

## MINUTES 27 AUGUST 2013



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 27 August 2013, commencing at 5.31pm.

PRESENT: Mayor B MacKenzie; Councillors G. Dingle; C. Doohan; S. Dover; K. Jordan; P. Kafer; P. Le Mottee; S. Tucker; General Manager; Corporate Services Group Manager; Facilities and Services Group Manager; Development Services Group Manager and Executive Assistant-Councillor Support.

The General Manager presented a gift from the Mayor of Yugawarra, which was presented to Mayor MacKenzie during a school visit this week to the Council Chambers from Sister Cities exchange students of Yugawarra.

The General Manager presented a certificate of thanks received from Westpac Rescue Helicopter Service for contributions received from Port Stephens Council staff provided via payroll deductions totalling \$4761.00.

238	<b>Councillor Steve Tucker</b> <b>Councillor Ken Jordan</b>
	It was resolved that apologies from Crs J. Morello and J Nell be received and noted.

**MINUTES FOR ORDINARY COUNCIL – 27 AUGUST 2013**

<b>239</b>	<b>Councillor Sally Dover</b> <b>Councillor Steve Tucker</b>
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 13 August 2013 be confirmed.

	<b>Councillor Ken Jordan</b> <b>Councillor Paul Le Mottee</b>
	Cr Paul Le Mottee declared a significant non pecuniary interest in Item 2. The nature of the interest being his company has clients that own land in the vicinity.

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SUBJECT

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## **BUSINESS**

- 1) Prayer - We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens, in Jesus' name. Amen
- 2) "Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow"
- 3) Apologies
- 4) Confirmation of Minutes Ordinary Meeting of 13 August 2013
- 5) Mayoral Minutes (if submitted)
- 6) Disclosure of Pecuniary Interest or Non-Pecuniary Interest
- 7) Council Reports

## COUNCIL'S CHARTER

Port Stephens Council is a local authority constituted under the Local Government Act 1993. The Act includes a Charter for all Councils in NSW. The Charter is a set of principles that are a guide to councils in carrying out their functions. A council may add other principles not inconsistent with those in the Act.

Council's Charter is:-

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of cultural diversity;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development ;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it the wider community) informed about its activities;
- to ensure that in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected; and
- to be a responsible employer.

## **PORT STEPHENS COMMUNITY STRATEGIC PLAN**

The Local Government Act requires Council to adopt a Community Strategic Plan (10+ years). The Plan includes a Delivery Program (4 years), Annual Operational Plan and a Resource Strategy, it also includes the Council's budget.

The Community Strategic Plan is organised into five focus areas:

**OUR CITIZENS** – This includes Community Safety, Seniors and People with Disabilities, Children and Young People, Community Planning and Partnerships.

**OUR LIFESTYLES** – This includes Recreation, Leisure, Arts and Culture.

**OUR ENVIRONMENT** – This includes Environmental Management, Primary Industries and Natural Resources, Waste Management and Recycling, and Sustainable Development.

**OUR ECONOMY** – This includes Economic Development, Education and Training, Employment, Technology and Transport.

**OUR COUNCIL** – A Sustainable Council, Infrastructure, Governance and Civic Leadership

### **BUSINESS EXCELLENCE**

Port Stephens Council is a quality and a customer service focussed organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on nine (9) principles.

These outcomes align with the following Business Excellence principles:-

- 1) Clear direction and mutually agreed plans enable organisational alignment and focus on sustainable achievement of goals.
- 2) Understanding what customers and other stakeholders value, now and in the future, enables organisational direction, strategy and action.
- 3) All people work in a system. Outcomes are improved when people work on the system and its associated processes.
- 4) Engaging People's enthusiasm, resourcefulness and participation improves organizational performance.
- 5) Innovation and learning influence the agility and responsiveness of the organization.
- 6) Effective use of facts, data and knowledge leads to improved decisions.
- 7) Variation impacts predictability, profitability and performance.
- 8) Sustainable performance is determined by an organisation's ability to deliver value to all stakeholders in an ethically, socially and environmentally responsible manner.
- 9) Leaders determine the culture and value system of the organization through their decisions and behaviour.

## **MEETING PROCEDURES – SUMMARY SHEET**

**Starting time** – All meeting must commence within 30 minutes of the advertised time

**Quorum** – A quorum at Port Stephens Council is 6.

### **Declarations of Interest**

**Pecuniary** – Councillors who have a pecuniary interest must declare the interest, not participate in the debate and leave the meeting.

**Non-Pecuniary** – Councillors are required to indicate if they have a non-pecuniary interest, should a Councillor declare a significant non-pecuniary they must not participate in the debate and leave the meeting. If a Councillor declares a less than significant non-pecuniary they must state why no further action should be taken. Councillors may remain in the meeting for a less than significant non-pecuniary.

**Confirm the Minutes** – Councillors are able to raise any matter concerning the Minutes prior to confirmation of the Minutes.

**Public Access** – Each speaker has five (5) minutes to address Council with no more than two (2) for and two (2) against the subject.

### **Motions and Amendments**

**Moving Recommendations** – If a Committee recommendation is being moved, ie been to a Committee first, then the **motion must be moved and seconded at Council prior to debate proceeding. A councillor may move an alternate motion to the recommendation.**

**Amendments** – A councillor may move an amendment to any motion however only one amendment or motion can be before Council at any one time, if carried it becomes the motion.

**Seconding Amendments** – When moving an amendment, it must be seconded or it lapses.

**Incorporating Amendments** – If a motion has been moved and the mover and seconder agree with something which is being moved as an amendment by others, they may elect to incorporate it into their motion or amendment as the case may be.

**Voting Order** – When voting on a matter the order is as follows:-

1. Amendment (If any)
2. Foreshadowed Amendments – (If any, and in order that they were moved)
3. Motion

**NB – Where an amendment is carried, there must be another vote on the Amendment becoming the motion.**

**Voting** – an item is passed where a majority vote for the subject. If the voting is tied the Chairperson has a second (Casting) vote which is used to break the deadlock.

**Closed Session** – There must be a motion to close a meeting. Prior to voting on the motion the chairperson may invite the gallery to make representations if they believe the meeting shouldn't be closed. Then Councillors vote on the matter. If adopted the gallery should then be cleared and the matter considered in closed session. Any decision taken in session closed

is a resolution. There must be a motion to reopen the Council meeting to the public. If decision occurred in Closed Session, the meeting is advised of the resolution in Open session.

**Procedural Motion** – Is a motion necessary for the conduct of the meeting, it is voted on without debate. e.g. defer an item to the end of the meeting (however, to defer an item to another meeting is not a procedural motion), extend the time for a Councillor to speak etc.

**Points of Order** – when any of the following are occurring or have occurred a councillor can rise on a “Point of Order”, the breach is explained to the Chairperson who rules on the matter.

A Point of Order can be raised where:-

1. There has been any non compliance with procedure, eg motion not seconded etc.
2. A Councillor commits an act of disorder:
  - a) Contravenes the Act, any Regulation in force under the Act, the Code of Conduct or this Code
  - b) Assaults or threatens to assault another Councillor or person present at the meeting
  - c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or address or attempts to address the Council or Committee on such a motion, amendment or matter
  - d) Insults or makes personal reflections on or imputes improper motives to any other Councillor, any staff member or any person present at the meeting
  - e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt
  - f) Reads at length from any correspondence, report or other document, without the leave of the Council
  - g) Discusses, moves or attempts to move a motion or amendment with respect to the Confirmation or Minutes, which does not relate to their accuracy as a true record of the proceedings.

#### **Declarations of Conflict of Interest – Definitions**

**Pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in Clause 7 of the Code of Conduct.

**Non Pecuniary interests** are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of financial nature.

The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for councillors or the general manager to disclose a conflict of interests in such a matter.

The political views of a councillor do not constitute a private interest.

**Making a Declaration of Interest**

At the start of the meeting when declaring an interest at the meeting, Councillors:-

1. Identify the Item to which the declaration relates
2. Provide completed Declaration of Interest form to the Chairperson
3. Declare the nature of the interest *eg Live next door to the application*
4. Declare the type of the interest *eg Pecuniary interest or Significant Non Pecuniary or Less than Significant Non Pecuniary Interest*
5. Action to be taken *eg. Pecuniary interest (must leave the room), Non Pecuniary (whether will discuss, vote, or leave the room)*

**Finish of Meetings**

1. If disorder occurs the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair.
2. No discussion allowed on any motion for adjournment of the Council. If negated, no similar motion for adjournment until half an hour again has elapsed.
3. A motion to extend the time of any meeting beyond the time of 9:00pm is required.

	<p><b>Local Government (General) Regulation 2005</b></p> <p><b>Schedule 3A Form of special disclosure of pecuniary interest</b></p> <p>(Clause 195A)</p> <p><b>Local Government Act 1993</b></p>	
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**Form of Special Disclosure of Pecuniary Interest**

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

**Important information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

**Special disclosure of pecuniary interests**

by *[full name of councillor]* \_\_\_\_\_

in the matter of *[insert name of environmental planning instrument]*

\_\_\_\_\_

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

\_\_\_\_\_

to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

**Pecuniary interest**

Address of land in which councillor or an associated person, company or body has a proprietary interest (*the identified land*)

Relationship of identified land to councillor  
*[Tick or cross one box.]*

- Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- Associated person of councillor has interest in the land.
- Associated company or body of councillor has interest in the land.

**Matter giving rise to pecuniary interest**

Nature of land that is subject to a change in zone/planning control by proposed LEP (*the subject land*)

[Tick or cross one box]

- The identified land.
- Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]

Proposed change of zone/planning control

[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]

Effect of proposed change of zone/planning control on councillor

[Insert one of the following:

“Appreciable financial gain” or

“Appreciable financial loss”]

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature \_\_\_\_\_

Date \_\_\_\_\_

**[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]**

<sup>1</sup> Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative<sup>4</sup> or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

<sup>1</sup> Section 442 of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).

<sup>1</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section 448 (g) (ii) of the *Local Government Act 1993*.

<sup>4</sup> **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.



Local Government Act 1993  
Declaration of Interest form



Item No. in agenda \_\_\_\_\_

Brief Description of Item \_\_\_\_\_

**Councillor** \_\_\_\_\_ declared a

*Tick the box for the relevant response:*

- pecuniary** conflict of interest
- significant** non pecuniary conflict of interest
- less than significant** non- pecuniary conflict of interest

in this item. The nature of the interest is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Councillor** \_\_\_\_\_ left the Chamber and thereby did not take part in the discussion or voting on the Item.

Time Councillor retired from the Chamber \_\_\_\_\_pm.

**Councillor** \_\_\_\_\_ returned to the Chamber and resumed his/her usual place at the meeting.

Time Councillor returned to the Chamber \_\_\_\_\_pm.

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# COUNCIL REPORTS

**ITEM NO. 1**

**FILE NO: PSC2006-0063**

**PORT STEPHENS SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN 2007 (DRAFT AMENDMENT NO. 9) AND SECTION 94A CONTRIBUTIONS PLAN (DRAFT AMENDMENT NO. 5)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Publicly exhibit amendments to the draft Port Stephens Section 94 Development Contributions Plan 2007 (Draft Amendment No. 9) and draft Port Stephens Section 94A Development Contributions Plan 2007 (Draft Amendment No. 5) for a minimum of 28 days in accordance with clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000 to:
  - a. re-prioritise Birubi Point Surf Life Saving Club in the works schedule;
  - b. reprioritise other key existing works and new works in the works schedule **(TABLED DOCUMENT 3)**;
  - c. update the standards guiding the provision of community and recreational facilities and Consumer Price Index (CPI) to increase contribution costs per additional lot or dwelling to \$13,414 outside an urban release area and \$15,676 within an urban release area.
- 2) Should no submissions be made, the amendments be adopted following exhibition.

**ORDINARY COUNCIL MEETING – 27 AUGUST 2013**  
**MOTION**

	<b>Councillor Ken Jordan</b> <b>Councillor Paul Le Mottee</b>
<b>240</b>	It was resolved that Council move into Committee of the Whole.

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Sally Dover</b> <b>Councillor Paul Le Mottee</b>
	That the recommendation be amended as per the Supplementary Information recommendation received 27 August 2013.

	<p>That Council :-</p> <p>1) Publicly exhibit amendments to the draft Port Stephens Section 94 Development Contributions Plan 2007 (Draft Amendment No. 9) and draft Port Stephens Section 94A Development Contributions Plan 2007 (Draft Amendment No. 5) for a minimum of 28 days in accordance with clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000 to:</p> <ul style="list-style-type: none"> <li>a. re-prioritise Birubi Point Surf Life Saving Club in the works schedule; and</li> <li>b. reprioritise other key existing works and new works in the works schedule <b>(TABLED DOCUMENT 3)</b>.</li> </ul> <p>2) Should no submissions be made, the amendments be adopted following exhibition.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil

**MOTION**

<b>242</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Sally Dover</b></p> <p>It was resolved that the Committee of the Whole recommendation be adopted.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil

## **BACKGROUND**

The purpose of this report is to recommend that Council amend the current Port Stephens Section 94 Contributions Plan 2007 (Section 94 Plan) as outlined in **(TABLED DOCUMENT 1)** and Port Stephens Section 94A Contributions Plan 2007 (Section 94A Plan) as outlined in **(TABLED DOCUMENT 2)** to:

- re-prioritise certain works including Birubi Point Surf Life Saving Club in the works schedules;
- add new priority works to the works schedules;
- update standards guiding the provision of Council's community and recreational facilities; and
- update costs in line with Consumer Price Index (CPI).

Section 94 of the Environmental Planning and Assessment Act 1979 enables Councils to impose a condition of development consent requiring a monetary contribution, dedication of land or both towards the provision, extension or augmentation of public amenities and services that will, or are likely to be required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development. Council obtains these contributions through its Section 94 Plan and Section 94A Plan.

Council's Section 94 Plan identifies public services and amenities to meet the demand of development and applies a development contribution rate per additional lot or dwelling. Council's Section 94A Plan applies a contribution levy of a maximum of 1% of the cost of development to all commercial, retail and other employment based development or development including mixed use, that would create a demand for public amenities and services where the proposed cost of carrying out the development is greater than \$100,000.

### Amendment to re-prioritise Birubi Point Surf Life Saving Club and other works

In 2010 the Birubi Point Surf Life Saving Club was pledged \$2,200,000 for a redevelopment of the surf club by the current Federal Government. A condition of the Federal Government funding is that construction must be completed by 2014. Construction has commenced to redevelop the site which involved demolition of the existing building and the building of a new facility.

In April 2013, Council acknowledged the total cost of the redevelopment of Birubi Point Surf Life Saving Club building and headland was estimated at \$4,700,000. Council adopted a funding model for the project that allocated 'internal borrowings from Section 94' for the amount of \$1,179,750.

Section 3.3 of Council's Section 94 Plan and Section 2.11 of Council's Section 94A Plan allows the Council to internally borrow or 'pool' its section 94 funds and apply those funds progressively or otherwise for the purposes for which they were collected in a reasonable time. The Plan also states that the levies collected 'will be allocated to the categories in the order indicated in the schedules'.

The Birubi Point Surf Life Saving Club is a work listed in Council's Section 94 Plan (Item No. SD98 – page 5-11) and Council's Section 94A Plan (Item No. SD98 – page 5-10) as priorities 22 and 23 in the Sports and Leisure Facilities – Sporting Development – Catchment Specific Projects – Tomaree Peninsula works list.

In order for Council to pool Section 94 funds and direct them to the Birubi Point Surf Life Saving Club works, the contributions plan works priorities would first need to be amended so that the club works were assigned a high priority (i.e. priority '1') in the Tomaree Peninsula works list.

Amendment to re-prioritise other existing works and adding new priority works

Council's Facilities and Services Group advise there are new and existing items in the contributions plan works schedule which Council is likely to carry out in the short to medium term in addition to Birubi Point Surf Life Saving Club that will require Section 94 and 94A funds. These works are in the currently adopted budget or will be included in next years' draft budget for Council's consideration. It is therefore considered timely to also add and/or reprioritise these projects as priority 1 in their respective catchment works list.

A table of the works proposed to be re-prioritised and added, their current assigned priority (or 'staging thresholds' as they are described in the plan) and rationale for their reprioritisation and addition is outlined at **(TABLED DOCUMENT 3)**.

Standards Guiding the Provision of Council's Community and Recreational Facilities

Council engaged AEC Group (AEC) in 2006 to identify benchmarks for the provision of community and recreational facilities in the Port Stephens Local Government Area (LGA) and assess the cost per person of providing these facilities.

Since 2006 the population of the LGA has increased and is projected to continue to record population growth over the next 20 years. As a result Council engaged AEC to provide an update of the original 2006 study to ensure that its community and recreational facilities continue to meet the changing needs of the population now and into the future.

Findings from the updated report *'Review of Standards Guiding the Provision of Council's Community & Recreational Facilities 2013'* (AEC Report), have been included in the draft Section 94 Contributions Plan. A copy of the AEC Report is available in the Councillors Room.

The Section 94 Plan contributions are adjusted every quarter for CPI. CPI has increased 0.4% from the last adjustment in March 2013. This increase has been added to the overall contribution costs.

As a result of updates in line with AEC Report and CPI, the following contribution costs have been amended:

- to increase per additional lot or dwelling other than an urban release area by \$330 from \$13,084 to \$13,414; and

- as a result of the creation of new urban release areas including Kings Hill and Boundary Road, a new contribution for urban release areas (as defined by the draft Port Stephens Local Environmental Plan 2013 or its successors) has also been included in the draft Plan. The cost for a new release area has been increased by \$2,592 from \$13,084 to \$15,676 which is reflective of the cost of land acquisition for facilities.

The updated costs take into consideration:

- population projections and forecast demand for services;
- comparable LGAs; and
- construction costs for each community and recreational facilities.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Updating the benchmarks for the provision of community and recreational facilities ensures that Council's community and recreational facilities are adequately costed and funded to meet the changing needs of the population now and into the future.

Further, the draft contributions plan amendment will enable Council to access contribution funds to enable the carrying out of the Birubi Point Surf Life Saving Club works and other works listed in the plan.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No		
Reserve Funds	No		
Section 94	Yes	500	Cost to exhibit Section 94 and Section 94A Plans.
External Grants	No		
Other	No		

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

Legal advice was obtained from Lindsay Taylor Lawyers on the actions required to enable Council to internally borrow contributions funds to carry out the Birubi Point Surf Life Saving Club works. The recommendation contained in this Report is commensurate with the legal advice.

Under Clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000, any changes to a Section 94 Contributions Plan is required to be placed on public exhibition for a minimum of 28 days.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the draft works schedule is not adopted, priority projects including the Birubi Point Surf Life Saving Club works will not be funded.	High	Adopt the works schedule.	Yes
There is a risk that if the draft Plan is not adopted with updated benchmarks for the provision of community and recreational facilities current outdated 2006 benchmarks will continue to be applied at a potential cost to Council.	Medium	Adopt updated benchmarks for the provision of community and recreational facilities.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications.

The amended Section 94 and 94A Contributions Plans ensures that the works schedule is updated to reflect Councils recent decisions in relation to funding new works including Birubi Point Surf Life Saving Club and that Council receives adequate revenue for associated facilities inline with updated census data, construction and land acquisition costs.

**CONSULTATION**

- 1) The preparation of the draft Plans have been prepared in consultation with staff from Strategic Planning and Community Services Section and Civil Assets Section;
- 2) The draft plan would be placed on public exhibition and submission invited from the general community to provide feedback to Council;
- 3) The proposed exhibition of the draft Plans includes placing copies of the documents in the Raymond Terrace Library, Salamander Bay Library, Medowie Community Centre and Council Chambers, on Councils website and placing advertisements in a local paper;
- 4) A further report will be prepared for Council's consideration on submissions received during public exhibition.

## **OPTIONS**

- 1) Adopt the recommended draft Contributions Plans as proposed in this Report;
- 2) Make further alterations to the recommended draft Contributions Plans. Any changes would need to be considered in relation to the prioritisation of Birubi Point Surf Life Saving Club which has the prior endorsement of Council;
- 3) Reject the recommended draft Contributions Plan updating the benchmarks for the provision of community and recreational facilities. If Council reject these changes, Council will continue to levy lower fees in comparison to standard costs of construction which will result in a financial loss to Council.

## **ATTACHMENTS**

Nil.

## **COUNCILLORS ROOM**

- 1) Draft Port Stephens Council Section 94 Contributions Plan (Amendment No. 9);
- 2) Draft Port Stephens Council Section 94A Contributions Plan (Amendment No. 5);
- 3) Review of Standards Guiding the Provision of Council's Community & Recreational Facilities 2013.

## **TABLED DOCUMENTS**

- 1) Amending table outlining proposed amendments to Draft Port Stephens Council Section 94 Contributions Plan (Amendment No. 9);
- 2) Amending table outlining proposed amendments to Draft Port Stephens Council Section 94A Contributions Plan (Amendment No. 5);
- 3) Proposed re-prioritised work and new works in works schedule.

**ITEM NO. 2**

**FILE NO: PSC2005-3143**

**CAMPVALE DRAIN PROGRESS REPORT**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Rescind Council Minute Number 326 of 12 October 2010 (**ATTACHMENT 1**);
- 2) Continue to undertake necessary actions to obtain acquisition of drainage easements on various properties along Campvale Drain from Ferodale Rd to the Hunter Water Corporation Pump Station.

**ORDINARY COUNCIL MEETING – 27 AUGUST 2013**  
**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Mayor Bruce MacKenzie</b>  <b>Councillor Geoff Dingle</b></p>
	<p>That the recommendation be adopted.</p>

Cr Paul Le Mottee left the meeting at 5.42pm prior to Item 2, in Committee of the Whole.

Cr Paul Le Mottee returned to the meeting at 5.48pm, in Committee of the Whole.

**MOTION**

<b>243</b>	<p><b>Councillor Ken Jordan</b>  <b>Councillor Sally Dover</b></p>
	<p>It was resolved that the recommendation be adopted.</p>

**BACKGROUND**

The purpose of this report is to rescind Minute number 326 from Council meeting 12 October 2010 where a Notice of Motion was considered relating to easement acquisition along Campvale Drain. Point 1 of this Notice of Motion was requiring Council to “*Commence action to compulsorily acquire an easement to drain water 30metres wide as shown on DP 648438 through Lots 84 DP 259434 and 1433 DP 716004 Wade Close, Medowie*”. Point 2 was that Council “*Seeks consent from the Minister for*

*Local Government and the Governor's approval to proceed with the acquisition".* Neither of these two points are now required as an easement has been granted to Council through the Development Assessment process.

The second purpose of this report is to provide an update as requested per Mayoral Minute Item 1 of the 26<sup>th</sup> March 2013 "*Minute Number 062* " (**ATTACHMENT 2**), on the issues relating to the Campvale Drain, Medowie.

The main issues include:

- the threatened species called Maundia and the environmental assessments required to undertake drainage maintenance,
- drainage easement acquisitions,
- Medowie Flood Study and the Medowie Flood Risk Management Study
- Future works on the Campvale Drain such as; removing the pinch point, increasing the capacity of the culvert under Ferodale Road and the overall widening of the drain.

The Campvale Drain is approx 6km long from where it intersects with Ferodale Road to the Hunter Water Corporation Pump Station on Grahamstown Road. For the purpose of this report the Campvale Drain is referred to as the drain.

#### **Threatened species called Maundia.**

In late 2010 Council was notified that *Maundia Triglochinos* was living in the drain growing in isolated patches and intertwined with other vegetation and noxious weeds. For the purpose of this report *Maundia Triglochinos* will be referred to as Maundia. Maundia is a native protected species under the Threatened Species Conservation Act 1995. As described in this Act, destroying a threatened species without the relevant approvals from Office of Environment and Heritage is considered a criminal offence.

To physically clean the drain, environmental assessments are required to check what effect this maintenance would have on flora and fauna. As the drain contains a threatened species, the typical environmental assessments under Part Five (5) of the Environmental Planning and Assessment Act namely "*Review of Environmental Effects*" and "*Vegetation Management Plans*" were considered insufficient by the Office of Environment and Heritage under the Threatened Species Conservation Act.

Maundia is also a relatively unknown species by the authorities and the Office of Environment and Heritage thought that Council's usual cleaning practices may have a significant effect on flora. Therefore a Species Impact Statement was required by the Office of Environment and Heritage and the scope of works for the assessment was sought from the Director General.

The Species Impact Statement has taken over 12 months to ensure that a complete assessment of the flora and fauna at different seasons was undertaken. The final Species Impact Statement has been submitted through the Office of Environment and Heritage to the Director General for approval.

To allow Council to clean the drain and protect the threatened species, the submitted Species Impact Statement has included a Property Management Plan. The Property Management Plan proposes that:

- Council maintain a spare population of Maundia to reduce the likelihood of the threatened species being destroyed in the drain.
- This spare population is to be made from relocated root stock from the main drain into a purpose built adjacent drain 50m in length. This will allow Maundia to grow without inhibiting the main drain flow.
- The adjacent drain is to be constructed in the flood affected area of the Ferodale Sport Complex, Lot 22 DP 1021843.
- No more than 50% of Maundia can be removed from the drain at any time during a maintenance clean. This is measured on site by the environmental person at time of maintenance.

Other Maundia management conditions apply but are minor in nature compared to the four points noted above. There may be additional items that the Office of Environment and Heritage or Director General may add through this approval process.

Until the Species Impact Statement is approved by the Director General, Council is unable to undertake maintenance on the drain.

It is estimated that the approval will be given to Council at the earliest, in one month's time. If the draft Species Impact Statement is approved, maintenance works shall commence within approximately 4 weeks of this notification.

A Species Impact Statement is only valid for two (2) years before the environmental assessment is needed to be undertaken again. To ensure that Council has an ongoing functional maintenance plan for this Maundia affected area, a Council wide Property Management Plan will be created from the approval conditions set by the Office of Environment and Heritage. From the initial feedback, the draft property management plan is to be amended to include a notification process and monitoring plan so that correct reporting can keep Office of Environment and Heritage informed. Once these conditions are known, amendments will be made and the Property Management Plan will be resubmitted to Office of Environment and Heritage for endorsement.

### **Easement Acquisition**

For some time Council has been acquiring drainage easements over this drain. The drainage easements to date have been acquired through negotiation with property owners by mutual agreement to benefit their property and surrounding areas or by Development Conditions of Approval. The easement width is 30 metres which allows for the present and assumed future width of the drain and access for ongoing maintenance adjacent to the drain.

The drain runs through a total of 36 properties. Council has acquired 24 easements. Of the remaining 12 properties:

- Four (4) are owned by Hunter Water Corporation. Initial discussions have commenced with Hunter Water but further discussions will be required in relation to their contribution to the easement and drainage network.
- One (1) is owned by National Parks and Wildlife Services. Council has received a letter of agreement that an easement will not be refused if legal costs are borne by Council. There is also an agreement which allows access until such time the easement is created.
- Two (2) properties (1 owner) have had conditions of approval on their development consent requiring dedication of the drainage easement on subdivision. Whilst the approval has been given there is no guarantee when this easement dedication will happen. In the meantime the owner has given permission to enter for the purpose of maintenance, when the environmental approval is received.
- Three (3) properties (3 owners) have agreed with Council in principle to provide easements at no cost to Council but have requested that they are left to last for legal processing. Each property has agreed to allow access for maintenance prior to easement transfer.
- Two (2) properties (2 owners) have been under review due to Medowie Planning Strategy proposal and investigation of future drainage requirements. It is proposed to continue with the easement acquisitions as the proposed time frame around implementing these studies is likely to be beyond the life of this project and the associated risk is a minor financial nature of creating the easement.

To date no funds have been set aside to compulsorily acquire easements. This approach to negotiate easements by agreement, without financial compensation, for this number of properties has taken a very long time. To finalise the acquisition of the remaining easements would either require funds or more time to reach agreement with the property owners.

Council has approval to undertake maintenance of the drain from all property owners as they see the benefit of reducing the impact of stormwater on their properties.

### **Medowie Flood Study**

The Medowie Flood Study is complex and looks at many factors that affect stormwater in the Medowie drainage catchment. Three (3) of the most influential factors that have an impact on the catchment's ability to manage stormwater is:

- the area known as the "pinch point"
- the culvert under Ferodale Road
- the Hunter Water Corporation's Pump Station

While the Medowie Flood Study did highlight influential factors, the study did not fully examine the affect on the downstream catchment properties if these factors were improved. To determine these affects and engineering solutions a Medowie Flood Risk Management Study is required.

The pinch point is 1,500m upstream of the Hunter Water Corporation's pump station and can be described as a man made drain that links the upstream swamp with the downstream Hunter Water Corporation pump station. The pinch has a narrowing in the drain width and a rise in the drain floor level. The pinch point makes peak flood levels worse and longer duration of stormwater laying on properties just downstream of Ferodale Road. Opening up the pinch point would reduce the stormwater inundation in the area between Ferodale Road and the pinch point. While this seems like an obvious extension of investigation, the Medowie Flood Study did not examine what effect this would have on properties further downstream. The Medowie Flood Study did note, opening up the pinch point would have a detrimental effect on the Hunter Water Corporation's pump station infrastructure and capacity.

Similarly to the pinch point, the Ferodale Road culvert has not been fully investigated, the Medowie Flood Study did comment on the benefits of increasing the culvert capacity, but did not assess the impacts on downstream properties.

### **Medowie Flood Risk Management Study and Future Works**

The Medowie Flood Risk Management Study determines engineering solutions to the problems identified in the Medowie Flood Study. A consultant is being used to undertake this study and was awarded the project in early 2013. It is proposed that sections of the catchment be assessed prior to the completion of the overall report. This will allow Council to undertake some works prior to report completion. These areas may include the pinch point and the Ferodale Road culvert once funds are programmed into the budget. However, the Flood Risk Management Study will need to be completed before the whole drain is widened so as to assess the impacts on surrounding properties, and to check if this is the most cost effective method to improve drainage in the Medowie catchment.

### **FINANCIAL/RESOURCE IMPLICATIONS**

This report is proposing to rescind the compulsory acquisition of easements in Lot 84, DP 259434 and Lot 1433, DP 716004 as Development Approval has been issued over these lots with conditions requiring dedication of drainage easement. This will save Council payment of compensation to the estimated value of up to \$300,000. To finish off all easement acquisitions by negotiation of mutual benefit it will cost Council approximately \$10,000 for preparation of legal documents, plans and easement registration at the Land and Property Information.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget			Within existing budget
Reserve Funds			
Section 94			
External Grants			
Other		Unknown	

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are many risks and legal implications with a project of this nature and size. The majority of the risks with the Campvale drain are related to Council's obligation to meet the environmental legislative requirements, to meet our duty of care by undertaking drain maintenance, to protect properties with flood mitigation and to completely address any impacts caused by proposed works.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if immediate maintenance is undertaken on the drain Council, staff and contractors will commit an offence under the Threatened Species Conservation Act.	Extreme	Ensure that the Office of Environment and Heritage are involved in the Species Impact Statement so the approval process is quick. Implement the Property Management Plan.	Yes.
There is a risk that Council could be prevented from undertaking maintenance of the drain through private property as not all easements are in place.	High	Acquire the remaining easements.	Staff yes. Finances not allocated for compulsory acquisition.
There is a risk that modifying the pinch point may have an impact on Hunter Water Corporations ability to pump the water out of the catchment within their water quality requirements.	High	Keep Hunter Water Corporation informed and involved in the Project and address issues as they arise.	Yes.
There is a risk that increasing the Ferodale Road culvert capacity will move upstream flooding and inundation to the area just downstream of Ferodale Road causing property flooding.	High	Complete the part of the Medowie Flood Risk Management Study that examines the affect on the catchment from modifying the culvert size. Modify the culvert size to the appropriate size.	Yes.

**MINUTES FOR ORDINARY COUNCIL – 27 AUGUST 2013**

There is a reputation risk that if no action is taken that landholders will take action against Council due to inundation of their properties	High	Obtain approval for the Species Impact Statement and Property Management Plan, and then undertake maintenance.	Yes
There is a risk that if works are under taken before the studies are completed that the works may not be accurate and need to be altered.	High	Complete each section of the study before undertaking any improvement of the drain.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Council has an obligation to maintain the drainage network. A maintained drain allows stormwater to be removed from properties, dwellings and Council infrastructure as quickly as possible. An unmaintained drain increases stormwater inundation on properties, prevents some residents from accessing their dwelling, or they are subjected to stormwater reducing the use of their property. Lengthy stormwater inundation on vegetated lands can also result in rotting vegetation leaving a "putrid" smell once the stormwater has receded. All of these issues impact on the social aspect and nuisance of living in affected areas of this catchment.

A correctly sized functioning drainage infrastructure in the Medowie catchment will allow future economic development and growth such housing and business development to occur. A correctly sized functioning drain will also allow Medowie to reach its maximum land potential.

Environmental issues are dealt with in the Species Impact Statement and the proposed Property Management Plan noted above. These competing issues will be managed in a balanced approach through these documents to preserve Maundia and allow drainage maintenance.

**CONSULTATION**

Consultation has been undertaken with; Consultant Flood Engineer, Councils Drainage Engineer, Consultant Ecologist, Hunter Water Corporation and Office of Environment and Heritage.

**OPTIONS**

- 1) Adopt recommendations.
- 2) Reject recommendations and implement Council Resolution Number 326 of 12 October 2010.
- 3) Amend recommendations.

**ATTACHMENTS**

- 1) Notice of Motion (Minute Number 326 of 12 October 2010);
- 2) Mayoral Minute (Minute Number 62 of 26 March 2013).

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ATTACHMENT 1**

**ORDINARY COUNCIL – 12 OCTOBER 2010**

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: A2004-0217 &  
PSC2009-01614**

**WADE CLOSE, MEDOWIE**

**COUNCILLOR: MACKENZIE**

**THAT COUNCIL:**

- 1) Commence action to compulsorily acquire an easement to drain water 30metres wide as shown on DP 648 438 through Lots 84 DP 259434 and 1433 DP 716004 Wade Close, Medowie.
- 2) Seeks consent from the Minister for Local Government and the Governor's approval to proceed with the acquisition.

**ORDINARY COUNCIL MEETING – 12 OCTOBER 2010**

<b>326</b>	<b>Councillor Bruce MacKenzie Councillor Ken Jordan</b>	There being no objection the Notice of Motion was adopted.
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ATTACHMENT 2

MINUTES ORDINARY COUNCIL – 26 MARCH 2013

**MAYORAL MINUTE**

ITEM NO. 1

FILE NO: A2004-0947

**CAMPVALE DRAIN**

**THAT COUNCIL:**

- 1) Call for a report on the progress of Campvale Drain, including an explanation why all land has not been acquired to progress the matter.

**BACKGROUND**

The purpose of this Mayoral Minute is to seek a report on the progress of Campvale Drain and reasons why all land required for this work has not been completed.

**ORDINARY COUNCIL MEETING – 26 MARCH 2013**

**MOTION**

Cr Paul Le Mottee left the meeting at 5.59pm prior to voting on the Mayoral Minute.  
Cr Le Mottee left the meeting at this time due to a conflict of interest.

	<b>Councillor Bruce MacKenzie</b> <b>Councillor Ken Jordan</b>
<b>062</b>	It was resolved that Council call for a report on the progress of Campvale Drain, including an explanation why all land has not been acquired to progress the matter.

**ITEM NO. 3**

**FILE NO: PSC2013-03818**

**MEDOWIE STRATEGY REVIEW – PROPOSED CONSULTATIVE PANEL**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Medowie Strategy Review Consultative Panel Terms of Reference as at **(ATTACHMENT 1)**;
- 2) Nominate two Councillors to sit on the Medowie Strategy Review Consultative Panel.

**ORDINARY COUNCIL MEETING – 27 AUGUST 2013  
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Ken Jordan</b>  <b>Councillor Chris Doohan</b></p>
	<p>It was recommended that Council :-</p> <ol style="list-style-type: none"> <li>1) Adopt the Medowie Strategy Review Consultative Panel Terms of Reference as at <b>(ATTACHMENT 1)</b>;</li> <li>2) Nominate three (3) Councillors to sit on the Medowie Strategy Review Consultative Panel.</li> </ol> <p>Cr Chris Doohan requested that thanks be noted to the Development Services Team, particularly for the work carried out by Bruce Petersen on this item.</p>

**MOTION**

<b>244</b>	<p><b>Councillor Ken Jordan</b>  <b>Councillor Sally Dover</b></p>
	<p>It was resolved that the Committee of the Whole recommendation be adopted.</p>

**BACKGROUND**

The purpose of this report is to inform Council of an upcoming review of the Medowie Strategy and recommend the creation of a Medowie Strategy Review Consultative Panel to provide advice to Council during key stages of the Medowie Strategy Review.

The Medowie Strategy (the Strategy) was adopted in 2009. The purpose of the strategy is to 'identify how to manage urban growth and build communities in Medowie and deliver the desired outcomes of the Lower Hunter Regional Strategy, the draft Lower Hunter regional Conservation Plan and the Port Stephens Community Settlement and Infrastructure Strategy 2007.' The strategy provides a structure plan identifying future potential land use and the need for further infrastructure studies and is the key guiding document for Council in its consideration of rezoning requests for urban development in Medowie.

A number of additional sites were also considered by Council for potential inclusion in the Strategy. Following public consultation Council resolved to amend the strategy to include additional sites at Boundary Road, Waropara Road North and Ferodale Road West sites.

Since adoption of the plan, a number of issues have been identified that have potential to impact on the delivery of the structure plan as originally envisaged including, fragmentation of ownership, flood/drainage, vegetation and traffic issues, and to a lesser extent zoning amendments proposed under the draft Port Stephens LEP 2013 which is currently with the Department of Planning and Infrastructure awaiting gazettal.

Testing of the structure plan's original assumptions and growth forecasts in light of these issues is therefore required to be carried out in the first instance to inform the review of the strategy and infrastructure needs.

Furthermore, additional studies are currently being carried out including a Flood Risk Management Study anticipated to be completed by the end 2013 and a Traffic and Transport Study which is nearing finalisation.

#### Proposed Medowie Strategy Review Consultative Panel

An extensive consultation process was undertaken as part of the preparation of the Medowie Strategy including workshops, public meetings, information brochures and creation of the Medowie Submission Review Panel.

It is proposed that consultation will also be carried out as part of this proposed strategy review. The creation of a Medowie Consultative Panel (the panel) has been identified as a key component. The terms of reference for the panel is included at **(ATTACHMENT 1)**.

The purpose of the panel is to:

- assist Council in identifying current and emerging issues within Medowie;
- provide a forum for information sharing between Council and the community; and
- provide comment and feedback on the Medowie Strategy review.

The Group will provide advice and feedback for the duration of the strategy review. Whilst its input into the Strategy will be considered valuable and will be incorporated (where relevant and possible), the group is not a formal committee of Council (advisory body only) and will not have a formal decision making role.

Expressions of Interest for membership will be sought through advertising in the local paper.

It is proposed that the panel will be made up of:

- 1 – 2 staff members from Strategic Planning and other staff on an as needs basis depending on the issues being discussed;
- 2 Councillors; and
- 6 community representatives (1 local business representative, 2 local residents, 1 education/school representative, 1 early childhood/young families representative, 1 sporting group representative).

Selection of community representatives will be based on the following:

- demonstrated knowledge of local issues;
- demonstrated ability to represent broad community interests; and
- demonstrated commitment/availability to attend meetings.

All nominations received will be reported to Council for their consideration and final recommendation.

### Consultation

It is proposed that the consultation strategy for the review will include the preparation of an issues paper for community feedback to ensure key issues and desired future vision for the Medowie area are identified and provide direction for the review of the strategy.

It is anticipated that panel membership will be advertised in the local paper in September with the first meeting scheduled for October.

Key milestones for the Panel are outlined in Table 1 below.

**Table 1. Key Milestones**

<b>KEY MILESTONES</b>	<b>COMPONENTS</b>
<b>Meeting 1</b>	<ul style="list-style-type: none"> <li>• Provide advice to Council on key issues facing Medowie for inclusion in an issues paper.</li> </ul>
<b>Meeting 2</b>	<ul style="list-style-type: none"> <li>• Provide advice to Council on draft issues paper for public exhibition.</li> </ul>
<b>Public exhibition on Issues/ Options Paper</b>	<ul style="list-style-type: none"> <li>• Background of studies and strategies carried out to date;</li> <li>• Outline of project;</li> <li>• Issue identification in relation to:                             <ul style="list-style-type: none"> <li>○ Infrastructure requirements;</li> <li>○ Strategic land use planning;</li> <li>○ Ecological issues;</li> <li>○ Traffic; and</li> <li>○ Social and Recreation planning.</li> </ul> </li> </ul>
<b>Meeting 3</b>	<ul style="list-style-type: none"> <li>• Provide advice on comments received on issues paper.</li> </ul>
<b>Strategy Review</b>	<ul style="list-style-type: none"> <li>• Draft strategy options taking into consideration:                             <ul style="list-style-type: none"> <li>○ Structure plan testing;</li> <li>○ Infrastructure requirements;</li> <li>○ community consultation; and</li> <li>○ flood and traffic and transport studies.</li> </ul> </li> </ul>
<b>Meeting 4</b>	<ul style="list-style-type: none"> <li>• Advice on draft strategy options</li> </ul>
<b>Public exhibition of draft Medowie Strategy</b>	<ul style="list-style-type: none"> <li>• Public exhibition of revised strategies</li> </ul>
<b>Meeting 5</b>	<ul style="list-style-type: none"> <li>• Advice on comments received on revised strategy</li> </ul>
<b>Meeting 6</b>	<ul style="list-style-type: none"> <li>• Advice on revised strategy for Council consideration</li> </ul>

The timing of meetings will be consistent with the progression to each stage.

**FINANCIAL/RESOURCE IMPLICATIONS**

Costs associated with staff time and resources to administer the panel will be the key financial implications. These costs will depend on the number and duration of meetings held for the length of the strategy review.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	10,000	Estimated costs of staff time and resources to administer the panel.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The Panel will be established to provide advice to Council on current and emerging issues within the Medowie area to inform the review of the Medowie Strategy. The group is not a formal committee of Council and will not have a formal role in decision making, policy direction or delegating additional work to be carried out by Council as part of the strategy review. The Panel has a "sunset" and will cease to function once the strategy review is completed.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the panel will expect greater decision making powers to direct the strategy review resulting in the review taking longer and be more costly than anticipated.	Medium	Council adopt the Terms of Reference clearly outlining the roles and scope of the panel.	Yes
There is a reputational risk around the formation and operation of the Panel.	Medium	Council adopt the Terms of Reference and ensure that these Terms of Reference are adhered to.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The creation of a Medowie Strategy Review Consultative Panel will ensure that the Medowie Strategy Review has a high level of community input so that it is reflective of community needs and provides for the sustained growth of Medowie in a structured and balanced way.

## **CONSULTATION**

- 1) It is anticipated that the Panel will meet approximately 6 times throughout the duration of the Strategy review, depending on the level of issues raised and length of the project;
- 2) Public consultation with the wider community will also be undertaken throughout the duration of the project including public exhibition of the issues paper and draft strategy; and
- 3) Consultation with Council's Community Engagement Panel.

## **OPTIONS**

- 1) Endorse the creation of a Medowie Strategy Review Consultative Panel and adopt the Medowie Strategy Review Consultative Panel Terms of Reference as proposed in this report;
- 2) Endorse the creation of a Medowie Strategy Review Consultative Panel and make further alterations to the Medowie Strategy Review Consultative Panel Terms of Reference;
- 3) Reject the proposed creation of the Medowie Strategy Review Consultative Panel and proceed with the Medowie Strategy Review without the creation of a Consultative Panel. The implications of adopting this option are that consultation with Medowie residents and local businesses may not be as effective without the creation of a panel.

## **ATTACHMENTS**

- 1) Medowie Strategy Review Consultative Panel – Terms of Reference.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ATTACHMENT 1**

Medowie Strategy Review Consultative Panel – Terms of Reference

**MEDOWIE STRATEGY REVIEW CONSULTATIVE PANEL -  
TERMS OF REFERENCE**

**PURPOSE**

The Medowie Strategy Consultative Panel (the Panel) has been established to provide community advice to Council on current and emerging issues within the Medowie area to inform the review of the Medowie Strategy. Issues may include but are not limited to:

- Infrastructure Planning;
- Strategic landuse planning;
- Ecological issues;
- Economic development;
- Flooding and drainage;
- Traffic and transport;
- Community and social issues;
- Emergency services; and
- Recreation.

**OBJECTIVES**

- To assist Council in identifying current and emerging issues within Medowie.
- To provide a forum for information sharing between Council and the community.
- To provide comment and feedback on key stages of the Medowie Strategy review.

**TERMS OF REFERENCE**

The Panel provides advice as requested by Council to assist the Medowie strategy review. The Panel is not a formal committee of Council and will not have a formal role in decision making, policy direction or delegating additional work to be carried out by Council as part of the Strategy Review.

**STRUCTURE**

- 1 – 2 staff members from Strategic Planning and other staff on an as needs basis depending on the issues being discussed;
- 2 Councillors; and
- 6 community representatives (1 local business representative, 2 local residents, 1 education/school representative, 1 early childhood/young families representative, 1 sporting group representative).

Council will administer the panel.

A nominated Councillor will chair the meeting to be determined at the Panel's first meeting.

Minutes will be taken of each meeting.

### **SELECTION OF PANEL MEMBERS**

Expressions of Interest for membership will be sought through advertising in the local paper.

Selection of membership will be based on the following:

- demonstrated knowledge of local issues;
- demonstrated ability to represent broad community interests; and
- demonstrated commitment/availability to attend meetings.

All nominations received will be reported to Council for their consideration and final recommendation.

### **FREQUENCY**

The panel will meet at key consultation milestones of the Strategy including:

- Meeting 1: Provide advice to Council on key issues facing Medowie for inclusion in an issues paper;
- Meeting 2: Provide advice to Council on draft issues paper for public exhibition;
- Meeting 3: Provide advice on comments received on issues paper;
- Meeting 4: Advice on draft strategy options;
- Meeting 5: Advice on comments received on revised strategy during public exhibition;
- Meeting 6: Advice on revised strategy for Council consideration.

Further meetings maybe held on a needs basis, however the panel has a "sunset" and will cease to function once the strategy review is completed.

### **EXPECTED OUTCOMES**

- Community engagement at key stages of the review;
- Community advice to assist Council making decisions concerning the future planning of Medowie;
- The creation of a Strategy that has a high level of community input so that it is reflective of community needs;
- An amended strategy that provides for the sustained growth of Medowie in a structured and balanced way.

**ITEM NO. 4**

**FILE NO: PSC2013-02344**

**CULTURAL PROJECTS FUND**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the allocation of Cultural Projects Funds in accordance with the amounts and purposes prescribed below:
  - a) \$3,000 to Tilligerry Association for the 'Tilligerry Festival';
  - b) \$2,920 to Hands on Youth Events Inc for the 'Tilligerry BMX Track Sculpture Sign';
  - c) \$3,000 to Salamander Rotary for the 'Suicide Remembrance Peace Deck Sculpture';
  - d) \$2,000 to Robyn Yvette Dance for the 'Sister Cities Cultural Exchange' ;
  - e) \$3,000 to Raymond Terrace Lions Club for the 'Raymond Terrace Seniors Cultural Aspects of Art Program';
  - f) \$3,000 to Port Stephens Community Arts Centre for the 'Port Stephens Art Prize';
  - g) \$3,000 to Tilligerry Lions Club for the 'Tilligerry Arts Craft and Quilt Show';
  - h) \$600 to Karuah Progress Association for the 'Karuah Christmas Carols';
  - i) \$3,000 to Irrawang High School for the 'Our Culture is Alive Mural Project';
  - j) \$1,000 to Tilligerry Association for the 'Lemon Tree Heritage Sign';
  - k) \$3,000 to NSW Foster Care Association for the 'Community Social Inclusion Network project';
  - l) \$3,000 to Disability Services Port Stephens Inc for the 'Arts and Craft Program';
  - m) \$3,000 to Port Stephens Celtic Association for the 'Clans on the Coast Event';
  - n) \$3,000 to Tomaree Youth Community Action for the 'Street Art Project'.

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**ORDINARY COUNCIL MEETING – 27 AUGUST 2013**  
**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**MOTION**

<b>245</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Sally Dover</b></p> <p>It was resolved that the Committee of the Whole recommendation be adopted.</p>
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**BACKGROUND**

The purpose of this report is to seek Council endorsement for the allocation of Cultural Project Funds for the following projects, as recommended by Council's Cultural Projects Fund Assessment Panel, in consultation with Council's 355c Strategic Arts and Culture Committee **(TABLE 1)** of this report.

The Cultural Projects Fund is a twice annual small grants program. Its purpose is to support projects that celebrate and promote our diverse culture in Port Stephens through cultural programs, events, and support activities which increase our sense of belonging and pride in our community.

Council completed a review of the Cultural Projects Fund in April 2013. This resulted in the implementation of improved procedures, processes and guidelines. Council has endorsed a 12 month trial of the revised Cultural Projects Fund grant program.

Funding applications opened on 20 May 2013 and closed on 17 June 2013.

A total of 16 applications were received. The applications were assessed by the Cultural Projects Fund Assessment Panel, in consultation with Council's 355c Strategic Arts and Culture Committee at a special meeting on 30 July 2013. The Panel has recommended that 14 of the 16 applications be funded. The 14 applications recommended are shown in **(TABLE 1)** below:

**Table 1 – summary of recommended applications**

<b>Project</b>	<b>Applicant</b>	<b>Project Overview</b>	<b>Amount \$</b>	<b>Alignment with Cultural Projects Fund stated purpose</b> <i>(ie; To support projects that celebrate and promote community in Port Stephens through cultural programs, events, and support activities which increase</i>

**MINUTES FOR ORDINARY COUNCIL – 27 AUGUST 2013**

				<i>our sense of belonging and pride to community.)</i>
Tilligerry Festival 2013	Tilligerry Association	An annual gathering of local people and community groups that utilises local cultural assets (parks/stages etc), to celebrate local heritage, music, and 'life on the Tilligerry'. The event has a long tradition dating back to June Long Weekend Tilligerry Fair.	3,000	This event aligns with the Cultural Projects Fund objectives.  It is about celebrating and promoting the community of Tilligerry and contributes to a stronger sense of pride in place.
Sculpture Sign - Tilligerry BMX Track	Hands On Youth Events Inc.	An intergenerational project that will bring young people and adults together to create a sculptural piece.  This will enhance and give sense of place to an important local recreational asset.  It is envisaged the production of the artwork is a starting point for building ongoing partnerships. This will have many long term benefits (eg; track maintenance).	2,920	This project aligns with the Cultural Projects Fund objectives.  It is about building a sense of belonging and pride of community, particularly for some very 'vulnerable' young people who are the primary users of the facility though do not necessarily feel a sense of responsibility for its upkeep and appearance.
Sculpture - Suicide Remembrance Peace Deck	Rotary Club of Salamander Bay	Members of the Port Stephens Suicide Prevention Network will create with a local artist a symbol of hope and remembrance that focuses very much on	3,000	This project aligns with the Cultural Projects Fund objectives.  It is about providing a sense of belonging to

**MINUTES FOR ORDINARY COUNCIL – 27 AUGUST 2013**

		<p>the celebration of life</p> <p>This will help in process of healing for community members affected by suicide.</p>		<p>community for a growing number of people in Anna Bay and wider Tomaree area affected by suicide.</p> <p>The community is to be closely involved in the creation of the sculpture &amp; the finished sculpture will be installed in a local reserve maintained by Council 355b committee.</p>
<p>Robyn Yvette Dance &amp; Talent Centre/Sister City Cultural Exchange to Bellingham</p>	<p>Robyn Yvette Dance</p>	<p>Provides a chance for local young people to develop a greater knowledge of our Sister City Program.</p> <p>Will also help forge a relationship with the City of Bellingham and to then share this knowledge with the wider community.</p>	<p>2,000</p>	<p>This event aligns with the Cultural Projects Fund objectives.</p> <p>It aims to promote Port Stephens and build an understanding between sister cities participants of our lifestyle, our culture.</p>
<p>Cultural Aspects of Art.</p>	<p>Lions Club of Raymond Terrace</p>	<p>An initiative that will provide access for Raymond Terrace residents to skills development workshops facilitated by professional artists.</p> <p>There is a real intent to contribute to the building of a strong arts community in the 'west of the LGA'.</p>	<p>3,000</p>	<p>This project aligns with the Cultural Projects Fund objectives.</p> <p>The funding will support access to a community program that aims to foster a stronger sense of belonging to community through participation in local cultural</p>

**MINUTES FOR ORDINARY COUNCIL – 27 AUGUST 2013**

				activity.
Port Stephens Art Prize 2014	Port Stephens Community Arts Centre	The Port Stephens Arts Show is the annual showcase event for the Port Stephens Arts Centre that not only helps generate considerable funds that are re invested in local cultural resources, but also provides an opportunity for local artists to exhibit in their own community.	3,000	This event aligns with the Cultural Projects Fund objectives.  The funding will support the art exhibition. The exhibit provides a platform to celebrate Port Stephens and build pride in community.
Tilligerry Festival Arts Craft & Quilting Show	Lions Club of Tilligerry Peninsula (with Tilligerry Arts Group – TAG)	This event provides the chance one time in the year for local artists to celebrate their talents together on a 'large scale'.  For many people who participate in local arts workshops run by TAG, this is a chance to exhibit for the first time.  Many local young people also participate in this event alongside older residents.	3,000	This event aligns with the Cultural Projects Fund objectives.  The yearly exhibition is a true celebration of the creative talents of local residents and an opportunity for the local arts community to feel a strong connection with each other and sense of pride in community.
Karuah Christmas Carols	Karuah Progress Association	An event that is well supported by the local residents, that provides an opportunity for local groups / schools etc to come together to celebrate each year.	600	This aligns with the Cultural Projects Fund objectives.  It is all about coming together to celebrate not only Christmas but the community of Karuah.

**MINUTES FOR ORDINARY COUNCIL – 27 AUGUST 2013**

				Takes place in Longworth Park, where locals take pride in the stage and other facilities they have constructed.
Our Culture is Alive	Irrawang High School	<p>This project is focused on building strong partnerships through art.</p> <p>It involves local primary schools in the Raymond Terrace area and Irrawang High.</p> <p>The finished product, a large mural, is to be installed in the public domain (pump house Boomerang Park) for all the community to enjoy.</p>	3,000	<p>This project aligns with the Cultural Projects Fund objectives.</p> <p>It is about building pride of place and sense of belonging to community for young people in Raymond Terrace.</p> <p>The pump house station, owned by Hunter Water, is in a very prominent area of Boomerang Park between the Seniors Citizens building and Councils Children Services building.</p>
Lemon Tree Passage; its heritage and people	Tilligerry Association	<p>A project that brings the local Indigenous people and non Indigenous people together.</p> <p>This will be achieved through a series of images presented under the headings of; Worimi, settlement, ships, marina's, oyster farming and</p>	1,000	<p>This project aligns with the Cultural Projects Fund objectives.</p> <p>The sign itself will celebrate the history of the inhabitants of the Tilligerry over many generations and will contribute to</p>

**MINUTES FOR ORDINARY COUNCIL – 27 AUGUST 2013**

		<p>infrastructure. It will be installed on an existing sign in Henderson Park, Lemon Tree Passage for locals and visitors to enjoy.</p>		<p>a stronger sense of place.</p>
<p>Community Social Inclusion Network</p>	<p>Foster Care Association NSW</p>	<p>The project is aimed at promoting social inclusion.</p> <p>It will bring foster carers together to participate in the production of saleable arts and crafts, providing access to cultural activity and opportunities for skills development that would not otherwise be available</p> <p>Participants will be encouraged to; share stories, build networks, help each other, develop new skills and generally feel supported in the process.</p>	<p>3,000</p>	<p>This project aligns with the Cultural Projects Fund objectives.</p> <p>It is focused on building, through cultural activity, a sense of community for a group of people who are often socially isolated.</p>

**MINUTES FOR ORDINARY COUNCIL – 27 AUGUST 2013**

<p>Disability Services Port Stephens Arts &amp; Craft Program</p>	<p>Disability Services Port Stephens Inc</p>	<p>The aim of the project for Port Stephens Disability is to create capacity for local people with disabilities to be integrated into mainstream community activity. The funding will support 10 people with disabilities to participate regularly in a weekly art class.</p>	<p>3,000</p>	<p>This project aligns with the Cultural Projects Fund objectives.</p> <p>It celebrates cultural diversity and promotes sense of belonging to community for a group of traditionally marginalised people.</p>
<p>Clans on the Coast Celtic Festival</p>	<p>Port Stephens Celtic Association</p>	<p>A local 'Celtic' festival that is promoted and recognised internationally.</p> <p>Includes musical, dancing, singing and sporting activities in a celebration that helps keep alive some of the sights and sounds that have been inherent in our culture since our early settlers and pioneers.</p>	<p>3,000</p>	<p>This event aligns with the Cultural Projects Fund objectives.</p> <p>It is focused on promoting Port Stephens and an aspect of our culture that for many people is important to their sense of belonging to community.</p>

**MINUTES FOR ORDINARY COUNCIL – 27 AUGUST 2013**

<p>Connecting Community with Street Art</p>	<p>Tomaree Youth Community Action</p>	<p>The project aims to bring awareness to street art as an art form and culture.</p> <p>It will identify the positive aspects it brings to the Community. Will include discussion around anti-social behaviour that is often associated with graffiti.</p> <p>Will engage the community in developing concept designs for murals that will be located in local bus stops maintained by Soldiers Point Lions Club.</p> <p>Murals to promote prominent local sites and natural environment - fauna and flora.</p> <p>Will also monitor levels of local graffiti throughout the project, and after installations of murals.</p>	<p>3,000</p>	<p>This project aligns with the Cultural Projects Fund objectives.</p> <p>It is about promoting a sense of belonging and pride to community for a group of young people who do not necessarily have strong connections via participation in sport etc, to the place in which they live.</p>
<p><b>Total:</b></p>			<p><b>36,520</b></p>	

The 2 applications the Committee and Panel did not support is shown **(TABLE 2)** below:

**Table 2 – Summary of unsupported applications**

<b>Project</b>	<b>Applicant</b>	<b>Project Overview</b>	<b>Amount \$</b>	<b>Review Panel Comments</b>
Port Stephens Historical Book	Port Stephens Historical Society	To design and produce new heritage booklets relating to Port Stephens.  The booklet will display historical images of Port Stephens, many not seen before, in a hope to encourage an interest in local history and heritage and attract new membership for the Port Stephens Historical Society	3,000	This project should be considered through the Port Stephens Heritage Committee and available heritage funding.
Tilligerry Peninsula Australia Day Breakfast celebration	Lions Club of Tilligerry Peninsula	A true celebration of the Tilligerry that acknowledges long standing traditions and provides an opportunity for locals to celebrate this special day as is the case in other communities of Port Stephens.	3,000	Has been funded through another source of Council funding.

**FINANCIAL/RESOURCE IMPLICATIONS**

A total of \$94,985 is currently available for projects under Council's Cultural Projects Fund in the 2013/2014 budget. Council's usual annual budget allocation for the Fund is \$60,000. However no funding was allocated in the 2012/2013 financial year to new projects whilst the review of this grants program and the Aboriginal Projects Fund was carried out. A portion of the 2012/2013 funds totalling \$26,015 was allocated to projects previously awarded funding on a three year funding agreement. The 2012/2013 payment was the final year allocation of this three year agreement.

Council resolved on 9 April 2013 to carry over to over to the 2013/2014 budget the unallocated balance of the 2012/2013 budget allocation of \$34,985 in the Cultural Projects Fund.

The projects recommended in this report total \$36,520. The remaining balance of \$58,465 will remain in Council's 2013/2014 Cultural Project Fund budget. There will be a second round of funding opened in mid November 2013.

All funded projects will be required to adhere to the conditions of funding as detailed in this report.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	94,985	Sourced from 2013/2014 allocation for Cultural Projects Fund.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that funded projects may experience some challenges in implementing projects.	Low	Support and advice from Council's Social Planning Team.	Yes
There is a risk that some grant recipients may fail to comply with required reporting and acquittal processes.	Low	Support and advice from Council's Social Planning Team.	Yes
There is a risk of adverse public perception regarding those funding requests supported against those not supported.	Low	Ensure that the proper processes are followed in accordance with the conditions around the Cultural Projects Fund	Yes

The Port Stephens Community Strategic Plan 2013-2023 states that Council will:

*7.1.1 'Plan for and promote multiculturalism and Port Stephen's heritage, arts and culture'.*

One way Council delivers this is through the following action:

7.1.1.1 Coordinate Council's Cultural Project Fund

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The projects recommended for funding will enhance local cultural opportunities and assist with the building of a stronger cultural identity in Port Stephens in a number of ways including:

- Create opportunity for local communities to come together and celebrate, sharing in the talents and cultural assets of their community;
- Provide a sense of place for people, particularly young people, through development of public art;
- Provide local artists the opportunity to be employed in local cultural projects;
- Many people will get the opportunity to exhibit their art works, many for the first time;

- Local arts groups get to generate income which is then used to further develop cultural resource within Port Stephens, such as galleries and year round workshop activities;
- Marginalised groups, including people with a disability and foster carers, will get the opportunity to participate in main stream cultural programs;
- Tourism opportunities are promoted through events and development of heritage infrastructure;
- Development of strong cultural partnerships.

## **CONSULTATION**

An annual joint launch of the Cultural Projects Fund and Aboriginal Projects Fund was held on the 20<sup>th</sup> May 2013. This gave prospective applicants the opportunity to learn about the two programs. It also provided the opportunity for applicants to discuss their ideas with Committee members, Council staff and other interested community members.

The launch signalled the opening of grant applications. Applications closed on the 17<sup>th</sup> June 2013. The availability of funds was widely advertised through:

- Port Stephens Examiner;
- Port Stephens Council website;
- Port Stephens Interagency;
- Youth Interagency; and
- Cultural Interagency.

The community was encouraged, through all promotional material distributed to make contact with the Social Planning Team to discuss proposed ideas, an offer that was taken up by a number of organisations.

A number of applicants were also instructed to discuss their projects, if they had not already done so, with Council Officers from Facilities and Services. This additional requirement, as per the funding guidelines, applied to projects where finished art works were to be installed on Council owned assets and Council managed land.

Port Stephens Council 355c Strategic Arts and Culture Committee members all received copies of applications immediately following June 17 closing date and then met on Tuesday 2 July 2013 to discuss feedback.

The committee provided a short list of applicants, with comments, to the Cultural Projects Fund Assessment Panel. The Panel includes; a Councillor and the Chairperson of the Strategic Arts and Culture Committee, a Council Social Planning Team representative and a representative from Council's Events and Tourism Team.

The panel met on Tuesday 30 July 2013 to finalise the assessment and formulate their recommendations to Council that form the basis of this report.

**OPTIONS**

- 1) Adopt the recommendations which will release available funds to local projects that recognise value, showcase and build the cultural diversity of Port Stephens. This will fulfil the intent of Council's Cultural Projects Fund. It also demonstrates Council's commitment to deliver on the actions pertaining to arts and culture as specified in Port Stephens Community Strategic Plan 2013-2023;
- 2) Reject the recommendations;
- 3) Amend the recommendations which may see a variation in the allocation of available funds from the Cultural Project Funding program.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 5**

**FILE NO: PSC2013-01658**

**CUSTOMER SATISFACTION SURVEY 2013**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the information contained in the Customer Satisfaction Survey 2013 Report presented as **(TABLED DOCUMENT 1)**.

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**ORDINARY COUNCIL MEETING – 27 AUGUST 2013**  
**COMMITTEE OF THE WHOLE RECOMMENDATION**

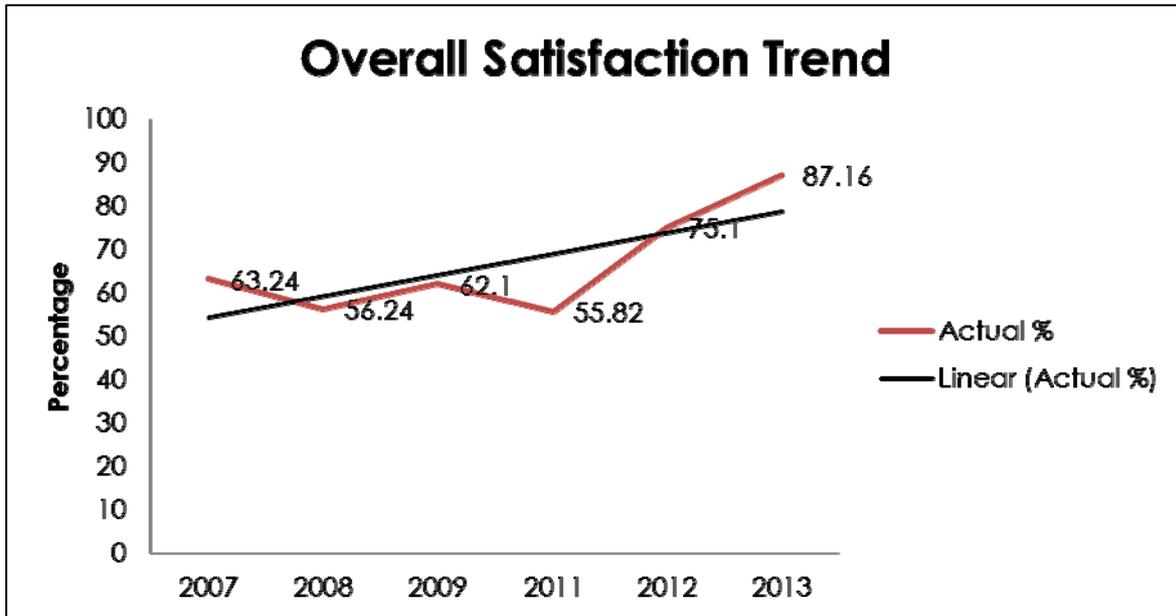
	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>
	That the recommendation be adopted.

**MOTION**

<b>246</b>	<b>Councillor Sally Dover</b> <b>Councillor Ken Jordan</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

The purpose of this report is to present to Council the findings of the Customer Satisfaction survey conducted in April and May 2013, as required by Operational Plan 2012-2013 (5.9.3). The overall satisfaction rating for 2013 was 87% (up from 75% in 2012). Trend details are shown in the graph below.



#### FINANCIAL/RESOURCE IMPLICATIONS

The Customer Satisfaction Survey comprised a general survey of ratepayers and residents; leveraged existing surveys in Children and Library services; and specific surveys for customers of services within the Development Services Group operations that were not included in the general survey.

The survey was designed in-house using existing resources.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	3,800	Costs associated with the development, distribution and analysis of the Customer Satisfaction survey are covered within the Corporate Strategy & Planning operational budget.
Reserve Funds	N/A		
Section 94	N/A		
External Grants	N/A		
Other	N/A		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Although customer satisfaction surveys are not mandated by legislation, the Division of Local Government Integrated Planning & Reporting Manual (page 32) recommends such surveys as a valuable tool to gauge the community's views on how councils are performing in areas such as service delivery and provision of facilities and governance. Port Stephens Council commenced formal customer satisfaction surveys in 2007 using external providers until 2011, when as a result of the sustainability review the decision was made to continue the survey but to conduct it in-house. Since then the survey methodology has been enhanced increasing the depth of the research and expanding the reach of the survey.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the samples are unrepresentative of the LGA.	Low	National Statistical Service sampling indicates that at 95% confidence level a response of 382 was required and this survey achieved 645.	Yes
There is a risk that the methodology of weighted averages is not the best way to assess satisfaction.	Low	Referred to the University of Newcastle's Statistics Unit to check methodology and results.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Customer Satisfaction Survey 2013 was designed to ensure that Council uncovered the community's concerns and areas for improvement. The Report of the Survey demonstrates overall satisfaction but also where there are opportunities to enhance Council's operations and service delivery sustainably.

**CONSULTATION**

- 1) The Community Engagement Panel was consulted prior to the survey being implemented.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Customer Satisfaction Survey 2013 Report.

**ITEM NO. 6**

**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 27 August, 2013.

<b>No:</b>	<b>Report Title</b>
1	CASH AND INVESTMENTS HELD AS AT 31 JULY 2013
2	WORK HEALTH AND SAFETY PERFORMANCE AT PSC
3	DESIGNATED PERSONS – PECUNIARY INTEREST

**ORDINARY COUNCIL MEETING – 27 AUGUST 2013**  
**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Geoff Dingle</b> <b>Councillor Ken Jordan</b>
	That the recommendation be adopted.  Cr Ken Jordan requested on behalf of all Councillors that the council staff be commended for all their efforts and achievements with regards to Item 2.

	<b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b>
<b>241</b>	It was resolved that Council move out Committee of the Whole.

**MOTION**

<b>247</b>	<b>Councillor Sally Dover Councillor Ken Jordan</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

# INFORMATION PAPERS



**INFORMATION ITEM NO. 1**

**CASH AND INVESTMENTS HELD AS AT 31 JULY 2013**

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

**FILE:** PSC2006-6531

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 31 July 2013.

**ATTACHMENTS**

- 1) Cash and investments held at 31 July 2013;
- 2) Monthly cash and investments balance July 2012 to July 2013;
- 3) Monthly Australian term deposit index July 2012 to July 2013.

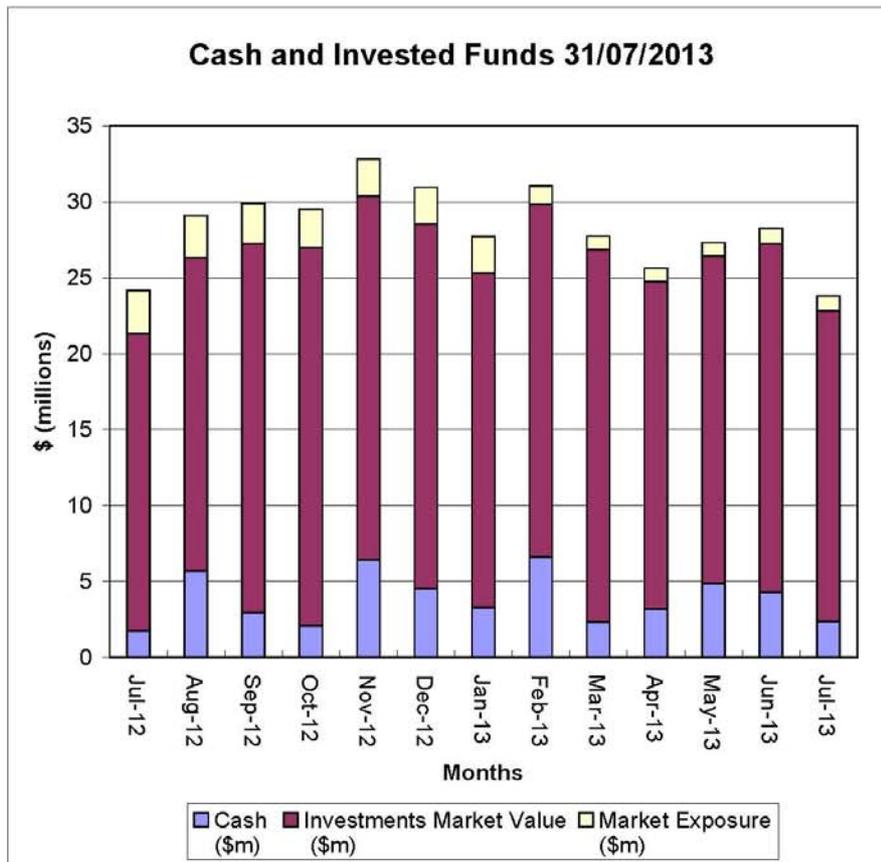
ATTACHMENT 1  
Cash and Investments Held at 31 July 2013

CASH AND INVESTMENTS HELD AS AT 31 JULY 2013								
ISSUER	BROKER	RATING	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
<b>TERM DEPOSITS</b>								
ME BANK	ME BANK	A2/BBB	TD	4.40%	173	7-Aug-13	1,000,000	1,000,000
GOLDFIELDS MONEY LTD	CURVE	N/R	TD	4.40%	92	7-Aug-13	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	CURVE	A2/BBB+	TD	4.38%	124	21-Aug-13	1,000,000	1,000,000
INVESTEC BANK (AUSTRALIA) LTD	RIM	P-3/Baa3	TD	4.30%	181	28-Aug-13	1,000,000	1,000,000
INVESTEC BANK (AUSTRALIA) LTD	FIIG	P-3/Baa3	TD	4.42%	184	11-Sep-13	1,000,000	1,000,000
ING BANK (AUSTRALIA) LTD	CURVE	A1/A	TD	4.29%	97	11-Sep-13	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	A1+/AA-	TD	4.37%	184	15-Sep-13	1,000,000	1,000,000
SGE CREDIT UNION	FIIG	N/R	TD	4.38%	141	25-Sep-13	1,000,000	1,000,000
SGE CREDIT UNION	FIIG	N/R	TD	4.38%	134	25-Sep-13	1,000,000	1,000,000
HERITAGE BANK	CURVE	P-2/A3	TD	4.18%	135	9-Oct-13	1,000,000	1,000,000
HERITAGE BANK	FIIG	P-2/A3	TD	4.18%	118	9-Oct-13	1,000,000	1,000,000
ME BANK	ME BANK	A2/BBB	TD	4.25%	126	23-Oct-13	1,000,000	1,000,000
BANK OF SYDNEY LTD	BOS	N/R	TD	4.30%	98	23-Oct-13	1,000,000	1,000,000
BANK OF SYDNEY LTD	BOS	N/R	TD	4.30%	112	6-Nov-13	1,000,000	1,000,000
PEOPLES CHOICE CREDIT UNION	FARQUHARSON	A2/BBB+	TD	4.05%	112	6-Nov-13	1,000,000	1,000,000
ME BANK	CURVE	A2/BBB	TD	4.23%	159	20-Nov-13	500,000	500,000
COASTLINE CREDIT UNION	FIIG	N/R	TD	4.23%	159	20-Nov-13	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	BOQ	A2/BBB+	TD	4.50%	278	18-Dec-13	1,500,000	1,500,000
<b>SUB TOTAL (\$)</b>							<b>18,000,000</b>	<b>18,000,000</b>
<b>OTHER INVESTMENTS</b>								
GRANGE SECURITIES "KAKADU AA"	GRANGE	CCC	CDO	4.35%	7yrs	20-Mar-14	1,000,000	203,300
DEUTSCHE BANK TELSTRA LNK DEP. NTE	FIIG SECURITIES	A+	FRN	4.43%	7yrs	30-Nov-14	500,000	485,000
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99%	10yrs	31-Dec-14	500,000	500,000
NEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A+p	CDO	0.00%	10yrs	23-Jun-15	412,500	372,281
ANZ ZERO COUPON BOND	ANZ	AA	BOND	0.00%	9yrs	1-Jun-17	1,017,876	863,943
<b>SUB TOTAL (\$)</b>							<b>3,430,376</b>	<b>2,424,524</b>
<b>INVESTMENTS TOTAL (\$)</b>							<b>21,430,376</b>	<b>20,424,524</b>
<b>CASH AT BANK (\$)</b>							<b>2,366,191</b>	<b>2,366,191</b>
<b>TOTAL CASH AND INVESTMENTS (\$)</b>							<b>23,796,567</b>	<b>22,790,715</b>
CASH AT BANK INTEREST RATE				2.70%				
BBSW FOR PREVIOUS 3 MONTHS				2.84%				
AVG. INVESTMENT RATE OF RETURN				4.05%				
TD = TERM DEPOSIT				FRN = FLOATING RATE NOTE				
CDO = COLLATERALISED DEBT OBLIGATION				FRSD = FLOATING RATE SUBORDINATED DEBT				
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
P GESLING								

ATTACHMENT 2  
 Monthly Cash and Investments balance July 2012 to July 2013

Cash and Investments Held

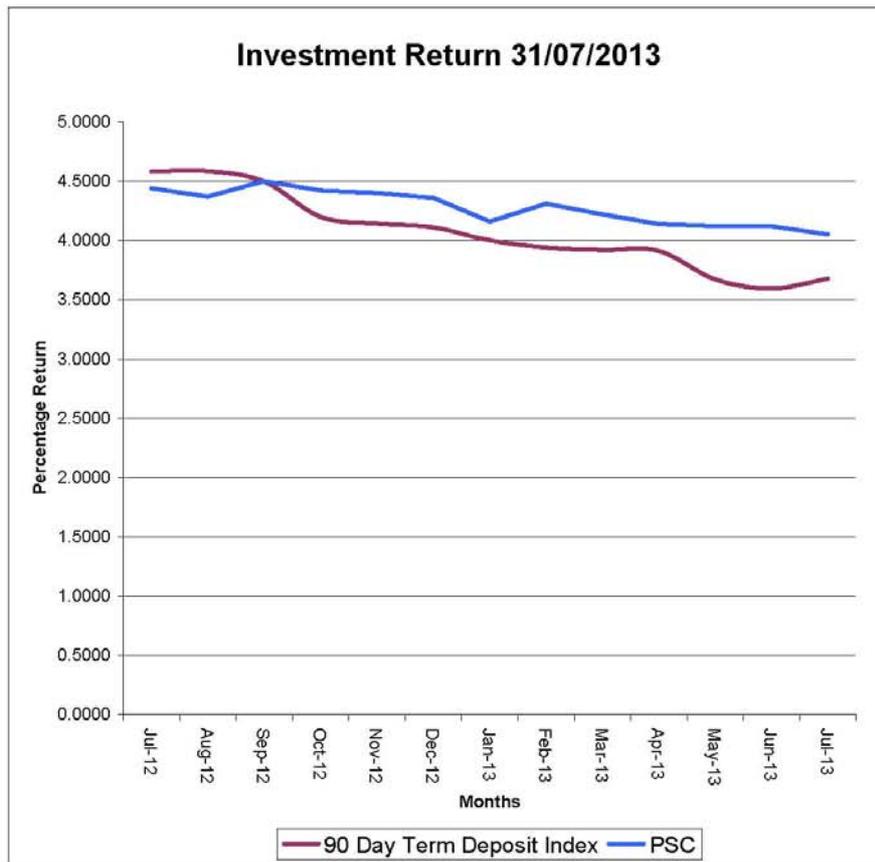
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Jul-12	1.724	19.576	2.854	24.154
Aug-12	5.655	20.655	2.775	29.086
Sep-12	2.945	24.263	2.667	29.875
Oct-12	2.066	24.918	2.512	29.496
Nov-12	6.388	23.962	2.468	32.818
Dec-12	4.524	24.003	2.427	30.955
Jan-13	3.291	21.993	2.438	27.721
Feb-13	6.608	23.191	1.240	31.038
Mar-13	2.301	24.525	0.906	27.731
Apr-13	3.192	21.527	0.903	25.623
May-13	4.870	21.531	0.900	27.301
Jun-13	4.302	22.926	1.005	28.232
Jul-13	2.366	20.426	1.005	23.797



ATTACHMENT 3  
 Monthly Australian Term Deposit Index July 2012 to July 2013

Australian Term Deposit Accumulation Index

Date	90 Day Term Deposit Index	PSC
Jul-12	4.5808	4.44
Aug-12	4.5858	4.37
Sep-12	4.4974	4.5
Oct-12	4.1994	4.42
Nov-12	4.1428	4.4
Dec-12	4.1100	4.36
Jan-13	4.0025	4.16
Feb-13	3.94	4.31
Mar-13	3.9185	4.22
Apr-13	3.9119	4.14
May-13	3.6715	4.12
Jun-13	3.5944	4.12
Jul-13	3.6774	4.05



**INFORMATION ITEM NO. 2**

**WORK HEALTH AND SAFETY PERFORMANCE AT PSC**

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**REPORT OF: ANNE SCHMARR - ORGANISATION DEVELOPMENT SECTION MANAGER**  
**GROUP: CORPORATE SERVICES**

**FILE: PSC2011-01805**

**BACKGROUND**

The purpose of this Information Paper is to provide an update to Councillors on our safety performance since the last presentation in April 2011. At that time, we identified a number of initiatives to be introduced to improve the management of safety and reduce the cost of worker's compensation. Despite a number of efforts previously attempted, the ongoing pattern of safety occurrences indicated that these efforts had not made a fundamental difference to the behaviour of staff.

One of the key initiatives introduced by the General Manager and Executive Team was to conduct a safety culture project in 2011 to understand the current drivers that were shaping the safety culture of PSC. The Executive Team recognised that only by making sustainable changes to the internal culture of the organisation could a change to safety performance be effected. Any significant improvement in the safety performance of Council (and our escalating workers compensation premium) required a fundamental shift in the approach taken by leaders. In all, a total of 26 workshops were held across all areas of Council to gain an understanding of how our staff experienced safety at work.

Other initiatives since 2011 include:

- A stronger focus on the way we manage our long term injured workers and ensuring early intervention. Contracts are now in place with medical providers to ensure our workers receive access to treatment as early as practicable;
- The completion of the WHS Management system and linkage to Council's intranet has made it easier for staff to access information. We have also commenced work on the development of an Integrated Risk Management system to integrate all our classes of risk including enterprise risk, work health and safety and environmental management into the one system. This will provide a more simplified approach to defining work instructions;
- The introduction of the DuPont Safety Observation program for all supervisors of staff, including the General Manager and Executive. Two safety observations are undertaken each month – on average this amounts to between 100 and 120 safety conversations taking place between staff and managers to identify safe and unsafe acts and conditions;
- A committed, competent and well respected health and safety team to support managers and staff on the management of safety;

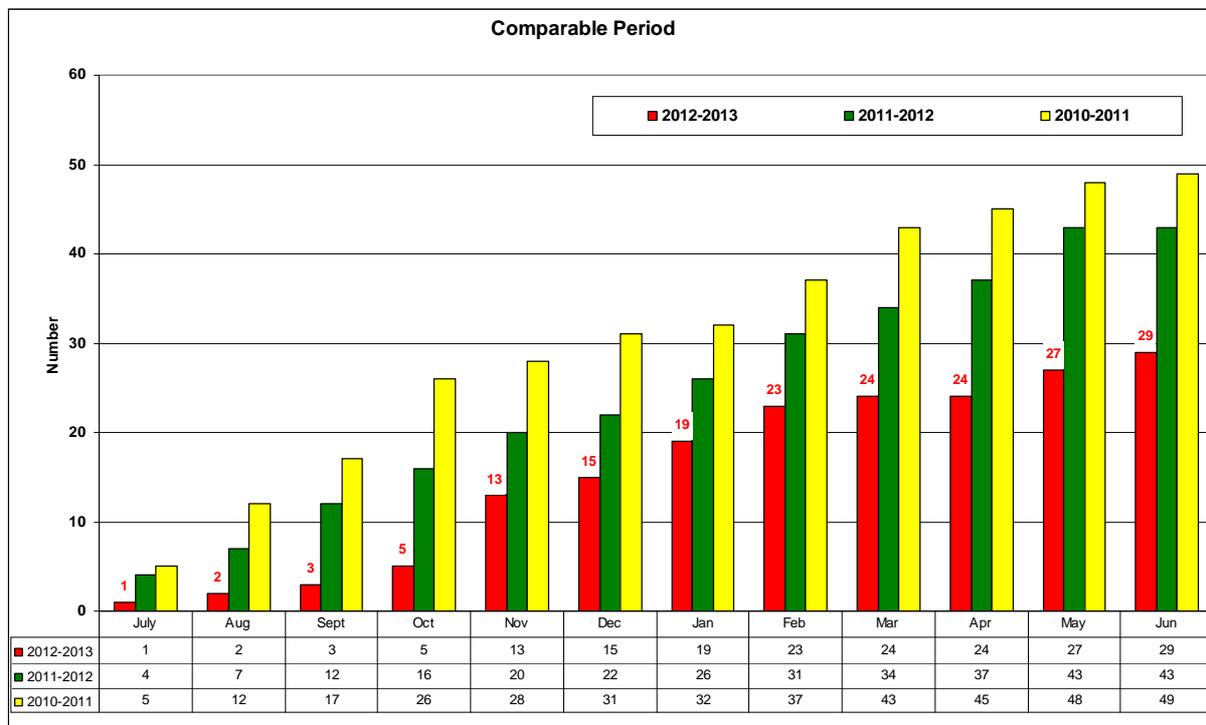
## MINUTES FOR ORDINARY COUNCIL – 27 AUGUST 2013

- Senior management participation in Health and Safety Committee meetings, safety observations, workplace inspections and audits;
- Health and Safety as an agenda item on all leadership meetings with discussions held monthly on risk and safety key performance indicators;
- A compulsory requirement for supervisors to accompany injured workers to medical appointments;
- Alcohol and other drugs post incident testing;
- Distribution of the worker's compensation premium across all sections to gain direct ownership and accountability for the premium incurred by the work group;
- Appointment of a new Health and Safety Committee and Health and Safety Representatives; and
- Training for all officers and workers, including staff, contractors and volunteers in the new Work Health and Safety legislation introduced from 1 January 2012;
- In-house auditing process of system implemented.

As a result of these initiatives, our safety performance has significantly improved. This is evidenced by the following results:

### Number of Claims

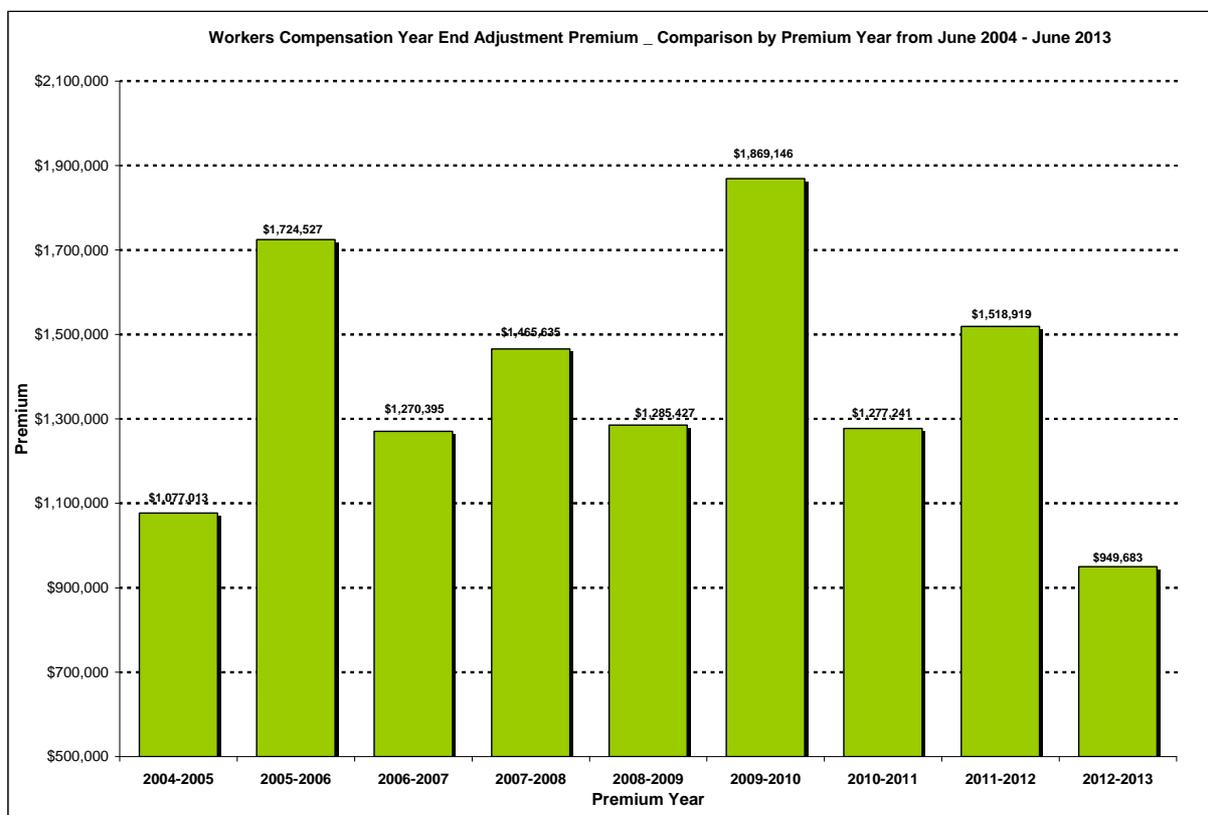
The total number of claims for 2012/2013 has decreased to 29, compared to 43 in 2011/2012 and 49 in 2010/2011.



Worker's Compensation Premium

Council's adjusted worker's compensation premium for 2011/2012 was \$1.5M. The adjusted premium for 2012/2013 is expected to be approximately \$935,000 and is dependent on final wage figures being submitted for 2012/2013. Council can expect to receive a refund of approximately \$345,000 for the savings generated in 2012/2013.

Council's projected premium for 2013/2014 is expected to be approximately \$650,000. This is a significantly reduced premium from those we have experienced in the past decade.



Annual StateCover WHS Audit

The last two years have seen a progressive improvement on our annual StateCover WHS audit. This audit is conducted with approximately 120 councils across NSW. The table below shows the overall score for Port Stephens Council for the 2012 audit compared to others within the group.

Group	Average
PSC average	80.3%
StateCover average	66.80%
Region average	68.2%
DLG average	73.6%

StateCover WHS Award for Excellence

PSC was awarded the 2013 StateCover WHS Award for Excellence. This award recognises member councils that have implemented significant initiatives to improve their WHS performance. Our entry was assessed against how the initiatives have helped Council improve its WHS performance and how the initiatives support on-going success.

Council received a \$5,000 prize to be spent on safety services or equipment.



Conclusion

As outlined, there have been a number of factors that have contributed to the improvement in Council's safety culture. Our experiences over the last few years have demonstrated that how people feel about safety and how they behave in relation to safety are certainly factors that influence the culture. The procedures, standards and the WHS Management system also play a role.

However, overwhelmingly it is the leadership of an organisation that plays the key role in shaping culture. Leaders change culture by what they say and do.

Our 2012/2013 safety performance is cause for celebration and recognition of all of the hard work that has been undertaken over the past few years by both management and staff!

**ATTACHMENTS**

Nil.

**INFORMATION ITEM NO. 3**

**DESIGNATED PERSONS – PECUNIARY INTEREST**

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

**FILE:** PSC2012-02853

**BACKGROUND**

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

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

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

- Development Engineer (PSC661).

**ATTACHMENTS**

Nil.

**TABLED DOCUMENTS**

- 1) Pecuniary Interest Returns.

There being no further business the meeting closed at 6.07pm

*I certify that pages 1 to 69 of the Open Ordinary Minutes of Council 27 August 2013 were confirmed by Council at its meeting held on 10 September 2013.*

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**Bruce MacKenzie**  
**MAYOR**