

# Minutes 27 September 2011



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 27 September 2011, commencing at 5.35pm.

PRESENT: Councillors S. Dover; G. Dingle; C. De Lyall, G. Francis; P. Kafer; K. Jordan (Deputy Mayor & Chair); B. MacKenzie; 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.

Cr Steve Tucker entered the meeting at 5.36pm.

<b>339</b>	<b>Councillor Sally Dover</b> <b>Councillor Shirley O'Brien</b>
	It was resolved that the apology from Cr Westbury be received and noted.

<b>340</b>	<b>Councillor Shirley O'Brien</b> <b>Councillor Glenys Francis</b>
	It was resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 13 September 2011 be confirmed.

	No declaration of interests were received.
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# INDEX

SUBJECT

PAGE NO

## **MOTIONS TO CLOSE ..... 4**

1. MOTION TO CLOSE MEETING TO THE PUBLIC ..... 5
2. MOTION TO CLOSE MEETING TO THE PUBLIC ..... 6
3. MOTION TO CLOSE MEETING TO THE PUBLIC ..... 7

## **COUNCIL COMMITTEE RECOMMENDATIONS..... 9**

1. PUBLIC ACCESS TO RECORDS AFTER 30 YEARS POLICY REVIEW ..... 10
2. ALLOCATION OF WARD FUNDS – CENTRAL WARD ..... 15
3. PROPOSED ROAD CLOSURE PART OLD LAVIS LANE - WILLIAMTOWN ..... 32
4. TEMPORARY CAR PARK – 155 SALAMANDER WAY, SALAMANDER BAY ..... 37
5. 2011-2012 CARRY FORWARD AND REVOTES ..... 40
6. REVIEW OF POLICY – BUDGET CONTROL AND AUTHORISATION ..... 50
7. GENERAL MANAGER'S REPORT ON \$750K NOTICE OF MOTION ..... 57
8. COMMUNITY GRANTS – FINANCIAL ASSISTANCE ..... 70
9. REQUEST FOR FINANCIAL ASSISTANCE..... 81
10. INFORMATION PAPERS ..... 84

## **COUNCIL COMMITTEE INFORMATION PAPERS..... 85**

1. CASH AND INVESTMENTS HELD AT 31 AUGUST 2011 ..... 86
2. COUNCIL FINANCES..... 92
3. ABORIGINAL STRATEGIC COMMITTEE ..... 94

## **GENERAL MANAGER'S REPORT ..... 100**

1. LOCAL GOVERNMENT ASSOCIATION OF NSW CONFERENCE ..... 101
2. INTERNAL REPORTING POLICY – PUBLIC INTEREST DISCLOSURES ACT 1994..... 109
3. 2010/2011 GENERAL PURPOSE FINANCIAL REPORTS AND SPECIAL PURPOSE FINANCIAL REPORTS ..... 150

## **NOTICES OF MOTION ..... 155**

1. PCYC – RAYMOND TERRACE ..... 156

## **CONFIDENTIAL ITEMS..... 160**

1. TENDER – T14-2011, FINGAL BAY SURF CLUB RECONSTRUCTION ..... 162

**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

2. CALL FOR DETAILED PROPOSAL SUBMISSIONS FOR LOT 1 DP116304, PART LOT 1 DP81992, LOT 2 DP 130393, LOT 2 DP880718 AND PART LOT 3 DP880718 RAYMOND TERRACE ..... 163

# MOTIONS TO CLOSE



ITEM NO. 1

FILE NO: T10-2011

## 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 Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary Council agenda namely **T10-2011, Supply, Deliver and Laying of Asphalt**.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
  - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
  - ii) In particular, the report includes confidential pricing information in respect of the **T10-2011, Supply, Deliver and Laying of Asphalt**.
- 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.

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### ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011

341	Councillor John Nell Councillor Sally Dover
	It was resolved that the recommendation be adopted.

**ITEM NO. 2**

**FILE NO: T14-2011; PSC2005-0786**

**MOTION TO CLOSE MEETING TO THE PUBLIC**

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

**GROUP: GENERAL MANAGER'S OFFICE**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary Council agenda namely **Tender – T14-2011, Fingal Bay Surf Club Reconstruction.**
  
- 2) That the reasons for closing the meeting to the public to consider this item be that:
  - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
  - ii) In particular, the report includes confidential pricing information in respect of the **Tender – T14-2011, Fingal Bay Surf Club Reconstruction.**
  
- 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 – 27 SEPTEMBER 2011**

<b>342</b>	<b>Councillor John Nell</b> <b>Councillor Sally Dover</b>
	It was resolved that the recommendation be adopted.

ITEM NO. 3

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 Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary Council agenda namely **Call for detailed proposal submissions for Lot 1 DP116304, Part Lot 1 DP 81992, Lot 2 DP 130393, Lot 2 DP 880718 and Part Lot 3 DP 880718, Raymond Terrace.**
  - 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 person who supplied it; and
    - ii) In particular, the report includes confidential pricing information in respect of the **Call for detailed proposal submissions for Lot 1 DP116304, Part Lot 1 DP 81992, Lot 2 DP 130393, Lot 2 DP 880718 and Part Lot 3 DP 880718, Raymond Terrace.**
  - 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 person who supplied it and adversely affect Council's ability to attract competitive pricing.
  - 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.
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**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>343</b>	<p><b>Councillor John Nell</b> <b>Councillor Sally Dover</b></p> <p>It was resolved:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary Council agenda namely Call for detailed proposal submissions for Lot 1 DP116304, Part Lot 1 DP 81992, Lot 2 DP 130393, Lot 2 DP 880718 and Part Lot 3 DP 880718, Raymond Terrace.</li><li>2) That the reasons for closing the meeting to the public to consider this item be that:<ol style="list-style-type: none"><li>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 person who supplied it; and</li><li>ii) In particular, the report includes confidential pricing information in respect of the Call for detailed proposal submissions for Lot 1 DP116304, Part Lot 1 DP 81992, Lot 2 DP 130393, Lot 2 DP 880718 and Part Lot 3 DP 880718, Raymond Terrace.</li></ol></li><li>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 person who supplied it and adversely affect Council's ability to attract competitive pricing.</li><li>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.</li></ol>
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**COUNCIL  
COMMITTEE  
RECOMMENDATIONS**

**ITEM NO. 1**

**FILE NO: PSC2005-1592**

**PUBLIC ACCESS TO RECORDS AFTER 30 YEARS POLICY REVIEW**

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

**GROUP: CORPORATE SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the Public Access to Records after 30 years policy adopted by Council on 24 July 2007, Minute No. 198;
  - 2) Adopt the revised Public Access to Records after 30 years policy attached to this report.
- 

**COUNCIL COMMITTEE MEETING – 20 SEPTEMBER 2011**

**RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Ken Jordan</b>
	That the recommendation be adopted.

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>344</b>	<b>Councillor John Nell</b> <b>Councillor Bruce MacKenzie</b>
	It was resolved that the recommendation be adopted.

**BACKGROUND**

- 1) The purpose of this report is to present recommended amendments to the public access to records after 30 years policy adopted by council on 24 July 2007, minute no. 198.
- 2) The policy promotes the principles of accountability and access under the state records act, 1998 by requiring public sector offices, including local government councils, to create full and accurate records of their business and administrative transactions, and ensuring that records of significant value are preserved.
- 3) Recent legislative changes require the policy to be amended to reflect the new Government Information (Public Access) Act 2009 requirements.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Costs associated with policy review are covered in the 2011/2012 budget.

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

The policy outlines the access provision of the State Records Act 1998 and explains the rights and obligations of Council and the public to access public records.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

### **CONSULTATION**

- 1) Executive Officer;
- 2) Legal Services Manager;
- 3) Group Manager Corporate Services.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Public Access to Records after 30 years policy – 1.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1



POLICY

Adopted: 16/05/2000  
Minute No:267  
Amended: 24/06/2003  
Minute No: 245  
Amended: 24/07/2007  
Minute No: 198

FILE NO: PSC2005-1592

TITLE: PUBLIC ACCESS TO RECORDS AFTER 30 YEARS

REPORT OF INFORMATION SERVICES

BACKGROUND

The State Records Act, 1998 promotes the principles of accountability and access by requiring public sector offices, including local government Council's, to create full and accurate records of their business and administrative transactions, and ensuring that records of significant value are preserved. Council's will ensure that all records of continuing value are considered for public access in due course and in accordance with the Attorney General's 'Guidelines on Making Access Directions under Part 6 of the State Records Act 1998'.

OBJECTIVE

The policy is intended to outline the access provisions of the State Records Act, 1998 and to explain the rights and obligations of Council and the public, under Part 6 of the Act.

PRINCIPLES

- 1) All Council records are classed as being in an 'Open Access Period' 30 years after a record was created.
- 2) The 'Open Access Period' means that the public has a right to request access to any records once it falls into this period, without the need to submit a ~~Freedom of Information application~~.

Delete 'Freedom of Information application' and replace with 'Government Information (Public Access) request.'



- 3) Granting of access to records in the 'Open Access Period' is not automatic.
- 4) An evaluation of the requested record/s will be undertaken by Council staff and a determination of Open to Public Access (OPA) or Closed to Public Access (CPA) will be made. This is known as an Access Direction.
- 5) This policy does not require Council to keep all records permanently to enable future public access. Council is entitled to destroy records in accordance with the State Records Authority of NSW – Local Government General Disposal Authority.

**POLICY STATEMENT**

- 1) Assessment as to whether records should be open or closed to public access will be made on the basis of the known or likely contents of a series, group or class of records, not on an individual record basis.
- 2) Criteria for an OPA direction include public interest, whether similar records are already available, OPA precedents, appropriate elapse of time and whether the records are already public knowledge or are available elsewhere. An OPA direction will remain in force until it is revoked.
- 3) Criteria for a CPA direction include whether the information has been provided under an expectation of confidentiality, information protected under other legislation, unreasonable disclosure of sensitive personal information, safety and security. A CPA direction will remain in force for the period (up to 5 years) specified in the direction and will be reviewed every 5 years.
- 4) Application for access to records must be in writing, specifying that access be requested under s.54 of the State Records Act and detailing the records to which access is required.
- 5) No fee will be payable for Public Access requests.
- 6) Council will notify applicants of its access decision on their requested record/s in writing.

7) Documentation of Access Directions will contain sufficient detail to help meet Council's statutory obligations under the State Records Act 1998.

8) A CPA direction does not affect an individual's entitlement to access a record under the ~~Freedom of Information Act~~.

**RELATED POLICIES**

Access to Information Policy

**SUSTAINABILITY IMPLICATIONS**

Nil

**SOCIAL IMPLICATIONS**

~~Nil~~

**ECONOMIC IMPLICATIONS**

Nil

**ENVIRONMENTAL IMPLICATIONS**

Nil

**RELEVANT LEGISLATIVE PROVISIONS**

1) Part 6, *State Records Act 1998 (NSW)*

**IMPLEMENTATION RESPONSIBILITY**

~~Information Services Coordinator~~

**REVIEW DATE**

~~Review of the policy will be undertaken bi-annually from date of adoption.~~

Delete 'Freedom of Information Act' and replace with 'Government Information (Public Access) Act 2009.'

Replace with "This policy allows the public greater access to records for those records older than 30 years. This means they are not required to request these records through a Government Information (Public Access) request'.

2) Include 'Government Information (Public Access) Act 2009

Replace with 'Records Management and Information Services Coordinator'.

Delete 'Review of the policy will be undertaken bi-annually from date of adoption' and replace with '30 June 2014'.

**ITEM NO. 2**

**FILE NO: PSC2011-00819**

**ALLOCATION OF WARD FUNDS – CENTRAL WARD**

**REPORT OF: JASON LINNANE, GROUP MANAGER**  
**GROUP: FACILITIES & SERVICES GROUP**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the submissions received during the exhibition period;
  - 2) Adopt the proposed allocation of Ward Funds for Central Ward contained in Attachment 1.
- 

Cr Geoff Dingle and Cr Peter Kafer entered the meeting at 5.44pm.

**COUNCIL COMMITTEE MEETING – 20 SEPTEMBER 2011**  
**RECOMMENDATION:**

	<b>Councillor Bruce MacKenzie</b> <b>Councillor Shirley O'Brien</b>
	That Council:  1) Adopt the recommendation including the supplementary information. 2) The Medowie Tennis Club funding be amended from \$17,500 to \$12,500.

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>345</b>	<b>Councillor Bruce MacKenzie</b> <b>Councillor Shirley O'Brien</b>
	It was resolved that the recommendation be adopted.

**BACKGROUND**

- 1) The purpose of this report is to provide to council the outcome of the public exhibition of a schedule of projects. Public exhibition was undertaken between 28 July and 26 August 2011.
- 2) A total of twelve submissions were received, eleven from residents and one from the Tomaree residents & ratepayers' association. The submissions are attachment 2.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The funds being allocated are available as per Council's Restricted Funds Policy.

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

Exhibition of the proposed allocation was undertaken pursuant to Section 402 and Section 405(3) of the Local Government Act 1993.

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The allocation being proposed is a positive measure in assisting Council in addressing its current asset backlog. Intervention at this point will reduce future costs as deterioration of the assets will occur over time which will add further to the cost of rehabilitation at that point.

## **CONSULTATION**

The list detailing the proposed allocation of Ward Funds in Central Ward was placed on public exhibition via an advertisement in the Port Stephens Examiner and on Council's website. A total of eleven submissions were received which are appended as Attachment 2.

## **OPTIONS**

- 1) That Council adopts the recommendation;
- 2) That Council amends the recommendation;
- 3) That Council rejects the recommendation.

## **ATTACHMENTS**

- 1) Schedule of Proposed Allocation of Ward Funds – Central Ward
- 2) Twelve submissions received during the public exhibition period.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ATTACHMENT 1**

**SCHEDULE OF PROPOSED ALLOCATION OF WARD FUNDS  
CENTRAL WARD**

**Anna Bay**

Anna Bay Cycleway \$50,000.00

Anna Bay Sports Complex \$25,000.00

Anna Bay Hall \$1,000.00

Birubi Surf Club \$1,000.00

**Medowie**

Medowie Sports and Recreation Club \$55,000.00

Cycleway section from Ferodale Road to Campvale drain to access Yulong Oval eastern side including handrails on Campvale Drain east side \$40,000.00

Footpath link between Tallowood Drive and Kindlebark Cycleway on the south side of Tallowood retention basin \$20,000.00

Campvale drainage levy bank for protection of residents in Kirrang Drive \$35,000.00

Medowie Community Pre-School multi-functional area \$17,500.00

Medowie Tennis Club – drainage and resurfacing of court surface \$17,500.00

**Salt Ash**

Salt Ash Equestrian Centre \$100,000.00

Salt Ash Equestrian Centre – yards \$10,000.00

**Tilligerry**

Lemon Tree Passage – Henderson Park \$77,000.00

Tilligerry Mens Shed \$22,000.00

Mallabula Sports Fields - Ovals \$15,000.00

Tanilba, Mallabulla & Lemon Tree Passage Parks and Reserves \$15,000.00

Mallabulla Wharf – Park Furniture \$3,000.00

Lemon Tree Passage – Library \$2,000.00

Tilligerry Legacy – Laptop \$1,000.00

**ATTACHMENT 2**

**SUBMISSIONS RECEIVED**

Please note that the names of the residents who made submissions have been removed for privacy reasons.

**Resident One**

The Notice of Exhibition - Proposed Allocation of Funds in Central Ward lacks the information needed to make a submission.

I am interested in the Tilligerry section - Lemon Tree Passage - Henderson Park - rehabilitation of park assets (in existing CSP) \$77000.

Since this is such a large amount it needs to describe what is being rehabilitated. My enquiries to Council staff resulted in the answer - a new children's playground.

In the August Tilly News that is distributed by the Tilligerry Community Association (President Fran Corner), there is a three page article with what is supposed to be a "summary of the document adopted by Council as the plan for Henderson Park".

At the very end of this article there is a note in smaller print:

"Ed. Most of the short term goals have been done. Sandvik funding announced by Cr Tucker will give \$77000 that will allow us to mop up these and tackle some of the mid term goals. A meeting is planned with all when funds come to hand. Other items that may be considered are improved lighting and stronger electricals to stage"

If Council is calling for submissions surely the meeting must be held before the closing date to inform the public and stakeholders?

The Notice of Exhibition states "(in existing CSP)" - most residents don't know what that is or what it means.

Regards,

(Name supplied)

**ATTACHMENT 2**

**Resident Two**

Submission on Central Ward Funding (Sandvik Development)

It is a shame that while some Central Ward councillors can benefit Medowie and Anna Bay by making a long term contribution to the community which will help many residents through extension of the pedestrian/ cycleway system, Cr Mackenzie's funds are spent on the 2% of the population that are horse riders and mostly I suspect not locals on the oval named after him.

Meanwhile the Tilligerry funding is given in small grants to individual projects including some that could be better funded by Volunteer grants (laptop?). It is hoped that council's community strategic plan will ensure the \$77 000 for Henderson Park and the \$115 000 also planned for Henderson Park under capital works according to Your Port Stephens winter 2011 are not duplicated and will equally meet community needs and benefit more than a small group who use Henderson Park.

Meanwhile little old ladies pick their way dodging traffic on the edge of the road for almost half a kilometre burdened by groceries from Coles to the nearest bus stop in front of the post office. Footpaths would help here too.

(Name supplied).

ATTACHMENT 2

**Resident Three**

subject: Mallabula wharf reserve.

Dear Sir

It has come to my attention through a letterbox drop and a subsequent log on to the advertised website (tilligery.com), that \$3,000.00 has been earmarked for picnic tables , and BBQ facilities on the public reserve behind the wharf at Mallabula. Whether or not this is what Council has in plan, I would like to comment on the article as posted on the website.

I would urge that vehicle access continue to be denied to the Wharf and reserve, because I believe that this gate is what is stopping the vandalism of this area, as compared to what is happening at Caswell Reserve. Also it must be remembered that one of the main considerations for closing this road to the public was the dieback effect that traffic was having on the trees along the road edge.

The article reports that elderly residents have requested that these facilities be placed adjacent to the carpark; without cutting down trees and lessening the area of the car park, there is no room there for these facilities. Should it be Councils intention to place picnic tables in the wharf area, the logical place would be behind the fenced (guard rail) grassed area, behind the wharf, said area being prepared and grassed by the Mallabula Parks and Reserves Committee, for the convenience of picnickers and visitors to the wharf. This area being easily and safely accessed without having to cross uncurbed gutters and exposed roots of trees. I would also like to suggest that any tables placed there be of steel construction, so the vandals of the area will find it hard to damage them.

(Name supplied)



ATTACHMENT 2

**Resident Four**

Dear Sir,

Re the Pamphlet being distributed from The Tilligerry Adult Education Centre regarding the Table and Bench Seat Proposed to be installed in the Mallabula Wharf Reserve up next to the Car Park, it seems to be the most ridiculous place you could put it.

I walk in this Area all the time and it would be absolutely logical to install the new Table & Bench Seat in the Grassy Area down beside the Wharf.

If you are down there with your children or grandchildren fishing from the Wharf you need to be where the “action” is, not 100 metres away, just in case they catch a big fish or happen to fall in to the water. You would not have time to run all the way down the Pathway from the Table up near the Car Park.

I wish people, before they make these decisions, have a look at where they are making decisions about.

Hoping you will consider my points as above, and provide a lovely new Table & Bench Seat down next to the Wharf for everyone to enjoy.

(Name supplied)

## ATTACHMENT 2

### Resident Five

Re: Proposed Allocation of Funds in Central Ward:

We were interested to read in The Examiner on Thursday, 29<sup>th</sup> July, 2011, under Port Stephens Council Public Notices that \$3000.00 has been Proposed for New Park Furniture – Mallabula Wharf.

Previously, Mallabula Parks & Reserves Committee have discussed with us the Installation of a Table & Bench Seat to be located down next to the Mallabula Wharf in the new Turfed Picnic Area, and we are in agreement with this location as we consider this is the best site because people are always utilizing this Area whilst fishing from the Wharf.

If it was to be placed anywhere else it would be a major security problem for all Residents on the Foreshore and we do not want to create another “Caswell Reserve” where on a Friday and Saturday Night “Hoons” destroy Council property by fire and graffiti.

We contacted Mallabula Parks & Reserves on reading this “Allocation of Funds” Notice and they advised us that they know nothing about it and would follow up with Council.

We live in a quiet peaceful area and the Council have got to realize that if they install additional Garden Furniture they need to build in additional costs to maintain these facilities against the damage that will be caused by the Vandals.

(Names supplied)

ATTACHMENT 2

**Resident Six**

In my letter box there was a Pamphlet from Tilligerry Adult Community Education indicating that Community news items will be on the web-site under Tilligerry.com.

When I accessed this site I found an article indicating \$3000.00 has been ear-marked for Picnic Tables and Barbecue facilities at Mallabula Wharf Reserve, and the photograph in the article reflects that these facilities will be installed 5 metres from Residential Houses, which seems to me a security risk to Residents and risk anti-social behaviour..

I use this area extensively when I go walking and would advise Councillors and Council to install the Table & Bench Seat adjacent to the Wharf in the small established Reserve. This would be an ideal location for the majority of people who go to the Wharf to fish, including myself, and certainly I would not walk back up to the top of the Reserve up near the car park to have lunch or a picnic, etc.

Also most people would find it embarrassing to picnic at a table very close to residents offering no privacy to them or myself.

I think the Council should take into consideration that the top side of the Reserve is an official Koala Corridor and the burning of fires would not be conducive to these animals well-being.

Any person who has walking difficulties can apply for a key as per Council Signage near the Boom Gate and that would allow them to drive down to the Wharf.

Hopefully commonsense will prevail and that the Council will make the right decision for THE MAJORITY OF PEOPLE, NOT THE MINORITY.

(Name supplied)

ATTACHMENT 2

**Resident Seven**

We recently received a Pamphlet from Tilligerry Adult Education advertising a News Item Website (tilligerry.com) for Tilligerry Peninsula, where it stated that \$3000.00 has been proposed for approval to install Tables & Bench Seats plus Barbecue on the top side of the Reserve near the Car Park at Mallabula Wharf, and by the photograph in this article, it looks like what they are proposing is very close to Residents' Houses.

We use this area quite often when we walk the dog and would much prefer this new furniture be installed in the new Reserve adjacent to the Mallabula Wharf.

There is no attraction for people to be near the Car Park & Houses – we all want to sit by the Water to take in the beautiful views and to fish from the Wharf and swim.

We would like to congratulate the Mallabula Parks & Reserves for already installing two Bench Seats down by the Wharf with Council Approval, and therefore, we stress once again, that if there is money available it would be better spent providing Services most people want.

(Names supplied)

ATTACHMENT 2

Resident Eight

**Re: Proposed Allocation of Funds in Central Ward- Mallabula Wharf- Park Furniture Mallabula**

I write as a concerned resident and rate payer.

There are no official public details of this allocation released for consultation. As a resident of Watersleigh Ave, and ratepayer of Port Stephens, these plans possibly impact me. There has been no consultation of residents adjacent to the area under consideration. What furniture, how much, and where is the furniture to be installed? Is this the best place for furniture to be installed? I propose that there is no furniture installed in the reserve used for sailing which has easy public vehicular access, and is not as close to residential dwellings. This may be a better location for the facilities. Have all options been considered? Without any consultation or official Council information released, I can only respond to information circulating in the public arena.

There is “unofficial” advertising/ or campaign material being dispersed at the local shops purporting that the furniture is to be installed “adjacent to the carpark near Mallabula Wharf for elderly residents as vehicular access has been restricted”. This material is false. There is capacity for anyone requiring disabled access to obtain entry through the gate with a key. The material also refers to Doreen Bradley who I am led to believe does not reside in the vicinity. Adjacent residents opinions require more weighty consideration given the greater impact on them.

Most people would not be expected to want to sit adjacent to residents dwellings.

The area is a koala corridor. Seating would be expected to increase public disruption of the koala habitat. Domestic pets- Dogs, rubbish and fire hazard usually accompany the public utilisation of installed furniture.

As the area is a koala habitat, there are a number of large trees close to residential dwellings. Location of furniture under or near the trees poses the risk to the public of falling branches or even trees.

The reserve adjacent to residential dwellings is not very wide. The impact of furniture located on the strip adjacent to residential dwellings would be expected to be large.

(continued next page)

## ATTACHMENT 2

Additionally, the reserve is sloping and uneven posing a public hazard for furniture to be located on it adjacent to dwellings. Standards of plans for installation should be available for scrutiny.

Residents are very concerned regarding vandalism, fire threats, public noise and nuisance, rubbish and litter. These activities have been linked to furniture installed on nearby reserves. It is an unacceptable risk to install furniture which would attract these risks closeby to residential dwellings. I am concerned regarding security for my property, and peace. Caswell reserve has had furniture installed and is a magnet for poor social conduct and disruption of local peace and security.

Maintenance and security needs for the reserve adjoining residents with the additional furniture would be substantial. Currently residents maintain this area, but this would not be feasible if there was a larger public presence attracted to this spot. Increased insurance premiums for the Council and ratepayers are expected to be negatively impacted.

Please forward the full plans of the proposed installation for appraisal and comment.

(Name supplied).

## ATTACHMENT 2

### Resident Nine

Re: Tables & Chairs (Bench Seat Style) at Mallabula Wharf.

Evidently, according to Tilligerry.com and Port Stephens Examiner, these Council Assets would be placed on the Reserve above Jetty next to Residents Homes. Surely, if \$3000.00 was to be spent on these Facilities, they should be placed near Jetty Grass Area where 2 Bench Seats have already been placed by Mallabula Parks & Reserves Group.

It should be noted that Top Reserve is a KOALA CORRIDOR utilized by local Koalas. Please note that Koala "Aquila" was brought into Care of Hunter Koala Preservation Society by Local Resident Tracey Fay on 19/07/2011 from that Area.

Due to vandalism in this Local Area, any facilities should be constructed in Steel.

Any Tilligerry Community Project Money should be spent on a "Soft Rock" Retaining Wall at Caswell Reserve, Mallablula. This is a highly utilized Picnic Area causing excessive erosion of Foreshore and should be connected to Tanilba Bay Rock Wall. Land has receded 6 metres from original data line over a 10 year period.

(Names supplied)

### Resident Ten

I wish to make a submission objecting to the allocation of \$55,000 to the Medowie Sport and Recreation Club from Central Ward Funds. This Club originally had the support in its' application of the Medowie RSL which has since withdrawn its support for this complex. If the funds are to be spent on ground improvement or improvement of the sporting facilities for the benefit of the players then I have no objection. However if the funds are to be placed in a Bank account and to be used for the purposes of a future facility and Club as indicated, then in the current financial climate of the Council these funds could be put to much better use and should not be allocated at this time.

(Name supplied)



ATTACHMENT 2

**Resident Eleven**

In The Examiner dated 28<sup>th</sup> July, 2011, we noticed under Port Stephens Council Public Notices Proposed Funds by Central Ward – one of the Proposals - \$3000.00 for Mallabula Wharf - Park Furniture – New.

After investigation we revealed that Councillor Tucker/Geoff Walker have recommended that a new Table and Bench Seat be installed 5 metres from our House on the Waterfront Reserve Top End of Mallabula Wharf. This location is ridiculous and is a threat to the Security of us and the other neighbours along the Reserve.

This Proposal has NOT been discussed with us, our neighbours or any other Residents along the Waterfront. Are Residents along the Waterfront classified as second class citizens, taking into consideration that we pay THREE(3) TIMES MORE COUNCIL RATES than other Residents behind us?.

With consultation with Waterfront Residents, Mallabula Parks & Reserves have already implemented three (3) Bench Seats, two (2) in the new grassy Reserve adjacent to the Mallabula Wharf (which the Parks & Reserves regularly mow and whipper snipper for the benefit of the Community) and one (1) plus three (3) new Gardens opposite the Boom Gate at the top end of the Reserve looking over the water.

The attraction to this area (the new Mallabula Wharf) is where the majority of people Fish, Swim and enjoy the new grassy Reserve close bye. The Proposed location/expenditure is a waste of money and should be wisely spent implementing the Table & Bench Seat in the Reserve adjacent to the Wharf.

Another concern is that right along the top end of this Reserve it is classified as an official Council Koala Corridor. At the moment, all pedestrian traffic including their dogs are directed along the Pathway to the Wharf and, therefore, do not impact on the Koala Corridor. However, if it is the aim of Councillors to install Table & Bench Seats along the top end of the Reserve where the majority of trees are, this would be a major threat to the Koalas well-being.

We feel sure you will take all the above concerns into consideration and make the most logical and commercially viable decision to install this Table & Bench Seat in the newly turfed Reserve down beside the Wharf for the safety of all Residents and for the enjoyment of all people Fishing & Swimming on the Wharf.

Awaiting your early reply with interest.

(Name supplied)



## ATTACHMENT 2

### Tomaree Residents & Ratepayers Association

#### Re: Allocation of Ward Funds

The Notice of Motion adopted by Council at its meeting on 12 July attracted the attention of the TRRA Management Committee and accordingly I am writing to you seeking further information on the process under which these allocations are made. We also wish to register or objection to the allocation of some \$1.6 million for such projects when Council's overall financial position requires immediate action to contain a spiraling deficit.

We wish to bring Council's attention the following extract from the DLG 2005 Review which has been totally ignored by this decision.

Extracts as follows:

Recommendations (pages 11-12)

Asset and financial management

**27. Council should complete the development of its long-term financial plan in conjunction with its strategic planning processes, taking into account the following considerations:**

- a. alternative sources of revenue
- b. long term rates strategy (rating structure, special variations etc)
- c. long term borrowing needs and debt service ratio
- d. investment strategies
- e. the alignment of its long-term financial plan with other strategic directions such as 2030, asset management, social and strategic plans
- f. long-term plans for capital works, land acquisition and anticipated demand for community facilities
- g. reserves and section 94 contributions

August 2005 Page 12 of 50

#### Local Government Reform Program

#### Promoting Better Practice Report – Port Stephens Council

h. asset management plan

#### i. ward funds

and again at page 13

**32. Council should review the current ward funding policy and is encouraged to either remove or significantly limit the allocation of funds.**

And again at page 38:

#### Ward funds

Council currently allocated 30% of all property sales to ward funds. With forecasted sales of property increasing significantly in coming years, **council should review the current ward funding arrangement, with a view to either removing or significantly limiting the existing allocation of funds.**

Council is working towards a well-defined strategic direction and has plans to realise this vision. While a majority of capital works proposed from ward funds are subject to long term strategies, council acknowledges a lack of integration in present arrangements. **Council runs the risk that large ward funds could result in the redirection of the council's focus away from strategic priorities. (Recommendation 32).**

TRRA will be bringing this matter to the attention of the Minister for Local Government and the Department that is conducting the current review. **TRRA would like Council to confirm to us and the Minister if these recommendations from the last review are to be rejected?**

Notwithstanding the above, TRRA understands that Council has a long standing policy to make available 30% of the proceeds of the sale of assets for Councillors to allocate to projects within their Wards. We also understand that project lists for the distribution of the Sandvik site sale, are being prepared for East and West Wards. Our concern is that there has been no public call for applications from the community for allocations and that the details of the projects being funded, or of the recipients are not advised to Councillors in their agenda papers, or to the public. Are the recipients required to be incorporated non-profit organizations? Are the funds transferred to the nominated organization or are they expended by the Council on land or assets in the ownership and control of Council itself? What obligations apply to demonstrate appropriate application of the funds?

TRRA is concerned that \$1.6 m is being distributed and allocations are proposed of up to \$100,000 without any published criteria for the projects to be funded. TRRA believes that this process needs to be more precisely defined and there must be much more accountability and transparency. We are also concerned that there is every possibility of much larger asset sales, such as the Salamander Shopping Centre land sale, which would see many millions becoming available for distribution through this poorly defined process.

TRRA appreciates that Ward Allocations, if properly managed, can provide useful assistance for organizations and projects if the Council's financial position was firmly in the black. However, we note the admissions in the "Integrated Plans" that Council has a backlog of some \$29 m. in asset maintenance and renewal and faces an annual \$7.9 m. shortfall in asset maintenance each year to 2021. We are also advised that the result for the last financial year was a deficit in the order of \$5 m. We note that the Minutes from the Council meeting on 12 July report that **"the focus of discussions has been about sustaining Council's existing assets"**. TRRA believes that this is the key question to be addressed along with the options for making savings in operational costs.

By applying the funds from the sale of the Sandvik site or any other asset sale to Allocation to Wards, Council is not being a responsible financial manager. Perhaps the community has to accept restraint in such expenditure until the Council puts its books back into surplus. **According to the Long Term Financial Plan the alternative is a permanent 12% increase of rates plus the maximum increase allowed by rate pegging. This should be pointed out to the ratepayers of Port Stephens.**

**ATTACHMENT 2**

TRRA notes that there is an obligation for Council to publicly exhibit details of projects listed for funding which are not on the forward capital works programmed.

TRRA requests from Council:

1. Clarification on the Council's response to the recommendations on ward funding from the 2005 review.
2. Details of the process which applies to the nomination of projects to receive allocations of Ward funds.
3. Details of the criteria applicable in selecting projects / organizations for grants/ funding allocation.
4. Details of the obligations of recipients to fully acquit the expenditure of their allocations.
5. Any alternative applications of these proceeds which were considered or advised to Councillors which would have improved Council's overall financial position.

Yours sincerely

Geoffrey Washington

Chairman Tomaree Ratepayers and Residents Association

**ITEM NO. 3**

**FILE NO: PSC2010-05292**

**PROPOSED ROAD CLOSURE PART OLD LAVIS LANE - WILLIAMTOWN**

**REPORT OF: CARMEL FOSTER – COMMERCIAL PROPERTY MANAGER**

**GROUP: COMMERCIAL SERVICES**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Consents to the road closure of part of an unnamed section of the former Lavis Lane currently unused by the public and adjacent to Lot 21 D.P. 628819 at Williamtown;
- 2) Make application to the Crown Lands Division (CLD) NSW Department of Primary Industries (formerly Land & Property Management Authority) for the closure to proceed under Section 34 Roads Act 1993;
- 3) Obtains a valuation from a registered valuer of the proposed closure area and that valuation be utilised in establishing the purchase price;
- 4) Authorises the creation of an easement in favour of Ausgrid over existing electricity assets within the proposed area to be closed;
- 5) Lodges subdivision application with Council to identify the separate section proposed to be closed as required by Crown Land Division (CLD);
- 6) Prepares a land Transfer on finalisation of the closure and payment of all costs including the purchase price are received by the applicant;
- 7) Grants authority to affix Council Seal and Signatures to the road closure subdivision plan and 88B instrument prior to lodging it at the Crown Lands Division office;
- 8) Grants authority to affix Council Seal and Signatures to the future Transfer if the matter is successfully concluded;
- 9) Requires the applicant to prepare a plan for the subject area to be consolidated with the newly created adjoining lot, if the application is successful.

**COUNCIL COMMITTEE MEETING – 20 SEPTEMBER 2011**

**RECOMMENDATION:**

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

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>346</b>	<p><b>Councillor Bruce MacKenzie</b> <b>Councillor Sally Dover</b></p>
	<p>It was resolved that the recommendation be adopted.</p>

## **BACKGROUND**

The purpose of this report is to recommend consent to the closure of part of lavis lane, williamtown and sale to the adjoining owner for consolidation with lot 21 d.p.628819.

This road, which has been maintained by council, is providing access to the applicant's properties; lot 91 d.p.837152 and lot 21 d.p.628819. This road currently separates the applicant's two previously mentioned properties. In 1993 another section of the former lavis lane was closed after the registration of d.p. 822162 see attachment 1 and consolidated with one of the applicants parcels; lot 91 d.p. 837152.

Since then the remaining section of the road has served no other purpose other than access to the applicants land (lot 21 d.p.628819) and lot 1 d.p. 853312 (owned by commonwealth of australia), an access will remain available to that adjoining property after closure. The applicant intends to consolidate the closed area as shown on attachment 2, which is approximately 2780m sq. With his adjoining property.

Public authorities, other adjoining property owners and council staff have been notified of the proposed closure with no objections being received. Ausgrid advised they do have assets within the proposed closure area and will require an easement, this will be shown on the survey plan.

As is required in these matters a registered valuer will be required to provide a valuation assessment for the closed road and this will be used to determine the purchase price. If the closure is successful a certificate of title will issue in council's name ready for transfer to the applicant upon payment of the land and all associated costs.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The applicant must meet all costs associated with the closure process. If these costs are not met at different stages throughout the process the next stage is not commenced, until such payment is made.

If the closure is accepted the need to maintain this small section of road would no longer be a burden of Council. There are no Environmental Implications.

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

All actions relating to the road closure and purchase are controlled by the Roads Act 1993 with the application being made under Section 34. The Crown Lands Division (CLD) makes the final decision and gazettes the closure. The Conveyancing Act controls the actual sale process once the new Certificate of Title has been issued. Council's Road Closure Policy details the actions to be followed.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

Crown Lands Department, Civil Assets Manger, Development Engineer Co-ordinator, Property Officer, Commercial Property Manger, Civil Assets Engineer, Development Co-ordinator, Senior Development Planner, Property Owners, Roads & Traffic Authority.

**OPTIONS**

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

**ATTACHMENTS**

- 1) DP822162 – former road closure plan;
- 2) Locality map and road closure area.

**COUNCILLORS ROOM**

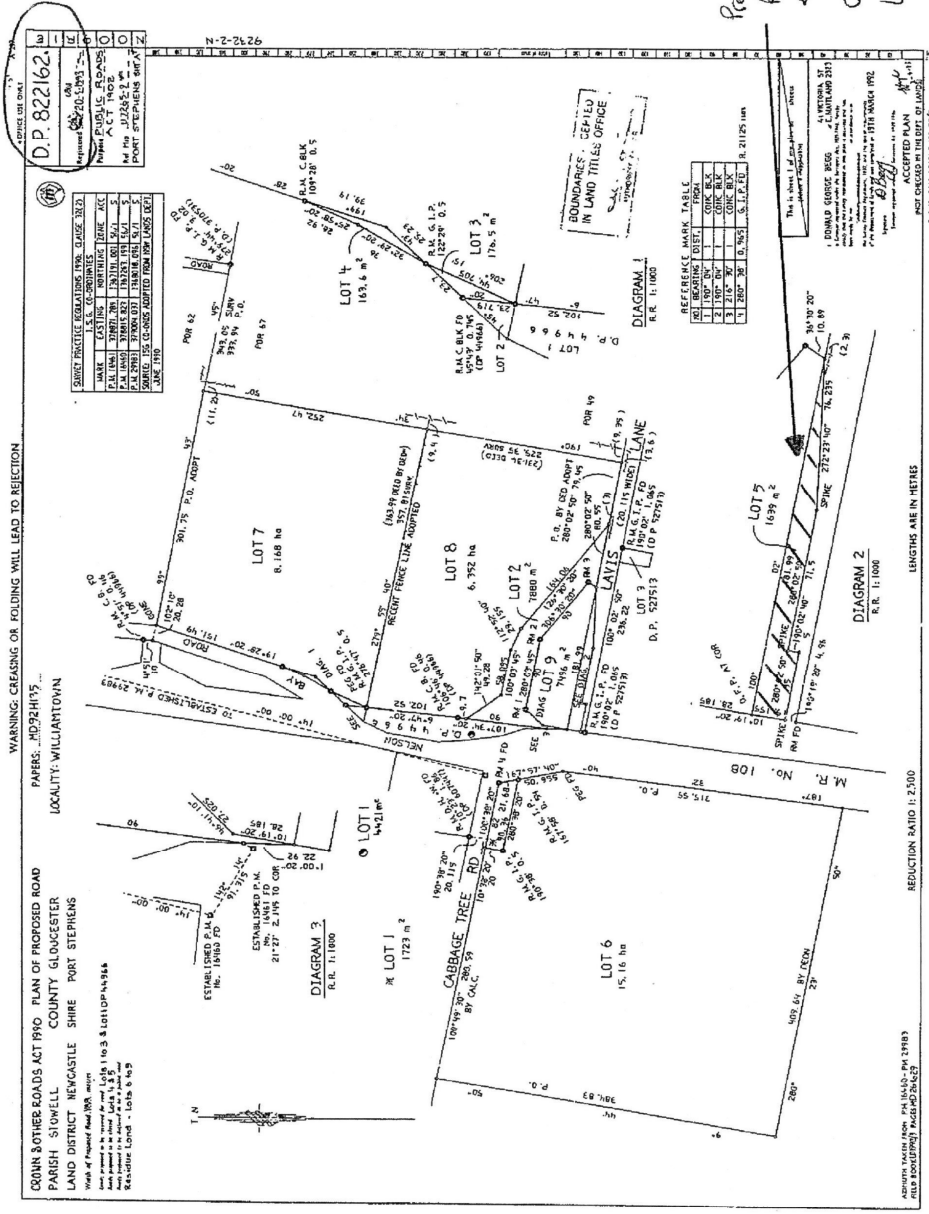
Nil.

**TABLED DOCUMENTS**

Nil.

ATTACHMENT 1

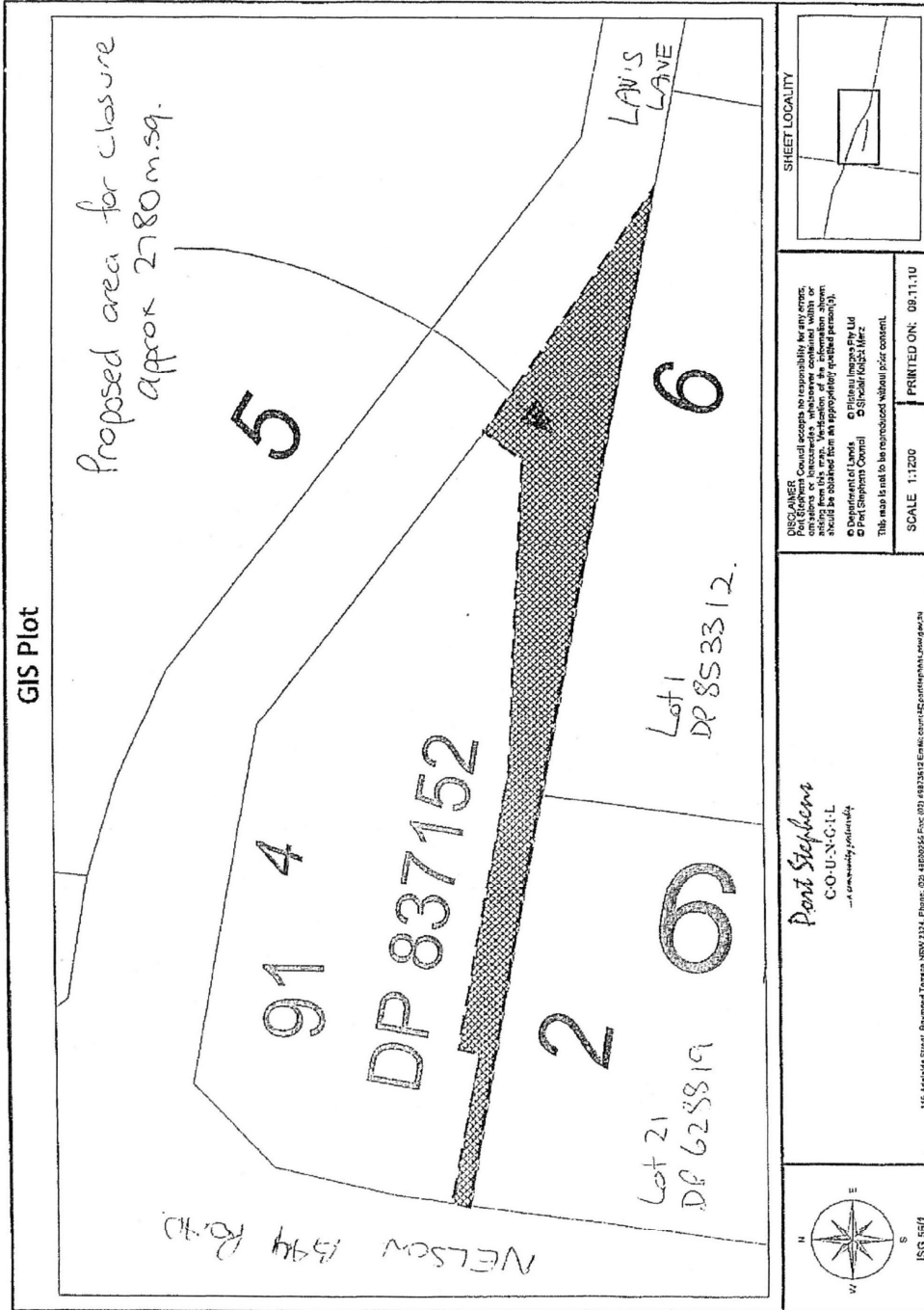
1.



*Previous Road Closure + consolidation of former Lanis Lane.*

ATTACHMENT 2

2.



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<p>110 Ararat Road, Raymond Terrace NSW 2264, Phone: 02 49305655 Fax: 02 49325652 Email: <a href="mailto:central@portsteps.nsw.gov.au">central@portsteps.nsw.gov.au</a></p>		
<p>ISG 58/F</p>		
<p>Port Stephens C-O-U-N-C-I-L — a community partnership</p>		



**ITEM NO. 4**

**FILE NO: PSC2009-02408V2**

**TEMPORARY CAR PARK – 155 SALAMANDER WAY, SALAMANDER BAY**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Does not provide a temporary car park on the commercial land situated on the north eastern boundary of 155 Salamander Way, Salamander Bay.

**COUNCIL COMMITTEE MEETING – 20 SEPTEMBER 2011**  
**RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Sally Dover</b>
	That the recommendation be adopted.

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>347</b>	<b>Councillor John Nell</b> <b>Councillor Sally Dover</b>
	It was resolved that the recommendation be adopted.

**BACKGROUND**

The purpose of this report is to inform Council of the potential liability, risk and approximate cost associated with providing a temporary car park during peak seasons on the Council owned commercial land to the east of the existing Salamander Bay shopping centre.

Council's eleven hectare parcel of land surrounds the existing Salamander Bay shopping centre. Approximately 3ha of the land that is bound by Bagnall Beach Road, Town Centre Circuit and the Rigby Centre may be suitable for use as a temporary car park. During peak seasons the public have utilised the area for car parking however this has not been with the approval of Council.

Investigation into this proposed use has identified potential risks. A risk assessment will need to be completed to address the issues such as the provision of signage and the location of that signage, the provision of fencing or barriers to control entrance and

egress points. The access/egress to the site is extremely important given the traffic conflicts that already exist within the road network. Additionally Council would need to develop and implement an inspection and maintenance program to ensure that the site remains safe for the public to use. The fencing/barriers would need to be erected around the area proposed to be utilised during the period intended for use and then removed at the end of that period. The site may need to be remediated after use, alternatively the area could be sealed to prevent any possible damage to the surface/land.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The preparation of the signage would be a one off cost of approximately \$600 for four signs which would be the maximum required for the area. Labour costs to erect and dismantle the signage would be charged at an hourly rate and the costs are not considered to be significant. An acceptable barrier will need to be determined at the risk assessment stage and this will incur additional costs that will be contingent upon the type of suitable barrier that will need to be installed. Should the site be required to be sealed this could be done at a minimum by providing a base cover of compacted gravel over the site. The cost of the graded gravel would be \$14.80m<sup>2</sup>. Should 50% of the site be sealed the approximate cost would be \$220,000.

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

Risk will be increased for pedestrians who currently walk through this area to access the shopping centre as well as for pedestrians moving from parked cars to the shopping centre. A separation of pedestrians and vehicles could be achieved through installation of suitable fencing to provide a corridor between Bagnall Beach Road and Town Centre Circuit along current desire lines. This would also assist people moving between parked cars and the shopping centre.

There would also be risk implications from potential damage or theft from vehicles parked on Council land. The provision of a car park on Council owned operational land that is not a designated car park could potentially set a precedent for Council.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

It is not considered that there will be any environmental implications as the area that would be designated for parking has no vegetation coverage.

### **CONSULTATION**

- 1) Risk Management Co-ordinator;
- 2) Traffic Engineer;
- 3) Traffic Project Officer.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Aerial of 155 Salamander Way Salamander Bay.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 5**

**FILE NO: FILE NO: A2004-0242**

**2011-2012 CARRY FORWARD AND REVOTES**

**REPORT OF: DAMIEN JENKINS FINANCIAL SERVICES MANAGER  
GROUP: COMMERCIAL SERVICES**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the votes to be carried forward to the 2011/2012 Estimates as shown in **TABLE 1** of **ATTACHMENT 1**;
- 2) Approves the revotes from the 2010/2011 Estimates as detailed in **TABLE 2** of **ATTACHMENT 1** to this report and vote the necessary funds to meet expenditure;
- 3) Notes the Sources of Funds budgeted to complete the Carry Forwards and Revotes as detailed in **TABLE 3** of **ATTACHMENT 1** to this report.

**COUNCIL COMMITTEE MEETING – 20 SEPTEMBER 2011  
RECOMMENDATION:**

	<b>Councillor Ken Jordan Councillor Bruce MacKenzie</b>
	That the recommendation be adopted.

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>348</b>	<b>Councillor Steve Tucker Councillor Shirley O'Brien</b>
	It was resolved that the recommendation be adopted.

**BACKGROUND**

Under Clause 211 of the Local Government (General) Regulation 2005, all votes lapse at the end of each financial year. However this clause does not apply to approvals and votes relating to:

- Work carried out or started, or contracted to be carried out, or
- Any service provided, or contracted to be provided, or
- Goods or material provided, or contracted to be provided, or
- Facilities provided or started, or contracted to be provided

before the end of the year concerned, or to the remuneration to members of Council's staff.

## MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011

The purpose of this report is to amend the Budget and bring to Council's attention the value of carry forwards and revotes for review and adoption.

On the 28th June 2011 Council adopted its Resource Strategy 2011-2021 (Council minute 222/2011). This included budget estimates for the 2011/2012 financial year.

### FINANCIAL/RESOURCE IMPLICATIONS

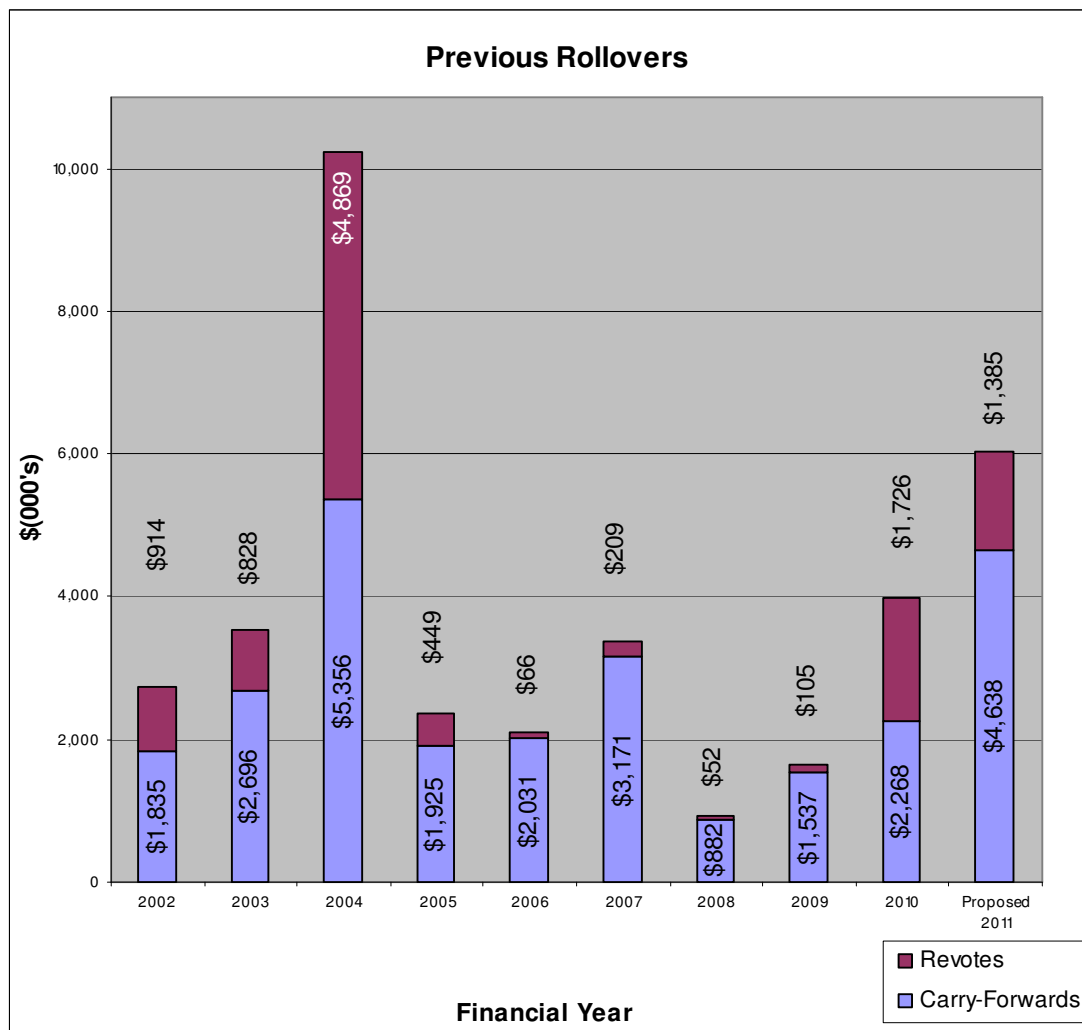
Council's original 2011/2012 Budget estimate is a \$330.306 cash surplus after internal transfers and before depreciation of \$18.669 million. **TABLE 1 OF ATTACHMENT 1** details works committed or in progress at the end of the 2010/2011 financial year. Typically, these funds are legally committed but remain partially or wholly unexpended at the end of the financial year. The funds are not automatically **carried forward** to the new financial year, Council is required to review the funds carried forward. Other unexpended funds may remain uncommitted and such votes lapse unless specifically revoted by Council.

The following table is a summary of the amounts recommended to be rolled forward from 2010/2011.

	<b>Total</b>	<b>Recurrent</b>	<b>Capital</b>
<b>Carry Forwards – Table 1</b>	<b>\$4,638,108</b>	<b>\$66,225</b>	<b>\$4,571,883</b>
<b>Revotes – Table 2</b>	<b>\$1,385,303</b>	<b>\$33,303</b>	<b>\$1,352,000</b>
<b>Total</b>	<b>\$6,023,411</b>	<b>\$99,528</b>	<b>\$5,923,883</b>

For comparative purposes the following table is a summary of the amounts rolled forward from 2009/2010.

	<b>Total</b>	<b>Recurrent</b>	<b>Capital</b>
<b>Carry Forwards</b>	<b>\$2,268,332</b>	<b>\$112,095</b>	<b>\$2,156,237</b>
<b>Revotes</b>	<b>\$1,725,988</b>	<b>\$20,988</b>	<b>\$1,705,000</b>
<b>Total</b>	<b>\$3,994,320</b>	<b>\$133,083</b>	<b>\$3,861,237</b>



## LEGAL AND POLICY AND RISK IMPLICATIONS

Once an approval or vote has lapsed and it does not fit the criteria of a carry forward it can only be reinstated by a resolution of the Council.

## SUSTAINABILITY IMPLICATIONS

Includes social, economic and environmental implications.

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

## CONSULTATION

- 1) Executive Group;
- 2) Section Managers.

**OPTIONS**

- 1) That Council adopts the Carry Forwards and Revotes detailed in this report;
- 2) That Council amends the Carry Forwards and Revotes detailed in this report;
- 3) That Council rejects the Carry Forwards and Revotes detailed in this report.

**ATTACHMENTS**

- 1) Table 1 – Identified Votes to be carried forward from 2010/2011 (Attachment 1);
- 2) Table 2 – Identified Revotes elected from 2010/2011 (Attachment 1);
- 3) Table 3 – Summary of sources of funds for votes rolled forward (Attachment 1).

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ATTACHMENT 1

TABLE 1 – IDENTIFIED VOTES TO BE CARRIED FORWARD FROM 2010/2011

COMMERCIAL SERVICES

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
<b>COMMERCIAL ENTERPRISES</b>						
Fingal Bay Holiday Park	Recreation Room upgrade.	\$326,162	\$0	\$326,162	Business Operations Restricted Fund	Work in progress.
Halifax Holiday Park	Install 5 Bay Villas and office refurbishment.	\$182,810	\$0	\$182,810	Business Operations Restricted Fund	Work in progress.
Shoal Bay Holiday Park	Footpath reconstruction, install catamarans 1-4 and 11-13 and refurbish recreation room and kitchen.	\$310,104	\$0	\$310,104	Business Operations Restricted Fund	Work in progress.
	<b>TOTAL</b>	<b>\$819,076</b>	<b>\$0</b>	<b>\$819,076</b>		
<b>COMMERCIAL PROPERTY</b>						
Property Investments	Terrace Shopping Village, 437 and 528 Hunter Street.	\$375,000	\$0	\$375,000	Investment Properties Depreciation Fund	Asset Rehabilitation to be completed.
Property Development	Raymond Terrace Sports Fields, Salamander Commercial, Salamander Waters and miscellaneous developments.	\$1,700,000	\$0	\$1,700,000	Business Development Restricted Fund	Work in progress.
	<b>TOTAL</b>	<b>\$2,075,000</b>	<b>\$0</b>	<b>\$2,075,000</b>		



**SUSTAINABLE PLANNING**

Component	Master Description	Total Carried Forward	Recurrent	Capital	Source of Funds	Reason Carried Forward
<b>ENVIRONMENTAL AND DEVELOPMENT PLANNING</b>						
Natural Resources	Mambo Wetland project.	\$2,216	\$2,216	\$0	Restricted Cash	Work in progress.
Natural Resources	Boat Harbour Parks and Reserves.	\$33,009	\$33,009	\$0	Restricted Cash	Work in progress.
Natural Resources	Tilligerry public land project.	\$3,000	\$3,000	\$0	Grant	Work in progress.
Strategic Planning	Planning Studies.	\$28,000	\$28,000	\$0	Restricted Cash	Work in progress.
	<b>TOTAL</b>	<b>\$66,225</b>	<b>\$66,225</b>	<b>\$0</b>		

**FACILITIES AND SERVICES**

<b>Component</b>	<b>Master Description</b>	<b>Total Carried Forward</b>	<b>Recurrent</b>	<b>Capital</b>	<b>Source of Funds</b>	<b>Reason Carried Forward</b>
<b>CIVIL ASSETS</b>						
Drainage	Glenelg Street, Medowie Road, Nelson Bay CBD, Seabreeze Estate, Shoal Bay Road, Sandy Point Road and Campvale Drain.	\$512,239	\$0	\$512,239	Drainage Restricted Fund and Restricted Cash	Work unfinished. Scheduled to be completed in 2012.
Design and Project Development	Old Main Road Anna Bay, Gan Gan Road, Newline Road, Halloran Way, James Paterson Street, Brandy Hill Drive, Clarence Town Road, Gibbers Drive, Lemon Tree Passage Road, Bucketts Way, Grahamstown Road and Sandy Point Road.	\$871,562	\$0	\$871,562	Grants, Restricted Cash, Transport Restricted Fund and Revenue	Work unfinished. Scheduled to be completed in 2012.
Design and Project Development	Bus Facilities and Disability Access.	\$156,709	\$0	\$156,709	Grants and Restricted Cash	Work unfinished. Scheduled to be completed in 2012.
Design and Project Development	Design and Easements.	\$17,511	\$0	\$17,511	Transport Restricted Fund	Design has commenced and is ongoing.
Community and Recreation Assets	Bill Strong extension of playing surfaces.	\$36,621	\$0	\$36,621	Restricted Cash and Ward Funds	Work in progress.
Community and Recreation Assets	Anna Bay Hall kitchen replacement.	\$4,648	\$0	\$4,648	Revenue	Commenced but not completed.

**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

<b>Component</b>	<b>Master Description</b>	<b>Total Carried Forward</b>	<b>Recurrent</b>	<b>Capital</b>	<b>Source of Funds</b>	<b>Reason Carried Forward</b>
Community and Recreation Assets	Lemon Tree Passage Boardwalk replacement.	\$78,517	\$0	\$78,517	Grant and Restricted Cash	Commenced but not completed. More work planned for Oct 2011.
	<b>TOTAL</b>	<b>\$1,677,807</b>	<b>\$0</b>	<b>\$1,677,807</b>		

**TOTAL FOR TABLE 1 – CARRY FORWARDS**

<b>Total</b>	<b>Recurrent</b>	<b>Capital</b>
<b>\$4,638,108</b>	<b>\$66,225</b>	<b>\$4,571,883</b>

**TABLE 2 – IDENTIFIED VOTES TO BE REVOTED FROM 2010/2011**

**COMMERCIAL SERVICES**

<b>Component</b>	<b>Master Description</b>	<b>Total Carried Forward</b>	<b>Recurrent</b>	<b>Capital</b>	<b>Source of Funds</b>	<b>Reason Carried Forward</b>
<b>COMMERCIAL ENTERPRISES</b>						
Halifax Holiday Park	Workshop Refurbishment.	\$10,000	\$0	\$10,000	Business Operations Restricted Fund	To be completed in 2011/2012.
Fingal Bay Holiday Park	Install 6 Garden Villas.	\$960,000	\$0	\$960,000	Business Operations Restricted Fund	To be completed in 2011/2012.
Business Operations Marketing and Administration	Fit out new office premises.	\$275,000	\$0	\$275,000	Business Operations Restricted Fund	To be completed in 2011/2012.
	<b>TOTAL</b>	<b>\$1,245,000</b>	<b>\$0</b>	<b>\$1,245,000</b>		

**FACILITIES AND SERVICES**

<b>Component</b>	<b>Master Description</b>	<b>Total Carried Forward</b>	<b>Recurrent</b>	<b>Capital</b>	<b>Source of Funds</b>	<b>Reason Carried Forward</b>
<b>CIVIL ASSETS</b>						
Community and Recreation Assets	Fingal Bay Playground Assets.	\$107,000	\$0	\$107,000	Restricted Cash and Grants	Due to commence August 2011.
	<b>TOTAL</b>	<b>\$107,000</b>	<b>\$0</b>	<b>\$107,000</b>		

**GENERAL MANAGERS OFFICE**

<b>Component</b>	<b>Master Description</b>	<b>Total Carried Forward</b>	<b>Recurrent</b>	<b>Capital</b>	<b>Source of Funds</b>	<b>Reason Carried Forward</b>
Councillor Services	Minor Works & Sec 356 Grants for Community Assistance.	\$33,303	\$33,303	\$0	Revenue	Council decision that funds roll forward each year.
	<b>TOTAL</b>	<b>\$33,303</b>	<b>\$33,303</b>	<b>\$0</b>		

**TOTAL FOR TABLE 2 – REVOTES**

<b>Total</b>	<b>Recurrent</b>	<b>Capital</b>
<b>\$1,385,303</b>	<b>\$33,303</b>	<b>\$1,352,000</b>

**TABLE 3 – SUMMARY OF SOURCE OF FUNDS FOR VOTES ROLLED FORWARD**

<b>SOURCE OF FUNDS</b>	<b>TOTAL</b>	<b>RECURRENT</b>	<b>CAPITAL</b>
REVENUE	\$86,390	\$33,303	\$53,087
DRAINAGE LEVY RESTRICTED FUND	\$498,527	\$0	\$498,527
RESTRICTED CASH	\$551,146	\$63,225	\$487,921
BUSINESS DEVELOPMENT RESTRICTED FUND	\$1,700,000	\$0	\$1,700,000
INVESTMENT PROPERTIES DEPRECIATION FUND	\$375,000	\$0	\$375,000
BUSINESS OPERATIONS RESTRICTED FUND	\$2,064,076	\$0	\$2,064,076
TRANSPORT LEVY RESTRICTED FUND	\$287,395	\$0	\$287,395
ASSET REHABILITATION RESTRICTED FUND	\$195,937	\$0	\$195,937
COUNCILLOR WARD FUNDS	\$15,000	\$0	\$15,000
GRANTS AND CONTRIBUTIONS	\$249,940	\$3,000	\$246,940
<b>TOTAL</b>	<b>\$6,023,411</b>	<b>\$99,528</b>	<b>\$5,923,883</b>

ITEM NO. 6

FILE NO: PSCA2004-0242

**REVIEW OF POLICY – BUDGET CONTROL AND AUTHORISATION**

REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER

GROUP: COMMERCIAL SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Budget Control and Authorisation policy as amended.
- 

**COUNCIL COMMITTEE MEETING – 20 SEPTEMBER 2011****RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Bob Westbury</b>
	That the recommendation be adopted.

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>349</b>	<b>Councillor Glenys Francis</b> <b>Councillor Caroline De Lyall</b>
	It was resolved that the recommendation be adopted.

**BACKGROUND**

The purpose of this report is to review the budget control and authorisation policy which was originally adopted by council in July 1998 and last amended 28th July 2009 council minute number 237.

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

No significant amendment to the policy is proposed.

**FINANCIAL/RESOURCE IMPLICATIONS**

The implementation of this policy will ensure sound financial management and ensure all Council expenditure is legally authorised.

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

The policy will ensure that Council expenditure is legally authorised under provisions contained in the local Government Act 1993 and Local Government (General) Regulations 2005.

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

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

## **CONSULTATION**

- 1) Group Manager Commercial Services.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Budget Control and Authorisation Policy with amendments.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1



POLICY

Adopted: 21/07/98  
Minute No: 336  
Amended:  
Minute No:

**FILE NO: A2004-0242**

**TITLE: BUDGET CONTROL & AUTHORISATION**

**REPORT OF MANAGEMENT ACCOUNTANT**

**BACKGROUND**

On the 20<sup>th</sup> December 2005 Council adopted a Budget Control and Authorisation Policy Minute No. 384. Council is committed to ensuring the allocation of its resources is responsible and appropriate.

**OBJECTIVE**

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

**PRINCIPLES**

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



## POLICY STATEMENT

### GENERAL

- 3) Each year, Council will approve estimated income and expenditure for works and services as Part of the Council Plan. The estimates will be submitted to Council in the form of a 3 year Profit and Loss Statement. However they will be supported by detailed estimates at activity (prime job number) level. For the purposes of the Local Government (General) Regulation 2005, Council will be deemed to have approved the Budget at Program level.
- 4) No employee shall incur a liability unless Council has approved such expenditure, and they must have the necessary authority delegated to incur a liability on behalf of Council.
- 5) As the responsible accounting officer, the General Manager is to ensure;
  - That appropriate budgeting and accounting systems (including internal control systems) are established and maintained.
  - That a system of budgetary control is established and maintained that will enable Council's actual income and expenditure to be monitored each month and to be compared with the estimate of Council's income and expenditure. If any instance arises where the actual income or expenditure of the Council is materially different from its estimated income or expenditure, the General Manager must report the instance to the next meeting of Council.
  - Local Government (General) Regulation 2005.

#### **Changes**

**Delete:** "Part of the Council Plan"

**Insert:** "Integrated Strategic Plan"

**Delete:** "3 year Profit and Loss Statement"

**Insert:** "10 year Long Term Financial Plan"

**Delete:** "Program level"

**Insert:** "Section level"

**Delete:** "Local Government (General) Regulation 2005."

### VOTING AND AUTHORISING NEW EXPENDITURE

- 1) The voting and authorising of additional expenditure not included in the original budget is the statutory responsibility of Council and cannot be delegated to the General Manager or any other person. This requirement is valid irrespective of whether new items of expenditure are offset by additional income not included in the original estimates.
- 2) Council authority for such new items are to be obtained by either;

- Including details in a Quarterly Budget Review; or
  - In a separate report to Council.
- 3) To ensure that all decisions by Council, have taken into account the overall impact on the budget and Council priorities:
- Reports to standing committees are to include recommendations from the relevant Manager, of the impact on the current or future budgets.
  - The funding/budget implications will be referred to the Committee meeting as part of the Quarterly Budget Review, with a recommendation from Executive Team based on a corporate assessment of overall budget implications and priorities;
  - The Committee will then make a recommendation to Council, after considering the full budgetary implications of all proposals, based on overall planning priorities and budget/financial implications.

**Changes**

**Delete:** "Manager"  
**Insert:** "Section Manager"

**Insert:** "Council Committee meeting"

**Insert:** "Quarterly Budget Review Statement"

**Insert:** "Executive Leadership Team"

**Insert:** "Quarterly Budget Review Statement"

**TRANSFERRING VOTES**

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

**BUDGET REVIEWS**

- 1) The General Manager will prepare and submit to Council a Quarterly Budget Review within 2 months weeks of the end of each quarter.
- 2) The Quarterly Budget Review will show the actual income and expenditure at the end of the quarter and a revised estimate of income and expenditure for the year.

**Changes**

**Insert:** "Quarterly Budget Review Statement"

- 3) The Quarterly Budget Review will itemise any votes transferred within the same Group during the period under delegated authority, as well as any additional votes or transfers that require Council approval.
- 4) The Quarterly Budget Review must include a report as to whether the General Manager believes that the Statement indicates if Council's financial position is satisfactory or unsatisfactory and recommendations for remedial action, if necessary.

### **UNEXPENDED VOTES (REVOTES)**

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

### **Changes**

**Insert:** "Quarterly Budget Review Statement"

**Insert:** "Quarterly Budget Review Statement"

**Insert:** "Quarterly Budget Review Statement"

**Insert:** "5) The Quarterly Budget Review Statement must include a report that provides sufficient information to alert Council to any issues or potential problems that may impact its ability to achieve stated financial targets."

**Insert:** "The Quarterly Budget Review Statement must include a report that provides sufficient information to inform Council as to whether Council's Capital Works Program is on track to deliver the projects outlined in its Asset Management Plan."

lapsed votes that in the opinion of the General Manager, should be revoked for the next period.

**RELATED POLICIES**

Nil.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**SOCIAL IMPLICATIONS**

Nil.

**ECONOMIC IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

Nil.

**RELEVANT LEGISLATIVE PROVISIONS**

Local Government Act 1993

Local Government Act (General) Regulation 2005

**IMPLEMENTATION RESPONSIBILITY**

Commercial Services.

**REVIEW DATE**

Two years from adoption.

**Changes**

**Insert:** "Commercial Services Group"

**ITEM NO. 7**

**FILE NO: A2004-0217**

**GENERAL MANAGER'S REPORT ON \$750K NOTICE OF MOTION**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note that the General Manager will deliver an improvement in the underlying operating surplus for 2011/12 of not less than \$750,000;
  - 2) Establish a target of not less than \$15 million underlying operating surplus by 30 June 2015;
  - 3) That the General Manager brief the Unions and staff on the results achieved since 2005 and seek ongoing staff support for the above target.
- 

**COUNCIL COMMITTEE MEETING – 20 SEPTEMBER 2011**

**RECOMMENDATION:**

	<p><b>Councillor Ken Jordan</b>  <b>Councillor Bob Westbury</b></p>
	<p>That the recommendation be adopted.</p>

**MATTER ARISING**

	<p><b>Councillor Ken Jordan</b>  <b>Councillor Frank Ward</b></p>
	<p>That Council write to the Premier and the Member for Port Stephens and request that they honour their commitment to infrastructure funding to local government in NSW, election promises to Port Stephens and the review of the rate pegging system.</p>

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

	<p><b>Councillor Steve Tucker</b>  <b>Councillor Shirley O'Brien</b></p>
	<p>That Council</p> <ol style="list-style-type: none"> <li>1) Note that the General Manager will deliver an improvement in the underlying operating surplus for 2011/12 of not less than \$750,000;</li> <li>2) Establish a target of not less than \$15 million underlying operating surplus by 30 June 2015;</li> </ol>

## MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011

	3) That the General Manager brief the Unions and staff on the results achieved since 2005 and seek ongoing staff support for the above target.
--	--

The motion on being put was lost.

### MOTION

350	<b>Councillor Glenys Francis</b> <b>Councillor John Nell</b>
	It was resolved that Council write to the Premier and the Member for Port Stephens and request that they honour their commitment to infrastructure funding to local government in NSW, election promises to Port Stephens and the review of the rate pegging system.

Cr Bruce MacKenzie and Cr Steve Tucker called for a division.

Those for the motion – Crs Peter Kafer, Glenys Francis, Caroline De Lyall, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Ken Jordan.

Those against the motion – Cr Steve Tucker, Bruce MacKenzie and Shirley O'Brien.

### PURPOSE

The purpose of this report is to report on a Notice of Motion adopted by Council on 9 August 2011 as follows:

### BACKGROUND

THE MOTION IS:

*That Council request the General Manager to prepare a report to Councillors on how the reduction of salaries expenditure on (indoor) staff normally resident in Council's main Administration Building by a minimum of \$750,000 over the 2011 – 2012 financial year will be achieved. (Minute No. – 265)*

Attachment 1 provides a proposal should Council wish to formalise the resolution above. This is NOT recommended due to it targeting a discrete section of the workforce rather than being applied in a way that considers the business workflows across the organisation.

Council has been following a continuous improvement process for several years that is focussed on business improvement, eliminating rework and reducing non-value activities. As part of the continuous improvement process, a service delivery review is in progress that is scheduled to be fully completed by December 2013. Council will

be provided with progressive reports for decision on future services and levels of service. Attachment 2 provides a Gantt Chart of this project.

Attachment 3 provides a copy of an excerpt from the Business Improvement Data Base where staff are recording all of the improvements delivered using the continuous improvement process. A copy of the complete database will be tabled and is available in the Councillors' Room.

Since 2005 Council has achieved nearly \$5M in net income less expenses that have mostly come from the continuous improvement process. This is the amount expended on capital works with approximately 80% spent on asset rehabilitation. Attachment 4 provides a graph to demonstrate this result with a positive trend in net surplus result despite the Global Financial Crisis and the application of Fair Value methodology to asset depreciation.

To progress any changes in the workplace, Council is required to hold discussions with relevant Unions and staff prior to implementation. The United Services Union have written to Council following Council's Notice of Motion reminding Council of its responsibilities and seeking to address the Council at a suitable time (Attachment 5). The General Manager has advised that after Council has reached a decision, negotiation will be initiated and the United Services Union is welcome to seek public access at any time.

There are a number of other factors that could impinge on the achievement of any financial target:

Union concerns at recent contract labour tenders that do not tie labour rates to Council labour rates.

Potential impacts on staff seeking to maintain established service levels with reduced resources.

Unforeseen climatic or other "shocks" to our normal procedures and operations

Given the above information it is recommended that Council establish targets for financial outcomes from the continuous improvement process as detailed in the recommendation above.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Adoption of the Notice of Motion in its current form is not practical and directly impacts on a section of the workforce whose primary role is statutory or providing material support for operations staff. Implementation will create workload issues for other staff and limit the Council's capability to build more efficient systems in electronic processing, workplace support and policy frameworks.

Accepting the recommendations would provide concrete targets and allow staff to contribute to innovation and creativity through the continuous improvement process.

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

Adoption of the Notice of Motion will require Council to accelerate engagement with staff and their advocates, to implement changes that mostly will occur in the normal continuous improvement process. This increases the risk of increased costs and adverse relationships with all stakeholders.

## **SUSTAINABILITY IMPLICATIONS**

Adoption of the Notice of Motion could increase adverse social and economic implications by having to accelerate consultation with relevant stakeholders.

Accepting the recommendations will allow continuation of established processes while increasing the drivers for change by setting the targets for future outcomes.

## **CONSULTATION**

To date consultation has been restricted to the Executive Leadership Team. General discussion has been held with Section Managers and relevant Coordinators and the Consultative Committee.

## **OPTIONS**

- 1) Endorse the Council Notice of Motion;
- 2) Recommendation from the General Manager;
- 3) Other alternative subject to relevant statutory consultation.

## **ATTACHMENTS**

- 1) Executive Leadership Team is \$750K Salary Reduction 2011-12;
- 2) Service Delivery Sustainability Review – Gantt Chart;
- 3) Business Improvement Database – Excerpt;
- 4) Graph: Financial Performance 2005-2012 ;
- 5) United Services Union – Correspondence.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

- a) Business Improvement Database – Complete.



**ATTACHMENT 1  
\$750K Salary Reduction 2011-2012**

**Commercial Services**

• Acknowledge automation of processes and pending staff retirements	\$140,000	
• Reduce vacant Project Officer Role to 3 days per week	30,000	
• Reduce vacant Administrative Officer role to 3 days per week	30,000	
<b>Sub Total</b>		<b>\$200,000</b>

**Corporate Services**

• Reduce hours of staff seeking to transition to retirement, and meet family commitments		
• Reduce skills from Project Officer to Administrative roles		
• Not fill vacancies in work areas that can be deferred (1)		
• Fund Business Analyst from Internal reserves	\$165,000	
<b>Sub Total</b>		<b>\$165,000</b>

**Facilities & Services**

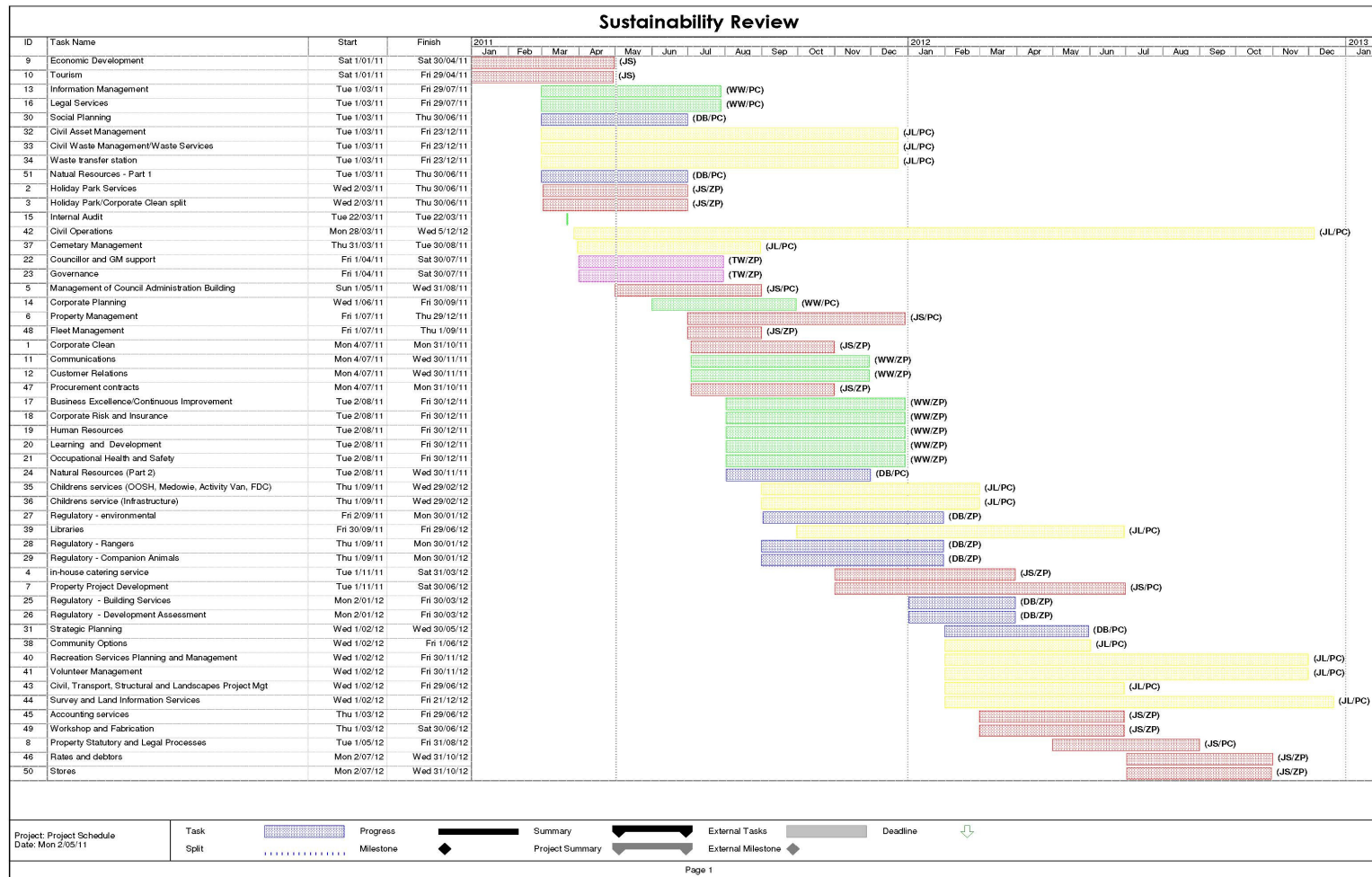
• Reduce the sections from 4 to 3 and redistribute functions	\$70,000	
• Defer consideration of backfilling current maternity leave vacancies	\$65,000	
• Defer replacement of current vacancy pending service delivery review	\$ 50,000	
• Non-refilling of positions on extended leave	\$15,000	
<b>Sub Total</b>		<b>\$200,000</b>

**Sustainable Planning**

• Reducing team by 1.5 positions (by not replacing current vacancies) and existing positions being more generalist	\$125,000	
• Unable to attract suitable strategic engineer, so redesigning position and share with Facilities Services	\$45,000	
• Fill existing professional vacancy by transferring current contractor	\$30,000	
<b>Sub Total</b>		<b>\$200,000</b>

**Total Estimate Savings \$765,000**

**ATTACHMENT 2**



**ATTACHMENT 3**

Group	Section	Responsible Officer(s)	Service or Function	Improvement cause	Improvements result	Created	Created By
Commercial Services	Commercial Property	Alecia Baker	Administration Building Carparking	A process improvement, A people/relationship improvement	An improved, expanded or more efficient service	1/08/2011	Alison Bull
<p>Staff unclear on parking procedures.</p> <p>Fact sheet created and uploaded onto Myport.</p>							
Facilities and Services	Operations	Cindy McLucas, Neville Wilson, Beth Wood, Barbara McTernan, Pam Rawling	Contractor Payment	A process improvement	A saving in time, An improved, expanded or more efficient service	31/08/2011	Cindy McLucas
<p>A review of the way we pay our plant hire suppliers was recently completed and resulted in an improvement to record capture and the payment process.</p> <p>This has reduced rework surrounding payment of contractors via our contractor daily timesheets and receipted created invoices and improved our compliance to auditing requirements.</p>							
Facilities and Services	Operations	Melanie Finlay, Cindy McLucas	Customer Request Management	A process improvement	A saving in time, An improved, expanded or more efficient service	31/08/2011	Cindy McLucas
<p>Facilities &amp; Services receive 60% of all customer requests that come in to PSC. The majority of those requests fall with Operations to review and manage. In order to eliminate rework, improve quality of data and to improve our prioritisation of work a process review has been completed.</p> <p>This review has identified and created a centralised approach to managing all Customer requests received for Operations regardless of the origin. i.e. counter, phone, correspondence. This approach has resulted in elimination of duplicate requests, improved accuracy of request details, increased ability to reasonably prioritise works while also recognising unfunded works.</p> <p>Once this improvement is fully achieved benefits will be gained through improved work scheduling, increase accuracy of corporate reporting and allow our Senior Leadership Team &amp; Councillors to be better informed as to our real progress.</p>							
Facilities and Services	Operations	Cindy McLucas, Melanie Finlay	Contract Management	A process improvement	A saving in time, An improved, expanded or more efficient service	31/08/2011	Cindy McLucas
<p>In 2007 a contract management system the development of a Contract Management System sprung to life. The overall object was to provide a one-stop-shop for our operational areas to access information about our current period/supply contracts. This system contains information about our current contracted suppliers including insurances, rates, safety information.</p> <p>Over time this system has continued to undergo development which has now seen a revamped version released across F &amp; S and other associated sections. The revamped version has enabled the inclusion of a greater range of contracted rates/information while also being able to cater for the collection of other related suppliers which do not fall under a legal contract.</p> <p>Having this information in one location at the finger tips of key users allows for greater efficiency in quoting for and organising works and responding to emergencies.</p> <p>It is the intention that once a Corporate approach for Contractor Management is confirmed this system will be reviewed.</p>							

**ATTACHMENT 3**

Group	Section	Responsible Officer(s)	Service or Function	Improvement cause	Improvements result	Created	Created By
Facilities and Services	Operations	Cindy McLucas, Paul Bettini	Road Maintenance	A process improvement	A saving in time, An improved, expanded or more efficient service	31/08/2011	Cindy McLucas

The implementation of REFLECT.NET (Phase 1) has allowed for an increase in accurate efficient collection of road safety inspection data . This includes the management of road defects such as; potholes, signage, guide posts, guardrail, linemarking and gravel pavements.

This result will improve our ability to effectively produce and manage works schedules in accordance with the Best Practice Guidelines produced by Statewide. In addition, inspection times will improve over time with greater access to previously recorded data.

Facilities and Services	Civil Assets	Stacey Nicholson, Cindy McLucas	Customer Request Management	A process improvement, A people/relationship improvement	An improved, expanded or more efficient service	31/08/2011	Cindy McLucas
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Building Trades recently converted their JOB BOOK works system in to the Customer Request Management (CRM) System.

This significant change to business process resulted in approximately 70 people from various units in Council to under CRM training. This has enabled building trades customers to log requests for work directly into the CRM while also being able to track the progress of their works request system.

In addition, the agreed service level time frames were built in to the CRM workflow which will enable Building Trades to track their success in meeting their commitment to their customers.

This implementation has improved relationships between Building Trades and their customers while also exposing more Council members to the benefits of using the CRM for managing customer requests.

Corporate Services	Information Management	Dale Crichton	ICT Helpdesk	A process improvement	A saving in time, An improved, expanded or more efficient service	30/08/2011	Dale Crichton
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A new request management tool with a user-friendly self service portal has been implemented in line with our service level agreement and a change to the Helpdesk process. We have also more clearly highlighted the difference between a break/fix of an existing supported service or equipment and an Opportunity for Improvement.

In most cases customer will now be encouraged/required to lodge their own request in their own words, this benefits the customer by allowing them to create requests at any time, not just during hours the helpdesk is manned. Similarly, any follow-up information can be provided or enquiries made in real-time without requiring intervention of the Helpdesk Officer.

Additionally, the process change will provide more opportunity for the single Helpdesk Officer to respond to and address customer requests in a more timely manner.

**ATTACHMENT 3**

Group	Section	Responsible Officer(s)	Service or Function	Improvement cause	Improvements result	Created	Created By
Corporate Services	Organisation Development	Michelle Gilliver-Smith	Labour Hire Tender Rates	A people/relationship improvement	A financial saving, An improved, expanded or more efficient service	4/08/2011	Michelle Gilliver-Smith
<p>A review of the tender requirements ensured a greater delivery of service from the panel of labour hire providers appointed and a reduction in costs to Council.</p> <p>By removing the necessity for labour hire companies to pay the same base rate of pay to their employees as Port Stephens Council pays to a similar employee and instead just requiring the labour hire company to comply with their legal obligations, we have been able to reduce costs to Council by 3.8%. This should realise a saving in this current financial year of \$70,000, based on similar usage patterns to the last 12 months.</p>							
Corporate Services	Organisation Development	Nicole Le Grange	Work Health & Safety	A process improvement	An improved, expanded or more efficient service	15/08/2011	Nicole Le Grange
<p>The Mental Health Management in the Workplace procedure, is designed to assist managers and staff in supporting employees who are experiencing or recovering from mental health issues that may impact in the workplace. Council has a legal responsibility to provide a healthy and safe workplace and to eliminate discrimination and harassment of workers with a mental illness or mental health issues.</p>							
Corporate Services	Organisation Development	Nicole Le Grange	Work Health & Safety	A people/relationship improvement	An improved, expanded or more efficient service	15/08/2011	Nicole Le Grange
<p>The Managing Mental Health in the Workplace Flyer was developed as a quick reference guide and is a good source of general information.</p>							
Corporate Services	Organisation Development	Nicole Le Grange	Work Health & Safety	A process improvement	An improved, expanded or more efficient service	15/08/2011	Nicole Le Grange
<p>The Electrical Safety Procedure applies to the use and maintenance of electrical equipment or installations owned or operated by Council. The objective of this procedure is to manage the risk associated with the use, repair and maintenance of electrical installations and equipment.</p>							
Corporate Services	Organisation Development	Nicole Le Grange	Work Health & Safety	A process improvement	An improved, expanded or more efficient service	15/08/2011	Nicole Le Grange
<p>The Work Health and Safety Responsibilities Guideline provides an overview of your safety responsibilities here at PSC.</p>							
Corporate Services	Organisation Development	Nicole Le Grange	Work Health & Safety	A process improvement	An improved, expanded or more efficient service	15/08/2011	Nicole Le Grange
<p>The Guide to Risk and Safety Training at PSC provides a snapshot of all of the current Risk and Safety Training that is being provided as well as the statutory training. This document can also be used when undertaking your IWDP reviews, as well as developing budgets for future training needs.</p>							

**ATTACHMENT 3**

Group	Section	Responsible Officer(s)	Service or Function	Improvement cause	Improvements result	Created	Created By
Corporate Services	Organisation Development	Zoe Pattison	Business Excellence	A process improvement, A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	15/08/2011	Zoe Pattison
<p>The Business Operating System is a one stop shop outlining "how we do things" at PSC. Using the Categories of the Australian Business Excellence Framework, this document pulls together all the associated approaches, documents, tools, templates, frameworks etc that we use in our business. The Business Operating System supports a "one Council" approach to how we run our business.</p>							

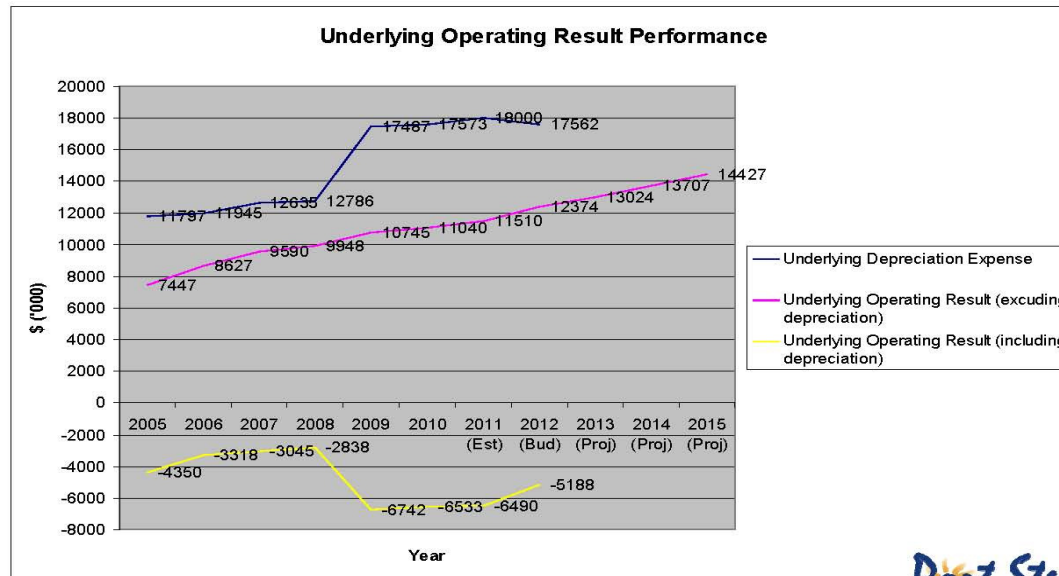
ATTACHMENT 4

PORT STEPHENS COUNCIL



Attachment 4

# Sustained Operating Result Improvement





ATTACHMENT 5



09-08-11:12:45 :United Services Union Newcastle

:61 2 49621758

# 2 / 3

New South Wales Local Government, Clerical,  
Administrative, Energy, Airlines & Utilities Union

Our Ref: 080811.lh.gs

8<sup>th</sup> August 2011

Cr Bob Westbury  
Mayor  
Port Stephens Shire Council  
PO Box 42  
RAYMOND TERRACE NSW 2324

Facsimile: 4981 4059

Dear Cr Westbury

**Reduction in Salaries Expenditure on (Indoor) Staff in Council's Main Admin Building**

The United Services Union is the largest Industrial organisation within New South Wales Local Government representing the major sector of staff employed (both Indoor and Outdoor) at Port Stephens Council.

We write with strong concern regarding the 'Notice of Motion No.1' of the scheduled extraordinary Council meeting held on Tuesday 2<sup>nd</sup> August 2011. The Union refers to the minutes of this meeting where it was resolved:

*"That Council request the General Manager to prepare a report to Councillors on how the reduction of salaries expenditure on (indoor) staff normally resident in Council's main Administration Building by a minimum of \$750,000.00 over the 2011 – 2012 financial year will be achieved."*

The Union's believe this decision may have catastrophic affects on the livelihood of our members and may also impact the services Council currently provide to the community. Another concern of the Union is Council's perceived target of members employed primarily at Council's Administration Building and the pressure this will place on our already anxious membership.

As Council may be aware, the Union is currently negotiating on behalf our membership for the new enterprise agreement in a considered, responsible manner. The Union understands Council's current financial difficulties, which have been discussed throughout these negotiations on numerous occasions facilitated by the Honourable D. P. Harrison of the New South Wales Industrial Relations Commission.

We respectfully request the "Council" provide to the Union, and members, a detailed plan of how these savings are intended to be initiated. Council has a duty under *Clause 28* of the current *Port Stephens Council Enterprise Agreement 2008*; that once Council has made a definite decision to introduce major change, it is required to notify and discuss the changes with its employees, and their respective Union/s, and the impact of any significant effects.

Registered Office: Level 7, 321 Pitt St Sydney 2000 • Phone: (02) 9265 8211

Facsimile: (02) 9261 2265 • Email: [united@usu.org.au](mailto:united@usu.org.au) • Website: [www.usu.org.au](http://www.usu.org.au) • ABN: 95 571 805 442

Regional Offices Newcastle, Wollongong. Satellite Offices Armidale, Bathurst, Canberra, Dubbo, Grafton, Hay, Port Macquarie, Wagga Wagga



ATTACHMENT 5

09-08-11:12:45 [United Services Union Newcastle] .61 2 49621750 # 2/ 3

To date, the Union has failed to receive any formal documentation from Council with regard to this motion and its potential effects.

The USU is willing to attend the scheduled Council meeting and make representations on behalf of our membership regarding this item.

We request that this correspondence is distributed to all elected Councillors and tabled at the Ordinary Council Meeting regarding the aforementioned item. We also request that Council consider our correspondence and provide the Union with a written response in a timely manner.

Should you need to discuss this matter further, please feel free to contact USU Organiser Luke Hutchinson on 0419 761 323 or alternatively on (02) 49 621-444.

Yours faithfully,

Graeme Kelly  
General Secretary

Per: LH

ITEM NO. 8

FILE NO: PSC2011-01498

## COMMUNITY GRANTS – FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

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### RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from Ward Funds as detailed below:

#### EAST WARD

- a) Nelson Bay Touch Association – Costs associated with a State competition - \$1,500.
- b) Combined Churches of Tomaree – Costs associated with the annual Christmas Carols event - \$2,000.
- c) Real Futures Foundation – Costs associated with the POLISH program - \$2,000.

#### CENTRAL WARD

- a) Nelson Bay Touch Association – Costs associated with a State competition - \$500.
- b) Port Stephens Young Christian Outreach – Costs associated with facility improvements - \$500.
- c) Sailability NSW – Port Stephens – Costs associated with equipment purchases - \$715.
- d) Fighter World – Williamtown – Costs associated with development application fees for the new toilet block - \$1,482.50.

#### WEST WARD

- b) Karuah River Men's Shed Inc. – Seeking seed funding for the Men's Shed - \$2,000.

#### MAYORAL FUNDS

- c) Northern NSW Federation of Justices of the Peace Inc. – Costs associated with holding the conference in Port Stephens - \$500.
-

## MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011

### COUNCIL COMMITTEE MEETING – 20 SEPTEMBER 2011

#### RECOMMENDATION:

	<b>Councillor Bob Westbury</b> <b>Councillor Geoff Dingle</b>
	That the recommendation be adopted.

### ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011

<b>351</b>	<b>Councillor John Nell</b> <b>Councillor Bruce MacKenzie</b>
	It was resolved that the recommendation be adopted.

## BACKGROUND

Council's Financial Assistance Policy provides for Community Grants to be called in July and January each year. This is the fourth round of funding under this Policy.

Council called for Community Grant applications from 7 July 2011 to 28 July 2011. All applications received are shown at **ATTACHMENT 1**. A total of 9 applications were received.

The total value of the Grants received is:

East Ward	\$ 7,905.00 – shown in blue in attachment
Central Ward	\$ 1,982.50 – shown in yellow in attachment
West Ward	\$ 2,000.00 – shown in green in attachment
Whole of LGA	<u>\$ 3,215.00</u> – shown in white in attachment
	\$13,620.00

The applications received were assessed by the panel comprising of the Mayor, Cr Westbury, Councillor's Dover, Tucker, Jordan, in accordance with the criteria under the Financial Assistance Policy.

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

## FINANCIAL/RESOURCE IMPLICATIONS

Council Ward Funds are the funding source for all financial assistance. Council has provided for \$36,000 per year, with \$18,000 being available on each occasion Grants are called. These Grants are limited to \$2000 per grant.

## **LEGAL AND POLICY IMPLICATIONS**

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

The policy interpretation required is whether the Council believes that:

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

## **SUSTAINABILITY IMPLICATIONS**

Includes social, economic and environmental implications

The provision of the Community Grants allows organisations and groups to build relationships and provide events to the local community whilst further developing the cultural, social and economic aspects of the local government area.

## **CONSULTATION**

- 1) Mayor;
- 2) Councillors;
- 3) General Manager;
- 4) Port Stephens community.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Community Grants applications received.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1

ID	Organisation Details  Organisation Name	Financial Information  1. What is the total amount of your request (exclusive of GST)?	2. What is the total cost of the project (exclusive of GST)?	3. If Council is not the sole source of funds for the project, please provide details of the source of other funds	4. Why is the project not able to be funded from other sources?	Project Information  1. Please provide details of how you and/or your organisation intends to expend the funds.	6. Additional Information
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**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

<p>00002 Page 1</p>	<p>Nelson Bay Touch Association</p>	<p>\$2000.00</p>	<p>approx. \$5000.00</p>	<p>The entire event is being funded by the Nelson Bay Touch association and by the probable fee of \$50.00 being charged to each of the participants.</p>	<p>This is the first time an event of this has been held anywhere in NSW. It is hoped that if successful corporate sponsorship will be sort in the future, however to ensure the success of the event the Nelson Bay Touch Association wanted to retain complete ownership of the running of the event.</p>	<p>Tips for Touch coaching clinic will target high school students within the Port Stephens area. The purpose of the clinic is primarily to provide Port Stephens Junior Touch Players (and our NBTA Affiliated Coaches) with training and skill development opportunities through the engagement of various Regional, State and National Coaches as well as Regional, State and National representative players to improve the players understanding of the game of touch. It is also a secondary objective to provide players with a greater understanding of the skills, mental preparation and fitness levels required to be successful at higher level selection (regional, state and national teams). The funds will be used to provide lunches to all the participants including specialist coaches that are attending at their own cost and unpaid. The funds will also be utilised to reduce costs to participants in providing shirts (promoting harmony) and touch balls. All shirts and balls will be purchased from local business's to reduce costs.</p>	
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**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

<p>00003 Page 5</p>	<p>Combined Churches of Tomaree</p>	<p>\$2000</p>	<p>\$10000</p>	<p>The Greater Building Society is our major sponsor of the Christmas Carols. We are currently seeking to source other funding from local business to add to the funding that the local churches contribute</p>	<p>Community Event of this nature only possible through the contribution from many throughout the community</p>	<p>The funds will be used to help cover the costs of the PA and lighting that the event requires which has a total of \$3500</p>	<p>The Carol's event is being planned for the 11th December this year commencing at 6:30 - 9:30.</p> <p>We have asked for a higher amount in the application this year as we have had some sponsors such as Prime pull out this year leaving us behind in our budget at this stage.</p> <p>With the additional request of funds we will be able to include acknowledgement of your support in the carols booklet on the night as well as acknowledging your support publicly from the stage</p>
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**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

00004Page 8	Real Futures Foundation	\$2,000.00	POLISH costing up to \$8000.00 per year per school	Our Sponsors from the business community of Nelson Bay. More sponsorship is needed.	We are in great need of more sponsorship from the local community and funding to run the programs that we run to combat youth unemployment. For Full details of our organisation our website is <a href="http://www.realfutures.com.au">www.realfutures.com.au</a> .	Running self Development courses for students to help assist them make the transition from school to work. "Polish" is a program run over one day for about 20 students. Thus we need help funding this to students as there are more than 1/2 of the currently in year ten not getting a chance to attend this valuable course. It is a dynamic workshop delivered by professional tutors, to assist in the development of interview skills, deportment, grooming, employers' expectations, manners and etiquette. Lunch with community members is provided. The key outcome is to instil a notable increase in the confidence and self esteem of the participants.	
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MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011

<p>00007 Page 11</p>	<p>Corlette Hall Parks and Reserves</p>	<p>\$1905.00</p>	<p>\$1905.00</p>	<p>Not applicable</p>	<p>Our Committee has insufficient funds to both pay for the tap/shower as well as the returfing project. This tap is Stage 1 and we cannot proceed without the installation.</p>	<p>Installation of a tap/shower at Conroy Park - eastern exit from beach. This is stage one of our main project for the remainder of this year, ie, the returfing of Conroy Park. We undertook a very successful similar project at Roy Wood Reserve 2 years ago. The existing tap attached to the toilet block is unsuitable (refer additional information). The proposal to install a shower at the same time as the tap would be most cost effective and provide an additional facility for locals and tourists at this very popular reserve.</p>	<p>•Feedback has been very positive from people at Roy Wood Reserve where the Committee has returfed the park. The same improvements are planned for Conroy. This park is extremely popular for local community gatherings due to the shade in summer and the sun in winter (when the Coral Trees lose their leaves) •We regularly receive complaints about the lack of a simple water tap at which to obtain a drink without having to use the toilet hand basin or bend over to ground level to use the one located adjacent the shower on the back wall of the toilet block. There used to be a beach exit near the toilet block/outside shower. Only two exits from the beach remain and these are both located well away from the toilet block/shower •Because of this People also complain about having to make their way to the shower behind the toilet block just to simply clean their feet before they go back to their cars. •Committee has agreed for several years that we need an extra tap at Conroy as we cannot use the existing shower tap located on the back wall of the toilet block as any link of hoses would cause a trip hazard near the shower. A separate tap is required and we are suggesting this serve a dual purpose by locating it at the eastern beach exit. •Our Committee has sufficient funds</p>
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MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011

							<p>to buy the temporary irrigation equipment and turf, our volunteers would install it and we would arrange the laying of turf, preferably this spring, and our volunteers would be responsible for turning the system on and off, as has been done very successfully at Roy Wood Reserve. We do not have the funds to cover the cost of the Council plumber installing a tap to which we could attach the system.</p> <ul style="list-style-type: none"><li>•The installation of a shower has been costed at \$500. We believe this would be a worthwhile addition to this park. However, if insufficient funding is provided via the grant, we would only install a tap.</li></ul>
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**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

00005 Page 16	Port Stephens Young Christian Outreach	500	750	Children make donations toward program costs. Some of this is used for the improvement work. There is some fund raising through selling of drinks from the canteen.	None available	Funds will be used to buy materials from local hardware stores	
00010 Page 19	Karuah River Men's Shed Inc.	\$2000	Full costings in progress.	To be determined.	Because of our immediate need of funding	As a newly formed Men's Shed we are in desperate need of seed capital to bring to fruition the need of the community in establishing a Men's Shed in Karuah.	
00008 Page 22	Sailability NSW - Port Stephens	\$715.00	\$715	No other source	Requests for funding not forthcoming	<ol style="list-style-type: none"> <li>1. Purchase Vita Ultima Vacuum Cleaner with Turbo head \$209</li> <li>2. Purchase Single Gear change lever system for a WB10 Dinghy \$330</li> <li>3. Purchase a 12v-7AH battery charger \$199</li> <li>4. Purchase 2 boxes (5 reams each) printing paper \$56</li> </ol>	We have not yet received the CURRENT Certificate of Currency from our parent organisation. It is issued under the auspices of the NSW Sports Federation; we should receive it shortly.

**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

00009 Page 26	Port Stephens Ngioka Centre	\$2,000	\$4,000+	Dollar-for-dollar funding by Port Stephens Ngioka Centre	Insufficient Parks & Reserves budget funding	Batter down an existing slope and remove dilapidated rock wall. Replace bare ground with buffalo turf.	
00011 Page 29	The Northern NSW Federation of Justices of the Peace Inc.	\$500.00	\$6,000 approx. plus transport to the venue, accommodation and meal costs per delegate	Each delegate or observer attending the conference will pay a registration fee. Donations received from members.	We do not satisfy the criteria needed to qualify for other grants being offered or we have not been able to secure monetary sponsorship through other sources.	Tour of Port Stephens local area including Dolphin watch cruise, visit to Murray's Brewery, lunch and shopping at Port Stephens Marina area; Civic reception to welcome guests and officials; Twilight dinner cruise; Conference for delegates and observers at Marina Resort including lunch; wine tasting; formal dinner; Sunday Church service; accommodation at Marina Resort; tour of Morpeth or shopping, golf or other activities for visitors not attending conference.	We are hoping to showcase the Port Stephens area to the delegates visiting from other Australian states and New Zealand. We have tried to include as much local business and social activities as possible in our itinerary so that it will give the delegates and observers a glimpse of what Port Stephens has to offer and encourage future tourism to the area.

**ITEM NO. 9**

**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) Port Stephens Historical Society – Rapid Response – Mayor - Reimbursement of Cost for the Hire of the Tomaree Library Rooms in respect of talks held on 25<sup>th</sup> February, 15<sup>th</sup> April and 20<sup>th</sup> May 2011 - \$60.00;
  - b) Medowie Seniors Social Club – Rapid Response – Cr Dingle – Funds to support the purchase of bowls and carpet to provide a resource for social and physical engagement - \$360.00;
  - c) Karuah Progress Association – Requisition for Funds – West Ward – Reimbursement of costs of Construction Certificate and DA for the proposed conversion of an unused netball court to a skateboard facility - \$2,777.50;
  - d) Mad Monday Quilters - Requisition for Funds – East Ward – Donation to cover the shortfall in funding required to purchase a quilting frame - \$1,000.00;
  - e) Port Stephens Family Support Service – Mayoral Funds - Donation towards the costs of setting up the Domestic Violence Partnership Program in its new home at Raymond Terrace Police Station - \$1,000.00.

**COUNCIL COMMITTEE MEETING – 20 SEPTEMBER 2011**

**RECOMMENDATION:**

	<p><b>Councillor Bob Westbury</b>  <b>Councillor John Nell</b></p>
	<p>That the recommendation be adopted.</p>

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>352</b>	<p><b>Councillor Sally Dover</b>  <b>Councillor Glenys Francis</b></p>
	<p>It was resolved that the recommendation be adopted.</p>

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

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

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act. 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:-

**WEST WARD – Councillors De Lyall, Francis, Jordan & Kafer**

Karuah Progress Association	Reimbursement of costs of Construction Certificate and DA for the proposed conversion of an unused netball court to a skateboard facility	\$2,777.50
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**CENTRAL WARD – Councillors Dingle, MacKenzie, O'Brien & Tucker**

Medowie Seniors Social Club	Funds to support the purchase of bowls and carpet to provide a resource for social and physical engagement	\$360.00
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**EAST WARD – Councillors Westbury, Dover, Nell, Ward**

Port Stephens Historical Society	Reimbursement of Cost for the Hire of the Tomaree Library Rooms in respect of talks held on 25 <sup>th</sup> February, 15 <sup>th</sup> April and 20 <sup>th</sup> May 2011	\$60.00
Mad Monday Quilters	Donation to cover the shortfall in funding required to purchase a quilting frame	\$1,000.00

**MAYORAL FUNDS**

Port Stephens Family Support Service	Donation towards the costs of setting up the Domestic Violence Partnership Program in its new home at Raymond Terrace Police Station	\$1,000.00
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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**

- 1) Mayor;
- 2) Councillors;
- 3) 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. 10**

**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 20 September 2011.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Cash and Investments Information Paper Report August 2011	
2	Council Finances	
3	Aboriginal Strategic Committee	

**COUNCIL COMMITTEE MEETING – 20 SEPTEMBER 2011**  
**RECOMMENDATION:**

	<b>Councillor Ken Jordan</b> <b>Councillor Sally Dover</b>
	That the recommendation be adopted.

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>353</b>	<b>Councillor Caroline De Lyall</b> <b>Councillor Shirley O'Brien</b>
	It was resolved that the recommendation be adopted.



# COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

**CASH AND INVESTMENTS HELD AT 31 AUGUST 2011**

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

**FILE:** PSC2006-6531

**BACKGROUND**

The purpose of this report is to present council's schedule of cash and investments held at 31 august 2011.

**ATTACHMENTS**

- 1) Cash and investments held at 31 august 2011;
- 2) Monthly cash and investments balance august 2010 – august 2011;
- 3) Monthly australian term deposit index august 2010 – august 2011.

**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

**ATTACHMENT 1 - CASH & INVESTMENTS HELD**

**AS AT 31 August 2011**

<b>INVESTED WITH</b>	<b>INV. TYPE</b>	<b>CURRENT RATING</b>	<b>MATURITY DATE</b>	<b>AMOUNT INVESTED</b>	<b>% of Total Portfolio</b>	<b>Current Int Rate</b>	<b>Market Value June</b>	<b>Market Value July</b>	<b>Market Value August</b>	<b>Current Mark to Market Exposure</b>
<b><u>GRANGE SECURITIES</u></b>										
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	NR	20-Mar-12	\$1,000,000	3.75%	6.49%	\$871,990	\$871,990	\$871,990	-\$128,010
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO		23-Jun-15	\$412,500	1.55%	0.00%	\$284,254	\$289,781	\$286,688	-\$125,812
HELIUM CAPITAL LTD "ESPERANCE AA+" *	Floating Rate CDO	NR	20-Mar-13	\$1,000,000	3.75%	0.00%	\$0	\$0	\$0	-\$1,000,000
HOME BUILDING SOCIETY	Floating Rate Sub Debt	withdrawn					\$494,170			
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	CCC	20-Mar-14	\$1,000,000	3.75%	6.39%	\$431,300	\$396,600	\$340,400	-\$659,600
GRANGE SECURITIES "COOLANGATTA AA" *	Floating Rate CDO	NR	20-Sep-14	\$1,000,000	3.75%	0.00%	\$0	\$0	\$0	-\$1,000,000
<b>TOTAL GRANGE SECURITIES</b>				<b>\$4,412,500</b>	<b>16.53%</b>		<b>\$2,081,714</b>	<b>\$1,558,371</b>	<b>\$1,499,078</b>	<b>-\$2,913,422</b>
<b><u>ABN AMRO MORGANS</u></b>										
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	A+	20-Sep-11	\$1,000,000	3.75%	0.00%	\$953,000.00	\$962,800	\$962,800	-\$37,200
<b>TOTAL ABN AMRO MORGANS</b>				<b>\$1,000,000</b>	<b>3.75%</b>		<b>\$953,000</b>	<b>\$962,800</b>	<b>\$962,800</b>	<b>-\$37,200</b>
<b><u>ANZ INVESTMENTS</u></b>										
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	B	30-Dec-11	\$1,000,000	3.75%	0.00%	\$890,000	\$907,200	\$910,200	-\$89,800
ANZ ZERO COUPON BOND	Zero Coupon Bond	AA	1-Jun-17	\$1,017,876	3.81%	0.00%	\$692,757	\$697,897	\$701,053	-\$316,823
<b>TOTAL ANZ INVESTMENTS</b>				<b>\$2,017,876</b>	<b>7.56%</b>		<b>\$1,582,757</b>	<b>\$1,605,097</b>	<b>\$1,611,253</b>	<b>-\$406,623</b>
<b><u>RIM SECURITIES</u></b>										
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO		8-Oct-11	\$2,000,000	7.49%	0.00%	\$1,910,000	\$1,936,000	\$1,954,020	-\$45,980
SUNCORP METWAY	Term Deposit	A1	21-Sep-11	\$1,000,000	3.75%	6.13%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
QUEENSLAND COUNTRY CREDIT UNION	Term Deposit	N/R	29-Sep-11	\$1,000,000	3.75%	6.15%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
<b>TOTAL RIM SECURITIES</b>				<b>\$4,000,000</b>	<b>14.98%</b>		<b>\$3,910,000</b>	<b>\$3,936,000</b>	<b>\$3,954,020</b>	<b>-\$45,980</b>
<b><u>WESTPAC INVESTMENT BANK</u></b>										
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt	N/R	21-Nov-11	\$500,000	1.87%	6.09%	\$494,640	\$495,590	\$496,490	-\$3,510
<b>TOTAL WESTPAC INV. BANK</b>				<b>\$500,000</b>	<b>1.87%</b>		<b>\$494,640</b>	<b>\$495,590</b>	<b>\$496,490</b>	<b>-\$3,510</b>

**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

<b><u>CURVE SECURITIES</u></b>											
BANK OF CYPRUS AUSTRALIA LIMITED	Term Deposit	N/R	27-Sep-11	\$1,000,000	3.75%	6.15%	\$1,000,000	\$1,000,000	\$1,000,000		\$0
QANTAS STAFF CREDIT UNION	Term Deposit	N/R	11-Oct-11	\$1,000,000	3.75%	5.71%			\$1,000,000		\$0
TERRITORY INSURANCE OFFICE	Term Deposit	withdrawn					\$1,000,000				
DEFENCE FORCE CREDIT UNION	Term Deposit	withdrawn					\$1,000,000				\$0
<b>TOTAL CURVE SECURITIES</b>				<b>\$2,000,000</b>	<b>7.49%</b>		<b>\$3,000,000.00</b>	<b>\$1,000,000</b>	<b>\$2,000,000</b>		<b>\$0</b>
<b><u>LONGREACH CAPITAL MARKETS</u></b>											
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	A+	7-Mar-12	\$500,000	1.87%	0.00%	\$480,805	\$482,835	\$484,900		-\$15,100
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	A+	7-Sep-12	\$500,000	1.87%	0.00%	\$462,400	\$462,400	\$470,350		-\$29,650
<b>TOTAL LONGREACH CAPITAL</b>				<b>\$1,000,000</b>	<b>3.75%</b>		<b>\$943,205</b>	<b>\$945,235</b>	<b>\$955,250</b>		<b>-\$44,750</b>
<b><u>COMMONWEALTH BANK</u></b>											
EQUITY LINKED DEPOSIT	Equity Linked Note	AA	20-Sep-11	\$500,000	1.87%	3.00%	\$492,700	\$495,000	\$494,950		-\$5,050
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note Floating Rate Sub	AA	05-Nov-12	\$500,000	1.87%	3.00%	\$482,150	\$483,050	\$483,500		-\$16,500
BENDIGO BANK SUBORDINATED DEBT	Debt	BBB	09-Nov-12	\$500,000	1.87%	5.98%	\$495,620	\$500,290	\$502,385		\$2,385
BANK OF QUEENSLAND BOND	Bond	BBB+	16-Mar-12	\$1,000,000	3.75%	5.35%	\$1,000,000	\$1,000,000	\$1,000,000		\$0
COMMONWEALTH BANK	Term Deposit	AA	31-Oct-11	\$1,000,000	3.75%	5.75%			\$1,000,000		\$0
<b>TOTAL COMMONWEALTH BANK</b>				<b>\$3,500,000</b>	<b>13.11%</b>		<b>\$2,470,470</b>	<b>\$2,478,340</b>	<b>\$3,480,835</b>		<b>-\$19,165</b>
<b><u>FIG SECURITIES</u></b>											
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note		30-Nov-14	\$500,000	1.87%	6.02%	\$493,020	\$480,800	\$481,210		-\$18,790
GATEWAY CREDIT UNION LIMITED	Term Deposit	N/R	17-Oct-11	\$1,000,000	3.75%	5.81%			\$1,000,000		\$0
<b>TOTAL FIG SECURITIES</b>				<b>\$1,500,000</b>	<b>5.62%</b>		<b>\$493,020</b>	<b>\$480,800</b>	<b>\$1,481,210</b>		<b>-\$18,790</b>
<b><u>MAITLAND MUTUAL</u></b>											
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	30-Jun-13	\$500,000	1.87%	6.54%	\$500,000	\$500,000	\$500,000		\$0
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	31-Dec-14	\$500,000	1.87%	6.54%	\$500,000	\$500,000	\$500,000		\$0
<b>TOTAL M'LAND MUTUAL</b>				<b>\$1,000,000</b>	<b>3.75%</b>		<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>		<b>\$0</b>
<b><u>FARQUHARSON SECURITIES</u></b>											
TEACHERS CREDIT UNION	Term Deposit	withdrawn					1000000				

**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

<b>TOTAL FARQUHARSON SECURITIES</b>	\$0	0.00%		\$1,000,000	\$0	\$0	\$0
<b>TOTAL INVESTMENTS</b>	\$20,930,376	78.40%		\$17,928,806	\$14,462,233	\$17,440,936	-\$3,489,440
AVERAGE RATE OF RETURN ON INVESTMENTS						3.46%	
<b>CASH AT BANK</b>	\$5,766,851	21.60%	4.70%	\$2,751,975	\$1,657,498	\$5,766,851	\$0
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH						3.73%	
<b>TOTAL CASH &amp; INVESTMENTS</b>	\$26,697,227	100.00%		\$20,680,781	\$16,119,731	\$23,207,787	-\$3,489,440
BBSW FOR PREVIOUS 3 MONTHS						4.99%	

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

**CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER**

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

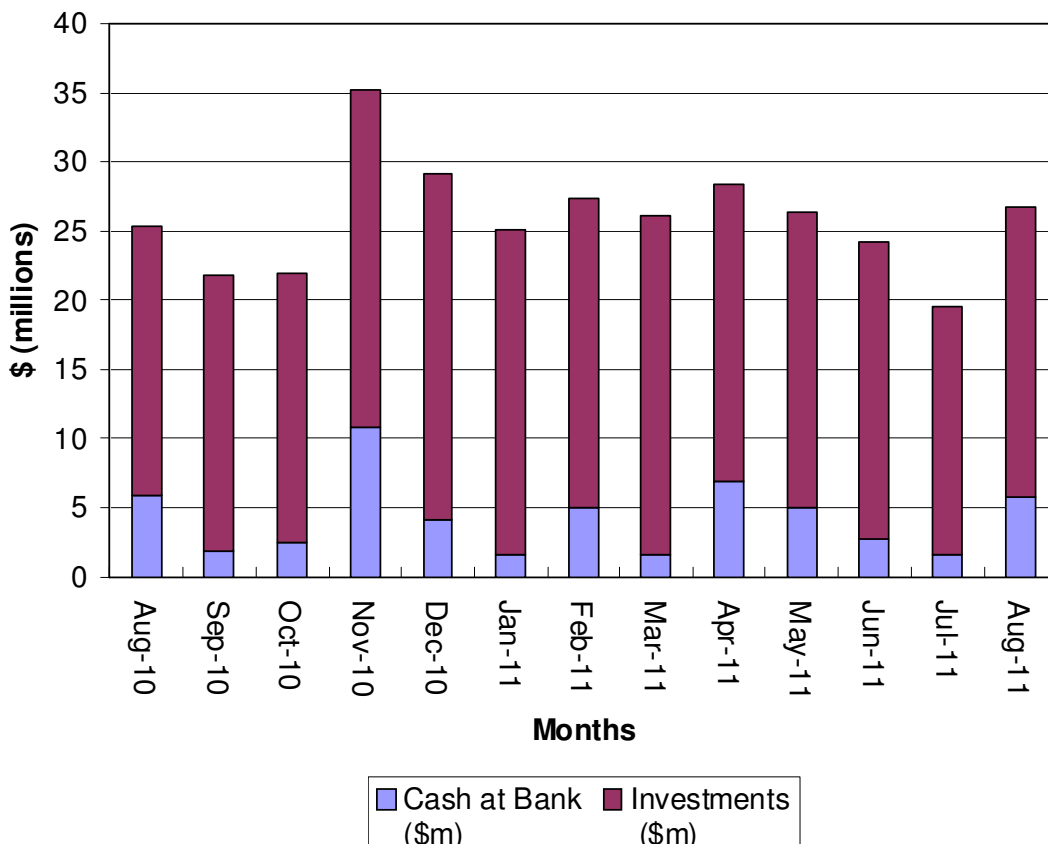
**P GESLING**

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Aug-10	5.888	19.380	25.268
Sep-10	1.879	19.880	21.759
Oct-10	2.512	19.380	21.892
Nov-10	10.822	24.380	35.202
Dec-10	4.175	24.930	29.106
Jan-11	1.690	23.430	25.120
Feb-11	4.988	22.430	27.419
Mar-11	1.604	24.430	26.035
Apr-11	6.975	21.430	28.406
May-11	4.976	21.430	26.406
Jun-11	2.752	21.430	24.182
Jul-11	1.657	17.930	19.588
Aug-11	5.767	20.930	26.697

Cash and Invested Funds for the Period ended 31/08/2011

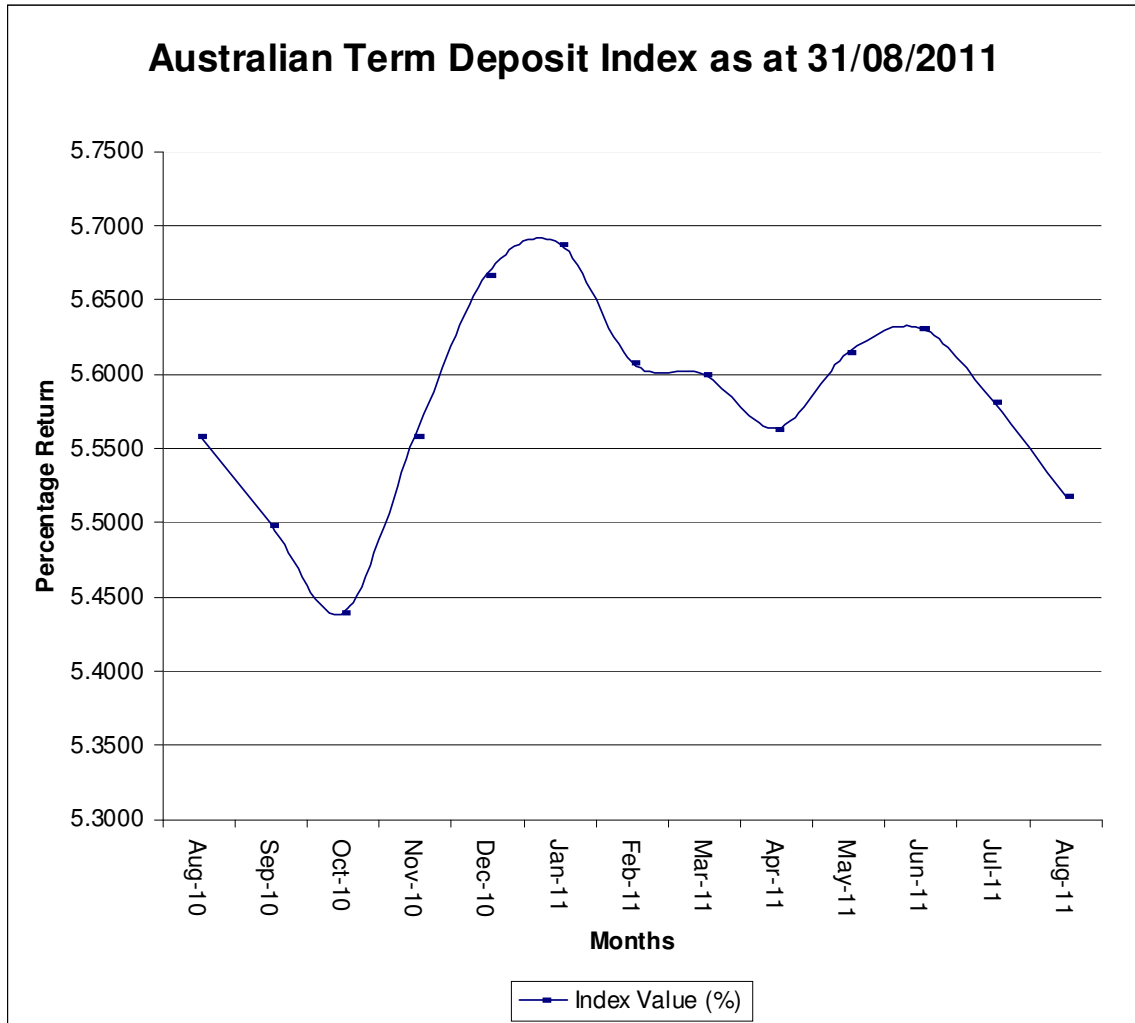


ATTACHMENT 2

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Aug-10	5.5587
Sep-10	5.4991
Oct-10	5.4396
Nov-10	5.5583
Dec-10	5.6675
Jan-11	5.6877
Feb-11	5.6079
Mar-11	5.6000
Apr-11	5.5637
May-11	5.6147
Jun-11	5.6312
Jul-11	5.5814
Aug-11	5.5178

Australian Term Deposit Index as at 31/08/2011



**INFORMATION ITEM NO. 2  
COUNCIL FINANCES**

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**REPORT OF: DAMIEN JENKINS FINANCIAL SERVICES MANAGER**

**GROUP: COMMERCIAL SERVICES**

**FILE: PSC2005-5152**

**BACKGROUND**

The purpose of this report is to respond to the Notice of Motion on 9 August titled "Council Finances".

Council were advised that in order to provide this information as soon as possible it would be provided in two separate reports. Responses for items a), b), g), and h) will be addressed in this information paper. Responses for items c), d), e), and f) are subject to the finalisation of the 2011 financial statements and will be provided by the end of October.

Responses for the following items:

a) The value of funds that are locked in for twelve months or more.

Investments with maturity dates longer than 12 months as at 30 June 2011 totalled \$7,430,376. The market value of these investments was \$4,310,818.

b) What cash is readily available to Council and have we been using the \$2 million overdraft?

As at 30 June 2011 Council held \$6 million in term deposits and \$2.75 million in cash at bank. Sufficient cash is held to ensure timely payment of creditors and staff. The overdraft facility has been used once during the 2010/11 financial year in late January with total overdraft of \$420,000 for a period of 3 days. Whilst the overdraft facility was used Council still held \$5 million worth of term deposits but the costs of breaking the term deposits early to redeem cash were greater than using the overdraft for this short period.

g) What was the cost of carrying out the \$5.8 million debt for the period we did not have Sandvik cash less income from rental agreement?

The loan to purchase 528 Hunter Street, Newcastle was draw down on 14 September 2009 and fully repaid on 16 December 2010. The interest expense for this period was \$554,905.35. The financial details are tabled below:



**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

	Gross \$	Net \$
Rental Income	747,866	686,256
less	554,905	554,905
Interest Expense	554,905	554,905
= Surplus/(Deficit)	192,961	131,351

h) How much has the Seabreeze alternative drainage system cost Council?

The Seabreeze Estate drainage works that commenced in 2006 and was completed mid 2008 can be broken into several components. Items of works and the expenditure incurred on each item are given below and include some ongoing maintenance and inspections.

Construction Costs	\$
Infiltration system	2,121,500
Catchment diversion (Armidale St drainage	19,800
Water tank	2,000
Works with Golf Club (levy & infiltration trenches)	6,500
Catchment diversion (detention basin PCYC)	172,000
Total Construction Costs	2,321,800
Maintenance Costs	
Monitoring groundwater & infiltration system	68,000
Maintenance of the system up to august 2011	104,050
Total Maintenance Costs	172,050
Total Costs	2,493,850

**ATTACHMENTS**

Nil.

**INFORMATION ITEM NO. 3**

**ABORIGINAL STRATEGIC COMMITTEE**

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**REPORT OF: PETER MARLER, ACTING MANAGER ENVIRONMENTAL & DEVELOPMENT  
PLANNING**

**GROUP: SUSTAINABLE PLANNING**

**FILE: PSC2005-0629**

**BACKGROUND**

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting held with Worimi Local Aboriginal Land Council on 2 August.

The role of Council's Aboriginal Strategic Committee is:

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

**ATTACHMENTS**

- 1) Minutes of aboriginal strategic committee meeting held 2 August 2011.

ATTACHMENT 1

MINUTES OF ABORIGINAL STRATEGIC COMMITTEE MEETING HELD 2 AUGUST 2011.



**Aboriginal Strategic Committee  
Meeting with Worimi Local  
Aboriginal Land Council**



**MINUTES**

**Minutes of meeting held on 2 Aug 2011 at Murrook Cultural & Leisure Centre**

Chair: Cr Peter Kafer

Minute taker: Paul Procter

**Present:**

Cr Peter Kafer  
Cr Sally Dover  
Andrew Smith  
Val Merrick  
Grace Kinsella  
Jason Linnane  
Paul Procter  
Steve Bernasconi  
Cliff Johnson

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

**Guest Attendees required for specific agenda items:**

Kristy Murphy

**Apologies:**

Cr Bob Westbury  
Cr Shirley O'Brien  
Cr Bruce MacKenzie  
Elaine Larkins

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

**1. WELCOME TO COUNTRY**

Worimi Elder Val Merrick on behalf of Elders past and present welcomed everyone.

**2. ABORIGINAL PROJECT FUND ASSESSMENT STAGE 1 APPLICATIONS**

Stage 1 applications were considered and assessed as follows:

**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

<b>Applicant</b>	<b>Amount requested \$</b>	<b>Invite to Stage 2 (yes/no)</b>	<b>Aboriginal Strategic Committee comments</b>
Tomaree Community College (garden Indigenous art project)	4000	Yes	<p>Where will all the \$4,000 go to? Detailed budget will need to be provided under stage 2</p> <p>Will you link the students involved in this project to the college so they are aware of other educational opportunities?</p> <p>How will you bring together the students and the elders?</p> <p>Has consideration been given to horticultural opportunities around bush tucker?</p>
Port Stephens Family Support (Trip to Miittigar Aboriginal & Education Centre)	8000	No	<p>Impressed with applicant's enthusiasm. However ASC looking for projects that will be run locally and will be sustainable.</p> <p>No linkages with community education / traineeships.</p> <p>See the value in taking kids away for the day but there were questions around the sustainability of such a project and the allocation of who would get to go.</p> <p>Also would like the children in this area to learn more about their own culture and environment before they branch out to learn others. As such suggest that applicant makes contact with Council's Social Planning Co-ordinator and WLALC CEO to discuss what they could apply for that meets those guidelines.</p>
Port Stephens Family Support (Field Trip to Toronga Zoo and Aquarium)	8000	No	As above
Port Stephens Family Support (Women's Project)	4000	Yes	<p>Need to ensure that Aboriginal Project Funds provided by Port Stephens Council are used to support local projects and local businesses and economy of Port Stephens.</p> <p>Applicant needs to review project to ensure it has local content</p>
Port Stephens Family Support (Outdoor play equipment)	4000	No	Nil
Youyoong Local Aboriginal Education	10000	No	Group has unexpended funds from last year's event

## MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011

Consultative Group (Bularr Wangga Festival)			
Youyoong Local Aboriginal Education Consultative Group (Ngarra-gu Banba)	5000	Yes	Nil
Youyoong Local Aboriginal Education Consultative Group (Birriwal-Numa)	6500	Yes	Great project. Like to hear further details of how applicant intends to implement project such as:  How many kids will be participating in project?  Details of which schools will be participating
Worimi LALC (Mobile Education Resources)	7500	Yes	Nil

**Note:**

KLALC indicated to Council's Social Planning Co-ordinator prior to the meeting that they would support the recommendations of the ASC concerning assessment of stage 1 applications.

Actions:	<ol style="list-style-type: none"> <li>1. Invite approved applicants to submit stage 2 application with deadline of 29 Aug 2011.</li> <li>2. Convene special meeting of Aboriginal Strategic Committee to assess and make recommendation to Council on the allocation of available Aboriginal Projects Funds based on assessment of applications lodged under Stage 2.</li> </ol>
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### 3. BUSINESS ARISING FROM PREVIOUS MINUTES

The following items of business arising from the meeting held on 17 May 2011 were discussed:

**Item 1: Birbui Point Surf Club Update:**

Council's Group Manager Facilities and Services indicated that outcomes key stakeholders are all working towards include good use of the site and maintaining good strong relationship between all stakeholders. Next stage includes looking at proposed footprint of proposed development and then looking at developing a suitable design.

**Item 2: Soldiers Point Midden:**

Cr Dover would like to see a walkway constructed along the foreshore area. Issues to be considered include stabilisation of embankment and linkages to Aboriginal heritage.

Actions:	<ol style="list-style-type: none"> <li>1. Council's Manager Community and Recreation Services will investigate potential funding sources.</li> <li>2. Council's Manager Community and Recreation Services will organise site inspection to help in scoping out proposed works.</li> </ol>
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## MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011

### Item 3: NAIDOC Week 2011:

ASC would like to see discussion prior to next year's celebrations on ways to broaden community participation in annual NAIDOC Week Celebrations.

### Item 4: Joint 2011 ASC Meeting:

Joint meeting on 19 July 2011 went well however attendance was low. WLALC CEO apologised for small representation from WLALC and indicated would like to see another joint meeting reconvened this year if possible. Council's Social Planning Co-ordinator acknowledged this and indicated that convening another joint meeting this year may be difficult given current meeting demands on stakeholders.

### Item 5: Review of ASC Meeting Times:

At last meeting it was agreed that it would be preferable to move the meeting start time to a morning meeting (eg; 9:30am start) on a Tuesday. Subsequent discussions with KLALC indicate a preference to retain meeting date/time with them as per current arrangements.

Therefore agreed to move meetings with WLALC only to 9:30am start on 4<sup>th</sup> Tues of the month.

Action:	Council's Social Planning Co-ordinator to organise for ASC meetings with WLALC to move to a 9:30am start on 4 <sup>th</sup> Tues of the month and to advise all members of new meeting schedule.
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## 4. GENERAL BUSINESS

### a. Port Stephens Council LEP

WLALC CEO indicated they are pleased with work Council has undertaken on new LEP and commended Council's Strategic Planning Senior Planner on their work.

Action:	Council's Social Planning Co-ordinator to pass onto Council's Strategic Planning Senior Planner and their Co-ordinator the appreciation of WLALC over work undertaken in developing new LEP.
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### b. Traditional Welcome

Council's Social Planning Co-ordinator indicated that Council wants to discuss with the Aboriginal Strategic Committee the current wording and protocols associated with the existing acknowledgement of Country adopted in Dec 2004. Council wants to ensure it continues to reflect Worimi protocols and relevance to the Worimi people. The current wording is:

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

ASC discussed current wording and it was agreed that it is fine with suggestions that consideration be given to adding the following wording:

*"...and acknowledge responsibility bestowed upon Council is one of sharing to ensure I/we act in best interest of the land and in the interest of all cultures".*

## MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011

Action:	1. Council's Social Planning Co-ordinator to amend wording of Council's Traditional Welcome and forward to WLALC CEO for comment before finalising.
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### **c. Fingal Bay Link Rd**

Brief discussion of status of planning for proposed Fingal Bay Link Rd with agreement that discussions need to continue.

### **d. NSW Local Govt Aboriginal Network Conference**

In the past Council has provided some financial assistance from the funds allocated to the Aboriginal Strategic Committee to assist in the CEOs of the WLALC and KLALC to attend the NSW Local Govt Aboriginal Conference.

Councillor Dover moved that Council provide funds towards cost of supporting attendance of KLALC and WLALC CEOs to attend NSW Local Government Aboriginal Network Conference. Agreed and supported by ASC.

Action:	Council's Social Planning Co-ordinator to organise for financial assistance to be offered and provided out of available ASC budget for next conference to assist costs of attendance for KLALC and WLALC CEOs.
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## **5. DETAILS OF NEXT MEETING**

To be advised.

# GENERAL MANAGER'S REPORT

PETER GESLING  
GENERAL MANAGER



ITEM NO. 1

FILE NO: PSC2005-2892

**LOCAL GOVERNMENT ASSOCIATION OF NSW CONFERENCE**

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Nominate four (4) delegates for the Local Government Association of NSW Conference.

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>354</b>	<b>Councillor Bruce MacKenzie</b> <b>Councillor Steve Tucker</b>
	It was resolved that Councillors Bruce MacKenzie, Bob Westbury, Steve Tucker and Caroline De Lyall be Council's voting delegates at the Local Government Association Conference.

**BACKGROUND**

The purpose of this report is to inform council of the 2011 local government association annual conference which will be held in Shoalhaven from 23 to 26 October 2011.

The Information for Councils provided by the Association is shown at ATTACHMENT 1.

As a member of the Association, Council is eligible to have four voting delegates attend. Council has four (4) registrations available for Councillors to attend this years conference and is asked to consider the nomination of four Councillors to attend.

**FINANCIAL/RESOURCE IMPLICATIONS**

Councillors attendance at this conference is provided for in the 2011-12 budget.

**LEGAL, POLICY AND RISK IMPLICATIONS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Council's involvement in this conference allows Port Stephens Council to have a voice in policy matters for the Local Government industry. Based on this years

themes there maybe implications for Council and attendance by Councillors allows Port Stephens to be represented.

### **CONSULTATION**

- 1) General Manager.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Information for Councils.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1

Local Government  
Association of NSW



**Local Government Conference 2011  
Hosted by Shoalhaven City Council**

23 - 26 October 2011

**Information for Councils**

- Submission of motions • Voting delegate entitlements
- Conference and social programs • Elections
- Supply of printed material • Outstanding Service awards

Local Government Association of NSW

GPO Box 7003  
Sydney NSW 2001  
tel: (02) 9242 4000  
fax: (02) 9242 4111

website: <http://www.lgsa.org.au/>

**1. Registration**

Shoalhaven City Council via Bradley Hayden at Countrywide Conference & Event Management will be handling arrangements for delegates, observers and partners attending this year's annual conference in relation to:

- registration for business sessions
- registration for social functions and partners' tours.

All registration information and bookings can be made online at [www.LGAconference.lgsa.org.au](http://www.LGAconference.lgsa.org.au). Contact Bradley Hayden on P - 02 6023 6300, F - 02 6023 6355 or [bradley@ccem.com.au](mailto:bradley@ccem.com.au) for advice or assistance.

**2. Sunday Councillor Workshops**

The LGSA is offering three Local Government Councillor Professional Development workshops on Sunday 23 October, 10.00am – 2.00pm. Numbers are strictly limited so places are available on a first in first served basis. Workshops will be at a cost of \$220 inclusive of GST.

**Workshop One - Election 2012 - Engaging your community** – facilitated by Greg Crowther

As our home grown media expert, Greg Crowther has significant skills in helping candidates to present themselves in the best possible manner when engaging the community during an election campaign.

During the workshop you will learn:

- Skills and strategies to engage confidently and clearly with the media during an election campaign
- Tips and techniques for remaining in control when under pressure

**Workshop Two – Counselling Skills for Councillors** – facilitated by Judy Archer

Councillors often have to deal with constituents who are under stress and are struggling to find a way forward. This session will provide Councillors with some basic counselling skills that will enable them to more effectively:

Explore presenting concerns and underlying issues with their constituents;

Assist constituents to prioritise concerns, work through their concerns and to explore possible courses of action; and

Identify constituents who may be at risk and utilise strategies to respond to this risk appropriately.

**Workshop Three – Community leadership – the latest trends** – facilitated by Narayan van de Graaff

Councillors are the true spokespersons for the community. This session will assist you to understand the latest trends in leadership and how to portray them in your community leadership roles. During the workshop councillors will explore:

- Contemporary leadership models to help you lead your communities more effectively;
- The key challenges to your role as councillor, and learn some key problem-solving and assertiveness techniques to help you address them
- Key leadership practices and identify how these can be applied.
- Community leadership and emotional intelligence
- How do you develop Your Vision for your council?

Registration is a downloadable form available at [www.lgaconference.lgsa.org.au](http://www.lgaconference.lgsa.org.au).

**3. Accommodation**

Accommodation enquiries can be made by contacting Shoalhaven Tourism on 1300 662 808, 9am to 5pm, 7 days a week or visit the Shoalhaven Holidays website available by following the link on the conference website [www.lgaconference.lgsa.org.au](http://www.lgaconference.lgsa.org.au).

**4. Future conferences**

The 2012 conference will be held at Dubbo from 28 to 31 October. Accommodation inquiries should be directed to Countrywide Conference & Event Management by email [bradley@ccem.com.au](mailto:bradley@ccem.com.au).

No venue has been selected for 2013 onwards due to ongoing discussions regarding the formation of one association.

**5. Additional Conference Printed Material (business papers)**

Additional conference material including Action Reports, Records of Decisions and Business Papers are available to download from the conference website [www.lgaconference.lgsa.org.au](http://www.lgaconference.lgsa.org.au).

**6. Submitting Motions**

Motions must be received by 5.00pm on Friday 5 August 2011 to enable us to meet business paper production deadlines. Please note all motions submitted must be adopted by council before submission to the Association.

Motions before the Conference shall be classified into three categories by the Executive Committee, prior to the Conference as follows:

**Category 1:**

Matter concerning the good governance of the Conference or the Association including, without limitation:

- a) The adoption of Standing Orders;
- b) Amendments to the Constitution;
- c) Matters of compliance by the Association with any legislative provision;
- d) The finances of the Association; or
- e) The health and welfare of staff members of the Association.

**Category 2:**

Matters not covered by existing policy and matters involving change of policy.

**Category 3:**

Those matters that are reaffirmations of existing policy or issues of a specific local nature.

- a) Motions grouped under Category 1 shall be given priority over Category 2 and Category 3 motions and shall be discussed in the order in which they appear in the business paper.
- b) Motions grouped under Category 3 shall be adopted under a general motion – subject to the reservation that, should any delegate wish any motion to be taken from Category 3 for general discussion, it shall open to the delegate to request Conference to do so. In view of the importance of

some motions in Category 3, especially those of an urgent nature, the Executive is empowered to resubmit those it considers to be important for Conference's consideration.

When drafting motions, council should ensure that motions

- MUST not attempt to enforce one council's position on other councils, and
- MUST not cause detriment to one council over another, and

Motions should be submitted using the online form which can be found on the conference website at [www.lgaconference.lgsa.org.au](http://www.lgaconference.lgsa.org.au). For inquiries regarding the submission of motions please contact Skye Smith on (02) 9242 4052.

#### **7. Late Motions**

Late motions will be received up to close of business FRIDAY 7 OCTOBER 2011 and will be published in the LG Weekly on FRIDAY 14 OCTOBER 2011.

Late motions will be categorized using the same methodology as motions received prior to the cut off date.

Only Late Motions which are determined to be Category 1 or 2 motions will be dealt with by the Conference, and will only be dealt with at the final session on the final morning of Conference and only by approval of Conference delegates.

No late motions will be accepted at the Conference

#### **8. Voting Delegate Entitlements**

Councils are entitled to nominate voting delegates on a population basis.

The current constitution of the Association provides for voting delegates to conference according to the following clause:

"13. (a) The Annual Conference shall consist of the Executive Committee of the Association and delegates from each council appointed in accordance with the scale as under, such delegates to be sitting members of a constituent council. Each member of the Executive Committee of the Association and each delegate from a council which is an ordinary member shall have one vote.

Group No.	Population	Delegates
(1)	Less than 10,000	1
(2)	10,000 - 20,000	2
(3)	20,000 - 50,000	3
(4)	50,000 - 100,000	4
(5)	100,000 - 150,000	5
(6)	Over 150,000	7
(7)	County councils and Associate Members	2
(8)	Aboriginal Land Councils	27

Note that member councils currently under administration may have one vote only and only in regards to motions. Administrators are recognised under the constitution as delegates; however they are not permitted to vote for the election of office bearers.

The population numbers are determined by the Association using the Australian Bureau of Statistics publication 3218.0 (latest figures March 2011). Councils unsure of their allowed delegate numbers should call Peter Coulton, Director Corporate Services on 9242 4030.

Please forward to the LGA the details of your council's delegates to Karen Rolls by email to [karen.rolls@lgsa.org.au](mailto:karen.rolls@lgsa.org.au) no later than Monday 10 October 2011.

#### **9. Changing Voting Delegates**

All changes to the names of voting delegates both before and during the conference must be made in writing by either the Mayor or General Manager. This ensures that voting lists are up to date and avoids the embarrassment of disputes about who may or may not vote.

Where changes are made to delegates in the few days prior to the conference, new voting cards will be available for collection from the LGA desk at the conference on Monday 24 October. Original voting delegate cards are to be returned to the LGA desk at the conference when collecting replacement cards.

Changes of delegates during the conference should be reported to the LGA office. Our staff will help you with the procedures.

#### **10. Draft Conference Program**

The draft program can be found on the website at [www.lgaconference.lgsa.org.au](http://www.lgaconference.lgsa.org.au). It will be finalised when all invited speakers are confirmed. The conference venue will be the Entertainment Centre Shoalhaven.

#### **11. Social Program**

Full details of the social program and partners program will be described in registration material distributed by the Local Government Association of NSW and online at [www.LGAconference.lgsa.org.au](http://www.LGAconference.lgsa.org.au).

#### **12. Printed Material for the Conference**

The Business Paper will be available online for comment approximately six weeks before conference and a printed copy will be distributed to registered participants for business sessions approximately one month before the conference. The Record of Decisions will be available for download one week from the conclusion of the conference. The Business Paper will be available on the Conference website and we ask you to support the principles of sustainability in preference to requesting additional copies. The information will be on the website [www.LGAconference.lgsa.org.au](http://www.LGAconference.lgsa.org.au).

#### **13. Outstanding Service Awards**

Outstanding Service Awards will be presented at the Official Opening Ceremony to those who have given outstanding service to Local Government. To enable the processing of awards, councils are asked to advise the Association whether or not nominees for the award will be attending the conference. The deadline for applications for awards to be presented at LGA Conference in Shoalhaven is Monday 5 September 2011. A

letter confirming the presentation will be sent to your General Manager, if you do not receive confirmation by 3 October 2011 please contact Karen Rolls on (02) 9242 4050. The eligibility criteria for the awards are that intended recipients must have completed a cumulative total of at least 20 years service in Local Government in NSW as an elected person. For those who continue to serve, and at retirement have completed 25 or more years a bar to be affixed to the original medal is available (at no additional cost) with the total number of years served inscribed upon it.

The Outstanding Service Award set comprises four pieces (medal for men or bow for women, miniature, lapel badge and citation A5 in size) featuring the Association's coat of arms and is finished in 24ct gold and presented in a gold embossed presentation case. On the reverse side of the medal will be inscribed the recipient's name and the year the award was presented. The nomination form is to be found on the LGSA website at [www.LGAconference.lgsa.org.au](http://www.LGAconference.lgsa.org.au).



ITEM NO. 2

FILE NO: PSC2010-00009

**INTERNAL REPORTING POLICY – PUBLIC INTEREST DISCLOSURES ACT 1994**

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the Internal Reporting Policy – Public/Protected Disclosures Act 1994 adopted by Council at its meeting on 14 December 2010, Minute No. 409;
- 2) Adopt the Internal Reporting Policy – Public Disclosures Act 1994 shown at ATTACHMENT 2.

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

355	<b>Councillor John Nell</b> <b>Councillor Geoff Dingle</b>
	It was resolved that the recommendation be adopted.

**BACKGROUND**

The purpose of this report is to provide Council with a draft Internal Reporting Policy following the recent changes to the legislation.

The policy shown at ATTACHMENT 1 was developed in accordance with the Protected Disclosures Act 1994. This legislation has now been replaced with the Public Disclosures Act 1994.

The new policy relates to Council employees, Councillors and persons engaged by Council (ie contractors). The new policy has been developed using the Ombudsman's model policy.

Essentially, reports under this policy can be made about serious wrongdoing which includes maladministration, corrupt conduct, serious & substantial waste and failure to comply with the Government Information (Public Access) Act.

Under the policy reports can be made to the Mayor (for Councillors), the General Manager (Principal Officer), Executive Officer (Disclosure Coordinator) and the Human Resources Manager (Disclosure Officer).

As part of the new legislation Council will be required to report six (6) monthly to the NSW Ombudsman on the number of disclosures made.

## **FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the development and implementation of the policy are covered in the 2011-12 budget.

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

Council is required under the Public Disclosures Act 1994 to adopt a policy before 1 October 2011.

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The policy provides a mechanism for reporting of corrupt conduct, maladministration and serious or substantial waste of Council resources or money. The new policy provides a level of confidence that matters reported under the legislation will be dealt with in an appropriate manner.

## **CONSULTATION**

- 1) General Manager;
- 2) NSW Ombudsman.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Internal Reporting Policy – Public Interest Disclosures Act 1994 – adopted 14 December 2010, Minute No. 409;
- 2) Draft Internal Reporting Policy – Public Interest Disclosures Act 1994.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ATTACHMENT 1



C.O.U.N.C.I.L

POLICY

Adopted: 14/12/2010

Minute No: 409

Amended:

Minute No:

**FILE NO: PSC2010-00009**

**TITLE: INTERNAL REPORTING POLICY – PUBLIC INTEREST DISCLOSURES ACT 1994**

**REPORT OF EXECUTIVE OFFICER**

**BACKGROUND**

The *Protected Disclosure Act 1994* requires Council to establish an internal reporting system. This system allows for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money. The Act commenced operation on 1 March 1995.

A review of the *Protected Disclosures Act 1994*, in 2010 has changed the name of the Act to the *Public Interest Disclosures Act 1994 (the Act)*.

**OBJECTIVE**

The purpose of the Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

## **PRINCIPLES**

- 1) To provide an internal reporting system for public officials to disclose corrupt conduct, maladministration, or serious and substantial waste of public money.
- 2) To encourage public officials to make disclosures when they become aware of them.

## **POLICY STATEMENT**

### **1) SUPPORT FOR PERSONS WHO MAKE DISCLOSURES**

Port Stephens Council does not tolerate corrupt conduct, maladministration or serious and substantial waste of public money.

Port Stephens Council is committed to the aims and objectives of the Act. It recognises the value and importance of contributions of staff to enhance administrative management practices and strongly supports disclosures being made by staff, councillors or an independent contractor (public officials) who is engaged by Council who disclose corrupt conduct, maladministration, or serious and substantial waste of public money.

Port Stephens Council will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of the disclosure.

### **2) DISCLOSURES**

To be protected by the Act, a disclosure must be made by a member of staff, councillor or an independent contractor to:

- an investigating authority;
- the General Manager; or
- to the Public Officer of Port Stephens Council in accordance with the Internal Reporting System established under this policy for the purposes of the Protected Disclosures Act.

This policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money and government information contravention by Port Stephens Council, its staff, councillors and/or independent contractors. The system enables such internal disclosures to be made to the Disclosure Co-ordinator, (the Public Officer), a Nominated Disclosure Officer (Human Resources Manager) or the Mayor, as an alternative to the General Manager.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this policy.

### **3) DEFINITIONS**

Three key concepts in the internal reporting system are corrupt conduct, maladministration and serious and substantial waste of public money. Definitions of these concepts are outlined below.

#### **3.1 CORRUPT CONDUCT**

Corrupt conduct is defined in the *Independent Commission Against Corruption Act 1988* (sections 8 and 9). The definition used in the Act is intentionally quite broad - corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms, ie taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling are some examples.

#### **3.2 MALADMINISTRATION**

Maladministration is defined in the Act as conduct that involves action or inaction of a serious nature that is:

- contrary to the law; or
- unreasonable, unjust, oppressive or improperly discriminatory; or
- based wholly or partly on improper motives (section 11).

#### **3.3 SERIOUS AND SUBSTANTIAL WASTE**

The term serious and substantial waste is not defined in the Act. The Auditor-General provides the following working definition:

- Serious and substantial waste refers to the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.

In addressing any complaint of serious and substantial waste regard will be had to the nature and materiality of the waste.

The following delineation of the definition of serious and substantial waste may be of assistance to public officials and/or public authorities.

**TYPES:**

**Absolute:** serious and substantial waste might be regarded in absolute terms where the waste is regarded as significant, for example \$200,000.

**Systemic:** the waste indicates a pattern which results from a system weakness within the public authority.

**Material:** the serious and substantial waste is/was material in terms of the public authority's expenditure or a particular item of expenditure or is/was material to such an extent so as to affect a public authority's capacity to perform its primary functions.

**Material by** the serious and substantial waste may not be material in financial terms but nature not may be significant by nature. That is it may be improper or inappropriate amount: (alternatively, this type of waste may constitute "maladministration" as defined in the Protected Disclosures Act).

Waste can take many forms, for example:

- misappropriation or misuse of public property;
- the purchase of unnecessary or inadequate goods and services;
- too many personnel being employed in a particular area, incurring costs which might otherwise have been avoided;
- personnel being remunerated for skills that they do not have, but are required to have under the terms and conditions of their employment;
- programs not achieving their objectives and therefore the costs being clearly ineffective and inefficient.

Waste can result from such things as:

- the absence of appropriate safeguards to prevent the theft or misuse of public property;
- purchasing procedures and practices which fail to ensure that goods and services are necessary and adequate for their intended purpose; and
- purchasing practices where the lowest prices is not obtained for comparable goods or services without adequate and appropriate justification.

#### **4. WHAT DISCLOSURES ARE PROTECTED UNDER THE ACT**

##### **4.1 WHAT DISCLOSURES ARE PROTECTED?**

Disclosures are protected under the Act if they:

- a) are made  
⇒ in accordance with this Internal Reporting Policy; or

- ⇒ to the General Manager; or
  - ⇒ to one of the investigating authorities nominated in the Act; AND
- b) show or tend to show corrupt conduct, maladministration, or serious and substantial waste of public money by the Port Stephens Council or any of its staff, councillors or independent contractors; AND
- c) are made voluntarily.

#### **4.2 WHAT DISCLOSURES ARE NOT PROTECTED?**

A disclosure is not protected under the Act if it is made by a public official in the exercise of a duty imposed by or under an Act.

Protection is also not available for disclosures which:

- primarily question the merits of government policy; or
- are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

It is an offence to wilfully make a false or misleading statement when making a disclosure.

#### **5. REPORTING UNDER THE INTERNAL REPORTING SYSTEM**

The persons or positions to whom internal disclosures can be made in accordance with the Internal Reporting System (as shown on the attached diagram) are:

- the Council's Disclosure Co-Ordinator [Executive Officer/Public Officer, General Manager's Office: 49800187 (internal ext 187)]
- the Nominated Disclosure Officer [Human Resources Manager, Corporate Services Group, Ph: 49800126 (internal ext 126)]
- the General Manager [Ph: 49800246 (internal ext 246)]
- the Mayor [Ph: 49800245 (internal ext 245)]

Where persons contemplating making a disclosure are concerned about publicly approaching the Disclosure Co-ordinator, the Nominated Disclosure Officer or the General Manager, they can ring the relevant official and request a meeting in a discreet location away from the workplace.

Notes:

- a) A public official who wishes to make a protected disclosure which involves a councillor may do so to the General Manager, or an investigating authority (eg. The ICAC or the Ombudsman)

- b) A councillor who wishes to make a protected disclosure which involves another councillor may do so to the General Manager or an investigating authority (eg. The ICAC or the Ombudsman)
- c) If the Mayor wishes to make a protected disclosure he or she may do so to the General Manager or an investigating authority (eg. The ICAC or Ombudsman)
- d) The Department of Local Government is not an investigating authority under the Act, however, the ICAC, the Ombudsman or Council may refer the protected disclosure to the Division for investigation, and in such a circumstance any protection conferred under the Act is maintained.

## **6. ROLES AND RESPONSIBILITIES**

This Internal Reporting Policy places responsibilities upon people at all levels within the Port Stephens Council.

### **6.1 EMPLOYEES AND INDEPENDENT CONTRACTORS (PUBLIC OFFICIALS)**

Public Officials are encouraged to report known or suspected incidences of corrupt conduct, maladministration or serious and substantial waste in accordance with this Policy.

All Public Officials of the Port Stephens Council have an important role to play in supporting those who have made legitimate disclosures. They must abstain from any activity that is or could be perceived to be victimisation or harassment of persons who make protected disclosures. Further, they should protect/maintain the confidentiality of persons they know or suspect to have made disclosures.

### **6.2 NOMINATED DISCLOSURE OFFICERS**

The Nominated Disclosure Officers are responsible for receiving, forwarding and/or acting upon disclosures in accordance with the Policy. Nominated Disclosure Officers will:

- a) clearly explain to persons making disclosures what will happen in relation to the information received;
- b) when requested, make arrangements to ensure that disclosures can be made privately and discreetly (if necessary away from the workplace);
- c) reduce to writing and date any disclosure received orally (and have the person making the disclosure sign the document);
- d) deal with disclosures impartially;
- e) forward disclosures to the Disclosure Co-Ordinator for assessment;
- f) take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential; and



g) support persons who make protected disclosures and protect them from victimisation, harassment or any other form of reprisal.

### **6.3 DISCLOSURE CO-ORDINATOR**

The Disclosure Co-Ordinator has a pivotal position in the internal reporting system and acts as a clearing house for disclosures. The Disclosure Co-ordinator will:

a) provide an alternative internal reporting channel to Nominated Disclosure Officers and to the General Manager;

b) impartially assess each disclosure to determine:-

i) whether the disclosure appears to be a protected disclosure within the meaning of the Act; and

ii) the appropriate action to be taken in relation to the disclosure, for example:-

⇒ no action/decline;

⇒ the appropriate person to take responsibility for dealing with the disclosure;

⇒ preliminary or informal investigations;

⇒ formal investigation;

⇒ prosecution or disciplinary action;

⇒ referral to an investigating authority for investigation or other appropriate action; or

⇒ referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct)

c) consult with the General Manager;

d) be responsible for carrying out or co-ordinating any internal investigation arising out of a disclosure, subject to the direction of the General Manager in carrying out his/her functions;

e) report to the General Manager on the findings of any investigation and recommended remedial action;

f) take all necessary and reasonable steps to ensure that the identity of the persons who make disclosures, and persons the subject of the disclosures are kept confidential;

g) support persons who make protected disclosures and actively protect them from victimisation, harassment or any other form of reprisal; and

h) report actual or suspected corrupt conduct to the General Manager in a timely manner to enable that officer to comply with the ICAC Act.

#### **6.4 GENERAL MANAGER**

Disclosures may be made direct to the General Manager rather than by way of the Internal Reporting System established under this Policy. This would include any disclosure regarding the Mayor.

The General Manager will:

- a) impartially assess each disclosure to determine:
  - i) whether the disclosure appears to be a protected disclosure within the meaning of the Act;
  - ii) the appropriate action to be taken in relation to the disclosure, for example:-
  - iii) no action/decline;
    - ⇒ the appropriate person to take responsibility for dealing with the disclosure;
    - ⇒ preliminary or informal investigation;
    - ⇒ formal investigation;
    - ⇒ prosecution or disciplinary action;
    - ⇒ referral to an investigating authority for investigation or other appropriate action; or
    - ⇒ referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct);
- c) receive reports from the Disclosure Co-ordinator on the findings of any investigation and any recommendations for remedial action, and determine what action should be taken;
- d) take all necessary and reasonable steps to ensure that the identity of the persons who make disclosures, and persons the subject of the disclosures are kept confidential;
- e) have primary responsibility for protecting staff who make disclosures, or provide information to any internal or external investigation of a disclosure, from victimisation, harassment or any other form of reprisal;
- f) be responsible for implementing organisational reform identified as necessary following investigation of a disclosure; and
- g) report criminal offences to the police and actual or suspected corrupt conduct to ICAC [S11 ICAC Act]

#### **6.5 THE MAYOR**

The Mayor may receive internal disclosures from any member of staff of the Council or any Councillor concerning the General Manager or a Councillor.

The Mayor will:

## MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011

a) impartially assess each disclosure made to him/her about the General Manager or a councillor to determine:

- i) whether the disclosure appears to be a protected disclosure within the meaning of the Act;

Note: in making this assessment the Mayor may seek guidance from the Disclosure Co-ordinator or General Manager (if appropriate); and investigating authority (ie. The ICAC or the Ombudsman); or the Department of Local Government).

- ii) The appropriate course of action to be taken in relation to the disclosure (in consultation with the General Manager, if appropriate), for example:-

- ⇒ no action/decline;
- ⇒ the appropriate person to take responsibility for dealing with the disclosure;
- ⇒ preliminary or informal investigation;
- ⇒ formal investigation;
- ⇒ prosecution or disciplinary action;
- ⇒ referral to an investigating authority for investigation or other appropriate action; or
- ⇒ referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct);

b) refer disclosures to the General Manager for appropriate action if they concern the Council's administration, within the day to day responsibilities of the General Manager;

c) protect/maintain confidentiality of:

- i) the identity of the persons who make disclosures (unless any of the criteria in S22 of the Act apply); and
- ii) the identity of persons the subject of the disclosure (unless disclosure is required to enable allegations to be investigated or otherwise appropriately dealt with).

### 7. ALTERNATIVE AVENUES FOR DISCLOSURES

Alternative avenues available to public officials for making a protected disclosure under the Act (other than by means of the internal reporting system created under this Policy) are as follows:

- to the General Manager; or
- to one of the investigating authorities under the Act (eg. The ICAC and Ombudsman).

Notes:

- While the Act includes the Auditor General as an external investigating authority, the Auditor General's jurisdiction relates to State Government authorities and not local councils.
- The Division of Local Government is not an investigative authority under the Act, however, the ICAC, the Ombudsman or a council may refer a protected disclosure to the Division for investigation, and in such a circumstance any protection conferred under the Act is maintained.

Disclosures made to a journalist or a member of Parliament will only be protected if certain conditions are met:

- a) The person making the disclosure to a journalist or member of parliament must have already made substantially the same disclosure through the internal reporting system, or to the General Manager or an investigating authority in accordance with the Act;
- b) the information provided in the disclosure is substantially true; and
- c) the investigating authority, public authority or office to whom the matter was originally referred has:
  - i) decided not to investigate the matter; or
  - ii) decided to investigate the matter but not completed the investigation within 6 months of the original disclosure; or
  - iii) investigated the matter but not recommended any action in respect of the matter; or
  - iv) failed to notify the person making the disclosure, within 6 months of the disclosure of whether the matter is to be investigated.

## **8. RIGHTS OF PERSONS THE SUBJECT OF DISCLOSURES**

The rights of persons the subject of disclosures will be protected. In this regard:

1. the confidentiality of the identity of persons the subject of disclosures will be protected/maintained (where this is possible and reasonable);
2. disclosures will be assessed and acted on impartially, fairly and reasonably;
3. responsible officials who receive disclosures in accordance with this policy are obliged to:
  - protect/maintain the confidentiality of the identity of persons the subject of disclosures;
  - assess disclosures impartially; and
  - act fairly to persons the subject of disclosures.

4. disclosures will be investigated as discreetly as possible, with a strong emphasis on maintaining confidentiality both as to the identity of persons making protected disclosures and the persons the subject of disclosures;
5. where investigations or other inquiries do not substantiate disclosures, the fact the investigation/enquiry has been carried out, the results of the investigation/enquiry, and the identity of persons the subject of the disclosures will be kept confidential, unless the persons the subject of the disclosures request otherwise;
6. the persons the subject of the disclosures (whether protected disclosures under the Act or otherwise) which are investigated by or on behalf of a council, have the right to:
  - a) be informed of the substance of the allegations;
  - b) be informed as to the substance of any adverse comments that may be included in a report/memorandum/letter or the like arising out of any such investigation; and
  - c) be given a reasonable opportunity to put their case (either orally or in writing) to the persons carrying out the investigation for or on behalf of the council;before any decision/ determination/ report/ memorandum/ letter or the like is made or finalised;
7. where the allegations in a disclosure have been investigated by or on behalf of a council; and the person the subject of the allegations is aware of the substance of the allegations, the substance of any adverse comment, or the fact of the investigation, he or she should be formally advised as to the outcome of the investigation, regardless of the outcome; and
8. where the allegations contained in a disclosure are clearly wrong or unsubstantiated, the person the subject of the disclosure is entitled to the support of the council and its senior management (the nature of the support that would be reasonable and appropriate would depend on the circumstances of the case, but could include a public statement of support or a letter setting out the council's views that the allegations were either clearly wrong or unsubstantiated).

## **9. PROTECTION AVAILABLE UNDER THE ACT**

### **9.1 PROTECTION AGAINST REPRISALS**

The Act provides protection by imposing penalties on a person who takes "detrimental action" against another person substantially in reprisal for a protected disclosure. Penalties can be imposed by means of fines and imprisonment. "Detrimental action" means action causing, comprising or involving any of the following:

- injury, damage or loss;
- intimidation or harassment;

- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from, or prejudice in, employment; or
- disciplinary proceeding.

Any member of staff or councillor who believes that “detrimental action” is being taken against them substantially in reprisal for the making of an internal disclosure to the General Manager or in accordance with this Policy should immediately bring the allegations to the attention of the General Manager or Mayor (as appropriate).

If a public official who made an internal disclosure feels that such reprisals are not being effectively dealt with, they should contact the ICAC, or the Investigations and Review Branch of the Division of Local Government.

If an external disclosure was made to an investigating authority, that body will either deal with the allegation or provide advice and guidance to the person concerned.

## **9.2 PROTECTION AGAINST ACTIONS, ETC.**

The Act provides that a person is not subject to any liability for making a protected disclosure and no action, claim or demand may be taken or made of or against the person for making the disclosure. This provision has effect despite any duty of secrecy or confidentiality or any other restriction on disclosure by a public official.

A person who has made a protected disclosure has a defence of absolute privilege in proceedings for defamation.

A person who has made a protected disclosure is taken not to have committed any offence against an Act which imposes a duty to maintain confidentiality with respect to any information disclosed.

## **9.3 CONFIDENTIALITY**

The Act requires investigating authorities, public authorities and public officials to whom protected disclosures are made or referred, not to disclose information that might identify or tend to identify the person who made the disclosures. The exceptions to the confidential requirement are where:

- the person consents in writing to the disclosure of that information; or
- it is essential having regard to the principles of natural justice that the identifying information be disclosed to a person whom the information provided by the disclosure may concern; or
- the investigating authority, public authority, officer, or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively; or
- disclosure is otherwise in the public interest.

Decisions about natural justice, effective investigation and public interest will be made by the Public Officer. In all cases the person who made the disclosure will be consulted before such a decision is made.

Note: if guidance is needed in relation to the requirements of natural justice, effective investigation and public interest, this may be sought from an investigating authority or the Division of Local Government.

#### **9.4 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT EXEMPTION**

Under the *Government Information (Public Access) Act 2009*, a document is exempt from release if it contains matter the disclosure of which would disclose matters relating to a protected disclosure within the meaning of the Act.

#### **10. NOTIFICATION OF ACTION TAKEN OR PROPOSED**

A person who makes a protected disclosure must be notified within 6 months of the disclosure being made of the action taken or proposed to be taken in respect of the disclosure.

If a disclosure is made in accordance with this Policy, the Disclosure Co-ordinator is responsible for the 6 month notification to the person who made the disclosure unless this responsibility has been retained by or allocated to another officer by the General Manager.

If a disclosure is made to the Mayor under this Policy, the Mayor is responsible for such notification to the person who made the disclosure, unless he or she directs the General Manager, Disclosure Co-ordinator or another nominated officer to assume this responsibility.

The notification provided to the person who made the disclosure should contain sufficient information to demonstrate that adequate and appropriate action was taken, or is proposed to be taken, in respect of the disclosure. This should include a statement of the reasons for the decisions made or action taken in response to the disclosure.

The notification should include sufficient information to enable the person who made the disclosure to make an assessment as to whether the circumstances listed in Section 19(3)(a)-(c) of the Act (relating to disclosures to members of Parliament and journalists) apply ie. whether:

- a) a decision was made not to investigate the matter; or
  - b) a decision was made to investigate the matter, but the investigation was not completed within 6 months of the original decision being made; or
  - c) a decision was made to investigate the matter, but the investigation has not been completed within 6 months of the original decision being made;
- or

- d) the matter was investigated but no recommendation was made for the taking of any action in respect of the matter.

Without such information it would be difficult for the person to be able to properly assess whether it is appropriate or warranted to make a disclosure to an MP or a journalist.

#### **RELATED POLICIES**

Code of Conduct

#### **SUSTAINABILITY IMPLICATIONS**

The policy provides a mechanism for reporting of corrupt conduct, maladministration and serious or substantial waste of Council resources or money. Through the reporting of such matters should they occur Council would be provided with a potential economic benefit in the reduction of waste.

#### **RELEVANT LEGISLATIVE PROVISIONS**

*Public Interest Disclosures Act 1994*  
*Local Government Act 1993*

#### **IMPLEMENTATION RESPONSIBILITY**

Executive Officer

#### **REVIEW DATE**

Biennial from adoption



ATTACHMENT 2



POLICY

Adopted: ###  
Minute No:  
Amended:  
Minute No:

**FILE NO:** PSC2010-00009

**TITLE:** INTERNAL REPORTING POLICY – PUBLIC INTEREST DISCLOSURES ACT 1994

**RESPONSIBLE OFFICER:** EXECUTIVE OFFICER

**BACKGROUND**

Under section 6D of the *Public Interest Disclosures Act 1994* (the PID Act), public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures. The definition of public authorities includes councils. The PID Act replaces the *Protected Disclosures Act 1994*.

**OBJECTIVE**

This Policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration, the serious and substantial waste of public money or contravention of the GIPA Act by the Council, its staff and Councillors. The system enables such internal disclosures to be made to the Disclosure Coordinator, a Nominated Disclosure Officers, or the Mayor as an alternative to the General Manager.

**PRINCIPLES**

1. To provide an internal reporting system for public officials to disclosure corrupt conduct, maladministration, or serious and substantial waste of public money.
2. To encourage public officials to make disclosures when they become aware of them.

## **POLICY STATEMENT**

### **1. PURPOSE AND CONTEXT OF THE POLICY**

This Policy covers complaints and reports made under the PID Act such as disclosures of corrupt conduct, maladministration, serious and substantial waste of public money or contravention of the GIPA Act.

This policy applies to:

- Councillors and Council staff (including permanent employees whether full-time or part-time, temporary or casual employees); and
- Other persons engaged by Council (including consultants, individual contractors working for Council and volunteers).

Whilst the predominance of this Policy refers to staff, (given that they are best placed to bring to light serious problems within the management and operations of an organisation), the scope, principles and reporting processes contained within this policy also apply to Councillors and other persons engaged by Council.

This policy is designed to complement normal communication channels between managers/supervisors and staff/councillors/contractors/consultants and volunteers.

Staff are encouraged to continue to raise appropriate matters at any time with their supervisors but as an alternative have the option of making a protected disclosure in accordance with this Policy.

This Policy does not cover complaints regarding breaches of Council's adopted Code of Conduct unless they involve corrupt conduct, maladministration, serious and substantial waste of public money or contravention of the GIPA Act.

Procedures for reporting other breaches of the Code of Conduct are covered under section 11 of Council's Code of Conduct.

### **2. LEGISLATIVE CONTEXT**

The PID Act has the purpose of ensuring that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration, serious and substantial waste in the public sector and/or contravention of the GIPA Act. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters,
- protecting persons from reprisals that might otherwise be inflicted on them

- because of these disclosures, and
- providing for those disclosures to be properly investigated and dealt with.

Under section 14 of the GIPA Act, Responsible and effective government, there is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to prejudice the supply to an agency of confidential information that facilitates the effective exercise of that agency's functions.

### **3. ROLES AND RESPONSIBILITIES OF STAFF**

#### **3.1. STAFF, COUNCILLORS AND CONTRACTORS**

Staff, Councillors and Contractors are encouraged to report known or suspected incidences of corrupt conduct, maladministration, serious and substantial waste or contravention of the GIPA Act in accordance with this Policy.

All staff, Councillors and Contractors have an important role to play in supporting those who have made legitimate disclosures. They must abstain from any activity that is or could be perceived to be victimisation or harassment of a person who has made a protected disclosure. Further, they should protect and maintain the confidentiality of any person they know or suspect to have made disclosures.

##### **3.1.1 The responsibilities of all staff include:**

- reporting known and suspected wrongdoing within Council;
- not making false or misleading reports of wrongdoing;
- keeping the identity of internal reporters and anyone who is the subject of a report confidential;
- assisting those dealing with a report, including supplying any information on request;
- supporting staff who report wrongdoing;
- not taking reprisals against individuals that they suspect has reported wrongdoing;
- notifying their manager or supervisor immediately of any suspicions they have that reprisal to an internal reporter is occurring or has been threatened.

##### **3.1.2 The responsibilities of staff reporting wrongdoing:**

- only discussing the matter with authorised people and not alerting anyone who is the subject of a report that a disclosure has been made;
- when they report, raising any concerns that they have about reprisals or workplace conflict with the person assessing their report or the disclosures coordinator;
- assisting those assessing and dealing with the report, including supplying any information on request;

- if needed, seeking support from their support officer, manager or supervisor, the disclosures coordinator or any external organisations and services;
- at any time after they have reported, notifying their manager or supervisor, the disclosures coordinator or principal officer immediately of any suspicions they have that reprisal is occurring or has been threatened.

### **3.1.3 The responsibilities of staff who are the subject of a report:**

- only discussing the matter with authorised people;
- not seeking to identify the internal reporter;
- assisting those dealing with the report, including supplying any information on request;
- not taking reprisals against another staff member or individual whom they know or suspect has reported wrongdoing;
- if necessary, seeking support from their manager or supervisor or any available external organisations and services.

## **3.2 NOMINATED DISCLOSURE OFFICERS**

Nominated Disclosure Officers are responsible for receiving, forwarding and/or acting upon disclosures in accordance with the Policy. They will:

- (a) clearly explain to persons making disclosures what will happen in relation to the information received;
- (b) when requested, make arrangements to ensure that disclosures can be made privately and discreetly;
- (c) reduce to writing and date any disclosures received orally (and have the person making the disclosure sign the document);
- (d) deal with disclosures impartially;
- (e) forward disclosures to the Disclosure Coordinator or to the General Manager for assessment;
- (f) take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential; and
- (g) support persons who make protected disclosures and protect them from victimisation, harassment or any other form of reprisal.

## **3.3 DISCLOSURE COORDINATOR**

The Disclosure Coordinator acts as a clearing house for disclosures. The Disclosure Coordinator will:

- (a) provide an alternative internal reporting channel to Nominated Disclosure Officers, and the General Manager;
- (b) impartially assess each disclosure to determine:
  - (i) whether the disclosure appears to be a protected disclosure within the meaning of the Act;

- (ii) whether the disclosure covers another agency and should therefore be referred to the principle officer of that agency;
- (iii) the appropriate action to be taken in relation to the disclosure, such as:
  - no action/decline;
  - the appropriate person to take responsibility for dealing with the disclosure;
  - preliminary or informal investigations;
  - formal investigation;
  - prosecution or disciplinary action;
  - referral to an investigating authority for investigation or other appropriate action;
  - referral to the Police (if criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- (c) consult with the General Manager about all disclosures received, other than where a disclosure concerns the General Manager;
- (d) be responsible for either carrying out or coordinating any internal investigation arising out of a disclosure, subject to the direction of the General Manager;
- (e) report to the General Manager on the findings of any investigation and recommend remedial action;
- (f) take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential;
- (g) support persons who make protected disclosures and actively protect them from victimisation, harassment or any other form of reprisal; and
- (h) report actual or suspected corrupt conduct to the General Manager in a timely manner to enable him/her to comply with the *ICAC Act*.

When the Disclosures Coordinator receives or assesses a report, their responsibilities are those for 'Staff receiving a report' and 'Staff assessing a report' as provided for in this Policy. Irrespective of whether the Disclosures Coordinator receives or assesses a report, their responsibilities include:

- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate
- continually assessing the likelihood of the internal reporter being exposed to reprisal or workplace conflict
- ensuring that appropriate systems and strategies are established to minimise any risk of reprisals that the internal reporter faces
- ensuring that the internal reporter is kept regularly informed about the progress of the matter
- ensuring that the time frames promised in the acknowledgement letter are adhered to.

If the Disclosures Coordinator becomes aware that reprisal against an internal reporter is threatened or is taking place or has taken place, their responsibilities include:

- taking all steps to enable the internal reporter to continue working without being subjected to reprisal, or changing the workplace so that their exposure to the detriment is minimised (for example, moving staff to a different location)
- ensuring a senior and experienced staff member, who has not been involved in dealing with the initial report, investigates the suspected reprisal
- ensuring that the results of that investigation and any arising recommendations – including that appropriate disciplinary action be taken against anyone proven to have taken any reprisal – are provided to the principal officer for a decision
- referring any evidence of reprisals to the police, the ICAC or the Police Integrity Commission (depending on the subject matter of the allegation) to see if there are sufficient lines of inquiry to establish that a criminal offence has taken place.

The Disclosures Coordinator is also responsible for ensuring Council meets its broader obligations under the PID Act, including:

- implementing an internal reporting procedures for receiving, assessing and dealing with protected disclosures
- reporting annually on the incidence and management of protected disclosures within Council and providing a copy of this report to the NSW Ombudsman.

### **3.4 GENERAL MANAGER**

Disclosures may be made direct to the General Manager rather than by way of the Internal Reporting System under this Policy. The General Manager will:

- (a) impartially assess each disclosure to determine:
- (i) whether the disclosure appears to be a protected disclosure within the meaning of the Act;
  - (ii) whether the disclosure covers another agency and should therefore be referred to the principle officer of that agency;
  - (iii) the appropriate action to be taken in relation to the disclosure, such as:
    - no action/decline;
    - the appropriate person to take responsibility for dealing with the disclosure;
    - preliminary or informal investigations;
    - formal investigation;
    - prosecution or disciplinary action;
    - referral to an investigating authority for investigation or other appropriate action; or
    - referral to the Police (if criminal matter) or the ICAC (if the matter

concerns corrupt conduct).

- (b) receive reports from the Disclosure Coordinator on the findings of any investigation and any recommendations for remedial action, and determine what action should be taken;
- (c) take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential,
- (d) have primary responsibility for protecting staff who make disclosures, or provide information to any internal or external investigation of a disclosure, from victimisation, harassment or any other form of reprisal,
- (e) be responsible for implementing organisational reform identified as necessary following investigation of a disclosure, and
- (f) report criminal offence to the Police and actual or suspected corrupt conduct to ICAC (under s.11 of the ICAC Act).

### **3.5 THE MAYOR**

The Mayor may receive internal disclosures from any member of staff or any Councillor concerning the General Manager or a Councillor only.

The Mayor will:

- (a) impartially assess each disclosure to determine:
  - (i) whether the disclosure appears to be a protected disclosure within the meaning of the Act. [Note: In making this assessment the Mayor may seek guidance from the Disclosure Coordinator, the General Manager (if appropriate), an investigating authority (i.e. the Ombudsman, ICAC or the Director-General of the Department of Local Government)];
  - (i) the appropriate action to be taken in relation to the disclosure, (in consultation with the General Manager if appropriate), such as:
    - no action/decline;
    - the appropriate person to take responsibility for dealing with the disclosure;
    - preliminary or informal investigations;
    - formal investigation;
    - prosecution or disciplinary action;
    - referral to an investigating authority for investigation or other appropriate action;
    - referral to the Police (if criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- (b) refer disclosures to the General Manager for appropriate action if they concern the Council's administration, within the day to day responsibilities of the

General Manager,

- (c) protect/maintain the confidentiality of:
- (i) the identity of any persons who make disclosures (unless any of the criteria of section 22 of the Act apply); and
  - (ii) the identity of persons the subject of the disclosures (unless disclosure is required to enable the allegation to be investigated or otherwise appropriately dealt with).

### **3.6 PRINCIPAL OFFICERS**

Principle officers are responsible for:

- establishing and maintaining a working environment that encourages staff to report wrongdoing
- establishing an effective internal reporting system to appropriately deal with reports of wrongdoing, support staff who report, and ensure reprisals are not taken against them
- ensuring adequate resources, both financial and human, are dedicated towards achieving these outcomes.

If wrongdoing is reported to the principal officer under s.8(1)(2) of the PID Act, this person has the responsibilities outlined for 'Staff receiving a report' as set out in this Policy. In addition to these general responsibilities, the principal officer must also refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC).

The principal officer is responsible for assessing any reports that they receive in accordance with the responsibilities for 'Staff assessing a report' (see section 3.9 below).

Irrespective of whether the principal officer receives or assesses a report, their responsibilities include:

- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate
- ensuring that they are advised when an assessment decision has been made about a report and, if further action is recommended, given regular progress updates and a report of the outcome
- providing adequate resources to any support person appointed to assist an internal reporter
- providing adequate resources to any person appointed to investigate a report
- ensuring that appropriate systems and strategies are established to minimise any risk of reprisal that the internal reporter faces
- effectively managing the workplace situation, or ensuring that the workplace situation is effectively managed, if reprisal is threatened or does take place
- taking appropriate action against anyone who threatens or takes reprisal against a person for reporting wrongdoing



- taking appropriate remedial action in response to any findings that substantiate the allegations in the report
- implementing any organisational reform that is necessary to address systemic issues identified following a report.

### **3.7 MANAGERS AND SUPERVISORS**

Managers and supervisors play a key role in establishing and maintaining a working environment that encourages staff to report wrongdoing and supports those that do. If a staff member has a concern or a report of wrongdoing that may be a disclosure under the PID Act, managers and supervisors should advise them to raise the matter with a person nominated in your organisation's internal reporting policy to receive disclosures.

If a manager or supervisor is aware that one of their staff has made a report, their responsibilities include:

- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate
- providing support to the internal reporter, including ensuring that they have access to any necessary professional support
- ensuring that appropriate systems and strategies are established to minimise any risk of reprisal that the internal reporter faces
- notifying the disclosures coordinator or principal officer immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing
- effectively managing the workplace situation if reprisal is threatened or does take place
- taking appropriate action against any person who threatens or takes reprisal against a person for reporting wrongdoing.

### **3.8 STAFF RECEIVING A REPORT (WHETHER A PRINCIPAL OFFICER, DISCLOSURES COORDINATOR/OFFICER, MAYOR OR GENERAL MANAGER)**

The responsibilities of staff receiving a report include:

- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate
- when requested by a person wishing to report wrongdoing, arranging to meet with them privately and discreetly – if necessary away from the workplace
- assisting the person to put their report in writing or ensuring that any reports received orally are documented, dated and signed by the person
- forwarding reports to the disclosures coordinator or principal officer for assessment
- advising the internal reporter to only discuss the matter with authorised people and not alert anyone who is the subject of a report that a disclosure has been made about them
- explaining to the internal reporter what will happen in relation to the information received

- advising the internal reporter to notify the disclosures coordinator or principal officer immediately of any suspicions they have that reprisal is occurring or has been threatened against them
- helping the internal reporter to communicate with the disclosures coordinator, principal officer or their support person if they are having difficulty doing this directly.

### **3.9 STAFF ASSESSING A REPORT**

The responsibilities of staff assessing a report include:

- determining whether or not the report is a protected disclosure
- deciding how the report should be progressed, whether it is a protected disclosure or not
- providing the principal officer with written advice about the initial assessment and the decision about how the report is to be progressed
- ensuring that a written acknowledgement is given to the internal reporter as soon as possible, but at least within two weeks of having received the report
- in consultation with the internal reporter, assessing the likelihood of their identity remaining confidential in the workplace if the report is investigated
- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate
- if it is not possible to maintain confidentiality, developing a strategy for supporting the internal reporter and preventing reprisals – and giving the internal reporter an opportunity to discuss this proposal
- in consultation with the internal reporter, assessing the likelihood of them being exposed to reprisal or workplace conflict
- in consultation with the internal reporter, appointing a support person to assist them – someone who is not an investigator or someone with management responsibility for deciding the response to the report
- providing advice to the internal reporter's manager or the principal officer on the systems and strategies that should be established to minimise any risk of reprisal that the internal reporter faces
- reminding all managers that they have an obligation to notify the disclosures coordinator or principal officer immediately of any suspicions they have or allegations they receive that reprisal to an internal reporter is occurring or has been threatened.

### **3.10 WHAT SHOULD BE REPORTED?**

You should report any wrongdoing you see within Port Stephens Council. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as public interest disclosures and according to this policy.

### **3.10.1 CORRUPT CONDUCT**

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on "[what can be reported](#)".

### **3.10.2 MALADMINISTRATION**

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on "[what can be reported](#)".

### **3.10.3 SERIOUS AND SUBSTANTIAL WASTE IN LOCAL GOVERNMENT**

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on "[what can be reported](#)".

### **3.10.4 GOVERNMENT INFORMATION CONTRAVENTION**

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on "[what can be reported](#)".

### **3.10.5 LOCAL GOVERNMENT PECUNIARY INTEREST CONTRAVENTION**

A local government pecuniary interest contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a general manager holding an undisclosed shareholding in a company competing for a council contract

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on "[what can be reported](#)".

### **3.10.6 OTHER WRONGDOING**

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with Port Stephens Council's policies. These policies include the Code of Conduct and the Workplace Equity and Diversity Management Directive which are available from the Intranet or by contacting the Public Officer at Council.

Even if these reports are not dealt with as public interest disclosures, Port Stephens will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

## **4 WHEN WILL A REPORT BE PROTECTED?**

Port Stephens Council will support any staff who report wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.

### a) Honest belief

A belief is more than a suspicion. This means that you are more likely to accept the idea that wrongdoing occurred than reject it. An honest belief is a belief that is genuinely held. The PID Act provides that a belief is presumed to be honest unless there is evidence it is not.

### b) Reasonable grounds

The test applied here is whether, from an objective viewpoint, the basis for the person's belief is reasonable. That is, would a reasonable person in the circumstances believe that wrongdoing had occurred? The belief cannot be based on personal animosity or prejudice.

### c) Shows or tends to show

This means there must be sufficient information to indicate that the wrongdoing has happened or is happening. This may include:

- direct observation of the wrongdoing
- corroborative observation by others
- evidence such as unbalanced accounts, missing items of value or contradictory records.

There should be no alternative explanations for the conduct or activities observed that can be easily thought of.

Taken together, an 'honest belief on reasonable grounds that information shows or tends to show' means that a protected disclosure cannot be based on a mere allegation or suspicion that is unsupported by any facts, circumstances or evidence.

- The report has to be made to one or more of the following:
  - a position nominated in this policy – see section 9 (b), (c) & (d) below
  - the general manager
  - one of the investigating authorities nominated in the PID Act – see section 10 below

Reports by staff and councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

## **5 HOW TO MAKE A REPORT**

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

You can also access the Workplace Equity & Diversity Contact Officers (WED Contact Officers) to assist with advice and guidance.

## **6 CAN A REPORT BE ANONYMOUS?**

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Port Stephens, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

## **7 MAINTAINING CONFIDENTIALITY**

Port Stephens Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under Council's Code of Conduct, as this may mean certain information will have to be tabled at a council meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the general manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

## **8 WHO CAN RECEIVE A REPORT WITHIN PORT STEPHENS COUNCIL?**

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a public interest disclosure – it must be made to a public official in accordance with the council's disclosure procedures. For Port Stephens Council, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the procedures supporting this policy.

If you are Council staff and your report involves a councillor, you should make it to the general manager or the Mayor. If you are a councillor and your report is about another councillor, you should make it to the general manager or the Mayor.

The following positions are the only staff within Port Stephens Council who can receive a public interest disclosure.

### **8.1 GENERAL MANAGER**

You can report wrongdoing directly to the general manager. The general manager is responsible for:

- deciding if a report is a public interest disclosure;
- determining what needs to be done next, including referring it to other authorities;
- deciding what needs to be done to correct the problem that has been identified.

The general manager must make sure there are systems in place in Port Stephens Council to support and protect staff who report wrongdoing.

They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager can be contacted by telephoning 4980 0246.

### **8.2 MAYOR**

If you are making a report about the general manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a public interest disclosure;
- determining what needs to be done next, including referring it to other authorities;
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in Port Stephens Council to support and protect staff who report wrongdoing.

If the report is about the general manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.



The Mayor can be contacted by telephoning 4980 0245.

### **8.3 DISCLOSURES COORDINATOR**

The disclosures coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within Port Stephens Council who can deal with them appropriately.

The Disclosure Coordinator (Executive Officer) can be contacted by telephoning 4980 0187.

### **8.4 DISCLOSURES OFFICERS**

Disclosures officers work with the disclosures coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

The Disclosure Officer (Human Resources Manager) can be contacted by telephoning 4980 0126.

## **9 WHO CAN RECEIVE A REPORT OUTSIDE OF PORT STEPHENS COUNCIL?**

Staff are encouraged to report wrongdoing within Port Stephens Council, but internal reporting is not your only option. If you follow the guidance below, your report can still be a public interest disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to Port Stephens Council. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

### **9.1 INVESTIGATING AUTHORITIES**

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with. In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Police Integrity Commission (PIC) — for police misconduct
- the PIC Inspector — for disclosures about the PIC or its staff
- the Division of Local Government, Department of Premier and Cabinet — for disclosures about local government agencies
- the ICAC Inspector — for disclosures about the ICAC or its staff

- the Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with Port Stephens Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

## **9.2 MEMBERS OF PARLIAMENT OR JOURNALISTS**

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the general manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, Port Stephens Council or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Port Stephens Council's Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Port Stephens Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

## **10. FEEDBACK TO STAFF WHO REPORT WRONGDOING**

Staff who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Port Stephens Council to handle any concerns you may have;
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

## **11. PROTECTION AGAINST REPRISALS**

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

Port Stephens Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines.

Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

### **11.1 RESPONDING TO REPRISALS**

Port Stephens Council will act to protect staff who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the general manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the general manager.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal

- give the results of that investigation to the general manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the general manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The general manager may issue specific directions to help protect against reprisals. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

## **11.2 PROTECTION AGAINST LEGAL ACTION**

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure.

You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

## **12. SUPPORT FOR THOSE REPORTING WRONGDOING**

Port Stephens Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

We also have staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

Council's Executive Officer who can be contacted on 4980 0187

Council's Human Resources Manager who can be contacted on 4980 0126

Council's Workplace Assistance Program Service Provider – Converge International by telephoning 1300 337 068. This service is free to staff.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

## **13. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES**

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

## **14. SUPPORT FOR THE SUBJECT OF A REPORT**

Port Stephens Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

## **15. REVIEW**

This policy will be reviewed by Council every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

## **16. MORE INFORMATION**

More information around public interest disclosures is available on our intranet. Staff can also access advice and guidance from Port Stephens Council disclosures coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

## **17. RESOURCES**

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

### **For disclosures about corrupt conduct:**

Independent Commission Against Corruption (ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773

Facsimile: 02 9264 5364

Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000

### **For disclosures about serious and substantial waste:**

Auditor-General of the NSW Audit Office

Phone: 02 9275 7100

Facsimile: 02 9275 7200

Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)

Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)

Address: Level 15, 1 Margaret Street, Sydney NSW 2000

### **For disclosures about breaches of the GIPA Act:**

Information Commissioner

Toll free: 1800 463 626

Facsimile: 02 8114 3756

Email: [oicinfo@oic.nsw.gov.au](mailto:oicinfo@oic.nsw.gov.au)

Web: [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)

Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000

### **For disclosures about maladministration:**

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

Address: Level 24, 580 George Street, Sydney NSW 2000

### **For disclosures about serious and substantial waste in local government agencies:**

Division of Local Government in the Department of Premier and Cabinet

Phone: 02 4428 4100

Tel. typewriter (TTY): 02 4428 4209

Facsimile: 02 4428 4199

Email: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)

Web: [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)

Address: 5 O'Keefe Ave, Nowra, NSW 2541

## **RELATED POLICIES**

- 1) Code of Conduct ;
- 2) Workplace Equity & Diversity Management Directive;
- 3) Fraud & Corruption Policy;
- 4) Statement of Business Ethics.

## **SUSTAINABILITY IMPLICATIONS**

Through the delivery of a strong commitment to this policy and creating a positive reporting environment Council's reputation and image will be enhanced as the appropriate policy, processes and procedure will be in place to deal with any reports made under this legislation.

The appropriate implementation and ongoing management of this policy will provide for a positive economic impact through any wrongdoing being reported appropriately and managed in accordance with this policy.

**RELEVANT LEGISLATIVE PROVISIONS**

- 1) Local Government Act 1993
- 2) Independent Commission Against Corruption 1989
- 3) Ombudsman Act 1974
- 4) Government Information (Public Access) Act 2009
- 5) Occupational Health & Safety Act 2000
- 6) State Records Act 1998
- 7) Privacy & Personal Information Protection Act 1998.

**IMPLEMENTATION RESPONSIBILITY**

- 1) General Manager and Executive Officer .

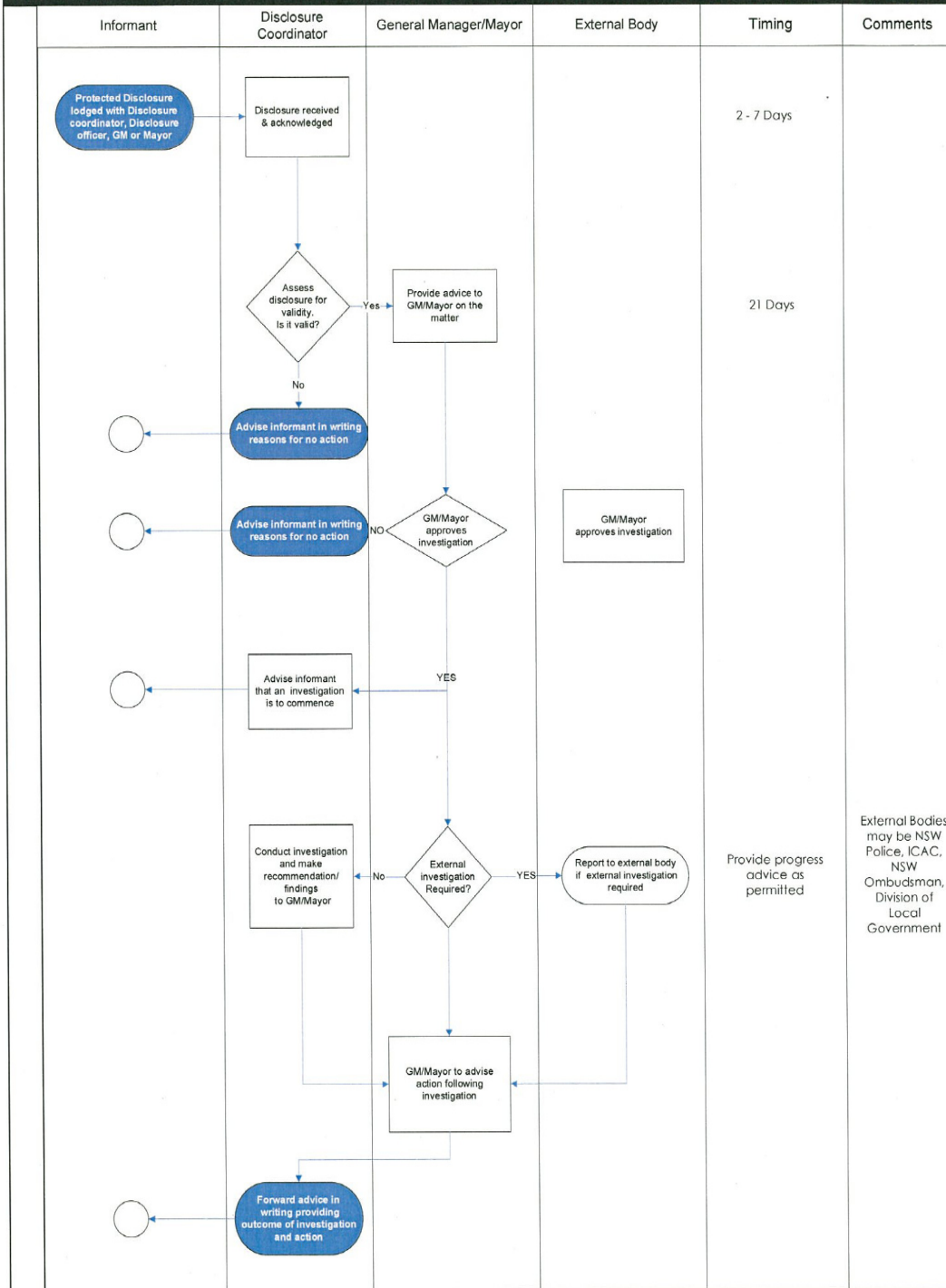
**REVIEW DATE**

- 1) Biennial.



**MINUTES FOR ORDINARY MEETING – 27 SEPTEMBER 2011**

**Process Name: Internal Report policy – Public Interest Disclosure Act 1994**  
**Intent: The process for dealing with Public Interest Disclosures**



Legend: Process Terminator Decision Predefined process

Added Support may be involved in step.

**ITEM NO. 3**

**FILE NO: PSC2005-4217**

**2010/2011 GENERAL PURPOSE FINANCIAL REPORTS AND SPECIAL PURPOSE FINANCIAL REPORTS**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refer the draft 2010/2011 General Purpose Financial Reports and Special Purpose Financial Reports for audit;
- 2) Sign the Statement on the General Purpose Financial Reports;
- 3) Sign the Statement on the Special Purpose Financial Reports.

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>356</b>	<p><b>Councillor John Nell</b>  <b>Councillor Caroline De Lyall</b></p>
	<p>It was resolved that the recommendation be adopted.</p>

**BACKGROUND**

The purpose of this report is to advise that the draft General Purpose Financial Reports and Special Purpose Financial Reports for the period ended 30th June 2011 have been prepared and the audit is due to commence Tuesday 4th October.

Under Section 413 of the Local Government Act 1993 Council is required to submit, with the General Purpose Financial Reports, a statement as to its opinion on the reports (ATTACHMENT 1).

The Local Government Code of Accounting Practice and Financial Reporting (The Code) requires that commencing from the 1998/99 reporting period Council shall complete a Special Purpose Financial Report for all business activities declared by Council.

The Code requires a statement by Council indicating whether or not the Council's Special Purpose Financial Reports have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting (ATTACHMENT 2).

## **FINANCIAL/RESOURCE IMPLICATIONS**

The 2010/2011 General Purpose Financial Reports have been prepared in compliance with the Local Government Act 1993, the Local Government Code of Accounting Practice and Financial Reporting, the Australian Accounting Standards and the Asset Accounting Manual.

All revenues received for 2010/2011 have been recognised together with any revenues due but not yet received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.

Funds received for specific purposes but not expended during the period have been identified as either an external or internal restrictions.

All known assets acquired during the period have been recognised at actual cost, or at fair value in line with the staged implementation of Fair Value Accounting for assets

All known liabilities incurred during the period have been recognised at actual or committed cost.

All known assets of Council have been recognised and brought to account.

The 2010/2011 Special Purpose Financial Reports are being prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting.

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

Signing of the Statement giving Council's opinion on the financial reports will comply with Section 413 of the Local Government Act 1993.

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

## **CONSULTATION**

- 1) Price Waterhouse Coopers, Council's External Auditor, in providing advice on accounting concepts and standards;
- 2) The Division of Local Government in providing advice on recent changes to the Code of Accounting Practice and Financial Reporting.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Statement by Council as to its opinion on the General Purpose Financial Reports;
- 2) Statement by Council as to its opinion on the Special Purpose Financial Reports.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ATTACHMENT 1

Port Stephens Council

General Purpose Financial Statements

for the financial year ended 30 June 2011

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these Financial Statements:

- present fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render the Reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 27 September 2011.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
COUNCILLOR

\_\_\_\_\_  
Peter Gesling  
GENERAL MANAGER AND  
RESPONSIBLE ACCOUNTING OFFICER

ATTACHMENT 2

Port Stephens Council

Special Purpose Financial Statements

for the financial year ended 30 June 2011

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- The NSW Government Policy Statement "Application of National Competition Policy to Local Government"
- The Division of Local Government Guidelines "Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality"
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines - "Best Practice Management of Water and Sewerage".

To the best of our knowledge and belief, these Financial Statements:

- Present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render these Statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 27 September 2011.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
COUNCILLOR

\_\_\_\_\_  
Peter Gesling  
GENERAL MANAGER AND  
RESPONSIBLE ACCOUNTING OFFICER

# NOTICES OF MOTION

# NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

## PCYC – RAYMOND TERRACE

COUNCILLOR: JORDAN, MACKENZIE

### THAT COUNCIL:

- 1) That Council apply to the State Government to get one of the new PCYC's at Raymond Terrace.

### ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011

<b>357</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Bruce MacKenzie</b></p>
	<p>It was resolved that the Notice of Motion be adopted.</p>

### BACKGROUND REPORT OF: PETER MARLER – ACTING MANAGER ENVIRONMENTAL AND DEVELOPMENT PLANNING, SUSTAINABLE PLANNING

Councils Social Planning Team has been in discussion with the Port Stephens LAC Sgt – Crime Coordination to scope the potential for attracting funds for a PCYC operations in Raymond Terrace. Currently funding is available for the resourcing of PCYC operational costs but not new capital building costs (see Attachment 1). Based on associated evidence and demonstrated community support gathered by Social Planning Team, Raymond Terrace meets the majority of criteria set out in EOI document. The greatest challenge to be met is the provision of suitable accommodation and this remains a matter that needs to be addressed before any funding application can be further developed.

PCYC's provide critical social infrastructure and support for young people and currently, in other parts of NSW including Maitland, a strong partnership approach developed by PCYC has led to significant funding being received for vocational training based activity. The capacity to support a similar approach in Raymond Terrace exists, and such a facility would compliment the more sports orientated PCYC operations in Nelson Bay as well as Raymond Terrace based YMCA.

The need for a PCYC facility in Raymond Terrace was highlighted through the work of the now defunct Community and Policing Services (CAPS) program. The opportunity now exists to build on the works of CAPS and increase the capacity of quality youth support programs for a well identified population of disadvantaged youth.



## ATTACHMENT 1



### **Expression of Interest Establishment of a New Police & Community Youth Club**

---

The NSW Government is providing additional resources to PCYC NSW and the NSW Police Force Youth Command to support the expansion of PCYCs and work to prevent juvenile crime.

Funding will be made available to support the establishment of 8 new PCYCs between 2011 and 2015.

#### **What the NSW Government is Providing**

Each new PCYC will be provided two (2) Police Youth Case Managers and one (1) Club Manager, through the NSW Police Force Youth Command and PCYC respectively. These positions are funded by the NSW Government

Five allocations of \$250,000 and two allocations of \$2.5 million are now available to PCYC to assist in establishing 7 new facilities. In addition, the location of a new facility in south-western Sydney has already been identified and funding towards its construction will be made outside of this allocation process. The capital allocations will be provided by the NSW Government to assist with facility development or expansion, if deemed appropriate, in locations selected.

#### **How Locations will be Selected**

The selection criteria will include:

- The absolute number of young people in the community to be served
- The socio-economic status of the community or communities to be served
- Juvenile crime statistics for the area
- Extent of other youth services/programs available in the area or to be collocated or transferred to the facilities
- The facilities or funding to be contributed by the local Council
- The commitment of local community leaders to support a new Club
- Transport and accessibility of the proposed facilities
- The likely viability of the Club once operational

### **How a PCYC Operates**

Each local Club represents a collaboration between the NSW Police Force, the community and PCYC to promote positive engagement for young people in sport and recreation activities, to offer youth development programs, and to support youth crime reduction and prevention programs.

The Manager in each Club is responsible for ensuring maximum use of the facilities by young people and the community generally. The Police Officers based at the Club engage individual young offenders in programs designed to stop further offending. They also participate in local hot spot interventions and support community policing initiatives in schools and the community. Volunteers are seen as crucial to the Club to provide activity support, to assist in Police programs, to fundraise, and to constitute the Club advisory committee.

Each facility must be able to provide a range of sporting, cultural and recreational activities to ensure viable Club operations and Police programming. In general, Club facilities will include a sports court, multi-purpose activity rooms, offices and activity space for Police programs, passive recreation space, and adequate amenities. PCYC will not operate a simple youth 'drop-in' centre.

PCYC's partnerships with Councils usually involve the long-term (20 year) lease of facilities at a peppercorn rate to ensure operational costs and resulting charges for participation are minimised. Such a lease normally involves Councils being responsible for the building and plant, with PCYC being responsible for operational maintenance. Documentation usually includes an interdependent lease and project agreement.

### **What Needs to be Included in Expressions of Interest**

The following should be addressed and documented in any expression of interest:

1. Demographic details profiling the youth population to be served (including aspects of socio-economic disadvantage or special community needs)
2. Youth crime issues and data for the area
3. The proposed location and profile of facilities to be made available for the new Club
4. The nature and extent of any recurrent funding, subsidy or youth program support to be offered (or proposed for collocation)
5. The nature and extent of any capital contribution being sought
6. The extent to which the proposal is dependent on any future Commonwealth grants or contribution
7. The business viability and financial sustainability of the Club once operational (including potential activity profile, and evidence of existing and future strategies or plans for sport and recreation facility development in the local government area)
8. The proposed or preferred date between January 2012 and June 2015 by which facilities could be made operational and funds would need to be allocated
9. Evidence of formal endorsement of the Expression of Interest, of its resource commitments by a meeting of Council, and of a commitment to expedite implementation
10. Endorsement by the NSW Police Force Local Area Commander

11. Endorsements by local service organisations and community groups, and evidence of potential volunteers willing to serve as a Club advisory committee

### The EOI Timetable & Process

A working party involving the CEO of PCYC, the CEO of the Ministry of Police, and an Assistant Commissioner of Police (representing the Commissioner of Police) will review Expressions of Interest and make recommendations to the Minister for Police and Emergency Services and Board of PCYC. Councils may be contacted after submitting their documentation to obtain further information, or to discuss their Expressions of Interest, at the discretion of the Working Party.

As funds are to be distributed in the financial years 2011/12 to 2014/15, consideration will be given to priority need and facility availability in determining when the 8 new clubs will be commissioned over that period.

Decisions as to the establishment of the new Clubs and the related capital allocations will be made jointly by the Minister for Police and Emergency Services and the Board of PCYC. These decisions will not be entered into, and will not be subject to appeal. Notwithstanding any initial selection, the NSW Government and PCYC reserve the right not to proceed with a project where at any time the viability of the Club arises or where timetable and resource commitments are not met by the relevant Council.

Expressions of Interest must be received by PCYC **no later than 5.00pm Monday 31<sup>st</sup> October 2011.**

It is expected that final decisions will be jointly announced by the Minister for Police and Emergency Services and PCYC early in 2012.

Expressions of Interest may be delivered in hard documentation to the PCYC State Office at 1C Mimika Avenue Whalan, or in the form of a PDF by email to [rhardy@pcycnsw.org.au](mailto:rhardy@pcycnsw.org.au). Where an Expression of Interest is delivered by email, it is the responsibility of the Council to confirm that it has been received in full and by the closing date and time.

# 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 – 27 September 2011

358	Councillor Bruce MacKenzie Councillor Glenys Francis
	It was resolved that Council move into Confidential Session.

CONFIDENTIAL

ITEM NO. 1

FILE NO: T10-2011

**T10-2011 SUPPLY, DELIVER AND LAYING OF ASPHALT**

REPORT OF: PETER MURRAY - OPERATIONS MANAGER

GROUP: FACILITIES AND SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Accept the tenders of Tropic Asphalt and Boral Asphalt the supply of asphalt road patching material ex bin;
  - 2) Accept the tenders of Accurate Asphalt, Ian Rich Asphalt and Boral Asphalt for the supply, delivery and laying of asphalt;
  - 3) Accept the tenders of Boral Asphalt, Downer EDI and Accurate Asphalt for pavement heavy patching services;
  - 4) Accept the aforementioned tenders for a period of two years with an option to re-new for a further 2 year period dependant on the individual suppliers' performance.
- 

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>359</b>	<b>Councillor Bruce MacKenzie</b> <b>Councillor Caroline De Lyall</b>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Accept the tenders of Tropic Asphalt and Boral Asphalt the supply of asphalt road patching material ex bin;</li><li>2) Accept the tenders of Accurate Asphalt, Ian Rich Asphalt and Boral Asphalt for the supply, delivery and laying of asphalt;</li><li>3) Accept the tenders of Boral Asphalt, Downer EDI and Accurate Asphalt for pavement heavy patching services;</li><li>4) Accept the aforementioned tenders for a period of two years with an option to re-new for a further 2 year period dependant on the individual suppliers' performance.</li></ol>

CONFIDENTIAL

ITEM NO. 2

FILE NO: T14-2011; PSC2005-0786

**TENDER – T14-2011, FINGAL BAY SURF CLUB RECONSTRUCTION**

REPORT OF: PETER AVIS – PROJECT SERVICES

GROUP: FACILITIES AND SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Accepts the tender of J&J Killalea for the reconstruction of the Fingal Bay Surf Life Saving Club to the value of \$2,122,850.00.
- 

**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

360	<b>Councillor John Nell</b> <b>Councillor Sally Dover</b>
	It was resolved that Council accepts the tender of J&J Killalea for the reconstruction of the Fingal Bay Surf Life Saving Club to the value of \$2,122,850.00.

CONFIDENTIAL

ITEM NO. 3

FILE NO: PSC2010-02986

**CALL FOR DETAILED PROPOSAL SUBMISSIONS FOR LOT 1 DP116304, PART LOT 1 DP81992, LOT 2 DP 130393, LOT 2 DP880718 AND PART LOT 3 DP880718 RAYMOND TERRACE**

REPORT OF: CARMEL FOSTER – COMMERCIAL PROPERTY MANAGER

GROUP: COMMERCIAL PROPERTY

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Rejects all submissions to Council from the Call for Detailed Proposal Process;
- 2) Authorises the Property Section to negotiate with interested parties to provide a retail precinct for Raymond Terrace in accordance with the adopted Master Plan.

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**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2011**

<b>361</b>	<b>Councillor Bruce MacKenzie</b> <b>Councillor Peter Kafer</b>
	It was resolved that Council rejects all submissions to Council from the Call for Detailed Proposal Process.

There being no further business the meeting closed at 7.16pm.

*I certify that pages 1 to 163 of the Open Ordinary Minutes of Council 27 September 2011 and the pages 164 to 185 of the Confidential Ordinary Minutes of Council 27 September 2011 were confirmed by Council at its meeting held on 18 October 2011.*

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