

# DRAFT

## MINUTES – 9 FEBRUARY 2016



# PORT STEPHENS C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 9 February 2016, commencing at 6.00pm.

**PRESENT:**

Mayor B MacKenzie, Councillors G. Dingle, S. Dover, K. Jordan, P. Kafer, J. Morello, J. Nell, S. Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

009	<p><b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that the apologies from Cr Chris Doohan and Cr Paul Le Mottee be received and noted.</p>
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<b>MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016</b>
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010	<p><b>Councillor John Nell</b> <b>Councillor Sally Dover</b></p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 8 December 2015 be confirmed.</p> <p>It was resolved that the Minutes of the Extraordinary Meeting of Port Stephens Council Ordinary Council held on 19 January 2016 be confirmed.</p> <p>It was resolved that the Minutes of the Extraordinary Meeting of Port Stephens Council Ordinary Council held on 2 February 2016 be confirmed.</p>
	<p>There were no Declaration of Interest received.</p>

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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>011</b>	<b>Councillor John Nell</b> <b>Councillor Peter Kafer</b>  It was resolved that the Rescission Motion and Notice of Motion be brought forward and dealt prior to Item 1.
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# **RESCISSION MOTION**



**NOTICE OF RESCISSION**

**ITEM NO. 1**

**FILE NO: 16/264842  
RM8 REF NO: PSC2016-00031**

**BOOMERANG PARK DRAFT PLAN OF MANAGEMENT**

**COUNCILLOR:** PETER KAHER  
GEOFF DINGLE  
JOHN NELL

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**THAT COUNCIL:**

Rescind its decision of 2 February 2016 on Item No. 1, Boomerang Park Draft Plan of Management.

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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

	<b>Councillor Peter Kafer</b> <b>Councillor Geoff Dingle</b>  Rescind its decision of 2 February 2016 on Item No. 1, Boomerang Park Draft Plan of Management.
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The Rescission Motion on being put was lost.

**ATTACHMENTS**

- 1) Minutes of 2 February 2016 - Boomerang Park Draft Plan of Management

## MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016

### MINUTES EXTRAORDINARY COUNCIL - 2 FEBRUARY 2016

ITEM NO. 1

FILE NO: 16/250454  
RM8 REF NO: PSC2016-00031

#### BOOMERANG PARK DRAFT PLAN OF MANAGEMENT

REPORT OF: JASON LINNANE - GROUP MANAGER FACILITIES AND SERVICES  
GROUP: FACILITIES & SERVICES

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Place the Boomerang Park Draft Plan of Management (**ATTACHMENT 1**) on public exhibition for a period of 42 days and accept public submissions on the document.
  - 2) Receive a report after the public exhibition period that outlines submissions received.
- 

#### EXTRAORDINARY COUNCIL MEETING - 2 FEBRUARY 2016 MOTION

Councillor Peter Kafer left the meeting at 06:02pm, during Item 1.  
Councillor Peter Kafer returned to the meeting at 06:03pm, during Item 1.

008	<b>Mayor Bruce MacKenzie</b> <b>Councillor Ken Jordan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Place the Boomerang Park Draft Plan of Management (<b>ATTACHMENT 1</b>) on public exhibition for a period of 42 days and accept public submissions on the document.</li><li>2) Receive a report after the public exhibition period that outlines submissions received.</li></ol>
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#### EXTRAORDINARY COUNCIL MEETING - 2 FEBRUARY 2016 AMENDMENT

	<b>Councillor John Nell</b>  That Item 1 be deferred to allow for further discussion with Councillors to identify an alternative location for the Mens Shed.
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The amendment lapsed due to there not being a seconded.

**MINUTES EXTRAORDINARY COUNCIL - 2 FEBRUARY 2016****BACKGROUND**

The purpose of this report is to seek Council's endorsement to place the draft plan of management for Boomerang Park, Raymond Terrace on public exhibition.

Boomerang Park is bounded by Kangaroo Street, Irrawang Street and Elizabeth Avenue, in close proximity to the Raymond Terrace CBD. The park is a 21.6 hectare passive recreation facility and contains a recently constructed playground. It also contains three buildings which are utilised by the Raymond Terrace Senior Citizens' Centre, Raymond Terrace Before and After School Care and the Port Stephens All Breeds and Obedience Canine Club.

A plan of management is a document that provides guidance for the future development and management of public open space. It achieves this by identifying values affecting public open space and outlines how that open space can be improved, used, managed and maintained in the future.

Boomerang Park has an existing plan of management that was adopted in November 2000. This has been reviewed to ensure that it continues to reflect, as best as possible the needs of the community and the resources required to meet these needs. It is standard industry best practice to review plans of management every five years.

Following the public exhibition period a further report will be submitted to Council detailing the submission and any changes proposed for the draft plan of management.

**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2015-2019
Provide passive and active recreation and leisure services and facilities.	Maintain and develop recreational facilities for residents and visitors.

**FINANCIAL/RESOURCE IMPLICATIONS**

As part of the consultation process for the Boomerang Park draft Plan of Management (**ATTACHMENT 1**), a public hearing will be required. The requirement of completing a public hearing is triggered when the land classification is altered from its original classification.

**MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016****MINUTES EXTRAORDINARY COUNCIL - 2 FEBRUARY 2016**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	4200	Consultation expenses including costs of independent chairperson and report on public hearing.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The *Local Government Act 1993* requires Council to prepare plans of management for all Council owned land that is classified as community use. Council has a number of generic plans of management as well as some site specific plans of management such as the Boomerang Park draft Plan of Management (**ATTACHMENT 1**).

The Boomerang Park draft Plan of Management is a legal document that provides a clear framework for the future management of the site. The plan contains detailed information relating to the present use of the land and intentions about future development, planned usage as well as current and proposed leases and licences over the site.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without having planning and investigation studies completed, Council's ability to make informed sustainable decisions will be affected leading to re-work and unidentified costs.	Low	Adopt the Recommendations to allow for the appropriate planning and investigation studies to be undertaken, so that Council is able to make informed and sustainable decisions.	Yes
There is a risk that the local koala population may be impacted by the development leading to a reduced number of koalas in the Raymond Terrace area.	Low	Vegetation density will be increased in the natural vegetation corridor to enhance the koala habitat. Any future development will be subject to the development application process which will assess	Yes

**MINUTES EXTRAORDINARY COUNCIL - 2 FEBRUARY 2016**

		the proposal against threatened species legislation.	
There is a risk that the community will not have the opportunity to comment on the draft plan of management leading reputation damage for Council.	Low	Adopt the Recommendations to allow the consultation plan to be implemented.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

In the development of the Boomerang Park draft Plan of Management (**ATTACHMENT 1**) a heritage and ecological assessment was completed to ensure accurate classification of the site. These assessments confirmed the location of heritage and ecologically significant features of the park. This allows these features to be retained and enhanced via the implementation of management strategies.

The Boomerang Park draft Plan of Management will enable greater public use and enjoyment of the site through the provision of new infrastructure and facilities. The proposal expands the opportunities for informal community interaction as well as organised events and gatherings at a range of scales through the embellishment of the park infrastructure and landscape.

The Boomerang Park draft Plan of Management proposes to retain the large natural areas with increased planting density to increase the natural character and also assisting in habitat connectivity. By maintaining this large section of natural area it will ensure a balance between the developed area of the park and the natural area.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

It is anticipated this report will have no effect on the NCC and PSC merger proposal or the potential merged entity.

**CONSULTATION**

Consultation has been undertaken by the Facilities and Services Section.

**Prior to public exhibition:**

Internal – Executive Leadership Team, Communications Section Manager, Strategy and Environment Section Manager, Community Development and Engagement Coordinator, Planning and Developer Relations Coordinator and Legal Services Manager.

## **MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016**

### **MINUTES EXTRAORDINARY COUNCIL - 2 FEBRUARY 2016**

A Community Engagement and Communications Plan has been established for this Plan of Management.

#### **During public exhibition:**

If the draft is endorsed by Council, the Plan of Management will go on public exhibition from 3 February 2016 to 16 March 2016 for 42 days.

The following activities will be undertaken:

#### **External**

- Public Notice in the Port Stephens Examiner on Wednesday 3rd February 2016.
- Documents available on Council's website under "What's on exhibition".
- Hard copies of the Plan of Management are available for viewing at Council's Administration Building and Tomaree Library.
- Item in inform electronic newsletter.
- Direct letter to Raymond Terrace Parks and Reserves Committee, Raymond Terrace Senior Citizens, Raymond Terrace Before and After School Care, Port Stephens All Breeds and Obedience Canine Club, St Brigid's Parish School and the Boomerang Park Action Group.
- Briefing sessions include:
  - Two on two meeting with staff (by appointment) – Wednesday 24 February 2016 at Councils Administration Building.
  - Public Hearing (speakers by appointment) – Wednesday 3 March 2016 at Raymond Terrace Senior Citizens Centre.

Community feedback will be used to adjust the draft Plan of Management.

#### **OPTIONS**

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

#### **ATTACHMENTS**

- 1) Boomerang Park Draft Plan of Management. (Provided under separate cover)

#### **COUNCILLORS ROOM**

- 1) Boomerang Park draft Plan of Management.

#### **TABLED DOCUMENTS**

- 1) Boomerang Park draft Plan of Management.

There being no further business the meeting closed at 6.22pm.

# NOTICES OF MOTION

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 16/259369  
RM8 REF NO: PSC2011-02748**

**REINSTATE WEBCASTING OF COUNCIL MEETINGS**

**COUNCILLOR:PETER KAFER**

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**THAT COUNCIL:**

- 1) Call for the General Manager to reinstate the Council webcast system immediately for Council meetings through the remainder of this Council term.
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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

	<b>Councillor Peter Kafer Councillor Geoff Dingle</b>  That Council call for the General Manager to reinstate the Council webcast system immediately for Council meetings through the remainder of this Council term.
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The motion on being put was lost.

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
AMENDMENT**

	<b>Councillor John Nell Councillor Ken Jordan</b>  Defer to allow for further information to be provided to Council.
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The amendment of being put was lost.

<b>BACKGROUND REPORT OF: LISA MARSHALL – ACTING GOVERNANCE MANAGER</b>
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**BACKGROUND**

In November 2011, Council resolved to install internet service in the Council Chamber and purchase equipment to enable webcasting Council meetings. Webcasting commenced in March 2012.



## **MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016**

In December 2012, following consideration of an implementation status report in which it was noted the number of "live" views of the webcasts was low, Council resolved to cease webcasting of Council meetings. A rescission motion put forward in March 2013 seeking to reverse that decision was unsuccessful and webcasting of meetings has not taken place in the three years since.

In light of the proposed amalgamation of the Port Stephens and Newcastle Local Government areas, webcasting would offer a communication mechanism to help keep residents and ratepayers informed in real time.

The original equipment which Council purchased for webcasting is still functional and adequate. Set-up, streaming and archiving would need to be undertaken by an external provider at a cost of approximately \$500 per meeting. There is no provision in the 2015-2016 budget for this cost.

The webcasting of Council meetings comes with an element of legal risk. Any person speaking at a meeting would need to ensure that they do not breach privacy legislation.

Defamation is also a factor. Councillors cannot rely on parliamentary privilege, unlike Federal and State politicians.

### **ATTACHMENTS**

Nil.

# COUNCIL REPORTS

## MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016

Councillor Peter Kafer left the meeting at 06:33pm, prior to Item 1 and did not return.

### ITEM NO. 1

**FILE NO: 15/244777**  
**RM8 REF NO: 16-2015-572-1**

### **DEVELOPMENT APPLICATION FOR MULTI DWELLING HOUSING (12 UNITS) AT 2 & 2A TANILBA RD, MALLABULA (LOT 184 & 185 DP 11392)**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND  
COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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### **RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve development application DA No. 16-2015-572-1 for the construction of a multi dwelling housing development (12 dwellings) at 2 and 2A Tanilba Road, Mallabula (Lot 184 and 185 DP 11392) subject to the conditions contained in **(ATTACHMENT 3)**.
- 

### **ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016 MOTION**

<b>012</b>	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>  It was resolved that Council move into Committee of the Whole.
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### **COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan</b> <b>Mayor Bruce MacKenzie</b>  That the recommendation be adopted.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Sally Dover, Ken Jordan and John Morello.

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

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
AMENDMENT**

	<p><b>Councillor John Nell</b> <b>Councillor Steve Tucker</b></p> <p>That Item 1 development application DA No. 16-2015-572-1 for the construction of a multi dwelling housing development (12 dwellings) at 2 and 2A Tanilba Road, Mallabula (Lot 184 and 185 DP 11392), be deferred to allow for a site inspection.</p>
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The amendment on being put was lost.

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

Those for the Motion: Crs Geoff Dingle, John Nell and Steve Tucker.

Those against the Motion: Mayor Bruce MacKenzie, Crs Sally Dover, Ken Jordan and John Morello.

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>013</b>	<p><b>Councillor Ken Jordan</b> <b>Mayor Bruce MacKenzie</b></p> <p>It was resolved that Council approve development application DA No. 16-2015-572-1 for the construction of a multi dwelling housing development (12 dwellings) at 2 and 2A Tanilba Road, Mallabula (Lot 184 and 185 DP 11392) subject to the conditions contained in <b>(ATTACHMENT 3)</b>.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Sally Dover, Ken Jordan and John Morello.

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

## **BACKGROUND**

The purpose of this report is to present to Council for determination a development application (DA) for a multi dwelling housing development comprising; 12 dwellings, car parking and associated landscaping, at 2 and 2A Tanilba Road, Mallabula (the subject site). A locality plan is provided at **(ATTACHMENT 1)**.

The development has an estimated value of \$2.45 million. The application has been called to Council by Councillor Tucker due to concerns pertaining to visual impact, site constraints, and the overdevelopment of the site. The completed call up form is included in **(ATTACHMENT 2)**.

## **Proposal**

The applicant seeks approval for the construction of a multi dwelling housing development comprising 12 dwellings, car parking and associated landscaping. The development has been designed as two separate built structures each containing six attached dwellings. A walkway and open space area is located in between the two buildings and provides separation between the built forms.

Eleven two bedroom dwellings are proposed, each provided with a single garage, the remaining dwelling is three bedrooms with a double garage. All dwellings are two storeys, each dwelling having a different layout configuration. The primary private open space for each dwelling has been provided in the form of a deck located at first floor. The dwellings are also provided with a courtyard located on at ground level. In addition, a landscaped area has been provided to the rear of the site and this area is intended to be utilised as communal open space.

All dwellings are provided with private pedestrian entrances from Fairlands Road. Vehicular access to the site, and each dwelling, is provided via Tanilba Road. A common driveway provides access to the 11 two bedroom dwellings and a separate driveway is provided to access the double garage associated with the three bedroom dwelling. Four visitor car parking spaces have been provided to the development and are located to the rear of the site.

## **Site details**

The subject site comprises two torrens title lots with a total area of 2,891.7m<sup>2</sup> and is currently vacant and generally clear of vegetation. It is noted approximately 15 trees are located on site within proximity to the property boundary. The site is irregular in shape with dual frontages to Tanilba Road and Fairlands Road. Both Tanilba Road and Fairlands Road are unformed and shall be constructed as part of the proposed development.

The subject land is zoned R2 Low Density Residential under the *Port Stephens Local Environmental Plan 2013* (LEP2013). The proposed development is defined under the LEP as a 'multi dwelling housing' development as it comprises more than three dwellings all with access at ground level. Multi dwelling housing developments are

permissible with consent in the R2 Low Density Residential Zone. The proposal is considered to be consistent with the zone objectives, by providing for the housing needs of the community within a low density residential environment.

The subject site is bounded to the east and south by residential development primarily comprising low density housing. To the west is Tilligerry Habitat Nature Reserve and to the north is Caswell Reserve and Tanilba Bay. It is noted that the dwelling typology is different to that in the immediate vicinity, which comprises a majority of dwellings that are detached single dwellings or dual occupancies. However, the development is of a scale and density that is permissible in LEP2013 and Council's Development Control Plan 2013 (DCP2013). Whilst the density of the development is higher than that which exists in the surrounding locality, primarily due to the smaller size of the dwellings; the style of the dwellings being low maintenance, provides alternate housing options to the area.

### **Site history**

There have been two previous development applications lodged over the site: In 1985 development application No. 7-1985-2663 was lodged with Council seeking consent for the construction of 20 dwellings. The assessment of the application identified issues with regard to amenity and density and as a result the application was withdrawn on 8 February 1985.

Development application No. 16-2009-875-1 was lodged in 2009 for nine dwellings. The application was reported to a Council meeting on the 1 February 2011 and was recommended for refusal due to concerns raised with bushfire and compliance with Council's *Development Control Plan 2007* (DCP 2007). Council deferred the matter in order to undertake a site inspection, which occurred on the 23 February 2011. The application was reported back to Council on 25 March 2011 and it was resolved that the application be amended to reduce the number of dwellings from nine to seven. The application was subsequently withdrawn by the applicant on 6 February 2012.

This current proposal was initially unsuitable to Council assessment officers, however design changes have been made to ensure a compliant development and one that responds to the issues raised from the community (as detailed below in the 'Consultation Section' of this report).

It is also noted that the current application was not referred to the Rural Fire Service (RFS) as subdivision has not been proposed. However, consideration has been made to the development in accordance to section 79BA of the *Rural Fires Act*. In this regard, the development is satisfactory subject to conditions. A 15m wide Asset Protection Zone (APZ) that is maintained by Council at the rear of the property. The north, west and south elevations of the development shall be required to be constructed to BAL 29 and the eastern elevation to be constructed to BAL 19. The entire site is also to be managed as an APZ Inner Protection Area (IPA).

**Conclusion**

The key issues addressed during the assessment of the application related to the following:

- Community concerns raised during the exhibition process regarding; density, character, traffic and impact to road network, access and parking, bushfire, social impact, visual impact and view loss, and loss of vegetation (detailed within the 'Consultation Section of this report).
- Site constraints such as bushfire and flooding.
- Design including density and impacts to the character of the existing area.
- Solar access.
- Compliance with LEP2013 and DCP2013.

The application has been considered against the provisions of LEP2013 and DCP2013 and is recommended for approval. The proposal has been sited and designed to minimise the impacts to adjoining properties and the streetscape. Further, the development is considered to adequately respond to the site constraints affecting the development site, including bushfire, ecology and flooding. A detailed assessment of the proposed development is provided within **(ATTACHMENT 4)** in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2015-2019</b>
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no foreseen financial or resource implications to Council on account of the officers recommendation.

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

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Section 94	Yes		A condition has been included for Section 94 contributions. The

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			proposal attracted section 94 levies of \$137,250.
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The proposed development is generally consistent with Council's Local Environmental Plans and local policy including DCP 2014 and Section 94 Plan.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the development application will be challenged at the Land and Environment Court.	Low	Approve the application as recommended.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The development involves the construction of multi dwelling housing on a vacant site that is largely cleared of vegetation. The development will result in the generation of employment during the construction phase. Once complete, the development will provide a variety of housing types, namely two and three bedroom attached dwellings, which provides alternative housing options and assists in contributing to affordable housing within the local area. Future residents of the development will have a positive impact upon local retail in the area by increasing the local population utilising local goods and services.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

The proposed merger is not anticipated to have any implications on the development application.

**CONSULTATION**

The development was advertised and notified to adjoining neighbours for a period of 14 days from 17 September 2015 to 1 October 2015. A total of 13 submissions were received. The key issues raised during the exhibition process have been identified and addressed within the below table. A detailed assessment of all matters raised during the public exhibition process has been included within the Assessment Report at **(ATTACHMENT 4)**.



<b>Issue</b>	<b>Comment</b>
<i>Density and character:</i> Concerns were raised that the locality was not suitable to high density development and that the number and size of dwellings proposed is out of character with the existing residential area.	LEP2013 and DCP2013 do not provide density restrictions. The maximum yield of the site is governed by development controls pertaining to height, private open space, landscaping, site coverage and car parking. In this regard, the proposed development is generally compliant. The density of the development has a floor space ratio of 0.45:1 and site coverage of 58% which is a similar scale to single dwellings and dual occupancies in the area.
<i>Social impact and impact to property values:</i> A number of submissions identified that the proposed development has been designed in a manner that would encourage antisocial behaviour. Further that the development would attract low income families. Objectors identified that the development would adversely impact upon local property prices.	The dwellings have been designed to allow for casual surveillance of all frontages through the placement of habitable windows and decks. Additional people living near the park will allow for greater opportunities for natural surveillance of the reserve, which is a positive impact. Further there is no evidence to suggest that the development will negatively impact upon housing prices and this is not a relevant consideration under s.79C EP&A Act.
<i>Visual impact and impacts to Caswell Reserve:</i> Submissions received identified that the development will result in a visual impact to Caswell Reserve. Concern was raised that the serenity and ambience of the park will change as the park will be used for overflow parking from the development.	The current site is vacant so it is anticipated that the development will have a visual impact on the park as it is a change to the existing situation. However, the design of the development is of architectural merit and meets Council's planning requirements. The development provides sufficient parking for the site and it is not anticipated that this will impact on the parking area for Caswell Reserve.
<i>Environmental impacts and Bushfire:</i> It was identified that the proposed development results in tree removal and may impact upon Koala's and other wildlife in the area including Tawny frogmouth owls. Erosion of the existing foreshore was also identified as a concern. It was noted within submissions that the site was bushfire prone and that access to the fire trail would be problematic due to the development.	<p>The applicant provided an updated Flora and Fauna Report with the application which identifies there are no significant impacts from the development. A number of trees will be removed as part of the development and a condition will be placed on the consent to offset the loss of these trees through additional planting of selected species on site.</p> <p>The development will not impact on the foreshore as the site is located approximately 93m from the foreshore and appropriate erosion and sedimentation measures will be imposed on the development.</p>

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	The development is satisfactory when considered against the provisions of section 79BA of the <i>Rural Fires Act</i> . In this regard, the development is satisfactory subject to conditions. Further, the proposed development does not impact upon the adjoining fire trail.
<i>Drainage:</i> Submissions noted that the development of additional housing would result in additional flooding to an area that is already subject to tidal flooding. Drainage impacts were also a noted concern.	A suitable engineering solution has been achieved for the site with regards to stormwater and drainage. Further, the finished floor level meets the required flood planning level and sufficient drainage has been provided as part of the development. There is no evidence to suggest that the development will result in any adverse impacts to adjoining properties as a result of either flooding or drainage.
<i>Traffic and parking:</i> Submissions raised concerns regarding safety for families and pets using the park due to cars accessing the development. It was also suggested that inadequate parking had been provided for on-site. Further, the location of the proposed access was raised as an objection.	The proposed parking on site meets Council's requirements. The site once developed will provide a clear distinction between the private space and the adjacent Reserve, which will assist users of the park in terms of being cautious near driveways and roads. Council's Engineers have reviewed the access points to the site and have recommended a number of changes (which are addressed via conditions of consent) to improve the safety of the site and for surrounding users. The development will not impact on bus routes or on street car parking in Fairlands Road.
<i>Design:</i> A number of submissions raised matters pertaining to such as; the need for privacy screens, location of garbage bins, and impact of solar panels to solar access of adjoining properties.	The location of the garbage bin storage area was considered to be appropriate and minimised potential adverse visual impacts to the streetscape. Privacy screens have been included to the decks of the proposed development. The development does not result in an unreasonable overshadowing impact to adjoining properties.

### OPTIONS

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

## **ATTACHMENTS**

- 1) Locality Plan.
- 2) Councillor Call Up Form.
- 3) Conditions of consent. (Provided under separate cover)
- 4) Planning assessment report. (Provided under separate cover)

## **COUNCILLORS ROOM**

- 1) Development plans. (provided to Councillors under separate cover).

## **TABLED DOCUMENTS**

Nil.

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



ITEM 1 - ATTACHMENT 2 COUNCILLOR CALL UP FORM.



CALL TO COUNCIL FORM  
DEVELOPMENT APPLICATION

I, Councillor Steve TUCKER

require Development Application Number 16-2015-572-1

for 12 units

at 2 and 2a Tamilba Road Mollabula.

to be subject of a report to Council for determination by Council.

**Reason:**

The reason for this call-up to Council is that this is a large development adjacent to bushfire prone land and a waterfront park. This is a highly visible site and may be an "overdevelopment". I am very keen to see "good design" in the utilisation of this site.

**Declaration of Interest:**

I have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this development application on my part or an associated person. I **have a conflict of interest?** Yes/No (delete the response not applicable).

If **yes**, please provide the nature of the interest and reasons why further action should be taken to bring this matter to Council:

Signed: [Signature] Date: 22/9/2015

**ITEM NO. 2**

**FILE NO: 15/238684  
RM8 REF NO: PSC2014-03937**

**SUBMISSIONS ON THE PROPOSED NAMING OF SUBURB AS KINGS HILL**

REPORT OF: SEAN FOX - LAND ACQUISITION AND DEVELOPMENT  
MANAGER  
GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Provide written response to the Geographical Names Board that it intends to proceed with the name "Kings Hill" for new suburb.
- 

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Morello Councillor Ken Jordan</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>014</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council provide written response to the Geographical Names Board that it intends to proceed with the name "Kings Hill" for new suburb.
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**BACKGROUND**

The purpose of this report is to advise the Geographical Names Board (GNB) that Council intends to proceed with the name "Kings Hill" as previously proposed at its meeting of 23 June 2015 (Minute No. 167) (**ATTACHMENT 1**). The name "Kings Hill" is to be adopted for the new suburb north of Raymond Terrace. The formal GNB process now requires confirmation of the preferred name of the new suburb by Council resolution.

Initially Council received an application from the developer to name the new suburb Kings Hill. Council then applied to the GNB for approval of this name and the GNB advertised for submissions. The GNB provided Council with a summarised list of the

## MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016

four public submissions received and a copy of the sole letter submitted by one party **(ATTACHMENTS 2 and 3)**. Council is now required to resolve to provide written response to the GNB on the content of these four submissions before the Board can make a final decision. The GNB will then respond to the four submissions as part of their process.

Council has been in contact with the GNB, Raymond Terrace Historical Society (RTHS) and Myall Coast Archaeological Services (MCAS) and all agree there is incorrect historical information and a lack of factual detail provided in these submissions therefore they should be rejected. After reviewing the submissions the proposed name of Kings Hill can be confirmed to the GNB as the preferred name of the new suburb.

MCAS has provided a letter which addresses the main points mentioned in the submissions. This information and an extract of a 1901 article outline the historical reasons why "Kings Hill" is an appropriate choice of name for this new suburb. **(ATTACHMENTS 4 and 5)**.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2015-2019
The community is a partner in developing the future of the local government area.	Council will engage its citizens in developing plans for the future of the Port Stephens local government area.

### FINANCIAL/RESOURCE IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

This matter has no particular policy implications for Council as the GNB is the naming authority and its policy and procedures are to be followed as part of Council's statutory requirements.

**MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the GNB will reject Council's recommendation to proceed with the naming.	Low	Council agrees to proceed with the naming as previously resolved.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The new release area will create its own unique identity and the proposed official naming of the suburb will have a positive social and economic impact of a new place name which can be supported by historical data.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

There are no implications for the proposed merger.

**CONSULTATION**

- 1) Geographical Names Board.
- 2) Myall Coast Archaeological Services.
- 3) Raymond Terrace Historical Society.
- 4) Property Officer.
- 5) Land Acquisition & Development Manager.
- 6) JW Planning Pty Ltd.
- 7) Property Services Section Manager.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Minutes - 23 June 2015 - Proposed New Suburb Name - Kings Hill
- 2) GNB - Summary list of submissions with details.
- 3) Sole Submission Letter.
- 4) Myall Coast Archaeological Services information regarding submissions.
- 5) Historical Society Extract From Federal Directory of Newcastle District 1901

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



**ITEM 2 - ATTACHMENT 1      MINUTES - 23 JUNE 2015 - PROPOSED NEW  
SUBURB NAME - KINGS HILL****MINUTES ORDINARY COUNCIL - 23 JUNE 2015**

ITEM NO. 2

FILE NO: PSC2015-01000/344

TRIM REF NO: PSC2014-03937

**PROPOSED NEW SUBURB NAME - 'KINGS HILL'**

REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Determine the new suburb name for the Raymond Terrace North Urban Release Area as 'Kings Hill'.
- 2) The name 'Kings Hill' be exhibited for 28 days for public notice and consultation be undertaken with Australia Post and affected residents within this timeframe.
- 3) Should no submissions be made, Council make application to Geographical Names Board to name a new suburb located between Raymond Terrace and Eagleton as 'Kings Hill' as shown in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 23 JUNE 2015  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	That the recommendation be adopted.

**ORDINARY COUNCIL MEETING - 23 JUNE 2015  
MOTION**

<b>167</b>	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>
	It was resolved that Council:
	1) The new suburb name for the Raymond Terrace North Urban Release Area be named 'Kings Hill'.
	2) The name 'Kings Hill' be exhibited for 28 days for public notice and consultation be undertaken with Australia Post and affected residents within this timeframe.
	3) Should no submissions be made, Council make application to Geographical Names Board to name a new suburb located between Raymond Terrace and Eagleton as 'Kings Hill' as shown in <b>(ATTACHMENT 1)</b> .

**ITEM 2 - ATTACHMENT 1      MINUTES - 23 JUNE 2015 - PROPOSED NEW  
SUBURB NAME - KINGS HILL****MINUTES ORDINARY COUNCIL - 23 JUNE 2015****BACKGROUND**

The purpose of this report is to adopt the place name 'Kings Hill' for the new residential community north of Raymond Terrace. Council and staff have unofficially supported the name Kings Hill for many years when referring to the Raymond Terrace North Urban Release Area. The area to be affected by the proposed name change is shown in **(ATTACHMENT 1 – Kings Hill Proposed Suburb Boundary Map)**. It is important to note that this includes existing rural residential properties within Eagleton and Raymond Terrace.

The developer, Kings Hill Developments (KHD), have engaged JW Planning Pty Ltd (JWP) to commence the process of naming the new suburb following Geographical Names Board (GNB) Policy and Procedures. A requirement of GNB is for the applicant to obtain Local Council approval prior to lodging the Place Name Application form. JWP therefore seek adoption and request Council make application to the GNB with the proposal to formally name 'Kings Hill'.

Whilst developers will prepare marketing campaigns to distinguish their product from other similar subdivisions, it is opportune for Council to determine the new name for the urban release area north of Raymond Terrace.

As part of this process, letters will be sent to all properties affected by the proposed change and 28 days will be provided for any submissions. Objections and comments will need to be considered and overcome before application is made to GNB. If accepted by GNB that department will prepare the required advertising and Gazette Notice as part of their policy and procedures. Council will be advised the outcome in due course.

Should the name not be approved by GNB, JWP will be advised to negotiate with the Board to overcome the objection(s). If this cannot be overcome, GNB will request JWP submit another proposal, which will then require another report to Council.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
The community is a partner in developing the future of the local government area.	Council will engage its citizens in developing plans for the future of the Port Stephens local government area.

**FINANCIAL/RESOURCE IMPLICATIONS**

This matter has no direct financial impact upon Council's adopted budget.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No		

**ITEM 2 - ATTACHMENT 1 MINUTES - 23 JUNE 2015 - PROPOSED NEW SUBURB NAME - KINGS HILL****MINUTES ORDINARY COUNCIL - 23 JUNE 2015**

Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

This matter has no particular policy implications for Council as the GNB are the naming authority and its Policy and Procedures are to be followed as part of Council's statutory requirements.

The proposed new geographical boundary for 'Kings Hill' is consistent with the urban release area under the Port Stephens Planning Strategy and Port Stephens Local Environmental Plan 2013.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Geographical Names Board will reject the name 'Kings Hill'.	Low	Council approve the name to support JW Planning & Kings Hill Development application. If rejected JWP to overcome objections with GNB and if not achieved a new name be proposed by JWP	Yes
There is a risk that effected land owners will have concerns.	Low	Consult all affected land owners and place on exhibition for broader community comment	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed naming of the geographical area of 'Kings Hill' reflects the proposed new population of the area in accordance with Council Strategic Planning Policy. The new release area will create its own unique identity and the proposed official naming of the suburb will have a positive social and economic impact of a new place name.

**CONSULTATION**

- 1) Geographical Names Board.
- 2) Property Officer.
- 3) Land Acquisition and Development Manager.
- 4) Strategic Planning Coordinator.
- 5) JW Planning Pty Ltd.

**ITEM 2 - ATTACHMENT 1      MINUTES - 23 JUNE 2015 - PROPOSED NEW  
SUBURB NAME - KINGS HILL**

**MINUTES ORDINARY COUNCIL - 23 JUNE 2015**

- 6) Kings Hill Development.
- 7) Adjoining property owners.
- 8) Maitland City Council – Senior Strategic Planner.

**OPTIONS**

- 1) Accept recommendations.
- 2) Amend recommendations.
- 3) Reject recommendation.

**ATTACHMENTS**

- 1) Kings Hill proposed suburb boundary map.

**COUNCILLORS ROOM**

Nil.

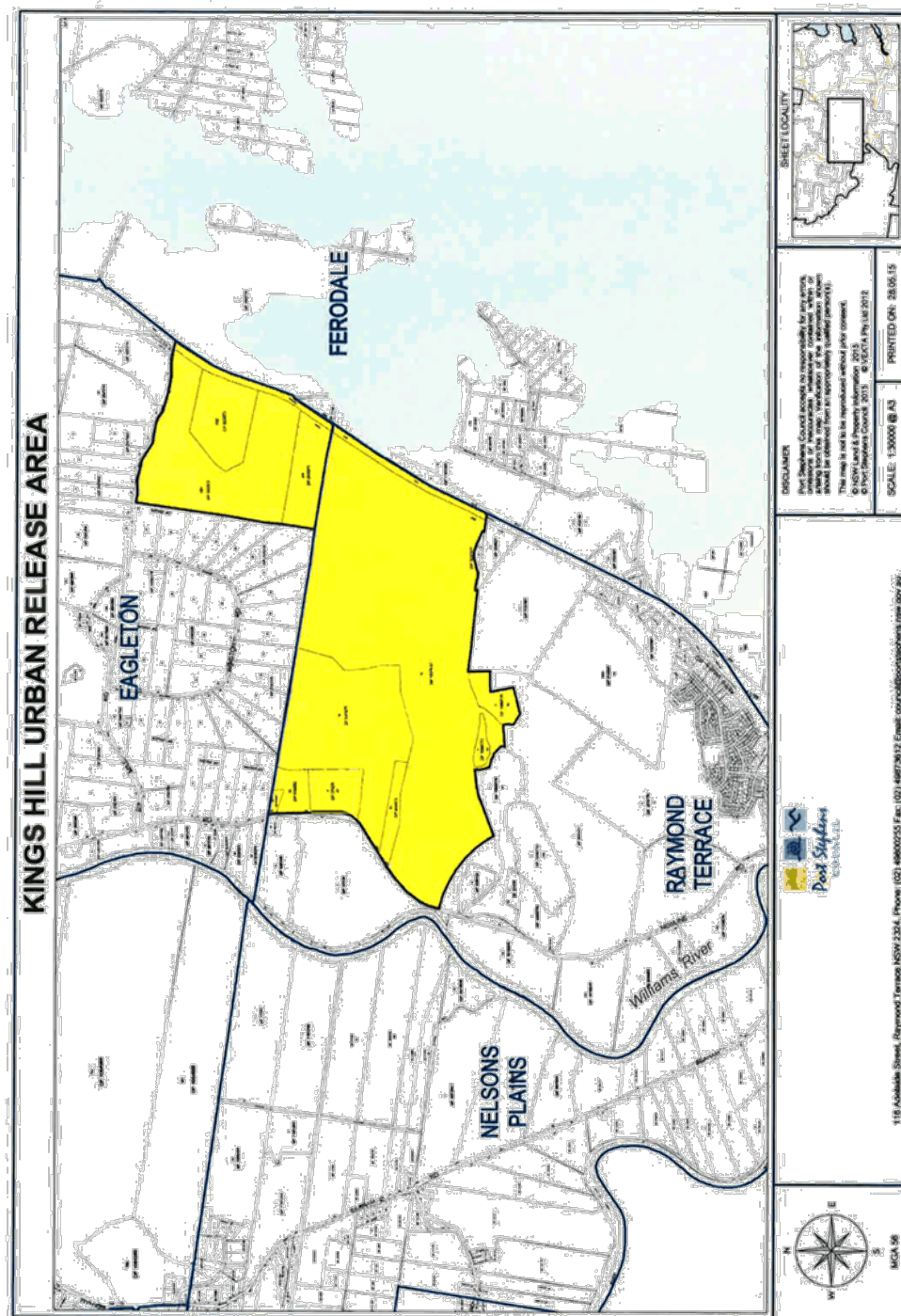
**TABLED DOCUMENTS**

Nil.

ITEM 2 - ATTACHMENT 1 MINUTES - 23 JUNE 2015 - PROPOSED NEW  
SUBURB NAME - KINGS HILL

MINUTES ORDINARY COUNCIL - 23 JUNE 2015

ITEM 2 - ATTACHMENT 1 KINGS HILL PROPOSED SUBURB BOUNDARY  
MAP.



**ITEM 2 - ATTACHMENT 2**
**GNB - SUMMARY LIST OF SUBMISSIONS WITH DETAILS.**
**GEOGRAPHICAL NAMES BOARD**  
**Proposal Comments**

*Report Generated: 22 October 2015*

**PORT STEPHENS PROPOSED NEW LOCALITY - KINGS HILL**

Proposal advertised on **03 September 2015**

Comments closed on **05 October 2015**

NAME	ADDRESS	IN FAVOUR
[REDACTED]	[REDACTED]	YES
[REDACTED]	[REDACTED]	NO
[REDACTED]	[REDACTED]	NO
[REDACTED]	[REDACTED]	NO

**COMMENT SUBMISSIONS**

<b>NAME</b> [REDACTED]	<b>COMMENT SUMMARY</b> Kayneston is a good name i think.
<b>FULL COMMENT</b>	
<b>NAME</b> [REDACTED]	<b>COMMENT SUMMARY</b> Full submission could not be entered please see file for full submission
<b>FULL COMMENT</b>	<p>I object to the proposed localities proposed naming as Kings Hill for the below reasons: The proposed locality was surveyed in 1828 by Henry Dangar which identifies genuine and original Aboriginal place names within the proposed locality. A map is available to refer to: <a href="http://libguides.newcastle.edu.au/chrp/albrecht">http://libguides.newcastle.edu.au/chrp/albrecht</a></p> <p>Naming of localities by their Aboriginal place name (which is able to be pronounced) is consistent with Geographic Names Board (GNB) of NSW naming guidelines.</p> <p>The naming of the proposed locality "Kings Hill" is offensive to Aboriginal people, and the Awabakal Traditional Owners who are the traditional custodians of the proposed locality, and is not consistent with the NSW Government's current views on constitutional recognition of Aboriginal people.</p> <p>The Awabakal Traditional Owners Aboriginal Corporation (ATOAC) currently has a Native Title Application lodged with the Native Title Tribunal - which covers the proposed locality area, and should be consulted by the GNB.</p> <p>Primary NSW State Archival evidence does not support the proposed locality naming as "Kings Hill" as it has zero credibility or historical connection to the geographic area.</p>
<b>NAME</b> [REDACTED]	<b>COMMENT SUMMARY</b> I would like to suggest that this area be called "Macgraffincorruption Way"
<b>FULL COMMENT</b>	
<b>NAME</b> [REDACTED]	<b>COMMENT SUMMARY</b> monarchist place names are anachronistic and inappropriate for our nation. Kings Hill would be an appalling name.
<b>FULL COMMENT</b>	<p>far better to give an aboriginal name.</p>

**ITEM 2 - ATTACHMENT 3      SOLE SUBMISSION LETTER.**

**Port Stephens Proposed locality – Kings Hill**

**GNB File: 3712**

**Summary:**

- **I object** to the proposed locality's proposed naming as "Kings Hill for the below reasons:
- The proposed locality was surveyed in 1828 by Henry Dangar which identifies genuine and original Aboriginal place names within the proposed locality.
  - A map is available to refer to: <http://libguides.newcastle.edu.au/chrp/albrecht>
- Naming of localities by their Aboriginal place name (which is able to be pronounced) is consistent with Geographic Names Board (GNB) of NSW naming guidelines.
- The naming of the proposed locality "Kings Hill" is offensive to Aboriginal people, and the Awabakal Traditional Owners who are the traditional custodians of the proposed locality, and is not consistent with the NSW Government's current views on constitutional recognition of Aboriginal people.
- The Awabakal Traditional Owners Aboriginal Corporation (ATOAC) currently has a Native Title Application lodged with the Native Title Tribunal - which covers to proposed locality area, and should be consulted by the GNB.
- Primary NSW State Archival evidence does not support the proposed locality naming as "Kings Hill" as it has zero credibility or historical connection to the geographic area.

**Proposal**

I reside in the Lower Hunter area, and had a significant role in providing the historical data to support the Awabakal and Guringai Native Title Claim, and as such, can provide some informed advice on this matter.

I consider, this locality proposal is in fact offensive to Aboriginal people, and not consistent with current Australian values.

The locality proposal is an opportunity for the Geographic Names Board (GNB) of NSW to change direction on the method of naming of new areas/suburbs in the state where original Aboriginal place names are in fact recorded in historic records.

Naming the proposed locality by its original name is consistent with the NSW Governments support for Constitutional recognition of Aboriginal people.

Fortunately the Maitland area was surveyed in 1828 by Henry Dangar who recorded many Aboriginal place names for the proposed area, and mapped them. A link provided as follows provides the evidence: <http://libguides.newcastle.edu.au/chrp/albrecht>

Naming of a proposed locality by its Aboriginal place name is consistent with the naming guidelines of the GNB.

I strongly suggest GNB liaise directly with the Awabakal Traditional Owners Aboriginal Corporation (ATOAC) for further advice on naming the site, as there are a number of original Aboriginal place names present within the proposed area that deserve to be acknowledged and recognised as having

**ITEM 2 - ATTACHMENT 3      SOLE SUBMISSION LETTER.**

a place within our communities. It would also be a strong statement of reconciliation for all levels of government.

Regards,





ITEM 2 - ATTACHMENT 4 MYALL COAST ARCHAEOLOGICAL SERVICES  
INFORMATION REGARDING SUBMISSIONS.

LB and SJ Roberts Pty Ltd t/a (MCAS)



## Myall Coast Archaeological Services

"Tall Pines"  
Tea Gardens. 2324  
Phone/Fax: 49971011  
Email: [archaeology@myallcoast.net.au](mailto:archaeology@myallcoast.net.au)  
Mobile: 04 03 07 1922  
ACN 002 992 430

Ms Jackie Howard,  
Property Officer,  
Port Stephens Council.

Dear Jackie,

I appreciate the opportunity to write regarding the naming of the new residential development known as Kings Hill.

I understand that an objection has been received regarding the name from an Aboriginal Group; Awabakal Traditional Owners Aboriginal Corporation who claim the right to be consulted under Native Title Legislation and that they oppose the name as it is monarchical and therefore an affront to Aboriginal people.

Whilst the group may have some interesting aspects to their objection such Objection must fail on several grounds.

### 1. Right to be consulted as an Aboriginal Group

Whilst they may have lodged an application under Native Title to be recognized as Native Title Holders, no such a right is acceded to them. On the contrary; Native Title Legislation makes it abundantly clear that a claimant group needs to pass the registration test before consultation rights for mining etc are granted. Furthermore as the Kings Hill land is freehold and therefore native Title does not exist over the land. Under the Native Title Act 1993 (Cth), the valid grant of a freehold estate (other than certain types of Aboriginal and Torres Strait Islander land) on or before 23 December 1996 is known as a 'previous exclusive possession act'. This means that native title has been extinguished over the area. Native title claimants are not allowed to include land and waters covered by previous exclusive possession acts in their applications; A native title application may, however, be made over freehold land on the basis that freehold was invalidly granted, but the chances of this happening are very low.

### 2. Right to be consulted as having affinity with land as Awabakal People

The land does not exist within the traditional lands of the Awabakal but the Woramai. Whilst both bands belonged to the same language group (Kattang) and had extensive relationships with the Awabakal it was separate country. Ford in his book, **Williams River The land and its People** (pp10-16) noted:

*"The waters of the River Doorabang (William) provided for a numerous people of the local hordes of the Australian aborigine who inhabited its vicinity. They were of the Worimi (Warimai) people and speaking the language of the Kattang (Kuttung), a tribe whose land area extended along the sea coast, East of and inclusive of this River, Doorabang (Durabang). Basically, a tribe comprised hordes (clans or group s) of related people who spoke the same language, and each of whom occupied a*

**ITEM 2 - ATTACHMENT 4 MYALL COAST ARCHAEOLOGICAL SERVICES INFORMATION REGARDING SUBMISSIONS.**

LB and SJ Roberts Pty Ltd t/a (MCAS)

*defined area of land. East of the range of hills that formed the watershed of the rivers (William and Kamah) were the Buraigal (Limeburners Creek to Stroud) and East of them were the Yeerunggal People (of the long and narrow place); TheBorronggal (of the deep river) and the Garawerigal (people of the sea), occupying their territory (Myall Lakes). At their South boundary, along the Northern shores of the harbour (Port Stephens) were the Gamipingal (men of the spear); along the Southern shores of the harbour were the Maiangal; and they were joined on their South boundary by the territory of the Garuagal (Men of the Saltwater) (Garua) extending along the River (Hunter) from its mouth, upstream and beyond its junction with the River Doorabang or Durabang (William). Along this River, and about six miles above the river 'cascade or falls', was the South boundary of the Gringai or Geringai people who inhabited the lands to its headwaters in the mountain range to the North West."*

The Awabakal were south of the Hunter River at Newcastle and Lake Macquarie (known as Awaba in the Aboriginal language). The life and language of the Awabakal was studied by the Reverend Lancelot Threlkeld from 1825 until his death in 1859. The speaker of Awabakal that taught him about the language was Biraban, the tribal leader. Threlkeld and Biraban's Specimens of a Dialect of the Aborigines of New South Wales in 1827 was the earliest attempt at exhibiting the structure of an Australian language.

**3. Aboriginal culture and Heritage consultation rights are legislated under the NSW Aboriginal Land Rights Act**

Section 52(4) of the Act confers the following:

*(4) Aboriginal culture and heritage*

*A Local Aboriginal Land Council has the following functions in relation to Aboriginal culture and heritage:*

- (a) to take action to protect the culture and heritage of Aboriginal persons in the Council's area, subject to any other law,*
- (b) to promote awareness in the community of the culture and heritage of Aboriginal persons in the Council's area.*

The appropriate body for Port Stephens Council to consult on matters of Aboriginal Culture and Heritage is The Worimi Local Aboriginal land Council.

**4. Kings Hill is neither monarchical nor new**

Kings Hill was named by Colonel William Paterson on July 13<sup>th</sup> 1801 after the then Governor of the colony of NSW, Governor King. This was noted in Patersons official Journal. The purpose was to survey the Hunter and Paterson Rivers in the Lady Nelson.

*"JULY 13th - Continued going down the river, and in the evening arrived at Green Hill (Raymond's Terrace), where Paterson's River and Hunter's River meet. Exploration of Hunter's River (WILLIAM) from the Green Hill (Raymond's Terrace)... ...Mr.Harris accompanied me about six miles up Hunter River, which is very deep and about two hundred yards wide. The ground on both sides for the first three miles is low and swampy. Many parts are covered with a new hibiscus, which the natives use as flax for making their nets and for other purposes....As we got further up Hunter's River the country became higher and very beautiful, mostly forest ground, but very thinly interspersed with lofty trees, and sometimes indeed acres without a tree, the soil in general good, and the grass luxuriant. At the extent of our journey today we came to a high hill which I named Mount King. From its*

ITEM 2 - ATTACHMENT 4 MYALL COAST ARCHAEOLOGICAL SERVICES  
INFORMATION REGARDING SUBMISSIONS.

LB and SJ Roberts Pty Ltd t/a (MCAS)

*summit we had a very extensive view of the moun- tains before mentioned to the westward, the round hills off the opening of Port Stephens to the east- ward and southward.” (As quoted in Ford p4)*

5. Kings Hill is the recognized and official name currently.

Figure 1 is a topographic map of the area which denotes the official name of Kings Hill.

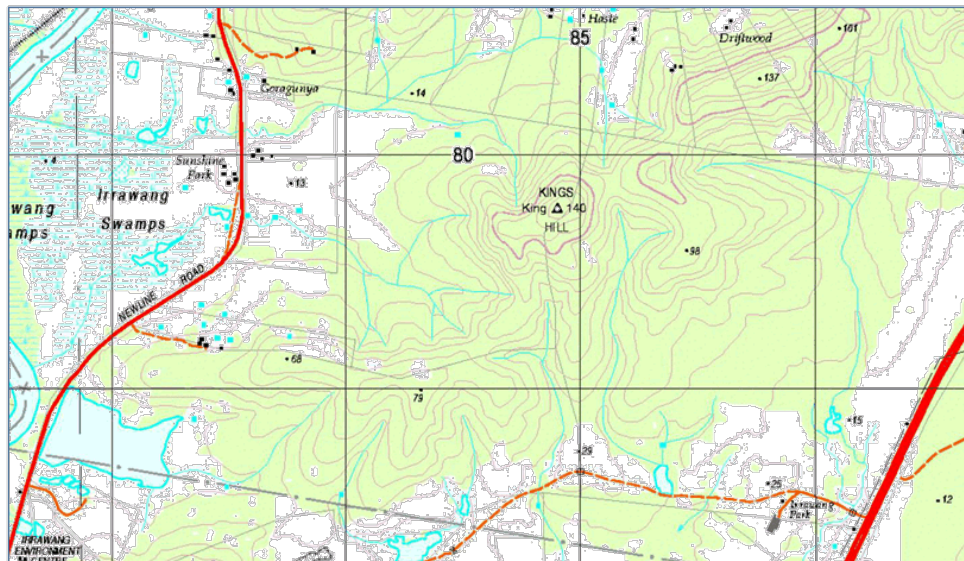


Figure 1

6. Kings Hill marks an Important historic connection to the past

Kings Hill is an important reminder of the first interaction of Aboriginal people and European people.

7. Kings Hill is a significant Aboriginal Landscape

The significance of Kings hill for Aboriginal people was lost to Aboriginal people until the Heritage study for the area was undertaken. The significance was so great that it was recommended that the Area be declared an Aboriginal Place. Such a declaration is the highest protection that can be afforded to an Aboriginal landscape. The name of the hill is irrelevant to the importance and protection of Aboriginal heritage.

The recommendations of the study in part were:

*Recommendations*

*These recommendations are made in consultation and conjunction with Worimi Local Aboriginal Land Council.*

**ITEM 2 - ATTACHMENT 4 MYALL COAST ARCHAEOLOGICAL SERVICES  
INFORMATION REGARDING SUBMISSIONS.**

*LB and SJ Roberts Pty Ltd t/a (MCAS)*

- *That Kings Hill, associated ridgeline, caves and rock outcrops be declared an Aboriginal Place and be known as Worimi Way Aboriginal Heritage Trail*
- *That the approximate area as shown on the attached map form the basis for negotiation between the proponent, Worimi Aboriginal Land Council and Port Stephens Council to ground survey the area to be declared an Aboriginal Place.*

**8. Aboriginal heritage can be enhanced by using Aboriginal names as street names**

Street names and their associated signage can educate and reinforce the significance of the area. If street names were given an Aboriginal name as well as the definition in brackets, would not only recognize Aboriginal importance but would also be in everyday use. The naming of the locality as Kings Hill and subsequent Aboriginal street names etc. would highlight the history of the important connection of Aboriginal and European history.

Kind regards,

Len Roberts

16/11/2015

## ITEM 2 - ATTACHMENT 5 HISTORICAL SOCIETY EXTRACT FROM FEDERAL DIRECTORY OF NEWCASTLE DISTRICT 1901

## PLEASURE RESORTS

191

## PLEASURE RESORTS.

## Places to Spend a Holiday.

The residents of Newcastle and environs are specially endowed with pleasure and health-giving resorts, which embrace marine, lake, river, mountain, vale, and fresh scenery, all within comfortable distances of their homes, and easily reached by road, water, or rail. Amongst the most popular places for holiday-making may be mentioned the following:—

## LAKE MACQUARIE.

This magnificent sheet of water, which is situated about 14 miles to the south-west of Newcastle, is the chief and most popular pleasure resort for the Newcastle and Northern District, and has of late years attracted many visitors from Sydney and the Southern States. The freshwaters of the Lake cover a distance of about 500 miles, while that of the creeks and feeders is estimated to reach from four figures in miles. This will give an idea of the extent of the water area of Lake Macquarie. The margin abounds in delightful scenery, camping grounds, and an abundance of hardwood forests, underneath which extensive coal beds exist.

## BELMONT.

The chief places on the Lake are Belmont, Toronto, Teralba, Cockle Creek, and Swansea. Belmont is distant from Newcastle about 14 miles, is reached by road and steamer, and forms an enjoyable buggy drive. For many years it was the great holiday resort for Newcastle people, but of late years

## TORONTO.

on the opposite side, has gradually crept into prominence, and become the fashionable Lake side retreat. At present Toronto is accessible by rail and steamer only, but in the course of this year a bridge is to be constructed across Fennell's Bay, at a cost of about £5,000, which will connect the township with Teralba, and form direct road communication with Newcastle and suburbs, as well as the surrounding districts. The distance by road will be about 14 miles, making another pretty drive for the people of the district—who have the choice of two roads via Cardin or Wallsend. From the time of reaching Cockle Creek till arrival at Toronto the road runs close to the margin of the Lake, affording exceedingly fine scenery. At Toronto there are numerous attractions for holiday makers: Boating, fishing, shooting, and coursing being good, whilst the fine dancing pavilions, pleasure grounds, and the Pictorial Tea Gardens afford amusement for those who prefer a quiet day's enjoyment. The Toronto Hotel is a fine structure, illuminated at night by the electric light. There is also a School of Art, a fine hall, Public School, and three stores, with orchards and flower gardens surrounding the township.

## TERALBA AND COCKLE CREEK

Are reached by road, also by the Great Northern Railway, which passes through, and at both places there are railway stations. At the former the Pacific, Gardlee, and Black's Collieries are situated, also two hotels, police station, and Petty Sessions Court, whilst the latter embraces the huge works of the Sulphide Corporation. In close proximity is situated Speers' Point, all of which make exceedingly pleasant drives by buggy or other conveyances.

## SUGARLOAF MOUNTAIN.

From the summit of which magnificent scenery is procured, and one of the finest panoramic views extending from Maitland on one side and Newcastle on the other. The Mount is situated in the vicinity of West Wallsend, and takes about 1½ hours to reach by buggy from Newcastle. During the summer season special excursions by coach are arranged by Messrs. Arkins, livery stable proprietors, to the Sugarloaf, which are well patronised.

## KING'S CAVES.

About three hours' drive from Newcastle by road, are situated on the Gloucester-road, and within six miles of Raymond Terrace. In the olden days these caves became notorious as a hiding place for bushrangers. There are many interesting features to be met with in exploring these caves.

## BLACK HILL.

Near Murrumbidgee, is another spot which has attracted a good deal of attention from those who have conveyances, and prefer driving to railroad excursions.

**ITEM NO. 3****FILE NO: 16/251444  
RM8 REF NO: T26-2015****TENDER T26-2015: DEVELOPMENT APPLICATIONS - SCANNING**

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

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**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 3 on the Ordinary Council agenda namely TENDER T26-2015: Development Applications - Scanning.
  - 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 TENDER T26-2015: Development Applications - Scanning.
  - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
  - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the *Local Government (General) Regulation 2005*.
  - 5) That Council accept the tender submitted from Fuji Xerox Businessforce Pty Limited for \$14.67 per file for approximately 7500 files with an estimated total of \$110,025, for the scanning of Development Applications.
- 

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell Councillor Sally Dover</b>  That Council accept the tender submitted from Fuji Xerox Businessforce Pty Limited for \$14.67 per file for approximately 7500 files with an estimated total of \$110,025, for the scanning of Development Applications.
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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>015</b>	<b>Councillor Ken Jordan</b>
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**Councillor Steve Tucker**

It was resolved that Council accept the tender submitted from Fuji Xerox Businessforce Pty Limited for \$14.67 per file for approximately 7500 files with an estimated total of \$110,025, for the scanning of Development Applications.

**BACKGROUND**

The purpose of this report is to recommend the acceptance of a tender for the scanning of Development Applications. The tender was advertised and closed on 9 November 2015 with a total of eight submissions received, only six were conforming, at the close of the tender period. A summary of the submissions is included as **(ATTACHMENT 1)**.

The Development Applications are currently stored at the Council administration building and then externally archived once room in the compactus has been exhausted. These files are stored offsite at a storage facility and retrieved if they are formally requested either by a Port Stephens Council employee or a member of the public. There is ongoing financial commitment in the management of the Development Application files.

There is no existing contract in place for this scope of work. Implementing this contract will reduce the ongoing financial commitment for storage of these files. It will also enable Port Stephens Council staff to access stored Development Applications electronically and potentially remotely.

The weightings agreed for this tender were:

<b>Criteria</b>	<b>Weighting (%)</b>
Price	40
Technical skills/innovation	5
Management of the contract	5
Project deliverables/methodology	20
Timing and work plan	10
Relevant experience/expertise	10
Capability	10
<b>Total</b>	<b>100</b>

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2015-2019</b>
Port Stephens Council's services and assets are sustainable in the longer term.	<p>Council will reduce its underlying deficit to break even in 2015-2016 financial year.</p> <p>Council will increase its revenue from non-rates sources.</p> <p>Manage risks across Council.</p> <p>Attract, retain and develop staff to meet</p>

	current and future workforce needs. Provide enabling business support services for Council's operations.
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## **FINANCIAL/RESOURCE IMPLICATIONS**

This project will be funded from within the existing budget and negate future and ongoing costs of off-site storage of boxes.

While Fuji Xerox Businessforce Pty Limited was not the lowest tender in overall price considerations, their ability to deliver the project and methodology were considered greater than the lowest price tender and therefore recommended as the preferred tenderer.

Fuji Xerox Businessforce Pty Limited has over 30 years' experience in document digitisation projects and is world renowned in data management. They maintain a local Newcastle office and are well placed to provide the development application scanning service.

There are no significant resource implications.

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



**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no significant legal or policy implications. The risks implications are listed in the table below.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if this project is not completed, there will be additional delays for customer service of the Development Application retrievals.	Medium	Digitise the Development Applications in a timely and efficient manner.	Yes
There is a risk that access to current and historical Development Application files will remain slow and will result in a higher file management cost.	Medium	Implement the contract to have this streamlined in accordance to current standards and retrieval expectations from external customers.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are benefits in the Development and Building area as this will free up space where the compactus is currently located. The fast tracking of the digitising process will enable the Development Application section to access the electronic files in a more time efficient manner and in line with Council's record management system RM8.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

This tender was called prior to the proposed merger being announced. The body of work is considered necessary for the day to day operations of Council.

**CONSULTATION**

- 1) Business Systems and Administration Coordinator.
- 2) Business Systems Support Section Manager.
- 3) Information Services Coordinator.
- 4) Procurement and Contractor Management Specialist.

**OPTIONS**

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

**ATTACHMENTS**

- 1) CONFIDENTIAL Weighted criteria methodology summary.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 4**

**FILE NO: 16/251571  
RM8 REF NO: T24-2015**

**TENDER T24-2015: TREE MAINTENANCE SERVICES**

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

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**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 TENDER T24-2015: Tree Maintenance Services.
- 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 TENDER T24-2015: Tree Maintenance Services.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the *Local Government (General) Regulation 2005*.
- 5) That Council accept the tenders submitted from the following suppliers as a panel of contractors for a total budget spend each year of \$450,000 for the provision of tree maintenance services.
  - Active Tree Services Pty Ltd (preferred supplier)
  - TreeServe Pty Ltd (preferred supplier)
  - SJB Group Pty Ltd T/A Branch Management
  - Asplundh Tree Expert (Australia) Pty Ltd
  - Enviro Frontier Pty Ltd
  - Samkyle Pty Ltd T/A Just Cutz Tree Services
- 6) That the contract will commence on 1 March 2016 for a period of three years, terminating on 28 February 2019 with an option to extend for a further two years.

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell</b> <b>Councillor John Morello</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) accept the tenders submitted from the following suppliers as a panel of contractors for a total budget spend each year of \$450,000 for the provision of tree maintenance services:<ul style="list-style-type: none"><li>• Active Tree Services Pty Ltd (preferred supplier)</li><li>• TreeServe Pty Ltd (preferred supplier)</li><li>• SJB Group Pty Ltd T/A Branch Management</li><li>• Asplundh Tree Expert (Australia) Pty Ltd</li><li>• Enviro Frontier Pty Ltd</li><li>• Samkyle Pty Ltd T/A Just Cutz Tree Services</li></ul></li><li>2) the contract will commence on 1 March 2016 for a period of three years, terminating on 28 February 2019 with an option to extend for a further two years.</li></ol>
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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>016</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) accept the tenders submitted from the following suppliers as a panel of contractors for a total budget spend each year of \$450,000 for the provision of tree maintenance services:<ul style="list-style-type: none"><li>• Active Tree Services Pty Ltd (preferred supplier)</li><li>• TreeServe Pty Ltd (preferred supplier)</li><li>• SJB Group Pty Ltd T/A Branch Management</li><li>• Asplundh Tree Expert (Australia) Pty Ltd</li><li>• Enviro Frontier Pty Ltd</li><li>• Samkyle Pty Ltd T/A Just Cutz Tree Services</li></ul></li><li>2) the contract will commence on 1 March 2016 for a period of three years, terminating on 28 February 2019 with an option to extend for a further two years.</li></ol>
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**BACKGROUND**

The purpose of this report is to recommend the acceptance of a panel of contractors for the provision of Tree Maintenance Services. The tender was advertised and closed on 17 December 2015 with a total of six submissions received at the close of the tender period. A summary of the submissions is included as **(ATTACHMENT 1)**.

Active Tree Services Pty Ltd and TreeServe Pty Ltd were chosen as the preferred suppliers, as their submissions were more competitive and provide "value for money". The preferred suppliers will be actively managed and jobs scheduled by staff of Port Stephens Council.

Asplundh Tree Expert (Australia) Pty Ltd, Samkyle Pty Limited T/A Just Cutz Tree Services, SJB Group Pty Ltd T/A Branch Management and Enviro Frontier Pty Ltd were chosen on the panel on the basis of meeting the quality requirements, as well as having a demonstrated suitable response time when the prime suppliers may not be available.

The intent to appoint a panel of suppliers rather than a single supplier is to ensure the service can be provided to suit the diverse needs of Port Stephens Council. This incorporates the requirements of the Property Services and Facilities and Services groups within Council. The specification has been written incorporating the relevant needs of Council as well as the relevant Standards, Code of Practice and Guidelines for Tree Maintenance Services.

The weightings agreed for this tender were:

<b>Criteria</b>	<b>Weighting (%)</b>
Price	30
Risk Management	20
Commercial Terms	5
Management of Contract	10
Service Level Response	10
Equipment and Resource	10
Staff and Technical Capabilities	10
References	5
<b>Total</b>	<b>100</b>

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2015-2019</b>
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2015-2016 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

**FINANCIAL/RESOURCE IMPLICATIONS**

The program will be funded from within existing budget allocations. The scope of works will be varied and on an as needs basis. Pricing will be calculated on an hourly rate or a day rate, whichever is relevant and value for money.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no significant legal and policy implications. The risk implications are listed in the table below:

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that contractors may expose Council to a public liability risk.	High	Implement contract/s which will ensure contractors have sufficient insurances in place as prescribed by Port Stephens Council.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are safety considerations whereby Port Stephens Council trees are environmentally managed to minimise the risks to the general public.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

This tender was called prior to the proposed merger being announced. The body of work is considered necessary for the day to day operations of Council.

**CONSULTATION**

- 1) Beachside Holiday Parks Manager.
- 2) Facilities & Services Officer.
- 3) Finance Officer - Procurement and Contract Management Specialist.
- 4) Parks Program Coordinator.
- 5) Parks Program Officer.

**OPTIONS**

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

**ATTACHMENTS**

- 1) CONFIDENTIAL T24-2015 - Weighted criteria methodology summary.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 5****FILE NO: 16/250872  
RM8 REF NO: PSC2009-02488****POLICY REVIEW - BUDGET CONTROL AND AUTHORISATION POLICY****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Budget Control and Authorisation Policy shown at **(ATTACHMENT 1)**.
- 2) Place the amended Budget Control and Authorisation Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Budget Control and Authorisation Policy adopted 21 July 1998 (Min No 336) and last amended 25 March 2014 (Min No 62), shown at **(ATTACHMENT 2)**, should no submissions be received.

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell Councillor Ken Jordan</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>017</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council: <ol style="list-style-type: none"><li>1) Endorse the revised Budget Control and Authorisation Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the amended Budget Control and Authorisation Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Budget Control and Authorisation Policy adopted 21 July 1998 (Min No 336) and last amended 25 March 2014 (Min No 62), shown at <b>(ATTACHMENT 2)</b>, should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised Budget Control and Authorisation Policy. Only minor wording changes have been made to the policy, no material changes have been made.

The objective of the policy is to ensure that all Council expenditure is legally authorised and that effective systems of budgetary control are in place to monitor and report on actual income and expenditure compared with budgeted income and expenditure.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2015-2019</b>
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2015-2016 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

**FINANCIAL/RESOURCE IMPLICATIONS**

The implementation of this Policy ensures that all council expenditure is legally authorised and ensures the sound financial management of Council's assets.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Resources required to review this policy are covered within the existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Implementation of the Budget Control and Authorisation Policy ensures that all Council expenditure is authorised under the provisions contained in the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council's legal responsibilities will not be met if the policy is not implemented which could cause financial and/or reputational damage.	Low	Accept the recommendations.	Yes
There is a risk that failing to effectively monitor and control actual income and expenditure in conjunction with budgeted income and expenditure could compromise Council's financial position.	Low	Accept the recommendations.	

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

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

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

There are no anticipated implications with the review of this policy.

**CONSULTATION**

A general level of consultation has been undertaken with key stakeholders with minor changes suggested and implemented.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Budget Control and Authorisation Policy.
- 2) Existing Budget Control and Authorisation Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 5 - ATTACHMENT 1 BUDGET CONTROL AND AUTHORISATION POLICY.****Policy****FILE NO:** PSC2009-02488**TITLE:** BUDGET CONTROL AND AUTHORISATION POLICY**POLICY OWNER:** FINANCIAL SERVICES SECTION MANAGER**PURPOSE:**

To ensure that all Council expenditure is legally authorised and that effective systems of budgetary control are in place to monitor and report on actual income and expenditure compared with budgeted income and expenditure.

**CONTEXT/BACKGROUND:**

On 20 September 2011, Council adopted a Budget Control and Authorisation Policy, Minute No. 349. Council is committed to ensuring the allocation of its resources is responsible and appropriate.

**SCOPE:**

- 1) The elected Council is responsible for the allocation of Council's resources for the benefit of the area (*Section 232 Local Government Act 1993*).
- 2) Council cannot delegate its authority to vote money for expenditure on works, services and facilities (*Section 377 Local Government Act 1993*).
- 3) The Council is responsible to regularly review and monitor its financial performance (*Section 232 Local Government Act 1993*).
- 4) The General Manager is responsible for the efficient and effective allocation of resources and ensuring appropriate policies and delegations of authority (*Section 335 Local Government Act 1993*).
- 5) Responsible budget officers are responsible for carrying out activities within their area of responsibility in accordance with their delegations from the General Manager.

**DEFINITIONS:**

Budget	An estimate of income and expenditure for a set period of time.
Unexpended Votes	Financial resources not spent.
Budget Reviews	A quarterly review of budget allocations submitted for Council endorsement.
Responsible Accounting Officer	A staff member designated by the General Manager in accordance with the <i>Local Government Act 1993</i> to take charge of Accounting and Finance requirements of the

**Policy**

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Printed: 29/05/2015

Review Date: xx/xx/xx

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ITEM 5 - ATTACHMENT 1 BUDGET CONTROL AND AUTHORISATION  
POLICY.

Policy



organisation.

**POLICY STATEMENT:**

General

- 1) Each year, Council will approve estimated income and expenditure for works and services as detailed in the Community Strategic Plan. The estimates will be submitted to Council in the form of a 10-year Long Term Financial Plan. For the purposes of the *Local Government (General) Regulation 2005*, Council will be deemed to have approved the budget at section level.
- 2) No employees shall incur a liability unless Council has approved such expenditure and they must have the necessary authority delegated to incur a liability on behalf of Council.
- 3) As the Responsible Accounting Officer, the Financial Services Section Manager is to ensure:
  - That appropriate budgeting and accounting systems (including internal control systems) are established and maintained;
  - That a system of budgetary control is established and maintained that will enable Council's actual income and expenditure to be monitored each month and to be compared with the estimate of Council's income and expenditure. If any instance arises, where the actual income or expenditure of the Council is materially different from its estimated income or expenditure, the General Manager must report the instance to the next meeting of Council.

Voting and authorising new expenditure

- 1) The voting and authorising of additional expenditure not included in the original budget is the statutory responsibility of Council and cannot be delegated to the General Manager or any other person. This requirement is valid irrespective of whether new items of expenditure are offset by additional income not included in the original estimates.
- 2) Council authority for such new items is to be obtained by either:
  - Including details in a Quarterly Budget review; or
  - In a separate report to Council.
- 3) To ensure that all decisions by Council have taken into account the overall impact on the budget and Council priorities:

Policy

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**ITEM 5 - ATTACHMENT 1 BUDGET CONTROL AND AUTHORISATION POLICY.**

## Policy



- Reports are to include recommendations from the relevant section manager, of the impact on the current or future budgets;
- The funding/budget implications will be referred to a Council meeting as part of the Quarterly Budget Review Statement, with a recommendation from the Executive Leadership team based on a corporate assessment of overall budget implications and priorities.

### Transferring Votes

- 1) The General Manager has delegated authority to approve the transfer of votes, within the same group, up to a maximum of \$10,000. Such transfers and the reasons for the transfers are to be included in the next Quarterly Budget Review Statement.
- 2) The transfer of votes between groups must be submitted to Council for approval.
- 3) The transfer of votes within groups for amounts in excess of \$10,000 or between operational and capital must be submitted to Council for approval.

### Budget Reviews

- 1) The General Manager will prepare and submit to Council a Quarterly Budget Review Statement within two months of the end of each quarter, except for the June quarter which is discretionary.
- 2) The Quarterly Budget Review Statement will show the actual income and expenditure at the end of the quarter and a revised estimate of income and expenditure for the year.
- 3) The Quarterly Budget Review Statement will itemise any additional votes or transfers that require Council approval.
- 4) The Quarterly Budget Review Statement must include a report as to whether the General Manager believes that the Statement indicates if Council's financial position is satisfactory or unsatisfactory and recommendations for remedial action if necessary.
- 5) The Quarterly Budget Review Statement must include a report that provides sufficient information to alert Council to any issues or potential problems that may impact its ability to achieve stated financial targets.
- 6) The Quarterly Budget Review Statement must include a report that provides sufficient information to inform Council as to whether Council's Capital Works program is on track to deliver the projects outlined in its Asset Management Plan.

### Unexpended Votes (Revotes)

#### Policy

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**ITEM 5 - ATTACHMENT 1 BUDGET CONTROL AND AUTHORISATION POLICY.****Policy**

- 1) All approvals and votes lapse at the end of the financial year or whenever Council's term of office ends. However, this does not apply to approvals and votes relating to:
  - Work carried out, work in progress or contracted to be carried out;
  - Any service provided, or contracted to be provided;
  - Goods and materials provided, or contracted to be provided;
  - Facilities provided, or contracted to be provided before the term of office of the Council ends.
- 2) The General Manager will be responsible to determine if the criteria in 1) above will apply and to authorise the carrying forward of a vote into the next financial year. The General Manager will submit a report to Council detailing these carried forward votes.
- 3) Once an approval or vote has lapsed, it can only be reinstated by a resolution of the Council. In the case of a newly elected Council, a report will be submitted to the first meeting of Council recommending the approval and voting of expenditure to enable the day-to-day operations of Council to continue. In the case of votes unexpended at the end of the financial year, a report is to be submitted to Council itemising the lapsed votes that in the opinion of the General Manager, should be revoted for the next period.

**POLICY RESPONSIBILITIES:**

- 1) Financial Services Section Manager.

**RELATED DOCUMENTS:**

- 1) *Local Government Act 1993.*
- 2) *Local Government Act (General) Regulation 2005.*

**CONTROLLED DOCUMENT INFORMATION:**

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<b>RM8 container No</b>	PSC2009-02488	<b>RM8 record No</b>	15/244602
<b>Audience</b>	Council Staff		
<b>Process owner</b>	Financial Services Section Manager		
<b>Author</b>	Financial Services Section Manager		

**Policy**

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**ITEM 5 - ATTACHMENT 1 BUDGET CONTROL AND AUTHORISATION POLICY.**

## Policy



<b>Review timeframe</b>	Two years	<b>Next review date</b>	
<b>Adoption date</b>			

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	21/07/98	Financial Services Section Manager	Policy adopted.	336
2.0	20/09/11	Financial Services Section Manager	Amended policy adopted.	349
3.0	25/03/14	Financial Services Section Manager	Amended policy adopted.	62
4.0	16/12/15	Financial Services Section Manager	This policy has been reviewed and formatted into the new template. Included a definition of Responsible Accounting Officer.	

## Policy

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**ITEM 5 - ATTACHMENT 2      EXISTING BUDGET CONTROL AND  
AUTHORISATION POLICY.**

*Port Stephens*  
C·O·U·N·C·I·L

**POLICY**

Adopted: 21 July 1998

Minute No: 336

Amended: 20 September 2011

Minute No: 349

Amended: 25 March 2014

Minute No: 62

**FILE NO:                      PSC2009-02488**

**TITLE:                         BUDGET CONTROL AND AUTHORISATION POLICY**

**RESPONSIBLE OFFICER:   FINANCIAL SERVICES MANAGER**

**BACKGROUND**

On the 20 September 2011, Council adopted a Budget Control and Authorisation policy Minute No. 349. Council is committed to ensuring the allocation of its resources is responsible and appropriate.

**OBJECTIVE**

- 1) To ensure that all Council expenditure is legally authorised and that effective systems of budgetary control are in place to monitor and report on actual income and expenditure compared with budgeted income and expenditure.

**PRINCIPLES**

- 1) The elected Council is responsible for the allocation of Council's resources for the benefit of the area (Section 232 Local Government Act 1993).
- 2) Council cannot delegate its authority to vote money for expenditure on works, services and facilities (Section 377 Local Government Act 1993).
- 3) The Council is responsible to regularly review and monitor its financial performance (Section 232 Local Government Act 1993).
- 4) The General Manager is responsible for the efficient and effective allocation of resources and ensuring appropriate policies and delegations of authority (Section 335 Local Government Act 1993).
- 5) Responsible budget officers are responsible for carrying out activities within their area of responsibility in accordance with their delegations from the General Manager.

**ITEM 5 - ATTACHMENT 2      EXISTING BUDGET CONTROL AND  
AUTHORISATION POLICY.****POLICY STATEMENT**General

- 1) Each year, Council will approve estimated income and expenditure for works and services as detailed in the Community Strategic plan. The estimates will be submitted to Council in the form of a 10-year Long Term Financial plan. For the purposes of the Local Government (General) Regulation 2005, Council will be deemed to have approved the budget at section level.
- 2) No employees shall incur a liability unless Council has approved such expenditure, and they must have the necessary authority delegated to incur a liability on behalf of Council.
- 3) As the Responsible Accounting officer, the General Manager is to ensure:
  - that appropriate budgeting and accounting systems (including internal control systems) are established and maintained;
  - that a system of budgetary control is established and maintained that will enable Council's actual income and expenditure to be monitored each month and to be compared with the estimate of Council's income and expenditure. If any instance arises, where the actual income or expenditure of the Council is materially different from its estimated income or expenditure, the General Manager must report the instance to the next meeting of Council.

Voting and Authorising new Expenditure

- 1) The voting and authorising of additional expenditure not included in the original budget is the statutory responsibility of Council and cannot be delegated to the General Manager or any other person. This requirement is valid irrespective of whether new items of expenditure are offset by additional income not included in the original estimates.
- 2) Council authority for such new items are to be obtained by either:
  - including details in a Quarterly Budget review; or
  - in a separate report to Council.
- 3) To ensure that all decisions by Council, have taken into account the overall impact on the budget and Council priorities:
  - Reports are to include recommendations from the relevant section manager, of the impact on the current or future budgets.
  - The funding/budget implications will be referred to a Council meeting as part of the Quarterly Budget Review Statement, with a recommendation from the Executive Leadership team based on a corporate assessment of overall budget implications and priorities.

**ITEM 5 - ATTACHMENT 2      EXISTING BUDGET CONTROL AND  
AUTHORISATION POLICY.**Transferring Votes

- 1) The General Manager has delegated authority to approve the transfer of votes, within the same group, up to a maximum of \$10,000. Such transfers and the reasons for the transfers are to be included in the next Quarterly Budget Review Statement.
- 2) The transfer of votes between groups must be submitted to Council for approval.
- 3) The transfer of votes within groups for amounts in excess of \$10,000 or between operational and capital, must be submitted to Council for approval.

Budget Reviews

- 1) The General Manager will prepare and submit to Council a Quarterly Budget Review Statement within two months of the end of each quarter.
- 2) The Quarterly Budget Review Statement will show the actual income and expenditure at the end of the quarter and a revised estimate of income and expenditure for the year.
- 3) The Quarterly Budget Review Statement will itemise any votes transferred within the same group during the period under delegated authority, as well as any additional votes or transfers that require Council approval.
- 4) The Quarterly Budget Review Statement must include a report as to whether the General Manager believes that the Statement indicates if Council's financial position is satisfactory or unsatisfactory and recommendations for remedial action if necessary.
- 5) The Quarterly Budget Review Statement must include a report that provides sufficient information to alert Council to any issues or potential problems that may impact its ability to achieve stated financial targets.
- 6) The Quarterly Budget Review Statement must include a report that provides sufficient information to inform Council as to whether Council's Capital Works program is on track to deliver the projects outlined in its Asset Management plan.

Unexpended Votes (Revotes)

- 1) All approvals and votes lapse at the end of the financial year or whenever Council's term of office ends. However, this does not apply to approvals and votes relating to:
  - work carried out, work in progress or contracted to be carried out;
  - any service provided, or contracted to be provided;
  - goods and materials provided, or contracted to be provided;
  - facilities provided, or contracted to be provided before the term of office of the Council ends.

**ITEM 5 - ATTACHMENT 2      EXISTING BUDGET CONTROL AND  
AUTHORISATION POLICY.**

- 2) The General Manager will be responsible to determine if the criteria in one above will apply and to authorise the carrying forward of a vote into the next financial year. The General Manager will submit a report to Council detailing these carried forward votes.
- 3) Once an approval or vote has lapsed, it can only be reinstated by a resolution of the Council. In the case of a newly elected Council, a report will be submitted to the first meeting of Council recommending the approval and voting of expenditure to enable the day-to-day operations of Council to continue. In the case of votes unexpended at the end of the financial year, a report is to be submitted to Council itemising the lapsed votes that in the opinion of the General Manager, should be revoted for the next period.

**RELATED POLICIES**

- 1) Nil.

**SUSTAINABILITY IMPLICATIONS****SOCIAL IMPLICATIONS**

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

**ECONOMIC IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

Nil.

**RELEVANT LEGISLATIVE PROVISIONS**

- 1) Local Government Act 1993;
- 2) Local Government Act (General) Regulation 2005.

**IMPLEMENTATION RESPONSIBILITY**

- 1) Financial Services Manager.

**PROCESS OWNER**

- 1) Financial Services Manager.

**REVIEW DATE**

- 1) 11 March 2016.

**ITEM NO. 6****FILE NO: 15/243948  
RM8 REF NO: PSC2009-02488****POLICY REVIEW - PROCUREMENT POLICY****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Procurement Policy shown at **(ATTACHMENT 1)**.
- 2) Place the amended Procurement Policy on public exhibition for a period of 28 days and should no submissions be received, the Policy be adopted as amended, without a further report to Council.
- 3) Revoke the Procurement Policy adopted 25 March 2014 (Min No 64) and amended 25 November 2014 (Min No 317), shown at **(ATTACHMENT 2)**, should no submissions be received.

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell Councillor John Morello</b>  That the recommendation be adopted.
--	--

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>018</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council: <ol style="list-style-type: none"><li>1) Endorse the revised Procurement Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the amended Procurement Policy on public exhibition for a period of 28 days and should no submissions be received, the Policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Procurement Policy adopted 25 March 2014 (Min No 64) and amended 25 November 2014 (Min No 317), shown at <b>(ATTACHMENT 2)</b>, should no submissions be received.</li></ol>
------------	---

**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised Procurement Policy. Only minor wording changes have been made to the policy, no material changes have been made.

The policy is required to ensure Council's procurement is ethical, transparent and accountable and is supported by the Procurement Management Directive. It provides principles and standards of behaviour to ensure products and services purchased by Council best meets the needs of users and the local community in its widest sense.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2015-2019</b>
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2015-2016 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

**FINANCIAL/RESOURCE IMPLICATIONS**

The Procurement Policy prescribes economical, efficient and effective procurement.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		The policy has been reviewed as part of the ELT major projects program of work.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The Procurement Policy is written in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

## MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016

Council's Procurement principles are to achieve the best value for money whilst being ethical, transparent and accountable. They promote fairness and competition. This policy mirrors Council's principles and adopting the recommendation will thereby reduce potential legal ramifications.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council will fail to secure goods and services at the most competitive price.	Low	Accept the recommendations.	Yes
There is a risk that fraud and corruption will occur leading to financial and reputational loss.	Low	Accept the recommendations.	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy prescribes a preference for local suppliers thereby supporting the local economy.

### NCC AND PSC MERGER PROPOSAL IMPLICATIONS

There are no anticipated implications with the review of this policy.

### CONSULTATION

A general level of consultation has been undertaken with key stakeholders with minor changes suggested and included.

### OPTIONS

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

### ATTACHMENTS

- 1) Procurement Policy.
- 2) Existing Procurement Policy.

### COUNCILLORS ROOM

Nil.

### TABLED DOCUMENTS

Nil.

## Policy



**FILE NO:** PSC2009-02488

**TITLE:** PROCUREMENT POLICY

**POLICY OWNER:** FINANCIAL SERVICES SECTION MANAGER

### **PURPOSE:**

The purpose of this policy is to state Council's position on procurement matters and to provide clear direction to Council officials (Councillors, staff and delegates of Council) making procurement decisions.

Environmentally sustainable procurement results in minimisation of unnecessary purchasing, waste minimisation, water and energy saving, pollution minimisation, avoidance of toxic chemicals, reduction in greenhouse gases and decision making that incorporates biodiversity and conservation objectives.

### **CONTEXT/BACKGROUND:**

Council procurement is required to achieve best value for money in the expenditure of public funds while being ethical, ecologically sustainable, transparent, accountable and promoting fairness and competition. This policy prescribes Council's approach to procurement and is supported by the Procurement Management Directive.

### **SCOPE:**

This policy has been written considering the following principles:

- 1) All parties engaged in procurement activities will display high standards of behaviour and ethics;
- 2) Procurement activities aim to be efficient, effective and balance risk and total cost;
- 3) Due economy shall be exercised in all purchasing decisions;
- 4) Purchasing decisions shall consider relevant evaluation criteria including environmental sustainability, support of local suppliers, registered disability employers and Australian made goods;
- 5) Parties will conduct all procurement and business relationships with fairness and honesty;
- 6) The process for awarding contracts on government projects will be open, clear and defensible;

## Policy

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## Policy



- 7) A party with a potential conflict of interest will declare and address that interest as soon as the conflict is known to that party;
- 8) Parties shall comply with all legal obligations;
- 9) Parties shall not engage in practices that are anti-competitive;
- 10) Parties shall not engage in practices that aim to give a party an improper advantage over another;
- 11) Parties shall not seek or submit tenders without a firm intention and capacity to proceed with a contract;
- 12) Parties will maintain business relationships based on open and effective communication, respect and trust and adopt a non-adversarial approach to dispute resolution.

### DEFINITIONS:

**Procurement**                      The act of obtaining or buying goods and services. The process includes preparation and processing of a demand as well as the end receipt and approval of payment.

### POLICY STATEMENT:

#### 1) Standards of behaviour

Council has adopted a Statement of Business Ethics that sets out the high ethical standards expected of Council officials, contractors and business associates. In addition to this, the following statements are made in relation to procurement:

- Council processes shall be fully documented and defensible;
- Council will treat all potential tenderers consistently;
- All parties shall comply with the rule of law and avoid practices that are anti-competitive or collusive;
- Council will not engage in practices that give one party improper advantage over another outside its local and Australian made preference and Registered Disability Employer preference policies;
- Council will not invite or submit tenders without a firm intention and capacity to proceed;
- Parties shall maintain open, effective communication, respect and trust and adopt a non-adversarial approach to dispute resolution.

#### 2) Environmental sustainability

**Policy**

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## Policy



Council is committed to "properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development" as per the *Local Government Act 1993* (The Act). The principles of ecologically sustainable development (ESD) are defined in The Act as the "effective integration of economic and environmental considerations in decision-making processes".

Council is committed to effective implementation for the following principles of ESD in procurement decision making; the precautionary principle; intergenerational equity; conservation of biological diversity and ecological integrity; and improved valuation, pricing and incentive mechanisms.

### 3) Local preference

Best value for money does not always mean lowest price. Council functions contribute to the economic success of the Local Government Area and Council expends considerable amounts annually on local economic development. Council prefers to buy from local suppliers and contractors where possible as this supports Council's local economic development initiatives.

### 4) Preference for Australian made products

Council prefers to buy goods made in Australia and encourages a culture of buy Australian in Council officials when evaluating the merits of purchases. Where it is cost effective to do so staff must purchase Australian made/origin supplies.

### 5) Preference for registered disability employers

Council prefers to buy products made by registered disability enterprises and encourages such consideration in the evaluation of purchases. Where it is cost effective to do so, staff are encouraged to buy from registered disability employers.

### 6) Purchase orders

Council will always issue a purchase order number for approved purchases. Suppliers are expected to cooperate by quoting the purchase order number on invoices. Council will not pay invoices where an approved purchase order number is absent.

### 7) Asset disposal

Council will dispose of surplus plant, vehicles, stores, materials, equipment, furniture, scrap metal, technology and other items in a competitive, transparent, cost effective and environmentally sustainable manner.

## Policy

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## Policy



### POLICY RESPONSIBILITIES:

- 1) Section Managers generally.
- 2) Procurement and Contractor Management Specialist.
- 3) Expenditure Coordinator.

### RELATED DOCUMENTS:

- 1) *Local Government Act 1993.*
- 2) *Local Government (General) Regulation 2005.*
- 3) Competition and Consumer Act 2010 (Cth).
- 4) NSW Government Procurement Code of Practice.
- 5) NSW Government Procurement Code of Tendering.
- 6) NSW Government Sustainability Policy.
- 7) Port Stephens Council Code of Conduct.

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<b>TRIM container No</b>	PSC2009-02488	<b>RM8 record No</b>	487
<b>Audience</b>	Council Staff		
<b>Process owner</b>	Financial Services Section Manager		
<b>Author</b>	Financial Services Section Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	
<b>Adoption date</b>			

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	25/03/14	Financial Services Section Manager	Policy adopted.	64

## Policy

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## Policy



2.0	25/11/14	Financial Services Section Manager	Amended policy adopted.	317
3.0	27/11/15	Financial Services Section Manager	This policy has been reviewed and formatted into the new template. Port Stephens Council Code of Conduct added to related documents. Reference to the Procurement Management Directive added to the Context/Background.	

## Policy

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*Port Stephens*  
C·O·U·N·C·I·L

POLICY

Adopted: 25 March 2014  
Minute No: 64  
Amended: 25 November 2014  
Minute No: 317

**FILE NO:      PSC2009-02488**

**TITLE:          PROCUREMENT POLICY**

**REPORT OF    FINANCIAL SERVICES MANAGER**

**BACKGROUND**

Council procurement is required to achieve best value for money in the expenditure of public funds while being ethical, ecologically sustainable, transparent, accountable and promoting fairness and competition. This Policy prescribes Council's approach to procurement.

**OBJECTIVE**

The objectives of this Policy are to:

- 1) State Council's policy on procurement matters;
- 2) Provide clear direction to Council officials (Councillors, staff and delegates of Council) making procurement decisions.

**PRINCIPLES**

This policy has been written considering the following principles:

- 1) All parties engaged in procurement activities will display high standards of behaviour and ethics;
- 2) Procurement activities aim to be efficient, effective and balance risk and total cost;
- 3) Due economy shall be exercised in all purchasing decisions;
- 4) Purchasing decisions shall consider relevant evaluation criteria including environmental sustainability, support of local suppliers, registered disability employers and Australian made goods.

**ITEM 6 - ATTACHMENT 2      EXISTING PROCUREMENT POLICY.****POLICY STATEMENT****1)    Standards of Behaviour**

Council has adopted a Statement of Business Ethics that sets out the high ethical standards expected of Council officials, contractors and business associates. In addition to this, the following statements are made in relation to procurement:

- Council processes shall be fully documented and defensible;
- Council will treat all potential tenderers consistently;
- All parties shall comply with the rule of law and avoid practices that are anti-competitive or collusive;
- Council will not engage in practices that give one party improper advantage over another outside its local and Australian Made preference and Registered Disability Employer preference policies;
- Council will not invite or submit tenders without a firm intention and capacity to proceed;
- Parties shall maintain open, effective communication, respect and trust and adopt a non-adversarial approach to dispute resolution.

**2)    Environmental Sustainability**

Council is committed to "properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development" as per the *Local Government Act 1993 (The Act)*. The principles of ecologically sustainable development (ESD) are defined in *The Act* as the "effective integration of economic and environmental considerations in decision-making processes".

Council is committed to effective implementation for the following principles of ESD in procurement decision making; the precautionary principle; intergenerational equity; conservation of biological diversity and ecological integrity; and improved valuation, pricing and incentive mechanisms.

**3)    Local Preference**

Best value for money does not always mean lowest price. Council functions contribute to the economic success of the Local Government Area and Council expends considerable amounts annually on local economic development. Council prefers to buy from local suppliers and contractors where possible as this supports Council's local economic development initiatives.

**4)    Preference for Australian Made Products**

Council prefers to buy goods made in Australia and encourages a culture of buy Australian in Council officials when evaluating the merits of purchases. Where it is cost effective to do so staff must purchase Australian made/origin supplies.

**ITEM 6 - ATTACHMENT 2      EXISTING PROCUREMENT POLICY.****5)    Preference for Registered Disability Employers**

Council prefers to buy products made by registered disability enterprises and encourages such consideration in the evaluation of purchases. Where it is cost effective to do so, staff are encouraged to buy from registered disability employers.

**6)    Purchase Orders**

Council will always issue a purchase order number for approved purchases. Suppliers are expected to cooperate by quoting the purchase order number on invoices. Council will not pay invoices where an approved purchase order number is absent.

**7)    Asset Disposal**

Council will dispose of surplus plant, vehicles, stores, materials, equipment, furniture, scrap metal, technology and other items in a competitive, transparent, cost effective and environmentally sustainable manner.

**RELATED POLICIES**

- 1)    Code of Conduct.
- 2)    Fraud and Corruption Control policy.
- 3)    Statement of Business Ethics.
- 4)    Asset Disposal (other than property) policy.

**SUSTAINABILITY IMPLICATIONS****SOCIAL IMPLICATIONS**

Council has a leadership role to play in areas of ethical and environmentally sustainable procurement.

**ECONOMIC IMPLICATIONS**

Local supplier preference supports the local economy.

**ENVIRONMENTAL IMPLICATIONS**

Environmentally sustainable procurement results in minimisation of unnecessary purchasing, waste minimisation, water and energy saving, pollution minimisation, avoidance of toxic chemicals, reduction in greenhouse gases and decision making that incorporates biodiversity and conservation objectives.

**RELEVANT LEGISLATIVE PROVISIONS**

- 1)    Local Government Act 1993:
  - o    S.23A Director General's Guidelines – Tendering Guidelines for NSW Local Government October 2009
  - o    S.55 tendering requirements

**ITEM 6 - ATTACHMENT 2      EXISTING PROCUREMENT POLICY.**

- S.8 Council's charter
- 2) Local Government (General) Regulation 2005:
  - Part 7 Tendering
- 3) Competition and Consumer Act 2010 (Cth);
  - Part IV Restrictive Trade Practices
- 4) NSW Government Procurement Code of Practice;
- 5) NSW Government Sustainability policy.

**IMPLEMENTATION RESPONSIBILITY**

- 1) All those involved in purchasing goods and services or engaging contractors or consultants.

**PROCESS OWNER**

- 1) Contracts Coordinator.

**REVIEW DATE**

- 1) 30 November 2016.



**ITEM NO. 7****FILE NO: 16/257347  
RM8 REF NO: PSC2009-02488****POLICY REVIEW - ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Asset Disposal (other than property) Policy shown at **(ATTACHMENT 1)**.
- 2) Place the amended Asset Disposal (other than property) Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Asset Disposal (other than property) Policy dated 25 March 2014 (Minute No 63) shown at **(ATTACHMENT 2)**, should no submissions be received.

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Morello Councillor Sally Dover</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>019</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council: <ol style="list-style-type: none"><li>1) Endorse the revised Asset Disposal (other than property) Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the amended Asset Disposal (other than property) Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Asset Disposal (other than property) Policy dated 25 March 2014 (Minute No 63) shown at <b>(ATTACHMENT 2)</b>, should no submissions be received.</li></ol>
------------	--

**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised Asset Disposal (other than property) Policy.

The policy is required to ensure the disposal of Council assets is ethical, transparent and accountable. The policy is supported by the Asset Disposal (other than property) Management Directive that prescribes the considerations and processes to be applied in the disposal of Council owned assets.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2015-2019</b>
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2015-2016 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

**FINANCIAL/RESOURCE IMPLICATIONS**

The principles of the Asset Disposal (other than property) Policy require Council officials (Councillors, staff and delegates of Council) to dispose of assets in a suitable public marketplace that maximises Council's financial returns.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		The policy has been reviewed in accordance with the ELT major projects program of works.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Council's asset disposal principles are to achieve the best value for money whilst being ethical, transparent and accountable. They promote fairness and competition. The policy mirrors Council's principles and by adopting the recommendations will thereby reduce potential legal ramifications.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that fraud and corruption will occur, leading to financial and reputational loss.	Low	Accept the recommendations.	Yes
There is a risk that Council will fail to maximise its return from asset sales.	Low	Accept the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The disposal of assets by resale supports Council's environmental sustainability principles.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

There are no anticipated implications with the review of this policy.

**CONSULTATION**

A general level of consultation has been undertaken with key stakeholders with minor changes suggested and included.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Asset Disposal (other than property) Policy.
- 2) Existing Asset Disposal (other than property) Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 7 - ATTACHMENT 1 ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY.****Policy****FILE NO: PSC2009-02488****TITLE: ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY****POLICY OWNER: FINANCIAL SERVICES SECTION MANAGER****PURPOSE:**

The purpose of this policy is to provide a systematic and accountable method to Council officials (Councillors, staff and delegates of Council) for the disposal of surplus assets, excluding real property, and to ensure the process is transparent and complies with Council's Code of Conduct and Statement of Business Ethics.

Environmentally sustainable asset disposal results in minimisation of unnecessary purchasing, waste minimisation, water and energy saving, pollution minimisation, avoidance of toxic chemicals, reduction in greenhouse gases and decision making that incorporates biodiversity and conservation objectives.

**CONTEXT/BACKGROUND:**

The Asset Disposal (other than property) Policy is required to ensure that the disposal of Council assets is ethical, transparent and accountable. The policy is supported by the Asset Disposal (other than property) Management Directive that prescribes the considerations and processes to be applied in the disposal of Council owned assets.

**SCOPE:**

This policy has been written considering the following principles:

- 1) High standards of behaviour and ethics are required of all parties to asset disposal activities;
- 2) Asset disposal activities aim to be efficient, effective and balance risk and total cost;
- 3) Due economy shall be exercised in all asset disposal decisions;
- 4) Asset disposal decisions shall consider relevant evaluation criteria including environmental sustainability, the support of registered disability employers and the support of local industry.

**DEFINITIONS:**

**Asset** A resource with economic value that an individual, corporation or country owns or controls with the expectation that it will provide future benefit.

**Policy**

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ITEM 7 - ATTACHMENT 1 ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY.

# Policy



## POLICY STATEMENT:

Surplus assets will be disposed of in a cost effective manner that complies with relevant regulations in a fair, transparent, environmentally sustainable manner to maximise financial return to Council. Prior to the disposal, assets will be reviewed concerning whether they have alternate uses within Council, contain hazardous materials or identifying marks. Council has adopted a Statement of Business Ethics that sets out the high ethical standards expected of Council officials and delegates, contractors, and business associates.

## POLICY RESPONSIBILITIES:

- 1) Section Managers generally.
- 2) Procurement and Contractor Management Specialist.
- 3) Expenditure Coordinator.

## RELATED DOCUMENTS:

- 1) *Local Government Act 1993.*
- 2) *Local Government (General) Regulation 2005.*
- 3) Competition and Consumer Act 2010 (Cth).
- 4) Code of Conduct.
- 5) Statement of Business Ethics.
- 6) Procurement Policy.
- 7) Fraud and Corruption Control Policy.

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TRIM container No	PSC2009-02488	TRIM record No	486
Audience	Council Staff		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	
Adoption date			

### Policy

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**ITEM 7 - ATTACHMENT 1 ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY.**

## Policy

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	25/03/14	Financial Services Section Manager	Policy adopted	63
2.0	27/11/15	Financial Services Section Manager	This policy has been reviewed and formatted into the new template.	

## Policy

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**ITEM 7 - ATTACHMENT 2      EXISTING ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY.**

*Port Stephens*  
C·O·U·N·C·I·L

**POLICY**

Adopted: 25 March 2014  
Minute No: 63  
Amended:  
Minute No:

**FILE NO:                      PSC2009-02488**

**TITLE:                        ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY**

**RESPONSIBLE OFFICER:   FINANCIAL SERVICES MANAGER**

**BACKGROUND**

The Asset Disposal (other than property) policy is required to ensure that the disposal of Council assets is ethical, transparent and accountable. The Policy is supported by the Asset Disposal management directive that prescribes the considerations and processes to be applied in the disposal of Council owned assets.

**OBJECTIVE**

- 1) The objectives of this Policy are to provide a systematic and accountable method to Council officials (Councillors, staff and delegates of Council) for the disposal of surplus assets, excluding real property, and to ensure the process is transparent and complies with Council's Code of Conduct and Statement of Business Ethics.

**PRINCIPLES**

This Policy has been written considering the following principles:

- 1) High standards of behaviour and ethics are required of all parties to asset disposal activities;
- 2) Asset disposal activities aim to be efficient, effective and balance risk and total cost;
- 3) Due economy shall be exercised in all asset disposal decisions;
- 4) Asset disposal decisions shall consider relevant evaluation criteria including environmental sustainability, the support of registered disability employers and the support of local industry.

**ITEM 7 - ATTACHMENT 2      EXISTING ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY.****POLICY STATEMENT**

- 1) Surplus assets will be disposed of in a cost effective manner that complies with relevant regulations in a fair, transparent, environmentally sustainable manner to maximise financial return to Council.
- 2) Prior to the disposal, assets will be reviewed concerning whether they have alternate uses within Council, contain hazardous materials or identifying marks.
- 3) Council has adopted a Statement of Business Ethics that sets out the high ethical standards expected of Council officials and delegates, contractors, and business associates.

**RELATED POLICIES**

- 1) Code of Conduct;
- 2) Procurement policy;
- 3) Fraud and Corruption Control policy;
- 4) Statement of Business Ethics.

**SUSTAINABILITY IMPLICATIONS****SOCIAL IMPLICATIONS**

Council has a leadership role to play in areas of ethical and environmentally sustainable asset disposal.

**ECONOMIC IMPLICATIONS**

All proceeds of the sale of assets are returned as Council revenue.

**ENVIRONMENTAL IMPLICATIONS**

Environmentally sustainable asset disposal results in minimisation of unnecessary purchasing, waste minimisation, water and energy saving, pollution minimisation, avoidance of toxic chemicals, reduction in greenhouse gases and decision making that incorporates biodiversity and conservation objectives.

**RELEVANT LEGISLATIVE PROVISIONS**

- 1) Local Government Act 1993:
  - o S.23A Director General's Guidelines – Tendering Guidelines for NSW Local Government October 2009
  - o S.55 tendering requirements
- 2) Local Government (General) Regulation 2005:
  - o Part 7 Tendering
- 3) Competition and Consumer Act 2010 (Cth);
  - o Part IV Restrictive Trade Practices



**ITEM 7 - ATTACHMENT 2      EXISTING ASSET DISPOSAL (OTHER THAN  
PROPERTY) POLICY.**

**IMPLEMENTATION RESPONSIBILITY**

- 1)    Financial Services Manager.

**PROCESS OWNER**

- 1)    Contracts Coordinator.

**REVIEW DATE**

- 1)    11 March 2016.

**ITEM NO. 8****FILE NO: 16/257770  
RM8 REF NO: PSC2015-00534****POLICY REVIEW: RECEIPT OF PETITIONS**

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Receipt of Petitions policy shown at **(ATTACHMENT 1)**.
  - 2) Place the Receipt of Petitions policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
  - 3) Revoke the Receipt of Petitions policy dated 12 November 2013, Min No. 375 **(ATTACHMENT 2)**, should no submissions be received.
- 

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Steve Tucker</b> <b>Councillor John Nell</b>  That the recommendation be adopted.
--	--

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>020</b>	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the revised Receipt of Petitions policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Receipt of Petitions policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Receipt of Petitions policy dated 12 November 2013, Min No. 375 <b>(ATTACHMENT 2)</b>, should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to provide the reviewed the Receipt of Petitions policy (policy) as part of Council's ongoing policy review program.

There have been no major amendments to the policy apart from the inclusion of a principal petitioner cover sheet. The cover sheet is to be completed by the principal petitioner or the person organising the petitioner. This will ensure Council has a contact person regarding the petitioner. The revised policy has also been inserted into Council's new policy template, along with minor wording amendments.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2015-2019</b>
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There is no legal requirement for Council to retain this policy, however the policy provides the community with a policy statement regarding petitions and how they are considered by Council.

The policy will require public exhibition for a period of 28 days.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council would be in breach of the Local Government Act 1993,	Low	Adopt the recommendation.	Yes

## MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016

should the policy not be place on public exhibition.			
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### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

### NCC AND PSC MERGER PROPOSAL IMPLICATIONS

There are no implications for the merger proposal arising from the proposed adoption of this reviewed policy.

### CONSULTATION

- 1) Executive Leadership Team.
- 2) General Manager.

### OPTIONS

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

### ATTACHMENTS

- 1) Revised Receipt of Petitions
- 2) Current Receipt of Petitions

### COUNCILLORS ROOM

Nil.

### TABLED DOCUMENTS

Nil.

## Policy



**FILE NO:** PSC2013-05621

**TITLE:** RECEIPT OF PETITIONS

**POLICY OWNER:** GOVERNANCE MANAGER

**PURPOSE:**

The purpose of this policy is to provide the community with an opportunity to express their opinions to Council on matters of significant community interest and/or impact.

**CONTEXT/BACKGROUND:**

Council, in the past has received petitions from the community as a way of expressing their concern on many and varied interests of which Council is the responsible authority. The community often lodge petitions as a way of informing Council of the community's general concern, as a whole, with respect to issues before Council.

**SCOPE:**

A petition is a written document including the name, address and signature of at least 20 or more persons seeking some form of action of the Council, and includes the details of a representative as a contact for Council (ATTACHMENT 1). It may be in the form of a request, complaint or expression of interest in a matter of significance to Council signed by ratepayers/residents. The General Manager shall be the final arbiter as to whether the document constitutes a petition.

1. Upon receipt of a petition the relevant Group will register the petition and refer the original copy to the General Manager's Office.
2. The Executive Administration Coordinator will forward an acknowledgement to the representative who lodged the petition and provide an Information Paper to a Council meeting.
3. The relevant Group will keep the representative informed of the progress.
4. Objections to Building or Development applications will not normally be considered as petitions under this policy. However, they will be considered as part of the building/development application assessment.

**DEFINITIONS:**

**Petition** A petition in respect to this policy is a written document that contains at least twenty (20) signatures.

## Policy

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## Policy



### POLICY STATEMENT:

The objectives of this policy is to ensure that petitions are dealt with in an appropriate manner and that all the elected Council are advised of all petitions upon its receipt.

Any decision regarding the petition subject matter will be a decision of the elected Council.

### POLICY RESPONSIBILITIES:

- 1) The Executive Administration Coordinator will be responsible for acknowledging the petition and providing a report for Council. The relevant Group will be responsible for the ongoing consultation on the subject matter.
- 2) The Governance Manager will be responsible for compliance, monitoring, evaluating, reviewing and providing advice on the policy.

### RELATED DOCUMENTS:

- 1) Local Government Act 1993
- 2) Code of Conduct

### CONTROLLED DOCUMENT INFORMATION:

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<b>TRIM container No</b>	PSC2013-05621	<b>TRIM record No</b>	
<b>Audience</b>	Port Stephens community		
<b>Process owner</b>	Governance Manager		
<b>Author</b>	Governance Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	February 2018
<b>Adoption date</b>			

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
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## Policy

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## Policy



1.0	25/07/1995	Assistant General Manager	Adopted by Council.	324
2.0	17/11/1998	Assistant General Manager	Adopted by Council.	562
3.0	19/10/2004	Governance Coordinator	Adopted by Council.	375
4.0	12/11/2013	Executive Officer	Adopted by Council.	326
5.0	16/12/2015	Governance Manager	Transferred into the new policy template and corporate branding. Inclusion of the petition cover sheet and minor wording amendments.	

## Policy

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Policy



ATTACHMENT 1

# PETITION

This petition cover sheet or similar format should be included with any petition lodged with Council. The principal petitioner will be the contact person Council will communicate with concerning the petition.

**PRINCIPAL PETITIONER**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Postcode: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Policy

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# *Port Stephens*

## C·O·U·N·C·I·L

### POLICY

Adopted: 25/07/1995  
Minute No: 324  
Amended: 17/11/1998  
Minute No: 562  
Amended: 19/10/2004  
Minute No: 375  
Amended: 12/11/2013  
Minute No: 326

**FILE NO:** PSC2013-05621

**TITLE:** RECEIPT OF PETITIONS

**RESPONSIBLE OFFICER:** EXECUTIVE OFFICER

#### **BACKGROUND**

Council, in the past has received petitions from the community as a way of expressing their concern on many and varied interests of which Council is the responsible authority. The community often lodge petitions as a way of informing Council of the communities general concern, as a whole, with respect to issues before Council.

#### **OBJECTIVE**

- To ensure that petitions are dealt with in an appropriate manner
- To ensure that all Councillors are advised of all petitions upon receipt

#### **PRINCIPLES**

Petitions are an avenue for the community to express their opinions to Council on matters of significant community interest and /or impact.

#### **POLICY STATEMENT**

A petition is a written document including the name, address and signature of at least 20 or more persons seeking some form of action of the Council. It may be in the form of a request, complaint or expression of interest in a matter of significance to Council signed by ratepayers/residents. The General Manager shall be the final arbiter as to whether the document constitutes a petition.

**ITEM 8 - ATTACHMENT 2      CURRENT RECEIPT OF PETITIONS**

1. Upon receipt of a petition the relevant Group will register the petition and refer the original copy to the General Manager's Office.
2. The General Manager's Executive Assistant will:
  - a) Forward an acknowledgement to the representative who lodged the petition and provide an Information Paper to a Council meeting.
3. The relevant Group will keep the representative informed of the progress.
4. Objections to Building or Development Applications will not normally be considered as petitions under this policy. However, they will be considered as part of the application assessment.

**RELATED POLICIES**

Nil

**SUSTAINABILITY IMPLICATIONS****SOCIAL IMPLICATIONS**

Nil

**ECONOMIC IMPLICATIONS**

Nil

**ENVIRONMENTAL IMPLICATIONS**

Nil

**RELEVANT LEGISLATIVE PROVISIONS**

Nil

**IMPLEMENTATION RESPONSIBILITY**

All Groups and General Manager's Office

**PROCESS OWNER**

General Manager's Office

**REVIEW DATE**

30 November 2015

**ITEM NO. 9**

**FILE NO: 16/257742  
RM8 REF NO: PSC2011-02442**

**POLICY REVIEW: WORKING TOGETHER AND PROVISION OF INFORMATION  
POLICY**

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Working Together and Provision of Information policy shown at **(ATTACHMENT 1)**.
- 2) Place the Working Together and Provision of Information policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Working Together and Provision of Information policy dated 23 September 2014, Min No. 242 **(ATTACHMENT 2)**, should no submissions be received.

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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan Councillor Sally Dover</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>021</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the revised Working Together and Provision of Information policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Working Together and Provision of Information policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Working Together and Provision of Information policy</li></ol>
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## MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016

dated 23 September 2014, Min No. 242 (**ATTACHMENT 2**), should no submissions be received.

### BACKGROUND

The purpose of this report is to provide the revised Working Together and Provision Information policy (policy) as part of Council's ongoing policy review program.

This policy provides a framework for council officials to operate within to ensure compliance with the Code of Conduct. This policy only applies to council officials.

There have been no major amendments to the policy apart from inserting the policy into Council's new policy template.

The policy is supported by an authorised staff listing (approved by the General Manager) which can be used by the elected Council and in turn, those staff that are authorised to make contact with the Mayor and Councillors. The authorised staff listing is updated and distributed to Councillors and staff as required.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2015-2019
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

### FINANCIAL/RESOURCE IMPLICATIONS

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

### LEGAL, POLICY AND RISK IMPLICATIONS

The Code of Conduct requires Council to have a framework in place that allows interaction between council officials.

## MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016

The policy will require public exhibition for a period of 28 days.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that without the policy Council may be in breach of the provisions of the Code of Conduct.	Low	Adopt the recommendations.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

### **NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

There are no implications for the merger proposal arising from the proposed adoption of this revised policy.

### **CONSULTATION**

- 1) Executive Leadership Team.
- 2) General Manager.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Revised Working Together and Provision of Information policy.
- 2) Current Working Together and Provision of Information policy.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

**ITEM 9 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.****Policy**

**FILE NO:** PSC2011-02442

**TITLE:** WORKING TOGETHER AND PROVISION OF INFORMATION

**POLICY OWNER:** GOVERNANCE MANAGER

**PURPOSE:**

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.

**CONTEXT/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 require 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 provides assistance to the General Manager in managing their respective areas of responsibility.

**Policy**

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**ITEM 9 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.**

## Policy



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 officials but to provide an appropriate framework to work within.

Council is committed to a community partnership.

### **SCOPE:**

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 1988* 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*.

## Policy

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**ITEM 9 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.**

## Policy



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 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 1998*.

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

## Policy

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**ITEM 9 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.**

## Policy



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.

A listing of employees nominated by the General Manager to communicate with the Mayor or Councillors will be maintained by the General Manager and a copy will be provided to the elected Council.

### **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.

## Policy

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**ITEM 9 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.**

## Policy



- 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.

### **DEFINITIONS:**

Act	Local Government Act 1993.
Council official	Is the mayor, 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.
Councillor	In accordance with section 232 (1) and (2) of the Local Government Act 1993.
Mayor	In accordance with section 226 of the Local Government Act 1993.
Record	Is any document that is written or printed material, sound recording, plan, map film, photograph, storage device, model, painting, disc or any other form of document that is held by Port Stephens Council.

## Policy

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**ITEM 9 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.**

**Policy**



**POLICY STATEMENT:**

The objectives of this policy are to :

1. Provide a documented process on how the Mayor and Councillors can access Council records;
2. Ensure the Mayor and Councillors received advice to assist in undertaking their civic duties in an orderly and regulated manner; and
3. Ensure the Mayor and Councillors have access to all relevant Council employees necessary to assist with exercising their civic roles.

**POLICY RESPONSIBILITIES:**

- 1) The General Manager, Group Managers and Section Managers are responsible for the implementation and compliance of the policy.
- 2) The Governance Manager is responsible for implementation, compliance, monitoring, evaluating, reviewing and providing advice on the policy.

**RELATED DOCUMENTS:**

- 1) *Local Government 1993*
- 2) *Government Information (Public Access) Act 2009*
- 3) *State Records Act 1998*
- 4) *Copyright Act 1968 (Cth)*
- 5) *Independent Commission Against Corruption Act 1988*
- 6) *Code of Conduct*

**CONTROLLED DOCUMENT INFORMATION:**

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<b>TRIM container No</b>	PSC2011-02442	<b>TRIM record No</b>	
<b>Audience</b>	Elected Council and Council employees		
<b>Process owner</b>	Governance Manager		
<b>Author</b>	Governance Manager		

**Policy**

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**ITEM 9 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.**

Policy



<b>Review timeframe</b>	Two years	<b>Next review date</b>	February 2018
<b>Adoption date</b>			

**VERSION HISTORY:**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Details</b>	<b>Minute No.</b>
1.0	24/09/2013	Executive Officer	Adopted by Council	275
2.0	23/09/2014	Executive Officer	Adopted by Council	242
3.0		Governance Manager	Transferred into the new policy template and corporate branding. Minor wording amendments.	

Policy

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**ITEM 9 - ATTACHMENT 2      CURRENT WORKING TOGETHER AND PROVISION  
OF INFORMATION POLICY.**

*Port Stephens*  
C·O·U·N·C·I·L

**POLICY**

Adopted: 24/09/13  
Minute No: 275  
Amended: 23/09/2014  
Minute No: 242

**FILE NO:      PSC2011-02442**

**TITLE:            WORKING TOGETHER AND PROVISION OF INFORMATION**

**REPORT OF: GOVERNANCE MANAGER**

**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;

**ITEM 9 - ATTACHMENT 2      CURRENT WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.**

- 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.

**ITEM 9 - ATTACHMENT 2      CURRENT WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.**

**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 Interest 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 Public Officer or the General Manager for

**ITEM 9 - ATTACHMENT 2      CURRENT WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.**

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.



**ITEM 9 - ATTACHMENT 2      CURRENT WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.**

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.

A listing of employees nominated by the General Manager to communicate with the Mayor or Councillors will be maintained by the General Manager and a copy will be provided to the elected Council.

**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.

**ITEM 9 - ATTACHMENT 2      CURRENT WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.****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**

Nil.

**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

**ITEM NO. 10****FILE NO: 16/252346  
RM8 REF NO: A2004-0984****CODE OF CONDUCT REVIEW****REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the revised Code of Conduct as shown at **(ATTACHMENT 1)**.
- 2) Revoke the Code of Conduct dated 25 February 2014 Minute number 043.
- 3) Adopt the revised Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW **(ATTACHMENT 2)**.
- 4) Revoke the Administration of the Model Code of Conduct for Local Councils in NSW dated 12 February 2013 Minute number 023.

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Morello Councillor Steve Tucker</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>022</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Adopt the revised Code of Conduct as shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Revoke the Code of Conduct dated 25 February 2014 Minute number 043.</li><li>3) Adopt the revised Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW <b>(ATTACHMENT 2)</b>.</li><li>4) Revoke the Administration of the Model Code of Conduct for Local Councils in NSW dated 12 February 2013 Minute number 023.</li></ol>
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**BACKGROUND**

The purpose of this report is for Council to review its Code of Conduct (Code) **(ATTACHMENT 1)** and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures) **(ATTACHMENT 2)**.

The recent introduction of the *Local Government (Misconduct and Poor Performance) Act 2015* requires the Code to be amended to include clause 4.29 (b). A number of other administrative changes have been made as shown at **(ATTACHMENT 3)**.

The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW has been amended to reflect Council's new corporate style guide, in particular updating the forms contained at the end of the Procedures.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2015-2019</b>
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

**FINANCIAL/RESOURCE IMPLICATIONS**

The financial and resource implications will be covered under the existing budget provisions.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Council is required to comply with the *Local Government Act 1993* and as such the Code should be amended to reflect the amendment.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources ?</b>
There is a risk that Council may be in breach of the <i>Local Government Act 1993</i> should the Code not be amended to reflect the legislative changes.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no sustainability implications from this recommendation.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

Adoption of the revised Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW is a statutory obligation requiring Council's immediate attention. There are no implications for the merger proposal posed by Council's consideration of this matter.

**CONSULTATION**

- 1) General Manager.
- 2) Office of Local Government.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Code of Conduct. (Provided under separate cover)
- 2) Revised Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. (Provided under separate cover)
- 3) Summary of Amendments to the Code of Conduct.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 10 - ATTACHMENT 3 SUMMARY OF AMENDMENTS TO THE CODE OF CONDUCT.****SUMMARY OF THE AMENDMENTS TO THE CODE OF CONDUCT**

Page number	Clause	Amendment
1	Part 1	Amendment to the introduction to include commentary relating to the <i>Local Government (Misconduct and Poor Performance) Act 2015</i>
5	Council Values	Updated the Council Values with the current version.
11	4.29 (b)	Insert 4.29 (b) as a result of the introduction of the <i>Local Government (Misconduct and Poor Performance) Act 2015</i>
21	8.9	Updated the reference to the Office of Local Government – previously referred to as the "Division".
21	8.14	Updated the reference to the Office of Local Government – previously referred to as the "Division".
22	Part 9	Updated to the reference to the Office of Local Government under the "Chief Executive".

**ITEM NO. 11****FILE NO: 16/251824  
RM8 REF NO: PSC2015-02692****LGNSW TOURISM CONFERENCE 2016****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the attendance of Cr John Nell at the Local Government NSW Tourism Conference 2016 to be held from Wednesday 9 March – Friday 11 March 2016 at Byron Bay.
- 2) Allow a "one-off" increase of the conference allowance under the Policy for Cr John Nell to attend the conference.

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan Councillor Sally Dover</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>023</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council: <ol style="list-style-type: none"><li>1) Endorse the attendance of Cr John Nell at the Local Government NSW Tourism Conference 2016 to be held from Wednesday 9 March – Friday 11 March 2016 at Byron Bay.</li><li>2) Allow a "one-off" increase of the conference allowance under the Policy for Cr John Nell to attend the conference.</li></ol>
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**BACKGROUND**

The purpose of this report is to inform Council of the Local Government NSW Tourism Conference 2016 to be held from Wednesday 9 March – Friday 11 March 2016 at Byron Bay.

## MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016

The Conference Program is shown at **(ATTACHMENT 1)**.

The Conference is open to all Councillors.

As Councillors would be aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Councils area.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2015-2019
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

### FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration, travel and accommodation would be covered from the existing budget, subject to an individual Councillor not exceeding the conference budget limits in the Policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	693	\$693 registration costs. Travel & accommodation shall be additional to this cost.
Reserve Funds			
Section 94			
External Grants			
Other			

### LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside the Hunter Region. Councillors' conference costs are limited to \$3,500 per year under the Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Port Stephens Council will not be represented on	Low	That Councillor Nell attends the conference and represents Port Stephens	Yes



## MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016

matters at the conference.		Council.	
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### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Ensuring the local government area is well represented in all matters at the conference will benefit the Port Stephens community. Information received will be disseminated to the appropriate members of the community and relevant Council staff.

### **NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

This will have no implications on the proposed merger as the event is in March 2016.

### **CONSULTATION**

Nil.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) LGNSW Tourism Conference 2016 Programme

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

ITEM 11 - ATTACHMENT 1 LGNSW TOURISM CONFERENCE 2016  
PROGRAMME



REGISTRATION

# TOURISM CONFERENCE 2016

Embracing a  
changing tourism  
landscape

9 TO 11 MARCH 2016, ELEMENTS OF BYRON, BYRON BAY

CO-HOSTED BY:



OFFICIAL PARTNER:



ELITE SPONSOR:



LGNSW.ORG.AU

ITEM 11 - ATTACHMENT 1 LGNSW TOURISM CONFERENCE 2016  
PROGRAMME

## DESTINATION BYRON AND BALLINA

Jingi Wahla and welcome to the Ballina and Byron shires, home of the traditional Nyangbal and Arakwal country of the Bundjalung nation.

Cultural intrigue, world-class beaches and shopping await you. Pass your days on the pristine beaches surfing, swimming, diving and kayaking or head to one of the shire's villages to enjoy a range of food, festivals, events, retreats, art trails and exhibitions.

The lush and rolling green hills are punctuated with rainforest, waterfalls, farms historic villages, community halls, cafes, artist studios, B&Bs and roadside stalls. You'll also find parks and gardens, tea rooms, cosy cafes, country pubs and galleries and shops filled with exquisite local arts, crafts, and fresh local produce.

When it comes to wining and dining, the options are endless. There are restaurants, pubs and cafes where you can sample the local produce and find international quality cuisine. The area is renowned for dairy products, beef and pork, and an array of exotic Indigenous delicacies, tropical fruits, herbs, nuts and bush tucker. The region's award-winning coffee is acclaimed as some of the world's finest.

We look forward to welcoming LGNSW Tourism Conference delegates to the area and showcasing what makes it such a unique and special tourist destination. Come and spend some time with us where the lifestyle is laid-back and friendly, the communities warm and welcoming and the experiences diverse and authentic.

## 5 REASONS YOU SHOULD ATTEND

- 1 The conference is staged by local government for local government
- 2 Learn from senior industry executives and speakers who are experts in their field
- 3 Be inspired to create new solutions to your tourism challenges
- 4 Network with your peers, industry and Destination NSW
- 5 Take home the latest tourism news, thinking and ideas to share with your team



## PROGRAM HIGHLIGHTS

### Keynote speakers

Claire Madden, McCrindle Research – *New consumers, diverse generations, emerging segments: Engaging with the ever changing customer.*

Shawn Callahan, Founder, Anecdote – *Learn how to help your customers spark and share stories of their adventures so they return home with something to really talk about.*

Rodger Powell, Managing Director, Tourism and Hospitality Services Australia *The role of local government in tourism.*

Roy Morgan Research *State of the nation: The Australian tourism industry enters a new era.*

**Topic streams** will cast a spotlight on resourcing and financing, digital marketing and art, culture and heritage.

**Site visits** include guest speakers who will provide background and insights on the destinations you are experiencing.

Full site visit details at [lgnsw.org.au](http://lgnsw.org.au)

### AVIC Summit

This optional session on the first day of the conference, facilitated by John Larkin of Aurora Research, will feature sessions on digital marketing, the value of community engagement and the power of signage.

Full program information is available at [lgnsw.org.au](http://lgnsw.org.au)

**State Your Case – for a chance to win \$3000** for your council when your challenge becomes part of the program and possible solutions are presented by a panel of industry experts.

STATE YOUR CASE SPONSOR:



**ITEM 11 - ATTACHMENT 1 LGNSW TOURISM CONFERENCE 2016  
PROGRAMME**


## PROGRAM

WEDNESDAY 9 MARCH		
1.00pm – 5.00pm	Registration opens	
1.30pm – 5.30pm	Optional AVIC summit: <ul style="list-style-type: none"><li>• Insights from the “NSW Visitor Information Centre Study” and “Tourist Signposting Research” (proposed)</li><li>• Digital marketing session</li><li>• Value of community engagement</li><li>• Power of signage and taking your tourism message outside the VIC to tourism hotspots</li></ul>	
6.00pm – 8.00pm	Welcome reception, Elements of Byron	
Thursday 10 March		
8.30am – 8.35am	Introduction and housekeeping	Gerry Gannon, Master of Ceremonies
8.35am – 8.50am	Welcome to Byron and Ballina	Cr Simon Richardson, Mayor, Byron Shire Council Cr David Wright, Mayor, Ballina Shire Council
8.50am – 9.00am	Conference welcome and opening	Cr Keith Rhoades AFSM, President, LGNSW
9.00am – 9.30am	Minister's address	The Hon Stuart Ayres, Minister for Trade, Tourism and Major Events and Minister for Sport (Invited.)
9.30am – 13.00am	Keynote address	Sandra Chipchase, Chief Executive Officer, Destination NSW
10.30am – 10.50am	Morning tea	
10.50am – 11.20pm	The role of local government in tourism	Rodger Powell, Managing Director, Tourism and Hospitality Services Australia
11.20am – 12.00pm	New consumers, diverse generations, emerging segments: Engaging with the ever changing customer	Claire Madden, Research Director, McCrindle Research
12.00pm – 12.30pm	Sharing and celebrating local heritage within your destination	Christian Hampson, Manager, Heritage Near Me, Heritage Division, Office of Environment and Heritage
12.30pm – 1.15pm	Panel question and answer session: Panellists: <ul style="list-style-type: none"><li>• Sandra Chipchase, Chief Executive Officer, Destination NSW</li><li>• Christian Hampson, Manager, Heritage Near Me, Heritage Division, Office of Environment and Heritage</li><li>• Claire Madden, Research Director, McCrindle Research</li><li>• Rodger Powell, Managing Director, Tourism and Hospitality Services Australia</li></ul>	
1.15pm – 2.00pm	Lunch	
2.00pm – 5.00pm	Site tours: (choose one) <ul style="list-style-type: none"><li>• Food from The Farm grows tourism opportunities @ The Farm</li><li>• Towns and villages drives visitor dispersal and extended stays @ Hinterland - Brunswick Heads, Mullumbimby, Bangalow</li><li>• Placemaking and activation creates a tourism gamechanger @ Byron Community Centre</li><li>• A conscious consumer inspires sustainability leadership in tourism products @ Elements of Byron</li></ul>	
7.00pm – 10.30pm	Conference dinner (Magic bus transfers from accommodation to Lennox Head Community Centre)	



**ITEM 11 - ATTACHMENT 1 LGNSW TOURISM CONFERENCE 2016 PROGRAMME**

<b>Friday 11 March</b>		
<b>8.45am</b>	MC introductory remarks	Gerry Gannon
<b>8.50am</b>	Keynote: State of the nation: The Australian tourism industry enters a new era	Roy Morgan Research
<b>9.30am – 10.30am</b>	State your case!	Facilitated by WISDOM
<b>10.30am – 11.00am</b>	Morning tea	
<b>11.00am – 12.15pm</b>	Concurrent topic streams:	
	<b>1. Resourcing and financing</b> <ul style="list-style-type: none"> <li>Attracting investment by making it easy to do business, Mark Sleight, General Manager, Destination Wollongong</li> <li>The art of advocacy, lobbying and negotiation, Matthew Hingerty, Chief Executive Officer and Managing Director, Barton Deacon</li> <li>Investing in destination marketing to grow your tourism dollar, John Harvie, Manager Economic and Business Development, Deniliquin Council</li> </ul>	
	<b>2. Digital marketing</b> <ul style="list-style-type: none"> <li>Effective digital marketing, Diana Kahui, Director – Digital Strategy, Destination NSW</li> <li>How to tame the Chinese dragon, Jeff Sharp, Director, China Digital</li> <li>Understanding the TripAdvisor Traveller, Jessica Quinlan, Senior Sales Executive, Destination Marketing, TripAdvisor</li> </ul>	
	<b>3. Art, heritage and culture</b> <ul style="list-style-type: none"> <li>Culture and heritage tourism – How to operationalise for your destination, Carolyn Childs, Director, mytravelresearch.com</li> <li>How one exciting MAMA helped achieve a community vision, Sue Harper, Tourism Team Leader, Albury City Council</li> <li>The impact of Tweed Regional Gallery's Margaret Olley Art Centre on the region's visitor economy, Susi Muddiman OAM, Art Gallery Director, Tweed Regional Gallery &amp; Margaret Olley Art Centre</li> </ul>	
<b>12.15pm – 1.00pm</b> <b>Closing keynote</b>	Learn how to help your customers spark and share stories of their adventures so they return home with something to talk about	Shawn Callahan, Founder, Anecdote
<b>1.00pm – 1.30pm</b>	Lunch and event close	

This program is correct at the time of publication. Speakers and topics may change due to unforeseen circumstances.

## WORLD CLASS VENUE

Our conference venue is Elements of Byron – Byron Bay's first world-class conference destination with state of the art conference facilities and seamlessly integrated sustainability touch points. The resort features 103 private beach villas dotted amidst 22 hectares of absolute beachfront paradise.

To allow delegates to take advantage of the convenience of staying on site LGNSW have been provided with exclusive rates. All conference delegates choosing to stay at Elements will also get to enjoy:

- Access to the exclusive Beach Club on Belongil Beach
  - The First Light Club - Be the first to welcome the morning sun with yoga on our stunning beachside location
  - Use of the resort's indoor health club, outdoor fitness circuit and tennis court
- Exploring Belongil Creek and local ecology while taking a guided walk on our Rainforest Eco-Trail

Full details of travel and accommodation can be found at [lgnsw.org.au](http://lgnsw.org.au)

Book quickly to secure your room at the conference venue.



ITEM 11 - ATTACHMENT 1 LGNSW TOURISM CONFERENCE 2016  
PROGRAMME



## NETWORKING

**Welcome reception, Wednesday 9 March, 6pm – 8pm,  
Elements of Byron**

The welcome reception begins with a smoking ceremony by the local Arakwal people atop the Elements of Byron sand-dune overlooking Belongil beach, across the bay from the iconic Byron Bay lighthouse. This will be followed by a barbecue around the spectacular Elements lagoon pool, featuring local produce caught fresh from the Pacific Ocean, or grown and farmed in the rich, green, rolling hinterland.

**Conference dinner, Thursday 10 March, 7pm – 10.30pm,  
Lennox Head Cultural and Community Centre**

Get on board the magic bus and be transported to the seaside village of Lennox Head. Here guests will gather on the foreshore overlooking Seven Mile Beach for welcome drinks. In true laid-back but chic Lennox style, enjoy dinner, eat street style, with local brews and music at the Lennox Head Cultural and Community Centre. Here you can savour the flavour of local meats and the finest fresh produce sourced from the Northern Rivers. After dinner, request all your favourite tunes from the sassy four piece covers band, Pink Zinc.

## SPONSORSHIP

If you are interested in sponsoring the conference, giving support, or taking part in our trade display, please contact Bradley Hayden on 0412 461 392 or email [Bradley.Hayden@lgnsw.org.au](mailto:Bradley.Hayden@lgnsw.org.au)

LGNSW is committed to environmental sustainability at events and conferences. Please visit [lgnsw.org.au](http://lgnsw.org.au) for more information.



## REGISTRATION

Register online by Monday 22 February 2016 at [lgnsw.org.au](http://lgnsw.org.au)

Book now to benefit from reduced rates. Discounts are also offered for groups of three delegates to assist councils in sending teams.

REGISTRATION FEES	FEE (incl. GST)
AVIC optional summit	\$120
AVIC optional summit with welcome reception	\$197
Early bird registration (by Monday 18 January 2016)	\$583
Early bird registration with AVIC summit (50% discount for summit)	\$643
Group registration early bird (three people by Monday 18 January 2016)	\$1650
Group registration early bird with AVIC summit	\$1830
Conference registration standard rate (by Monday 22 February 2016)	\$693
Conference registration standard rate with AVIC (50% discount for summit)	\$753
Group registration standard rate (by Monday 22 February 2016)	\$1980
Group registration standard rate with AVIC summit	\$2160
Thursday registration - day only (inclusive site visits)	\$330
Friday registration - day only	\$220
Welcome reception - extra tickets	\$77
Conference dinner - extra tickets if available	\$154

Cancellations prior to Monday 22 February will receive a full refund less a \$100 administration fee.  
Cancellations after Monday 22 February will receive no refund.  
However, registration can be transferred to another person.



**ITEM NO. 12****FILE NO: 15/239413  
RM8 REF NO: PSC2016-00178****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:-
  - a. East Ward Funds – Tomaree Public School – Donation for citizenship award 2015 - \$100.
  - b. Mayoral Funds – Karuah Uniting Church – Donation towards shirts for youth members - \$500.
  - c. Mayoral Funds – Seaham Park and Wetlands Committee – Donation towards costs for public reserve application for service - \$155.
  - d. Mayoral Funds – Port Stephens SES Unit – Donation towards costs associated with January 2016 storm - \$500
  - e. Mayoral Funds – Raymond Terrace Rural Fire Brigade – Donation towards costs associated with January 2016 storm - \$500
  - f. Mayoral Funds – Rotary Club of Nelson Bay – Donation towards Rotary Youth Driver Awareness Program - \$1,000
  - g. Mayoral Funds – Nelson Bay RSL Diggers Bowling Club – Donation towards associated costs with away trips for members - \$500

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Mayor Bruce MacKenzie Councillor Steve Tucker</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>024</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective
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## MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016

	Mayor and Ward Funds to the following:- <ul style="list-style-type: none"><li>a. East Ward Funds – Tomaree Public School – Donation for citizenship award 2015 - \$100.</li><li>b. Mayoral Funds – Karuah Uniting Church – Donation towards shirts for youth members - \$500.</li><li>c. Mayoral Funds – Seaham Park and Wetlands Committee – Donation towards costs for public reserve application for service - \$155.</li><li>d. Mayoral Funds – Port Stephens SES Unit – Donation towards costs associated with January 2016 storm - \$500</li><li>e. Mayoral Funds – Raymond Terrace Rural Fire Brigade – Donation towards costs associated with January 2016 storm - \$500</li><li>f. Mayoral Funds – Rotary Club of Nelson Bay – Donation towards Rotary Youth Driver Awareness Program - \$1,000</li><li>g. Mayoral Funds – Nelson Bay RSL Diggers Bowling Club – Donation towards associated costs with away trips for members - \$500</li></ul>
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The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Financial Assistance Policy gives Councillors a wide discretion either to grant or to refuse any requests.

The new Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 1993*. This would mean that the financial assistance would need to be included in the Management Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

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



**MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016****EAST WARD – Councillors Dover, Morello & Nell**

Tomaree Public School	Donation for citizenship award 2015.	\$100
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**MAYORAL FUNDS – Mayor MacKenzie**

Karuah Uniting Church	Donation towards shirts for youth members	\$500
Seaham Park and Wetlands Committee	Donation towards costs for public reserve application for service.	\$155
Port Stephens SES Unit	Donation towards costs associated with January 2016 storm.	\$500
Raymond Terrace Rural Fire Brigade	Donation towards costs associated with January 2016 storm.	\$500
Rotary Club of Nelson Bay	Donation towards Rotary Youth Driver Awareness Program.	\$1,000
Nelson Bay RSL Diggers Bowling Club	Donation towards associated costs with away trips for members.	\$500

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2014-2019</b>
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	3,255	Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL AND POLICY IMPLICATIONS**

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

The policy interpretation required is whether the Council believes that:

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

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

There are no implications as this funding is within the current budget.

**CONSULTATION**

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

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016****ITEM NO. 13****FILE NO: 16/261303  
RM8 REF NO: PSC2016-00178****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 9 February 2016.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Cash and Investments held as at 30 November 2015	131
2	Cash and Investments held as at 31 December 2015	135
3	Designated Persons - Pecuniary Interest	139

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Steve Tucker Councillor John Morello</b>  That the recommendation be adopted.
<b>025</b>	<b>Councillor Ken Jordan Councillor John Nell</b>  It was resolved that Council move out of Committee of the Whole.

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2016  
MOTION**

<b>026</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 9 February 2016.  -----
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**MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016**

	<b>No:</b>	<b>Report Title</b>
	1	Cash and Investments held as at 30 November 2015
	2	Cash and Investments held as at 31 December 2015
	3	Designated Persons - Pecuniary Interest

# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: PSC2015-01000V2/176  
RM8 REF NO: PSC2006-6531**

**CASH AND INVESTMENTS HELD AS AT 30 NOVEMBER 2015**

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 30 November 2015.

**ATTACHMENTS**

- 1) Cash and investments held at 30 November 2015.
- 2) Monthly cash and investments balance November 2014 to November 2015.
- 3) Monthly Australian term deposit index November 2014 to November 2015.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

# MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2016

## ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 30 NOVEMBER 2015.

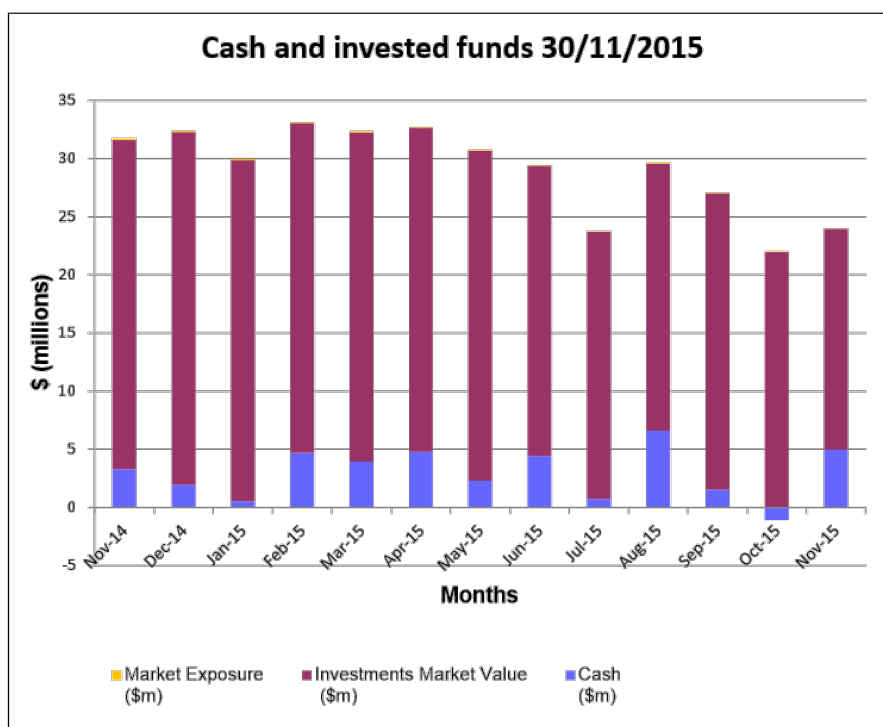
### CASH AND INVESTMENTS HELD AS AT 30 NOVEMBER 2015

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	2.88%	100	16-Dec-15	2,000,000	2,000,000
ANZ	ANZ	AA-	TD	2.90%	188	6-Jan-16	2,000,000	2,000,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.00%	224	13-Jan-16	2,500,000	2,500,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.00%	224	27-Jan-16	1,500,000	1,500,000
AMP BANK LTD	FARQUHARSON	A+	TD	2.90%	182	10-Feb-16	2,000,000	2,000,000
SUNCORP BANK	SUNCORP	A+	TD	2.95%	182	9-Mar-16	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.00%	182	23-Mar-16	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	2.90%	168	6-Apr-16	2,000,000	2,000,000
ARAB BANK AUSTRALIA LTD	RIM	NR	TD	3.05%	280	20-Apr-16	2,000,000	2,000,000
SUB TOTAL (\$)							18,000,000	18,000,000
OTHER INVESTMENTS								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	989,274
SUB TOTAL (\$)							1,017,877	989,274
INVESTMENTS TOTAL (\$)							19,017,877	18,989,274
CASH AT BANK (\$)							4,959,135	4,959,135
TOTAL CASH AND INVESTMENTS (\$)							23,977,012	23,948,409
CASH AT BANK INTEREST RATE				2.40%				
BBSW FOR PREVIOUS 3 MONTHS				2.23%				
AVG. INVESTMENT RATE OF RETURN				2.80%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
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								
T HAZELL								



**ITEM 1 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE  
NOVEMBER 2014 TO NOVEMBER 2015.**
**CASH AND INVESTMENTS BALANCE**

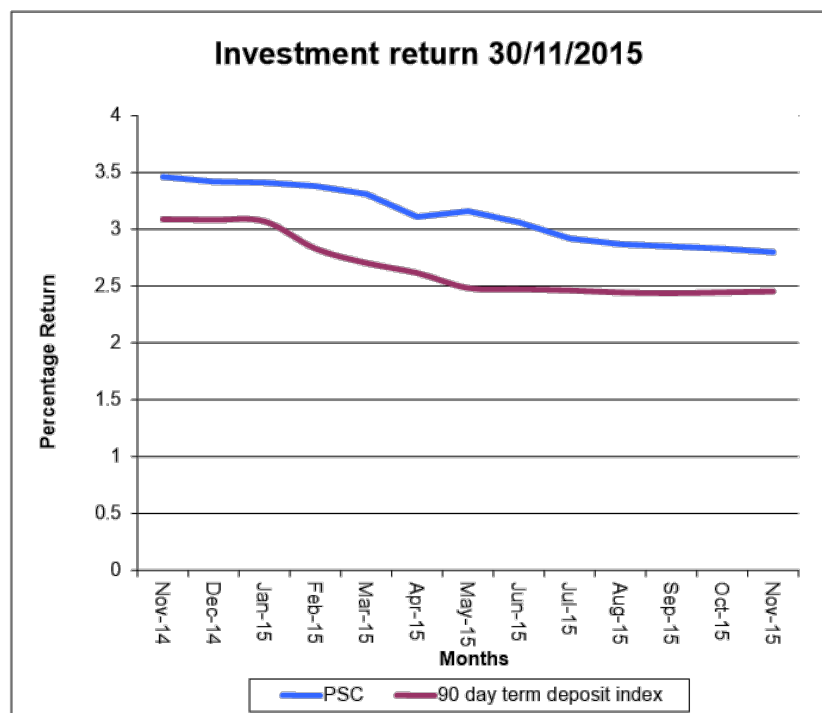
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Nov-14	3.293	28.313	0.123	31.729
Dec-14	1.959	30.317	0.113	32.389
Jan-15	0.527	29.323	0.107	29.957
Feb-15	4.691	28.328	0.103	33.122
Mar-15	3.937	28.332	0.098	32.367
Apr-15	4.793	27.867	0.064	32.723
May-15	2.301	28.375	0.056	30.732
Jun-15	4.422	24.967	0.051	29.440
Jul-15	0.727	22.968	0.050	23.745
Aug-15	6.590	22.968	0.050	29.608
Sep-15	1.542	25.468	0.050	27.060
Oct-15	1.092	21.968	0.050	20.926
Nov-15	4.959	18.989	0.029	23.977



**ITEM 1 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX NOVEMBER 2014 TO NOVEMBER 2015.**

**AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX**

Date	90 day term deposit index	PSC
Nov-14	3.0886	3.46
Dec-14	3.0832	3.42
Jan-15	3.0697	3.41
Feb-15	2.8301	3.38
Mar-15	2.7035	3.31
Apr-15	2.6157	3.11
May-15	2.4841	3.16
Jun-15	2.4727	3.06
Jul-15	2.4632	2.92
Aug-15	2.4447	2.87
Sep-15	2.4384	2.85
Oct-15	2.4458	2.83
Nov-15	2.4535	2.80



**ITEM NO. 2**

**FILE NO: 16/250738  
RM8 REF NO: PSC2006-6531**

**CASH AND INVESTMENTS HELD AS AT 31 DECEMBER 2015**

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 31 December 2015.

**ATTACHMENTS**

- 1) Cash and investments held at 31 December 2015.
- 2) Monthly cash and investments balance December 2014 to December 2015.
- 3) Monthly Australian term deposit index December 2014 to December 2015.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

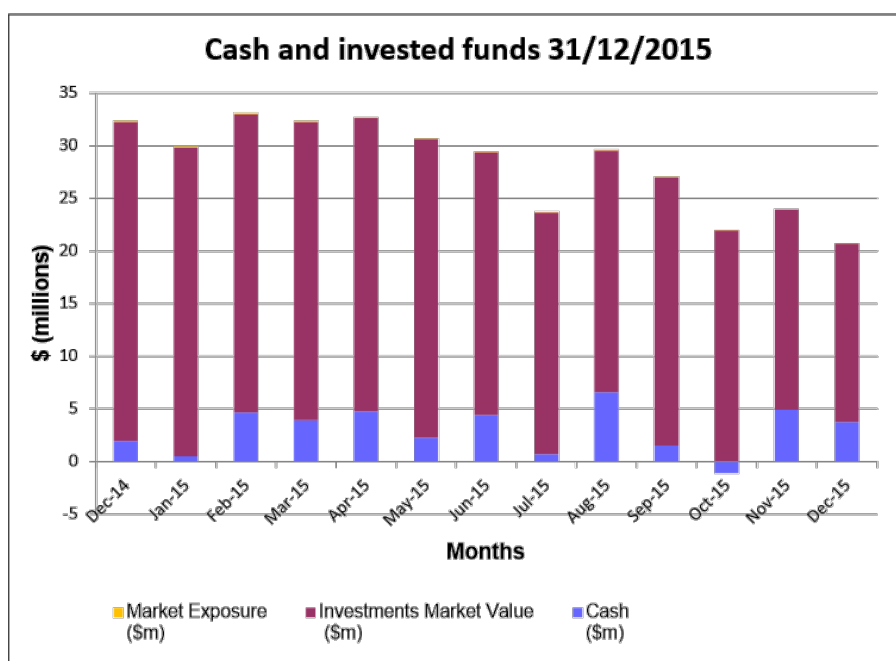
Nil.

**ITEM 2 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 31 DECEMBER 2015.**
**CASH AND INVESTMENTS HELD AS AT 31 DECEMBER 2015**

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
ANZ	ANZ	AA-	TD	2.90%	188	6-Jan-16	2,000,000	2,000,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.00%	224	13-Jan-16	2,500,000	2,500,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.00%	224	27-Jan-16	1,500,000	1,500,000
AMP BANK LTD	FARQUHARSON	A+	TD	2.90%	182	10-Feb-16	2,000,000	2,000,000
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NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.00%	182	23-Mar-16	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	2.90%	168	6-Apr-16	2,000,000	2,000,000
ARAB BANK AUSTRALIA LTD	RIM	NR	TD	3.05%	280	20-Apr-16	2,000,000	2,000,000
SUB TOTAL (\$)							16,000,000	16,000,000
OTHER INVESTMENTS								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	989,274
SUB TOTAL (\$)							1,017,877	989,274
INVESTMENTS TOTAL (\$)							17,017,877	16,989,274
CASH AT BANK (\$)							3,758,512	3,758,512
TOTAL CASH AND INVESTMENTS (\$)							20,776,389	20,747,786
CASH AT BANK INTEREST RATE				2.40%				
BBSW FOR PREVIOUS 3 MONTHS				2.28%				
AVG. INVESTMENT RATE OF RETURN				2.79%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
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								
T HAZELL								

**ITEM 2 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE  
DECEMBER 2014 TO DECEMBER 2015.**
**CASH AND INVESTMENTS BALANCE**

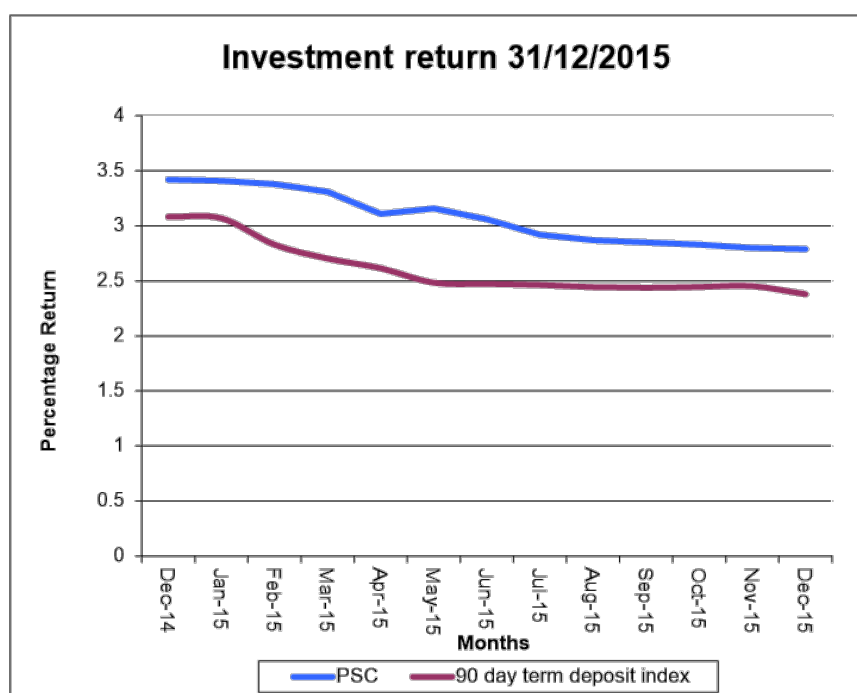
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Mar-15	3.937	28.332	0.098	32.367
Apr-15	4.793	27.867	0.064	32.723
May-15	2.301	28.375	0.056	30.732
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Sep-15	1.542	25.468	0.050	27.060
Oct-15	- 1.092	21.968	0.050	20.926
Nov-15	4.959	18.989	0.029	23.977
Dec-15	3.759	16.989	0.029	20.776



**ITEM 2 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX  
DECEMBER 2014 TO DECEMBER 2015.**

**AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX**

<b>Date</b>	<b>90 day term deposit index</b>	<b>PSC</b>
Dec-14	3.0832	3.42
Jan-15	3.0697	3.41
Feb-15	2.8301	3.38
Mar-15	2.7035	3.31
Apr-15	2.6157	3.11
May-15	2.4841	3.16
Jun-15	2.4727	3.06
Jul-15	2.4632	2.92
Aug-15	2.4447	2.87
Sep-15	2.4384	2.85
Oct-15	2.4458	2.83
Nov-15	2.4535	2.80
Dec-15	2.38	2.79



**ITEM NO. 3**

**FILE NO: 16/254154  
RM8 REF NO: PSC2015-00570**

**DESIGNATED PERSONS - PECUNIARY INTEREST**

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

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**BACKGROUND**

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

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

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

- Cadet Environmental Health Officer (PSC834)
- Ranger (PSC017)
- Senior Environmental Planner (PSC818)
- Health and Building Surveyor (PSC071)
- Senior Development Engineer (PSC617)

**TABLED DOCUMENTS**

- 1) Pecuniary Interest Returns.

**ATTACHMENTS**

Nil.

There being no further business the meeting closed at 6.50pm.