

## Minutes 14 SEPTEMBER 2010



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 14 September 2010, commencing at 6.46pm.

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

		No apologies received.
271	<b>Councillor Ken Jordan</b> <b>Councillor Glenys Francis</b>	It was resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 24 August 2010 be confirmed.
		No declarations of interest were received.

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# MAYORAL & DEPUTY MAYORAL ELECTION

**ELECTION OF MAYOR AND DEPUTY MAYOR**

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**1. BACKGROUND**

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

**2. NOMINATIONS FOR THE OFFICE OF MAYOR**

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

**3. DETERMINE METHOD OF VOTING FOR ELECTION OF MAYOR**

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

**4. STATEMENT FROM MAYORAL CANDIDATES (OPTIONAL)**

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

**5. ELECTION OF MAYOR**

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

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

**7. DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR**

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

**8. ELECTION OF DEPUTY MAYOR**

## MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010

### ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010

#### MAYORAL ELECTION

<b>272</b>	<b>Councillor John Nell Councillor Glenys Francis</b>	It was resolved that the voting be by Ordinary Ballot Voting.
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Nominations for Office of Mayor were;

Cr Dingle  
Cr Westbury

Cr MacKenzie and Cr O'Brien nominated Cr Nell. Cr Nell did not give written consent to the nomination and the nomination was declared invalid.

#### Election of Mayor

Cr Dingle                    6 votes  
Cr Westbury                6 votes

Following the first round of voting, the vote was tied. Both candidates names were placed in the ballot box and Cr Westbury was chosen from the ballot. Cr Westbury was elected as Mayor.

#### DEPUTY MAYOR ELECTION

<b>273</b>	<b>Councillor John Nell Councillor Glenys Francis</b>	It was resolved that the voting be by Ordinary Ballot Voting.
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Nominations for Deputy Mayor were;

Cr Dover  
Cr Francis

#### Election of Deputy Mayor

Cr Dover                    6 votes  
Cr Francis                 6 votes

Following the first round of voting, the vote was tied. Both candidates names were placed in the ballot box and Cr Dover was chosen from the ballot. Cr Dover was elected as Deputy Mayor.

Mayor, Cr Bob Westbury adjourned the meeting at 7.02pm following the Mayoral Election.

The Mayor reconvened the meeting at 7.14pm with all present except for Cr Caroline De Lyall.

## **MOTIONS TO CLOSE**

ITEM NO. 1

FILE NO: A2004-0028

## MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

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### RECOMMENDATION:

- 1) That pursuant to section 10A(2)(c) & (d) (i) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary meeting agenda namely **Newcastle Airport Ltd – Land Purchase**.
- 2) That the reasons for closing the meeting to the public to consider this item be that it:
  - a) contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business.
  - b) includes details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 3) In particular, the information and discussion concerns **Newcastle Airport Ltd – Land Purchase**.
- 4) On balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the information and discussion need to be carried out confidentially to protect the interests of both parties. Any breach of such confidentiality could prejudice Council's position.
- 5) That the minutes relating to this item be made public.

### ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010

274	Councillor John Nell Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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**ITEM NO. 2**

**FILE NO: PSC2005-0970**

**MOTION TO CLOSE MEETING TO THE PUBLIC**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**

**GROUP: GENERAL MANAGER'S OFFICE**

**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (c) and (d) (i) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the agenda namely **Rivers (Australia) Pty Ltd – Proposed Lease – 29 Sturgeon St, Raymond Terrace.**
- 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include:
  - a) contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business.
  - b) includes details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 3) That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as it may prejudice Council's commercial position and Council should have the same protection for its confidential commercial activities as that applying to other persons.
- 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.

**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>275</b>	<b>Councillor John Nell Councillor Ken Jordan</b>	It was resolved that the recommendation be adopted.
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**ITEM NO. 3**

**FILE NO: PSC2007-0174**

**MOTION TO CLOSE MEETING TO THE PUBLIC**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**

**GROUP: GENERAL MANAGER'S OFFICE**

**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (c) and (d) (i) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the agenda namely **Surf Life Saving Contract – Renewal**.
- 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include:
  - a) contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business.
  - b) includes details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 3) That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as it may prejudice Council's commercial position and Council should have the same protection for its confidential commercial activities as that applying to other persons.
- 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.

**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>276</b>	<b>Councillor John Nell Councillor Ken Jordan</b>	It was resolved that the recommendation be adopted.
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**ITEM NO. 4**

**FILE NO: PSC2010- 02986**

**MOTION TO CLOSE MEETING TO THE PUBLIC**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Information Paper Item 1 on the Ordinary Council agenda namely **Raymond Terrace Sports Field Tender Evaluation Process**.
- 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 **Raymond Terrace Sports Field**.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.

**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>277</b>	<b>Councillor John Nell</b> <b>Councillor Ken Jordan</b>	It was resolved that the recommendation be adopted.
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**COUNCIL  
COMMITTEE  
RECOMMENDATIONS**

**ITEM NO. 1**

**FILE NO: 16-2008-827-2**

**SECTION 96 APPLICATION TO MODIFY DEVELOPMENT CONSENT NO. 16-2008-827-1 AT NO. 470 MARSH ROAD, BOBS FARM**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse Section 96 Application 16-2008-827-2 for the deletion and/or modification of Condition 5, 11, 15 & 20, as the application in seeking the deletion of Condition No. 11 & 15:
  - (a) Is inconsistent with the provisions of Port Stephens Local Environmental Plan 2000. In particular the planning considerations for development on flood prone land, including the provisions of Clause 37 (Objectives for development on flood prone land) and Clause 38 (Development on flood prone land).
  - (b) Is inconsistent with the principles of the Floodplain Management Manual 2005, as the development does not comply with the current Flood Planning Level.
  - (c) Is a breach of Council's duty of care in protecting residents, SES personnel and property owners from the personal and property risks associated with flood events.
  - (d) Would have an undesirable cumulative effect by increasing the community's susceptibility to flooding, in terms of social and economic consequences.
- 2) Express support for the modification of Condition No. 20, should the applicant lodge a Section 96 application to modify this consent in the future.

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**COUNCIL COMMITTEE MEETING – 14 SEPTEMBER 2010**  
**RECOMMENDATION:**

	<b>Councillor John Nell Councillor Geoff Dingle</b>	That the recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

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

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

Those against the Motion: Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Bob Westbury, Sally Dover, Frank Ward and Ken Jordan.

	<b>Councillor Bruce MacKenzie</b> <b>Councillor Sally Dover</b>	<p>That the Section 96 application 16-2008-827-2 be approved with amendments to Conditions 11 and 20 as shown below and the deletion of Condition 15.</p> <p><i>"Condition 11 – Electrical Installations – As the 1% flood level is 1.88 AHD (i.e. only 80mm above the Existing Floor Level) and the switchboard includes earth and leakage circuit breakers, there is minimal risk from the power supply. The pillar connection to be raised above the 1% (1.88AHD) flood level o is to be water sealed."</i></p> <p><i>"Condition 20 Access way within Road Reserve – a concrete edge strip at the gravel/road interface to prevent damage to the road sea is to be provided".</i></p>
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Bob Westbury, Sally Dover, Frank Ward and Ken Jordan.

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

**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>278</b>	<b>Councillor Bruce MacKenzie</b> <b>Councillor Sally Dover</b>	It was resolved that the Council Committee recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Glenys Francis, Ken Jordan, Steve Tucker, Shirley O'Brien, Frank Ward, Bruce MacKenzie, Sally Dover and Bob Westbury.

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

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## **BACKGROUND**

***The purpose of this report is to present a Section 96 application to Council for consideration in regard to a proposed amendment to Development Consent No. 16-2008-827-1 at the request of the Mayor Cr. Bruce MacKenzie.***

*Development Application 16-2008-827-1 related to the permanent conversion of an existing shed to a dwelling. Development Application 16-2008-827-1 was approved by Council on 9 March 2010, after Council resolved during the meeting of 9 February 2010 to support the application, contrary to recommendations by Council staff that the application should be refused (provided under separate cover)*

*This current Section 96 application seeks approval to modify Development Consent No.16-2008-827-1, so as to delete and/or modify the following conditions of consent:*

**Condition No. 5:** A separate wastewater application for the installation of a waste treatment device human waste storage facility shall be approved by Council prior to the issue of any Construction Certificate for works associate with this Development Consent. The application is to be accompanied by full details of the proposed system including a site assessment complying with Division 4 of the Local Government (General) Regulation, 2005 and Council requirements.

**Condition No.11:** The owner shall provide certification from a registered surveyor that all electrical installations of the property are located above the Flood Planning Level of 2.5metres AHD, in accordance with the NSW Government Floodplain Management Manual 2005. Details shall be submitted within three (3) months of the date of the consent, or prior to the issue of the Construction Certificate for any proposed alterations to the building, whichever occurs first.

**Condition No.15:** All existing building works including linings below the existing 2.5metre AHD Flood Planning Level shall be constructed with flood compatible materials. The applicant shall submit certification to the Principal Certifying Authority from a licensed accredited tradesman that such works have been installed. Details shall be submitted within one (1) month of the consent, or prior to the issue of the Construction Certificate for any proposed alterations to the building, whichever occurs first.

**Condition No.20:** Driveway access within the road reserve shall be a minimum of 4 metres wide consisting of a granular pavement having a minimum compacted depth of 200mm and bitumen sealed with a two coat flush seal from the property boundary to the edge of the existing road. This shall include 3 metre radius splays at the junction with the road. Associated table drains and trail out drains shall be provided. Details shall be approved by the certifying authority prior to the issue of the construction certificate.

*Presently, the site contains a rural shed which was originally converted unlawfully to a single occupancy dwelling and granted permanent dwelling status under Development Consent 16-2008-827-1. Essentially, this application seeks approval to remove and/or modify several conditions of the original consent, including two (2) standard flooding conditions for developments within flood prone land being Condition 11 & 15, and it is these aspects of the modification which Council staff has greatest concern.*

*Please note the following documentation submitted with the Section 96 Modification by the applicant, which has been submitted as justification for the proposed modification:*

"Our comments on the conditions are as follows:-

Condition 5 – Sewer Management System – As the sewer system has been previously inspected and accepted by Council, it is requested that Council eliminate this condition.

Condition 11 - Election Installations – As the 1% flood level is 1.88 AHD (i.e. only 80mm above the EFL) and the switchboard includes earth and leakage circuit breakers, there is minimal risk from the power supply. Council is requested to modify Condition 11 to require the pillar connection to be raised above the 1% flood level or to be water sealed.

Condition 15 – Building Work below Flood Level – As there is minimal chance that the dwelling will be flooded (and then only by 80mm), the most economical approach to an insignificant area of water resistant materials is to replace any damaged finishes should the event happen, rather than anticipate the unlikely event. Council is requested to eliminate Condition 15 on this basis.

Condition 20 - Access way within Road Reserve –As the driveway within the road reserve has been used for the same purpose for more than 5 years without Council concern and 95% of access near the site have gravel surfaces, Council is requested to modify Condition 20 to only require a concrete edge strip at the gravel/road interface to prevent damage to the road seal".

*It is noted that Condition No. 5 has been satisfied, a Section 68 approval has been issued by Council staff (15-2008-70-1). Therefore, the deletion of this condition is unwarranted, as it has been complied with by virtue of the Section 68 approval being granted. Further, the proposed modification to Condition No. 20, as outlined within the application submission above, can be supported by Council. Council's Development Engineer has raised no concerns relating to the proposed modified driveway access.*

In relation to matters of flooding and the consideration of the removal and/or modification of Condition 11 & 15, it is noted that the original flooding advice on the original application (16-2008-827-1) indicated that the flood planning level (FPL) for the subject site was RL 2.5metre AHD, with the 100 year flood level being RL 1.88



metre AHD (provided under separate cover). Since the report to Council on 9 March 2010 the Port Stephens Flood Study has been reviewed in respect of climate change issues and any new advice on this property would show an FPL of RL 3.2 metres AHD.

The intent of Condition 11 is to ensure that during flooding the development remains safe for both residents and State Emergency Service (SES) staff involved in any flood relief or evacuation operation. It is a standard flood condition that is recognised as a best practice flood proofing technique for developments on flood prone land as identified within the State Government's Floodplain Development Manual 2005.

Council has a duty of care to both the residents and the SES to ensure this condition is enforced and not removed from the consent. In fact it is recommended that rather than remove the condition Council should in fact amend the condition to reflect the new FPL of RL 3.2 m AHD.

Condition 12 represents a standard flood condition that is recognised as a best practice flood proofing technique for developments on flood prone land as identified within the State Government's Floodplain Development Manual 2005. The intent of the condition is to reduce flood damage costs related to property damage during flooding thereby reducing Council's and the property owner's liability in terms of flood damages. It is considered that Council again has a duty of care to the current and future owners of the property to ensure this condition is enforced and not removed from the consent. Again it is recommended that rather than remove the condition Council should in fact amend the condition to reflect the new FPL of RL 3.2 m AHD.

*Council must give due regard to the fact deletion of Conditions No. 11 & 15 is considered to be unsatisfactory in relation to the social impacts of flooding given the constraints on the land. To remove this requirement would be inconsistent with Council's Risk Management Framework.*

## **FINANCIAL/RESOURCE IMPLICATIONS**

Approval of the modification is unlikely to have any direct financial or resource implication for Council. However, Council should consider its potential liability, and the associated financial implications of this liability, should the application be approved due to the increased potential of risk to loss of life, or damage to property, as a result of flooding.

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

The Section 96 Modification is inconsistent with Council's Policy. Determination of this application, must involve consideration of the potential precedent, by approving an application that is inconsistent with Council's Flood Plain Management Manual.

Furthermore, approving the modification increases the potential of risk to Council, in the event there is a loss of life, or damage to property, as a result of flooding and is considered inconsistent with Council's Risk Management Framework.

A recent legal decision in the Land and Environment Court (*Hooper v Port Stephens Council*) reinforced the need for Council when resolving to approve developments,

such as this one that is inconsistent with legislative requirements, good planning principles and best practice (contrary to staff recommendations), that reasons be included in support of an approval. These reasons should be founded upon NSW Planning legislation, Councils current policies, and general planning principles so as to be sufficient to withstand scrutiny in the Land and Environmental Court.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The subject site is located on flood prone land and approval of the modification would result in a development which is unreasonably susceptible to flood damage, and which will present risk to the safety of occupants and SES during a flood event. The development is therefore likely to have social impacts on future occupants due to flooding, as well as impacts in respect to the ability of emergency services to access, rescue and support residents situated in flood prone areas.

If Council approves the proposed modification to delete Conditions 11 & 15 which require improvements to the electricity installations and building works of the existing residence, rather than enforce compliance with the conditions of consent, then the development will be contrary to the public interest and expectations of an orderly and predictable built environment.

Council should actively discourage the occupation of a dwelling which has not been built to a safe and appropriate standard and which has a likely potential to flood within the expected life of the building.

Council has the responsibility to lead, educate, and regulate the community to achieve a fair, transparent and consistent approach to land use planning in the Local Government Area, as well as a duty of care to ensure the safety risks and environmental risks are responsibly and reasonably investigated and actioned in order to fulfil legislative requirements and to protect the community.

It is not considered likely that the development application would incur any economic implications to Council should any dwelling approved on this property be required to be constructed to the relevant standards. That said, Council are encouraged to support the recommendations put forward in this report and not support the modification application.

There are no environmental implications likely to result from the proposed modification.

### **CONSULTATION**

In accordance with Council policy, the amendment was not required to be exhibited.

## **OPTIONS**

- 1) Adopt the recommendation and refuse the Section 96 modification for the reasons stipulated in the recommendation.
- 2) Reject the recommendation and support portions of the modification, namely the modification to amend Condition No. 20, only.
- 3) Adopt the recommendation and refuse the Section 96 modification for the reasons stipulated in the recommendation, **and** invite the applicant to lodge a new Section 96 application to modify Condition No.20.
- 4) Reject the recommendation and approve the Section 96 modification. Reasons justifying the decision to approve the application contrary to the recommendations of staff should be given by Councillors.

## **ATTACHMENTS**

- 1) Locality Plan
- 2) Assessment
- 3) Business Paper Report and Resolution – 28 July 2009
- 4) Business Paper Report and Resolution - 9 February 2010
- 5) Business Paper Report and Resolution - 9 March 2010

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1  
LOCALITY PLAN



**ATTACHMENT 2**

**ASSESSMENT**

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

**THE PROPOSAL**

The applicant, MR S K BONNEY, proposes to amend Development Consent No.16-2008-827-1, so as to delete several conditions of consent (Condition 5, 11, 15 and 20).

**THE APPLICATION**

Owner	MR S K & MRS R J BONNEY
Applicant	MR S K BONNEY
Detailed Submitted	Statement accompanying Section 96 application form.

**THE LAND**

Property Description	Lot 162 DP 239 144
Address	470 Marsh Road, BOBS FARM
Area	1.97 hectares
Dimensions	Approximately 60 metres by 365 metres.
Characteristics	The site is accessed via Marsh Road and is surrounded by rural residential developments. The property is flood prone being generally flat with some patches of vegetation.

**THE ASSESSMENT**

**1. Planning Provisions**

EP&A Act	Section 96
SEPPs	SEPP No.55 SEPP No.71 SEPP BASIX SEPP No.44
LEP 2000 – Zoning Relevant Clauses	1 (a) (Rural Agriculture "A" Zone) Clause 11 – Rural Zonings Clause 14 – Dwelling-houses and dual occupancy houses in rural zones Clause 37 - Objectives for development on flood prone land. Clause 38 - Development on flood prone land

Development Control Plan DCP 2007

Section 94 Contributions Plan Nil

### **Environmental Planning and Assessment Act – Section 96**

The development as modified is substantially the same development as that which was approved under 16-2008-827-1.

### **State Environmental Planning Policies**

The proposed development is not inconsistent with the relevant State Environmental Policies applicable to the site.

### **Port Stephens Local Environmental Plan 2000**

#### Clause 11 – Rural Zonings

The application relates to an existing single occupancy. The proposed modifications are considered inconsistent with the objectives of the 1(a) (Rural Agriculture 'A') Zone, namely:-

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

It is considered that by removing conditions relating to habitable floor levels of dwellings (ie. Condition 11 & 15) will result in these habitable floor levels below, not only the previous Flood Planning Level (FPL) of 2.5m AHD set, but below the current FPL 3.2m AHD (inclusive of sea level rise) which poses an even greater unacceptable risk of damage to property and potential loss of life.

#### Clause 14 – Dwelling-houses and dual occupancy houses in rural zones

The application relates to an existing single occupancy. The proposed modifications are not in consistent with the objectives Clause 14.

#### Clause 37 and Clause 38 – Development on flood prone land

Approval of the proposed modification, specifically the deletion of Conditions No.11 & 15, is not considered acceptable with regards to the severity or risk of flooding on or around the site.

Approval of any dwellings under the Flood Planning Level (in this instance and currently 3.2 metres AHD), increases the risk of damage to property and increases the demand on emergency services, which may be required to evacuate residents in a flood event.

Council's Infrastructure Planning Section has provided advice on the proposed Section 96 application and the assessment outcome considers that approval of the modification is not acceptable.

The risk of flooding affecting the proposed development could be reasonably mitigated via compliance with the conditions imposed upon the original consent issued (i.e. retain condition No. 11 & 15). This would result in a better outcome for both the occupants and broader community and would not undermine Council's legislative requirements and Risk Management Framework.

The proposed modification is not considered acceptable with regards to Clause 37 and 38 of Port Stephens Local Environmental Plan 2000 and should not be supported by Council.

### **Development Control Plan 2007**

The proposed modification is not inconsistent with the general objectives and provisions held within Council's Development Control Plan 2007.

### **Section 94 Contribution Plan**

Section 94 Contributions do not apply to the subject modification application.

#### **2. Likely Impact of the Development**

Concerns exist in relation to approving the Section 96 Modification which would result in a development with insufficient protection in relation to flooding and the subsequent demand placed on emergency services in times of flooding.

#### **3. Suitability of the Site**

The subject site is zoned 1 (a) (Rural Agriculture "A" Zone), within which single occupancy developments are permissible. However, given that the subject site is identified as flood prone, and the modification results in a development with little protection from flooding, it is considered that the site is unsuitable for this modification.

#### **4. Submissions**

In accordance with Council's notification policy, the amendment was not exhibited.

#### **5. Public Interest**

The proposed modification is inconsistent with Council's flood planning requirements and as such it would not be in the public interest to support the application to reduce the floor level to below the identified Flood Planning Level. Furthermore, supporting the development is a breach of Council's duty of care in protecting residents, SES personnel and property owners from the personal and property risks associated with flood events and to that effect is also inconsistent with Council's adopted Risk Management Framework.

**ATTACHMENT 3  
BUSINESS PAPER REPORT AND RESOLUTION 28 July 2009**

PROVIDED UNDER SEPARATE COVER



**ATTACHMENT 4  
BUSINESS PAPER REPORT 9 FEBRUARY 2010**

PROVIDED UNDER SEPARATE COVER

**ATTACHMENT 5  
BUSINESS PAPER REPORT AND RESOLUTION 9 MARCH 2010**

PROVIDED UNDER SEPARATE COVER

ITEM NO. 2

FILE NO: PSC2005-4388

**OUTCOMES OF THE "WILLIAMS RIVER RIVERBANK EROSION STUDY"**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the "Williams River Riverbank Erosion Study" and strongly request NSW Maritime act on the conclusions of the report.
- 

**COUNCIL COMMITTEE MEETING – 14 SEPTEMBER 2010**

**RECOMMENDATION:**

	<b>Councillor Bruce MacKenzie</b> <b>Councillor Peter Kafer</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>279</b>	<b>Councillor Peter Kafer</b> <b>Councillor Geoff Dingle</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

***The purpose of this report is to update Council regarding the Williams River Erosion Monitoring Program and the latest review for the boating management restrictions in the WorleyParsons report "Williams River Riverbank Erosion Study".***

*In 2004/05, in response to community concern, Council commissioned the "Williams River Erosion Study" prepared by GHD to investigate the main factors of riverbank erosion within the Williams River. The study concluded that boat usage within the river, primarily slow tow activities, was a major contributing factor to the river bank erosion rate. Council endorsed this report in late 2006. NSW Maritime implemented one of the reports primary recommendations in May 2007 to establish a "No Slow Tow" zone within Reach 2 for a trial period of 3 years.*

Port Stephens Council continued to monitor erosion rates at the established 14 monitoring points throughout the 3 year trial. In May 2010 this trial period ended and WorleyParsons was commissioned to undertake an independent review of the data and determine the impact these restrictions have had on bank erosion.

The following points are a summary of this report's conclusions:

1. All reaches are showing signs of erosion;
2. From comparison of Top of Bank survey results, there is substantial evidence to suggest that erosion in Reach 2 has been reduced compared to other reaches;
3. Photographic evidence clearly suggests that sections of Reach 2 are regenerating relative to other reaches
4. On the balance of the evidence, it would be prudent to retain a ban on slow towing including wakeboarding at least with Reach 2, to ensure that the banks continue to regenerate and do not regress into a more eroded state;
5. The results indicate that it is probable that similar rates of erosion will continue to be experienced and regeneration may be limited in the areas outside Reach 2 unless the similar restrictions on slow towing are extended to also include Reaches 1 and 3.

Furthermore as a result of the boating restrictions in reach 2 Council has secured \$100,000 from the Environmental Trust to assist landholders to undertake bank rehabilitation works which will further enhance bank stabilisation.

## **FINANCIAL/RESOURCE IMPLICATIONS**

None, as Council is not the regulatory authority for the management of the Williams River.

The current erosion monitoring program has been expanded into the Hunter River to collect more regional data on the impact of boating and slow tow activities. The results of this study will be reviewed in June 2011. Budgetary and staff allocations have already been committed for the completion of this program.

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

None, as Council is not the regulatory authority for the management of the Williams River.

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Port Stephens Council participates in and supports effective catchment management. Erosion along our alluvial river systems such as the Williams and Hunter River is both an environmental concern and a social concern for its numerous landholders, river uses and management authorities. Over the project period some areas have experienced over 2m of bank loss. As the major contributing factor to riverbank erosion is boat usage, primarily slow towing activities, this must be effectively managed to ensure the sustainability of the river system. The information generated by this report will assist Maritime to appropriately plan the boating

management for the area. This will allow river users to enjoy the river without adversely affecting property owners and the environment.

## **CONSULTATION**

This document is restricted to the analysis of monitoring data, and its conclusions are not within Port Stephens Council's jurisdiction to implement thus public exhibition is not deemed as necessary for this report.

Copies of the report will be sent to all stakeholders in the management of the lower Williams River such as landholders, Williams River Consultative Group, the Hunter Central Rivers Catchment Management Authority, Industry & Investment NSW and NSW Maritime. A copy will also be placed on Council's website.

## **OPTIONS**

Adopt, reject or amend the recommendation.

## **ATTACHMENTS**

- 1) Monitoring Point Location Map
- 2) *Williams River Riverbank Erosion Study* by Worley Parsons

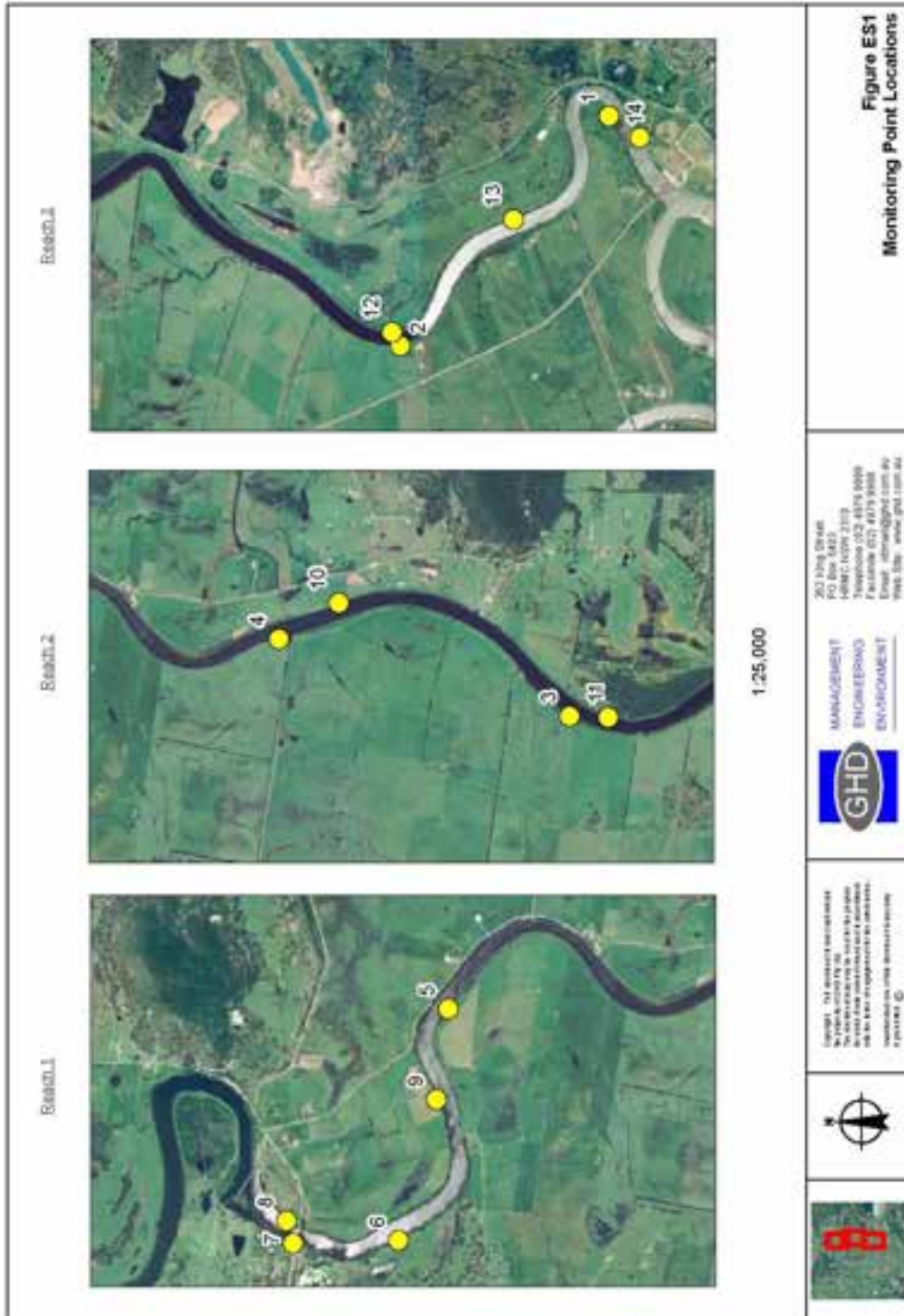
## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1  
MONITORING POINT LOCATION MAP



**ATTACHMENT 2  
WILLIAMS RIVER RIVERBANK EROSION STUDY BY WORLEY PARSONS**

PROVIDED UNDER SEPARATE COVER

ITEM NO. 3

FILE NO: PSC2008-1759

**REVIEW OF ROADSIDE MEMORIALS POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the Roadside Memorials Policy (**Attachment 1**) and adopt the revised Roadside Memorials Policy (**Attachment 2**).
- 

**COUNCIL COMMITTEE MEETING – 14 SEPTEMBER 2010**  
**RECOMMENDATION:**

	<b>Councillor Bruce MacKenzie</b> <b>Councillor Glenys Francis</b>	That Item 3 be deferred to allow for a 2 way conversation with Councillors.
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**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>280</b>	<b>Councillor Bruce MacKenzie</b> <b>Councillor Peter Kafer</b>	It was resolved that the Council Committee recommendation be adopted.
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**BACKGROUND**

***The purpose of this report is to seek Council's endorsement of the revised Roadside Memorials Policy following public exhibition.***

*Changes to the Policy during the review process have been made to the size of permissible roadside tributes, consistent with Roads and Traffic Authority's Roadside Memorials Policy. The Policy Statement has been reviewed to align with the Roads Act and to provide adequate guidance to those seeking to install a Roadside Memorial.*

*Council, at its meeting on 23<sup>rd</sup> February, 2010 resolved to place the revised Policy on Public Exhibition. During Public Exhibition a number of media articles were published and a radio interview conducted with 1233 ABC which resulted in verbal praise for Councils approach to this sensitive matter. No formal written submissions were received.*



**FINANCIAL/RESOURCE IMPLICATIONS**

Nil.

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal or policy implications with the recommendation of this report. Adoption and implementation of the policy will align Council with RTA policy and reduce exposure to public liability risk.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

*Nil.*

**CONSULTATION**

*Consultation has been conducted with:  
Roads and Traffic Authority, Hunter Region  
The Group Manager - Facilities and Services*

No submissions were received in response to the public exhibition.

**OPTIONS**

- 1) Accept the recommendations; or
- 2) Reject the recommendations; or
- 3) Require certain modifications to the draft policy before adoption

**ATTACHMENTS**

- 1) Roadside Tributes and Memorials Policy. (Recommended for revocation).
- 2) Draft Roadside Memorials and Tributes Policy (Recommended for adoption).

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ATTACHMENT 1



Adopted:28/01/03  
Minute No:024  
Amended:  
Minute No:

**FILE NO: 5685-013**

**TITLE: ROADSIDE TRIBUTES AND MEMORIALS**

**RESPONSIBLE OFFICER: PHIL BUCHAN**

**POSITION TITLE: TRANSPORT PLANNING MANAGER**

**BACKGROUND**

In December 1995 Council adopted a report prepared by the Road Safety Officer recommending the installation of white crosses marking the location of fatal road crashes within the road reservations. The initiative was supported by research from Newcastle University which suggested that young male motorists who observed roadside crosses demonstrated a lower propensity to drive at excessive speed along that section of road.

There are many examples where people have placed their own roadside tributes or memorials to mark the location where someone has been killed as a result of a car crash. An issue facing road authorities today is what to do about the inappropriate location of some tributes, particularly where a tribute is considered to be either a traffic or pedestrian hazard in close proximity to residential dwellings or public places.

An assessment of the location of fatal crashes over the past 10 years within Port Stephens has revealed that the majority occur on roads that are not under the care and control of Council. In these instances, typically on State Roads, the RTA is the appropriate road authority. As such Council is unable to install or approve these tributes. Contact with the RTA has confirmed that the Authority has its own policy dealing with "Roadside Tributes". This example has been followed to develop a Council policy supporting the principles of the RTA policy and addressing specific issues that impact on Council.

## **OBJECTIVE**

To establish a framework that provides direction for Council staff and information to the public on issues relating to roadside tributes such as flowers and cards or memorials such as plaques and religious symbols, including small crosses.

## **PRINCIPLES**

- 1) To provide consistent information on the placement, removal, modification or relocation of roadside tributes and memorials.
- 2) To recognise the deep emotions attached to roadside tributes and memorials and be sensitive in dealing with the issues regarding their location within or adjacent to Council's roads.
- 3) To limit Council's exposure to the potential road safety hazard and public liability risks of roadside tributes and memorials.
- 4) To assist Council to manage the road assets under its care and control.

## **POLICY STATEMENT**

### **DEFINITION**

A roadside tribute or memorial is an object that symbolically marks a location where a person has died as a result of a road related incident. The object, usually flowers, cards, a plaque or a cross is placed within or adjacent to the road reserve.

### **POSITION**

Council will not encourage the placement of fixed tributes or memorials, Council recognises that some families will want to express their grief in this way. The placement of tributes and memorials within road environments will be reviewed in accordance with the following principles.

1. Council will not permit any person to place a memorial or tribute, other than a floral tribute, along a road within a built up area. *(A built up area is generally defined by existence of street lighting and having a speed limit of 60 km/hr or less)*
2. Roadside memorials such as crosses if placed in rural road environments, will not be permitted to exceed a height of 700mm and width of 400mm. The material composition and location of these memorials will be considered in respect to their potential risk to road users.
3. Council, as the Road Authority, will intervene in order to preserve road safety, to address possible exposure to public liability and to remove inappropriately located or unsightly objects and structures.

**ADVICE**

It is acknowledged that most tributes or memorials will appear soon after the event without anyone seeking advice from Council. Council respects the wishes of those families wanting to place these types of tributes and will provide sympathetic advice for people making inquiries of this nature. The placement of roadside floral tributes is a matter for individual families. Council will not install or maintain memorials or tributes on behalf of families or individuals.

**REMOVAL**

In the event there are concerns regarding a tribute or memorial placed in the road reservation, approval for the removal, relocation or modification can be given by the Facilities and Services Group Manager or a nominated delegate responsible for the local road network. In general Council will take any necessary and appropriate action to ensure that memorials do not present themselves as road side hazards. For example solid obstacles placed within a clear zone or objects that restrict the road user's line of sight. Other situations where removal or relocation may be required include road construction or maintenance activities.

**RELATED POLICIES**

Code of Conduct

**REVIEW DATE**

January 2006

**RELEVANT LEGISLATIVE PROVISIONS**

Roads Act 1999

Road Transport (Safety & Traffic Management) Act 1999

**IMPLEMENTATION RESPONSIBILITY**

Facilities & Services Group

ATTACHMENT 2



DRAFT POLICY

Adopted :  
Minute No.  
Amended:  
Minute No.

**FILE NO:**

PSC2008-1759 **Community Relations – Memorials– Roadside Memorials**

**TITLE:**

Roadside Memorials and Tributes

**REPORT OF:**

Road Safety Officer

**BACKGROUND**

A roadside memorial or tribute symbolically marks a location where a person has died as a result of a motor vehicle crash or other road related incident. Structures such as crosses or objects such as wreaths, cards and photographs are often placed as close as possible to the location of the crash.

The policy provides guidance for Council staff in the removal of roadside memorial structures and assessing the appropriateness of crosses and items of tribute that have been installed or placed in the road environment following fatal crashes.

**OBJECTIVE**

To establish a framework that provides direction for Council staff and information to the public on issues relating to roadside memorials such as crosses, plaques and the placement of tributes such as flowers, cards and photographs.

## **PRINCIPLES**

- To provide consistent information on the placement, removal, modification or relocation of roadside memorials and tributes.
- To recognise the deep emotions attached to roadside memorials and tributes and to be sensitive in dealing with the issues regarding their location within or adjacent to Council's roads.
- To limit Council's exposure to the potential road safety hazard and public liability risks to roadside memorials and tributes.
- To assist Council to manage the road assets under its care and control.

## **POLICY STATEMENT**

Council respects the wishes of families wanting to place memorials and tributes and will provide sympathetic advice for people making enquiries of this nature. Council does not however, encourage the placement of such memorials and tributes, and will not install or maintain memorials or tributes on behalf of families or individuals.

The placement of memorials and tributes within road environments will be reviewed in accordance with the following:

- Council will not permit any person to place a memorial or tribute, other than a floral tribute, along a road within a built up area.
- Roadside memorials such as crosses if placed in rural road environments will not be permitted to exceed a height of 500 mm and width of 400 mm. Structures will be made of frangible material and the location will be considered in respect to the potential risk to road users.
- Where Council is the road authority:
  - Intervention will take place in order to preserve road safety and to inhibit exposure to public liability.
  - Unsightly or inappropriately placed objects and structures will be removed.

Additionally, Section 138 of the Roads Act states:

- (1) A person must not:
- a. Erect a structure or carry out a work in, on or over a public road, or
  - b. Dig up or disturb the surface of a public road, or
  - c. Remove or interfere with a structure, work or tree on a public road, otherwise than with the consent of the appropriate road authority.

Council will take any necessary and appropriate action to ensure that memorials do not present themselves as road side hazards. Through assessment, memorials that are constructed of solid materials, placed within a clear zone or restrict a road user's line of sight will be recommended for removal or relocation where possible in consultation with the family. In the event of road construction or maintenance activities, removal or relocation may also be necessary.

In the event there are concerns regarding a memorial or tribute, approval and action on the modification, relocation or removal will be undertaken by the Facilities and Services Group Manager or nominated delegate responsible for the local road network.

**RELATED POLICIES**

Port Stephens Council Code of Conduct

**REVIEW DATE**

2013

**RELEVANT LEGISLATIVE PROVISIONS**

Roads Act 1993 No 33

Section 138 Works and Structures

**IMPLEMENTATION RESPONSIBILITY**

Manager - Integrated Planning Section (Assessment of memorials)

Group Manager - Facilities and Services (Direction to remove, relocate or modify)

**ITEM NO. 4**

**FILE NO: A2004-0511**

**LOCAL TRAFFIC COMMITTEE MEETING – 3 AUGUST 2010**

**REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER**

**GROUP: SUSTAINABLE PLANNING**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 3<sup>rd</sup> August 2010.

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**COUNCIL COMMITTEE MEETING – 14 SEPTEMBER 2010**

**RECOMMENDATION:**

	<b>Councillor Peter Kafer Councillor Bob Westbury</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>281</b>	<b>Councillor Peter Kafer Councillor Geoff Dingle</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

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



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

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

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

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

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

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

### **CONSULTATION**

The Committee's technical representatives are the Police, RTA, and Council Officers; they investigate issues brought to the attention of the Committee and suggest draft recommendations for further discussion during the scheduled meeting. One week prior to the local Traffic Committee meeting copies of the agenda are forwarded to the Committee members, Councillors, Facilities and Services Group Manager, Integrated Planning Manager and Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Traffic Committee meeting.

No additional consultation was undertaken for the items contained in this report

### **OPTIONS**

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

**ATTACHMENTS**

- 1) Local Traffic Committee Minutes

ATTACHMENT 1

**PORT STEPHENS  
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS  
TUESDAY 3<sup>rd</sup> August, 2010**

- 
- A. ADOPTION OF THE MINUTES OF 6<sup>TH</sup> JULY, 2010**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
- C.1 22\_08/10 GAN GAN ROAD ANNA BAY – REQUEST FOR A REVIEW OF PARKING RESTRICTIONS AT THE ANNA BAY PUBLIC SCHOOL**
- C.2 23\_08/10 KERRIGAN STREET NELSON BAY - REQUEST FOR INSTALLATION OF 'NO STOPPING' ADJACENT TO TOMAREE HEALTH CENTRE**
- C.3 24\_08/10 WANDA AVENUE SALAMANDER BAY – REQUEST FOR A SAFETY REVIEW AT THE INTERSECTION OF WARDS WAY**
- C.4 25\_08/10 TOMAREE PUBLIC SCHOOL ACCESS ROAD SALAMANDER BAY- REQUEST TO INSTALL ADDITIONAL 'NO STOPPING' RESTRICTIONS**
- C.5 26\_08/10 KIRRANG DRIVE MEDOWIE – SAFETY CONCERNS REGARDING THE ROUNDABOUT AT THE SPORTS GROUND ENTRANCE AT THE INTERSECTION OF FERODALE ROAD**
- D. INFORMAL MATTERS**
- E. GENERAL BUSINESS**
- E.1 602\_08/10 KIRRANG DRIVE MEDOWIE - COMPLAINT THAT BUSES ARE NOT USING DESIGNATED BUS STOPS WHEN PICKING-UP OR SETTING-DOWN SCHOOL STUDENTS**
- E.2 603\_08/10 MEDOWIE ROAD MEDOWIE – COMPLAINTS FROM MEDOWIE RESIDENTS REGARDING THE LARGE VOLUME OF HEAVY VEHICLES USING MEDOWIE ROAD**

**LOCAL TRAFFIC COMMITTEE MEETING  
HELD ON TUESDAY 3<sup>RD</sup> AUGUST, 2010  
AT 9:30AM**

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**Present:**

Cr Peter Kafer – Port Stephens Council, Ms Michelle Mexon – representing Craig Baumann MP, Mr Bill Butler – RTA, Mr Joe Gleeson (Chairperson), Ms Michelle Page, Mr Graham Orr, Ms Lisa Lovegrove - Port Stephens Council

**Apologies:**

The Hon. Mr Frank Terenzini MP, Cr Bruce MacKenzie – Mayor – Port Stephens Council, Snr Cnst John Simmons NSW Police, Brian Moseley – Hunter Valley Buses, Mr Mark Newling – Port Stephens Coaches,

**A. ADOPTION OF MINUTES OF MEETING HELD 6<sup>TH</sup> JULY, 2010**

**B. BUSINESS ARISING FROM PREVIOUS MEETING**

Nil

**C. LISTED MATTERS**

**C.1 Item: 22\_08/10**

**GAN GAN ROAD ANNA BAY – REQUEST FOR A REVIEW OF PARKING RESTRICTIONS AT THE ANNA BAY PUBLIC SCHOOL**

**Requested by:** Lisa Lovegrove – Port Stephens Council

**File:** PSC2005-4237/034

**Background:**

Following extensive observations and discussion with Council Rangers and the Anna Bay School Council, the Traffic Committee has been requested to investigate the following at Anna Bay Public School:

- No Stopping Signs are required across the driveway access to the Staff Car Park between the Office and Multi-Purpose Centre. Cars are regularly observed dropping off and picking up children both in the driveway and across the driveway. This is a dangerous activity and prevents entry and exit to vehicles including delivery trucks.
- No Stopping Signs are required across the driveway and gate access onto the sports oval. The Grounds Keeper advises that this is used for emergency vehicle access to areas within the school grounds and is often blocked by parked cars.
- Installation of log barriers to prevent vehicles angle parking along the detention basin on the southern side of Gan Gan Road. By providing log barriers, vehicles will be encouraged to park legally. This installation will also require an amount of gravel to be layed in the area as water ponds at the edge of the road, creating an uneven surface.

**Legislation, Standards, Guidelines and Delegation:**

NSW Road Rules - Rule167 – No Stopping signs

RTA signs database – R5-400

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

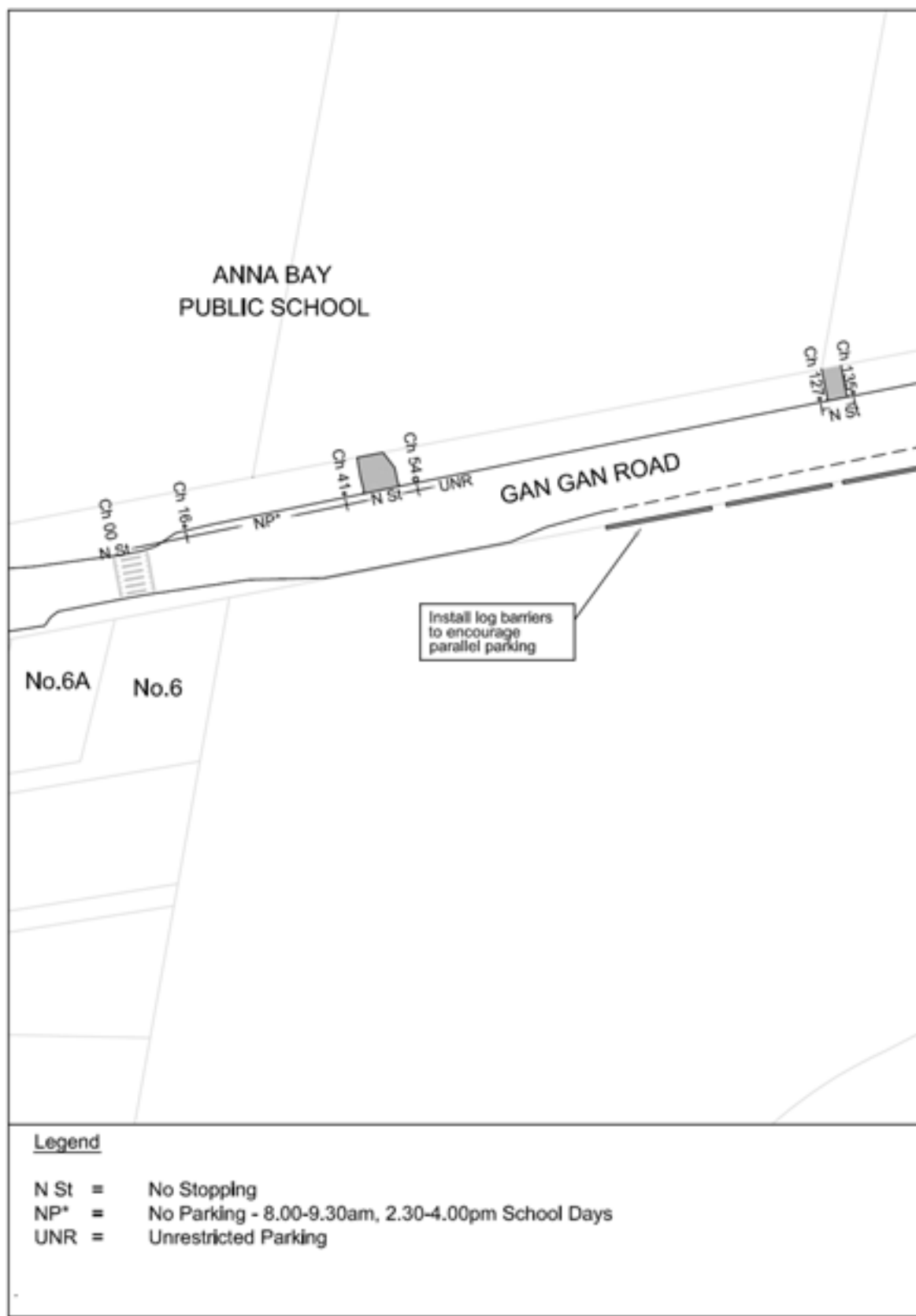
**Recommendation to the Committee:**

Install 'No Stopping' restrictions across the driveways at Anna Bay Public School, as shown on the attached sketch, Annexure A.

**Discussion:**

**Support for the recommendation:**

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



C.2 Item: 23\_08/10

**KERRIGAN STREET NELSON BAY - REQUEST FOR INSTALLATION OF 'NO STOPPING' ADJACENT TO TOMAREE HEALTH CENTRE**

**Requested by:** A resident

**File:**

**Background:**

Traffic Committee recommended in June 2010 to install barrier lines at the intersection of Kerrigan Street and Gowrie Avenue to improve lane discipline for turning vehicles. This has been done but drivers still tend to cross to the incorrect side of the road when vehicles are parked adjacent to the intersection. Extending the existing 'No Stopping' will allow extra width for turning vehicles and will have little impact on parking availability as there is ample parking around the corner in Trevally Street.

**Comment:**

The Traffic Inspection Committee noted that the removal of parking at the intersection would improve the situation and would have little impact on overall parking availability.

**Legislation, Standards, Guidelines and Delegation:**

NSW Road Rules - Rule167 – No Stopping signs

RTA signs database – R5-400

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

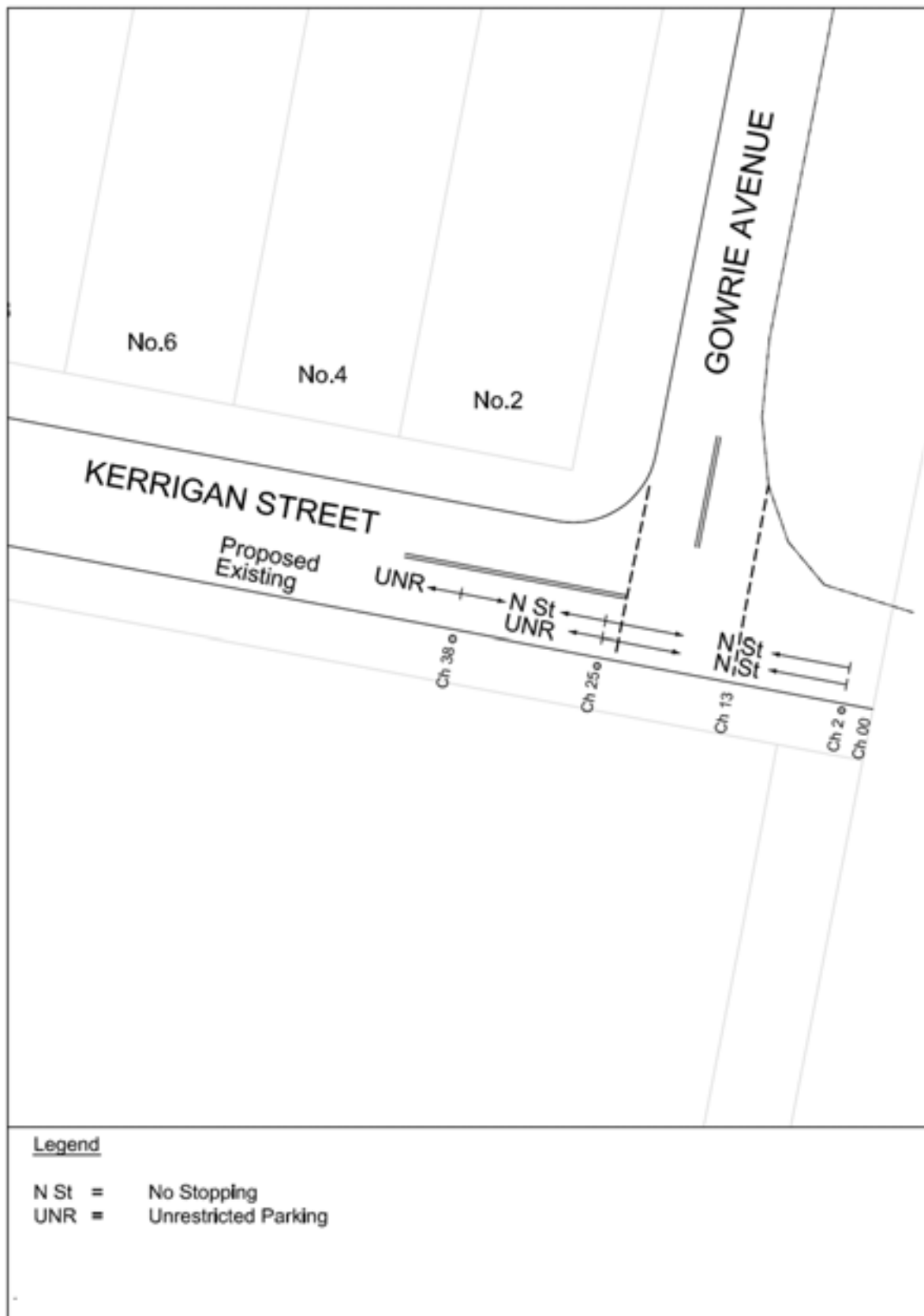
**Recommendation to the Committee:**

Extend the existing 'No Stopping' in Kerrigan Street Nelson Bay, as shown on the attached sketch, Annexure A.

**Discussion:**

**Support for the recommendation:**

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





**C.3 Item: 24\_08/10**

**WANDA AVENUE SALAMANDER BAY – REQUEST FOR A SAFETY REVIEW AT THE INTERSECTION OF WARDS WAY**

**Requested by:** A resident  
**File:** PSC2005-4030/099  
**Background:**

Residents of the area who use Wards Way to access their properties have requested a review of the intersection of Wanda Avenue and Wards Way. Vehicles turn from Foreshore Drive at speed and there is insufficient sight distance for drivers to react to vehicles turning out of Wards Way. The suggestion from residents is to realign the intersection to slow the turning movements.

**Comment:**

The Traffic Inspection Committee noted that the intersection of Wards Way is poorly situated and that the available sight distance to the intersection of Foreshore Drive and Wanda Avenue does pose a hazard when vehicles turn the corner at speed. There is however no accident history at the intersection and as such any capital works would be likely to be rated as a low priority.

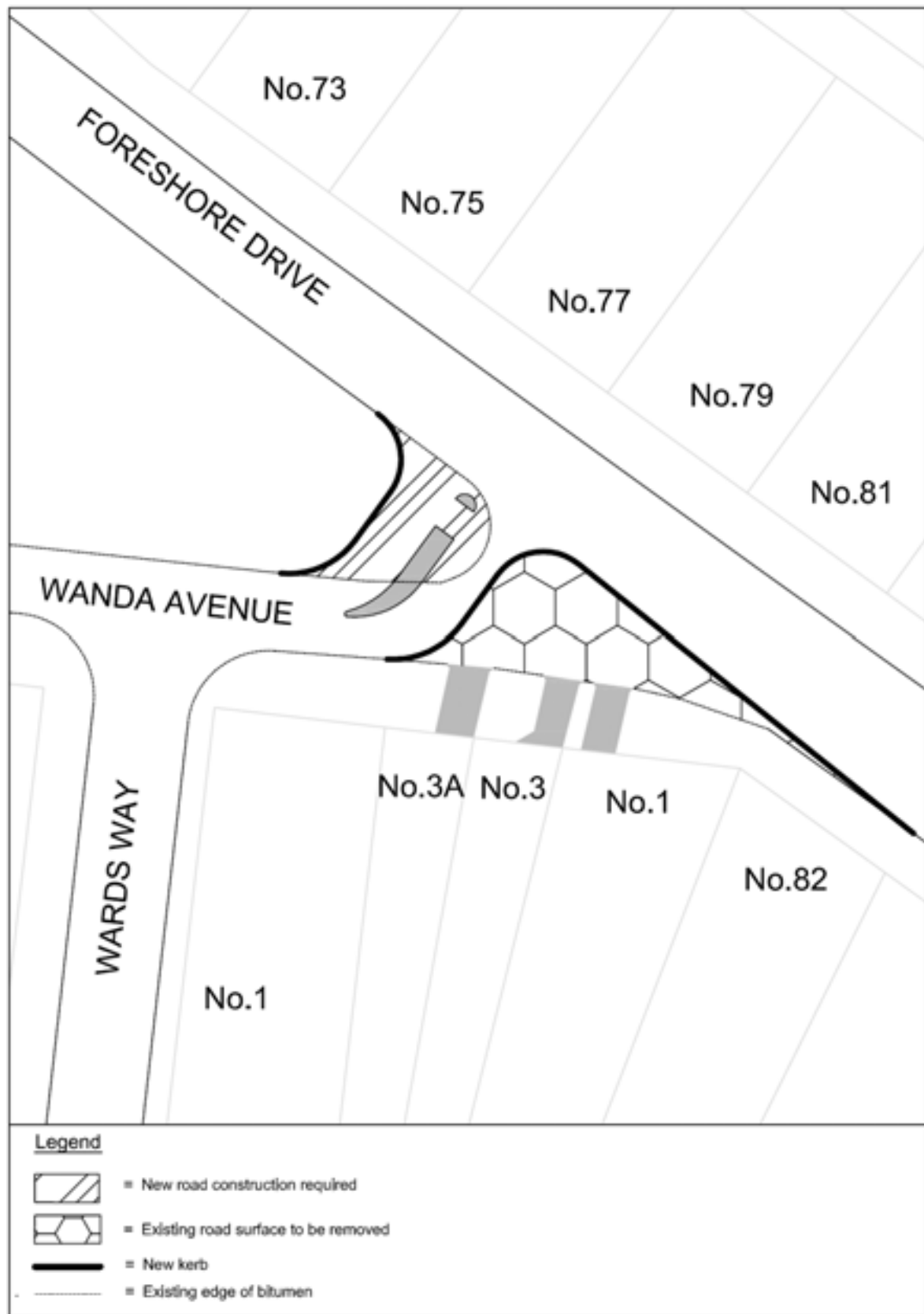
**Recommendation to the Committee:**

Approve the listing of safety improvement works at the intersection of Foreshore Drive and Wanda Avenue, on Council's Forward Works Plan. A concept design of the recommended works is attached, Annexure A.

**Discussion:**

**Support for the recommendation:**

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



C.4 Item: 25\_08/10

**TOMAREE PUBLIC SCHOOL ACCESS ROAD SALAMANDER BAY- REQUEST TO INSTALL ADDITIONAL 'NO STOPPING' RESTRICTIONS**

**Requested by:** Tomaree Public School

**File:**

**Background:**

Tomaree Public School have requested that Council review parking in the drop-off zone at the school. There is an area at the northern end that is not restricted and the school wants to know if 'No Stopping' can be installed. Currently, vehicles are using this space to park and restricting traffic flow for buses and other parents/carers by doing so.

**Comment:**

The Traffic Inspection Committee noted that the area appears to be private road and that the Education Department should be paying for any alterations.

**Legislation, Standards, Guidelines and Delegation:**

NSW Road Rules - Rule167 – No Stopping signs

RTA signs database – R5-400

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

**Recommendation to the Committee:**

Approve installation of 'No Stopping' restrictions in the car park of the Tomaree Education Centre, as shown on the attached sketch, Annexure A.

**Discussion:**

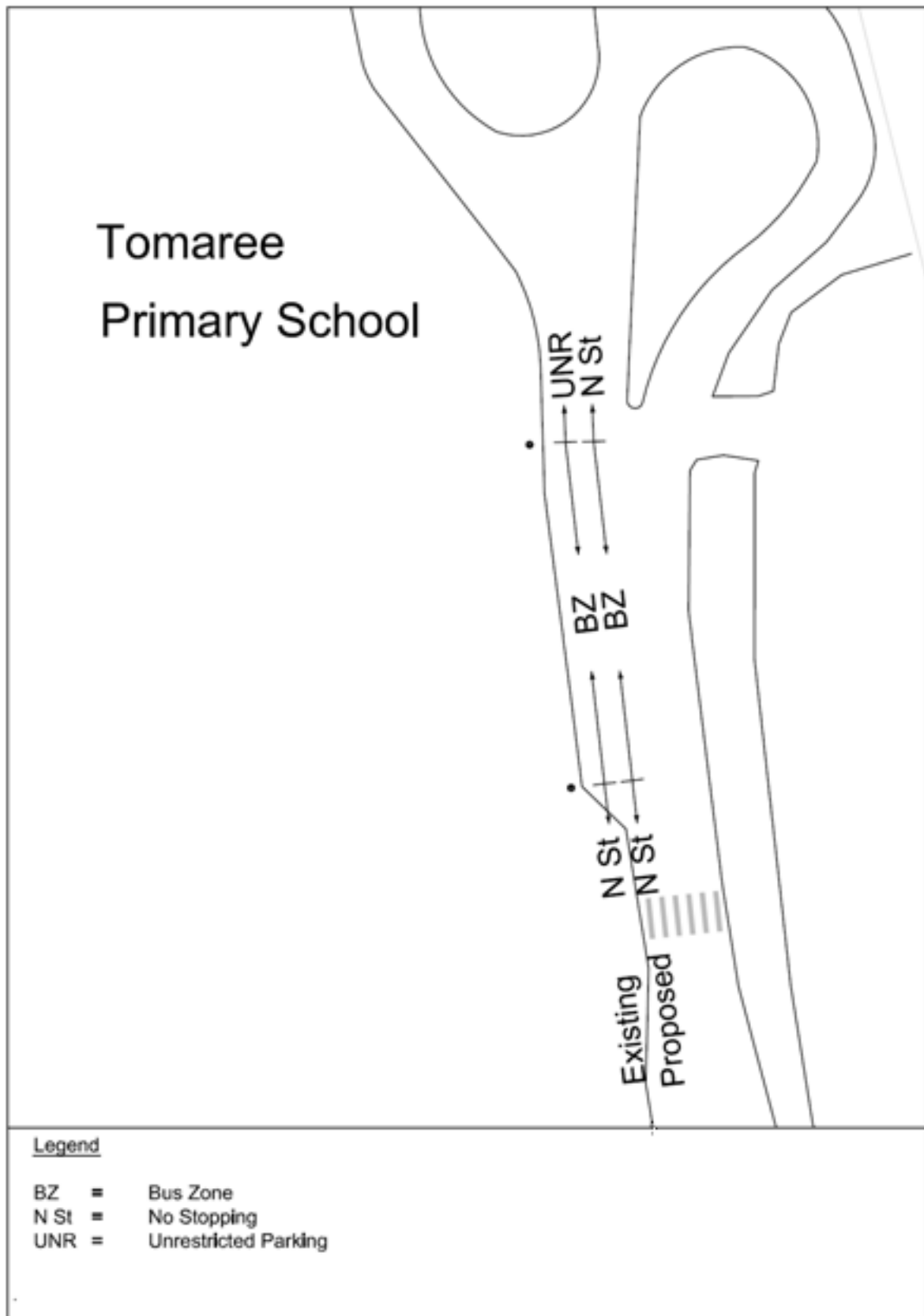
Port Stephens Coaches requests that consideration be given to extending the bus zone, if possible, enough to accommodate 3 buses.

The Traffic Committee recommends deferring this item to allow further consultation with the school and bus company

- Item Deferred

**Support for the recommendation:**

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



**C.5 Item: 26\_08/10**

**KIRRANG DRIVE MEDOWIE – SAFETY CONCERNS REGARDING THE ROUNDABOUT AT THE SPORTS GROUND ENTRANCE AT THE INTERSECTION OF FERODALE ROAD**

**Requested by:** Cr Dingle

**File:**

**Background:**

A recent traffic accident at the roundabout at the intersection of Ferodale Road and Kirrang Drive Medowie has prompted concerns to be raised regarding the safety of the exit from the Ferodale Sports Complex. This issue was previously considered in July 2008 by the Port Stephens Local Traffic Committee.

Vehicles travelling east along Ferodale Road have insufficient sight distance to see vehicles exiting the sports ground. The recommendation in 2008 was for Council to trim or remove vegetation and relocate the property fence on the south-western corner of the intersection to improve sight distance. This work has since been undertaken with the fence now relocated to the splayed boundary line of the property at No.34 Ferodale Road. This has improved sight distance marginally but the hazard remains of high approach speed to the roundabout for vehicles on Ferodale Road and the restricted sight distance for vehicles exiting from the sports complex.

The roundabout design does not slow vehicles sufficiently on Ferodale Road. Drivers tend to maintain an almost straight line through the roundabout, making it more difficult for drivers on the side roads to find safe gaps when entering.

**Legislation, Standards, Guidelines and Delegation:**

Austrroads Guide to Road Design – Part 4B - Roundabouts  
Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

**Recommendation to the Committee:**

Council to list the works required to make the roundabout function safely, on the Forward Works Plan. These works may include:

- Construction of concrete medians to introduce the required deflection
- Increasing the size of the roundabout annulus to reduce vehicle speeds
- Removal of further vegetation on the property at No.34 Ferodale Road.

**Discussion:**

The Committee discussed the possibility of improving safety by relocating the entrance to the sportsground to provide some separation from the intersection of Kirrang Drive, however drainage issues would make this problematic.

The possibility of removing the roundabout and reverting to sign control of the intersection was also discussed. This would make priorities clearer but would probably lead to an increase in speeds on Ferodale Road, making it more difficult for vehicles exiting the sportsground.

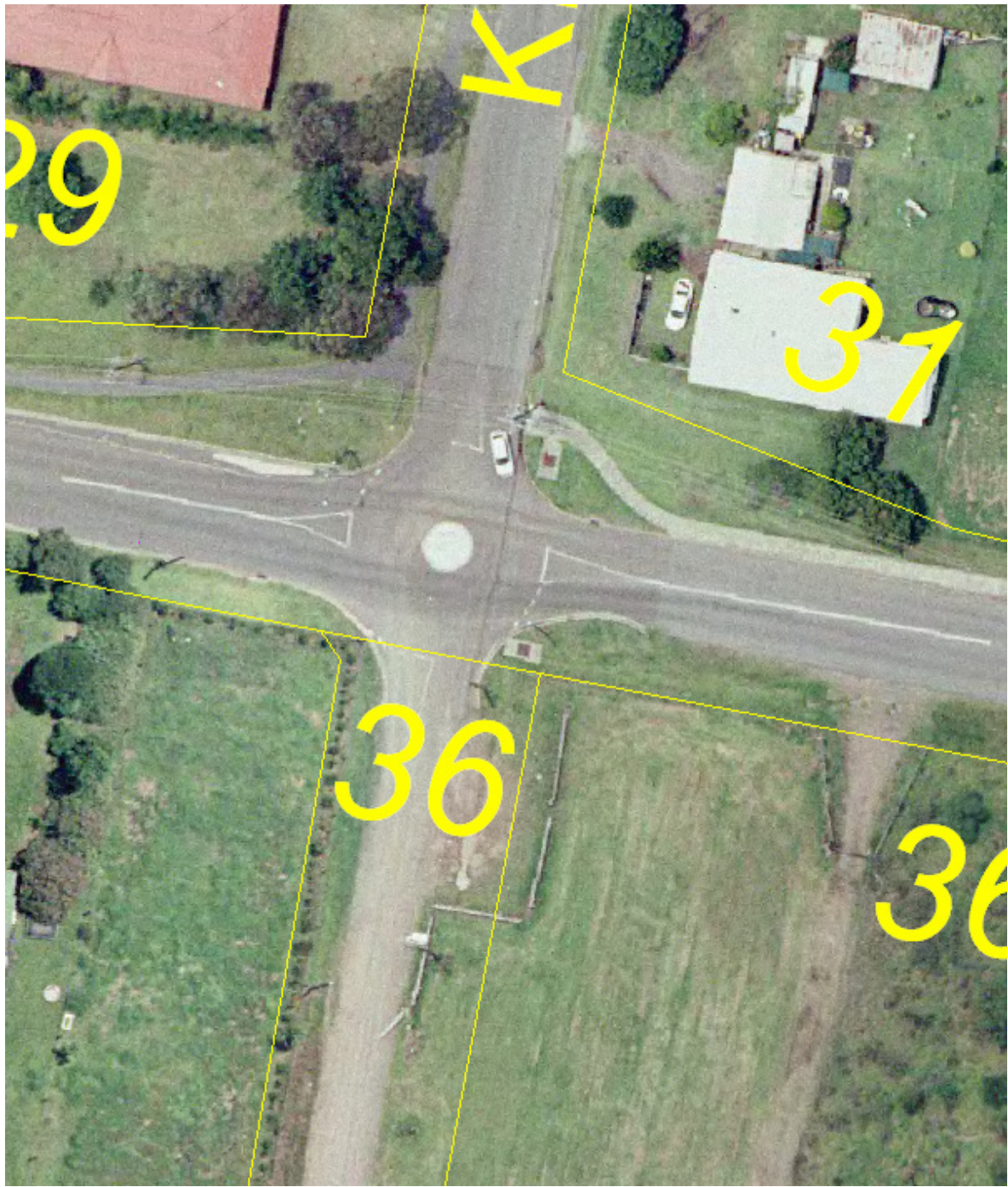
**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

The Traffic Committee discussed the likely low priority of any works on the Forward Works Plan due to there being no other reported accidents prior to the recent incident.

The Committee supported the recommendation with the addition that repainting of the linemarking and concrete islands be carried out as soon as practicable. Investigation of removal of vegetation to improve sight distance should also be done as soon as possible as a means of improving safety in the short term.

**Support for the recommendation:**

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



**E. GENERAL BUSINESS**

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**E.1 Item: 602\_08/10**

**KIRRANG DRIVE MEDOWIE - COMPLAINT THAT BUSES ARE NOT USING DESIGNATED BUS STOPS WHEN PICKING-UP OR SETTING-DOWN SCHOOL STUDENTS**

**Requested by:** Cr Dingle

**File:** PSC2005-3143/076

**Background:**

Recently there was damage left in the gutter in Kirrang Drive following a school bus which stopped 100 meters north of the gazetted and sign posted bus stop at Wilga Road and ended up seriously bogged in the soft clay. The net result was children had to leave the bus and walk home from this point. The major concern for me is that buses are stopping and picking up all over the place around Sutton Park Medowie, instead of using the gazetted and sign posted bus stops, this practice need to cease as it might be convenient for some students with less distance to walk but in many cases the buses are stopping at intersections and locations where there is no standing space or the road edge is unsuitable as was the case in this incident.

**Discussion:**

The Traffic Committee discussed the issue of whether school bus stops are required to be designated and it was noted that many rural bus stops do not have a 'j' pole.

**Committees Advice:**

The Traffic Committee requested that Council write to Hunter Valley Buses to request that drivers be instructed to use designated bus stops wherever possible.



E.2 Item: 603\_08/10

**MEDOWIE ROAD MEDOWIE – COMPLAINTS FROM MEDOWIE RESIDENTS REGARDING THE LARGE VOLUME OF HEAVY VEHICLES USING MEDOWIE ROAD**

**Requested by:** Cr Dingle, Craig Baumann MP

**File:** PSC2005-4019/277

**Background:**

Medowie residents have made representations regarding the number of heavy vehicles using Medowie Road and the noise that they make. Council has been asked to install noise reduction signage and to investigate the apparent increased usage of Medowie Road by semi-trailers. Council has also been asked to provide advice on whether it is possible to impose load limits on Medowie Road.

**Discussion:**

The RTA representative advised that the imposition of load limits was a matter for Council but that it would be unlikely that the RTA would support such a move.

**Committees Advice:**

The Committee was advised that Council will install traffic classifiers on Medowie Road in late August to allow direct comparisons with previous years. A letter has been sent by Council to the RTA requesting installation of noise reduction signage on Medowie Road.

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

Nil

**ITEM NO. 5**

**FILE NO: PSC2009-02488**

**COMMUNICATIONS & CUSTOMER RELATIONS POLICY REVIEW**

**REPORT OF: STEPHEN CROWE – MANAGER, COMMUNICATIONS & CUSTOMER RELATIONS**

**GROUP: CORPORATE SERVICES**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the following strategy & policies:
- Communications & Consultation Strategy adopted by Council 27 March 2001, Minute No.129;
  - Community Information & Communication Policy adopted by Council 11 May 1993, Minute No. 720; and
  - Community Consultation Policy adopted by Council 16 June 1998, Minute No.273.

**COUNCIL COMMITTEE MEETING – 14 SEPTEMBER 2010  
RECOMMENDATION:**

	<b>Councillor John Nell Councillor Bob Westbury</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>282</b>	<b>Councillor Ken Jordan Councillor Peter Kafer</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

*The purpose of this report is to revoke the Communications & Consultation Strategy, Communication Information & Communication Policy and the Community Consultation Policy previously adopted by Council.*

*A review of the policy register has revealed that the abovementioned strategy and policies were not revoked when replaced by the Community Engagement Policy adopted by Council on 22 September 2009, Minute No.318; or the Communication Plan Management Directive previously endorsed by the*

*Executive Team on 26 August 2009. The Communication Plan Management Directive has subsequently been reviewed and was endorsed by the Executive Team on 21 July 2010.*

### **FINANCIAL/RESOURCE IMPLICATIONS**

Costs associated with policy review are covered in the 2010/2011 budget.

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

Nil.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

### **CONSULTATION**

Group Manager Corporate Services.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Communications & Consultation Strategy.
- 2) Community Consultation Policy.
- 3) Community Information & Communication Policy.
- 4) Communication Plan Management Directive.
- 5) Community Engagement Policy.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.



**COMMUNICATION AND  
CONSULTATION  
STRATEGY  
JANUARY 2001**

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### Introduction

In the interest of improving its Customer Service focus, Council has conducted considerable research and carried out a number of actions to improve its communications and consultation in recent years. A summary of the surveys, actions and relevant documents is in the Bibliography. This strategy is our most recent effort to improve the way we communication and consult with our stakeholders, and has been developed by an interdepartmental team of staff from across the organisation.

In a broad sense, customer service is part of Council's communication process. The way customers are treated, the quality of service they receive and their first-hand experiences communicate more to them about Council than any glossy brochures or newspaper advertisements. Consequently, Council has rightly focused first on improving its standards of customer service and presentation to customers.

Council has also carried out research into communications and the perceptions residents of Port Stephens have about Council and its various services. The most notable of these are surveys by the Hunter Valley Research Foundation. The most recent HVRF Survey was conducted in 1999. This survey identified the matters outlined below relevant to consultation and communication.

- Community involvement in decision-making (high importance/low satisfaction);
- The way employees deal with the public (low importance/high satisfaction);
- Informing residents about Council activities (low importance/high satisfaction).

The survey found that PSC was ahead of benchmark Councils in community satisfaction in all three areas listed above. Within Port Stephens, "community involvement in decision-making" had increased in importance since the previous survey in 1996. The survey is one indicator of how Council is viewed by its resident community. It suggests that "community involvement in decision-making" is growing in importance, and is an area where Council needs to improve the satisfaction levels in the community.

Furthermore, there is a definite contrast between the low satisfaction/high importance rating of "community involvement in decision-making" and the high satisfaction/low importance rating of "informing residents about Council activities". This suggests that communication/consultation **does** need to be more focused on issues that affect people directly, and where there is a decision to be made.

**Vision –**

**The development of partnerships with all our stakeholders through the constant exchange of information and honest, timely communications**

**Key Goals –**

- Greater focus on communication and consultation within the corporate culture;
- A more structured approach to promote continuous improvement;
- Better quality control and attention to detail;
- More community confidence in the Council and its decisions.

KEY RESPONSIBILITIES									
Community Consultation	Internal Communications	Corporate and Community Values	Customer Service	Publicity and Media Relations	Public Image and Corporate Identity	Issues and Crisis Management	Building Community Partnerships	Civic Education	Implementation Monitoring and Review
<ul style="list-style-type: none"> <li>- Implementing the consultation management directive</li> <li>- Ensuring that staff are competent to conduct consultations</li> <li>- Establishing additional communication tools</li> </ul>	<ul style="list-style-type: none"> <li>- Improving communication and role definition between staff and Councillors</li> <li>- Improving communication between administration building staff and staff in remote locations</li> <li>- Standardising access to and implementation of corporate procedures</li> <li>- Ensuring consistency of information provided from management to staff</li> <li>- Encouraging interconnections and pro-active communications between Groups</li> </ul>	<ul style="list-style-type: none"> <li>- Demonstrating the corporate values consistently through all of our actions</li> <li>- Incorporating the Community Values into existing systems</li> </ul>	<ul style="list-style-type: none"> <li>- Fostering corporate commitment to the customer service ethic</li> <li>- Present a unified organisation to customers who contact Council</li> <li>- Ensure that Customer Service Staff are well prepared to respond to all requests</li> </ul>	<ul style="list-style-type: none"> <li>- Promoting our "wins"</li> <li>- Ensuring that authorised staff are competent to conduct media interviews</li> </ul>	<ul style="list-style-type: none"> <li>- Ensuring consistent, professional staff uniforms</li> <li>- Implementing correct and agreed use of Council's logos and letter templates</li> <li>- Guaranteeing quality documentation such as letters, reports and plans</li> <li>- Utilise the internet and Council's website in a dynamic and innovative way</li> </ul>	<ul style="list-style-type: none"> <li>- Pro-actively monitoring and managing controversial issues</li> <li>- Ensuring that Council is prepared to deal with crises</li> <li>- Effectively managing conflict</li> </ul>	<ul style="list-style-type: none"> <li>- Encouraging positive relationships with precinct groups, advisory committees and other community groups</li> <li>- Targeting communications to specific audiences</li> <li>- Encourage and support community participation</li> </ul>	<ul style="list-style-type: none"> <li>- Raising understanding of the role of council</li> <li>- Promoting a deeper understanding of council and community issues</li> </ul>	<ul style="list-style-type: none"> <li>- Following through on strategy initiatives</li> <li>- Consistent use of agreed communication and consultation procedures</li> <li>- Induction of new staff to existing procedures</li> <li>- Quality control and continuous improvement</li> </ul>



MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010

ACTION PLAN SUMMARY									
Community Consultation	Internal Communications	Corporate and Community Values	Customer Service	Publicity and Media Relations	Public Image and Corporate Identity	Issues and Crisis Management	Building Community Partnerships	Civic Education	Implementation Monitoring and Review
Page 7	Page 9	Page 11	Page 12	Page 13	Page 14	Page 15	Page 16	Page 17	Page 18
<ul style="list-style-type: none"> <li>- Consultation programmes for each project with peer review</li> <li>- Implementation of Management Directive</li> <li>- Maintain a schedule of exhibition dates</li> <li>- Staff training</li> <li>- Co-ordinate use of internal and external facilities</li> <li>- Co-ordinate community surveys</li> <li>- Research feasibility of quarterly community newsletter</li> <li>- Maintain a community database</li> </ul>	<ul style="list-style-type: none"> <li>- Role Agreement between management and Councillors</li> <li>- Review On the Level</li> <li>- Standardise access to and implementation of corporate record-keeping procedures</li> <li>- Promote awareness and utilisation of the intranet</li> <li>- Make policies and management directives more easily accessible</li> <li>- Promote existence of quarterly report to staff</li> <li>- Encourage interconnections between Groups</li> </ul>	<ul style="list-style-type: none"> <li>- Incorporate values into induction, performance review and recruitment procedures</li> <li>- Review consistency of disciplinary actions across Groups</li> <li>- Foster a culture of encouragement and recognition</li> <li>- Further research into community values</li> <li>- Incorporate discussion of community values into Council documents and reports</li> </ul>	<ul style="list-style-type: none"> <li>- Redo the previous customer service survey</li> <li>- Minimise number of staff contacts for each customer request</li> <li>- Provide regular Group updates to front counter staff</li> <li>- Preparation of clear instructions regarding statutory duties for front counter staff</li> <li>- Place administrative officer from each Group on front counter</li> <li>- Re-format internal phone list into Groups</li> </ul>	<ul style="list-style-type: none"> <li>- Release positive stories regularly, sourced from contact with Groups</li> <li>- Conduct media liaison training for Communications staff, who will then train other staff on media and marketing</li> <li>- Raise awareness within the organisation regarding the role of the Communications Unit</li> <li>- Produce a style manual for staff covering advertising, media liaison and precinct relations</li> </ul>	<ul style="list-style-type: none"> <li>- Educate staff on the value of uniforms, and investigate the feasibility of a compulsory uniform policy</li> <li>- Utilise a single logo, and educate staff on its use</li> <li>- Prepare a style guide with templates for the preparation of letters, reports and plans and audit consistency and quality</li> <li>- Train staff on submitting information for publication on the website</li> <li>- Nominate a "websites" to oversee the internet site</li> </ul>	<ul style="list-style-type: none"> <li>- Staff trained to identify "hot" issues</li> <li>- Emergency contact list maintained</li> <li>- Appoint more fire wardens</li> <li>- Develop a crisis manual outlining critical events and response procedures</li> <li>- Review complaints handling policy, and include procedures for handling difficult and vexatious customers</li> <li>- Include mediation and conflict resolution into induction and training</li> </ul>	<ul style="list-style-type: none"> <li>- Conduct a review of precinct and advisory committees</li> <li>- Develop a communication strategy with them to increase their understanding of and involvement in consultation programmes</li> <li>- Seek feedback regarding the effectiveness of the communication we initiate</li> <li>- Provide facilitation training to community group leaders</li> <li>- Explore opportunities through the year of the volunteer to strengthen our relationship with volunteers</li> </ul>	<ul style="list-style-type: none"> <li>- Produce community reports annually</li> <li>- Run civic education school programmes</li> <li>- Develop a community education programme through the Examiner</li> <li>- Utilise Local Government Week</li> <li>- Monthly profile of Council and E-Group decisions posted on the internet</li> <li>- Review Council's weekly pages in the Examiner</li> </ul>	<ul style="list-style-type: none"> <li>- Responsibility of the Executive Group to ensure all actions are carried out</li> </ul>

DETAILED ACTION PLAN			
Community Consultation			
AIMS	ACTIONS	RESPONSIBILITY	TIMEFRAME
Implementing the consultation management directive	- Prepare community consultation programmes for every project requiring consultation, and ensure evaluation of those programmes after their completion	<i>All staff</i>	<i>Ongoing</i>
	- Conduct a peer review of all consultation programmes to provide support and suggestions for improvement	<i>Community Consultation Interdepartmental Team</i>	<i>Ongoing</i>
	- Monthly reminders need to be sent out as to the existence of the Management Directive through emails, and referrals need to continue from the EG	<i>Corporate Strategic Planner</i>	<i>March 00</i>
	- Scope of Management directive needs to be clarified according to scale of projects to which it applies	<i>Corporate Strategic Planner</i>	<i>March 00</i>
	- Establish a schedule of exhibition dates to facilitate co-ordination of plans and items on exhibition	<i>Corporate Strategic Planner</i>	<i>March 00</i>
Ensuring that staff are competent to conduct consultations	- Training needs to be provided where requested and required so that staff feel confident to handle consultation sessions; potential for corporate training session mid 2001	<i>Corporate Strategic Planner, Training Coordinator</i>	<i>August 01</i>
	- Consider nominating internal facilitators who undertake corporate consultations, and provide them with necessary training	<i>Community Consultation Team</i>	<i>March 01</i>
	- Make available a regularly updated list of external and internal facilitators and their expertise for staff conducting public meetings	<i>Community Consultation Team</i>	<i>March 01</i>
Establishing	- Co-ordinate community surveys across Groups	<i>Community Consultation Team,</i>	<i>Ongoing, to be reviewed in June 01</i>

<b>Community Consultation</b>			
<b>AIMS</b>	<b>ACTIONS</b>	<b>RESPONSIBILITY</b>	<b>TIMEFRAME</b>
additional communication tools	- Evaluate the effectiveness of existing newsletters ie precinct and environmental newsletters and community report	<i>Communications Officer, Environmental Health Development Officer</i>	<i>March 01</i>
	- Examine the feasibility of producing a quarterly community newsletter or column in the Examiner	<i>Communications Officer</i>	<i>March 01</i>
	- A community contact (mail/ phone) database needs to be established, with maintenance to be performed by a designated staff member from each Group	<i>Corporate Strategic Planner, Communications Officer, Environmental Health Development Officer, Administration Officer (Community and Culture)</i>	<i>March 01</i>
	- Feasibility of extending the community database from a contact list to include more details, and include an email forum for discussion of issues	<i>Corporate Strategic Planner, Communications Officer, Environmental Health Development Officer, Administration Officer (Community and Culture)</i>	<i>March 01</i>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

<b>Internal Communications</b>			
<b>AIMS</b>	<b>ACTIONS</b>	<b>RESPONSIBILITY</b>	<b>TIMEFRAME</b>
Improving communication and role definition between staff and Councillors	~ Clearer definition of roles and processes so that everyone is aware of their responsibilities via MOU signed by Councillors and Line Managers to the GM or KPI's for Councillors addressing roles relating to staff	General Manager	May 01
Improving communication between administration building staff and staff in remote locations	~ Monthly updates via email and On the Level as to major issues within Council - Council decisions, projects and internal staff issues	Corporate Planning Unit	ongoing
	~ Inclusions into On the Level could include: Mayor's report, Group reports, Items on Council promotions and events, Welcomes to new staff, commendations for work well done, tourism news, training news, social club news, media releases	Corporate Planning Unit	ongoing
	~ Staff training initiatives where indoor staff spend time with outdoor staff and vice versa	Corporate Planning Unit	ongoing
Standardising access to and implementation of corporate procedures	~ Develop corporate record management procedures, provide training and conduct compliance audits	Records Manager	March 02
	~ Include Records Management responsibilities in Position Descriptions	Human Resources Unit	ongoing
	~ Promote awareness and utilisation of the intranet	Communications Unit	ongoing
	~ Improve the Authority system records security	Records Manager & Sanderson Wachter	June 01
	~ Provide clear guidelines to staff on how to categorise information onto files	Group Records Clerks	ongoing
	~ Make policies and management directives more easily accessible and current, either intranet or standardised system or directory with ISYS	Governance group	March 01

Draft Communication and Consultation Strategy: Page 9

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

Internal Communications			
AIMS	ACTIONS	RESPONSIBILITY	TIMEFRAME
	- Establish PSC templates for File Notes, Meeting Notes, Telephone Conversation Notes, and Letters and provide to staff as Word Macros on the desktop to facilitate use and ensure standardisation of outgoing correspondence	Communications Unit	June 01

MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010

Ensuring consistency of information provided from management to staff	- An email could be sent out to staff when quarterly reports are done, letting them know where they are	Corporate Planning Unit	Ongoing
	- Schedule occasional attendance of line managers at the Executive Group	Executive Group	Ongoing
	- E-Group memo should include a prompt specifying the level and type of communication of the issue to staff	Personal Assistants	March 00
	- At each Executive group and line managers meetings, a clear agreement should be reached as to the level of communication to be provided to staff. This may be in written form, which can then be pinned to noticeboards etc	Executive Group, Line Managers	ongoing
Encouraging interconnections and pro-active communications between Groups	- Management need to communicate and demonstrate a commitment to starting meetings on time	Executive Group, Line Managers, all staff	ongoing
	- A newsgroup could be set up through email distribution lists	Information Technology	as required
	- Discussion forums could be set up on the intranet on relevant issues	Information Technology	as required
	- Ensure that ongoing corporate communication responsibilities are included into position descriptions	Human Resources Unit	Ongoing
	- Circulate attendance at line managers' meetings	Executive Group	ongoing
	- Linking alignments to organisational goals rather than group goals	Corporate Planning Unit	March 02
	- More social activity will lead to less segmentation	Social Club, Workers Health Programme	ongoing
	- More meetings across Groups on joint areas of responsibility	Executive Group, Line Managers, all staff	ongoing

Draft Communication and Consultation Strategy: Page 11

Corporate and Community Values			
AIMS	ACTIONS	RESPONSIBILITY	TIMEFRAME
Demonstrating the corporate values consistently through all of our actions	- Include introduction to corporate values in induction of new staff	<i>Human Resources Unit</i>	<i>Ongoing</i>
	- Conduct performance management according to the corporate values	<i>Human Resources Unit</i>	<i>ongoing</i>
	- Include values into recruitment procedures eg position descriptions and interview questions	<i>Human Resources Unit</i>	<i>March 00</i>
	- Include discussion of values into On the Level and Corporate morning teas	<i>Corporate Planning Unit</i>	<i>April 01</i>
	- Using a light-hearted approach, identify transgressions of values eg coming to meetings late, submitting reports late, and empower staff to give fines of \$1, give money to charity	<i>Corporate Planning Unit</i>	<i>March 01</i>
	- Review by Executive Group on consistent administration of disciplinary actions across Council	<i>Executive Group</i>	<i>???</i>
	- Foster a positive culture of encouragement and recognition	<i>Executive Group, Line Managers</i>	<i>Ongoing</i>
Incorporating the Community Values into existing systems	- Project management to include evaluation re community values	<i>Interdepartmental Project Review team</i>	<i>May 01</i>
	- Find out what community believes through more extensive research on their values, what is getting in the way, and what is needed	<i>Corporate Planning Unit, Social Planner</i>	<i>July 01</i>
	- Discuss in reports what organisational and community values are expressed through recommendation	<i>All staff, coordinated by Corporate Planning Unit,</i>	<i>May 01</i>

<b>Customer Service</b>			
<b>AIMS</b>	<b>ACTIONS</b>	<b>RESPONSIBILITY</b>	<b>TIMEFRAME</b>
Fostering corporate commitment to the customer service ethic	- Consider the duplication of the customer service survey which has been done previously to insert into the Examiner or rates notices; compare results and identify trends	<i>Communications Unit</i>	<i>March 01</i>
	- Supervisors to nominate staff in need of customer service training	<i>Line Managers, supervisors</i>	<i>ongoing</i>
	- Customer Service awareness to be included in the induction process	<i>Human Resources Unit</i>	<i>ongoing</i>
	- New staff to be introduced to all front counter staff	<i>All supervisors</i>	<i>ongoing</i>
Present a unified organisation to customers who contact Council	- Adopt the practice that multiple issue letters have only one response; this means that the staff member at the first point of contact collects and collates information from other Groups	<i>Executive Group</i>	<i>January 01</i>
	- Adopt the practice that phone calls be handled by one person only where possible	<i>Executive Group</i>	<i>January 01</i>
Ensure that Customer Service Staff are well prepared to respond to all requests	- Group 'updates' to be provided regularly to Front Counter staff. Can be in the format of a staff memo or e-mail and submitted to team leader.	<i>Personal Assistants</i>	<i>ongoing</i>
	- Groups to provide clear, written instructions re: statutory duties undertaken by Front Counter Staff.	<i>Customer service supervisor, Group representatives</i>	<i>March 01</i>
	- Re-format alphabetical internal contact list to include Groups, staff members name and title.	<i>Information Technology</i>	<i>ongoing</i>
	- One administration officer per section to undertake an exchange with Front Counter staff for one day, to improve communication between groups	<i>Customer Service Supervisor</i>	<i>ongoing</i>



<b>Publicity and Media Relations</b>			
<b>AIMS</b>	<b>ACTIONS</b>	<b>RESPONSIBILITY</b>	<b>TIMEFRAME</b>
Promoting our "wins"	- Positive stories should be released regularly; Communications staff will attend Line Managers' meetings and review monthly reports to identify positive stories	<i>Communications Unit</i>	<i>ongoing</i>
Ensuring that authorised staff are competent to conduct media interviews	- Conduct training in media liaison for the two full-time Communications staff who will then train other staff, and provide basic media and marketing training for key personnel.	<i>Training Coordinator, Communications Unit</i>	<i>ongoing</i>
	- Raise awareness within the organisation on the role of the Communications Unit	<i>Communications Unit</i>	<i>Ongoing</i>
	- Produce a "How To..." guide that details procedures to be followed by staff in regards to advertising, media liaison and precinct relations; this may also incorporate the staff directory and style manual, and complement the Employee Handbook	<i>Communications Unit</i>	<i>June 01</i>

<b>Public Image and Corporate Identity</b>			
<b>AIMS</b>	<b>ACTIONS</b>	<b>RESPONSIBILITY</b>	<b>TIMEFRAME</b>
Ensuring consistent, professional staff uniforms	- Educate employees on the value of uniforms to the employee and council	<i>Uniform Committee</i>	<i>annually prior to uniform orders</i>
	- Review suitability of the uniform to all work environments	<i>Uniform Committee</i>	<i>annually in May</i>
	- Investigate the progressive implementation of a compulsory uniform policy as per the customer service section	<i>Uniform Committee</i>	<i>May 01</i>
Implementing correct and agreed use of Council's logos and letter templates	- Have only one logo, and educate staff on the use of the logos	<i>Communications Unit</i>	<i>Ongoing</i>
	- If business units have a logo there should be a strong link to the corporate image	<i>Business Unit Managers, Communications Unit</i>	<i>Ongoing</i>
	- Templates should be installed as read only to protect the agreed created image	<i>Personal Assistants</i>	<i>March 00</i>
Guaranteeing quality documentation such as letters, reports and plans	- Staff training as to how to use clear and easily understood language, and perhaps the use of a "style guide"	<i>Communications Unit</i>	<i>June 01</i>
	- Templates on all computers for letters and reports	<i>Group Assistants</i>	<i>ongoing</i>
	- Audit Council documents for consistency and presentation quality	<i>Communications Unit</i>	<i>Ongoing</i>
Utilise the internet and Council's website in a dynamic and innovative way	- Ongoing resources allocated	<i>Executive Group, Information Technology, Governance Unit</i>	<i>January 01</i>
	- Educate staff on how to submit new or modified information for publication on Council's website	<i>Governance Unit</i>	<i>April 01</i>
	- A "webmaster" needs to be nominated within Council to assist staff with technical issues and monitor site content	<i>Corporate Development Officer</i>	<i>January 01</i>

Issues and Crisis Management			
AIMS	ACTIONS	RESPONSIBILITY	TIMEFRAME
Pro-actively monitoring and managing controversial issues	- Staff to notify the PR unit if an issue is likely to become "hot"	<i>All staff, Communications Unit</i>	<i>ongoing</i>
	- Awareness briefing for all staff on "what is hot and what is not"	<i>Communications Unit</i>	<i>May 01</i>
Ensuring that Council is prepared to deal with crises	- The contact list of Inside and Outside staff regularly maintained for the After Hours Answering Service and General Manager, Executive Group and Emergency Services which includes key staff and alternates should they not be available	<i>Emergency Services</i>	<i>ongoing</i>
	- Regular armed robbery refresher training/ practice drills for front counter staff	<i>Customer Service Supervisor</i>	<i>ongoing</i>
	- Employ more Fire Wardens and ensure that everyone is adequately trained including after hours drills and expanded training for those regularly working after hours	<i>Occupational Health and Safety Officer</i>	<i>ongoing</i>
	- Develop a crisis manual that outlines a series of critical events and sets procedures in place	<i>Information Technology</i>	<i>???</i>
Effectively managing conflict	- Review complaints handling policy, including procedures for dealing with difficult and vexatious customers; outcomes to be communicated and made available to staff	<i>Training Coordinator, Governance Unit,</i>	<i>March 01</i>
	- Ensure that conflict resolution preparedness is included in OH&S induction processes for new staff, particularly those in relevant roles	<i>Occupational Health and Safety Co-ordinator</i>	<i>ongoing</i>
	- Mediation and conflict resolution training for those in relevant roles	<i>Training Co-ordinator, Line Managers</i>	<i>ongoing</i>

<b>Building Community Partnerships</b>			
<b>AIMS</b>	<b>ACTIONS</b>	<b>RESPONSIBILITY</b>	<b>TIMEFRAME</b>
Encouraging positive relationships with precinct groups, advisory committees and other community groups	~ Conduct a review of precinct and advisory committees; develop a communication strategy with them that will increase their understanding and involvement in consultation processes	<i>Communications Unit, Community Development Team</i>	<i>April 01</i>
Targeting communications to specific audiences	~ Seek feedback regarding the effectiveness of the communication we already initiate	<i>Executive Group, Communications Unit</i>	<i>Ongoing</i>
Encourage and support community participation	~ Provide facilitation training to group leaders to increase their effectiveness	<i>Volunteer Working Group</i>	<i>November 01</i>
	~ Explore opportunities through the year of the volunteer to strengthen the relationship between Council and our volunteers	<i>Events Co-ordinator, Volunteer Working Group</i>	<i>December 01</i>

Civic Education			
AIMS	ACTIONS	RESPONSIBILITY	TIMEFRAME
Raising understanding of the role of council	- Produce a quality community report every four years, with small summary community reports annually	Corporate Management	ongoing
	- Run school education programmes. Develop a selection sheet for schools to tick Council education programmes that are available to schools, to ensure Councils' education programs meet both Councils objectives and the learning outcomes required by the Schools	Communications Unit, Environmental Educators	June 01
	- Develop a community education programme through editorial, story or advertising in the Examiner monthly which relates to activities Council carried out; run a competition for community members who can identify what Councils' role is in the community, and provide good prizes	Communications Unit	August 01
	- Use Local Government Week to create more awareness of Council activities; incorporate target areas and groups outside Raymond Terrace, and alternate between Bay and Raymond Terrace each year	Communications Unit, Events Co-ordinator	annually
Promoting a deeper understanding of council and community issues	- Monthly profile of Council and E group decisions could be put onto Councils web page, and sent via e-mail to Council Staff	Corporate Planning Unit	ongoing
	- Produce a general newsletter for residents - a small annual summary provided to community	Corporate Planning Unit, Communications Unit, Governance	August 01
	- Conduct a review of Council's pages in the Examiner	Communications Unit	March 01

Implementation, Monitoring and Review			
AIMS	ACTIONS	RESPONSIBILITY	TIMEFRAME
Following through on strategy initiatives	- A review of actions completed and outstanding to be presented to and reviewed by the Executive Group quarterly	<i>Executive Group, Communications Manager, Corporate Planner, All staff</i>	<i>Ongoing</i>
	- Consistent use of agreed communication and consultation procedures	<i>Human Resources Unit</i>	
	- Induction of new staff to existing procedures	<i>Executive Group, All staff</i>	
	- Quality control and continuous improvement		

### Bibliography

1) **Port Stephens Council** – 15 April 2000 - *Media Training Manual*

Training notes from one day course presented to Councillors and General Manager. Tips for dealing with media generally, crisis management, preparing a speech.

2) **Hunter Valley Research Foundation** – February 2000- *Community Attitudes to Services Provided by Port Stephens Council*

Reports on results of telephone survey with 300 respondents. Ranked community values and rated Council-provided service according to importance and satisfaction. Comparison with 1996 and 1999 survey and benchmark Councils.

3) **Hunter Valley Research Foundation** – Port Stephens Council Communications Survey – July 1999

4) **Port Stephens Council** - 16 June 1998 - *Policy - Community Consultation – 3 pages*

5) **Community Consultation Working Group** – February 1998 - *Community Consultation: A Staff Manual for Port Stephens Council – 25 pages*

Community Consultation – how to. Outlines why, how, methods, pros and cons of options, contact list and references

6) **Port Stephens Council** – November 1997 - *Customer Service Survey*

Compilation of 4 separate documents:

- a) Internal Customer Service Survey (Indoor and Outdoor Staff). Indoor staff: 30 responses, many comments; identified areas for improvement. Outdoor staff: 37 responses, many comments. Identified areas for improvement.

b) External Customer Survey – survey cards sent to customers from request systems and attending counter. 90 responses including library. Broken down by Groups. Small/inadequate numbers limit reliability. Makes detailed recommendations.

c) John Faulkner Management Service Report 1997 – Follow up to 1995 report and Customer Service Training. Documents actioned since first report. Recommends further actions. Based mostly on input from Customer Service Taskforce.

d) HVRF Mystery Customer Survey – Comparison of the telephone customer service over 3 periods. Compares with other Councils.

7) **JTA Advertising** – 12 August 1994 - *Communication Report*

Review by professional advertising agency of all materials distributed by Council for public consumption, indexed by Group and management team. Recommends improvements and additional publications.

8) **Port Stephens Council** - 11 May, 1993 - Ordinary Meeting of Council Minutes - Appendix 1 – Policy CS001 – *Community Information and Communication Policy* - 3 pages

9) **Port Stephens Council** – 11 May 1993 – Community Information and Communication Policy – 4 pages

10) **Port Stephens Council** – Rod Stanton - 7 April 1992 - Management Report Prepared for the Working Party on Precinct Committees

Report on consideration of Working Party on possible introduction of Precincts. General background on pros and cons. Recommends deferral. Then outlines current methods used and recommends communications improvements, some of which have been implemented (Section 7.0)



ATTACHMENT 2



**POLICY**

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Adopted: 16/06/98  
Minute No. 273  
Amended: #  
Minute No. #  
(Amendments Shown in Bold)

**FILE NO:** M3250-06

**TITLE:** **Community Consultation**

**DEFINITION**

Consultation is the process by which :

- information is presented and explained
- views and opinions are collected
- knowledge and understanding is built and shared

Community consultation happens when Council seeks or receives opinions from the Community about actions and decisions being considered by Council.

**POLICY OBJECTIVE:**

- citizens who understand what consultation is and how it works
- citizens whose expectations to be consulted are met
- citizens who can and do contribute to council decision making
- well informed council decisions based on what's best for the community at large
- council decisions that are understood and accepted by the community at large
- councillors, council employees and council consultants equipped to consult effectively and professionally
- council departments which coordinate and combine their consultation energies and resources to present a uniform and responsive corporate image

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- to satisfy the intent of consultation law as well as the letter
- to conduct consultations within existing budgets

### **POLICY STATEMENT**

To strengthen community ownership and understanding of its decisions, Port Stephens Council will put in place and maintain opportunities and mechanisms for public consultation. The Council will welcome the widest possible community debate and consultation on issues. Its decisions will take into account local and wider community opinion and understanding, the law, and the best interests of the community at large.

To the extent that Council resources - staff and money - permit, and the law and Council policies and procedures require, Council will consult with all directly interested or affected citizens and groups before Council decisions are made on matters such as:

- relevant policies, including local planning and land use rules
- plans, budgets and work priorities including new or changed services
- changes to procedures and processes, including those of consultation, which the Council asks citizens to follow to guarantee equality and fairness for all
- new land and building developments
- anything else that would change the natural environment
- anything else that would change existing facilities for, or the existing amenity of, any resident.

### **PROCEDURES**

1. The council will publicise and make available to the interested citizen the information it holds on the topic of consultation. This includes the *Community Consultation: Staff Manual*. The Council will also run at least one training session a year on consultation which will be open to community groups and volunteers, precinct committees and prospective Councillors. Council will also provide information on request for citizens interested in Council issues or processes.
2. Where time permits, the Council will do follow-up surveys and other evaluation procedures to find out if consultations met participants' expectations. The results of all surveys and evaluations will be considered as part of continual review of the *Community Consultation: Staff Manual*;

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3. The Council will record the number of people who make use of the consultation opportunities it provides and monitor the trend from year to year.
4. Any citizen(s) or group(s) disaffected by or unhappy with a decision of the Council will be encouraged to identify any flaw in the consultation processes which prevented their opinions being considered. Criticisms will be considered as part of the continual review of the *Community Consultation: Staff Manual*.
5. As part of the Council's overall customer service and awareness program, training will be provided to all managers and key staff in effective communication skills and in the use of the *Community Consultation: Staff Manual*. This training will be made available to Councillors immediately after successful election to Council; and Councillors, managers and staff will be encouraged to consider annual refresher training.
6. All Councillors, managers and key staff will be provided with a copy of the *Community Consultation: Staff Manual*. Staff will be required to consider the manual when planning to conduct a consultation and to liaise with equivalent level staff in other departments.
7. A Working Group made up of staff from all council departments will monitor the use of the manual. They will meet at least four times a year to accept, review and action comments about the *Community Consultation: Staff Manual* to make sure it remains relevant and appropriate to the needs of the community and the Council, and to co-ordinate training identified in this policy.

ATTACHMENT 3

ORDINARY MEETING OF COUNCIL - 11TH MAY, 1993

POLICY CS 001

TITLE: Community Information & Communication Policy

KEY CORPORATE OBJECTIVE 1:

The Council is accountable to the community for its performance and to ensure effective communication including the identification of changing needs and expectations.

1.0 POLICY OBJECTIVE AND ACHIEVEMENT MEASURES

1.1 To document the basis and purpose of the Council's community communication objective and to establish the foundation for the Council's community information plans and programmes.

1.2 Correct implementation of this policy will most likely occur when:

- a there is corporate understanding of and commitment to the policy
- b key corporate objective 1 and the corresponding measures of achievement are met
- c all relevant communication and consultation provisions of the Local Government Act are regarded only as minimum requirements
- d all members of the community have equal opportunity and access to publicly available information
- e prior to decision on any prescribed/nominated matter or issue all members of the community have equal opportunity and access to know about and have explained to them the substance of that matter and have time to consider and put forward their view prior to the Council making its decision
- f all members of the community who put forward a view on any matter consider, regardless of outcome, that they received a fair, reasonable and genuine hearing
- g all procedures and plans developed under this policy and in the pursuit of key objective 1 are carried out in accordance with the spirit and intent of this policy
- h the Council values councillors, managers and staff who have or who develop good interpersonal communication skills

MINUTES OF A ORDINARY MEETING OF PORT STEPHENS SHIRE COUNCIL  
HELD ON THE 11TH MAY, 1993  
SHIRE PRESIDENT.....  
GENERAL MANAGER.....

**ORDINARY MEETING OF COUNCIL - 11TH MAY, 1993**

- i the widely perceived image of the Council is one of efficiency and courtesy. It is widely judged as an organisation that consistently speaks, listens, responds and acts in the broadest community interest as a single unified corporate entity
- j when objectively measured against the Council's capacity to deliver, community expectations and priorities are found to be realistic and achievable
- k all Council communication plans, programs, means, methods, activities and strategies are integrated, complementary and free from duplication
- l lines of communication are sound, integrated and as short and direct as possible
- m the Council recognises and maximises the potential of all existing formal and informal community contact, media, groups, organisations, institutions and structures.

**2.0 PRINCIPLES**

- 2.1 Communication is a dynamic, complex, two-way activity.
- 2.2 Effective communication is the first step toward a full understanding of community needs, opinions and expectations.
- 2.3 Effective communication is essential for the community's informed understanding of and confidence in the Council.

**3.0 POLICY STATEMENT**

- 3.1 Effective communication between the Council and the whole of the community is fundamental to:
  - participatory democracy
  - the community's confidence in the Council as open and transparent
  - the Council's understanding of and, ultimately, correct response to community needs and expectations.

**4.0 RESPONSIBILITIES AND ACCOUNTABILITIES**

- 4.1 The Council is accountable to the community for its performance and to ensure effective communication including the identification of changing needs and expectations.

MINUTES OF A ORDINARY MEETING OF PORT STEPHENS SHIRE COUNCIL  
HELD ON THE 11TH MAY, 1993  
SHIRE PRESIDENT.....  
GENERAL MANAGER.....

**ORDINARY MEETING OF COUNCIL - 11TH MAY, 1993**

- 4.2 The Council is responsible and accountable to the community to act in ways that are reasonable, necessary, equitable, efficient, effective and affordable.

**MINUTES OF A ORDINARY MEETING OF PORT STEPHENS SHIRE COUNCIL  
HELD ON THE 11TH MAY, 1993  
SHIRE PRESIDENT.....  
GENERAL MANAGER.....**

ATTACHMENT 4



MANAGEMENT DIRECTIVE

Adopted: 26 August 2009

**FILE NO:** PSC2009-03038

**TITLE:** COMMUNICATION PLAN

**RESPONSIBLE OFFICER:** MANAGER COMMUNICATIONS AND CUSTOMER RELATIONS

**BACKGROUND**

In March 2008, a communications plan for Port Stephens Council was developed. In April 2009, this plan was reviewed and updated. This updated plan included new internal and external key messages which were developed in conjunction with the senior management team.

**OBJECTIVE**

To ensure the contents and intent of the Communications plan, including the key messages, are endorsed by the Executive Team. Further, that the implementation of the key components of the plan, receive the necessary organisational support.

**PRINCIPLES**

Open and transparent communication is a priority for Port Stephens Council

Communication should be strategic in nature to ensure its effectiveness.

**STATEMENT**

The Port Stephens Communication Plan guides Council in the following strategic areas: media relations, internal communications, issues management, marketing, corporate branding, community engagement, website management and advertising. Additionally, the plan contains key internal and external messages for 2009/2010 which are endorsed for use across all aspects of the organisation.

**RELATED POLICIES &/OR MANAGEMENT DIRECTIVES**

Community Engagement Policy

**REVIEW DATE**

April 2010

**RELEVANT LEGISLATIVE PROVISIONS**

**IMPLEMENTATION RESPONSIBILITY**

Section Manager, Communications and Customer Relations





# COMMUNICATIONS PLAN 2009

## Port Stephens Council Communication Principles

1. Our communication is planned and pro-active
2. Our messages are clear, concise and easy to understand
3. We provide our community with opportunity to express their views and have input into our strategies
4. Our internal communications are open and engender trust amongst employees and Councillors
5. We maximise communication effectiveness by using the most appropriate communication channel
6. We evaluate the effectiveness of our internal and external communications on an ongoing basis

## Key Messages

### External

Our focus is providing Port Stephens residents with real value for money.  
 We will build community partnerships to deliver the best possible outcomes.  
 What Port Stephens Council does today shapes our community's long term future.  
 We listen to our community – they have a real role to play in local government.  
 We rely on our community to help us focus on what is important to ensure we do the things that matter.  
 We know we have a way to go, but we are committed to improving the delivery of our services and the quality of our facilities.  
 Council will give priority to businesses looking to establish, invest or grow in Port Stephens in a sustainable way.

### Internal

All PSC employees are valued, respected and accountable for their performance.  
 We are committed to listening, learning and responding to staff.  
 PSC leaders are visible and accessible. Conversations with staff are a priority.  
 We encourage, acknowledge and celebrate success.  
 A safe workplace is our priority.  
 We manage our risks and look for innovative solutions to achieve the best outcomes.  
 We place a high value on trust in the organisation.

Task	Objectives	Strategies
Media Relations / Publicity	<p>Media engagement is planned wherever possible</p> <p>Acknowledge the value of the media as a means of communicating with our key stakeholders</p> <p>Strengthen our relationship with the media, dealing with them in an open, honest and pro-active manner</p> <p>Deliver clear, consistent messages to our stakeholders</p> <p>Ensure both Port Stephens Council and media representatives have a clear understanding of appropriate communication channels and procedures</p>	<ul style="list-style-type: none"> <li>■ Communications Manager actively works on building strong, professional and effective relationships with media of all levels, including community newspapers and radio</li> <li>■ Communications unit to pro-actively identify positive publicity opportunities, Prompt Group and Section Managers</li> <li>■ Media releases are distributed on a regular basis, highlighting achievements of council</li> <li>■ The General Manager and Mayor are well briefed and act as Council spokespeople on major issues</li> <li>■ Group Managers assume responsibility for media comment in their area (may delegate to other staff member as required)</li> <li>■ Councillors are provided with the opportunity to make public comment on areas they have specific interest or expertise in</li> <li>■ Formal meet the media functions are held annually for Councillors and senior staff</li> <li>■ Our media database is extensive, covers all mediums and is continually updated</li> <li>■ Deployment flowcharts are developed to ensure Staff and Councillors are aware of media protocols and responsibilities</li> </ul>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

Task	Objectives	Strategies
<p><b>Internal Communications</b></p>	<p>Ensure staff are well-informed about their workplace</p> <p>Encourage the use of clear, concise and easy to understand language throughout the organisation</p> <p>Build understanding, commitment and loyalty among staff</p> <p>A common sense of purpose is engendered through keeping people informed</p> <p>Communicate Business Excellence principles throughout the organisation</p>	<ul style="list-style-type: none"> <li>■ New FSC documents are written in clear, easy to understand language, training is provided where appropriate</li> <li>■ Ensure all staff are able to hear about their workplace before they read it in the newspaper</li> <li>■ Put communications on the agenda for the Executive team</li> <li>■ Increase readability and readership of staff newsletter. Use the newsletter to invite staff ideas and suggestions</li> <li>■ Encourage staff to tell 'good stories' about themselves and their achievements</li> <li>■ Work with Organisation Development to actively identify successes and acknowledgements</li> <li>■ Deliver better communication results for outdoor staff.</li> <li>■ Develop appropriate speeches and messages as support for Executive and Councillors</li> <li>■ Ensure key messages are communicated throughout the organisation</li> <li>■ Intranet is used effectively as an internal communications tool</li> </ul>
<p><b>Issue / Crisis Management</b></p>	<p>Manage issues before they become crises</p> <p>Maximise effectiveness of organisation's crisis management strategies</p> <p>Have a well-formulated and systematic plan for dealing with negative media coverage that staff are aware of</p>	<ul style="list-style-type: none"> <li>■ Prioritise issues management as a key function within the organisation. Put it on the organisational agenda</li> <li>■ Identify issues as early as possible - consider social, political, economic and technological trends</li> <li>■ Analyse the issue - draw on past experience. How will it impact on the organisation?</li> <li>■ Issue strategy - Ensure objectives are aligned with Council's goals. Use clear, concise language, allocate necessary resources</li> <li>■ One or two spokespeople only for a major issue</li> <li>■ Ensure spokespeople are well briefed</li> <li>■ Provide media training where appropriate</li> <li>■ Establish a crisis communication/management team</li> <li>■ Establish a relationship with an outside public relations organisation</li> </ul>
<p><b>Marketing / Events</b></p>	<p>Council's involvement in corporate and community activity is clearly identifiable and strategic in nature</p> <p>Council's reputation is enhanced through its involvement in corporate and community events and projects</p> <p>Council events are coordinated centrally through the communications unit, where appropriate</p>	<ul style="list-style-type: none"> <li>■ A criteria shall be used to assess the relative strategic value of promotional and marketing opportunities. The criteria to include considerations such as branding opportunities, media value, community goodwill, target market etc</li> <li>■ Council's brand will be clearly identified in the appropriate manner for all relevant promotional and marketing opportunities</li> <li>■ Council representatives are well briefed and are equipped with key messages where appropriate</li> <li>■ A debrief will held at the conclusion of relevant corporate or community activity</li> <li>■ Promotional/community activities are supported by a communications plan where appropriate</li> <li>■ A calendar of events is developed and utilised by Council and staff</li> <li>■ The event owner is clearly defined</li> <li>■ A Council sponsorship policy is developed</li> </ul>

Task	Objectives	Strategies
<b>Corporate Branding</b>	<p>Project a professional, consistent and recognisable look and feel whenever Council's brand is in the public domain</p> <p>Project clear consistent messages in everything we say and do</p> <p>Strengthen our brand and use it to gain a competitive advantage</p>	<ul style="list-style-type: none"> <li>■ Develop and distribute deployment flow chart(s) outlining steps to be taken to access services of Communications Unit</li> <li>■ Develop and distribute corporate style guide. Update annually</li> <li>■ Ensure all documents are produced within these style guidelines</li> <li>■ Continually search for new and innovative branding opportunities</li> <li>■ Educate employees on the importance of consistent branding</li> <li>■ Develop and consistently utilise internal and external messages. Ensure Councilors are briefed accordingly</li> <li>■ Develop a Council newsletter</li> <li>■ Develop a reputation campaign</li> </ul>
<b>Community Engagement</b>	<p>Ensure statutory obligations are met</p> <p>Ensure those affected by Council decision have the opportunity to be involved in the decision making process</p> <p>Ensure the community is provided with the information it requires to participate in a meaningful way</p> <p>Heighten the awareness of the Community Engagement Panel (CEP) and the Residents Panel (RP) amongst staff and Council</p> <p>Develop and ensure ongoing viability of Residents Panel</p> <p>Ensure engagement is meaningful</p> <p>Ensure CEP is seen as a helpful resource</p>	<ul style="list-style-type: none"> <li>■ Know the project</li> <li>■ Map the stakeholders</li> <li>■ Define the issues</li> <li>■ Find the right type of engagement to fit the project</li> <li>■ Develop a community engagement plan</li> <li>■ Consult the Community Engagement Panel</li> <li>■ Implement the plan. Analyse the outcomes</li> <li>■ Develop a communications plan for the Community Engagement Panel and Residents Panel</li> </ul>
<b>Website</b>	<p>Ensure Port Stephens Council website reflects our corporate branding standards</p> <p>Increase number of users of the site</p>	<ul style="list-style-type: none"> <li>■ Designate clear areas of responsibility regarding technical and visual aspects of website administration</li> <li>■ Develop overall visual design of website homepage</li> <li>■ Provide approval for any pages containing Council images or logos</li> <li>■ Prepare website style guidelines</li> <li>■ Develop system to manage approval process for Council images and logos</li> <li>■ Explore the opportunity for social networking/engagement tools</li> </ul>

Task	Objectives	Strategies
<p><b>Advertising</b></p>	<p>Inform Port Stephens community about Council's decisions, events and operations</p> <p>Invite public engagement on relevant issues</p> <p>Use advertising to broaden the appeal of Council's brand</p> <p>Ensure all advertising adheres to Council's corporate branding standards</p>	<ul style="list-style-type: none"> <li>■ Update and distribute deployment flow chart outlining steps required to be taken for production and publication of advertising material</li> <li>■ Communications Unit to be responsible for production and publication of all advertising</li> <li>■ Ensure all advertising conforms to Council's style guide standards</li> <li>■ Encourage the use of clear, easy-to-understand language where possible, edit unwieldy language where appropriate</li> <li>■ Seek advertising opportunities for Council that offer strategic value</li> </ul>

ATTACHMENT 5

*Port Stephens*  
C·O·U·N·C·I·L  
**POLICY**

Adopted: 18/12/2007  
Minute No: 392  
Amended: 22/09/2009  
Minute No: 318

**FILE NO:** PSC 2007-2001

**TITLE:** COMMUNITY ENGAGEMENT

**RESPONSIBLE OFFICER:** MANAGER COMMUNICATIONS AND CUSTOMER RELATIONS

**BACKGROUND**

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

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

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

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

**OBJECTIVE**

This policy is intended to:

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

## VALUES

Port Stephens Council supports the following values:

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

## PRINCIPLES

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

1. **Commitment to community participation**  
Leadership and strong commitment to information, consultation and active participation of the community in planning and decision-making. The Council is committed to actively overcoming barriers that may exclude some parts of the community from engaging with Council.
2. **Rights**  
The people of Port Stephens have the right to access information, provide feedback, be consulted and actively participate in planning and decision-making.
3. **Clarity**  
Consultation objectives for Council should be well defined from the outset. The respective roles and responsibilities of community members, Councillors and Council staff must be clear to all.  
  
In general, community engagement is undertaken on behalf of Councillors but may or may not include all or individual Councillors in the process.
4. **Time**  
Public consultation should be undertaken as early in the planning process as possible to allow a greater range of options and solutions to emerge. Adequate time must be available for community engagement to be effective.
5. **Objectivity**  
Information provided by the Council during planning should be objective, complete and accessible. Consultative activities must provide opportunities for community members to contribute and be heard.

- 6. Resources**  
Adequate financial, human and technical resources are needed if public information and consultation are to be effective. Meaningful participation may require training, information and resources to meet the costs of participating.
- 7. Coordination**  
Initiatives to consult the community will be coordinated across Council by its Community Engagement Panel. This will enhance knowledge management, ensure coherence and avoid duplication.
- 8. Accountability**  
The Council has an obligation to account for the use it makes of inputs received through feedback, public consultation and active participation.
- 9. Evaluation**  
The Council, through the Community Engagement Panel will have the tools, information and capacity to evaluate Council's performance in providing information, consultation and engaging with citizens.
- 10. Positive Consultation**  
The Council benefits from the positive consultation with its community and other stakeholders. The process facilitates access to information and participation, raises awareness, strengthens community education and supports capacity building.
- 11. Recognition of Expertise**  
The community of Port Stephens recognises the expertise of Council staff and their commitment to the sustainable welfare of the community.

#### **POLICY POSITION STATEMENT**

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

Principle 3 of the Australian Business Excellence Framework states:

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

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

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

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

#### DEFINITIONS

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

**Collaboration** is defined as:

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

**Consultation** is defined as:

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

**Community** is defined as:

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

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

At times participants within consultative activities may express dissatisfaction that a position or opinion has not been supported. Participants need to be well informed about the impact of their involvement and that the role may be one of informing decision making, not necessarily making decisions.

#### RESOURCES

The Community Engagement Panel will assist staff to identify the optimal ways of providing, accessing and receiving information using alternative formats. The



Panel is available to provide advice about methods of consultation and provide technical assistance.

#### **PROCESS OF CONSULTATION**

Coordination of all community engagement resides in the Community Engagement Panel of Council, through the Communications & Customer Relations Section. All staff who are required to consult with, or collaborate with the community of Port Stephens must arrange to meet with the Panel prior to commencing any consultative activities. Consultation with children and young people will also be organised through the Community Engagement Panel.

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

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

#### **EVALUATION**

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

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

#### **CONCLUSION**

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

#### **IMPLEMENTATION RESPONSIBILITY**

Manager – Communications & Customer Relations

#### **REVIEW PERIOD**

This policy is to be reviewed annually.

**ITEM NO. 6**

**FILE NO: A2004-0499**

**PUBLIC FUNDING OF LOCAL GOVERNMENT ELECTION CAMPAIGNS - ISSUES PAPER**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**

**GROUP: GENERAL MANAGER'S OFFICE**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Given consideration to making a submission.

**COUNCIL COMMITTEE MEETING – 14 SEPTEMBER 2010**

**RECOMMENDATION:**

	<b>Councillor John Nell Councillor Frank Ward</b>	<p>That Council:</p> <ul style="list-style-type: none"> <li>1) Make a submission for public funding with a maximum spending limit for Local Government in NSW.</li> <li>2) Request an extension of time to lodge a submission to allow for further consideration by Councillors and that a 2 way conversation be provided.</li> </ul>
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**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>283</b>	<b>Councillor John Nell Councillor Sally Dover</b>	It was resolved that the Council Committee recommendation be adopted.
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**BACKGROUND**

*The purpose of this report is to provide Council with the opportunity to consider the Issue Paper of the Joint Standing Committee on Electoral Matters – Public Funding of Local Government Election Campaigns.*

*The Joint Standing Committee on Electoral Matters is conducting an inquiry into the Public Funding of Local Government Election Campaigns, as a follow up to their completed inquiry into public funding of election campaigns at the State level. As part of the inquiry, the Committee has published an issues paper exploring some of the issues it has identified as significant in developing a public funding scheme for local government elections.*

*Councillors will note from the Summary on page 2 of the Issues Paper a number of questions to consider. The Committee is seeking Council's comment on the Issues Paper, in particular those questions. The Terms of Reference is shown on page 9 of the Issues Paper under Appendix A.*

*Submissions close on Monday 20 September 2010.*

### **FINANCIAL/RESOURCE IMPLICATIONS**

Council lodging a submission to the Issues Paper will have no financial implications.

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

Council lodging a submission to the Issues Paper will have no implications. Council should note that any submission lodged cannot be released or disclosed to any person without the authorisation of the Parliamentary Committee.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

### **CONSULTATION**

General Manager.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Issues Paper – Joint Standing Committee on Electoral Matters – Public Funding of Local Government Election Campaigns.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1

PARLIAMENT OF NEW SOUTH WALES



Joint Standing Committee on Electoral Matters  
Public Funding of Local Government Election Campaigns

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**Issues Paper**

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August 2010

Summary

The purpose of this paper is to explore of some of the issues associated with developing a public funding scheme for local government elections.

The Committee is seeking submissions from interested individuals and organisations by 20 September 2010, particularly in response to the questions highlighted below, or any other issues relevant to local government elections and the terms of reference for the inquiry [Appendix A].

Public Funding

Q1. Is public funding for local government elections in NSW supported? Why? *page 3*

Q2. What factors, specific to local government elections, should be considered in developing an appropriate public funding model? How might they be accommodated? *page 4*

Q3. Aside from public funding in the form of reimbursement for electoral expenditure, are there other ways in which local government candidates and parties could be assisted? *page 5*

Q4. If public funding for local government elections were introduced, which level of government should be responsible for its financing - local councils or the state government? Why? *page 5*

Expenditure

Q5. What level of expenditure, expressed as an amount per elector, is sufficient to conduct a reasonable local government election campaign? *page 6*

Q6. If public funding for local government elections were introduced, are the current disclosure requirements adequately transparent? *page 6*

Q7. What factors impact on the costs of campaigning for local government elections? *page 6*

Q8. If public funding were introduced for local government elections, would expenditure caps required? If so, what would be an appropriate method for determining expenditure caps? *page 7*

Income

Q9. What are the typical sources of funding for local government election campaigns? *page 7*

Contact details	Joint Standing Committee on Electoral Matter Parliament of New South Wales Macquarie Street Sydney NSW 2000
Telephone	02 9230 2390
Email	<a href="mailto:Electoral matters@parliament.nsw.gov.au">Electoral matters@parliament.nsw.gov.au</a>
URL	<a href="http://www.parliament.nsw.gov.au/electoral matters">www.parliament.nsw.gov.au/electoral matters</a>

1. Background

In June 2008, the Legislative Council Select Committee on Electoral and Political Party Funding (the Select Committee) reported on the funding of, and disclosure of donations to, political parties and candidates in state and local government elections. The Select Committee took evidence from a number of stakeholders on implementing a public funding scheme for local government and recommended that:

The Premier investigate public funding for local government election campaigns to deter corruption and undue influence. Public funding could be undertaken by the State Government. A detailed and wide-ranging review should be undertaken, to develop a proposed design for the scheme. The review should involve stakeholder consultation, and community consultation to ascertain what level of electoral funding would be supported by the public.<sup>1</sup>

In December 2009 the Joint Standing Committee on Electoral Matters (the Committee) received a referral from the then Premier to inquire into a public funding model for political parties and candidates to apply at the state and local government level [see **Appendix A** for the terms of reference to the inquiry]. During the course of the inquiry, the Committee received little evidence relating to local government [see **Appendix B** for a summary of the specific proposals put forward inquiry participants].

In its report of March 2010 the Committee did not make any substantive recommendations relating to public funding for local government, but recommended that the development of a local government public funding model should be considered as a separate inquiry process. The Committee also recommended that the issue of public funding for local government be re-visited after the new public funding system has been introduced and tested at the state level.<sup>2</sup> The aim of the current inquiry is to examine in more detail the development of a public funding model for local government elections.

2. Arguments for and against public funding for local government elections

The following table summarises some of the arguments for and against the introduction of public funding for local government elections.

Arguments for public funding	Arguments against public funding
Reducing actual or perceived undue influence <sup>3</sup>	Complexities of local government <sup>4</sup> <ul style="list-style-type: none"> <li>The current funding and disclosure scheme is</li> </ul>

<sup>1</sup> Legislative Council, Select Committee on Electoral and Political Party Funding, *Electoral and Political Party Funding in New South Wales*, Report 1, June 2008, pp.170.

<sup>2</sup> The Committee's comments and recommendations are included at pp. 45-46; 274-283, NSW Parliament, Joint Standing Committee on Electoral Matters, *Public Funding of Election Campaigns*, Report No. 2/54, March 2010, <http://www.parliament.nsw.gov.au/Prod/parliament/committee.nsf/0/CE6DB65B0B02A6CACA25768600181BE0>.

<sup>3</sup> Legislative Council, Select Committee on Electoral and Political Party Funding, *Electoral and Political Party Funding in New South Wales*, Report 1, June 2008, pp. 164, 170-1

Arguments for public funding	Arguments against public funding
<ul style="list-style-type: none"> <li>• Counteracting the perception in the community that large donations from property developers, business, trade unions and wealthy individuals can have undue influence on policy direction and decision-making</li> </ul> <p>Improving community confidence in the integrity of local government<sup>1</sup></p> <ul style="list-style-type: none"> <li>• Lack of community confidence in the existing regime, which has been reinforced by a number of high-profile investigations by the Independent Commission Against Corruption into allegations of corrupt conduct at a local government level, creating a negative impression of the integrity of local government</li> </ul> <p>Compensating for loss of revenue due to donation caps<sup>2</sup></p> <ul style="list-style-type: none"> <li>• If the Committee's recommended caps on donations at both state and local government level are implemented, it could be argued that funding for local government should be considered, to compensate for loss of revenue to candidates and parties.</li> </ul> <p>Equity and improved representation<sup>3</sup></p> <ul style="list-style-type: none"> <li>• Lessening the financial inequalities of candidates</li> <li>• Promoting greater participation by independent and minor party candidates</li> </ul> <p>Improving accountability and transparency<sup>7</sup></p> <ul style="list-style-type: none"> <li>• Requirement to disclose donations and expenditure in relation to specific council campaigns could result in greater accountability and transparency</li> </ul>	<p>not designed with local government in mind and there is no existing public funding model on which to build</p> <ul style="list-style-type: none"> <li>• Complexity of issues relevant to local government, including factors such as the high number of independent candidates, varying council area sizes and types of mayoral elections</li> </ul> <p>Lack of data</p> <ul style="list-style-type: none"> <li>• Lack of data on local government campaign spending and donations makes it difficult to determine whether there is a need for public funding</li> <li>• Lack of evidence to the previous two Committee inquiries detailing specific proposals and models for a local government public funding scheme</li> <li>• Need to assess the implementation of recommended changes to the state level public funding system before a system is implemented for local government</li> </ul> <p>Insufficient support for reform<sup>5</sup></p> <ul style="list-style-type: none"> <li>• Level of community support for reform should be assessed, particularly if funding for local campaigns is to be provided by the state government</li> <li>• Lack of clear consensus from party and candidate stakeholders in terms of support for public funding – during the Committee's previous inquiry the Greens and Christian Democratic Party supported a scheme, while Mr Greg Piper MP opposed it, and the Liberal Party suggested a low expenditure cap may be a preferable alternative to public funding</li> </ul> <p>Nuisance candidates<sup>10</sup></p> <ul style="list-style-type: none"> <li>• Nuisance candidates may be encouraged to stand for local government by the prospect of receiving public funding</li> </ul> <p>Escalation in campaign expenditure<sup>11</sup></p> <ul style="list-style-type: none"> <li>• Potential for public funding to increase campaign expenditure</li> </ul>

<http://www.parliament.nsw.gov.au/Prod/parliament/committee.nsf/0/1CA6D5A59FABD975CA25746D00063640?>; Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, p. 283

<sup>1</sup> Select Committee on Electoral and Political Party Funding, Report 1, June 2008, pp. 162-3, 166-9; Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, pp. 274, 278

<sup>2</sup> Select Committee on Electoral and Political Party Funding, Report 1, June 2008, pp. 170-2

<sup>3</sup> Select Committee on Electoral and Political Party Funding, Report 1, June 2008, pp. 169-70

<sup>4</sup> Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, p. 280.

<sup>5</sup> Select Committee on Electoral and Political Party Funding, Report 1, June 2008, pp. 185-7; Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, p. 280.

<sup>6</sup> Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, pp. 279-82; Select Committee on Electoral and Political Party Funding, Report 1, June 2008, pp. 165-68, 181-4

<sup>7</sup> Select Committee on Electoral and Political Party Funding, Report 1, June 2008, p. 165

<sup>8</sup> Select Committee on Electoral and Political Party Funding, Report 1, June 2008, p. 165

<sup>9</sup> Select Committee on Electoral and Political Party Funding, Report 1, June 2008, p. 165

**Q1. Is public funding for local government elections in NSW supported? Why?**

3. Public funding model for local government

As part of its previous inquiry, the Committee considered the following issues in relation to reform of the public funding scheme for state elections:

- The criteria and threshold for public funding
- The manner in which public funding is calculated and allocated
- Any caps that should apply, such as the overall cap on public funding and/or caps on public funding to individual parties and members
- The persons to whom public funding should be paid
- Mechanisms for paying public funding
- Any restrictions on expenditure of public funding.

The Committee is mindful of the differences between state and local government elections and the impact this might have on the suitability of directly transferring a state government public funding model to local government elections. For instance, what is the impact or effect of the:

- variations in the number of electors across local government areas?
- variations in the number of councillors to be elected between local government areas and wards?
- presence or otherwise of ward divisions?
- greater proportion of independent candidates at the local government level?
- more frequent by-elections for local government?
- regular occurrence of referenda and polls?
- non-residential roll?

A brief outline of the local government public funding and regulatory models in selected international jurisdictions is provided at **Appendix C**. Public funding for local government elections is currently not available in any Australian jurisdictions.

**Q2. What factors, specific to local government elections, should be considered in developing an appropriate public funding model? How might they be accommodated?**

4. Types of public funding

The current state government public funding model is based on reimbursement for electoral expenditure. However, other forms of funding, support or assistance might be more appropriate for local government elections.

For instance, under the current system local government registered political parties, groups and candidates are subject to the same disclosure requirements as those that are registered for state elections. This includes submitting audited disclosure forms outlining donations and expenditure. During the Committee's inquiry into the 2008 local government elections, a number of inquiry participants expressed concern about the administrative and financial burden that this places on parties, candidates and elected councillors.<sup>12</sup> The smaller parties

<sup>12</sup> Our Sustainable Future, Submission 8; Yass Valley Council, Submission 18, p. 2; Wentworth Shire Council, Submission 27, p. 1; Upper Lachlan Shire Council, Submission 31, p. 2.



registered to run in local government elections raised the cost, time and difficulty in locating a registered company auditor as a significant area of concern and a possible threat to their viability. For local government elections, public funding could be in the form of an allowance to fund the auditing of financial reports, or by funding the Election Funding Authority to conduct the audits in-house.

**Q3. Aside from public funding in the form of reimbursement for electoral expenditure, are there other ways in which local government candidates and parties could be assisted?**

#### 5. Source of public funding

The Select Committee heard evidence from local government representatives that it would be untenable for local councils to bear the responsibility of financing a public funding scheme for local government elections. It was argued that 'local councils already face significant financial pressures' including the costs of holding local government elections.<sup>13</sup> The Select Committee concluded that 'councils should not be expected to foot the bill if public funding were introduced for local government elections'.<sup>14</sup>

**Q4. If public funding for local government elections were introduced, which level of government should be responsible for its financing - local councils or the state government? Why?**

#### 6. Level of expenditure

The Select Committee commented that 'if a scheme of public funding were to be introduced, it would be necessary to determine an adequate but not excessive level of funding'.<sup>15</sup> Evidence to that Committee highlighted large differences in spending between local councils, particularly between rural and metropolitan areas. The Committee concluded that, if public funding for local government elections were introduced, it should be at 'a lower level of funding than for State government elections' but recommended that the exact details of a public funding scheme warranted further consideration and consultation.<sup>16</sup>

The disclosure forms lodged for the six month period covering the 2008 local government elections reveal a wide variety of expenditure amounts by candidates and local government parties.<sup>17</sup> However, the task of determining an appropriate level of public funding is made difficult by the lack of transparency and consistency around levels of expenditure for individual local government elections. Candidates and groups representing political parties are not required to account for their individual expenditure, which means that in some cases expenditure for individual local government areas cannot be disaggregated from total state-wide expenditure by political parties. Also, in some cases expenditure amounts are disclosed by individual party candidates, and in others by the party group in each local government area.

<sup>13</sup> Select Committee on Electoral and Political Party Funding, Report 1, June 2008, p. 168-170.

<sup>14</sup> NSW Parliament, Select Committee on Electoral and Political Party Funding, Electoral and Political Party Funding in New South Wales, Report 1, June 2008, 170.

<sup>15</sup> NSW Parliament, Select Committee on Electoral and Political Party Funding, Electoral and Political Party Funding in New South Wales, Report 1, June 2008, 166.

<sup>16</sup> NSW Parliament, Select Committee on Electoral and Political Party Funding, Electoral and Political Party Funding in New South Wales, Report 1, June 2008, 170.

<sup>17</sup> Election Funding Authority, Disclosures lodged are available at <http://searchdecs.efa.nsw.gov.au/>.

More transparent and detailed information of the amount of spending for individual local government elections would be helpful in order to make an informed assessment of a system of public funding for local government elections. Consequently, the Committee is interested to hear evidence on the current level of expenditure for local government election campaigns. Given that the number of electors in local government areas can vary quite significantly - from 920 in Brewarrina to over 173,000 in Blacktown electors – the most useful method of considering expenditure might be in terms of the *amount spent per elector*.

**Q5. What level of expenditure, expressed as an amount per elector, is sufficient to conduct a reasonable local government election campaign?**

**Q6. If public funding for local government elections were introduced, are the current disclosure requirements adequately transparent?**

A number of factors other than the number of electors may also impact on the costs of campaigning for local government elections, including the:

- presence or otherwise of ward divisions
- number of candidates
- method of election of the mayor
- differing media and communication costs
- nature of the local government area, such as whether it is rural, regional or metropolitan.

**Q7. What factors impact on the costs of campaigning for local government elections?**

#### 7. Expenditure caps

In relation to state election campaigns, the Committee has recommended that the Premier introduce legislation to cap expenditure for political parties, candidates and groups.<sup>18</sup> The following reasons have been advanced in favour of limiting campaign expenditure at the state level:

- Community support for 'less wasteful and less oppressive electoral advertising and campaign expenditure'.<sup>19</sup>
- Alleviating concerns about the escalating costs of election spending.
- Creating a 'level playing field and increase[ing] the parity of the electoral contest'.
- Addressing the 'unequal fund-raising capacity of minor parties and new entrants compared to major parties'.
- Reducing the 'pressure to raise money'.<sup>20</sup>
- Enhancing the operation and effectiveness of other regulatory measures, such as public funding and donation limits.<sup>21</sup>

<sup>18</sup> NSW Parliament, Joint Standing Committee on Electoral Matters, *Public funding of election campaigns*, Report No. 2/54, March 2010, p. 18, <<http://www.parliament.nsw.gov.au/Prod/parliament/committee.nsf/0/82F12C9FC8E2D8DCCA2576F200213DR6>>

<sup>19</sup> NSW Parliament, Joint Standing Committee on Electoral Matters, *Public funding of election campaigns*, Report No. 2/54, March 2010, p. 125

<sup>20</sup> Legislative Council, Select Committee on Electoral and Political Party Funding, *Electoral and Political Party Funding in New South Wales*, Report 1, June 2008, pp. 122-5, <<http://www.parliament.nsw.gov.au/Prod/parliament/committee.nsf/0/1CA6D5A89FABD975CA25746D00063640>>

On the other hand, arguments against expenditure caps include:

- Difficulties in addressing third party spending.
- Difficulties in penalising those who breach the caps.<sup>22</sup>

**Q8. If public funding were introduced for local government elections, would expenditure caps be required? If so, what would be an appropriate method for determining expenditure caps?**

#### 8. Level of donations

In order to reduce actual and perceived undue influence and corruption, the Committee has recommended that donations to political parties and candidates at both state and local government level be capped.<sup>21</sup> One of the arguments put for the introduction of public funding for local government elections is to compensate for the proposed caps on donations which could limit the ability of parties and candidates to self-fund. Consequently, the Committee is interested to hear evidence on the current level of donations for local government election campaigns.

**Q9. What are the typical sources of funding for local government election campaigns?**

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<sup>21</sup> NSW Parliament, Joint Standing Committee on Electoral Matters, *Public funding of election campaigns*, Report No. 2/54, March 2010, p. 126

<sup>22</sup> Legislative Council, Select Committee on Electoral and Political Party Funding, *Electoral and Political Party Funding in New South Wales*, Report 1, June 2008, p. 126; Joint Standing Committee on Electoral Matters, *Public funding of election campaigns*, Report No. 2/54, March 2010, p. 126

<sup>23</sup> Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, p.3.

Appendix A

Inquiry into public funding of election campaigns  
Terms of Reference

That:

- (1) having regard to the June 2008 report of the Legislative Council Select Committee on Electoral and Political Party Funding which recommended, among other things, that all but small donations by individuals be banned and that further consultation be undertaken on increasing public funding of political parties and elections; and
- (2) noting that the Government has announced its support for the introduction of a comprehensive public funding model;  
the Joint Standing Committee on Electoral Matters is to inquire into a public funding model for political parties and candidates to apply at the state and local government levels.

The Committee is to consider the following:

- (a) the criteria and thresholds that should apply for eligibility to receive public funding;
- (b) the manner in which public funding should be calculated and allocated, including whether it should take into account first preference votes, parliamentary representation, party membership subscriptions, individual donations and/or other criteria;
- (c) any caps that should apply, including whether there should be an overall cap on public funding and/or caps on funding of each individual party or candidate either absolutely or as a proportion of their total campaign expenditure or fundraising;
- (d) the persons to whom the public funding should be paid, including whether it should be paid directly to candidates or to political parties;
- (e) the mechanisms for paying public funding, including the timing of payments;
- (f) whether any restrictions should be imposed on the expenditure of public funding and, if so, what restrictions should apply and how should the expenditure of public funding be monitored;
- (g) whether any restrictions should be imposed on expenditure by political parties and candidates more generally and, if so, what restrictions should apply and how should expenditure be monitored;
- (h) how public funding should apply as part of the broader scheme under which political donations are banned or capped;
- (i) whether there should be any regulation of expenditure by third parties on political advertising or communication;
- (j) whether there should be any additional regulation to ensure that government public information advertising is not used for partisan political purposes;
- (k) any implications arising from the federal nature of Australia's system of government and its political parties, including in relation to intra-party transfers of funds from federal and other state/territory units of political parties;
- (l) what provisions should be included in order to prevent avoidance and circumvention of any limits imposed by a public funding scheme;
- (m) the compatibility of any proposed measures with the freedom of political communication that is implied under the Commonwealth Constitution;
- (n) the impact of any proposed measures on the ability of new candidates, including independent candidates and new political groupings, to contest elections;
- (o) any relevant reports and recommendations previously made by the Select Committee on Electoral and Political Party Funding; and
- (p) any other related matters.

Appendix B

Extract from the Joint Standing Committee on Electoral Matters, *Public funding of election campaigns*, Report No. 2/54, March 2010, pp. 281-2.

10.30 The Liberal Party submitted that certain key features of their suggested model were applicable to local government. Specifically, capped donations from individuals enrolled to vote could be deposited in local government campaign accounts, with bans on donations from third parties, such as companies and unions, and intra-party funds transfers. Campaign expenditure limits (covering a regulated period of 6 months) could be set, based on a dollar amount for each elector in an undivided council or council ward.<sup>24</sup>

10.31 Under the Liberal Party proposal, public funding could be introduced for the local government level, with electoral expenditure being reimbursed if a 4% threshold was reached, up to a maximum of 50% or 75% of actual expenditure depending on electoral performance. However, the Liberal Party also submitted that an alternative would be to not provide public funding for local government, instead setting a low expenditure cap, noting that 'this may be preferable due to the large number of separate contested elections.'<sup>25</sup>

10.32 In terms of the regulation of third party expenditure, the Liberal Party acknowledged that it may be preferable to delay implementation of any reforms until after the next state election to gauge the operation of restrictions at the state level:

The most difficult decision would be what to do about third party electoral expenditure. It may well be that the Electoral Commissioner's suggestion of delay may well be advisable in this area of new regulation. A decision could be made based on a judgement of the efficiency and effectiveness of the operation of the third party provisions ... during the 2011 State general election.<sup>26</sup>

10.33 The Greens submitted that local government election expenditure should be capped at a modest level 'reflecting the grassroots nature of local politics.'<sup>27</sup> In particular, the Greens proposed the following expenditure caps:

- Election expenditure caps by candidates and a group of candidates, at either 50 cents per voter, calculated on a per capita basis according to the number of voters on the electoral roll in the local government area/ward; or \$10,000 per local council area or ward, whichever is the greater amount.
- State-wide party expenditure caps for local government elections set at \$500,000, separate from campaign expenditure incurred by the party's candidate or group of candidates for local council areas/wards.
- Third party expenditure caps of \$5,000 for a local government election in any given local council area or ward.<sup>28</sup>

10.34 The Christian Democratic Party (CDP) submitted in favour of public funding for local government for reasons of equity and consistency, on the basis that 'public funding payouts are limited (by capping, for example), and donations are limited to \$1,000 per person only each per year.'<sup>29</sup>1118 The CDP advocated the abolition of the current public funding eligibility threshold of 4% of first preference votes for state elections, stating that public

<sup>24</sup> Liberal Party of Australia (NSW Division), Submission 17, p. 28.

<sup>25</sup> Liberal Party of Australia (NSW Division), Submission 17, p. 28

<sup>26</sup> Liberal Party of Australia (NSW Division), Submission 17, p. 28.

<sup>27</sup> The Greens NSW, Submission 19, p. 14.

<sup>28</sup> The Greens NSW, Submission 19, pp. 4-5.

<sup>29</sup> Christian Democratic Party, Submission 28, p. 14.

funding 'should only be used to reimburse genuine election expenditure with receipts.'<sup>30</sup> The CDP submitted that this principle should also apply at the local government level, if public funding is introduced. According to the CDP's proposal, all candidates would receive public funding based on the number of primary votes they receive, with a gradual reduction in funding as the primary vote increases, and public funding being capped at 50% of the total vote. Candidate nomination fees would be increased to \$500 to discourage frivolous nominations.<sup>31</sup>

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<sup>30</sup> Christian Democratic Party, *Submission 28*, p. 3.

<sup>31</sup> Mr Graham Freemantle, Acting State Manager, Christian Democratic Party, *Transcript of evidence*, 2 February 2010, pp. 27-8.

Appendix C  
Public Funding and regulatory models for local government elections in other jurisdictions

Jurisdiction	Disclosure	Expense limits	Contribution rules	Enforcement	Public funding
New York City (US) <sup>32</sup>	Yes: regular disclosure statements for contributions and expenditure are required to be lodged with the Campaign Finance Board (CFB) and are made available on the CFB's website. Candidates who choose not to participate in the public funding program are also required to submit the statements	Yes: for mayoral candidates at 2009 primary or general election the spending limit was \$6,150,000, while for city council candidates the limit was \$161,000	Yes: contribution limits apply depending on the office a candidate is running for. Limits do not apply to candidates who choose not to participate in the public funding program. Donations from non-residents, corporations and banks are prohibited	An auditor and CFB staff may conduct a compliance visit to candidates before they receive public funds. Visits may involve interviewing the treasurer and a review of the campaign's financial records and documentation	Yes: Under the Matching Public Funding Program mayoral candidates are eligible to receive up to \$3,386,900, if they meet certain threshold criteria, while city council candidates are eligible for up to \$88,550
Ontario (Canada) <sup>33</sup>	Yes: expenses and contributions	Yes: spending limit based on the number of electors on the current voters' list	Yes: limits amount to each candidate. Aggregate contribution limit of \$5,000 per contributor for each jurisdiction. Prohibits out of province contributions from individuals, corporations or trade unions; federal and provincial parties prohibited	Via public complaint, police and courts. High compliance features	Optional: A municipality may, by bylaw, provide for the payment of rebates to individuals, corporations or trade unions that made contributions to candidates for office.

<sup>32</sup> New York City Campaign Finance Board website, <<http://www.nycctfb.info/>> accessed 28 July 2010.

<sup>33</sup> British Columbia, Local Government Elections Task Force, Campaign Financing in B.C. Local Elections, January 2010 at [http://www.localelectionstaskforce.gov.bc.ca/library/Campaign\\_Finance\\_Overview.pdf](http://www.localelectionstaskforce.gov.bc.ca/library/Campaign_Finance_Overview.pdf), p.13.

Jurisdiction	Disclosure	Expense limits	Contribution rules	Enforcement	Public funding
Quebec (Canada) <sup>34</sup>	Yes: expenses and contributions	Yes	Yes: limits amount to each candidate; and only electors of the municipality can make a contribution Prohibits contributions from all other than (individual) residents	CEO, via public complaint, police and courts. High compliance features	Tax credits for contributions The municipality reimburse 50% of the electoral expenses of a party or a candidate, if they receive at least 15% of the vote
Manitoba (Canada) <sup>35</sup>	Yes: expenses and contributions	No	Yes: contribution limits Prohibits contributions from non-residents and organisations	Via public complaint, police and the courts Few compliance features	Optional: Council may by bylaw establish a program that entitles contributors to a credit against tax; and/or a reimbursement of a portion of campaign expenses
New Zealand <sup>36</sup>	Yes: returns declaring all expenditure and donations over \$1,000 are required to be lodged with electoral officers within 55 days of the declaration and are available for public inspection for 7 years after the election	Yes: expenditure limits calculated based on the local government area's population apply for a 3 month period prior to the election	Yes: Expenditure limits include donations and joint campaigning	Local authorities' electoral officers duties include investigating possible offences and reporting alleged offences to the police	No

<sup>34</sup> British Columbia, Local Government Elections Task Force, Campaign Financing in B.C. Local Elections, January 2010 at [http://www.localelectionstaskforce.gov.bc.ca/library/Campaign\\_Finance\\_Overview.pdf](http://www.localelectionstaskforce.gov.bc.ca/library/Campaign_Finance_Overview.pdf), p.13.

<sup>35</sup> British Columbia, Local Government Elections Task Force, Campaign Financing in B.C. Local Elections, January 2010 at [http://www.localelectionstaskforce.gov.bc.ca/library/Campaign\\_Finance\\_Overview.pdf](http://www.localelectionstaskforce.gov.bc.ca/library/Campaign_Finance_Overview.pdf), p.12.

<sup>36</sup> Auckland Council, Candidate Information Booklet for 2010 elections, p 23, <http://www.aucklandcouncil.govt.nz/Site/Content/Documents/Candidate-booklet-fs1version.pdf> accessed 3 August 2010; Local Electoral Act 2001 (NZ).



Jurisdiction	Disclosure	Expense limits	Contribution rules	Enforcement	Public funding
England <sup>37</sup>	Yes: election expenses returns for the regulated period <sup>38</sup> with a statement of all payments, details and a declaration of value for all notional expenditure <sup>39</sup> , details of all donations, and details of any unpaid or disputed invoices. This return must be submitted within 35 days of the election result being declared for those contesting at county level, district level and unitary authorities, and within 28 days of election day for those contesting parish or town council elections.	Yes:£600 plus 5p per elector in the electorate. In the case of two candidates running jointly the expenditure limit for each candidate is reduced by one quarter and by one third for three or more candidates running jointly	Yes: any contribution over £50 is a donation. Can only be accepted from: registered electors; companies registered in the UK, incorporated in an EU member state or carrying out business in the UK; registered political party registered in Great Britain; trade unions, building societies, limited liability partnerships and friendly/industrial provident societies registered in the UK; and, UK based unincorporated associations.	A number of offences exist relating to the provision of donations to anyone other than the candidate or their agent, payment of election expenses, incurring expenses, without the authority of the agent, overspending, late payments, and failure to lodge a return. These offences carry penalties of fines or imprisonment.	No.

<sup>37</sup> The Electoral Commission, *Guidance for candidates and agents: Local government elections in England, 6 May 2010, 2009.*  
<sup>38</sup> The period between when a person becomes a candidate and polling day, and a person becomes a candidate on the last date for publication of the notice of election which is not later than 25 working days before an election.  
<sup>39</sup> The full commercial value for items or services which are provided free of charge or at a discount of more than 10% of the commercial value and which are worth more than £50 must be used for calculating the candidate's expenditure limit. Notional expenditure is the difference between what is paid and the full commercial value. The Electoral Commission, *Guidance for candidates and agents: Local government elections in England, 6 May 2010, 2009, p. 49.*

**ITEM NO. 7**

**FILE NO: 1190-001**

**REQUEST FOR FINANCIAL ASSISTANCE**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**

**GROUP: GENERAL MANAGER'S OFFICE**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
  - a) Uniting Church Karuah – Reimbursement of DA Fees - Mayoral Funds - \$720.60.

**COUNCIL COMMITTEE MEETING – 14 SEPTEMBER 2010**

**RECOMMENDATION:**

	<b>Councillor Bruce MacKenzie</b> <b>Councillor John Nell</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>284</b>	<b>Councillor Bruce MacKenzie</b> <b>Councillor Peter Kafer</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

**The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Financial Assistance Policy gives Councillors a wide discretion to either grant or to refuse any requests.**

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

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

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

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

**MAYORAL FUNDS**

Uniting Church Karuah	Reimbursement of DA Fees	\$720.60
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**FINANCIAL/RESOURCE IMPLICATIONS**

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

**LEGAL AND POLICY IMPLICATIONS**

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

The policy interpretation required is whether the Council believes that:

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

**SUSTAINABILITY IMPLICATIONS**

*Includes Social, Economic and Environmental Implications*

Nil.

**CONSULTATION**

Mayor  
Councillors  
Port Stephens Community

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 8**

**INFORMATION PAPERS**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**  
**GROUP: GENERAL MANAGERS OFFICE**

**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 14 September, 2010.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	CASH AND INVESTMENTS HELD AT 31 JULY 2010	
2	ONE ASSOCIATION CONVENTION 2010	
3	LOCAL GOVERNMENT & THE AUSTRALIAN CONSTITUTION	

**COUNCIL COMMITTEE MEETING – 14 SEPTEMBER 2010**  
**RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Shirley O'Brien</b>	That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>285</b>	<b>Councillor John Nell</b> <b>Councillor Peter Kafer</b>	It was resolved that the recommendation be adopted.
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# COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

**CASH AND INVESTMENTS HELD AT 31 JULY 2010**

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

FILE: PSC2006-6531

**BACKGROUND**

*The purpose of this report is to present Council's schedule of cash and investments held at 31 July 2010.*

**ATTACHMENTS**

- 1) *Cash and investments held at 31 July 2010*
- 2) *Monthly cash and investments balance July 2009 – July 2010*
- 3) *Monthly Australian term deposit index July 2009 – July 2010*

ATTACHMENT 1

CASH & INVESTMENTS HELD AS AT 31 JULY 2010

INVESTED WITH	INV. TYPE	CURRENT RATING	MATURITY DATE	AMOUNT INVESTED	% of Total Portfolio	Current Int Rate	Market Value	Market Value	Market Value	Current Mark to Market
							May	June	July	Exposure
<b>GRANGE SECURITIES</b>										
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	NR	20-Mar-12	1,000,000.00	5.22%	6.40%	\$888,100.00	\$841,978.08	\$841,978.08	-\$158,021.92
NEXUS BONDS LTD "TOPAZ AA"	Floating Rate CDO		23-Jun-15	412,500.00	2.15%	0.00%	\$254,306.25	\$257,812.50	\$257,812.50	-\$154,687.50
HERALD LTD "QUARTZ AA"	Floating Rate CDO	CCC-	20-Dec-10	450,000.00	2.35%	6.40%	\$388,395.00	\$419,075.14	\$419,075.14	-\$30,924.86
STARTS CAYMAN LTD "BLUE GUM AA"	Floating Rate CDO	NR	22-Jun-13	1,000,000.00	5.22%	3.03%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
HELIUM CAPITAL LTD "ESPERANCE AA+ " *	Floating Rate CDO	NR	20-Mar-13	1,000,000.00	5.22%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
HOME BUILDING SOCIETY	Floating Rate Sub Debt	NR	25-Jul-11	500,000.00	2.61%	5.54%	\$452,345.00	\$465,409.88	\$465,409.88	-\$34,590.12
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note	NR	18-Oct-11	500,000.00	2.61%	6.47%	\$507,250.00	\$513,918.08	\$513,918.08	\$13,918.08
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	CCC	20-Mar-14	1,000,000.00	5.22%	6.30%	\$351,400.00	\$306,353.42	\$306,353.42	-\$693,646.58
GRANGE SECURITIES "COOLANGATTA AA" *	Floating Rate CDO	NR	20-Sep-14	1,000,000.00	5.22%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
<b>TOTAL GRANGE SECURITIES</b>				<b>\$6,862,500.00</b>	<b>35.81%</b>		<b>\$2,841,796.25</b>	<b>\$2,804,547.10</b>	<b>\$2,804,547.10</b>	<b>(\$4,057,952.90)</b>
<b>ABN AMRO MORGANS</b>										
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	A+	20-Sep-11	\$1,000,000.00	5.22%	0.00%	\$904,200.00	\$915,100.00	\$915,100.00	-\$84,900.00
<b>TOTAL ABN AMRO MORGANS</b>				<b>\$1,000,000.00</b>	<b>5.22%</b>		<b>\$904,200.00</b>	<b>\$915,100.00</b>	<b>\$915,100.00</b>	<b>(\$84,900.00)</b>
<b>ANZ INVESTMENTS</b>										
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	B	30-Dec-11	\$1,000,000.00	5.22%	0.00%	\$774,700.00	\$770,600.00	\$770,600.00	-\$229,400.00
ANZ ZERO COUPON BOND	Zero Coupon Bond	AA	1-Jun-17	\$1,017,876.98	5.31%	0.00%	\$600,150.40	\$641,364.28	\$641,364.28	-\$376,512.70
<b>TOTAL ANZ INVESTMENTS</b>				<b>\$2,017,876.98</b>	<b>10.53%</b>		<b>\$1,374,850.40</b>	<b>\$1,411,964.28</b>	<b>\$1,411,964.28</b>	<b>(\$605,912.70)</b>
<b>RIM SECURITIES</b>										
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO		8-Oct-11	\$2,000,000.00	10.44%	0.00%	\$1,381,002.00	\$1,490,000.00	\$1,490,000.00	-\$510,000.00
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt		5-Apr-11	\$1,000,000.00	5.22%	5.16%	\$952,775.00	\$956,150.00	\$956,150.00	-\$43,850.00
<b>TOTAL RIM SECURITIES</b>				<b>\$3,000,000.00</b>	<b>15.65%</b>		<b>\$2,333,777.00</b>	<b>\$2,446,150.00</b>	<b>\$2,446,150.00</b>	<b>(\$553,850.00)</b>
<b>WESTPAC INVESTMENT BANK</b>										
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt		21-Nov-11	\$500,000.00	2.61%	5.77%	\$483,610.00	\$484,330.00	\$484,330.00	-\$15,670.00
<b>TOTAL WESTPAC INV. BANK</b>				<b>\$500,000.00</b>	<b>2.61%</b>		<b>\$483,610.00</b>	<b>\$484,330.00</b>	<b>\$484,330.00</b>	<b>(\$15,670.00)</b>
<b>LONGREACH CAPITAL MARKETS</b>										
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	A+	7-Mar-12	\$500,000.00	2.61%	0.00%	\$449,600.00	\$453,380.00	\$456,035.00	-\$43,965.00
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	A+	7-Sep-12	\$500,000.00	2.61%	0.00%	\$429,850.00	\$431,200.00	\$435,600.00	-\$64,400.00
<b>TOTAL LONGREACH CAPITAL</b>				<b>\$1,000,000.00</b>	<b>5.22%</b>		<b>\$879,450.00</b>	<b>\$884,580.00</b>	<b>\$891,635.00</b>	<b>(\$108,365.00)</b>



**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

**ATTACHMENT 1**

<b>COMMONWEALTH BANK</b>										
EQUITY LINKED DEPOSIT	Equity Linked Note	AA	20-Sep-11	\$500,000.00	2.61%	3.00%	\$482,500.00	\$486,400.00	\$486,400.00	-\$13,600.00
EQUITY LINKED DEPOSIT GH100	Equity Linked Note	AA	03-Aug-10	\$500,000.00	2.61%	3.00%	\$496,100.00	\$491,100.00	\$491,100.00	-\$8,900.00
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note	AA	05-Nov-12	\$500,000.00	2.61%	3.00%	\$470,900.00	\$474,600.00	\$474,600.00	-\$25,400.00
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt	BBB	09-Nov-12	\$500,000.00	2.61%	6.05%	\$491,085.00	\$480,795.00	\$480,795.00	-\$19,205.00
BANK OF QUEENSLAND BOND	Bond	BBB+	16-Mar-12	\$1,000,000.00	5.22%	5.35%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00
<b>TOTAL COMMONWEALTH BANK</b>				<b>\$3,000,000.00</b>	<b>15.65%</b>		<b>\$2,940,585.00</b>	<b>\$2,932,895.00</b>	<b>\$2,932,895.00</b>	<b>(\$67,105.00)</b>
<b>FIG SECURITIES</b>										
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	Principal Protected Note				0.00%	0.00%	\$986,000.00			\$0.00
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note		30-Nov-14	\$500,000.00	2.61%	5.87%	\$460,650.00	\$479,580.00	\$479,580.00	-\$20,420.00
<b>TOTAL FIG SECURITIES</b>				<b>\$500,000.00</b>	<b>2.61%</b>		<b>\$1,446,650.00</b>	<b>\$479,580.00</b>	<b>\$479,580.00</b>	<b>(\$20,420.00)</b>
<b>MAITLAND MUTUAL</b>										
MAITLAND MUTUAL SJB DEBT	Floating Rate Sub Debt	N/R	30-Jun-13	500,000.00	2.61%	6.42%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
MAITLAND MUTUAL SJB DEBT	Floating Rate Sub Debt	N/R	31-Dec-14	500,000.00	2.61%	6.42%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
<b>TOTAL M/LAND MUTUAL</b>				<b>\$1,000,000.00</b>	<b>5.22%</b>		<b>\$1,000,000.00</b>	<b>\$1,000,000.00</b>	<b>\$1,000,000.00</b>	<b>\$0.00</b>
<b>TOTAL INVESTMENTS</b>				<b>\$18,880,376.98</b>	<b>98.51%</b>		<b>\$14,204,918.65</b>	<b>\$13,359,146.38</b>	<b>\$13,366,201.38</b>	<b>(\$5,514,175.60)</b>
AVERAGE RATE OF RETURN ON INVESTMENTS							2.91%			
<b>CASH AT BANK</b>				<b>\$284,870.56</b>	1.49%	4.45%	<b>\$3,424,828.31</b>	<b>\$3,847,429.41</b>	<b>\$284,870.56</b>	<b>\$0.00</b>
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH							2.93%			
<b>TOTAL CASH &amp; INVESTMENTS</b>				<b>\$19,165,247.54</b>	<b>100.00%</b>		<b>\$17,629,746.96</b>	<b>\$17,206,575.79</b>	<b>\$13,651,071.94</b>	<b>(\$5,514,175.60)</b>
BBSW FOR PREVIOUS 3 MONTHS							4.89%			

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

**CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER**

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

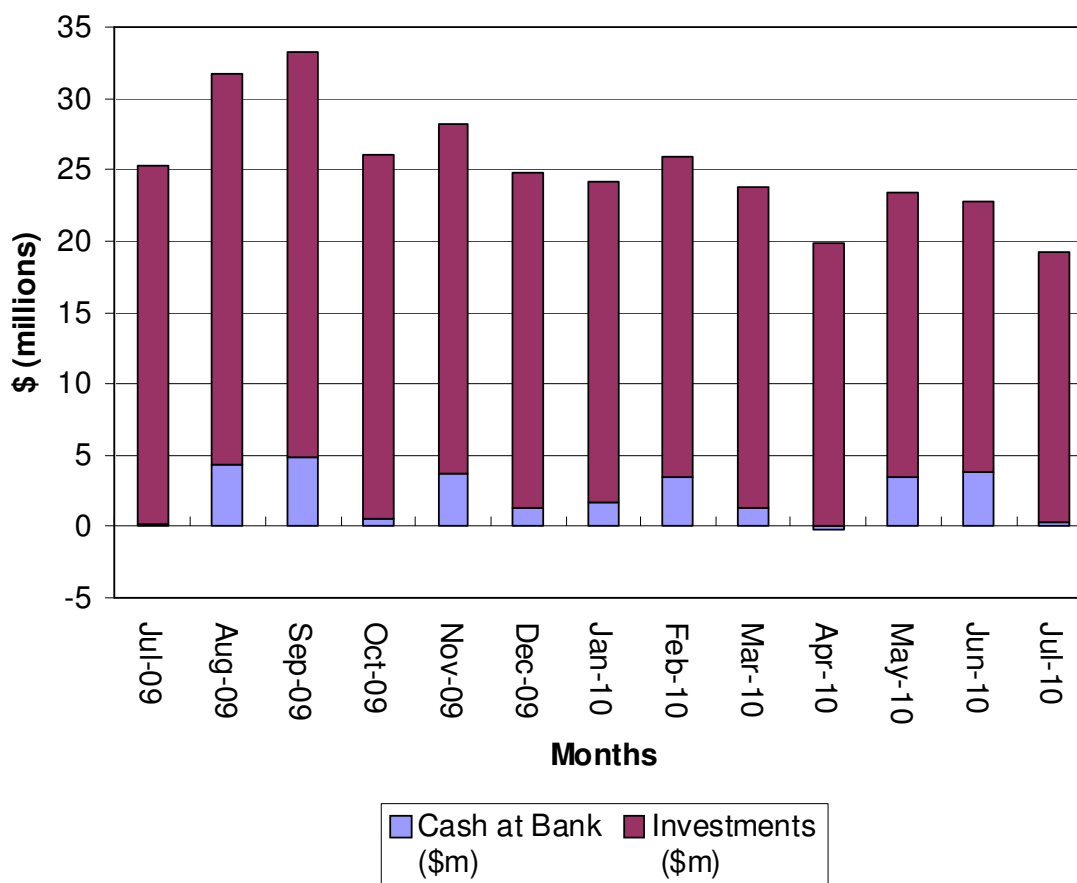
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Jul-09	0.127	25.193	25.320
Aug-09	4.298	27.448	31.747
Sep-09	4.801	28.448	33.250
Oct-09	0.579	25.448	26.028
Nov-09	3.691	24.448	28.140
Dec-09	1.277	23.448	24.726
Jan-10	1.670	22.455	24.125
Feb-10	3.489	22.455	25.944
Mar-10	1.311	22.380	23.691
Apr-10	0.206	19.880	19.675
May-10	3.425	19.880	23.305
Jun-10	3.847	18.880	22.728
Jul-10	0.285	18.880	19.165

Cash and Invested Funds for the Period ended 31/7/2010

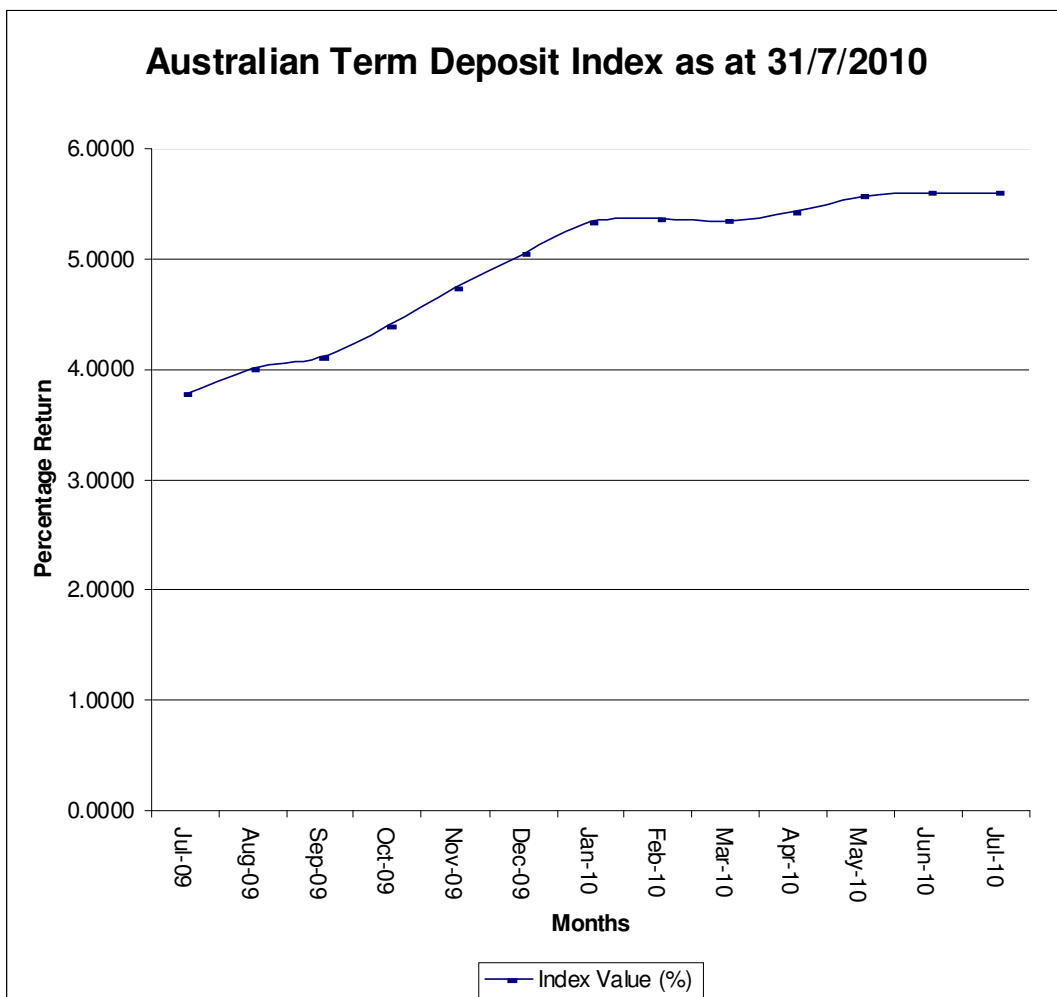


ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Jul-09	3.7701
Aug-09	4.0082
Sep-09	4.1080
Oct-09	4.3946
Nov-09	4.7356
Dec-09	5.0488
Jan-10	5.3373
Feb-10	5.3685
Mar-10	5.3452
Apr-10	5.4259
May-10	5.5615
Jun-10	5.5974
Jul-10	5.5992

Australian Term Deposit Index as at 31/7/2010



INFORMATION ITEM NO. 2

ONE ASSOCIATION CONVENTION 2010

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

**FILE:** A2004-0034

**BACKGROUND**

*This convention occurred on Monday 16<sup>th</sup> August in Sydney with approximately 120 councils attending. Port Stephens Council was represented by the Mayor, Cr De Lyall and the General Manager.*

*The convention considered the discussion paper prepared by a joint association taskforce which is available on their website: [www:lgsa.org.au/OneAssociation](http://www.lgsa.org.au/OneAssociation). The proposal put was to amalgamate the current two (2) associations into one association representing local government in New South Wales.*

*Business sessions were prepared as shown on the attached program with the agreed outcomes listed.*

*Ian Mickel, former president of the West Australian LGA provided information about their recent amalgamation of three (3) associations and the benefits that have accrued.*

*The convention was facilitated by the Hon Richard Torbay, MP who managed a vigorous debate throughout the day. Clear evidence of compromise from various stakeholders ensured an agreed outcome was achieved to permit the drafting of a new constitution which will be formally put at the next conferences of both associations. A two-thirds majority is required from members for the proposal to proceed. It is pleasing to note that agreement on all issues was achieved in the one day.*

**ATTACHMENTS**

- 1) General Manager's notes against the convention program.

One Association  
Local Government NSW

Program - One Association Convention

Venue: Grand Ballroom, Star City Sydney

\*Note: Times for Business Sessions are approximate only and may be extended to allow all participants to have their say.

16 August 2010 - Day 1		
8.30	Registration opens Tea/coffee in Foyer	
10.00	Welcome from Cr Genia McCaffery	And Cr Bruce Miller
10.05	Ms Libby Darlison, Chair One Association Taskforce	<del>Libby Darlison</del> Bruce Miller
10.15	Cr Ian Mickel AM, Former President Western Australian Local Government Association	
10.45	Cr Bruce Miller introduces the Hon Richard Torbay MP, Facilitator  <b>*Business Session 1 – The Structure of a new Association</b>  <ul style="list-style-type: none"> <li>Should there simply be two regions – metropolitan and rural/ regional, or should there be more, eg, peri-urban and/or Coastal?</li> <li>If not a separate region, where do the peri-urban Councils, e.g. Newcastle, Wollongong, Gosford etc sit? Do they fall within the metropolitan or rural/ regional classification?</li> <li>Should there be a zonal or divisional structure within the regions? Should this be limited to the rural/ regional classifications, or be extended to the metropolitan region (and other regions if appropriate) as well? How many zones in each region ?</li> </ul>	One Association 2 Regions No peri urban No zones
12.00	<b>*Business Session 2 - Voting Rights</b>  <ul style="list-style-type: none"> <li>Should the voting rights for the election of Office Bearers be the same as for voting on motions at the Annual Conference?</li> <li>Should each member council have equal vote/s for the election of Office Bearers and for voting on motions, or should there be a scale of votes depending on a member council's population and / or other criteria, e.g. geographical size, budget etc.</li> </ul>	Equal votes for metro and regional with Divisions to determine voting distributions.
1.00	Lunch	

One Association  
Local Government NSW

2.00	<p><b>*Business Session 3 – Size of the Board of Directors</b></p> <ul style="list-style-type: none"> <li>• How many positions should there be on the Board of Directors? (This will obviously be dependent on the structure adopted)</li> <li>• How many vice Presidents should there be?</li> <li>• Should there be an Immediate Past President or Vice President General? <ul style="list-style-type: none"> <li>(i) If there is to be a Vice President General, should candidates for this position only be permitted from a Region different to that of the incumbent President? (that is, if the incumbent President is from a Metropolitan Region, should only a non-metropolitan candidates be permitted, and vice versa?)</li> <li>(ii) Should the position/s of Vice President/s be drawn from among elected Board Members or be positions in addition to elected Board Members?</li> <li>(iii) Should the position of Treasurer be drawn from among elected Board Members or be a position in addition to the elected Board Members?</li> </ul> </li> <li>• Should there be an equal numbers of Board Members for each region?</li> </ul>	<p>24</p> <p>10 metropolitan 10 rural 1 President 2 Vice President 1 Treasurer</p>
2.20	<p><b>*Business Session 4 - Voting for the Board Members &amp; Office Holders</b></p> <ul style="list-style-type: none"> <li>• How should the President be elected?</li> <li>• How should Board members be elected?</li> <li>• How should Vice Presidents be elected?</li> <li>• How should the Treasurer be elected?</li> </ul>	<p>At large</p> <p>Metro for metro/rural for rural</p> <p>At large At large</p>
2.50	<p><b>*Business Session 5 – Term Length</b></p> <ul style="list-style-type: none"> <li>• What should the term lengths be for members of the Board of Directors?</li> </ul>	<p>2 years</p>

One Association  
Local Government NSW

3.10	<p><b>*Business Session 6 – Term Limits</b></p> <ul style="list-style-type: none"> <li>• Should there be term limits applied to members of the Board of Directors?             <ul style="list-style-type: none"> <li>(i) Should the position of President be term limited?</li> <li>(ii) Should the positions of Vice Presidents be term limited?</li> <li>(iii) Should the position of Treasurer be term limited?</li> <li>(iv) Should the positions of Board members be term limited?</li> </ul> </li> </ul>	<p>4 years</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p>
3.30	<p><b>*Business Session 7 - Alternating the Positions of President &amp; Treasurer</b></p> <ul style="list-style-type: none"> <li>• Should the position of President be alternated between Regions?</li> <li>• Should the position of Treasurer be alternated between Regions?</li> </ul>	<p>No</p>
3.50	<p><b>*Business Session 8 - Association Membership</b></p> <ul style="list-style-type: none"> <li>• Should there be any other membership category other than Ordinary &amp; Associate?</li> <li>• Should the NSW Aboriginal Land Council be offered Ordinary Membership or Associate Membership?</li> <li>• Should NSW County Councils be offered Ordinary Membership or Associate membership?</li> </ul>	<p>Ordinary</p> <p>Ordinary</p> <p>N/A</p>
4.10	<p><b>*Business Session 9 - Rights of Associate Members</b></p> <ul style="list-style-type: none"> <li>• Should Councillors from Associate members be eligible to run for positions on the Board of Directors?</li> <li>• Should Councillors from Associate members be eligible to vote for positions on the Board of Directors?</li> <li>• Should Associate members be permitted to put motions to Conference?</li> </ul>	

One Association  
Local Government NSW

	<ul style="list-style-type: none"> <li>Should Elected Councillors from Associate members be permitted to vote for motions at Conference?</li> </ul>
4.30	Close

N/A

17 August 2010 - Day 2	
8.30	Registration opens Tea/coffee in Foyer
9.00	Summary of Day 1
9.15	<b>Commencement of Business Sessions</b>
11.00	Morning Tea
1.00	Lunch
3.30	Close



INFORMATION ITEM NO. 3

LOCAL GOVERNMENT & THE AUSTRALIAN CONSTITUTION

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

FILE: PSC2008-4044

**BACKGROUND**

*The purpose of this report is to provide Council with the recent information released by the Australian Local Government Association (ALGA).*

*Recently the Australian Government provided ALGA with \$250,000 to pursue an educational campaign regarding recognition for Local Government in the Australia Constitution.*

*Direct funding from the Commonwealth Government to Local Government could be at risk if recognition in the Constitution is not achieved.*

*As part of the educational campaign, the ALGA has developed Fact Sheets shown at **ATTACHMENT 1**.*

*A website has also been developed to support this program – [www.councilreferendum.com.au](http://www.councilreferendum.com.au).*

**ATTACHMENTS**

- 1) Fact Sheets

ATTACHMENT 1



**LOCAL GOVERNMENT  
DELIVERING VITAL  
COMMUNITY SERVICES**

AUSTRALIAN LOCAL  
GOVERNMENT ASSOCIATION



## LOCAL GOVERNMENT DELIVERING VITAL COMMUNITY SERVICES



**ROAD AND  
WATER ENGINEER**

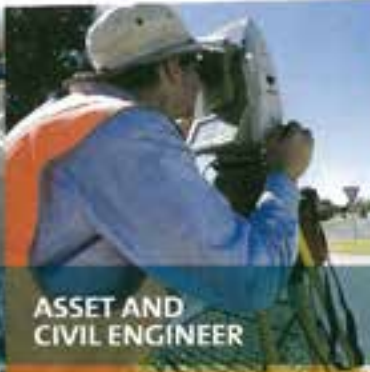
John is responsible for council's most valuable infrastructure.

Ranging from constructing bridges, building roads, and overseeing water, wastewater and stormwater systems, John's job is one of the most visible for the council.

He is "hands on" for a large number of major infrastructure decisions for the council, as they come through his area for either direct project management or for advice.

A constant problem-solver, John ensures essential water and wastewater services are maintained, roads are kept open, and provides comments on a development application for a new subdivision.

*"Seeing a project from conception and design through to completion is thrilling. I help people quite literally travel from one side of the region to the other."*



**ASSET AND  
CIVIL ENGINEER**

Responsible for traffic signs, speed reduction initiatives and the new bus shelter monitor, Lee ensures the local traffic system is working smoothly and safely.

After finishing his studies, Lee knew he wanted to use his skills in the local community.

Lee and his family came to Australia as refugees from Vietnam, and as well as being an engineer, he helps the local community with any business problems they are facing, many of which are due to language barriers.

*"Council gave me an opportunity to work with the community I am passionate about – to know I was helping them and contributing to the area I grew up in was really satisfying. Working for local government offers choice and diversity while making a real contribution to communities."*



**YOUTH  
DEVELOPMENT OFFICER**

Establishing youth services in a remote and disadvantaged area has made a huge difference to the young people in this local community.

Geoff has put an extraordinary amount of effort into helping the marginalised and disadvantaged youth in his community become more involved and engaged with the community.

He has built the youth development team from one worker to 10 people, and developed a range of services that respond to local youth needs.

He has encouraged young Indigenous people to embrace their Aboriginal culture and helped them to make positive changes.

*"Young people who were completely disengaged, who would not have looked a council worker in the eye, now sit around the table with the General Manager and make a difference in their community – how rewarding is that?"*



**SENIOR WEEDS OFFICER**

Bob has worked in weed management for 30 years and as a result of his work, there has been monumental progress in the management of noxious weeds in the far west of NSW.

He plays an important role on several government committees and has established one or two groups himself, where he could see urgent action was needed, such as the NSW Prickly Bush Working Group.

He has been highly successful in getting funding for noxious weed management.

He discovered, and helped control, the largest infestations of Parkinsonia and Mesquite ever found in NSW. He was presented with an award for his outstanding contribution to weed management in NSW.

*"Noxious weeds do enormous damage to our country, our agriculture and our water systems – control and management is urgent and I will continue to talk to everyone I can about it."*



**SOCIAL WORKER**

Rachael is supervising a program which helps older people stay in their homes as long as possible.

The program matches a volunteer to each client. The volunteer regularly visits the client and provides low-level care and companionship.

Rachael needs to negotiate with many departments and work within many programs to assist the number of older people who require help.

*"I love working with the community. My work makes a definite impact on the local community and it has been fantastic."*



**PLANNING OFFICER**

The job of the planning officer is to provide information to the public on residential future planning, natural resources and the social and environmental impact of building in the community.

Kate looks after the management of residential dwellings, parking areas, streetscapes and amenities for any changes.

An important part of her job is to make sure that the council is providing the best place to live and listening to the views of residents about their neighbourhood.

*"It's definitely rewarding knowing that I'm contributing to the future desired character of the area. For me to play a small part in that, as well as maintaining the streetscape and neighbourhood amenity – to make the big decisions about how to shape the community – is so rewarding."*



**LIBRARIAN**

Louise loves her job as librarian at the council-run library.

Libraries are for the whole community – from babies attending story time to older housebound residents who can have books delivered to their homes.

They cater for all the main language groups in the community and assist new migrants to learn English.

Libraries are an important community hub and meeting place.

They foster literacy and the joy of reading.

They are the gateway to the world of the Internet for those who don't have access from home – providing free access to the great range of information now only available online.

*"Libraries have the capacity to change and enrich people's lives in many ways and that is why I enjoy working there."*



**COMMUNITY TRANSPORT VOLUNTEER**

For many provincial towns, a trip to a medical specialist or hospital can be several hours' drive. In many areas there is no public transport available and local residents, particularly the elderly, rely on community transport as the only way to get the medical services they need.

Community transport is generally provided by a group of dedicated volunteers, with the support of councils, local businesses and non-profit organisations such as the Lions Club and Rotary.

Community transport provides a door-to-door service to take residents to appointments and back. In many cases, there is no way an elderly person would be able to make the journey without this service, to receive vital medical services.

There is also a need for community transport in metropolitan centres, where public transport is not an option for the sick and elderly after surgery, and a relative or friend is not available.

*"People have been good to me so it's my turn to put back."*



**RECYCLING INFORMATION OFFICER**

Looking after the environment, reducing landfill, recycling and water conservation are things we all realise are important for the future.

Clare is passionate about recycling and believes the way to change the behaviour of adults is to educate their kids. She travels to schools and home education groups to deliver her message on the importance of recycling.

The enormous amounts of rubbish that find their way to the rubbish dump can be reduced by separating the recyclables from the waste. The local tip has already had a major reduction in the tonnage of landfill through recycling and is now called a 'recycling plant' rather than a 'rubbish dump'.

Clare explains recycling and sustainability for the future to school groups in a simple to understand and effective way, and believes that education is the key to continued improvement.

*"If you educate the kids, they in turn educate the parents. The kids are great ambassadors for recycling."*

**NATIONAL VOICE  
LOCAL CHOICE**

## EVERY ONE OF US MAKES USE OF A LOCAL GOVERNMENT PROGRAM, SERVICE OR FACILITY.

Local government maintains our way of life. From coast to coast, in the bush and in the cities, all over Australia, we drive on council-built roads or ride our bicycles on council paths to work or school.

In summer, we walk in the shade of council-planted trees and cool off in council swimming pools, where the kids learn to swim and toddlers laugh in the paddling pools. In winter, kids play sport on council playing fields.

Local government libraries give us free access to the internet, CDs and DVDs, to books, magazines and newspapers. Our kids get help with their homework there and the younger ones get story time. The local library is an important community meeting place.

For those that are house-bound, many councils deliver books, videos, CDs and DVDs and for the ill, aged or disabled they deliver meals on wheels and provide a range of community services.

Local government has been looking after the needs of Australian people since 1840, when it first began providing roads, bridges, and public buildings. Today, it still provides these services as well as many more. Local government provides community infrastructure facilities, such as libraries, health centres, neighbourhood centres, swimming pools, recreational parks, sports facilities, as well as critical physical infrastructure such as roads, bridges, stormwater drains, footpaths and waste collection. It also provides

community services, including aged care, welfare, health services and children's services. Some councils deliver gas and electricity, and in some states provide bus, water and sewerage services.

They do all this, using only 6 per cent of total public sector funds, raised through fees and charges and the only tax local government has: property rates. Local government is the lowest-taxing level of government in Australia.

Unlike state and federal taxes, the community can clearly see where its rates are going - on the facilities and services that we use every day of the year.

Many of us take local government and all the vital services it gives us for granted. Yet, the safety of roads and stormwater drains, access to parks and sports facilities, maintenance of footpaths and cycle paths, and regular collection of waste and recycling are key priorities in the community. Without adequately funded local government, these services could stop.

That is why certainty of funding and incorporating local government into the Australian Constitution is so important. Constitutional recognition will ensure the continued stability of local communities across Australia.

Inside this brochure you will find examples of the people who are working for your local community, providing essential services to Australians every day, every month, every year.

### LOCAL GOVERNMENT: DELIVERING VITAL COMMUNITY SERVICES

In many communities, local government is one of the largest employers and purchasers of local goods and services, significantly underpinning the local - and regional - economy.

Of the 565 local government bodies nationally, 152 are in New South Wales, 141 in Western Australia, 79 in Victoria, 74 in South Australia, 73 in Queensland, 29 in Tasmania and 16 in the Northern Territory. Each council is different because it responds to the unique needs of its community, but every council shares a common goal - to achieve the best possible outcomes for its community.

There are a few exceptions. In the Australian Capital Territory, the ACT government undertakes the responsibilities of both state government and local government as well as delivering municipal services. In certain remote areas, municipal services are provided by Indigenous community organisations or by state governments. However, the vast majority of Australians have their neighbourhoods shaped and services delivered by their local council.

# LOCAL GOVERNMENT DELIVERS VITAL COMMUNITY SERVICES

## FACTS AND FIGURES

- Local government delivers a wide range of services that benefit 90 per cent of the nation's population and underpins local government's role.
- Local government employs around 128,000 people, or almost 10 per cent of the public sector workforce. Local government employees are diverse, from around 400 professions, including engineers, urban planners, aged care workers, nurses, building surveyors, librarians, youth workers, childcare workers, sport staff, and many more, all working for the benefit of their communities.
- Only 3 per cent of Australia's total taxation revenue is raised by local government. Of the estimated 260 taxes nationally, local government has just one tax – the rates levied on property.
- Local government is diverse. For example, Murchison Shire in West Australia has a population of 110. Brisbane City Council has a population of 1,037,847. Pepperwax Shire Council in Perth covers an area of 2 square kilometres, compared with the East Pilbara Shire in West Australia which covers 371,156 kilometres.
- Local government owns and manages around \$212 billion worth of physical assets including roads, bridges, libraries, museums, libraries, community halls, swimming pools, sports fields, golf courses, camping grounds and caravan parks.
- Local government's 5,200 councillors are elected by local communities to provide the best mix of services for their needs.
- Local government's only tax, property tax, equates to between 1.2 and 1.9 per cent of household income, or an average of \$1445 per household per annum.
- Over the last decade local government has consistently raised more than 85 per cent of its total revenue from its own sources.
- Councils spend around \$25 billion, or 6 per cent of total public sector expenditure each year.
- An independent report by PricewaterhouseCoopers in 2006 estimated the impact of under-funding of local government was a \$14.5 billion backlog in repairing ageing infrastructure such as roads, swimming pools, libraries and town halls.



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AUSTRALIAN LOCAL  
GOVERNMENT ASSOCIATION



FACT SHEET 1

# WHY LOCAL GOVERNMENT?

LOCAL GOVERNMENT  
- PAST AND PRESENT

The first local council was established in 1840, well before the establishment of some colonial governments. One hundred and seventy years later, local government continues to meet the needs of local communities, but today performs a much greater role and provides a vastly expanded range of services.

In the early years local government was responsible for building roads for newly formed towns, as well as rural roads, and building wharves, jetties and bridges.

Colonial governments at that time recognised that it made sense for local communities to have responsibility for managing those issues that were important at the local community level. Just as in 1840 it made no sense for local roads or waste collections to be managed centrally from a capital, it makes no sense for those responsibilities to be managed centrally today. In a country the size of Australia, local devolution of responsibility for local issues is most appropriate.

When the colonies were discussing the formation of the Federation in the 1890s, local government was not represented at those talks, as the role of local government in providing services to local communities was not going to be transferred to the new Federal Government.

As a result there is no reference to local government in the Australian Constitution.

Times have moved on and the powers of the Commonwealth Government have evolved and expanded to cover many new areas that were not envisaged at the time of the Federation of the colonies on 1 January 1901. Today the Commonwealth collects more than 80 per cent of taxation revenue and takes an interest in all aspects of the nation, from health to education to transport. Similarly, local government's role has expanded from

its original role of building roads, bridges and public buildings, to providing a wide range of community services, such as sport and recreational facilities, community care, health and welfare services, and providing water and sewerage services in some states.

Local government is increasingly being called on to assist in delivering Commonwealth Government initiatives at local level. For example, as part of the National Stimulus Package in 2009 to counter the Global Financial Crisis, more than \$1 billion of funding was provided directly to local government as a means of promoting economic activity across the nation. Local government, through its peak body, is a member of the Council of Australian Governments (COAG) and 13 other Ministerial Councils, underpinning its significance and growing role at the national level.

These situations and the growing role of local government were not envisaged during the negotiations by the colonies in the 1890s to form the Commonwealth.

The High Court, in the recent case of *Pape v Commissioner of Taxation* (2009), brought into question the Commonwealth's legal ability to deal directly with local government because it is not included in the Constitution. This creates uncertainty about the future funding of local government.

The proposed referendum to alter the Constitution to allow payments directly to local government would remove this uncertainty. It will not change local government's accountability or its status. Its purpose is to give the local government certainty and secure its ability to cater to the needs of local communities, as was the original intention when local councils were first established in 1840.



NATIONAL VOICE  
LOCAL CHOICE





AUSTRALIAN LOCAL  
GOVERNMENT ASSOCIATION

FACT SHEET 2

# LOCAL GOVERNMENT AND THE COMMUNITY

ESSENTIAL INFRASTRUCTURE AND  
COMMUNITY SERVICES

Local government represents the community. As the closest level of government to the community, it is in a unique position to identify community needs and make sure that these needs are met in the most appropriate way. This means that services provided by local councils vary from state to state and council to council. A remote council in the Northern Territory, will have very different needs and characteristics from those at a council in inner Melbourne.

No two councils are exactly the same and this difference is what makes local government so valuable and so important to the people who live there.

To give some context to local government's infrastructure role, local government owns and manages over 80 per cent of the nation's road network by length – almost every trip begins and ends on a local government road. It also owns and manages around \$212 billion worth of physical assets. Whereas local government's traditional focus has been on essential infrastructure and municipal services, the past 50 years has seen a huge rise in the size, scope and role of local government. In addition to providing infrastructure, local government has become increasingly involved in delivering people services. It now delivers more than 150 services.

### LOCAL GOVERNMENT SERVICES CROSS ALL AREAS AND INCLUDE:

- Roads, streets, pavements, traffic lights, bridges and car parks
- Stormwater and drainage systems and, in some states, sewerage waste water treatment facilities and water supply
- Recycling and household waste services
- Building standards, including inspection, licensing, certification and enforcement
- Engineering services to assist in design and planning of physical infrastructure

- Strategic planning and development assessment
- Climate change adaptation and mitigation measures to reduce greenhouse gas emissions (in collaboration with state and federal governments)
- Local environment conservation initiatives, energy and water saving programs
- Emergency management to help communities prepare for and recover from natural disasters
- Parks and sporting facilities, including swimming pools, golf clubs, sports fields and courts
- Cultural facilities such as libraries, art galleries, performing arts centres and museums
- Social and welfare services such as childcare services, aged care services and accommodation, health care, welfare services, meals on wheels and counselling
- Public health and sanitary services such as food inspection, animal licensing and control, immunisation, public toilets and facilities
- Caravan parks and camping grounds
- Tourism promotion, economic development, business and industry attraction programs

Local government is the only supplier of many of these public services, and it is important to remember that if local government can no longer provide these services, no one else will step in. If local government is not adequately funded, the provision, safety and standard of essential services will suffer. Councils will have reduced capacity to respond to emergencies and provide support after disasters, such as fires or floods.

Over 560 local councils in Australia provide vital public services every day of the year. After 170 years, it is time to include local government in the Constitution as the third level of government. Constitutional recognition will protect what we already take for granted and give local government the funding security to better deliver the services that the community needs and deserves.



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FACT SHEET 3

# LOCAL GOVERNMENT AND THE ECONOMY

PLANNING, ECONOMIC  
DEVELOPMENT AND EMPLOYMENT

Local government plays an important part in Australia's economy. It manages physical assets worth about \$212 billion and each year spends around \$25 billion, or 6 per cent, of total public sector spending.

The core infrastructure services provided by local government, such as roads and bridges, facilitate economic activity and strengthen the Australian economy in the long term.

Around Australia, over 560 local government bodies are playing their part in assisting communities to grow and prosper. They are the glue that holds communities together so that they are able to respond to economic challenges and opportunities. Strong local communities build a strong national economy.

Local government assists the Australian Government in delivering national programs. Each of these programs boosts local economies and relies on local government's unique knowledge and closeness to community – local councils know their communities.

Local government played a critical role in helping Australians through the Global Financial Crisis in 2008 - 2009, by delivering 3,300 small community infrastructure projects to local communities across Australia. Delivering programs such as these helped the community to respond to difficult economic circumstances.

Councils encourage and attract economic expansion in the community. Local planning decisions shape and support commercial growth, opportunities and investment, which are integral to the economic wellbeing and future of local communities.

Local government employs around 178,000 people, or almost 10 per cent of the public sector nationwide. Council employees are drawn from around 400 professions including engineers, town planners, aged care workers, rangers, building surveyors, librarians, youth workers, social workers, waste collectors and many more, all working for their local community.

Some workers in local government are voluntary, helping their communities on a daily basis, doing valuable work and contributing to the local economy in their own way, providing community transport, meals on wheels, counselling, teaching and assistance following disasters. In rural and regional areas local government is one of the largest employers, and has a significant impact on the local economy.

Only 3 per cent of Australia's total taxation revenue is raised by local government. Of the estimated 260 taxes nationally, local government has just one tax – the rates levied on property. This equates to between 1.3 and 1.9 per cent of household income, or an average of \$1645 per household per year. Over the last decade, local government has consistently raised more than 80 per cent of its total revenue from its own sources.

Over 560 local councils in Australia provide vital public services every day of the year. After 170 years it is time to include local government in the nation's Constitution as the third level of government. Constitutional recognition will protect what we already take for granted and give local government the funding security to better deliver the services that the community needs and deserves.



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FACT SHEET 4

# LOCAL GOVERNMENT AND AUSTRALIAN DEMOCRACY

ELECTED OFFICIALS, COMMUNITY  
CONSULTATION, PARTNERSHIPS

Local councils are the voice of their communities. The greatest strength of local government is its closeness to communities and its ability to identify community needs and find solutions.

Councillors and council staff live locally and make decisions from a local perspective. Elected councillors and staff are in many cases the closest point of contact between people and government.

Local government consults with the community to find local answers to issues. Through community liaison groups, regular stakeholder engagement and genuine personal contact, local government is the most accessible and most appropriate conduit for Australians to communicate with their leaders and legislators.

Local government works in partnership with federal and state governments, as well as with business and other service providers, to deliver the most appropriate services to the community.

As the third level of government, local government sits at the table with the federal and state governments to develop programs and initiatives. Local government is involved at the national level on the Council of Australian Governments (COAG) and 13 other Ministerial Councils, where the Australian Local Government Association represents the views of over 560 local government bodies.

Local government is diverse. Each council has unique features and circumstances. For example, Murchison Shire in West Australia has a population of 110, compared with Brisbane City Council, which has a population of 1,027,847. Peppermint Grove Council in Perth covers an area of 2 square kilometres, compared with the East Pilbara Shire in West Australia which covers 271,696 kilometres.

The requirements of one community will inevitably vary from another. Local government's 5,200 councillors are elected by local communities to provide the best mix of services for their needs.

Where councils and shires face similar issues and challenges, they often group together to form strategic alliances and discuss regional initiatives. These regional groups then benefit from economies of scale and greater purchasing power.

Local councils spend around \$25 billion, or 6 per cent of total public sector expenditure each year, providing an increasingly broad range of infrastructure, economic and community services to residents. Local government employs around 178,000 people, or almost 10 per cent of the public sector.

Over 560 local councils in Australia provide vital public services every day of the year. After 170 years it is time to include local government in the Constitution as the third level of government. Constitutional recognition will protect what we already take for granted and give local government the funding security to better deliver the services that the community needs and deserves.



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GOVERNMENT ASSOCIATION



FACT SHEET 5

# LOCAL GOVERNMENT, THE CONSTITUTION AND FUNDING

CURRENT FUNDING,  
CONSTITUTIONAL IMPORTANCE AND  
THE HIGH COURT'S PAPE DECISION

## FUNDING ISSUES

Local government raises its own revenue through rates (local government's only tax), fees and charges. For the past decade, local government has raised around 3 per cent of Australia's total taxation revenue. Although local government generates around 80 per cent of its revenue, funding from the Commonwealth Government through grants is an important source of revenue, particularly for regional and remote communities.

General purpose funding from the Commonwealth accounts for around 7 per cent of total local government revenue. This funding is in the form of Financial Assistance Grants (FAGs) which assist local government to perform its functions.

General purpose funding from the Commonwealth to local government has diminished over time in real terms, leaving many councils struggling to provide the level of services required by the community and threatening the long-term future of other councils.

An independent report by PricewaterhouseCoopers in 2006 estimated the impact of under-funding of local government was a \$14.5 billion backlog in repairing ageing infrastructure such as roads, swimming pools, libraries and town halls. The Commonwealth Government's Regional and Community Infrastructure Program provided \$1 billion in the 2006/09 and 2009/10 financial years for infrastructure renewal, but much more funding is needed to reverse the decline.

In the absence of greater funding from Commonwealth and state governments, local government faces the choice of reducing services, further delaying repair-work, or trying to raise more local revenue (from local

communities already paying their fair share). Funding certainty is critical to the short and long-term planning of councils, particularly in rural and regional areas where there is a greater reliance on external funding.

In response to community demand, local government has become involved in much wider areas than the traditional property and roads infrastructure, such as recreation, health and welfare, with growing demand for more services. This means local government is currently providing a greater range of services to fill a gap that should be funded by other levels of government.

## THE NEED FOR CONSTITUTIONAL CHANGE

Although the Commonwealth Government has provided direct funding to local government for many years, a recent High Court decision has challenged its power to do so.

The 2009 High Court case of *Pape v Commissioner of Taxation* has found that the Commonwealth does not have power to directly fund areas such as local government. It can only spend money where it has a specific power under the Constitution.

The decision presents a compelling reason to include local government in the Constitution. Without Constitutional recognition, direct Commonwealth funding of local government, through programs such as *Roads to Recovery*, may be technically invalid. Local government needs certainty and security of funding in order to provide the range and level of services expected by the community.



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# GENERAL MANAGER'S REPORT

PETER GESLING  
GENERAL MANAGER

**ITEM NO. 1**

**FILE NO: A2004-0373**

**COUNCIL PRAYER AND TRADITIONAL WELCOME AT COUNCIL MEETINGS**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Continue with the current Prayer and Traditional Welcome at Council meetings.

**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>286</b>	<b>Councillor Bruce MacKenzie</b> <b>Councillor Peter Kafer</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

The purpose of this report is allow Council the opportunity to consider whether to continue with the prayer and traditional welcome at Council meetings. Council's current Code of Meeting Practice makes provision for the prayer at the commencement of all ordinary meetings of Council.

Port Stephens Council in the past commenced Council meetings with the following prayer –

*"We ask Almighty God to help us serve the community to the best of our ability, and make Port Stephens a happy and healthy place in which to live, work and visit. Amen."*

Council previously passed a resolution to include a Traditional Welcome at each Council meeting. The Traditional Welcome is to follow the Prayer at the commencement of each Council meeting.

The Traditional Welcome is as follows:-

*"I would like to acknowledge and pay respect to the Worimi People of Port Stephens, who are the traditional owners of this land on which we stand/meet today".*

**FINANCIAL/RESOURCE IMPLICATIONS**

Nil

**LEGAL AND POLICY IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

*Includes Social, Economic and Environmental Implications*

Nil.

**CONSULTATION**

Nil

**OPTIONS**

- 1) Adopt the recommendation
- 2) Resolve to cease having the prayer and/or the traditional welcome at Council meetings

**ATTACHMENTS**

Nil

**TABLED DOCUMENTS**

Nil

**ITEM NO. 2**

**FILE NO: A2004-0372**

**COUNCIL AND COMMITTEE MEETINGS CYCLE**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**

**GROUP: GENERAL MANAGER’S OFFICE**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the meeting cycle contained in **ATTACHMENT 1**.
- 2) The Ordinary Council Meeting to be held on 26 October 2010 be transferred to the 19 October 2010 due to the Local Government & Shires Conference being held from 23-27 October 2010 in Albury.
- 3) Should Council resolve to make any changes to the meeting cycle that the Code of Meeting Practice be updated to reflect the changes.

**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>287</b>	<b>Councillor John Nell Councillor Glenys Francis</b>	<p>It was resolved that:</p> <ol style="list-style-type: none"> <li>1. Adopt the meeting cycle to hold Council Committee meetings on Week 1 and 3 and Ordinary Council meetings on Week 2 and 4.</li> <li>2. The Ordinary Council Meeting to be held on 26 October 2010 be transferred to the 19 October 2010 due to the Local Government &amp; Shires Conference being held from 23-27 October 2010 in Albury.</li> <li>3. Should Council resolve to make any changes to the meeting cycle that the Code of Meeting Practice be updated to reflect the changes.</li> </ol>
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## **BACKGROUND**

**The purpose of this report is to inform Council of the current Council and Committee meetings cycle.**

Council at its meeting in September 2009 adopted this meeting cycle. Council established one Standing Committee and a number of Joint Committees. The Standing Committee is a Committee of the Whole as follows:

The above Committees meet on Tuesdays in accord with the meeting cycle.

### **1) Week 1**

Inspections and/or 2 way conversations as required. Followed by presentations and workshops as required.

### **2) Week 2**

Inspections and/or 2 way conversations as required. Followed by public access, if required, Council Committee and then Ordinary Meeting of Council.

### **3) Week 3**

Inspections and/or 2 way conversations as required. Followed by presentations and workshops as required.

Other Joint Venture meetings such as the Aboriginal Strategic Committee & Port Stephens Tourism are held throughout the 12 month period.

### **4) Week 4**

Inspections and/or 2 way conversations as required. Followed by public access, if required, Council Committee and then Ordinary Meeting of Council.

### **5) Week 5**

Inspections and/or 2 way conversations as required. Followed by presentations and workshops as required.

## **FINANCIAL/RESOURCE IMPLICATIONS**

All financial implications are provided for within the existing budget.

## **LEGAL AND POLICY IMPLICATIONS**

Section 365 of the Local government Act requires Council to meet at least 10 times

per year in different months. The Local Government (General) Regulation provides for Council to establish such committees, as it considers necessary. Council must specify the functions of such committees.

**SUSTAINABILITY IMPLICATIONS SOCIAL IMPLICATIONS**

*Includes Social, Economic and Environmental Implications*

Nil.

**CONSULTATION**

General Manager

**OPTIONS**

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

**ATTACHMENTS**

Option 1 - Meeting cycle

**TABLED DOCUMENTS**

Nil

**ATTACHMENT 1**

**Meeting Cycle for Tuesdays**

**Week 1**

**Inspections and/or 2 way Conversation Program as required.**

4.00 – 5.00 pm	2 way Conversation Program
5.30pm	Presentations and workshops as required.
Followed by	Dinner with Councillors & Staff

**Week 2**

**Inspections and/or 2 way Conversation Program as required followed by Council Committee Meeting and Ordinary Council meeting.**

4.00 – 5.00 pm	2 way Conversation Program
5.30pm	Public Access, if required.
Followed by	Council meeting to consider Mayoral Minutes, Agenda items and General Manager's reports. To be preceded by any formal presentations.
Followed by	Dinner with Councillors & Staff

**Week 3**

**Inspections and/or 2 way Conversation Program as required. 6.00pm Public Access.**

4.00 – 5.00 pm	2 way Conversation Program
5.30pm	Presentations and workshops as required.
Followed by	Dinner with Councillors & Staff

**Note:** Several meetings will be scheduled to occur on this Tuesday throughout the 12 month period with the Aboriginal Strategic Committee and Port Stephens Tourism Ltd.

**Week 4**

**2 way Conversation Program if required followed by Council meeting.**

4.00 – 5.00 pm	2 way Conversation Program
5.30pm	Public Access, if required.
Followed by	Council meeting to consider Mayoral Minutes, Agenda items and General Manager's reports. To be preceded by any formal presentations.

**Week 5**

**2 way Conversation Program if and when required.**

4.00 – 5.00 pm	2 way Conversation Program
5.30pm	Presentations and workshops as required.
Followed by	Dinner with Councillors & Staff

**ITEM NO. 3**

**FILE NO: A2004-0370**

**MEMBERSHIP OF COMMITTEES & GROUPS**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**

**GROUP: GENERAL MANAGER’S OFFICE**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Nominates membership of Standing Committees, if required;
- 2) Elects the Chair and Deputy Chair of each Standing Committee (if required);
- 3) Determines the quorum for Committee meetings;
- 4) Nominates membership of Council Committees, 355(b) Committees and Regional Committees and Groups, and amends the constitutions to include new membership where applicable.
- 5) Remove the following committee/group from the listing as the committees are either not operating or no longer require a councillor representative:
  - a) Port Stephens Access Committee

**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>288</b>	<b>Councillor Ken Jordan</b> <b>Councillor Peter Kafer</b>	It was resolved that the report be deferred to the next meeting of Council to allow for all Councillors to be present.
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**BACKGROUND**

**In accordance with legislation Council is required to nominate delegates and adopt the list of 355(b) Committees.**

As part of Council's commitment to community partnerships it provides opportunities for the community to be involved with the management of the facilities they use. Council has established over 50 community committees, which are involved in the care and management of Council's parks, reserves, services and facilities.

These committees are allowable under Section 355 and Section 377 of the Local Government Act, which allow Council to delegate certain functions.

For a 355(b) committee, the written record of delegations is contained in the **committee constitution** as prepared and adopted by Council. Functions that cannot

## MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010

be delegated (under Section 377) are listed in the constitution. Any change to delegations to a 355(b) committee must be effected by resolution of Council.

The key concept is that a 355(b) committee is a **Council** committee. Committees include Councillor representation and a Council staff member responsible for liaison. A 355(b) committee operates as an entity of Port Stephens Council and not as a separate entity in a commercial sense. This means that these committees use Council's Australian Business Number (ABN) when trading goods and services and are also required to report on a monthly basis as is required of Council.

Council has 53, 355(b) committees with about 500 – 600 members in total.

A number of 355(b) Committees undertake work in areas such as dune stabilisation, weed eradication, litter removal, Tidy Towns program participation and providing environmental information and support to Council. These groups work under direction from Council staff to ensure these activities are performed in accordance with recognised practices.

The activities and projects undertaken by committees are often those not financially possible for Council without this volunteer assistance. *Examples include:*

<b>FACILITY MANAGEMENT</b>	<b>MAINTENANCE &amp; IMPROVEMENTS TO RESERVES</b>	<b>OTHER</b>
Community Halls	Parks & Reserves	Band
Sporting Ovals	Foreshore Reserves	Choir
Cemeteries		Advisory Committees
		Sports Council

Council can delegate certain functions to a committee: these are listed in the committee's schedule, which forms part of their constitution. A 355(b) committee constitution consists of a standard constitution, which is applicable to all committees and a schedule customised for each individual committee. This provides the framework of how a 355(b) committee operates and is supported by procedures, systems and reporting requirements.

Council has the same responsibilities for 355(b) committee members as they do for staff including Occupational Health & Safety (OH&S), Code of Conduct and responsibility for activities.

### **Regional Committees and Groups**

In addition to the 355(b) Committees, Councillors and Council staff participate in, and are members of a number of regional committees and groups established to promote an integrated approach to delivering and managing services and addressing issues across the Local Government Area.

**Note: The previous list of Committees and Groups are shown below with previous**

delegates shown in *italics*.

**ELECTION OF REPRESENTATIVES ON COUNCIL'S STANDING COMMITTEES, (if required)**

**Membership:**

**COUNCIL COMMITTEE**

- Committee of the Whole  
Current Chair: *Cr Jordan*  
Current Deputy Chair: *Vacant* – Chaired by the Mayor when required.

**ELECTION OF CHAIR AND DEPUTY CHAIR OF COMMITTEES**

Clause 10.7 of Council's Code of Meeting Practice provides as follows:

- a) The Chair of each Committee must be:-
  - i) The Mayor; or
  - ii) If he/she prefers, the Council may elect a Chair; or
  - iii) If the **Council** does not elect a Chair, the **Committee** may elect a Chair.
- b) A Council or Committee may elect a Deputy Chair.

**QUORUM FOR COMMITTEE MEETINGS**

Clause 10.2(c) of Council's Code of Meeting Practice provides as follows:-

The quorum for a meeting of a Committee of the Council is to be:-

- i) Such number of members as the Council decides; or
- ii) If the Council has not decided, then the majority of the members of the Committee.

## ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

The previous 2009/10 membership is listed below  
(previous delegates are denoted in italics)

Committee Name	Purpose of Committee	Meeting Cycle	Group	Current Delegate
1	<p>Aboriginal Strategic Committee</p> <p>To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people.</p> <p>To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.</p>	<p><i>Monthly Meetings held alternatively with Worimi Land Council &amp; Karuah Land Council</i></p>	Sustainable Planning	<p><b>Cr O'Brien</b> <b>Cr Kafer</b> <b>Cr Dover</b> <b>Mayor (Cr MacKenzie)</b></p> <p>*</p>
2	<p>Anna Bay, Birubi Pt Reserves, Hall &amp; Tidy Towns Committee</p> <p>To assist Council in the management of Anna Bay Hall.</p> <p>To undertake maintenance and improvements to designated parks &amp; reserves (as per map included in committee constitution).</p>	<p><i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i></p>	Facilities & Services	<b>Cr O'Brien</b>
3	<p>Audit Committee</p> <p>The Audit Committee is an advisory committee of Council comprising of the Council representatives and two external representatives.</p> <p>The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.</p>	<p><i>At least four times a year or when necessary</i></p>	Corporate Services	<p><b>Mayor (Cr MacKenzie)</b> <b>Cr Westbury</b></p>



**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegate</b>
4 Boat Harbour Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Westbury</b>
5 Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr O'Brien</b>
6 Communicate Port Stephens	To assist Council in the management and promotion of the Telecentre.		Commercial Services	<b>Cr Francis Cr Ward</b>
7 Corlette Headland Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>East Ward Councillors to advise Executive Officer</b>
8 Corlette Reserves & Hall 355(b) Committee	To assist Council in the management of Corlette Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Ward Cr Dover</b>
9 Fern Bay Public Hall, Reserves and Tidy Towns Committee	To assist Council in the management of Fern Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Dingle Cr O'Brien</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

	<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegate</b>
10	Fingal Bay Parks & Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<b>Cr Nell</b>
11	Hinton School of Arts Committee	To assist Council in the management of Hinton School of Arts.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Jordan</b>
12	Karuah Tidy Towns, Parks Reserves & Wetlands Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<b>Cr Kafer Cr Francis</b>
13	Lemon Tree Passage Parks and Reserves 355B Committee	To undertake maintenance and improvements to parks in Lemon Tree Passage	Committees are required to hold meetings at least quarterly at a time to be decided by the committee	Facilities & Services	To be appointed
14	Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Tucker Cr MacKenzie</b>
15	Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Tucker Cr MacKenzie</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegate</b>
16 Mambo Wanda Wetlands, Reserves & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<b>Cr Nell</b>
17 Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Dingle Cr Tucker</b>
18 Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October  1<sup>st</sup> Monday</i>	Facilities & Services	<b>Cr Tucker Cr Dingle</b>
19 Medowie Tidy Towns & Cycleway Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Dingle</b>
20 Nelson Bay Senior Citizens Hall Committee	To assist Council in the management of Nelson Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Dover Cr Ward</b>
21 Nelson Bay West Parkcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Nell</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegate</b>
22 Ngioka Centre Committee	To assist in the care and management of the Ngioka Centre (a facility to provide for education and therapy focusing on people with a disability and disadvantaged people)	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Dover</b>
23 Port Stephens Adult Choir Committee	To promote, organise and train the Port Stephens Choir.  To develop a sense of community identity and belonging by involving participants in community cultural projects.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Sustainable Planning	<b>Cr Tucker Cr O'Brien</b>
24 Port Stephens Australia Day Celebrations Coordinating Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.  To organise the Citizen of the Year and the Junior Citizen of the Year activity.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Corporate Services	<b>Cr Westbury Cr Francis Cr Tucker Cr Jordan</b>
25 Port Stephens Sister Cities Committee	To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	General Manager's Office	<b>All Councillors</b>
26 Port Stephens Community Band Committee	To promote, organise and train the Port Stephens Community Band.  To develop a sense of community identity and belonging by involving youth and adults in community cultural projects.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	<b>Cr Tucker</b>
27 Port Stephens Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	<b>Cr Francis Cr Kafer</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegate</b>	
28	Port Stephens Native Flora Garden Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Quarterly	Facilities & Services	<b>Cr Nell</b>
29	Port Stephens Sports Council	To provide input and forward planning, from a Council wide basis, on facilities, sporting statistics, policies and recommendations on future needs.  To administer the Sportsperson of the Year Award.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee	Facilities & Services	<b>Cr MacKenzie</b>
30	Raymond Terrace Parks, Reserves & Tidy Towns Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services /Sustainable Planning	<b>Cr Francis</b>
31	Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	Committees are required to hold meetings at least quarterly at a time to be decided by the committee.	Facilities & Services	<b>Cr Francis</b>
32	Raymond Terrace Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October  2 <sup>nd</sup> Monday	Facilities & Services	<b>Cr Jordan</b> <b>Cr Francis</b> <b>Cr Kafer</b> <b>Former Cr Maher</b>
33	Rural West Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are	Every 4 months– February, June, October  2 <sup>nd</sup> Wednesday	Facilities & Services	<b>Cr Jordan</b> <b>Former Cr Maher</b> <b>Cr Kafer</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegate</b>
	accurately identified and brought to the attention of Council.			
34 Salamander Ecology Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<b>Cr Nell</b>
35 Salt Ash Community Hall, Committee	To assist Council in the management of Salt Ash Community Hall & Tennis Courts.  To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Tucker Cr MacKenzie</b>
36 Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Oval.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Tucker Cr MacKenzie</b>
37 Seaham School of Arts and Community Hall Committee	To assist Council in the management of:  Seaham School of Arts Seaham Community Hall	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Former Cr Maher</b>
38 Seaham Hall Committee  Name change to Seaham Park	To assist Council in the management, maintenance and improvements to the Park.		Facilities & Services	<b>Cr Jordan Cr Kafer</b>
39 Shoal Bay Beach Preservation Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Westbury</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegate</b>
40 Soldiers Point-Salamander Bay Parks, Reserves and Hall Committee	To assist Council in the management of Soldiers Point Hall.  To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Dover</b>
41 Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<b>Cr Dover</b>
42 Tanilba Bay Parks, Reserves & Hall Committee	To assist Council in the management of Tanilba Bay Hall.  To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Tucker Cr MacKenzie</b>
43 Tanilba Bay Senior Citizens Hall Management Committee	To assist Council in the management of Tanilba Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Tucker Cr MacKenzie</b>
44 Taylors Beach Reserves, Tidy Towns & Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<b>Cr Nell</b>
45 Tilligerry Aquatic Centre Advisory Committee	To promote the Tilligerry Aquatic Centre within the community.  To establish and promote links with local primary, secondary schools and the community.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Tucker Cr MacKenzie</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegate</b>
46 Tilligerry Community Centre Committee	To assist Council in the management of Tilligerry Community Centre and surrounds.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Tucker Cr MacKenzie</b>
47 Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October  3<sup>rd</sup> Monday</i>	Facilities & Services	<b>Cr Tucker Cr MacKenzie</b>
48 Tomaree Education Complex Multi Purpose Centre Committee	To assist Council with the care, management and promotion of the facility.  To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi Purpose Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Westbury</b>
49 Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October  3<sup>rd</sup> Wednesday</i>	Facilities & Services	<b>Cr Dover Cr Nell Cr Ward Cr Westbury</b>
50 Tilligerry Tidy Towns and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<b>Cr Tucker</b>



**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

<b>Committee Name</b>	<b>Purpose of Committee</b>	<b>Meeting Cycle</b>	<b>Group</b>	<b>Current Delegate</b>
51 West Ward Cemeteries Committee	To undertake maintenance and improvements to cemeteries in West Ward.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Francis</b>
52 Williamstown Public Hall Committee	To assist Council in the management of Williamstown Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<b>Cr Dingle Cr O'Brien</b>
53 Financial Assistance Community Grants Panel	To make recommendations to Council on applications received through the Grants process	<i>Twice a year</i>	General Manager's Office	<b>Mayor (Cr MacKenzie) Cr Jordan Cr Dover Cr Tucker (1 Councillor from each Ward).</b>

## REGIONAL COMMITTEES AND GROUPS

	<b>Name of Organisation</b>	<b>Purpose of Committee</b>	<b>Group</b>	<b>Current Delegate/ Member</b>
54	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Sustainable Planning	<b>Cr Dingle</b>
55	Country Public Libraries Association & Joint Library Advisory Committee	Country Public Libraries Association constitution requires a Councillor representative. This Association provides support for country public libraries. The Joint Library Advisory Committee's constitution also requires a Councillor representative in line with the Newcastle Regional Library agreement.	Facilities & Services	<b>Former Cr Maher</b>
56	Gloucester Coal Seam Gas Project – Community Consultative Committee	The purpose of the Committee is to provide a forum for representatives to discuss the Project with the Company (Lucas Energy)	Sustainable Planning	<b>Cr MacKenzie Former Cr Maher</b>
57	Hunter Area Assistance Scheme – Port Stephens Local Ranking Committee	The purpose of the committee is to play a part in the Hunter Area Assistance Scheme for Port Stephens	Sustainable Planning	<b>Cr Ward Cr Nell</b>
58	Hunter Councils	To discuss regional issues in the Hunter	General Manager's Office	<b>Mayor (Cr MacKenzie)</b>
59	Hunter Councils Board Advisory Groups.  1. Economic Development & Infrastructure 2. Community & Cultural. 3. Environment.	Each of the Advisory Group have input into the development and implementation of strategic and regional positions that will enhance the Hunter Region.	General Manager's Office	<b>Cr Westbury Cr Tucker Cr Nell</b>
60	Hunter Community Reference Group of the Central Rivers Catchment Management Authority  Note: New Group with the appointment for an 18 month period with extension options.	This Group allows Local Government have presentation on the sub-committee to operate in an advisory capacity providing information and recommendations to the Catchment Management Authority Board.	Sustainable Planning	<b>Cr Nell</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

	<b>Name of Organisation</b>	<b>Purpose of Committee</b>	<b>Group</b>	<b>Current Delegate/ Member</b>
61	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.	General Manager's Office	<b>Cr Nell</b>
62	Joint Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area.  The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member, commencing July 2009.	Sustainable Planning	<b>Cr MacKenzie</b> <b>Cr Westbury</b>
63	Karuah Working Together Inc.	The Committee is a peak group comprising representation of key organisations, businesses and industry representatives in Karuah.  The Committee is responsible for ensuring community and economic development activities are co-ordinated in accordance with local needs, trends and opportunities in accordance with Council's Economic Development Strategy and as specified in the <i>Karuah Strategic Plan</i>	Sustainable Planning/Commercial Services	<b>Cr Francis</b>
64	Local Development Committee	Local Traffic Committee (see 83) providing advice to Council on development.	Sustainable Planning	<b>Cr Kafer</b>
65	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Sustainable Planning	<b>Cr Kafer</b>
66	Lower Hunter Councils Transport Group	This is a working party that coordinates projects and transport issues across local government boundaries.	Sustainable Planning	<b>Cr Francis</b>
67	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Sustainable Planning	<b>Cr MacKenzie</b>
68	Lower Hunter Zone Liaison Committee	To review the progress of the Service Level Agreement between Port Stephens Council and NSW Rural Fire Service in the Local Government Area.	Facilities & Services	<b>Cr MacKenzie</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

	<b>Name of Organisation</b>	<b>Purpose of Committee</b>	<b>Group</b>	<b>Current Delegate/ Member</b>
69	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment	Sustainable Planning	<b>Cr MacKenzie</b> <b>Cr Tucker</b>
70	Marine Parks Advisory Panel  <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens	Sustainable Planning	<b>Cr Nell</b>
71	Medowie Floodplain Management Committee	This Committee will provide advice and recommendations to Council	Sustainable Planning	<b>Cr Tucker</b> <b>Cr Dingle</b> <b>Cr O'Brien</b> <b>Cr MacKenzie</b>
72	National Parks & Wildlife Service Regional Advisory Committee <i>Ministerial Appointment</i>	This is a community reference group run by National Parks & Wildlife Service. It is not a Council committee.	Sustainable Planning	<b>Cr Nell</b>  <i>Mrs Helen Brown is the local government representative appointed by the Minister.</i>
73	Nelson Bay Adult Education Committee	This committee is an advisory committee for Adult Education.	General Manager's Office	<b>Cr Westbury</b>
74	Newcastle Airport Joint Sub-Committee	The purpose of this committee is to allow Port Stephens and Newcastle City Councils the opportunity to discuss the future direction of the Airport.	General Manager's Office	<b>Cr Ward</b> <b>Cr Westbury</b> <b>Cr MacKenzie</b> <b>Cr Jordan</b>
75	North Coast NSW Regional Tourism Board	To work with Tourism bodies and groups on a regional basis.	Commercial Services	<b>Cr Westbury</b>
76	Police Accountability Community Team <i>Formerly Police Action Community Team</i>	To provide a forum for local community members, service providers and the police to discuss issues and appropriate strategies relating to crime and community safety.	Sustainable Planning	<b>Cr MacKenzie</b>
77	Port Stephens Economic Development Advisory Panel	Act as a communication and advisory mechanism to Council on relevant Economic Development issues.  Oversee the review and implementation of the Economic Development Strategy.	Commercial Services	<b>Cr Tucker</b> <b>Cr Westbury</b> <b>(1 Councillor from each Ward)</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

	<b>Name of Organisation</b>	<b>Purpose of Committee</b>	<b>Group</b>	<b>Current Delegate/ Member</b>
78	Port Stephens Futures Strategy – Reference Group	Advise Council on the progressive preparation of the Futures Strategy which is a foundation for the new Comprehensive LEP for Port Stephens and expresses long term outcomes and directions for the Local Government Area.	Sustainable Planning	<b>Cr Tucker</b> <b>Cr Westbury</b>
79	Port Stephens Transport Forum	The Ministry for Transport convenes these forums which have been established in most LGAs throughout NSW. It provides the opportunity for local transport providers (eg; community transport, bus and taxi operators) and local residents to discuss local and regional transport related issues and to formulate appropriate strategies to more effectively improve the delivery of existing public transport services in meeting the community's transport needs.	Sustainable Planning	<b>Cr MacKenzie</b>
80	Newcastle Road Freight Group	This group is coordinated by the RTA and provides Local Government the opportunity to meet with the heavy vehicle industry.	Sustainable Planning	<b>Cr Francis</b>
81	Port Stephens Domestic Violence Committee	To raise the awareness of the issues surrounding domestic violence and enhance service provision to victims by developing and maintaining effective interagency strategies.	Sustainable Planning	<b>Cr Francis</b> <b>Cr Kafer</b>
82	Port Stephens East Local Health Advisory Committee	To ensure that the population of the Tomaree Peninsula has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Sustainable Planning	<b>Cr Dover</b> <b>Cr Ward</b>
83	Port Stephens West Local Health Advisory Committee	To ensure that the population of the Western area of Port Stephens (ie; east of Tomaree Peninsula) has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs.	Sustainable Planning	<b>Cr Francis</b> <b>Cr Dingle</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

	<b>Name of Organisation</b>	<b>Purpose of Committee</b>	<b>Group</b>	<b>Current Delegate/ Member</b>
84	Port Stephens Tourism Joint Venture Committee	This Committee is the liaison between Port Stephens Council and Port Stephens Tourism for the promotion of tourism in the Port Stephens Shire.  <i>Note: A Tourism Strategy is currently being developed which may influence the nature of Council's relationship with the tourism sector in the future.</i>	Commercial Services	<b>Cr Westbury Cr Tucker Cr Jordan</b>
85	Port Stephens Tourism Strategy Joint Working Party	The joint working party was established between Council and Port Stephens Tourism Ltd to develop an implementation plan for the Tourism Strategy.	Commercial Services	<b>Cr Westbury Cr Tucker Cr Nell</b>
86	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	Sustainable Planning	<b>Cr Nell</b>
87	Regional Mosquito Management Working Group	This is a regional committee initiated by the Premiers Department to develop strategies to manage our interaction with mosquitoes.	Sustainable Planning	<b>Cr MacKenzie</b>
88	Sabre Jet Committee	The purpose of the committee is to assist with planning for a response to the future of the Sabre Jet. This committee has a sunset clause	Facilities & Services	<b>Cr Francis Former Cr Maher Cr Jordan Cr Kafer</b>
89	Urban Animal Management Committee	This committee seeks to develop local strategies to better manage domestic dogs.	Sustainable Planning	<b>Cr Dingle</b>
90	Williams River Floodplain Risk Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire	Sustainable Planning	<b>Cr Maher</b>
91	Tilligerry Creek Catchment Committee	To develop and implement the Tilligerry Catchment management Plan which will result in improved water quality in Tilligerry Creek.	Sustainable Planning	<b>Cr Nell Cr MacKenzie</b>

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

	<b>Name of Organisation</b>	<b>Purpose of Committee</b>	<b>Group</b>	<b>Current Delegate/ Member</b>
92	Windeyers Creek Catchment Committee	To develop catchment plans that when implemented, result in catchment improvements.	Sustainable Planning	<b>Former Cr Maher</b>
93	Worimi Conservation Lands Board of Management  <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	General Manager's Office	<b>Cr MacKenzie Cr Dover</b>
94	Strategic Cultural Committee	<ul style="list-style-type: none"> <li>• Advise Council on cultural matters</li> <li>• A community partnership in the delivery of cultural priorities identified in Council's integrated plans</li> <li>• Serves as the Cultural Projects Fund selection panel, making recommendations to Council.</li> <li>• Facilitate the 'Culture Port Stephens Network', to link those active in the arts, culture and lifestyle of Port Stephens.</li> </ul>	Sustainable Planning	<b>Cr Nell Cr Francis Cr O'Brien Cr Tucker</b>

**Committees to be removed from listing by Council:-**

- 1) Port Stephens Access Committee – This Committee has been disbanded in accordance with Council resolution in 2009.

**FINANCIAL/RESOURCE IMPLICATIONS**

Financial and Resource implications are provided for within the existing budget.

**LEGAL AND POLICY IMPLICATIONS**

Council has a legal obligation under the Local Government Act 1993.

**SUSTAINABILITY IMPLICATIONS**

*Includes Social, Economic and Environmental Implications*

Nil.

**CONSULTATION**

General Manager.

**OPTIONS**

- 1) Note the report and endorse existing appointments.
- 2) Review committee appointments.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



# NOTICES OF MOTION

# NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

## MEDOWIE SPORTS AND RECREATION CLUB

COUNCILLOR: TUCKER

### THAT COUNCIL:

- 1) Approve the lease of Lot 1 DP1003417 Ferodale Road Medowie to the Medowie Sports and Recreation club for an initial period of 5 years for a token payment of \$1 per annum.
- 2) Authorise the Mayor and General Manager to affix the seal of Council to the lease and associated documentation.

### ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010

	<b>Councillor John Nell</b> <b>Councillor Geoff Dingle</b>	That the Notice of Motion be deferred pending the outcome of the Flood Study.
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The Motion was put and lost.

<b>289</b>	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1. Approve the lease of Lot 1 DP1003417 Ferodale Road Medowie to the Medowie Sports and Recreation club for an initial period of 5 years for a token payment of \$1 per annum.</li> <li>2. Authorise the Mayor and General Manager to affix the seal of Council to the lease and associated documentation.</li> </ol>
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**BACKGROUND REPORT OF: JASON LINNANE – ACTING GROUP MANAGER – FACILITIES & SERVICES**

**BACKGROUND**

- The siting of any major community facilities will all be subject to the outcomes of the Medowie Flood Study currently in progress.
- There is an agreed master plan for the existing overall recreation site that shows a club and a bowling green on the site. This has been prepared by staff in consultation with the Medowie Sports Council.
- The overall site is identified for recreational purposes in the Medowie Strategy.
- The \$1 Lease would not be in keeping with the recently discussed Draft Commercial Leasing Policy, but the conversations for this site could be seen to pre-date that Policy. Council staff has previously provided letters of intention to enter into agreements for the site for peppercorn rent.

**PROCEDURAL MOTION**

<b>290</b>	<b>Councillor Glenys Francis Councillor John Nell</b>	It was resolved that Council amend its Code of Meeting Practice to state that if a Councillor lodges a Notice of Motion, the Councillor lodging the Motion has the opportunity to speak on the Motion if an objection is received.
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# NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217

## PLANS FOR RAYMOND TERRACE DEPOT IMPROVEMENTS

COUNCILLOR: MACKENZIE

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### THAT COUNCIL:

- 1) Staff to submit a report to council on costs of drawing plans to upgrade the Raymond Terrace Works Depot.
- 

Cr Peter Kafer left the meeting at 7.56pm.  
Cr Peter Kafer returned to the meeting at 7.58pm.

### ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010

291	<b>Councillor Bruce MacKenzie</b> <b>Councillor Glenys Francis</b>	That the Notice of Motion be adopted.
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# NOTICE OF MOTION

ITEM NO. 3

FILE NO: A2004-0217

## CYCLE & FOOTPATH TENDERS

COUNCILLOR: MACKENZIE

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### THAT COUNCIL:

- 1) Any future Cycleway or Footpath require a tender process to be called and Port Stephens Council must submit a tender to be evaluated.
- 

### ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010

292	<b>Councillor Bruce MacKenzie</b> <b>Councillor Steve Tucker</b>	It was resolved that any future Cycleway or Footpath require a tender/quotation process to be called and Port Stephens Council must submit a tender/quotation to be evaluated.
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# CONFIDENTIAL ITEMS



*In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.*

*Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.*

## ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010

293	<b>Councillor John Nell</b> <b>Councillor Peter Kafer</b>	It was resolved that Council move into Confidential Session.
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**ITEM NO. 1**

**FILE NO: A2004-0028**

**NEWCASTLE AIRPORT LTD – LAND PURCHASE**

**REPORT OF: JEFF SMITH – GROUP MANAGER, COMMERCIAL SERVICES**

**GROUP: COMMERCIAL SERVICES**

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**ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010**

<b>294</b>	<b>Councillor John Nell Councillor Bruce MacKenzie</b>	It was resolved that Council approve the purchase of a parcel of land in DP503849 up to the nominated limited contained in the report.
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CONFIDENTIAL

ITEM NO. 2

FILE NO: PSC2005-0970

**RIVERS (AUSTRALIA) PTY LTD – PROPOSED LEASE – 29 STURGEON STREET, RAYMOND TERRACE**

REPORT OF: CARMEL FOSTER – PROPERTY MANAGER, COMMERCIAL SERVICES  
GROUP: COMMERCIAL SERVICES GROUP

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ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010

295	<b>Councillor John Nell</b> <b>Councillor Bruce MacKenzie</b>	It was resolved that Council authorise the signing and affixing the seal of the Council to the proposed lease documentation.
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CONFIDENTIAL

ITEM NO. 3

FILE NO: PSC2007-0174

**SURF LIFE SAVING CONTRACT - RENEWAL**

REPORT OF: IAN CRAWFORD - ACTING RECREATION SERVICES MANAGER  
GROUP: FACILITIES & SERVICES

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ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010

296	<b>Councillor John Nell</b> <b>Councillor Bruce MacKenzie</b>	It was resolved that Council:  1. In accordance with Section 55 of the Local Government Act 1993, Council resolves that given the unavailability of competitive or reliable tenders that it will not tender for the provision of professional surf life saving services.  2. Award a contract to Australian Lifeguard Services for the provision of professional surf life saving services for a period of five (5) years with the cost commencing at \$285,620 (excluding GST) in the initial year, increasing by 3.25% or CPI, whichever is greater, for the following four (4) years.
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CONFIDENTIAL

ITEM NO. 4

### INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER  
GROUP: GENERAL MANAGERS OFFICE

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### ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2010

297	<b>Councillor John Nell</b> <b>Councillor Bruce MacKenzie</b>	It was resolved that Council receives and notes the Information Paper on the Raymond Terrace Sports Field Tender Evaluation report.
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There being no further business the meeting closed at 8.17pm.

**MINUTES FOR ORDINARY MEETING – 14 SEPTEMBER 2010**

*I certify that pages 1 to 179 of the Open Ordinary Minutes of Council 14 September 2010 and the pages 180 to 200 of the Confidential Ordinary Minutes of Council 14 September 2010 were confirmed by Council at its meeting held on 28 September 2010.*

.....  
**Cr Bob Westbury**  
**MAYOR**