

MINUTES 23 JULY 2013



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 23 July 2013, commencing at 5.30pm.

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

193	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that apologies from Cr John Nell and Cr Paul Le Mottee be received and noted.</p>
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194	<p>Councillor Steve Tucker Councillor Geoff Dingle</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 9 July 2013 be confirmed.</p>
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	<p>Cr Peter Kafer declared a significant non pecuniary conflict of interest in Item 1. The nature of the interest is that he is a member of the Executive of the Worimi Dolphins Rugby League Team and also a member of the Aboriginal Strategic Committee.</p> <p>Cr Chris Doohan declared a significant non pecuniary conflict of interest in Item 7. The nature of the interest is that he is a personal friend of Ben Niland.</p>
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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2013-02756

SISTER CITIES AUSTRALIA CONFERENCE 2013 – YOUTH DELEGATE

THAT COUNCIL:

- 1) Support sending a youth delegate and council representative to the Sister Cities Australia Conference 2013;
- 2) Provide funds to cover the costs of the youth delegate and the Council representative.

ORDINARY COUNCIL MEETING – 23 JULY 2013 MOTION

195	Mayor Bruce MacKenzie
	<p>It was resolved that Council :</p> <ol style="list-style-type: none"> 1. Support sending a youth delegate and council representative to the Sister Cities Australia Conference 2013; 2. Provide funds to cover the costs of the youth delegate and the Council representative.

BACKGROUND

The purpose of this report is to inform Council of the upcoming Sister Cities Australia Annual Conference.

The Conference is to be held at Broken Hill on 10-13 November 2013.

Through discussions with Port Stephens Sister Cities Committee, it was proposed that a youth representative from the Local Government area be selected to represent Port Stephens at the conference.

The draft criteria and applications forms have been developed in conjunction with the Sister Cities Committee. Applicants would be required to be between the ages of 16-23 years and have a high level understanding of international relationship.

It is proposed that the selection panel consisting of the Mayor, Deputy Mayor, Sister Cities Chairman and Sister Cities Committee Representative would interview a short list of applicants.

The successful applicant would be accompanied by a council representative. A council representative would be required to accompany the youth to and from the

conference. Costs of travel, accommodation and registration would be covered by Port Stephens Council for both the successful youth applicant and Council representative. A working with children check would be conducted for the Port Stephens Council representative. All costs would be covered by Council for the working with children check.

The advertisement call for applications would be placed with local media and contact would be made with all local schools, with all details available from Council's website.

ATTACHMENTS

- 1) Conference Programme;

ATTACHMENT 1

BROKEN HILL

UNCOVER YOUR POTENTIAL

2013 SISTER CITIES AUSTRALIA NATIONAL CONFERENCE

PROGRAM HIGHLIGHTS

CONFERENCE OUTLINE

Sunday 10 November 2013

- Why not take in a tour in Broken Hill or the surrounding region. Details of tours and special rates available to conference delegates on page 5
- Civic Reception – Broken Hill Regional Art Gallery

Monday 11 November 2013

- Getting to know you breakfast – learn more about Sister Cities Australia and catch up with other delegates
- Official Conference Opening
- Keynote Address – Strategic Planning
- Afternoon workshop – Shaping the Sister Cities Australia Strategic Plan. Have your say!
- Social Dinner – Palace Hotel

Tuesday 12 November 2013

- Keynote Address – How to attract sponsorship and funding
- SCA AGM and Executive Elections
- SCA Gala dinner and Awards Evening

Wednesday 13 November 2013

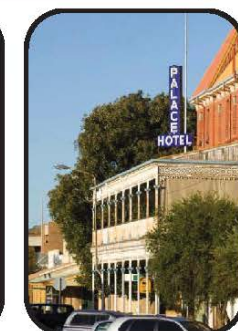
- Conference Day Three (half day)

KEYNOTE SPEAKER – RICHARD WOODWARD

Richard is a business development strategist, trainer and speaker who works with leading organisations to help them become effective at developing business.



Richard will be delivering two keynote addresses; the first on strategic planning and the second on how to attract sponsorship and funding, combining them with the practical skills you need to implement changes within your sister city.



COUNCIL REPORTS

ITEM NO. 1

FILE NO: PSC2013-02391

ABORIGINAL PROJECTS FUND

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of Aboriginal Project Funds in accordance with the amounts and purposes prescribed below: -
 - a) \$9,866 to Karuah Local Aboriginal Land Council for the 'Karuah Community Health project';
 - b) \$9,140 to Port Stephens Family Support Service for the 'Koori Dolphins Netball Teams project';
 - c) \$10,000 to Tanilba Bay Public School for the 'You Can Do It Too project';
 - d) \$10,000 to Raymond Terrace Family Support for the 'Swing, Slippery Dip Set, Sand Pit and Shade Sails project';
 - e) \$2,520 to Lifestyle Solutions (Aust) Ltd for the 'Morning Mingles- People and Culture project';
 - f) \$10,000 to Birra-li for the 'Happy Days Culture Packs project';
 - g) \$5,000 to Irawang High School for the 'Bush Tucker Trail project'.

**ORDINARY COUNCIL MEETING – 23 JULY 2013
MOTION**

196	Councillor Ken Jordan Councillor Sally Dover
	It was resolved that Council move into Committee of the Whole.

Cr Peter Kafer left the meeting at 5.32pm prior to Item 1.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Geoff Dingle Councillor Sally Dover
	That Council endorse the allocation of Aboriginal Project Funds in accordance with the amounts and purposes prescribed below: - <ol style="list-style-type: none"> a) \$9,866 to Karuah Local Aboriginal Land Council for 'Karuah

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

	<p>Community Health';</p> <p>b) \$9,140 to Port Stephens Family Support Service (auspicing body) for 'Koori Dolphins Netball Teams';</p> <p>c) \$10,000 to Tanilba Bay Public School for 'You Can Do It Too'</p> <p>d) \$10,000 to Raymond Terrace Family Support for 'Swing, Slippery Dip Set, Sand Pit and Shade Sails';</p> <p>e) \$2,520 to Lifestyle Solutions (Aust) Ltd for 'Morning Mingles-People and Culture';</p> <p>f) \$10,000 to Birra-li for 'Happy Days Culture Packs';</p> <p>g) \$5,000 to Irawang High School for 'Bush Tucker Trail'</p> <p>h) \$5,000 the Worimi Dolphins Rugby League Team to 'support and resource the Worimi Dolphins Rugby League Team'</p> <p>i) \$8,474 to Worimi Local Aboriginal Land Council for 'the enhancement of the Worimi Local Aboriginal Land Council's Culture and Heritage Education Program'</p>
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MOTION

198	<p>Councillor Ken Jordan Councillor Chris Doohan</p>
	<p>It was resolved that the Committee of the Whole recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of Aboriginal Project Funds for the following projects, as recommended by Councils S355c Aboriginal Strategic Committee **(TABLE 1)** of this report.

The Aboriginal Projects Fund is an annual one-off small grants program. Its purpose is to support community projects designed and/or intended to empower local Aboriginal people.

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

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

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

A total of nine 9 applications were received. The applications were assessed by Council's S35C Aboriginal Strategic Committee at a special meeting on 21 June 2013. The Committee has recommended that 7 of the 9 applications be funded. The 7 applications recommended are shown (**TABLE 1**) below:

Project	Applicant	Project Overview	Amount \$	Alignment with Aboriginal Projects Fund stated purpose <i>(ie; To support community projects designed and/or intended to empower local Aboriginal people)</i>
Karuah Community Health	Karuah Local Aboriginal Land Council	<p>Purchase an extra air conditioner unit for Land Council's community hall plus an air conditioner unit for their Admin Offices.</p> <p>Fund construction of a footpath on northern side of hall.</p> <p>Fund the replacement of doors on Land Council's men's shed.</p> <p>These various improvements will provide users of the hall, offices with improved and more secure community facilities during warmer months and during periods of rain.</p>	9,866	<p>Provide an improved meeting venue for the delivery of community programs to Aboriginal and non Aboriginal community members.</p> <p>Improvements to temperature control in Admin Offices will enhance the WHS of staff and volunteers during summer/winter periods. This will make better conditions for the delivery of Land Council services.</p> <p>New doors on men's shed will make building and its contents more secure. This will make the</p>

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

				shed more usable for men's shed activities.
Koori Dolphins Netball Teams	Port Stephens Family Support Service (auspicing body)	Fund the player registrations for 4 netball teams of Aboriginal young people aged 9 - 14 yrs to play in the Raymond Terrace Netball competition. Also fund the purchase of netball equipment and resources.	9,140	Enable a number of Aboriginal young people to participate in local sport.
"You Can Do It Too"	Tanilba Bay Public School	Engage Worimi Elders to teach Aboriginal and non Aboriginal school children about the values, beliefs, languages, lifestyles and roles of Worimi people. The program will be delivered twice a week for 40 weeks.	10,000	Equip local Aboriginal and non Aboriginal children with knowledge and understanding of Aboriginal culture in local context of Port Stephens.
Swing and slippery dip set, Sand pit and Shade Sails	Raymond Terrace Family Support (generally known as Port Stephens Family Support)	Purchase a playground equipment (e.g swing set, slippery dip, shade sail, sandpit and soft fall). This will create an outdoor play area for Aboriginal and non Aboriginal children and young people who attend the Centre.	10,000	Provide a recreational activity for Aboriginal and non Aboriginal children of parents / caregivers. This will enable parents / caregivers to more fully participate/focus on centre based support activities (eg; counselling) without being distracted.
Morning Mingles - People and Culture	Lifestyle Solutions (Aust) Ltd	Fund a program for local people with a disability to learn and experience local Aboriginal culture at the Murrook Centre, Williamtown.	2,520	Increase awareness of Aboriginal culture to the broader community with

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

				a focus on local residents with a disability.
Happy Days Culture Packs	Birra-li	Fund the cost of producing 70 x Aboriginal culture packs to give out to new Aboriginal mums in Port Stephens as part of the support they receive. The packs include fruit vouchers, and various Aboriginal designed mugs, body suit, Aboriginal book, bib, toothbrush, jigsaw puzzle.	10,000	Enable Aboriginal families with new born children to help their child/children to learn about traditional culture through being exposed to Aboriginal symbols marked on common baby items.
Bush Tucker Trail	Irrawang High School	Establish a Bush Tucker Trail within the school grounds. Bush tucker will link with school's 'home sciences' program.	5,000	Enable Aboriginal and non Aboriginal high school students with the opportunity to learn about Aboriginal culture with a focus on bush tucker ingredients and their use in cooking.
Total:			56,526	

Table 1.

The 2 applications the Committee did not support are shown (**TABLE 2**) below:

Applicant	Project	Amount \$	ASC Comments
Alzheimer's Australia NSW	Dementia within the Aboriginal Community; Awareness, Education and Support	9,525	There is no evidence to demonstrate that this is a priority need within the local Aboriginal community. However both Worimi LALC and Karuah LALC are prepared to work with Alzheimer's Aust on this initiative through providing in-kind support (eg; meeting space).

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

Foster Care Association NSW Inc.	Without Roots, there are no leaves- Understanding identity	8,000	Project duplicates an existing resource which is already advanced in being developed. Members of the committee are prepared to work and partner with the applicant to assist in other ways.
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Table 2.

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

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

One way Council delivers this is through the following action:

7.1.1.2 Coordination of Council's Aboriginal Projects Fund (Operational Plan 2013-2014).

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$70,000 is available to fund projects under Council's Aboriginal Projects Fund in the 2013/2014 budget. Council's usual annual budget allocation for this Fund is \$35,000. However no funding was allocated in the 2012/2013 financial year whilst the review of this grants program and the Cultural Projects Fund was carried out.

Council resolved on 9 April 2013 to carry over to the 2013/2014 budget the unallocated balance of this financial year's 2012/2013 budget allocation of \$35,000 in the Aboriginal Projects Fund.

The projects recommended in this report total \$56,526. The remaining \$13,474 will remain in Council's 2013/2014 Aboriginal Project Fund budget.

Council's S355c Aboriginal Strategic Committee will consider options for expenditure of these funds. Any options supported by the Committee will be presented to Council for consideration.

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Revenue (\$70,000)	Sourced from 2013/2014 allocation for Aboriginal Projects Fund
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
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 Aboriginal Projects Fund.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The projects recommended for funding will assist in building and strengthening the well-being of the Port Stephens Aboriginal community in a number of ways including: -

- Provide a more useable meeting space for the community at Karuah;
- Provide local Aboriginal and non Aboriginal school children at Tanilba Bay with the opportunity to learn about local Aboriginal culture, values and beliefs;
- Provide a 'Bush Tucker Trail' at Irrawang High to provide the opportunity for students, teachers and parents to come together, linking Bush Tucker with the school and school curriculum;
- Enhance play time activities for Aboriginal and non Aboriginal children whose parents are accessing services provided at Port Stephens Family Support;
- Provide local people living with disability in Port Stephens the opportunity to learn and experience Aboriginal culture in local context;
- Support Aboriginal families with Aboriginal culture packs which will assist them to prominently feature the use of Aboriginal symbols and resources in their child's development.

CONSULTATION

An annual joint launch of the Aboriginal Projects Fund and Cultural Projects Fund was held on the 20th 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 17th June 2013. The availability of funds was widely advertised through:

- Port Stephens Examiner
- Koori Mail
- Port Stephens Council website
- Port Stephens Interagency
- Youth Interagency
- Cultural Interagency

Council's S355C Aboriginal Strategic Committee met on the 21st June 2013 and was attended by the applicants who made a presentation on their proposed project as outlined in this report. Following the presentations the Committee finalised their assessment and formulated their recommendations to Council that form the basis of this report.

At this meeting on the 21st June 2013 a quorum of the Committee was not reached due to some members being absent.

Consequently the proposed recommendations were sent to the Committee members who were unable to attend to give them an opportunity to comment in writing before they were presented to Council. Council has since received in writing from two of the absent members their full support of the proposed recommendations. No other written comments have been received. These written responses indicate that the proposed recommendations are supported by a majority of the Committee.

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 Aboriginal 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 which will further withhold available funds from the community. This may be detrimental to relationships with the community;
- 3) Amend the recommendations which may see a variation in the allocation of available funds from the Aboriginal Strategic Committee.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

FILE NO: S9100-023

REVIEW OF COUNCIL POLICY – PLANNING MATTERS TO BE REPORTED TO COUNCIL

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amended policy now titled – "Development Applications to be reported to Council";
 - 2) Place the amended policy on public exhibition for a period of 28 days calling for public submissions;
 - 3) Should no submissions be received, adopt the draft "Development Applications to be reported to Council" policy, as presented to Council at **(ATTACHMENT 2)**.
 - 4) If no submissions are received revoke the "Planning Matters to be reported to Council" policy dated 26 February 2002, Minute No. 048, shown at **(ATTACHMENT 1)**.
-

ORDINARY COUNCIL MEETING – 23 JULY 2013

	Item 2 was withdrawn from the agenda.

BACKGROUND

The purpose of this report is to forward to Council an amended policy for adoption.

Council has a program of systematically reviewing and updating its existing policies.

Within the Development Services Group the aim is to review all existing policies with the view to repeal, amend or substantially update where required. This is a staged approach and the subject of this report includes one (1) policy recommended to be updated.

The current policy – Planning Matters to be reported to Council was originally adopted on 26 February, 2002. This original policy is provided in **(ATTACHMENT 1)**.

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

The purpose of this policy was to advise how Councillors can "call up" a DA for Council consideration.

The policy has been amended and is now titled – Development Applications to be reported to Council. This amended policy is provided in **(ATTACHMENT 2)**.

There has been minimal change to the policy, as the current balance of Development Applications determined under delegation vs Council is working effectively. The policy is read in conjunction with existing staff delegations as a Development Application being called up essentially removes respective staff delegations.

FINANCIAL/RESOURCE IMPLICATIONS

There are minimal direct financial / resource implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Policy update & implementation within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal, policy and risk implications in reviewing existing policies and this policy is considered to assist in facilitating more accurate and robust decision making.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of making poor decisions as a result of outdated policy	High	Review current policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are minimal direct sustainability implications. The policy enables the effective determination of development applications on a merits basis considering all respective legislation.

CONSULTATION

Consultation has been undertaken with relevant Co-ordinators within both the Development Assessment and Building Assessment Teams which directly implement this policy within the Section.

OPTIONS

- 1) Resolve to retain the existing policy;
- 2) Resolve to adopt the amended policy;
- 2) Resolve to repeal the policy.

ATTACHMENTS

- 1) Planning Matters to be reported to Council (ie. original policy);
- 2) Development Applications to be reported to Council.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

CURRENT POLICY



Adopted: 26/02/2002
Minute No:048
Amended:
Minute No:

FILE NO: S9100-023

RESPONSIBLE OFFICER: PAUL DOUGLASS

TITLE: PLANNING MATTERS TO BE REPORTED TO COUNCIL

BACKGROUND

Planning decisions are made daily on a wide range of matters utilising delegated authority. This policy is aimed at ensuring that Councillors are made aware of these decisions and where appropriate given prior notice of proposed decisions.

OBJECTIVE

To ensure that Councillors are provided with the opportunity for input into planning matters prior to decisions being finalised.

PRINCIPLES

- 1) The use of delegated authority provides an opportunity for effective and timely decision making; however, it is appropriate that Council is informed of the exercise of delegated authority.
- 2) Given the scope of planning decisions it is appropriate that staff are able to judge those matters which should be reported to Council.
- 3) The delegations are drafted such that a Councillor may request that the delegation not be exercised and a matter be reported to Council. This ensures Councillors are aware of development applications received and, on occasion, of planning recommendations prior to decisions, as well as proposed actions on policy matters such as Local Environmental Plans.

POLICY STATEMENT

Council shall be informed with regard to planning matters in the following ways:-

1. Minutes of Development Assessment Panel meetings are provided to all Councillors, this provides Councillors with a list of development applications received and determined.
2. At any time prior to determination a Councillor may request that a development application be reported to Council. In this instance the application will be reported following completion of assessment.
3. Where considered appropriate by the Development and Building Manager Councillors will be advised of recommendations prior to determination of development applications under delegated authority. This would either be through the Development Assessment Panel minutes, the Development and Building Managers weekly report or through a specific memo.
4. All matters of planning policy will be advised to Council. This would be through either reports to Council or memos to Councillors on the use or intended use of delegated authority.
5. The Manager Sustainable Planning may report any planning matter to Council.

RELATED POLICIES

The relevant planning matters referred to above are as follows:

- Development Applications
- Modifications to Development Applications
- Local Environmental Plans
- Development Control Plans
- Section 94 Contributions Plans

REVIEW DATE

4 Years

RELEVANT LEGISLATIVE PROVISIONS

Environmental Planning and Assessment Act, 1979 (as amended)

IMPLEMENTATION RESPONSIBILITY

Sustainable Planning Group

ATTACHMENT 2

UPDATED POLICY



POLICY

Adopted: 26/02/2002

Minute No: 048

Amended:

Minute No:

FILE NO: S9100-023

TITLE: DEVELOPMENT APPLICATIONS TO BE REPORTED TO COUNCIL

RESPONSIBLE OFFICER: MATTHEW BROWN - MANAGER
DEVELOPMENT ASSESSMENT & COMPLIANCE

BACKGROUND

The majority of development applications (DA's) are determined by Council's assessment officers, utilising delegated authority and may require review or concurrence from the Development Assessment Panel (DAP). This policy is aimed at ensuring that Councillors are aware of how they can access information on the receipt and determination of DA's.

OBJECTIVE

- 1) To ensure that Councillors are provided with the opportunity for input into the determination of DA's prior to decisions being finalised and determinations granted.

PRINCIPLES

- 1) The use of delegated authority provides an opportunity for effective and timely decision making; however, it is appropriate that Council is informed of the exercise of delegated authority.
- 2) Given the scope of planning decisions, it is appropriate that delegated assessment staff, are able to use their discretion and judgement for those matters which should be reported to Council.

- 3) The delegations are drafted such that a Councillor may request the staff delegation be withdrawn and a DA be reported to Council for determination. In this instance a Councillor completes the DA Call Up Form.

POLICY STATEMENT

Council shall be informed with regard to planning matters in the following way:-

- 1) All current DA's lodged are publicly available and listed on the Council website via the DA Tracker.
- 2) A report is generated weekly of all new DA's lodged and circulated weekly via email to all Councillors and other relevant internal staff.
- 3) At any time prior to determination of a DA, a Councillor may request that the application be reported to Council for determination. A report will be forwarded to Council at the completion of the assessment.
- 4) Determination of DA's under delegated authority, are in accordance with set procedures. The procedures for determination include Single Officer Determinations (SODs), DAP review or DAP concurrence.
- 5) The Group Manager, Development Services and/or Manager, Development Assessment & Compliance, at their discretion may report any DA to Council for determination.

RELATED POLICIES

The relevant planning matters referred to above are as follows:-

- 1) Sustainability Review – End to End Process
- 2) Application Determination Policy
- 3) Development Control Plan

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Positive social implications are likely through providing a clear policy framework for reporting development applications to Council.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

- 1) Environmental Planning & Assessment Act 1979
- 2) Environmental Planning & Assessment Regulations 2000
- 3) Port Stephens Local Environmental Plan

IMPLEMENTATION RESPONSIBILITY

- 1) Development Assessment & Compliance

PROCESS OWNER

- 1) Development Services Group

REVIEW DATE

- 1) Bi-Annually

ITEM NO. 3

FILE NO: PSC2013-02696

SUSTAINABILITY REVIEW CIVIC EVENTS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the findings and recommendations of the service strategy, which ensure Council continues to support and host Australia Day activities in Nelson Bay and Raymond Terrace, streamlines all award nomination processes to achieve efficiencies and realigns the community awards night budget to broader LGA events;
 - 2) Conduct a review of these arrangements after two years to consider community input and that the key objectives have been met.
-

ORDINARY COUNCIL MEETING – 23 JULY 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

Cr Peter Kafer returned to the meeting at 5.48pm.

	Councillor Steve Tucker Councillor John Morello
	That Council: <ol style="list-style-type: none">1. Adopt the findings and recommendations of the service strategy, which ensure Council continues to support and host Australia Day activities in Nelson Bay and Raymond Terrace, streamlines all award nomination processes to achieve efficiencies and realign the community awards night budget to broader LGA events;2. Conduct a review of these arrangements after two years to consider community input and that the key objectives have been met;3. Increase the Australia Day budget by \$3,000 for the Australia Day activities on the Tilligerry Peninsula.

MATTER ARISING

	Councillor Ken Jordan Councillor Chris Doohan
	That Council review the finances of the former Raymond Terrace Australia Day Committee.

MOTION

199	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that the Committee of the Whole recommendation be adopted.

MATTER ARISING

200	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council review the finances of the former Raymond Terrace Australia Day Committee.

BACKGROUND

The purpose of this report is to present the staff findings following the Sustainability Review of Civic Events and present recommended options for the future.

On 28 March 2013, Council resolved to conduct a sustainability review of civic functions, ceremonies and events and report back with recommendations for improvements, efficiencies and continued future operations.

This sustainability review has sought to meet the objectives of the resolution and provide options to improve, increase or reduce its level of service in this area.

A number of issues were considered by staff in the process of conducting this sustainability review. Key issues are summarised as follows:

Australia Day

- Consistent decline in attendance at the Raymond Terrace event in each of the previous three years;
- Lack of engagement between the event and the Raymond Terrace business community;
- No consistent theme or promotion was evident for the event;
- The event was increasingly draining on Council staff resources.

Awards

- Nominations for both Community Awards & Citizen of the Year Awards had shown a consistent decline over the previous four years:

Community awards:

2009	10
2010	7
2011	11
2012	6

Citizen of the Year (COY) / Young Citizen of the Year (YCOY) / Event of the Year (EOY) Awards:

	COY	YCOY	EOY
2009	8	8	6
2010	5	5	5
2011	6	4	2
2012	6	3	2
2013	4	2	None called

- Civic awards handed out by other levels of Government resulted in greater competition for nominations;
- There was a need to review the criteria for the various awards handed out by Council over the course of each 12 month period.

Community Awards Event

- Event capacity is capped at 100 due to venue constraints at the Council Chamber;
- Budget allocation for the event, in light of capped capacity, raised value for money concerns.

Proposed Service Package

The service package presents numerous options for the future operation of each civic event considered. Final recommendations from the staff are summarised as follows:

Australia Day:

- Option 1.1 – Maintain the current sub-committee and level of funding to the Nelson Bay Australia Day event, contingent on a report to Council by 30 November detailing program of activities and budget.
- Option 1.3 – Council's Visitor Information & Events staff to assist the Nelson Bay & Raymond Terrace Australia Day events on event facilitation matters.
- Option 2.1 – Outsource the delivery of the Raymond Terrace Australia Day event, under direction from the 355c Committee/advisory panel, for a period of two years. Increase level of internal marketing and sponsorship assistance for the event, and review following the 2015 event.

Citizenship:

- Option 1.4 – Continue to provide at least one Citizenship ceremony on Australia Day.

Awards:

- Option 1.5 – Amalgamate all annual award nominations (Community Awards, Citizen of the Year, Sports Awards) into one nomination form and process, and reassign its management to an administrative role rather than strategic/coordinator role as is the current arrangement.
- Option 2.3 – Present all awards (Community Awards, Citizen of the Year & Sports Awards) at the Raymond Terrace Australia Day event, re-announcing the winners at the Nelson Bay event, in order to achieve internal efficiencies and maximise attendance at Raymond Terrace.

Community Awards Night:

- Option 4.3 – Cease hosting a separate Community Awards presentation event, and re-allocate the \$13,000 net saving to facilitation of the Australia Day event and other events held in the LGA.

These recommendations are based on the following:

- Achieving the most optimal outcome with minimal impact on current budget and resourcing
- Aligning Civic Events and its resources with the priorities of the Council (through the Delivery Plan and Operational Plan)
- Achieving optimal internal efficiencies
- Fostering further growth and community engagement at key events

FINANCIAL/RESOURCE IMPLICATIONS

Adopting the recommendation as printed in the service strategy will increase the overall spend on Australia Day by approximately \$7000 however this will be offset by the overall internal efficiency savings of \$12795 (328 hours) that will be redirected to marketing and seeking further sponsorship for events.

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

The Community Awards night, overall budget of \$13000 will be used in part to offset the increased spend on Australia Day with the remainder to be utilised in the facilitation of large scale events within the LGA. It is anticipated this spend will provide greater economic benefits than currently, while also freeing up staff time to focus on marketing and promotion associated with these events.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	39,000	Total budget allocated to Civic Events
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that sponsorship may not be received for Australia Day event	Medium	Reallocation of staff hours as proposed in the recommendation Review against set KPI's in two years to ensure there is a demand	Yes
There is a risk that attendance numbers at the Australia Day Raymond Terrace may continue to decrease	Medium	Reallocation of staff hours to promotions and marketing as proposed in the recommendation Review against set KPI's after two years to ensure there is a demand	Yes
There is a risk that not enough nominations for awards will be received	Medium	Review against set KPI's after two years to ensure there is a demand	Yes
There is a risk that members of the community will be unsatisfied with ceasing the Community Awards night	Low	Ensure an equally appropriate ceremony is held to recognise these award winners at Australia Day	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting this recommendation will show Council's increase commitment to civic celebrations in Port Stephens, including Australia Day.

Realigning the existing resourcing (staff and awards night budget) will allow for greater economic outcomes and will also help to ensure social and environmental responsibilities are considered.

CONSULTATION

During the development of the service strategy the following groups were consulted:

- 1) Australia Day 355c Coordinating committee;
- 2) Mayor & General Manager;
- 3) Staff (communications unit, VIC & Events unit);
- 4) 10 other NSW Councils (benchmarking data).

OPTIONS

- 1) Adopt the recommendation;
- 2) Amend the recommendation to other options presented in the service strategy;
- 3) Reject the recommendation.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

- 1) Civic Event service strategy.

TABLED DOCUMENTS

- 1) Civic Events Service Strategy.

ITEM NO. 4

FILE NO: PSC2005-2793, T15-2013

T15-2013 NELSON BAY FORESHORE CAR PARKING METER REPLACEMENT TENDER

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 4 on the Ordinary Council agenda namely **T15-2013 Nelson Bay Foreshore Car Parking Meter Replacement Tender**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **T15-2013 Nelson Bay Foreshore Car Parking Meter Replacement Tender**.
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the suppliers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
 - 5) The Council resolve to endorse DUNCAN Solutions as the preferred supplier.
-

**ORDINARY COUNCIL MEETING – 23 JULY 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Steve Tucker
	That Council endorse DUNCAN Solutions as the preferred supplier.

MOTION

201	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

The purpose of this report is to gain approval from Council to replace the existing parking meters that service Nelson Bay Foreshore.

The parking meters that are currently on Nelson Bay Foreshore were installed in August 2003 and at this time had a design life of approximately 6 years. Due to the increasing maintenance costs required to keep these older machines in service and the fact that over the last few years there have been substantial changes to credit card facility requirements, these machines have become outdated and are in need of replacement.

Council issued a request for tenders for the replacement of these meters which included the following brief;

Replacement machines MUST have a minimum spec of:

- Solar Powered
- Same footprint as current machines
- Back to Base monitoring and reporting (Web Based)
- Salt Air functional with Poly Paper Rolls or similar
- Service phone numbers are to be clearly displayed on machine
- Vandal Proof

We are considering different options for cash/credit or cash only machines, please provide different types & costings. Council has different charges for different times of

the week to weekend and then at different seasons of the year. Provide details how your system can adapt to these requirements automatically.

Parking meters would need to be up and running prior to the start of school holidays on 21 September 2013.

Council received seven (7) tender submissions from the following companies;

Aparc - Australian Park and Revenue Control
Cale Australia
CDS Worldwide
Duncan Solutions
Global Integrated Solutions
Paytech Solutions
TMA Tech Pty Ltd

All tender submissions were assessed using Council's Value Selection Methodology. Refer to Confidential Attachment 1 for details of the Value Selection Methodology Results. From this assessment, Duncan Solutions were deemed to provide the best value.

To ensure that the tender price used within the value selection methodology is comparing similar costing options a figure was calculated for each tenderer for the supply and install of 25 credit card machines and two (2) years maintenance. Any other accessories have not been included in the tender evaluation price but will be detailed below in the final costing.

The final tender price for Duncan Solutions will include;

Supply and Install of eight (8) Coin/Credit Card Parking meters which meet the required Credit Card Certification which comply with the current standards
Supply and Install of 17 Coin Parking Meters
12 months maintenance of all machines
Software for parking meter management
Customer Service Call Centre Service

Capital:	\$ 167,650
Recurrent Costs:	\$ 20,700
TOTAL:	\$ 188,350

Coin collection is done under a separate contract.

FINANCIAL/RESOURCE IMPLICATIONS

The parking meter income will be used to fund the replacement of these meters, as well as the ongoing maintenance over the contract period. The financial benefit will be reduced maintenance costs associated with the current machines.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing Budget	Yes	20,700	Parking Meter Recurrent Budget
Reserve Funds	Yes	167,650	A combination of Council and Crown Parking Meter Reserves will fund these improvements.
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The credit card facilities in the current machines are outdated and non compliant with the anti-skimming technology requirements of the major credit card providers. Council needs to spend money on these machines to ensure that the customers who use these machines are safe from credit card fraud. Replacing the current meters will reduce the risk of credit card fraud.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that users of the existing credit card meters could be exposed to fraud risk, as the machines do not comply with the current credit card requirements.	Medium	Upgrade meters through this tender process	Yes
There is a risk that if the old machines are not replaced the maintenance costs will continue to increase, possibly at a much faster rate than the income.	Medium	Upgrade meters through this tender process	Yes
There is a risk that the current parking meters will become unserviceable due to the time needed to obtain out dated parts.	Medium	Upgrade meters through this tender process	Yes
There is a risk of reputation damage as the car park users will be	Low	The requested installation date is before the October holiday period to avoid potential	Yes

inconvenienced during the replacement of these machines		disputes.	
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The social implications associated with this installation are that the credit card facilities will now be compliant with the current anti-skimming technology requirements of the major credit card providers.

The preferred tender has offered machines with more than 90% recyclable content. All parking meters will be powered by solar energy.

CONSULTATION

Council has met with the Department of Lands and discussed this replacement program and funding arrangement.

Reference checks of the preferred supplier following the outcome of the review using Council's Value Selection Methodology were undertaken. One of the references was a neighbouring Council who currently is using the preferred supplier, Duncan Solutions parking meters. All of the reference checks were positive and endorsed the use of the Duncan Solutions' machines.

OPTIONS

- 1) Endorse the recommendation for Duncan Solutions as preferred supplier to replace all existing parking meters on Nelson Bay Foreshore.
- 2) Endorse a different tender supplier which would provide Council with the same service but would cost more.
- 3) Not to proceed with the tender and continue to spend increasing amounts on the maintenance and upgrade of the existing parking meters.

ATTACHMENTS – All listed below provided under separate cover.

- a. Base Price Tender Evaluation, Supply & Install 25 Credit Card Machines with two year maintenance costs.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

FILE NO: PSC2005-2640

DEBT WRITE OFF FOR OUTSTANDING FOOTWAY DINING FOR TERRACE "LUNCH N GO"

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Write off the debt of \$853.50 for outstanding footway dining fees for previous owners of Terrace "Lunch N Go".

ORDINARY COUNCIL MEETING – 23 JULY 2013
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Ken Jordan Councillor John Morello</p>
	<p>That the recommendation be adopted.</p>

MOTION

202	<p>Councillor Ken Jordan Councillor Chris Doohan</p>
	<p>It was resolved that the Committee of the Whole recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to write off the debt for outstanding footway dining fees.

The business closed part way through the year (approximately 5/10/12) and had not paid their footway dining fees for that annual period of 2012-2013.

The owner requested Council to change their fee structure as they felt it was unfair to pay for a full 12 months when they only where going to use four (4) months. Council has since added a clause to the fees and charges for footway dining which allows payment of part annual fees in cases of businesses opening and closing part way

through the year. This is a more equitable and fair approach to working with these businesses.

FINANCIAL/RESOURCE IMPLICATIONS

The cost to pursue this debt is worth more than the outstanding debt itself. There will be no significant implications for the existing budget as the amount equates to 2.7% of budgeted income for the program.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$853.50	Loss of income
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The adopted 2013/2014 Fees and Charges for Footway Dining include a new clause that allows for payment of part fees rather than only an annual fee.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a financial risk that Council will spend more on debt recovery than the amount to be recovered	Low	Adopt the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will not result in any significant implication.

CONSULTATION

- 1) The former business owners have made representation to Council. Owners have spoken to Councils General Manager and expressed their views.
- 2) Consultation done for the broader issue through the adoption of fees and charges process.

OPTIONS

- 1) Accept this recommendation and write off debt, or
- 2) Reject the recommendation and continue with the debt collection process

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

FILE NO: PSC2011-02442

WORKING TOGETHER AND PROVISION OF INFORMATION POLICY

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Working Together and Provision of Information policy.
 - 2) Place the draft policy on public exhibition for 28 days calling for public submission.
 - 3) Should no submissions be received, adopt the draft Working Together and Provision of Information policy presented to Council at **(ATTACHMENT 1)**.
-

ORDINARY COUNCIL MEETING – 23 JULY 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Steve Tucker Councillor Sally Dover</p>
	<p>That the recommendation be adopted.</p>

MOTION

203	<p>Councillor Ken Jordan Councillor Chris Doohan</p>
	<p>It was resolved that the recommendation be adopted.</p>

BACKGROUND

The purpose of this report is present the draft Working Together and Provision of Information policy.

In accordance with Section 6.2 (c) of the Code of Conduct, the Mayor and Councillors must not contact a member of staff on Council related business unless in accordance with the policy and procedures governing the interaction that have been authorised by Council and the General Manager.

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

The draft policy will allow the Mayor and Councillors with the appropriate contacts within Council to enable them to fulfil their civic roles.

Council is requested to consider the draft policy for public comment.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	200	Costs relate to advertising
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Adoption of the policy would provide a framework for the Mayor, Councillors and staff to work within to ensure compliance with the Code of Conduct.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that without a policy, council officials may be in breach of the Code of Conduct when interacting.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Mayor and Councillors – via a two way conversation
General Manager
Group and Section Managers
Consultative Committee

OPTIONS

- 1) Adopt the recommendation
- 2) Amend the recommendation
- 3) Reject the recommendation

ATTACHMENTS

- 1) Draft Working Together and Provision of Information policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2011-02442

TITLE: WORKING TOGETHER AND PROVISION OF INFORMATION

REPORT OF: EXECUTIVE OFFICER

BACKGROUND

Council is committed to providing an environment where the Mayor, all Councillors, employees, contractors, volunteers and customers are treated with respect, dignity and courtesy. As such we have the right to be in an environment that is free from unacceptable behaviours and we all have a responsibility to ensure this happens.

To this end, the *Local Government Act 1993* and the Model Code of Conduct requires appropriate interaction between Council officials. The Mayor, Councillors and Council staff have very different roles to play within Council.

The elected Council is responsible for policy making and strategic direction. The General Manager is responsible for the day to day administration of Council. Under the leadership of the General Manager, the Executive Team provide assistance to the General Manager in managing their respective areas of responsibility.

This policy is not intended to limit any statutory and common law rights of the Mayor and Councillors' access to information. Nor to limit their obligations as elected official but to provide an appropriate framework to work within.

Council is committed to a community partnership.

OBJECTIVE

The objectives of this policy are to:

- Provide a documented process on how the Mayor and Councillors can access Council records;
- Ensure the Mayor and Councillors receive advice to help them to perform their civic duty in an orderly and regulated manner;

- Ensure the Mayor and Councillors have access to all records necessary for them to exercise their statutory roles;
- Provide direction on the Mayor and Councillors' rights of access to Council buildings;
- Provide a clear and consistent framework for the reporting of, and appropriate application of sanctions for breaches of this policy;
- Foster an environment where the following positive behaviours are promoted:
 - ❖ Combining a balance between concerns for people and tasks
 - ❖ Encouraging and supporting others
 - ❖ Valuing diversity and creativity
 - ❖ Achieving our respective roles
 - ❖ Resolving conflicts constructively.
- Stress that behaviours involving anger, threats, aggression, violence and assault will not be tolerated;
- Raise awareness as to what constitutes unacceptable behaviours and encourage professional behaviours;
- Achieve and comply with Council's legal obligation pursuant to Workplace Health & Safety legislation and relevant anti-discrimination legislation.

PRINCIPLES

This policy seeks to provide Council officials with clarity in respect to their respective obligations and responsibilities in dealing with each other.

It is recognised that interaction between Council officials may in certain circumstances, have the potential to lead to unacceptable behaviours and it is necessary to document an understanding about what to do if this occurs.

Employees should be aware that the Mayor/Councillors are elected to represent the community, to provide community leadership and guidance, and to facilitate communication between the community and Council. Employees should provide assistance to the Mayor/Councillors in fulfilling their role in accordance with this policy and the Code of Conduct.

The Mayor and Councillors should be aware that employees have a legitimate right and responsibility to maintain professional integrity and should not be subject to undue pressure. The Mayor and Councillors should avoid placing employees in difficult positions with requests for information and action.

Definitions

Mayor - In accordance with Section 226 of the Local Government Act.

Councillor – In accordance with Sections 232(1) and (2) of the Local Government Act 1993.

Council official – is the mayor, an elected councillor, council employee, contractor and volunteer.

Council staff/employee – An employee of Port Stephens Council performing duties in accordance with their role or under delegation.

Record – Is any document that is written or printed material, a sound recording, plan, map, film, photograph, storage device, model, painting, disc or any other form a document that is held by Port Stephens Council.

POLICY STATEMENT

The Mayor and Councillors as elected persons will at times be involved in obtaining information from, make representations to, or facilitate communication with, Council staff on behalf of constituents.

The General Manager has nominated particular roles within Council which the Mayor and Councillors are able to liaise directly with to undertake their civic role. It is noted that Councillors are delegates on various committees such as 355 (c) Committees and as such will come into contact with staff other than those nominated. On such occasions Councillors will be permitted to liaise with operational staff to assist with the operation of Committees and groups however contact should only be for the purpose of fulfilling your Committee obligations and not general operational matters.

Accessing Information by a Councillor

The Mayor or a Councillor will be provided with access to all relevant information relating to any matter before Council to ensure consideration can be given to any matter requiring a Council resolution. This will be conducted within the limits of the law such as copyright and privacy provisions.

The General Manager has the right to refuse access to any documents the Mayor or a Councillor requests to view or obtain a copy. Some of the limitations of access to certain Council records will be due to:

- a record that has been provided on a confidential basis and has been explicitly marked “confidential” or is confidential under the Public Interests Disclosure Act 1994, Independent Commission Against Corruption (ICAC) Act or other legislation.
- The General Manager has reason to believe that there may be a potential conflict of interest; or
- Access would violate the right to privacy of a particular individual/s.

If the General Manager refuses to allow the Mayor or a Councillor to inspect or be provided with a copy of a Council record, a written reason for the refusal will be provided.

If the Mayor or a Councillor seeks access to information outside their civic role, the request will be considered an application under the Government Information (Public Access) Act 2009.

If staff are unsure whether to provide the Mayor or a Councillor with information requested, or whether the request for action should proceed, staff should direct the matter to their Group Manager, the Executive Officer/Public Officer or the General Manager for direction. Alternatively the Mayor or the Councillor may be requested to direct their request through the General Manager's Office.

Should the Mayor or a Councillor be requested to direct their request through the General Manager's Office, the Mayor or a Councillor should not persist with their request through staff.

Mayor/Councillor Requests

The Mayor and Councillors receive a large number of requests from residents seeking assistance of the Mayor/Councillors regarding a variety of Council functions. The Mayor and Councillors also at times seek further information on matters relating to their civic duties.

The Mayor and Councillors are able to lodge these requests verbally, by email, fax or in writing. All requests will be logged in the Councillor Request System (CRM). This enables the request to be tracked and actions recorded. Generally all requests should be directed to the Executive Assistant-Councillor Support to ensure the request is logged and forwarded to the appropriate staff for action.

The Mayor and Councillors are responsible to ensure that they comply with any legislation that is imposed on Council such as (but not limited to), the *Local Government Act 1993*, the *Privacy & Personal Information Protection Act 1998* and *Copyright Act 1968 (Cth)*, *Government Information (Public Access) Act 2009* and *State Records Act 1998*.

Only those employees nominated by the General Manager shall provide information to the Mayor/Councillors.

Generally the Mayor or Councillors seeking to meet with nominated staff do so by way of an appointment and should not expect that staff are readily available. The General Manager has the discretion to require the Mayor/Councillors to put requests in writing, or to lodge a Notice of Motion at a Council meeting.

The Mayor and Councillors should generally lodge requests for information or advice in writing to enable a response by the General Manager or a nominated person. All requests will form part of Council's records and will be filed/stored in accordance with the State Records Act.

Any request for information or advice that is refused, a reason for the refusal will be provided in writing. If the Mayor or a Councillor is concerned about the refusal to provide the information or advice the Mayor or Councillor can raise the matter with

the General Manager (or the Mayor if the General Manager refused to provide the information). If the Mayor or Councillor continues to be concerned after enquiries they should lodge a legal Notice of Motion at a Council meeting.

The Mayor and Councillors must not seek to direct Council staff in the performance of their duties. Should the Mayor or a Councillor behave in this manner the staff member should direct the Mayor or Councillor to the Group Manager or the General Manager.

No Council official should take advantage of their official position to improperly influence the Mayor, Councillors, Council staff or delegates in the performance of their public or professional duties.

The Mayor or Councillors should only enter staff only areas by invitation or by prior arrangements for the purpose of official business.

Employees nominated by the General Manager to communicate with the Mayor or Councillors are shown at Appendix 1 to the policy.

Acceptable behaviours

- Treat everyone with respect, courtesy and dignity;
- Open and balanced communications;
- Respecting the roles of the other person;
- Be inclusive on all matters;
- Always seek to problem solve rather than placing blame.

Unacceptable behaviours

- Mayor/Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
- Council staff approaching Mayor/Councillors and administrators to discuss individual staff matters and not broader industrial policy issues.
- Council staff refusing to give information that is available to the Mayor or other Councillors to a particular councillor.
- Mayor/Councillors and administrators who have lodged a development application with Council, discussing the matter with council staff in staff-only areas of the council.
- Mayor/Councillors and administrators being overbearing or threatening to Council staff.
- Mayor/Councillors and administrators making personal attacks on Council staff in a public forum.
- Mayor/Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.
- Council staff providing ad hoc advice to the Mayor or Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.

- Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
- Mayor or Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

(Extract from the Code of Conduct)

All reports of unacceptable behaviours will be dealt with in accordance with the Code of Conduct.

Access to Council Buildings

The Mayor and Councillors will be provided with 24 hour access to the Councillors room within the Administration Building. The Mayor will have 24 hour access to the Mayor's Office.

Mayor/Councillors will be provided with access to the Administration Building public areas during business hours. Mayor/Councillors will only be provided with access to staff areas during business hours and in the presence of a staff member.

Mayor/Councillors will only be provided with access to the Committee rooms and training room after hours where a staff member is present.

RELATED POLICIES

- Code of Conduct
- Code of Meeting Practice

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil.

ECONOMIC IMPLICATIONS

Nil.

ENVIRONMENTAL IMPLICATIONS

Nil.

RELEVANT LEGISLATIVE PROVISIONS

- Local Government Act 1993
- Government Information (Public Access) Act 2009
- State Records Act 1998
- Copyright Act 1968 (Cth)
- Independent Commission Against Corruption Act

IMPLEMENTATION RESPONSIBILITY

General Manager
Executive Team
Section Managers

PROCESS OWNER

Executive Officer

REVIEW DATE

October 2015

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NAME	POSITION & AREA OF RESPONSIBILITY	CONTACT DETAILS
General Manager's Office		
Peter Gesling	General Manager <i>Responsible for:</i> <ul style="list-style-type: none"> • The day to day administration of Council. • Management of staff. • Legal Services 	P: 49800246 E: peter.gesling@portstephens.nsw.gov.au
Kathy Stokes	Executive Assistant – General Manager	P: 49800246 E: Kathy.stokes@portstephens.nsw.gov.au
Faye Johnstone and Roxanne Gwyn-Kabayama	Executive Assistant – Councillor Support	P: 49800245 E: councillor@portstephens.nsw.gov.au
Tony Wickham	Executive Officer <i>Responsible for:</i> <ul style="list-style-type: none"> • Councillor Services • Public Officer • Code of Conduct • Policy • Council/Committee meetings • Corporate Catering • Internal Audit 	P: 49800187 E: tony.wickham@portstephens.nsw.gov.au

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

Corporate Services		
Wayne Wallis	<p>Corporate Services Group Manager <i>(Group Focus: Internal Support)</i></p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> • Organisation Development • Business Systems Support (includes Business Excellence, Records Management & ICT) • Corporate Strategy & Planning • Property Services • Financial Services • Newcastle Airport delegate 	<p>P: 49800461 E: wayne.wallis@portstephens.nsw.gov.au</p>
Julie Gallagher	Executive Assistant	<p>P: 49800461 E: Julie.gallagher@portstephens.nsw.gov.au</p>
Fran Flavel	Corporate Strategy & Planning Coordinator	<p>P: 49800398 E: fran.flavel@portstephens.nsw.gov.au</p>
Anne Schmarr	<p>Organisation Development Section Manager</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> • Human Resources • Learning & Development • Corporate Risk 	<p>P: 49800285 E: anne.schmarr@portstephens.nsw.gov.au</p>
Duncan Burns	Business Systems Support Section	P: 49800363

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

Jackie Howard	<ul style="list-style-type: none"> Property Development Property Officer <i>Responsible for:</i> <ul style="list-style-type: none"> Statutory Property Matters 	
Tim Hazell	Financial Services Section Manager <i>Responsible for:</i> <ul style="list-style-type: none"> Financial Services Procurement Payroll 	P: 49800259 E: tim.hazell@portstephens.nsw.gov.au
Development Services		
Mike McIntosh	Development Services Group Manager (<i>Group Focus: Enabling Development</i>) <i>Responsible for:</i> <ul style="list-style-type: none"> Development Assessment & Compliance Community Planning & Environmental Services Economic Development & Communications 	P: 49800324 E: mike.mcintosh@portstephens.nsw.gov.au
Sasha Buckley	Executive Assistant	P: 49800324 E: sasha.buckley@portstephens.nsw.gov.au
Matthew Brown	Development Assessment & Compliance Section Manager	P: 49800214 E: matthew.brown@portstephens.nsw.gov.au

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

	<p><i>Responsible for:</i></p> <ul style="list-style-type: none"> • Environmental Health Inspections • Companion Animals • Building Inspections/Services • Development Planning 	
<p>Bruce Petersen</p> <p>Officer contacts: Peter Marler</p>	<p>Community Planning & Environmental Services Section Manager</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> • Social Planning • Strategic Planning • Natural Resources <p>Strategic Planning Coordinator</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> • Strategic Planning 	<p>P: 49800223 E: bruce.petersen@portstephens.nsw.gov.au</p> <p>P: 49800383 E: peter.marler@portstephens.nsw.gov.au</p>
<p>Ross Smart</p> <p>Emma Shanks</p>	<p>Economic Development & Communications Section Manager</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> • Communications • Customer Relations • Publications • Economic Development & Tourism <p>Communications & Marketing Coordinator</p>	<p>P: 49800284 E: ross.smart@portstephens.nsw.gov.au</p> <p>P: 49800238 E: emma.shanks@portstephens.nsw.gov.au</p>

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

Kim Latham	Visitor Information and Events Coordinator	P: 49806906 E: kim.latham@portstephens.nsw.gov.au
Andrew Powrie	Business Development and Investment Manager	P: 49832549 E: Andrew.powrie@portstephens.nsw.gov.au
Facilities & Services		
Jason Linnane	Facilities & Services Group Manager <i>(Group Focus: External Delivery)</i> <i>Responsible for:</i> <ul style="list-style-type: none"> • Community Services • Civil Assets • Capital Works • Public Domain & Services 	P: 49800266 E: Jason.linnane@portstephens.nsw.gov.au
Debbie Turner	Executive Assistant	P: 49800266 E: Debbie.turner@portstephens.nsw.gov.au
Wonona Christian	Infrastructure Planning Coordinator	P: 49800274 E: Wonona.christian@portstephens.nsw.gov.au
John Maretich	Civil Assets Section Manager <i>Responsible for:</i> <ul style="list-style-type: none"> • Engineering Services • Community & Recreation 	P: 49800241 E: john.maretich@portstephens.nsw.gov.au

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

<p>Officer contacts:</p> <p>Michelle Viola</p> <p>Scott Page</p> <p>Joe Gleeson</p> <p>Joe Young</p>	<p>Assets</p> <ul style="list-style-type: none"> • Civil Asset Management • Community & Recreation Planning (sports councils, user management, policy for open space) • Drainage & Flooding <p>Civil Assets Engineer</p> <p>Development Engineering Coordinator</p> <p>Traffic Engineer</p> <p>Community & Recreation Assets Coordinator</p>	<p>P: 49800262 E: michelle.viola@portstephens.nsw.gov.au</p> <p>P: 49800366 E: scott.page@portstephens.nsw.gov.au</p> <p>P: 49800207 E: joe.gleeson@portstephens.nsw.gov.au</p> <p>P: 49800361 E: joe.young@portstpehens.nsw.gov.au</p>
<p>Steve Bernasconi</p>	<p>Community Services Section Manager</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> • Waste Management • Recreation Operations (pools, bushfire management and Ngioka) • Library Services • Childrens Services • Halls and Volunteering <p>Waste Management Coordinator</p>	<p>P: 49800162 E: steve.bernasconi@portstephens.nsw.gov.au</p>

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

<p>Officer contacts:</p> <p>Aaron Malloy</p> <p>Brendan Callander</p> <p>Ian Crawford</p> <p>Don Thorn</p> <p>Kris Abbott</p> <p>Lynette Fitzhenry</p>	<p>Community & Recreation Coordinator</p> <p>Contracts & Services Coordinator</p> <p>Community Options Coordinator</p> <p>Library Services Manager</p> <p>Childrens Services Coordinator</p>	<p>P: 49800217 E: aaron.malloy@portstephens.nsw.gov.au</p> <p>P: 49800243 E: Brendan.callander@portstephens.nsw.gov.au</p> <p>P: 49800206 E: ian.crawford@portstephens.nsw.gov.au</p> <p>P: 49800216 E: don.thorn@portstephens.nsw.gov.au</p> <p>P: 49800221 E: kris.abbott@portstephens.nsw.gov.au</p> <p>P: 49800301 E: lynette.fitzhenry@portstephens.nsw.gov.au</p>
<p>Vacant</p> <p>Officer contacts:</p> <p>Greg Kable</p>	<p>Capital Works Section Manager</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> • Roads • Engineering & Design • Construction works • Capital Works delivery • Surveying <p>Works Manager</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> • Roadworks and Capital Works 	<p>P: 49800275</p> <p>P: 49800254 E: greg.kable@portstephens.nsw.gov.au</p>

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

<p>Vacant</p> <p>Officer contacts:</p> <p>Peter Matwijow</p>	<p>Public Domain & Services</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> • Roadside & Drainage • Parks • Building Trades • Fleet & Depot Services <p>Works Manager</p> <p><i>Responsible for:</i></p> <ul style="list-style-type: none"> • Parks, Drainage & Roadside Maintenance 	<p>P: 49800480</p> <p>E: peter.matwijow@portstephens.nsw.gov.au</p>

ITEM NO. 7

FILE NO: PSC2013-01255

AUDIT COMMITTEE MEMBERSHIP

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Appoint Mr David Wheeler as an independent external representative to the Audit Committee until 30 June 2016.
- 2) Appoint Mr Ben Niland as an independent external representative to the Audit Committee until 30 June 2016.
- 3) Increase the allowance paid to independent Audit Committee members to \$200 per meeting attended.
- 4) Acknowledge the contribution given by Mr Bob Urry over the past 3 years as an Independent Audit Committee member.

**ORDINARY COUNCIL MEETING – 23 JULY 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Chris Doohan left the meeting at 6.06pm.

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

MOTION

204	<p>Councillor Ken Jordan Councillor Chris Doohan</p>
	<p>It was resolved that the Committee of the Whole recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to recommend to Council the preferred candidates for appointment as the two (2) independent external representatives to the Audit Committee.

MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

The current independent external Audit Committee representatives' term expired on 30 June 2013. As a result expression of interests (EOI) were invited from members of the public with appropriate skills and experience.

A total of four (4) EOI's were received and all candidates were interviewed during week commencing 1 July 2013.

The selection panel comprising the two Councillors on the Audit Committee (Crs Jordan & Kafer, Cr Kafer was an apology) and Cr Le Mottee (representing the Mayor), the Group Manager Corporate Services (representing the General Manager) and the Executive Officer recommend to Council the following preferred candidates for appointment as the two (2) independent external representatives to the Audit Committee.

David Wheeler
Ben Niland

David Wheeler has over 25 years Australian and Asian experience in the operation, assessment and improvement of organisations governance structures and processes, particularly in reference to IT service management, risk and technology. David's background and experience combine a solid technical and training basis with a thorough organisational understanding of aspects like leadership, management, financial impact and people issues. David has been the Chair of Council's Audit Committee for a number years.

Ben Niland has over 10 years experience in large government organisations with experience in processes and systems within government which are risk based and would put Ben an excellent position to provide his knowledge and experience as an independent member on the Audit Committee. Ben's background in the government organisation provides a great understanding of the legislative framework Council operates within.

A copy of Mr Wheeler's resume and Mr Niland's resume has been circulated to Councillors under separate cover.

FINANCIAL/RESOURCE IMPLICATIONS

A meeting allowance of \$100 per meeting will be paid to each independent external representative of the Audit Committee. This allowance was set at \$100 in 2010 and it is considered that it should be increased to \$200.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	1,600	The increase is not included in the current budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Audit Committee Charter is consistent with all relevant legislative requirements and Division of Local Government guidelines.

The independent external members will be required to execute confidentiality agreements, complete pecuniary interest returns and comply with Council’s Code of Conduct.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council would not comply with the Division of Local Government Guidelines if independent members are not appointed.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is considered that the Audit Committee will add significant rigour to Council’s governance framework, risk control, compliance and financial reporting and will enhance Council’s reputation, operations and financial sustainability.

CONSULTATION

The selection panel comprising of Cr Jordan, Cr Le Mottee, the Group Manager Corporate Services and the Executive Officer.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8

FILE NO: PSC2013-02089

COFFEE SHOP - PRICING

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft pricing structure at **(ATTACHMENT 1)**;
 - 2) Place the draft pricing structure on public exhibition for a period of 28 days;
 - 3) Should no submissions be received, the draft pricing structure presented to Council at **(ATTACHMENT 1)** is taken to be adopted as part of this resolution.
-

**ORDINARY COUNCIL MEETING – 23 JULY 2013
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Steve Tucker Councillor John Morello</p>
	<p>That the recommendation be adopted.</p>

MOTION

205	<p>Councillor Ken Jordan Councillor Chris Doohan</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 the new coffee shop to operate with the new Raymond Terrace Library and for Council to consider the draft pricing structure.

The new Raymond Terrace Library will incorporate a coffee shop for the use of all members of the community whether a library user or not. The coffee shop will provided a limited menu as outlined in **(ATTACHMENT 1)**.

Council is requested to consider the pricing structure at **(ATTACHMENT 1)**.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	200	
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

As Council is aware all fees and charges Council seeks to apply required public exhibition for a period of 28 days under the Local Government Act 1993.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the Local Government Act 1993, would be breach if Council does not public exhibit the pricing structure.	Low	Adopt the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The concept of a coffee shop within the library facilities is a fresh idea and a different approach from the traditional activities conducted at a library. The coffee shop will complement the current experience of the library environment and make the time at the library most enjoyed for visitors.

It is anticipated that the coffee shop operation will provide a return to Council to enable a contribution of funding for other community projects and facilities across the local government area.

It will also provide employment opportunities for the area.

CONSULTATION

General Manager
Group Managers
Financial Analysis Team (internal)

OPTIONS

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

ATTACHMENTS

- 1) Coffee shop pricing structure.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

COFFEE SHOP PRICING

BEVERAGES

Coffee	\$4.00 large \$3.60 medium \$3.20 small
Babycino	\$1.00
Tea	\$3.50
Cold drinks	Recommended retail
Milkshakes	\$3.60

MENU

Sandwiches	\$5.50
Wraps/Roll	\$7.00
Turkish Breads	\$7.00
Salads	\$8.50
Sushi	\$4.00
Soup	\$6.00
Fruit Salad	\$4.00
Toasted	20 cents extra

SNACKS

Cakes	Recommended retail
Slices	Recommended retail

ITEM NO. 9

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 23 July, 2013.

No:	Report Title
1	URBAN GROWTH NSW (FORMERLY LANDCOM) CONTRIBUTION FOR KOALA HABITAT MAPPING AS COMPENSATORY OFFSET
2	ABORIGINAL STRATEGIC COMMITTEE
3	CASH AND INVESTMENTS HELD AS AT 30 JUNE 2013
4	2016 COUNCIL ELECTION

**ORDINARY COUNCIL MEETING – 23 JULY 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Chris Doohan returned to the meeting at 6.08pm.

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

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

MOTION

206	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that the Committee of the Whole recommendation be adopted.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

**URBANGROWTH NSW (FORMERLY LANDCOM) CONTRIBUTION FOR
KOALA HABITAT MAPPING AS COMPENSATORY OFFSET**

REPORT OF: BRUCE PETERSEN - COMMUNITY PLANNING & ENVIRONMENTAL
SERVICES SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

FILE: PSC2012-02454

BACKGROUND

In April 2012 Council received complaints of unauthorised clearing of native vegetation at 21-25 Fishermans Bay Road, Fishermans Bay.

Council staff investigated the complaints in accordance with its Compliance Policy (based on the NSW Ombudsman Guidelines) and it was revealed that the unauthorised clearing was related to geotechnical investigations undertaken by UrbanGrowth NSW (formerly Landcom) contractors.

UrbanGrowth NSW had formed the view that no approvals were required for the clearing works. However, Council is of the view that the vegetation on site has protection under the Port Stephens Local Environment Plan 2000 and removal would require consent.

Though Council is very confident of its position, the only true way to reconcile these competing views would be to test them in Court, which would cost Council and UrbanGrowth NSW and would not benefit the local ecosystems.

In accordance with Council's Compliance Policy and in particular the public interest criteria, Council staff suggested that, given the circumstances of the case, Council would be willing to consider a suitable compensatory offset arrangement.

In this case it has been decided that an update of koala mapping in the Port Stephens Council area would be a suitable compensatory offset, the cost of which would be \$20,000. Council staff discussed this approach with the NSW Ombudsman to ensure due process was followed and the NSW Ombudsman was generally satisfied with Council's proposed approach to this issue.

UrbanGrowth (formerly Landcom) have agreed with this compensatory offset arrangement and have provided Council with a cheque for \$20,000.

In the interest of transparency, this information paper is reported to Council.

ATTACHMENTS

Nil.

INFORMATION ITEM NO. 2

ABORIGINAL STRATEGIC COMMITTEE

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

GROUP: DEVELOPMENT SERVICES

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting held 28 May 2013.

The role of Council's Aboriginal Strategic Committee is:

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

The keys discussed at the meeting included:

- Implementation of Improvements to Aboriginal Projects Fund
- Karuah Sports Oval
- NAIDOC Week 2013
- Infrastructure Planning

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting held on 28 May 2013.

ATTACHMENT 1



Aboriginal Strategic Committee
Combined Meeting



MINUTES

Minutes of meeting held on 28 May 2013 at Port Stephens Council

Acting Chair: Paul Procter

Minute taker: Paul Procter

Present:

Cr Sally Dover	Port Stephens Council
Paul Procter	Port Stephens Council
David Feeney	Karuah Local Aboriginal Land Council
Sharon Feeney	Karuah Local Aboriginal Land Council
Andrew Smith	Worimi Local Aboriginal Land Council
Neville Lilly	Worimi Local Aboriginal Land Council
Lorraine Lilly	Worimi Local Aboriginal Land Council
Valerie Merrick	Worimi Local Aboriginal Land Council
Ian Crawford / Brendan Callander	Port Stephens Council (alternates for Steve Bernasconi)

Apologies:

Cr Peter Kafer	Port Stephens Council
Peter Gesling	Port Stephens Council
Jason Linnane	Port Stephens Council
Steve Bernasconi	Port Stephens Council
Dale Greentree	Karuah Local Aboriginal Land Council

Guest:

Jessica Franklin	Port Stephens Council (attended part of meeting to discuss Aboriginal Projects Fund)
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Meeting opened at 9:30am

1. Welcome to Country:

Worimi Elder Neville Lilly acknowledged the land we are meeting on today, Worimi land and paid respects to Elders past/present.

2. Business arising from previous meeting:

Item 1: HealthOne Raymond Terrace

The Clinical Integration Co-ordinator, HealthOne Raymond Terrace and the Aboriginal Health Co-ordinator, Aboriginal Health Unit have not yet contacted the two Local Aboriginal Land Councils as requested.

Action:	1. Council's Social Planning Co-ordinator to follow up.
---------	---

Item 2: Childcare

Council's Manager Recreation and Community has sent to the LALCs details on Council's Family Day Care program.

Item 3: Aboriginal Cultural Heritage Checklist

Karuah LALC CEO has sent to Worimi CEO for their review and comment an example of an Aboriginal Cultural Heritage checklist. This resource is used by another agency outside Port Stephens and could be adapted for our area.

Action:	1. WLALC CEO will review and provided feedback.
---------	---

Item 4: Worimi LALC Community Services Expo

WLALC previously held a successful community services expo with a range of service providers and government agencies responsible for providing services to the Port Stephens Aboriginal community.

Action:	1. WLALC CEO to forward details of the participating agencies to Council's Social Planning Co-ordinator for inclusion on mailing list for the Port Stephens Interagency and community directory listing.
---------	--

Item 5: Implementation of Improvements to Aboriginal Projects Fund

Committee agreed that the joint launch of the Aboriginal and Cultural Projects Funds on 20 May 2013 went well.

Item 6: Karuah Sports Oval

Pleased to report that Council has undertaken repairs to the club amenities building. The repairs were completed in time for the first football game. The work was able to be carried out with a one-off allocation from the Community & Recreation Section's operational budget. The football club is encouraged to work with the Raymond Terrace Sports Council to help with seeking further opportunities in the future to attract additional funding.

Item 7: Geographical Names Board of NSW - Port Stephen Reserves Audit

Council's Property Officer is awaiting advice from WLALC on the significance of the naming of one of the reserves identified in an audit undertaken by the Geographical Names Board.

Action:	1. WLALC CEO to provide advise to Council's Property Officer.
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MINUTES FOR ORDINARY COUNCIL – 23 JULY 2013

3. NAIDOC Week 2013:

The following activities are confirmed:

Date	Details
8 July	Worimi members join with Newcastle Elders group in attending Newcastle NAIDOC Week celebration and march
9 July	<ul style="list-style-type: none"> • 9:30am Flag raising and smoking ceremony in forecourt area of Port Stephens Council Administration Building, Raymond Terrace; • 10:00am Morning Tea/bbq in forecourt of Port Stephens Council Administration Building; • Off site cultural appreciation activity for selected Council staff;
10 July	9:30am Street march at Nelson Bay followed by morning tea and bbq at Apex Park
12 July	10am – 2pm Family Fun Day at Murrook Centre, Williamtown

KLALC CEO indicated that they are considering their plans for this year's NAIDOC Week celebrations at a meeting tonight. They will advise Council of the outcomes.

Action:	1. KLALC CEO to advise Council's Social Planning Co-ordinator of any planned activities for NAIDOC week 2013. Program will be updated accordingly.
---------	--

4. Aboriginal Projects Fund 2013/2014 funding round:

Council's Community Development & Planning Officer from Social Planning Team is coordinating the current funding round. Applications opened on 20 May 2013 and close on 17 June 2013.

The Committee agreed to hold a special meeting on 20 June 2013 to assess the applications and to make recommendations to Council. Council's Community Development & Planning Officer will forward completed applications to the Committee. This will be done prior to the meeting on 20 June 2013.

The Committee also asked if a PDF copy of the application could be placed on Council's website to assist applicants.

Actions:	<p>1. Council's Community Development & Planning Officer to: -</p> <ul style="list-style-type: none"> - convene meeting of the Committee on 20 June 2013 to assess and determine applications - prepare cover sheet - distribute applications and cover sheet to Committee prior to special meeting - place PDF copy of application on website
----------	--

5. General Business:

5.1 Committee Membership at Meetings:

KLALC CEO commented that one of the key reasons for changing meeting format and venue was to enable appropriate Senior Council Officers to attend. It is evident however that some members are unable to make the scheduled meetings.

Action:	1. Council's Social Planning Co-ordinator to follow up.
---------	---

5.2 Bagnalls Beach:

WLALC CEO enquired about status of a submission they have lodged with Council with respect to Bagnalls Beach.

Action:	1. Council's Social Planning Co-ordinator will follow up with Facilities & Services Group.
---------	--

5.3 Proposed Dog Off Leash areas:

Council's Community & Recreation Planning Coordinator mentioned that Council will shortly seek public comment on areas proposed as 'dog off leash areas'.

5.4 Clarification of Ownership of Access Rd into Worimi Property, Tanilba Bay:

WLALC CEO asked if Council could clarify who owns the access road off Lemon Tree Passage Rd into the Worimi property at Tanilba Bay.

Action:	1. Council's Social Planning Co-ordinator will follow up.
---------	---

5.5 Tarean Rd, Karuah – Review of Specified Speed Limit:

Sometime ago KLALC CEO requested the speed limit be reduced to 50km/h through the town centre. This was considered by Council's Traffic Committee and referred onto Roads & Maritime Services. Still waiting for a response from RMS.

Action:	1. Council's Social Planning Co-ordinator will follow up.
---------	---

5.6 Karuah Netball Courts – Upgrading of facilities:

KLALC CEO indicated that the facility would be greatly enhanced through provision of lighting and seating. Also indicated that there are no outside toilets available.

Council's Community & Recreation Planning Coordinator indicated that Council is looking at options to address these issues.

5.7 Illegal Dumping:

WLALC reported incidence of illegal dumping activity on Oyster Rd.

Action:	1. Council's Social Planning Co-ordinator to advise Rangers and; 2. Inform Worimi LALC of the process for reporting instances of illegal dumping activity.
---------	---

5.8 Karuah Skate Park Day:

Council's Community & Recreation Planning Coordinator mentioned that Council is negotiating with Skate Park Australia to hold a special skate day at Karuah. Skate Park Australia can only hold a few skate days in the Hunter Region.

Council is eager to have one of these events at Karuah which would be great way of promoting the skate facility to young people and the community.

Action:	1. Council's Social Planning Co-ordinator will send details to KLALC CEO.
---------	---

5.9 Status of planned footpath extension on Mustons Rd, Karuah:

KLALC CEO enquired about status of when works are to commence with reference to Council's forward works program.

Action:	1. Council's Social Planning Co-ordinator will follow up.
---------	---

5.10 WLALC Require Boat for Routine Inspections:

WLALC CEO indicated they still require funding to purchase a boat to enable Worimi Officers to conduct routine inspections of their Islands in Port Stephens.

6. Next meeting

Will be held 27 Aug 2013 at Council's Admin Building in the Committee Rooms commencing at 9:30am.

INFORMATION ITEM NO. 3

CASH AND INVESTMENTS HELD AS AT 30 JUNE 2013

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 30 June 2013.

ATTACHMENTS

- 1) Cash and investments held at 30 June 2013;
- 2) Monthly cash and investments balance June 2012 to June 2013;
- 3) Monthly Australian term deposit index June 2012 to June 2013.

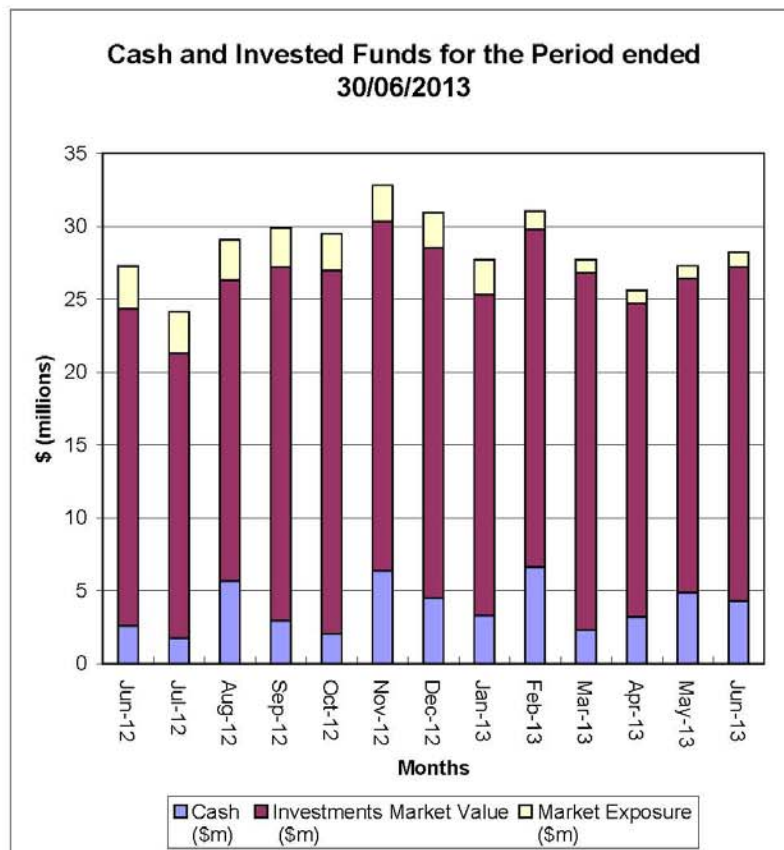
ATTACHMENT 1

CASH AND INVESTMENTS HELD AS AT 30 JUNE 2013									
ISSUER	BROKER	RATING	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE	
TERM DEPOSITS									
WAW CREDIT UNION COOPERATIVE LTD	FIIG	N/R	TD	4.38%	100	3-Jul-13	2,000,000	2,000,000	
PEOPLES CHOICE CREDIT UNION	FARQUHARSON	A2/BBB+	TD	4.30%	128	17-Jul-13	1,000,000	1,000,000	
BEIRUT HELLENIC BANK LTD	BHB	N/R	TD	4.50%	127	17-Jul-13	1,000,000	1,000,000	
BEIRUT HELLENIC BANK LTD	BHB	N/R	TD	4.50%	121	17-Jul-13	1,000,000	1,000,000	
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	
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	
SUB TOTAL (\$)							20,000,000	20,000,000	
OTHER INVESTMENTS									
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99%	10yrs	30-Jun-13	500,000	500,000	
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	373,313	
ANZ ZERO COUPON BOND	ANZ	AA	BONC	0.00%	9yrs	1-Jun-17	1,017,876	863,943	
SUB TOTAL (\$)							3,930,376	2,925,556	
INVESTMENTS TOTAL (\$)							23,930,376	22,925,556	
CASH AT BANK (\$)							4,301,625	4,301,625	
TOTAL CASH AND INVESTMENTS (\$)							28,232,001	27,227,181	
CASH AT BANK INTEREST RATE				2.70%					
BBSW FOR PREVIOUS 3 MONTHS				2.92%					
AVG. INVESTMENT RATE OF RETURN				4.12%					
TD = TERM DEPOSIT					FRN = FLOATING RATE NOTE				
CDO = COLLATERALISED DEBT OBLIGATION					FRSD = FLOATING RATE SUB 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

Cash and Investments Held

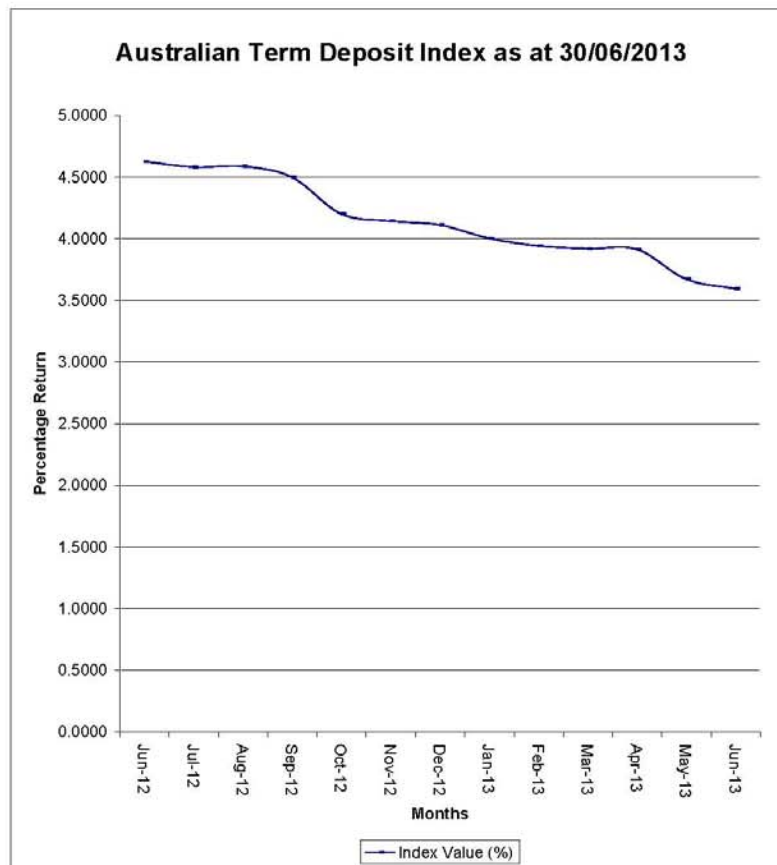
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Jun-12	2.597	21.774	2.906	27.277
Jul-12	1.724	19.576	2.854	24.154
Aug-12	5.655	20.655	2.775	29.086
Sep-12	2.945	24.263	2.667	29.875
Oct-12	2.066	24.918	2.512	29.496
Nov-12	6.388	23.962	2.468	32.818
Dec-12	4.524	24.003	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



ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Jun-12	4.6252
Jul-12	4.5808
Aug-12	4.5858
Sep-12	4.4974
Oct-12	4.1994
Nov-12	4.1428
Dec-12	4.11
Jan-13	4.0025
Feb-13	3.94
Mar-13	3.9185
Apr-13	3.9119
May-13	3.6715
Jun-13	3.5944



INFORMATION ITEM NO. 4

2016 COUNCIL ELECTION

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

FILE: PSC2011-02007

BACKGROUND

The purpose of this information paper is to inform Council of the changes to the *Local Government Act 1993*, with respect to the 2016 local government election.

At the 2012 election Council had the option to conduct the election in-house or engage the NSW Electoral Commission to conduct the election on its behalf. Council resolved to conduct the 2012 election in-house through the engagement of a private contractor. This resulted with a saving of approximately \$53,000.

Following the 2012 local government election, Council was required to make a decision within 12 months with respect to how the 2016 election would be conducted (ie. in-house or through the NSW Electoral Commission). This requirement has now been amended to require Councils to resolve to appoint the NSW Electoral Commission at least 18 months prior to the next election, if they wish and to enter into an agreement not less than 15 months before the 2016 election.

A report will be provided to Council mid 2014 regarding the 2016 election.

ATTACHMENTS

Nil.

There being no further business the meeting closed at 6.13pm.

I certify that pages 1 to 79 of the Open Ordinary Minutes of Council 23 July 2013 were confirmed by Council at its meeting held on 13 August 2013..

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Bruce MacKenzie
MAYOR