced PVC Size: Dia: 3.7m Handle: 20pcs Repair kit Color: Green and White		Weight: 50KG MEAS: CTN: 45*45 *80CM		




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ATTACHMENT 3

Kotapua	1	Material: 0.5mm PVC Tarpaulin, enforced PVC Size: Dia 4mL * 2.1mW Seam: Heat RF welded seam Repair kit Color: Green and White		Weight: 45KG MEASCTN: 49*42 *33CM	
Glider	2	Material: 0.5mm PVC Tarpaulin, enforced PVC Size: Dia 3.5mL * 914mmW Seam: Heat RF welded seam Repair kit Color: Green and white		Weight: 30KG MEASCTN: 35*33 *38CM	
Safety buoys	12	Material: 0.5mm PVC Tarpaulin, enforced PVC Size: 4.5mL * Dia 228 Repair kit Color: Green and white		Weight: 28KG MEASCTN: 42*29 *31CM	
Mooring	1	Material: 0.5mm PVC Tarpaulin, enforced PVC Size: 6.4mL * 914mm W Repair kit Color: Green		Weight: 45KG MEASCTN: 49*42 *33CM	

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ATTACHMENT 3

Weld the plank	2	Material: 0.9mm PVC Tarpsailin, enforced PVC Size: 4.5m x 3.14mmW and 1.6m x 960mmW, 1m Deep Repair kit Color: Blue and light Green		Weight: 55KG MEAS: CTN: 50*50 *90CM	
Equip zones	1	Material: 0.9mm PVC Tarpsailin, enforced PVC Size: trampoline 3.7m Diameter with 914mm depth Splash Log 3m long x 658mm wide Splash Slide 2m long x 1.2m high x 800mm wide Handle: 11pcs Color: Blue and white		Weight: 150KG MEAS: CTN: 160*1 10*40CM	
Water Slider	1	Material: 0.9mm PVC Tarpsailin, enforced PVC Size: 4m x 3m Repair kit Color: purple on blue with sky blue background		Weight: 60KG MEAS: CTN: 80*50*5 CCM	

10

ATTACHMENT 3

5.0 Staffing

Splash Zone will employ casual staff to manage the day to day running of the business.

There will be a minimum staffing requirement of one senior staff member, and two Bronze Medallion junior staff members at all times.

All employees will hold a Senior First Aid Certificate & also minimum requirement of a Bronze Medallion. Splash Zone will also employ junior staff from local surf life saving clubs.

water safety guarantee

- practice note 15 → level of training for signaller.
- charity + consult for comments.

ATTACHMENT 3

6.0 Operational Methods

Injury Report System:

Splash Zone will record all reported injuries & will make a report to NSW Maritime within 24 hours of occurrence. This will include any accidents / incidents which result in death, and or injury which require medical attention.

A written report to follow within 7 days.

Poor Weather Conditions:

Splash Zone to manage poor weather conditions & where forecast monitoring will be our responsibility.

Register of Customers:

A full register will be maintained where the following details will be recorded;

- Name, address & signature of the customer.
- Date & time of the activity period.

(A maximum of 30 customers per session)

Briefing for Customers:

Splash Zone staff will conduct a briefing before commencement of each session.

Provision of PFD's:

All customers are required to wear a PFD life jacket with additional crutch strap during their activities – eliminating & inhibiting PFD life jacket removal.

Maintenance of Equipment:

Splash Zone will manage daily maintenance of all equipment to verify that they are seaworthy & that all safety equipment is in good working order.

Public Liability Insurance:

Splash Zone will maintain public liability coverage of \$20 million. Whilst cover will be provided, each customer & parent or guardian will be advised of their obligations in relation to safety & their negligence.

Each customer & parent or guardian will be advised of the risk involved in the use of the water park.

ATTACHMENT 3

7.0 Emergency Management Plan

Authority:

The Authority for this plan is Terrence William Butler & immediate staff.

Area Covered by Plan:

Eastern Groin, site one.

Aim:

The aim of the Plan is to detail the emergency management arrangements for Splash Zone.

Hazard Effects:

Known Hazards:

- Young children.

Possible Hazards:

- Floating debris including logs or storm debris.
- Tidal influence.
- Drowning.

Prevention;

- Most incidents in the Hazards can be the result of human error. Effects will be lessened by Splash Zone Staff being vigilant & aware of their responsibilities. - how? detailed RTP!

Notification:

Notification of an emergency or threat of an emergency shall be immediately conveyed to the 000 Emergency Services.

Emergency Contact Details;

- Emergency Services on 000

Address for Site Location;

- Eastern Groin, eastern side
- Victoria Pde, Nelson Bay, NSW, 2315

Emergency Vehicle Access;

- Ambulance – Road access / car park / reserve access
- Helicopter – Reserve access

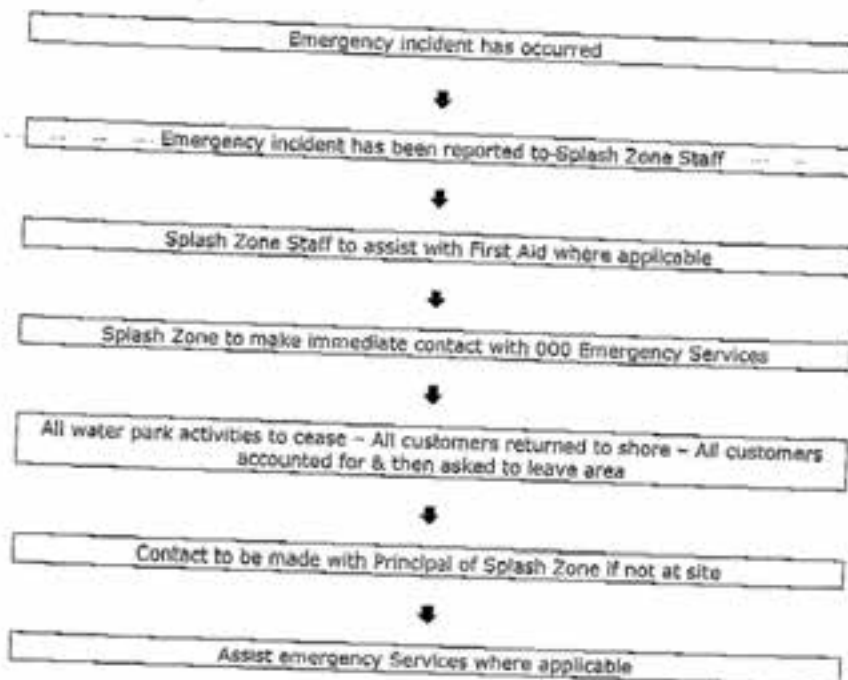
Emergency Contact Details of Principal;

Terrence William Butler
0417 254 808
57 Boronia Drive, Salamander Bay, NSW, 2317

ATTACHMENT 3

Diagram of the Notification Plan:

- Rating of Risk to the level of risk.



Emergency Co-ordination:

Any representative from the 000 Emergency Services is the designated Emergency Co-ordination Authority for all emergencies.

Tasks for Splash Zone Staff:

- Depending on the extent of the emergency, likely tasks for Splash Zone Staff are;
- Assistance requested from 000 Emergency Services personnel.
 - Closing of water park.
 - Collection & safe storage of personal belongings to the injured customer.
 - Contact with Port Stephens Council.
 - Prepare report & contact to be made with NSW Maritime within 24 hours & submission of written report within 7 days.

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ATTACHMENT 4

Page 1 of 3

From: Rachel Wood
Sent: Tuesday, 27 July 2010 11:37 AM
To: 'stephen garland'
Cc: Bryce Cameron; Ian Crawford; 'matthew.davis@maritime.nsw.gov.au'; max.haste@dpi.nsw.gov.au
Subject: Application for Inflatable Water Park, Shoal Bay and Nelson Bay Foreshores
Hi Steve,

We've had a second look at your amended business plan and unfortunately there are still some significant items that have not been addressed. Until these items are addressed we are not in a position to further consider your application and to then move forward and implement an integrated DA process and consult with our Councillors as per below advice.

To further consider your application, the following information is still required:-

- Risk Management Plan including water safety management and how your operations will comply with the Water Safety Guidelines. You will also need to include the set up and set down methods in this risk management plan.
 - **Proposed access method from reserve to water**
- Rubbish control methods
- Proposed car parking arrangements
- Public Liability Insurance (min \$20 million and noting PSC rights and interests)
- Other Authority Approvals (Maritime, MPA)

Once all of the above has been received in detail, a meeting will then be arranged with all relevant stakeholders (MPA, Maritime, Lands Department) to re-assess. From here, it is likely that an integrated DA will be necessary along with consultation with our East Ward Councillors.

Please feel free to call if you need further clarification on what is required.

Regards,

Rachel Wood
Recreation Services Officer
Ph 49163407 (Mon-Thurs 9am-2.30pm)
M 0447 271 242
Email: rachel.wood@portstephens.nsw.gov.au

From: stephen garland [mailto:dreammarine@live.com.au]
Sent: Monday, 26 July 2010 2:29 PM
To: Rachel Wood
Subject: RE: TRIM: Application for Inflatable Water Park, Shoal Bay and Nelson Bay Foreshores

hi rachel
steve here re splash zone water park
has thee been any move on your end after our chat last week
you were getting in touch with max haste an us asap
cheers steve

Subject: FW: TRIM: Application for Inflatable Water Park, Shoal Bay and Nelson Bay Foreshores
Date: Wed, 26 May 2010 12:32:03 +1000
From: Rachel.Wood@portstephens.nsw.gov.au
To: dreammarine@live.com.au

Hi Steve,

Here is a copy of the email sent to Terry on 22nd April 2010.

Cheers,

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ATTACHMENT 4

Page 2 of 3

Rachel Wood
Recreation Services Officer
Ph 49163407 (Mon-Thurs 9am-2.30pm)
M 0447 271 242
Email: rachel.wood@portstephens.nsw.gov.au

From: Rachel Wood
Sent: Thursday, 22 April 2010 2:25 PM
To: 'tez4boats@optusnet.com.au'
Cc: Ian Crawford; Bryce Cameron; Jason Linnane; Clayton Barr
Subject: TRIM: Application for Inflatable Water Park, Shoal Bay and Nelson Bay Foreshores

Hi Terry,

Further to our meeting on 8th April with regard to your proposal for access to Nelson Bay and Shoal Bay foreshore reserves for an inflatable water park operation.

I have consulted with Ian Crawford, Acting Recreation Services Manager and Bryce Cameron, Parks and Facilities Co-ordinator and provide the following advice and steps required from here in order for you to pursue with your application:-

1. Complete and submit a full business plan to Port Stephens Council with regard to the land based component of your proposal. You will need to include:-
 - Proposed site
 - Proposed hours of operation
 - Proposed site set up (eg tent, signage, chairs, table, rescue craft)
 - Risk Management Plan including water safety management and how your operations will comply with the Water Safety Guidelines. You will also need to include the set up and set down methods in this risk management plan.
 - Proposed access method from reserve to water.
 - Rubbish control methods
 - Proposed car parking arrangements
 - Public Liability Insurance (min \$20 million and noting PSC rights and interests)
 - Other Authority Approvals
2. Once we have received all of the above information we will then proceed to:
 - a) Consult and seek comment from our East Ward Councillors.
 - b) Consult with other commercial operators with an interest in your proposed sites

Pending the outcome from this process it is very likely you will need to submit an Integrated DA. This will require all interested parties (NSW Maritime, Marine Parks Authority and Port Stephens Council) to consent.

I understand that you have tight timeframes to meet in terms of manufacturing equipment and whilst we support the basic concept of your proposal we still need to ensure that we comply with due process and that detailed information is provided in order for us to thoroughly consider your application and determine the best possible outcome for use of PSC managed land.

Please feel free to call and discuss further if you wish, look forward to hearing from you soon.

Cheers,

Rachel Wood
Recreation Services Officer
Ph 49163407 (Mon-Thurs 9am-2.30pm)
M 0447 271 242

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ATTACHMENT 4

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Email: rachel.wood@portstephens.nsw.gov.au

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ATTACHMENT 5

Splash Zone Water Park



*Additional Information for Application for
Marine Park Approval*

12th July 2010

Prepared by

Terry Butler

ATTACHMENT 5

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ATTACHMENT 5

1.0 Applicant

Owners of Business: Terrence William Butler & Stephen Garland

Business Address: Eastern Groin
40a Victoria Parade
Nelson Bay NSW 2315

(Applicant 1)

Name: Terrence William Butler

Postal Address: 57 Boronia Drive
Salamander Bay NSW 2317

Contact Details: 0417 254 808

Owners of Business: Terrence William Butler

History: Commercial Pilot (Sea Planes)
Master V Fishing
Open Coxswain Trading
Open Water Dive Master
Certificate 3, Commercial Diver
Owner/Operator various water sport operations
Water sport contracts held with P&O Resorts
25 years on water experience

(Applicant 2)

Names: Stephen Garland

Postal Address: 52 Bower Parade
Singleton Heights NSW 2330

Contact Details: 0409 499 540

History: Charter boat operations
Open Water Dive Master

ATTACHMENT 5

2.0 Place of Business

Area of Operation:

Eastern Groin (eastern side)
40a Victoria Parade
Nelson Bay NSW 2315
(photo below)



Location:

Nelson Bay

Hours of Operation:

8.00am to 6.00pm

Takeaway Service:

Cruise In Booking Office & Take Away

ATTACHMENT 5

2.1 Site Inclusions

Public Reserve:

Nelson Bay Foreshore (photo below)



Public Toilets:

Adjacent Cruise In Booking Office & Take Away (photo below)



ATTACHMENT 5

Car Parking:

Victoria Pde, Nelson Bay (photo below)



Public Transport:

Buses, taxi's etc..

Pedestrian Access:

Victoria Parade
Nelson Bay NSW 2317
(located at front of Cruise In Booking Office
& Take Away)

Additional:

ATTACHMENT 5

3.0 Council Interest

Council Name: Port Stephens Council

Contact Name: Rachelle Wood

Lease: Beach Operators Permit (TBA)

Account Number: TBA




Name of Account: TBA

Location: TBA

Additional: SLIP, SLOP, SLAP
Splash Zone express permission to erect a portable sun-shade on beach area for applications of sunscreen, shelter from sun & for first aid equipment. Also, free water will be provided to all customers.





ATTACHMENT 5

5.0 Fact Sheet on Water Toys




Item No.	QTY	Description	Unit Price		Packing info	Pic
			Inflatable			
Water Trampoline	2	Material: 0.9mm PVC Tarpaulin, enforced PVC Size: 7.6mDia*1.2mH Handle: 4 pcs Ladder: 2pcs Repair kit Color: Blue and White			Weight: 80KG MEAS/CTN: 160*5 8*44CM	
Iceberg	1	Material: 0.9mm PVC Tarpaulin, enforced PVC Size: 6.1mL*4.2mW*4.2mH Repair kit Color: Blue and White			Weight: 120KG MEAS/CTN: 200*7 9*55CM	
Saturn	1	Material: 0.9mm PVC Tarpaulin, enforced PVC Size: Dia: 3.7m Handle: 20pcs Repair kit Color: Green and White			Weight: 50KG MEAS/CTN: 45*45 *80CM	

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ATTACHMENT 5

Katapult	1	Material: 0.9mm PVC Tarpuulin, enforced PVC Size: Dia 4.4mL * 2.1mW Seam: Heat RF welded seam Repair kit Color: Green and White		Weight: 45KG MEASCTN: 49*42 *53CM	
Glider	2	Material: 0.9mm PVC Tarpuulin, enforced PVC Size: Dia 3.5mL * 914mmW Seam: Heat RF welded seam Repair kit Color: Green and white		Weight: 30KG MEASCTN: 35*33 *38CM	
Safety buoys	12	Material: 0.9mm PVC Tarpuulin, enforced PVC Size: 4.6mL * Dia 228 Repair kit Color: Green and white		Weight: 28KG MEASCTN: 42*29 *31CM	
Moornwalk	1	Material: 0.9mm PVC Tarpuulin, enforced PVC Size: 6.4mL * 914mm W Repair kit Color: Green		Weight: 45KG MEASCTN: 49*42 *53CM	

ATTACHMENT 5

Walk the plank	2	Material: 0.9mm PVC Tarpaulin, enforced PVC Size: 4.6mL*914mmW and 1.6mH* 980mmV*1.1mDeep Repair kit Color: Blue and light Green		Weight: 55KG MEAS: CTN: 50*50 *80CM	
Spashzone	1	Material: 0.9mm PVC Tarpaulin, enforced PVC Size: trampoline 3.7m Diameter with 914mm depth Splash Log 3m long x 556mm wide Splash Slide 2m long x 1.2m high x 900mm wide Handle: 11 pcs Color: Blue and white		Weight: 150KG MEAS: CTN: 160*1 10*40CM	
Water Slider	1	Material: 0.9mm PVC Tarpaulin, enforced PVC Dia: 4m*3mH Repair kit Color: purple an lilac with sky blue background		Weight: 60KG MEAS: CTN: 90*90*5 0CM	

ATTACHMENT 5

5.0 Staffing

Splash Zone will employ casual staff to manage the day to day running of the business.

There will be a minimum staffing requirement of one senior staff member, and two **Bronze Medallion junior staff** members at all times.

All employees will hold a Senior First Aid Certificate & also minimum requirement of a Bronze Medallion. Splash Zone will also employ junior staff from local surf life saving clubs.

Does not comply with ^{Note} Prac 15 on lifeguard qualifications.

ATTACHMENT 5

6.0 Operational Methods

Injury Report System:

Splash Zone will record all reported injuries & will make a report to NSW Maritime within 24 hours of occurrence. This will include any accidents / incidents which result in death, and or injury which require medical attention.

A written report to follow within 7 days.

Poor Weather Conditions:

Splash Zone to manage poor weather conditions & where forecast monitoring will be our responsibility.

Register of Customers:

A full register will be maintained where the following details will be recorded;

- Name, address & signature of the customer,
- Date & time of the activity period.

(A maximum of 30 customers per session)

Briefing for Customers:

Splash Zone staff will conduct a briefing before commencement of each session.

Provision of PFD's:

All customers are required to wear a PFD life jacket with additional crutch strap during their activities - eliminating & inhibiting PFD life jacket removal.

Maintenance of Equipment:

Splash Zone will manage daily maintenance of all equipment to verify that they are seaworthy & that all safety equipment is in good working order.

Public Liability Insurance:

Splash Zone will maintain public liability coverage of \$20 million. Whilst cover will be provided, each customer & parent or guardian will be advised of their obligations in relation to safety & their negligence.

Each customer & parent or guardian will be advised of the risk involved in the use of the water park.

ATTACHMENT 5

7.0 Emergency Management Plan

Authority:

The Authority for this plan is Terrence William Butler & immediate staff.

Area Covered by Plan:

Eastern Groin, site one.

Aim:

The aim of the Plan is to detail the emergency management arrangements for Splash Zone.

Hazard Effects:

Known Hazards;

- Young children.

Possible Hazards;

- Floating debris including logs or storm debris.
- Tidal influence.
- Drowning.

Prevention;

- Most incidents in the Hazards can be the result of human error. Effects will be lessened by Splash Zone Staff being vigilant & aware of their responsibilities.

Notification:

Notification of an emergency or threat of an emergency shall be immediately conveyed to the 000 Emergency Services.

Emergency Contact Details;

- Emergency Services on 000

Address for Site Location;

- Eastern Groin, eastern side
- Victoria Pde, Nelson Bay, NSW, 2315

Emergency Vehicle Access;

- Ambulance – Road access / car park / reserve access
- Helicopter – Reserve access

Emergency Contact Details of Principal;

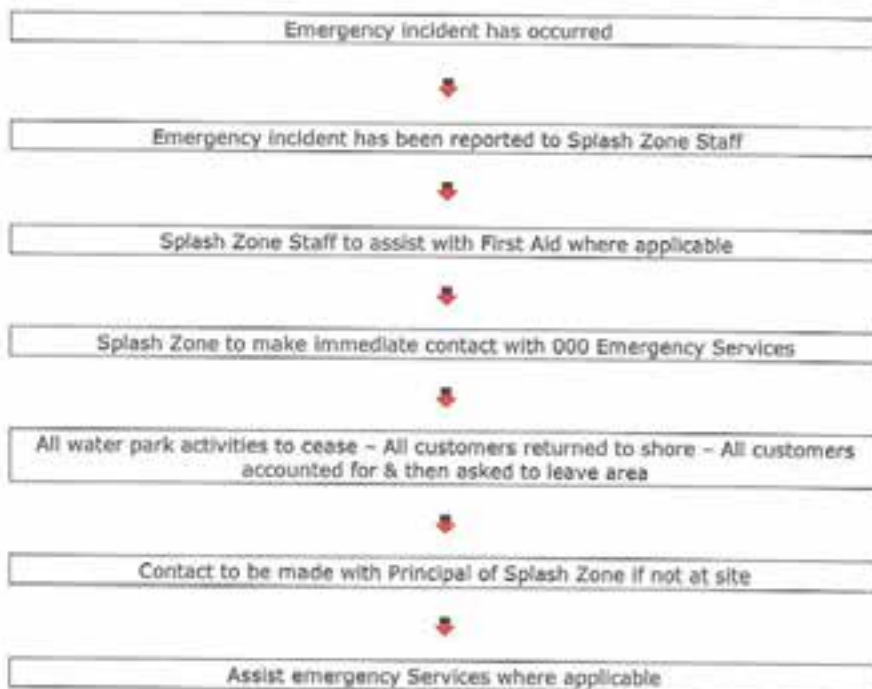
Terrence William Butler

0417 254 808

57 Boronia Drive, Salamander Bay, NSW, 2317

ATTACHMENT 5

Diagram of the Notification Plan:



Emergency Co-ordination:

Any representative from the 000 Emergency Services is the designated Emergency Co-ordination Authority for all emergencies.

Tasks for Splash Zone Staff:

Depending on the extent of the emergency, likely tasks for Splash Zone Staff are;

- Assistance requested from 000 Emergency Services personnel.
- Closing of water park.
- Collection & safe storage of personal belongings to the injured customer.
- Contact with Port Stephens Council.
- Prepare report & contact to be made with NSW Maritime within 24 hours & submission of written report within 7 days.

ATTACHMENT 5

8.0 Risk Assessment

Hazard	Risk rank*	Control	Controlled risk rank**
1) Syringes and sharps	14	Hourly beach inspections (If found remove to sharps disposal container)	21
2) Blue bottles/floxum, stings	15	Constant water monitoring	24
3) Broken glass/rubbish	14	Hourly beach inspections (If found remove to onsite rubbish bin)	21
4) Floating / beached debris	15	Constant water monitoring/hourly beach inspections	24
5) Cuts and abrasions	14	Remove all sharp edges from equipment	21
6) Hot sand (burns)	15	Awareness signs	22
7) Sunburn	15	Appropriate PPE***	25
8) Stranger danger	18	Staff awareness	24
9) Entanglement	13	Insure all ropes are taught	20
11) Wild life bites	18	No provoking of wild life	21
12) Unwanted people (erg :>18,nucenss groups)	18	Staff awareness	21
13) Near drowning	8	Life jackets to be fitted on all customers	16
14) Dog bites	21	Staff awareness	23
15) Broken bones	21	Eliminate any potentially harmful jump zones/trip hazards	23
16) Bullying	22	Staff awareness	25

*obtained from risk matrix below.

**obtained from risk matrix below after control.

*** PPE includes but not limited to: long sleeve shirts, sunscreen, wide brim hats for workers and a minimum of sunscreen for customers.

If a risk is deemed to exist and is not listed above the acting staff supervisor will fill in the appropriate cells and complete with the risk matrix.

ATTACHMENT 5

8.1 Risk Matrix

Risk factor range	1-6	7-15	16-25
Priority	high	medium	low

Consequences	Factor	Probability	Factor
Fatality or permanent disability	1	Common	A
Major injury	2	Has happened	B
Average LTI	3	Could happened	C
Medical treatment	4	Not likely	D
First aid treatment only	5	Practically impossible	E

ATTACHMENT 6

Page 1 of 2

From: Ian Crawford
Sent: Wednesday, 25 August 2010 4:15 PM
To: 'stephen.garland'; 'Brett Boehm'; 'max.haste@dpi.nsw.gov.au'; mayor;
'matthew.davis@maritime.nsw.gov.au'; Faye Johnstone; 'tez4boats@optusnet.com.au'; CR John
Nell; CR Sally Dover; CR Frank Ward; CR Bob Westbury; Rachel Wood; Jason Linnane
Subject: Application for Water Park, Nelson Bay Foreshore
Dear Terry and Steve,

RE: Application for Water Park, Nelson Bay Foreshore

Following receipt of your amended risk management plan a meeting was held with the Group Manager
Facilities & Services (my manager) to further assess your application.

There were 3 major outcomes of this meeting:-

1. That formal advice from our planners was required to determine if the application would be subject to a DA.
2. That regardless of a DA being required, the application would be subject to a full report to Council due to the proposed site at Nelson Bay already being

occupied and licensed to another operator. Council staff do not have the authority to amend council policies, therefore a report to Council would be necessary.

3. That Practice Note 15 Water Safety (Department of Local Government) be applicable to this application. In basic terms, Practice Note 15 assists Councils in exercising their water safety functions and outlines Councils responsibility for the effective implementation of risk management plans associated with water activities from Council foreshore reserves.

Your application was forwarded to our planning department and it has been determined by our planners that the activity proposed in your application would require development consent under Part 4 of the EP and A Act and Council's LEP 2000 and DCP 2007. Our planners have also advised that an integrated DA process will be required. This should include Marine Parks Authority, NSW Maritime, NSW Fisheries and Department of Environment and Climate Change.

Furthermore, it is also advisable from our planners that suitably qualified consultants assist you with the preparation of a development application and any legislative requirements.

Part of the development application requires owners consent to enable lodgement of the application. This would mean that the Department of Lands will need to sign off as land owner.

Due to your risk management plan not satisfying the water safety requirements of Practice Note 15, Port Stephens Council would not be in a position to recommend consent by the Department of Lands to lodge the DA.

For you to proceed with your application the following steps will be required:

1. Provide a detailed risk management plan relating to water safety to the satisfaction of Port Stephens Council. (under Practice Note 15, Council have the responsibility of insisting on the provision of this). Once Council have received this and are satisfied that all legislative requirements have been met we will then be in a position to submit a report to Council for approval on an additional site at Nelson Bay.
2. If approval is granted for an additional site at Nelson Bay then you can proceed to go to step 3 below.
If approval is not granted then you will be able to apply again in August/Sept 2011 when sites become vacant and are advertised via tender.
3. Obtain Land owners consent to lodge a DA and engage a consultant to assist in the preparation of the Development Application. Should approval be granted via the DA process then a license can be prepared for occupation of the site.

In terms of timeframes in complying with the above it would be likely that the final outcome would not be achieved until December 2010 at the earliest. If you have any further questions please do not hesitate to contact me.

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ATTACHMENT 6

Page 2 of 2

Regards

Ian Crawford
Acting Recreation Services Manager

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ATTACHMENT 7

<p>Splash Zone Water Park Application Applicants: Terry Butler/Steve Garland</p>	
Date	Event
8 th April 2010	<p>Mr Butler and Mr Garland attended a meeting (at the applicants request) with Rachel Wood at Tomaree Office.</p> <p>Applicants discussed a proposal for an inflatable water park at Nelson Bay Foreshore and submitted a brief proposal mainly compromising photographs of the equipment.</p> <p>Applicants were advised at this meeting of the Commercial Operators Policy and process that would be required to formalise their application and enable it to be assessed further.</p>
15 th April 2010	<p>Meeting convened by Rachel Wood with Ian Crawford (Acting RSM and Bryce Cameron, Parks Facilities Co-ord) to obtain advice on the concept of the application and determine formal advice to respond to applicant with the requirements to pursue with their application.</p>
22 nd April	<p>Formal response via email sent to applicant outlining the process and information required to pursue with their application and allow Council staff to thoroughly assess the application.</p> <p>A copy of this formal response is attached.</p>
26 th May 2010	<p>A response from the applicant had not been received and on this day, 26th May 2010 Mr Garland arrived at the Tomaree Office at Samurai Beach Resort and advised verbally to Rachel Wood that he was having difficulty with Mr Butler acting on our advice and requested I assist them in preparing the business plan and writing the risk management plan.</p> <p>Mr Garland was verbally advised by Rachel Wood that this was not the role of Council nor was it appropriate and if they wished to pursue with the application the email of the 22nd April clearly outlined the process and the information required.</p>
22 nd July 2010	<p>Steve Garland arrived at Tomaree Office, Samurai Beach Resort and handed to Rachel Wood their business plan as requested on 22nd April.</p> <p>Mr Garland was advised that the business plan would be reviewed and further advice would be provided by the Tuesday of the next week.</p>

ATTACHMENT 7

27 th July 2010	Email response to Mr Garland further advising that there were still some significant items that had not been addressed in the business plan and until this information was provided Council staff were not in a position to further consider the application to then move forward and implement an integrated DA process and consult with East Ward councillors as per the advice provided on the 22 nd April.
28 th July 2010	Applicants contacted Mayor and requested a meeting scheduled for 9am on Tuesday 3 rd August.
2 nd August 2010	Briefing with Mayor to provide background information in preparation for Tuesday's meeting. This meeting was attended by the Mayor, Ian Crawford and Rachel Wood.
3 rd August 2010	Meeting with Mayor, Mr Garland, Mr Butler, Ian Crawford and Rachel Wood Outcome of this meeting was to convene a site meeting on 9 th August and invite East Ward Councillors, Marine Parks Authority, NSW Maritime.
9 th August 2010	Site meeting held at Nelson Bay. Meeting attended by Mayor, Cr Dover, Cr Ward, MPA, Maritime, Ian Crawford, Rachel Wood, Mr Garland, Mr Butler. Outcome of this meeting were for the applicants to provide detailed risk management plan for the land based component and if further concerns were evident then a report to Council for determination would be required.
9 th August 2010	Risk Management Plan template emailed to Applicants to assist in writing RMP for their application.

ATTACHMENT 7

17 th August 2010	Amended Risk Management Plan received
23 rd August 2010	Advice from NSW Maritime received A copy of this is attached
23 rd August 2010	<p>Meeting convened with Jason Linnane(GMFS) Ian Crawford(Acting RSM) Bryce Cameron (Parks Facilities Co-ord) and Rachel Wood.</p> <p>Meeting was convened following review of the amended risk management plan being submitted and deficiencies in this still being apparent and of concern.</p> <p>In preparation for this meeting technical advice from Recreation Services Staff with regard to water safety management was sought. The advice received from this was that Practice Note 15 was applicable to the proposed activity.</p> <p>Outcome of meeting with GMFS was to:-</p> <ul style="list-style-type: none"> • Clarify with Planning staff of DA requirements. • Report to Council necessary as the proposed site was not an approved site within the realms of our Commercial Operators Policy therefore Council approval for an additional site at Nelson Bay would be required. • Formal responses from Maritime and MPA to be obtained.
24 th August 2010	Advice from Planners outlining requirement for a DA.
25 th August 2010	<p>Email response to applicant outlining final advice on DA requirements, Report to Council and the application of Practice Note 15 being necessary in risk management plan.</p> <p>A copy of this response is attached.</p>

ATTACHMENT 7

26 th August 2010	Meeting request from Mayor to attend another meeting with Mr Butler/Mr Garland regarding conditions outlined in email response of 25 th August.
31 st August 2010	<p>Meeting held with Mayor, David Broyd, Jason Linnane, Ian Crawford, Ken Solman, Rachel Wood, Mr Garland, Mr Butler.</p> <p>Outcome: report to Council for determination.</p> <p>Secondary to this David Broyd advised that a DA would be required regardless of outcome of Council report.</p>

ITEM NO. 9

FILE NO: A2004-0284

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Payment of Expenses and Provision of Facilities to Councillors' Policy at **ATTACHMENT 3** for the purposes of public consultation.
- 2) Place the Payment of Expenses and Provision of Facilities to Councillors' Policy, at **ATTACHMENT 3**, on public exhibition for a period of 28 days.

COUNCIL COMMITTEE MEETING – 28 SEPTEMBER 2010**RECOMMENDATION:**

	Councillor Bob Westbury Councillor John Nell	That the recommendation be adopted.
--	---	-------------------------------------

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

308	Councillor John Nell Councillor Sally Dover	It was resolved that the committee recommendation be adopted.
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BACKGROUND

The purpose of this report is to provide Council with the reviewed Councillors Reimbursement Policy in accordance with Section 252 of the Local Government Act 1993.

Council last adopted the policy on 24 November 2009, after public consultation as required by legislation.

The Division of Local Government (formerly Department of Local Government) issued Circular No 09-36 on 7 October 2009, notifying Councils of the revised Councillor Expenses and Facilities Guideline. There are several revised areas in the guideline.

The Circular is shown at **ATTACHMENT 1** which details the areas that have been revised. Council is required to submit a copy of the adopted Policy with the Division of Local Government by 30 November 2010.

Council was not required to comply with this circular last year as the review process of the then policy was underway and Council was excused from complying with the new guidelines at that stage.

The revised policy will supersede the previous policy shown at **ATTACHMENT 2**.

Council's revised policy is shown at **ATTACHMENT 3**.

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

Expenditure associated with this policy is included in the 2010-11 budget allocation, however the upper limits are not fully budgeted. Councillors will be advised should the upper budget limits be achieved.

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

OPTIONS

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

ATTACHMENTS

- 1) DLG Circular No 09-36
- 2) Current Councillors Reimbursement Policy
- 3) Draft Payment of Expenses & Provision of Facilities to Councillors Policy

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



Circular No. 09-36
Date 7 October 2009
Doc ID. A183934

Contact Wendy Forrester
02 4428 4172
wendy.forrester@dlg.nsw.gov.au

RELEASE OF REVISED COUNCILLOR EXPENSES AND FACILITIES GUIDELINES

The purpose of this circular is to advise councils of the release of revised *Guidelines for the payment of expenses and the provision of facilities for mayors and councillors in NSW*.

The revised Guidelines are based on the findings of a review of council policies on councillor expenses and facilities conducted in 2007 (Circular 08-03 refers), as well as feedback from councils.

The Local Government and Shires Associations of NSW were consulted during the revision.

Revisions include:

1. Addition that councillor expenses may not be used to support attendance by councillors at political fund-raising functions
2. Addition to and consolidation of the legal expenses provisions, including reference to matters before a council's Conduct Review Committee/Reviewer.
3. Addition that councils should establish and document an appropriate process to resolve any disputes that arise about expenses and facilities
4. Addition that gifts and benefits given by councillors should be of token value and in accordance with a policy developed by the council.
5. Addition to training and development expenses provisions
6. Clarification on the need for limits for all expenses
7. Clarification that policies should disallow general expense allowances and private benefit from expenses and facilities (unless incidental or reimbursement mechanism in place)
8. Clarification of processes for approval, reconciliation and reimbursement of expenses
9. Clarification that councillor annual fees do not fall within the scope of councillor expenses and facilities policies
10. Clarification that adopted expenses and facilities policies apply to Administrators of councils
11. Updates to legislative provisions and references

Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

2

12. Restructuring of information and format to make the Guidelines easier to follow

Councils are required to submit their expenses and facilities policies to the Division of Local Government, Department of Premier and Cabinet by 30 November each year.

Councils have until 30 November 2009 to submit 2009/2010 policies that comply with these Guidelines.

Councils may contact the Division to seek a short extension to submit their 2009/2010 policy after this due date in order to take the revised Guidelines into account. Councils must clearly justify why an extension is required and propose an alternative policy submission date. The Division will confirm if an extension has been granted.

Councils that have already publicly exhibited a draft 2009/10 policy and/or adopted their 2009/10 policy based on the previous version of the Guidelines are not required to reconsider their 2009/10 policies in light of the revised Guidelines.

Councils that were awaiting the revised Guidelines to prepare their policies for 2008/2009 are not required to retrospectively revise and submit those policies to the Division of Local Government.

The revised Guidelines, which replace any previous versions of the Guidelines issued, is available from the 'Publications' page of the Division's website at www.dlg.nsw.gov.au.



Ross Woodward
Deputy Director General (Local Government)
Department of Premier and Cabinet

ATTACHMENT 2



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

Amended 24/11/09

Minute No.399

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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 \$60.00 per month towards Councillors telephone calls. Claims in excess of \$60.00 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 \$60.00 per month upon production of the paid account. Claims in excess of \$60.00 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 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.

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.

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.
 - 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.

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.

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.

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 fees, 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;
 - i. be in written 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 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 (4); 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 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.

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	\$	<i>Klms TRAVELLED</i>	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

COUNCILLOR MONTH 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: _____

ATTACHMENT 3



Payment of Expenses and Provision of Facilities to Councillors Policy

(Section 252, Local Government Act 1993)

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
Amended 24/11/09
Minute No.399

Part 1 – Introduction

1.1 Title, commencement and definitions of the Policy

1.1.1 The Policy shall be known as the "Councillors Payment of Expenses and Provision of Facilities".

1.1.2 The Policy is effective from #####.

1.1.3 Definitions

In this Policy, unless otherwise stated:

- a) **Councillor** means a Councillor elected to Port Stephens Council, including the Mayor.
- b) **Official Business of Council** means:
 - Meeting of Council;
 - Meetings of Committees of the Whole
 - Site inspection where resolved by Council;
 - Meetings of committees where Council has endorsed the Councillor's membership;
 - Civic receptions hosted or sponsored by Council;
 - Meetings or functions to which the Councillors attendance has been approved by the General Manager and/or the Mayor.
 - Functions or meetings where the invitation to attend arises only as a result of the Councillor's position as a Councillor.
- c) **Council Term** means period of elected Council (generally 4 years under the Local Government Act 1993).
- d) **Port Stephens Local Government Area** means the local government area of Port Stephens Council.
- e) **The Act** means the *Local Government Act 1993*.
- f) **The Regulations** means the *Local Government (General) Regulation 2005*.

1.2 Purpose of the Policy

1.2.1 The purpose of the policy is to ensure that Councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

1.3 Objectives and scope of the Policy.

1.3.1 The objective of this Policy is to detail those Councillor expenses and facilities the cost of which shall be met by Council.

1.3.2 This Policy also aims to ensure compliance of the Port Stephens Council Code of Conduct.

1.4 Making, adoption and reporting of the Policy

- 1.4.1 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 Division of Local Government Circular No. 09-36, 7 October 2009.
- 1.4.2 The Act requires that the Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.
- 1.4.3 This Policy is to be adopted by Council annually, within five months after the end of the year.
- 1.4.4 Prior to adoption public notice must be given and public submissions invited for 28 days. Council must then consider all submissions received and make any appropriate changes to the Policy.
- 1.4.5 Council need not give public notice of a proposed amendment if Council is of the opinion that the proposed amendments are not substantial. The term “not substantial” should be taken to mean minor changes to wording of the policy or changes to monetary provisions or rates that are less than 5% or changes to the standard of equipment and facilities to be provided. Public notice is required prior to each annual adoption of the policy even if there are no proposed changes.
- 1.4.6 Section 428 of the Act and Clause 271 of the Regulation requires Councils to include detailed information in their annual reports about the payments of expenses and facilities to Councillors.

1.5 Legislative provisions

- 1.5.1 The relevant legislative provisions are the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*.

Local Government Act 1993

248 FIXING AND PAYMENT OF ANNUAL FEES FOR COUNCILLORS

- (1) *A council must pay each councillor an annual fee.*
- (2) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (3) *The annual fee so fixed must be the same for each councillor.*
- (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

248A ANNUAL FEES OR OTHER REMUNERATION NOT TO BE PAID DURING PERIOD OF SUSPENSION

A council must not at any time pay any fee or other remuneration, to which a councillor would otherwise be entitled as the holder of a civic office, in respect of any period during which:

- (a) the councillor is suspended from civic office under this Act, or*
- (b) the councillor's right to be paid any fee or other remuneration is suspended under this Act, unless another provision of this Act specifically authorises payment to be made, or specifically permits a person to authorise payment to be made, when the suspension is terminated.*

249 FIXING AND PAYMENT OF ANNUAL FEES FOR THE MAYOR

- (1) A council must pay the mayor an annual fee.*
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

252 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) A council may from time to time amend a policy under this section.*
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 REQUIREMENTS BEFORE POLICY CONCERNING EXPENSES AND FACILITIES CAN BE ADOPTED OR AMENDED

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*

- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
 - (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

254 DECISION TO BE MADE IN OPEN MEETING

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

254A CIRCUMSTANCES IN WHICH ANNUAL FEES MAY BE WITHHELD

- (1) *Despite this Division, a council may resolve that an annual fee will not be paid to a councillor or that a councillor will be paid a reduced annual fee determined by the council:*
 - (a) *for any period of not more than 3 months for which the councillor is absent, with or without leave, from an ordinary meeting or ordinary meetings of the council, or*
 - (b) *in any other circumstances prescribed by the regulations.*
- (2) *Despite this Division, if a councillor is absent, with or without leave of the council, from ordinary meetings of the council for any period of more than 3 months, the council must not pay any annual fee, or part of an annual fee, to that councillor that relates to the period of absence that is in excess of 3 months.*

428 ANNUAL REPORTS

- (1) *Within 5 months after the end of each year, a council must prepare a report (its "annual report") for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.*

Local Government (General) Regulations 2005

217 ADDITIONAL INFORMATION FOR INCLUSION IN ANNUAL REPORT

- (1) *For the purposes of [section 428](#) (4) (b) of [the Act](#), an annual report of a council is to include the following information:*
- (a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),*
 - (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
 - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
 - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
 - (iii) the attendance of councillors at conferences and seminars,*
 - (iv) the training of councillors and the provision of skill development for councillors,*
 - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport,*

the cost of accommodation and other out-of-pocket travelling expenses,

(vii) the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,

(viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions

403 Payment of expenses and provision of facilities

A policy under [section 252](#) of [the Act](#) must not include any provision enabling a council:

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

404 CIRCUMSTANCES IN WHICH COUNCILLORS' ANNUAL FEES MAY BE REDUCED OR NOT PAID

For the purposes of [section 254A](#) of [the Act](#), a prescribed circumstance for the non-payment or reduction of a councillor's annual fee is the circumstance where both of the following conditions are satisfied:

- (a) the payment of the annual fee adversely affects the councillor's entitlement to a pension, benefit or allowance under any legislation of the Commonwealth, a Territory or a State (including New South Wales),*
- (b) the councillor agrees to the non-payment or reduction.*

1.6 Other Government policy provisions

- Division of Local Government Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors.
- Port Stephens Council Code of Conduct, as amended.
- Division of Local Government Model Code of Conduct – June 2008.
- ICAC Publications.

Part 2 – Payment of Expenses

2.1 General Provisions

- 2.1.1 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.
- 2.1.2 This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office. The annual fees paid to each Councillors is generally not intended to offset those costs.
- 2.1.3 All allowances and reimbursements of expenses made under this Policy shall be in respect to costs directly associated with the functions of civic office.
- 2.1.4 Councillors are not permitted to claim expenses in connection with political activities, including political fundraising as this is considered a personal interest.

2.2 Reimbursement and reconciliation of expenses processes

- 2.2.1 All claims for reimbursement must be made within three (3) months of incurring the expense and shall be subject to the General Manager or delegated officer discretion.
- 2.2.2 All claims shall be submitted to the General Manager or delegated officer on **FORM 1**.
- 2.2.3 All claims must be supplied with a tax invoice or receipt to support the claim. If a Councillor is not able to provide a tax invoice or receipt then a Statutory Declaration is to be provided.
- 2.2.4 Claims for travel under this Policy shall be lodged using travel **FORM 2**, include:
- Date
 - Place of departure and arrival
 - Distance travelled
 - Fare and parking fees paid
- 2.2.5 The kilometre rate payable to Councillors who travel in their own vehicle shall be the rate payable under the Local Government State Award.
- 2.2.6 Where travel is outside the Hunter Councils Area, Council shall as appropriate meet or reimbursement the lesser amount of the following expenses:-
- a) The cost of an economy class air ticket and associated taxi transfers.
 - b) The cost of a first class rail ticket and associated taxi transfers.
 - c) Transportation expenses using a Councillor's own vehicle (calculated under clause 2.2.5).
 - d) Transportation using a Council-owned vehicles, actual costs incurred.

2.2.7 Where possible Council will pay all expenses directly by account or through use of a corporate credit card. In some instance it maybe necessary for Councillors to pay unexpected costs and seek reimbursement.

2.2.8 Once expenses of attending conferences, seminars or training course have been finalised, an invoice shall be forwarded to Councillors for any expenses payable by them.

2.3 Approval and Dispute resolution

2.3.1 The Executive Assistant – Councillor Support shall assess all claims against this Policy and provide the assessed documentation to the General Manager or Executive Officer for approval.

2.3.2 Claims will be paid on a monthly basis, generally the first Friday of the month.

2.3.3 Should the General Manager or Executive Officer determine that a claim should not be paid, the Councillor should be advised in writing. Should the Councillor still believe that the claim should be paid, in part or full, it shall be considered that a dispute exists.

2.3.4 In the event of a dispute at any time regarding payment of a claim or anything else under this Policy, the parties to this dispute shall each provide a written report on the nature of the dispute. The General Manager shall submit such reports to the next open meeting of Council. The dispute shall then be determined by a resolution of Council having regard to the reports, this Policy, Act and any other relevant laws.

2.3.5 The decision of Council pursuant to clause 2.3.4 shall be binding on all parties.

2.4 Payment in advance

2.4.1 Councillors may require advance payment for an anticipated expense associated with attendance at a conference, seminar and training course. The amount is **\$200** per Councillor per event.

2.4.2 In the event of a payment being made in advance, Councillors must full reconcile all expenses against the amount of the advance and submit the reconciliation to Council with **30 days** of the event.

2.5 Monetary Limits

2.5.1 Monetary limits set out in this Policy are the maximum amount payable in respect of any facility or expense. Any additional costs above the limit will be incurred by the Councillor. All monetary limits are exclusive of GST.

2.5.2 Monetary limits may only be waived by a resolution of Council in exceptional circumstances. Any waiver of a monetary limit will apply to a particular event or circumstance and will not constitute an amendment to this Policy.

Spouse and Partner Expenses

- 2.6.1 Accompanying person means a person who has a close relationship with a Councillor and/or provides carer support to the Councillor.
- 2.6.2 In limited circumstances, Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person which is properly and directly related to accompanying the Councillor when the Councillor is performing his or her official functions with the Port Stephens Local Government Area, including but not limited to costs associated with attendance at official Council functions that are of a formal or ceremonial nature. Each Councillor is entitled to a maximum of **\$500.00** per year of term, not including the NSW Local Government and Shires Association annual conference.
- 2.6.3 Costs and expense incurred by the Councillor on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function.
- 2.6.4 In limited circumstances, Council shall meet certain costs incurred by the Mayor on behalf of their spouse, partner or accompanying person which is properly and directly related to accompanying the Mayor within the State of New South Wales or as resolved by Council when performing his or her official functions, including but not limited to costs associated with attendance at official Council functions that are of a formal or ceremonial nature. Each Councillor is entitled to a maximum of **\$1000.00** per year of term, not including the NSW Local Government and Shires Association annual conference.
- 2.6.5 Council shall meet limited expenses of spouse, partner or accompanying person associated with attendance at the NSW Local Government and Shires Association annual conference. These expenses are limited to the costs of registration and the official conference dinner. Expenses such as travel expenses, any additional accommodation expenses and the cost of any accompanying persons program shall not be met by Council.
- 2.6.6 Costs associated with spouse, partner or accompanying person associated with attendance conferences other than the NSW Local Government and Shires Association annual conference, or any seminars or training shall not be met by Council.
- 2.6.7 In no circumstances will the peripheral expenses of spouse, partner or accompanying person, such as grooming, special clothing and transport be considered reimbursable expenses.

Specific Expenses for Councillors

2.7 Attendance at seminars, conferences, training and educational expenses

- 2.7.1 Council shall meet expenses incurred by Councillors in attending conferences and seminars or undertaking training and educational courses when the attendance is:
- a) To the NSW Local Government and Shires Associations' annual conference; or
 - b) Authorised by resolution of an open meeting of Council.
- 2.7.2 Councillors should generally have their attendance at a conference, seminar or participation in a training course authorised by Council in accordance with clause 2.7.1 (b).
- 2.7.3 Where it is impractical to have a Councillor's attendance or participation authorised by Council in accordance with clause 2.7.1 (b), Councillors wishing to claim expenses incurred due to their attendance or participation shall obtain the approval of the Mayor and the General Manager prior to attendance. Where the Mayor is seeking approval to claim his or her attendance or participation expenses under this clause, he or she shall obtain the approval of the Deputy Mayor and the General Manager.
- 2.7.4 Councillors shall submit their request for attendance in writing with the appropriate notice detailing the costs and benefits to the Councillor, to Council and the community.
- 2.7.5 In making its decision, the General Manager/Mayor or Council should consider:-
- a) The relevance of the seminar, conference, training or educational expenses to Council and the potential benefit that may result from attendance;
 - b) The special interest of the Councillor/s wishing to attend;
 - c) The total cost to Council of attendance relative to the Program budget;
 - d) The fair and equitable division of opportunity for Councillors to attend conferences/seminars.
- 2.7.6 Councillors shall at the conclusion of their attendance at the seminar, conference, or training provide a written report to Council on the aspects of the seminar, conference or training. This report should be submitted to Council within one month of their attendance. Attendance at the NSW Local Government & Shires Association annual conference will not require a report to Council.
- 2.7.7 The General Manager's Office will make all arrangements for the attendance of Councillors and accompanying persons, where required at a conference, seminar or training.

2.8 Seminars, Conferences and Training Expenses

2.8.1 Council will meet the costs for attendance at approved conferences and seminars, training and educational courses to a maximum of **\$2,000.00** per Councillor per year of term, excluding the costs associated with attendance at the NSW Local Government and Shires Associations' annual conference:

- a) **Registration fees** – Council will meet the cost of the registration fee set by the organiser, including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of Council.
- b) **Accommodation** – where a conference, seminar or training course is not located within the Port Stephens Local Government Area, Councillors shall where required be accommodated in the hotel where the event is being held or the nearest hotel to it that is of a similar standard, or as arranged by the conference organiser. Accommodation shall be provided at the rate of a double room. Any additional nights prior to or following the conference, seminar or training course Council will not be included in the expenses paid by Council. **Note:** Movie hire and Mini Bar Facilities will be paid for by the Councillor.
- c) **Transportation** – Councillors attending a conference, seminar or training course shall travel by the most appropriate route, subject to any personal medical requirements. Any costs incurred in undertaking activities not related to attendance at the conference, seminar or training course shall not be included in any expenses paid by Council.
- d) **Educational Materials** – where a Councillor is participating in an approved training or educational course and specific reference materials are required (for example, prescribed text books), Council shall purchase such educational materials on the Councillor's behalf. At the completion of the relevant training or educational course, educational materials purchased pursuant to this clause shall be returned to Council and be available for the use of all Councillors in the Councillor's Room

2.8.2 Conferences, seminars and training held outside the Port Stephens Local Government Area, Council shall as appropriate (having regard to availability, time/cost effectiveness of the transport options) meet or reimburse the lesser amount of the following transportation expenses:

- a) The cost of an economy class air ticket and associated taxi transfers.
- b) The cost of a first-class rail ticket and associated taxi transfers.
- c) Transportation expenses by a Councillor with the Councillor's own vehicle (refer to clause 2.2.5).

- 2.8.3. If a Council-owned vehicle utilised that cost will be determined by way of actual costs incurred.

2.9 Meals

- 2.9.1 Council shall meet the cost of breakfast, lunch and dinner for Councillors attending a conference, seminar or training course where any such meal is not provided by the organiser. Council shall also meet the reasonable cost of drinks accompanying the meals.
- 2.9.2 Costs payable by Council under clauses 2.9.1 and 2.9.2 shall be capped at a maximum of **\$100.00** per Councillor per day inclusive. Councillors will be paid actual costs if under **\$100.00** per day.
- 2.9.3 Council shall meet the reasonable cost of Councillors' meals where due to their attendance to Official Business of Council the Councillor is reasonably unable to partake of a meal at their residence and so incurs additional expense.
- 2.9.4 Costs payable by Council under clause 2.9.3 shall be capped at a maximum of **\$50.00** per Councillor per day or actual costs, whichever is less.

2.10 Local Travel Arrangements and Associated Expenses

- 2.10.1 Travelling expenses shall be reimbursed to Councillors for travel by public transport or private vehicle on Official Business of Council in the Hunter Councils area, to a maximum amount of **\$6,000.00** per Councillor per year of term.
- 2.10.2 Councillors may, where available, use Council owned vehicles to attend to Official Business of Council.
- 2.10.3 Council shall meet the cost of parking fees and road tolls but not the cost of traffic or parking fines, which shall remain the sole responsibility of the Councillor.
- 2.10.4 Claims for reimbursement under this clause 2.10 shall be made in accordance with clause 2.2.

2.11 Travel outside the HROC Area including Interstate and Overseas Travel

- 2.11.1 Payment of any travel expenses to a Councillor, incurred on Council related business outside of the Hunter Councils area and not otherwise addressed in clause 2.8 requires approval by resolution of Council in an open meeting.
- 2.11.2 Approval for payment of travel expenses under clause 2.11.1 may be granted subject to any conditions Council so determines, and Council shall meet only those expenses that Council so determines.

2.12 Communication Device Costs and Expenses

- 2.12.1 Council shall reimburse Councillors to a maximum of **\$3,000.00** per term for the purchase of a personal computer/laptop, multifunction device, peripherals and Microsoft office software.
- 2.12.2 Council shall not purchase the equipment in item 2.12.1 on a Councillors behalf.
- 2.12.3 Council shall reimburse Councillors for all maintenance and repairs which are to be arranged by individual Councillors.
- 2.12.4 Council shall reimburse Councillors for all consumables such as ink cartridges and reasonable supply of paper for official Council business.
- 2.12.5 Council shall reimburse Councillors for their communication device costs (including mobile phone, landline rental, landline telephone and facsimile) incurred in attending to Council business to a maximum cost of **\$200.00** per Councillor per month of term. All communication device costs incurred above this maximum are at the Councillors own expense.
- 2.12.6 If a Councillor so elects, Council will provide the Councillor with a mobile phone instead of paying a contribution towards the Councillor's expenses on their existing mobile phone, however the maximum amount of mobile phone expenses incurred by Council must not exceed the amount set out in clause 2.12.5. All communication device costs incurred above this maximum must be reimbursed to Council by the Councillor. Councillors are encourage to purchase their own mobile phone and seek reimbursement under clause 2.12.5.
- 2.12.7 If a Councillor does not have a telephone line or internet connection at their home, Council shall meet the installation costs.
- 2.12.8 Council shall meet the cost of providing and maintaining an internet connection at the residence of the Councillor to a maximum of **\$60.00** per Councillor per month of term. Any internet costs incurred above this maximum are at the Councillors own expense.
- 2.12.9 Upon a Councillor ceasing to hold office, that Councillor must return to Council any items provided to him or her under this clause. Generally Council does not provide such equipment as Councillors are required to by such equipment under 2.12 and seek reimbursement.

2.13 Care and Other Related Expenses.

- 2.13.1 In this clause, "relative" shall have the same meaning as set out in the Dictionary in the Act, being at the date of this policy:

"Relative, in relation to a person, means any of the following:

- (a) *the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- (b) *the spouse or de facto partner of the person or of a person referred to in paragraph (a)."*

2.13.2 Where a Councillor has responsibilities for the care and support of any relative, Council shall reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor (acting reasonably) in order for the Councillor to discharge the functions of civic office.

2.13.3 The total amount paid to a Councillor under this clause 2.13 shall not exceed **\$2,000.00** per year of term.

2.13.4 Claims for reimbursement under this clause 2.13 shall be made in accordance with clause 2.2.

2.14 Insurance Expenses

Councillors shall receive the benefit of insurance cover for:

2.14.1 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.

2.14.2 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.

2.14.3 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.

2.14.4 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.

2.15 Legal Expenses

2.15.1 Councillors shall receive legal expenses, in the event of:

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

- The Independent Commission Against Corruption;
- The Office of the Ombudsman;
- Division of Local Government;
- The Police;
- The Director of Public Prosecutions;
- The Local Government Pecuniary Interest Tribunal; or
- Council's Conduct Review Committee/Reviewer.

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:

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.

The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper (Section 731 of the Act).

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.
- (f) In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach has occurred may not necessarily be considered a substantially unfavourable outcome.

2.15.2 Council shall not meet any Councillor's costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.

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:

- (d) The statement was made or the act was done in relation to discharging the functions of civic office;
- (e) The Councillor concerned was acting in good faith; and
- (f) 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:

- (c) all legal expenses properly and reasonably incurred, given the nature of the legal services provided; and
- (d) any other fees, 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

2. 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;
 - iv. be in written form;
 - v. include all details including any correspondence from the alleged injured party concerning the possible claim; and
 - vi. Include the Councillor's comments on whether the Councillor considers that the Three Criteria are satisfied.
5. 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.
6. 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.
7.
 - iii. 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 form of that view.

- iv. 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.
7. If Council's solicitor forms the view that the Three Criteria are not satisfied under clause (4); 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 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.
8. 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.
9. 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.

10. 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:

- iii. 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
- iv. 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.

Part 3 Provision of Facilities

3.1 Provision of Facilities Generally

- 3.1.1 Unless otherwise stated, where a facility may be provided by Council in accordance with this Policy and a Councillor chooses to accept the facility, it shall be provided by Council with all establishment, routine maintenance, operating, training, replacement and insurance costs being met by Council, subject to any limits specified and adequate funds being allocated and available in Council's adopted Management Plan.
- 3.1.2 All facilities provided shall be of adequate capacity and functionality to allow the role of Councillor to be fully undertaken.

3.2 Private Use of Equipment and Facilities

- 3.2.1 Councillors shall not generally obtain private benefit from the provision of equipment and facilities. This includes benefits such as a travel bonus or other benefit arising from a loyalty scheme. However, incidental personal use of Council equipment and facilities may occur from time to time. No entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.
- 3.2.2 If a Councillor does obtain a private benefit for the use of a facility provided by Council being more than incidental use, the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms.
- 3.2.3 The value of a private benefit to be invoiced under this clause 3.2 shall be determined by the General Manager or, at the request of the Councillor in receipt of the private benefit, the General Manager, or any two Councillors, by resolution of an open meeting of Council.
- 3.2.4 Equipment, facilities and services provided under this Policy shall not be used to produce election material or for any other political purposes.

3.3 Councillors' Room

- 3.3.1 Councillors shall be provided with equipment and facilities at the Raymond Terrace Administration Building. Equipment provided under this clause remains the property of Council.
- 3.3.2 The Councillors' Room furnished for use by all Councillors shall be provided with:
- a) A telephone, computer with internet access, multifunction device and computer peripherals for use by all Councillors.
 - b) A library including Council policies, relevant legislation, reports on Development Applications and other relevant documents.

3.3.3 Light refreshments such as biscuits, health bars and beverages.

3.4 Administration Support, Stationery, Postage & Business Cards

3.4.1 Council shall provide the support services of Councillor Support Executive Assistant with suitable experience and skills to support Councillors.

3.4.2 Council shall post all correspondence for Councillors relative to the discharge of the functions of civic office.

3.4.3 Council shall provide appropriate letterhead stationery, business cards and Christmas cards for use by Councillors.

3.4.4 Correspondence by Councillors relative to the discharge of the functions of civic office is considered official correspondence of Council where the matter is referred to the General Manager for attention. The correspondence shall be attached to the appropriate Council file for registration, attention and reply.

3.4.5 Under no circumstances shall Councillors use the administration services, staff or other facilities provided in association with Local, State or Federal Government Elections.

3.4.6 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.

3.4.7 Council shall provide Councillors with official name badges indicating the wearer holds the office of Councillor, to wear at Civic functions.

3.5 Meals

3.5.1 Councillors will be provided with meals and refreshments following Committee and Council meetings and at other times considered appropriate by the Mayor and General Manager. The standard of the meal will be determined by the Mayor and/or the General Manager.

3.5.2 Light refreshments such as biscuits, health bars and beverages will be provided in the Councillors Room.

3.6 Transport Facilities

3.6.1 Four designated car parking spaces shall be provided for Councillors in the Council car park at the Council administration building, to be shared amongst Councillors.

3.6.2 Councillors will be reimbursed for all transport costs (taxi, use of private vehicle, etc) in accordance with clause 2.2 for their attendance at official Council functions. This includes deputising for the Mayor.

3.7 Corporate Uniform

- 3.7.1 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.

3.8 Superannuation

- 3.8.1 Councillors may elect to contribute all or part of their Councillor Allowance into an approved Superannuation Scheme by completing **FORM 3**.

3.9 Health & Wellbeing Initiative

- 3.9.1 Councillors shall be 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.
- 3.9.2 Councillors shall investigate any taxation implications for individual councillors as a result of the membership.
- 3.9.3 Further details can be obtained through Council's Recreation Services Section at Council.

3.10 Provision of Safety equipment

- 3.10.1 Councillors shall be provided with the following Protective Apparel:

- hard hat;
- safety vest;
- safety footwear;
- safety glasses and;
- hearing protection

to accord with the NSW Occupational Health & Safety Act, for on-site inspections.

Provision of Additional Expenses, Equipment and Facilities for the Mayor

3.11 Additional Expenses, Equipment and Facilities

- 3.11.1 The Mayor is paid an additional annual fee. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

3.11.2 This Policy is intended to cover most situations where the Mayor reasonably incurs additional expenses in discharging the functions of Mayoral office. The annual fee paid to the Mayor is generally not intended to offset those costs.

3.12 Equipment and Facilities

3.12.1 The Mayor shall be provided with additional equipment and facilities. Equipment provided under this clause remains the property of Council.

3.12.2 The following facilities and equipment shall be provided to the Mayor:

3.12.3 A furnished office with computer, printer, internet access, phone, facsimile and computer peripherals.

3.12.4 Office refreshments.

3.12.5 Mayoral letterhead.

3.12.6 A corporate credit card, to be used only to pay expenses allowed under this policy.

3.12.7 A mobile phone for the use of the Mayor in discharge of their formal duties, the cost of which shall be fully met by Council.

3.12.8 All items provided to the Mayor under this clause 3.12 must be returned to Council when the Mayor ceases to hold office.

3.13 Mayor's Staff

3.13.1 Council shall provide the services of the Councillor Support Executive Assistant with suitable experience and skills to support the Mayor.

3.13.2 The Councillor Support Executive Assistant shall provide support to the Deputy Mayor in the absence of the Mayor.

3.14 Mayoral Motor Vehicle

3.14.1 The Mayor shall be provided with:

3.14.2 A fully maintained motor vehicle, of a standard appropriate to the Office of the Mayor for the use of discharging function of the Mayor.

3.14.3 A fuel card, to be used for official Council business.

3.14.4 A car parking space at the Raymond Terrace Administration Building.

3.14.5 All items provided to the Mayor under this clause 3.14 must be returned to Council when the Mayor ceases to hold office.

Part 4 Other Matters

4.1 Acquisition and Return of Facilities and Equipment by Councillors

- 4.1.1 Upon ceasing to hold office a Councillor may purchase any Council equipment held by the Councillor at the market value of the equipment at the time of ceasing to hold office as approved by the General Manager.

4.2 Status of the Policy

- 4.2.1 This Policy replaces the previous version of the Policy adopted by Council on 24 November 2009.
- 4.2.2 This Policy shall only be amended by resolution of Council.



COUNCILLORS' EXPENSES CLAIM FORM

116 Adelaide Street, Raymond Terrace NSW 2324
PO Box 42, Raymond Terrace NSW 2324



Form 1

COUNCILLOR.....

MONTH.....

DATE	PURPOSE	\$	Kilms TRAVELLED	TOTAL CLAIM \$ (Office Use Only)
	Phone Call Claim (receipts required)			
	Internet Claim (receipts required)			
	Line Rental (receipts required)			
	Fax Expenses (documentation required)			
	Mobile Claim (receipts required)			
	Travel (log required)			
	Conference/Seminars (receipts required)			
	Partner Expenses (receipts required)			
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.



**COUNCILLORS' MOTOR VEHICLE LOG
BOOK CLAIM FORM**

116 Adelaide Street, Raymond Terrace NSW 2324
PO Box 42, Raymond Terrace NSW 2324



Form 2

COUNCILLOR MONTH YEAR

DATE	PURPOSE	START	FINISH	TOTAL KILOMETRES
TOTAL				

Signature of Claimant Date



**COUNCILLORS' REMUNERATION
SACRIFICE ELECTION FORM –
SUPERANNUATION**

116 Adelaide Street, Raymond Terrace NSW 2324
PO Box 42, Raymond Terrace NSW 2324



Form 3

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
Finance Officer

Date: _____

Signed: _____

Date: _____

ITEM NO. 10

FILE NO: PSC2005-1105

ORGANISATIONAL REALIGNMENT

REPORT OF: PETER GESLING – GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) That Council endorse the proposed interim structure.
-

COUNCIL COMMITTEE MEETING – 28 SEPTEMBER 2010**RECOMMENDATION:**

	Councillor Bob Westbury Councillor Caroline De Lyall	That Council endorse the proposed interim structure.
--	---	--

MATTER ARISING

	Councillor John Nell Councillor Frank Ward	That Council conduct a workshop to review Council functions and service delivery levels.
--	---	--

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

	Councillor Geoff Dingle Councillor Caroline De Lyall	That Council move to a structure of three (3) Executive Team members and engage an external consultant to review the organisational structure.
--	---	--

AMENDMENT

309	Councillor John Nell Councillor Bruce MacKenzie	That Council endorse the proposed interim structure.
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The amendment on being put became the motion which was carried.

MATTER ARISING

310	Councillor John Nell Councillor Glenys Francis	That Council conduct a workshop to review Council functions and service delivery levels.
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BACKGROUND

The purpose of this report is to seek Council's consideration of a realignment of the organisation structure in response to a range of issues detailed in this report.

Council has been briefed on the results of recent structure reviews within the organisation following:

Resignations of senior staff.

Some long standing organisational issues.

The Council's recent efforts to develop a community strategic plan under the Integrated Planning Framework implemented by the Department of Local Government.

Requests from some staff to "transition to retirement".

From this information the executive team has identified and workshopped with staff, the following drivers for change:

Increasing community expectations

Income, in real terms, continues to decrease.

Increasing cost burden of legislative compliance

Changing global and political context eg GFC

Inconsistent approach to continuous improvement

In response to these we have applied the principles of Business Excellence in striving for "doing the right things the best way".

The current proposal is interim, as Council needs to complete a comprehensive "Service Delivery Review" to optimise the future structure to deliver an agreed service strategy. This strategy is required by the Integrated Planning Framework to be negotiated with the community to achieve participatory democracy where the community actively identify service levels, including their willingness to pay.

A structured approach to achieving participatory democracy has been discussed with Council and staff to gain agreement for its deployment. A two (2) year plan is proposed involving:

Validating the community vision identified from the Port Stephens Futures project.

Seek community agreement to levels of service.

Finalise and integrate asset management plans.
Link with the long term financial plan.

While structure should follow strategy, there are immediate adjustments that can be made to achieve greater organisational alignment. The proposed changes from the community perspective are detailed in **Attachment 1**.

Sustainable Planning Group reduced from three (3) sections to two (2).
Facilities & Services Group reduced from five (5) sections to four (4).

Obviously there will be changed reporting arrangements within these groups which have been the subject of consultation with relevant staff including:

Engineers being grouped together except Infrastructure Planning.
Youth Services to the Social and Cultural Planning Team.

It is proposed that future changes will be made in the next few months to achieve a greater focus on asset management and current review of Council's economic Development Function.

FINANCIAL/RESOURCE IMPLICATIONS

Long term savings will accrue from the reduction in two section manager positions with the immediate outcome being cost neutral. Ongoing savings from Council's continuous improvement programs will be achieved.

Council is not able to continue to provide its current range or level of service given the ongoing restrictions on income and increased requirements from other levels of government.

LEGAL, POLICY AND RISK IMPLICATIONS

Council will meet all statutory requirements of consultation with staff and their advocates.

Support for this proposal is in accordance with Council's policies, in particular continuous improvement and best value services.

A project plan to support deployment of this proposal has been developed to manage the risks involved.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

This proposal is directly linked to achieving a sustainable organisation that manages its assets and delivers a comprehensive Community Strategic Plan within available resources.

CONSULTATION

Ongoing consultation with staff, Council, industrial advocates has and will be provided.

OPTIONS

- 1) Accept the recommendation.
- 2) Reject or vary the recommendation.

ATTACHMENTS

- 1) Organisation Structure Chart.

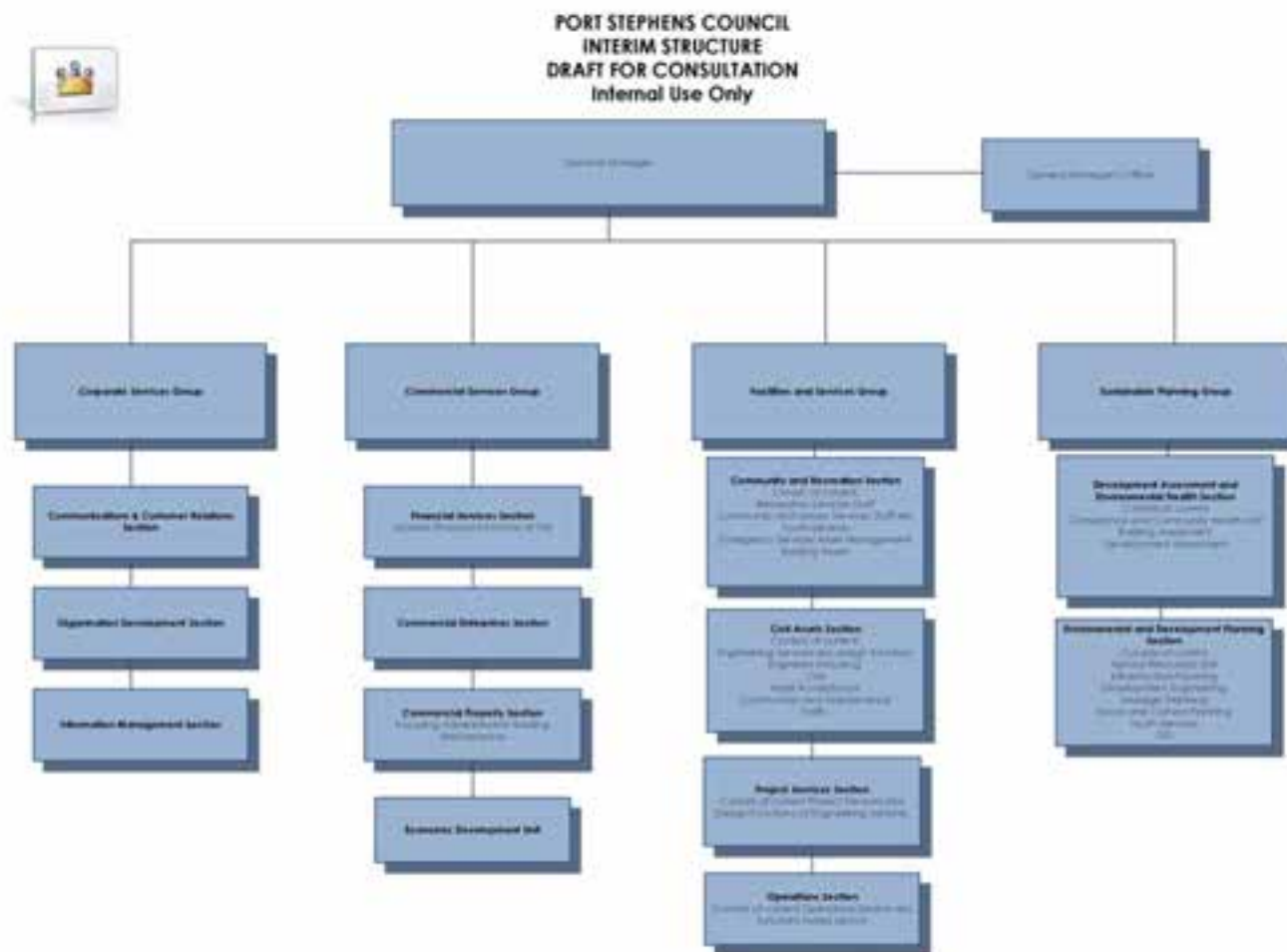
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



22 September 2010

ITEM NO. 11

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 28 September, 2010.

No:	Report Title	Page:
1	PORT STEPHENS COUNCIL SENIORS GOLD PROGRAM	
2	COMMUNITY DEVELOPMENT SUPPORT & EXPENDITURE 2010 GRANTS	
3	PORT STEPHENS GRAFFITI MANAGEMENT PLAN	
4	ABORIGINAL STRATEGIC COMMITTEE	
5	CASH AND INVESTMENTS HELD AT 31 AUGUST 2010	
6	BAGNALL BEACH ROAD, CORLETTE	

COUNCIL COMMITTEE MEETING – 28 SEPTEMBER 2010 RECOMMENDATION:

	Councillor John Nell Councillor Bob Westbury	That the recommendation be adopted.
--	---	-------------------------------------

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

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

COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

PORT STEPHENS COUNCIL SENIORS GOLD PROGRAM

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

FILE: PSC2010-00003

BACKGROUND

The purpose of this report is to inform Council of the commencement of Council's newly developed Seniors GOLD Program.

Council's new Seniors GOLD Program commenced on 17 May 2010. The GOLD (Growing Older and Living Dangerously) Seniors Program is based on a Brisbane City Council initiative which promotes to local residents 50 years and over, a range of local activities and programs offered by the public and private sector either free or low cost activities which promote an active and healthy lifestyle.

The GOLD Seniors Program incorporates health, fitness, education and social activities. The program promotes social participation and networks, employment training and technology skills, health education and fitness, interest groups and ongoing information opportunities. To date the program has had positive support by the community.

The GOLD Seniors Program is on Council's website. Plans are underway to promote the program on a broader scale within Port Stephens. This program is an initiative of Council's Social Planning Team which is a first for Port Stephens in supporting our ageing community. The program partners are local private and public sector businesses and local community groups.

A future initiative of the Seniors Program will be the development and inclusion of the 'Gold n Kids program'. This initiative is aimed at children aged four years and over and their grandparents recognising the important role that grandparents play in children's lives.

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 2

COMMUNITY DEVELOPMENT SUPPORT & EXPENDITURE 2010 GRANTS

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

FILE: PSC2005-3942

BACKGROUND

The purpose of this report is to inform Council of the allocation of funding under the 2010 Clubs NSW Community Development, Support & Expenditure Program (CDSE) category 1 funding round.

Clubs that earn over \$1 million annually in gaming machine revenue provide funding for community projects and services, and in turn receive dollar-for-dollar gaming tax deductions. In 2009, clubs reported CDSE expenditure of over \$63 million across New South Wales. The scheme was introduced in 1998 by the NSW Government and allows clubs to claim a tax deduction of up to 1.5% on gaming machine revenue over \$1 million for monies spent on community support.

There are two funding categories under the CDSE Scheme:

- I. Category 1 expenditure on specific community welfare and social services, community development, community health services and employment assistance activities; and
- II. Category 2 expenditure on other community development and support services (eg traditional areas of club expenditure, such as support for sport and recreation groups).

The following 7 Clubs participated in this year's CDSE funding round based on their gaming machine revenue: -

- Karuah RSL
- Soldiers Point Bowling Club
- Nelson Bay Bowling Club
- Lemon Tree Passage Bowling Club
- Raymond Terrace Bowling Club
- Tilligerry RSL Sports Club
- Nelson Bay Diggers

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

The total of these local Clubs combined CDSE Category 1 funding available for community grants this year was \$43,500.

Local CDSE funding priorities are formulated annually by Council's Social Planning Team in consultation with the Port Stephens Interagency prior to being endorsed by the Port Stephens CDSE Committee. This Committee is comprised of representatives from the 7 participating Clubs, along with a local representative of the NSW Council of Social Services and a member of Council's Social Planning Team. The 2010 Port Stephens CDSE funding priorities were: -

- I. Capacity Building: - programs and initiatives that build the capacity of socially disadvantaged residents, marginalised groups, people at risk in completing education / training, securing employment, appropriate housing, and participating and contributing to all facets of community life.
- II. Safer Communities: – preventative programs and initiatives aimed at creating a safer community for children, young people, families, people with disabilities, older residents along with access to support services and accommodation for victims of violence.
- III. Community Belonging: - social inclusive programs and inter-generational initiatives that provide residents with a greater sense of belonging, self worth and connection with each other, and with their own community irrespective of their age, gender, culture, ethnicity, place of residence, ability or income.
- IV. Health & Well-Being: - preventative programs and initiatives aimed at improving and maintaining the community's overall physical and emotional well-being.

This year Council received a total of 51 local CDSE grant applications totalling \$349,790. All of the grant applications were initially assessed and reviewed by Council's Social Planning Co-ordinator prior to being assessed and funding allocations determined by the Port Stephens CDSE Committee with reference to the Clubs NSW CDSE Guidelines. The \$43,500 was allocated to 15 community projects outlined in the following table:

Applicant	Project	Amount Approved \$
Christian Outreach Centre – Salamander Bay	Resourcing of food share support program.	4500
YMCA Sydney – Lakeside Leisure Centre	Special Needs Learn to Swim Program	2000
Thou-Walla Family Centre	Intergenerational Woodworking	1500
St Vincent DePaul Society – Nelson Bay	Emergency Relief	5000
Tilligerry Habitat Assoc	Men's Shed	1425
Tomaree Community College	Community Garden	3883
John Hunter Children's Hospital Kids Club	Resourcing of Child & Family Health Centres	1000
Tomaree Neighbourhood	Child minding Self-Help Group	4000

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

Centre		
Making Brighter Days Charity Op-Shop	Volunteer Training & Support	3200
Peace Circle	Peace building project	500
Port Stephens Women's & Children's Refuge	Resourcing of proposed Safe House	7259
Rivergum Grandparents as Parents Group	Administration Support	983
Gan Gan Family Centre	Nurturing Fathers Program	2250
Raymond Terrace Senior Citizens Assoc	Resourcing of Seniors Program	3000
Karuah Uniting Church	Karuah Kids & Youth Club	3000

For further information on the Clubs NSW CDSE Program contact Council's Social Planning Co-ordinator on 4980 0323.

ATTACHMENTS

Nil.

COUNCILLORS ROOMS

Nil.

TABLED DOCUMENTS

Nil.

INFORMATION ITEM NO. 3

PORT STEPHENS GRAFFITI MANAGEMENT PLAN

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

FILE: PSC2009-01155

BACKGROUND

The purpose of this report is to provide information about the Graffiti Management Plan which commenced in August 2010.

The *Graffiti Management Plan (the Plan)* is Council's Policy between Council, the community and property owners to manage graffiti. It includes strategies based on research which shows that the identification, recording and rapid removal of graffiti is the most effective method for the long term management of illegal graffiti.

Port Stephens Graffiti Action Team Inc (GAT)

This volunteer team, which operates mainly in the Tomaree area using the methods they learnt from Ted Bickford (Great Lakes Graffiti Removal), was incorporated in July 2009. A partnership of GAT, Council and the Police was formed to co-ordinate the implementation of Council's Graffiti Management Plan. The GAT held their inaugural meeting on 25 August 2009. This meeting developed the following actions which have since been implemented:

- The GAT receive their graffiti removal requests through Council's customer service number and the customer request management system (CRM) directs relevant requests to the Chairperson's email address;
- A Risk Treatment Plan for GAT was carried out to decide OH&S issues associated with graffiti removal. This decided the height limit, accessibility, distance from the edge of the roadway and type of graffiti to be removed by the team to minimise their risk. Council provided the necessary personal protective equipment;
- Council's Supervisory Painter arranged for the GAT to purchase their cleaning and painting products from the same company which supplies Council and at the same prices. Council reimburses their expenses;
- Although Council only removes graffiti from its own property, the GAT also approaches owners to get formal permission to remove graffiti from private property;
- A Reporting Sheet was designed and produced for GAT to make it easier for team members to report graffiti to the Police;

- GAT was provided with small 'business cards' for identification to community members and to promote the team's contact details including a Council contact number.

The main elements of the Graffiti Management Plan and results to date are:

1. *The establishment of a Hotline to help increase the reporting of graffiti:*

- It was decided to use the existing Council customer service number for general enquiries instead of creating a special Hotline. The Customer Request Management (CRM) system was modified to deal more efficiently with graffiti removal requests, especially in determining whether they should be sent to Council employees or GAT;
- The Port Stephens Police Crime Co-ordinator set up an email address which volunteers and Council officers can send information to help the Police in their investigations. As a result of this input, Police apprehended several offenders.

2. *Rapid removal:*

- The policy of rapid removal has proved very effective in combating illegal graffiti throughout Port Stephens. At the *Community Safety Precinct Committee (CSPC)* meeting in August 2009, the Police reported a drop of 21.7% in reported graffiti and at the November 2009 meeting the Commander Port Stephens LAC, commended Council and the GAT members on the implementation of the Plan and the very noticeable reduction in graffiti throughout the LGA. Although there has been a recent surge of graffiti in Tomaree involving two main offenders, the continual rapid removal by Council and GAT and the reporting to the Police will mean that this matter will be effectively dealt with;

3. *Application of Crime Prevention Through Environmental Design (CPTED) elements to reduce criminal behaviour in specific locations:*

- CPTED principles in relation to graffiti have been used with relevant Development Applications and in safety audit reports. However, because of the prolonged vacancy of the Police Crime Prevention Officer position, this has not occurred as frequently as planned;

4. *Community education:*

- Resources that have been developed include a 'Graffiti Management in Port Stephens' brochure, a fridge magnet, GAT business cards and two types of graffiti cleaning kits. The kits have been distributed by the GAT members who have also trained and recruited new volunteers;
- Council's customer service number for 'rapid removal of graffiti' is regularly advertised in the local newspaper;

5. *Youth strategies:*

- Council's Youth Service continues to deliver graffiti education programs across Port Stephens and develop a sense of community pride and respect in young people. One such program, *Snak & Rap* which has been funded for the past three years by the Attorney General's Department as part of the Safer Communities Compact has been highly successful in achieving its aims and its popularity among youth has spread into other council areas. They have also completed several commissioned works for Hunter Water;
- Relevant Council staff have participated in Youth Justice Conferences and offenders have assisted in cleaning graffiti off Council land as part of their outcome plan.

Cost of Graffiti Management Plan

Item	Cost	Details
Salaries	3212.09	Supervisory Painter
Protective clothing/first aid supplies	409.23	Graffiti Action Team
Insurance costs	1483.98	Graffiti Action Team
Sundry Office Expenditure & consumables	17521.82	Resources (one-off cost)
Cleaning expenses	80.81	Graffiti Action Team
Contractor	28251.42	Cleaning graffiti
Petrol	23.10	Travel
Tools & Minor Equipment	3.40	
Signs-Regulatory	62.50	Graffiti Action Team
Building materials	3606.31	Council/ Graffiti Action Team /Youth team
Total	64,656.66	

Taking into consideration the one-off cost of resources which came out of the Integrated Planning budget, the total cost of graffiti management for 2009-2010 was \$47,134.84. A budget of \$50,000 has been allocated for 2010-2011.

Much positive feedback has been received from the local Police and visitors to Port Stephens. A resident of Corlette reported that a visitor from Maroochydore during the Christmas break commented that they were impressed by the lack of graffiti in Port Stephens.

ATTACHMENTS

Nil.

COUNCILLORS ROOMS

Nil.

TABLED DOCUMENTS

Nil.

INFORMATION ITEM NO. 4

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 20 July 2010 and 3 August 2010 respectively.

The role of Council's Aboriginal Strategic Committee is:

- 1) To advise Council in relation to issues of concern between Council and the Aboriginal community,
- 2) To promote a positive public image with respect to issues for Aboriginal people in Port Stephens,
- 3) To provide a consultative mechanism with respect to development issues,
- 4) To improve relations between the Aboriginal and non Aboriginal community of Port Stephens,
- 5) To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people,
- 6) To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities, and
- 7) To promote an increased awareness of the needs of Aboriginal communities and to assist with the development of programs to address those needs where possible and appropriate.

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee joint meeting held on 20 July 2010.
- 2) Minutes of Aboriginal Strategic Committee joint meeting held on 3 August 2010.

ATTACHMENT 1



Aboriginal Strategic Committee Joint Meeting



MINUTES

Minutes of meeting held on 20 July 2010 at Port Stephens Council

Chair: Cr Bob Westbury (Deputy Mayor)

Minute taker: Paul Procter

Present:

Cr Bob Westbury
Cr Peter Kafer
Cr Steve Tucker
Cr Geoff Dingle
Cr Caroline DeLyal
Cr Shirley O'Brien
David Broyd
Paul Procter
Cliff Johnson
Wayne Wallis
Tony Wickham
Bev Manton
Kevin Manton
David Feeney
Sharon Feeney
Alyssa Feeney
Anthony Feeney
Benjamin Feeney
Helen Ping
Wayne Ping
Colleen Perry
Joanne Simms
Andrew Smith
Grace Kinsella
Elaine Larkins
Val Merrick
Neville Lilley
Lorraine Lilley
Jemma Mcleary
Ray Kelly

[illegible]

Apologies:

Cr Bruce MacKenzie
Cr John Nell
Cr Sally Dover
Cr Glenys Francis
Cr Frank Ward
Peter Gesling
Jason Linnane
Jeff Smith

[illegible]

Meeting opened at 6:00pm

1. WELCOME

Deputy Mayor Cr Bob Westbury thanked everyone for attending and acknowledged Councillors, Council Officers, representatives from Worimi and Karuah Local Aboriginal Land Councils along with Mrs Bev Manton, Chairperson NSW State Aboriginal Land Council.

He mentioned that Council values its close relationship with the Land Councils and thanked them for their ongoing support and commitment to Council's Aboriginal Strategic Committee. Council looks forward to continuing to work together to further strengthen and enhance the well being of the Port Stephens Aboriginal community.

2. WELCOME TO COUNTRY (Mr Neville Lilley – Worimi Elder)

Worimi Elder, Mr Neville Lilley acknowledged and honoured Elders past and present. He gave an overview of the area covered by the Worimi Nation. He also made reference to the proposed Constitutional amendment which will recognise Aboriginal people as the first people of the State.

3. GUEST SPEAKER (Mr Ray Kelly – Youle-ta)

Deputy Mayor Cr Bob Westbury welcomed guest speaker Mr Ray Kelly. He introduced Ray making reference to:

- *been recognised for his ongoing contribution to the Indigenous community at regional, state and national levels, during which he has demonstrated a deep commitment to maintaining, preserving and managing his culture.*
- *spent his childhood on an Aboriginal settlement called 'Silver City' on the outskirts of Armidale and is a member of the Djungutti and Anawain people.*
- *has lived in Newcastle with his family for more than 25 years and in that time has made an enormous contribution to the Awabakal Community and the wider regional community as both a leader and an artist/playwright.*
- *has held several positions within the community including CEO of the Awabakal Newcastle Aboriginal Cooperative and Director of the Aboriginal and Torres Strait Islander Arts under the Australia Council for the Arts. He has also been a member of several boards such as the Hunter Area Health Service and the Aboriginal National Theatre Trust and has served as a representative to the Aboriginal Health and Medical Research Council and Chairperson of the NSW Ministry of the Arts Aboriginal Advisory Group.*
- *is passionate about working with Aboriginal people at the grass roots level to reclaim language, dance and story and to assist all Australians in discovering and understanding our shared history.*
- *in October 2006, Ray's contribution to the arts was formally recognised with the award of an honorary doctorate of letters from the University of Newcastle.*

Guest Speaker Address:

- Ray thanked everyone for the opportunity to speak and share his learning's. He indicated that he has spent the last several years working in the area of Traditional language reparation. He spoke about his work and sought permission from Traditional owners to share his findings to date from studying Traditional languages. He mentioned that he has placed on working with Elders and their memories, story telling and songs to understand language and filling gaps in understanding of Indigenous language and history.

4. ADDRESS CHAIRPERSON NSW ABORIGINAL LAND COUNCIL (Mrs Bev Manton)

Bev acknowledged the Traditional land owners, Elders past and present. She gave an overview of the State Aboriginal Land Council recent activities, recent Acts of Legislation they have campaigned for such as the recent passing of the 'Fishing Bill'.

She mentioned that there are 119 Local Aboriginal Land Councils (LALC) throughout NSW. Each LALC now has a 10 year Community & Business Plan. She shared examples of some of the innovative work being undertaken by LALC throughout NSW.

5. ADDRESS BY KARUAH LOCAL ABORIGINAL LAND COUNCIL (CEO – Mr David Feeney)

Welcomed and acknowledged the Traditional owners, Elders past and present, Board members and all representatives present. He gave an overview of KLALC activities over the last 12 months which have included:

- Planning the proposed re-location of the former school house back to its original location on the Aboriginal Reserve
- Development opportunities being explored
- Planning the proposed re-instatement of the old wharf on the Karuah River
- Employment initiatives undertaken

6. ADDRESS BY WORIMI LOCAL ABORIGINAL LAND COUNCIL (CEO – Andrew Smith)

Welcomed and acknowledged the Traditional land owners, Elders past and present, Board members and all representatives present. He commended his Board on their governance and the clear vision and values they have set in place. This has and will see a number of exciting projects realised such as the recently established quad bike and 4WD experience tours.

Meeting closed at 8:25pm

ATTACHMENT 2



Aboriginal Strategic Committee
Meeting with Worimi Local
Aboriginal Land Council



MINUTES

Minutes of meeting held on 3 August 2010 at Murrook Cultural & Leisure Centre

Acting Chair: Cr Shirley O'Brien

Minute taker: Paul Procter

Present:

Cr Sally Dover
Cr Shirley O'Brien
Andrew Smith
Elaine Larkins
Grace Kinsella
Jason Linnane
Paul Procter

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

Apologies:

Cr Bruce MacKenzie
Cr Peter Kafer
Peter Gesling
Cliff Johnson
Val Merrick
Jamie Tarrant

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

1. WELCOME TO COUNTRY

Elaine Larkins on behalf of Elders past and present welcomed everyone to the land of the Worimi Nation.

2. DECLARATION OF CONFLICTS OF INTEREST

Nil

3. MINUTES OF PREVIOUS MEETING

The minutes of previous meeting held 4 May 2010 were adopted.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

The following items of business arising from the meeting held on 4 May 2010 were discussed:

Item 1: NAIDOC WEEK 2010

WLALC CEO indicated NAIDOC Week celebrations went well. All events were well supported including the new event at Nelson Bay. Now looking at holding more celebrations throughout the year possibly commencing with a 'BBQ under the Stars' at Fly Point this October to celebrate diversity and recognise Indigenous culture.

Item 2: 2010 JOINT MEETING

Joint meeting on 20 July 2010 was a success with notable mention of guest speaker Ray Kelly's presentation.

Item 3: Birbui Point Surf Club Update:

Council's Acting Group Manager Facilities & Services indicated Council has engaged an independent consultant to undertake a cultural heritage assessment and the associated consultation process with key stakeholders. This will be completed before Council considers the two options proposed and the way forward.

Item 4: PSC Draft Local Environmental Plan (LEP):

WLALC CEO has met with Council's Senior Planner who is preparing new LEP, and they have set a date for a joint inspection of relevant sites.

Action:	1. Council's Social Planning Co-ordinator will organise for WLALC CEO to receive a map showing current LEP zonings.
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Item 5: Murrook Centre Future Plans:

WLALC seeking Council advice to assist in their future development of Murrook. WLALC CEO indicated that their redundant fire hydrant has now been decommissioned by Council as per their request.

Actions:	<ol style="list-style-type: none">1. Council's Social Planning Co-ordinator will follow up the request for Council's Recreation Services to liaise with WLALC CEO concerning playground designs and specifications.2. Council's Social Planning Co-ordinator will organise for a Council Officer from Development & Building and himself to meet onsite with WLALC CEO to discuss ideas for onsite development.
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5. GENERAL BUSINESS**5.1 Murrook Markets:**

WLALC considering holding markets at Murrook to coincide with the upcoming Air Show at Williamstown.

5.2 Aboriginal Project Fund:

Agreed to open 2010/2011 funding round in Aug/Sept 2010. WLALC will consider seeking funding through the Aboriginal Project Fund to purchase a boat with their Green Team.

5.3 Meeting with NSW Council of Social Services (NCOSS):

Representatives from NCOSS met with WLALC representatives and local Aboriginal service providers on 29 July 2010 to identify and discuss issues impacting upon the well-being of the Port Stephens Aboriginal community.

5.4 National Indigenous Centre of Excellence:

Council's Acting Group Manager Facilities & Services indicated that he has visited the Redfern Centre and encouraged WLALC to consider a future visit to the Centre with him.

6. DETAILS OF NEXT MEETING

5 October 2010 at 1pm at Murrook.

INFORMATION ITEM NO. 5

CASH AND INVESTMENTS HELD AT 31 AUGUST 2010

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 August 2010.

ATTACHMENTS

- 1) Cash and investments held at 31 August 2010.
- 2) Monthly cash and investments balance August 2009 – August 2010.
- 3) Monthly Australian term deposit index August 2009 – August 2010.

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

ATTACHMENT 1

CASH & INVESTMENTS HELD - AS AT 31 AUGUST 2010										
INVESTED WITH	INV. TYPE	CURRENT RATING	MATURITY DATE	AMOUNT INVESTED	% of Total Portfolio	Current Int Rate	Market Value June	Market Value July	Market Value August	Current Mark to Market Exposure
GRANGE SECURITIES										
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	NR	20-Mar-12	1,000,000.00	3.96%	6.40%	\$841,978.08	\$841,978.08	\$840,400.00	-\$159,600.00
NEXUS BONDS LTD "TOPAZ AA"	Floating Rate CDO		23-Jun-15	412,500.00	1.63%	0.00%	\$257,812.50	\$257,812.50	\$264,825.00	-\$147,675.00
HERALD LTD "QUARTZ AA"	Floating Rate CDO	CCC-	20-Dec-10	450,000.00	1.78%	6.40%	\$419,075.14	\$419,075.14	\$430,785.00	-\$19,215.00
STARTS CAYMAN LTD "BLUE GUM AA"	Floating Rate CDO	NR	22-Jun-13	1,000,000.00	3.96%	3.03%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
HELIUM CAPITAL LTD "ESPERANCE AA+" *	Floating Rate CDO	NR	20-Mar-13	1,000,000.00	3.96%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
HOME BUILDING SOCIETY	Floating Rate Sub Debt	NR	25-Jul-11	500,000.00	1.98%	5.54%	\$465,409.88	\$465,409.88	\$463,585.00	-\$36,415.00
NOTE	Yield Curve Note	NR	18-Oct-11	500,000.00	1.98%	6.47%	\$513,918.08	\$513,918.08	\$506,650.00	\$6,650.00
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	CCC	20-Mar-14	1,000,000.00	3.96%	6.30%	\$306,353.42	\$306,353.42	\$332,500.00	-\$667,500.00
GRANGE SECURITIES "COOLANGATTA AA" *	Floating Rate CDO	NR	20-Sep-14	1,000,000.00	3.96%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
TOTAL GRANGE SECURITIES				\$6,862,500.00	27.16%		\$2,804,547.10	\$2,804,547.10	\$2,838,745.00	(\$4,023,755.00)
ABN AMRO MORGANS										
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	A+	20-Sep-11	\$1,000,000.00	3.96%	0.00%	\$915,100.00	\$915,100.00	\$924,000.00	-\$76,000.00
TOTAL ABN AMRO MORGANS				\$1,000,000.00	3.96%		\$915,100.00	\$915,100.00	\$924,000.00	(\$76,000.00)
ANZ INVESTMENTS										
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	B	30-Dec-11	\$1,000,000.00	3.96%	0.00%	\$770,600.00	\$770,600.00	\$804,600.00	-\$195,400.00
ANZ ZERO COUPON BOND	Zero Coupon Bond	AA	1-Jun-17	\$1,017,876.98	4.03%	0.00%	\$641,364.28	\$641,364.28	\$646,942.24	-\$370,934.74
TOTAL ANZ INVESTMENTS				\$2,017,876.98	7.99%		\$1,411,964.28	\$1,411,964.28	\$1,451,542.24	(\$566,334.74)
RIM SECURITIES										
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO		8-Oct-11	\$2,000,000.00	7.92%	0.00%	\$1,490,000.00	\$1,490,000.00	\$1,610,000.00	-\$390,000.00
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt		5-Apr-11	\$1,000,000.00	3.96%	5.16%	\$956,150.00	\$956,150.00	\$959,570.00	-\$40,430.00
TOTAL RIM SECURITIES				\$3,000,000.00	11.87%		\$2,446,150.00	\$2,446,150.00	\$2,569,570.00	(\$430,430.00)
WESTPAC INVESTMENT BANK										
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt		21-Nov-11	\$500,000.00	1.98%	5.77%	\$484,330.00	\$484,330.00	\$485,345.00	-\$14,655.00
TOTAL WESTPAC INV. BANK				\$500,000.00	1.98%		\$484,330.00	\$484,330.00	\$485,345.00	(\$14,655.00)
LONGREACH CAPITAL MARKETS										
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	A+	7-Mar-12	\$500,000.00	1.98%	0.00%	\$453,380.00	\$456,035.00	\$461,485.00	-\$38,515.00
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	A+	7-Sep-12	\$500,000.00	1.98%	0.00%	\$431,200.00	\$435,600.00	\$443,700.00	-\$56,300.00
TOTAL LONGREACH CAPITAL				\$1,000,000.00	3.96%		\$884,580.00	\$891,635.00	\$905,185.00	(\$94,815.00)
COMMONWEALTH BANK										
EQUITY LINKED DEPOSIT	Equity Linked Note	AA	20-Sep-11	\$500,000.00	1.98%	3.00%	\$486,400.00	\$486,400.00	\$486,150.00	-\$13,850.00
EQUITY LINKED DEPOSIT G100	Equity Linked Note				0.00%	3.00%	\$491,100.00	\$491,100.00		\$0.00
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note	AA	05-Nov-12	\$500,000.00	1.98%	3.00%	\$474,600.00	\$474,600.00	\$474,350.00	-\$25,650.00
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt	BBB	09-Nov-12	\$500,000.00	1.98%	6.05%	\$480,795.00	\$480,795.00	\$483,455.00	-\$16,545.00
BANK OF QUEENSLAND BOND	Bond	BBB+	16-Mar-12	\$1,000,000.00	3.96%	5.35%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00
TOTAL COMMONWEALTH BANK				\$2,500,000.00	9.89%		\$2,932,895.00	\$2,932,895.00	\$2,443,955.00	(\$56,045.00)

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

ATTACHMENT 1

FIG SECURITIES										
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note		30-Nov-14	\$500,000.00	1.98%	5.87%	\$479,580.00	\$479,580.00	\$455,240.00	-\$44,760.00
TOTAL FIG SECURITIES				\$500,000.00	1.98%		\$479,580.00	\$479,580.00	\$455,240.00	(\$44,760.00)
MAITLAND MUTUAL										
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	30-Jun-13	500,000.00	1.98%	6.42%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	31-Dec-14	500,000.00	1.98%	6.42%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
MAITLAND MUTUAL	Term Deposit	N/R	24-Sep-10	1,000,000.00	3.96%	5.59%			\$1,000,000.00	\$0.00
TOTAL M'LAND MUTUAL				\$2,000,000.00	7.92%		\$1,000,000.00	\$1,000,000.00	\$2,000,000.00	\$0.00
TOTAL INVESTMENTS				\$19,380,376.98	76.70%		\$13,359,146.38	\$13,366,201.38	\$14,073,582.24	(\$5,306,794.74)
AVERAGE RATE OF RETURN ON INVESTMENTS						3.04%				
CASH AT BANK				\$5,887,903.52	23.30%	4.45%	\$3,847,429.41	\$284,870.56	\$5,887,903.52	\$0.00
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH						3.37%				
TOTAL CASH & INVESTMENTS				\$25,268,280.50	100.00%		\$17,206,575.79	\$13,651,071.94	\$19,961,485.76	(\$5,306,794.74)
BBSW FOR PREVIOUS 3 MONTHS						4.86%				

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

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

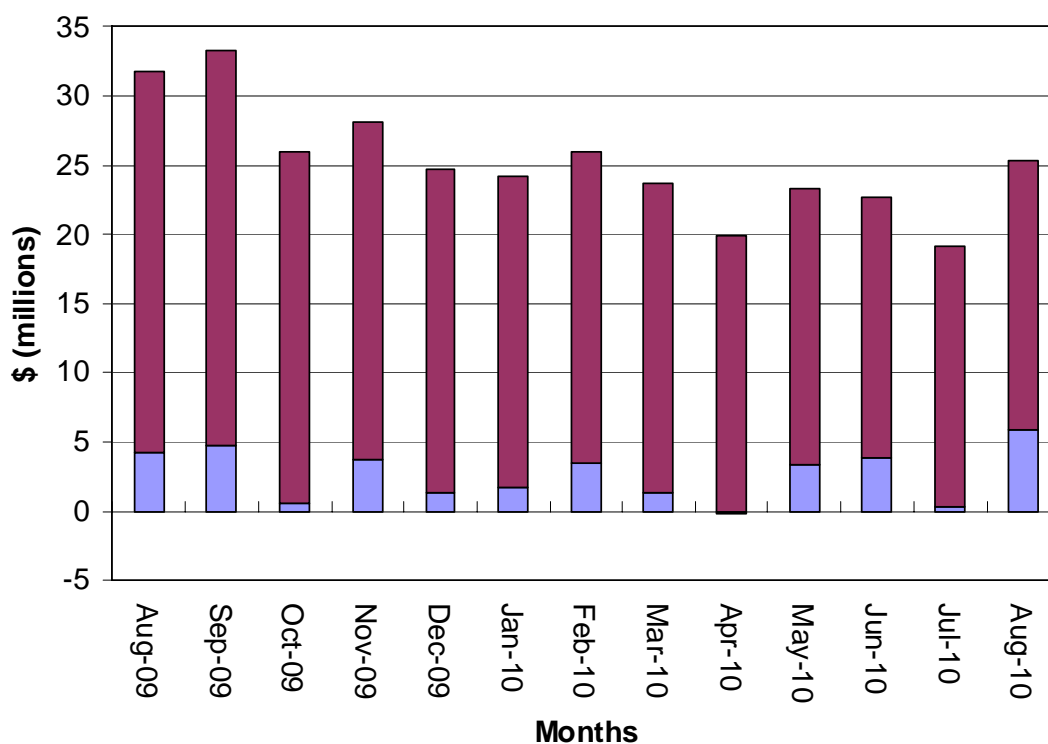
I, Peter Gesling, being the Responsible Accounting Officer of Council, hereby certify that the Investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's investment policy.

P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Aug-09	4.298	27.448	31.747
Sep-09	4.801	28.448	33.250
Oct-09	0.579	25.448	26.028
Nov-09	3.691	24.448	28.140
Dec-09	1.277	23.448	24.726
Jan-10	1.670	22.455	24.125
Feb-10	3.489	22.455	25.944
Mar-10	1.311	22.380	23.691
Apr-10	0.206	19.880	19.675
May-10	3.425	19.880	23.305
Jun-10	3.847	18.880	22.728
Jul-10	0.285	18.880	19.165
Aug-10	5.888	19.380	25.268

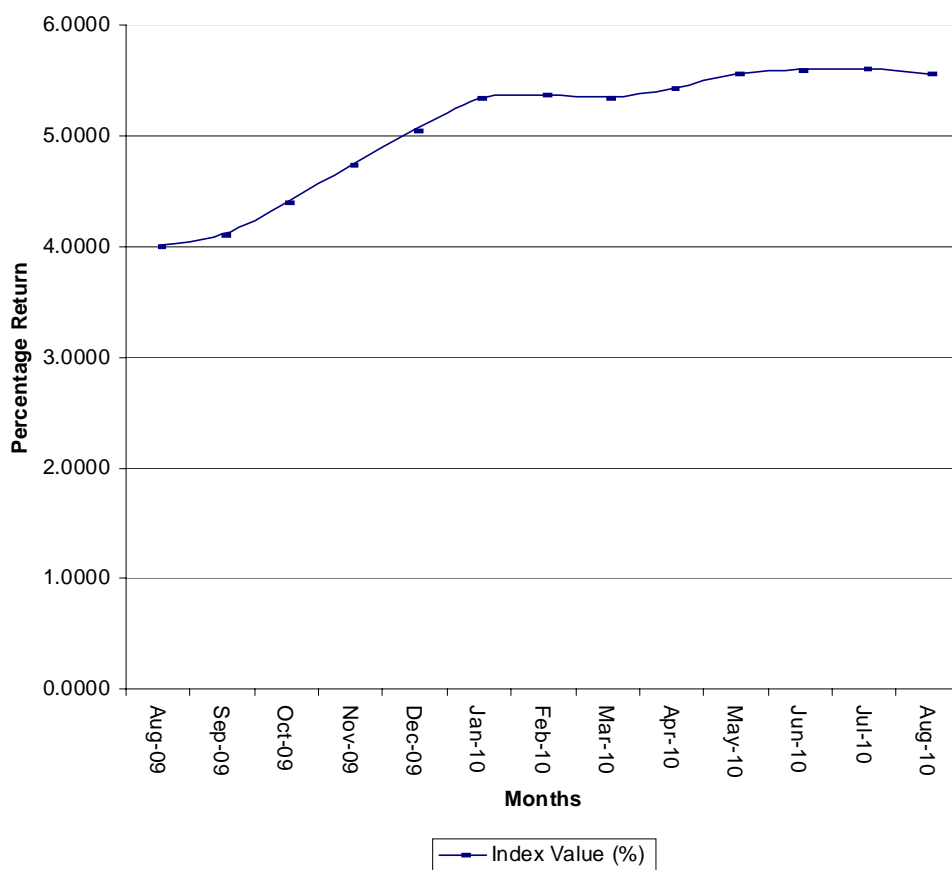
**Cash and Invested Funds for the Period ended
31/8/2010**

ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Aug-09	4.0082
Sep-09	4.1080
Oct-09	4.3946
Nov-09	4.7356
Dec-09	5.0488
Jan-10	5.3373
Feb-10	5.3685
Mar-10	5.3452
Apr-10	5.4259
May-10	5.5615
Jun-10	5.5974
Jul-10	5.5992
Aug-10	5.5587

Australian Term Deposit Index as at 31/8/2010



INFORMATION ITEM NO. 6

BAGNALL BEACH ROAD, CORLETTE

REPORT OF: MICK LOOMES - ENGINEERING SERVICES, MANAGER
GROUP: FACILITIES AND SERVICES GROUP

FILE: PSC2005-3230

BACKGROUND

The purpose of this report is to address issues arising from an information item No. 3 "Petition Bagnall Beach Road, Corlette - Maintenance" which was presented to Council on 27 July 2010.

A copy of the petition presented to Council on 27 July 2010 is attached (*see Attachment 1*).

Issues presented in the petition are as follows:

(a) Road Resurfacing and Tyre Noise

A section of Bagnall Beach Road was resealed using a "chip seal" which has a more textured surface than the asphaltic concrete alternative. The chip seal is more noisy under car tyres than is the smoother asphaltic concrete surface. Chip seals are an economical, necessary and well used technique in waterproofing and restoring surface texture in residential streets. Sprayed chip seals are approximately one fifth the cost of an asphaltic concrete overlay and Council cannot afford to reseat all of its streets with this expensive option.

(b) Spotted Gums Shedding Large Branches

Much of Bagnall Beach Road was planted with spotted gums some years ago when Landcom built this subdivision. A check of Council records shows there are no reports of the spotted gums having dropped any dead limbs in the last 12 months. Inspections of these trees have been undertaken and they are not considered a risk at this time. Landcom has no maintenance obligations with regard to the spotted gums planted many years ago along Bagnall Beach Road.

(c) Footpath

The *"missing link"* of footpath along Bagnall Beach Road between No. 142 and around the corner into Government Road has been inspected and assessed to locate its position within Council's Forward Works Plan. The assessment has ranked this path as a medium priority in position 40 on the plan. Accordingly, there are many other footpath projects more highly rated than this one in Bagnall Beach Road.

(d) Roundabout Landscaping

The roundabout at the intersection of Bagnall Beach Road and Government Road has only basic landscaping within its central circle. This roundabout is subjected to a relatively high level of damage from errant vehicles. Some traffic management measures have been taken to highlight the roundabout in the last year or two and the incidence of vehicle damage is being monitored. If the damage decreases to an acceptable level in the next year or so, Council could consider some landscaping improvements in a future budget.

ATTACHMENTS

- 1) Copy of original petition presented to Council on 27 July 2010.
- 2) Item 2228 Matter Arising, Council Report 27/7/10

COUNCILLORS ROOMS

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

COUNCIL COMMITTEE – 27 JULY 2010

ATTACHMENT 1

Petition to Port Stephens Council to Decrease Traffic Noise at the Northern End of Bagnall Beach Road and to Address Other Safety and Landscape Concerns

Petition Summary and Background:

a. During road works carried out in Bagnall Beach Road during November/December 2005 between the roundabout at the junction of Sandy Point Road, Government Road and Bagnall Beach Road and the roundabout at the junction of Sgt Baker Drive and Bagnall Beach Road, the road surface was replaced with a larger type of gravel and small amount of bitumen. This as significantly increased the traffic noise experienced by residents living adjacent to this section of the road.

b. The Spotted Gum street trees are shading large transverse which are creating a hazard for pedestrians and may damage parked cars.

c. The footpath at the northern end of Bagnall Beach Road suddenly ends 200 metres from the end of the road and turns into an uneven track with surface tree roots exposed. This is forcing residents and visitors to this area to walk on the road.

d. The roundabout at the junction of Sandy Point Road, Government Road and Bagnall Beach Road is a focal point for the area, in particular for visitors. Currently the landscaping of the roundabout is an eyesore consisting of a scruffy planting of the poorly grown 'Lemon-lime'.

Action Requested From: We, the undersigned, are concerned residents living at the northern end of Bagnall Beach Road who urge our council to act now to:

a. Add a new smoother hot mix to the road surface and/or instigate some form of traffic management system to reduce road noise and excessive speeding in the area.

b. Remove the Spotted Gum road side trees.

c. Complete the last 200 metres of footpath at the northern end of Bagnall Beach Road.

d. Landscaping the roundabout at the junction of Sandy Point Road, Government Road and Bagnall Beach Road to make it a visually attractive focal point for that area.

Printed Name	Signature	Address	Comment	Date

Page 1 of 4

PORT STEPHENS COUNCIL

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ATTACHMENT 2

MINUTES ORDINARY COUNCIL – 27 JULY 2010

ORDINARY COUNCIL MEETING – 27 JULY 2010

227	Councillor John Nell Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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MATTER ARISING

2228	Councillor John Nell Councillor Peter Kafer	It was resolved that Council prepare a report on the road and other issues arising from Information Paper Item No. 3, Bagnalls Beach Road, Corlette.
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229	Councillor John Nell Councillor Sally Dover	It was resolved that Council prepare a report on the car parking and general maintenance of Angophora Reserve in connection with Information Paper Item No. 3.
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GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1

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 committee/group from the listing as the committees are either not operating or no longer require a councillor representative:
 - a) Port Stephens Access Committee

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

312	Councillor Bob Westbury Councillor Bruce MacKenzie	It was resolved that the matter be deferred to the next Ordinary Council meeting to allow for all Councillors to be present.
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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 53, 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:

COUNCIL COMMITTEE

- Committee of the Whole
Current Chair: *Cr Jordan*
Current Deputy Chair: *Vacant* – Chaired by the Mayor when required.

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.

ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

The previous 2009/10 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	<i>Cr O'Brien Cr Kafer Cr Dover Mayor (Cr MacKenzie)</i> *
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	<i>Cr O'Brien</i>
3	Audit Committee	The Audit Committee is an advisory committee of Council comprising of the Council representatives and two external representatives. The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.	<i>At least four times a year or when necessary</i>	Corporate Services	<i>Mayor (Cr MacKenzie) Cr Westbury</i> <i>New DLG guidelines preclude the Mayor from being a member of the Committee.</i>

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
4	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
5	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
6	Communicate Port Stephens	To assist Council in the management and promotion of the Telecentre.		Commercial Services	Cr Francis Cr Ward
7	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
8	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
9	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

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
10	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
11	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
12	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
13	Lemon Tree Passage Parks and Reserves 355B Committee	To undertake maintenance and improvements to parks in Lemon Tree Passage	Committees are required to hold meetings at least quarterly at a time to be decided by the committee	Facilities & Services	To be appointed
14	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
15	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

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
16	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
17	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
18	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.	<i>Every 4 months– February, June, October 1st Monday</i>	Facilities & Services	Cr Tucker Cr Dingle
19	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
20	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
21	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

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
22	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	<i>Cr Dover</i>
23	Port Stephens Adult Choir Committee	To promote, organise and train the Port Stephens Choir. To develop a sense of community identity and belonging by involving participants 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	<i>Cr Tucker Cr O'Brien</i>
24	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>	Corporate Services	<i>Cr Westbury Cr Francis Cr Tucker Cr Jordan</i>
25	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>	General Manager's Office	<i>All Councillors</i>
26	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	<i>Cr Tucker</i>
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	<i>Cr Francis Cr Kafer</i>

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	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).	<i>Quarterly</i>	Facilities & Services	<i>Cr Nell</i>
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.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Facilities & Services	<i>Cr MacKenzie</i>
30	Raymond Terrace Parks, Reserves & Tidy Towns 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	<i>Cr Francis</i>
31	Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace 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	<i>Cr Francis</i>
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.	<i>Every 4 months– February, June, October</i> <i>2nd Monday</i>	Facilities & Services	<i>Cr Jordan Cr Francis Cr Kafer Former Cr Maher</i>
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 persons participating and administering sports are	<i>Every 4 months– February, June, October</i> <i>2nd Wednesday</i>	Facilities & Services	<i>Cr Jordan Former Maher Cr Kafer</i> <i>Cr</i>

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
		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, 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	Former Cr Maher
38	Seaham Hall Committee <i>Name change to Seaham Park</i>	To assist Council in the management, maintenance and improvements to the Park.		Facilities & Services	Cr Jordan Cr Kafer
39	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

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
40	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	<i>Cr Dover</i>
41	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	<i>Cr Dover</i>
42	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	<i>Cr Tucker Cr MacKenzie</i>
43	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	<i>Cr Tucker Cr MacKenzie</i>
44	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	<i>Cr Nell</i>
45	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	<i>Cr Tucker Cr MacKenzie</i>

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
46	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	<i>Cr Tucker Cr MacKenzie</i>
47	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 administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 3rd Monday</i>	Facilities & Services	<i>Cr Tucker Cr MacKenzie</i>
48	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	<i>Cr Westbury</i>
49	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.	<i>Every 4 months– February, June, October 3rd Wednesday</i>	Facilities & Services	<i>Cr Dover Cr Nell Cr Ward Cr Westbury</i>
50	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	<i>Cr Tucker</i>

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010
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	Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
51	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	<i>Cr Francis</i>
52	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	<i>Cr Dingle Cr O'Brien</i>
53	Financial Assistance Community Grants Panel	To make recommendations to Council on applications received through the Grants process	<i>Twice a year</i>	General Manager's Office	<i>Mayor (Cr MacKenzie) Cr Jordan Cr Dover Cr Tucker (1 Councillor from each Ward).</i>

REGIONAL COMMITTEES AND GROUPS

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
54	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Sustainable Planning	<i>Cr Dingle</i>
55	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	<i>Former Cr Maher</i>
56	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	<i>Cr MacKenzie Former Cr Maher</i>
57	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	<i>Cr Ward Cr Nell</i>
58	Hunter Councils	To discuss regional issues in the Hunter	General Manager's Office	<i>Mayor (Cr MacKenzie)</i>
59	Hunter Councils Board Advisory Groups. 1. Economic Development & Infrastructure 2. Community & Cultural. 3. Environment.	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	<i>Cr Westbury Cr Tucker Cr Nell</i>
60	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.	Sustainable Planning	<i>Cr Nell</i>

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
61	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.	General Manager's Office	<i>Cr Nell</i>
62	Joint Regional Planning Panel	<p>To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area.</p> <p>The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member, commencing July 2009.</p>	Sustainable Planning	<i>Cr MacKenzie Cr Westbury</i>
63	Karuah Working Together Inc.	<p>The Committee is a peak group comprising representation of key organisations, businesses and industry representatives in Karuah.</p> <p>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</i></p>	Sustainable Planning/Commercial Services	<i>Cr Francis</i>
64	Local Development Committee	Local Traffic Committee (see 83) providing advice to Council on development.	Sustainable Planning	<i>Cr Kafer</i>
65	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	<i>Cr Kafer</i>
66	Lower Hunter Councils Transport Group	This is a working party that coordinates projects and transport issues across local government boundaries.	Sustainable Planning	<i>Cr Francis</i>
67	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	<i>Cr MacKenzie</i>
68	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	<i>Cr MacKenzie</i>

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010
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	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
69	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment	Sustainable Planning	<i>Cr MacKenzie</i> <i>Cr Tucker</i>
70	Marine Parks Advisory Panel <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens	Sustainable Planning	<i>Cr Nell</i>
71	Medowie Floodplain Management Committee	This Committee will provide advice and recommendations to Council	Sustainable Planning	<i>Cr Tucker</i> <i>Cr Dingle</i> <i>Cr O'Brien</i> <i>Cr MacKenzie</i>
72	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	<i>Cr Nell</i> <i>Mrs Helen Brown is the local government representative appointed by the Minister.</i>
73	Nelson Bay Adult Education Committee	This committee is an advisory committee for Adult Education.	General Manager's Office	<i>Cr Westbury</i>
74	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.	General Manager's Office	<i>Cr Ward</i> <i>Cr Westbury</i> <i>Cr MacKenzie</i> <i>Cr Jordan</i>
75	North Coast NSW Regional Tourism Board	To work with Tourism bodies and groups on a regional basis.	Commercial Services	<i>Cr Westbury</i>
76	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	<i>Cr MacKenzie</i>
77	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	<i>Cr Tucker</i> <i>Cr Westbury</i> <i>(1 Councillor from each Ward)</i>

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	Name of Organisation	Purpose of Committee	Group	<i>Current Delegate/ Member</i>
78	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	<i>Cr Tucker Cr Westbury</i>
79	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	<i>Cr MacKenzie</i>
80	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	<i>Cr Francis</i>
81	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	<i>Cr Francis Cr Kafer</i>
82	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	<i>Cr Dover Cr Ward</i>
83	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	<i>Cr Francis Cr Dingle</i>

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010
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	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
84	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. <i>Note: A Tourism Strategy is currently being developed which may influence the nature of Council's relationship with the tourism sector in the future.</i>	Commercial Services	<i>Cr Westbury Cr Tucker Cr Jordan</i>
85	Port Stephens Tourism Strategy Joint Working Party	The joint working party was established between Council and Port Stephens Tourism Ltd to develop an implementation plan for the Tourism Strategy.	Commercial Services	<i>Cr Westbury Cr Tucker Ct Nell</i>
86	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	<i>Cr Nell</i>
87	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	<i>Cr MacKenzie</i>
88	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	<i>Cr Francis Former Cr Maher Cr Jordan Cr Kafer</i>
89	Urban Animal Management Committee	This committee seeks to develop local strategies to better manage domestic dogs.	Sustainable Planning	<i>Cr Dingle</i>
90	Williams River Floodplain Risk Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire	Sustainable Planning	<i>Cr Maher</i>
91	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	<i>Cr Nell Cr MacKenzie</i>

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

	Name of Organisation	Purpose of Committee	Group	Current Delegate/ Member
92	Windeyers Creek Catchment Committee	To develop catchment plans that when implemented, result in catchment improvements.	Sustainable Planning	<i>Former Cr Maher</i>
93	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.	General Manager's Office	<i>Cr MacKenzie Cr Dover</i>
94	Strategic Cultural Committee	<ul style="list-style-type: none"> • Advise Council on cultural matters • A community partnership in the delivery of cultural priorities identified in Council's integrated plans • Serves as the Cultural Projects Fund selection panel, making recommendations to Council. • Facilitate the 'Culture Port Stephens Network', to link those active in the arts, culture and lifestyle of Port Stephens. 	Sustainable Planning	<i>Cr Nell Cr Francis Cr O'Brien Cr Tucker</i>

Committees to be removed from listing by Council:-

- 1) Port Stephens Access Committee – This Committee has been disbanded in accordance with Council resolution in 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. 2

FILE NO: PSC2010-03596

COMMUNITY GRANTS – 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 below:

EAST WARD

- a) Nelson Bay Croquet Club – Costs associated with improvements to Club facilities - \$1,250.
- b) Corlette Halls Parks & Reserves – Costs associated the purchase of chairs and tables, childrens door barrier and kitchen facilities - \$1,400.
- c) Combined Church of Port Stephens – Costs associated 2010 Community Christmas Carols - \$1,250.
- d) Nelson Bay Rotary Club – Costs associated 2010 Charity Golf Day - \$1,000.
- e) Soldiers Point Public School P & C – Costs associated with holding a Community Fete - \$500.

CENTRAL WARD

- a) Port Stephens Young Christian Outreach – Costs to improvement facilities for safety - \$1,000.
- b) 1st Tilligerry Scouts Group – Costs associated with Stage 3 of the improvement to amenities - \$1,000.
- c) Medowie Baptist Community Church – Costs associated with conducting a Family Day for families impacted by Autism, Aspergers and related development neurological disorders - \$1,000.
- d) Tilligerry Chamber of Commerce – Costs associated with the purchase of banners and poles for improvements to Meredith Street - \$1,000.

WEST WARD

- a) Raymond Terrace AUSSI Masters Swimming Club – Costs associated with facility improvements - \$500.
- b) Raymond Terrace Amateur Swim Club – Costs associated with facility improvements - \$500.
- c) Seaham Park Committee – Costs associated with the purchase of timber poles for improvements at the Park - \$1,000.

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

- d) Raymond Terrace Neighbourhood Centre – Costs associated with constructing an outdoor kitchen - \$1,000.
 - e) Birthing & Babies Support Group – Costs associated with the development of an education program for women within Raymond Terrace.
- 2) In addition to the funds allocated in Item 1, Council also provide funds with each Ward contributing equally to the following groups/organisations:
- a) Port Stephens Family Support – Costs associated with holding the annual Christmas Party at Lakeside Leisure Centre for families - \$500.
 - b) Port Stephens Community Care – Costs associated with Hosting Information and Carer Support Days - \$1,000.
 - c) Breast Cancer Australia – Costs associated with the AVON Race - \$1,000.
 - d) Port Stephens Suicide Prevention Network Inc. – Costs associated with holding workshops and training - \$1,000.

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

313	Councillor Bruce MacKenzie Councillor Sally Dover	It was resolved that the recommendation be adopted.
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BACKGROUND

The 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. This is the third round of funding under this Policy.

Council called for Community Grant applications from 15 July 19 August 2010. All applications received are shown at **ATTACHMENT 1**. A total of 30 applications were received.

The total value of the Grants received is:

East Ward	\$14,360 – shown in blue in attachment
West Ward	\$17,821 – shown in green in attachment
Central Ward	\$10,095 – shown in yellow in attachment
Whole of LGA	<u>\$ 9,140</u> – shown in white in attachment
	\$51,416

The applications received were assessed by the panel comprising of the Mayor, Cr Westbury, Councillor's Dover, Tucker, Jordan, in accordance with the criteria under the Financial Assistance Policy.

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) Community Grants applications received.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

ATTACHMENT 1

[illegible]

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

00001 Page 36	Soldiers Point Press & Reserves	\$1200	\$1200	Funds will be used to purchase correct bush regeneration tools for signpost and new volunteers who are willing to undertake weeding in the bush press along the cycleway and in other parts of our designated area. We will be purchasing proper tools for our regular plantings of trees and other plants in our area. We have major projects for planting at Middle Bagnall Beach Reserve and at the Towdham Drive detention basin to follow up our 2010 National Tree Day planting there.	\$500 - Oct each year - Council annual 3558 Committee allowance \$570 Involvement - Sept 08 - Prime As. ripsheds cow legs at Middle Bagnall \$1025 - Feb 09 - 3m x 1m environmental Portside Council access to tracks & erosion control \$675 - Sept 08 - 3m x 1m environmental Middle Bagnall 5m x 1m ripsheds planting \$1000 - Oct 08 - Community financial - Fuel cost of trip to Middle Bagnall \$2000 small environmental - March 2010 - site preparation & planting for National Tree Day - Towdham detention basin \$1000 April 2010 Community financial - Site rocks & 4 reserves (project in progress)
00002 Page 47	Soldiers Point Public School Parents and C/NE	\$2000	\$2273	Project is to run the Soldiers Point Public School Community Fete. If successful, funding from the Community Financial Assistance Grants Program will be used to offset with the costs of having a table and subsidise community event. More specifically, this application is seeking funds to assist with the following estimated costs: - Promotion and advertisement of the event including printing costs \$1200 - Application fees for food license and use of public reserve request \$273 - Equipment hire including portable toilet room \$100 - Site maintenance and rubbish removal \$200	Nil
00003 Page 84	PORT STEPHENS CHORAL ENSEMBLE INC	\$2,000 (1850 FUNDS)	\$2,000	10 YEAR PUBLIC LIABILITY INSURANCE \$1,000 PHOTOCOPYING/STATIONERY/HOUSEPRINTING \$800 PURCHASE OF CLARKSONS (\$5,000 OVER 3 YEARS) - \$1,000 FEE (ONE OFF) FOR MUSICAL DIRECTOR FOR XMAS PERFORMANCE \$200 MUSICAL COPYRIGHTS \$200	Nil
00006 Page 97	COMBINED CHURCHES OF PORT STEPHENS	\$2,000	\$15,000	THE FUNDS WOULD BE USED TO SUPPORT THE RUNNING COSTS OF A CHRISTMAS COMMUNITY CAROL EVEN AT RYK POINT ON 12 DECEMBER - COORDINATED BY THE LOCAL CHURCHES	\$1,000 DECEMBER 2009 - CAROLS AT THE RYK POINT
	THE ROTARY OF NELSON BAY	\$1,000	\$1,000	TO ASSIST WITH THE HOLDING OF THE 2010 CHARITY GOLF DAY	\$1,000

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

[illegible]

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

[illegible]

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

20211 (Page 7)	BaBz – Birthing and Babies Support Group, which is a program of Maternity Coalition (MC)	\$1,951.00	The info cost is not known. We are seeking seed funding to establish a new BaBz support group in Raymond Terrace. We see a great unmet need for peer support in this community.	We recognise considerable gaps in maternity care and post natal services for MUA women in the Raymond Terrace area. The Port Stephens Council Community Grant will be used for the initial set up and ongoing education of women within the Raymond Terrace community via a BaBz support group. The main costs involved in establishing a BaBz group are in purchasing educational resources such as books and DVDs via internet, a resource book and in supporting guest speakers, such as Australian Breastfeeding Association, post natal depression organisations, the University of Newcastle and local community service organisations to present to the group. Many guest speakers are professionals in their area of expertise and it would be beneficial to provide reimbursement for their out of pocket time and travel costs. Traveling may need to be required for BaBz members to gather to establish and enable community connections. The hall also provides a suitable space for members to feel comfortable in a child friendly environment with access to amenities such as public transport, parking and toilets. The hall must also be a stationary costs include requirements for printing brochures, files and one cost Refreshments includes the cost of tea, coffee and other consumable materials in. Please see attached first year Program Budget following.	<p>Estimated Budget for One year Seed Funding to Establish BaBz</p> <p>Educational materials/resource library (eg books, DVDs) \$100.00</p> <p>Guest speaker presentation \$240.00</p> <p>Travel Reimbursement (based on AQ travel expenses for when travel from the Meeting Hall) \$385.00</p> <p>Stationery (eg envelopes, paper, pens, etc) \$10.00</p> <p>Postage \$40.00</p> <p>Refreshments (eg tea, coffee, etc) \$747.00</p> <p>TOTAL \$1,951.00</p> <p>With the funding from this grant, we anticipate that:</p> <ul style="list-style-type: none"> A new BaBz group will be established in Raymond Terrace. Leaders will observe BaBz mothers improving their own health and their family. Mothers will report improved sense of community as a result of home visits. Mothers will report increased positive parenting outcomes through raising ill
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MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

ID	Organisation Details	Financial Information		Project Information	4. Please list donations given to you and/or your organisation by Council over the last three (3) years, including the amount/s received, date/s and purpose of funds.
	Organisation Name	1. What is the total amount of your request (exclusive of GST)?	2. What is the total cost of the project (exclusive of GST)?	3. Please provide details of how you and/or your organisation intends to expend the funds.	
00011 Page 22	Medowie Assembly of God Inc.	\$2000.00	\$4.50 a serve of food	On the cat's of setting up a soup kitchen to provide for the needy and hungry of port stephens.	Nil
00018 Page 31	Port Stephens Young Christian Outreach	\$ 2000	\$ 2500	We wish to buy building materials to renovate part of our youth hall to 1. improve safety 2. Maintain structural integrity and 3. Enable better usage.	None
00025 Page 49	Gan Gan Family Centre	\$1095.00	\$1095.00	A 'Zumba' Fitness Instructor would provide six sessions for young parents/caregivers of children 3-6 years of age. 'Zumba' is a fusion of Latin and International music that creates a dynamic, exciting, dance inspired fitness program. A childcare worker will be available to support parents and children in participating. The use of musical instruments will support children in actively engaging during the session. The purchase of 'Zumba' resources will sustain the program, after delivery by the fitness instructor has ceased.	As the relieving Facilitator of the Gan Gan Family Centre, I do not have access to this information. I have not personally made an application for financial assistance, however, Jacqueline Orwell may have.
00039 Page 90	1ST TILGERRY SCOUT GROUP	\$2,000	\$6,000	TO REFURBISH THE EXISTING BOYS AND GIRLS TOILETS AND UPGRADE STAGE 3.	\$792.60 17 & 10, PAYMENT OF DA FEES
00040 Page 93	MEDOWIE BAPTIST COMMUNITY CHURCH INC	\$2,000	\$2,000	HUNTER CONNECT WILL CONDUCT A FAMILY FUN DAY FOR FAMILIES IMPACTED BY AUTISM, ASPERGERS AND RELATED DEVELOPMENT NEUROLOGICAL DISORDERS. THE PROPOSED VENUE IS DIZZY LAND AT SALT ASH ON SATURDAY 14 NOVEMBER 2010. THE FUNDS WILL COVER THE ENTRY COST OF FAMILIES AND ALSO COVER CATERING AND OTHER INCIDENTALS.	Nil
	TILGERRY CHAMBER OF COMMERCE	\$1,000	\$5,000	PURCHASE OF POLES AND BANNER TO BE ERRECTED IN MEREDITH AVE AS PART OF THE IMPROVEMENTS IN THE AREA.	

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

ID	Organisation Details	Financial Information		Project Information	4. Please list donations given to you and/or your organisation by Council over the last three (3) years, including the amount/s received, date/s and purpose of funds.
	Organisation Name	1. What is the total amount of your request (exclusive of GST)?	2. What is the total cost of the project (exclusive of GST)?	1. Please provide details of how you and/or your organisation intends to expend the funds.	
00004 Page 4	Port Stephens Family Support	\$500	\$1500	Port Stephens Family Support Service (PSFS) provides a range of programs including Playgroups (0-5 years including parents), after school children's groups (5-12 y/o), Aboriginal cultural groups, parent support groups and counselling. PSFS proposes to hold an end of year family celebration at Lakeside Leisure Centre for all families involved in these groups.	\$120 2008 Free entry for families for above event \$200 2009 Free entry for families for above event \$280 2010 Re-imbursement for Aboriginal Training.
00010 Page 18	The Hunter Writers' Centre	1,640	1,640	During the last weekend of November, poets and poetry lovers from around the country gather in Newcastle to hear the announcement of the prestigious Newcastle Poetry Prize. The Hunter Writers Centre invites the poets to stay for a weekend of performances, exhibitions, workshops and readings, attended by over 100 people annually. In 2010 we would like to host a public reading outside Newcastle City Centre. We intend to hold a public reading and lunch, during which the top 20 poets from around Australia would have the chance to read their work from the anthology. The funds would go towards the hire of a bus to take guests to Port Stephens, lunch at Tarlton House, sound and set up for a reading, a public poetry reading and the bus back to Newcastle. The Port Stephens lunch would preempt plans for a greater Hunter Weekend of Poetry in 2011 and would provide a broader picture of what the greater Hunter area has to offer in terms of both culture and innovation.	We receive regular funding from Newcastle City Council for the Newcastle Poetry Prize but this is our first request for funding from Port Stephens Council. As we are looking to extend the Newcastle Prize further in the Hunter in 2011, we hope this will be the first step in a wider program of events.
00027 Page 52	Port Stephens Community Care	\$1,000	\$2,500	The funds will be expended on Carens by hiring two venues, providing morning tea and a light lunch for all those who attend. Co-ordination of the events, publicity, stallholder invitations and guest speakers. One event will be hosted in the Tamare Peninsula and a second will be hosted in Raymond Terrace.	22/07/10 - Dementia Garden \$300.00 23/03/09 - Senior Week \$300.00 15/05/08 - Senior Week \$1,000.00 22/04/10 - Senior Week \$1,000.00
00033 Page 77	BREAST CANCER INSTITUTE OF AUSTRALIA (BCI)	\$2,000	\$28,000	ALL MONETARY DONATIONS ARE USED TO COVER COSTS ASSOCIATED WITH HOLDING THE EVENT WHICH CANNOT BE COVERED BY SPONSORSHIP FOR EXAMPLE, PUBLIC LIABILITY INSURANCE.	\$500 - 18.9.08 \$500 - 08.10.07 FUNDS WERE USED TO COVER ESSENTIAL COSTS OF HOLDING A SAFE AND SUCCESSFUL EVENT: ITEMS SUCH AS INSURANCE, EQUIPMENT HIRE, TIMING CHIPS AND ADMINISTRATIVE COSTS.
00034 Page 81	PORT STEPHENS SUICIDE PREVENTION NETWORK INC.	\$2,000	\$3,435	WE RUN SAFETALK AND ASIST WORKSHOPS (APPLIED SUICIDE INTERVENTION SKILLS TRAINING). WE RUN 2 TO 3 ASIST WORKSHOPS A YEAR - THE NEXT ON 4 AND 7 SEPTEMBER 2010. COSTS ARE 1. VENUE (FREE DONATED BY FISHERIES, TAYLORS BEACH), 2. PROFESSIONAL FACILITATORS \$2062, COURSE MATERIALS \$1308 AND REFRESHMENT \$265+. COURSES ARE FOR 20 TO 24 PARTICIPANTS. FOR THOSE WHO CAN AFFORD TO PAY ARE CHARGE \$185 EARLY BIRD AND \$250 EA. USUAL APPROX. 10 PARTICIPANTS CANT PAY ON ANY ONE COURSE.	\$185 - 25.3.10 - TO ALLOW SOCIAL WORKER DOMINIQUE NORTHAM TO ATTEND THE LAST ASIST WORKSHOP ON 17-18 MAY 2010.

MINUTES FOR ORDINARY MEETING – 28 SEPTEMBER 2010

00041 Page 97	LIFE EDUCATION	\$2,000	\$4,200	FUNDS WILL BE USED TOWARDS THE COSTS OF TRANSPORTING THE MOBILE LEARNING CENTRE TO SCHOOLS THAT FALL WITHIN THE PORT STEPHENS COUNCIL LGA IN TOTAL 21 SCHOOLS. ANNA BAY, BOBS FARM, GRAHAMSTOWN, HINTON, IONA, IRRAWANG, KARUAH, MEDOWIE, MT KANWARY, RAYMOND TERRACE, SALT ASH, SEAHAM, SOLDIERS POINT, ST BRIGIDS, ST MICHAELS, ST PHILLIPS CHRISTIAN, TANILBA BAY, TOMAREE, WILLIAMTOWN AND WIRREANDA PRIMARY SCHOOLS.	\$4200 – 2007 TRANSPORT COSTS \$4200 – 2008 TRANSPORT COSTS
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NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 [PSC2005-3695]

**DOGS OFF LEASH SPINNAKER WAY AND SERGEANT BAKER DRIVE,
CORLETTE**

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Allow dogs off leash in the drainage reserve bounded by Spinnaker Way and Sergeant Baker Drive, Corlette.

**BACKGROUND REPORT OF: JASON LINNANE – ACTING GROUP MANAGER,
FACILITIES AND SERVICES**

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

314	Councillor John Nell Councillor Sally Dover	It was resolved that the Notice of Motion be adopted.
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BACKGROUND

Council has an existing Dog Area Policy. The proposal contained within this NOM would be a variation of this policy but would not be inconsistent with this policy.

Funding for the implementation and servicing of a dog excrement bin would need to be provided at a cost of approximately \$2,000 for the installation. An annual recurrent budget of \$2,000 to service the bin would also need to be provided. If these funds are not provided they will need to be re-allocated from existing budgets.

The Companion Animals Act requires Council to provide such facilities with *"off lead"* dog exercise areas.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217 & PSC2008-0599

CORLETTE CYCLEWAY

COUNCILLOR: DOVER

THAT COUNCIL:

- 1) Not commence the construction of the cycleway link between Conroy Park and Foreshore Drive, Corlette.
 - 2) That an urgent meeting be held with staff and East Ward Councillors to reconsider the safety aspect of this route alongside the road.
 - 3) The alternate route alongside the waterfront be investigated and costed. This route would provide a safe cycleway with no danger of intersecting driveways and although it may be more expensive it will provide the residents and visitors of Port Stephens with a superior, safe and scenic cycleway of which we can all be proud.
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BACKGROUND REPORT OF: MICK LOOMES – ENGINEERING SERVICES MANAGER

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

315	Councillor Sally Dover Councillor Bruce MacKenzie	It was resolved that the Notice of Motion be adopted.
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BACKGROUND

A tentative meeting with staff and the East Ward Councillors has been arranged for Tuesday 28 September at 9.00am at Conroy Park.

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.

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

316	Councillor John Nell Councillor Shirley O'Brien	It was resolved that Council move into Confidential Session.
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CONFIDENTIAL

ITEM NO. 1

FILE NO: T10-2010

TENDER FOR SUPPLY, DELIVERY AND SERVICING OF TYRES AND TUBES

REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES, MANAGER

GROUP: COMMERCIAL SERVICES

ORDINARY COUNCIL MEETING – 28 SEPTEMBER 2010

317	Councillor John Nell Councillor Bruce MacKenzie	It was resolved that Council accept the tender from Tyres 4U for the supply, delivery and servicing of tyres and tubes for an initial period of two (2) years with the option for extending the contract. This would include a further two (2) year period and an additional (2) years after that. This could see a total contract period of six (6) years based on performance.
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There being no further business the meeting closed at 8.21pm.

I certify that pages 1 to 268 of the Open Ordinary Minutes of Council 28 September 2010 and the pages 269 to 273 of the Confidential Ordinary Minutes of Council 28 September 2010 were confirmed by Council at its meeting held on 12 October 2010.

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Cr Bob Westbury
MAYOR