

MINUTES 9 APRIL 2013



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

... a community partnership

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 9 April 2013, commencing at 5.30pm.

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

Cr Peter Kafer entered the meeting at 5.31pm during the Motion to Close.
Cr Steve Tucker entered the meeting at 5.38pm during Item 1.

	No apologies were received.

080	Councillor Chris Doohan Councillor Ken Jordan
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 26 March 2013 be confirmed.

	Cr Ken Jordan declared a pecuniary interest in confidential Item 1. The nature of the interest is a friendship with a tenderer.

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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: PSC2008-3848

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: LISA MARSHALL – ACTING EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d)(i) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the agenda namely **Lease of Lot 1012 DP 814078, Lot 11 DP 629503, Lot 121 DP 556403 & Lot 1 DP 224587, 282, 282a, 282b and 398 Cabbage Tree Road, Williamtown**
- 2) That the reasons for closing the meeting to the public to consider this item be that 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.
- 3) That on balance, it is considered 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 suppliers.
- 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.

ORDINARY COUNCIL MEETING – 9 APRIL 2013

MOTION

	Councillor Geoff Dingle Councillor John Nell
	That Council consider the report in open Council.

Cr Peter Kafer entered the meeting at 5.31pm during the Motion to Close.

The Motion on being put was lost.

<p>081</p>	<p>Councillor Bruce MacKenzie Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) That pursuant to section 10A(2)(d)(i) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the agenda namely Lease of Lot 1012 DP 814078, Lot 11 DP 629503, Lot 121 DP 556403 & Lot 1 DP 224587, 282, 282a, 282b and 398 Cabbage Tree Road, Williamtown 2) That the reasons for closing the meeting to the public to consider this item be that 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. 3) That on balance, it is considered 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 suppliers. 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.
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COUNCIL REPORTS

ITEM NO. 1

FILE NO: PSC2011-00312

REVIEW OF CULTURAL PROJECTS FUND AND ABORIGINAL PROJECTS FUND

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the outcomes of the review of the Cultural Projects Fund and Aboriginal Projects Fund and endorse the following key actions:
 - a) Conduct a 12 month trial implementing the proposed improvements to the Cultural Projects Fund and the Aboriginal Projects Fund as outlined in **(ATTACHMENT 2)** of this report;
 - b) Conduct a review of the 12 month trial near its completion and submit a report to Council on the outcomes with recommendations on the future direction of the Cultural Projects Fund and Aboriginal Projects Fund;
 - c) Carry over to 2013/2014 budget the unallocated balance of this financial year's 2012/2013 budget allocation of \$34,985 in the Cultural Projects Fund and \$35,000 in the Aboriginal Projects Fund; and
 - d) Proceed with holding a funding round of the Cultural Projects Fund and Aboriginal Projects Fund based on the combined balance of 2012/2013 grant funds and the 2013/2014 budget allocation and submit a report to Council with recommendations on the allocation of these funds.

ORDINARY COUNCIL MEETING – 9 APRIL 2013
MOTION

	Councillor Ken Jordan Councillor Chris Doohan
082	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor Chris Doohan
	That the recommendation be adopted.

Cr Steve Tucker entered the meeting at 5.38pm during Item 1.

MOTION

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

BACKGROUND

The purpose of this report is to recommend to Council the trialling of improvements to the Cultural Projects Fund and Aboriginal Projects Fund and to carry over the balance of unallocated 2012/2013 Cultural and Aboriginal Projects Funds to the 2013/2014 budget which applications will be sought.

At the Ordinary meeting of Council on 18 October 2011, Item 9, Minute 376 Council endorsed the following recommendations as part of the sustainability review of Council's social planning service package.

That Council:

- 2) *Undertake a review of grant programs sourced from general revenue.*
- 3) *Subject to (2) prepare a report to Council on the outcomes of the review with recommendations on the future direction of Council's Aboriginal Projects Fund and Cultural Projects Fund.*

For many years the two grant programs have been highly regarded by cultural organisations, community groups, our two Local Aboriginal Land Councils and the broader community. This was acknowledged in 2006 when Council received a national commendation under the Local Government Awards for Council's Aboriginal program which the Aboriginal Projects Fund is a key element.

Overview of Cultural Projects Fund:

In 2004 Council resolved to establish the Cultural Projects Fund allocating \$30,000 annually for the purpose of providing the community with access to one-off grants to help support the development of local cultural projects. In 2006 Council by resolution increased the annual budget allocation for the Cultural Projects Fund to \$60,000 per annum. In 2010 Council resolved to allow applicants to apply for funds up to a maximum of 3 years.

Since the inception of the fund around 60 projects have been funded ranging from cultural development initiatives, equipment and resources for cultural activities and various cultural events/shows and festivals. These projects have collectively supported and strengthened the diverse and vibrant cultural life of Port Stephens.

Applications have previously been assessed by Council's S355c Strategic Arts and Cultural Committee which makes recommendations to Council on the allocation of the available funds. This Committee is comprised of representatives from cultural groups and community members with an interest in developing the vibrant culture of Port Stephens. The purpose of Committee is to assist Council in formulation of policies, plans pertaining to arts and culture, and decisions on allocation of cultural funds while maintaining a relationship with community members interested in cultural development.

Overview of Aboriginal Projects Fund:

Prior to 1999 Council employed a part-time Aboriginal Liaison / Support Officer (for 2 days a wk) at a cost of \$20,000 per annum sourced from general revenue. This position had a reasonably high turnover of staff. When the position was last vacated in 1998/99 Council's then Indigenous Strategic Committee (now known as Aboriginal Strategic Committee) recommended that Council not proceed with filling the vacancy. They recommended instead that Council redirect the salary funds to establish a community grants program specifically targeting the local Aboriginal community.

Consequently in 1999 Council passed a resolution based on the recommendations of the Aboriginal Strategic Committee to re-allocate the \$20,000 per year to a 2 year pilot one-off grants program (ie; Aboriginal Projects Fund). The intended purpose of the new annual one-off grants program was to encourage the development of local projects to meet identified needs within the local Aboriginal community. Following the success of the 2 year pilot, Council in March 2002 endorsed the retention of the Aboriginal Projects Fund. In 2005 Council increased the annual budget allocation for the Aboriginal Projects Fund to \$35,000.

Since the inception of the fund around 54 projects have been funded ranging from Aboriginal cultural awareness initiatives, education,/training and employment generating programs often with a strong focus on young people, sport and recreation projects, health and social support programs and various Aboriginal cultural events and celebrations.

As no funding round of the Aboriginal Projects Fund has occurred this year due to the review, the balance of available funding is \$35,000 as per the 2012/2013 budget allocation.

Applications have previously been assessed by Council's S355c Aboriginal Strategic Committee which makes recommendations to Council on the allocation of the available funds. This Committee is comprised of representatives from the Worimi and Karuah Local Aboriginal Land Councils, Port Stephens Council Councillors, and relevant Council Officers.

Outline of 2012/2013 Review:

The intent of the current review was to identify opportunities to further improve the two grant programs and create greater alignment with Council's Strategic Directions in the 2012-2021 Community Strategic Plan which states: -

OUR LIFESTYLE: Recreation, Leisure and Culture

*Port Stephens has a diverse range of passive and active lifestyle opportunities that are considered by users to be safe, convenient, reliable and affordable.
2.4 Preserve and promote multiculturalism and Port Stephens heritage, arts and culture.*

Due to the review process, it was considered prudent to hold off on conducting a funding round of these two grant programs this financial year until the review was completed. Council's 355c Strategic Arts & Cultural Committee and S355c Aboriginal Strategic Committee were briefed on the review and they have been consulted (and provided) input throughout the process.

In line with Council's Business Excellence Principles an internal review team was established. During the review process, opportunities for improvements to the two grant programs were identified which could better align the two programs and enhance their value to the Port Stephens community. The aspects of the programs which were identified as requiring improvement are outlined in **(ATTACHMENT 1)**.

Key findings of the review:

In summary, the key findings of the review centre of the following improvements as detailed in **(ATTACHMENT 2)**:

Need for greater alignment with Council Plans and policies:

- There is a need for greater alignment between the allocation of funding with Council's key organisational plans and policies such as the Port Stephens Community Strategic Plan and the associated 4 year delivery program and 12 month Operational Plan.
- Applicants will now be required to demonstrate how their grant application is linked to Council's key plans and policies. They will be informed of the relevant plans and their content at the time of seeking funding. This will ensure that funds allocated under the programs help Council to deliver to the community on its stated cultural outcomes. This will provide better value to Council and the community.

Need for greater clarity between the two grant programs:

- There is a need for greater differentiation between the two programs as to what type of projects are eligible for funding under the Cultural Projects Fund and the Aboriginal Projects Fund. Aspects of the purposes of the programs and the associated guidelines are ambiguous which can create confusion particularly for prospective grant applicants new to the grant programs.
- Consequently the guidelines for both programs have been rewritten to provide clear focus with rewritten purpose statements, the insertion of definitions of culture as used under each program and clear terminology.

Need for improved governance:

- There is a need for the governance of both programs to be improved. The review found the programs varied in terms of timing of when funding rounds were held, both programs used different application forms and application processes, variation in assessment processes and reporting and acquittal requirements all of which had various levels of user friendliness.
- Consequently the timing of the funding rounds of both programs are now aligned with a joint launch proposed annually. New user friendly application forms, reporting and acquittal forms have been developed. It is also proposed to introduce a choice of user friendly options for completing grant applications with forms available online or in hard copy. Further improvements to the assessment process are also proposed to be introduced to provide more transparency and accountability including establishment of a Cultural Fund Review Panel to assist Council's S355c Strategic Arts & Cultural Committee.

Need for quality improvement:

- Applications submitted under both programs tend to vary in terms of quality and relevance to the community. Applications of low quality and/or questionable relevance tend to indicate a lack of consultation by the applicant with other key stakeholders. This can lead to applications which may be incomplete, or duplicate an existing project.
- Applicants will now be required to first liaise with a member of Council's Social Planning Team and relevant cultural and community organisations during the development of their application and ensure alignment with the purpose of the relevant fund.

Need to review issuing of 2 and 3 year grants:

- Under the Aboriginal Projects Fund applicants can only apply for a one-off grant (ie; once only) which must be spent within 12 months of receipt. Under the Cultural Projects Fund however applicants can apply for a grant of up to three years. The review found that this can be problematic as it can create a dependency on Council by funded applicants. It also reduces the amount of funding available each year for developing new cultural projects and initiatives which is the primary purpose of the fund.
- Consequently it is proposed to only offer one-off grants under the Cultural Projects Fund. This is not intended to stop organisations from seeking funding for a project in subsequent years; it is intended to stipulate to groups that they can only apply for a grant for up to 12 months only. Subject to the outcomes of their funded project they can apply in the next funding round for another grant which demonstrates further development of their original funded project. In these cases the applications would be considered and assessed with all new applications received under that funding round and would have no preferential ranking.

FINANCIAL/RESOURCE IMPLICATIONS

The changes to the funding programs are based on continuous improvement processes.

From the outset of the review Council's S355c Strategic Arts and Cultural Committee and S355c Aboriginal Strategic Committee have been of the understanding that Council would still proceed as usual with a funding round of the Cultural Projects Fund and Aboriginal Projects Fund in 2012/2013. This is with the intent to allocate this financial year's budget allocation of \$35,000 for the Aboriginal Projects Fund and the remaining Cultural Projects Fund balance of \$34,985 prior to 30 June 2013 once the review had been completed. The looming end of the 2012/2013 financial year has led to the two Committees expressing concern that the funds will not be allocated this financial year.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	69,985	Covered by existing allocation in 2012/2013 budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that not accepting the findings of the review, will lead to continued inefficiencies and ineffective grants through retention of current processes.	Medium	Endorse the key actions listed in the report to improve the grant programs	Yes
There is a risk that Council's well established and highly regarded relationship with the Port Stephens Aboriginal community and cultural organisations may be damaged if this financial year's budget allocation is lost.	Medium	Carry over to 2013/2014 budget the unallocated balance of this financial year's 2012/2013 budget allocation of \$34,985 in the Cultural Projects Fund and \$35,000 in the Aboriginal Projects Fund.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The review has resulted in some real benefits by bringing the Aboriginal Projects Fund and Cultural Projects Fund together through the alignment of the programs. This in turn will provide better services to our customers.

The funds have provided cultural groups, community and Aboriginal organisations with access to grants which have and will continue to fund projects that recognise value, showcase and build the cultural diversity of Port Stephens.

Since their inception the Cultural Projects Fund and Aboriginal Projects Fund have funded projects which have benefited the community. The benefits have included employment generating initiatives, building cultural awareness and appreciation in the community, resourcing and strengthening the capacity of Aboriginal and cultural groups in providing their respective programs, activities, events and their services to the community.

CONSULTATION

The issues identified by the community and key stakeholders during the sustainability review with respect to these two grant programs were considered by the Review Team. Council's 355c Strategic Arts and Cultural Committee and 355c Aboriginal Strategic Committee have been consulted and had input into the review from the outset. These Committees have been consulted on the proposed improvements specified in this report and are supportive of the proposed improvements overall.

OPTIONS

- 1) Accept the recommendation and key actions leading to improvements to the funding programs which have been developed and supported by Council's S355c Strategic Arts & Cultural Committee and S355c Aboriginal Strategic Committee. The improvements will see the programs fully aligned with Council's Community Strategic Plan, with greater clarity of purpose and scope, improved governance and better value to the community;
- 2) Amend the recommendation. This may lead to a delay in the commencement of the next funding rounds of the two programs which poses risks to reputation and relationship with key stakeholders; or
- 3) Reject the recommendation will see Council continue with the two programs with no changes leaving the community with two grant programs that are not rated as being user friendly, are adhoc in terms of timing, governance and purposes and definitions are clearly articulated.

ATTACHMENTS

- 1) Aspects of Cultural Projects Fund and Aboriginal Projects Fund requiring improvement;
- 2) Overview of proposed improvements to Cultural Projects Fund and Aboriginal Projects Fund; and
- 3) Overview of processes for Cultural Projects Fund and Aboriginal Projects Fund.

COUNCILLORS ROOM

- 1) Updated Guidelines for Port Stephens Council Cultural Projects Fund, Application and Acquittal Forms; and
- 2) Update Guidelines for Port Stephens Council Aboriginal Projects Fund, Application and Acquittal Forms.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Aspects identified requiring improvement:

Aspects of funding program	Details	Impacts
<p>Purpose</p>	<p>Purpose of two grant programs was ambiguous and long as outlined below: -</p> <p><u>Cultural Projects Fund</u> (stated purpose):</p> <p>To support projects that:</p> <ul style="list-style-type: none"> • Extend or diversify knowledge or experience of cultural or artistic programs or skills of practitioners in the community and has the ability to attract new audiences; • Increase opportunities to extend community capacity for cultural and/or artistic activity; • Offer opportunities for employment generation; and • Complement Council's own community and cultural objectives, strategies and programs and will contribute to a vibrant cultural and community life for Port Stephens and its permanent and visiting community <p><u>Aboriginal Projects Fund</u> (stated purpose):</p> <p>The purpose of the program is to encourage local organisations to develop projects to meet needs identified within the Aboriginal community. The Aboriginal Projects Fund aims to: -</p> <ul style="list-style-type: none"> • Provide local community organisations with access to a funding pool aimed specifically at funding projects which address priority needs within the Aboriginal community 	<ul style="list-style-type: none"> • Can create confusion amongst potential applicants about which grant fund to seek funds from.

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	<ul style="list-style-type: none"> • Provide organisations with the opportunity to decide what projects are important to their community • Demonstrate Council's commitment to allocate resources towards achieving its social planning objectives contained within Council's Management Plan 	
Alignment with Council Plans and Strategies	The two programs are aligned with Council's Community Strategic Plan 2012-2021. However there is a need to create a greater alignment between the allocation of funds and relevant Council plans and strategies.	<ul style="list-style-type: none"> • Missed opportunity to fully align funds to projects which will assist in delivery of desired outcomes specified in relevant Council plans and strategies.
Community and Cultural Development	Applications can sometimes reflect little/no effort by applicant in preparing their application with reference to community and cultural development principles. This can be seen on occasion where there is no evidence that applicant has developed their project in consultation with relevant Council Officers and/or relevant community and Aboriginal organisations or cultural groups.	<ul style="list-style-type: none"> • Can result in funding being sought for projects which duplicate existing projects and services • Can result in missed partnership opportunities with other community and cultural groups • Can result in grant applications which are not aligned with Council's cultural objectives • Can result in funding being sought for projects which are not reflective and/or fully appreciative of local culture.
Timing of funding rounds	The timing for the opening and closing of the funding rounds of the two programs do not align.	<ul style="list-style-type: none"> • Can create confusion • Does not allow Council to consider requests for funding under the programs at the same time. • Potential risk for duplication of projects and miss potential partnership opportunities.
Application Processes	<p>Application processes differ greatly between the two grant programs as shown below: -</p> <p>Aboriginal Projects Fund application steps:</p> <ol style="list-style-type: none"> i. Applicant completes and lodges a Project Endorsement Form from the respective Local Aboriginal Land Council ii. Applicant lodges Stage 1 Expression of Interest Form iii. Shortlisted applicants lodges Stage 2 Application Form 	<ul style="list-style-type: none"> • Places additional demands on resources of Local Aboriginal Land Councils by applicants seeking their endorsement for their funding proposals • Can impact on perceptions of role of Committee members in the assessment process.

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	<p>Cultural Projects Fund application step:</p> <p>i. Applicant lodges completed Application Form</p>	
Application Forms	<p>Application form content and format differs greatly between the two grant programs.</p> <p>Application form for the Aboriginal Projects Fund is available in hard copy only, whereas application form for the Cultural Projects Fund is only available online and is considered not user friendly by applicants.</p>	<ul style="list-style-type: none"> • Deterrent to prospective applicants • Applicants have limited options for completing applications which can exclude some prospective applicants.
Eligibility Criteria	<p>Unchanged and consistent between 2 grant programs</p>	<ul style="list-style-type: none"> • Nil
Terms and Definitions	<p>Misunderstanding of what constitutes 'culture' as used in the Cultural Projects Fund and in the Aboriginal Projects Fund.</p>	<ul style="list-style-type: none"> • Can create confusion and misunderstanding • Applicants may apply to wrong funding program inadvertently.
Assessment Process	<p>Under the current 3 step application process for the Aboriginal Projects Fund the Aboriginal Strategic Committee is required to meet on two separate occasions (ie; firstly to assess and short list expressions of interest, followed by second meeting to assess applications and formulate recommendations to Council on the allocation of available grant funds).</p> <p>Whereas Strategic Arts & Cultural Committee meets only once to assess applications and formulate recommendations to Council on the allocation of available grant funds.</p>	<ul style="list-style-type: none"> • Places additional demands on members of Aboriginal Strategic Committee • Prolongs the period between time applicant lodges initial expression of interest and time they receive notification on their outcome of their application for Aboriginal Projects Funds. • Can adversely impact on credibility and reputation of Aboriginal Projects Fund.
Quality of applications	<p>The quality of applications under both grant programs often differs from poor to high quality.</p>	<ul style="list-style-type: none"> • Potentially good projects are compromised as a result of a poor grant application being submitted • Time wasted by Council Officers and members of Aboriginal Strategic Committee and the Strategic Arts & Cultural Committee in assessing sub standard applications
Quantity of applications	<p>The number of applications submitted under the grant programs tends to vary year in, year out from moderate to high responses.</p>	<ul style="list-style-type: none"> • Decreased competitiveness for available funds • Limited choice for Committees and ultimately Council to consider when making determination on allocation of available grant funds • Groups not aware of the availability of the funding programs may miss the opportunity

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		to seek funding to develop and support a great idea to benefit the community.
Duration of grants	<p>One-off grants only are available under the Aboriginal Projects Fund</p> <p>One-off grants and recurrent grants up to 3 years are available under the Cultural Projects Fund</p>	<ul style="list-style-type: none"> • One-off only grants encourages new ideas • Grants spanning 1 – 3 years can create a co-dependency on Council funding • Can diminish efforts and responsibility of funding recipients to seek alternate options beyond Council for the long term financial sustainability for projects they wish to continue on an ongoing basis • Reduces the amount of funds available under the Cultural Projects Fund each year for new projects as committed payments to 2 and 3 year projects come out of available grant budget, leaving only remaining funds for new projects.
Funding Limits	<p>There is no limit on the amount of funds applicants can apply for under the Cultural Projects Fund</p> <p>Applicants under the Aboriginal Projects Fund can apply for a grant up to \$10,000</p>	<ul style="list-style-type: none"> • Sizable grants can at times be counter productive to fostering community development in the planning and delivery of projects. It can at times discourage groups from actively seeking out potential partnerships as they can rely totally upon the grant they have received to cover all costs associated with their project.
Acquittal and Reporting Requirements	<p>The acquittal and reporting requirements between the two funding programs differ greatly from each other and from requirements set for Council's Financial Assistance Grants.</p>	<ul style="list-style-type: none"> • Can be a deterrent to prospective applicants due to complexity of requirements • Creates inconsistency between governance processes of grant programs

ATTACHMENT 2

The table below outlines the proposed improvements for addressing the aspects outlined in attachment 1: -

Proposed improvements:

Aspects of funding program	Proposed Improvement	Details
Purpose	<ul style="list-style-type: none"> • New succinct purpose statements developed for both programs 	<p>New Purpose Statements as follows:</p> <p>Cultural Projects Fund: The primary purpose of the Cultural Projects Fund is to support projects that celebrate and promote community in Port Stephens through cultural programs, events, and support activities which increase our sense of belonging and pride to community.</p> <p>Aboriginal Projects Fund: The Aboriginal Projects Fund is an annual one-off small grants program. Its purpose is to support community projects designed and/or intended to empower local Aboriginal people.</p>
Alignment with Council Plans and Strategies	<ul style="list-style-type: none"> • Align funding allocations with Council priorities 	<ul style="list-style-type: none"> • Bring funding guidelines and priorities in full alignment with the objectives in Council's Community Strategic Plan, new draft Cultural Plan (draft nearing completion) and other key organisational plans and strategies.
Community and Cultural Development	<ul style="list-style-type: none"> • Consultation with Council's Social Planning Team • Consultation with relevant community and Aboriginal organisations and cultural groups • Increase Cultural Projects Fund funding rounds to twice a year 	<ul style="list-style-type: none"> • Applicants gain professional advice on key issues, opportunities, Council priorities, project development and requirements of the funding programs from Council staff. • Decreased risk of project duplication • Increased opportunity for collaboration and partnerships in development and delivery of projects • Two funding rounds a year of the Cultural Projects Fund means grant applications will be called on a 6 monthly basis with \$30,000 being available under each funding round.
Timing of funding rounds	<ul style="list-style-type: none"> • Align opening and closing dates • New Annual Joint Launch 	<ul style="list-style-type: none"> • A joint launch will be held annually to launch the two funding programs together • The funding rounds of the two grant programs will open and close on the same dates being launched annually in May with grants to be announced in July/August. The one exception will be the Cultural Projects Fund which will have a further two funding rounds annually, the first in May at the joint launch, followed by a second funding round 6 months later. This is in line with Council's Financial Assistance Grants program which has two funding rounds a year.

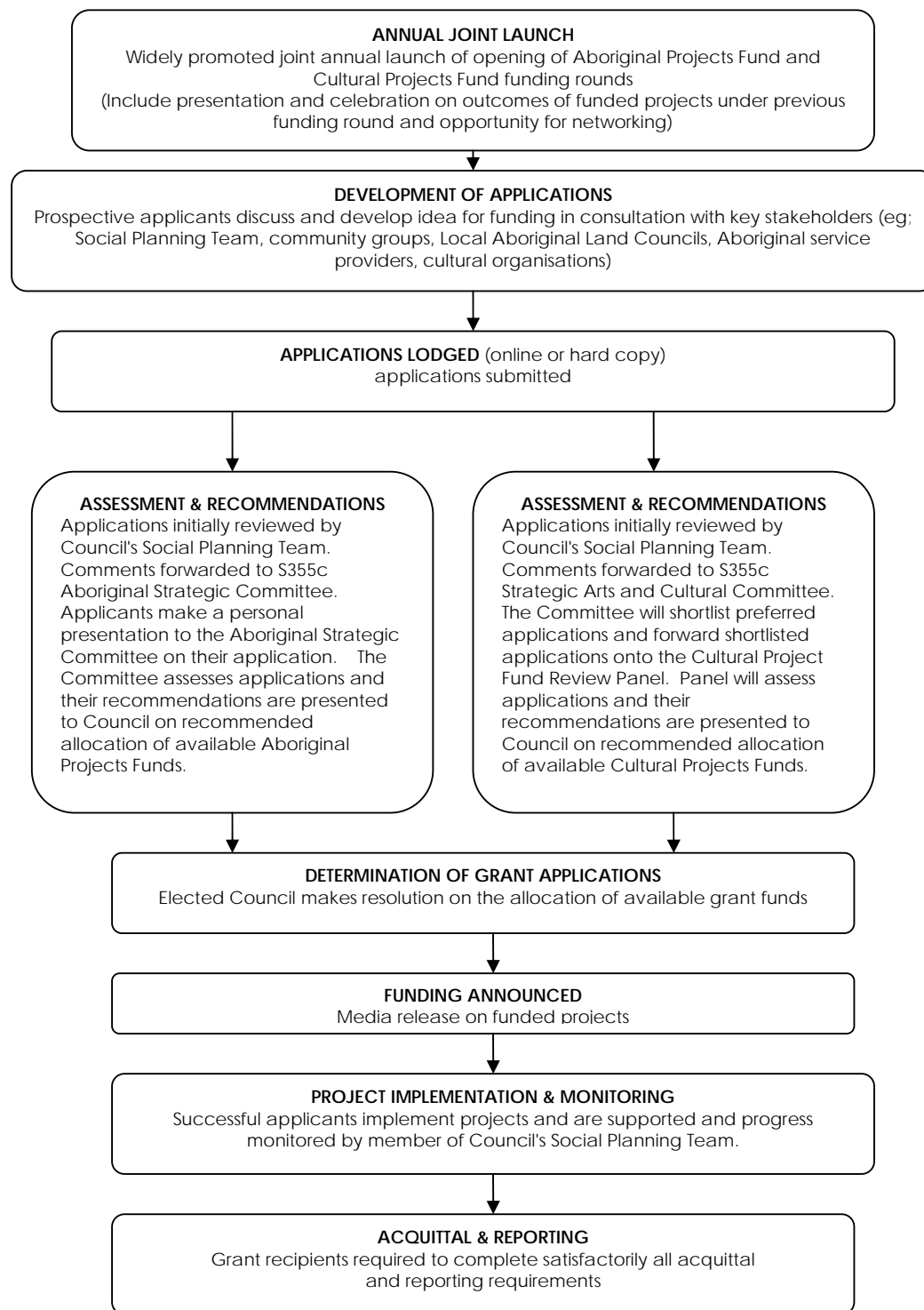
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<p>Application Processes</p>	<ul style="list-style-type: none"> • Delete Project Endorsement Form (Aboriginal Projects Fund) • Delete Expression of Interest Form (Aboriginal Projects Fund) 	<ul style="list-style-type: none"> • Identified as unnecessary steps • Guidelines amended under both grant programs to now require applicants to speak to Council's Social Planning Team at the outset of developing their application. Applicants also required to demonstrate that they have consulted with relevant community and Aboriginal organisations and cultural groups during the development of their application.
<p>Application Forms</p>	<ul style="list-style-type: none"> • New application Form 	<ul style="list-style-type: none"> • New application forms have been developed common to both grant programs. • Applicants to both grant programs will have choice of completing application either online (new user friendly process) or can obtain and complete a hard copy. New form is in line with application form used for Council's Financial Assistance Grants Program. • The new user friendly online application form utilises the Survey Monkey online program widely used throughout Council. The use of this software replaces the previous online application software used for the Cultural Projects Fund which has resulted in organisational savings of approximately \$15,000.
<p>Eligibility Criteria</p>	<ul style="list-style-type: none"> • Unchanged and consistent between 2 grant programs 	<ul style="list-style-type: none"> • Nil
<p>Terms and Definitions</p>	<ul style="list-style-type: none"> • Revised terms and definitions 	<ul style="list-style-type: none"> • The terms and definitions used in the guidelines of the two programs have been revised and updated. This has provided a clearer differentiation in the definitions of what constitutes 'traditional Aboriginal culture' from the definition of 'culture' used under the Cultural Projects Fund
<p>Assessment Process</p>	<ul style="list-style-type: none"> • Applications initially reviewed by Council's Social Planning Team • Reduce number of meetings of Aboriginal Strategic Committee to assess applications • Better governance through establishing a panel to complement Strategic Arts and Cultural Committee in assessing applications under the Cultural Projects Fund 	<ul style="list-style-type: none"> • Input from relevant Council staff into the assessment process will provide additional value as a result of the Team's knowledge and understanding of the local community and cultural sectors. The Team's comments on grant applications will be provided to Council's S355c Strategic Arts and Cultural Committee and S355c Aboriginal Strategic Committee • Aboriginal Strategic Committee now only required to meet once due to deletion of requirement to lodge a stage 1 expression of interest under the Aboriginal Projects Fund • New Cultural Funds Review Panel comprising representatives from the Strategic Arts and Cultural Committee will make final assessment and formulate recommendations on allocation of available Cultural Projects Funds to Council.
<p>Quality of applications</p>	<ul style="list-style-type: none"> • Annual Joint Launch • Consultation with Council's Social Planning Team • Consultation with relevant 	<ul style="list-style-type: none"> • The introduction of the annual joint launch will enable prospective applicants to learn about the two programs (eg; type of projects funded, requirements) • As already indicated consultation with relevant

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	community and Aboriginal organisations and cultural groups	Council's Officers and relevant community and Aboriginal organisations and cultural groups should enhance the overall quality and focus of applications under both grant programs.
Quantity of applications	Promotion	<ul style="list-style-type: none"> • A promotional strategy will be developed and implemented to widely promote the annual joint launch, and the opening of the funding rounds of the two grant programs. This will generate greater interest in the programs which should in turn see an increase in the number of applications lodged.
Duration of grants	Revert to one-off grants only under the Cultural Projects Fund	<ul style="list-style-type: none"> • Reverting to one-off grants will bring the Cultural Projects Fund in line with the Aboriginal Projects Fund and Council's Financial Assistance Grants program • The restriction to one-off grants will make Council's administration and acquittal of grants easier. • One-off grants moves the emphasis of the intent of the Cultural Projects Fund to be on providing one-off seeding grants for the development and implementation of new projects and cultural initiatives which are complimentary and supportive of existing cultural programs and activities in the community. <p><i>(Note: Subject to the outcomes of funded projects, applicants can re-apply under future funding rounds for a new grant to further develop and/or progress their projects to another stage of development).</i></p>
Funding Limits	Cultural Projects Fund \$3,000 limit per project	<ul style="list-style-type: none"> • New limit of \$3,000 per project under Cultural Projects Fund. This brings the limit in line with limit set under Council's Financial Assistance Grants Program. • The new limit will encourage applicants to be proactive in looking how they can develop and partner with other groups and/or bodies to ensure adequate financial and/or in-kind support is in place to deliver their project now and potentially over the longer term. Council's grant in many cases will take the form of a financial contribution / seeding grant.
Acquittal and Reporting Requirements	New acquittal form	<ul style="list-style-type: none"> • New grant acquittal form common to both grant programs has been developed. The form has been developed based on the acquittal form used for Council's Financial Assistance Grants Program. The Form will be available for completion online and also offered as a hard copy

ATTACHMENT 3



ITEM NO. 2

FILE NO: PSC2010-04912

DRAFT COMMUNITY LEASING POLICY

REPORT OF: CARMEL FOSTER – PROPERTY SERVICES MANAGER

GROUP: CORPORATE SERVICES GROUP

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Community Leasing policy presented to Council as **(ATTACHMENT 1)**.
- 2) Place the draft Community Leasing policy on public exhibition for 28 days.
- 3) Should no submissions be received adopt the draft Community Leasing policy presented to Council as **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING – 9 APRIL 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

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

BACKGROUND

The purpose of this report is to recommend to Council the implementation of the draft Community Leasing policy **(ATTACHMENT 1)**. The policy has been prepared in order to formalise a transparent framework for leasing Council properties to community groups by establishing appropriate rents, which are mutually equitable.

The policy sets out the implementation process and provides a rating structure under which community group leases are calculated. This takes into account factors such as the degree to which the group(s) provide front line service to the community, which Council provides or would otherwise provide; the ability of specific groups to pay rent; availability of and access to government funding, and the management structure of the community group.

MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013

The proposed policy and rating structure also allows for the quantification of the value of discounts provided to community groups by Council and requires the reporting of those values by both Council and the community groups, thereby providing recognition of Council's contributions by way of rent subsidies.

It has been demonstrated to Councillors previously via the Two-Way Conversation process (most recently on 26 February 2013) that over the medium to longer term this policy will enable Council to sustain contributions to the more deserving community groups. These contributions will be funded into the future by the increased contributions of those groups that can afford to pay and are contributing less to the goals and strategic initiatives of the Council's Community Strategic Plan.

The proposed framework supported by the draft policy will be completely transparent thereby minimising any risk to Council's reputation potentially arising out of its community leasing activities.

FINANCIAL/RESOURCE IMPLICATIONS

The policy if adopted will provide for formalised quantification of the value of subsidies provided by way of rental discounts to community groups and the reporting of those values as detailed above.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Not quantifiable	This policy will provide the framework to collect appropriate rents from community groups while also ensuring that all groups have current leases in place. Currently forms part of the Community Leasing Officers role.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

A lease or licence agreement over Council owned premises, which are occupied by groups other than Council sets out the legal obligation of the respective parties and is enforceable at law.

There is also potential for considerable reputation risk from not having a transparent and equitable framework in place under which the many leases to community groups are assessed.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that without a lease agreement in place Council may not be able to enforce obligations in relation to possession, access and or maintenance of its properties.	Medium	Adopt the draft Community Leasing policy	Yes
There is a risk that Council's reputation is compromised by not having a transparent and equitable leasing structure.	Medium	Adopt the draft Community Leasing policy	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adoption of the draft policy will ensure that Council can accurately quantify its contributions by way of rental subsidies to community groups based upon direct contributions to the objectives of the Council Community Strategic Plan and other relevant factors such as their ability to pay.

CONSULTATION

- 1) Two Way Conversation with Councillors – Committee Rooms on 24 August 2010, in August 2011 and in February 2013.
- 2) Community consultation during the later part of 2011 and during 2012 including a public meeting held at Council on 12 October 2011.
- 3) Discussion and review with relevant sections within Council for which the then Commercial Property Section (now Property Services Section) managers community leases during July and August 2010 and ongoing throughout 2011 and 2012.

OPTIONS

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

ATTACHMENTS

- 1) Draft Community Leasing policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2010-09412
TITLE: COMMUNITY LEASING POLICY
RESPONSIBLE OFFICER: PROPERTY SERVICES MANAGER

BACKGROUND

Council's Property Service's section maintains a significant portfolio of leases and licences to various community groups generally on behalf of other sections of Council being the asset owners. Historically there has not been a formalised process for the assessment of the contribution of the community groups relative to Council's Community Strategic plan. Accordingly there has also not been a formalised system to readily quantify Council's contribution to such groups by way of provision of discounted rents.

OBJECTIVE

- 1) The objective of this policy is to provide Council with a structured, transparent framework, for dealing with leases and licences to community groups over Council owned property. The policy seeks to take into account all aspects of the transactions including classification of community groups in order to establish and maintain a mutually equitable schedule of rents to be applied to such properties.

PRINCIPLES

- 1) Port Stephens Council is committed to the following principles regarding the leasing and licensing of Council owned properties (or properties for which Council is the trustee in accordance with various legislative provisions) to community groups;
 - Classification of community groups in order to assess the relative discounts to be provided in respect to leases and licences in accordance with the benefits provided to the community;
 - Transparent dealings in all assessment;

- Having regard to market rents thereby quantifying Council's contribution to rental assistance in all dealings;
- Ensuring that assessment of rents and licence fees in accordance with this policy have fundamental regard in all cases to relevant contributions to the objectives of Council's Community Strategic plan;
- The requirement of both Council and individual community groups to report the value of contributions made in accordance with this policy.

POLICY STATEMENT

- 1) Port Stephens Council is party to a large portfolio of lease and/or licence transactions with various community groups in respect of Council owned land or land for which Council is (by virtue of legislative provisions) the trustee;
- 2) This policy seeks to ensure that all such transactions are transparent, mutually equitable and provide for recognition by publication of Council's contribution to community groups in the form of discounted rents (primarily) in return for contribution to community outcomes in accordance with Council's Community Strategic plan.

RELATED POLICIES

- 1) This policy is designed to support and complement the following existing policies;
 - Financial Assistance under Section 356 of The Local Government Act 1993;
 - Community Group Loans policy

DEFINITIONS

assessment criteria	assessment criteria forming part of this policy included herein under separate heading
community groups	means organisations or groups that provide a community service as defined by this policy.
community land	means land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the Local Government Act 1993.
community service	means;
(a)	a service rendered under the Community Welfare legislation;

(b)	any other service deemed by the Responsible Officer (in consultation and as assessed) to be of relevant benefit to the local community.
Council Community Strategic plan	Port Stephens Council – Community plan
Council owned property	all real property, the title of which vests in Port Stephens Council and all other real property managed under Trust arrangements or other arrangements on behalf of the Crown or other parties by Port Stephens Council.
operational land	means land that is classified as operational land under Division 1 of Part 2 of Chapter 6 the Local Government Act 1993.
responsible officer	means the Port Stephens Council Property Investment Coordinator.

LEASE DOCUMENT FORMAT – (EFFECTIVE 1 JUNE 2010)

Leases less than three (3) years – all leases for community groups which are less than 3 (three) years in duration inclusive of the term of any option and therefore not requiring registration, are to be in the form of the Real Estate Institute of New South Wales Commercial Lease (FM00900).

Leases Exceeding three (3) Years – all leases for community groups which are in excess of three (3) years in duration will be drafted by the Property Investment Coordinator or Council's retained law firm under instruction via the standard Legal template process.

LICENCE FORMAT – (EFFECTIVE 1 JUNE 2010)

All licences implemented in accordance with this policy are to be in the standard Licence format adopted by Council's Commercial Property section.

ASSESSMENT CRITERIA

For the purposes of determining an equitable schedule of rents, community groups are to be assessed in accordance with the following Property/Lease and Organisational specific Assessment Criteria;

MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013

ASSESSMENT SCALE

Community Leasing Policy / Lease Specific Assessment Based on Rating Criteria					POINTS ('PTS') ASSESSED
Criteria	Assessment Scale (Points)				
	1	2	3	4	
Land Classification and status (Net or Gross)	Operational / Gross	Operational / Net	Community / Gross	Community / Net	PTS
Lease Security	0 - 1 Months Bond	2 Months Bond	3 Months Bond	3 Months Bank Guarantee	PTS
Total Council Contribution to Fitout	>= \$5,000	\$3000 - \$4,999	< \$2,999	Nil required	PTS
Organisational Specific Assessment					
Criteria	Assessment Scale				
	1	2	3	4	
Community Benefit / Link to Council Community Strategic Plan	Little or no direct or integrated link or targets within the Council Community Strategic Plan.	Services provided do not integrate into the current Council Community Strategic Plan but do provide significant benefits to the community.	Services provided do not integrate into the current Council Community Strategic Plan but do provide significant benefits to the community which are considered to reduce the burden on Council budgets.	Integrates directly into the Council Community Strategic Plan.	PTS
Organisational Structure	The organisation is a locally based service, outlet or project that forms part of a larger not for profit organisation. There is limited or no local area representation on the advisory committee or management structure.	The organisation is a locally based service, outlet or project that forms part of a larger not for profit organisation. It has a voluntary management committee, comprised partly of local area representatives.	The organisation is locally based; has a regional focus; is stand alone and not for profit. It has a voluntary management committee, comprised partly of local area representatives.	The organisation is locally based; stand alone and not for profit. It has a voluntary management committee, comprised mainly of local area representatives.	PTS
Number of Providers	Meets Social or Recreational needs only	One of a number of providers meeting needs outside of those identified in Council Community Plan	One of a number of providers providing Community Services	Unique service provided of great benefit and linked to Council identified Community Strategic Plan targets	PTS
Competition	Provide in entirely direct Competition to Commercial operators	Partly competing with Commercial Operators	Direct Competition but also with added or differentiated benefits to service users	Main activities do not compete with Commercial providers	PTS
Ability to raise income	Commercial (profit) operation	Has ability to charge fees and raise revenue	Some ability to raise revenue and charge fees which are varied in line with respective client's abilities to pay.	Little or no opportunity for raising income	PTS
Access to Grant or similar funding	Access to State or Federal funding generally being Long term arrangements or which guarantee > 40% funding.	Access to State or Local funding generally being Long term arrangements or which guarantee > 40% funding.	Some (but generally) limited access to funding	No access to other funding sources	PTS
POINTS TOTAL					PTS

POINTS SCORES FROM ASSESSMENT SCALE

In order to determine the appropriate rental to be applied to an eligible community group, the total assessment points are to be arrived at by using the assessment scale above and then by reference to the points score data below, an appropriate discount from a market rental can be determined.

Point score Range	Discount from Market Rental to be Applied
< 9 pts	Nil
9 to 14 pts	5%
15 to 24 pts	40%
25 to 36 pts	60%

ARRIVING AT MARKET RENTS FOR THE PURPOSE OF THIS POLICY

Market rents can be determined by utilising registered Valuers from within Council's Property Services section. In the case of contentious rents or where other external factors may dictate, external Valuers may be engaged to appropriately determine a market rent with the associated fees for such valuations to be borne by the prospective tenant(s). In such situations, Council reserves its right to contest external valuation and seek/rely upon their own opinion.

This policy assumes that any valuations obtained for the purpose of arriving at lease terms, are to be undertaken by appropriately qualified members of the Australian Property Institute with Certified Practising Valuer status.

APPORTIONING APPROPRIATE LICENCE FEES FOR THE PURPOSE OF THIS POLICY

Having regard for the fact that a licence differs from a lease in that it does not provide an exclusive use and generally only provides a limited use for a specific time and purpose, licence fees will generally (but not always) be set at a lower level than a rent.

Licences may be issued for a wide range of uses including temporary access or occupation, communication towers and or antennae and temporary right of way.

Licences over Community Classified Land – in respect to licence fees applied under this policy, the fees will generally reflect an apportionment of projected costs in terms of maintaining the licence terms in addition to a standard administration fee charged at commencement.

Licences over Operational Land – for licences to community groups over operational land; the licence fees will reflect an appropriate return to the asset manager/owner and will be set by the responsible officer in consultation with the asset manager/owner.

POLICY IMPLEMENTATION

Implementation of this policy may affect some existing leases or licences and in recognition of this factor, this policy is to be applied to those existing arrangements on the following basis:

LEASES AND LICENCES EXCEEDING 1 (ONE) YEAR

For current leases and licences where the term is for a period of two (2) years or more and there is more than two (2) years to expiry from the date this policy is implemented, then the policy applies for the next renewal.

For current leases and licences where the term is for a period of two years or more and there is less than two (2) years to expiry from the date this policy is implemented, a further term not exceeding two years will be entered into at expiry with the rental applied to be 50% of the figure calculated in accordance with this policy. Following expiry of this further term, the full provisions of this policy will apply to subsequent terms.

ANNUAL LEASES AND LICENCES

For current (annual) leases and licences where there is more than six (6) calendar months to expiry from the date the policy is implemented, then the policy provisions apply from the next renewal.

For current (annual) leases and licences where there is less than six (6) calendar months to expiry from the date the policy is implemented, then the existing arrangements will be kept in place for a further six (6) months with the policy provisions apply from the subsequent renewal.

SUSTAINABILITY IMPLICATIONS

Nil.

SOCIAL IMPLICATIONS

This policy will ensure that Council can more accurately quantify contributions by way of rental discounts to Community groups based upon direct contributions to the objectives of the Council Community Strategic Plan and other relevant factors.

ECONOMIC IMPLICATIONS

Nil.

ENVIRONMENTAL IMPLICATIONS

Nil.

RELEVANT LEGISLATIVE PROVISIONS

Nil.

IMPLEMENTATION RESPONSIBILITY

- 1) Property Investment Coordinator.

PROCESS OWNER

- 1) Property Investment Coordinator.

REVIEW DATE

- 1) April 2015.

DRAFT

ITEM NO. 3

FILE NO: T03-2013

T03/2013 - TENDER FOR THE SUPPLY OF ONE (1) 5 CUBIC METRE DUAL CONTROL ROAD/SUCTION SWEEPER

REPORT OF: PETER MURRAY – OPERATIONS SECTION MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act 1993, the Council resolve to close to the public that part of its meetings to discuss Item 3 Tender for the Supply of one 5M³ Suction Road Sweeper on the Ordinary Council agenda namely **T03/2013 Tender For The Supply Of One 5 Cubic Metre Dual Control Road/Suction Sweeper**.
- 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 **T03/2013 Tender For The Supply Of One 5 Cubic Metre Dual Control Road/Suction Sweeper**.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
- 5) Accept the tender submitted by MacDonald Johnston Pty Ltd for the supply of one (1) MacDonald Johnston VS651 / FG1628 road sweeper at the tendered price of \$304,655 (exc. GST)

MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013

ORDINARY COUNCIL MEETING – 9 APRIL 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Morello Councillor Ken Jordan
	That Council accept the tender submitted by MacDonald Johnston Pty Ltd for the supply of one (1) MacDonald Johnston VS651 / FG1628 road sweeper at the tendered price of \$304,655 (exc. GST)

MOTION

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

BACKGROUND

The purpose of this report is to ask Council to consider and accept the tender for one (1) 5M³ dual control road suction sweeper.

Tenders were called for the supply and delivery of one (1) 5M³ dual control road suction sweeper. Two tenders were received by the advertised closing date, Tuesday 12th February 2013:

- a) MacDonald Johnston Pty Ltd
- b) Rosmech Sales and Service Pty Ltd

The Rosmech Sales and Service Pty Ltd tender was deemed non-conforming due to incomplete tender documentation and schedules.

FINANCIAL/RESOURCE IMPLICATIONS

The item is listed in the 2013/14 Plant Replacement Schedule and it is proposed to purchase the item using funds from the Fleet Management Restricted Funds. The item was tendered in February due to the lead time involved with the expected delivery date in the 2013/14 financial year.

The Macdonald Johnston was evaluated by two qualified, experienced operators and a Council workshop mechanic, each completing an assessment on the item. The demonstration revealed that this latest model provides the latest technology, excellent performance and outstanding operator ergonomics. Consequently, since the tendered item is most suitable for our needs and was the only conforming tender received, the need to complete a Value Selection assessment was not necessary.

In comparison to the older twin engine models, the new single engine version reduces the tare weight by 550kg and uses approximately 30% less fuel. This increases the payload capacity and drastically reduces the maintenance and running costs. Based on the assessment ratings and comments from the operators and workshop staff, this item would be considered an ideal option for Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		N/A
Reserve Funds	Yes	\$304,655	From Fleet Management Restricted Fund
Section 94	No		N/A
External Grants	No		N/A
Other	No		N/A

LEGAL, POLICY AND RISK IMPLICATIONS

The recommended vehicle complies with all State and federal statutory authority requirements.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the procurement of an unsuitable replacement plant item may result in a sub-optimal outcome.	Medium	Minimise risk by following a tendering and specification process that involves other stakeholders such as workshop and actual operator	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social or economic implications.

Environmental Efficiency Features

The new VS651 is a fully automatic transmission road sweeper which utilises the trucks main engine to power all sweeping, driving and fan functions reducing fuel costs, maintenance costs and carbon emissions while performing all the same functions as the traditional twin engine models.

CONSULTATION

- 1) Facilities and Services – Roadside & Drainage Coordinator and Operators;
- 2) Corporate Services – Procurement;
- 3) Facilities and Services – Fleet Operations.

OPTIONS

- 1) Accept recommendation.
- 2) Reject recommendation.
- 3) Recall tender.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

FILE NO: T05-2013

T05-2013 - UPGRADE OF AIR CONDITIONING SYSTEM FOR THE PORT STEPHENS COUNCIL ADMINISTRATION BUILDING

REPORT OF: CARMEL FOSTER – PROPERTY SERVICES MANAGER
GROUP: CORPORATE SERVICES GROUP

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 4 on the Ordinary Council agenda namely **T05-2013 - Upgrade Of Air Conditioning System For The Port Stephens Council Administration Building.**
 - 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 **Upgrade Of Air Conditioning System For The Port Stephens Council Administration Building.**
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
 - 5) The recommendation is to endorse Church Air Conditioning and Refrigeration Pty Ltd as the successful tenderer.
-

MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013

**ORDINARY COUNCIL MEETING – 9 APRIL 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Chris Doohan
	That Council endorse Church Air Conditioning and Refrigeration Pty Ltd as the successful tenderer.

MOTION

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

BACKGROUND

The purpose of this report is to recommend to Council the preferred tenderer for the Upgrade of Air Conditioning System for the Port Stephens Council Administration Building.

The existing mechanical plant and equipment was installed in the Administration Building and Council Chambers during construction in 1993. The service life of such equipment (Commercial Air-to-Air Heat Pumps) is estimated at 15 years.

This mechanical plant and equipment is well past its estimated service life. Although the mechanical plant is long lasting and has been well serviced and maintained, as it ages it requires increasing maintenance, service and repairs. Energy usage also increases as plant ages and becomes more inefficient.

As these ongoing service costs continue to increase and the operating efficiency of the plant decreases an 'engineered solution' rather than a 'service solution' becomes necessary.

Over the past 20 years, the government has placed increasing emphasis on air conditioning unit power consumption. Great advances in the region of 30-40% savings are available by replacing existing plant with recent equipment. Technical advances in electronics mean modern control systems can offer superior control, lower running costs, data logging and simplified service.

As this stage in the building's life, this engineered solution becomes the most cost-effective long term approach to good management of the valuable council asset, the building and occupants.

MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013

From a total of six (6) tender submissions received from local and interstate companies, Newcastle based Church Air Conditioning and Refrigeration Pty Ltd have not only been the most competitive tenderer from a price perspective but shown particular diligence in their tender submission.

The company is employing 20+ staff with the capability and experience to execute the project on time and budget as well as the ability to attend to after project service and warranty calls in a timely fashion.

Reference checks have returned consistently very positive responses from a variety of government and industry sources.

FINANCIAL/RESOURCE IMPLICATIONS

Funding for the project is secured through Council approved capital expenditure budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$368,880	Included in the Council approved Capital budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The tender has been conducted in accordance with PSC Procurement Guideline – Tendering.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the upgrade is not completed there will be continued plant failures, increased maintenance cost and higher energy usage and costs.	Medium	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

- 1) Elimination of inconsistencies in temperature throughout the building caused by office alterations undertaken over time;
- 2) A significant reduction in energy consumption (30-40%) and carbon emissions;
- 3) Lower maintenance costs;
- 4) Improved reliability; and
- 5) Outside air reticulation and improved indoor air quality.

CONSULTATION

Consultation has been sought through internal and external sources.

- 1) PSC Finance Management;
- 2) PSC Procurement;
- 3) PSC Property Services;
- 4) Optimal Consulting Engineers.

OPTIONS

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

ATTACHMENTS – Confidential listed below are provided under separate cover.

- 1) Confidential - Tender Evaluation Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

FILE NO: PSC2010-00008

COMPLAINTS HANDLING POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Complaints Policy dated 14 December 2010, Minute No. 410; and
- 2) Adopt the draft Complaints Handling Policy as amended.

ORDINARY COUNCIL MEETING – 9 APRIL 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor Steve Tucker
	That the recommendation be adopted.

MOTION

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

BACKGROUND

The purpose of this report is to provide Council with the reviewed Complaints Handling policy following public exhibition.

The draft policy was placed on public exhibition from 21 February 2013 to 22 March 2013. One submission was received.

The author of the submission was seeking further clarification of point 5 "Request for a service" to be inserted under the "Policy Statement". A reference point has been added to assist. The purpose of this policy is to provide an appropriate complaints mechanism for community. The policy describes what constitutes a complaint under this policy.

The reviewed Policy is shown at **(ATTACHMENT 1)** for Council's consideration.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Costs associated with implementation of the policy is covered within existing budgets.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a reputation risk if Council did not have a mechanism for the community to lodge complaints as defined under the policy.	Low	Council adopt the reviewed policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Through openness, transparency and accountability, Council will be able to reduce the impact of complaints on Council resources and focus on provision of Council services.

Management of complaints can require a high level of Council resources. By reducing the number of complaints and by following the structured complaints system, Council will be able to focus resources into delivery of Council services.

CONSULTATION

- 1) Division of Local Government;
- 2) Public consultation – 21 February to 22 March 2013.

OPTIONS

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

ATTACHMENTS

- 1) Complaints Handling policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

FILE NO: PSC2010-00008

TITLE: COMPLAINTS HANDLING POLICY

REPORT OF EXECUTIVE OFFICER

BACKGROUND

Council adopted its previous Complaint/Request Handling policy in 1999 following the development of a number of NSW Ombudsman's guidelines and policies.

It is acknowledged that there is a difference between a complaint and a request for service. This policy specifically deals with complaints that are received concerning matters that are under Council's control and management.

OBJECTIVE

The objective of the Policy is to provide the community with a structured process to follow when lodging a complaint with Council. This will allow openness, transparency and accountability of both Council and the complainant.

PRINCIPLES

- 1) Council is committed to resolving complaints to

Changes

A

Delete - of both Council and the complainant.
Insert - for all parties involved.

- 2) achieve the best outcome for all parties concerned.
- 3) Council will respond to all complaints lodged under the policy and provide a written response.
- 4) All complainants will be required to fully cooperate in an appropriate manner when interacting with Council officials.

POLICY STATEMENT

This policy has been developed in line with the NSW Ombudsman Guidelines – “Effective Complaint Handling 2004” and “Managing Unreasonable Complainant Conduct Practice Manual 2009”.

The Policy strives to provide a structured and timely manner in dealing with complaints.

A complaint is defined as “**An expression of dissatisfaction with Council’s policies, procedures, fees and charges, Council officials, quality of service or goods provided**”.

Those matters exempt from this policy are:-

- 1) Staff personnel matters – refer to Council’s Grievance procedure
- 2) Protected Disclosure declaration – refer to the Code of Conduct
- 3) Allegations of corruption – refer to the Code of Conduct
- 4) Complaints concerning National Competition Policy – refer to Competitive Neutrality Complaints Policy.

The complaints handling framework is developed on a 3 Tier approach.

Tier 1 – Staff empowered with clear delegations to resolved complaints wherever possible at first contact. Staff log complaint details for later analysis of data.

Tier 2 – More senior staff or designated person reviews/investigates unresolved complaints.

Changes

Delete – 3) All complainants will be required to fully cooperate in an appropriate manner when interacting with Council officials.

Insert – 3) All parties involved in a complaint handling matter are required to interact in an appropriate manner.

Insert – Council will manage all unreasonable complainant conduct in accordance with the NSW Ombudsman Guidelines.

Delete – 2. Protected

Insert – 2. Public Interest

Insert – 5. Request for a Council service – refer to Council’s Customer Request service.

Tier 3 – Still unresolved complaints referred externally.

Tier 1 – Front line complaints handling

1. All staff will receive complaints in **person**, writing, by telephone, email or fax. They will listen courteously, record all the facts and initiate appropriate action.
2. Written complaints will be acknowledged in accordance with Council's Customer Service Charter.
3. All verbal complaints will be recorded in Council's Customer Request System and/or within the Electronic Records System (TRIM).
4. If the complainant uses abusive or offensive language or behaviour; discriminating remarks; inappropriate interest in an officers personal life or becomes violent or aggressive - staff will inform the person that their behaviour is unacceptable and must cease. The complainant may put their concerns in writing. If necessary staff will call their supervisor who may decide to request the person to leave the premises or call the police to escort the person from the premises.
5. All requests for information regarding complaints are to be assessed under Council's Assessing Information Policy and the Freedom of Information Act 1989.
6. Anonymous complaints will be recorded and refer to Tier 2 to determine if action is required. Tier 2 staff will consider the nature of the complaint and if it is an offence and where there is sufficient information to warrant investigation. If no action is taken then reasons for the decision will be recorded.
7. Complainants wishing to speak to the Mayor or General Manager at Tier 1 will be referred to the relevant officer to deal with the enquiry.

Changes

Delete – 4. If the complainant uses abusive or offensive language or behaviour; discriminating remarks; inappropriate interest in an officers personal life or becomes violent or aggressive - staff will inform the person that their behaviour is unacceptable and must cease. The complainant may put their concerns in writing. If necessary staff will call their supervisor who may decide to request the person to leave the premises or call the police to escort the person from the premises.

Insert – 4. If a complainant's conduct becomes unreasonable or inappropriate, staff will inform the person that their code is unreasonable and must cease. The complainant may put their concerns in writing. If necessary staff will call their supervisor who may decide to request the person to leave the premises or call the police to escort the person from the premises.

Delete – 5. Information of Information Act 1989

Insert – 5. Government Information (Public Access) Act 2009

Tier 2 – Internal Review or Investigation

1. All complaints will be determined and/or investigated by the appropriate officer.
2. To ensure procedural fairness, the person will be informed of any allegation of wrong doing or adverse comment made about them where this is the basis of any action by Council. A copy of the complaint will be available in accordance with various legislation requirements.
3. The person will be able to provide an explanation of his or her actions.
4. Upon examination of all the facts appropriate action will be taken to resolve the matter. If no action is to be taken reasons will be given for the decision.
5. The complainant and the person complained about will be informed of the outcome.
6. It is Council's policy that complainants names and addresses will remain confidential (see the Accessing Information Policy). A complainant categorised as difficult may not be afforded confidentiality.
7. If a member of staff is unable to resolve the complaint or ***believes the complaint is categorised as difficult***, the complaint will be referred to:-
 - The staff member's supervisor and/or Section or Group Manager;
 - Council's Public Officer or other officer as determined by the General Manager, to conduct an internal review on behalf of the General Manager.

Changes

Delete – 5. The complainant and the person complained about will be informed of the outcome.

Insert – 5. All parties will be advised of the outcome of any investigation.

Delete – 6. It is Council's policy that complainants names and addresses will remain confidential (see the Accessing Information Policy). A complainant categorised as difficult may not be afforded confidentiality.

Insert – 6. All information forming part of the investigation will be released in accordance with the Government Information (Public Access) Act 2009.

Delete – 7. If a member of staff is unable to resolve the complaint or ***believes the complaint is categorised as difficult***, the complaint will be referred to:-

Insert – 7. If a member of staff is unable to resolve the complaint or the code of a complainant becomes unreasonable, the matter will be referred to :-

8. When assessing a complaint the Public Officer or other officers will consider:-
- a) Whether the complaint should be categorised as difficult (see The Guidelines of the NSW Ombudsman's Managing Unreasonable Complainants Conduct Practice Manual)
 - b) How much specific evidence is there to support the **complaint and related** information provided?
 - For example a suspicion that something has or will occur.
 - c) How serious is the matter and what significance does it have for the community and/or Council?
 - d) Is the matter one which Council should be investigating or should the matter be referred elsewhere.
 - e) What are the motives for making the complaint?
 - For example are there personal animosities involved or pay back for a complaint received about them.
9. If the internal review does not reveal any evidence to support the complaint the Public Officer or other officers may decide not to investigate the matter any further. Advice will be given to the complainant that Council will not pursue the matter further and that if they are not happy with the response they may refer the matter to an external body as identified in Tier 3.
10. Neighbourhood Disputes - In the case of neighbourhood disputes if the matter does not relate to Council's services or functions. Staff may advise the complainant of the Community Justice Centre mediation services. The CJC may then be informed of the dispute to arrange mediation where possible. Council will not be a party to complaints that fall outside its services or functions.

Changes

Delete - When assessing a complaint the Public Officer or other officers will consider:- a) Whether the complaint should be categorised as difficult
b) How much specific evidence is there to support the **complaint and related** information provided?

- For example a suspicion that something has or will occur.

c) How serious is the matter and what significance does it have for the community and/or Council?
d) Is the matter one which Council should be investigating or should the matter be referred elsewhere.
e) What are the motives for making the complaint?

- For example are there personal animosities involved or pay back for a complaint received about them.

Insert - When assessing a complaint the Public Officer or other officers will consider: the matter in accordance with the NSW Ombudsman's Guidelines.

Tier 3 – External Review

1. Persons dissatisfied with Council's response may refer the matter to the NSW Ombudsman, Division of Local Government or the Independent Commission Against Corruption.
2. The services of the Community Justice Centre are available to mediate where all parties are agreeable and Council is unable to satisfy the complainant's request. Staff will inform a complainant of any appeal procedure available to resolve their grievance.

RELATED POLICIES

Code of Conduct
Assessing Information Policy
Competitive Neutrality Complaints Policy
Compliance Policy
Alternative Dispute Resolution Policy

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Through openness, transparency and accountability, Council will be able to reduce the impact of complaints on Council resources and focus on provision of Council services.

ECONOMIC IMPLICATIONS

Management of complaints can require a high level of Council resources. By reducing the number of complaints and by following the structured complaints system, Council will be able to focus resources into delivery of Council services.

ENVIRONMENTAL IMPLICATIONS

Nil.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993
Protected Disclosure Act 1994
Ombudsman Act 1974
Independent Commission Against Corruption 1988

Changes

Delete – *Protected Disclosure Act 1994*
Insert – *Government Information (Public Access) Act 2009, Public Interest Disclosure Act 1994*

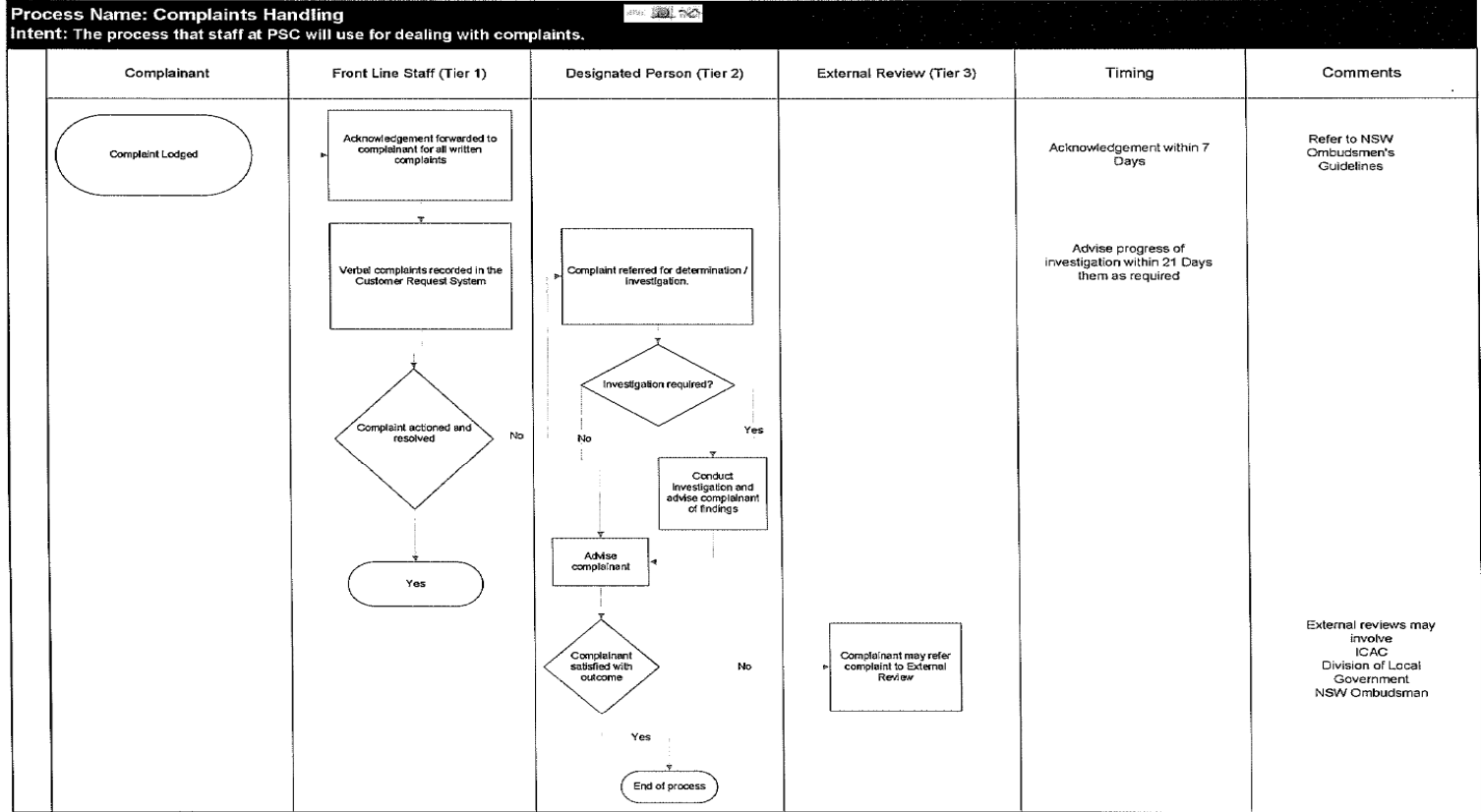
IMPLEMENTATION RESPONSIBILITY

Executive Officer

REVIEW DATE

Biennial

MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013



Legend: [] Process, [] Terminator, { } Decision, [] Predefined process

○ Added Support may be involved in step.

Port Stephens Council
 Drawn: [] Date: [] Process Owner: []

ITEM NO. 6

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 9 April, 2013.

No:	Report Title
1	Designated Persons – Pecuniary Interest
2	Promoting Better Practice

ORDINARY COUNCIL MEETING – 9 APRIL 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Paul Le Mottee
	That the recommendation be adopted.

083	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council move in Committee of the Whole.

MOTION

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

INFORMATION PAPERS



INFORMATION ITEM NO. 1

DESIGNATED PERSONS – PECUNIARY INTEREST

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

FILE: PSC2012-02853

BACKGROUND

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

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

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

Environmental Health Officer.

ATTACHMENTS

Nil.

TABLED DOCUMENTS

- 1) Pecuniary Interest Returns.

INFORMATION ITEM NO. 2

PROMOTING BETTER PRACTICE REVIEW

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

FILE: PSC2011-00718

BACKGROUND

The purpose of this report is to provide Council with the progress on the Action Plan associated with the Promoting Better Practice Review.

Council will recall that the Division of Local Government (DLG) conducted a Promoting Better Practice Review in February 2011.

The final Report was tabled at the December 2011 Ordinary Council meeting which included 36 Recommendations. Council provided a progress report to the DLG in July 2012.

The DLG has since advised Council that they are satisfied with the advice on 27 of the 36 recommendations and they require further advice on the remaining nine recommendations by 15 March 2013. The recommendations requiring further advice are 4, 17, 18, 21, 22, 23, 24, 30 and 32.

The DLG have now been provided with a status report on the 9 recommendations **(ATTACHMENT 1)**.

ATTACHMENTS

- 1) Recommendations 4, 17, 18, 21, 22, 23, 24, 30 and 32.

ATTACHMENT 1

ACTION PLAN

The Action Plan is to be completed and adopted by Council to guide the implementation and monitoring of the recommendations in this report. The reviewers have allocated notional priority rankings using the risk rating analysis in the previous section. Council is encouraged to review and revise these, if necessary.

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIME FRAME	RESPONSIBILITY	PROGRESS REPORT
<p>4. Council should review its Complaints Handling Policy to:</p> <ul style="list-style-type: none"> provide timeframes for handling of complaints, ensure that the language used is consistent with the NSW Ombudsman's Guidelines on 'Managing Unreasonable Complainant Conduct', and develop a procedure for managing unreasonable complainant conduct. 	M	<p>In reviewing the policy in 2010 a deployment flowchart was produced for use by staff responsible for this function. The flowchart provides timeframes to respond to complaints and a procedure for managing unreasonable complainant conduct as referred to in 4a and 4c.</p> <p>Council will conduct a review of the policy with respect to 4b. Also the deployment flowchart will be added to the policy as supporting information for the community.</p>	<p>30/11/2011</p> <p>Revised timeframe 2012/13.</p>	Executive Officer	<p>Item 4a and 4c are complete.</p> <p><u>March 2013</u></p> <p>Item 4b has been reviewed and submitted to Council on 12 February 2013. The draft policy is on public exhibition and will be reported back to Council in April 2013 to consider any submissions should they be received.</p>

MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013

<p>17 Councillors should undertake further training on meeting procedures and the conduct required for effective meetings.</p>	<p>H</p>	<p>Some Councillors have completed training in relation to recommendation 17 and do not believe there is a need for further training.</p> <p>That this training be provided for the next term of Council.</p>	<p>2012-13</p>	<p>Mayor & Councillors</p>	<p>Council have further considered Recommendation 17 and believe that meeting effectiveness has improved since the drafting of this report and that training is not justified before the 2012 Local Government elections</p> <p><u>March 2013</u></p> <p>Since the election of the new Council and a review of the meeting cycles, it is considered that the meetings are being conducted in an effective manner. General conduct at meeting will be covered in the proposed Code of Conduct training on 19.3.13.</p>
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MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013

<p>18 council should organise a further councillor information session with specific reference to the code of conduct and the management of conflict of interests.</p>	<p>H</p>	<p>Training was conducted in 2008 and 2010 and some Councillors believe there is no need for further training.</p> <p>That further training be provided for the next term of Council.</p>	<p>2012-13</p>	<p>Mayor & Councillors</p>	<p>Council have further considered Recommendation 18 and believe no further training is required at this time.</p> <p><u>October 2012</u></p> <p>The newly elected Council were provided with Code of Conduct training on 27.9.12 & training under the 2013 Code is proposed for 19.3.2013.</p>
<p>21 Council should implement an electronic document management system for its development application activities.</p>	<p>M</p>	<p>This has been substantially reviewed but has been constrained by limited resources to implement. Recommendations in the Internal Auditors Report and the review of the NSW Legislation reinforces the need to revisit this and lead to a submission for higher priority in the Organisation.</p>	<p>April 2013.</p> <p>This is the target to have all incoming records digitised.</p>	<p>Development Services Group Manager</p>	<p>In progress.</p> <p><u>March 2013</u></p> <p>This multi disciplinary project is continuing with the development application (DA) digitisation program. Receipting of DA's in the electronic format is the first step for electronic document management system for DA's.</p>

MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013

<p>22 Council should consider implementing a system for the electronic lodgement of development applications.</p>	<p>M</p>	<p>The electronic lodgement of development applications is an integral part of the electronic document management system for development applications as explained above.</p>	<p>TBA</p>	<p>Development Services Group Manager</p>	<p>In progress. <u>March 2013</u> The electronic document management system for DA's first need to be established. A learning from other Councils is that the electronic lodgement of DA's is a multi-million dollar and multi year exercise.</p>
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MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013

<p>23 Council should develop a policy relating to the call up of development applications.</p>	<p>H</p>	<p>A policy review for the 'calling up' of development applications is underway. The previous recommendation to Council was for two Councillors to have to sign off the call up of a DA with explicit reasons. Council resolved, as part of Code of Meeting Practice, to only require one Councillor to trigger a 'call up'.</p>	<p>TBA</p>	<p>Development Services Group Manager</p>	<p>Currently be considered.</p> <p><u>March 2013</u></p> <p>A policy exists on this matter, whereby a single councillor can call up a DA of interest. Senior staff liaise with the respective councillor to seek to resolve the matter and deal with it under delegation if possible. This policy is currently being updated and will be report to Council by 30 June 2013.</p>
<p>24 Councillors must complete the call up form for development applications and provide all the required information until the policy relating to this is adopted.</p>	<p>H</p>	<p>This is now implemented – albeit Councillors probably need to enhance the stated reasons for calling up a DA.</p>	<p>Completed and ongoing until policy is adopted.</p>	<p>Development Services Group Manager</p>	<p>Completed and ongoing.</p>

MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013

<p>30 Council should provide separate financial reporting on the Newcastle Airport.</p>	<p>H</p>	<p>Council currently provides separate reporting on the Newcastle Airport in accordance with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting via Note 19 of the Financial Statements as well as Council's Special Purpose Financial Reports. Consideration of financial reporting of Newcastle Airport for Port Stephens and Newcastle City Councils is a component of the current review of Newcastle Airport's corporate structure</p>	<p>30/06/2012</p>	<p>Corporate Services Group Manager</p>	<p>Review is in progress.</p> <p>Division of Local Government recently endorsed the proposed restructure of the Newcastle Airport.</p> <p>This new arrangement will be developed to comply with legislation and governance practices.</p> <p>March 2013 The restructure of the Newcastle Airport is nearing finalisation and is scheduled for completion by 30 June 2013. The Minister for Local Government endorsed the proposed airport restructure on 21 June 2012. All reporting has been provided in accordance with the relevant legislative requirements and this will continue. Timeframe: 30 June 2013</p>
<p>PORT STEPHENS COUNCIL</p>		<p>62</p>			

MINUTES FOR ORDINARY COUNCIL – 9 APRIL 2013

<p>32 Council should develop a stand alone policy on borrowing/use of loans.</p>	<p>H</p>	<p>Council agrees that whilst its long term borrowing strategy is included in the Long Term Financial Plan there would be benefits of having a stand-alone policy on borrowing/use of loans. Development of this policy had already been identified in the Financial Services work program for the 2011/12 financial year</p>	<p>30/06/2012</p>	<p>Corporate Services Group Manager</p>	<p>In progress. March 2013 Council has developed a management directive on the Finance Business Rules for the organisation which covers the use of external borrowings. This is supplemented with an inclusion and commentary on external borrowings as part of the annual Long Term Financial Plan. This is reviewed on an annual basis, including placement on public exhibition for comment. These measures are considered appropriate management tools to ensure that external debt is managed appropriately. Completed.</p>
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NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

HINTON PRIMARY SCHOOL

COUNCILLOR: KEN JORDAN

THAT COUNCIL:

- 1) That Council write to the NSW Premier, the Hon. Barry O'Farrell and the NSW Minister for Education, the Hon. Adrian Piccoli, expressing its support to retain the current teacher numbers at the Hinton Primary School, particularly given it is the second oldest school in Australia.

ORDINARY COUNCIL MEETING – 9 APRIL 2013

MOTION

090	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council write to the NSW Premier, the Hon. Barry O'Farrell and the NSW Minister for Education, the Hon. Adrian Piccoli, expressing its support to retain the current teacher numbers at the Hinton Primary School, particularly given it is the second oldest school in Australia.</p>
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CONFIDENTIAL ITEMS



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

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

ORDINARY COUNCIL MEETING – 9 APRIL 2013

MOTION

091	Councillor John Nell Councillor Sally Dover
	It was resolved that Council move into confidential session.

ITEM NO. 1

FILE NO: PSC2008-3848

LEASE OF LOT 1012 DP 814078, LOT 11 DP 629503, LOT 121 DP 556403 & LOT 1 DP 224587, 282, 282A, 282B AND 398 CABBAGE TREE ROAD, WILLIAMTOWN

REPORT OF: CARMEL FOSTER - PROPERTY SERVICES MANAGER

GROUP: CORPORATE SERVICES

ORDINARY COUNCIL MEETING – 9 APRIL 2013

MOTION

092	Councillor Paul Le Mottee Councillor Steve Tucker
	It was resolved that Council: <ol style="list-style-type: none">1. Enter into an Agreement for Lease and Lease for Lot 1012 DP 814078, Lot 11 DP 629503, Lot 121 DP 556403 & Lot 1 DP 224587, 282, 282A, 282B and 398 Cabbage Tree Road, Williamtown with Castle Quarry Products.2. Authorise the Mayor and General Manager to affix the Seal of Council to the Agreement for Lease and lease and sign any other related legal documentation.3. Castle Quarry Products provide Council with a list detailing all consultants engaged and the requirement to assign all intellectual property to Council, including intellectual property created by third party consultants engaged by Castle Products or its assigns for the purposes of fulfilling its lease obligations.4. The bank guarantee requirement be brought forward to the Agreement for Lease stage.

There being no further business the meeting closed at 6.25pm.

I certify that pages 1 to 67 of the Open Ordinary Minutes of Council 9 April 2013 and the pages 68 to 78 of the Confidential Ordinary Minutes of Council 9 April 2013 were confirmed by Council at its meeting held on 23 April 2013.

.....
Bruce MacKenzie
MAYOR