

MINUTES 11 MARCH 2014

Port Stephens

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 11 March 2014, commencing at 5.45pm.

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

048	Councillor John Morello Councillor John Nell
	It was resolved that the apologies from Cr Sally Dover, Cr Steve Tucker, Cr Paul Le Mottee and Cr Chris Doohan be received and noted.

049	Councillor Ken Jordan Councillor John Morello
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 25 February 2014 be confirmed.

	There were no conflict of interest declaration received.

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SUBJECT

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MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2014-00984

FUTURE AMBULANCE STATION - MEDOWIE

THAT COUNCIL:

- 1) Write to the Member for Port Stephens, Craig Baumann MP, requesting the Local Member to approach the NSW State Government with the view to establishing an Ambulance Station at Medowie.
-

ORDINARY COUNCIL MEETING – 11 MARCH 2014 MOTION

050	Mayor Bruce MacKenzie
	It was resolved that Council write to the Member for Port Stephens, Craig Baumann MP, requesting the Local Member to approach the NSW State Government with the view to establishing an Ambulance Station at Medowie.

BACKGROUND

The purpose of this Mayoral Minute is to seek Council's support in writing to the Member for Port Stephens, Craig Baumann MP, requesting the State Member to approach the NSW State Government and seek a commitment to construct an Ambulance Station at Medowie.

With the population increase across the local government area, in particular around the Central Ward, and the expected growth over the next 10 to 20 years, there is a growing need for an ambulance service to be located within the Medowie area.

It would provide a much needed service to the areas of Medowie, Williamtown, Salt Ash, Lemon Tree Passage, Tanilba Bay and potentially Fern Bay, and would mean that residents would not be required to wait for an ambulance to come from Raymond Terrace or from other area.

As the western area of the local government area grows, with such developments as Kings Hill, there will be additional pressure placed on the Raymond Terrace Ambulance Service, which could result in longer waiting times for residents in other parts of the local government area.

Council's support to write to the Member for Port Stephens is sought.

COUNCIL REPORTS

ITEM NO. 1

FILE NO: PSC2013-00488

DRAFT PORT STEPHENS COUNCIL DISABILITY ACCESS PLAN 2014-2018

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the Draft Port Stephens Council Disability Access Plan 2014-2018 shown at **(ATTACHMENT 1)**;
- 2) Place the Draft Port Stephens Council Disability Access Plan 2014 - 2018 on public exhibition of a period of 28 days;
- 3) Should no submissions be received, the plan be adopted as amended, without a further report to Council.

ORDINARY COUNCIL MEETING – 11 MARCH 2014

MOTION

051	Councillor Ken Jordan Councillor John Nell
	It was resolved that Council move into Committee of the Whole.

Cr Peter Kafer left the meeting at 5.50pm, prior to Item 1.

Due to a lack of a quorum the meeting was not able to continue.
The Mayor adjourned the meeting at 5.52pm for 30 minutes.

At the conclusion of the 30 minute adjournment those present: Mayor Bruce MacKenzie, Cr John Nell, Cr John Morello and Cr Ken Jordan.

At 5.53pm, due to a lack of a quorum the meeting was adjourned by the Mayor, with all items on the agenda to be adjourned until the next Ordinary Meeting of Council to be held on 25 March 2014 at 5.30pm, in the Council Chamber at 116 Adelaide Street, Raymond Terrace.

	Item adjourned to the next Ordinary Council Meeting to be held on 25 March 2014.

BACKGROUND

The purpose of this report is to recommend that Council place the Draft Port Stephens Council Disability Access Plan 2014 -2018 on public exhibition for 28 days and the plan be formally adopted subject to no submissions resulting in need to change draft.

Since the introduction of the Disability Discrimination Act (1992) Council has had a Disability Action Plan in place. The Plan is reviewed and updated approximately every four years.

The development and implementation of a Disability Action Plan is an obligation under the Disability Discrimination Act (1992). The Disability Action Plan is a way for Port Stephens Council to plan the elimination, as far as possible, of disability discrimination from the provision of its goods, services, facilities, employment policies and practices.

The Disability Action Plan is a practical tool to assist Council to operate consistently with the goals of best practice in local government and to conciliate disability related complaints that may arise in the future.

The draft Port Stephens Disability Access Plan 2014 -2018 has been developed to continue Council's intention to provide an equitable, inclusive and socially cohesive community.

The Draft Port Stephens Disability Access Plan 2014 – 2018 comprises two key components:

- 1) Background information - (i.e. information about disabilities and disability Action Plans, a detailed demographic profile, a needs assessment including the outcomes of the community Council internal stakeholder consultation processes)
- 2) Disability Action Plan – (i.e. a detailed list of strategies and actions aimed at addressing the disability issues identified)

The Draft Port Stephens Disability Access Plan 2014 –2018 is linked to Council's Community Strategic Plan 2011- 2021 in the following key measurement areas:

Our Citizens:

Seniors and People with Disabilities: Improved access and equitable provision of services and facilities for seniors and people with disabilities.

Community Planning and Partnerships: Collaborate with the community of Port Stephens to plan for its facilities and appropriate services.

Our Lifestyle:

MINUTES FOR ORDINARY MEETING – 11 MARCH 2014

Recreation, Leisure, Arts 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.

The Draft Port Stephens Disability Access Plan 2014 –2018 also incorporates local Government actions from the National Disability Strategy 2010- 2030 in the following key measurement areas:

- 1) Priority Actions
Priority actions will be dependant on Local Government support for effective implementation. Actions relate to community facilities, housing and the built environment, arts and culture, transport, planning & employment. e.g. Accessible buildings and planning codes and people with disabilities contributing to the planning and decision making of Local Government.
- 2) Linkages with the local community and community participation
A number of action areas within the plan highlight the role Local Government will play in supporting local services to become accessible to everyone. e.g people with disabilities making use of local Government provided services or accessing other community services through the networks created by Council.
- 3) Planning & information
Non Government Organisations (NGOs) and Local Government need to take a collaborative approach regarding planning and information sharing. Council identifying opportunities for improved planning and service linkages for people with disabilities.

FINANCIAL/RESOURCE IMPLICATIONS

The implementation of the Draft Port Stephens Disability Access Plan 2014 -2018 is the responsibility of all sections of Council. Therefore Council will continue to resource and budget for certain initiatives such as providing accessible services and facilities; providing awareness and information; and employment and training initiatives.

The Draft Port Stephens Disability Access Plan 2014 - 2018 will be incorporated into Council's performance monitoring systems to ensure it is budgeted in asset management programs and progress is monitored.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Implementation will be funded from existing and future budgets as required.
Reserve Funds	No		
Section 94	No		

MINUTES FOR ORDINARY MEETING – 11 MARCH 2014

External Grants	Yes		Grants will be sought where appropriate.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Disability Discrimination Act 1992 requires all services and facilities to be accessible for people with a disability. Failure to provide that access or failure to require others to provide access can lead to prosecution.

By developing and lodging a Disability Action Plan with the Human Rights Commission, Council is demonstrating its commitment and intent to act in a reasonable manner in accordance with the Disability Discrimination Act 1992. In doing this, Council reduces its liability of prosecution, and the document can act as a strong tool to assist with mediation should any complaints arise.

Other relevant legislative requirements relating to a Disability Action Plan for Council are included within:

- NSW Anti-Discrimination Act 1977;
- Local Government Act 1993;
- Building Code of Australia 2010;
- Australian Standards 1428;
- Premises Standards 2011;
- National Disability Strategy 2011-2021.

The Draft Port Stephens Disability Access Plan 2014 -2018 complies with all of the above legislative requirements and is in accordance with Council's Disability Access and Inclusion Policy 2010.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk of non-compliance with Disability Discrimination Act (1992).	Medium	Council endorse the Draft Disability Action Plan 2014-2018 following public exhibition period.	Yes
There is a risk that once the plan is adopted, Council staff will be unaware of their responsibilities.	Medium	Provide awareness and training for relevant Council staff.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The overall intention of the Draft Port Stephens Disability Access Plan 2014 - 2018 is to create an equitable, inclusive and socially cohesive community. Access, both physical and nonphysical to services and facilities is the right of all people in the community. Access improvements made to the built environment for people with a disability assist the entire community.

Facilitating an accessible community means that people with a disability are able to make a full and meaningful contribution to society (*e.g.; employment, tourism, retail, community events*) thus utilising this otherwise wasted resource.

Retrofitting buildings and amenities to provide access is far more expensive than integrating it into either initial construction or renovation phases. The Draft Port Stephens Disability Action Plan 2013-2017 ensures this early integration of access provisions avoiding costly rework for both Council and private owners.

The Draft Port Stephens Disability Action Plan 2013-2017 will have a positive impact on the environment by providing a framework for the continuation of improvements which will assist in removing physical barriers which deny people with disabilities, parents/carers with prams, elderly etc from interacting and enjoying the local environment of Port Stephens.

Whilst economic implications of the Disability Action plan are broad and in some areas difficult to gauge, several inferences can be drawn:

- Improved physical access in the community will make the area more attractive to visitors and potential residents as well as reduce the risk of accidents and injuries;
- Improved physical access and support networks assist people with a disability to be able to make meaningful economic contribution to the community;
- Improved physical access enhances the viability of business premises by improving their location;
- Implementation of correct building standards for new works avoids costly future upgrades or refits.

CONSULTATION

Public consultation was undertaken to draw input from a wide range of sources including people with disabilities, carers, community organisations, disability service providers, Port Stephens Council Coordinators and Section Managers.

A variety of methods were utilised to obtain the input and feedback such as workshops, surveys and face-to-face interviews.

OPTIONS

- 1) Accept the recommendations, which will further strengthen Council's compliance with the Disability Discrimination Act (1992). It will also help direct Council's role in creating an accessible community.
- 2) Amend the recommendations.
- 3) Reject the recommendations and call for more information to support the report, which will delay Council from having a current Disability Access Plan.

ATTACHMENTS

All listed below are provided under separate cover.

- 1) Draft Port Stephens Disability Access Plan 2014 – 2018.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

FILE NO: PSC2013-00251

SPONSORSHIP REQUEST: 2014 CAMPERVAN AND MOTORHOME CLUB OF AUSTRALIA RALLY, NELSON BAY**REPORT OF: ROSS SMART - ECONOMIC DEVELOPMENT & COMMUNICATIONS SECTION
MANAGER****GROUP: DEVELOPMENT SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Provide \$20,000 in sponsorship from the Major Sponsorship Fund for the 2014 Campervan and Motorhome Club of Australia (CMCA) Rally, to be held in October 2014;
- 2) Approve the use of the Tomaree Sports Complex for this event;
- 3) Waive fees of \$30,000 associated with the hire of the Tomaree Sports Complex.

ORDINARY COUNCIL MEETING – 11 MARCH 2014

	Item adjourned to the next Ordinary Council Meeting to be held on 25 March 2014.

BACKGROUND

The purpose of this report is to confirm Port Stephens Council's support for the 2014 Campervan and Motorhome Club of Australia (CMCA) Rally, which will be held at the Tomaree Sports Complex, Nelson Bay between 6th and the 12th of October 2014.

Supporting major events such as the CMCA Rally fulfils objective 12.1.1.4 in Council's operational plan 2013-14: "Sponsor major events that deliver economic benefit to the Port Stephens community".

The rally will be the largest single event ever staged in the Nelson Bay – Tomaree Peninsula area due to its size and duration and will deliver significant economic impact. It is expected that over 1,000 motor homes and Campervans will attend the site resulting in approximately 2,000 visitors staying a minimum of seven nights in the region. In addition, towns across the region are also expected to benefit with staging areas to be set up to allow for the orderly ingress and egress of participants in the days leading up to and post the event.

Council's Tourism & Events unit has been working closely with the CMCA for a period of over 12 months to secure and plan for the event. To allow for planning and promotion, the General Manager, Tourism & Events Coordinator, and Public Domain

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& Services Manager attended 2013 rallies in Maryborough, Queensland and Narrabri, NSW. They will also attend the next rally to be held in Robinvale, NSW in March 2014.

This event is expected to deliver significant economic benefit to all kinds of business in the local area, including retailers, tourism operators, restaurants & leisure providers, as well as via catering and transport contracts offered to local sporting clubs and tour operators.

Further expected benefits include:

- Opportunity to promote Port Stephens to a national travelling audience;
- Exposure in the Wanderer Magazine leading up to the event (distributed to 60,000 members);
- The CMCA has agreed to support the local sporting community with a \$10,000.00 donation to go towards field upgrades for Tomaree Sports Complex;
- The CMCA has also offered Council the opportunity to man the entrance gate on the planned public open day, with collected entrance fees to further boost the above donation.

FINANCIAL/RESOURCE IMPLICATIONS

Adoption of the recommendation does not present any significant financial or resource implications for Council as it will be funded from already allocated budget. Funds are provided from the Major Sponsorship Fund program under 12.1.1.4 of the 2013-2014 Operational Plan.

It is proposed that Council waive fees related to the hiring of the Tomaree Sports Complex, with the CMCA in return agreeing to make a donation of \$10,000 in cash in addition to the entry fees gathered on the event open day. These funds will be paid to Council for the renovation of the grounds after the event.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	20,000	Major Sponsorship Fund in existing Tourism & Events budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal implications associated with this recommendation though risk is a factor. Tourism & Events staff have liaised with Legal Services on the drafting of the sponsorship agreement, to be signed by the General Manager in accordance with Council's Corporate Sponsorship Policy.

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Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation will be affected if sponsorship support is not forthcoming.	Medium	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Economic benefits of the event will be far reaching with CMCA members expected to stay a minimum of seven nights in the region. Multiplier effects supplied by Tourism Research Australia (TRA) estimate that the rally will inject more than \$2 million dollars into the Port Stephens economy, in direct spend.

Social benefits will be varied and far reaching with an open day held during the rally to encourage the local community to become involved in the event.

Environmental implications have been assessed in consultation with our environmental, compliance and asset management officers and strict guidelines discussed to manage issues relevant to this event being held on our sporting fields which include grey water, dump points, dogs onsite etc.

CONSULTATION

Internal council stakeholders including the General Manager, Mayor and East Ward Councillors, Tomaree Sports Council Executives and member groups.

External stakeholders including the event organiser and volunteer rally committee.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE REPORT – 4 FEBRUARY 2014

REPORT OF: JOHN MARETICH – CIVIL ASSETS MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held 4 February 2014.

ORDINARY COUNCIL MEETING – 11 MARCH 2014

	Item adjourned to the next Ordinary Council Meeting to be held on 25 March 2014.
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BACKGROUND

The purpose of this report is to bring to Council's attention traffic issues raised and detailed in the minutes of the Local Traffic Committee meeting and to meet the legislative requirements for the installation of any regulatory traffic control devices associated with Traffic Committee recommendations. (Community Strategic Plan Section 5.4)

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget of \$44 000 (\$25 000 grant from Roads and Maritime Services and the balance from General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The construction of capital works such as pedestrian facilities and intersection improvements resulting from the Committee's recommendations are not included in this funding and are to be listed within Council's "Forward Works Plan" for consideration in the annual budget process.

Source of Funds	Yes/No	Funding	Comment
Existing budget	Yes	19,000	Approximately 60% of the annual budget spent so far
Reserve Funds	No		
Section 94	No		
External Grants	No	25,000	
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

The procedure followed by the Local Traffic Committee satisfies the legal requirements under the Transport Administration Act 1988 and the Road Transport Act 2013. Furthermore, there are no policy implications resulting from any of the Committee's recommendations.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that recommendations may not meet community expectations	Medium	Ensure that proper consultation is carried out when required, prior to meetings	Yes
There is a risk that recommendations may not meet required standards and guidelines	Medium	Traffic Engineer to ensure that all relevant standards and guidelines are applied	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

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

OPTIONS

- 1) Adopt all or part of the recommendations
- 2) Reject all or part of the recommendations
- 3) Council may choose to adopt a course of action other than recommended by the Port Stephens Local Traffic Committee for a particular item. In which case,

MINUTES FOR ORDINARY MEETING – 11 MARCH 2014

Council must first notify the RMS and NSW Police representatives in writing. The RMS or Police may then lodge an appeal to the Regional Traffic Committee.

ATTACHMENTS

- 1) Local Traffic Committee minutes – 4/2/2014

**MINUTES OF THE PORT STEPHENS
LOCAL TRAFFIC COMMITTEE MEETING**

**HELD ON TUESDAY 4TH FEBRUARY 2014
AT 9.30AM**

Present:

Cr Peter Kafer, Senior Constable Cain Emslie – NSW Police , Mr Joe Gleeson (Chairperson), Ms Lisa Lovegrove - Port Stephens Council

Apologies:

Craig Baumann MP, Cr Geoff Dingle, Mr Mark Morrison – Roads and Maritime Services, Mr John Meldrum – Hunter Valley Buses

- A. ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MINUTES OF 3RD DECEMBER, 2013**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
- C.1 01_02/14 SANDY POINT ROAD CORLETTE - REQUEST FOR 15 MINUTE PARKING AT THE CORLETTE STORE**
- C.2 02_02/14 BAGNALL BEACH ROAD CORLETTE - REQUEST FOR PARKING RESTRICTIONS IN THE U-TURN BAYS**
- C.3 03_02/14 VICTORIA PARADE NELSON BAY - REQUEST FOR IMPROVED SIGNAGE AND DELINEATION AT THE EASTERN END OF THE ONE-WAY SECTION**
- C.4 04_02/14 JAMES PATERSON STREET ANNA BAY - REQUEST FOR INSTALLATION OF BUS ZONE AND NO STOPPING SIGNS AT BIRUBI HEADLAND**
- C.5 05_02/14 BURBONG STREET NELSON BAY - REQUEST FOR INSTALLATION OF NO STOPPING RESTRICTIONS AT DUTCHMANS BEACH RESERVE CAR PARK**
- C.6 06_02/14 SHOAL BAY ROAD SHOAL BAY - REQUEST FOR INSTALLATION OF NO STOPPING LINE**
- C.7 07_02/14 IRRAWANG STREET RAYMOND TERRACE – SAFETY CONCERNS AT THE CHILDREN'S CROSSING AT ST BRIGIDS SCHOOL**
- C.8 08_02/14 BOULDER BAY ROAD FINGAL BAY – REQUEST FOR ONE-WAY TRAFFIC IN THE UNNAMED LANEWAY BETWEEN BOULDER BAY ROAD AND MARKET STREET**

D. INFORMAL MATTERS

E. GENERAL BUSINESS

**E.1 601_02/14 BRANDY HILL DRIVE BRANDY HILL - SAFETY CONCERNS
REGARDING BUS STOPS**

**E.2 602_02/14 STURGEON STREET RAYMOND TERRACE – REQUEST FOR ACCESSIBLE
PARKING IN THE RAYMOND TERRACE TOWN CENTRE**

C. Listed Matters

C.1 Item: 01_02/14

SANDY POINT ROAD CORLETTE - REQUEST FOR 15 MINUTE PARKING AT THE CORLETTE STORE

Requested by: A business operator

File:

Background:

The operator of the Corlette Store contacted Council to request the installation of short-term parking at the store. People attending the Gym next door are staying for extended periods making it difficult for his customers to find convenient parking.

Comment:

Traffic Inspection Committee members noted that there was a previous Local Traffic Committee item regarding this issue which recommended installing 1 hour parking at this location. There is room adjacent to the shop to allow some short-term parking .

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules –Part 12 Div.2 – Rule 205 – Parking for longer than indicated

NSW Road Rules –Part 12 Div.2 – Rule 199 – Stopping near a post box

RMS signs database – R5-15

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

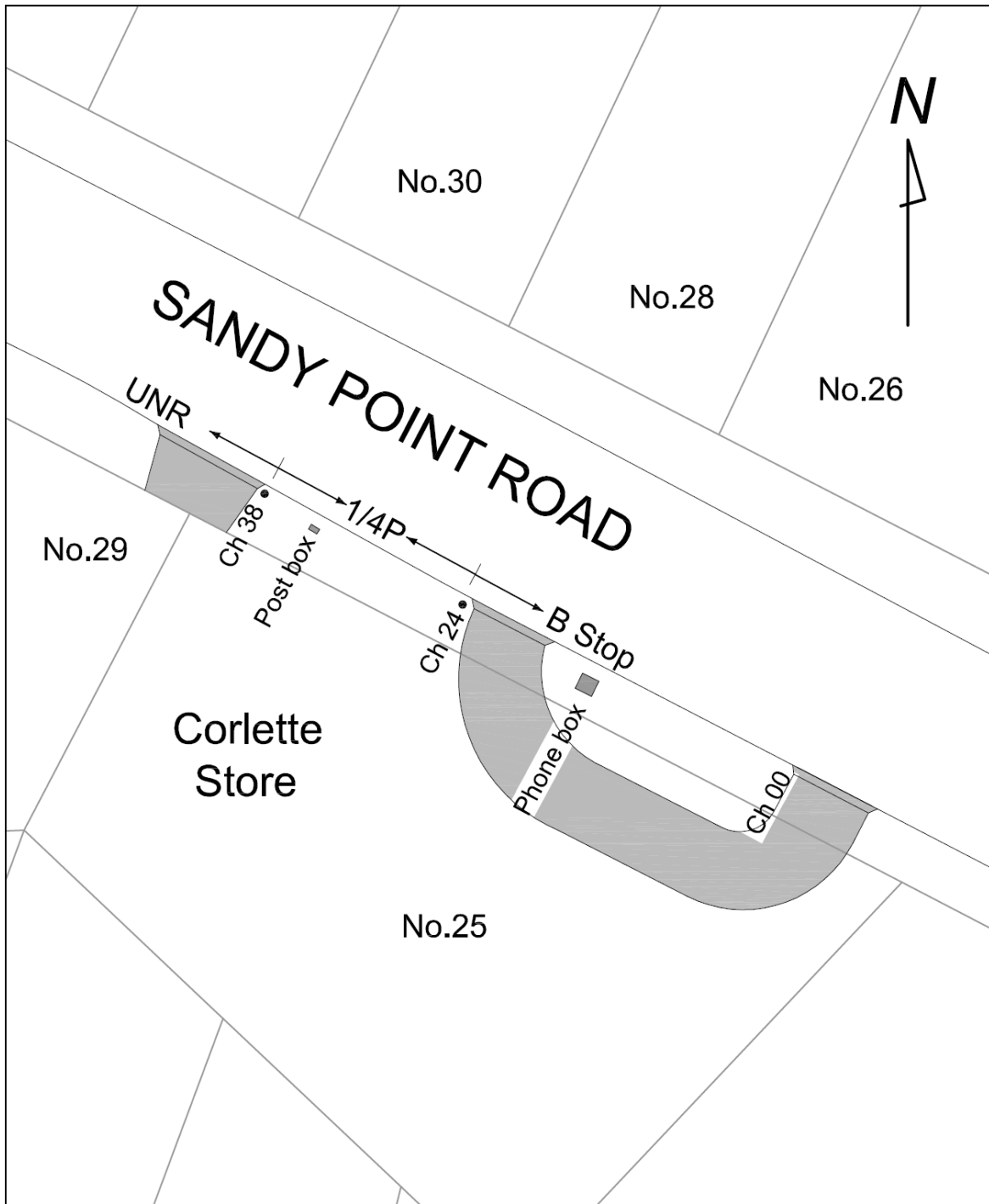
Recommendation to the Committee:

Install 15 minute parking in Sandy Point Road Corlette at the Corlette Store, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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



Legend

1/4P = 15 Minute parking
 B Stop = Bus stop
 UNR = Unrestricted parking

○ = Existing post ● = New post ☀ = Light pole

C.2 Item: 02_02/14

BAGNALL BEACH ROAD CORLETTE - REQUEST FOR PARKING RESTRICTIONS IN THE U-TURN BAYS

Requested by: A resident
File: CRM 171109/2013
Background:

A Bagnall Beach Road resident has requested parking restrictions be installed to deter people from parking in the U-Turn bay at 64-68 Bagnall Beach Road. It is a safety issue with vehicles having to 3-point turn in order to U-turn on this busy road.

Comment:

Traffic Inspection Committee members noted that 'No Stopping' was installed in other U-turn bays along Bagnall Beach Road in previous years.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 169 - No stopping on a road with a yellow edge line
RMS Delineation Guidelines – Section 13 – Pavement markings for kerbside parking restrictions
Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

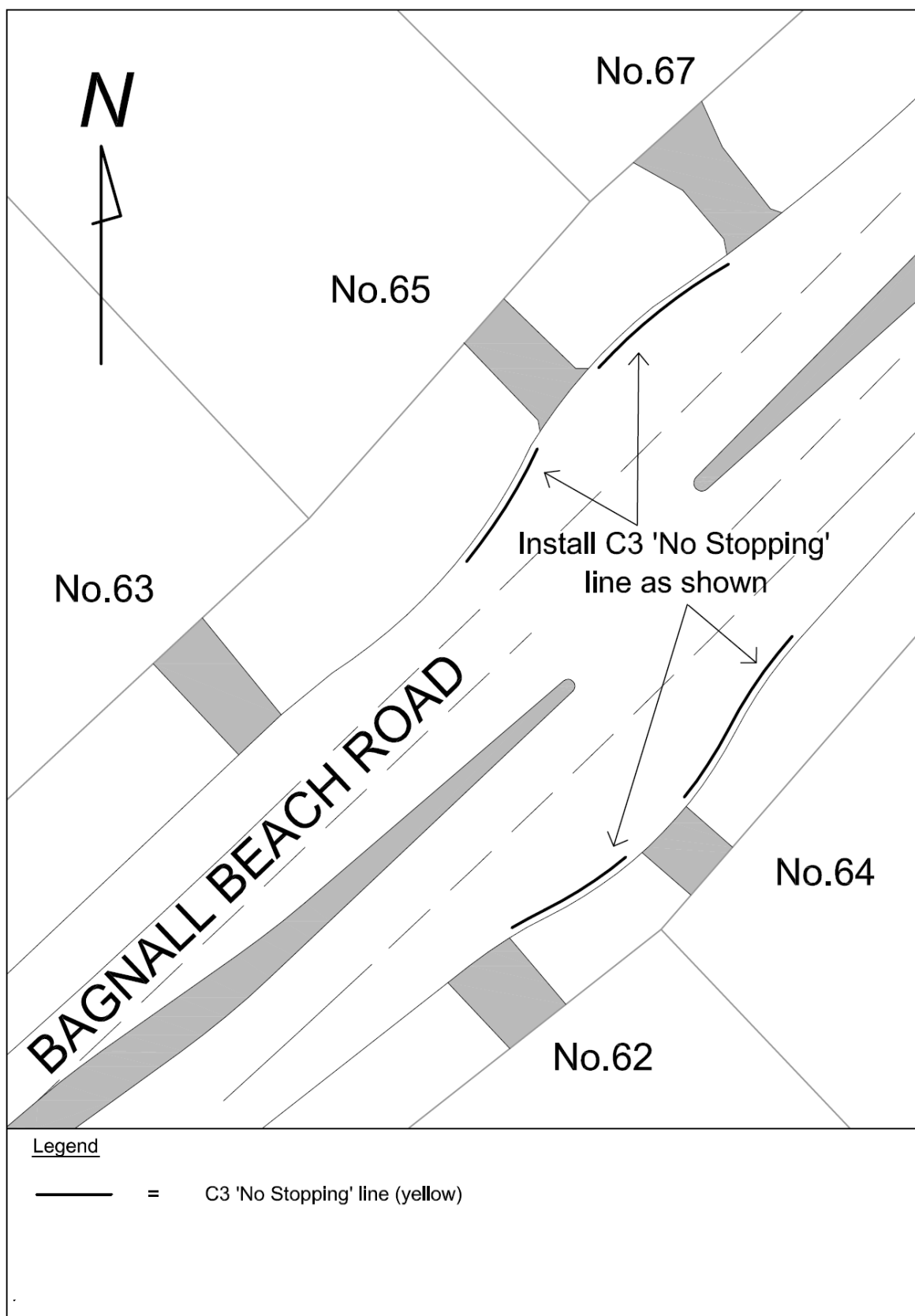
Recommendation to the Committee:

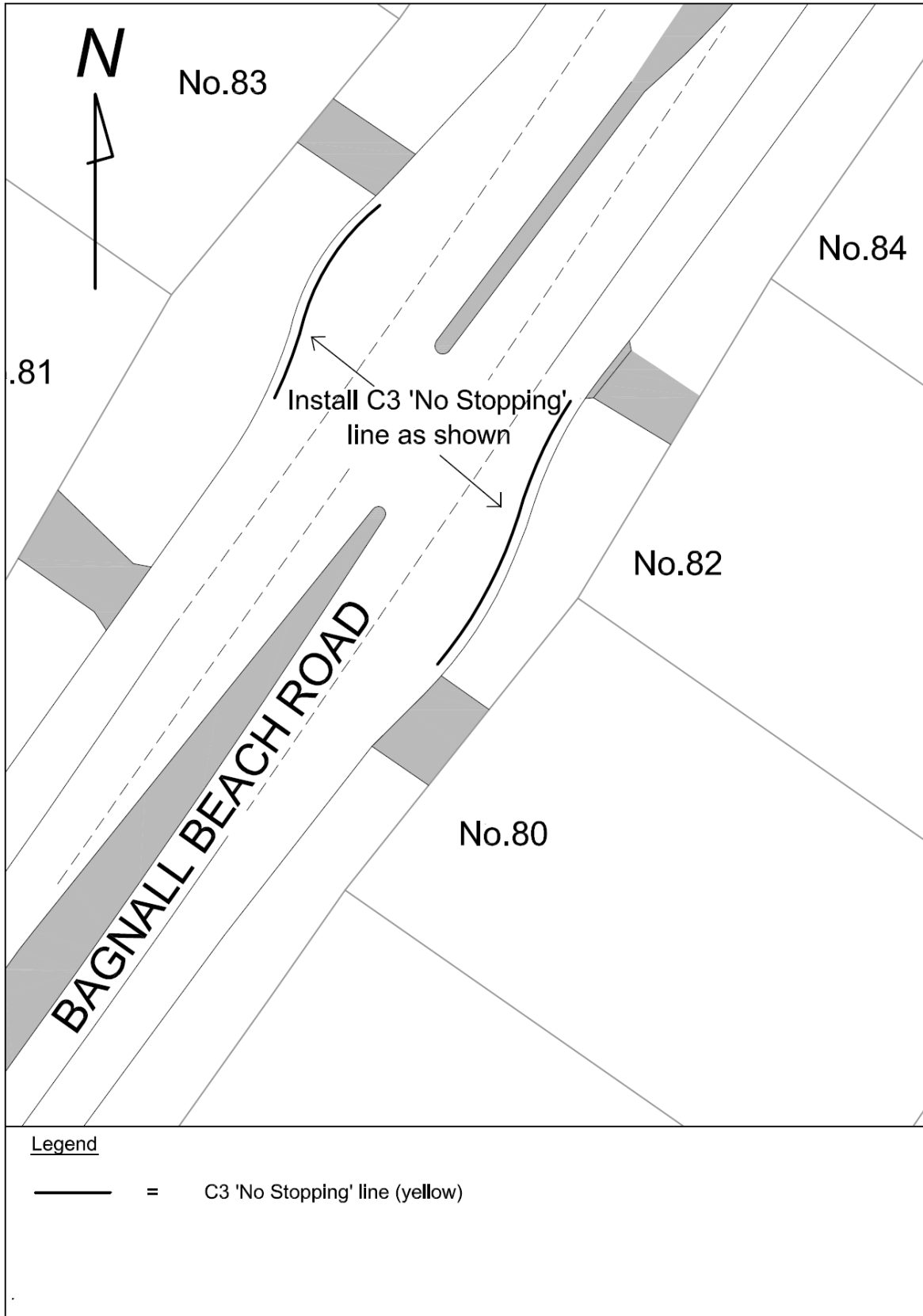
Install yellow 'No Stopping' lines in the u-turn bays along Bagnall Beach Road Corlette, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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





C.3 Item: 03_02/14

VICTORIA PARADE NELSON BAY - REQUEST FOR IMPROVED SIGNAGE AND DELINEATION AT THE EASTERN END OF THE ONE-WAY SECTION

Requested by: A business operator

File:

Background:

A local business operator has contacted Council to complain that drivers are turning the wrong way out of the car park at the Little Beach Marina onto Victoria Parade. The eastern section of the road is 2-way to allow access to the car park at the marina however there is currently nothing to indicate that traffic should turn left only out of the car park.

Comment:

Traffic Inspection Committee members noted that better signage is required to direct drivers in the correct direction from the car park.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules: Rule 88 – Left turn signs, Rule 98 – One Way signs, Rule 100 - No Entry signs

RMS signs database – R2-14, R2-11, R2-4

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Discussion:

Council's Road Safety Officer noted that cyclists would not be legally allowed to pass the 'No Entry' signs in order to travel westwards on the shared path to Fly Point. It was recommended that 'Bicycles Excepted' be added to the 'No Entry' signs.

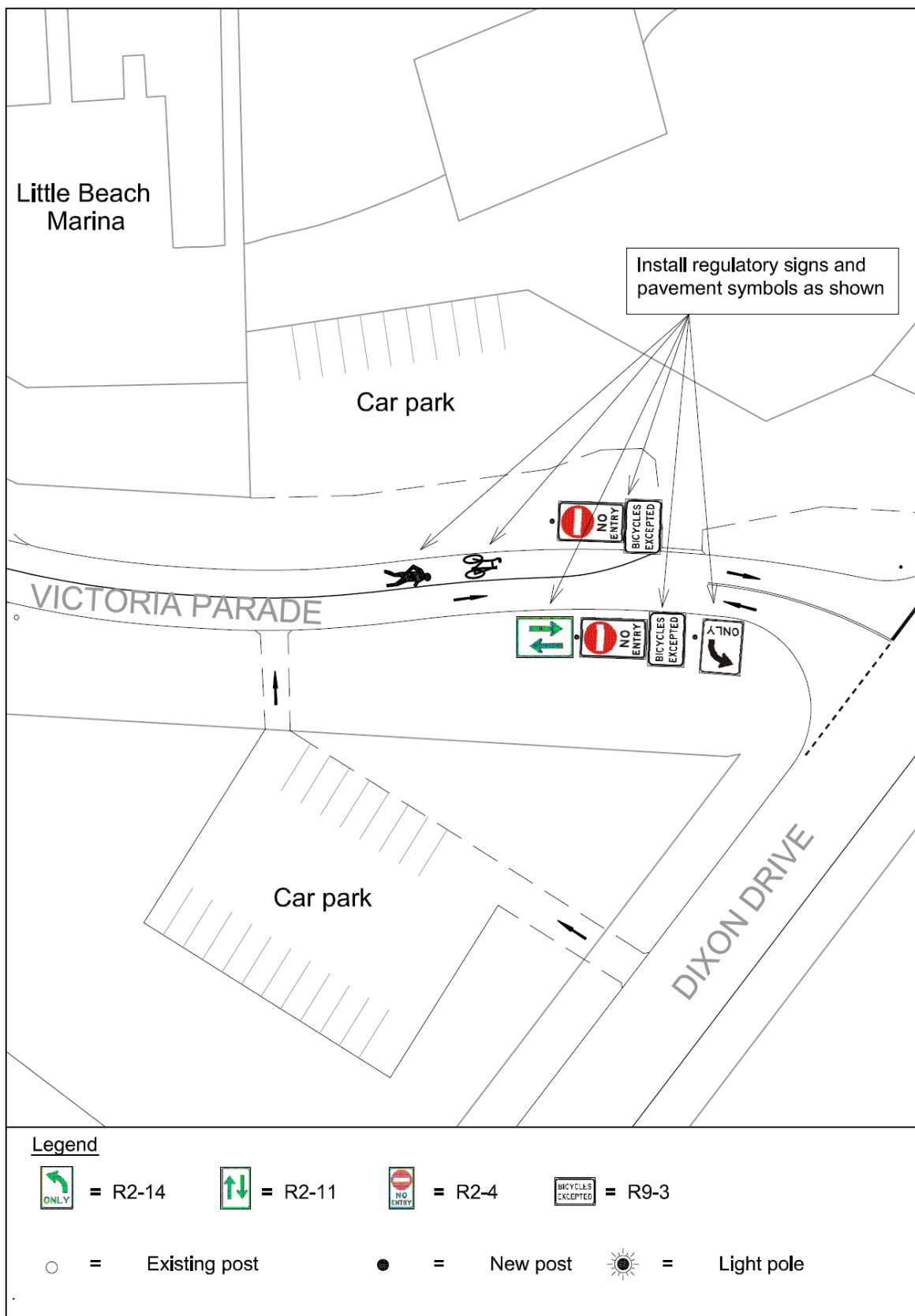
It was also noted that the pedestrian/cycle lane needs to be better delineated from the traffic lane to improve safety for pedestrians and cyclists.

Committee's Recommendation:

Install 'Left Only' sign, two-way sign, 'bicycles excepted' sign and relocate the 'No Entry' sign at the eastern end of Victoria Parade Nelson Bay, as shown on the attached sketch, Annexure A.

Support for the recommendation:

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



C.4 Item: 04_02/14

JAMES PATERSON STREET ANNA BAY - REQUEST FOR INSTALLATION OF BUS ZONE AND NO STOPPING SIGNS AT BIRUBI HEADLAND

Requested by: Port Stephens Council

File: CRM 172033/2013

Background:

The new Birubi Surf Club is now complete and operating. Some minor alteration of parking restrictions is required to assist with traffic flow.

Comment:

There is now an indented bus drop-off area adjacent to the new club house which needs to be identified as a bus zone. There is also a new accessible parking area and 'No Stopping' areas that need to be formalised. Traffic Inspection Committee members noted that at the time of inspections there were large numbers of vehicles illegally parked in the area.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 167 – No stopping signs, Rule 179 – Stopping in a loading zone, Rule 183 – Stopping in a bus zone, Rule 203 - Stopping in a parking area for people with disabilities

RMS signs database –R5-400, R5-20, R5-1-3, R5-23

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

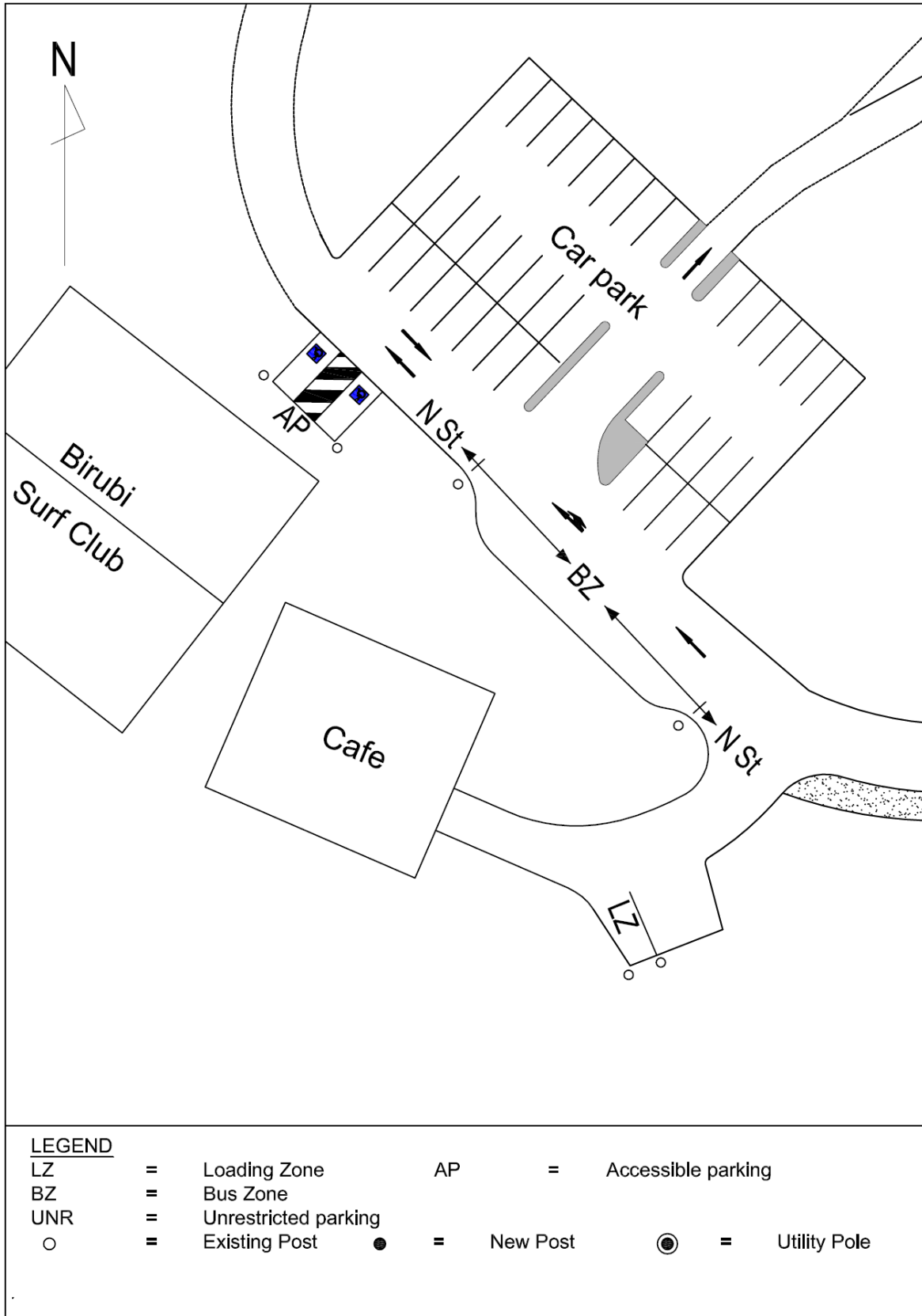
Recommendation to the Committee:

Approve installation of the bus zone, accessible parking, loading zone and 'No Stopping' at Birubi Headland, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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



LEGEND

- | | | | | | |
|-----|---|----------------------|----|---|--------------------|
| LZ | = | Loading Zone | AP | = | Accessible parking |
| BZ | = | Bus Zone | | | |
| UNR | = | Unrestricted parking | | | |
| ○ | = | Existing Post | ● | = | New Post |
| | | | ⊙ | = | Utility Pole |

C.5 Item: 05_02/14

BURBONG STREET NELSON BAY - REQUEST FOR INSTALLATION OF NO STOPPING RESTRICTIONS AT DUTCHMANS BEACH RESERVE CAR PARK

Requested by: Port Stephens Council

File: PSC2005- 4189/167

Background:

Council rangers have requested installation of 'No Stopping' restrictions in the car park at Dutchies Beach car park.

Comment:

The car park area has angle parking along the beach front and a single entry/exit road to Burbong Street. Problems arise during peak times when vehicles are parked parallel along the car park fence, restricting access for the angle-parked vehicles.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 167 – No stopping signs

RMS signs database –R5-400,

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Recommendation to the Committee:

Install 'No Stopping' signs in the Dutchmans Beach Reserve car park, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

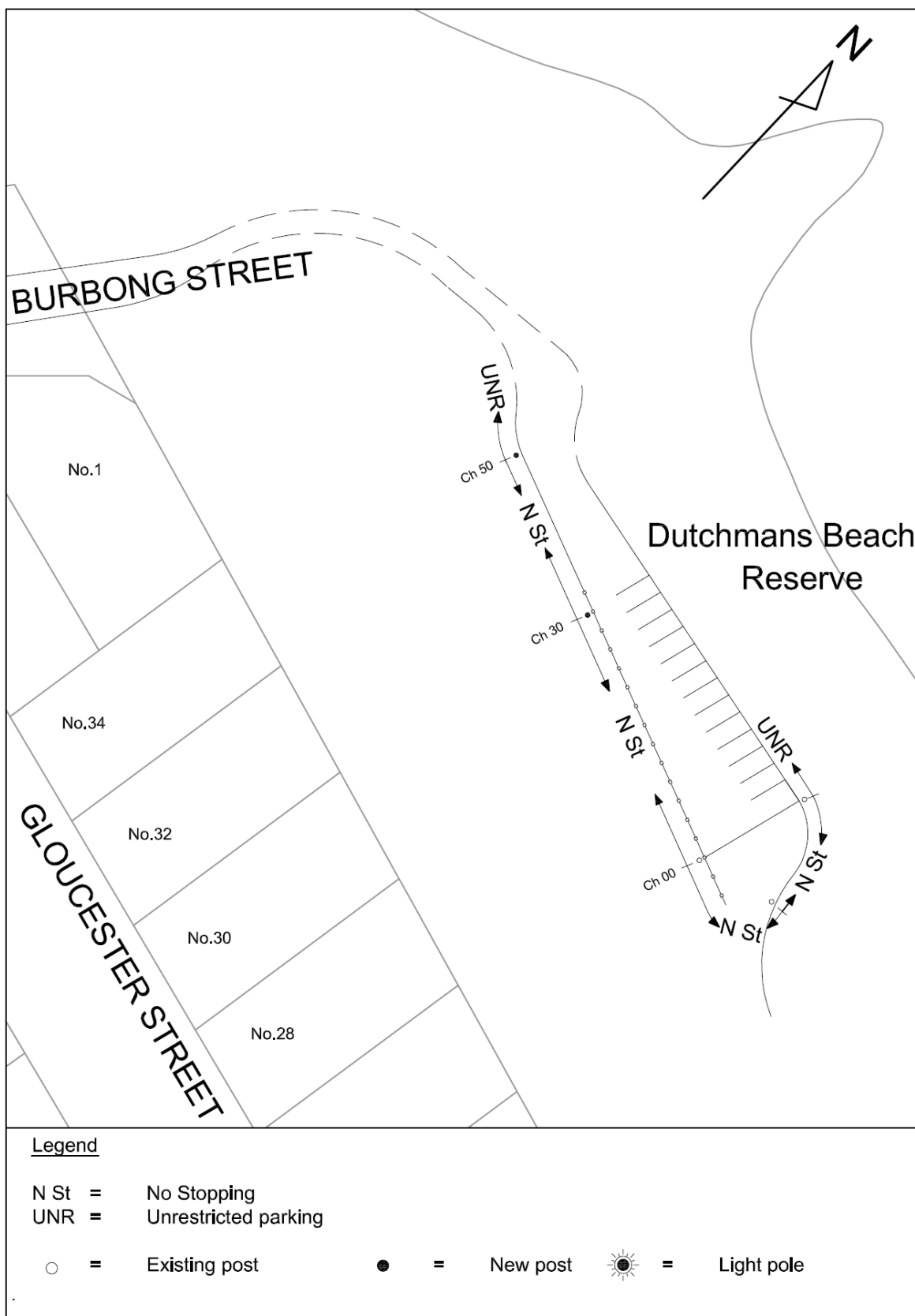
1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

MINUTES FOR ORDINARY MEETING – 11 MARCH 2014

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 4 February 2014

ITEM NO. 05_02/14
Street: Burbong Street

ANNEXURE A
Page 1 of 1



C.6 Item: 06_02/14

SHOAL BAY ROAD SHOAL BAY - REQUEST FOR INSTALLATION OF NO STOPPING LINE

Requested by: Port Stephens Council

File: PSC2005- 4189/166

Background:

Council rangers have requested installation of 'No Stopping' restrictions in Shoal Bay Road to prevent parked vehicles restricting traffic flow.

Comment:

The area concerned is opposite the exit from Lillian Street where Shoal Bay Road is quite narrow. At peak times people have been parking at the kerb between the angle parking sections, restricting traffic flow to a single lane.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 169 - No stopping on a road with a yellow edge line
RMS Delineation Guidelines – Section 13 – Pavement markings for kerbside parking restrictions
Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

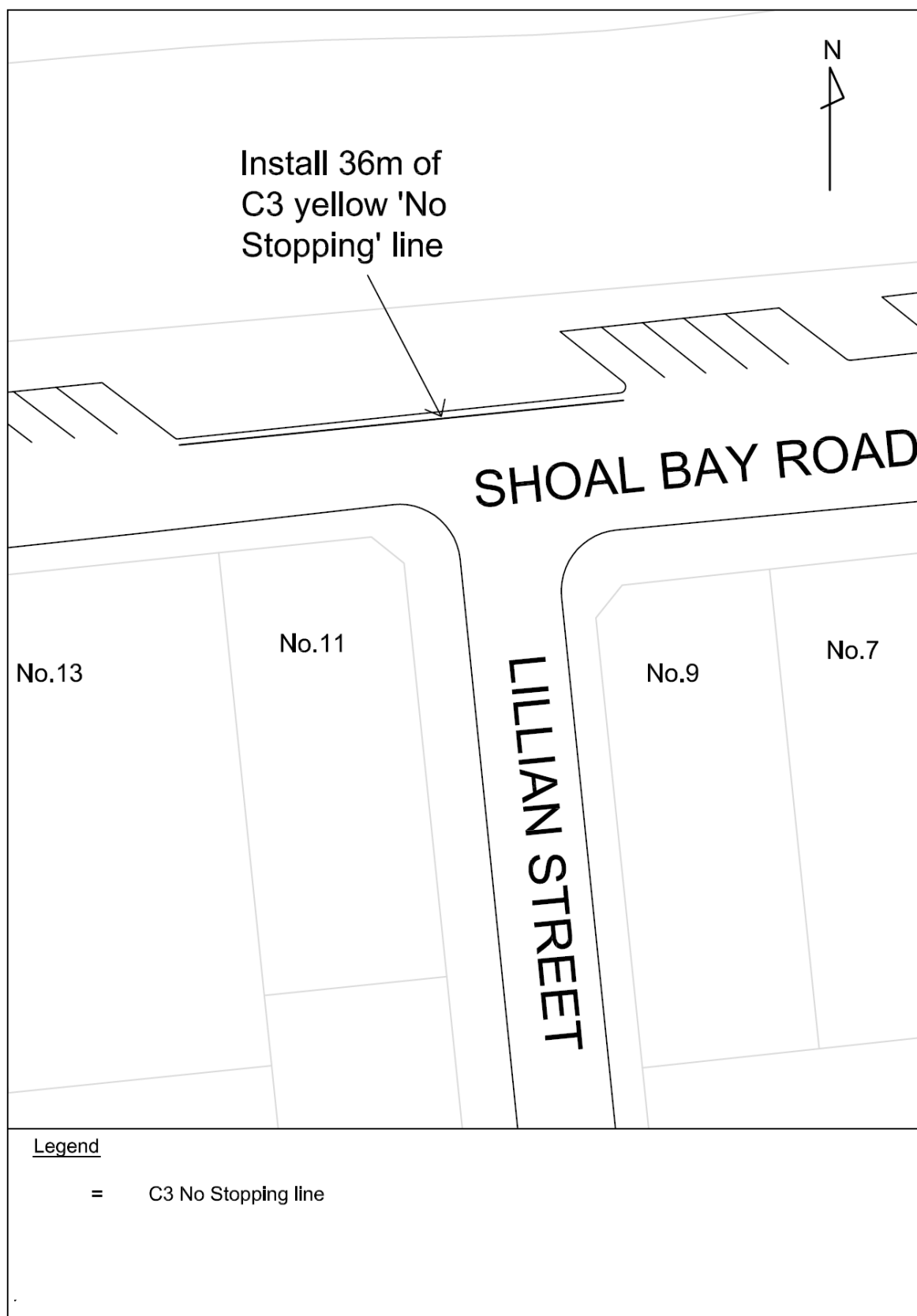
Recommendation to the Committee:

Install yellow 'No Stopping' lines between the angle parking bays along Shoal Bay Road Shoal Bay, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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



C.7 Item: 07_02/14

IRRAWANG STREET RAYMOND TERRACE - SAFETY CONCERNS AT THE CHILDREN'S CROSSING AT ST BRIGIDS SCHOOL

Requested by: Port Stephens Council

File: 622_12/13

Background:

Staff at the Raymond Terrace Combined OSHC at Boomerang Park have requested safety improvements at the children's crossing at Irrawang Street Raymond Terrace.

Comment:

The initial requests to remove the pedestrian refuge and right turn lane and install kerb extensions or to install a raised pedestrian crossing are not possible at this location given the traffic and pedestrian volumes and the width of road involved. The recommendation from Traffic Committee inspections is to improve sight distance at the crossing by increasing the 'No Stopping' distance on the northern approach.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 167 – No stopping signs

RMS signs database –R5-400,

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

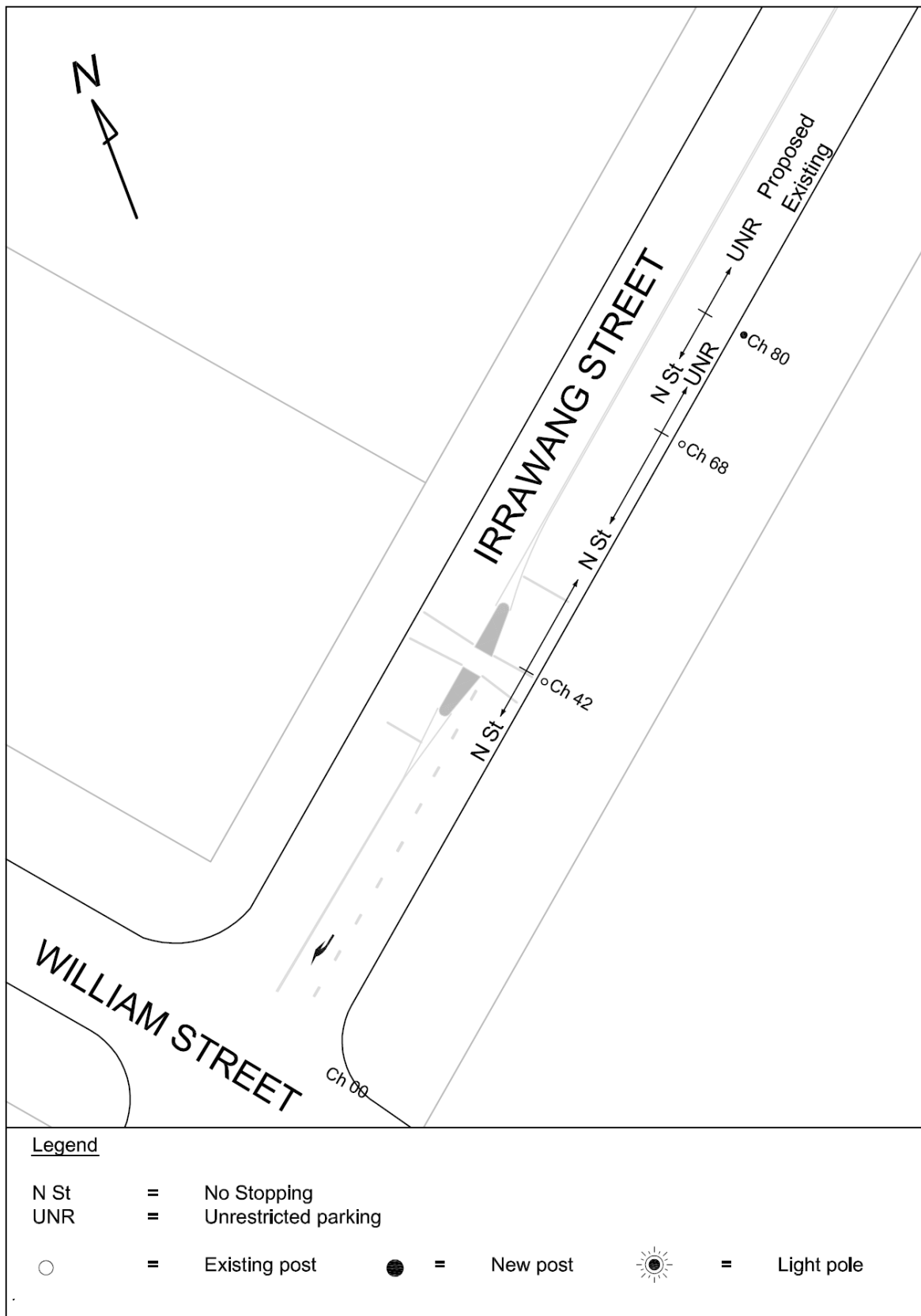
Recommendation to the Committee:

Relocate the 'No Stopping' sign on the eastern side of Irrawang Street Raymond Terrace, 12m further from the children's crossing at St Brigid's school, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

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



C.8 Item: 08_02/14

BOULDER BAY ROAD FINGAL BAY – REQUEST FOR ONE-WAY TRAFFIC IN THE UNNAMED LANEWAY BETWEEN BOULDER BAY ROAD AND MARKET STREET

Requested by: Port Stephens Council

File: PSC2009-00502/033

Background:

This item stems from a request from local business operators to remove the 'No Stopping' restrictions on Boulder Bay Road in front of Port Stephens Tyres and the bottleshop. Traffic Committee has in the past, refused requests for removal of the 'No Stopping' restrictions due to safety concerns brought about through poor sight distance for vehicles exiting the laneway behind Market Street.

Comment:

The sight distance issues would be addressed by making the unnamed laneway into a one-way street with entry only from Boulder Bay Road.

Consultation has been undertaken with property owners and business operators in the area regarding this proposal. Responses received by Council generally supported the proposal however strong concerns were expressed by some respondents with regard to the operations of the business on the corner of the laneway and the likelihood of access being blocked by parked vehicles and goods being stored in the lane.

Copies of the responses received are attached for information.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 167 – No stopping signs

RMS signs database –R5-400,

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Recommendation to the Committee:

For discussion

Discussion:

This item was deferred due to the absence of several Traffic Committee members.

Support for the recommendation:

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

D. INFORMAL MATTERS

E. GENERAL BUSINESS

E.1 Item: 601_02/14

BRANDY HILL DRIVE BRANDY HILL – SAFETY CONCERNS REGARDING BUS STOPS

Requested by: A resident

Background:

Discussion:

Committee's recommendation:

Deferred

E.2 Item: 602_02/14

STURGEON STREET RAYMOND TERRACE – REQUEST FOR ACCESSIBLE PARKING IN THE RAYMOND TERRACE TOWN CENTRE

Requested by: Cr Kafer

Background:

Cr Kafer raised concerns about the difficulty experienced finding suitable accessible parking for mini-buses around the Raymond Terrace town centre.

Discussion:

It was discussed that Council has concept plans to include a zone for smaller buses in a redevelopment of part of the parking area in The Close. This will be included in the broader Raymond Terrace Master Plan currently being developed.

Traffic Committee members discussed dedicating a suitable space in the council car park at the YMCA. This would require negotiation with the asset owner.

Committee's recommendation:

Council officers to investigate options and report back to Traffic Committee.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 4

FILE NO: PSC2009-02488

POLICY REVIEW: BUDGET CONTROL AND AUTHORISATION POLICY

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the Budget Control and Authorisation policy shown at **(ATTACHMENT 1)**;
- 2) Place the Budget Control and Authorisation policy, as amended on public exhibition of a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council;
- 3) Revoke the Budget Control and Authorisation policy dated 20 September 2011 (Min No. 349), should no submissions be received.

ORDINARY COUNCIL MEETING – 11 MARCH 2014

	Item adjourned to the next Ordinary Council Meeting to be held on 25 March 2014.

BACKGROUND

The purpose of this report is to review the Budget Control and Authorisation policy, adopted by Council on 21 July 1998 (Min No.336) and last amended on 20 September 2011 (Minute number 349).

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

The Policy was developed in accordance with Council's Community Strategic plan and in particular, Section 15.1.1.4 of its Operational plan.

No significant amendments to the policy are proposed.

FINANCIAL/RESOURCE IMPLICATIONS

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

MINUTES FOR ORDINARY MEETING – 11 MARCH 2014

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

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

CONSULTATION

- 1) Council's Financial Analysis team.

OPTIONS

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

ATTACHMENTS

- 1) Budget Control and Authorisation policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

Adopted: 21 July 1998
Minute No: 336
Amended: 20 September 2011
Minute No: 349

FILE NO: PSC2009-02488

**TITLE: BUDGET CONTROL AND
AUTHORISATION POLICY**

**RESPONSIBLE OFFICER: FINANCIAL SERVICES
SECTION MANAGER**

BACKGROUND

On the ~~20th December 2005~~ 20 September 2011, Council adopted a Budget Control and Authorisation policy Minute No. ~~384~~. 349. Council is committed to ensuring the allocation of its resources is responsible and appropriate.

OBJECTIVE

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

PRINCIPLES

- 1) The elected Council is responsible for the allocation of Council's resources for the benefit of the area (Section 232 Local Government Act 1993).
- 2) Council cannot delegate its authority to vote money for expenditure on works, services and facilities (Section 377 Local Government Act 1993).
- 3) The Council is responsible to regularly review and monitor its financial performance (Section 232 Local Government Act 1993).

Insert: Policy

Delete: Section

Delete: 20th December 2005
Insert: 20 September 2011
Delete: 384
Insert: 349

- 4) The General Manager is responsible for the efficient and effective allocation of resources and ensuring appropriate policies and delegations of authority (Section 335 Local Government Act 1993).
- 5) Responsible budget officers are responsible for carrying out activities within their area of responsibility in accordance with their delegations from the General Manager.

POLICY STATEMENT

General

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

Insert: detailed in the
Community
Delete: Integrated

Delete: However, they will
... (prime job number)
level.

Voting and Authorising new Expenditure

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

Delete: to standing committees

Delete: the
Insert: a
Delete: Committee

Delete: The Committee will then ... financial implications.

Transferring Votes

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

Budget Reviews

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

Delete: weeks

Insert: information

Unexpended Votes (Revotes)

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

Delete: the

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

RELATED POLICIES

- 1) Nil.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

Nil.

RELEVANT LEGISLATIVE PROVISIONS

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

Delete: He
Insert: The General Manager
Delete: as part of the June Quarterly Budget Review.

Delete: the

Delete: Nil
Insert: Council's budget is fundamental ... to the community.

IMPLEMENTATION RESPONSIBILITY

- 1) ~~Commercial Services Group~~ Financial Services Manager.

PROCESS OWNER

- 1) Financial Services Manager.

REVIEW DATE

- 1) ~~Two years from adoption~~ 11 March 2016.

Delete: Commercial Services Group
Insert: Financial Services Manager

Insert: Process Owner
Insert: 1) Financial Services Manager

Delete: Two years from adoption
Insert: 11 March 2016.

ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Asset Disposal (other than property) policy shown at **(ATTACHMENT 1)**;
- 2) Place the Asset Disposal (other than property) policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted without a further report to Council.

ORDINARY COUNCIL MEETING – 11 MARCH 2014

	Item adjourned to the next Ordinary Council Meeting to be held on 25 March 2014.
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BACKGROUND

The purpose of this report is to provide Council with the draft Asset Disposal (other than property) policy.

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

The Asset Disposal (other than property) policy has been written in accordance with Council's Community Strategic plan and in particular section 15.1.1.3 of its Operational plan.

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The policy was created as part of the end-to-end contractor PDSA project, which was funded within the existing budget.

MINUTES FOR ORDINARY MEETING – 11 MARCH 2014

Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will fail to maximise its return from asset sales.	Medium	Adopt the Asset Disposal (other than property) policy to guide the organisation.	Yes
There is a risk that fraud and corruption will occur, leading to financial and reputational loss.	Medium	Adopt the Asset Disposal (other than property) policy to guide the organisation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

Research was undertaken and consultations conducted with key system stakeholders, the majority of which were customers, but also included suppliers, process experts and naïve participants. This Policy was created as part of the overall Sustainability Review process. General discussions held with Volunteer Coordinator, Executive Officer, Contracts and Services Coordinator, Waste Management Coordinator and ICT Coordinator.

OPTIONS

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

ATTACHMENTS

- 1) Draft Asset Disposal (other than property) policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



DRAFT POLICY

Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2009-02488
TITLE: ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY
RESPONSIBLE OFFICER: FINANCIAL SERVICES MANAGER

BACKGROUND

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

OBJECTIVE

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

PRINCIPLES

This Policy has been written considering the following principles:

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

POLICY STATEMENT

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

RELATED POLICIES

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

RELEVANT LEGISLATIVE PROVISIONS

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

IMPLEMENTATION RESPONSIBILITY

- 1) Financial Services Manager.

PROCESS OWNER

- 1) Contracts Coordinator.

REVIEW DATE

- 1) 11 March 2016.

ITEM NO. 6

FILE NO: PSC2009-02488

PROCUREMENT POLICY

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Procurement policy shown at **(ATTACHMENT 1)**;
- 2) Place the draft Procurement policy on public exhibition for a period of 28 days and should no submissions be received, the draft Procurement policy be adopted without a further report to Council.

ORDINARY COUNCIL MEETING – 11 MARCH 2014

	Item adjourned to the next Ordinary Council Meeting to be held on 25 March 2014.

BACKGROUND

The Procurement policy is required to ensure Council's procurement is ethical, transparent and accountable and is supported by the Procurement management directive. This Policy compliments Council's Sustainable Procurement policy by providing principles and standards of behaviour to ensure products and services purchased by Council best meets the needs of users and the local community in its widest sense.

The Procurement policy has been written in accordance with Council's Community Strategic plan and in particular Section 15.1.1.3 of its Operational plan.

FINANCIAL/RESOURCE IMPLICATIONS

The Procurement policy prescribes economical, efficient and effective procurement.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The policy was created as part of the end-to-end contractor PDSA project, which was funded within the existing budget.
Reserve Funds	No		

MINUTES FOR ORDINARY MEETING – 11 MARCH 2014

Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Procurement policy is written in accordance with the Local Government Act 1993; the Local Government (General) Regulation 2005 and Council's Sustainable Procurement policy.

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will fail to secure goods and services at the most competitive price.	Medium	Adopt the Procurement policy to guide the organisation.	Yes
There is a risk that fraud and corruption will occur leading to financial and reputational loss.	Medium	Adopt the Procurement policy to guide the organisation.	Yes

SUSTAINABILITY IMPLICATIONS

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

Council is committed to environmental sustainability and has a separate Sustainable Procurement policy, which defines that commitment.

CONSULTATION

Research was undertaken and consultations conducted with key system stakeholders, the majority of which were customers, but also included suppliers, process experts and naive participants. This policy was created as part of the overall Sustainability Review process. Preliminary conversations with Committee Coordinators has taken place and information will be disseminated to committees and volunteers.

OPTIONS

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

ATTACHMENTS

- 1) Draft Procurement policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



DRAFT POLICY

Adopted:
Minute No:
Amended:
Minute No:

FILE NO: PSC2009-02488
TITLE: PROCUREMENT POLICY
RESPONSIBLE OFFICER: FINANCIAL SERVICES MANAGER

BACKGROUND

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

OBJECTIVE

The objectives of this Policy are to:

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

PRINCIPLES

This policy has been written considering the following principles:

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

POLICY STATEMENT

1) Standards of Behaviour

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

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

2) Environmental Sustainability

Council is committed to environmental sustainability and has a separate [Sustainable Procurement Policy](#) which defines that commitment.

3) Local Preference

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

4) Preference for Australian Made Products

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

5) Preference for Registered Disability Employers

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

6) Purchase Orders

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

7) Asset Disposal

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

RELATED POLICIES

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

Local supplier preference supports the local economy.

ENVIRONMENTAL IMPLICATIONS

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

RELEVANT LEGISLATIVE PROVISIONS

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

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

IMPLEMENTATION RESPONSIBILITY

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

PROCESS OWNER

- 1) Contracts Coordinator.

REVIEW DATE

- 1) 11 March 2016.

ITEM NO. 7

FILE NO: PSC2013-00710

PROPERTY SERVICES SUSTAINABILITY REVIEW

REPORT OF: CARMEL FOSTER – PROPERTY SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES GROUP

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Sustainability Review – Property Services Service Strategy presented as **(TABLED DOCUMENT 1)** and endorse the findings of the review.

ORDINARY COUNCIL MEETING – 11 MARCH 2014

	Item adjourned to the next Ordinary Council Meeting to be held on 25 March 2014.

BACKGROUND

The purpose of this report is to present to Council the outcomes of the Sustainability review for the Property Services section and seek endorsement of the recommendations contained in the Service strategy.

A comprehensive review of this package has been undertaken in accordance with Clause 15.1 of the Community Strategic plan to ensure that services and assets delivered to the community are sustainable in the longer term.

The sustainability review comprises three key stages:

Stage 1 – reviewing what is currently delivered (service drivers);

Stage 2 – reviewing what should be delivered (service levels);

Stage 3 – reviewing how services should be best delivered (service delivery method).

Property Services

The Property Services section forms part of the Corporate Services Group. Its purpose is to generate alternate revenue streams to supplement Councils rate revenue. Additionally, the section provides professional property advice to other sections of Council to assist them in delivering their services. The Section is structured around the key areas of lease and licence management; asset and facilities management; holiday park operations; and business and land development. The Section comprises 46.56 equivalent full time positions predominately located within the holiday park operations area.

Currently land acquisition for public purposes is being undertaken by the Facilities and Services Section of Council with Property Services acquiring land for business purposes. It is proposed to centralise the complete land acquisition function within Property Services to ensure a consistent approach to the acquisition and divestment of land within Port Stephens Council.

Benchmarking Data

The majority of Property Services is benchmarked against industry. All data indicates that Property Services is providing a service at less cost than the external market can provide, however still achieving the appropriate market returns and yields.

Council managed holiday parks continue to achieve occupancy rates on par or above the region average and have received numerous awards, industry recognition and accreditation. Oncosts and overheads associated with the service require further refinement.

It is recommended that a review of the Property Services organisational structure be undertaken to maximise opportunities for business growth and asset management through the utilisation of specialist skills and expertise.

FINANCIAL/RESOURCE IMPLICATIONS

There is no requirement to increase the Property Services budget. Structure reviews may achieve additional savings, which will be reported to Council through the review process that has been undertaken.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Resources used to conduct the Sustainability review and structure review are covered within the existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to manage Crown Reserves, follow statutory provisions under various Acts applicable to property, manage its own property land bank and provide a Land register among other services. Property Services provide specialist property advice to ensure the public and other sections of Council can manage its land and asset holdings.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that a reduction in the levels of service provided will lead to increased expenditure by recoverable costs not being managed.	Medium	Agreed levels of service to meet the needs of our customers.	Yes
There is a risk that outsourcing asset management will substantially increase costs reducing Property Services contribution to revenue.	High	Continue to provide current services whilst continuing to control discretionary costs.	Yes
There is a risk that a reduction in the provision of specialist advice may lead to non-compliance with legislative requirements resulting in fines and reputational damage.	High	Property Services continues to provide Port Stephens Council with specialist property advice to inform decision making.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Property Services section plays a key role in generating additional revenue and assisting other sections of Council by providing specialist property advice and services to ensure delivery of quality services and to ensure there is an alignment with Council's strategic direction.

CONSULTATION

- 1) Councillors;
- 2) Executive Leadership team;
- 3) Section Managers.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Property Services Service Strategy.

ITEM NO. 8

FILE NO: A2004-0865

**RIGHT OF CARRIAGE WAY OVER COUNCIL LAND LOT 683 DP 9165
NELSON BAY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the creation of a Right of Carriageway variable width over Lot 683 DP 9165 as shown on **(ATTACHMENT 1)** in favour of Lot 155 DP 9165;
- 2) Requires the owner of Lot 155, DP 9165 to be responsible for all costs including, but not limited to, survey, plan lodgement, preparation of necessary documentation and production of Certificates of Title to allow registration at the office of Land & Property Information (LPI) in Sydney;
- 3) Requires the owner of Lot 155, DP 9165 to be responsible for any and all construction and maintenance necessary for the required access within the proposed easement area, to permit practical use to satisfy the owner's requirements, without interfering with any existing trees;
- 4) Authorise the Mayor and the General Manager to sign and affix the seal of Council to any related documentation.

ORDINARY COUNCIL MEETING – 11 MARCH 2014

	Item adjourned to the next Ordinary Council Meeting to be held on 25 March 2014.
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BACKGROUND

The purpose of this report is to recommend the creation of a Right of Carriage Way variable width (RoW) within Council's Operational Land known as Lot 683, DP 9165, to permit vehicle access to be constructed to benefit Lot 155, DP 9165.

In 2007, all owners adjoining Council's land (Lot 683, DP 9165) were contacted regarding formalising their access requirements to reduce Council's risk as some property owners were 'illegally' using this land to access the rear of their properties. Licences were prepared and taken up by those who required them to gain limited vehicular access over Council's land, while those who did not require such access were asked to remove any wider gates to allow only pedestrian access.

At that time, the owners of Lot 155 did not enter into a Licence Agreement, however now, as the property has changed ownership; the current owners are investigating the possible subdivision of their land to provide a dual occupancy development.

MINUTES FOR ORDINARY MEETING – 11 MARCH 2014

Before a development application can be submitted, the owner will require approval from Council for the RoW to gain permanent access from the end of the current Public Laneway, across Lot 683 to the rear of the property.

The property owner will be responsible for all costs associated with the creation of the RoW and the construction and maintenance of the new access in accordance with Council's current standards. No tree growth will be permitted to be destroyed or damaged through the construction and maintenance of the access.

Undertaking a valuation of the easement to determine if there should be any consideration payable to Council is by the creation of a legal interest in the land to benefit an adjoining property owner is an option however it is not recommended. The easement will benefit the adjoining owner by allowing a subdivision which may substantially increase the value of the land by providing access to the rear of the allotment. However, the legal fees, construction of the road and maintenance in perpetuity may result in a nil value given the restricted marketability of the land and Council will bear the valuation cost.

Alternatively, an option for Council is to agree to extend the current Public Laneway commencing from Wahgunyah Road, between Lots 153 and 154, DP 9165 to include the whole of Lot 683, DP 9165 which would provide access to the rear of all properties adjoining it. There would only be four properties which could utilise this access due to the size of their rear access and the fall of the land which prevents them gaining access to their allotments. This option is not recommended as Council would then be required to maintain the access. Should other properties utilise the access Council would have no agreements in place to ensure that the users maintain the access to a suitable standard.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications for Council as the benefiting property owner will be responsible for all costs associated with the matter including approved administration fees which have been included in the 2014-2015 fees and charges.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No	800	This amount is recorded in the 2014-2015 Fees and Charges document.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Lot 683 DP 9165 is classified 'Operational Land' and under the provisions of the Local Government Act a RoW can be created over it. The Conveyancing Act 1919 controls the actions required for the creation and the RoW will be registered at Land Planning and Information.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not entering into a legal agreement for access will result in unauthorised access over Council's land.	Medium	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposal will allow an all weather access to be available to the benefiting property and will have little impact on the environment on Councils property. No tree growth is to be disturbed within the easement area. There will not be any impact on neighbours or the general public as there is already a public laneway from Wahgunyah Road to this RoW.

CONSULTATION

- 1) Property Investment Coordinator;
- 2) Property Officer;
- 3) Property Owner and Sorensen Design & Planning;
- 4) Development Engineering Coordinator;
- 5) Civil Assets Engineer;
- 6) Development Assessment Team Leader.

OPTIONS

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

ATTACHMENTS

- 1) Proposed Right of Carriage Way site plan;
- 2) Location map;
- 3) Aerial photo of properties.

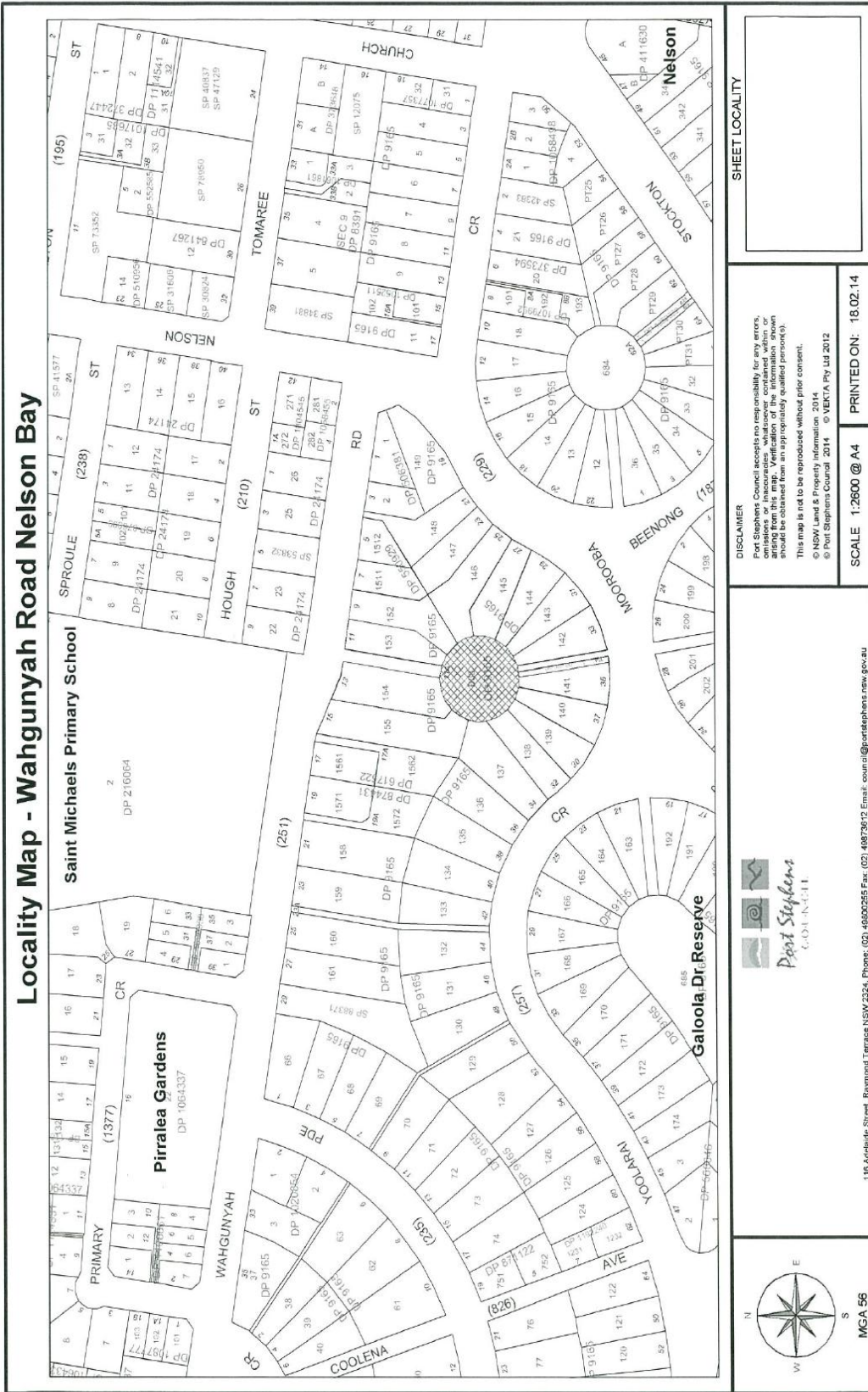
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 2



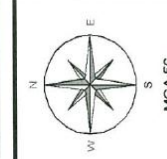
SHEET LOCALITY

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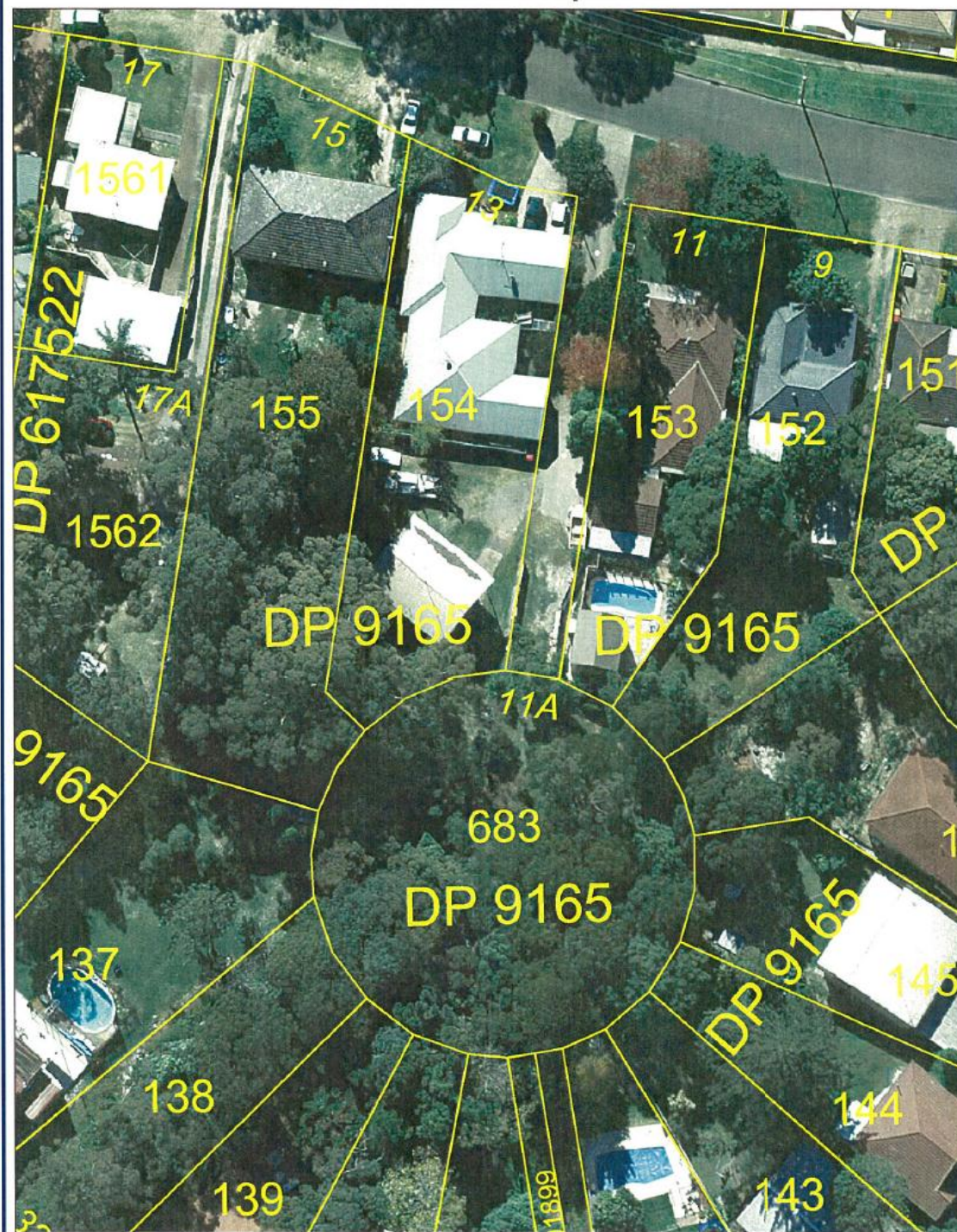
116 Adelaide Street, Raymond Terrace NSW 2324, Phone: (02) 4980255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

Port Stephens
 COUNCIL



ATTACHMENT 3

Aerial Photo of Properties



<p>MGA 56</p>	<p>Port Stephens COUNCIL</p>	<p>DISCLAIMER</p> <p>Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).</p> <p>This map is not to be reproduced without prior consent.</p> <p>© NSW Land & Property Information 2014 © Port Stephens Council 2014 © VERITA Pty Ltd 2012</p> <table border="1"> <tr> <td data-bbox="949 1915 1141 1960">SCALE 1:600 @ A4</td> <td data-bbox="1141 1915 1332 1960">PRINTED ON: 18.02.14</td> </tr> </table>	SCALE 1:600 @ A4	PRINTED ON: 18.02.14
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ITEM NO. 9

FILE NO: PSC2007-0060

ASSIGNMENT OF LEASE – PETER DRON STREET CAR PARK, RAYMOND TERRACE**REPORT OF: CARMEL FOSTER – PROPERTY SERVICES SECTION MANAGER**
GROUP: CORPORATE SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Authorise the Mayor and the General Manager to sign and affix the seal to the deed of assignment giving effect to the transfer of the Lease of land being Lots 10 and 11 in Section E DP 939306 and Lot 21 DP 788588 and known as Peter Dron Street car park to the purchaser (Indigenous Business Australia) of the building currently leased to the Department of Defence at 15 King Street Raymond Terrace;
- 2) Authorise the Mayor and the General Manager to sign and affix the seal to any further lease documentation relating to the exercise of further options under the current Lease agreement for the car park land.

ORDINARY COUNCIL MEETING – 11 MARCH 2014

	Item adjourned to the next Ordinary Council Meeting to be held on 25 March 2014.

BACKGROUND

The purpose of this report is to advise Council that a request has been received to transfer (assign) the current lease of the Peter Dron Street car park to a new Lessee.

This matter arises due to the sale of the development at 15 King Street Raymond Terrace which is occupied by the Department of Defence ('DoD').

The DoD premises was developed in 2007 and the developer, Buildev was required to provide 65 car spaces under the terms of the development consent in addition to a further 41 spaces under the terms of an agreement with DoD. In total, 37 car spaces were provided on site at 15 King Street with the balance required (69 spaces) provided within the 110 space car park on the land at Peter Dron Street.

The development at 15 King Street has been sold by Buildev and accordingly the assignment of the current Lease to the new owners is now required.

FINANCIAL/RESOURCE IMPLICATIONS

MINUTES FOR ORDINARY MEETING – 11 MARCH 2014

The assignment provisions within the current Lease provide for an increase in revenue as a result of the proposed assignment. This increase of \$5,796 takes the value of the rental received to \$28,982 plus GST per annum.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	5,796	The assignment provisions under the Lease provide for an increase in rent.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The current Lease expires on 25 May 2023 and in accordance with the provisions of the Conveyancing Act, leases in excess of three years total duration, including the option period, are to be registered upon the title of the land to which they apply both at the time of execution and at the time of any subsequent assignments. Accordingly, if the lease is to be registered the common seal must be affixed upon signing under Clause 400, Local Government (General Regulation) 2005.

The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

In having a valid and enforceable Lease with the new owners of 15 King Street Raymond Terrace Council is able to protect its income stream derived from leasing the car park. Further, having the ability to recover costs means that the property returns funds to Council as opposed to contributing as a liability for rates, maintenance, asset management and other factors.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that should a formalised Lease dealing (assignment) not be entered into with the new owners then Councils income stream would not be protected.	High	Accept the Recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Harris Wheeler Lawyers;
- 2) Property Services Manager;
- 3) Property Investment Coordinator.

OPTIONS

- 1) Accept the Recommendations;
- 2) Amend the Recommendations;
- 3) Reject the Recommendation.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 10

FILE NO: 1190-001

REQUEST FOR FINANCIAL ASSISTANCE**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
- a) Requisition for Funds – Cr Ken Jordan – Karuah Men's Shed - Joint funding for the purchase of a defibrillator for Karuah Men's Shed - \$1,500;
 - b) Rapid Response – Cr Paul Le Mottee – Seaham Cricket Club - Turf around the pitch for Seaham District Cricket Club - \$500;
 - c) Rapid Response – Cr Peter Kafer – The Smith Family - Reimbursement of fees paid for Riverside Park Hire for The Smith Family - \$110;
 - d) Rapid Response – Cr Peter Kafer – Karuah Community Hall Committee - Reimbursement for the purchase of light weight tables for Karuah Community Hall Committee - \$500.

ORDINARY COUNCIL MEETING – 11 MARCH 2014

	Item adjourned to the next Ordinary Council Meeting to be held on 25 March 2014.
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BACKGROUND

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

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

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

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act. This would mean that

MINUTES FOR ORDINARY MEETING – 11 MARCH 2014

the financial assistance would need to be included in the Management Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

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

WEST WARD – Councillors Jordan, Kafer & Le Mottee

Karuah Men's Shed	Funding 50% of purchase costs for defibrillator for Karuah Men's Shed.	\$1,500
Seaham & District Cricket Club	Turf around the pitch	\$500
The Smith Family	Reimbursement for fees paid for Riverside Park Hire	\$110
Karuah Community Hall Committee	Reimbursement for the purchase of light weight tables	\$500

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	2,610	\$2,610 West Ward Funds
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

NOTICE OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

CULTURAL PROJECT FUND

COUNCILLOR: STEVE TUCKER

THAT COUNCIL:

- 1) Amend the Cultural Projects Fund Guidelines to:
 - a) Remove the requirement for individual applicants to be sponsored by an incorporated body; and
 - b) Remove the requirements for auspicing body/organisation applying for funding to be registered Non-Government Organisation or recognised legal entity.
-

ORDINARY COUNCIL MEETING –2014

	Item adjourned to the next Ordinary Council Meeting to be held on 25 March 2014.

BACKGROUND REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES

BACKGROUND

The current Cultural Projects Fund Guidelines require all applicants to be incorporated or sponsored by an incorporated body. The Guidelines also require auspice bodies or organisations to be a registered NGO or recognised legal entity.

Both of these requirements have been included within the guidelines to minimise any risks associated with the distribution of funds which may result in a personal benefit as opposed to a community benefit.

If individual applicants were not required to be sponsored by an incorporated body, and / or if a non-incorporated group was to apply for funding it would be a requirement under Section 356 of the Local Government Act to advertise any potential grants that would be paid to that individual or unincorporated body.

Council currently applies this requirement to relevant applications to the Financial Assistance Grant Program. Arguably this approach provides the opportunity for more community members to access these funds.

MINUTES FOR ORDINARY MEETING – 11 MARCH 2014

Regardless of the legal status (or governance framework) of an applicant, all applicants would still need to successfully address the specific guidelines of the Cultural Projects Funds, including delivering on community cultural development outcomes, in order to be considered for funding. Employing this approach will continue to minimise any risk to Council around funds being distributed for personal as opposed to community gain.

Should the Notion Of Motion be endorsed it is recommended that the changes be discussed with the Cultural Projects Fund Committee and they be embedded into the improvements made to the Cultural Projects Fund as part of the recent review of the funding program (that is to be reported to Council in May 2104).

I certify that pages 1 to 77 of the Open Ordinary Minutes of Council 11 March 2014 were confirmed by Council at its meeting held on 25 March 2014.

.....
Bruce MacKenzie
MAYOR